City of Las Vegas

Agenda Item No.: 28

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

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

SUBJECT:
ABEYANCE - SDR-4935 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: DURANGO AND ELKHORN, LIMITED LIABILITY COMPANY, ET AL - Request for a Site Development Plan Review and Waivers of the Town Center Development Standards for the two-story minimum height requirement in the Urban Center Mixed-Use District and the 70 percent minimum clear glazing requirement at the ground floor level along primary pedestrian routes FOR A PROPOSED 43,200 SQUARE-FOOT COMMERCIAL DEVELOPMENT on 3.94 acres adjacent to the southwest corner of Durango Drive and Elkhorn Road (APN 125-20-101-008 and 009), T-C (Town Center) Zone [UC-TC (Urban Center Mixed Use - Town Center) Land Use Designation], Ward 6 (Mack).

P.C.: FINAL ACTION

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

RECOMMENDATION:
Staff recommends APPROVAL.

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

MOTION:
EVANS – APPROVED subject to conditions as amending Condition 16 as follows:
16. All development shall be in conformance with the site plan and building elevations, date stamped *9/17/2004* except as amended by conditions herein.
– UNANIMOUS with STEINMAN excused

This is Final Action.

MINUTES:
CHAIRMAN TRUESDELL declared the Public Hearing open.

DAVID CLAPSADDLE, Planning and Development Department, explained that this item was abeyed two weeks prior to allow time for some issues to be clarified. The applicant was from out

MINUTES – Continued:
of state and there was some miscommunication regarding the report; however, staff has met with them and cleared up the confusion. The applicant has added a very nice pedestrian plaza and some outdoor seating. Staff can now recommend approval of this item. MR. CLAPSADDLE asked that Condition 16 be amended to reflect the new site plan stamp date of 9/17/2004.

GORDON SPENCER, 2323 South Shepart, Houston, Texas, appeared on behalf of the applicant and agreed to all conditions.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(7:24 – 7:27)
1-3397

CONDITIONS:
Planning and Development

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

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

3. The applicant shall enter into a development agreement with the city regarding this project per Section 19.18.090, as stipulated A.3.C of the Town Center Development Standards Manual, prior to approval of civil improvement plans. This agreement shall provide for the planning and development of the site, and the regulation and maintenance of development and infrastructure (including parks and trails, water, sanitation, flood control, transportation and off-site improvements) within the site, and will outline the roles and responsibilities of the City and the master developer in the development of this site.

4. Prior to the submittal of a building permit, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.

5. The landscape plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect minimum 24-inch box trees planted in the required amenity zones along both Elkhorn

CONDITIONS – Continued:

Road and Durango Drive in accordance with the specified Town Center standards, and landscaping along the west edge of the site and in the parking field to meet the combined total requirement per Title 19.12 standards.

6. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. [Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.]

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

8. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

9. Parking lot lighting standards shall be no more than 20 feet in height and shall utilize 'shoe-box' fixtures and downward-directed lights. Wallpack lighting shall utilize 'shoe-box' fixtures and downward-directed lights on the proposed building. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.

10. Pursuant to the Town Center Development Standards signs in the Urban Center Mixed-Use district (UC-TC) a Master Sign Plan is required and approved by the Centennial Hills Town Center Architectural Review Committee.

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

12. 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.

13. 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.

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

CONDITIONS – Continued:

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

16. All development shall be in conformance with the site plan and building elevations, date stamped 08/31/04 except as amended by conditions herein.

17. Prior to the issuance of building permits, a revised landscape plan must be submitted to and approved by the Department of Planning and Development showing a maximum of 12.5% of the total landscaped area as turf.

Public Works

18. The Special Improvement District section of the Department of Public Works must be contacted and appropriate written agreements (if necessary) must be executed by the property owner(s) of record prior to the recordation of a Final Map or the issuance of any building permits, whichever may occur first. The written agreements (if applicable) will allow the recalculation and/or the redistribution of all assessments of record on this site.

19. Coordinate with the City Surveyor to determine whether a Reversionary Map or other mapping is necessary; if such map is required, it should record prior to the issuance of any permits for this site.

20. Provide a copy of a recorded Joint Access Agreement between all parcels comprising this site prior to the issuance of any permits.

21. Construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site; the connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network; the connecting sidewalk shall be terminated on-site with a handicap ramp.

22. An update to the previously approved Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, or the submittal of any construction drawings. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or

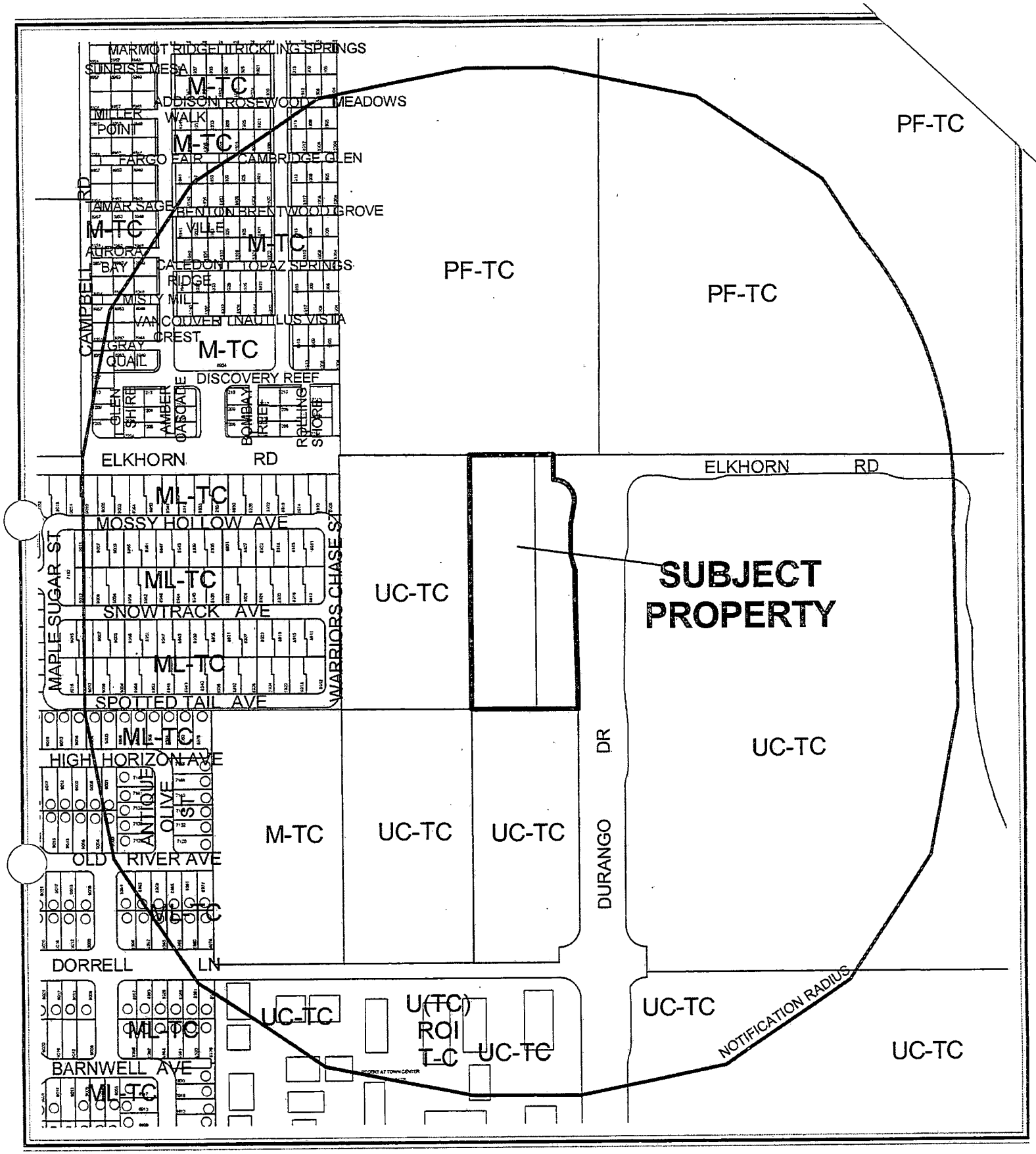
CONDITIONS – Continued:

concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

23. Landscape and maintain all unimproved rights-of-way on Durango Drive and Elkhorn Road adjacent to this site.

24. Submit an Encroachment Agreement for all landscaping and private improvements located in the Durango Drive and Elkhorn Road public right-of-way adjacent to this site prior to occupancy of this site.

25. Site development to comply with all applicable conditions of approval for Z-85-02 and all other subsequent site-related actions.



0 300 600 Feet

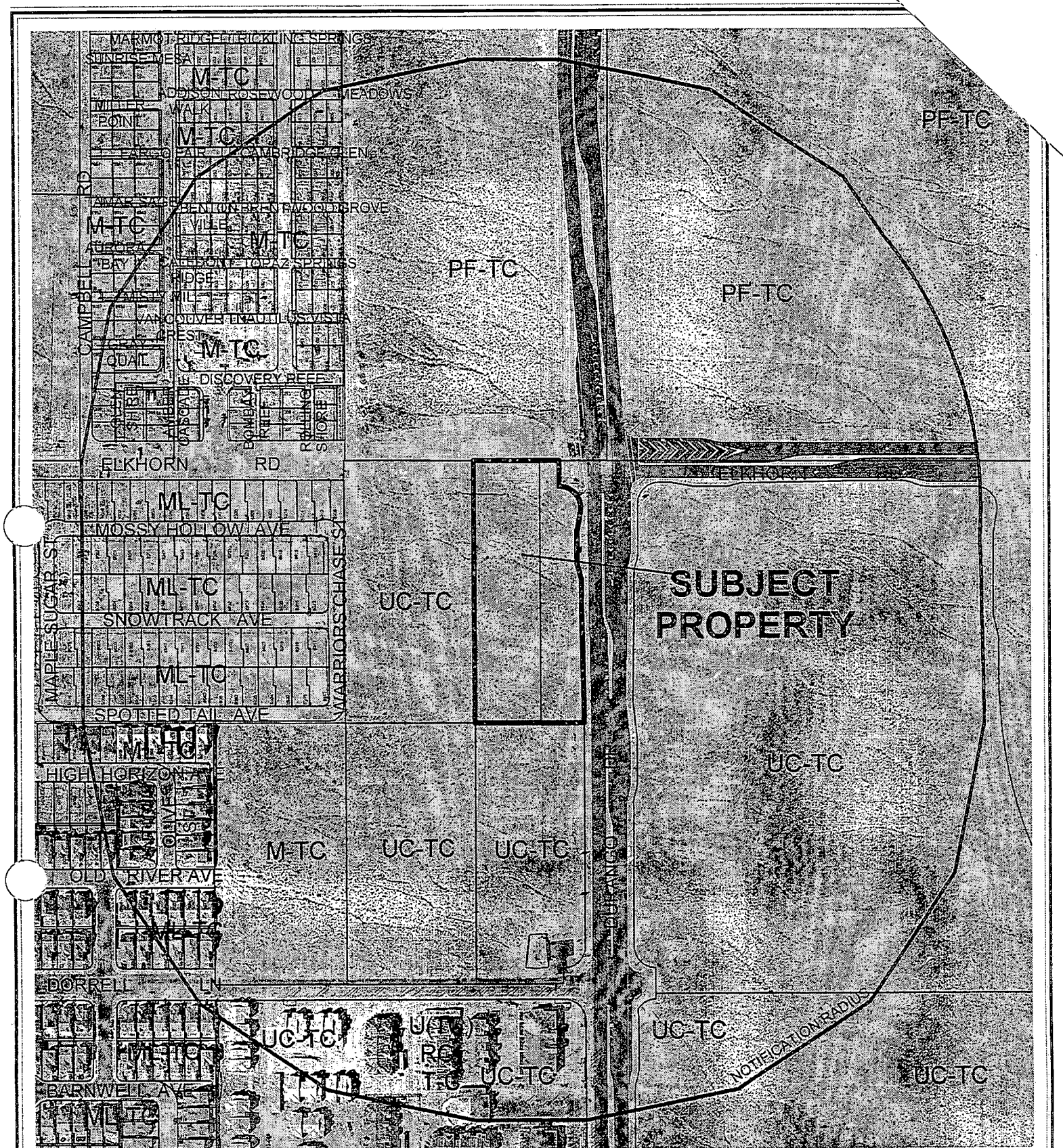
CASE: SDR-4935

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

T-C (TOWN CENTER) ZONE [UC-TC (URBAN CENTER MIXED-USE) TOWN CENTER LAND USE DESIGNATION]

N



0 300 600 Feet

CASE: **SDR-4935**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

T-C (TOWN CENTER) ZONE [UC-TC (URBAN CENTER MIXED-USE) TOWN CENTER LAND USE DESIGNATION]

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 23, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - SDR-4935 - APPLICANT/OWNER: DURANGO AND ELKHORN, LLC, ET AL

** CONDITIONS **

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

Planning and Development

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

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

3. The applicant shall enter into a development agreement with the city regarding this project per Section 19.18.090, as stipulated A.3.C of the Town Center Development Standards Manual, prior to approval of civil improvement plans. This agreement shall provide for the planning and development of the site, and the regulation and maintenance of development and infrastructure (including parks and trails, water, sanitation, flood control, transportation and off-site improvements) within the site, and will outline the roles and responsibilities of the City and the master developer in the development of this site.

4. Prior to the submittal of a building permit, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.

5. The landscape plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect minimum 24-inch box trees planted in the required amenity zones along both Elkhorn Road and Durango Drive in accordance with the specified Town Center standards, and landscaping along the west edge of the site and in the parking field to meet the combined total requirement per Title 19.12 standards.

6. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. [Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.]

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

8. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

9. Parking lot lighting standards shall be no more than 20 feet in height and shall utilize 'shoe-box' fixtures and downward-directed lights. Wallpack lighting shall utilize 'shoe-box' fixtures and downward-directed lights on the proposed building. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.

10. Pursuant to the Town Center Development Standards signs in the Urban Center Mixed-Use district (UC-TC) a Master Sign Plan is required and approved by the Centennial Hills Town Center Architectural Review Committee.

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

12. 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.

13. 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.

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

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

16. All development shall be in conformance with the site plan and building elevations, date stamped 08/31/04 except as amended by conditions herein.

17. Prior to the issuance of building permits, a revised landscape plan must be submitted to and approved by the Department of Planning and Development showing a maximum of 12.5% of the total landscaped area as turf.

Public Works

18. The Special Improvement District section of the Department of Public Works must be contacted and appropriate written agreements (if necessary) must be executed by the property owner(s) of record prior to the recordation of a Final Map or the issuance of any building permits, whichever may occur first. The written agreements (if applicable) will allow the recalculation and/or the redistribution of all assessments of record on this site.

19. Coordinate with the City Surveyor to determine whether a Reversionary Map or other mapping is necessary; if such map is required, it should record prior to the issuance of any permits for this site.

20. Provide a copy of a recorded Joint Access Agreement between all parcels comprising this site prior to the issuance of any permits.

21. Construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site; the connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network; the connecting sidewalk shall be terminated on-site with a handicap ramp.

22. An update to the previously approved Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, or the submittal of any construction drawings. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

23. Landscape and maintain all unimproved rights-of-way on Durango Drive and Elkhorn Road adjacent to this site.

24. Submit an Encroachment Agreement for all landscaping and private improvements located in the Durango Drive and Elkhorn Road public right-of-way adjacent to this site prior to occupancy of this site.

25. Site development to comply with all applicable conditions of approval for Z-85-02 and all other subsequent site-related actions.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This is a request for a Site Development Plan Review and Waivers of the Town Center Development Standards for the two-story minimum height requirement in the Urban Center Mixed-Use District and the 70 percent clear glazing requirement at the ground floor level along primary pedestrian routes, for a proposed 43,200 square-foot commercial development on 3.94 acres adjacent to the southwest corner of Durango Drive and Elkhorn Road.

B) Applicant's Justification

The applicant has justified this request by stating that the project conforms to Title 19 and applicable Town Center standards.

BACKGROUND INFORMATION

A) Previous Actions

01/17/01 The City Council approved a petition to Annex (A-0003-99) property generally located west of El Capitan Way and east of Hualapai Way between Grand Teton Drive and Rome Avenue, containing approximately 615 acres, including the subject site. The Planning Commission and staff recommended approval on March 25, 1999. The effective date was January 26, 2001.

09/18/02 The City Council approved a request for a Rezoning (Z-0064-02) 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 C-1 (Limited Commercial) Zone, to R-PD7 (Residential Planned Development - 7 Units Per Acre) on approximately 7.4 acres adjacent to the north side of Grand Teton Drive, approximately 225 feet west of Durango Drive. The Planning Commission and staff recommended approval on August 22, 2002.

09/18/02 The City Council approved a request for a Site Development Plan Review and a Reduction of the Perimeter Landscaping Requirements to allow a six-foot wide landscape planter on the south property line where an eight-foot wide landscape planter is required [Z-0064-02(1)] for a 45-lot single-family residential development on approximately 7.4 acres adjacent to the north side of Grand Teton Drive, approximately 225 feet west of Durango Drive. The Planning Commission and staff recommended approval on August 22, 2002.

11/20/02 The City Council approved a request for a Rezoning (Z-0085-02) from U (Undeveloped) Zone [TC (Town Center) General Plan Designation] to TC (Town Center) on 5.0 acres located adjacent to the southwest corner of Elkhorn Road and El Capitan Way [Proposed Durango Drive Alignment]. The Planning Commission and staff recommended approval on October 24, 2002.

11/20/02 The City Council approved a request for a Special Use Permit (U-0129-02) for a proposed Tavern adjacent to the southwest corner of Elkhorn Road and El Capitan Way (Durango Drive Alignment). The Planning Commission and staff recommended approval on October 24, 2002.

11/20/02 The City Council accepted a request to withdraw without prejudice a request to amend a portion of the Centennial Hills Sector Plan of the General Plan (GPA-0038-02) from ML-TC (Medium-Low Residential - Town Center) and UC/TC (Urban Center Mixed-Use - Town Center) to GC-TC (General Commercial - Town Center) on 15.0 acres adjacent to the southwest corner of Elkhorn Road and El Capitan Way (Durango Drive Alignment). Staff had recommended denial. The Planning Commission recommended approval on October 24, 2002.

03/17/04 The City Council approved a request for a Variance (VAR-3736) to allow 109 parking spaces where 138 parking spaces are the minimum required in conjunction with a proposed office/retail development on 1.75 acres adjacent to the west side of Durango Drive, approximately 350 feet south of Elkhorn Road. The Planning Commission and staff recommended approval on February 12, 2004.

03/17/04 The City Council approved a request for a Site Development Plan Review and Waivers of the Town Center Development Standards for the two-story minimum height requirement in the Urban Center Mixed Use District and the 70 percent clear glazing requirement at the ground floor level along primary pedestrian routes (SDR-3657) for a 12,200 square-foot commercial development on 1.75 acres adjacent to the west side of Durango Drive, approximately 350 feet south of Elkhorn Road (the south half of the subject site). The Planning Commission and staff recommended approval on February 12, 2004.

04/22/04 The Planning Commission approved a request for a Tentative Map (TMP-3657) for a one-lot commercial subdivision on 4.00 acres adjacent to the southwest corner of Elkhorn Road and Durango Drive. Staff had recommended approval.

09/09/04 The Planning Commission held this item in abyeance to the 09/23/04 Planning Commission meeting to work with staff.

B) Pre-Application Meeting

07/07/04 At the meeting, the applicant was advised of updated traffic and other information that would be required as part of the submission, as well as the need for a separate landscaping plan, an updated parking analysis, signage, and the need for a number of waivers to existing standards for the application as proposed.

C) Neighborhood Meetings

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

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 3.97

B) Existing Land Use

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

C) Planned Land Use

Subject Property:	UC-TC (Urban Center Mixed Use - Town Center)
North:	PF-TC (Public Facilities - Town Center)
South:	UC-TC (Urban Center Mixed Use - Town Center)
East:	UC-TC (Urban Center Mixed Use - Town Center)
West:	UC-TC (Urban Center Mixed Use - Town Center)

D) Existing Zoning

Subject Property:	T-C (Town Center)
North:	T-C (Town Center)
South:	T-C (Town Center)
East:	T-C (Town Center)
West:	T-C (Town Center)

E) General Plan Compliance

The General Plan designation of the two subject parcels on the Centennial Hills Sector Plan map is TC (Town Center), with the special land use designation of UC-TC (Urban Center Mixed Use - Town Center), pursuant to the Town Center Development Standards Manual. The current T-C (Town Center) zoning district conforms to this special land use designation. The proposed site plan is in compliance with the provisions of this designation and zoning district, subject to the waivers as requested.

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

Town Center Development Standards - Development within the UC-TC (Urban Center Mixed-Use - Town Center) land use designation is intended to be multi-storied, having ground floor offices and/or retail with similar or residential uses utilizing the upper floors. The minimum height requirement in Town Center is two stories. There are no density limitations in the UC-TC (Urban Center Mixed-Use - Town Center) District. Local supporting land uses such as parks, other public recreational facilities, some schools, and churches are also allowed in this district. Development in this land use designation shall be consistent with Section 3.4.3, Mixed Use, of the Centennial Hills Sector Plan. Development in the UC-TC (Urban Center Mixed-Use - Town Center) District shall be by development agreement per Section 19.18.090.

Trails – The Interlocal Joint Use Planning Area - Trails Map No. 2, adopted by the City of Las Vegas on November 20, 2002, identifies a Multi-Use Non-Equestrian Trail located on the east side of Durango Drive. However, since Durango Drive has been planned and developed as a 120 - foot Town Center Parkway, this trail will be developed on both sides of the street and will include a five-foot amenity zone and 9'-6" sidewalk.

INTERAGENCY ISSUES

There are no interagency issues that affect the subject site.

PROJECT DESCRIPTION

The proposed commercial development will consist of a total of approximately 40,800 square-feet of commercial space, including 13,370 square feet of retail space at the northeast corner of the site in a two-story structure, with 9,937 square feet of office space above on the second floor. An additional 4,800 square feet of office space will be located in a separate two-story structure on the site. A 5,000 square-foot restaurant/bar and a 4,400 square-foot restaurant are also proposed as single-story components. Finally, a 3,300 square-foot single-story bank is proposed. These buildings are oriented to the street, with no intervening parking or drive aisle areas, which is in accordance with Town Center standards and Title 19 commercial design guidelines. The overall site is served with on-site shared surface parking areas.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

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

Standards	Provided
Min. Setbacks ◦ Front (Elkhorn Road) ◦ Side ◦ Corner Side (Durango Drive) ◦ Rear	 8 Feet 153 Feet 5 Feet 43 Feet
Lot Coverage	24 %
Max. Building Height	2 Stories / 27 Feet
Trash Enclosure	Walled, gated
Loading Zone	3 required, 4 provided
Mech. Equipment	Screened by parapets

The proposed development standards are adequate for commercial projects in the Town Center area, given the setback requirements under Section C of the Development Standards Manual. The proposed restaurant/bar, restaurant and bank (pads C, D and F respectively) do not meet the two-story minimum height requirement in the UC-TC (Urban Center Mixed Use - Town Center) District; however, the pad C restaurant/bar is built to the same scale and contains architectural elements characteristic of two-story structures.

Pursuant to the Town Center Development Standards Manual, there are a number of other standards that apply to the subject proposal:

Standards	Required	Proposed
Building Facade	Incorporate patterns and materials that are visually interesting.	The building elevations propose brick veneers and metal elements with many design features
Exterior Features	Awnings, signage, windows and doors required. Walls on primary pedestrian routes shall have a minimum of 70% clear glazing at ground level; Glazing shall not exceed 75% of building elevation. Dark tinted glass is prohibited. External stairwells shall be covered.	The building elevations do not indicate 70% clear glazing at the ground level.
Building Height	Minimum 2 stories, Maximum 12 stories, unless approved by PC/CC.	3 of the 5 pads are developed at 2 stories or to appear as 2 stories – the other 2 do not meet minimum requirement.
Stepbacks,	Eight-foot stepback required after three stories.	N/A
Build-to-Line Standards	Required, 60% build-to line, with the remaining 40% dedicated to a corner plaza.	Approximates the requirement.

Entryways every 50 feet	Doorways, porticoes, or other entryways shall occur every 50 feet of building façade that fronts on a street or plaza area.	Approximates the requirement.
Outdoor dining	Outdoor dining areas and sidewalk cafes are strongly encouraged.	Not indicated
Roofs and Rooftops	Screening and require articulated roofline or cornice	Yes.
Exterior Materials	Contribute cohesive environment and convey sense of timelessness. Brick and stone is encouraged. Lists prohibited materials.	Yes.
Exterior Colors	Colors to unify and identify individual developments to create a visually coherent streetscape is encourages Large areas of flat uniform texture, unarticulated, windowless, or mono-color buildings are discouraged.	Yes
Trash Enclosure	Required per Title 19.08.045	Yes
Loading Zone	Required per Title 19.10.020 (15' X 25' Space)	Yes
Mech. Equipment	Roof Mounted and Screened by Parapet	Yes

The proposed development complies with most of the Town Center Development Standards. The applicant has requested waivers from the height and glazing provisions of the Manual.

A2) Residential Adjacency Standards

Residential Adjacency Standards do not apply to the subject proposal.

A3) Parking and Traffic Standards

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

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
Restaurant/ Bar and Restaurant	9,400 s.f.. (est. 5,640 public seating 3,760 s.f. remaining GFA)	1space/ 50 s.f. of public seating area 1space/ 200 s.f. other GFA	113 spaces 19 spaces			
Office	14,737 s.f.	1 space/ 300 s.f. GFA	50 spaces			
Retail	13,370 s.f.	1 space/ 250 s.f. GFA	54 spaces			
Financial Institution	3,300	1 space/ 200 s.f. GFA	17 spaces			
Totals			253 spaces	7 spaces	276 spaces	8 spaces

The revised site plan, as depicted, exceeds the minimum parking requirements of the Code. Title 19.10 requires a dedicated drive aisle and six queuing spaces per drive-through ATM machine. The revised site plan shows the ATM system in the parking field instead of adjacent to the building; as redesigned, the site plan meets this aspect of the Code standards.

A4) Landscape and Open Space Standards

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

Standards	Required		Provided
	Ratio	Trees	
Parking Area	1 Trees/ 6 Spaces	46 Trees	59 Trees
Buffer: • Town Center Parkway Standards (Min. Trees in Amenity Zone)	1 Tree/35 Linear Feet (600 Feet)	17 Trees	Not provided
• Town Center Arterial Standards (Min. Trees in Amenity Zone) –	1 Tree/35 Linear Feet (280 Feet)	8 Trees	Not provided
• Min. Trees – Rear and Side Yard	1 Tree per 20 Linear Feet, plus one (adjacent to proposed residential)	30 Trees	None - combined with parking area trees
• Min. Amenity Zone Width (Parkway)	5 Feet		Varies
• Min. Amenity Zone Width (Collector)	3 Feet		Varies
• Min. Zone Width – Rear and Side Yard	8 Feet		Parking lot landscaping
Open Space	20%		28%

The landscape plan does not indicate the required landscaping of amenity zones and medians per Town Center Development Standards, nor the perimeter landscaping requirements to the west edge of the site. A condition of approval will address this issue.

A5) Sign Standards

Pursuant to the Town Center Development Standards signs in the Urban Center Mixed-Use - Town Center district (UC-TC) shall be determined within the context of a Development Agreement with the City including, but not limited to, the submittal of a master sign plan and approval by the Centennial Hills Town Center Architectural Review Committee.

B) General Analysis and Discussion

- Zoning

The current zoning of the property is T-C (Town Center), with a UC-TC (Urban Center Mixed Use - Town Center) land use designation within the Centennial Hills Town Center Plan and a TC (Town Center) General Plan land use designation. The current zoning conforms to both the General Plan and the special plan land use designations for this site.

- Site Plan

The proposal depicts a 3.97-acre retail, restaurant and office development at the southwest corner of Elkhorn Road and Durango Drive. The current proposal contains slightly over 40,000 square feet of space, and will replace site plan approval (SDR-3657) for about 12,000 square feet of commercial space on the southern half of the site. The site plan as proposed conforms to the requirements of the UC-TC (Urban Center Mixed Use – Town Center) District, with the exception of the two-story building height and 70 percent clear glazing requirements, which are discussed below in the Waivers section of this report.

- Waivers.

Two waivers are requested for approval in conjunction with this Site Development Plan Review:

i. *Waiver of Subsection A.3.C of the Town Center Development Standards to allow single-story buildings in the UC-TC (Urban Center Mixed Use - Town Center) District.* This waiver request is appropriate, as the two proposed single-story structures are taller than most single-story buildings and contain architectural elements characteristic of two-story structures.

ii. *Waiver of Subsection D.1.B of the Town Center Development Standards to allow less than the 70 percent minimum clear glazing requirement at ground floor level on walls facing primary pedestrian routes.* The waiver applies primarily to the proposed restaurant/bar, which is a type of business in which outside light is not preferred. The rest of the facades along Durango Drive provide clear glazing, and at least 70 percent of all walls along Durango Drive and Elkhorn Road will consist of glazing of any kind. For these reasons, the waiver request is acceptable.

- Landscape Plan

The site meets Code requirements with respect to parking lot landscaping, providing finger islands and the requisite number of trees and shrubs within the planters. Perimeter landscaping is not provided along Durango Drive and Elkhorn Road, and the landscaping along the west property line has been calculated for the parking lot landscaping requirement; also, the south edge of the site will remain open so that proposed commercial development adjacent to the site to the south can have an integrated shard drive aisle.

The proposed commercial/office development on this site will contain outdoor patios and walkways that connect the buildings. Landscaping will have to be provided along the east, west and north property lines in planting areas. The Department of Public Works will require the submittal of an Encroachment Agreement prior to occupancy of the site to address access into public right-of-way areas for maintenance by the owners of this site. The parking lot and perimeter landscaping, along with the walkways and outdoor patios, satisfy the 20 percent open space requirement in Title 19.06.110.E

- Elevation

The elevations depict two of the five structures as two-story buildings, with a third designed to simulate the look of a two-story buildings, although single-story. These buildings are compatible with scale of development planned for this area of Town Center. A waiver to this requirement has been requested for the other buildings on the site. Visual interest is promoted by variation in rooflines and roof types, as well as in cladding, architectural details and façade materials.

FINDINGS

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

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

   The proposed retail, restaurant and office development is compatible with the surrounding development pattern, which includes commercial and offices to the south and east, future residential uses to the west and public facility uses to the north.

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 provisions of the UC-TC (Urban Center Mixed-Use - Town Center) designation and other requirements of the Town Center Development Standards Manual and Title 19, with the exception of the two-story height requirement, the 70 percent clear glazing requirement at ground level, and the provision of the required perimeter landscaping. The applicant has requested waivers of the Town Center Development Standards for the first two items, which are acceptable in the context of the design of this portion of the overall site; the third will be addressed through a revised site plan per conditions of approval.

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

   Direct access to this site will be available from Durango Drive, classified as a 120-foot Town Center Parkway Arterial street, and from Elkhorn Road, a 100-foot Primary Arterial street. These adjacent streets will be sufficient to meet the demands of the proposed uses. Circulation through the site and access to adjacent properties is adequate.

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

   Exterior materials proposed for this development are appropriate and welcome in the Town Center area. Landscape materials are also 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 elevations depict three structures that are two-story buildings, and a third that replicates the exterior look of a two-story building although single-story. These buildings are compatible with scale of development planned for this area of Town Center; the remaining buildings on site are one-story structures. Visual interest is promoted by variation in rooflines and roof types. The buildings have been located within 0 to 15 feet of the property lines along Elkhorn Road and Durango Drive, which meets the requirements of the Design Standards Manual, which encourages buildings to be located close to the exterior property lines.

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

   The proposed development will be subject to inspections for Certificate of Occupancy, and therefore the development will not compromise the public health, safety or welfare.

NOTICES MAILED 45

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR4935 APN: 125-20-101-008 & 009

Name of Property Owner: DURANGO AND ELKHORN LLC

Name of Applicant: RANDY BLACK SR.

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: Robert A. Black Sr.

Subscribed and sworn before me

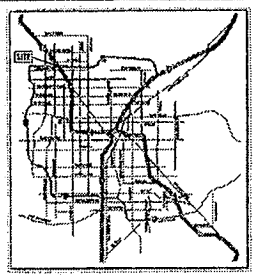
This 27th day of July, 2004

Linda Byorick

Notary Public in and for said County and State

LINDA BYORICK
NOTARY PUBLIC
STATE OF NEVADA
Date Appointment Exp: 2-26-2007
Certificate No:03-80368-1

PRELIMINARY - NOT FOR CONSTRUCTION



VICINITY MAP

DEVELOPMENT SUMMARY

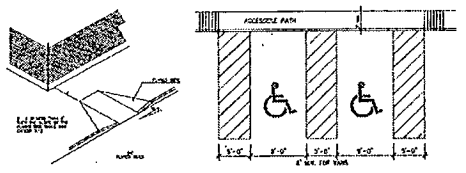
LAND AREA	ACRE	DENSITY
150,871 S.F.	3.47	28.5/K

	FUNCTION	S.F.	PARKING RATIO	CARS REQ'D
A	1ST FL. RETAIL	13370	1/275	76
A	2ND FL. OFFICE	9937	1/300	33
B	REST./BAR	5000	1/250	20
		2000	1/200	10
C	RESTAURANT	2400	1/96	25
		2000	1/200	10
D	MEDICAL OFFICE	4000	1/200	20
		400	1/275	2
E	2ND FL. OFFICE	2400	1/300	8
F	BANK	3300	1/200	17
	TOTAL	46807		271
	PARKING PROVIDED			277

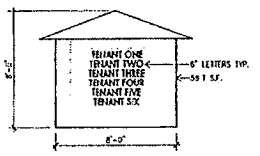
NOTE: 1:3 USED FOR PARKING STANDARDS

PARKING TYPE SUMMARY	TYP. DIM'S	COMMENTS
REGULAR	9' X 18'	
COMPACT	8' X 15'	25% (308 MAX. ALLOWED)
HANDICAP	8' X 18'	
TOTAL	288	

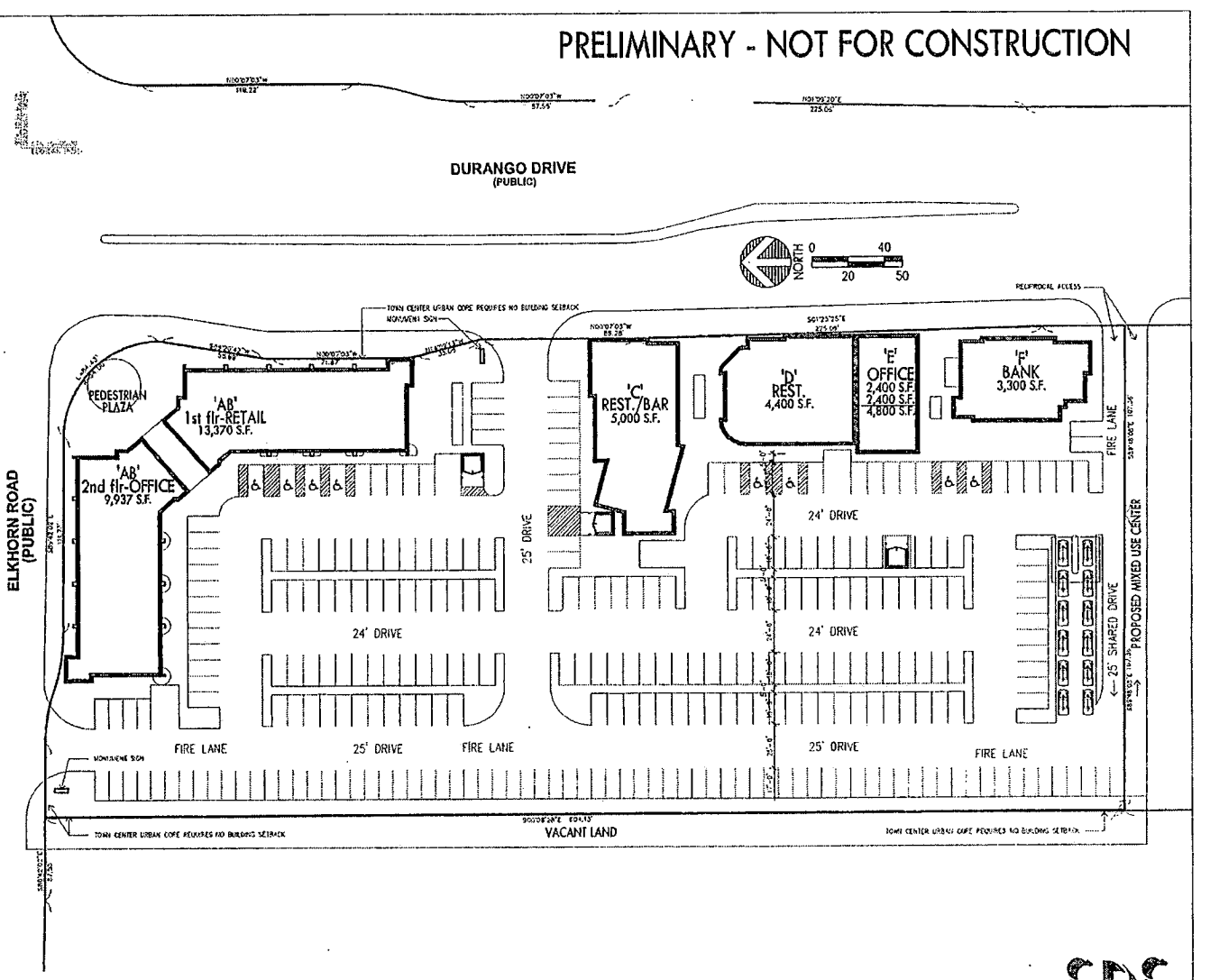
DEVELOPMENT SUMMARY



ADA ACCESSIBILITY REQUIREMENTS



TYPICAL MONUMENT SIGN
SCALE: 1/4" = 1'-0"



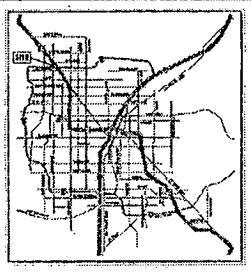
TOWN CENTER PLAZA
SITE PLAN
SCALE: 1" = 30'-0"

SDS
SPENCER DESIGN STUDIO

08.31.2004

SDR-4935
9/23/04 PC
REVISED 08-31-04

PRELIMINARY - NOT FOR CONSTRUCTION



VICINITY MAP

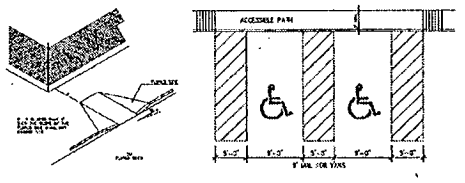
DEVELOPMENT SUMMARY			
LAND AREA	ACRE	DENSITY	
159,871 S.F.	3.67	28.5%	

	FUNCTION	S.F.	PARKING RATIO	CARS REQ'D
A	1ST FL. RETAIL	13170	1/175	75
A	2ND FL. OFFICE	9837	1/300	33
B	VEST./BAR	5000	1/50	100
		2000	1/200	10
C	RESTAURANT	2400	1/50	48
		2600	1/250	10
D	MEDICAL OFFICE	2000	1/200	10
		600	1/125	5
D	2ND FL. OFFICE	2400	1/300	8
E	BANK	5300	1/200	27
	TOTAL	46807	-	374
	PARKING PROVIDED			391

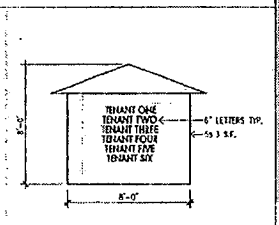
NOTE 1: 10 USED FOR PARKING STANDARDS

PARKING TYPE SUMMARY		TYP. DIMS.	COMMENTS
REGULAR	203	9' X 18'	
COMPACT	78	8' X 17'	26% (30% MAX. ALLOWED)
HANDICAP	8	9' X 18'	
TOTAL	286		

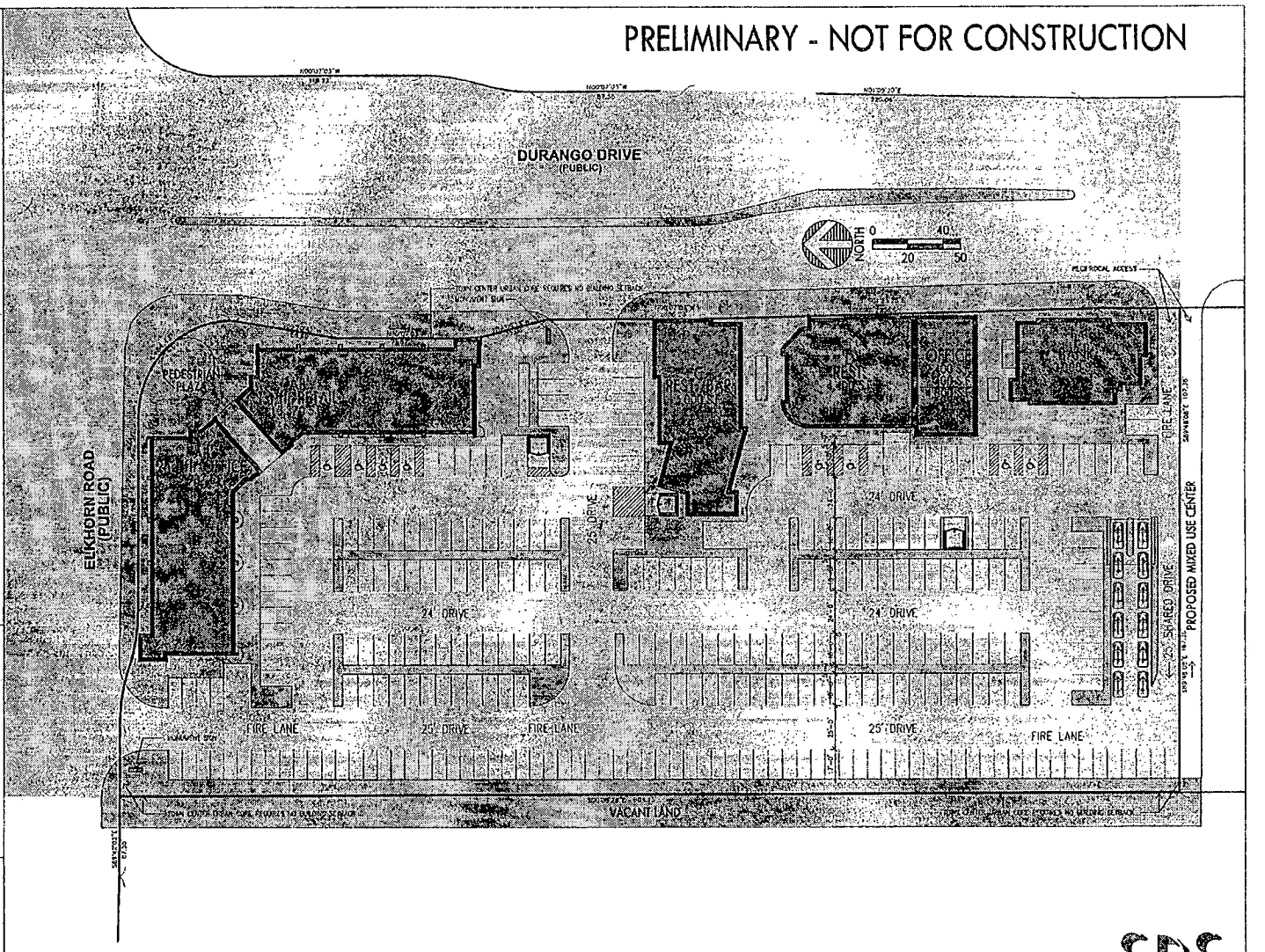
DEVELOPMENT SUMMARY



ADA ACCESSIBILITY REQUIREMENTS



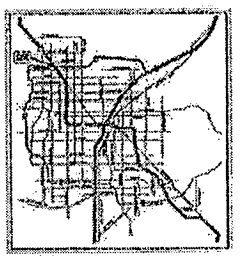
TYPICAL MONUMENT SIGN
SCALE: 1/4" = 1'-0"



TOWN CENTER PLAZA
SITE PLAN
SCALE: 1" = 30'-0"

SDS
SPENCER DESIGN STUDIO
08.31.2004

SDR-4935
9/23/04 PC
REVISED 08-31-04



VICINITY MAP

LANDSCAPE REQUIREMENTS

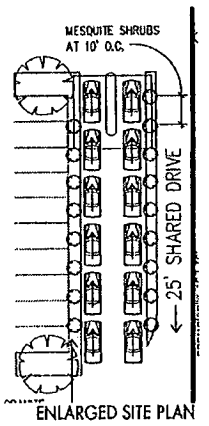
TOTAL UNCOVERED PARKING SPACES = X
TOTAL NUMBER OF ISLANDS AT END OF PARKING ROWS = Y
TOTAL MIN. # OF TREES REQ'D = (X/5) + (Y/2)
TOTAL MIN. # OF TREES PROV'D = (30/5) + (7/2)
TOTAL MIN. # OF TREES REQ'D = 10

RIO GRANDE SHADE TREES 27' O.C. MAX.
QUANTITY = 15

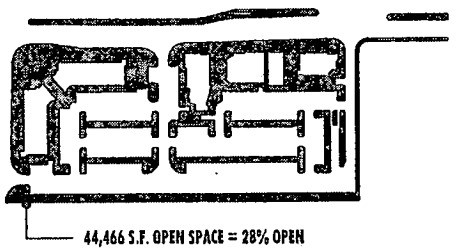
PURPLE ROCK LOCUST TREES 30' O.C. MAX
QUANTITY = 22

MOROCAN FAN PALM TREES 27' O.C. MAX.
QUANTITY = 35

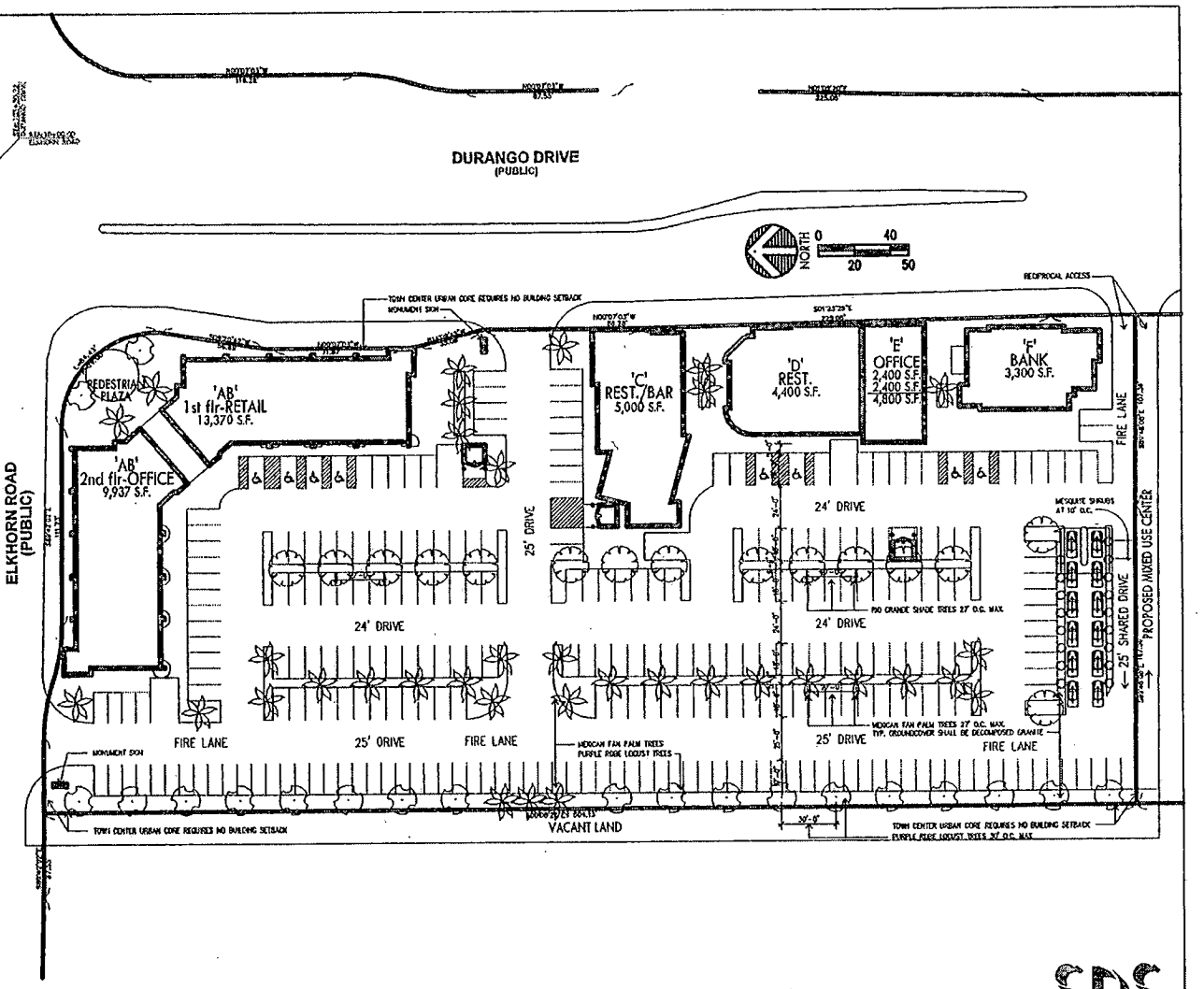
MESQUITE 10' O.C. MAX
QUANTITY = 35



ENLARGED SITE PLAN
BANK DRIVE THRU
SCALE: 1" = 20'-0"



OPEN SPACE

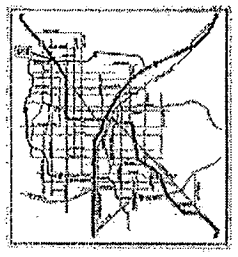


TOWN CENTER PLAZA
LANDSCAPE PLAN
SCALE: 1" = 30'-0"

SDS
SPENCER
DESIGN
STUDIO

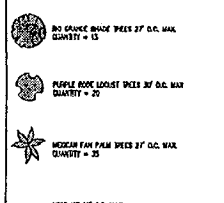
08.31.2004

SDR-4935
9/23/04 PC
REVISED 08-31-04

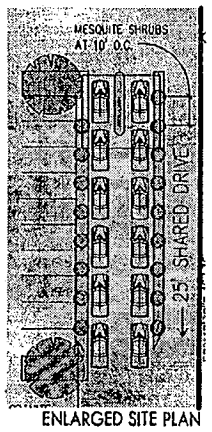


VICINITY MAP

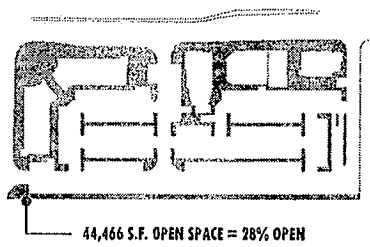
LANDSCAPE REQUIREMENTS



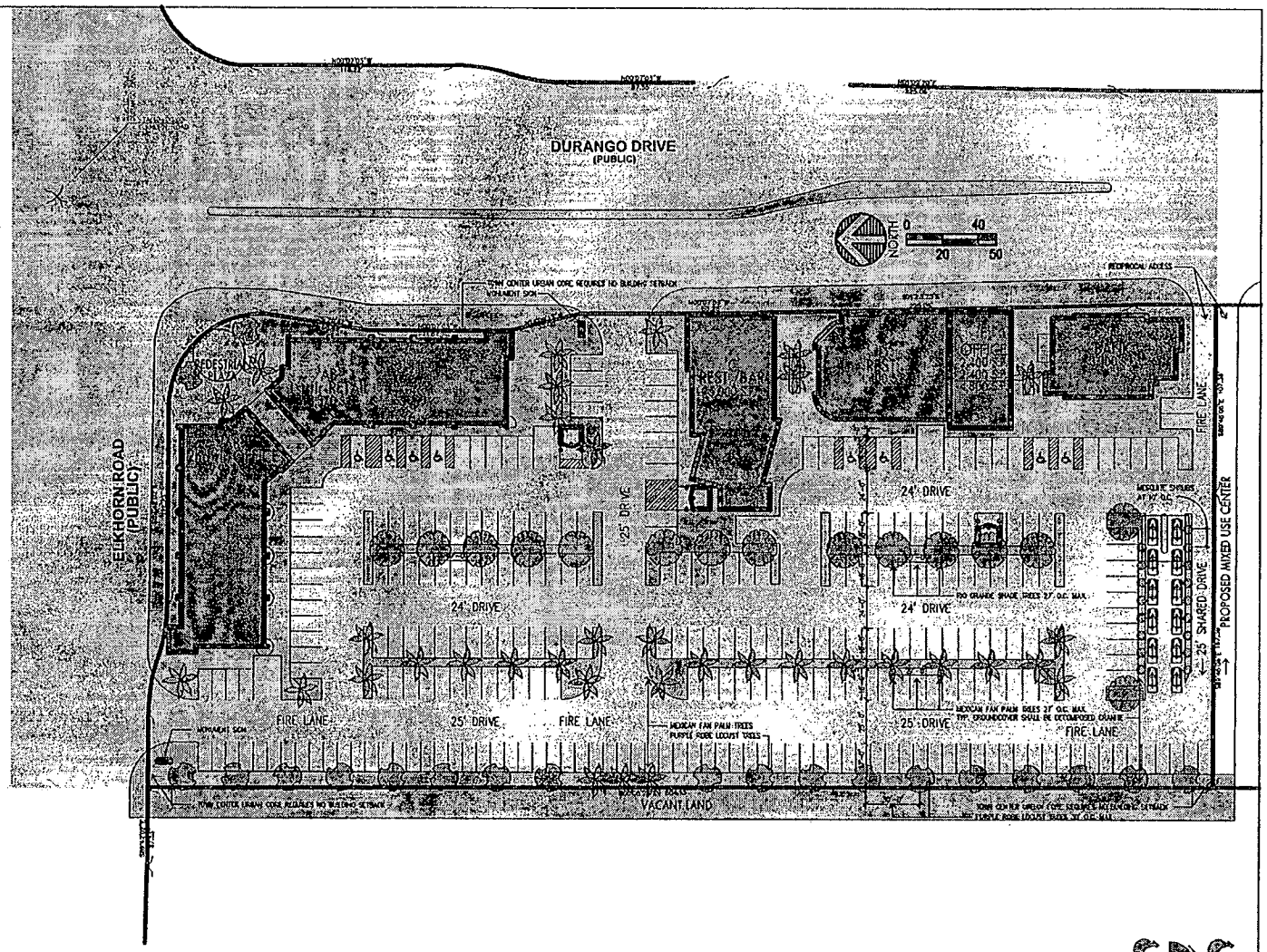
LANDSCAPE REQUIREMENTS



ENLARGED SITE PLAN
BANK DRIVE THRU
SCALE: 1" = 20'-0"



OPEN SPACE


DURANGO DRIVE
(PUBLIC)
NORTH
0
20
40
50
RECIPROCAL ACCESS
TOWN CENTER URBAN CORE REQUIRES NO BUILDING SETBACK
VISIBILITY SIGN
PEDESTRIAN PLAZA
REST / BAR
OFFICE
RETAIL
ELKHORN ROAD
(PUBLIC)
24' DRIVE
25' DRIVE
FIRE LANE
MESQUITE SHRUBS AT 10' O.C.
25' SHARED DRIVE
PROPOSED MIXED USE CENTER
MEDIAN
MEDIAN
MEDIAN

CURVE TABLE				
NO.	RADIUS	DELTA	LENGTH	TANGENT
C1	25.00	18°11'42"	7.94	4.01
C2	150.00	18°11'42"	47.62	24.01
C3	94.00	91°46'37"	150.53	96.57
C4	1,059.00	09°21'52"	173.17	86.80
C5	2,000.00	01°18'26"	45.63	22.82
C6	1,833.00	30°05'15"	1,026.40	524.33
C7	1,483.00	22°11'41"	1,031.30	524.18
C8	800.00	68°38'47"	1,200.73	680.10
C9	800.00	03°43'00"	51.88	25.96
C10	100.00	18°11'42"	31.76	16.01
C11	54.00	85°47'58"	83.88	52.88
C12	75.00	56°31'13"	84.72	46.97
C13	1,815.00	02°53'52"	91.74	45.89
C14	1,983.00	01°28'28"	49.23	24.65
C15	1,550.00	29°56'00"	783.63	400.38
C16	1,550.00	01°57'15"	52.85	26.43
C17	50.00	90°00'12"	31.68	20.26
C18	785.00	08°58'47"	1,128.90	564.93
C19	785.00	03°43'00"	50.92	25.47
C20	80.00	18°11'42"	26.59	13.61
C21	115.00	18°11'42"	36.52	18.41
C22	75.00	69°11'01"	90.56	53.47
C23	75.00	54°56'17"	71.94	38.66
C24	75.00	58°38'12"	85.64	46.74
C25	54.00	89°53'54"	92.47	57.19
C26	75.00	61°35'59"	80.61	44.78
C27	30.00	09°21'48"	4.90	2.48
C28	50.00	18°02'10"	7.85	3.97
C29	50.00	18°02'10"	15.74	7.95
C30	40.00	09°27'44"	6.61	3.31
C31	40.00	14°02'10"	9.80	4.93
C32	10.00	14°02'10"	2.45	1.23
C33	54.00	91°23'50"	86.14	55.13
C34	75.00	53°14'28"	69.68	37.59
C35	30.00	09°21'48"	4.90	2.48
C36	75.00	67°18'54"	88.17	50.41
C37	80.00	20°05'11"	47.32	23.90
C38	50.00	60°15'08"	52.58	29.00
C39	90.00	18°11'42"	28.58	14.41
C40	110.00	18°11'42"	34.93	17.61
C41	75.00	62°21'21"	81.65	45.56
C42	54.00	68°44'20"	64.63	37.87
C43	20.00	09°27'44"	3.30	1.65
C44	1,050.00	29°13'35"	790.20	403.58
C45	1,050.00	30°55'15"	836.49	428.70
C46	54.00	68°44'18"	83.70	52.89
C47	25.00	27°05'28"	12.19	6.27
C48	30.00	90°01'22"	47.13	30.00
C49	30.00	89°16'51"	46.75	29.63
C50	1,450.00	30°48'12"	780.00	401.71
C51	1,450.00	02°45'21"	69.74	34.88
C52	1,550.00	28°23'54"	768.25	392.43
C53	1,030.00	30°07'31"	809.52	417.76
C54	1,550.00	00°54'59"	24.79	12.40
C55	30.00	91°13'27"	47.75	30.64
C56	25.00	57°39'35"	25.03	41.00
C57	283.00	01°56'27"	13.37	6.69
C58	1,015.00	11°22'23"	201.48	101.07
C59	75.00	53°41'48"	70.29	37.96
C60	54.00	91°30'12"	63.44	35.13
C61	120.00	18°11'42"	38.11	19.23
C62	80.00	18°11'42"	25.40	12.81
C63	1,050.00	11°22'23"	195.50	97.98
C64	1,000.00	01°56'27"	33.86	16.94
C65	1,535.00	30°07'31"	807.10	413.31
C66	1,185.00	30°58'17"	791.91	405.88
C67	300.00	06°17'32"	54.94	27.08
C68	480.00	06°11'32"	52.42	26.23
C69	20.00	89°16'41"	31.16	19.75
C70	800.00	02°16'53"	31.32	15.16
C71	54.00	91°16'54"	86.06	55.25
C72	75.00	45°37'13"	59.72	31.50
C73	85.00	09°27'44"	7.83	3.92
C74	45.00	14°02'10"	11.02	5.54
C75	5.00	14°02'10"	1.22	0.61
C76	54.00	89°00'31"	83.97	53.18
C77	100.00	90°54'09"	158.66	101.69
C78	75.00	18°11'42"	23.82	12.01
C79	125.00	18°11'42"	39.70	20.02
C80	54.00	90°44'58"	85.54	54.74
C81	100.00	37°31'35"	99.82	54.51
C82	30.00	91°20'14"	47.82	30.71
C83	75.00	56°13'58"	73.64	40.09
C84	54.00	102°49'14"	96.02	65.30
C85	100.00	82°34'09"	144.09	88.32

CURVE TABLE				
NO.	RADIUS	DELTA	LENGTH	TANGENT
C86	54.00	85°40'21"	83.57	52.26
C87	25.00	80°05'15"	34.63	43.39
C88	50.00	51°04'28"	47.19	25.52
C89	75.00	65°35'20"	85.86	48.52
C90	54.00	88°12'55"	83.51	52.73
C91	100.00	58°23'59"	100.71	57.08
C92	54.00	100°47'43"	94.98	65.78
C93	75.00	73°51'49"	96.81	58.16
C94	30.00	88°36'46"	46.40	29.31
C95	75.00	48°17'16"	63.21	33.62
C96	100.00	74°04'16"	129.29	76.57
C97	100.00	75°08'19"	131.18	78.58
C98	30.00	89°56'38"	46.66	29.54
C99	75.00	59°53'01"	78.39	43.20
C100	30.00	90°03'32"	47.59	30.49
C101	75.00	36°00'38"	74.08	41.86
C102	54.00	31°00'43"	66.25	53.44
C103	54.00	41°13'26"	33.87	39.80
C104	125.00	99°44'04"	129.07	71.10
C105	54.00	31°00'43"	66.25	53.44
C106	50.00	44°12'04"	40.87	21.72
C107	75.00	60°11'57"	78.80	43.48
C110	30.00	89°47'33"	46.99	29.57
C111	50.00	34°04'30"	29.69	22.75
C112	75.00	57°13'04"	75.64	41.30
C113	75.00	79°39'24"	104.30	62.64
C114	54.00	65°15'07"	86.03	48.64
C115	54.00	84°29'17"	83.40	52.58
C116	50.00	50°08'34"	44.04	23.87
C117	54.00	90°03'32"	85.35	54.51
C118	50.00	49°27'56"	42.77	23.14
C119	25.00	24°32'10"	4.13	2.09
C120	25.00	09°27'44"	4.13	2.07
C121	54.00	88°59'19"	83.87	53.05
C122	25.00	91°46'37"	39.85	25.57
C123	50.00	81°11'35"	103.06	63.43
C124	100.00	15°44'38"	27.47	13.81
C125	30.00	91°16'54"	47.79	30.68
C126	25.00	85°10'34"	37.16	24.33
C127	15.00	62°48'16"	16.43	9.80
C128	45.00	90°01'22"	70.71	45.00
C129	25.00	68°23'15"	29.84	16.97
C130	25.00	22°19'15"	9.71	4.85
C131	25.00	22°23'53"	9.77	4.90
C132	25.00	68°49'41"	30.02	16.98
C133	1,485.00	26°09'04"	676.63	343.81
C134	1,455.00	02°33'12"	67.23	33.62
C135	25.00	90°27'29"	39.51	25.24
C136	25.00	24°11'50"	10.80	5.49
C137	20.00	68°21'17"	23.87	13.48
C138	20.00	91°30'12"	31.95	20.53

COURSE TABLE		
NO.	BEARING	LENGTH
L1	S87°43'54"W	90.24
L2	N89°06'17"E	225.08
L3	N89°43'54"E	87.81
L4	N87°42'54"E	125.16
L5	S09°51'29"E	270.32
L6	S04°09'41"E	1,050.26
L7	S00°26'41"E	81.52
L8	N02°26'41"W	1,126.50
L9	S89°21'18"W	226.26
L10	N89°04'56"E	273.06
L11	N01°39'16"W	5.00
L12	N00°26'41"W	108.46
L13	S89°43'54"W	58.31
L14	S87°50'13"W	71.65
L15	N71°48'01"E	25.00
L16	S00°26'16"E	67.53
L17	S04°54'09"E	121.52
L18	S09°51'29"E	103.02
L19	N87°50'13"E	4.56
L20	S87°43'01"E	58.69
L21	S87°50'13"W	66.98
L22	S82°42'01"E	43.00
L23	N86°43'54"E	225.31
L24	N87°50'13"E	92.86
L25	N87°50'13"E	121.44
L26	S00°31'28"E	108.15
L27	S00°31'28"E	122.00
L28	S89°28'32"W	58.83
L29	S87°43'54"W	76.83
L30	N73°47'44"E	25.08
L31	S82°31'01"E	92.93
L32	S87°48'36"W	87.03
L33	S87°50'13"W	81.14
L34	S86°13'31"W	224.99
L35	S00°31'28"E	87.55
L36	N00°26'41"W	275.50
L37	S89°22'09"W	112.10
L38	S89°22'09"W	87.77
L39	N89°22'09"E	48.45
L40	S89°22'09"W	42.77
L41	N87°05'39"E	225.06
L42	S89°22'09"W	126.19
L43	S89°38'25"W	225.06
L44	S89°22'09"W	87.55
L45	S89°22'09"W	155.50
L46	S00°37'51"E	135.00
L47	S89°22'09"W	216.50
L48	S89°22'09"W	155.78
L49	S89°22'09"W	87.66
L50	S89°22'09"W	70.33
L51	N00°17'04"W	3.26
L52	N89°08'45"E	56.69
L53	S89°41'06"W	116.59
L54	N89°04'49"E	58.81
L55	N00°26'41"W	86.68
L56	N89°04'49"E	58.81
L57	S00°26'41"E	86.68
L58	S89°04'49"W	58.81
L59	S00°26'41"E	86.68
L60	N89°04'49"E	58.81
L61	S00°26'41"E	86.68
L62	S89°04'49"W	58.81
L63	S00°26'41"E	86.68
L64	N89°04'49"E	58.81
L65	S00°26'41"E	86.68
L66	S89°04'49"W	58.81
L67	S00°26'41"E	86.68
L68	N89°04'49"E	58.81
L69	S00°26'41"E	86.68
L70	S89°04'49"W	58.81
L71	S00°26'41"E	86.68
L72	N89°04'49"E	58.81
L73	S00°26'41"E	86.68
L74	S89°04'49"W	58.81
L75	N00°26'41"W	86.68
L76	S89°04'49"W	58.81
L77	S00°26'41"E	86.68
L78	N89°04'49"E	58.81
L79	S00°26'41"E	86.68
L80	S89°04'49"W	58.81
L81	S00°26'41"E	86.68
L82	N89°04'49"E	58.81
L83	S00°26'41"E	86.68
L84	S89°04'49"W	58.81
L85	S00°26'41"E	86.68

COURSE TABLE		
NO.	BEARING	LENGTH
L86	S00°26'16"E	87.61
L87	S00°08'15"W	81.77
L88	S00°08'15"W	126.67
L89	S00°08'15"W	110.54
L90	N84°48'37"E	49.17
L91	N87°32'14"E	225.06
L92	N89°48'37"E	153.39
L93	N89°48'37"E	300.00
L94	S89°25'00"E	225.06
L95	N01°25'14"E	275.00
L96	S00°08'51"W	82.55
L97	S00°08'51"W	87.72
L98	S00°08'51"W	126.37
L99	S00°08'51"W	83.54
L100	N89°48'37"E	74.26
L101	N89°48'37"E	87.50
L102	N89°48'37"E	120.51
L103	N89°48'37"E	108.65
L104	S00°26'01"E	23.37
L105	S00°26'01"E	53.97
L106	S00°26'16"E	89.97
L107	N89°48'37"E	225.06
L108	S00°08'15"W	84.22
L109	S00°08'15"W	84.40
L110	N01°27'22"E	275.06
L111	S00°08'51"W	135.00
L112	S00°26'16"E	249.56
L113	S00°26'57"E	225.06
L114	S00°15'26"E	225.56
L115	S00°15'26"E	291.92
L116	S89°48'43"E	325.06
L117	S89°48'43"E	87.72
L118	S89°48'43"E	87.72
L119	S89°48'43"E	87.72
L120	S89°48'43"E	275.06
L121	N87°24'20"E	225.06
L122	S89°48'43"E	276.83
L123	S00°19'26"E	133.13
L124	S00°19'26"E	87.05
L125	S00°19'26"E	87.05
L126	N01°35'49"E	225.06
L127	S89°48'28"E	87.50
L128	S00°27'06"E	275.06
L129	S00°27'06"E	280.41
L130	S89°30'16"E	125.78
L131	S00°27'06"E	132.54
L132	S00°27'06"E	87.72
L133	S00°27'06"E	87.50
L134	S89°30'16"E	87.50
L135	S74°58'18"E	35.09
L136	S89°30'16"E	24.97
L137	S89°30'16"E	87.50
L138	S89°30'16"E	87.50
L139	S89°30'16"E	87.50
L140	S89°30'16"E	74.65
L141	N81°31'47"E	56.98
L142	N89°58'37"E	130.00
L143	N89°58'37"E	87.14
L144	N89°58'37"E	285.10
L145	S00°00'26"W	275.06
L146	S89°58'37"W	87.55

GENERAL NOTES

1. ALL IMPROVEMENTS SHALL CONFORM TO THE UNIFORM STANDARDS AND SPECIFICATIONS OF CLARK COUNTY, NEVADA.
2. UTILITY SERVICES PROVIDED AS FOLLOWS:
   WATER ..... LAS VEGAS VALLEY WATER DISTRICT
   ELECTRIC ..... NEVADA POWER COMPANY
   GAS ..... SOUTHWEST GAS CORPORATION
   SEWER ..... CITY OF LAS VEGAS
   SOLID WASTE DISPOSAL ..... CLARK COUNTY DISPOSAL SERVICE
   TELEPHONE ..... QWEST CORP. - NEVADA
3. UTILITY EASEMENTS TO BE DEDICATED TO RESPECTIVE AGENCIES.
4. SEWER CONFIGURATION = 7.33 M.G.D. PEAK, 832 M.G.D. AVG.
5. BUILDING SETBACKS TO COMPLY WITH ALL APPLICABLE ORDINANCES.
6. STORM WATER TO SURFACE DRAIN ON STREETS AND IN STORM DRAINS.
7. THIS DEVELOPMENT IS SHOWN IN ITS ENTIRETY ON DAS FONTAINE MAP AND IS NOT A PORTION OF ANY WATER PLANNED AREA.
8. THIS DEVELOPMENT DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD ZONE AS DESIGNATED BY FIRM MAP # 32003C1210 E.
9. THERE WILL BE A WATER ASSOCIATION FORMED FOR THE MAINTENANCE OF THE LANDSCAPING.
10. COMMON ELEMENTS AND LANDSCAPING FOR ZONE CHANGE CONDITIONS.
11. THERE ARE NO OBSERVABLE FAULTS OR FISSURES ON OR NEAR THIS SITE.
12. SEEPS, SPRINGS, OR OTHER INDICATIONS OF HIGH GROUND WATER LEVELS WERE NOT NOTED ON THE SUBJECT PROPERTY WITHIN 20 FT OF SURFACE.
13. THE BOUNDARY FOR THIS PROJECT IS FROM SURVEY BOUNDARY.

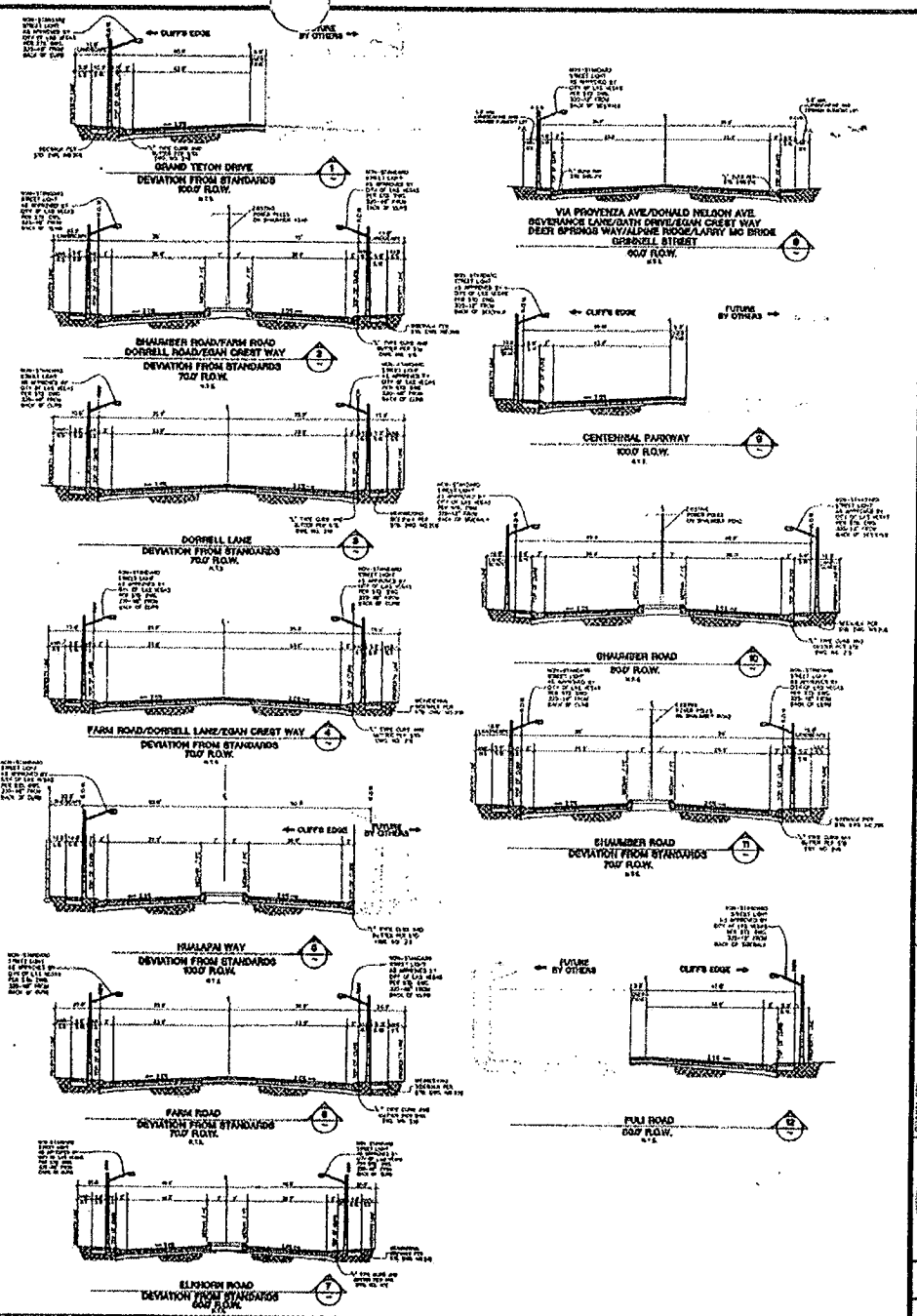
NOTE:
THERE ARE EXISTING STRUCTURES ON THIS SITE.

NOTE:
THERE ARE PROPOSED RESERVATIONS OR DEDICATIONS FOR PARKS, SCHOOLS OR OTHER PUBLIC OR QUASI-PUBLIC USES.

TABULATION

EXISTING ZONING ..... RD
GROSS ACREAGE 213.52
NUMBER LOTS 32
LARGE LOTS 32
ZONE CHANGE ZON-1305
DIR-3789

RADIAL TABLE		
NO.	BEARING	TYPE
R1	N78°38'38"E	RAD
R2	N80°22'55"E	RAD
R3	N80°22'55"E	RAD
R4	S72°54'53"E	RAD
R5	N51°37'04"E	
R6	S49°16'48"W	RAD
R7	S51°37'04"W	
R8	S58°33'43"W	RAD
R9	S60°57'23"W	RAD
R10	N18°01'35"E	RAD
R11	S87°36'35"E	
R12	N73°53'33"W	
R13	S73°53'33"E	



CLIFF'S EDGE L.L.C.
2300 CLIFF SHADOWS PARKWAY SUITE 200
LAS VEGAS, NV. 89128
(702) 242-4999

CITY OF LAS VEGAS, NEVADA

2727 SAHARA AVENUE, LAS VEGAS, NEVADA 89104-5146
PH. (702) 853-7525 FAX (702) 853-7567

REVISION

TENTATIVE MAP

CLIFF'S EDGE PARENT

DRAWN BY: KSALCIDO
DESIGNED BY: SL ITEM
CHECKED BY: J.J. WOOD
SCALE: 1"=100' (HORZ.) 1"=100' (VERT.)
PROJECT NO: 3048

02-06-04

EXPIRES 06-30-05

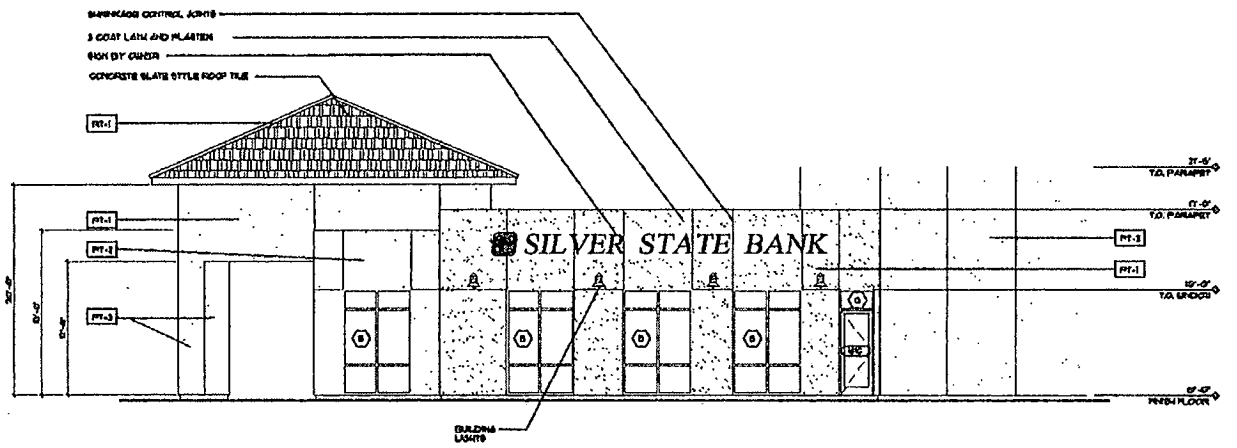
SHEET
DT-1
8 OF 8 SHEETS
DRAWING NO.

TMP-3798 R2

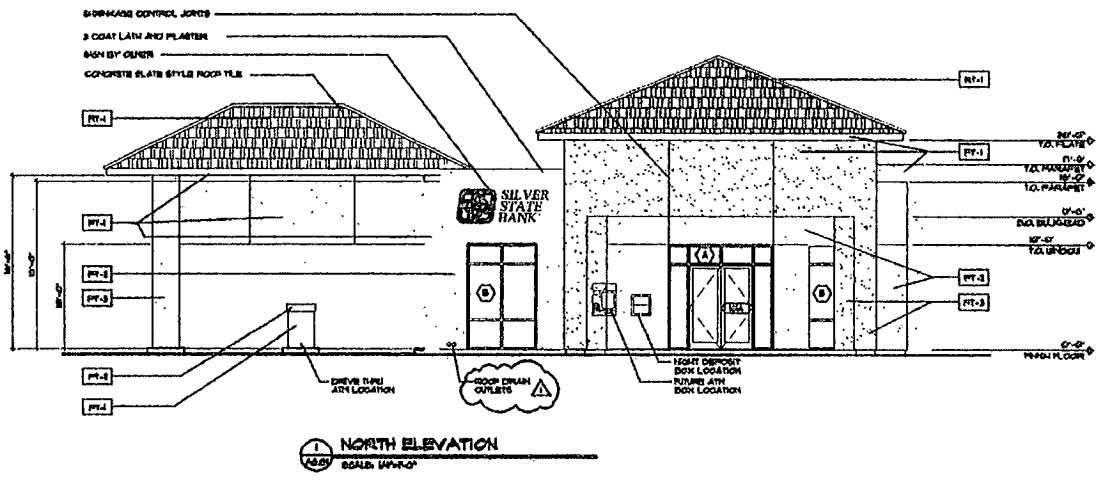
REVISED 9.17.04

SDR-4935

9/23/04 PC



WEST ELEVATION



NORTH ELEVATION

ARCHITECT
GERALD GARDNER + AIA + LLC
10 COMMERCE CENTER DRIVE
HENDERSON, NEVADA 89014
(702) 565-8012 FAX (702) 565-7016

project title:
SILVER STATE BANK
LAS VEGAS, NEVADA

consultant:

sheet title:
BUILDING ELEVATIONS

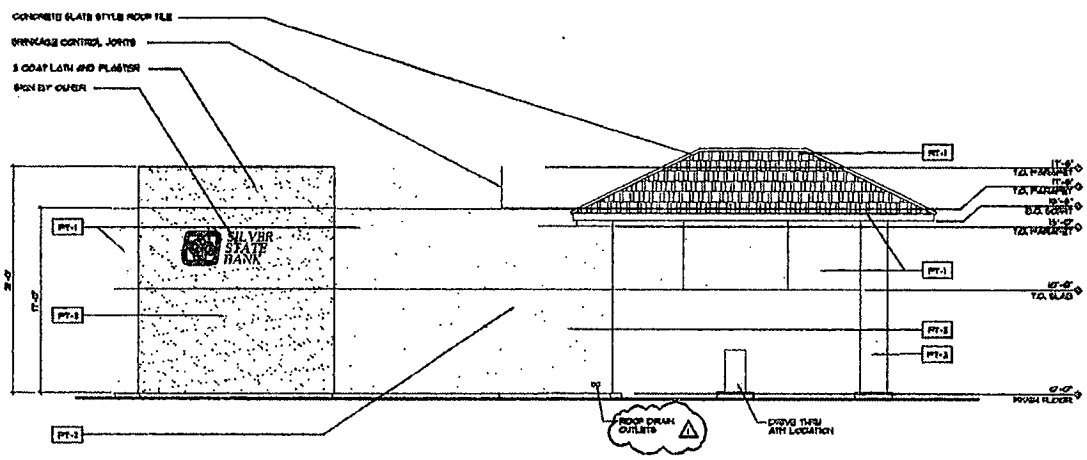
issue date:
drawn by:
checked by:
project no.:
revisions:

sheet no.
A6.01
of sheets

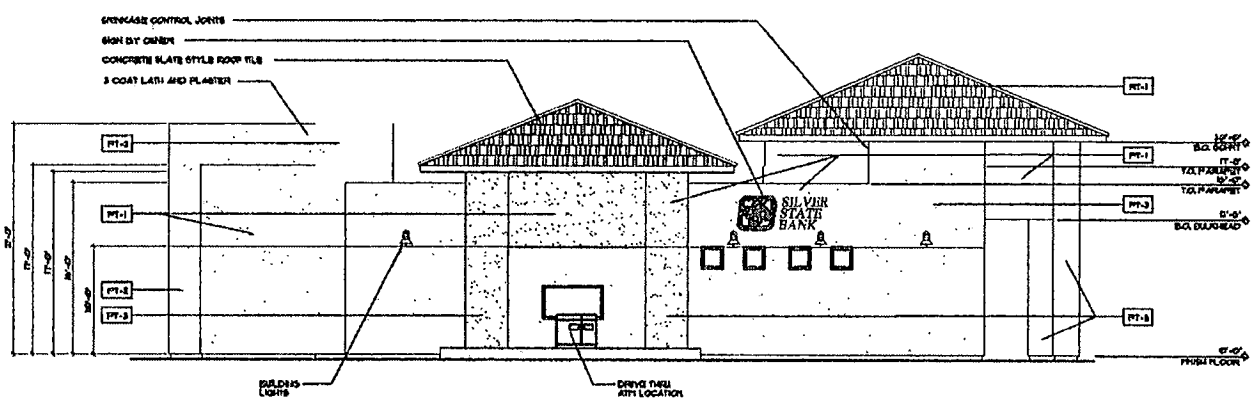
THESE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY AND COPYRIGHT OF GERALD GARDNER + AIA + LLC AND SHALL NOT BE USED ON ANY PROJECT OTHER THAN THE SPECIFIED PROJECT WITHOUT THE WRITTEN CONSENT OF GERALD GARDNER + AIA + LLC. THESE DRAWINGS AND SPECIFICATIONS SHALL NOT BE LOANED, COPIED OR MADE AVAILABLE TO ANY UNAUTHORIZED PERSON OR ENTITY WITHOUT THE WRITTEN CONSENT OF GERALD GARDNER + AIA + LLC. VISUAL CONTACT WITH THESE DRAWINGS AND SPECIFICATIONS SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF THE ACCEPTANCE OF THESE RESTRICTIONS.

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SDR-4935
9/23/04 PC



SOUTH ELEVATION



EAST ELEVATION

ADC ARCHITECTS
GERALD CARLSON • AIA • LEC
10 CORNERS CENTER DRIVE
LAS VEGAS, NEVADA 89128
(702) 255-0000 FAX (702) 255-0000

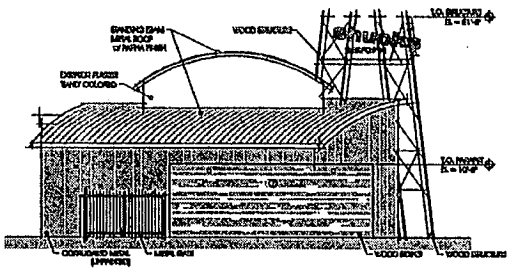
project title:
SILVER STATE BANK
LAS VEGAS, NEVADA

consultant:

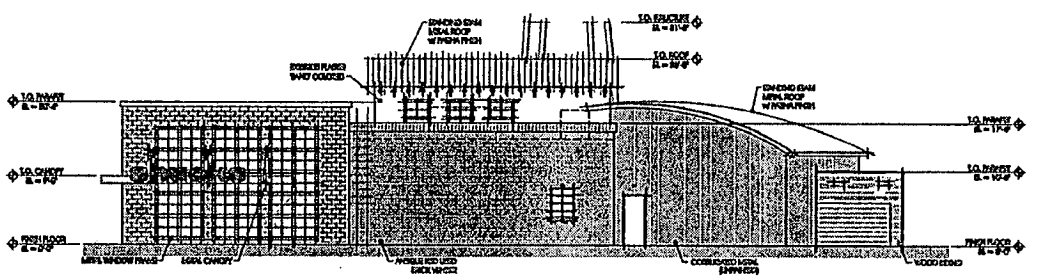
sheet title:
BUILDING ELEVATIONS
issue date:
drawn by:
checked by:
project no.:
revisions:
sheet no.
A6.02

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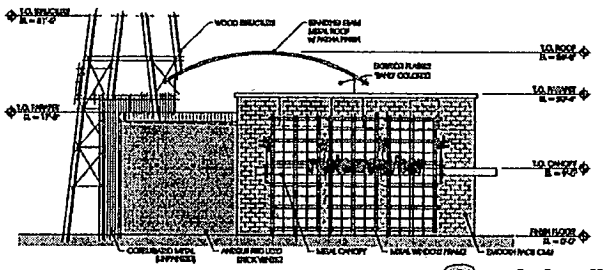
SDR-4935
9/23/04 PC



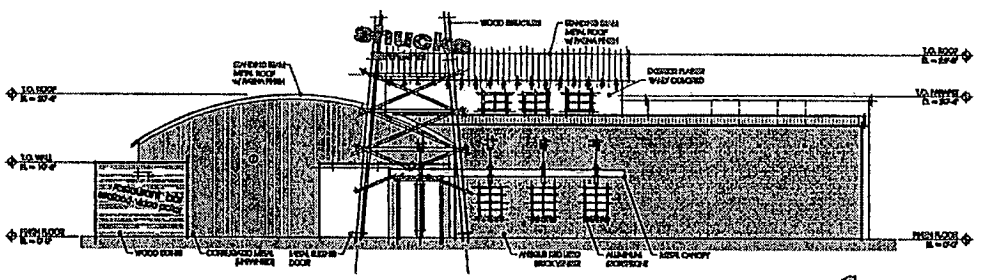
4 west elevation



3 north elevation



2 east elevation



1 south elevation

SDR-4935

jawastudio
architecture • interior design

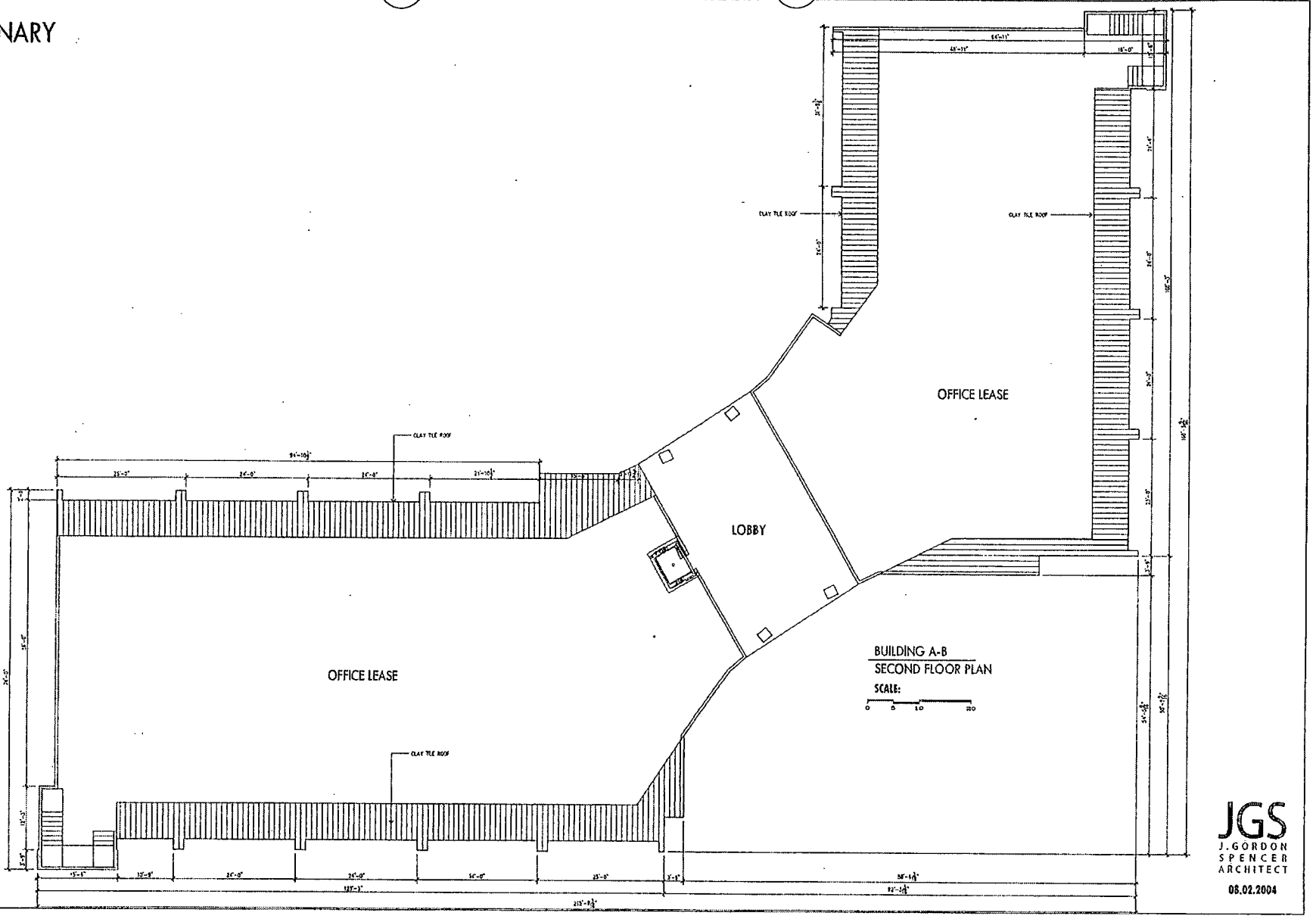
preliminary

structure tenant design & drawings

exterior elevations

a2.0

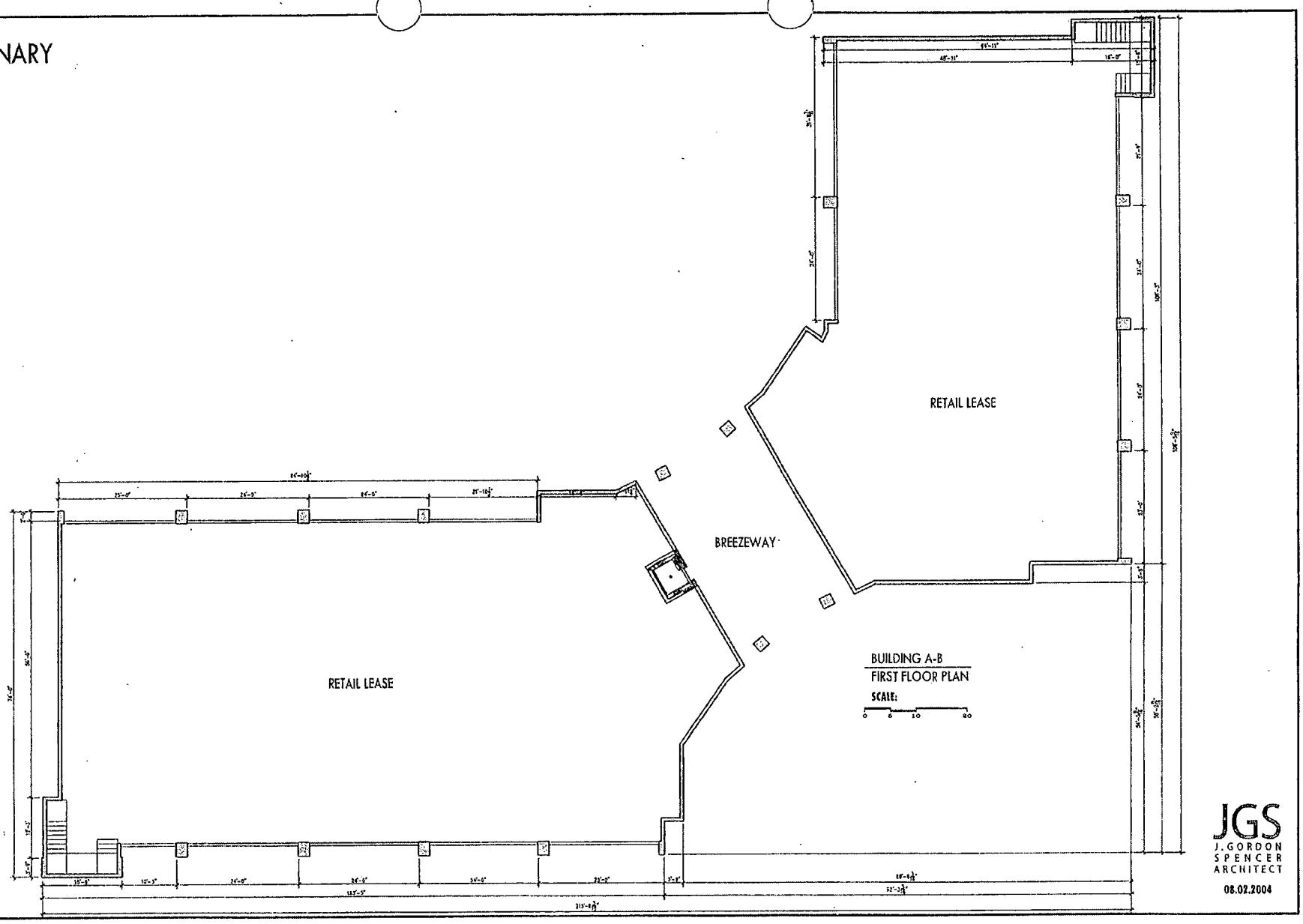
PRELIMINARY



JGS
J.GORDON
SPENCER
ARCHITECT
08.02.2004

SDR-4935

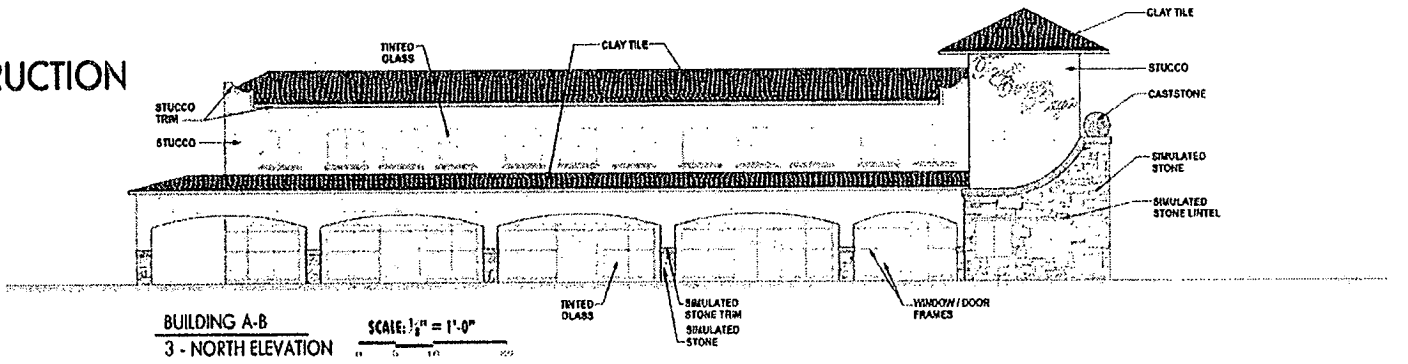
PRELIMINARY



JGS
J. GORDON SPENCER ARCHITECT
08.02.2004

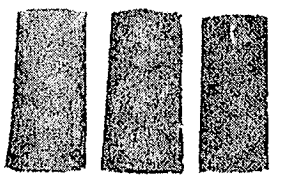
SDR-4935

PRELIMINARY
NOT FOR CONSTRUCTION

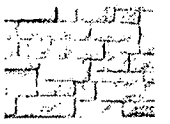


BUILDING A-B
3 - NORTH ELEVATION

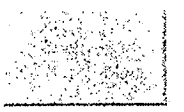
SCALE: 1/8" = 1'-0"



CLAY ROOF TILE
REDLAND COLORS
TERRA COTTA, CAFE ANTIGUA, ADOBE BROWN



SIMULATED STONE
CULTURED STONE - PATTERN
AUSTIN COBBLEFIELD (CSV-2035)

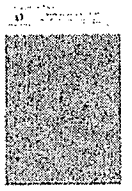


SIMULATED STONE TRIM / CASTSTONE
CONTINENTAL CASTSTONE
COLORS - 1102, 1103, 1104

STUCCO - MAIN COLOR
STO # 10511 PACIFIC SAND
FINE TEXTURE



STUCCO - TRIM COLOR
STO # 10612 AUTUMN WHEAT
FINE TEXTURE



WINDOW / DOOR TINTED GLASS
OLD CASTLE COLOR
1/4" VISTEON VERSALUX BLUE

WINDOW / DOOR FRAMES
KAWNEER PERMANODIC ANODIZED FINISH
14 AND # 17 CLEAR ANODIZED

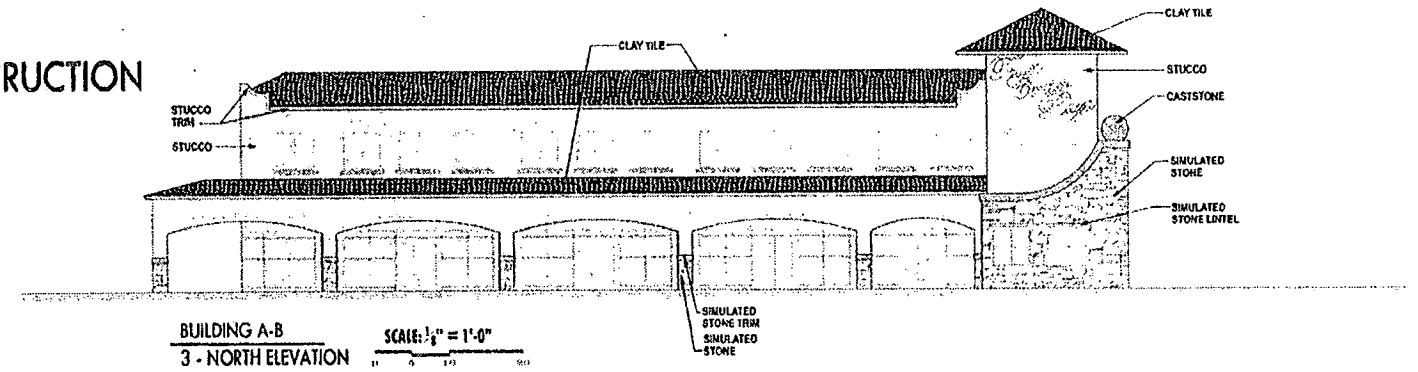
TOWN CENTER PLAZA - AB BUILDING

SDS SPENCER DESIGN STUDIO

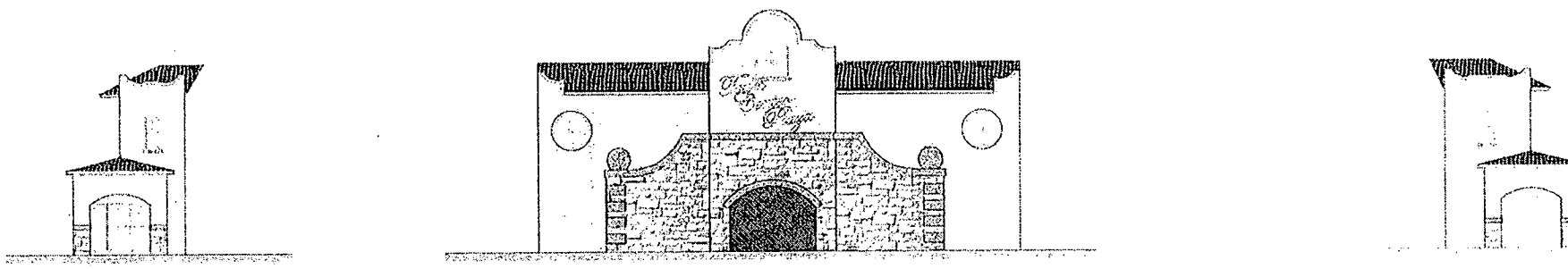
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SDR-4935

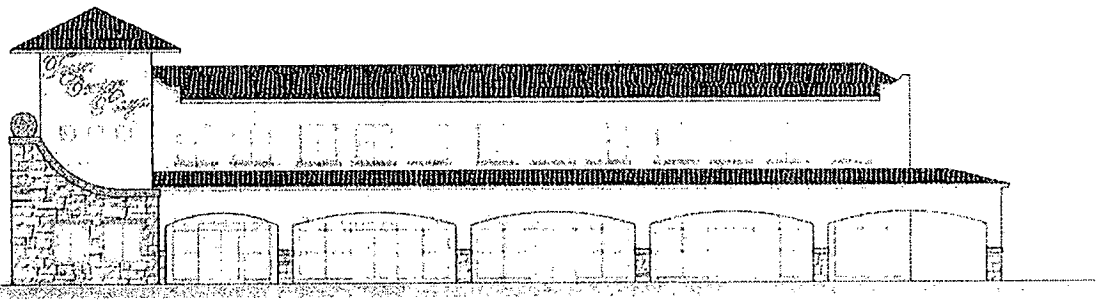
PRELIMINARY
NOT FOR CONSTRUCTION



BUILDING A-B
3 - NORTH ELEVATION
SCALE: 1/8" = 1'-0"



BUILDING A-B
2 - ENTRY ELEVATION
SCALE: 1/8" = 1'-0"



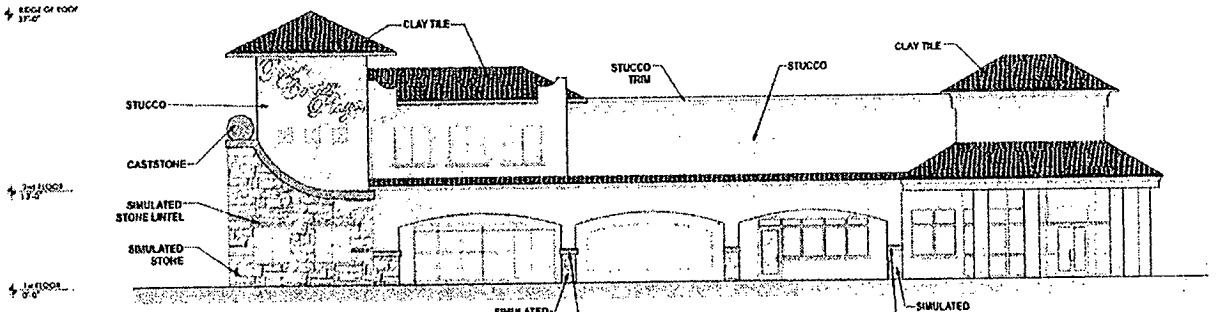
TOWN CENTER PLAZA - AB BUILDING
AB201 - ELEVATIONS

BUILDING A-B
1 - EAST ELEVATION
SCALE: 1/8" = 1'-0"

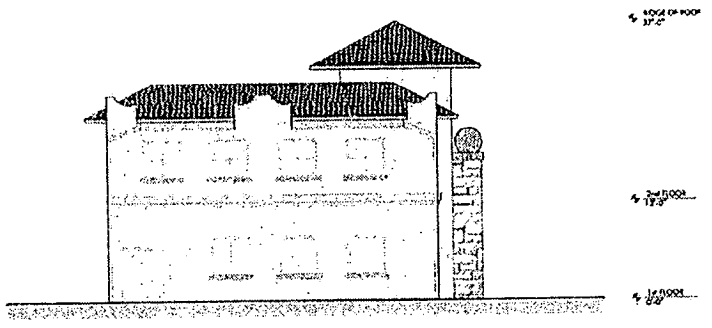
SDS
SPENCER DESIGN STUDIO
09.01.2004

SDR-4935

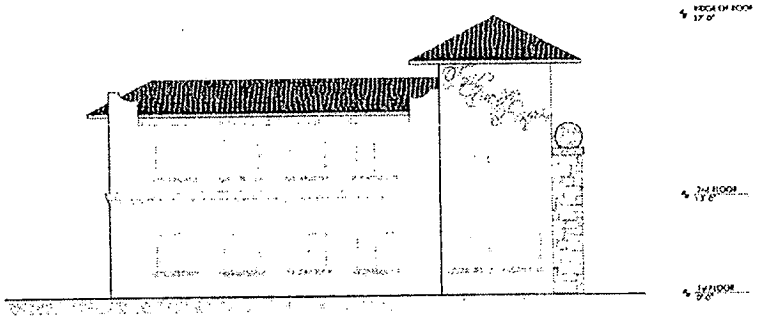
PRELIMINARY
NOT FOR CONSTRUCTION



BUILDING D-E
EAST ELEVATION
SCALE: 1/8" = 1'-0"



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



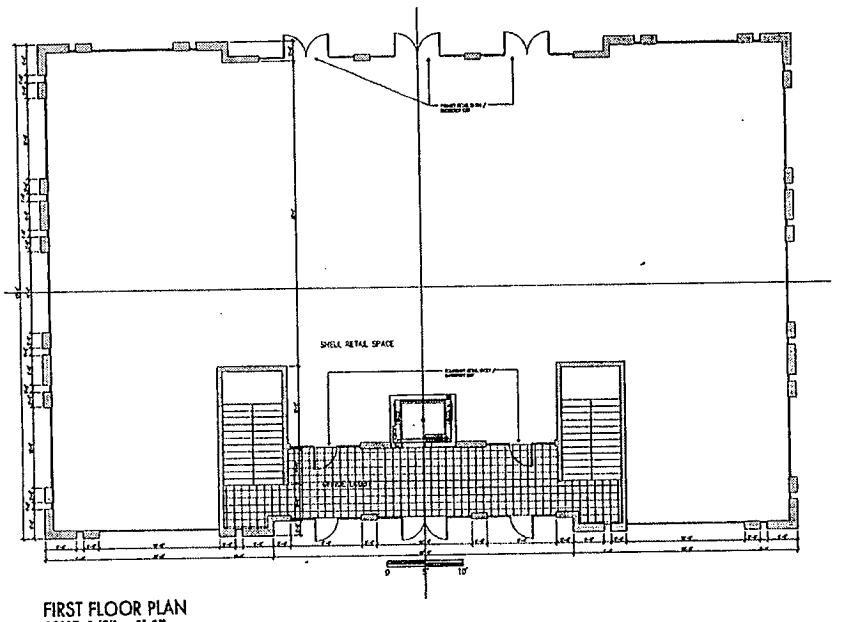
BUILDING E
SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

TOWN CENTER PLAZA

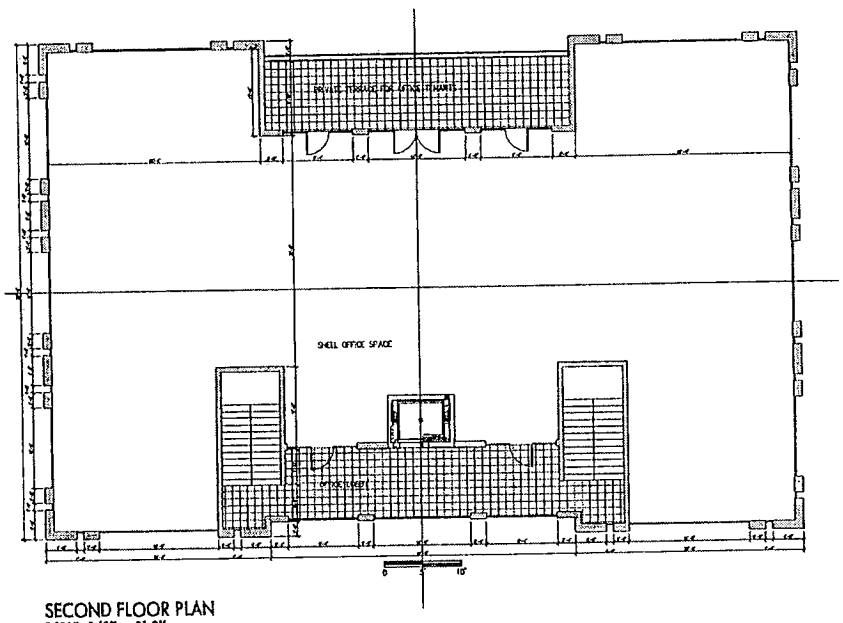
SDS
SPENCER DESIGN STUDIO

09.01.2004

SDR-4935



FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"



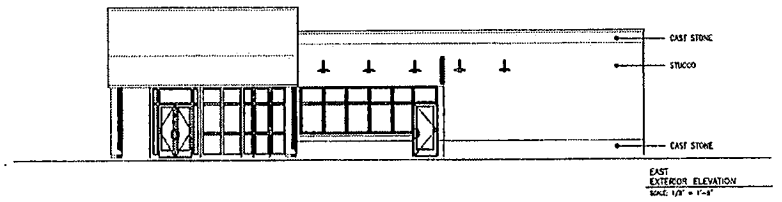
SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"

TOWN CENTER PLAZA
BUILDINGS 'A' AND 'E'

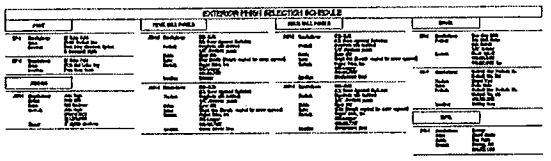
JAMES G. SPENCER
REGISTERED
No 4856
ARCHITECT
STATE OF NEVADA
7-27-04

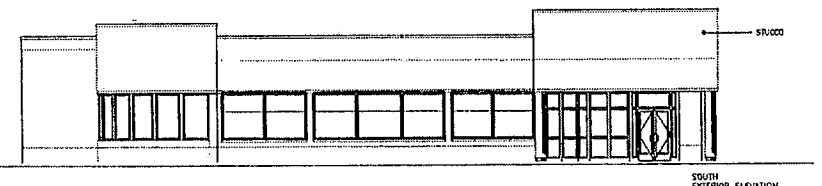
JGS
J. GORDON
SPENCER
ARCHITECT
07.27.2004

SDR-4935

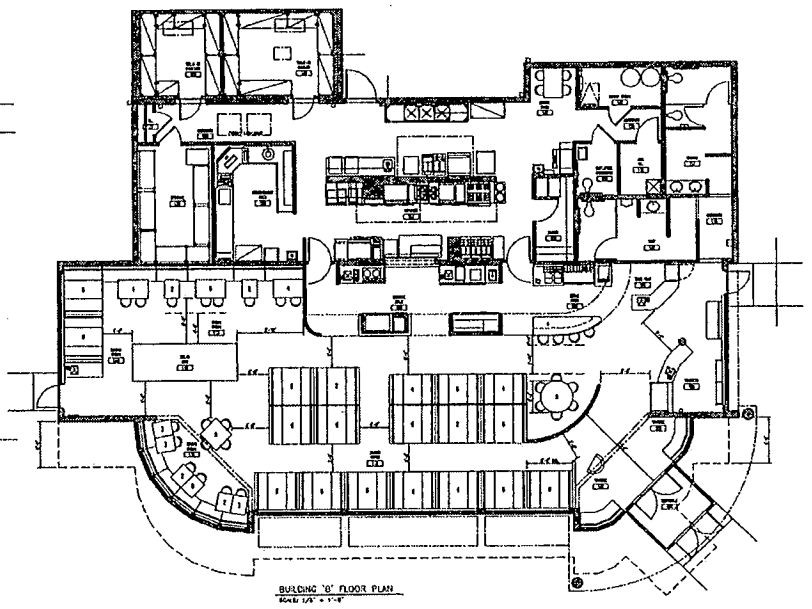


EAST
EXTERIOR ELEVATION
SCALE: 1/8" = 1'-0"

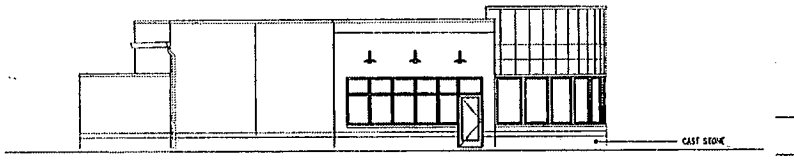




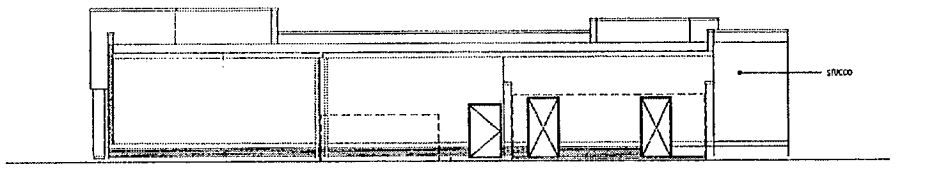
SOUTH
EXTERIOR ELEVATION
SCALE: 1/8" = 1'-0"



BUILDING 'B' FLOOR PLAN
SCALE: 1/8" = 1'-0"



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



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

The attached drawing is for the sole and limited purpose of reference. It is released for your convenience. These are not final construction documents. The set of construction documents issued for construction, stamped by the architect, approved by the building department, and revised as requested are the most current set produced. Changes may have been made to the hard copy drawings that do not appear in the electronic drawing files. Also, further changes may have occurred in the field that are also not represented in the electronic files or on the most recent hard copy set. The use of the drawing by Big Boy Restaurants, Intl. LLC indemnifies and holds Caruso Architecture, Inc harmless from all claims, damages, and expenses associated with the use the drawing. The use the attached drawing is a consent to the foregoing terms and conditions.

—

LIMITED WARRANTY AND DISCLAIMER OF WARRANTY
Limited Release of Computer Generated Information

This computer-aided design & drafting (CADD) data and accompanying written materials (including instructions for use) are provided "as is" without warranty of any kind. Further, Caruso Architecture, Inc. (CAI) does not warrant, guarantee, or make any representations regarding the use, or the results of use, of the CADD data or written materials in terms of correctness, accuracy, reliability, currentness, or otherwise. The entire risk as to the results and performance of the CADD data is assumed by you. If the CADD data or written materials are defective you, and not CAI or its employees, assume the entire cost of all necessary servicing, repair, or correction.

The above is the only warranty of any kind, either express or implied, including but not limited to the implied warranties of merchantability and fitness for a particular purpose, that is made by CAI, on this CADD data. No oral or written information or advice given by CAI or its employees shall create a warranty or in any way increase the scope of this warranty and you may not rely on any such information or advice. you may have other rights which vary from state to state.

Neither CAI nor anyone else who has been involved in the creation, production or delivery of this CADD data shall be liable for any direct,

indirect, consequential or incidental damages (including damages for loss of business profits, business interruption, loss of business information, and the like) arising out of the use or inability to use such CADD data, even if CAI has been advised of the possibility of such damages.

This Limited Warranty shall be governed and construed in accordance with the laws of the State of Ohio.

ACKNOWLEDGMENT

By using this CADD data you acknowledge that you have read this limited

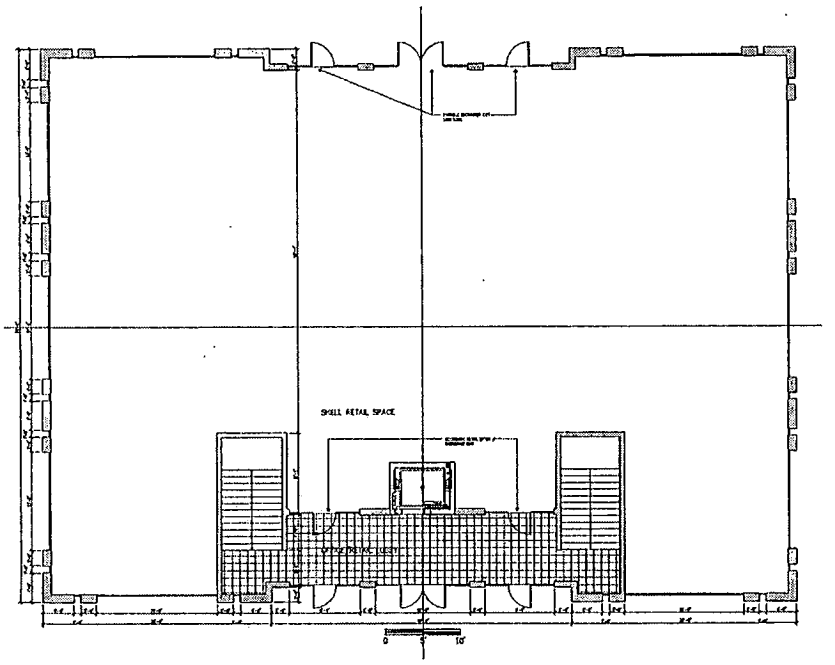
warranty, understand it, and agree to be bound by its' terms and conditions. you also agree that the limited warranty is the complete and

exclusive statement of agreement between the parties and supersede all proposals or prior agreements, oral or written, and any other communications between the parties relating to the subject matter of the

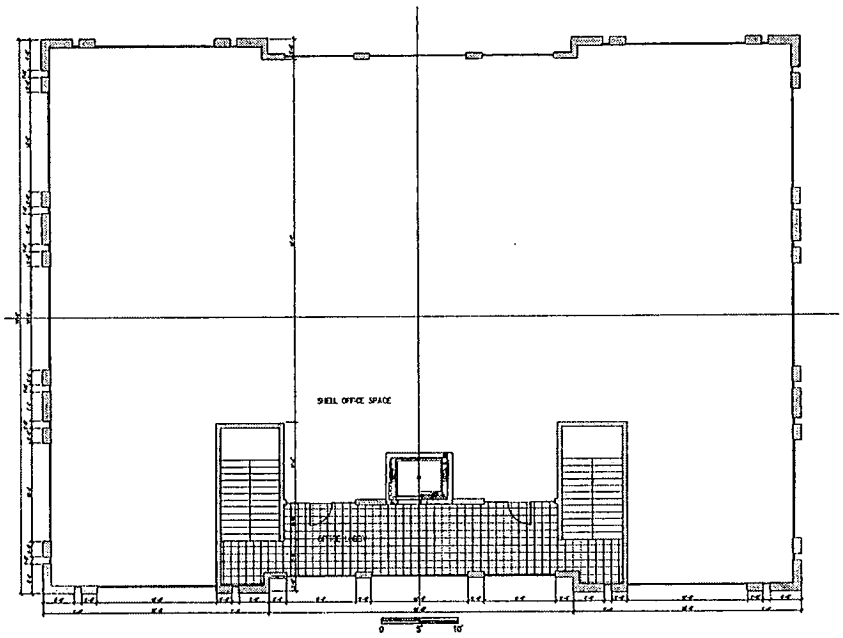
limited warranty. The limited release is not a waiver of the copyright or ownership rights of the design/information which is represented by the CADD data.

SDR-4935

TOWN CENTER PLAZA
BUILDING 'B' SCHEMATICS



FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"



SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"

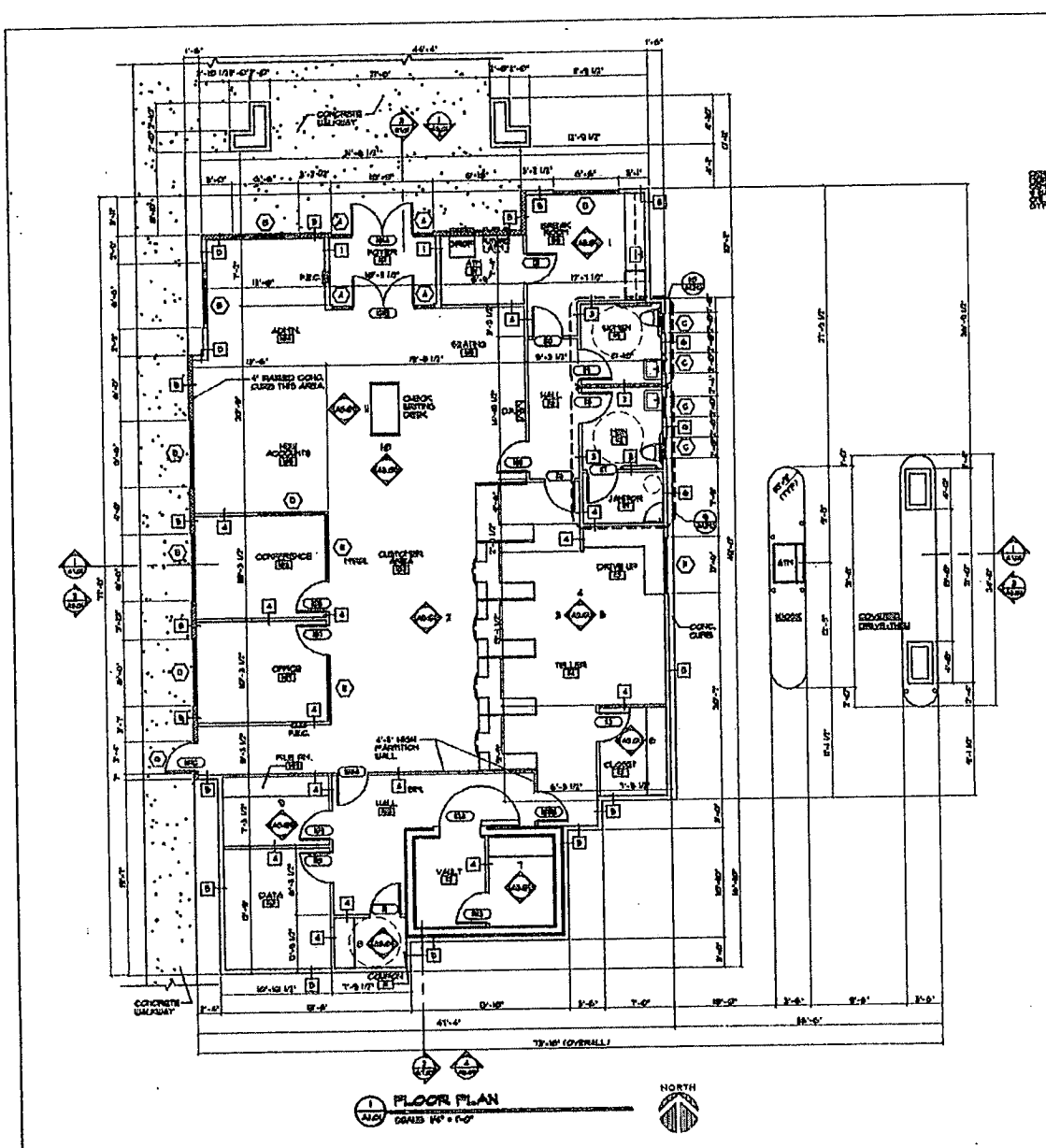
TOWN CENTER PLAZA
BUILDING 'C'

JAMES G. SPENCER
REGISTERED
No. 4856
ARCHITECT
STATE OF NEVADA

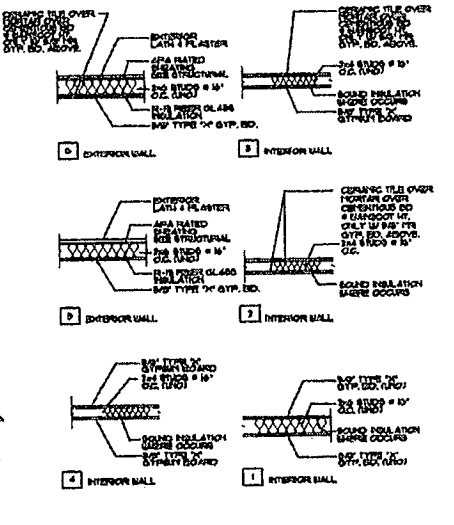
7.27.04

JGS
J.GORDON
SPENCER
ARCHITECT
07.27.2004

SDR-4935



WALL LEGEND:



GENERAL NOTES:

1. DIMENSIONS ON DRAWINGS ARE TO FACE OF STUDS AND/OR TO FACE OF CONCRETE UNLESS OTHERWISE NOTED.
2. FIELD VERIFY ALL DIMENSIONS, CONDITIONS AT JOB SITE AND REPORT ANY DISCREPANCIES TO ARCHITECT BEFORE BEGINNING WORK.
3. PROVIDE TRANSITION STRIPS AT ALL DIFFERENT FLOOR FINISHES PROVIDE SPECIAL STRIPS AT TILE AND CONCRETE.
4. PROVIDE SOUND ATTENUATION BLANKETS IN WALLS SEPARATING THE TOILET ROOMS AND OTHER ADJACENT ROOMS.
5. CONTRACTOR SHALL PROVIDE AND LOCATE ACCESS PANELS AS REQUIRED AFTER INSTALLATION OF MECHANICAL DUCT, PLUMBING AND ELECTRICAL WORK.
6. ALL PARTITIONS ADJACENT TO OR LOCATED AT THE BACK OF PLUMBING FIXTURES SHALL BE CONSTRUCTED WITH MOISTURE RESISTANT GYPSUM BOARD.

ARCHITECT
GERALD GARDNER • AIA • LLC
10 SOUTHWEST COMMERCE DRIVE
LEES SUMMIT, MISSOURI 64086
(816) 524-8383 FAX (816) 524-7722

PROJECT TITLE:
SILVER STATE BANK
LAS VEGAS, NEVADA

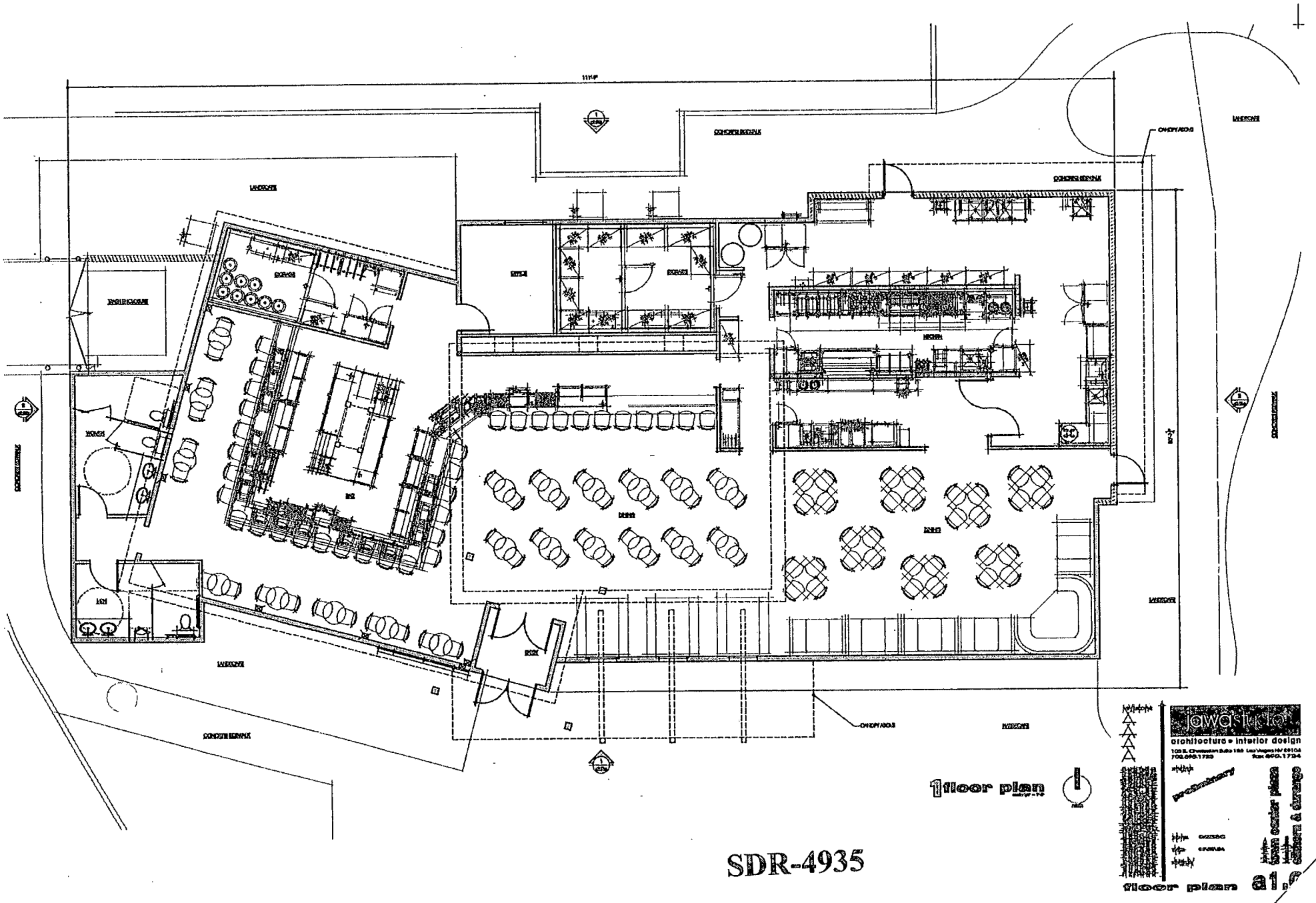
consultant:

sheet title: FLOOR PLAN
issue date:
drawn by:
checked by:
project no.:
scale:
sheet no.: A1.01

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT AND THE SAME MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT. VISUAL CONTACT WITH THESE DRAWINGS AND SPECIFICATIONS SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF ACCEPTANCE OF THESE RESTRICTIONS. THESE DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION UNLESS SIGNED AND SEALED BY THE ARCHITECT.

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SDR-4935


floor plan
SDR-4935
floor plan a1.0

City of Las Vegas

Agenda Item No.: 29

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

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

SUBJECT:
ZON-4981 - REZONING - PUBLIC HEARING - APPLICANT: KIMBALL HILL HOMES - OWNER: UNITED STATES OF AMERICA - Request for a Rezoning FROM: U (UNDEVELOPED) [ML (MEDIUM-LOW DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION] TO: R-PD6 (RESIDENTIAL PLANNED DEVELOPMENT - 6 UNITS PER ACRE) on 5.09 acres at the northwest corner of Tee Pee Lane and Farm Road (a portion of APN 125-18-601-015), Ward 6 (Mack).

C.C.: 10/20/04

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

RECOMMENDATION:
Staff recommends APPROVAL.

BACKUP DOCUMENTATION:
4. Location Map
5. Conditions For This Application
6. Staff Report

MOTION:
NIGRO – APPROVED subject to conditions – UNANIMOUS with McSWAIN abstaining because her company is bidding on work with Kimball Hill Homes and STEINMAN excused

To be heard by the City Council on 10/20/2004

MINUTES:
CHAIRMAN TRUESDELL declared the Public Hearing open on Item 29 [ZON-4981] and Item 30 [SDR-4982].

KYLE WALTON, Planning and Development Department, stated the applicant is requesting a subdivision, which is very similar to the other projects in the area. The area falls under the Planned Community Development land use classification, which allows a density of up to eight units per acre and the rezoning is R-PD6. The lot types and designs are similar to the existing subdivisions in the area.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 29 – ZON-4981

CONDITIONS:

MARK STURDIVANT, Thomason Consulting Engineers, 3161 East Warm Springs Road, appeared on behalf of the applicant and accepted all conditions. He asked for clarification regarding a comment shown on page three of the Staff Report which identified Tee Pee Lane as an 80 foot, Town Center Collector. After speaking with MR. WALTON, it was agreed that the report should read that it is an 80-foot residential collector. CHAIRMAN TRUESDELL confirmed the information with staff.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 29 [ZON-4981] and Item 30 [SDR-4982].

(7:27 – 7:30)

1-3564

CONDITIONS:

Planning and Development

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

2. Approval of a Site Development Plan Review (SDR-4982) by the Planning Commission and City Council prior to the issuance of any permits for this development.

Public Works

3. Dedicate 30 feet of right-of-way adjacent to this site for Donald Nelson Avenue, 40 feet for Farm Road, 40 feet for Tee Pee Lane, a 20 foot radius on the southwest corner of Donald Nelson Avenue and Tee Pee Lane and a 25 foot radius at the northwest corner of Tee Pee Drive and Farm Road.

4. Construct half-street improvements including appropriate overpaving on Donald Nelson Avenue, Farm Road, and Tee Pee Lane adjacent to this site concurrent with development of this site. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).

CONDITIONS – Continued:

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

6. Obtain an Encroachment Agreement for all landscaping and private improvements in the public rights-of-way adjacent to this site.

7. Landscape and maintain all unimproved right-of-way adjacent to this site concurrent with development of this site.



CASE: ZON-4981
RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:
U (UNDEVELOPED) ZONE [ML (MEDIUM-LOW DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION]

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

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 23, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ZON-4981 - REZONING - PUBLIC HEARING - APPLICANT: KIMBALL HILL HOMES - OWNER: UNITED STATES OF AMERICA

** CONDITIONS **

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

Planning and Development

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

2. Approval of a Site Development Plan Review (SDR-4982) by the Planning Commission and City Council prior to the issuance of any permits for this development.

Public Works

3. Dedicate 30 feet of right-of-way adjacent to this site for Donald Nelson Avenue, 40 feet for Farm Road, 40 feet for Tee Pee Lane, a 20 foot radius on the southwest corner of Donald Nelson Avenue and Tee Pee Lane and a 25 foot radius at the northwest corner of Tee Pee Drive and Farm Road.

4. Construct half-street improvements including appropriate overpaving on Donald Nelson Avenue, Farm Road, and Tee Pee Lane adjacent to this site concurrent with development of this site. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).

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

6. Obtain an Encroachment Agreement for all landscaping and private improvements in the public rights-of-way adjacent to this site.

7. Landscape and maintain all unimproved right-of-way adjacent to this site concurrent with development of this site.

MP

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This request is for a Rezoning from U (Undeveloped) [ML (Medium Low Density Residential) General Plan Designation] to R-PD6 (Residential Planned Development – 6 Units Per Acre) on 5.09 acres adjacent to the northwest corner of Farm Road and Tee Pee Lane.

B) Applicant's Justification

The applicant's justification letter indicates the R-PD6 (Residential Planned Development – 6 Units Per Acre) is appropriate because this site is a continuation of the proposed single family development to the west.

BACKGROUND INFORMATION

A) Previous Actions

09/23/04 The Planning Commission will hear a request for a Site Development Plan Review (SDR-4982) for a 26 lot single family subdivision on this site. Staff recommendation is for approval.

B) Pre-Application Meeting

07/21/04 The applicant was advised of the requirements of a Rezoning application.

C) Neighborhood Meetings

A neighborhood meeting is not required for this request.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 5.09

MP

B) Existing Land Use

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

C) Planned Land Use

Subject Property:	ML (Medium Low Density Residential)
North:	P/R/OS (Parks, Recreation, Open Space)
South:	L (Low Density Residential)
East:	TC (Town Center)
West:	ML (Medium Low Density Residential)

D) Existing Zoning

Subject Property:	U (Undeveloped) [PROS (Parks, Recreation, Open Space) General Plan Designation]
North:	U (Undeveloped) [PROS (Parks, Recreation, Open Space) General Plan Designation]
South:	U (Undeveloped) [L (Low Density Residential) General Plan Designation] ROI to R-PD5 (Residential Planned Development – 5 Units Per Acre
East:	U (Undeveloped) [TC (Town Center) General Plan Designation]
West:	R-PD6 (Residential Planned Development – 6 Units Per Acre)

E) General Plan Compliance

This site is designated ML (Medium Low Density Residential) on the Centennial Hills Sector Map of the General Plan. The proposed R-PD6 (Residential Planned Development – 6 Units Per Acre Estates) Zoning is in conformance with the General Plan, which allows up to 8 units per acre.

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

MP

Tee Pee Lane forms the western boundary of the Town Center Plan in this area and Town Center trails standards must be met on both sides of the street. Along this segment, Tee Pee Lane is identified as a Town Center (80-foot) Collector, which requires a seven-foot sidewalk with a five-foot amenity zone on both sides of the street. This sidewalk fulfills the trails function within Town Center areas.

ANALYSIS

A) Zoning Code Compliance

The development standards and design for this development will be reviewed with the companion Site Development Plan Review, also on this agenda.

B) General Analysis and Discussion

The applicant is requesting a Rezoning on this site to R-PD6 (Residential Planned Development – 6 Units Per Acre) to allow for a single family development that will be a continuation of the existing single family development to the west.

FINDINGS

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

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

   The proposed R-PD6 (Residential Planned Development – 6 Units Per Acre Estates) Zoning is in conformance with the General Plan, which allows up to 8 units per acre.

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

   The proposed R-PD6 (Residential Planned Development - 6 Units Per Acre) zoning district will allow for the continuation of the single family development to the west of this site and is compatible with existing and future single-family development land uses in the area.

MP

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

   The R-PD6 (Residential Planned Development – 6 Units Per Acre) zoning on the subject site is appropriate as it allows for the continuation of the existing single family development to the west and is compatible with other single family development in the area.

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

   The proposed single family development will have access through the existing development to the west to Farm Road, a 80 foot wide Town Center arterial, which will is adequate for the proposed use.

NOTICES MAILED 286 [Mailed with SDR-4982]

APPROVALS 0

PROTESTS 0

MP

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: ZON-4981 APN: 125-18-601-015

Name of Property Owner: USA

Name of Applicant: KIMBALL HILL 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: [signature]

Print Name: STEVE GUTSHALL

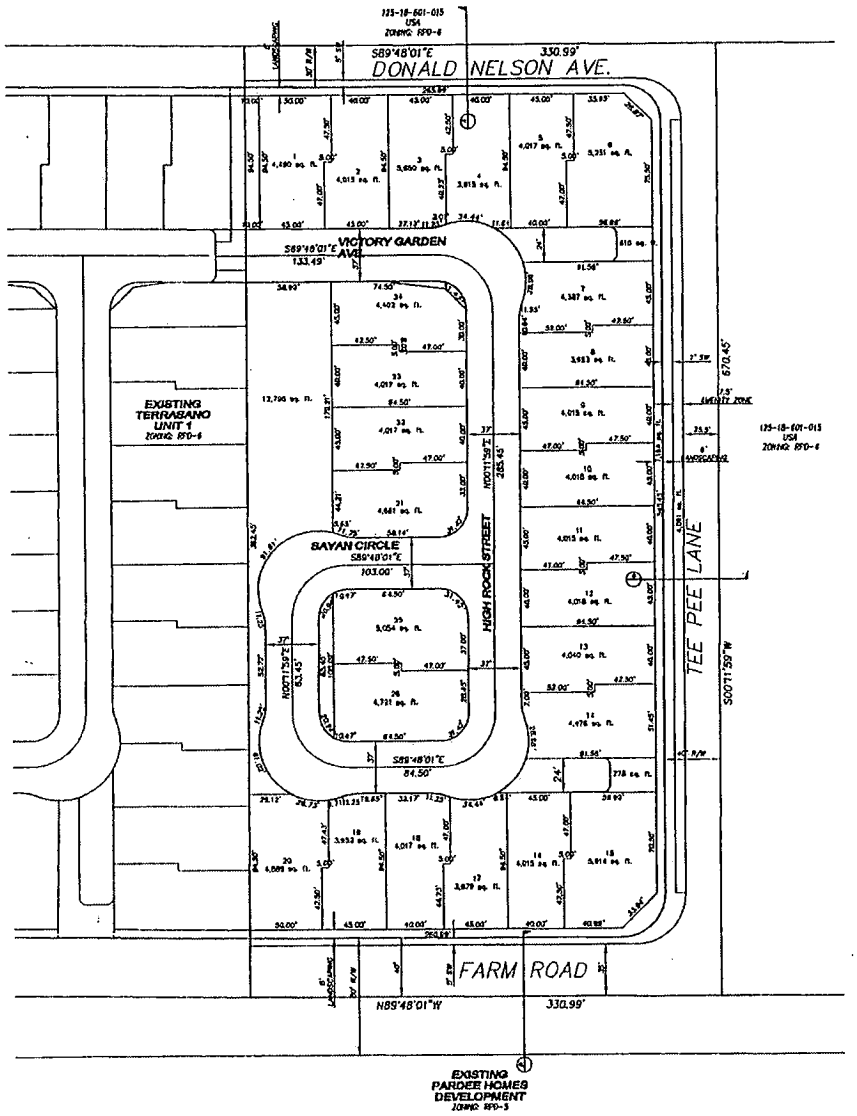
Subscribed and sworn before me

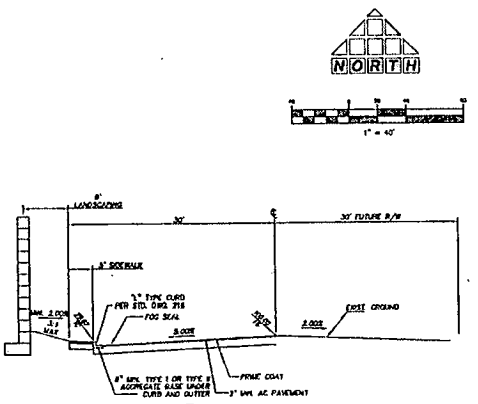
This 14th day of July, 2004

Denise Whipple

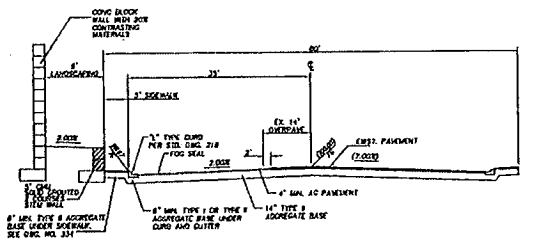
Notary Public in and for said County and State

Notary Public - State of Nevada
County of Clark
DENISE WHIPPLE
My Appointment Expires
July 29, 2007
No: 03-83426-1

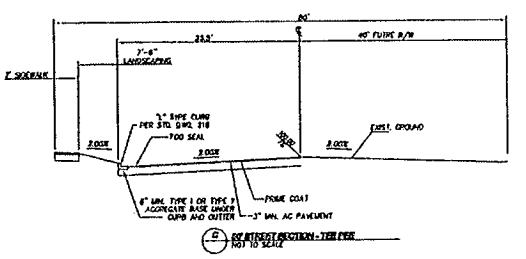




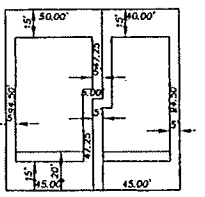
A 30' HALF STREET SECTION - DONALD NELSON
NOT TO SCALE



B 40' HALF STREET SECTION - FARM
NOT TO SCALE



C 30' STREET SECTION - TEE PEE
NOT TO SCALE



LOT DETAIL
NOT TO SCALE

OWNER/DEVELOPER

KIMBALL HILL HOMES
8 SUNSET WAY, SUITE 101
HENDERSON, NEVADA 89014
(702) 430-6502

SETBACK:

FRONT (GARAGE) :	18'
FRONT (HOUSE) :	15'
SIDE :	5'
CORNER/SIDE :	10'
REAR :	15'

SITE DATA:

APN	125-18-601
CURRENT ZONING:	TC & U
PROPOSED ZONING:	TC
GROSS AREA:	3.08 AC
NUMBER OF LOTS:	24 LOTS
PROPOSED DENSITY:	5.11 D.U.A.
NUMBER OF COMMON ELEMENTS:	2
OPEN SPACE PROVIDED:	26,334 S.F.
BUILDING SQUARE FOOTAGE MAXIMUM:	2,190 S.F.
BUILDING SQUARE FOOTAGE MINIMUM:	1,838 S.F.

NOTE:
ALL ONSITE STREETS ARE PRIVATE STREETS AND PUBLIC UTILITY EASEMENTS.

BENCHMARK
CITY OF LAS VEGAS BENCHMARK - 2002-2004
REBAR #131 FT. NORTHEAST OF DESERT PINES AND FORT APACHE.

ELEVATION = 806.867 METERS (MASON)
ELEVATION = 2647.20 FEET (NAVD88)

BASIS OF BEARING
BEARING SOUTH 00°13'40" EAST, BEING THE WEST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 30, TOWNSHIP 19 SOUTH, RANGE 60 EAST, CLARK COUNTY, NEVADA, AS SHOWN ON FILE 33, PAGE 41 SURVEYS.

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

Call before you Dig 1-800-227-2600
Call before you Overhead 1-702-222-2929
Call Underground

ZON-4981
SDR-4982
9/23/04 PC

REVISED 8.26.04

RECEI
AUG

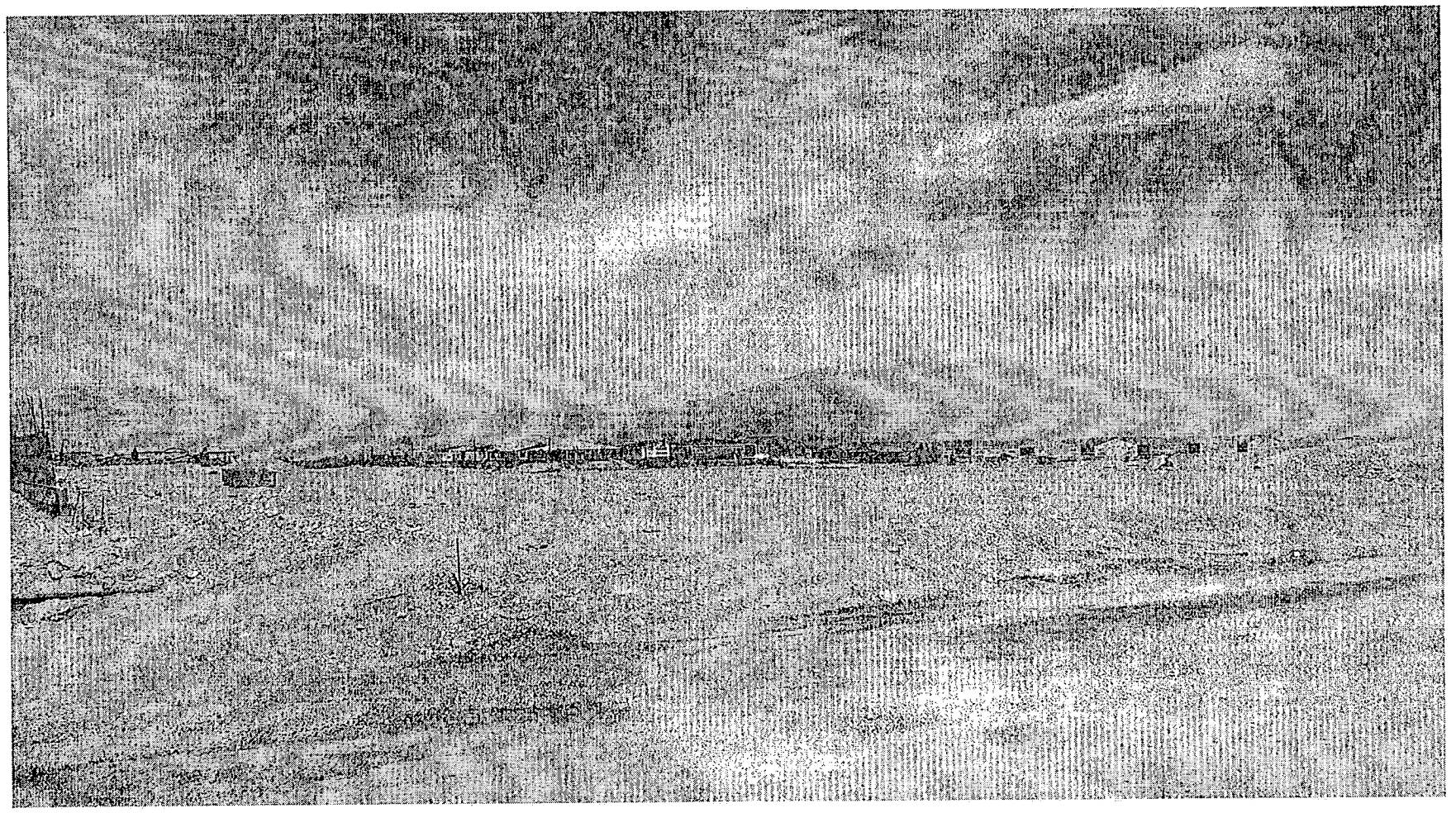
DRAWN BY:	
CHECKED BY:	
SCALE:	
PROJECT NO.	003-04004
REV.	DATE

THOMASON CONSULTING ENGINEERS
1351 E. WARM SPRINGS ROAD, SUITE 200
LAS VEGAS, NEVADA 89120
702-932-6123 FAX: 702-932-6129

KIMBALL HILL HOMES
TERRASANO III

SITE PLAN

SHEET 1 OF 1



ZON-4981 - REZONING - PUBLIC HEARING - APPLICANT: KIMBALL HILL HOMES - OWNER: UNITED STATES OF AMERICA
NORTHWEST CORNER OF TEE PEE LANE AND FARM ROAD
SEPTEMBER 23, 2004 PLANNING COMMISSION

8/30/04

City of Las Vegas

Agenda Item No.: 30

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

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

SUBJECT:
SDR-4982 - SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-4981 - PUBLIC HEARING - APPLICANT: KIMBALL HILL HOMES - OWNER: UNITED STATES OF AMERICA - Request for a Site Development Plan Review FOR A 26 LOT SINGLE FAMILY DETACHED RESIDENTIAL DEVELOPMENT on 5.09 acres at the northwest corner of Tee Pee Lane and Farm Road (a portion of APN 125-18-601-015), U (Undeveloped) Zone [ML (Medium-Low Density Residential) General Plan Designation] [PROPOSED: R-PD6 (Residential Planned Development - 6 Units Per Acre)], Ward 6 (Mack).

C.C.: 10/20/04

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

RECOMMENDATION:
Staff recommends APPROVAL.

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

MOTION:
NIGRO – APPROVED subject to conditions – UNANIMOUS with McSWAIN abstaining because her company is bidding on work with Kimball Hill Homes and STEINMAN excused

To be heard by the City Council on 10/20/2004

MINUTES:
See Item 29 [ZON-4981] for all related discussion on Item 29 [ZON-4981] and Item 30 [SDR-4982].

(7:27 – 7:30)
1-3564

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 30 – SDR-4982

CONDITIONS:

Planning and Development

1. Approval of a Rezoning (ZON-4981) to R-PD6 (Residential Planned Development – 6 Units Per Acre) by the Planning Commission and City Council prior to the issuance of any permits for this development.

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

3. All development shall be in conformance with the site plan, landscape plan and building elevations, date stamped August 26, 2004, except as amended by conditions herein.

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

5. The setbacks for this development shall be a minimum of 20 feet to the front of the garage as measured from back of sidewalk or from back of curb if no sidewalk is provided, 5 feet on the side, 10 feet on the corner side, and 15 feet in the rear.

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

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

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

Public Works

9. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.

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

11. Site development to comply with all applicable conditions of approval for ZON-4981 and all other subsequent site-related actions.

CONDITIONS – Continued:

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

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

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 23, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-4982 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT: KIMBALL HILL HOMES - OWNER: UNITED STATES OF AMERICA

** CONDITIONS **

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

Planning and Development

1. Approval of a Rezoning (ZON-4981) to R-PD6 (Residential Planned Development – 6 Units Per Acre) by the Planning Commission and City Council prior to the issuance of any permits for this development.

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

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MP

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This request is for a Site Development Plan Review for a 26 lot single family development on 5.09 acres adjacent to the northwest corner of Tee Pee Lane and Farm Road.

B) Applicant's Justification

The applicant's justification letter indicates the single family development on this site is a continuation of the proposed single family development to the west.

BACKGROUND INFORMATION

A) Previous Actions

09/23/04 The Planning Commission will hear a request for a Rezoning (ZON-4981) to R-PD6 (Residential Planned Development – 6 Units Per Acre) on this site. Staff recommendation is for approval.

B) Pre-Application Meeting

07/21/04 The applicant was advised of the requirements of a Site Development Plan Review.

C) Neighborhood Meetings

A neighborhood meeting is not required for this request.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 5.09

MP

B) Existing Land Use

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

C) Planned Land Use

Subject Property:	ML (Medium Low Density Residential)
North:	P/R/OS (Parks, Recreation, Open Space)
South:	L (Low Density Residential)
East:	TC (Town Center)
West:	ML (Medium Low Density Residential)

D) Existing Zoning

Subject Property:	U (Undeveloped) [PROS (Parks, Recreation, Open Space) General Plan Designation]
North:	U (Undeveloped) [PROS (Parks, Recreation, Open Space) General Plan Designation]
South:	U (Undeveloped) [L (Low Density Residential) General Plan Designation] ROI to R-PD5 (Residential Planned Development – 5 Units per Acre
East:	U (Undeveloped) [TC (Town Center) General Plan Designation]
West:	R-PD6 (Residential Planned Development – 6 Units Per Acre)

E) General Plan Compliance

This site is designated ML (Medium Low Density Residential) on the Centennial Hills Sector Map of the General Plan. The proposed R-PD6 (Residential Planned Development – 6 Units Per Acre Estates) Zoning is in conformance with the General Plan, which allows up to 8 units per acre.

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

MP

Tee Pee Lane forms the western boundary of the Town Center Plan in this area and Town Center trails standards must be met on both sides of the street. Along this segment, Tee Pee Lane is identified as a Town Center (80-foot) Collector, which requires a seven-foot sidewalk with a five-foot amenity zone on both sides of the street. This sidewalk fulfills the trails function within Town Center areas.

PROJECT DESCRIPTION

The proposed development consists of 26 single-family lots on the 5.09-acre site. The majority of the lots are designed as "Z" lots. The project will be served by 37 foot wide private streets, with access from Farm Road through the existing development to the west. The site contains a total of 26,384 square feet of open space, including a 12,796 square-foot park area. Lot sizes range from 3,879 square feet to 5,516 square feet. Landscaping is shown in the internal common open space area and in the perimeter landscape planters along Farm Road, Tee Pee Lane and Donald Nelson Avenue. The building elevations indicate all dwellings are two stories and have stucco exteriors with earth tones, and concrete tile roofs. Four different floor plans are proposed with homes ranging in size from 1,838 to 2,150 square feet.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.06.040, the Development Standards within an R-PD District are established at the time of Site Development Plan Review. The development standards that are to imposed on this site through the proposed Site Development Plan are as follows:

	Proposed Standards
Min. Lot Size	3,879 Square Feet Minimum, 4,016 Square Feet Typical
Min. Setbacks • Front • Side • Corner • Rear	 20 Feet to Front of Garage 5 Feet 10 Feet 15 Feet
Max. Building Height	2 Stories / 35 Feet

The proposed development standards will be adequate to allow the proposed 26-lot single-family residential development and are the same as the approved development to the west.

A2) Landscape and Open Space Standards

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

Total Acreage	Density	Required			Provided	
		Ratio	Percent	Area	Percent	Area
5.09 acres	5.11 Units per acre	1.65	8.43 %	18,730 Square Feet	11.90 %	26,384 Square Feet

The submitted plans indicate a total of 26,384 square feet will be provided with this development where 18, 730 square feet is required. Therefore, this development is in compliance with the open space requirements set for in Title 19.06.

B) General Analysis and Discussion

- Zoning

The proposed single family development is allowed in the R-PD6 (Residential Planned Development – 6 Units Per Acre) zoning district subject to approval of a Site Development Plan Review to establish appropriate standards.

- Site Plan

The proposed site plan is appropriate for a single family residential development of this type. The plan is in compliance with the requirements of Town Center Standards for Tee Pee Lane, which requires a seven-foot sidewalk with a five-foot amenity zone on both sides of the street.

- Landscape Plan

The proposed landscape plan is appropriate for a development of this type, subject to meeting the Town Center Standards along Tee Pee Lane.

- Elevation

The proposed building elevations are appropriate for a development of this type and will be similar to the structures approved in the development to the west of this site.

- Floor Plan

The proposed floor plans are appropriate for a development of this type and will be similar to the structures approved in the development to the west of this site.

FINDINGS

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

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

   The proposed development is within the range of allowable uses in the proposed R-PD6 (Residential Planned Development - 6 Units Per Acre) zoning district is compatible with existing and future single-family development land uses in the area.

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

   The proposed development is consistent with the General Plan and Title 19.

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

   The proposed site plan indicates that access to the site will be solely from Farm Road, a 80 foot wide Town Center arterial, by a gated private entry through the existing development to the west. This access will be adequate to meet the requirements of the proposed development

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

   The landscaping and materials proposed for this development will be appropriate for the single-family residential character of the area

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

MP

The proposed residential development as designed are appropriate and will be compatible the adjacent single-family residential uses in the area.

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

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

NOTICES MAILED 286 [Mailed with ZON-4981]

APPROVALS 0

PROTESTS 0

MP

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number SDR-4982 APN: 125-18-601-015

Name of Property Owner: USA

Name of Applicant: KIMBALL HILL 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: [signature]

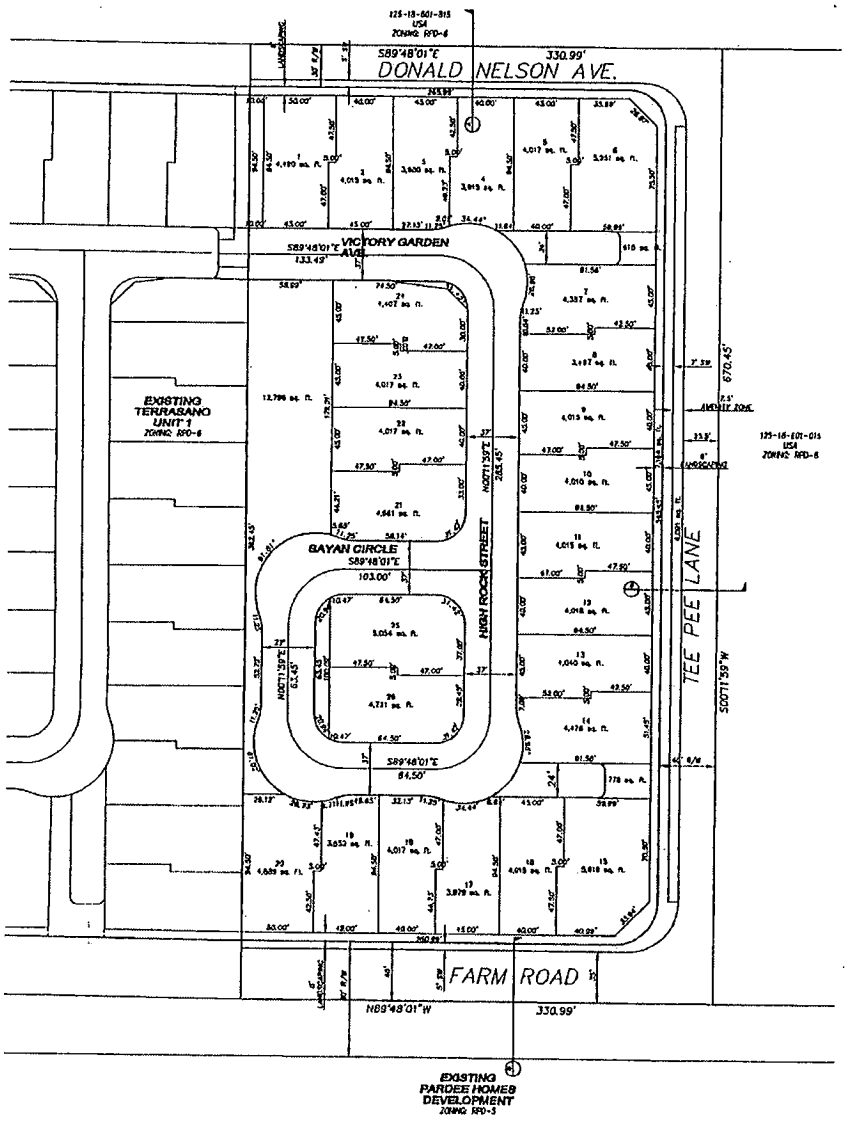
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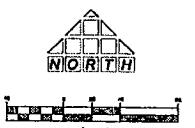
Subscribed and sworn before me

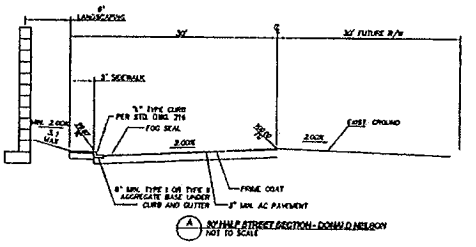
This 14th day of July, 2004

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

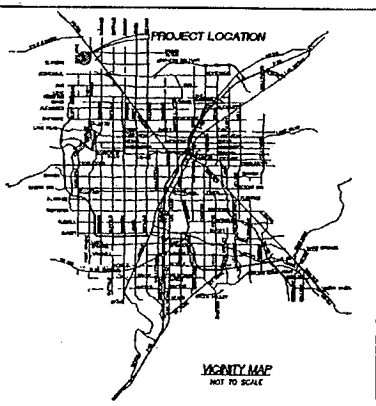
Notary Public - State of Nevada
County of Clark
DENISE WHIPPLE
My Appointment Expires
July 29, 2007
No: 03-83426-1

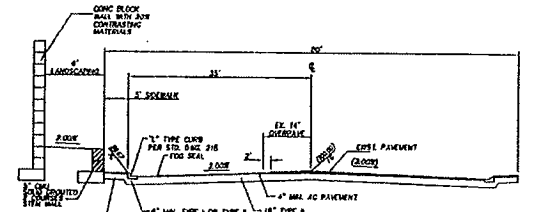




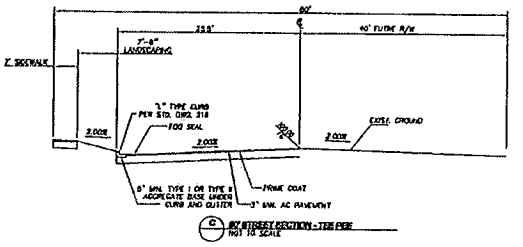


A 30' HALF STREET SECTION - DONALD NELSON
NOT TO SCALE

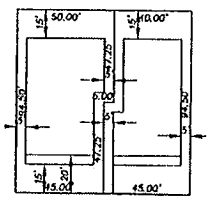




B 47' HALF STREET SECTION - FARM
NOT TO SCALE



C 60' STREET SECTION - TEE PEE
NOT TO SCALE



LOT DETAIL
NOT TO SCALE

OWNER/DEVELOPER

KIMBALL HILL HOMES
9 SUNSET WAY, SUITE 101
HENDERSON, NEVADA 89014
(702) 436-4363

SETBACK

FRONT (GARAGE)	:	18'
FRONT (HOUSE)	:	15'
SIDE	:	5'
CORNER/SIDE	:	10'
REAR	:	15'

SITE DATA

APN	125-18-601
CURRENT ZONING	TC & U
PROPOSED ZONING	TC
GROSS AREA:	5.08 AC
NUMBER OF LOTS:	26 LOTS
PROPOSED DENSITY:	5.11 D.U./A.
NUMBER OF COMMON ELEMENTS:	3
OPEN SPACE PROVIDED:	26,364 S.F.
BUILDING SQUARE FOOTAGE MAXIMUM:	2,150 S.F.
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NOTE:
ALL PRIVATE STREETS ARE PRIVATE STREETS AND PUBLIC UTILITY EASEMENTS.

BENCHMARK

CITY OF LAS VEGAS BENCHMARK - 2010-2011
BEING 9134 FT. NORTHEAST OF DEERSPRINGS, AND FORD APACHE.

ELEVATION = 806.063 METERS (NAVD88)
ELEVATION = 2647.20 FEET (NAVD88)

BASIS OF BEARING

BEARING SOUTH 00°11'40" EAST, BEING THE WEST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 29, TOWNSHIP 13 SOUTH, RANGE 60 EAST, CLARK COUNTY, NEVADA, AS SHOWN ON FILE 33, PAGE 44 SURVEYS.

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

ISSUED BY:			
CHECKED BY:			
DRAWN BY:	SCALE:		
PROJECT NO.	003-040004	1ST DATE:	2ND DATE:

P:\2003\003-040004\DRAWING MAP\DRAWING MAP.dwg 9/16/2004 10:35:48 AM PST

T THOMASON
C CONSULTING
E ENGINEERS

SEC E. PATRICK LANE & DURANGO DRIVE, SUITE 200
LAS VEGAS, NEVADA 89120
702-933-9125 FAX: 702-933-9129

KIMBALL HILL HOMES
TERRASANO III

SITE PLAN

SHEET 1 OF 1 SHEETS

Call before you Dig 1-800-227-2600

Call before you Overhead 1-702-207-2929

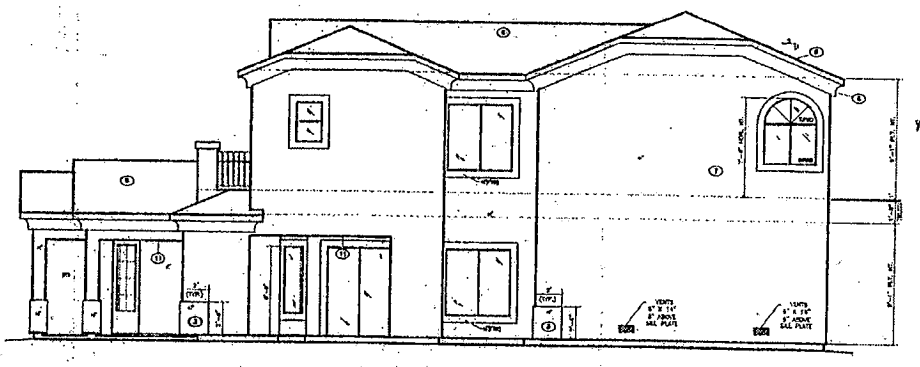
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ZON-4981
SDR-4982
9/23/04 PC

REVISED 8.26.04

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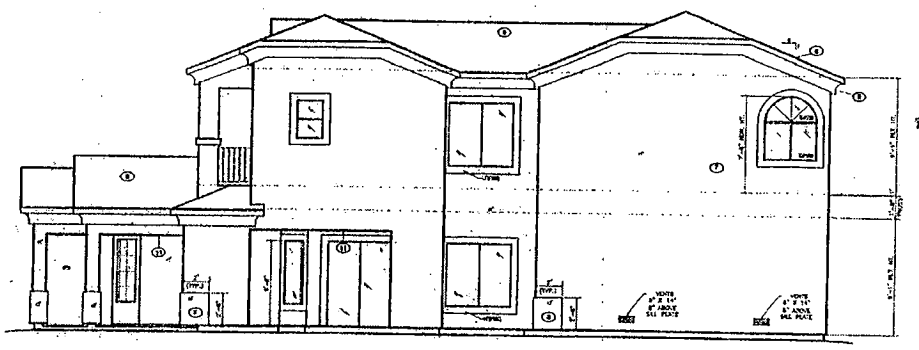
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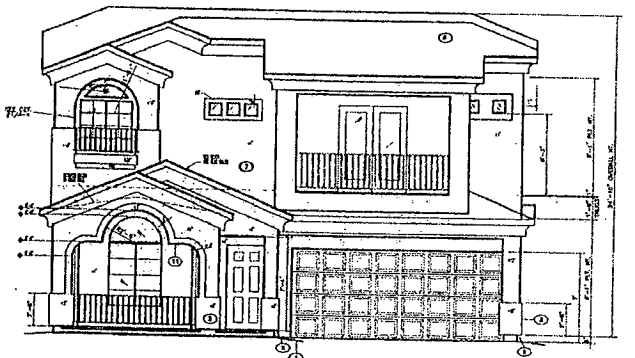
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SCALE 1/4"=1'
RIGHT ELEVATION 'A'



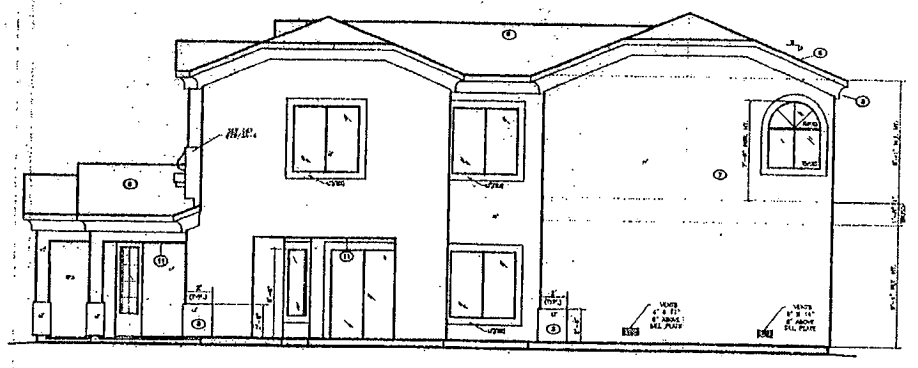
OPTIONAL 2nd MASTER W/ UNCOVERED DECK
SCALE 1/4"=1'
FRONT ELEVATION 'A'



OPTIONAL 2nd MASTER W/ COVERED DECK
SCALE 1/4"=1'
RIGHT ELEVATION 'A'



OPTIONAL 2nd MASTER W/ COVERED DECK
SCALE 1/4"=1'
FRONT ELEVATION 'A'



OPTIONAL GAMEROOM OR MEGALOFT
SCALE 1/4"=1'
RIGHT ELEVATION 'A'



OPTIONAL GAMEROOM OR MEGALOFT
SCALE 1/4"=1'
FRONT ELEVATION 'A'

GENERAL NOTES:

1. MUTCH WORK TO BE ON FRONT AND FRONT-CORNER HOUSES ONLY.
2. 7'-0" TO TOP OF ALL WINDOWS U.N.O.

KEYNOTES

1. FINISHED GRADE.
2. STUCCO OVER SCORED TYPE 'X' ABOVE GRADE NORMAL
3. [illegible]
4. SEE VENT CALCULATIONS ON ROOF PLAN.
5. STUCCO OVERSIZED FOAM FASCIA. SEE DETAILS 1/A3.1/A-5.1
6. CONCRETE ROOF TILE OVER 30# FELT – OWNER TO SELECT.
7. 1 ONLY STUCCO SYSTEM, AS MFG. BY DRYVIT OR EQUAL (SYSTO OR SENERGY SERIES).
8. QUIK ANNEXTOR PER P.M.F.P. MANUFACTURER SPECIFICATIONS.
9. CHIMNEY.
10. BOTTOM OF TRUSS.
11. STUCCO CEILING OR SOFFIT (SEE EXPANDED NOTE, LEFT).
12. STUCCO SOFFITS.

NOTE: ONLY APPROVED STUCCO MATERIALS AND METHODS WILL BE ACCEPTABLE. EXCEPT SPECIFICATIONS FOR APPROVAL

SEE 'A' ELEVATIONS SHEET A-1 FOR INFO NOT SHOWN

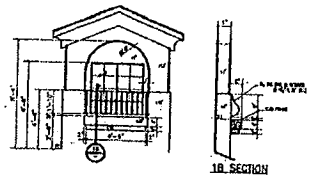
LARRY TINDALL
RESIDENTIAL DESIGNER
3531 E.RUSSELL RD. SUITE G
LAS VEGAS, NEVADA 89120
OFFICE-(702)597-5597

ROSETTA
TERRASANO
KIMBALL HILL HOMES

JOB # 0287
FILE NAME
DATE 1-9-04
SHEET NO.

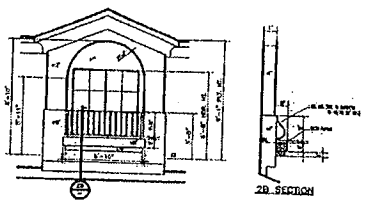
SDR-4982
9/23/04 PC

RECEIVED
AUG 10 2004



1B SECTION

1 WINDOW POPOUT
SCALE 1/4"=1' DETAIL



2B SECTION

2 WINDOW POPOUT
SCALE 1/4"=1' DETAIL

GENERAL NOTES:

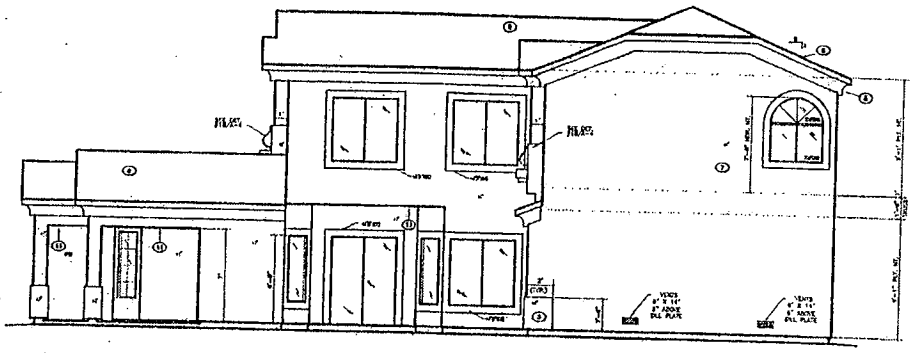
1. [illegible]
2. [illegible]

KEYNOTES

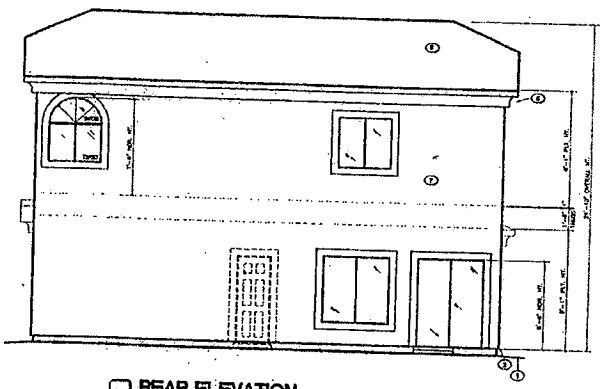
1. FINISHED GRADE.
2. STUCCO WEEP SCREED TYPE 'C' ABOVE GRADE SCREED.
3. [illegible]
4. [illegible]
5. [illegible]
6. [illegible]
7. [illegible]
8. [illegible]
9. [illegible]
10. [illegible]
11. [illegible]
12. [illegible]
13. [illegible]

NOTE: ONLY APPROVED STUCCO MATERIALS AND METHODS WILL BE ACCEPTABLE. SUBMIT SPECIFICATIONS FOR APPROVAL.

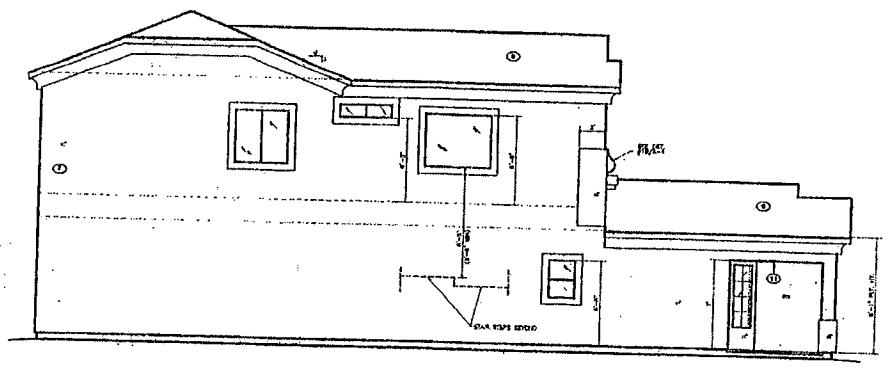
LARRY TINDALL
RESIDENTIAL DESIGNER
3531 E.RUSSELL RD. SUITE G
LAS VEGAS, NEVADA 89120
OFFICE-(702)597-5567
FAX-(702)597-5568



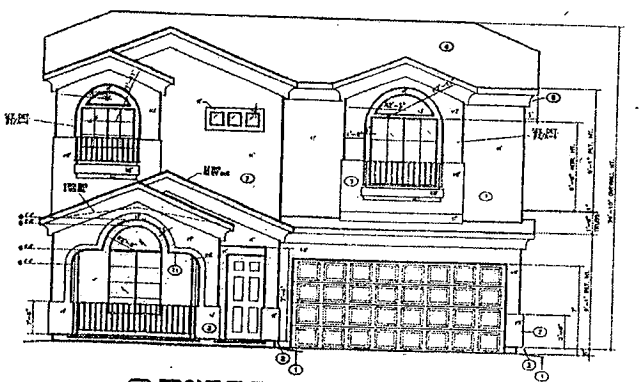
RIGHT ELEVATION 'A'
SCALE 1/4"=1'



REAR ELEVATION
SCALE 1/4"=1'



LEFT ELEVATION 'A'
SCALE 1/4"=1'



FRONT ELEVATION 'A'
SCALE 1/4"=1'

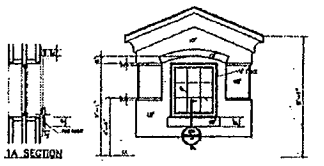
ROSETTA
TERASANO
KIMBALL HILL HOMES

BY	DATE	REVISION

JOB # 05127
PLOT DATE
DATE 1-9-0
SHEET NO.

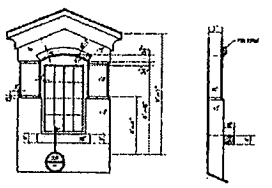
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RECEIVED
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1A SECTION

1 WINDOW POPOUT
SCALE 1/4"=1'



2B SECTION

2 WINDOW POPOUT
SCALE 1/4"=1'

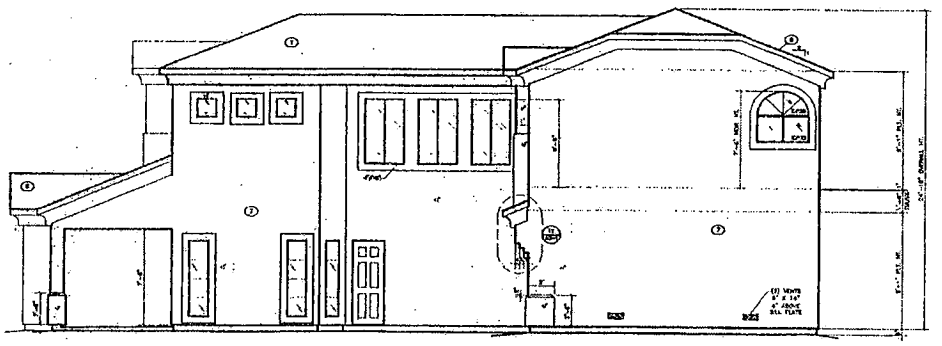
GENERAL NOTES:

1. LETTER BOXES TO BE ON FRONT AND FRONT-CORNER
2. ADDRESS SELF LED.
3. 2'-0" TO TOP OF ALL WINDOWS U.N.O.

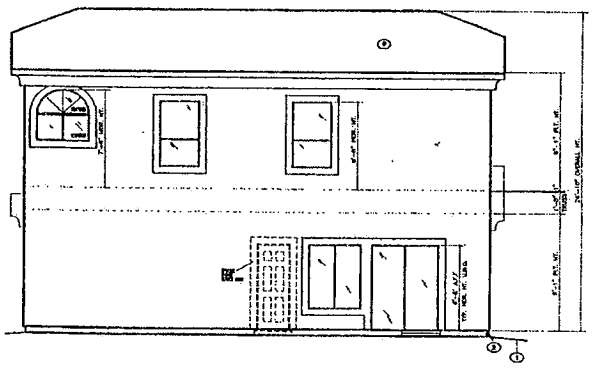
KEYNOTES

1. FINISHED GRADE.
2. STUCCO WEEP SCREED TYP. 4" ABOVE GRADE MINIMUM.
3. [illegible]
4. SEE VENT CALCULATIONS ON ROOF PLAN.
5. STUCCO CONTROL FOAM FASCIA. SEE DETAILS 1A1/11A-6.1
6. CONCRETE ROOF TILE OVER 30# FELT -- OWNER TO SELECT.
7. 1 ONLY STUCCO SYSTEM AS MFG. BY DRYVIT OR EQUAL OR APPROVED EQUAL.
8. BRACE PARAPET PER P.C.F.A. MANUFACTURER SPECIFICATIONS.
9. GUTTER.
10. BOTTOM OF TRUSS.
11. STUCCO CEILING OR SOFFIT (USE EXPANDED METAL LATH).
12. STUCCO WRAPPED.

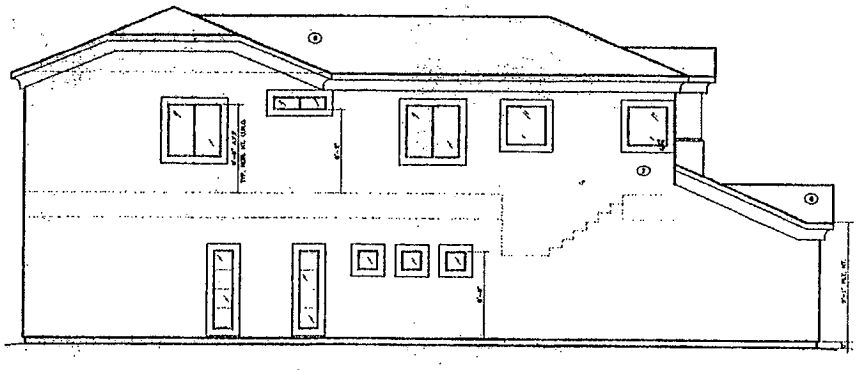
NOTE: ONLY APPROVED STUCCO MATERIALS AND MIXTURE WILL BE ACCEPTABLE. SUBMIT SPECIFICATIONS FOR APPROVAL.



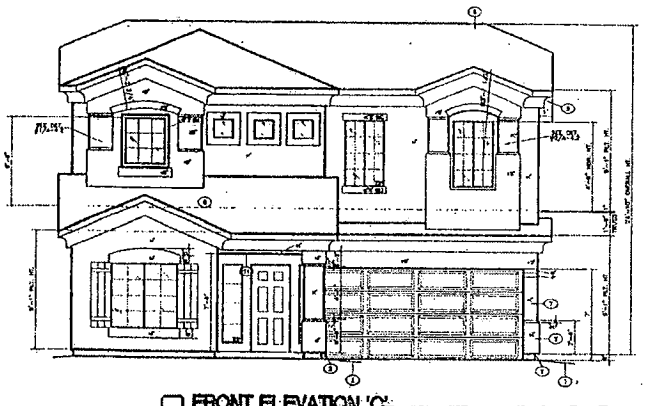
RIGHT ELEVATION 'C'
SCALE 1/4"=1'



REAR ELEVATION 'C'
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LEFT ELEVATION 'C'
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FRONT ELEVATION 'C'
SCALE 1/4"=1'

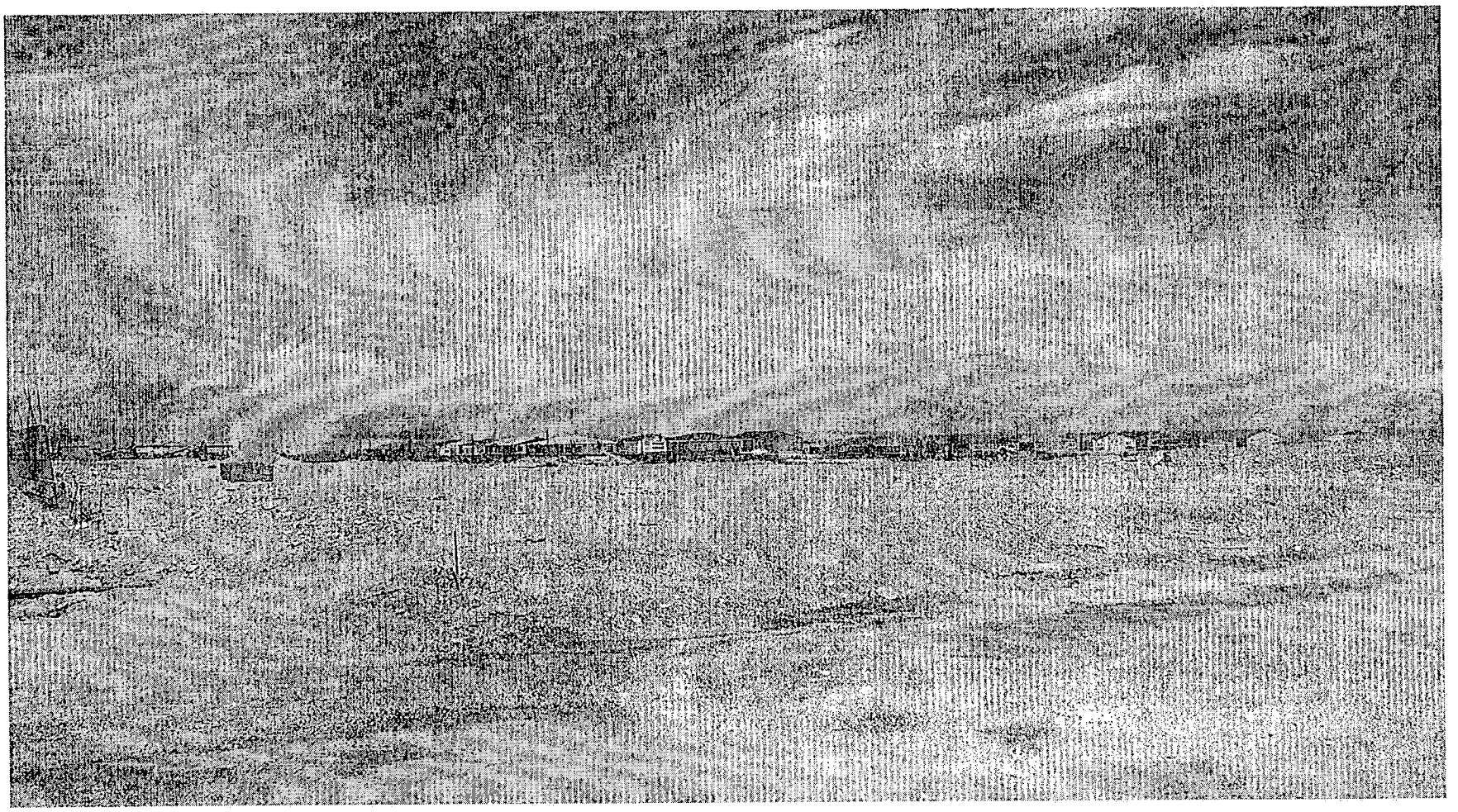
LARRY TINDALL
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LAS VEGAS, NEVADA 89120
OFFICE-(702)597-5587
FAX-(702)597-5598

MIRELLA
TERASANO
KIMBALL HILL HOMES

BY	DATE	REVISION

JOB # 0327
FILE NAME
DATE 1-0-04
SHEET NUMBER
LEVEL
A

SDR-4982
9/23/04 PC



SDR-4982 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT: KIMBALL HILL HOMES - OWNER: UNITED STATES OF AMERICA
NORTHWEST CORNER OF TEE PEE LANE AND FARM ROAD
SEPTEMBER 23, 2004 PLANNING COMMISSION

8/30/04

City of Las Vegas

Agenda Item No.: 31

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

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

SUBJECT:
ZON-4987 - REZONING - PUBLIC HEARING - APPLICANT/OWNER: LOENIDAS P. AND WANDA M. FLANGAS - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: R-D (SINGLE FAMILY RESIDENTIAL-RESTRICTED) on 3.88 acres adjacent to southeast corner of Jones Boulevard and La Madre Way (APN 125-36-401-017), Ward 6 (Mack).

C.C.: 10/20/04

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

RECOMMENDATION:
Staff recommends APPROVAL.

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

MOTION:
McSWAIN – APPROVED subject to conditions and adding the following conditions:
- **The Tentative Map shall show only five building lots along the east property line.**
- **Only single story homes may be built on the five lots along the east property line.**

– UNANIMOUS with NIGRO abstaining because he is currently in litigation with a member of the applicant's family and STEINMAN excused

To be heard by the City Council on 10/20/2004

MINUTES:
CHAIRMAN TRUESDELL declared the Public Hearing open on Item 31 [ZON-4987], Item 32 [SUP-4988] and Item 33 [WVR-4989].

KYLE WALTON, Planning and Development Department, indicated the application is consistent with the rural density, which is currently in the area and is compatible with the surrounding area. There is a church, a veterinarian and a recently approved mini storage complex

MINUTES – Continued:

in the neighborhood. This project would act as an appropriate transition between those uses and the very low density residential to the east, particularly, from the traffic on Jones Boulevard. The site plan reflects a well-designed, single family, detached product. As a straight rezoning, there are no issues regarding open space.

SCOTT RUDY, WRG Design, 3011 West Horizon Ridge Parkway, appeared on behalf of the applicant and agreed to all conditions with the exception of Condition 10 on Item 31 [ZON-4987]. MR. RUDY explained the condition requires the sanitary sewer be located at Lone Mountain Road and Leon Avenue. He said that staff requested this condition because five years ago, the previous property owner elected not to participate in the Special Improvement District (SID) in the area, specifically, the sewer. They did not want a sewer stub at this location because they were not going to develop the site immediately. The property was sold twice in 2004. The current owner would like to hook into the sewer located in Jones Boulevard which is approximately 180 feet away instead of going over 2,200 feet away to the center of Lone Mountain Road and Leon Avenue.

STEVE ROSS 5950 Rosada Way, spoke in opposition of the zoning change. He indicated that directly to the north of the proposed project there is an equine veterinary hospital. Most of the properties in the area are one-acre lots or more and the majority of those properties have horses. Many of the horse owners oppose the zoning change and they surprised staff recommended approval of the item.

JIM CLICKNER, 5925 Rosada Way, resides one block north of the proposed site He stated he opposed the zone change.

MARK DORSETT, 6051 West Verde Way, lives three houses down from the proposed project. He explained that most residents do have some type of farm animal and they do not want to have the same problems that RC Farms had when residential was allowed to move too close. He has spoken to other residents within the notification circle and they do not oppose residential; however, they would like to be able to meet with the developer and suggest keeping half-acre lots or to keep the zoning at rural so homebuyers should know they are buying horse property.

DAVID GUERRA, Public Works Department, stated that the condition MR. RUDY is referring to regarding the requirement to connect to the sewer at Lone Mountain Road and Leon Avenue is Condition 9, not Condition 10. Condition 10 pertains to a drainage study requirement that should remain in place. He stated that Condition 9 was placed because when staff looked at the site, it originally went to the north and at that time, providing sanitation to it would have been against grade and may not have been able to make grade to connect to the line in Jones Boulevard. Jones Boulevard has had an SID in the last two years and the City does not encourage installation of a brand new street only to have it torn up. MR. GUERRA pointed out

MINUTES – Continued:

that the verbiage on Condition 10 begins with the phrase "Unless allowed otherwise by the City Engineer" and that would allow for the possibility of boring and jacking into the existing line which would limit the interference to Jones Boulevard. He suggested leaving Condition 9 because there is room to work with the City Engineer.

CHAIRMAN TRUESDELL confirmed with MR. RUDY that he understood the language allowed for conversations with the City Engineer. MR. RUDY stated that his engineer previously spoke with the City Engineer and was told that the decision of the previous owner to opt out of the sewer hook-up in the SID was the cause of the condition. The applicant felt the City Engineer would not waive that requirement. CHAIRMAN TRUESDELL commented that the language was clear; there was an opening for discussion with the City Engineer. He did not feel the Planning Commission was prepared to override the City Engineer's recommendation of where the property should connect to the sewer. COMMISSIONER DAVENPORT summarized that the previous owner did not want to put in a sewer stub as part of the SID and now the current owner does not want to pay to attach to that sewer. MR. RUDY clarified that the previous owner did take part in that SID; however, they did not take part in the sewer connection portion. MR. RUDY reminded the Commission that he could not speak on behalf of the previous owner. COMMISSIONER DAVENPORT replied that the buyer should have been made aware of the stipulations and conditions associated with the property when it was purchased.

CHAIRMAN TRUESDELL acknowledged the comments of the neighbors regarding their opposition to the rezoning. He wanted to be clear that the applicant on the proposed project would have to disclose to potential buyers that area residents have animals. He stated Jones Boulevard would not be a quiet street at that intersection and the completion of the property as an infill piece is important. He would support the application but wanted everyone to know there are not a lot of waivers being approved to get the development built. DAVID CLAPSADDLE, Planning and Development Department, informed the Chairman that there is one waiver being requested that pertained to the intersection standard, all other components of the project would have to be installed according to Code. CHAIRMAN TRUESDELL commented that a waiver of that nature would still be necessary even if there were only four lot subdivisions facing both streets. In this application, there is one entrance and that offers more control than other design situations.

COMMISSIONER McSWAIN asked MR. RUDY about elevations. He replied there are no submitted elevations at this time. The product has not been specified; however, the applicant intends to meet the minimum setback for the RE zoning district. She concurred with staff on their assessment of the project and indicated she was concerned over the two properties this project would be adjacent to. She acknowledged the applicant's willingness to comply with the

MINUTES – Continued:

setback requirement but felt the block wall running the entire length to the street seemed excessive. She was curious about the homes along the back wall being single story. She confirmed with MR. RUDY that the setback to the rear is 30 feet.

COMMISSIONER EVANS asked what could be done to mitigate concerns over the two adjacent property owners. He concurred with CHAIRMAN TRUESDELL that Jones Boulevard does not have the rural character it did up until not too long ago. He noted that the staff report stated the project was in compliance with the General Plan and he agreed; however, he had a difficult time agreeing that six lots abutting two lots would be compatible, as staff had stated. DEPUTY CITY ATTORNEY BRYAN SCOTT cautioned that since there was no site plan at this time, the discussion was getting away from what was on the agenda. COMMISSIONER EVANS stated that the rezoning affects the density that is allowed at the site. DEPUTY CITY ATTORNEY SCOTT suggested holding the item until there is a site plan to review. MR. WALTON said that on a straight rezoning, a site plan is not required. ROBERT GENZER, Director, Planning and Development Department, explained to COMMISSIONER EVANS that he would see the item again when the Tentative Map was submitted. MR. GENZER indicated that a condition could be imposed stating that only single story homes could be built along the east side of the property. CHAIRMAN TRUESDELL stated he was in support of the project but would also support limiting the residential height on the east side of the street.

COMMISSIONER McSWAIN stated she would feel more comfortable supporting the application without a site plan if the applicant would reduce one of the lots along the back wall and accept a single story restriction. In most rezoning cases, there is a site plan involved and not having one made her uncomfortable.

MR. CLAPSADDLE indicated the revised verbiage for the conditions and verified with COMMISSIONER McSWAIN that she wanted two separate conditions. CHAIRMAN TRUESDELL confirmed with MR. RUDY that he understood the conditions.

(7:31 – 7:52)
2-75

CONDITIONS:

Planning and Development

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

CONDITIONS – Continued:

2. 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.

3. 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.

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

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

Public Works

6. The Special Improvement District section of the Department of Public Works must be contacted and appropriate written agreements (if necessary) must be executed by the property owner(s) of record prior to the recordation of a Final Map. The written agreements (if applicable) will allow the recalculation and/or the redistribution of all assessments of record on this site.

7. Construct half-street improvements, including appropriate overpaving, on La Madre Way and Verde Way adjacent to this site concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).

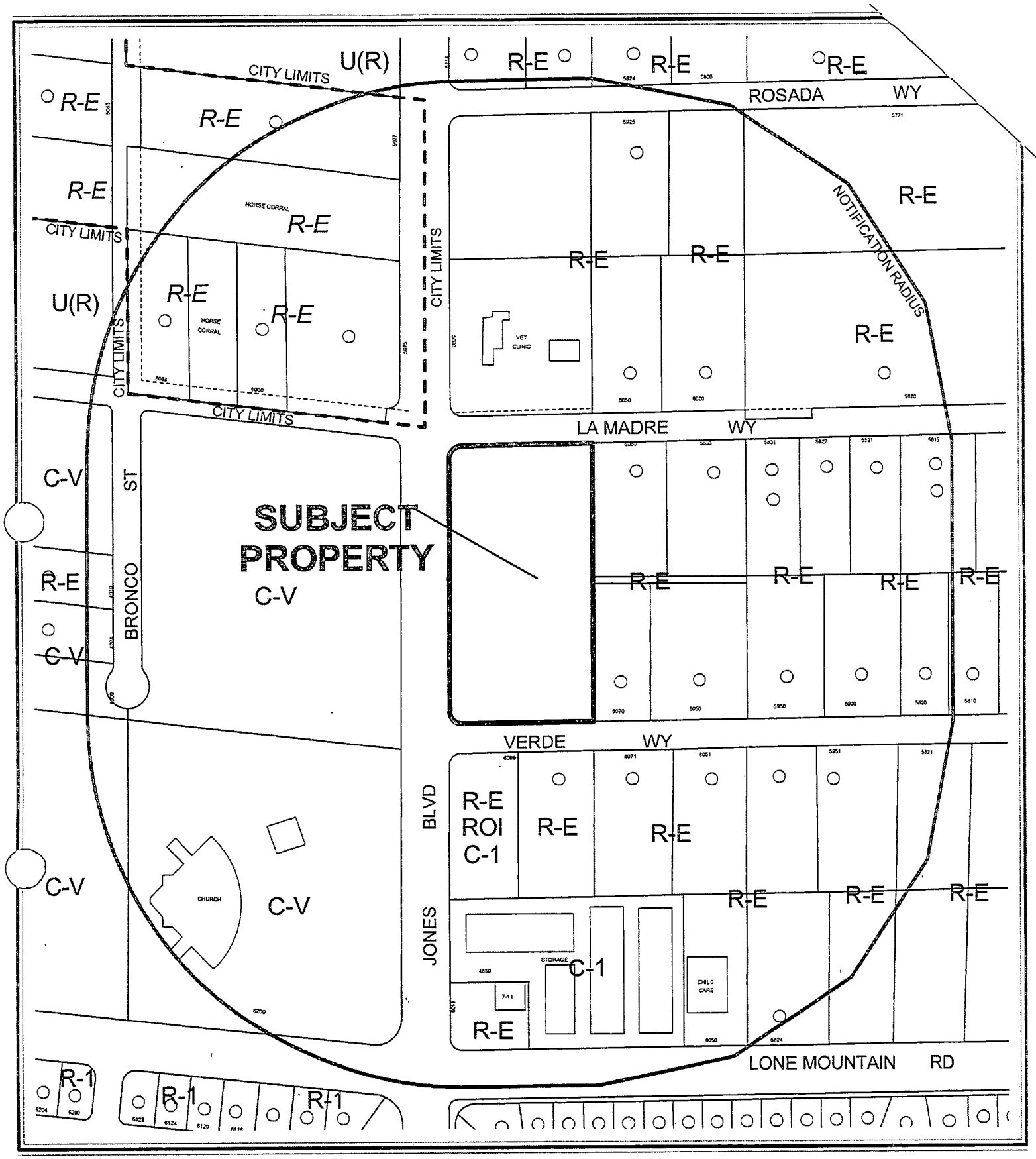
8. Remove all substandard public street improvements adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.

CONDITIONS – Continued:

9. Unless otherwise allowed by the City Engineer, extend public sanitary sewer from this site to connect with the existing sewer at the intersection of Lone Mountain Road and Leon Avenue at an alignment and depth acceptable to the Collection System Planning Section of the Department of Public Works and provide a plan for this connection prior to submittal of a Final Map for this site. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits.

10. 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.

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



0 200 400 Feet

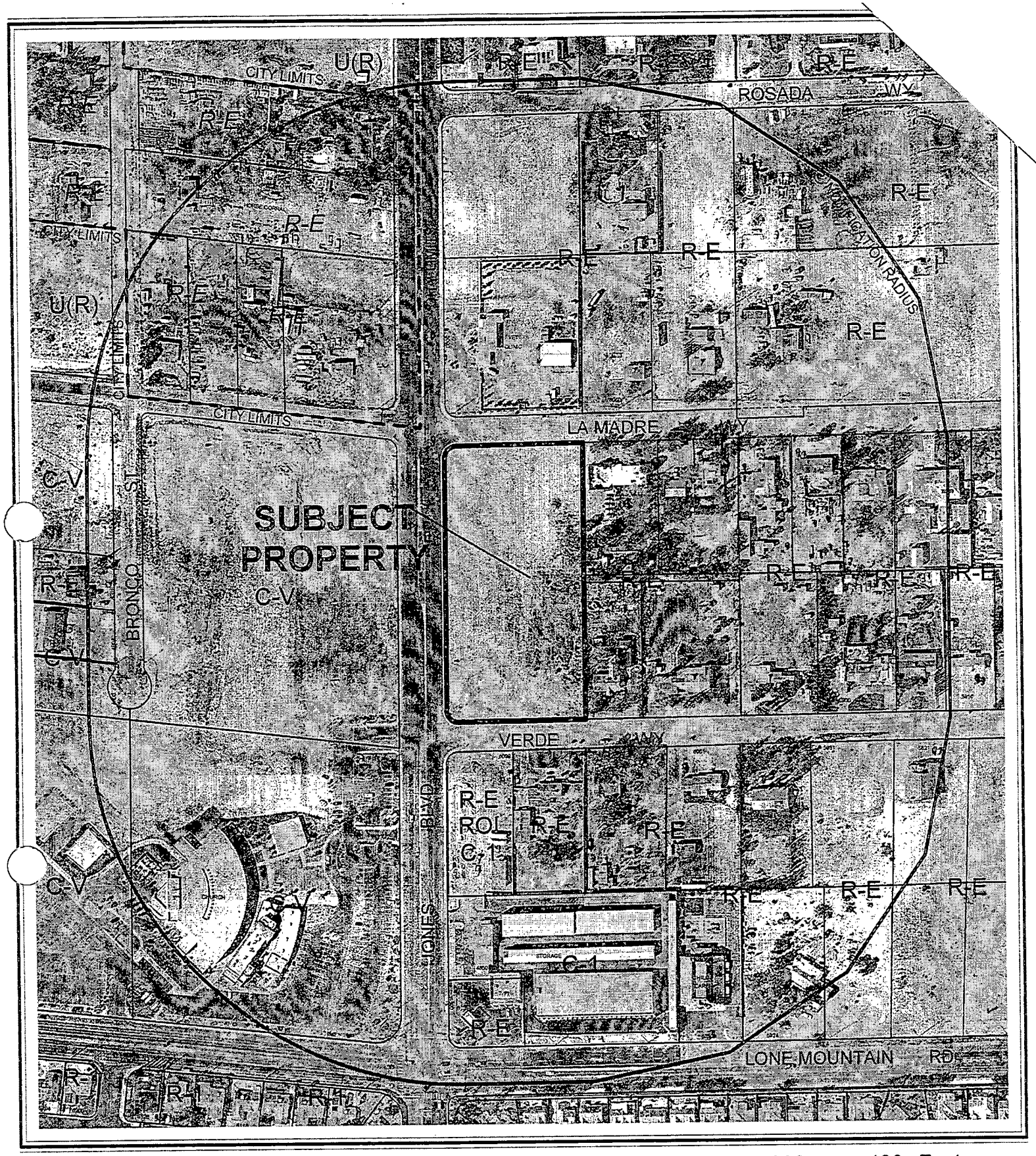
CASE: ZON-4987

RADIUS: 750 FT

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

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

N



0 200 400 Feet

CASE: ZON-4987

RADIUS: 750 FT

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

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

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 23, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ZON-4987 - REZONING - PUBLIC HEARING -
APPLICANT/OWNER: LOENIDAS P. AND WANDA M. FLANGAS

** CONDITIONS **

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

Planning and Development

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

2. 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.

3. 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.

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

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8. Remove all substandard public street improvements adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.

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

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

The applicant is requesting approval of a Rezoning (ZON-4987) application for the reclassification of property from R-E (Residence Estates) to R-D (Single Family Residential-Restricted) on 3.88 acres adjacent to the east side of Jones Boulevard, between La Madre Way and Verde Way. This application is related to Special Use Permit application (SUP-4988) and Waiver application (WVR-4989), which will be heard concurrently.

B) Applicant's Justification

The applicant justifies the request by stating that the proposal conforms to the General Plan, the use will be compatible with the surrounding area, the site will have adequate access to meet the requirements of the proposed zoning district, and that growth and development factor in the community indicate the need for and the appropriateness of the rezoning.

BACKGROUND INFORMATION

A) Previous Actions

1964	This property was annexed into the City of Las Vegas (A-63-64).
09/23/04	The Planning Commission will hear the related Special Use Permit (SUP-4988) and Title 18 waiver (WVR-4989) as part of this agenda.

B) Pre-Application Meeting

07/30/04 A pre-application was held resulting in the following comments:

1. The proposed R-D (Single Family Residential-Restricted) zoning district conforms to the R (Rural) General Plan designation.
2. The minimum lot size and lot width are 11,000 SF and 90 feet, respectively.
3. Minimum lot width on a cul-de-sac is 30 feet.
4. The site requires a 220-foot separation between intersections or a waiver of Title 18 will be required.
5. The site's Dwelling Units per Acre (DUA) is 3.35, which is conformance with the R (Rural Density Residential) General Plan designation.
6. A Special Use Permit will be required for private streets.
7. Submittal requirements were discussed.

PL

C) Neighborhood Meetings

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

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 3.88

B) Existing Land Use

Subject Property:	Undeveloped
North:	Veterinarian Clinic
South:	Proposed Recreational Vehicle & Boat Storage; Residential Dwelling
East:	Residential Dwellings
West:	Undeveloped

C) Planned Land Use

Subject Property:	R (Rural Density Residential)
North:	R (Rural Density Residential)
South:	SC (Service Commercial)
East:	R (Rural Density Residential)
West:	PF (Public Facility)

D) Existing Zoning

Subject Property:	R-E (Residence Estates)
North:	R-E (Residence Estates)
South:	R-E (Residence Estates); R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial)
East:	R-E (Residence Estates)
West:	C-V (Civic)

E) General Plan Compliance

The subject parcel is designated R (Rural Density Residential) within the Centennial Hills Interlocal Land Use Plan Map as part of the City of Las Vegas General Plan. The requested R-D (Single Family Residential-Restricted) zoning is in conformance with the General Plan.

PL

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

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

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	11,000 SF	11,111 to 13,635 SF	Y
Min. Lot Width	90 Feet	30 to 100.02 Feet	Y
Min. Setbacks			
• Front	25 Feet	25	Y
• Side	10 Feet	10	Y
• Corner	15 Feet	Not Provided	
• Rear	30 Feet	30	Y
Max. Lot Coverage	NA		NA

No typical corner side setback was included on the site plan; therefore no determination can be made as to whether or not it will be in compliance.

B) General Analysis and Discussion

This rezoning application is consistent with the R (Rural Density Residential) General Plan designation for the site. The proposed development will result in the construction of 12 lots on 3.88 acres, for a density of 3.09 dwelling units per acre. A 39-foot wide, private street will be provided with access off Verde Way. Jones Boulevard runs along the western property line of this parcel and will have a six-foot landscape strip extending the full length. Nine of the lots are proposed to be in the 11,000 square foot size range, with the largest being 11,765 square feet and the smallest being 11,111 square feet. The remaining three lots are proposed to be in the 12,000 to 13,000 square foot range, with the largest being 13,635 square feet and the smallest being 12,103 square feet.

The site is bordered by two approximately one acre residential properties to the east. Each one of the two bordering properties would have three residences abutting their side yards. To the north is an animal clinic/hospital on the opposite side of La Madre Way. To the south resides the proposed location of a recreational vehicle & boat storage facility, as well as one single-family residence.

FINDINGS

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

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

   The proposed Rezoning from R-E (Residence Estates) to R-D (Single Family Residential-Restricted) conforms to the R (Rural Density Residential) General Plan designation.

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

   The proposed 12 lot single-family residential subdivision is compatible with the surrounding area, which is composed of single-family housing, public facilities, as well as commercial property, by means of creating a transitional buffer between intense development and the half-acre or more residential properties.

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

   The need for a transitional buffer has recently increased due to the approval of commercial zoning to the south and the eventual development of the church facilities to the west of the proposed site.

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

The proposed site will have access off of Verde Way, a residential right-of-way, which is fed by Jones Boulevard, a 100 foot Primary Arterial as designated by the Master Plan of Streets and Highways. These streets contain sufficient capacity to serve future residential development of the site.

NOTICES MAILED 44 [Mailed with SUP-4988 & WVR-4989]

APPROVALS 0

PROTESTS 1

PL

RECEIVED
SEP 09 2004

ZON-4987
SUP-4988
WVR-4989
9/23/04 P

REVISED
9.14.04

SITE PLAN
VERDE ACRES
VEGAS HEIGHTS DEVELOPMENT
LAS VEGAS, NEVADA

SHEET
TITLE

DESIGN INC

ZONING
CURRENT: R-E
PROPOSED: R-D

DENSITY
13 UNITS
3.56 ACRES
3.69 UNITS/ACRE

SETBACK REGULATIONS
SETBACK REGULATIONS TAKEN FROM CITY OF LAS VEGAS DEVELOPMENT CODE TITLE 19.06

MINIMUM SETBACKS	RD
FRONT	25'
EXTERIOR SIDE	15'
CORNER LOT	15'
REAR	30'
MAXIMUM HEIGHT	2 STORIES/35 FEET

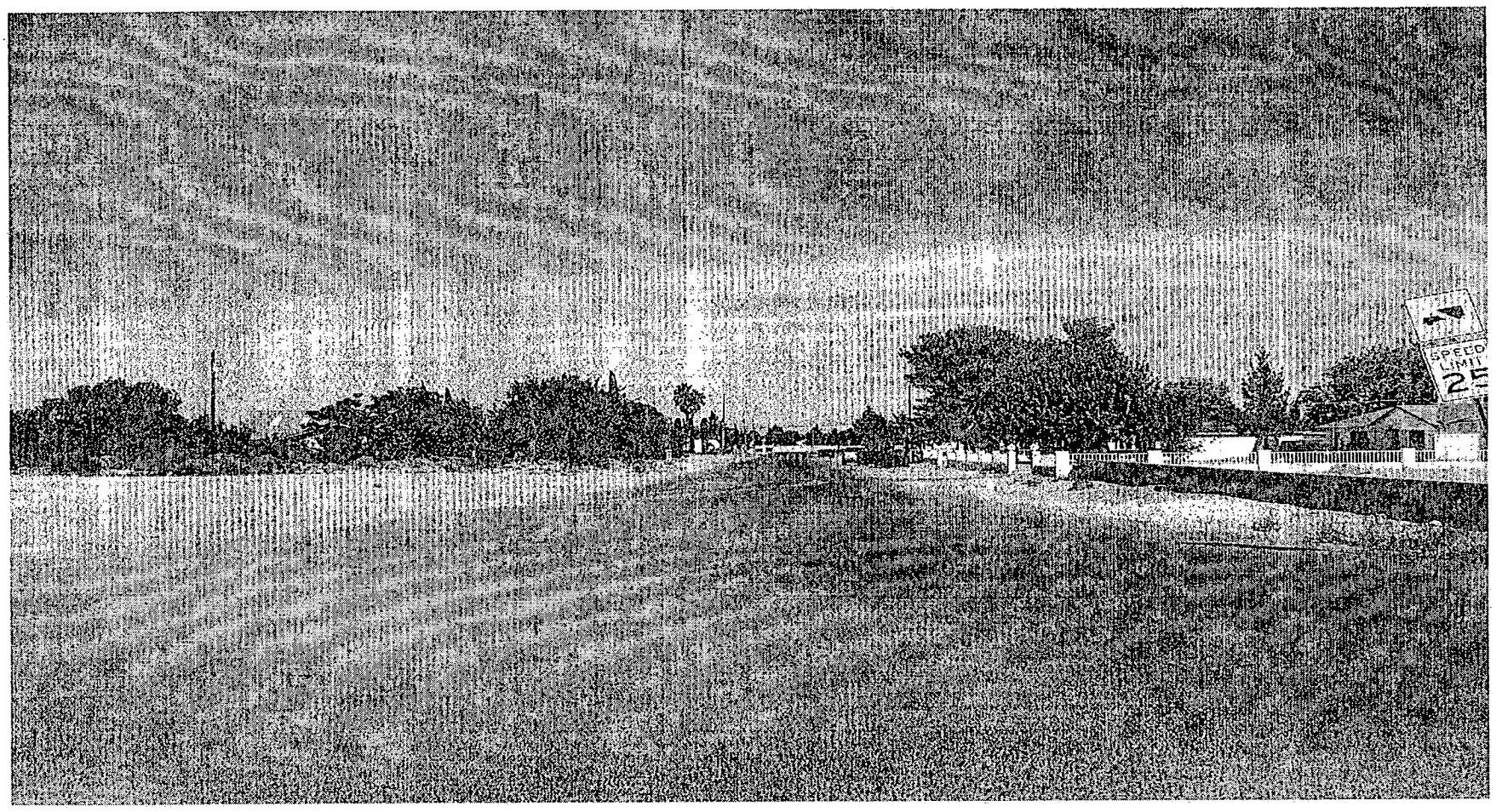
VERDE WAY
60.00' ROW

LA MADRE WAY
60.00' ROW

VENTANA DRIVE
PRIVATE STREET

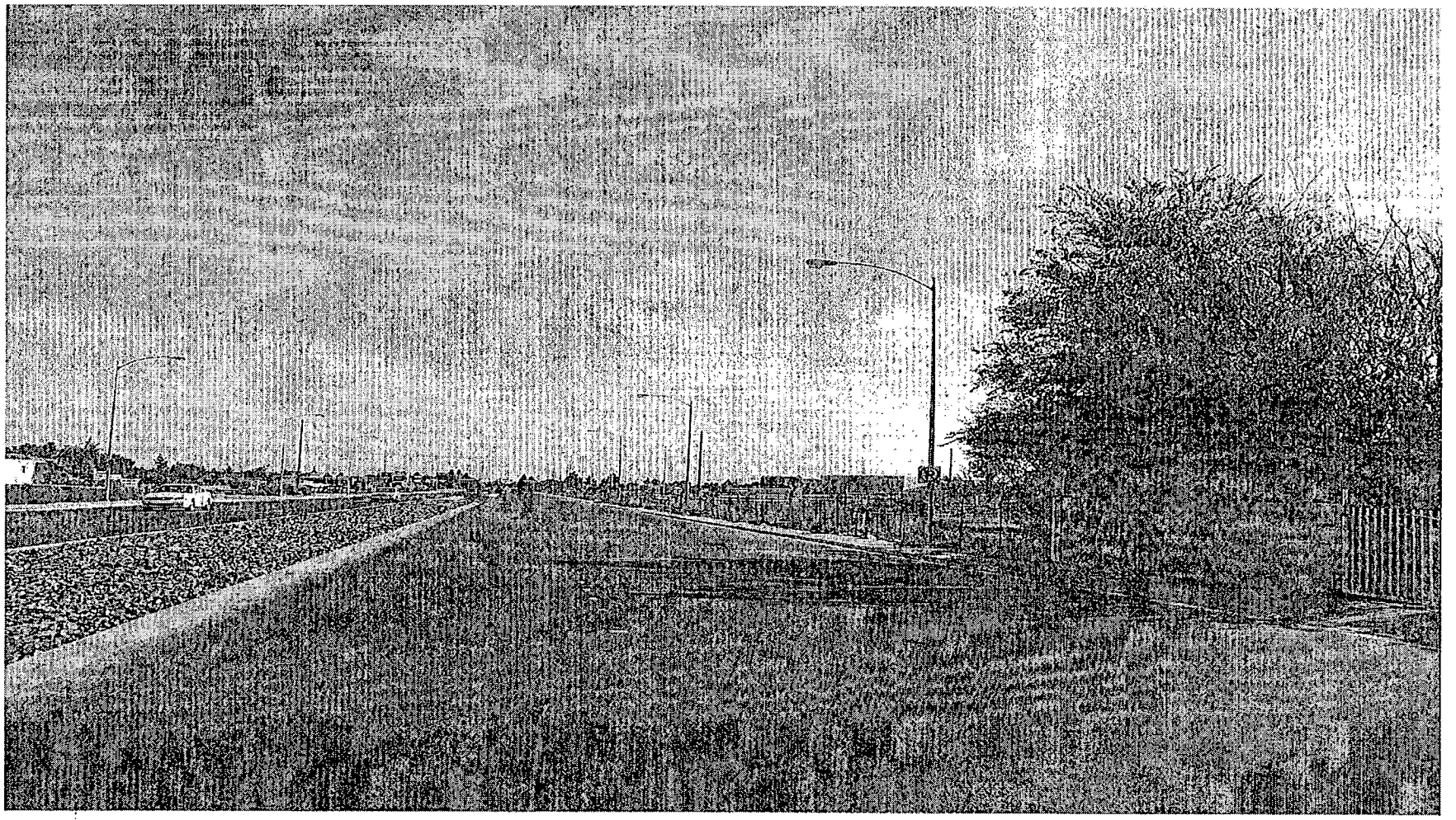
JONES BOULEVARD

LOT 7 12,103 SF
LOT 6 11,768 SF
LOT 8 11,569 SF
LOT 5 11,534 SF
LOT 9 11,555 SF
LOT 4 11,534 SF
LOT 3 11,534 SF
LOT 10 11,578 SF
LOT 11 11,111 SF
LOT 2 11,193 SF
LOT 12 13,636 SF
LOT 1 14,288 SF



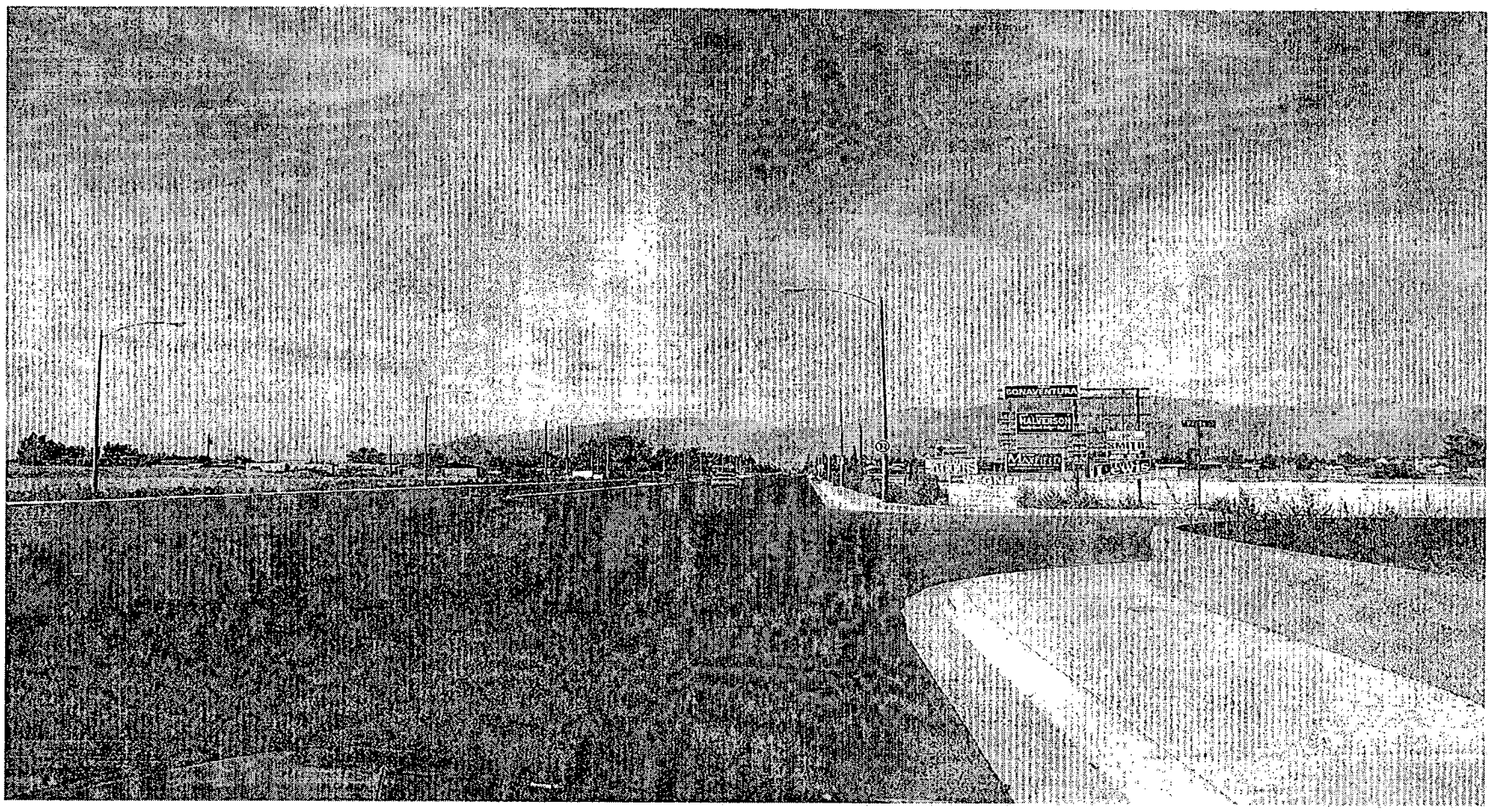
ZON-4987 - REZONING - PUBLIC HEARING - APPLICANT/OWNER: LOENIDAS P. AND WANDA M. FLANGAS
SOUTHEAST CORNER OF JONES BOULEVARD AND LA MADRE WAY
SEPTEMBER 23, 2004 PLANNING COMMISSION

8/20/04



ZON-4987 - REZONING - PUBLIC HEARING - APPLICANT/OWNER: LOENIDAS P. AND WANDA M. FLANGAS
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ZON-4987 - REZONING - PUBLIC HEARING - APPLICANT/OWNER: LOENIDAS P. AND WANDA M. FLANGAS
SOUTHEAST CORNER OF JONES BOULEVARD AND LA MADRE WAY
SEPTEMBER 23, 2004 PLANNING COMMISSION

8/20/04

September 12, 2004

Planning Commission
731 S. Fourth Street
Las Vegas, NV 89101

Re: Public Hearing #SUP-4988
#ZON-4987
#WVR-4989

This is to inform you that my husband and I are both against the proposed changes. This area is slowly changing from resident estates to commercial and now this request is for higher density housing. More profit for them, decreased quality of life for us.

We hate to see these changes that increase traffic congestion on a road that we – not the city- had to pay for. The higher density means more potential for problems. We never used to see the police helicopter above and now we see it frequently.

Let the Flangas' make money building the same type of housing that is already here – resident estates.

We are skeptical that the peoples' voice matters any more, but we wanted to express our disapproval. Many others – if not all – of the residents on this street – Verde Way – oppose this move but you know they will not write or complain.

Please consider turning this request down based on the decreased quality of life we on this street will have to endure.

Paula K. Leo

Paula K. Leo

Daniel A. Leo

Daniel A. Leo
5951 Verde Way
Las Vegas, NV 89130
645-2432

City of Las Vegas

Agenda Item No.: 32

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

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

SUBJECT:
SUP-4988 - SPECIAL USE PERMIT RELATED TO ZON-4987 - PUBLIC HEARING - APPLICANT/OWNER: LOENIDAS P. AND WANDA M. FLANGAS - Request for a Special Use Permit FOR PRIVATE STREETS IN A PROPOSED 13 LOT SINGLE FAMILY DEVELOPMENT adjacent to the southeast corner of Jones Boulevard and La Madre Way (APN 125-36-401-017), R-E (Residence Estates) Zone [PROPOSED: R-D (Single Family Residential-Restricted)], Ward 6 (Mack).

IF APPROVED: C.C.: 10/20/04
IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

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

RECOMMENDATION:
Staff recommends APPROVAL.

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

MOTION:
McSWAIN – APPROVED subject to conditions – UNANIMOUS with NIGRO abstaining because he is currently in litigation with a member of the applicant's family and STEINMAN excused

To be heard by the City Council on 10/20/2004

MINUTES:
See Item 31 [ZON-4987] for all discussion related on Item 31 [ZON-4987], Item 32 [SUP-4988] and Item 33 [WVR-4989].

(7:31 – 7:52)

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 32 – SUP-4988

CONDITIONS:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-4987) and Special Use Permit (SUP-4988).

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

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

Public Works

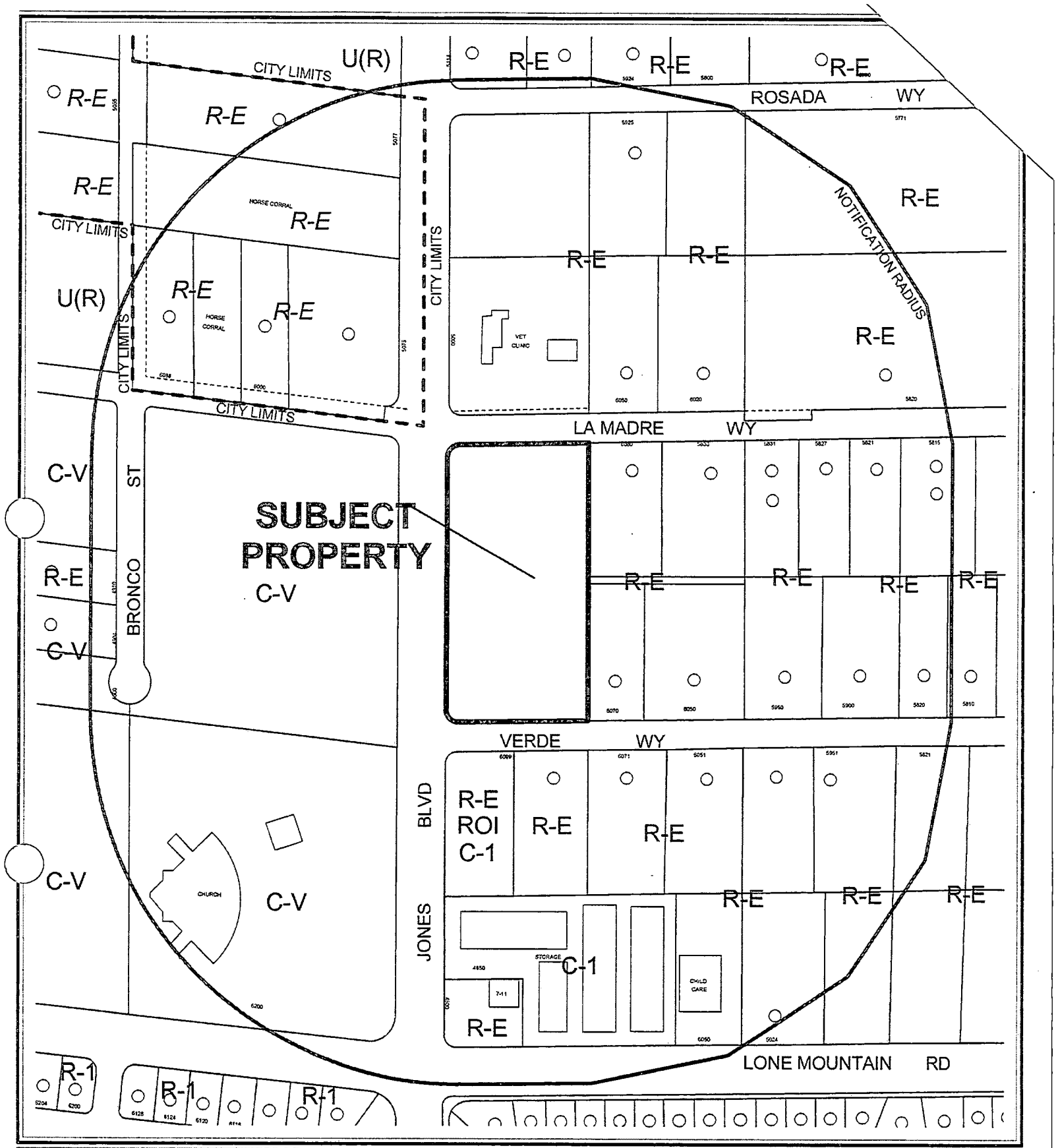
4. Gated entry drives, if proposed, shall be designed, located and constructed in accordance with Standard Drawing #222A.

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

6. Private streets shall be public utility easements (P.U.E.), City of Las Vegas sewer easements and public drainage easements to be privately maintained by the Homeowner's Association.

7. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.

8. Site development to comply with all applicable conditions of approval for ZON-4987 and all other subsequent site-related actions.



0 200 400 Feet

CASE: **SUP-4988**

RADIUS: 750 FT

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

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

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 23, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-4988 - SPECIAL USE PERMIT - PUBLIC HEARING -
APPLICANT/OWNER: LOENIDAS P. AND WANDA M. FLANGAS

** CONDITIONS **

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

Planning and Development

1. Conformance to all Minimum Requirements of Title 19.04.050 for the Private Streets use.

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

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

Public Works

4. Gated entry drives, if proposed, shall be designed, located and constructed in accordance with Standard Drawing #222A.

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

6. Private streets shall be public utility easements (P.U.E.), City of Las Vegas sewer easements and public drainage easements to be privately maintained by the Homeowner's Association.

7. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.

8. Site development to comply with all applicable conditions of approval for ZON-4987 and all other subsequent site-related actions.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

The applicant is requesting the approval of a Special Use Permit for private streets in a proposed 12 lot single-family development adjacent to the southeast corner of Jones Boulevard and La Madre Way.

B) Applicant's Justification

There is no justification for the use of private streets other than site accessibility.

BACKGROUND INFORMATION

A) Previous Actions

1964 — This property was annexed into the City of Las Vegas (A-63-64).

09/23/04 — This application will be heard concurrently with the related Rezoning application (ZON-4987) and Waiver application (WVR-4989).

B) Pre-Application Meeting

07/30/04 — A pre-application was held resulting in the following comments:

1. The proposed R-D (Single Family Residential-Restricted) zoning district conforms to the R (Rural) General Plan designation.
2. The minimum lot size and lot width are 11,000 SF and 90 feet, respectively.
3. Minimum lot width on a cul-de-sac is 30 feet.
4. The site requires a 220-foot separation between intersections or a waiver of Title 18 will be required.
5. The site's Dwelling Units per Acre (DUA) is 3.35, which is conformance with the R (Rural Density Residential) General Plan designation.
6. A Special Use Permit will be required for private streets.
7. Submittal requirements were discussed.

C) Neighborhood Meetings

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

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 3.88

B) Existing Land Use

Subject Property:	Undeveloped
North:	Veterinarian Clinic
South:	Proposed Recreational Vehicle & Boat Storage; Residential Dwelling
East:	Residential Dwellings
West:	Undeveloped

C) Planned Land Use

Subject Property:	R (Rural Density Residential)
North:	R (Rural Density Residential)
South:	SC (Service Commercial)
East:	R (Rural Density Residential)
West:	PF (Public Facility)

D) Existing Zoning

Subject Property:	R-E (Residence Estates)
North:	R-E (Residence Estates)
South:	R-E (Residence Estates) R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial)
East:	R-E (Residence Estates)
West:	C-V (Civic)

E) General Plan Compliance

The subject parcel is designated R (Rural Density Residential) within the Centennial Hills Interlocal Land Use Plan Map as part of the City of Las Vegas General Plan. The requested R-D (Single Family Residential-Restricted) zoning is in conformance with the General Plan.

PL

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

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

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'

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

1) No Comments Received.

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

ANALYSIS

A) General Analysis and Discussion

- Zoning

The proposed 12-lot residential development with private streets is a permitted use with the approval of this Special Use Permit application and the proposed rezoning to R-D (Single Family Residential - Restricted) zoning district (ZON-4987).

- Use

The proposed 39-foot private street is intended to serve a 12 lot residential community.

- Conditions

Title 19.04.050 lists several base conditions, which are required for the approval of a Special Use Permit for Private Streets. The following is a list of the base conditions; requirements indicated by an asterisk may not be waived:

1. Unless otherwise approved, every private street shall conform to the same design and construction standards required for public streets.

2. The Planning Commission may deny the creation of any other private street if, in the Commission's judgment, the private street would have any of the following effects:

   a. Negatively affect traffic circulation on public streets;
   b. Impair access to property either on-site of off-site to the subdivision;
   c. Impair access to or from public facilities including schools, parks and libraries; or
   d. Delay the response time of emergency vehicles.

*3. A property owners' association is mandatory for subdivisions developed with private streets. The association is responsible for the maintenance of private streets.

*4. Private streets shall be constructed on property separately owned by a property owners' association.

5. The entrances to all private streets must be marked with a sign stating that it is a private street. The subdivision must ensure access to the subdivision by the City or emergency services.

6. All restricted access entrances must be designed with sufficient turn-around space.

*7. All legal subdivision documentation shall note that certain City services will not be provided on private streets.

The proposal meets these base conditions of approval.

PL

FINDINGS

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

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

   The proposed private street will not negatively affect the public streets or access to the subdivision. In addition, the private street will not impair access to or from public facilities nor delay the response time of emergency vehicles.

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

   The subject site is suitable for the proposed 39-foot wide private street.

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

   The applicant is proposing a 39-foot wide private street. Ingress and egress by the proposed private street would be to/ from Verde Way, a 60-foot wide local collector street, which provides adequate access to the site.

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

   The proposed private street would be subject to inspections for compliance to Title 18 (Subdivision Ordinance) requirements and to City design standards, and therefore, it would not compromise the public health, safety and welfare or the overall objectives of the General Plan.

NOTICES MAILED 44 [Mailed with ZON-4987 & WVR-4989]

APPROVALS 0

PROTESTS 1

PL

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-4988 APN: 125-36-401

Name of Property Owner: Leo Flangas

Name of Applicant: LEO FLANGAS

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: Leo Flangas

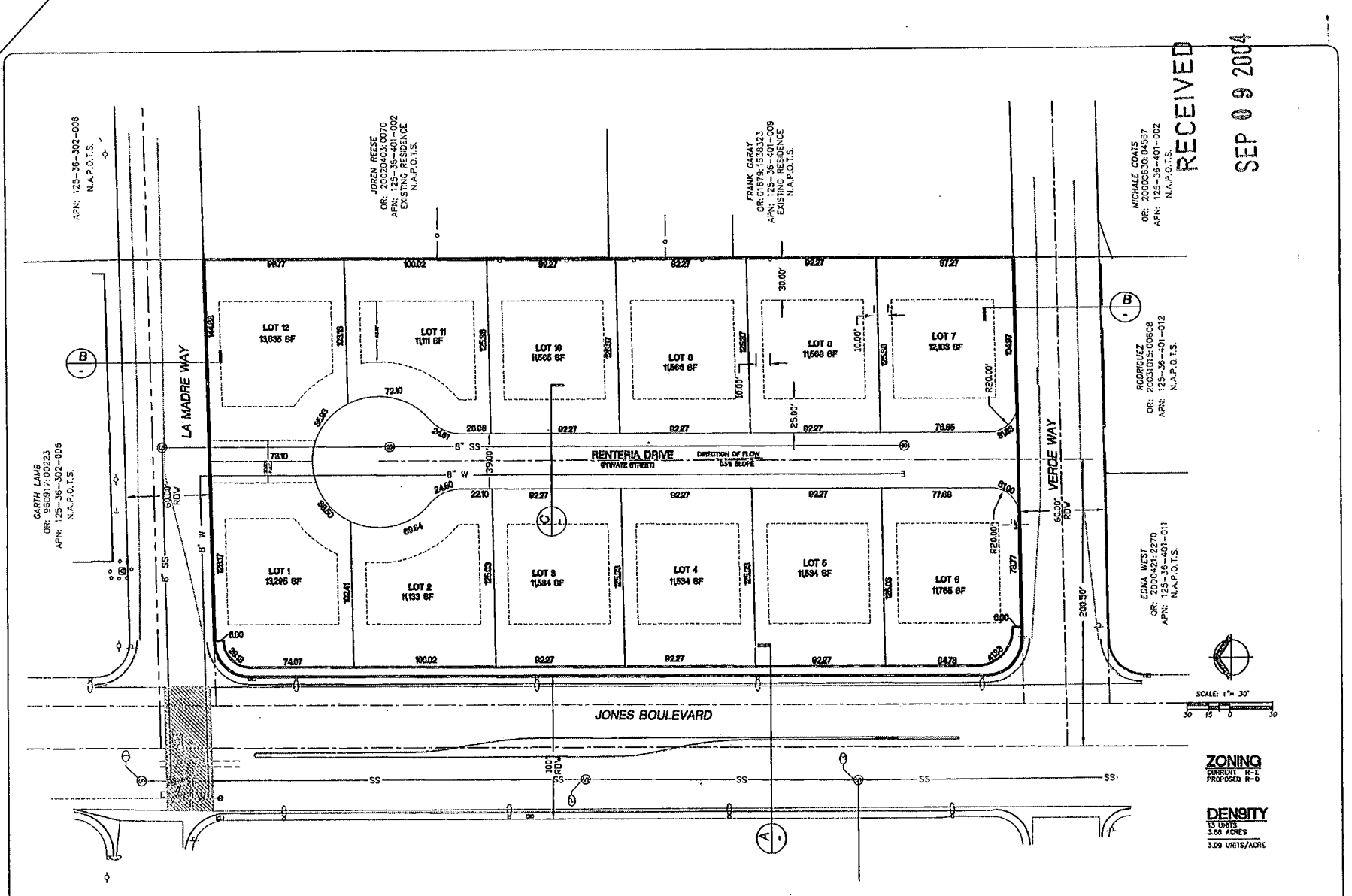
Subscribed and sworn before me

This 9 day of August, 2004

_____

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
AMY JOENS
My Appointment Expires Dec. 21, 2005



RECEIVED
SEP 09 2004

ZONING
CURRENT R-E
PROPOSED R-D

DENSITY
13 UNITS
3.68 ACRES
3.09 UNITS/ACRE

SETBACK REGULATIONS:
SETBACK RESTRICTIONS TAKEN FROM CITY OF LAS VEGAS DEVELOPMENT CODE, TITLE 19.06

MINIMUM SETBACKS	RD
FRONT	25'
INTERIOR SIDE	10'
CORNER LOT	15'
REAR	30'
MAXIMUM HEIGHT	2 STORIES/35 FEET

DESIGN INC.
331 W. HORIZON RIDGE PKWY, HENDERSON, NEVADA 89052
TEL: 702.990.8300 FAX: 702.990.8305
PLANNING • ENGINEERING • LANDSCAPE ARCHITECTURE • SURVEYING

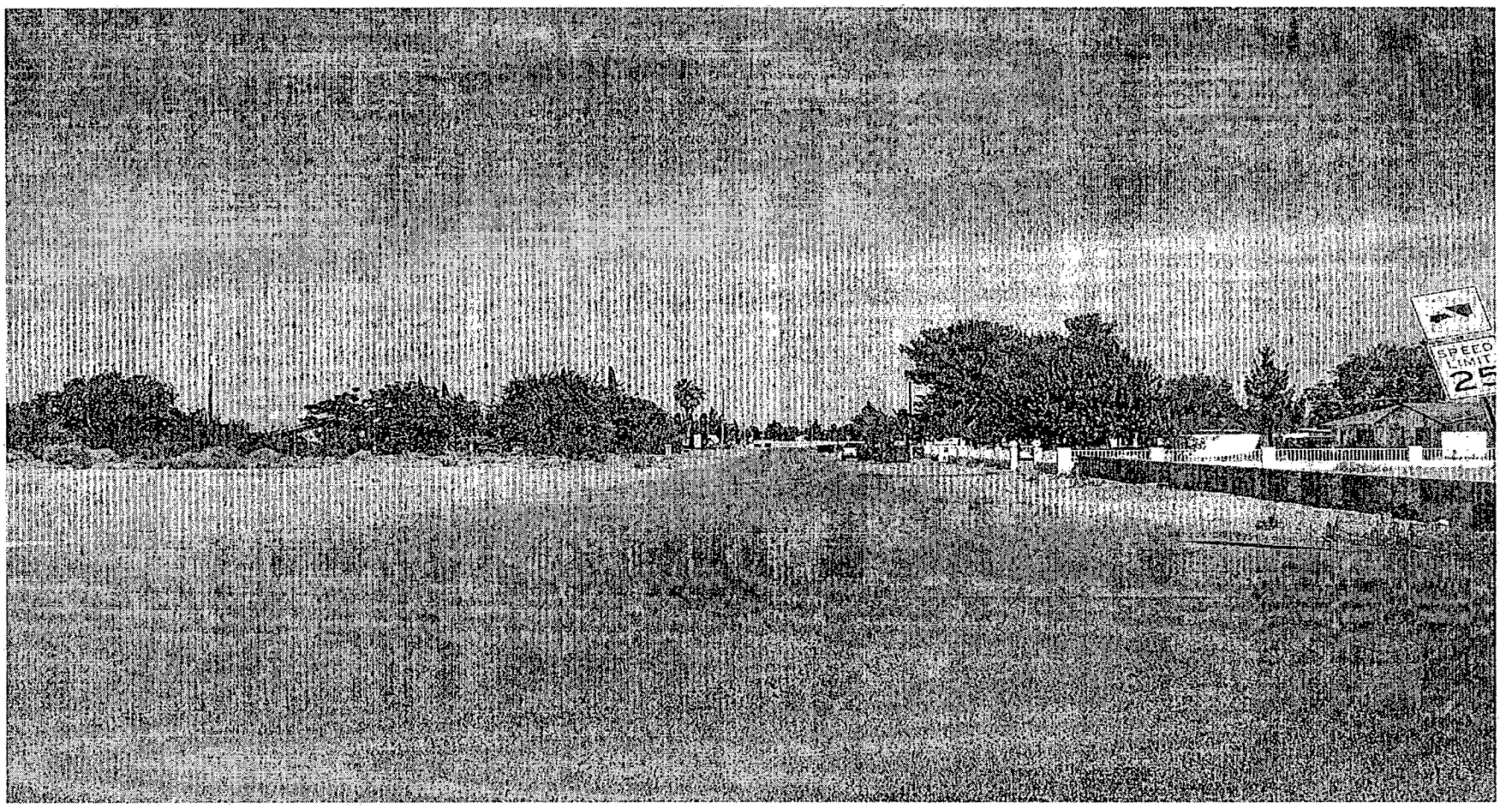
SITE PLAN
VERDE ACRES
VEGAS HEIGHTS DEVELOPMENT
LAS VEGAS, NEVADA

PROJECT NO: VEG0401.00
DATE: 03.09.04
DESIGNED BY: JCK
DRAWN BY: JCK
CHECKED BY: BWJ

SHEET TITLE
SITE

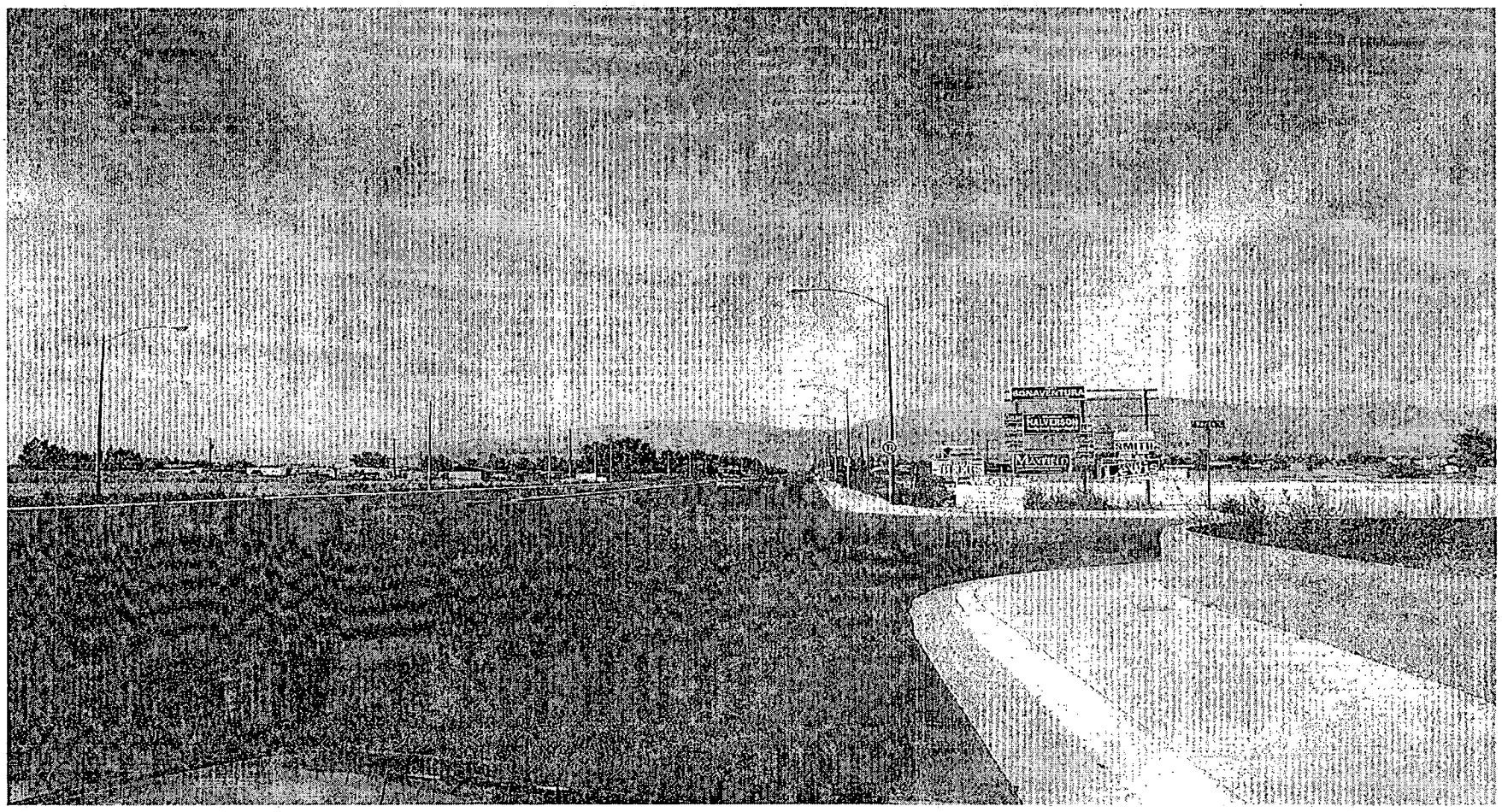
REVISED
9.14.04

ZON-4987
SUP-4988
WVR-4989
9/23/04 PC



SUP-4988 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/OWNER: LOENIDAS P. AND WANDA M. FLANGAS
SOUTHEAST CORNER OF JONES BOULEVARD AND LA MADRE WAY
SEPTEMBER 23, 2004 PLANNING COMMISSION

8/20/04



SUP-4988 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/OWNER: LOENIDAS P. AND WANDA M. FLANGAS
SOUTHEAST CORNER OF JONES BOULEVARD AND LA MADRE WAY
SEPTEMBER 23, 2004 PLANNING COMMISSION

8/20/04

September 12, 2004

Planning Commission
731 S. Fourth Street
Las Vegas, NV 89101

Re: Public Hearing #SUP-4988
#ZON-4987
#WVR-4989

This is to inform you that my husband and I are both against the proposed changes. This area is slowly changing from resident estates to commercial and now this request is for higher density housing. More profit for them, decreased quality of life for us.

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Paula K. Leo

Paula K. Leo

Daniel A. Leo

Daniel A. Leo
5951 Verde Way
Las Vegas, NV 89130
645-2432

City of Las Vegas

Agenda Item No.: 33

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

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

SUBJECT:
WVR-4989 - WAIVER RELATED TO ZON-4987 AND SUP-4988 - PUBLIC HEARING - APPLICANT/OWNER: LOENIDAS P. AND WANDA M. FLANGAS - Request for a Waiver of Title 18.12.160 TO ALLOW APPROXIMATLEY 200 FEET BETWEEN STREET INTERSECTIONS WHERE 220 FEET IS MINIMUM DISTANCE REQUIRED FOR A PROPOSED 13 LOT SINGLE FAMILY DEVELOPMENT on 3.88 acres adjacent to the southeast corner of Jones Boulevard and La Madre Way (APN 125-36-401-017), R-E (Residence Estates) Zone [PROPOSED: R-D (Single Family Residential-Restricted)], Ward 6 (Mack).

C.C.: 10/20/04

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

RECOMMENDATION:
Staff recommends APPROVAL.

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

MOTION:
McSWAIN – APPROVED subject to conditions – UNANIMOUS with NIGRO abstaining because he is currently in litigation with a member of the applicant's family and STEINMAN excused

To be heard by the City Council on 10/20/2004

MINUTES:
See Item 31 [ZON-4987] for all discussion related on Item 31 [ZON-4987], Item 32 [SUP-4988] and Item 33 [WVR-4989].

(7:31 – 7:52)

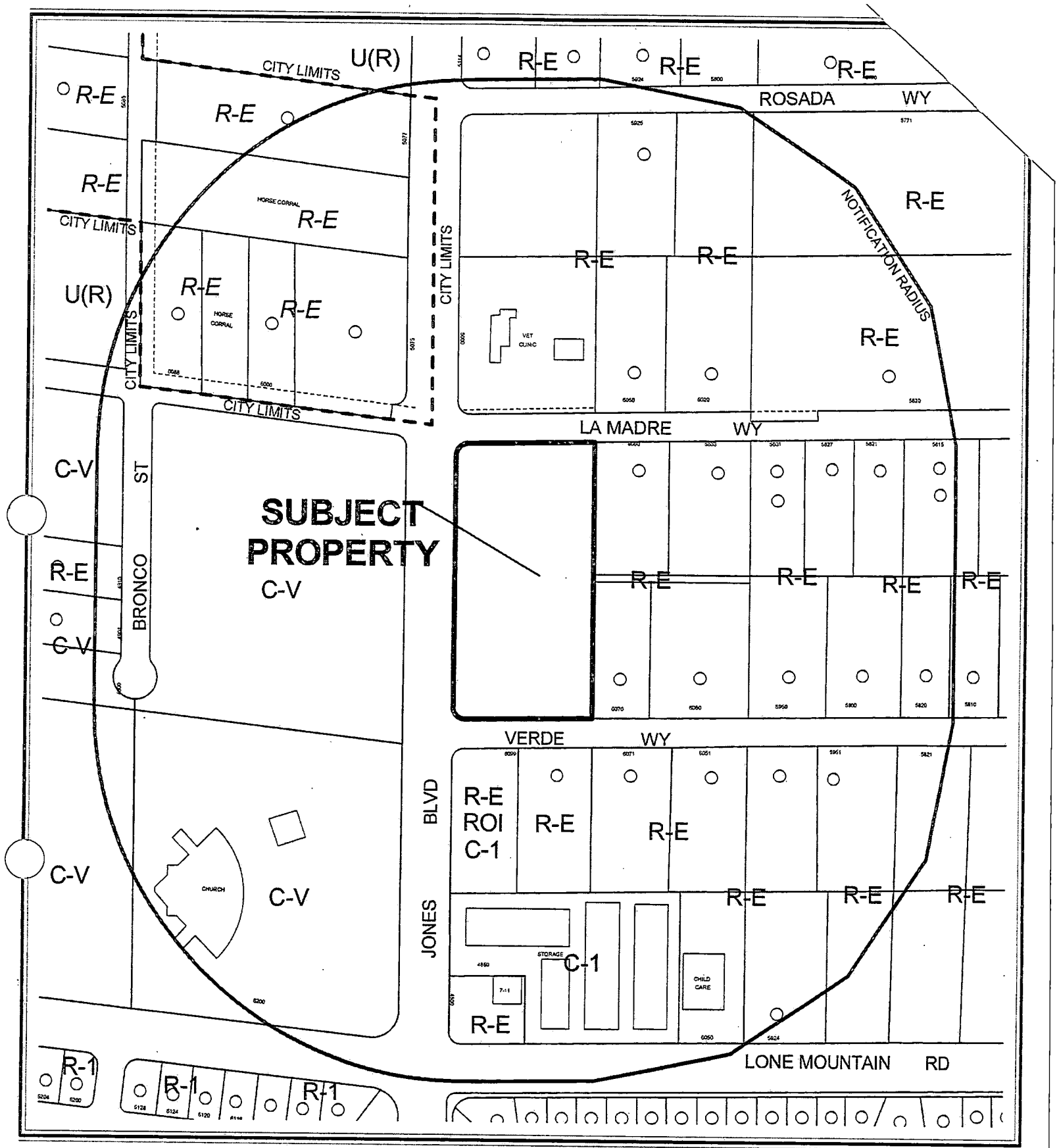
PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 33 – WVR-4989

CONDITIONS:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-4987) and Special Use Permit (SUP-4988).

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



CASE: **WVR-4989**

RADIUS: 750 FT

0 200 400 Feet

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

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

N

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: WVR-4989 APN: 125-36-401-017

Name of Property Owner: Leo Flangas

Name of Applicant: LEO FLANGAS

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: Leo Flangas

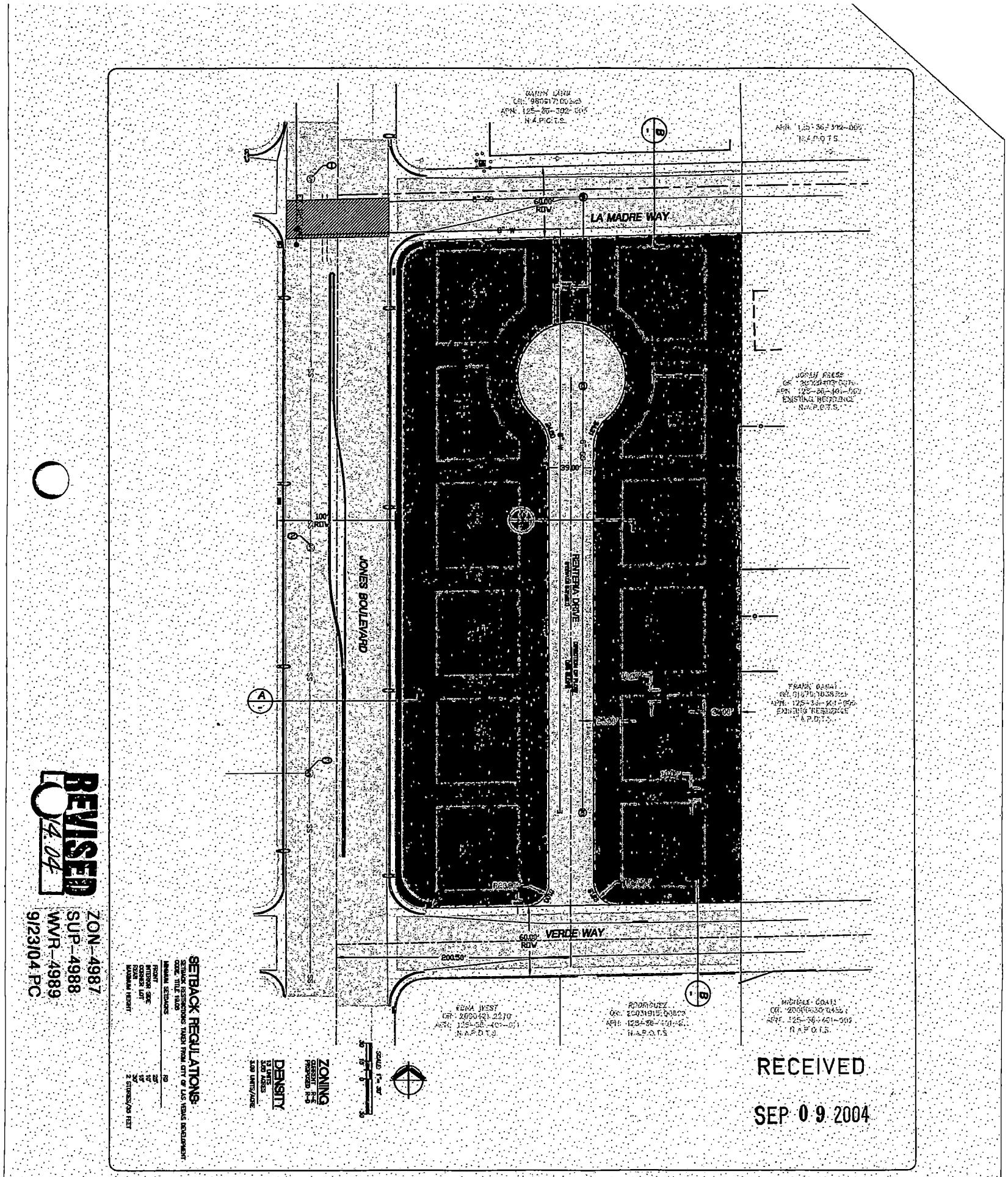
Subscribed and sworn before me

This 9th day of August, 2004

Amy Joens

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
AMY JOENS
No: 02-[illegible]-1
My Appointment Expires Dec. 21, 2005



REVISED 10.14.04

ZON-4987
SUP-4988
WVR-4989
9/23/04 PC

RECEIVED
SEP 09 2004

SHEET TITLE
SITE

SITE PLAN
VERDE ACRES
VEGAS HEIGHTS DEVELOPMENT
LAS VEGAS, NEVADA

DESIGN, INC.

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 23, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: WVR-4989 - PUBLIC HEARING - APPLICANT/OWNER: LOENIDAS P. AND WANDA M. FLANGAS

** CONDITIONS **

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

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-4987) and Special Use Permit (SUP-4988).

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

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

The applicant is requesting approval of a Waiver of Title 18.12.160 to allow approximately 200 feet between street intersections where 220 feet is minimum distance required for a proposed 12 lot single-family development on 3.88 acres adjacent to the southeast corner of Jones Boulevard and La Madre Way.

B) Applicant's Justification

The applicant justifies this request by stating that in order to maintain the minimum lot size required of an R-D (Single Family Residential-Restricted) zoning district the placement of the street in its current location is warranted.

BACKGROUND INFORMATION

A) Previous Actions

1964	This property was annexed into the City of Las Vegas (A-63-64).
09/23/04	The Planning Commission will hear the related Rezoning (ZON-4987) and Special Use Permit (SUP-4988) as part of this agenda.

B) Pre-Application Meeting

07/30/04 A pre-application was held resulting in the following comments:

1. The proposed R-D (Single Family Residential-Restricted) zoning district conforms to the R (Rural) General Plan designation.
2. The minimum lot size and lot width are 11,000 SF and 90 feet, respectively.
3. Minimum lot width on a cul-de-sac is 30 feet.
4. The site requires a 220-foot separation between intersections or a waiver of Title 18 will be required.
5. The site's Dwelling Units per Acre (DUA) is 3.35, which is conformance with the R (Rural Density Residential) General Plan designation.
6. A Special Use Permit will be required for private streets.
7. Submittal requirements were discussed.

PL

C) Neighborhood Meetings

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

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 3.88

B) Existing Land Use

Subject Property:	Undeveloped
North:	Veterinarian Clinic
South:	Proposed Recreational Vehicle & Boat Storage; Residential Dwelling
East:	Residential Dwellings
West:	Undeveloped

C) Planned Land Use

Subject Property:	R (Rural Density Residential)
North:	R (Rural Density Residential)
South:	SC (Service Commercial)
East:	R (Rural Density Residential)
West:	PF (Public Facility)

D) Existing Zoning

Subject Property:	R-E (Residence Estates)
North:	R-E (Residence Estates)
South:	R-E (Residence Estates) R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial)
East:	R-E (Residence Estates)
West:	C-V (Civic)

E) General Plan Compliance

The subject parcel is designated R (Rural Density Residential) within the Centennial Hills Interlocal Land Use Plan Map as part of the City of Las Vegas General Plan. The requested R-D (Single Family Residential-Restricted) zoning is in conformance with the General Plan.

PL

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

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

PROJECT DESCRIPTION

The applicant is proposing a 39-foot wide private street. Ingress and egress by the proposed private street would be to Verde Way, a 60-foot wide local collector street, which provides adequate access to the site.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Specifically, Title 18.12.160 states:

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

The applicant has demonstrated the design will still allow adequate stacking and turning movements between the entrance and the Verde Way/ Jones Boulevard intersection. The requested separation represents a 9% reduction in the minimum standard.

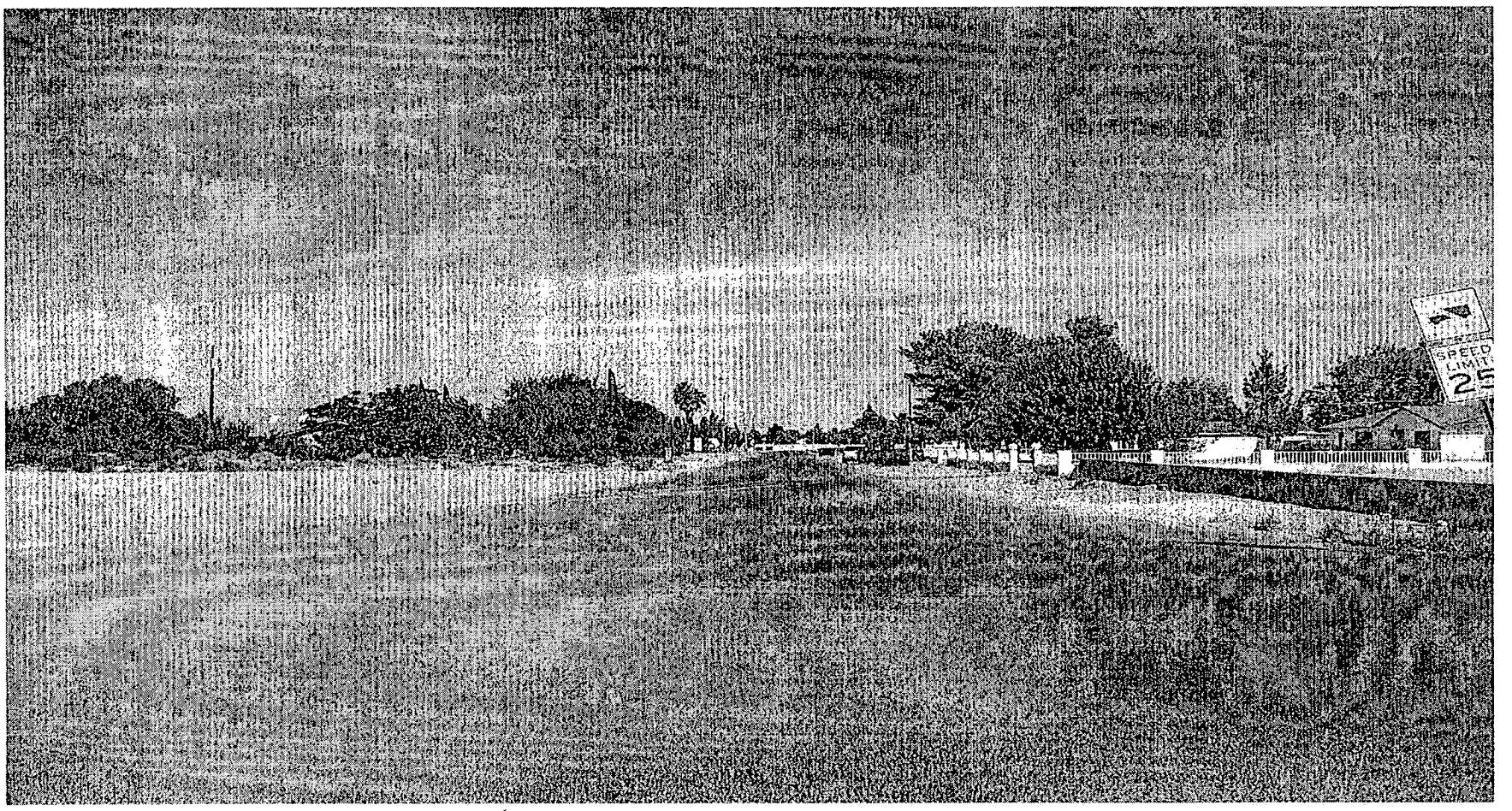
B) General Analysis and Discussion

In order for the proposed residential subdivision to maintain the required minimum lot size requirements for a R-D (Single Family Residential-Restricted) zoning district, the private street could not be located further away from the Verde Way/ Jones Boulevard intersection. Therefore, the requested waiver is acceptable having proved the validity of the hardship generating the request.

NOTICES MAILED 44 [Mailed with ZON-4987 & SUP-4988]

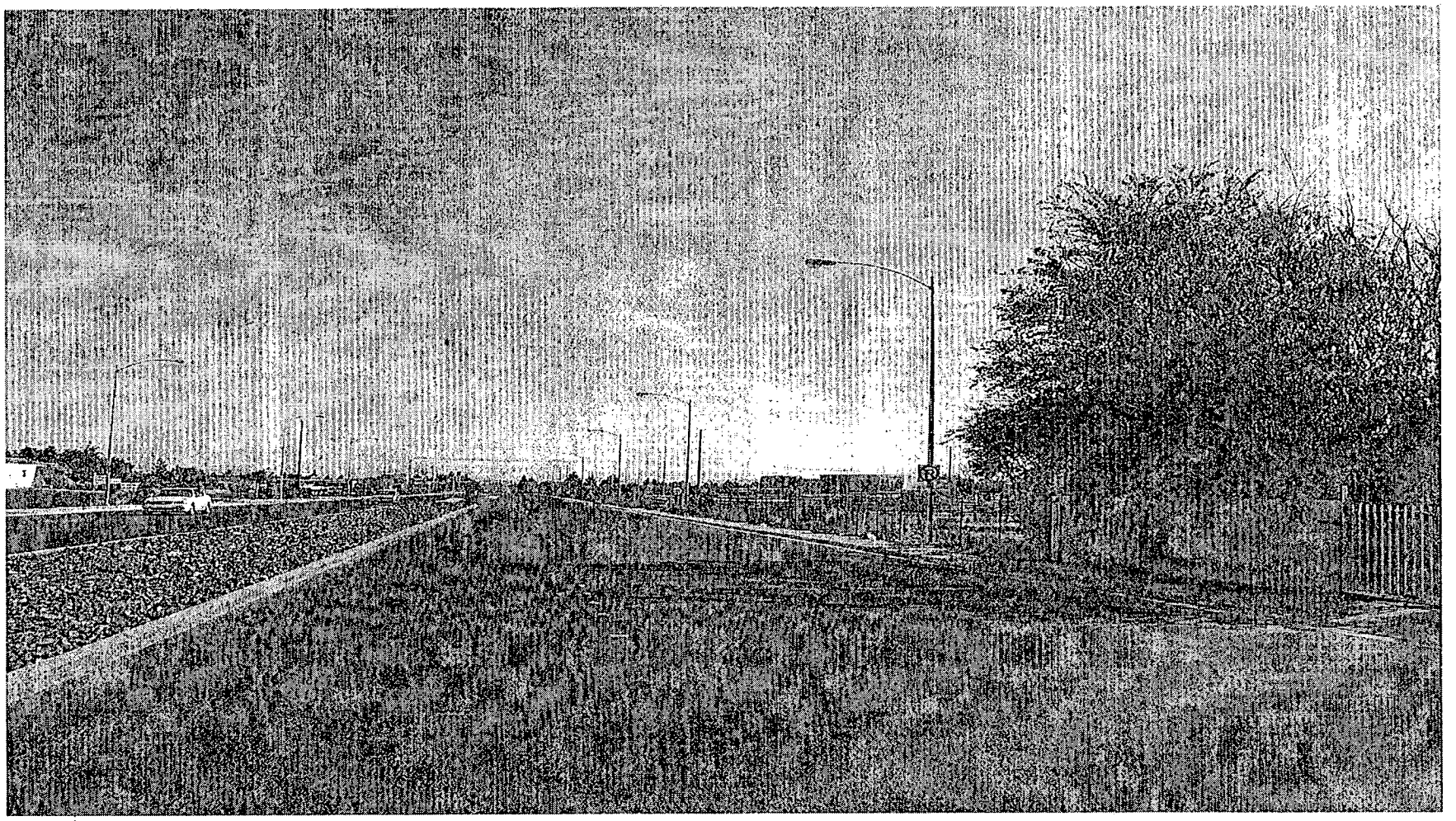
APPROVALS 0

PROTESTS 1



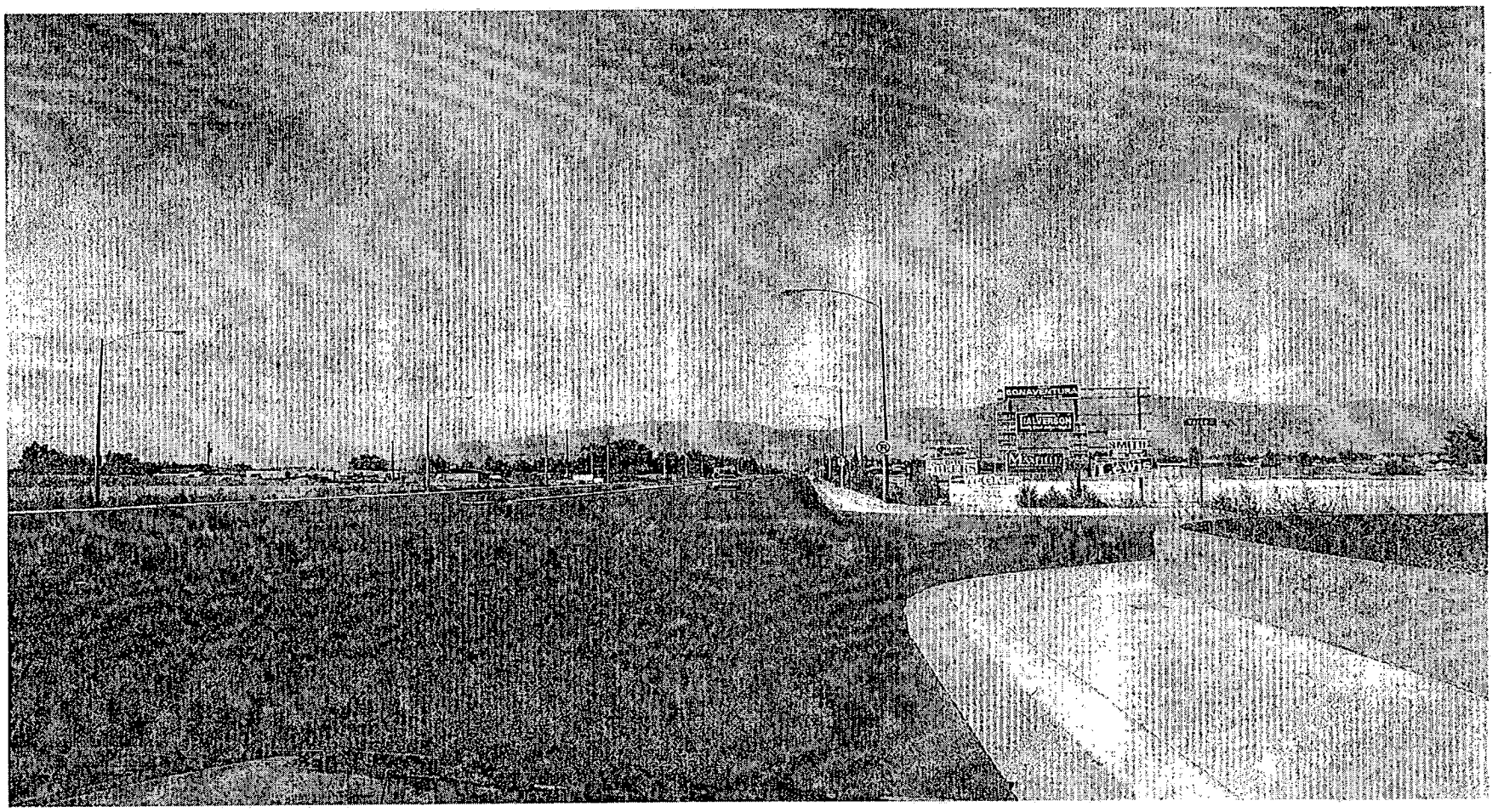
WVR-4989 - WAIVER - PUBLIC HEARING - APPLICANT/OWNER: LOENIDAS P. AND WANDA M. FLANGAS
SOUTHEAST CORNER OF JONES BOULEVARD AND LA MADRE WAY
SEPTEMBER 23, 2004 PLANNING COMMISSION

8/20/04



WVR-4989 - WAIVER - PUBLIC HEARING - APPLICANT/OWNER: LOENIDAS P. AND WANDA M. FLANGAS
SOUTHEAST CORNER OF JONES BOULEVARD AND LA MADRE WAY
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8/20/04



WVR-4989 - WAIVER - PUBLIC HEARING - APPLICANT/OWNER: LOENIDAS P. AND WANDA M. FLANGAS
SOUTHEAST CORNER OF JONES BOULEVARD AND LA MADRE WAY
SEPTEMBER 23, 2004 PLANNING COMMISSION

8/20/04

September 12, 2004

Planning Commission
731 S. Fourth Street
Las Vegas, NV 89101

Re: Public Hearing #SUP-4988
#ZON-4987
#WVR-4989

This is to inform you that my husband and I are both against the proposed changes. This area is slowly changing from resident estates to commercial and now this request is for higher density housing. More profit for them, decreased quality of life for us.

We hate to see these changes that increase traffic congestion on a road that we – not the city- had to pay for. The higher density means more potential for problems. We never used to see the police helicopter above and now we see it frequently.

Let the Flangas' make money building the same type of housing that is already here – resident estates.

We are skeptical that the peoples' voice matters any more, but we wanted to express our disapproval. Many others – if not all – of the residents on this street – Verde Way – oppose this move but you know they will not write or complain.

Please consider turning this request down based on the decreased quality of life we on this street will have to endure.

Paula K. Leo

Paula K. Leo

Daniel A. Leo

Daniel A. Leo
5951 Verde Way
Las Vegas, NV 89130
645-2432

City of Las Vegas

Agenda Item No.: 34

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

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

SUBJECT:
ZON-4991 - PUBLIC HEARING - APPLICANT: RANDY BLACK, JR. - OWNER: DURANGO TOWN CENTER, LLC AND JIM MARSH AMERICAN CORPORATION - Request for a Rezoning FROM: U (UNDEVELOPED) [TC (TOWN CENTER) GENERAL PLAN DESIGNATION] TO: T-C (TOWN CENTER), on 4.79 acres adjacent to the southeast corner of Regena Avenue and Riley Street (APN 125-29-502-010), Ward 6 (Mack).

C.C.: 10/20/04

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

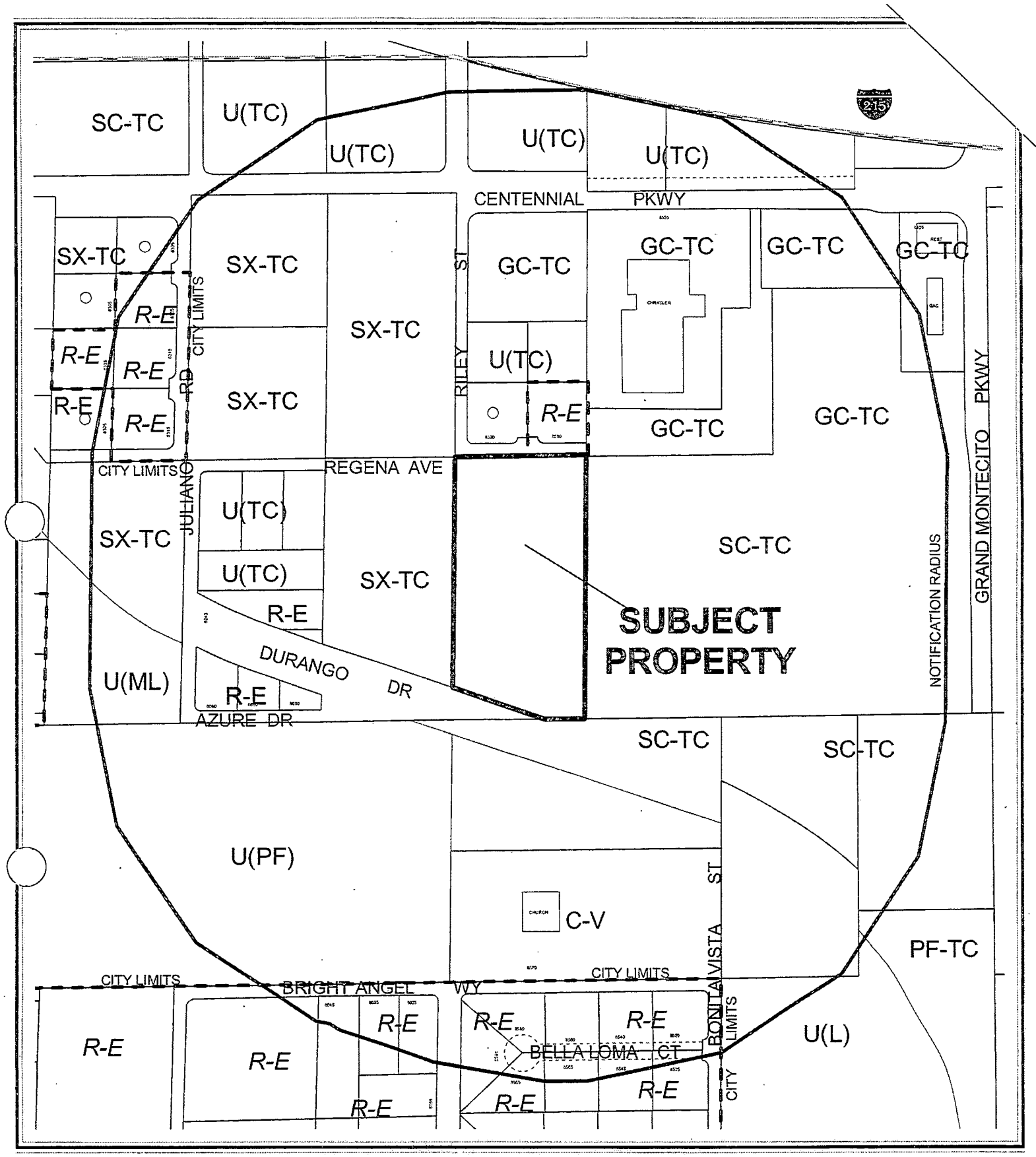
RECOMMENDATION:
Staff recommends APPROVAL.

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

MOTION:
NIGRO – Motion to bring forward and HOLD IN ABEYANCE Item 14 [MSP-5152] and Item 22 [SUP-4830] to 10/07/2004 Planning Commission meeting, Item 34 [ZON-4991], Item 35 [SDR-4985] and Item 49 [SDR-4978] to 10/21/2004 Planning Commission meeting – UNANIMOUS with STEINMAN excused

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

(6:02 – 6:18)



CASE: ZON-4991

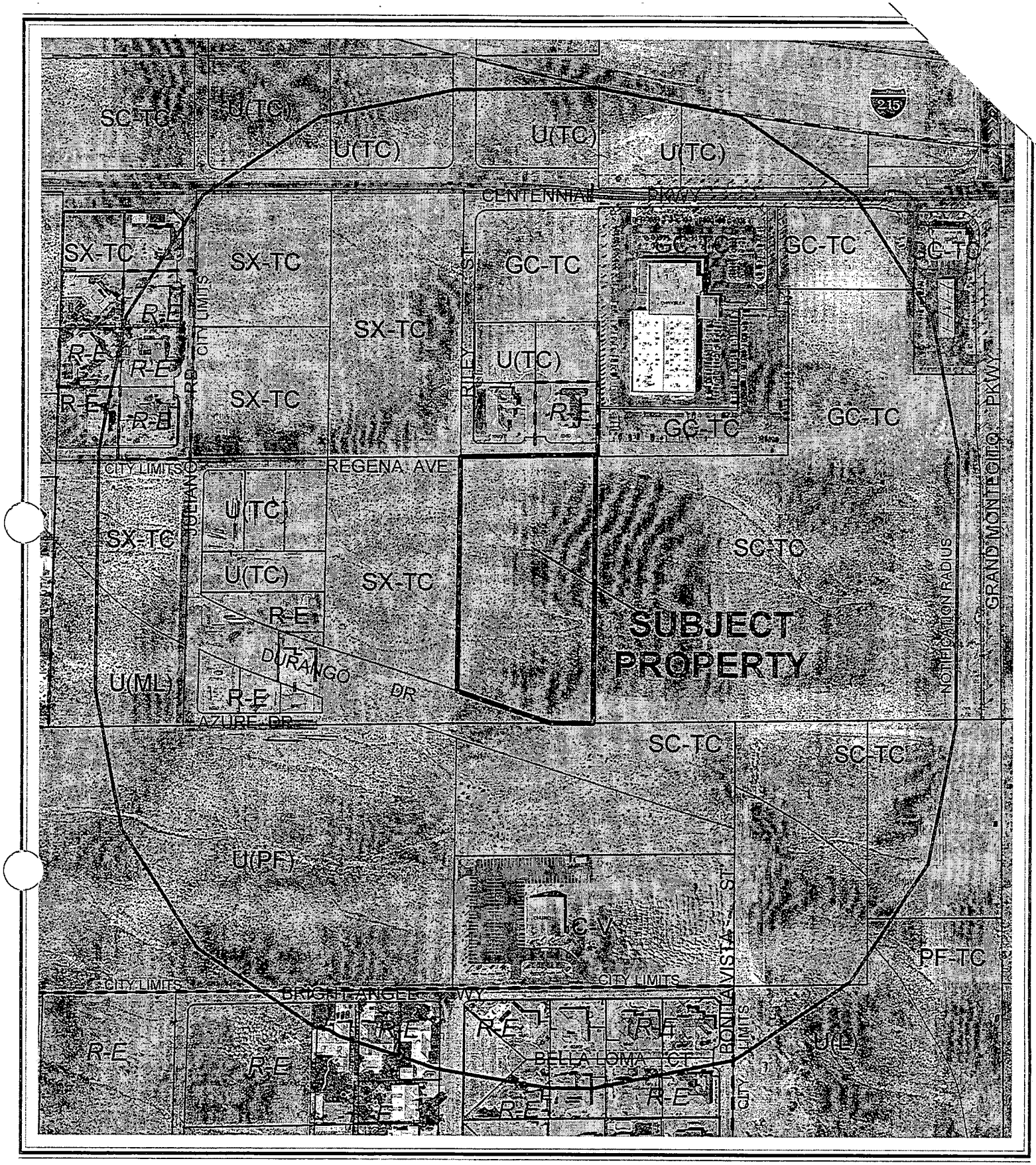
RADIUS: 900 FT

0 200 400 Feet

ZONING OF SUBJECT PROPERTY:
U (UNDEVELOPED) ZONE [T-C (TOWN CENTER) GENERAL PLAN DESIGNATION]

PROPOSED ZONING OF SUBJECT PROPERTY:
T-C (TOWN CENTER) ZONE [SC-TC (SERVICE COMMERCIAL) TOWN CENTER LAND USE DESIGNATION]

N



CASE: ZON-4991

RADIUS: 900 FT

0 200 400 Feet

ZONING OF SUBJECT PROPERTY:

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

PROPOSED ZONING OF SUBJECT PROPERTY:

T-C (TOWN CENTER) ZONE [SC-TC (SERVICE COMMERCIAL) TOWN CENTER LAND USE DESIGNATION]

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 23, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ZON-4991 - PUBLIC HEARING - APPLICANT: RANDY BLACK, JR. - OWNER: DURANGO TOWN CENTER, LLC AND JIM MARSH AMERICAN CORPORATION

** CONDITIONS **

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

Planning and Development

1. Site Development Plan Review (SDR-4985) application approved by the Planning Commission and City Council prior to issuance of any permits, any site grading, and all development activity for the site.

2. This Rezoning request shall go direct to Ordinance.

Public Works

3. Dedicate 50 feet of half street right-of-way adjacent to this site for Grand Montecito Parkway where such does not exist, 30 feet of right-of-way for Regena Avenue, 30 feet of right-of-way for Riley Street a 15 foot radius at the southeast corner of Regena Avenue and Riley Street, and dedicate or obtain appropriate right-of-way for the entire terminus of Regena Avenue. Dedicate or obtain dedication of the area needed to connect Riley Street to the Durango Drive alignment at a ninety degree angle and dedicate or obtain dedication of the area needed to connect Grand Montecito Parkway to the Durango Drive alignment at a ninety degree angle with all radii and designs meeting American Association of State Highway and Transportation Officials (AASHTO) criteria for a normal crowned street. Also dedicate all additional rights-of-way required by Standard Drawing #201.1 for turning lanes and #234.1 or 234.3 and #234.2 for bus turnouts at the intersection of Grand Montecito Parkway and Durango Drive prior to or concurrent with the commencement of on-site development activities.

4. Dedicate portions of the BLM right-of-way grant N-74262 recorded as 20030529-01737 for Durango Drive as required by the Department of Public Works prior to the issuance of any permits.

5. Construct half-street improvements including appropriate overpaving on Regena Avenue, Riley Street and Grand Montecito Parkway adjacent to this site concurrent with development. Also construct turning lanes and bus turnouts adjacent to this site concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete). This site shall be responsible for all, if any, half-street improvements on Durango Drive that are not constructed by a special or capital improvement project.

6. No private driveways will be allowed access to Durango Drive from this site.

7. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.

8. A Traffic Impact Analysis 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. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

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

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This is a request for a Rezoning from U (Undeveloped) Zone [TC (Town Center) General Plan Designation] to T-C (Town Center) on approximately 4.79 acres located at the southeast corner of Regena Avenue and Riley Street.

B) Applicant's Justification

The new development will be compatible with the adjacent uses, and will upgrade the neighborhood with attractive, functional office space that will serve the local community. The proposed development will not have a substantial adverse effect on public facilities and services, and the proposed zoning conforms to the current land use plan.

BACKGROUND INFORMATION

A) Previous Actions

08/21/02 The City Council approved a General Plan Amendment (GPA-0019-02) for area along the north side of the Durango S-Curve of which the subject parcel is a part.

02/05/03 The City Council approved a Petition to Annex the subject property (A-0038-02) located at the southeast corner of Regena Avenue and Riley Street. The effective date was February 14, 2003. The Planning Commission and staff recommended approval on October 24, 2002.

B) Pre-Application Meeting

07/30/04 The following issues were discussed:

- Grand Montecito is a frontage road
- Durango is a Parkway (120 foot right-of-way)
- Riley is a Town Center Collector
- 15 foot setback is required in SC-TC for landscape planter Sidewalk per page 110
- Street lighting per page 115
- Buildings should be located at the front setback line with parking to the side or rear per page 73, 116-117.

KCW

- Parking lots shall be screened by buildings and/ or landscaping per page 117
- 1 tree/ 6 parking lot spaces
- Architectural features/ glazing/ materials per pages 72-75
- Revised Master Sign plan required- CH-10-03
- Parking- Medical: 1/200 square feet plus 1/175 square feet for all additional
- General Office: 1/300 square feet

C) Neighborhood Meetings

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

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 4.84

B) Existing Land Use

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

C) Planned Land Use

Subject Property:	SC-TC	(Service Commercial – Town Center)
North:	GC-TC	(General Commercial – Town Center)
South:	L	(Low Density Residential)
East:	SC-TC	(Service Commercial – Town Center)
West:	SX-TC	(Suburban Mixed Use – Town Center)

D) Existing Zoning

Subject Property:	U (Undeveloped) [TC (Town Center) General Plan Designation]
North:	U (Undeveloped) [TC (Town Center) General Plan Designation] Clark County
South:	U (Undeveloped) [L (Low Density Residential) General Plan Designation]
East:	TC (Town Center)
West:	TC (Town Center)

KCW

E) General Plan Compliance: Centennial Hills General Plan

The site is designated as TC (Town Center) on the Centennial Hills Sector map of the General Plan. Within Town Center, land use is more specifically described by special land use designations as set out in the Town Center Development Standards Manual. The Manual designated this site as SC-TC (Service Commercial - Town Center). The request for T-C (Town Center) zoning conforms to the SC-TC (Service Commercial – Town Center) special land use designation.

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

Trails – There are two trail segments adjacent to the site as identified on Map 6 (Town Center Multi-Use Trail Alignments) of the Transportation Trails Element. One is a Town Center Parkway Trail along Durango Road to the south of the site and a Multi-use Transportation Trail also along Durango Drive. The Town Center Parkway Trail is detailed in the street cross-sections in the Town Center Development Standards Manual and represents the sidewalks along these streets.

FINDINGS

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

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

   The subject site is designated SC (Service Commercial - Town Center) on Map 4 of the Town Center Development Standards Manual. This category allows office use as proposed on the subject parcel. The requested Rezoning to T-C (Town Center) is consistent with this land use designation.

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

KCW

The proposed T-C (Town Center) zoning district allows for a wide range of uses, including the proposed office development on the subject site. The intensity of the proposed use is consistent with the SC-TC (Service Commercial - Town Center) land use designation. The proposed development will be compatible with the intensity of the planned undeveloped properties surrounding the site .

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

The proposed Rezoning will facilitate the development of office uses within the portion of the Town Center area designated for such uses.

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

The site is adjacent to Durango Drive (a Town Center Parkway Arterial [120-foot]/ to the south, Riley Street (a Town Center 80 foot Collector to the west), and Regena Avenue (a Town Center 80 foot Collector) to the north, and Grand Montecito Parkway (a 90 foot Frontage Road) to the east of the site. These streets will be adequate to provide access to the subject site for the density of development that will be allowed under the proposed T-C (Town Center) zoning district.

NOTICES MAILED 42 [Mailed with SDR-4985]

APPROVALS 0

PROTESTS 0

KCW

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: ZON-4991 APN: 125-29-601-020 (013) Now

Name of Property Owner: JAMES R. MARSH

Name of Applicant: _____

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

_____ Yes ____X____ No

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

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner/Authorized Agent: _____

Print Name: James R Marsh

Subscribed and sworn before me

This 21 day of July, 2004

James W. Rozzi
Notary Public in and for said County and State

Notary Public - State of Nevada
COUNTY OF CLARK
JAMES W. ROZZI
No. 92-1582-1 My Appointment Expires Oct. 24, 2004

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: ZON-4991 APN: 125-29-502-010

Name of Property Owner: DURANGO TOWN CENTER, LLC

Name of Applicant: _____

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

_____ Yes _____X_____ No

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

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner/Authorized Agent: _____

Print Name: Kenny Black Jr

Subscribed and sworn before me

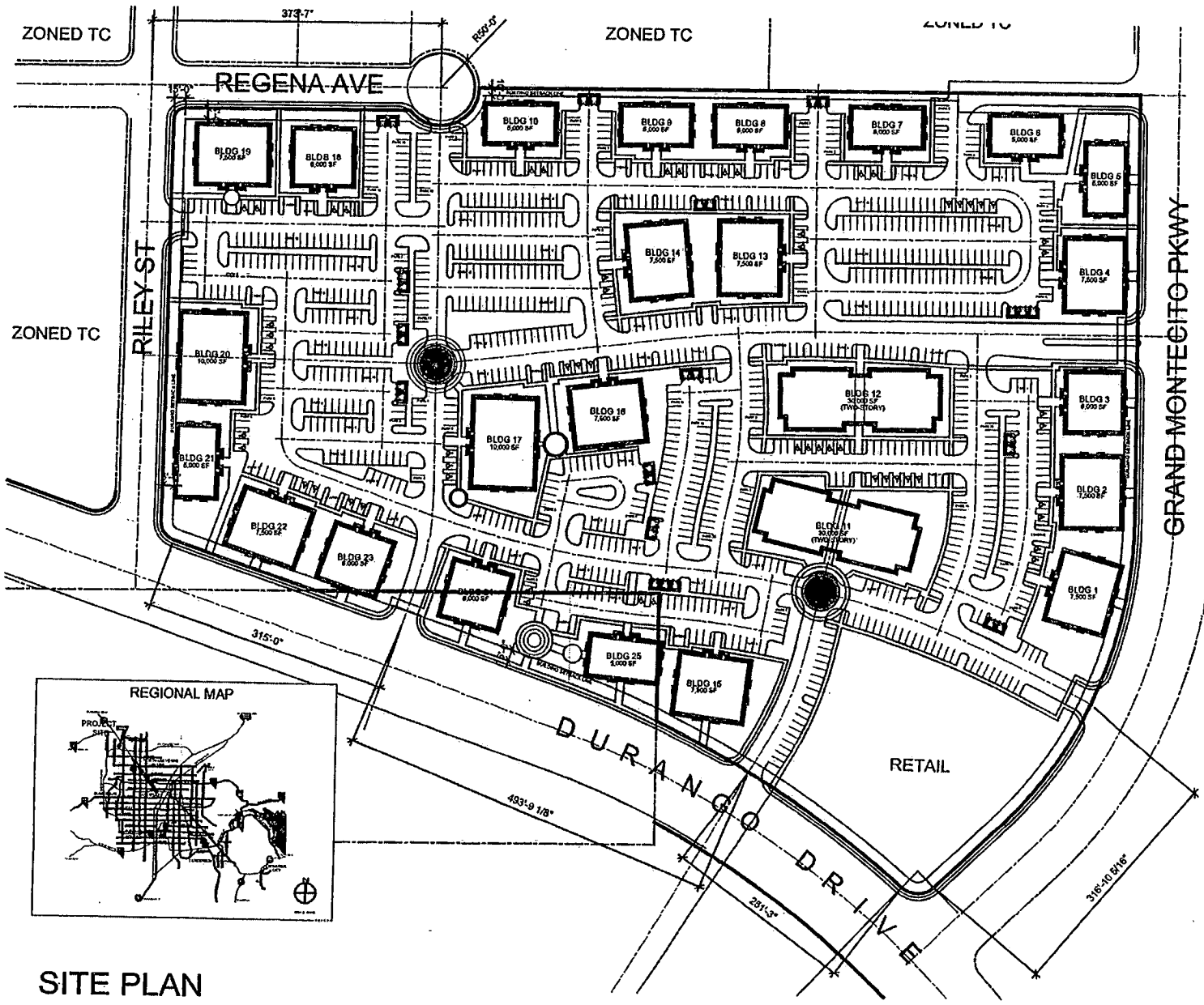
This 21th day of July, 2004

Lesley Fernandez

Notary Public in and for said County and State

LESLEY FERNANDEZ
Notary Public State of Nevada
No. 03-83173-1
My appt. exp. July 23, 2007

ZON-4991
9/23/04 PC



REGIONAL MAP

JMA ARCHITECTURE STUDIOS

SITE DATA

SITE AREA	972,235 SF
	22.31 ACRES
CURRENT ZONING	TC
BUILDING DENSITY	28%
BUILDING 1	7,500 SF
PARKING REQUIRED	38 SPACES
PARKING PROVIDED	38 SPACES
BUILDING 2	7,500 SF
PARKING REQUIRED	38 SPACES
PARKING PROVIDED	38 SPACES
BUILDING 3	6,000 SF
PARKING REQUIRED	30 SPACES
PARKING PROVIDED	30 SPACES
BUILDING 4	7,500 SF
PARKING REQUIRED	38 SPACES
PARKING PROVIDED	38 SPACES
BUILDING 5	5,000 SF
PARKING REQUIRED	25 SPACES
PARKING PROVIDED	25 SPACES
BUILDING 6	5,000 SF
PARKING REQUIRED	25 SPACES
PARKING PROVIDED	25 SPACES
BUILDING 7	5,000 SF
PARKING REQUIRED	25 SPACES
PARKING PROVIDED	25 SPACES
BUILDING 8	5,000 SF
PARKING REQUIRED	25 SPACES
PARKING PROVIDED	25 SPACES
BUILDING 9	5,000 SF
PARKING REQUIRED	25 SPACES
PARKING PROVIDED	25 SPACES
BUILDING 10	5,000 SF
PARKING REQUIRED	25 SPACES
PARKING PROVIDED	25 SPACES
BUILDING 11	30,000 SF
PARKING REQUIRED	150 SPACES
PARKING PROVIDED	150 SPACES
BUILDING 12	30,000 SF
PARKING REQUIRED	150 SPACES
PARKING PROVIDED	150 SPACES
BUILDING 13	7,500 SF
PARKING REQUIRED	38 SPACES
PARKING PROVIDED	38 SPACES
BUILDING 14	7,500 SF
PARKING REQUIRED	38 SPACES
PARKING PROVIDED	38 SPACES
BUILDING 15	7,500 SF
PARKING REQUIRED	38 SPACES
PARKING PROVIDED	38 SPACES
BUILDING 16	7,500 SF
PARKING REQUIRED	38 SPACES
PARKING PROVIDED	38 SPACES
BUILDING 17	10,000 SF
PARKING REQUIRED	50 SPACES
PARKING PROVIDED	50 SPACES
BUILDING 18	6,000 SF
PARKING REQUIRED	30 SPACES
PARKING PROVIDED	30 SPACES
BUILDING 19	7,500 SF
PARKING REQUIRED	38 SPACES
PARKING PROVIDED	38 SPACES
BUILDING 20	10,000 SF
PARKING REQUIRED	50 SPACES
PARKING PROVIDED	50 SPACES
BUILDING 21	5,000 SF
PARKING REQUIRED	25 SPACES
PARKING PROVIDED	25 SPACES
BUILDING 22	7,500 SF
PARKING REQUIRED	38 SPACES
PARKING PROVIDED	38 SPACES
BUILDING 23	6,000 SF
PARKING REQUIRED	30 SPACES
PARKING PROVIDED	30 SPACES
BUILDING 24	6,000 SF
PARKING REQUIRED	30 SPACES
PARKING PROVIDED	30 SPACES
BUILDING 25	5,000 SF
PARKING REQUIRED	25 SPACES
PARKING PROVIDED	25 SPACES
BUILDING 26	5,000 SF
PARKING REQUIRED	25 SPACES
PARKING PROVIDED	25 SPACES

TOTAL BUILDING AREA	211,500 SF
TOTAL PARKING REQ'D	1,058 SPACES
	PER CLIENT - 5/1000
TOTAL PARKING PROVIDED	1,083 SPACES

3765 CORPORATE CIRCLE, SUITE 250 HENDERSON, NEVADA 89074
PHONE: (702) 942-2000 FAX: (702) 942-2020 WWW.JMAARCH.COM

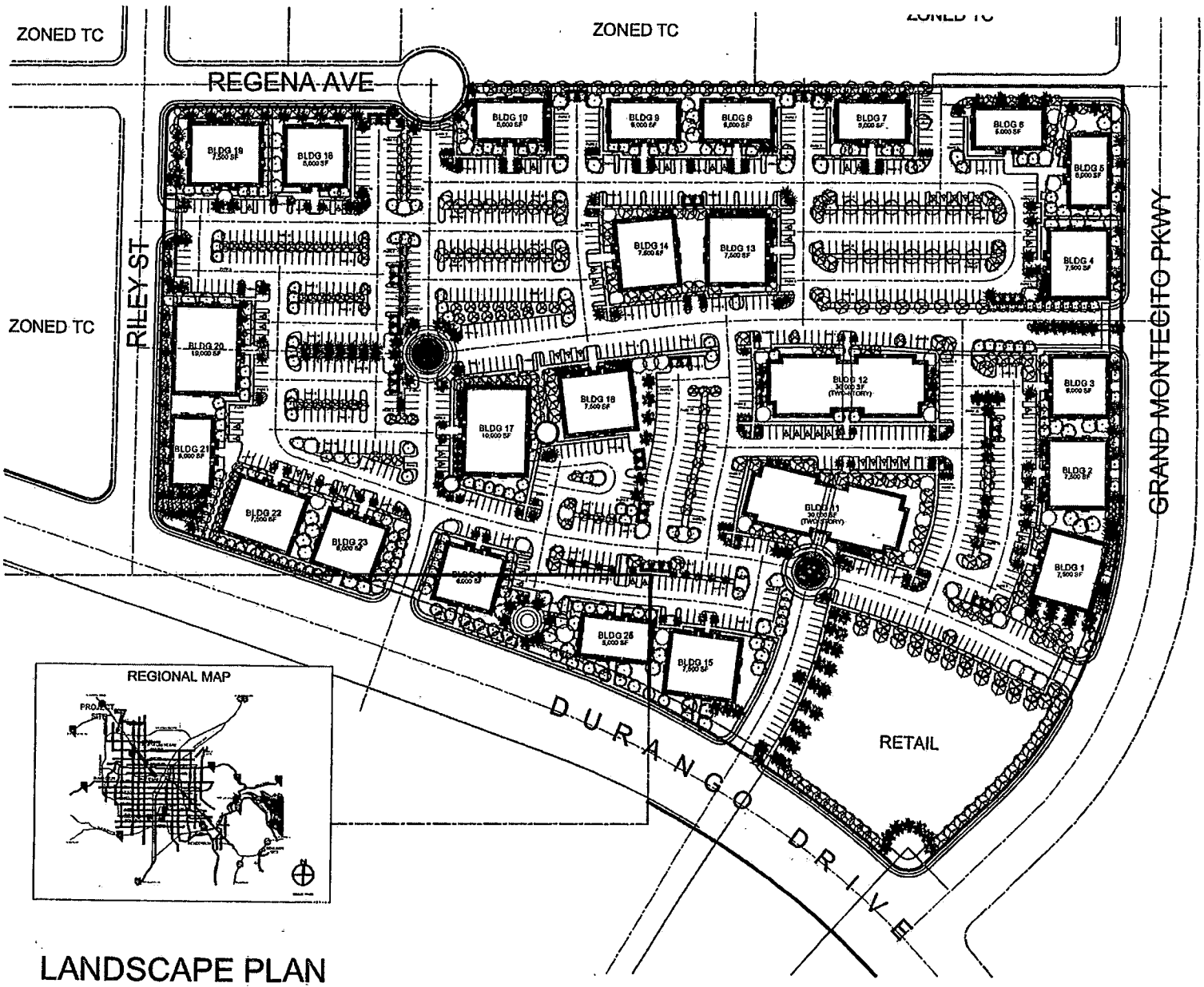
PROJECT NO: 2003630
DATE: AUGUST 10, 2004

0 30' 60' 120'
SCALE: 1"=60'

NORTH

SITE PLAN

OFFICE PARK @ GRAND MONTECITO PKWY / DURANGO DRIVE



LANDSCAPE PLAN

OFFICE PARK @ GRAND MONTECITO PARKWAY / DURANGO DRIVE

JMA ARCHITECTURE STUDIOS

PLANT LEGEND:

TREES:

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	COUNT
	ACACIA SMALLII	SWEET ACACIA	36" BOX	46
	CHITALPA TASHKENTENSIS	CHITALPA (KATHODEN STANCHMAN)	36" BOX	125
	CHILOPSIS LINEARIS	DESERT WILLOW	24" BOX	36
	PHOENIX DACTYLIFERA	DATE PALM	30" BOX	39
	WASHINGTONIA FILIFERA	FAN TEX PALM	30" BOX	134
	PYRUS CALLERYANA	BRADFORD PEAR	24" BOX	174

SHRUBS:

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	COUNT
	YUCCA ROSTRATA	BLUE YUCCA, PALMILLA	15 GAL.	373
	AGAVE DESMETIANA	SMOOTH CLUMPING AGAVE	5 GAL @ 4' O.C.	346
	CAESALPINIA MEXICANA	MEXICAN BIRD OF PARADISE	5 GAL @ 5' O.C.	245
	LEUCOPHYLLUM LANGMANIAE	RIO BRAVO SAGE	5 GAL @ 5' O.C.	384
	SALVIA GREGGII	AUTUMN SAGE	5 GAL.	427

GROUNDCOVER:

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	COUNT
	TECOMA CHAMBERSII 'PROSTRATA'	DWARF TECOMA	1 GAL @ 3.5'	378
	MARIGOLD'S ACRALIS	MEXICAN DAISY	1 GAL.	299
	LANTANA 'NEW GOLD'	YELLOW LANTANA	1 GAL @ 4' O.C.	279
	LIRIOPE EXIMIA 'EMERALD BEAUTY'	EVERGREEN LILY TURF	1 GAL @ 18" O.C.	399
	MUHLENBERGIA RIGENS	DEER GRASS	1 GAL @ 3' O.C.	278
	ROSMARINUS O. 'PROSTRATUS'	DWARF ROSEMARY	1 GAL @ 3' O.C.	278

NOTE: SHRUBS AND GROUND COVER SHALL BE USED THROUGHOUT THE ENTIRE PROJECT @ ALL LANDSCAPE AREAS SHOWN ON THE SITE PLAN.

NOTE: LANDSCAPING SHALL BE 15% MINIMUM COVERAGE FOR THE ENTIRE PROJECT W/ 10% LANDSCAPING @ PARKING AREA AS APPROVED BY THE CITY OF HENDERSON.

LANDSCAPE COVERAGE: 15 %
LANDSCAPE COVERAGE @ PARKING AREA: 10 %

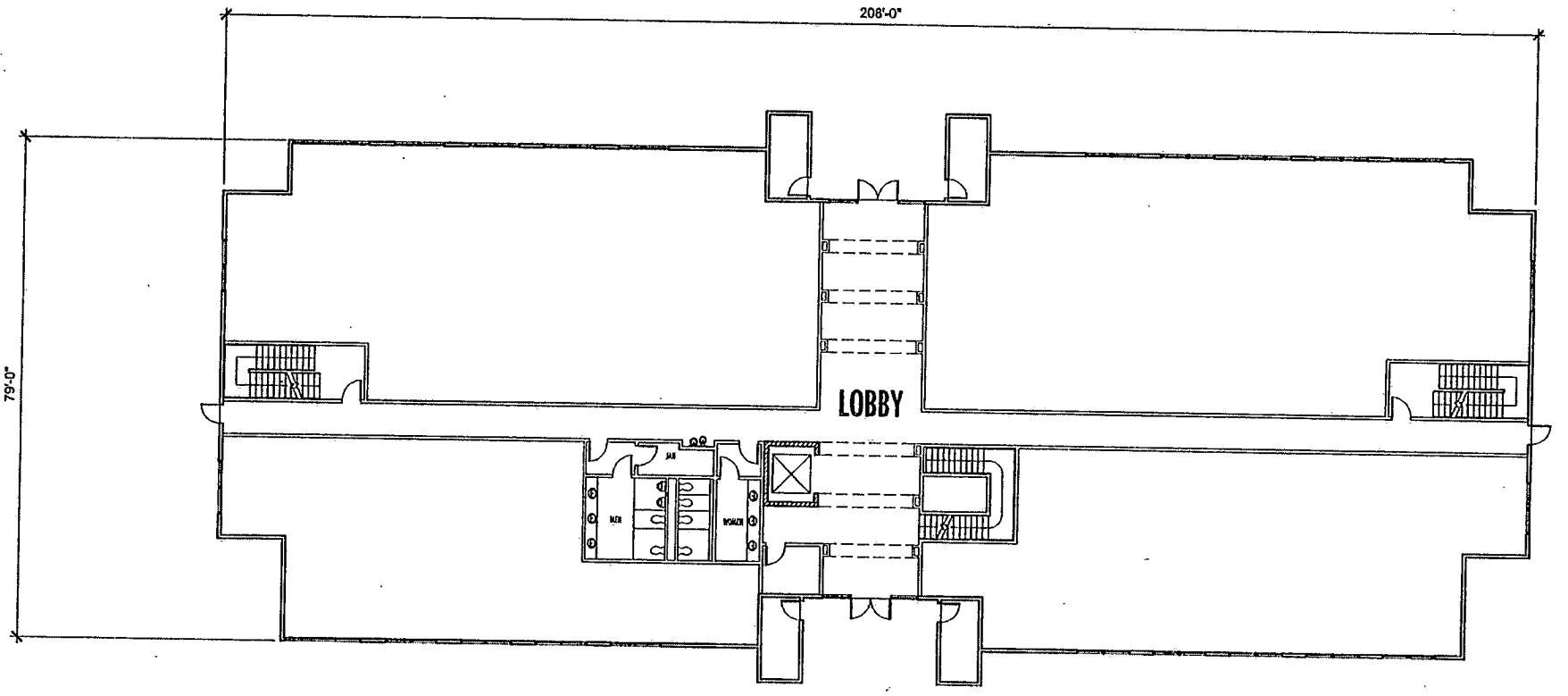
ZON-4991
9/23/04 PC

2295 CORPORATE CIRCLE, SUITE 250 HENDERSON, NEVADA 89074
PHONE: (702) 942-2033 FAX: (702) 942-2038 WWW.JMAARCH.COM

PROJECT NO: 2003030
DATE: AUGUST 10, 2004

0 30' 60' 120'
SCALE: 1"=60'
NORTH

JMA ARCHITECTURE STUDIOS



ZON-4991

9/23/04 PC

2251 CORPORATE CIRCLE, SUITE 200 HENDERSON, NEVADA 89074
PHONE: (702) 943-2132 FAX: (702) 942-2099 WWW.JMAARCH.COM

PROJECT NO: 2003030

DATE: August 13, 2004

0 4' 8' 16'

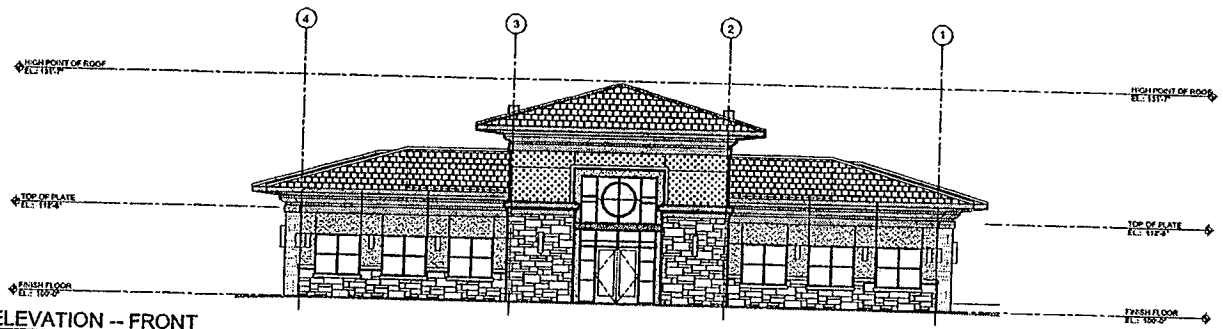
SCALE: 1/8" = 1'-0"

NORTH

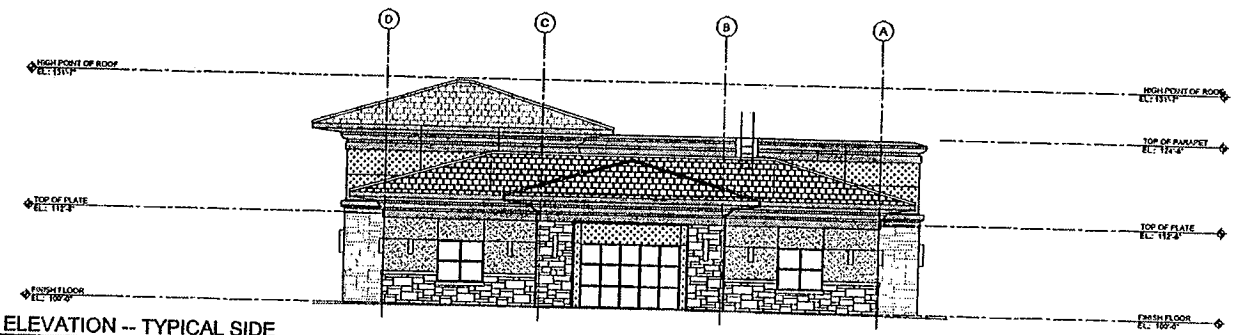
TYPICAL FLOOR PLAN 30,000 S.F. BUILDING

OFFICE PARK . @ MONTECITO PKWY / DURANGO DR.

JMA ARCHITECTURE STUDIOS



A EXTERIOR ELEVATION -- FRONT
1/8"=1'-0"



B EXTERIOR ELEVATION -- TYPICAL SIDE
1/8"=1'-0"

TYPICAL EXTERIOR ELEVATIONS

OFFICE PARK . @ MONTECITO PKWY / DURANGO DR.

ZON-4991

9/23/04 PC

10150 COVINGTON CROSS DRIVE LAS VEGAS, NEVADA 89144
PHONE: (702) 731-2333 FAX: (702) 731-2018 WWW.JMAARCH.COM

PROJECT NO: 2003630

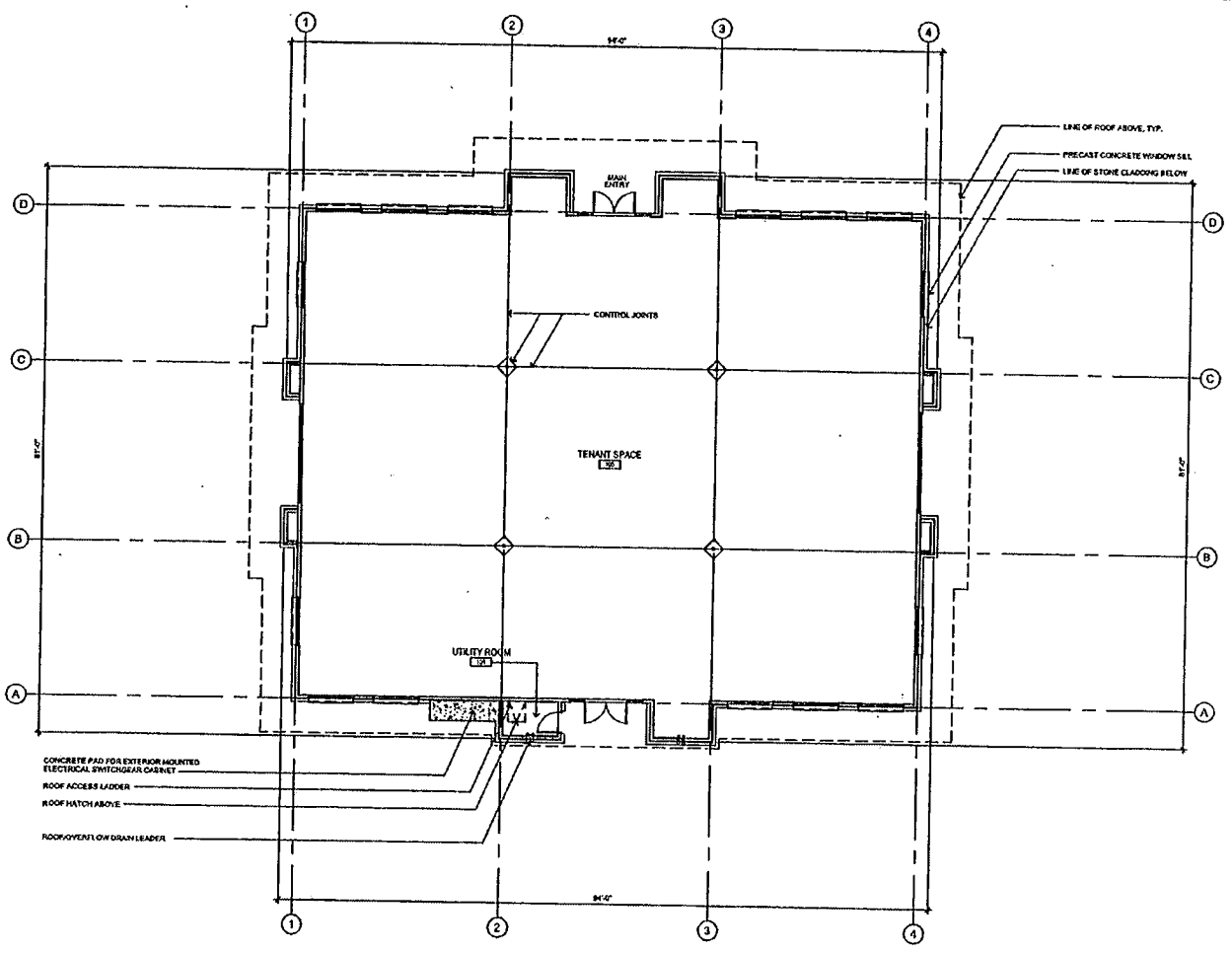
DATE: August 13, 2004

0 4' 8' 16'

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

NORTH

JMA ARCHITECTURE STUDIOS



TYPICAL FLOOR PLAN 6,000 S.F. BUILDING

OFFICE PARK . @ MONTECITO PKWY / DURANGO DR.

ZON-4991

9/23/04 PC

3285 CORPORATE CIRCLE, SUITE 200 HENDERSON, NEVADA 89074
PHONE: (702) 942-2033 FAX: (702) 942-2029 WWW.JMAARCH.COM

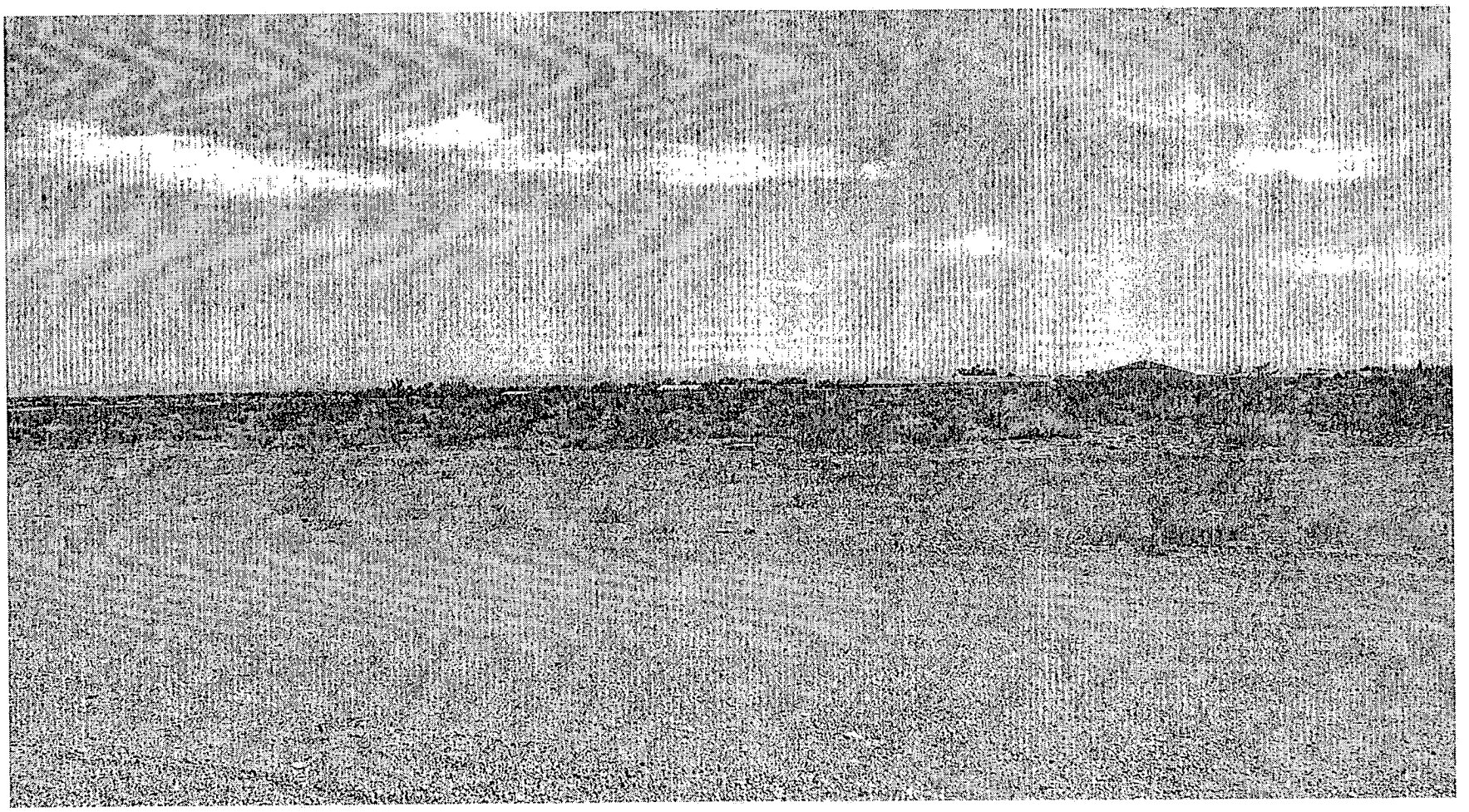
PROJECT NO: 2003630

DATE: August 13, 2004

0 4' 8' 16'

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

NORTH



ZON-4991 - PUBLIC HEARING - APPLICANT: RANDY BLACK, JR. - OWNER: DURANGO TOWN CENTER, LLC AND JIM MARSH AMERICAN CORPORATION
SOUTHEAST CORNER OF REGENA AVENUE AND RILEY STREET
SEPTEMBER 23, 2004 PLANNING COMMISSION

8/24/04

City of Las Vegas

Agenda Item No.: 35

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

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

SUBJECT:
SDR-4985 - SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-4991 - PUBLIC HEARING - APPLICANT: RANDY BLACK, JR. - OWNER: DURANGO TOWN CENTER, LLC AND JIM MARSH AMERICAN CORPORATION - Request for a Site Development Plan Review FOR A MEDICAL/PROFESSIONAL/RETAIL DEVELOPMENT on 22.31 acres adjacent to the southeast corner of Regena Avenue and Riley Street (APN 125-29-502-010 and 125-29-510-006, 125-29-601-002 and 020), U (Undeveloped) Zone [T-C (Town Center) General Plan Designation] and TC (Town Center) [PROPOSED: T-C (Town Center)] Ward 6 (Mack).

C.C.: 10/20/04

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

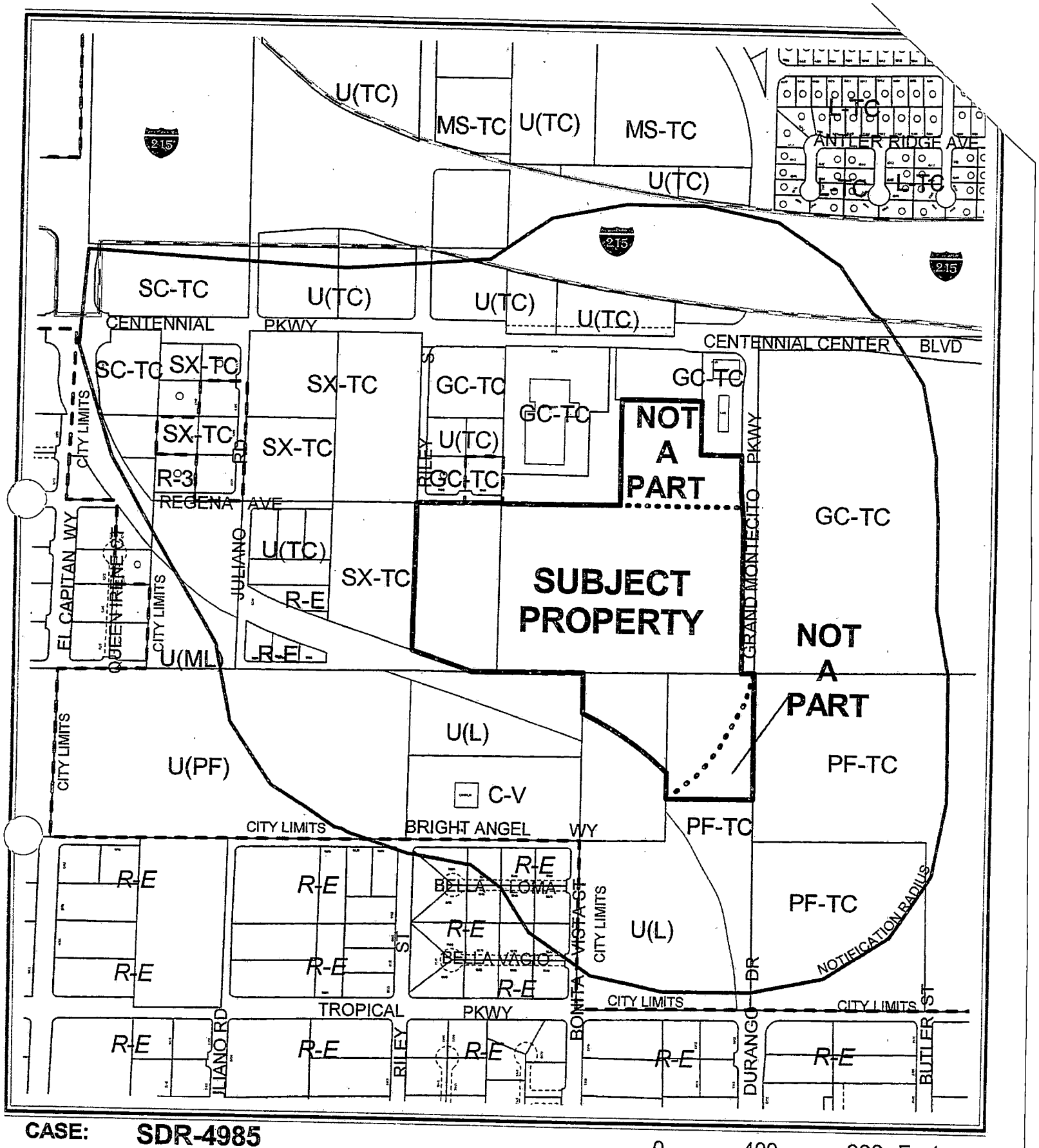
RECOMMENDATION:
Staff recommends APPROVAL.

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

MOTION:
NIGRO – Motion to bring forward and HOLD IN ABEYANCE Item 14 [MSP-5152] and Item 22 [SUP-4830] to 10/07/2004 Planning Commission meeting, Item 34 [ZON-4991], Item 35 [SDR-4985] and Item 49 [SDR-4978] to 10/21/2004 Planning Commission meeting – UNANIMOUS with STEINMAN excused

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

(6:02 – 6:18)



CASE: **SDR-4985**

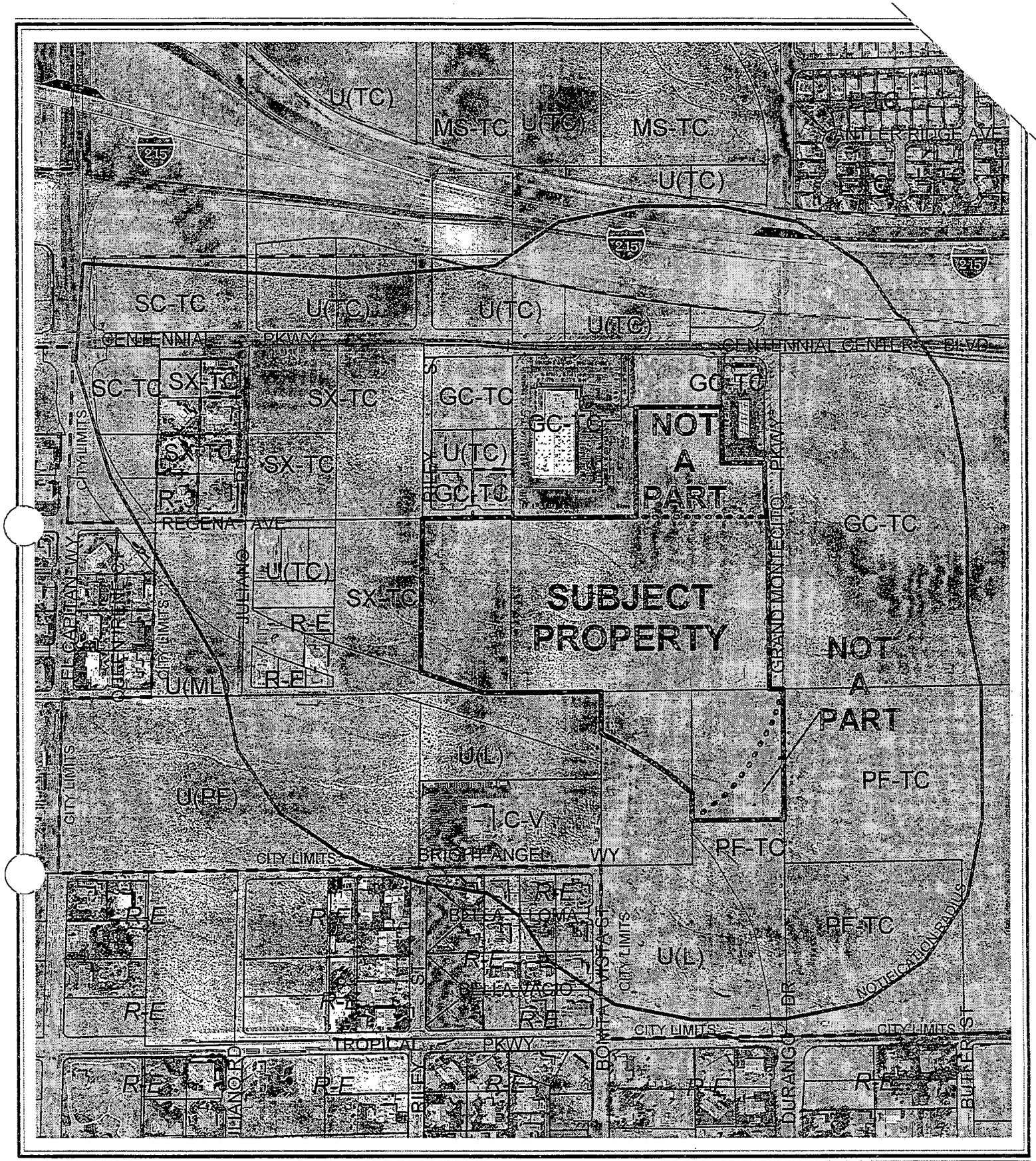
RADIUS: 750 + SPECIAL

0 400 800 Feet

ZONING OF SUBJECT PROPERTY:

U(UNDEVELOPED) ZONE [TC (TOWN CENTER) GENERAL PLAN LAND USE DESIGNATION] AND T-C (TOWN CENTER) ZONE [SC-TC (SERVICE COMMERCIAL) TOWN CENTER LAND USE DESIGNATION]

N



CASE: SDR-4985

RADIUS: 750 + SPECIAL

0 400 800 Feet

ZONING OF SUBJECT PROPERTY:

U(UNDEVELOPED) ZONE [TC (TOWN CENTER) GENERAL PLAN LAND USE DESIGNATION] AND T-C (TOWN CENTER) ZONE [SC-TC (SERVICE COMMERCIAL) TOWN CENTER LAND USE DESIGNATION]

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 23, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-4985 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT: RANDY BLACK, JR. - OWNER: DURANGO TOWN CENTER, LLC AND JIM MARSH AMERICAN CORPORATION

** CONDITIONS **

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

Planning and Development

1. A Rezoning [ZON-4991] to a T-C (Town Center) Zoning District approved by the City Council.

2. The applicant shall meet with staff to develop an address plan prior to permits. A copy of the approved address plan shall be submitted with any future building permit applications relayed to the site.

3 Prior to the issuance of building permits of non-residential projects, a revised landscape plan must be submitted to and approved by the Department of Planning and Development showing a maximum of 15% of the total landscaped area as turf.

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

5. All development shall be in conformance with the site plan and building elevations, date stamped August 10, 2004, except as amended by conditions herein, including the required median on Durango Drive.

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

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

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

9. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated. Wall height shall be limited to 8 feet.

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

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

Public Works

12. Construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site; the connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network; the connecting sidewalk shall be terminated on-site with a handicap ramp.

13. All pads comprising this overall site must always allow for the perpetual common access between the various parcels/owners within the proposed commercial subdivision area.

14. Show and annotate the existing eight inch sewer main and the 20 foot wide public sewer easement in which it is located, along the Azure Drive alignment, within this site.

15. All landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

16. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON-4991 and all other subsequent site-related actions.

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

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

19. Dedicate 50 feet of half street right-of-way adjacent to this site for Grand Montecito Parkway where such does not exist, 30 feet of right-of-way for Regena Avenue, 30 feet of right-of-way for Riley Street a 15 foot radius at the southeast corner of Regena Avenue and Riley Street, and dedicate or obtain appropriate right-of-way for the entire terminus of Regena Avenue. Dedicate or obtain dedication of the area needed to connect Riley Street to the Durango Drive alignment at a ninety degree angle and dedicate or obtain dedication of the area needed to connect Grand Montecito Parkway to the Durango Drive alignment at a ninety degree angle with all radii and designs meeting American Association of State Highway and Transportation Officials (AASHTO) criteria for a normal crowned street. Also dedicate all additional rights-of-way required by Standard Drawing #201.1 for turning lanes and #234.1 or 234.3 and #234.2 for bus turnouts at the intersection of Grand Montecito Parkway and Durango Drive prior to or concurrent with the commencement of on-site development activities.

20. Dedicate portions of the BLM right-of-way grant N-74262 recorded as 20030529-01737 for Durango Drive as required by the Department of Public Works prior to the issuance of any permits.

21. Construct half-street improvements including appropriate overpaving on Regena Avenue, Riley Street and Grand Montecito Parkway adjacent to this site concurrent with development. Also construct turning lanes and bus turnouts adjacent to this site concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete). This site shall be responsible for all, if any, half-street improvements on Durango Drive that are not constructed by a special or capital improvement project.

22. No private driveways will be allowed access to Durango Drive from this site.

23. Coordinate with the City Surveyor to determine whether a Merger and Resubdivision Map or other map is necessary; if such a Map is required, it should record prior to the issuance of any permits for this site.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This is a request for a Site Development Plan Review for a medical/ office/ retail development on 22.31 acres located at the southeast corner of Regena Avenue and Riley Street.

B) Applicant's Justification

The new development will be compatible with the adjacent uses, and will upgrade the neighborhood with attractive, functional office space that will serve the local community. The proposed development will not have a substantial adverse effect on public facilities and services, and the proposed zoning conforms to the current land use plan.

BACKGROUND INFORMATION

A) Previous Actions

08/21/02 The City Council approved a General Plan Amendment (GPA-0019-02) for area along the north side of the Durango S-Curve of which the subject parcel is a part.

02/05/03 The City Council approved a Petition to Annex the subject property (A-0038-02) located at the southeast corner of Regena Avenue and Riley Street. The effective date was February 14, 2003. The Planning Commission and staff recommended approval on October 24, 2002.

B) Pre-Application Meeting

07/30/04 The discussion at the pre-application conference was about the following.

- Grand Montecito is a frontage road
- Durango is a Parkway (120 foot right-of-way)
- Riley is a Town Center Collector
- 15 foot setback is required in SC-TC for landscape planter
- Sidewalk per page 110
- Street lighting per page 115

KCW

- Buildings should be located at the front setback line with parking to the side or rear per page 73, 116-117.
- Parking lots shall be screened by buildings and/ or landscaping per page 117
- 1 tree/ 6 parking lot spaces
- Architectural features/ glazing/ materials per pages 72-75
- Revised Master Sign plan required- CH-10-03
- Parking- Medical: 1/200 square feet plus 1/175 square feet for all additional
- General Office: 1/300 square feet

C) Neighborhood Meetings

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

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 22.31

B) Existing Land Use

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

C) Planned Land Use

Subject Property:	SC-TC	(Service Commercial – Town Center)
North:	GC-TC	(General Commercial – Town Center)
South:	L	(Low Density Residential)
	PROS	(Park Recreation Open Space)
East:	SC-TC	(Service Commercial – Town Center)
	GC-TC	(General Commercial – Town Center)
	PF-TC	(Public Facility– Town Center)
West:	SX-TC	(Suburban Mixed Use – Town Center)

KCW

D) Existing Zoning

Subject Property:	U (Undeveloped) [TC (Town Center) General Plan Designation]
North:	U (Undeveloped) [TC (Town Center) General Plan Designation]
	Clark County
South:	U (Undeveloped) [L (Low Density Residential) General Plan Designation]
	U (Undeveloped) [PF (Public Facility) General Plan Designation]
East:	TC (Town Center)
West:	TC (Town Center)

E) General Plan Compliance: Centennial Hills General Plan

The site is designated as TC (Town Center) on the Centennial Hills Sector map of the General Plan. Within Town Center, land use is more specifically described by special land use designations as set out in the Town Center Development Standards Manual. The Manual designated this site as SC-TC (Service Commercial - Town Center). The request for T-C (Town Center) zoning conforms to the SC-TC (Service Commercial – Town Center) special land use designation.

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

Trails – There are two trail segments adjacent to the site as identified on Map 6 (Town Center Multi-Use Trail Alignments) of the Transportation Trails Element. One is a Town Center Parkway Trail along Durango Road to the south of the site and a Multi-use Transportation Trail also along Durango Drive. The Town Center Parkway Trail is detailed in the street cross-sections in the Town Center Development Standards Manual and represents the sidewalks along these streets.

KCW

PROJECT DESCRIPTION

The proposed development consists of 20 buildings around the perimeter of the 22.31-acre site with six more clustered in the center. Three sides of the perimeter are streets: Grand Montecito Parkway to the east, Durango Drive to the south, and Riley Street to the west. The northern perimeter is the cul-de-saced Regena Avenue and the northern property line. This design facilitates access from the development to east, south, and west. Primary access is to Grand Montecito Parkway. The two access drives to Durango Drive is contrary to the arrangements that were the result of the many neighborhood meetings that were part of the planning process that resulted in the inclusion of the properties north of Durango into the Centennial Hills Town Center.

The open space provided with this project is 214,320 square feet within landscaped amenity zones, open spaces, and landscaped areas. The total amount of open space provided is approximately a half an acre in excess of that required by Town Center open space standards as outlined in the Town Center Development Standards Manual.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

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

Standards	Required	Provided	Compliance
Min. Lot Size	N/A	22.31 Acres	Y
Min. Lot Width	N/A	1060 Feet	Y
Min. Setbacks			
• Front	15 Feet	15 Feet	Y
• Side	15 Feet	15 Feet	Y
• Corner	15 Feet	15 Feet	Y
• Rear	10 Feet	10 Feet	Y
Max. Lot Coverage	N/A	22%	Y
Max. Building Height	2 Stories / 35 Feet	2 Stories	Y
Trash Enclosure	Y	Shown	Y
Loading Zone	Y	Shown	Y
Mech. Equipment	Y	Not shown	Not Shown

KCW

The proposal meets the development requirements of Title 19 and the Town Center Development Standards.

A2) Residential Adjacency Standards

The Residential Adjacency Standards of Title 19.08 do not apply to the subject proposal.

A3) Parking and Traffic Standards

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

Uses	GFA	**Required** Ratio	**Required** Parking		**Provided** Parking	
			Regular	Handicap	Regular	Handicap
Medical Office: ¼ of area	38,500 S.F.	1/200 up to 2000 SF plus 1/175 GFA	10 209	7		
General Office: ¾ of area	173,000 S.F.	1/300 GFA	577	12		
TOTALS	211,500 S.F.		796	19	1,025	58

The project will be monitored as it is built out to ensure conformance to parking standards of the Code. The provided parking accounts for allowance of approximately 25% of the square footage for medical office uses

A4a) Landscape

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

Standards	**Required** Ratio	**Required** Trees	**Provided**
Parking Area	6 Trees/ 1 Space	1,083/ 6 = 181 Trees	181 Trees+
Buffer: • Min. Trees	1 Trees/ 20 Linear Feet	600/ 20= 30 Trees	35 Trees
• Min. Zone Width	8 Feet		8 Feet
• Wall height	8 Feet		Not Shown

The proposal exceeds the landscaping requirements of Title 19.12 and the Landscape, Wall, and Buffer Standards.

KCW

A4b) Open Space Standards

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

Total Acreage		Required		Provided	
		Percent	Area	Percent	Area
22.31 acres		20 %	196,020 SF	22.1%	214,320 SF

The proposal exceeds the requirements of Title 19.06 for open space in a Town Center development.

A5) Sign Standards

The signs of the proposed development will be subject to a separate review by the Centennial Hills Architectural Review Committee (CHARC).

B) General Analysis and Discussion

- Zoning

With the approval of companion Rezoning application (ZON-4991), the portion of the subject site not already zoned will be rezoned as T-C (Town Center). The proposed Site Development Plan conforms to the proposed zoning for the site.

- Site Plan

The site plan as proposed meets all standards of Title 18 and the Town Center Development Standards Manual.

The Retail portion of the site will require a separate review by another Site Development Plan Review application.

- Waivers

No waivers have been requested with respect to this application.

- Landscape Plan

The landscaping proposed for the development far exceeds the minimum required for a commercial development.

- Elevation

The proposed stucco exterior with a rectangular stone wainscot is typical of commercial development of today. The hipped roof, instead vertical parapets, is an attractive variation from typical designs.

- Floor Plan

The floor plans show the typical multiple suite designs of commercial development.

FINDINGS

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

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

   The proposed development will be consistent with the existing and proposed development around the site.

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

   The proposed site plan conforms to both the General Plan and the Town Center land use designations for the site. The proposed site plan conforms to other city policies and standards.

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

   The site will be accessed from Grand Montecito Parkway, a 90 foot Town Center Frontage Road, to the east of the site, Durango Drive, a 120 foot Town Center Parkway Arterial, to the south, and Riley Street, a 80 foot Town Center Collector. These streets will be adequate for allowable development under the proposed T-C (Town Center) zoning district. Access to Durango Drive, however, is inconsistent with the results of the planning process that was associated with the planning of the Durango S-Curve neighborhood.

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

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

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

   The building elevations are typical of commercial development and will be compatible with existing and planned development around the site.

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

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

NOTICES MAILED 42 [Mailed with ZON-4991]

APPROVALS 0

PROTESTS 0

KCW

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-4985 APN: 125-29-601-002

Name of Property Owner: Jim MARSH AMERICAN Corporation

Name of Applicant: _____

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

_____ Yes _____X_____ No

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

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner/Authorized Agent: _____

Print Name: JAMES R. MARSH

Subscribed and sworn before me

This 21 day of JULY, 2004

_____
Notary Public in and for said County and State

Notary Public - State of Nevada
COUNTY OF CLARK
JAMES W. ROZZI
No. 92-1582-1 My Appointment Expires Oct. 24, 2004

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-4985 APN: 125-29-502-010

Name of Property Owner: DURANGO TOWN CENTER, LLC

Name of Applicant: _____

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

_____ Yes _____X_____ No

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

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner/Authorized Agent: _____

Print Name: Ramon Barack Jr

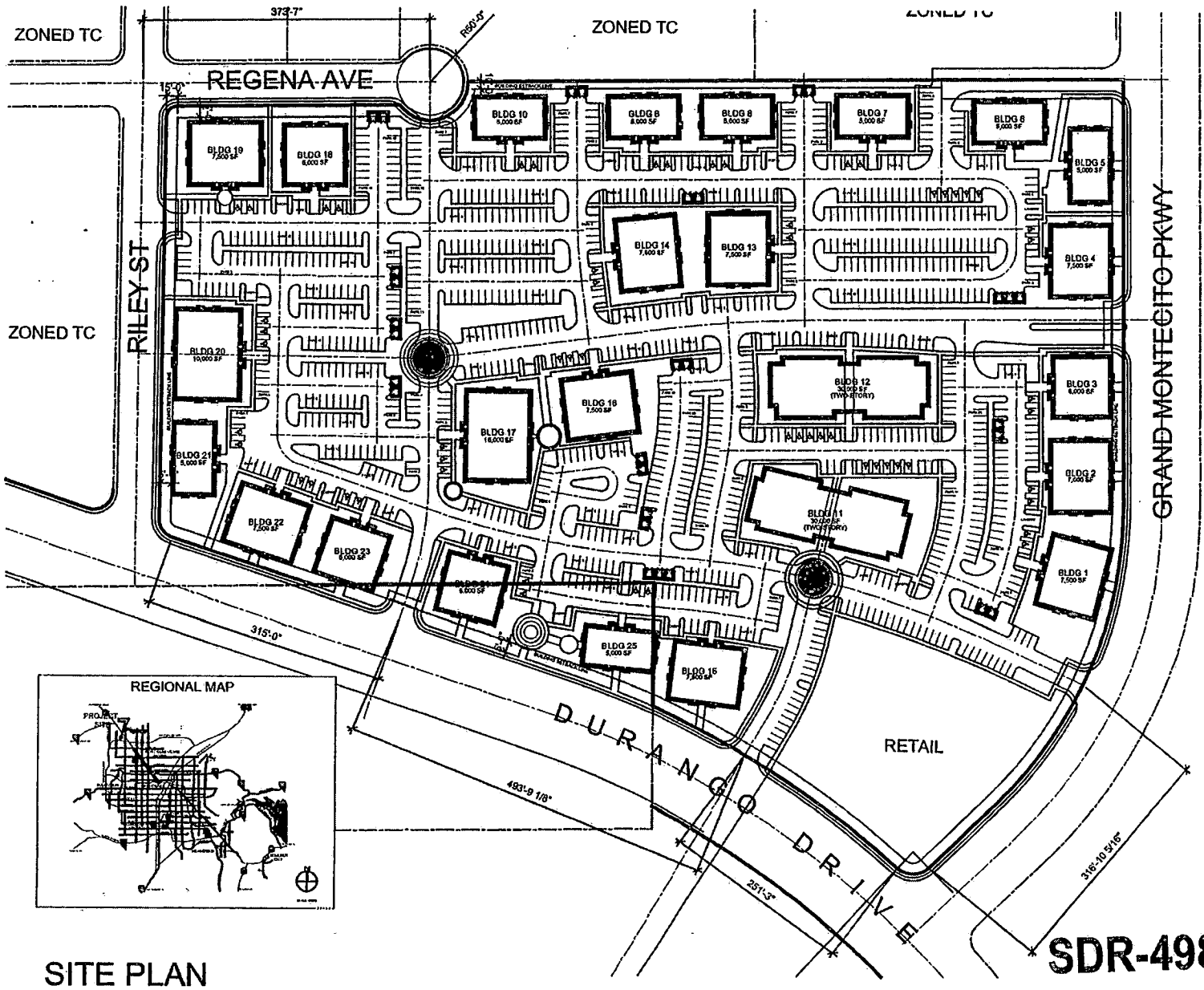
Subscribed and sworn before me

This 26 day of July, 2004

Lesley Fernandez

Notary Public in and for said County and State

LESLEY FERNANDEZ
Notary Public State of Nevada
No. 03-83173-1
My appt. exp. July 23, 2007



REGIONAL MAP

SITE PLAN

OFFICE PARK @ GRAND MONTECITO PKWY / DURANGO DRIVE

SDR-4985
9/23/04 PC

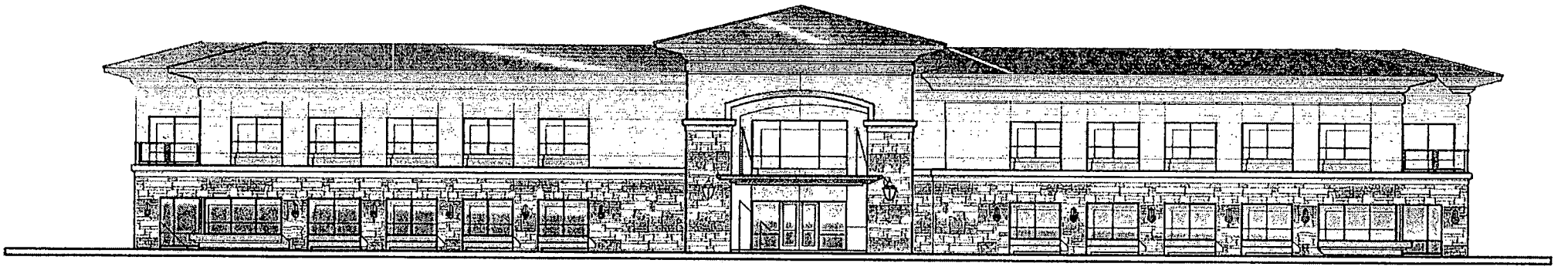
JMA ARCHITECTURE STUDIOS

SITE DATA

SITE AREA	972,235 SF
	22.31 ACRES
CURRENT ZONING	TC
BUILDING DENSITY	28%
BUILDING 1	7,500 SF
PARKING REQUIRED	38 SPACES
PARKING PROVIDED	38 SPACES
BUILDING 2	7,500 SF
PARKING REQUIRED	38 SPACES
PARKING PROVIDED	38 SPACES
BUILDING 3	6,000 SF
PARKING REQUIRED	30 SPACES
PARKING PROVIDED	30 SPACES
BUILDING 4	7,500 SF
PARKING REQUIRED	38 SPACES
PARKING PROVIDED	38 SPACES
BUILDING 5	5,000 SF
PARKING REQUIRED	25 SPACES
PARKING PROVIDED	25 SPACES
BUILDING 6	5,000 SF
PARKING REQUIRED	25 SPACES
PARKING PROVIDED	25 SPACES
BUILDING 7	5,000 SF
PARKING REQUIRED	25 SPACES
PARKING PROVIDED	25 SPACES
BUILDING 8	5,000 SF
PARKING REQUIRED	25 SPACES
PARKING PROVIDED	25 SPACES
BUILDING 9	5,000 SF
PARKING REQUIRED	25 SPACES
PARKING PROVIDED	25 SPACES
BUILDING 10	5,000 SF
PARKING REQUIRED	25 SPACES
PARKING PROVIDED	25 SPACES
BUILDING 11	30,000 SF
PARKING REQUIRED	150 SPACES
PARKING PROVIDED	150 SPACES
BUILDING 12	30,000 SF
PARKING REQUIRED	150 SPACES
PARKING PROVIDED	150 SPACES
BUILDING 13	7,500 SF
PARKING REQUIRED	38 SPACES
PARKING PROVIDED	38 SPACES
BUILDING 14	7,500 SF
PARKING REQUIRED	38 SPACES
PARKING PROVIDED	38 SPACES
BUILDING 15	7,500 SF
PARKING REQUIRED	38 SPACES
PARKING PROVIDED	38 SPACES
BUILDING 16	7,500 SF
PARKING REQUIRED	38 SPACES
PARKING PROVIDED	38 SPACES
BUILDING 17	10,000 SF
PARKING REQUIRED	50 SPACES
PARKING PROVIDED	50 SPACES
BUILDING 18	6,000 SF
PARKING REQUIRED	30 SPACES
PARKING PROVIDED	30 SPACES
BUILDING 19	7,500 SF
PARKING REQUIRED	38 SPACES
PARKING PROVIDED	38 SPACES
BUILDING 20	10,000 SF
PARKING REQUIRED	50 SPACES
PARKING PROVIDED	50 SPACES
BUILDING 21	5,000 SF
PARKING REQUIRED	25 SPACES
PARKING PROVIDED	25 SPACES
BUILDING 22	7,500 SF
PARKING REQUIRED	38 SPACES
PARKING PROVIDED	38 SPACES
BUILDING 23	6,000 SF
PARKING REQUIRED	30 SPACES
PARKING PROVIDED	30 SPACES
BUILDING 24	6,000 SF
PARKING REQUIRED	30 SPACES
PARKING PROVIDED	30 SPACES
BUILDING 25	5,000 SF
PARKING REQUIRED	25 SPACES
PARKING PROVIDED	25 SPACES
BUILDING 26	5,000 SF
PARKING REQUIRED	25 SPACES
PARKING PROVIDED	25 SPACES
TOTAL BUILDING AREA	211,500 SF
TOTAL PARKING REQ'D	1,058 SPACES
	PER CLIENT - 5/1000
TOTAL PARKING PROVIDED	1,083 SPACES

2295 CORPORATE CIRCLE, SUITE 250 HENDERSON, NEVADA 89074
PHONE: (702) 948-2093 FAX: (702) 948-2098 WWW.JMAARCH.COM

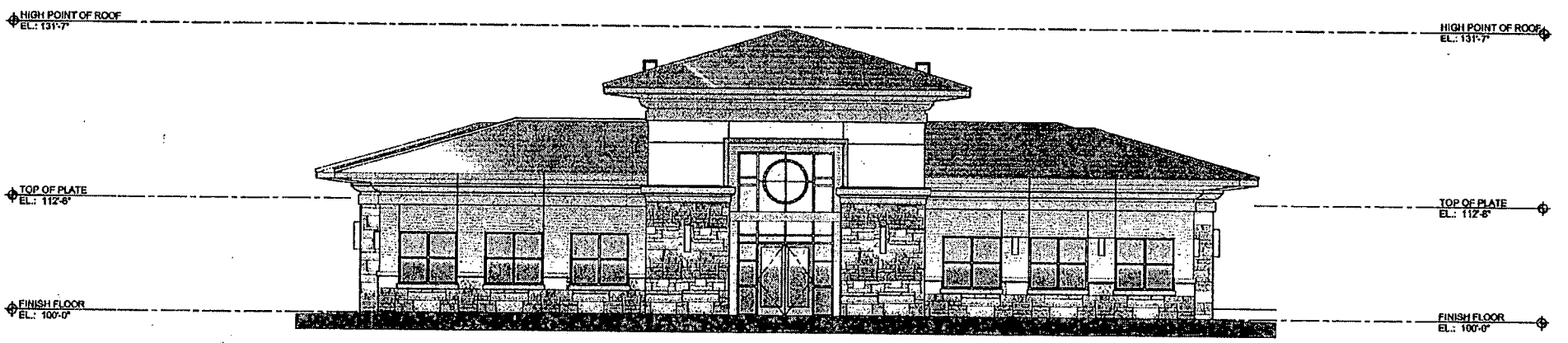
PROJECT NO: 2003030
DATE: AUGUST 18, 2004
SCALE: 1"=60'
NORTH



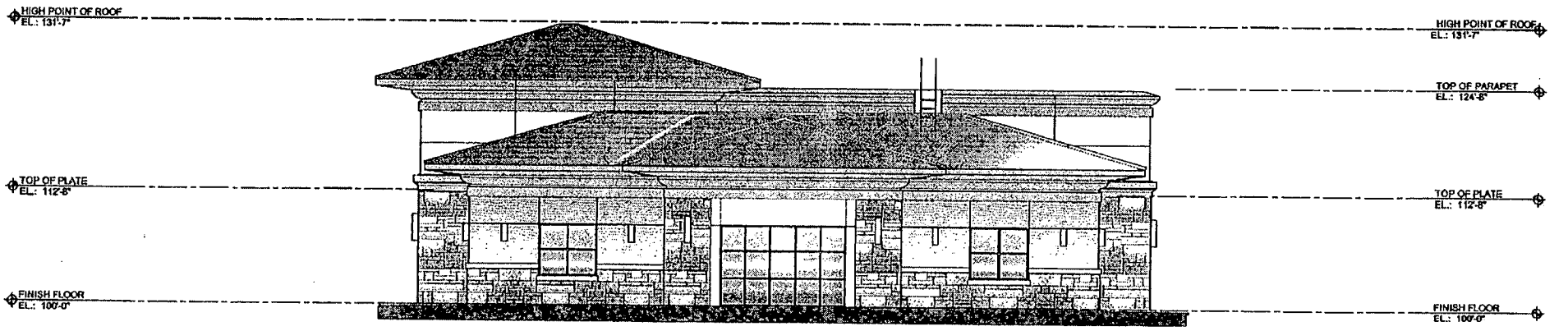
2 STORY 30,000 SF BUILDING . FRONT ELEVATION

JMA ARCHITECTURE STUDIOS

SDR-4985
9/23/04 PC



TYPICAL 6000 SF BUILDING . FRONT ELEVATION



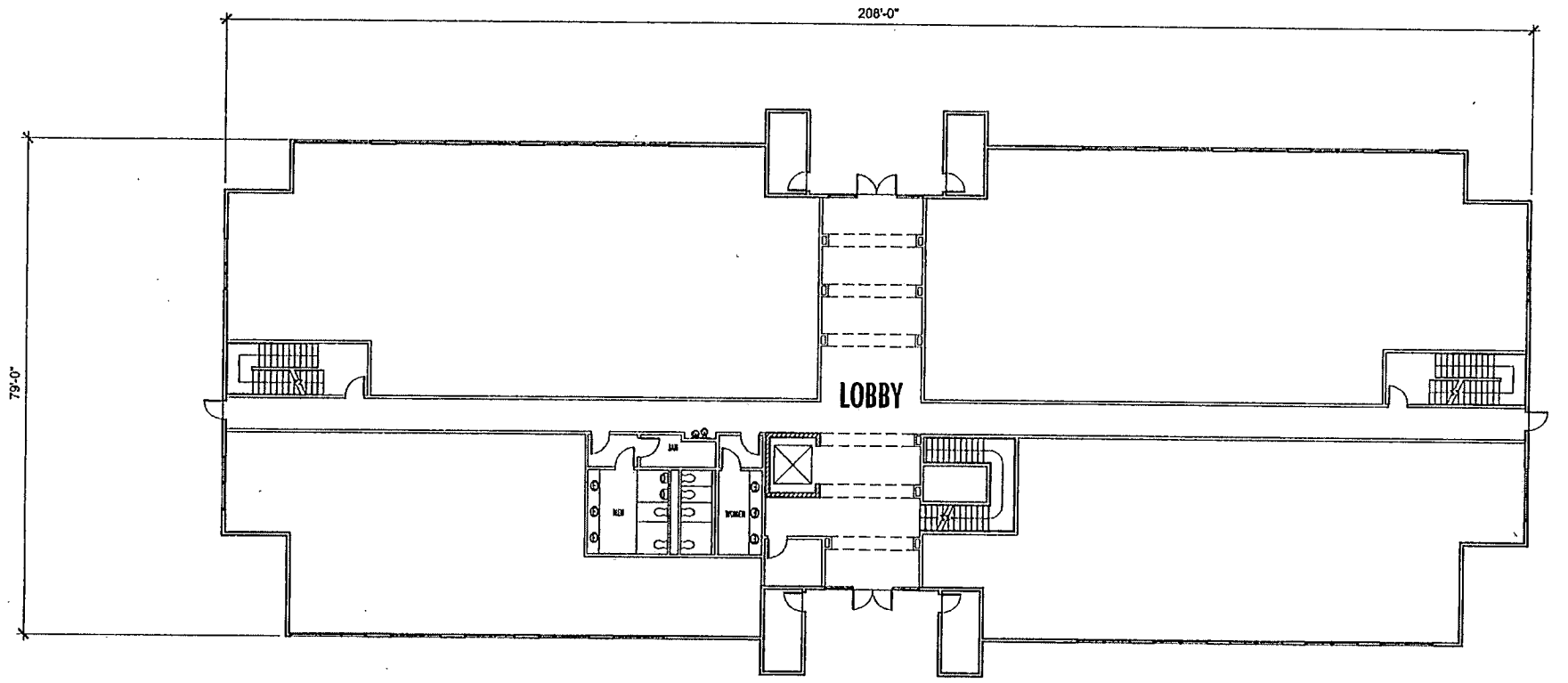
TYPICAL 6000 SF BUILDING . SIDE ELEVATION

JMA ARCHITECTURE STUDIOS

SDR-4985

9/23/04 PC

JMA ARCHITECTURE STUDIOS



TYPICAL FLOOR PLAN 30,000 S.F. BUILDING

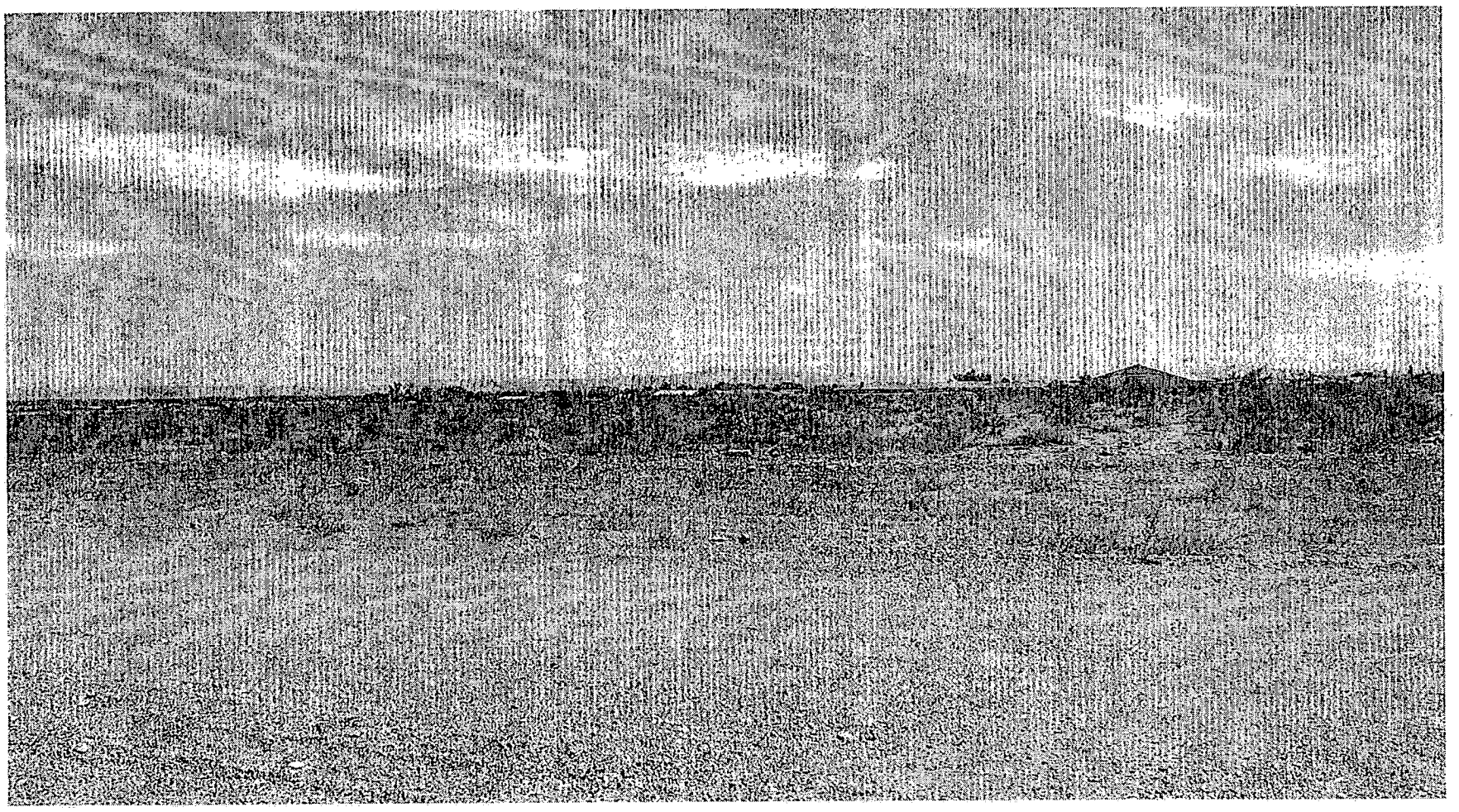
OFFICE PARK . @ MONTECITO PKWY / DURANGO DR.

2765 CORPORATE CIRCLE, SUITE 250 HENDERSON, NEVADA 89074
PHONE: (702) 942-2013 FAX: (702) 942-2039 WWW.JMAARCH.COM

PROJECT NO: 2003630
DATE: August 13, 2004

0 4' 8' 16'
SCALE: 1/8" = 1'-0"
NORTH

SDR-4985
9/23/04 PC



SDR-4985 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT: RANDY BLACK, JR. - OWNER: DURANGO TOWN CENTER, LLC AND JIM MARSH AMERICAN CORPORATION
SOUTHEAST CORNER OF REGENA AVENUE AND RILEY STREET
SEPTEMBER 23, 2004 PLANNING COMMISSION

8/24/04

City of Las Vegas

Agenda Item No.: 36

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

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

SUBJECT:
VAR-4934 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: KENNINGTON DEVELOPMENT, LLC - Request for a Variance to ALLOW A LOT WIDTH OF 99 FEET WHERE 100 FEET IS THE MINIMUM WIDTH REQUIRED FOR A PROPOSED THREE LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT on 1.79 acres adjacent to the southeast corner of Jones Boulevard and Whispering Sands Drive (APN 125-13-201-001), R-E (Residence Estates) Zone, Ward 6 (Mack).

IF APPROVED: C.C.: 10/20/04
IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

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

RECOMMENDATION:
Staff recommends APPROVAL.

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

MOTION:
McSWAIN – APPROVED subject to conditions – UNANIMOUS with TRUESDELL not voting and STEINMAN excused

To be heard by the City Council on 10/20/2004

MINUTES:
CHAIRMAN TRUESDELL declared the Public Hearing open on Item 36 [VAR-4934] and Item 37 [SUP-4933].

DAVID CLAPSADDLE, Planning and Development Department, explained that each of the three lots would meet the minimum standards of Code in terms of size, as they are all twenty thousand square feet in area. The variance request pertains to the lot widths because the Code requires one hundred feet and these lots are proposed at ninety-nine feet. Staff feels the request is legitimate because of a previous right-of-way dedication that took place and because it is a

MINUTES – Continued:
very minor adjustment. Regarding the use permit, the private street is forty feet wide and staff is comfortable with that as well.

STEVE KENNINGTON, 7080 Donald Nelson Avenue, appeared on behalf of the applicant and agreed to all conditions.

VICE - CHAIRMAN NIGRO declared the Public Hearing closed on Item 36 [VAR-4934] and Item 37 [SUP-4933].

(7:52 – 7:55)
2-780

CONDITIONS:
Planning and Development

1. Approval of a Special Use Permit (SUP-4933) to allow the private street by the Planning Commission and City Council prior to recordation of a subdivision map on this site or the issuance of any permits for this development.

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

Public Works

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

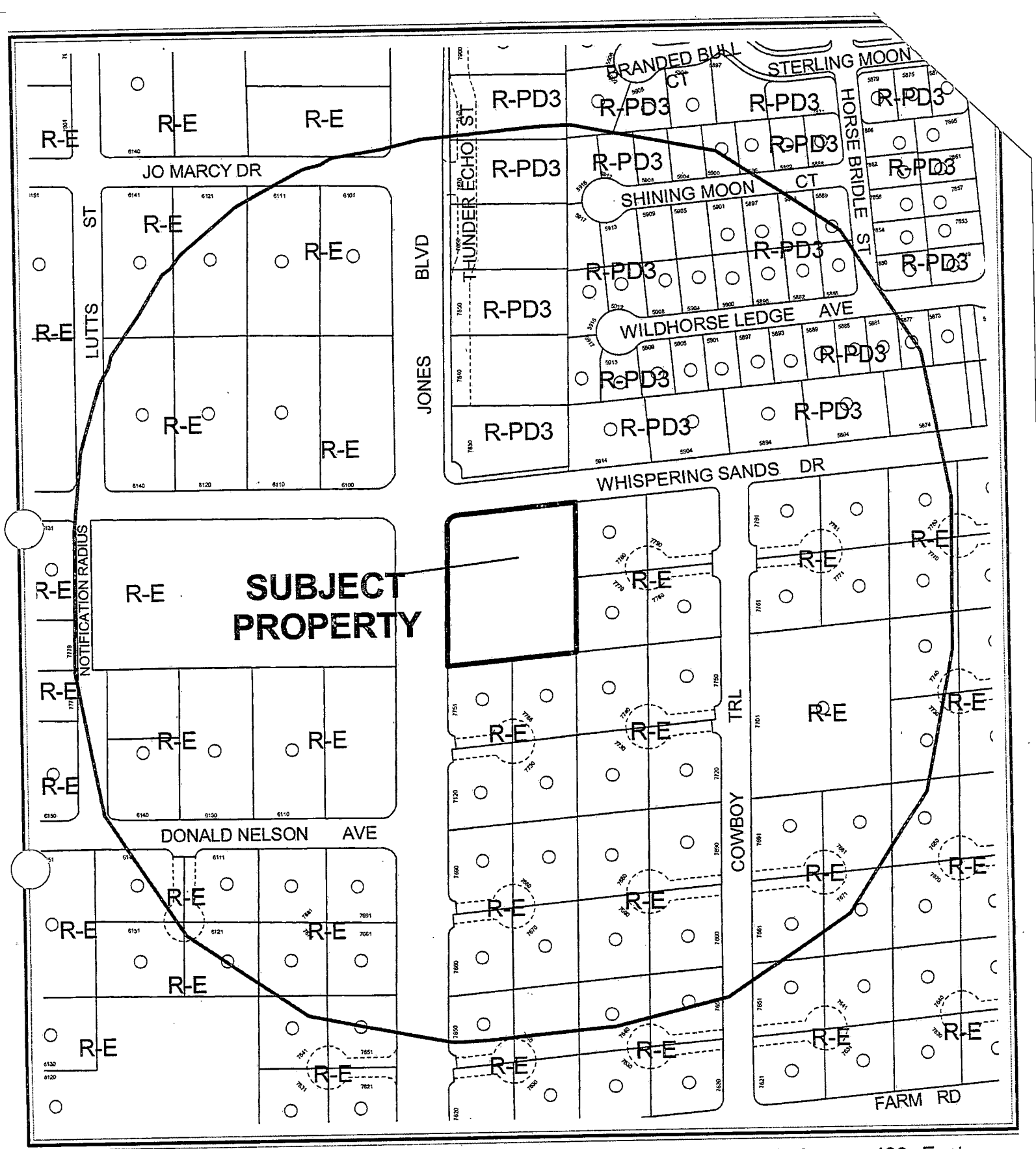
4. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and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

CONDITIONS – Continued:

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.

5. Gated entry drives, if proposed, shall be designed, located and constructed in accordance with Standard Drawing #222A. We note that the entry as designed can not be gated.

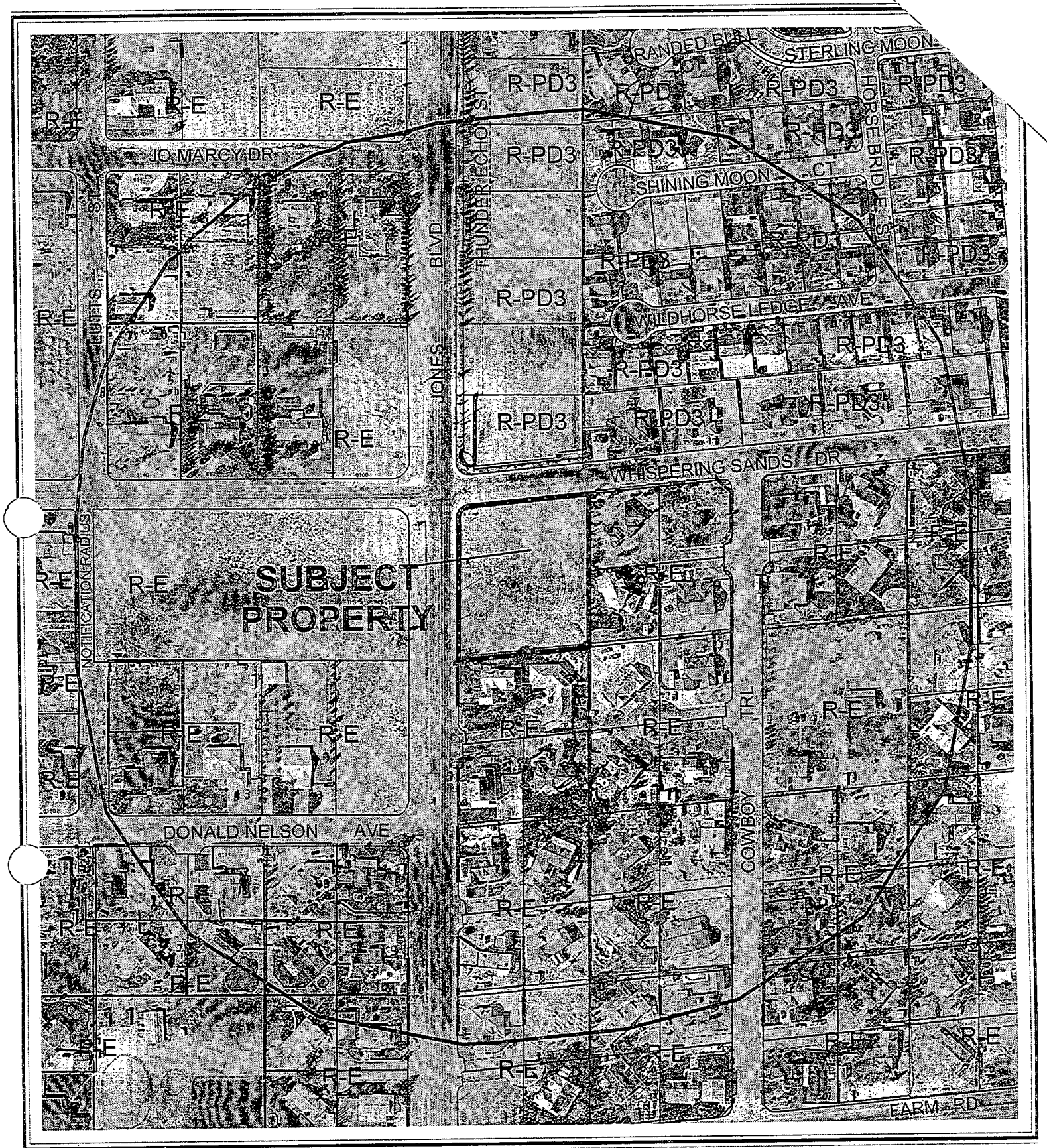
6. The approval of all Public Works related improvements shown on this Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal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



CASE: **VAR-4934**

RADIUS: 750 FT

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



0 200 400 Feet

CASE: VAR-4934

RADIUS: 750 FT

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

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 23, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-4934 - VARIANCE - PUBLIC HEARING -
APPLICANT/OWNER: KENNINGTON DEVELOPMENT, LLC

** CONDITIONS **

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

Planning and Development

1. Approval of a Special Use Permit (SUP-4933) to allow the private street by the Planning Commission and City Council prior to recordation of a subdivision map on this site or the issuance of any permits for this development.

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

Public Works

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

4. 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.

5. Gated entry drives, if proposed, shall be designed, located and constructed in accordance with Standard Drawing #222A. We note that the entry as designed can not be gated.

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

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This request is for a Variance to allow a lot width of 99 feet where 100 feet the minimum width required for a proposed three lot single family residential development adjacent to the southeast corner of Jones Boulevard and Whispering Sands Drive.

B) Applicant's Justification

The applicant's justification letter indicates that due to the configuration of the property resulting from right-of-way dedications, a Variance is necessary to allow the widths of the proposed lots to be 99 feet where 100 feet is required.

BACKGROUND INFORMATION

A) Previous Actions

09/23/04 The Planning Commission will hear a request for a Special Use Permit (SUP-4933) for a private street for the single family development on this site. Staff recommendation is for approval.

B) Pre-Application Meeting

07/21/04 The applicant was advised of the requirements of a Variance.

C) Neighborhood Meetings

A neighborhood meeting is not required for this application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 1.79

MP

B) Existing Land Use

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

C) Planned Land Use

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

D) Existing Zoning

Subject Property:	R-E (Residence Estates)
North:	R-PD3 (Residential Planned Development – 3 Units Per Acre)
South:	R-E (Residence Estates)
East:	R-E (Residence Estates)
West:	R-E (Residence Estates)

E) General Plan Compliance

This site is designated R (Rural Density Residential) on the Centennial Hills Sector Map of the General Plan. The existing R-E (Residence Estates) Zoning is in conformance with the General Plan.

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

This site is not within any special plan areas or districts.

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	20,000 Square Feet	20,010	Y
Min. Lot Width	100 Feet	99 Feet	N
Min. Setbacks			
◦ Front	30 Feet	N/A	N/A
◦ Side	10 Feet	N/A	N/A
◦ Corner	15 Feet	N/A	N/A
◦ Rear	35 Feet	N/A	N/A
Max. Lot Coverage	50 %	N/A	N/A
Max. Building Height	2 Stories / 35 Feet	N/A	N/A
Private/Public Street	Private with approval of a Special Use Permit	Private Street	Y

The proposed development is in compliance with the Zoning Code with regards to minimum lot size, but not lot width. The submitted plan shows three proposed lots with widths of 99 feet each where 100 feet is the minimum width required. The applicant has submitted this Variance request to allow for the reduction in lot width. The homes on this property will be custom-built, therefore the setbacks and building height will be reviewed with the building permits for the residences.

B) General Analysis and Discussion

The applicant is proposing to create three single-family lots that will front on a 40 foot wide private street with access to Whispering Sands Drive. Due to the configuration of the property resulting from right-of-way dedications, the applicant has applied for this Variance to allow the widths of the proposed lots to be 99 feet where 100 feet is required.

FINDINGS

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

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

Additionally, Title 19.18.070L states:

"Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or

> condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

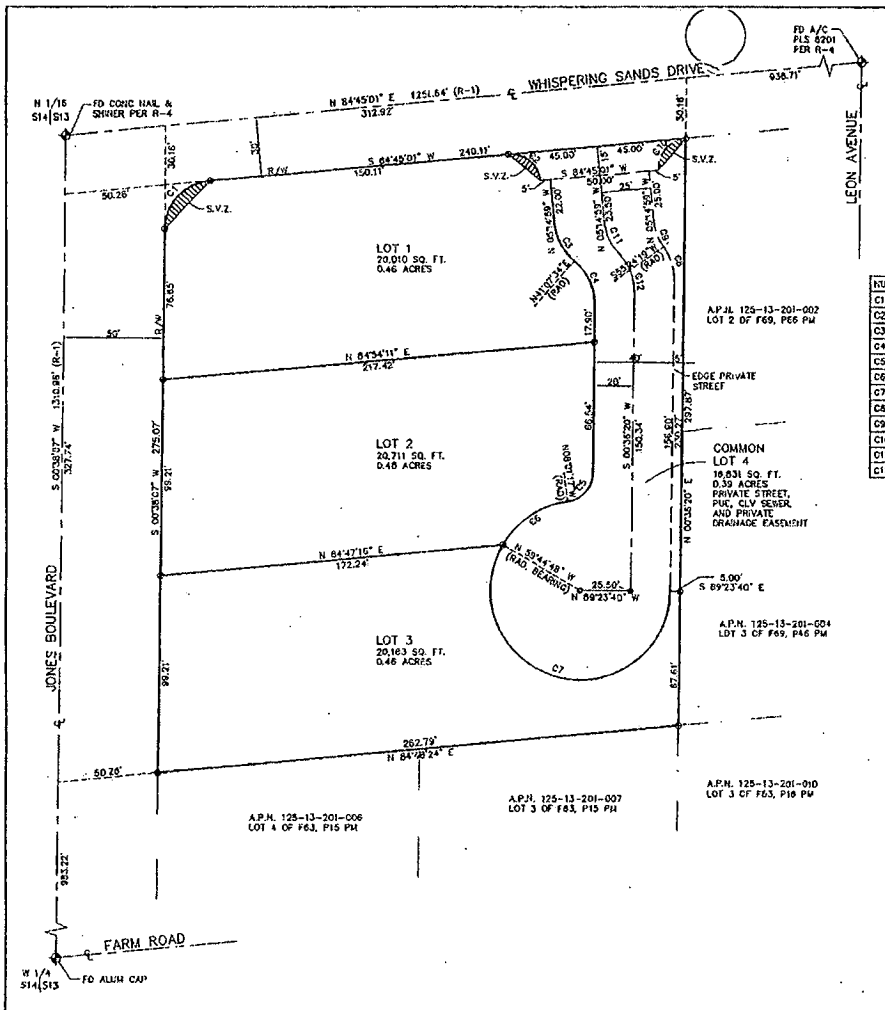
In this case, evidence of a unique or extraordinary circumstance has been presented in that the subject parcel has been reduced in size because of right-of-way dedications and strict application of the lot width requirements would present a hardship to development of a single family dwellings on this site. Additionally, this request is minor in nature and the minimum lot size is still provided.

NOTICES MAILED 101 [Mailed with SUP-4933]

APPROVALS 0

PROTESTS 0

MP



1" = 30'

NUMBER	DELTA ANGLE	TANGENT	RADIUS	ARC LENGTH
C1	84°08'54"	22.66	25.00	39.70
C2	90°00'00"	15.00	15.00	23.56
C3	43°37'27"	12.01	30.00	22.84
C4	49°28'46"	13.82	30.00	25.91
C5	81°22'23"	12.47	14.50	20.59
C6	51°43'31"	22.06	45.50	41.08
C7	209°38'52"	-171.62	45.50	166.49
C8	35°12'01"	9.52	30.00	16.43
C9	29°20'42"	7.85	30.00	15.37
C10	90°00'00"	15.00	15.00	23.56
C11	37°43'54"	9.91	29.00	19.10
C12	43°35'13"	11.60	29.00	22.06

SURVEYOR'S CERTIFICATE

I, ROBERT FULSTONE, A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF NEVADA, CERTIFY THAT:

1. THIS PLAT REPRESENTS THE RESULTS OF A SURVEY CONDUCTED UNDER MY DIRECT SUPERVISION AT THE INSTANCE OF KENNINGTON DEVELOPMENT LLC.
2. THE LANDS SURVEYED LIE WITHIN A PORTION OF THE SW4 NW4 OF SEC 13, T19S, R60E, M.D.M., CLARK COUNTY, NEVADA, AND THE SURVEY WAS COMPLETED ON 7/1/2004.
3. THIS PLAT COMPLIES WITH THE APPLICABLE STATE STATUES AND ANY LOCAL ORDINANCES IN EFFECT ON THE DATE THAT THE GOVERNING BODY GAVE IT'S FINAL APPROVAL.
4. THE MONUMENTS DEPICTED ON THE PLAT ARE OF THE CHARACTER SHOWN, AND OCCUPY THE POSITIONS INDICATED AND ARE OF SUFFICIENT NUMBER AND DURABILITY.

ROBERT FULSTONE
PROFESSIONAL LAND SURVEYOR
NEVADA CERTIFICATE PLS # 5269

ROBERT FULSTONE — No. 5269 — STATE OF NEVADA

OWNER'S CERTIFICATE

KENNINGTON DEVELOPMENT LLC
DOES HEREBY CERTIFY THAT IT IS THE OWNER OF THE PARCEL OF LAND WHICH IS SHOWN UPON THIS PARCEL MAP AND HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP AND DOES HEREBY OFFER AND DEDICATE THE PUBLIC STREET RIGHT-OF-WAYS, AND GRANT ALL EASEMENTS, EXCEPT PRIVATE EASEMENTS, AS INDICATED AND OUTLINED HEREON, TO THE CITY OF LAS VEGAS, FOR THE USE OF THE PUBLIC.

STEVE KENNINGTON — MANAGER
KENNINGTON DEVELOPMENT LLC.

7-7-04
DATE

ACKNOWLEDGMENT

STATE OF NEVADA
COUNTY OF CLARK
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON July 7, 2004
BY STEVE KENNINGTON MANAGER FOR KENNINGTON DEVELOPMENT LLC.

RYAN P. SKAGGS
NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE
MY COMMISSION EXPIRES ON FEBRUARY 19, 2005

CITY SURVEYOR'S CERTIFICATE

APPROVED THIS _____ DAY OF _____, 200__

ALLEN R. RIEKKI
CITY OF LAS VEGAS SURVEYOR
NEVADA CERTIFICATE PLS 12469

BASIS OF BEARINGS

N 84°45'01" E BEING THE CENTERLINE OF WHISPERING SANDS DRIVE PER FILE 52, PAGE 70 OF SURVEY MAPS IN THE OFFICE OF THE COUNTY RECORDER, CLARK COUNTY, NEVADA.

APPROVALS

APPROVED THIS _____ DAY OF _____, 200__
FOR THE PURPOSE OF LAND DIVISION.

DIRECTOR OF PLANNING AND DEVELOPMENT
CITY OF LAS VEGAS

NOTE: SIGHT VISIBILITY ZONE

NO WALLS, FENCES, TREES, SHRUBS, UTILITY APPURTENANCES OR ANY OTHER OBJECT, OTHER THAN TRAFFIC CONTROL DEVICES AND STREET LIGHT POLES, MAY BE CONSTRUCTED OR INSTALLED WITHIN THE SIGHT VISIBILITY ZONE UNLESS SAID OBJECT IS MAINTAINED AT LESS THAN 24 INCHES IN HEIGHT, MEASURED FROM TOP OF CURB, OR WHERE NO CURB EXISTS, A HEIGHT OF 27 INCHES MEASURED FROM THE TOP OF ADJACENT ASPHALT, GRAVEL OR PAVEMENT STREET SURFACE.

LEGEND

⊕	MONUMENTS FOUND AS SHOWN
●	SET REBAR & PLASTIC CAP PLS #5269
•	SET REBAR & ALUMINUM CAP PLS #5269
℄	CENTER LINE
(M)	MEASURED DATA
(R-#)	RECORDED DATA
(B.O.B.)	BASIS OF BEARINGS
(A.P.N.)	ASSESSOR PARCEL NUMBER
(C1)	CURVE DATA
(R.O.W.)	PUBLIC ROAD RIGHT-OF-WAY
SVZ	SIGHT VISIBILITY ZONE

REFERENCES

1. FILE 52, PAGE 70 OF SURVEYS
2. FILE 63, PAGE 15 OF PARCEL MAPS
3. FILE 69, PAGE 66 OF PARCEL MAPS
4. FILE 117, PAGE 17 OF SURVEYS
5. FILE 117, PAGE 24 OF SURVEYS

NOTE

PURSUANT TO N.R.S. 278.468 THIS MAP MUST BE RECORDED BY _____, 200__.

NOTE:
ANY SUBSEQUENT CHANGES TO THIS MAP SHOULD BE EXAMINED AND MAY BE DETERMINED BY REFERENCE TO THE COUNTY RECORDER'S CUMULATIVE MAP INDEX, N.R.S. 278.5695

SHEET 1 OF 1

PARCEL MAP

LOT 2 OF FILE 52, PAGE 70 OF SURVEYS BEING A PORTION OF THE SOUTHWEST QUARTER (SW4) OF THE NORTHWEST QUARTER (NW4) OF SECTION 13, TOWNSHIP 19 SOUTH, RANGE 60 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA.

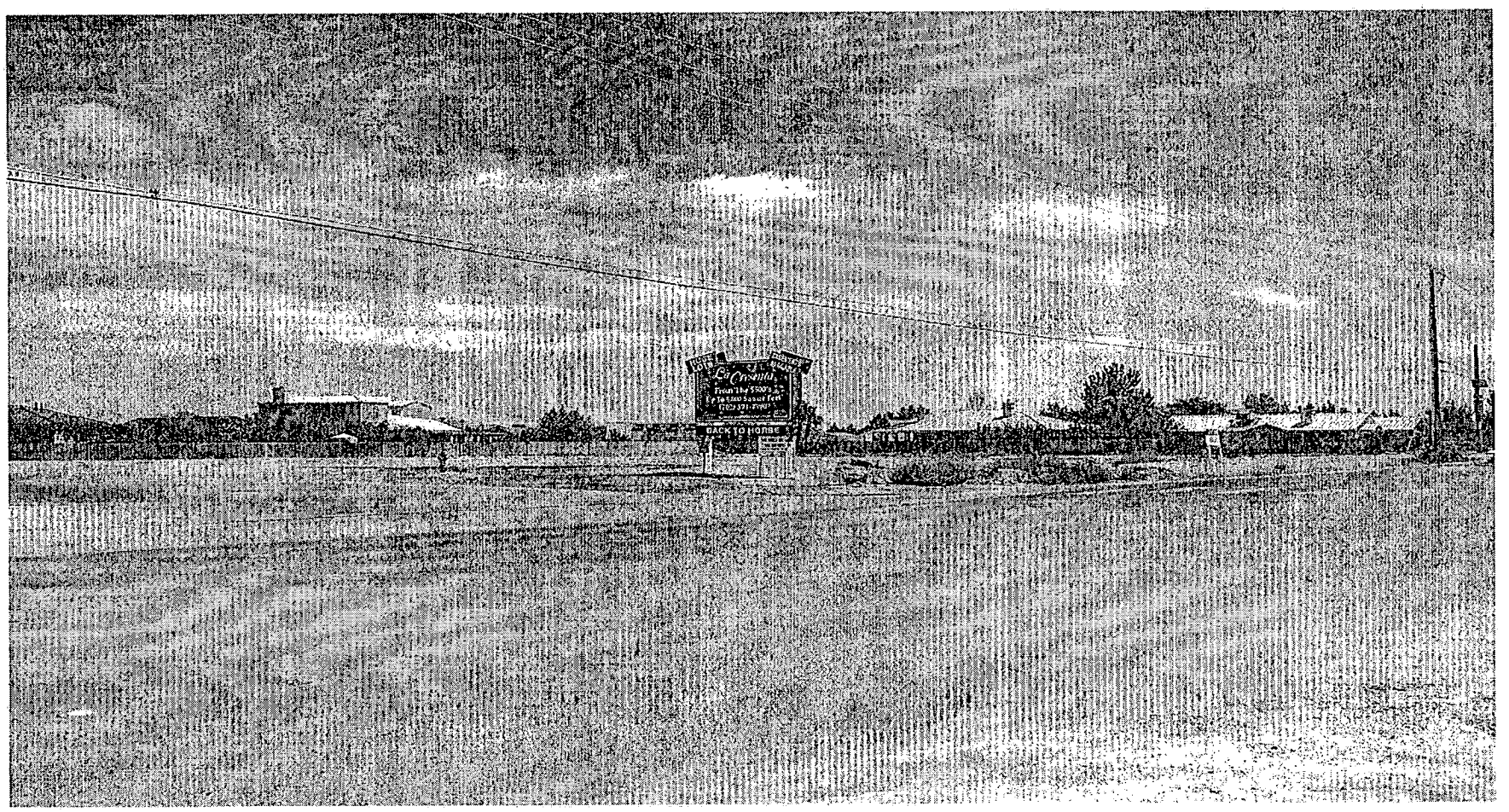
FOR: KENNINGTON DEVELOPMENT LLC.

FULSTONE ENTERPRISES INC.
840 S. MARTIN LUTHER KING BLVD.
LAS VEGAS, NEVADA 89106
PH(702) 382-8141 FAX(702) 382-3103
EMAIL: fe@fulstone.hrcoxmail.com

DRAWN BY: RPS
DATE: 7/06/04
FILE: 3712PM.DWG
DWG # PP1-08
SCALE: 1" = 30'

NO. _____
FILED AT THE REQUEST OF
STEVE KENNINGTON
DATE _____ AT _____
FILE _____ PAGE _____
OF PARCEL MAPS
OFFICIAL RECORDS BOOK NO.
_____
CLARK COUNTY, NEVADA RECORDS
FRANCES DEANE, RECORDER
FEE: _____
DEPUTY: _____

VAR-4934
9/23/04 PC



VAR-4934 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: KENNINGTON DEVELOPMENT, LLC
SOUTHEAST CORNER OF JONES BOULEVARD AND WHISPERING SANDS DRIVE
SEPTEMBER 23, 2004 PLANNING COMMISSION

8/24/04

City of Las Vegas

Agenda Item No.: 37

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

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

SUBJECT:
SUP-4933 - SPECIAL USE PERMIT RELATED TO VAR-4934 - PUBLIC HEARING - APPLICANT/OWNER: KENNINGTON DEVELOPMENT, LLC - Request for a Special Use Permit to ALLOW A PRIVATE STREET FOR A PROPOSED THREE LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT adjacent to the southeast corner of Jones Boulevard and Whispering Sands Drive (APN 125-13-201-001), R-E (Residence Estates) Zone, Ward 6 (Mack).

IF APPROVED: C.C.: 10/20/04
IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

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

RECOMMENDATION:
Staff recommends APPROVAL.

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

MOTION:
McSWAIN – APPROVED subject to conditions – UNANIMOUS with TRUESDELL not voting and STEINMAN excused

To be heard by the City Council on 10/20/2004

MINUTES:
See Item 36 [VAR-4934] for related discussion on Item 36 [VAR-4934] and Item 37 [SUP-4933].

(7:52 – 7:55)

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 37 – SUP-4933

CONDITIONS:

Planning and Development

1. Approval of a Variance (VAR-4934) for a reduction of the minimum lot width by the Planning Commission and City Council prior to recordation of a subdivision map on this site or the issuance of any permits for this development.

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

Public Works

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

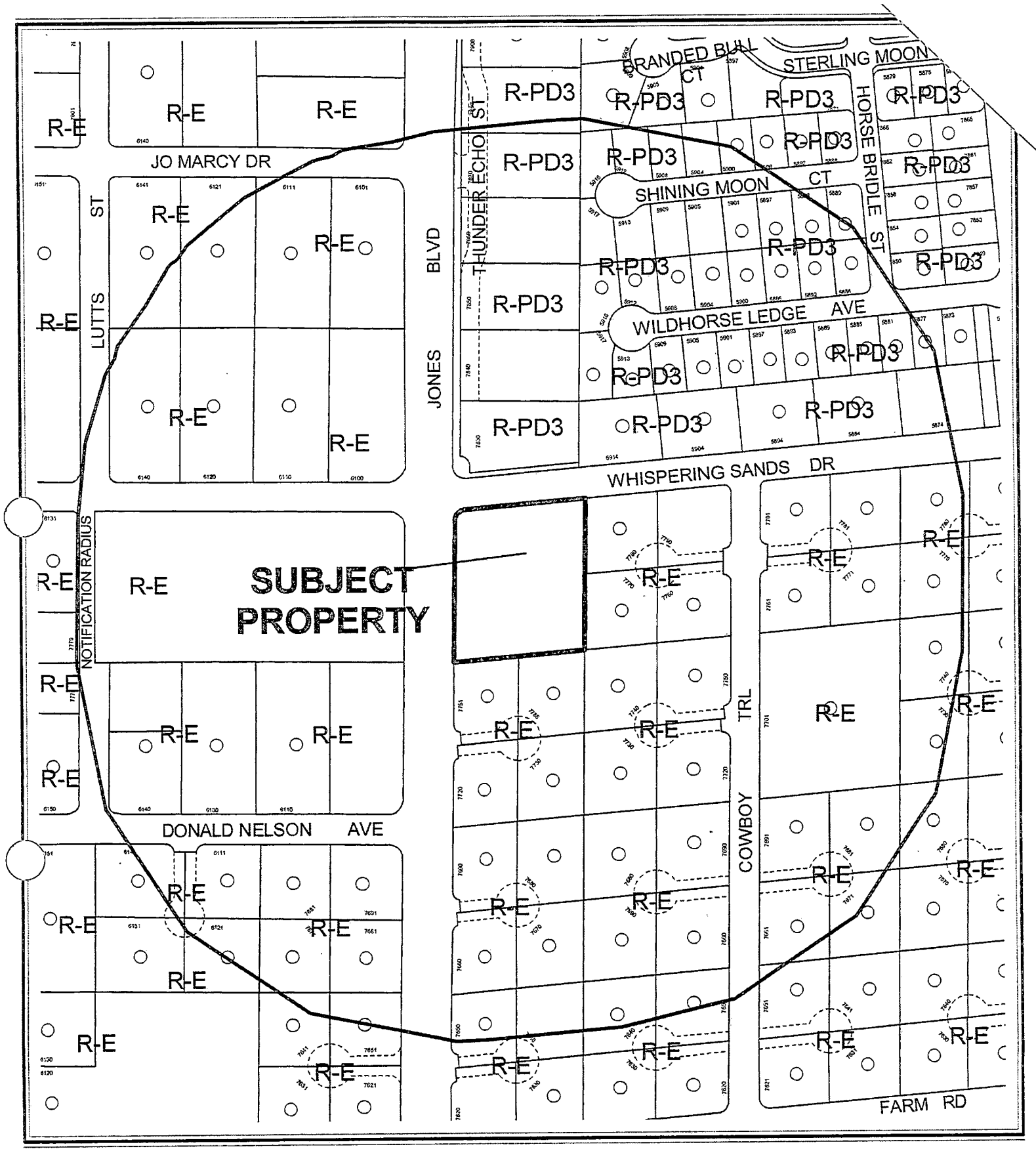
4. A Homeowner's Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development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

5. Gated entry drives, if proposed, shall be designed, located and constructed in accordance with Standard Drawing #222A. We note that the entry as designed can not be gated.

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

CONDITIONS – Continued:

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



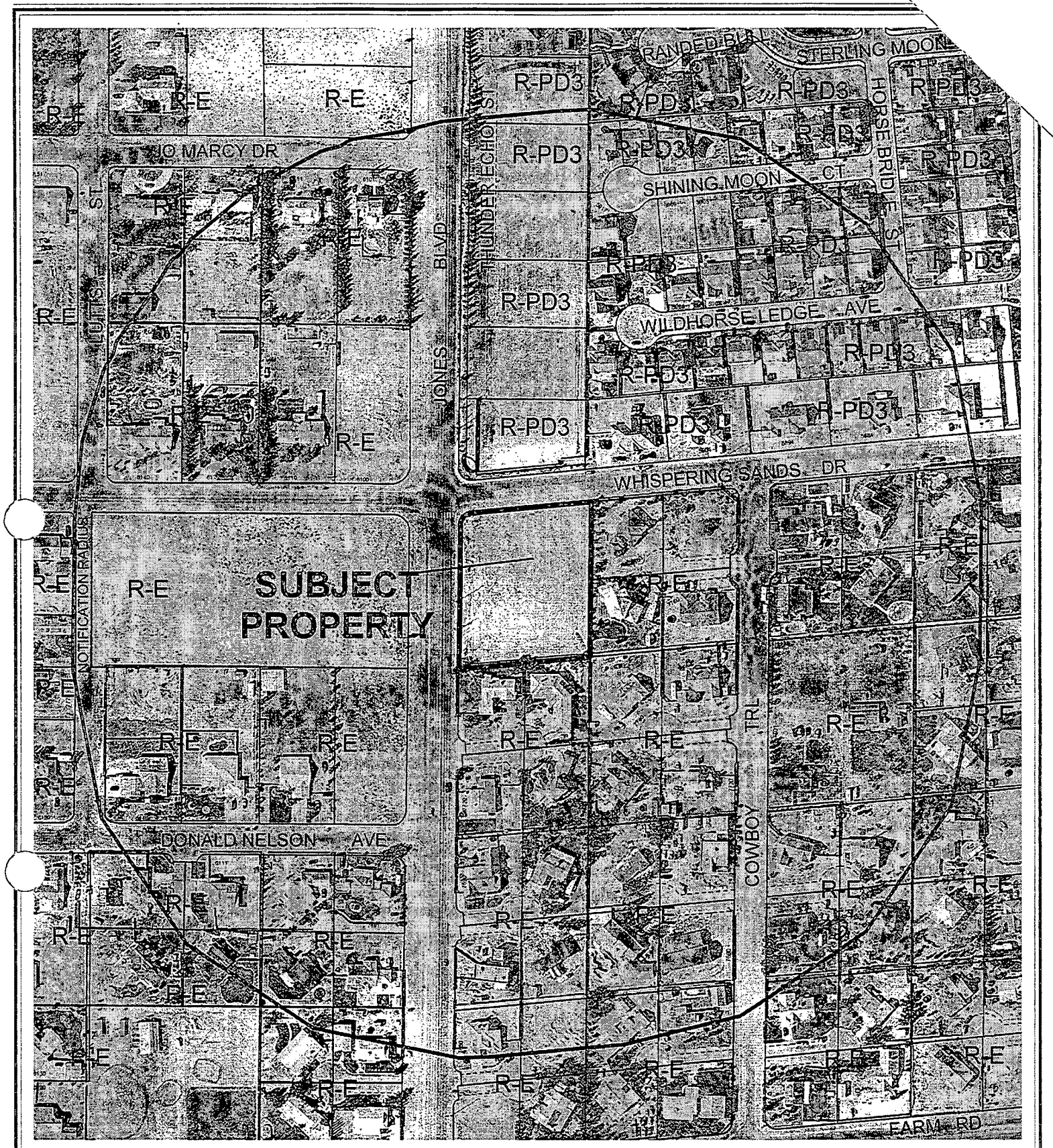
0 200 400 Feet

CASE: SUP-4933

RADIUS: 750 FT

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

N



0 200 400 Feet

CASE: **SUP-4933**

RADIUS: 750 FT

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

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 23, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-4933 - SPECIAL USE PERMIT - PUBLIC HEARING -
APPLICANT/OWNER: KENNINGTON DEVELOPMENT, LLC

** CONDITIONS **

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

Planning and Development

1. Approval of a Variance (VAR-4934) for a reduction of the minimum lot width by the Planning Commission and City Council prior to recordation of a subdivision map on this site or the issuance of any permits for this development.

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

Public Works

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

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

5. Gated entry drives, if proposed, shall be designed, located and constructed in accordance with Standard Drawing #222A. We note that the entry as designed can not be gated.

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

MP

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

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

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This request is for a Special Use Permit to allow a private street for a proposed three lot single-family residential development adjacent to the southeast corner of Jones Boulevard and Whispering Sands Drive.

B) Applicant's Justification

The applicant's justification letter indicates the private street will provide access to three proposed single family lots.

BACKGROUND INFORMATION

A) Previous Actions

09/23/04 The Planning Commission will hear a request for a Variance (VAR-4934) to allow lots to be 99 feet wide where 100 feet is the minimum width required for the single family development on this site. Staff recommendation is for approval.

B) Pre-Application Meeting

07/21/04 The applicant was advised of the requirements of a Special Use Permit.

C) Neighborhood Meetings

A neighborhood meeting is not required for this application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 1.79

MP

B) Existing Land Use

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

C) Planned Land Use

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

D) Existing Zoning

Subject Property:	R-E (Residence Estates)
North:	R-PD3 (Residential Planned Development – 3 Units Per Acre)
South:	R-E (Residence Estates)
East:	R-E (Residence Estates)
West:	R-E (Residence Estates)

E) General Plan Compliance

This site is designated R (Rural Density Residential) on the Centennial Hills Sector Map of the General Plan. The existing R-E (Residence Estates) Zoning is in conformance with the General Plan.

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

This site is not within any special plan areas or districts.

MP

ANALYSIS

A) Zoning Code Compliance

Minimum Distance Separation Requirements

There are no Minimum Separation Distance Requirements in Title 19 that apply to the proposed residential development with private streets.

B) General Analysis and Discussion

- Zoning

The proposed three lot residential development with a private street is a permitted use in the R-E (Residence Estates) zoning district with the approval of a Special Use Permit.

- Use

The proposed 40-foot wide private street, which is shown as a separate lot, is intended to serve all three lots of the proposed residential subdivision. The private street meets the minimum requirements set forth in Title 19.04.040.

The Department of Public Works recommends the following condition:

- Gated entry drives, if proposed, shall be designed, located and constructed in accordance with Standard Drawing #222A. It is noted that the entry as designed cannot be gated.

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."**

MP

The proposed private street will not negatively affect the public streets or access to the subdivision. In addition, the private streets will not impair access to or from public facilities, nor delay the response time of emergency vehicles.

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

   The subject site is suitable for a proposed 40-foot wide private street within the proposed three-lot residential subdivision.

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

   The applicant is proposing a 40-foot wide private street. Ingress and egress by the proposed private street would be to Whispering Sands Drive, a 60-foot wide local collector street, which provides adequate access to the site

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

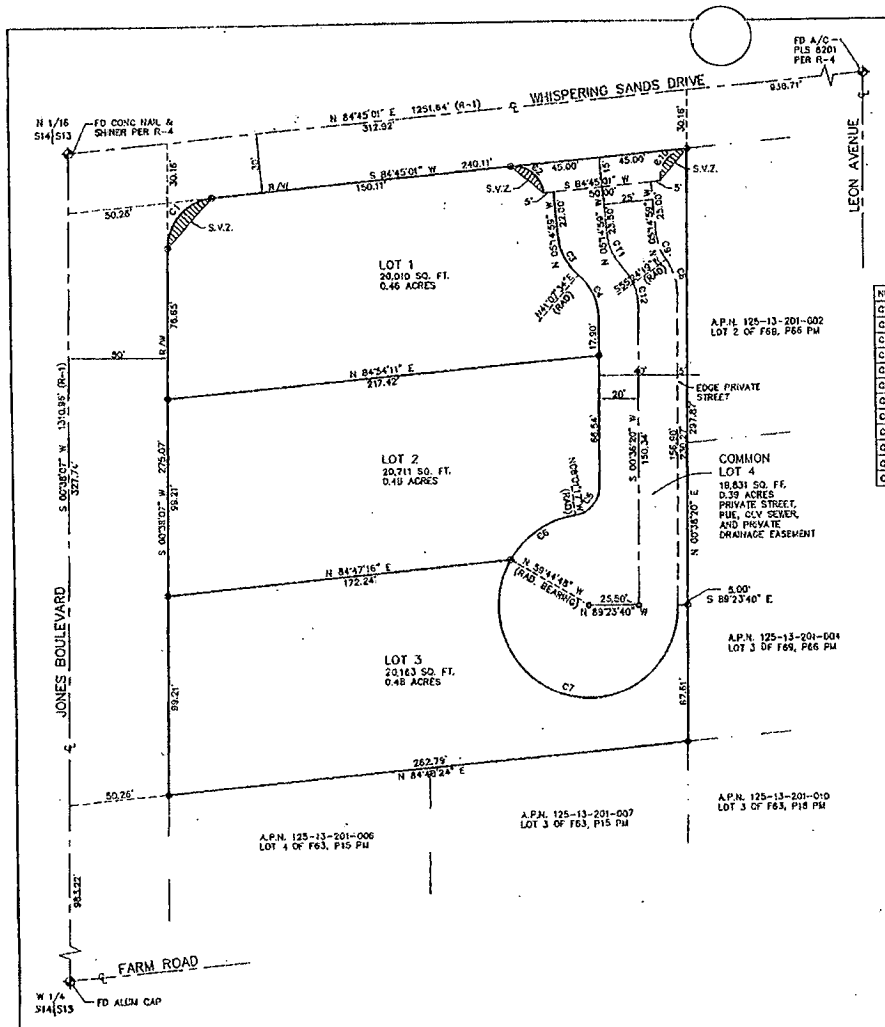
   The proposed private street would be subject to inspections for compliance to Title 18 (Subdivision Ordinance) requirements and to City design standards, and therefore, it would not compromise the public health, safety and welfare or the overall objectives of the General Plan

NOTICES MAILED 101 [Mailed with VAR-4934]

APPROVALS 0

PROTESTS 0

MP



NUMBER	DELTA ANGLE	TANGENT	RADIUS	ARC LENGTH
C1	84°05'54"	22.56	25.00	36.70
C2	90°00'00"	15.00	15.00	23.56
C3	43°37'27"	12.81	30.00	22.84
C4	49°28'46"	13.82	30.00	25.91
C5	81°22'23"	12.47	14.50	20.59
C6	51°43'31"	22.06	45.50	41.08
C7	269°36'52"	-171.92	45.50	166.49
C8	35°12'01"	9.52	30.00	18.43
C9	29°20'42"	7.85	30.00	15.37
C10	90°00'00"	15.00	15.00	23.56
C11	37°43'54"	9.91	29.00	19.10
C12	43°35'13"	11.60	29.00	22.08

SURVEYOR'S CERTIFICATE

I, ROBERT FULSTONE, A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF NEVADA, CERTIFY THAT:

1. THIS PLAT REPRESENTS THE RESULTS OF A SURVEY CONDUCTED UNDER MY DIRECT SUPERVISION AT THE INSTANCE OF KENNINGTON DEVELOPMENT LLC.
2. THE LANDS SURVEYED LIE WITHIN A PORTION OF THE SW¼ NW¼ OF SEC. 13, T19S, R60E, M.D.M., CLARK COUNTY, NEVADA, AND THE SURVEY WAS COMPLETED ON 7/1/2004.
3. THIS PLAT COMPLIES WITH THE APPLICABLE STATE STATUES AND ANY LOCAL ORDINANCES IN EFFECT ON THE DATE THAT THE GOVERNING BODY GAVE ITS FINAL APPROVAL.
4. THE MONUMENTS DEPICTED ON THE PLAT ARE OF THE CHARACTER SHOWN, AND OCCUPY THE POSITIONS INDICATED AND ARE OF SUFFICIENT NUMBER AND DURABILITY.

ROBERT FULSTONE
PROFESSIONAL LAND SURVEYOR
NEVADA CERTIFICATE PLS # 5269

ROBERT FULSTONE — No. 5269 — STATE OF NEVADA — 7/8/04

OWNER'S CERTIFICATE

KENNINGTON DEVELOPMENT LLC
DOES HEREBY CERTIFY THAT IT IS THE OWNER OF THE PARCEL OF LAND WHICH IS SHOWN UPON THIS PARCEL MAP AND HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP AND DOES HEREBY OFFER AND DEDICATE THE PUBLIC STREET RIGHT-OF-WAYS, AND GRANT ALL EASEMENTS, EXCEPT PRIVATE EASEMENTS, AS INDICATED AND OUTLINED HEREON, TO THE CITY OF LAS VEGAS, FOR THE USE OF THE PUBLIC.

Steve Kenn — 7-7-04

STEVE KENNINGTON — MANAGER
KENNINGTON DEVELOPMENT LLC.
DATE

ACKNOWLEDGMENT

STATE OF NEVADA
COUNTY OF CLARK
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON July 7, 2004
BY STEVE KENNINGTON MANAGER FOR KENNINGTON DEVELOPMENT LLC.

RYAN P. SKAGGS
NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE
MY COMMISSION EXPIRES ON FEBRUARY 15, 2008

CITY SURVEYOR'S CERTIFICATE

APPROVED THIS _____ DAY OF _____, 200__

ALLEN R. RIEKKI
CITY OF LAS VEGAS SURVEYOR
NEVADA CERTIFICATE PLS 12469

BASIS OF BEARINGS

N 84°45'01" E BEING THE CENTERLINE OF WHISPERING SANDS DRIVE PER FILE 52, PAGE 70 OF SURVEY MAPS IN THE OFFICE OF THE COUNTY RECORDER, CLARK COUNTY, NEVADA.

APPROVALS

APPROVED THIS _____ DAY OF _____, 200__
FOR THE PURPOSE OF LAND DIVISION.

DIRECTOR OF PLANNING AND DEVELOPMENT
CITY OF LAS VEGAS

NOTE: SIGHT VISIBILITY ZONE

NO WALLS, FENCES, TREES, SHRUBS, UTILITY APPURTENANCES OR ANY OTHER OBJECT, OTHER THAN TRAFFIC CONTROL DEVICES AND STREET LIGHT POLES, MAY BE CONSTRUCTED OR INSTALLED WITHIN THE SIGHT VISIBILITY ZONE UNLESS SAID OBJECT IS MAINTAINED AT LESS THAN 24 INCHES IN HEIGHT, MEASURED FROM TOP OF CURB, OR WHERE NO CURB EXISTS, A HEIGHT OF 27 INCHES MEASURED FROM THE TOP OF ADJACENT ASPHALT, GRAVEL OR PAVEMENT STREET SURFACE.

LEGEND

⊕	MONUMENTS FOUND AS SHOWN
●	SET REBAR & PLASTIC CAP PLS #5269
●	SET REBAR & ALUMINUM CAP PLS #5269
℄	CENTER LINE
(M)	MEASURED DATA
(R-#)	RECORDED DATA
(B.O.B.)	BASIS OF BEARINGS
(A.P.N.)	ASSESSOR PARCEL NUMBER
(C1)	CURVE DATA
(R.O.W.)	PUBLIC ROAD RIGHT-OF-WAY
SVZ	SIGHT VISIBILITY ZONE

SHEET 1 OF 1

REFERENCES

1. FILE 52, PAGE 70 OF SURVEYS
2. FILE 63, PAGE 15 OF PARCEL MAPS
3. FILE 69, PAGE 66 OF PARCEL MAPS
4. FILE 117, PAGE 17 OF SURVEYS
5. FILE 117, PAGE 24 OF SURVEYS

NOTE

PURSUANT TO N.R.S. 278.458 THIS MAP MUST BE RECORDED BY _____, 200__

NOTE:
ANY SUBSEQUENT CHANGES TO THIS MAP SHOULD BE EXAMINED AND MAY BE DETERMINED BY REFERENCE TO THE COUNTY RECORDER'S CUMULATIVE MAP INDEX, N.R.S. 278.5695

PARCEL MAP

LOT 2 OF FILE 52, PAGE 70 OF SURVEYS BEING A PORTION OF THE SOUTHWEST QUARTER (SW¼) OF THE NORTHWEST QUARTER (NW¼) OF SECTION 13, TOWNSHIP 19 SOUTH, RANGE 60 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA

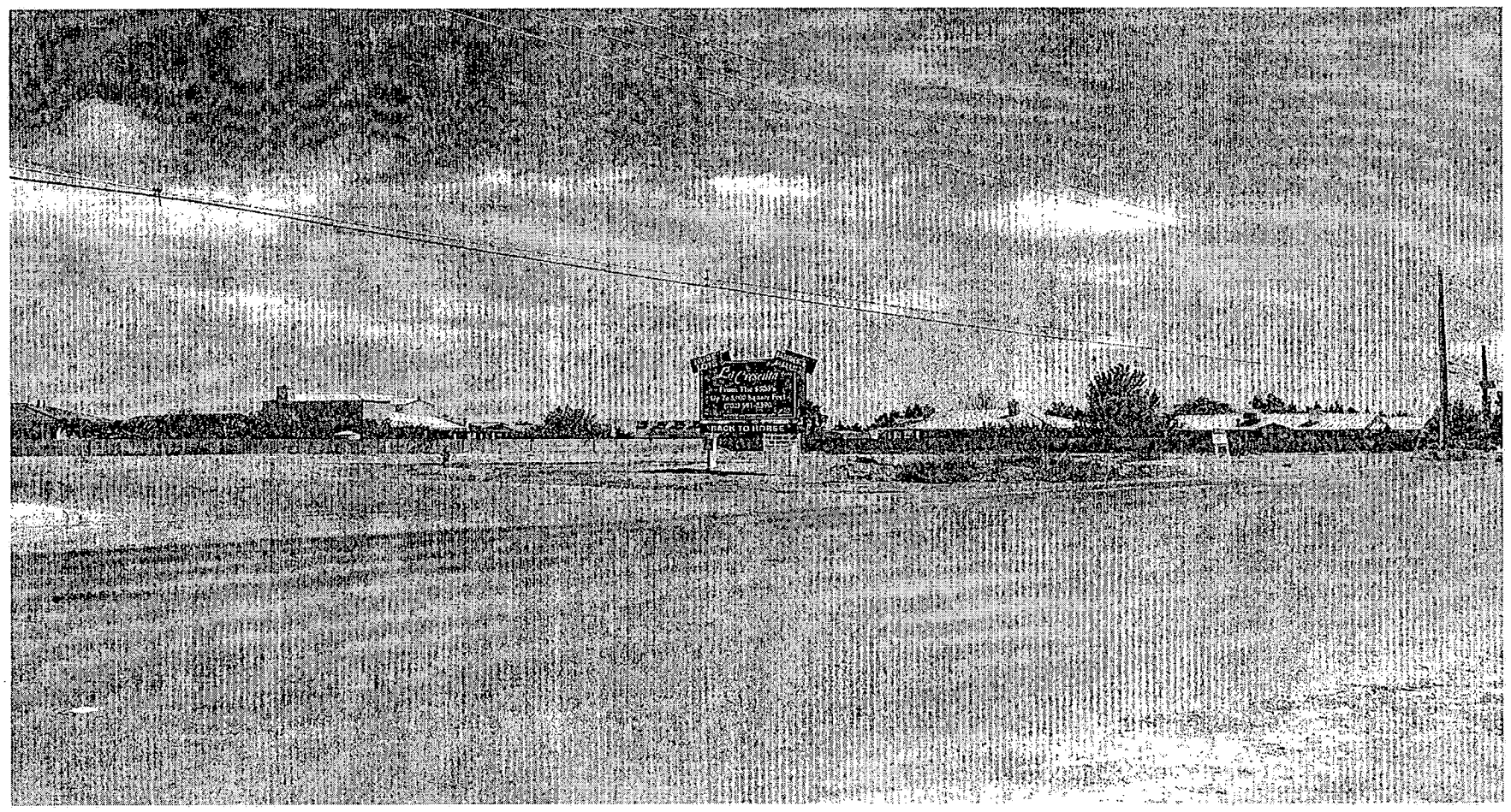
FOR: KENNINGTON DEVELOPMENT LLC.

FULSTONE ENTERPRISES INC.
940 S. MARTIN LUTHER KING BLVD.
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NO. _____
FILED AT THE REQUEST OF
STEVE KENNINGTON
DATE _____ AT _____
FILE _____ PAGE _____
OF PARCEL MAPS
OFFICIAL RECORDS BOOK NO.
CLARK COUNTY, NEVADA RECORDS
FRANCES DEANE, RECORDER
FEE: _____
DEPUTY: _____

SUP-4933
9/23/04 PC



SUP-4933 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/OWNER: KENNINGTON DEVELOPMENT, LLC
SOUTHEAST CORNER OF JONES BOULEVARD AND WHISPERING SANDS DRIVE
SEPTEMBER 23, 2004 PLANNING COMMISSION

8/24/04

City of Las Vegas

Agenda Item No.: 38

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

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

SUBJECT:
VAR-4986 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: RODRIGO AND TERESITA HERRERA - Request for a Variance TO ALLOW 21 PARKING SPACES WHERE 32 ARE REQUIRED on 0.44 acres at 946 East Sahara Avenue (APN 162-03-801-114), C-1 (Limited Commercial) Zone, Ward 3 (Reese).

C.C.: 10/20/04

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

RECOMMENDATION:
Staff recommends DENIAL.

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

MOTION:
NIGRO – APPROVED subject to conditions – Motion Carried with McSWAIN voting NO and STEINMAN excused

To be heard by the City Council 10/20/2004

MINUTES:
KYLE WALTON, Planning and Development Department, indicated that the applicant has been working with staff to produce a design that limits the number of requested variances. Originally, the building was approximately 5,200 square feet and it is currently about 4,700 square feet. This reduction does not alleviate the primary concern that the building is too large for the lot. Staff recommends denial for this reason. If the building were smaller, it could comply with Code.

DENNIS RUSK, 3060 East Patrick Lane, Suite 203, appeared on behalf of the applicant and confirmed working with staff. He indicated the lots are extremely difficult to design and this area is in need of redevelopment. After looking at all scenarios possible, this was the best

MINUTES – Continued:

design. A previous application for this site, which expired in December of 2003, had approval of a variance on the east wall.

MR. RUSK felt an alley that was shown on the previous application was not a good idea as it would collect trash and provide a hideaway in the neighborhood. He is asking for the same variance on the east property line. He said the rear landscaping is 8'5" at one corner and 6'10" in the other corner making the overall width of the landscaping averages 7'4". This means the applicant needs a variance of approximately 8" in landscaping on the north wall.

The parking on the site is very challenging. The applicant is requesting 24 parking spaces where 27 are required. Some of the anticipated uses would be 1:250 instead of 1:175, which would make the parking compatible with the title. He acknowledged staff's reluctance to accept an empty shell at 1:175 but it is difficult when the lots are so small. The building is only 25 percent of the lot size and the applicant does not feel the site is overbuilt. Landscaping has been provided all around the building. He voiced concerns over foundation landscaping and stated he does not design foundation landscaping next to buildings. With all of the lawsuits regarding mold and mildew and the possibility of the undermining of the foundation by a leaky sprinkler, he opposes putting plants right next to a building. He informed the Commission that any future applications he would be representing would be accompanied by a request to waive the standards on the foundation landscaping.

MR. RUSK also indicated there would be shared parking agreements as required because the common area driveway cuts across the driveway. He then asked for permission to place the thirty-inch tall air conditioning units behind the parapets, which are greater than six feet in height. He concluded that if the building were to be further reduced, it makes the building unmarketable and unbuildable. The building has been reduced as much as possible while keeping building size and land cost in mind.

COMMISSIONER McSWAIN said that she felt that this project would only add to the existing problems in the area. She wanted to clarify that the area has some buildings that have zero lot lines. It seems that the building should be designed to create a density situation and that the area would be inspired to go vertical. MR. RUSK said that on a lot sized less than half an acre; those issues are difficult to contend with. She indicated she was speaking on the area in general, not that specific piece of property.

COMMISSIONER EVANS asked if the project fell within the new expanded redevelopment area. MR. WALTON stated that it could not be determined at this time. The expansion is not far enough along in the process to tell. COMMISSIONER EVANS understood the expansion was to parallel the County's redevelopment area. MR. WALTON stated that one part of the plan is to

MINUTES – Continued:

match up with what they have on the other side of the road but there is still a lot of work to do. COMMISSIONER EVANS voiced concern over the discrepancy regarding the parking requirements. The item was noticed as 21 spaces where 32 are required. The staff report states 24 spaces where 29 were required and MR. RUSK indicated it was 24 spaces where 27 was required. MR. RUSK stated his number was accurate.

COMMISSIONER EVANS stated that the parcel has been broken into four separate retail phases but there is no indication what those retail spaces area. He thought that some retail would need more parking than others and asked MR. RUSK if there are tenants in mind or how the applicant would plan for that situation. MR. RUSK stated that one tenant plans to have a carry out food service business and it would take the two spaces on the end. It was his professional opinion that parking would never become an issue for this size of building at this location.

COMMISSIONER EVANS confirmed with DEPUTY CITY ATTORNEY BRYAN SCOTT and DAVID CLAPSADDLE that a restaurant in this area would not require the issuance of a Special Use Permit unless their sales involved alcoholic beverages. MR. CLAPSADDLE clarified that staff changed the ratio to 1:175, to make it more restrictive and to make sure there was adequate parking. If the applicant were to come in with something outside of a C-1, each tenant is reviewed to verify conformance to Code. If the parking does not conform to Code, they do not get their Certificate of Occupancy. COMMISSIONER EVANS stated a store such as a 99 Cent store packed with people would cause the lot to be parking impaired, if it were a small luggage shop, parking would not be an issue. The Planning Commission is being asked to make a decision based on four separate retail spaces without any knowledge of what may go in there.

MR. RUSK confirmed the comments of MR. CLAPSADDLE. If a use was brought for review on a Tentative Map and the use was deemed inappropriate to the amount of parking available, it would be denied. He pointed out that staff's report suggests the building would be an asset to the area could possibly start a redevelopment in the area. COMMISSIONER EVANS agreed that the design is aesthetically pleasing and added that the area has mixed architectural designs. Regarding the landscape, COMMISSIONER EVANS acknowledged the challenges but he disagreed regarding the foundation landscaping. He asked how MR. RUSK could account for most homes in the valley that have trees and landscape planters abutting all the way up to the homes. MR. RUSK commented that he had mold in his house for that very reason and he was forced to tear everything out. COMMISSIONER EVANS stated that many developers try to come in and overbuild lots at the expense of the landscaping. MR. RUSK replied that 75 percent of the lot is landscaping. COMMISSIONER EVANS asked why trees could not be put off the street since the wide sidewalks already exist.

MINUTES – Continued:

COMMISSIONER NIGRO confirmed with MR. RUSK that the area was not wide enough to install foundation landscaping. He also confirmed with staff that MR. RUSK'S summary of the requested variances were accurate. MR. GENZER clarified that the application is for a waiver, not a variance. COMMISSIONER NIGRO agreed with the comments of COMMISSIONER EVANS that foundation landscaping is acceptable especially since most landscaping is run with a drip system for trees and shrubs instead of turf. He was not aware of the mold issue MR. RUSK was so concerned about. He felt the application did deserve some flexibility because of the lot sizes and because the property has been vacant for some time. He wanted to keep the foundation landscaping because the long side of the building will look very stark once inside the project.

CHAIRMAN TRUESDELL commented that this has always been a difficult site. Previous applications have been more difficult than this one. He thought the landscaping in the street frontage on Sahara was nice. He reminded everyone that there is no curb and gutter along 130 feet of the side street going into the front of the building. MR. RUSK indicated the intention was to have a sidewalk running alongside the driveway. CHAIRMAN TRUESDELL stated that if that was the case, it was represented on a different plan than what was in the backup. He asked MR. RUSK how cars would exit if there were a sidewalk. MR. RUSK replied that they would have 24 feet and would exit at the island. CHAIRMAN TRUESDELL voiced concern about how cars would exit from the parking spaces, suggesting the drivers would have to back down the driveway. MR. RUSK pointed out a five-foot space, which is intended for use when drivers turn around. CHAIRMAN TRUESDELL said he had no problem with granting a parking waiver on this site and that he would have granted the landscaping waiver as well even though landscaping is very important to this site. He did have a problem with the location of the handicap space once MR. RUSK described the situation. MR. RUSK informed him that he would move the space.

CHAIRMAN TRUESDELL felt what MR. RUSK was describing and what he was viewing were different. In his opinion, if there was a sidewalk and the turn was as tight as described, he thought the handicap space should be relocated to the other end of the driveway. MR. RUSK said that would not be a problem. Regarding the landscaping, CHAIRMAN TRUESDELL had no issue with the 8" in the back but he was not in agreement regarding the foundation landscaping waiver. MR. GENZER indicated he could not recall any sidewalks on any of the public streets in the area and he believed the parking spaces there backed directly into the easements. If there were a sidewalk, staff would have requested landscaping behind it and that request was not made. COMMISSIONER EVANS concurred as well as DAVID GUERRA, Public Works Department. COMMISSIONER DAVENPORT confirmed with MR. GENZER that the streets are private and therefore, there would be no sidewalks.

(7:55 – 8:23)

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 38 – VAR-4986

CONDITIONS:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review SDR-4990.

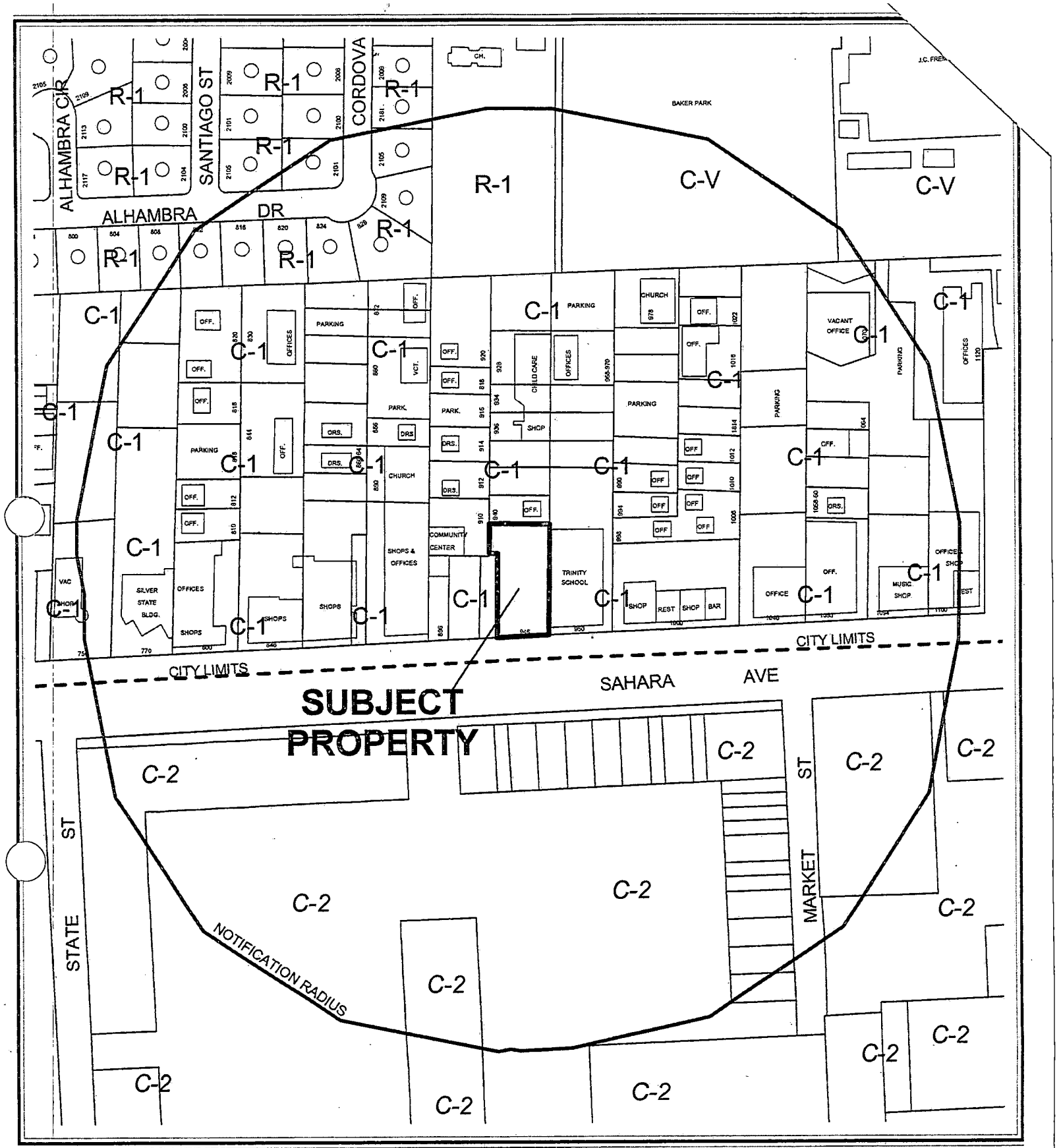
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council. New Construction

3 The applicant shall execute an off-site parking agreement satisfactory to the City Attorney to meet Parking Requirements of Section 19.10.010 (H) of the City Zoning Ordinance as required by the Planning and Development, prior to the issuance of any building permits.

4. The site plan shall be revised, prior to the issuance of any building permits, to depict two handicap parking spaces; one van accessible and one standard handicap space, directly adjacent to the entrance of the building to be in conformance with Section 19.10.010 (G) of the City Zoning Ordinance.

Public Works

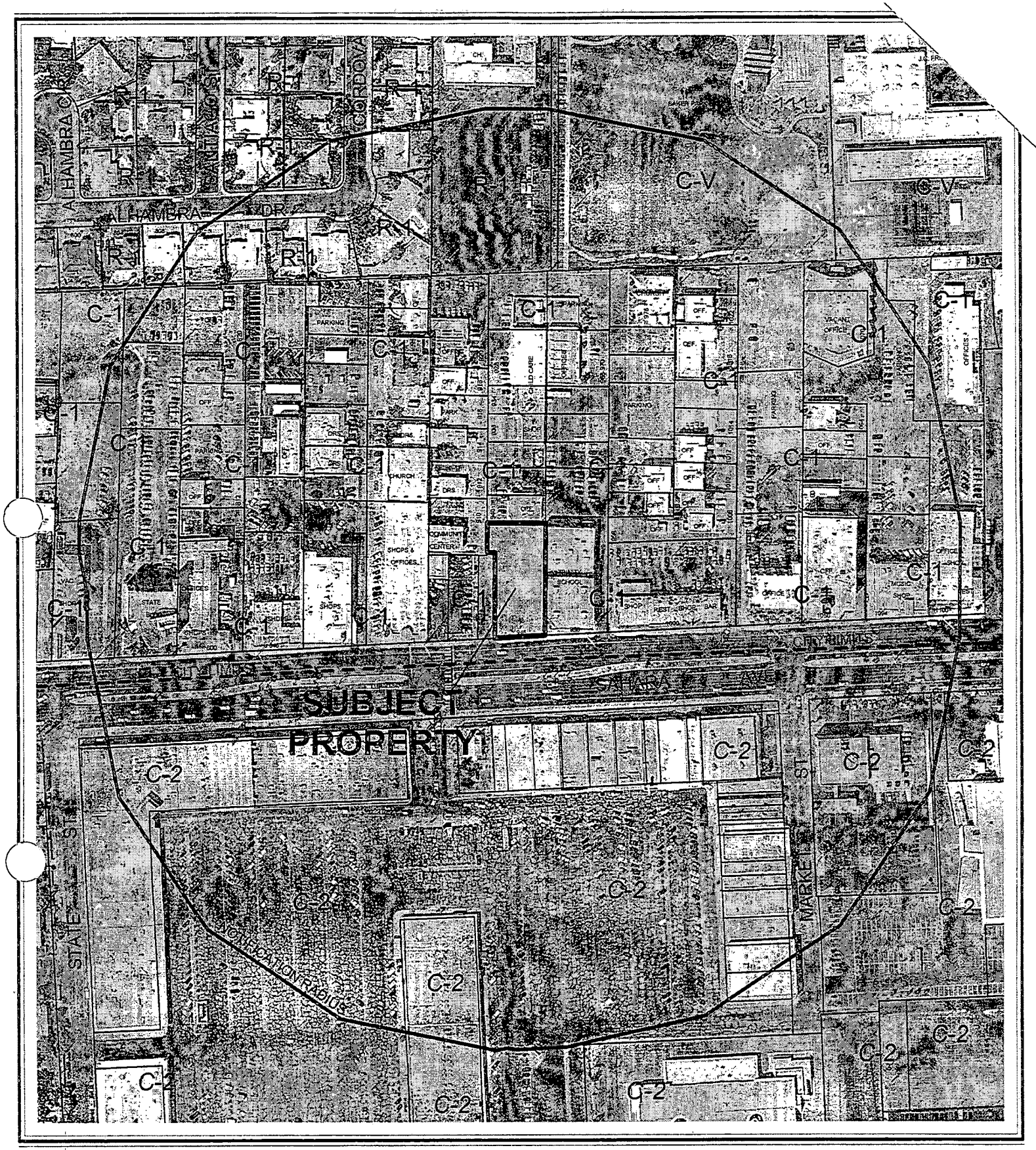
5. Conformance to all site-related conditions of approval of Site Development Plan Review SDR-4990.



CASE: VAR-4986

RADIUS: 750 FT

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



0 200 400 Feet

CASE: VAR-4986

RADIUS: 750 FT

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

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 23, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-4986 - VARIANCE - PUBLIC HEARING -
APPLICANT/OWNER: RODRIGO AND TERESITA HERRERA

** CONDITIONS **

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

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review SDR-4990.

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

3 The applicant shall execute an off-site parking agreement satisfactory to the City Attorney to meet Parking Requirements of Section 19.10.010 (H) of the City Zoning Ordinance as required by the Planning and Development, prior to the issuance of any building permits.

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Public Works

5. Conformance to all site-related conditions of approval of Site Development Plan Review SDR-4990.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This is a request for a Variance to allow 23 parking spaces where 27 are required on 0.44 acres at 946 East Sahara Avenue.

B) Applicant's Justification

The parking variance is to reduce the parking requirements of this proposed retail development. Because the size of the project is less than 25,000 SF without the tenant spaces defined, the general retail store requirements are used. However, future tenant spaces may have less requirements and fall under the other commercial uses requiring 1/250 SF or uses requiring less intensive parking. The adjacent projects may have unwritten agreements for cross-agreement parking as the uses in this area are varied and at times do not conflict.

BACKGROUND INFORMATION

A) Previous Actions

04/19/00	The City Council approved a Special Use Permit (U-14-00) for a Wedding Chapel. The Planning Commission and staff recommended approval on March 9, 2000.
07/19/00	The City Council approved a Variance (V-26-00) to allow a zero foot side yard setback on the east property line, and a three foot side yard setback on the west property line of this property. The Planning Commission and staff recommended approval on June 8, 2000.
12/06/01	The Planning Commission approved a Site Development Plan Review (SD-73-01) for a Wedding Chapel on subject site. The site was not developed, and approval for the project became void on December 7, 2003.
09/23/04	The Planning Commission will hear the related site development plan review for this site. (SDR-4990).

B) Pre-Application Meeting

07/21/04	Discussion occurred regarding the components of a complete Variance application.

SRS

C) Neighborhood Meetings

A neighborhood meeting is not required for this type of application, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.44

B) Existing Land Use

Subject Property:	Undeveloped
North:	Offices
South:	Shops
	Tavern
East:	Trade School
West:	Shops
	Offices

C) Planned Land Use

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

D) Existing Zoning

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

E) General Plan Compliance

This site is designated as SC (Service Commercial) on the Southeast General Plan. A C-1 (Limited Commercial) development is compatible with this designation.

SRS

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

The site is not within any special area plan or overlay district.

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	Required Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
General Retail Store, Less than 25,000 SF	4,722 SF.	1/175 GFA	25	2	22	1

The proposal does not meet the parking requirements of Title 19.10.

B) General Analysis and Discussion

The 4,722 square foot retail development proposed in the companion site plan (SDR-4990) takes up more space than the lot can accommodate. Existing buildings to the north and east are built to the property line, affording little room for required setbacks, landscaping, and parking requirements.

The applicant suggests that future tenant spaces could fall under the other commercial uses requiring less intensive parking. This may come to pass, however, future commercial types will more likely require the number of spaces anticipated by Title 19 parking standards.

FINDINGS

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

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

Additionally, Title 19.18.070L states:

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

The applicant has created a self-imposed hardship by proposing a development that is too large for its lot, and requires more parking spaces than can fit on the lot.

No evidence of a unique or extraordinary circumstance has been presented. A building of two-thirds the size of the proposal with two-thirds the required parking would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NOTICES MAILED 93 [Mailed with SDR-4990]

APPROVALS 0

PROTESTS 0

SRS

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAR-4986 APN: 162-03-801-114

Name of Property Owner: RODRIGO HERRERA

Name of Applicant: RODRIGO HERRERA

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: RODRIGO L. HERRERA

Subscribed and sworn before me

This 15th day of July, 20 04

[signature]

Notary Public in and for said County and State

EFREN A. PASCUA NOTARY PUBLIC STATE OF WASHINGTON COMMISSION EXPIRES 9-29-07

Revised 2/12/02

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAR-4986 APN: 162-03-801-114

Name of Property Owner: TERESITA HERRERA

Name of Applicant: TERESITA HERRERA

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): _____

APN: _____

Signature of Property Owner/Authorized Agent: Teresita S. Herrera

Print Name: Teresita S. Herrera

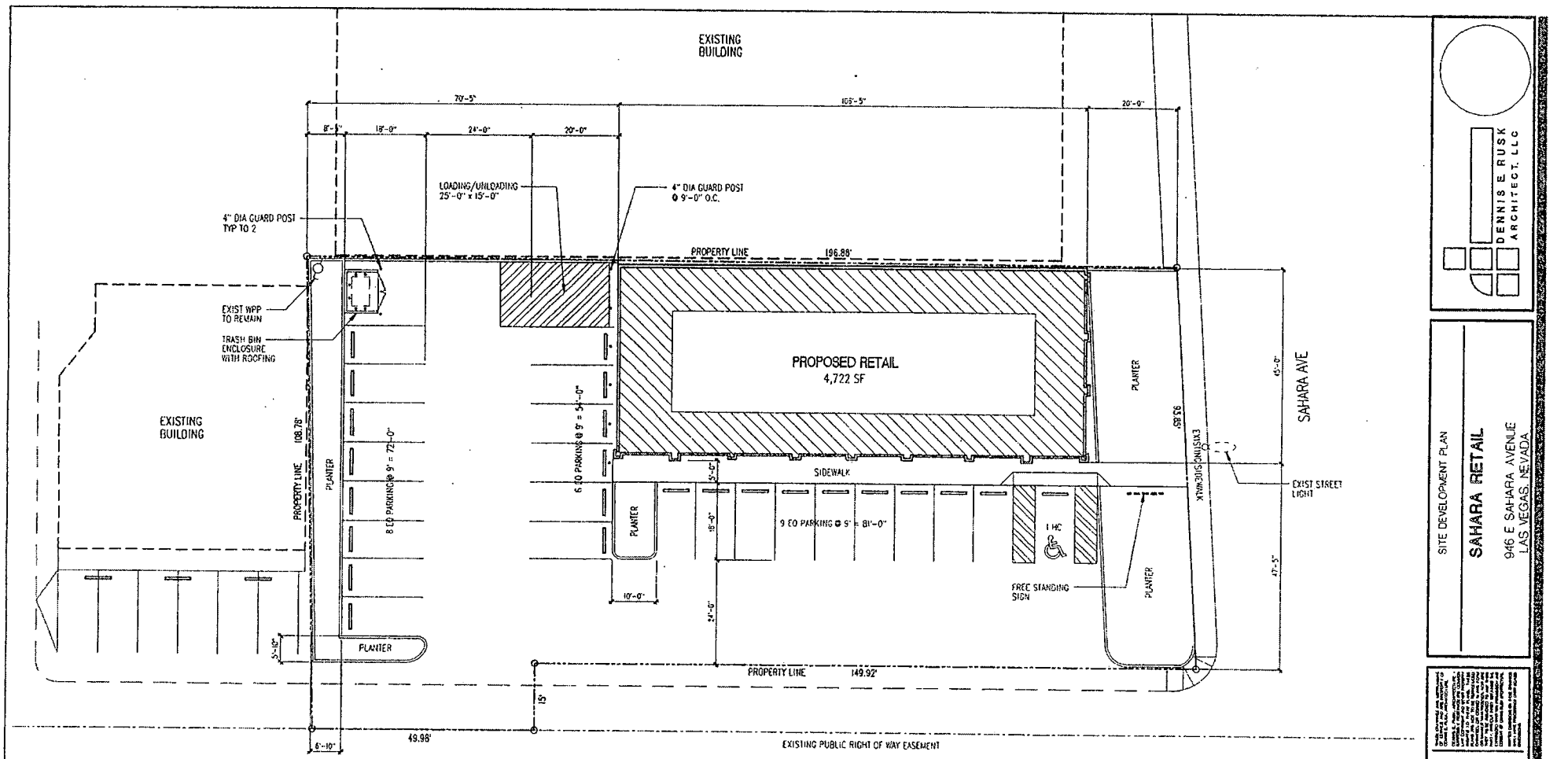
Subscribed and sworn before me

This 2nd day of August, 2004

_____

Notary Public in and for said County and State WA

EFREN A. PASCUA NOTARY PUBLIC STATE OF WASHINGTON COMMISSION EXPIRES 9-29-07



PROJECT DATA

APN # 162-03-801-114

ADDRESS: 946 E. SAHARA AVE. LAS VEGAS, NV

LOT COVERAGE: 25%

LOT AREA: 19,166 S.F. (0.44 ACRE)

PARKING REQUIRED:

RETAIL: 4,722 SF @ 1/175 SF = 27

PARKING PROVIDED:

STANDARD CAR: 9' X 19'	6
STANDARD CAR: 9' X 18'	17
HANDICAPPED (CAR): 13' X 18'	1
PARKING PROVIDED	24

EXISTING BUILDING

EXISTING PARKING

EXISTING SIDEWALK

1 SITE DEVELOPMENT PLAN
SCALE: 1" = 10'-0"

NORTH

RCVD.
SEP 16 2004

VAR-4986
9/23/04 PC

REVISED
9.17.04

DENNIS E RUSK
ARCHITECT, LLC

SITE DEVELOPMENT PLAN

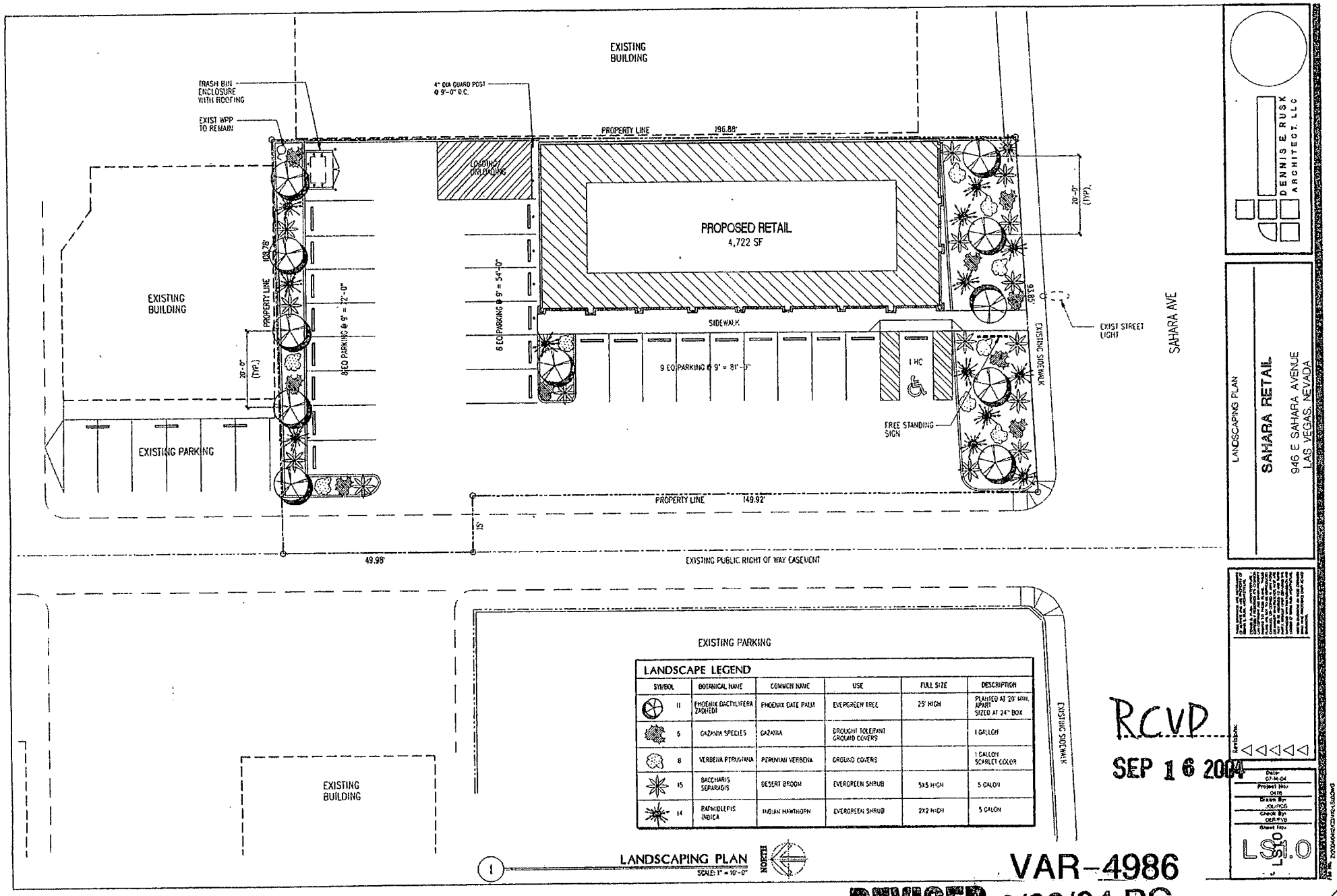
SAHARA RETAIL

946 E. SAHARA AVENUE
LAS VEGAS, NEVADA

Revisions:

Date: 07-14-04
Project No: 0409
Drawn By: JGL/RDS
Check By: DER/RER
Sheet No: SP1.0

SP1.0



LANDSCAPE LEGEND

SYMBOL		BOTANICAL NAME	COMMON NAME	USE	FULL SIZE	DESCRIPTION
	11	PHOENIX DACTYLIFERA ZADHEDI	PHOENIX DATE PALM	EVERGREEN TREE	25' HIGH	PLANTED AT 20' MIN. APART SIZED AT 24" BOX
	6	GAZANIA SPECIES	GAZANIA	DROUGHT TOLERANT GROUND COVERS		1 GALLON
	8	VERBENA PERUVIANA	PERUVIAN VERBENA	GROUND COVERS		1 GALLON SCARLET COLOR
	15	BACCHARIS SERAPARDIS	DESERT BROOM	EVERGREEN SHRUB	5X5 HIGH	5 GALON
	14	RAPHIDOLEPIS INDICA	INDIAN HAWTHORN	EVERGREEN SHRUB	2X2 HIGH	5 GALON

DENNIS E. RUSK ARCHITECT, LLC

LANDSCAPING PLAN

SAHARA RETAIL

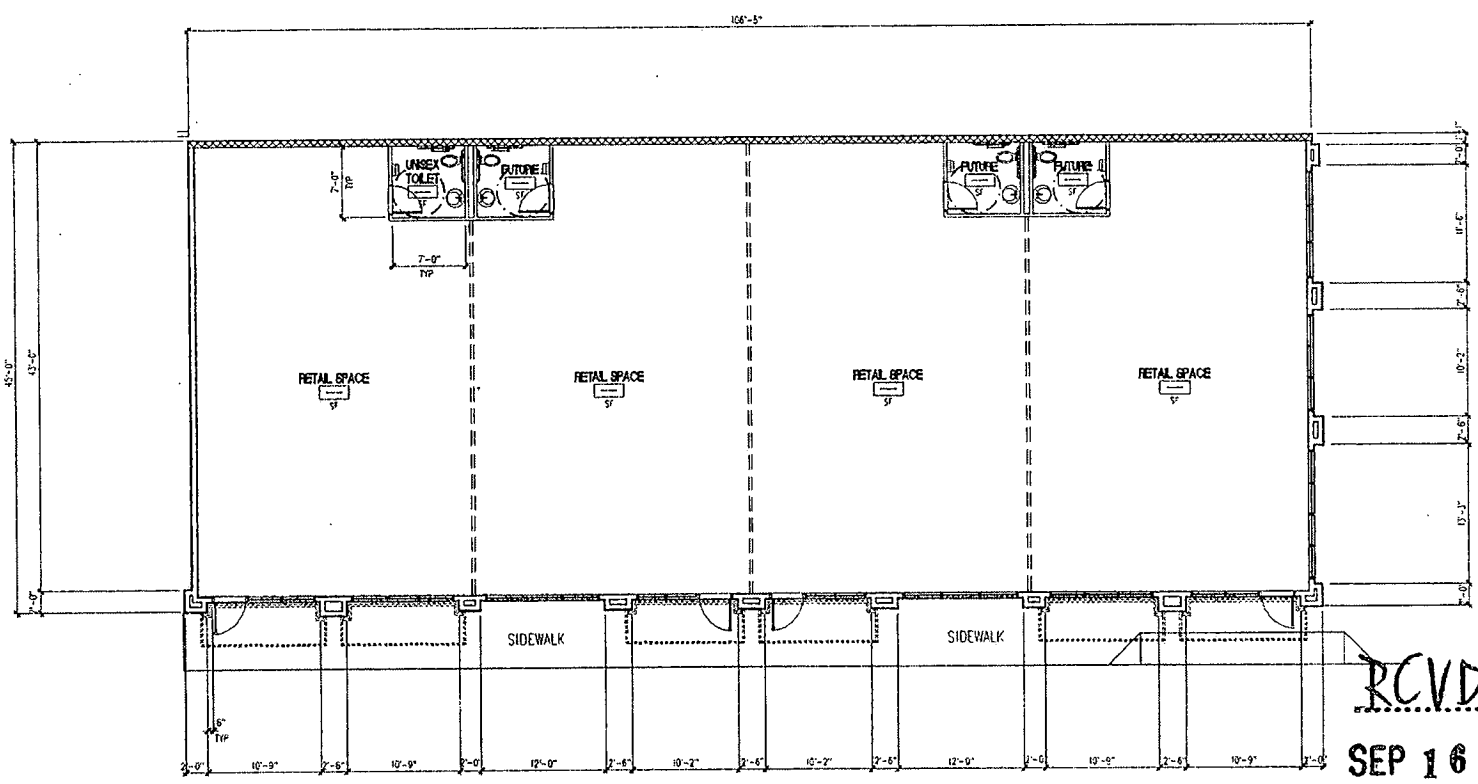
946 E SAHARA AVENUE
LAS VEGAS, NEVADA

Date: 07-14-04
Project No: 0409
Drawn By: JOL/RDS
Check By: DER/VB
Sheet No: LS1.0

RCVD
SEP 16 2004

VAR-4986
9/23/04 PC

REVISED 9.17.04



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

NORTH

DENNIS E. RUSK
ARCHITECT, LLC

FLOOR PLAN

SAHARA RETAIL

946 E. SAHARA AVENUE
LAS VEGAS, NEVADA

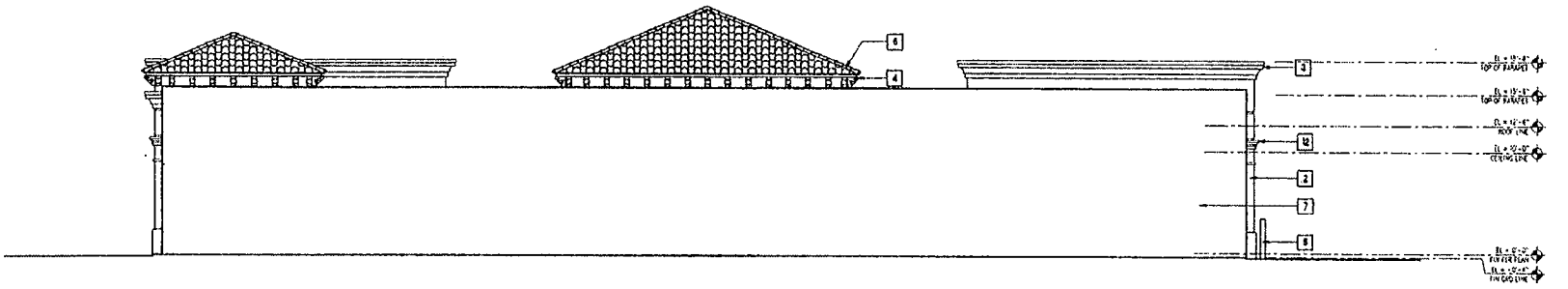
Revisions:

Sheet No.:
A10

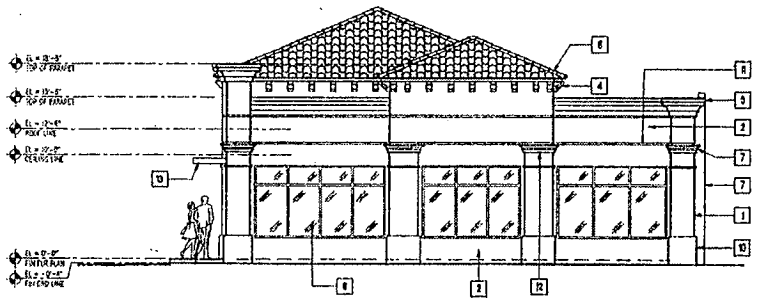
RCVD
SEP 16 2004

VAR-4986
9/23/04 PC

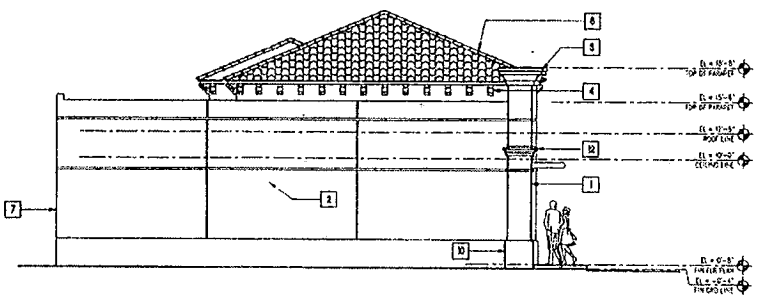
REVISED
9.17.04



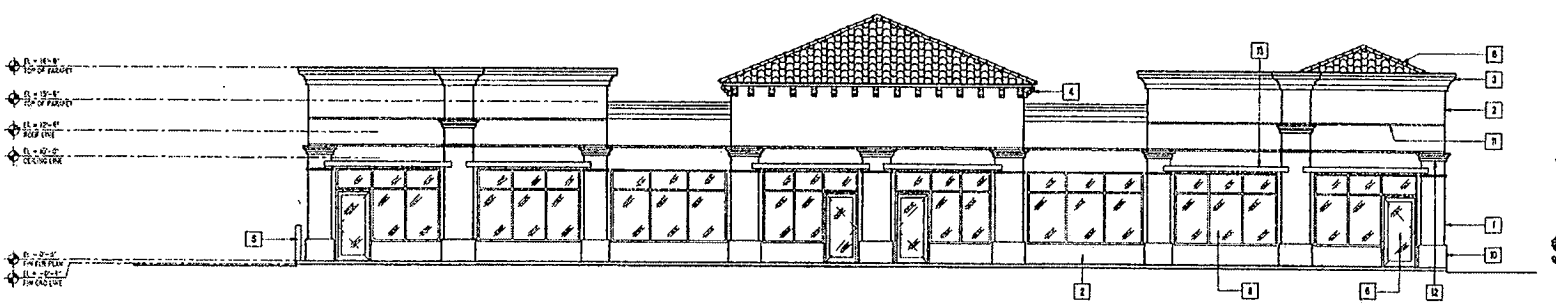
3 REAR ELEVATION
SCALE: 3/16" = 1'-0"



4 RIGHT SIDE ELEVATION
SCALE: 3/16" = 1'-0"



2 LEFT SIDE ELEVATION
SCALE: 3/16" = 1'-0"



1 FRONT ELEVATION
SCALE: 3/16" = 1'-0"

KEYED NOTES:

1. POPOUT ON OSB PLYWOOD W/ BLDG PAPER, METAL LATH AND 7/8" STUCCO FINISH
2. 7/8" THK STUCCO WALL ON 2x6 STUDS, OSB OSB PLYWOOD, BLDG PAPER & METAL LATH
3. PRE-FORMED FOAM CORNICES WITH STUCCO FINISH
4. 4x12 CORBELS @ 24" O.C.
5. 4" DIA. STEEL BOLLARDS TYPICAL TO 7
6. CONCRETE TILE ROOFING
7. 8" THK CMU WALL
8. FIXED TEMPERED GLASS WINDOW WITH BRONZE ANODIZED ALUMINUM WINDOW FRAME
9. SWING OUT TEMPERED GLASS DOOR WITH BRONZE ANODIZED ALUMINUM DOOR FRAME
10. POPOUT BASE WITH STUCCO FINISH
11. 1 1/2"x7/8" DEEP CONTINUOUS REVEAL
12. PRE-FORMED FOAM TRIM WITH STUCCO FINISH
13. 2x6 STEEL TUBING FRAME W/ PERFORATED CORRUGATED METAL CANOPY ROOF PANEL

DENNIS E. RUSK
ARCHITECT, LLC

BUILDING ELEVATIONS

SAHARA RETAIL

946 E. SAHARA AVENUE
LAS VEGAS, NEVADA

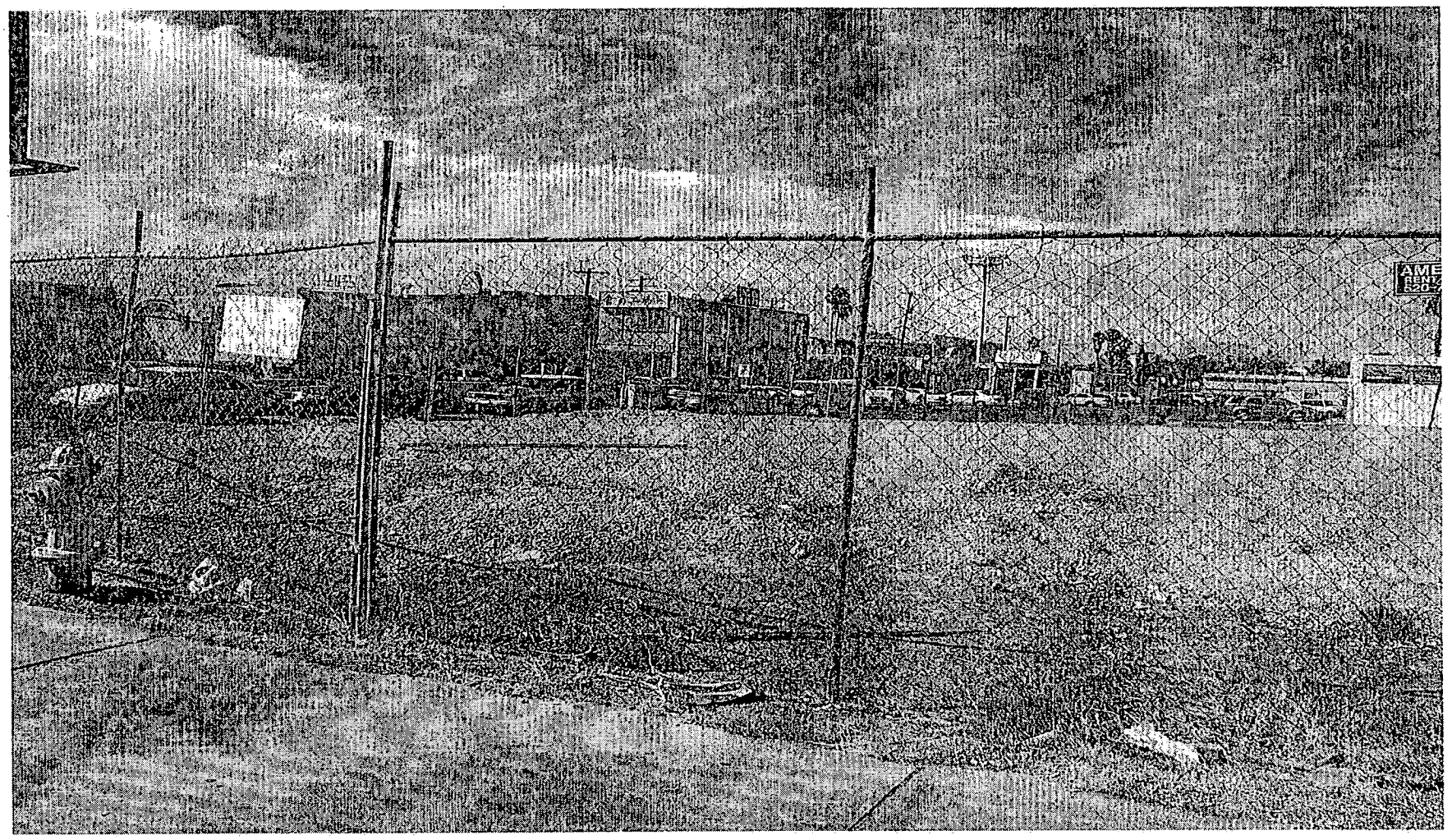
Revisions:

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Project No:
Date:
Drawn By: JDL
Check By: DER/MB
Sheet No.: A2.0

RCVD
SEP 16 2004

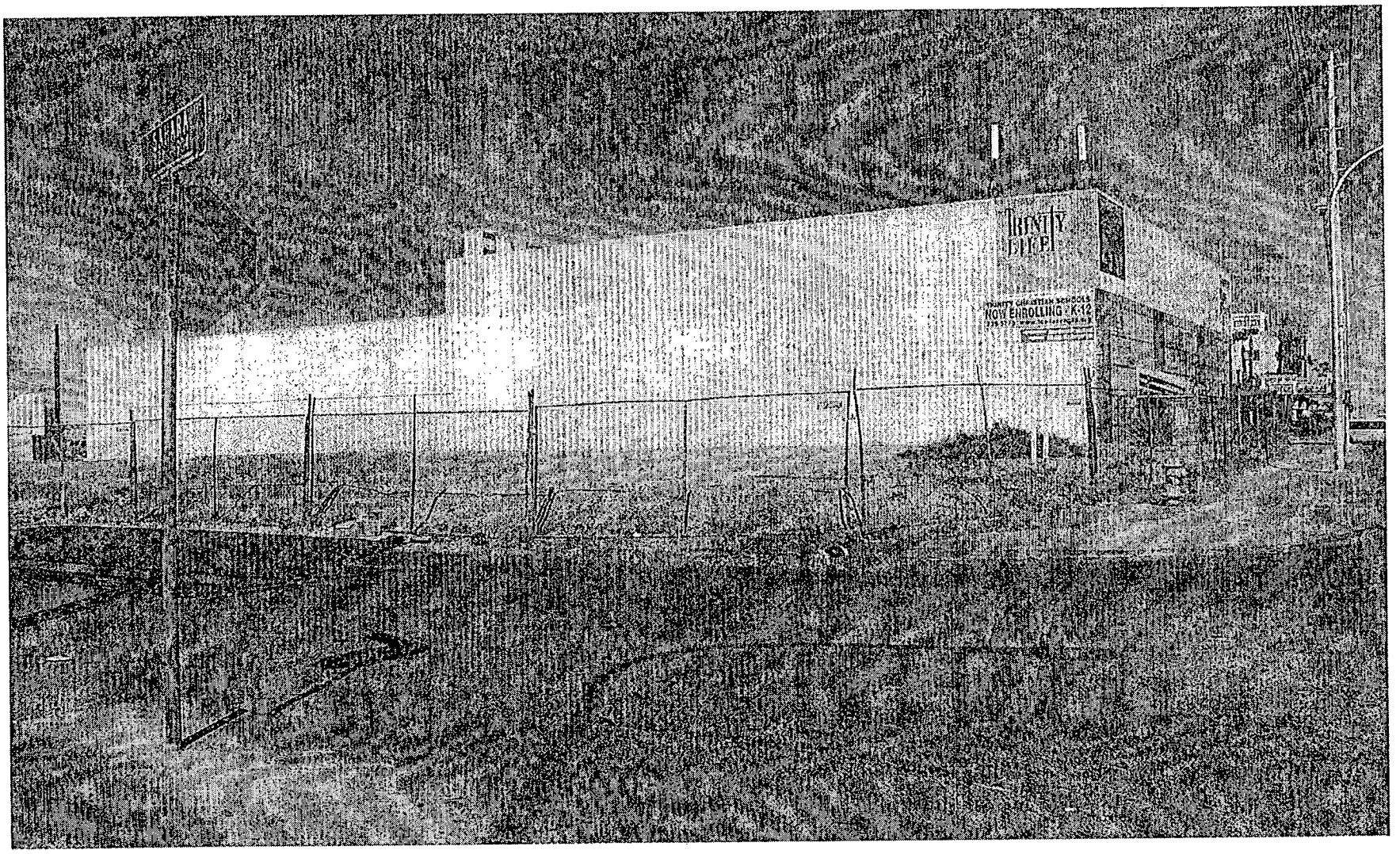
VAR-4986

REVISED 9/23/04 PC
9.17.04



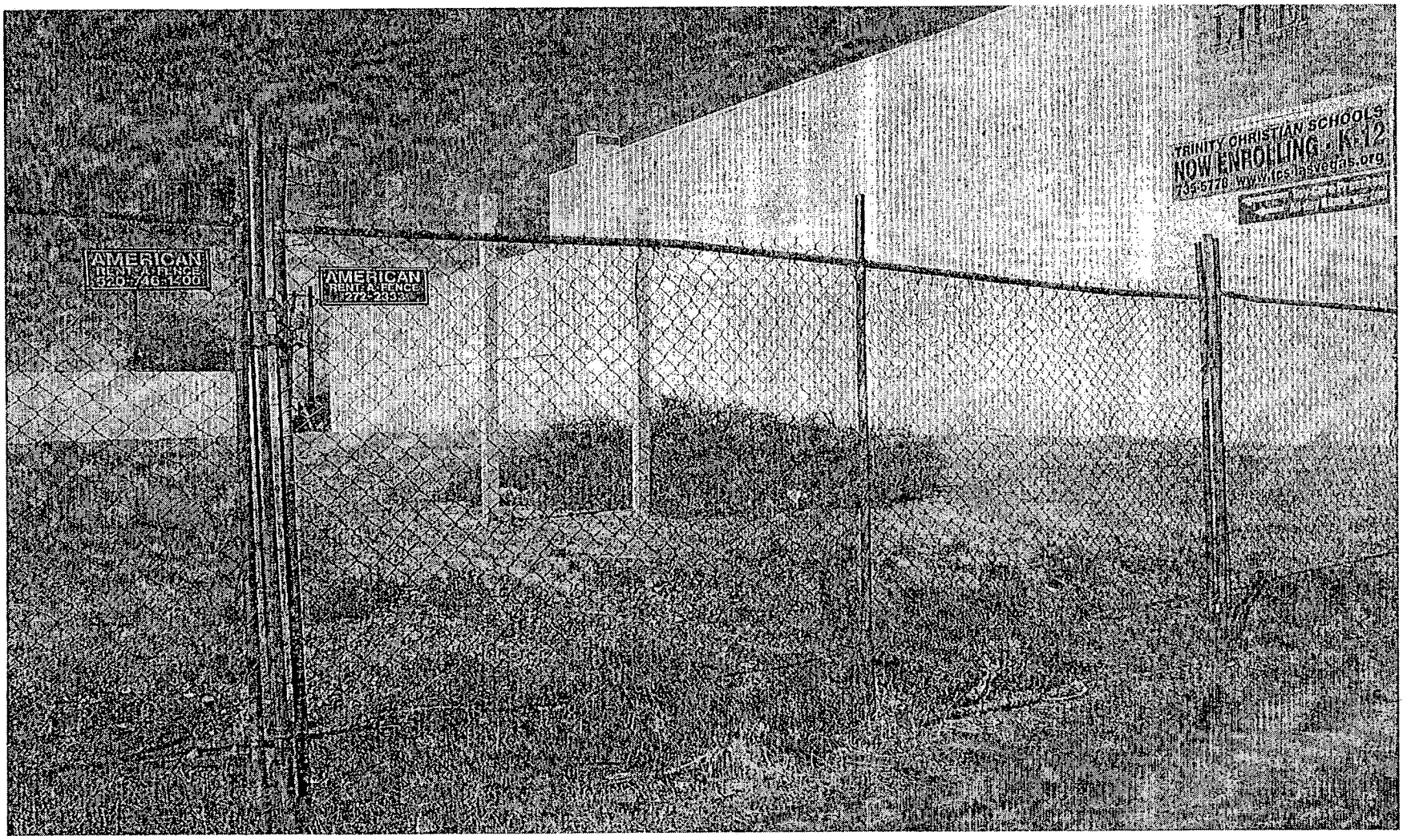
VAR-4986 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: RODRIGO AND TERESITA HERRERA
946 EAST SAHARA AVENUE
SEPTEMBER 23, 2004 PLANNING COMMISSION

9/2/04



VAR-4986 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: RODRIGO AND TERESITA HERRERA
946 EAST SAHARA AVENUE
SEPTEMBER 23, 2004 PLANNING COMMISSION

9/2/04



VAR-4986 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: RODRIGO AND TERESITA HERRERA
946 EAST SAHARA AVENUE
SEPTEMBER 23, 2004 PLANNING COMMISSION

9/2/04

City of Las Vegas

Agenda Item No.: 39

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

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

SUBJECT:
SDR-4990 - SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-4986 - PUBLIC HEARING - APPLICANT/OWNER: RODRIGO AND TERESITA HERRERA - Request for a Site Development Plan Review FOR A RETAIL BUILDING AND WAIVERS OF SETBACK AND LANDSCAPING STANDARDS on 0.44 acres at 946 East Sahara Avenue (APN 162-03-801-114), C-1 (Limited Commercial) Zone, Ward 3 (Reese).

C.C.: 10/20/04

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

RECOMMENDATION:
Staff recommends DENIAL.

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

MOTION:
NIGRO – APPROVED subject to conditions, amending Condition 4 as follows:
4. All development shall be in conformance with the site plan and building elevations, date stamped *September 17, 2004*, except as amended by conditions herein.
and adding the following condition:
- **The foundational landscaping be provided.**

– MOTION CARRIED with McSWAIN voting NO and STEINMAN excused

To be heard by the City Council on 10/20/2004

MINUTES:
See Item 38 [VAR-4986] for related discussion on Item 38 [VAR-4986] and Item 39 [SDR-4990].

(7:55 – 8:23)

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 39 – SDR-4990

CONDITIONS:

Planning and Development

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

2. 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 no more than 15% of the total landscaped area as turf.

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

4. All development shall be in conformance with the site plan and building elevations, date stamped September 08, 2004, except as amended by conditions herein.

5. The setbacks for this development shall conform to Code standards except zero feet for the east sideyard (pursuant to V-0026-00).

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

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

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

Public Works

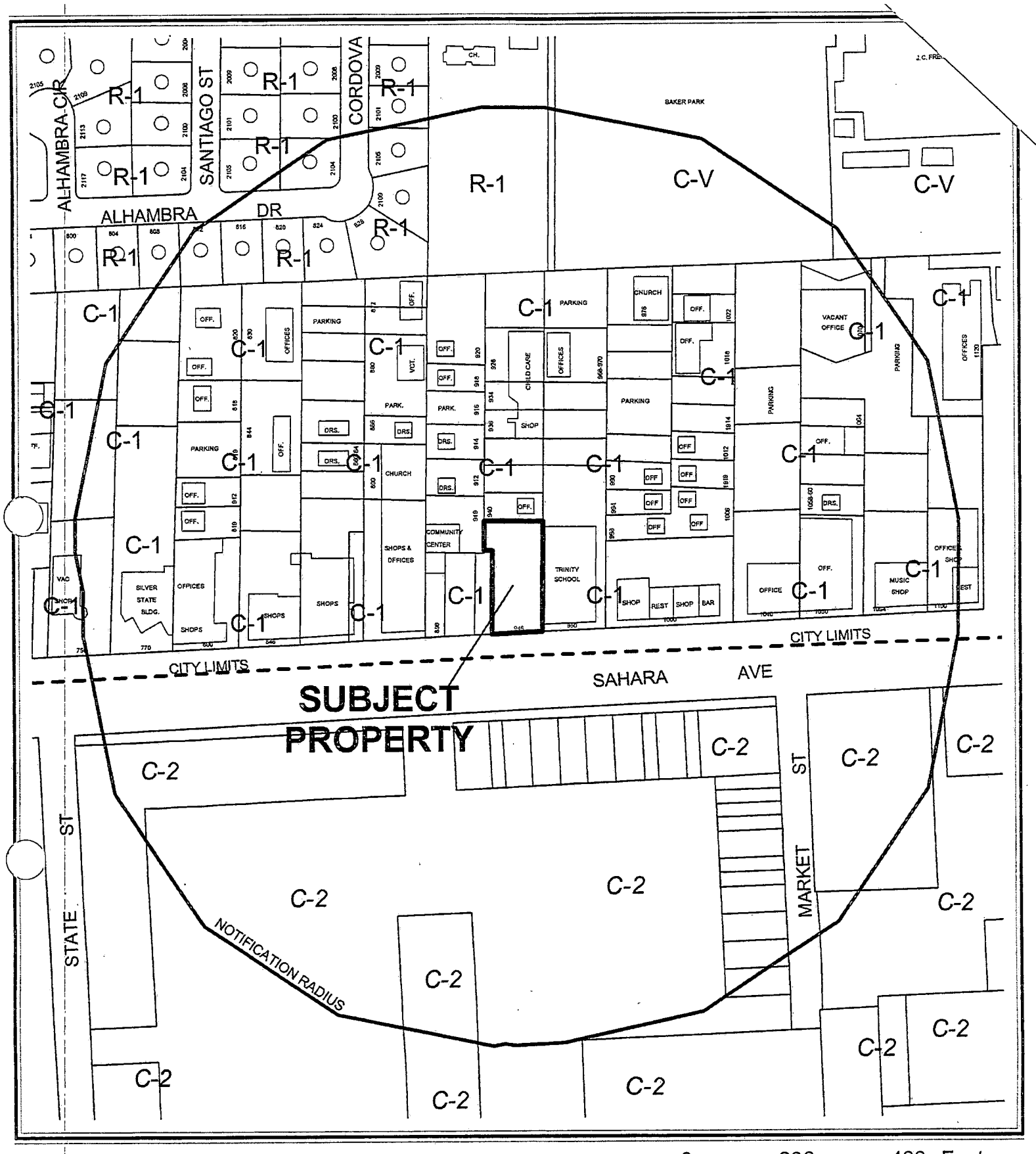
9. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities.

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

11. This site will be subject to the traffic signal impact fee as required by Ordinance No. 5644 at the time permits are issued.

CONDITIONS – Continued:

12. All landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.



0 200 400 Feet

CASE: SDR-4990

RADIUS: 750 FT

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

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 23, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-4990 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: RODRIGO AND TERESITA HERRERA

** CONDITIONS **

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

Planning and Development

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

2. 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 no more than 15% of the total landscaped area as turf.

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

4. All development shall be in conformance with the site plan and building elevations, date stamped September 08, 2004, except as amended by conditions herein.

5. The setbacks for this development shall conform to Code standards except zero feet for the east sideyard (pursuant to V-0026-00).

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

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

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

Public Works

9. 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.

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

11. This site will be subject to the traffic signal impact fee as required by Ordinance No. 5644 at the time permits are issued.

12. All landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This is a request for a Site Development Plan Review for a 4,722 square foot commercial building and Waiver of landscaping standards on 0.44 acres at 946 East Sahara Avenue.

B) Applicant's Justification

This project is on an in-fill lot surrounded by small commercial buildings built on the property lines with several cross easements for drive aisles and parking. Building lot coverage is less than 30%. Without waivers for setbacks and landscaping, the building could only be 3 feet wide.

BACKGROUND INFORMATION

A) Previous Actions

07/19/00	The City Council approved a Variance (V-26-00) to allow a zero foot side yard setback on the east property line, and a three foot side yard setback on the west property line. The Planning Commission and staff recommended approval on June 8, 2000.
04/19/00	The City Council approved a Special Use Permit (U-14-00) for a Wedding Chapel. The Planning Commission and staff recommended approval on March 9, 2000.
12/06/01	The Planning Commission approved a Site Development Plan Review (SD-73-01) for a Wedding Chapel on subject site. The site was not developed, and approval for the project became void on December 17, 2003.
09/23/04	The Planning Commission will hear a related Variance to the parking standards of the Code as part of this agenda. (VAR-4986).

B) Pre-Application Meeting

07/21/04	Standard discussion of the components of a Site Development Plan Review application.

C) Neighborhood Meetings

A neighborhood meeting is not required for this type of application, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.44

B) Existing Land Use

Subject Property:	Undeveloped
North:	Offices
South:	Shops
	Tavern
East:	Trade School
West:	Shops
	Offices

C) Planned Land Use

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

D) Existing Zoning

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

E) General Plan Compliance

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

PROJECT DESCRIPTION

This project is a one story, 4,722 square foot, 23-foot high commercial building. The building will have four 1,180 square foot retail spaces. Exterior walls will be finished in stucco. The structure will be built to the east property line. Existing buildings on the north and east are built to the property line. In a companion application, applicant has requested a Waiver of Parking Standards.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

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

Standards	Required	Provided	Compliance
Min. Lot Size	N/A	19,166 SF	N/A
Min. Lot Width	100 Feet	93.85	Yes, this is a recorded lot.
Min. Setbacks			
◦ Front	20 Feet	20 Feet	Y
◦ Side	10 Feet	East Side: 0 Feet	Yes, pursuant to V-0026-00
		West Side: 47 Feet	Y
◦ Rear	10 Feet	70 Feet	Y
Max. Lot Coverage	50 %	25%	Y
Max. Building Height	None	23 Feet	N/A
Trash Enclosure	Yes	Yes, with roofing	Y
Loading Zone	N/A	Yes	N/A

A Variance to allow a zero yard side yard setback was approved by City Council.

A2) Residential Adjacency Standards

The Residential Adjacency Standards of Title 19.08 do not apply to the subject proposal.

A3) Parking and Traffic Standards

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

Uses	GFA	Required Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
General Retail Store, Less than 25,000 SF	4,7220 SF.	1/175 GFA	27	2	23	1

The proposal does not meet the parking requirements of Title 19.10.

A companion application (VAR-4986) for a Variance from Title 19 parking standards has been submitted. Staff has determined that no hardship exists. The Department of Public Works cannot support the Variance Request to allow 24 parking spaces where 27 spaces are the minimum required.

A4) Landscape Standards

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

Standards	Required Ratio	Required Trees	Provided
Parking Area	1 Trees/ 6 Space	5 Trees	Not indicated
Buffer:			
◦ Min. Trees	1 Trees/ 30 Linear Feet	7 Trees	Not indicated
◦ Min. Zone Depth	8 Feet		5'10"

The application includes a waiver from the perimeter landscaping requirements of Title 19. The landscape planters along the north property line are not eight feet in width as required by the Code. A condition of approval ensures that the correct number of trees will be planted.

A5) Sign Standards

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

Freestanding Signs: At Sahara

Standards	**Allowed**	**Provided**
Maximum Number	1 / Street frontage 1 total	1 / Street frontage 1 total
Maximum Area	48 SF.	n.i.
Maximum Height	12 Feet	n.i.
Minimum Setback	5 Feet	n.i.
Illumination	Internal / external	n.i.

A sign plan will be submitted under a separate application, if this Site Development Plan Review is approved.

B) General Analysis and Discussion

- Zoning

This retail development conforms to the C-1 (Limited Commercial) zoning of this site and area.

- Site Plan

Because of the multiple waivers of landscaping standards, and the inadequate parking provided in this site plan, staff has concluded that the site is over-built.

- Landscape Plan and Landscape Waivers

The applicant has requested several waivers of Landscape Standards:

1. Waiver of the six-foot wide foundation-landscaping requirement (elimination).
2. Waiver of parking lot island landscaping (elimination of two islands)
3. Waiver of the eight-foot wide parking buffer requirement along the north property line, to be reduced to six feet, 10 inches, to allow for garbage and loading turn radiuses.

These landscape waivers are necessary only because the proposed structure's size and placement on the lot are inappropriate for this parcel. This site is overbuilt. A structure with less square footage oriented along the north property line would conform to the requirements of Title 19.

- Elevation

The Elevation drawing is typical of retail strip developments. Façade articulation is achieved through design elements at the roof level. This elevation would be an improvement over the aging retail and office structures in this vicinity.

- Floor Plan

The Floor Plan is an unimproved division of the floor space to provide four 1,180 square foot retail spaces. This is typical and appropriate of retail strip developments.

FINDINGS

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

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

   The proposed development is not compatible with development in the area, due to the size and orientation of the building.

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 not consistent with the City standards for landscaping and parking.

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

   This plan does not include necessary off-site parking agreements. Overflow parking would negatively impact the adjacent access driveway to the west, and impede access to properties to the north.

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

   Building and landscape materials are appropriate for this area of the City.

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

   Building elevations, design characteristics and other architectural and aesthetic features are desirable in appearance, and would improve the aesthetic quality of this decaying section of the city. However, the overall request cannot be supported to the parking variance, waivers to the landscaping standards and over-building on the site.

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

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

NOTICES MAILED 93 [Mailed with VAR-4986]

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-4990 APN: 162-03-801-114

Name of Property Owner: TERESITA HERRERA

Name of Applicant: TERESITA HERRERA

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): _____

APN: _____

Signature of Property Owner/Authorized Agent: Teresita S. Herrera

Print Name: Teresita S. Herrera

Subscribed and sworn before me

This 2nd day of August, 2004

Notary Public in and for said County and State WA

EFREN A. PASCUA NOTARY PUBLIC STATE OF WASHINGTON COMMISSION EXPIRES 9-29-07

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

Revised 2/12/02

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-4990 APN: 162-03-801-114

Name of Property Owner: RODRIGO HERRERA

Name of Applicant: RODRIGO HERRERA

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: RODRIGO L. HERRERA

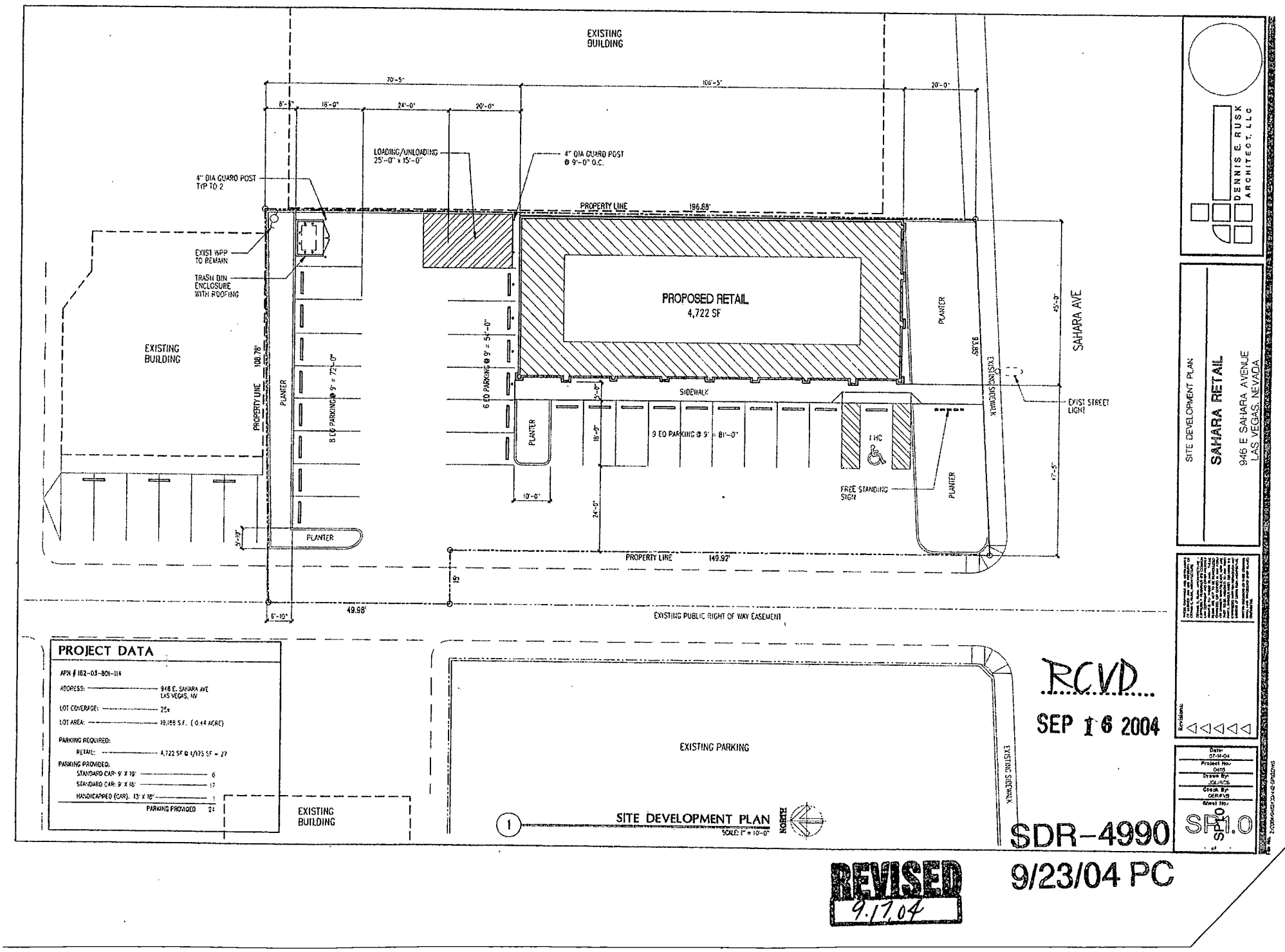
Subscribed and sworn before me

This 15th day of July, 2004

[signature]

Notary Public in and for said County and State

EFREN A. PASCUA NOTARY PUBLIC STATE OF WASHINGTON COMMISSION EXPIRES 9-29-07



PROJECT DATA

APN # 162-03-801-114

ADDRESS: 946 E. SAHARA AVE LAS VEGAS, NV

LOT COVERAGE: 25%

LOT AREA: 19,155 S.F. (0.44 ACRE)

PARKING REQUIRED:

RETAIL: 4,722 SF @ 1/175 SF = 27

PARKING PROVIDED:

STANDARD CAR: 9' X 19' — 6

STANDARD CAR: 9' X 16' — 17

HANDICAPPED (CAR): 13' X 18' — 1

PARKING PROVIDED 24

DENNIS E. RUSK ARCHITECT, LLC

SITE DEVELOPMENT PLAN

SAHARA RETAIL

946 E SAHARA AVENUE
LAS VEGAS, NEVADA

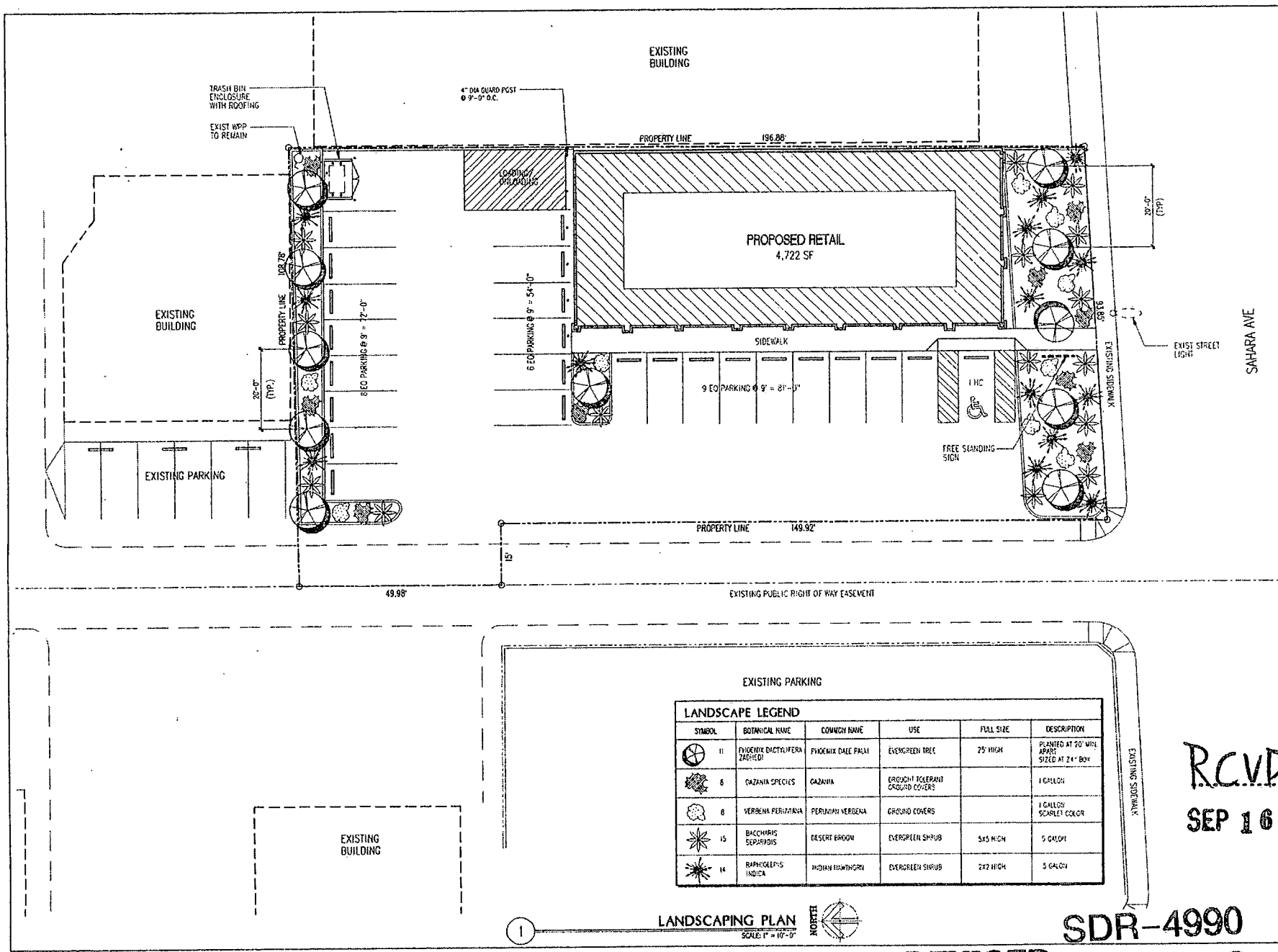
Revisions:

Date: 07-14-04
Project No: 0405
Drawn By: JQ/JSCR
Check By: DER/FS
Sheet No: SP1.0

RCVD.
SEP 16 2004

SDR-4990
9/23/04 PC

REVISED
9.17.04



LANDSCAPE LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME	USE	FULL SIZE	DESCRIPTION
	PHOENIX DACTYLIFERA ZADHEDI	PHOENIX DATE PALM	EVERGREEN TREE	25' HIGH	PLANTED AT 20' MIN. APART SIZED AT 24" Box
	GAZANIA SPECIES	GAZANIA	DROUGHT TOLERANT GROUND COVERS		1 GALLON
	VERBENA PERUVIANA	PERUVIAN VERBENA	GROUND COVERS		1 GALLON SCARLET COLOR
	BACCHARIS SERAROIS	DESERT BROOM	EVERGREEN SHRUB	5x5 HIGH	5 GALON
	RAPHIOLEPIS INDICA	INDIAN HAWTHORN	EVERGREEN SHRUB	2X2 HIGH	5 GALON

1 LANDSCAPING PLAN
SCALE: 1" = 10'-0"

NORTH

DENNIS E. RUSK ARCHITECT, LLC

LANDSCAPING PLAN

SAHARA RETAIL

946 E SAHARA AVENUE
LAS VEGAS, NEVADA

Revisions:

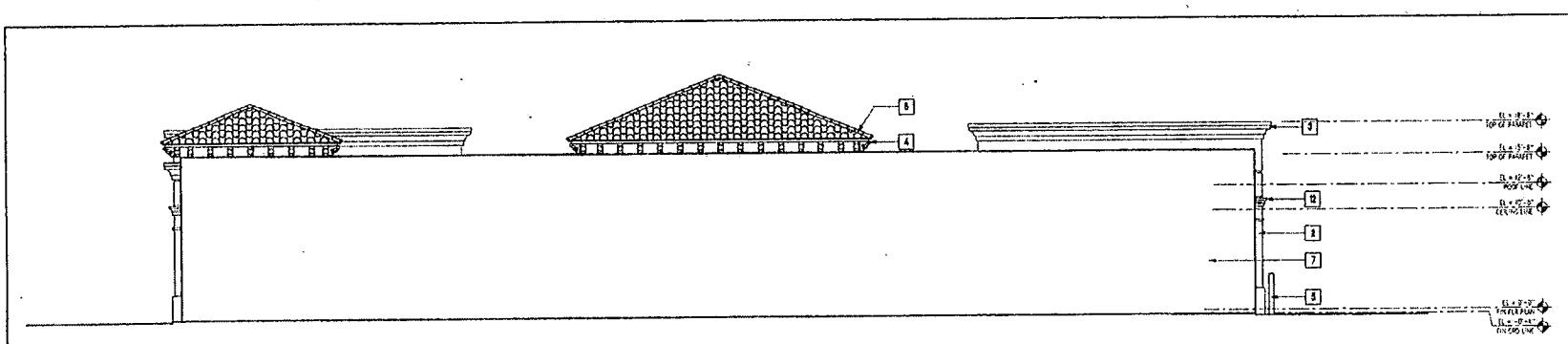
Date 07-14-04
Project No
Date
Drawn By JG/JTCS
Check By DER/WB
Sheet No LS1.0

LS1.0

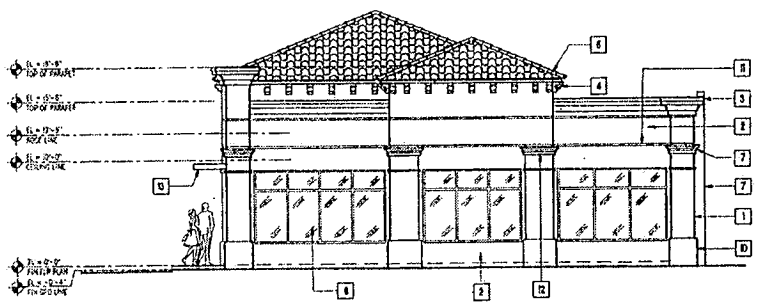
RCVD
SEP 16 2004

SDR-4990
9/23/04 PC

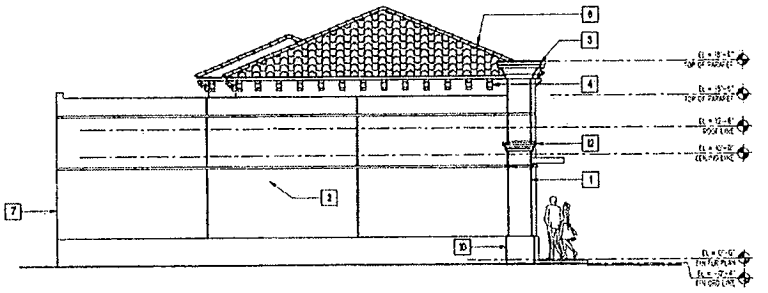
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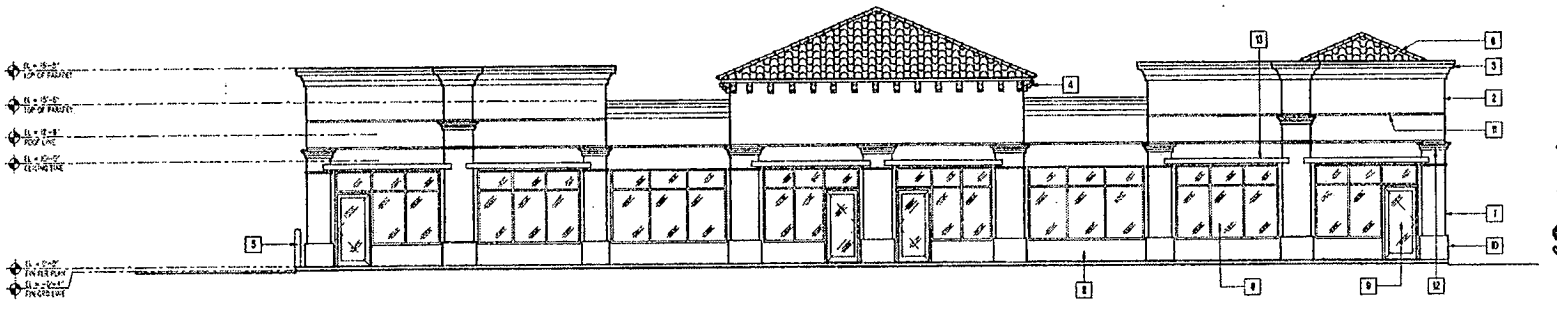
3 REAR ELEVATION
SCALE: 3/16" = 1'-0"



4 RIGHT SIDE ELEVATION
SCALE: 3/16" = 1'-0"



2 LEFT SIDE ELEVATION
SCALE: 3/16" = 1'-0"



1 FRONT ELEVATION
SCALE: 3/16" = 1'-0"

KEYED NOTES:

1. POPOUT ON OSB PLYWOOD W/ BLDG PAPER, METAL LATH AND 7/8" STUCCO FINISH
2. 7/8" THK STUCCO WALL ON 2x6 STUDS, OSB OSB PLYWOOD, BLDG PAPER & METAL LATH
3. PRE-FORMED FOAM CORNICES WITH STUCCO FINISH
4. 4x12 CORBELS @ 24" O.C.
5. 4" DIA. STEEL BOLLARDS TYPICAL 10 7
6. CONCRETE TILE ROOFING
7. 8" THK CMU WALL
8. FIXED TEMPERED GLASS WINDOW WITH BRONZE ANODIZED ALUMINUM WINDOW FRAME
9. SWING OUT TEMPERED GLASS DOOR WITH BRONZE ANODIZED ALUMINUM DOOR FRAME
10. POPOUT BASE WITH STUCCO FINISH
11. 1 1/2" x 7/8" DEEP CONTINUOUS REVEAL
12. PRE-FORMED FOAM TRIM WITH STUCCO FINISH
13. 2x6 STEEL TUBING FRAME W/ PERFORATED CORRUGATED METAL CANOPY ROOF PANEL

DENNIS E RUSK
ARCHITECT, LLC

BUILDING ELEVATIONS

SAHARA RETAIL

946 E. SAHARA AVENUE
LAS VEGAS, NEVADA

Revisions

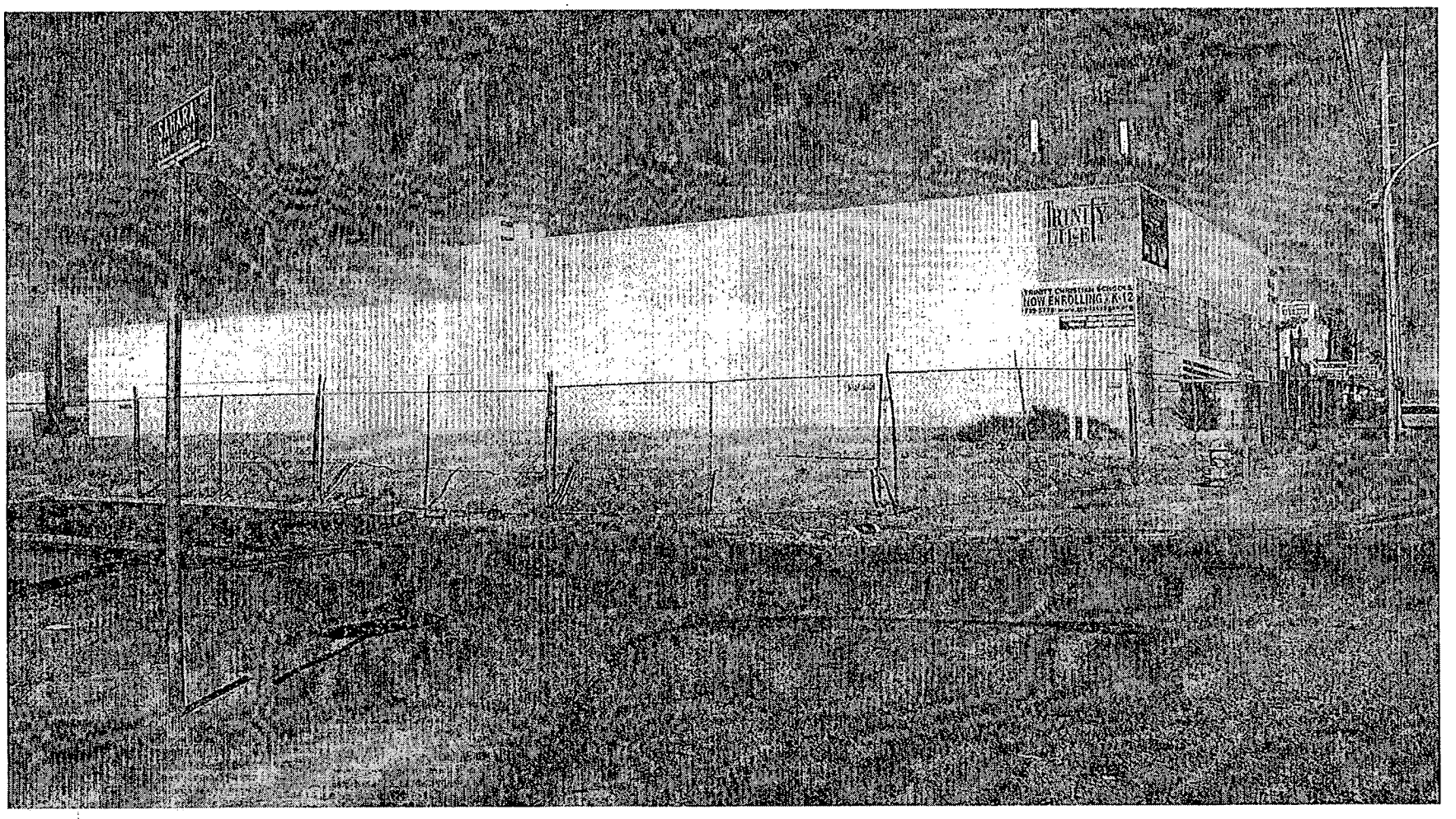
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SEP 16 2004

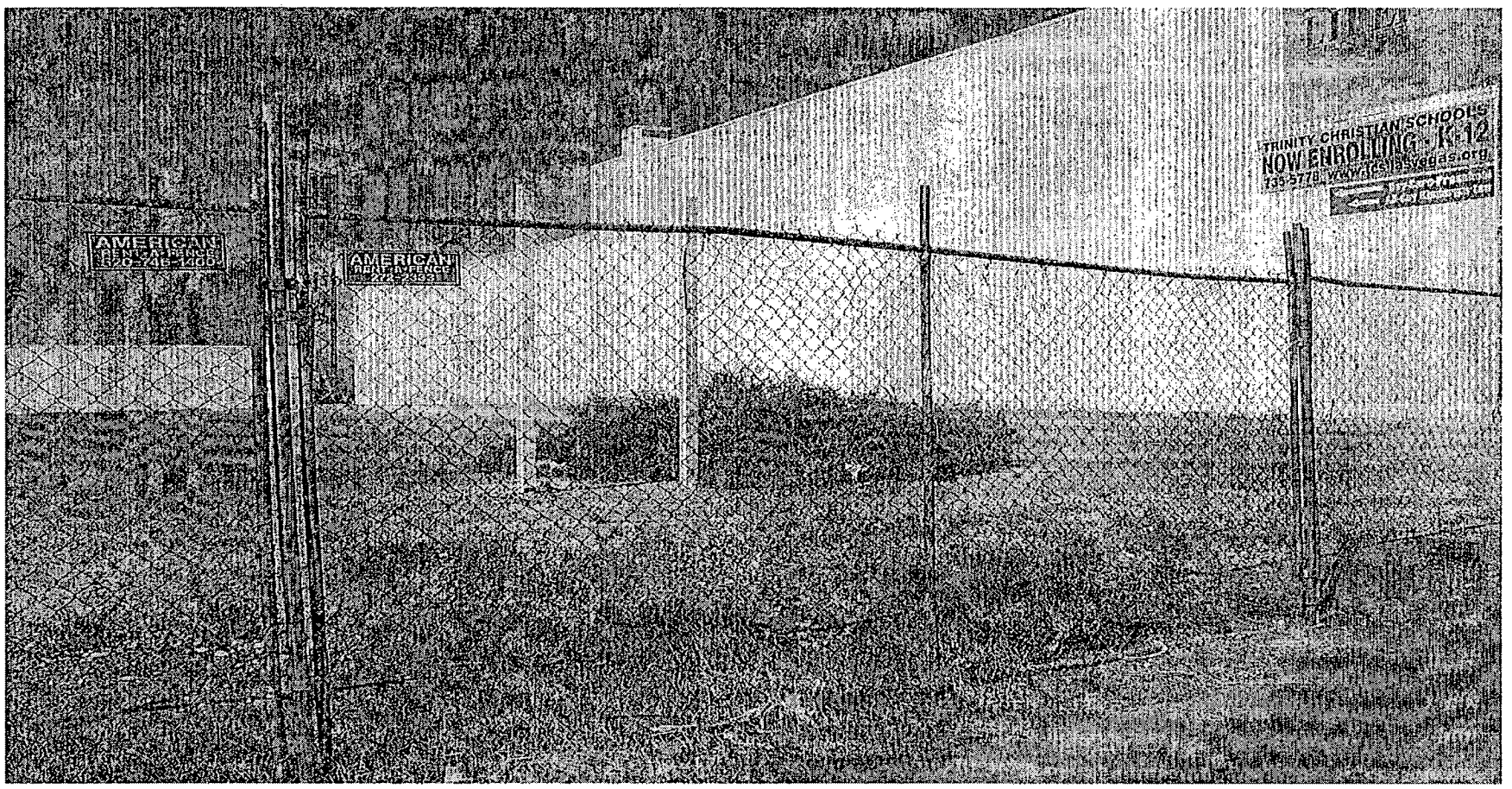
SDR-4990

REVISED 9.17.04
9/23/04 PC



SDR-4990 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: RODRIGO AND TERESITA HERRERA
946 EAST SAHARA AVENUE
SEPTEMBER 23, 2004 PLANNING COMMISSION

9/2/04



SDR-4990 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: RODRIGO AND TERESITA HERRERA
946 EAST SAHARA AVENUE
SEPTEMBER 23, 2004 PLANNING COMMISSION

9/2/04

City of Las Vegas

Agenda Item No.: 40

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

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

SUBJECT:

VAR-4971 - VARIANCE - PUBLIC HEARING - APPLICANT: TIM NEAL - OWNER: THOMAS W. AND KATHY L. CHYNOWETH 1994 LIVING TRUST - Request for a Variance TO ALLOW A PROPOSED ADDITION TO AN EXISTING SINGLE FAMILY RESIDENCE TO BE 5 FEET 6 INCHES FROM THE REAR PROPERTY LINE WHERE 35 FEET IS THE MINIMUM SETBACK REQUIRED at 1711 Brock Court (APN 163-03-612-003), R-E (Residence Estates) Zone, Ward 1 (Moncrief).

P.C.: FINAL ACTION

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

RECOMMENDATION:
Staff recommends DENIAL.

BACKUP DOCUMENTATION:
1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted at Meeting – Two letters of community support of variance by Timothy Neal

MOTION:
DAVENPORT – APPROVED subject to conditions – UNANIMOUS with STEINMAN excused

This is Final Action

MINUTES:
CHAIRMAN TRUESDELL declared the Public Hearing open.

KYLE WALTON, Planning and Development Department, explained the applicant has not been able to justify the hardship being claimed. Because of this, staff is recommending denial.

TIMOTHY NEAL, 2316 Ozark Way, North Las Vegas, appeared on behalf of the applicant and stated he was the architect who designed the proposed plans, which require the variance. The variance is required because the house is approximately five years old and because of the way it

MINUTES – Continued:

was situated on the property, the west side of the property is considered the rear yard as that area contains the pool and backyard recreation. Technically, the south side is recognized in zoning terms as the rear yard. The applicant is trying to alleviate the issue of what has become a rear entry garage. When the house was built, the garage was on the opposite side of where they drive down the driveway. To enter the existing garage, the applicant must drive to the very back corner. MR. NEAL acknowledged that this situation would be defined as a self-imposed hardship; however, he did not feel the addition they are requesting would be considered overbuilding. There is more than enough room to allow the one story addition comprised mainly of garage space. He submitted copies of letters from other neighbors in the community that state they are aware of the variance request and do not oppose it. He also showed photos of the existing driveway, which helped to clarify the situation. The only neighbors that would be affected are those to the east and one of the letters MR. NEAL submitted is from them.

COMMISSIONER McSWAIN confirmed with staff that the side yard setbacks would have been established as RE which is ten feet. She then verified with MR. NEAL that the proposed distance from the garage to the back wall is 5'6". He added that the building could be done as a detached building and go up to a 5' setback; however, the applicant would like to stick to the plan as it is currently. MR. WALTON indicated the applicant was correct; a detached building could go as close as 5 feet. COMMISSIONER McSWAIN stated she could support the item under the circumstances.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

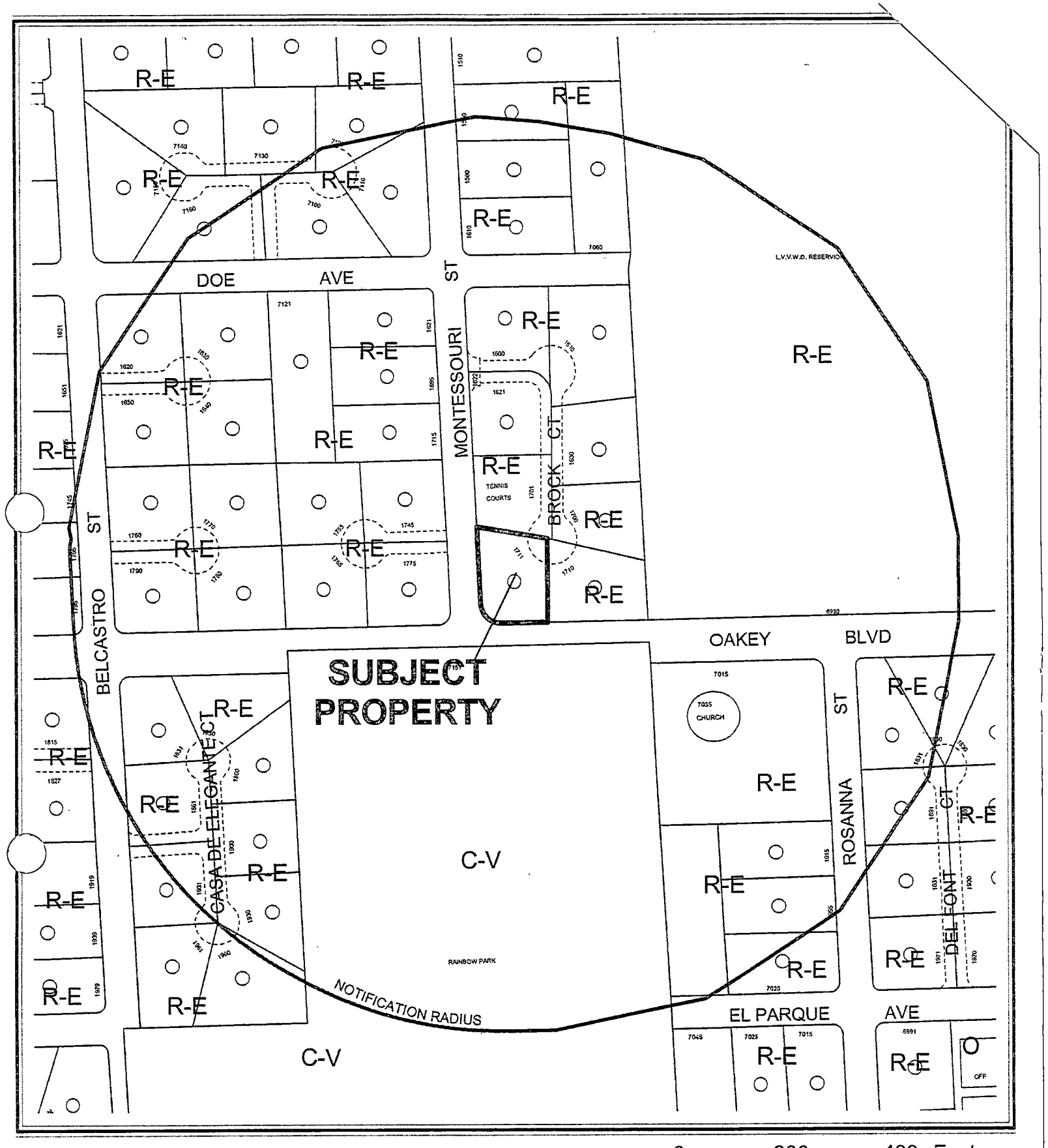
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2-1930

CONDITION:

Planning and Development

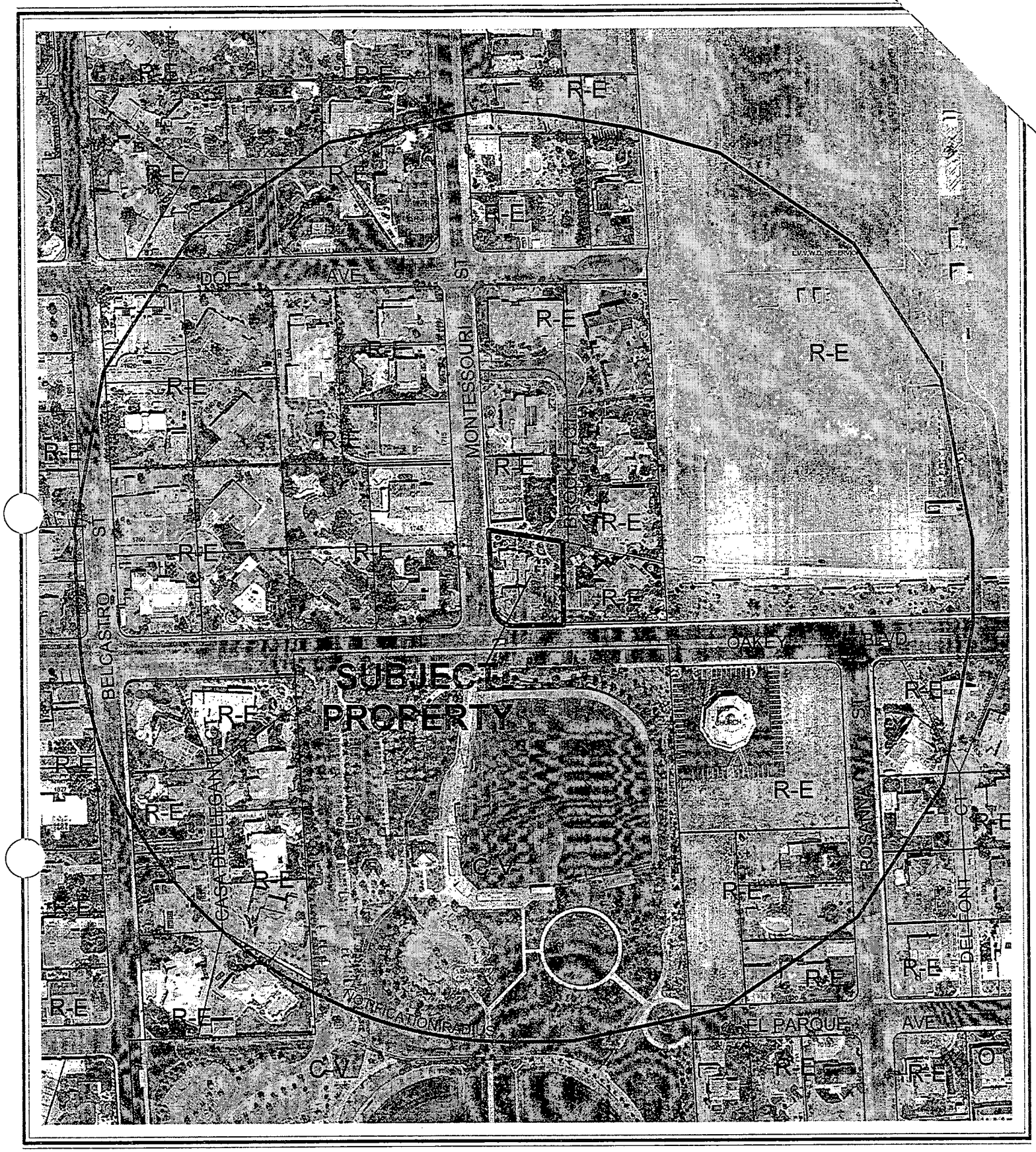
1. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.



CASE: VAR-4971

RADIUS: 750 FT

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


SUBJECT PROPERTY
R-E
R-E
R-E

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 23, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-4971 - VARIANCE - PUBLIC HEARING - APPLICANT: TIM NEAL - OWNER: THOMAS W. AND KATHY L. CHYNOWETH 1994 LIVING TRUST

** CONDITIONS **

STAFF RECOMMENDATION: **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.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This request is for a Variance to allow a five-foot six-inch rear yard setback where thirty-five feet is the minimum setback allowed for a proposed addition to an existing single-family dwelling at 1711 Brock Court.

B) Applicant's Justification

The applicant's justification letter indicates that the proposed addition will improve access, safety, and security at their home. The applicant proposes the addition to match the existing residence.

BACKGROUND INFORMATION

A) Previous Actions

03/19/86 The City Council approved a Annexation (A-9-85) of which the subject site is a part.

01/26/89 The Board of Zoning Adjustment approved a Variance (V-156-88) to allow a six (6') high wall in the front yard area where four feet (4') with the top two feet (2') fifty percent (50%) open is the maximum height is allowed; and to allow a 35 foot front yard setback where 50 feet is the minimum setback required, on property located at 1700 Montessouri Street. Staff recommended approval of this request.

11/23/98 The City Council approved a General Plan Amendment (GPA-0027-98) to allow the subject site to be designated R (Rural Density Residential). The Planning Commission and staff recommended approval on October 22, 1998.

B) Pre-Application Meeting

7/28/04 The elements of the variance application were discussed at the meeting.

C) Neighborhood Meetings

A neighborhood meeting was not required or conducted with respect to this application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.47

B) Existing Land Use

Subject Property:	Single Family Dwelling
North:	Single Family Dwelling
South:	Rainbow Park
East:	Single Family Dwelling
West:	Single Family Dwelling

C) Planned Land Use

Subject Property:	R (Rural)
North:	R (Rural)
South:	PROS (Parks/Recreation/Open Space)
East:	R (Rural)
West:	DR (Desert Rural Residential)

D) Existing Zoning

Subject Property:	R-E (Residence Estates)
North:	R-E (Residence Estates)
South:	C-V (Civic)
East:	R-E (Residence Estates)
West:	R-E (Residence Estates)

E) General Plan Compliance

The R (Rural) category of the Southwest General Plan allows a maximum of 3.5 dwelling units per gross acre. This is a rural or semi-rural environment with a lifestyle much like that of the Desert Rural, but with a smaller allowable lot size.

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

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

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

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

Standards	Required	Requested	Compliance
Min. Lot Size	20,000 Feet	20,675 Feet	Y
Min. Lot Width	100 Feet	134 Feet	Y
Min. Setbacks			
◦ Front	50 Feet	29 Feet*	Y
◦ Side	10 Feet	16 Feet	Y
◦ Corner	15 Feet	N/A	N/A
◦ Rear	35 Feet	5.5 Feet	N
Max. Lot Coverage	N/A	N/A	N/A
Max. Building Height	2 Stories / 35 Feet	2 Stories / 29.5 Feet	Y
** Where such lots are located on a cul-de-sac or street knuckle, the minimum front yard setback shall be 20 feet from the edge of the private street or access easement.*			

The Variance request is a result of the proposed addition to an existing single-family dwelling that encroaches into the rear setback area. At the narrowest point, the addition will be five-feet six-inches from the rear property line.

A2) Residential Adjacency Standards

Residential Adjacency Standards do not apply to the subject site.

B) General Analysis and Discussion

The applicant has not proved a hardship for this request for a Variance. The burden of proof for approval of a Variance requires the presence of a hardship that is not solely personal, self-created or financial in nature. The lack of such hardship, as the site has no inherent topographical constrictions or extraordinary situations, does not warrant a recommendation of approval. Sufficient room remains in the rear of the property to relocate or reconstruct the structure.

FINDINGS

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

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

Additionally, Title 19.18.070L states:

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

No evidence of a unique or extraordinary circumstance has been presented. The applicant has created a self-imposed hardship by attempting to overbuild the site. An alternative design would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NOTICES MAILED 57

APPROVALS 0

PROTESTS 0

BTS

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAR-4971 APN: 163036120003

Name of Property Owner: Thomas W. Chynoweth and Kathy Lee Chynoweth Trustees of the Thomas W. Chynoweth and Kathy Lee Chynoweth 1994 Living Trust

Name of Applicant: Timothy R Neal (on Behalf of the Chynoweths)

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: Thomas W Chynoweth Kathy L Chynoweth

Print Name: Thomas W Chynoweth Kathy L Chynoweth

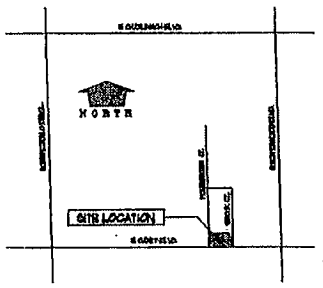
Subscribed and sworn before me

This 4 day of August, 2004

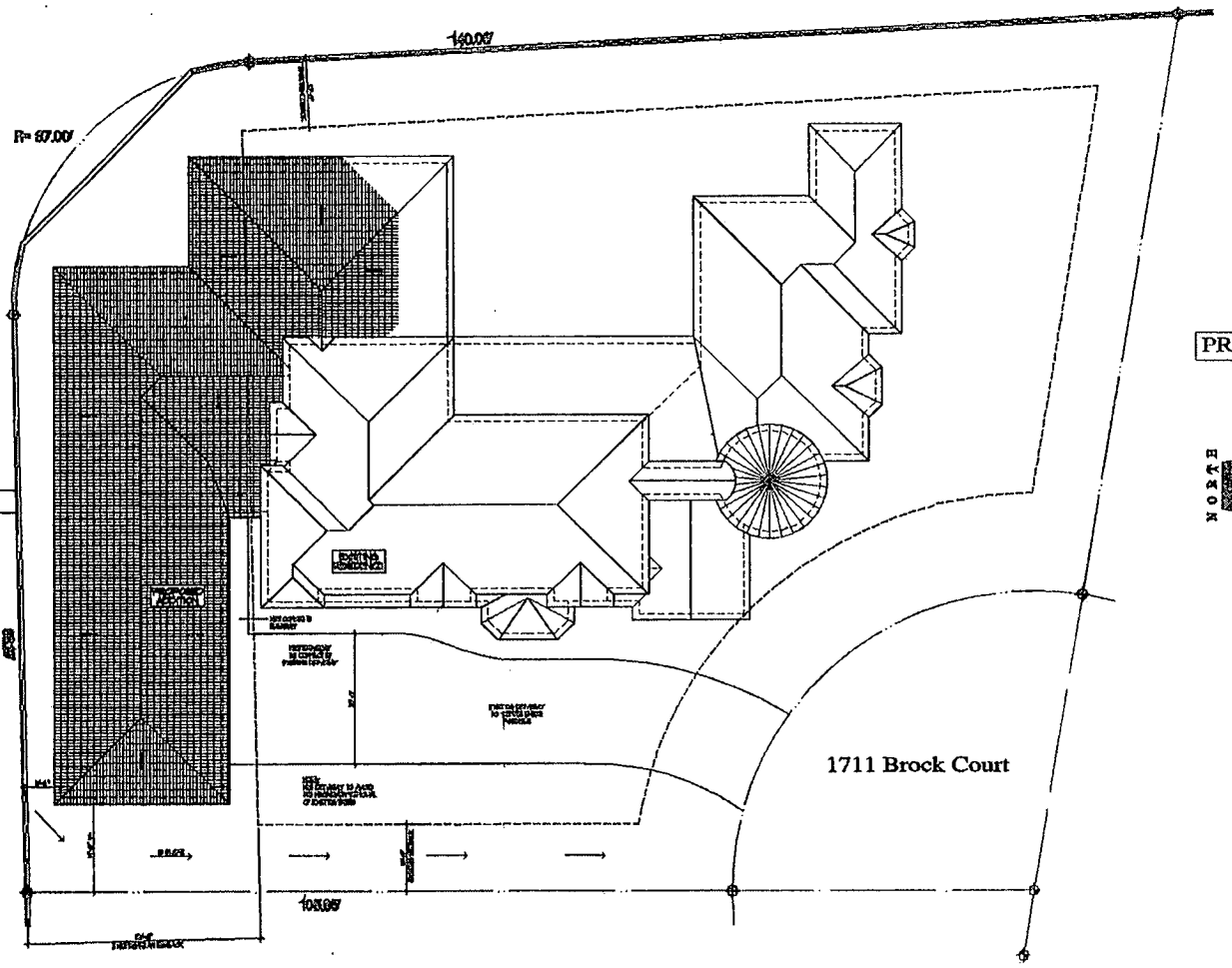
Notary Public in and for said County and State

Notary Public - State of Nevada
County of Clark
MERCY PETERSON
My Appointment Expires
July 22, 2006
No: 02-77102-1

VICINITY MAP



Montessouri Street



SITE PLAN

RESIDENCE

EXISTING AREAS:
EXISTING LIVING AREA: 6,584 SF.
EXISTING GARAGE AREA: 684 SF.
TOTAL NEW BUILDING AREA: 7,268 SF.

NEW AREAS:
NEW LIVING AREA: 817 SF.
NEW GARAGE AREA: 1,984 SF.
TOTAL NEW BUILDING AREA: 2,169 SF.

LOT SIZE: .41 ACRES

Proposed Addition To
The Chynoweth Residence
1711 Brock Court
Las Vegas, NV

VAR-4971
9/23/04 PC



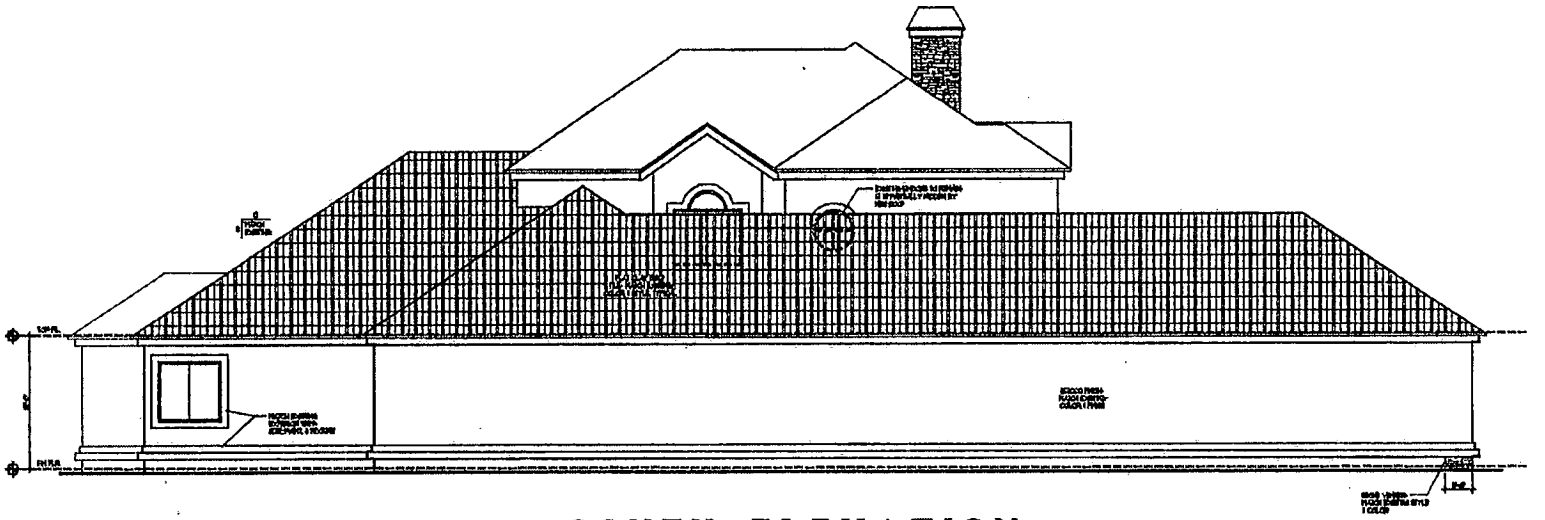
NORTH ELEVATION



EAST ELEVATION

Proposed Addition To
The Chynoweth Residence
1711 Brock Court
Las Vegas, NV

VAR-4971
9/23/04 PC



SOUTH ELEVATION

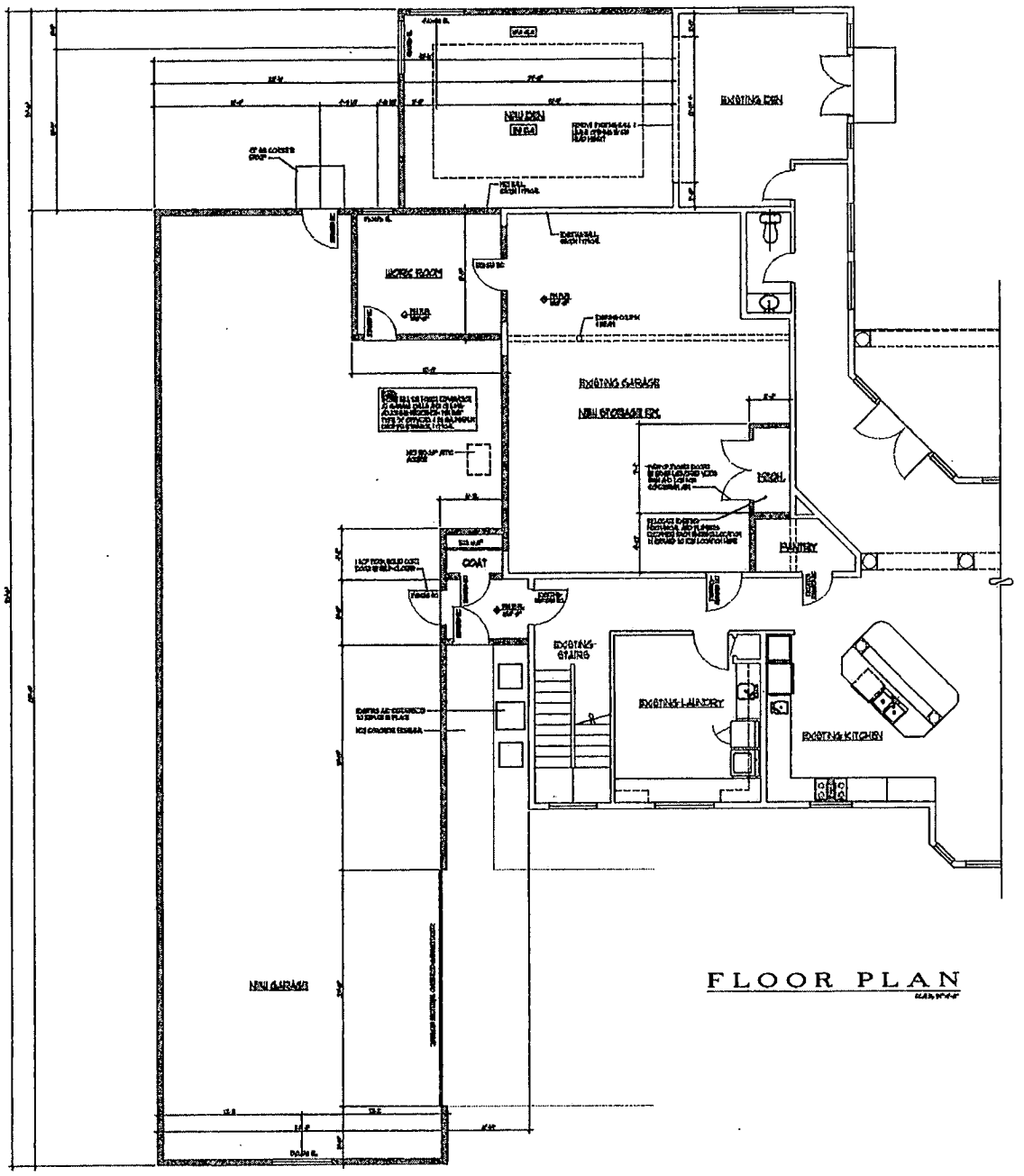


WEST ELEVATION

Proposed Addition To
The Chynoweth Residence
1711 Brock Court
Las Vegas, NV

VAR-4971

9/23/04 PC



FLOOR PLAN

WALL LEGEND

- ALL NEW WALLS TO BE 2x6 @ 16" OC, W/R-19 INSULATION (TYP)
- EXISTING EXTERIOR WOOD FRAMED WALL TO REMAIN
- EXISTING INTERIOR WOOD FRAMED WALL TO BE REMOVED

Proposed Addition To
The Chynoweth Residence
1711 Brock Court
Las Vegas, NV

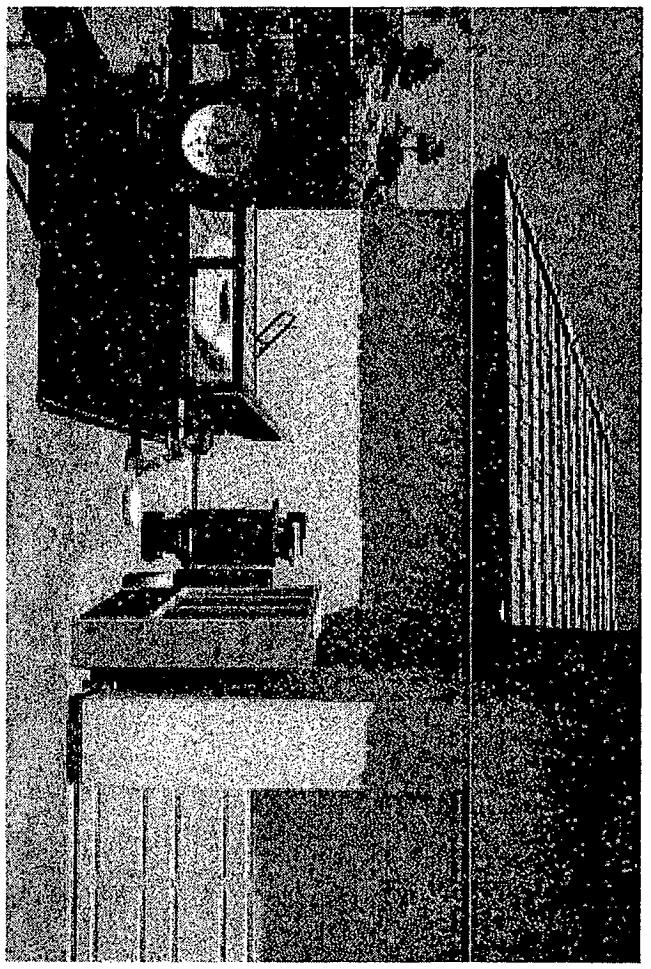
VAR-4971
9/23/04 PC

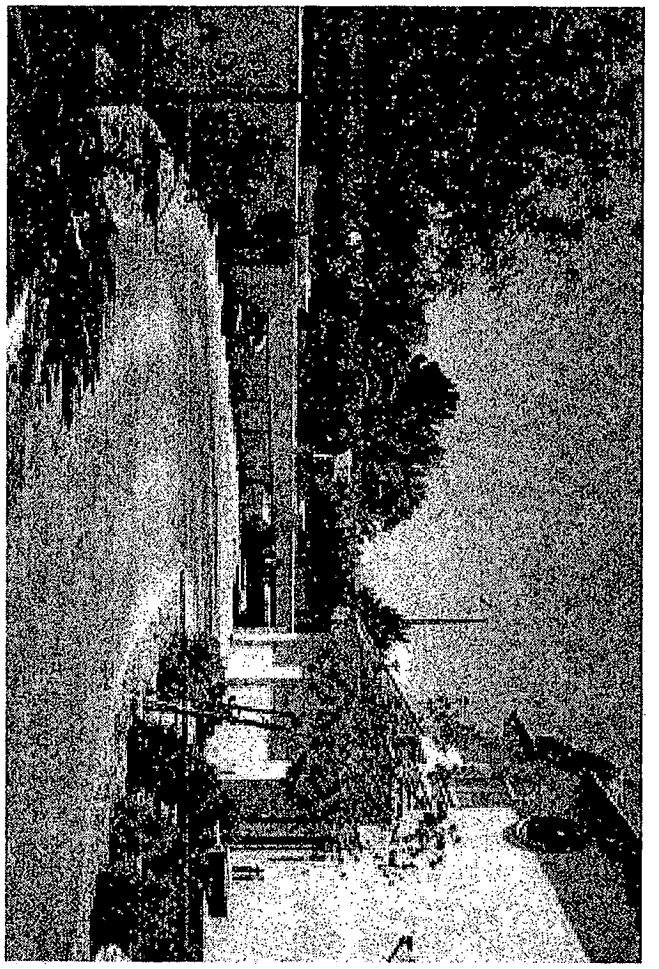


Existing Residence

VAR-4971

9/23/04 PC

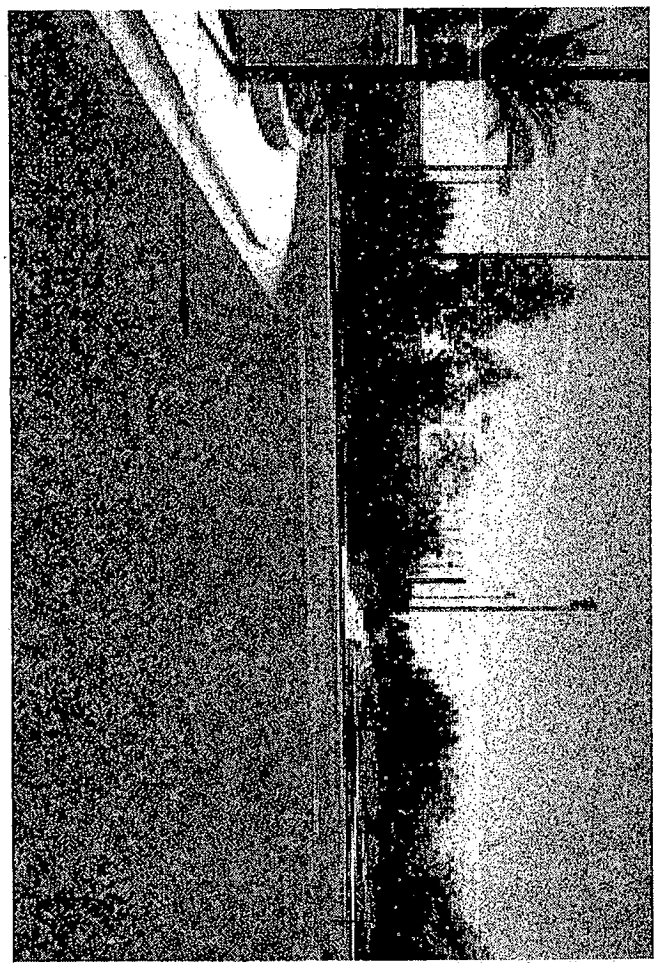


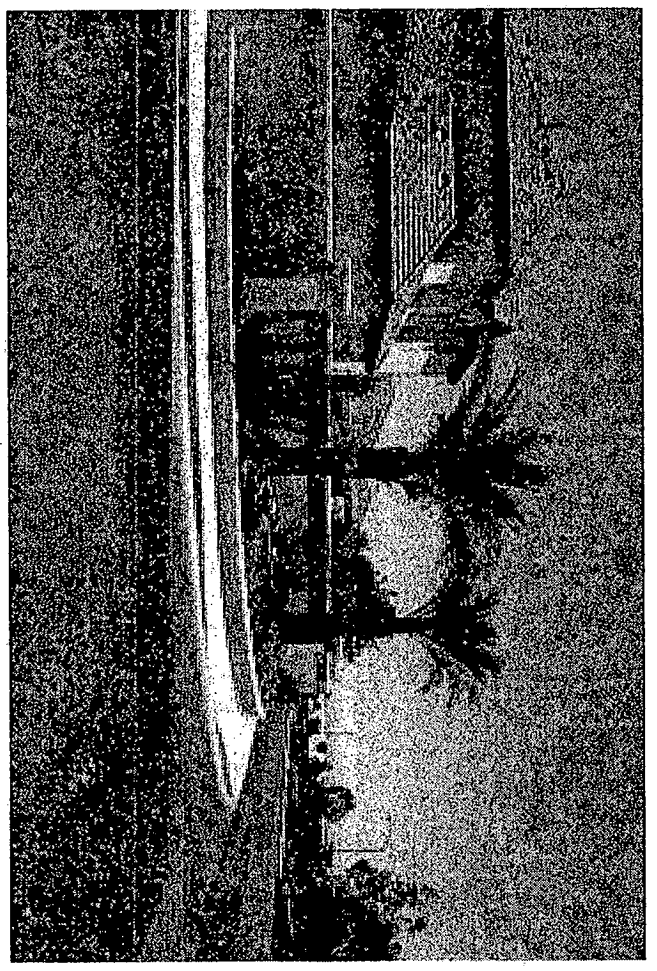


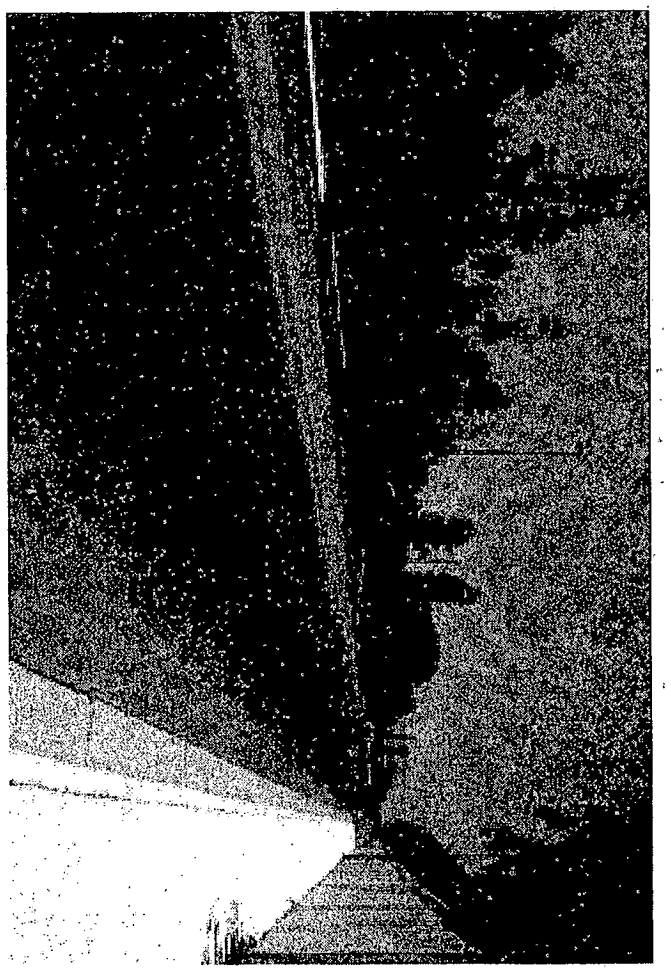


Driveway

VAR-4971
9/23/04 PC

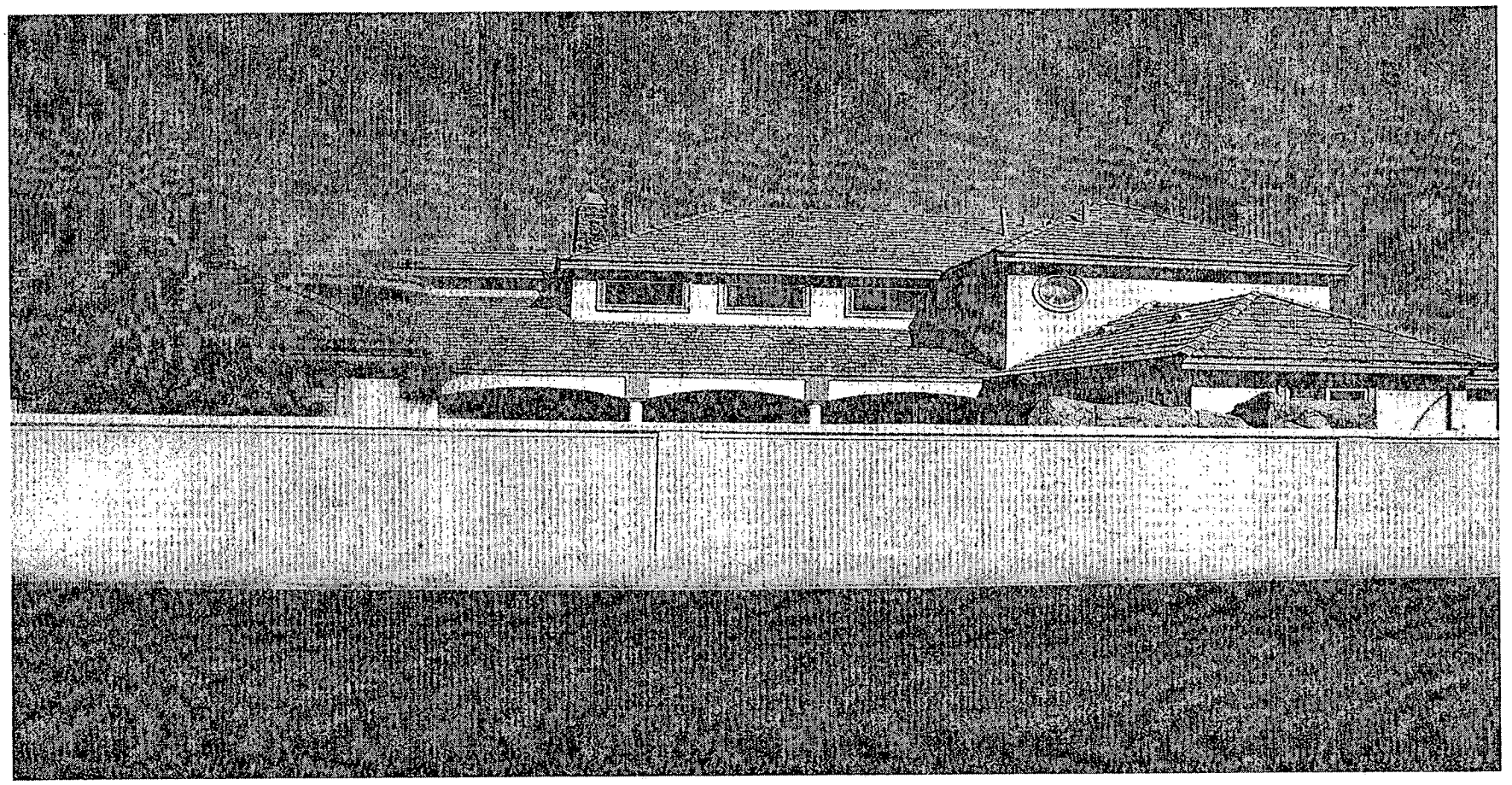






Street

VAR-4971
9/23/04 PC



VAR-4971 - VARIANCE - PUBLIC HEARING - APPLICANT: TIM NEAL - OWNER: THOMAS W. AND KATHY L. CHYNOWETH 1994 LIVING TRUST
1711 BROCK COURT
SEPTEMBER 23, 2004 PLANNING COMMISSION

8/24/04

Sept. 20, 2004

RE: VAR-4971 – VARIANCE

To: Planning and Development Department,

As neighbors in our gated community we would like the Planning and Development Department to be aware that we are in support of VAR-4971 requested by Thomas W. and Kathy Chynoweth located at 1711 Brock Court, LasVegas, NV 89117.

Sincerely,

Rick and Kelli Harbor 1700 Brock Court

Dix and Kaleen Jarman 1630 Brock Court

Doug and Michelle Simister 1610 Brock Court

Darren and Sona Lemmon ~~1600~~ Brock Court

Jeff and Joni Davis 1621 Brock Court

Submitted at Planning Commission

Date 9/23/04 Item 40

Aug. 4, 2004

To whom it may concern,

As next door neighbors to the Chynoweth residence, 1711 Brock Ct. LasVegas, we have seen the proposed variance and consequent construction plan to their property and give our support.

Sincerely,

Stephanie Evans

John and Stephanie Evans
1710 Brock Ct.
Las Vegas, NV 89117

City of Las Vegas

Agenda Item No.: 41

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

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

SUBJECT:
VAR-4976 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: THOMAS AND HELLEN SMITH - Request for a Variance to ALLOW A PROPOSED BALCONY ADDITION TO AN EXISTING SINGLE FAMILY RESIDENCE TO BE 5 FEET FROM THE REAR PROPERTY LINE WHERE 15 FEET IS THE MINIMUM SETBACK REQUIRED at 8101 Villa De La Playa Street (APN 125-09-813-041), R-PD4 (Residential Planned Development - 4 Units Per Acre) Zone, Ward 6 (Mack).

IF APPROVED: C.C.: 10/20/04
IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

PROTESTS RECEIVED BEFORE:		APPROVALS RECEIVED BEFORE:	
Planning Commission Mtg.	0	Planning Commission Mtg.	4
City Council Meeting		City Council Meeting	

RECOMMENDATION:
Staff recommends DENIAL.

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

MOTION:
McSWAIN – APPROVED subject to conditions – UNANIMOUS with STEINMAN excused

MINUTES:
CHAIRMAN TRUESDELL declared the Public Hearing open.

KYLE WALTON, Planning and Development Department, stated the applicant has not been able to prove hardship and therefore, staff has recommended denial. Staff believes the patio cover could be relocated and then the proper setback could be met.

THOMAS and HELEN SMITH, 8101 Villa De La Playa Street, appeared and explained that they purchased the home two years ago while still residing in California. At that time, they requested the developer install the balcony, which unfortunately, was not constructed. Being out of state, they were unable to monitor the construction and it was too late to remedy the situation once it

MINUTES – Continued:

was discovered. The developer advised the SMITHS that they could request a variance to build the balcony at a later date. She commented that the developer made it sound much easier than it actually is. MS. SMITH indicated their home faces the east and the hottest part of the day affects the back yard and the balcony would help shield some of the heat that comes in the backyard from the sun in the afternoon. They are already using solar screens and would like to add the balcony. The balcony would also allow them to further enjoy their home. She disagreed that it is self-imposed.

WALTER WILLIAMS, 7727 Villa De La Paz Avenue, appeared to speak in favor of the variance. He lives within the same community as the SMITHS and has a neighbor down the street from him who built the same type of balcony. MR. WILLIAMS feels the balcony addition would enhance the property value and that the addition is in line with the standards of the community.

COMMISSIONER McSWAIN confirmed with MR. WILLIAMS that the developer did build balconies on homes that backed up to other homes when the subdivision was being constructed. MRS. SMITH added that relocating the patio to another side of the house would not work because the only place to put the balcony would still be where it is proposed. To the north end of the home is the pool and to the south, there is no way to exit from the living room because it is open ceiling and two stories tall. She also said the packet that they submitted to Planning included a letter from the neighbors behind them who are in support of the proposed project.

COMMISSIONER EVANS had concerns regarding the adjacent property owners, since the applicant has gained approval from them; he is more comfortable with that aspect. He asked staff to confirm there are no fire safety issues. DAVID GUERRA, Public Works Department, informed him that there is a condition stating all necessary Department of Building and Safety permits would have to be issued and in issuing those permits, that department would be sensitive to those issues. COMMISSIONER EVANS stated that with that information, he would support the item.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(8:30 – 8:37)
2-2225

CONDITIONS:

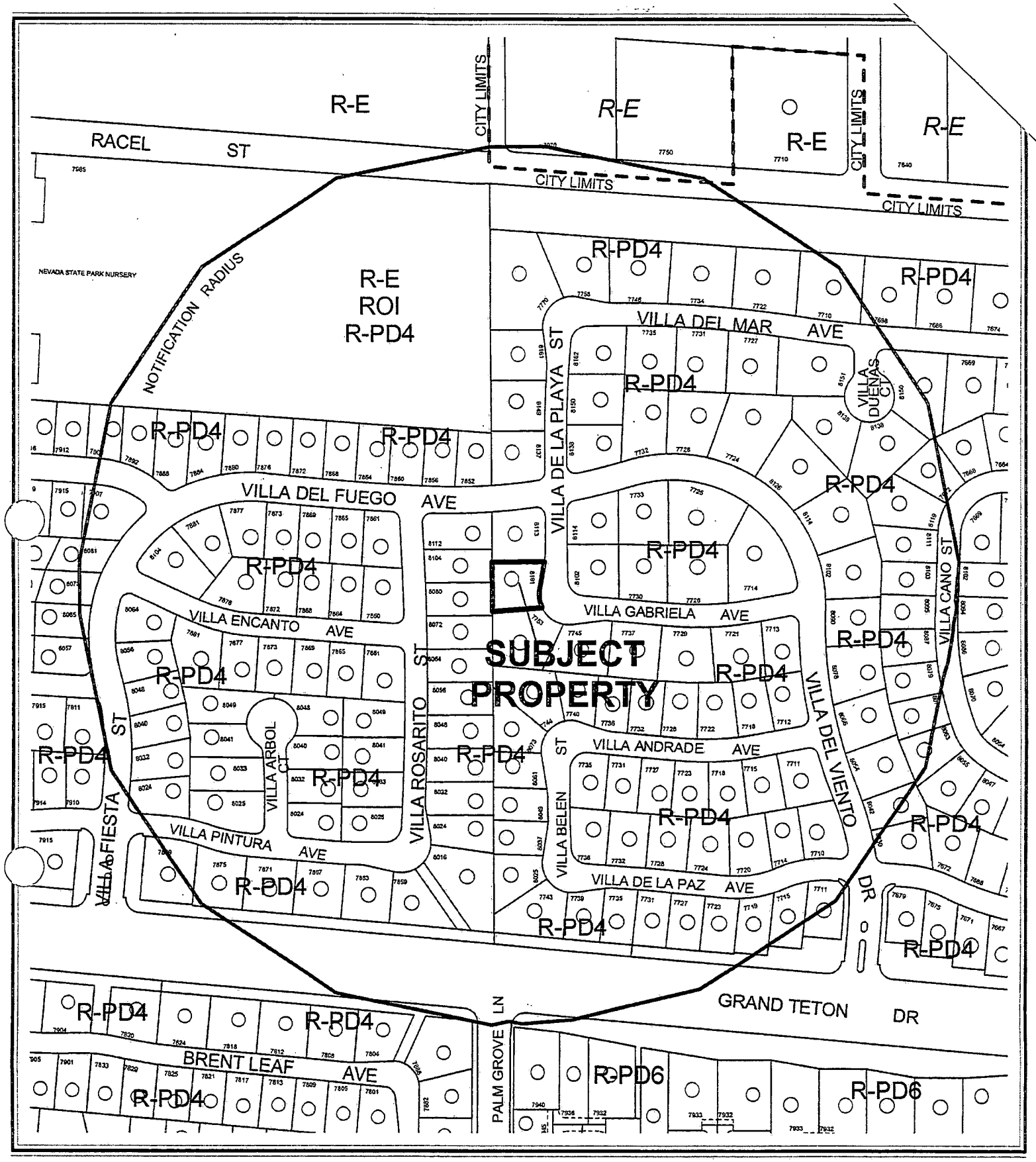
Planning and Development

1. This Variance shall expire in two years unless it is exercised or an extension of time is granted by the City Council.

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 41 – VAR-4976

CONDITIONS – Continued:

2. Acquire all necessary permits from the Department of Building and Safety.



0 200 400 Feet

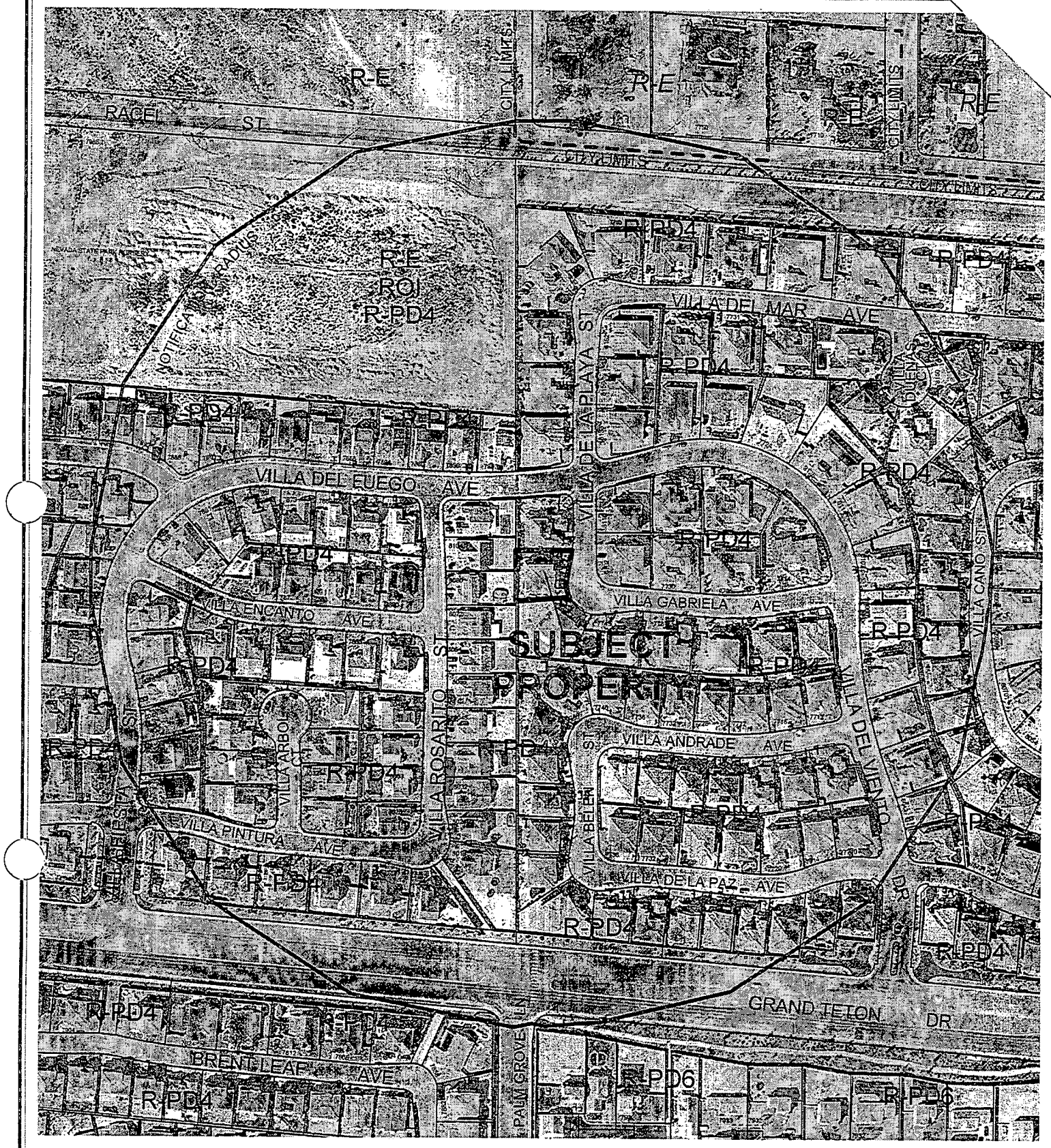
CASE: **VAR-4976**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

R-PD4 (RESIDENTIAL PLANNED DEVELOPMENT - 4 UNITS PER ACRE)

N



0 200 400 Feet

CASE: VAR-4976

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

R-PD4 (RESIDENTIAL PLANNED DEVELOPMENT - 4 UNITS PER ACRE)

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 23, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-4976 - VARIANCE - PUBLIC HEARING -
APPLICANT/OWNER: THOMAS AND HELLEN SMITH

** CONDITIONS **

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

Planning and Development

1. This Variance shall expire in two years unless it is exercised or an extension of time is granted by the City Council.

2. Acquire all necessary permits from the Department of Building and Safety.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This request is for a Variance to allow a five foot rear yard setback where 15 feet is required for a proposed patio cover to be located at 8101 Villa De La Playa Street.

B) Applicant's Justification

The applicant did not give any information that would show the conditions of hardship needed to justify deviation from standards.

BACKGROUND INFORMATION

A) Previous Actions

03/12/98 The City Council approved the Rezoning request to R-PD4, which established these setback criteria. (Z-0008-98). The Planning Commission and staff recommended denial.

B) Pre-Application Meeting

07/27/04 Details about a variance application were discussed.

C) Neighborhood Meetings

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

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.18

KCW

B) Existing Land Use

Subject Property:	Single Family Detached
North:	Single Family Detached
South:	Single Family Detached
East:	Single Family Detached
West:	Single Family Detached

C) Planned Land Use

Subject Property:	PCD (Planned Community Development)
North:	PCD (Planned Community Development)
South:	PCD (Planned Community Development)
East:	PCD (Planned Community Development)
West:	PCD (Planned Community Development)

D) Existing Zoning

Subject Property:	R-PD4 (Residential Planned Development- 4 Units Per Acre)
North:	R-PD4 (Residential Planned Development- 4 Units Per Acre)
South:	R-PD4 (Residential Planned Development- 4 Units Per Acre)
East:	R-PD4 (Residential Planned Development- 4 Units Per Acre)
West:	R-PD4 (Residential Planned Development- 4 Units Per Acre)

E) General Plan Compliance

a. Centennial Hills Sector Plan

The site is located in the Centennial Hills Sector Plan area of the General Plan. The land use designation for the subject property is PCD (Planned Community Development), which permits up to 8 dwelling units per acre, and is zoned RP-D 4(Residential Planned Development – 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

The requested Variance is not related to any specific General Plan policies.

KCW

A) Zoning Code Compliance

A1) Development Standards

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

Standards	Required	Requested	Compliance
Min. Setbacks • Rear	15 Feet	5	N

The proposal does not meet the requirement for setbacks.

B) General Analysis and Discussion

The applicant is requesting the variance so a patio cover can be added to the back of their home. It would encroach 10 feet into the rear yard setback leaving 5 feet between the back wall to the back of the patio cover.

FINDINGS

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

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

Additionally, Title 19.18.070L states:

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

KCW

No evidence of a unique or extraordinary circumstance has been presented. In as much the building was built with the proper setbacks construction of the patio cover would cause a self-imposed hardship. Alternative site design would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NOTICES MAILED 163

APPROVALS 4

PROTESTS 0

KCW

PLANNING & DEVELOPMENT
CITY OF LAS VEGAS
DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAR-4976 APN: 12509813041

Name of Property Owner: THOMAS & HELLEN SMITH

Name of Applicant: SAME

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: _____

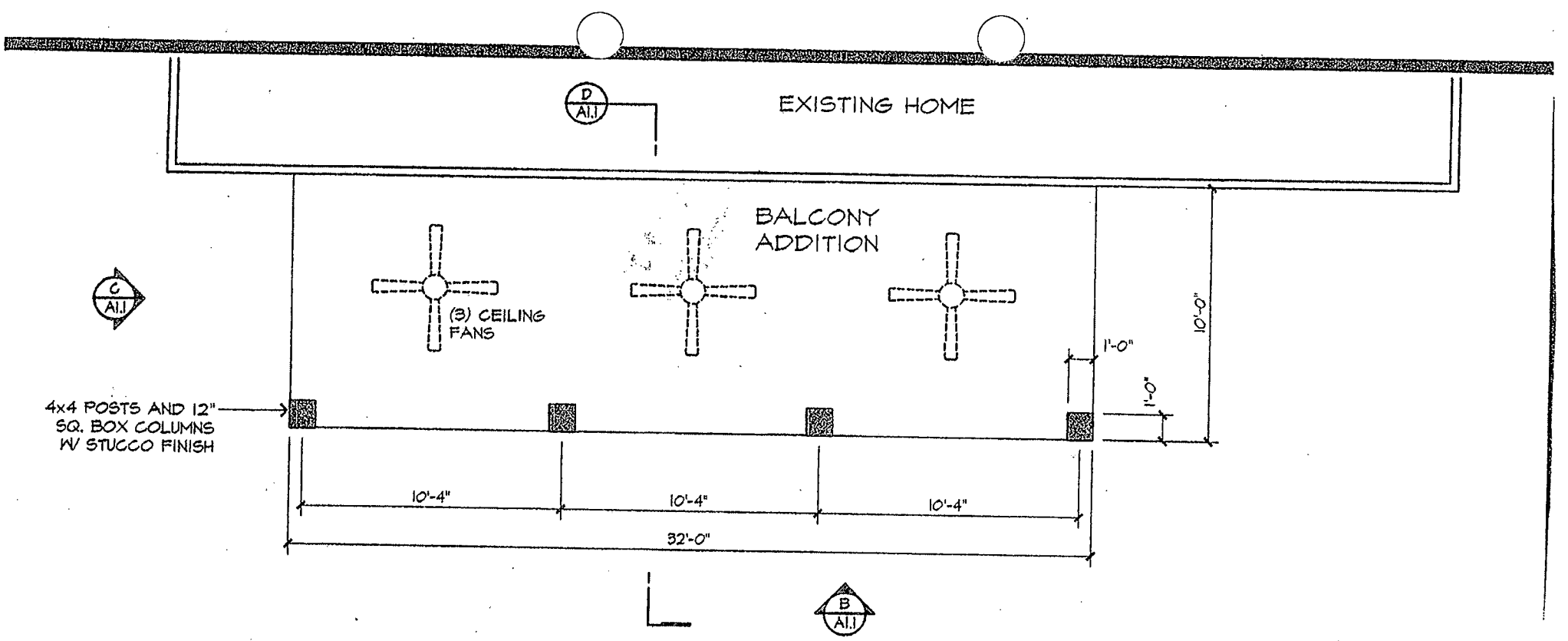
Signature of Property Owner/Authorized Agent: Thomas Smith

Subscribed and sworn before me

This 26 day of July, 2004

Katie Thomas
Notary Public in and for said County and State

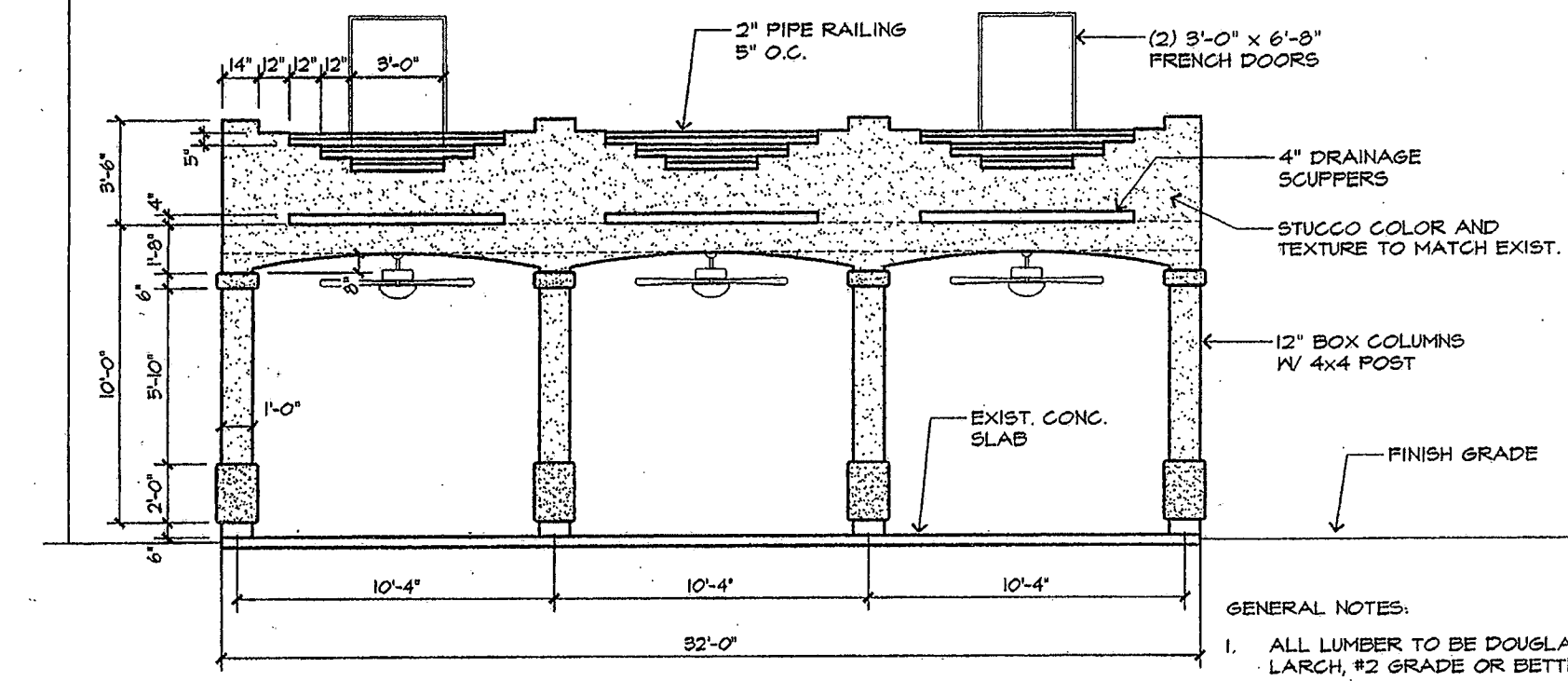
KATIE THOMAS
NOTARY PUBLIC
STATE OF NEVADA
APPT. No. 01-72288-1
MY APPT. EXPIRES AUG. 13, 2005



A FLOOR PLAN

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

RECEIVED
AUG 09 2004
VAR-4976
9/23/04 PC



B ELEVATION (REAR)

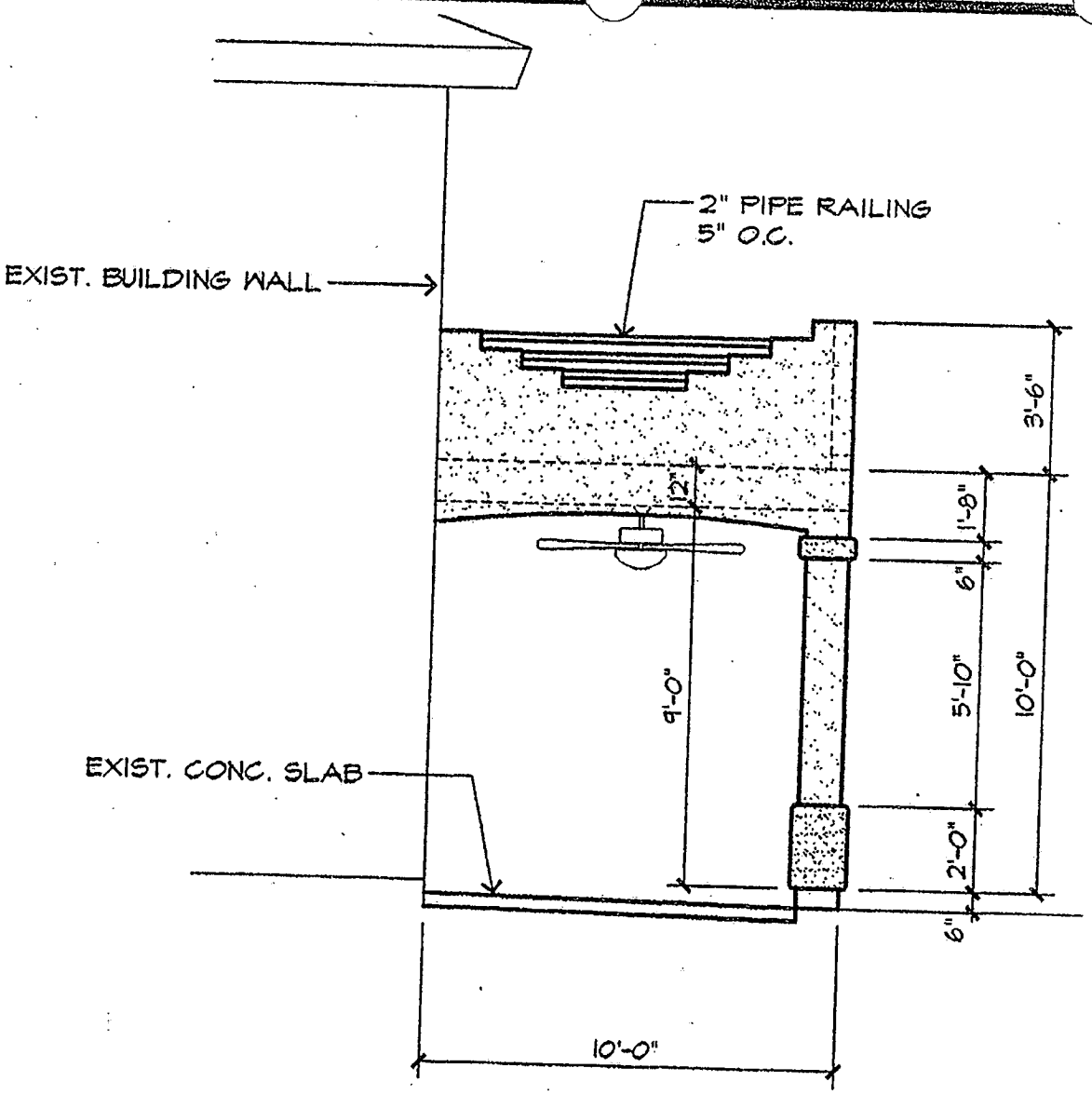
SCALE: 1/4"=1'-0"

GENERAL NOTES:

1. ALL LUMBER TO BE DOUGLAS FIR - LARCH, #2 GRADE OR BETTER
2. PLYWOOD SHEATHING TO BE ¾" TAG
3. LAG BOLTS FOR LEDGER TO BE ⅜" x 5" - (2) EACH STUD

VAR-4976
9/23/04 PC

RECEIVED
AUG 09 2004



© ELEVATION (SIDE)

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AUG 09 200

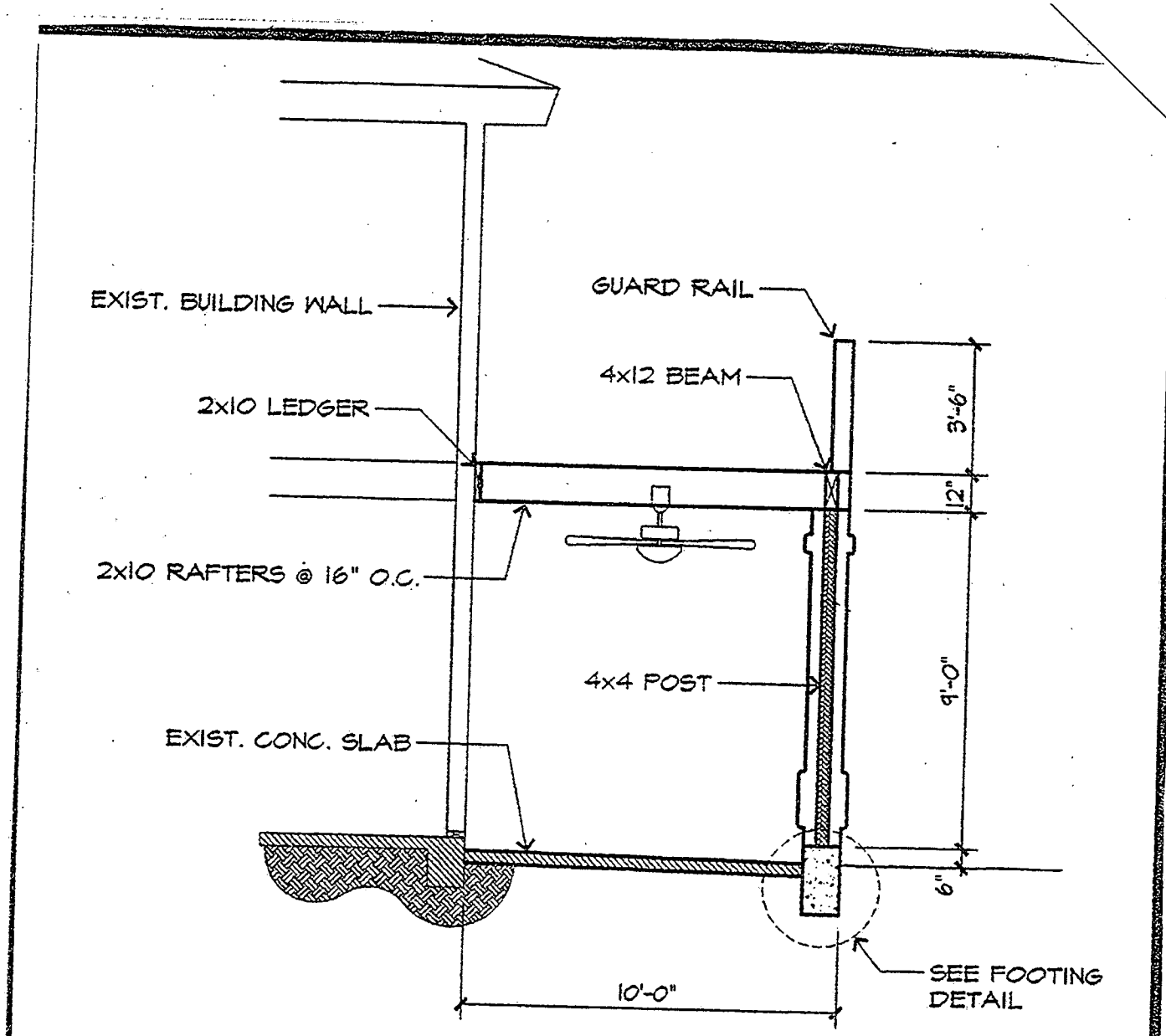
SMITH RESIDENCE
8101 Villa De La Playa

04-25-03
JOB:

August 3, 2004
DATE:

A1.1
SHEET:

VAR-4976
9/23/04 PC

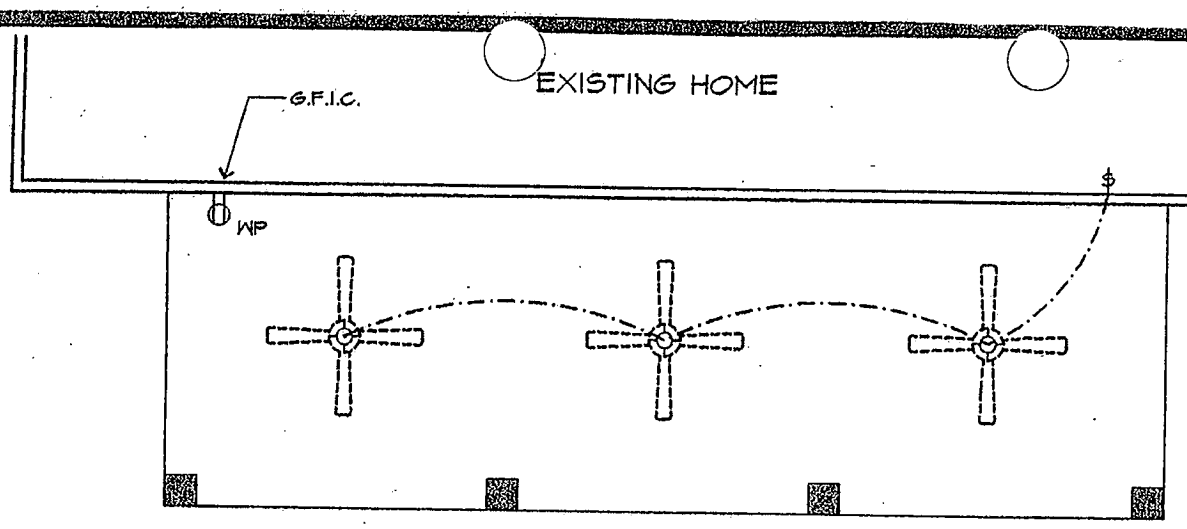


D SECTION

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AUG 09 2004

VAR-4976
9/23/04 PC

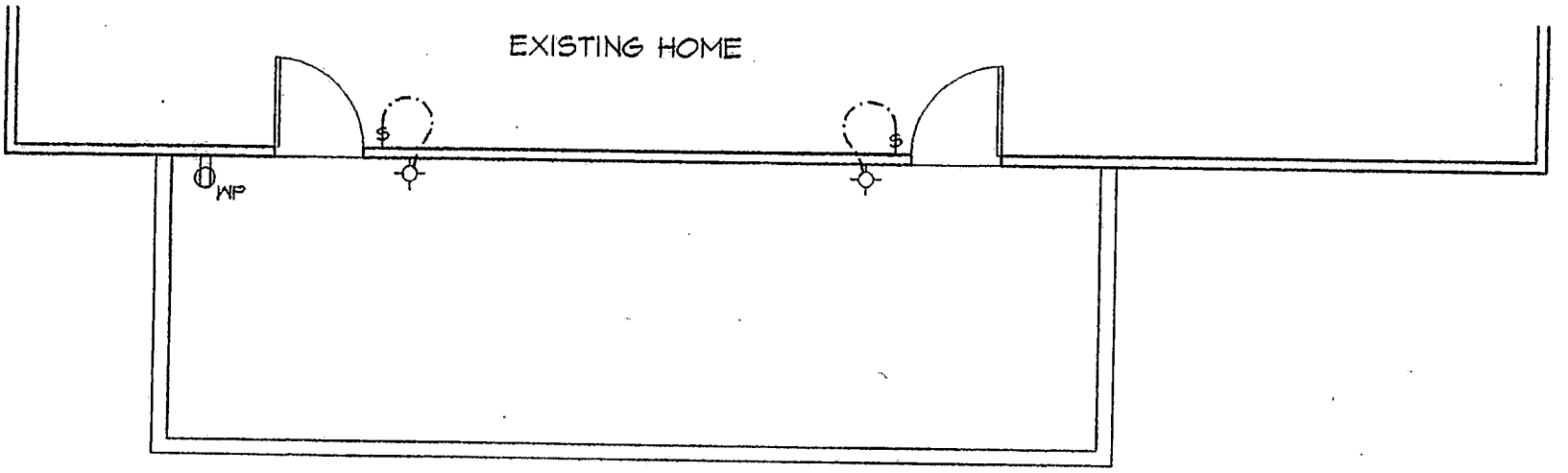


ELECTRICAL LEGEND

SYM.	DESCRIPTION	QTY.
⊖	DUPLEX RECEPTACLE (WP)	2
⊹	LIGHT FIXTURE	5
$	SWITCH	3

(E) ELECTRICAL PLAN (PATIO)

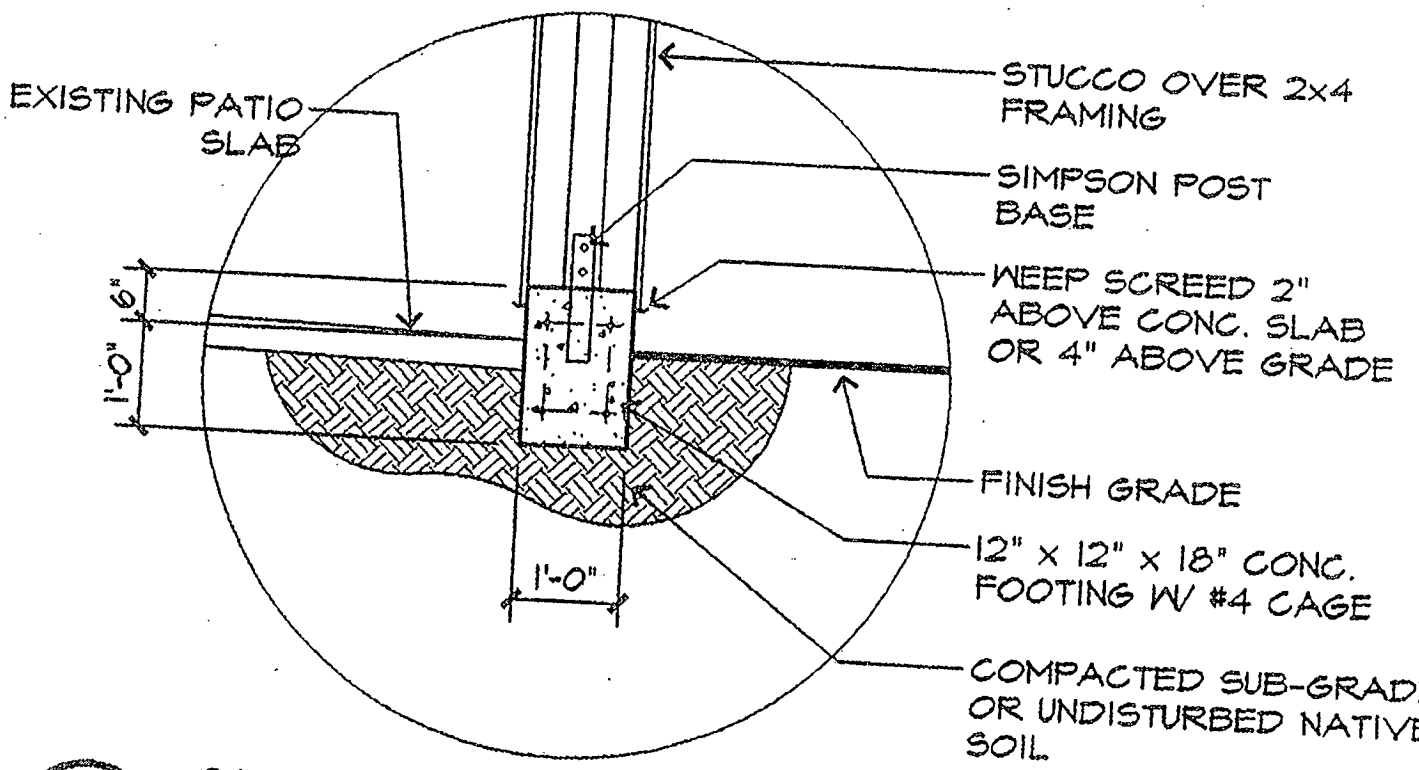
SCALE: 1/4"=1'-0"



(F) ELECTRICAL PLAN (BALCONY)

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

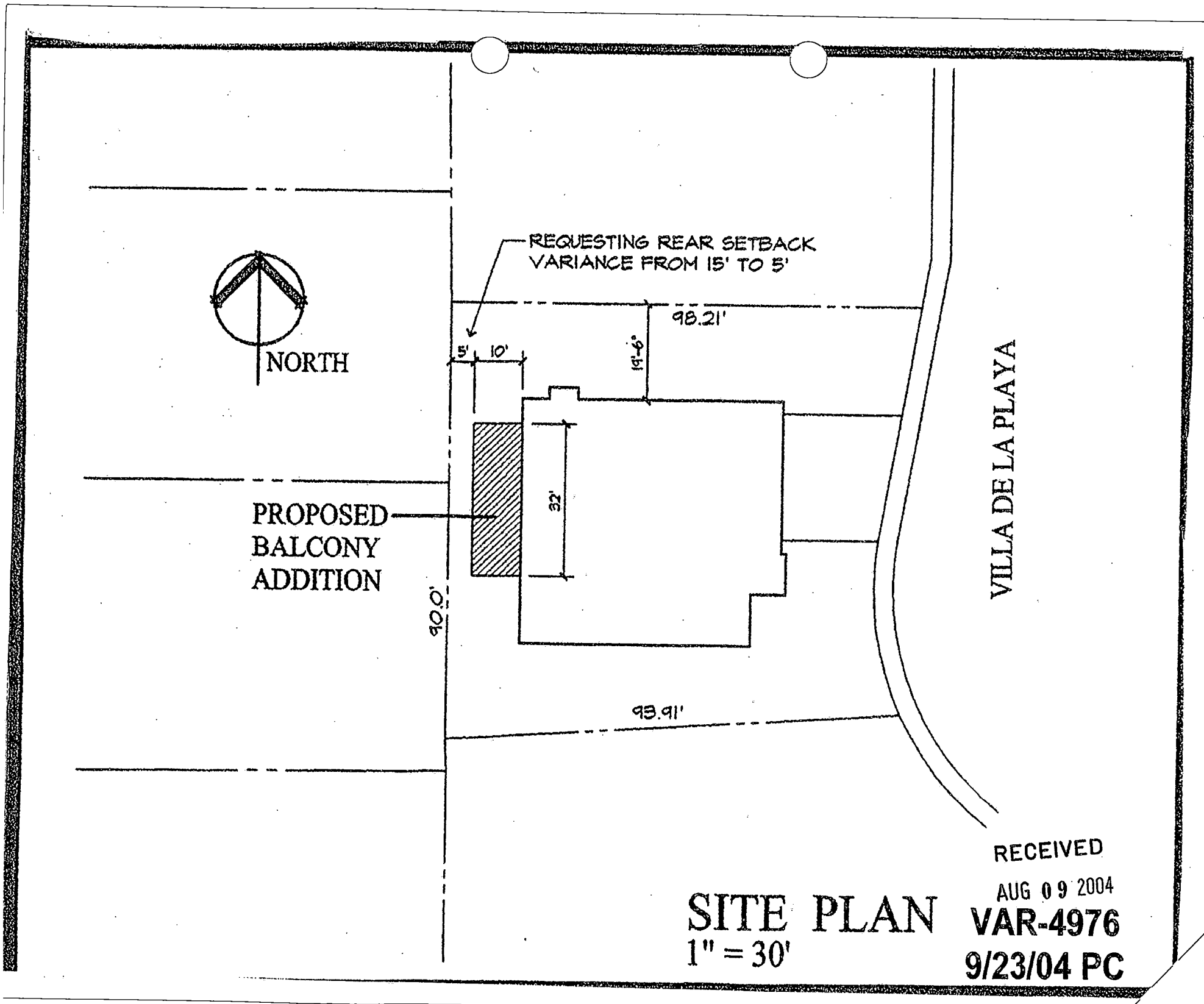
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VAR-4976
9/23/04 PC



G SECTION - FOOTING

SCALE: 1/2"=1'-0"

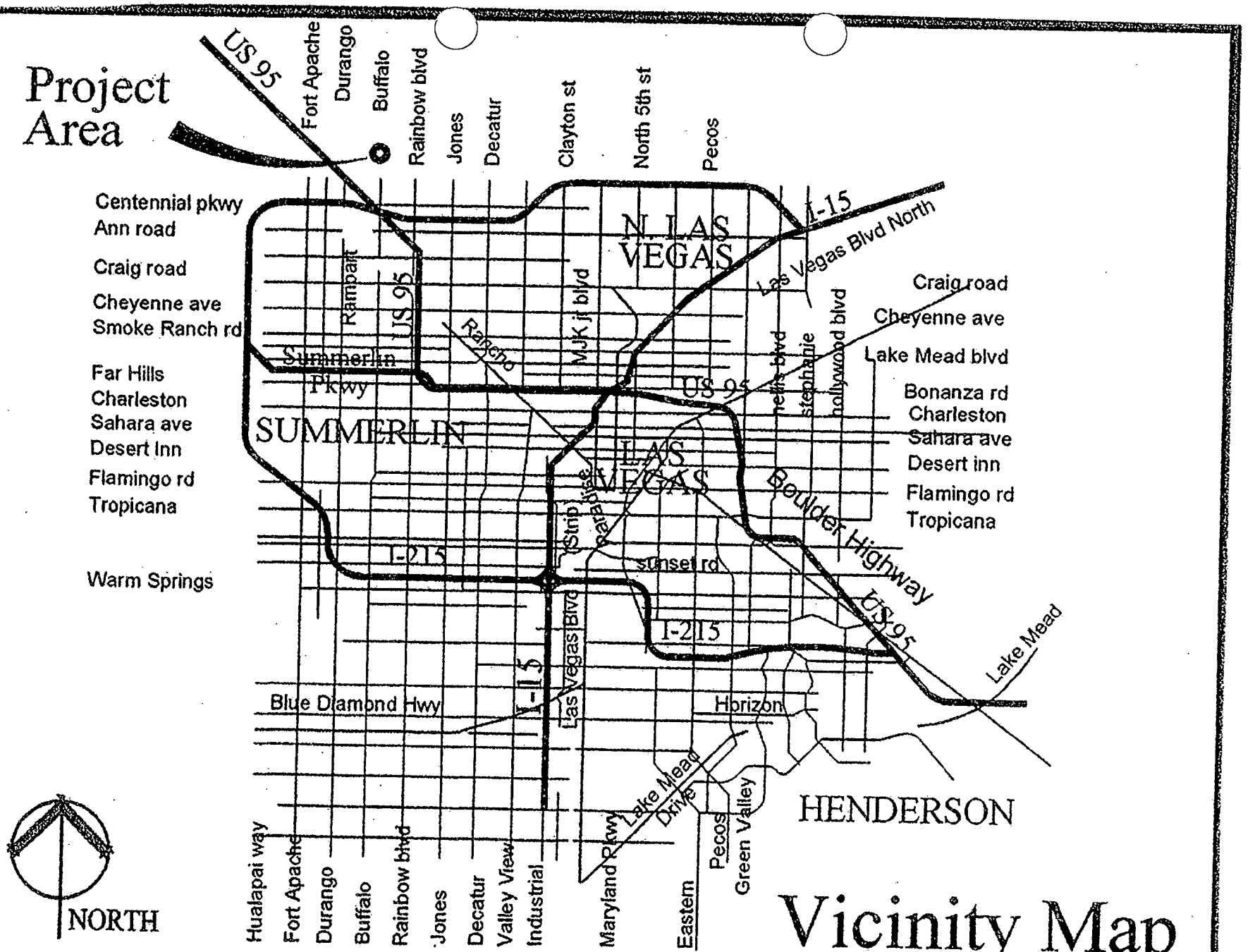
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9/23/04 PC



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SITE PLAN
1" = 30'

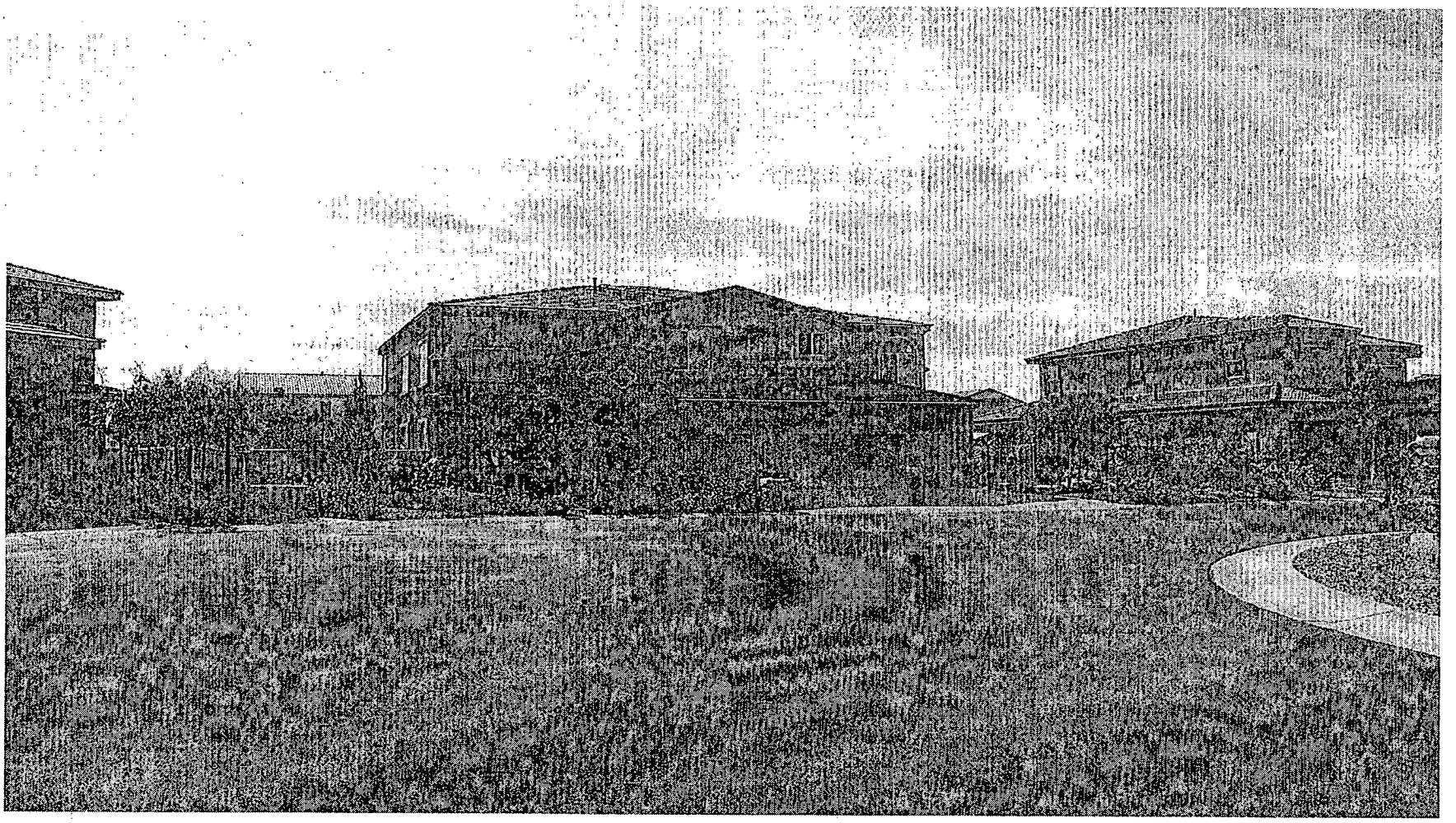
VAR-4976
9/23/04 PC



Vicinity Map

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VAR-4976
9/23/04 PC



VAR-4976 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: THOMAS AND HELLEN SMITH
8101 VILLA DE LA PLAYA STREET
SEPTEMBER 23, 2004 PLANNING COMMISSION

8/20/04

July 13, 2004

Subject: Request for variance

Description: Construction of Balcony at the rear of property at 8101 Villa De La Playa St., Las Vegas, Nevada 89131. The following neighbors are in agreement with the construction project:

BORTH
~~Right-side~~ Neighbor
Name B. Brian Dunn

Address 8113 Villa de la Playa Lot 21 Block 7

Approved X Disapproved

Comments

WEST
~~Left-side~~ Neighbor
Name KERRY PARKER

Address 8104 Villa Rosarito St. Lot Block

Approved Kelly ✓ Disapproved

Comments

WEST
~~Rear~~ Neighbor (left)
Name MARK TESTA

Address 8080 Villa Rosarito Lot Block

Approved Mah ✓ Disapproved

Comments

SOUTH
~~Rear~~ Neighbor (right)
Name Juan Rodriguez

Address 7753 Villa Gabriela Ave Lot 27 Block 7

Approved ✓ Disapproved

Comments

RECEIVED
AUG 09 2004

City of Las Vegas

Agenda Item No.: 42

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

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

SUBJECT:

SUP-4953 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: KELLY'S KASINO - OWNER: SIXTH PLAZA, LLC - Request for a Special Use Permit FOR A TAVERN AND WAIVER FROM THE 1,500 FOOT DISTANCE SEPARATION REQUIREMENT FROM AN EXISTING TAVERN adjacent to the southeast corner of Craig Road and Jones Boulevard (APN 138-01-312-002), C-1 (Limited Commercial) Zone, Ward 6 (Mack).

IF APPROVED: C.C.: 10/20/04
IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

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

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

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

MOTION:

NIGRO – APPROVED subject to conditions – UNANIMOUS with STEINMAN excused

To be heard by the City Council on 10/20/2004

MINUTES:

CHAIRMAN TRUESDELL declared the Public Hearing open.

DAVID CLAPSADDLE, Planning and Development Department explained the proposed project would occupy approximately 2600 square feet of the existing commercial center. He stated that there was an original condition of approval on that center, which stated no bars were to be permitted on the property. However, on December 17, 1993, the City Council removed that condition as part of a Review of Condition application hearing. Subsequent to that action, an application for a PT's Pub at the same location was pulled from the meeting because it did not

MINUTES – Continued:

meet Code. Since that time, the Code was revised adding a stipulation that if an intervening 100-foot right-of-way separates two uses, an application may be filed to waive the distance requirement. He referenced the location map and pointed out that the other similar uses are across Rancho Drive, Jones Boulevard or Craig Road all of which are 100-foot right-of- ways. MR. CLAPSADDLE indicated that one protest was received prior to the meeting on September 23, 2004.

KELVIN HAYWOOD, Weststar Architects, 701 Bridger Avenue, appeared on behalf of the applicant, concurred with staff's recommendation of approval and requested clarification on Condition 5 and Condition 3. MR. HAYWOOD stated Condition 3 is in conjunction with the application for waiver of the 1500-foot distance separation requirement. Condition 5 states that all design standards and Code requirements will be met to the City's satisfaction and MR. HAYWOOD explained the client will not be making those improvements. The new owners will be enhancing the center and as this is a tenant improvement, MR. HAYWOOD thought the condition should not be imposed upon his client.

BRIAN BACON, Chicago Cactus Club, 4061 North Rancho Drive, indicated he is one of the proprietors of the club and that they oppose granting the 1500-foot waiver. When PT's attempted to relocate there, the application was withdrawn because they did not meet Code. With seven bars situated within a 1.1 square mile radius, another bar is not needed.

LINDA WOJEWODA, 4101 Spring Crest Lane, said that her home is located behind this proposed project. She stated the neighbors were going to sign a petition but decided instead that they will come to Council when the item is heard. The neighborhood came together to speak against the PT's Pub in 2000 and they intend to do so against this application as well. She said that waivers undermine the purpose of laws and granting this waiver will set precedence for other bars to come into the area.

PATRICK KELLY, 7400 Radville Drive, indicated his business has been family owned and operated for 38 years. The business was forced to relocate after the expansion of the US-95 Freeway. NDOT has had trouble placing the tavern and this location is the best one to date. He requested a favorable vote.

COMMISSIONER MCSWAIN confirmed with MR. CLAPSADDLE that Rancho Drive is an intervening 100-foot right-of-way and that is the only reason the application is being heard. Without such an exception, there is no way to grant a waiver to such a separation requirement. In this situation, there are several bars within the minimum distance separation area and some locations have two intervening streets between them. She also confirmed with MR. KELLY and MR. HAYWOOD that food will be served at the tavern.

MINUTES – Continued:

COMMISSIONER EVANS stated that the ordinance created allowing the intervening streets to be worthy of waiver requests does make this usage acceptable now but he found the history of the site to be interesting. He noted there are not many people challenging this use when 14 years ago, this type of use was prohibited at this site. He questioned what could have changed in the area. CHAIRMAN TRUESDELL informed him that many things have changed such ast he Code and the amount of growth in the area. There is an existing Walmart and a grocery store approved for another corner. There is also a home improvement store scheduled for the future.

CHAIRMAN TRUESDELL stated the distance separation requirement must be looked at on a case-by-case basis. This project does meet the criteria due to the intervening right-of-way and he would support the project.

COMMISSIONER NIGRO wanted to clarify that the comments the applicant made regarding Condition 3 and Condition 5 are not applicable to work outside the applicant's control. MR. CLAPSADDLE and ROBERT GENZER, Director, Planning and Development, explained the conditions are standard language. COMMISSIONER NIGRO informed MR. KELLY that he would not be required to do more than what was within his control as a tenant.

(8:37 – 8:48)

CONDITIONS:

Planning and Development

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

2. Per condition of Approval #7 of original Site Development Plan Review [Z-0140-89(10)], no advertisement signs shall be placed on the rear or rooftops of the building.

3. Conformance to all Minimum Requirements under Title 19.04.050 for a Liquor Establishment (Tavern).

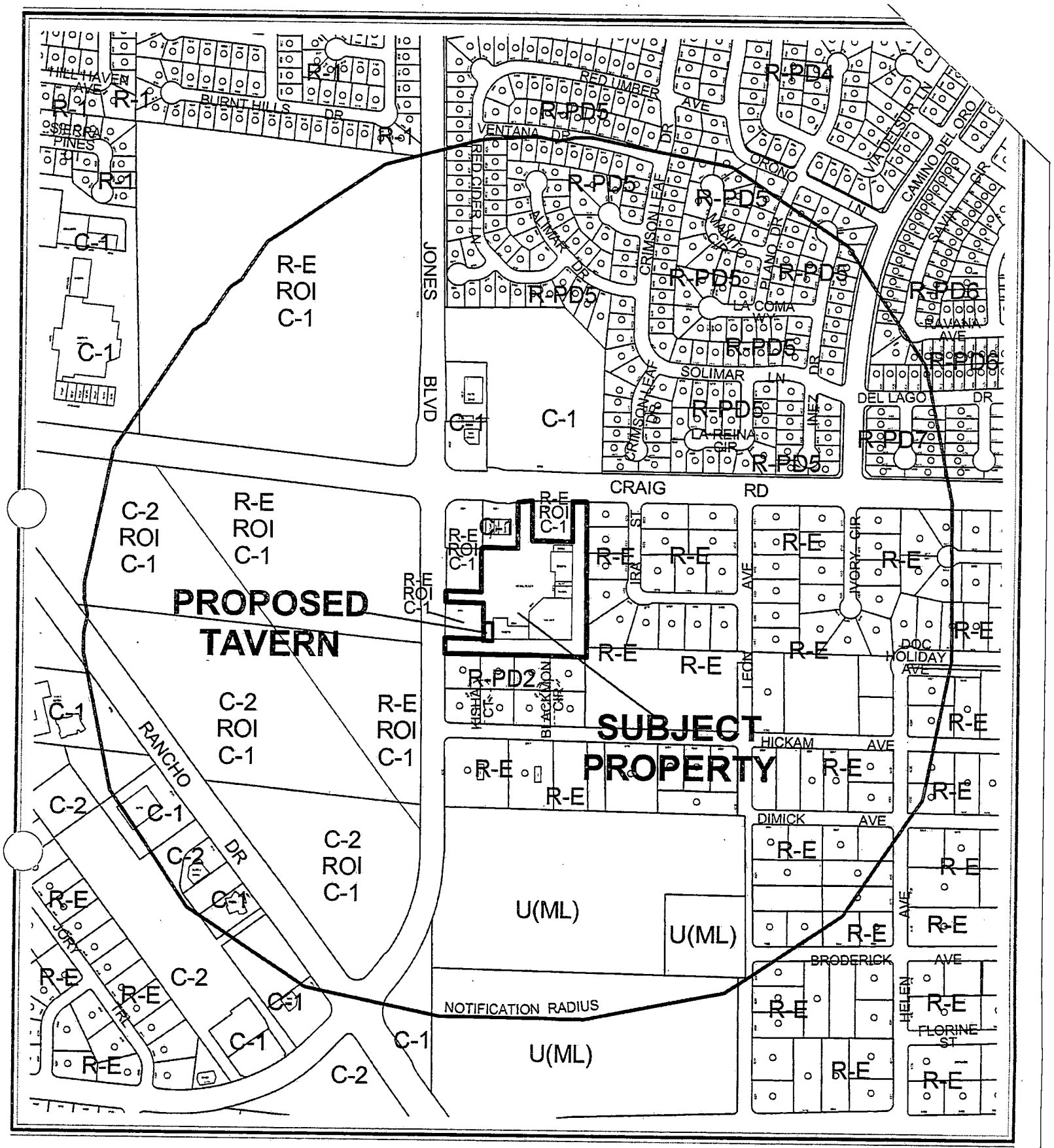
4. An updated parking analysis shall be provided prior to issuance of any permits or business licenses.

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

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 42 – SUP-4953

CONDITIONS – Continued:

6. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.



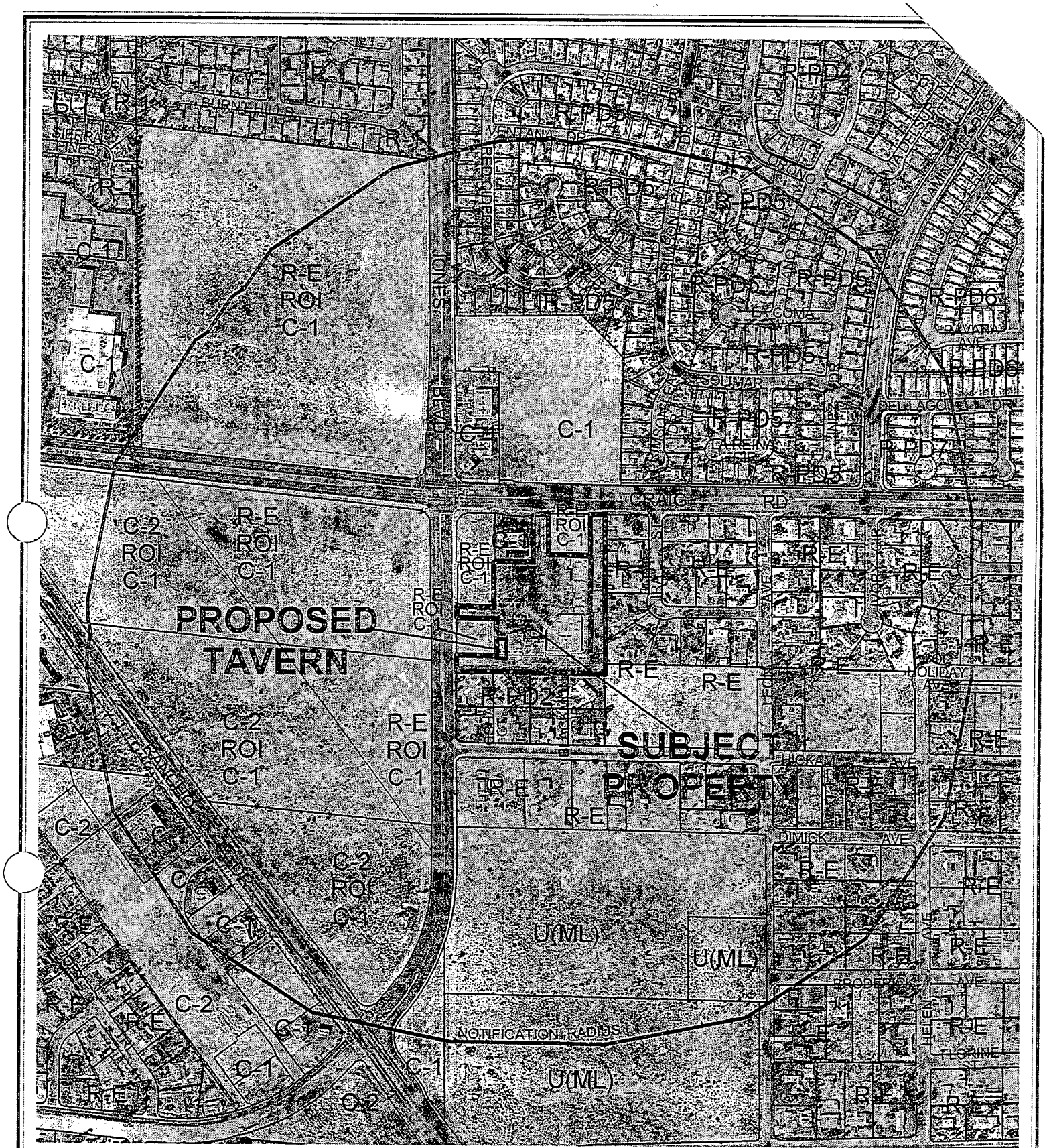
0 400 800 Feet

CASE: **SUP-4953**

RADIUS: 1500 FT

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

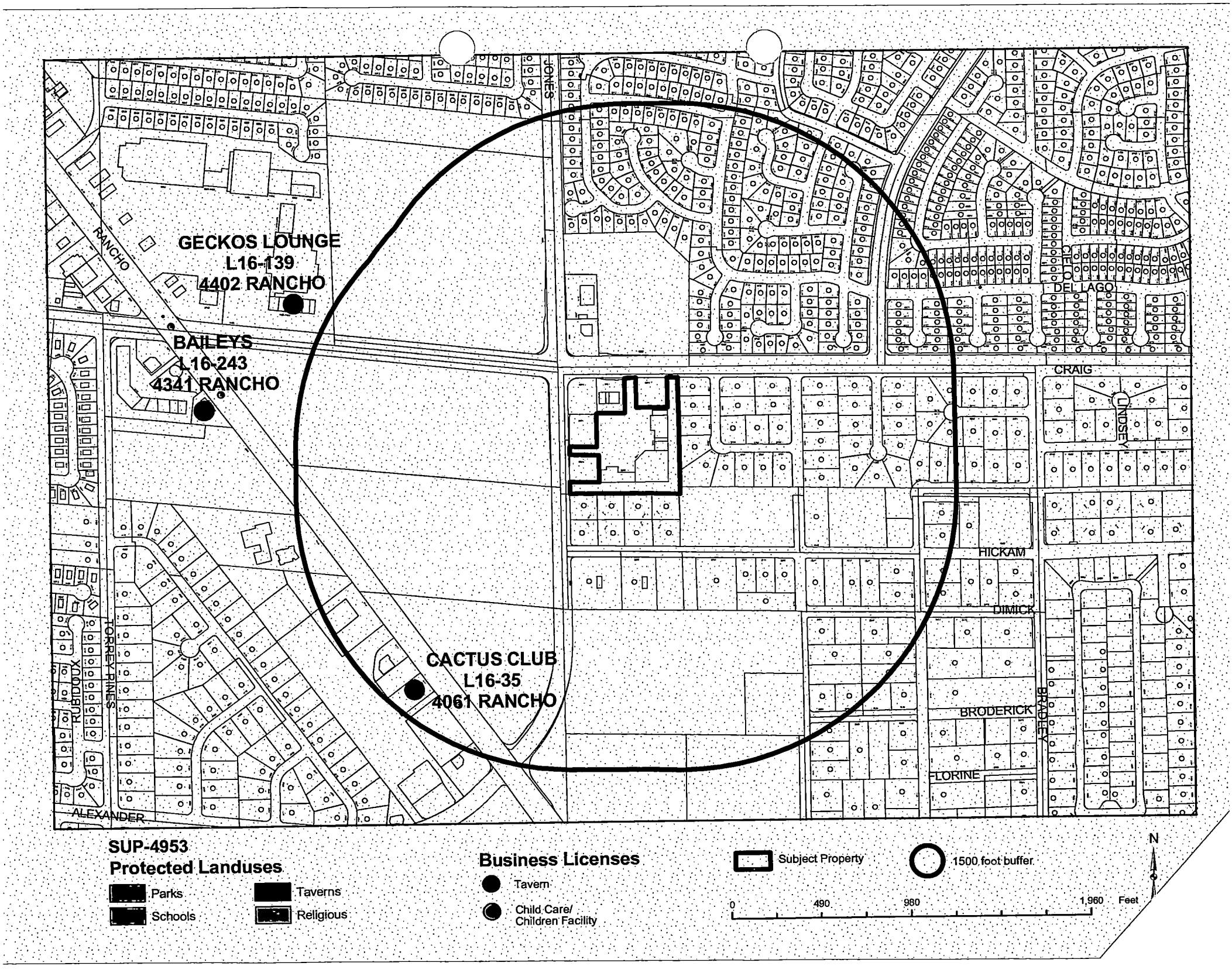
N



CASE: **SUP-4953**

RADIUS: 1500 FT

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


GECKOS LOUNGE
L16-139
4402 RANCHO
BAILEYS
L16-243
4341 RANCHO
CACTUS CLUB
L16-35
4061 RANCHO
RANCHO
JONES
DEL LAGO
CRAIG
LINDSEY
HICKAM
DIMICK
BRODERICK
BRADLEY
FLORINE
RUBIDOUX
TORREY PINES
ALEXANDER
SUP-4953
Protected Landuses
Parks
Schools
Taverns
Religious
Business Licenses
Tavern
Child Care/
Children Facility
Subject Property
1500 foot buffer
N
0
490
980
1,960
Feet

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 23, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-4953 - SPECIAL USE PERMIT - PUBLIC HEARING -
APPLICANT: KELLY'S KASINO - OWNER: SIXTH PLAZA, LLC

** CONDITIONS **

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

Planning and Development

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

2. Per condition of Approval #7 of original Site Development Plan Review [Z-0140-89(10)], no advertisement signs shall be placed on the rear or rooftops of the building.

3. Conformance to all Minimum Requirements under Title 19.04.050 for a Liquor Establishment (Tavern).

4. An updated parking analysis shall be provided prior to issuance of any permits or business licenses.

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

6. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

The applicant is requesting a Special Use for a tavern on property adjacent to the southeast corner of Craig Road and Jones Boulevard and waiver from the 1,500-foot distance separation requirement from an existing tavern.

B) Applicant's Justification

This request is the result of the applicant relocating due to the US 95 expansion. The applicant also justifies this application by stating that, "although the project is located within the 1,500-foot buffer for taverns, it is approximately 1,800 feet from the closest of the three taverns in the direct vicinity as shown on the attached Land use map." No such map exists in the case file and distance measurements are derived from property line to property line, which would in fact place the proposed site within the 1,500-foot minimum distance requirement between taverns.

BACKGROUND INFORMATION

A) Previous Actions

03/07/90 The City Council approved a Rezoning (Z-0140-89) application for the reclassification of property located on the southeast corner of Jones Boulevard and Craig Road from R-E (Residence Estates) to C-1 (Limited Commercial). The Planning Commission recommended approval. Staff recommended denial.

11/17/93 The City Council approved a Review of Condition [Z-0140-89(5a)] to delete three conditions (original conditions nos. 1, 2 and 15), which prohibited any use other than a bank on property located on the southeast corner of Jones Boulevard and Craig Road. Original condition #15 stated, "No bars are permitted on the property." The Planning Commission and Staff both recommended approval.

10/12/98 The City Council approved a Site Development Plan Review [Z-0140-89(10)] for a proposed 79,578 square foot shopping center located south of Craig Road and east of Jones Boulevard. The Planning Commission and Staff both recommended approval.

11/17/99 The City Council approved a Special Use Permit (U-0102-99) for the sale of packaged liquor in conjuncture with a proposed 26,498 square foot grocery store. The Planning Commission and Staff both recommended approval.

B) Pre-Application Meeting

06/11/04 A pre-application conference was held resulting in the following comments:

1. The site may be parking impaired: the applicant will have to update or prepare a parking analysis for the overall site.
2. The application will need a waiver from the 1,500-foot minimum separation distance between taverns.
3. Jones Boulevard is a 100-foot right-of-way.

C) Neighborhood Meetings

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

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 5.72

B) Existing Land Use

Subject Property:	Commercial Center
North:	Service Station
	Undeveloped
South:	Residential Dwellings
East:	Residential Dwellings
West:	Undeveloped

C) Planned Land Use

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

D) Existing Zoning

Subject Property:	C-1 (Limited Commercial)
North:	C-1 (Limited Commercial)
South:	R-PD2 (Residential Planned Development – 2 Units Per Acre)
East:	R-E (Residence Estates)
West:	R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial)

E) General Plan Compliance

The subject site is designated SC (Service Commercial) within the Centennial Sector Land Use Map of the General Plan. The subject parcel is designated as a C-1 (Limited Commercial) zoning district, which is in conformance with the SC (Service Commercial) General Plan designation.

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

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

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
TAVERN	1,837 SF.	1 Space / 50 Public GFA	39	2	N/A	N/A
	772 SF.	1 Space / 200 remaining GFA				

The applicant has not provided an updated parking analysis or a shared parking agreement for the site. Therefore, it is recommended that the application be conditioned so as have this information prior to the issuance of building permits.

A2) Minimum Distance Separation Requirements

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

Standards	Code Requirement	Provided
Liquor Establishment (Tavern)	1,500 feet from any church, synagogue, school, child care facility licensed for more than 12 children, or City Park and any other liquor establishment (tavern) and can request a waiver if separated from the existing use by a street with a minimum right-of-way width of 100 feet	1,430 feet from the Geckos Lounge* (L16-139) 1,260 feet from the Cactus Club* (L16-35)

* The proposed location of the tavern is separated from the above existing taverns by means of a 100-foot right-of-way. Therefore, the applicant is able to apply for a waiver of the minimum distance requirement set forth by Title 19.04.

B) General Analysis and Discussion

- Zoning

A Liquor Establishment (Tavern) is permitted in the C-1 (Limited Commercial) zone with approval of a Special Use Permit.

- Use

Title 19.20.020 defines a Liquor Establishment (Tavern) as a facility which sells alcoholic beverages for consumption on the premises where the same are sold and authorizes the sale, to consumers only and not for resale, of alcoholic beverages in original sealed or corked containers, for consumption off the premises where the same are sold. This activity will be taking place in a 2,609 square foot tenant space within an established commercial center.

- Conditions

Listed are the applicable conditions as listed in Title 19.04.050 for a Liquor establishment (tavern):

(1) Pursuant to its general authority to regulate the sale of alcoholic beverages, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by generally requiring both a minimum separation between liquor establishments (tavern), and a minimum separation between a liquor establishment (tavern) and certain other uses that should be protected from the impacts associated with a liquor establishment (tavern). Therefore, except as otherwise provided below, no liquor establishment (tavern) may be located within fifteen hundred feet of any other liquor establishment (tavern), church, synagogue, school, child care facility licensed for more than twelve children, or City park.

(2) The distance separation referred to in Paragraph (1) shall be measured with reference to the shortest distance between two property lines, one being the property line of the proposed liquor establishment (tavern) which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed liquor establishment (tavern). The distance shall be measured in a straight line.

(3) For the purpose of Paragraph (2), and for that purpose only:

(a) The "property line" of a protected use refers to the property line of a fee interest parcel that has been created by an approved and recorded parcel map or subdivision map, and does not include the property line of a leasehold parcel; and
(b) The "property line" of a liquor establishment (tavern) refers to:
(i) The property line of a parcel that has been created by an approved and recorded parcel map or commercial subdivision map; or…

(4) The distance separation requirement set forth in Paragraph (1) does not apply to an establishment which has a non-restricted gaming license in connection with a hotel having two hundred or more guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of two hundred guest rooms after July 1, 1992.

PL

(5) The distance separation requirement set forth in Paragraph (1) may be waived in accordance with the provisions of Subsection 19.04.050(A)(4), but only in connection with a proposed liquor establishment (tavern) that:

(a) Will be located on a parcel within the C-V (Civic) District or the Downtown Casino Overlay District;
(b) Will be located on a parcel or within a building that, pursuant to State law or City ordinance, has been designated as historic property, historic building, or landmark; or
(c) Will be separated from the existing use by a street or highway with a minimum right-of-way width of one hundred feet.

(6) The use shall conform to the provisions of LVMC Chapter 6.50.

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 tavern can be conducted in a harmonious and compatible manner with the existing surrounding land uses. The significant separation between the proposed location and existing locations of taverns, by means of a 100-foot right-of-way lends itself even further to its ability be conducted in a harmonious manner.

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

   The subject site is physically suitable for a Liquor Establishment (Tavern). To solidify this assessment a parking analysis has been requested as part of the 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."**

   The site has access from Jones Boulevard, identified as a Primary (100-foot) Arterial on the Master Plan of Streets and Highways, and Craig Road, identified as a Primary (120-foot) Arterial on the Master Plan of Streets and Highways. These roads can provide sufficient capacity for the intended development on the subject parcels.

PL

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

   Approval of this request would not be consistent with the standards of Title 19. If the request were approved, it would be subject to other Codes to ensure health, safety and public welfare.

NOTICES MAILED 311

APPROVALS 0

PROTESTS 0

PL

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-4953 APN: 138-01-312-002

Name of Property Owner: SMH PLAZA L.L.C

Name of Applicant: KELLY'S KASINO

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

_____ Yes _____X_____ No

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

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner/Authorized Agent: _____

Print Name: **Philip Kozloff, Manager**

Subscribed and sworn before me

This 27th day of July, 2004

_____
Notary Public in and for said County and State

EILEEN B. KANE
Notary Public, State of New York
No. 01KA4971659
Qualified in New York County
Commission Expires September 10, 2006

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-4953 APN: 138-01-312-002

Name of Property Owner: SNTL PLAZA L.L.C

Name of Applicant: KELLY'S KASINO

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

_____ Yes __X__ No

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

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner/Authorized Agent: [signature]

Print Name: Philip Kozloff, Manager

Subscribed and sworn before me

This 27th day of July, 2004

Eileen B Kane

Notary Public in and for said County and State

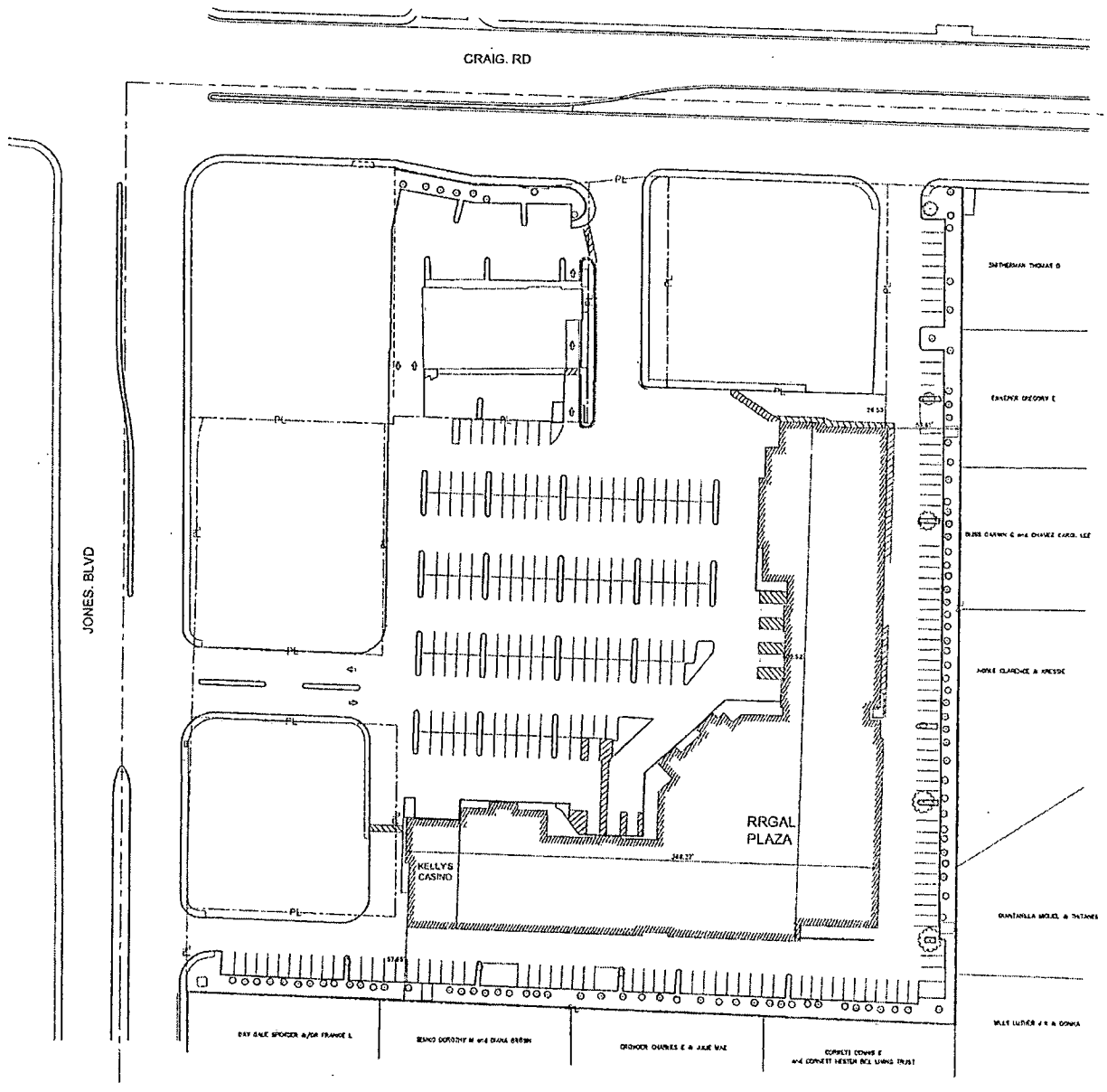
EILEEN B. KANE
Notary Public, State of New York
No. 01KA4971659
Qualified in New York County
Commission Expires September 10, 2006

Revised 2/12/02

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

KELLY'S KASINO AT REGAL PLAZA TENANT IMPROVEMENT

SITE PLAN



SITE PLAN
SCALE: 1:40

NORTH

KELLY'S KASINO
REGAL PLAZA
TENANT IMPROVEMENT

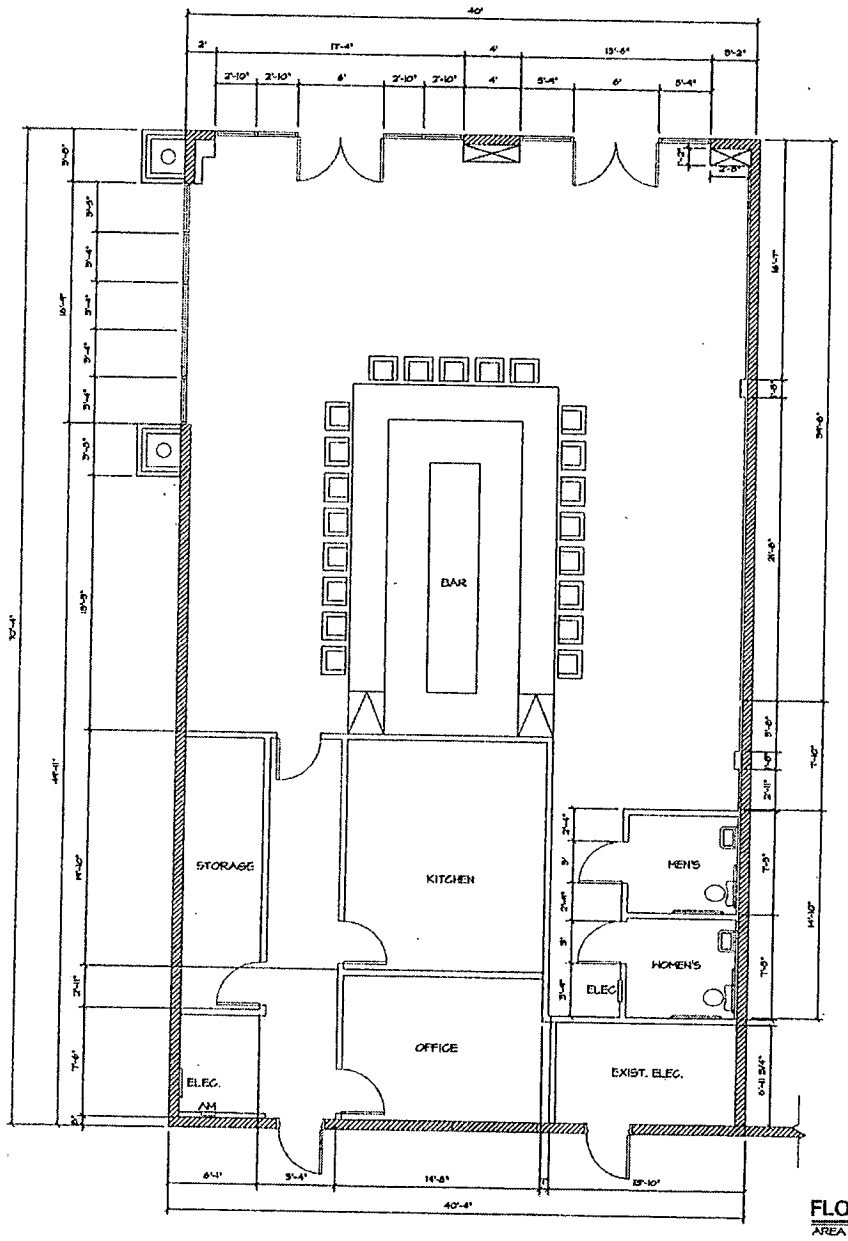
WESTAR ARCHITECTS
ARCHITECTURE PLANNING INTERIOR DESIGN
3900 MEADOWS LANE, SUITE 220 LAS VEGAS, NEVADA 89107
TELEPHONE: (702) 878-0000 FAX: (702) 878-3435
www.wagnerarchitects.com

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DATE: 08.09.04 PROJECT NUMBER: 04104

SUP-4953

9/23/04 PC



FLOOR PLAN

AREA 2609 SQ.FT. SUITE 105

NORTH

KELLY'S KASINO AT
REGAL PLAZA
TENANT IMPROVEMENT

KELLY'S KASINO
REGAL PLAZA
TENANT IMPROVEMENT

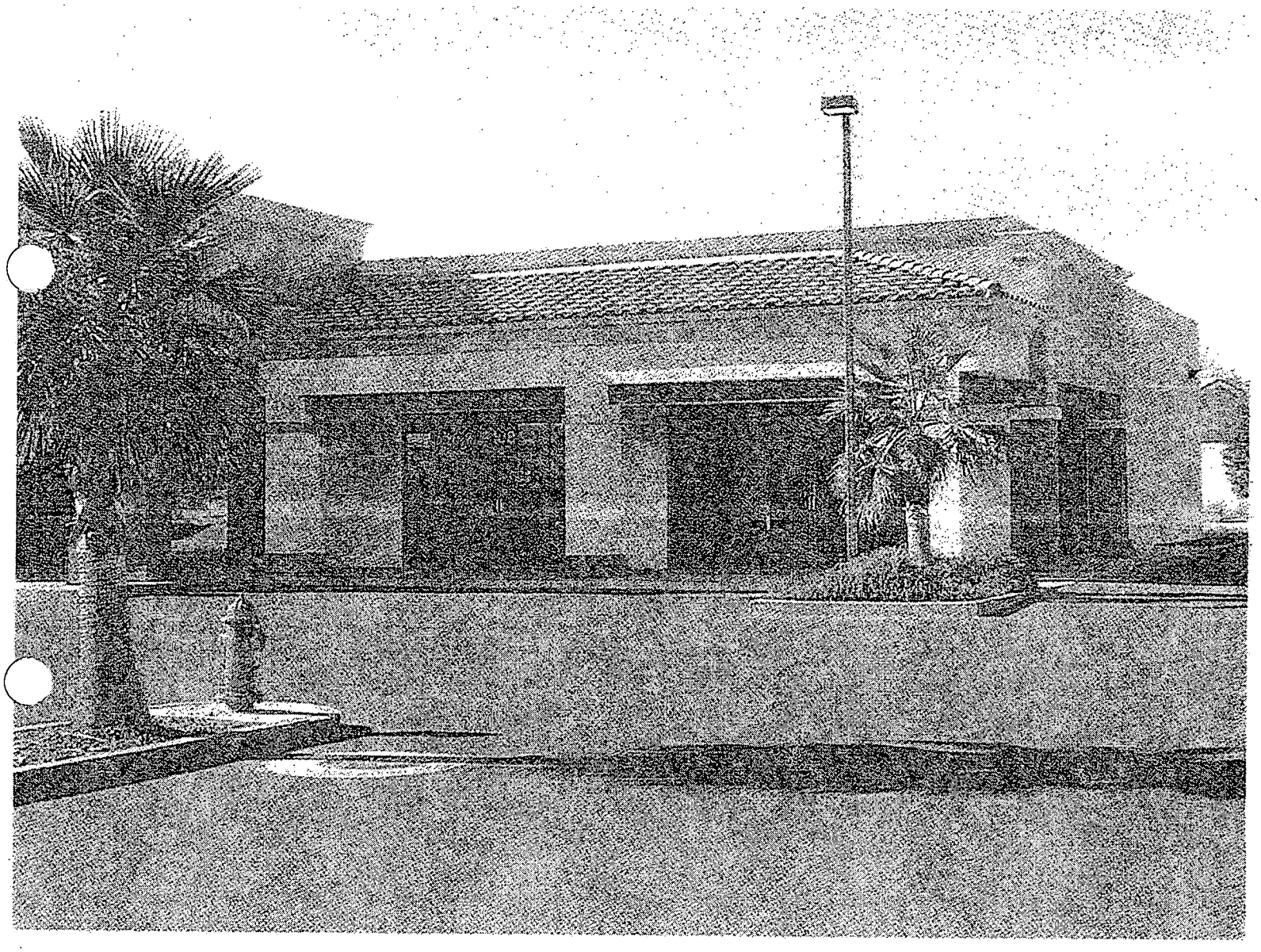
WESTAR ARCHITECTS
ARCHITECTURE PLANNING INTERIOR DESIGN
3900 MEADOWS LANE SUITE 220 LAS VEGAS, NEVADA 89107
TELEPHONE: (702) 878-0000 FAX: (702) 878-6130
www.wagnarchitects.com

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DATE: 08.08.04 PROJECT NUMBER: 04104

SUP-4953

9/23/04 PC



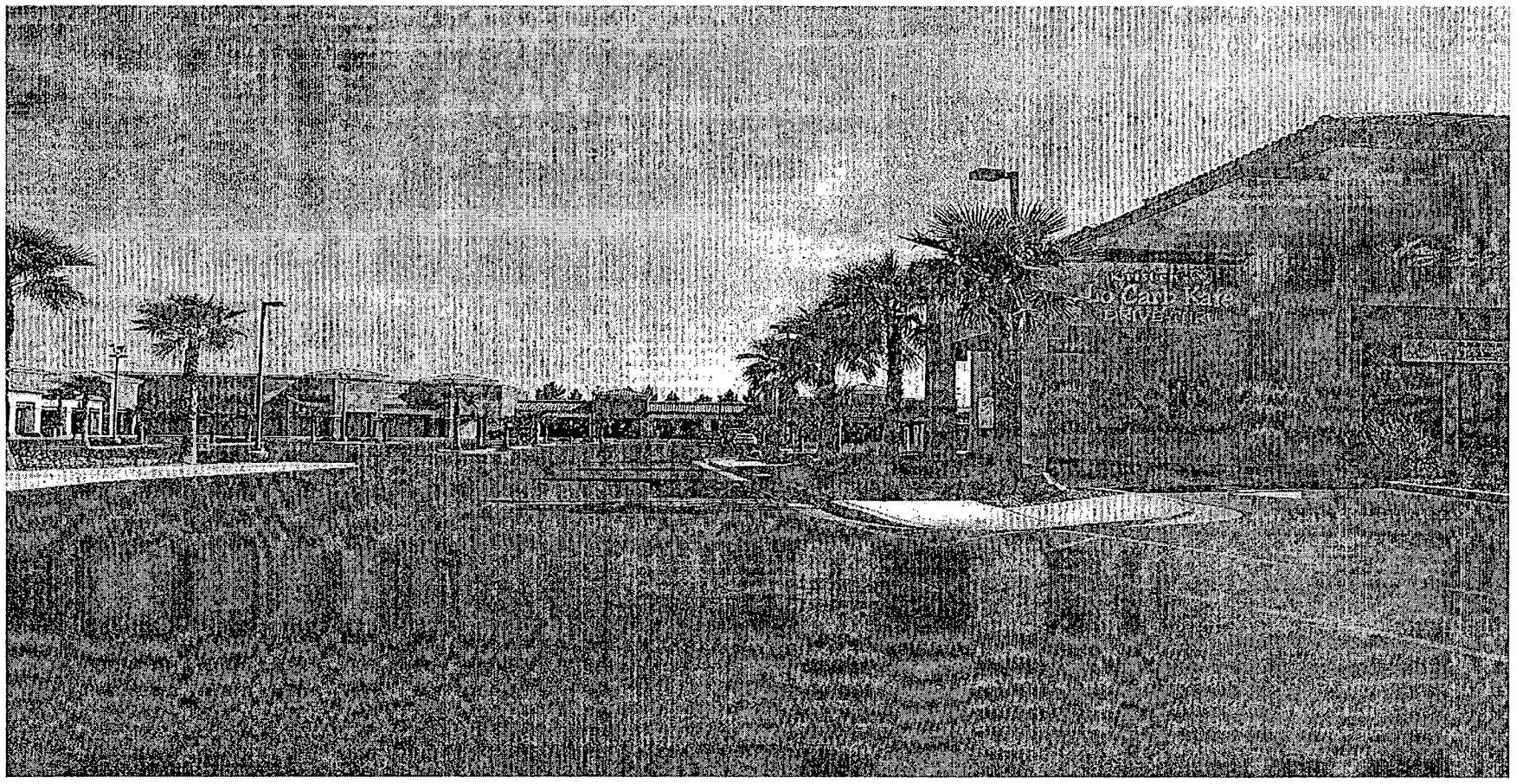
NORTH / WEST ELEVATION

SUP-4953
9/23/04 PC



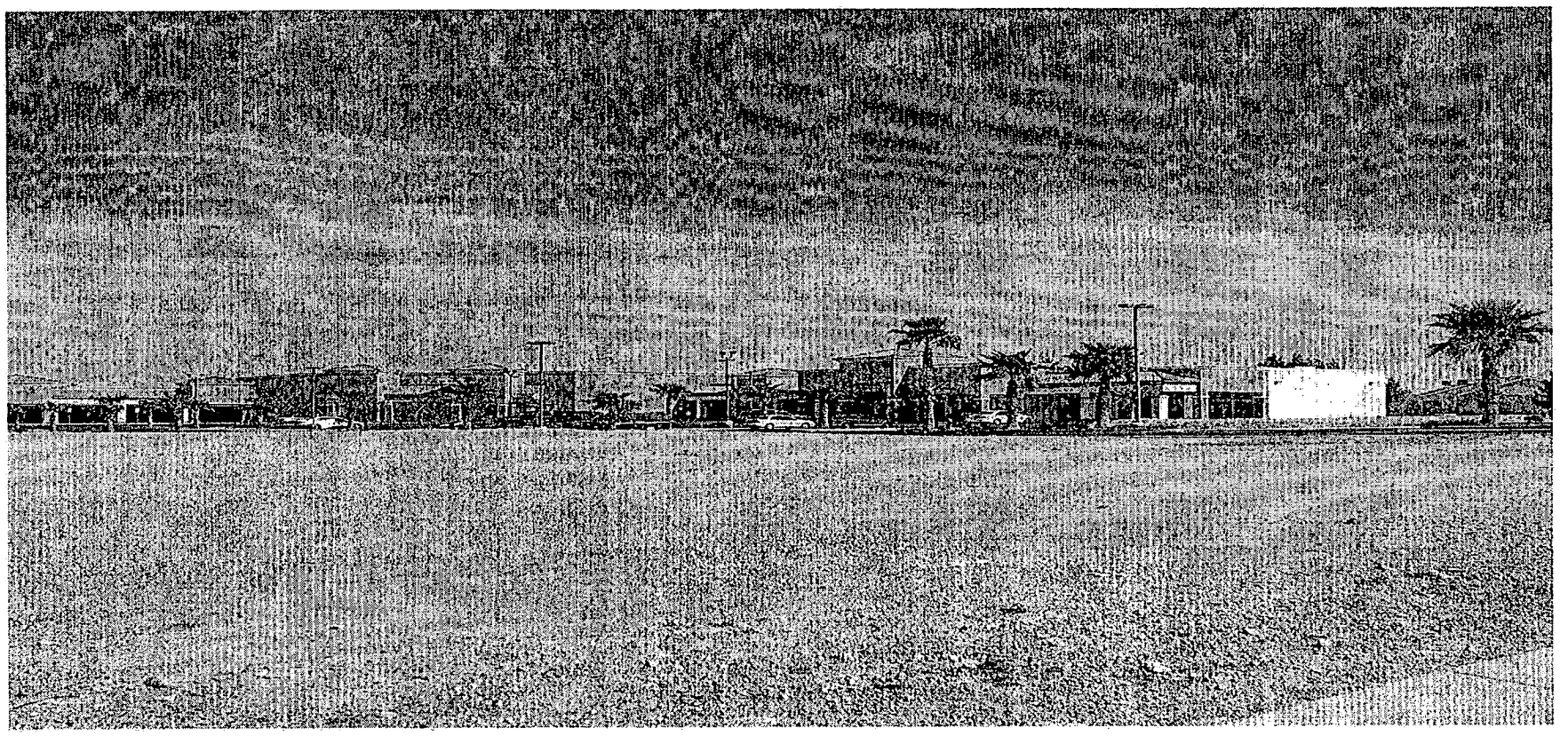
NORTH ELEVATION

SUP-4953
9/23/04 PC



SUP-4953 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: KELLY'S KASINO - OWNER: SIXTH PLAZA, LLC
SOUTHEAST CORNER OF CRAIG ROAD AND JONES BOULEVARD
SEPTEMBER 23, 2004 PLANNING COMMISSION

8/20/04



SUP-4953 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: KELLY'S KASINO - OWNER: SIXTH PLAZA, LLC
SOUTHEAST CORNER OF CRAIG ROAD AND JONES BOULEVARD
SEPTEMBER 23, 2004 PLANNING COMMISSION

8/20/04

City of Las Vegas

Agenda Item No.: 43

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

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

SUBJECT:
SUP-4975 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: DOLLAR FINANCE - OWNERS: JIMMY SPIROPOLOUS TRUST AND NICK AND MARK KEZIOS FAMILY TRUST - Request for a Special Use Permit FOR A FINANCIAL INSTITUTION, SPECIFIED TO ALLOW A 19 FOOT MINIMUM DISTANCE SEPARATION FROM RESIDENTIAL PROPERTY WHERE 200 FEET IS REQUIRED, AND 634 FEET FROM A SIMILAR USE WHERE 1,000 FEET IS REQUIRED at 4225 West Sahara Avenue (APN 162-07-501-004), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief).

IF APPROVED: C.C.: 10/20/04
IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

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

RECOMMENDATION:
Staff recommends DENIAL.

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

MOTION:
McSWAIN – APPROVED subject to conditions – UNANIMOUS with STEINMAN excused

To be heard by the City Council on 10/20/2004

MINUTES:
CHAIRMAN TRUESDELL declared the Public Hearing open.

DAVID CLAPSADDLE, Planning and Development Department explained that the applicant is currently operating his business from 4211 East Sahara Avenue, which is two addresses down from the location of this application. He indicated the proposed project does not meet the financial institution specified minimum distance requirement. MR. CLAPSADDLE informed

MINUTES – Continued:
the commission that currently, the proposed site has a payday, check cashing sign on the roof even though the business is not open.

ED LISICKI, 4211 West Sahara Avenue, Suite B, stated that he wishes to move his business to the proposed location, which is approximately 465 feet down the street. He explained that he did have the signs put on the building prior to his knowing there would be a requirement that he obtain a Special Use Permit. His current location is approximately 19 feet away from the nearest residential area and that distance would not increase or decrease if allowed to occupy the proposed location. The businesses are separated from the nearby residences by a cinder block wall with no driveways connecting the properties. Regarding parking, MR. LISICKI stated there were 21 parking spots for the proposed location and in his estimation, only four or five would be utilized.

JIMMY SPIROPOLOUS, 4225 West Sahara Avenue, explained he owned the property that MR. LISICKI was hoping to occupy. He explained that the negotiations for the property were made in good faith in April and at that time, he was unaware of the new ordinance regarding financial institutions specified that went into affect the end of April. The lease was executed and MR. LISICKI took over the property. MR. SPIROPOLOUS paid for the remodeling that was necessary to allow his tenant's business to operate at the proposed location. He corrected MR. LISICKI that the parking for the center is 28 spaces for three stores. He clarified that there is no shared parking agreement with the adjacent restaurants and one would not be necessary. Currently, there are six or seven cars in the center at any given time so the available parking could easily accommodate MR. LISICKI'S employees and customers. MR. SPIROPOLOUS stated the proposed location is approximately 2,100 square feet and very clean.

COMMISSIONER McSWAIN asked staff if a Special Use Permit would have been required at the applicant's current location. MR. CLAPSADDLE indicated that at the time he was approved for his present location, it was not required. COMMISSIONER McSWAIN confirmed with MR. CLAPSADDLE that should MR. LISICKI be allowed to do business in the proposed location, there would not be an existing Use Permit for someone else to operate under. She confirmed with MR. LISICKI that he is currently operating at 4211 West Sahara Avenue. He indicated he would be closing down the current location as soon as he was granted the Use Permit needed for him to move.

COMMISSIONER McSWAIN asked how staff would verify the move. MR. CLAPSADDLE explained that the Business Licensing database shows an application on file for the applicant in the proposed location. The license application cannot be completed though until the Use Permit is granted. COMMISSIONER McSWAIN stated that although she felt the 4211 West Sahara Avenue location is more appropriate from a distance separation point of view, the applicant has

MINUTES – Continued

done a lot of work and the distance separation is not a safety issue so she would be supportive of the request.

DEPUTY CITY ATTORNEY BRYAN SCOTT wanted to be sure the applicant was aware he is not authorized to move to the new location until the item has been heard before the City Council and approved. CHAIRMAN TRUESDELL confirmed with MR. LISICKI that he understood.

(8:48 – 8:58)

2-3132

CONDITIONS:

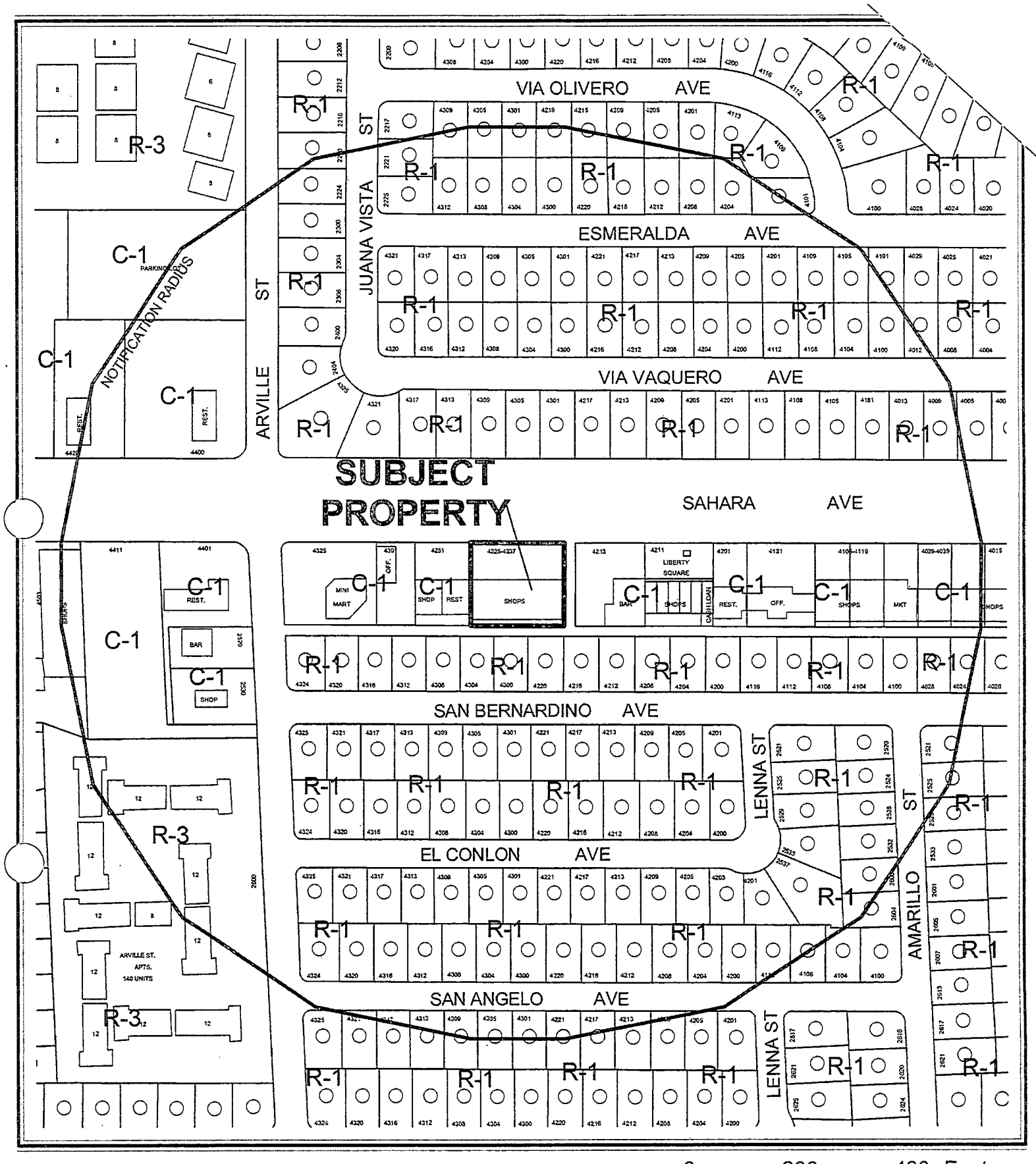
Planning and Development

1. Conformance to all minimum requirements under Title 19.04.050 for the Financial Institution, Specified and Auto Title Loan uses.

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

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

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



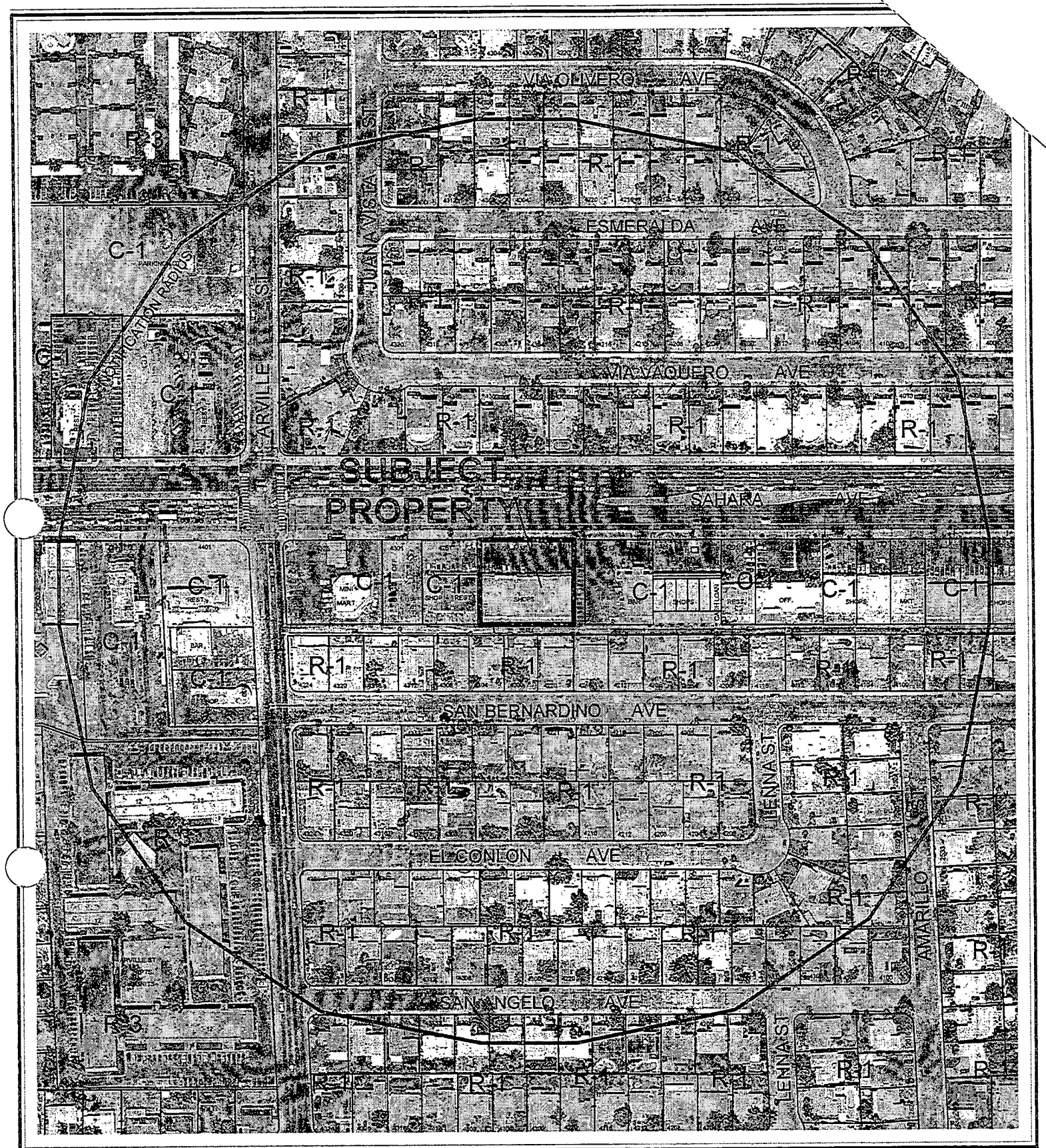
0 200 400 Feet

CASE: **SUP-4975**

RADIUS: 750 FT

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

N



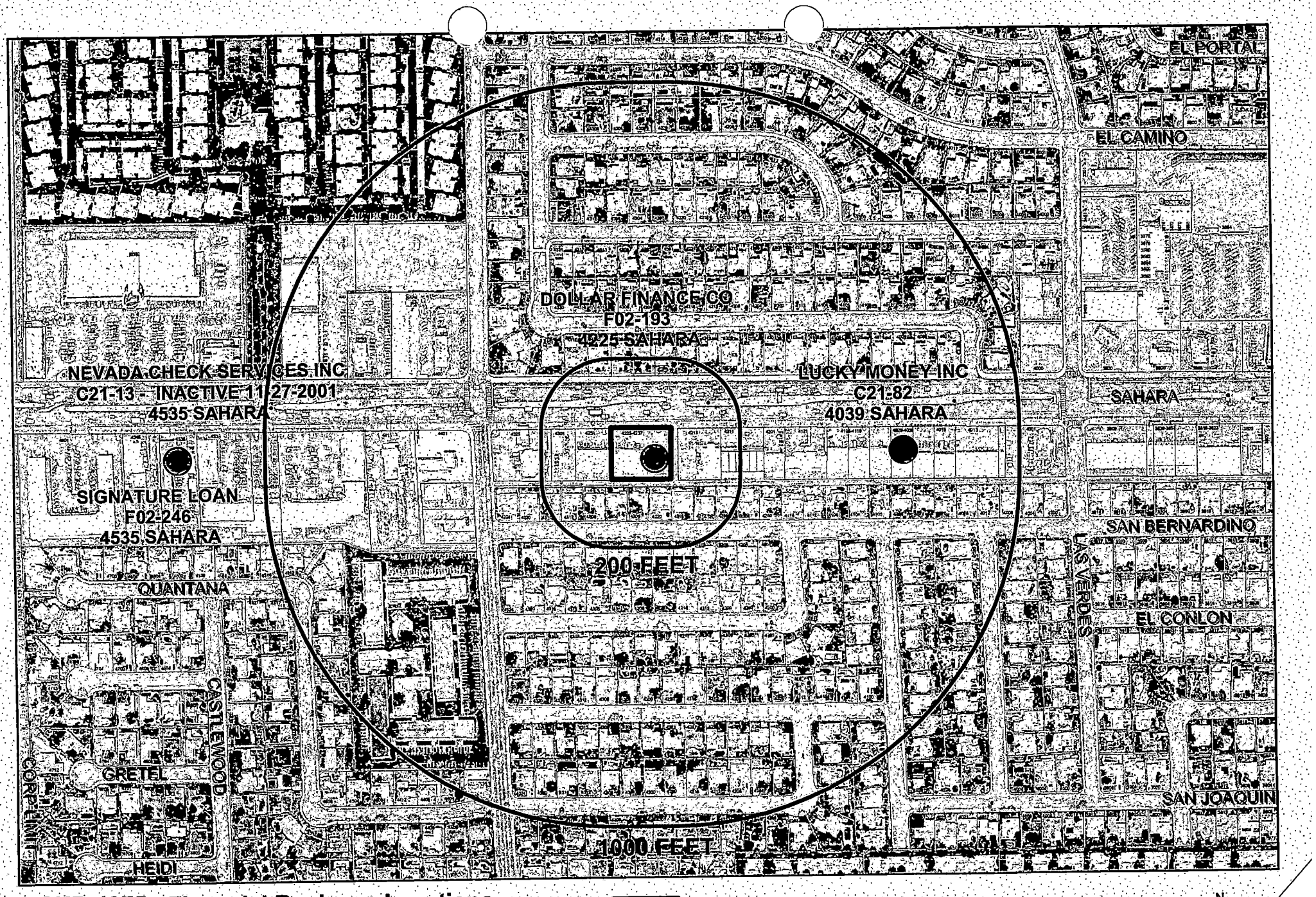
0 200 400 Feet

CASE: **SUP-4975**

RADIUS: 750 FT

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

N



SUP-4975 Financial Business Locations

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

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 23, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-4975 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: DOLLAR FINANCE - OWNERS: JIMMY SPIROPOLOUS TRUST AND NICK AND MARK KEZIOS FAMILY TRUST

** CONDITIONS **

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

Planning and Development

1. Conformance to all minimum requirements under Title 19.04.050 for the Financial Institution, Specified and Auto Title Loan uses.

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

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

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

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

The applicant is requesting approval of a Special Use Permit for a Financial Institution, Specified to allow a 19-foot distance separation from residential property where 200 feet is the minimum required, and 634 feet from a similar use where 1,000 feet is required at 4225 West Sahara Avenue.

B) Applicant's Justification

The applicant justifies this application by stating that their business is in the process of relocating from 4211 West Sahara Avenue to 4225 W Sahara Avenue. Over the past several years the former shopping center has deteriorated and the property management has taken no role in improving the situation.

BACKGROUND INFORMATION

A) Previous Actions

04/21/04 The City Council adopted the distance separation standards for this type of use. (Bill 2003-78).

B) Pre-Application Meeting

07/23/04 A pre-application conference was held and resulted in no comments.

C) Neighborhood Meetings

A neighborhood meeting is not required for this application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 0.59

PL

B) Existing Land Use

Subject Property:	Commercial Center
North:	Single Family Residences
South:	Single Family Residences
East:	Commercial Center
West:	Commercial Center

C) Planned Land Use

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

D) Existing Zoning

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

E) General Plan Compliance

The subject site is designated SC (Service Commercial) within the Southeast Sector Land Use Map of the General Plan. The subject site is located within a C-1 (Limited Commercial) zoning district and as a result is in conformance with the SC (Service Commercial) General Plan designation.

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

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

PL

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

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

Uses	GFA	Ratio	**Required** Parking		**Provided** Parking	
			Regular	Handicap	Regular	Handicap
Financial Institution	2,010 SF.	1 Space / 200 GFA	10	1	N/A*	N/A*

* The applicant has not supplied a parking analysis for this established commercial center, therefore a clear determination of parking feasibility cannot be ascertained. The site is parking impaired due to the site being built to 1973 parking standards and the fact that two restaurants share parking with the rest of the commercial center.

A2) Minimum Distance Separation Requirements

Pursuant to Title 19.04 Standards adopted by City Council 04/21/04, the following Standards apply to the subject proposal:

Standards	**Code Requirement**	**Provided**
Financial Institution, Specified	200 feet from any parcel used or zoned for residential use	NO
	1,000 feet from any other specified financial institution, auto tile loan or auto pawn use	NO

The subject site is located approximately 19 feet from residentially zoned properties along the south edge of the site. Due to the proximity of the parcel to residentially zoned land to the south the applicant requires a waiver of the 200-foot minimum distance requirement.

The subject parcel intended for the Financial Institution, Specified is located approximately 634 feet from one other similar use. Therefore, the applicant requires a waiver from the minimum 1,000-foot minimum distance requirement.

B) General Analysis and Discussion

- Zoning

The subject site is currently zoned C-1 (Limited Commercial). A Financial Institution, Specified use is permitted in C-1 (Limited Commercial) with the approval of a Special Use Permit.

- Use

A Financial Institution, Specified is defined by Title 19 as any business whose primary function is to lend money; to cash checks or other negotiable instruments for a fee, service charge or other consideration; or to provide funds in exchange for the acceptance of a check on a post-dated or deferred-deposit basis. The term includes without limitation a check cashing service, paycheck advance service, and any business primarily providing cash loans, installment loans or cash advances.

The use is not appropriate as it does not conform to the recently adopted distance separation standards. These standards should not be waived until there is sufficient time to evaluate the impacts of these standards.

- Conditions

Title 19.04.050 lists the following conditions for a Financial Institution, Specified use, adopted by City Council April 21, 2004.

1. The use shall comply with all applicable requirements of Title 6.

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

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

4. Window signs shall not:
   a. Cover more than twenty percent (20%) of the area of all exterior windows;
   b. Include flashing lights or neon lighting; or
   c. Include any text other than text that indicates the hours of operation and whether the business is open or closed.

PL

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

6. The building or portion thereof that is dedicated to the use shall have a minimum size of one thousand five hundred square feet, and shall have sufficient interior space to provide for adequate customer waiting areas, customer queuing, and transaction space (such as "teller" windows or desks).

7. No specified financial institution use may be located closer than two hundred feet from any parcel used or zoned for residential use. In addition, no specified financial institution use may be located closer than one thousand feet from any other specified financial institution use, auto title loan use or pawn use. For purposes of this Paragraph (7), distances shall be measured in a straight line from property line to property line, without regard to intervening obstacles. The term "property line" refers to lines of fee interest parcels and not leasehold parcels.

The proposed check-cashing center fails to comply with condition #7 of Title 19.04. The subject site is located within the 200-foot minimum distance separation from residential zoned properties and within the 1,000-foot minimum distance separation from similar uses.

FINDINGS

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

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

   Although this use falls within the parameters of the SC (Service Commercial) category, its specific location makes it incompatible with surrounding land uses. The subject parcel and its neighbor to the south [designated L (Low Density Residential)] are separated by approximately 19 feet. The City requires a 200-foot buffer between specified financial institutions and residential areas. Additionally, the proposed site of the use is located within 1,000 feet of a similar use, therefore creating a higher probability of saturation in the area. The proposed land use cannot be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.

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

The subject site meets the minimum requirements set forth by Bill No. 2003-78, adopted April 21, 2004, which requires a minimum of 1,500 square feet of interior space, to provide sufficient customer waiting areas, customer queuing, and transaction space for a Financial Institution, Specified. Parking is also a concern since the site is parking impaired, with established intense uses already on site. With this in mind the site may not be physically suitable for the proposed use.

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

   The subject location is accessible from Sahara Avenue, a 100-foot Primary Arterial as indicated on the Master Plan of Streets and Highways, which is of adequate in size and capacity to accommodate the proposed Financial Institution, Specified.

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

   The public health, safety, and welfare and the objectives of the General Plan would not be compromised as a result of the approval of a Special Use Permit, because the proposed Financial Institution, Specified would be subject to inspections for a Certificate of Occupancy.

NOTICES MAILED 206

APPROVALS 0

PROTESTS 0

PL

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-4975 APN: 162-07-501-004-94

Name of Property Owner: Jimmy Spiropoulos Trust and Nick & Mary Kezios Family Trust

Name of Applicant: Edward Lisicki - Dollar Finance

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: Please see attached signature page which is hereby incorporated by reference.

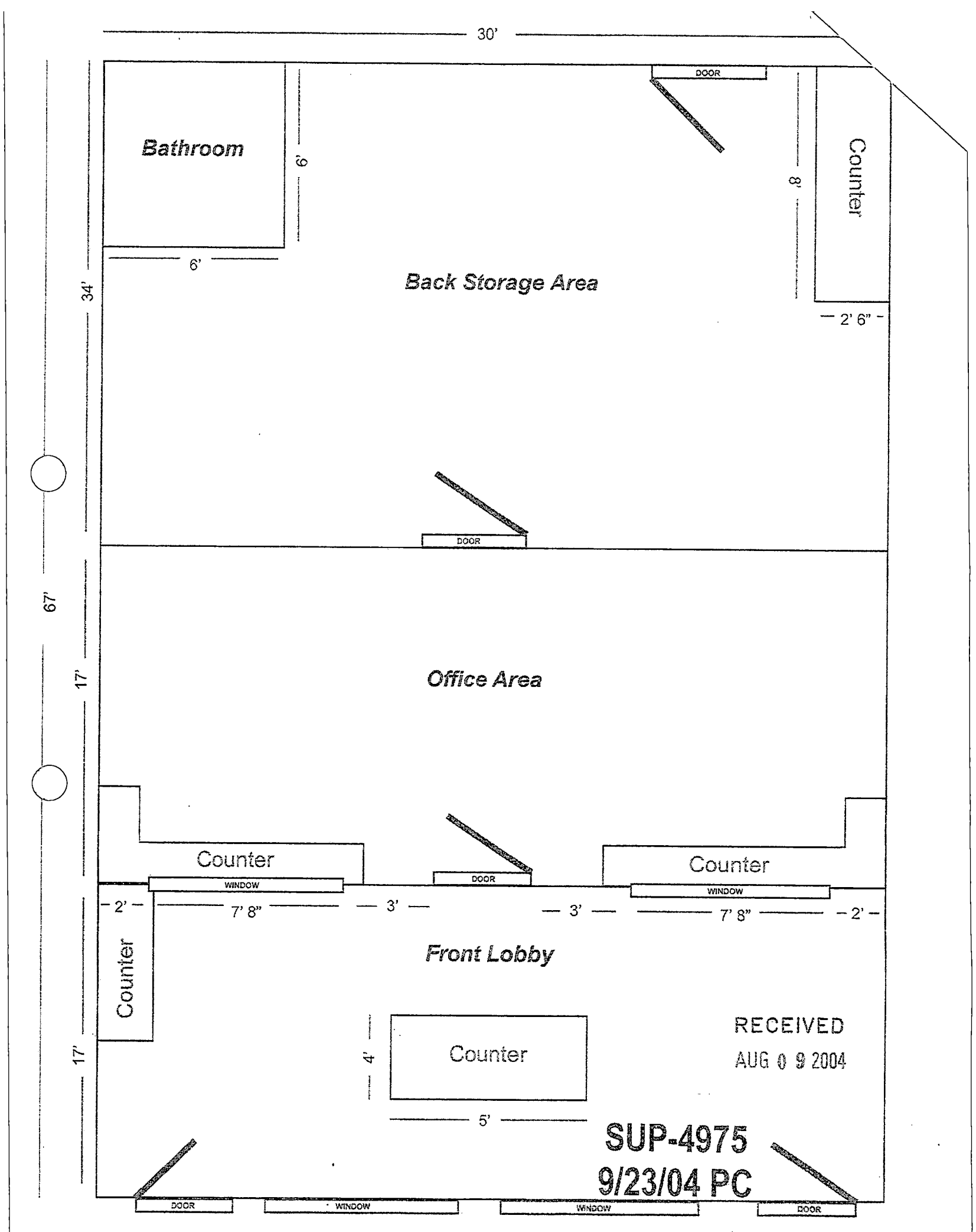
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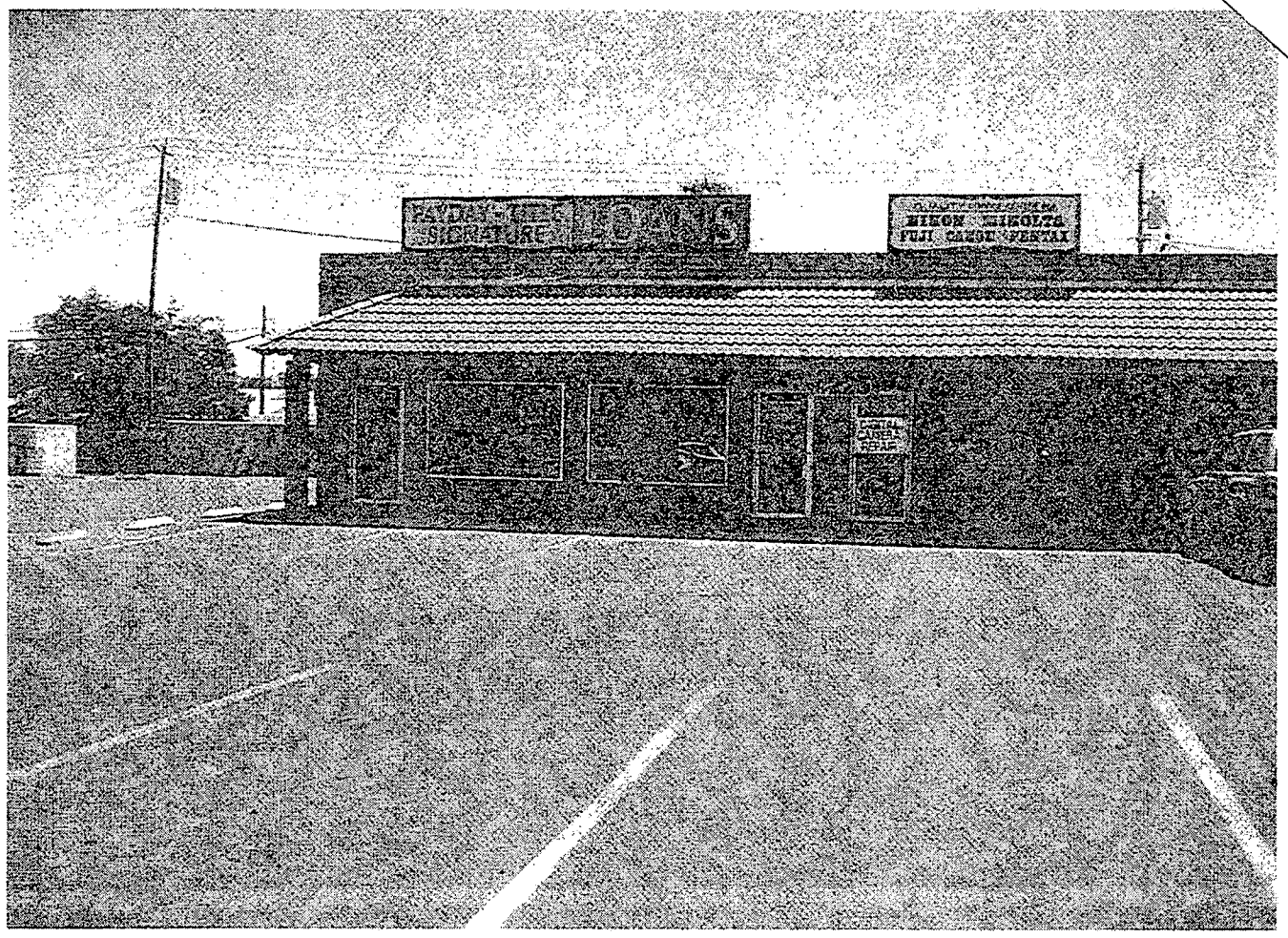
Subscribed and sworn before me

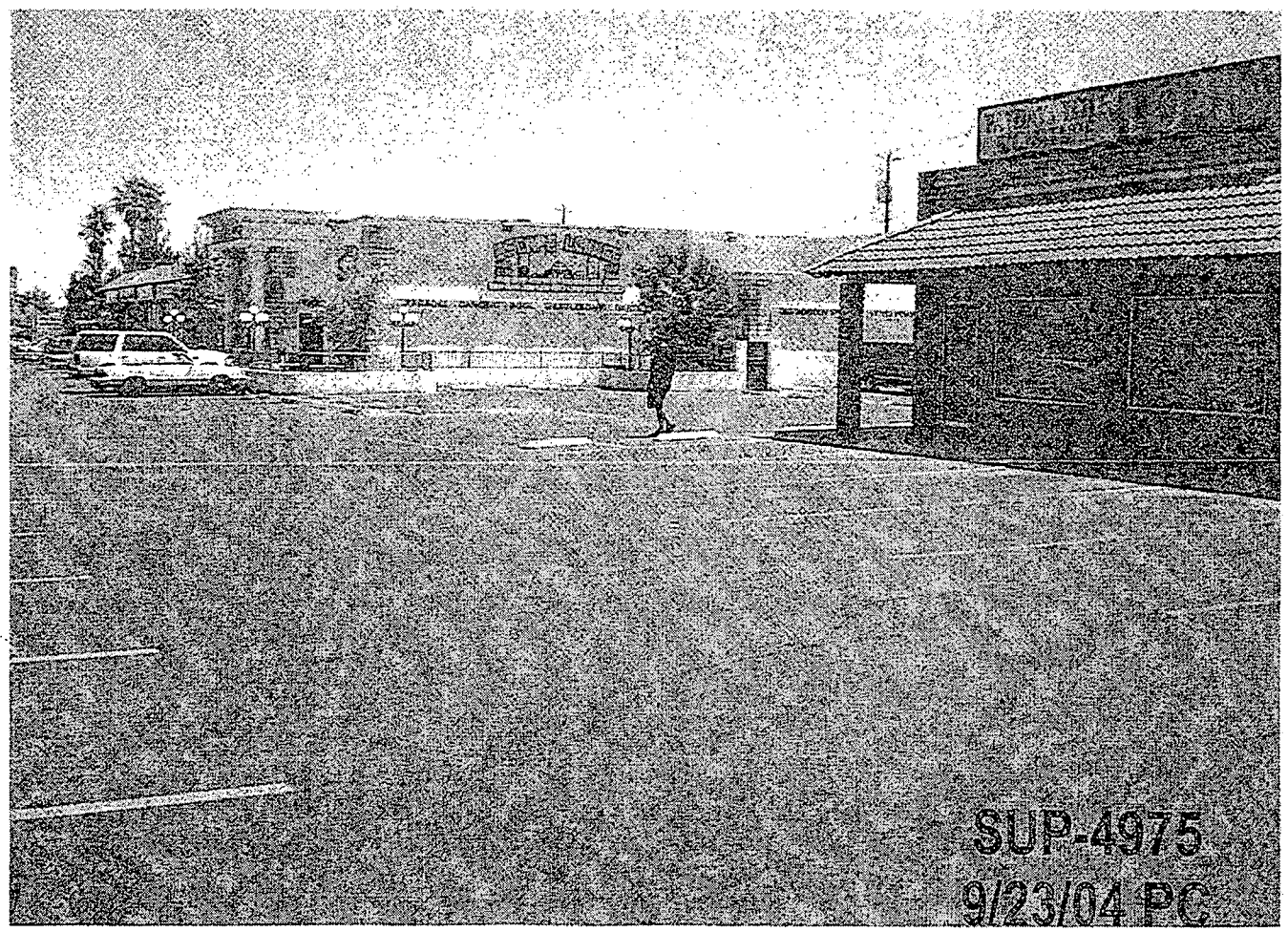
This _____ day of _____, 20__

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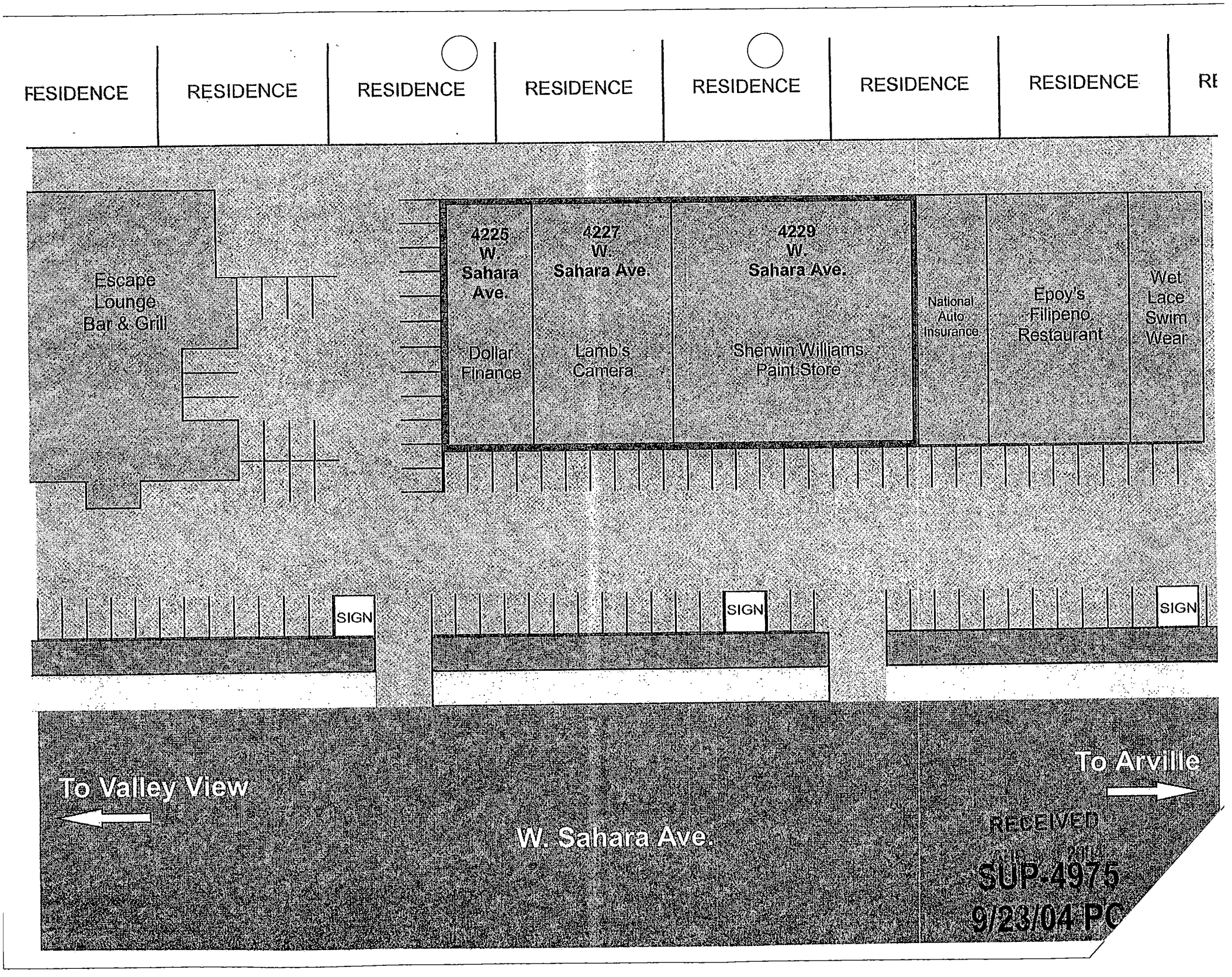
Notary Public in and for said County and State


30'
Bathroom
6'
6'
DOOR
8'
Counter
2' 6"
34'
Back Storage Area
DOOR
67'
17'
Office Area
Counter
WINDOW
DOOR
Counter
WINDOW
2'
7' 8"
3'
3'
7' 8"
2'
Counter
Front Lobby
17'
4'
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DOOR
WINDOW
WINDOW
DOOR

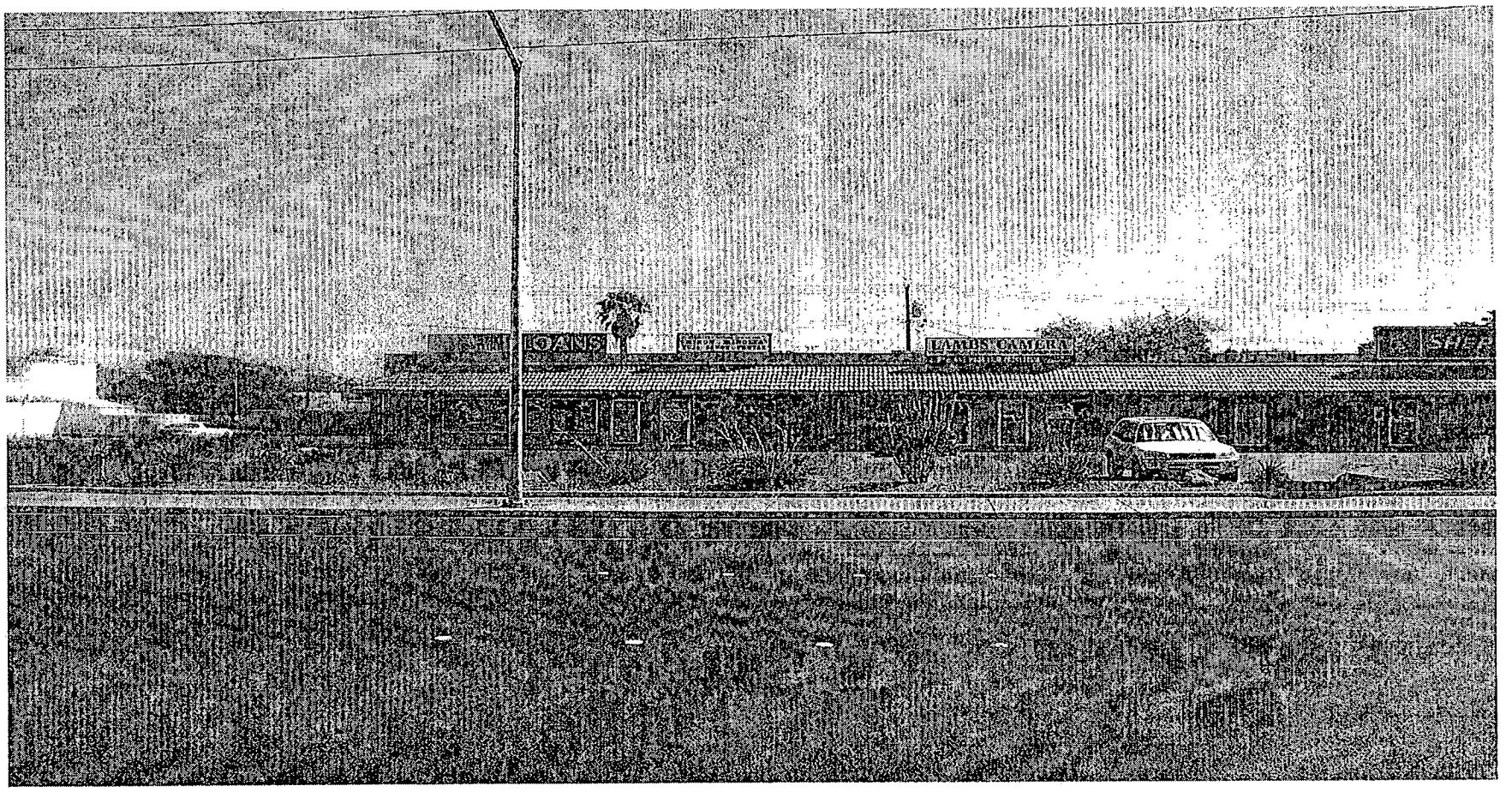




SUP-4975
9/23/04 PC

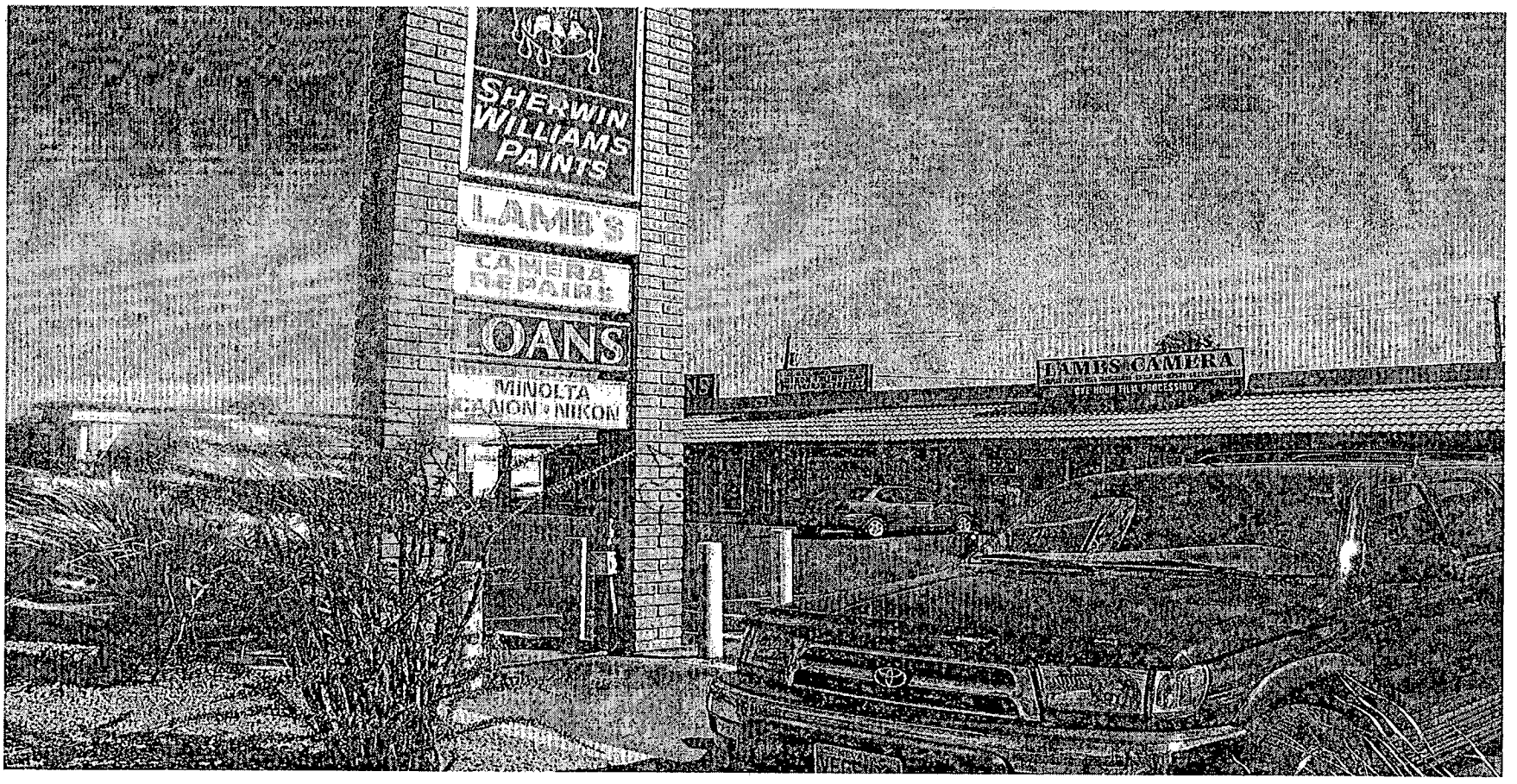


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SUP-4975
9/23/04 PC



SUP-4975 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: DOLLAR FINANCE - OWNERS: JIMMY SPIROPOLOUS TRUST AND NICK AND MARK KEZIOS FAMILY TRUST
4225 WEST SAHARA AVENUE
SEPTEMBER 23, 2004 PLANNING COMMISSION

8/24/04



SUP-4975 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: DOLLAR FINANCE - OWNERS: JIMMY SPIROPOLOUS TRUST AND NICK AND MARK KEZIOS FAMILY TRUST
4225 WEST SAHARA AVENUE
SEPTEMBER 23, 2004 PLANNING COMMISSION

8/24/04

City of Las Vegas

Agenda Item No.: 44

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

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

SUBJECT:
SUP-4983 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: SKINNY'S HOUSE - OWNER: JANINE AYERS - Request for a Special Use Permit FOR A TRANSITIONAL LIVING GROUP HOME at 4350 Mountain View Boulevard (APN 162-06-610-014), R-E (Residence Estates) Zone, Ward 1 (Moncrief).

IF APPROVED: C.C.: 10/20/04
IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

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

RECOMMENDATION:
Staff recommends DENIAL.

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

MOTION:
DAVENPORT – ACCEPTANCE of the WITHDRAWAL WITH PREDJUDICE requiring the use cease by 9/30/2004 – Motion carried with GOYNES voting NO and STEINMAN excused

NOTE: Initial motion by DAVENPORT to accept the withdrawal with prejudice requiring the use cease within one week failed with GOYNES, NIGRO and EVANS voting NO and STEINMAN excused. Subsequent motion by GOYNES to accept withdrawal with prejudice requiring the use cease by close of business 9/24/2004 failed with DAVENPORT, McSWAIN, TRUESDELL, NIGRO and EVANS voting NO and STEINMAN excused.

MINUTES:
CHAIRMAN TRUESDELL declared the Public Hearing open.

KYLE WALTON, Planning and Development Department, began to explain the many concerns staff has regarding this application. ROBERT GENZER, Director, Planning and Development Department, said that he understood the applicant was prepared to make a request. CHAIRMAN

MINUTES – Continued

TRUESDELL approved hearing from the applicant and then a determination would be made of how to hear the item.

ATTORNEY JENNIFER LAZOVICH, 3800 Howard Hughes Parkway, appeared with the applicant, JANINE AYERS. ATTORNEY LAZOVICH informed the Commission that the applicant was requesting the item be withdrawn without prejudice. CHAIRMAN TRUESDELL pointed out that the business is currently operating at this location and he questioned whether acceptance of the withdrawal without prejudice would cause the use to cease immediately.

DEPUTY CITY ATTORNEY BRYAN SCOTT explained that, according to Code Enforcement, the use is not being utilized legally at this time. MR. WALTON interjected that the citations issued by Code Enforcement and Business Licensing were one of the concerns his department had regarding this application. CHAIRMAN TRUESDELL asked that the applicant or ATTORNEY LAZOVICH put on record, acknowledgment that the use must cease. MS. LAZOVICH explained that the applicant was aware the use must cease and was requesting 30 days to relocate the tenants.

CHAIRMAN TRUESDELL expressed his willingness to support the withdrawal. He questioned the applicant as to the minimum timeframe necessary to insure relocation of her clients. MS. AYERS indicated her main concern was for the residents and finding another place for them to live. She did not feel 30 days was too much time to request. CHAIRMAN TRUESDELL acknowledged her concerns and the concerns of the neighbors over the citations and stated he was not comfortable with 30 days.

COMMISSIONER McSWAIN asked what the dates of the citations were and what caused them to be issued. COMMISSIONER NIGRO asked if any criminal citations had been made at this location. MS. AYERS explained that Code Enforcement had cited her for a Building Department violation. MR. WALTON confirmed citations were issued on August 25th for construction without permits and also, for conducting business without a license. He added that Planning Staff and Business Licensing made an additional inspection on September 8th and the same situation was found. COMMISSIONER McSWAIN confirmed with MR. WALTON that staff had not checked with METRO for police activity and therefore, could not be sure about the status of criminal activity at the site. MS. AYERS was not aware of any issues involving the police department.

COMMISSIONER NIGRO stated that he could be supportive of the 30 days because if the applicant had chosen to move forward with the item, in 30 days the application would be before Council and if denied, maybe Council would allow 30 days after denial to relocate.

MINUTES – Continued

He also felt some consideration should be given to the applicant for coming forward to withdraw the application because of the opposition. CHAIRMAN TRUESDELL acknowledged COMMISSIONER NIGRO'S comments; however, he would not be supportive of granting a time frame for relocation that would impose a burden on the neighbors. He felt a reasonable period of time could be determined and granted to allow the orderly relocation of the residents. MS. AYERS indicated she would attempt to move everyone before the end of the 30-day timeframe, if it was granted.

COMMISSIONER EVANS reminded everyone that according to the information in his back up, this was not a home for criminals, a rehab center or substance abuse center. The people who live at this location are trying to better themselves. Forcing the residents to move without adequate time could result in a homeless problem in the neighborhood. He did not feel 30 days was unreasonable to allow the residents time to find a new home. He agreed with COMMISSIONER NIGRO'S statement that had the applicant not offered to withdraw the item, the item would be in front of the City Council in 30 days, not closed.

COMMISSIONER McSWAIN confirmed with MR. GENZER that if this item were forwarded to Council, it would be heard on 10/20/2004. If the Planning Commission denies the item, although it is final action, the applicant would have 10 days from the date of denial to appeal and have the item heard before Council on 10/20/2004. She questioned whether or not the business would be allowed to remain open during the interim if the Planning Commission moved the item on to that Council date. DEPUTY CITY ATTORNEY SCOTT informed her that the use is not legally permitted and because of that, the applicant would have no right to operate the business in between Planning Commission and City Council hearing the item. COMMISSIONER McSWAIN suggested that two weeks should be adequate time for relocation considering the fact that the applicant was cited so long ago and the residents should have been made aware of potential problems.

DEPUTY CITY ATTORNEY SCOTT clarified for COMMISSIONER McSWAIN the difference between withdrawing an item with or without prejudice. A withdrawal with prejudice would preclude the applicant from reapplying with the City for one year. A withdrawal without prejudice would allow the applicant to bring the item back at any time. COMMISSIONER McSWAIN suggested that perhaps the 30 days could be given if the applicant would amend the request to withdrawing the item as with prejudice instead of without. MS. AYERS and ATTORNEY LAZOVICH said that would be agreeable.

MINUTES – Continued

COMMISSIONER GOYNES felt that because the applicant did not respect the process when this issue began, 30 days might not be appropriate. COMMISSIONER DAVENPORT stated that he would be hard pressed to support 30 days for relocation and that in his opinion, the applicant had been given 30 day notice when cited in August. He asked what assurances the applicant could give that the use would cease and everyone would be relocated. He agreed with COMMISSIONER McSWAIN that two weeks should be enough time for relocation efforts. However, he would only support the two weeks if the request were changed to withdrawal of the item with prejudice. COMMISSIONER McSWAIN clarified that her suggestion had been to allow 30 days if the request were amended. COMMISSIONER DAVENPORT acknowledged her suggestion and stated that he could only support two weeks, not 30 days.

ATTORNEY LAZOVICH explained that she had discussed a feasible timeframe with MS. AYERS before the item was heard and their main concern was to come forward a request a timeframe that was not reasonable. They did not want to request two weeks in case the relocation took a few days over that and did not think an entire month would be necessary. MS. AYERS felt if she requested 30 days and had everyone relocated within 21 days, the neighborhood would feel they were misled. She stated the applicant agreement with COMMISSIONER McSWAIN'S suggestion that 30 days be given in exchange for amendment of the request to being with prejudice.

CHAIRMAN TRUESDELL did not want to give such a short timeframe that other issues are caused within the City because the timeframe could not be met. He said it was his desire to have the use cease and he suggested the Commission consider allowing the applicant until October 15th to relocate residents and cease use. He acknowledged the burden the neighborhood is under as long as this use is in existence within their neighborhood; however, he feared giving too short of a timeframe would result in creating other hurdles for the City to cease this usage. He looked for a workable, sustainable solution that would protect the neighbors.

CHARLES MUSSER, 4310 Mountain View Boulevard, felt the applicant and her husband have behaved in an arrogant manner. He stated that the applicant knew the building was not up to Code and knew the remodeling should not have been done without a permit but the work was done anyway. He indicated the existence of this business in the neighborhood is causing traffic safety issues and cited examples. MR. MUSSER informed the Commission that one night earlier, he had counted 14 cars at the residence in question. He pointed out that MS. AYERS is a licensed realtor in Las Vegas and is aware of building and zoning regulations. MR. MUSSER felt allowing 30 days would be doing MS. AYERS a favor she did not deserve and felt it should be shut down immediately. He feared if that some serious issue could result from traffic related to this site and then there would really be problems.

MINUTES – Continued

EDWARD McDONALD, 4136 Del Monte Avenue, stated he lives about five houses down from the subject site. He explained there has been an increase in crime in the last 30 days including having two windows on his Jaguar shot out and the radio stolen from another car he owned. His neighbor had their car broken into and their radio and tools were stolen. A car was stolen from the home across the street from the applicant. The steering mechanism was taken from a vehicle at the end of the block and damage was so severe, the car was considered totaled. An armed robbery with the theft of a Cadillac has occurred in the neighborhood as well. To his knowledge, the neighborhood has had more crimes take place in the 30 days than what has occurred in the last 30 years that he has lived there. He wanted the business shut down immediately. He added that while they are being relocated, he would like to see armed guards patrolling the premises.

PAT MULHALL, 4221 Mountain View Boulevard, wanted to clarify the citation dates that were mentioned. The City Council office provided him with information that Code Enforcement issued a citation on July 1st. The hearing date was set at September 9th; however, the hearing did not occur because the paperwork was misplaced. MR. MULHALL felt the Commission had not been provided complete information and that the citation issue date of July 1st left the applicant plenty of time to make other arrangements. He did not want the Commission to allow 30 days for relocation. The neighborhood has been turned upside down.

THOMAS TAYCHER, 4321 Mountain View Boulevard, explained he moved into the home directly across the street from the applicant's business on August 8th. If he had been made aware of the situation surrounding the home, he would have thought twice before purchasing there. He said that there is a brochure for the applicant's business and it indicated the rentals are on a weekly basis. He felt the residents of the establishment should be able to move within one week or two at the very most. He confirmed that the Commission was provided with a copy of the brochure in their backup. As a veteran of 23 years of law enforcement, he fears the safety of his family with individuals living across the street on a weekly basis. He is concerned that someone staying temporarily in that home may recognize him from work and then know where he lived.

JOHN KRANTZ, 4404 Del Monte Avenue, stated his parents have lived at this location for forty years without incident. A 6-foot high wall separates the back yards and he has caught 2 people in his backyard since MS. AYERS opened for business. His family owns six homes on the same street and they have had 3 bicycles stolen. He has had tools stolen and he knows of 2 kids who have been hit by cars. He could not say all of the recent crime activity was attributed to the subject property; however, he agreed with MR. McDONALD that more crime has occurred in the last 30 days than in the last 30 years. He wanted the business shut down immediately

MINUTES – Continued

CHAIRMAN TRUESDELL reminded everyone that the use of the property is going to stop. Many of the comments pertained to issues that should be taken up with the police department. He asked that the comments be contained to those pertaining to the actual time frame the use will be given to cease or the denial of the request to withdraw with prejudice.

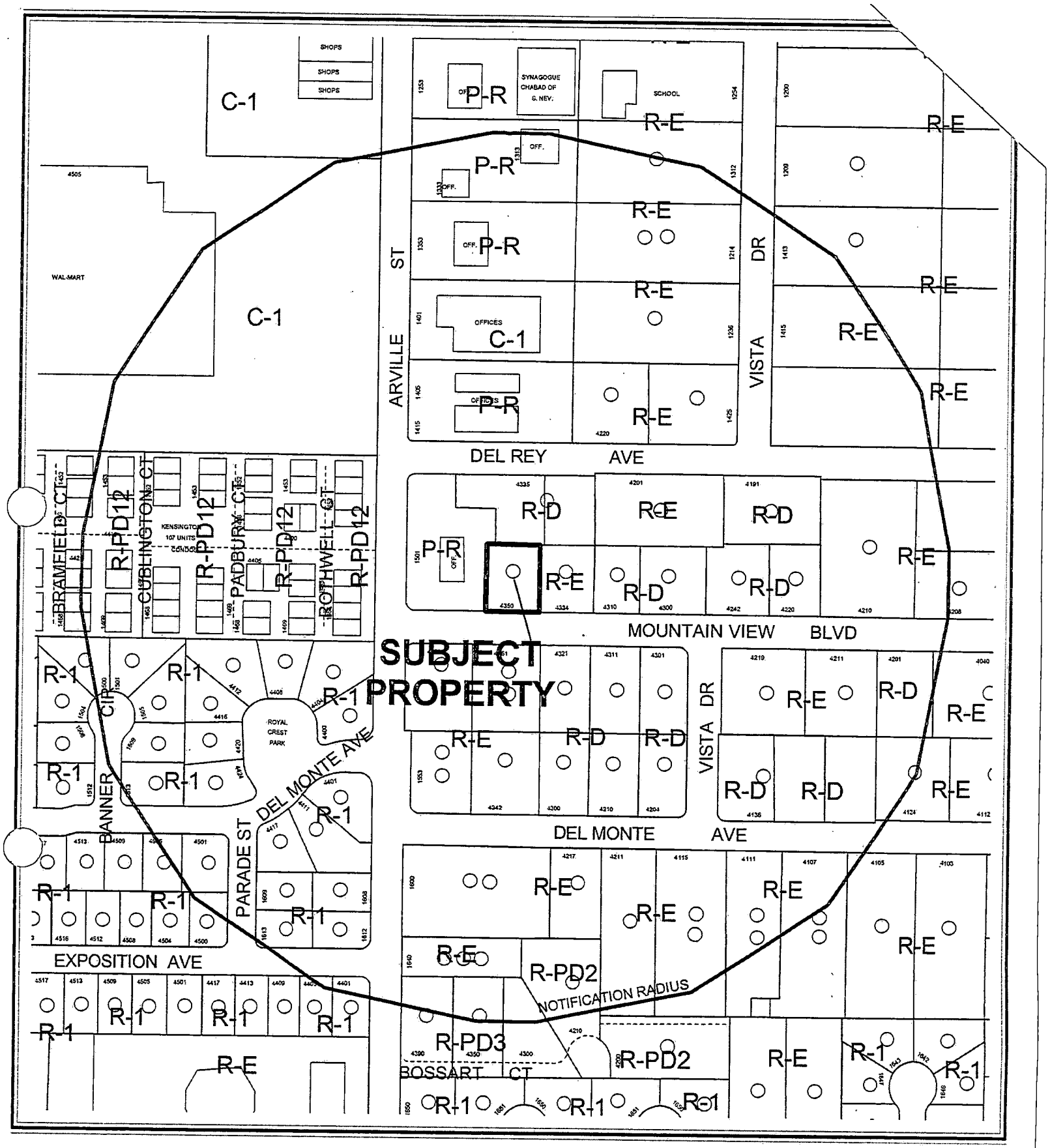
YOLANDA CONTRERAS, 4361 Mountain View Boulevard, said she feared for the safety of her two children. She lives across the street from MS. AYERS' property and she does not let her children play out in front of her home or ride their bikes. She indicated that her car was stolen in August and she had the insurance report to prove it if necessary. MS. CONTRERAS said that her mother used to visit often but is now too afraid because of all the activity of the home across the street. She wanted the business shut down immediately.

FRED BETHEL, 4408 Del Monte Avenue, stated he wanted to make sure the Commission was aware of language in the brochure for the applicant's business. The language stated that any violations of rules for the home are cause for immediate dismissal. To MR. BETHEL, if the applicant is comfortable with evicting the residents immediately for rule breaking, they do not need two weeks or a month to relocate them.

CHAIRMAN TRUESDELL informed MS. AYERS that if her brochure said the rentals are on a weekly basis, she should have the ability to forewarn the residents on a weekly basis. MS. AYERS replied that the use of drugs or alcohol is cause for dismissal because such activity is not conducive to the environment of the home. He felt a realistic timeframe needed to be established for relocation so people would not be put out onto the streets homeless the next day. MR. GENZER stated a specific timeframe needed to be established because Code Enforcement would have to go out and inspect at the end of the timeframe to insure everyone has left.

COMMISSIONER McSWAIN stated that although she had originally felt a 30 day timeframe was acceptable, the comments regarding the weekly rental agreements for the tenants changed her mind. She felt a week was adequate. COMMISSIONER GOYNES felt the applicant should have until close of business 9/24/2004 to relocate. ATTORNEY LAZOVICH did not want an unrealistic timeframe to be established which would lead to greater issues. She indicated the applicant would agree to one week. COMMISSIONER NIGRO indicated that he had voted no on the original motion allowing one week because he was willing to support a motion allowing two weeks. Since the applicant had agreed to one week, he would be willing to support such a motion. COMMISSIONER EVANS concurred.

(8:58 – 9:31)



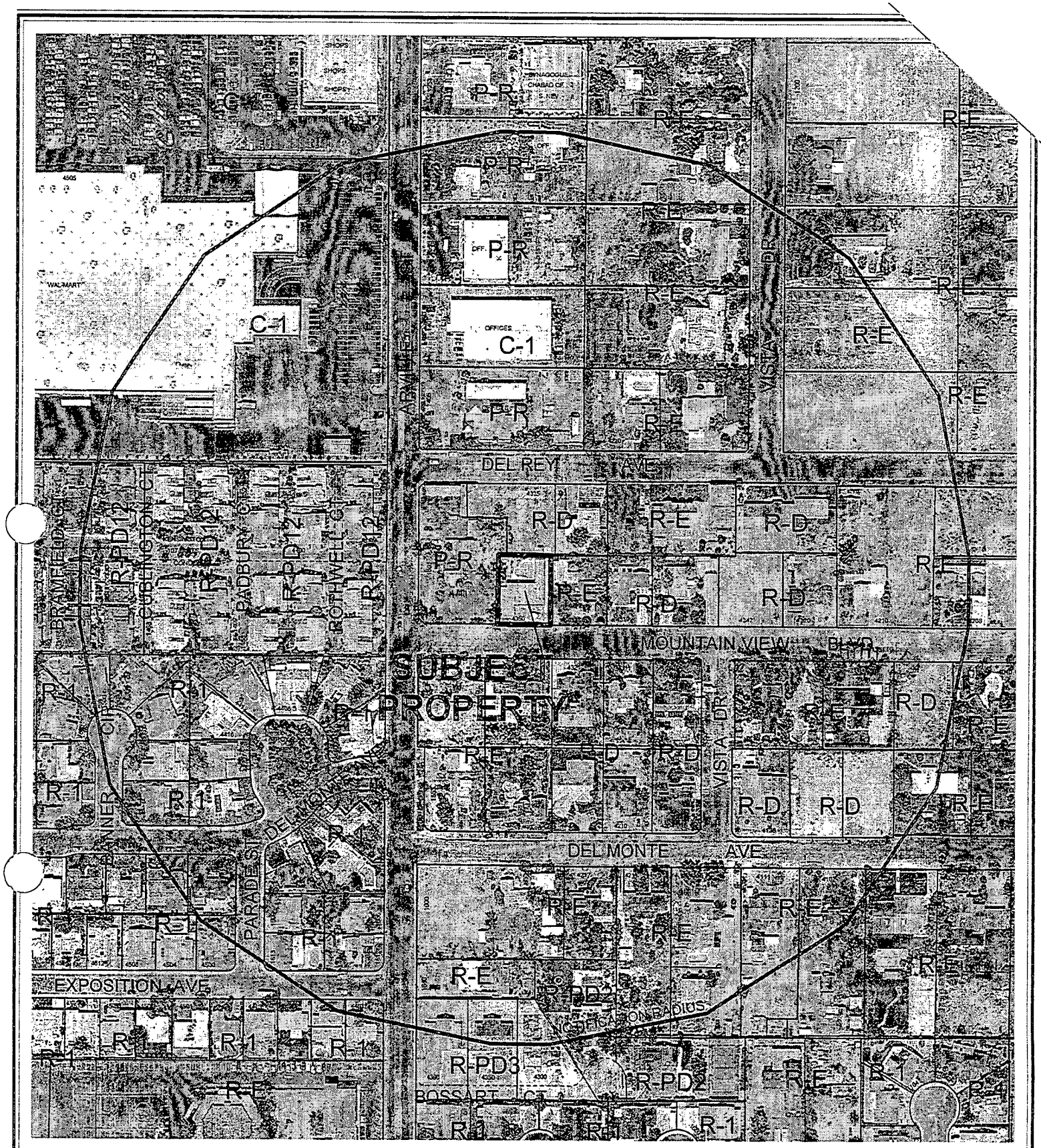
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CASE: **SUP-4983**

RADIUS: 750 FT

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

N



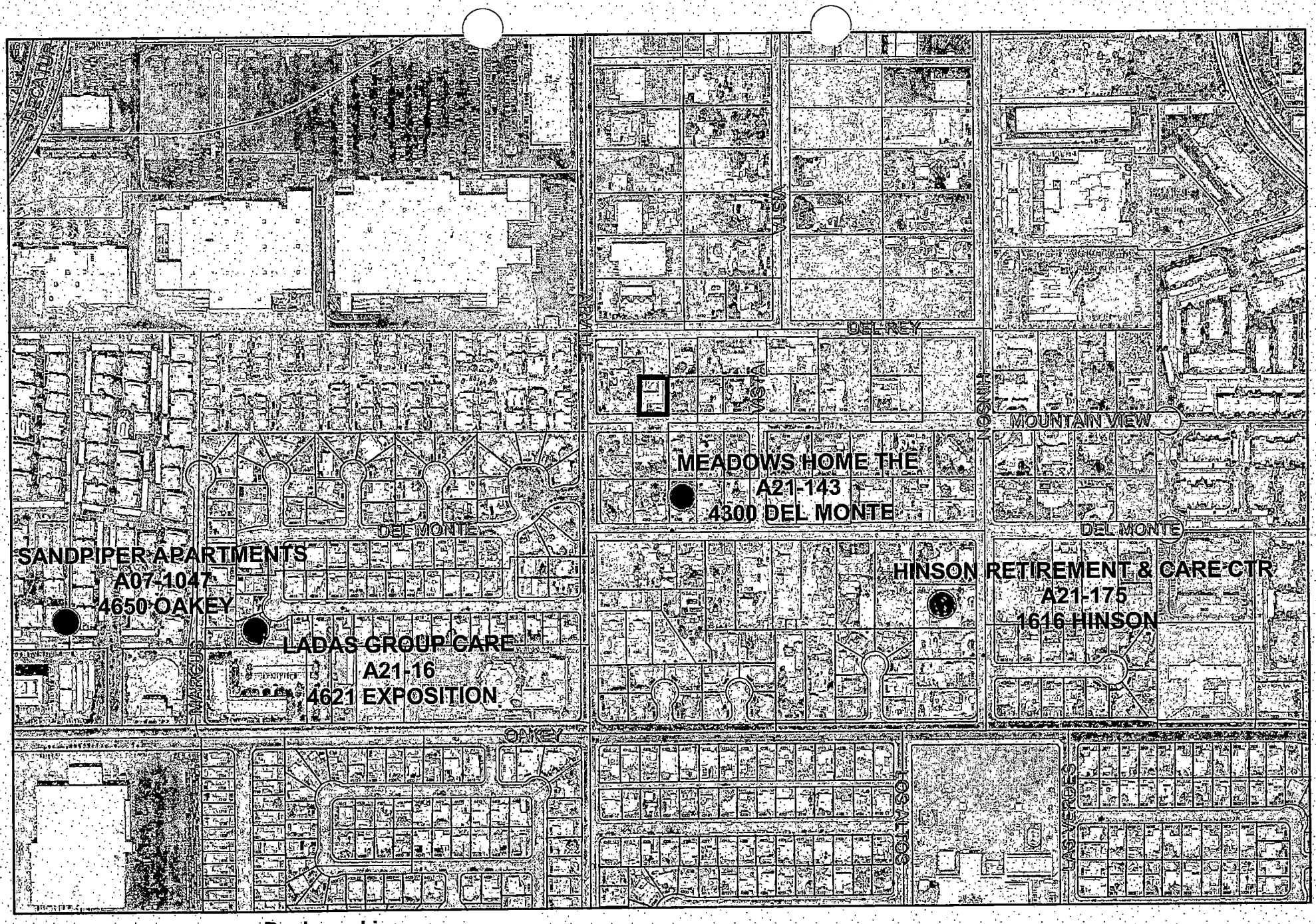
0 200 400 Feet

CASE: SUP-4983

RADIUS: 750 FT

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

N



SUP-4983

Business Licenses

- A07 - Apartement House
- A21 - Residential Facility for Groups (3-10)
- H07 - Halfway House/Transition Facility

Subject Property

Buffer

0 250 500 1,000 Feet

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 23, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-4983 - SPECIAL USE PERMIT - PUBLIC HEARING -
APPLICANT: SKINNY'S HOUSE - OWNER: JANINE AYERS

** CONDITIONS **

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

Planning and Development

1. The Special Use Permit shall be reviewed in six (6) months at which time the City Council will review the results of code enforcement inspections during the six months and may require the Transitional Living Group Home to cease all operations. 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 Transitional Living Group Home cease and desist all activity.

2. Conformance to all Minimum Requirements under Title 19.04.050.B for Transitional Living Group Home.

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

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

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

The applicant is requesting approval of a Special Use Permit to allow a Transitional Living Group Home at 4350 Mountain View Boulevard.

B) Applicant's Justification

The applicant justifies this request by stating that their goal "is to provide a sober / shared living environment promoting individual recovery responsibility in that the resident must be gainfully employed, attend daily 12-step self-help meetings, participate in daily house chores, maintain total abstinence from mood-altering drugs and/or alcohol, refrain from going to 'at risk' establishments such as strip clubs or bars, and willing to help others on their own path to recovery."

BACKGROUND INFORMATION

A) Previous Actions

12/15/76 The Board of Zoning Adjustment approved a Variance (V-0096-76) application to allow an addition to an existing dwelling to be 7 feet from the rear property line and 7 feet 6 inches from the front property line where 50 feet is required and 6 feet from the side property line where 10 feet is required; and to allow an existing 12,500 square foot parcel where 20,000 square feet is required; and to allow a 6-foot high block wall and block and wrought iron fence 6 feet high in the front yard where a 4-foot high, top 2 feet fifty percent open is allowed on property located at 4350 Mountain View Boulevard. Staff recommended denial.

07/27/93 The Board of Zoning Adjustment approved a Special Use Permit (U-0126-93) for a Home Occupation Use Permit to allow a general merchandise import business on property located at 4350 Mountain View Boulevard. Staff recommended approval.

08/25/04 An inspection was conducted by Code Enforcement which determined the house was used as a transitional living facility.

B) Pre-Application Meeting

08/09/04 A pre-application conference was held resulting in no specific comments.

C) Neighborhood Meetings

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

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 0.27

B) Existing Land Use

Subject Property:	Unlicensed Transitional Living Group Home
North:	Undeveloped
South:	Single Family Residence
East:	Single Family Residence
West:	Professional Office

C) Planned Land Use

Subject Property:	R (Rural Density Residential)
North:	R (Rural Density Residential)
South:	R (Rural Density Residential)
East:	R (Rural Density Residential)
West:	SC (Service Commercial)

D) Existing Zoning

Subject Property:	R-E (Residence Estates)
North:	R-D (Single Family Residential-Restricted)
South:	R-E (Residence Estates) R-D (Single Family Residential-Restricted)
East:	R-E (Residence Estates)
West:	P-R (Professional Office and Parking)

E) General Plan Compliance

The subject parcel is designated R (Rural Density Residential) within the Southeast Sector Land Use map of the General Plan. The subject site is currently zoned R-E (Residence Estates), which is in conformance to the General Plan.

PL

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

Airport Overlay District:

The Airport Overlay District constitutes a planned area in which no structure shall be erected, altered or maintained on any parcel within the boundaries of the Airport Overlay District that would violate the height limitations depicted in the maps adopted by Title 19. All development within the airspace above the height of thirty five feet above the surface of the land, lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces, shall be subject to the height standards established on the Airport Overlay Maps. The existing structure stands well below the 200-foot height restriction imposed by the Airport Overlay District map.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

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

Uses	GFA	Ratio	**Required** Parking		**Provided** Parking	
			Regular	Handicap	Regular	Handicap
Transitional Living Group Home	3,057 SF.	1 Space / 6 Residents + 1	1	1	2+	Zero

The proposed site for a Transitional Living Group Home fails to meets the parking standards required, since no handicap parking is provided.

PL

A2) Common Area

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

"Common area shall be provided on the basis of 15 square feet per resident"

The applicant has supplied a floor plan depicting the layout of the dwelling with approximately 807 square feet of common area available to the occupants. The requirement of 105 square feet minimum of common area is satisfied.

B) General Analysis and Discussion

- Zoning

A Transitional Living Group Home is a permitted use within a R-E (Residence Estates) zoning district by means of an approved Special Use Permit.

- Use

Transitional Living Group Home

A Transitional Living Group Home means a dwelling of a residential character which is operated under an appropriate State or County license and which provides housing and related assistance for six or fewer persons who are in need of transitional living arrangements. The term does not include an individual residential care facility, group residential care facility, convalescent care facility, nursing home, hospital, special care facility or any facility which:

(1) Provides surgical medical, psychiatric or other specialized treatment on a regular basis;

(2) Provides housing and care to persons who have a chronic illness, disease, injury or other medical condition; or

(3) Provides housing, care or treatment to persons whose occupancy would constitute a direct threat to the health or safety of other individuals or their property.

The applicant states that the house has five bedrooms, six bathrooms with a total of 3,057 square feet of living space including a great room." There will be a full time house manager and six residents." It will not provide treatment, recovery services care and supervision to severely physical or mentally disabled persons. The operation will not accommodate court ordered residents.

- Conditions

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

TRANSITIONAL LIVING GROUP HOME

(1) The home must be located on a parcel with a minimum size of six thousand five hundred square feet.

(2) Off-street parking shall be provided on the basis of at least one space per six residents, plus an additional space for the administrator.

(3) Common area shall be provided on the basis of a minimum of fifteen square feet per resident.

(4) The facility must comply on an ongoing basis with all governmental licensing requirements.

The proposal meets these base conditions of approval.

- Inspections

On The 25th of August 2004 an inspection of the subject Code Enforcement, resulting in the following issues, completed property:

1. House being used as a Transitional Living Group Home without business license.
2. Construction occurring on site without permits.

Citations were issued for the above infractions. The applicant will be in court on September 9, 2004 to answer these citations.

On the 8th of September 2004 an inspection of the subject property was completed by Code Enforcement and Planning and Development, resulting in the following notes:

1. Business currently in operation.
2. The home houses 10 residents currently.
3. The house is currently set up with 11 regular beds and 4 bunk beds, allowing for up to 19 people to reside in the house, in addition to the manager.
4. Out of the 19 possible beds, 10 are outfitted with linens and blankets, with people's personal effects located around them.
5. A bunk bed is located within what is called out to be a storage room on the applicant's floor plan.

PL

6. There was a schedule of AA meetings on their bulletin board. The location of these meetings is not known, therefore the possibility of them being held on site exists. If so the use of the house would then include a "Facility to Provide Testing, Treatment, or Counseling for Drug or Alcohol Abuse", which is not permitted within a R-E (Residence Estates) zoning district. A "Facility to Provide Testing, Treatment, or Counseling for Drug or Alcohol Abuse" per Title 19.20.020 means a facility that:
    a. Operates under or is subject to the provisions of NRS Title 40 and, by means of certified detoxification technicians or otherwise, provides care or treatment related to physical and mental effects of the abuse of alcohol or drugs, or the effects of alcohol or drug dependency.
7. The applicant charges $150 a week in rent per person. With a current occupancy of 10 individuals the applicant has been clearing $5,000 a month, without a business license.

The applicant has not as of yet requested an appeal from the Building Department, nor have they applied for any new permits. The Building Department is recommending denial of any appeal and is in support of the Planning Departments recommendation of denial.

FINDINGS

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

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

   The particular neighborhood in which the proposed use is to be located has a group residential care facility within 660 feet of the subject site and two more within 1,500 feet of the subject site. The addition of the proposed use to the immediate area would constitute saturation within the neighborhood. Therefore, the proposed use cannot be conducted in a harmonious and compatible manner with the surrounding land uses.

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

   The applicant has been cited by code enforcement for violations of the Business Operation Code and the renovating of the house without building permits. The additions made to the house in 1976 consisted of a playroom, study room, and master bedroom, with attached master bath and workout room. The current design shows little to no interior walls throughout the home. The provided floor plan indicates several new bathroom facilities, and a network of interior walls that seem to create a number of cubicles within bedrooms 4 and 5. The building needs to be converted from a single-family residence to a handicap accessible group residence. The site is inappropriate 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."**

   The site of the proposed Transitional Living Group Home has access from Mountain View Boulevard, a 60-foot wide residential collector street.

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

   Both the health department and other code enforcement agencies will monitor the Transitional Living Group Home; therefore public health and safety will be protected. Additionally, the proposed redevelopment of the subject site will be subject to the Uniform Building Code, and therefore the development will not compromise the public health, safety or welfare.

NOTICES MAILED 162

APPROVALS 0

PROTESTS 0

PL

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-4983 APN: 162-06-610-014

Name of Property Owner: Janine Ayres

Name of Applicant: Janine Ayres

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: Janine Ayres

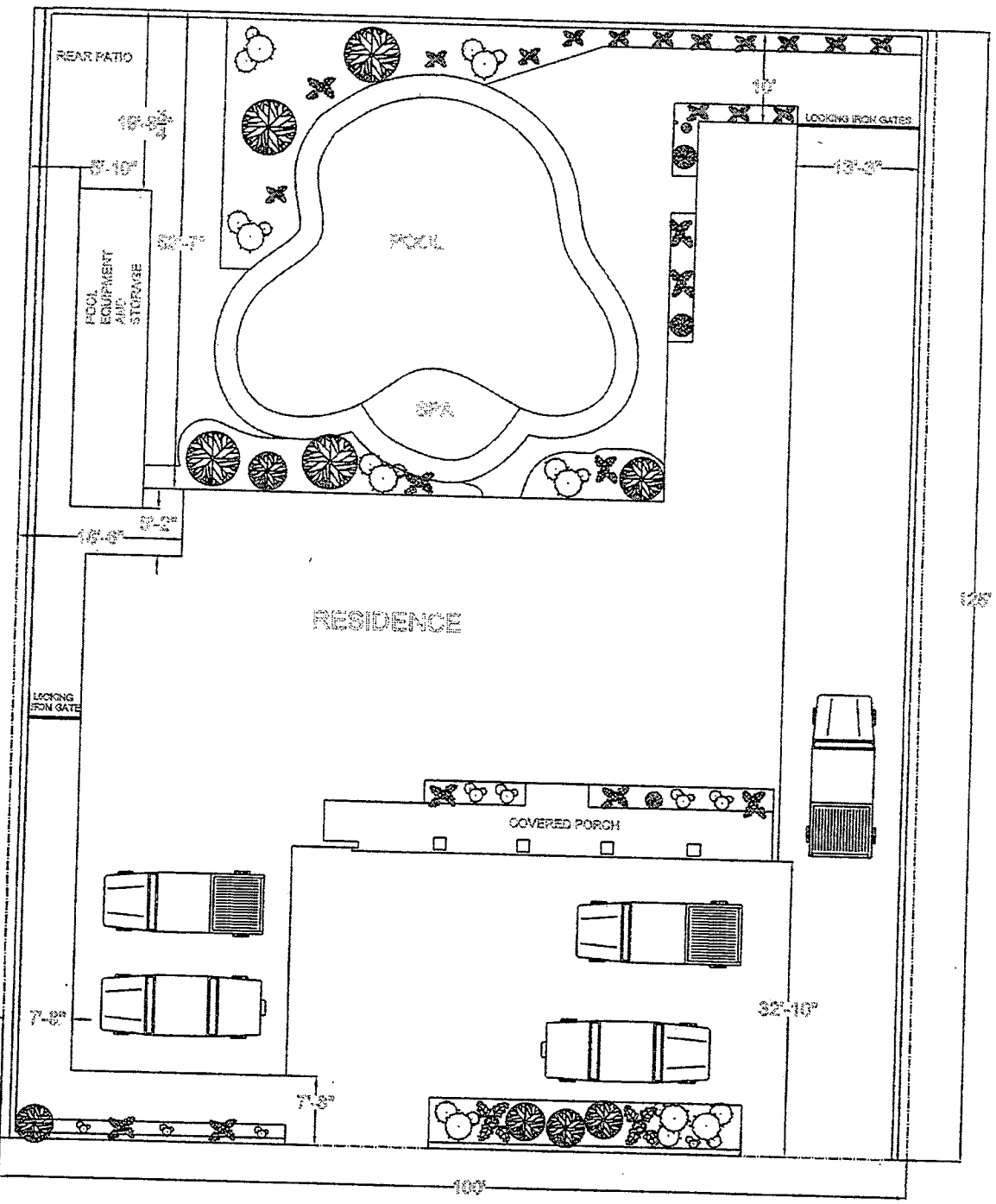
Subscribed and sworn before me

This 9 day of August, 2004

Heather Wolf

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
HEATHER WOLF
No: 04-85950-1
My Appointment Expires Dec. 10, 2007



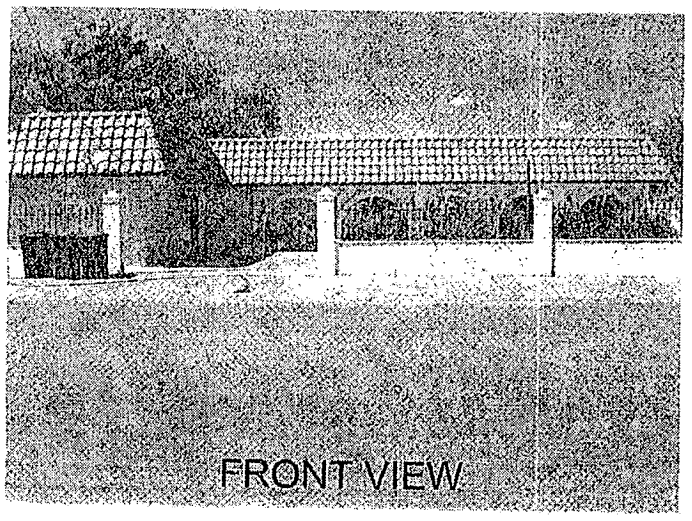
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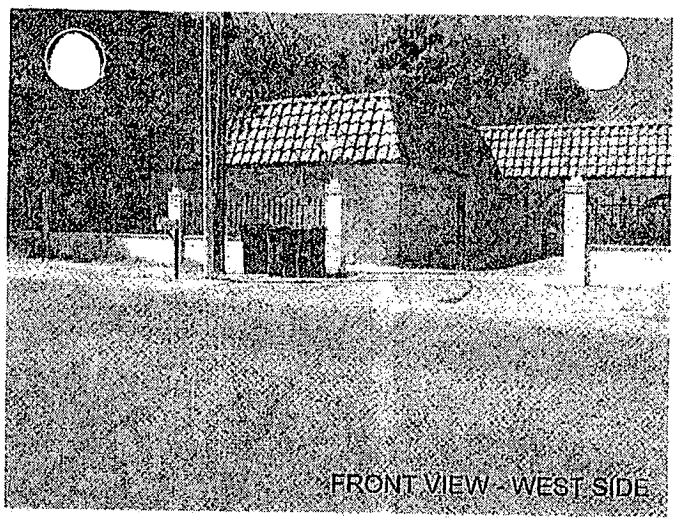
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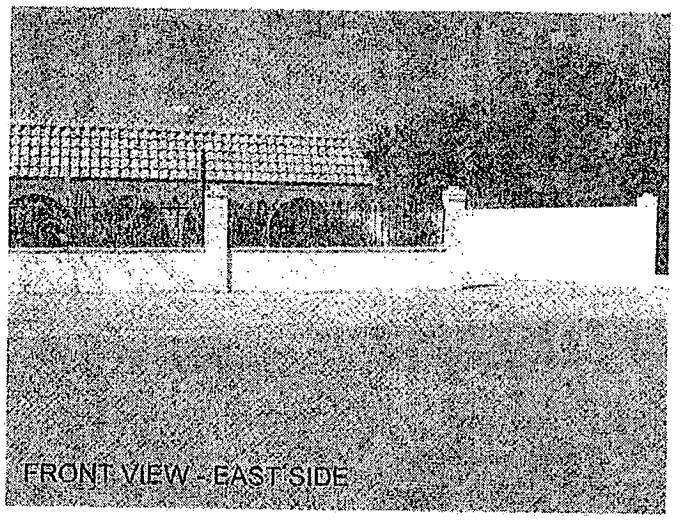
4350 MOUNTAIN VIEW BLVD., LAS VEGAS, NEVADA 89102 APN # 162-06-610-014

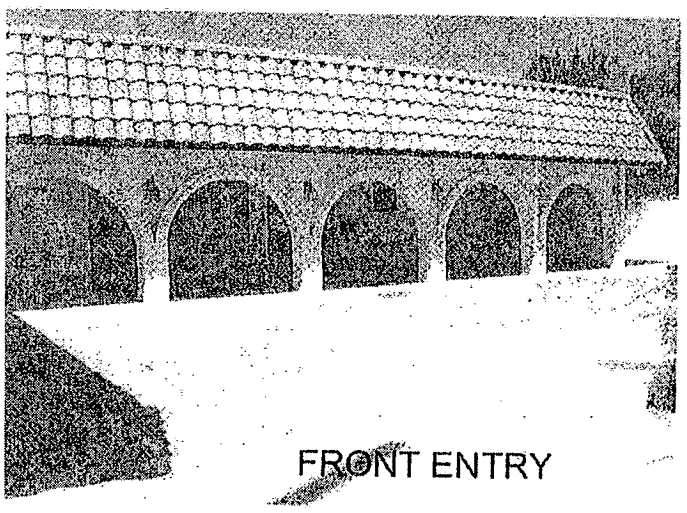
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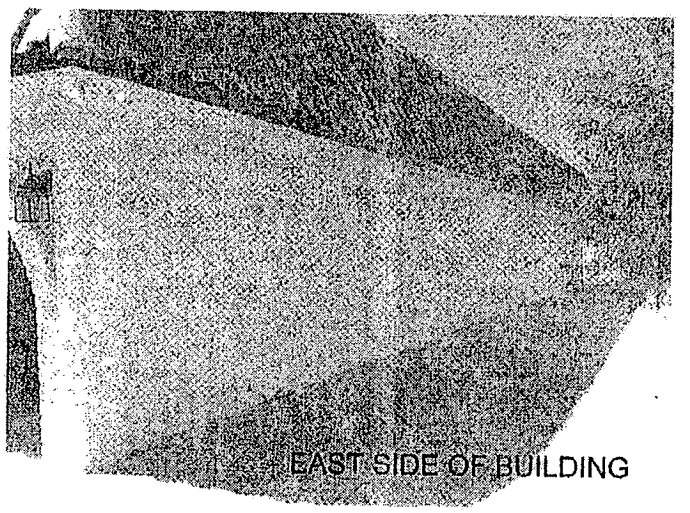
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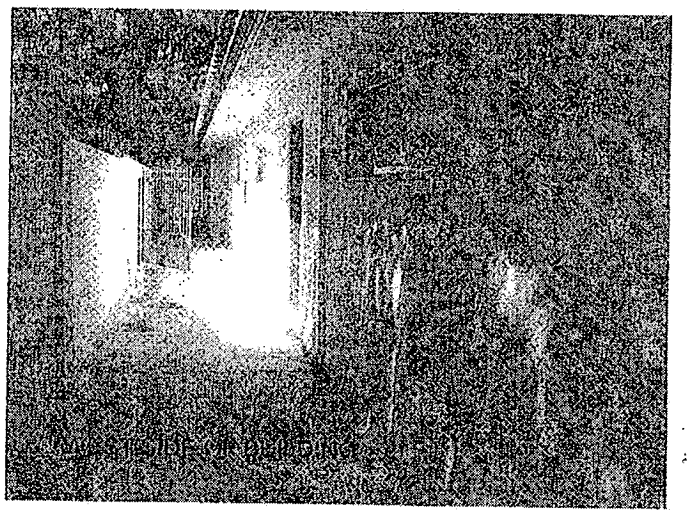

FRONT VIEW

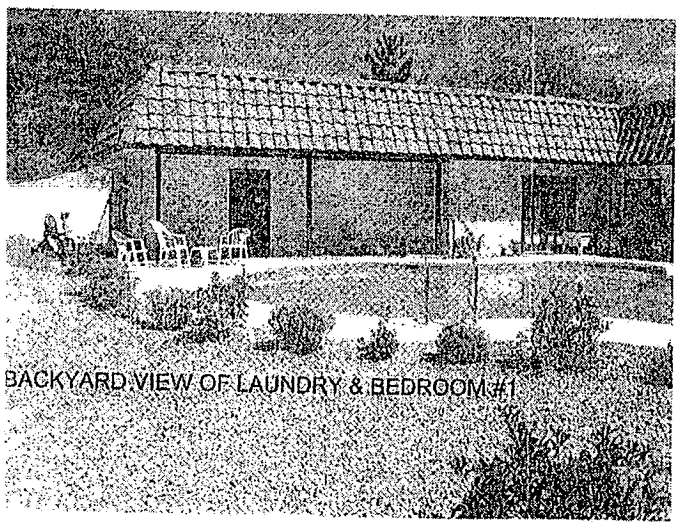

FRONT VIEW - WEST SIDE

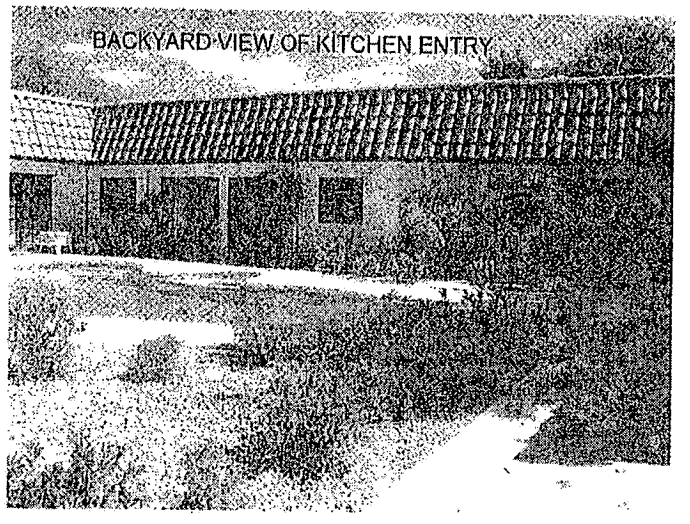

FRONT VIEW - EAST SIDE

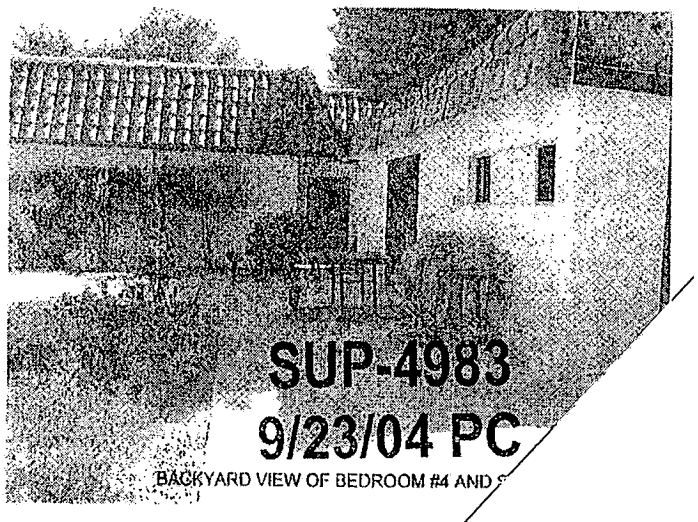

FRONT ENTRY


EAST SIDE OF BUILDING

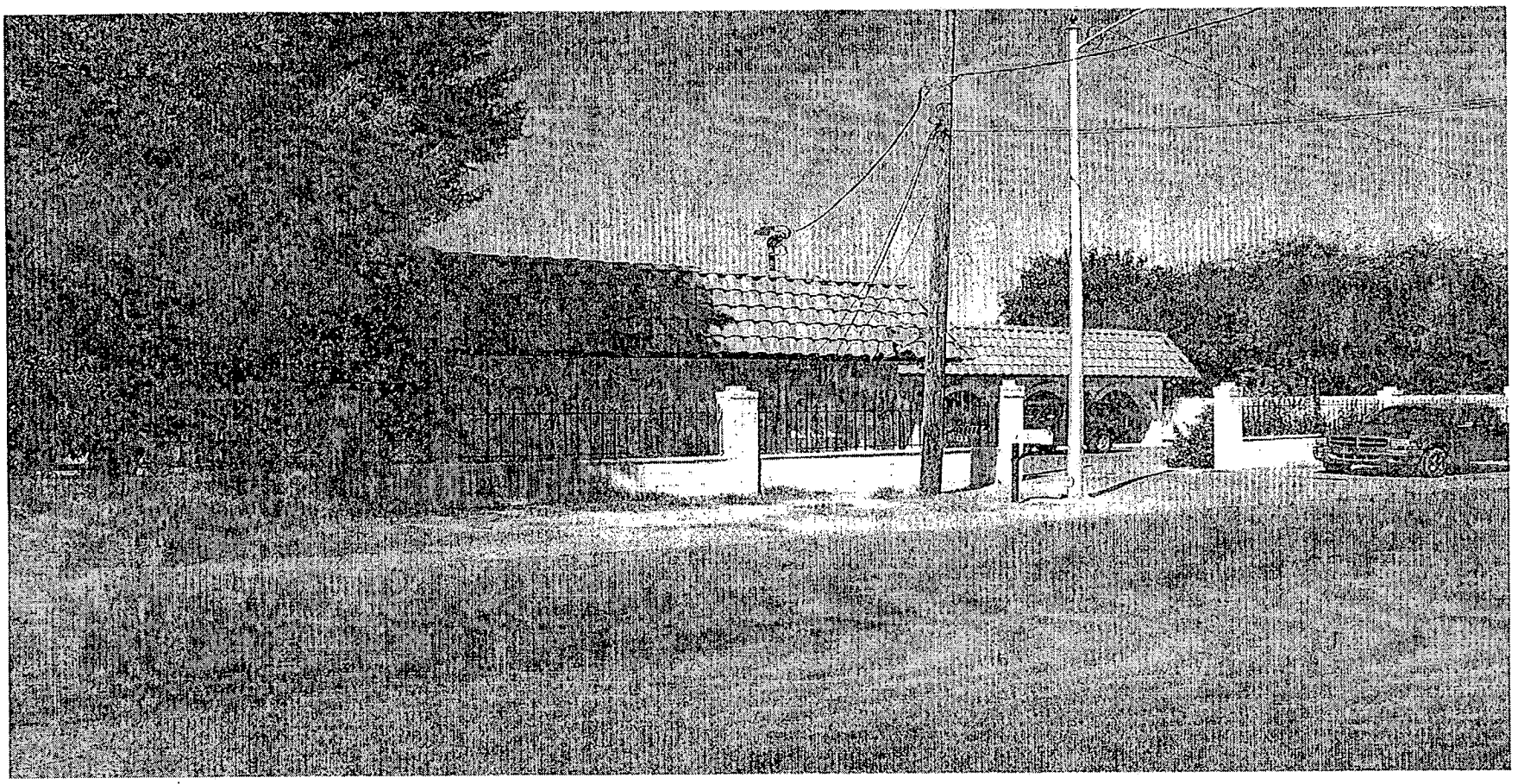

REAR SIDE OF BUILDING


BACKYARD VIEW OF LAUNDRY & BEDROOM #1


BACKYARD VIEW OF KITCHEN ENTRY

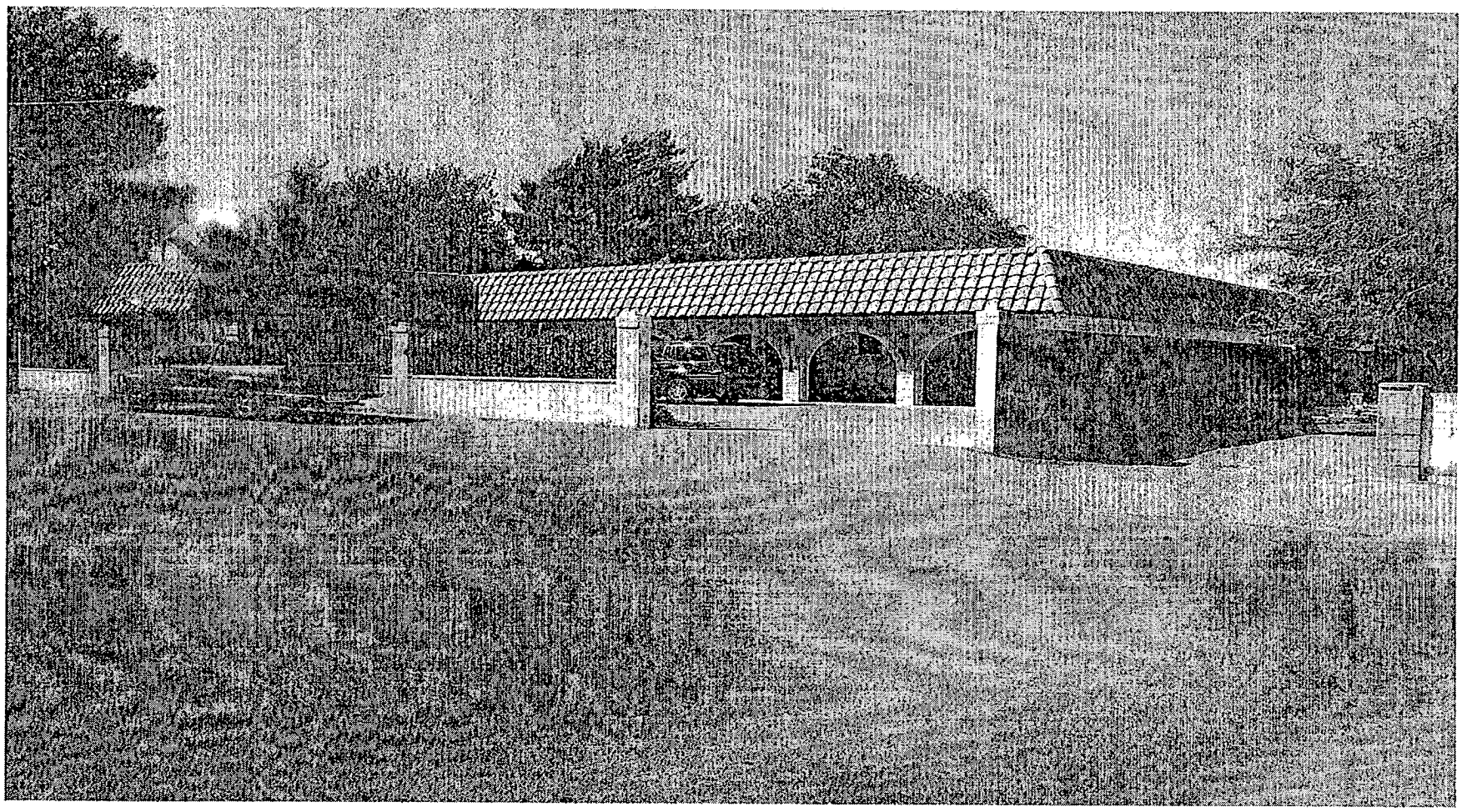

BACKYARD VIEW OF BEDROOM #4 AND S

SUP-4983
9/23/04 PC



SUP-4983 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: SKINNY'S HOUSE - OWNER: JANINE AYERS
4350 MOUNTAIN VIEW BOULEVARD
SEPTEMBER 23, 2004 PLANNING COMMISSION

8/24/04



SUP-4983 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: SKINNY'S HOUSE - OWNER: JANINE AYERS
4350 MOUNTAIN VIEW BOULEVARD
SEPTEMBER 23, 2004 PLANNING COMMISSION

8/24/04

Submitted at Plan Commission

Date 09-23-04 Item: 44(a)

Artesian Heights Neighborhood Petition

Subject: SUP-4983 Special use permit for a TRANSITIONAL LIVING GROUP HOME at 4350 Mountain View, *R-E (residence estates) ZONE*.

Date	Name	Address	For	Against	Comments
9/4/04	Denise McDonald Denise McDonald	4136 Del Monte Ave Las Vegas, NV 89102		✓	This is a family neighborhood Recent crime
9/4/04	Tommie Quisenberry Tommie Quisenberry	4115 Del Monte Ave Las Vegas, NV 89102		✓	Crime rate has greatly increased Car thefts already in area (Del Monte + Hinson)
9/14/04	YOSEF SEREBRYANSKI	4111 Del Monte Ave NV 89102		✓	crime rate rising in area
9/14/04	HEATHER CRAMER FOR ATDUNO	4249 NEWTOWN/NEWBERRY 89102		✓	CRIME RATE IS GOING UP
	VIOLA Johnson				
9/14	~~Viola Johnson~~	4211 Del Monte Ave		✓	Keep our neighborhood Crime out of
9/14	Sophie Ideker	4342 Del Monte Ave		✓	Crime Rate raising in area
9/14	mike Roberts	4210 Delmonte		✓	
9/14	Maria Caballero	4112 DEL MONTE		✓	
9-14	Joni Allen	401 DEL MONTE		✓	Crime is in ~~Police~~ family neighborhood not for rehab
9-14	Edward McDonald	4136 Del Monte		✓	
9-14	Elaine F. Moore	4217 Del Monte ave		✓	Crime increased in our area
9-14	Sally Alfonsi Body agent	4024 Paul Roberts Ct		✓	Crime increased in our area
9-14	MARIO P. ALFONSI	4024 Paul Roberts Ct		✓	Crime increased in our area

2

Artesian Heights Neighborhood Petition					
Subject: SUP-4983 Special use permit for a TRANSITIONAL LIVING GROUP HOME at 4350 Mountain View, *R-E (residence estates) ZONE*.					
Date	**Name**	**Address**	**For**	**Against**	**Comments**
9/3/04	Sarah Suppe	4300 mountain view		X	family oriented neighborhood as is.
9/4/04	Cathy Vozzola	1418 Hinson St.		X	Keep our neighborhood As A SINGLE FAMILY
9/7/04	Yolanda A Contreras	4361 Mountain View Bl		X	Keep Our Neighborhood
9/9/04	RODOLFO PARA	4363 MT. VIEW		X	KEEP OUR NEIGHBORHOOD AS IS.
9/9/04	Jim Centorino	4028 Mountain Creek Blvd		X	Homes for family only
9/9/04	Dina Harlig	4211 Mtn View Blvd		X	Family oriented neighborhood
9/9/04	JEAN PARCOTT	4334 MTN. View Blvd.		X	I live NEXT DOOR. I would like to keep our neighborhood as it is.
9/9/04	Karen Taycher	4321 Mountain View Blvd		X	Keep our neighborhood safe
	Lucio Bolivar	4301 mountainview		X	Lucio Bolivar
9/10/04	Angela Harris	4201 Del Re		X	- we have kids in the neighborhood
9-10-04	Lee Mulliet	4040 Mt View		X	Keep out druggies
9-12-04	Scott Ray	4245 Del Rey		X	Not By children
9-13	Wendy Withers	4238 Mountain View		X	too many children - Family

3

Artesian Heights Neighborhood Petition

Subject: SUP-4983 Special use permit for a TRANSITIONAL LIVING GROUP HOME at 4350 Mountain View, *R-E (residence estates) ZONE*.

Date	Name	Address	For	Against	Comments
9-9-04	HELEN E GREEN Helen E. Green	4605 DEL MONTE LV, NV 89102-1544		✓	NEIGHBOORHOOD DETERATION & LOITERING
9-9-04	RAYMUN ~~Guadalupe~~ Marquez	1512 Banner Circle L.V. 89102		✓	
9-11-04	Wm. W. Pope D.J. Pope Dorothy J. Pope	L.V. NV. 89102 4400 DEL MONTE		✓	
9/12	James Blake	4415 Exposition Ave		✓	
9/12	Sue Kekiihekua	1501 Banner Ct		✓	
9/12	Charles Gensemer	4405 Exposition Ave.		✓	
9-12	RITA M. WALDROP Rita M. Waldrop	1613 Parade St		✓	
9-12	David L. Snyder	4500 Exposition		✓	
9-13	JENNIFER NURKEN	1505 FLAG CIRCLE		✓	
9-14	BARBARA MAHER	1501 FLAG CIR		✓	
9-14	JACKIE TOBIN ~~Jackie Tobin~~	1501 FLAG CIR		✓	
9-14	PAT FORD Pat Ford	1501 FLAG CIR		✓	

4

Artesian Heights Neighborhood Petition

Subject: SUP-4983 Special use permit for a TRANSITIONAL LIVING GROUP HOME at 4350 Mountain View, *R-E (residence estates) ZONE*.

Date	Name	Address	For	Against	Comments
9-3-04	WELCH - CAROLYN Welch, Carolyn	4420 Del Monte 89102		X	Estates Homes - Custom + Semi Custom Strongly opposed
9-4-4	Williams, Rick R. Will	4416 W. Del Monte Cir		X	
9-4-4	FORR, EARL C. E.C. Forr	4412 Del Monte Ave 89102		X	
9-4-04	Ted Bittner	4408 Del Monte		X	
9-4-04	Debra Garbutt	1609 Parade St.		X	Everyone deserves a second chance But, I have two small children that I would RATHER not have this type of Group home in this area.
9-4-04	TONIE SISON	4501 EXPOSITION		X	
9-4-04	Rafael Perez	4517 EXPOSITION		X	
9-4-04	JANET SILVERMAN Janet Silverman	4600 Exposition		X	
9-5-04	JAMES J KRANTZ James J Krantz	4404 Del Monte 89102 Ave		X	Bicycle stolen Tools stolen
9-5-04	ARUELLA KRANTZ Aruella Krantz	1513 BANNER Cir.		X	NEW Bicycle stolen
9/4/04	George B. Huffman	1508 Banner Cir.		X	Yard equip. Stolen
9/9/04	Adela Mares	1560 Banner Cir		X	I have children whom I want to bring up in a safe environment.
9-9-04	JEAN M. DARKEY	4601 Del Monte Ave.		X	Automobile stolen.
9-9-04	Marcella M. Serletti	4601 Del Monte		X	Bicycle lifted.

K-Stolen Vehicle 7-03 Brake-in

5

Artesian Heights Neighborhood Petition

Subject: SUP-4983 Special use permit for a TRANSITIONAL LIVING GROUP HOME at 4350 Mountain View, *R-E (residence estates) ZONE*.

Date	Name	Address	For	Against	Comments
9/12/04	Robert Cranley	4011 Mountain View		✓	proposed use incompatible with + detrimental to neighborhood
9/12/04	GINNY HEWERDINE	4020 MTN. VIEW		✓	
9/12/04	Brenda Olivares	1400 Hinson st		✓	does not make other's happy 4 one reason the fact that [illegible] ex offenders
9/12/04	Patricia Ray	1325 Hinson		✓	dont change the zoning.
9/12/04	Henry Sayre	1230 HINSON ST		✓	DON'T NEED THIS TYPE FAC-
9/12/04	Shirley Henry	1230 Hinson St		✓	Not in favor
9/13/04	AUSTA MAUER	4000 W. MountainView		✓	not the area for this
9/19-04	LESTER W. EMERSON	3911 MOUNTAIN VIEW BLVD		✓	LIVED IN LAS VEGAS 54 YRS NOT IN FAVOR
9/19.04	LESTER W EMERSON	4008 Del Monte		✓	NOT the AREA FOR THIS
9/14/04	Sharon Mulhall	4021 MOUNTAIN VIEW		✓	This will increase Risk (Security) for The Neighborhood
9/15/04	AUSTA MAUER	VACANT lot HINSON / MT VIEW		✓	
9/15/04	Gilbert Oswald	4029 Mtn View		✓	Not Compatible

We, the undersigned, strongly object to the proposed special use permit (SUP4983) for a transitional living group home at 4350 Mountain View Blvd. It is our wish that the Commission vote against having this type of facility in our neighborhood. Mountain View is a direct walking route for both elementary and middle school age children.

WE DO NOT WANT THIS IN OUR NEIGHBORHOOD!

Thank you!

Name	Address	Phone number
Debbie Ray	9020 Cimarron	2550360
Patricia Kenneth Ray	4191 Del Rey Ave	880-4500
Scott Ray	4191 Del Rey	880 4500
Caroline P. Sawtelle	1236 Vista Dr. L.V. Nev.	878-6280
M. E. Smith	1230 Vista L.V. NV.	878-6280
Thomas Bingham	1209 Vista Drive	878-4318
[illegible]	1214 Vista Drive	460-7757
[illegible]	4201 Del Rey Ave	388-9408
Elizabeth J. McGrath	1413 Vista Drive	870-1413
Thomas J. McGrath	1413 Vista Drive	870-1413

September 19, 2004

Janet Montcrief
Councilwoman, City of Las Vegas
City Hall
400 Stewart Ave.
Las Vegas, NV 89101

My reason for writing to you is to seek your help in preventing a potential quality of life and safety issue in our neighborhood. As you are probably aware already, an effort is being made by one of our neighbors to get a special use permit to turn their house into a Transitional Living Group Home. The address of the subject property, "Skinny's House," is 4350 Mountain View Blvd. The thought of this permit being granted is disturbing for the following reasons:

1) Safety is at the top of the list. Although representatives for "Skinny's" House" have explained to us that this is only for alcohol and drug addicted tenants, the term "transitional living" is defined on the Clark County website as a place for ex-convicts to live prior to going back into society. Ex convicts does not necessarily mean alcohol and drugs but could also apply to violent crime offenders. Would you personally be interested in having this three houses down from you? I seriously doubt it!!!! Even if it was specifically for alcohol and drug addicts, I still have zero interest in living within such close proximity to someone who will do just about anything to get their "fix." Would you? On Mountain View alone, there are approximately 20 kids under the age of 18. I am positive that a safe environment for these kids is not within a stones throw away from a home loaded with ex-convicts.
2) Privacy and density is another issue. Our street and the nearby streets are for the most part made up of large lots ranging from a minimum of ¼ acre to 3 acres. This is a low density neighborhood. Representatives of "Skinny's" House" have implied that the house is set up for 6 tenants. This contradicts the reports of those that have actually been in the house. Although I have heard varying reports, the general consensus is that there are anywhere between 10 and 15 sets of bunk beds. This could potentially mean 20-30 tenants. Twenty to thirty ex-convicts or drug addicts living three doors down from me is not an ideal situation for my family or for anyone for that matter!!!!!
3) Property values will be a large concern for those neighbors who will want to move immediately if this special use permit is approved. My next door neighbor has already experienced it. His home is currently on the market to be sold. The large sign in front of the subject property indicating the attempt to turn it into a transitional living home has become a huge stumbling block for him. Buyers are not interested in spending a big chunk of money for a custom home only to be two doors down from a half-way house. We have some brand new neighbors who have moved in across the street from the subject property. They paid close to a half a million dollars for their home only to have their dreams shattered when they moved in and realized the plan for "Skinny's House." I am a licensed real estate professional and am concerned that the results for our neighborhood if this permit is granted will be catastrophic.

Although a permit has not already been issued, there is definitely tenant activity in the house. I have personally witnessed more than a handful of questionable looking people wandering through our neighborhood that all end up back at "Skinny's House." In addition, on several occasions there have been meetings of some sort at the house. This is apparent based on the cars lined up and down our block all leading into this particular house. If a permit has not been issued yet, why have they been able to operate? I am not very familiar with the process but I am fairly certain that all transitional living activity should wait until a permit has been granted.

I feel that perhaps our neighborhood might be considered easy prey for some of these types of facilities since we don't have CC&Rs. It would be virtually impossible to stick one of these types of facilities in the middle of Summerlin, for example, as it would clearly be a violation of any CC&Rs. In addition, some neighborhoods are so densely populated that they could potentially have hundreds of neighbors at the Planning Commission meeting and the City Council meeting protesting the permit. Because our neighborhood is not densely populated, we do not have hundreds of neighbors to help fight the cause. Although we are small in numbers, we are tight-knit and try hard to keep our neighborhood safe and free from commercial and business encroachments.

Many of the neighbors have lived here for 25+ years. Some were even born here! Others are new to our neighborhood and were drawn to us for the large lots, nice custom homes, and family type community. Among us are retirees, business professionals, and last but not least, families with young children. If you would be interested in taking some time from your day, please feel free to visit any of us or even take a drive through the neighborhood! I promise you will realize this is a neighborhood worth preserving. Please feel free to call me anytime at 702 880 3852 or on my cell phone at 702 499 5677.

Thanks for your time,

Sarah Suppe
4300 Mountain View Blvd
Las Vegas, NV 89102
Suppe22@cox.net

Available Groups

Available Groups

Discovery
Addiction/Recovery
Transitional Living
Women's Process Group
Pathways
Wellness
Stress/Anger Management
Serious Offender
Kids Grief
Hepatitis C
HIV Support
HIV/HCV Coinfection
Long Term HIV
Heterosexual Issues
Youth HIV
Transgender Support

Group Schedule

Monday
Tuesday
Wednesday
Thursday
Friday
Saturday

Return to CCC Home Page.

Group Descriptions

The Community Counseling Center provides programs and counseling reflective of today's issues:

Discovery

This group is our introductory group for individuals with drug and/or alcohol issues. The group primarily serves as an educational experience working with clients regarding the denial, the consequences, and the effects of drug/alcohol use. The group also provides an opportunity for clients to share their experiences with others, and serves as a springboard to further motivate the recovery process.

Addiction and Recovery

The second group/tier for our clients with drug and/or alcohol issues. This group is for clients who have moved past denial and have accepted their addiction. This group is primarily a process group serving as an opportunity for members to listen and share with each other. Topics often include dealing with triggers, relapse potential, and finding/using support systems.

Transitional Living Group

[redacted]

Women's Process Group

A closed group dealing with current or past substance abuse issues, with emphasis on symptomology and layers beneath the act of using. Process Gestalt therapy orientated.

Pathways

Group focuses on substance abuse education and process with emphasis on functionally related issues such as relationships, stress management, decision making, and specifically related women's issues.

Wellness (Mental Health Group)

This is a psycho-educational, process group. The group focuses on the development of coping skills, on activities of daily living, and on interpersonal relationships.

Stress/Impulse/Anger Management

It is an educational and process based group.

Serious Offender Program

This group runs both as process and psycho-educational depending on what is happening on a personal level with the clients and in the world. This group involves a lot of discussion regarding stressors and triggers, as well as coping skills for everyday living.

Kids Grief

Group is for young individuals affected by the loss of family and/or friends through death.

Hepatitis C (HCV) Support Group

Support group is for any individual infected or affected by Hepatitis C. Group provides both education and support relating to Hepatitis C. Discussions include information on Hepatitis C and treatment. Participants discuss personal issues and ask questions about Hepatitis C. Information support about Hepatitis C/HIV co-infection also available.

HIV Support

This psycho-therapy group concentrates on the issues of living with AIDS and focuses on substance abuse and mental health issues. In addition, persons with HIV are assisted with designing and implementing their own personal healthcare plan.

Co-infection HIV/HCV Support Group

Support group is sponsored and facilitated by Community Counseling, and is held weekly on Thursdays (10-

12 am) at CAMINAR. This group is for those affected and/or infected with HIV and HCV.

HIV / Long Term HIV & Addiction

Group is for clients with over 5/8 years of dealing with HIV/AIDS. This process group deals with health, emotional well being, drug/alcohol abuse, disclosing, dating, self esteem, activities of daily living with long term HIV or AIDS.

Heterosexuals Issues for HIV/AIDS

Group is for heterosexual individuals infected or affected by HIV/Aids. Open discussion led by therapist includes, but not limited to, effects of HIV on relationships, health, employment, etc.

Youth HIV+

Therapy group for youth affected by HIV/AIDS. This group is open and continuous.

Transgender Support

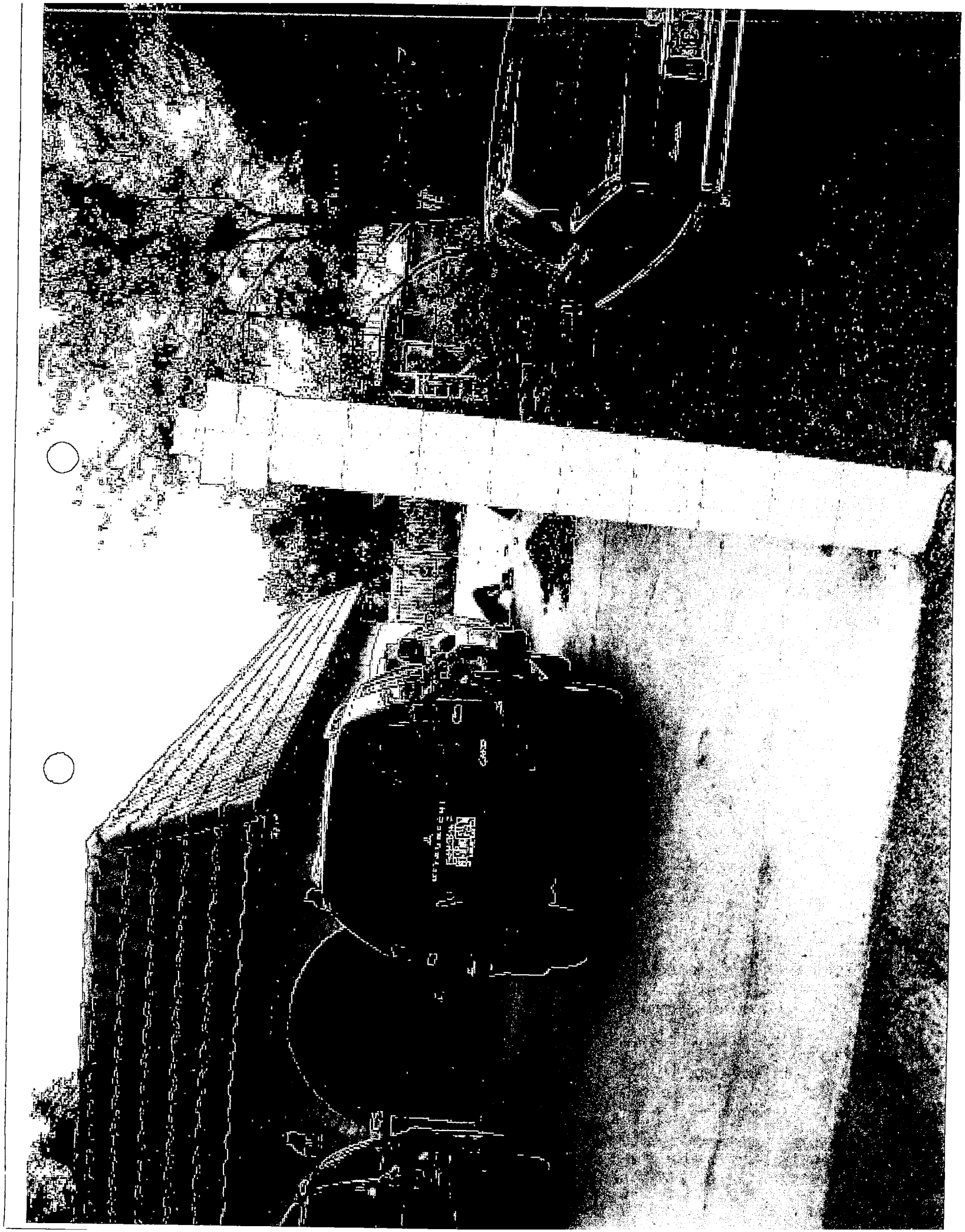
Support group for the entire spectrum of the transgender community, as well as family and friends. This group deals with disclosure, sexual reassignment surgery, hormone impacts, secrecy and employment discrimination. All areas of interest and concern are open for discussion and is led by a therapist. This group is open and continuous.

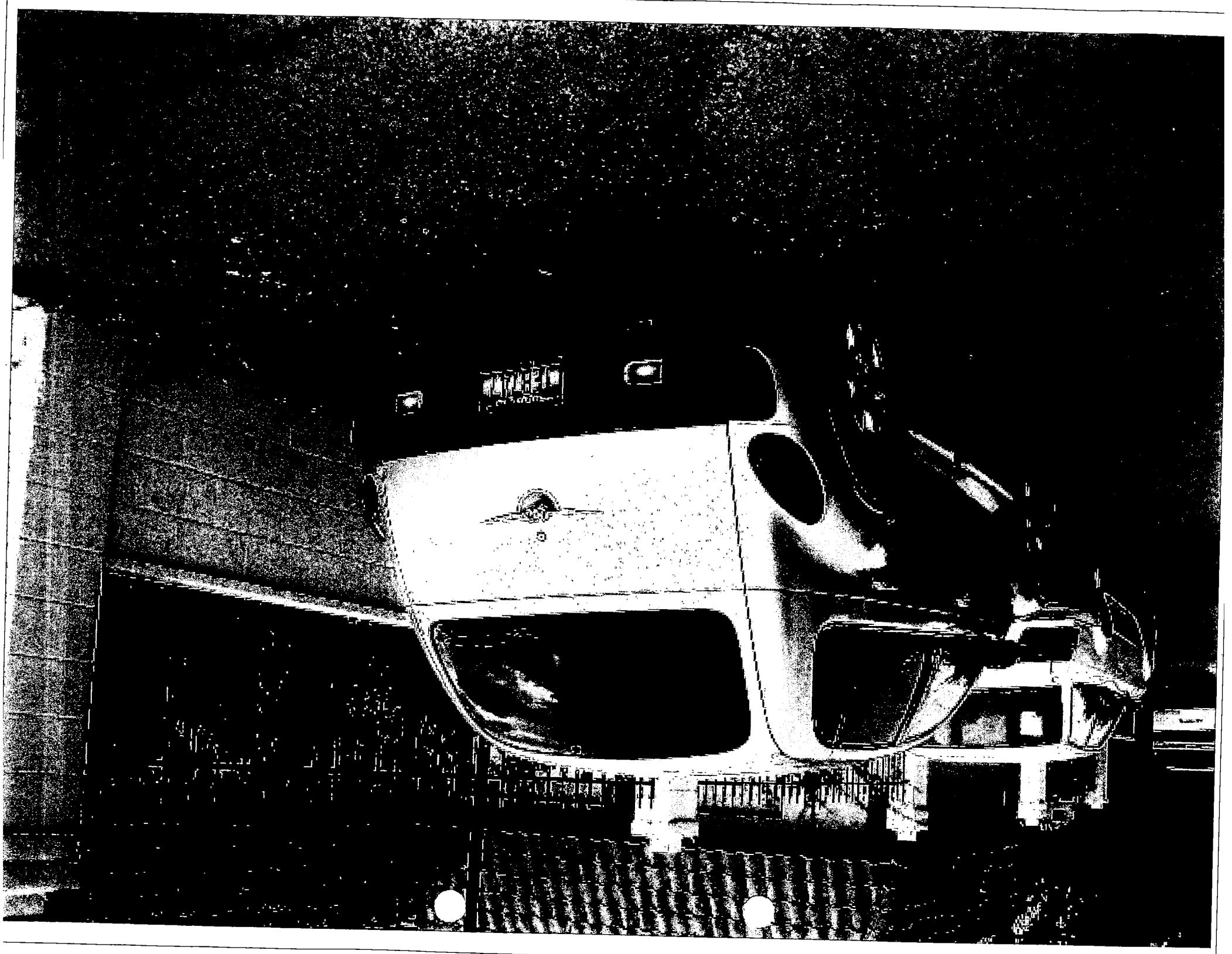
[Back to Top | Home]

For more information, call (702) 369-8700,
or e-mail ccclasvegas@earthlink.net

Transitional Living Group

Ex-offenders transitioning from institutional living to the mainstream are introduced to life skills which include avoiding substance use, re-integration into community.









4310 Mt. View Blvd.
Las Vegas, NV 89102
September 15, 2004

Planning Commission
City of Las Vegas
400 Stewart Street
Las Vegas NV. 89101

RE: SUP-4983 @ 4350 Mt. View BLVD. **OPPOSED**

Dear Planning Commission members:

My family has owned the property at 4310 Mt. View Blvd on which I now reside since 1923. During this time the *"neighborhood"* has been residential and provided peace and tranquility to the families residing therein. Each household was composed of related individuals and not a transient population. Already the illegal operation at 4350 Mt. View Blvd. has been disturbing and upsetting to the neighborhood.

Several years ago the City of Las Vegas agreed they would make no further intrusions or zoning changes in the neighborhood for business purposes. We sincerely request that you honor our request to remain a family orientated community. The highest and best use for all properties in the neighborhood is as residential.

It is my professional opinion based upon 32 years of certified and licensed counseling experience with at risk individuals that *Skinny's House* is not appropriate in this environment. Already too many individuals who have no vested interest in this neighborhood speed on our streets and create a feeling of insecurity among the residents. The extremely high recidivism rate among individuals that fall into the clientele of Skinny's Place puts our homes and families at risk.

The individuals who are the principals in this request are Realtors who by virtue of licensing had to familiar with Real Estate Law and zoning procedures. If anything they should be disciplined by the Nevada State Board of Realtors for willful violation of law.

Sincerely,

Charles D. Musser
B.S. -University of Nevada
MA Counseling -Arizona State College
MA+ 60 - UNLV
Associate in Real Estate - Community College of Southern Nevada

COMMUNITY COLLEGE OF SOUTHERN NEVADA

Has Conferred Upon

CHARLES MUSSER

The Degree Of

ASSOCIATE OF APPLIED SCIENCE

REAL ESTATE

With All The Rights And Privileges Thereunto Appertaining
In Witness Thereof This Diploma Duly Signed Has Been Issued.

Approved By The Board Of Regents Upon Recommendation Of The Faculty

On This 13th Day of August, 1993

CHANCELLOR OF THE UNIVERSITY SYSTEM

CHAIRMAN, BOARD OF REGENTS

COMMUNITY COLLEGE OF SOUTHERN NEVADA FOUNDED 1971

PRESIDENT OF THE COLLEGE

University of Utah

Salt Lake City, Utah

CHARLES D. MUSSER

has completed successfully the course of study of the

Eighteenth Annual Session of the

Utah School of Alcohol Studies

and in testimony thereunto is issued this

Certificate

given under the Seal of the University
this 20th day of June, 1969

UNIVERSITY OF UTAH · FEB. 28TH · MDCCCL

James C. Fletcher
President of the University

Who we are.....

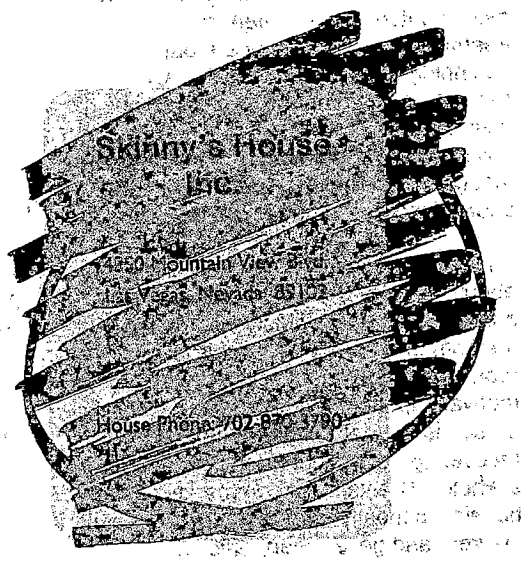
KEITH GORDON—Law enforcement officer. Job duties at Skinny's House: Director and enforcement of resident rules and regulations. Cellular phone number is #249-4000.

STEVE AYRES—Real Estate Developer specializing in foreclosure and distressed properties. Job duties at Skinny's House: Property maintenance and resident overseer. Cellular phone number is #371-3315.

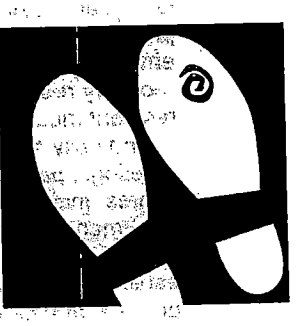
JANINE AYRES—Realtor specializing in foreclosure tracking. Job duties at Skinny's House: Administrative and record keeping. Cellular phone number is #371-3314.

STEPHEN ROMEO—Premier Chef, trained in France. Job duties at Skinny's House: Onsite house manager. Cellular phone number is #301-7932.

Please feel free to contact any of the above with your concerns and / or problems with the residence. We feel that an open line of communication with our neighbors is key to our success.



Neighborhood Informational Pamphlet



Skinny's House Inc.

4350 Mountain View Blvd.
Las Vegas, Nevada 89102

Helping men stay on the path of recovery

What is Skinny's House?



Skinny's House is a shared living environment for recovering male adults who have a stable income and are active in their own personal recovery program.

Our goal at Skinny's House is to provide a sober / shared living environment promoting individual recovery responsibility in that the resident must be gainfully employed, attend daily 12-step self-help meetings, participate in daily house chores, maintain total abstinence from mood-altering drugs and/or alcohol, refrain from going to "at risk" establishments such as strip clubs or bars, and be willing to help others on their own path to recovery.

Our residents include upscale society members, white collar workers, blue collar workers, everyday people.

Sober / shared living housing assists recovering persons by creating a democratic culture, instilling self-help learning activities and promoting individual responsibility.

Skinny's House is a residence with five bedrooms, six bathrooms with a total of 3,057 square feet of living space including a great room, kitchen and pantry, and laundry room - on a quarter acre lot, with plentiful parking, a sparkling pool and spa; in a neighborhood close to shopping and transportation routes.

As an in-house democratic environment, there is a house manager that assigns chores, oversees meeting attendance, and is a supporter of the other's recovery program. Often an assistant is chosen to assist the manager. The house residents have a weekly group meeting to discuss issues regarding the house.

People do recover, every single day. From alcoholism and drug addiction, mental illness, abuse and trauma, dual diagnosis, gambling, codependency and more, people do get better. They rarely do it alone.

While there is no discounting the role of detox centers and inpatient recovery treatment programs, they are but a beginning of the recovery path. Often, recovering adults benefit from continuing their program in a safe and supportive environment. Returning to the environment that contributed to their desires to drink and/or do drugs is not a healthy choice.

A healthy choice for many who are serious about recovery is a sober / shared living home. A change in lifestyle is required on the path of recovery. An environment that promotes healthy recovery activities, motivation, and recovery tools to assist the person is a great benefit for not only the recovering addict, but for the community as a whole. The value of community recovery housing is mostly unrecognized by health insurers and government officials. Most quality sober / shared living homes provide an outstanding service without government funding.



Sober / shared living environments are a community recovery resource that was created by the grassroots constituents to meet the needs of the growing group of recovering addicts. The development and operation of sober / shared housing deserves respect and recognition.

One of our quests is to legitimize sober / shared living housing thereby creating a better understanding among our neighbors, public officials, legislators, and government agencies. Legitimization will allow sober / shared living housing to become a recognized part of the recovery system.

Skinny's House does not provide treatment or recovery services. Skinny's House is not able to provide care and supervision to severely physically and mentally disabled persons. Skinny's House does not accept court ordered residents.

Skinny's House, Inc. is a non-profit corporation filed in the State of Nevada.

City of Las Vegas

Agenda Item No.: 45

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

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

SUBJECT:
SUP-4994 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: MILFORD MAYNARD - OWNER: HUGH N. CANADY - Request for a Special Use Permit FOR A FINANCIAL INSTITUTION, SPECIFIED AND A WAIVER TO ALLOW 1,025 SQUARE FEET OF FLOOR AREA WHERE 1,500 SQUARE FEET IS REQUIRED at 1591 North Decatur Boulevard (APN 138-25-503-005), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief).

IF APPROVED: C.C.: 10/20/04
IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

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

RECOMMENDATION:
Staff recommends DENIAL.

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

MOTION:
FORWARDED TO CITY COUNCIL 10/20/2004 WITH NO RECOMMENDATION

NOTE: Subsequent motion by DAVENPORT for approval failed with GOYNES, NIGRO and EVANS voting NO and STEINMAN excused.

NOTE: Initial motion by GOYNES for denial failed with DAVENPORT, McSWAIN AND NIGRO voting NO and STEINMAN excused.

MINUTES:
CHAIRMAN TRUESDELL declared the Public Hearing open.

MINUTES – Continued

KYLE WALTON, Planning and Development Department, explained that staff recommended denial on this application because criteria has been established for approving such a use and also, this is located within a redevelopment area and the use does not support the objectives of the redevelopment plan.

HUGH CANADY, 1591 North Decatur Boulevard, stated that his application does not have any issues with meeting the 1,500 square foot requirement, the cashiers' area is 1,025 square feet and the other 500 feet is found within the square footage of the store. He indicated the only service he is looking to offer is check cashing. No payday loans or auto loans will be requested. The applicant acknowledged that his company had been cashing checks for about 8 months until the ordinance was passed in April and the practice was discontinued at that time. MR. CANADY has been in business at this location for seven years and was not aware the area was a redevelopment area and noted there is a 10-acre parcel nearby that needs development.

DEPUTY CITY ATTORNEY BRYAN SCOTT confirmed with MR. CANADY that he was not originally licensed to cash checks at that location. The applicant stated he was only offering to do so as a courtesy to his customers.

COMMISSIONER McSWAIN asked if the new ordinance requires grocery stores to have a license to be allowed to cash checks for clients purchasing groceries. MR. WALTON said that those stores fall under the same criteria as stand alone businesses. They would also be required to have a waiting area and queuing areas for the patrons and enough room for the staff to be able to do their counter work. MARGO WHEELER, Deputy Director, Planning and Development Department clarified that the business licenses are also determined by the charges the store makes for check cashing. A Special Use Permit (SUP) is not required if the store does not charge a fee for the service. A separate business that operates from a store and that charges a fee would have to meet different City and State licensing requirements.

COMMISSIONER McSWAIN confirmed with MR. CANADY that he charges a fee of 2 percent to cash checks and that he does not do any other loans of any kind. MR. CANADY added that he has no intention of ever doing any type of loan services. He indicated the store does not have time to offer the additional services and he offers check cashing primarily because his clients cannot get to banks during normal hours. The majority of his clients are Hispanic and work six days a week and since his store is open 24 hours a day, he wanted to offer that service.

COMMISSIONER McSWAIN inquired about the application meeting the minimum square footage requirement. MR. WALTON replied that the combined use of the store and the check cashing does not eliminate the requirement of staff to calculate the square footage allotted

MINUTES – Continued

specifically for the use of check cashing. The minimum square footage required to allow the check cashing service is 1,000 square feet despite it being an ancillary use to other types of uses. MS. WHEELER explained that when the ordinance was being considered, it was decided that waiting and lobby areas would be required regardless of whether it was within another use or not. An exemption from that requirement can be obtained by applying for a waiver, which is what the applicant is doing with this application.

COMMISSIONER DAVENPORT verified that MR. CANADY has a State license for the store. MR. CANADY added that he is not able to get a 604 State license for check cashing until the SUP is approved. COMMISSIONER DAVENPORT pointed out to MR. CANADY that if he obtained a 604 license, he would be able to make payday loans. MR. CANADY reiterated that he was not requesting approval for or interested in payday loans. COMMISSIONER DAVENPORT questioned how the Commission could restrict that. The applicant suggested his application be conditioned with such a restriction. DEPUTY CITY ATTORNEY SCOTT said it would be acceptable to limit the Special Use Permit to check cashing only if the Commission desired to do so. COMMISSIONER DAVENPORT stated he would be supportive of the application with that restriction.

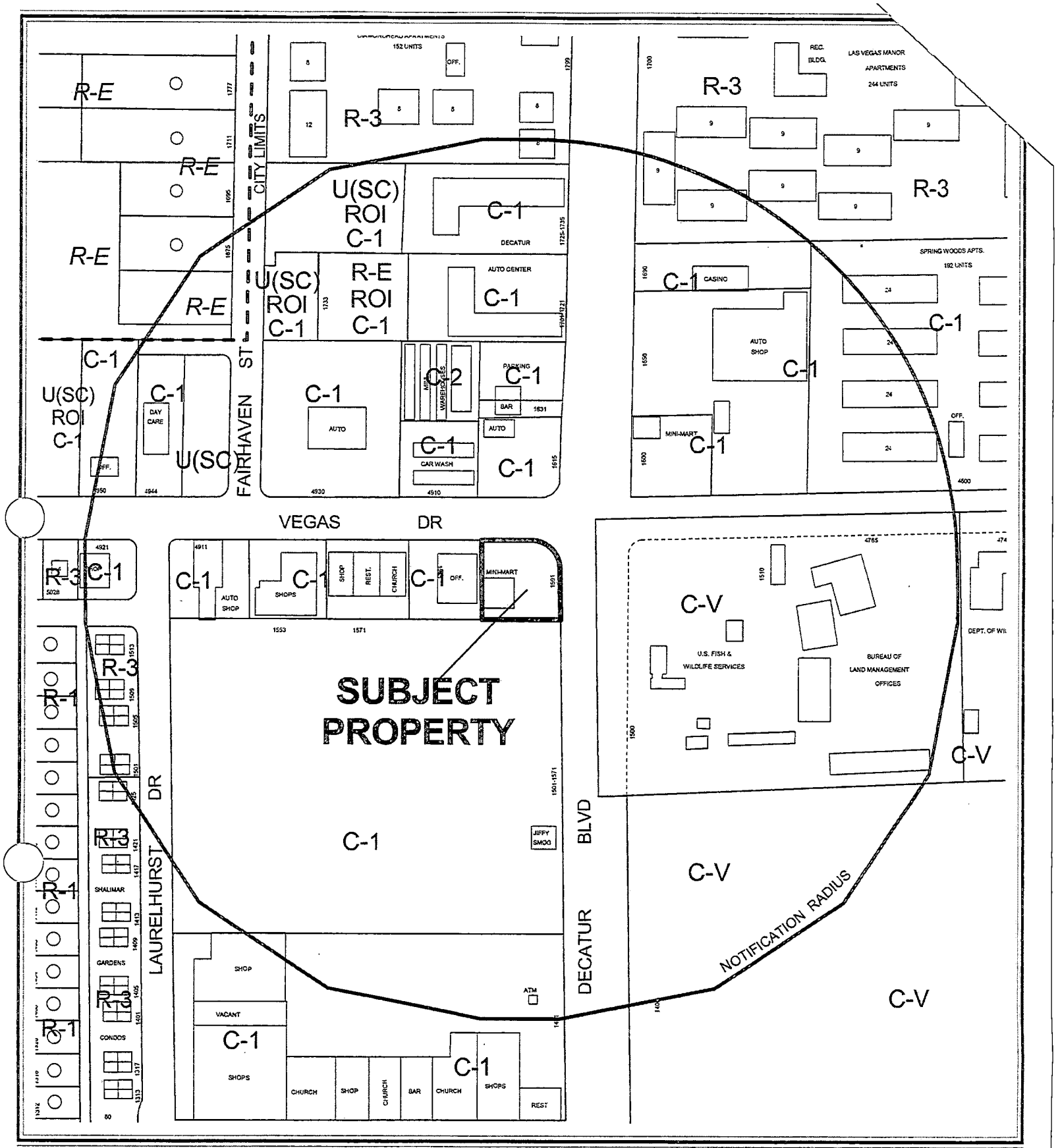
CHAIRMAN TRUESDELL commented that the Commission voted on the Financial Institution Specified ordinance and that the votes must give some consistency to that ordinance. Without consistency, the ordinance could allow every drug store to make payday loans and pawn operations. The ordinances are in place to regulate businesses and waiving the requirements before the ordinance has had a chance to work will result in multiple businesses on the same street offering check-cashing services. He acknowledged MR. CANADY having a large portion of his patrons being Hispanic and possibly unable to get to a bank during normal hours; however, several applications have been heard with the same justification and they were denied because of saturation. MR. CANADY indicated there is not any other check cashing service nearby.

COMMISSIONER GOYNES questioned the banners and signs that were shown in the photo of the subject site and suggested they were not in conformance. The applicant stated there are no signs in front of the building. He suggested the applicant look into the requirements that would have to be met to allow such signage. COMMISSIONER GOYNES stated he would not support the application and agreed with CHAIRMAN TRUESDELL that it would set a precedent. He did not feel that the store, which sells fast food and convenience, had the type of patronage that needed to have a dedicated area for check cashing regardless of their nationality. Banking business should be handled at a credible banking institution.

MINUTES – Continued

COMMISSIONER McSWAIN respectfully acknowledged the comments of CHAIRMAN TRUESDELL and COMMISSIONER GOYNES; however, she stated that allowing the applicant a restricted use permit to cash checks for his clients, a radius would be created prohibiting another business entering the neighborhood that could offer services such as payday loans and auto loans which are the type of services that make communities unhappy. Because of that, she would not support denial.

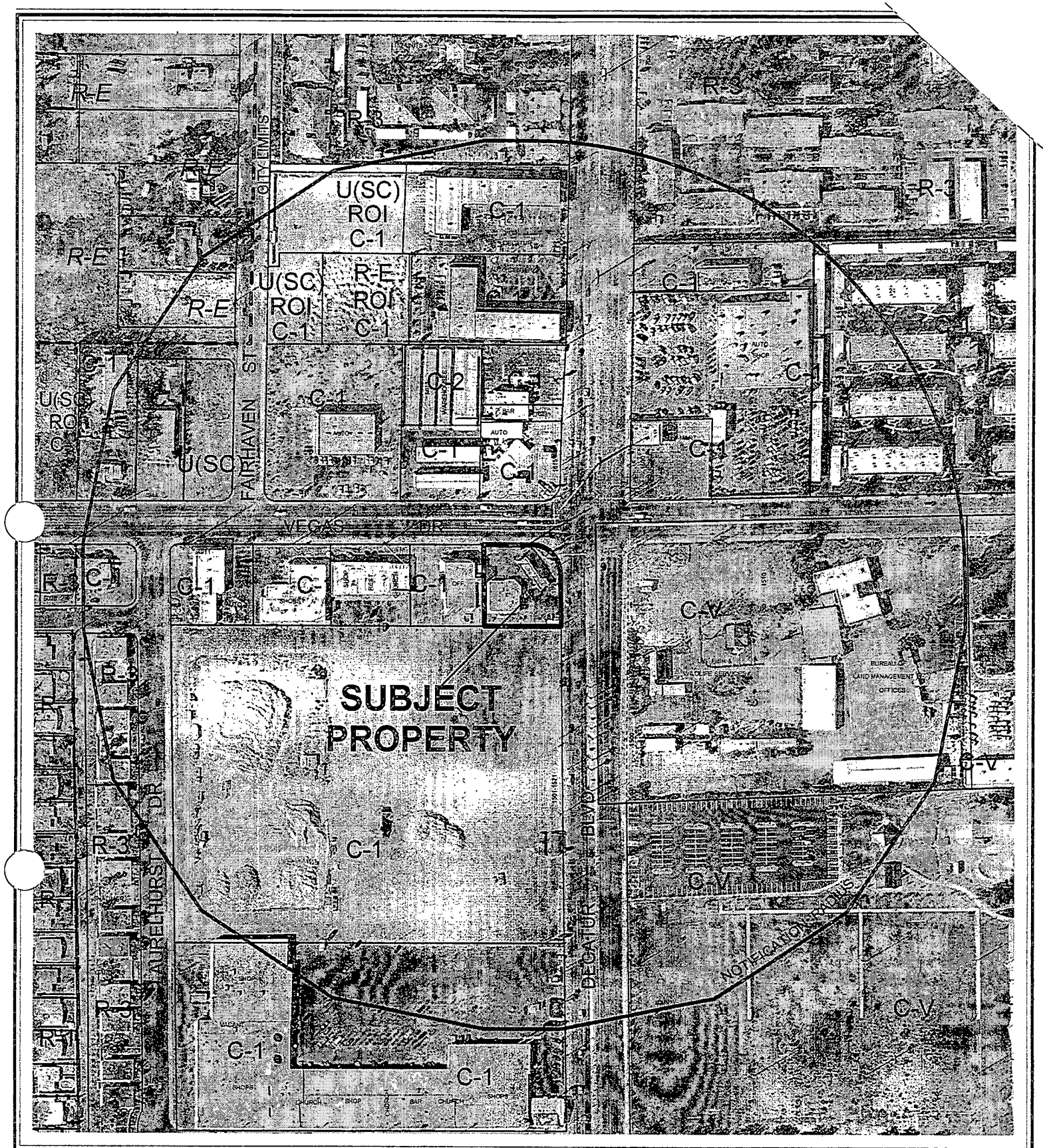
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CASE: SUP-4994

RADIUS: 750 FT

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



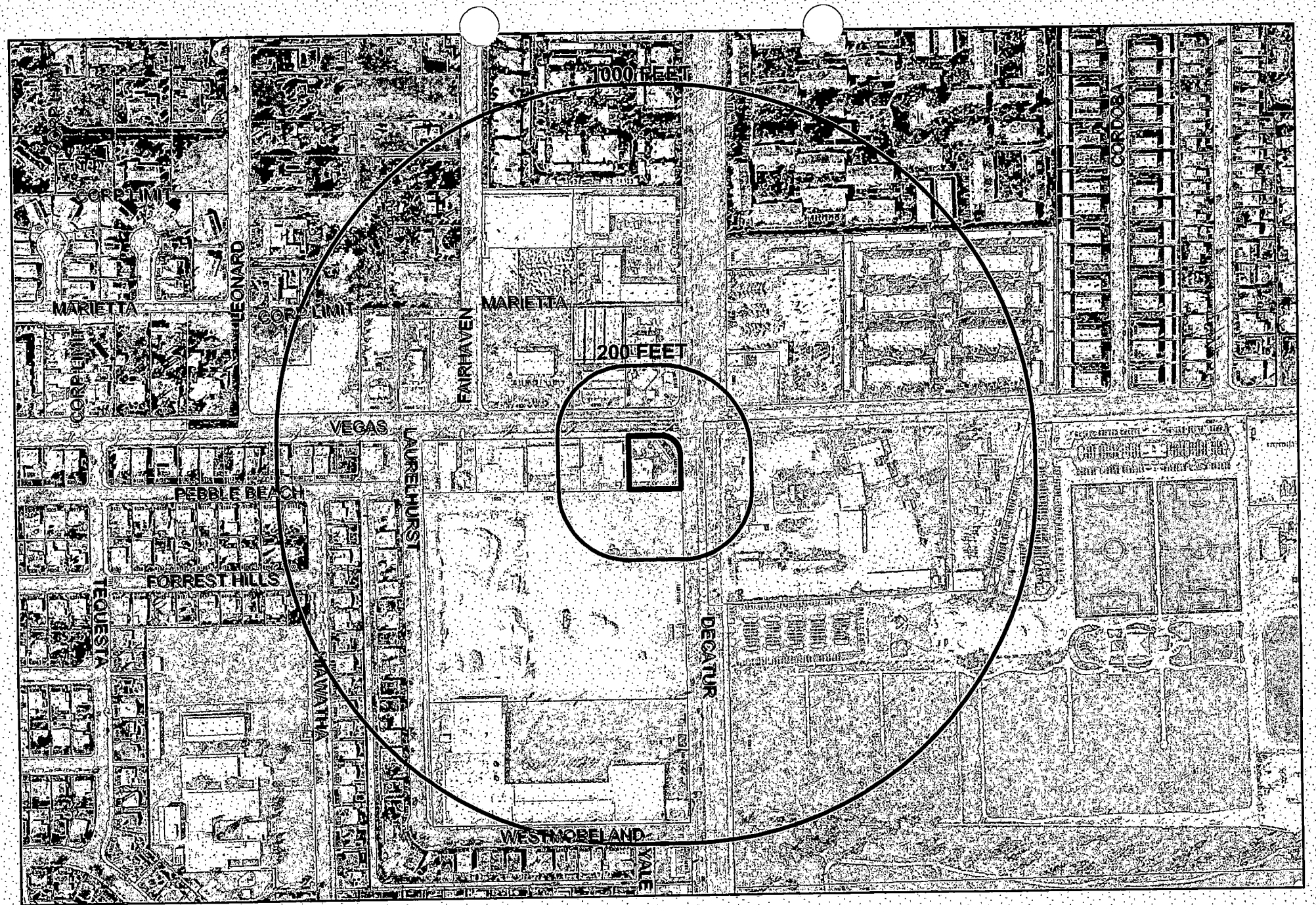
0 200 400 Feet

CASE: SUP-4994

RADIUS: 750 FT

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

N


1000 FEET
200 FEET
CORP LIMIT
CORP LIMIT
CORP LIMIT
MARIETTA
MARIETTA
LEONARD
FAIRHAVEN
CORDOBA
VEGAS
LAURELHURST
PEBBLE BEACH
FORREST HILLS
TEQUESTA
HIAWATHA
DECATUR
WESTMORELAND
YALE
SUP-4994 Financial Business Locations
Financial Institution, Specified
(Check Cashing Service)
Financial Institution, Specified
(Check Cashing Service with Gross)
Finance Company
Automobile Title Loan
Subject Property
Residential Property
Buffer
N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 23, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-4994 - SPECIAL USE PERMIT - PUBLIC HEARING -
APPLICANT: MILFORD MAYNARD - OWNER: HUGH N. CANADY

** CONDITIONS **

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

Planning and Development

1. Conformance to all minimum requirements under Title 19.04.050 for the Financial Institution, Specified and Auto Title Loan uses.

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

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

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

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

The applicant is requesting approval of a Special Use Permit for a Financial Institution, Specified and a waiver to allow an interior space of 1,025 square feet where 1,500 square feet is required at 1591 North Decatur Boulevard.

B) Applicant's Justification

The applicant exclaims that there is a Western Union in existence within the Huey's Market and that by allowing a check cashing operation within the market would add to the convenience of the customer. The applicant believes that all of the City's requirements have been met.

BACKGROUND INFORMATION

A) Previous Actions

05/24/61 The Board of City Commissioners approved a Rezoning (Z-0018-61) application for the reclassification of property from R-1 (Single-Family Residential) to R-3 (Medium Density Residential) and C-1 (Limited Commercial), generally located at the Southwest corner of Decatur Boulevard and Vegas Drive. The Planning Commission and staff both recommended approval.

04/23/64 The Board of Zoning Adjustment approved a Special Use Permit and Site Development Plan Review (U-0011-64) application to allow the construction and maintenance of service station on property generally located on the Southwest corner of Decatur Boulevard and Vegas Drive. Staff recommended approval.

02/09/98 The City Council approved a Special Use Permit (U-0135-97) application to allow the off-premise sale of beer and wine in conjunction with a convenience store; and a waiver of the 400-foot separation requirement from a church. The Planning Commission and staff recommended approval.

12/21/98 The City Council denied a Variance (V-0067-98) application to allow a second free-standing ground sign where one free-standing ground sign is allowed in conjunction with an approved service station (Chevron). The Board of Zoning Adjustment and staff both recommended denial.

PL

B) Pre-Application Meeting

07/21/04 A pre-application conference was held and resulted in no significant comments.

C) Neighborhood Meetings

A neighborhood meeting is not required for this application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 0.61

B) Existing Land Use

Subject Property:	Convenience Store/Service Station
North:	Minor Auto Garage
	Car Wash
South:	Undeveloped
	Commercial Center
East:	Bureau of Land Management Offices
West:	Commercial Center
	Office

C) Planned Land Use

Subject Property:	SC (Service Commercial)
North:	SC (Service Commercial)
South:	SC (Service Commercial)
East:	PF (Public Facilities)
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-V (Civic)
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 designation is in compliance with the General Plan designation. The purpose of the C-1 District is to provide most retail shopping and personal services. The proposed Financial Institution, Specified use is a permitted use within the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.

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

Redevelopment Plan Area
The subject site is located within the Las Vegas Redevelopment Plan area as adopted by the 1996 extension of the Redevelopment Area Boundaries Plan Maps. As outlined by Section 110, the objectives of the Redevelopment Plan are to eliminate environmental deficiencies and blight which constitute either social or economic liabilities or both and require redevelopment in the interests of the health, safety and general welfare of the people.

Airport Overlay District
The Airport Overlay District constitutes a planned area in which no structure shall be erected, altered or maintained on any parcel within the boundaries of the Airport Overlay District that would violate the height limitations depicted in the maps adopted by Title 19. All development within the airspace above the height of thirty five feet above the surface of the land, lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces, shall be subject to the height standards established on the Airport Overlay Maps. The existing building is well within the 105-foot height restriction placed by the Airport Overlay District, which was adopted in 1990.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

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

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
Financial Institution	1,025 SF.	1 Space / 200 GFA	5	1	11	1*

* The applicant has provided one handicap parking space, however the space is not properly striped with access aisles on both sides.

The site has 12 parking spaces. The convenience store minus the Financial Institution, Specified would require 12 parking spaces, therefore the addition of the Financial Institution, Specified will create an increased demand on the available parking.

A2) Minimum Distance Separation Requirements

Pursuant to Title 19.04 Standards adopted by City Council 04/21/04, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Financial Institution, Specified	200 feet from any parcel used or zoned for residential use	YES
	1,000 feet from any other specified financial institution, auto tile loan or auto pawn use	YES

A3) Financial Institution, Specified Building Size

Pursuant to Title 19.04 Standards adopted April 21, 2004, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Specified Financial Institution	The building or portion thereof that is dedicated to the use shall have a minimum size of 1,500 square feet.	NO

The subject use is proposed to be located within an approximately 1,025 square foot portion of an existing building. This does not meet the standards of the Code. The floor plan supplied by the applicant illustrates a section of space reserved for the use located in the food prep area. The subject building contains an existing convenience store in conjunction with a service station. The potential lobby for the check cashing business will double as the dispensing area for soft drinks and self-service food. Although the area behind the glass counter is sufficient for the employees the applicant has not demonstrated sufficient interior space to provide for adequate customer waiting areas and customer queuing.

B) General Analysis and Discussion

- Zoning

The subject site is currently zoned C-1 (Limited Commercial). A Financial Institution, Specified use is permitted in C-1 (Limited Commercial) with the approval of a Special Use Permit.

- Use

Because of the special characteristics of Financial Institutions, Specified as compared to other types of land uses and structures, certain qualifications and requirements are set forth in connection with Financial Institutions, Specified as a permitted use in certain zoning districts. This type of use is a privilege, must be compatible with the surrounding area and fit properly onto the proposed site. The subject use is located with the Las Vegas Redevelopment Plan area as adopted by the 1996 extension of the Redevelopment Area Boundaries Plan Maps. A major objective of the Redevelopment Plans is to eliminate environmental deficiencies and blight that constitute either social or economic liabilities or both and require redevelopment in the interests of the health, safety and general welfare of the people. The proposed Financial Institution, Specified does not promote the overall objectives of the Redevelopment Plan; therefore, denial is being recommended on the subject land use application.

- Conditions

The proposed check-cashing center fails to comply with condition #6 of Title 19.04.050 The subject site's building footage is approximately 1,025 square feet, where 1,500 square feet is required.

PL

FINDINGS

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

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

   The proposed Financial Institution, Specified is located with the Las Vegas Redevelopment Plan area. The Redevelopment Plan's objectives are to eliminate environmental deficiencies and blight that constitute either social or economic liabilities or both and require redevelopment in the interests of the health, safety and general welfare of the people. The proposed Financial Institution, Specified does not support the overall objectives of the Redevelopment Plan; therefore, denial is being recommended.

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

   The subject tenant space is inadequate as set forth by Title 19.04.050 which requires a minimum of 1,500 square feet of interior space, to provide sufficient customer waiting areas, customer queuing, and transaction space for a Financial Institution, Specified. Therefore, a waiver from the minimum interior space requirement is required for approval. The existing parking area is adequate to accommodate the proposed use.

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

   The subject site is located adjacent to Vegas Drive and west of Decatur Boulevard, which are designated as 80-foot wide Secondary Collector and 100-foot wide Primary Arterial streets respectively, on the Master Plan of Streets and Highways. The proposed use will generate an additional traffic demand.

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

   The public health, safety, and welfare and the objectives of the General Plan would not be compromised as a result of the approval of a Special Use Permit, because the proposed Financial Institution, Specified would be subject to inspections for a Certificate of Occupancy.

NOTICES MAILED 40

APPROVALS 0

PROTESTS 0

PL

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-4994** APN: 138-25-503-005

Name of Property Owner: Hugh N. Canady

Name of Applicant: Milford J. Maynard

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: Hugh N. Canady

Subscribed and sworn before me

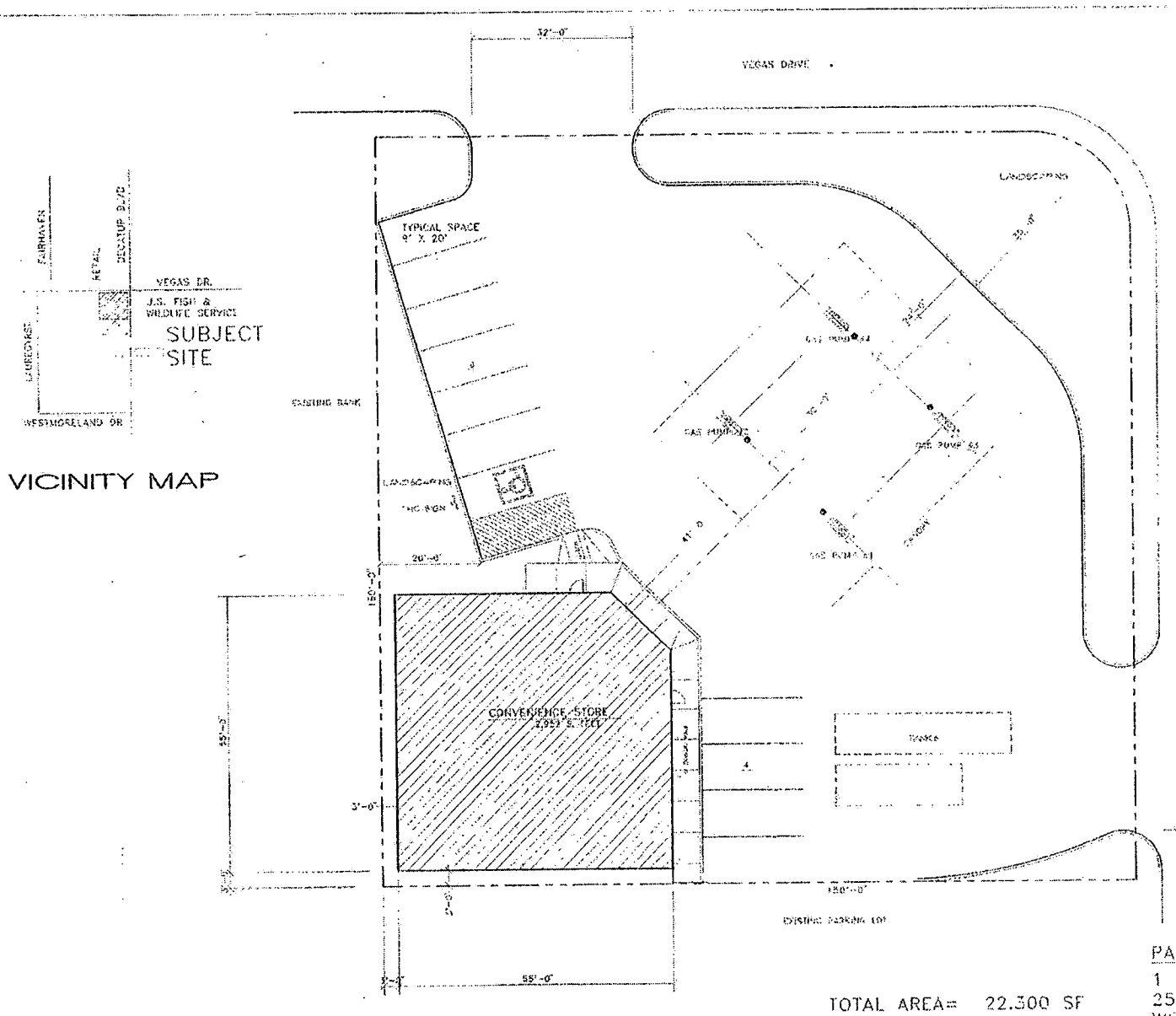
This 15 day of July, 2004

_____

Notary Public in and for said County and State

MAYRA QUEZADA
NOTARY PUBLIC
STATE OF NEVADA
APPT. No. 02-739-70-1
MY APPT. EXPIRES DEC. 26, 2005

RECEIVED
AUG 10 2004



VICINITY MAP

SITE PLAN

SCALE: 1"=10'-0"

NORTH

TOTAL AREA= 22,300 SF

PARKING REQUIREMENTS

1 PARKING SPACE PER
250 S. FT. GROSS BLDG.
WITH 1 ACCESSIBLE SPACE

PARKING REQUIRED= 12 SPACES
PARKING PROVIDED= 20 SPACES

RECEIVED
AUG 10 2004

SUP-4994
9/23/04 PC

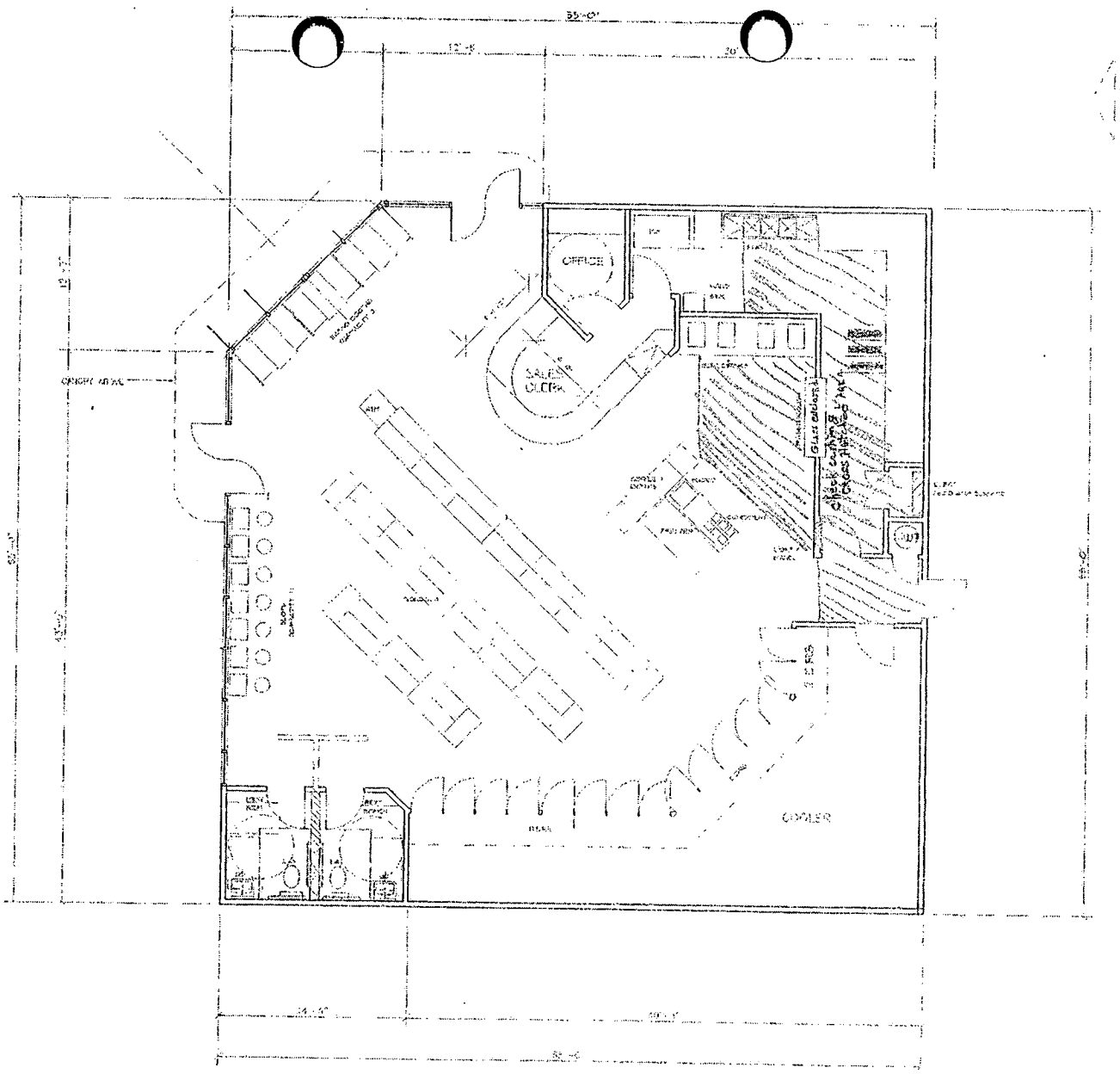
DECATUR STORE

DECATUR & VEGAS

STORE LV7903

A PROJECT BY G.P.E. CONSTRUCTION

ARCHITECTURAL GROUP INC
ARCHITECTS • PLANNERS • DESIGNERS
LAS VEGAS, NEVADA



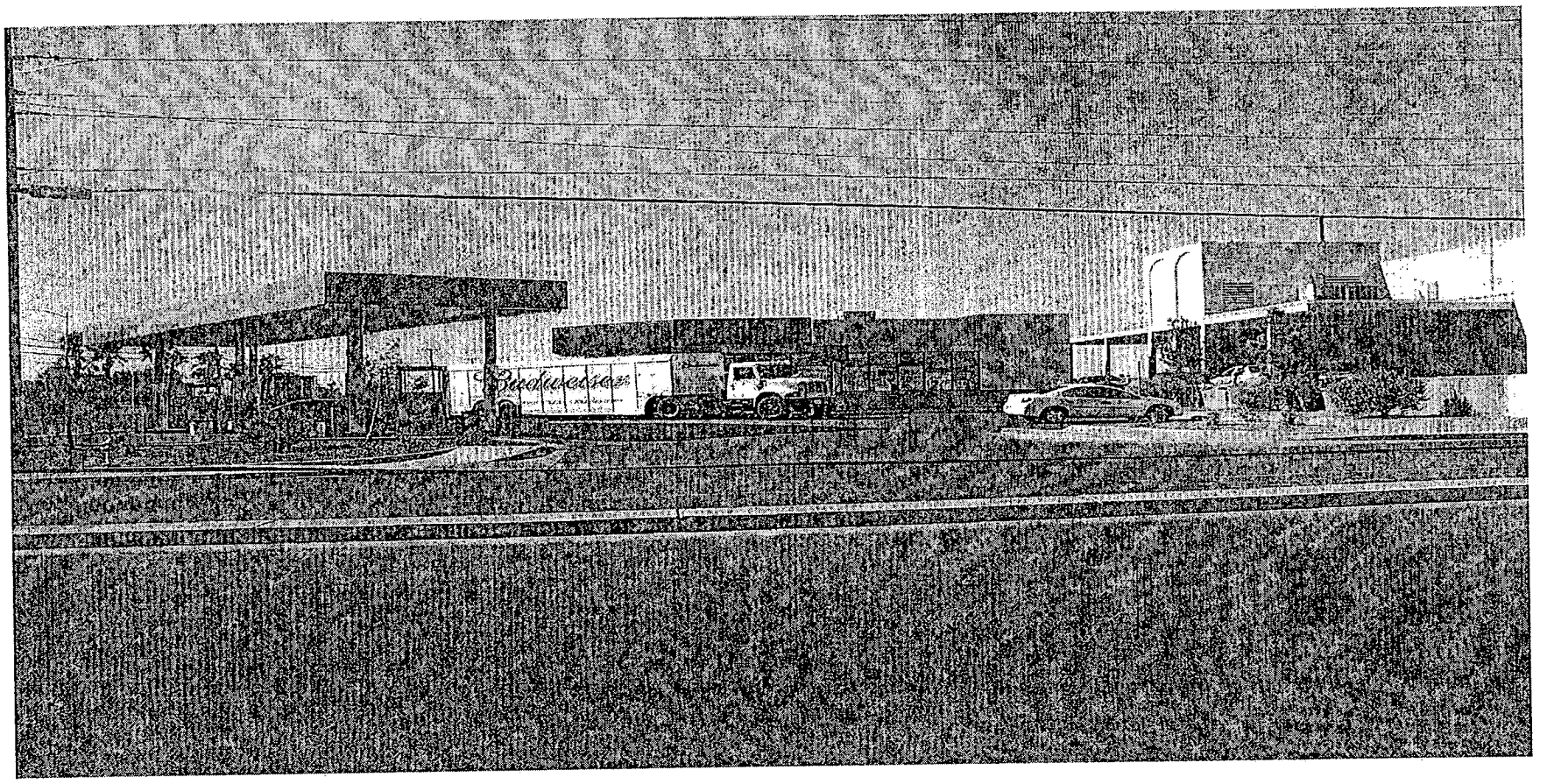
FLOOR PLAN

RECEIVED
AUG 10 2004

DECATUR STORE
DECATUR & VEGAS
A PROJECT BY G.P.E. CONSTRUCTION

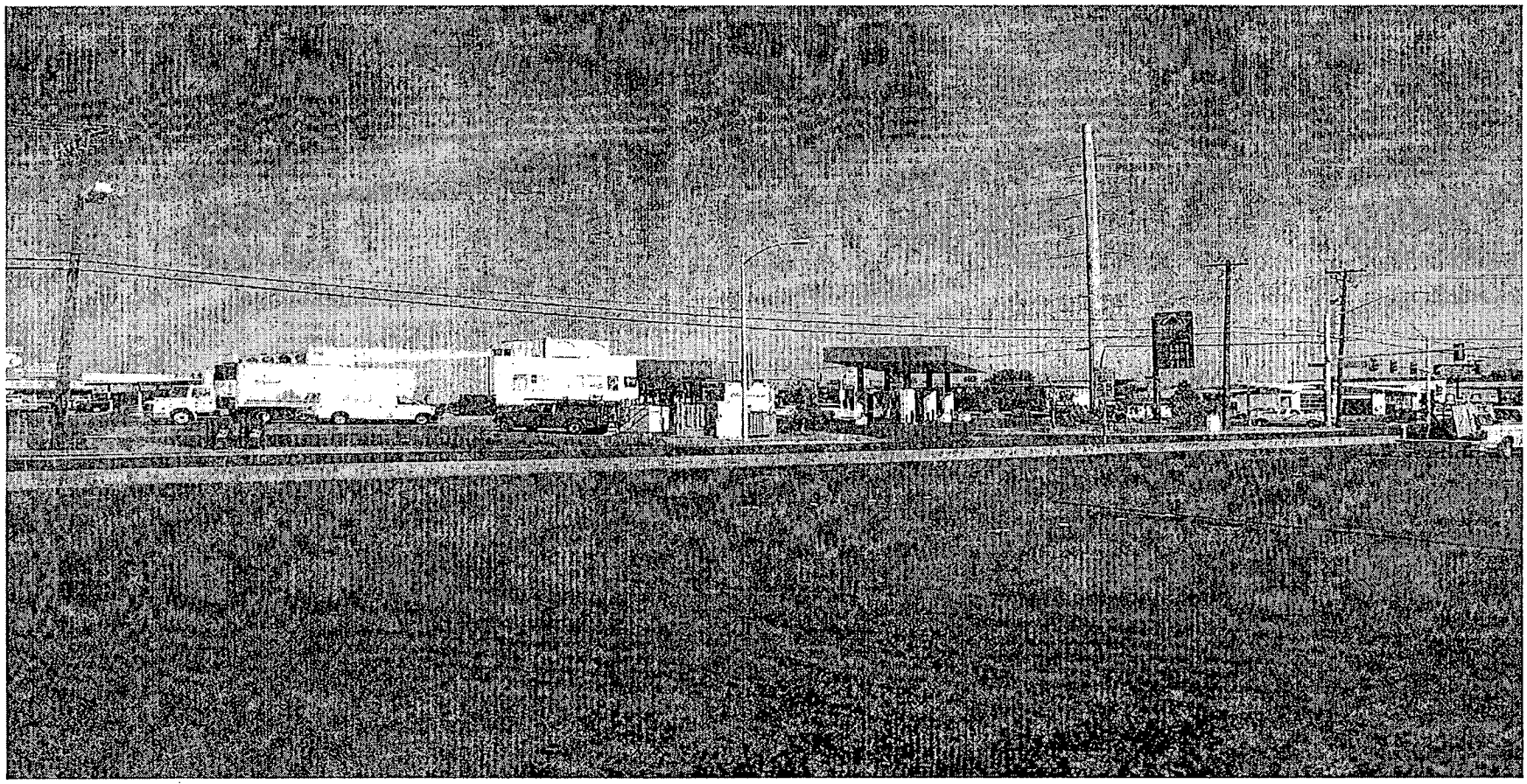
A-1

SUP-4994
9/23/04 PC



SUP-4994 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: MILFORD MAYNARD - OWNER: HUGH N. CANADY
1591 NORTH DECATUR BOULEVARD
SEPTEMBER 23, 2004 PLANNING COMMISSION

8/26/04



SUP-4994 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: MILFORD MAYNARD - OWNER: HUGH N. CANADY
1591 NORTH DECATUR BOULEVARD
SEPTEMBER 23, 2004 PLANNING COMMISSION

8/26/04

City of Las Vegas

Agenda Item No.: 46

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

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

SUBJECT:

SUP-4996 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: EN ENGINEERING – OWNER: MARY BARTSAS 13, LLC - Request for a Special Use Permit FOR A HOME IMPROVEMENT WAREHOUSE STORE adjacent to the northwest corner of Craig Road and Jones Boulevard (a portion of APN 138-02-601-004), R-E (Residence Estates) Zone under Resolution of Intent to C-1 (Limited Commercial), Ward 6 (Mack).

IF APPROVED: C.C.: 10/20/04
IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

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

RECOMMENDATION:
Staff recommends APPROVAL.

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

MOTION:
GOYNES – APPROVED subject to conditions – UNANIMOUS with STEINMAN excused

To be heard by the City Council on 10/20/2004

MINUTES:
CHAIRMAN TRUESDELL declared the Public Hearing open on Item 46 [SUP-4996] and Item 47 [SDR-4995].

KYLE WALTON, Planning and Development Department, stated the intersection where this project will be located is shown on the Centennial Hills Sector Plan as a village center. The project is in conformance with the policies of the Sector Plan. The use is compatible with surrounding uses. Staff recently received new elevations and he noted the Commission should reference the colored pages because they are the corrected elevations.

MINUTES – Continued:

KRIS MUNN, EN Engineering, 245 East Warm Springs Road, appeared on behalf of the applicant and accepted all conditions. He asked for clarification on Condition 19 of Item 47 [SDR-4995]. He questioned how the application would be affected if a joint access agreement could not be agreed upon with the joint property owner. He voiced concerns that the permit process may be delayed if the adjacent property owner decided not to participate in the joint access agreement.

DAVID GUERRA, Department of Public Works, explained the condition was added because the plans did show access to the adjacent property. If the access was not shown on the plans, the condition would not have been required. Removal of the access would remove the requirement.

JACK MANDELL, Carlsbad, California, appeared representing Lowes Home Improvement and asked that the condition be reworded if the written agreement was not executed. He said if that were to happen, they would close off that portion of the property. MR. GUERRA offered amended verbiage language for Condition 19 on Item 47 [SDR-4995]. CHAIRMAN TRUESDELL asked why the applicant brought a plan in showing the access but now, is asking the Commission to amend the condition. MR. MANDELL replied that his company has spoken with the operators of the shopping center to the west and they voiced interest in the joint access. He just wanted to know what the result would be in case they could not agree upon language for the written agreement. The applicant wanted to confirm that if the agreement was not signed, the property could be closed off and the condition would be null.

BRUCE BARTON, Territories, 7448 West Sahara Avenue, indicated his company is acquiring the pads with Lowes and will be developing the pad buildings. He wanted to point out for the record the fact that the CCNR's that were just delivered on 9/23/2004, have a restriction on the height of the pad buildings of 22 feet with elements extending to 25 feet. The elevations that are in the backup show architectural features of up to 34 feet and his company will work with staff to maintain the character of the buildings while bringing the height into compliance.

DAVID CLAPSADDLE, Planning and Development Department, clarified that the elevations, as shown in the backup, do meet City Code; however, the CCNR's for the development limit the height. The matter is private but staff would be happy to look at the situation with the applicant.

MARGO WHEELER, Deputy Director, Planning and Development Department, indicated an amendment to Condition 4 was required on Item 47 [SUP-4996]. She said the date stamp date should be changed to 9/23/2004.

MINUTES – Continued:
CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 46 [SUP-4996] and Item 47 [SDR-4995].

All discussion for Item 46 [SUP-4996] and Item 47 [SDR-4995] was held under Item 46 [SUP-4996].

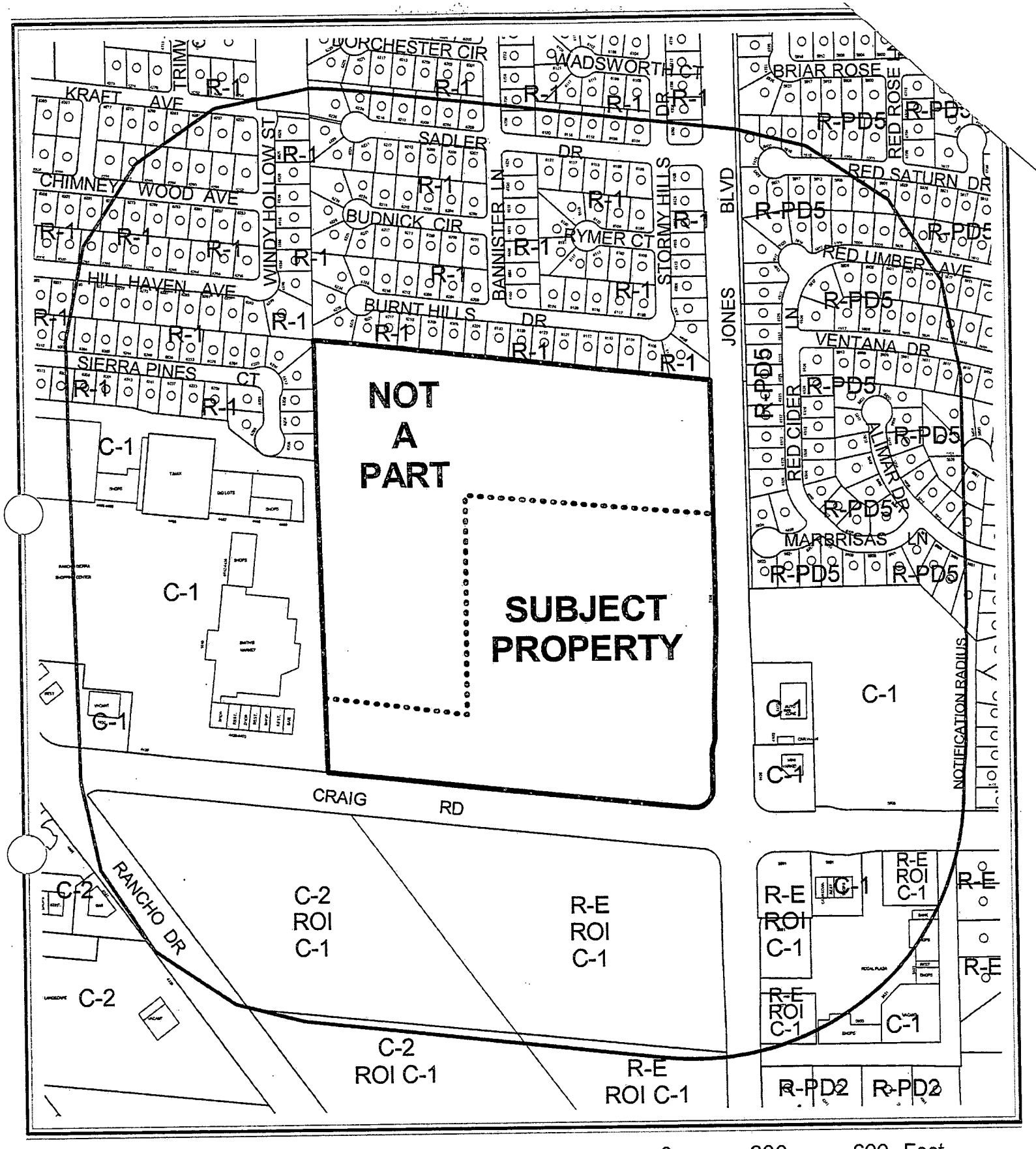
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CONDITIONS:
Planning and Development

1. Conformance to all Conditions of Approval of General Plan Amendment GPA-0035-02, Rezoning Z-081-02, and Site Development Plan Review SDR-4995.

2. Outside sales are prohibited.

3. Loading areas and outside storage areas shall be screened from view of adjacent properties and public streets by a screening device at least eight feet in height.

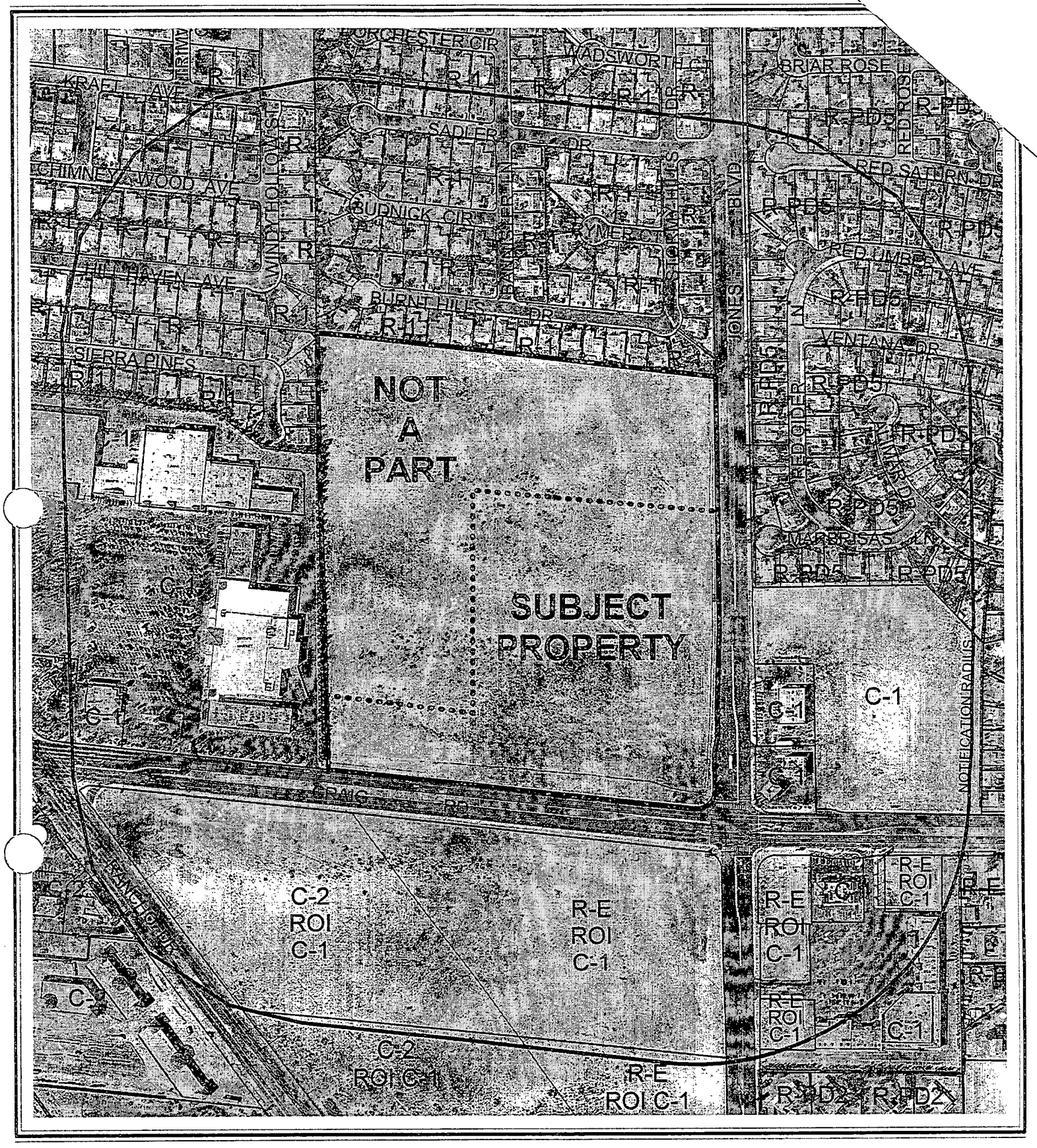


CASE: **SUP-4996**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

R-E (RESIDENCE ESTATES) UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL)



CASE: **SUP-4996**

0 300 600 Feet

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

R-E (RESIDENCE ESTATES) UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL)

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 23, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-4996 - SPECIAL USE PERMIT - PUBLIC HEARING -
APPLICANT: EN ENGINEERING – OWNER: MARY BARTSAS 13, LLC

** CONDITIONS **

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

Planning and Development

1. Conformance to all Conditions of Approval of General Plan Amendment GPA-0035-02, Rezoning Z-081-02, and Site Development Plan Review SDR-4995.

2. Outside sales are prohibited.

3. Loading areas and outside storage areas shall be screened from view of adjacent properties and public streets by a screening device at least eight feet in height.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This is a request for a Special Use Permit for a Building and Landscape Material/Lumber Yard within a proposed home improvement warehouse store.

B) Applicant's Justification

A Building and Landscape Materials/Lumber Yard (Home Improvement Warehouse Store) is an essential component of this business's retail concept.

BACKGROUND INFORMATION

A) Previous Actions

12/18/02 The City Council approved a General Plan Amendment (GPA-0035-02) to designate the subject property as SC (Service Commercial). City Council also approved a Rezoning (Z-081-02) from R-E (Residence Estates) to C-1 (Limited Commercial) of 34.43 acres. Resolution of Intent expires on March 13, 2005. The Planning Commission recommended approval. The Department of Planning and Development recommended denial.

B) Pre-Application Meeting

07/28/04 The applicant was informed of commercial development standards that would apply to this proposal.

C) Neighborhood Meetings

A neighborhood meeting is neither required for this type of application, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 16.5 acres

B) Planned Land Use

Subject Property:	SC (Service Commercial), O (Office)
North:	L (Low Density Residential)
South:	SC (Service Commercial)
East:	SC (Service Commercial), ML (Medium Low Density Residential)
West:	SC (Service Commercial) L (Low Density Residential)

C) Existing Zoning

Subject Property:	R-E (Residential Estates) under Resolution of Intent to C-1 (Limited Commercial)
North:	R-1 (Single Family Residential)
South:	R-E (Residential Estates) under Resolution of Intent to C-1 (Limited Commercial)
East:	C-1 (Limited Commercial) R-PD5 (Residential Planned Development – 5 Units Per Acre)
West:	C-1 (Limited Commercial), R-1 (Single Family Residential)

D) Existing Land Use

Subject Property:	Undeveloped
North:	Single Family Residential
South:	Undeveloped
East:	Single Family Residential Minimarket/Gas Station Undeveloped
West:	Grocery Store, Shopping Center, Single Family Residential

E) General Plan Compliance

This proposal is within the Centennial Hills Sector of General Plan. The land use designation for the subject site is SC (Service Commercial). This site is also situated in the Centennial Hills Sector Plan's conceptual area designated as VC (Village Center). Village Center is the General Plan equivalent of a mix of (SC) Service Commercial with MLA (Medium Low Attached) and O (Office). The proposed use and site plan conforms to the SC (Service Commercial) and VC (Village Center) designations.

SRS

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

ANALYSIS

A) Zoning Code Compliance

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
General Retail Store, 25,000 SF or greater	172,534 SF.(includes warehouse and all retail pads).	1/250 GFA	690	16	755	17

The proposal exceeds the parking requirements of Title 19.10.

The Public Works Department has no comments regarding circulation and traffic issues.

A2) **Minimum Distance Separation Requirements**

There are no Minimum Separation Distance Requirements in the Zoning Code that apply to the proposed Building and Landscape Material/Lumber Yard use. There are no similar approved uses within the 750' notification distance.

Pursuant to Title 19.08.045 (G) 4 the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Trash Enclosure	Fully enclosed by walls, roof, and solid metal gate a minimum of 6 feet high, using same design theme and materials similar to main structure.	Yes

The proposal exceeds trash enclosure requirements, by using mechanically operated box compactors.

B) General Analysis and Discussion

- **Zoning**

Per Title 19.04, ,The use "Building & Landscape Materials/Lumber Yard" is allowed in a C-1 (limited commercial) zoning district, with a Special Use Permit.

- **Use**

The term "Home Improvement Warehouse Store" used in the agenda heading and staff report is interchangable with the official term, "Building & Landscape Materials/Lumber Yard."

- **Conditions**

The following base conditions exist for the proposed use.

1. Outside sales are prohibited
2. Outside storage shall be screened from view of adjacent properties and streets.

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 proposal is located to the east of a neighborhood shopping center, which includes a grocery store and another "big box" type retail establishment. The properties to the east and south are zoned C-1 (Limited Commercial). The northern portion of the subject parcel will be developed as O (Office), buffering the existing neighborhood to the north from this commercial use. This is clearly an area that is developing into the VC (Village Center) prescribed by the Centennial Hills Sector Plan. As such, this project is compatible with surrounding land uses.

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

This is a site, which requires minimal grading and has enough space for setbacks, parking lot landscaping, etc. This 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."**

The site has adequate access from Jones Boulevard, a 100-foot Primary Arterial, and Craig Road, a 100-foot Primary Arterial, indicated by the Master Streets and Highway Plan.

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 Home Improvement Warehouse Store will be subject to regular inspection and will not compromise the public health, safety or welfare, as it will be subject to the provisions of the Sign Code and the Uniform Building Code.

NOTICES MAILED 275 [Mailed with SDR-4995]

APPROVALS 0

PROTESTS 0

SRS

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-4996 APN: 138 02 601 004

Name of Property Owner: Mary Bartsas 13, LLC

Name of Applicant: EN Engineering 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: _____

MARY BARTSAS 13, LLC

Signature of Property Owner/Authorized Agent: Mary Bartsas, Manager

Print Name: Mary Bartsas, Manager

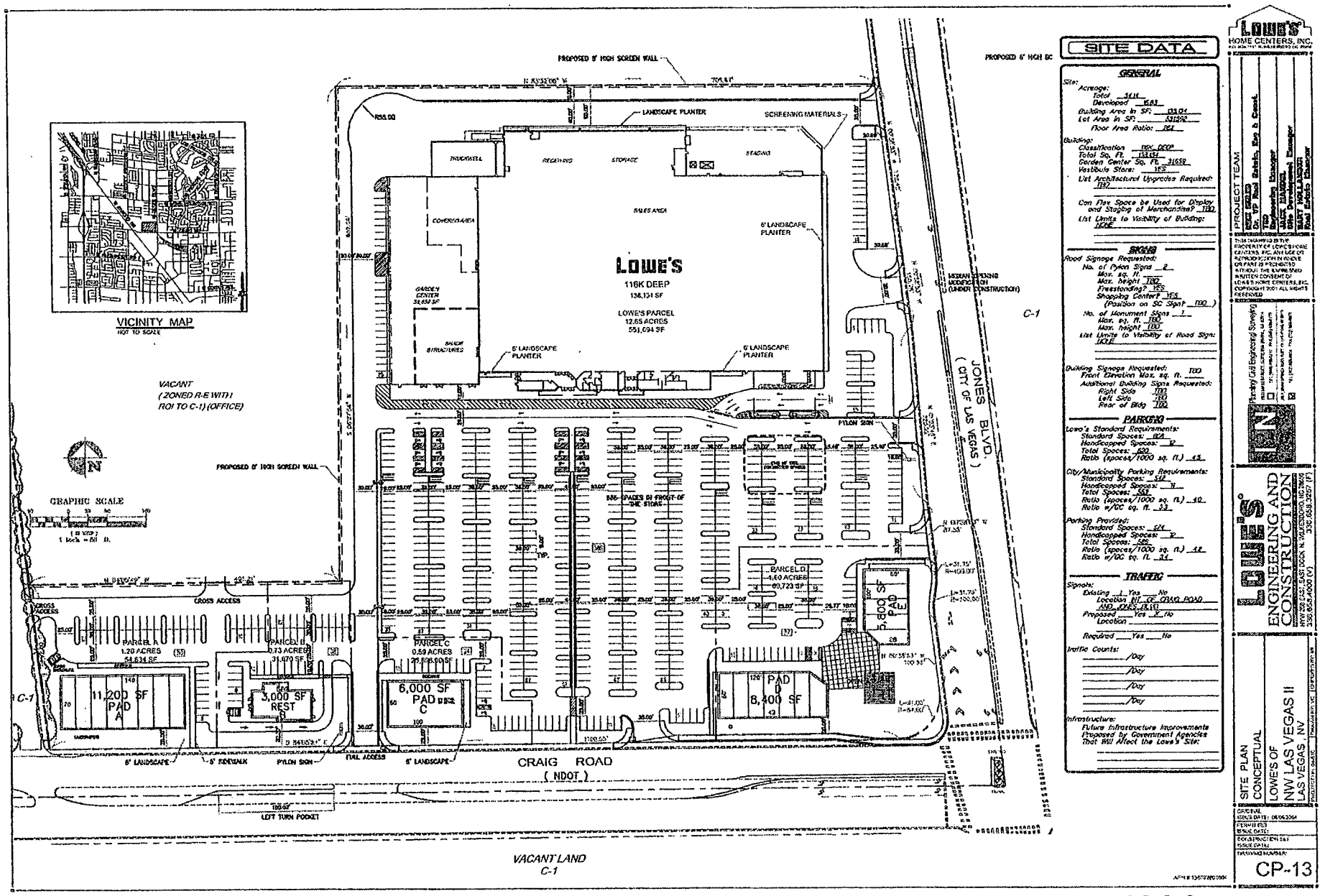
Subscribed and sworn before me

This 11th day of August, 2004

Margaret A. Messinger

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
MARGARET A. MESSINGER
No: 94-0231-1
My Appointment Expires July 28, 2006



SITE DATA

GENERAL

Site:
Acreage:
Total 14.14
Developed 13.83
Building Area in SF: 138,131
Lot Area in SF: 631,552
Floor Area Ratio: .164

Building:
Classification 116K DEEP
Total Sq. Ft. 138,131
Garden Center Sq. Ft. 31659
Vestibule Stairs: YES
List Architectural Upgrades Required: TBD

Can Floor Space be Used for Display and Staging of Merchandise? TBD

List Limits to Visibility of Building: NONE

SIGNS

Road Signage Requested:
No. of Pylon Signs 2
Max. sq. ft. —
Max. Height TBD
Freestanding? YES
Shopping Center? YES
(Position on SC Sign TBD)
No. of Monument Signs 1
Max. sq. ft. TBD
Max. Height TBD
List Limits to Visibility of Road Sign: NONE

Building Signage Requested:
Front Elevation Max. sq. ft. TBD
Additional Building Signs Requested:
Right Side TBD
Left Side TBD
Rear of Bldg TBD

PARKING

Lowe's Standard Requirements:
Standard Spaces: 624
Handicapped Spaces: 12
Total Spaces: 620
Ratio (spaces/1000 sq. ft.) 4.5

City/Municipality Parking Requirements:
Standard Spaces: 542
Handicapped Spaces: 11
Total Spaces: 553
Ratio (spaces/1000 sq. ft.) 4.0
Ratio w/GC sq. ft. 3.3

Parking Provided:
Standard Spaces: 624
Handicapped Spaces: 12
Total Spaces: 636
Ratio (spaces/1000 sq. ft.) 4.6
Ratio w/GC sq. ft. 3.4

TRAFFIC

Signals:
Existing 1 Yes — No
Location AT CRAIG ROAD AND JONES BLVD
Proposed Yes X No
Location —
Required — Yes — No

Traffic Counts:
— /Day
— /Day
— /Day
— /Day
— /Day

Infrastructure:
Future Infrastructure Improvements Proposed by Government Agencies That Will Affect the Lowe's Site:

LOWE'S HOME CENTERS, INC.

PROJECT TEAM
HOME OFFICE
Dir. VP Real Estate, Eng & Const.
TBD
Engineering Manager
DAVID A. LIVENGOOD, Manager
Real Estate Planner
GARY HOLLANDER
Real Estate Planner

THIS DRAWING IS THE PROPERTY OF LOWE'S HOME CENTERS, INC. AND USE OF, REPRODUCTION IN WHOLE OR PART IS PROHIBITED WITHOUT THE EXPRESSED WRITTEN CONSENT OF LOWE'S HOME CENTERS, INC. COPYRIGHT 2001 ALL RIGHTS RESERVED

Stanley Gill Engineering Surveying

LOWE'S ENGINEERING AND CONSTRUCTION

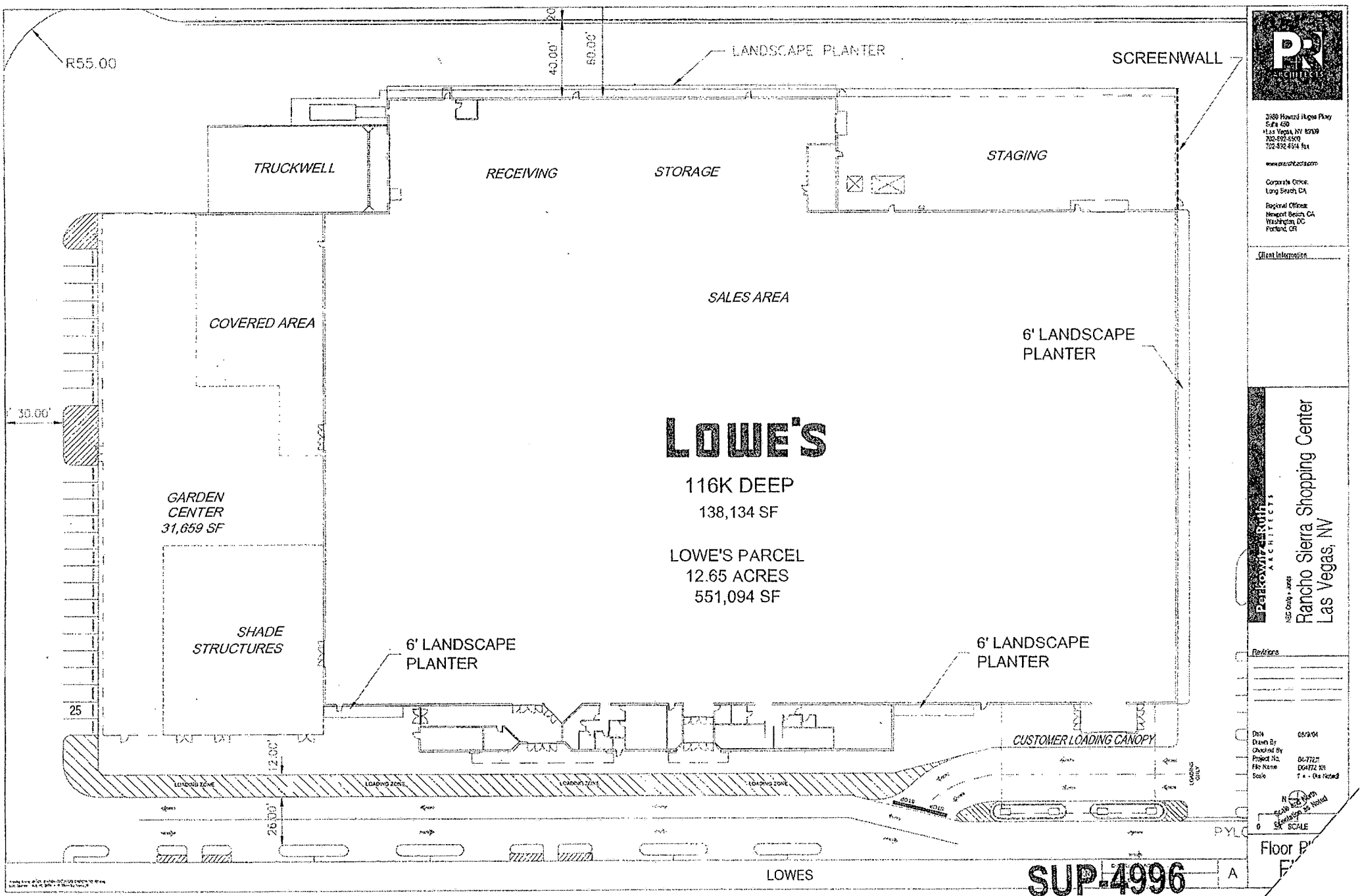
SITE PLAN CONCEPTUAL

LOWE'S OF NW LAS VEGAS II
LAS VEGAS, NV

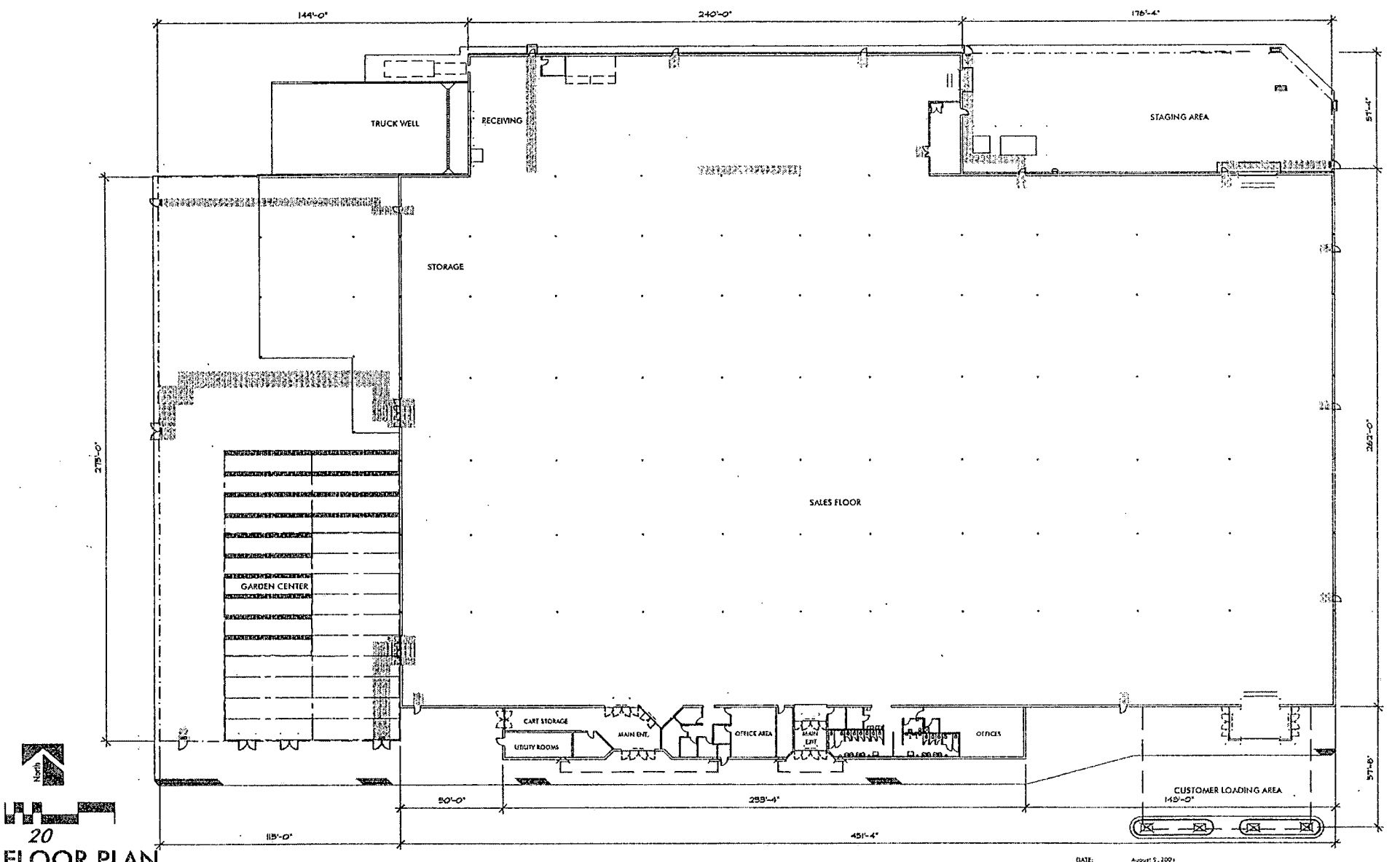
ORIGINAL ISSUE DATE: 08/06/2004
PERMIT SET ISSUE DATE:
BID SET ISSUE DATE:
REVISED ISSUE DATE:

CP-13

SUP-4996
9/23/04 PC



SUP-4996
9/23/04 PC



FLOOR PLAN

DATE: August 9, 2004
NADEL JOB #: 04161.00

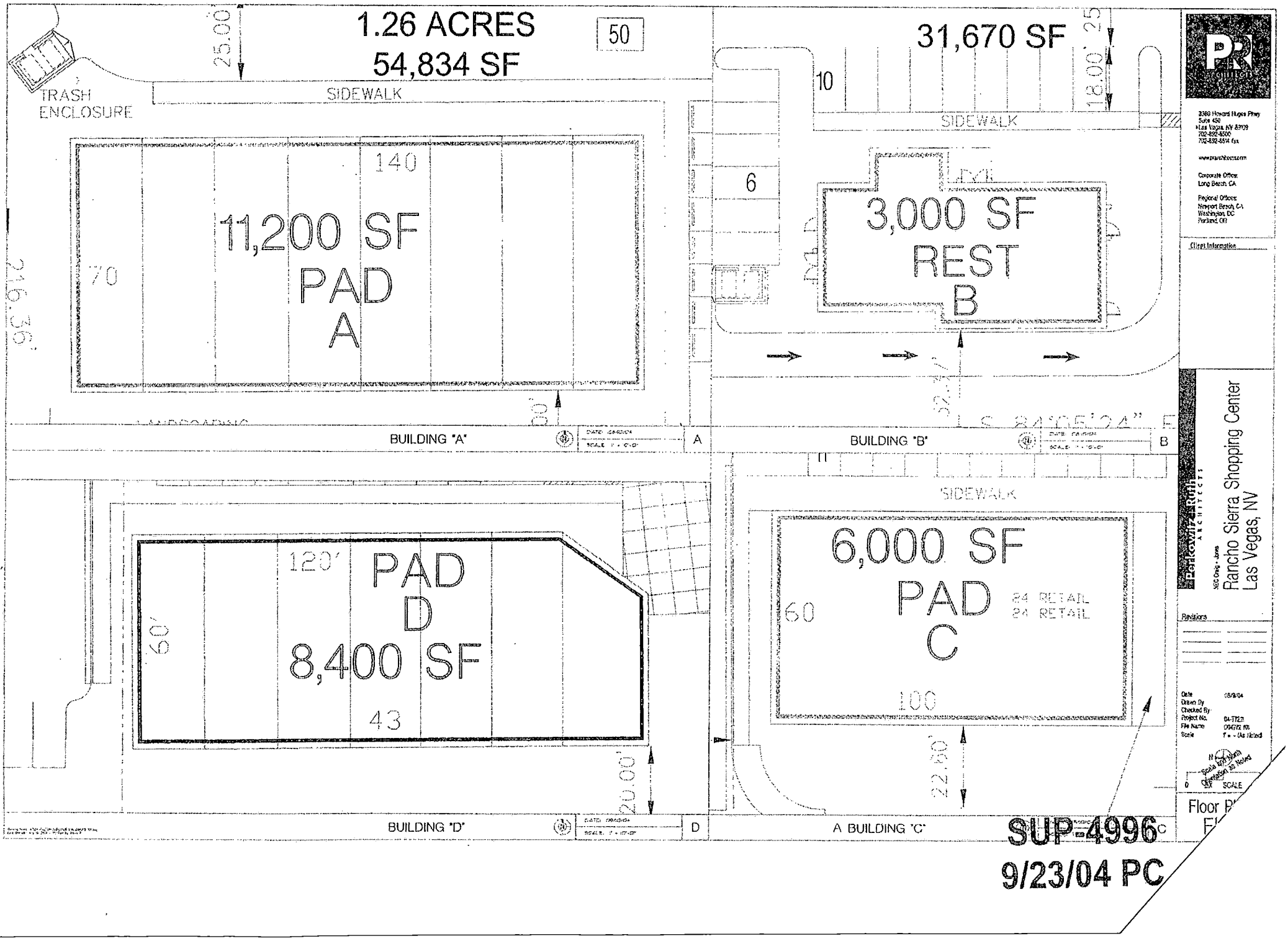
LOWE'S - HOME IMPROVEMENT WAREHOUSE
NW LAS VEGAS, NEVADA

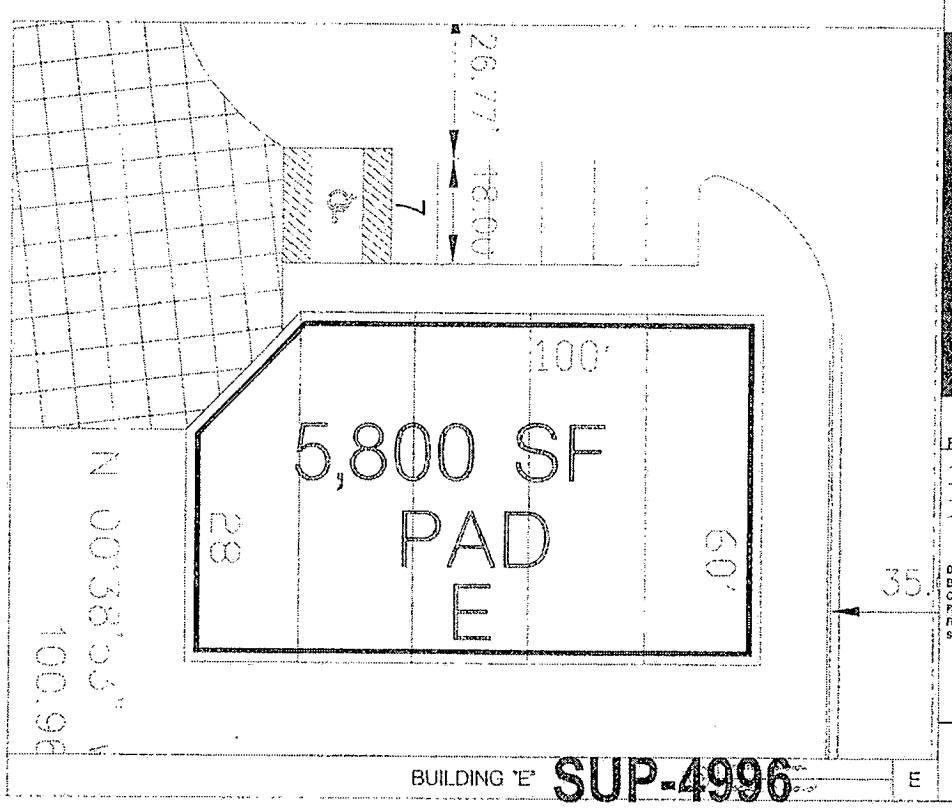
LOWE'S

625 BROADWAY SUITE 1075
SAN DIEGO, CA 92101
T 619.232.8414 F 619.232.7379
WWW.NADELARC.COM

Nadel Architects

SUP-4996
9/23/04 PC


1.26 ACRES
54,834 SF
50
25.00'
TRASH ENCLOSURE
SIDEWALK
140
11,200 SF
PAD
A
70
216.39'
31,670 SF
10
18.00'
25'
SIDEWALK
6
3,000 SF
REST
B
BUILDING "A"
A
BUILDING "B"
B
SIDEWALK
120'
PAD
D
8,400 SF
43
60'
20.00'
6,000 SF
PAD
C
24 RETAIL
24 RETAIL
60
100
22.00'
BUILDING "D"
D
A BUILDING "C"
C
Parkworth & Ruth
ARCHITECTS
3980 Howard Hughes Pkwy
Suite 450
Las Vegas, NV 89109
702-892-4500
702-892-4514 fax
www.prarchitects.com
Corporate Office:
Long Beach, CA
Regional Offices:
Newport Beach, CA
Washington, DC
Portland, OR
Client Information
Rancho Sierra Shopping Center
Las Vegas, NV
Revisions
Date
Drawn By
Checked By
Project No.
File Name
Scale
Floor P
Fl
SUP-4996
9/23/04 PC



PRI ARCHITECTS
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702-892-6504 fax
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Regional Offices
Newport Beach, CA
Washington DC
Portland, OR

Client Information

PARKOWSKI, GUERKE & SWAYZE ARCHITECTS

REI: Craig - Jones

Rancho Sierra Shopping Center
Las Vegas, NV

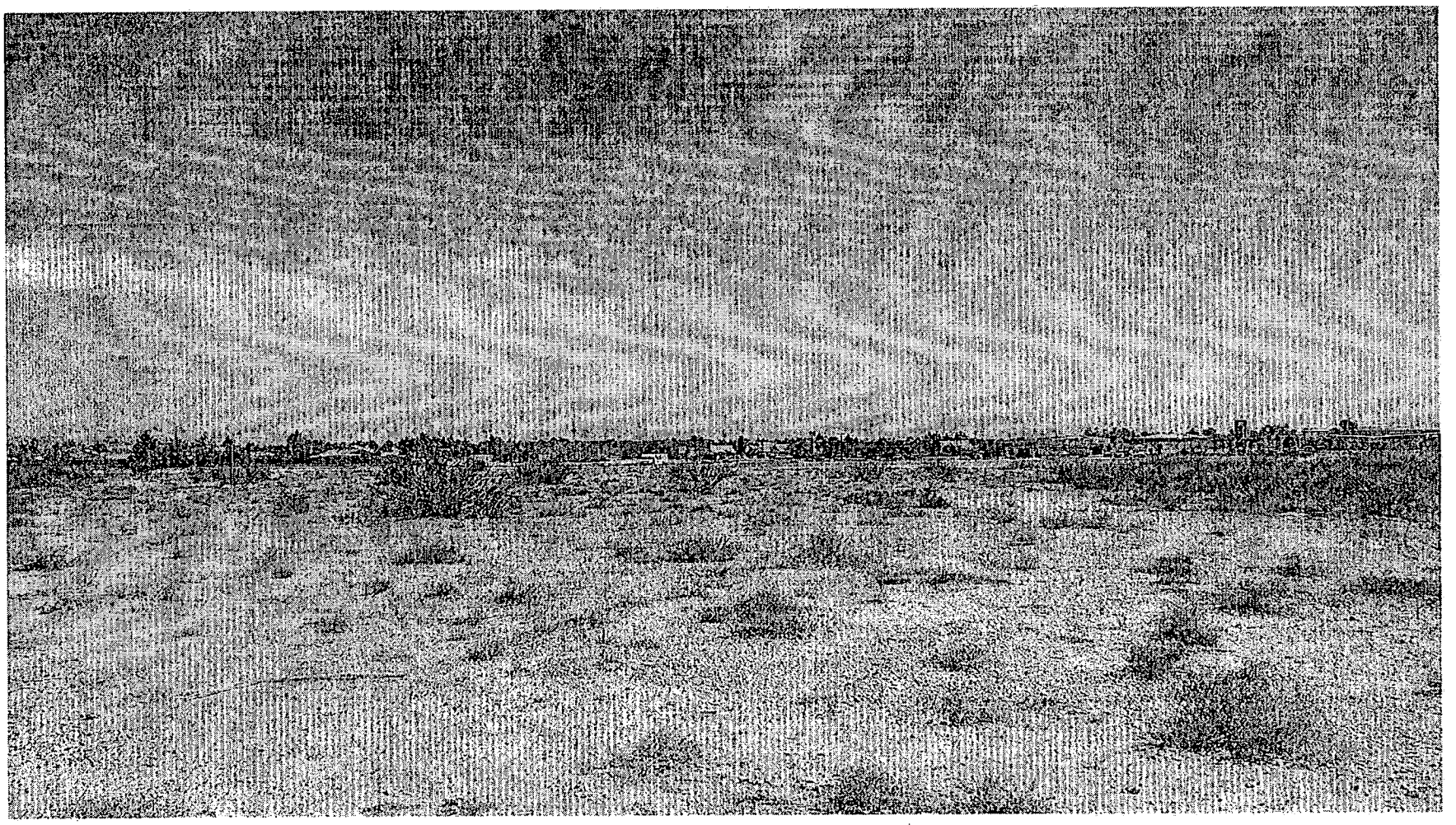
Revisions

Date	08/31/04
Drawn By	
Checked By	
Project No.	04-7721
File Name	D0477Z.tif
Scale	1" = 10' (As Noted)

N (Grid) Scale and Direction as Noted
0 5' SCALE

Floor Pl
Fl

SUP-4996
9/23/04 PC



SUP-4996 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: EN ENGINEERING - OWNER: MARY BARTSAS 13, LLC
NORTHWEST CORNER OF CRAIG ROAD AND JONES BOULEVARD
SEPTEMBER 23, 2004 PLANNING COMMISSION

8/30/04

City of Las Vegas

Agenda Item No.: 47

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

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

SUBJECT:
SDR-4995 - SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-4996 - PUBLIC HEARING - APPLICANT: EN ENGINEERING – OWNER: MARY BARTSAS 13, LLC - Request for a Site Development Plan Review FOR A 204,193 SQUARE FOOT COMMERCIAL DEVELOPMENT AND A WAIVER OF THE BUILD TO LINE STANDARDS on 16.5 acres adjacent to the northwest corner of Craig Road and Jones Boulevard (a portion of APN 138-02-601-004), R-E (Residence Estates) Zone under Resolution of Intent to C-1 (Limited Commercial), Ward 6 (Mack).

C.C.: 10/20/04

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

RECOMMENDATION:
Staff recommends APPROVAL.

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

MOTION:
GOYNES – APPROVAL subject to conditions and amending Condition 4 and Condition 19 as follows:

4. All development shall be in conformance with the site plan and building elevations, date stamped *September 23, 2004*, except as amended by conditions herein.

19. Provide a copy of a recorded Joint Access Agreement between this site and the adjoining parcel to the west prior to the issuance of any permits *or eliminate access to the parcel to the west.*

– UNANIMOUS with STEINMAN excused

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

PLANNING COMMISSION MEETING OF SEPTEMBER 23, 2004
Planning and Development Department
Item 47 – SDR-4995

MINUTES:

NOTE: See Item 46 [SUP-4996] for all related discussion on Item 46 [SUP-4996] and Item 47 [SDR-4995].

(9:57 – 10:05)

3-1634

CONDITIONS:

Planning and Development

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

2. Compliance with all Conditions of Approval of General Plan Amendment GPA-0035-02, Rezoning Z-081-02, and Special Use Permit SUP-4996.

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

4. All development shall be in conformance with the site plan and building elevations, date stamped August 9, 2004, except as amended by conditions herein.

5. The landscape plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect minimum 24-inch box trees planted a maximum of 20 feet on-center and a minimum of four five-gallon shrubs for each tree within provided planters.

6. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. [Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.] [non-residential development]

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

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

CONDITIONS – Continued:

9. Prior to the issuance of building permits, a revised landscape plan must be submitted to and approved by the Department of Planning and Development showing a maximum of 15% of the total landscaped area as turf.

10. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets except single-family residential development. Air conditioning units shall not be mounted on rooftops residential development.

11. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize 'shoe-box' fixtures and downward-directed lights. Wallpack lighting shall utilize 'shoe-box' fixtures and downward-directed lights on the proposed building. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.

12. A Master Sign Plan shall be submitted for approval of the Planning Commission or City Council prior to the issuance of a Certificate of Occupancy for any building on the site.

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

14. 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.

Public Works

15. Coordinate with the City Surveyor to determine whether a Parcel Map or other map is necessary; if such a map is required, it should record prior to the issuance of any permits for this site and shall indicate joint access between all parcels created by the map.

16. The Special Improvement District section of the Department of Public Works must be contacted and appropriate written agreements (if necessary) must be executed by the property owner(s) of record prior to the recordation of any maps for this site or the issuance of any permits. The written agreements (if applicable) will allow the recalculation and/or the redistribution of all assessments of record on this site.

17. 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.

CONDITIONS – Continued:

18. Construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site; the connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network; the connecting sidewalk shall be terminated on-site with a handicap ramp.

19. Provide a copy of a recorded Joint Access Agreement between this site and the adjoining parcel to the west prior to the issuance of any permits.

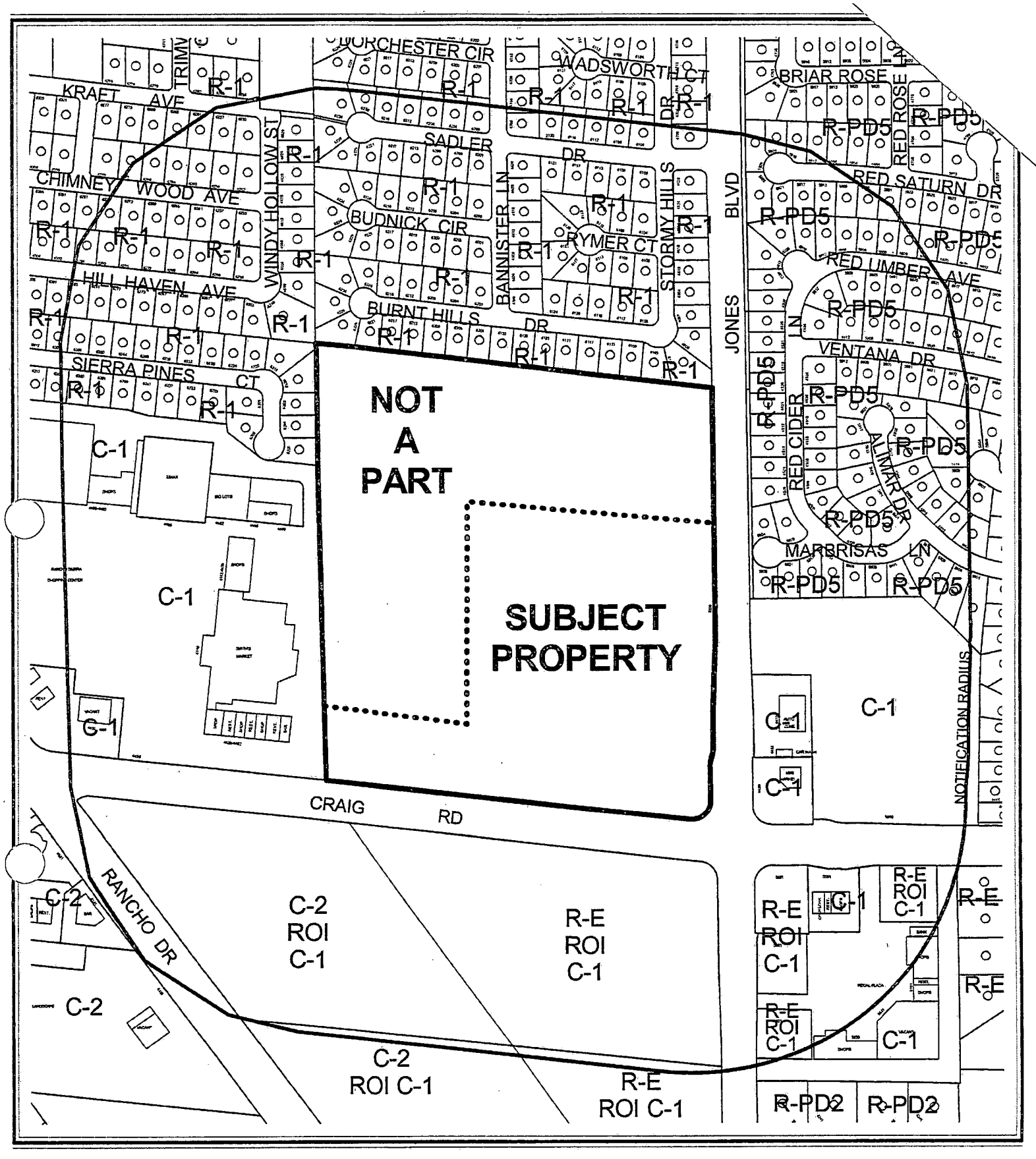
20. Unless otherwise allowed by the City Engineer, the sanitary sewer connection shall be made from the existing main within Craig Road at an alignment and depth acceptable to the Collection System Planning Section of the Department of Public Works and this site shall also provide a public sewer stub for the remaining parcel portion to the north at an alignment and depth acceptable to the Collection System Planning Section of the Department of Public Works. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits.

21. Landscape and maintain all unimproved rights-of-way on Jones Boulevard and Craig Road adjacent to this site concurrent with development.

22. Submit an Encroachment Agreement for all landscaping and private improvements located in the Jones Boulevard public right-of-way adjacent to this site prior to occupancy of this site.

23. Obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and improvements within the Craig Road pubic right-of-way adjacent to this site prior to the issuance of any permits.

24. Site development to comply with all applicable conditions of approval for Z-81-02 and all other applicable site-related actions.



CASE: **SDR-4995**

0 300 600 Feet

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

R-E (RESIDENCE ESTATES) UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL)

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 23, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-4995 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT: EN ENGINEERING – OWNER: MARY BARTSAS 13, LLC

** CONDITIONS **

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

Planning and Development

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

2. Compliance with all Conditions of Approval of General Plan Amendment GPA-0035-02, Rezoning Z-081-02, and Special Use Permit SUP-4996.

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

4. All development shall be in conformance with the site plan and building elevations, date stamped August 9, 2004, except as amended by conditions herein.

5. The landscape plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect minimum 24-inch box trees planted a maximum of 20 feet on-center and a minimum of four five-gallon shrubs for each tree within provided planters.

6. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. [Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.] [non-residential development]

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

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

9. Prior to the issuance of building permits, a revised landscape plan must be submitted to and approved by the Department of Planning and Development showing a maximum of 15% of the total landscaped area as turf.

10. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets except single-family residential development. Air conditioning units shall not be mounted on rooftops residential development.

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Public Works

15. Coordinate with the City Surveyor to determine whether a Parcel Map or other map is necessary; if such a map is required, it should record prior to the issuance of any permits for this site and shall indicate joint access between all parcels created by the map.

16. The Special Improvement District section of the Department of Public Works must be contacted and appropriate written agreements (if necessary) must be executed by the property owner(s) of record prior to the recordation of any maps for this site or the issuance of any permits. The written agreements (if applicable) will allow the recalculation and/or the redistribution of all assessments of record on this site.

17. 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.

18. Construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site; the connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network; the connecting sidewalk shall be terminated on-site with a handicap ramp.

19. Provide a copy of a recorded Joint Access Agreement between this site and the adjoining parcel to the west prior to the issuance of any permits.

20. Unless otherwise allowed by the City Engineer, the sanitary sewer connection shall be made from the existing main within Craig Road at an alignment and depth acceptable to the Collection System Planning Section of the Department of Public Works and this site shall also provide a public sewer stub for the remaining parcel portion to the north at an alignment and depth acceptable to the Collection System Planning Section of the Department of Public Works. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits.

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22. Submit an Encroachment Agreement for all landscaping and private improvements located in the Jones Boulevard public right-of-way adjacent to this site prior to occupancy of this site.

23. Obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and improvements within the Craig Road pubic right-of-way adjacent to this site prior to the issuance of any permits.

24. Site development to comply with all applicable conditions of approval for Z-81-02 and all other applicable site-related actions.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This is a request for a Site Development Plan Review for a Home Improvement Warehouse Store and five outlying retail pads, and a waiver of the build-to line.

B) Applicant's Justification

The proposed use conforms to the underlying zoning standards associated with this site. This proposed development will not adversely affect the natural environment, safety and welfare of the surrounding neighborhoods or property values.

BACKGROUND INFORMATION

A) Previous Actions

12/18/02 The City Council approved a General Plan Amendment (GPA-0035-02) to designate the subject property as SC (Service Commercial). City Council also approved a Rezoning (Z-081-02) from R-E (Residence Estates) to C-1 (Limited Commercial) of 34.43 acres. Resolution of Intent expires on March 13, 2005. The Planning Commission recommended approval. The Department of Planning and Development recommended denial.

B) Pre-Application Meeting

07/28/04 Applicant was informed of commercial development standards that would apply to this proposal:

- Warehouse building at build-to line on Craig will require a waiver.
- One tree for every six parking spaces, and landscape islands; six feet of foundation landscaping between buildings and parking lots or sidewalks;
- A total of 60% glazing material is required for building façade facing streets;
- All mechanical equipment and loading areas shall be screened; screening shall match architecture of principle structure.
- A master sign plan is required.

C) Neighborhood Meetings

A neighborhood meeting is neither required for this type of application, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 16.5 acres

B) Planned Land Use

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

C) Existing Zoning

Subject Property:	R-E (Residential Estates) under Resolution of Intent to C-1 (Limited Commercial)
North:	R-1 (Single Family Residential)
South:	R-E (Residential Estates) under Resolution of Intent to C-1 (Limited Commercial)
East:	C-1 (Limited Commercial) R-PD5 (Residential Planned Development – 5 Units Per Acre)
West:	C-1 (Limited Commercial) R-1 (Single Family Residential)

D) Existing Land Use

Subject Property:	Undeveloped
North:	Single Family Residential
South:	Undeveloped
East:	Single Family Residential Mini-market/Gas Station Undeveloped
West:	Grocery Store Shopping Center Single Family Residential

E) General Plan Compliance

This proposal is in the Centennial Hills Sector of General Plan. The current land use designation of the subject site is SC (Service Commercial), with zoning C-1 (Limited Commercial). These designations correspond to the Centennial Hills Conceptual Land Use Map, which shows the area surrounding the intersection of Rancho Drive and Craig Road as VC (Village Center). Village Center is the equivalent of SC (Service Commercial) with a mix of O (Office) and ML (Medium-Low Density Residential Attached) residential.

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

PROJECT DESCRIPTION

This proposed site plan is situated on 16.5 acres adjacent to the northwest corner of Craig Road and Jones Boulevard. The plan includes a 169,793 square foot Home Improvement Warehouse Store, and five retail pads totaling 34,400 square feet. The City's build-to-line standards [Title 19.08.045.C.4 (Siting of Buildings) & E.1 (Location of Parking)] requires placement of commercial structures to the front of the property, with parking located away from the street. The applicant is requesting a waiver from this standard.

ANALYSIS

A) Zoning Code Compliance

A1) **Development Standards**

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

Standards	Required	Provided	Compliance
Min. Lot Size	N/A	718,740 SF	N/A
Min. Lot Width	100 Feet	860 Feet	Y
Min. Setbacks • Front • Side • Corner • Rear	 20 Feet 10 Feet 15 Feet 20 Feet	 80 Feet 60 Feet 115 Feet 50 Feet	 Y Y Y Y
Max. Lot Coverage	50 %	24%	Y
Max. Building Height	None	48 feet	N/A
Trash Enclosure	Enclosed and roofed	Enclosed and roofed	Y
Loading Zone	Screened	Screened	Y
Mech. Equipment	Screened	Screened	Y

The proposal exceeds the Title 19 requirements.

A2) **Residential Adjacency Standards**

Residential adjacency standards do not apply.

A3) **Parking and Traffic Standards**

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

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
General Retail Store, 25,000 SF or greater	172,534 SF.(includes warehouse and all retail pads).	1/250 GFA	690	16	755	17

The proposal exceeds the parking requirements of Title 19.10.

The Public Works Department has no comments regarding circulation and traffic issues.

A4) **Landscape and Open Space Standards**

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

Standards	Required		Provided
	Ratio	Trees	
Parking Area	1 Trees/ 6 Spaces	132 Trees	141
Buffer:			
◦ Min. Trees	1 Trees/ 30 Linear Feet	121 Trees	181
◦ Min. Zone Width	8 Feet		15
◦ Wall height	8 Feet		8

The proposal exceeds Title 19.12 landscape requirements. Mondel Pines will provide a full visual buffer from future developments along the north and west property lines. Parking lot landscaping includes parking lot fingers and landscape islands with one tree for every six spaces.

Foundation landscaping is provided on the north, south, and east edges of the warehouse structure and around all retail pads.

A pedestrian walkway will be installed perpendicular to the parking rows to provide safe movement across parking areas. The walkway extends across the entire parking lot, to the sidewalk along Craig Road.

The area between Pads D and E, at the corner of Jones Boulevard and Craig Road is enhanced with a well-landscaped pedestrian open space.

A5) **Sign Standards**

Pursuant to Title 19.14, a Master Sign Plan will be filed subsequent to the approval of this application.

B) General Analysis and Discussion

- Zoning

The City Council and Planning Commission approved the Rezoning (Z-081-02) of this parcel to C-1 (Limited Commercial) in 2002. This action made properties adjacent to the intersection of Jones Boulevard and Craig Road available for commercial growth. This intersection, along with that of Craig Road and Rancho Drive, constitutes a Village Center node of commercial development called for in the Centennial Hills Sector Plan.

- Site Plan & Waiver

Under usual circumstances, this proposal's warehouse structure would be sited at the build-to line (the building setback line plus foundation landscaping.) Here, the build-to line would be along the property's frontage with Jones Boulevard. The public entrance to the warehouse would face inward toward parking located at the west side of the property.

In this application, five retail pads are bundled along with the Home Improvement Warehouse Store to constitute a complete commercial center. A Waiver of the build-to standard is warranted here, as the standard configuration would afford the proposed quantity of retail pads along the street frontage, where businesses rely on visibility by consumers. To mitigate the lack of a strong visual tie between the warehouse and streetscape, extra landscaping, in excess of Code standards, has been depicted. Ample screening of the central parking area will be achieved. Staff recommends approval of this waiver request.

- Landscape Plan

The full street buffer, foundation and parking lot landscaping of this plan will make this project a pleasant attribute to the area. The pedestrian open space between Pads D and E (not required) is a welcome streetscape element that emulates the City's nearby Town Center.

- Elevation

Elevations of the Warehouse structure and the five retail pads are well articulated and include recessed entryways and glazed areas. Architectural elements include façade columns, archways, fabric awnings, and standing seam metal roofing. Colors are warm tones. The development's design, as with the landscaping described above, emulates Town Center design standards, and is a significant improvement over existing commercial properties in the area. This project sets a high-quality design precedent for future commercial developments in this VC (Village Center-Centennial Hills Land Use Concept Area).

- Floor Plan

Floor plans for the warehouse building is typical of Home Improvement Warehouse Stores. The retail pad floor plans are simple, subdivided retail spaces ready for tenant improvements.

FINDINGS

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

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

   The proposed development is compatible with future adjacent development and development in the area. The northern edge of this parcel is slated for office use, which will further buffer the R-1 neighborhood to the north from this and other commercial developments.

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 policies and standards related to landscape, wall and buffer standards.

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

   Jones Boulevard and Craig Road are both are both primary arterials on the City of Las Vegas Master Plan of Streets and Highways. Both are capable of handling the traffic from this development.

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

   Building and landscape materials are interchangeable with other well-designed commercial developments in 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 distinguishing characteristic of this development is its high quality of design. The architectural features, pleasant open space, and lush landscaping will provide a harmonious retail experience.

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

   This Home Improvement Warehouse Store and five retail buildings will be subject to regular inspection and will not compromise the public health, safety or welfare, as it will be subject to the provisions of the Sign Code and the Uniform Building Code.

NOTICES MAILED 275 [Mailed with SUP-4996]

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-4995 APN: 138 02 601 004

Mary Bartsas 13, LLC

Name of Property Owner: Mary Bartsas, Mgr.

Name of Applicant: EN Engineering 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: _____

MARY BARTSAS 13, LLC

Signature of Property Owner/Authorized Agent: Mary Bartsas, mgr

Print Name: Mary Bartsas, Manager

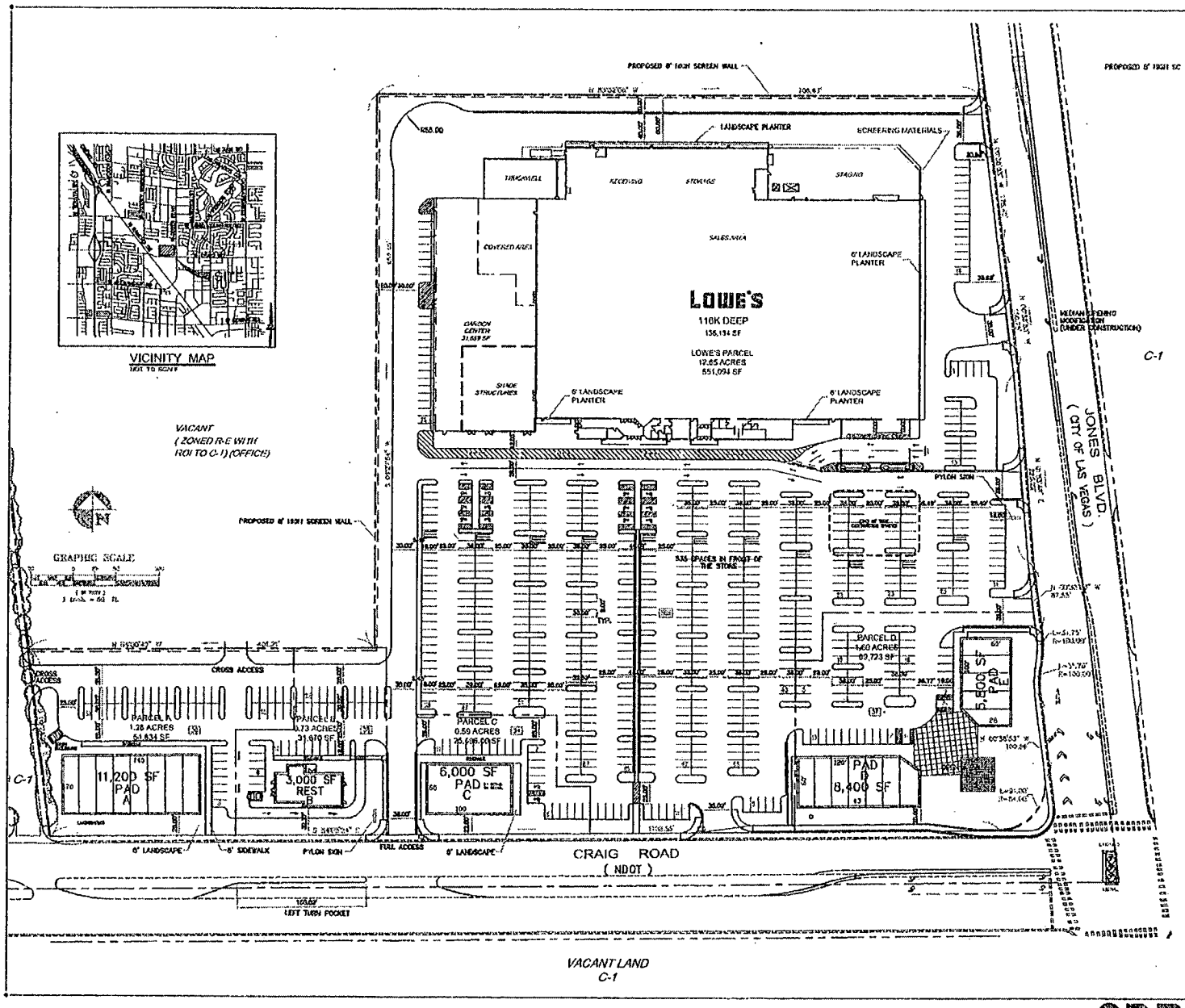
Subscribed and sworn before me

This 11th day of October, 2004

Margaret A. Messinger

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
MARGARET A. MESSINGER
No: 94-0231-1
My Appointment Expires July 09, 2006



SITE DATA

GENERAL

Site:
Acreage:
Total 31.14
Developed 16.61
Building Area in SF: 135,194
Lot Area in SF: 551,592
Floor Area Ratio: .24

Building:
Classification: IBC OCCP
Total Sq. Ft.: 135,194
Garden Center Sq. Ft.: 31659
Vestibule Store: 160
List Architectural Upgrades Required: TBD

Can Flex Space be Used for Display and Staging of Merchandise? TBD
List Limits to Visibility of Building: NONE

SIGNAGE

Road Signage Requested:
No. of Pylon Signs 2
Max. sq. ft. TBD
Max. height TBD
Freestanding? YES
Shopping Center? YES
(Position on SC Sign? TBD)
No. of Monument Signs 1
Max. sq. ft. TBD
Max. height TBD
List Limits to Visibility of Road Sign: NONE

Building Signage Requested:
Front Elevation Max. sq. ft. TBD
Additional Building Signs Requested:
Right Side TBD
Left Side TBD
Rear of Bldg TBD

PARKING

Lowe's Standard Requirements:
Standard Spaces: 608
Handicapped Spaces: 12
Total Spaces: 620
Ratio (spaces/1000 sq. ft.) 4.6

City/Municipality Parking Requirements:
Standard Spaces: 552
Handicapped Spaces: 11
Total Spaces: 563
Ratio (spaces/1000 sq. ft.) 4.0
Ratio w/GC sq. ft. 3.3

Parking Provided:
Standard Spaces: 574
Handicapped Spaces: 12
Total Spaces: 586
Ratio (spaces/1000 sq. ft.) 4.2
Ratio w/GC sq. ft. 3.4

TRAFFIC

Signals:
Existing 1 Yes No
Location NW OF CRAIG ROAD AND JONES BLVD
Proposed Yes X No
Location
Required Yes No

Traffic Counts:
/Day
/Day
/Day
/Day

Infrastructure:
Future Infrastructure Improvements Proposed by Government Agencies That Will Affect the Lowe's Site:

C-1

LOWE'S HOME CENTERS, INC.

PROJECT TEAM
Real Estate, Reg. & Const.
Sr. Proj. Real Estate Manager
Landscaping Manager
Architect
Site Development Manager
Civil Engineer
Real Estate Manager

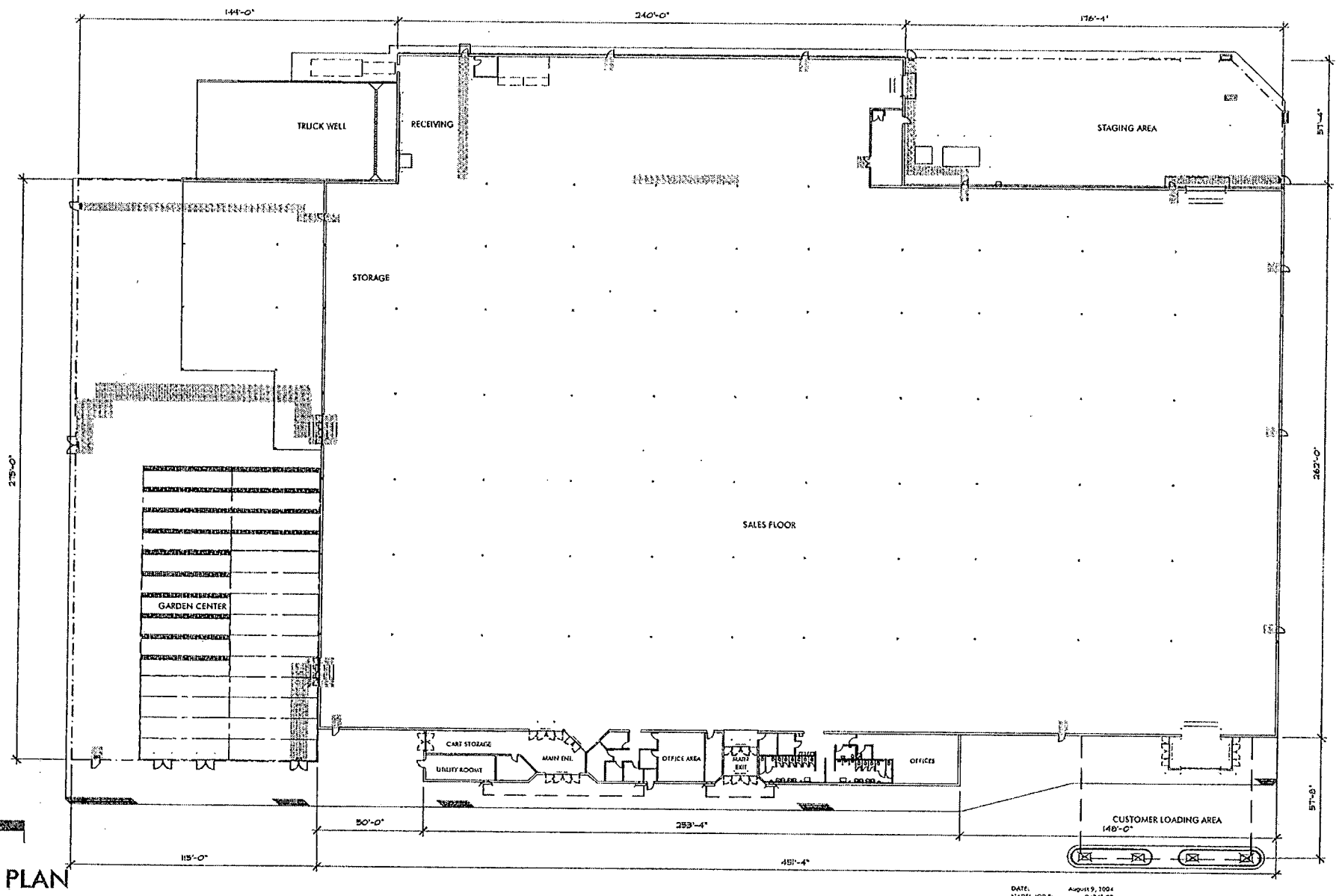
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LOWE'S ENGINEERING AND CONSTRUCTION
1000 LOWE'S BLVD. MOORESVILLE, NC 28117
(704) 658-1000 (V) (704) 658-4391 (F)

SITE PLAN CONCEPTUAL
LOWE'S OF NW LAS VEGAS II
LAS VEGAS, NV

ORIGINAL ISSUE DATE: 08/06/2004
PERMIT SET ISSUE DATE:
CONSTRUCTION SET ISSUE DATE:
DRAWING NUMBER:
CP-13

SDR-4995
9/23/04 PC



20

FLOOR PLAN

DATE: August 9, 2004
NADEL JOB #: 04241.00

LOWE'S - HOME IMPROVEMENT WAREHOUSE

NW LAS VEGAS, NEVADA

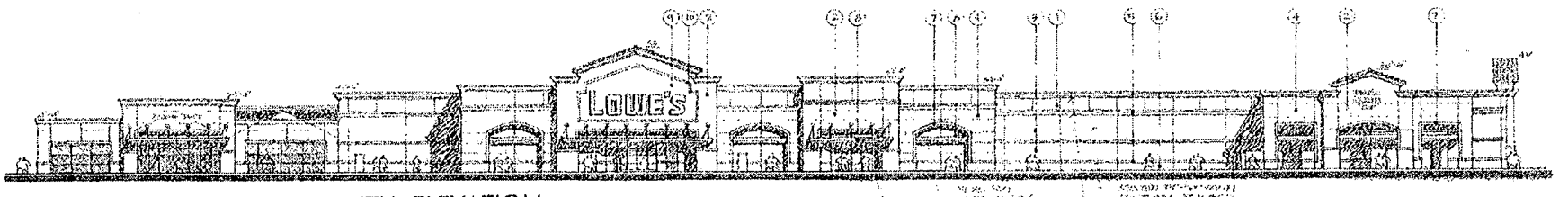
LOWE'S

675 BROADWAY SUITE 1035
SAN DIEGO, CA 92101
T:619.232.8424 F:619.232.1129
WWW.NADELARC.COM

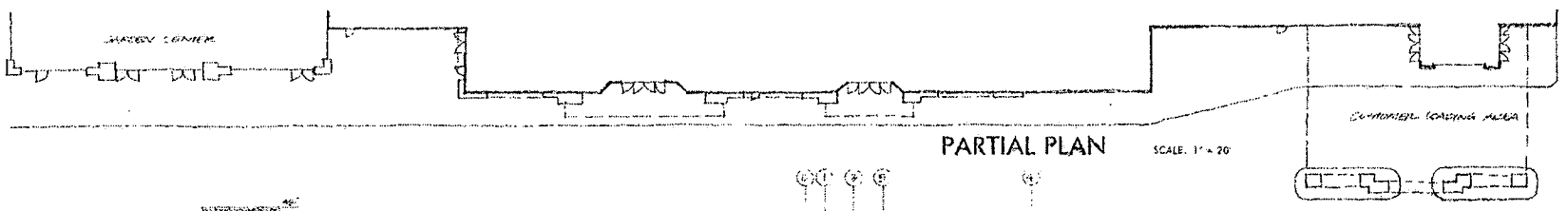
Nadel Architects

SDR-4995

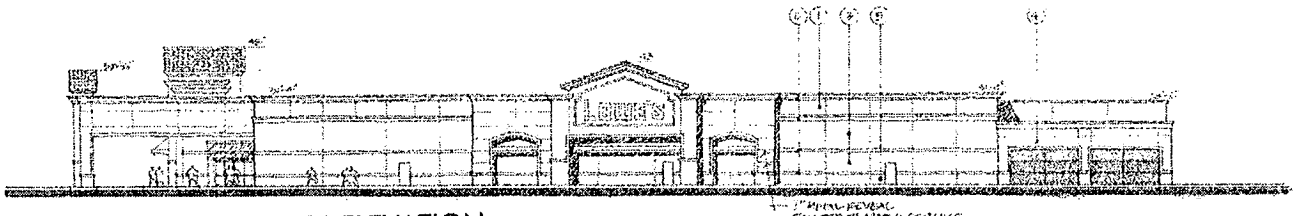
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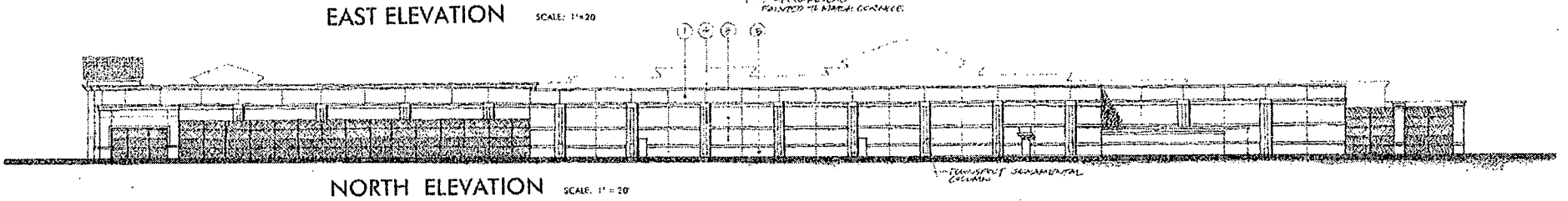
SOUTH ELEVATION SCALE: 1"=20'



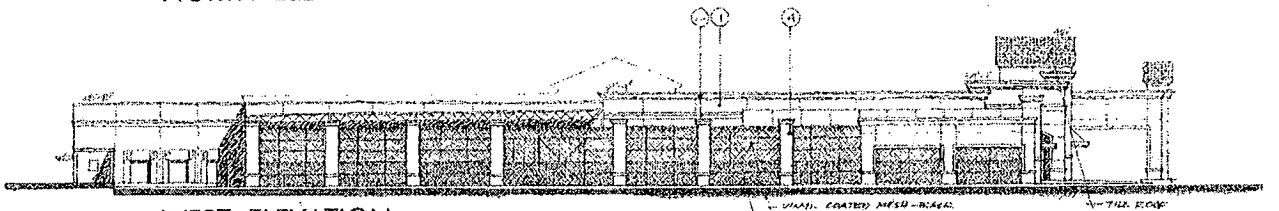
PARTIAL PLAN SCALE: 1" = 20'



EAST ELEVATION SCALE: 1"=20



NORTH ELEVATION SCALE: 1" = 20'



WEST ELEVATION SCALE: 1"=20'

BUILDING COLORS

1. "SUMMER WHEAT" SW 2849
2. "COUNTRY GARDEN" SW 2342
3. "COLONY BUFF" SW 2287
4. "GOLDEN GATE" SW 2804
5. "VERMONT" SW 2057
6. "MUSKRAT" SW 7013
7. "FENCEPOST WHITE" SW 7071
8. "CLAY BUFF" SW 7312
9. LOWE'S BLUE
10. LOWE'S RED

NOTE: ALL PAINT COLORS BY SHERWIN WILLIAMS

20

ELEVATIONS

SDR-4995

9/23/04 PC

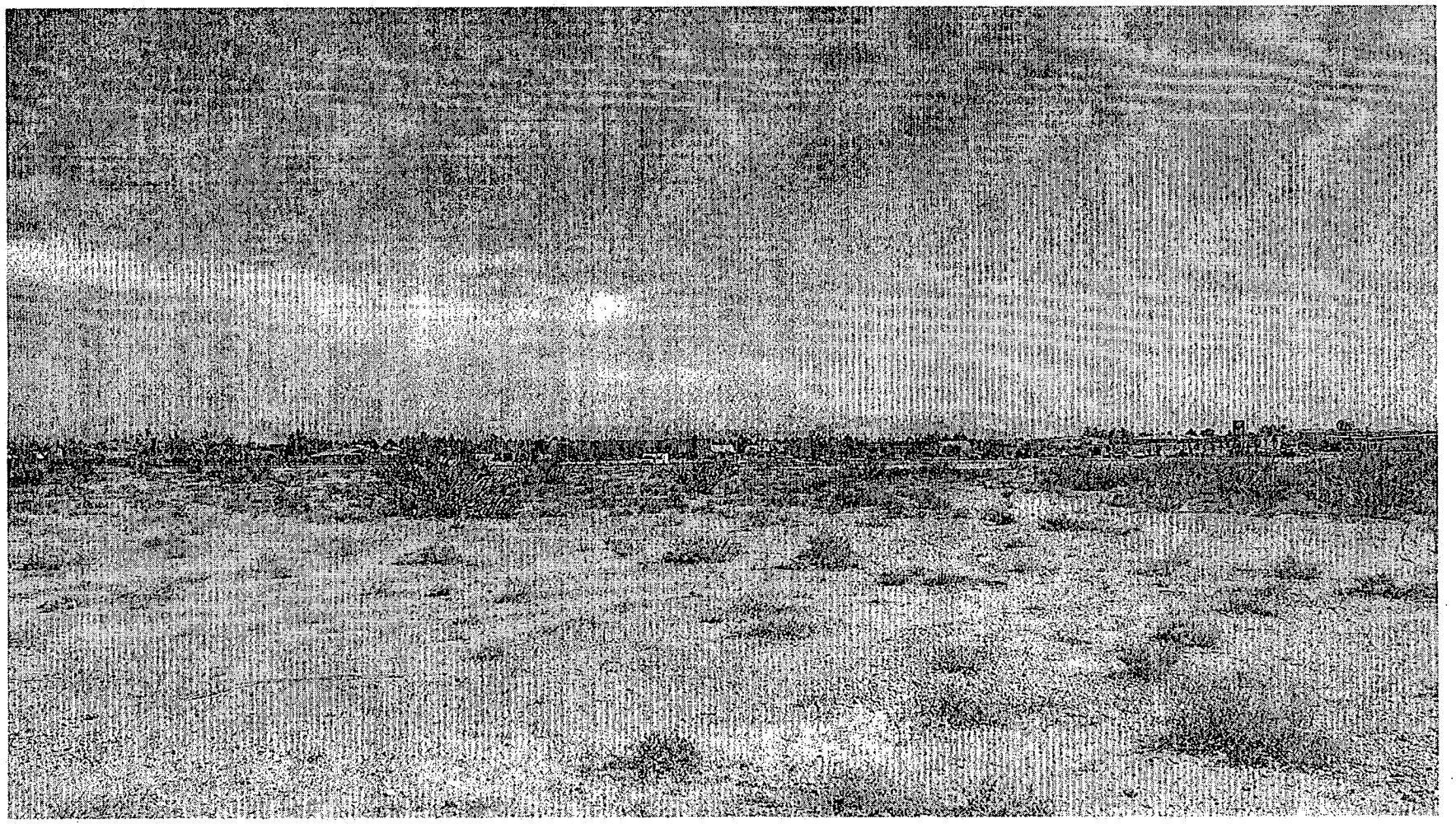
DATE: August 9, 2004
NADEL JOB#: 04743.00

LOWE'S - HOME IMPROVEMENT WAREHOUSE
NW LAS VEGAS, NEVADA

LOWE'S HOME IMPROVEMENT WAREHOUSE

625 BROADWAY, SUITE 1025
SAN DIEGO, CA 92101
T. 619.232.8424 F. 619.232.2179
WWW.NADELARC.COM

Nadel



SDR-4995 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT: EN ENGINEERING - OWNER: MARY BARTSAS 13, LLC
NORTHWEST CORNER OF CRAIG ROAD AND JONES BOULEVARD
SEPTEMBER 23, 2004 PLANNING COMMISSION

9/2/04

City of Las Vegas

Agenda Item No.: 48

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

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

SUBJECT:
RQR-4959 - REQUIRED TWO YEAR REVIEW - PUBLIC HEARING - APPLICANT: LAMAR ADVERTISING – OWNER: FOSTER DAY CORPORATION - Required Two Year Review of an approved Special Use Permit (U-0036-95) WHICH ALLOWED A 40 FOOT HIGH, 14-FOOT X 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 2401 North Decatur Boulevard (APN 138-13-801-083), C-1 (Limited Commercial) Zone, Ward 5 (Weekly).

IF APPROVED: C.C.: 10/20/04
IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

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

RECOMMENDATION:
Staff recommends DENIAL.

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

MOTION:
McSWAIN – DENIED – UNANIMOUS with STEINMAN excused

This is Final Action.

MINUTES:
CHAIRMAN TRUESDELL declared the Public Hearing open.

KYLE WALTON, Planning and Development Department, stated the billboard is inappropriate because it is only 80 feet from a residential area and the minimum distance requirement is 300 feet. The sign is also too tall according to the airport standards of the City's Title 19. 35 feet is the maximum allowable height and the subject billboard is 40 feet high.

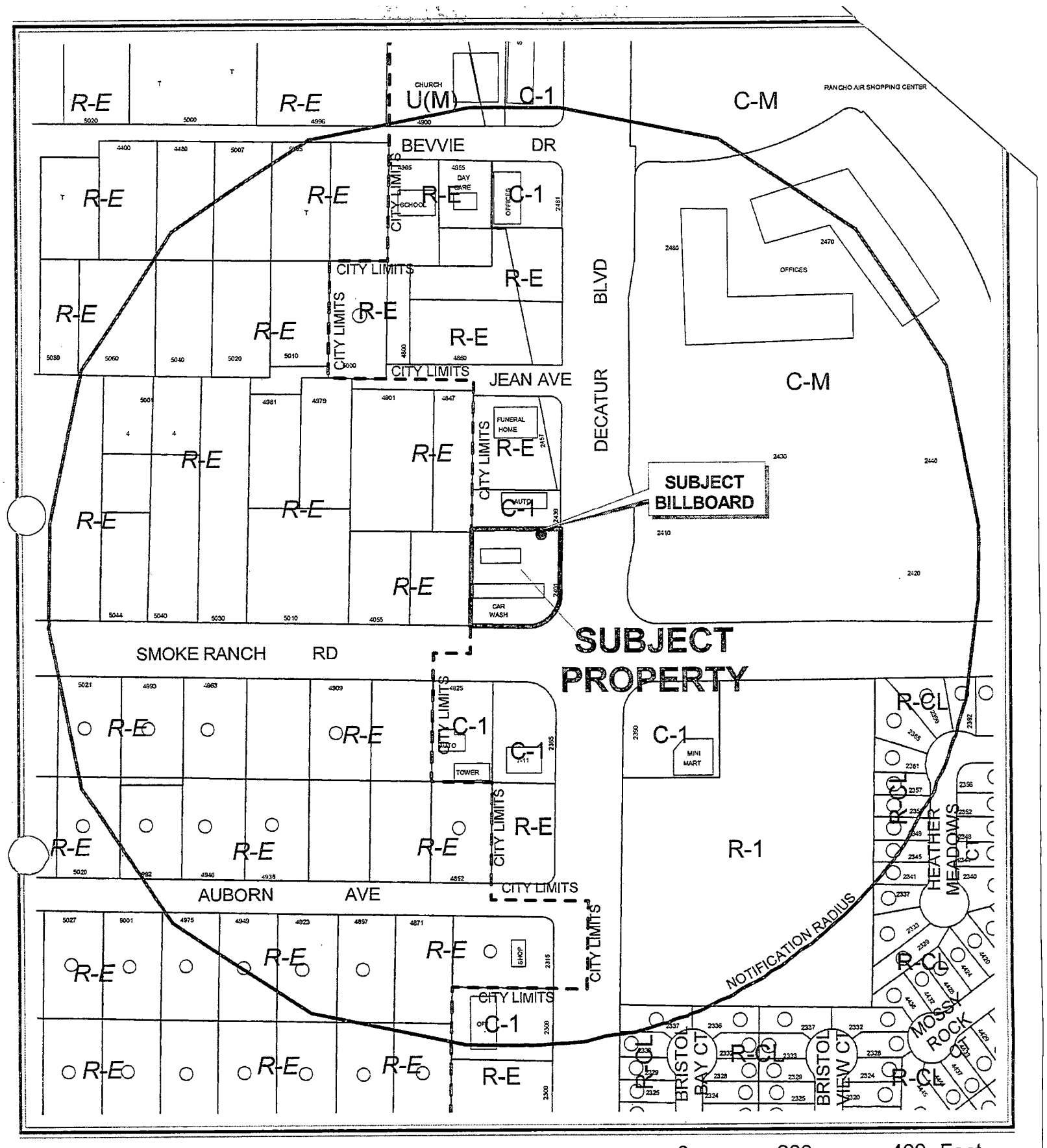
MINUTES – Continued:

SCOTT NAFTZGER, Lamar Advertising, 1863 Helm Drive, explained that the sign has been in the same location for approximately 10 years. It is maintained in accordance with the approval conditions and there has been no incident regarding the sign.

CHAIRMAN TRUESDELL asked if the sign is now considered inappropriate because of the changing runway patterns at the North Las Vegas airport. MR. WALTON indicated there is a height envelope that extends 5000 feet in all directions around the airport and this billboard falls within that envelope. CHAIRMAN TRUESDELL confirmed with MR. WALTON that the envelope is an FAA standard that was put incorporated into Title 19 several years ago.

COMMISSIONER McSWAIN said that she did not support this application when it was previously heard and would not do so now. She feels the sign is inappropriate with the adjacency to residential and the added issue regarding the height envelope makes it more inappropriate.

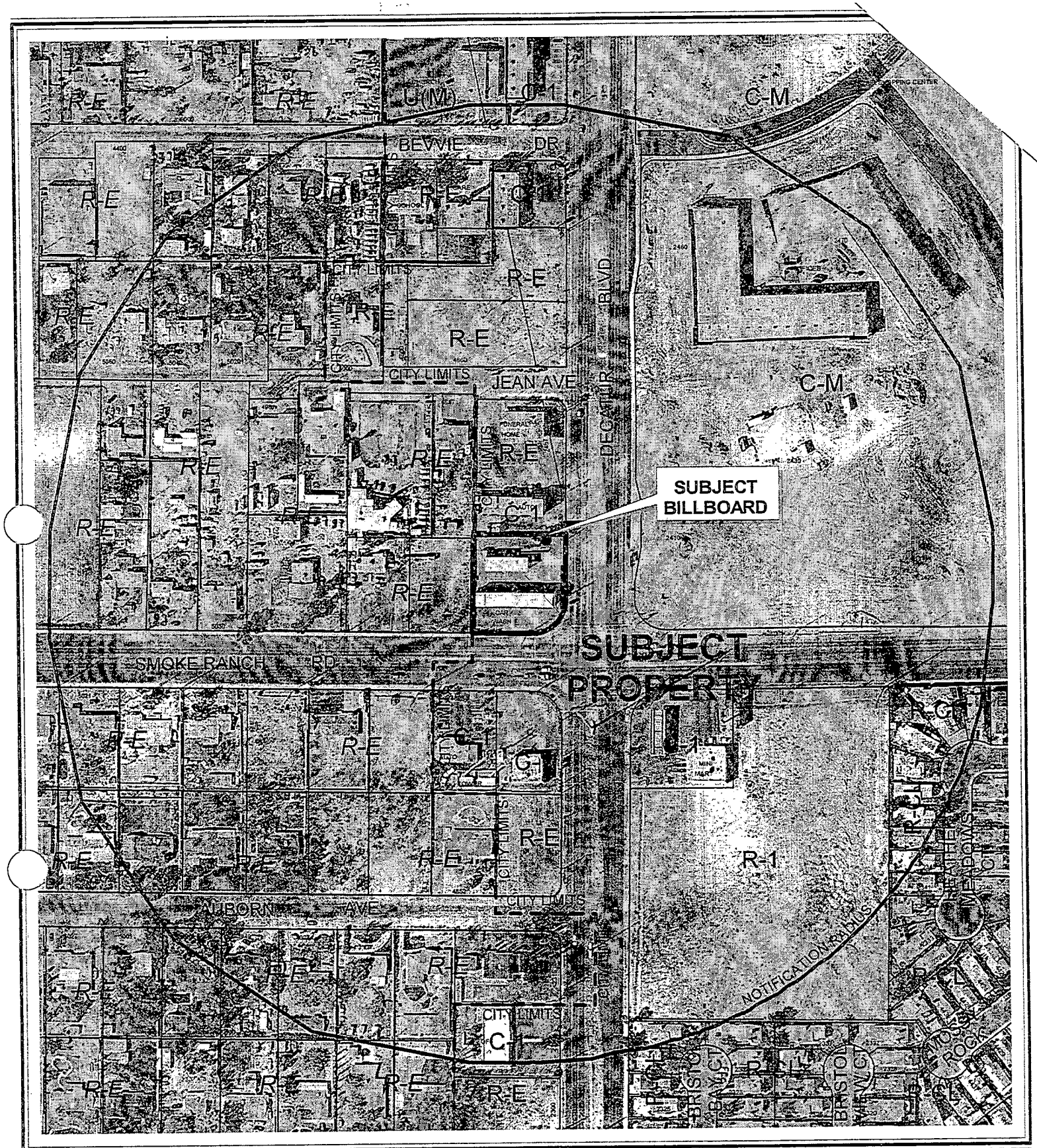
(10:05 – 10:07)



CASE: RQR-4959

RADIUS: 750 FT

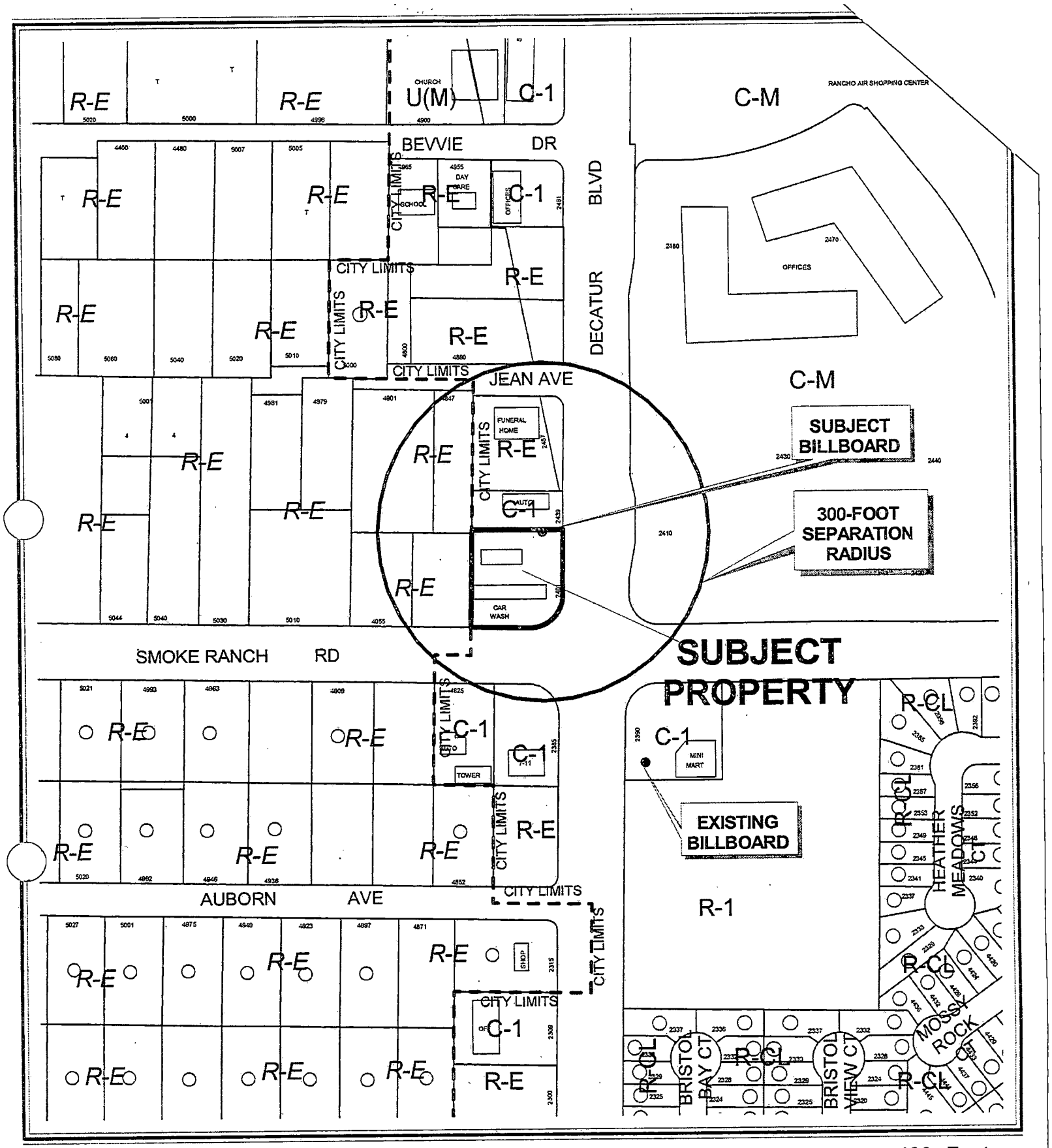
ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)



CASE: RQR-4959

RADIUS: 750 FT

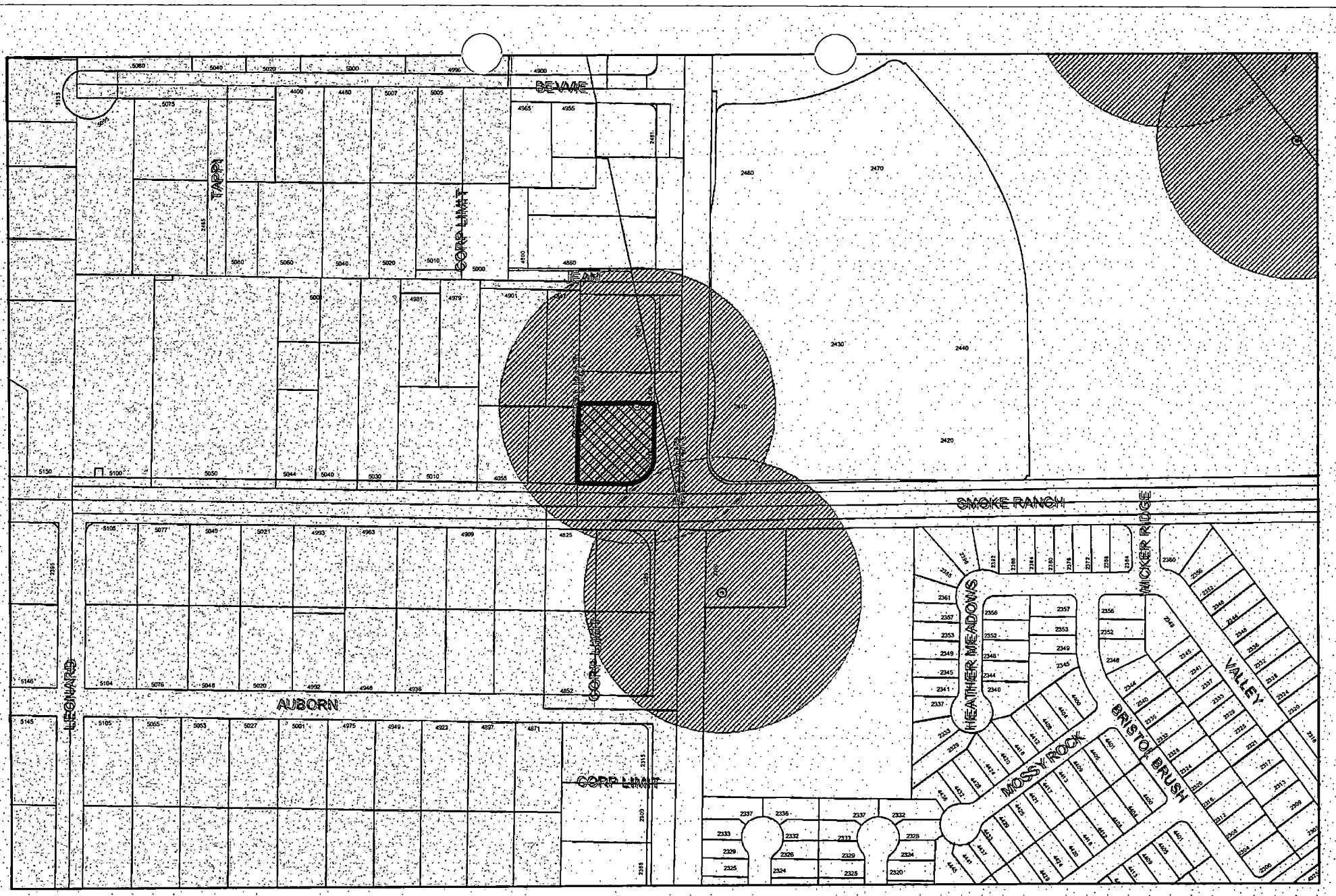
ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)



CASE: **RQR-4959**

SEPARATION RADIUS: 300 FT

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



City of Las Vegas Billboard Data

RQR-4959

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

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 23, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: RQR-4959 - REQUIRED TWO YEAR REVIEW - PUBLIC HEARING - APPLICANT: LAMAR ADVERTISING - OWNER FOSTER DAY CORPORATION

** CONDITIONS **

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

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.14 for an Off-Premise Sign use and other applicable sign requirements.

2. 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.

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. Only one advertising sign is permitted per sign face.

5. 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.

6. If the 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.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

The applicant is requesting approval of a Required Two Year Review of an approved Special Use Permit (U-0036-95) which allowed a 40-foot high, 14-foot x 48-foot off-premise advertising (billboard) sign at 2401 North Decatur Boulevard.

B) Applicant's Justification

A justification letter is not required for this application.

BACKGROUND INFORMATION

A) Previous Actions

06/21/95 The City Council approved a Special Use Permit (U-0036-95) for a 40-foot high, 14-foot by 48-foot off-premise advertising (billboard) sign at 2401 Decatur Boulevard. The Board of Zoning Adjustment recommended denial. Staff recommended approval.

08/03/00 The City Council approved a Five Year Review [U-0036-95(1)] on a Special Use Permit for a 40-foot high, 14-foot by 48-foot off-premise advertising (billboard) sign at 2401 Decatur Boulevard. The Planning Commission and staff recommended approval.

09/18/02 The City Council approved a Two Year Review [U-0036-95(2)] on a Special Use Permit for a 40-foot high, 14-foot by 48-foot off-premise advertising (billboard) sign at 2401 Decatur Boulevard. The Planning Commission and staff recommended denial.

B) Pre-Application Meeting

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

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 0.63

B) Existing Land Use

Subject Property:	Car Wash
North:	Minor Auto Garage Crematorium
South:	Circle K
East:	Rancho Air Center
West:	Undeveloped Residential

C) Planned Land Use

Subject Property:	SC (Service Commercial)
North:	SC (Service Commercial)
South:	SC (Service Commercial)
East:	LI/R (Light Industry/ Research)
West:	R (Rural Density Residential)

D) Existing Zoning

Subject Property:	C-1 (Limited Commercial)
North:	C-1 (Limited Commercial)
South:	C-1 (Limited Commercial)
East:	C-M (Commercial/Industrial)
West:	Clark County

E) General Plan Compliance

The subject site is designated SC (Service Commercial) within the Southeast Sector Land Use map of the General Plan. The subject parcel is current designated as C-1 (Limited Commercial), which is in conformance with the SC (Service Commercial) General Plan designation.

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

PL

Airport Overlay District:

The Airport Overlay District constitutes a planned area in which no structure shall be erected, altered or maintained on any parcel within the boundaries of the Airport Overlay District that would violate the height limitations depicted in the maps adopted by Title 19. All development within the airspace above the height of thirty five feet above the surface of the land, lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces, shall be subject to the height standards established on the Airport Overlay Maps. The existing sign stands at 40 feet in height, therefore being in violation of the 35-foot height restriction placed by the Airport Overlay District, which was adopted in 1990.

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	Existing	Compliance
Location	No off-premise signs in the right-of-way	Sign is not in right-of-way	Y
	Permitted only in C-1, C-2, C-M, M Zoning Districts	Sign is in C-1 Zoning District	Y
Off-premise sign area (max.)	672 SF	672 SF	Y
Separation distance from other off-premise sign (min.)	300 Feet	400+ Feet	Y
Separation distance from "U" or "R" zoning district	300 Feet	102 Feet	N
Off-premise sign height (max.)	40 Feet, except 55 Feet for signs within 60 feet of ROW when significantly obscured	40 Feet	Y
Setbacks (min.)	50 Feet from nearest ROW intersection	150+ Feet	Y
Airport Overlay District Height Restriction	35 Feet Max Height	40 Feet	N

PL

The subject off-premise advertisement (billboard) sign is located within 300 feet of a residentially zoned county parcel to the west. The billboard currently is not in conformance with the standards set forth by Title 19.14.100. The subject billboard exceeds the Airport Overlay District height restriction by five feet, therefore being in non-conformance.

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. The subject property is C-1 zoned and is located on the north side of Smoke Ranch Road, west of Decatur Boulevard, which is outside of the Off-Premise Sign Exclusionary Zone. A Special Use Permit (U-0036-95) was approved by the City Council in 1995 and has been subject to a five-year review [U-0036-95(1)] and a two-year review [U-0036-95(2)].

- Use

Title 19.14.010 of the Las Vegas Municipal Code allows the removal of an off-premise sign if conditions in the surrounding area have changed such that the off-premise sign no longer meets the standards for approval of a Special Use Permit. The off-premise advertising (billboard) sign use is inappropriate, in that it is located approximately 80 feet from residentially zoned property to the north and according to the requirements of the Code, off-premise advertising (billboard) signs are not allowed within 300 feet of any residentially zoned properties. Off-premise advertising (billboard) signs are generally not conducive to economic revitalization as they are more typically associated with declining commercial and industrial areas, and therefore the use conflicts with future development along this segment of Decatur Boulevard and Smoke Ranch Road. Therefore, staff recommends denial of the Two-Year Review.

- Conditions

In addition to the minimum distance separation conditions as listed under section A.a-1 of this report, Title 19.14.100(D) specifies the following additional 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, which 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 sign 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 permittee or 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.

If approved, a condition has been recommended that conformance to all minimum requirements under Title 19.14 for an Off-Premise Sign use and other applicable sign requirements which includes the above conditions. Additional conditions have been recommended if this application is approved to ensure the billboard and the property are properly maintained and the off-premise advertising sign (billboard) supporting structure shall be redesigned to include finish materials to complement the existing on-site building.

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:

PL

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 continued off-premise advertising (billboard) sign use is inappropriate as it is within 300 feet of existing residentially zoned property to the north and is five feet taller than the maximum height allowed because of proximity of the North Las Vegas Airport.

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

   There are no physical constraints to the continuation of the off-premise advertising (billboard) sign use on this site.

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

   The continuation of the off-premise advertising (billboard) sign use will not affect Decatur Boulevard or Smoke Ranch Road, fully developed streets adjacent to this request.

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

   The off-premise advertising (billboard) sign will be subject to regular inspections and will not compromise the public health, safety and welfare.

NOTICES MAILED 75

APPROVALS 0

PROTESTS 0

PL

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: RQR-4959 APN: 138-13-801-083

Name of Property Owner: Foster Day Corp.

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: _____

Signature of Property Owner/Authorized Agent: [signature]

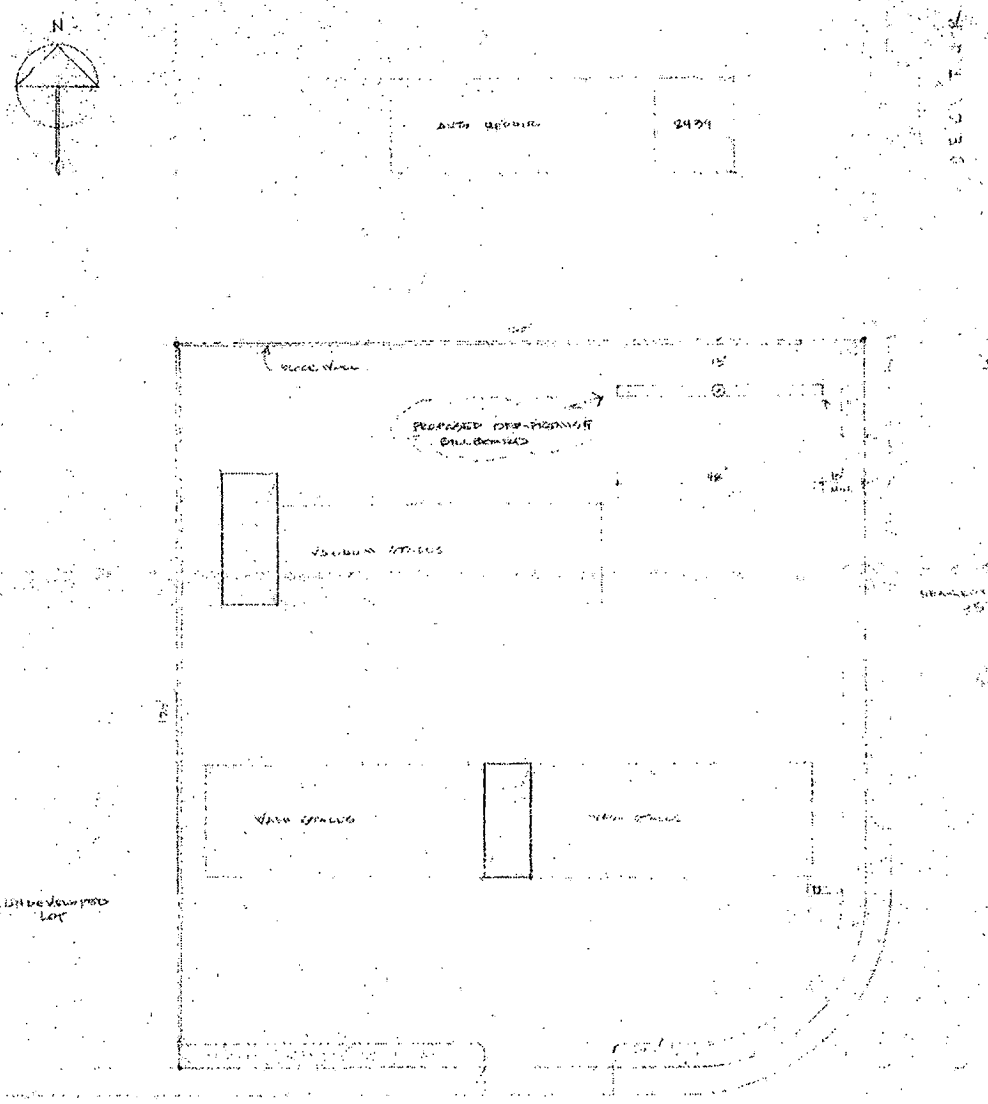
Print Name: Scott Nattinger on behalf of owner

Subscribed and sworn before me

This 3 day of August, 2004

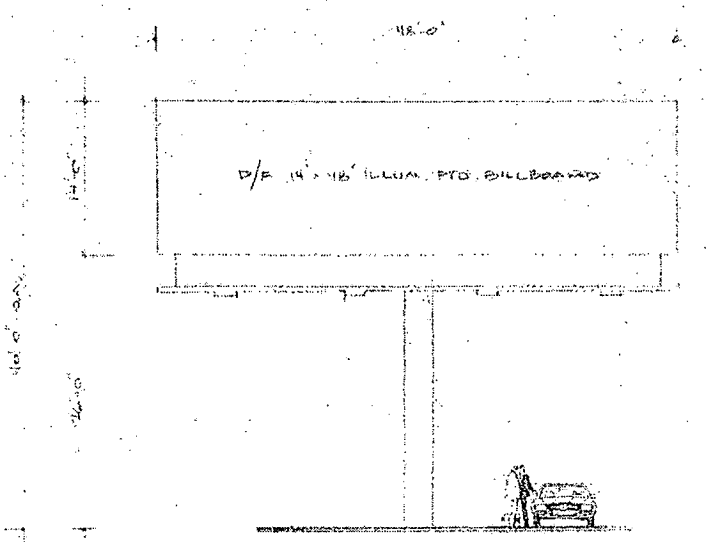
[signature]
Notary Public in and for said County and State

LINDA S. MILES
NOTARY PUBLIC
STATE OF NEVADA
Appt. No. 03-85289-1
My Appt. Expires Sept. 25, 2007



PLOT PLAN

SCALE: 20'



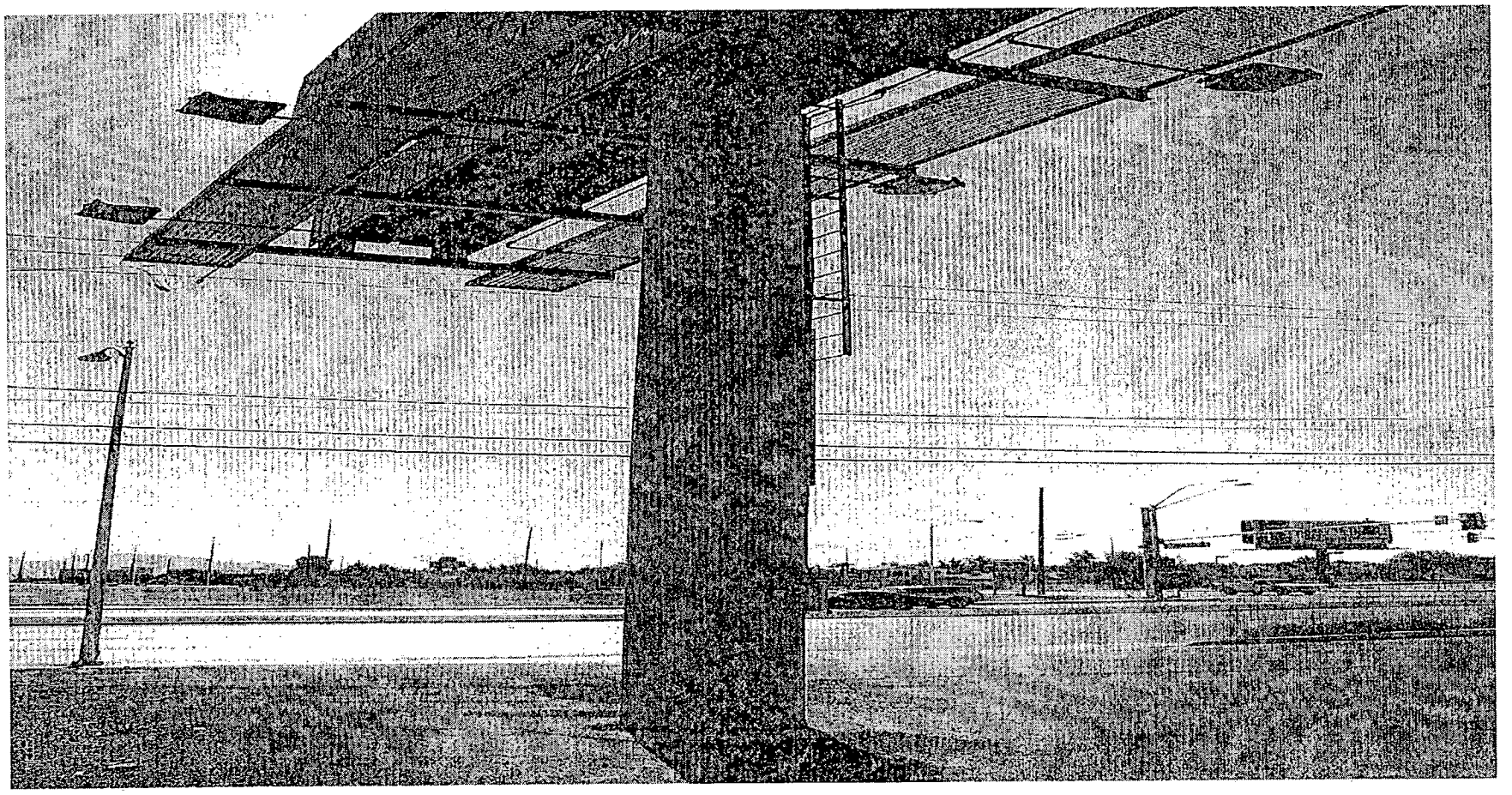
ELEVATION

SCALE: 1/8"

RECEIVED
AUG 04 2004
RQR-4959
9/23/04 PC

R&J Ventures, Inc.

SCALE: 20'	APPROVED:	DRAWN: C.L.C.
DATE: 3-3-99		MARKED
LOCATION: 2401 N. DECATUR LV, NV		
APN: 138-15-701-028		DRAWING NO. S-2



RQR-4959 - REQUIRED TWO YEAR REVIEW - PUBLIC HEARING - APPLICANT: LAMAR ADVERTISING - OWNER: FOSTER DAY CORPORATION
2401 NORTH DECATUR BOULEVARD
SEPTEMBER 23, 2004 PLANNING COMMISSION

8/26/04

City of Las Vegas

Agenda Item No.: 49

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

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

SUBJECT:
SDR-4978 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT: LAS TUNIS, LLC - OWNER: CLARK COUNTY DEVELOPMENT CORPORATION - Request for a Site Development Plan Review FOR A 5,660 SQUARE FOOT MEDICAL OFFICE BUILDING AND WAIVERS OF TRASH ENCLOSURE SEPARATION, FRONT YARD SETBACK, AND WIDTH OF PERIMETER LANDSCAPING on 0.45 acres on James Bilbray Drive, approximately 120 feet south of Smoke Ranch Road (APN 138-23-110-032), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to P-R (Professional Office and Parking), Ward 6 (Mack).

IF APPROVED: C.C.: 10/20/04
IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

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

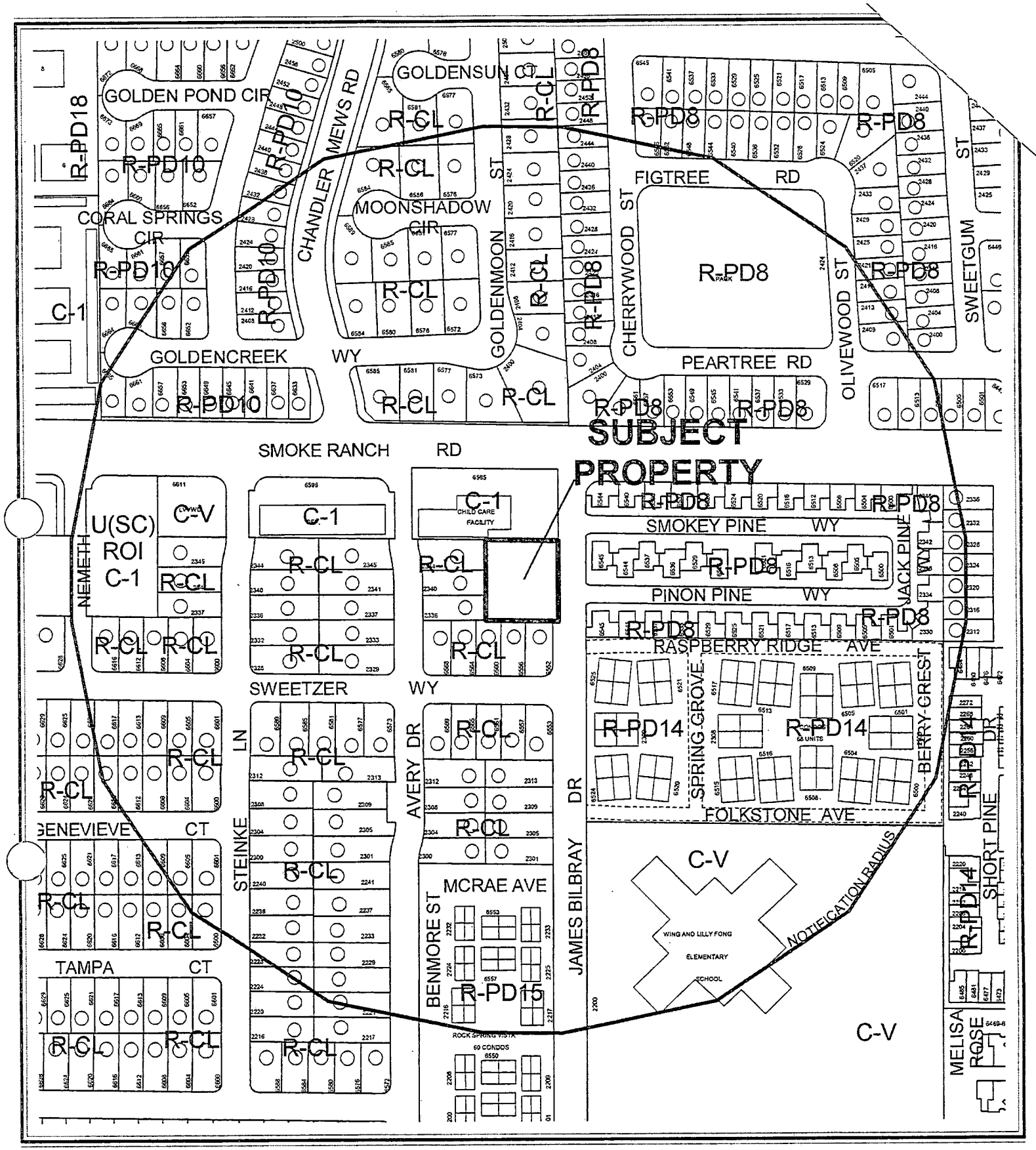
RECOMMENDATION:
Staff recommends DENIAL.

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

MOTION:
NIGRO – Motion to bring forward and HOLD IN ABEYANCE Item 14 [MSP-5152] and Item 22 [SUP-4830] to 10/07/2004 Planning Commission meeting, Item 34 [ZON-4991], Item 35 [SDR-4985] and Item 49 [SDR-4978] to 10/21/2004 Planning Commission meeting – UNANIMOUS with STEINMAN excused

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

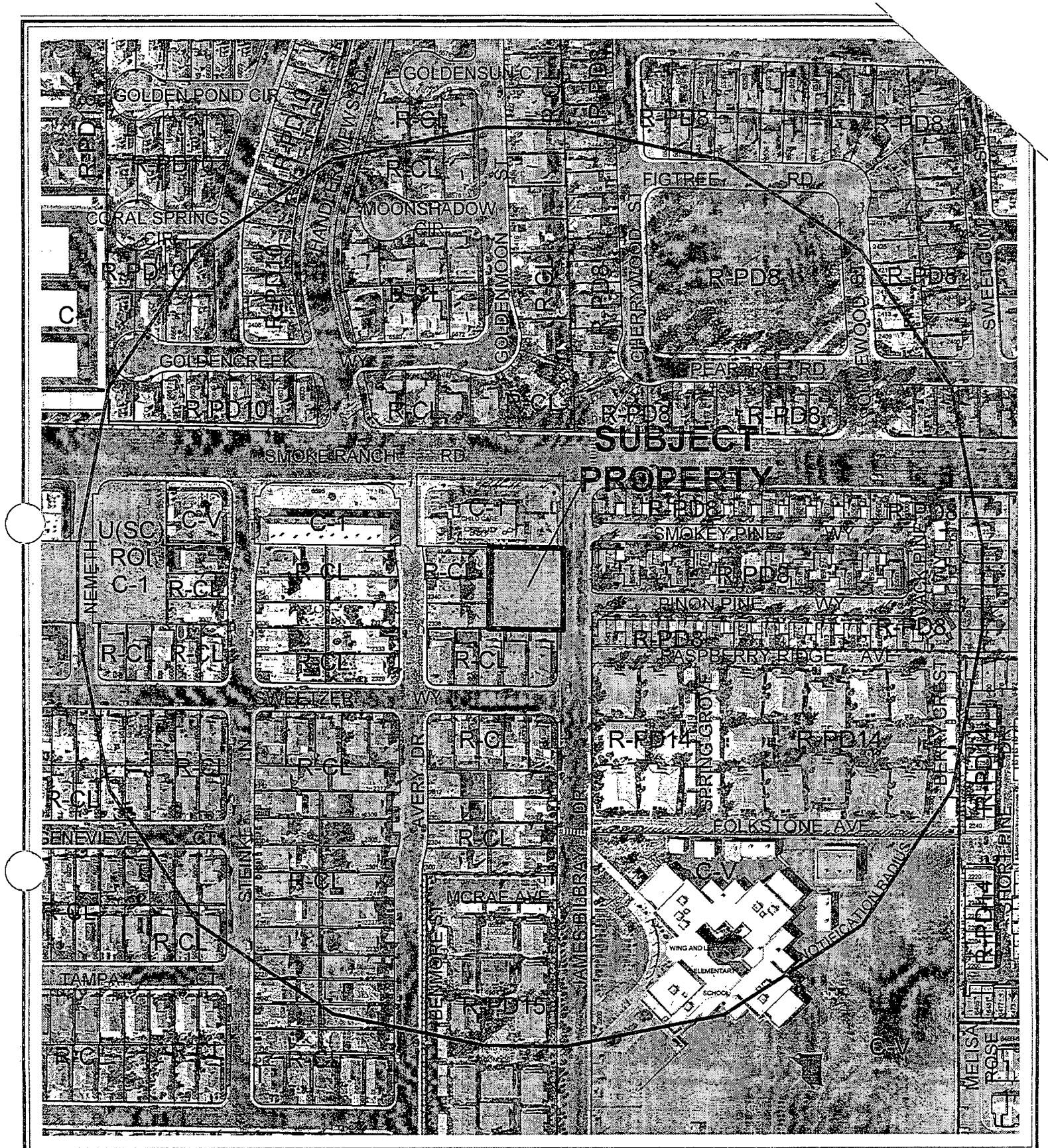
(6:02 – 6:18)



CASE: SDR-4978

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:
U (UNDEVELOPED) ZONE [SC (SERVICE COMMERCIAL) GENERAL PLAN DESIGNATION]
UNDER RESOLUTION OF INTENT TO P-R (PROFESSIONAL OFFICE AND PARKING)



0 200 400 Feet

CASE: SDR-4978

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:
U (UNDEVELOPED) ZONE [SC (SERVICE COMMERCIAL) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO P-R (PROFESSIONAL OFFICE AND PARKING)

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 23, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-4978 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT: LAS TUNIS, LLC - OWNER: CLARK COUNTY DEVELOPMENT CORPORATION

** CONDITIONS **

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

Planning and Development

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

2. The trash enclosure shall be covered as required by the Commercial Development Standards.

3. The applicant shall revise the landscape plan to provide 24-inch box trees 20 feet on center along James Bilbray Drive. The plan shall also be revised to provide one 24-inch box tree for every six spaces in the parking lot area. The revised plan shall be submitted to and approved by the Planning and Development Department prior to the approval of any building permits for this site.

4. Prior to the issuance of building permits, a revised landscape plan must be submitted to and approved by the Department of Planning and Development showing a maximum of 12.5% of the total landscaped area as turf.

5. All development shall be in conformance with the submitted plans, date stamped August 9, 2004, except as amended by the recommended conditions.

Public Works

6. Dedicate an additional 10 feet of right-of-way for a total half-street width of 30 feet on James Bilbray Drive adjacent to this site prior to the issuance of any permits.

7. Construct all incomplete half-street improvements on James Bilbray Drive adjacent to this site concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).

8. 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.

9. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222A.

10. 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 submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.

11. This site will be subject to the traffic signal impact fee as required by Ordinance No. 5644 at the time permits are issued.

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

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This request is for a Site Development Plan Review for a 5,660 square foot office building and waivers of the trash enclosure separation, front yard setback and width of perimeter landscaping on 0.45 acres adjacent to the west side of James Bilbray Drive, approximately 120 feet south of Smoke Ranch Road.

B) Applicant's Justification

The applicant's justification letter indicates they are requesting the waivers to the trash enclosure separation, front setback and perimeter landscape width due to the small size of the site.

BACKGROUND INFORMATION

A) Previous Actions

04/17/96 The City Council approved a General Plan Amendment (GPA-11-96) to SC (Service Commercial) and a Rezoning (Z-20-96) to P-R (Professional Office and Parking) on this site. The Planning Commission and staff recommended denial on March 28, 1996.

06/23/97 The City Council approved an Extension of Time [Z-20-96(1)] for the approved Rezoning (Z-20-96) to P-R (Professional Office and Parking) on this site with no expiration date. The Planning Commission and staff recommended approval on May 22, 1997.

B) Pre-Application Meeting

07/09/04 The applicant was advised of the requirements of a Site Development Plan Review and that waivers would be necessary to allow the proposed project to deviate from required standards.

C) Neighborhood Meetings

A neighborhood meeting is not required for this request.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.45

B) Existing Land Use

Subject Property:	Undeveloped
North:	Retail Commercial
South:	Single Family Residences
East:	Townhouses
West:	Single Family Residences

C) Planned Land Use

Subject Property:	SC (Service Commercial)
North:	SC (Service Commercial)
South:	ML (Medium Low Density Residential)
East:	MLA (Medium Low Attached Density Residential)
West:	ML (Medium Low Density Residential)

D) Existing Zoning

Subject Property:	U (Undeveloped) [SC (Service Commercial) General Plan Designation] under Resolution of Intent to P-R (Professional Office and Parking)
North:	C-1 (Limited Commercial)
South:	R-CL (Single Family Compact-Lot)
East:	R-PD8 (Residential Planned Development – 8 Units Per Acre)
West:	R-CL (Single Family Compact-Lot)

E) General Plan Compliance

The site is designated SC (Service Commercial) on the Southwest Sector Plan Map of the General Plan. The existing P-R (Professional Office and Parking) Zoning designation is in conformance with the General Plan designation of SC (Service Commercial).

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

PROJECT DESCRIPTION

The applicant is proposing to construct a 5,660 square foot, two story medical office building on the subject site. The building is located towards the north portion of the site near the existing commercial development on Smoke Ranch Road. Parking is located to south of the building and in a sub-grade parking garage beneath building. Landscaping is shown in 10 and 15 foot wide landscape planters along James Bilbray Drive and in 5 foot wide planter along the north, south and west property lines. A trash enclosure is proposed along the west property line, approximately 10 feet from the existing single family residence. The building elevations depict a stucco and masonry exterior with a flat roof and aluminum mullion accents. The floor plans depict three suites will be located on the first floor, with two executive offices on the second floor.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

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

Standards	Required	Provided	Compliance
Min. Lot Size	N/A Square Feet	0.45 Acres	Y
Min. Lot Width	60 Feet	147 Feet	Y
Min. Setbacks			
• Front	20 Feet	15 Feet	N
• Side	5 Feet	5 Feet	Y
• Corner	15 Feet	N/A	N/A
• Rear	15 Feet	15 Feet	Y
Max. Lot Coverage	50 %	29 %	Y

Max. Building Height	2 Stories / 35 Feet	2 Stories / 29.5 Feet	Y
Trash Enclosure	Must be covered and 50 from residential	Cover not shown and 10 feet from residential	N
Mech. Equipment	Must be screened	Shown screened on the roof of the building	Y

The proposed development fails to meet two requirements of the development standards. The trash enclosure is located approximately 10 feet from the existing single-family residence to the west where 50 feet is the minimum separation required. The building is located 15 feet from the front property line where 20 feet is required. The applicant has requested waivers from these requirements.

A2) Residential Adjacency Standards

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

a) Proximity slope. The submitted plans indicate the portion of the building closest to the residences is only 15 feet high with the 29.5 foot (2 story portion) towards the east of the site where it is within the required proximity slope.

A3) Parking and Traffic Standards

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

Uses	GFA	Ratio	**Required** Parking		**Provided** Parking	
			Regular	Handicap	Regular	Handicap
Office, Medical and Dental	5,660 SF.	1 space for each 200 square feet of gross floor area up to 2,000 square feet, plus one space for each additional 175 square feet	31	2	31	3

The submitted plans indicate a total of 31 spaces will be provided including 3 handicap accessible spaces, which includes the sub-grade parking garage. Based the 5,660 square feet for the proposed medical office building 31 spaces are required, two of which must be handicap accessible. Therefore the submitted plan is in compliance with the parking requirements of the Code.

A4) Landscape and Open Space Standards

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

Standards	**Required** Ratio	Trees	**Provided**
Parking Area	1 Tree/6 Spaces	3 Trees	0
Buffer: • Min. Trees	1 Tree/20 Linear Feet along James Bilbray Drive and the south and west property lines; 1 Tree/30 Linear Feet along the north property line	31 Trees	24
• Min. Zone Width	15 Feet along James Bilbray Drive; 8 Feet around the remaining perimeter		10 and 15 Feet along James Bilbray Drive; 5 feet around remaining perimeter

The submitted landscape plan does not meet the minimum requirements of the Development Standards with regards to planter widths, trees along the street frontage and trees in the parking lot area. The applicant has requested a waiver to allow for the reduction in the planter widths around the perimeter of the site. However, no waiver was requested for the reduction of trees along the street frontage or parking lot. A condition has been added to address the number of buffer trees.

A5) Sign Standards

No signs are shown on the proposed plans. All signage shall conform to the standards set forth in Title 19.14 for the P-R (Professional Office and Parking) zoning district.

B) General Analysis and Discussion

- Zoning

The proposed medical office building is an allowed use in the P-R (Professional Office and Parking) zoning district.

- Site Plan

The proposed development meets the minimum code requirements with regards to lot size, parking, building height and Residential Adjacency Standards. However, it is apparent that the site is over-built given the number of waivers requested by the applicant.

- Waivers

The applicant has requested the following waivers for this development:

Trash Enclosure Separation from Residential

The applicant's request for a waiver to allow the trash enclosure be allowed 10 feet from the residential property to the west where 50 feet is the minimum required is not appropriate. No justification has been provided as to why the trash enclosure cannot be relocated on the site and meet the requirements. The recommendation for this waiver request is denial. If this request is approved, a condition has been added requiring the trash enclosure to be covered as required by the Commercial Development Standards.

Front Setback

The applicant's request for a waiver to allow for a 15 foot front yard setback where 20 feet is required is not appropriate. Because this is a new office building, there is an opportunity to place the building on the site and meet the setback requirements. The recommendation for this waiver request is denial.

Landscape Planter Widths

The applicant's request for a waiver to allow for the reduction in planter widths along the perimeter of the site is not appropriate. Because this is a new office building, there is an opportunity to develop the site with the required landscaping. The recommendation for this waiver request is denial. If this request is approved, a condition has been added requiring the applicant to revise the landscape plan to show 24 inch box trees 20 feet on center along James Bilbray Drive. The revised plan shall be submitted to and approved by the Planning and Development Department prior to the approval of any building permits for this site.

- Landscape Plan

In addition to the reduced landscape planter widths, the landscape plan also does not provide one 24-inch box tree for every six spaces in the parking lot area outside the sub-surface parking garage. If this request is approved, a condition has been added requiring the applicant to revise the landscape plan to show 24 inch for every six parking spaces.

- Elevation

The proposed elevations are appropriate for the proposed use and are compatible with other development in the area.

- Floor Plan

The submitted floor plans depict a layout that is appropriate for the proposed medical office use.

FINDINGS

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

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

   The proposed office use is appropriate along this segment of James Bilbray Drive and is compatible with adjacent development in the area.

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 project is not consistent with the General Plan, Title 19 and the Commercial Development Standards with regards to required, trash enclosure separation, landscaping and building setbacks. The applicant's request for the waivers to these standards is not appropriate due to this being a new office building on this site with adequate room to construct a building that can meet the requirements. In this case, the applicant is attempting to construct an office building that is too large for the subject site. Therefore the recommendation for this request is denial

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

   Access is provided via a drive from James Bilbray Drive, a 60 foot wide collector street, which connects to Smoke Ranch Road, a Primary (100-foot) Arterial on the Master Plan of Streets and Highways. The street facilities are adequate in size to meet the requirements of the proposed uses.

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

   The proposed elevations are appropriate for an office development of this type and are compatible with the surrounding development. However, the landscaping as proposed is not sufficient for a new development of the type.

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

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

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

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

NOTICES MAILED 237

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-4978 APN: 138-23-110-032

Name of Property Owner: Clark County Development Corp.

Name of Applicant: Land Tech 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: Clark County Dev. Corp. [signature] President/Director

Print Name: Larry Holmes

Subscribed and sworn before me

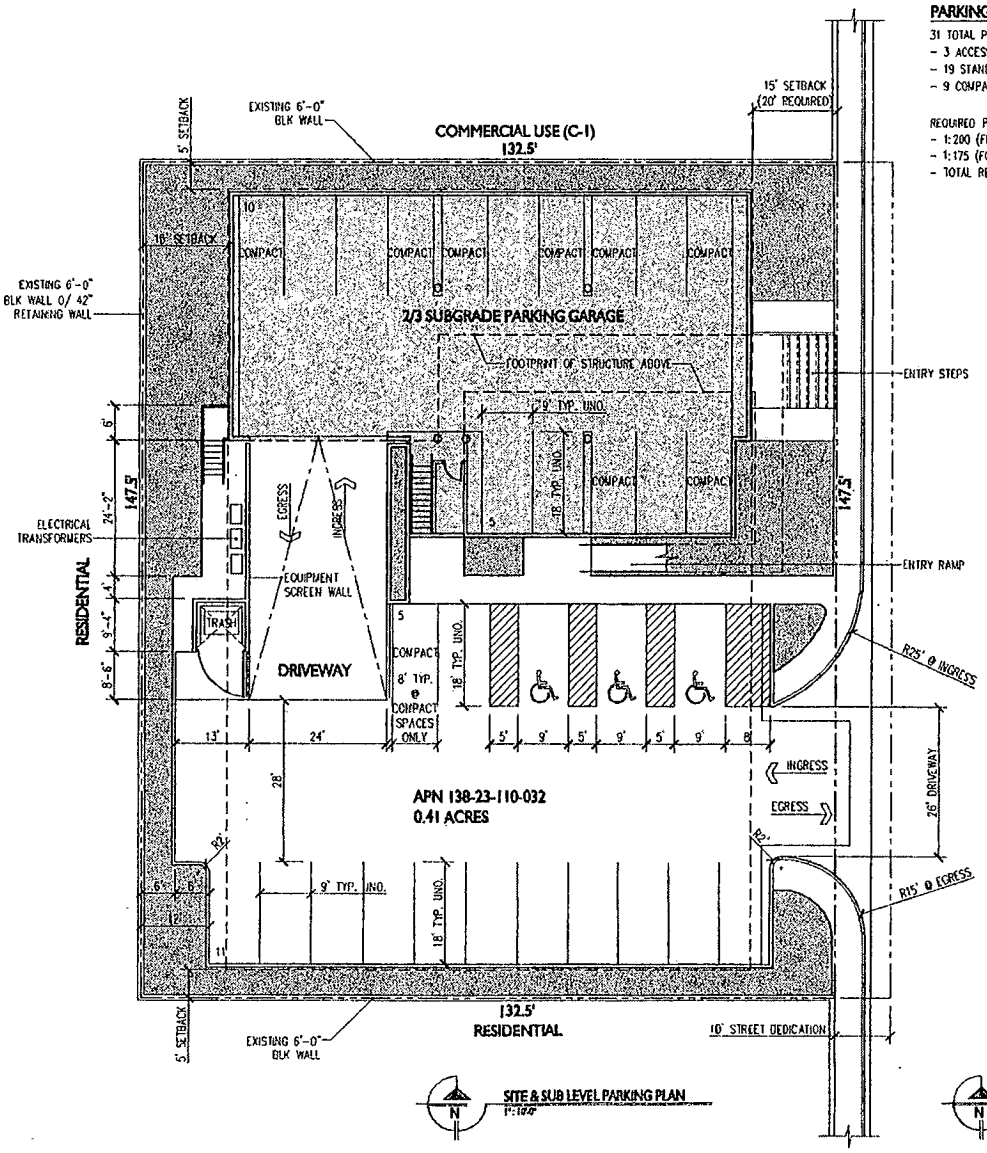
This 27 day of July, 2004

[signature]

Notary Public in and for said County and State

MELISSA G. HENEGAN
Notary Public State of Nevada
No. 01-67489-1
My appt. exp. Dec. 7, 2004

SDR-4978
9/23/04 PC

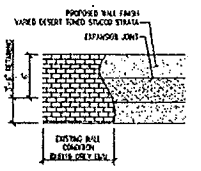


PARKING ANALYSIS

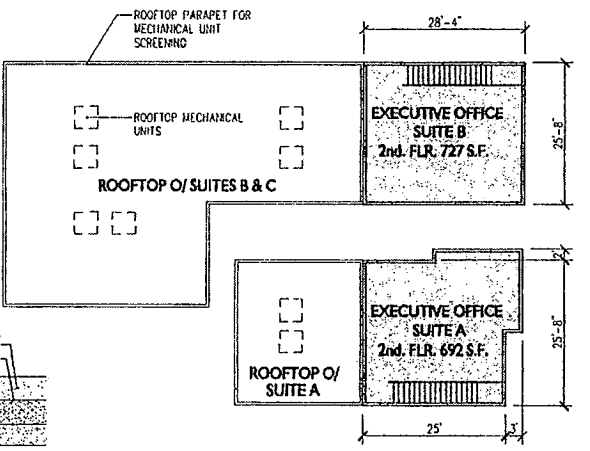
31 TOTAL PARKING SPACES
- 3 ACCESSIBLE (1 VAN) = 10%
- 19 STANDARD (9'x18') = 61%
- 9 COMPACT (8'x18') = 29%

REQUIRED PARKING
- 1:200 (FIRST 2000 SF.) = 10
- 1:175 (FOR ADDITIONAL 3660 SF.) = 20.9
- TOTAL REQ. FOR 5680 SF. MED. BLDG. = 30.9

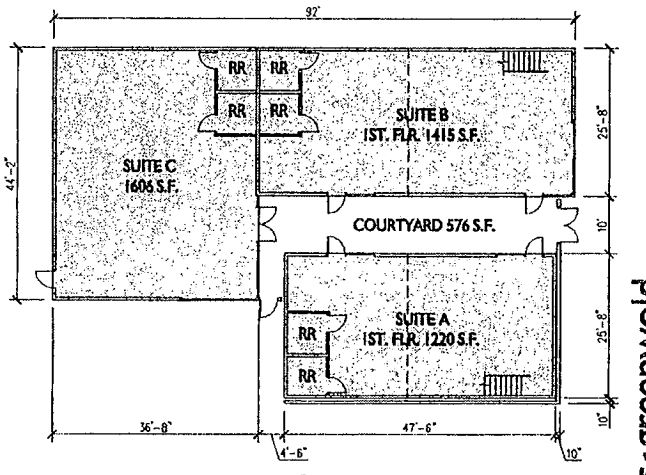
VICINITY MAP
NTS



PERIMETER WALL DETAIL
NTS



2ND. FLOOR PLAN
1"=10'-0"



1ST. FLOOR PLAN
1"=10'-0"

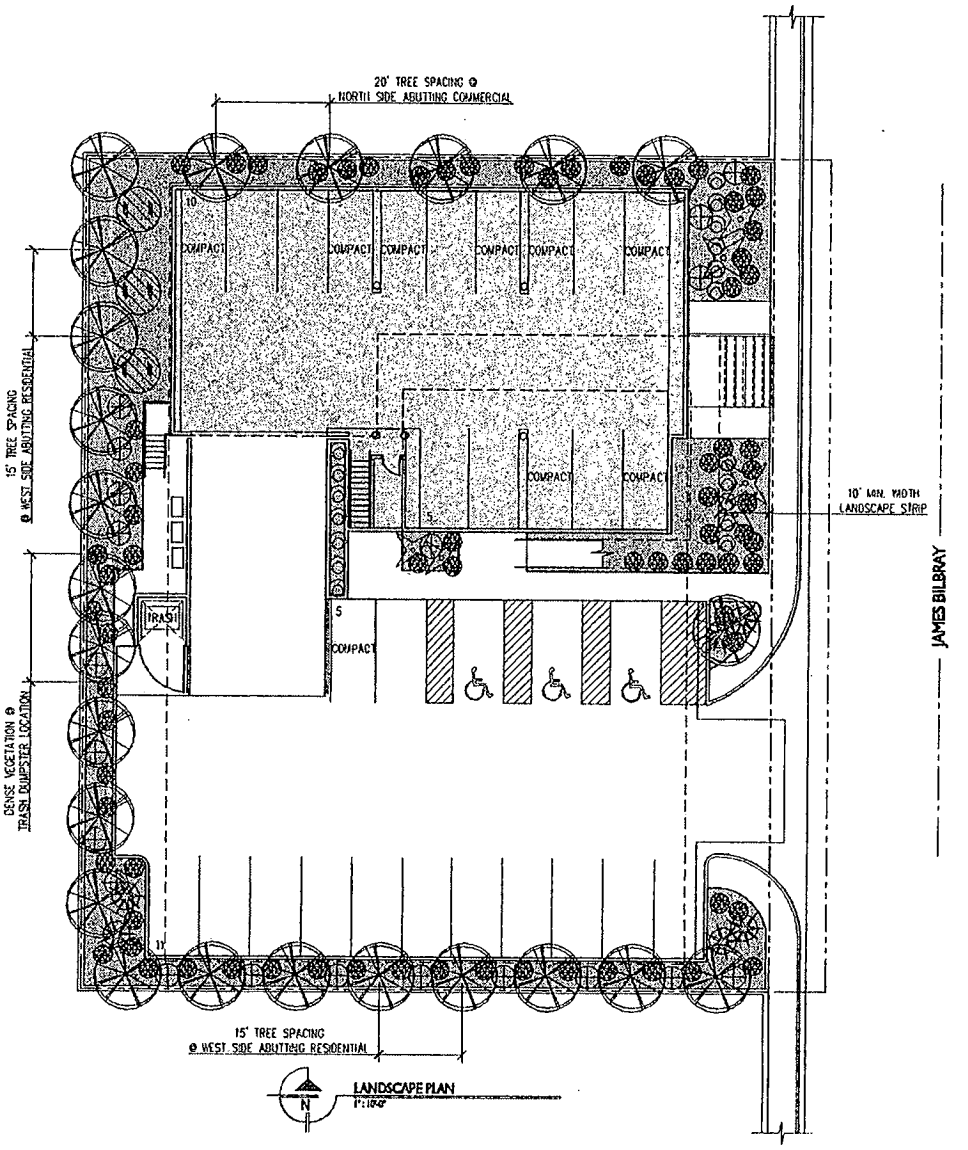
jones greenwold
architecture + interiors

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Professional Plaza @ J. Bilbray & Smoke Ranch Road

PR ZONING - PROFESSIONAL MEDICAL OFFICE PROPOSAL — DES. REV
APN 138-23-110-032
LAS VEGAS, NEVADA

SDR-4978
9/23/04 PC



PLANTING GENERAL NOTES

1. ALL PLANT AND ENCROACHED LIGHTING LOCATIONS ARE TO BE FIELD LOCATED AND APPROVED W/ DESIGNER, PRIOR TO FINAL DESIGN IMPLEMENTATION.

2. LANDSCAPE CONTRACTOR TO COORDINATE WITH EXCAVATION CONTRACTOR WHERE REQ. FOR PLANTER AREAS TO ENSURE POSITIVE DRAINAGE IN CONFORMANCE WITH CIVIL ENGINEER REQUIREMENTS. KEEP ALL PLANTING A MINIMUM OF 5'-0" FROM BUILDING FOUNDATIONS AND UNDERGROUND SEWER. ENSURE POSITIVE DRAINAGE AWAY FROM STRUCTURES.

3. PROVIDE MIN. OF 3" DG (DECOMPOSED GRANITE - TYP.) AS SHOWN IN PLANTING SCHEDULE AT ALL PLANTER LOCATIONS U.N.O. TO WITHIN 1" OF TOP OF ADJACENT CURB & SIDEWALK.

4. DG PREQUALIFIED - PROVIDE PRE-EMERGENT HERBICIDE TO PLANTER SOILS, INSTALL DG, RAKE SMOOTH AND TEXTURE TO FULL DEPTH OF DG, LET DRY AND LIGHTLY SCARIFY SURFACE BLENDING THE LOOSE GRANULE ON TOP LAYER.

5. REFER TO LA1 FOR IRRIGATION SPECIFICATIONS

6. KEEP TREE PLANTING A MIN. OF 3'-0" FROM ALL SIDEWALKS. PLANTING WHICH EXCEEDS 30" IN HEIGHT ARE NOT PERMITTED WITHIN SIGHT VISIBILITY ZONES.

PLANT MATERIAL SCHEDULE

EQUIP. REF	COMMON NAME / BOTANICAL NAME	QUANTITY	SIZE
	-	-	-
	-	-	-
	CHILEAN MESQUITE (THORNLESS) PROSOPIS CHILENSIS	21	24" BOX
	-	-	-
	MEXICAN FAN PALM (UNGROOMED) WASHINGTONIA ROBUSTA	6	19' BTH
	-	-	-
	JAPANESE BLOOD GRASS IMPERATA CYLINDRICA	16	5 GALLON
	-	-	-
	FOUNTAIN GRASS PENNISETUM SETACEUM	19	5 GALLON
	-	-	-
	LANTANA LANTANA CAMARA	39	1 GALLON
	PAMPAS GRASS CORTADERIA SELLOANA	8	5 GALLON
	-	-	-
	RED YUCCA HESPERALOE PARVIFLORA	6	5 GALLON
	ROCK OUTCROPPING	-	TBD
	FIELD LOCATION TBD BY DESIGNER	-	-
	-	-	-

jones greenwold architecture + interiors
1250 s. fairfield suite c | las vegas, nv 89102
jonesgreenwold.com | email: design@jonesgreenwold.com
phone 702.735.1252 | fax 702.735.1253

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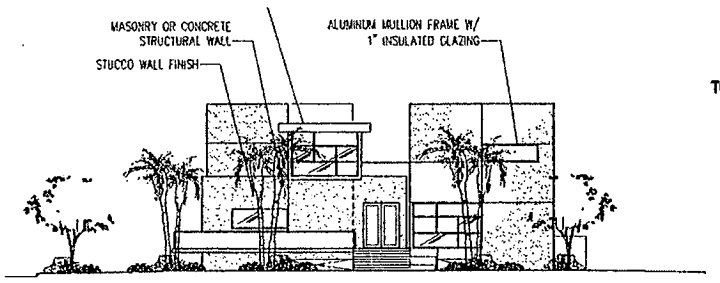
Professional Plaza @ J. Bilbray & Smoke Ranch Road

PR ZONING - PROFESSIONAL MEDICAL OFFICE PROPOSAL

APN 139.23.110.012

LAS VEGAS, NEVADA

DES. P

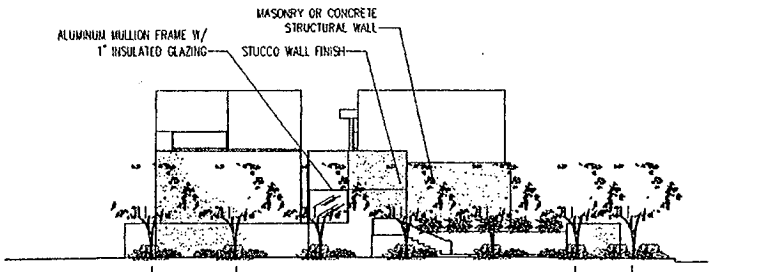


TOP OF BLDG. 30'-6" AFG

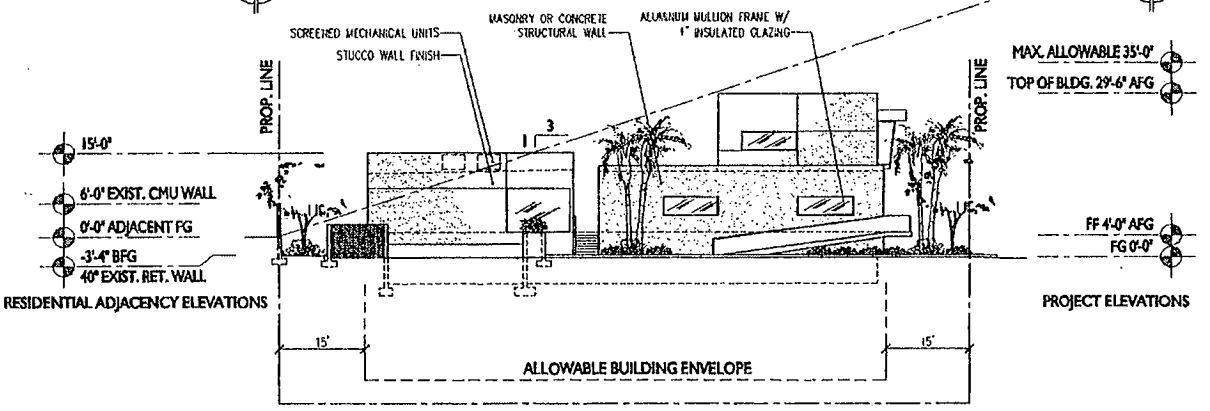
ALL PAINT COLORS TO BE DESERT PALLETTE AS RECOMMENDED BY CLV PLANNING & DEVELOPMENT

FF 4'-0" AFG
FG 0'-0"

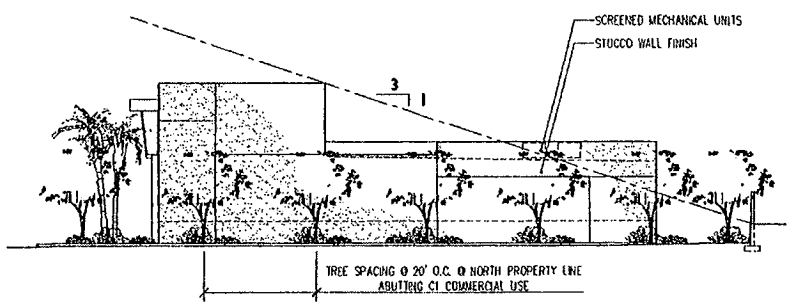
E JAMES BILBRAY ELEVATION
1"=10'-0"



W ELEVATION FROM RESIDENTIAL
1"=10'-0"



S PARKING LOT ELEVATION
1"=10'-0"



N ELEVATION @ COMMERCIAL SIDE
1"=10'-0"

SDR-4978
9/23/04 PC

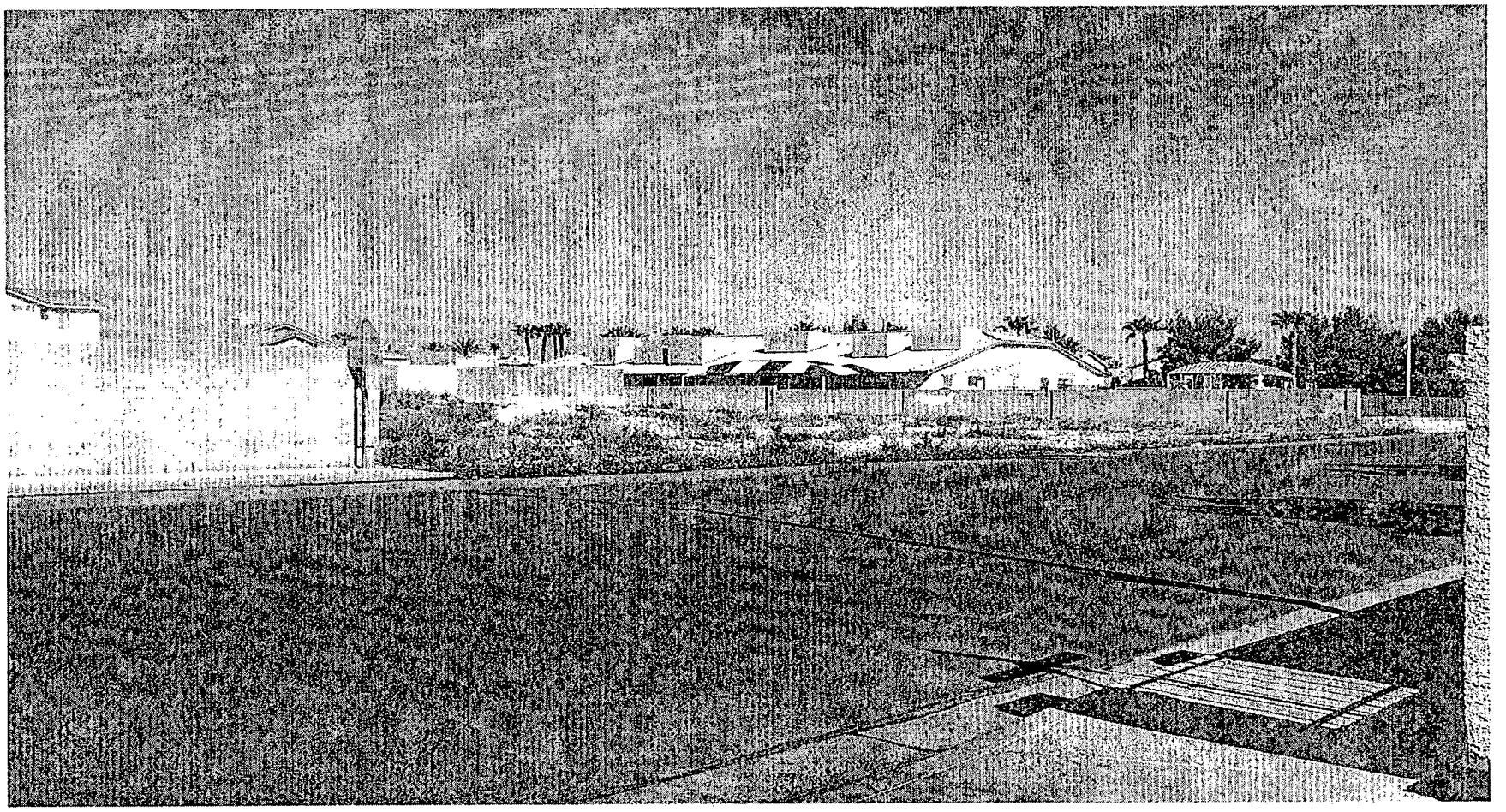
RECEIVED
AUG 0 9 2004

jones greenwold architecture + interiors

4750 w. sunset rd. suite c | las vegas, nv 89103
www.jonesgreenwold.com | email: designers@jonesgreenwold.com
phone 702.733.1222 | fax 702.733.1282

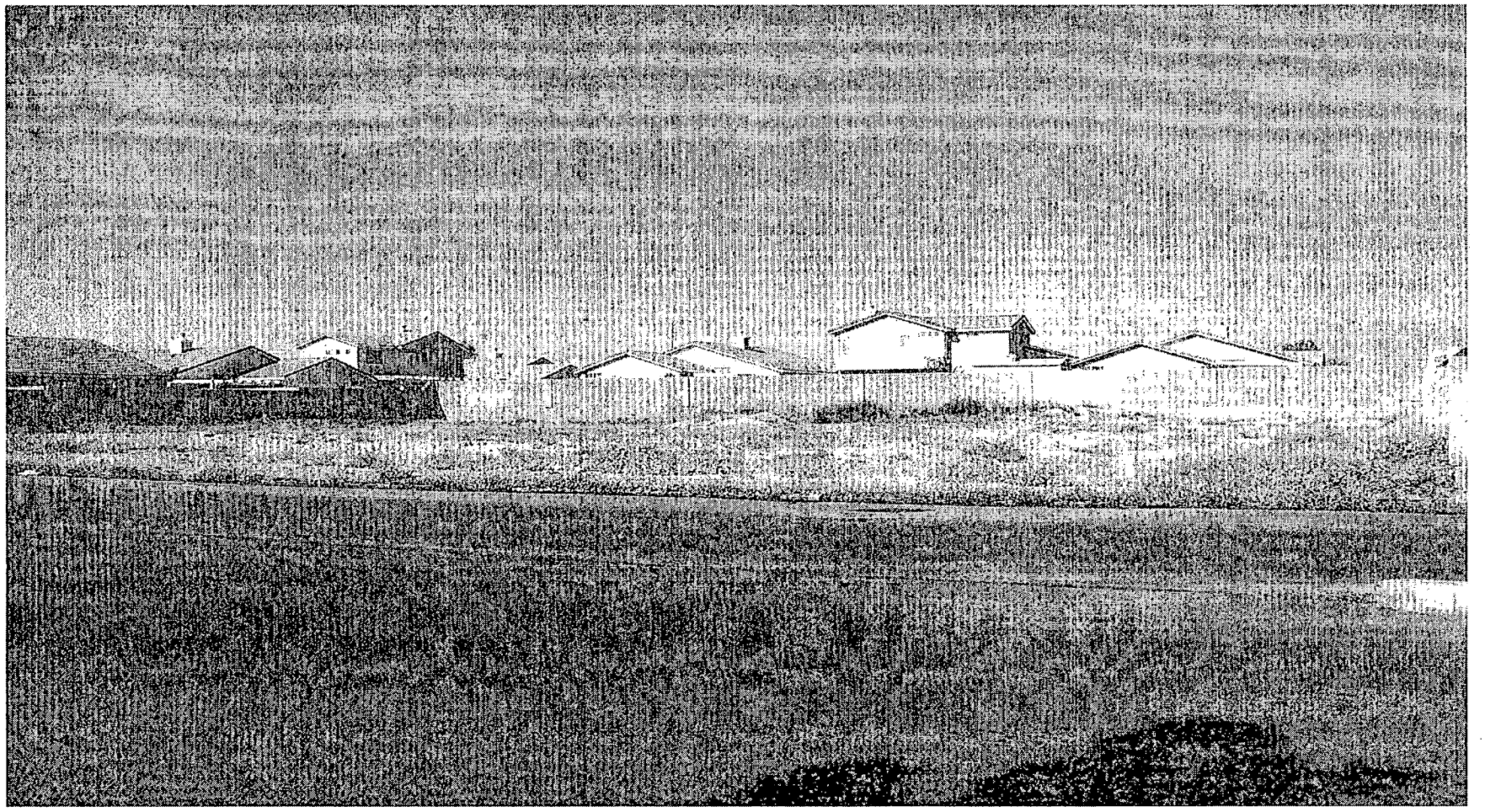
Professional Plaza @ J. Bilbray & Smoke Ranch Road

PR ZONING - PROFESSIONAL MEDICAL OFFICE PROPOSAL DES. BY:
APN 138.23.310.002
LAS VEGAS, NEVADA



SDR-4978 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT: LAS TUNIS, LLC - OWNER: CLARK COUNTY DEVELOPMENT CORPORATION
JAMES BILBRAY DRIVE APPROXIMATELY 120 FEET SOUTH OF SMOKE RANCH ROAD
SEPTEMBER 23, 2004 PLANNING COMMISSION

8/26/04



SDR-4978 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT: LAS TUNIS, LLC - OWNER: CLARK COUNTY DEVELOPMENT CORPORATION
JAMES BILBRAY DRIVE APPROXIMATELY 120 FEET SOUTH OF SMOKE RANCH ROAD
SEPTEMBER 23, 2004 PLANNING COMMISSION

8/26/04

City of Las Vegas

Agenda Item No.: 50

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

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

SUBJECT:

SDR-4992 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: DR HORTON - Request for a Site Development Plan Review FOR A PROPOSED 94 LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT on 15.17 acres adjacent to the southeast corner of Deer Springs Way and Campbell Road (APN 125-20-301-006, 007 and 015), U (Undeveloped) Zone [TC (Town Center) General Plan designation] under Resolution of Intent to T-C (Town Center) and T-C (Town Center) Zone, Ward 6 (Mack).

C.C.: 10/20/04

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

RECOMMENDATION:
Staff recommends APPROVAL.

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

GOYNES – APPROVED subject to conditions and amending Condition 6 as follows:

6. The setbacks for this development shall be a minimum of *10* feet to the front of the house, *4* feet on the side, 5 feet on the corner side, and 15 feet in the rear, and 20 feet to the garage door from the common private drive.

and the added condition:

- ***The walls along the side yards shall follow the "Z" configuration of the lot lines.***

– UNANIMOUS – with TRUESDELL abstaining because he is involved in marketing property that is located within the notification area, McSWAIN abstaining because her company has done work with DR Horton and STEINMAN excused

MINUTES:
CHAIRMAN TRUESDELL declared the Public Hearing open.

MINUTES – Continued:

DAVID CLAPSADDLE, Planning and Development Department, explained that the project has a density of 6.38 units for the acre and is compatible for the area. All Town Center standards have been met and no waivers are requested.

SCOTT RUDY, WRG Design, 3011 West Horizon Ridge Parkway, appeared on behalf of the applicant and requested a clarification on Condition 6 because there was a dimension left off of one of the submitted plans. The request is to amend the front setback from 11.69 feet to a minimum of 10 feet on two areas he pointed out. Also, in two areas the side setback is four feet from the property line and the condition states five feet is required.

MR. CLAPSADDLE stated that staff would be fine with amending the front setback because leaving it at 11.69 is very stringent. He asked MR. RUDY to elaborate on the request pertaining to the side setback. MR. RUDY explained that the products are Z lots and at the rear of the buildings, the side setback is five feet. When the pattern protrudes out to form the Z, the side setback is reduced to between four feet and 4.67 feet depending on the model. MR. CLAPSADDLE confirmed with MR. RUDY that there is a distance of 10 feet between the buildings; however, four feet on the side.

MR. CLAPSADDLE reiterated that the project meets all Town Center standards and staff did recommend approval but he wanted to point out that Z lot configurations could have potential problems in the future. There have been cases where pools and building additions get built on other peoples lot because the lot lines are harder to locate on a Z lot. This causes a problem for the inspectors as well. There is not an overall problem with the project; however, MR. CLAPSADDLE wanted to insure the applicant would take care to mitigate those types of problems. He deferred to ROBERT GENZER, Director, Planning and Development Department for assistance in constructing a condition addressing the issue.

MR. GENZER asked if the applicant intended to build block walls that coincide with the Z lot lines so that the wall is on the property line. Doing so would alleviate the potential problems MR. CLAPSADDLE raised. VICE CHAIRMAN NIGRO recollected that conditions of that nature have been imposed on DR Horton projects in the past because of cross access issues. MR. GENZER stated it appears to be drawn on the plan but he was looking for confirmation. MR. RUDY said he believed there was some type of block wall or fencing between the homes. He stated that in his opinion, he could agree to placing block walls on the property lines between the

MINUTES – Continued:
homes; however, if his client was not amenable to that, he would be asking for a waiver when the item is heard at City Council. MR. GENZER suggested that MR. RUDY should get the answer to that question and if the answer is no, the applicant needs to contact staff prior to going to the meeting because the application will not be supported otherwise.

VICE CHAIRMAN NIGRO declared the Public Hearing closed.

(10:16 – 10:19)
3-2411

CONDITIONS:
Planning and Development

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

2. The maximum height of any combination of perimeter retaining and screen walls shall not exceed eight feet, from grade as measured on the exterior side of the walls.

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

4. All development shall be in conformance with the site plan and building elevations, date stamped August 10, 2004, except as amended by conditions herein.

5. The standards for this development shall include the following: minimum lot size of 3,715 square feet, minimum distance between buildings of 5 feet, and building height shall not exceed two stories or 35 feet, whichever is less.

6. The setbacks for this development shall be a minimum of 11.69 feet to the front of the house, 5 feet on the side, 5 feet on the corner side, and 15 feet in the rear, and 20 feet to the garage door from the common private drive.

7. A landscaping plan must be submitted prior to or at the same time application is made for a building permit. The developer shall be required to install the landscape requirements for the median in Elkhorn Road where adjacent to the subject site and assign the maintenance of such to the homeowner's association.

CONDITIONS – Continued:

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

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

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

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

Public Works

12. Obtain a signed, notarized letter from the owner of Assessor Parcel Number 125-20-301-014 acknowledging that the proposed knuckle for the Campbell Road/Bath Drive intersection is acceptable. If acceptance is not obtained then the Campbell Road/Bath Drive intersection shall be designed to a configuration acceptable to the City Engineer.

13. Coordinate with the Collection Systems Planning Section of the Department of Public Works to extend public sanitary sewer from Durango Drive to the southwest edge of this site. Obtain a 20-foot wide offsite sanitary sewer easement across the two adjacent parcels to the east or coordinate with Clark County to obtain permissions to place the sanitary sewer within the western beltway right-of-way. Provide written proof from Clark County that the beltway location is acceptable to Clark County and provide a plan that shows a minimum clearance, acceptable to the City Engineer, between the drainage channel along the beltway and the property or additional easement limits prior to approval of a Final Map. The sewer line shall be at a location and depth acceptable to the City Engineer. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits

14. A Master Streetlight Plan of public street lights for the overall subdivision shall be approved prior to the submittal of any construction drawings for this site.

15. The design and layout of all onsite circulation and access drives shall meet the approval of the Department of Fire Services.

CONDITIONS – Continued:

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

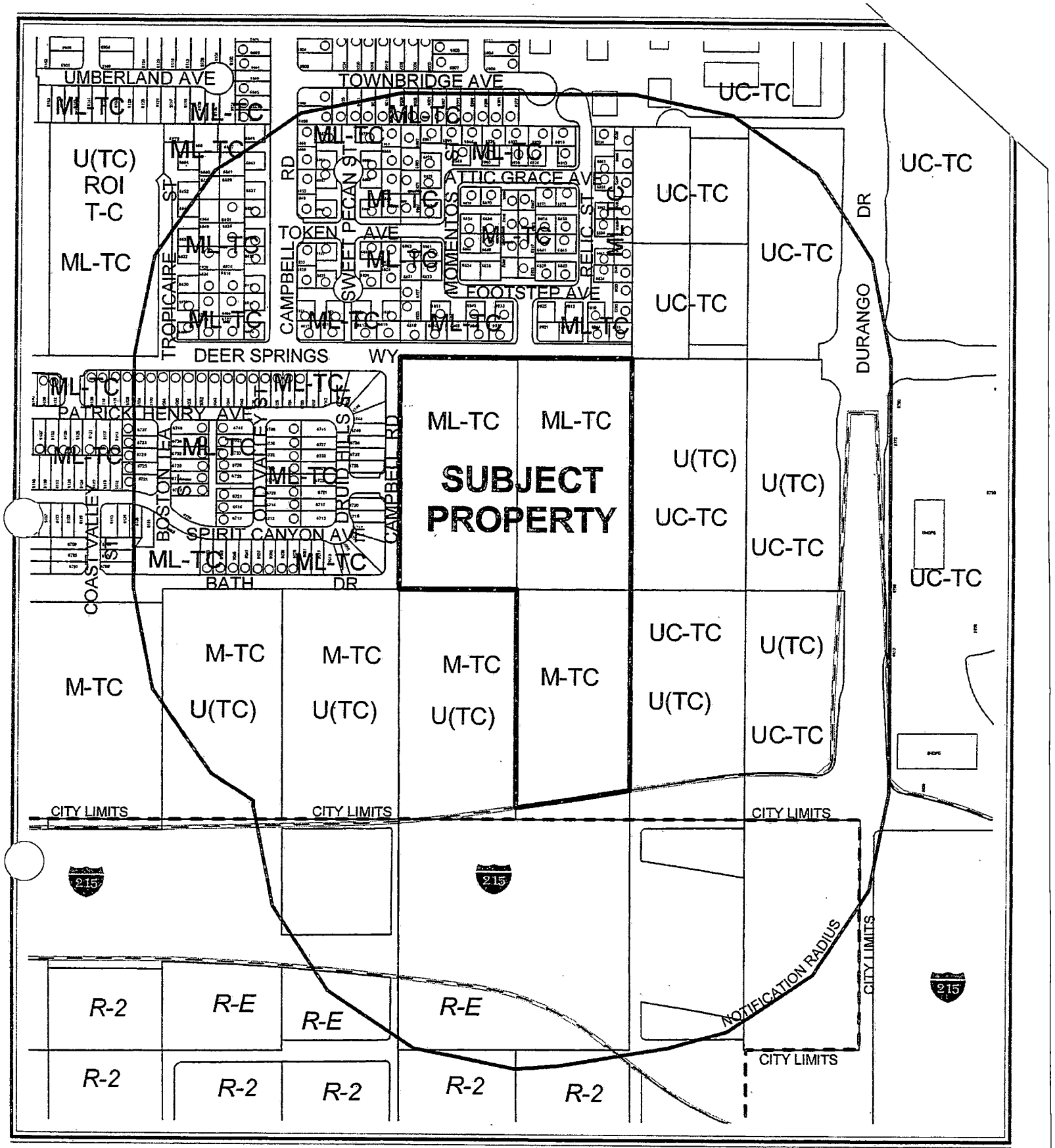
17. Landscape and maintain all unimproved rights-of-way adjacent to this site.

18. Submit an Encroachment Agreement for all landscaping and private improvements located in the public rights-of-way adjacent to this site prior to occupancy of this site.

19. Site development to comply with all applicable conditions of approval for Z-69-02, ZON-2970, and all other subsequent site-related actions.

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

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



0 300 600 Feet

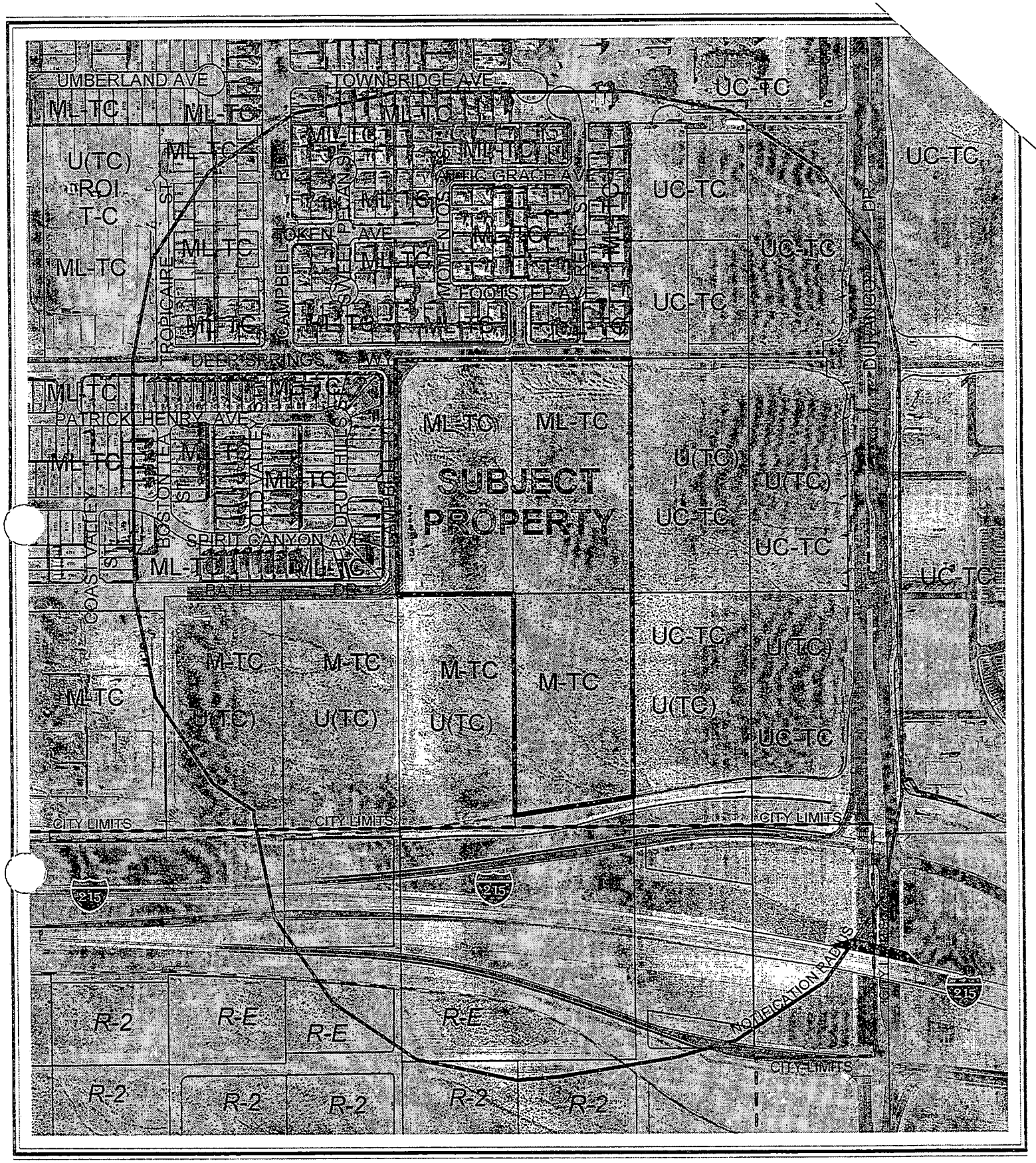
N

CASE: **SDR-4992**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [TC (TOWN CENTER) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO T-C (TOWN CENTER) [M-TC (MEDIUM DENSITY RESIDENTIAL) TOWN CENTER LAND USE DESIGNATION] AND T-C (TOWN CENTER) [ML-TC (MEDIUM-LOW DENSITY RESIDENTIAL) TOWN CENTER LAND USE DESIGNATION]



0 300 600 Feet

N

CASE: **SDR-4992**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

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City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 23, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-4992 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: DR HORTON

** CONDITIONS **

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

Planning and Development

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

2. The maximum height of any combination of perimeter retaining and screen walls shall not exceed eight feet, from grade as measured on the exterior side of the walls.

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

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18. Submit an Encroachment Agreement for all landscaping and private improvements located in the public rights-of-way adjacent to this site prior to occupancy of this site.

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** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

Request for a Site Development Plan Review for a proposed 94 lot single family residential development adjacent to the southeast corner of Deer Springs Way and Campbell Road.

B) Applicant's Justification

The project is proposed to be a 94 lot single-family residential subdivision. The project Conforms to the intent of the Master Plan, the City of Las Vegas General Plan, and the approved zoning on the site.

BACKGROUND INFORMATION

A) Previous Actions

04/21/04 The City Council approved a Request for a Review of Conditions (ROC-4119) of Condition number 3 of an approved Site Development Plan Review [Z-0069-02(1)], which established the front setback to garage doors. Staff recommended denial on April 24, 2004.

05/21/04 The City Council approved a Request for a Review of Conditions (ROC-2014) of condition number 3 of an approved Site Development Plan Review [Z-0069-02(1)] to allow a three foot side setback where a five foot side setback was approved in conjunction with a 142 lot single family subdivision on 20.27 acres adjacent to the northwest and southeast corners of Deer Springs Way and Campbell Road. The Planning Commission and staff recommended approval on April 24, 2003.

B) Pre-Application Meeting

The following items were discussed at the pre-application meeting:

- Open Space (O.S.)
  - Public Streets : Require that 7% or 1.05 acres be Open Space.
  - Private Streets: Require: R-PD standards or 1.45 acres of Open Space.

KCW

- Private Streets
  - 37 Feet wide
  - Amenity zones optional: can be used as Open Space
  - S.U.P. required
  - R-PD standards as to Open Space.
- Public Streets
  - Deer Springs is a 80' T.C. arterial
  - Campbell is a 80' T.C. residential collector

C) Neighborhood Meetings

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

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres:	14.74
Net Acres:	13.54

B) Existing Land Use

Subject Property:	Undeveloped
North:	Single Family Residence
South:	Right of Way
East:	Undeveloped
West:	Single Family Residences

C) Planned Land Use

Subject Property:	ML-TC (Medium Low Density Residential- Town Center)
North:	ML-TC (Medium Low Density Residential- Town Center)
South:	Right of way
East:	UC-TC (Urban Center Mixed Use-Town Center)
West:	ML-TC (Medium Low Density Residential- Town Center) M-TC (Medium Density Residential- Town Center)

D) Existing Zoning

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

KCW

E) General Plan Compliance

The proposal is consistent with the TC (Town Center) zoning and the ML-TC Plan Designation.

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

Town Center Plan

This site is located within the Town Center Master Plan Area with a Planned Land Use of Medium Residential, which has an allowed density of up to 25 units per acre and Medium Low Residential at 8 units per acre. The proposed development has a density of 6.38 units per acre, which is in compliance with the Town Center Master Plan and in harmony with the land use densities.

Trails

The Town Center Plan standards require a Town Center trail on the north and south side of the street. The plan requires a 7.5-foot amenity zone as well as a 7-foot sidewalk along Campbell a Town Center Residential Collector. Within the amenity zone shade trees shall be installed 30 feet on-center. The amenity zone along Deer Springs (a Town Center 80 foot Arterial) will be planted with shade trees shall be installed 30 feet on-center. The plan for Deer Springs requires a 3-foot amenity zone as well as a 5-foot sidewalk along Campbell. In addition, ground cover consisting of a minimum of one-third, five 5-gallon plant materials shall be planted to reach 75 percent coverage within three years.

PROJECT DESCRIPTION

The project consists of a 94-lot subdivision with two-story residential single-family homes. The subdivision density is 6.38 dwelling units per acre. The Open Space consists of 1.08 acres of the total 14.74 acre site.

KCW

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

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

Standards	Required	Provided	Compliance
Min. Lot Size	N/A	3,715	Y
Min. Lot Width	N/A	40.5'	Y
Min. Setbacks			
• Front	N/A	11.69 Feet	Y
• Side	N/A	5 Feet	Y
• Corner	N/A	N/A	Y
• Rear	N/A	15 Feet	Y
Max. Lot Coverage	N/A	0.51 FAR	Y
Max. Building Height	2 Stories / 35 Feet	2 Stories / 27 Feet 4 inches	Y

A2) Residential Adjacency Standards

There are no Residential Adjacency issues with respect to this application.

Pursuant to the Town Center Development Standards, the following Open Space Standards apply to the subject proposal:

Total Acreage	Density	Required			Provided	
		Ratio	Percent	Area	Percent	Area
14.74 acres	6.38	1.65	7 %	1.03 ac	7%	1.08

A development with a proposed density of 6.38 units per acre is required to have a minimum of 7% open space within Town Center. This development is proposed to have 7% open space. The open space requirement can be satisfied in part by the amenity zones along public streets and a public space near the entrance of the subdivision. The proposed development meets the required amount of open space and is including the amenity zones along the interior roads and the center of the project area along to achieve the 7% open space.

KCW

B) General Analysis and Discussion

- Zoning

All of the 14.74-acre development lies within the TC (Town Center) zoning district. The proposed single-family residential development is a permitted use. The density of this proposed development (6.38 du/acre) meets the allowable density of the ML-TC (Medium-Low Density Residential – Town Center) land use category, which allows densities of 5.6 to 8 dwelling units per acre. However, the applicant has been working with staff to share densities within their overall development boundaries.

- Site Plan

The proposed site plan depicts minimum front setbacks of 20 feet to the garage. The plan allows a typical 2 lot configuration with access from Deer Springs. The Open Space is centrally located as required.

Map #6 of the Transportation Trails Element of the Master Plan designates a 20-foot-wide Multi-Use Transportation Trail along Fort Apache Road. The site plan depicts the required 20-foot wide Multi-Use Transportation Trail along the Fort Apache Road frontage, thereby conforming to the Transportation Trails Element of the Master Plan.

- Waivers

There are no waivers associated with this application.

- Landscape Plan

The landscape plan adheres to the Town Center Development standards

- Elevation

The elevations are similar to those approved in close proximity to the site.

FINDINGS

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

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

   The proposal is within the range of allowable uses in Town Center.

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

   The development implements the goals, objectives and policies of the General Plan and other standards of the Code.

3. **"Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;"**
   Traffic should not have a major effect on Deer Springs Way.

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

   The landscaping and building materials are appropriate for this area of the City.

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

   The proposal shows two story floor plans. The variation of garage and driveway locations should provide a pleasing street scene. It will be compatible with existing development in the area.

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

   Inspections by the City will take place as development progresses.

NOTICES MAILED 197

APPROVALS 0

PROTESTS 0

KCW

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-4992 APN: 125-20.301-006, 007 & 015

Name of Property Owner: D.R. Horton, Inc.

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

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

____ Yes X No

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

City Official: _____

Partner(s): _____

APN: _____

Signature of Property Owner/Authorized Agent: [signature]

Print Name: Brian P. Walsh

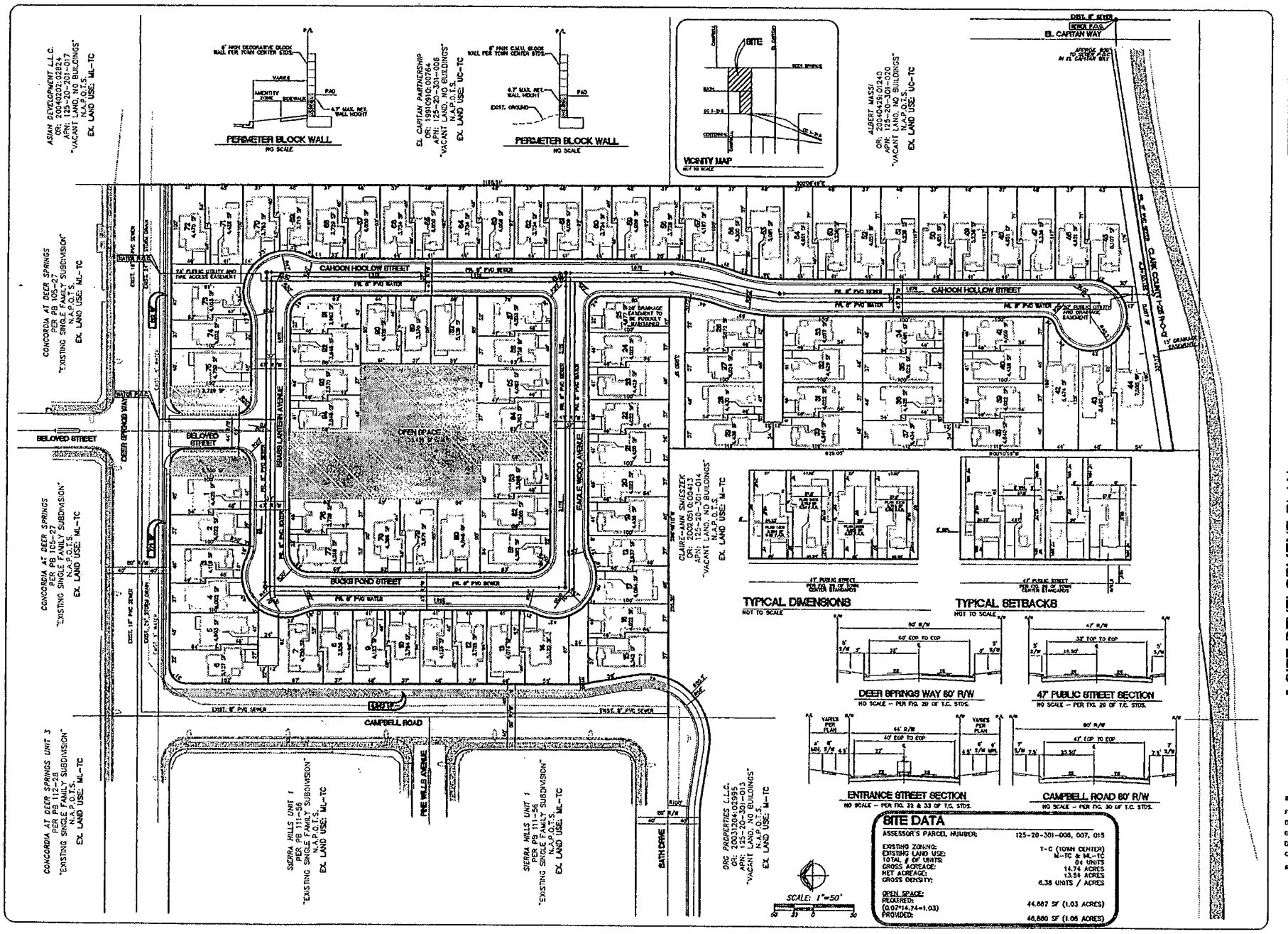
Subscribed and sworn before me

This 4th day of August, 2004

Barbara A Bross

Notary Public in and for said County and State

BARBARA A. BROSS
Notary Public State of Nevada
No. 98-2673-1
My appt. exp. June 5, 2006



SITE DATA

ASSESSOR'S PARCEL NUMBER:	125-20-301-008, 007, 015
EXISTING ZONING:	T-C (TOWN CENTER)
EXISTING LAND USE:	M-TC & ML-TC
TOTAL # OF UNITS:	84 UNITS
GROSS ACREAGE:	14.74 ACRES
NET ACREAGE:	13.56 ACRES
GROSS DENSITY:	6.36 UNITS / ACRES
OPEN SPACE:	
REQUIRED: (0.07*14.74=1.03)	44,867 SF (1.03 ACRES)
PROVIDED:	48,880 SF (1.06 ACRES)

DESIGN INC.
2211 W. HORIZON RIDGE PKWY, HENDERSON, NEVADA 89052
Tel. 702.990.9000 Fax. 702.990.9005
PLANNERS • LANDSCAPE • LANDSCAPE ARCHITECTS • SURVEYORS

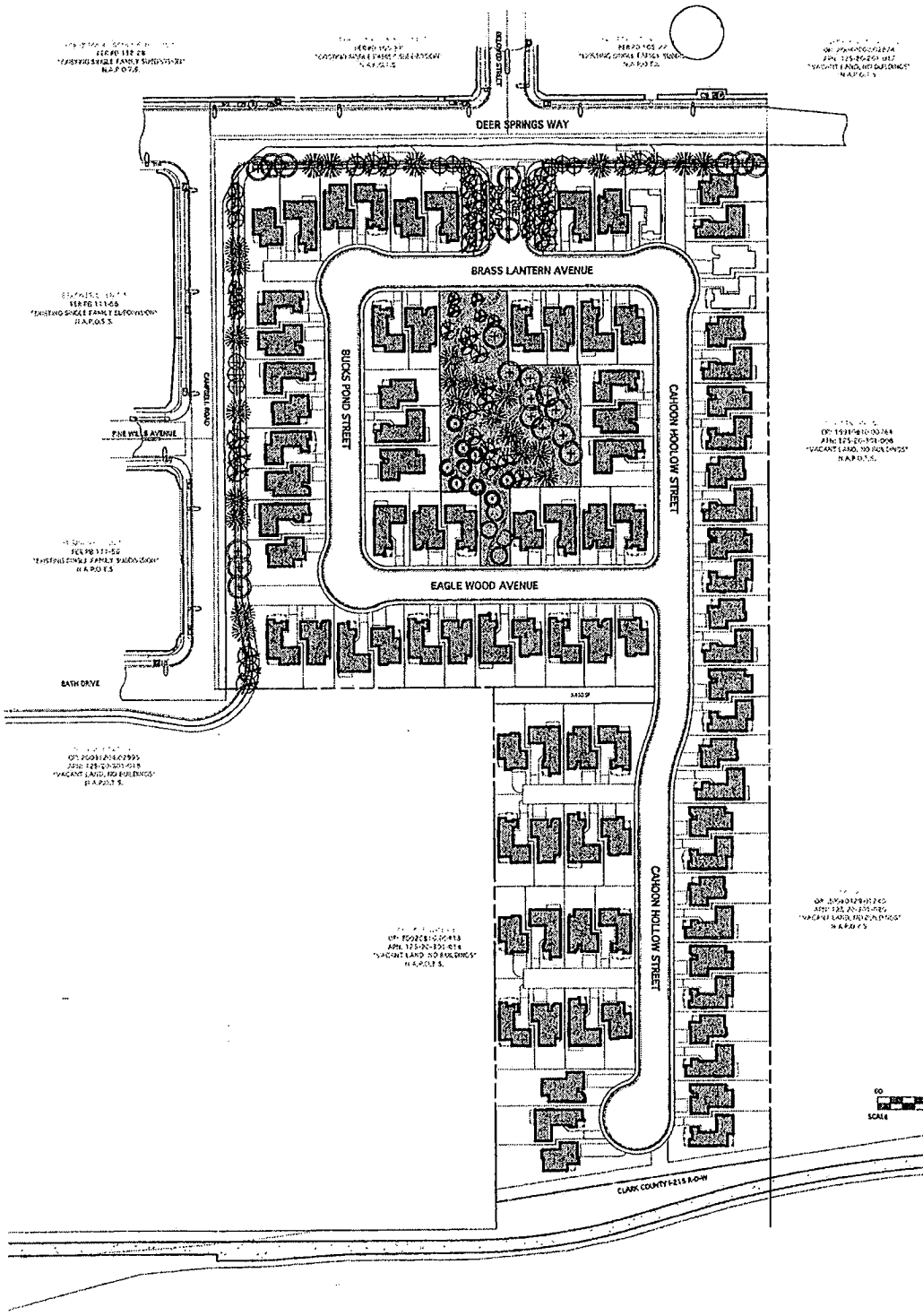
SITE DEVELOPMENT PLAN
DEER SPRINGS TWILIGHT
D.R. HORTON
CITY OF LAS VEGAS, NEVADA

MICHAEL P. BAILEY EXP. 12/31/04 CIVIL No. 10264

PROJECT NO:	DR04341
DATE:	07.22.04
DESIGNED BY:	RWF
DRAWN BY:	RWF
CHECKED BY:	RAB

SITE PLAN SP1

SDR-4992
9/23/04 PC



LANDSCAPE PALETTE

QTY	COMMON NAME	SPECIES NAME	SIZE	QTY/DU Ratio
	Cooraviirra Wattle	Acacia Hoorenzia "AZT"	24"Box	
	Cork Oak	Quercus suber	24"Box	
	Flowering Chitalpa	Chitalpa tashkentensis	24"Box	
	Wilson Olive	Oleo e. 'Wilsoni'	24"Box	
	Mondell Pine	Pinus eldarica	24"Box	
	Desert Willow	Chilopsis linearis	24"Box	
	Thornless Argentine Mesquite	Prosopis alba -'Thornless'	24"Box	
	Shoestring Acacia	Acacia stenophyllum	24"Box	
	Annuals - Provide seasonal list for approval. Install Poly Edging flush w/ DG beds & mound at shrub beds.		4" pots	1
	River Rock	4"-6" Round Rock		
	Rock Mulch, 3/4" Western Red, 2" depth.			
	Boulders - 8-20 CF each			

QTY	COMMON NAME	SPECIES NAME	SIZE	QTY/DU Ratio
	Feathery Cassia	Cassia artemisioides	5 gal. cont.	2
	'Green Cloud' Texas Ranger	Leucophyllum fr. 'Green Cloud'	5 gal. cont.	2
	Xylosma	Xylosma congestum 'Compa	5 gal. cont.	2
	'Sunrise' Tecoma	Tecoma X'Sunrise'	5 gal. cont.	2
	Autumn Sage 'Red'	Salvia greggii 'Red'	5 gal. cont.	2
	'Santa Cruz' Firethorn	Pyracantha "Santa Cruz"	5 gal. cont.	2
	Gray Leaf Cotoneaster	Cotoneaster sp.	5 gal. cont.	2
	Valentine	Eremophila sp. 'Valentine'	5 gal. cont.	2
	New Gold Lantana	Lantana sp. 'New Gold'	5 gal. cont.	2
	Trailing Rosemary	Rosmarinus o. 'Prostratus'	5 gal. cont.	2
	Star Jasmine	Trachelospermum jasmoides	5 gal. cont.	2
	Red Fountain Grass	Pennisetum set. 'Cupreum'	1 gal. cont.	2
	Pink Regal Mist	Muhlenbergia c. 'Regal Mist'	1 gal. cont.	2
	Deer Grass	Muhlenbergia sp.	1 gal. cont.	2
	Red Yucca	Hesperaloe parviflora	5 gal. cont.	2
	Centennial Bacchanus	Bacchanus "Centennial"	5 gal. cont.	2
	Spreading Acacia	Acacia redolens	5 gal. cont.	2
	Lady Banks Rose (no prickl	Rosa banksiae	5 gal. cont.	2
	Compact Myrtle	Myrtus c. 'Compacta'	5 gal. cont.	2
	Lemon Bottlebrush	Callistemon citrinus	5 gal. cont.	2
	Olume Gazania - Fiesta Red	Gazania sp. 'Fiesta Red'	1 gal. cont.	1
	Mexican Primrose	Oenothera berlandieri	1 gal. cont.	2
	Desert Spoon	Dasylirion wheeleri	5 gal. cont.	2
	Dwarf Hypoxum	Hypoxum sp.	1 gal. cont.	2
	Angelita Daisy	Hymenoxys acaulis	1 gal. cont.	1

1"=60'-0"
8/10/04
L-1

LANDSCAPE ARCHITECTURE
IRRIGATION DESIGN
PARK PLANNING
COMPUTER IMAGING

TDG
TEAM DESIGN GROUP
3111 S. VALLEY VIEW BLVD S-101
LAS VEGAS, NV 89102
(702) 732-7310
fax (702) 889-9559

DEER SPRINGS TWILIGHT
D R Horton, Inc.
Landscape Concept Plan

SDR-4992
9/23/04 PC

RECEIVED
AUG 10 2004

City of Las Vegas

Agenda Item No.: 51

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

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

SUBJECT:
SDR-4999 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT: DLV REAL ESTATE – OWNER: DLV REAL ESTATE, ET AL - Request for a Site Development Plan Review for A PROPOSED 153,100 SQUARE FOOT MIXED DEVELOPMENT on 1.38 acres adjacent to the north side of Coolidge Avenue, between Casino Center Boulevard and 3rd Street (APN 139-34-410-056, 057, 058 and 059 and 139-34-410-083, 084, 085 and 086), R-4 (High Density Residential) Zone under Resolution of Intent to C-2 (General Commercial) and C-2 (General Commercial), Ward 1 (Moncrief).

C.C.: 10/20/04

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

RECOMMENDATION:
Staff recommends APPROVAL.

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

MOTION:
EVANS – APPROVED subject to conditions – UNANIMOUS with STEINMAN excused

NOTE: COMMISSIONER DAVENPORT disclosed that MR. MUTCHKIN has represented him in litigation previously; however, MR. MUTCHKIN is not currently representing him nor is he owed money by COMMISSIONER DAVENPORT therefore, he would vote on the item.

NOTE: CHAIRMAN TRUESDELL disclosed that property he owns in the downtown area is south of this location and outside of the notification area. He stated his property is not affected by this application and he would vote on the item.

This is Final Action

MINUTES:
CHAIRMAN TRUESDELL declared the Public Hearing open.

MINUTES – Continued:
MARGO WHEELER, Deputy Director, Planning and Development Department, stated that this item is a five story, 86-unit project with 22,000 square feet of retail and office. 195 parking spaces will be provided and staff has no issue with the elevations. Staff requests that if the Commission votes in favor of the item, that it be designated as Final Action.

MIKE MUTCHKIN, 930 South 3rd Street, appeared on behalf of the applicant and accepted all staff conditions and recommendation. COMMISSIONER McSWAIN commended the applicant on the beautiful design of the project. MR. MUTCHKIN indicated the praise should go to HOWARD PEARLMAN and his associates for the phenomenal job they have done.

(10:16 – 10:19)
3-2411

CONDITIONS:
Planning and Development

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

2. All development shall be in conformance with the site plan and building elevations, date stamped 08/11/04, except as amended by conditions herein.

3. 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.

4. The Waiver from the Downtown Centennial Plan requirement for an 11-foot wide sidewalk and five-foot deep amenity zone on Casino Center Boulevard is hereby approved. A public sidewalk with a minimum width of 11 feet and a five-foot deep amenity zone directly adjacent to the curb is required along all remaining street frontages in accordance with Graphic 7 and Graphic 8 of the Downtown Centennial Plan. The sidewalk shall include a decorative paving treatment at the intersections. All streetscape treatments shall conform to match the Fourth Street improvements installed by the City of Las Vegas in accordance with Subsection DS4.2 of the Centennial Plan.

CONDITIONS – Continued:

5. Palm trees shall be installed in the public right-of-way on Casino Center Boulevard and Third Street at a maximum spacing of 35 feet on center, in accordance with Subsection DS4.2.a of the Downtown Centennial Plan. The palm trees shall have a minimum height of 25 feet upon installation. Shade trees, in single or double rows, may be provided alternately between the required palm trees. On Coolidge Avenue, shade trees shall be installed at a maximum spacing of 30 feet on center in accordance with Subsection DS4.2.b of the Centennial Plan. Minimum tree size shall be a 24-inch box.SDR-4999 - Conditions Page Two

6. The right-of-way landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.

7. All new developments shall provide and install standard Fourth Street style fixtures in place of existing fixtures in accordance with Subsection DS3.1.k of the Downtown Centennial Plan. Exact specifications, shop drawings, and standard suppliers can be obtained from the City of Las Vegas Engineering Design Superintendent, Department of Public Works, 229-6272.

8. Any new utility or power service line provided to the parcel shall be placed underground from the property line to the point of on-site connection or on-site service panel location, in accordance with Subsection DS2.1.f of the Downtown Centennial Plan.

9. Utilities and power service lines in alleys shall be located underground in accordance with Subsection DS2.1.f. of the Downtown Centennial Plan.

10. All mechanical equipment, air conditioners and trash areas shall be fully screened from street level and surrounding building views in accordance with Subsection DS5.1.j of the Downtown Centennial Plan.

11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Municipal Code Section 19.12.050.

12. 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.

CONDITIONS – Continued:

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

Public Works

14. An application to vacate the existing public alley and public sewer main through this site must be approved and the Order of Vacation recorded prior to the issuance of any building or grading permits. A sanitary sewer plan addressing continuous service for upstream customers, relocation of alternate mains and abandonment of existing mains must be submitted to and approved by the City Engineer as part of the Order of Vacation process.

15. Dedicate a 10 foot radius on the northwest corner of Coolidge Avenue and Third Street prior to the issuance of any permits.

16. Coordinate with the City Surveyor to determine whether a Reversionary Map or other Map is necessary; if such a Map is required, it should record prior to the issuance of any permits for this site.

17. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current Las Vegas Downtown Centennial Plan Standards concurrent with development of this site.

18. Construct all incomplete half-street improvements adjacent to this site concurrent with development of this site.

19. Landscape and maintain all unimproved rights-of-way adjacent to this site.

20. Submit an Encroachment Agreement for all landscaping and private improvements, located within or over the public rights-of-way adjacent to this site prior to occupancy of this site.

21. No portion or appendage of the proposed structure shall be allowed to encroach upon the public right-of-way without the written approvals of the City Engineer.

CONDITIONS – Continued:

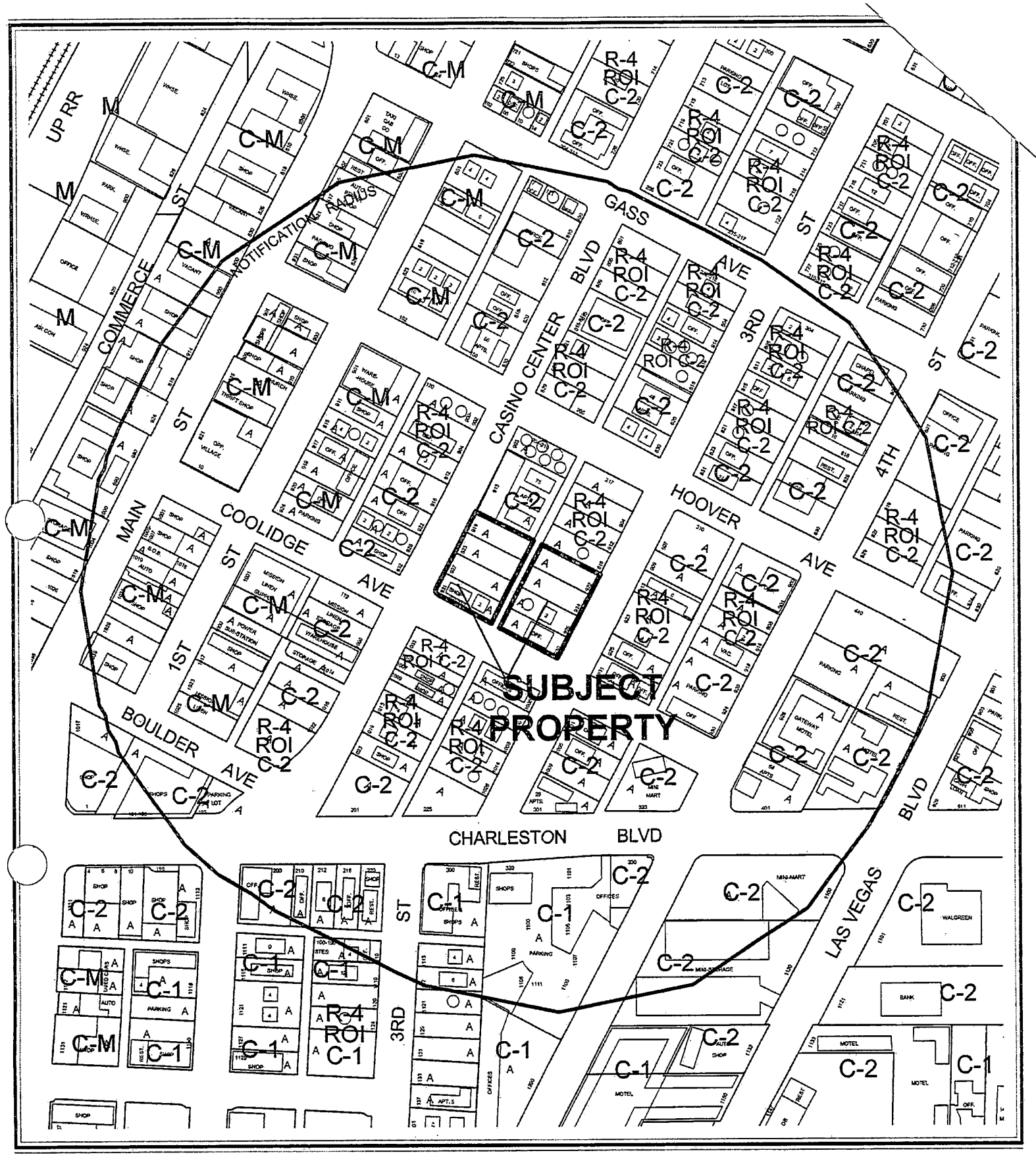
22. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and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

23. A Traffic Impact Analysis 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. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

24. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or

CONDITIONS – Continued:

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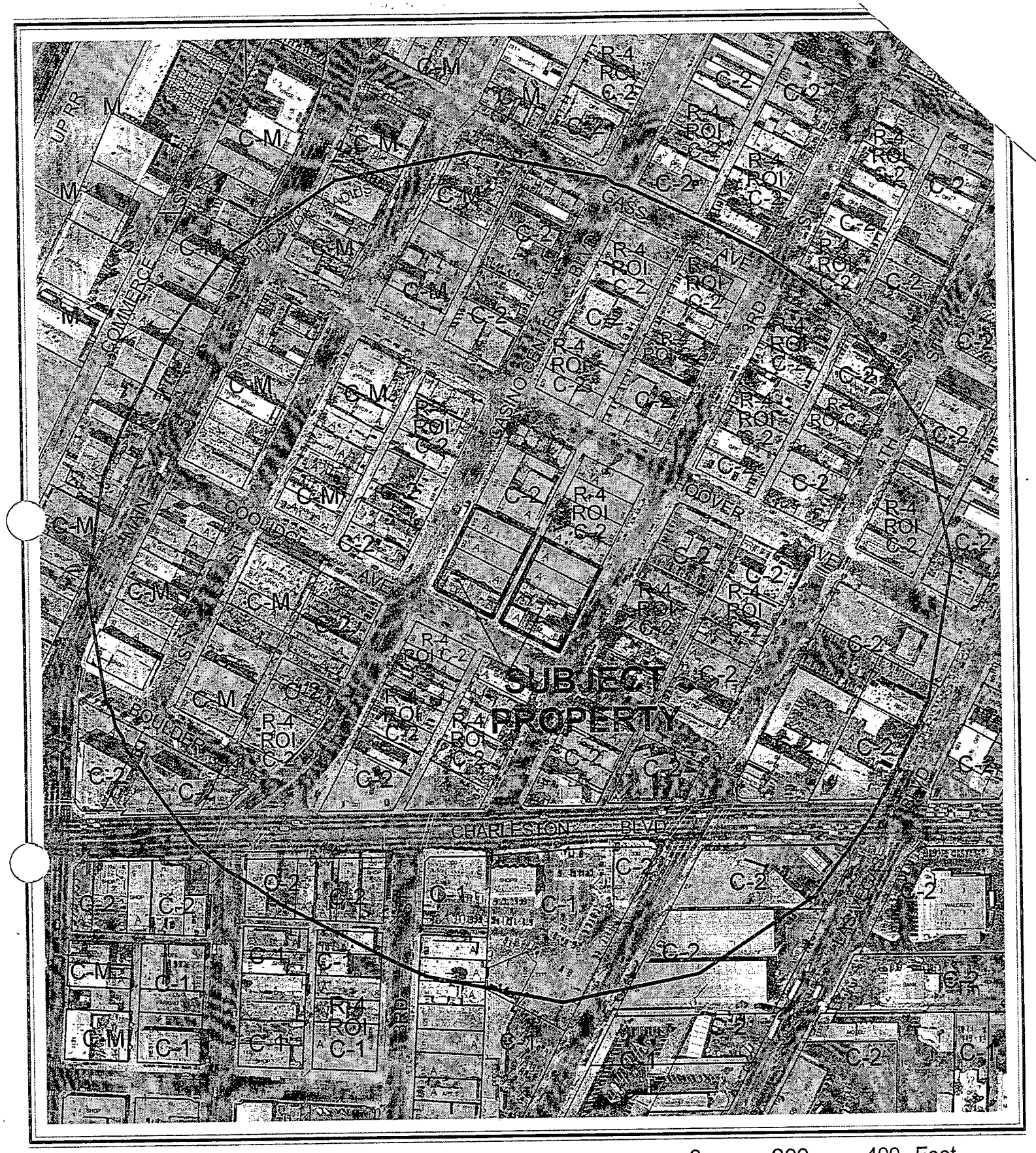


CASE: SDR-4999

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

R-4 (HIGH DENSITY RESIDENTIAL) UNDER RESOLUTION OF INTENT TO C-2 (GENERAL COMMERCIAL) AND C-2 (GENERAL COMMERCIAL)



0 200 400 Feet

CASE: SDR-4999

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

R-4 (HIGH DENSITY RESIDENTIAL) UNDER RESOLUTION OF INTENT TO C-2 (GENERAL COMMERCIAL) AND C-2 (GENERAL COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 23, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-4999 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT: DLV REAL ESTATE – OWNER: DLV REAL ESTATE, ET AL

** CONDITIONS **

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

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** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This is a request for a Site Development Plan Review for a proposed 153,100 square foot mixed-use development on 1.38 acres adjacent to the north side of Coolidge Avenue, between Casino Center Boulevard and 3rd Street.

B) Applicant's Justification

The applicant states that the project will add to the growth and revitalization of downtown while being sensitive to the surrounding development in the area.

BACKGROUND INFORMATION

A) Previous Actions

12/16/64 The City Council approved a Rezoning (Z-0100-64) to reclassify property, including the subject parcels, in the area generally bounded by Main Street, Bonanza Road, Las Vegas Boulevard and Charleston Boulevard from R-1 (Single Family Residential), R-4 (High Density Residential), C-1 (Limited Commercial) and C-V (Civic) to C-2 (General Commercial).

12/05/78 The Board of Zoning Adjustment denied a Variance request (V-0095-78) that would have allowed 10 parking spaces where 29 parking spaces were required for a 29-unit apartment building.

B) Pre-Application Meeting

07/28/04 At the pre-application conference, it was noted that an alley vacation petition would be required, and that termination of the alley must conform with Code requirements. In addition, the driveway location, parking requirements, and Downtown Centennial Plan streetscape requirements were discussed.

C) Neighborhood Meetings

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

FF

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 1.38

B) Existing Land Use

Subject Property:	Multifamily Residential Use Office Use Commercial Use Undeveloped
North:	Single-Family Residential Use Multifamily Residential Use
South:	Office Use Undeveloped
East:	Multifamily Residential Use Office Use
West:	Multifamily Residential Use Commercial Use Office Use

C) Planned Land Use

Subject Property:	MXU (Mixed-Use)
North:	MXU (Mixed-Use)
South:	MXU (Mixed-Use)
East:	MXU (Mixed-Use)
West:	MXU (Mixed-Use)

D) Existing Zoning

Subject Property:	R-4 (High-Density Residential) under Resolution of Intent to C-2 (General Commercial) C-2 (General Commercial)
North:	R-4 (High-Density Residential) under Resolution of Intent to C-2 (General Commercial) C-2 (General Commercial)
South:	R-4 (High-Density Residential) under Resolution of Intent to C-2 (General Commercial) C-2 (General Commercial)
East:	R-4 (High-Density Residential) under Resolution of Intent to C-2 (General Commercial) C-2 (General Commercial)

West: R-4 (High-Density Residential) under Resolution of Intent to C-2 (General Commercial)
C-2 (General Commercial)

E) General Plan Compliance

The subject property is located within the boundaries of the Las Vegas Redevelopment district, and has a Mixed-Use land use designation. The Mixed-Use designation allows uses comparable to the following land use categories: L (Low Density Residential), ML (Medium Low Density Residential), M (Medium Density Residential), H (High Density Residential), O (Office), SC (Service Commercial), GC (General Commercial), and PF (Public Facilities). The proposed uses are in compliance with the land use designation.

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

Redevelopment Plan Area
As previously noted, the parcel is within the boundaries of the Las Vegas Redevelopment Area, with a Mixed-Use land use designation. The proposed uses are in conformance with the Redevelopment Plan.

Downtown Centennial Plan
The parcel is within the Las Vegas Downtown Centennial Plan boundaries, and is located in the Arts District. The district is intended to accommodate a variety of commercial, residential, and arts-related uses within a dense, urban environment. The proposed project is consistent with the goals and objectives of the Downtown Centennial Plan.

Trails
The property abuts an Urban Trail route that has been designated along Third Street; it is intended that the trail will be constructed with grant funds, and the Centennial Plan does not require individual property owners to install the trail elements.

PROJECT DESCRIPTION

The proposed project entails the development of a new five-story mixed-use building surrounding an interior parking structure, with a total of 86 residential units and 22,100 square feet of commercial space. The project will incorporate an existing office building located at the corner of Coolidge Avenue and Third Street, which will receive a new façade treatment to conform with the elevations of the proposed mixed-use structure. In addition to the existing office space, the project will include commercial space fronting Casino Center Boulevard, which will be used for retail, gallery, or office space. Two-story residential townhouse units will be interspersed with the ground-level commercial space, and will be located facing Coolidge Avenue and Third Street. The only entrance to the internal parking structure will be from Coolidge Avenue. Residential flats will be located on the upper three floors of the building, and will include both one- and two-bedroom units. The exterior of the building will have a plaster finish, with decorative metal awnings, balconies, and trellis structures giving variety and relief to the facades.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Title 19.06.060 exempts properties within the Downtown Centennial Plan area from the automatic application of building height limitations, setbacks, lot coverage, residential adjacency, standard landscaping requirements, and standard parking requirements. The Downtown Centennial Plan addresses certain site development standards, which are detailed below:

Standards	Required	Provided	Compliance
Min. Lot Size	N/A	1.38 Acres	N/A
Min. Lot Width	N/A	200 Feet	N/A
Min. Setbacks			
• Front	0 Feet	0 Feet	Y
• Corner (Casino Center)	0 Feet	0 Feet	Y
• Rear	0 Feet	0 Feet	Y
Max. Lot Coverage	Up to 100%	97%	Y
Max. Building Height	N/A	67 Feet	N/A
Building Stepback	4th, 11th, 18th Stories	3' to 6'	Y
Trash Enclosure	Walled/roofed	Interior	Y
Loading Zone	N/A	None	Y
Mech. Equipment	Screened	Not indicated	Not indicated

The project generally conforms with all development standards listed in the Downtown Centennial Plan. No information has been provided relative to the screening of mechanical equipment.

A2) Residential Adjacency Standards

Title 19.06.060 exempts properties within the Downtown Centennial Plan area from the automatic application of Residential Adjacency Standards.

A3) Parking and Traffic Standards

As with other development standards, the property is exempt from the automatic application of parking requirements due to its being located within the boundaries of the Downtown Centennial Plan area. The following table details the parking that will be provided for the development:

Uses	GFA	**Provided** Parking	
		Regular	Handicap
Multifamily Residential	86 Units		
Commercial	22,100 SF		
Total:		189	6

A total of 195 parking spaces will be provided for the development in an interior parking structure; spaces will be designated for the residential units, residential visitors, the office space, and the commercial space. In addition, on-street parking is available adjacent to the site.

The applicant has revised the location of the driveway on Coolidge Avenue in accordance with the recommendations of the Public Works Department; no other significant issues relative to circulation have been noted.

A4) Landscape and Open Space Standards

The property is subject to the landscape and streetscape standards of the Downtown Centennial Plan as listed below:

Standards	Required Ratio	Trees	Provided
East/West Street Coolidge Avenue	1 Shade Tree @ 30' o.c. max. (min. 24" box)	10 Trees	13 Shade Trees
North/South Street Casino Center	1 Palm Tree @ 35' o.c. max. (min. 25' height)	6 Trees	17 Shade Trees
North/South Street Third Street	1 Palm Tree @ 35' o.c. max. (min. 25' height)	6 Trees	11 Shade Trees
Sidewalk	11' Sidewalk 5' Amenity Zone		Coolidge: Y Casino: N Third St.: Y

The landscape plan shows that an adequate number of trees is provided along each street; however, the plan depicts the use of shade trees on the north/south streets instead of the palm trees required by the Downtown Centennial Plan. The sidewalks generally conform to the width requirements, with the exception of Casino Center, which is constrained by the existing configuration of the street. The sidewalk treatment at the intersections and at the driveway on Coolidge Avenue will need to utilize the decorative treatment specified by the Centennial Plan.

A5) Sign Standards

The Downtown Centennial Plan exempts signage within the Arts District from the automatic application of size, type and area limitations. However, signage is required to reflect the arts-related nature of the district by incorporating artistic details, sculptural elements, three-dimensional features, ornate designs, or other similar expressive elements. In addition, the signage should coordinate with the architecture of the building. The submitted documentation shows that wall signage is the only type of signage currently proposed for the project.

B) General Analysis and Discussion

- Zoning

The proposed uses are consistent with the uses permitted in the Arts District and the underlying zoning. As the project is located within the boundaries of the Arts District, a Special Use Permit for the mixed-use development is not required. The structure conforms with the development standards of the Downtown Centennial Plan.

- Site Plan

The site plan depicts commercial space fronting Casino Center Boulevard, townhouse units and the residential lobby facing Coolidge Avenue, the existing office building at the corner of Coolidge and Third Street, and townhouses along the Third Street frontage. Access to the internal parking structure will be from Coolidge Avenue. All trash areas and other services will be located at the interior of the site. The site plan anticipates the Vacation of the existing north/south alley that runs through the development site; no Vacation application has been filed to date.

- Waivers

A waiver is required from the Downtown Centennial Plan standards for the inadequate sidewalk depth along Casino Center Boulevard. The constrained width of the sidewalk is due to the existing curb location and configuration of the street.

- Landscape Plan

As the development covers most of the site, no internal landscaping is proposed or required. Streetscape treatments have been shown on all three streets; palm trees will be required on the north/south streets in conformance with the Downtown Centennial Plan. In addition, the sidewalk treatment at the intersections will also need to conform to the standards of the Downtown Centennial Plan.

- Elevation

The design of the building generally utilizes storefront glazing for the commercial portions of the structure, with residentially-scaled window and door openings for the residential portions of the building. Balconies and variations to the wall planes assist in reducing the massing of the structure and giving variety to the facades. Further variation is provided by townhouse units, which will each have their own individual stoop. A detailed cornice is provided at the top of the parapet wall, with distinctive roof elements provided at the corners of the building and above the lobby to the upper-level residences.

- Floor Plan

The first floor of the building is configured with commercial space fronting Casino Center, townhouses and office space fronting Coolidge Avenue, and townhouses on Third Street. Each of the uses will have their own entrances directly from the adjacent public sidewalk. A ground-floor lobby will provide access to the upper-level residential units. Egress from the upper levels of the building is provided through the residential lobby and at the corners of the building. A parking structure is located at the interior of the site, and will be screened from view of adjacent properties.

FINDINGS

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

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

   The proposed development is compatible with adjacent development and is a model for future development in the area.

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

   The proposed development is consistent with the General Plan and Title 19. The streetscape treatment needs to be modified to conform to the Downtown Centennial Plan; a Waiver is needed for the inadequate sidewalk width on Casino Center Boulevard.

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

   The configuration of the parking structure and driveway on Coolidge Avenue will have little impact on neighborhood circulation. The site plan requires that part or all of the north/south alley on the block be vacated; as this may impact access to other parcels on the block, the Vacation application will be required as a condition of approval of this site plan.

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

   The proposed materials for the structure are appropriate for the Arts District and for the City; the proposed landscape materials are generally in conformance with the Downtown Centennial Plan, with the exception that has already been noted relative to the streetscape treatment and included as a condition of approval.

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

The building elevations clearly delineate the separate functions of the structure, and seamlessly incorporate the existing office building into the development.

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

   The development will be subject to inspections, and appropriate measures will be taken to protect public health, safety and general welfare.

NOTICES MAILED 127

APPROVALS 0

PROTESTS 0

FF

PLANNING & DEVELOPMENT

CITY OF LAS VEGAS

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-4999 APN: 139-34-410-056

Name of Property Owner: Diess, Willis & Dorothy

Name of Applicant: DLV Real Estate

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

_____ Yes ___X__ No

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

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner/Authorized Agent: _____

Print Name: _____

Subscribed and sworn before me

This _____ day of _____, 20__

_____

Notary Public in and for said County and State

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-4999 APN: 139-34-410-086

Name of Property Owner: 930 Third Street LLC

Name of Applicant: DLV Real Estate

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

_____ Yes __X__ No

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

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner/Authorized Agent: [signature]

Print Name: Michael Mushkin

Subscribed and sworn before me

This 11th day of August, 2004

Jan Michels

Notary Public in and for said County and State

JAN MICHELS
Notary Public - State of Nevada
Appointment Recorded in Clark County
No: 01-[illegible]-1 - Expires September 10, 2005

PLANNING & DEVELOPMENT

CITY OF LAS VEGAS

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-4999** APN: 139-34-410-085

Name of Property Owner: Michael Mushkin

Name of Applicant: DLV Real Estate

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

_____ Yes _____X_____ No

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

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner/Authorized Agent: [signature]

Print Name: Michael Mushkin

Subscribed and sworn before me

This 11th day of August, 2004

[signature]

Notary Public in and for said County and State

JAN MICHELS
Notary Public - State of Nevada
Appointment Recorded in Clark County
No: [illegible] - September 10, 2005

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-4999 APN: 139-34-410-083, 084

Name of Property Owner: LJR Inc.

Name of Applicant: DLV Real Estate

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: Michael Muskkin

Subscribed and sworn before me

This 11th day of August, 2004

Jan Michels

Notary Public in and for said County and State

JAN MICHELS
Notary Public - State of Nevada
Appointment Recorded in Clark County
No: 01-70[illegible] - Expires September 10, 2005

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-4999** APN: 139-34-410-059, 058

Name of Property Owner: DLV Real Estate

Name of Applicant: DLV Real Estate

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: Michael Mushkin

Subscribed and sworn before me

This 10 day of August, 2004

Susan Savarise

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
SUSAN SAVARISE
No: 99-36241-1
My Appointment Expires May 23, 2007

Site Information

ZONING - City of Las Vegas
C-1 Limited Commercial District

PARCEL AREA (Approx. to be Verified)

Gross Area:	91,100 sf	2.09 acres
Net Area:	60,000 sf	1.38 acres

BUILDING AREAS

	Area
Retail	
Retail	13,900 gsf
	13,900 gsf
Residential	
1st floor	15,600 gsf
2nd floor	11,100 gsf
3rd floor	35,100 gsf
4th floor	35,100 gsf
5th floor	33,900 gsf
	131,000 gsf
Office building	
Office (existing)	8,200 gsf
	8,200 gsf

Total Area	153,100 gsf
FAR (net)	3.35

PARKING REQUIREMENTS (approx)

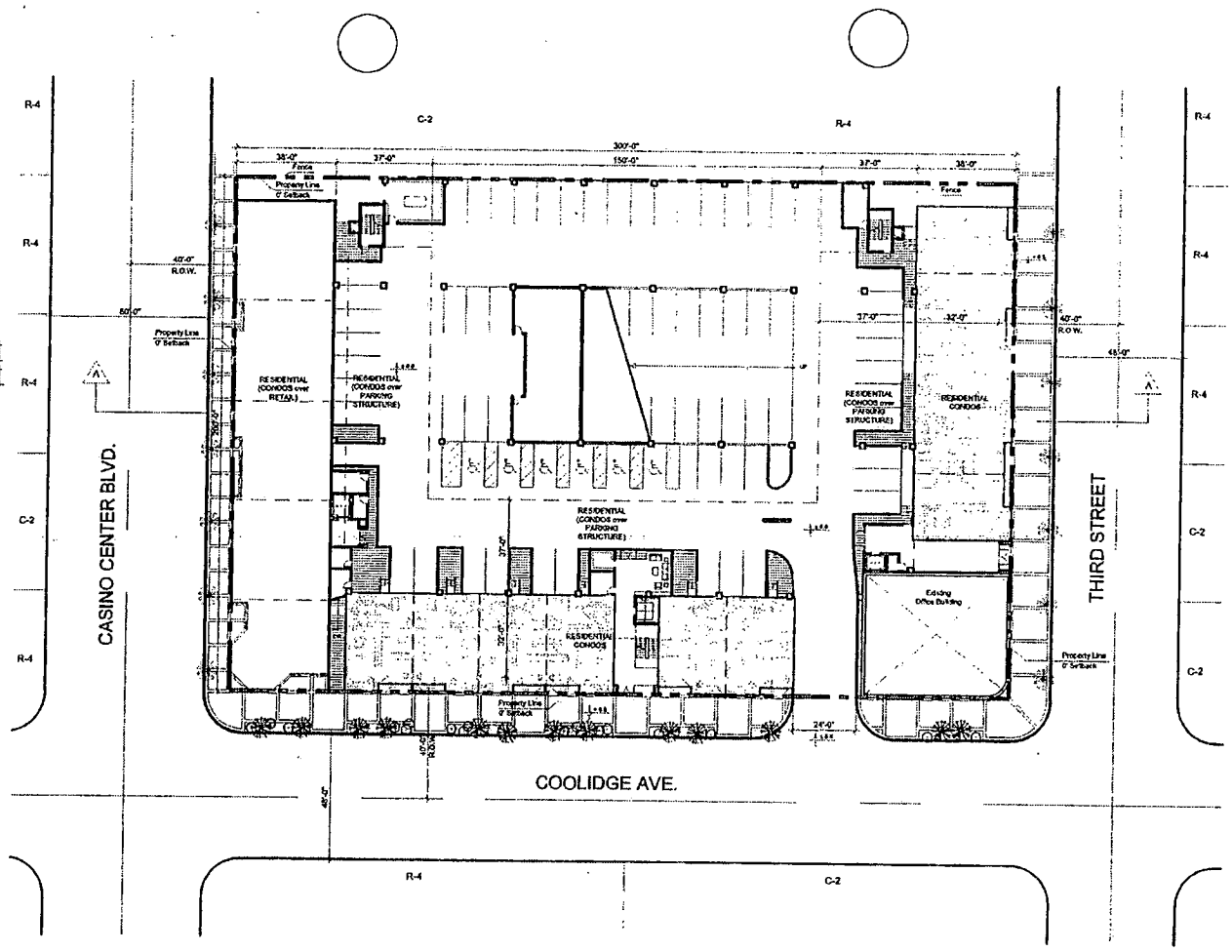
Required			
Retail	3 per 1000 sf	13.9 * 3 =	42 Spaces
Residential	1 space (1 bedroom)	27 * 1 =	27 Spaces
	1 space (2 bedroom)	59 * 1 =	59 Spaces
Visitors	1 per 6 units	86 * 0.17 =	15 Spaces
Office	3 per 1000 sf	8.2 * 3 =	25 spaces
			168 Spaces
Provided:		1st Floor	41 Spaces
		2nd Floor	96 Spaces
		3rd Floor	58 Spaces
Total:			195 Spaces

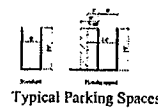
SETBACKS

	Adjacent to Residential	
Front:	n/a	none
Rear:	n/a	none
Side:	n/a	none
Corner Street Side:	n/a	none

BUILDING HEIGHT
Allowed: 3-Story - 60 feet (average)
Provided: 5-Story - 67 feet

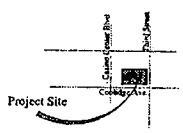
LOT COVERAGE
Allowed: 100 %
Provided: 93 %



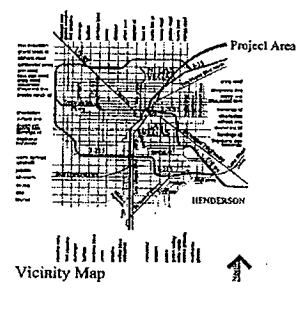

Typical Parking Spaces



Typical Turning Radius



Location Map



Vicinity Map

North

Scale: 1" = 20'
0 20 40

Site Plan
Project # 104141
August 10, 2004

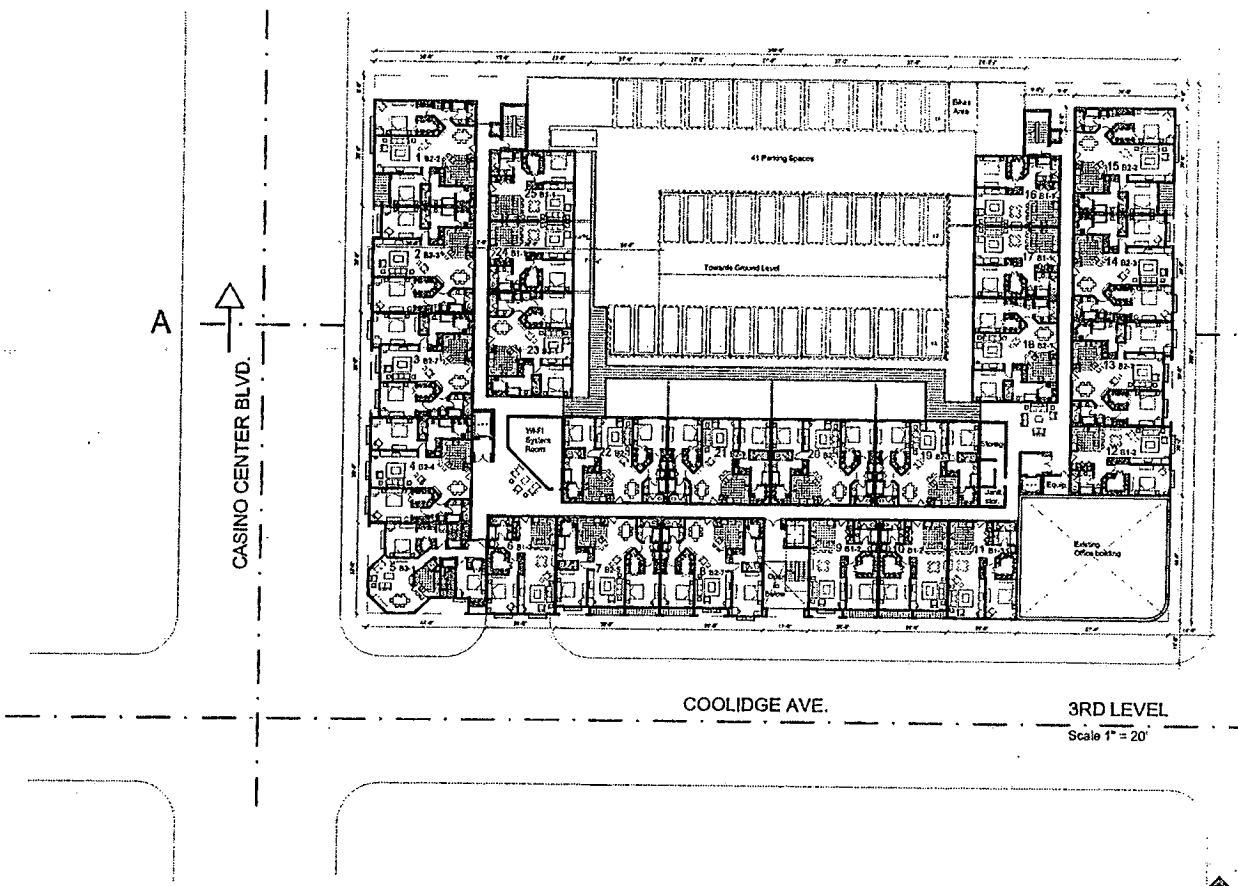
This is Conceptual in Nature and no Guarantee of its Accuracy is implied. The Owner/Architect reserves the Right to make Design Modifications without notice. All Colors, Dimensions, Sizes and Mechanical Features are Conceptual and subject to Change.

MICHAEL MUSHKIN

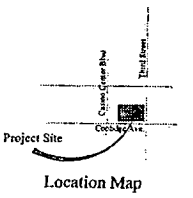
930 @ THIRD
ARTS DISTRICT
Las Vegas, Nevada

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3RD LEVEL
Scale 1" = 20'



Scale: 1" = 20'

3rd Level Floor Plan
Project # 10414
August 10, 2004

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MICHAEL MUSHKIN

930 @ THIRD
ARTS DISTRICT
Las Vegas, Nevada

Perlman

SDR-4999
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AUG 11 20

Site Information

ZONING - City of Las Vegas
C-1 Limited Commercial District

PARCEL AREA (Approx. to be Verified)

Gross Area:	91,200 sf	2.09 acres
Net Area:	60,000 sf	1.38 acres

BUILDING AREAS

Retail	Area
Retail	13,900 gsf
	13,900 gsf
Residential	
1st floor	35,600 gsf
2nd floor	11,100 gsf
3rd floor	35,100 gsf
4th floor	35,100 gsf
5th floor	24,900 gsf
	131,000 gsf
Office building	
Office (existing)	8,200 gsf
	8,200 gsf

Total Area	153,100 gsf
F.A.R (net)	2.55

PARKING REQUIREMENTS (approx)

Required			
Retail	3 per 1000 sf	13.9 * 3 =	42 Spaces
Residential	1 space (1 bedroom)	23 * 1 =	23 Spaces
	2 space (2 bedroom)	29 * 2 =	58 Spaces
Visitors	1 per 6 units	86 * 0.15 =	13 Spaces
Office	3 per 1000 sf	8.2 * 3 =	25 spaces
			168 Spaces

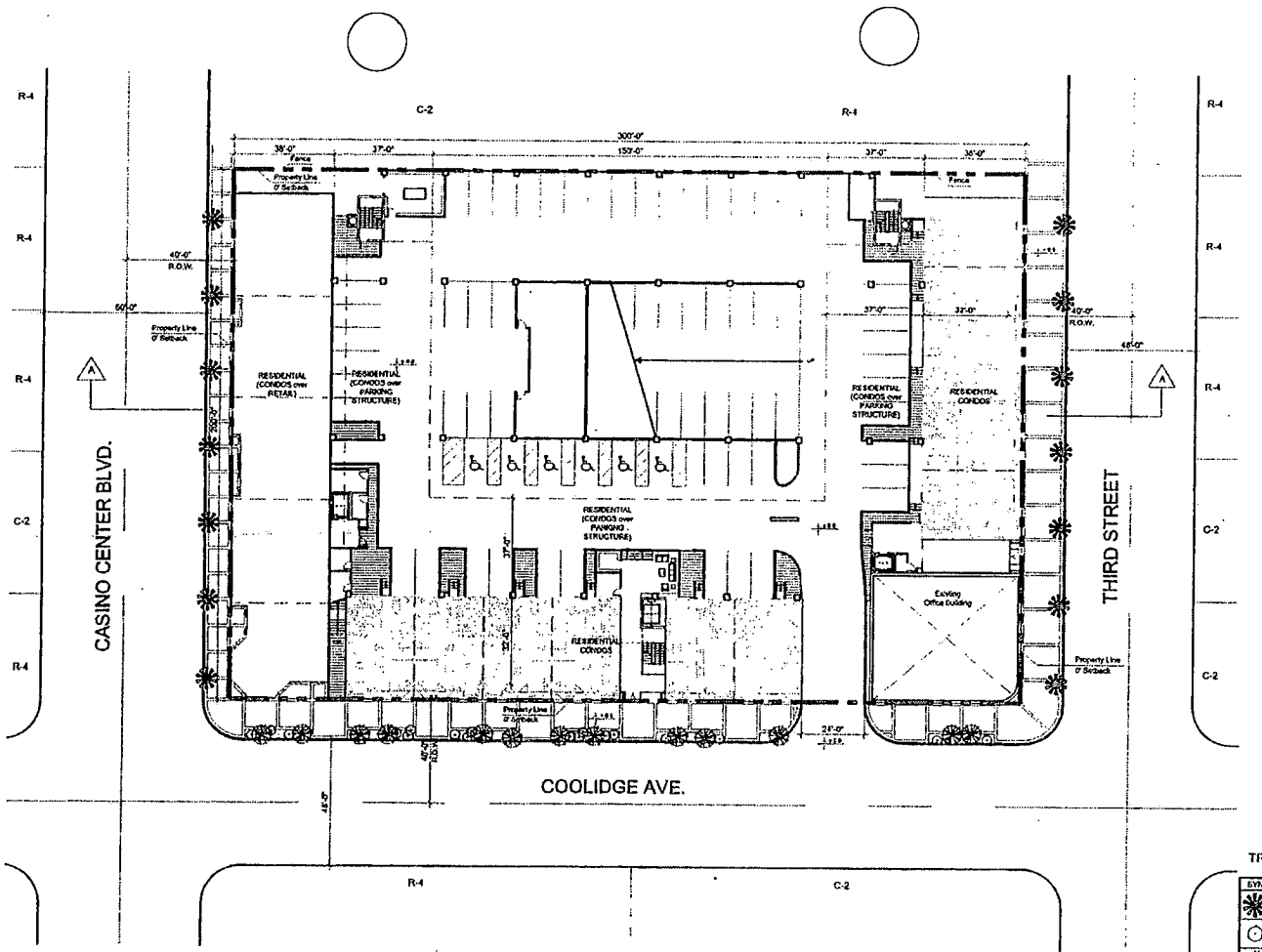
Provided:		
	1st Floor	41 Spaces
	2nd Floor	96 Spaces
	3rd Floor	58 Spaces
Total:		193 Spaces

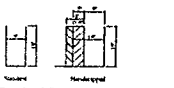
SETBACKS

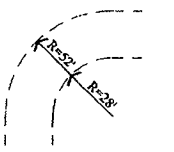
	Adjacent to Residential
From:	n/a none
Rear:	n/a none
Side:	n/a none
Corner Street Side:	n/a none

BUILDING HEIGHT
Allowed: 5-Story - 60 feet (average)
Provided: 5-Story - 63 feet

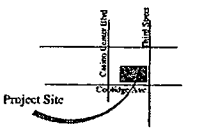
LOT COVERAGE
Allowed: 100 %
Provided: 97 %



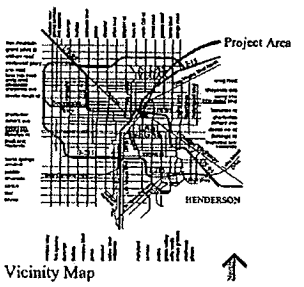

Typical Parking Spaces



Typical Turning Radius



Location Map



Vicinity Map

TREE / PLANT SCHEDULE

SYM	QTY	SIZE	SPACING	COMMON NAME	BOTANICAL NAME
	33	24" Box	20'-30' On Center	MEXICAN PALM	-
	0	24" Box	Varies See Sections / Elevations	FLOWERING PLUM	Prunus blireiana
	70	24" Box	20'-30' On Center	AFGHAN PINE	Pinus pigra
	35	1-5 Gallon	N/A	Groundcover Ground Shrubs and Cover	
		N/A	N/A	Xeriscape / Turf	

LANDSCAPING PER TITLE 30 REQUIREMENTS

North

Scale: 1" = 20'

Landscape Plan
Project # 104141
August 10, 2004

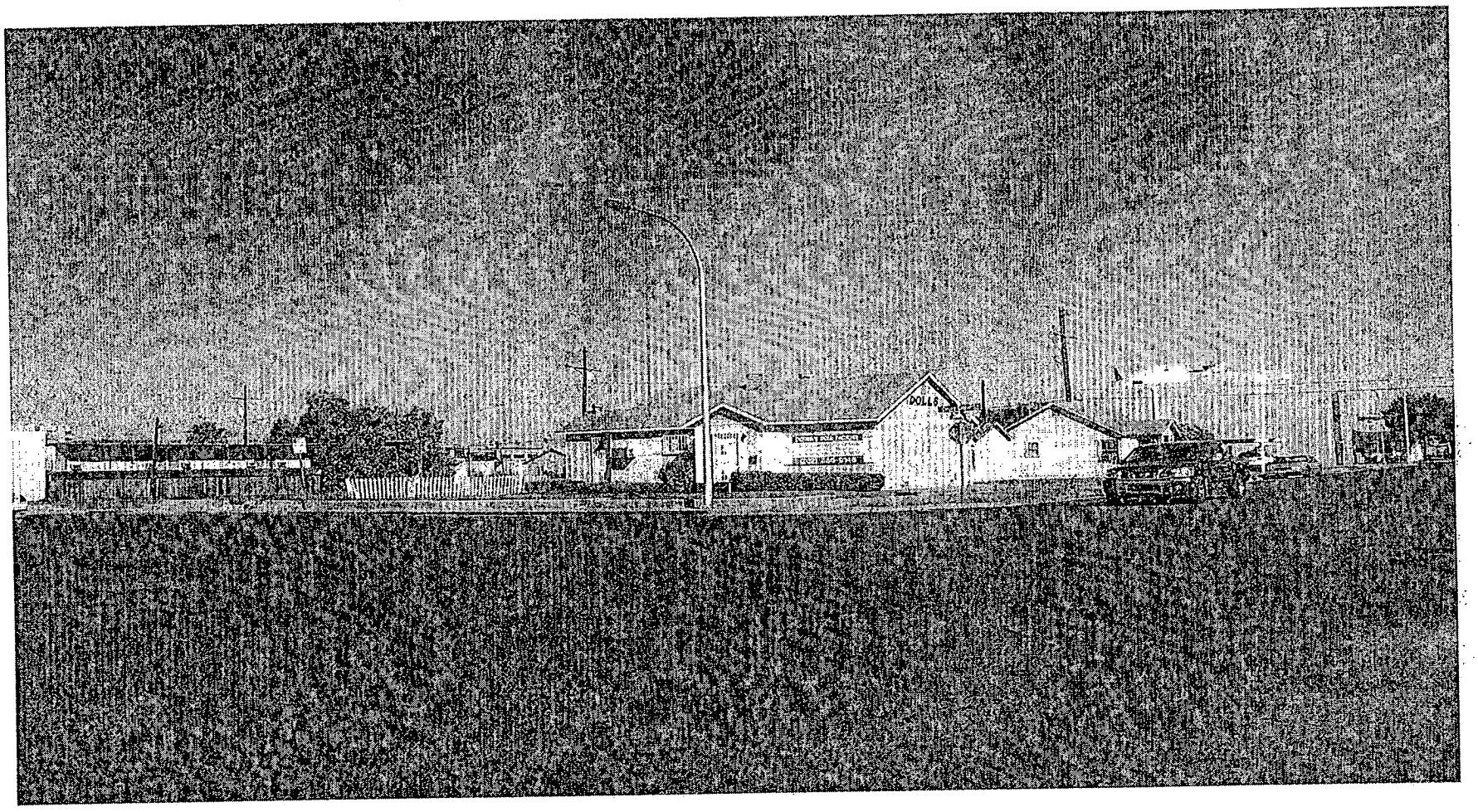
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MICHAEL MUSHKIN

930 @ THIRD
ARTS DISTRICT
Las Vegas, Nevada

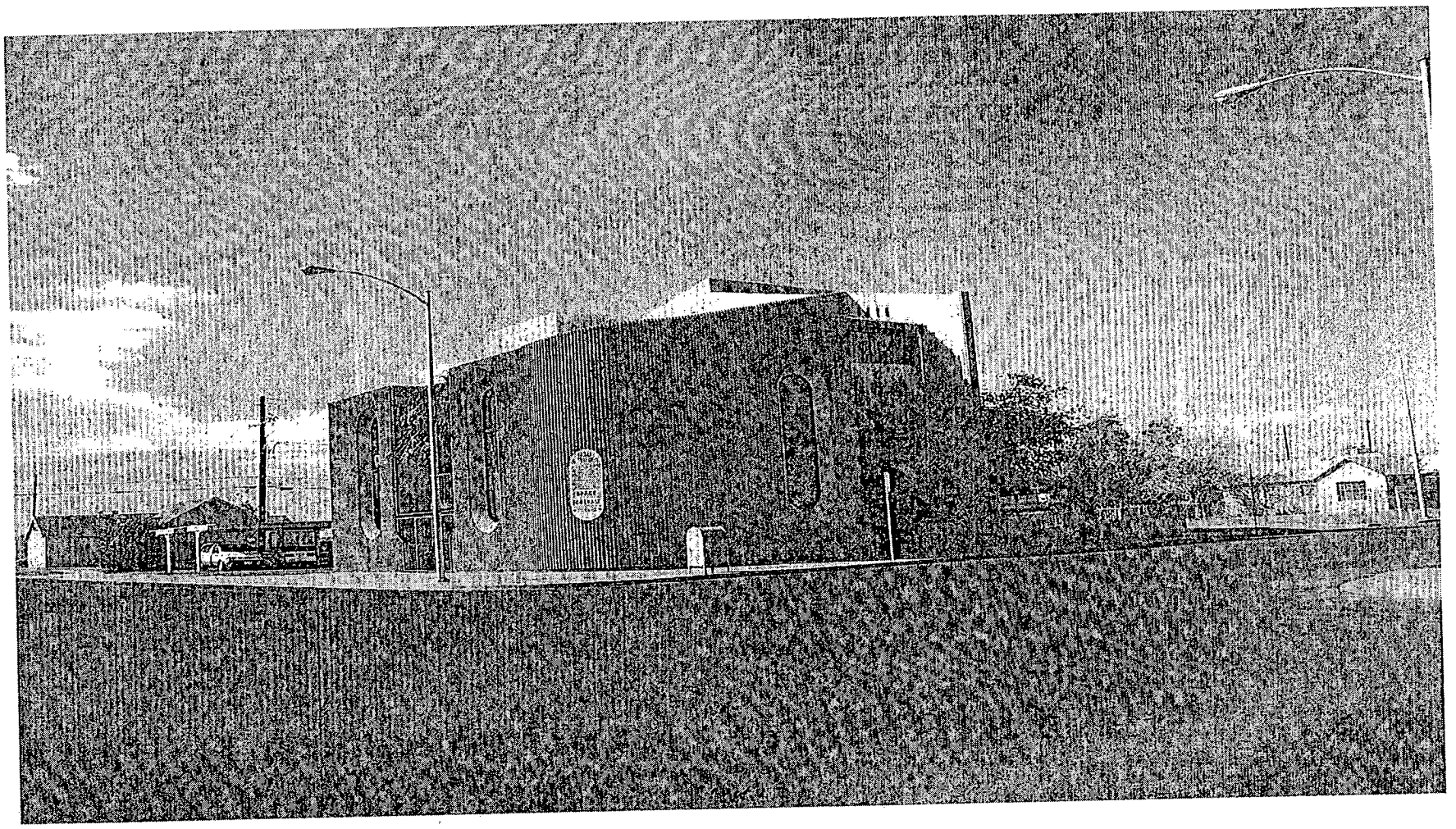
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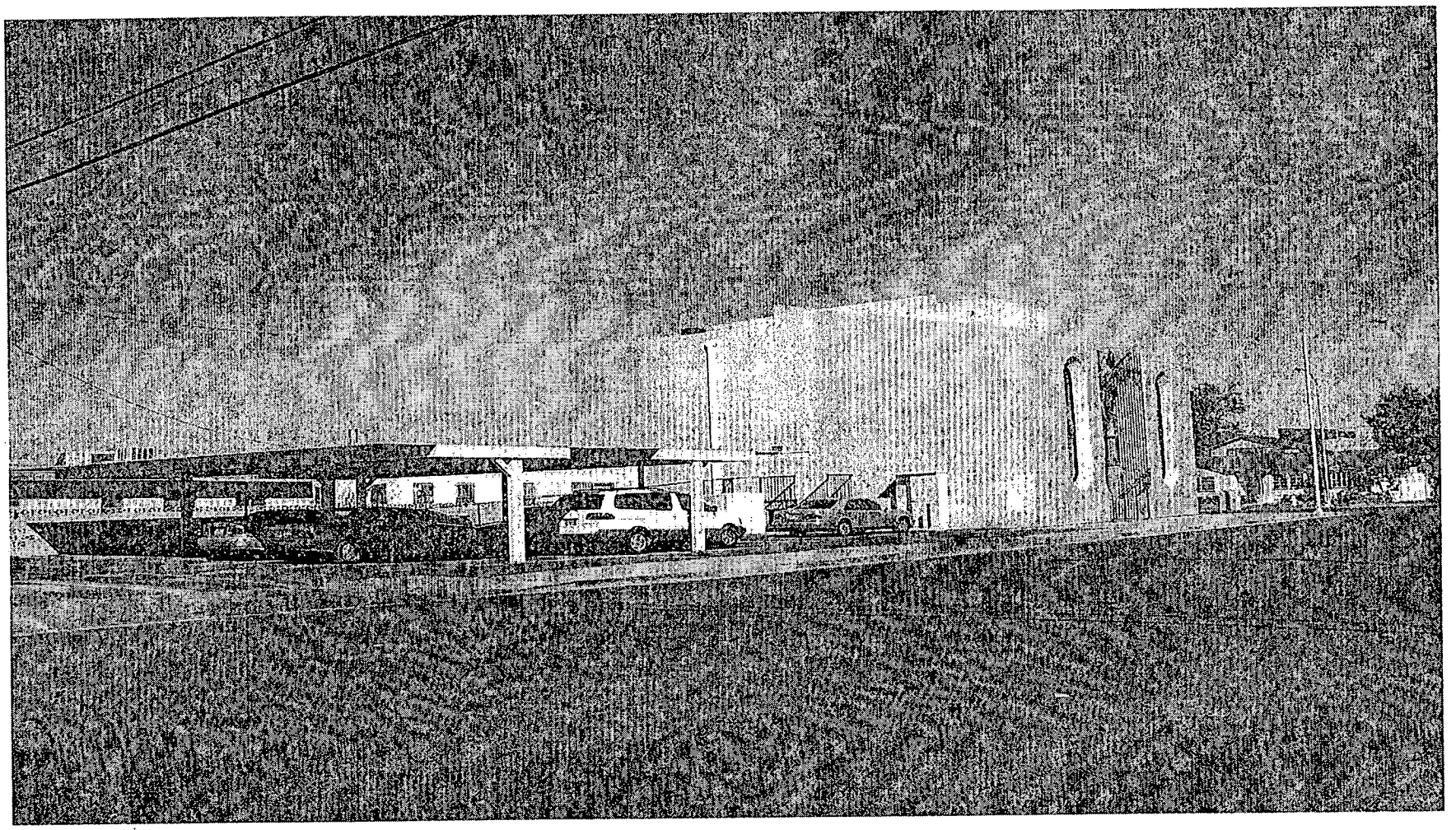
SDR-4999 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT: DLV REAL ESTATE - OWNER: DLV REAL ESTATE, ET AL
NORTH SIDE OF COOLIDGE AVENUE, BETWEEN CASINO CENTER BOULEVARD AND 3RD STREET
SEPTEMBER 23, 2004 PLANNING COMMISSION

9/2/04



SDR-4999 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT: DLV REAL ESTATE - OWNER: DLV REAL ESTATE, ET AL
NORTH SIDE OF COOLIDGE AVENUE, BETWEEN CASINO CENTER BOULEVARD AND 3RD STREET
SEPTEMBER 23, 2004 PLANNING COMMISSION

9/2/04



SDR-4999 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT: DLV REAL ESTATE - OWNER: DLV REAL ESTATE, ET AL
NORTH SIDE OF COOLIDGE AVENUE, BETWEEN CASINO CENTER BOULEVARD AND 3RD STREET
SEPTEMBER 23, 2004 PLANNING COMMISSION

9/2/04

City of Las Vegas

Agenda Item No.: 52

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

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

SUBJECT:
SCD-5000 - MAJOR DEVIATION - PUBLIC HEARING - APPLICANT/OWNER: WOODSIDE SOLANO, LLC - Request for a Major Deviation to ALLOW A 14 FOOT FRONT SETBACK TO THE GARAGE WHERE 18 FEET IS THE MINIMUM SETBACK REQUIRED FOR A PROPOSED SINGLE FAMILY RESIDENCE at 553 El Loro Street (APN 137-35-216-017), P-C (Planned Community) Zone, Ward 2 (Wolfson).

P.C.: FINAL ACTION

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

RECOMMENDATION:
Staff recommends APPROVAL.

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

MOTION:
EVANS – APPROVED subject to conditions and amending Conditions 2 as follows:

2. The distance from the face of the garage door to the back of sidewalk shall be a minimum distance of *17.3* feet to prevent a car in the driveway from encroaching into the vehicular or pedestrian travel corridor.

– UNANIMOUS with McSWAIN abstaining because Woodside Homes is a client of her company and STEINMAN excused

This is Final Action.

MINUTES:
CHAIRMAN TRUESDELL declared the Public Hearing open.

DAVID CLAPSADDLE, Planning and Development, explained that in Summerlin, this type of application is not a variance, they are SCD's. He added that this type of application is not seen very often. The variance is to allow part of the garage to be 14 feet where 18 feet is required.

MINUTES – Continued:

The lot is of irregular size and staff deemed the hardship legitimate as long as there is 18 feet from the back of the sidewalk to the front of the garage so a car could park in the driveway without encroaching into the sidewalk.

CHRIS ARMSTRONG, Carter and Burgess, 6655 Bermuda Road, appeared on behalf of the applicant and thanked staff for noting the irregular shape of the lot and the hardship it presents. He clarified that the driveway's depth is actually 17.3 feet and he requested approval to allow that dimension instead of 18 feet. The Summerlin Design Review Committee recommended approval subject to an average driveway depth of 18 feet and the applicant is willing to agree to that or a minimum depth of 17.3 to allow for an appropriate setback.

MR. CLAPSADDLE explained that to accomplish that, the back of sidewalk should be an average distance of 25 feet to a minimum of 17.3 feet. The applicant agreed.

(10:19 – 10:22)

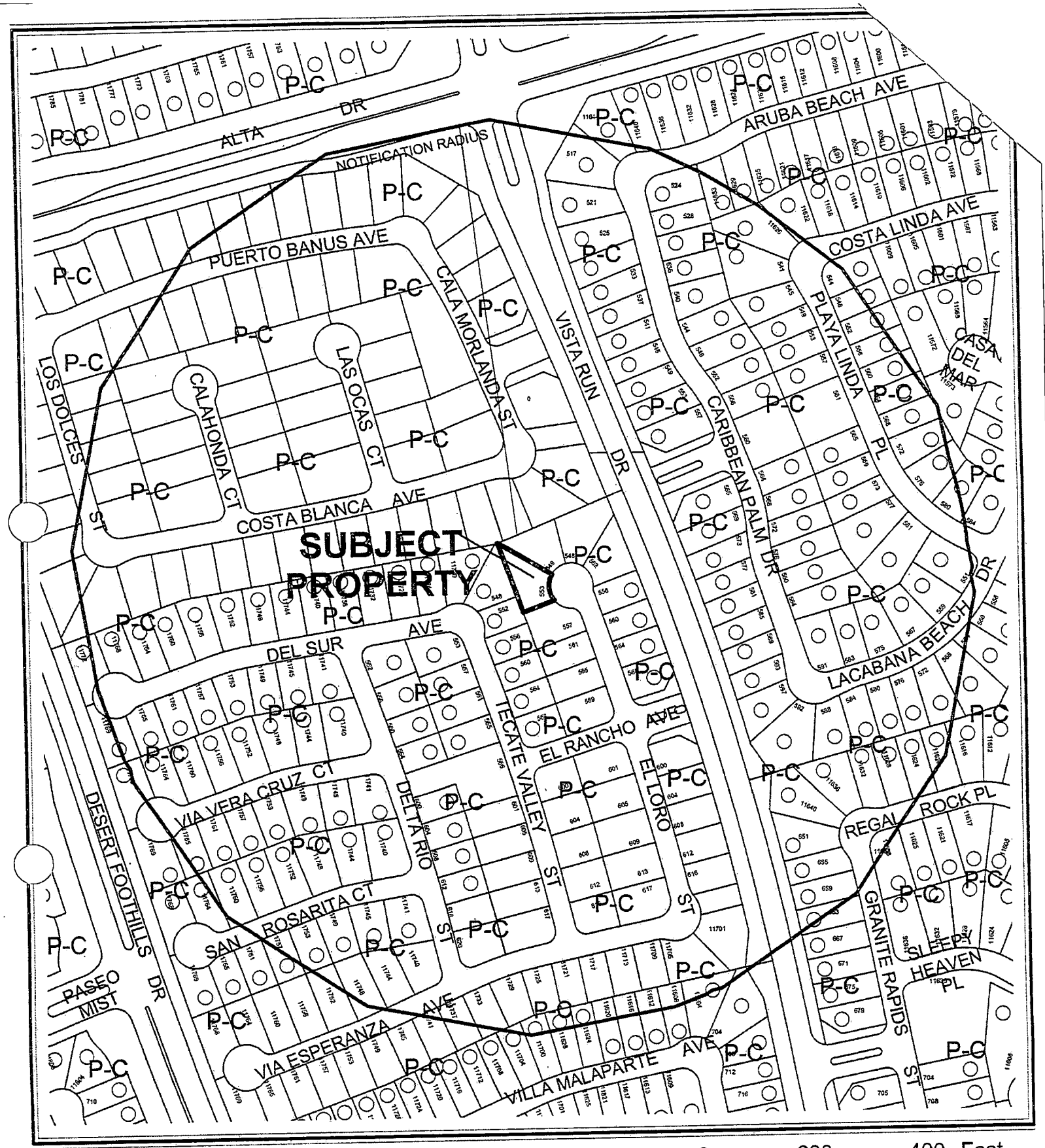
CONDITIONS:

Planning and Development

1. This Major Deviation 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.

Public Works

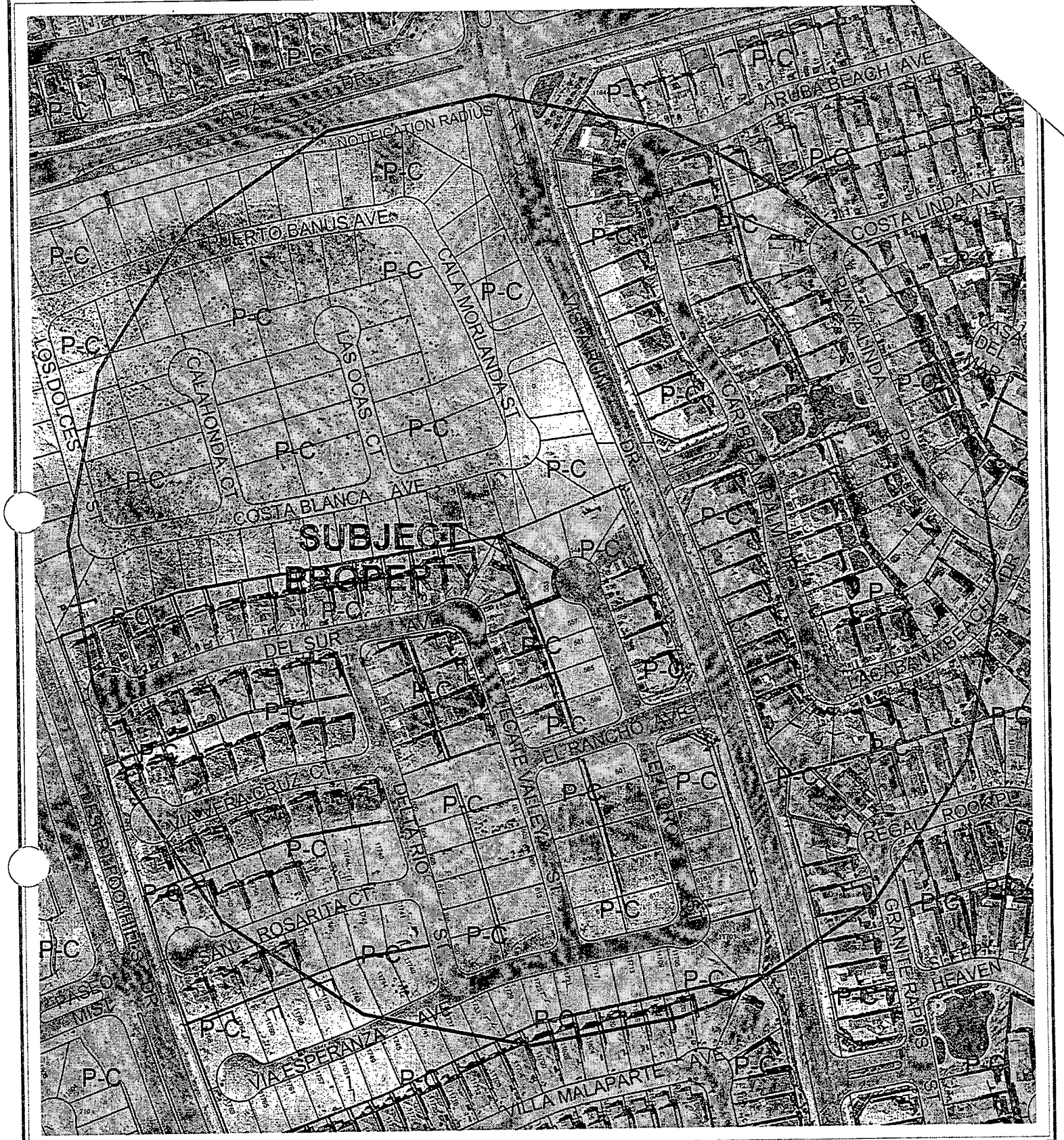
2. The distance from the face of the garage door to the back of sidewalk shall be a minimum distance of 18 feet to prevent a car in the driveway from encroaching into the vehicular or pedestrian travel corridor.



CASE: **SCD-5000**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: P-C (PLANNED COMMUNITY)



0 200 400 Feet

CASE: SCD-5000

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: P-C (PLANNED COMMUNITY)

N

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 23, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SCD-5000 - MAJOR DEVIATION - PUBLIC HEARING -
APPLICANT/OWNER: WOODSIDE SOLANO, LLC

** CONDITIONS **

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

Planning and Development

1. This Major Deviation 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.

Public Works

2. The distance from the face of the garage door to the back of sidewalk shall be a minimum distance of 18 feet to prevent a car in the driveway from encroaching into the vehicular or pedestrian travel corridor.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This request is for a Major Deviation from the Summerlin Development Standards to allow a 14 foot front setback to the garage where 18 feet is the minimum setback required for a proposed single-family residence at 553 El Loro Street.

B) Applicant's Justification

The applicant's justification letter indicates the subject lot is irregular in shape, which requires a deviation from standards.

BACKGROUND INFORMATION

A) Previous Actions

01/27/97 The City Council approved a Rezoning (Z-119-96) to P-C (Planned Community) on this site as part of a larger request. The Planning Commission and staff recommended approval on January 9, 1997.

B) Pre-Application Meeting

A pre-application meeting was not conducted for this item as it originally was submitted as a Minor Deviation. It was subsequently changed to a Major Deviation without further meetings with the applicant.

C) Neighborhood Meetings

A neighborhood meeting is not required for this application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.13

MP

B) Existing Land Use

Subject Property:	Undeveloped
North:	Undeveloped
South:	Undeveloped
East:	Single-family Residence
West:	Single-family Residence

C) Planned Land Use

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

D) Existing Zoning

Subject Property:	P-C (Planned Community) SF3 (Single-family Detached)
North:	P-C (Planned Community) SF3 (Single-family Detached)
South:	P-C (Planned Community) SF3 (Single-family Detached)
East:	P-C (Planned Community) SF3 (Single-family Detached)
West:	P-C (Planned Community) SF3 (Single-family Detached)

E) General Plan Compliance

The subject site is designated ML (Medium Low Density Residential) on the Southwest Sector Plan Map of the General Plan. The existing P-C (Planned Community) Zoning District and SF3 (Single-family Detached) designation are in conformance with ML (Medium Low Density Residential) General Plan designation.

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

MP

This site is located within the Summerlin Master Plan area and is designated as SF3 (Single-family Detached).

A) Zoning Code Compliance

A1) Development Standards

Pursuant to the Summerlin Development Standards, the following Development Standards apply to the subject proposal:

Standards	Required	Requested	Compliance
Min. Lot Size	N/A	5,837 Square Feet	Y
Min. Lot Width	N/A	49 Feet	Y
Min. Setbacks			
◦ Front	18 Feet	14 Feet	N
◦ Side	5 Feet	5 Feet	Y
◦ Corner	N/A		
◦ Rear	15 Feet	20 Feet	N
Max. Building Height	2 Stories / 36 Feet	2 Stories / 36 Feet	Y

The submitted plan shows a proposed single-family dwelling with a 14 foot setback to the garage portion of the structure where 18 feet is required. The applicant has submitted this Major Deviation request in order to allow the building addition to encroach into the required setback.

B) General Analysis and Discussion

The submitted plans indicate the applicant is proposing to construct a single-family dwelling wherein a portion of the garage is setback 14 feet from the front property line where 18 feet is required.

FINDINGS

The Summerlin Development Standards require Major Deviations to be reviewed under the same process and criteria as a Variance. In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance (which also applies to this request) in order to:

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

Additionally, Title 19.18.070L states:

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

In this case, evidence of a unique or extraordinary circumstance has been presented in that the subject lot is of an irregular shape and strict application of the setbacks would present a hardship to development of a single-family dwelling on this site. Additionally, there is adequate room in front of the garage to provide an 18-foot driveway, which meets the intent of the setback requirement. In view of the hardship imposed by the site's physical characteristics, it is concluded that the applicant's request is not preferential in nature, and it is thereby within the realm of NRS Chapter 278 for granting of Major Deviations.

The Department of Public Works reviews all projects to ensure a minimum 18 feet of driveway length is provided between the back of sidewalk and the face of the garage. From the submitted site plan, the driveway into the garage appears to be over 18 feet in length and therefore, alleviates concerns to allow this deviation.

NOTICES MAILED 157

APPROVALS 0

PROTESTS 0

MP

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SCD-5000** APN: **137-35-216-017**

Name of Property Owner: **Woodside Homes**

Name of Applicant: **Woodside 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: Jim Foltz

Print Name: Jim Foltz

Subscribed and sworn before me

This 09 day of August ,20 2004

Regina Bates

Notary Public in and for said County and State

Notary Public - State of Nevada
County of Clark
REGINA BATES
My Appointment Expires
October 3, 2005
No: 01-71248-1

Susan Wood

Solano

By WOODSIDE HOMES OF NEVADA, INC.

EQUAL HOUSING OPPORTUNITY

SCD-5000
9/23/04 PC

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AUG 13 2004

AUG-12-04 02:12PM FROM-WOODSIDE HOMES 702 889 0801 T-321 P.001/005

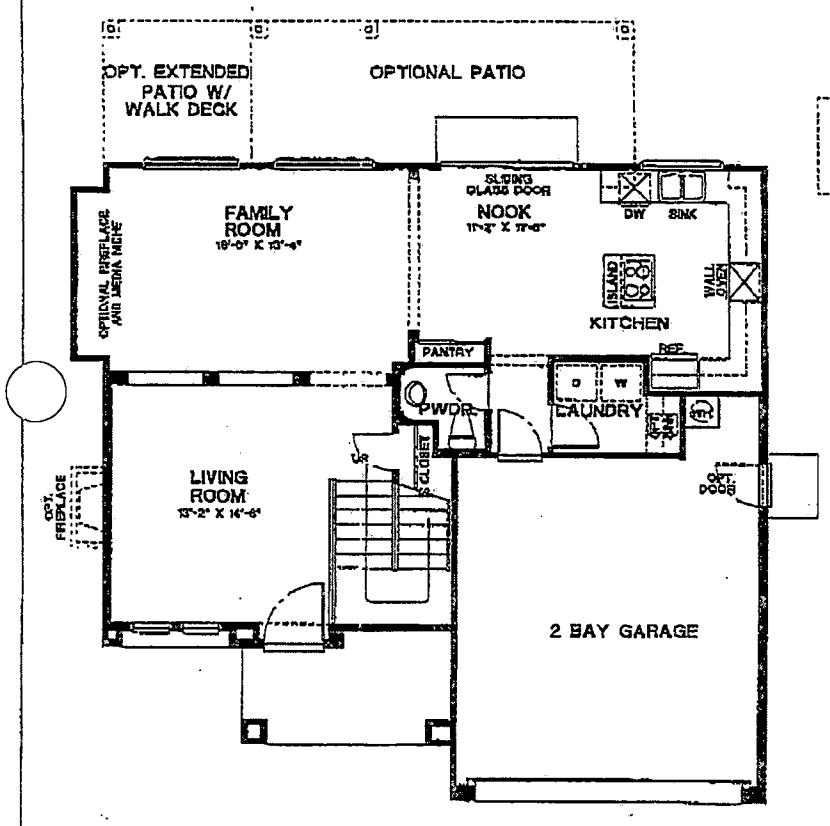
Woodside Homes

SOLANO
PLAN SV-4010

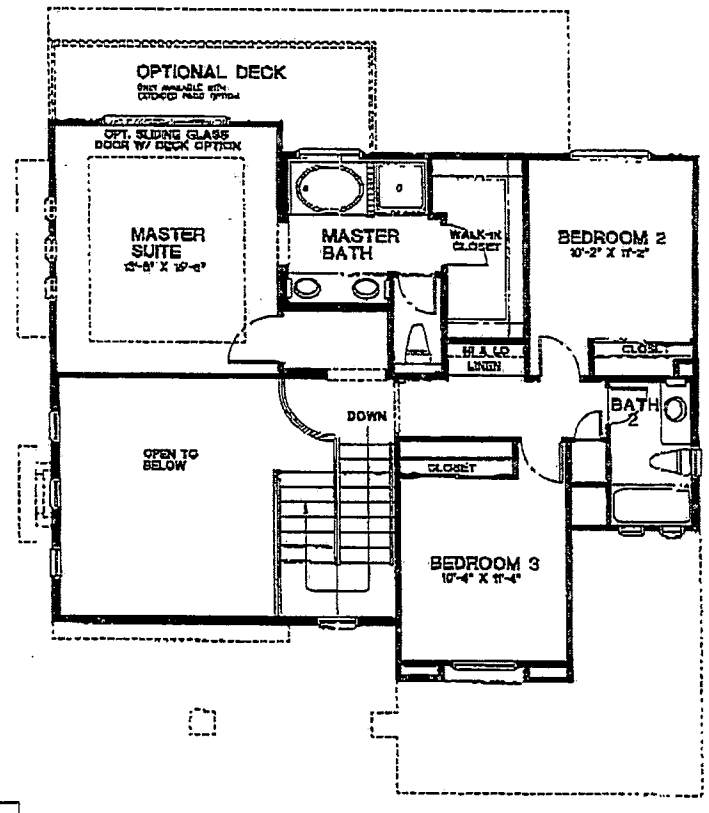
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OPTIONAL FIREPLACE
AND MEDIA NICHE



FIRST FLOOR PLAN



SECOND FLOOR PLAN

SCD-5000
9/23/04 PC

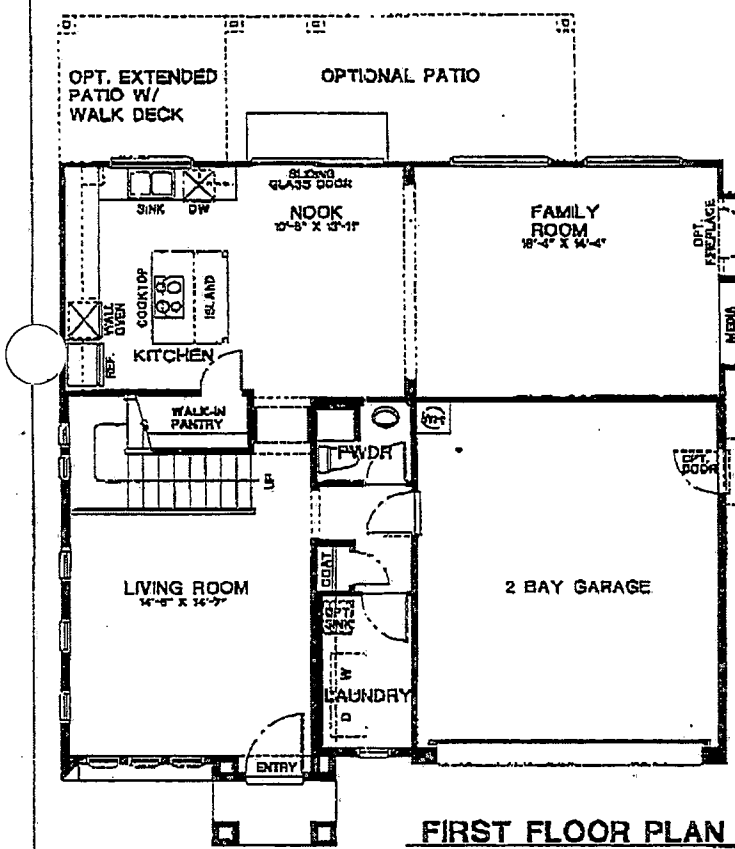
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AUG 13 2004

07/29/03 BUILDER RESERVES THE RIGHT TO MAKE MODIFICATIONS IN THE MATERIALS, PLANS AND SPECIFICATIONS WITHOUT PRIOR NOTICE. FLOOR PLANS SHOWN ARE MODEL ELEVATIONS. SQUARE FOOTAGE IS APPROXIMATE AND MAY VARY WITH ELEVATION. EXTERIOR TREATMENTS, WINDOW LOCATIONS AND ROOM CONFIGURATIONS MAY VARY WITH ELEVATION. MODEL HOME INTERIOR DECORATION, LANDSCAPING, LANDSCAPED AREAS, FENCING AND OTHER AMENITIES ARE FOR DISPLAY PURPOSE ONLY. RENDERINGS AND FLOOR PLANS ARE ARTISTIC CONCEPTION AND MAY NOT ACCURATELY DEPICT THE HOMES AS BUILT. PRICES SUBJECT TO CHANGE WITHOUT NOTICE. THESE ARE PRE-DESIGNED HOMES AND BUILDER CANNOT MAKE ANY STRUCTURAL CHANGES. 0218

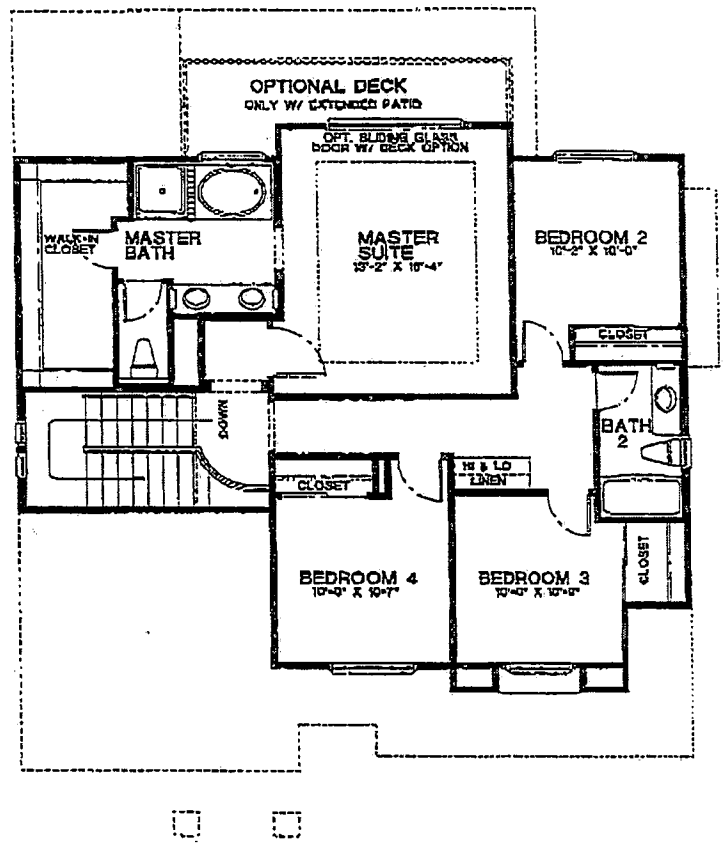
Woodside Homes

SOLANO
PLAN SV-4020

LIVABLE SQ. FT. : 2109



FIRST FLOOR PLAN



SECOND FLOOR PLAN

SCD-5000 RECEIVED
9/23/04 PC AUG 13 2004

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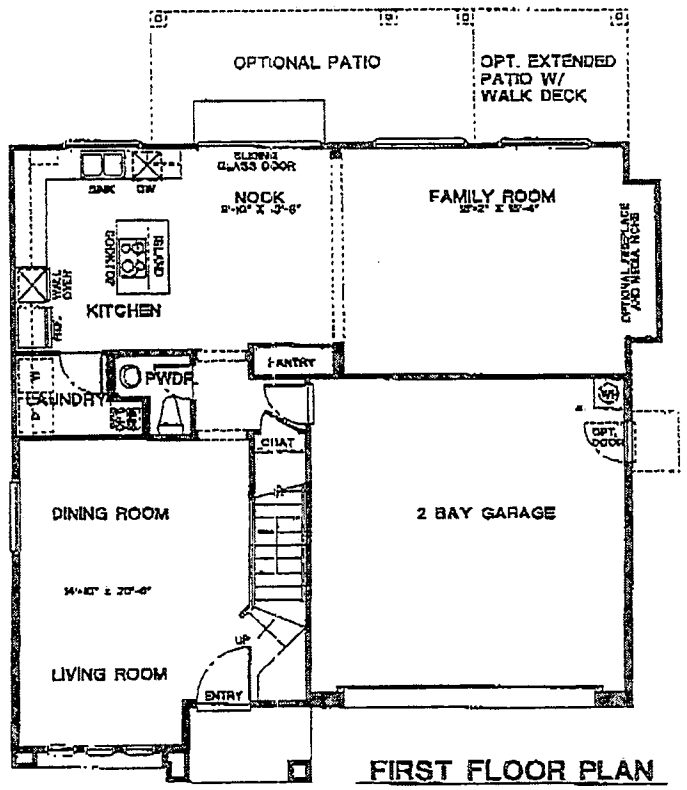
Woodside Homes

SOLANO
PLAN SV-4030

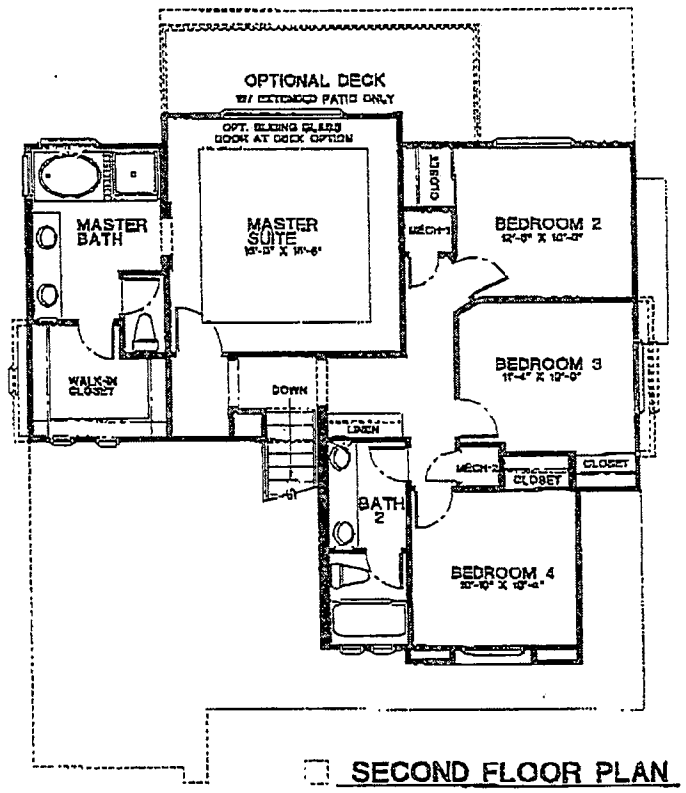
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OPTIONAL FIREPLACE AND MEDIA NICHE



FIRST FLOOR PLAN

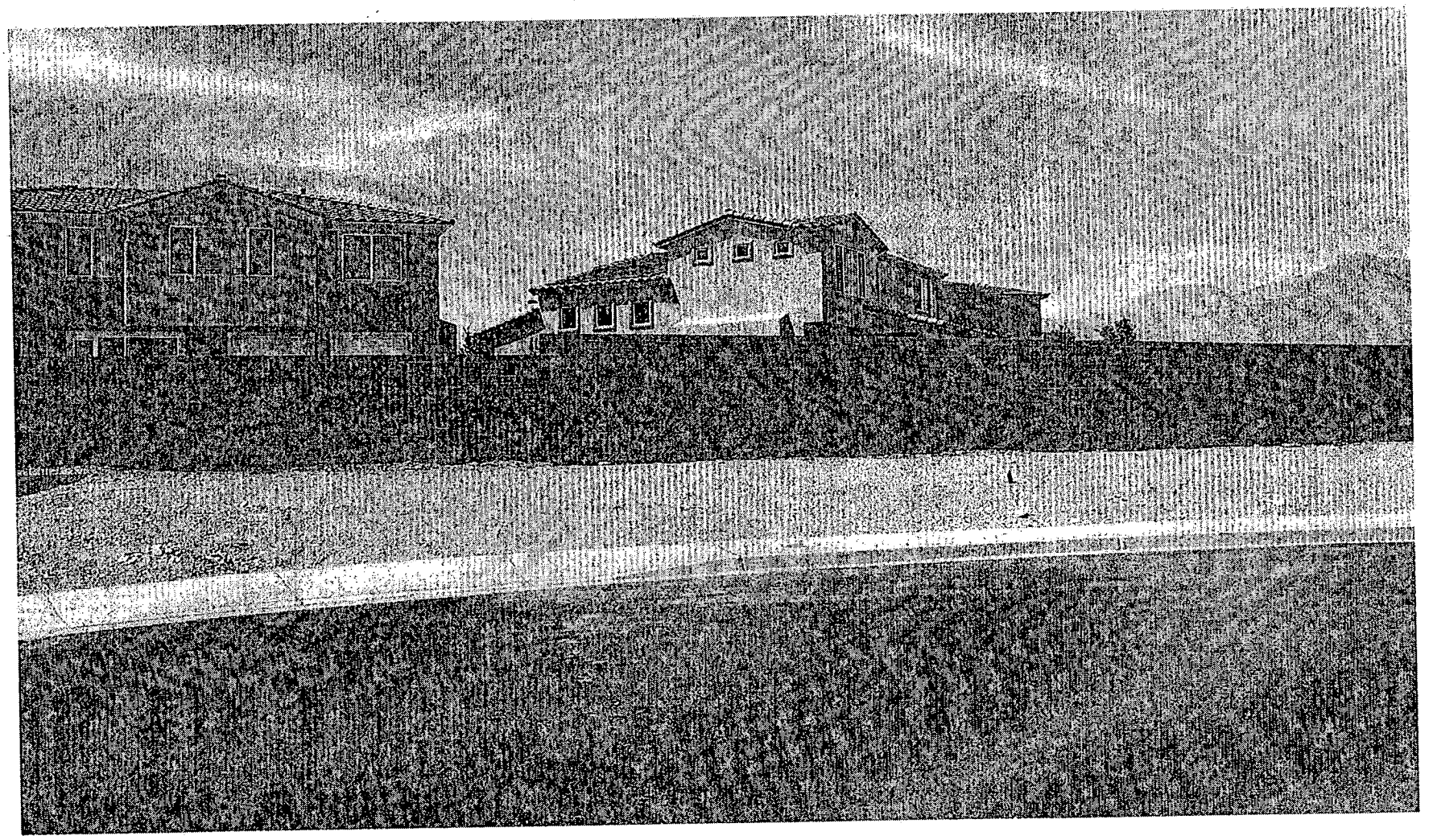


SECOND FLOOR PLAN

SCD-5000
9/23/04 PC

RECEIVED
AUG 13 2004

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SCD-5000 - MAJOR DEVIATION - PUBLIC HEARING - APPLICANT/OWNER: WOODSIDE SOLANO, LLC
553 EL LORO STREET
SEPTEMBER 23, 2004 PLANNING COMMISSION

8/24/04

City of Las Vegas

Agenda Item No.: 53

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

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

SUBJECT:
ABEYANCE - TXT-5037 – TEXT AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Discussion and possible action to amend Title 19.14.100 relating to standards for Off-Premise Signs.

THIS ITEM WILL BE FORWARDED TO CITY COUNCIL IN ORDINANCE FORM

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

RECOMMENDATION:
Staff recommends this item be HELD IN ABEYANCE to the October 21, 2004 Planning Commission meeting.

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

MOTION:
NO ACTION WAS TAKEN AT THE 9/23/2004 PLANNING COMMISSION MEETING. THIS ITEM WILL BE RENOTICED AND WILL REAPPEAR ON THE AGENDA FOR THE 10/21/2004 PLANNING COMMISSION MEETING

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 23, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - TXT-5037 - CITY OF LAS VEGAS

STAFF REQUESTS THIS ITEM BE HELD IN ABEYANCE TO THE OCTOBER 21, 2004 PLANNING COMMISSION MEETING.

City of Las Vegas

Agenda Item No.: 54

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

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

SUBJECT:
TXT-5129 - TEXT AMENDMENT - PUBLIC HEARING - CITY OF LAS VEGAS - Discussion and possible action to amend Title 19.14.100, "Off-Premise Signs" in order to allow replacement of permitted off-premise (billboard) signs due to involuntary removal.

THIS ITEM WILL BE FORWARDED TO CITY COUNCIL IN ORDINANCE FORM

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

RECOMMENDATION:
Staff recommends APPROVAL.

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

MOTION:
NIGRO – APPROVED subject to conditions – UNANIMOUS with STEINMAN abstaining

To be forwarded to City Council in Ordinance Form.

MINUTES:
CHAIRMAN TRUESDELL declared the Public Hearing open.

MARGO WHEELER, Deputy Director, Planning and Development Department, explained the purpose of the text amendment is to codify a policy that staff has utilized for a number of years which pertains to billboards that have to be removed because of street or freeway widening. It states that replacement signs on the same parcel cannot be higher or of larger area than was originally approved. After the widening takes place, a replacement sign can be installed on the same parcel. The construction of the relocated sign must be completed within six months. She acknowledged problems occurring with signs not being replaced in a timely fashion. She indicated the City Attorney's office has worked with Staff on the language to insure the necessary provisions are in place to address the relocation of signs upon their involuntary removal based on street widening.

MINUTES – Continued:

She noted that it does not address new signs and has nothing to do with billboards that are in the draft document that will be reviewed within 30 days. This text amendment only relates to the relocation of existing signs that are taken for public purposes.

COMMISSIONER McSWAIN commented that the scope of work being done in a given area that would cause the street widening and subsequently, the sign removal, could change the character of the area and it is possible that after all of those changes take place, the sign would no longer be appropriate. She asked about the level of obligation the City or State had when a sign is removed involuntarily. MS. WHEELER explained that there is a substantial difference in the cost to the City or State for the relocation of a sign compared to the cost of the permanent removal of the sign. DEPUTY CITY ATTORNEY BRYAN SCOTT added that this would be action taken in lieu of doing condemnation action that would require the City to pay up to one million dollars per sign if the sign. This would allow for the sign to be moved to another location on the same parcel with the requirement that the setbacks, adjacency standards and other requirements of the new sign would match those approved for the original sign.

COMMISSIONER McSWAIN asked what would happen if it were not possible to find a spot on the existing parcel that complied with the original conditions. MS. WHEELER replied that situations such as that would require that staff do an administrative waiver to allow the relocation. She assured the Commission that such situations are specifically addressed because that problem has already been encountered.

CHAIRMAN TRUESDELL asked how the timeframe of six months was formulated opposed to only giving 90 days. MS. WHEELER indicated staff wanted to insure the replacement sign is up in a timely fashion so everyone knows it is there. Staff is concerned that when a sign comes down due to widening, there are multiple applications for the surrounding area. Getting the sign replaced is a priority. CHAIRMAN TRUESDELL commented that if the applicant were given less time, there would be less time to have to worry about complications. DEPUTY CITY ATTORNEY SCOTT explained that the Public Works Department was worried that the work would not be completed within 90 days and the construction of the sign would interfere. CHAIRMAN TRUESDELL pointed out that some freeway widening projects could take up to 2 years. DEPUTY CITY ATTORNEY SCOTT replied that Public Works was concerned more with landscaping projects.

(10:20 – 10:27)

CONDITIONS – Continued:
Title 19.14.100 "Off-Premise Signs" is hereby amended as follows:

Title 19.14.100 (B) (1):
(B) SPECIAL USE PERMIT REQUIRED

(1) A Special Use Permit is required for all off-premise signs prior to the construction, placement, erection or modification of the sign in accordance with the requirements of this Chapter, except as listed in Section (F). A Special Use Permit application shall be processed in accordance with Section 19.18.060. Furthermore, the property owner(s), owner(s) of the structure or other assignee shall maintain in force, at all times, a sign certificate for the sign in accordance with the requirements of this Chapter.

Create a new section (F):
(F) REMOVAL AND RELOCATION FOR PUBLICLY FUNDED PROJECTS

1. The City, State of Nevada, or any other governmental entity may require off-premise (billboard) signs to be removed from private property for the widening of public roadways or for other publicly funded improvements. If an off-premise sign is required to be removed under this section, it may be relocated without obtaining a Special Use Permit and/or Variance, if it meets the conditions listed below. In order to allow replacement of a permitted off-premise (billboard) sign due to removal for publicly funded projects, the following process shall apply:

The applicant must submit to the Department, for administrative review and approval, a site plan, an elevation drawing, and justification letter detailing the reason for removal and relocation. The Director or designee shall review the documents to determine if the proposed off-premise (billboard) sign conforms to the following conditions:

a) Replacement on the same parcel or within the same commercial subdivision.
b) Provide evidence the structure was a permitted off-premise (billboard) sign
c) Submit for administrative waiver from required distance separation requirements as listed in Title 19.14.100, if applicable
d) No increase in the sign area
e) No increase in the height except for an off-premise sign within 150 feet of the right-of-way line of an elevated freeway or highway to which it is oriented may be erected 30 feet above the elevation of the elevated roadway surface nearest the sign.
f) Any other increase in height will require approval of a Variance application.

CONDITIONS – Continued:

2. If in the Directors discretion it is determined that:
   a. The proposed relocation of the off-premise (billboard) sign is appropriate, the Director shall provide written notice of approval to the applicant, with a copy to the office of the City Council. Within ten days after the notice is mailed or delivered, the applicant may proceed to apply for building permits, unless a member of the City Council files with the Director a request for the Council to review the approval. If such a request to review is filed, the application must first be reviewed and approved by the Council prior to issuance of any building permits.

   b. The proposed off-premise (billboard) sign does not conform to the conditions listed above, a Special Use Permit will be required for the use. Any determination by the Director that a Special Use Permit will be required is subject to appeal pursuant to Title 19.00.070.F.

3. A demolition permit must be issued for the existing off-premise (billboard) sign prior to removal. A building permit must be issued and the construction of the relocation of the off-premise (billboard) sign completed within six (6) months of issuance of the demolition permit, unless the Director grants an extension of time.

4. In the case that conditions of approval exist from previously approved Special Use Permit or Variance applications, such conditions will apply to the relocated off-premise (billboard) sign unless otherwise stated in the administrative review approval letter. Conditions may be added to the administrative review approval letter for the relocated off-premise (billboard) sign.

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 23, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: TXT-5129 - TEXT AMENDMENT - PUBLIC HEARING -
APPLICANT/OWNER: CITY OF LAS VEGAS

** CONDITIONS **

STAFF RECOMMENDATION: APPROVAL

Title 19.14.100 "Off-Premise Signs" is hereby amended as follows:

Title 19.14.100 (B) (1):

(B) SPECIAL USE PERMIT REQUIRED

(1) A Special Use Permit is required for all off-premise signs prior to the construction, placement, erection or modification of the sign in accordance with the requirements of this Chapter, except as listed in Section (F). A Special Use Permit application shall be processed in accordance with Section 19.18.060. Furthermore, the property owner(s), owner(s) of the structure or other assignee shall maintain in force, at all times, a sign certificate for the sign in accordance with the requirements of this Chapter.

Create a new section (F):

(F) REMOVAL AND RELOCATION FOR PUBLICLY FUNDED PROJECTS

1. The City, State of Nevada, or any other governmental entity may require off-premise (billboard) signs to be removed from private property for the widening of public roadways or for other publicly funded improvements. If an off-premise sign is required to be removed under this section, it may be relocated without obtaining a Special Use Permit and/or Variance, if it meets the conditions listed below. In order to allow replacement of a permitted off-premise (billboard) sign due to removal for publicly funded projects, the following process shall apply:

   The applicant must submit to the Department, for administrative review and approval, a site plan, an elevation drawing, and justification letter detailing the reason for removal and relocation. The Director or designee shall review the documents to determine if the proposed off-premise (billboard) sign conforms to the following conditions:

   a) Replacement on the same parcel or within the same commercial subdivision.
   b) Provide evidence the structure was a permitted off-premise (billboard) sign
   c) Submit for administrative waiver from required distance separation requirements as listed in Title 19.14.100, if applicable
   d) No increase in the sign area

e) No increase in the height except for an off-premise sign within 150 feet of the right-of-way line of an elevated freeway or highway to which it is oriented may be erected 30 feet above the elevation of the elevated roadway surface nearest the sign.
f) Any other increase in height will require approval of a Variance application.

2. If in the Directors discretion it is determined that:
   a. The proposed relocation of the off-premise (billboard) sign is appropriate, the Director shall provide written notice of approval to the applicant, with a copy to the office of the City Council. Within ten days after the notice is mailed or delivered, the applicant may proceed to apply for building permits, unless a member of the City Council files with the Director a request for the Council to review the approval. If such a request to review is filed, the application must first be reviewed and approved by the Council prior to issuance of any building permits.

   b. The proposed off-premise (billboard) sign does not conform to the conditions listed above, a Special Use Permit will be required for the use. Any determination by the Director that a Special Use Permit will be required is subject to appeal pursuant to Title 19.00.070.F.

3. A demolition permit must be issued for the existing off-premise (billboard) sign prior to removal. A building permit must be issued and the construction of the relocation of the off-premise (billboard) sign completed within six (6) months of issuance of the demolition permit, unless the Director grants an extension of time.

4. In the case that conditions of approval exist from previously approved Special Use Permit or Variance applications, such conditions will apply to the relocated off-premise (billboard) sign unless otherwise stated in the administrative review approval letter. Conditions may be added to the administrative review approval letter for the relocated off-premise (billboard) sign.

** STAFF REPORT **

APPLICATION REQUEST

Discussion and possible action to amend Section 19.14.100, "Off-Premise Signs" of the Las Vegas Zoning Code in order to allow replacement of permitted off-premise (billboard) signs due to involuntary removal.

BACKGROUND INFORMATION

09/23/04 The Planning Commission will consider a Text Amendment (TXT-5036) to amend Title 19.14.100, "Off-Premise Signs".

ANALYSIS

The City, State of Nevada, or any other governmental entity may require off-premise (billboard) signs to be removed from private property for the widening of public roadways or for other publicly funded improvements (examples: widening of US 95, the new Elkhorn Road overpass, and new flood channel installations). Currently, Title 19.14.100 does not address this issue. This text amendment is to provide for an administrative review process to determine whether or not the off-premise (billboard) sign meets certain criteria for the relocation due to involuntary removal. If an off-premise sign is required to be removed under this section, it may be relocated without obtaining a Special Use Permit and/or Variance when certain conditions are met. The applicant will be able to apply for an administrative waiver of the distance separation requirements as listed in Title 19.14.100 in cases where the new location will not adhere to the required distance separations. A time limit for reconstruction of the relocated off-premise (billboard) sign will be added to ensure it is built in a timely manner.

NOTICES MAILED NEWSPAPER ONLY

APPROVALS 0

PROTESTS 0

ED

City of Las Vegas

Agenda Item No.: 55

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

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

SUBJECT:
TXT-5158 - TEXT AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Discussion and possible action to amend Title 19.04.040(C)(7) to the change the title to "Locational Requirements", and, in the case of existing subdivisions, to allow private streets subject to perpetual access easements running in favor of the owners of the lots within the subdivision.

THIS ITEM WILL BE FORWARDED TO CITY COUNCIL IN ORDINANCE FORM

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

RECOMMENDATION:
Staff recommends NONE.

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

MOTION:
NIGRO – APPROVED subject to staff conditions – UNANIMOUS with STEINMAN excused

To be forwarded to City Council in Ordinance Form.

MINUTES:
CHAIRMAN TRUESDELL declared the Public Hearing open.

DAVID CLAPSADDLE, Planning and Development Department, stated this text amendment would allow the conversion of public streets to private streets in an established neighborhood without requiring the private street to be owned by the property owner's association. A Homeowners Association would still be necessary; however, this would not require the street to be owned by the association after conversion. This would be the corrected language for the Code.

MINUTES – Continued:
MR. CLAPSADDLE indicated that part of the issue also relates to mapping. If there is an established neighborhood and it gets vacated from a public street to a private street, it is difficult to re-map it as a common lot. MR. GENZER added that any new, proposed subdivision, the applicant would still be required to put a private street in a common lot. This only applies to existing subdivisions.

(10:27 – 10:36
3-2691

CONDITIONS:
1. Amend Title 19.04.040(C)(7) as follows:

(7) [Private Street Lot.] Locational Requirements. Private streets shall be constructed on property that is separately owned by a property owners' association [.] or is subject to perpetual access easements running in favor of the owners of lots within the subdivision. Private streets must include provision for appropriate easements to be granted to the City and to other utility providers allowing necessary use and access for utilities and the maintenance thereof. The easement shall also provide the City and protective service providers with the same right of access they would have if the streets were public streets.

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 23, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: TXT-5158 - TEXT AMENDMENT - PUBLIC HEARING -
APPLICANT/OWNER: CITY OF LAS VEGAS

** CONDITIONS **

STAFF RECOMMENDATION: **NO RECOMMENDATION.** If approved, subject to:

1. Amend Title 19.04.040(C)(7) as follows:

(7) [Private Street Lot.] Locational Requirements. Private streets shall be constructed on property that is separately owned by a property owners' association [.] or is subject to perpetual access easements running in favor of the owners of lots within the subdivision. Private streets must include provision for appropriate easements to be granted to the City and to other utility providers allowing necessary use and access for utilities and the maintenance thereof. The easement shall also provide the City and protective service providers with the same right of access they would have if the streets were public streets.

** STAFF REPORT **

APPLICATION REQUEST

Discussion and possible action to amend Title 19.04.040.(C)(7) "Private Street Lot", to change the title to "Locational Requirements", and, in the case of existing subdivisions, to allow private streets subject to perpetual access easements running in favor of the owners of the lots within the subdivision.

BACKGROUND INFORMATION

Previous Actions

04/21/04 The City Council approved TXT-3312 which deleted the requirement for a Special Use Permit for Private Streets for established residential developments where all lots meet the minimum net lot size standard of Title 19. Staff had no recommendation. The Planning Commission recommended Approval.

ANALYSIS

The previous text amendment to Title 19 established a new subdivision of Chapter 4 entitled "Private Streets", applicable to all residential districts. Eligibility to establish private streets as a conditional use was based on eight (8) provisions. In recent discussions with a potential applicant representing an existing subdivision that would like to pursue vacating public streets it was determined that provision seven (7) "Private Street Lot", may be difficult to achieve unless 100 % of the property owners on the street(s) to be vacated consent to the vacation.

Provision 7 reads as follows: Private streets shall be constructed on property separately owned by a property owners' association. Private streets must include provision for appropriate easements to be granted to the City and to other utility providers allowing necessary use and access for utilities and the maintenance thereof. The easement shall also .....

The proposed amendment will allow the conversion of public streets to private streets in established neighborhoods while eliminating the requirement for the private streets to be owned by a property owners' association. It should be noted that the proposed amendment does not eliminate the requirement for a property owners' association, which must be established to maintain all private streets and appurtenances.

BOB

RECOMMENDATION

The best approach to correct this issue is to amend Title 19.04.040(C)(7) as follows:

(7) [Private Street Lot.] Locational Requirements. Private streets shall be constructed on property that is separately owned by a property owners' association [.] or is subject to perpetual access easements running in favor of the owners of lots within the subdivision. Private streets must include provision for appropriate easements to be granted to the City and to other utility providers allowing necessary use and access for utilities and the maintenance thereof. The easement shall also provide the City and protective service providers with the same right of access they would have if the streets were public streets.

NOTICES MAILED NEWSPAPER ONLY

APPROVALS 0

PROTESTS 0

BOB

City of Las Vegas

PLANNING COMMISSION AGENDA
PLANNING COMMISSION MEETING OF: SEPTEMBER 23, 2004

CITIZENS PARTICIPATION:

ITEMS RAISED UNDER THIS PORTION OF THE PLANNING COMMISSION AGENDA CANNOT BE ACTED UPON BY THE PLANNING COMMISSION UNTIL THE NOTICE PROVISIONS OF THE OPEN MEETING LAW HAVE BEEN COMPLIED WITH. THEREFORE, ACTION ON SUCH ITEMS WILL HAVE TO BE CONSIDERED AT A LATER TIME.

MINUTES:

MEETING ADJOURNED AT 10:36 P.M.

Respectfully submitted:

Arlene Coleman
ARLENE COLEMAN, DEPUTY CITY CLERK

Stacey L Campbell
STACEY CAMPBELL, DEPUTY CITY CLERK