City of Las Vegas

Agenda Item No.: 26

## AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

**PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004**

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

**SUBJECT:**
**ABEYANCE - VAR-5199 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: EDGAR MARTINEZ AND KARINA MARTINEZ** - Request for a Variance TO ALLOW A THREE FOOT SIDE YARD SETBACK WHERE FIVE FEET IS REQUIRED, A 2.33 FOOT MINIMUM DISTANCE SEPARATION BETWEEN A DETACHED ACCESSORY STRUCTURE AND REAR AND SIDE PROPERTY LINES WHERE THREE FEET IS REQUIRED, AND A ONE FOOT SEPARATION BETWEEN AN EXISTING DETACHED ACCESSORY STRUCTURE AND MAIN DWELLING WHERE SIX FEET IS REQUIRED on 0.13 acres at 5517 Flower Circle (APN 138-36-313-019), R-1 (Single Family Residential) Zone, Ward 1 (Moncrief).

**C.C.: 12/15/04**

| PROTESTS RECEIVED BEFORE: | | APPROVALS RECEIVED BEFORE: | |
|---|---|---|---|
| Planning Commission Mtg. | 0 | Planning Commission Mtg. | 3 |
| City Council Meeting | | City Council Meeting | |

**RECOMMENDATION:**
Staff recommends DENIAL.

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

**MOTION:**
**McSWAIN – APPROVED subject to conditions and adding the following condition:**
- ***The applicant must remove the shed in the back yard and the eave from the side yard. The applicant must conform to any necessary Building Codes to accommodate completion of this work.***

**– UNANIMOUS**

**To be heard by City Council 12/15/2004**

**MINUTES:**
VICE CHAIRMAN NIGRO declared the Public Hearing open.

**MINUTES – CONTINUED:**

GARY LEOBOLD, Planning & Development Department, explained that this item was held in abeyance from the 10/21/2004 Planning Commission meeting to allow the applicant to meet with Building & Safety Department staff to determine the scope of the necessary work. The inspection was done on October 26, 2004, and resulted in two issues. First, the kitchen located in the side yard projects to within approximately three feet of the property line. The distance from the structure to the fence is within Code; however, the eave of the structure hangs to the property line and is not in compliance. The eave would have to be removed all the way back to the home to bring it into compliance. The second violation pertains to a building in the rear yard that has been used in the past as a small apartment and a storage building. It is within two feet of the rear and side-yard property lines and the requirement is at least three feet. It is almost touching the eave of the home where there should be a six-foot space. The entire building would have to be removed to comply with Code because taking out a large section of the building to meet Code would not be practical.

He concluded by summarizing that if the applicant removed the eave from the kitchen portion of the home and completely removed the building in the rear yard, the structure would be in compliance with the Building Code. The only remaining issue would pertain to the Zoning Code violation of the kitchen, which has a three-foot setback where five feet is required. Staff suggested the application could be amended to request a variance only for the side yard reduction. If the applicant wanted to try and bring the property into compliance by altering the eave and the building, they would have to explain how that would be accomplished and the application would remain as is.

JOE GAUDILLO, 901 Staffordshire Circle, #A, appeared on behalf of the applicant and said the building in the rear yard and the eave would be removed. MR. GAUDILLO said the applicant would comply; however, it would take some time to do all the work. MR. LEOBOLD confirmed with MR. GAUDILLO that the applicant understood that the building in the rear yard would have to be demolished and completely removed and the eave would have to be removed as well. MR. LEOBOLD also noted that the work would require some form of a permitted, inspection process by the Building & Safety Department. MR. GAUDILLO replied that he had spoken with the Building Department and he was told there was no such requirement. MR. LEOBOLD stated that he was unable to confirm that; however, he thought to finish off the remaining section of the eave would require some form of inspection. CHAIRMAN TRUESDELL stated the issue could be addressed by adding a condition stating the work would be done subject to meeting Building Code.

COMMISSIONER McSWAIN was confused regarding the actual need for a variance if the applicant agreed to do the necessary work to bring the property into compliance. MR. LEOBOLD clarified that removing the building in the back yard and the eave on the kitchen

**MINUTES – CONTINUED:**

would bring the property into compliance with the Building Code. However, the three-foot setback of the kitchen section to the wall would not comply with the Zoning Code requirement of a minimum of five feet. COMMISSIONER McSWAIN confirmed with MR. LEOBOLD that staff would not have a problem with the Variance needed for the setback issue because the problem is pre-existing. MR. LEOBOLD stated the recommendation of denial was for the entire application because staff was not aware of the applicant's intent prior to the meeting. He acknowledged the applicant is willing to do the necessary work and would only be requesting a Variance for the side-yard setback and therefore, staff would recommend approval of the Variance. COMMISSIONER McSWAIN said she could support the item because the applicant has exhausted available resources and is working to bring the property into compliance.

ROBERT GENZER, Director, Planning & Development Department, suggested that the motion should state specific conditions such as removal of the shed, reduction of the eave, etc. MR. LEOBOLD stated the condition could be constructed indicating that the work must be completed to conform to Building Code. If work were to require inspections, those would also be covered by the condition. COMMISSIONER DAVENPORT pointed out that the inspection report reflected all of the necessary work. He suggested the condition could reference the inspection report. MR. GENZER stated that staff would prefer to list the necessary work as a condition. COMMISSIONER DAVENPORT stated that he understood and that he was suggesting using the verbiage from the inspection report for the condition.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

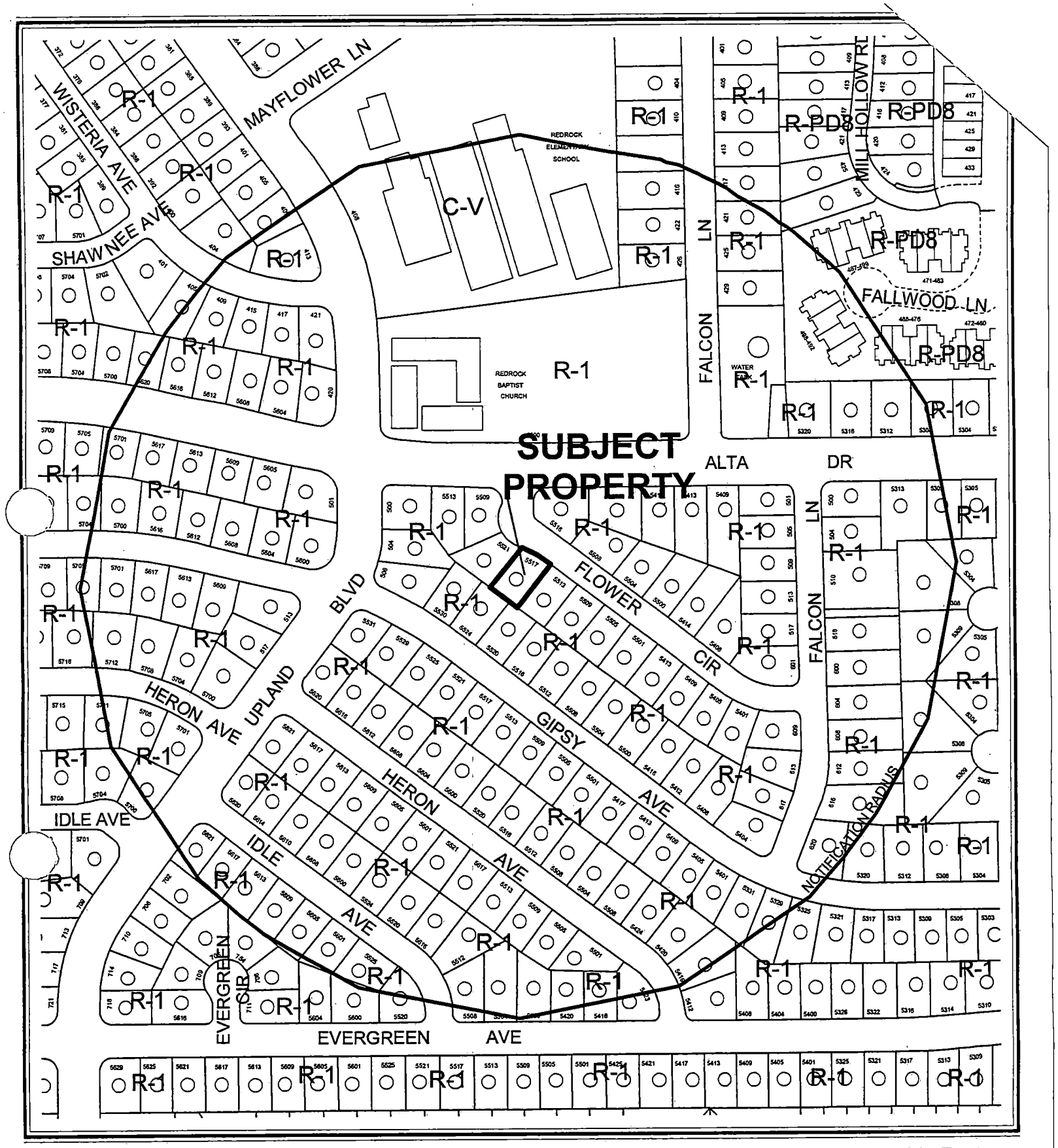
(9:08 – 9:17)

**3-239**

**CONDITIONS:**

Planning and Development

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




**CASE:** **VAR-5199**

**RADIUS:** 750 FT

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

0 200 400 Feet

**CASE:** **VAR-5199**

**RADIUS:** 750 FT

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

N

City of Las Vegas

## AGENDA MEMO

**PLANNING COMMISSION MEETING DATE: NOVEMBER 18, 2004**
**DEPARTMENT: PLANNING AND DEVELOPMENT**
**ITEM DESCRIPTION: ABEYANCE - VAR-5199 - APPLICANT/OWNER: EDGAR MARTINEZ AND KARINA MARTINEZ**

## ** CONDITIONS **

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

***Planning and Development***

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

# ** STAFF REPORT **

## APPLICATION REQUEST

### *A) Action Requested*

Request for a Variance on 0.13 acres at 5517 Flower Circle, to allow:

1) a three foot side yard setback where five feet is required;

2) a 2.33 foot minimum distance separation between a detached accessory structure and rear and side property lines where three feet is required; and

3) a one foot separation between a detached accessory structure and main dwelling where six feet is required.

### *B) Applicant's Justification*

The applicant has provided the following justification, referenced verbatim as follows:

> When we went to live at this home, we found out that it was a completely different home from what we knew from the start, many things had to be changed, and had to pass many inspections. I went to my neighbors around my home to ask them to sign a paper. If they had any problems about the construction made and they told me there was no problem, but they told me that this home was reconstructed nine years ago and the City and inspectors never knew nothing about it; and I believe that those changes should have been known long ago.

## BACKGROUND INFORMATION

### *A) Previous Actions*

There are no other past actions of the Planning Commission and City Council pertaining to the site. However, the City's Neighborhood Services Department have recorded the following actions (recorded in Code Enforcement case #17953):

07/15/04 A site inspection revealed signs of construction activity at a vacant house and rear yard building which was accessible to passersby. The rear yard building had be en fitted with plumbing and had at one time been used as a very small apartment. Scattered construction debris was visible from the Right of Way. Inspector issued a Permit Request and Correction Notice for the construction debris.

07/26/04 Code Enforcement sent property owners a Notice & Order to Abate a Dangerous Building, and posted the order at the property.

09/27/04 Code Enforcement noted that owner has applied for a Variance, scheduled to be heard by the Planning Commission on October 21, 2004.

10/21/04 The Planning Commission voted to abey this request to its regularly scheduled 11/18/04 meeting, in order for the applicant to review the project with Planning and Building and Safety staff, and determine an appropriate course of action.

***B) Pre-Application Meeting***

08/23/04 Procedural aspects of a Variance application were discussed.

***C) Neighborhood Meetings***

A neighborhood meeting is not required of this type of application, nor was one held.

**DETAILS OF APPLICATION REQUEST**

***A) Site Area***

Net Acres: 0.13 acres

***B) Existing Land Use***

| | |
|---|---|
| Subject Property: | Residence |
| North: | Church, Elementary School |
| South: | Residences |
| East: | Residences |
| West: | Residences |

***C) Planned Land Use***

| | |
|---|---|
| Subject Property: | L (Low Density Residential) |
| North: | PF (Public Facilities) |
| South: | L (Low Density Residential) |
| East: | L (Low Density Residential) |
| West: | L (Low Density Residential) |

*D) Existing Zoning*

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

*E) General Plan Compliance*

This lot and neighborhood are designated L (Low Density Residential) on the Southwest Sector of the General Plan. The R-1 (Single Family Residential) zoning of the site is consistent with this General Plan designation. There are no General Plan policies that are directly relevant to the request.

| 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 parcel is not part of a special area plan or overlay district.

**ANALYSIS**

*A) Zoning Code Compliance*

A1) Development Standards

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

| **Standards** | **Required** | **Existing** (Based on aerial photo) | **Compliance** |
|---|---|---|---|
| Min. Lot Size | 6,500 Square Feet | 6,008 Square Feet | Y |

| | | | |
|---|---|---|---|
| Min. Lot Width | 65 Feet | 61 Feet | Y |
| Min. Setbacks<br>• Front<br>• Side<br><br>• Rear | <br>20 Feet<br>**5 Feet**<br><br>**15 Feet** | <br>29 Feet<br>**2 Feet, 8 inches & 3 Feet, 0 inches**<br><br>**2 Feet, 4 inches** | <br>Y<br>N<br>N |
| between a detached accessory structure and main dwelling where is required | **6 feet** | **1 foot** | N |
| Max. Lot Coverage | 50 % | Unknown | Unknown |
| Max. Building Height | 2 Stories / 35 Feet | 1 Story | Y |

Applicant's request proposes variances from the above requirements. The subject deviations are:

1) a three-foot side yard setback where five feet is required **(kitchen addition)**

2) a 2.33-foot minimum distance separation between a detached accessory structure and rear and side property lines where three feet is required **(backyard building)**

3) a one-foot separation between a detached accessory structure and main dwelling where six feet is required **(backyard building)**

***B) General Analysis and Discussion***

This existing back yard accessory structure has been built to within approximately two feet of the rear and side property lines and within one foot of the main dwelling unit. A Variance for this structure is unjustifiable, in that the structure violates rear yard and side yard setback standards, building proximity standards, and fire safety standards.

This property's existing kitchen addition has been built to approximately three feet of the side property line; however, this addition has a projecting eave that extends virtually to the property line. A Variance for this addition is unjustifiable, in that the eave structure violates the side yard setback standard and fire safety standards.

City of Las Vegas Department of Building and Safety requires that structures located within three feet of a property line be One-Hour Fire Rated. If there is less than six feet between the house and detached structure, One-Hour Construction is also required.

Following direction by Planning Commission, a telephone discussion was held between the applicant's representative, Mr. Joe Gaudio and Planning staff. Following this discussion, Planning staff contacted the Building and Safety Department to conduct a detailed inspection of the site to accurately verify the extent of the Building Code infractions at 5517 Flower Circle. The intent was to then determine the extent of the Planning Commission's ability to grant a Variance and still remain within the parameters of the Building Code. The Department of Building and Safety conducted a site inspection on 10/26/04 and reported these findings to Planning staff by telephone:

- The addition containing the kitchen meets the setback requirements of the Building Code, other than the eave, which projects almost to the side property line. As there is no easy method to provide this portion of the structure with a one-hour fire rating, it was recommended that the eave be removed flush with the house. This will ensure that the addition conforms to Building Code requirements. A Variance to Title 19 will still be required as the Zoning Code requires a five-foot side yard setback, and only three feet is being provided.

- The shed in the rear yard presents a number of difficulties. It is two feet from the rear property line and two feet from the side property line. To meet Code, this structure would have to be recladded with the appropriate materials to achieve a one-hour fire rating, or one foot of the structure would have to be removed on these two sides of the building. Also, this building must be a minimum of six feet from the principal building; as it is now, the eaves are touching. It would be impractical to remove enough of this building to meet the Code requirements; accordingly, it is recommended that the building be removed.

- Building and Safety staff noted that permits will need to be pulled to do this work and the results will have to be inspected.

The applicant and his representatives were advised to attend the Planning Commission on 11/18/04 and explain what he plans to do. If he plans to take the steps outlined above, then he can request that the Variance be amended to request just the side yard reduction to three feet for the principal building. Staff had requested this information be provided in a letter prior to the meeting, if possible. As of 11/09/04, no letter has been received. If the applicant plans to keep the eave or shed and modify them to meet Code, then he will need to continue with the Variance as currently presented and provide staff with plans as to how the one-hour fire rating will be achieved.

SRS

**FINDINGS**

In accordance with the provisions of Title 19.18.070(B) & (L), 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."

In this case, no evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by purchasing a residence with multiple setback violations. The alternative of removing the rear yard accessory structure and the kitchen eave would allow conformance to the Title 19 requirements, other than the five-foot side yard setback.

In view of the absence of any hardships imposed by the site's physical characteristics, staff concludes that the applicant's hardship is preferential in nature, and is thereby outside the realm of NRS Chapter 278 for granting of Variances.

**NOTICES MAILED** 223

**APPROVALS** 3

**PROTESTS** 0

SRS

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

# PLANNING & DEVELOPMENT DEPARTMENT

## STATEMENT OF FINANCIAL INTEREST

Case Number: VAR-5199 APN: _____

Name of Property Owner: Edgar J. Martinez

Name of Applicant: Edgar J. Martinez

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: Edgar J. Martinez

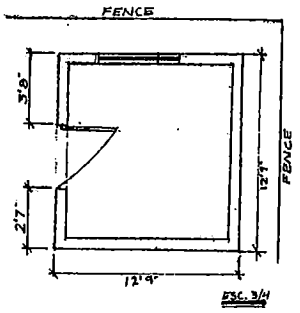
Subscribed and sworn before me

This 7 day of September 2004

_____

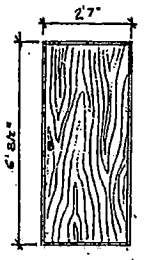
Notary Public in and for said County and State

CARLOS A. SALINAS
Notary Public - State of Nevada
Appointment Recorded in Clark County
My Appointment Expires Oct. 3, 2005
97-3353-1

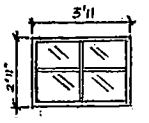



ESC. 3/4

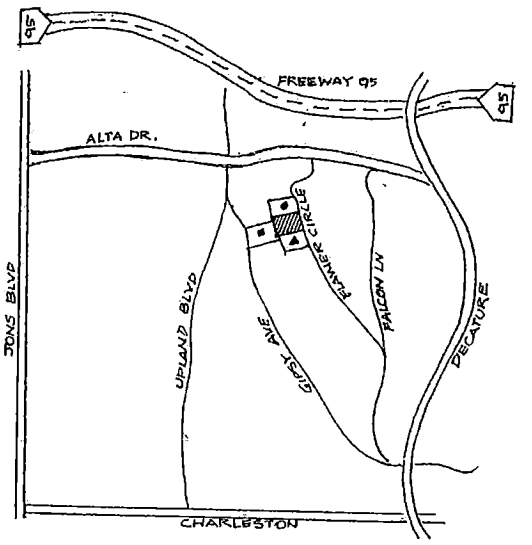
LITTLE STORAGE IN THE BACK YARD

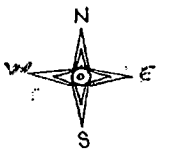


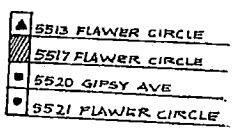

STORAGE DOOR ESC. CM

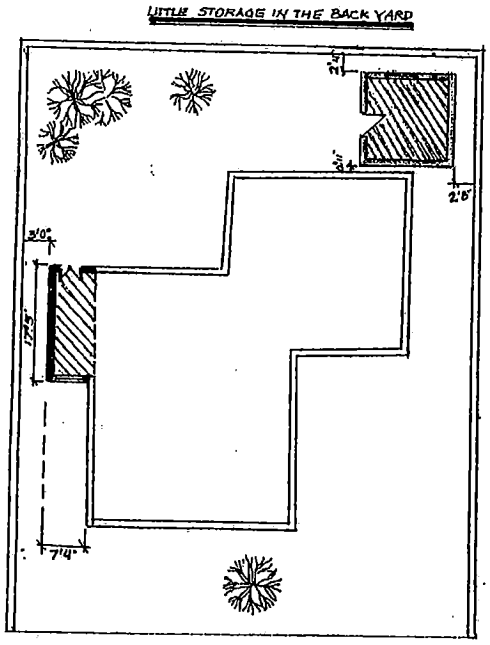



STORAGE WINDOW ESC. CM.

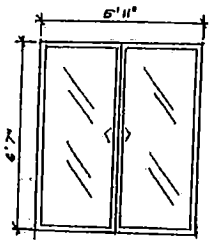


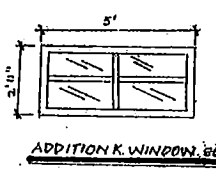



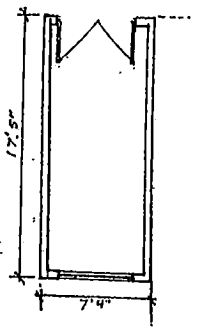

5517 FLAWER CIRCLE 89107 ESC. 3/8




ADDITION K. DOOR ESC. CM




ADDITION K. WINDOW ESC. CM.

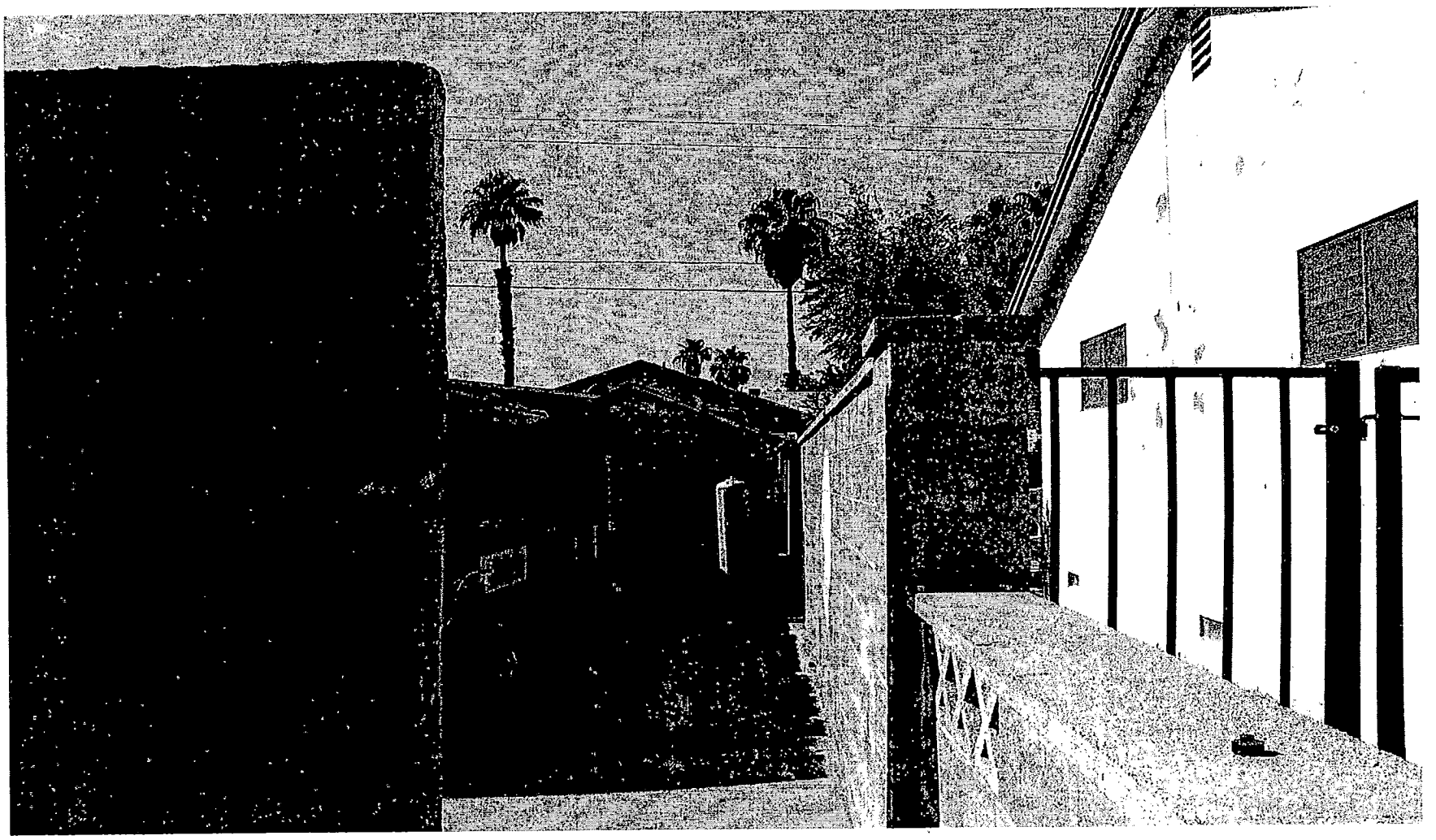



ADDITION TO KITCHEN ESC. 3/4

RECEIVED
SEP 07 2004

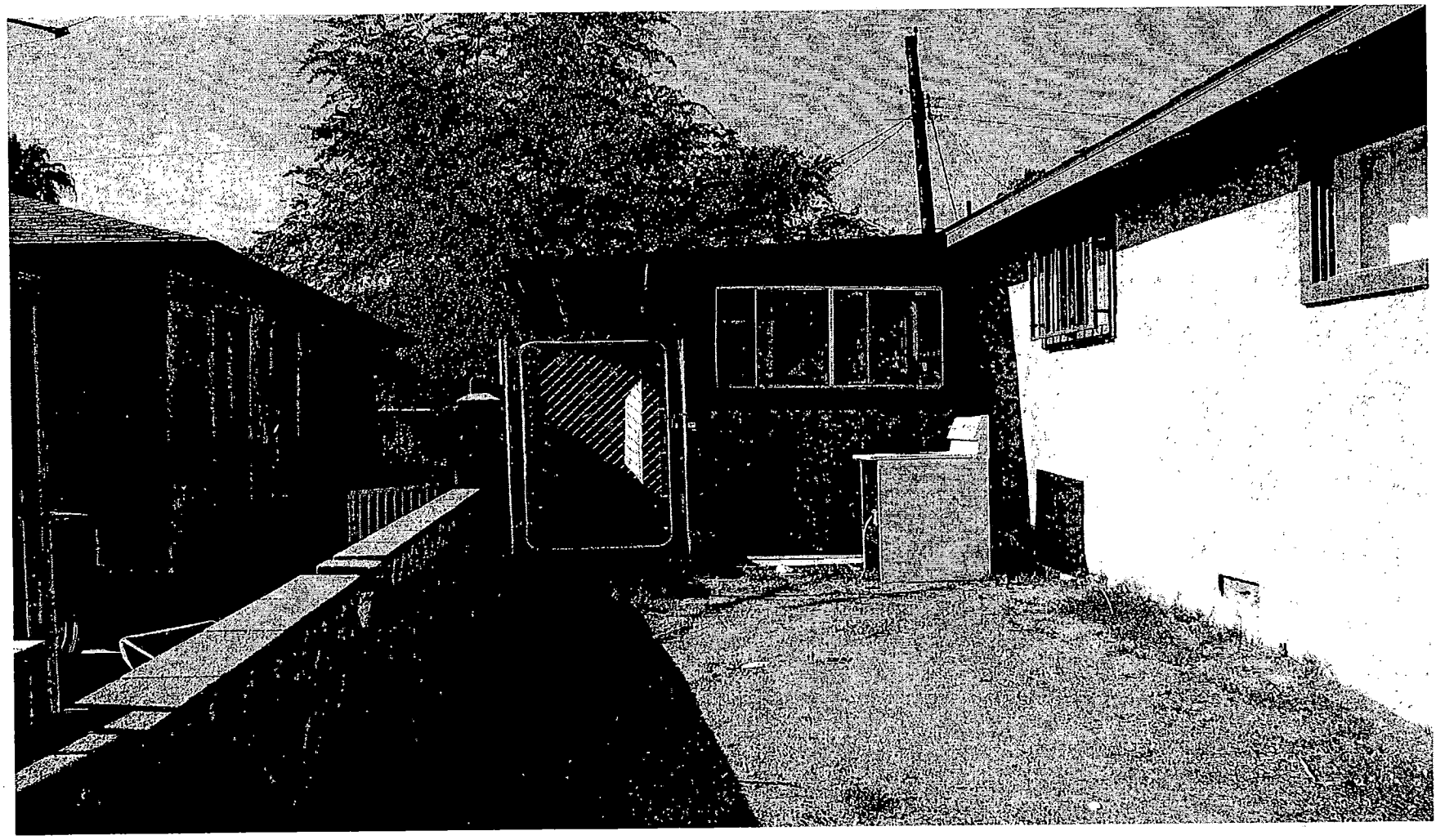
EDGAR MARTINEZ
5517 FLAWER CIRCLE
LAS VEGAS NV. 89107 TEL. 3851430

VAR-5199
11/18/04 PC



VAR-5199 - APPLICANT/OWNER: EDGAR MARTINEZ AND KARINA MARTINEZ
5517 FLOWER CIRCLE
NOVEMBER 18, 2004 PLANNING COMMISSION

10/01/04



VAR-5199 - APPLICANT/OWNER: EDGAR MARTINEZ AND KARINA MARTINEZ
5517 FLOWER CIRCLE
NOVEMBER 18, 2004 PLANNING COMMISSION

10/01/04

Las Vegas NV.
09/04/04

By this letter I like to let you know that Mr. Edgar Martinez, is the new owner On this property in 5517 Flower circle Las Vegas NV. 89107, and we are interested to know if this property and buildings are of disagreement or cause any problems towards your property,

I like to thank you for your cooperation and appreciate to have us as your Neighbor.

Thank you.

Full name: Rogelio Baez C.

Sign: [signature]

Address: 5513 Flower Cir Las Vegas NV 89107

Las Vegas NV.
09/04/04

By this letter I like to let you know that Mr. Edgar Martinez, is the new owner On this property in 5517 Flower circle Las Vegas NV. 89107, and we are interested to know if this property and buildings are of disagreement or cause any problems towards your property,

I like to thank you for your cooperation and appreciate to have us as your Neighbor.

Thank you.

Full name: Maria Rosa Martinez

Sign: Maria Rosa Martinez

Address: 5520 Gipsy Av. LV. NV

Las Vegas NV.
09/04/04

By this letter I like to let you know that Mr. Edgar Martinez, is the new owner On this property in 5517 Flower circle Las Vegas NV. 89107, and we are interested to know if this property and buildings are of disagreement or cause any problems towards your property,

I like to thank you for your cooperation and appreciate to have us as your Neighbor.

Thank you.

Full name: Rodger & Sherry Cambern

Sign: Sherry Cambern

Address: 5521 Flower CIRCLE
LV NV 89107

City of Las Vegas

Agenda Item No.: 27

## AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

**PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004**

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

**SUBJECT:**
**ABEYANCE - SUP-4930 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: YOUR CREDIT, INC. D/B/A LAS VEGAS FINANCE - OWNER: SAHARA PAVILION NORTH U.S., INC.** - Request for a Special Use Permit FOR A PROPOSED FINANCIAL INSTITUTION, SPECIFIED AND FOR WAIVERS OF THE 1,000-FOOT DISTANCE SEPARATION REQUIREMENT BETWEEN SIMILAR USES AND THE 200-FOOT DISTANCE SEPARATION REQUIREMENT FROM RESIDENTIAL USES at 2121 South Decatur Boulevard, Suite #2 (APN 162-06-402-001), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief).

**IF APPROVED: C.C.: 12/15/04**
**IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)**

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

**RECOMMENDATION:**
Staff recommends DENIAL.

**BACKUP DOCUMENTATION:**
1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted at meeting – Letters of Support from Elie Tabachry, Shawn Henson and Tony Woo

**MOTION:**
**EVANS – Motion to bring forward and HOLD IN ABEYANCE Item 12 [GPA-5266] and to STRIKE Item 17 [GPA-5195] – UNANIMOUS**

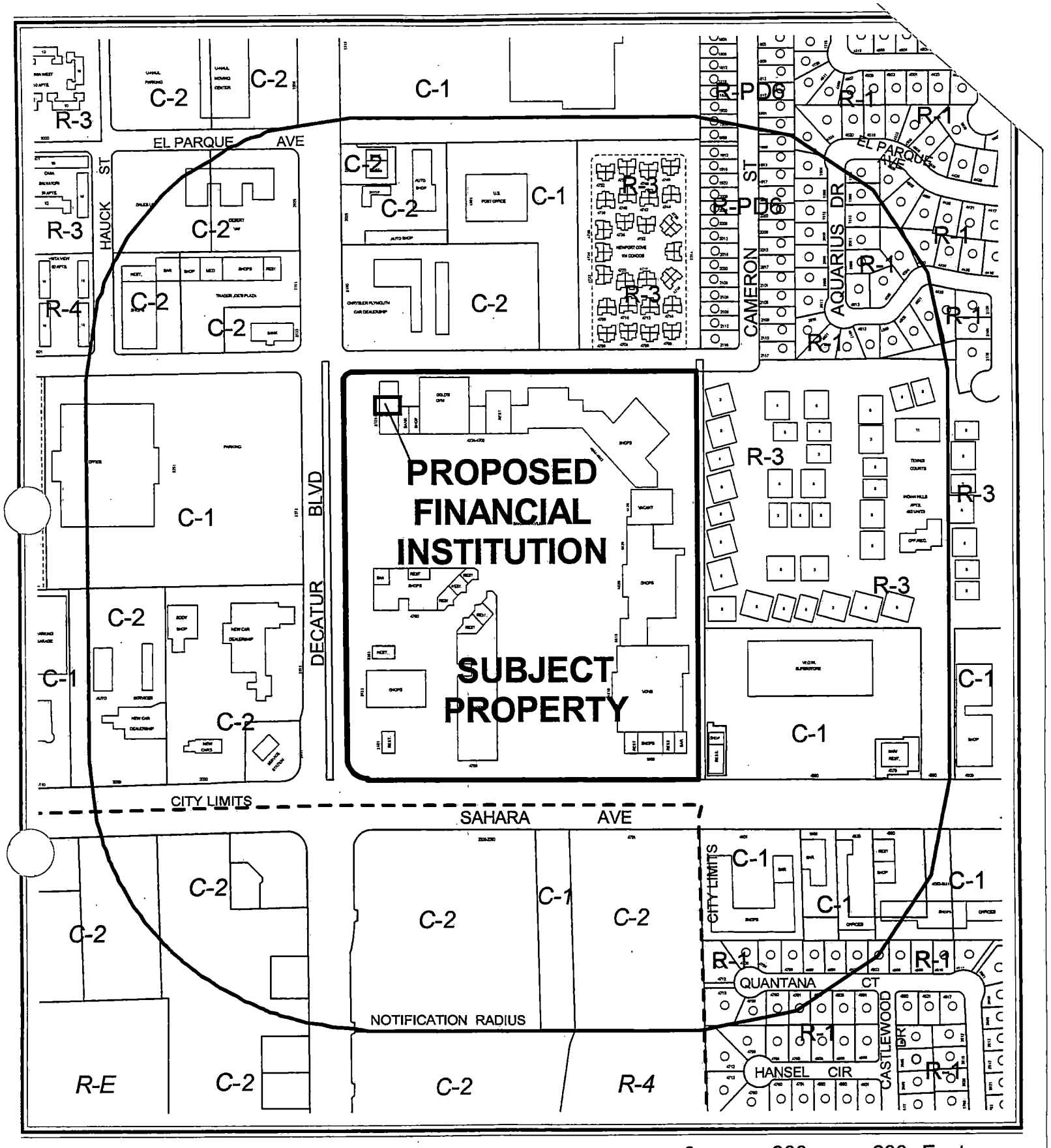
**NIGRO – Motion to bring forward and HOLD IN ABEYANCE Item 4 [TMP-5356] and Item 28 [SDR-5179] to the 12/02/2004 Planning Commission Meeting, Item 27 [SUP-4930] to the 12/16/2004 Planning Commission Meeting and to WITHDRAW WITHOUT PREJUDICE Item 8 [VAC-5265] – UNANIMOUS**

Note: COMMISSIONER McSWAIN disclosed that she normally abstains on items involving DR Horton; however, since this vote only pertains to the item being withdrawn, she would be voting on Item 8 [VAC-5265].

**MOTION – CONTINUED:**
Note: CHAIRMAN TRUESDELL disclosed that he owns property in the downtown area, it is not located within the notification area and it would not be affected so he would vote on Item 28 [SDR-5179].

**MINUTES:**
GARY LEOBOLD, Planning and Development, stated that letters are on file for each of the requests.

(6:05 – 6:40)



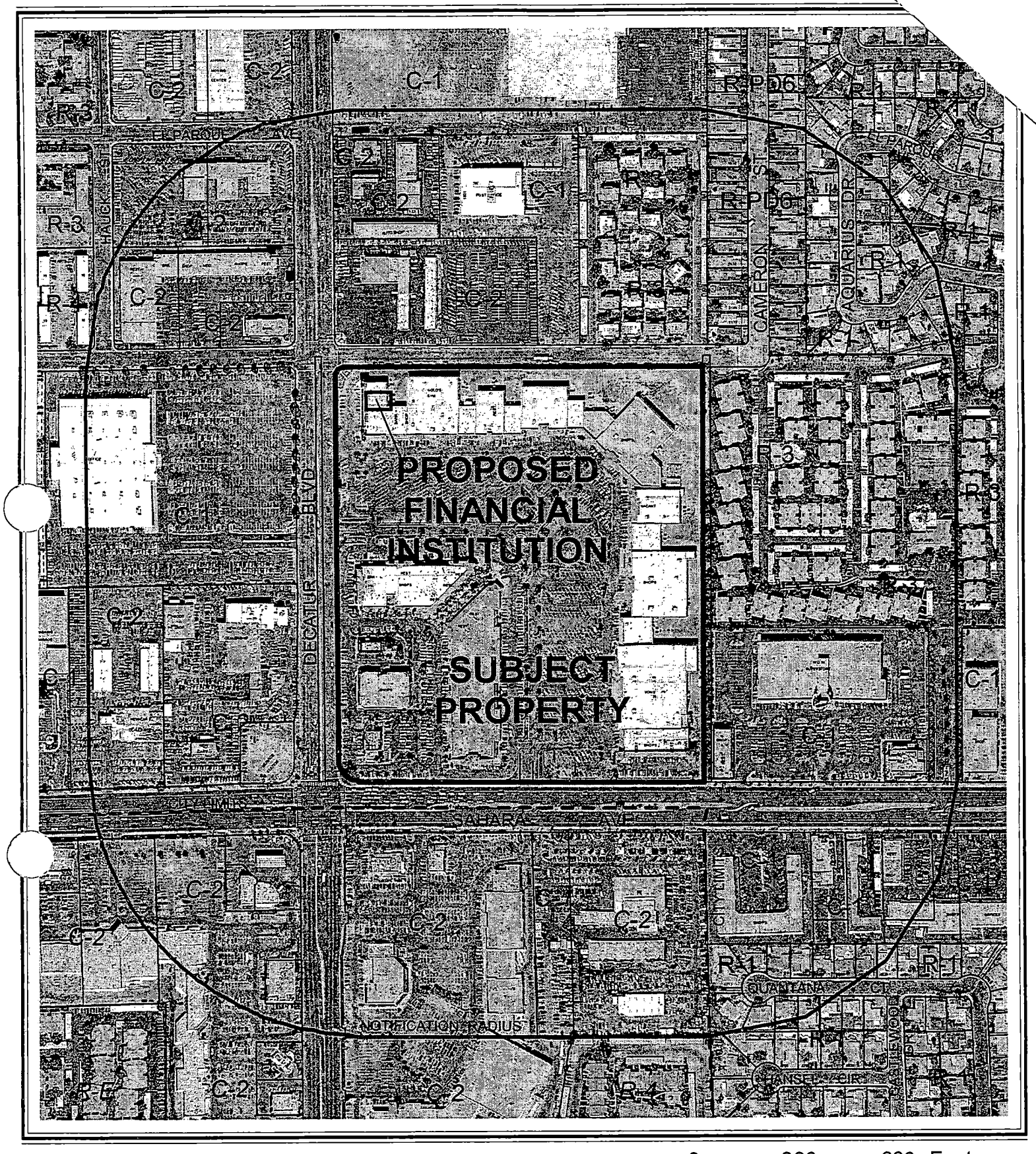

0 300 600 Feet

**CASE:** **SUP-4930**

**RADIUS:** 750 FT

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

N




**CASE:** **SUP-4930**

**RADIUS:** 750 FT

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

City of Las Vegas

## AGENDA MEMO

**PLANNING COMMISSION MEETING DATE: NOVEMBER 18, 2004**
**DEPARTMENT: PLANNING AND DEVELOPMENT**
**ITEM DESCRIPTION: ABEYANCE - SUP-4930 - APPLICANT: YOUR CREDIT, INC. D/B/A LAS VEGAS FINANCE - OWNER: SAHARA PAVILION NORTH U.S., INC.**

## ** 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 use.

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

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

# ** STAFF REPORT **

## APPLICATION REQUEST

### *A) Action Requested*

This request is for a Special Use Permit for a Financial Institution, Specified and Waivers of the required 1,000-foot distance separation between similar uses and the 200-foot distance separation requirement from residential uses at 2121 South Decatur Boulevard, Suite #2. The application was held in abeyance at the 10/21/04 Planning Commission meeting at the applicant's request.

### *B) Applicant's Justification*

The applicant states that local management of the 4347 West Charleston Las Vegas Finance location recently determined that it was appropriate to relocate in order to better serve the needs of its patrons. Because the Sahara Pavilion Center is located on such a large parcel, the distance from the proposed financial institution to residential uses is much greater than 200 feet, and could not possibly have a negative impact on those residents. According to the applicant, this location is also over 2,000 feet from the nearest similar use. Therefore, the Waiver requests are justified.

## BACKGROUND INFORMATION

### *A) Previous Actions*

08/05/87 The City Council approved a Rezoning (Z-0057-87) to C-1 (Limited Commercial) on 38.5 acres, including this property, as part of a larger request. The Planning Commission and staff recommended approval.

05/12/88 The Planning Commission approved a Plot Plan Review [Z-0057-87(1)] for a proposed shopping center on this site.

10/01/03 The City Council denied a request for a Special Use Permit (SUP-2655) for a proposed Financial Institution, Specified (Cashback Payday Loans) at this location (2121 South Decatur Boulevard, Suite 2). The Planning Commission and staff recommended approval.

04/21/04 The City Council adopted an ordinance (proposed as Bill No. 2003-78) establishing locational restrictions and additional development standards for the uses "Auto Pawn," "Auto Title Loan," and "Specified Financial Institution."

10/21/04 The Planning Commission voted to hold this item in abeyance to allow the applicant time to prepare the request.

***B) Pre-Application Meeting***

06/22/04 A pre-application meeting was held and the submittal requirements and application timetable for a Special Use Permit application were discussed. A number of waivers from distance separation requirements for Financial Institutions, Specified would be required in connection with this application. In addition, it was noted that this project would be deemed a "Project of Regional Significance."

## DETAILS OF APPLICATION REQUEST

***A) Site Area***

Gross Acres: 29.40 (overall commercial subdivision)

***B) Existing Land Use***

| | |
|---|---|
| Subject Property: | Financial Institution, Specified |
| North: | Commercial Shopping Center |
| South: | Commercial Shopping Center |
| East: | Commercial Shopping Center |
| West: | Commercial Shopping Center |

***C) Planned Land Use***

| | |
|---|---|
| Subject Property: | SC (Service Commercial) |
| North: | SC (Service Commercial) |
| South: | Unincorporated 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: | Unincorporated 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 |
| County/North Las Vegas/HOA Notification | X | |
| Development Impact Notification Assessment | | X |
| Project of Regional Significance | X | |

**Clark County Notification** – The notification radius for this request includes properties under Clark County jurisdiction. The owners of these properties were notified of a public hearing for this item.

**Project of Regional Significance** – The parcel location of the proposed financial institution is within 500 feet of the City's boundary with Clark County, and therefore this Special Use Permit request is deemed to be a Project of Regional Significance. In accordance with City Ordinance No. 5477, an environmental impact assessment questionnaire was submitted with other materials for this application, and a summary of the comments received from various agencies is detailed below.

**INTERAGENCY ISSUES**

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

- Any Special Use Permit within 500' of the City's border with Clark County or North Las Vegas.

The Special Use Permit concerns property that is located within 75 feet of the City of Las Vegas boundary with Clark County. An Environmental Impact Assessment questionnaire was circulated to the affected Agencies and Entities for the mandated 15-day period. A summary of the comments received, including recommendation for mitigation measures is as follows:

1) The City of Las Vegas Department of Public Works (Sanitary Sewers Division) indicated that the proposed development would have minimal impact on the existing sewer system.

2) The City of Las Vegas Department of Public Works (Flood Control Division) will not require a drainage study for this project.

3) The Las Vegas Metropolitan Police Department did not find a significant law enforcement impact on the surrounding area.

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

## ANALYSIS

### *A) Zoning Code Compliance*

A1) Parking and Traffic Standards

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

| Uses | GFA | Ratio | Required Parking | | Provided Parking | |
|---|---|---|---|---|---|---|
| | | | Regular | Handicap | Regular | Handicap |
| Financial Institution, Specified | 1,640 SF. | 1/200 GFA | 8 | 1 | 1,340 | Not Shown |

Parking facilities within the existing shopping center meet the requirements of the Zoning Code and are adequate to accommodate the proposed specified financial institution use. No new parking spaces are required or proposed as a result of this project.

A2) Minimum Distance Separation Requirements

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

| Standards | Code Requirement | Provided |
|---|---|---|
| Financial Institution, Specified | 1,000 feet from any other Specified Financial Institution, Auto Title Loan or Auto Pawn use | Two other similar uses within the 1,000 foot distance separation radius |

| | | |
|---|---|---|
| | 200 feet from any parcel used or zoned for residential use | The parcel line abuts the residential use to the east and is 60 feet from residential uses to the north |

The proposed Financial Institution, Specified use does not meet the minimum distance separation requirements from three residential developments and two similar uses.

A3) Financial Institution, Specified Building Size

| Standards | Code Requirement | Provided |
|---|---|---|
| Financial Institution, Specified | The building or portion thereof that is dedicated to the use shall have a minimum size of 1,500 square feet. | 1,640 square feet |

At 1,640 square feet, the proposed Financial Institution, Specified meets the minimum 1,500 square foot space size requirement.

***B) General Analysis and Discussion***

- Zoning

The Financial Institution, Specified use is permitted in a C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit, subject to meeting certain requirements listed below.

- Use

The proposed Financial Institution, Specified offers consumer cash loans to its customers. The business will be located within a 1,640 square-foot tenant space within an existing, approved building; therefore, no exterior work will be performed other than replacement of wall signage, ensuring compatibility with the shopping center and surrounding development. There are two Financial Institution, Specified uses within 1,000 feet of the subject parcel and two multi-family developments adjacent to the subject parcel. This particular use and waivers are recommended for denial for the following reasons:

1) The distance separation standards were adopted in April of 2004. Requests for waivers to these standards are premature, as not enough time has elapsed to evaluate their effects on neighborhoods.

2) A major reason for these standards were preventing over- saturation, but to ensure that the building elevations are harmonious and compatible with the surrounding area. Allowing a third such use within a 1,000 foot radius of this site clearly constitutes over-saturation.

- Conditions

Title 19.04.050 lists the following conditions for a Financial Institution, Specified use, adopted by the City Council on 04/21/04:

1. The use shall comply with all applicable requirements of Las Vegas Municipal Code Title 6. (Non-waivable)

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. (Non-waivable)

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

4. Window signs shall not:
   a. Cover more than twenty percent (20%) of the area of all exterior windows;
   b. Include flashing lights or neon lighting; or
   c. Include any text other than text that indicates the hours of operation and whether the business is open or closed.

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

6. The building or portion thereof that is dedicated to the use shall have a minimum size of one thousand five hundred square feet, and shall have sufficient interior space to provide for adequate customer waiting areas, customer queuing, and transaction space (such as "teller" windows or desks).

7. No specified financial institution use may be located closer than two hundred feet from any parcel used or zoned for residential use. In addition, no specified financial institution use may be located closer than one thousand feet from any other specified financial institution use, auto title loan use or pawn use. For purposes of this Paragraph (7), distances shall be measured in a straight line from property line to property line, without regard to intervening obstacles. The term "property line" refers to lines of fee interest parcels and not leasehold parcels.

The proposed check-cashing center fails to comply with Paragraph Number 7 of the ordinance. The subject site is adjacent to condominium and apartment developments and lies within the 1,000-foot minimum distance separation from two 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 parcels to the north and east are designated M (Medium Density Residential). The residential parcel east of the subject site shares a common property line. The Zoning Code requires a 200-foot buffer between Specified Financial Institutions and residential uses. Additionally, the use is proposed to be located within 1,000 feet of two similar uses, therefore creating a higher probability of saturation in the area. The proposed land use cannot be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan. This is exemplified through the number of waivers requested by the applicant in order to gain approval.

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

   The subject shopping center site can easily accommodate the proposed Financial Institution use, as there is adequate parking available and easy access to the storefront.

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

   Access to the site is from Decatur Boulevard, classified as a Primary (100-foot) Arterial on the Master Plan of Streets and Highways. Alternative access is available on Sahara Avenue, a 150-foot Primary Arterial. These roadways are adequate in capacity to accommodate the demand of the proposed development.

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** 196

**APPROVALS** 0

**PROTESTS** 0

BTS/SS

PLANNING & DEVELOPMENT DEPARTMENT

# STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-4930 APN: 162-06-402-001

Name of Property Owner: Pan Pacific Retail Properties

Name of Applicant: Your Credit Inc. dba Las Vegas 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 ___ 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: Stuart A. Tanz, President and Chief Executive Officer; Jeffrey S. Stauffer, Executive Vice President Chief Operating Officer

Subscribed and sworn before me

This 26th day of July 2004

Michael W. Murray

Notary Public in and for said County and State

State of California / County of San Diego

Revised 2/12/02

Planning Division Forms\Statement of Financial Interest.doc

PLANNING & DEVELOPMENT

# PLANNING & DEVELOPMENT DEPARTMENT

## STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-4930 APN: _____

Name of Property Owner: Sahara Pavillion North U.S., Inc.

Name of Applicant: Your Creit Inc. dba Las Vegas 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 _____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: Stuart A. Tanz, President and Chief Executive Officer; Jeffrey S. Stauffer, Executive Vice President Chief Operating Officer

Subscribed and sworn before me

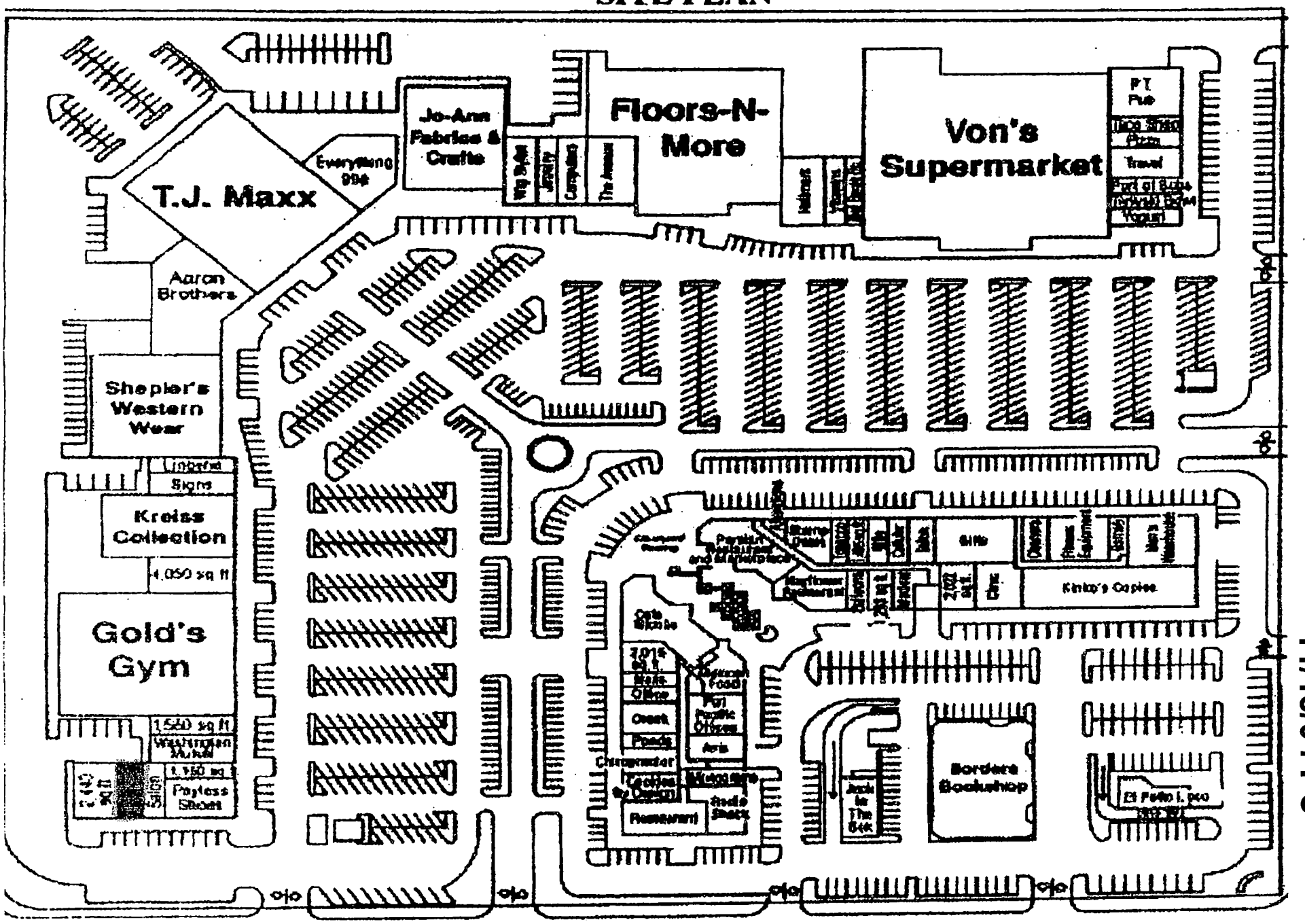
This 29th day of July, 2004

Michael W. Murray State of Calif / County of San Diego

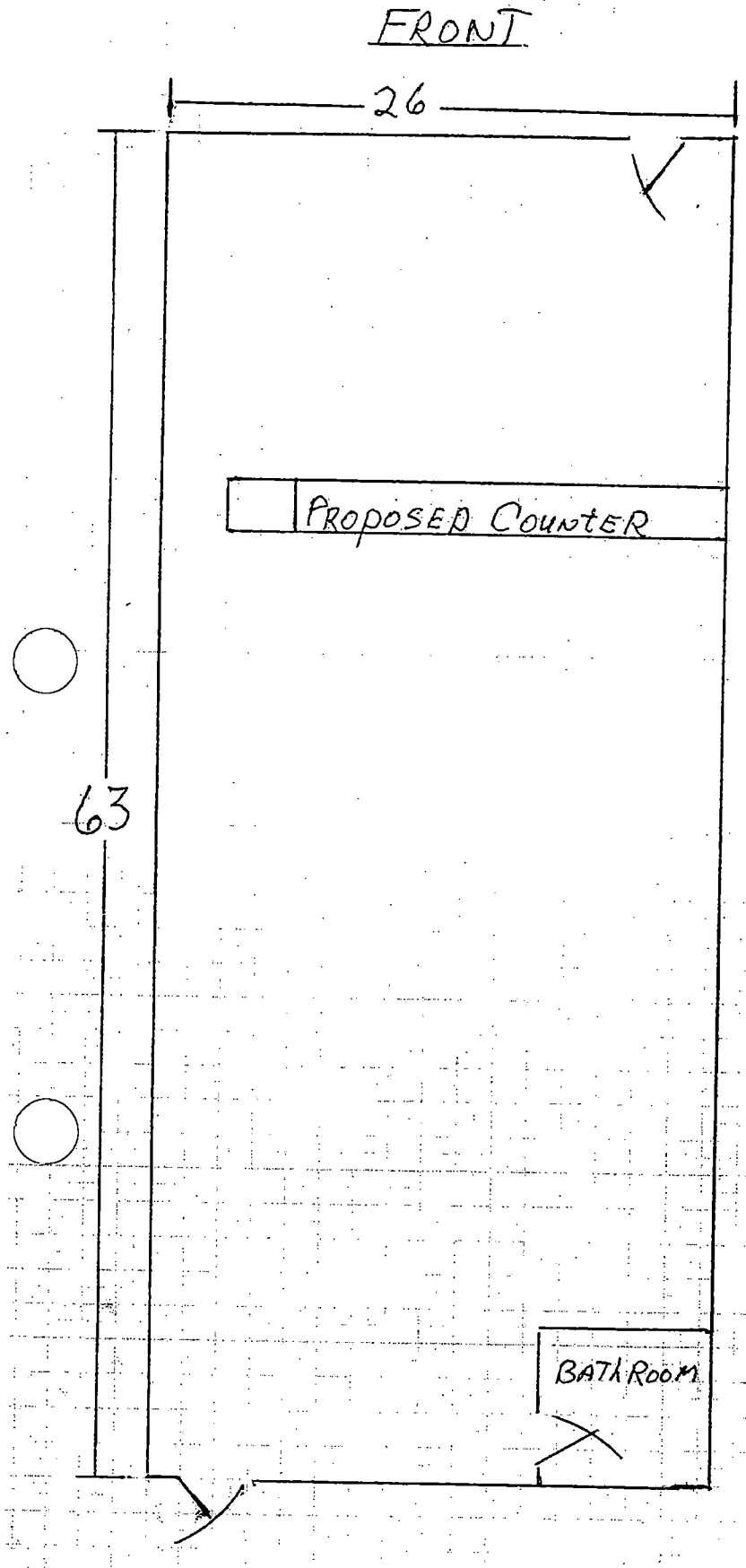
Notary Public in and for said County and State

# SAHARA PAVILION NORTH SHOPPING CENTER

## SITE PLAN




SUP-4936
11/18/04 PC




SCALE 1/8 to 1

Address:
2121 South DECATUR
Suit 2
LAS VEGAS NV 8102

NORTH

**SUP-4930**
**11/18/04 PC**

SUP-4930 - APPLICANT: YOUR CREDIT, INC. D/B/A LAS VEGAS FINANCE - OWNER: SAHARA PAVILION NORTH U.S., INC.
2121 SOUTH DECATUR BOULEVARD, SUITE #2
NOVEMBER 18, 2004 PLANNING COMMISSION

10/12/04

SUP-4930 - APPLICANT: YOUR CREDIT, INC. D/B/A LAS VEGAS FINANCE - OWNER: SAHARA PAVILION NORTH U.S., INC.
2121 SOUTH DECATUR BOULEVARD, SUITE #2
NOVEMBER 18, 2004 PLANNING COMMISSION

10/12/04

SUP. 4930



I am not in opposition to the Las Vegas Finance Application for a Special Use Permit for a financial institution, specified, in the Sahara Pavilion North Shopping Center, located at Sahara and Decatur @ 4750 S. Decatur

ELIE TABACHRY
Print Name

11-18-04
Date

Elie Tabachry
Signature

Submitted at Planning Commission

Date 11-18-04 Item #27

SUP 4930



I am not in opposition to the Las Vegas Finance Application for a Special Use Permit for a financial institution, specified, in the Sahara Pavilion North Shopping Center, located at Sahara and Decatur.

Shawn Henson President 18 Nov 04

Print Name Date

Signature

Park Tower Comics

SUP. 4930



I am not in opposition to the Las Vegas Finance Application for a Special Use Permit for a financial institution, specified, in the Sahara Pavilion North Shopping Center, located at Sahara and Decatur

TONY WOO
Print Name

MAYFLOWER

11/18/04
Date

Signature

City of Las Vegas

Agenda Item No.: 28

## AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

**PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004**

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

**SUBJECT:**

**ABEYANCE - SDR-5179 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: SANDHURST DEVELOPMENT, LLC** - Request for a Site Development Plan Review FOR A PROPOSED 31 STORY, MIXED USE DEVELOPMENT IN PARKWAY CENTER TO INCLUDE 409 RESIDENTIAL UNITS AND 41,640 SQUARE FEET OF COMMERCIAL SPACE on 3.23 acres on the north side of Iron Horse Court, approximately 300 feet east of Grand Central Parkway, (APN 139-33-810-006), PD (Planned Development) Zone, Ward 5 (Weekly).

**C.C.: 12/15/04**

| 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 – Motion to bring forward and HOLD IN ABEYANCE Item 12 [GPA-5266] and to STRIKE Item 17 [GPA-5195] – UNANIMOUS**

**NIGRO – Motion to bring forward and HOLD IN ABEYANCE Item 4 [TMP-5356] and Item 28 [SDR-5179] to the 12/02/2004 Planning Commission Meeting, Item 27 [SUP-4930] to the 12/16/2004 Planning Commission Meeting and to WITHDRAW WITHOUT PREJUDICE Item 8 [VAC-5265] – UNANIMOUS**

Note: COMMISSIONER McSWAIN disclosed that she normally abstains on items involving DR Horton; however, since this vote only pertains to the item being withdrawn, she would be voting on Item 8 [VAC-5265].

Note: CHAIRMAN TRUESDELL disclosed that he owns property in the downtown area, it is not located within the notification area and it would not be affected so he would vote on Item 28 [SDR-5179].

City of Las Vegas

**Agenda Item No.: 28**

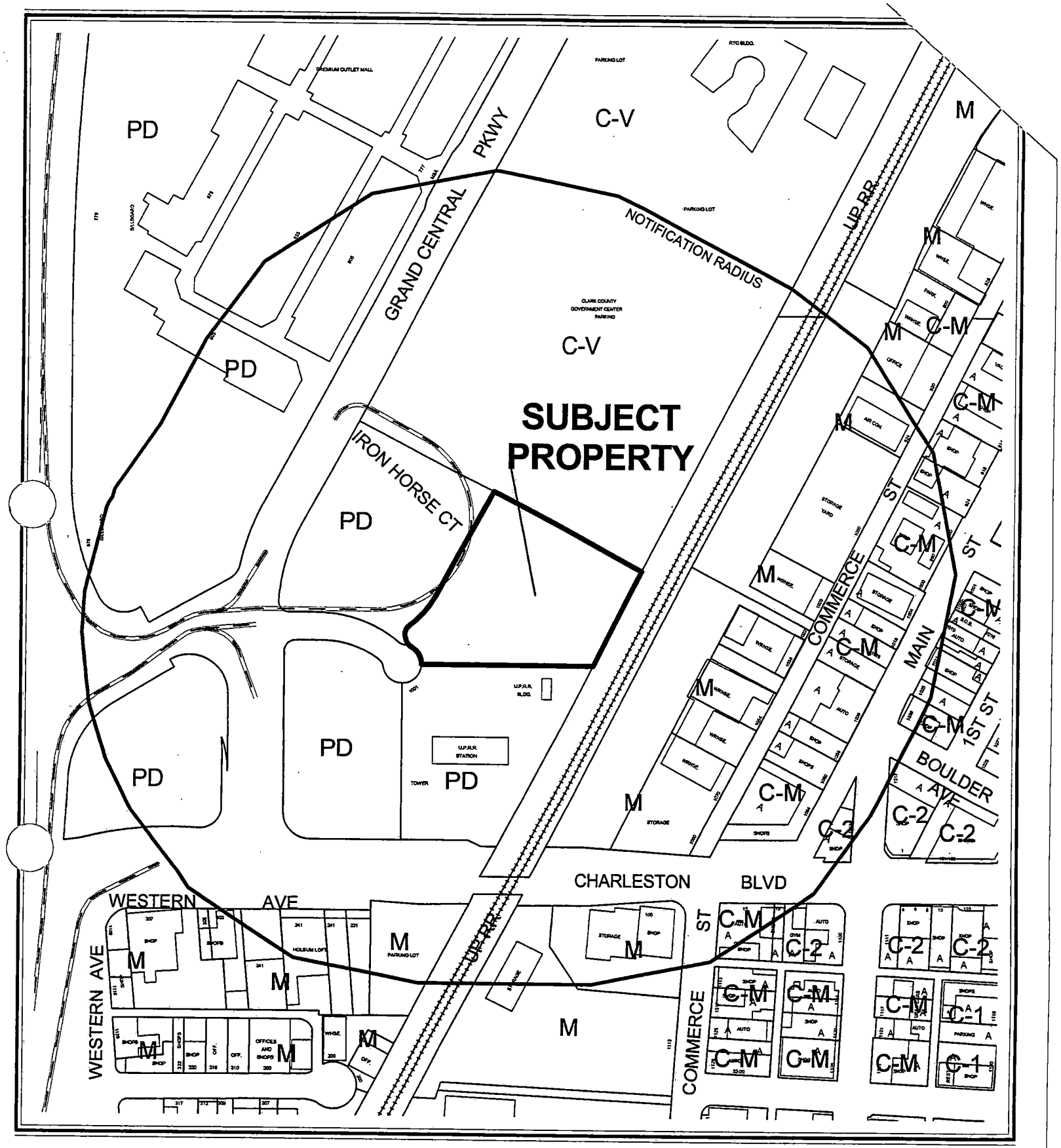
PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 28 – SDR-5179

**MINUTES:**

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

(6:05 – 6:40)

**1-83**



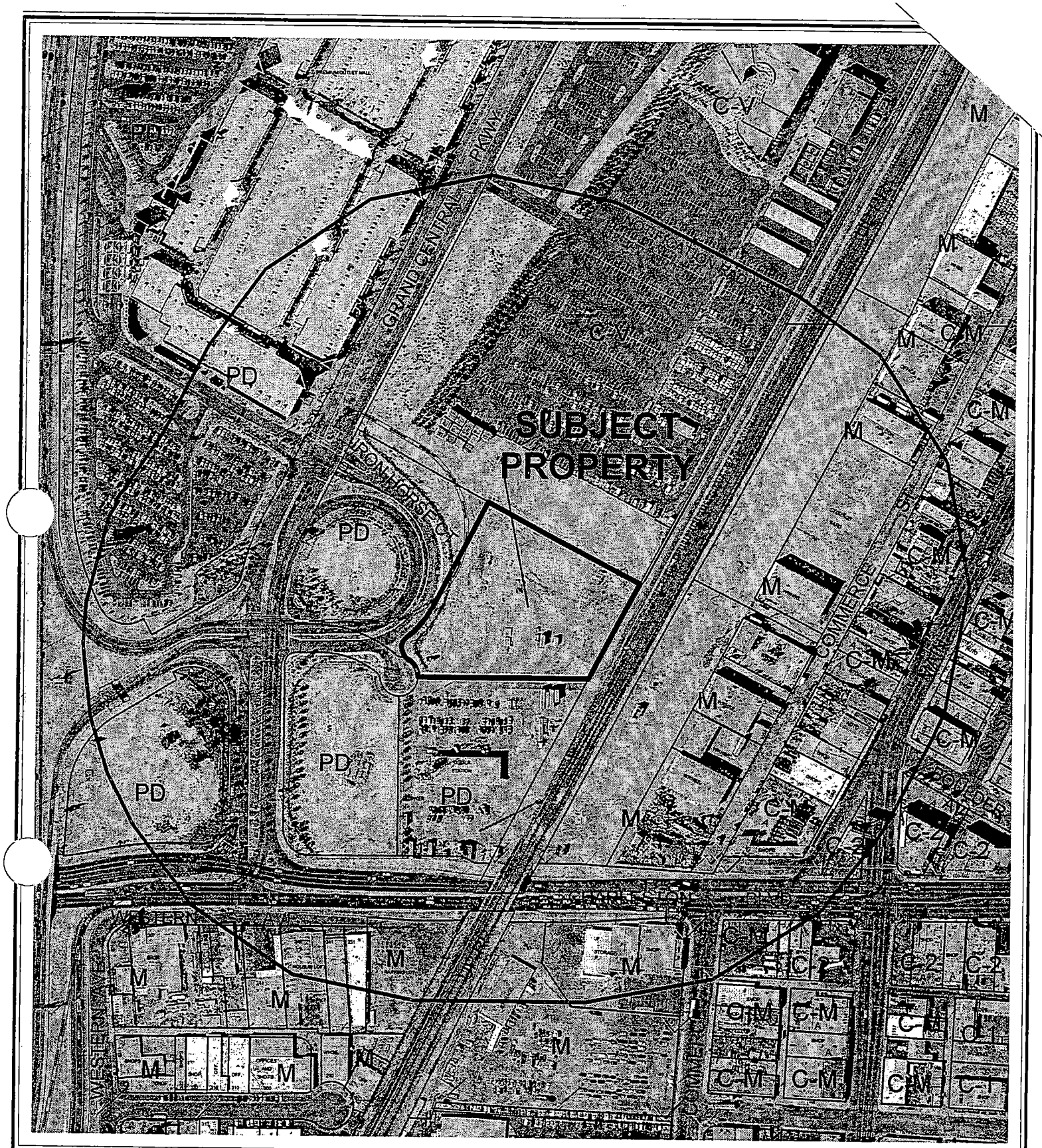

**CASE:** **SDR-5179**

**RADIUS:** 750 FT

0 200 400 Feet

**ZONING OF SUBJECT PROPERTY:** PD (PLANNED DEVELOPMENT)

N




**CASE:** **SDR-5179**

**RADIUS:** 750 FT

**ZONING OF SUBJECT PROPERTY:** PD (PLANNED DEVELOPMENT)

0 200 400 Feet

N

City of Las Vegas

## AGENDA MEMO

**PLANNING COMMISSION MEETING DATE: NOVEMBER 18, 2004**
**DEPARTMENT: PLANNING AND DEVELOPMENT**
**ITEM DESCRIPTION: ABEYANCE - SDR-5179 - APPLICANT/OWNER: SANDHURST DEVELOPMENT, 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. All development shall be in conformance with the site plan and building elevations, date stamped November 8, 2004, except as amended by conditions herein.

3. The Waiver from the Parkway Center build-to requirement is hereby approved, due to the lack of frontage along the public right-of-way.

4. The Waiver from the Downtown Centennial Plan streetscape requirements is hereby approved, provided that the site plan is revised to show the future public sidewalk connections on the abutting properties; the Waiver from the Parkway Center landscape standards for reduced buffer width is also approved. The revised site plan shall be submitted to the Planning and Development Department for review and approval prior to the issuance of building permits.

5. A direct pedestrian connection shall be provided from the residential and commercial lobbies to the future public sidewalk on Iron Horse Court in order to clearly indicate the location of the building entries from the public right-of-way. A revised plan depicting this change shall be submitted to the Planning and Development Department for review and approval prior to the time application is made for a building permit.

6. The elevations of the lower three stories of the building shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to continue the level of architectural expression on the upper stories and to enhance façade articulation.

7. The elevations of the parking structure shall be revised and approved by the Planning and Development Department staff, prior to the time application is made for a building permit, to be compatible with the color, texture, architectural features, and articulation of the main building.

8. The Waiver from the requirement for the use of stone veneer on the lower floors of the building is hereby approved; decorative pre-cast concrete panels may be used in place of the required stone, subject to approval of the Planning and Development Department.

9. All landscaping and a permanent underground sprinkler system for the landscape materials 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.

10. 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.

11. The applicant shall be required to provide and install standard Fourth Street style fixtures in place of existing fixtures. 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.

12. All mechanical equipment, air conditioners and trash areas shall be fully screened from street level and surrounding building views in accordance with the Parkway Center Development Standards. Service areas shall be screened from pedestrian or street view, utilizing landscaping and/or architectural elements that are consistent with the design and materials of the primary building.

13. 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.

14. 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.

15. Signage for the development shall be permitted in conformance with the requirements of Parkway Center Development Standards.

16. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Municipal Code Section 19.12.050.

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

***Public Works***

18. Construct any incomplete half street improvements, including the entire cul-de-sac bulb, adjacent to this site and remove any substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. All new or modifications to existing driveways shall be designed, located and constructed in accordance with Standard Drawing #222A.

19. If not already constructed at time of development, construct the oversized Clark Avenue sewer main from Las Vegas Boulevard to 14th Street. Coordinate with the Collection Systems Planning Section of Public Works to determine appropriate public sewer paths to service this site prior to the submittal of any sewer-related construction drawings. The offsite public sewer improvements will be required to provide capacity for this project.

20. 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. 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.

21. 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.

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

# ** STAFF REPORT **

## APPLICATION REQUEST

*A) Action Requested*

This is a request for a Site Development Plan Review for a proposed 35-story mixed-use development including 413 residential units and 35,435 square feet of commercial space on 3.23 acres adjacent to Grand Central Parkway and Iron Horse Drive. Waivers of Parkway Center Development Standards are requested.

*B) Applicant's Justification*

This proposed mixed-use project is part of the trend toward high-rise developments in the downtown area. This project will comply with the Downtown Las Vegas Centennial Plan and Parkway Center Development Standards. This project proposes to serve as an icon at one of the gateways to downtown.

## BACKGROUND INFORMATION

*A) Previous Actions*

| | |
|---|---|
| 11/23/98 | The City Council approved a Rezoning (Z-0100-97) to reclassify 223 acres of property, including the subject parcel, from M (Industrial) to P-D (Planned Development) for mixed use projects. This rezoning created what would later be known as Parkway Center. |
| 10/05/04 | The Parkway Center Architecture Review Committee (PC-ARC) recommended approval of the proposed project and the requested Waivers. |
| 10/21/04 | The Planning Commission held this item in abeyance at the request of the applicant in order to allow minor changes to the scope of development. |

*B) Pre-Application Meeting*

| | |
|---|---|
| 08/26/04 | Applicant was informed that Parkway Center parking standards will apply to this project. Applicant noted that waivers from development standards may be necessary; staff instructed applicant to address these in the justification letter. |

*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*

Gross Acres: 3.2

*B) Existing Land Use*

| | |
|---|---|
| Subject Property: | Undeveloped |
| North: | County and Regional Offices, Parking |
| South: | Warehouses |
| East: | Railroad, Warehouses |
| West: | Highway Access Circle, Shopping Mall Parking |

*C) Planned Land Use*

| | |
|---|---|
| Subject Property: | MXU (Downtown – Mixed Use) |
| North: | PF (Public Facility) |
| South: | MXU (Downtown – Mixed Use) |
| East: | LI/R (Light Industry/Research) |
| West: | MXU (Downtown – Mixed Use) |

*D) Existing Zoning*

| | |
|---|---|
| Subject Property: | PD (Planned Development) |
| North: | C-V (Civic) |
| South: | PD (Planned Development) |
| East: | M (Industrial) |
| West: | PD (Planned Development) |

*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).

This proposal includes elements of H (High Density Residential), O (Office), and SC (Service Commercial), and are therefore in compliance with the land use designation.

| SPECIAL DISTRICTS/ZONES | Yes | No |
|---|---|---|
| **Special Area Plan** | X | |
| Redevelopment Plan Area | X | |
| Downtown Centennial Plan- Parkway Center | X | |
| **Special Overlay District** | | |
| Airport Overlay | X | |
| **Trails** | | X |
| **Rural Preservation Neighborhood** | | X |
| **Development Impact Notification Assessment** | | X |
| **Project of Regional Significance** | | X |

**Redevelopment Plan Area**

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 Parkway Center District. The district is intended to accommodate a wide variety of commercial, public and residential uses within vertically or horizontally mixed-use configuration. The proposed project is consistent with the goals and objectives of the Downtown Centennial Plan.

**Airport Overlay District**

This site is subject to the North Las Vegas Airport Overlay District. Structures may be built up to 175 feet in height; any structures over this height limit must be reviewed by the Federal Aviation Administration (FAA).

**PROJECT DESCRIPTION**

This is a 35-story, 406 foot-high mixed-use development with 413 condominium units and 35,435 square feet of commercial space. The first four mezzanine levels contain amenities such as offices, conference rooms, restaurants, a great room, and storage. The majority of the residential floors will contain flats; the upper stories will include loft-style units, luxury sky lofts, and a penthouse. A seven-level parking structure is located at the northeast side of the tower.

## 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 Parkway Center Development Standards manual addresses certain site development standards, which are detailed below:

| Standards | Required | Provided | Compliance |
|---|---|---|---|
| Min. Lot Size | N/A | 3.23 Acres | N/A |
| Min. Lot Width | N/A | 285 Feet | N/A |
| Min. Setbacks<br>• Front<br>• Side<br>• Rear | <br>0 Feet<br>N/A<br>N/A | <br>90 Feet<br>42 Feet<br>10 Feet | <br>N<br>N/A<br>N/A |
| Build-to Line | 75% of frontage line | 0% | N |
| Max. Lot Coverage | Up to 100% | 48% | Y |
| Max. Building Height | N/A | 406 feet | N/A |
| Min. Building Height | 4 stories | 35 stories | Y |
| F.A.R. | 1.5 | 6.4 | Y |
| Trash Enclosure | Walled/roofed | Interior | Y |
| Loading Zone | N/A | 2 spaces | Y |
| Mech. Equipment | Screened | Screened | Y |

The proposed development does not comply with the required build-to line along the front side of the property, but otherwise conforms with the Parkway Center development standards.

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

Pursuant to Section 4.12 of the Parkway Center Development Standards, the following Parking Standards apply to the subject proposal:

| Uses | GFA | Required Ratio | Required Parking | | Provided Parking | |
|---|---|---|---|---|---|---|
| | | | Regular | Handicap | Regular | Handicap |
| Residential units | N/A | 1.5 spaces per unit | 620 | N/A | 614 | 8 |
| Retail | 23,773 | 2 spaces per 1,000 SF | 48 | N/A | 60 | N/A |
| Restaurant | 11,662 | 2 spaces per 1,000 SF | 24 | N/A | 50 | 5 |
| Total | | | 692 | 12 | 724 | 13 |

The development will provide parking spaces in excess of Parkway Center requirements.

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 | Required Trees | Provided |
|---|---|---|---|
| Perimeter Landscaping | | | |
| • Front: 5' | 1 tree @ 30' o.c. max. | 2 trees | 0'/0 trees |
| • Side: 10' | 1 tree @ 30' o.c. max. | 35 trees | 8'/57 trees |
| • Rear: 20' | 1 tree @ 30' o.c. max. | 14 trees | 10'/26 trees |
| Streetscape Treatment East/West Street Iron Horse Court | 1 Shade Tree @ 30' o.c. max. (min. 24" box) | 2 Trees | 0 Trees |
| Sidewalk | 11' Sidewalk | N/A | Not indicated |

Due to the limited frontage on Iron Horse Court, the applicant is not able to provide the required streetscape treatment. In addition, the perimeter landscape buffers do not meet the minimum depth requirements stipulated in the Parkway Center manual, but the number of trees in the buffer areas exceeds the amount required.

A5) Sign Standards

No information is provided on the elevations or site plan relative to signage. All signage shall be subject to the requirements listed in the Parkway Center Development Standards manual.

***B) General Analysis and Discussion***

- Zoning

The proposed commercial and residential uses are permitted by the Parkway Center Development Standards manual. The structure generally conforms with the development standards contained in the Parkway Center manual, with the exception of the build-to line requirement along Iron Horse Court.

- Site Plan

The site plan depicts a walled swimming pool area located directly at the front of the site, with the residential lobby located to the east and the parking structure located to the rear of the site. A circular driveway area is located at the center of the site, and the principal entrance for both the commercial lobby and the residential lobby are entered directly from the driveway area. The parking structure is accessible from both the east and west sides of the structure.

The Parkway Center Standards requires pedestrian connectivity throughout the area; the lack of sufficient area for a public sidewalk in front of the site and the location of the principal building entrances at the center of the site do not enhance the pedestrian environment to the degree specified in the standards. It is recommended that additional entrances be provided so as to have more direct connections to future sidewalk development along Iron Horse Court, and that the public sidewalk connections along Iron Horse Court be shown on the site plan.

- Waivers

Four Waivers from the Downtown Las Vegas Centennial Plan Parkway Center site planning and physical design standards are requested:

1) A Waiver from Standard 2.1 has 75% of the building be aligned with the street. The building is at the termination of a cul-de sac, therefore, this standard would be unduly restrictive.

2) A Waiver from Standard 2.2 which has the main entrance located adjacent to the street. Due to a lack of street frontage, the main entrance cannot be positioned toward the street.

3) A Waiver from Standard 5.7, which requires the use of stone on the lower floors of the building.

4) A Waiver from Standard 6.2, which requires 10-foot landscape buffers along side property lines and a 20-foot buffer at the rear of the property, the provision of the standard Downtown Centennial Plan Streetscape treatment.

The applicant has requested a Waiver from the build-to line requirement, which specifies that 75% of the building must be located directly on the frontage line. Staff recommends approval of the Waiver request, due to the limited frontage available along Iron Horse Court. Regarding the Waiver from the requirement for the main entrance, the configuration of the property makes it difficult to provide the entries directly facing the public right-of-way; it is therefore recommended that revisions be made to the first floor plan to locate an additional entry towards the street or that improved pedestrian connections be provided to the future public sidewalk. In addition, a Waiver has been requested from the streetscape and landscape requirements, due to the constraints of the site. Staff would also recommend approval of this request, provided the connection points for the future public sidewalk that will be provided on the abutting properties are shown on the site plan. Finally, the Waiver from the requirement for the use of stone veneer is also recommended for approval, provided a decorative pre-cast concrete panel design is utilized on the lower floors of the building.

- Landscape Plan

As previously noted, the applicant has requested a Waiver from the streetscape and perimeter landscape requirements due to the constraints of the site. The amount of trees to be provided in the perimeter landscape buffer areas exceeds the amount required, thereby mitigating the fact that the buffers do not meet the minimum depth requirements.

- Elevation

The elevations depict the use of horizontal bands of glazing and colored pre-cast concrete panels on the three lower floors of the structure, with residential window configurations and synthetic stucco surfacing on the upper floors of the building. While the design of the elevations clearly distinguishes the commercial and residential functions of the building as specified in the standards, the character of the two sections is substantially different, and the base of the building should be redesigned to include the vertical elements that are expressed on the residential levels of the building.

The Parkway Center Standards require the use of stone on the lower two floors of buildings; the applicant is proposing the use of colored pre-cast concrete in place of stone veneer. At the Parkway Center Architectural Review Committee meeting of October 5, 2004, the committed recommended approval of the use of pre-cast concrete on the lower floors of the building, provided a texture or design were utilized on the concrete.

Section 4.10 of the Parkway Center Standards requires that the exterior walls of all parking structures be compatible with the color, texture, architectural features, and articulation of the main building. The elevations of the parking structure will need to be redesigned to conform with this requirement.

## 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 development that is intended for the Parkway Center and surrounding 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 development is consistent with the General Plan and Title 19, and is generally consistent with the Parkway Center Development Standards Manual.

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

   The adjacent roadways have sufficient capacity to accommodate the proposed development, and the development will have minimal impact on neighborhood traffic.

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

   The proposed building and landscape materials are generally appropriate for the area and for 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;"**

   With minor modifications to the elevations of the parking structure and the lower three floors of the principal building, the elevations create an orderly and aesthetically pleasing environment, and will be compatible with the development intended for the Parkway Center.

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** 38

**APPROVALS** 0

**PROTESTS** 0

FF

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

# PLANNING & DEVELOPMENT DEPARTMENT

## STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-5179 APN: 139-33-810-001

Name of Property Owner: SAND HURST DEVELOPMENT LLC

Name of Applicant: Robert S. De Martino

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: Robert S. De Martino

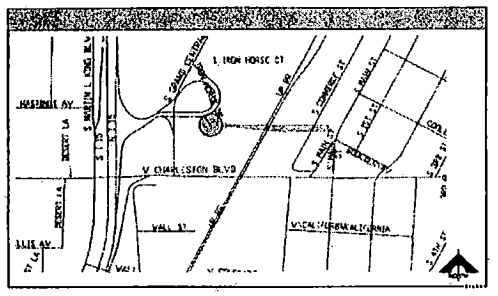
Print Name: ROBERT S. DE MARTINO

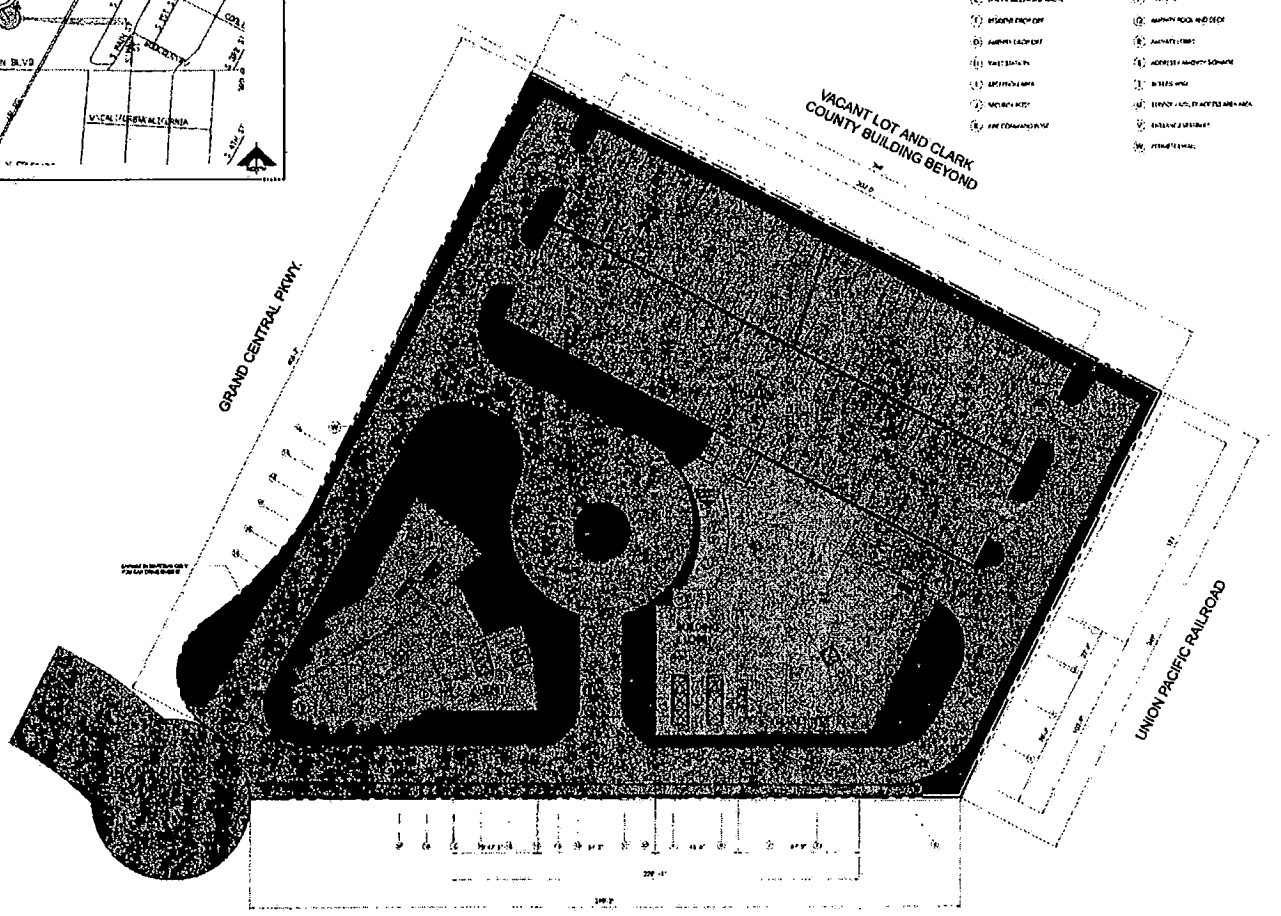
Subscribed and sworn before me

This 16 day of August, 2004

Notary Public in and for said County and State

MICHAEL BILLY
COMM. #00-65356-1
NOTARY PUBLIC-NEVADA
CLARK COUNTY
My Commission Expires Oct. 17, 2004




JMA ARCHITECTURE STUDIOS

SITE PLAN

SANDHURST RESIDENCES

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11.8.04

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11/18/04 PC

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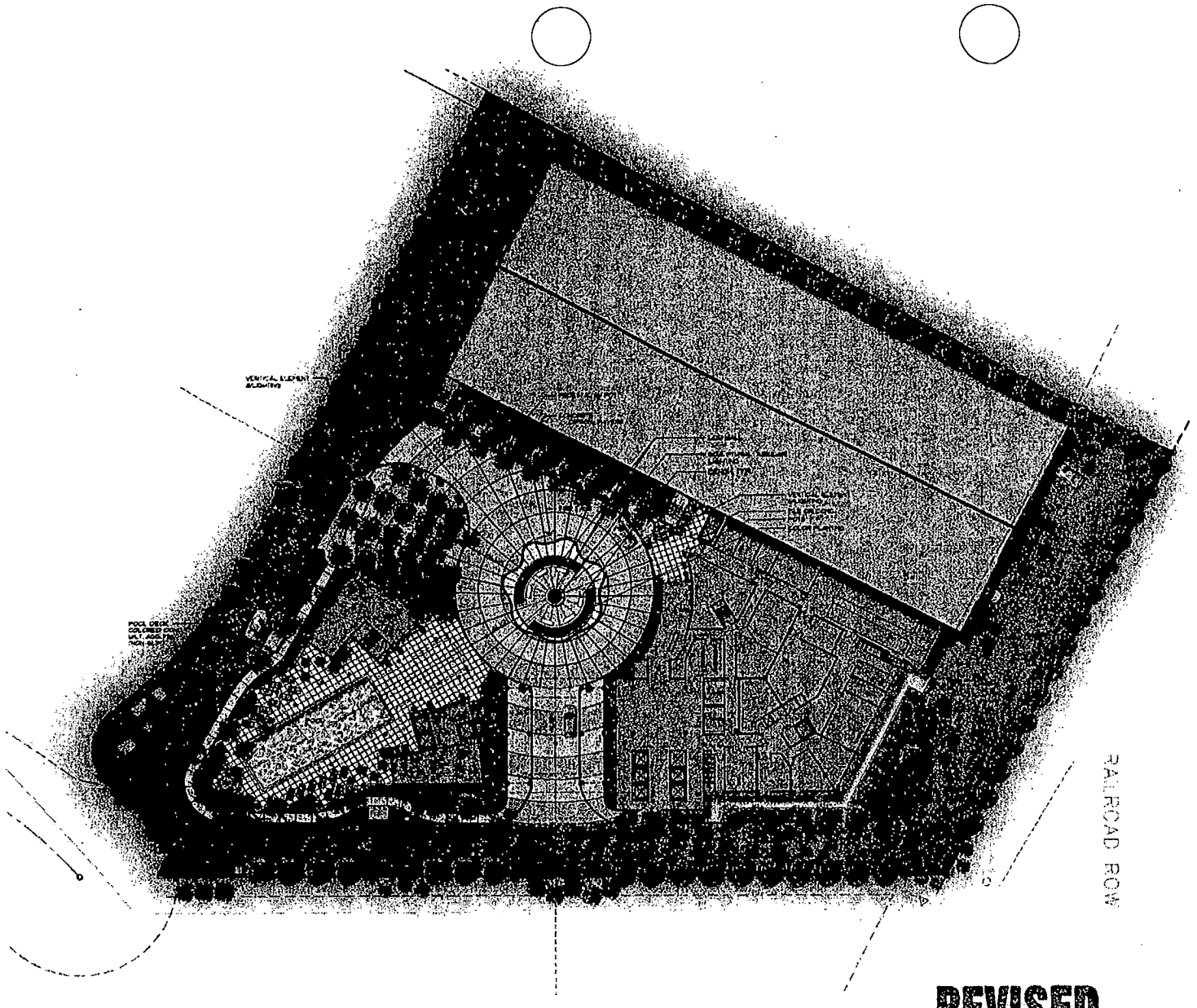
PROJECT NO. 200401175
DATE: NOV 4 2004
SCALE: 1:30
NORTH




TREE LEGEND

| SYMBOL | BOTANICAL COMMON NAME | SIZE | COMMENTS |
|---|---|---|---|
| | CHAMAEROPS HUMILIS MED FERAN FAN PALM | 15' x 36" BOX | |
| | CASUARINA TAMARISCINA & PINE CASU PINE CASUARINA | 24" x 36" BOX | STANDARD |
| | ELAEAGNUS L&E PLUS BLOOM TREE | 24" x 36" BOX | PLANTFORM |
| | FRAXINUS VELUTINA 'RIO GRANDE' RIO TEX ASH | 24" x 36" BOX | STANDARD |
| | LAGERSTROEMIA INDICA 'NATCHEZ' | 24" x 36" BOX | MULTI OR STANDARD |
| | PHOENIX DACTYLIFERA DATE PALM | 30"-36" HEIGHT | UNLOPPED TRUNK TO 18" LONG PINEAPPLE |
| | PINUS ELDARICA MONDELL PINE | 24" OR 36" BOX | STANDARD |
| | PROSOPIS CHILENSIS THORNLESS CHILEAN MESQUITE | 24" x 36" BOX | MULTI OR STANDARD |
| | WASHINGTONIA ROBUSTA MEXICAN FAN PALM | 24" x 36" BOX | MULTI OR STANDARD |
| | WASHINGTONIA ROBUSTA MEXICAN FAN PALM | 20' TO 30' HEIGHT | UNBRANCHED TRUNK TO PINEAPPLE |

SHRUB LEGEND

| SYMBOL | BOTANICAL COMMON NAME | SIZE | COMMENTS |
|---|---|---|---|
| | AGAVE POWERI PALMER AGAVE | 5 GAL | 3'-0" OC |
| | CASSIA NEMOPHILA CASSIA | 5 GAL | 3'-0" OC |
| | CHAMAEROPS HUMILIS MEDITERRANEAN FAN PALM | 5 GAL | PER CONTAINER / 15 & PER |
| | DIETES BICOLOR/IRIS BICOLOR IRIS | 5 GAL | 3'-0" OC |
| | LEUCOPHYLLUM LANGMANIAE SILVER CLOUD | 5 GAL | 4'-0" OC |
| | MYOPORUM PARVIFOLIUM EVERGREEN MYOPORUM | 5 GAL | 3'-0" OC |
| | NOLINA MICROCARPA BEAR GRASS | 5 GAL | 3'-0" OC |
| | PENNISETUM SETACEUM 'RUBRUM' PURPLE FOUNTAIN GRASS | 5 GAL | 4'-0" OC |
| | PHORMIUM TENAX NEW ZEALAND FLAX | 5 GAL | 30" OC |
| | RUSSELIA EQUISETIFORMIS CORAL FOUNTAIN | 5 GAL | 30" OC |
| | SALVIA GREGGII AUTUMN SAGE | 5 GAL | 18" OC |
| | AGAVE DESMETTIANA 'VARIEGATA' VARIEGATED SMOOTH AGAVE | 5 GAL | 3'-0" OC |
| | HYPOCYRTA 'COBRA' SPECIES COBRA PLANT | 5 GAL | 3'-0" OC |
| | PRUNUS CAROLINIANA CAROLINA CHERRY | 5 GAL | 4'-0" OC |
| | SALVIA GREGGII AUTUMN SAGE | 1 GAL | 18" OC |

GROUND COVER LEGEND

| SYMBOL | BOTANICAL COMMON NAME | SIZE | COMMENTS |
|---|---|---|---|
| | DALEA CAPITATA & SENNA GOLD & SENNA GOLD CASSIA | 1 GAL | 3'-0" OC |
| | LANTANA CAMARA NEW GOLD / NEW GOLD LANTANA | 1 GAL | 24"-30" OC |
| | PENNISETUM SETACEUM 'RUBRUM' PURPLE FOUNTAIN GRASS | 5 GAL | 30" OC |
| | ROSMARINUS OFFICINALIS PROSTRATUS & SALVIA 'MINERAZUL' | 1 GAL | 18" OC |

PERENNIALS

| SYMBOL | BOTANICAL COMMON NAME | SIZE | COMMENTS |
|---|---|---|---|
| | ACHILLEA & CONSOLIDA DUSTY FELLER | 1 GAL | 24" OC |

ROCK MULCH

3" DEEP - 3/4" SCREENED TYPE LOCAL ROCK MULCH BY SALVAGED TOP SOIL INC. SO" ALL IN ALL NOV PLACED AND ALL PLASTIC SHEAR EXCEPT CLEAR WEED. USE 1" - 1 1/2" ON DESERT PRODUCTS. USE 1" - 1" ROCK MULCH & PLANET SOURCE FOR SLOPES 3:1 OR GREATER.

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11.8.04

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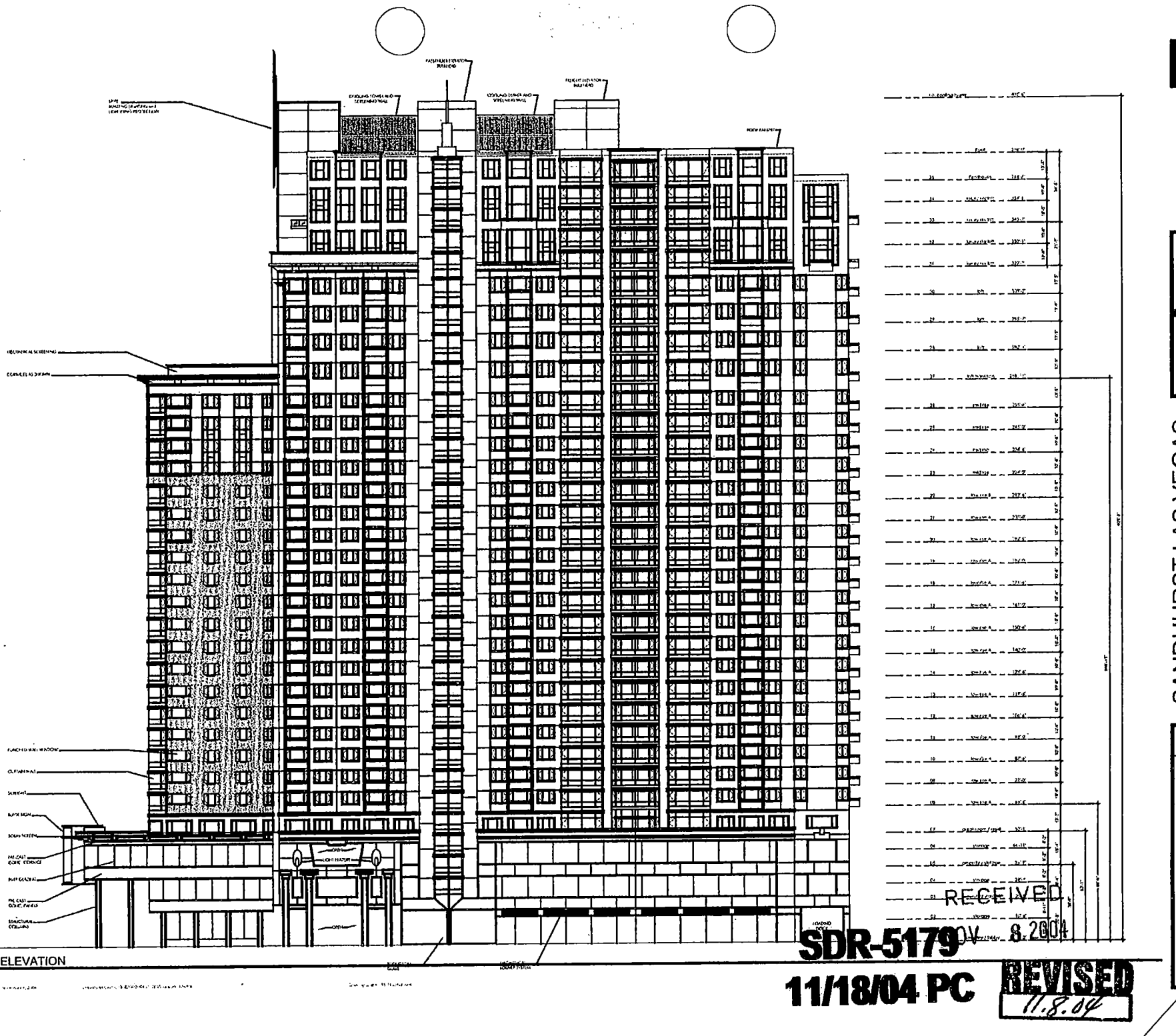
0 20 40 80
1"=20'-0"

PRELIMINARY LANDSCAPE PLAN
RENAISSANCE TOWERS
LAS VEGAS, NEVADA

R·P·A LANDSCAPE ARCHITECTURE PLANNING

DATE: 09-03-04

RPA # 04143



SOUTH ELEVATION

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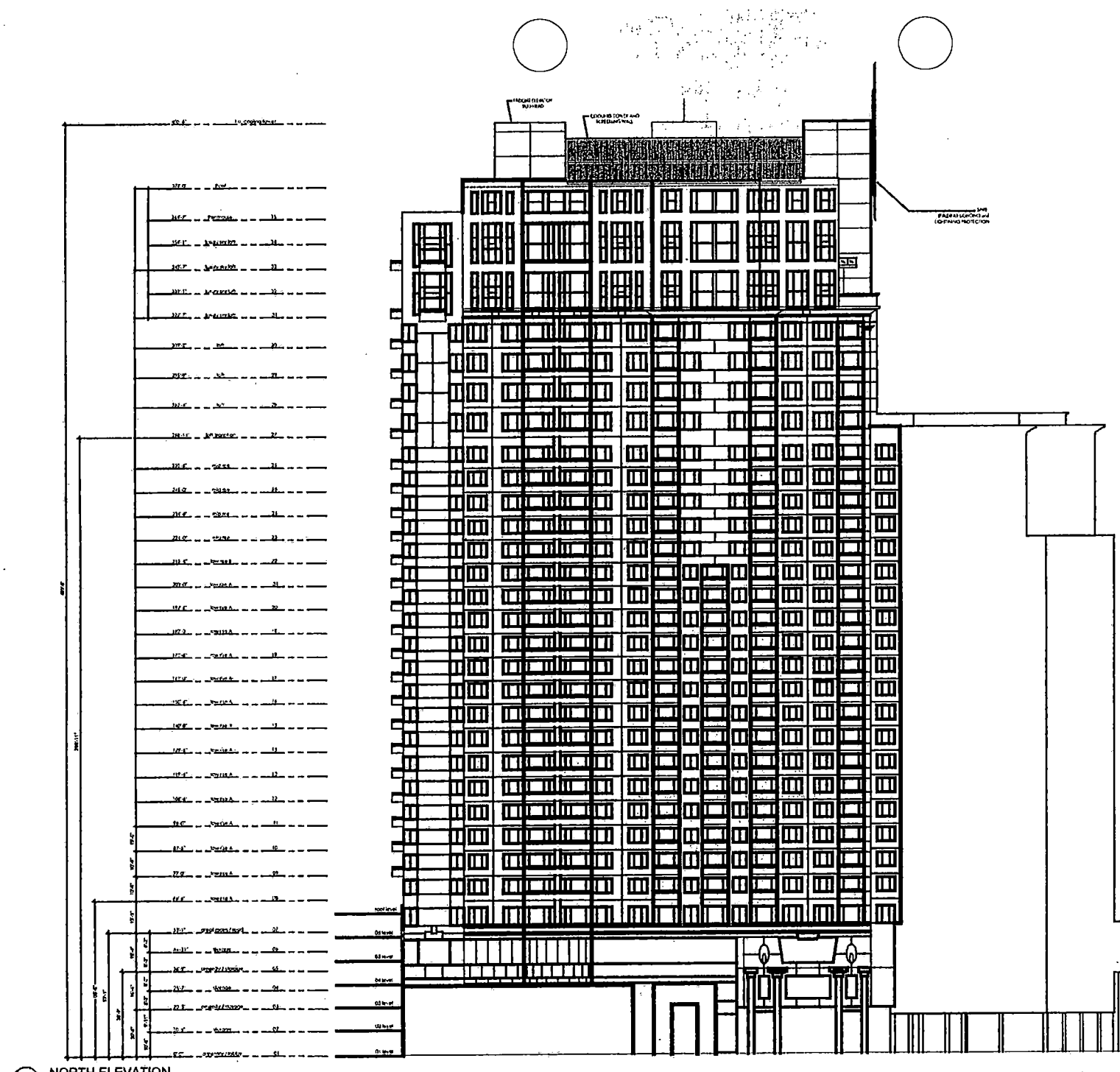
SANDHURST LAS VEGAS
NORTH TOWER
IRON HORSE COURT
LAS VEGAS, NEVADA



NORTH ELEVATION

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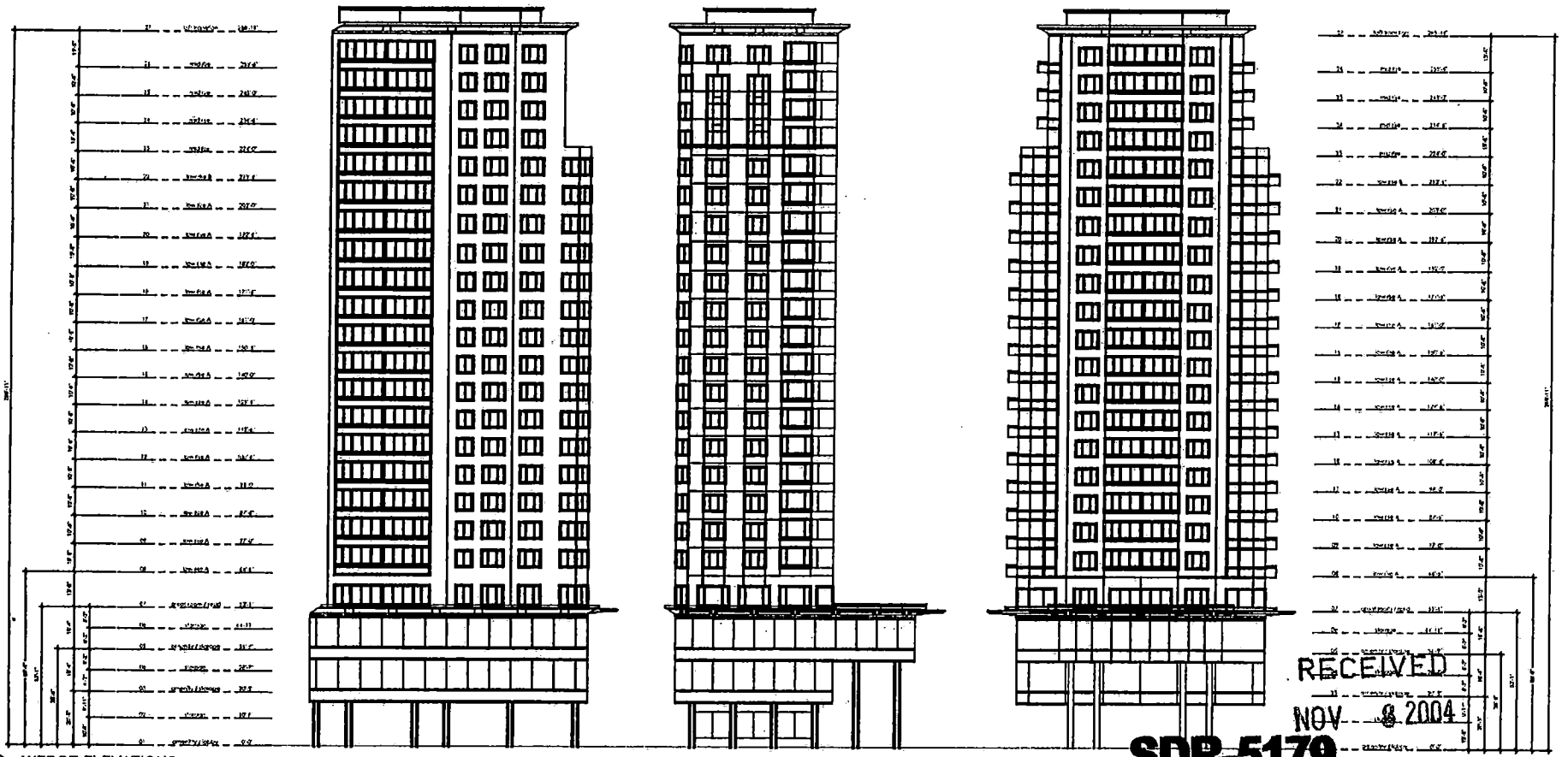
IRON HORSE COURT
LAS VEGAS, NEVADA

Elevations

A5



WEDGE ELEVATIONS
1/16"=1'-0"

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IRON HORSE COURT
LAS VEGAS, NEVADA

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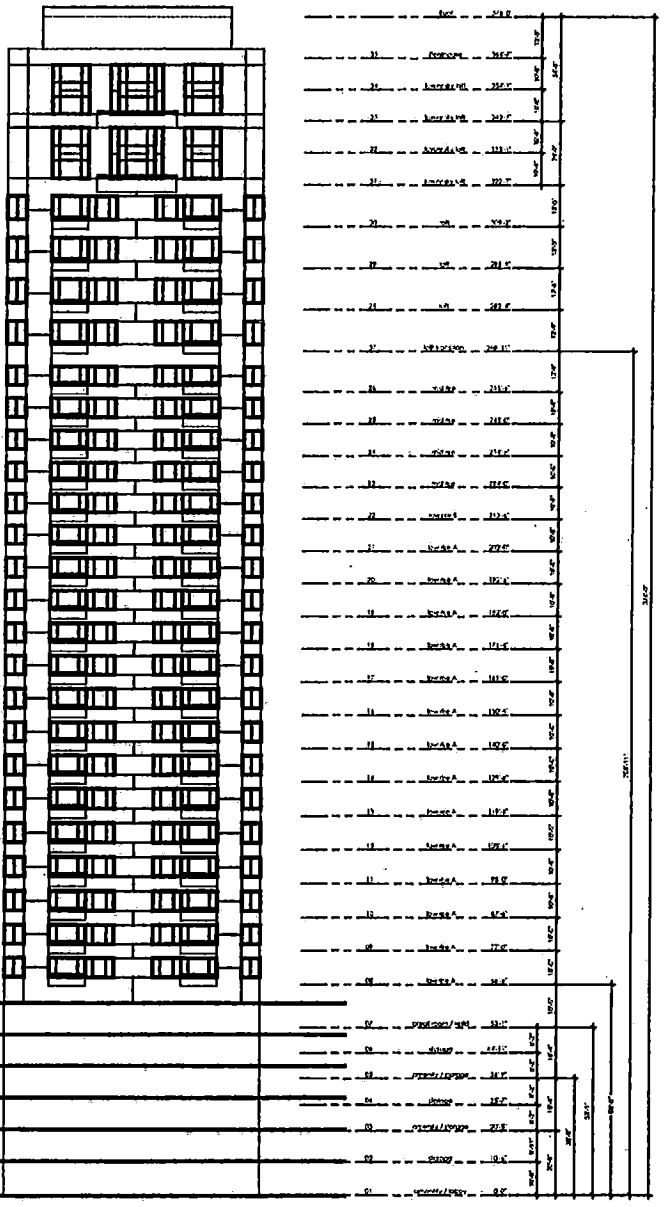
A5



ELEVATION 1

MISC. ELEVATIONS

1/16"=1'-0"

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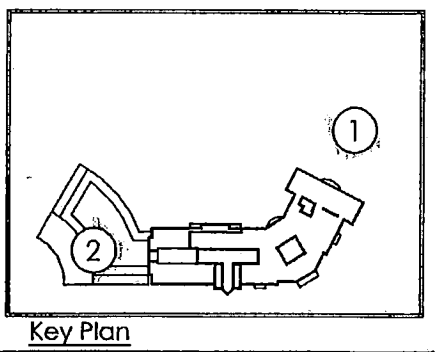


Key Plan

scale: not to scale

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11.8.04

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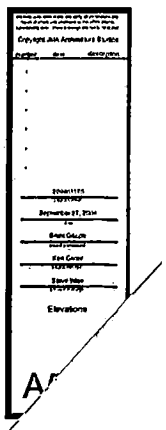
SANDHURST LAS VEGAS

NORTH TOWER

IRON HORSE COURT

LAS VEGAS, NEVADA



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SANDHURST LAS VEGAS
NORTH TOWER
IRON HORSE COURT
LAS VEGAS, NEVADA

A1

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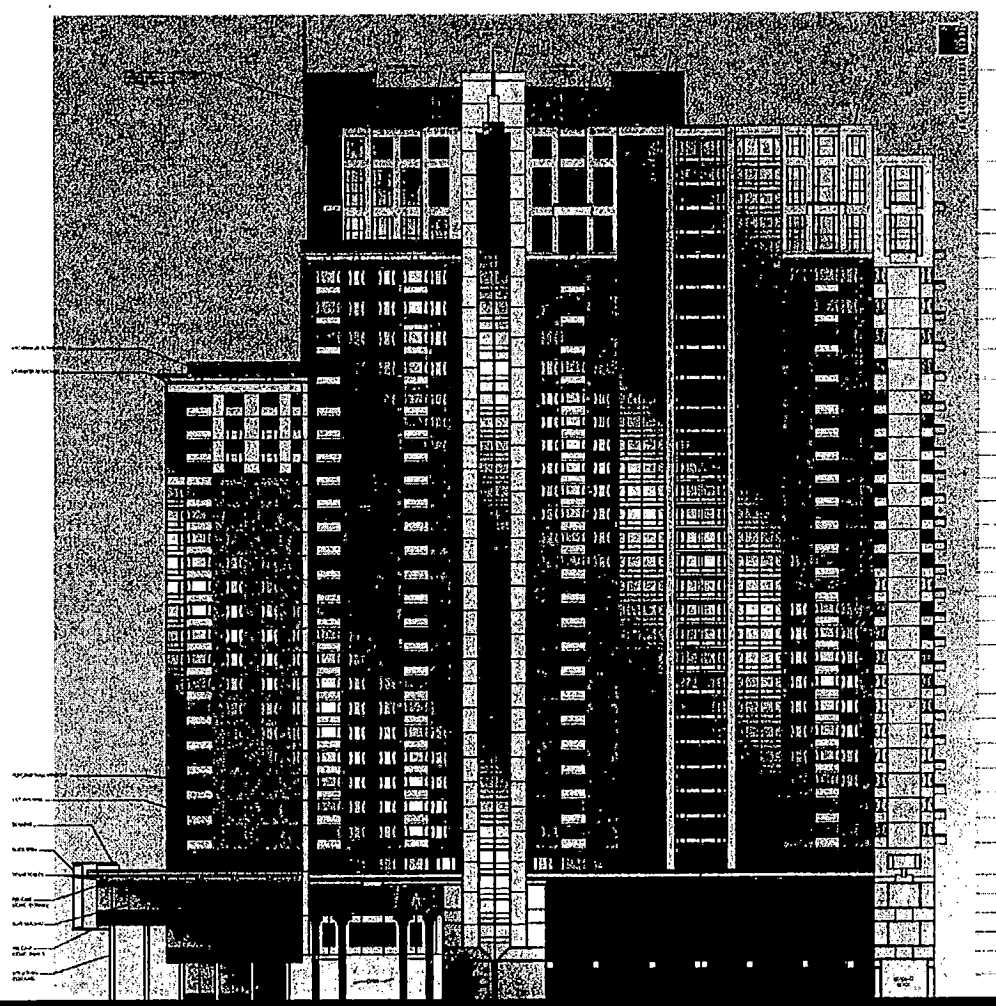
RAILROAD ROW

1 OVERALL ARCHITECTURAL SITE
1"=20'-0"

EFIS COLOR



GLAZING COLOR

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11.04.2004

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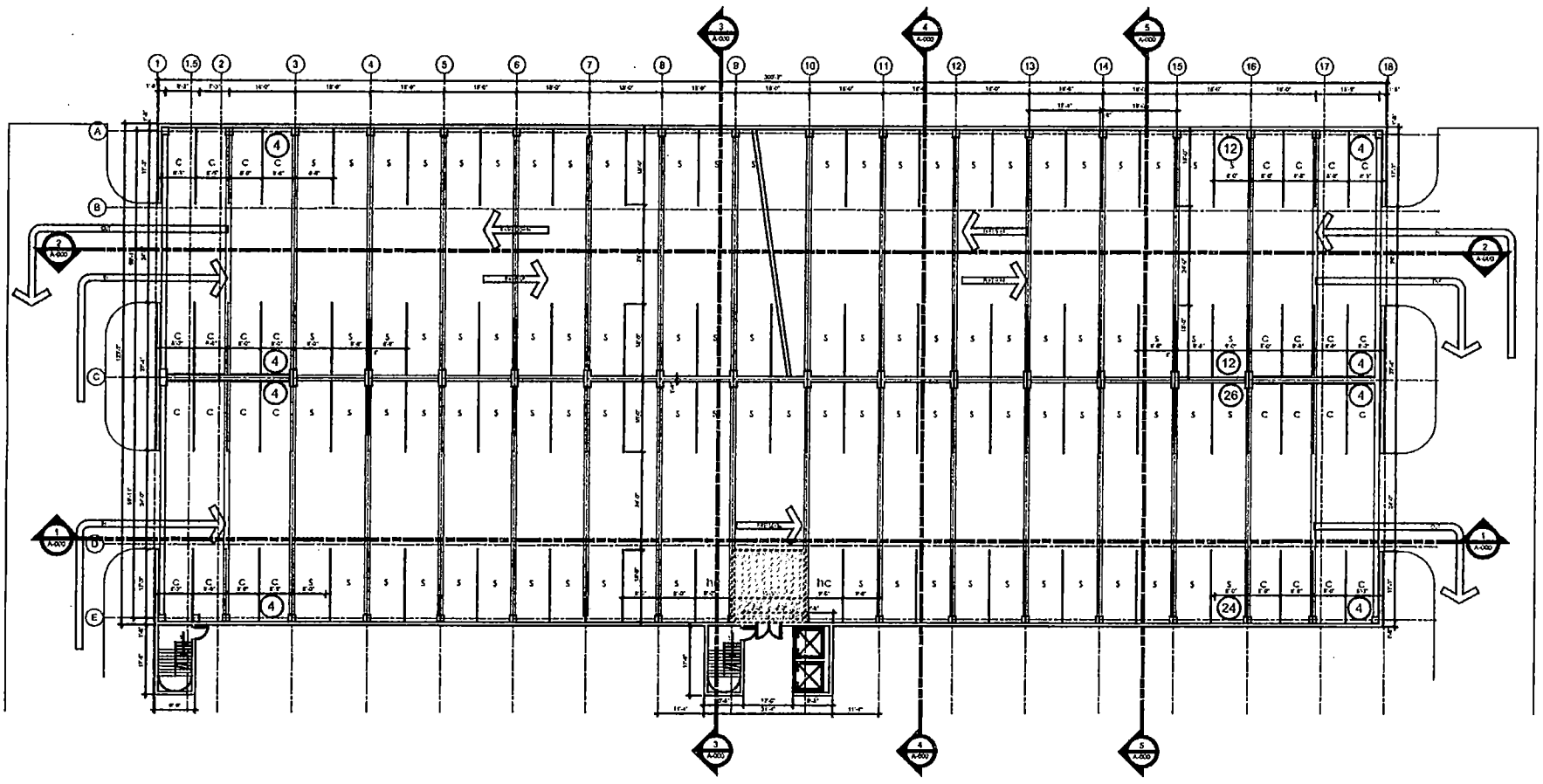
11.8.04



A First Level
3/32"=1'-0"

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JMA ARCHITECTURE

SANDHURST LAS VEGAS
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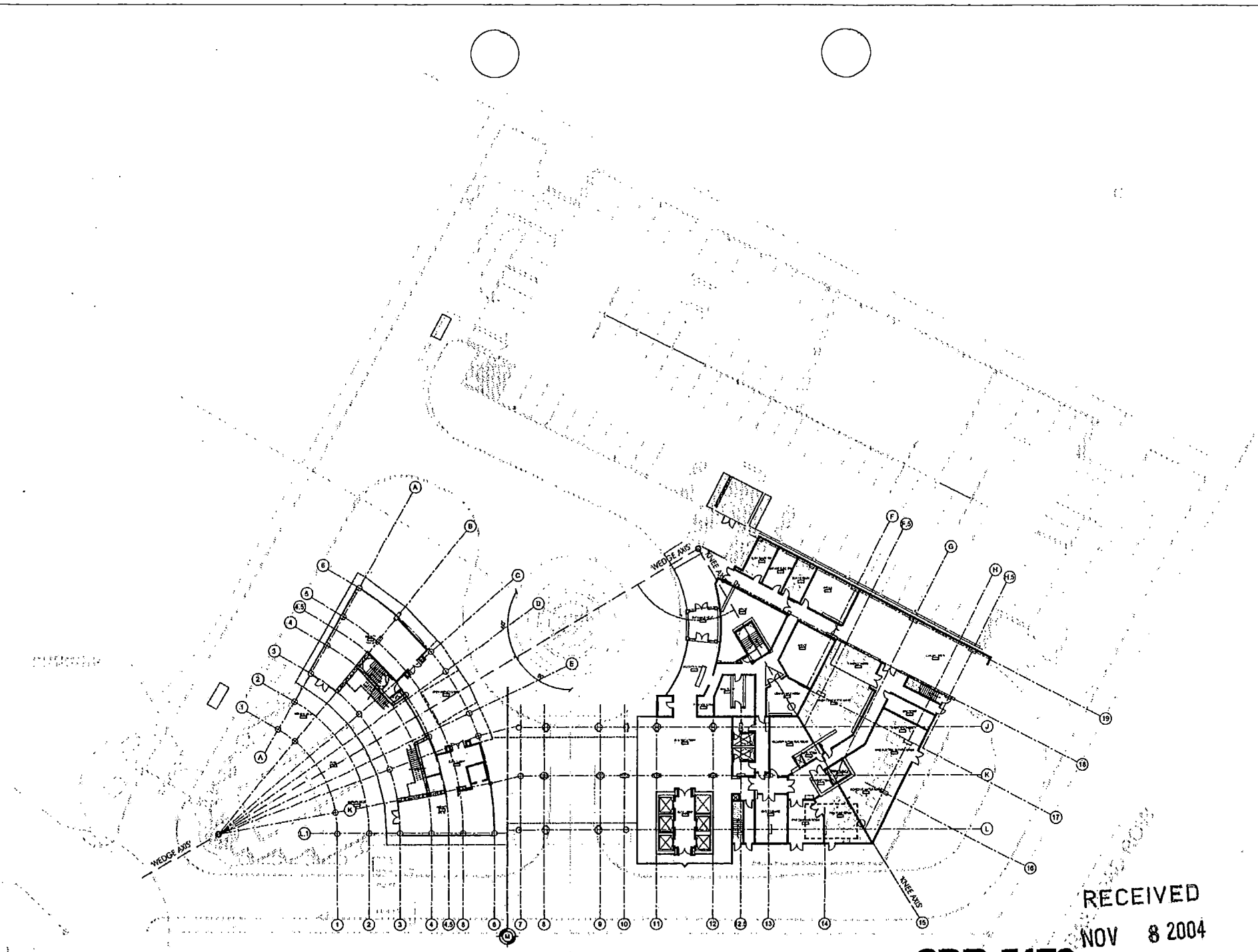
Garage Floor Plan
- Level 1

A1




1 FLOOR PLAN LEVEL 1

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**SDR-5179**

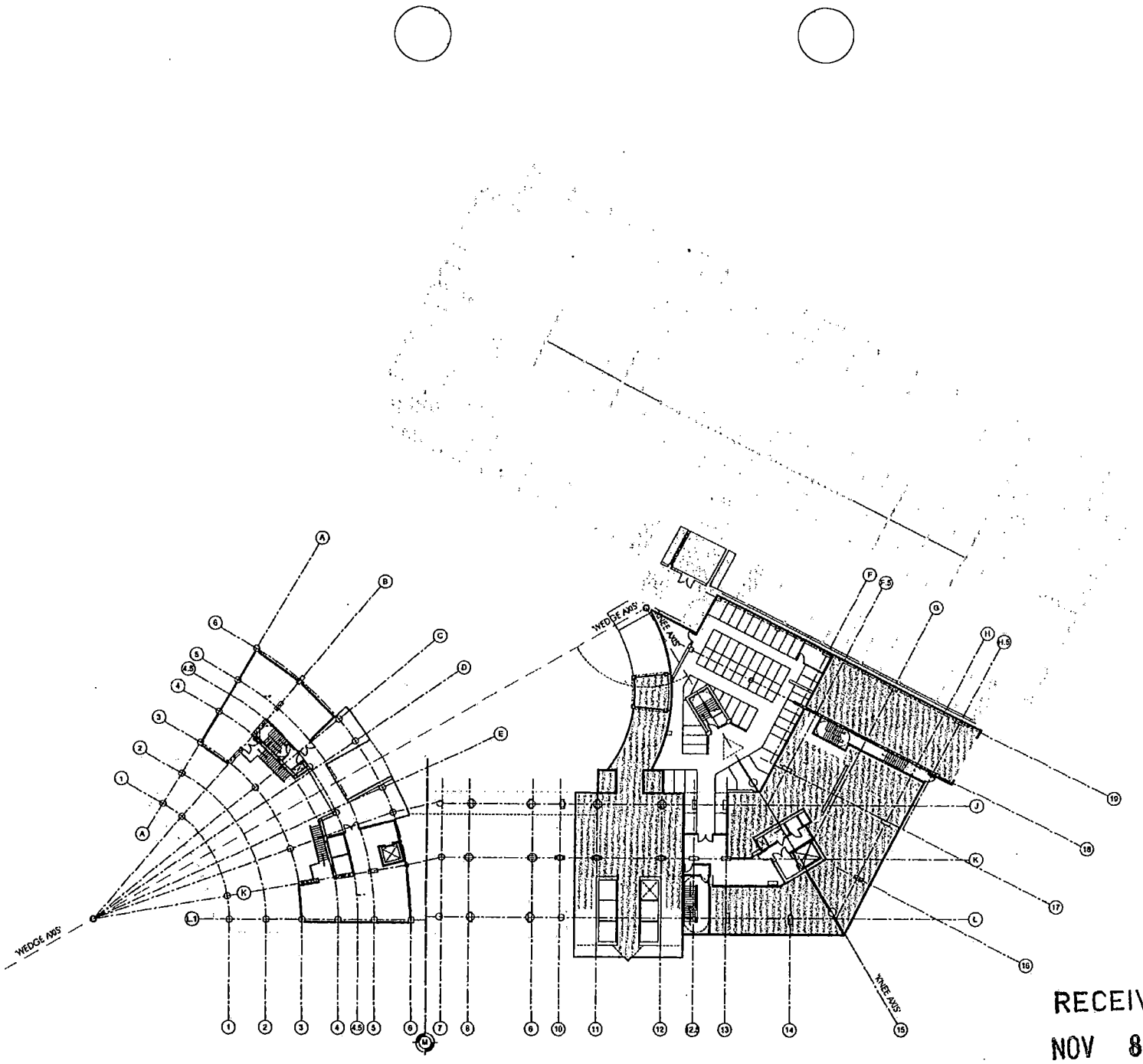
**11/18/04 PC REVISED**
11.8.04

JMA ARCHITECTURE STUDIOS

SANDHURST LAS VEGAS
NORTH TOWER
IRON HORSE COURT
LAS VEGAS, NEVADA

Floor Plan Level 1

A2




1 FLOOR PLAN LEVEL 2

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JMA ARCHITECTURE STUDIOS

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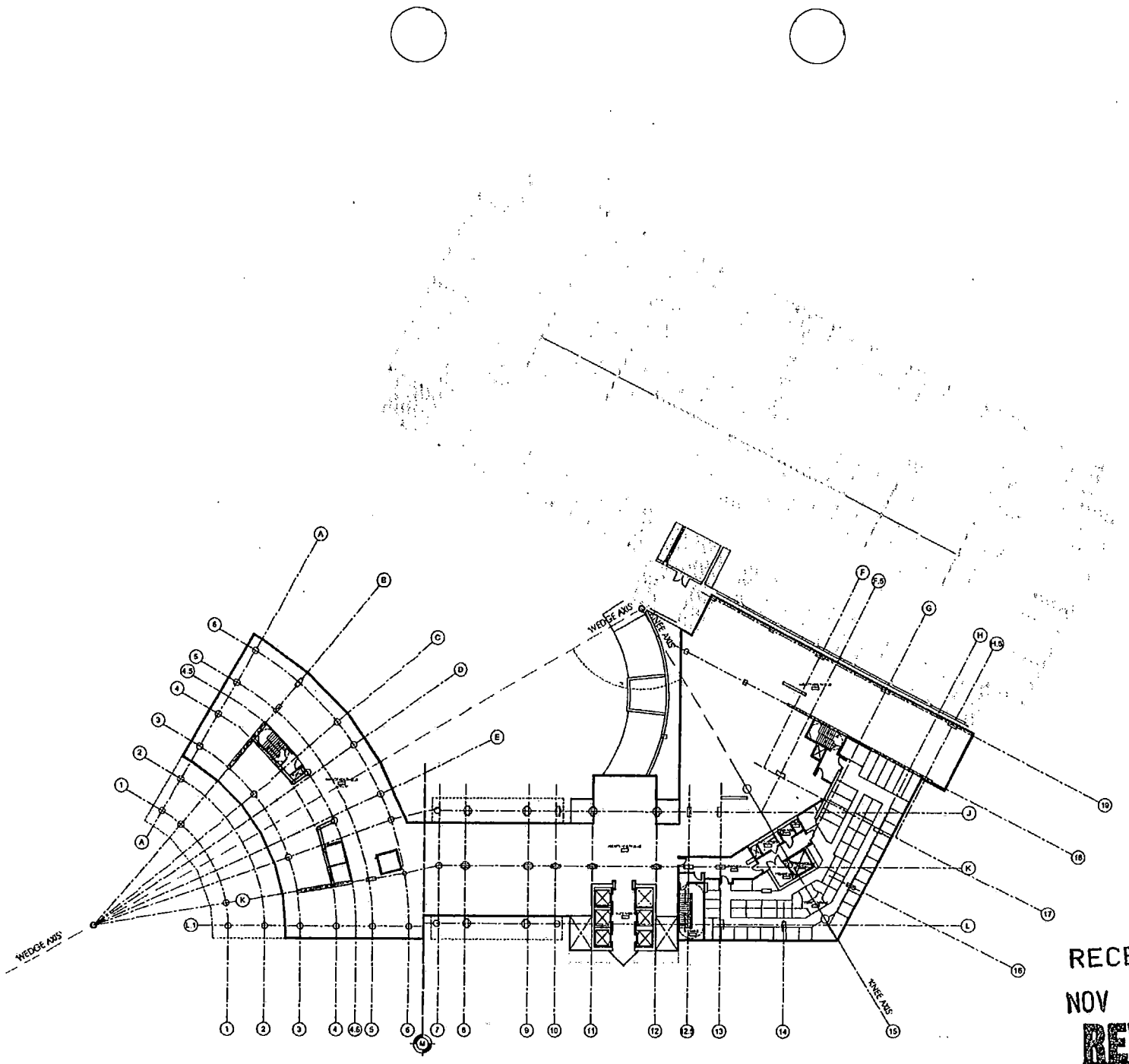
Floor Plan Level 2

A2




1 FLOOR PLAN LEVEL 3
1/16"=1'-0"

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11/18/04 PC

JMA ARCHITECTURE STUDIOS

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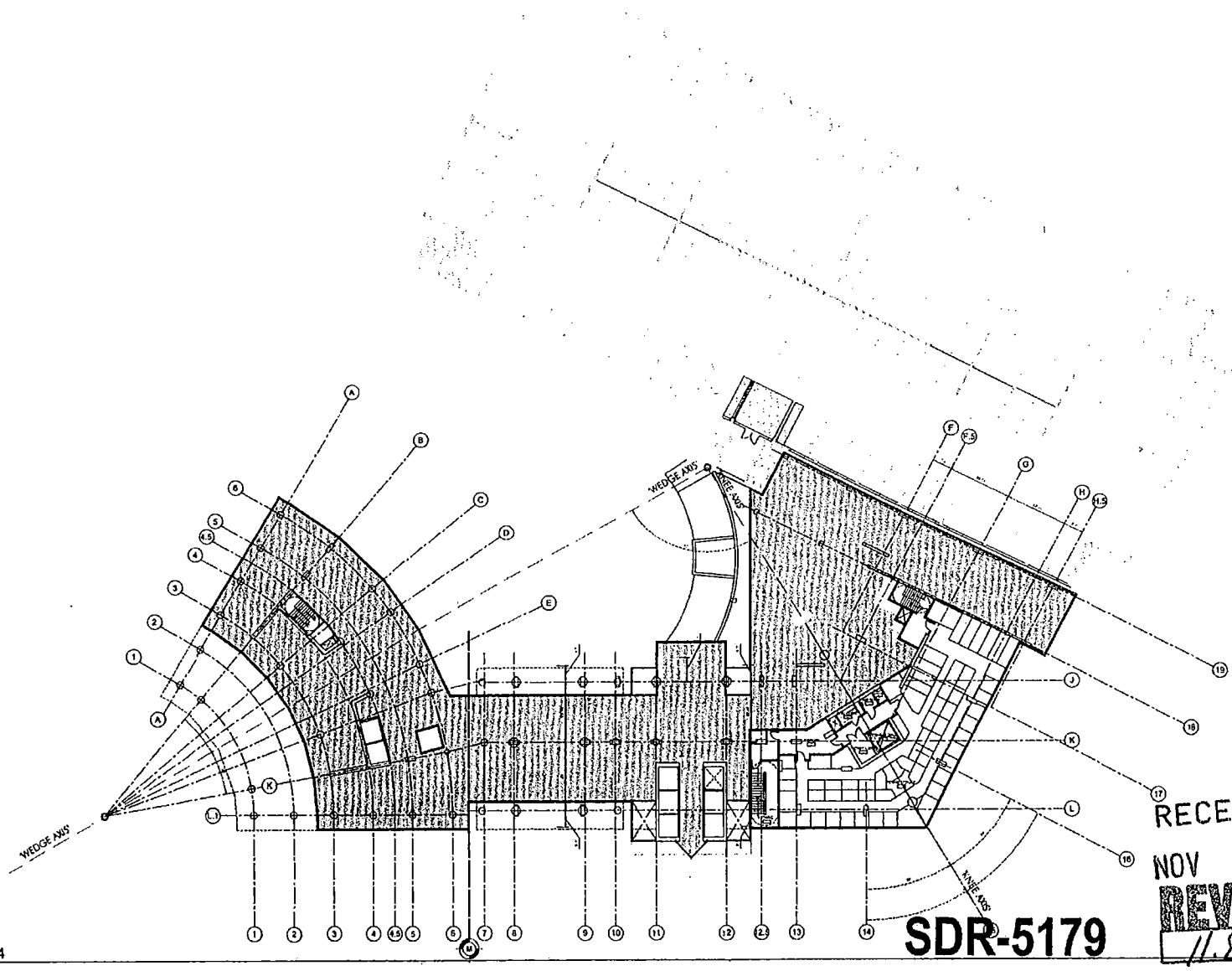
IRON HORSE COURT
LAS VEGAS, NEVADA

Floor Plan Level 3

A2




1 FLOOR PLAN LEVEL 4
1/16"=1'-0"

RECEIVED
NOV 8 2004
REVISED
11.8.04

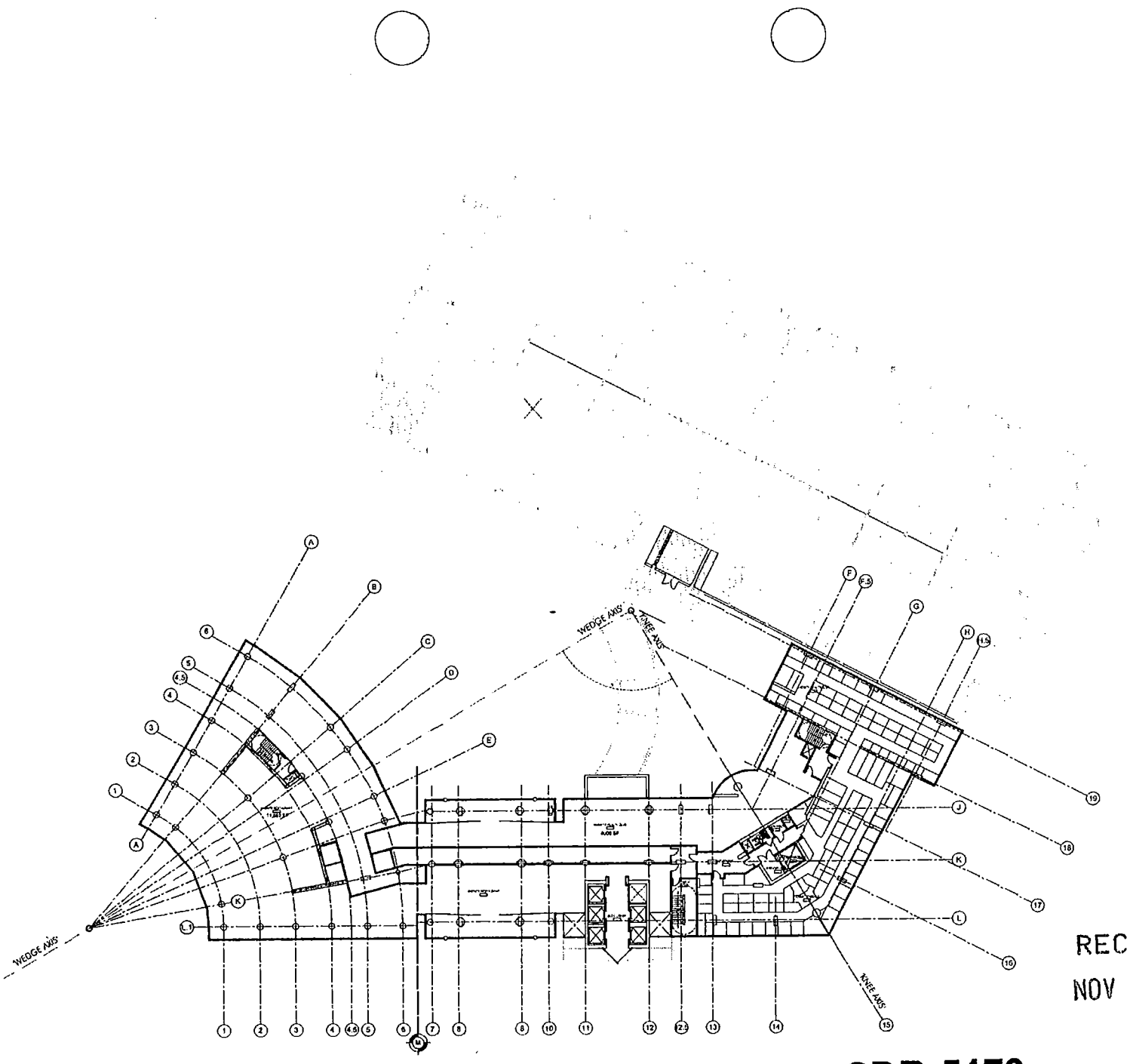
SDR-5179
11/18/04 PC

JMA ARCHITECTURE STUDIOS

SANDHURST LAS VEGAS
NORTH TOWER
IRON HORSE COURT
LAS VEGAS, NEVADA

Floor Plan Level 4

A2




1 FLOOR PLAN LEVEL 5

1/16"=1'-0"

RECEIVED
NOV 8 2004

SDR-5179
11/18/04 PC

REVISED
11.8.04

JMA ARCHITECTURE STUDIOS

SANDHURST LAS VEGAS
NORTH TOWER
IRON HORSE COURT
LAS VEGAS, NEVADA

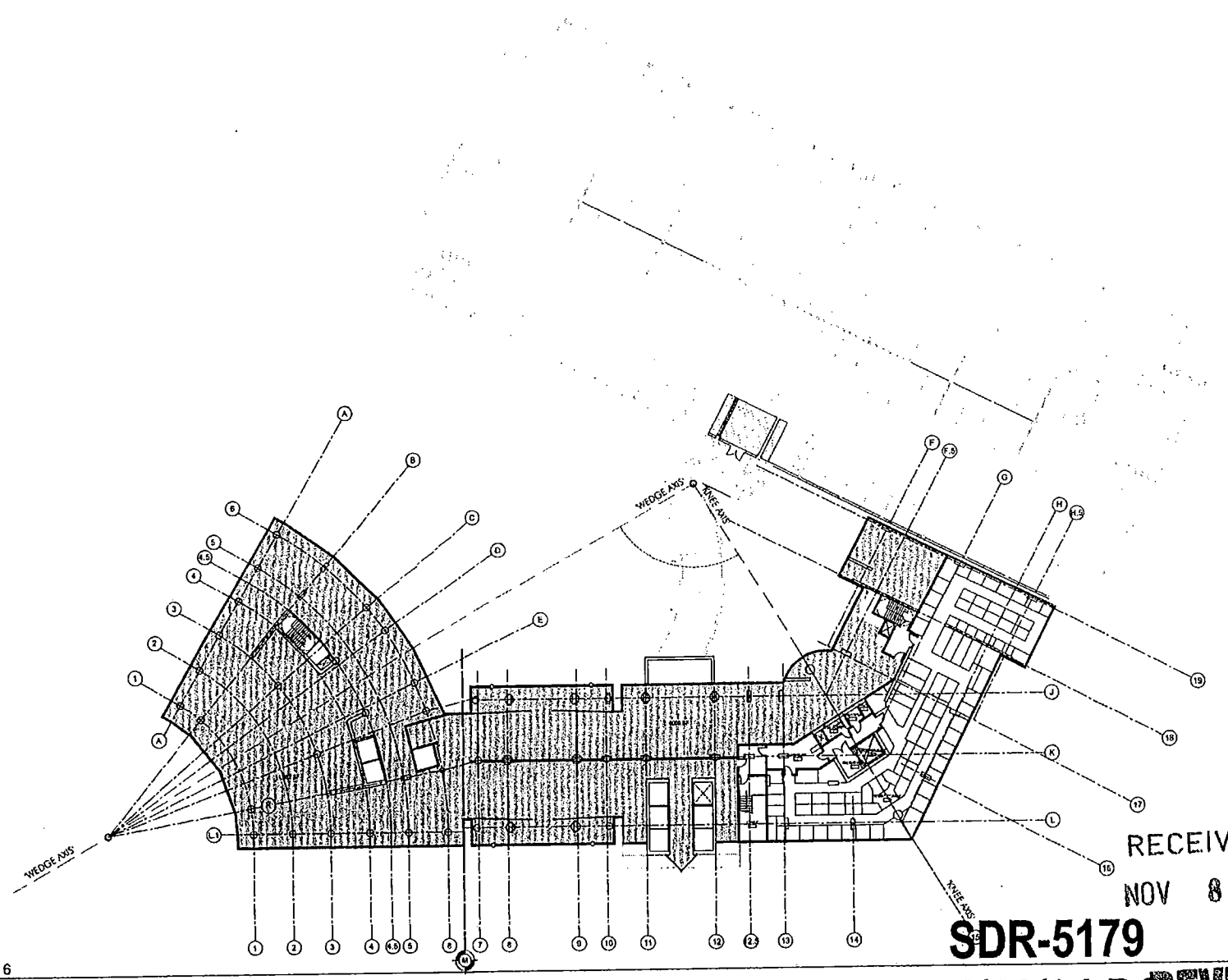
Copyright JMA Architecture Studios

Floor Plan Level 5

A2

JMA ARCHITECTURE STUDIOS

SANDHURST LAS VE
NORTH TOWER
IRON HORSE COURT
LAS VEGAS, NEVADA



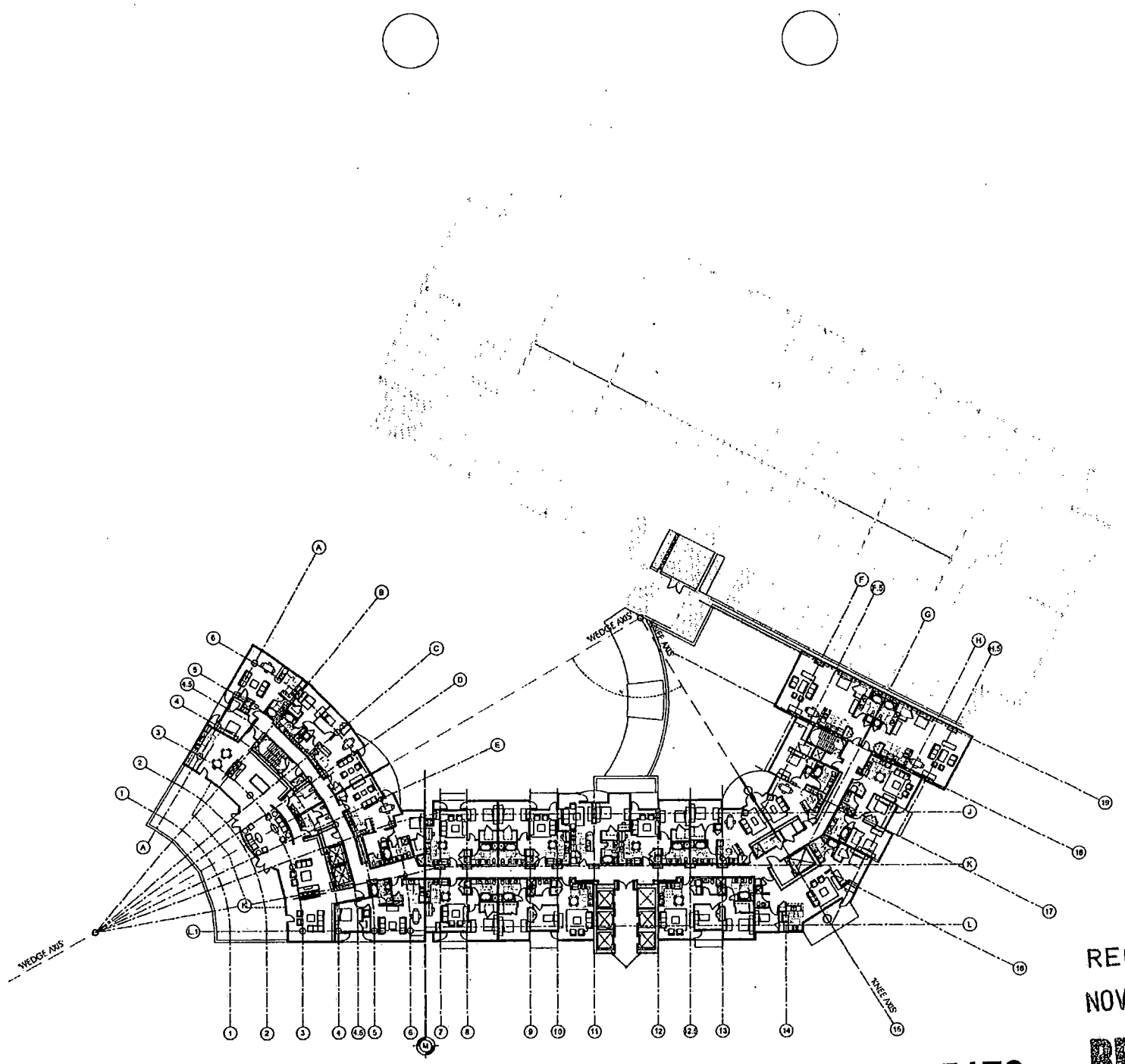

1 FLOOR PLAN LEVEL 6

RECEIVED
NOV 8 2004

SDR-5179
11/18/04 PC REVISED
11.8.04

Floor Plan Level 6

A2




1 FLOOR PLAN LEVEL 7

1/16"=1'-0"

RECEIVED
NOV 8 2004

REVISED
11.8.04

SDR-5179
11/18/04 PC

JMA ARCHITECTURE STUDIOS

SANDHURST LAS VEGAS
NORTH TOWER
IRON HORSE COURT
LAS VEGAS, NEVADA

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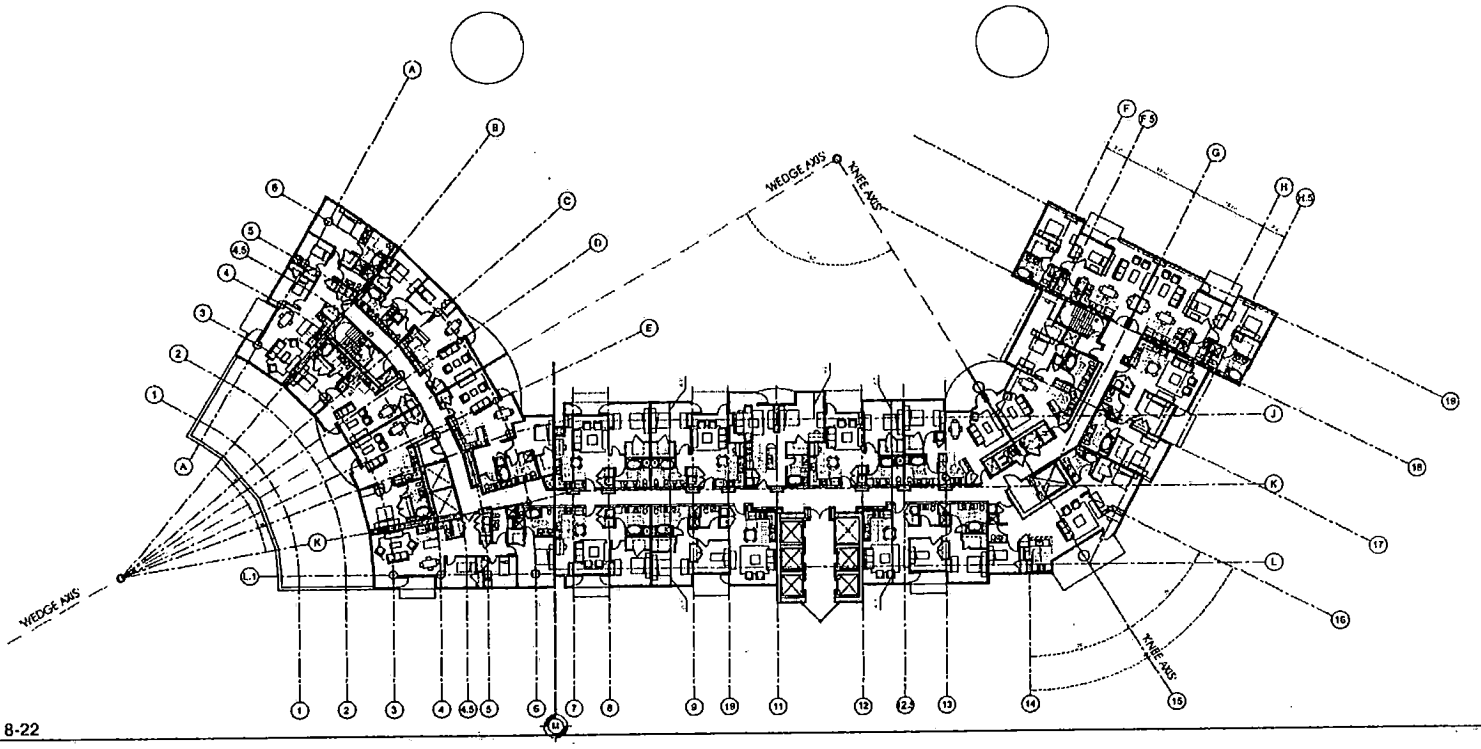
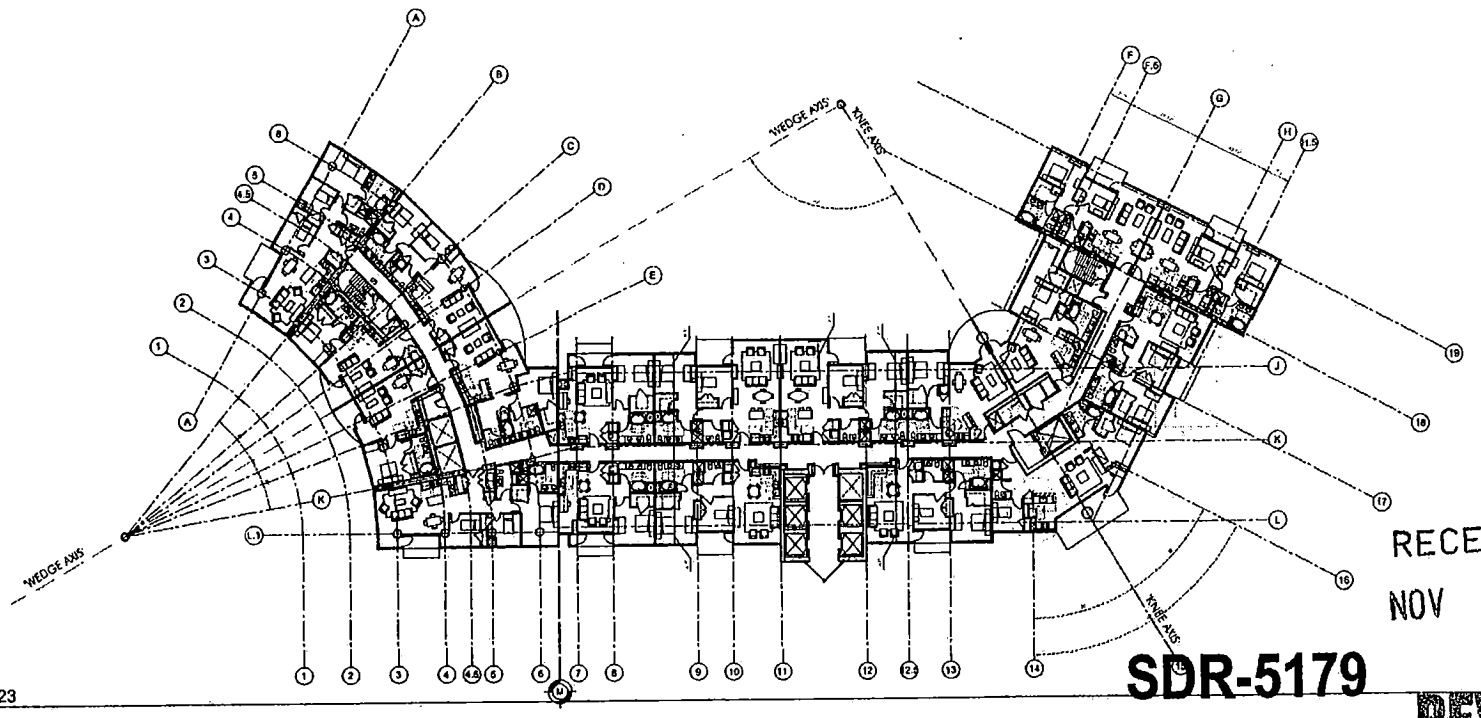
Floor Plan Level 7

A2




1 FLOOR PLAN LEVELS 8-22




2 FLOOR PLAN LEVEL 23

RECEIVED
NOV 8 2004

SDR-5179
11/18/04 PC

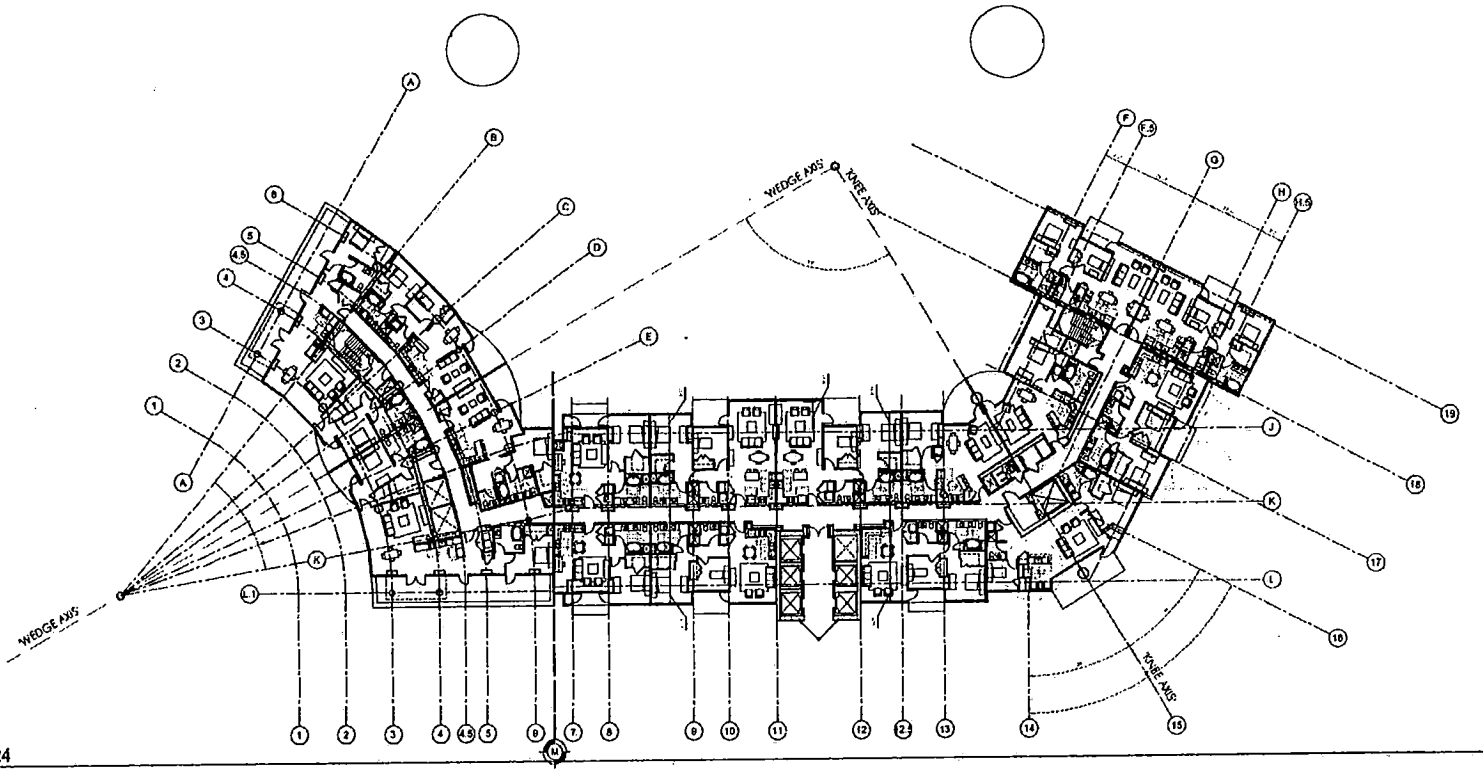
REVISED
11.8.04

JMA ARCHITECTURE STUDIOS

SANDHURST LAS VEGAS
NORTH TOWER
IRON HORSE COURT
LAS VEGAS, NEVADA

Floor Plan Levels
8-21 and 22

A2

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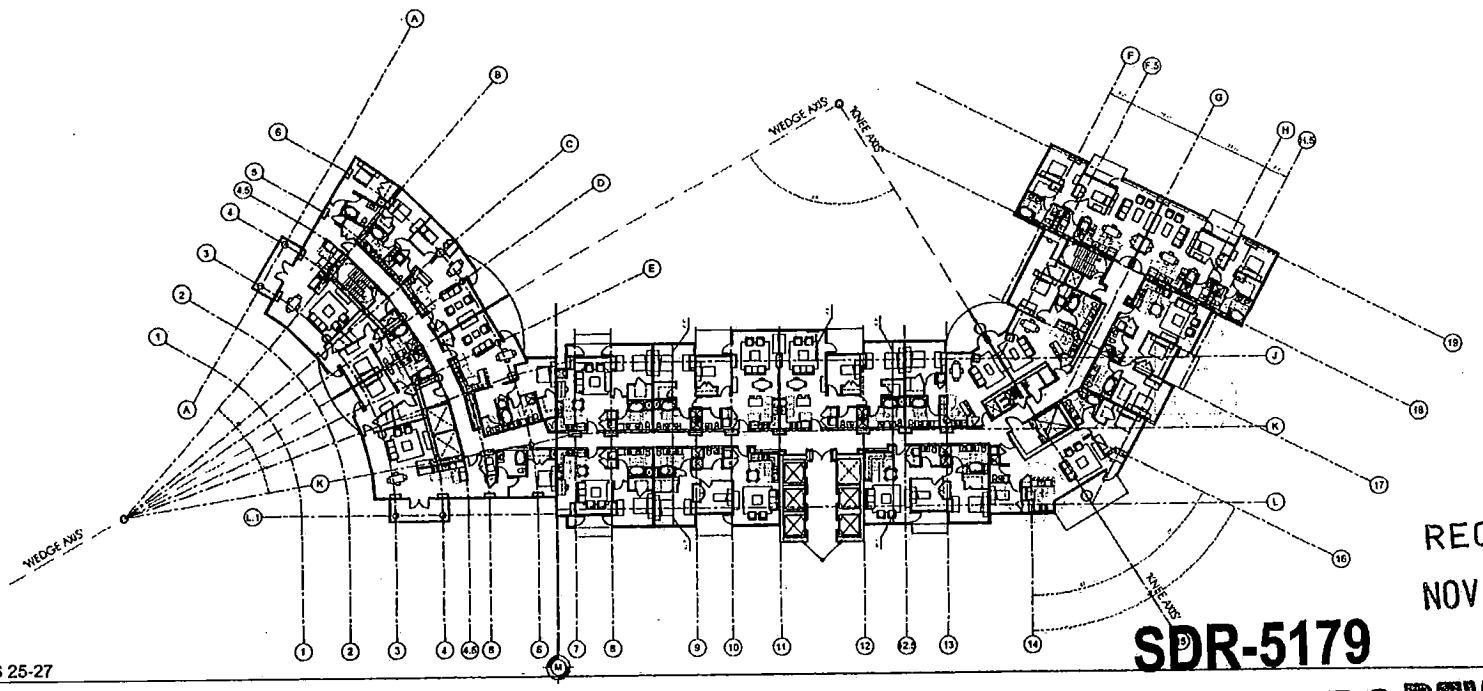



2 FLOOR PLAN LEVELS 25-27
1/16"=1'-0"

RECEIVED
NOV 8 2004

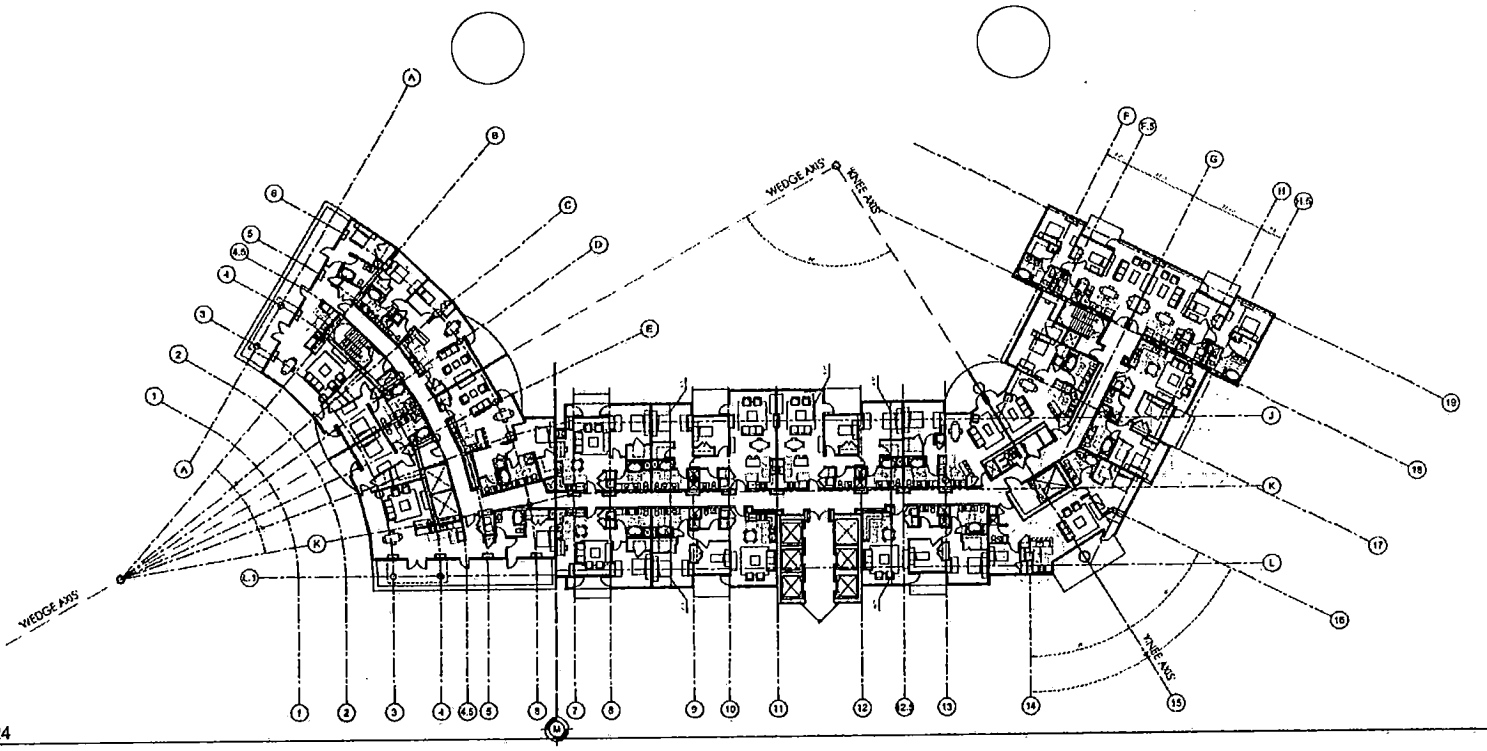
SDR-5179
11/18/04 PC REVISED
11.8.04

JMA ARCHITECTURE STUDIOS

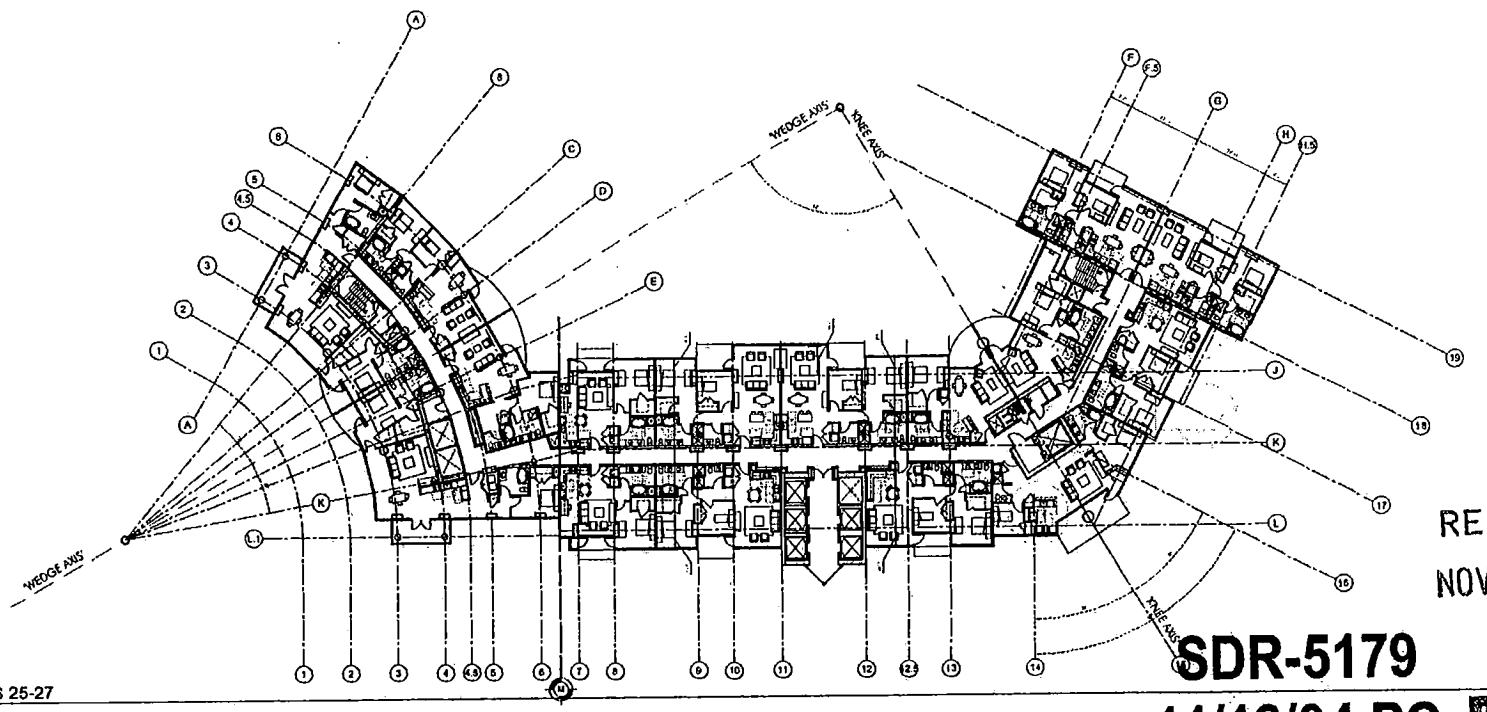
SANDHURST LAS VEGAS
NORTH TOWER
IRON HORSE COURT
LAS VEGAS, NEVADA

Floor Plan Levels 23 and 24-26

A2




1 FLOOR PLAN LEVEL 24
1/16"=1'-0"




2 FLOOR PLAN LEVELS 25-27
1/16"=1'-0"

RECEIVED
NOV 8 2004

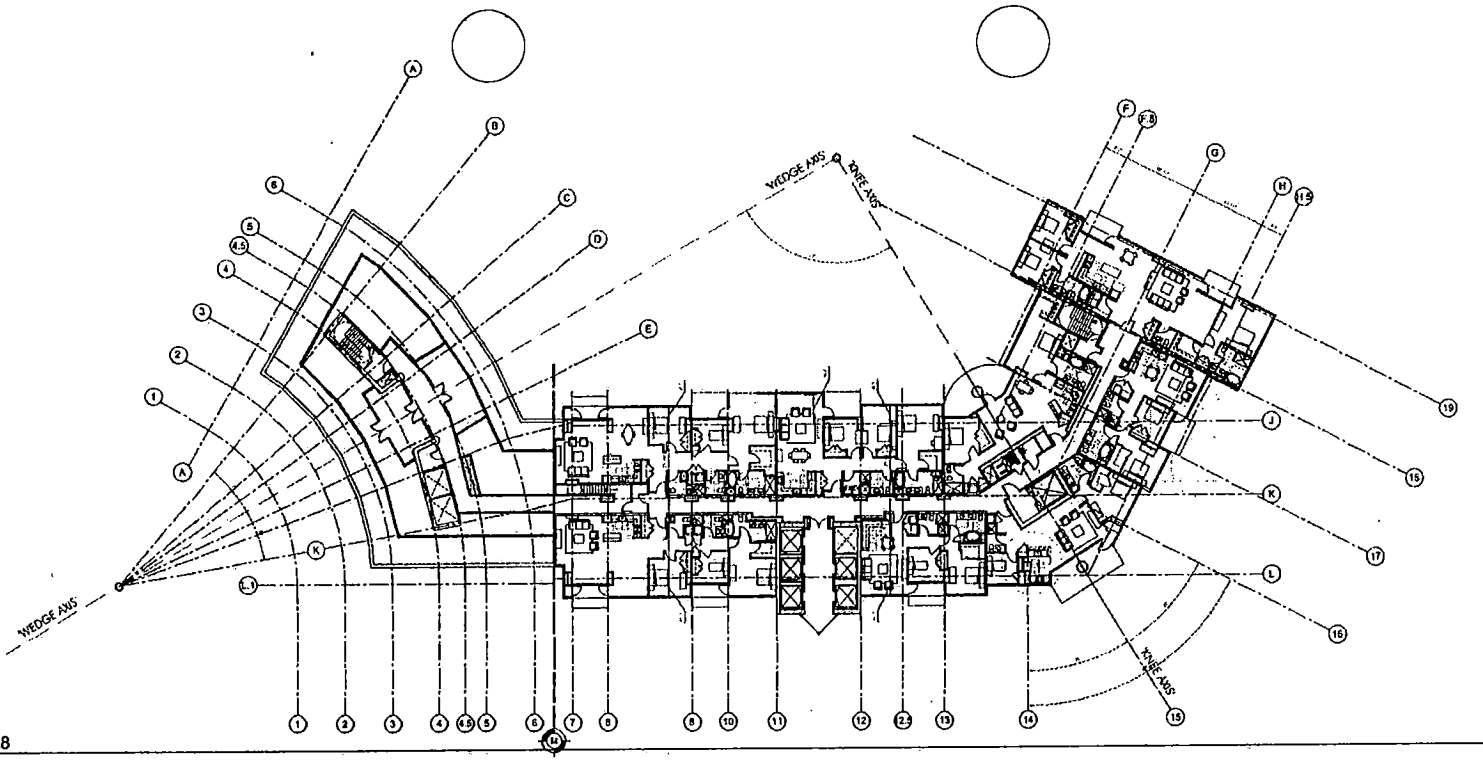
SDR-5179
11/18/04 PC
REVISED
11.8.04

JMA ARCHITECTURE STUDIOS

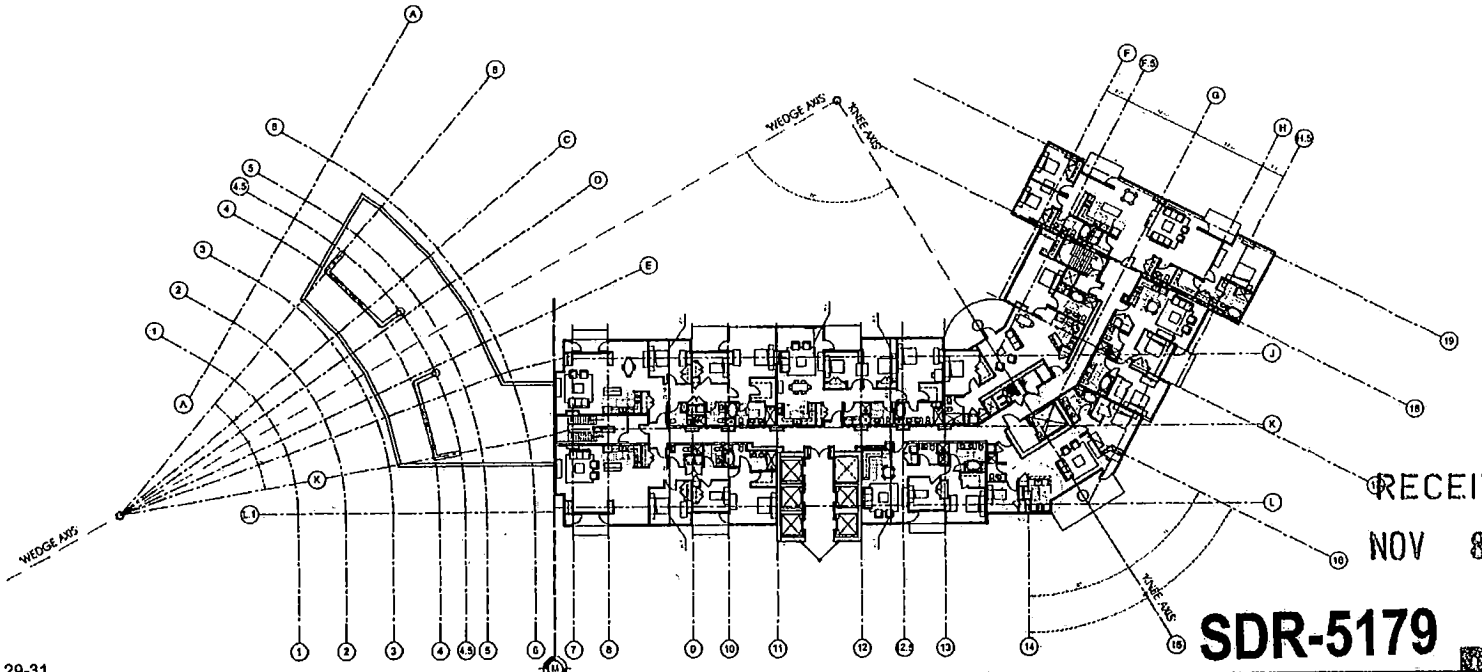
SANDHURST LAS VEGAS
NORTH TOWER
IRON HORSE COURT
LAS VEGAS, NEVADA

Floor Plan Levels 23 and 24-26

A2




1 FLOOR PLAN LEVEL 28




2 FLOOR PLAN LEVELS 29-31

RECEIVED
NOV 8 2004

SDR-5179
11/18/04 PC

REVISED
11.8.04

JMA ARCHITECTURE STUDIOS

SANDHURST LAS VEGAS
NORTH TOWER
IRON HORSE COURT
LAS VEGAS, NEVADA

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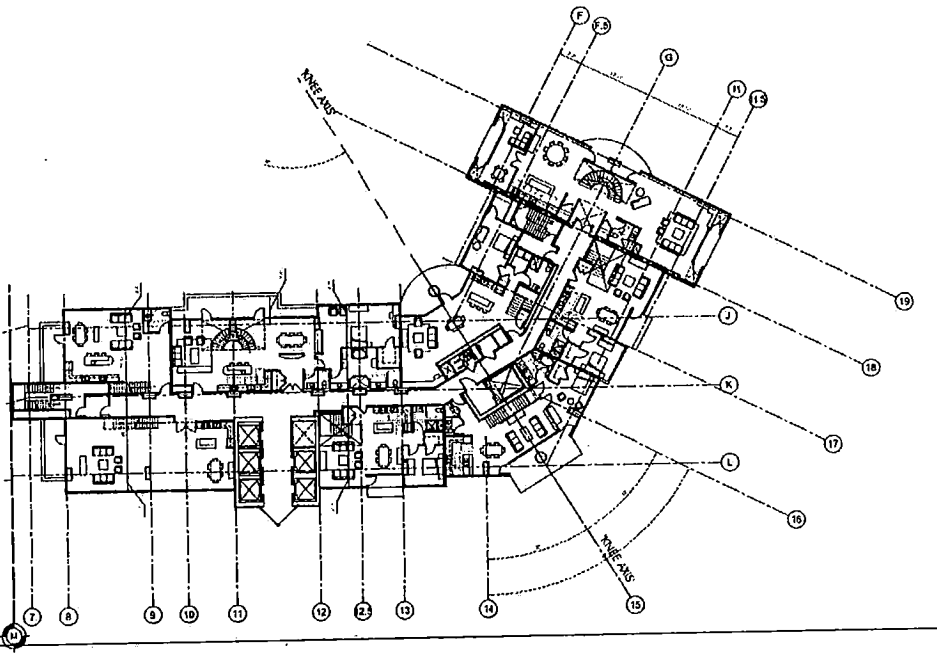
Floor Plan Levels 27 and 28-30

A2




1 FLOOR PLAN LEVEL 34
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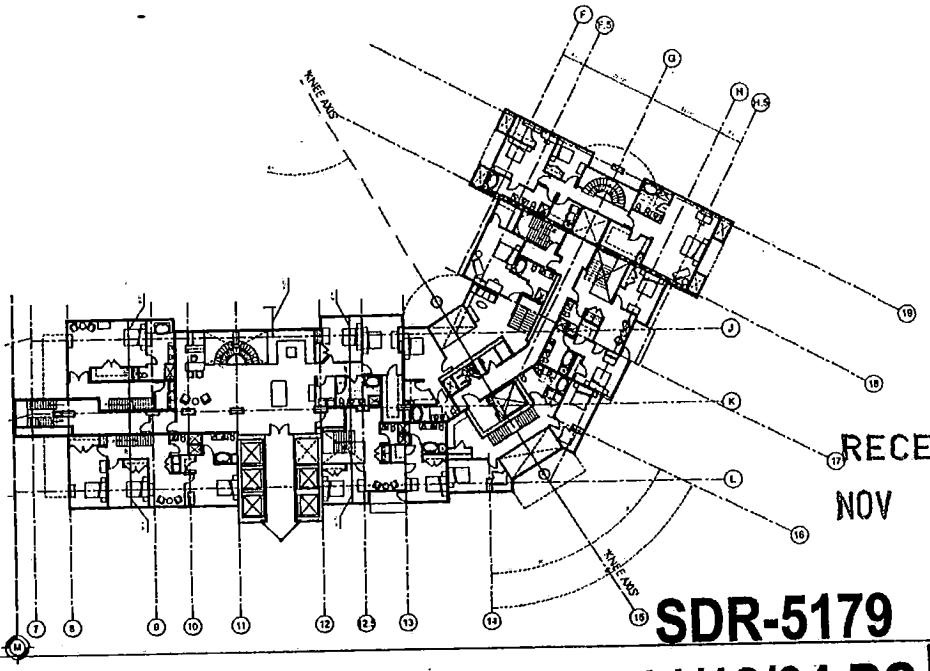


2 FLOOR PLAN LEVEL 35
1/16"=1'-0"

JMA ARCHITECTURE STUDIOS

SANDHURST LAS VEGAS
NORTH TOWER
IRON HORSE COURT
LAS VEGAS, NEVADA

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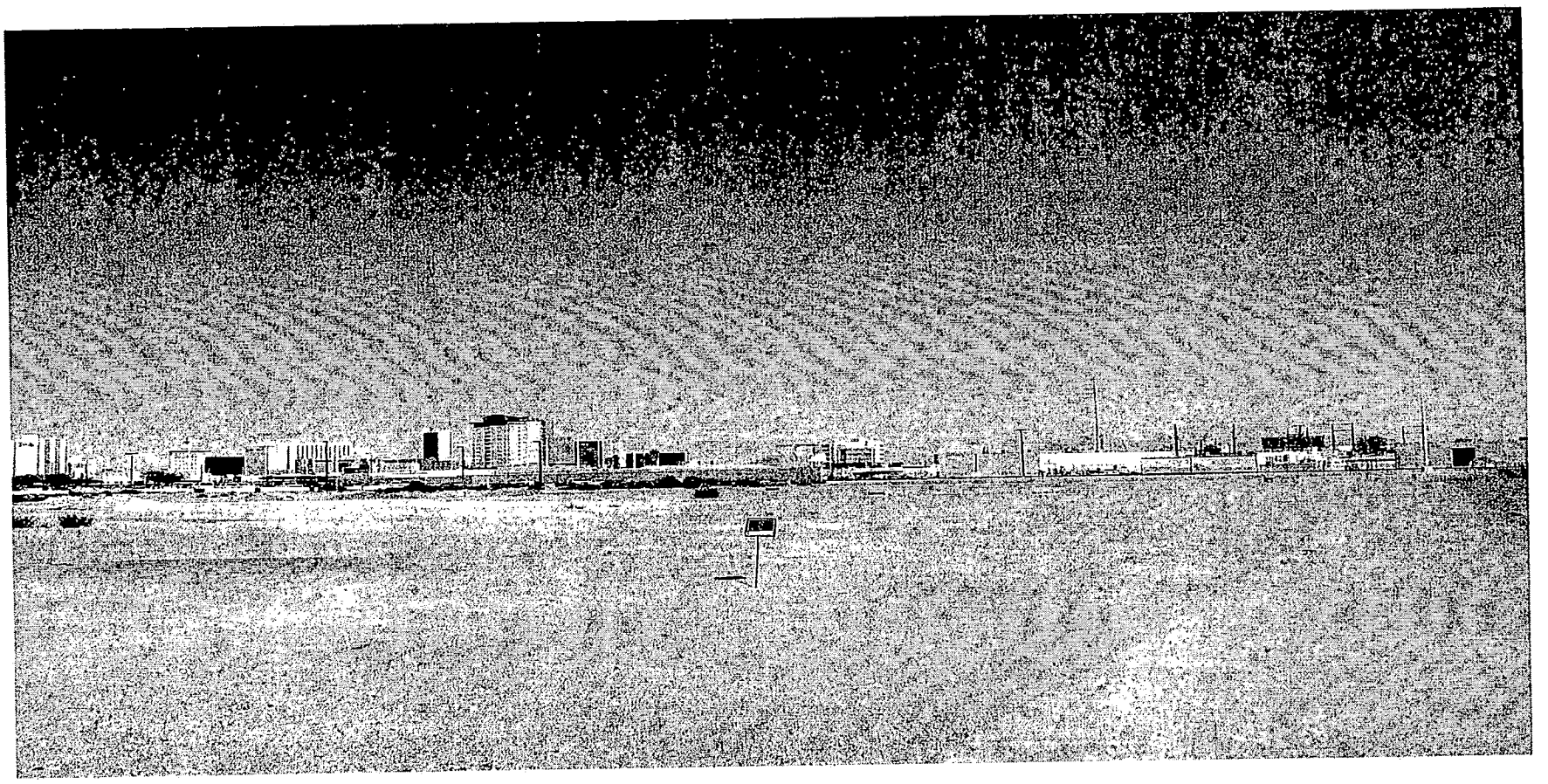
Floor Plan Levels 34 and 35

RECEIVED
NOV 8 2004

SDR-5179
11/18/04 PC

REVISED
11.8.04

A2



SDR-5179 - APPLICANT/OWNER: SANDHURST DEVELOPMENT, LLC
EAST SIDE OF GRAND CENTRAL PARKWAY, APPROXIMATELY 450 FEET NORTH OF CHARLESTON BOULEVARD
NOVEMBER 18, 2004 PLANNING COMMISSION

10/05/04

SDR-5179 - APPLICANT/OWNER: SANDHURST DEVELOPMENT, LLC
EAST SIDE OF GRAND CENTRAL PARKWAY, APPROXIMATELY 450 FEET NORTH OF CHARLESTON BOULEVARD
NOVEMBER 18, 2004 PLANNING COMMISSION

10/05/04

City of Las Vegas

Agenda Item No.: 29

## AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

**PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004**

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

**SUBJECT:**
**TMP-5380 - TENTATIVE MAP - TERRASANO III - APPLICANT: KIMBALL HILL HOMES NEVADA, INC. - OWNER: UNITED STATES OF AMERICA** - Request for a Tentative Map FOR A 26-LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION AND TO EXCEED THE MAXIMUM RETAINING WALL HEIGHT OF SIX FEET ALLOWED IN TITLE 18.08.110 on 5.09 acres adjacent to the northwest corner of Farm Road and Tee Pee Lane (a portion of APN 125-18-601-015), U (Undeveloped) Zone [ML (Medium-Low Density Residential) General Plan Designation] under Resolution of Intent to R-PD6 (Residential Planned Development - 6 Units Per Acre), 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:**
**NIGRO – APPROVED subject to conditions – UNANIMOUS with McSWAIN abstaining because her company is presently bidding work for Kimball Hill Homes**

**This is Final Action**

**MINUTES:**
CHAIRMAN TRUESDELL declared the Public Hearing open.

DON SCHMEISER, Planning & Development Department, stated the applicant is proposing retaining walls higher than four feet on the north and eastern portions of the site and the addition

**MINUTES – CONTINUED:**

of an eight-foot high perimeter wall that would bring the wall height to over 12-feet tall. The subdivision ordinance does not permit retaining walls to be higher than four feet tall without the submission of an "alternative design" and approval from the City. The applicant has proposed a rockery wall for a retaining wall, which would exceed four feet. Then a decorative wall would be added and the total height of both walls combined would not exceed 12 feet. If a higher wall would be necessary, anything above 12 feet would be constructed of iron and would be less than 50 percent solid. Staff found this to be a good alternative.

JOE THOMASON, VTN Engineering, 3161 East Warm Springs Road, appeared on behalf of the applicant and indicated he is also the engineer of record for the project. MR. THOMASON stated that at the 10/20/2004 City Council meeting, the applicant requested the 20-foot front setback measurement be reduced to 18 feet from the garage. This is allowable under Code and Council approved it. He asked that the revised measurement be recognized for this Tentative Map.

MR. THOMASON also pointed out that this project is an expansion of an existing 10-acre project and to match into the existing roadway, a 37-foot private street utilizing L type curb and gutter was shown on the Site Development Plan and the zone change Site Plan. After discussions with the developer, it was determined that a 39-foot street with 30-inch roll curb and gutter would be more appropriate. He indicated that this would be acceptable to the City.

VICE CHAIRMAN NIGRO confirmed with MR. SCHMIESER that staff had no problem with the setback amendment and in fact, that the staff report reflected the setback to be 18 feet. GINA VENGLASS, Public Works, confirmed for VICE CHAIRMAN NIGRO that the 39-foot private street with roll curb was acceptable to staff.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(9:29 – 9:35)

**3-504**

**CONDITIONS:**

Planning and Development

1. Approval of the Tentative Map shall be for no more than two years. If a Final Map is not recorded on all or a portion of the area included in the Tentative Map within two years of the approval of the Tentative Map, a new Tentative Map must be filed.

2. The development shall conform to the Conditions of Approval for the following applications: Site Development Review (SDR-4982) and Rezoning (ZON-4981).

**CONDITIONS – CONTINUED:**

3. Street names must be provided in accordance with the City's Street Naming Regulations.

4. Perimeter retaining walls shall consist of "rockery walls" of sufficient height for retaining. Above this height, a solid decorative block wall, with at least 20 percent contrasting materials, may be constructed above the rockery wall as far back from the front edge of the rockery wall as is possible. The total height of the screen wall and retaining wall shall not exceed 12 feet. Above 12 feet, the decorative wall shall consist of a wrought iron fence less than 50 percent solid. It is recommended that this alternative design be approved.

5. The streets abutting this development and Town Center shall comply with all Town Center Development Standards.

6. 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.

7. Prior to submittal of a Final Map Technical Review or for review of Civil Improvement plans, whichever occurs first, a revised Tentative Map reflecting the Conditions of Approval in this report and particularly those listed as Special Conditions shall be approved by staffs of the Planning and Development Department and Public Works Department.

8. The development shall comply with all City codes and State subdivision statutes.

9. Prior to approval of any final map, the developer is required to adopt a plan for the maintenance of infrastructure improvements. The plan is to include a listing of all infrastructure improvements along with assignment of maintenance responsibility to a common interest community, individual property owner, or City of Las Vegas, and the proposed level of maintenance for privately maintained components. The agreement must be approved by the City of Las Vegas and must include a certification by the licensed professional engineer of record that all infrastructure components are addressed in the maintenance plan. The plan must include a statement that all properties within the community are subject to assessment for all associated costs should private maintenance obligations not be met and the City of Las Vegas is required to provide for said maintenance. The adoption process must include recordation of the plan against all parcels prior to approval of the final map. In addition, should the development have a recreational trail, in accordance with NRS 278.4787, the following text should be added prior to the last sentence to the previous text: The plan shall note that the recreational trail to be transferred to the ownership of the City of Las Vegas shall be maintained at a basic level through utilization of public resources. That basic level shall be defined as removal of debris and surface grading once every calendar year. Should additional maintenance activities be

**CONDITIONS – CONTINUED:**

requested by the common interest community, or members thereof, the associated costs shall be assessed to the common interest community and/or members thereof.

Public Works

10. Grant a Traffic Signal Chord Easement at the northwest corner of Farm Road and Tee Pee Lane.

11. This map shall dedicate a 25-foot radius corner at the northwest corner of Farm Road and Tee Pee Lane and a 20-foot radius corner at the southwest corner of Donald Nelson Avenue and Tee Pee Lane per Condition of Approval No. 3 of rezoning application ZON-4981.

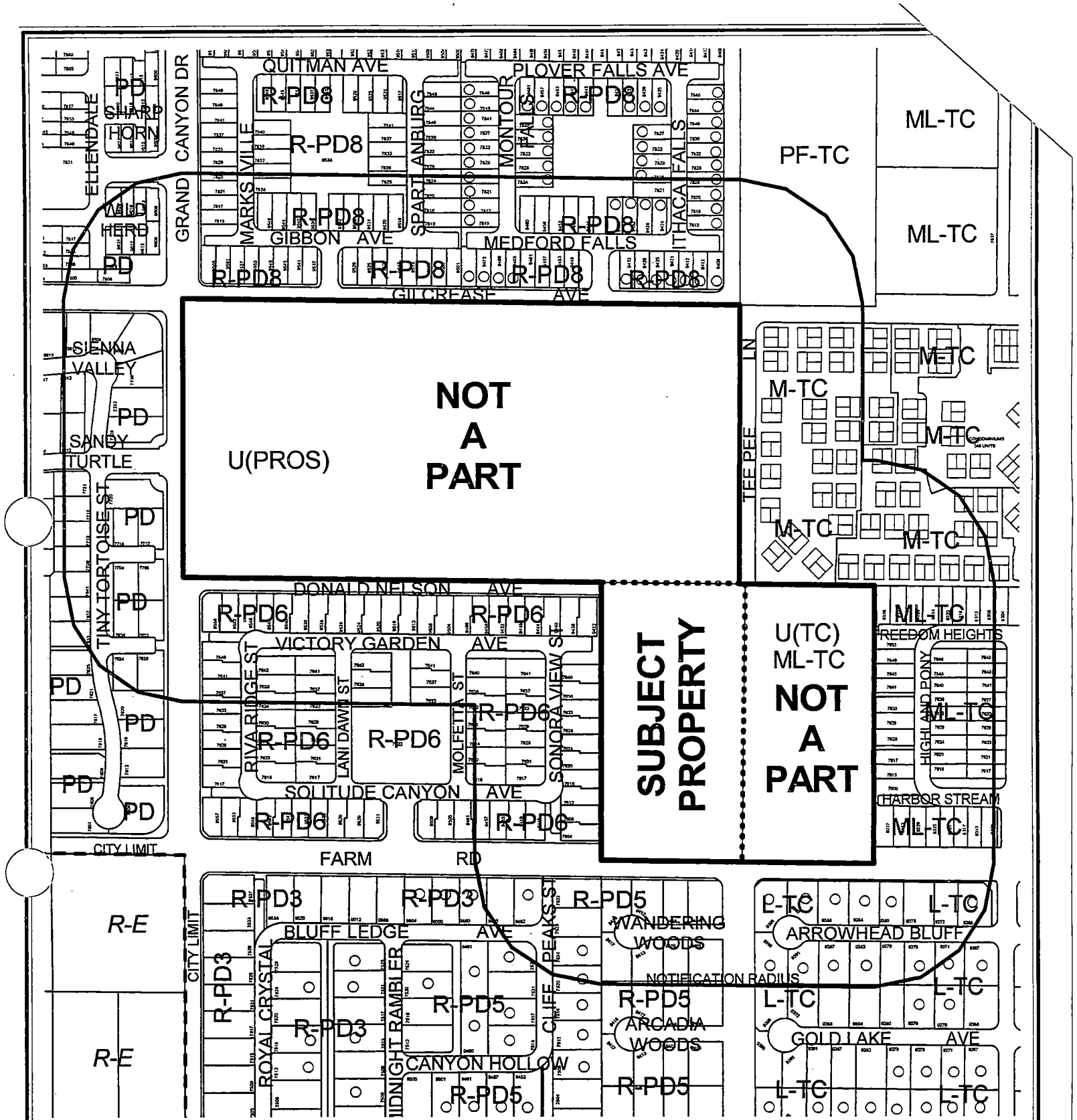
12. An Amended Final Map for Terrasano Unit I showing the continuation of Victory Garden Avenue into this site shall be recorded prior to the recordation of a Final Map for this site.

13. If the submitted technical drainage study for this site determines that the existing north/south public drainage easement located in the northeast corner of the Terrasano Unit 1 subdivision is not required, a petition of vacation shall be submitted prior to the recordation of a Final Map for this site.

14. Private streets and private drives must 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.

15. Extend public sewer in Tee Pee Lane to the northern edge of this site at a depth and location acceptable to the City Engineer. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits, including between Lots 6 and 7, between Lots 14 and 15 and offsite west of Victory Garden Avenue within Terrasano Unit 1. 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.

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




**CASE:** **TMP-5380**

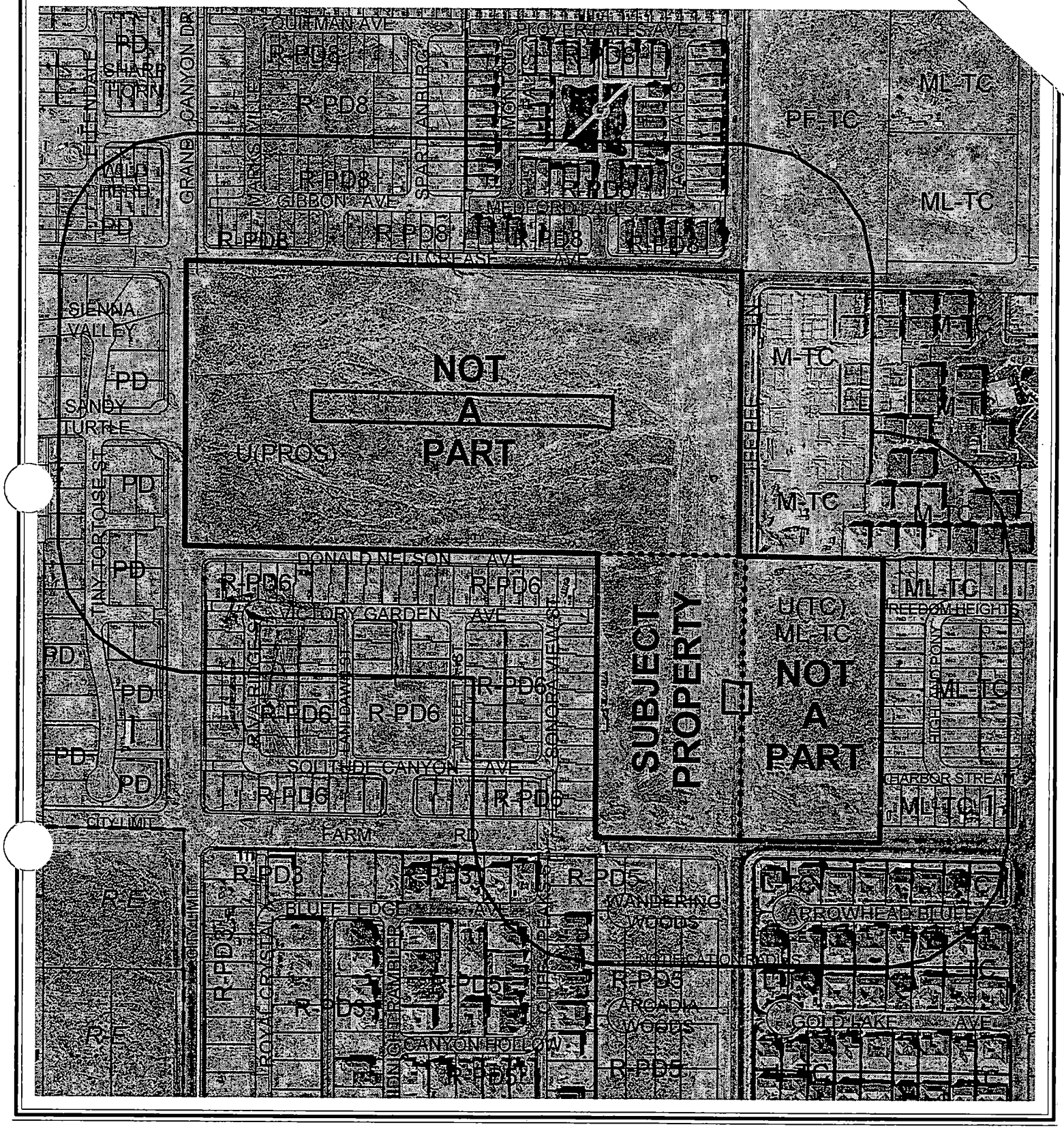
**RADIUS:** 300 FT

0 300 600 Fee

**ZONING OF SUBJECT PROPERTY:**

U (UNDEVELOPED) ZONE [ML (MEDIUM-LOW DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO R-PD6 (RESIDENTIAL PLANNED DEVELOPMENT - 6 UNITS PER ACRE)

N




**CASE:** **TMP-5380**

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0 300 600 Fee

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N

City of Las Vegas

## AGENDA MEMO

**PLANNING COMMISSION MEETING DATE: NOVEMBER 18, 2004**
**DEPARTMENT: PLANNING AND DEVELOPMENT**
**ITEM DESCRIPTION: TMP-5380 - TERRASANO III - APPLICANT: KIMBALL HILL HOMES NEVADA, INC. - OWNER: UNITED STATES OF AMERICA**

## ** CONDITIONS **

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

***Planning and Development***

1. Approval of the Tentative Map shall be for no more than two years. If a Final Map is not recorded on all or a portion of the area included in the Tentative Map within two years of the approval of the Tentative Map, a new Tentative Map must be filed.

2. The development shall conform to the Conditions of Approval for the following applications: Site Development Review (SDR-4982) and Rezoning (ZON-4981).

3. Street names must be provided in accordance with the City's Street Naming Regulations.

4. Perimeter retaining walls shall consist of "rockery walls" of sufficient height for retaining. Above this height, a solid decorative block wall, with at least 20 percent contrasting materials, may be constructed above the rockery wall as far back from the front edge of the rockery wall as is possible. The total height of the screen wall and retaining wall shall not exceed 12 feet. Above 12 feet, the decorative wall shall consist of a wrought iron fence less than 50 percent solid. It is recommended that this alternative design be approved.

5. The streets abutting this development and Town Center shall comply with all Town Center Development Standards.

6. 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.

7. Prior to submittal of a Final Map Technical Review or for review of Civil Improvement plans, whichever occurs first, a revised Tentative Map reflecting the Conditions of Approval in this report and particularly those listed as Special Conditions shall be approved by staffs of the Planning and Development Department and Public Works Department.

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9. Prior to approval of any final map, the developer is required to adopt a plan for the maintenance of infrastructure improvements. The plan is to include a listing of all infrastructure improvements along with assignment of maintenance responsibility to a common interest community, individual property owner, or City of Las Vegas, and the proposed level of maintenance for privately maintained components. The agreement must be approved by the City of Las Vegas and must include a certification by the licensed professional engineer of record that all infrastructure components are addressed in the maintenance plan. The plan must include a statement that all properties within the community are subject to assessment for all associated costs should private maintenance obligations not be met and the City of Las Vegas is required to provide for said maintenance. The adoption process must include recordation of the plan against all parcels prior to approval of the final map. In addition, should the development have a recreational trail, in accordance with NRS 278.4787, the following text should be added prior to the last sentence to the previous text: The plan shall note that the recreational trail to be transferred to the ownership of the City of Las Vegas shall be maintained at a basic level through utilization of public resources. That basic level shall be defined as removal of debris and surface grading once every calendar year. Should additional maintenance activities be requested by the common interest community, or members thereof, the associated costs shall be assessed to the common interest community and/or members thereof.

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13. If the submitted technical drainage study for this site determines that the existing north/south public drainage easement located in the northeast corner of the Terrasano Unit 1 subdivision is not required, a petition of vacation shall be submitted prior to the recordation of a Final Map for this site.

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sewers not located within existing public street right-of-way prior to the issuance of any permits, including between Lots 6 and 7, between Lots 14 and 15 and offsite west of Victory Garden Avenue within Terrasano Unit 1. 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.

16. Site development to comply with all applicable conditions of approval for ZON-4981 and all other applicable siterelated actions.

17. The approval of all Public Works related improvements shown on this Tentative Map 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 approval of the construction plans by the City. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the recordation of a Final Map or the approval of subdivision-related construction plans, whichever may occur first. Approval of this Tentative Map does not constitute approval of any deviations. If such approval cannot be obtained, a revised Tentative Map must be submitted showing elimination of such deviations.

# ** STAFF REPORT **

## APPLICATION REQUEST

### *A) Action Requested*

This is a request for approval of a Tentative Map for a 26-lot single-family residential subdivision and to exceed the maximum retaining wall height of six feet allowed in Title 18.08.110 on 5.09 acres adjacent to the northwest corner of Farm Road and Tee Pee Lane.

### *B) Applicant's Justification*

A justification letter is not required for a Tentative Map submittal.

## BACKGROUND INFORMATION

### *A) Actions*

10/20/04 The City Council approved a request for Rezoning (ZON-4981) this site to R-PD6 (Residential Planned Development - 6 Units Per Acre). The Planning Commission and staff recommended approval on September 23, 2004.

10/20/04 The City Council approved a request for a Site Development Plan Review (SDR-4982) for a 26-lot single-family residential subdivision on this site. The Planning Commission and staff recommended approval on September 23, 2004.

### *B) Pre-Application Meeting*

09/24/04 The staff met with the prospective applicant to review a proposed Tentative Map for a 26-lot single-family residential subdivision. Minor details noted for inclusion/deletion on the map include: indication of the Tee Pee Lane half-street improvements meeting Town Center standards; "L" curbs; and removal of the right-of-way callouts on the private streets. It was noted that perimeter wall heights are more than eight feet.

## DETAILS OF APPLICATION REQUEST

### *A) Site Area*

Gross Acres: 5.09

***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] ROI to R-PD6 (Residential Planned Development – 6 Units Per Acre) |
| 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) |

***D) General Plan Compliance***

This site is designated ML (Medium Low Density Residential) on the Centennial Hills Sector Map of the General Plan. The site is zoned R-PD6 (Residential Planned Development - 6 Units Per Acre), which is in conformance with the General Plan and allows up to eight units per acre. The proposed Tentative Map conforms to current land use and zoning applicable to the site, other than the requested Title 18 waiver.

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

DDS

Tee Pee Lane forms the western boundary of the Town Center Plan in this area and Town Center trail standards must be met on both sides of the street. Along this segment of Tee Pee Lane a seven-foot sidewalk with a five-foot amenity zone is required on both sides of the street. The sidewalks meet the trail standard for the Town Center area.

## 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 a Site Development Plan is approved. The development standards that were imposed by an approved Site Development Plan (SDR-4982) are as follows:

| **Standards** | |
|---|---|
| Min. Lot Size | 3,879 sq. ft. minimum; 4,016 sq. ft. typical |
| Min. Setbacks<br>• Front<br>• Side<br>• Corner<br>• Rear | <br>18 feet to front of garage<br>5 feet<br>10 feet<br>15 feet |
| Max. Building Height | 2 stories / 35 feet |

The Tentative Map complies with these standards.

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/acre | 1.65 | 8.43 % | 18,730 sq. ft. | 14.42 % | 31,978 Sq. Ft. |

The Tentative Map shows that 31,978 square feet will be provided, which is in compliance with the open space requirements set forth in Title 19.06.

***B) General Analysis Discussion***

- General information

This Tentative Map is for a 26-lot single-family residential development. The majority of the lots are designed as "Z" lots. Lot sizes range in size from 3,879 square feet to 5,516 square feet. The development 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 31,978 square feet of open space, including a 12,796 square-foot park. 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 that all dwellings are to have two stories and 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.

- Cross Section

The submitted north/south cross sections depict a maximum natural grade between 0% and 2% across this site. Per Table A Subdivision Code 18.08.110, a development with a natural slope between 0% to 2% is allowed a maximum four-foot retaining wall. A four-foot maximum retaining wall is proposed along the northern border of this site adjacent to Donald Nelson Avenue. Without a stepped block wall at this location, the total vertical wall height would exceed 8-feet.

The submitted east/west cross sections depict maximum natural grade between 2% and 4% across this site. Per Table A Subdivision Code 18.08.110 a development with natural slope between 2% to 4%, is allowed a maximum 6-foot retaining wall. None of the proposed retaining walls are greater than 6-foot in height. A 6-foot maximum retaining wall (rockery) is shown along the east side of this site adjacent to Tee Pee Lane, that is separated from a 6-foot screen wall atop a 2-foot maximum retaining wall, therefore complying with Title 18.

According to Title 18.12.510(D), a subdivider may propose an alternative design for perimeter walls to satisfy the intent of the Title. The applicant is proposing to construct a "rockery" retaining wall that will consist of large boulders to whatever height is necessary for retaining. Above the retaining wall, a solid perimeter screen wall will be constructed on top of the rockery wall to a total height of no more than 12 feet. Above this height, the wall will consist of a wrought iron fence less than 50 percent solid. It is recommended that this alternative design be approved. This design is addressed in the Conditions of Approval for this item.

- Trails

  Tee Pee Lane is required to have a seven-foot sidewalk with a five-foot amenity zone on both sides of the street. This sidewalk meets the trail standards of the Master Plan Transportation Trails Element for Town Center.

- Special Conditions of Approval (from ZON-4981 and SDR-4982)

  In addition to the Conditions of Approval generally, the following special conditions were imposed upon the approval of the above applications.

  1. 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.
  2. 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.
  3. Site development to comply with all applicable conditions of approval for ZON-4981 and all other subsequent site-related actions.
  4. 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.
  5. Construct half-street improvements including appropriate over paving 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).

These special conditions are addressed as Conditions of Approval in this report.

**NOTICES MAILED** 173

**APPROVALS** 0

**PROTESTS** 0

DDS

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

# PLANNING & DEVELOPMENT DEPARTMENT

## STATEMENT OF FINANCIAL INTEREST

Case Number: TMP-5380 APN: 125·18·601·015

Name of Property Owner: Kimball Hill Homes

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]

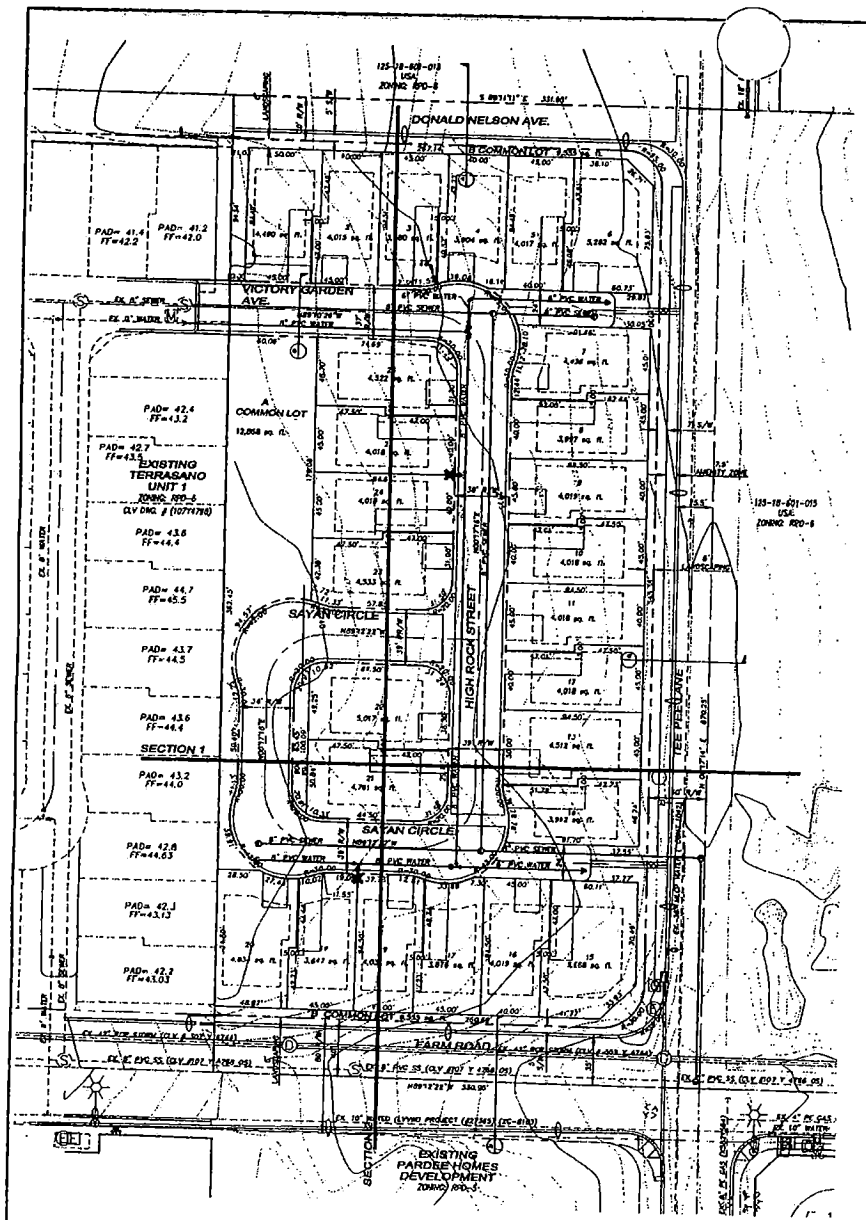
Print Name: STAN GUSHILL

Subscribed and sworn before me

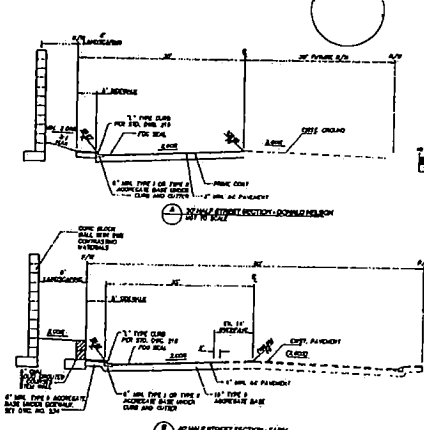
This 28th day of September, 2004

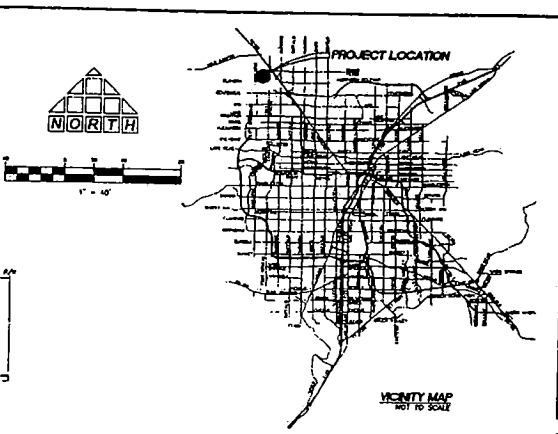
[signature]
Notary Public in and for said County and State

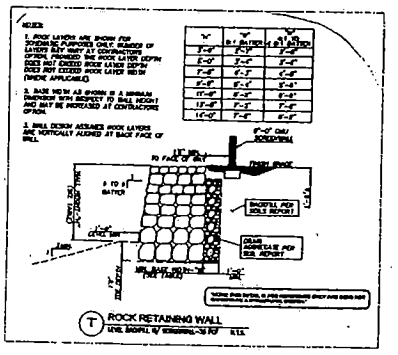
Notary Public - State of Nevada
County of Clark
DENISE WHIPPLE
My Appointment Expires
July 29, 2007
No: 03-83426-1

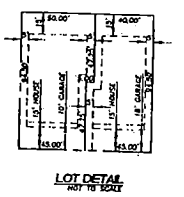



NOTE:
ALL CIVIC STREETS ARE PRIVATE STREETS AND PUBLIC UTILITY EASEMENTS.




## SITE DATA:

APN: 125-18-701-015
CURRENT ZONING: RPD-6
GROSS AREA: 5.09 AC
NUMBER OF LOTS: 28 LOTS
PROPOSED DENSITY: 5.11 D.U./A.
NUMBER OF COMMON ELEMENTS: 2
OPEN SPACE PROVIDED: 23,665 S.F.

## OWNER/DEVELOPER

KIMBALL HILL HOMES
8 SUNSET WAY, SUITE 101
HENDERSON, NEVADA 89014
(702) 436-4562

## SETBACK:

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

## LEGAL DESCRIPTION

A PORTION OF THE EAST HALF (E1/2) OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF THE NORTHEAST QUARTER (NE1/4), OF SECTION 18, TOWNSHIP 19 SOUTH, RANGE 60 EAST, M.D.M., CLARK COUNTY, NEVADA.
APN 125-18-601-013

## GENERAL NOTES

1. ALL IMPROVEMENTS SHALL CONFORM TO THE STANDARDS AND SPECIFICATIONS OF THE CITY OF LAS VEGAS, NEVADA SYSTEM FOR PREVIOUSLY APPROVED STANDARD DEVIATION.
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 SANITATION DEPT.
   SOLID WASTE DISPOSAL: SILVER STATE DISPOSAL SERVICE
   TELEPHONE: SPRINT CENTRAL - NEVADA
3. UTILITY EASEMENTS TO BE DEDICATED TO RESPECTIVE AGENCIES.
4. ESTIMATED SEWER CONTRIBUTION:
   AVERAGE FLOW = 0.0348 M.G.D.
   PEAK FLOW = 0.1218 M.G.D.
5. BUILDING SETBACKS TO COMPLY WITH ALL APPLICABLE ORDINANCES.
6. STORM WATER TO SURFACE DRAIN ON STREETS.
7. THIS DEVELOPMENT IS SHOWN IN ITS ENTIRETY ON THIS TENTATIVE MAP AND IS NOT A PORTION OF ANY MASTER PLANNED AREA.
8. THIS DEVELOPMENT DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD ZONE AS DESIGNATED BY FEMA (SEE FIRM NO. 32003C0161E).
9. ALL INTERIOR SEWER AND WATER MAINS ARE 8" UNLESS OTHERWISE SHOWN.
10. ALL INTERIOR STREETS ARE 37' WIDE PUBLIC UNLESS OTHERWISE SHOWN.
11. THERE ARE NO PROPOSED RESERVATIONS OR DEDICATIONS FOR PARKS, SCHOOLS, OR OTHER PUBLIC OR QUASI-PUBLIC USES.
12. THIS SUBDIVISION WILL HAVE CC&R'S & TO MAINTAIN LANDSCAPING IN PERPETUITY BY THE HOMEOWNER'S ASSOCIATION.
13. COMMON ELEMENTS AND LANDSCAPING PER ZONE CHANGE CONDITIONS.
14. THERE ARE NO OBSERVABLE FAULTS OR FISSURES ONSITE NEAR THIS SITE.
15. SEEPS, SPRINGS, OR OTHER INDICATIONS OF HIGH GROUND WATER LEVELS WERE NOT NOTED ON THE SUBJECT PROPERTY.

## BENCHMARK

CITY OF LAS VEGAS BENCHMARK - 2CDD-2019
REBAR ±12.4 FT. NORTHEAST OF DEDISPRINGS AND FORT APACHE.
ELEVATION = 806.882 METERS (NAVD88)
ELEVATION = 2647.20 FEET (NAVD88)

## BASIS OF BEARING

BEARING SOUTH 00°13'00" EAST, BEING THE WEST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 20, TOWNSHIP 19 SOUTH, RANGE 60 EAST, CLARK COUNTY, NEVADA, AS SHOWN ON FILE 23, PAGE 44 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

THOMASON CONSULTING ENGINEERS
3161 E. WARM SPRINGS ROAD, SUITE 200
LAS VEGAS, NEVADA 89120
702-932-8177 FAX: 702-932-8189

DRAWN BY:
DESIGNED BY:
CHECKED BY:
SCALE: 1"=40'
PROJECT NO: 003-04004
REVISIONS

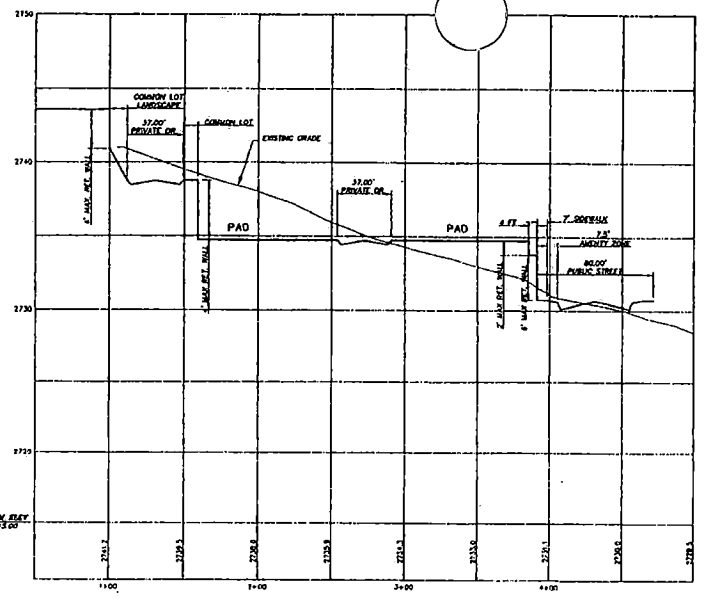
KIMBALL HILL HOMES
TERRASANO III

TENTATIVE MAP
CITY OF LAS VEGAS, NEVADA

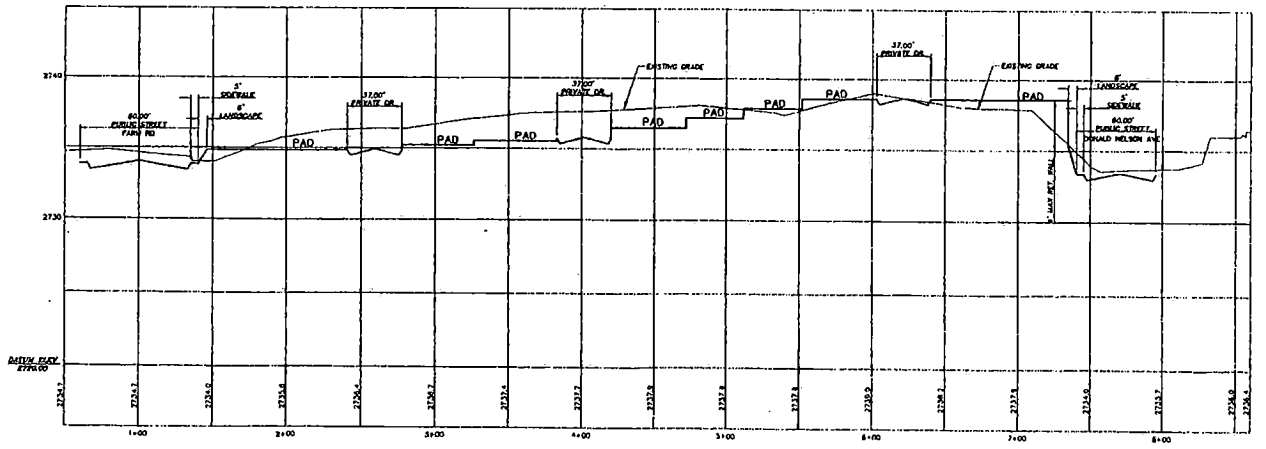
SHEET: TM 1 of 1
DATE: SEPTEMBER 8, 2004

REVISED 11-8-04

TMP-5380
11/18/04 PC

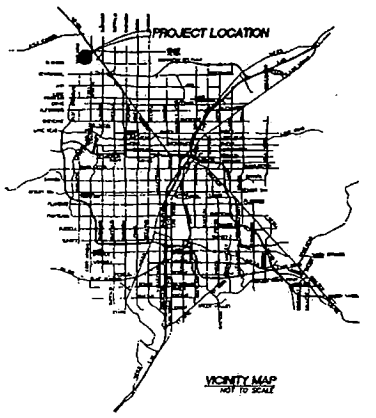



## SECTION 1




## SECTION 2

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




VICINITY MAP
NOT TO SCALE

### OWNER/DEVELOPER

KIMBALL HILL HOMES
8 SUNSET WAY, SUITE 101
HENDERSON, NEVADA 89014
(702) 436-4582

### SETBACK:

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

### SITE DATA:

| | |
|---|---|
| APN | 125-18-801 |
| CURRENT ZONING: | TC & U |
| PROPOSED ZONING: | TC |
| GROSS AREA: | 8.09 AC |
| NUMBER OF LOTS: | 28 LOTS |
| PROPOSED DENSITY: | 3.11 DU/A. |
| NUMBER OF COMMON ELEMENTS: | 3 |
| OPEN SPACE PROVIDED: | 25,667 S.F. |

### GENERAL NOTES

1. ALL IMPROVEMENTS SHALL CONFORM TO THE STANDARDS AND SPECIFICATIONS OF THE CITY OF LAS VEGAS, NEVADA EXCEPT FOR PREVIOUSLY APPROVED STANDARD DEVIATION.
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 SANITATION DEPT.
   SOLID WASTE DISPOSAL ..... SILVER STATE DISPOSAL SERVICE
   TELEPHONE ..... SPRINT CENTRAL - NEVADA
3. UTILITY EASEMENTS TO BE DEDICATED TO RESPECTIVE AGENCIES.
4. ESTIMATED SEWER CONTRIBUTION:
   AVERAGE FLOW = 0.0348 M.G.D.
   PEAK FLOW = 0.1218 M.G.D.
5. BUILDING SETBACKS TO COMPLY WITH ALL APPLICABLE ORDINANCES.
6. STORM WATER TO SURFACE DRAIN ON STREETS.
7. THIS DEVELOPMENT IS SHOWN IN ITS ENTIRETY ON THIS TENTATIVE MAP AND IS NOT A PORTION OF ANY MASTER PLANNED AREA.
8. THIS DEVELOPMENT DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD ZONE AS DESIGNATED BY FEMA PER MAP NO. 32003C1160D.
9. ALL INTERIOR SEWER AND WATER MAINS ARE 8" UNLESS OTHERWISE SHOWN.
10. ALL INTERIOR STREETS ARE 37' WIDE PUBLIC UNLESS OTHERWISE SHOWN.
11. ALL PROPERTY LINE RADII = 20' AT INTERSECTIONS UNLESS OTHERWISE SHOWN.
12. THIS SUBDIVISION WILL HAVE CC&R'S & TO MAINTAIN LANDSCAPING IN PERPETUITY BY THE HOMEOWNER'S ASSOCIATION.
13. COMMON ELEMENTS AND LANDSCAPING PER ZONE CHANGE CONDITIONS.
14. THERE ARE NO OBSERVABLE FAULTS OR FISSURES ONSITE NEAR THIS SITE.
15. SEEPS, SPRINGS, OR OTHER INDICATIONS OF HIGH GROUND WATER LEVELS WERE NOT NOTED ON THE SUBJECT PROPERTY.

### BENCHMARK

CITY OF LAS VEGAS BENCHMARK - 2C30-2094
ADJUST A134 FT. NORTHEAST OF DEERSPRINGS AND FORT APACHE.

ELEVATION = 804.867 METERS (NAVD88)
ELEVATION = 2947.20 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 20, TOWNSHIP 19 SOUTH, RANGE 60 EAST, CLARK COUNTY, NEVADA, AS SHOWN ON FILE 73, PAGE 44 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

| | | |
|---|---|---|
| DRAWN BY: | REVISIONS BY: | |
| CHECKED BY: | SCALE: 1"=40' | |
| PROJECT NO: | 003-04004 | |


THOMASON CONSULTING ENGINEERS
3191 E. WARM SPRINGS ROAD, SUITE 200
LAS VEGAS, NEVADA 89120
702-932-4125 FAX: 702-932-6129


KIMBALL HILL HOMES
TERRASANO III

TENTATIVE MAP
CITY OF LAS VEGAS, NEVADA

SHEET P1
1 OF 1

Call before you Dig 1-800-227-2600

Call before you Overhead 1-702-593-8111

Call Underground 1-702-385-5511

REVISED 11.8.04

TMP-5380
11/18/04 PC

TMP-5380 - TERRASANO III - APPLICANT: KIMBALL HILL HOMES NEVADA, INC. - OWNER: UNITED STATES OF AMERICA
FARM ROAD AND TEE PEE LANE
NOVEMBER 18, 2004 PLANNING COMMISSION

10/22/04

City of Las Vegas

Agenda Item No.: 30

## AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

**PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004**

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

**SUBJECT:**

**VAR-5389 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: EVE MAZZARELLA** - Request for a Variance TO ALLOW A REDUCTION IN THE REQUIRED LOT WIDTH FROM 60 FEET TO 50 FEET FOR THE PROPOSED CONVERSION OF A RESIDENCE TO AN OFFICE on 0.18 acres at 408 South 7th Street (APN 139-34-710-032), R-3 (Medium Density Residential) Zone [PROPOSED: P-R (Professional Offices and Parking)], Ward 1 (Moncrief).

**C.C.: 12/15/04**

| **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:**

**DAVENPORT – APPROVED subject to conditions – UNANIMOUS with McSWAIN abstaining because her husband recently accompanied the owner on a fishing trip and she felt it would be inappropriate to vote**

**To be heard by City Council 12/15/2004**

NOTE: CHAIRMAN TRUESDELL disclosed that he owns property in the downtown area; however, it is not within the notification ring and he would be voting.

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 30 [VAR-5389], Item 31 [ZON-5385], Item 32 [VAR-5388] and Item 33 [SDR-5387].

GARY LEOBOLD, Planning & Development Department, explained that due to the limited size of the site, the request for the parking Variance and the Variance to the limited lot width are appropriate. The lot width is static because there is no other available land. He indicated that

**MINUTES – CONTINUED:**

commercial conversions are common in the area so the request for the rezoning is appropriate. The site conforms to the Commercial designation of the site as listed under the Las Vegas Redevelopment Plan for this area.

Regarding the Site Plan, MR. LEOBOLD pointed out that there is a request for a waiver of perimeter landscape standards. The landscaping would be maintained on the north side of the site between the subject building and an adjacent building on the corner.

JOHN FIELD, Kummer Kaempfer Bonner & Renshaw, 3800 Howard Hughes Parkway, appeared on behalf of the applicant and agreed to all conditions. He stated the application for the zone change should be approved because it is harmonious and compatible with the land use changes that have been approved for this area. He thanked staff for their work on these items.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 30 [VAR-5389], Item 31 [ZON-5385], Item 32 [VAR-5388] and Item 33 [SDR-5387].

(9:35 – 9:39)

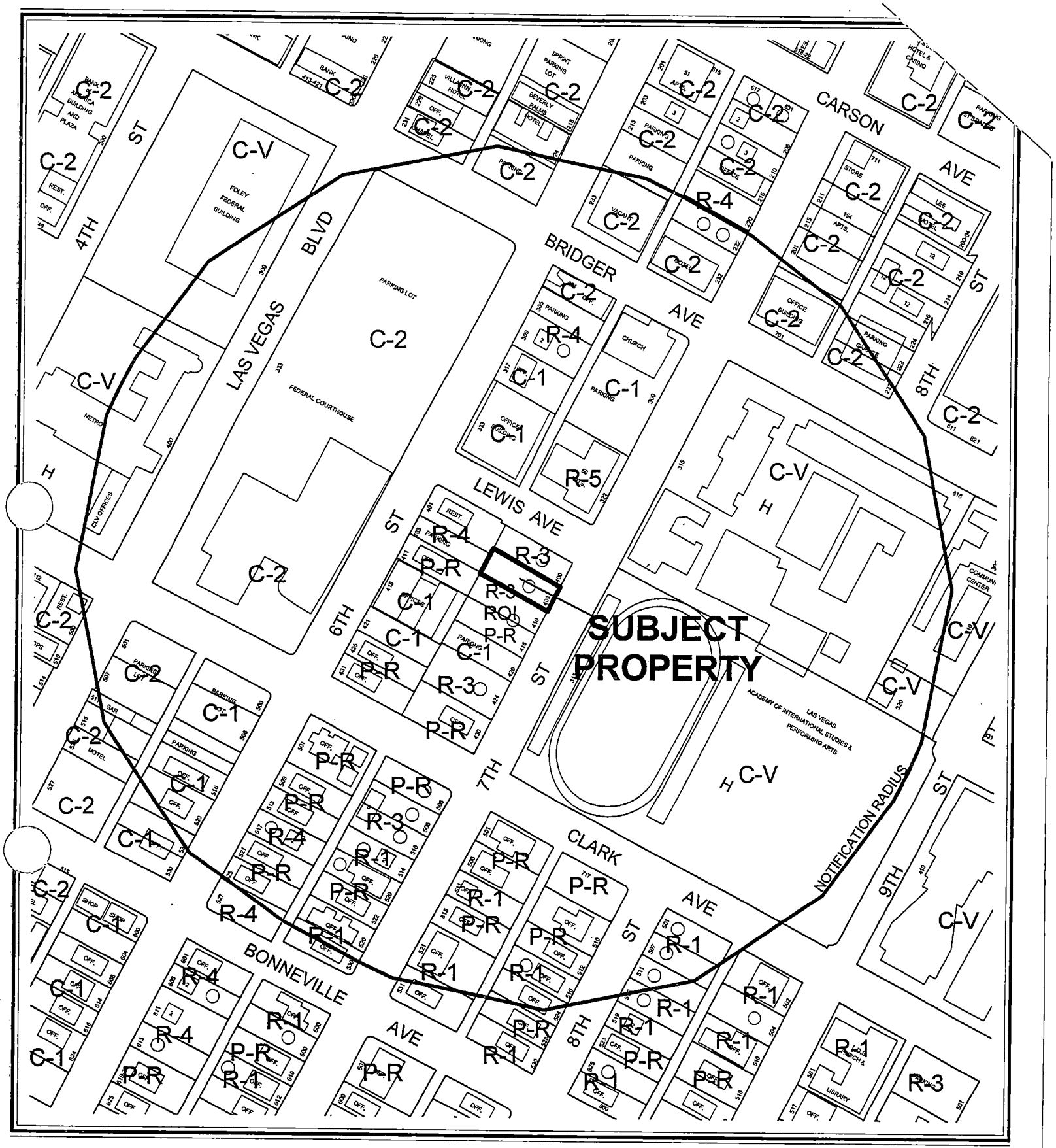


**CONDITIONS:**

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-5385), Variance (VAR-5388) and Site Development Plan Review [SDR-5387].

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




**CASE:** **VAR-5389**

**RADIUS:** 750 FT

0 200 400 Feet

**ZONING OF SUBJECT PROPERTY:**
R-3 (MEDIUM DENSITY RESIDENTIAL)

**PROPOSED ZONING OF SUBJECT PROPERTY:**
P-R (PROFESSIONAL OFFICE AND PARKING)

N

City of Las Vegas

## AGENDA MEMO

**PLANNING COMMISSION MEETING DATE: NOVEMBER 18, 2004**
**DEPARTMENT: PLANNING AND DEVELOPMENT**
**ITEM DESCRIPTION: VAR-5389 - APPLICANT/OWNER: EVE MAZZARELLA**

## ** CONDITIONS **

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

***Planning and Development***

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-5385), Variance (VAR-5388) and Site Development Plan Review [SDR-5387].

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

# ** STAFF REPORT **

## APPLICATION REQUEST

### *A) Action Requested*

This is a request for a Variance to allow a reduction in the required lot width from 60 feet to 50 feet as required in the P-R (Professional Office and Parking) zoning district, on 0.18 acres located at 408 South 7th Street.

### *B) Applicant's Justification*

The applicant has justified this request by stating that the request is harmonious and compatible with the land use changes that have been approved and have been taking place in the area, and the proximity of the site to existing restaurants, offices and the courthouse.

## BACKGROUND INFORMATION

### *A) Previous Actions*

05/18/83 The Board of City Commissioners to approve a Variance (V-0016-83) to allow, as part of a larger request, a satellite patron parking lot on the subject site for a nearby restaurant where such use is not permitted in the R-3 District, at 408 South 7th Street. The Board of Zoning Adjustment had recommended approval on 04/28/83.

08/25/83 The Board of Zoning Adjustment voted to approve a Variance (V-0076-83) which reiterated the Variance previously approved through V-0016-83, and added that parking for the adjacent restaurant be approved for 46 spaces where 55 spaces are required, at 408 South 7th Street.

11/15/84 The Board of Zoning Adjustment voted to approve a Variance (V-0123-84) which reiterated the Variance previously approved through V-0016-83, which had expired since it had not been exercised by that date.

11/18/04 The Planning Commission will consider a companion requests for a Rezoning (ZON-5385) from R-3 (Medium Density Residential) to P-R (Professional Office and Parking), a Variance (VAR-5388) to reduce the required amount of parking

from nine spaces to five spaces, and a Site Development Plan Review (SDR-5387) for conversion of a 2,342 square-foot house to an office on the site, concurrently with this request.

***B) Pre-Application Meeting***

09/22/04 The applicant was advised regarding the submission requirements for these four applications.

***C) Neighborhood Meetings***

A neighborhood meeting is not required for this application.

**DETAILS OF APPLICATION REQUEST**

***A) Site Area***

Gross Acres: 0.18

***B) Existing Land Use***

| | |
|---|---|
| Subject Property: | Single Family Residential |
| North: | Single Family Residential |
| South: | Office |
| East: | High School |
| West: | Restaurant and Parking |

***C) Planned Land Use***

| | |
|---|---|
| Subject Property: | Commercial (LVRP) |
| North: | Commercial (LVRP) |
| South: | Commercial (LVRP) |
| East: | Public Facility (LVRP) |
| West: | Commercial (LVRP) |

***D) Existing Zoning***

| | |
|---|---|
| Subject Property: | R-3 (Medium Density Residential) |
| North: | R-5 (Apartments) |
| South: | R-3 (Medium Density Residential) under Resolution of Intent to P-R (Professional Office & Parking) |
| East: | C-V (Civic) |
| West: | R-4 (High Density Residential) |

GL

*E) General Plan Compliance*

The subject site is located on the Southeast Sector Map of the General Plan and more specifically is part of the Las Vegas Redevelopment Plan. The site is designated as Commercial on Map 9 of the Redevelopment Plan. There are no General Plan or Redevelopment Plan policies that are directly relevant to this request.

| SPECIAL DISTRICTS/ZONES | Yes | No |
|---|---|---|
| **Special Area Plan** | X | |
| Redevelopment Plan Area | X | |
| **Special Overlay District** | | X |
| Historic Preservation Site | X | |
| **Trails** | X | |
| **Rural Preservation Neighborhood** | | X |
| **Inter-local Agreement Joint Land Use Planning Area** | | X |
| **Development Impact Notification Assessment** | | X |
| **Project of Regional Significance** | | X |

**Redevelopment Plan Area** - The site is located within the Las Vegas Redevelopment Plan area, and is designated within Area 17 on Map 9 of the Redevelopment Plan. Uses in Area 17 must comply with the uses allowed under the GC (General Commercial), SC (Service Commercial), PF (Public Facilities) and O (Office) General Plan designations.

**Historic Preservation Site** – The subject site, as part of a larger district, was listed in the National Historic Register on January 30, 1991. The National Historic designation of this property does not affect City of Las Vegas zoning code requirements and separate reviews of this property are not required.

**Trails** – A multi-use transportation trail is anticipated on the east side of 7th Street, adjacent to the Las Vegas Academy of International Studies and Performing Arts.

## 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 | 7,000 s.f. | N/A |
| Min. Lot Width | 60 Feet | 50 Feet | N |
| Min. Setbacks<br>• Front<br>• Side<br>• Rear | <br>20 Feet<br>5 Feet<br>15 Feet | <br>32 Feet<br>10 Feet<br>35 feet | <br>Y<br>Y<br>Y |
| Max. Lot Coverage | 50 % | 35% | Y |
| Max. Building Height | 2 Stories / 35 Feet | 1 story existing | Y |
| Trash Enclosure | Walled, gated | N | N |
| Loading Zone | 1 space | N | N |

The proposed office conversion conforms to the requirements of Title 19.08 with respect to development in a P-R (Professional Office and Parking) Zone with the exception of the minimum lot width, which is the subject of this request, and the provision of a loading zone and trash enclosure on the site. Waivers of the loading zone and trash enclosure provisions are part of the companion Site Development Plan Review (SDR-5387) application.

The applicant has requested this Variance to seek relief from the minimum lot width requirement of the Code.

***B) General Analysis and Discussion***

The applicant is attempting to convert an existing home to office uses. The area surrounding this site has largely undergone similar conversions, leaving few such homes remaining in the area. The applicant is not proposing to overbuild the site by adding to the home; rather, the requested Variance seeks relief from the minimum lot width standard in the P-R zoning district. The lot width is a given quantity on an existing lot, with no opportunity to acquire more land to meet the standard of the Code.

**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."

GL

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 P-R (Professional Office and Parking) zoning district is the appropriate and logical choice to regulate office conversion development. Given that there is no potential to obtain land on either side of this property, that would be necessary to allow conformance to the Title 19 requirements, as these adjacent site are fully developed, it is concluded that the applicant's hardship is real, and it is thereby recommended that the Variance be granted.

**NOTICES MAILED** 66 [Mailed with ZON-5385, VAR-5388, and SDR-5387]

**APPROVALS** 0

**PROTESTS** 0

GL

PLANNING & DEVELOPMENT DEPARTMENT

# STATEMENT OF FINANCIAL INTEREST

Case Number: VAR-5389 APN: 139-34-710-032

Name of Property Owner: EVE MAZZARELLA

Name of Applicant: EVE MAZZARELLA

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: Eve Mazzarella

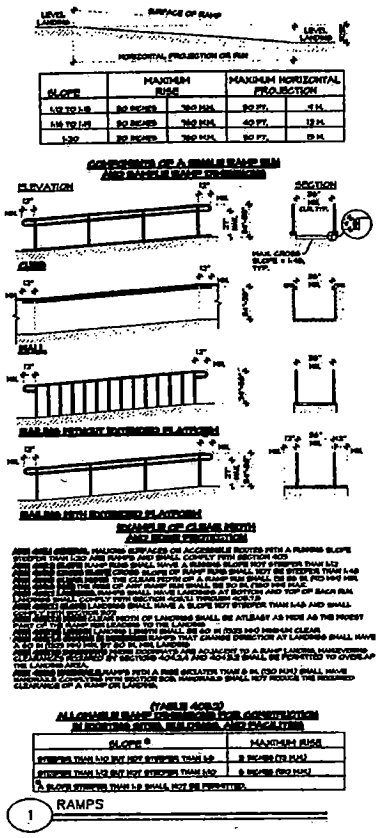
Print Name: Eve Mazzarella

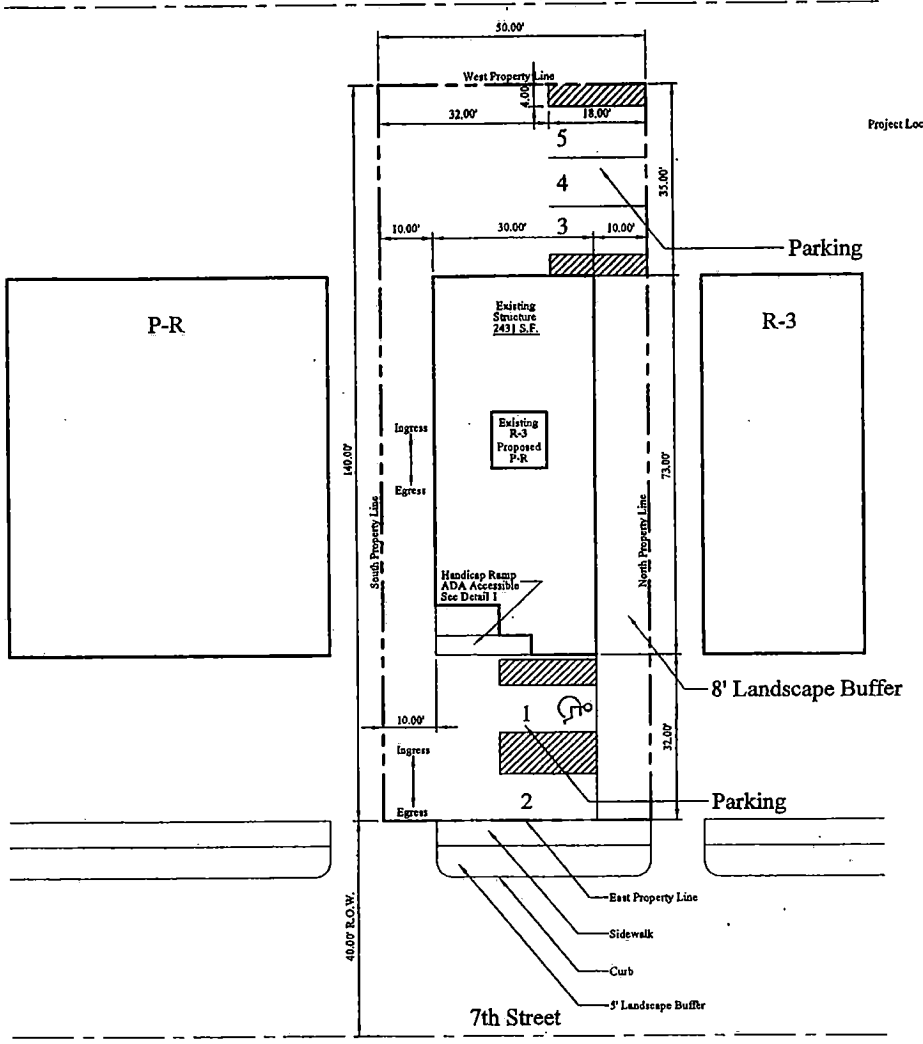
Subscribed and sworn before me

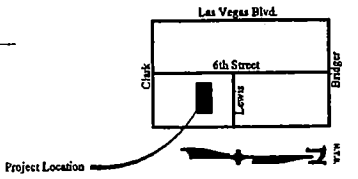
This 4 day of Oct, 2004

Notary Public in and for said County and State

NOTARY PUBLIC
County of Clark-State of Nevada
JENNY M. LESLIE
No. 93-2075-1
My Appointment Expires Sept. 9, 2005




## SITE INFORMATION

APN # 139-34-710-032
Address - 408 S. 7th Street
Current Zoning R-3
Proposed Zoning P-R

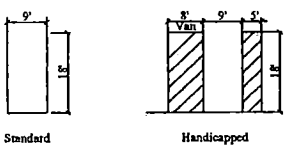
## PARKING REQUIREMENTS

Parking Required:

| | | | |
|---|---|---|---|
| 1 Existing Structure | 2431 S.F. | / 300 = | 9 |
| | | | 9 |
| Parking Provided | | | 5 |
| TOTAL | | | 5 |
| H.C. Parking Required | | | 1 |
| H.C. Van Parking Provided | | | 1 |
| H.C. Parking Provided | | | 1 |

## SETBACKS:

| | |
|---|---|
| Front | 20' |
| Side | 5' |
| Corner Side | 15' |
| Rear | 15' |




**Typical Parking Spaces**

# Eve Mazzarella

408 S. 7th Street

SITE PLAN

Date: October 2, 2004
Project Number: KKB & R

Scale: 1" = 10'
0 10 20

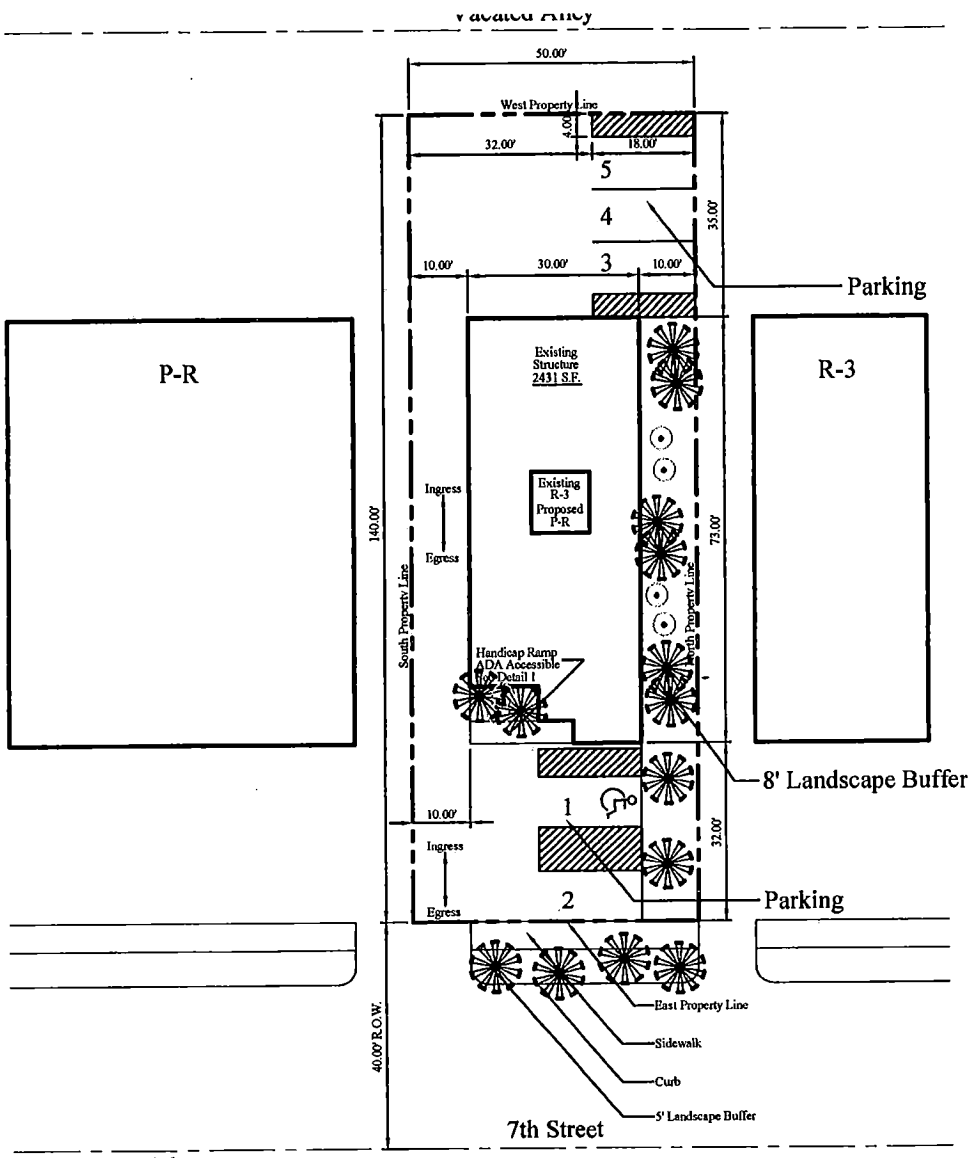
North

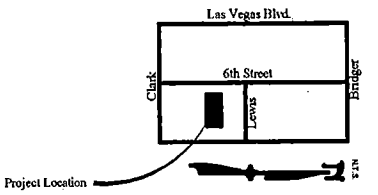
Frontline GROUP
A Development Services Company

RECEIVED
NOV 12 2004

REVISED
11.12.04

SDR-5387 ZON-5385
VAR-5388 VAR-5389
11/18/04 PC




## TREE / PLANT SCHEDULE

| SYM | QTY | SIZE | SPACING | COMMON NAME | BOTANICAL NAME |
|---|---|---|---|---|---|
| | 16 | Height Varies | Varies, See Setback Requirements | MEXICAN FAN PALM | Washingtonia robusta "Mexican Fan Palm" |
| | 12 | 1- 5 Gallon | N/A | Ornamental Ground Shrubs and Cover | |
| | | N/A | N/A | *Xeroscape | |

* Xeroscape- No turf to be used. Only rock, Crushed rock or other Low-water use, approved ground conver will be used.

* All landscaping existing.

# Eve Mazzarella

408 S. 7th Street

Landscape Plan

Date: October 2, 2004
Project Number: ~~ZON-5385~~
VAR-5388
VAR-5389
SDR-5387
11/18/04 PC

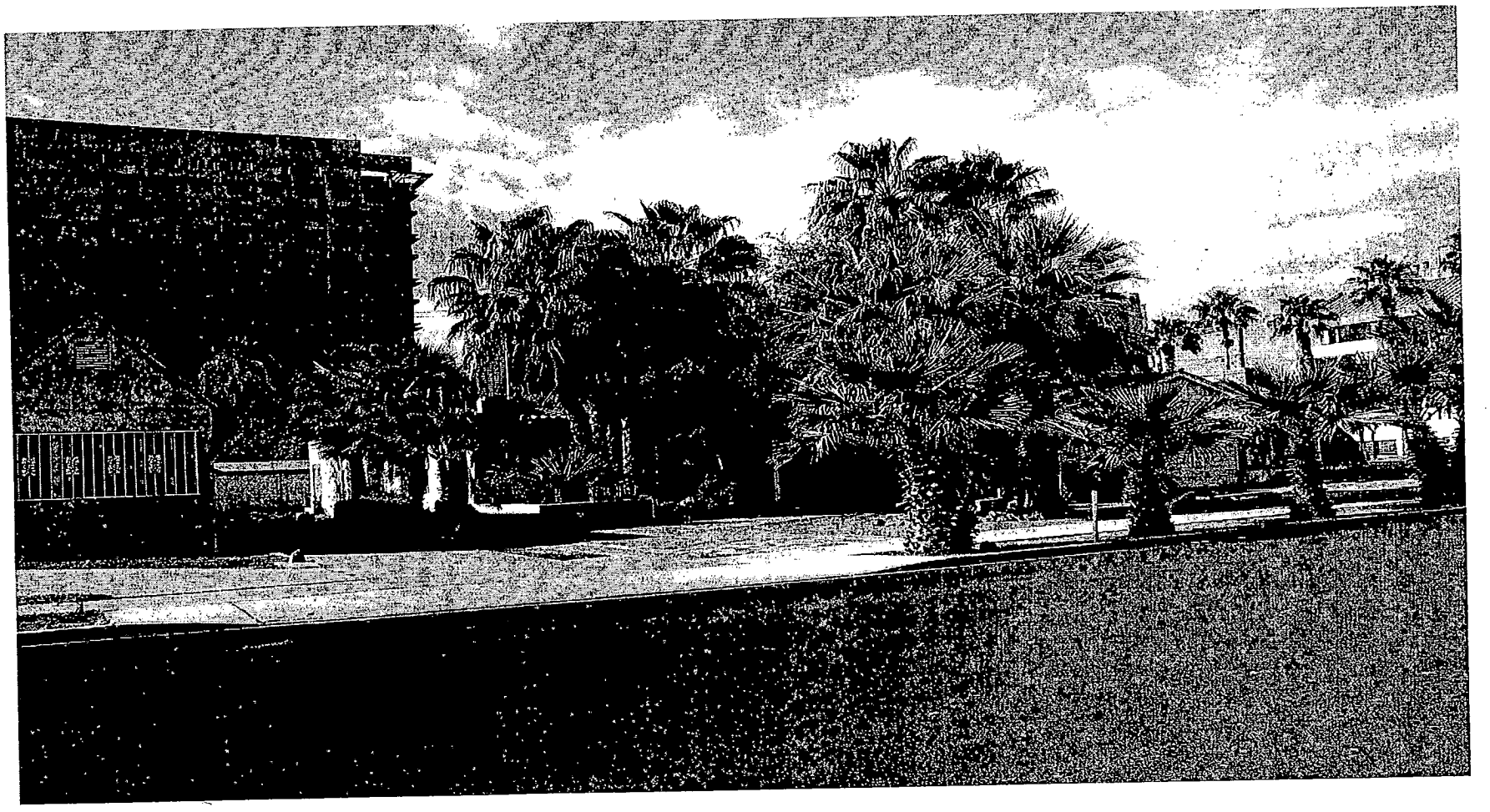
Scale: 1" = 10'

North

Frontline GROUP

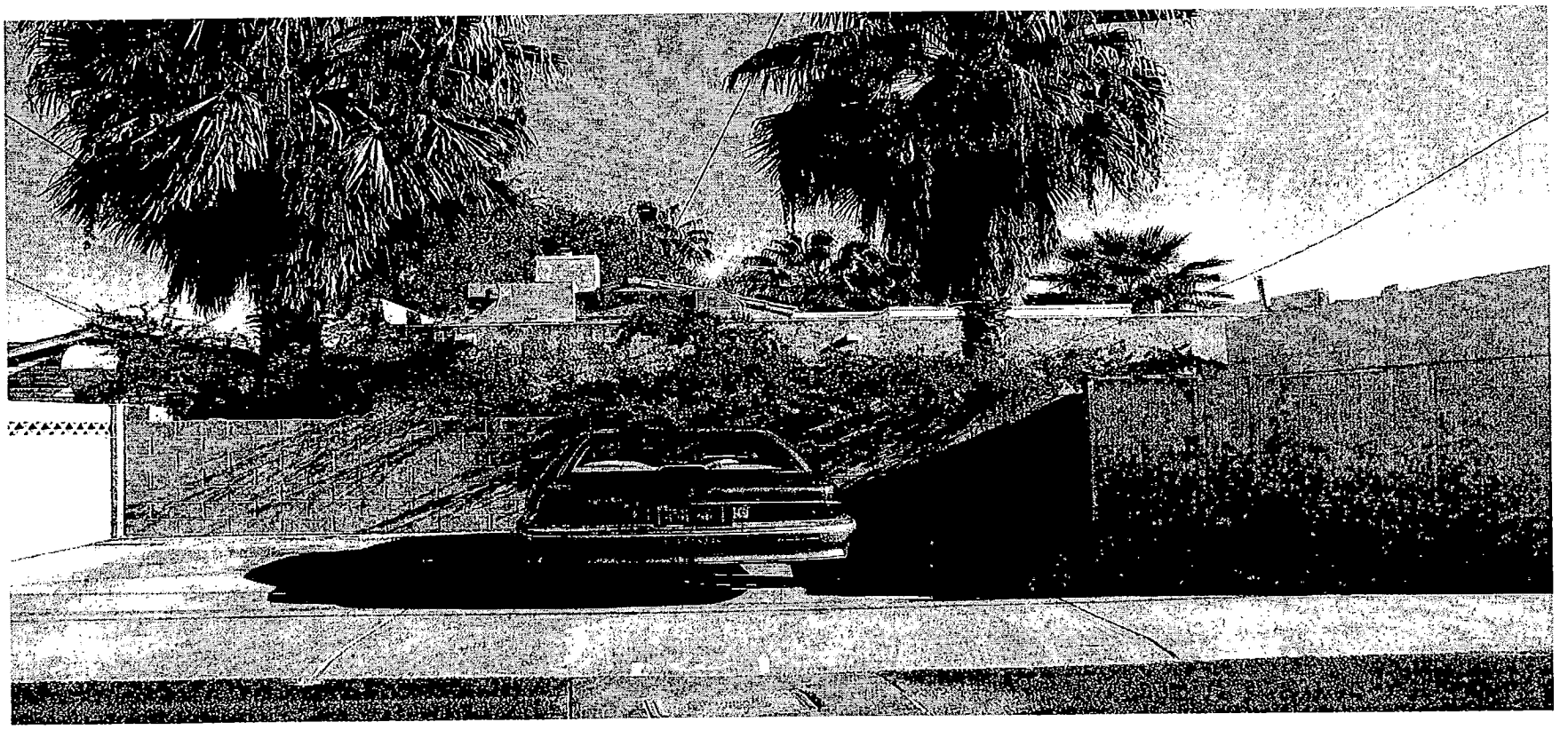
RECEIVED
OCT 15 2004

REVISED
10.15.04



VAR-5389 - APPLICANT/OWNER: EVE MAZZARELLA
408 SOUTH 7TH STREET
NOVEMBER 18, 2004 PLANNING COMMISSION

10/22/04



VAR-5389 - APPLICANT/OWNER: EVE MAZZARELLA
408 SOUTH 7TH STREET
NOVEMBER 18, 2004 PLANNING COMMISSION

10/22/04

City of Las Vegas

Agenda Item No.: 31

## AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

**PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004**

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

**SUBJECT:**
**ZON-5385 - REZONING RELATED TO VAR-5389 - PUBLIC HEARING - APPLICANT/OWNER: EVE MAZZARELLA** - Request for a Rezoning FROM: R-3 (MEDIUM DENSITY RESIDENTIAL) TO: P-R (PROFESSIONAL OFFICE AND PARKING) on 0.18 acres at 408 South 7th Street (APN 139-34-710-032), Ward 1 (Moncrief).

**C.C.: 12/15/04**

| 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:**
**DAVENPORT – APPROVED subject to conditions – UNANIMOUS with McSWAIN abstaining because her husband recently accompanied the owner on a fishing trip and she felt it would be inappropriate to vote**

**To be heard by City Council 12/15/2004**

NOTE: CHAIRMAN TRUESDELL disclosed that he owns property in the downtown area; however, it is not within the notification ring and he would be voting.

**MINUTES:**
See Item 30 [VAR-5389] for all related discussion on Item 30 [VAR-5389], Item 31 [ZON-5385], Item 32 [VAR-5388] and Item 33 [SDR-5387].

(9:35 – 9:39)

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 31 – ZON-5385

**CONDITIONS:**

Planning and Development

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

2. Two Variance applications (VAR-5388 and VAR-5389) and a Site Development Plan Review application (SDR-5387) approved by the Planning Commission and City Council prior to issuance of any permits, any site grading, and all development activity for the site.

Public Works

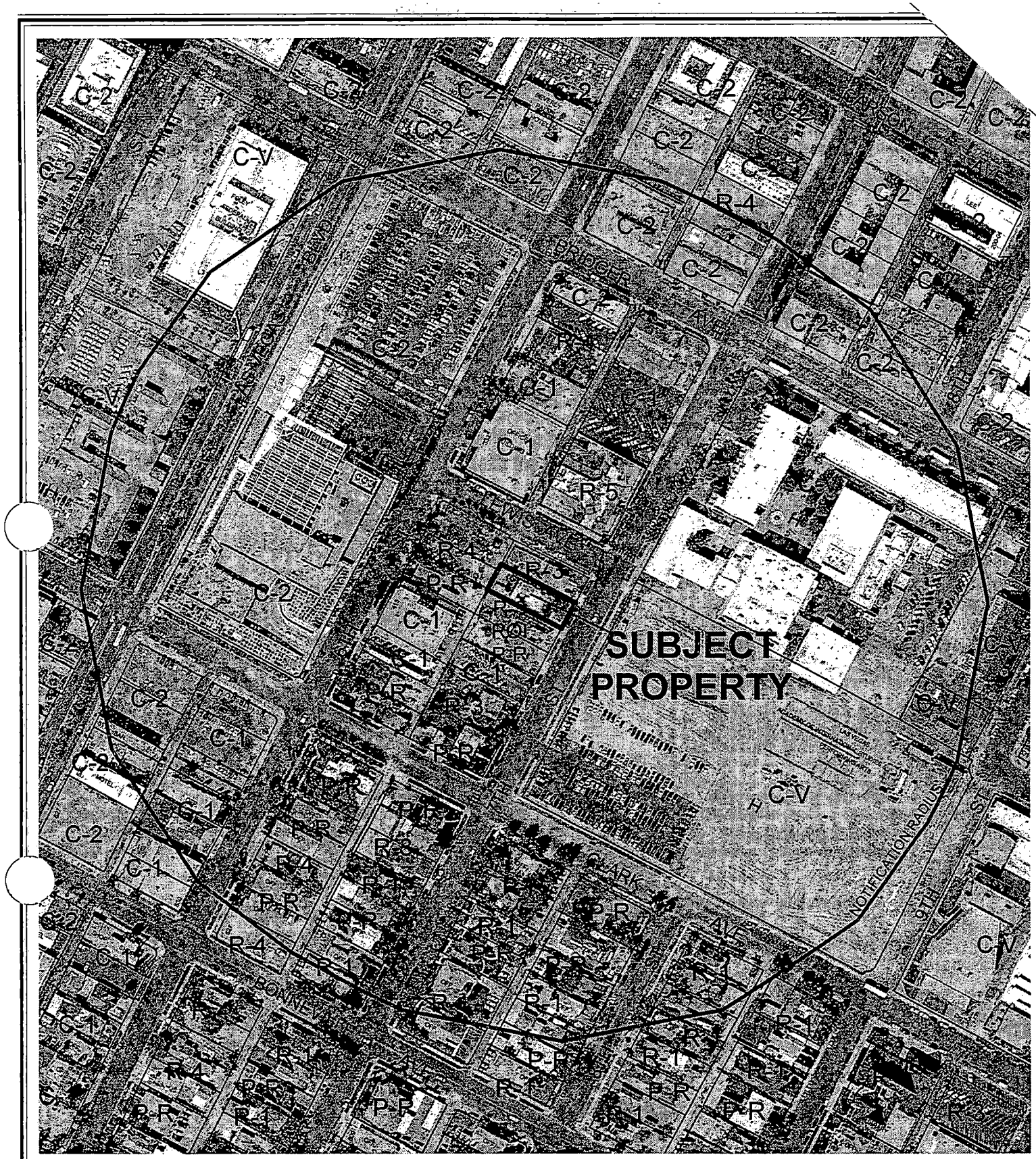
3. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.

4. Landscape and maintain all unimproved rights-of-way on 7th Street adjacent to this site.

5. Submit an Encroachment Agreement for all landscaping and private improvements located in the 7th Street public right-of-way adjacent to this site prior to occupancy of this site.

6. This site will be subject to the traffic signal impact fee as required by Ordinance No. 5644 at the time permits are issued.

7. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing final grade 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.




0 200 400 Feet

**CASE:** **ZON-5385**

**RADIUS:** 750 FT

**ZONING OF SUBJECT PROPERTY:**
R-3 (MEDIUM DENSITY RESIDENTIAL)

**PROPOSED ZONING OF SUBJECT PROPERTY:**
P-R (PROFESSIONAL OFFICE AND PARKING)

N

City of Las Vegas

## AGENDA MEMO

**PLANNING COMMISSION MEETING DATE: NOVEMBER 18, 2004**
**DEPARTMENT: PLANNING AND DEVELOPMENT**
**ITEM DESCRIPTION: ZON-5385 - APPLICANT /OWNER: EVE MAZZARELLA**

## ** CONDITIONS **

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

***Planning and Development***

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

2. Two Variance applications (VAR-5388 and VAR-5389) and a Site Development Plan Review application (SDR-5387) approved by the Planning Commission and City Council prior to issuance of any permits, any site grading, and all development activity for the site.

***Public Works***

3. 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.

4. Landscape and maintain all unimproved rights-of-way on 7th Street adjacent to this site.

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7. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing final grade 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.

# ** STAFF REPORT **

## APPLICATION REQUEST

### *A) Action Requested*

This is a request for a Rezoning from R-3 (Medium Density Residential) to P-R (Professional Office and Parking) on 0.18 acres located at 408 South 7th Street.

### *B) Applicant's Justification*

The applicant has justified this request by stating that the request is harmonious and compatible with the land use changes that have been approved and have been taking place in the area, and the proximity of the site to existing restaurants, offices and the courthouse.

## BACKGROUND INFORMATION

### *A) Previous Actions*

05/18/83 The Board of City Commissioners to approve a Variance (V-0016-83) to allow, as part of a larger request, a satellite patron parking lot on the subject site for a nearby restaurant where such use is not permitted in the R-3 District, at 408 South 7th Street. The Board of Zoning Adjustment had recommended approval on 04/28/83.

08/25/83 The Board of Zoning Adjustment voted to approve a Variance (V-0076-83) which reiterated the Variance previously approved through V-0016-83, and added that parking for the adjacent restaurant be approved for 46 spaces where 55 spaces are required, at 408 South 7th Street.

11/15/84 The Board of Zoning Adjustment voted to approve a Variance (V-0123-84) which reiterated the Variance previously approved through V-0016-83, which had expired since it had not been exercised by that date.

11/18/04 The Planning Commission will consider a companion requests for Variances (VAR-5388 and 5389) to reduce the required amount of parking from nine spaces to five spaces, and to allow a reduction in the required lot width from 60 feet to 50 feet, and a Site Development Plan Review (SDR-5387) for conversion of a 2,342 square-foot house to an office on the site, concurrently with this request.

GL

***B) Pre-Application Meeting***

09/22/04 The applicant was advised regarding the submission requirements for these four applications.

***C) Neighborhood Meetings***

A neighborhood meeting is not required for this application.

## DETAILS OF APPLICATION REQUEST

***A) Site Area***

Gross Acres: 0.18

***B) Existing Land Use***

| | |
|---|---|
| Subject Property: | Single Family Residential |
| North: | Single Family Residential |
| South: | Office |
| East: | High School |
| West: | Restaurant and Parking |

***C) Planned Land Use***

| | |
|---|---|
| Subject Property: | Commercial (LVRP) |
| North: | Commercial (LVRP) |
| South: | Commercial (LVRP) |
| East: | Public Facility (LVRP) |
| West: | Commercial (LVRP) |

***D) Existing Zoning***

| | |
|---|---|
| Subject Property: | R-3 (Medium Density Residential) |
| North: | R-5 (Apartments) |
| South: | R-3 (Medium Density Residential) under Resolution of Intent to P-R (Professional Office & Parking) |
| East: | C-V (Civic) |
| West: | R-4 (High Density Residential) |

***E) General Plan Compliance***

The subject site is located on the Southeast Sector Map of the General Plan and more specifically is part of the Las Vegas Redevelopment Plan. The site is designated as Commercial on Map 9 of the Redevelopment Plan. The P-R (Professional Office &

Parking) zoning district conforms to the O (Office) land use designation. This requested rezoning conforms to this Redevelopment Plan land use designation, which encompasses the SC (Service Commercial), GC (General Commercial) and O (Office) General Plan land use designations.

| *SPECIAL DISTRICTS/ZONES* | Yes | No |
|---|---|---|
| **Special Area Plan** | X | |
| Redevelopment Plan Area | X | |
| **Special Overlay District** | | X |
| Historic Preservation Site | X | |
| **Trails** | X | |
| **Rural Preservation Neighborhood** | | X |
| **Inter-local Agreement Joint Land Use Planning Area** | | X |
| **Development Impact Notification Assessment** | | X |
| **Project of Regional Significance** | | X |

**Redevelopment Plan Area** - The site is located within the Las Vegas Redevelopment Plan area, and is designated within Area 17 on Map 9 of the Redevelopment Plan. Uses in Area 17 must comply with the uses allowed under the GC (General Commercial), SC (Service Commercial), PF (Public Facility) and O (Office) General Plan designations. The proposed office conversion meets this requirement.

**Historic Preservation Site** – The subject site, as part of a larger district, was listed in the National Historic Register on January 30, 1991. The National Historic designation of this property does not affect City of Las Vegas zoning code requirements and separate reviews of this property are not required.

**Trails** – A multi-use transportation trail is anticipated on the east side of 7th Street, adjacent to the Las Vegas Academy of International Studies and Performing Arts.

## 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 zoning designation of P-R (Professional Office and Parking) will be in conformance with the General Plan. The subject site is designated as part of the Office Civic Core (Area 17) on Map 9 of the Redevelopment Plan. Uses in Area 17 must comply

with the uses allowed under the GC (General Commercial), SC (Service Commercial), PF (Public Facility) and O (Office) General Plan designations. The proposed office conversion meets this requirement.

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 P-R (Professional Office and Parking) zoning is intended to allow for office uses in an area which is predominantly residential but because of traffic and other factors is no longer suitable for the continuation of low density residential uses. The proposed office conversion and building addition would be in conformance with the proposed P-R (Professional Office and Parking) zoning and adjacent land uses and zoning districts. Furthermore, the site is located in an area experiencing a transformation from residential to professional office use.

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

   The proposed office conversion and building addition are allowed by the proposed P-R (Professional Office and Parking) zoning. This use is generally compatible with adjacent residential, professional office and civic uses and zoning districts. Therefore, this proposed Rezoning is appropriate for the subject property with regard to the surrounding community.

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

   Access to this site is provided via 7th Street, a fully developed 80-foot-wide right-of-way, and from a rear alley. The proposed development of the site will be sufficiently served by existing roadway facilities.

**NOTICES MAILED** 66 [Mailed with VAR-5388, VAR-5389 and SDR-5387]

**APPROVALS** 0

**PROTESTS** 0

GL

PLANNING & DEVELOPMENT DEPARTMENT

# STATEMENT OF FINANCIAL INTEREST

Case Number: ZON-5385 APN: 139-34-710-032

Name of Property Owner: EVE MAZZARELLA

Name of Applicant: EVE MAZZARELLA

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: Eve Mazzarella

Print Name: Eve Mazzarella

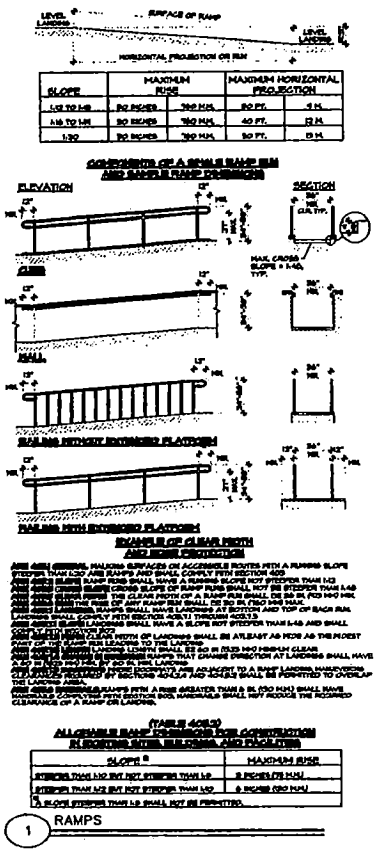
Subscribed and sworn before me

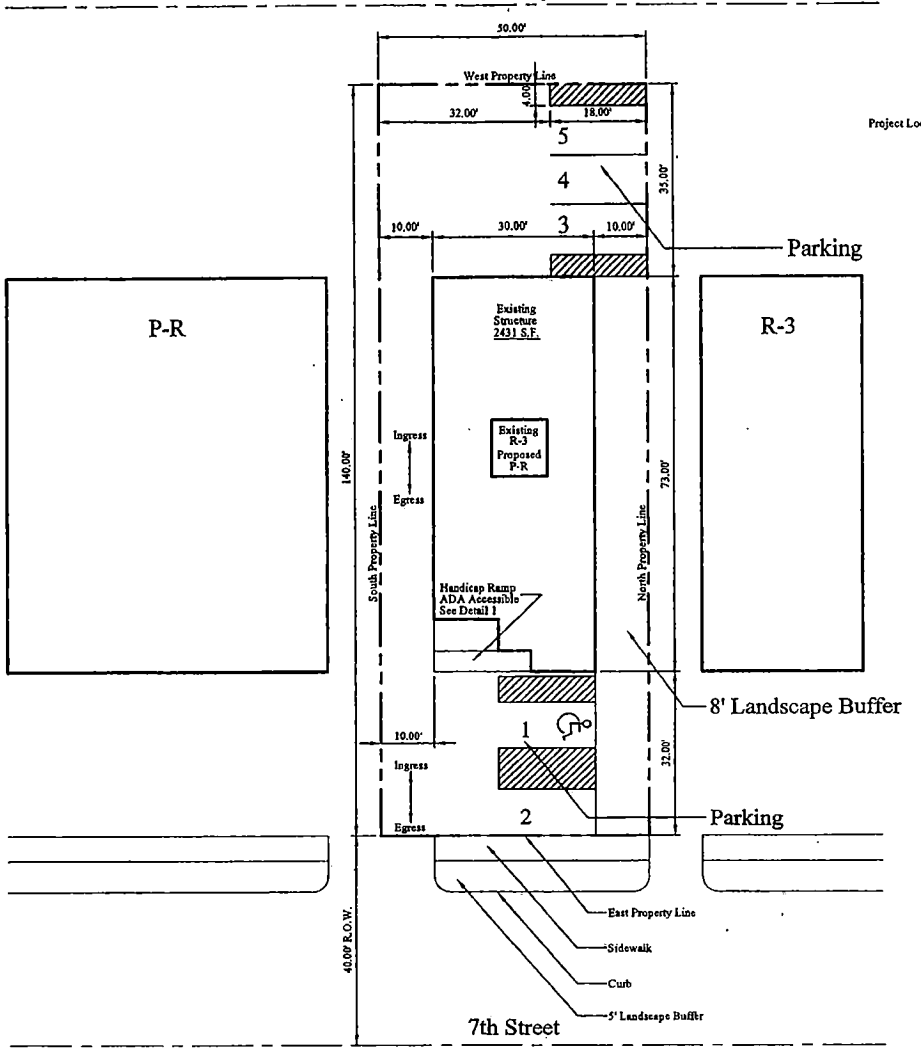
This 4 day of Oct, 2004

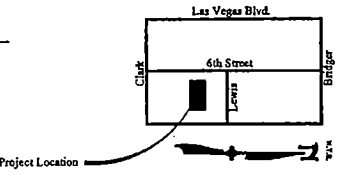
Jenny M Leslie

Notary Public in and for said County and State

NOTARY PUBLIC
County of Clark-State of Nevada
JENNY M. LESLIE
No. 93-2075-1
My Appointment Expires Sept. 9, 2005




## SITE INFORMATION

APN # 139-34-710-032
Address - 488 S. 7th Street
Current Zoning R-3
Proposed Zoning P-R

## PARKING REQUIREMENTS

Parking Required:

| | | | |
|---|---|---|---|
| 1 Existing Structure | 2431 S.F. | / 300 = | 9 |
| | | | 9 |
| Parking Provided | | | 5 |
| TOTAL | | | 5 |
| H.C. Parking Required | | | 1 |
| H.C. Van Parking Provided | | | 1 |
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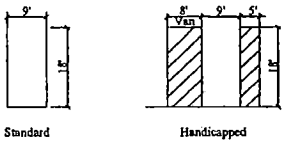
## SETBACKS:

| | |
|---|---|
| Front | 20' |
| Side | 5' |
| Corner Side | 15' |
| Rear | 15' |




**Typical Parking Spaces**

# Eve Mazzarella

408 S. 7th Street

SITE PLAN

Date: October 2, 2004
Project Number: KKB & R

Scale: 1" = 10'
0 10 20

North

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A Development Services Company

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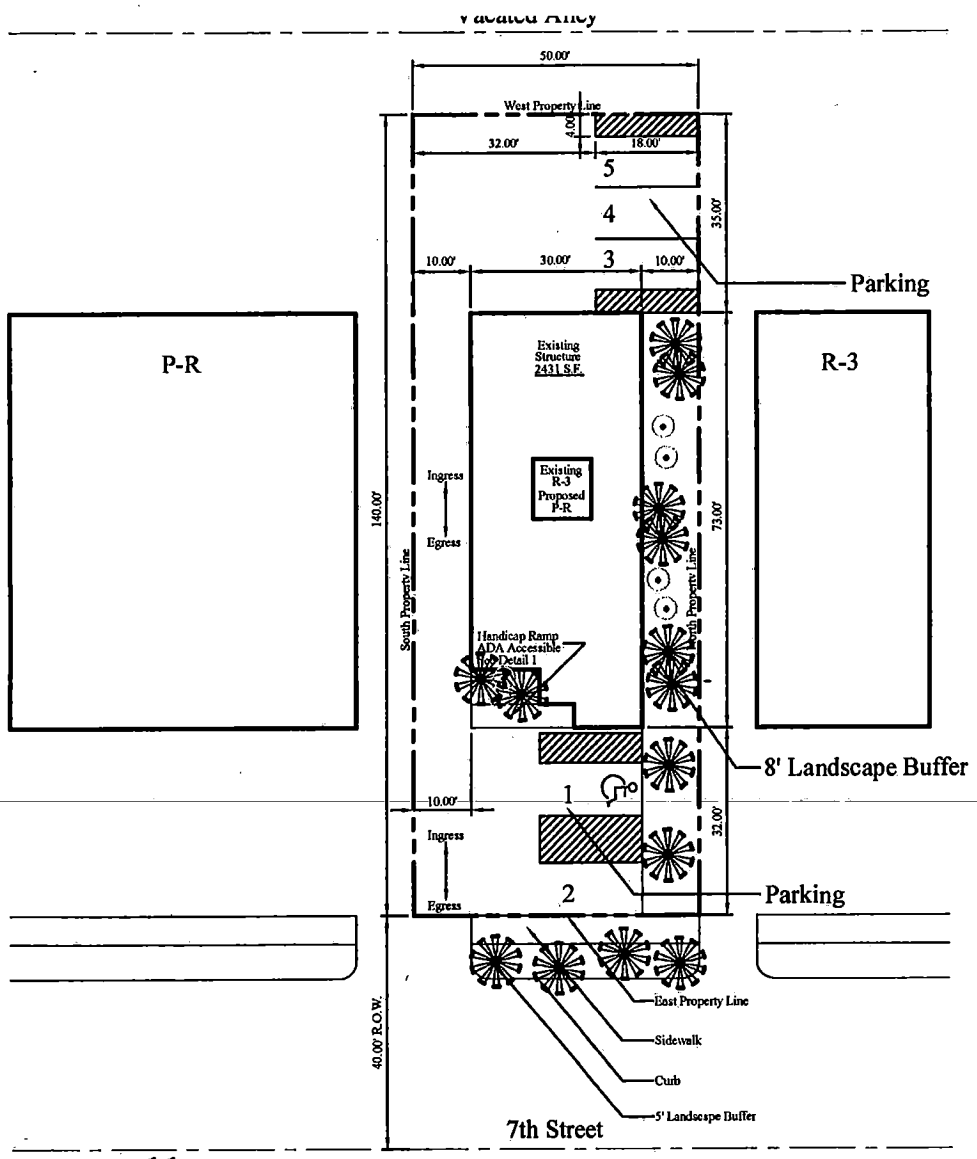
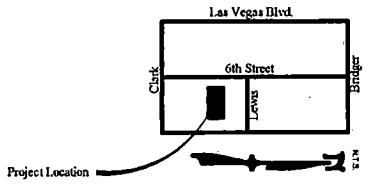
11/18/04 PC




## TREE / PLANT SCHEDULE

| SYM | QTY | SIZE | SPACING | COMMON NAME | BOTANICAL NAME |
|---|---|---|---|---|---|
| | 16 | Height Varies | Varies, See Setback Requirements | MEXICAN FAN PALM | Washingtonia robusta "Mexican Fan Palm" |
| | 12 | 1- 5 Gallon | N/A | Ornamental Ground Shrubs and Cover | |
| | | N/A | N/A | *Xeroscape | |

Vicinity Map

* Xeroscape- No turf to be used. Only rock, Crushed rock or other Low-water use, approved ground conver will be used.

* All landscaping existing.

# Eve Mazzarella

408 S. 7th Street

RECEIVED
OCT 15 2004

Landscape Plan

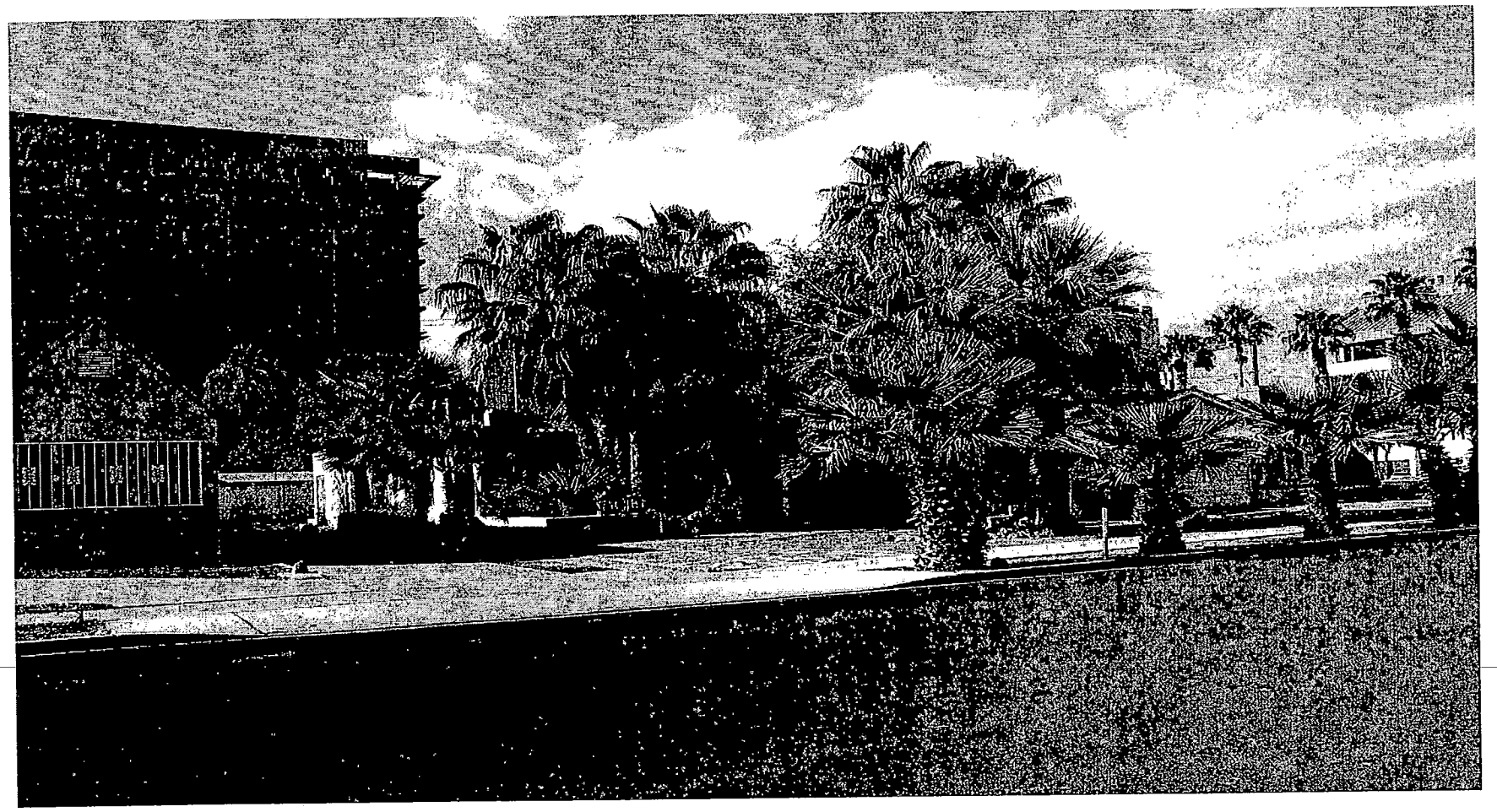
Date: October 2, 2004
Project Number: KKB & R

Scale: 1" = 10'
North

Frontline Group
A Development Services Company

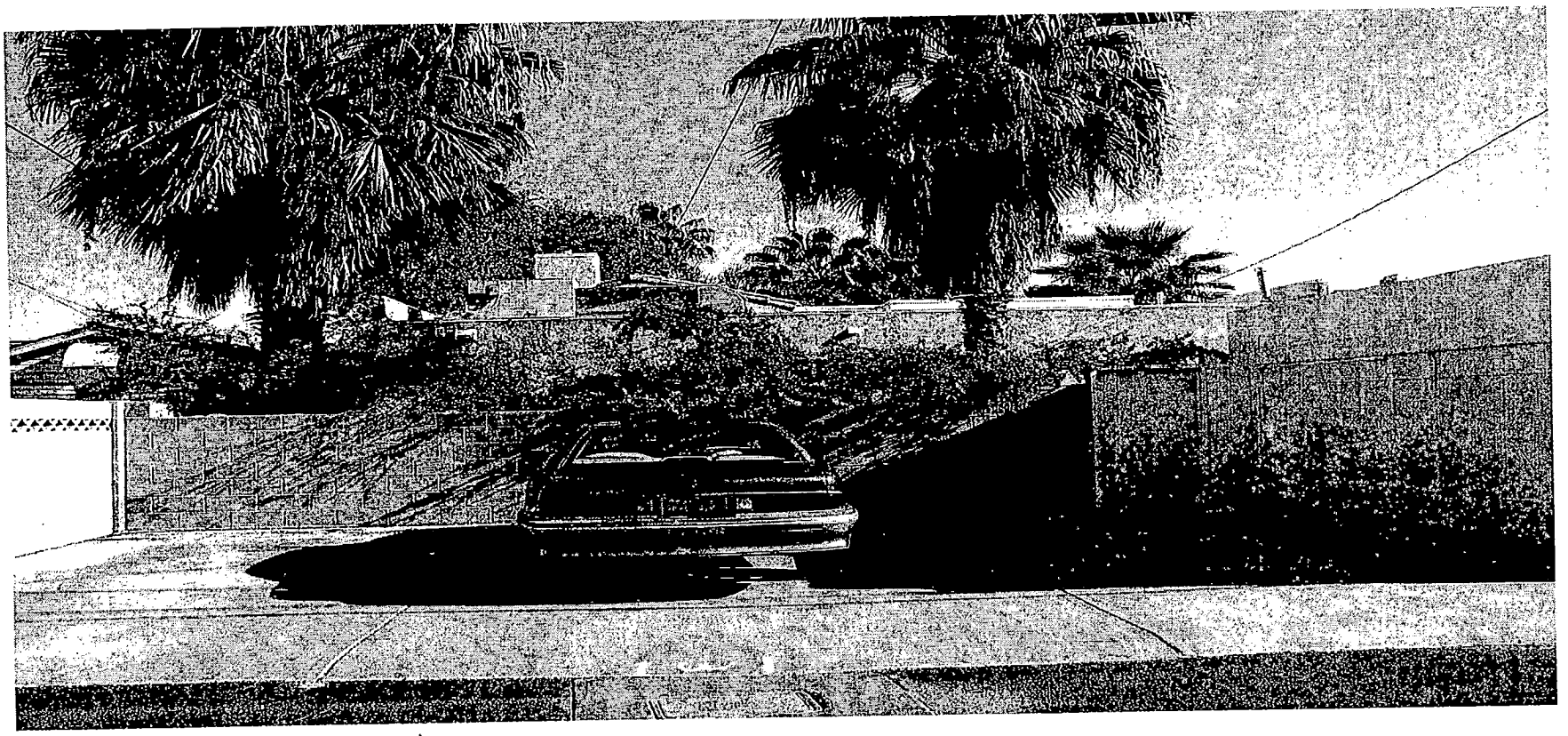
ZON-5385
VAR-5388
VAR-5389
SDR-5387
11/18/04 PC

REVISED
10.15.04



ZON-5385 - APPLICANT/OWNER: EVE MAZZARELLA
408 SOUTH 7TH STREET
NOVEMBER 18, 2004 PLANNING COMMISSION

10/22/04



ZON-5385 - APPLICANT/OWNER: EVE MAZZARELLA
408 SOUTH 7TH STREET
NOVEMBER 18, 2004 PLANNING COMMISSION

10/22/04

City of Las Vegas

Agenda Item No.: 32

## AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

**PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004**

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

**SUBJECT:**
**VAR-5388 - VARIANCE RELATED TO VAR-5389 AND ZON-5385 - PUBLIC HEARING - APPLICANT/OWNER: EVE MAZZARELLA** - Request for a Variance TO ALLOW A REDUCTION IN THE REQUIRED NUMBER OF PARKING SPACES FROM NINE SPACES TO FIVE SPACES FOR THE CONVERSION OF A RESIDENCE TO AN OFFICE on 0.18 acres at 408 South 7th Street (APN 139-34-710-032), R-3 (Medium Density Residential) Zone [PROPOSED: P-R (Professional Offices and Parking)], Ward 1 (Moncrief).

**C.C.: 12/15/04**

| 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:**
**DAVENPORT – APPROVED subject to conditions – UNANIMOUS with McSWAIN abstaining because her husband recently accompanied the owner on a fishing trip and she felt it would be inappropriate to vote**

**To be heard by City Council 12/15/2004**

NOTE: CHAIRMAN TRUESDELL disclosed that he owns property in the downtown area; however, it is not within the notification ring and he would be voting.

**MINUTES:**
See Item 30 [VAR-5389] for all related discussion on Item 30 [VAR-5389], Item 31 [ZON-5385], Item 32 [VAR-5388] and Item 33 [SDR-5387].

(9:35 – 9:39)

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 32 – VAR-5388

**CONDITIONS:**

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-5385), Variance (VAR-5389) and Site Development Plan Review [SDR-5387].

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

3. The applicant shall obtain a letter from the operators of Andre's Restaurant, for which the subject site has an expired approval for a Variance (V-0123-84) to allow parking for Andre's on the entirety of subject site, confirming that they have no objection to the use of this site for the proposed office conversion.

City of Las Vegas

## AGENDA MEMO

**PLANNING COMMISSION MEETING DATE: NOVEMBER 18, 2004**
**DEPARTMENT: PLANNING AND DEVELOPMENT**
**ITEM DESCRIPTION: VAR-5388 - APPLICANT/OWNER: EVE MAZZARELLA**

## ** CONDITIONS **

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

***Planning and Development***

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-5385), Variance (VAR-5389) and Site Development Plan Review [SDR-5387].

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

3. The applicant shall obtain a letter from the operators of Andre's Restaurant, for which the subject site has an expired approval for a Variance (V-0123-84) to allow parking for Andre's on the entirety of subject site, confirming that they have no objection to the use of this site for the proposed office conversion.

# ** STAFF REPORT **

## APPLICATION REQUEST

### *A) Action Requested*

This is a request for a Variance to reduce the required amount of parking from nine spaces to five spaces on 0.18 acres located at 408 South 7th Street.

### *B) Applicant's Justification*

The applicant has justified this request by stating that the request is harmonious and compatible with the land use changes that have been approved and have been taking place in the area, and the proximity of the site to existing restaurants, offices and the courthouse.

## BACKGROUND INFORMATION

### *A) Previous Actions*

05/18/83 The Board of City Commissioners to approve a Variance (V-0016-83) to allow, as part of a larger request, a satellite patron parking lot on the subject site for a nearby restaurant where such use is not permitted in the R-3 District, at 408 South 7th Street. The Board of Zoning Adjustment had recommended approval on 04/28/83.

08/25/83 The Board of Zoning Adjustment voted to approve a Variance (V-0076-83) which reiterated the Variance previously approved through V-0016-83, and added that parking for the adjacent restaurant be approved for 46 spaces where 55 spaces are required, at 408 South 7th Street.

11/15/84 The Board of Zoning Adjustment voted to approve a Variance (V-0123-84) which reiterated the Variance previously approved through V-0016-83, which had expired since it had not been exercised by that date.

11/18/04 The Planning Commission will consider a companion requests for a Rezoning (ZON-5385) from R-3 (Medium Density Residential) to P-R (Professional Office and Parking), a Variance (VAR-5389) to allow a reduction in the required lot width from 60 feet to 50 feet, and a Site Development Plan Review (SDR-5387) for conversion of a 2,342 square-foot house to an office on the site, concurrently with this request.

GL

***B) Pre-Application Meeting***

09/22/04 The applicant was advised regarding the submission requirements for these four applications.

***C) Neighborhood Meetings***

A neighborhood meeting is not required for this application.

## DETAILS OF APPLICATION REQUEST

***A) Site Area***

Gross Acres: 0.18

***B) Existing Land Use***

| | |
|---|---|
| Subject Property: | Single Family Residential |
| North: | Single Family Residential |
| South: | Office |
| East: | High School |
| West: | Parking and Restaurant |

***C) Planned Land Use***

| | |
|---|---|
| Subject Property: | Commercial (LVRP) |
| North: | Commercial (LVRP) |
| South: | Commercial (LVRP) |
| East: | Public Facility (LVRP) |
| West: | Commercial (LVRP) |

***D) Existing Zoning***

| | |
|---|---|
| Subject Property: | R-3 (Medium Density Residential) |
| North: | R-5 (Apartments) |
| South: | R-3 (Medium Density Residential) under Resolution of Intent to P-R (Professional Office & Parking) |
| East: | C-V (Civic) |
| West: | R-4 (High Density Residential) |

***E) General Plan Compliance***

The subject site is located on the Southeast Sector Map of the General Plan and more specifically is part of the Las Vegas Redevelopment Plan. The site is designated as Commercial on Map 9 of the Redevelopment Plan. There are no General Plan or Redevelopment Plan policies that are directly relevant to this request.

GL

| *SPECIAL DISTRICTS/ZONES* | Yes | No |
|---|---|---|
| **Special Area Plan** | X | |
| Redevelopment Plan Area | X | |
| **Special Overlay District** | | X |
| Historic Preservation Site | X | |
| **Trails** | X | |
| **Rural Preservation Neighborhood** | | X |
| **Inter-local Agreement Joint Land Use Planning Area** | | X |
| **Development Impact Notification Assessment** | | X |
| **Project of Regional Significance** | | X |

**Redevelopment Plan Area** - The site is located within the Las Vegas Redevelopment Plan area, and is designated within Area 17 on Map 9 of the Redevelopment Plan. Uses in Area 17 must comply with the uses allowed under the GC (General Commercial), SC (Service Commercial), PF (Public Facility) and O (Office) General Plan designations.

**Historic Preservation Site** – The subject site, as part of a larger district, was listed in the National Historic Register on January 30, 1991. The National Historic designation of this property does not affect City of Las Vegas zoning code requirements and separate reviews of this property are not required.

**Trails** – A multi-use transportation trail is anticipated on the east side of 7th Street, adjacent to the Las Vegas Academy of International Studies and Performing Arts.

## ANALYSIS

### *A) Zoning Code Compliance*

A3) Parking and Traffic Standards

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

| **Uses** | GFA | **Required** Parking Ratio | **Required** Parking | | **Provided** Parking | |
|---|---|---|---|---|---|---|
| | | | Regular | Handicap | Regular | Handicap |
| Office, Other Than Listed | 2,432 SF. | 1/300 GFA | 9 | 2 | 6 | 1 |

GL

The proposed office conversion development does not meet the minimum parking standards for office, other than listed. The Variance as requested would allow five spaces to be developed on the site; however, the site plan shows six spaces proposed. The requested Variance represents a 44% deviation from Code requirements.

The Department of Public Works has advised that it supports present City Code parking requirements, and therefore it cannot support the Variance request.

***B) General Analysis and Discussion***

The applicant is attempting to convert an existing home to office uses. The area surrounding this site has largely undergone similar conversions, leaving few such homes remaining in the area. The applicant is not proposing to overbuild the site by adding to the home; rather, the requested Variance seeks relief from the standard to park the site based on the current building. The site is within a block of the Downtown Centennial Plan, where parking can be completely waived.

A issue to be resolved, however, is the historical approval of a satellite parking lot covering the entirety of the site, to serve the Andre's Restaurant to the northwest of the site across the alley. Andre's received approval in 1983, which was reiterated in 1984, to place a number of parking stalls on this site as part of a "use variance". The overall amount of parking for Andre's was supposed to be 46 spaces, reduced from the Code requirement of 55 stalls. Without the use of the subject site, Andre's has approximately 19 stalls available on the lot immediately to the west of the subject site, across the alley.

The subject site was never developed for the intended use as a parking lot. It appears that in the intervening 20 years, the lack of parking for Andre's on this site has not been an issue in the area. The minutes of the 1984 Variance indicate that it would have expired six months after its approval if not exercised, which it was not. Accordingly, it is recommended that the applicant obtain a letter from the operators of Andre's, confirming that they have no objection to the use of this site for the proposed office conversion. This letter is referenced as a condition of approval.

**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."

Due to the constrained nature of the site and the need to work with the location of the existing structure on the site, no alternative design for an office conversion of the site would allow conformance to the Title 19 parking requirements. As a result of these factors, and the site's immediate proximity to the Downtown Plan area where parking is waivable upon demonstration of need, it is concluded that the applicant's hardship is real, and it is thereby recommended that the Variance be granted.

**NOTICES MAILED** 66 [Mailed with ZON-5385, VAR-5389 and SDR-5387]

**APPROVALS** 0

**PROTESTS** 0

GL

PLANNING & DEVELOPMENT DEPARTMENT

# STATEMENT OF FINANCIAL INTEREST

Case Number: VAR-5388 APN: 139-34-710-032

Name of Property Owner: EVE MAZZARELLA

Name of Applicant: EVE MAZZARELLA

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: Eve Mazzarella

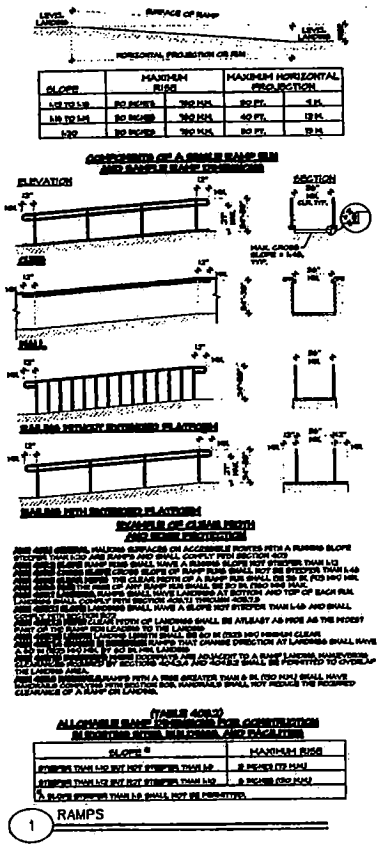
Print Name: Eve Mazzarella

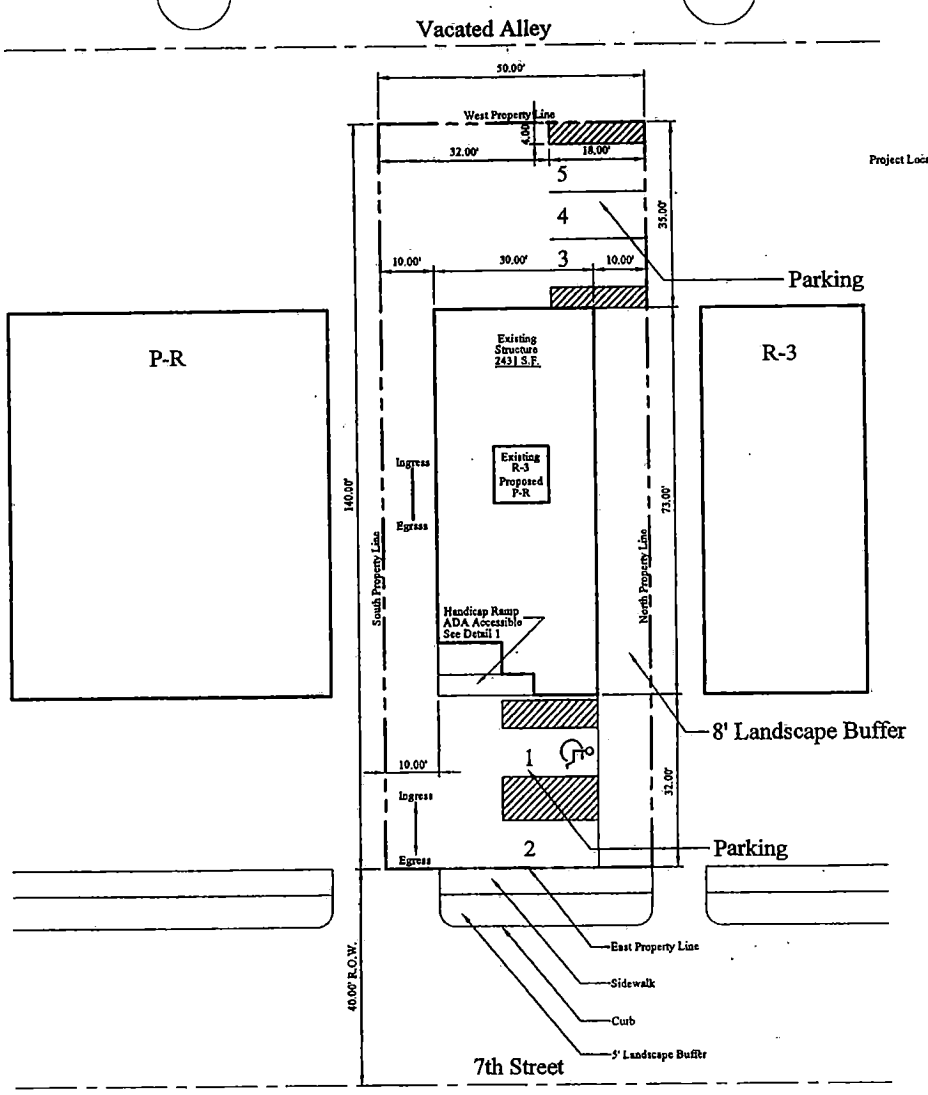
Subscribed and sworn before me

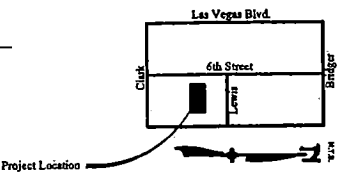
This 4 day of Oct, 2004

Notary Public in and for said County and State

NOTARY PUBLIC
County of Clark-State of Nevada
JENNY M. LESLIE
No. 93-2075-1
My Appointment Expires Sept. 9, 2005




## SITE INFORMATION

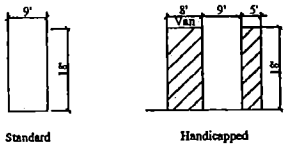
APN # 139-34-710-032
Address - 408 S. 7th Street
Current Zoning R-3
Proposed Zoning P-R

## PARKING REQUIREMENTS

| | | | |
|---|---|---|---|
| Parking Required: | | | |
| 1 Existing Structure | 2431 S.F. | / 300 = | 9 |
| | | | 9 |
| Parking Provided | | | 5 |
| TOTAL | | | 5 |
| H.C. Parking Required | | | 1 |
| H.C. Van Parking Provided | | | 1 |
| H.C. Parking Provided | | | 1 |

## SETBACKS:

| | |
|---|---|
| Front | 20' |
| Side | 5' |
| Corner Side | 15' |
| Rear | 15' |




**Typical Parking Spaces**

# Eve Mazzarella

408 S. 7th Street

SITE PLAN

Date: October 2, 2004
Project Number: KKB & R

Scale: 1" = 10'
0 10 20

North

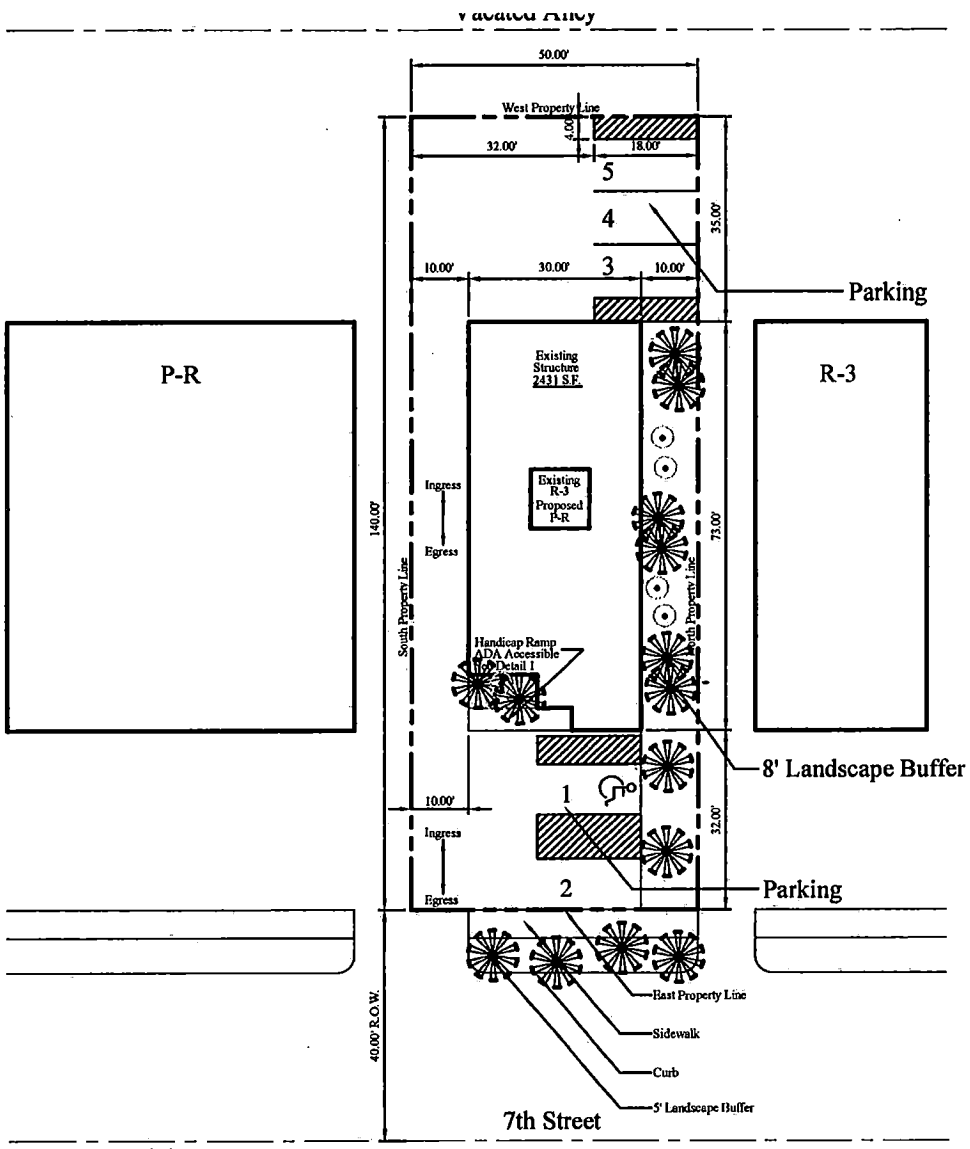
Frontline GROUP
A Development Services Company

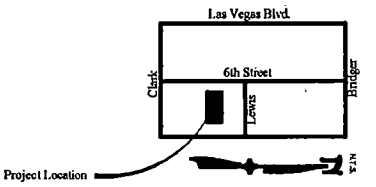
REVISED 11.12.04

RECEIVED
NOV 12 2004

SDR-5387 VAR-5388 ZON-5385 VAR-5389

11/18/04 PC




## TREE / PLANT SCHEDULE

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| | | N/A | N/A | *Xeroscape | |

* Xeroscape- No turf to be used. Only rock, Crushed rock or other Low-water use, approved ground conver will be used.

* All landscaping existing.

# Eve Mazzarella

408 S. 7th Street

Landscape Plan

Date: October 2, 2004
Project Number: KKB & R

Scale: 1" = 10'

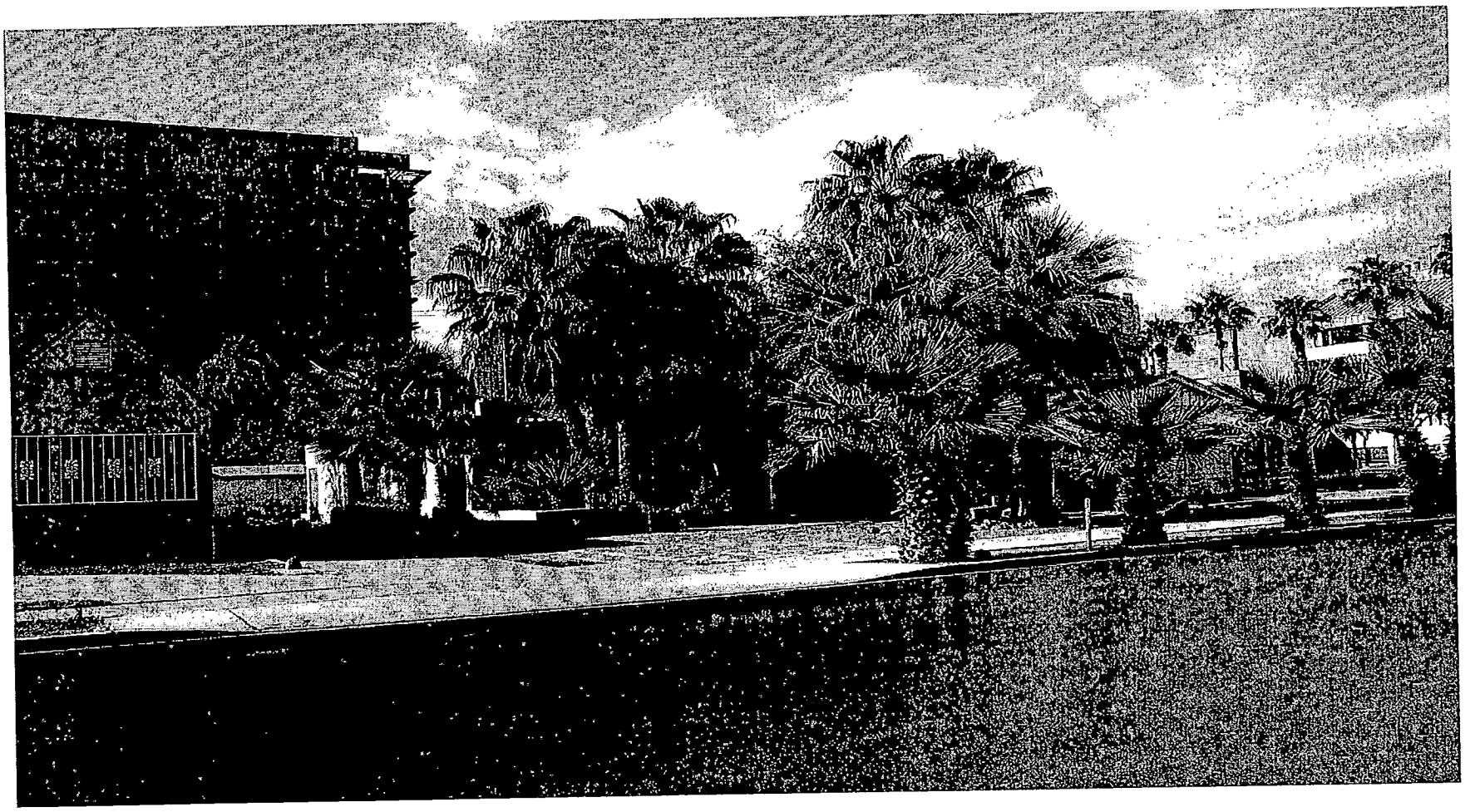
North

Frontline Group
A Development Services Company

ZON-5385
VAR-5388
VAR-5389
SDR-5387
11/18/04 PC

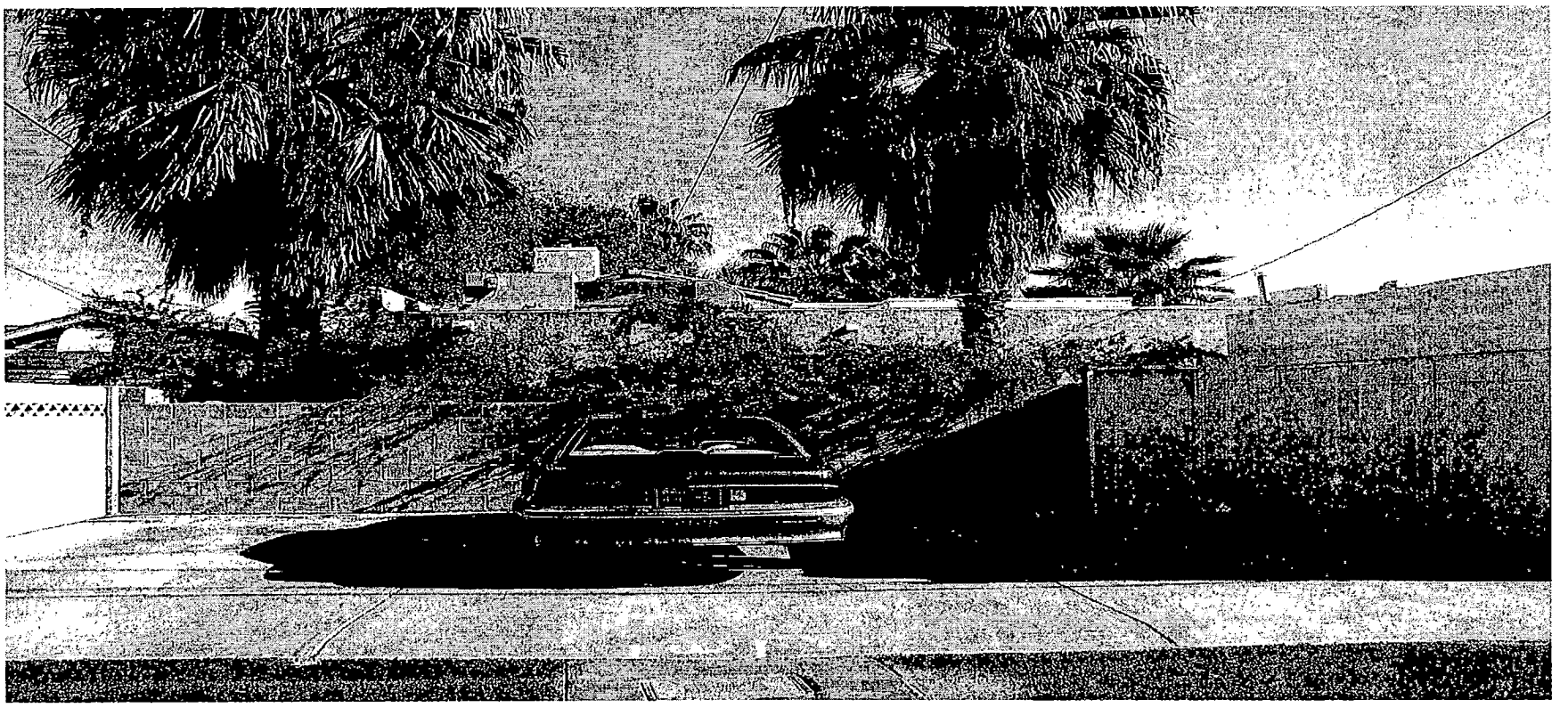
RECEIVED
OCT 15 2004

REVISED
10.15.04



VAR-5388 - APPLICANT/OWNER: EVE MAZZARELLA
408 SOUTH 7TH STREET
NOVEMBER 18, 2004 PLANNING COMMISSION

10/22/04



VAR-5388 - APPLICANT/OWNER: EVE MAZZARELLA
408 SOUTH 7TH STREET
NOVEMBER 18, 2004 PLANNING COMMISSION

10/22/04

City of Las Vegas

Agenda Item No.: 33

## AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

**PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004**

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

**SUBJECT:**
**SDR-5387 - SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-5389, ZON-5385 AND VAR-5388 - PUBLIC HEARING - APPLICANT/OWNER: EVE MAZZARELLA** - Request for a Site Development Plan Review FOR A PROPOSED 2,432 SQUARE FOOT HOUSE CONVERSION TO AN OFFICE, FOR A WAIVER OF THE PERIMETER LANDSCAPING REQUIREMENTS AND FOR A 50-FOOT WIDE LOT WHERE 60 FEET IS THE MINIMUM WIDTH REQUIRED on 0.18 acres at 408 South 7th Street (APN 139-34-710-032), R-3 (Medium Density Residential) Zone [PROPOSED: P-R (Professional Offices and Parking)], Ward 1 (Moncrief).

**C.C.: 12/15/04**

| 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:**
**DAVENPORT – APPROVED subject to conditions – UNANIMOUS with McSWAIN abstaining because her husband recently accompanied the owner on a fishing trip and she felt it would be inappropriate to vote**

**To be heard by City Council 12/15/2004**

NOTE: CHAIRMAN TRUESDELL disclosed that he owns property in the downtown area; however, it is not within the notification ring and he would be voting.

**MINUTES – Continued:**
See Item 30 [VAR-5389] for all related discussion on Item 30 [VAR-5389], Item 31 [ZON-5385], Item 32 [VAR-5388] and Item 33 [SDR-5387].

(9:35 – 9:39)
**3-685**

**CONDITIONS:**
Planning and Development

1. A Rezoning [ZON-5385] to a P-R (Professional Office and Parking) Zoning District, and Variances (VAR-5388 and VAR-5389) approved by the City Council.

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

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

4. 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 an increase in the number of five-gallon shrubs planted for each tree that is retained on the site. The applicant shall endeavor to retain as many of the existing on-site and boulevard trees as possible.

5. The elevations shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to maintain the existing architectural features of the structure and to design the handicap ramp to not interfere with or detract from the appearance of the façade of the building.

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.

**CONDITIONS – Continued:**

8. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets. 9. Parking lot lighting shall be wallpack lighting and shall utilize 'shoe-box' fixtures and downward-directed lights on the proposed building. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.

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

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

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

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

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

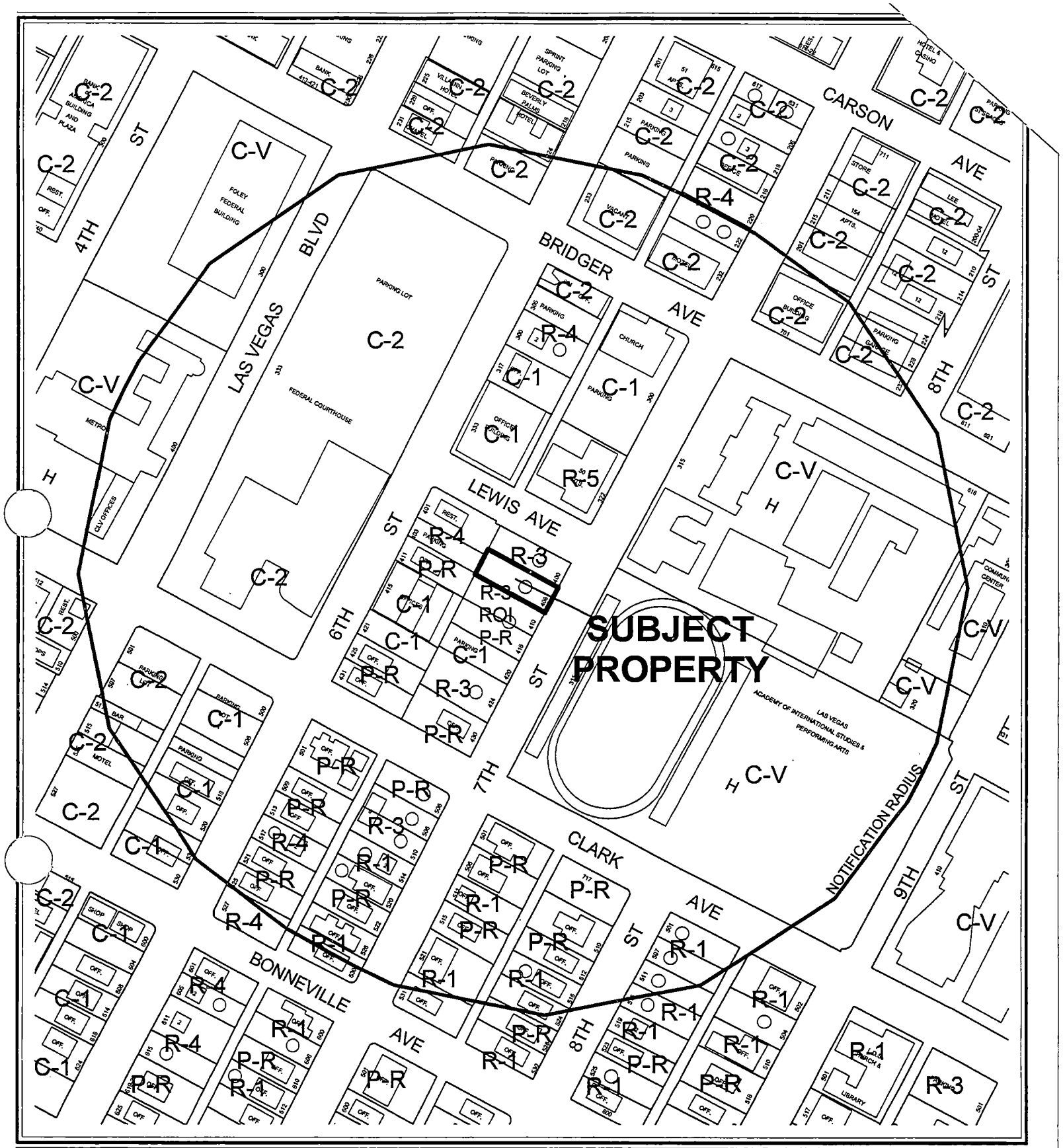
15. Prior to the issuance of building permits, a revised landscape plan must be submitted to and approved by the Department of Planning and Development showing a maximum of 12.5% of the total landscaped area as turf.

Public Works

16. Provide a copy of a recorded Joint Access Agreement between this site and the adjoining parcel to the south prior to the issuance of any permits.

17. 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.

18. Site development to comply with all applicable conditions of approval for ZON-5385 and all other subsequent site-related actions.




0 200 400 Feet

**CASE:** **SDR-5387**

**RADIUS:** 750 FT

**ZONING OF SUBJECT PROPERTY:**
R-3 (MEDIUM DENSITY RESIDENTIAL)

**PROPOSED ZONING OF SUBJECT PROPERTY:**
P-R (PROFESSIONAL OFFICE AND PARKING)

N

City of Las Vegas

## AGENDA MEMO

**PLANNING COMMISSION MEETING DATE: NOVEMBER 18, 2004**
**DEPARTMENT: PLANNING AND DEVELOPMENT**
**ITEM DESCRIPTION: SDR-5387 - PUBLIC HEARING - APPLICANT/OWNER: EVE MAZZARELLA**

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## ** CONDITIONS **

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

***Planning and Development***

1. A Rezoning [ZON-5385] to a P-R (Professional Office and Parking) Zoning District, and Variances (VAR-5388 and VAR-5389) approved by the City Council.

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

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

4. 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 an increase in the number of five-gallon shrubs planted for each tree that is retained on the site. The applicant shall endeavor to retain as many of the existing on-site and boulevard trees as possible.

5. The elevations shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to maintain the existing architectural features of the structure and to design the handicap ramp to not interfere with or detract from the appearance of the façade of the building.

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 shall be wallpack lighting and shall utilize 'shoe-box' fixtures and downward-directed lights on the proposed building. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.

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

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

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

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

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

15. 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***

16. Provide a copy of a recorded Joint Access Agreement between this site and the adjoining parcel to the south prior to the issuance of any permits.

17. 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.

18. Site development to comply with all applicable conditions of approval for ZON-5385 and all other subsequent site-related actions.

# ** STAFF REPORT **

## APPLICATION REQUEST

### *A) Action Requested*

This is a request for a Site Development Plan Review for conversion of an existing 2,342 square-foot house to an office and a waiver of the perimeter landscaping and buffering requirements, and a waiver of loading zone and trash enclosure provisions, on 0.18 acres located at 408 South 7th Street.

### *B) Applicant's Justification*

The applicant has justified this request by stating that the request is harmonious and compatible with the land use changes that have been approved and have been taking place in the area, and the proximity of the site to existing restaurants, offices and the courthouse.

## BACKGROUND INFORMATION

### *A) Previous Actions*

05/18/83 The Board of City Commissioners to approve a Variance (V-0016-83) to allow, as part of a larger request, a satellite patron parking lot on the subject site for a nearby restaurant where such use is not permitted in the R-3 District, at 408 South 7th Street. The Board of Zoning Adjustment had recommended approval on 04/28/83.

08/25/83 The Board of Zoning Adjustment voted to approve a Variance (V-0076-83) which reiterated the Variance previously approved through V-0016-83, and added that parking for the adjacent restaurant be approved for 46 spaces where 55 spaces are required, at 408 South 7th Street.

11/15/84 The Board of Zoning Adjustment voted to approve a Variance (V-0123-84) which reiterated the Variance previously approved through V-0016-83, which had expired since it had not been exercised by that date.

11/18/04 The Planning Commission will consider a companion requests for a Rezoning (ZON-5385) from R-3 (Medium Density Residential) to P-R (Professional Office and Parking), and Variances (VAR-5388 and 5389) to reduce the required amount of parking from nine spaces to five spaces, and to allow a reduction in the required lot width from 60 feet to 50 feet, concurrently with this request.

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***B) Pre-Application Meeting***

09/22/04 The applicant was advised regarding the submission requirements for these four applications.

***C) Neighborhood Meetings***

A neighborhood meeting is not required for this application.

**DETAILS OF APPLICATION REQUEST**

***A) Site Area***

Gross Acres: 0.18

***B) Existing Land Use***

| | |
|---|---|
| Subject Property: | Single Family Residential |
| North: | Single Family Residential |
| South: | Office |
| East: | High School |
| West: | Restaurant and Parking |

***C) Planned Land Use***

| | |
|---|---|
| Subject Property: | Commercial (LVRP) |
| North: | Commercial (LVRP) |
| South: | Commercial (LVRP) |
| East: | Public Facility (LVRP) |
| West: | Commercial (LVRP) |

***D) Existing Zoning***

| | |
|---|---|
| Subject Property: | R-3 (Medium Density Residential) |
| North: | R-5 (Apartments) |
| South: | R-3 (Medium Density Residential) under Resolution of Intent to P-R (Professional Office & Parking) |
| East: | C-V (Civic) |
| West: | R-4 (High Density Residential) |

***E) General Plan Compliance***

The subject site is located on the Southeast Sector Map of the General Plan and more specifically is part of the Las Vegas Redevelopment Plan. The site is designated as Commercial on Map 9 of the Redevelopment Plan. The P-R (Professional Office &

GL

Parking) zoning district conforms to the O (Office) land use designation. This companion Rezoning request (ZON-5385) conforms to this Redevelopment Plan land use designation, which encompasses the SC (Service Commercial), GC (General Commercial) and O (Office) General Plan land use designations. This proposed site plan conforms to the proposed P-R zoning district, with the exception of the above noted waivers.

| *SPECIAL DISTRICTS/ZONES* | Yes | No |
|---|---|---|
| **Special Area Plan** | X | |
| Redevelopment Plan Area | X | |
| **Special Overlay District** | | X |
| Historic Preservation Site | X | |
| **Trails** | X | |
| **Study Area** | | X |
| **Rural Preservation Neighborhood** | | X |
| **Inter-local Agreement Joint Land Use Planning Area** | | X |
| **Development Impact Notification Assessment** | | X |
| **Project of Regional Significance** | | X |

**Redevelopment Plan Area** - The site is located within the Las Vegas Redevelopment Plan area, and is designated within Area 17 on Map 9 of the Redevelopment Plan. Uses in Area 17 must comply with the uses allowed under the GC (General Commercial), SC (Service Commercial), PF (Public Facilities) and O (Office) General Plan designations. The proposed office conversion meets this requirement.

**Historic Preservation Site** – The subject site, as part of a larger district, was listed in the National Historic Register on January 30, 1991. The National Historic designation of this property does not affect City of Las Vegas zoning code requirements and separate reviews of this property are not required.

**Trails** – A multi-use transportation trail is anticipated on the east side of 7th Street, adjacent to the Las Vegas Academy of International Studies and Performing Arts.

## PROJECT DESCRIPTION

The site plan depicts an existing 2,432 square-foot single-family residence to be converted to an office. No additions to the existing structure are proposed. Access to the site is via a driveway from 7th Street, with a 10-foot wide drive aisle along the side of the building. A total of nine parking spaces are required for the subject site, including one handicap parking space, which must be a van accessible space. Five parking spaces are indicated on the site plan, including two in front of the building and three behind the building. As the site plan calls for use of a 10-foot

driveway on the south side (side yard) of the property, and parking to within four feet of the rear property line, and to within zero feet of the front property line, the applicant has requested waiver of the landscaping and buffering standards in these areas.

## 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 | 7,000 s.f. | N/A |
| Min. Lot Width | 60 Feet | 50 Feet | N |
| Min. Setbacks<br>• Front<br>• Side<br>• Rear | <br>20 Feet<br>5 Feet<br>15 Feet | <br>32 Feet<br>10 Feet<br>35 feet | <br>Y<br>Y<br>Y |
| Max. Lot Coverage | 50 % | 35% | Y |
| Max. Building Height | 2 Stories / 35 Feet | 1 story existing | Y |
| Trash Enclosure | Walled, gated | N | N |
| Loading Zone | 1 space | N | N |

The proposed office conversion conforms to the requirements of Title 19.08 with respect to development in a P-R (Professional Office and Parking) Zone with the exception of the minimum lot width, and providing a loading zone and trash enclosure on the site.

The applicant has requested a companion Variance (VAR-5389) to seek relief from the minimum lot width requirement of the Code. A waiver of the loading zone and trash enclosure provisions is necessary to accommodate the development as proposed on the site, due to the use of the existing building and the small scale of operation on the site, as part of this Site Development Plan Review application. These waivers are acceptable for these reasons.

A2) Residential Adjacency Standards

This proposal complies with the City's Residential Adjacency Standards.

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 |
| Office, Other Than Listed | 2,432 SF. | 1/300 GFA | 9 | 2 | 5 | 1 |

The proposed office conversion development does not meet the minimum parking standards for office, other than listed; however, the applicant has requested a companion Variance (VAR-5388) to seek relief from the established parking standards in 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 | **Required** Trees | **Provided** |
|---|---|---|---|
| Parking Area | 1 Tree per 6 Spaces | 1 Tree | 1 Tree |
| Buffer: | | | |
| • Min. Trees – Adj. to R-O-W | • 1 Tree per 20 Linear Feet, plus one. | 4 Trees | 4 Trees (in R-O-W) |
| • Min. Trees – Rear and Side Yard | • 1 Tree per 30 Linear Feet, plus one. | 12 Trees | 9 Trees |
| • Min. Zone Width – Adj. to R-O-W | • 15 Feet | | 0 Feet |
| • Min. Zone Width – Rear Yard | • 8 Feet | | 0 Feet |
| • Min. Zone Width – Side Yard | • 8 Feet | | 10 Feet |
| • Wall height | • 2'-8" to 6 feet wall height. | | Existing |

The project does not meet some of the minimum standards for landscaping and buffering requirements as provided in Title 19.12 of the Code and in the Las Vegas Urban Design Guidelines and Standards. The applicant has requested a waiver of these perimeter landscape requirements. This request is appropriate given the fact that the existing building on the site will be retained but not expanded, and given the small size of the subject parcel.

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A5) Sign Standards

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

**Monument Signs:** P-R (Professional Office and Parking)

| Standards | Allowed | Provided |
|---|---|---|
| Maximum Number | 1 / Street frontage 2 total | Not indicated |
| Maximum Area | 75 SF /sign | Not indicated |
| Maximum Height | 8 Feet | Not indicated |
| Minimum Setback | 5 Feet | Not indicated |
| Illumination | Direct/Internal | Not indicated |

**Wall Signs:** P-R (Professional Office and Parking)

| Standards | Allowed | Provided |
|---|---|---|
| Maximum Number | 1 per Tenant per building elevation 4 total | Not indicated |
| Maximum Area | 50 SF / sign | Not indicated |
| Maximum Projection | 2 Feet | Not indicated |
| Illumination | Internal/External | Not indicated |

The site plan drawings did not indicate the location of any monument or wall signs. Pursuant to Las Vegas Zoning Code Section 19.14, minimum Sign Standards will apply to the subject proposal.

***B) General Analysis and Discussion***

- Zoning

  The proposed office conversion is a permitted use in the P-R (Professional Office and Parking) zoning district.

- Site Plan

  The site plan presents an existing 2,432 square-foot single-family residence to be converted and utilized as an office. A condition is recommended to ensure that the proposed handicap ramp be designed in a way so as to not interfere with the appearance of the historic façade of the building. The van accessible handicap space shall be striped per Title 19 standards (Section 19.10.G3a).

- Waivers

  Pursuant to Section 19.08.045 of the Zoning Code, there are a number of site plan requirements for commercial developments. This proposed office conversion requires waivers from several of these standards, which include the following:

  - **Waiver of the on-site landscape standards (foundation, perimeter and parking lot).**
    The applicant is proposing a waiver for the six-foot perimeter landscaping requirement along the side and rear property lines, and the 15-foot buffer in the front yard. The intent of this standard is to provide an adequate landscape buffer between adjacent properties and the subject use. The waiver is appropriate along the south (side) property line due to the presence of the drive aisle that connects to the rear yard parking area, along the west (rear) property line, where the bulk of the on-site parking is located, and in the front, where there are substantial Mexican Palm trees located on the parkway amenity area beyond the sidewalk. Existing trees and landscaping should be retained and enhanced along the north property line adjacent to the existing restaurant. Also, due to the narrow shape of the site, the existing building on-site and the identified parking deficiency, it is appropriate to waive the landscape planter island requirement.

  - **Waiver of the loading zone and trash enclosure requirement**
    In this case, waivers of these requirements are appropriate, given that attorneys' offices and most other professional uses will require virtually no deliveries, and that trash collection is minimal and can be done with conventional trash receptacles stored next to the building.

- Landscape Plan

  The submitted landscape plan indicates an adequate number of existing Mexican Palm trees along 7th Street, although located within the right-of-way and not on-site, in contravention of Code requirements. These trees have existed for some time and should be retained as an amenity for the site. Landscape plant material provided is lacking in the 7th Street planter and a condition is recommended to provide additional shrubs and foliage in this area.

  All trees, shrubs and groundcover in the proposed planters shall be in accordance with the planting and spacing requirements of the Las Vegas Urban Guidelines and Standards.

- Elevation

  The Southwest-style inspired appearance of the existing building presents an interesting and varied use of accents. A condition is recommended to ensure the exterior of the building is retained essentially as it currently appears. The conversion of this single-family residence to an office is appropriate for the area.

**FINDINGS**

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

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

   The proposed office conversion conforms to the proposed P-R (Professional Office and Parking) zoning and adjacent land uses and zoning districts. Furthermore, the site is located in an area experiencing a transformation from residential to professional office use.

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 office development will be consistent with Title 19, and with the intent of the Design Standards Manual, the Landscape, Wall and Buffer Standards with the exception of requested waivers including the perimeter and on-site Landscape Standards, parking requirements and the loading zone and trash collection requirements. These waivers are acceptable given the re-use of the existing building on the site, and the constrained nature of the site.

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

   Access to this site is provided via 7th Street, a fully developed 80-foot-wide right-of-way. The proposed development of the site will be sufficiently served by existing roadway facilities.

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

The site landscaping will provide an appropriate landscape buffer along 7th Street with the incorporation of some shrubs and along the north property line. All new landscape materials should meet the minimum spacing and planting requirements of the Las Vegas Urban Design Guidelines and Standards.

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 Southwest-style inspired appearance of the existing building presents an interesting and varied use of accents. A condition is recommended to ensure the exterior of the building is retained essentially as it currently appears. The conversion of this single-family residence to an office is appropriate for the area.

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

The business within the proposed office will be subject to regular inspections for licensing, and therefore the development will not compromise the public health, safety or welfare.

**NOTICES MAILED** 66 [Mailed with ZON-5385, VAR-5388 and VAR-5389]

**APPROVALS** 0

**PROTESTS** 0

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PLANNING & DEVELOPMENT DEPARTMENT

# STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-5387 APN: 139-34-710-032

Name of Property Owner: EVE MAZZARELLA

Name of Applicant: EVE MAZZARELLA

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: Eve Mazzarella

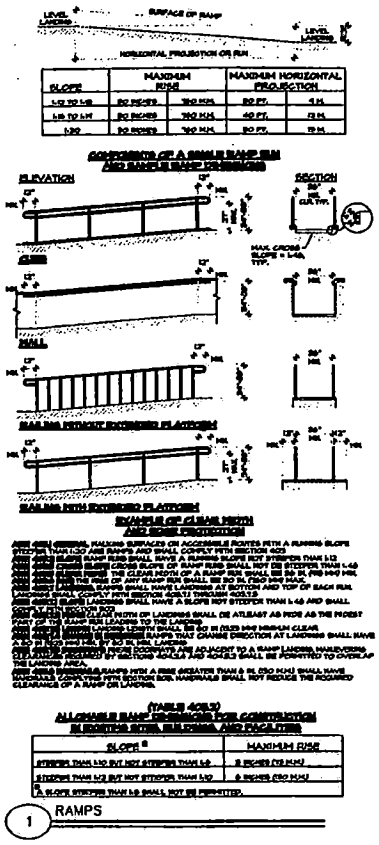
Print Name: Eve Mazzarella

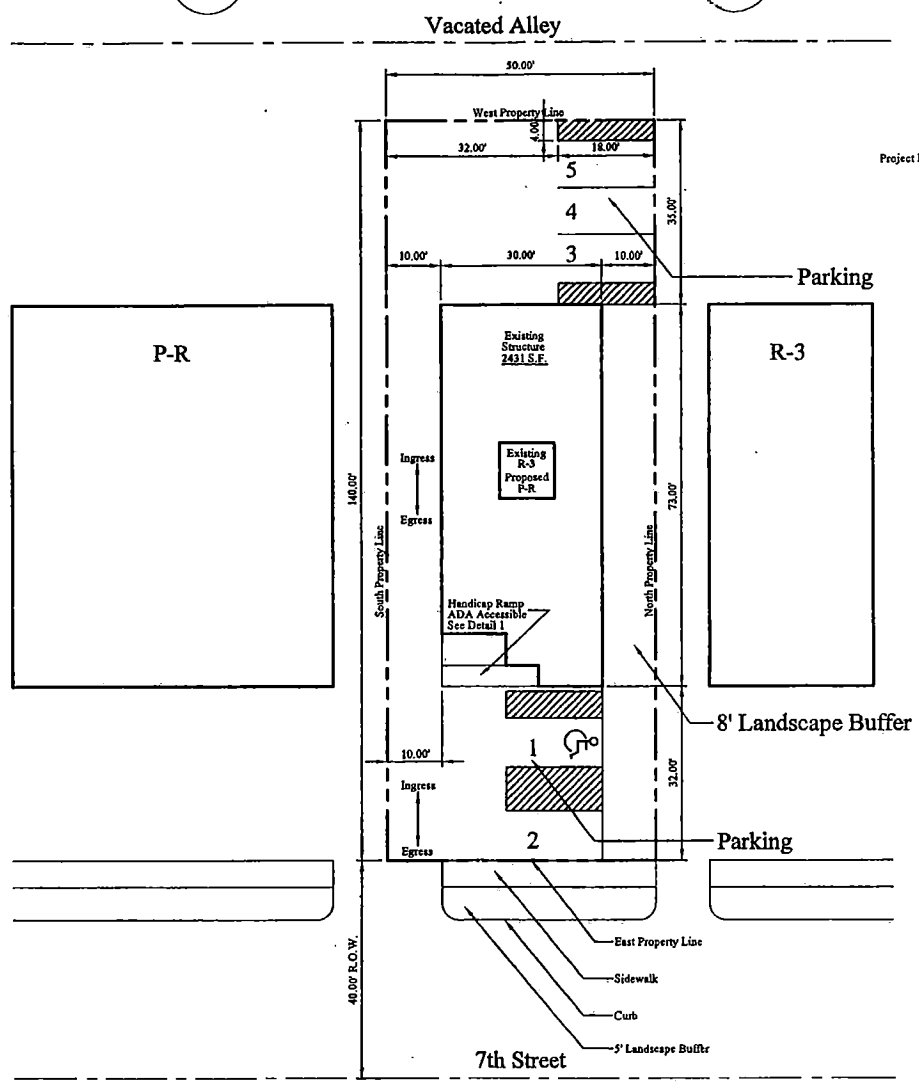
Subscribed and sworn before me

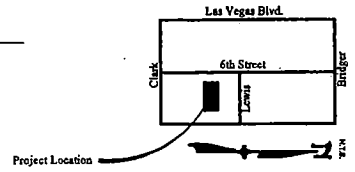
This 4 day of Oct, 2004

Notary Public in and for said County and State

NOTARY PUBLIC
County of Clark-State of Nevada
JENNY M. LESLIE
No. 93-2075-1
My Appointment Expires Sept. 9, 2005




## SITE INFORMATION

APN # 139-34-710-032
Address - 408 S. 7th Street
Current Zoning R-3
Proposed Zooing P-R

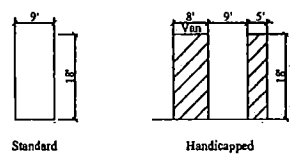
## PARKING REQUIREMENTS

Parking Required:

| | | | |
|---|---|---|---|
| 1 Existing Structure | 2431 S.F. | / 300 = | 9 |
| | | | 9 |
| Parking Provided | | | 5 |
| TOTAL | | | 5 |
| H.C. Parking Required | | | 1 |
| H.C. Van Parking Provided | | | 1 |
| H.C. Parking Provided | | | 1 |

## SETBACKS:

| | |
|---|---|
| Front | 20' |
| Side | 5' |
| Corner Side | 15' |
| Rear | 15' |




**Typical Parking Spaces**

# Eve Mazzarella

408 S. 7th Street

SITE PLAN

Date: October 2, 2004
Project Number: KKB & R

Scale: 1" = 10'
0 10 20

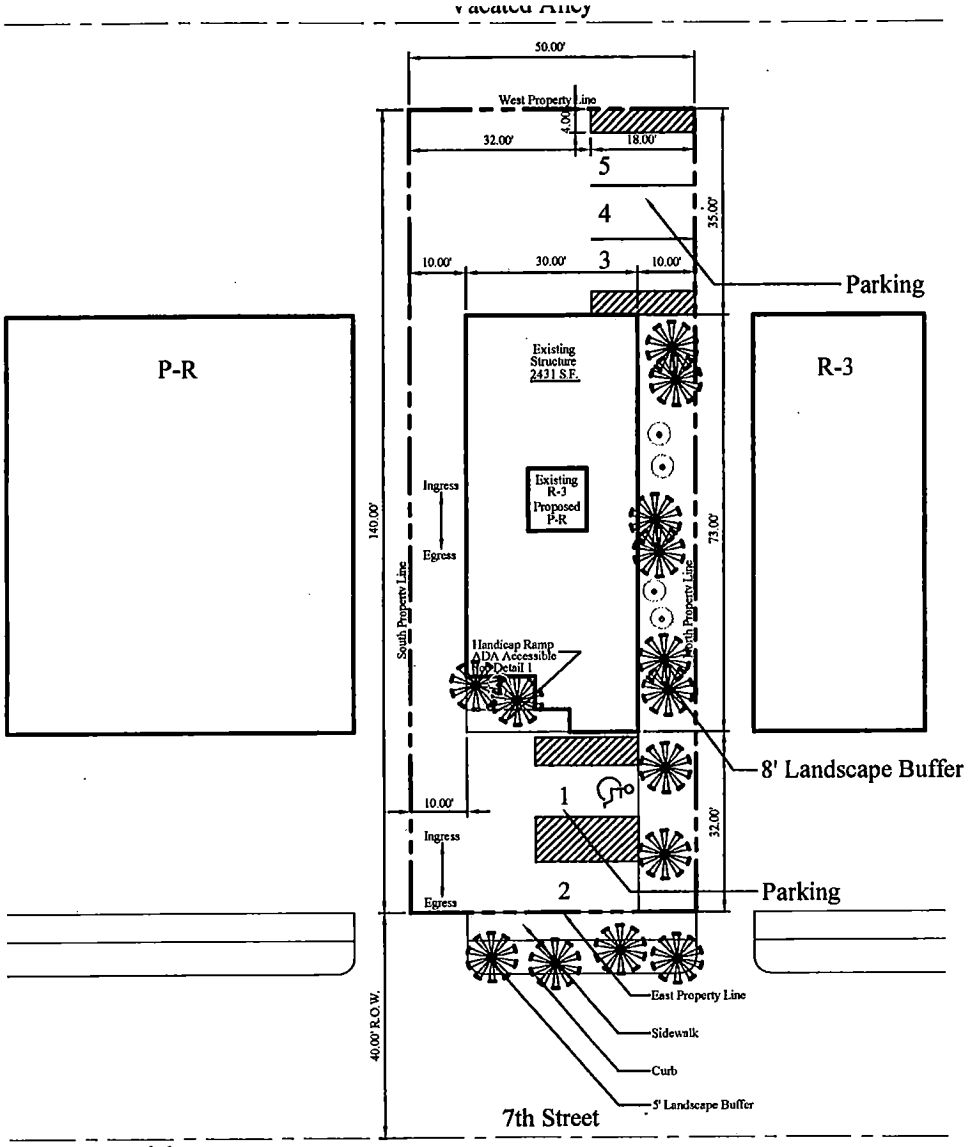
North

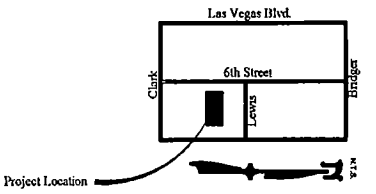
Frontline GROUP
A Development Services Company

REVISED
11.12.04

RECEIVED
NOV 12 2004

SDR-5387 ZON-5385
VAR-5388 VAR-5389
11/18/04 PC




## TREE / PLANT SCHEDULE

| SYM | QTY | SIZE | SPACING | COMMON NAME | BOTANICAL NAME |
|---|---|---|---|---|---|
| | 16 | Height Varies | Varies, See Setback Requirements | MEXICAN FAN PALM | Washingtonia robusta "Mexican Fan Palm" |
| | 12 | 1- 5 Gallon | N/A | Ornamental Ground Shrubs and Cover | |
| | | N/A | N/A | *Xeroscape | |

* Xeroscape- No turf to be used. Only rock, Crushed rock or other Low-water use, approved ground conver will be used.

* All landscaping existing.

# Eve Mazzarella

408 S. 7th Street

Landscape Plan

Date: October 2, 2004
Project Number: KKB

Scale: 1" = 10'

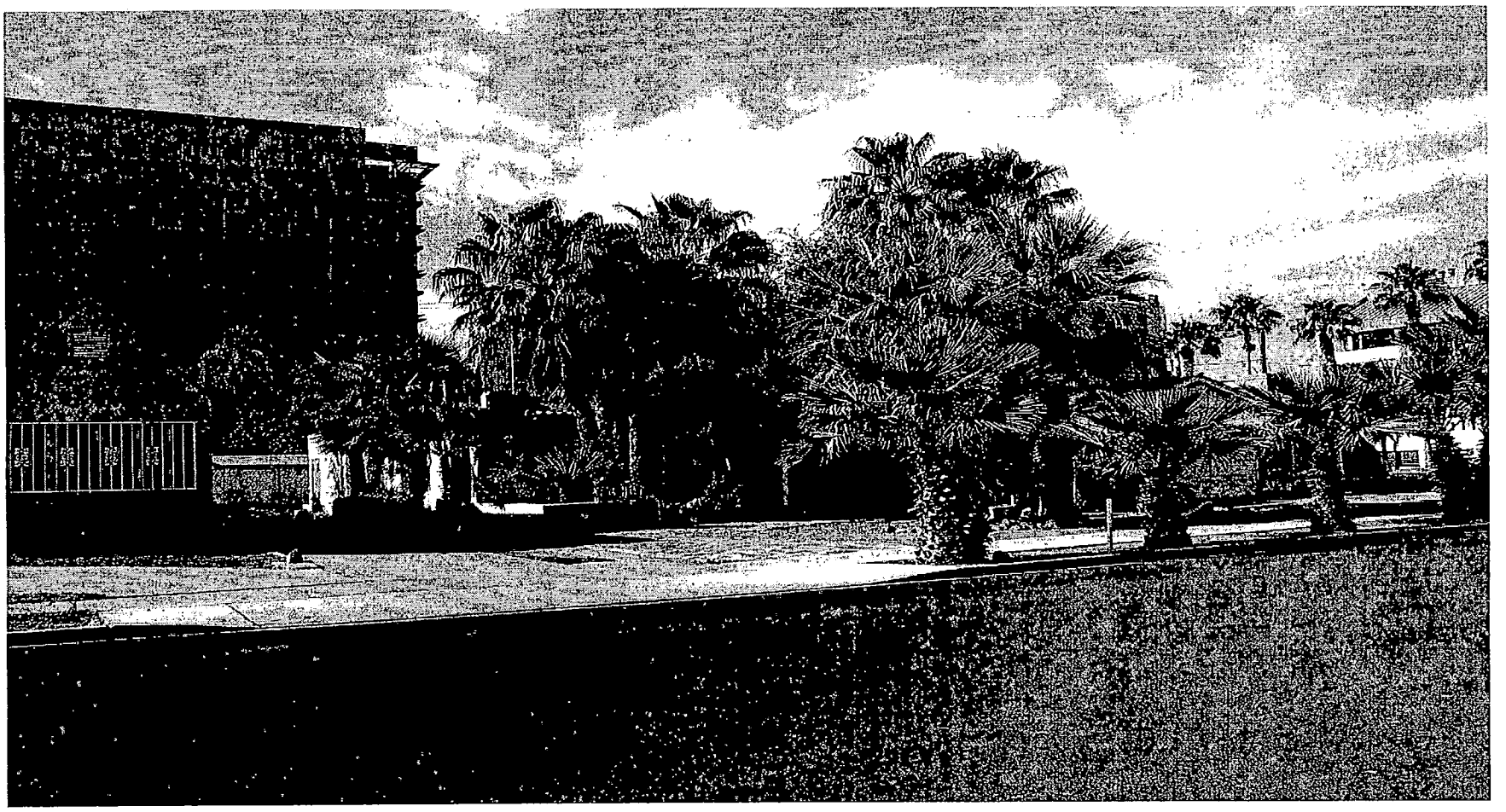
North

Frontline Group

ZON-5385
VAR-5388
VAR-5389
SDR-5387
11/18/04 PC

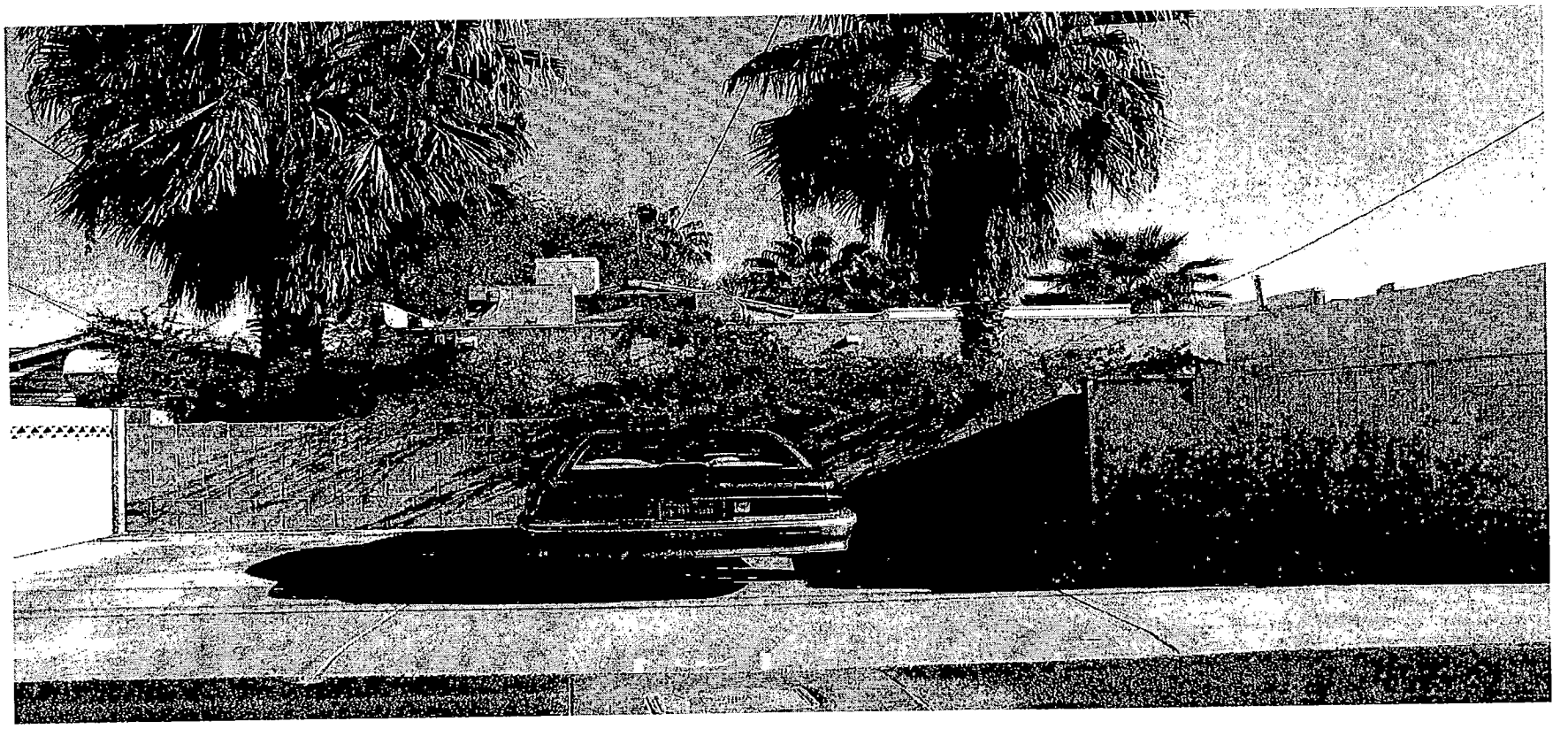
REVISED 10.15.04

RECEIVED
OCT 15 2004



SDR-5387 - APPLICANT/OWNER: EVE MAZZARELLA
408 SOUTH 7TH STREET
NOVEMBER 18, 2004 PLANNING COMMISSION

10/22/04



SDR-5387 - APPLICANT/OWNER: EVE MAZZARELLA
408 SOUTH 7TH STREET
NOVEMBER 18, 2004 PLANNING COMMISSION

10/22/04

City of Las Vegas

Agenda Item No.: 34

## AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

**PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004**

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

**SUBJECT:**
**SUP-4883 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: GREAT AMERICAN CAPITAL - OWNER: CLEAR SPRINGS, LLC** - Request for a Special Use Permit FOR A PROPOSED NON-PROFIT THRIFTSHOP at 4830 West Craig Road (APN 138-01-619-004), C-1 (Limited Commercial) Zone, Ward 6 (Mack).

**IF APPROVED: C.C.: 12/15/04**
**IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)**

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

**RECOMMENDATION:**
Staff recommends APPROVAL.

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

**MOTION:**
**NIGRO – APPROVED subject to conditions – UNANIMOUS**

**To be heard by City Council 12/15/2004**

**MINUTES:**
CHAIRMAN TRUESDELL declared the Public Hearing open on Item 34 [SUP-4883] and Item 35 [SDR-4882].

DON SCHMIESER, Planning & Development Department, stated that a non-profit thrift shop is a store operated by a charitable organization, which sells only donated, used merchandise. This proposed use would be located in a new building east of an existing Albertson market in a site originally proposed as a Sav-On Drug store. The proposed use meets all of the requirements for the Special Use Permit and can be operated in a manner that is harmonious and compatible with the commercial development as well as the single-family residences located to the north of the site. Because of its proximity to the City of North Las Vegas, it has been deemed a Project of Regional Significance. An Environmental Assessment Questionnaire was circulated to the

**MINUTES – Continued:**
responsible agencies; however, no comments or recommendations were received.

STEVE SHARTRAND, 3585 Patrick Lane, appeared on behalf of the applicant and agreed to staff's conditions.

CHAIRMAN TRUESDELL confirmed with MR. SHARTRAND that there would not be collection trucks or bins in front of the facility at any time.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 34 [SUP-4883] and Item 35 [SDR-4882].

(9:39 – 9:43)



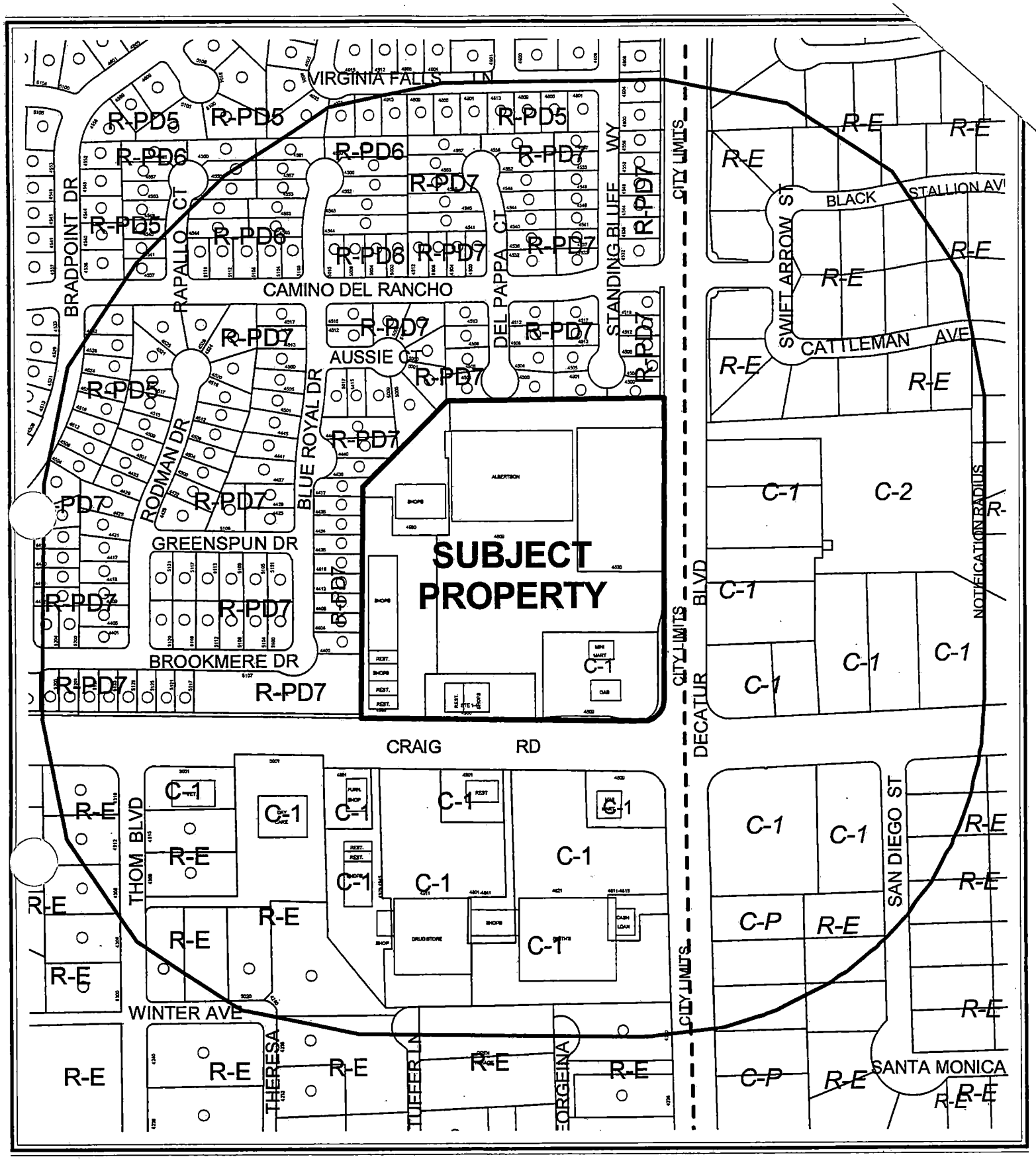
**CONDITIONS:**
Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for a Non-Profit Thrift Shop use.

2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-4882).

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

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

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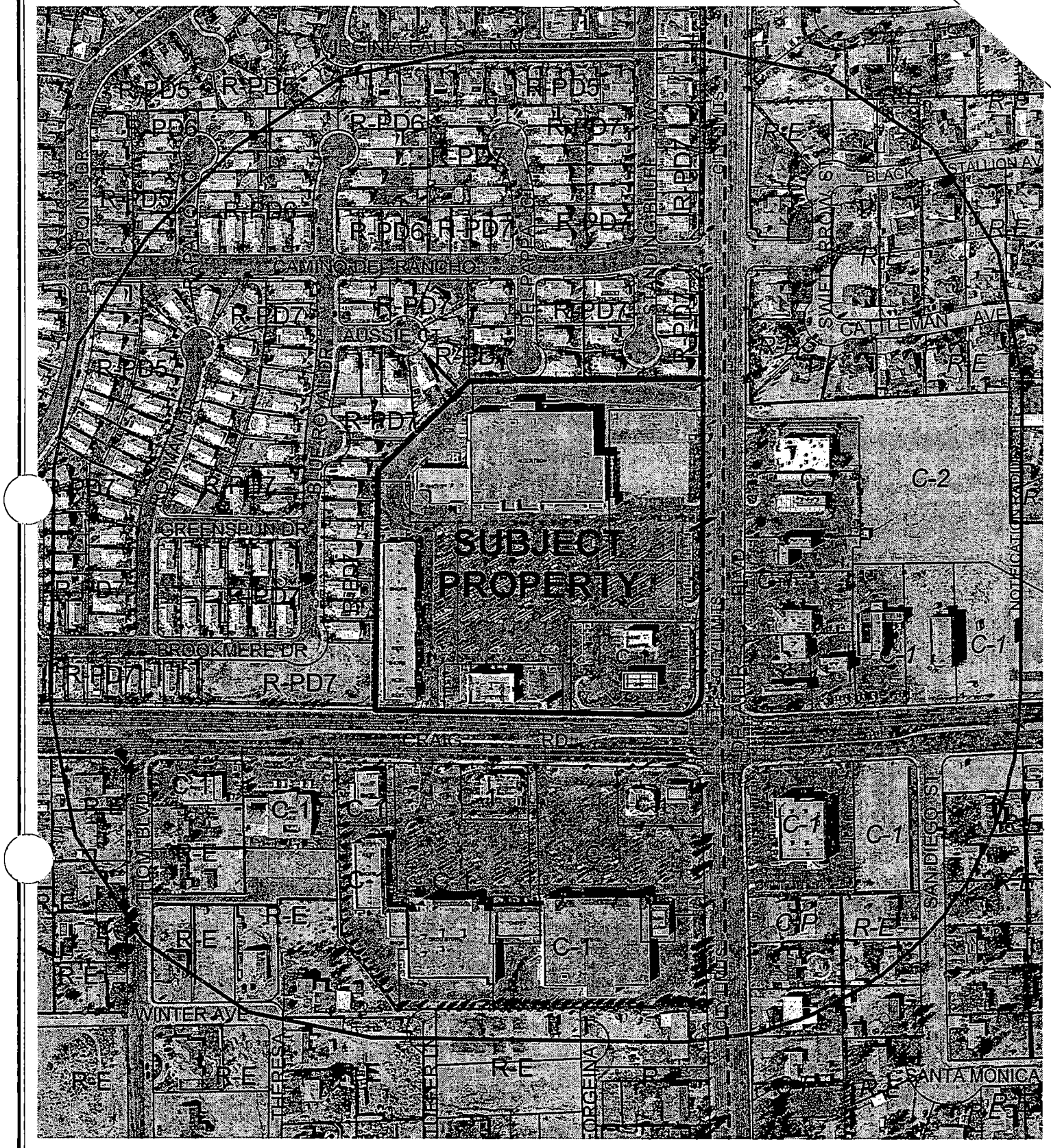
**CASE:** **SUP-4883**

**RADIUS:** 750 FT

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

N




0 200 400 Feet

**CASE:** **SUP-4883**

**RADIUS:** 750 FT

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

N

City of Las Vegas

## AGENDA MEMO

**PLANNING COMMISSION MEETING DATE: NOVEMBER 18, 2004**
**DEPARTMENT: PLANNING AND DEVELOPMENT**
**ITEM DESCRIPTION: SUP-4883 - APPLICANT: GREAT AMERICAN CAPITAL - OWNER: CLEAR SPRINGS, LLC**

## ** CONDITIONS **

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

***Planning and Development***

1. Conformance to all Minimum Requirements under Title 19.04.050 for a Non-Profit Thrift Shop use.

2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-4882).

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

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

# ** STAFF REPORT **

## APPLICATION REQUEST

### *A) Action Requested*

This is a request for a Special Use Permit for a Non-Profit Thrift Shop at 4830 West Craig Road.

### *B) Applicant's Justification*

According to a letter from the applicant, the Thrift Shop use is consistent with other development in the neighborhood and appropriate for the subject site and the community. The thrift shop will include a drop-off lane.

## BACKGROUND INFORMATION

### *A) Previous Actions*

12/07/88 The City Council approved a request to rezone this property from R-E (Residence Estates) to C-1 (Limited Commercial) as part of a larger request (Z-0108-88). The Planning Commission recommended approval.

03/09/98 The City Council approved a Site Development Plan Review for a proposed 144,807 square-foot retail center on this site [Z-0108-88(12)]. The Planning Commission and staff recommended approval. The City Council also approved a Special Use Permit (U-0139-97) to allow packaged liquor sales in conjunction with a Sav-On drugstore. This Special Use Permit has expired.

03/23/98 The City Council approved a Special Use Permit (U-0011-98) for packaged liquor sales in conjunction with a Lucky supermarket. The Planning Commission and staff recommended approval.

06/02/98 The Board of Zoning Adjustment approved a Variance (V-0015-98) to allow the proposed "Pad A" building on the overall site to be 20 feet from the west side property line where Residential Adjacency Standards require a minimum setback of 54 feet.

05/17/00 The City Council approved a Site Development Plan Review [Z-0108-88(14)] for a 123,221 square-foot shopping center on the overall site, superseding the previous review [Z-0108-88(12)]. The Planning Commission and staff recommended approval.

11/21/01 The City Council approved a request for a Special Use Permit (U-0130-01) for secondhand sales of children's clothing, furniture, toys and related items in conjunction with a proposed retail store (Just Kid's Stuff) at 4990 West Craig Road. The Planning Commission and staff recommended approval. This Special Use Permit became void on April 2, 2004.

11/18/04 The Planning Commission will consider a companion Site Development Plan Review (SDR-4882) and a Waiver of Building Placement Standards for a proposed 17,255 square-foot commercial addition to an existing retail development on 1.65 acres at 4830 West Craig Road.

***B) Pre-Application Meeting***

06/16/04 The submittal requirements and conditions for the Special Use Permit were discussed. The Department of Public Works will require an update to the existing drainage study in conjunction with the proposed buildings on the subject site.

**DETAILS OF APPLICATION REQUEST**

***A) Site Area***

Net Acres: 1.65 (part of an overall 12.4-acre commercial subdivision)

***B) Existing Land Use***

| | |
|---|---|
| Subject Property: | Vacant |
| North: | Private Drive |
| South: | Parking and Convenience Store with Gasoline Pumps |
| East: | Retail Commercial |
| West: | Supermarket and Retail Shops |

***C) Planned Land Use***

| | |
|---|---|
| Subject Property: | SC (Service Commercial) |
| North: | SC (Service Commercial) |
| South: | SC (Service Commercial) |
| East: | Commercial – North Las Vegas |
| West: | SC (Service Commercial) |

SS

*D) Existing Zoning*

| | |
|---|---|
| Subject Property: | C-1 (Limited Commercial) |
| North: | C-1 (Limited Commercial) |
| South: | C-1 (Limited Commercial) |
| East: | C-1 (Neighborhood Commercial – North Las Vegas) |
| West: | C-1 (Limited Commercial) |

*E) General Plan Compliance*

The subject site is designated SC (Service Commercial) on the Centennial Hills Interlocal Land Use Plan of the General Plan. This land use category allows for low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons, and do not include more intense general commercial characteristics. The existing C-1 (Limited Commercial) zoning classification is in conformance with the SC (Service Commercial) designation.

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

The subject site is not associated with any special plans, areas, or studies; however, it has been deemed a Project of Regional Significance because of its proximity to the City of North Las Vegas. Some of the property owners within the notification area are within the jurisdiction of North Las Vegas.

**INTERAGENCY ISSUES**

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

- Any Special Use Permit within 500 feet of the City of Las Vegas boundary with the City of North Las Vegas.

An Environmental Impact Assessment questionnaire was circulated to the affected Agencies and Entities for the mandated 15-day period. No comments or recommendations were received.

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

## ANALYSIS

### *A) Zoning Code Compliance*

A1) Parking and Traffic Standards

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

| Uses | GFA | Ratio | Required Parking | | Provided Parking | |
|---|---|---|---|---|---|---|
| | | | Regular | Handicap | Regular | Handicap |
| Thrift Shop, Non-Profit | 9,000 SF | 1/250 SF GFA | 33 | 2 | 541 | 17 |

The proposed Non-Profit Thrift Shop will add 36 parking spaces to the required amount for the overall shopping center. A total of 35 spaces will be added to the overall development to offset this requirement, including one loading zone; however, enough parking is provided elsewhere on-site through a parking and cross-access agreement to meet Code requirements. A parking analysis submitted by the applicant shows that the number of provided parking spaces (558) still exceeds the number required (516) when factoring in this use and the other proposed retail uses accompanying this application. A number of shops in the multi-tenant retail buildings are vacant and have been calculated at a ratio of one space per 250 square feet of gross floor area.

The construction of a fourth driveway access to Decatur Boulevard as indicated on the site plans is not recommended. This is addressed as a condition of approval of the companion Site Development Plan Review (SDR-4882).

A2) Minimum Distance Separation Requirements

There are no Minimum Separation Distance Requirements in the Zoning Code that apply to the proposed Non-Profit Thrift Shop use, and there are no other similar approved uses within the 750-foot notification distance.

***B) General Analysis and Discussion***

- Zoning

The subject site is zoned C-1 (Limited Commercial). The Non-Profit Thrift Shop use is permitted in this zoning district with an approved Special Use Permit.

- Use

A Non-Profit Thrift Shop, according to Title 19.20, is a shop operated by a charitable organization which sells donated used merchandise only. The thrift shop would occupy 9,000 square feet of a proposed 11,411 square-foot retail building to be located on a vacant pad adjacent to the east side of the existing supermarket (Albertson's) within the Rancho Alta Mira Plaza commercial subdivision. The site has immediate access to Decatur Boulevard via three existing driveways. A fourth driveway is proposed that would provide convenient access to and from a drop-off lane for donated goods adjacent to the thrift shop. This driveway or any new driveway along Decatur Boulevard is not recommended, as there would be too little distance between driveways and would encourage left turns into the site. The site also has indirect access to Craig Road through intervening parcels in the commercial subdivision.

- Conditions

Title 19.04.050 lists the following base conditions for the approval of a Special Use Permit for a Non-Profit Thrift Shop. An asterisk indicates that the condition cannot be waived by the City Council.

(*1) No outdoor display, sales or storage of any merchandise shall be permitted.

(*2) The use shall comply with the applicable requirements of Title 6 of the Las Vegas Municipal Code.

The proposed use will meet these conditions.

**FINDINGS**

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

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

   The subject site is located within an existing shopping center in a predominately commercial area along primary arterial streets. A single-family residential development is adjacent to the overall shopping center site to the north; however, it is adequately screened from noise, light, and traffic by required walls and landscaping. Therefore, the proposed use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses.

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

   The subject site can accommodate the proposed Non-profit Thrift Shop use, as well as the other retail uses proposed within the same building. The amount of parking provided in the overall center will exceed the number of spaces required by these uses.

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

   The site receives direct access from Decatur Boulevard, a Primary (100-foot) Arterial on the Master Plan of Streets and Highways. This roadway is adequate in size to meet the requirements of the proposed Non-Profit Thrift Shop use.

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

   The proposed Non-profit Thrift Shop will not be a threat to the public health, safety, and welfare, as its licensing is subject to ongoing City inspection and enforcement.

**NOTICES MAILED** 257 [Mailed with SDR-4882]

**APPROVALS** 0

**PROTESTS** 0

SS

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICE CENTER

# PLANNING & DEVELOPMENT DEPARTMENT

## STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-4883 APN: 138-01-619-004

Name of Property Owner: Clear Springs, LLC c/o CNA Enterprises

Name of Applicant: Great American Capital

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

_____ Yes XX _____ No

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

City Official: _____

Partner(s): _____

APN: _____

Signature of Property Owner/Authorized Agent: X _____

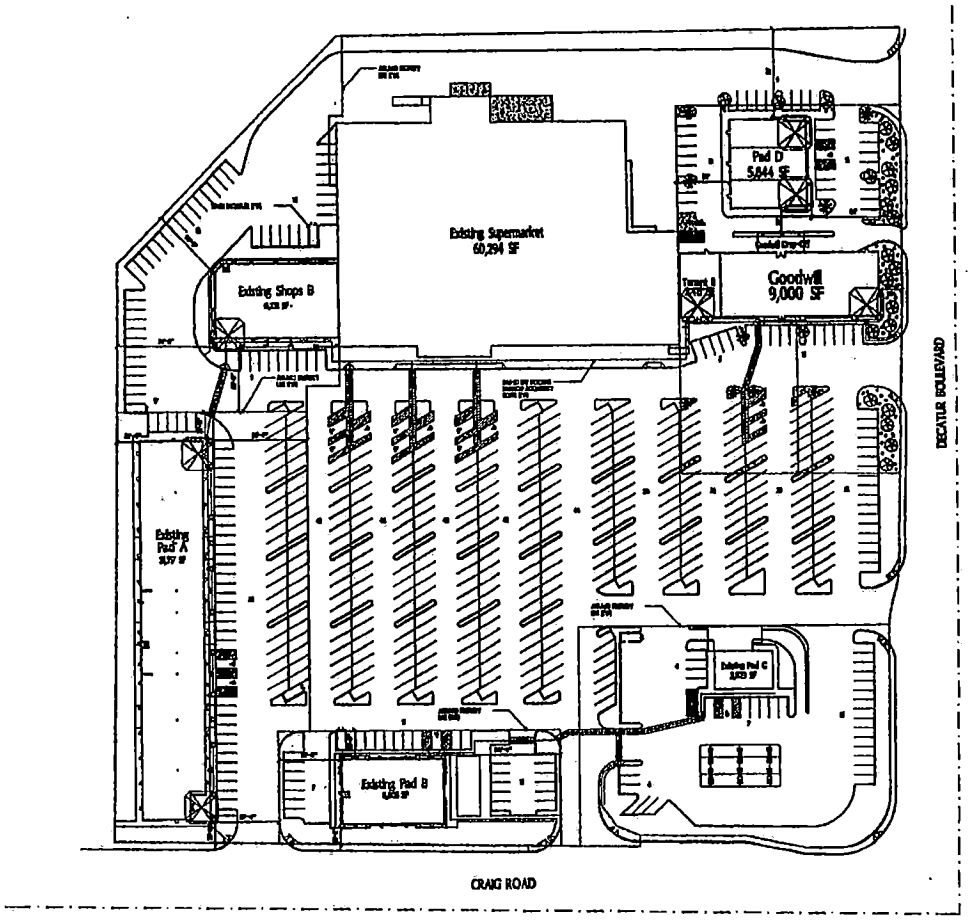
Print Name: ARNON ADAR

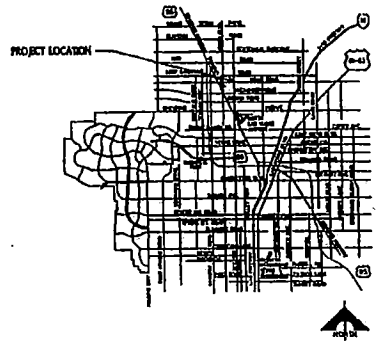
Subscribed and sworn before me

This ____ day of See attached, 20__

_____

Notary Public in and for said County and State




VICINITY MAP

| LANDSCAPING LEGEND | | |
|---|---|---|
| | Size | Landscape Material |
| | 24" Box | Chilopsis linearis |
| | 24" Box | Pinus eldarica |
| | 36" Box | Washingtonia filifera |
| | 5 Gal. | Quercus virginiana |
| | 5 Gal. | Red Yucca |

Planter areas to be covered in decomposed granite or other approved material.

| PROJECT INFORMATION | |
|---|---|
| Jurisdiction | City of Las Vegas |
| Site Area (Entire Site) | 143,908 SF (3.3 Acres – Must Be Verified) |
| Site Area (This Project) | 79,886 SF (1.83 Acres – Must Be Verified) |
| Total Building Area (Entire Shopping Center) | 123,921 SF |
| Total Building Area (This Project) | 9,000 SF |
| Total Parking Provided | 537 Spaces (4.3/1,000 SF) |
| Overall Coverage | 25% |
| Parking Stall Dimension | 9' Wide x 19' Deep (18' Deep With Permitted Overhang) |

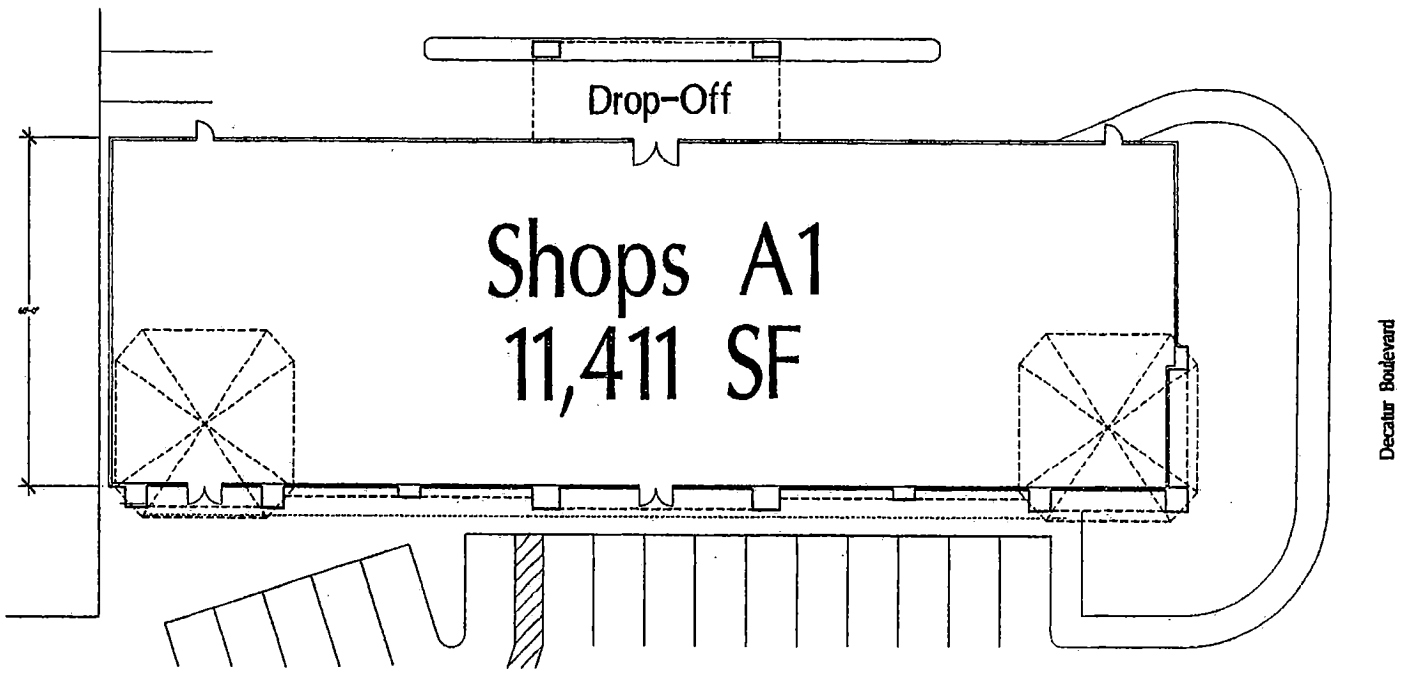
# PRELIMINARY SITE DIAGRAM

Craig/Decatur Shopping Center – Phase II

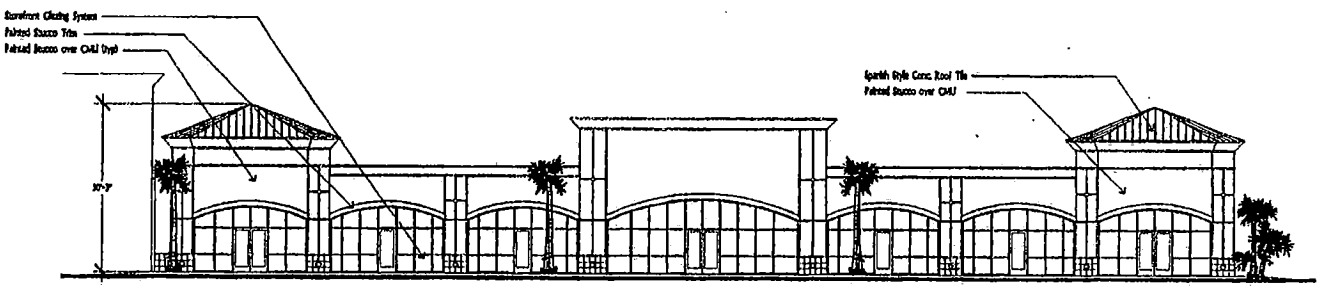
REVISED
11.5.04

SDR-4882
SUP-4883
11/18/04 PC

RECEIVED
NOV 5 20




Floor Plan



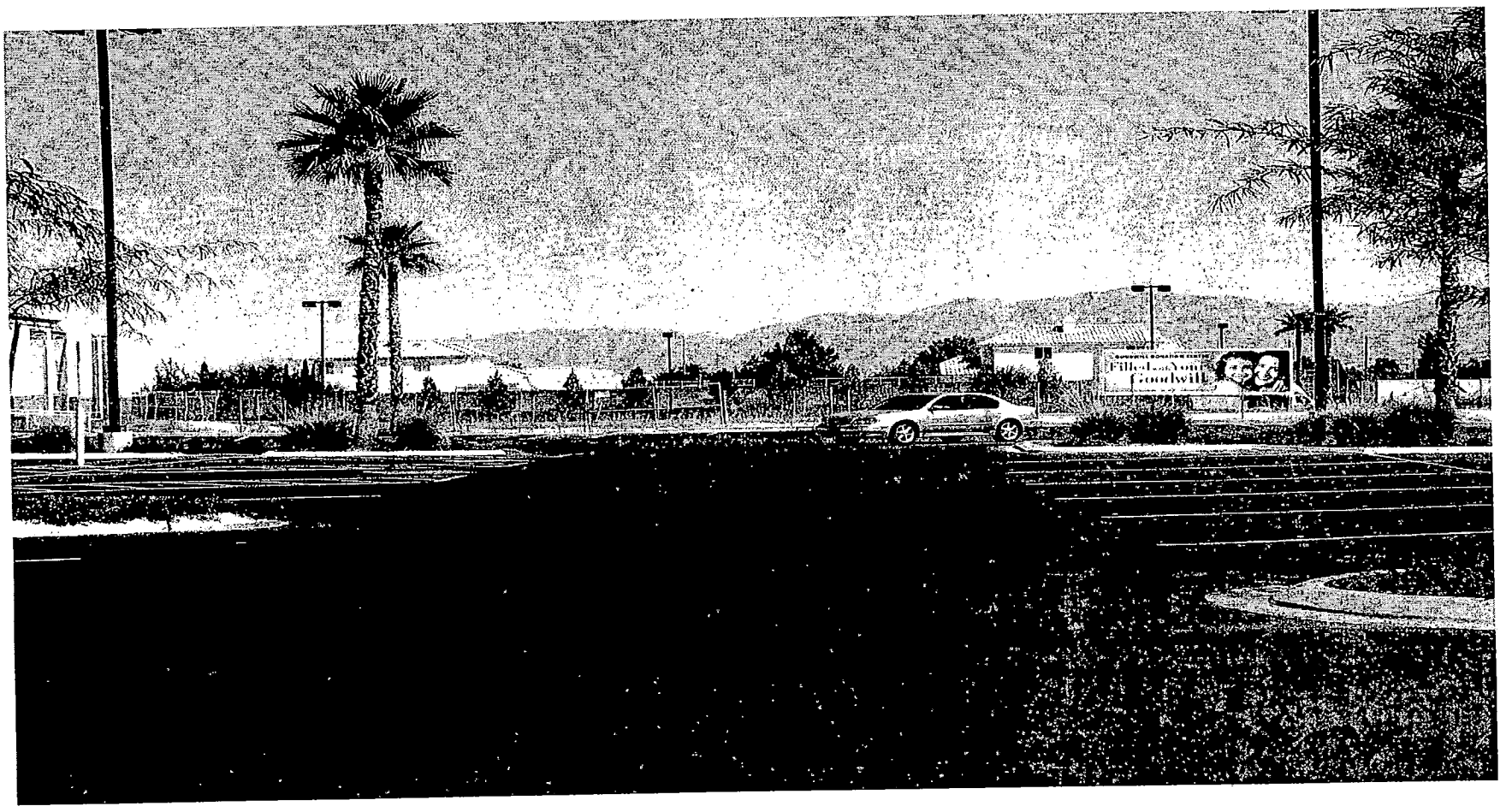

South Elevation (Facing Craig)

# PRELIMINARY FLOOR PLAN & ELEVATIONS • SHOPS A-1 • 11,411 SF

Craig/Decatur Shopping Center - Phase II

**SUP-4883**
**SDR-4882**
**11-18-04 PC**

5/7/2004



SUP-4883 - APPLICANT: GREAT AMERICAN CAPITAL - OWNER: CLEAR SPRINGS, LLC
4830 WEST CRAIG ROAD
NOVEMBER 18, 2004 PLANNING COMMISSION

8/19/04

City of Las Vegas

Agenda Item No.: 35

## AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

**PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004**

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

**SUBJECT:**
**SDR-4882 - SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-4883 - PUBLIC HEARING - APPLICANT: GREAT AMERICAN CAPITAL - OWNER: CLEAR SPRINGS, LLC** - Request for a Site Development Plan Review and a Waiver of the Building Location Standards FOR A 17,255 SQUARE FOOT COMMERCIAL ADDITION TO AN EXISTING RETAIL DEVELOPMENT on 1.65 acres at 4830 West Craig Road (APN 138-01-619-004), R-E (Residence Estates) Zone under Resolution of Intent to C-1 (Limited Commercial), Ward 6 (Mack).

**IF APPROVED: C.C.: 12/15/04**
**IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)**

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

**RECOMMENDATION:**
Staff recommends APPROVAL.

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

**MOTION:**
**NIGRO – APPROVED subject to conditions – UNANIMOUS**

**To be heard by City Council 12/15/2004**

**MINUTES:**
See Item 34 [SUP-4883] for all related discussion on Item 34 [SUP-4883] and Item 35 [SDR-4882].

(9:39 – 9:43)

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 35 – SDR-4882

**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.

2. All development shall be in conformance with the site plan, landscape plan and building elevations date stamped November 5, 2004, except as amended by conditions herein.

3. The Waiver of the Commercial Development Standards for placement of the building at the front setback is hereby approved.

4. Trash enclosures shall be roofed in accordance with Commercial Development Standards.

5. Prior to the time application is made for 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.

6. The landscape plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect minimum 24-inch box trees and a minimum of four five-gallon shrubs for each tree within provided parking lot planters. A maximum of 12.5% of the total landscaped area may be shown as turf.

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

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

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

Public Works

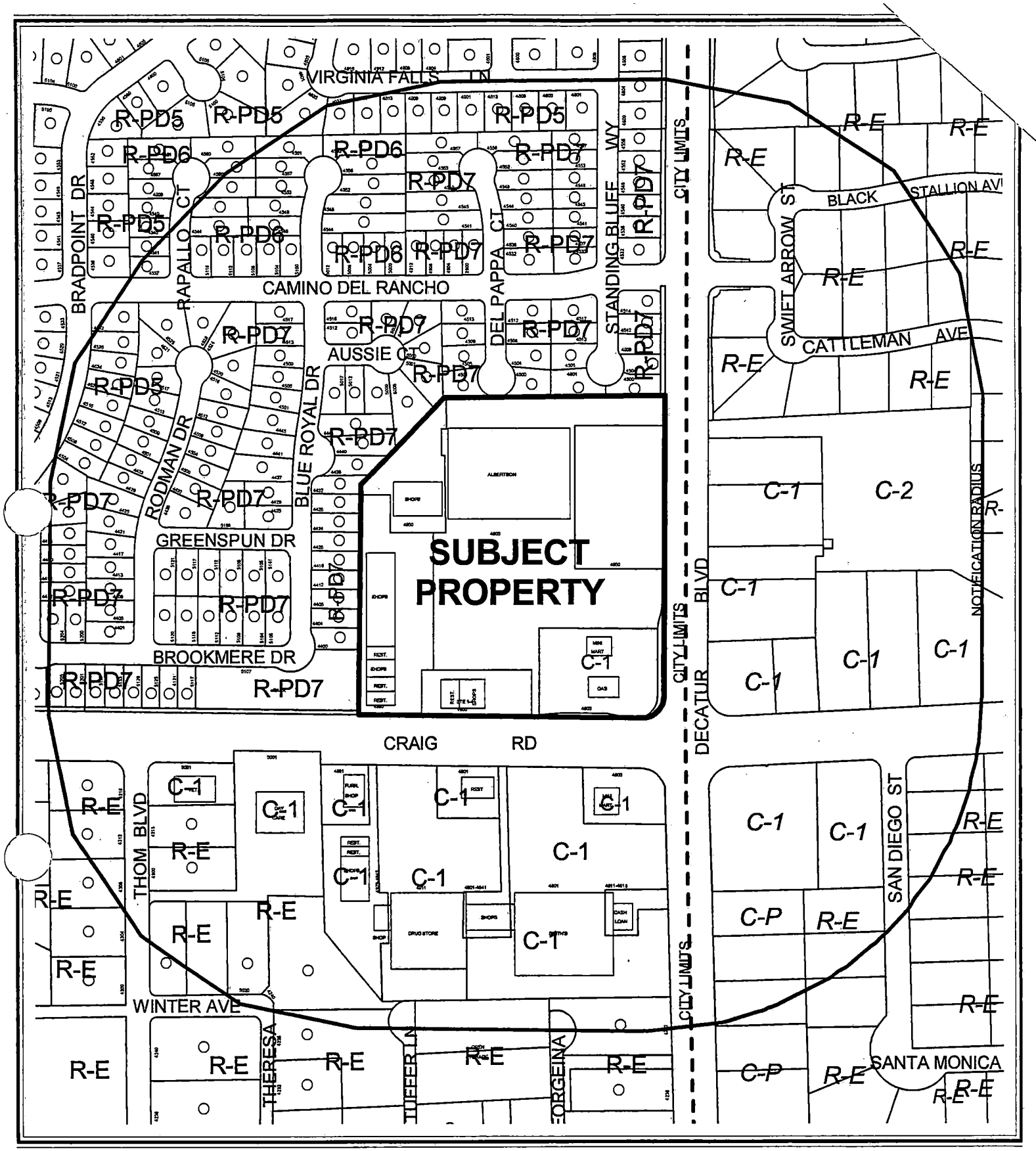
10. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities.

**CONDITIONS – Continued:**

11. New driveways shall not be permitted along Decatur Boulevard.

12. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits, or the submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study.

13. Site development to comply with all applicable conditions of approval for the Rancho Alta Mira Plaza subdivision, Z-108-88(14) and all other applicable site-related actions.




0 200 400 Feet

**CASE:** **SDR-4882**

**RADIUS:** 750 FT

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

N

City of Las Vegas

## AGENDA MEMO

**PLANNING COMMISSION MEETING DATE: NOVEMBER 18, 2004**
**DEPARTMENT: PLANNING AND DEVELOPMENT**
**ITEM DESCRIPTION: SDR-4882 - APPLICANT: GREAT AMERICAN CAPITAL - OWNER: CLEAR SPRINGS, LLC**

## ** CONDITIONS **

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

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

***Public Works***

10. 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.

11. New driveways shall not be permitted along Decatur Boulevard.

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13. Site development to comply with all applicable conditions of approval for the Rancho Alta Mira Plaza subdivision, Z-108-88(14) and all other applicable site-related actions.

# ** STAFF REPORT **

## APPLICATION REQUEST

### *A) Action Requested*

This is a request for a Site Development Plan Review and a Waiver of building placement standards for a proposed 17,255 square-foot commercial addition to an existing retail development on 1.65 acres at 4830 West Craig Road.

### *B) Applicant's Justification*

According to a letter from the applicant, the uses contained in the proposed buildings are consistent with other development in the neighborhood and appropriate for the subject site and the community. The waiver is requested to allow "Pad D" to be set back from the landscape planter along Decatur Boulevard.

## BACKGROUND INFORMATION

### *A) Previous Actions*

12/07/88 The City Council approved a request to rezone this property from R-E (Residence Estates) to C-1 (Limited Commercial) as part of a larger request (Z-0108-88). The Planning Commission recommended approval.

03/09/98 The City Council approved a Site Development Plan Review for a proposed 144,807 square foot retail center on this site [Z-0108-88(12)]. The Planning Commission and staff recommended approval. The City Council also approved a Special Use Permit (U-0139-97) for packaged liquor sales in conjunction with a Sav-On drugstore. This Special Use Permit has expired.

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11/18/04 The Planning Commission will consider a companion Special Use Permit (SUP-4883) for a Non-Profit Thrift Shop on this site.

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06/16/04 The submittal requirements and conditions for the Special Use Permit were discussed. The Department of Public Works will require an update to the existing drainage study in conjunction with the proposed buildings on the subject site.

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SS

***D) Existing Zoning***

| | |
|---|---|
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| North: | C-1 (Limited Commercial) |
| South: | C-1 (Limited Commercial) |
| East: | C-1 (Neighborhood Commercial – North Las Vegas) |
| West: | C-1 (Limited Commercial) |

***E) General Plan Compliance***

The subject site is designated SC (Service Commercial) on the Centennial Hills Interlocal Land Use Plan of the General Plan. This land use category allows for low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons, and do not include more intense general commercial characteristics. The existing C-1 (Limited Commercial) zoning classification is in conformance with the SC (Service Commercial) designation.

**PROJECT DESCRIPTION**

Two new buildings totaling 17,255 square feet are proposed on a site originally planned for a 15,751 square-foot Sav-On drugstore adjacent to the east side of the existing Albertson's supermarket in the Rancho Alta Mira Plaza commercial subdivision. The site has immediate access to Decatur Boulevard via three existing driveways. A fourth driveway is proposed that would provide convenient access to and from a drop-off lane for donated goods adjacent to the thrift shop. The site also has indirect access to Craig Road through intervening parcels in the commercial subdivision. A 9,000 square-foot Goodwill thrift store is proposed in one of the buildings, with the balance of the tenant spaces proposed for office or retail uses.

**ANALYSIS**

***A) Zoning Code Compliance***

A1) Development Standards

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

| Standards | Required C-1 | Provided | Compliance |
|---|---|---|---|
| Min. Lot Size | None | 12.4 acres | Y |
| Min. Lot Width | 100 Feet | 650 Feet | Y |
| Min. Setbacks | | | |
| • Front (Decatur Blvd.) | 20 Feet | 20 Feet | Y |
| • Side | 10 Feet | 81 Feet | Y |
| • Corner | 15 Feet | N/A | N/A |
| • Rear | 20 Feet | 509 Feet | Y |
| Max. Lot Coverage | 50 % | 24 % | Y |
| Max. Building Height | None | 30 feet | Y |
| Trash Enclosure | Walled, gated, roofed | Walled, gated | Roofing not indicated |
| Loading Zone | 1 space | 1 space | Y |
| Mech. Equipment | Screened | Parapet screened | Y |

The proposed commercial development complies with C-1 (Limited Commercial) and Commercial Development Standards. Title 19.10 requires 15-foot by 25-foot loading zones for any use that receives or distributes materials or merchandise by truck. The proposed thrift shop in the "Shops A-1" building will require a loading zone, and one has been provided.

A2) Residential Adjacency Standards

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

a) Proximity slope. The Rancho Alta Mira Plaza subdivision boundary is adjacent to protected single-family residential properties to the north. The building on "Pad D" has a maximum height of 30 feet; however, the pitch of the roof of this building is such that it falls under the 3:1 slope from the property line of the nearest residential lot into the building. Thus, the 81-foot setback satisfies the Residential Adjacency Standards with regard to proximity slope.

b) Building setback. The minimum side yard setback of the adjacent single-family properties is five feet. With an 81-foot side yard setback from the subdivision boundary, the proposed "Pad D" building complies with the Residential Adjacency Standards with regard to building setback.

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 | 8,255 SF | 1/250 SF GFA | 31 | 2 | | |
| Non-Profit Thrift Shop | 9,000 SF | 1/250 SF GFA | 33 | 2 | | |
| TOTAL | 17,255 SF | | 65 | 4 | 541 | 17 |

The proposed Non-Profit Thrift Shop will add 36 parking spaces to the required amount for the overall shopping center. A total of 35 spaces will be added to the overall development to offset this requirement, including one loading zone; however, enough parking is provided elsewhere on-site through a parking and cross-access agreement to meet Code requirements. A parking analysis submitted by the applicant shows that the number of provided parking spaces (558) still exceeds the number required (516) when factoring in this use and the other proposed retail uses accompanying this application. A number of shops in the multi-tenant retail buildings are vacant and have been calculated at a ratio of one space per 250 square feet of gross floor area. The proposed retail is calculated at a 1:250 ratio because the amount of retail floor space in the overall development exceeds 25,000 square feet.

Construction of a fourth driveway access to Decatur Boulevard as indicated on the site plans is not recommended. This is addressed as a condition of approval.

A4) Landscape and Open Space Standards

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

| Standards | Required Ratio | Required Trees | Provided |
|---|---|---|---|
| Parking Area | 1 Trees/6 Spaces | 6 Trees | 7 Trees |
| Buffer:<br>• Min. Trees | 1 – 24" Box Tree/20 Linear Feet | 14 Trees | 17 Trees |
| • Min. Zone Width | 15 Feet | | 20 Feet |
| • Wall height | Min. 6-Foot screening | | Not indicated |

The project is in compliance with applicable landscape standards. Trees at the end of parking rows are counted as one-half of a tree in calculating the required amount. Perimeter landscaping is existing from the approval of the overall site. Screening of the site from adjacent residential properties is not shown on the submitted plans; however, aerial photos reveal that an existing wall and landscaping buffer provide adequate screening from these properties.

A5) Sign Standards

No freestanding signs are proposed for the proposed commercial addition. Wall and directional type signage was not submitted, but all signs on the site must conform to the standards contained in Title 19.14 for the C-1 (Limited Commercial) zoning district.

***B) General Analysis and Discussion***

- Zoning

The subject site is zoned C-1 (Limited Commercial). The retail uses proposed for the project are permitted as of right and the Non-Profit Thrift Shop use is permitted in this zoning district with an approved Special Use Permit. An application for this use (SUP-4883) has been submitted for approval in conjunction with this Site Development Plan Review.

- Site Plan

The site plan represents an orderly placement of buildings and parking. The trash enclosure should contain a roof in accordance with the Commercial Development Standards. Staff does not support the proposed driveway access to Decatur Boulevard or any new driveway along this street, as there would be too little distance between driveways and would encourage left turns into the site.

- Waivers

The applicant has requested a waiver of the Commercial Development Standards for placement of the building labeled "Pad D" away from the front setback, so that parking is in the front and not primarily on the sides and rear. The proposed placement aids in the circulation of traffic around a limited site, especially near the planned drop-off lane for the thrift shop. Approval of this waiver request is therefore recommended.

SS

- Landscape Plan

  The conceptual landscape plan complies with the Zoning Code. The existing perimeter landscaping is accompanied by additional parking lot trees and shrubs, whose types are generally appropriate for the site. Perimeter trees include 24-inch box Colorado Mesquite; parking lot trees consist of Colorado Mesquite and 24-inch box Aleppo Pine. Ground cover consists of five-gallon Red Yucca and ornamental rocks. An additional landscape finger island and tree is provided in the parking area south of "Shops A-1."

- Elevation

  The submitted elevations show that the two buildings will have an identical maximum height of 30 feet, 3 inches. They feature decorative block wall surfaces covered by painted stucco. Roofing materials consist of Spanish-style concrete tile. Columns feature painted stucco trimming with a tile design at the base. Non-reflective glazing will span the entire length of the storefront. The composition of the elevations clearly delineate the base, middle and top of the building, and the roofline features raised elements that mark the center and ends of the building. Variation of the wall plane is provided through changes of materials and projecting facades, as recommended by the Commercial Development Standards.

- Floor Plan

  The 11,411 square-foot "Shops A-1" building will contain the thrift shop and an unspecified second tenant. "Pad D" will be split into two retail or office suites of 1,882 square feet and one suite of 2,080 square feet.

**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 two proposed buildings fit well within the abandoned pad site originally approved with the other buildings in the shopping center. One of the new buildings is adjacent to single-family residential properties to the north; this building meets the Residential Adjacency Standards and is also screened from residential uses by a block wall and landscape buffer.

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 retail and thrift shop development is consistent with the General Plan, Title 19, and other requirements with the approval of a Waiver for placement of "Pad D" further back on the property to allow for better site circulation.

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

   The site has immediate access to Decatur Boulevard, a 100-foot Primary Arterial as designated on the Master Plan of Streets and Highways, via three existing driveways. A fourth driveway providing direct access to a drop-off lane for donated goods is not recommended, as there would be too little distance between driveways and would encourage left turns into the site. The site also has indirect access to Craig Road, another Primary Arterial street, through intervening parcels in the commercial subdivision.

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

   The two buildings exhibit similar characteristics to other buildings in the overall shopping center site and in the nearby commercial areas and are therefore appropriate. Landscape materials are generally 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 of the two proposed buildings have a similar design and match the architectural features of the other buildings in the existing shopping center. They are typical of in-line retail buildings found elsewhere in the City of Las Vegas.

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

SS

The development will be subject to inspections, and appropriate measures will be taken to protect public health, safety and general welfare.

**NOTICES MAILED** 257 [Mailed with SUP-4883]

**APPROVALS** 0

**PROTESTS** 0

SS

PLANNING & DEVELOPMENT DEPARTMENT

# STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-4882 APN: 138-01-619-004

Name of Property Owner: CLEAR SPRINGS LLC

Name of Applicant: Great American Capital

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: X _____

Print Name: ARNON ADAR

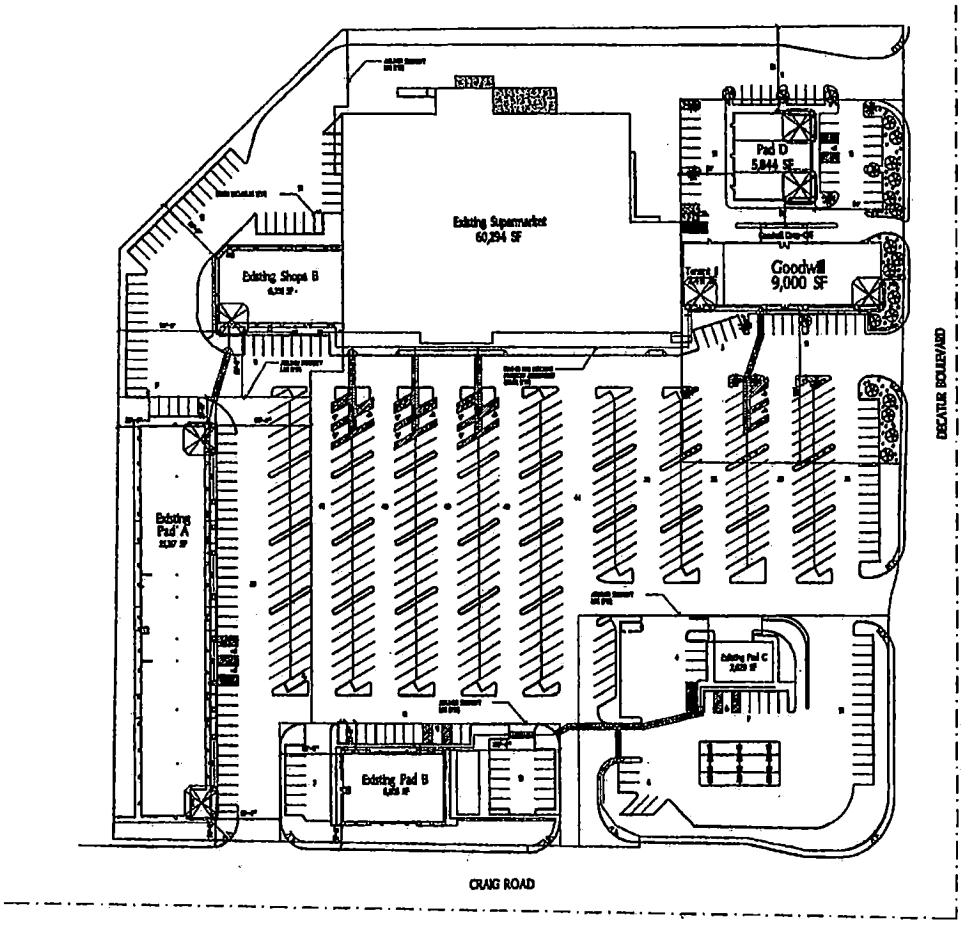
Subscribed and sworn before me

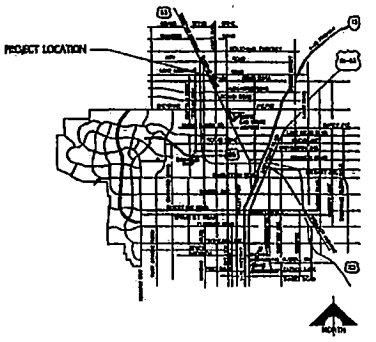
This 21st day of JUNE, 2004

Lisa Lockhart

Notary Public in and for said County and State

LISA LOCKHART
Commission # 1445078
Notary Public - California
Los Angeles County
My Comm. Expires Oct 12, 2007




VICINITY MAP

LANDSCAPING LEGEND

| | Qty | Landscape Material |
|---|---|---|
| | 24" Box | Chitalpa Hybrida |
| | 24" Box | Afghan Pine |
| | 24" Box | Modesto Ash Tree |
| | 15 Gal. | Chamaerops Palm |
| | 5 Gallon | Red Yucca |

Planter areas to be covered in decomposed granite or other approved material.

PROJECT INFORMATION

| | |
|---|---|
| Jurisdiction | City of Las Vegas |
| Site Area (Entire Site) | 140,928 SF (3.24 Acres – Must Be Verified) |
| Site Area (This Project) | 71,985 SF (1.65 Acres – Must Be Verified) |
| Total Building Area (Entire Shopping Center) | 69,021 SF |
| Total Building Area (This Project) | 9,255 SF |
| Total Parking Provided | 337 Spaces (4.64/1,000 S.F.) |
| Overall Coverage | 21.9% |
| Parking Stall Dimensions | 9' Wide x 19' Deep (18' Deep With Practical Overhang) |

REVISED
11.5.04

# PRELIMINARY SITE DIAGRAM

Craig/Decatur Shopping Center – Phase II

SDR-4882
SUP-4883
11/18/04 PC

RECEIVED
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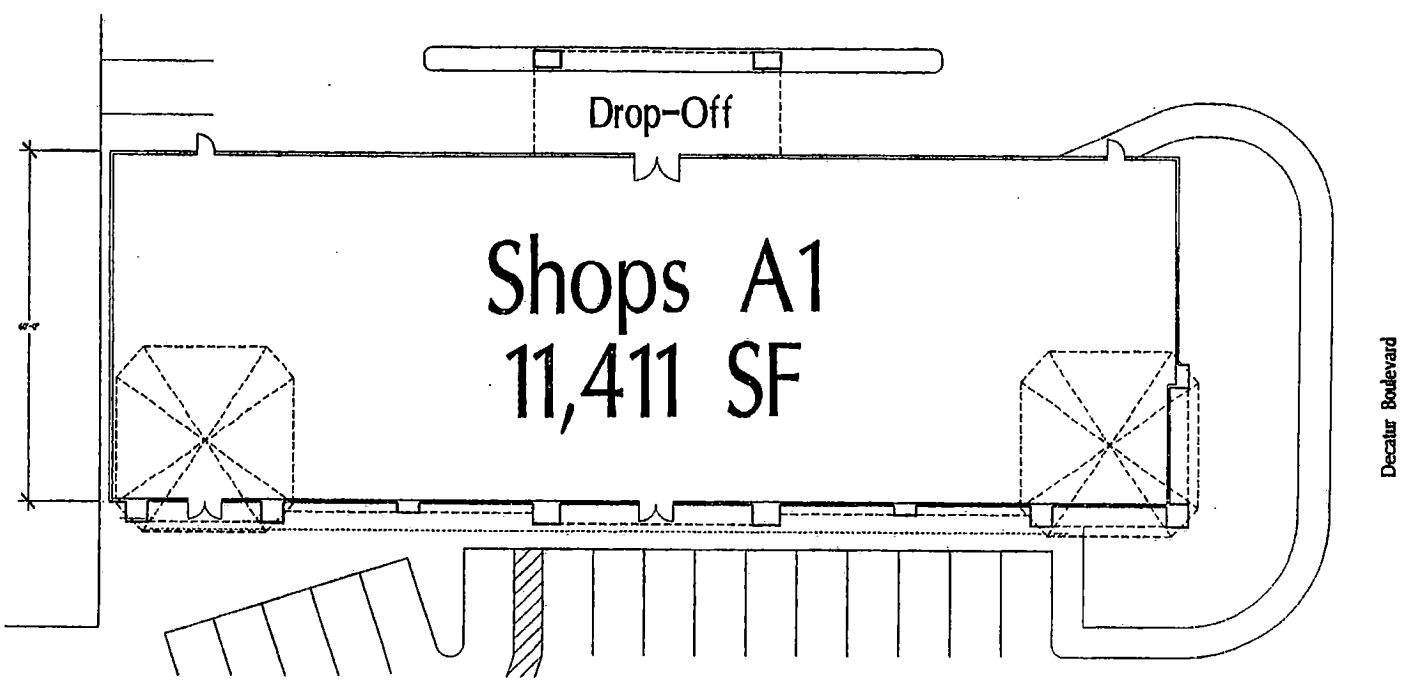
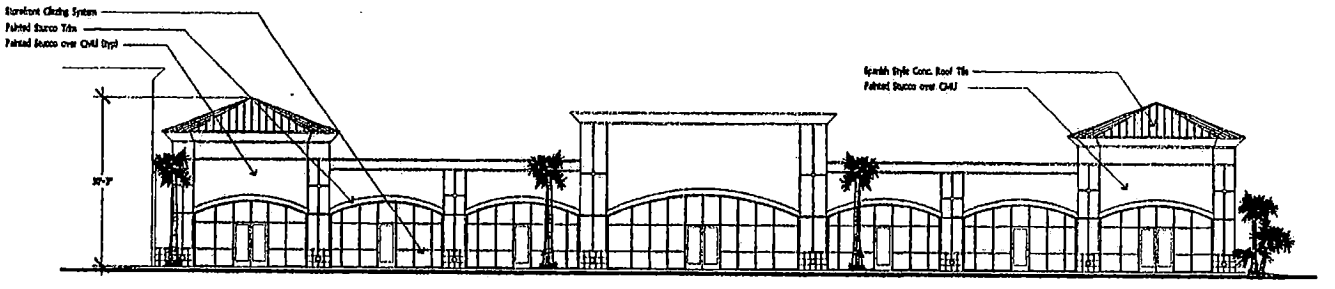



Floor Plan



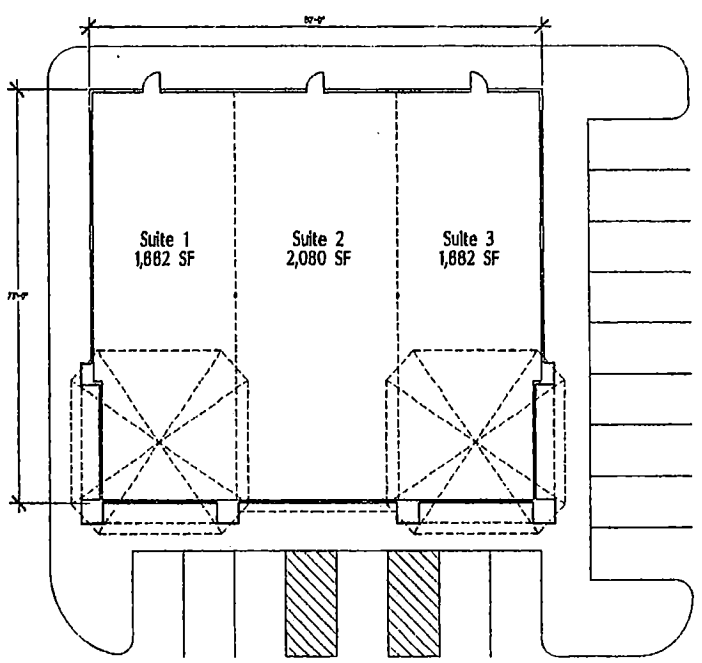

South Elevation (Facing Craig)

# PRELIMINARY FLOOR PLAN & ELEVATIONS • SHOPS A-1 • 11,411 SF

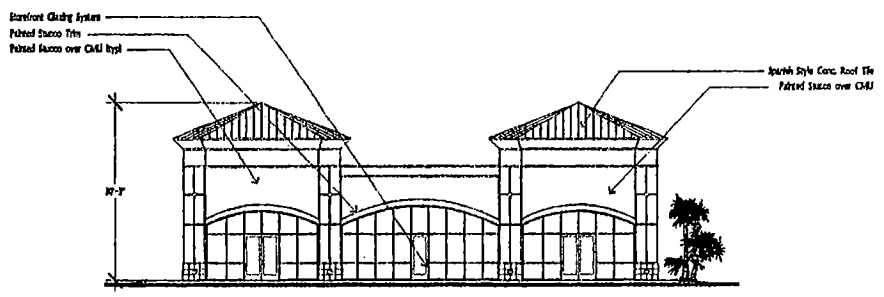
Craig/Decatur Shopping Center - Phase II

**SUP-4883**
**SDR-4882**
**11-18-04 PC**

5/7/2004




Floor Plan



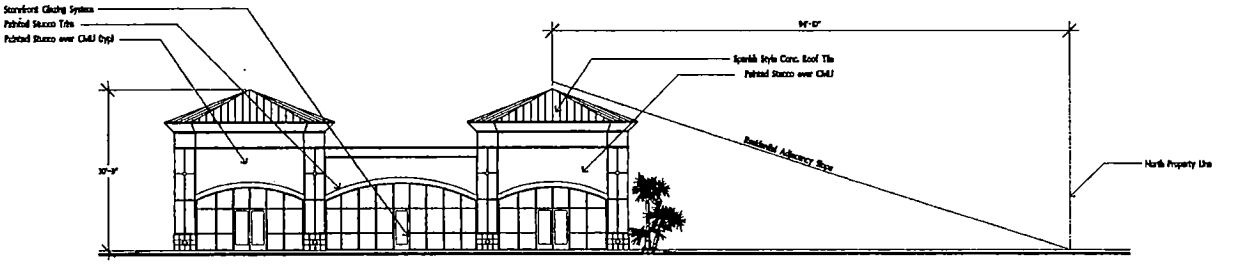

East Elevation (Facing Decatur)

# PRELIMINARY FLOOR PLAN & ELEVATIONS • PAD D • 5,844 SF

Craig/Decatur Shopping Center - Phase II

**SUP-4883**
**SDR-4882**
**11-18-04 PC**

5/7/2004




East Elevation (Facing Decatur)

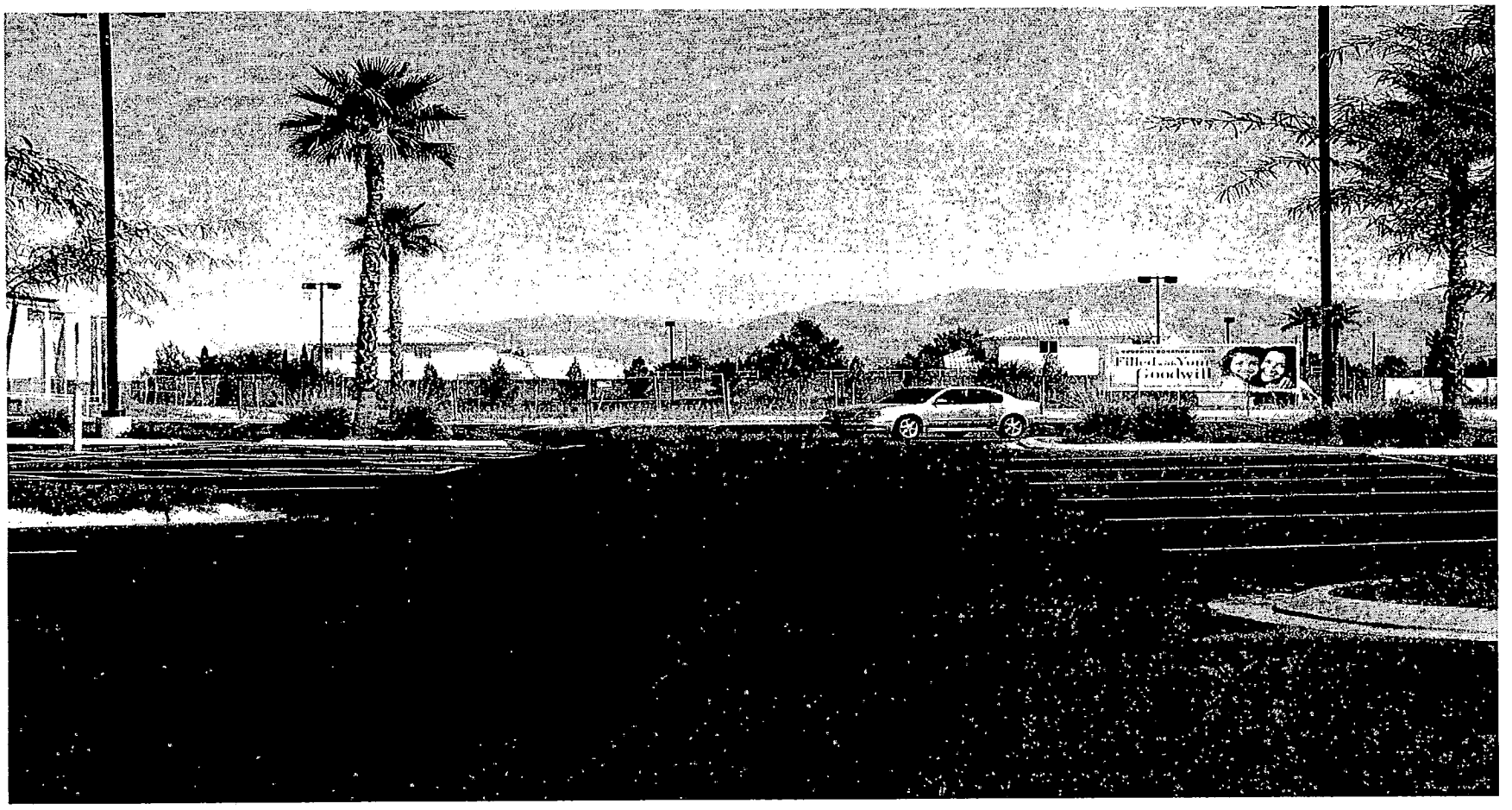
# PRELIMINARY ELEVATION

Craig/Decatur Shopping Center - Phase II

**SUP-4883**
**SDR-4882**
**11-18-04 PC**

RECEIVED
AUG 17 2004

REVISED
8.17.04




SDR-4882 - APPLICANT: GREAT AMERICAN CAPITAL - OWNER: CLEAR SPRINGS, LLC
4830 WEST CRAIG ROAD
NOVEMBER 18, 2004 PLANNING COMMISSION

8/19/04

SDR-4882 - APPLICANT: GREAT AMERICAN CAPITAL - OWNER: CLEAR SPRINGS, LLC
4830 WEST CRAIG ROAD
NOVEMBER 18, 2004 PLANNING COMMISSION

8/19/04

City of Las Vegas

Agenda Item No.: 36

## AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

**PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004**

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

**SUBJECT:**
**SDR-5369 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT: MARCO BRAMBILLA - OWNER: TOROS YERANOSIAN** - Request for a Site Development Plan Review FOR A PROPOSED LOBBY ADDITION TO AN EXISTING MOTEL AND A WAIVER OF THE LANDSCAPE STANDARDS at 1213 Las Vegas Boulevard South (APN 162-03-112-028), C-1 (Limited Commercial) and C-2 (General Commercial) Zones, Ward 3 (Reese).

**C.C.: 12/15/04**

| 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 TRUESDELL abstaining because he owns a property within the notification area**

**To be heard by City Council 12/15/2004**

**MINUTES:**
CHAIRMAN TRUESDELL declared the Public Hearing open.

DON SCHMEISER, Planning & Development Department, stated that the proposed addition would consist of a 550 square-foot lobby added to the front of the motel. The motel would be using two existing guest rooms to create this additional space. The applicant is requesting a waiver from the Downtown Centennial Plan streetscape standards because the severe physical constraints of the property prohibit full compliance. Staff is recommending approval with a waiver and with minor modifications to streetscape treatments that would include widening the

**MINUTES – CONTINUED:**

existing sidewalk to 11 feet, narrowing the drive at the front of the hotel to the edge of the existing right-of-way along Las Vegas Boulevard and placing three palm trees within tree grates next to the street curb. This type of accommodation has been made for other properties in the area with similar issues. The development would meet all other requirements.

TOROS YERANOSIAN, 109 East Harvard Street, Suite #306, Glendale, California, 92105, appeared and stated concurrence with all conditions. He asked for clarification on Condition 3, which pertained to the provision of an 11-foot sidewalk. He felt it would be difficult to provide 11 feet without reducing the driveway width. He asked that the wording be changed to reflect working with the Planning Department to reach a compromise.

Also, he was concerned over a requirement that he had to provide a landscaping finger with a tree for every six parking spaces. MR. YERANOSIAN explained that providing the landscaping requested by staff would result in a loss of three parking spaces. The parking spaces were important to the applicant because the guests consider them an amenity. He asked if the Commissioners would allow him to plant the proper number of trees on the site but not put all of them in the parking lot as requested.

MR. YERANOSIAN said that after the application was submitted, the plans were changed to convert three or four guest rooms into a wedding chapel without any exterior changes. He wanted to add that use to his application.

COMMISSIONER EVANS asked staff for some assistance in clarifying MR. YERANOSIAN'S requests. MR. SCHMEISER explained that the wedding chapel is not part of this application and could not be incorporated into this application. MR. YERANOSIAN would have to apply for a Special Use Permit separately.

He continued by explaining that the issue pertaining to the landscaping fingers is directly related to Condition 5 in the staff report, which requires one shade tree per every six parking spaces in accordance with the Downtown Centennial Plan. Regarding the driveway width and the distance between the street and the driveway, the plans did not have a width designated between the street curb and the driveway or the building front. MR. SCHMEISER stated that staff would be willing to work with the applicant to provide a sufficient width of sidewalk.

MR. YERANOSIAN also informed the Commissioners that he would be providing a walled and roofed trash enclosure on the site as required.

**MINUTES – CONTINUED:**

COMMISSIONER STEINMAN confirmed with MR. SCHMEISER that staff wants to have an 11-foot sidewalk down the entire length of Las Vegas Boulevard in this area. MR. SCHMEISER added that it is a requirement of the Centennial Standards. COMMISSIONER STEINMAN asked why the Commission should consider waiving that requirement for this project. Staff had indicated they would work with MR. YERANOSIAN before the City Council Meeting and the Commissioner took that as a possibility the sidewalk requirement could be reduced. MR. SCHMEISER indicated that was not the intent of staff. If it is physically impossible to have the driveway in front and outside of the public right-of-way, there may be a problem getting the 11 feet. There were not enough details at the time to make that determination. COMMISSIONER STEINMAN stated that the landscaping and driveway requirements should be maintained because the area needs to be cleaned up. If it is physically impossible to meet the requirements for the front driveway, the driveway might be lost to accommodate the sidewalk. There is another driveway on the property.

COMMISSIONER EVANS concurred.

COMMISSIONER McSWAIN confirmed with VICE CHAIRMAN NIGRO that the conditions would stay as shown in the report and the applicant should address any issues with the 11-foot requirement with staff before the item is heard by City Council. COMMISSIONER McSWAIN stated she would support the motion of approval; however, she would have recommended having some latitude when comparing the Code requirements to MR. YERANOSIAN'S concern for his customers. She hoped the City Council would assist him in that regard.

VICE CHAIRMAN NIGRO declared the Public Hearing closed.

(9:43 – 9:54)

**3-945**

**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 October 4, 2004, except as amended by conditions herein.

**CONDITIONS – CONTINUED:**

3. The applicant shall provide an 11-foot wide sidewalk in the public right-of-way along Las Vegas Boulevard, with a minimum of three 25-foot tall palm trees located in the sidewalk area immediately behind the existing curbline. A landscape amenity zone shall be located between the public sidewalk and the circulation driveway located on the subject site.

4. The applicant shall provide and install standard Fourth Street style light 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.

5. The parking lot area shall have a minimum of one shade tree for every six parking spaces in accordance with Subsection DS3.1.h of the Downtown Centennial Plan.

6. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development. The required 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 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. Trash enclosures shall be walled and roofed in accordance with the requirements of Title 19.08.045.

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

Public Works

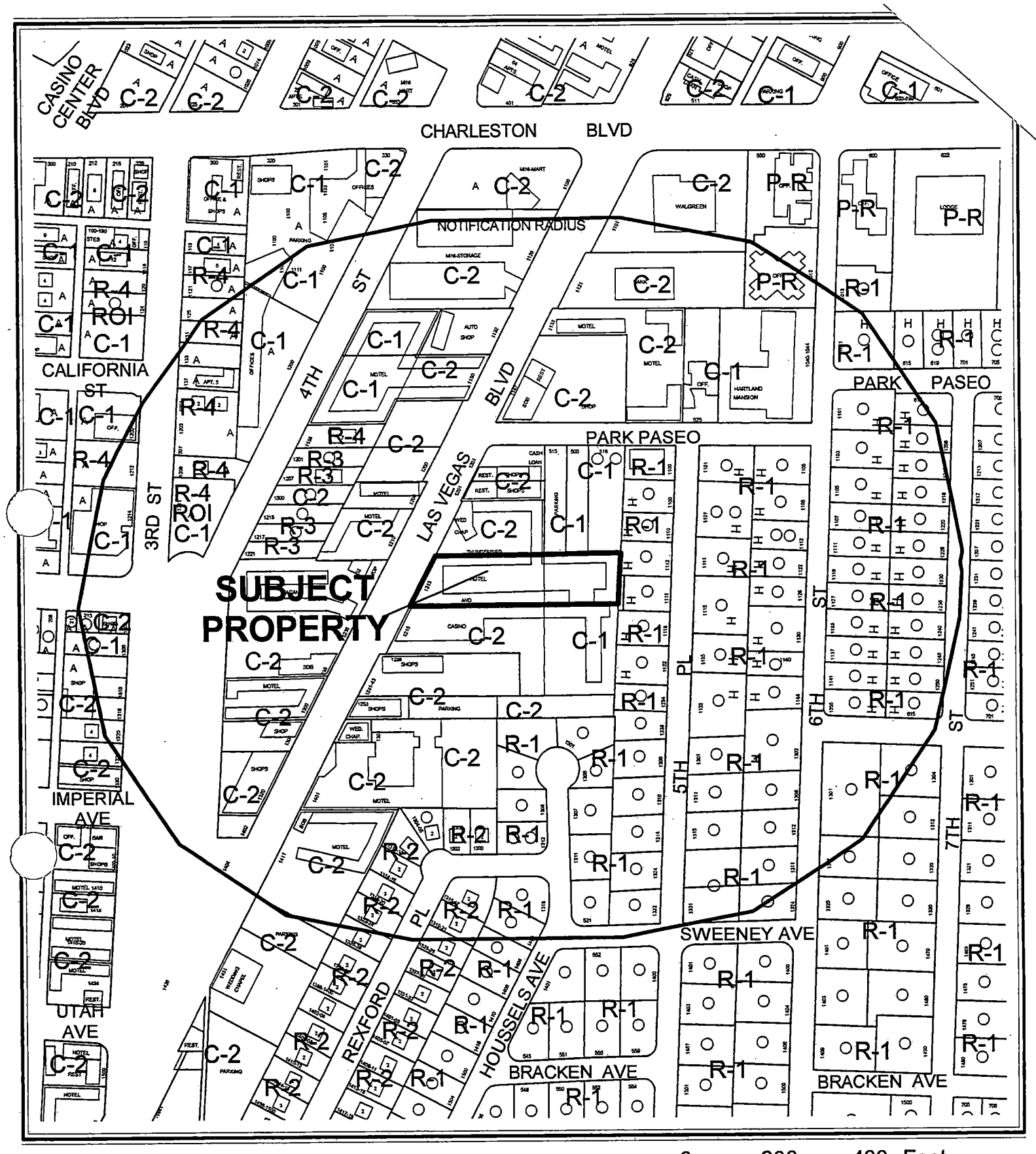
10. Remove all substandard public street improvements adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.

**CONDITIONS – CONTINUED:**

11. Landscape and maintain all unimproved right-of-way on Las Vegas Boulevard adjacent to this site.

12. Submit an Encroachment Agreement for all landscaping and private improvements located in the Las Vegas Boulevard public right-of-way adjacent to this site prior to occupancy of this site.

13. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first.

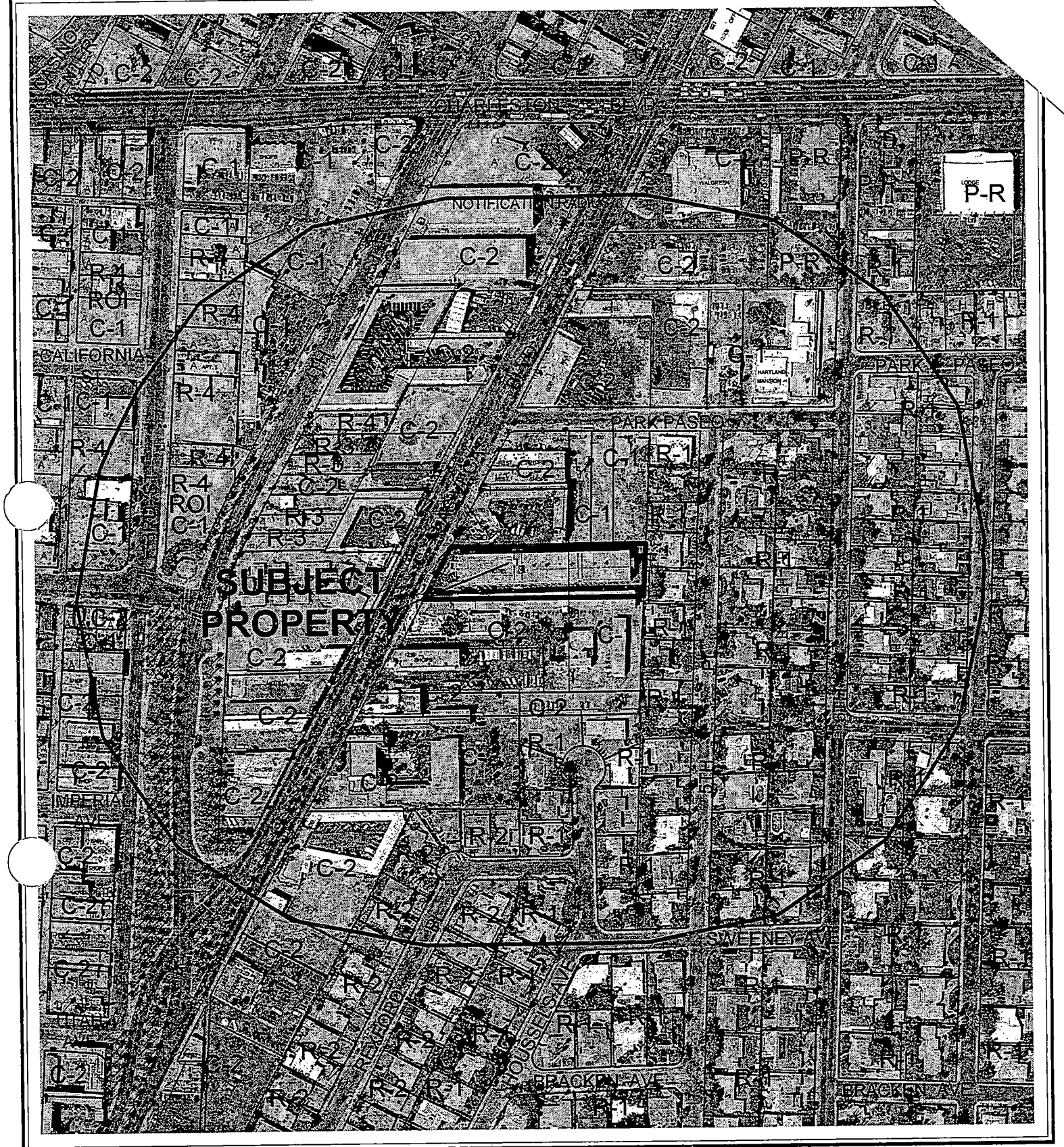



**CASE:** **SDR-5369**

**RADIUS:** 750 FT

**ZONING OF SUBJECT PROPERTY:**

C-1 (LIMITED COMMERCIAL) AND C-2 (GENERAL COMMERCIAL)




0 200 400 Feet

**CASE:** **SDR-5369**

**RADIUS:** 750 FT

**ZONING OF SUBJECT PROPERTY:**

C-1 (LIMITED COMMERCIAL) AND C-2 (GENERAL COMMERCIAL)

N

City of Las Vegas

## AGENDA MEMO

**PLANNING COMMISSION MEETING DATE: NOVEMBER 18, 2004**
**DEPARTMENT: PLANNING AND DEVELOPMENT**
**ITEM DESCRIPTION: SDR-5369 - APPLICANT: MARCO BRAMBILLA - OWNER: TOROS YERANOSIAN**

## ** 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, date stamped October 4, 2004, except as amended by conditions herein.

3. The applicant shall provide an 11-foot wide sidewalk in the public right-of-way along Las Vegas Boulevard, with a minimum of three 25-foot tall palm trees located in the sidewalk area immediately behind the existing curbline. A landscape amenity zone shall be located between the public sidewalk and the circulation driveway located on the subject site.

4. The applicant shall provide and install standard Fourth Street style light 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.

5. The parking lot area shall have a minimum of one shade tree for every six parking spaces in accordance with Subsection DS3.1.h of the Downtown Centennial Plan.

6. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development. The required 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 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. Trash enclosures shall be walled and roofed in accordance with the requirements of Title 19.08.045.

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

***Public Works***

10. 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.

11. Landscape and maintain all unimproved right-of-way on Las Vegas Boulevard adjacent to this site.

12. Submit an Encroachment Agreement for all landscaping and private improvements located in the Las Vegas Boulevard public right-of-way adjacent to this site prior to occupancy of this site.

13. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first.

# ** STAFF REPORT **

## APPLICATION REQUEST

### *A) Action Requested*

This is a request for Site Development Plan Review for a proposed lobby addition to an existing motel and a Waiver of landscape standards at 1213 Las Vegas Boulevard South.

### *B) Applicant's Justification*

The applicant states that the project will improve the façade of the building and will adhere to the City's requirements for the downtown area.

## BACKGROUND INFORMATION

### *A) Previous Actions*

05/24/99 City Council denied a request for a Rezoning (Z-0019-99) from C-1 (Limited Commercial) and C-2 (General Commercial) to C-2 (General Commercial) on a larger 7.60-acre tract that included the subject parcel. The Planning Commission had also recommended denial of the request.

### *B) Pre-Application Meeting*

09/20/04 At the pre-application conference, issues were discussed relative to the Downtown Centennial Plan streetscape requirement and the existing landscape areas, cross-access agreements with the abutting property owners, adequacy of parking, and Centennial Plan architectural and building placement requirements. In addition, it was noted that the signage on the property is subject to the Las Vegas Boulevard Scenic Byway Overlay District requirements.

### *C) Neighborhood Meetings*

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

## DETAILS OF APPLICATION REQUEST

***A) Site Area***

Net Acres: 1.26

***B) Existing Land Use***

| | |
|---|---|
| Subject Property: | Motel Use |
| North: | Motel Use |
| | Wedding Chapel Use |
| South: | Motel Use |
| | Gaming Use |
| East: | Single-Family Residential Use |
| West: | Retail Use |
| | Motel Use |

***C) Planned Land Use***

| | |
|---|---|
| Subject Property: | C (Commercial) |
| North: | C (Commercial) |
| South: | C (Commercial) |
| East: | L (Low Density Residential) |
| West: | C (Commercial) |

***D) Existing Zoning***

| | |
|---|---|
| Subject Property: | C-2 (General Commercial) |
| | C-1 (Limited Commercial) |
| North: | C-2 (General Commercial) |
| | C-1 (Limited Commercial) |
| South: | C-2 (General Commercial) |
| | C-1 (Limited Commercial) |
| East: | R-1 (Single Family Residential) |
| West: | C-2 (General Commercial) |

***E) General Plan Compliance***

The Downtown Redevelopment Area Land Use Map within the Southeast Sector Plan designates the subject parcel as C (Commercial), which allows office uses, service-oriented commercial uses, and general commercial uses. The existing motel use is consistent with the Commercial designation.

| *SPECIAL DISTRICTS/ZONES* | Yes | No |
|---|---|---|
| **Special Area Plan** | | |
| Downtown Centennial Plan | X | |
| Redevelopment Plan Area | X | |
| **Special Overlay District** | | |
| Las Vegas Boulevard Scenic Byway Overlay District | X | |
| **Trails** | | X |
| **Rural Preservation Neighborhood** | | X |
| **Development Impact Notification Assessment** | | X |
| **Project of Regional Significance** | | X |

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

**Downtown Centennial Plan Area**
The parcel is within the Downtown Centennial Plan boundaries, and is located in the Downtown South District. The Downtown South District is intended to accommodate a wide variety of land uses and density, and encourages redevelopment that contributes to the vitality of the area while supporting the adjacent residential uses.

**Las Vegas Boulevard Scenic Byway Overlay District**
The subject property is located within the Scenic Byway Overlay, which is intended to preserve the character of Las Vegas Boulevard as a nighttime urban scenic byway. The Overlay requires the use of neon or animation for all signage, and prohibits new off-premise signage.

## PROJECT DESCRIPTION

The proposed project entails the construction of a new 505 square-foot lobby area to the front of an existing motel building. Two of the guest rooms on the first floor adjacent to the new addition will be converted to provide additional lobby space and back-of-house facilities for the motel.

## 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 | 1.26 Acres | N/A |
| Min. Lot Width | N/A | 110 Feet | N/A |
| Min. Setbacks<br>• Front<br>• Side<br>• Rear | <br>0 Feet<br>N/A<br>N/A | <br>41<br>31'-9"<br>37'-5" | <br>N<br>N/A<br>N/A |
| Max. Lot Coverage | Up to 100% | 37% | Y |
| Max. Building Height | N/A | 29 Feet | N/A |
| Trash Enclosure | Walled/roofed | Not indicated | Not indicated |
| Mech. Equipment | Screened | Screened | Y |

The application appears to meet the applicable standards; however, additional detail will be required to be provided by the applicant concerning the trash enclosure. This is referenced through a condition of approval.

A2) Residential Adjacency Standards

Title 19.06.060 exempts properties within the Downtown Centennial Plan area from the automatic application of Residential Adjacency Standards. The subject property abuts a single-family residential neighborhood to the east; the proposed addition will not impact the single-family properties.

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 addition of lobby space to the existing facility does not require the provision of additional parking spaces, and the conversion of several guest rooms actually reduces the demand. A total of 59 parking spaces are available on site for the existing 144 guest rooms; the applicant has submitted a parking analysis that describes the adequacy of the parking available on site.

Public Works has noted that the direction of the parking lot circulation on the south side of the motel building should be reversed in order to be consistent with the natural counter-clockwise flow of traffic on the property.

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** |
|---|---|---|---|
| Parking Area | 1 Tree/6 Spaces | 10 Trees | 7 Trees |
| North/South Street Las Vegas | 1 Palm Tree @ 35' o.c. max. (min. 25' height) | 3 Trees | 2 Trees |
| Sidewalk | 11' Sidewalk | -- | 6' |

An additional three shade trees are required in the parking area in order to conform with the parking lot landscaping requirements listed in the Downtown Centennial Plan. The streetscape treatment along Las Vegas Boulevard will also need to be revised to conform to the Centennial Plan requirements.

A5) Sign Standards

The property is subject to the sign requirements listed in Title 19.14, and the requirements of the Las Vegas Boulevard Scenic Byway Overlay District. The applicant will be removing the existing freestanding sign, and will replace it with a wall sign on the new lobby addition. The signage requirements are listed below:

| **Wall Signs: Standards** | **Allowed** | **Provided** |
|---|---|---|
| Maximum Number | 20%/Elevation | 10% |
| Maximum Area | N/A | 32 SF |
| Maximum Projection | 2 Feet | Not indicated |
| Illumination | 75% exposed neon | Not indicated |

The proposed wall sign will conform to the area limitations listed in Title 19.14. While there is no indication of the illumination proposed for the sign, it should be noted that the Scenic Byway Overlay requires that 75% of the signage must consist of exposed neon.

***B) General Analysis and Discussion***

- Zoning

  The existing motel use is permitted use in the C-2 (General Commercial) district. The proposed addition generally conforms with the development standards of the Downtown Centennial Plan; while the building is not located directly at the front property line as required, the addition does bring the existing structure into greater compliance with the Code.

- Site Plan

  The site plan depicts the new lobby space located at the front of the existing building, and will not require any modifications to the existing driveway area at the front of the site. The new front door will be located facing the street, and will easily accessible from the public sidewalk as well as the on-site parking spaces located on either side of the building. No information has been provided relative to a trash enclosure for the property; any on-site trash enclosure will need to have walls and a roof in accordance with Title 19.08.045.

- Waivers

  The applicant has requested a Waiver from the Downtown Centennial Plan streetscape standards due to the fact that there property is already developed and there are physical constraints that prevent the full implementation of the streetscape. Based on the submitted drawing, there is approximately 20 feet between the existing curb and the property line, which allows for the sidewalk width to be increased and for the provision of an amenity zone adjacent to the curb. This would still allow for a 28-foot wide circulation driveway in front of the motel building, which exceeds the minimum 24-foot width. Staff would recommend the following:

  i. Increase the sidewalk width to 11 feet as required by the Downtown Centennial Plan;
  ii. Within the 11-foot wide sidewalk area, provide three palm trees in five-foot square tree wells with tree grates immediately behind the existing curb;
  iii. Reduce the width of the existing circulation driveway so that it no longer encroaches the public right-of-way, and provide a landscape amenity zone between the public sidewalk and the driveway.

  This treatment is similar to the streetscape treatments that have recently been approved for other developments along Las Vegas Boulevard, and will assist in providing a consistent treatment in spite of the right-of-way constraints.

- Landscape Plan

  The number of shade trees in the parking lot area does not conform to minimum Code requirements, and an additional three trees will need to be added to the site. The issues with the streetscape treatment have been addressed above.

- Elevation

  The proposed lobby addition is consistent with the architecture of the existing building, and will improve the appearance of the property. The proposed colors and materials are consistent with the Centennial Plan requirements, and the amount of glazing used on the façade facing Las Vegas Boulevard is also consistent with the plan.

- Floor Plan

  The floor plan depicts a reception desk and lobby area in the new addition, with restrooms and a juice bar located immediately adjacent in an area that was formerly occupied by guest rooms. A staircase immediately off the lobby area will provide direct access to the upper floors of the building.

**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 addition is compatible with the adjacent development and appropriate for 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 applicable Title 19 requirements, and is generally consistent with the Downtown Centennial Plan. A Waiver is required to address the modified streetscape treatment, and additional landscaping is required in the parking lot area.

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

   No modifications are proposed to the existing driveway on Las Vegas Boulevard or the on-site circulation pattern. Public Works has recommended that the on-site circulation on the south side of the building be reversed.

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

   The proposed landscape materials are appropriate for the area and for the City.

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

   The proposed elevations of the addition are compatible with the existing building and will enhance the appearance of the property.

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

   The proposed addition will be subject to inspections, and appropriate measures will be taken to protect public health, safety and general welfare.

**NOTICES MAILED** 136

**APPROVALS** 0

**PROTESTS** 0

FF

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

# PLANNING & DEVELOPMENT DEPARTMENT

## STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-5369** APN: 162-03-112-028

Name of Property Owner: Toros Yeramosyan

Name of Applicant: Mario Braubilla

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: Mario Braubilla

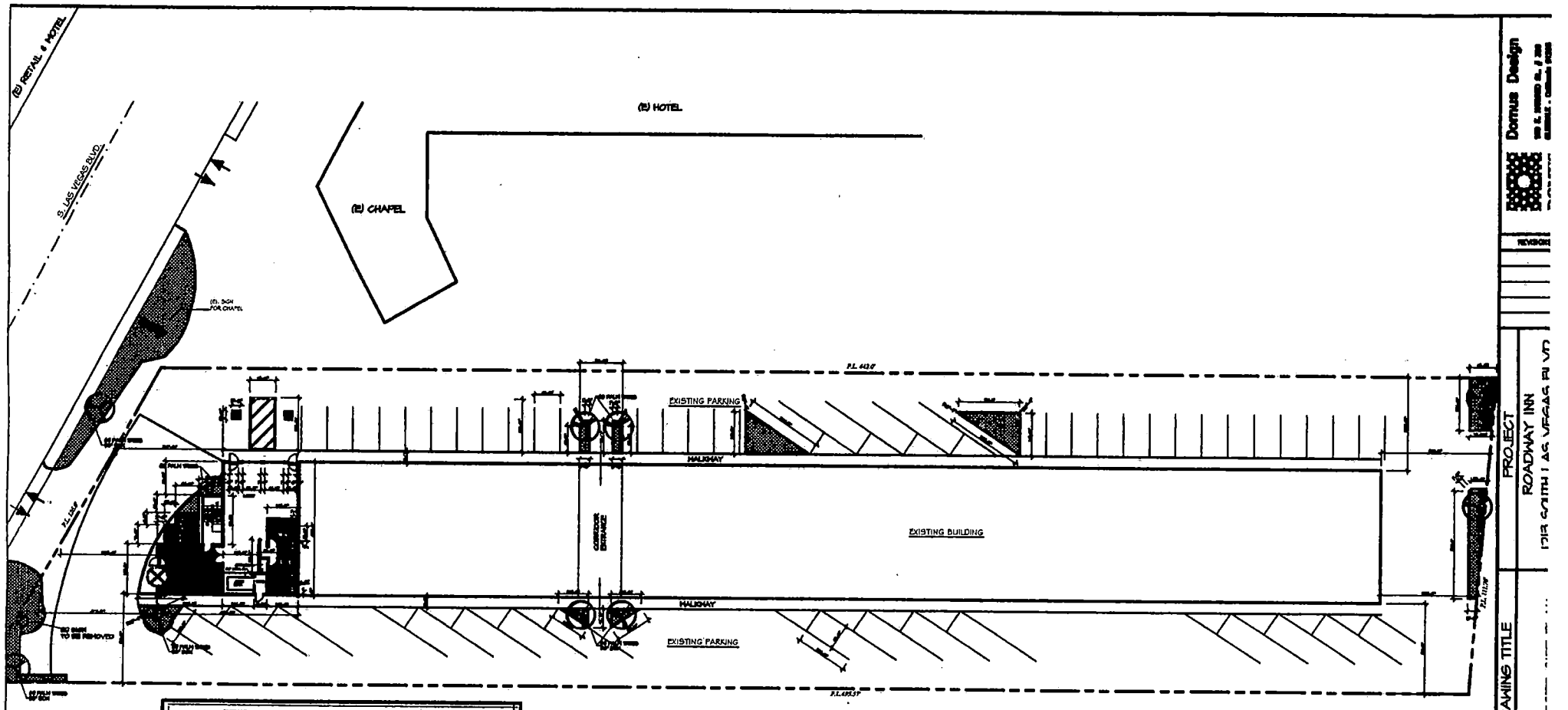
Subscribed and sworn before me

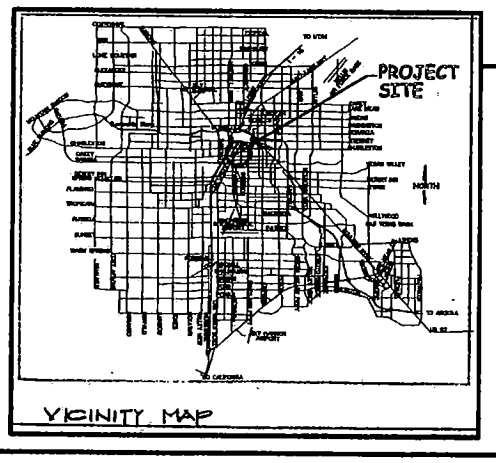
This 20 day of September, 2004

Anthony D. Westbrook

Notary Public in and for said County and State

ANTHONY D. WESTBROOK
Notary Public State of Nevada
No. 99-54720-1
My appt. exp. July 7, 2006




VICINITY MAP

(E) CASINO/HOTEL

N

# PROPOSED SITE PLAN

SCALE: 1/16" = 1'- 0"

| | |
|---|---|
| LOT AREA: | 54,807.2 SQ. FT. |
| BUILDING AREA: | 30,000 SQ. FT. |
| LOT COVERAGE: | 54.8% - INCLUDING NEW ADDITION |
| LANDSCAPING AREA: | 1234.8 SQ. FT. |
| LANDSCAPING: | 2.4% |
| PARKING: | 94 |

SITE NOTES:

- ALL PUBLIC SPACES TO COMPLY WITH ADA STANDARDS

AREA OF ADDITION: 900 SQ. FT.

LANDSCAPING NOTES

| | LATIN NAME | COMMON NAME | SIZE | QUANTITY |
|---|---|---|---|---|
| GROUND COVER | OPHIOPOGON JAPONICUS | MONDO GRASS | FLAT | - |
| TREES | NATIVE PALM | NATIVE PALM | 24" | 11 |

Domus Design

PROJECT

ROADWAY INN

DRAWING TITLE

DATE: AS

SCALE: 1/16

DRAWN BY:

CHECKED BY:

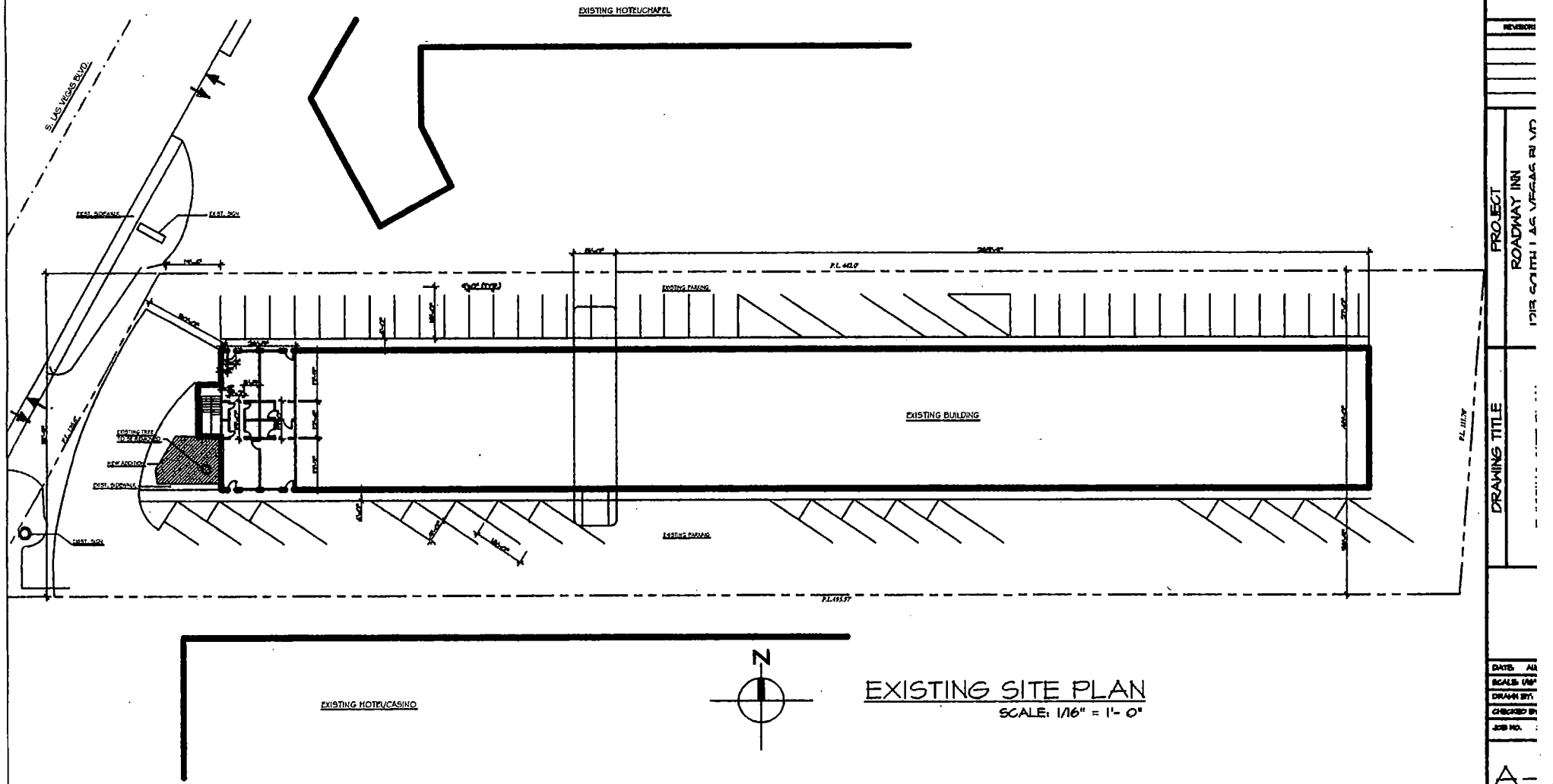
JOB NO.

A-

Sheet

**SDR-5369**

**11/18/04 PC**




EXISTING SITE PLAN

SCALE: 1/16" = 1'- 0"

Domus Design

PROJECT

ROADWAY INN

DRAWING TITLE

DATE:

SCALE:

DRAWN BY:

CHECKED BY:

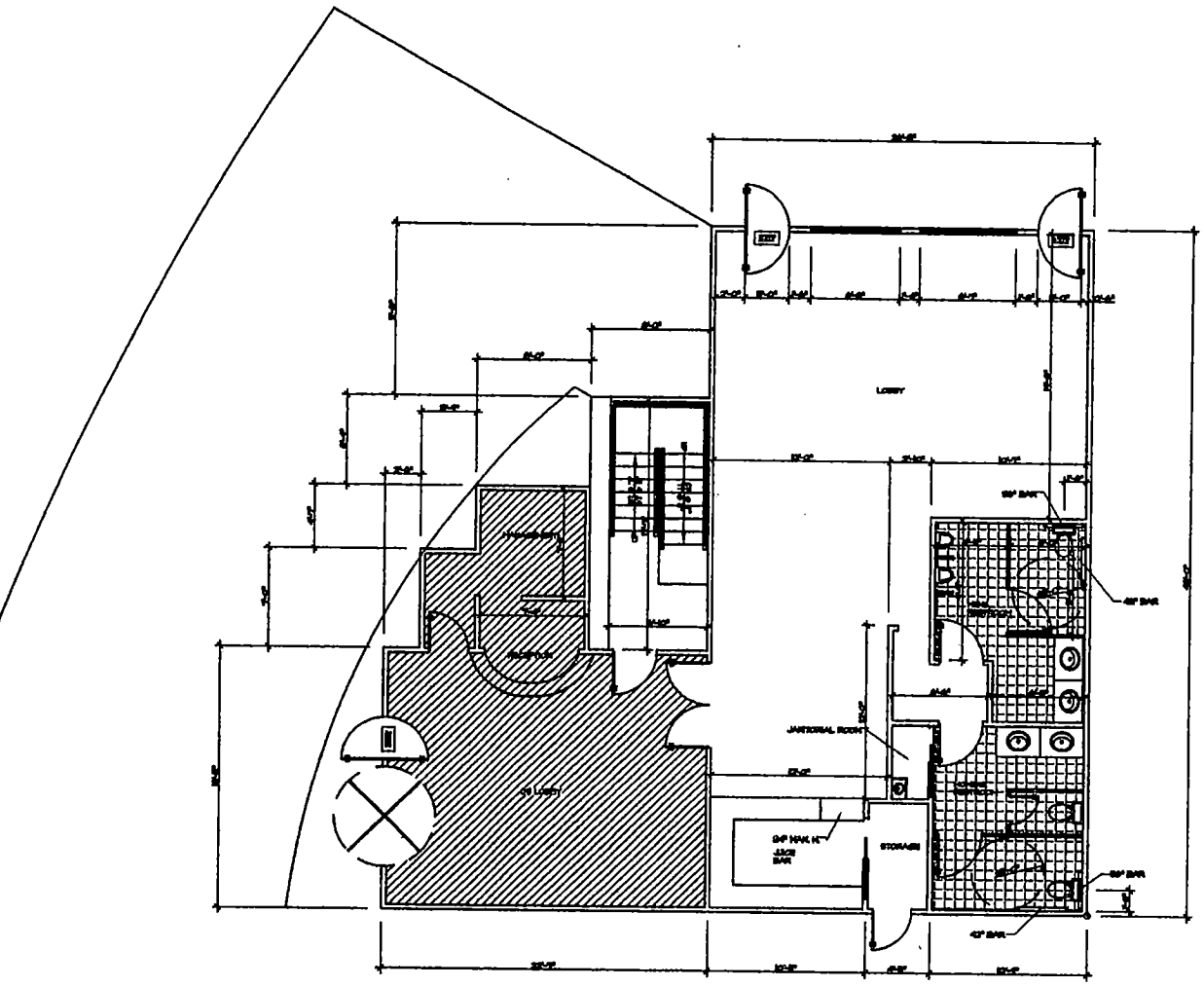
JOB NO.

A-

Sheet

**SDR-5369**

**11/18/04 PC**




PROPOSED FLOOR PLAN

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

Domus Design

PROJECT

ROADWAY INN

DRAWING TITLE

DATE

SCALE: 1/4

DRAWN BY:

CHECKED BY:

JOB NO.

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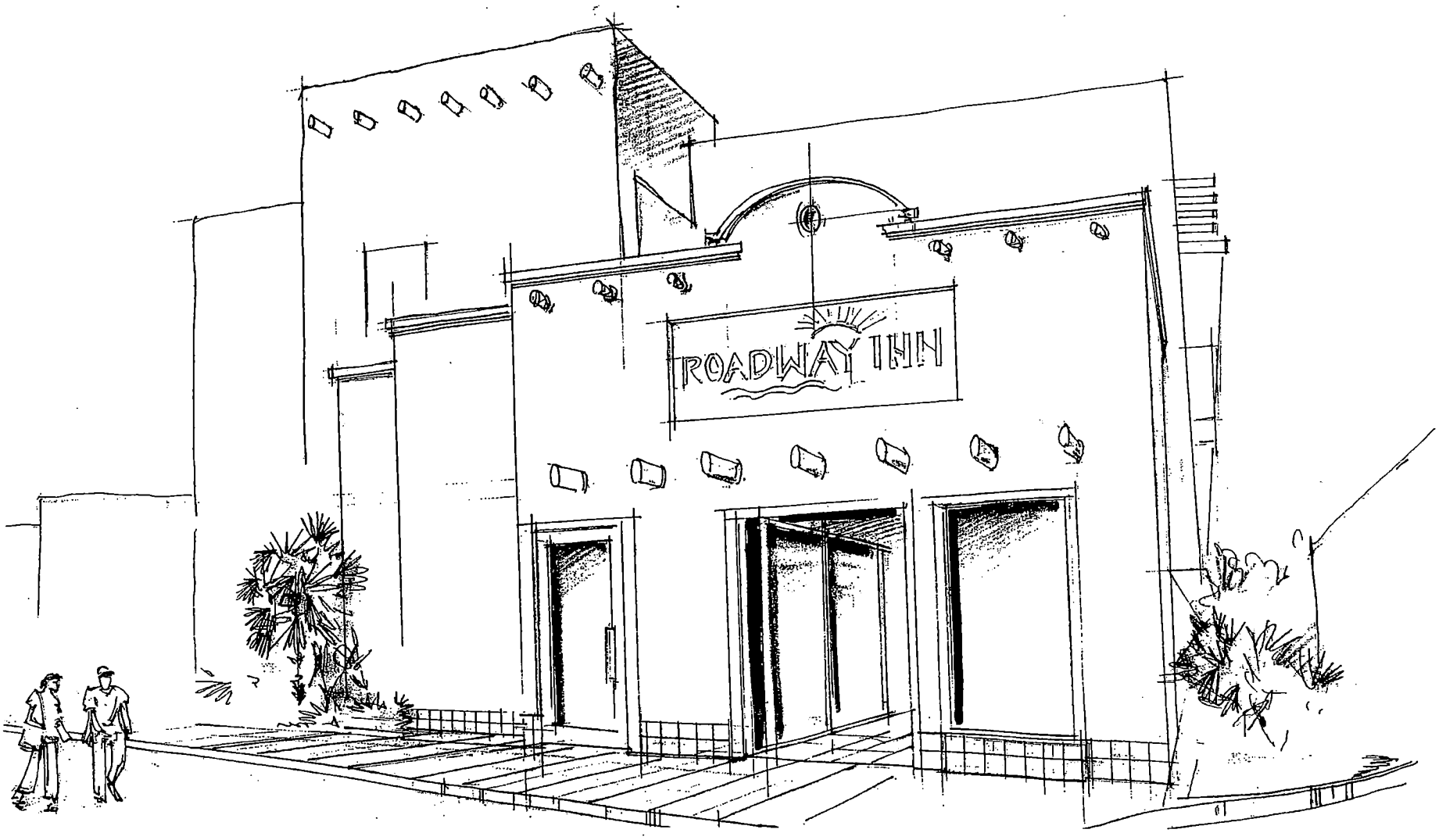
Sheet

**SDR-5369**

**11/18/04 PC**




**SDR-5369**
**11/18/04 PC**

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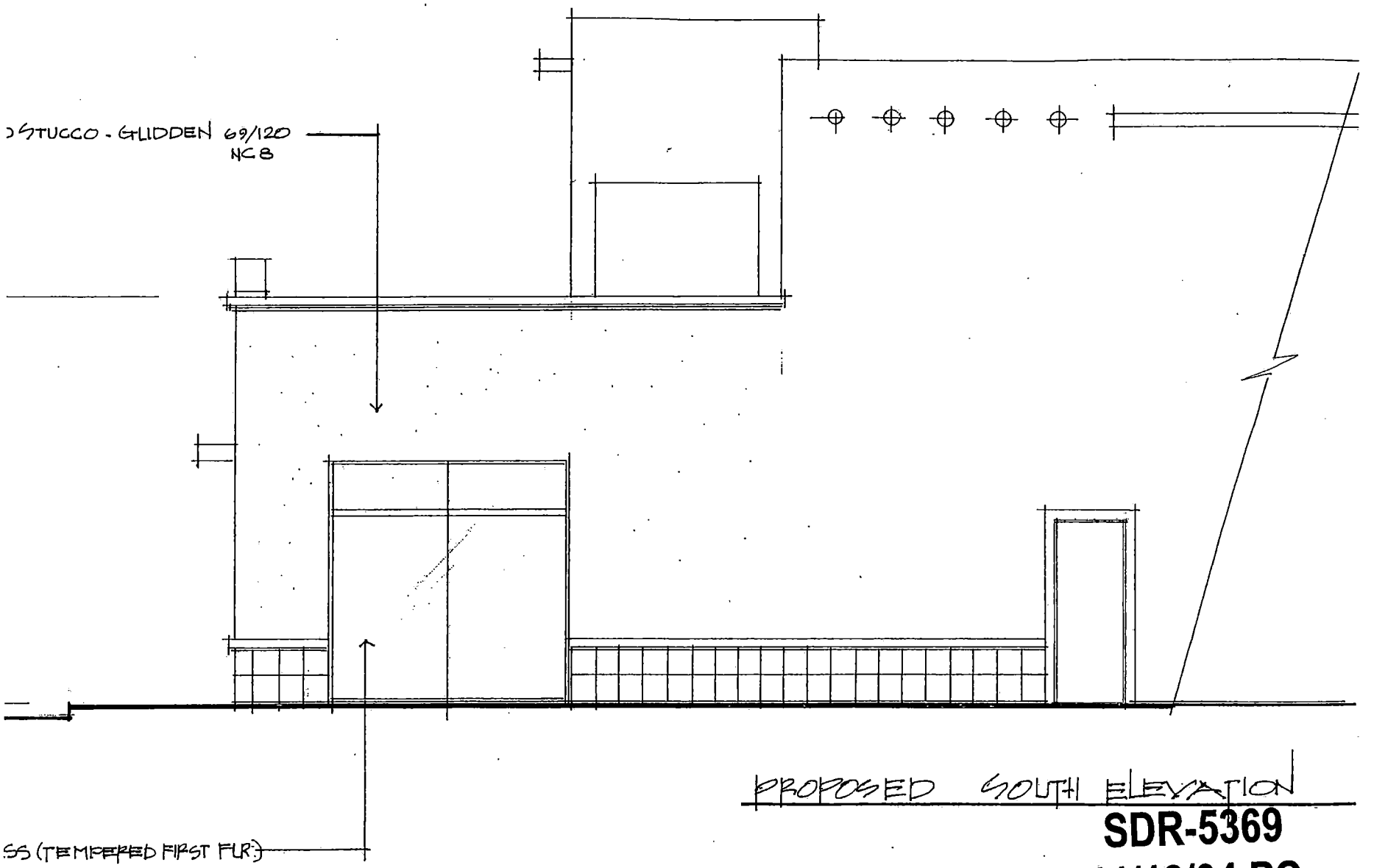



PROPOSED SOUTH ELEVATION

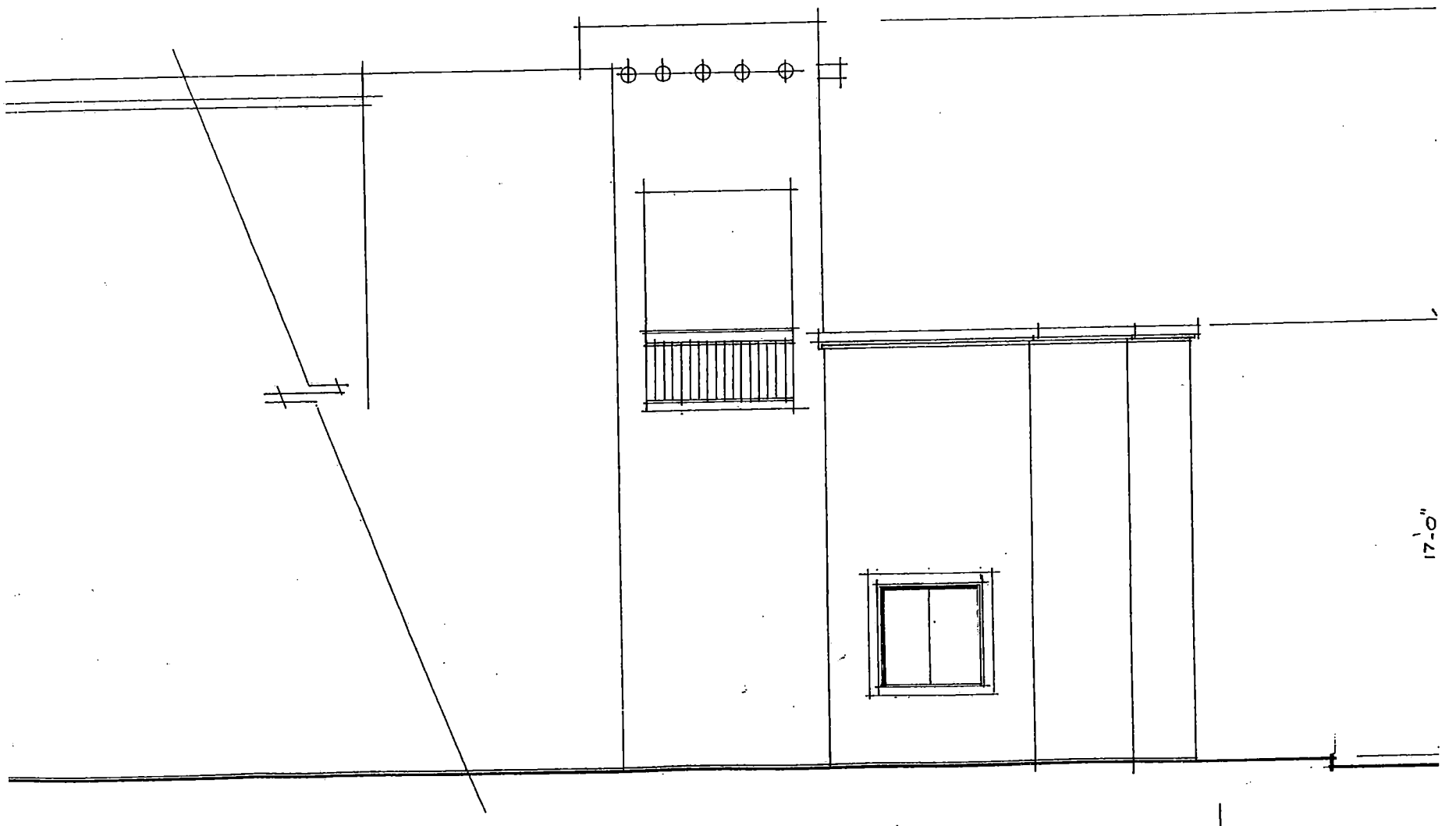
**SDR-5369**

**11/18/04 PC**

NOTE: ALL NEW ROOFTOP EQUIPMENT TO B

T FLR.

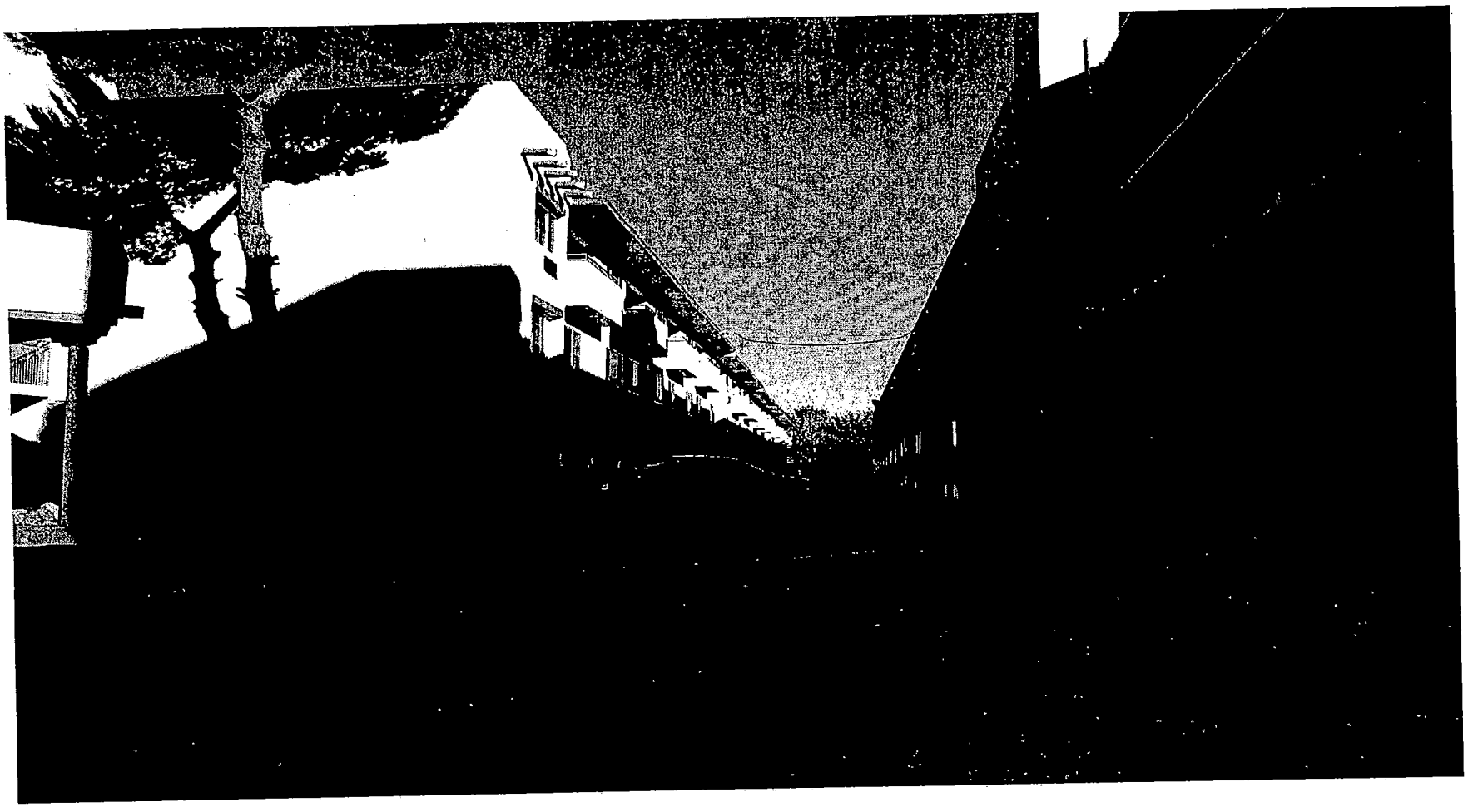
NOTE: ALL NEW ROOFTOP EQUIPMENT TO BE SCREENED BY 3'-6" HIGH PARAPET WALLS.



1/4"=1'-0"

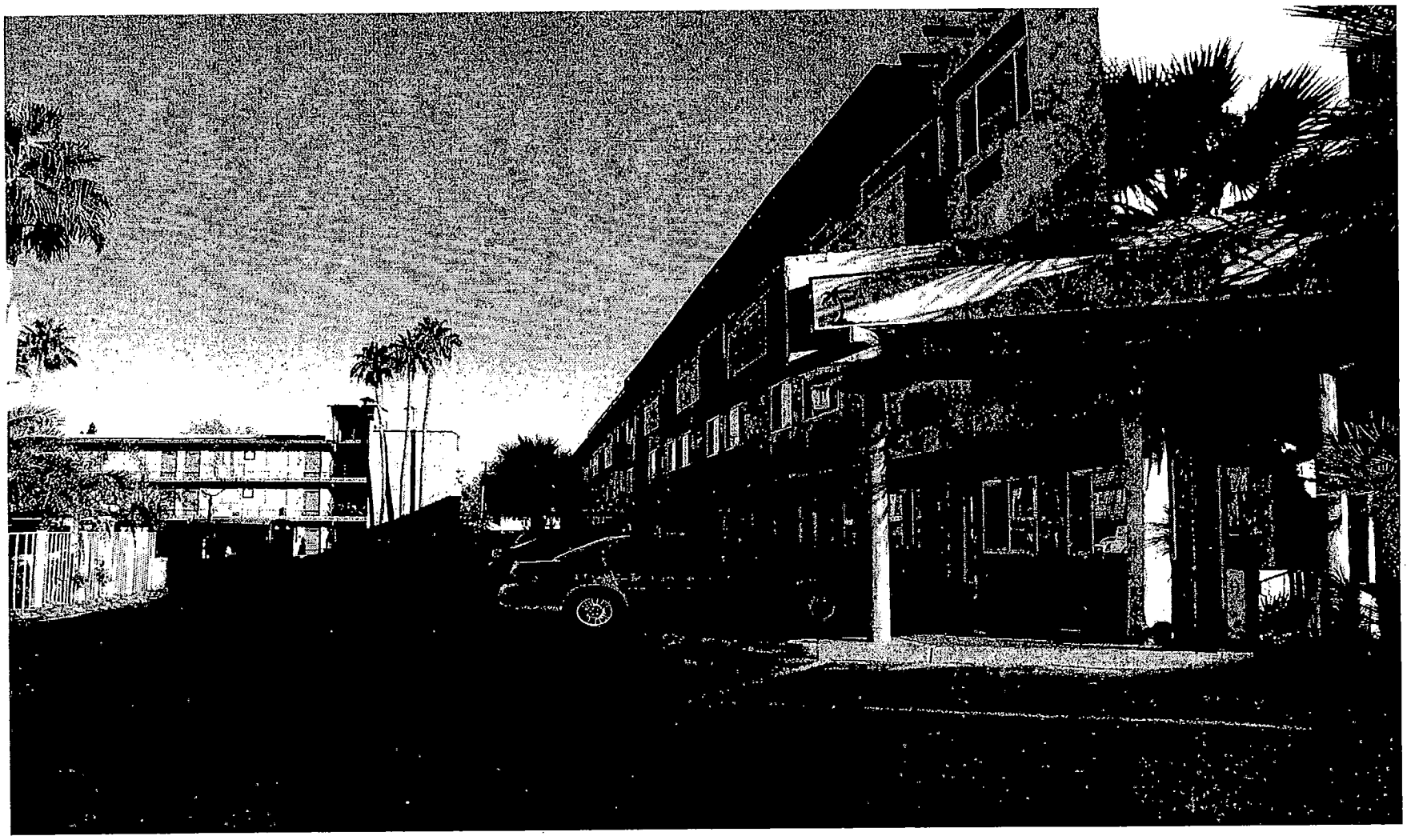
PROPOSED NORTH ELEVATION

**SDR-5369**
**11/18/04 PC**



SDR-5369 - APPLICANT: MARCO BRAMBILLA - OWNER: TOROS YERANOSIAN
1213 LAS VEGAS BOULEVARD SOUTH
NOVEMBER 18, 2004 PLANNING COMMISSION

11/03/04



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SDR-5369 - APPLICANT: MARCO BRAMBILLA - OWNER: TOROS YERANOSIAN
1213 LAS VEGAS BOULEVARD SOUTH
NOVEMBER 18, 2004 PLANNING COMMISSION

11/03/04

City of Las Vegas

Agenda Item No.: 37

## AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

**PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004**

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

**SUBJECT:**
**SDR-5370 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: BECKER & SONS, LLC** - Request for a Site Development Plan Review FOR A PROPOSED 55,643 SQUARE FOOT COMMERCIAL/INDUSTRIAL DEVELOPMENT AND A WAIVER OF PERIMETER LANDSCAPE REQUIREMENTS on 9.97 acres approximately 580 feet west of Rancho Drive and 630 feet south of Cheyenne Avenue (a portion of APN 138-13-512-002), R-E (Residence Estates) Zone under Resolution of Intent to C-M (Commercial/ Industrial), Ward 5 (Weekly).

**C.C.: 12/15/04**

| 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 – APPROVED subject to conditions – UNANIMOUS with McSWAIN abstaining because her company, Terra Contracting, has done work with the BECKER Family and DAVENPORT abstaining because he lives next door to one of the property owners**

**To be heard by the City Council 12/15/2004**

**MINUTES:**
CHAIRMAN TRUESDELL declared the Public Hearing open.

DON SCHMEISER, Planning & Development Department, explained that this is phase two of an overall development. It is very similar to the first phase, which is located directly to the west of this site. The applicant is requesting two waivers. The first is for a 6½ -foot wide planter width in lieu of the required eight-foot width, along portions of the north and east property

**MINUTES – CONTINUED:**

lines. The second request is to eliminate the placement of trees behind garages on the easterly property line. Staff recommended partial waivers be granted in both requests because it makes little sense to have trees between garages and perimeter walls where they would be obscured. However, the garages are spaced 18 feet apart and staff feels there should be a tree in that space. Staff felt there should be an eight-foot planter where trees are planted and in the areas behind the garages, where there are no trees, the planter width be allowed at 6 ½ feet.

BARRY BECKER, 50 South Jones Boulevard, appeared and concurred with all conditions and staff's recommendations.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(9:54 – 9:57)



**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 (revised and dated 11/08/04) and building elevations, except as amended by conditions herein.

3. The site plan shall be revised and approved by staff of the Planning and Development Department prior to the time application is made for a building permit to reflect these Conditions of Approval.

4. Prior to the submittal of a building permit, the applicant shall meet with staff of the Planning and Development Department 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 staff of the Planning and Development Department prior to the time application is made for a building permit. The plan shall show compliance with the required number of trees for the parking areas. The existing trees planted along the south property line shall be shown on the plan and demonstrate compliance with the requirements for a buffer where abutting the residential lots to the south. Waivers in the landscape requirements shall be granted as follows:

**CONDITIONS – CONTINUED:**

A Waiver shall be granted in the required eight-foot planting area width to 6.5 feet along the existing perimeter wall in the northeast corner of the site, except where trees are provided.
A Waiver shall be granted in the required perimeter trees where located between proposed carports and a perimeter wall in the northeast corner of the site. Trees shall be provided in the 18-foot spaces between the carports and at the end of the row of carports.

6. Landscaping and a permanent underground sprinkler system shall be installed and shall be permanently maintained in a satisfactory manner.

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

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

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

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

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

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

13. Prior to approval of any final map, the developer is required to adopt a plan for the maintenance of infrastructure improvements. The plan is to include a listing of all infrastructure improvements along with assignment of maintenance responsibility to a common interest community, individual property owner, or City of Las Vegas, and the proposed level of maintenance for privately maintained components. The agreement must be approved by the City of Las Vegas and must include a certification by the licensed

**CONDITIONS – CONTINUED:**

professional engineer of record that all infrastructure components are addressed in the maintenance plan. The plan must include a statement that all properties within the community are subject to assessment for all associated costs should private maintenance obligations not be met and the City of Las Vegas is required to provide for said maintenance. The adoption process must include recordation of the plan against all parcels prior to approval of the final map. In addition, should the development have a recreational trail, in accordance with NRS 278.4787, the following text should be added prior to the last sentence to the previous text: The plan shall note that the recreational trail to be transferred to the ownership of the City of Las Vegas shall be maintained at a basic level through utilization of public resources. That basic level shall be defined as removal of debris and surface grading once every calendar year. Should the common interest community, or members thereof request additional maintenance activities, the associated costs shall be assessed to the common interest community and/or members thereof.

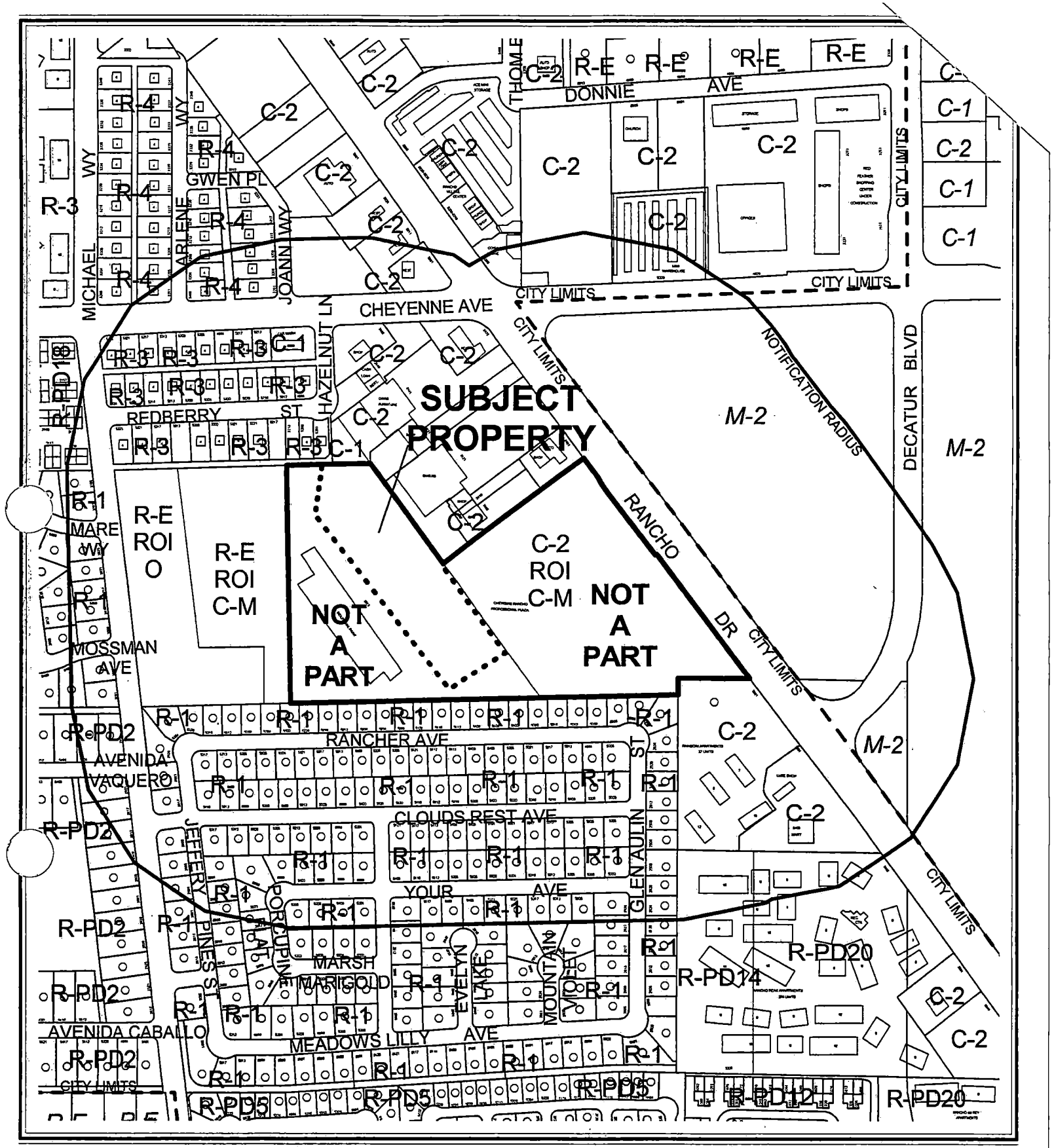
Public Works

14. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits, or the submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study. We note that this site is within a FEMA Flood Zone A.

15. 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.

16. An update to the 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 update prior to occupancy of the site. No recommendation of the approved Traffic Impact Analysis, or 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.

17. Site development to comply with all applicable conditions of approval for Z-90-95 and all other subsequent site-related actions.



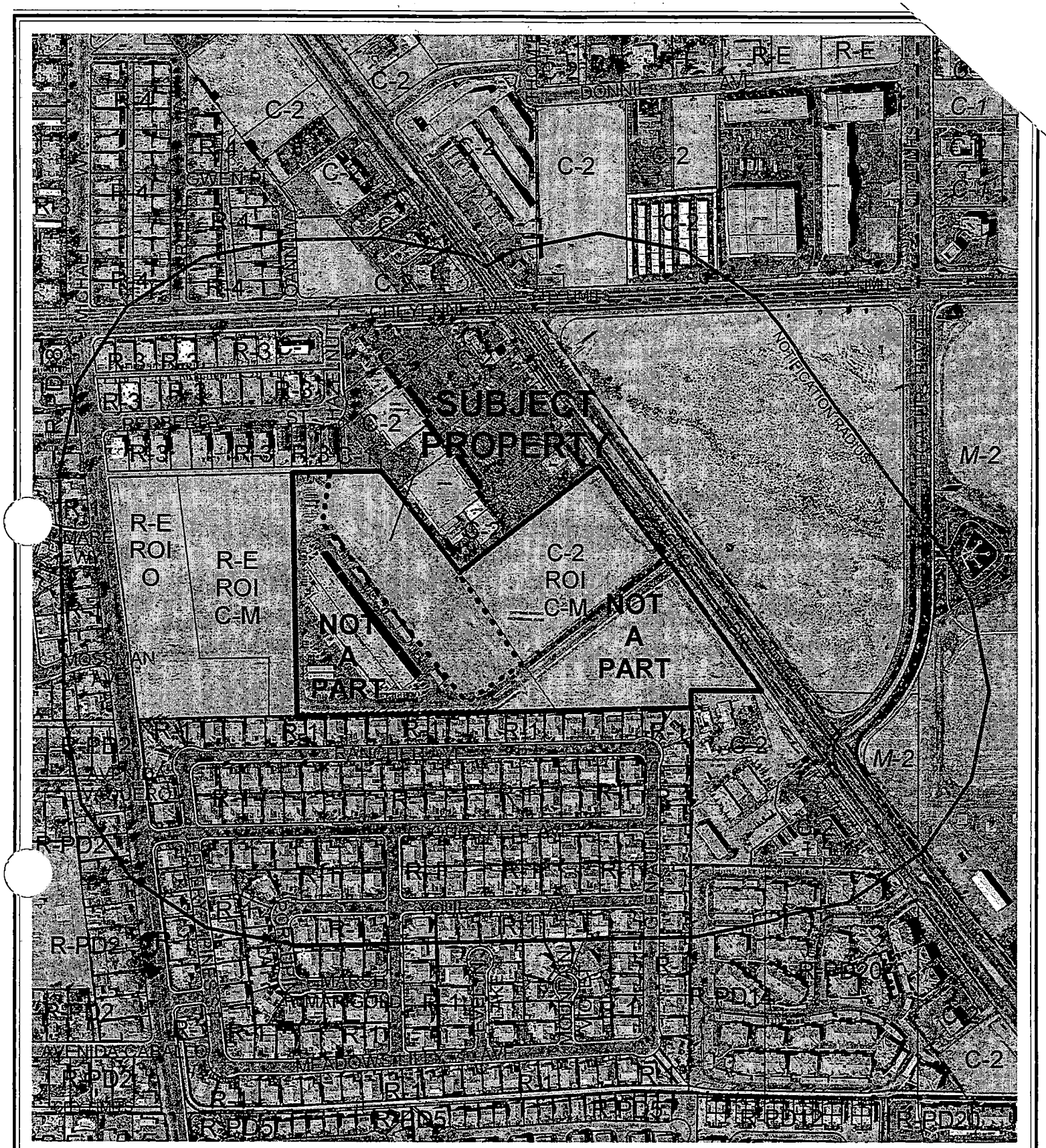

0 400 800 Feet

**CASE:** **SDR-5370**

**RADIUS:** 750 FT

**ZONING OF SUBJECT PROPERTY:**
R-E (RESIDENCE ESTATES) UNDER RESOLUTION OF INTENT TO C-M (COMMERCIAL / INDUSTRIAL)

N




0 400 800 Feet

**CASE:** **SDR-5370**

**RADIUS:** 750 FT

**ZONING OF SUBJECT PROPERTY:**
R-E (RESIDENCE ESTATES) UNDER RESOLUTION OF INTENT TO C-M (COMMERCIAL / INDUSTRIAL)

N

City of Las Vegas

## AGENDA MEMO

**PLANNING COMMISSION MEETING DATE: NOVEMBER 18, 2004**
**DEPARTMENT: PLANNING AND DEVELOPMENT**
**ITEM DESCRIPTION: SDR-5370 - APPLICANT/OWNER: BECKER & SONS, 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. All development shall be in conformance with the site plan (revised and dated 11/08/04) and building elevations, except as amended by conditions herein.

3. The site plan shall be revised and approved by staff of the Planning and Development Department prior to the time application is made for a building permit to reflect these Conditions of Approval.

4. Prior to the submittal of a building permit, the applicant shall meet with staff of the Planning and Development Department 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 staff of the Planning and Development Department prior to the time application is made for a building permit. The plan shall show compliance with the required number of trees for the parking areas. The existing trees planted along the south property line shall be shown on the plan and demonstrate compliance with the requirements for a buffer where abutting the residential lots to the south. Waivers in the landscape requirements shall be granted as follows:

   - A Waiver shall be granted in the required eight-foot planting area width to 6.5 feet along the existing perimeter wall in the northeast corner of the site, except where trees are provided.
   - A Waiver shall be granted in the required perimeter trees where located between proposed carports and a perimeter wall in the northeast corner of the site. Trees shall be provided in the 18-foot spaces between the carports and at the end of the row of carports.

6. Landscaping and a permanent underground sprinkler system shall be installed and shall be permanently maintained in a satisfactory manner.

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

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

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

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

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

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

13. Prior to approval of any final map, the developer is required to adopt a plan for the maintenance of infrastructure improvements. The plan is to include a listing of all infrastructure improvements along with assignment of maintenance responsibility to a common interest community, individual property owner, or City of Las Vegas, and the proposed level of maintenance for privately maintained components. The agreement must be approved by the City of Las Vegas and must include a certification by the licensed professional engineer of record that all infrastructure components are addressed in the maintenance plan. The plan must include a statement that all properties within the community are subject to assessment for all associated costs should private maintenance obligations not be met and the City of Las Vegas is required to provide for said maintenance. The adoption process must include recordation of the plan against all parcels prior to approval of the final map. In addition, should the development have a recreational trail, in accordance with NRS 278.4787, the following text should be added prior to the last sentence to the previous text: The plan shall note that the recreational trail to be transferred to the ownership of the City of Las Vegas shall be maintained at a basic level through utilization of public resources. That basic level shall be defined as removal of debris and surface grading once every calendar year. Should the common interest community, or members thereof request additional maintenance activities, the associated costs shall be assessed to the common interest community and/or members thereof.

***Public Works***

14. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits, or the submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study. We note that this site is within a FEMA Flood Zone A.

15. 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.

16. An update to the 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 update prior to occupancy of the site. No recommendation of the approved Traffic Impact Analysis, or 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.

17. Site development to comply with all applicable conditions of approval for Z-90-95 and all other subsequent site-related actions.

# ** STAFF REPORT **

## APPLICATION REQUEST

### *A) Action Requested*

This is a request for a Site Development Plan Review for a proposed 55,643 square-foot commercial/industrial development and Waivers of perimeter landscaping requirements on 9.97 acres located approximately 580 feet west of Rancho Drive and 630 feet south of Cheyenne Avenue.

### *B) Applicant's Justification*

Submitted with the subject application is a letter requesting Waivers of certain Title 19.08 Development Standards, including the following:

- Waiver of the perimeter planter width requirement from eight feet to 6.5 feet to match the northern perimeter planter of Phase I.

- Waiver of the 24-inch box tree requirement within the northeast planter.

The applicant explains that the modification of the planter width to 6.5 feet would match the northern perimeter of the adjoining development in the first phase. The Waiver of the 24-inch box tree requirement is due to the location of the planter where the trees would not be very visible to the street because of an existing block wall and carports.

## BACKGROUND INFORMATION

### *A) Previous Actions*

| | |
|---|---|
| 03/20/91 | The City Council approved an application to Rezone (Z-0009-91) the subject tract from R-E (Residence Estates) and C-2 (General Commercial) to C-M (Commercial/Industrial). This action expired. |
| 12/20/95 | The City Council approved an application to Rezone (Z-0090-95) the subject tract from R-E (Residence Estates) and C-2 (General Commercial) to C-M (Commercial/Industrial). The Planning Commission and staff recommended approval on 11/30/95. |

01/22/97 The City Council approved an Extension of Time [Z-0090-95(1)] to Rezone the subject tract from R-E (Residence Estates) and C-2 (General Commercial) to C-M (Commercial/Industrial).

01/25/99 The City Council approved an Extension of Time [Z-0090-95(2)] to Rezone the subject tract from R-E (Residence Estates) and C-2 (General Commercial) to C-M (Commercial/ Industrial).

07/29/99 The City Council approved a Site Development Plan Review [Z-0036-97(1) and Z-0090-95(3)] for a proposed 328,121 square foot professional plaza on the subject tract. The Planning Commission and staff recommended approval on 05/22/97.

1/27/2000 The City Council approved an Extension of Time [Z-0090-95(4)] to Rezone the subject tract from R-E (Residence Estates) and C-2 (General Commercial) to C-M (Commercial/Industrial).

09/19/01 The City Council approved an Extension of Time [Z-0090-95(5)] to Rezone the subject tract from R-E (Residence Estates) and C-2 (General Commercial) to C-M (Commercial Industrial) and an Extension of Time of the Site Development Plan Review [Z-0036-97(2)].

***B) Pre-Application Meeting***

09/14/04 The staff met with the prospective applicant to review plans for a large commercial/industrial development on the subject site. The submittal requirements for a Site Development Plan Review were explained and it was noted that the plan did not comply with certain development standards. In response to an expression of interest in reducing or eliminating these requirements, it was explained that the applicant would have to request Waivers of these requirements in a letter of justification submitted with the application.

***C) Neighborhood Meetings***

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

## DETAILS OF APPLICATION REQUEST

***A) Site Area***

Acres: 9.97

***B) Existing Land Use***

| | |
|---|---|
| Subject Property: | Undeveloped |
| North: | Shopping center |
| South: | Single family residential and apartments (Rainbow Apartments) |
| East: | Undeveloped (North Las Vegas) |
| West: | Industrial park |

***C) Planned Land Use***

| | |
|---|---|
| Subject Property: | LI/R (Light Industrial/Research) |
| North: | SC (Service Commercial) |
| South: | L (Low Density Residential) |
| East: | North Las Vegas |
| West: | LI/R (Light Industrial/Research) |

***D) Existing Zoning***

| | |
|---|---|
| Subject Property: | C-2 (General Commercial) under ROI to C-M (Commercial/ Industrial) |
| North | SC (Service Commercial) and M (Medium Density Residential) |
| South | C-2 (General Commercial) and R-1 (Single Family Residential) |
| East | North Las Vegas |
| West | R-E (Residence Estates) under Resolution of Intent to C-M (Commercial/ Industrial) |

***E) General Plan Compliance***

The subject property is located within the Southeast Sector of the General Plan. The property is designated LI/R (Light Industrial/Research). The property is zoned C-2 (General Commercial) under Resolution of Intent to C-M (Commercial/ Industrial). The C-M zoning district is permitted in this land use classification.

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

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

## PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for a proposed 55,643 square foot commercial/industrial development located on 9.97 acres. This development is the second phase of a larger complex of commercial/industrial buildings that are proposed on 20 acres west of Rancho Drive. The complex is referred to as the Cheyenne Rancho Professional Plaza.

The proposed building would be constructed with suites for 42 tenants. The uses that would be located within the building would be those uses that are permitted in a C-M (Commercial/ Industrial) zoning district. At this time, it is estimated that office tenants would occupy 35 percent of the space with industrial tenants occupying 65 percent of the space. The building would be accessed from an internal drive that intersects with Rancho Drive.

## 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. Site Area | None | 9.97 acres | NA |
| Min. Lot Width | 100 feet | 900± feet | Y |
| Min. Setbacks | | | |
| • Front | 10 feet | 920± feet | Y |
| • Side | 10 feet | 81 feet | NA |
| • Corner | 10 feet | NA | NA |
| • Rear | 20 feet | 145 feet | Y |
| Max. Lot Coverage | None | 12.8% | NA |
| Max. Building Height | None | 24 feet | NA |

The development complies with the development standards.

A2) Residential Adjacency Standards

Pursuant to Title 19.08, Residential Adjacency Standards apply where a nonresidential use is adjacent to residential property "developed for sale." In this instance, a single-family residential development is located south of the development. The height of the proposed building is approximately 24 feet to the roofline. At a required 3:1 slope from the building to the property of the single-family residences, 72 feet is required. A distance of approximately 120 feet is provided. The building meets the Residential Adjacency Standards.

A3) Parking and Traffic Standards

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

| Uses | GFA (sq. ft.) | Required | | | Provided | |
|---|---|---|---|---|---|---|
| | | Ratio Space/sq. ft. | Parking Spaces | | Parking Spaces | |
| | | | Regular | Handicap | Regular | Handicap |
| Office | 19,475 | 1/300 | 65 | | | |
| Industrial | 36,168 | 1/1000 | 37 | | | |
| Total | 55,643 | | 97 | 5 | 234 | 4 |

The proposed development is for commercial/industrial uses. The building would be constructed with suites for 42 tenants, but at this time the types of uses that would occupy the suites are not known. It is estimated that 35 percent of the units will be for office uses and 65 percent for industrial uses. With this combination of uses, 97 regular spaces and five handicapped spaces would be required. A total of 234 regular spaces and four handicapped spaces are proposed. The number of handicapped parking spaces is based on the required total number of spaces, so one additional handicapped space is required. Since the ultimate required number of parking spaces will be determined by the eventual number of parking spaces required for each use, compliance with the parking standards will be determined at the time that an Occupancy Permit is obtained for each use.

A4) Landscape Standards

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

| Standards | Trees Required | | Trees Provided |
|---|---|---|---|
| | Ratio | Trees | |
| Parking Area | 1 trees/5.2 spaces | 40 | 34 |
| Buffer Trees | 1 tree/20 linear feet + 1 | 32 | 6 |
| Total | | 72 | 40 |

The required number of trees required for parking areas is based on a formula that accounts for the number of uncovered parking spaces and the number of tree islands at the ends of parking rows. In this case a total of 40 trees are required, which results in one tree required for each 5.2 parking spaces. However, only 34 trees are proposed with a majority of the shortfall of trees within tree islands at the ends of parking rows.

Buffer or perimeter trees are required along perimeter walls at the ratio of one tree for each 20 linear feet of wall length plus one tree. For 605 linear feet of perimeter wall in this proposed development, 32 trees are required. There is a deficiency in the required number of trees, as only six trees have been provided. However, the applicant has requested a Waiver in the perimeter tree requirement. It is recommended that some of the perimeter trees be eliminated, which is addressed below in the section on "Waivers" as well as in the Conditions of Approval for this report.

***B) General Analysis and Discussion***

- Zoning

  The present zoning of the subject property is C-2 (General Commercial) and is under a Resolution of Intent to a C-M (Commercial/ Industrial) zoning district. The C-M zoning district allows a broad spectrum of commercial and industrial uses. The applicant does not have specific uses determined for the building at this time; however, each use that occupies the building must be permitted in the C-M zoning district. This would be determined at the time the owner/lessee seeks an Occupancy Certificate.

- Site Plan

  The site plan is illustrative of a large 55,643 square-foot low-profile building for commercial and industrial uses. The building would be situated amongst several similar buildings on an overall 20-acre site. Parking areas and loading spaces around the building are accessed off an internal drive that intersects with Rancho Drive.

- Landscape Plan

  A conceptual landscape plan is included with the site plan for the subject development. The development is deficient in the number of trees for the parking areas and the perimeter. The required number of trees for the parking areas should be provided. A request for a Waiver has been submitted to eliminate the required trees and to reduce the island width along a perimeter wall in the northeast corner of the site. These requests are addressed in the next section below.

- Waivers

  The applicant has submitted requests for two waivers, which include the following:

  - Waiver of the 24-inch box tree requirement within the northeast planter.
  - Waiver of the perimeter planter width requirement from eight feet to 6.5 feet to match the northern perimeter planter of Phase I.

  The first waiver is for omission of the 24-inch box trees that would be located between proposed carports and an existing perimeter wall in the northeast corner of the site. Each of six carports has space for six vehicles and each carport is spaced 18 feet apart. Landscaping in this vicinity would be hidden if not largely obscured from view. Shrubbery located in this space would seemingly be redundant. Consequently, it is recommended that the trees be omitted in this space; however, it is recommended that 24-inch box trees and shrubbery be located within the 18-foot spaces between the carports where the landscaping would be seen from within the development. Trees and shrubbery should also be located at the ends of the row of carports.

  The second request is for a Waiver to reduce the perimeter planter width from eight feet to 6.5 feet. Where 24-inch box trees would not be located, the request is warranted. However, where trees would be located, a reduction in planter width is not recommended. The parking area adjacent to the planter area is over 81 feet in width, providing ample space for an additional 1.5 feet of planter width. These stipulations are addressed as conditions with the list of Conditions of Approval for this report.

- Elevation

  The one-story proposed building would consist of two-tone brown/beige colored concrete tilt-up panels. Weathered copper colored awnings of standing seam metal with India green colored tube steel awning frames would be placed above windows/ doorways. Bronze anodized frames with "graylite" glazing would decorate the storefronts. Overhead roll-up doors for secondary access are of a color to match the front façade. The overall appearance of the building is typical of similar projects elsewhere. The subdued colors and low profile of the building are complimentary to the proposed overall project.

- Floor Plan

  The floor plan of the proposed building is similar to the building for the first phase with 42 units proposed for lease to commercial/industrial tenants. Units range in size from approximately 200 square feet to 1,600 square feet with internal "knockout" walls to accommodate the tenants' size constraints.

## FINDINGS

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

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

   The proposed development is located adjacent to single-family residential development to the south. The types of land uses in the proposed development have the potential of being incompatible with this residential development.

   The applicant has proposed measures that would protect the integrity of the residential environment to the south. A perimeter wall and landscaping have been placed along the south property line. The closest parking area would be located approximately 65 feet from the south property line opposite the access drive and the building would be approximately 120 feet away. The site design and proposed amenities would not appear to present compatibility issues with the adjacent residential development.

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

   The subject property is located in a LI/R (Light Industrial/Research) land use classification of the General Plan. The proposed development is consistent with this classification. The development is consistent with the development standards of Title 19 with the exception of the required number of trees for the parking areas and the perimeter. This deficiency is addressed above in the section on "Waivers."

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

The proposed development would have access to Rancho Drive via an existing internal drive that will serve the entire proposed 20-acre commercial/industrial development. Rancho Drive is designed as a Freeway-Expressway (125-foot right-of-way width), according to the Master Plan of Streets and Highways. The internal drive is designed to provide for adequate traffic movement at its intersection with Rancho Drive. Consequently, site access and circulation on Rancho Drive would not be negatively impacted.

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

The building will be constructed of tilt-up concrete panels. The architectural embellishments are attractive and appropriate for this commercial/industrial development. The applicant is proposing to plant several varieties of trees, including Aleppo Pine, Shoestring Acacia, Mexican Palo Verde, and California Pepper. These varieties are indigenous and appropriate to the desert climate for this area.

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

As discussed above, the building elevations and design features are pleasing to the area and are consistent with the first phase of the overall development.

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

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

**NOTICES MAILED** 220

**APPROVALS** 0

**PROTESTS** 0

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

# PLANNING & DEVELOPMENT DEPARTMENT

## STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-5370 APN: 138-13-512-002

Name of Property Owner: Becker & Sons, LLC

Name of Applicant: Becker & Sons, LLC

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

_____Yes ___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: Ernest A. Becker, Jr.

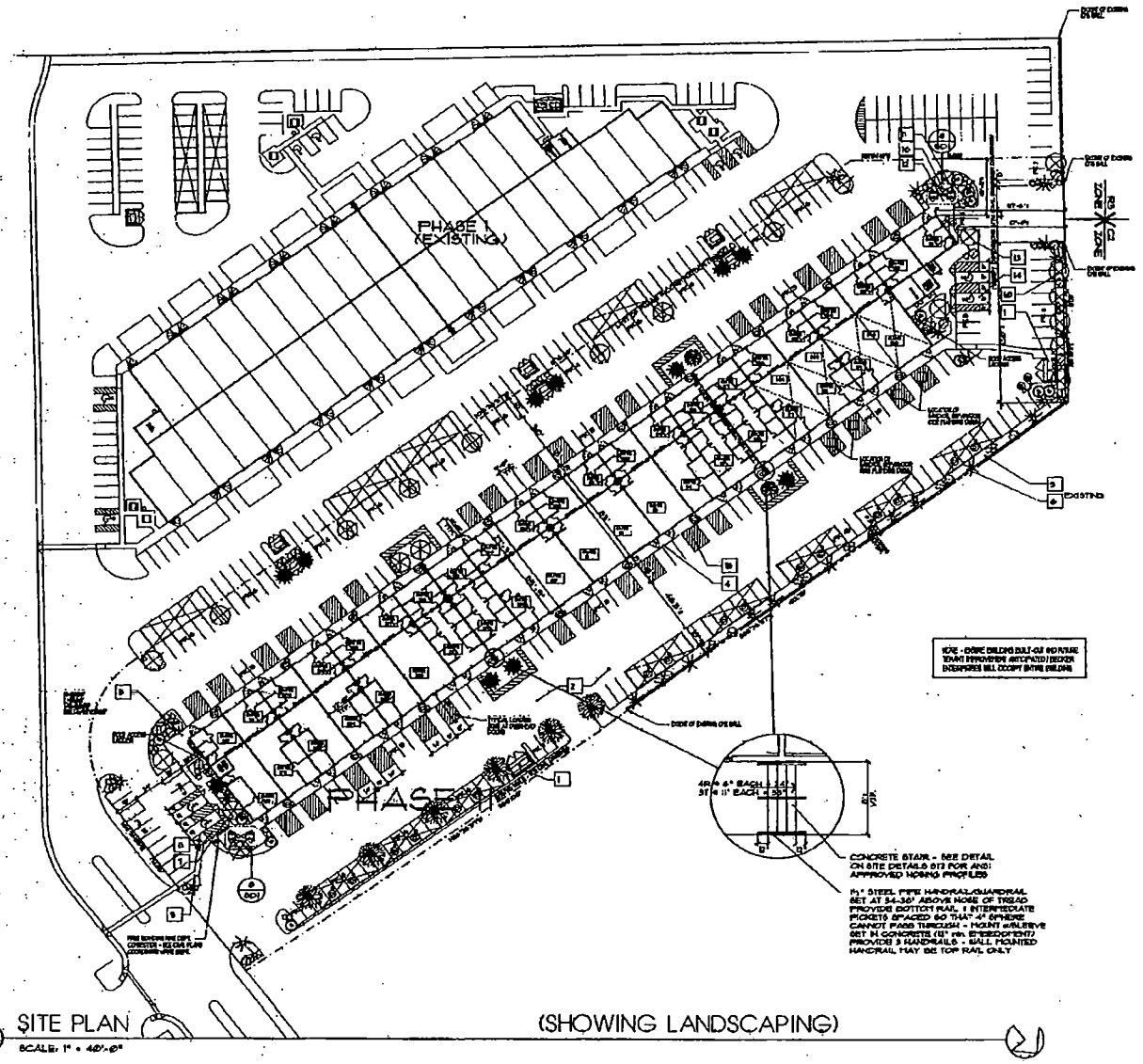
Subscribed and sworn before me

This 30th day of September, 2004

Wendy L Caterer

Notary Public in and for said County and State

Notary Public - State of Nevada
COUNTY OF CLARK
WENDY L. CATERER
No. 95-0891-1 My Appointment Expires Oct. 17, 2004




1 SITE PLAN (SHOWING LANDSCAPING)
SCALE: 1" = 40'-0"

## KEYNOTES

| * | description |
|---|---|
| 1 | 6'-0" HIGH TILT-UP CONCRETE TRASH ENCLOSURE WITH PAIR OF WROUGHT IRON GATES WITH STAMPED METAL BACKING AND LIFT PIN LOCK/LATCH |
| 2 | 3" A.C. PAVING |
| 3 | LANDSCAPED AREA |
| 4 | CONCRETE APRON - FLUSH CUT WITH THRESHOLDS ( PAVING - MAXIMUM SLOPE 2% FOR HANDICAP ACCESSIBILITY |
| 5 | 4" CONCRETE SIDEWALK W/ROCKSALT FINISH |
| 6 | EXISTING CONCRETE BLOCK WALL |
| 7 | HANDICAP CURB RAMP |
| 8 | HANDICAP ACCESSIBLE AISLE |
| 9 | HANDICAP ACCESSIBLE ROUTE - 5% MAX. LONGITUDINAL SLOPE, 2% MAXIMUM TRANSVERSE SLOPE - SEE CIVIL PLANS |
| 10 | LANDSCAPE BUFFER AS PER CITY OF LAS VEGAS CONDITIONS OF APPROVAL |
| 11 | METAL OR CONCRETE TABLE AND BENCHES (SELECTED BY OWNER) /METAL SUNSHADE MATCHING AWNING ELEMENTS |
| 12 | BREAK AREA |
| 13 | CONCRETE CURB |
| 14 | HANDICAP PARKING SPACE AS PER ANSI 117-1 1992 EDITION |
| 15 | ACCESS TO ROLLUP DOORS |
| 16 | EMBEDDED TRASH CAN RECEPTACLE (SELECTED BY OWNER) |

## SITE LIGHTING

STYLE

- (A) 400W METAL HALIDE ON 28' POLE MODEL "GLP-FLD-400S1H-HT-SWC-AL-BZ "SPARTAN FIXTURES" or EQUAL
- (B) 400W METAL HALIDE ON 36' POLE MODEL "GLP-FLD-400S1H-HT-PT24-AL-BZ "SPARTAN FIXTURES" or EQUAL
- (C) 400W METAL HALIDE SURFACE MT. @ 22' MODEL "GLP-FLD-400S1H-HT-SSS-AL-BZ "SPARTAN FIXTURES" or EQUAL
- (D) FLUORESCENT SURFACE MT. CANOPY MODEL "GLSW96T8-120/277 "ALT" or EQUAL

## LANDSCAPING LEGEND

| | COMMON NAME | BOTANICAL NAME | SIZE | QUANTITY |
|---|---|---|---|---|
| TREES | | | | |
| | ALEPPO PINE | PINUS HALEPENSIS | 24" BOX | 16 |
| | SWEENING ACACIA | ACACIA SALICINA | 36 ML. | 6 |
| | MEXICAN PALO VERDE | PARKINSONIA ACULEATA | 24" BOX | 8 |
| | CALIFORNIA FEPPER | SCHINUS MOLLE | 36 ML. | 6 |
| SHRUBS | | | | |
| | TEXAS RANGER | LEUCOPHYLLUM FRUTESCENS | 5 GALLON | 35 |
| | FEATHERY CASSIA | CASSIA ARTEMISIOIDES | 5 GALLON | 154 |
| | NANDINA | NANDINA DOMESTICA | 5 GALLON | 18 |
| | CLUMPING YUCCA | YUCCA RECURVIFOLIA | 15 GALLON | 14 |

GROUNDCOVER

ALL AREAS TO RECEIVE GROUNDCOVER TO BE 3" TO 6" RIVER ROCK

## PARKING SUMMARY

PARKING REQUIRED

| | | |
|---|---|---|
| 39A OFFICE | (1 /250) | 68 |
| 44% WAREHOUSE | (1 /1000) | 31 SPACES |
| TOTAL | | 99 SPACES |

PARKING PROVIDED 109 SPACES (4 ACCESSIBLE)

LOADING ZONES (7' WIDE FOR A 24' DEEP OCCUPY AT EACH OVERHEAD ROLLUP DOOR (16 DOORS) - TOTAL OF 24 LOADING ZONES

KC CAMIS ARCHITECT
RESIDENTIAL ARCHITECTURE
BROUGHT TO YOU BY KC CAMIS
2564 SOUTH POLARIS AVE C
LAS VEGAS NEVADA 89102
TEL 362-7677
FAX 362-7687

REVISIONS

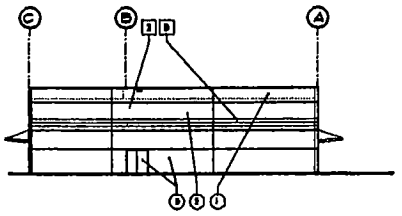
JOB: CN24024
DATE: 12/12/24

CHEYENNE RANCHO PROFESSIONAL PLAZA
PHASE 2
for: BECKER ENTERPRISES
LAS VEGAS NEVADA

ST1
SHEET

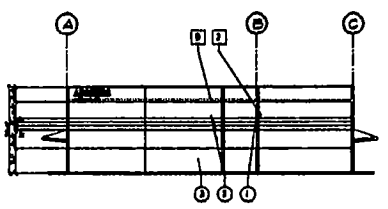
REVISED 11.8.04

SDR-5370
11/18/04 PC



## 1 EAST END

SCALE: 1/16" = 1'-0"



## 1 WEST END

SCALE: 1/16" = 1'-0"

## COLOR SCHEDULE

1. COLOR 1: DUNN EDWARDS PAINT FROM THE "FELLOWSHIP PALETTE" DE 6351 "MEMORY BRIDGE"
2. COLOR 2: DUNN EDWARDS PAINT FROM THE "FELLOWSHIP PALETTE" DE 6128 "LA PERLA"
3. COLOR 3: DUNN EDWARDS PAINT FROM THE "FELLOWSHIP PALETTE" DE 6141 "WESTCOTT"

STANDING SEAM METAL AWNING: KYNAR PAINT TO MATCH THE "DAP" STANDARD COLOR PALETTE "WEATHERED COPPER"

TUBE STEEL AWNING FRAME: DUNN EDWARDS PAINT FROM THE "FELLOWSHIP PALETTE" DE6350 "IRON ORE"

STOREFRONT FRAMES: BRONZE ANODIZED

STOREFRONT GLAZING: CRAFTLITE

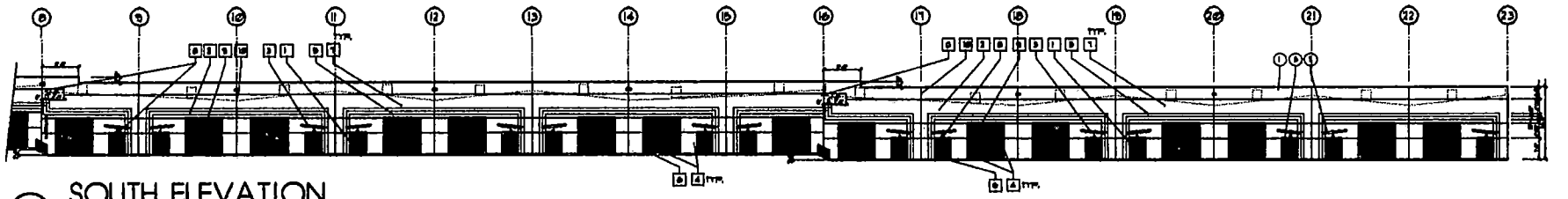
OVERHEAD ROLL-UP & SECONDARY ACCESS DOORS: DUNN EDWARDS PAINT FROM THE "FELLOWSHIP PALETTE" DE 6351 "MEMORY BRIDGE"

## KEYNOTES

| # | description |
|---|---|
| 1 | ALUM. STOREFRONT - SEE FLOOR PLAN & SCHEDULE |
| 2 | CONCRETE TILT-UP PANEL (PAINTED) |
| 3 | TUBE STEEL ENTRY SHADE STRUCTURE |
| 4 | STEEL CORNER GUARD - PAINT TO MATCH ADJACENT WALL |
| 5 | DECORATIVE REVEAL - 4" MINIMUM DEPTH |
| 6 | DOOR - SEE SCHEDULE SHEET |
| 7 | LOCATION OF SIGNAGE BY OTHERS - VERIFY LOCATION WITH OWNER |
| 8 | BUILDING MOUNTED LIGHTS - PROVIDE J-BOX CENTERED OVER DOOR OPENING FOR ACCENT FLOOD |
| 9 | OVERHEAD COILING ROLL-UP DOOR - SEE DOOR SCHEDULE SHEET |
| 10 | PANEL JOINT FILLER - CLEAN TOOLED - COLOR TO MATCH ADJACENT WALL |

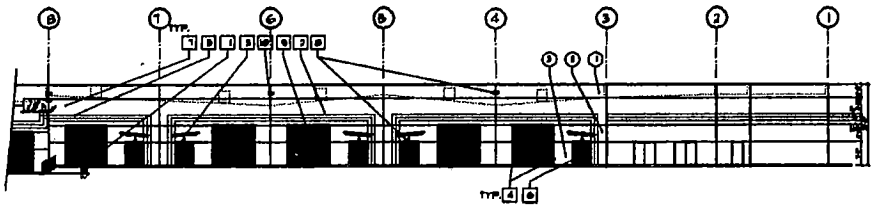
SIGNAGE TO MEET LANDLORD SPECIFICATIONS

NOTE - BUILDING ADDRESS NUMBERS SHALL BE 30" HIGH BY 20" WIDE WITH A 4" MINIMUM NUMBER STROKE WIDTH. LOCATION AS SHOWN



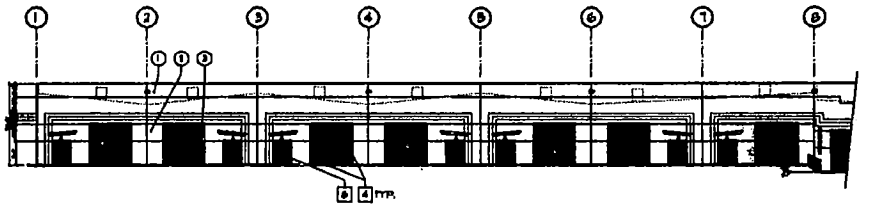
## 1 SOUTH ELEVATION

SCALE: 1/16" = 1'-0"



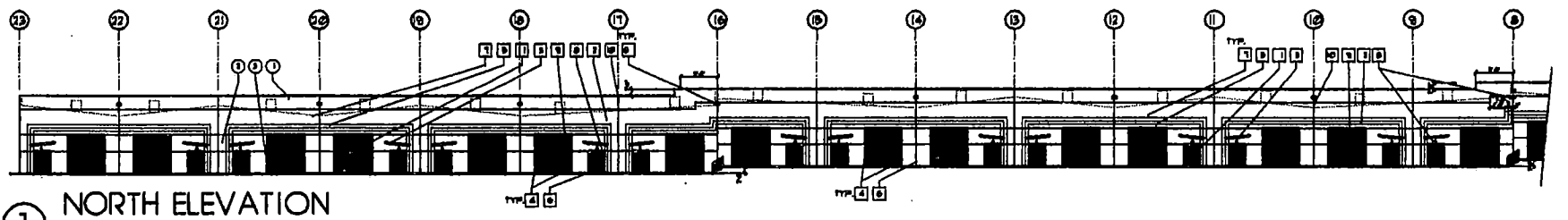
## 1 NORTH ELEVATION

SCALE: 1/16" = 1'-0"



## 1 SOUTH ELEVATION

SCALE: 1/16" = 1'-0"



## 1 NORTH ELEVATION

SCALE: 1/16" = 1'-0"

**SDR-5370**
**11/18/04 PC**

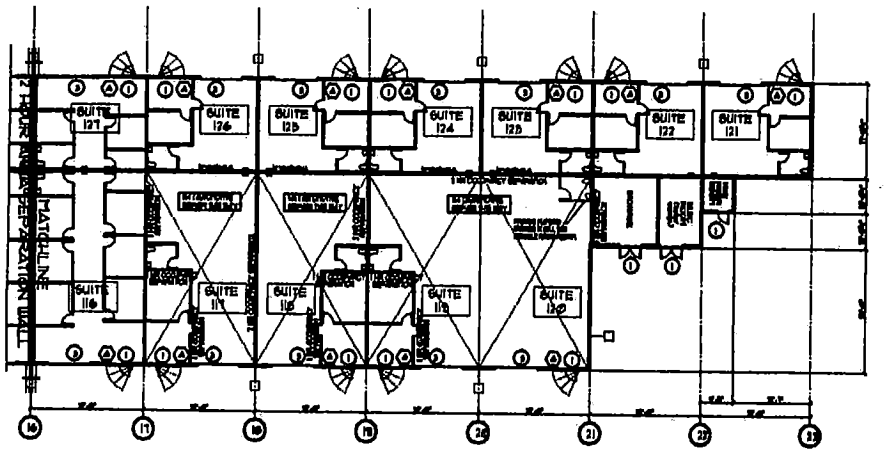
KC CAMP ARCHITECT

REVISIONS

JOB: CHEYENNE RANCHO PROFESSIONAL PLAZA PHASE II
for: BECKER ENTERPRISES
LAS VEGAS NEVADA

DATE: 5/23/04

A1 SHEET




## 2 FLOOR PLAN

SCALE: 1/16" = 1'-0"

## EXITING LEGEND

- No. OF OCCUPANTS EXITING A ROOM
- No. OF OCCUPANTS EXITING AN AREA
- No. OF OCCUPANTS EXITING BUILDING

## KEYNOTES

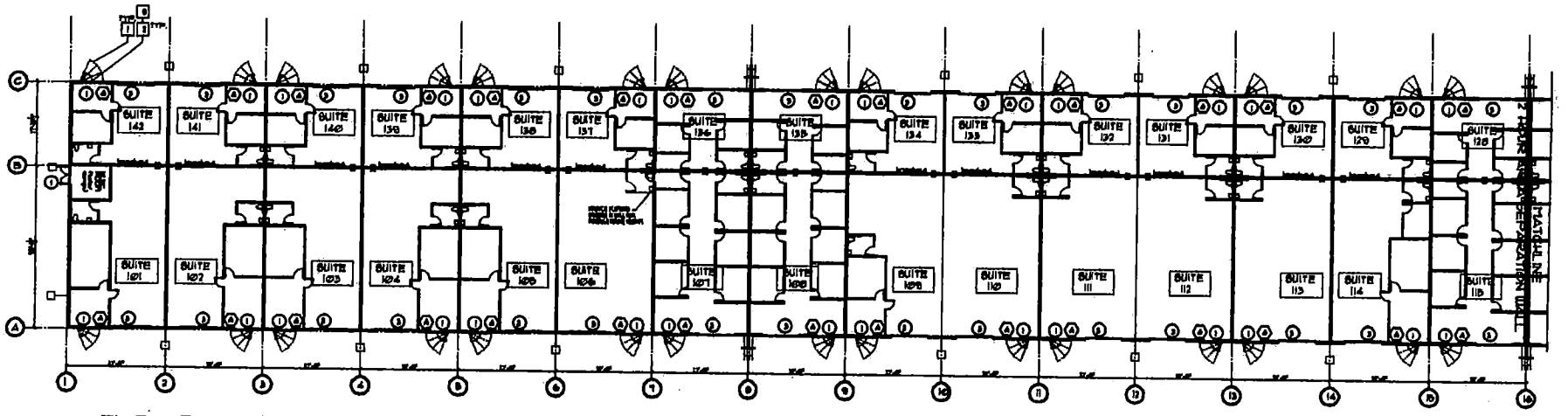
| # | description |
|---|---|
| 1 | [illegible] |
| 2 | [illegible] |
| 3 | [illegible] |
| 4 | [illegible] |
| 5 | [illegible] |
| 6 | [illegible] |
| 7 | [illegible] |

## WALL LEGEND

TYPICAL CONCRETE WALL - [illegible]

TYPICAL INTERIOR WALL - [illegible]

TYPICAL OCCUPANCY SEPARATION WALL - [illegible]




## 1 FLOOR PLAN

SCALE: 1/16" = 1'-0"

TOTAL AREA: 55,645 SF.

KC CAMIC ARCHITECT

CHEYENNE RANCHO PROFESSIONAL PLAZA PHASE I

for: EDGER ENTERPRISES

LAS VEGAS NEVADA

JOB: 04-04-04

DATE: 9/23/04

REVISIONS

SHEET A2

**SDR-5370**

**11/18/04 PC**

## COLOR SCHEDULE

① COLOR #1:
'FRAZEE PAINT' FROM THE 'MILLENNIUM PALETTE' #8216W
"RENOIR BISQUE"

② COLOR #2:
'FRAZEE PAINT' FROM THE 'MILLENNIUM PALETTE' #8213W
"LA MESA"

③ COLOR #3:
'FRAZEE PAINT' FROM THE 'MILLENNIUM PALETTE' #8214H
"FESTOON"

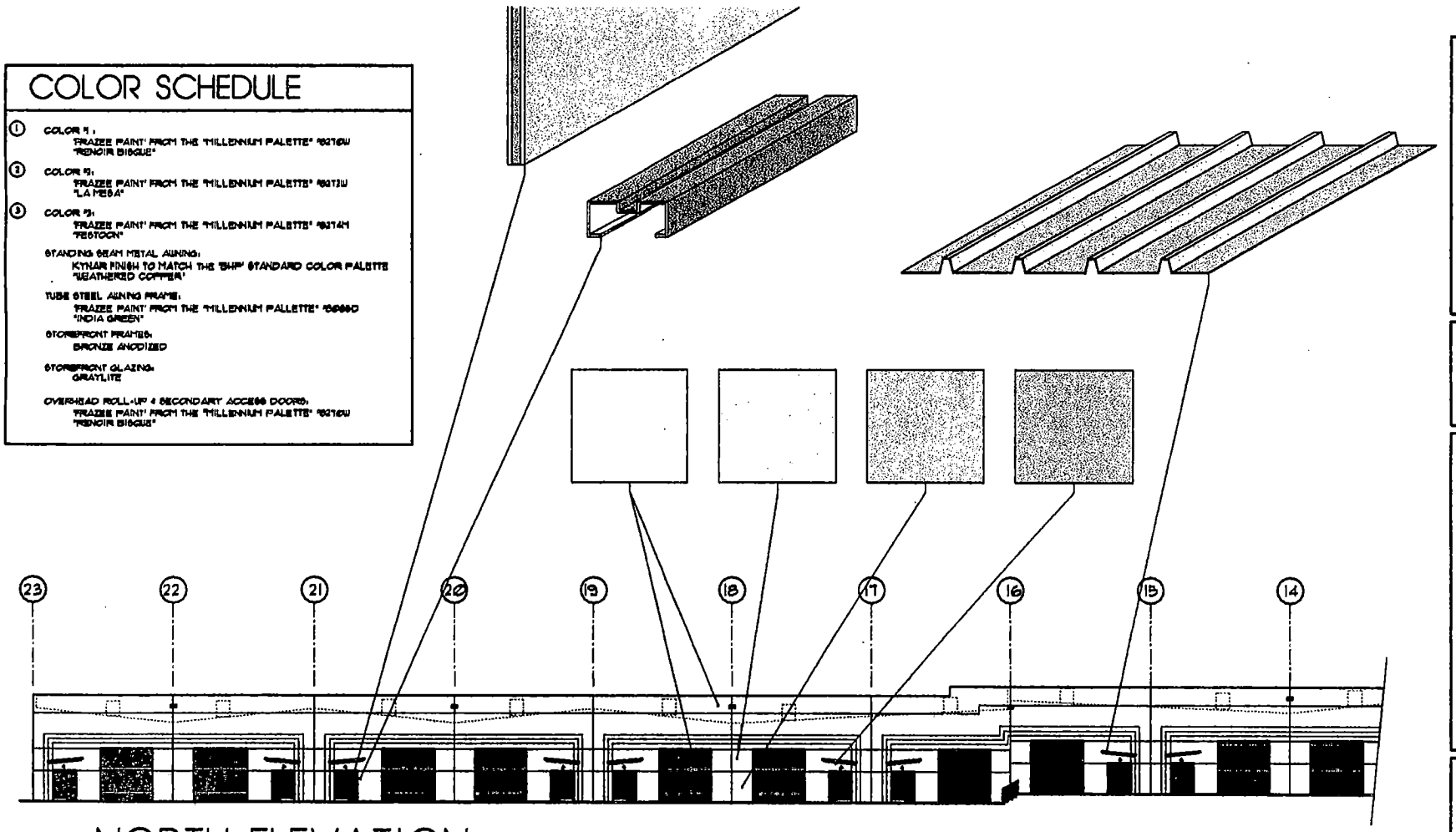
STANDING SEAM METAL AWNING:
KYNAR FINISH TO MATCH THE 'SHIP' STANDARD COLOR PALETTE
"WEATHERED COPPER"

TUBE STEEL AWNING FRAME:
'FRAZEE PAINT' FROM THE 'MILLENNIUM PALLETTE' #8088D
"INDIA GREEN"

STOREFRONT FRAMES:
BRONZE ANODIZED

STOREFRONT GLAZING:
GRAYLITE

OVERHEAD ROLL-UP & SECONDARY ACCESS DOORS:
'FRAZEE PAINT' FROM THE 'MILLENNIUM PALETTE' #8216W
"RENOIR BISQUE"




## ① NORTH ELEVATION

SCALE: 1/16" = 1'-0"

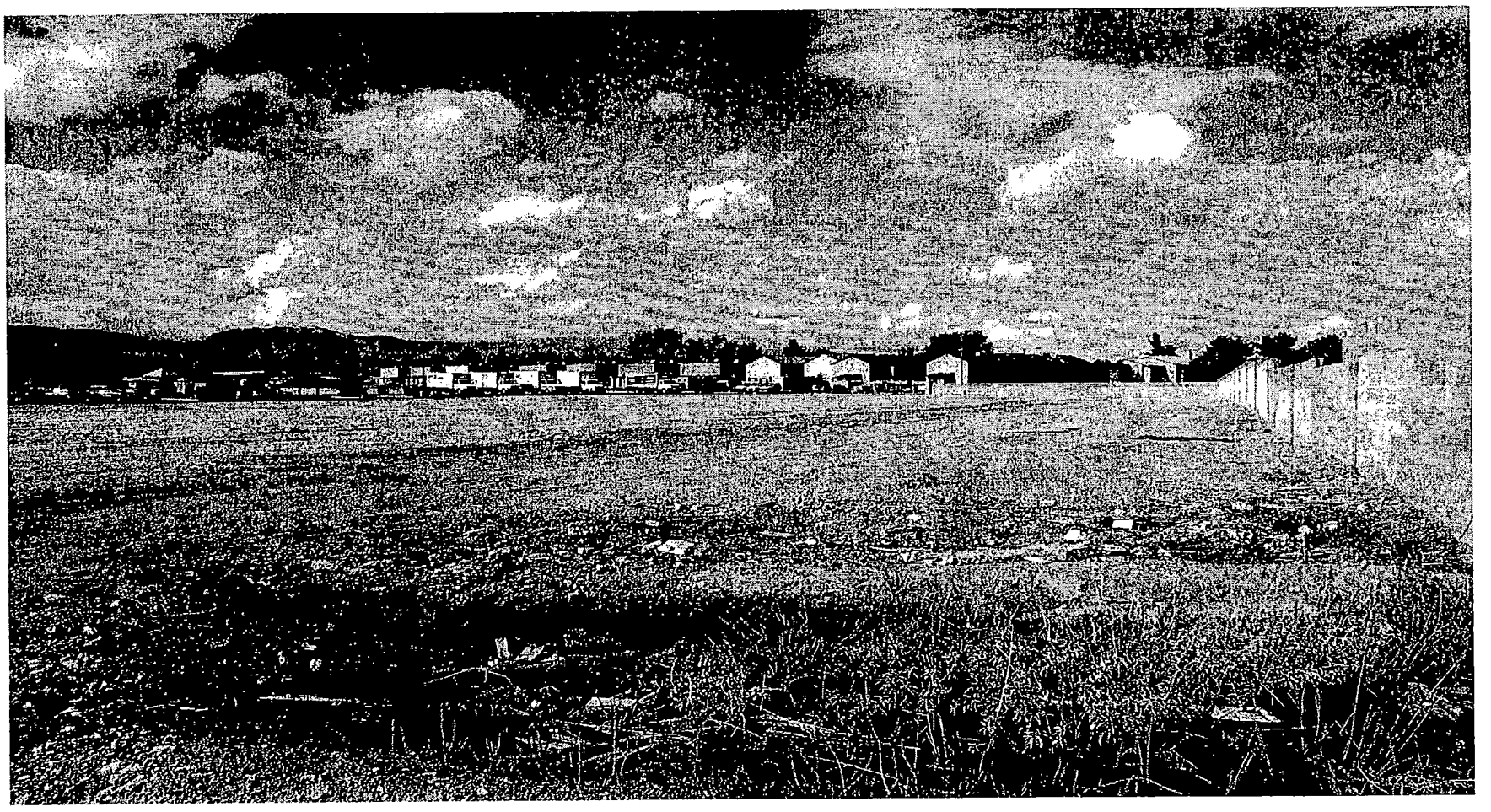
KC CAMIS ARCHITECT
SECURE ARCHITECTURE
SHOULDN'T BE TORTURE
TEL 362-9410
FAX 233-852
2365 AGEN POINTE AVE C
LAS VEGAS NEVADA 89

JOB: CN0404
DATE: 5/29/04

CHEYENNE RANCHO
PROFESSIONAL PLAZA
PHASE 2
for: BECKER ENTERPRISES
LAS VEGAS NEVADA

SHEET

**SDR-5370**
**11/18/04 PC**



SDR-5370 - APPLICANT/OWNER: BECKER & SONS, LLC
APPROXIMATELY 580 FEET WEST OF RANCHO DRIVE AND 630 FEET SOUTH OF CHEYENNE AVENUE
NOVEMBER 18, 2004 PLANNING COMMISSION

10/28/04

SDR-5370 - APPLICANT/OWNER: BECKER & SONS, LLC
APPROXIMATELY 580 FEET WEST OF RANCHO DRIVE AND 630 FEET SOUTH OF CHEYENNE AVENUE
NOVEMBER 18, 2004 PLANNING COMMISSION

10/28/04

City of Las Vegas

Agenda Item No.: 38

## AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

**PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004**

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

**SUBJECT:**
**SDR-5382 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT: EMERGING MARKETS OF NORTH AMERICA - OWNER: GRAND CANYON INVESTORS, LLC** - Request for Site Development Plan Review FOR THE CONVERSION OF A 376-UNIT APARTMENT PROJECT TO A CONDOMINIUM DEVELOPMENT on 18.84 acres adjacent to the east side of Grand Canyon Drive, approximately 1,250 feet north of Grand Teton Drive (APN 125-07-701-004), PD (Planned Development) Zone, Ward 6 (Mack).

**C.C.: 12/15/04**

| 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:**
**McSWAIN – APPROVED subject to conditions – UNANIMOUS**

**To be heard by City Council 12/15/2004**

**MINUTES:**
CHAIRMAN TRUESDELL declared the Public Hearing open.

DON SCHMEISER, Planning & Development, stated that this is a Site Plan Review that would do nothing more than convert an existing apartment complex into condominium units. The original Site Plan was approved in February of 2002 and the development was, and still is, in compliance with all of the zoning ordinance restrictions. It is also in compliance with the Grand Canyon Village Master Plan within which it is located. Single-family residences do exist to the

**MINUTES – CONTINUED:**
north and south of the site and staff feels the conversion to condominium units would be appropriate.

STEPHEN CREVOISERAT, Alpha Engineering, 50 South Jones Boulevard, appeared on behalf of the applicant and concurred with staff conditions.

CHAIRMAN TRUESDELL declared the Public Hearing closed.
(9:57 – 10:00)
**3-1485**

**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 of Site Development Plan Review [Z-0093-00(4)], except as amended by conditions herein.

3. Prior to the submittal of a Final Map, 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. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.

5. Prior to approval of any final map, developer is required to adopt a plan for the maintenance of infrastructure improvements. The plan is to include a listing of all infrastructure improvements, along with assignment of maintenance responsibility to common interest community, individual property owner, or City of Las Vegas, and the proposed level of maintenance for privately maintained components. The agreement must be approved by the City of Las Vegas, and must include a certification by the licensed professional engineer of record that all infrastructure components are addressed in the maintenance plan. The plan must include a statement that all properties within the community are subject to assessment for all associated costs should private maintenance obligations not be met, and the City of Las Vegas be required to provide for said

**CONDITIONS – CONTINUED:**

maintenance. The adoption process must include recordation of the plan against all parcels prior to approval of the final map. In addition, should the development have a recreational trail, in accordance with NRS 278.4787, the following text should be added prior to the last sentence to the previous text: The plan shall note that the recreational trail to be transferred to the ownership of the City of Las Vegas shall be maintained at a basic level through utilization of public resources. That basic level to be defined as removal of debris and surface grading once every calendar year. Should additional maintenance activities be requested by the common interest community, or members thereof, the associated costs shall be assessed to the common interest community and/or members thereof.

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

Public Works

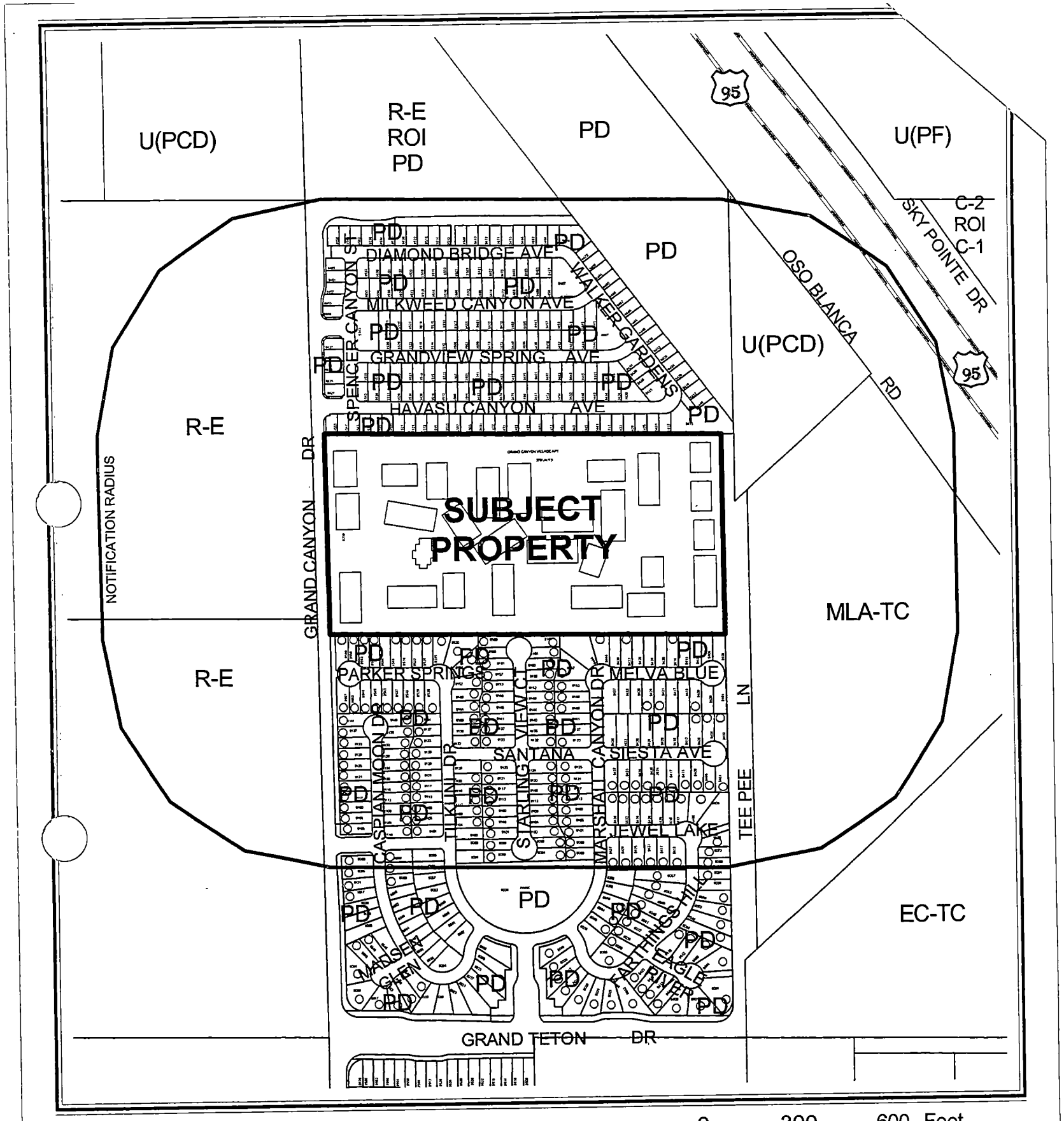
7. This site shall be responsible for sewer connection fees in accordance with condominium requirements per Title 14 Chapter 14.04.020 Equivalent Residential Unit (ERU) Schedule. If some or all of these units have already paid fees based upon apartment requirements, the difference between condominium and apartment fees for those units shall be paid prior to the recordation of a Final Map for this site.

8. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits, submittal of any construction drawings or the recordation of a Final Map for this site, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study.

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

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 Z-93-00 and all other subsequent site-related actions.

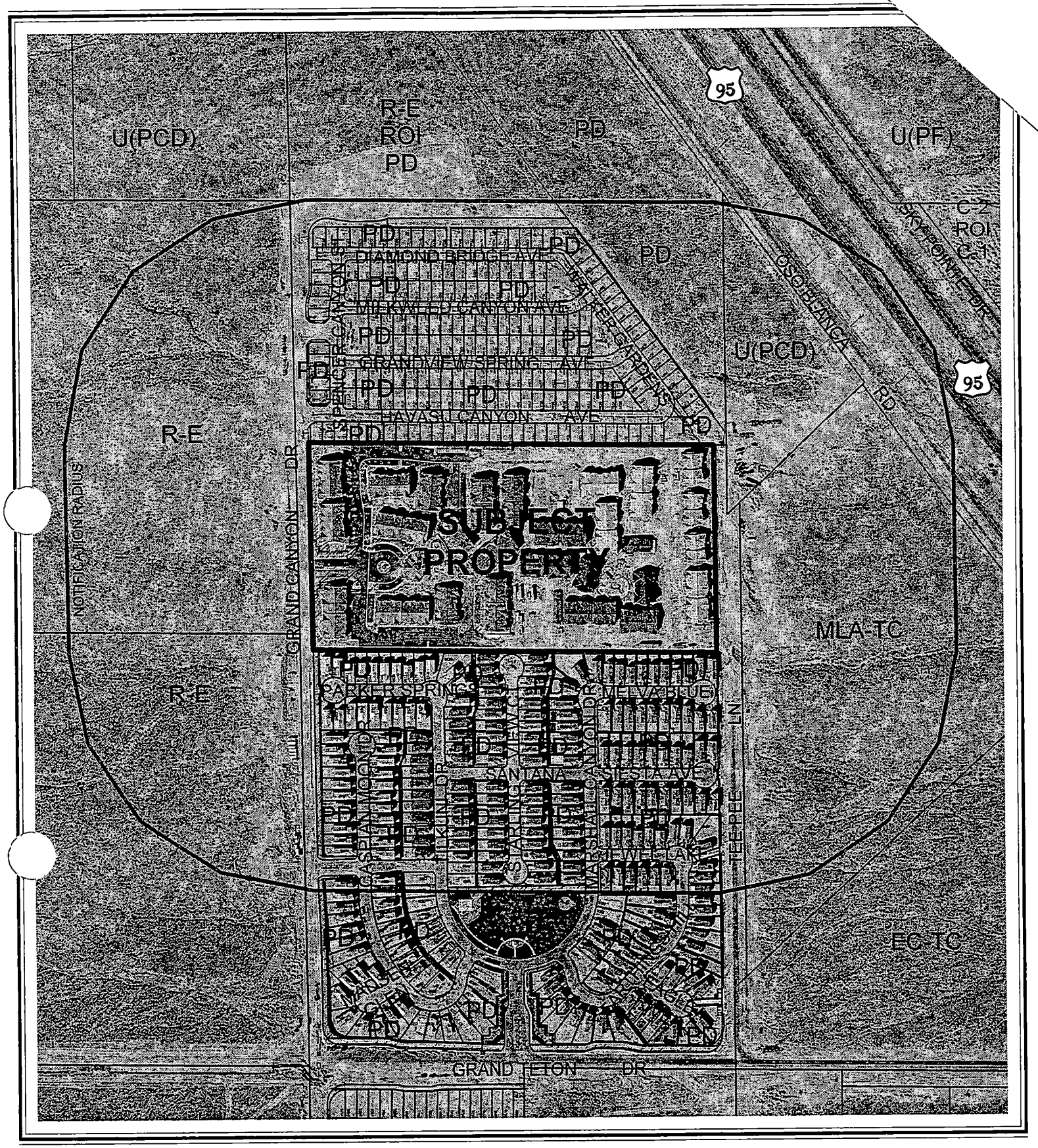



**CASE:** **SDR-5382**

**RADIUS:** 750 FT

**ZONING OF SUBJECT PROPERTY:**

PD (PLANNED DEVELOPMENT) [MULTI-FAMILY MEDIUM - GRAND CANYON VILLAGE SPECIAL LAND USE DESIGNATION]




0 300 600 Feet

**CASE:** **SDR-5382**

**RADIUS:** 750 FT

**ZONING OF SUBJECT PROPERTY:**

PD (PLANNED DEVELOPMENT) [MULTI-FAMILY MEDIUM - GRAND CANYON VILLAGE SPECIAL LAND USE DESIGNATION]

N

City of Las Vegas

## AGENDA MEMO

**PLANNING COMMISSION MEETING DATE: NOVEMBER 18, 2004**
**DEPARTMENT: PLANNING AND DEVELOPMENT**
**ITEM DESCRIPTION: SDR-5382 - APPLICANT: EMERGING MARKETS OF NORTH AMERICA - OWNER: GRAND CANYON INVESTORS, 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. All development shall be in conformance with the site plan and building elevations of Site Development Plan Review [Z-0093-00(4)], except as amended by conditions herein.

3. Prior to the submittal of a Final Map, 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. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.

5. Prior to approval of any final map, developer is required to adopt a plan for the maintenance of infrastructure improvements. The plan is to include a listing of all infrastructure improvements, along with assignment of maintenance responsibility to common interest community, individual property owner, or City of Las Vegas, and the proposed level of maintenance for privately maintained components. The agreement must be approved by the City of Las Vegas, and must include a certification by the licensed professional engineer of record that all infrastructure components are addressed in the maintenance plan. The plan must include a statement that all properties within the community are subject to assessment for all associated costs should private maintenance obligations not be met, and the City of Las Vegas be required to provide for said maintenance. The adoption process must include recordation of the plan against all parcels prior to approval of the final map. In addition, should the development have a recreational trail, in accordance with NRS 278.4787, the following text should be added prior to the last sentence to the previous text: The plan shall note that the recreational trail to be transferred to the ownership of the City of Las Vegas shall be maintained at a basic level through utilization of public resources. That basic level to be defined as removal of debris and surface grading once every calendar year. Should additional maintenance activities be requested by the common interest community, or members thereof, the associated costs shall be assessed to the common interest community and/or members thereof.

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***Public Works***

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

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 Z-93-00 and all other subsequent site-related actions.

# ** STAFF REPORT **

## APPLICATION REQUEST

### *A) Action Requested*

This is a request for a Site Development Plan Review for the for the conversion of a 376-unit apartment project to a condominium development on 18.84 acres adjacent to the east side of Grand Canyon Drive, approximately 1,250 feet north of Grand Teton Drive.

### *B) Applicant's Justification*

The developer intends to change the ownership structure from a single owner apartment complex into an undivided common interest community.

## BACKGROUND INFORMATION

### *A) Previous Actions*

07/27/00 The Planning Commission accepted the applicant's request to withdraw without prejudice a General Plan Amendment (GPA-0020-00) application to amend a portion of the Northwest Sector of the General Plan from PCD (Planned Community Development) to M (Medium Density Residential) on 60 acres on the northeast corner of the intersection of Grand Canyon Drive and Grand Teton Drive.

12/20/00 The City Council approved a Rezoning (Z-0093-00) application for the reclassification of property from R-E (Residence Estates) to PD (Planned Development) on 89.3 acres located at the northeast corner of Grand Canyon Drive and Grand Teton Drive. The Planning Commission and Staff both recommended approval.

03/22/01 The City Council approved a Site Development Plan Review [Z-0093-00(1)] application for a proposed 266-lot single-family residential subdivision and a 384-unit multi-family apartment complex on the northeast corner of Grand Canyon Drive and Grand Teton Drive. Approval of the apartment portion was set to expire on 03/21/03. The Planning Commission and Staff both recommended approval.

02/14/02 The Planning Commission approved a Site Development Plan Review [Z-0093-00(4)] for a proposed 376-unit, two-story multi-family apartment complex on 19.41 acres adjacent to the east side of Grand Canyon Drive, approximately 1,300 feet north of Grand Teton Drive. Staff recommended approval.

10/16/02 The City Council approved a Variance (V-0058-02) application to allow five-foot sidewalks, where minimum seven-foot sidewalks or wheel stops and/or curbing are required on 18.88 acres located adjacent to the east side of Grand Canyon Drive, approximately 1,300 feet north of Grand Teton Drive. The Planning Commission recommended approval. Staff recommended denial.

01/07/04 The City Council approved an Extension of Time (EOT-3239) application for an approved Variance (V-0058-02) application to allow five-foot sidewalks, where minimum seven-foot sidewalks or wheel stops and/or curbing are required on 18.88 acres located adjacent to the east side of Grand Canyon Drive, approximately 1,300 feet north of Grand Teton Drive. The Planning Commission and Staff both recommended approval.

### *B) Pre-Application Meeting*

09/23/04 A pre-application conference was held resulting in the discussion of the submittal requirements for the subject Site Development Plan Review.

### *C) Neighborhood Meetings*

A neighborhood meeting is not required for this application nor was one held.

## DETAILS OF APPLICATION REQUEST

### *A) Site Area*

Gross Acres: 18.84

### *B) Existing Land Use*

| | |
|---|---|
| Subject Property: | Apartment Complex |
| North: | Single-Family Residential Subdivision |
| South: | Single-Family Residential Subdivision |
| East: | Undeveloped (Proposed Single-Family Residential Subdivision) |
| West: | Undeveloped |

### *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)<br>TC (Town Center) |
| West: | PCD (Planned Community Development) |

***D) Existing Zoning***

| | |
|---|---|
| Subject Property: | PD (Planned Development) |
| North: | PD (Planned Development) |
| South: | PD (Planned Development) |
| East: | U (PCD) [Undeveloped (Planned Community Development) General Plan Designation] |
| | T-C (Town Center) |
| West: | R-E (Residence Estates) |

***E) General Plan Compliance***

The subject parcel is designated PCD (Planned Community Development) within the Centennial Hills Sector Land Use Map of the General Plan. The subject site falls within the Grand Canyon Village Special Area Plan therefore, conforming to the PCD (Planned Community Development) General Plan designation. The proposed condominium conversion is not affected by any specific General Plan policies.

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

**Grand Canyon Village**

The subject site is designated MFM (Multi-Family Medium Residential) within the Grand Canyon Village Master Plan. The MFM (Multi-Family Medium Residential) category provides for development of up to 25 dwelling units per gross acre. Product types include higher density variety of multi-family units such as condominiums, low-density multi-family, and residential buildings with a maximum of three stories. The proposed conversion of an existing apartment complex conforms to the criteria of the Grand Canyon Village Master Plan by maintaining an approved density of 18.8 units per acre.

## PROJECT DESCRIPTION

The subject site is one of three development parcels within the Grand Canyon Village Planned Development. The parcel immediately to the south is in the process of being developed as a single-family residential subdivision. The parcel to the north was proposed at one point to be developed as offices and retail, but has been since revised and now is being developed as a single-family residential subdivision.

Two driveways, one on Grand Canyon Road, and the other on Tee Pee Lane provide access to the apartment complex. The site features an internal loop road network with parking on the perimeter and the majority of the apartment buildings toward the inside. The apartment complex depicts two pools at opposite ends for use by the residents. The administrative office is located on the west end of the property off of Grand Canyon Drive. The elevations portray two-story typical elevations with two-tone stucco wall construction with wrought iron railing and concrete tile roofs.

## ANALYSIS

### *A) Zoning Code Compliance*

A1) Development Standards

Pursuant to the Grand Canyon Village Master Plan, the following Development Standards apply to the subject proposal:

| Standards | Required | Provided | Compliance |
|---|---|---|---|
| Min. Setbacks | | | |
| • Front | N/A | 20 Feet | Yes |
| • Side | N/A | 6 Feet | Yes |
| • Corner | N/A | 6 Feet | Yes |
| • Rear | N/A | 20 Feet | Yes |
| Max. Lot Coverage | N/A | 26 % | Yes |
| Max. Building Height | 3 Stories / 35 Feet | 32 – 34 Feet | Yes |
| Trash Enclosure | Yes | Yes | Yes |

The existing development has been previously approved by the Planning Commission via a Site Development Plan Review [V-0093-00(4)], therefore the proposed conversion of apartments to condominiums conforms to the original approval since no new development of the site has been proposed.

A2) Parking and Traffic Standards

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

| Uses | Units | Required Ratio | Required Parking | | Provided Parking | |
|---|---|---|---|---|---|---|
| | | | Regular | Handicap | Regular | Handicap |
| Condominiums | | | | 14 | | 14 |
| • One Bedroom | 128 | 1.25 Spaces / Unit | 160 | | | |
| • Two Bedroom | 208 | 1.75 Spaces / Unit | 364 | | | |
| • Three Bedroom | 40 | 2.0 Spaces / Unit | 80 | | | |
| Guest | | 1 Space / 6 Units | 63 | | | |
| **Total** | 376 | | 653 | 14 | 659 | 14 |

The proposed conversion of an existing apartment complex to a condominium complex will utilize the same parking requirements as defined within Title 19.10. The subject site exceeds the amount of parking required for this use.

A3) Landscape and Open Space Standards

Pursuant to the approval of Site Development Plan Review Z-0093-00(4), the subject site is in conformance with the Grand Canyon Village Master Plan and Title 19.12.

The Grand Canyon Village Development Standards require open space areas to be provided at a ratio of 330 square feet per dwelling unit. Based on this requirement, the proposed development should provide a minimum of 2.85 acres of open space. The submitted plan depicts 7.80 acres of open space.

***B) General Analysis and Discussion***

- Zoning

The proposed conversion of an existing apartment development to a condominium development is consistent with the intent of the P-D (Planned Development) zone and is consistent with the applicable standards of the Grand Canyon Village Development Plan.

- Site Plan

  The submitted site plan depicts 26 condominium buildings throughout the subject site, which are accessible from entry gates located on Grand Canyon Drive and Tee Pee Lane. There is no evident change between the approved site plan from Site development Plan Review Z-0093-00(4) and current Site Development Plan Review (SDR-5382) site plan.

- Waivers

  The applicant is requesting no waivers as part of this application.

- Landscape Plan

  The landscaping depicted in the property line planters and within the amenity zone planters appears to be in conformance with the conditions of Zone Change (Z-0093-00). The submitted landscaping plan includes the following:

  > *The landscape concept shall integrate landscaping standards for public streets at the perimeter of the Planning Area, including the southern boundary at Grand Teton Road. These requirements shall include a five foot amenity zone with minimum 18-foot high deciduous trees and/or a minimum 20 foot brown trunk height palm trees, planted 35 feet on-center, and a seven-foot sidewalk. Within landscape planters, minimum width of nine feet, shall be a mixture of tree species such as Mexican Fan Palm, Rio Grande Ash, Chitalpa, and Purple Robe Locust; any palms shall be a minimum of 25 feet brown trunk height, and each of the other species shall be at least 18 feet in height.*

  It has been identified that the TCS require minimum 24-inch box trees to be provided within planter islands in the parking lot at a ratio of one tree for every six parking spaces. The applicant proposed to provide these trees within property line planters. The Planning Commission and Staff found this to be an acceptable alternative and approved the alternative in lieu of a landscape waiver.

- Elevation

  The submitted building elevations will be visually compatible with the future residential developments, in that the submitted materials depict appropriate façade design.

## 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 condominium uses will be consistent with planned development in the area. This development will act as a buffer between the US-95 corridor on the east and adjacent lower density residential uses to the west.

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 condominium development is compatible with the Grand Canyon Village Development Standards as well as other City Ordinances and Standards.

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

   The proposed site plan shows two access points, one on Grand Teton Road, and one on Tee Pee Lane. The future major roadway facilities in the area have been planned and will be sufficient to handle the traffic impacts of this site.

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

   The existing project, as amended by the conditions of [Z-0093-00(4)], regarding mechanical equipment screening and conformance to the approved plant palate, has provided an appropriate appearance of the site from surrounding existing development and surrounding streets.

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

   The design of the development is harmonious with existing development around the site.

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

   The development will be subject to all codes, ordinances, and standards that will secure the health, safety, and general welfare of the public.

**NOTICES MAILED** 192

**APPROVALS** 0

**PROTESTS** 0

PLANNING & DEVELOPMENT

# PLANNING & DEVELOPMENT DEPARTMENT

## STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-5382 APN: 125-07-701-004

Name of Property Owner: Grand Canyon Investors, LLC

Name of Applicant: Emerging Markets of No. America

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

X 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: OSCAR GOODMAN

Partner(s): KEVIN PANKINSON DAVE CARNEL

APN: APEX INDUSTRIAL PARK

Signature of Property Owner/Authorized Agent: [signature]

Print Name: CHRIS R. GRANT

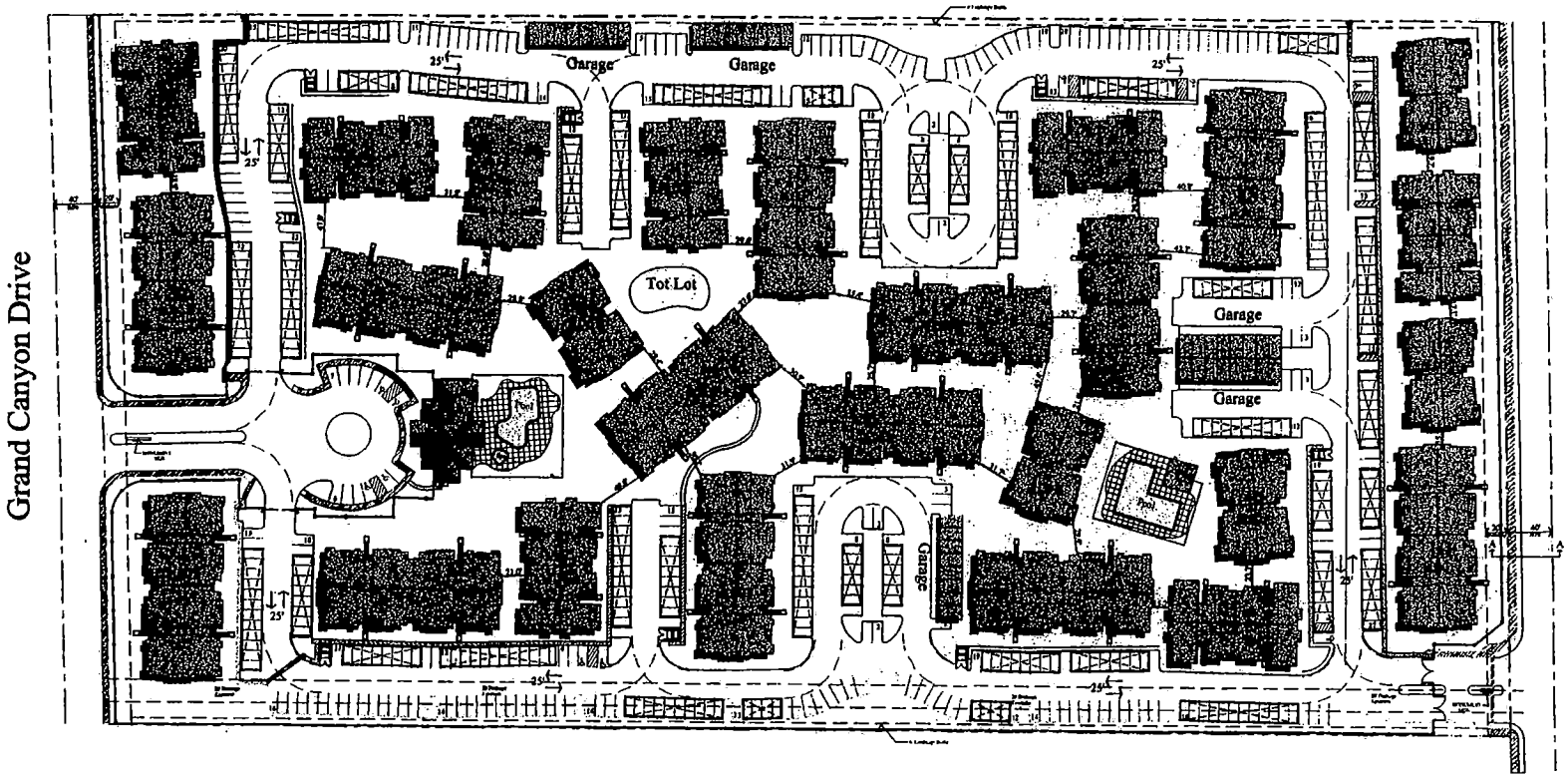
Subscribed and sworn before me

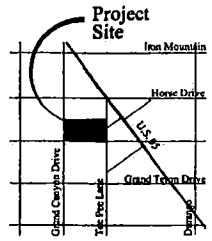
This 28th day of September, 2004

[signature]

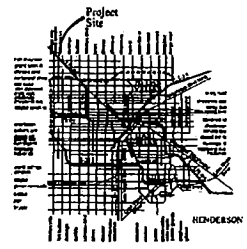
Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
JENNIFER L. DUDLEY
Appt. No. 02-77219-1
My Appt. Expires July 30, 2006



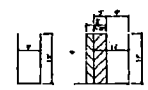




Location Map

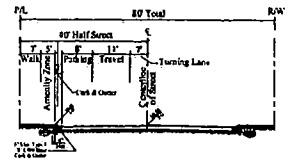



Vicinity Map

Typical Fire Turning Radius



Typical Parking Spaces




Typical Street Section A-A

CMU Wall B-B

## SITE INFORMATION

**ZONING** - City of Las Vegas
PD - Planned Developement
APN- 125-07-701-004

**AREA** (Approximate)

| | | |
|---|---|---|
| Net Area: | 820,117 sf | 18.8 acres |

**BUILDINGS**

| Buildings | Bldgs | % | Units |
|---|---|---|---|
| One - 1 Bdrms | 8 | 38 | 128 |
| Two - 2 Bdrms | 13 | 54 | 208 |
| Three - 3 Bdrms | 5 | 8 | 40 |
| TOTALS | 26 | | 376 |

DENSITY: 20 / acre

**PARKING REQUIREMENTS**

| | | |
|---|---|---|
| Parking Required: | | |
| 1 - Bedrooms | 128 x 1.25 = | 160 |
| 2 - Bedrooms | 208 x 1.75 = | 364 |
| 3 - Bedrooms | 40 x 2.0 = | 80 |
| Guest | 376 / 6.0 = | 63 |
| TOTALS | | 667 |
| Parking Provided | | 673 |
| Covered Spaces | | 393 |
| Open Spaces | | 240 |
| Garage Parking (Possible) | | (40) |
| Parking Ratio | | 1.78 / unit |
| H.C. Parking Required | | 14 |
| H.C. Parking Provided | | 14 |

**SETBACKS**

| | |
|---|---|
| Front | 20 ft |
| Side | 6 ft |
| Corner Side | 6 ft |
| Rear | 20 ft |

**HEIGHT**

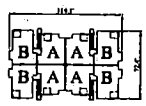
| | |
|---|---|
| Maximum Allowed: | 2 stories / 35 ft |
| Provided: | 32 - 34 ft |

**COVERAGE** (Approximate)

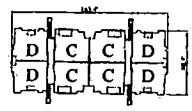
| | | |
|---|---|---|
| Coverage Required: | | n/a |
| Coverage Provided: | 150,000 / 575,969 = | 26 % |

**OPEN AREA CALCULATIONS:**

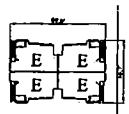
| | | |
|---|---|---|
| REQUIRED OPEN AREA: | 330 x 376 = | 2.85 ACRES |
| PROVIDED OPEN AREA: | | 7.8 ACRES |




Building I




Building II




Building III

Note:
This plan has been prepared without benefit of a complete survey. It is Conceptual in Nature and No Guarantee of its accuracy is implied.

# Grand Canyon Village Apartments

Big Sky Developement

Grand Canyon and Grand Teton, Las Vegas, Nevada

Conceptual Site Plan - Scheme E

Date: December 27, 2001
Project Number: 101002

North

Scale: 1" = 50'

0 50 100

Perlman
PERLMAN ARCHITECTS, INC.
2230 CORPORATE CIRCLE, SUITE 200
HENDERSON, NEVADA 89074
702.990.8000 702.832.3222 fax

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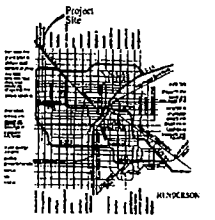
11/18/04 PC

## SUGGESTED PLANT PALETTE

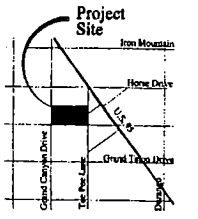
| SYMBOL | BOTANICAL NAME – COMMON NAME |
|---|---|
| | **PALMS SUCH AS:** |
| | Phoenix dactylifera – Date Palm |
| | Washingtonia robusta – Mexican Fan Palm |
| | Phoenix canariensis – Canary Island date Palm |
| | Phoenix dactylifera – Date Palm |
| | **TREES SUCH AS:** |
| | Fraxinus velutina 'Rio Grande' – Fan-tex Ash |
| | Quercus virginiana – Southern Live Oak |
| | Pinus eldarica – Mondel Pine |
| | Platanus mexicana – Mexican Sycamore |
| | Acacia smallii – Sweet acacia |
| | Ligustrum lucidum – Glossy Privet |
| | Prunus carolinlana – Caroline Laurel Cherry |
| | Chitalpa tashkentensis – Chitalpa |
| | Prosopis chilensis – Chilean Mesquite |

| SYMBOL | BOTANICAL NAME – COMMON NAME |
|---|---|
| | **SHRUBS SUCH AS:** |
| | Cassia nemophila – Desert Cassia |
| | Cotoneaster parneyi – Parney Cotoneaster |
| | Dietes vegeta – Fortnight Lily |
| | Hemerocallis hybrid – Day Lily |
| | Hesperaloe parviflora – Hesperaloe |
| | Leucophyllum frutescens – Texas Ranger |
| | Ligustrum japonicum 'Texanum' – Texas Privet |
| | Photinia fraseri – Photinia |
| | Pittosporum tobira 'Wheeler's Dwarf' – 'Variegated Pittosporum |
| | Pittosporum tobira 'Wheeler's Dwarf' – Dwarf Pittosporum |
| | Punica granatum 'Nana' – Dwarf Pomegranate |
| | Rhaphiolepis indica 'Ballaricana' – India Hawthorne 'Ballerina' |
| | Rhaphiolepis indica 'Springtime' – India Hawthorne 'Springtime' |
| | Rosmarinus officinalis – Rosemary |
| | Salvia gregii – Texas Red Sage |
| | Xylosma congestum – Xylosma |

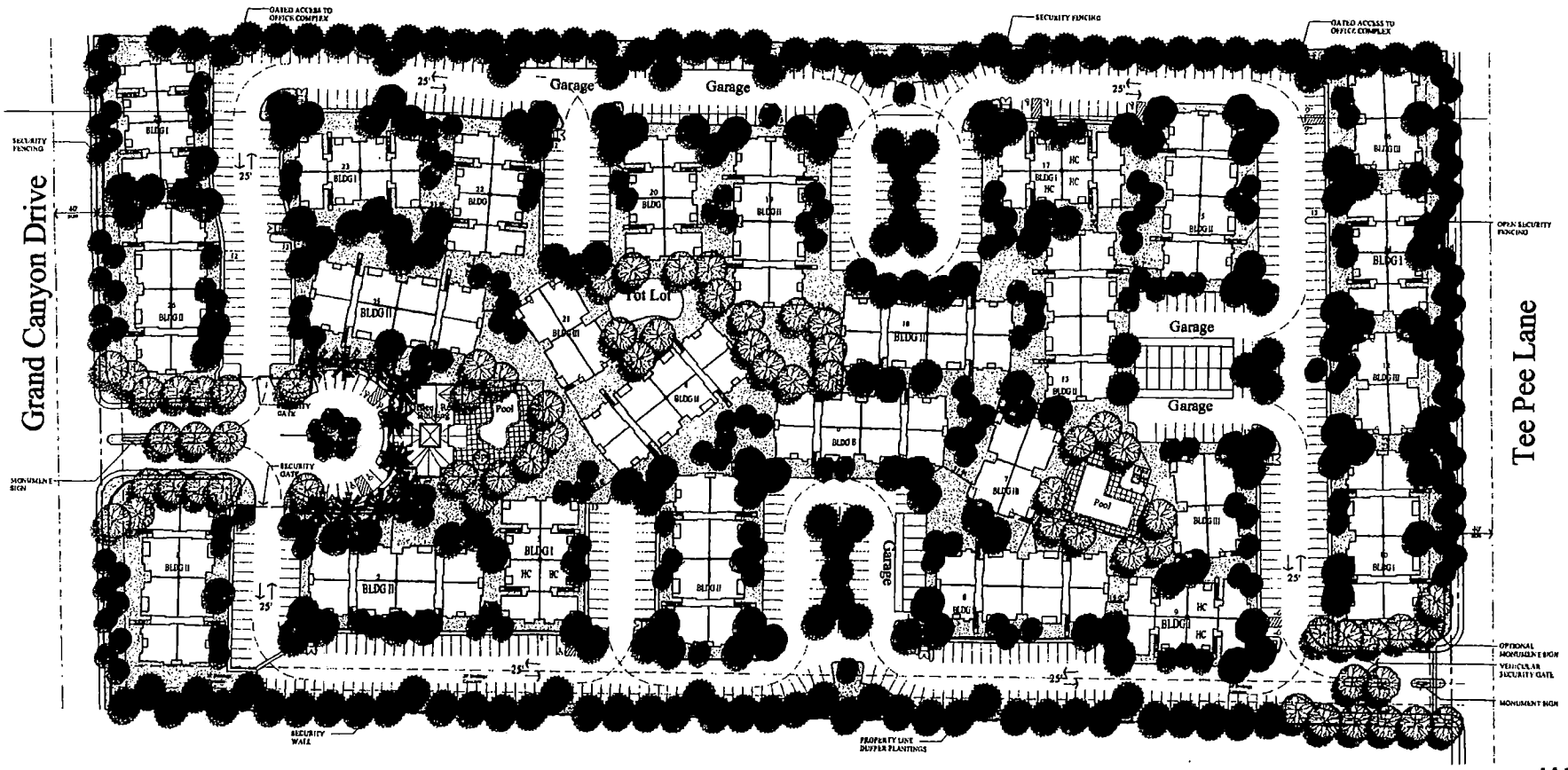
| SYMBOL | BOTANICAL NAME – COMMON NAME |
|---|---|
| | **GROUND COVER SUCH AS:** |
| | Acacia redolens 'Desert Carpet' – Prostrate Acacia |
| | Baccharis – Centenial Dwarf |
| | Perotaris 'Centenial' – Dwarf Coyote Bush |
| | Annual Color |
| | Marathon II Fescue turf |
| | Gravel mulch |




Vicinity Map




Location Map




# Grand Canyon Village Apartments • Conceptual Landscape Plan

Grand Canyon and Grand Teton, Las Vegas, Nevada

**SDR-5382**

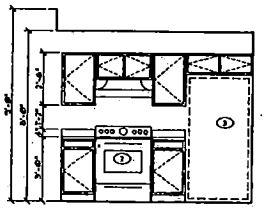
**11/18/04 PC**

SCALE: 1" = 40' NORTH

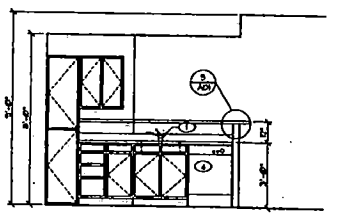
JOHN HANNA + ASSOCIATES LANDSCAPE ARCHITECTURE

RECEIVED DATE: 12-27-01 JHA# 547

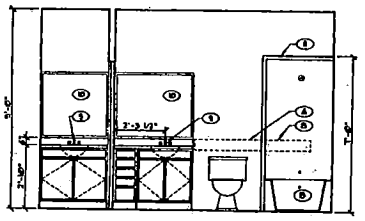
OCT 05 2004



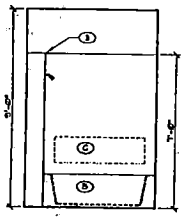
A - KITCHEN



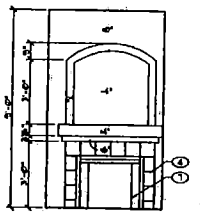
B - KITCHEN



C - BATHROOM



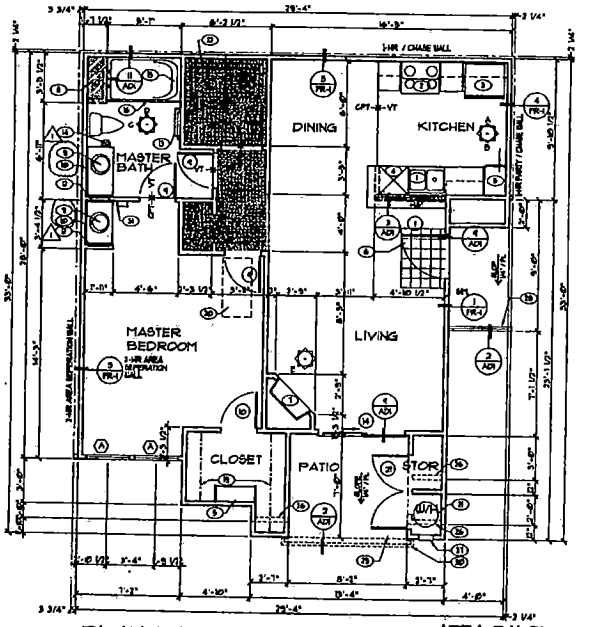
D - BATHROOM



E - LIVING

## INTERIOR ELEVATIONS

SCALE 3/8"= 1'-0"

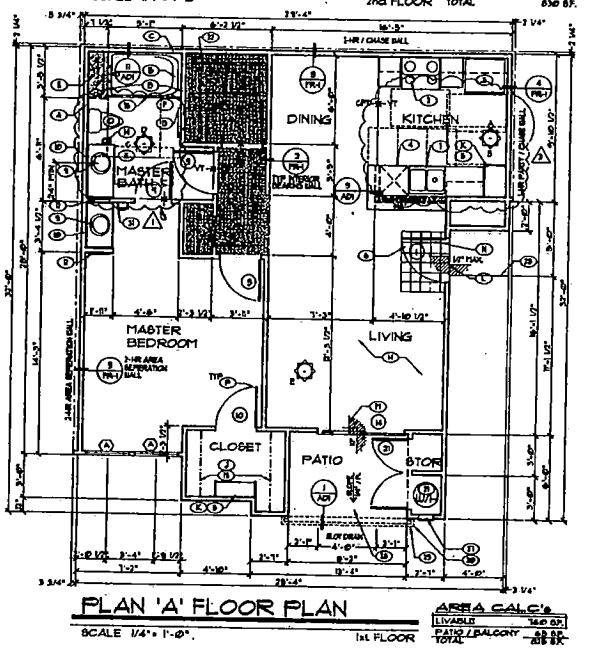


## PLAN 'A' FLOOR PLAN

SCALE 1/4"= 1'-0" 2nd FLOOR

AREA CALC's

| | |
|---|---|
| LIVABLE | 1355 SF. |
| PATIO / BALCONY | 15 SF. |
| TOTAL | 1530 SF. |



## PLAN 'A' FLOOR PLAN

SCALE 1/4"= 1'-0" 1st FLOOR

AREA CALC's

| | |
|---|---|
| LIVABLE | 1440 SF. |
| PATIO / BALCONY | 90 SF. |
| TOTAL | 1530 SF. |

## KEY NOTES

| NO. | DESCRIPTION |
|---|---|
| 1 | DOUBLE SINK WITH GARBAGE DISPOSAL |
| 2 | RANGE WITH OVEN - SELF CLEANING |
| 3 | REFRIGERATOR w/ ICE MAKER |
| 4 | DISHWASHER |
| 5 | 5 EQUALLY SPACED SHELVES - SEE CABINET PROFILES SHT A6/1 |
| 6 | CERAMIC TILE |
| 7 | GAS APPLIANCE FIREPLACE (SUPERIOR MODEL # DV-36T LAS #ROVT # 7516000) |
| 8 | MEDIA CENTER |
| 9 | LAVATORY |
| 10 | MIRROR |
| 11 | POTSHELF |
| 12 | RECESSED MEDICINE CABINET |
| 13 | TOWEL BAR |
| 14 | TOILET PAPER DISPENSER |
| 15 | 60" x 36" TUB AND SHOWER |
| 16 | SHOWER ROD |
| 17 | WASHER |
| 18 | DRYER WITH VENT TO EXTERIOR |
| 19 | ROD AND SHELF - SEE CABINET PROFILES SHT A6/1 |
| 20 | 22" x 30" HAR RATED ATTIC ACCESS SEE G/A24 |
| 21 | WATER HEATER |
| 22 | SHELF @ 5'-0" AFF. - SEE CABINET PROFILES SHT A6/1 |
| 23 | FORCED AIR UNIT |
| 24 | 60" x 31" TUB AND SHOWER |
| 25 | COMBUSTION AIR VENTS HIGH AND LOW WITHIN 12" OF FLOOR & 12" OF CEILING |
| 26 | CONC. PATIO @ 1st FLOOR |
| 27 | 1'0" HARDROCK CONC. BALCONY |
| 28 | WROUGHT IRON RAILING |
| 29 | TOILET RMS |

## ACCESSIBILITY NOTES (TYPE 'B' DWELLING UNITS)

| NO. | DESCRIPTION (1ST FLOOR ONLY) |
|---|---|
| A | PROVIDE 36" LONG 2X8 BLOCKING IN WALL FOR FUTURE INSTALLATION OF 24" LONG R/O "J" LOOP FOLDING GRAB BAR 33" - 36" AFF - SEE 6-FH-3 REFERENCE (UBC SECTION 1606.8.3) |
| B | PROVIDE 2X8 BLOCKING IN WALL FOR FUTURE INSTALLATION OF 36" LONG GRAB BAR 33" - 36" AFF - SEE 6-FH-3 REFERENCE (UBC SECTION 1606.8.3) |
| C | PROVIDE 2X8 BLOCKING IN WALL FOR FUTURE INSTALLATION OF 24" LONG GRAB BARS - UPPER - 33"-36" AFF AND LOWER - 9" ABOVE BATHTUB RIM - SEE 6-FH-1 REFERENCE (UBC SECTION 1606.8.3 EXCEPTION 4) |
| D | CLEAR FLOOR SPACE AT WATER CLOSET - SEE 12/AH-2 (UBC 1606.8.4.1) |
| E | CLEAR FLOOR SPACE AT LAVATORY - SEE 12/AH-2 (UBC 1606.8.4.1) |
| F | CLEAR FLOOR SPACE AT BATH TUB - SEE 12/AH-2 (UBC 1606.8.4.1) |
| A | INSTALL FROM FLOOR MATERIAL TO WALL BENEATH SINK BASIN AND PROVIDE A 30" SIDE KNEE SPACE. PROVIDE A LONG ENOUGH TAIL PIECE OR TRAP TO ACCOMODATE LOWERING SINK 9" AND KEEP ALL PLUMBING AS CLOSE TO WALL AS POSSIBLE - SEE 1/ 4 1/2 SHEET PA-3 |
| H | INSTALL ALL CONVENIENCE OUTLETS, SWITCHES, THERMOSTATS, DOORBELLS SHALL BE MOUNTED BETWEEN 9" 1 48" AFF - SEE 5/AH-1 REFERENCE (UBC SECTION 1606.3.3) |
| J | ROD AND SHELF TO BE MOUNTED AT 84" AFF MAX - 4.3.3/AH-1 |
| K | SHELVES TO BE MOUNTED AT 9" MIN AND 84" MAX - SEE 4.3.3/AH-1 |
| L | ACCESSIBLE THRESHOLD 1/2" MAX RISE - SEE 4.5/AH-1 1 AND 3 SHEET PA-1 REFERENCE (UBC SECTION 1606.4.3.3) |
| N | ACCESSIBLE THRESHOLD 1/2" MAX RISE DEVELOPED WITH A 1:2 SLOPE EXTERIOR RATIO MAX 4" BELOW FINISH FLOOR - SEE 4 SHEET PA-1 REFERENCE (UBC SECTION 1606.4.3.3 AND 1606.3.3 EXCEPTION 4) |
| N | PERVIOUS LANDING DOOR 36" x 48" CLEAR MANEUVERING SPACE REQUIRED AT EXTERIOR SIDE OF DOOR - SEE 4.1/AH-1, 5/AH-1 AND 4/AH-1 REFERENCE (UBC SECTION 1606.4.3) |
| P | USABLE DOOR (MINIMUM CLEAR WIDTH 32") - SEE 3/AH-1 REFERENCE (UBC SECTION 1606.4.3.3) |
| Q | INSTALL FROM FLOOR MATERIAL TO WALL BENEATH COUNTERTOP TO PROVIDE A 30" SIDE KNEE SPACE. |

## GENERAL NOTES

1. TYPICAL WALL CONSTRUCTION - 2 X 4 STUDS AT 16" O.C. - SEE PLAN FOR TYPICAL DETAIL INDICATED.
2. ALL DIMENSIONS ARE TO FACE OF WALL - TYP. UNLESS NOTED OTHERWISE.
3. PLUMBER SHALL PROVIDE COMPLETE SERVICE FOR WASHER/DRYER AREA.
4. MECHANICAL PLUMBING & ELECTRICAL PENETRATIONS OF 1 HOUR OR 2 HOUR PARTY WALL SHALL MEET REQUIREMENTS U.B.C. 711 SECT. 1015.A. SEE SHEET PA-3 & PA-4 FOR U.L. LISTED ASSEMBLIES.
5. VERTICAL AIR HANDLER - MECHANICAL CONTRACTOR SHALL PROVIDE SHOP DRAWINGS WITH UNIT DESIGN LAYOUT, DIMENSIONS, ETC. FOR APPROVAL PRIOR TO FABRICATION AND INSTALLATION. FRAMING CONTRACTOR SHALL VERIFY ROUGH OPENING SIZE AND PLATFORM (IF REQUIRED) WITH MECHANICAL CONTRACTOR PLUMBING CONTRACTOR SHALL PROVIDE FLOOR DRAIN AT GROUND LEVEL FOR ALL CONDENSATE LINES FROM MECHANICAL UNIT ABOVE - VERIFY WITH MECHANICAL CONTRACTOR.
6. SEE SHEET A/6 FOR DOOR AND WINDOW SCHEDULES
7. SEE SHEET A6/1 FOR ROOM FINISH SCHEDULE
8. SHADED AREA INDICATES DROPPED CEILING - SEE 12/AD & 14/A24
9. SEE FIRST FLOOR PLAN FOR ALL TYPICAL NOTES - SEE 13/A24 & 14/A24
10. SEE SECOND FLOOR PLAN FOR ALL TYPICAL DIMENSIONS
11. FIRE EXTINGUISHER
   A) PROVIDE ONE 2 1/2 lbs. 1-A 10-B:C FIRE EXTINGUISHER IN EVERY APARTMENT UNIT, CLOSE TO KITCHEN AREA.
   B) LOCATE 5 lbs. 2-A40BC FIRE EXTINGUISHERS OUTSIDE EACH APARTMENT SO TRAVEL PATH TO AN EXTINGUISHER SHALL NOT EXCEED 75'.
12. POINT OF DISCHARGE OF EXHAUST DUCTS SHALL BE 3' AWAY FROM ANY OPENING. SEE SHEET PA3 SYSTEM 1-F-C-30'

## SYMBOL LEGEND

- DROPPED CEILING BELOW RATED CEILING @ 7'-6" AFF EXCEPT @ KITHCEN RATED CEILING @ 8'-0" AFF
- POTSHELF @ 7'-0" A.F.F.

**SDR-5382**
**11/18/04 PC**

PERLMAN ARCHITE
2230 CORPORATE
SUITE 200
HENDERSON, NEVA
702.990.9000 702.9

Seal

| Rev | Date | By | Description |
|---|---|---|---|
| 1 | 1/23/03 | BC | PLAN CHECK REVISIONS |
| 2 | 5/6/03 | BC | PLAN CHECK REVISIONS |

Project: GRAND CANYON VILLAGE APARTMENTS COMMUNITY

Owner: BIG SKY DEVELOPMENT INC

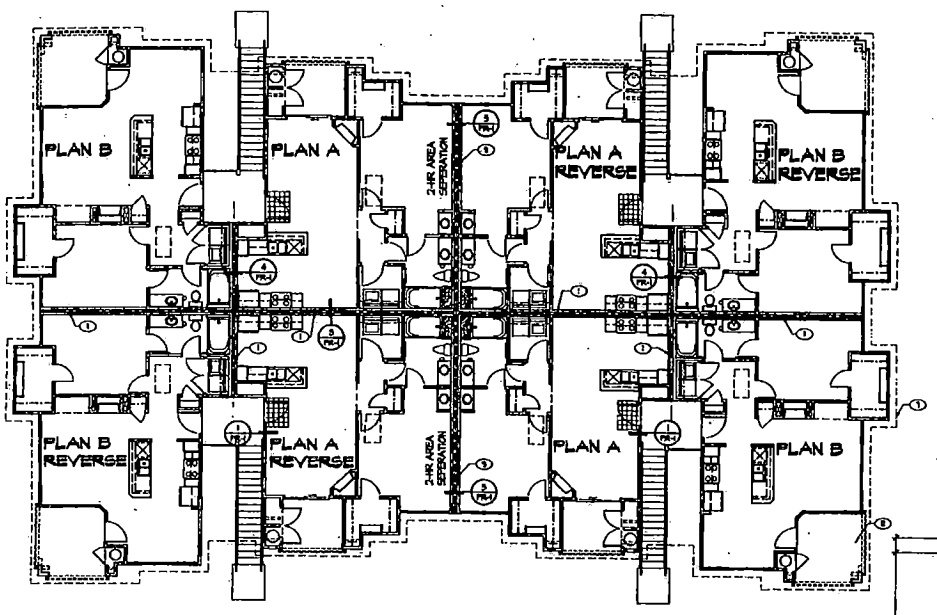
Sheet Title: UNIT PLAN AND INTERIOR ELEVATIO

Drawn/Checked By: BC/RN

Date: JUNE 18, 200

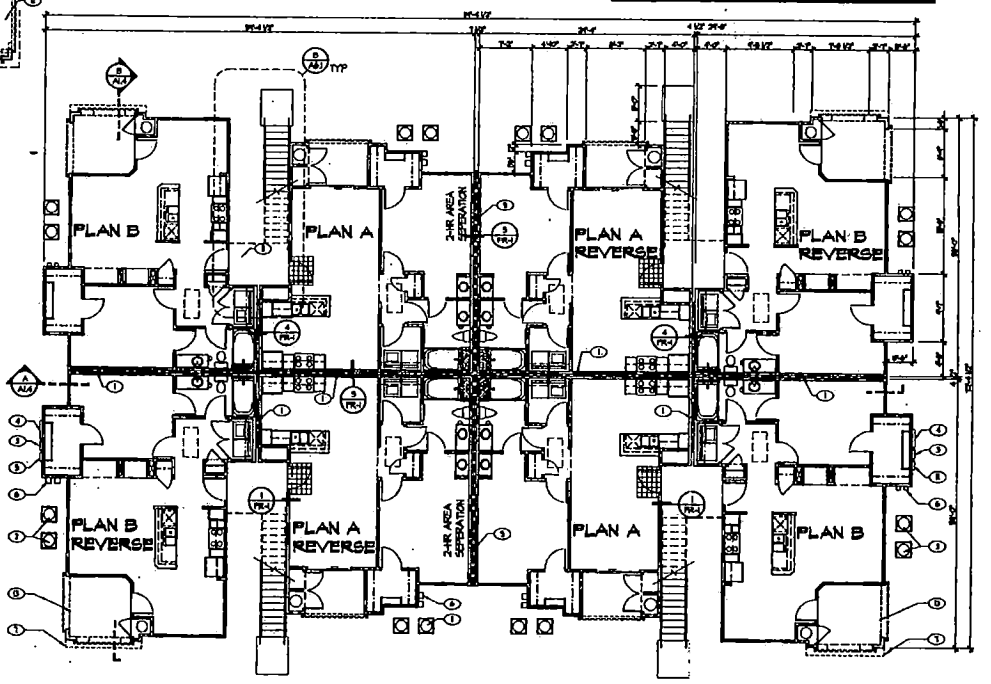
Project Number: 10100

Sheet Number: A




## 2nd FLOOR BUILDING PLAN

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




## 1st FLOOR BUILDING PLAN

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

## KEY NOTES:

| | DESCRIPTION |
|---|---|
| 1 | 1 - HOUR PARTY WALL SEE SHEET PR-1 |
| 2 | A/C UNIT LOCATION (TYPICAL) |
| 3 | TELEPHONE CONNECTION |
| 4 | ELECTRIC SERVICE CONNECTION |
| 5 | CABLE CONNECTION |
| 6 | GAS METER |
| 7 | LINE OF OVERHANG ABOVE |
| 8 | LINE OF WALL BELOW |
| 9 | 2-HR. AREA SEP. WALL |
| 10 | CONC. TILE - SEE ELEVATIONS |
| 11 | CONCRETE STOOP - SLOPE TO DRAIN |
| 12 | 1 1/2" HARDROCK CONC. BALCONY - SLOPE TO DRAIN |
| 13 | CONC. PATIO - SLOPE TO DRAIN |

## GENERAL NOTES:

1. EXTERIOR FINISH - 7/8" 3-COAT EXTERIOR PLASTER OVER METAL LATH OVER 15# BUILDING PAPER - ANCHOR W/ 1 GA. x 1 1/2" DIAM. HEAD NAILS OR 16 GA. x 1.0" LONG LEG STAPLES @ 6" O.C.
2. NOTES TYPICAL WALL CONSTRUCTION - 2x4 STUDS AT 16" O.C. - U.N.O. SEE UNIT FLOOR PLANS FOR 2x6 STUD WALLS AND TYPICAL DETAILS
3. ALL DIMENSIONS ARE TO FACE OF STUD - UNLESS OTHERWISE NOTED
4. MECHANICAL, PLUMBING AND ELECTRICAL PENETRATIONS OF FIRE/SMOKE WALL CONFORM TO U.B.C. 711.10 SEE SHEET PR-5 THRU PR-7 FOR UL LISTED ASSEMBLIES
5. ALL SERVICE VALVES SHALL BE COMPLETELY ENCLOSED IN PREMANUFACTURED BOXES SET FLUSH WITH ADJACENT GRADE TO PROVIDE PROTECTION FROM ABUSE AND THE ELEMENTS, MANUAL EASY ACCESS FOR SHUT-OFF AND FOR SERVICE
6. PROVIDE LATH BEHIND ELECTRICAL AND TELEPHONE BOXES
7. REFER TO MECHANICAL, PLUMBING, ELECTRICAL AND CIVIL PLANS FOR METER LOCATIONS

**SDR-5382**
**11/18/04 PC**


PERLMAN ARCHITE
2230 CORPORATE
SUITE 200
HENDERSON, NEVA
702.990.9900 702.93


Seal

| Rev | Date | By | Description |
|---|---|---|---|
| 4 | | | PLAN CHECK REVISIONS |

Project: GRAND CANYON VILLAGE APARTMENTS COMMUNITY

Owner: BIG SKY DEVELOPMENT, INC.

Sheet Title: BUILDING FLOOR PL

Drawn/Checked By: BC/RN

Date: JUNE 18, 200

Project Number: 10100

Sheet Number: A1

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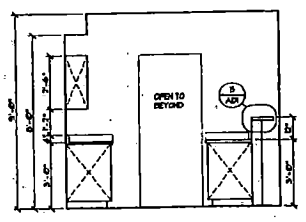
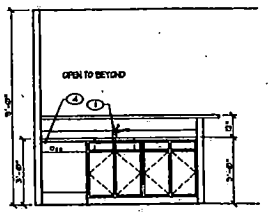



A - KITCHEN

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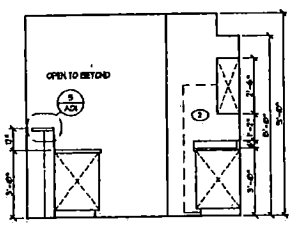
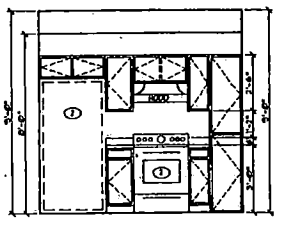
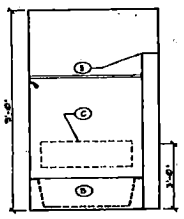


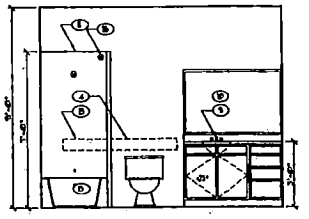

C - KITCHEN




D - KITCHEN



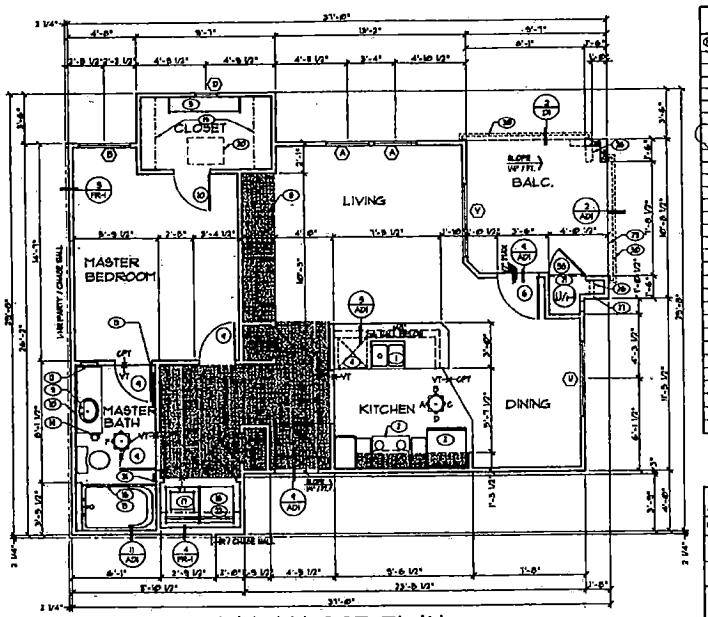

E - BATHROOM




F - BATHROOM

## INTERIOR ELEVATIONS

SCALE 3/8"= 1'-0"

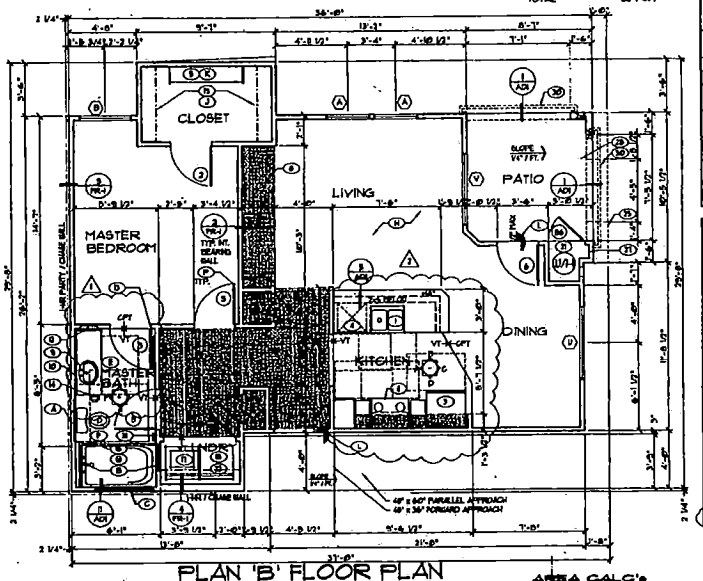



PLAN 'B' FLOOR PLAN

SCALE 1/4"= 1'-0" 2ND FLOOR

AREA CALC's

| | |
|---|---|
| LIVABLE | 756 SF. |
| PATIO / BALCONY | 108 SF. |
| TOTAL | 864 SF. |




PLAN 'B' FLOOR PLAN

SCALE 1/4"= 1'-0" 1ST FLOOR

AREA CALC's

| | |
|---|---|
| LIVABLE | 756 SF. |
| PATIO / BALCONY | 95 SF. |
| TOTAL | 851 SF. |

## KEY NOTES

| KEY | DESCRIPTION |
|---|---|
| 1 | DOUBLE SINK WITH GARBAGE DISPOSAL |
| 2 | RANGE WITH OVEN - SELF CLEANING |
| 3 | REFRIGERATOR w/ ICE MAKER |
| 4 | DISHWASHER |
| 5 | 5 EQUALLY SPACED SHELVES - SEE CABINET PROFILES SHT A6.1 |
| 6 | CERAMIC TILE |
| 7 | GAS APPLIANCE FIREPLACE (SUPERIOR MODEL # DVH 32 LAS ESCORT # 7412DESM) |
| 8 | FLAT-SCREEN TV |
| 9 | LAVATORY |
| 10 | MIRROR |
| 11 | CLOTHES RACK |
| 12 | RECESSED MEDICINE CABINET |
| 13 | TOWEL BAR |
| 14 | TOILET PAPER DISPENSER |
| 15 | 60" x 36" TUB AND SHOWER |
| 16 | SHOWER ROD |
| 17 | WASHER |
| 18 | DRYER WITH VENT TO EXTERIOR |
| 19 | ROD AND SHELF - SEE CABINET PROFILES SHT A6.1 |
| 20 | 22" x 30" 1HR RATED ATTIC ACCESS SEE D/A04 |
| 21 | WATER HEATER |
| 22 | SHELF @ 5'-0" AFF. - SEE CABINET PROFILES SHT A6.1 |
| 23 | FORCED AIR UNIT |
| 24 | 66" x 32" TUB AND SHOWER |
| 25 | COMBUSTION AIR VENTS HIGH AND LOW WITHIN 0" OF FLOOR & 0" OF CEILING |
| 26 | CONC. PATIO + 6in FLOOR |
| 27 | 1 1/2" HARDROCK CONC. BALCONY |
| 28 | WROUGHT IRON RAILING |
| 29 | TOWEL RING |

## ACCESSIBILITY NOTES (TYPE 'B' DWELLING UNITS)

| KEY | DESCRIPTION (1ST FLOOR ONLY) |
|---|---|
| A | PROVIDE 36" LONG 2X12 BLOCKING IN WALL FOR FUTURE INSTALLATION OF 24" LONG AND 42" LONG FOLDING GRAB BAR 33" - 36" AFF - SEE 8/A4.2 REFERENCE (UBC SECTION 806.8.3) |
| B | PROVIDE 2X8 BLOCKING IN WALL FOR FUTURE INSTALLATION OF 24" LONG GRAB BARS - 33" - 36" AFF - SEE 8/A4.1 REFERENCE (UBC SECTION 806.8.3) |
| C | PROVIDE 2X8 BLOCKING IN WALL FOR FUTURE INSTALLATION OF 24" LONG GRAB BARS - LOWER - 33"-36" AFF AND LOWER - 9" ABOVE BATHTUB RIM - SEE 8/A4.1 REFERENCE (UBC SECTION 806.8.3) |
| D | CLEAR FLOOR SPACE AT BATH CLOSET - SEE 12/A4.1 (UBC 806.8.4.1) |
| E | CLEAR FLOOR SPACE AT LAVATORY - SEE 12/A4.1 (UBC 806.8.4.1) |
| F | CLEAR FLOOR SPACE AT BATH TUB - SEE 12/A4.1 (UBC 806.8.4.1) |
| G | INSTALL FINISH FLOOR MATERIAL TO WALL BENEATH SINK BOWL AND PROVIDE A 30" WIDE KNEE SPACE. PROVIDE A 1-1/2" DIA. TRAP PIECE OR TRAP TO ACCOMODATE LOSSES TO SINK 9" AND KEEP ALL PIPING AS CLOSE TO WALL AS POSSIBLE - SEE 1/ & 13 SHEET PA-1 REFERENCE (UBC SECTION 806.8 ALL EXCEPTION 1) |
| H | INSTALL ALL CONVENIENCE OUTLETS, SWITCHES, THERMOSTATES, DOORBELLS ECT. SHALL BE MOUNTED BETWEEN 9" & 48" AFF. - SEE 9/A4.1 REFERENCE (UBC SECTION 806.8.3) |
| J | ROD AND SHELF TO BE MOUNTED AT 84" AFF MAX - 4.3/A4.1 |
| K | SHELVES TO BE MOUNTED AT 15" MIN AND 54" MAX - SEE 4.3/A4.1 |
| L | ACCESSIBLE THRESHOLD 1/2" MAX RISE - SEE 4.3/A4.1 & 1 AND 3 SHEET PA-1 REFERENCE (UBC SECTION 806.8.3.3) |
| M | ACCESSIBLE THRESHOLD 3/4" MAX RISE BEVELED WITH A 1:2 SLOPE EXTERIOR PATIO MAX 4" DELOW FINISH FLOOR - SEE 4 SHEET PA-1 REFERENCE (UBC SECTION 806.4.3.3 AND 806.8.3 EXCEPTION 1) |
| N | ASPHALT ENTRANCE DOOR 36" x 48" CLEAR FLOOR SPACE REQUIRED AT EXTERIOR SIDE OF DOOR - SEE 13/A4.1, 3/A4.1 AND 4/A4.1 REFERENCE (UBC SECTION 806.8.4.1) |
| P | USABLE DOOR OPENING CLEAR WIDTH 32"± - SEE 3/A4.1 REFERENCE (UBC SECTION 806.8.3.1) |
| Q | INSTALL FINISH FLOOR MATERIAL TO WALL BENEATH COUNTERTOP TO PROVIDE A 30" WIDE KNEE SPACE. |

## GENERAL NOTES

1. TYPICAL WALL CONSTRUCTION - 2 X 4 STUDS @ 16" O.C. - SEE PLAN FOR TYPICAL DETAIL INDICATED.
2. ALL DIMENSIONS ARE TO FACE OF STUD - TYP. UNLESS NOTED OTHERWISE.
3. PLUMBER SHALL PROVIDE COMPLETE SERVICE FOR DISHWASHER/DRYER AREA.
4. MECHANICAL PLUMBING/ELECTRICAL PENETRATIONS OF 1 HOUR OR 2 HOUR PARTY WALL SHALL MEET REQUIREMENTS U.B.C. 711 SECT. 709.3.2 - SEE SHEET PA-5 THRU PA-10 FOR U.L. LISTED ASSEMBLIES.
5. VERTICAL AIR HANDLER - MECHANICAL CONTRACTOR SHALL PROVIDE SHOP DRAWINGS WITH UNIT DESIGN LAYOUT, DIMENSIONS, ETC. FOR APPROVAL PRIOR TO FABRICATION AND INSTALLATION. FRAMING CONTRACTOR SHALL VERIFY ROUGH OPENING SIZE AND PLATFORM (IF REQUIRED) WITH MECHANICAL CONTRACTOR. FLOORING CONTRACTOR SHALL PROVIDE FLOOR DRAIN AT GROUND LEVEL FOR ALL CONDENSATE LINES FROM MECHANICAL UNIT ABOVE - VERIFY WITH MECHANICAL CONTRACTOR.
6. SEE SHEET A05 FOR DOOR AND WINDOW SCHEDULES
7. SEE SHEET A01 FOR ROOM FINISH SCHEDULE
8. SHADED AREA INDICATES DROPPED CEILING - SEE D/A01 & H/A01
9. SEE FIRST FLOOR PLAN FOR ALL TYPICAL NOTES - SEE D/A01 & H/A01
10. SEE SECOND FLOOR PLAN FOR ALL TYPICAL DIMENSIONS
11. FIRE EXTINGUISHER
    A) PROVIDE ONE 2 1/2 lbs. 1-A:10B:C FIRE EXTINGUISHER IN EVERY APARTMENT UNIT, CLOSE TO KITCHEN AREA.
    B) LOCATE 5 lbs. 3-A40BC FIRE EXTINGUISHERS OUTSIDE EACH APARTMENT SO THAT TRAVEL DISTANCE TO ANY APARTMENTS SHALL NOT EXCEED 75'.
12. POINT OF DISCHARGE OF EXHAUST DUCTS SHALL BE 3' AWAY FROM ANY OPENING. SEE SHEET PA-3 SYSTEM # P-C-1&2.

## SYMBOL LEGEND

- DROPPED CEILING BELOW RATED CEILING @ 7'-0" AFF EXCEPT @ KITCHEN RATED CEILING @ 8'-0" AFF

SDR-5382
11/18/04 PC

PERLMAN ARCHITE
2230 CORPORATE
SUITE 200
HENDERSON, NEVA
702.990.9900 702.93

Seal

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| Rev | Date | By | Description |
|---|---|---|---|
| 1 | 10/2/03 | BC | PLAN CHECK REVISIONS |
| 2 | 9/4/03 | BC | PLAN CHECK REVISIONS |

Project: GRAND CANYON VILLAGE APARTMENTS COMMUNITY

Owner:

Sheet Title: UNIT PLA AND INTERIO ELEVATIO

Drawn/Checked By: BC/RN

Date: JUNE 18, 20

Project Number: 10100

Sheet Number: A0

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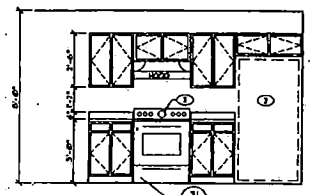

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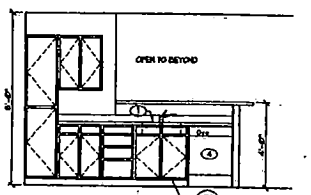


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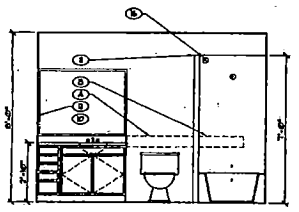
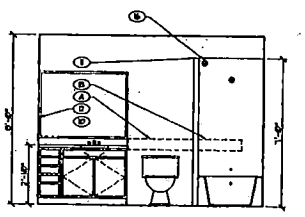
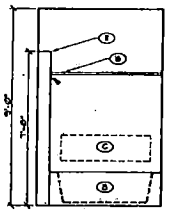


C - MASTER BATH



D - BATH 2



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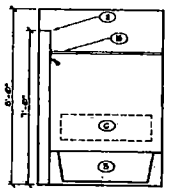
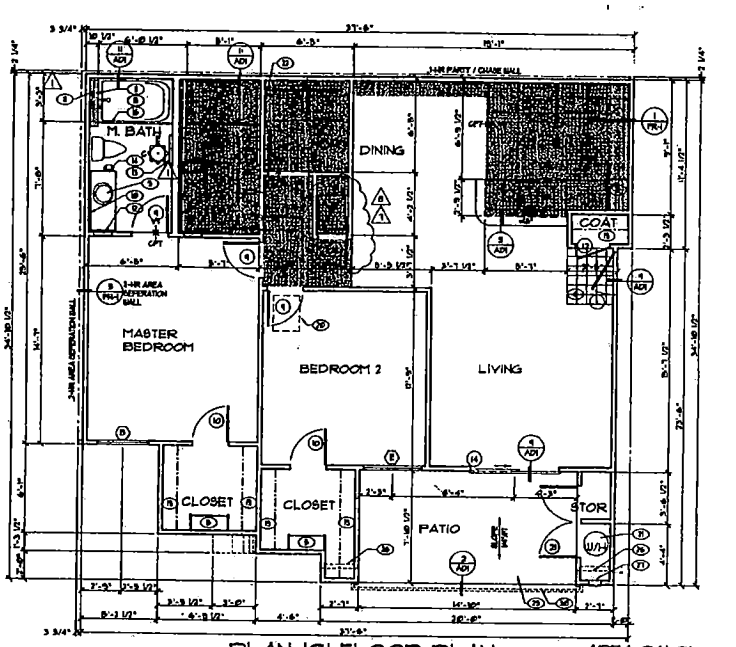


F - BATH

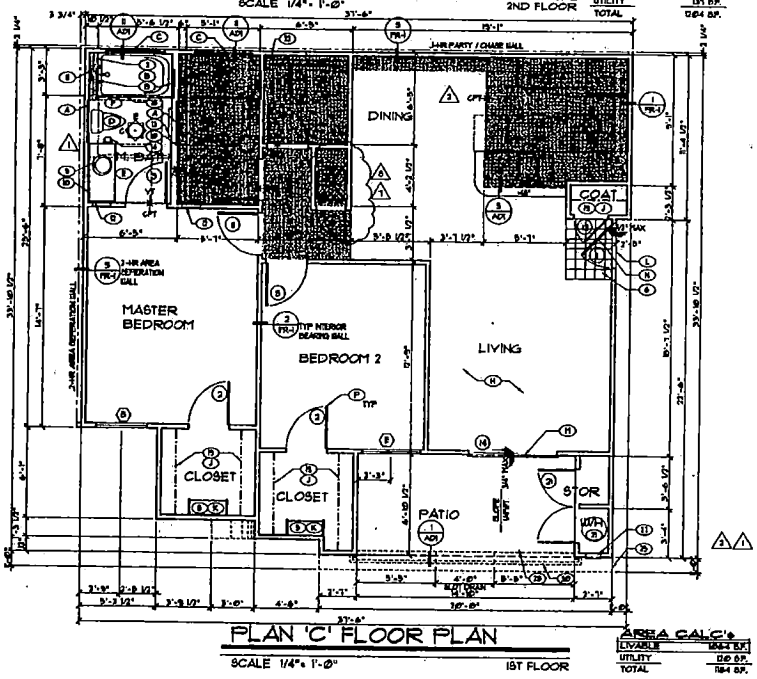
## INTERIOR ELEVATIONS

SCALE 3/8" = 1'-0"




PLAN 'C' FLOOR PLAN

SCALE 1/4" = 1'-0" 2ND FLOOR




PLAN 'C' FLOOR PLAN

SCALE 1/4" = 1'-0" 1ST FLOOR

AREA CALC's

| | |
|---|---|
| LIVABLE | 1061 S.F. |
| UTILITY | 131 S.F. |
| TOTAL | 1264 S.F. |

AREA CALC's

| | |
|---|---|
| LIVABLE | 1061 S.F. |
| UTILITY | 131 S.F. |
| TOTAL | 1264 S.F. |

## KEY NOTES

| NO. | DESCRIPTION |
|---|---|
| 1 | DOUBLE SINK WITH GARBAGE DISPOSAL |
| 2 | RANGE WITH OVEN - SELF CLEANING |
| 3 | REFRIGERATOR w/ ICE MAKER |
| 4 | DISHWASHER |
| 5 | 5 EQUALLY SPACED SHELVES - SEE CABINET PROFILES SHT A6.1 |
| 6 | CERAMIC TILE |
| 7 | GAS APPLIANCE FIREPLACE (SUPERIOR MODEL # DV-337 LAB REORT # 7118683) |
| 8 | MEDIA CENTER |
| 9 | LAVATORY |
| 10 | MIRROR |
| 11 | POTTERY |
| 12 | RECESSED MEDICINE CABINET |
| 13 | TOWEL BAR |
| 14 | TOILET PAPER DISPENSER |
| 15 | 54" x 36" TUB AND SHOWER |
| 16 | SHOWER ROD |
| 17 | WASHER |
| 18 | DRYER WITH VENT TO EXTERIOR |
| 19 | ROD AND SHELF - SEE CABINET PROFILES SHT A6.1 |
| 20 | 22" x 30" 1-HR RATED ATTIC ACCESS SEE D/A09 |
| 21 | WATER HEATER |
| 22 | SHELF @ 5'-0" A.F.F. - SEE CABINET PROFILES SHT A6.1 |
| 23 | FORCED AIR UNIT |
| 24 | 60" x 32" TUB AND SHOWER |
| 25 | COMBUSTION AIR VENTS HIGH AND LOW WITHIN 12" OF FLOOR & 12" OF CEILING |
| 26 | CONC. PATIO = 1st FLOOR |
| 27 | 1'-0" HANDRAIL CONC. BALCONY |
| 28 | BRUSHED FINISH RAILING |
| 29 | TOILET, RIMS |

## ACCESSIBILITY NOTES (TYPE 'B' DWELLING UNITS)

| NO. | DESCRIPTION (1ST FLOOR ONLY) |
|---|---|
| A | PROVIDE 36" LONG END BLOCKING IN WALL FOR FUTURE INSTALLATION OF 36" LONG AND 42" LONG FOLDING GRAB BAR 33" - 36" AFF - SEE 6/A14-2 REFERENCE (UBC SECTION 909.8.3) |
| B | PROVIDE END BLOCKING IN WALL FOR FUTURE INSTALLATION OF 42" LONG GRAB BAR - 33"-36" AFF - SEE 6/A14-2 REFERENCE (UBC SECTION 909.8.3) |
| C | PROVIDE END BLOCKING IN WALL FOR FUTURE INSTALLATION OF 36" LONG GRAB BARS - LEFT = 33"-36" AFF AND LOWER - 9" ABOVE BATHTUB RIM - SEE 6/A14-2 REFERENCE (UBC SECTION 909.8.3) |
| D | CLEAR FLOOR SPACE AT WATER CLOSET - SEE 12/A14-2 (UBC 909.6.4.1) |
| E | CLEAR FLOOR SPACE AT LAVATORY - SEE 12/A14-2 (UBC 909.6.4.2) |
| F | CLEAR FLOOR SPACE AT BATH TUB - SEE 12/A14-2 (UBC 909.6.4.3) |
| G | INSTALL FINISH FLOOR MATERIAL TO WALL BENEATH BASE BANNS AND PROVIDE A 30" LIKE KNEE SPACE. PROVIDE A LONG ENOUGH TAIL PIECE ON TRAP TO ACCOMODATE LOCATING SINK 9" AND DEEP. ALL PLUMBING AS CLOSE TO WALL AS POSSIBLE - SEE 1/ & 1/A SHEET PH-2 REFERENCE (UBC SECTION 909.8.4.(1) EXCEPTION 4) |
| H | INSTALL ALL CONVENIENCE OUTLETS, SWITCHES, THERMOSTATS, DOORBELL ECT. SHALL BE LOCATED BETWEEN 15" + 48" AFF - SEE 3/A14-1 REFERENCE (UBC SECTION 909.5.1) |
| I | ROD AND SHELF TO BE MOUNTED AT 54" AFF MAX - 4.3/A14-1 |
| K | SHELVES TO BE MOUNTED AT 15" MIN AND 54" MAX - SEE 4.3/A14-1 |
| L | ACCESSIBLE THRESHOLD 1/2" MAX RISE - SEE 4.3/A14-1 & 1 AND 8 SHEET PH-1 REFERENCE (UBC SECTION 909.4.3.3) |
| M | ACCESSIBLE FOLDED 3/4" MAX RISE BEVELED WITH A 1:2 SLOPE INTERIOR FLOOR 1" BELOW FINISH FLOOR - SEE 8 SHEET PH-1 REFERENCE (UBC SECTION 909.4.3.3 AND 909.4.3.3 EXCEPTION 1) |
| N | PRIMARY ENTRANCE DOOR 36" x 80" CLEAR FLOOR SPACE REQUIRED AT BOTH SIDE OF DOOR - SEE 4.3/A14-2, 3/A14-1 AND 4/A14-1 REFERENCE (UBC SECTION 909.4.3) |
| P | USABLE DOORS (MINIMUM CLEAR WIDTH 32") - SEE 3/A14-1 REFERENCE (UBC SECTION 909.4.3.1) |
| Q | INSTALL FINISH FLOOR MATERIAL TO WALL BENEATH COUNTERTOP TO PROVIDE A 30" SIDE KNEE SPACE. |

## GENERAL NOTES

1. TYPICAL WALL CONSTRUCTION - 2 X 4 STUDS AT 16" O.C. - SEE PLAN FOR TYPICAL DETAIL INDICATED.
2. ALL DIMENSIONS ARE TO FACE OF STUD - TYP. UNLESS NOTED OTHERWISE.
3. PLUMBER SHALL PROVIDE COMPLETE SERVICE FOR WASHER/DRYER AREA.
4. MECHANICAL/PLUMBING/ELECTRICAL PENETRATIONS OF 1 HOUR OR 2 HOUR PARTY WALL SHALL MEET REQUIREMENTS U.B.C. '97 SECT. 1709.4. SEE SHEET FP/Sx THRU FP/S4 FOR UL LISTED ASSEMBLIES.
5. VERTICAL AIR HANDLER - MECHANICAL CONTRACTOR SHALL PROVIDE SHOP DRAWINGS WITH UNIT DESIGN, LAYOUT, DIMENSIONS, ETC. FOR APPROVAL PRIOR TO FABRICATION AND INSTALLATION. PLUMBING CONTRACTOR SHALL VERIFY ROUGH OPENING SIZE AND PLATFORM IF REQUIRED WITH MECHANICAL CONTRACTOR. PLUMBING CONTRACTOR SHALL PROVIDE FLOOR DRAIN AT GROUND LEVEL FOR ALL CONDENSATE LINES FROM MECHANICAL UNIT ABOVE - VERIFY WITH MECHANICAL CONTRACTOR.
6. SEE SHEET A6/1 FOR DOOR AND WINDOW SCHEDULES
7. SEE SHEET A6/1 FOR ROOM FINISH SCHEDULE
8. SHADED AREA INDICATES DROPPED CEILING - SEE 12/AD 3 1/4"/A04
9. SEE FIRST FLOOR PLAN FOR ALL TYPICAL NOTES - SEE 13/A04 4 1/4"/A04
10. SEE SECOND FLOOR PLAN FOR ALL TYPICAL DIMENSIONS
11. FIRE EXTINGUISHERS
    A) PROVIDE ONE 1 1/2 lbs. 1-A-10B-C FIRE EXTINGUISHER IN EVERY APARTMENT UNIT, CLOSE TO KITCHEN AREA.
    B) LOCATE 9 lbs. 2-A40B-C FIRE EXTINGUISHERS OUTSIDE EACH APARTMENT SO THAT TRAVEL DISTANCE TO AN EXTINGUISHER SHALL NOT EXCEED 75'.
12. POINT OF DISCHARGE OF EXHAUST DUCTS SHALL BE 3' AWAY FROM ANY OPENING. SEE SHEET MV/3 SYSTEM 1 P-C-1&2

## SYMBOL LEGEND

- DROPPED CEILING BELOW RATED CEILING = 7'-6" AFF EXCEPT @ KITCHEN RATED CEILING = 8'-0" AFF
- POTSHELF = 7'-9" A.F.F.

**SDR-5382**

**11/18/04 PC**

PERLMAN ARCHITECTS
2230 CORPORATE CIR
SUITE 200
HENDERSON, NEVADA
702.990.9900 702.932.32

Seal

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| Rev | Date | By | Description |
|---|---|---|---|
| 1 | 10JAN | BC | PLAN CHECK REVISIONS |
| 2 | 14JAN | BC | PLAN CHECK REVISIONS |
| 3 | 4FEB | BC | OWNER CHANGE |
| 4 | 24MAR | BC | PLAN CHECK REVISIONS |

Project: GRAND CANYON VILLAGE APARTMENTS COMMUNITY

Owner: BIG SKY DEVELOPMENT, INC.

Sheet Title: UNIT PLAN 'C' AND INTERIOR ELEVATIONS

Drawn/Checked By: BC/RN

Date: JUNE 18, 2002

Project Number: 101002

Sheet Number: A0

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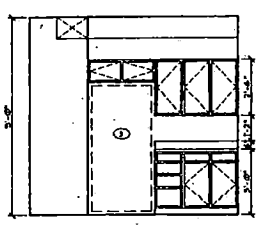

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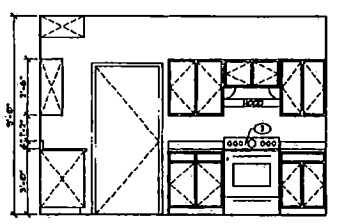

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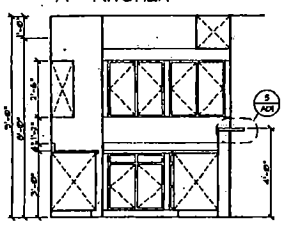

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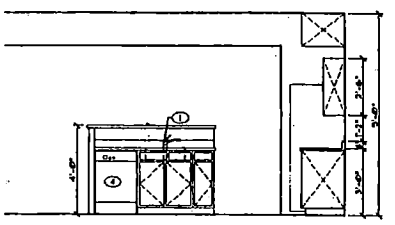

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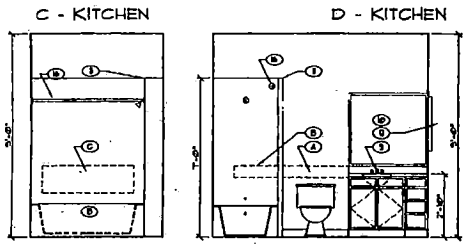
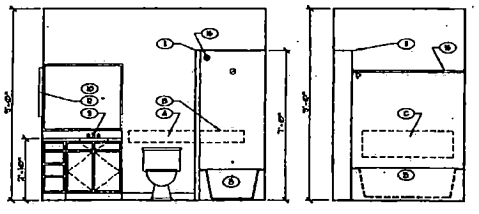


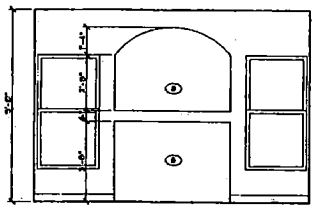
E - MASTER BATH F - MASTER BATH



G - BATH 2



H - BATH 2



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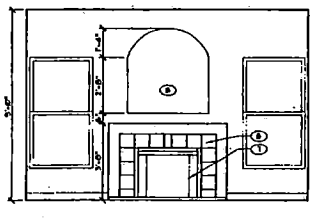
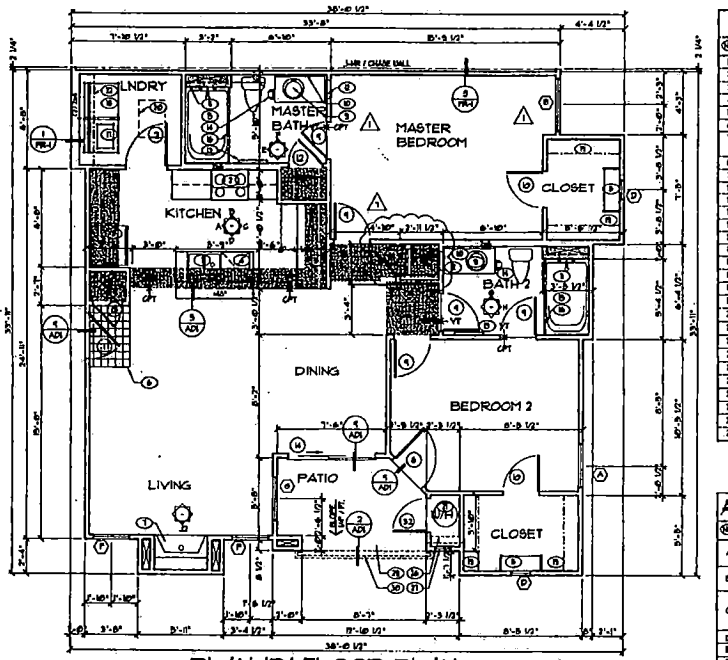


J - LIVING

INTERIOR ELEVATIONS

SCALE 3/8" = 1'-0"



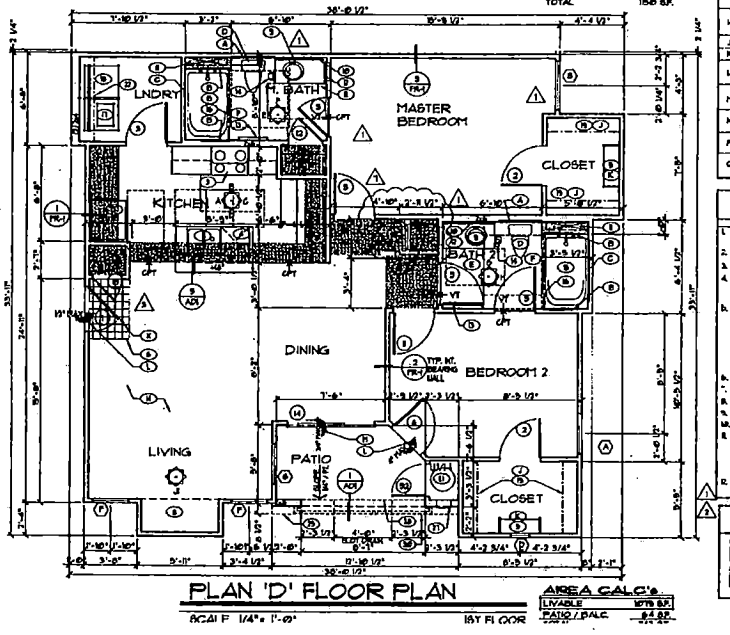

PLAN 'D' FLOOR PLAN

SCALE 1/4" = 1'-0"

2ND FLOOR

AREA CALC'S

| | |
|---|---|
| LIVABLE | 1078 S.F. |
| UTILITY | 71 S.F. |
| TOTAL | 1150 S.F. |




PLAN 'D' FLOOR PLAN

SCALE 1/4" = 1'-0"

1ST FLOOR

AREA CALC'S

| | |
|---|---|
| LIVABLE | 1078 S.F. |
| PATIO / BALC | 84 S.F. |

## KEY NOTES

| NO. | DESCRIPTION |
|---|---|
| 1 | DOUBLE SINK WITH GARBAGE DISPOSAL |
| 2 | RANGE WITH OVEN - SELF CLEANING |
| 3 | REFRIGERATOR w/ ICE MAKER |
| 4 | DISHWASHER |
| 5 | 5 EQUALLY SPACED SHELVES - SEE CABINET PROFILES SHT A8.1 |
| 6 | CERAMIC TILE |
| 7 | GAS APPLIANCE FIREPLACE (SUPERIOR MODEL # DV-33) (AS PER PLAN) # SPECIFIED |
| 8 | MEDIA CENTER |
| 9 | LAVATORY |
| 10 | MIRROR |
| 11 | POTS-SELF |
| 12 | RECESSED MEDICINE CABINET |
| 13 | TOWEL BAR |
| 14 | TOILET PAPER DISPENSER |
| 15 | 64" x 34" TUB AND SHOWER |
| 16 | SHOWER ROD |
| 17 | WASHER |
| 18 | DRYER WITH VENT TO EXTERIOR |
| 19 | ROD AND SHELF - SEE CABINET PROFILES SHT A8.1 |
| 20 | 22" x 30" 1-HR RATED ATTIC ACCESS SEE D/A01 |
| 21 | WATER HEATER |
| 22 | SHELF @ 5'-0" A.F.F. - SEE CABINET PROFILES SHT A8.1 |
| 23 | FORCED AIR UNIT |
| 24 | 60" x 32" TUB AND SHOWER |
| 25 | COMBUSTION AIR VENTS HIGH AND LOW WITHIN 0" OF FLOOR & 12" OF CEILING |
| 26 | CONC. PATIO = 1st FLOOR |
| 27 | 1 1/2" HARDROCK CONC. BALCONY |
| 28 | WROUGHT IRON RAILING |
| 29 | TOWEL RING |

## ACCESSIBILITY NOTES (TYPE 'B' DWELLING UNITS)

| NO. | DESCRIPTION (1ST FLOOR ONLY) |
|---|---|
| A | PROVIDE 34" LONG 2X6 BLOCKING IN WALL FOR FUTURE INSTALLATION OF 24" LONG GRAB BARS 33" - 36" AFF - SEE A/PH-2 REFERENCE (UBC SECTION 1606.8.3) |
| B | PROVIDE 2X6 BLOCKING IN WALL FOR FUTURE INSTALLATION OF 24" LONG GRAB BARS 33" - 36" AFF - SEE A/PH-2 REFERENCE (UBC SECTION 1606.8.3) |
| C | PROVIDE 2X6 BLOCKING IN WALL FOR FUTURE INSTALLATION OF 24" LONG GRAB BARS - UPPER = 33"-36" AFF AND LOWER = 9" ABOVE BATHTUB RIM - SEE A/PH-2 REFERENCE (UBC SECTION 1606.8.3) |
| D | CLEAR FLOOR SPACE AT WATER CLOSET - SEE 12/PH-1 (UBC 1606.8.4.1 & 2) |
| E | CLEAR FLOOR SPACE AT LAVATORY - SEE 12/PH-1 (UBC 1606.8.4.1) |
| F | CLEAR FLOOR SPACE AT BATH TUB - SEE 12/PH-1 (UBC 1606.8.4.1 #2) |
| G | INSTALL FINISH FLOOR MATERIAL TO WALL BENEATH SINK BASIN AND PROVIDE A 30" MIN. KNEE SPACE. PROVIDE A LONG ENOUGH TAIL PIECE ON TRAP TO ACCOMODATE LOCATING PIPE 2" FROM REAR ALL PLUMBING AS CLOSE TO WALL AS POSSIBLE - SEE 11 & 12 SHEET PH-2 REFERENCE (UBC SECTION 1606.8.3 / |
| H | INSTALL ALL CONVENIENCE OUTLETS, SWITCHES, THERMOSTATS, DOORBELLS ECT. SHALL BE MOUNTED BETWEEN 9" & 48" AFF. - SEE A/PH-1 REFERENCE (UBC SECTION 1606.8.3) |
| I | ROD AND SHELF TO BE MOUNTED AT 54" AFF MAX - 4.3/A/PH-1 |
| K | SHELVES TO BE MOUNTED AT 9" MIN AND 54" MAX - SEE 4.3/A/PH-1 |
| L | ACCESSIBLE THRESHOLD 1/2" MAX RISE - SEE 4.5/A/PH-1 1 AND 3 SHEET PH-1 REFERENCE (UBC SECTION 1606.8.3.3) |
| M | ACCESSIBLE THRESHOLD 3/4" MAX RAM BEVELED WITH A 1:2 SLOPE EXTERIOR PATIO TILE 4" BELOW FINISH FLOOR - SEE 4 SHEET PH-1 REFERENCE (UBC SECTION 1606.8.3.3 AND 1606.8.3 EXCEPTION 1) |
| N | DOOR HARDWARE/OPENING DOOR 32" + CLEARANCE SPACE REQUIRED AT EXTERIOR SIDE OF DOOR - SEE 4.5/A/PH-2, 8/PH-1 AND 4/PH-1 REFERENCE (UBC SECTION 1606.8.3) |
| P | USABLE DOOR (NOMINAL CLEAR WIDTH 32") - SEE 3/PH-1 REFERENCE (UBC SECTION 1606.8.3.3) |
| Q | INSTALL FINISH FLOOR MATERIAL TO WALL BENEATH COUNTERTOP TO PROVIDE A 30" MIN. KNEE SPACE. |

## GENERAL NOTES

1. TYPICAL WALL CONSTRUCTION = 2 X 4 STUDS AT 16" O.C. - SEE PLAN FOR TYPICAL DETAIL INDICATED.
2. ALL DIMENSIONS ARE TO FACE OF STUD - TYP. UNLESS NOTED OTHERWISE.
3. PLUMBER SHALL PROVIDE COMPLETE SERVICE FOR WASHER/DRYER AREA.
4. MECHANICAL/PLUMBING/ELECTRICAL PENETRATIONS OF 1 HOUR OR 1 HOUR PARTY WALL SHALL MEET REQUIREMENTS UBC '91 SEC'S. 1709A. SEE SHEET PA/PH THRU PA/PH FOR U.L. LISTED ASSEMBLIES.
5. VERTICAL AIR HANDLER - MECHANICAL CONTRACTOR SHALL PROVIDE SHOP DRAWINGS WITH UNIT DESIGN, LAYOUT, DIMENSIONS, ETC. FOR APPROVAL PRIOR TO FABRICATION AND INSTALLATION. FRAMING CONTRACTOR SHALL VERIFY ROUGH OPENING SIZE AND PLATFORM (IF REQUIRED) WITH MECHANICAL CONTRACTOR. PLUMBING CONTRACTOR SHALL PROVIDE FLOOR DRAIN AT GROUND LEVEL FOR ALL CONDENSATE LINES FROM MECHANICAL UNIT ABOVE - VERIFY WITH MECHANICAL CONTRACTOR.
6. SEE SHEET A8.0 FOR DOOR AND WINDOW SCHEDULES
7. SEE SHEET A8.1 FOR ROOM FINISH SCHEDULE
8. SHADED AREA INDICATES DROPPED CEILING - SEE D/A01 & 14/A01
9. SEE FIRST FLOOR PLAN FOR ALL TYPICAL NOTES - SEE D/A01 & 14/A01
10. SEE SECOND FLOOR PLAN FOR ALL TYPICAL DIMENSIONS
11. FIRE EXTINGUISHERS
   A) PROVIDE ONE 2 1/2 lbs. 1-A 10B-C FIRE EXTINGUISHER IN EVERY APARTMENT UNIT, CLOSE TO KITCHEN AREA.
   B) LOCATE 5 lbs. 2-A 10B-C FIRE EXTINGUISHERS OUTSIDE EACH APARTMENT SO THAT TRAVEL DISTANCE TO AN EXTINGUISHER SHALL NOT EXCEED 75'.
12. POINT OF DISCHARGE OF EXHAUST DUCTS SHALL BE 3' AWAY FROM ANY OPENING, SEE SHEET PA/3 SYSTEM "P-C-1(R)"

## SYMBOL LEGEND

- DROPPED CEILING BELOW RATED CEILING = 7'-6" AFF EXCEPT @ KITCHEN RATED CEILING = 8'-0" AFF
- POTSHELF @ 7'-0" AFF.

SDR-5382

11/18/04 PC


PERLMAN ARCHITECTS
2230 CORPORATE CIRCLE
SUITE 200
HENDERSON, NEVADA
702.990.9900 702.932.


Seal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| Rev | Date | By | Description |
|---|---|---|---|
| 1 | 7/22/02 | BC | PLANS CHECK REVISIONS |
| 2 | 9/9/02 | BC | PLANS CHECK REVISIONS |
| 3 | 4/24/03 | BC | OWNER CHANGE |

Project: GRAND CANYON VILLAGE APARTMENTS COMMUNITY

Owner: BIG SKY DEVELOPMENT, INC.

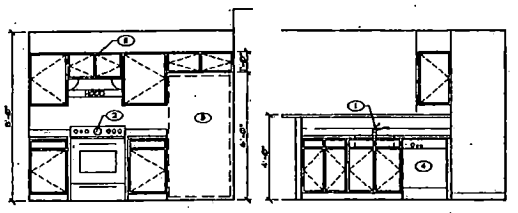
Sheet Title: UNIT PLAN AND INTERIOR ELEVATIONS

Drawn/Checked By: BC/RN

Date: JUNE 18, 2002

Project Number: 101002

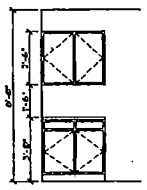
Sheet Number: A0



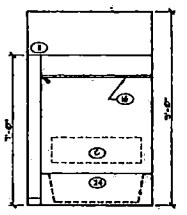
A - KITCHEN



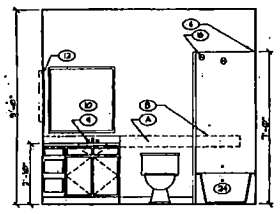
B - KITCHEN



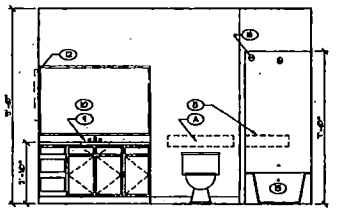
C - HALL



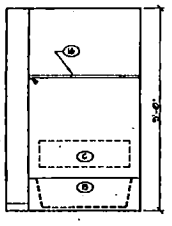
D - BATH 2



E - BATH 2



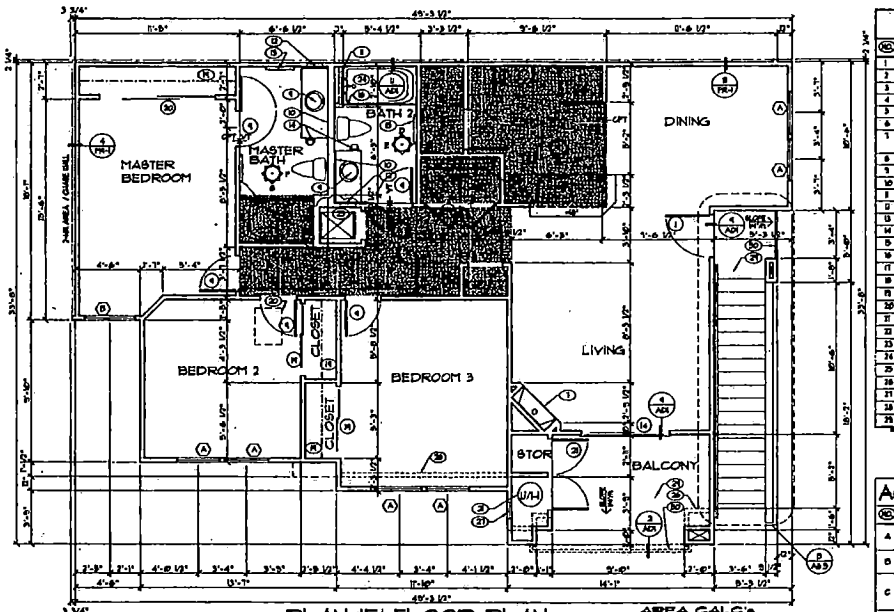
F - MASTER BATH



G - MASTER BATH

## INTERIOR ELEVATIONS

SCALE 3/8"= 1'-0"



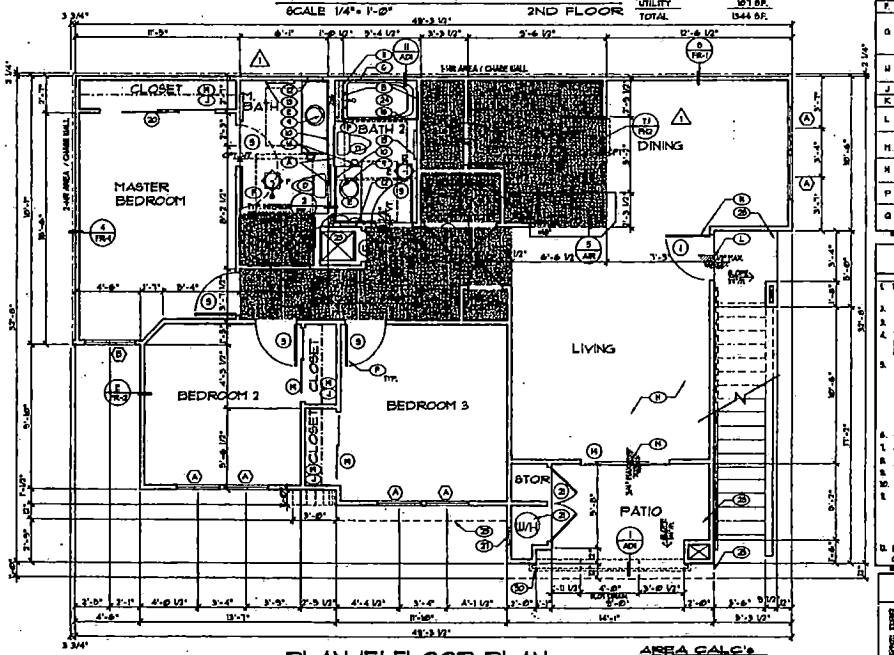

PLAN 'E' FLOOR PLAN

SCALE 1/4"= 1'-0"

2ND FLOOR

AREA CALC's

| | |
|---|---|
| LIVABLE | 1231 S.F. |
| UTILITY | 107 S.F. |
| TOTAL | 1344 S.F. |




PLAN 'E' FLOOR PLAN

SCALE 1/4"= 1'-0"

1ST FLOOR

AREA CALC's

| | |
|---|---|
| LIVABLE | 1231 S.F. |
| UTILITY | 93 S.F. |
| TOTAL | 1324 S.F. |

## KEY NOTES

| NO. | DESCRIPTION |
|---|---|
| 1 | DOUBLE SINK WITH GARBAGE DISPOSAL |
| 2 | RANGE WITH OVEN - SELF CLEANING |
| 3 | REFRIGERATOR w/ ICE MAKER |
| 4 | DISHWASHER |
| 5 | 5 EQUALLY SPACED SHELVES - SEE CABINET PROFILES SHT A6/1 |
| 6 | CERAMIC TILE |
| 7 | GAS APPLIANCE FIREPLACE (SUPERIOR MODEL " DV-33) (AS FRONT " PTM-DVM) |
| 8 | MEDIA CENTER |
| 9 | LAVATORY |
| 10 | MIRROR |
| 11 | POTSHELF |
| 12 | RECESSED MEDICINE CABINET |
| 13 | TOWEL BAR |
| 14 | TOILET PAPER DISPENSER |
| 15 | 64" x 36" TUB AND SHOWER |
| 16 | SHOWER ROD |
| 17 | WASHER |
| 18 | DRYER WITH VENT TO EXTERIOR |
| 19 | ROD AND SHELF - SEE CABINET PROFILES SHT A6/1 |
| 20 | 22" x 30" MIN RATED ATTIC ACCESS SEE S1/A2/1 |
| 21 | WATER HEATER |
| 22 | SHELF @ 3'-0" AFF. - SEE CABINET PROFILES SHT A6/1 |
| 23 | FORCED AIR UNIT |
| 24 | 60" x 32" TUB AND SHOWER |
| 25 | COMBUSTION AIR VENTS HIGH AND LOW WITHIN 0" OF FLOOR & 0" OF CEILING |
| 26 | CONC. PATIO @ 1st FLOOR |
| 27 | 1 1/2" HARDROCK CONC. BALCONY |
| 28 | WROUGHT IRON RAILING |
| 29 | TOILET RING |

## ACCESSIBILITY NOTES (TYPE 'B' DWELLING UNITS)

| NO. | DESCRIPTION (1ST FLOOR ONLY) |
|---|---|
| A | PROVIDE 36" LONG 2X6 BLOCKING IN WALL FOR FUTURE INSTALLATION OF 16" LONG AND 42" LONG FOLDING GRAB BAR 33" - 36" AFF - SEE A/PA1-3 REFERENCE (UBC SECTION 1109.8.3.3) |
| B | PROVIDE 2X8 BLOCKING IN WALL FOR FUTURE INSTALLATION OF @ 24" LONG GRAB BAR 33" - 36" AFF - SEE A/PA1-2 REFERENCE (UBC SECTION 1109.8.3.) |
| C | PROVIDE 2X8 BLOCKING IN WALL FOR FUTURE INSTALLATION OF @ 24" LONG GRAB BARS - UPPER - 33" - 36" AFF LOWER - 9" ABOVE BATHTUB RIM - SEE A/PA1-3 REFERENCE (UBC SECTION 1109.8.3.7 |
| D | CLEAR FLOOR SPACE AT WATER CLOSET - SEE 1/A/PA1-3 (UBC 1109.8.4.3) *3 |
| E | CLEAR FLOOR SPACE AT LAVATORY - SEE 1/A/PA1-3 (UBC 1109.8.4.3) *3 |
| F | CLEAR FLOOR SPACE AT BATH TUB - SEE 1/A/PA1-3 (UBC 1109.8.4.3) *3 |
| G | INSTALL FINISH FLOOR MATERIAL TO WALL BENEATH BASE BASIN AND PROVIDE A 30" WIDE FREE SPACE. PROVIDE A LOOSE ENGLISH TAIL PIECE OR TRAP TO ACCOMODATE LOOSENING BASE @ AND HOSE ALL PLUMBING AS CLOSE TO WALL AS POSSIBLE - SEE 1 / 13 SHEET PA1-3 REFERENCE (UBC SECTION 1109.8.4.4 ALL EXCEPTION *3) |
| H | INSTALL ALL ENVIRONMENT CONTROLS, SWITCHES, RECEPTACLES, DOORBELLS ECT. SHALL BE MOUNTED BETWEEN 15" & 48" AFF - SEE S/A/A1 REFERENCE (UBC SECTION 1109.8.3.2) |
| J | ROD AND SHELF TO BE MOUNTED AT 84" AFF MAX - 4.3.3/A6-1 |
| K | SHELVES TO BE MOUNTED AT 9" MIN AND 84" MAX - SEE 4.23/A6-1 |
| L | ACCESSIBLE THRESHOLD 1/2" MAX RISE - SEE 4.5/A6-1 & 1 AND 3 SHEET PA-1 REFERENCE (UBC SECTION 1109.4.2.3) |
| M | ACCESSIBLE THRESHOLD 3/4" MAX RISE BEVELED 6:1 / 2 1/2 SLOPE OUTSIDE & FLAT MAX AT INSIDE FINISH FLOOR - SEE 4 SHEET PA-1 REFERENCE (UBC SECTION 1109.4.2.3 AND 1109.8.2.3 EXCEPTION *3) |
| N | PRIMARY ENTRANCE DOOR 34" x 48" CLEAR FLOOR SPACE REQUIRED AT INTERIOR SIDE OF DOOR - SEE 4.5/A/PA1-3, 3/A1-1 AND 4/A6-1 REFERENCE (UBC SECTION 1109.8.3.) |
| P | USABLE DOOR OPENING, CLEAR WIDTH 32") - SEE 3/PA1-1 REFERENCE (UBC SECTION 1109.4.3.1) |
| Q | INSTALL FINISH FLOOR MATERIAL TO WALL BENEATH COUNTERTOP TO PROVIDE A 30" WIDE KNEE SPACE |

## GENERAL NOTES

1. TYPICAL WALL CONSTRUCTION - 2 X 4 STUDS AT 16" O/C. - SEE PLAN FOR TYPICAL DETAIL INDICATED.
2. ALL DIMENSIONS ARE TO FACE OF STUD - TYP. UNLESS NOTED OTHERWISE.
3. PLUMBER SHALL PROVIDE COMPLETE SERVICE FOR WASHER/DRYER AREA.
4. MECHANICAL/PLUMBING/ELECTRICAL PENETRATIONS OF 1 HOUR OR 2 HOUR RATED WALL SHALL MEET REQUIREMENTS U.B.C. 711 SECT. 709.5. SEE SHEET PA/A6 THRU PA/A9 FOR UL LISTED ASSEMBLIES.
5. VERTICAL AIR HANDLER - MECHANICAL CONTRACTOR SHALL PROVIDE SHOP DRAWINGS WITH UNIT DESIGN, LAYOUT, DIMENSIONS, ETC. FOR APPROVAL PRIOR TO FABRICATION AND INSTALLATION (SLOPING CONTRACTOR SHALL VERIFY ROUGH OPENING SIZE AND PLATFORM (IF REQUIRED) WITH MECHANICAL CONTRACTOR / PLUMBING CONTRACTOR SHALL PROVIDE FLOOR DRAIN AT GROUND LEVEL FOR ALL CONDENSATE LINES FROM MECHANICAL UNIT ABOVE - VERIFY WITH MECHANICAL CONTRACTOR.
6. SEE SHEET A0.6 FOR DOOR AND WINDOW SCHEDULES
7. SEE SHEET A0.1 FOR ROOM FINISH SCHEDULE
8. SHADED AREA INDICATES DROPPED CEILING - SEE S/A/D 1 1/4"=1'-0"
9. SEE FIRST FLOOR PLAN FOR ALL TYPICAL NOTES - SEE S/A/D 1 1/4"=1'-0"
10. SEE SECOND FLOOR PLAN FOR ALL TYPICAL DIMENSIONS
11. FIRE EXTINGUISHERS
    A) PROVIDE ONE 2 1/2 lbs. 1-A-10B-C FIRE EXTINGUISHER IN EVERY APARTMENT UNIT, CLOSE TO KITCHEN AREA.
    B) LOCATE 5 lbs. 2-A40B-C FIRE EXTINGUISHERS OUTSIDE EACH APARTMENT SO THAT TRAVEL DISTANCE TO AN EXTINGUISHER SHALL NOT EXCEED 75'
12. POINT OF DISCHARGE OF EXHAUST DUCTS SHALL BE 3' AWAY FROM ANY OPENING. SEE SHEET PA/5 SYSTEM * P-C-108

## SYMBOL LEGEND

- DROPPED CEILING BELOW RATED CEILING @ 7'-6" AFF EXCEPT @ KITCHEN RATED CEILING @ 8'-0" AFF
- POTSHELF @ 7'-0" AFF.

SDR-5382
11/18/04 PC


PERLMAN ARCHITECT
2230 CORPORATE C
SUITE 200
HENDERSON, NEVADA
702.990.9900 702.932.


Seal

| Rev | Date | By | Description |
|---|---|---|---|
| 1 | 12/02 | BC | PLAN CHECK REVISIONS |
| 2 | 5/03 | BC | PLAN CHECK REVISIONS |
| 3 | 6/03 | BC | OWNER CHANGE |

Project: GRAND CANYON VILLAGE APARTMENTS COMMUNITY

Owner: BIG SKY DEVELOPMENT, INC.

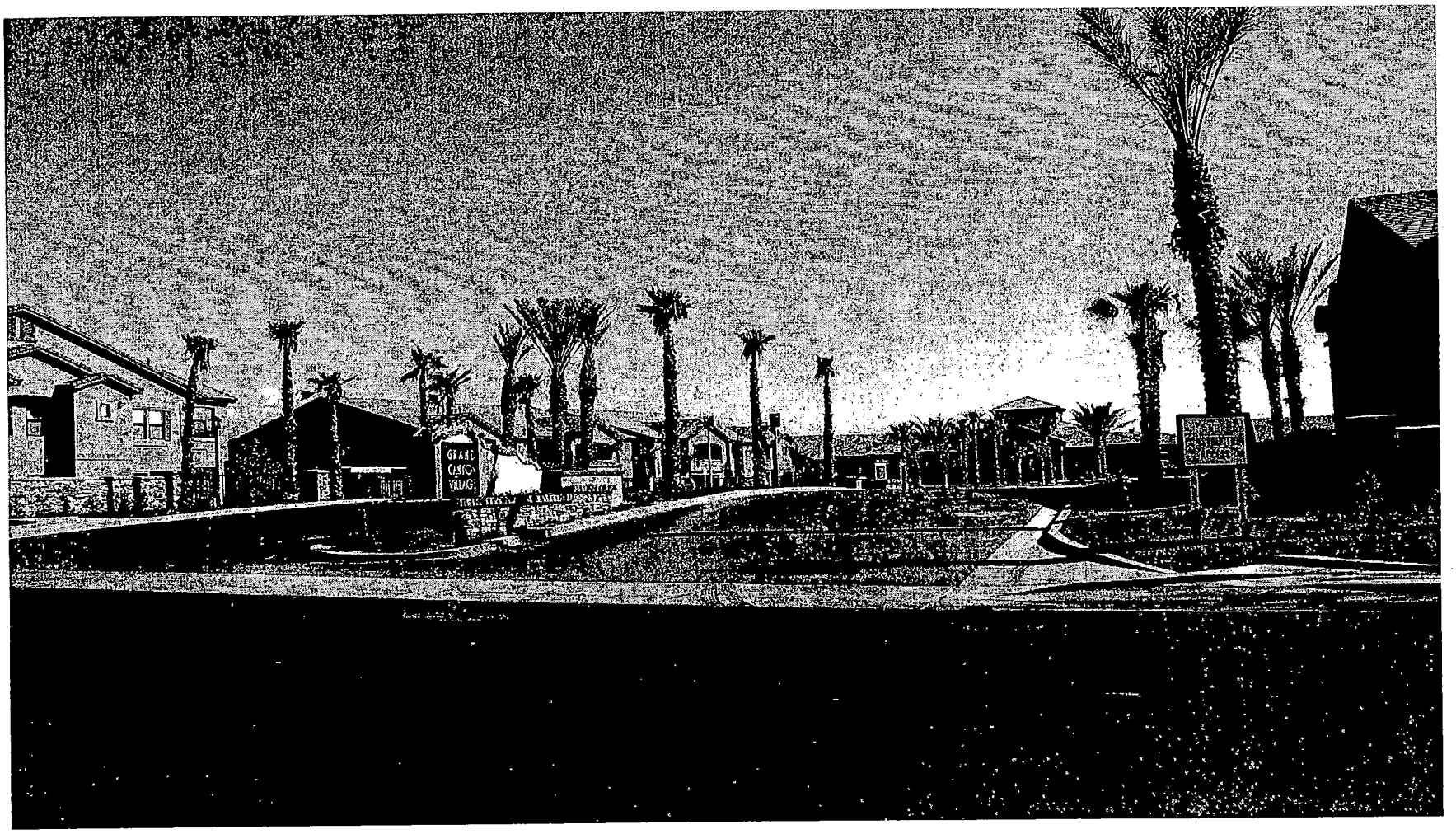
Sheet Title: UNIT PLAN AND INTERIOR ELEVATIONS

Drawn/Checked By: BC/RN

Date: JUNE 18, 2002

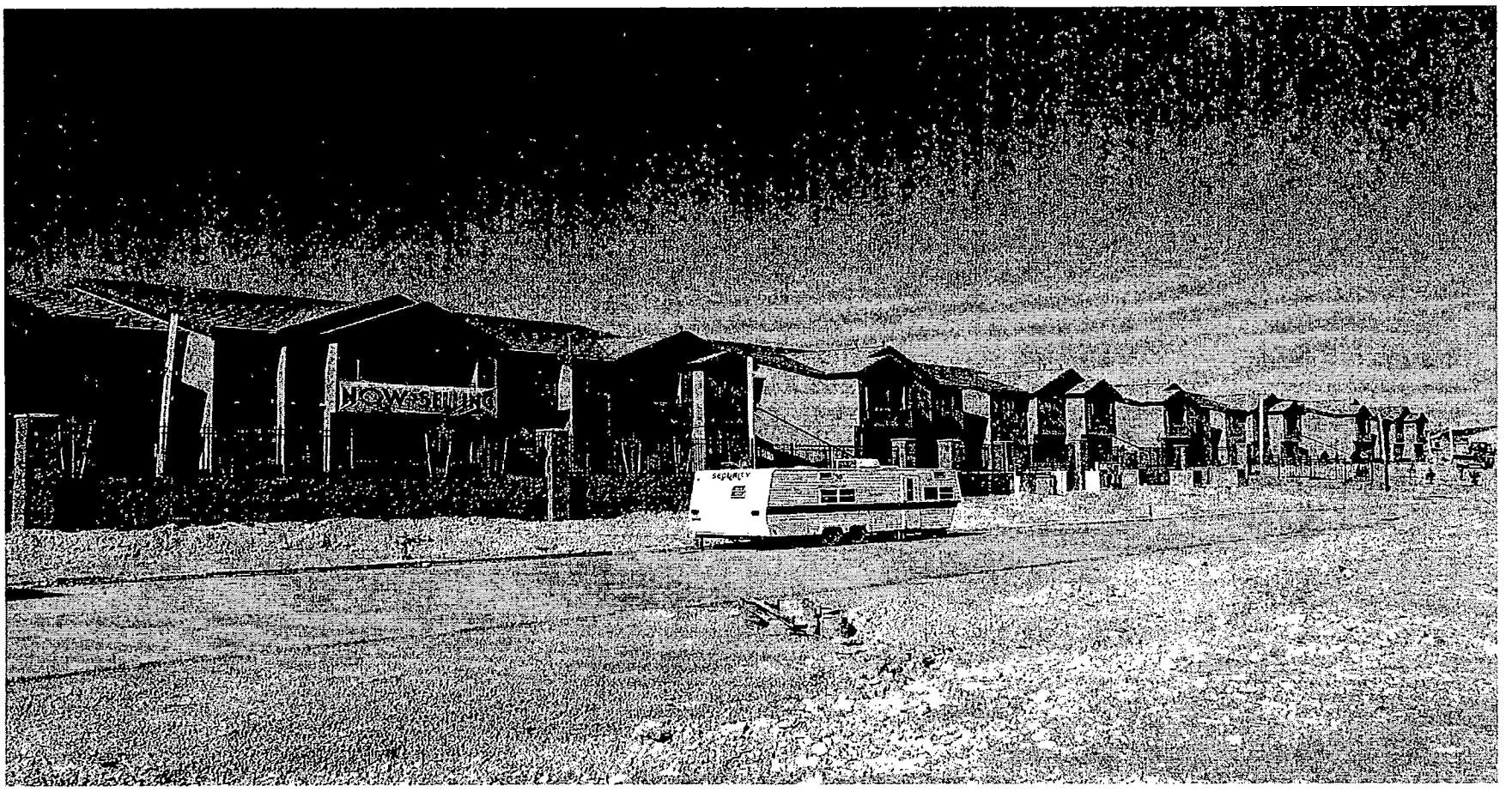
Project Number: 101002

Sheet Number: A



SDR-5382 - APPLICANT: EMERGING MARKETS OF NORTH AMERICA - OWNER: GRAND CANYON INVESTORS, LLC
EAST SIDE OF GRAND CANYON DRIVE, APPROXIMATELY 1,250 FEET NORTH OF GRAND TETON DRIVE
NOVEMBER 18, 2004 PLANNING COMMISSION

10/22/04




SDR-5382 - APPLICANT: EMERGING MARKETS OF NORTH AMERICA - OWNER: GRAND CANYON INVESTORS, LLC
EAST SIDE OF GRAND CANYON DRIVE, APPROXIMATELY 1,250 FEET NORTH OF GRAND TETON DRIVE
NOVEMBER 18, 2004 PLANNING COMMISSION

10/22/04

SDR-5382 - APPLICANT: EMERGING MARKETS OF NORTH AMERICA - OWNER: GRAND CANYON INVESTORS, LLC
EAST SIDE OF GRAND CANYON DRIVE, APPROXIMATELY 1,250 FEET NORTH OF GRAND TETON DRIVE
NOVEMBER 18, 2004 PLANNING COMMISSION

10/22/04

City of Las Vegas

Agenda Item No.: 39

## AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

**PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004**

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

**SUBJECT:**

**VAR-5531 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: BUFFALO WASHINGTON III, LLC** - Request for a Variance TO ALLOW 93 PARKING SPACES WHERE 180 PARKING SPACES ARE REQUIRED IN CONJUNCTION WITH A PROPOSED 16,009 SQUARE FOOT COMMERCIAL RETAIL CENTER on 1.55 acres adjacent to the southeast corner of Buffalo Drive and Washington Avenue (APN 138-27-301-015), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 2 (Wolfson).

**IF APPROVED: C.C.: 12/15/04**
**IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)**

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

**RECOMMENDATION:**
Staff recommends DENIAL.

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

**MOTION:**
**McSWAIN – DENIED – UNANIMOUS**

**MINUTES:**
CHAIRMAN TRUESDELL declared the Public Hearing open on Item 39 [VAR-5531] and Item 40 [SDR-5393].

GARY LEOBOLD, Planning & Development Department, explained that the site was originally approved for a 12,000 square-foot pharmacy and adequate parking was provided for that project. Recently, it has been redesigned as two buildings as shown on the Site Plan. Building A, is a 9,000 square-foot building along Washington Avenue and Building B is located within the southeast corner of the site and measures 7,009 square feet. If the buildings were used as retail structures, adequate parking would be available. However, the applicant is proposing that building A be dedicated to restaurant use, which has a significantly higher parking standard

**MINUTES – Continued:**

than retail. The applicant is requesting a parking Variance to allow 93 spaces where 180 are required.

MR. LEOBOLD acknowledged that the addition of restaurants would be positive because currently, there are not many restaurants in the area and they could support the surrounding businesses and the nearby park. However, staff has concerns regarding the in only ramp from traffic on Buffalo Drive. There is no outgoing ramp onto Buffalo Drive. There is also a right-in, right-out connection onto Washington Avenue. A third access point goes east into the adjacent parking lot. Staff feels the type of restaurants supported by a center such as this one, generally have a high turnover rate which contributes to parking lot flow and traffic movement conflicts. The applicant has not been able to prove hardship in this instance and staff is recommending denial of the Variance.

The Site Plan is acceptable; however, there are some setback and perimeter landscaping requests, which are minor in nature. The development has been required to dedicate land to both the Buffalo Drive Overpass project and the trail uses being developed in the area. This applicant has agreed to assist in landscaping both onsite and within the trail alignment. For those reasons, staff feels the Site Plan could be approved subject to 18 conditions.

DAVID MOSS, 3000 Mason Avenue, appeared on behalf of the owner and stated that the applicant has several compelling reasons to justify approval the Variance. He explained that the Bonanza Trail, which is a pedestrian trail, links the adjacent properties along Summerlin Parkway to the shopping center and it then continues onto the City park. It also connects the Longford Medical Center to the shop site. The distance is approximately a quarter mile; however, it does justify some adjacent parking. There is a parking garage with approximately 600 parking spaces nearby as well.

CHRIS MURTAGH, Longford Homes, appeared on behalf of the applicant and added that the developer is also developing a 130,000 square-foot medical center to the west of this site. During that development process, it came the owners' attention that there were not many food establishments in the area. There are approximately three eating establishments nearby. The applicant decided to look into the development of two or three additional restaurants for the area. Eventually, the owner became aware of the nearby park and realized that the park traffic, the existing businesses and the owners' large development would provide an excellent opportunity for even more restaurant development. The subject site is an excellent location for multiple eating establishments.

MR. MOSS also stated that the Bonanza Trail is proposed to connect to the park across the street

**MINUTES – Continued:**

eventually. There would be a pedestrian connection between the park and the proposed restaurant center's parking lot. MR. MURTAGH said the City is considering the installation of a tunnel beneath Buffalo Drive that would be for pedestrian access to the park. He also said that there have been discussions with the adjacent property owner and an agreement has been reached for the applicant to use 40 of the neighbor's spaces near the K-Mart center to be dedicated as employee parking for the proposed restaurants.

COMMISSIONER McSWAIN confirmed with MR. MURTAGH that the applicant developed the nearby medical plaza. She concurred with staff regarding concessions on the Site Plan in exchange for the donation of the turn in but reminded everyone the turn in was created because it was the only way to make the site work with a medical plaza. She agreed the restaurants would enhance the area; however, the intersection is troublesome. COMMISSIONER McSWAIN felt that if the applicant wanted the restaurant usage, they would have to do something else with the proposed retail or make it all retail. She could not support the application as it was presented. The Commissioner also did not think it was realistic to expect customers to use the parking structure referenced by MR. MOSS. MR. MURTAGH concurred. She concluded by saying she might support one or two restaurants but she could not support a deviation of 50 percent.

COMMISSIONER STEINMAN asked about the grading that was currently underway at the site. MR. MURTAGH replied that there is some dirt from the medical center being stacked at that location and there has been some grading coming off the entrance. COMMISSIONER STEINMAN asked about the plans for the deep pit onsite. MR. MURTAGH said the drawings have not been done yet and they are going through the design parameters now. The Commissioner agreed with the comments of COMMISSIONER McSWAIN and said that this proposal could work with the elimination of building B. The site is being overbuilt and he did not believe the establishments could effectively enforce having their employees park near the K-Mart.

CHAIRMAN TRUESDELL asked staff to clarify how the recommendation was approval on the Site Plan with such a parking issue. MR. LEOBOLD explained that the site meets parking requirements if the entire center is retail. Condition 1 on the Site Plan Review indicates that no restaurant uses are allowed because there is insufficient parking for that use. Any restaurant uses would require approval of the companion Item 39 [VAR-5531]. If VAR-5531 is denied, Item 40 [SDR-5393] would be limited to retail use only and would not require a parking Variance.

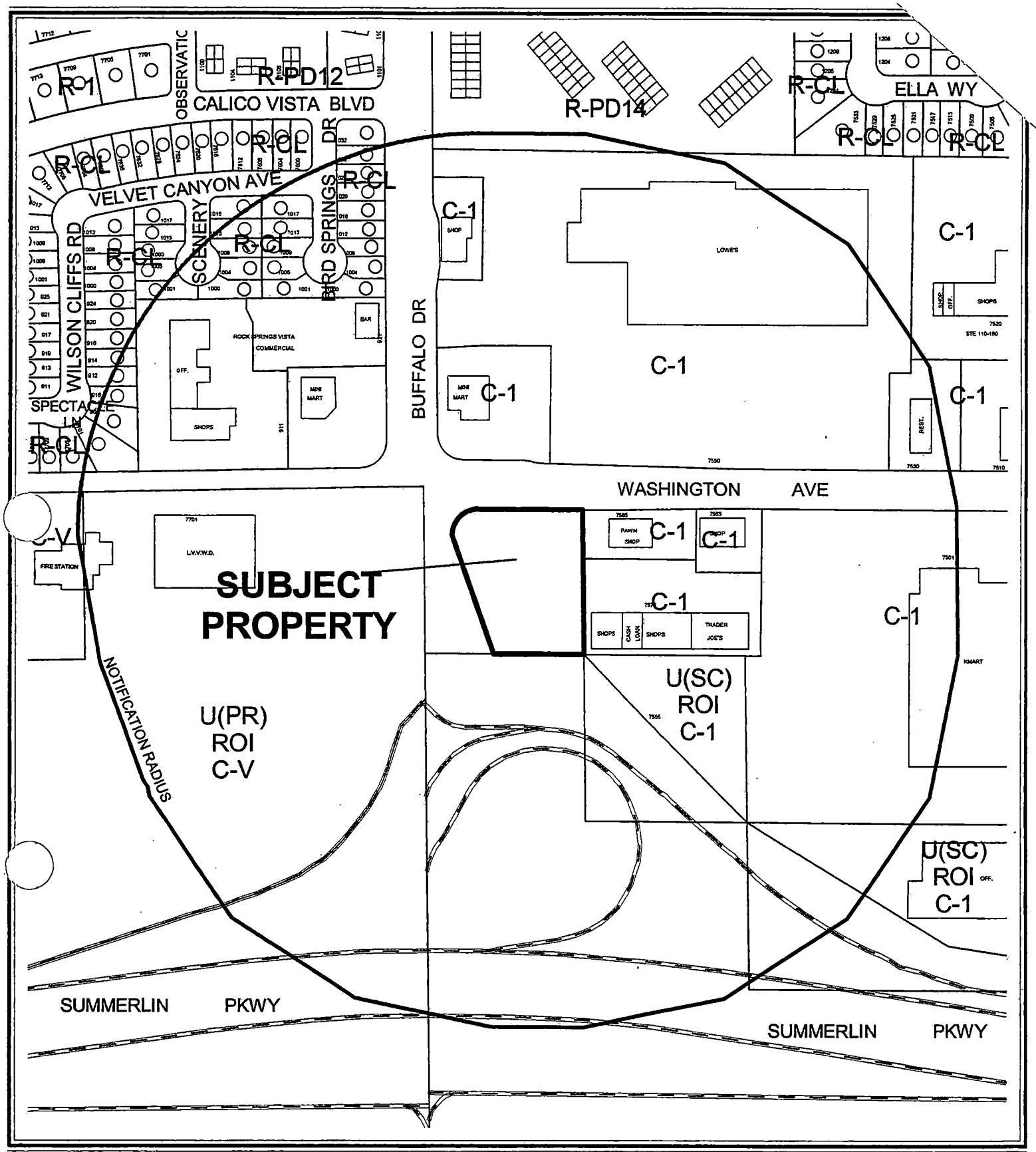
CHAIRMAN TRUESDELL did not feel that handling these items in this fashion would prevent other Variance requests from coming before the Commission. He felt that restaurant uses would be appropriate at this site in the right context. With the density of the development, he was uncomfortable with the way the item was being handled.

**MINUTES – Continued:**
VICE CHAIRMAN NIGRO pointed out that if a use was not retail, it would come before the Commission for a Variance. COMMISSIONER McSWAIN asked if he was uncomfortable supporting the Site Plan Review because he anticipated the Variance request at a later time. He replied that the Commission should be reviewing a Site Plan that is appropriate for what the use should be and not working the process backwards to get the restaurants into the site. He reiterated that this is an appropriate site for food establishments, if handled properly.

Subsequent to the motion, DEPUTY CITY ATTORNEY BRYAN SCOTT indicated the denial of the Variance application was listed as Final Action; however, the Site Development Review was to be heard by City Council on 12/15/2004. He asked CHAIRMAN TRUESDELL if it was the Commission's wish to have both items move forward to City Council without the applicant having to file an appeal. CHAIRMAN TRUESDELL said that if the applicant wanted to appeal the denial of Item 39 [VAR-5531] they would have to file an appeal within 10 days.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 39 [VAR-5531] and Item 40 [SDR-5393].

(10:00 – 10:16)
**3-1583**




0 200 400 Feet

**CASE:** **VAR-5531**

**RADIUS:** 750 FT

**ZONING OF SUBJECT PROPERTY:**
U (UNDEVELOPED) ZONE [SC (SERVICE COMMERCIAL) GENERAL PLAN DESIGNATION]
UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL)

N

City of Las Vegas

## AGENDA MEMO

**PLANNING COMMISSION MEETING DATE: NOVEMBER 18, 2004**
**DEPARTMENT: PLANNING AND DEVELOPMENT**
**ITEM DESCRIPTION: VAR-5531 - APPLICANT/OWNER: BUFFALO WASHINGTON III, LLC**

## ** 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-5393].

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

# ** STAFF REPORT **

## APPLICATION REQUEST

### *A) Action Requested*

This application is a request for a Variance to allow 93 parking spaces where 180 spaces are the minimum required for a proposed 16,009 square-foot commercial retail center on 1.55 acres adjacent to the southeast corner of Buffalo Drive and Washington Avenue.

### *B) Applicant's Justification*

The applicant has justified this request by stating that this project will be an asset for this fast-growing area of the City and will provide retail and restaurant opportunities for patrons of the balance of the commercial and office development adjacent to this site and for users of the nearby city park to the west.

## BACKGROUND INFORMATION

### *A) Previous Actions*

11/02/83 The City Council approved a Petition (A-0010-83) to Annex property generally located west of Lorenzi Boulevard, between Westcliff Drive and Washington Avenue, containing approximately 922 acres of land, including the subject site. The Planning Commission recommended approval on 11/02/83. The effective date was 12/30/83.

12/07/94 The City Council approved a Rezoning (Z-0131-94) from U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] to C-1 (Limited Commercial) for this site as part of a larger request. The Planning Commission had recommended Approval on 12/07/94. The Rezoning expiration date was 12/07/95.

02/07/96 The City Council approved a Reinstatement and an Extension of Time of an approved Rezoning [Z-0131-94(1)], which expired on 12/07/95. The Planning Commission had recommended Approval on 01/11/96. The Rezoning expiration date was 02/07/97.

05/12/97 The City Council approved a Reinstatement and second Extension of Time [Z-0131-94(2)] of an approved Rezoning (Z-0131-94) with an expiration date of 05/12/98. The Planning Commission had recommended Approval on 04/10/97.

07/13/98 The City Council approved a third Extension of Time [Z-0131-94(4)] of an approved Rezoning (Z-0131-94) with no time limit. The Planning Commission had recommended Approval on 06/11/98.

11/21/02 The Planning Commission approved a request for a Site Development Plan Review (SDR-1046) for a proposed 11,987 square-foot Pharmacy on 2.5 acres located adjacent to the southeast corner of Buffalo Drive and Washington Avenue. Staff had recommended approval.

11/18/04 The Planning Commission will consider a companion request for a Site Development Plan Review (SDR-5393) for a proposed 16,009 square-foot commercial retail center and waivers of building setbacks, building orientation and perimeter and foundation landscaping standards on the subject site, concurrently with this request.

***B) Pre-Application Meeting***

09/17/04 The applicant was advised of the deficiencies with respect to Code that were represented by this request, and was advised of the procedures to address the approval of these deficiencies.

***C) Neighborhood Meetings***

A neighborhood meeting is not required for this application.

**DETAILS OF APPLICATION REQUEST**

***A) Site Area***

Gross Acres: 1.55

***B) Existing Land Use***

| | |
|---|---|
| Subject Property: | Undeveloped |
| North: | Commercial center |
| South: | Summerlin Parkway |
| East: | Commercial Center |
| West: | City Park/Fire Station |

GL

***C) Planned Land Use***

| | |
|---|---|
| Subject Property: | SC (Service Commercial) |
| North: | SC (Service Commercial) |
| South: | ROW (Right-of-way) |
| East: | SC (Service Commercial) |
| West: | P/R/OS (Parks/Recreation/Open Space) |

***D) Existing Zoning***

| | |
|---|---|
| Subject Property: | U (Undeveloped) [SC (Service Commercial) General Plan Designation] under a Resolution of Intent to C-1 (Limited Commercial) |
| North: | C-1 (Limited Commercial) |
| South: | U (Undeveloped) [ROW (Right-of-Way] |
| East: | C-1 (Limited Commercial) |
| West: | U (Undeveloped) [P/R/OS (Parks/Recreation/Open Space) General Plan Designation) under a Resolution of Intent to C-V (Civic) |

***E) General Plan Compliance***

The subject property is located within the Southwest Sector of the General Plan. The property is designated SC (Service Commercial) in the General Plan. The Variance request is not directly impacted by any specific policies of the General Plan.

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

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

**ANALYSIS**

***A) Zoning Code Compliance***

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

| Uses | GFA | Required Parking Ratio | Required Parking Regular | Required Parking Handicap | Provided Parking Regular | Provided Parking Handicap |
|---|---|---|---|---|---|---|
| General Retail, Other than Listed (under 25,000 s.f.) | 7,009 s.f. | 1 space/175 s.f.GFA | 41 spaces | | | |
| Restaurant | 9,000 s.f. | 1 space/50 s.f. seating area + 1 space/200 s.f. remaining area | 139 spaces | | | |
| Totals | | | 180 spaces | 6 spaces | 93 spaces | 4 spaces |

The site plan would slightly exceed the parking requirements of the Code if solely developed for retail uses; however, the applicant is proposing that Building A be entirely developed for restaurant uses. As the parking standards for these uses are significantly higher than for retail uses, the requested deviation from Code standard is 48.3%.

The Department of Public Works states that it supports present City Code parking requirements; therefore it cannot support the Variance request for property located on the southeast corner of Buffalo Drive and Washington Avenue to allow 93 parking spaces where 180 spaces are the minimum allowed.

Public Works further notes that this site is the subject of a Site Development Plan Review SDR-5393; all site-related conditions of approval are addressed with that action.

***B) General Analysis and Discussion***

The applicant requires the Variance to enable one of the two buildings on the subject site to be developed entirely for restaurant uses. The site plan and the two buildings, if not used for restaurant purposes, would have sufficient parking to meet Code requirements. The nature of restaurants, particularly the small coffee, ice cream and lunch service type of operations that characterize commercial centers of this scale, have relatively high volume customer turnover that translates into parking and traffic demands for which this site is unsuited. With two restricted access points from major streets, and a third access point which requires access through an adjacent parcel, it is suggested that the scope of the requested Variance is unacceptable, and therefore denial is recommended.

GL

**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, in that the applicant has created a self-imposed hardship by attempting to propose uses for the site that have high traffic and parking demands for which the site is unsuited. Alternative use of the site for retail commercial uses would allow for 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. Denial of this request is therefore recommended.

**NOTICES MAILED** 285 [Mailed with SDR-5393]

**APPROVALS** 0

**PROTESTS** 0

GL

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

# PLANNING & DEVELOPMENT DEPARTMENT

## STATEMENT OF FINANCIAL INTEREST

Case Number: **VAR-5531** APN: 138-27-301-015

Name of Property Owner: BUFFALO WASHINGTON III, LLC.

Name of Applicant: CHRIS MURTAGH

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: C. Murtagh

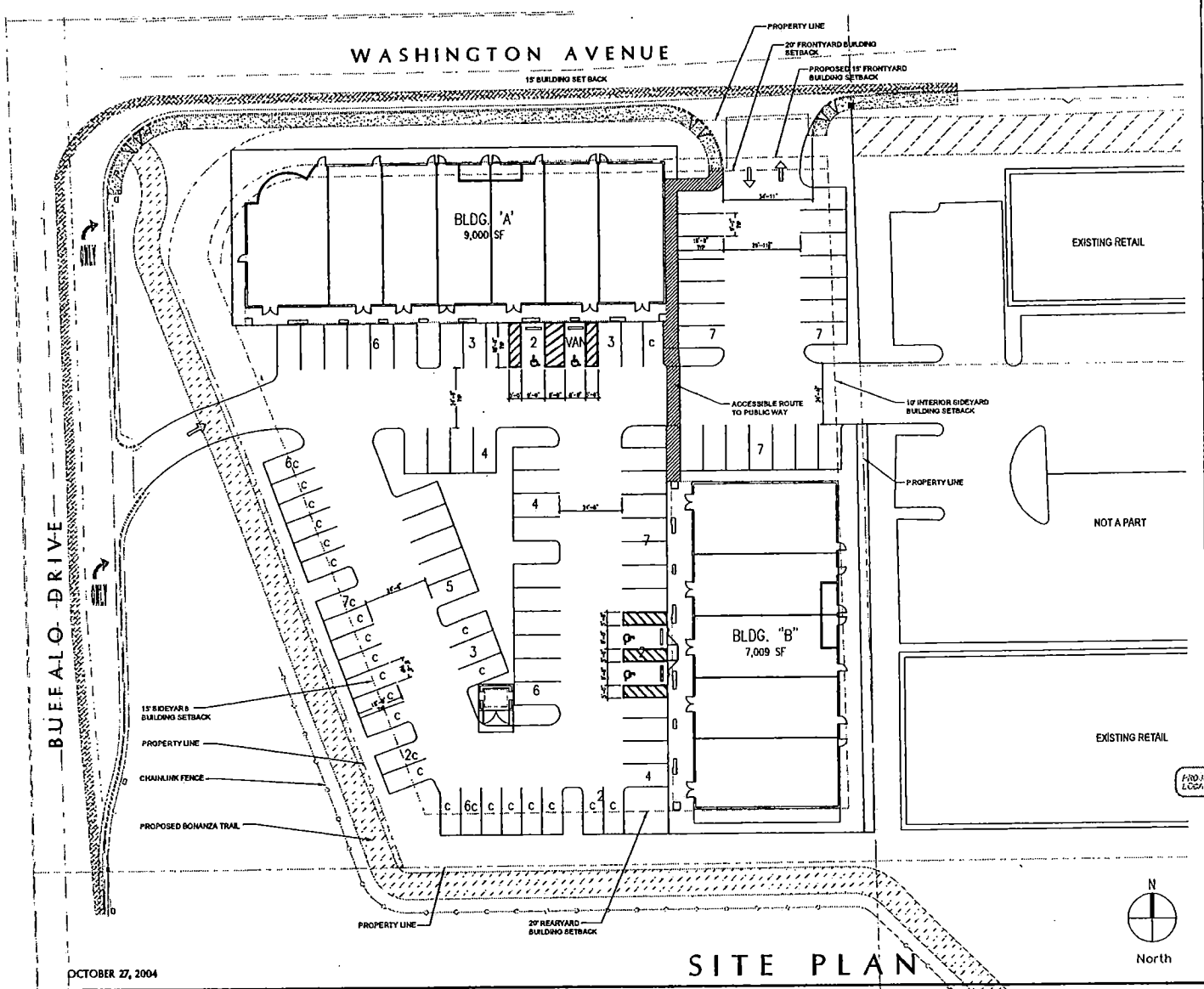
Print Name: C. MURTAGH

Subscribed and sworn before me

This 27th day of OCTOBER, 2006

Notary Public in and for said County and ~~State~~

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
RONALD E. SINGER
Appt. No. 96-3207-1
My Appt. Expires March 7, 2008




## SITE ANALYSIS

| | | |
|---|---|---|
| PARCEL NUMBER | | 138-27-301-015 |
| SITE AREA | 1.55 ACRES | 67,518 SF |
| FLOOR AREA RATIO | | 23.7% |
| BUILDING AREAS | | |
| BUILDING 'A' – BUSINESS/RESTAURANT/RETAIL USE | | 9,000 SF |
| BUILDING 'B' – BUSINESS/RETAIL USE | | 7,009 SF |
| TOTAL | | 16,009 SF |

City of Las Vegas Municipal Code (TITLE 19)
Chapter 19.10, Table 1.

PARKING SPACES REQUIRED
FOR BUILDING 'A'

1 SPACE FOR EACH 50 SF OF PUBLIC SEATING/EATING AREAS & WAITING AREA, PLUS ONE SPACE FOR EACH 200 SF OF REMAINING GSF, MINIMUM OF 10 SPACES.

PUBLIC SEATING/ EATING AREAS = .67% OF AREA
REMAINING GSF = .33% OF AREA

| | |
|---|---|
| SUITE 'A' | |
| 1102 SF @ 1/50 SF= | 22 SPACES |
| 543 SF @ 1/200 SF= | 3 SPACES |
| SUITE 'B','C','F' | |
| 808 SF @ 1/50 SF= | 17 X 3 = 51 SPACES |
| 398 SF @1/200 SF= | 2 X 3 = 6 SPACES |
| SUITE 'D','E' | |
| 749 SF @ 1/50 SF= | 17 X 2 = 30 SPACES |
| 369 SF @1/200 SF= | 2 X 2 = 4 SPACES |
| SUITE 'G' | |
| 1006 SF @ 1/50 SF= | 20 SPACES |
| 495 SF @ 1/200 SF= | 3 SPACES |
| | 139 SPACES REQUIRED |

PARKING SPACES REQUIRED
FOR BUILDING 'B'

| | |
|---|---|
| 7,009 SF @ 1/175 SF = | 41 SPACES |
| TOTAL SPACES REQUIRED | 180 SPACES |
| PARKING SPACES PROVIDED | 64 FULL SIZED SPACES<br>4 ACCESSIBLE SPACES<br>25 COMPACT SPACES |
| | 93 SPACES PROVIDED |

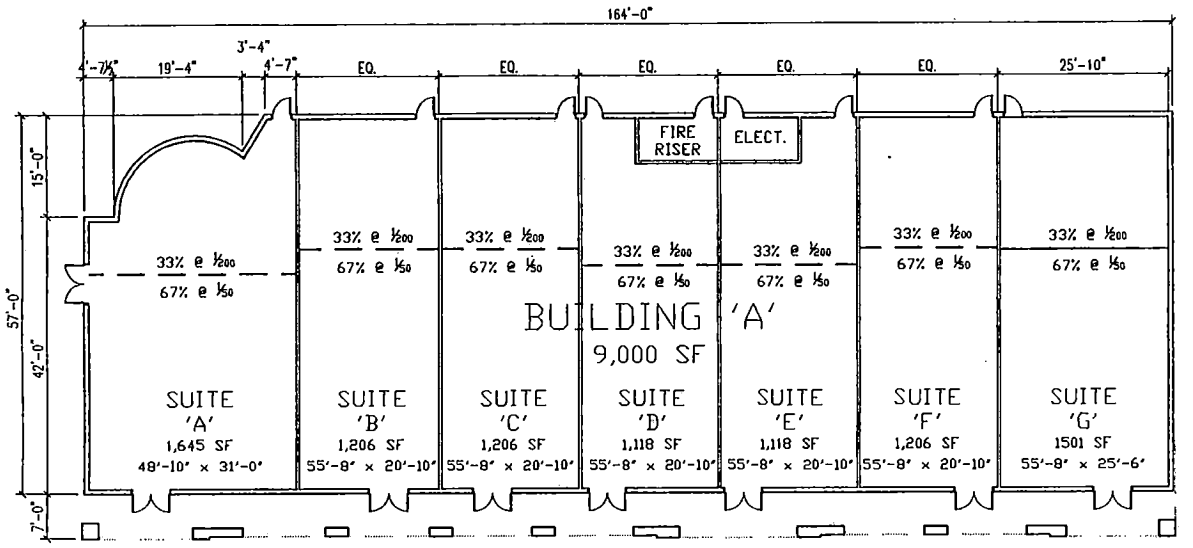
OCTOBER 27, 2004

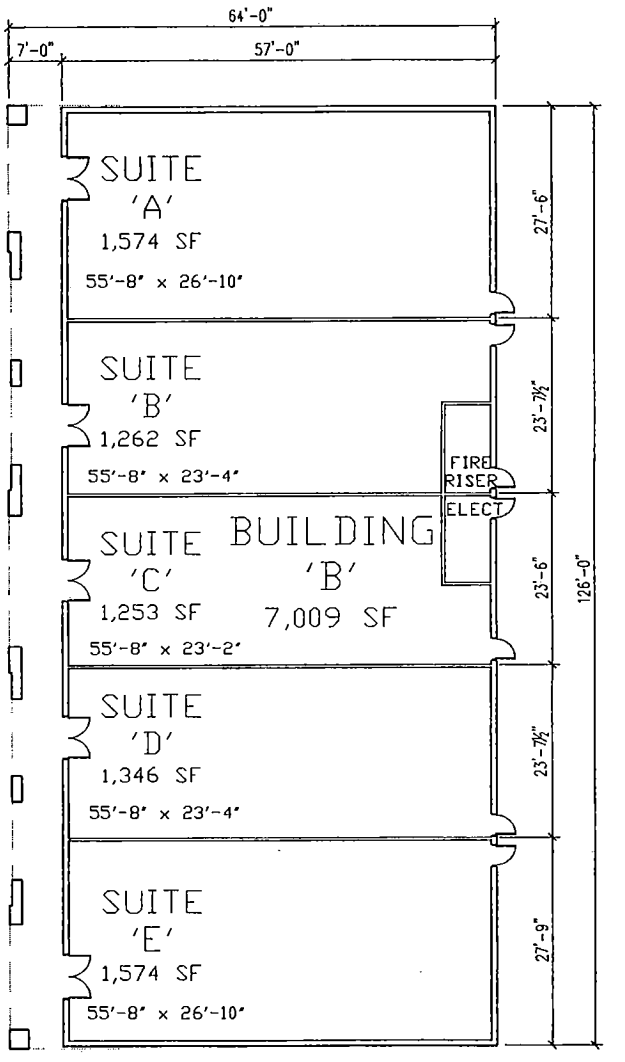
# SITE PLAN

LONGFORD SHOPPES AT SUMMERLIN PARKWAY
SEC WASHINGTON AVENUE AND BUFFALO DRIVE
LAS VEGAS, NEVADA

PGAL

VAR-5531
11/18/04 PC
RECEIVED
OCT 27 2004




## MAXIMUM OCCUPANCY

BUILDING 'A'

MAXIMUM OCCUPANCY FOR RESTAURANT USE PER 2000 I.B.C. = 1 OCC./15 SF
9,000 SF X .67 /15 SF = 402 OCCUPANTS
MAXIMUM OCCUPANCY FOR COMMERCIAL KITCHEN USE PER 2000 I.B.C. = 1 OCC./200 SF
9,000 SF X .33 / 200 SF = 15 OCCUPANTS

BUILDING 'B'

MAXIMUM OCCUPANCY FOR BUSINESS USE PER 2000 I.B.C. = 1 OCC./100 SF
7,009 SF / 100 SF = 71 OCCUPANTS

N
North

OCTOBER 27, 2004

# FLOOR PLANS

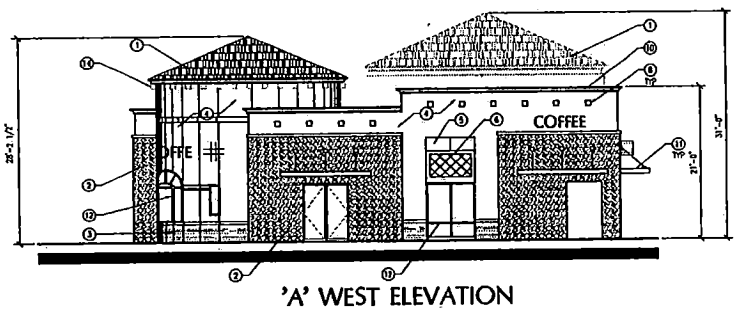
1/16"=1'-0"

LONGFORD SHOPPES AT SUMMERLIN PARKWAY
SEC WASHINGTON AVENUE AND BUFFALO DRIVE
LAS VEGAS, NEVADA

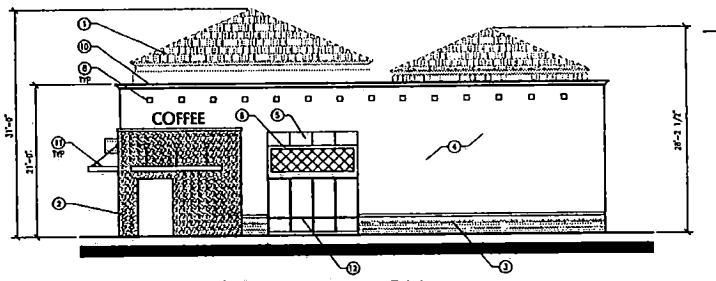
PGAL

VAR-5531
11/18/04 PC

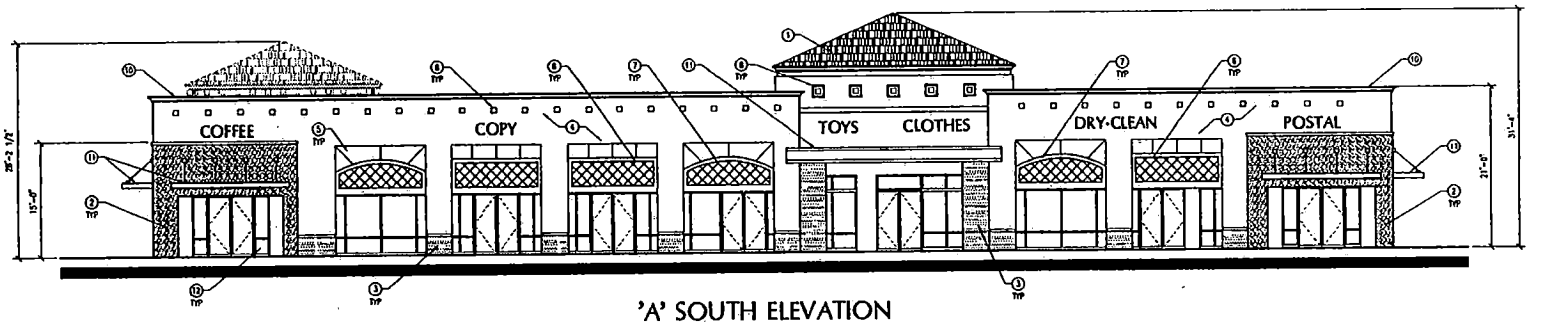
RECEIVED
OCT 27 2004



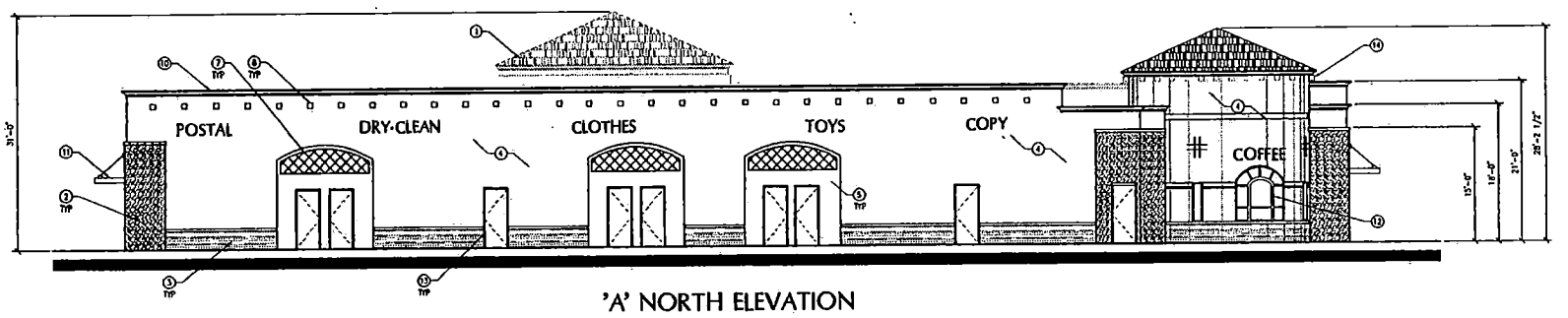

'A' WEST ELEVATION




'A' EAST ELEVATION




'A' SOUTH ELEVATION




'A' NORTH ELEVATION

## ① KEYNOTES

1. SCONCRETE SLATE ROOF -EAGLE ROOFING, #HP-4548.
2. CORONADO CULTURED STONE, "CANYON LEDGE"
3. CORONADO CULTURED STONE, "VIRGINIA LEDGE"
4. CEMENT PLASTER, FIELD COLOR: FRAZEE 8693M
5. CEMENT PLASTER, ACCENT COLOR: FRAZEE 8672W
6. PAINTED METAL GRID - COLOR: FRAZEE 7466N
7. PAINTED METAL GRID - COLOR: FRAZEE 8126N
8. CERAMIC TILE INSETS, COLOR TO MATCH FRAZEE 7466N
9. CEMENT PLASTER FINISHED POP-OUT WITH TILE INSET, TILE TO MATCH FRAZEE 7466N
10. PRE-FABRICATED FOAM CROWN, PAINTED FIELD ACCENT COLOR: FRAZEE 8672W
11. METAL SHADE ELEMENT, PAINTED, FRAZEE 8126N
12. INSULATED GLAZING
13. METAL DOOR, PAINTED, FRAZEE 8672W
14. PAINTED CORBELS- ACCENT FIELD COLOR: FRAZEE 8672W

OCTOBER 27, 2004

# BUILDING 'A' ELEVATIONS

1/16"=1'-0"

LONGFORD SHOPPES AT SUMMERLIN PARKWAY
SEC WASHINGTON AVENUE AND BUFFALO DRIVE
LAS VEGAS, NEVADA

PGAL

**VAR-5531**

**11/18/04 PC**

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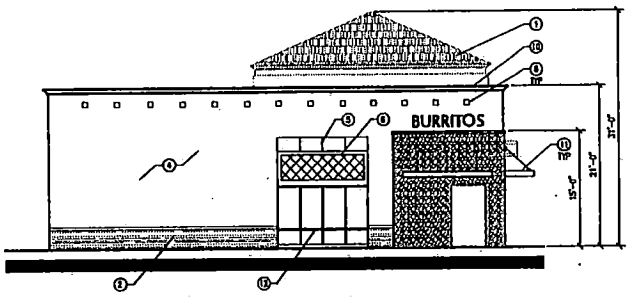
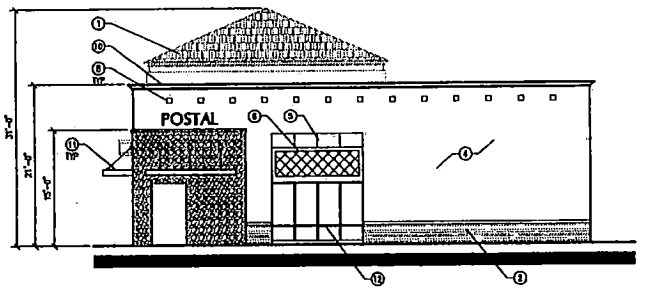
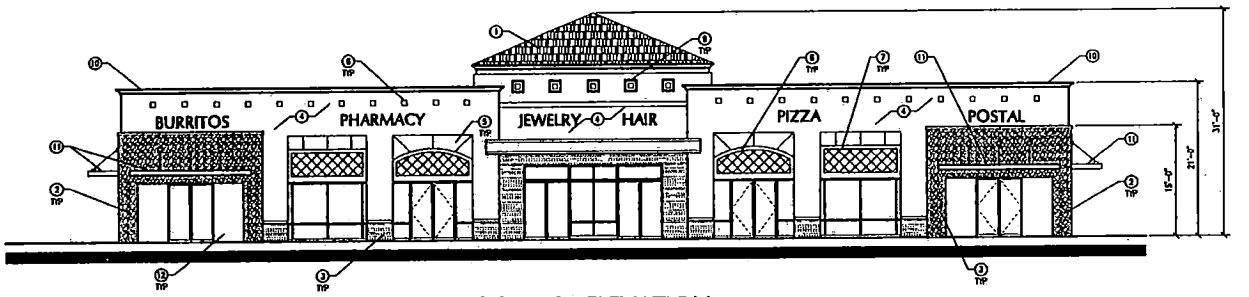


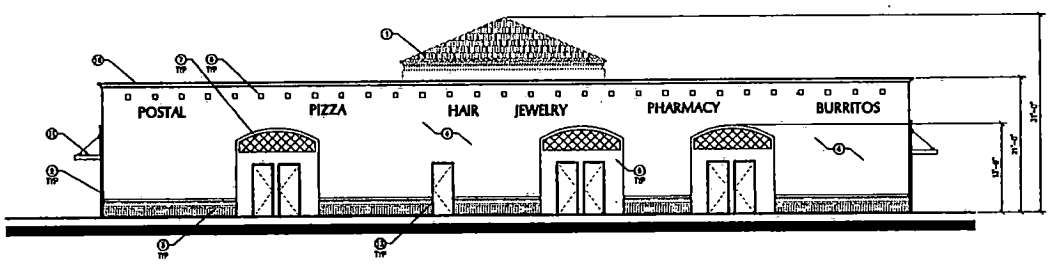

'B' SOUTH ELEVATION




'B' NORTH ELEVATION




'B' WEST ELEVATION




'B' EAST ELEVATION

## ① KEYNOTES

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OCTOBER 27, 2004

# BUILDING 'B' ELEVATIONS

1/16"=1'-0"

LONGFORD SHOPPES AT SUMMERLIN PARKWAY
SEC WASHINGTON AVENUE AND BUFFALO DRIVE
LAS VEGAS, NEVADA

PGAL

VAR-5531
11/18/04 PC

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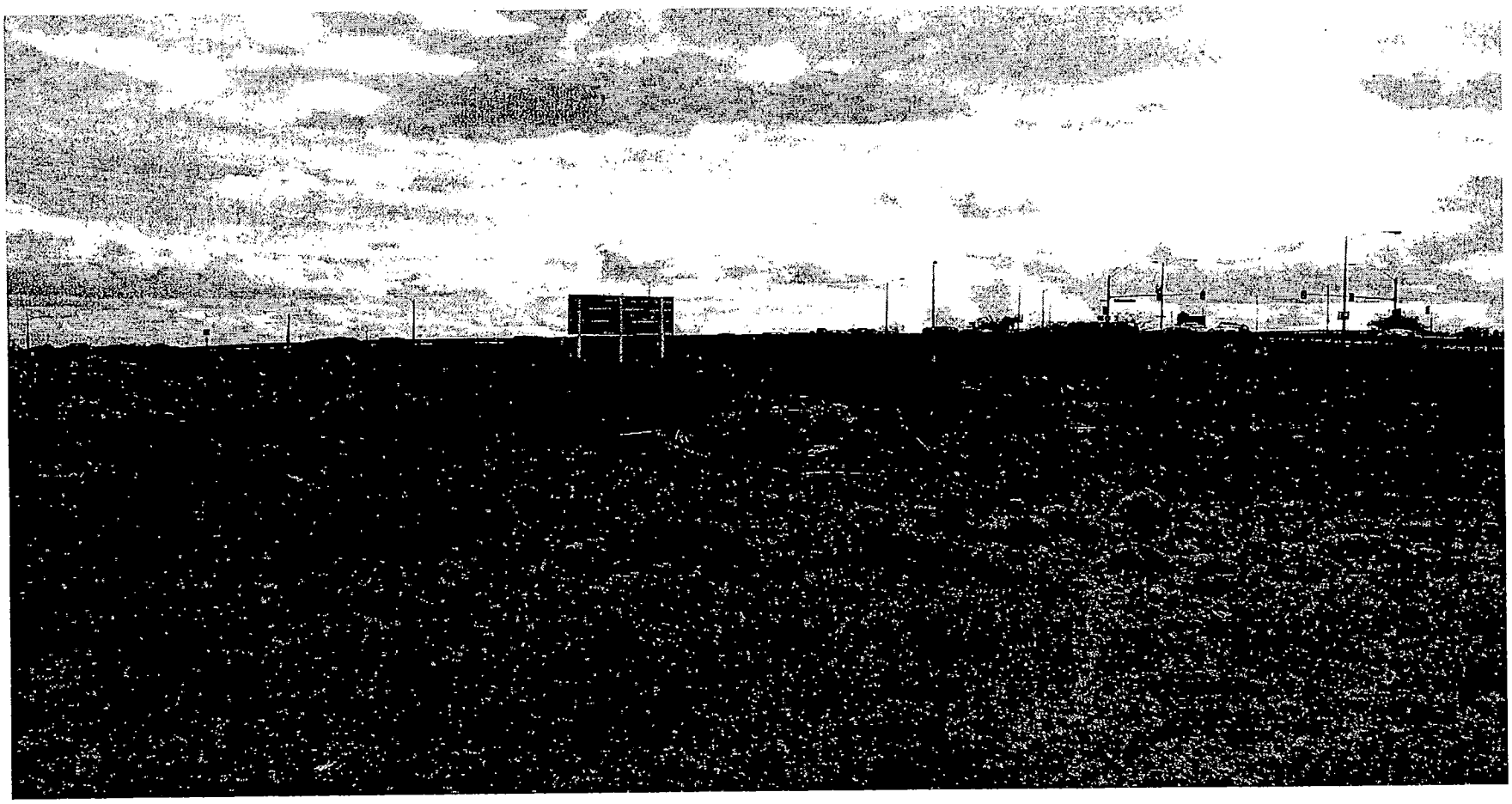


VAR-5331 - APPLICANT/OWNER: BUFFALO WASHINGTON III, LLC
SOUTHEAST CORNER OF BUFFALO DRIVE AND WASHINGTON AVENUE
NOVEMBER 18, 2004 PLANNING COMMISSION

10/28/04

VAR-5331 - APPLICANT/OWNER: BUFFALO WASHINGTON III, LLC
SOUTHEAST CORNER OF BUFFALO DRIVE AND WASHINGTON AVENUE
NOVEMBER 18, 2004 PLANNING COMMISSION

10/28/04

City of Las Vegas

Agenda Item No.: 40

## AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

**PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004**

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

**SUBJECT:**
**SDR-5393 - SITE DEVELOPMENT PLAN REVIEW RELATED TO – PUBLIC HEARING - APPLICANT/OWNER: BUFFALO WASHINGTON III, LLC** - Request for a Site Development Plan Review FOR A PROPOSED 16,009 SQUARE FOOT COMMERCIAL RETAIL CENTER AND WAIVERS OF BUILDING SETBACKS, BUILDING ORIENTATION AND PERIMETER AND FOUNDATION LANDSCAPING STANDARDS on 1.55 acres adjacent to the southeast corner of Buffalo Drive and Washington Avenue (APN 138-27-301-015), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 2 (Wolfson).

**IF APPROVED: C.C.: 12/15/04**
**IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)**

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

**RECOMMENDATION:**
Staff recommends APPROVAL.

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

**MOTION**:
**McSWAIN – APPROVED subject to conditions – Motion carried with GOYNES and STEINMAN voting NO**

**To be heard by City Council 12/15/2004**

**MINUTES:**
See Item 39 [VAR-5531] for all related discussion on Item 39 [VAR-5531] and Item 40 [SDR-5393].

(10:00 – 10:16)
**3-1583**

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 40 – SDR-5393

**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. The approval is subject to development of the project for retail uses, with no restaurant uses, as the site plan has insufficient parking for these uses. Approval of such restaurant uses shall require prior approval of companion Variance (VAR-5531).

2. All development shall be in conformance with the site plan and building elevations, 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. 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.]

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

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

7. 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.

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

**CONDITIONS – Continued:**

9. 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.

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.

12. Prior to approval of any final map, developer is required to adopt a plan for the maintenance of infrastructure improvements. The plan is to include a listing of all infrastructure improvements, along with assignment of maintenance responsibility to common interest community, individual property owner, or City of Las Vegas, and the proposed level of maintenance for privately maintained components. The agreement must be approved by the City of Las Vegas, and must include a certification by the licensed professional engineer of record that all infrastructure components are addressed in the maintenance plan. The plan must include a statement that all properties within the community are subject to assessment for all associated costs should private maintenance obligations not be met, and the City of Las Vegas be required to provide for said maintenance. The adoption process must include recordation of the plan against all parcels prior to approval of the final map. In addition, should the development have a recreational trail, in accordance with NRS 278.4787, the following text should be added prior to the last sentence to the previous text: The plan shall note that the recreational trail to be transferred to the ownership of the City of Las Vegas shall be maintained at a basic level through utilization of public resources. That basic level to be defined as removal of debris and surface grading once every calendar year. Should additional maintenance activities be requested by the common interest community, or members thereof, the associated costs shall be assessed to the common interest community and/or members thereof.

13. 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

14. 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:**

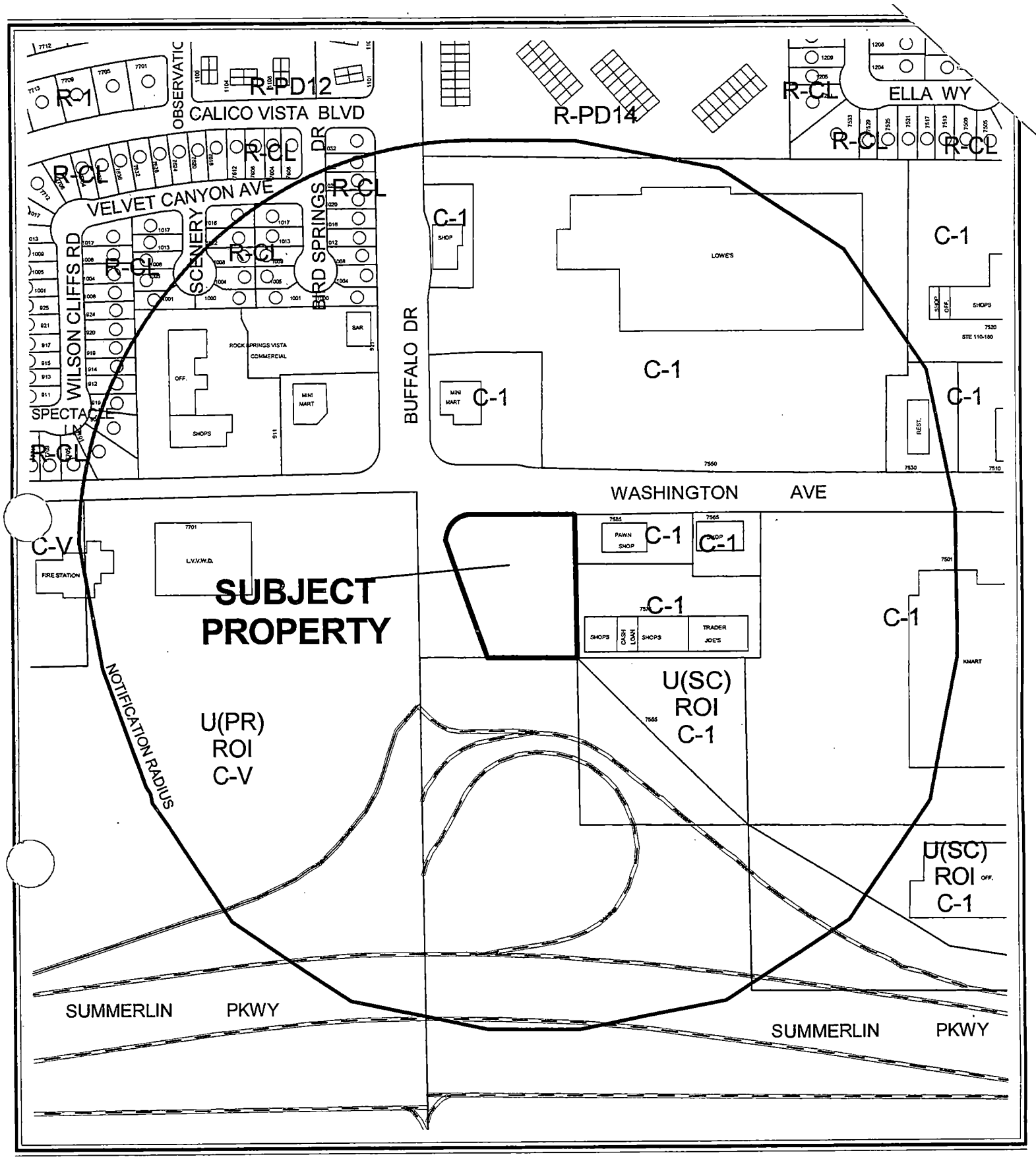
15. Construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site; the connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network; the connecting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

16. Coordinate with the City Engineer to determine the feasibility of locating the required multi-use non-equestrian trail path and landscape (if desired) within the undeveloped portion of the Buffalo Drive public right-of-way and the federal Bureau of Land Management-owned parcel adjacent to the south edge of this site. If location of the trail path cannot be allowed within the adjacent property, this site plan shall be redesigned to accommodate the trail path completely within the applicant's property. An Encroachment Agreement shall be required for all landscaping and private improvements located in the public right-of-way adjacent to this site prior to occupancy of this site.

17. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of any construction drawings on this site.

18. 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.

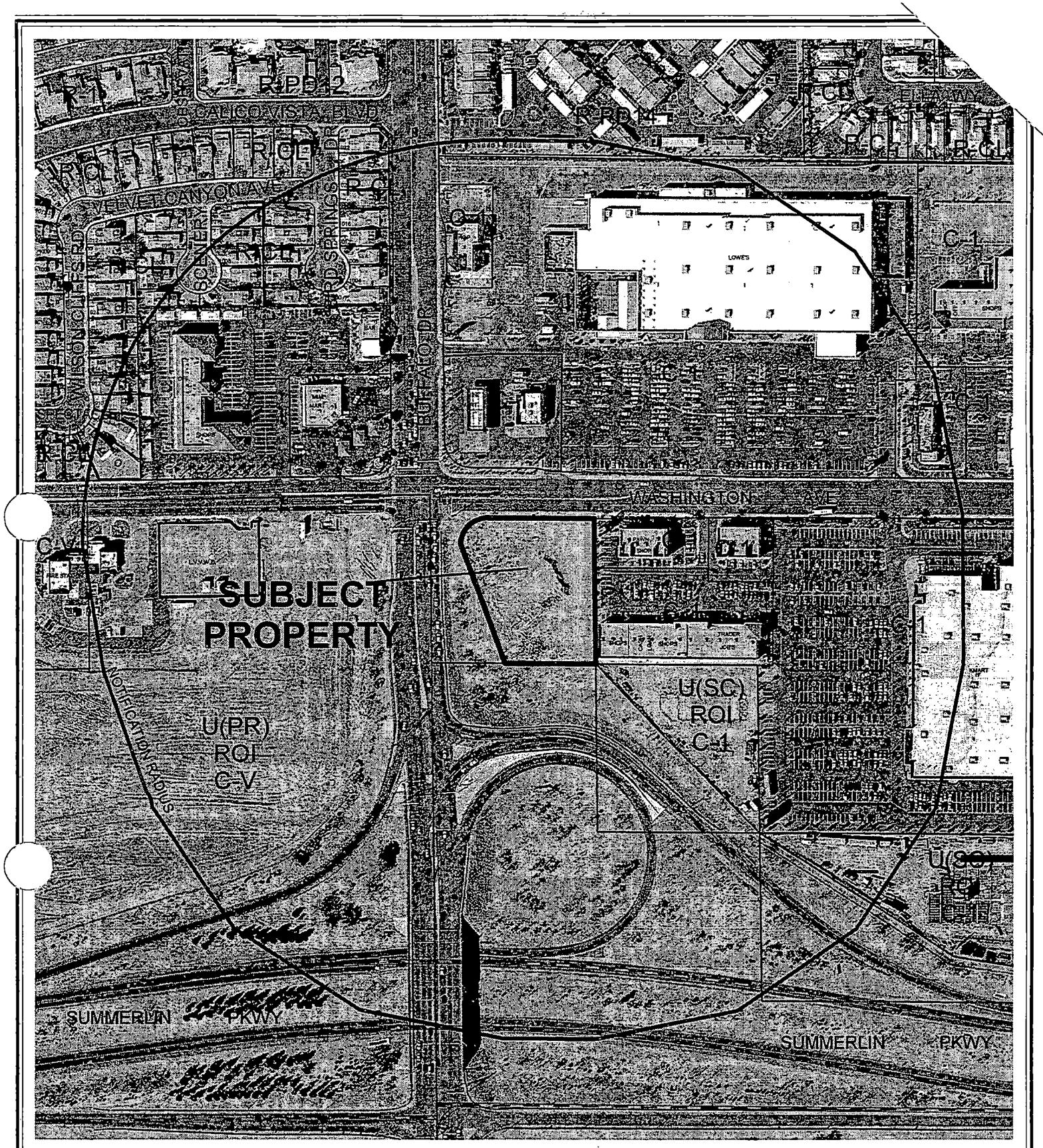
19. Site development to comply with all applicable conditions of approval for Z-131-94 and all other applicable site-related actions.




**CASE:** **SDR-5393**

**RADIUS:** 750 FT

**ZONING OF SUBJECT PROPERTY:**
U (UNDEVELOPED) ZONE [SC (SERVICE COMMERCIAL) GENERAL PLAN DESIGNATION]
UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL)




**CASE:** **SDR-5393**

**RADIUS:** 750 FT

0 200 400 Feet

**ZONING OF SUBJECT PROPERTY:**

U (UNDEVELOPED) ZONE [SC (SERVICE COMMERCIAL) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL)

N

City of Las Vegas

## AGENDA MEMO

**PLANNING COMMISSION MEETING DATE: NOVEMBER 18, 2004**
**DEPARTMENT: PLANNING AND DEVELOPMENT**
**ITEM DESCRIPTION: SDR-5393 - APPLICANT/OWNER: BUFFALO WASHINGTON III, 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. The approval is subject to development of the project for retail uses, with no restaurant uses, as the site plan has insufficient parking for these uses. Approval of such restaurant uses shall require prior approval of companion Variance (VAR-5531).

2. All development shall be in conformance with the site plan and building elevations, 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. 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.]

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

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***Public Works***

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17. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of any construction drawings on this site.

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19. Site development to comply with all applicable conditions of approval for Z-131-94 and all other applicable site-related actions.

# ** STAFF REPORT **

## APPLICATION REQUEST

### *A) Action Requested*

This application is a request for a Site Development Plan Review for a proposed 16,009 square-foot commercial retail center and waivers of building setbacks, building orientation and perimeter and foundation landscaping standards on 1.55 acres adjacent to the southeast corner of Buffalo Drive and Washington Avenue.

### *B) Applicant's Justification*

The applicant has justified this request by stating that this project will be an asset for this fast-growing area of the City and will provide retail and restaurant opportunities for patrons of the balance of the commercial and office development adjacent to this site and for users of the nearby city park to the west.

## BACKGROUND INFORMATION

### *A) Previous Actions*

11/02/83 The City Council approved a Petition (A-0010-83) to Annex property generally located west of Lorenzi Boulevard, between Westcliff Drive and Washington Avenue, containing approximately 922 acres of land, including the subject site. The Planning Commission recommended approval on 11/02/83. The effective date was 12/30/83.

12/07/94 The City Council approved a Rezoning (Z-0131-94) from U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] to C-1 (Limited Commercial) for this site as part of a larger request. The Planning Commission had recommended Approval on 12/07/94. The Rezoning expiration date was 12/07/95.

02/07/96 The City Council approved a Reinstatement and an Extension of Time of an approved Rezoning [Z-0131-94(1)], which expired on 12/07/95. The Planning Commission had recommended Approval on 01/11/96. The Rezoning expiration date was 02/07/97.

05/12/97 The City Council approved a Reinstatement and second Extension of Time [Z-0131-94(2)] of an approved Rezoning (Z-0131-94) with an expiration date of 05/12/98. The Planning Commission had recommended Approval on 04/10/97.

GL

07/13/98 The City Council approved a third Extension of Time [Z-0131-94(4)] of an approved Rezoning (Z-0131-94) with no time limit. The Planning Commission had recommended Approval on 06/11/98.

11/21/02 The Planning Commission approved a request for a Site Development Plan Review (SDR-1046) for a proposed 11,987 square-foot Pharmacy on 2.5 acres located adjacent to the southeast corner of Buffalo Drive and Washington Avenue. Staff had recommended approval.

11/18/04 The Planning Commission will consider a companion request for a Variance (VAR-5531) to allow 93 parking spaces where 180 spaces are the minimum required for a proposed 16,009 square-foot commercial retail center on the subject site, concurrently with this request.

***B) Pre-Application Meeting***

09/17/04 The applicant was advised of the deficiencies with respect to Code that were represented by this request, and was advised of the procedures to address the approval of these deficiencies.

***C) Neighborhood Meetings***

A neighborhood meeting is not required for this application.

**DETAILS OF APPLICATION REQUEST**

***A) Site Area***

Gross Acres: 1.55

***B) Existing Land Use***

| | |
|---|---|
| Subject Property: | Undeveloped |
| North: | Commercial center |
| South: | Summerlin Parkway |
| East: | Commercial Center |
| West: | City Park/Fire Station |

***C) Planned Land Use***

| | |
|---|---|
| Subject Property: | SC (Service Commercial) |
| North: | SC (Service Commercial) |
| South: | ROW (Right-of-way) |
| East: | SC (Service Commercial) |
| West: | P/R/OS (Parks/Recreation/Open Space) |

GL

***D) Existing Zoning***

| | |
|---|---|
| Subject Property: | U (Undeveloped) [SC (Service Commercial) General Plan Designation] under a Resolution of Intent to C-1 (Limited Commercial) |
| North: | C-1 (Limited Commercial) |
| South: | U (Undeveloped) [ROW (Right-of-Way] |
| East: | C-1 (Limited Commercial) |
| West: | U (Undeveloped) [P/R/OS (Parks/Recreation/Open Space) General Plan Designation) under a Resolution of Intent to C-V (Civic) |

***E) General Plan Compliance***

The subject property is located within the Southwest Sector of the General Plan. The property is designated SC (Service Commercial) in the General Plan. The property is zoned U (Undeveloped) under Resolution of Intent to C-1 (Limited Commercial). The C-1 zoning district conforms to this land use classification. The site plan conforms to the requirements of the current land use designation.

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

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

**PROJECT DESCRIPTION**

The project will consist of two one-story commercial retail buildings. Building A, which is to be oriented east-west on the north edge of the subject site, will contain 9,000 square feet and be divided into seven roughly equal commercial retail units. Building B, containing 7,009 square feet, will be oriented north-south on the east side of the site, and will be divided into five commercial retail units. The principal parking field will be located to the south and west of these buildings, with a secondary parking area to the east of Building A. Access to the site will be limited to a right-in only for northbound traffic on Buffalo Drive, and a right-in/right-out drive from Washington Avenue eastbound. A third access point will link the site internally with the parking area of the retail and office complex to the immediate east of the subject site.

## ANALYSIS

### *A) Zoning Code Compliance*

A1) Development Standards

Pursuant to Las Vegas Zoning Code Section 19.08, the following Development Standards apply to the subject proposal:

| Standards | Required | Provided | Compliance |
|---|---|---|---|
| Min. Lot Width | 100 Feet | 185 Feet | Y |
| Min. Setbacks | | | |
| • Front | 20 Feet | 15 Feet | N |
| • Side | 10 Feet | 10 Feet | Y |
| • Corner | 15 Feet | 5 Feet | N |
| • Rear | 20 Feet | 10 Feet | N |
| Max. Lot Coverage | 50 % | 23.7% | Y |
| Max. Building Height | None | 31.3 Feet | Y |

The proposed commercial development does not meet the setback requirements provided in Section 19.08; however, the applicant has requested waivers of these setback provisions based on the irregular shape of the parcel.

A2) Residential Adjacency Standards

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

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, Other than Listed (under 25,000 s.f.) | 7,009 s.f. | 1 space/175 s.f.GFA | 41 spaces | | | |
| Restaurant | 9,000 s.f. | 1 space/50 s.f. seating area + 1 space/200 s.f. remaining area | 139 spaces | | | |
| Totals | | | 180 spaces | 6 spaces | 93 spaces | 4 spaces |

The site plan would slightly exceed the parking requirements of the Code if solely developed for retail uses; however, the applicant is proposing that Building A be entirely developed for restaurant uses. As the parking standards for these uses are significantly higher than for retail uses, the project is deficient by 48.3% from the required standard in the Code. The applicant has requested a companion Variance (VAR-5531) to seek relief from this standard.

A4) Landscape and Open Space Standards

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

| Standards | Required Ratio | Required Trees | Provided |
|---|---|---|---|
| Parking Area | 1 Tree per 6 Spaces | 16 Trees | 8 Trees |
| Buffer: | | | |
| • Min. Trees – Adj. to R-O-W | 1 Tree per 20 Linear Feet (710 Feet) | 36 Trees | 28 Trees |
| • Min. Trees – Rear and Side Yard | 1 Tree per 30 Linear Feet (290 Feet) | 10 Trees | 0 Trees |
| • Min. Zone Width – Adj. to R-O-W | 15 Feet | | 10-15 Feet |
| • Min. Zone Width – Rear and Side Yard | 8 Feet | | 10 Feet |
| • Wall height | 2'-8" to 6 feet wall height. | | None |

GL

The project as proposed fails to meet landscape and buffer standards of the Code, including the requirement for foundation landscaping; however, the applicant has requested waivers of these provisions as part of this Site Development Plan Review, based on the small and irregular size of the site, and the proximity of the site to large areas of landscaping within the adjacent right-of-way to the west and to the south of the site.

A5) Sign Standards

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

**Monument Signs:** C-1 (Limited Commercial) Zoning District

| **Standards** | **Allowed** | **Provided** |
|---|---|---|
| Maximum Number | 1 per 200 square feet of street frontage | Not indicated |
| Maximum Area | 75 SF /sign | N/A |
| Maximum Height | 8 Feet | N/A |
| Minimum Setback | 5 Feet | N/A |
| Illumination | None | N/A |

No monument signs are indicated on the site plan. Should such signs be added at the two entrances to the site, these signs will have to meet these Title 19.08 sign standards.

**Wall Signs:** C-1 (Limited Commercial) Zoning District

| **Standards** | **Allowed** | **Provided** |
|---|---|---|
| Maximum Number | No limit, total area applies | 28 total |
| Maximum Area | 20 % of the building elevation | Less than 20% |
| Maximum Projection | 4 Feet | N/A |
| Illumination | Internal/External/Animated and Electronic | Yes |

The indicated wall signs meet Title 19.08 sign standards.

GL

***B) General Analysis and Discussion***

- Zoning

The site is currently zoned C-1 (Limited Commercial). The project as proposed conforms to the provisions of this zoning district, with the exception of the requested waivers to setbacks, landscaping and buffering, and foundation landscaping, which form part of this application, and with the exception of the stated deficiency in parking, which is the subject of a companion Variance (VAR-5531) request.

- Site Plan

The proposed site plan presents a functional and efficient layout taking into consideration the shape of the site. The applicant must provide proof of a cross-access agreement prior to the issuance of building permits. The site plan should indicate how the proposed development will integrate with the required multi-use trail along Summerlin Parkway and Buffalo Drive. One option may be to extend the trail in a tunnel underneath Buffalo Drive to connect to the park on the west side of Buffalo Drive. While the trail improvements will take place in the adjacent right-of-way and not on the site, the site plans should reflect how the site plan can integrate the trail design through landscaping and other features.

- Waivers

Reductions in the perimeter landscaping and buffering, and foundation landscaping requirements, are requested as part of this application. Also, a waiver of building setbacks has been requested. The applicant has justified these requests by indicating that the owner has dedicated a significant amount of the site for the Buffalo Drive/Summerlin Parkway intersection, and has completed substantial off-site improvements for this intersection, including landscaping of this area. Due to the irregular shape of the site and the location of the project directly adjacent to the off-ramp for the Summerlin Parkway Buffalo exit, the requested reductions are appropriate.

- Landscape Plan

The landscape plan submitted by the applicant depicts 24 25-foot tall palm trees (Washingtonia Mexicana) and 12 48-inch box flowering trees (Pink Dawn Chitalpa) around the south, west and north perimeters of the site, as well as within the parking area. A variety of five-gallon and one-gallon shrubs, and other ground cover, are also proposed for this location. The applicant has requested a waiver that applies to the actual number of trees proposed for the site. Due to the identified parking deficiency and the size of perimeter trees proposed by the applicant, this reduction from the standard of the Code is acceptable.

- Elevation

The elevation submitted depicts two one-story commercial buildings with flat roofs accentuated by low towers with low-angle pitched concrete-tile roofs. The facades utilize primarily painted stucco finishes on the rear and sides, with substantial use of stacked cultured stone details at the endcaps and around the building base. Pillar details separate and distinguish the individual commercial retail units and their entrances and display windows.

## 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 uses within this commercial center project are within the range of allowable uses in the C-1 (Limited Commercial) zoning district and can be operated in a manner that is compatible with existing commercial land uses in the vicinity of this site.

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

   While a companion Variance and a number of waivers associated with this site plan require approval for this project to proceed as submitted, the proposed development will be consistent with the General Plan, Title 19, and the Design Standards Manual with the approval of the Variance and these waivers, and with the implementation of the recommended conditions.

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

   The proposed commercial development will have direct right-in/right-out access to Washington Avenue, a fully developed 80-foot wide secondary thoroughfare, and will have direct right-in only access from Buffalo Drive, a fully developed 100-foot wide primary thoroughfare.

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

   The use of stacked stone to highlight the architectural details of the project and the use of a number of complementary colors for the proposed development will be appropriate for the area.

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

   The proposed development will be appropriate for the area and can be developed to complement the adjacent commercial center.

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

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

**NOTICES MAILED** 285 [Mailed with VAR-5531]

**APPROVALS** 0

**PROTESTS** 0

GL

PLANNING & DEVELOPMENT

# PLANNING & DEVELOPMENT DEPARTMENT

## STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-5393 APN: 138-27-301-015

Name of Property Owner: Longford Group

Name of Applicant: Chris Murtagh

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: C. Murtagh

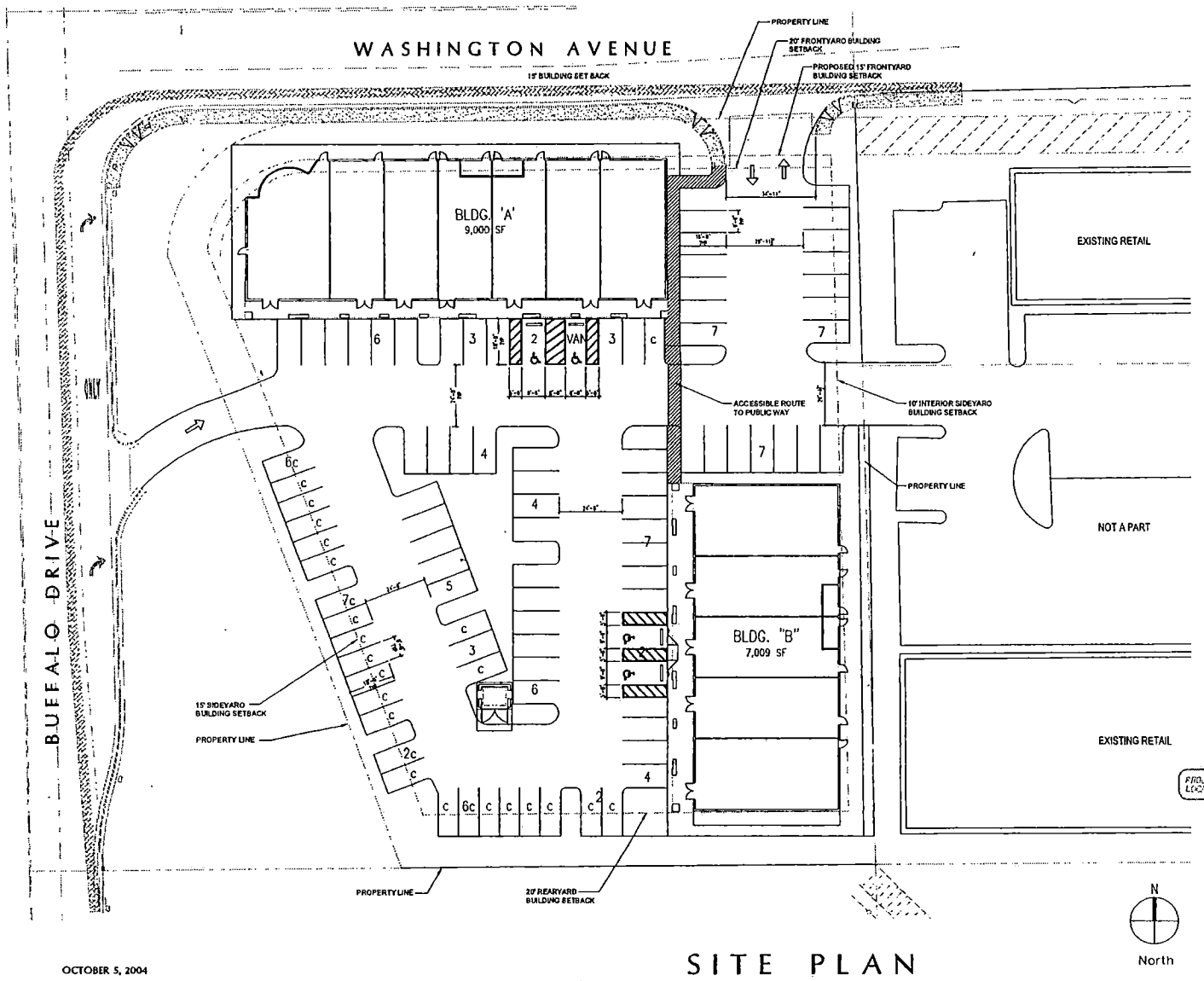
Print Name: ~~Charles Mandler~~ C. MURTAGH

Subscribed and sworn before me

This 1ST day of OCTOBER, 2007

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
RONALD E. SINGER
Appt. No. 96-3207-1
My Appt. Expires March 7, 2008




## SITE ANALYSIS

| | | |
|---|---|---|
| PARCEL NUMBER | | 138-27-301-015 |
| SITE AREA | 1.55 ACRES | 67,518 SF |
| FLOOR AREA RATIO | | 23.7% |
| BUILDING AREAS | | |
| BUILDING 'A' – BUSINESS/RESTAURANT/RETAIL USE | | 9,000 SF |
| BUILDING 'B' – BUSINESS/RETAIL USE | | 7,009 SF |
| TOTAL | | 16,009 SF |

City of Las Vegas Municipal Code (TITLE 19)
Chapter 19.10, Table 1.

PARKING SPACES REQUIRED FOR BUILDING 'A'

1 SPACE FOR EACH 50 SF OF PUBLIC SEATING/EATING AREAS & WAITING AREA, PLUS ONE SPACE FOR EACH 200 SF OF REMAINING GSF, MINIMUM OF 10 SPACES.

PUBLIC SEATING/ EATING AREAS = .67% OF AREA
REMAINING GSF = .33% OF AREA

| | |
|---|---|
| SUITE 'A' | |
| 1102 SF @ 1/50 SF= | 22 SPACES |
| 543 SF @ 1/200 SF= | 3 SPACES |
| SUITE 'B','C','F' | |
| 808 SF @ 1/50 SF= | 17 X 3 = 51 SPACES |
| 398 SF @ 1/200 SF= | 2 X 3 = 6 SPACES |
| SUITE 'D','E' | |
| 749 SF @ 1/50 SF= | 17 X 2 = 30 SPACES |
| 369 SF @ 1/200 SF= | 2 X 2 = 4 SPACES |
| SUITE 'G' | |
| 1006 SF @ 1/50 SF= | 20 SPACES |
| 495 SF @ 1/200 SF= | 3 SPACES |
| | 139 SPACES REQUIRED |

PARKING SPACES REQUIRED FOR BUILDING 'B'

| | |
|---|---|
| 7,009 SF @ 1/175 SF = | 41 SPACES |
| TOTAL SPACES REQUIRED | 180 SPACES |
| PARKING SPACES PROVIDED | 64 FULL SIZED SPACES<br>4 ACCESSIBLE SPACES<br>25 COMPACT SPACES |
| | 93 SPACES PROVIDED |

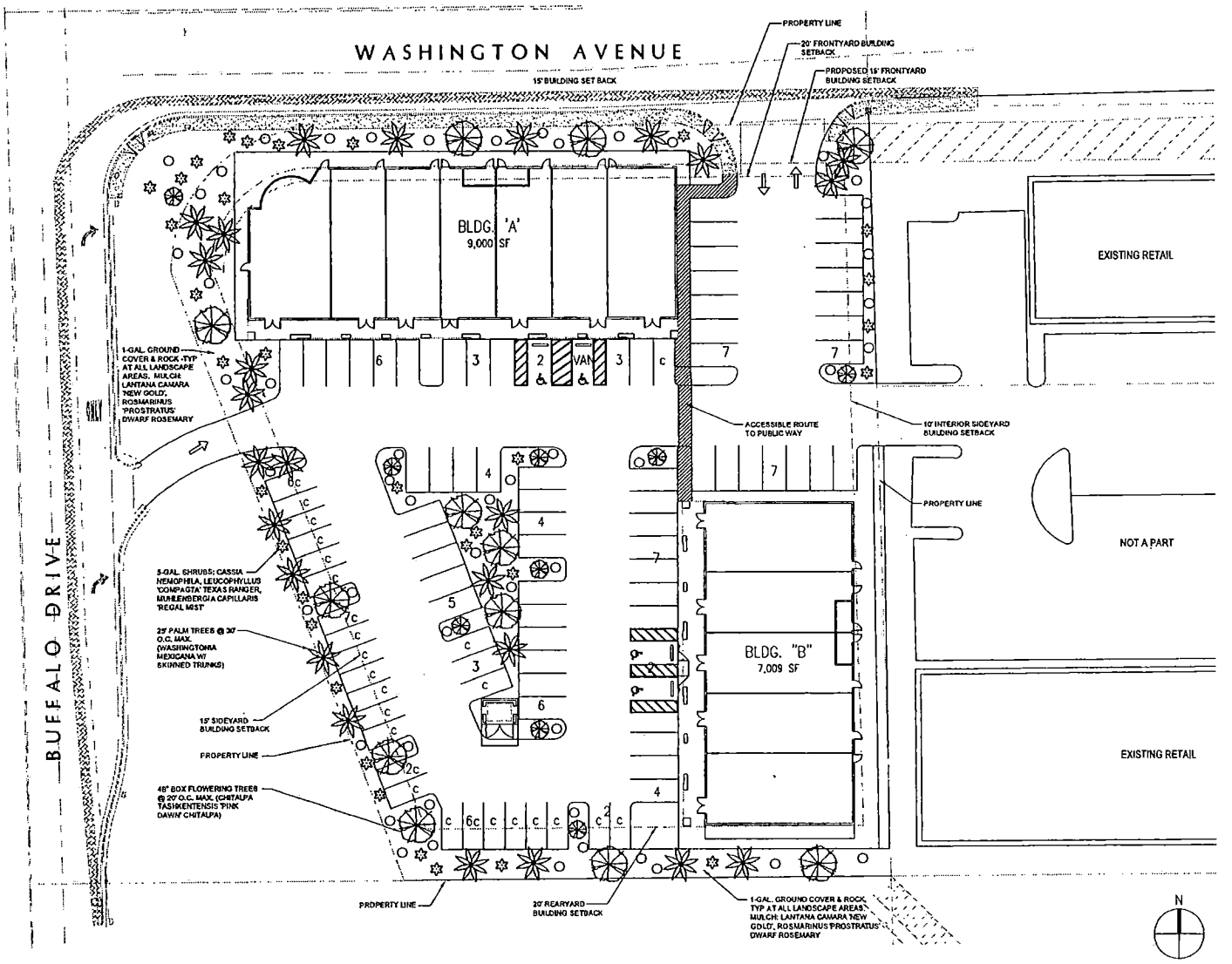
OCTOBER 5, 2004

# SITE PLAN

LONGFORD SHOPPES AT SUMMERLIN PARKWAY
SEC WASHINGTON AVENUE AND BUFFALO DRIVE
LAS VEGAS, NEVADA

PGAL

**SDR-5393**
**11/18/04 PC**




OCTOBER 5, 2004

# LANDSCAPE PLAN

1/16"=1'-0"

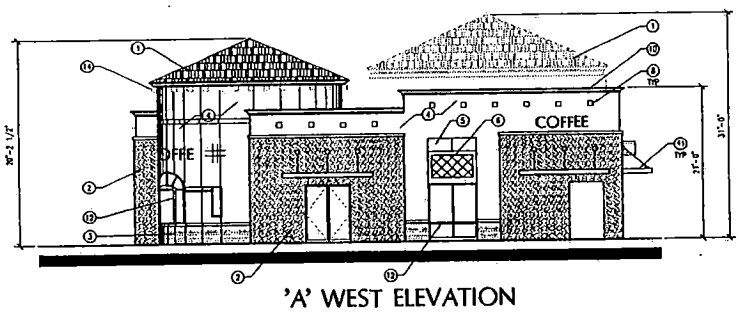
LONGFORD SHOPPES AT SUMMERLIN PARKWAY
SEC WASHINGTON AVENUE AND BUFFALO DRIVE
LAS VEGAS, NEVADA

PGAL

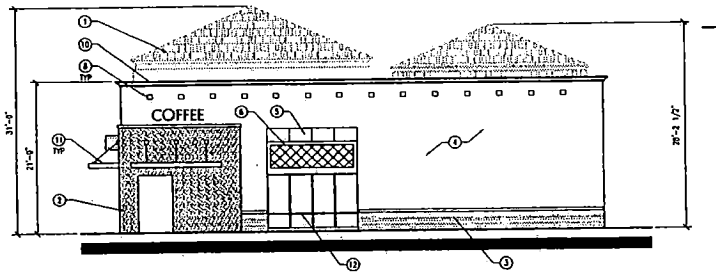
Copyright

**SDR-5393**

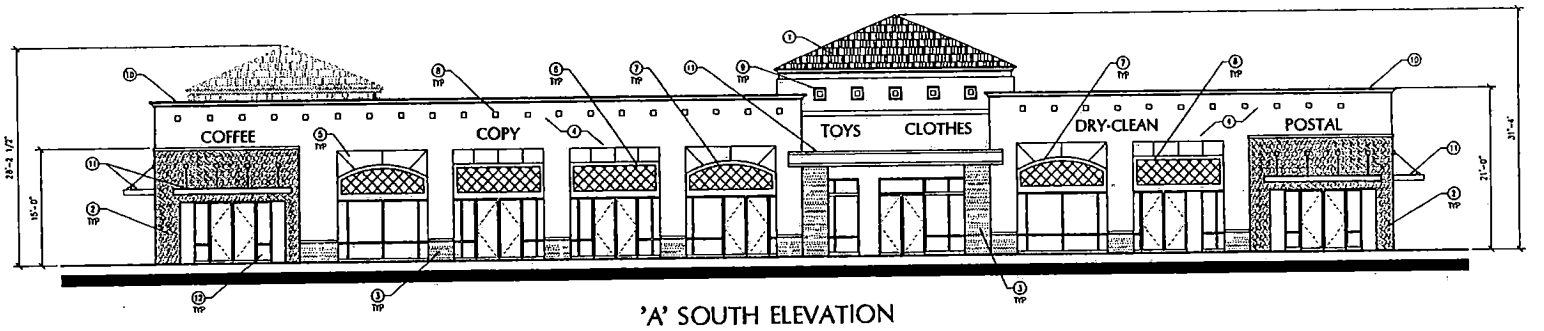
**11/18/04 PC**



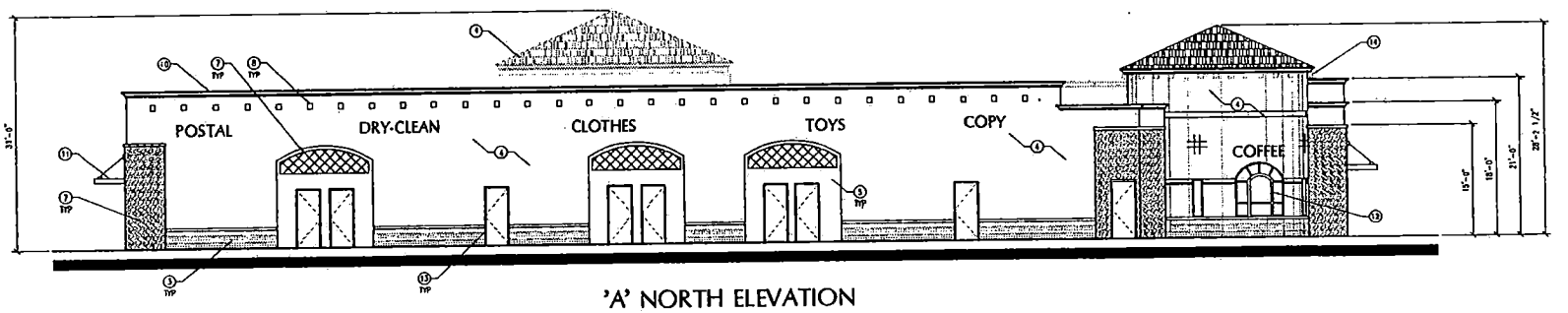

'A' WEST ELEVATION




'A' EAST ELEVATION




'A' SOUTH ELEVATION




'A' NORTH ELEVATION

## ① KEYNOTES

1. SCONCRETE SLATE ROOF -EAGLE ROOFING, #HP-4548.
2. CORONADO CULTURED STONE, "CANYON LEDGE"
3. CORONADO CULTURED STONE, "VIRGINIA LEDGE"
4. CEMENT PLASTER, FIELD COLOR: FRAZEE 8693M
5. CEMENT PLASTER, ACCENT COLOR: FRAZEE 8672W
6. PAINTED METAL GRID - COLOR: FRAZEE 7466N
7. PAINTED METAL GRID - COLOR: FRAZEE 8126N
8. CERAMIC TILE INSETS, COLOR TO MATCH FRAZEE 7466N
9. CEMENT PLASTER FINISHED POP-OUT WITH TILE INSET, TILE TO MATCH FRAZEE 7466N
10. PRE-FABRICATED FOAM CROWN, PAINTED FIELD ACCENT COLOR: FRAZEE 8672W
11. METAL SHADE ELEMENT, PAINTED, FRAZEE 8126N
12. INSULATED GLAZING
13. METAL DOOR, PAINTED, FRAZEE B672W
14. PAINTED CORBELS- ACCENT FIELD COLOR: FRAZEE 8672W

OCTOBER 5, 2004

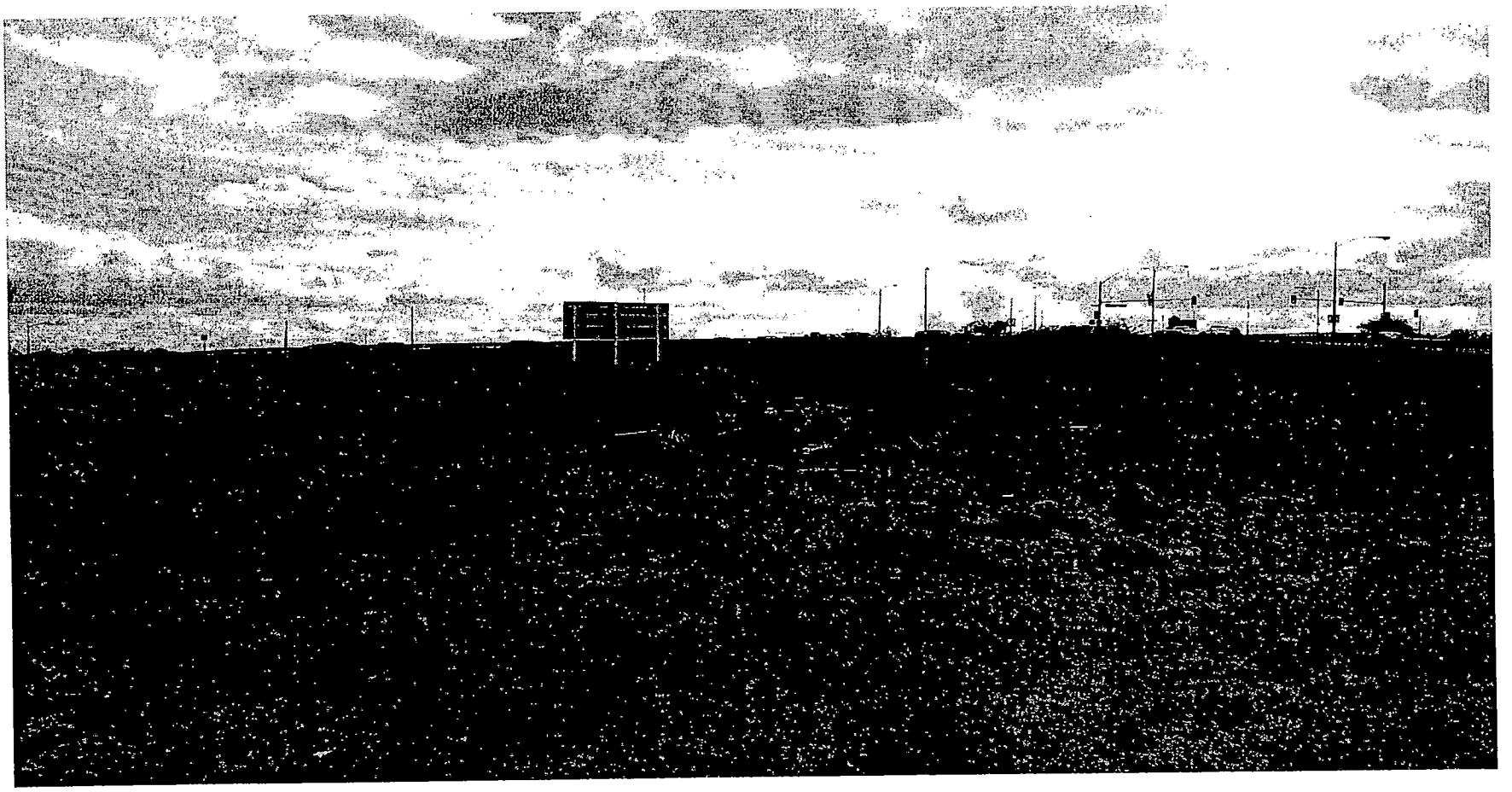
# BUILDING 'A' ELEVATIONS

1/16"=1'-0"

LONGFORD SHOPPES AT SUMMERLIN PARKWAY
SEC WASHINGTON AVENUE AND BUFFALO DRIVE
LAS VEGAS, NEVADA

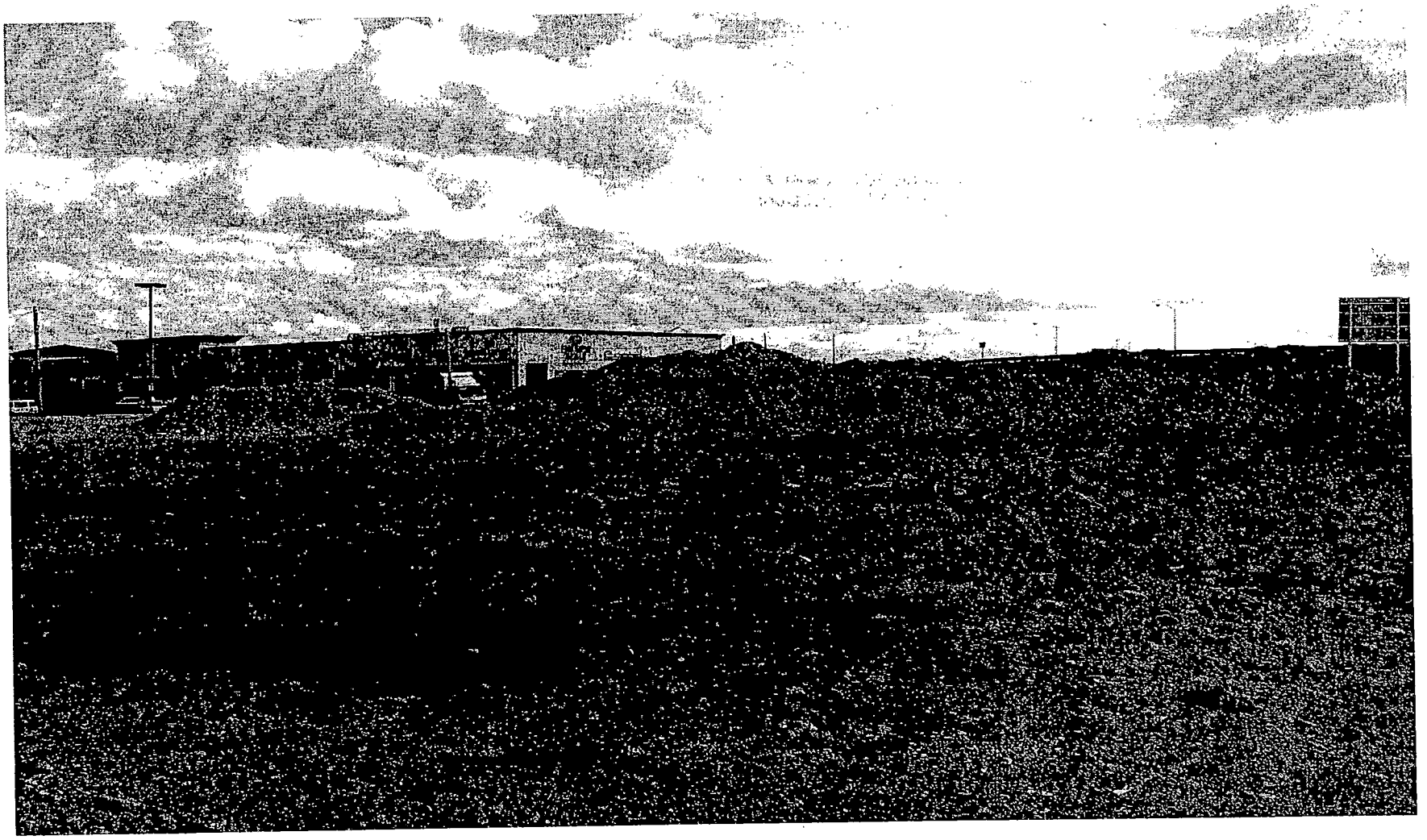
PGAL

SDR-5393
11/18/04 PC



SDR-5393 - APPLICANT/OWNER: BUFFALO WASHINGTON III, LLC
SOUTHEAST CORNER OF BUFFALO DRIVE AND WASHINGTON AVENUE
NOVEMBER 18, 2004 PLANNING COMMISSION

10/28/04



SDR-5393 - APPLICANT/OWNER: BUFFALO WASHINGTON III, LLC
SOUTHEAST CORNER OF BUFFALO DRIVE AND WASHINGTON AVENUE
NOVEMBER 18, 2004 PLANNING COMMISSION

10/28/04

City of Las Vegas

Agenda Item No.: 41

## AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

**PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004**

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

**SUBJECT:**
**SDR-5395 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT: GORDON GUST - OWNER: GORDON GUST AND WENDA GUST -** Request for a Site Development Plan Review FOR A PROPOSED 3,676-SQUARE FOOT WEDDING CHAPEL AND WAIVERS OF THE DOWNTOWN CENTENNIAL PLAN STREETSCAPE REQUIREMENTS, LANDSCAPE REQUIREMENTS, AND DESIGN STANDARDS on 0.16 acres adjacent to the northeast corner of Bridger Avenue and Las Vegas Boulevard (APN 139-34-611-047), C-2 (General Commercial) Zone, Ward 1 (Moncrief).

**IF APPROVED: C.C.: 12/15/04**
**IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)**

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

**RECOMMENDATION:**
Staff recommends APPROVAL.

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

**MOTION:**
**EVANS – APPROVED subject to conditions – UNANIMOUS with TRUESDELL abstaining because he is involved regarding a tenant in a building just north of this site**

**To be heard by City Council 12/15/2004**

**MINUTES:**
CHAIRMAN TRUESDELL declared the Public Hearing open.

GARY LEOBOLD, Planning & Development Department, explained that this application would allow for the demolition of an existing chapel on the subject site and for the construction of a new 3,600 square-foot chapel. The applicant is requesting waivers from the Downtown Centennial Plan Streetscape and Landscape standards and staff believes the waivers are warranted because of the constrained nature of the site and the adjacent right-of-way. There are some minor modification

**MINUTES – Continued:**

requests regarding the landscaping plan as conditions of approval. The requested waivers from the design standards are also warranted because of the type of building. Also, staff has requested that the existing pole sign be preserved because it is a contributing feature of the Las Vegas Boulevard scenic byway.

WINSTON HENDERSON, 1555 East Flamingo Road, appeared on behalf of the applicant and indicated the applicant was also present to answer any questions. He concurred with the conditions but needed some clarification on several items. He questioned the requirement that utilities and power lines in the alley be relocated underground. It was his understanding that that type of requirement would pertain to a future date when the entire block or area would have similar work done. He asked for staff clarification that the requirement does not pertain to only the 50 feet of power lines on the subject site. MR. LEOBOLD explained that this is a standard condition imposed on any development within this area. He was unaware about the possibility of taking money in lieu of the improvements but, the condition is imposed on both new development and redevelopment coming into the area.

Regarding Condition 6, MR. HENDERSON indicated there was no problem in providing the additional trees; however, the applicant was requesting a much wider sidewalk than the 10 feet referenced. The larger sidewalk area would accommodate the gatherings in front of the entry to the chapel. The applicant requests to do intense landscaping in the sidewalk area, which would include planting within the 10-foot sidewalk if allowed. MR. LEOBOLD replied that the intent is to have a consistent streetscape appearance as travelers drive down the street. He acknowledged the need to have a gathering area and suggested that it be constructed within the site somewhere other than the front of the property. MR. HENDERSON stated that he would not object to that if the applicant was given the option to place additional landscaping within the 10-foot sidewalk area. MR. LEOBOLD explained that it is intended to have palm trees planted close to the curb and then a clear area would remain for pedestrians to move through. Trees, street furniture and lights would be located in the area closer to the curb. If trees were moved away from the curb, it would deviate from the plan for the streetscape.

VICE CHAIRMAN NIGRO asked MR. HENDERSON if the applicant had a landscaping plan. MR. HENDERSON confirmed that a plan did exist but that after hearing MR. LEOBOLD'S comments, the plan would have to be redesigned. He noted that at the entry on the Las Vegas Boulevard side, the plan showed the creation of a planter in the midst of the 10-foot sidewalk. The planter would divert foot traffic into a much deeper sidewalk in front of the building that measures almost 20 feet. He stated some palm trees would have to be relocated as well. MR. HENDERSON asked to have the option of working with Planning Staff to modify the landscaping plan.

**MINUTES – Continued:**

MR. HENDERSON stated that the owner is requesting the option to either relocate the sign on the property or to donate the sign to the Las Vegas Arts Commission for preservation. An existing historic sign from the Candlelight Wedding Chapel would be relocated for the new chapel at this site. MR. LEOBOLD felt that the wording of the condition left open whether the preservation of the sign had to be on the site or it could be preserved elsewhere. The intent was to assure the sign was not destroyed.

ROBERT GENZER, Director, Planning & Development Department, noted that Condition 4 regarding the underground utilities is a requirement of the Downtown Centennial Plan and as such, can only be waived by the City Council. The request for waiver of that condition would have to be made directly to Council. He added that the intent of the condition is to have the work done immediately.

COMMISSIONER EVANS said that he did not think staff opposed the additional landscaping; however, they did want assurance that requirements are met properly and it conforms to Code. MR. HENDERSON said he understood and only wanted the opportunity to work with staff again and hopefully, find a plan that meets with their approval.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(10:16 – 10:25)

**3-2230**

**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, dated 10/05/04, except as amended by conditions herein.

3. 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.

4. Utilities and power service lines in alleys shall be located underground in accordance with Subsection DS2.1.f. of the Downtown Centennial Plan.

**CONDITIONS – Continued:**

5. The Waivers from the minimum Floor Area Ratio, minimum height, 70% build-to line, 70% glazing requirement along street frontages, and parking lot screening are hereby approved.

6. The Waiver from the Centennial Plan streetscape requirements along Las Vegas Boulevard is hereby approved, subject to the provision of two palm trees immediately behind the existing curb, and located within a 10-foot wide public sidewalk. The palm trees shall have a minimum height of 25 feet upon installation. The Waiver from the Centennial Plan streetscape requirements along Bridger Avenue is also hereby approved, provided that four shade trees shall be installed adjacent to the Bridger Avenue right-of-way. The minimum tree size shall be a 24-inch box. The landscape plan shall be revised to reflect the changes to the streetscape, and shall be reviewed and approved by the Planning and Development Department prior to the time application is made for a building permit.

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

8. The applicant shall sign and record a Covenant running with the land for the possible future installation and/or relocation of half-street improvements in accordance with Downtown Centennial Standards for all improvements not required to be constructed at this time as a result of the requested Waiver. Such Covenant Running with Land agreement shall record prior to the issuance of any permits.

9. The applicant shall provide and install standard Las Vegas Boulevard style fixtures in place of existing fixtures in accordance with Subsection OC3.e 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.

10. The dimensions of the parking spaces and access aisle shall conform with the requirements of Title 19.10.

11. The surfacing of the alley shall conform to the Alleyway Treatment, as described in Subsection DS2.1.g of the Downtown Centennial Plan, and as depicted in Graphic 4 of the plan.

**CONDITIONS – Continued:**

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. The existing freestanding sign on the property shall be preserved.

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

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

Public Works

16. A Reversionary Map for the purpose of combining the underlying parcels shall be recorded prior to the issuance of any permits for this site.

17. Dedicate an additional five feet of right-of-way for a total half-street width of 45 feet on Las Vegas Boulevard and a 25-foot radius on the northeast corner of Bridger Avenue and Las Vegas Boulevard prior to the issuance of any permits. Additionally, grant a traffic signal chord easement on the northeast corner of Bridger Avenue and Las Vegas Boulevard.

18. 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.

19. 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.

20. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first.

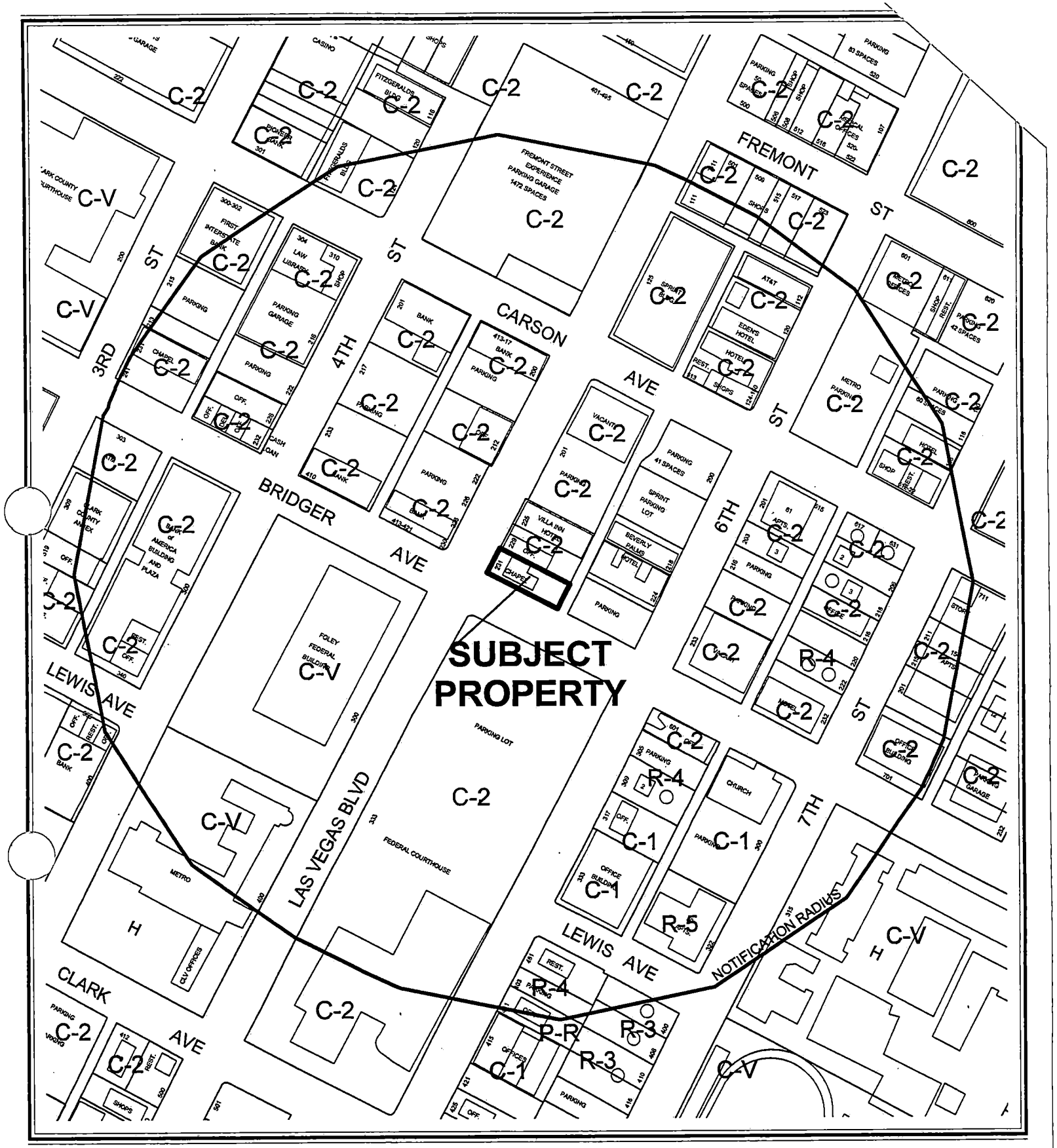
21. Landscape and maintain all unimproved rights-of-way on Las Vegas Boulevard and Bridger Avenue adjacent to this site concurrent with development.

22. Submit an Encroachment Agreement for all landscaping and private improvements located in the Las Vegas Boulevard and Bridger Avenue public rights-of-way adjacent to this site

**CONDITIONS – Continued:**

prior to occupancy of this site.

23. Site development to comply with all applicable conditions of approval for Z-0100-64, Downtown Centennial Plan Standards and all other site-related actions.




**CASE:** **SDR-5395**

**RADIUS:** 750 FT

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

City of Las Vegas

## AGENDA MEMO

**PLANNING COMMISSION MEETING DATE: NOVEMBER 18, 2004**
**DEPARTMENT: PLANNING AND DEVELOPMENT**
**ITEM DESCRIPTION: SDR-5395 - APPLICANT: GORDON GUST - OWNER: GORDON GUST AND WENDA GUST**

## ** 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, dated 10/05/04, except as amended by conditions herein.

3. 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.

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8. The applicant shall sign and record a Covenant running with the land for the possible future installation and/or relocation of half-street improvements in accordance with Downtown Centennial Standards for all improvements not required to be constructed at this time as a result of the requested Waiver. Such Covenant Running with Land agreement shall record prior to the issuance of any permits.

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20. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first.

21. Landscape and maintain all unimproved rights-of-way on Las Vegas Boulevard and Bridger Avenue adjacent to this site concurrent with development.

22. Submit an Encroachment Agreement for all landscaping and private improvements located in the Las Vegas Boulevard and Bridger Avenue public rights-of-way adjacent to this site prior to occupancy of this site.

23. Site development to comply with all applicable conditions of approval for Z-0100-64, Downtown Centennial Plan Standards and all other site-related actions.

# ** STAFF REPORT **

## APPLICATION REQUEST

### *A) Action Requested*

This is a request for a Site Development Plan Review for a proposed 3,676-square foot wedding chapel and Waivers of the Downtown Centennial Plan streetscape requirements, landscape requirements, and design standards on 0.16 acres adjacent to the northeast corner of Bridger Avenue and Las Vegas Boulevard (231 Las Vegas Boulevard South).

### *B) Applicant's Justification*

According to the applicant's justification letter, it is the property owner's intention to replace the existing chapel on the site with a new facility. It will be similar to an existing chapel located on the Strip within unincorporated Clark County. Because a large part of the facility's area consists of basement storage, and because most visitors will arrive at the chapel by limousine, a reduction in onsite parking is warranted.

## BACKGROUND INFORMATION

### *A) Previous Actions*

12/16/64 The subject property was rezoned to C-2 (General Commercial) as part of a larger request (Z-0100-64).

### *B) Pre-Application Meeting*

08/24/04 The Code requirements and standards of Title 19 and the Downtown Centennial Plan were reviewed; primarily, the requirements to bury overhead utilities and the Centennial Plan streetscape requirements. In addition, the specific requirements of the Office District design standards were noted, including the minimum Floor Area Ratio requirement and the minimum height requirement. It was also noted that a parking analysis would need to be submitted with the site drawings.

## DETAILS OF APPLICATION REQUEST

### *A) Site Area*

Net Acres: 0.16

***B) Existing Land Use***

| | |
|---|---|
| Subject Property: | Wedding Chapel |
| North: | Office |
| South: | Parking Lot (Federal Courthouse) |
| East: | Parking Lot |
| West: | Financial Institution |

***C) Planned Land Use***

| | |
|---|---|
| Subject Property: | C (Commercial) |
| North: | C (Commercial) |
| South: | PF (Public Facility) |
| East: | C (Commercial) |
| West: | C (Commercial) |

***D) Existing Zoning***

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

***E) General Plan Compliance***

The subject property is located within the boundaries of the Las Vegas Redevelopment District, and has a C (Commercial) land use designation. The Commercial designation permits office uses, limited commercial uses, and general commercial uses. The proposed wedding chapel is consistent with the C (Commercial) land use designation.

| *SPECIAL DISTRICTS/ZONES* | Yes | No |
|---|---|---|
| **Special Area Plan** | X | |
| Downtown Centennial Plan | X | |
| Las Vegas Redevelopment Plan Area | X | |
| **Special Overlay District** | X | |
| Neighborhood Revitalization Area | X | |
| Las Vegas Boulevard Scenic Byway Overlay | X | |
| **Development Impact Notification Assessment** | | X |
| **Project of Regional Significance** | | X |

The subject parcel is located within the boundaries of the Las Vegas Redevelopment Area, with a Commercial land use designation. The proposed use is in conformance with the Redevelopment Plan. It is also within the Neighborhood Revitalization Area as established by the Las Vegas Master Plan 2020. The Plan identifies neighborhoods that may contain declining infrastructure, increasing traffic and noise, and increases in property crimes and vandalism, so that they may be stabilized and protected from further deterioration.

SS

The property is within the Las Vegas Downtown Centennial Plan boundaries, and is part of the Office Core District. This district has a concentration of professional and governmental offices and supporting pedestrian-oriented uses, and establishes minimum standards for height and floor area ratio.

The property is also located within the boundaries of the Las Vegas Boulevard Scenic Byway Overlay, which is intended to preserve the character of Las Vegas Boulevard as a nighttime urban scenic byway. The Overlay requires the use of neon or animation for all signage, and prohibits new off-premise signage.

## PROJECT DESCRIPTION

The proposed development involves the demolition of an existing wedding chapel and the construction of a new 3,676 square-foot single-story wedding chapel building. A limousine turn-out area is provided along Bridger Avenue, and four onsite parking spaces are provided with access from the alley at the rear of the property. A gazebo structure is located east of the building rear. Exterior features of the building include white vinyl siding with arched stained glass windows and a gabled roof. A 36-foot bell tower structure dominates the front elevation.

## 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 in the Office Core District, which are detailed below:

| Standards | Required | Provided | Compliance |
|---|---|---|---|
| Min. Lot Size | N/A | 7,000 SF | N/A |
| Min. Lot Width | N/A | 50 Feet | N/A |
| Min. Setbacks | | | |
| • Front | 0 Feet | 11 Feet | N |
| • Side | N/A | 5 Feet | Y |
| • Corner | 0 Feet | 17 Feet | N |
| • Rear | 0 Feet | 49 Feet | Y |

| | | | |
|---|---|---|---|
| Max. Lot Coverage | Up to 100% | 32.5% | Y |
| Min. Floor Area Ratio | 1.5 | 0.325 | N |
| Min. Building Height | 2 stories | 1 story | N |
| Trash Enclosure | Walled, roofed | Enclosed | Y |
| Loading Zone | N/A | None | N/A |
| Mech. Equipment | Screened | Screen wall | Y |

The development complies with the lot coverage requirement, but fails to meet a number of Office Core District design standards, namely, the minimum floor area ratio and the minimum building height. In addition to these standards, there are requirements for 70 percent of the building to align with the sidewalk, and for 70 percent of the walls to contain glazing at ground level. The applicant has requested waivers from the Downtown Centennial Plan for these elements of the proposed design.

A2) Residential Adjacency Standards

Title 19.06.060 exempts properties within the Downtown Centennial Plan area from the automatic application of Residential Adjacency Standards. The nearest single-family residence is over 400 feet away from the subject property.

A3) Parking and Traffic Standards

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

As with other development standards, the property is exempt from the automatic application of parking requirements due to its location within the boundaries of the Downtown Overlay District area. The following table details the parking figures for the development:

| **Uses** | Fixed Seats | **Provided** Parking | |
|---|---|---|---|
| | | Regular | Handicap |
| Wedding Chapel | 65 | 3 | 1 |

The proposed wedding chapel will provide four onsite parking spaces at the rear of the property, with alley access.

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** |
|---|---|---|---|
| North/South Street Las Vegas Boulevard | 1 Palm Tree @ 35' o.c. max. (min. 25' height) | 2 Trees | 2 Date Palms |
| East/West Street Bridger Avenue | 1 - 24" Box Shade Tree @ 30' o.c. max. | 4 Trees | 3 Trees |
| Sidewalk | 11' Sidewalk | --- | 4.5' Sidewalk |

While the number of palm trees and shade trees provided matches the number of trees required, the configuration does not match the Centennial Plan requirements. The public sidewalk will only be 4.5 feet in width instead of 11 feet as required, but the existing location of the curb prevents the additional sidewalk width that is required.

A5) Sign Standards

The only signage proposed for the building is a monument sign at the front of the property facing Las Vegas Boulevard. All signage for the property will be subject to the standards for the C-2 (General Commercial) zoning district contained within Title 19.14.060, and will also be subject to the requirements of the Las Vegas Boulevard Scenic Byway Overlay, which requires at least 75% exposed neon or animation. A condition of approval of this site development review requires preservation of the existing Wee Kirk O' the Heather sign, which has historic significance to the Scenic Byway Overlay.

***B) General Analysis and Discussion***

- Zoning

The proposed wedding chapel use is permitted by right in the C-2 (General Commercial) District. The proposed structure generally conforms to the development standards of the Downtown Centennial Plan; however, several waivers from the Centennial Plan have been requested and are detailed below.

- Site Plan

  The site plan depicts a plaza area in front of the building adjacent to the public sidewalk, with the front entrance facing Las Vegas Boulevard and a bell tower located on one side of the plaza. A separate driveway is provided for limousines on the south side of the proposed building, with access from Bridger Avenue. A separate parking lot is provided at the rear of the site, with all of the parking spaces taking direct access from the public alley. Mechanical equipment and trash cans will be located in a walled area immediately north of the proposed building.

- Waivers

The following Waivers have been requested as part of the application:

1. *Minimum 2-story Height Limit:* New buildings within the Office District are required to have a height of two stories. The ridgeline of the roof of the proposed chapel will be approximately the same height as the existing two-story building next door; consequently, staff recommends approval of the Waiver.
2. *Minimum 1.5 Floor Area Ratio:* New buildings within the Office District are required to have a minimum floor area that is equivalent to 1.5 times the site area; based on the square footage of the parcel, the chapel would need to have 10,500 square feet of floor area. While office or other commercial uses would easily be able to provide the minimum floor area, wedding chapels by nature are limited in square footage due to the services offered. As such, staff recommends approval of the Waiver.
3. *70% Build-to Requirement:* The Centennial Plan requires that a minimum of 70% of the façade of a building be located directly at the front yard setback line. The proposed chapel will be located a minimum of 11 feet from the front property line on the Las Vegas Boulevard, and will be located 17 feet from the property line on Bridger Avenue. The applicant will be providing a plaza area at the front of the site facing Las Vegas Boulevard; as the plaza supports pedestrian activity in the area, staff recommends approval of the Waiver.
4. *70% Glazing at Ground Floor:* The Centennial Plan requires windows along 70% of the façade length facing a street. While this requirement can easily be met for retail or other commercial uses, the building typology for wedding chapels does not result in the amount of glazing necessary to comply with the requirement; consequently, staff recommends approval of the Waiver.
5. *Parking Lot Screening:* The Centennial Plan requires an eight-foot landscape buffer and screen fence for any parking lot area that is located adjacent to the public right-of-way. The applicant will be providing the required screen fence, but is unable to provide the eight-foot landscape buffer and still have conforming parking spaces. The applicant has provided landscape buffers in other areas adjacent to the parking lot as compensation for the lack of the buffer behind the screen fence; as such, staff recommends approval of the Waiver.

6. *Downtown Centennial Plan Streetscape Requirement:* The Centennial Plan requires a five-foot amenity zone and 11-foot wide sidewalk on both Las Vegas Boulevard and Bridger Avenue; neither street has sufficient right-of-way to provide the streetscape treatment as required. Staff recommends approval of the Waiver from the streetscape standards for Bridger Avenue as proposed, provided that an additional shade tree is provided along the street frontage. Relative to the Las Vegas Boulevard frontage, it is recommended that the palm trees be located in tree wells immediately behind the curb, and located within a 10-foot wide sidewalk area. This will necessitate changes to the location of the planter proposed for the front of the plaza area. Staff has conditioned the approval upon the provision of a covenant to install the complete streetscape treatment at such a time as the additional right-of-way area becomes available.

- Landscape Plan

The landscape plan is generally consistent with the code requirements, with the exception of the Waivers that have been noted above. All plant materials are appropriate for the area.

- Elevation

The elevations depict a one-story chapel building with a pitched roof, referencing the historical carpenter gothic or Victorian vernacular. The building will have a dark gray slate roof, with off-white vinyl lap siding on the exterior of the building. Pointed-arch vinyl-framed windows will be used, with either clear or leaded glass. Weathered-copper accents will on some of the architectural features of the building. Overall, the materials are generally appropriate, with the exception of the use of vinyl siding; a more durable cementitious wood siding would be preferable to the vinyl siding.

- Floor Plan

The floor plan depicts the principal entry facing Las Vegas Boulevard, with restrooms and dressing rooms off one side of the foyer and an office and flower shop on the other. The wedding hall will occupy most of the structure, with pews on either side of a central aisle and a raised stage on axis with the aisle. A basement will be provided for storage, and will accessible only from the exterior of the building.

**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;"**

   While the wedding chapel is of a different scale and construction than other buildings in the Office District, it is consistent with the historic image of Las Vegas and appropriate to the Scenic Byway Overlay District.

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. Numerous Waivers are needed from the Downtown Centennial Plan, due to the proposed use and its inherent qualities and characteristics.

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

   Vehicular access and circulation is restricted to the side street and the alley, and will have little impact to Las Vegas Boulevard.

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

   With the exception of the use of vinyl siding on the exterior of the structure, the building and landscape materials are appropriate for the area and for 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 appropriate to the use and create an orderly and pleasing environment.

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.

SS

**NOTICES MAILED** 61

**APPROVALS** 0

**PROTESTS** 0

SS

PLANNING & DEVELOPMENT

CITY OF LAS VEGAS

DEVELOPMENT SERVICES CENTER

# PLANNING & DEVELOPMENT DEPARTMENT

## STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-5395** APN: 139-34-611-047

Name of Property Owner: Gordon Gust

Name of Applicant: Gordon Gust; Candlelight Chapel

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 ✓ No

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

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner/Authorized Agent: [signature]

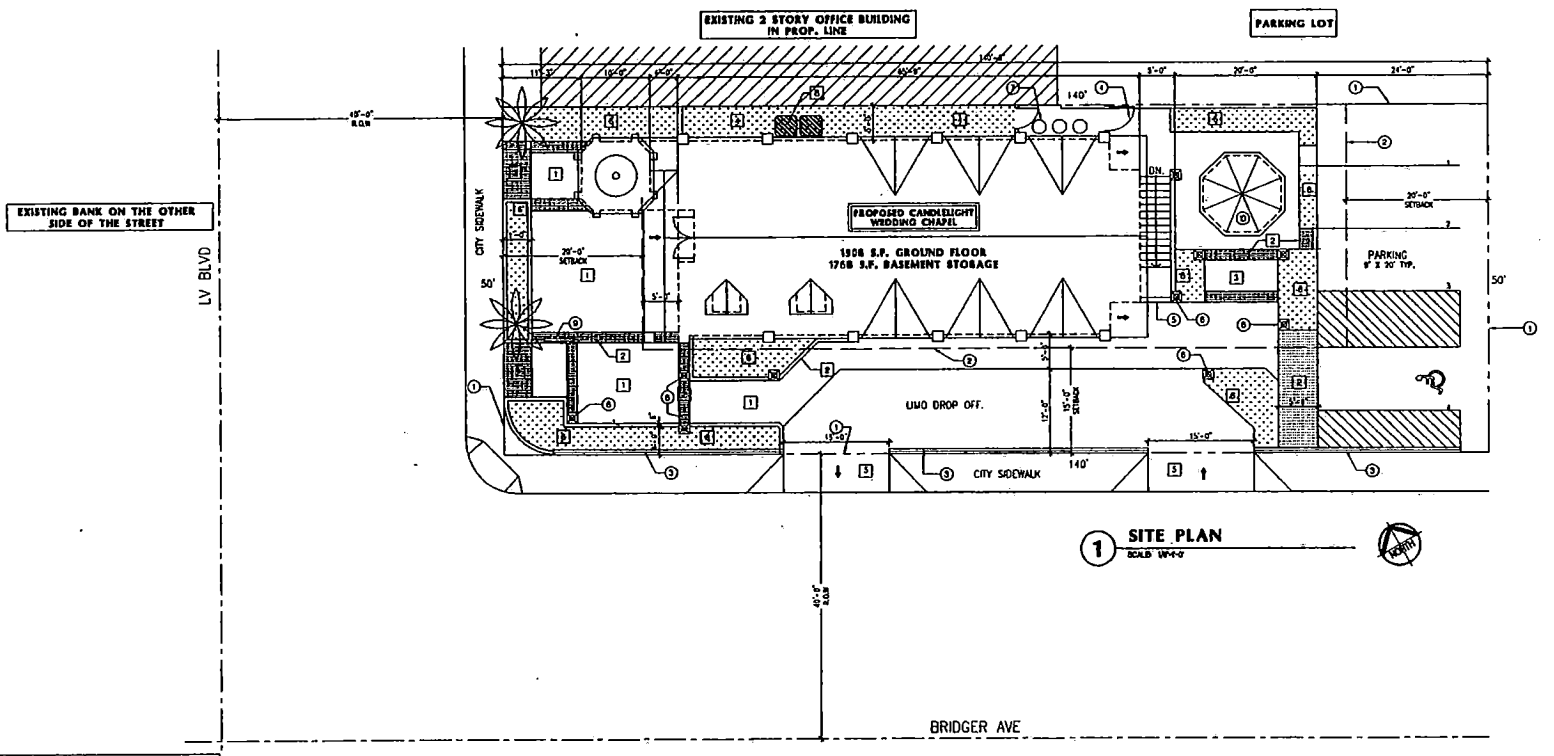
Subscribed and sworn before me

This 5th day of October, 2004

[signature]

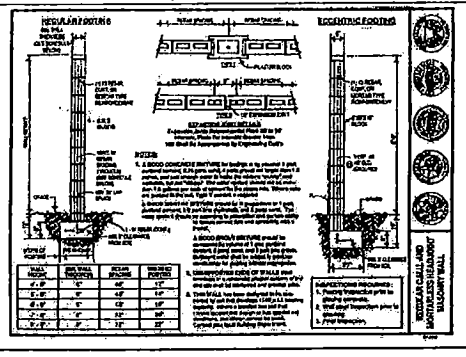
Notary Public in and for said County and State

CHERYL PENDERGRASS
Notary Public State of Nevada
No. 00-65783-1
My appt. exp. June 7, 2008

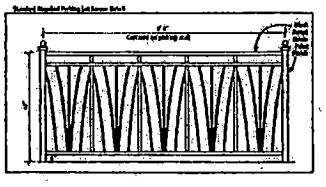



1 SITE PLAN
SCALE: 1/8"=1'-0"

## CMU WALL BY CITY STANDARD



## PARKING LOT SCREEN DETAIL



## SITE PLAN NOTES

| | |
|---|---|
| (P) | DESCRIPTION |
| (1) | PROPERTY LINE |
| (2) | SETBACK LINE |
| (3) | LOW FENCE, SEE CITY STANDARD DETAIL SAME DWG(SIMILAR) |
| (4) | 4' WIDE WA GATE |
| (5) | 4'H CMU GUARDRAIL, STUCCO TO MATCH BLDG. |
| (6) | SITE LIGHTS ON CONC. BASE. |
| (7) | TRASH CANS |
| (8) | AC REF. UNITS |
| (9) | BUSINESS SIGN |
| (10) | GAZEBO FROM RELOCATION |

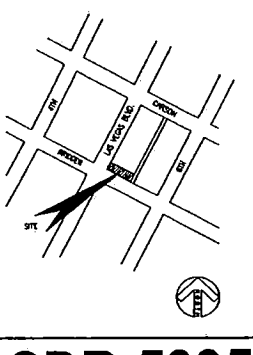
### GROUND SURFACES

| | |
|---|---|
| (P) | DESCRIPTION |
| (1) | WASHED SALT FIN. CONC. |
| (2) | BRUSH FIN. CONC. |
| (3) | NOT USED |
| (4) | CRUSHED STONE |
| (5) | REINFORCED SIDEWALK SURFACE TO MATCH CITY SIDEWALK |
| (6) | DESERT LANDSCAPE DEC |

## SITE ANALYSIS

- APN #: 139 - 34 - 611 - 047
- ZONING: C2
- LOT AREA: 7,000 SF.
- BLDG AREA:
  - FIRST FLOOR: 1,908 S.F.
  - BASEMENT STORAGE: 1,768 S.F.
  - TOTAL: 3,676 S.F.
- OUTSIDE MAIN BLDG AREA:
  - STAIR DN AREA: 90 S.F.
  - BLDG OPEN U/ROOF AREA: 154 S.F.
  - GAZEBO AREA: 126 S.F.
  - TOTAL: 370 S.F.
- FAR: 3,376 /7000 = 32.5%
- PARKING ANALYSIS (GFA/200)
  1,908/200 = 8.54 ---- 18 PARKING REQ.
  4 PARKING PROVIDED ON THE PROPERTY

## VICINITY MAP




WINSTON H. HENDERSON ARCHITECTS
1555 EAST FLAMINGO ROAD STE. #250 LAS VEGAS, NV 89119
OFFICE (702) 853-5700 FAX (702) 853-2797

CANDLELIGHT WEDDING CHAPEL
231 LAS VEGAS BLVD S. LAS VEGAS NEVADA

SITE PLAN

Date: 10-05-04
Job No.: 04-213
Designed: WHH
Drawn: BK
Checked: WHH

Sheet
AS1

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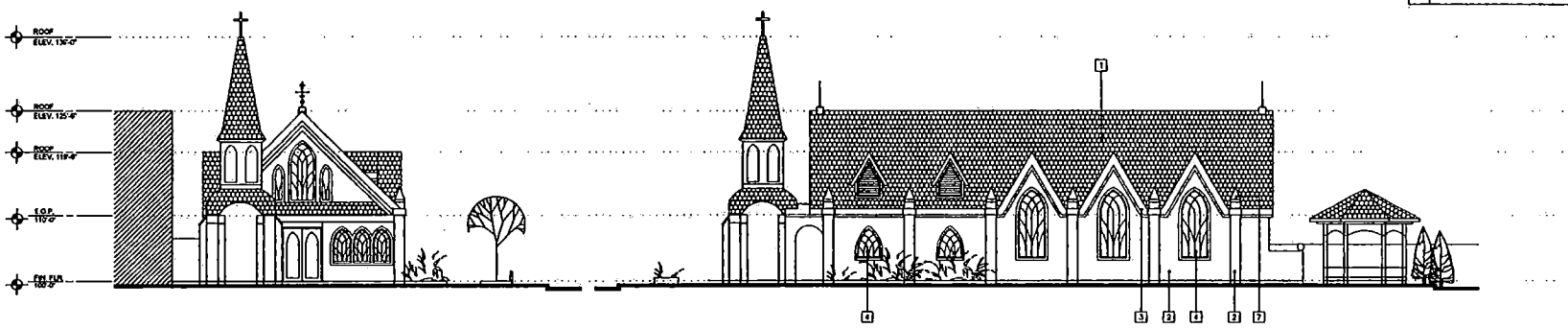
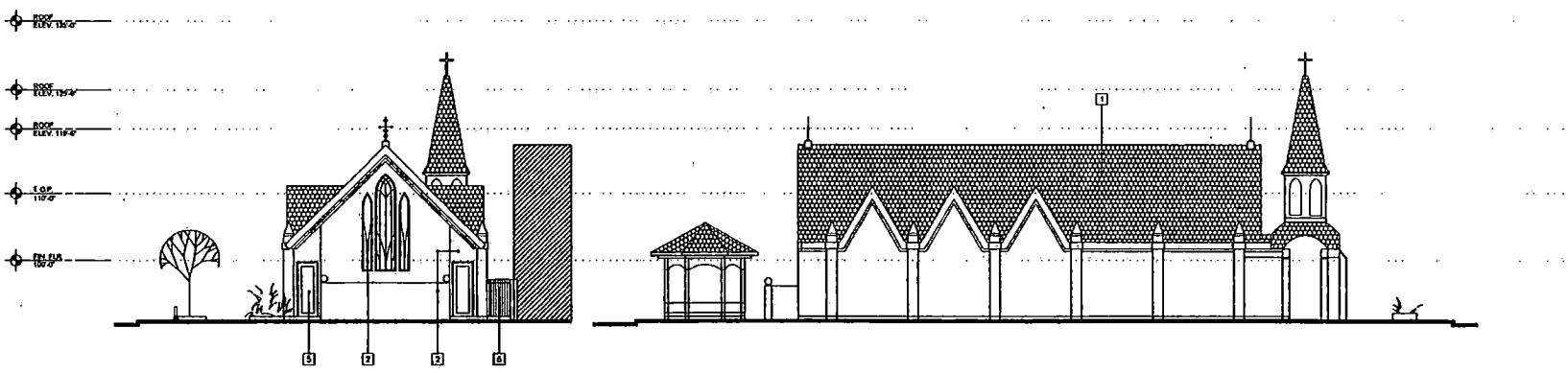
SDR-5395
11/18/04 PC

| ELEVATION KEYNOTES | |
|---|---|
| # | DESCRIPTION |
| 1 | ROOF: SLATE, DARK GREY |
| 2 | WALLS: VINYL SIDING (OFF WHITE) |
| 3 | FASCIA, SOFFIT: VINYL (WHITE) |
| 4 | WINDOWS: VINYL, WHITE FRAME W/ CLEAR OR LEO GLASS |
| 5 | DOORS: METAL FRAME-WHITE W/GLAZING (MANUF: HUBBARD DOORS-MODEL 33) |
| 6 | FENCE & GATES: W.I. PAINTED - DARK FOREST GREEN (PER CITY OF L.V. REQUIREMENT) |
| 7 | CONES O/MULLIONS: PATINA COPPER |




1 WEST ELEVATION
SCALE: 1/4"=1'-0"

2 SOUTH ELEVATION
SCALE: 1/4"=1'-0"




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

4 NORTH ELEVATION
SCALE: 1/4"=1'-0"

**SDR-5395**
**11/18/04 PC**

| No. | Date | By | Revision | Approved |
|---|---|---|---|---|
| | | | | |


WINSTON H. HENDERSON
ARCHITECTS
1555 EAST FLAMINGO ROAD STE. 1030 LAS VEGAS, NV 89119
OFFICE (702) 853-6700 FAX (702) 853-6707


CANDLELIGHT WEDDING CHAPEL
231 LAS VEGAS BLVD S. LAS VEGAS NEVADA

ELEVATION

| | |
|---|---|
| Date: | 10-05-04 |
| Job No.: | 04-213 |
| Designed: | WHH |
| Drawn: | BK |
| Checked: | WHH |

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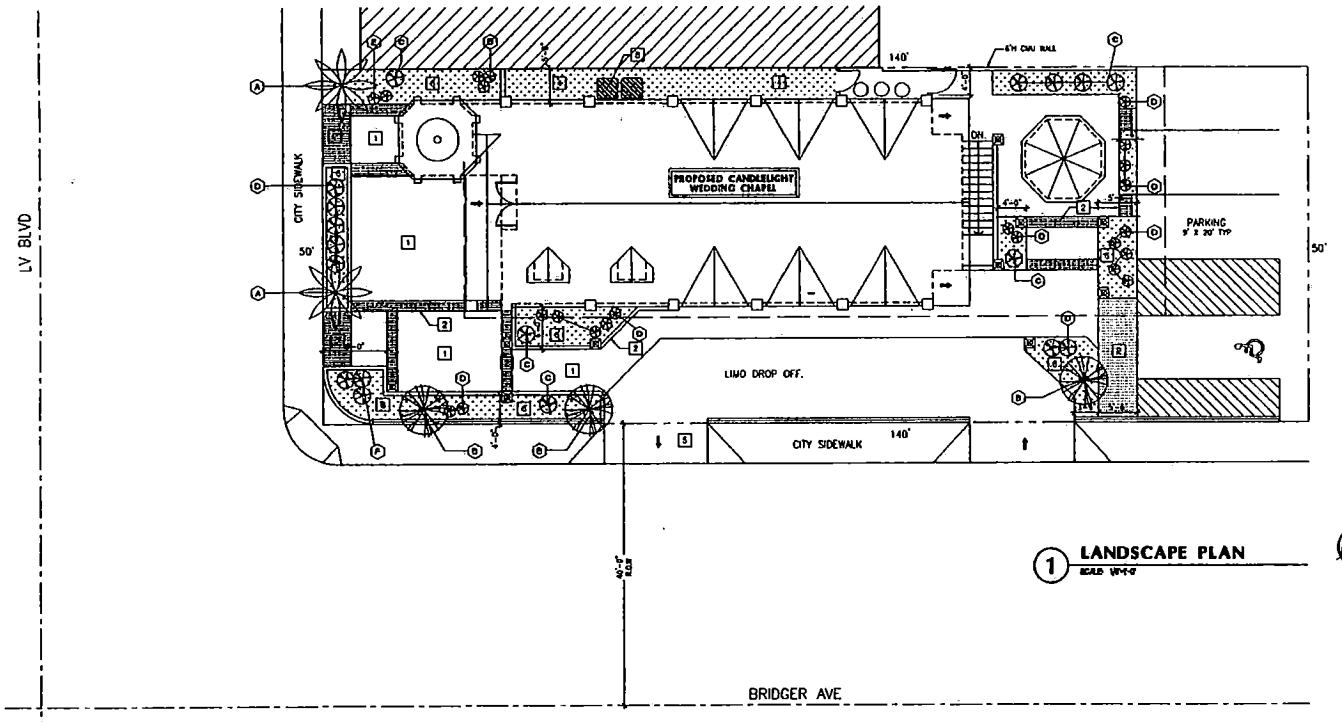


1 LANDSCAPE PLAN

## LANDSCAPE NOTES

| | SCIENTIFIC NAME | COMMON NAMES | SIZE |
|---|---|---|---|
| | PALM TREE | | |
| A | PHOENIX DACTILIFERA | DATE PALM | 36" BOX |
| | SHADE TREE | | |
| B | VITEX AGNUS CASTUS | CHASTE TREE | 36" BOX |
| | TALL NARROW TREE | | |
| C | JUNIPERUS SPECIES | JUNIPER BLUE POINT | 15 GAL |
| | LOW SHRUB | | |
| D | LEUCOPHYLLUM LAEVIGATUM | CHIHUAHUAN RAIN SAGE | 15 GAL |
| | VINES | | |
| E | MACFADYENA ANGUIS CAT | CAT'S CLAW VINE | 15 GAL |
| | ACCENT PLANT | | |
| F | AGAVE COLORATA | MESCAL CENIZA | 15 GAL |

## GROUND SURFACES

| | DESCRIPTION |
|---|---|
| 1 | WASHED SALT FIN. CONC. |
| 2 | BRUSH FIN CONC. |
| 3 | NOT USED |
| 4 | CRUSHED STONE |
| 5 | REINFORCED SIDEWALK SURFACE TO MATCH CITY SIDEWALK |
| 6 | DESERT LANDSCAPE BED |

| Rev | Date | By | Revision | Approved |
|---|---|---|---|---|
| | | | | |

WINSTON H. HENDERSON
ARCHITECTS
1595 EAST FLAMINGO ROAD STE. #250 LAS VEGAS, NV 89119
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CANDLELIGHT WEDDING CHAPEL
231 LAS VEGAS BLVD S. LAS VEGAS NEVADA

LANDSCAPE PLAN

| | |
|---|---|
| Date: | 10-06-04 |
| Job No.: | 04-213 |
| Designed: | WHH |
| Drawn: | BK |
| Checked: | WHH |

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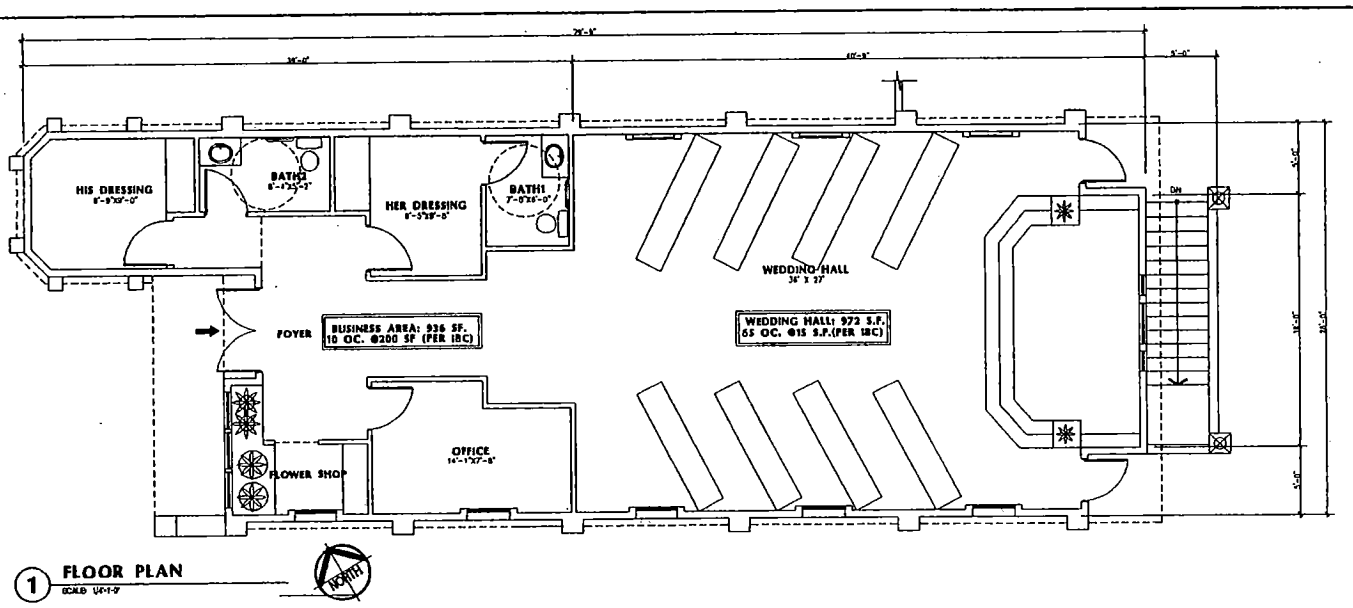
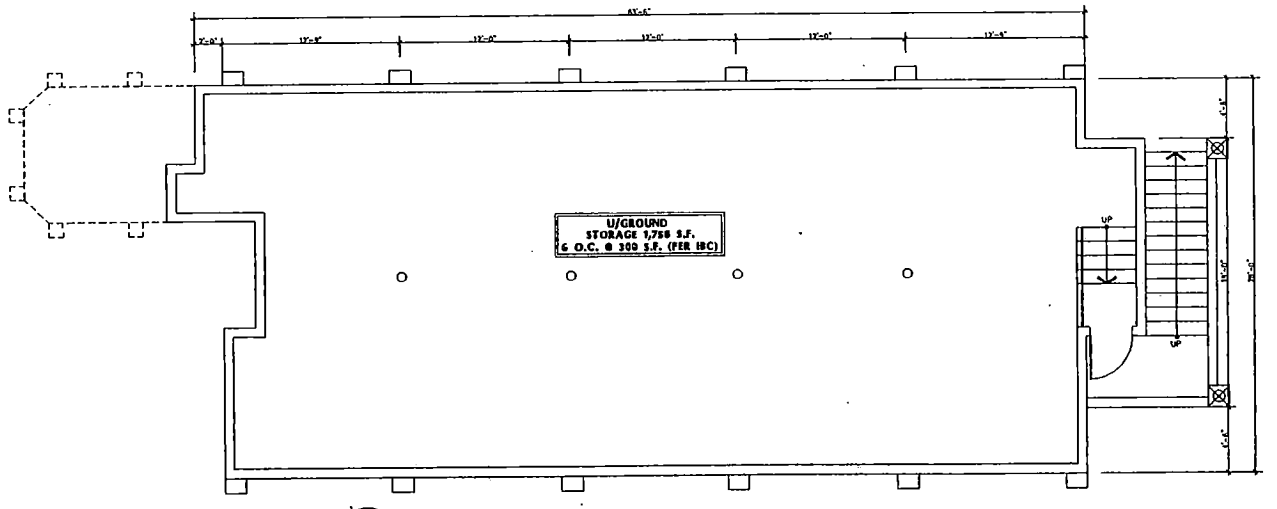
**SDR-5395**
**11/18/04 PC**




1 **FLOOR PLAN**
SCALE: 1/4"=1'-0"




2 **BASEMENT FLOOR PLAN**
SCALE: 1/4"=1'-0"

**SDR-5395**
**11/18/04 PC**

| Rev | Date | By | Revision | Approved |
|---|---|---|---|---|
| | | | | |

WINSTON H. HENDERSON
ARCHITECTS
1555 EAST FLAMINGO ROAD STE. #230 LAS VEGAS, NV 89119
OFFICE (702) 853-5700 FAX (702) 853-5797

CANDLELIGHT WEDDING CHAPEL
231 LAS VEGAS BLVD S. LAS VEGAS NEVADA

FLOOR PLAN

| | |
|---|---|
| Date: | 10-05-04 |
| Job No.: | 04-213 |
| Designed: | WHH |
| Drawn: | BK |
| Checked: | WHH |

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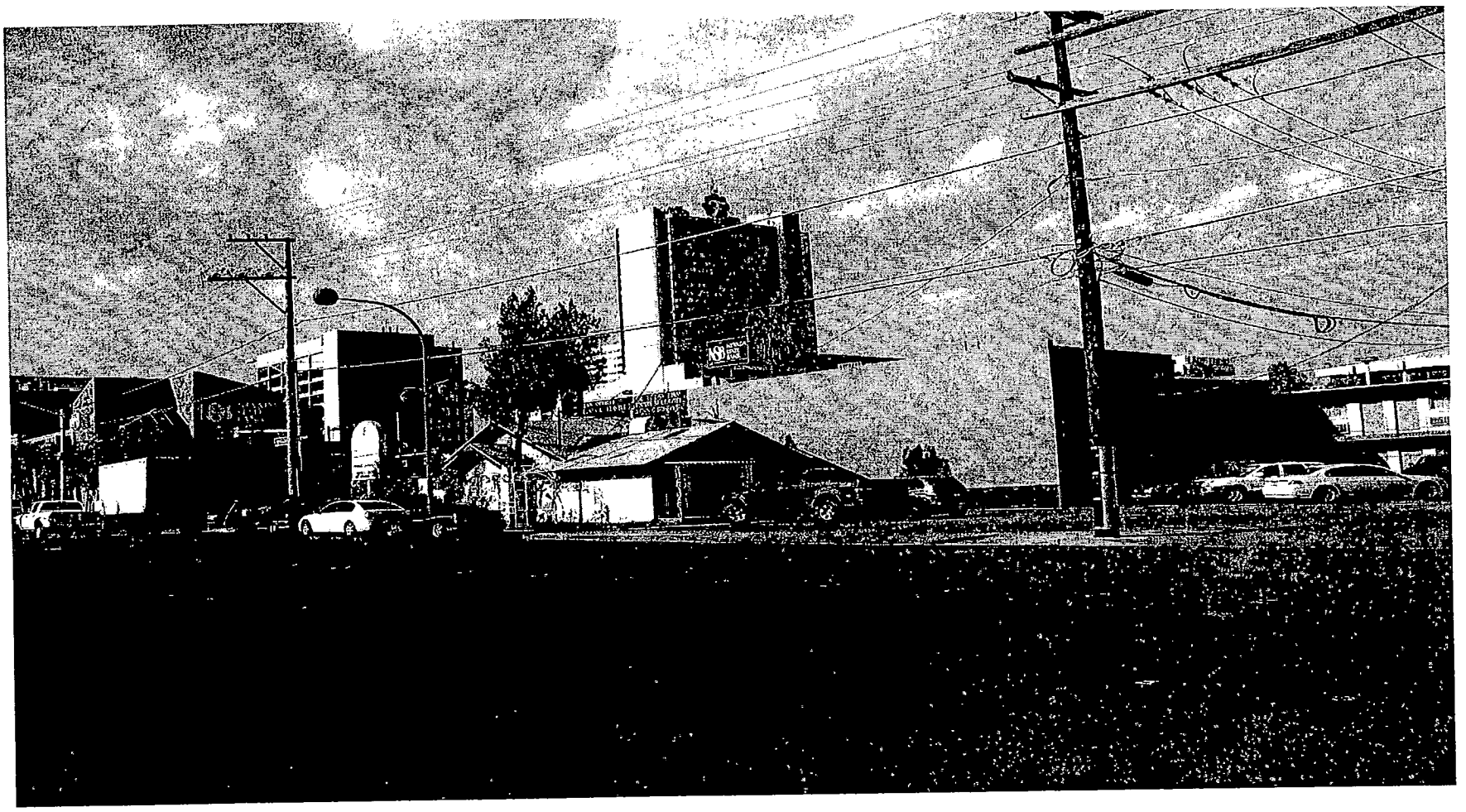


SDR-5395 - APPLICANT: GORDON GUST - OWNER: GORDON GUST AND WENDA GUST
NORTHEAST CORNER OF BRIDGER AVENUE AND LAS VEGAS BOULEVARD
NOVEMBER 18, 2004 PLANNING COMMISSION

10/22/04

City of Las Vegas

Agenda Item No.: 42

## AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

**PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004**

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

**SUBJECT:**
**SUP-5324 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: STARVING STUDENTS, INC. - OWNER: NAMCO 8, LLC** - Request for a Special Use Permit FOR A PROPOSED TRUCKING COMPANY at 3281 North Decatur Boulevard, Suite #120 (APN 138-12-813-001), C-2 (General Commercial) Zone, Ward 6 (Mack).

**IF APPROVED: C.C.: 12/15/04**
**IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)**

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

**RECOMMENDATION:**
Staff recommends APPROVAL.

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

**MOTION:**
**NIGRO – APPROVED subject to conditions – UNANIMOUS**

**To be heard by City Council 12/15/2004**

**MINUTES:**
VICE CHAIRMAN NIGRO declared the Public Hearing open.

DON SCHMIESER, Planning & Development Department, explained that this particular use was the impetus for the City adopting an ordinance in December of 2003 to allow a trucking company within a C-2 (General Commercial) zoning district by means of a Special Use Permit. The ordinance restricts the use to office operations and the parking to no more than 5 trucks and trailers onsite. Onsite storage is not allowed in conjunction with this use. This application complies with these requirements.

This project has been deemed a Project of Regional Significance because of its proximity to the City of North Las Vegas. An Environmental Impact Assessment Questionnaire was circulated to

**MINUTES – Continued:**
the affected agencies and no comments or recommendations were received.

RICHARD PRESTON, 1980 Book Binder Drive, appeared on behalf of the applicant and agreed to all conditions. He informed the Commission that the applicant is a certificated carrier of household goods and there are approximately 40 branches nationwide. MR. PRESTON indicated that this company does have problems finding suitable locations with small office space and that can accommodate the necessary parking. This location would work well for the applicant and he requested approval.

COMMISSIONER STEINMAN confirmed with MR. PRESTON that the trucks would be parked in the back where the industrial portion of the center is located. The trucks would not be visible from Cheyenne Avenue or Decatur Boulevard. The Commissioner wanted to verify the applicant did not intend to park the trucks in the front of the complex. MR. PRESTON added that the trucks are usually out during the day and are really only located on the site during the evening.

VICE CHAIRMAN NIGRO declared the Public Hearing closed.

(10:25 – 10:29)
**3-2659**

**CONDITIONS:**
Planning and Development

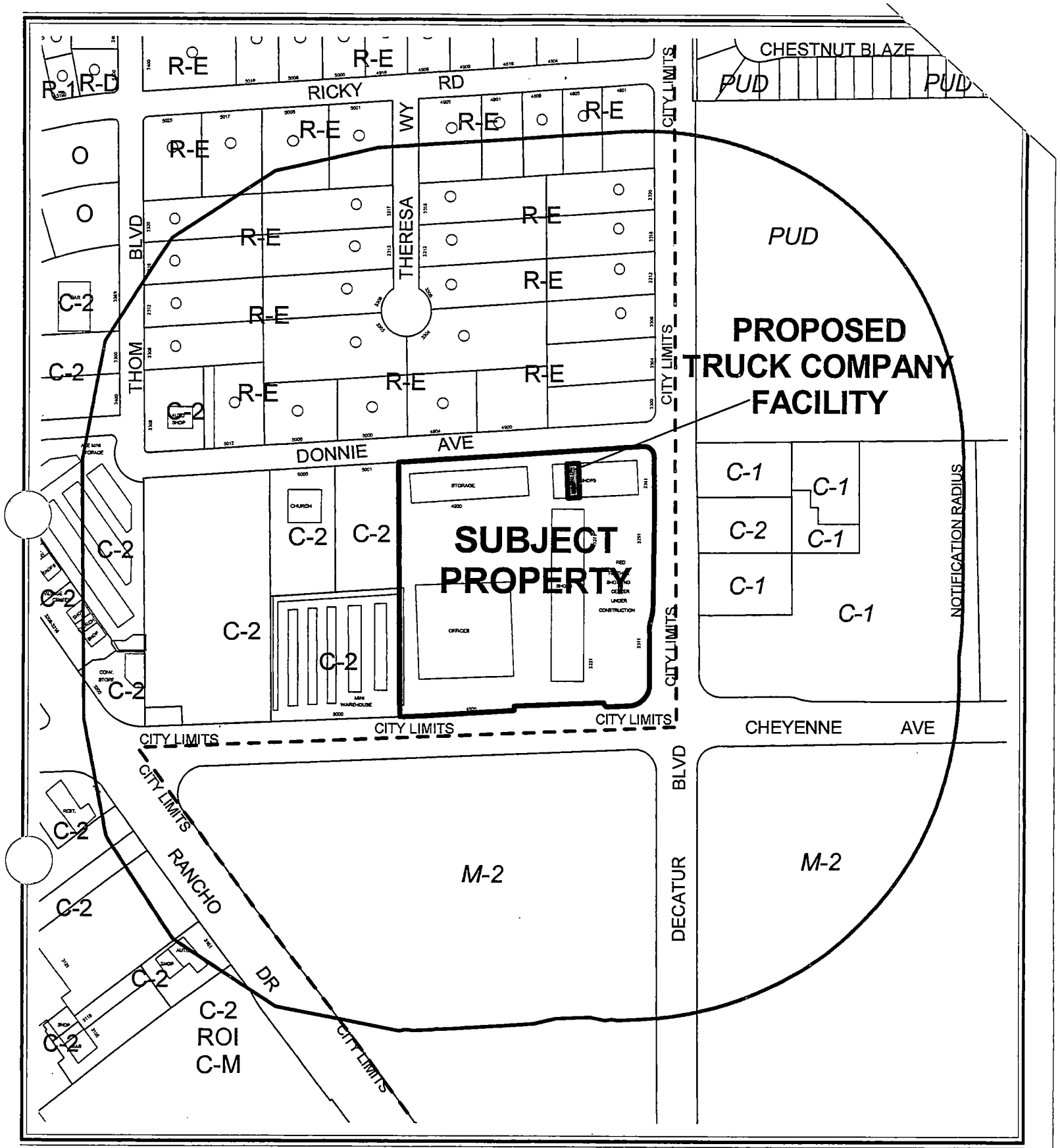
1. Conformance to all Minimum Requirements under Title 19.04.050 for a Trucking Company use.

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. Conformance to the Conditions of Approval for Rezoning (Z-0079-97).

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

5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.



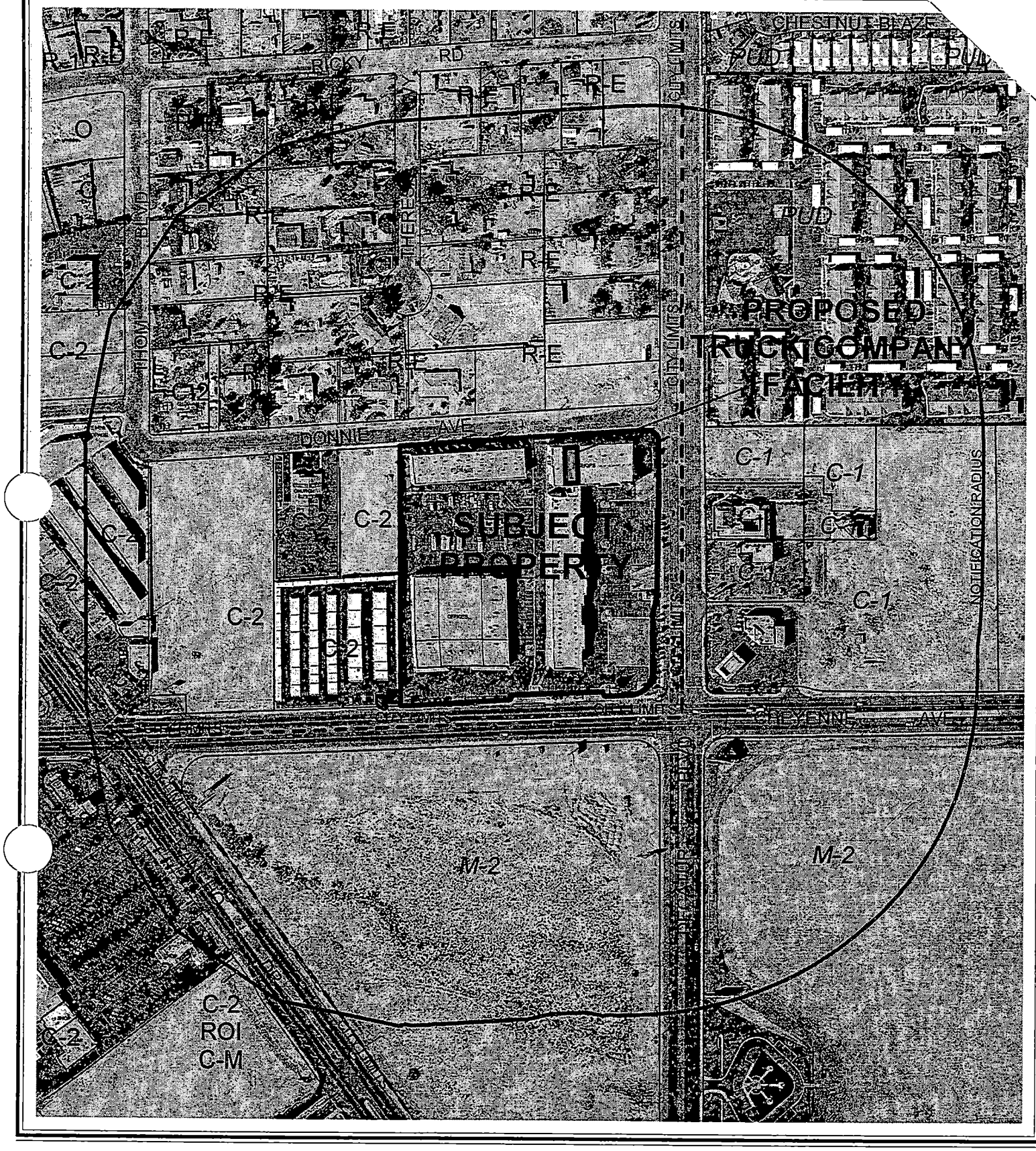

0 300 600 Feet

**CASE:** **SUP-5324**

**RADIUS:** 750 FT

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

N




**CASE:** **SUP-5324**

**RADIUS:** 750 FT

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

0 300 600 Feet

N

City of Las Vegas

## AGENDA MEMO

**PLANNING COMMISSION MEETING DATE: NOVEMBER 18, 2004**
**DEPARTMENT: PLANNING AND DEVELOPMENT**
**ITEM DESCRIPTION: SUP-5324 - APPLICANT: STARVING STUDENTS, INC. - OWNER: NAMCO 8, LLC**

## ** CONDITIONS **

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

***Planning and Development***

1. Conformance to all Minimum Requirements under Title 19.04.050 for a Trucking Company 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. Conformance to the Conditions of Approval for Rezoning (Z-0079-97).

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

5. 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*

This is a request for a Special Use Permit for a proposed "Trucking Company" at 3281 North Decatur Boulevard, Suite #120.

### *B) Applicant's Justification*

The applicant states, "This office functions to dispatch personnel and clerical support only. There is no storage of household goods at this location. We park five trucks…. The trucks are not visible from Cheyenne or Decatur streets."

## BACKGROUND INFORMATION

### *A) Previous Actions*

01/02/91 The City Council approved a Reclassification (Z-0122-90) of property located on the northwest corner of Decatur Boulevard and Cheyenne Avenue, from R-E (Residence Estates) and C-2 (General Commercial) Zones to C-2 (General Commercial) and R-D (Single Family Residential-Restricted) [later amended to R-E by condition], to allow offices, warehouses and single-family dwellings. The Planning Commission and staff recommended approval on 12/13/90.

08/05/92 The City Council approved a request for a Review of Condition [Z-0122-90(1)] to modify wall height and landscaping conditions for the approved project. The Planning Commission recommended approval on 06/25/92.

09/22/97 The City Council approved a request for Rezoning (Z-0079-97) on property located on the west side of Decatur Boulevard, between Cheyenne Avenue and Donnie Avenue, from R-E (Residence Estates) to R-D (Single Family Residential Restricted) and C-2 (General Commercial), for three proposed single-family dwellings and a 25,800 square-foot, two-story shopping center (Red Feather Shopping Center).

05/14/98 The Planning and Development Department administratively approved a revised site plan for the shopping center [Z-0079-98(2)] to modify access and to require landscaping in accordance with city standards.

06/19/02 The City Council denied a request for a Special Use Permit (U-0020-02) for a proposed Tattoo Parlor/Body Piercing Studio located on the subject site. Staff had recommended approval. The Planning Commission recommended approval on 04/11/02.

12/18/02 The City Council approved a request for a Special Use Permit (SUP-1097) for a proposed Restaurant Service Bar on the subject site. The Planning Commission and staff recommended approval on 11/21/02.

12/17/03 The City Council adopted a Text Amendment (TXT-3090) amending the following portions of Title 19 of the Las Vegas Zoning Code: Title 19.04.010, Table 2 "Land Use Tables;" and Title 19.04.050(B), "Minimum Requirements" to allow Trucking Companies in the C-2 (General Commercial) zoning district by means of a Special Use Permit. The Planning Commission recommended approval on 10/09/03.

03/17/04 The City Council approved a Special Use Permit (SUP-3642) for an Auto Paint and Body Repair Shop located at 4920 West Cheyenne Avenue. The Planning Commission and Staff recommended approval on 02/12/04.

***B) Pre-Application Meeting***

09/22/04 A pre-application conference was held and resulted in basic discussion of submittal requirements for a Special Use Permit.

***C) Neighborhood Meetings***

A neighborhood meeting is not required for this application nor was one held.

## DETAILS OF APPLICATION REQUEST

***A) Site Area***

Net Acres: 8.43

***B) Existing Land Use***

| | |
|---|---|
| Subject Property: | Red Feather Center (General Commercial Center) |
| North: | Residential |
| South: | Undeveloped (North Las Vegas) |
| | North Las Vegas Air Terminal |
| East: | Cheyenne-Decatur Shopping Center |
| | Gasoline Station |
| West: | Mini-Warehouse Facility |
| | Undeveloped (No Proposed Project) |

***C) Planned Land Use***

| | |
|---|---|
| Subject Property: | GC (General Commercial) |
| North: | DR (Desert Rural Density Residential) |
| South: | City of North Las Vegas |
| East: | City of North Las Vegas |
| West: | GC (General Commercial) |

***D) Existing Zoning***

| | |
|---|---|
| Subject Property: | C-2 (General Commercial) |
| North: | R-E (Residence Estates) |
| South: | [(City of North Las Vegas) M-2 (General Industrial)] |
| East: | [(City of North Las Vegas) C-2 (General Commercial) & C-1 (Neighborhood Commercial)] |
| West: | C-2 (General Commercial) |

***E) General Plan Compliance***

The subject property is designated GC (General Commercial) on the Centennial Hills Sector Plan map. The current C-2 (General Commercial) zoning of the site complies with the current land use designation. The proposed Trucking Company is a permitted use within the C-2 (General Commercial) zoning district with approval of a Special Use Permit.

| *SPECIAL DISTRICTS/ZONES* | Yes | No |
|---|---|---|
| **Special Area Plan** | | X |
| **Special Overlay District** | X | |
| Airport Overlay District 35' | | |
| **Trails** | | X |
| **Rural Preservation Neighborhood** | | X |
| **County/North Las Vegas/HOA Notification** | X | |
| **Development Impact Notification Assessment** | | X |
| **Project of Regional Significance** | X | |

**Special Overlay District**

The subject site is located within the North Las Vegas Airport Overlay District; however, as the proposed use is being located within an existing building, there will be no impact on the Airport Overlay District.

PL

**County/North Las Vegas/HOA Notification**

As the notification radius for this application includes lands within the City of North Las Vegas, notification of this request was sent to this entity. The City indicated by letter that it had no comment with respect to this application.

**Project of Regional Significance**

This request was determined to be a Project of Regional Significance. Information relative to this status is provided below.

## 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 feet of the City of North Las Vegas

An Environmental Impact Assessment questionnaire was circulated to the affected Agencies and Entities for the mandated 15-day period. No comments have been received at this time. The Planning Commission shall consider the Environmental Impact Assessment and the proposed mitigation measures prior to make a decision on the proposal.

## ANALYSIS

### *A) Zoning Code Compliance*

A1) Parking and Traffic Standards

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

| **Uses** | GFA | Ratio | **Required** Parking | | **Provided** Parking | |
|---|---|---|---|---|---|---|
| | | | Regular | Handicap | Regular | Handicap |
| All Other Commercial Uses Not Listed | 645 s.f. | 5 spaces plus 1 space/250 s.f. GFA | 7 spaces | 1 spaces | 234 spaces* | 7 spaces* |

**The parking provided on the site is shared between all uses on the site; however, as the overall parking requirement is for 151 spaces, the parking provided exceeds the requirement of the Code.*

PL

A2) Minimum Distance Separation Requirements

There are no Minimum Separation Distance Requirements in the Zoning Code that apply to the proposed Trucking Company use.

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

| Standards | Code Requirement | Provided |
|---|---|---|
| Trash Enclosure | Walled, roofed, gated | Y |

The proposed use will utilize the two existing trash enclosures located on the site to the north of the building to contain this use. The enclosures do not meet current standards but meet the standards in place at the time the overall project was approved. As these enclosures are placed in an internal location on the site, and are not visible from nearby residential areas, no changes to these facilities are required.

***B) General Analysis and Discussion***

- Zoning

The subject site is currently zoned as C-2 (General Commercial) and has a General Plan land use designation of GC (General Commercial). The proposed Trucking Company use is within the range of uses permitted, with approval of a Special Use Permit, in the GC (General Commercial) land use designation with C-2 (General Commercial) zoning.

- Use

There are no minimum separation distances or similar criteria that are applicable to the Trucking Company use; however, while this is a permitted use in the C-M (Commercial/Industrial) and M (Industrial) zoning districts, a Special Use Permit is required for this use in the C-2 (General Commercial) zoning district.

- Conditions

Title 19.04.040 sets out the base conditions that must be met for a Trucking Company use:

(1) The use shall be limited to office operations and the parking of trucks and trailers.

(2) No more than five trucks of trailers, or combination of trucks and trailers, shall be permitted on the site at any one time.

(3) The parking of trucks and trailers shall be restricted to locations to the rear of onsite structures so as to not be visible from adjoining streets.

(4) None of the following activities shall be permitted on site:

(a) The repair or servicing of vehicles.
(b) The storage or warehousing of goods or merchandise.
(c) The loading or unloading of goods or merchandise.

**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 Trucking Company use is an industrial/commercial use that will be conducted in an existing and fully enclosed building, as well as five parking spaces, screened from residential uses to the north by other existing buildings on the site, and surrounded by warehousing and other similar uses; as a result, the parked trucks and office use can be expected to be compatible with existing and future uses on this site that are consistent with the approved GC (General Commercial) land use designation, and with nearby single-family development.

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

   There are no constraints to the development of this use on the site, as the proposed use will be entirely located within an existing enclosed building, as well as a maximum of five parking spaces located within the interior of the site and that are completely screen from any public right-of-ways. There is sufficient on-site parking to accommodate this and other uses on the property.

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

   The site has direct access to Decatur Boulevard and Cheyenne Avenue, which are both designated as Primary (100-foot) Arterials on the Master Plan of Streets and Highways. As a result, the abutting street network will be adequate for the traffic generated by this project.

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 Trucking Company use is a use that is consistent with the GC (General Commercial) land use designation, through C-2 (General Commercial) zoning, with the approval of a Special Use Permit. The proposed use on this site will be subject to periodic inspection by regulatory agencies for business licensing, and will therefore not compromise the public health, safety and welfare.

**NOTICES MAILED** 400

**APPROVALS** 0

**PROTESTS** 0

PL

PLANNING & DEVELOPMENT

CITY OF LAS VEGAS

DEVELOPMENT SERVICES CENTER

# PLANNING & DEVELOPMENT DEPARTMENT

## STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-5324** APN: 138-12-813-001

Name of Property Owner: NAMCO 8 LLC

Name of Applicant: Starving Students Inc

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

_____ Yes  X No

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

City Official: N/A

Partner(s): _____ _____

APN: _____

Signature of Property Owner/Authorized Agent: _____

Subscribed and sworn before me

This 28th day of June, 2004

_____

Notary Public in and for said County and State

MADELLYNN P. AGONCILLO
Comm. # 1412981
NOTARY PUBLIC - CALIFORNIA
Los Angeles County
My Comm. Expires April 22, 2007

## PARKING REQUIRED

**PROPOSED BUILDING #1**
OFFICE: 29,417 S.F. / 300 = 99 SPACES
WAREHOUSE: 8,472 S.F. / 1000 = 9 SPACES

**EXISTING BUILDING #2**
OFFICE: 1,255 S.F. / 300 = 5 SPACES
WAREHOUSE: 15,456 S.F. / 1000 = 16 SPACES

**EXISTING BUILDING #3**
OFFICE: 16,951 S.F. / 300 = 57 SPACES
WAREHOUSE: 8,008 S.F. / 1000 = 9 SPACES

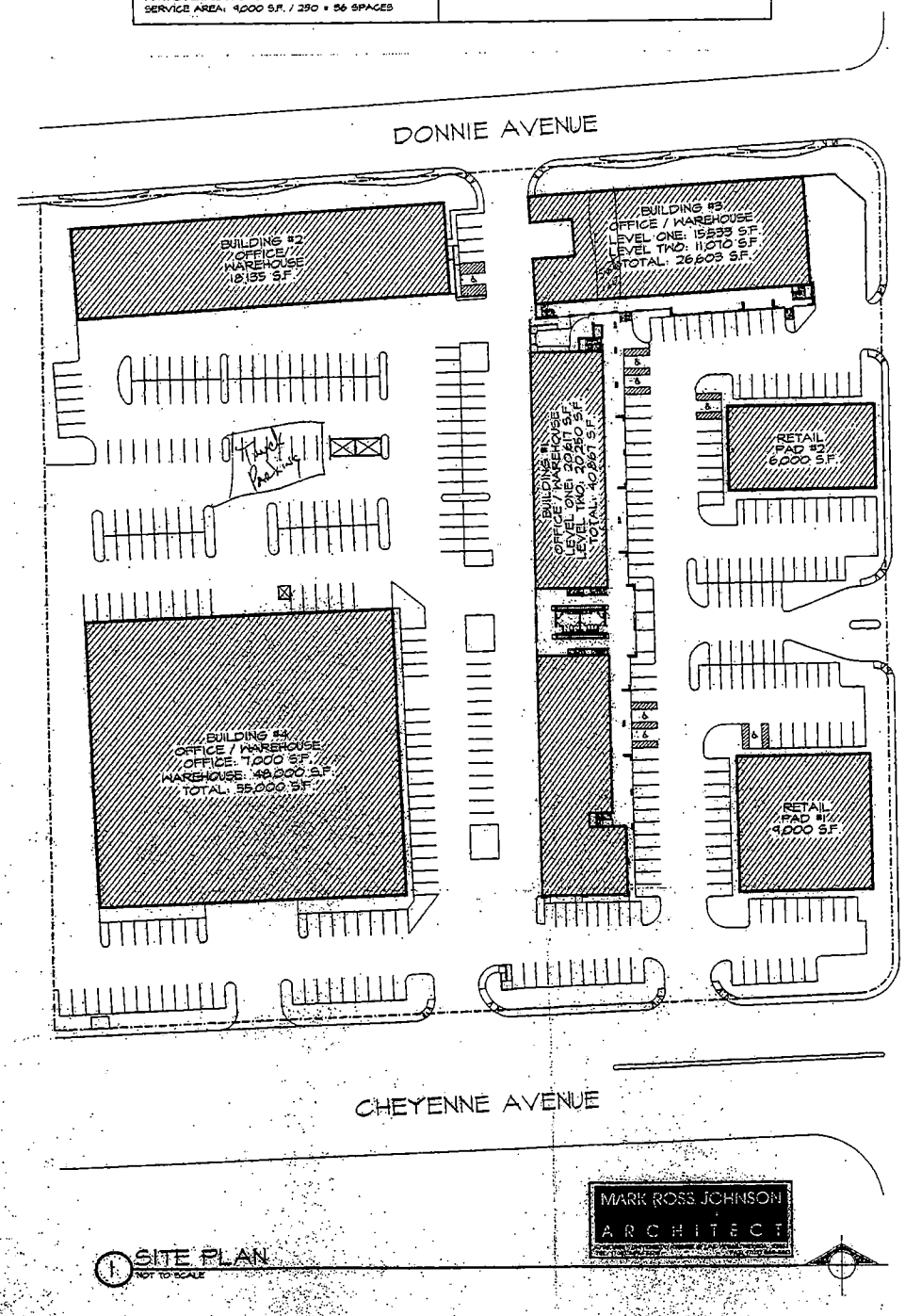
**EXISTING BUILDING #4**
OFFICE: 7,000 S.F. / 300 = 24 SPACES
WAREHOUSE: 48,000 S.F. / 1000 = 48 SPACES

**FUTURE RETAIL PAD #1**
SERVICE AREA: 6,930 S.F. / 250 = 28 SPACES

**FUTURE RETAIL PAD #2**
SERVICE AREA: 9,000 S.F. / 250 = 36 SPACES

TOTAL PARKING REQUIRED: 351 SPACES

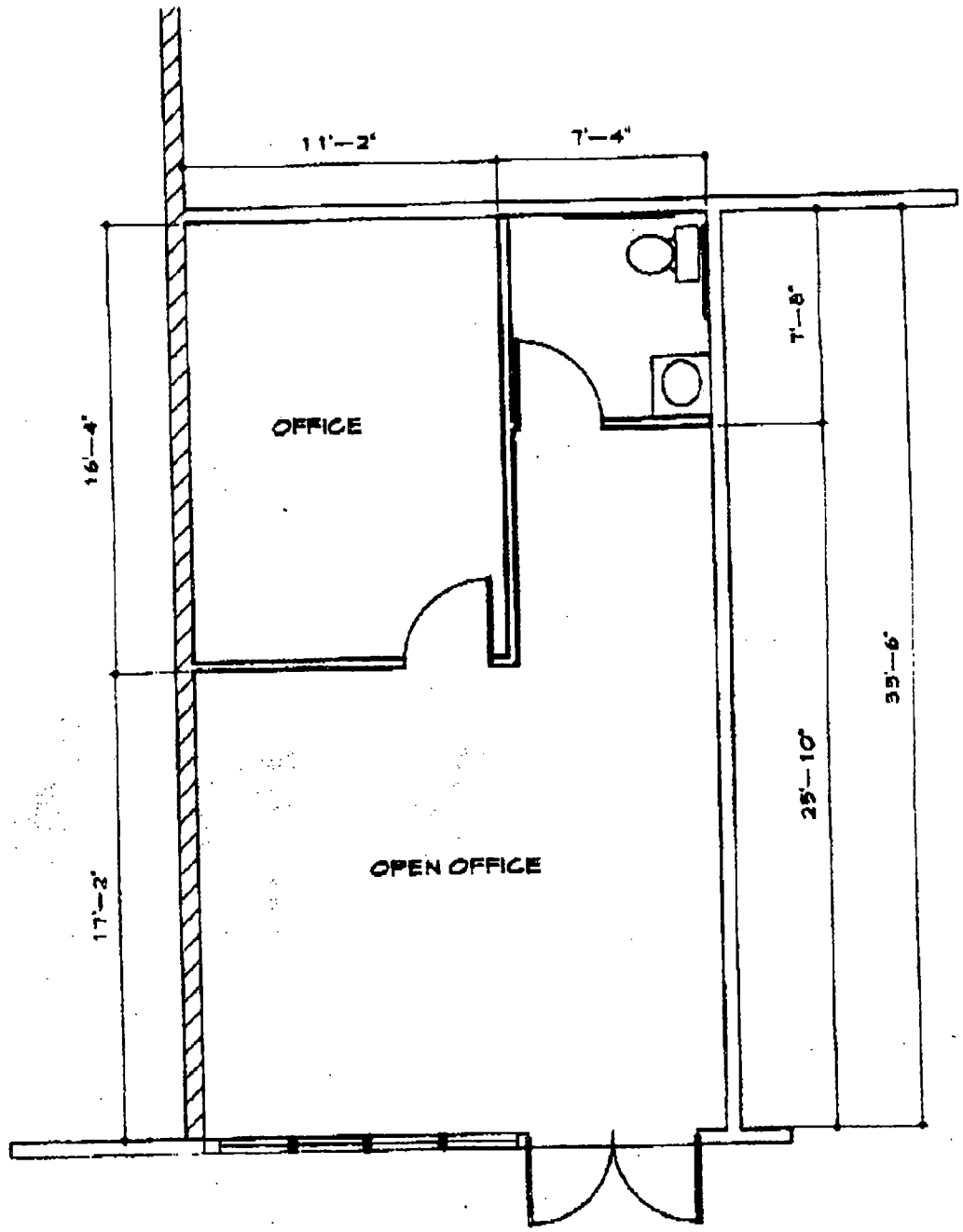
TOTAL PARKING PROVIDED: 343 SPACES




MARK ROSS JOHNSON
ARCHITECT

1 SITE PLAN
NOT TO SCALE

SUP-5324
11/18/04 PC




STARVING STUDENT SUITE # 120

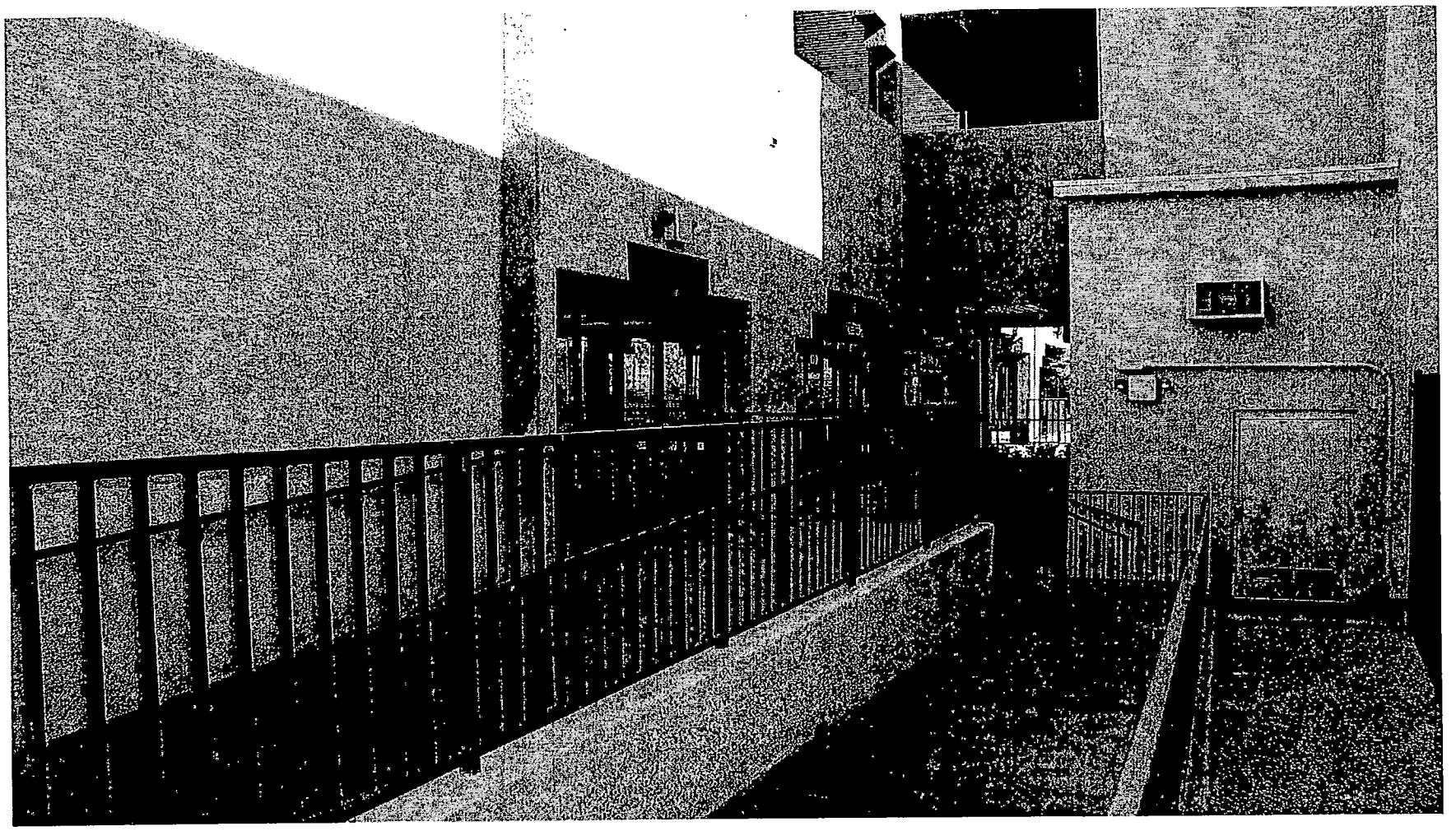
645 S.F. SCHEME 1

RICHARD THRELFALL ARCHITECT INC
388-0716

REDFEATHER CENTER

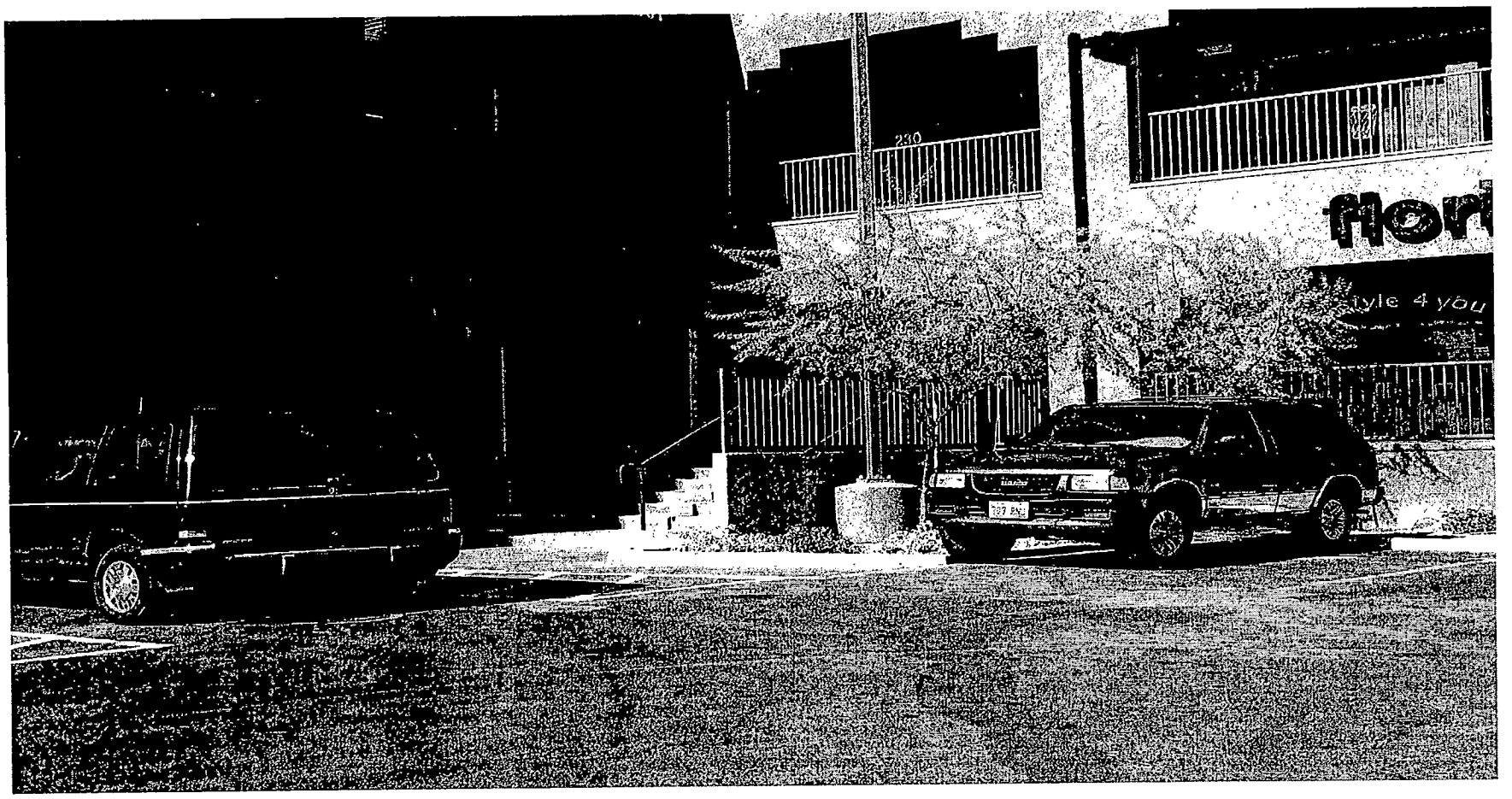
RECEIVED
SEP 2 2 2004

SUP-5324
11/18/04 PC



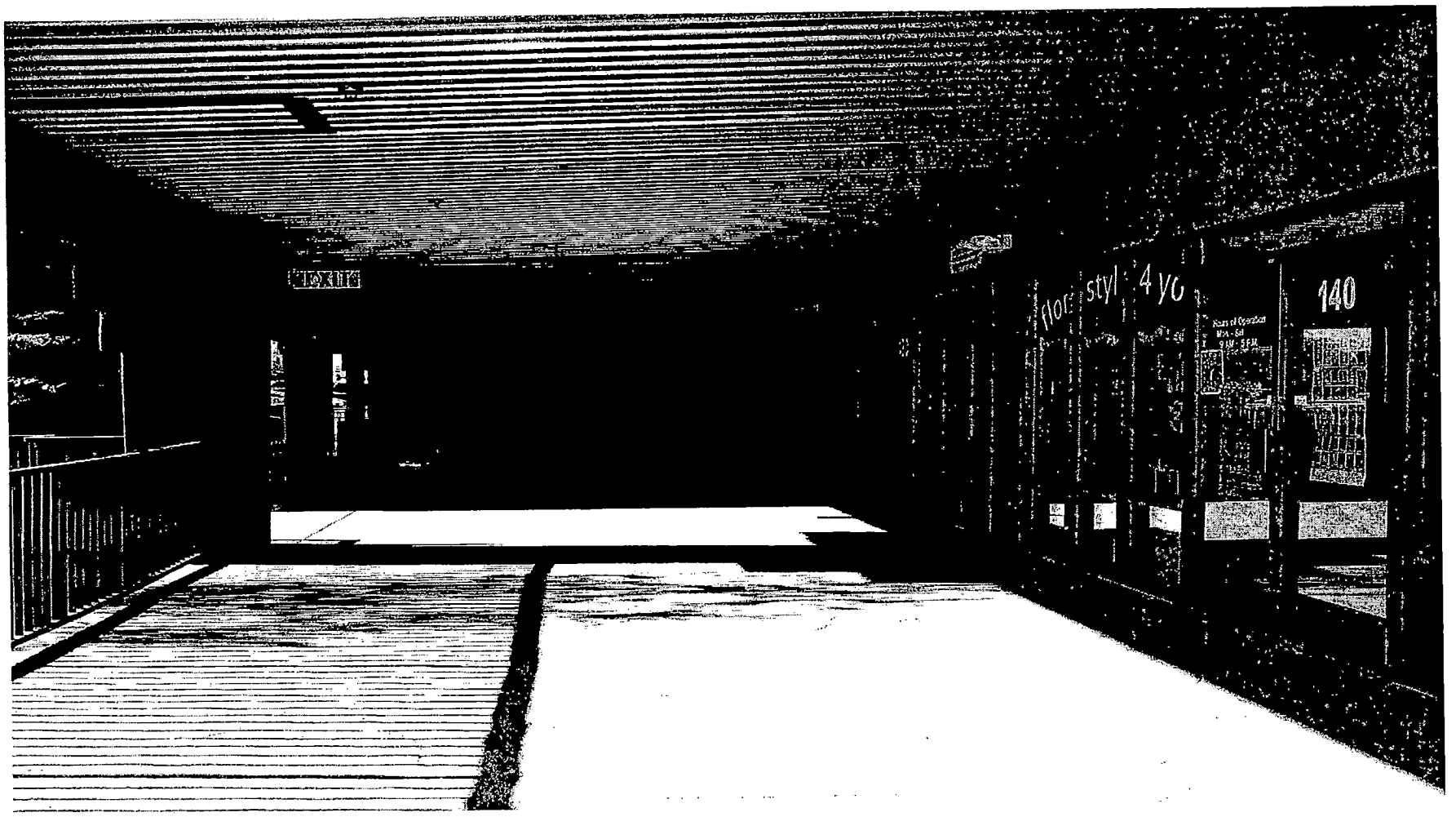
SUP-5324 - APPLICANT: STARVING STUDENTS, INC. - OWNER: NAMCO 8, LLC
3281 NORTH DECATUR BOULEVARD, SUITE #120
NOVEMBER 18, 2004 PLANNING COMMISSION

10/28/04




SUP-5324 - APPLICANT: STARVING STUDENTS, INC. - OWNER: NAMCO 8, LLC
3281 NORTH DECATUR BOULEVARD, SUITE #120
NOVEMBER 18, 2004 PLANNING COMMISSION

10/28/04




SUP-5324 - APPLICANT: STARVING STUDENTS, INC. - OWNER: NAMCO 8, LLC
3281 NORTH DECATUR BOULEVARD, SUITE #120
NOVEMBER 18, 2004 PLANNING COMMISSION

10/28/04

City of Las Vegas

Agenda Item No.: 43

## AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

**PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004**

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

**SUBJECT:**
**SUP-5360 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: N & J JEWELRY - OWNER: RAMPART COMMONS, LTD., LLC** - Request for a Special Use Permit FOR A PROPOSED JEWELRY STORE, CLASS III at 1025 South Rampart Boulevard (APN 138-32-411-003), C-1 (Limited Commercial) Zone, Ward 2 (Wolfson).

**IF APPROVED: C.C.: 12/15/04**
**IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)**

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

**RECOMMENDATION:**
Staff recommends APPROVAL.

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

**MOTION:**
**EVANS – APPROVED subject to conditions – UNANIMOUS**

**To be heard by City Council 12/15/2004**

**MINUTES:**
CHAIRMAN TRUESDELL declared the Public Hearing open.

DON SCHMEISER, Planning & Development Department, stated this is a Class 3 Jewelry store, which means that it buys and sells scrap precious metals for marketing as a commodity in bar or jewelry form. This type of store can also buy and sell precious bars and coins sold as a commodity rather than for the purpose of collection. The operations may be similar to a jewelry store. The applicant proposes to make and sell jewelry at retail and also to buy and sell other jewelry and related items. The use would be located in one of twelve units within a shopping center and staff did not identify problems or concerns with parking or other requirements.

**MINUTES – Continued:**

NANCY WEINSTEIN, 896 East Sahara Avenue, appeared on behalf of the applicant and concurred with all conditions.

COMMISSIONER EVANS stated that MR. & MRS WEINSTEIN operate historic jewelry stores throughout the community and they are very civic minded. He commended them on being outstanding business operators.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(10:29 – 10:32)

**3-2846**

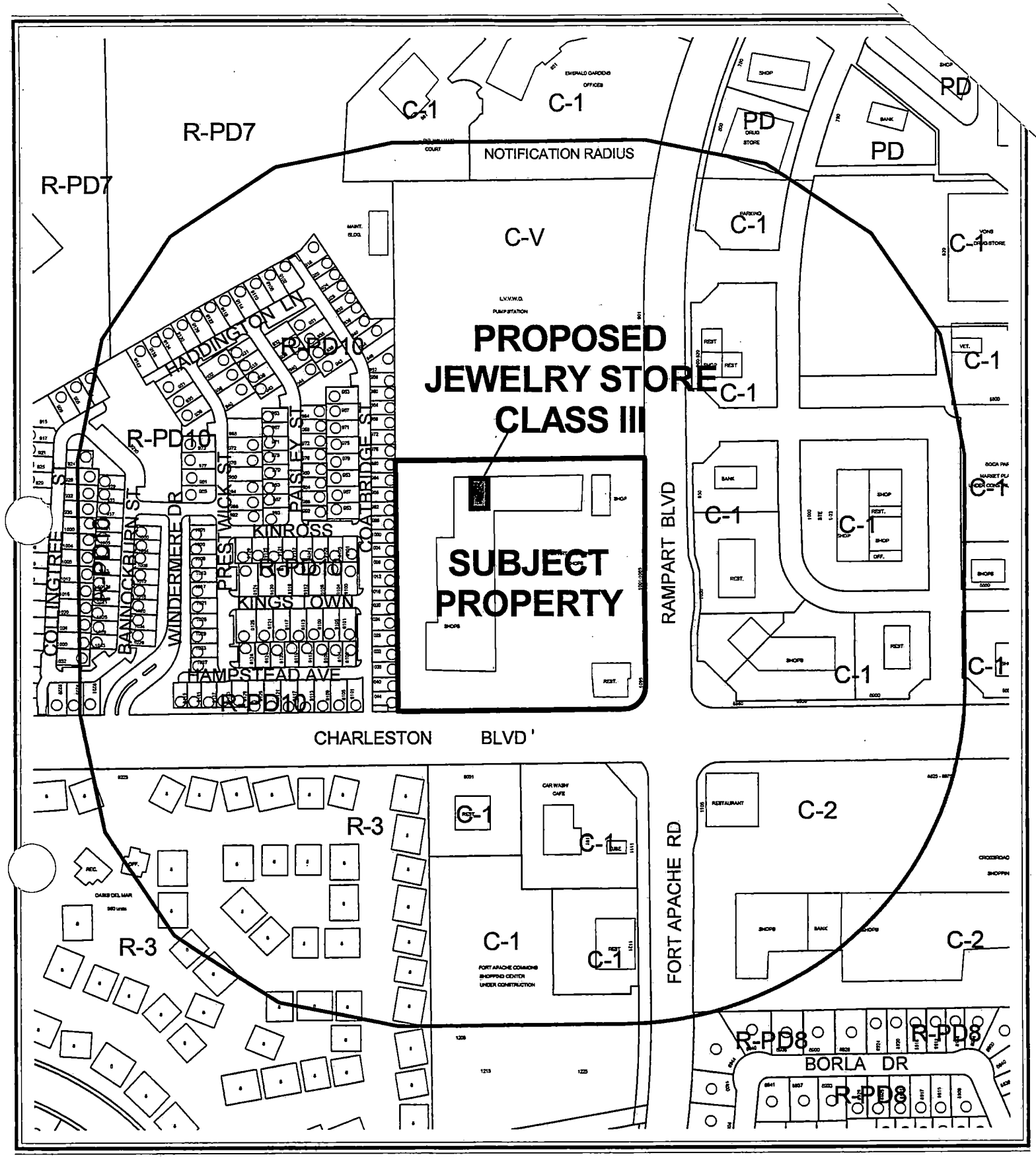
**CONDITIONS:**

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for a Class III Jewelry Store and Title 6 of the Las Vegas Municipal Code for a Retail Demonstration Merchandise Sales Stores Jewelry Tag.

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

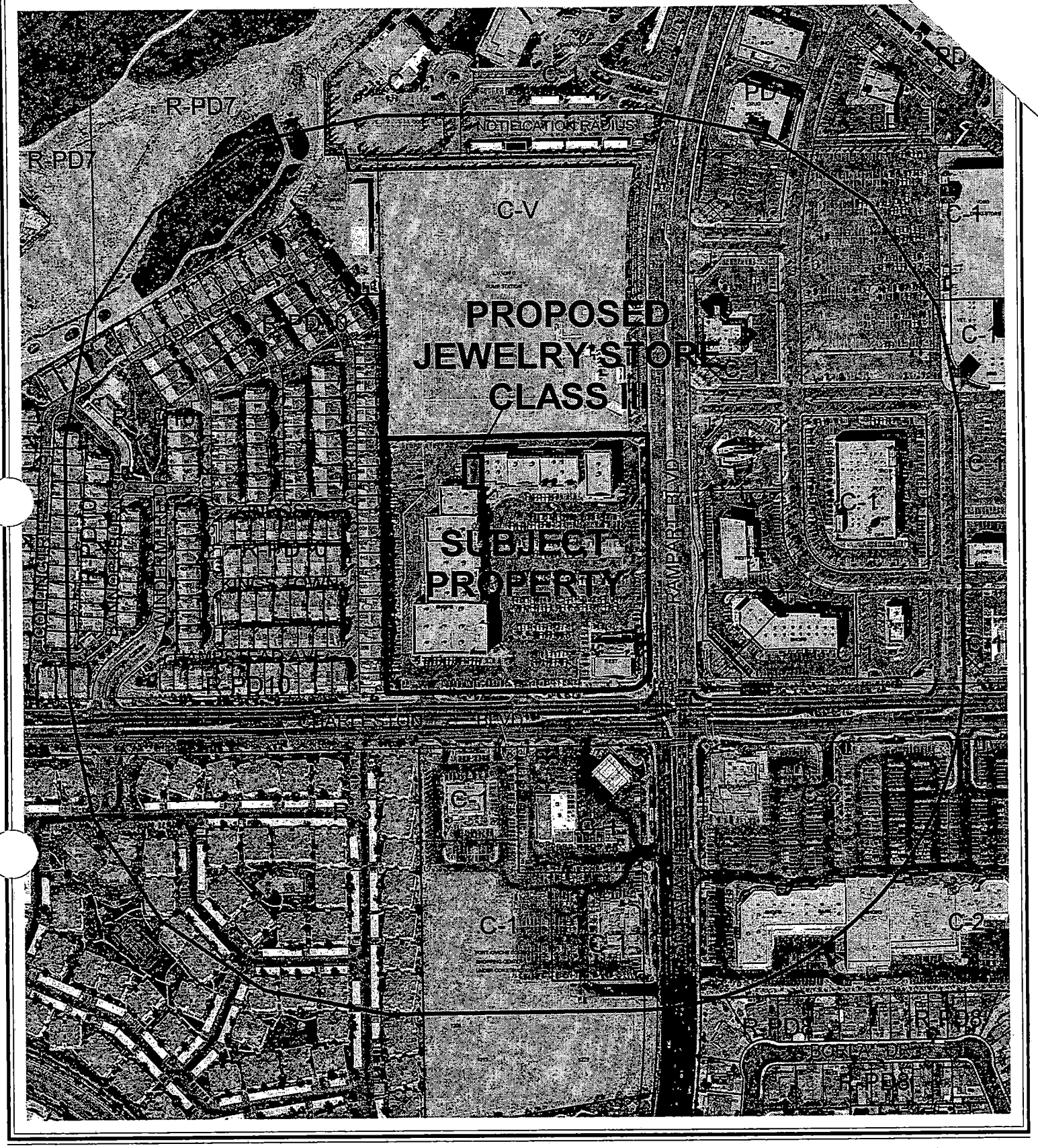
3. All City Code requirements and design standards of all City departments must be satisfied.




**CASE:** **SUP-5360**

**RADIUS:** 750 FT

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




0 300 600 Feet

**CASE:** **SUP-5360**

**RADIUS:** 750 FT

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

N

City of Las Vegas

## AGENDA MEMO

**PLANNING COMMISSION MEETING DATE: NOVEMBER 18, 2004**
**DEPARTMENT: PLANNING AND DEVELOPMENT**
**ITEM DESCRIPTION: SUP-5360 - APPLICANT: N & J JEWELRY - OWNER: RAMPART COMMONS, LTD., LLC**

## ** CONDITIONS **

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

***Planning and Development***

1. Conformance to all Minimum Requirements under Title 19.04.050 for a Class III Jewelry Store and Title 6 of the Las Vegas Municipal Code for a Retail Demonstration Merchandise Sales Stores Jewelry Tag.

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

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

# ** STAFF REPORT **

## APPLICATION REQUEST

### *A) Action Requested*

This request is for a Special Use Permit for a Jewelry Store, Class III at 1025 South Rampart Boulevard.

### *B) Applicant's Justification*

In a letter submitted with the application, the applicant presented the following comments:

- N & J Jewelry would be conducting business at the subject location, which is in the business of manufacturing jewelry and selling jewelry on a retail basis. N & J Jewelry at present has three privileged "buy" licenses, including Tower of Jewels at 896 East Sahara Avenue and at Harrah's Hotel.
- The ability to buy jewelry and related items as permitted by ordinance would allow and permit the applicant a wider range of products it may offer to the public and is compatible and complementary to N & J Jewelry's business.
- The history of the applicant with its prior retail jewelry stores known as Tower of Jewels in association with existing privileged licenses establishes why this proposal is in accordance with the public, health, safety and general welfare and will not be a detriment to the City.

## BACKGROUND INFORMATION

### *A) Previous Actions*

| | |
|---|---|
| 12/17/80 | The property was annexed into Las Vegas [A-0018-80(A)]. |
| 04/04/90 | The City Council approved a request to Rezone (Z-0017-90) this site to C-1 (Limited Commercial) as part of a larger request. |
| 10/12/98 | The City Council Approved a Special Use Permit (U-0102-98) for a Supper Club (P.F. Chang's) on this site. The Planning Commission and staff recommended approval on 09/10/98. |
| 01/12/01 | The Planning Commission accepted the withdrawal without prejudice of a request for a Special use Permit (U-0190-00) for a proposed 4,300 square foot Tavern (Martini's). The staff recommended denial. |

DDS

01/17/01 The City Council approved a Site Development Plan Review [Z-0017-90(34)] for a 75,650 square foot commercial center on this site. The Planning Commission and staff recommended approval on 12/07/00.

07/25/02 The Planning Commission accepted the withdrawal without prejudice of a request for a Special use Permit (U-0080-02) for the sale of Packaged Liquor for Off-Premises Consumption. The staff recommended approval.

***B) Pre-Application Meeting***

09/22/04 The staff met with the prospective applicant to review a proposal to establish a Class III Jewelry Store at the subject location. The submittal requirements for a Special Use Permit were reviewed with the applicant.

***C) Neighborhood Meetings***

A neighborhood meeting is not required for a Variance and one was not held.

**DETAILS OF APPLICATION REQUEST**

***A) Site Area***

| | |
|---|---|
| Acres: | 8.28 |

***B) Existing Land Use***

| | |
|---|---|
| Subject Property: | Retail center |
| North: | Water district well site |
| South: | Retail center |
| East: | Retail center (Boca Park) |
| West: | Townhouses |

***C) Planned Land Use***

| | |
|---|---|
| Subject Property: | SC (Service Commercial) |
| North: | PF (Public Facility) |
| South: | SC (Service Commercial) |
| East: | SC (Service Commercial) |
| West: | M (Medium Density Residential) |

*D) Existing Zoning*

| | |
|---|---|
| Subject Property: | C-1 (Limited Commercial) |
| North: | C-V (Civic) |
| South: | C-1 (Limited Commercial) |
| East: | C-1 (Limited Commercial) |
| West: | R-PD10 (Residential Planned Development – 10 Units Per Acre) |

*E) General Plan Compliance*

The subject site is designated SC (Service Commercial) on the Southwest Sector Map of the General Plan. This land use category allows low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons and that do not include more intense general commercial characteristics. It also includes offices either singly or grouped as office centers with professional and business services. The subject site is zoned C-1 (Limited Commercial), which is a zoning district permitted within the SC (Service Commercial) General Plan designation. A Class III Jewelry Store is permitted within the C-1 district with a Special Use Permit.

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

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

**ANALYSIS**

*A) Zoning Code Compliance*

A1) Parking and Traffic Standards

Pursuant to Title 19.10, the number of parking spaces required for the existing retail center and for the proposed use is the same at the ratio of one space for each 250 square feet of gross floor area. Therefore, the use would be provided with the required number of parking spaces that exist for the retail center as a whole.

***B) General Analysis and Discussion***

- Zoning

The subject site is zoned C-1 (Limited Commercial). A Class III Jewelry Store is permitted within the C-1 (Limited Commercial) district with a Special Use Permit.

- Use

By definition, a Class III Jewelry Store is: "A store which buys and sells scrap precious metals for marketing as a commodity in bar form or in other than jewelry form, or which buys and sells precious metal bars and coins that are sold as a commodity rather than for numismatic purposes. This may include operations similar to a new jewelry store." Title 19.04.050 establishes the conditions for the approval of a Class III Jewelry Store. The applicant proposes to make and sell jewelry at retail (N & J Jewelry) and to conjunctively buy and sell other jewelry and related items (Tower of Jewels).

- Conditions

Applicable conditions of Title 19.04.050 require the following:

1. The use shall comply with the applicable requirements of Title 6 of the Las Vegas Municipal Code. Specifically, a Retail Demonstration Merchandise Sales Stores Jewelry Tag, denoting the authenticity of jewelry sold, shall be secured.
2. No outdoor display, sales or storage of any merchandize shall be permitted.
3. No Class III Jewelry Store shall be located on either side of Fremont Street or on Las Vegas Boulevard South, between Charleston Boulevard and Sahara Avenue.

The application as proposed would meet these conditions.

**FINDINGS**

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

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

The proposed use would be located within one of 12 units (#1025) of a building that comprises the retail center that occupies the site. One additional unit (P.F.Chang's) occupies a separate pad on the subject property. The retail center is designed for retail uses. Retail centers are located to the east and south of the site, a Las Vegas Valley Water District well site is located to the north, and townhouses are located to the west. Since the proposed use would be completely enclosed with an existing building, there would be no impact upon adjoining uses.

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

   The retail center within which the proposed use would be located is designed to accommodate this and other types of commercial uses. The service facilities, including parking and loading spaces, for the center are 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."**

   Access to the existing retail center is from Charleston Boulevard and Rampart Boulevard. According to the Master Plan of Streets and Highways, both streets are identified as Primary Arterial streets with 100-foot wide rights-of-way. Although both streets are high traffic carriers, the access drives are designed to handle traffic maneuvering in and out of the retail center. Since the proposed use will occupy one of the retail units of the center for which the traffic accommodations are made, there is no additional burden on the traffic load.

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."**

   Establishment of the proposed Class III Jewelry Store will be subject to periodic inspection and would not, therefore, compromise the public health, safety and welfare.

**NOTICES MAILED** 109

**APPROVALS** 0

**PROTESTS** 0

DDS

PLANNING & DEVELOPMENT DEPARTMENT

## STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-5360 APN: 138-32-411-003

Name of Property Owner: William Peter & Wanda Ruth Peccole Family Limited Partnership
J. Peccole 1982 Trust 2-15-82

Name of Applicant: N & J Jewelry, Inc. - Nancy Weinstein

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: 138-32-411-00X

Signature of Property Owner/Authorized Agent: [signature]

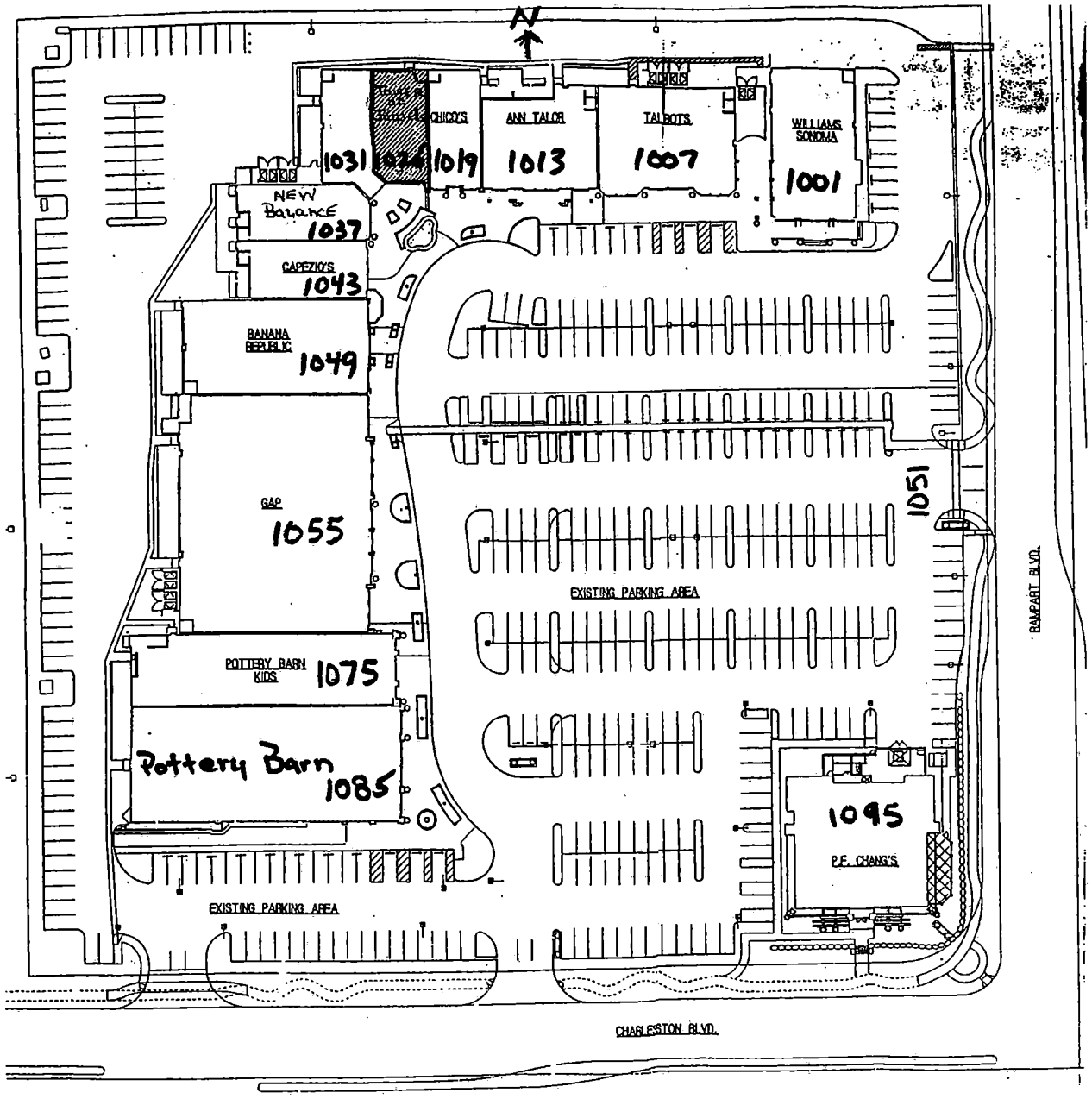
Subscribed and sworn before me

This 29th day of September 2004

Joanne Baldassare

Notary Public in and for said County and State

Notary Public - State of Nevada
County of Clark
JOANNE BALDASSARE
My Appointment Expires
June 2, 2006
No: 98-3510-1



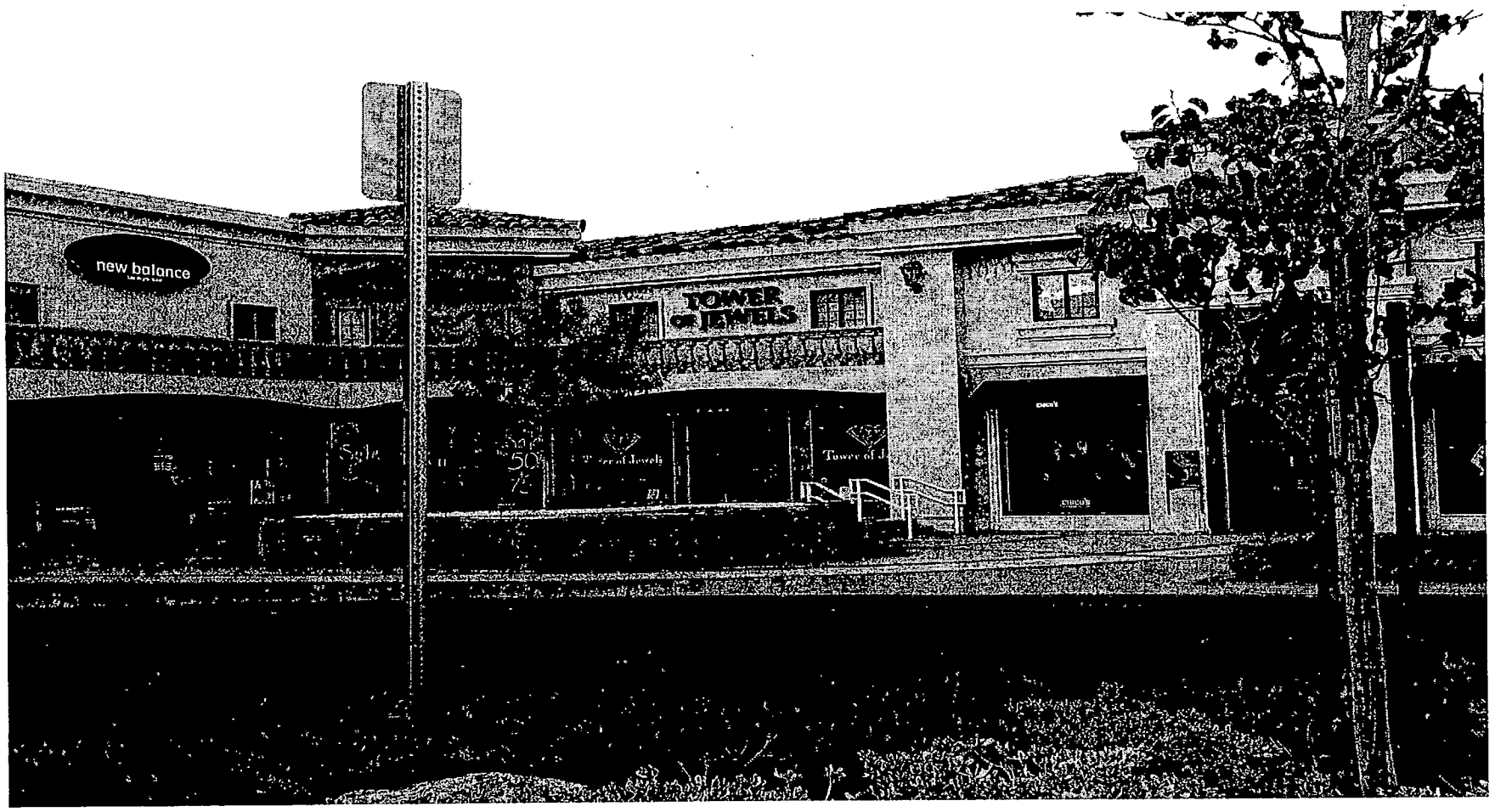

## RAMPART COMMONS

MASTER SITE ADDRESS - 1051 S. RAMPART BLVD.

| | |
|---|---|
| 1001 S. RAMPART BLVD. | WILLIAMS SONOMA |
| 1007 S. RAMPART BLVD. | TALBOTS |
| 1013 S. RAMPART BLVD. | ANN TAYLOR |
| 1019 S. RAMPART BLVD. | CHICO'S |
| 1025 S. RAMPART BLVD. | TOWER OF JEWELS |
| 1031 S. RAMPART BLVD. | VACANT |
| 1037 S. RAMPART BLVD. | NEW BALANCE |
| 1043 S. RAMPART BLVD. | CAPEZIO'S |
| 1049 S. RAMPART BLVD. | BANANA REPUBLIC |
| 1055 S. RAMPART BLVD. | GAP |
| 1075 S. RAMPART BLVD. | POTTERY BARN KIDS |
| 1085 S. RAMPART BLVD. | POTTERY BARN |
| 1095 S. RAMPART BLVD. | P.F. CHANG'S |

REVISED 11.8.04

**SUP-5360**
**11/18/04 PC**




SUP-5360 - APPLICANT: N & J JEWELRY - OWNER: RAMPART COMMONS, LTD., LLC
1025 SOUTH RAMPART BOULEVARD
NOVEMBER 18, 2004 PLANNING COMMISSION

10/28/04

City of Las Vegas

Agenda Item No.: 44

## AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

**PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004**

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

**SUBJECT:**
**SUP-5362 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: OSKA THAMMAVONGSA - OWNER: Z & Z, INC.** - Request for a Special Use Permit FOR A PROPOSED RESTAURANT SERVICE BAR at 731 Fremont Street (APN 139-34-612-022), C-2 (General Commercial) Zone, Ward 5 (Weekly).

**IF APPROVED: C.C.: 12/15/04**
**IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)**

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

**RECOMMENDATION:**
Staff recommends APPROVAL.

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

**MOTION:**
**GOYNES – APPROVED subject to conditions – UNANIMOUS with TRUESDELL abstaining because he manages a property near the subject site**

**To be heard by City Council 12/15/2004**

**MINUTES:**
CHAIRMAN TRUESDELL declared the Public Hearing open.

DON SCHMEISER, Planning & Development Department stated this use is proposed within the Downtown Overlay District and the project has received approval from the Downtown Entertainment Overlay District Design/Review Committee on November 9, 2004. Staff has not identified any problems with this development and recommends approval.

AIRR PHANTHIP (Contact No. 702-372-8088) appeared on behalf of the applicant and agreed to all conditions.

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 44 – SUP-5362

**MINUTES – Continued:**
VICE CHAIRMAN NIGRO declared the Public Hearing closed.
(10:32 – 10:34)
**3-2998**

**CONDITIONS:**
Planning and Development

1. Conformance to all minimum requirements under Title 19.04.050 for a Restaurant Service Bar.

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

3. The property owner shall be required to participate in their proportionate share of the Fremont Street Streetscape Project, to be implemented and constructed by the City of Las Vegas.

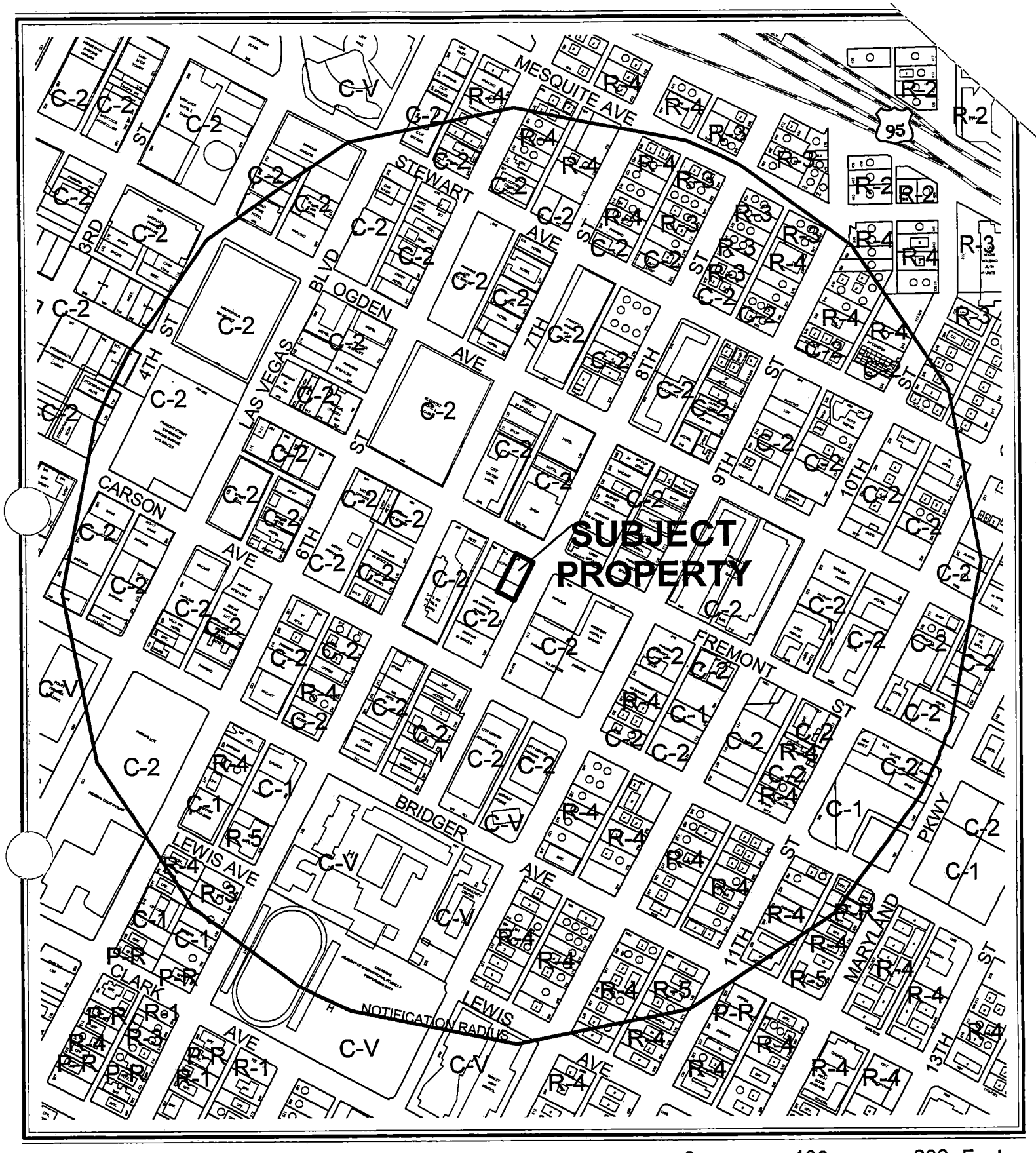
4. Any on-site trash enclosure shall be walled and roofed in accordance with the requirements of Title 19.08.045.

5. The business shall operate in conformance with Chapter 6.50 of the City of Las Vegas Municipal Code.

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

Public Works

7. Remove all substandard public street improvements adjacent to this site, if any, and replace with new improvements meeting current Las Vegas Downtown Centennial Plan Standards prior to the issuance of a Special Use Permit for this site.




0 400 800 Feet

**CASE:** **SUP-5362**

**RADIUS:** 1500 FT

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

N

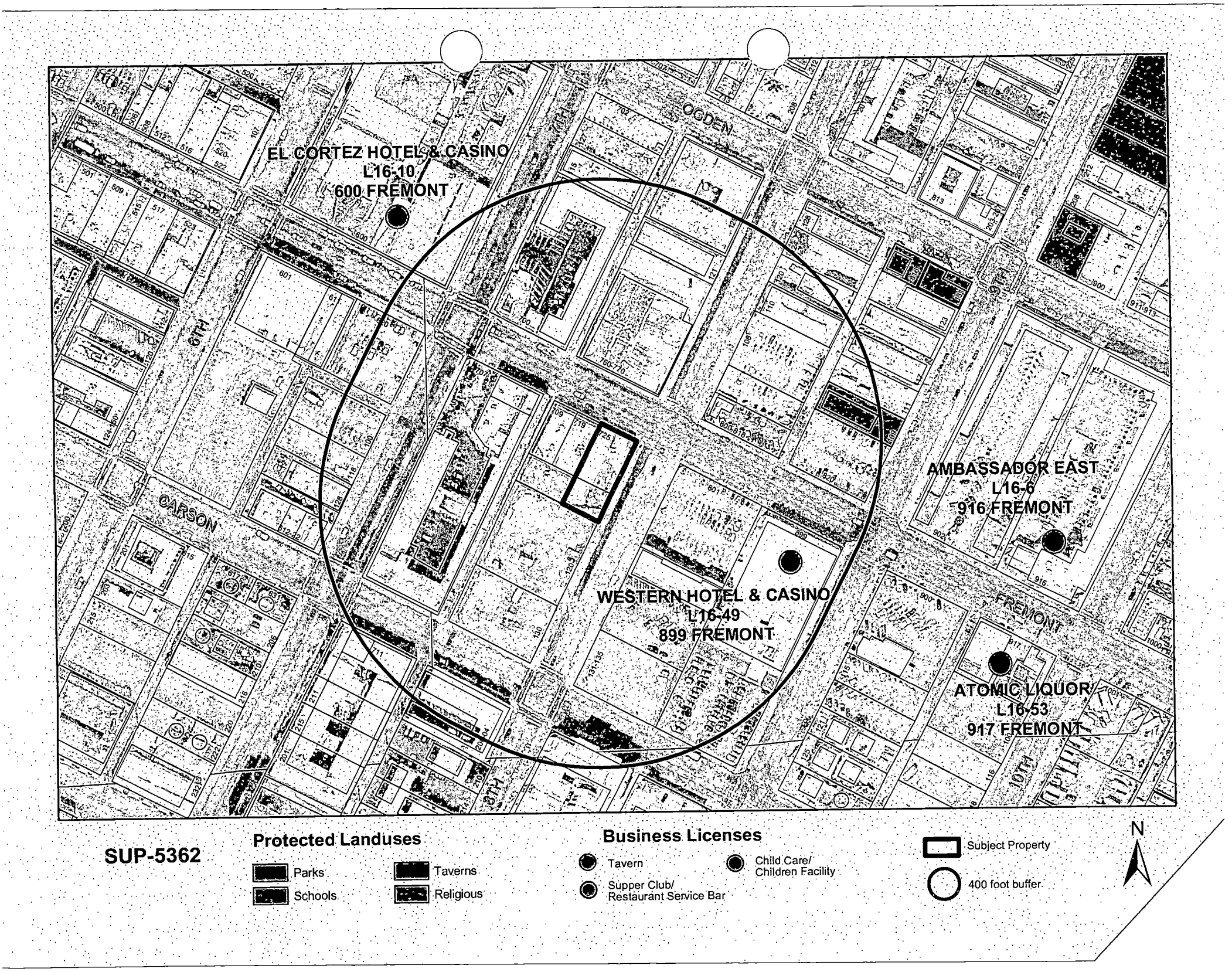
0 400 800 Feet

**CASE:** **SUP-5362**

**RADIUS:** 1500 FT

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

N


EL CORTEZ HOTEL & CASINO
L16-10
600 FREMONT
AMBASSADOR EAST
L16-6
916 FREMONT
WESTERN HOTEL & CASINO
L16-49
899 FREMONT
ATOMIC LIQUOR
L16-53
917 FREMONT
OGDEN
FREMONT
CARSON
6TH
9TH
10TH
SUP-5362
Protected Landuses
Parks
Schools
Taverns
Religious
Business Licenses
Tavern
Supper Club/
Restaurant Service Bar
Child Care/
Children Facility
Subject Property
400 foot buffer
N

City of Las Vegas

## AGENDA MEMO

**PLANNING COMMISSION MEETING DATE: NOVEMBER 18, 2004**
**DEPARTMENT: PLANNING AND DEVELOPMENT**
**ITEM DESCRIPTION: SUP-5362 - APPLICANT: OSKA THAMMAVONGSA - OWNER: Z & Z, INC.**

## ** CONDITIONS **

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

***Planning and Development***

1. Conformance to all minimum requirements under Title 19.04.050 for a Restaurant Service Bar.

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

3. The property owner shall be required to participate in their proportionate share of the Fremont Street Streetscape Project, to be implemented and constructed by the City of Las Vegas.

4. Any on-site trash enclosure shall be walled and roofed in accordance with the requirements of Title 19.08.045.

5. The business shall operate in conformance with Chapter 6.50 of the City of Las Vegas Municipal Code.

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

***Public Works***

7. Remove all substandard public street improvements adjacent to this site, if any, and replace with new improvements meeting current Las Vegas Downtown Centennial Plan Standards prior to the issuance of a Special Use Permit for this site.

# ** STAFF REPORT **

## APPLICATION REQUEST

### *A) Action Requested*

This is a request for approval of a Special Use Permit for a proposed Restaurant Service Bar at 731 Fremont Street.

### *B) Applicant's Justification*

The applicant states that the restaurant is the only one of its kind in the area and will serve downtown residents and tourists.

## BACKGROUND INFORMATION

### *A) Previous Actions*

12/17/86 The City Council denied a request for a Variance (V-0083-86) in order to allow an existing sexually-oriented business to remain within 810 feet of a school and 850 feet from two churches where a 1,000-foot separation distance was required.

10/02/02 The City Council adopted an ordinance establishing the Downtown Entertainment Overlay District and corresponding regulatory provisions and establishing the Tavern-Limited liquor license pertaining only to this District.

### *B) Pre-Application Meeting*

09/23/04 At the pre-application conference, the standard conditions for a Restaurant Service Bar were noted.

### *C) Neighborhood Meetings*

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

## DETAILS OF APPLICATION REQUEST

### *A) Site Area*

Net Acres: 0.22

FF

***B) Existing Land Use***

| | |
|---|---|
| Subject Property: | General Retail Use |
| North: | General Retail Use |
| South: | Parking Lot Use |
| East: | Hotel Use |
| | Gaming Use |
| West: | General Retail Use |

***C) Planned Land Use***

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

***D) Existing Zoning***

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

***E) General Plan Compliance***

The Downtown Redevelopment Area Land Use Map within the Southeast Sector Plan designates the subject parcel as C (Commercial), which allows office uses, service-oriented commercial uses, and general commercial uses. The proposed use is consistent with the Commercial designation; a Restaurant Service Bar is permitted in the C-2 (General Commercial) zoning district upon approval of a Special Use Permit.

| *SPECIAL DISTRICTS/ZONES* | Yes | No |
|---|---|---|
| **Special Area Plan** | | |
| Downtown Centennial Plan | X | |
| Redevelopment Plan Area | X | |
| **Special Overlay District** | | |
| Entertainment District | X | |
| **Trails** | | X |
| **Rural Preservation Neighborhood** | | X |
| **Development Impact Notification Assessment** | | X |
| **Project of Regional Significance** | | X |

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

**Downtown Centennial Plan Area**
The parcel is within the Downtown Centennial Plan boundaries, and is located in the Casino Center District. The district is home to the historic and classic Las Vegas casinos of "Glitter Gulch," and it is intended to retain and enhance these facilities, while diversifying the commercial offerings and protecting the existing public facilities. The proposed use will reinforce the viability of the downtown area by increasing dining opportunities.

**Downtown Entertainment Overlay District**
The subject property is located within the Downtown Entertainment Overlay District, which sets forth sign requirements and allows waivers from the liquor establishment and restaurant service bar separation requirements.

## ANALYSIS

### *A) Zoning Code Compliance*

A1) Parking and Traffic 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 figures for the development:

| **Uses** | GFA | **Provided** Parking | |
|---|---|---|---|
| | | Regular | Handicap |
| Restaurant | 2,767 SF | | |
| Total: | | 5 | 1 |

A total of six parking spaces will be provided on the property, which includes one handicap parking space. On-street and nearby surface parking is also available. As the building is not being expanded, no additional on-site parking spaces will be required.

A2) Minimum Distance Separation Requirements

Pursuant to Title 19.06.120, any liquor-serving establishment approved by means of a Special Use Permit for a parcel located within the Downtown Entertainment Overlay District shall not be subject to the distance separation requirements set forth in Title 19.04. The Special Use Permit approval may include conditions designed to mitigate any impacts related to distance separation. No protected uses are known to be within 400 feet of the proposed use.

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

| Standards | Code Requirement | Provided |
|---|---|---|
| Trash Enclosure | Walled and roofed | Not indicated |

No information has been provided relative to a trash enclosure; the enclosure will need to comply with the requirements listed in Title 19.08.045.

***B) General Analysis and Discussion***

- Zoning

The proposed Restaurant use is permitted by right in the C-2 (General Commercial) district; alcohol service requires approval of a Special Use Permit. No significant changes are proposed to the exterior of the building, nor is the square footage of the building being increased.

- Use

Title 19.04.050 establishes the criteria for the approval of alcohol-related uses within the city, and requires this use to be a minimum of 400 feet from any church, synagogue, school, childcare facility licensed for more than twelve children, or City Park as measured from property line to property line. However, properties within the Downtown Entertainment Overlay District are not subject to the separation requirements. The use lies within an established commercial district and can be conducted in a manner that is harmonious and compatible with the surrounding development.

A total of six parking spaces will be available on site, including one handicap parking space. As the property is within the boundaries of the Downtown Centennial Plan area, parking requirements are not automatically applied. The availability of on-street and surface parking within the vicinity of the site will adequately address any deficiency of parking that may result; in addition, the site has excellent pedestrian access and is within easy walking distance of area hotels and attractions.

No changes are proposed to the exterior of the building, other than new signage for the business. The signage proposal will be considered for approval at the November 9, 2004 meeting of the Downtown Entertainment Overlay District Design Review Committee in accordance with the provisions of Title 19.06.120.

- Conditions

The following base Conditions of Approval are applicable to a Restaurant Service Bar:

i. No restaurant service bar business use shall be located within 400 feet of any church, synagogue, school, child care facility licensed for more than twelve children or City park.

ii. Except as other wise provided in Paragraph 3 below, the minimum distance referred to in Paragraph 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed restaurant service bar 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 closes to the proposed restaurant service bar. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term property line refers to property lines of fee interest parcels and does no include the property line of:

   a. Any leasehold parcel;
   b. Any parcel which lacks access to a public street or has no area for on-site parking and which has been created so as to avoid the distance limitation described in Paragraph 1.

iii. In the case of a restaurant service bar proposed to be located on a parcel of at least eight acres in size, the minimum distances referred to in Paragraph 1 shall be measured in a straight line:

   a. From the nearest property line of the existing use to the nearest portion of the structure in which the restaurant service bar will be located, without regard to intervening obstacles; or

   b. In the case of a purposed restaurant service bar which will be located within a shopping center or other multiple-tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the restaurant service bar will be located, without regard to intervening obstacles.

iv. When considering a Special Use Permit application for a restaurant service bar which also requires a waiver of the distance limitation in Paragraph 1, the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.

v. The minimum distance requirement in Paragraph 1 does not apply to an establishment, which has a non-restricted gaming license in connection with a hotel having 200 or more rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992.

vi. *In the O District, a restaurant service bar is permitted only as an accessory use.

vii. *All businesses, which sell alcoholic beverages, shall conform to the provisions of Chapter 6.50.

The request meets these standards.

**FINDINGS**

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

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

   The proposed use is adjacent to other commercial and tourist-related uses, and can be conducted in a manner that is compatible with the surrounding uses.

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

   The proposed use will be located within an existing building, which is physically suitable for the proposed operation.

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 frontage on Fremont Street and Eighth Street; both streets have adequate capacity to serve the proposed use.

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

Approval of this request is consistent with the objectives of the General Plan, and will not compromise public health, safety, or welfare.

**NOTICES MAILED** 315

**APPROVALS** 0

**PROTESTS** 0

FF

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

# PLANNING & DEVELOPMENT DEPARTMENT

## STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-5362** APN: 139-34-612-022

Name of Property Owner: GERARD PROPHETE

Name of Applicant: OSKA THAMMAVONGSA

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: GERARD PROPHETE

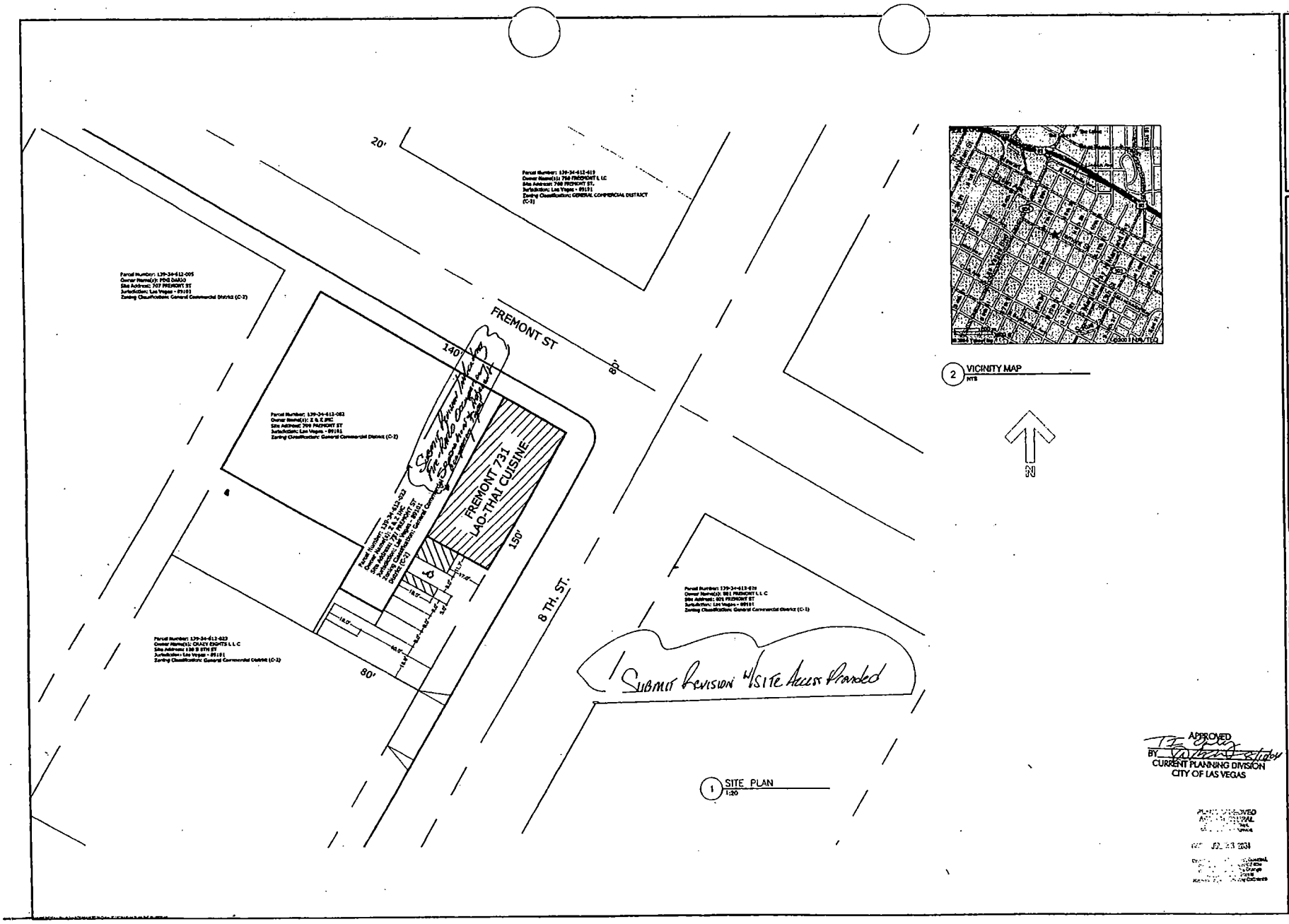
Subscribed and sworn before me

This 30th day of Sept, 2004

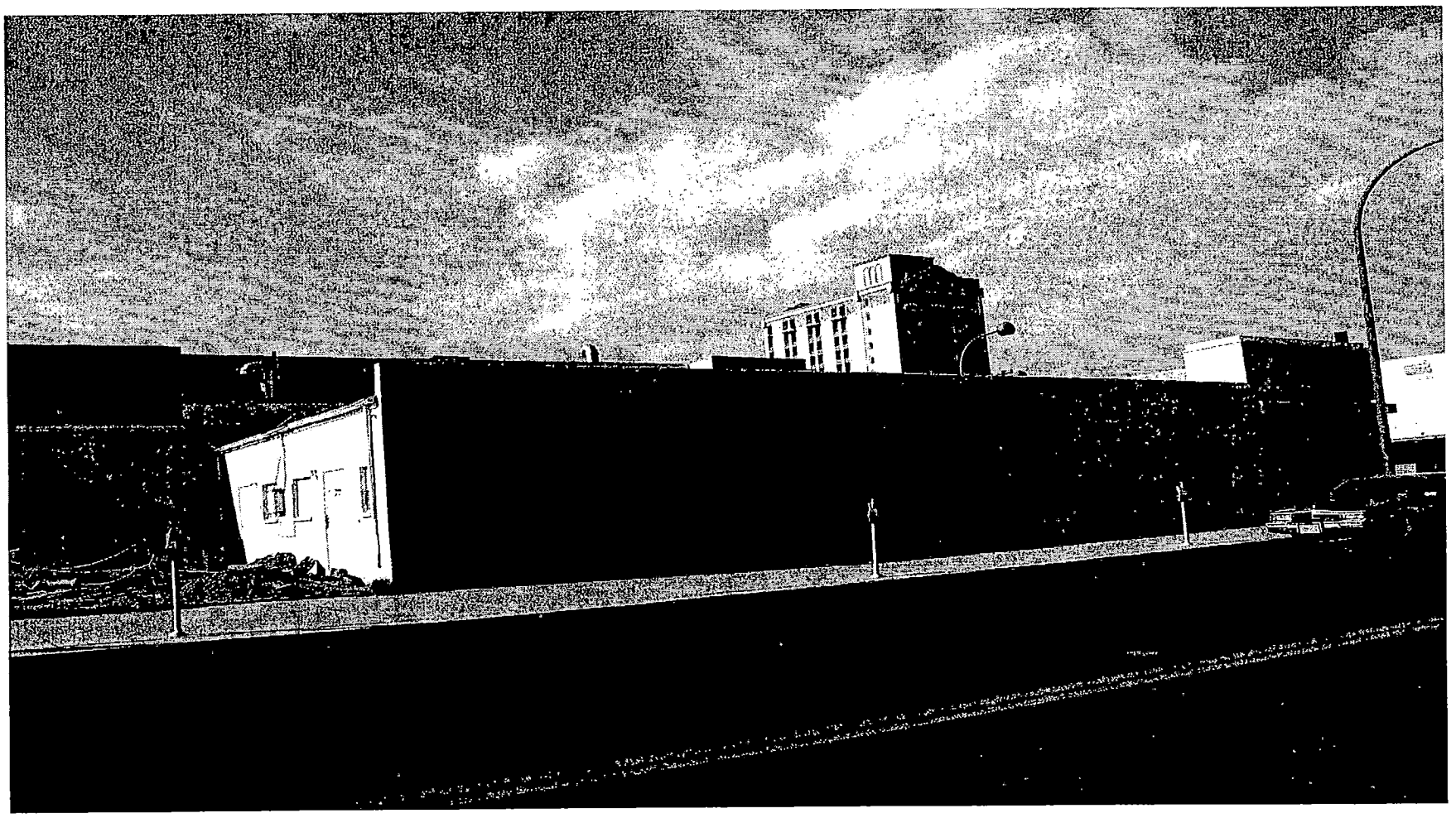
_____

Notary Public in and for said County and State

EDDIE LARUE
Notary Public State of Nevada
No. 93-1085-1
My appt. exp. Mar. 15, 2005




**SUP-5362**
**11/18/04 PC**



SUP-5362 - APPLICANT: OSKA THAMMAVONGSA - OWNER: Z & Z, INC.
731 FREMONT STREET
NOVEMBER 18, 2004 PLANNING COMMISSION

10/22/04

SUP-5362 - APPLICANT: OSKA THAMMAVONGSA - OWNER: Z & Z, INC.
731 FREMONT STREET
NOVEMBER 18, 2004 PLANNING COMMISSION

10/22/04

City of Las Vegas

Agenda Item No.: 45

## AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

**PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004**

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

**SUBJECT:**
**SUP-5378 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/OWNER: JOHN S. BLOOM** - Request for a Special Use Permit FOR AN EXISTING GUEST HOUSE/CASITA TO BE THREE FEET FROM THE SIDE PROPERTY LINE AND FOUR FEET FOUR INCHES FROM THE REAR PROPERTY LINE WHERE FIVE FEET IS THE MINIMUM SETBACK REQUIRED at 5501 Cory Place (APN 138-36-407-009), R-1 (Single-Family Residential) Zone, Ward 1 (Moncrief).

**IF APPROVED: C.C.: 12/15/04**
**IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)**

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

**RECOMMENDATION:**
Staff recommends DENIAL.

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

**MOTION:**
**GOYNES – APPROVED subject to conditions and amending the following condition:**

**5. The applicant shall provide proof from the Clark County Health Department that the guest house/casita has a valid septic tank permit to *the Collection System Planning Section of the Department of Public Works within 30 days from Council approval. If such proof cannot be provided* the guest house/casita shall be required to connect to the City of Las Vegas public sewer system.**

**– UNANIMOUS with TRUESDELL not voting**

**To be heard by City Council 12/15/2004**

**MINUTES:**
CHAIRMAN TRUESDELL declared the Public Hearing open.

**MINUTES – Continued:**

DON SCHMEISER, Planning & Development Department, explained that the existing casita was constructed as a garage in 1970. It was converted to a casita in the 1980's without a permit. The present owner purchased the property in June of 2004 without realizing the casita was not in compliance to City Code and did not have the proper setbacks. The applicant hopes to legitimize the casita with this Special Use Permit application.

A casita may have rear yard and side yard setbacks of 5 feet; however, staff is concerned that the reduction of these yards to 3 feet and 3 1/3 feet may not provide essential space for light, air and privacy that proper setbacks provide. MR SCHMEISER noted that should the Commission approve the item, Public Works staff would like to discuss the addition of a condition.

MIKE GILMORE, 2334 Belvedere Drive, appeared on behalf of the applicant and indicated the applicant was also present to answer any questions. MR. GILMORE stated that when MR. BLOOM purchased the property, there was someone living in the casita; however, they have since moved out and the casita is vacant. The casita has stood for approximately 15 years and neighbors do not have a problem with the structure. There is a two-story home next door; however, there are no windows on that side of the casita or on the rear side. The roof does not overhang the block wall. The applicant intends to have his mother-in-law move into the casita because her health is ailing.

MR. GILMORE indicated that there were some conditions he needed clarification on. He questioned the requirement of Condition 2, which stated that only an immediate member of the family could occupy the casita. The applicant did not have a problem with that condition at this time; however, if the home were to be sold, he did not want the future buyers to be restricted by that requirement in case they had company staying for a weekend etc.

He also questioned Condition 3 because it stated the permit would expire one year from the date of final approval unless an extension is granted. COMMISSIONER DAVENPORT explained that the time frame pertains to the amount of time given to bring the home into compliance. Finally, Condition 5 referenced the sewer system. MR. GILMORE confirmed there is a bathroom in the casita and it does have a toilet that is connected to the sewer system.

COMMISSIONER EVANS asked if there was any insurance or protection during the home buying process regarding the uses being appropriate and insuring that the building is up to Code. COMMISSIONER McSWAIN stated that if the appraiser does not investigate permits being pulled there is no way to assure that. COMMISSIONER DAVENPORT indicated the appraisal is a guarantee to the lender and he was not aware of any guarantee to the buyer. MR. GILMORE stated that he has spoken with the title company, the appraiser and inspector and they have been told there

**MINUTES – Continued:**

is nothing that can be done about not disclosing this information. After speaking with the former owner, the applicant has contacted a lawyer to discuss repercussions.

COMMISSIONER STEINMAN questioned the language of Condition 2, which stated the casita could only be used by a member of the immediate family that resides in the principal residence. He asked how someone who already resided in the principal residence could also reside in the casita. He understood the intent of the condition but felt it was not properly stated. The Commissioner also asked why the applicant intended to provide the casita with a separate electricity meter if they did not plan on renting the casita out. MR. GILMORE replied that he is not concerned about that and there would not be separate meters. MR. SCHMEISER said it is not unusual for a restriction to be placed on a casita so that only members of the immediate family can use it. When a casita is not restricted, sometimes non-related people or entire families can occupy the structure and it can create problems for the neighborhood. That is why Condition 2 was imposed.

COMMISSIONER DAVENPORT and COMMISSIONER STEINMAN thought the language of Condition 2 should be amended for clarification and each offered suggestions. VICE CHAIRMAN NIGRO explained that the record would reflect the casita was to be used for an immediate family member not living in the casita and the principal residence at the same time.

COMMISSIONER DAVENPORT asked staff if the setback requirements for a garage were different from those for a casita when the structure was originally built. MR. SCHMEISER indicated the garage setback requirement is 3 feet. An accessory structure does have 3-foot setbacks; however, this is considered a principal building because it contains a family unit so the setback requirement is 5 feet.

COMMISSIONER DAVENPORT confirmed with MR. GILMORE that the casita is on the sewer system. GINA VENGLASS, Public Works Department, said that Condition 5 would need to be revised for clarification purposes. She also indicated that the City records do not indicate that it is hooked up to the public sewer system legally. She asked that the applicant provide proof of a legal connection. She offered amended verbiage and MR. GILMORE agreed to it.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(10:32 – 10:34)

PLANNING COMMISSION MEETING OF NOVEMBER 18, 2004
Planning and Development Department
Item 45 – SUP-5378

**CONDITIONS:**

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for a Special Use.

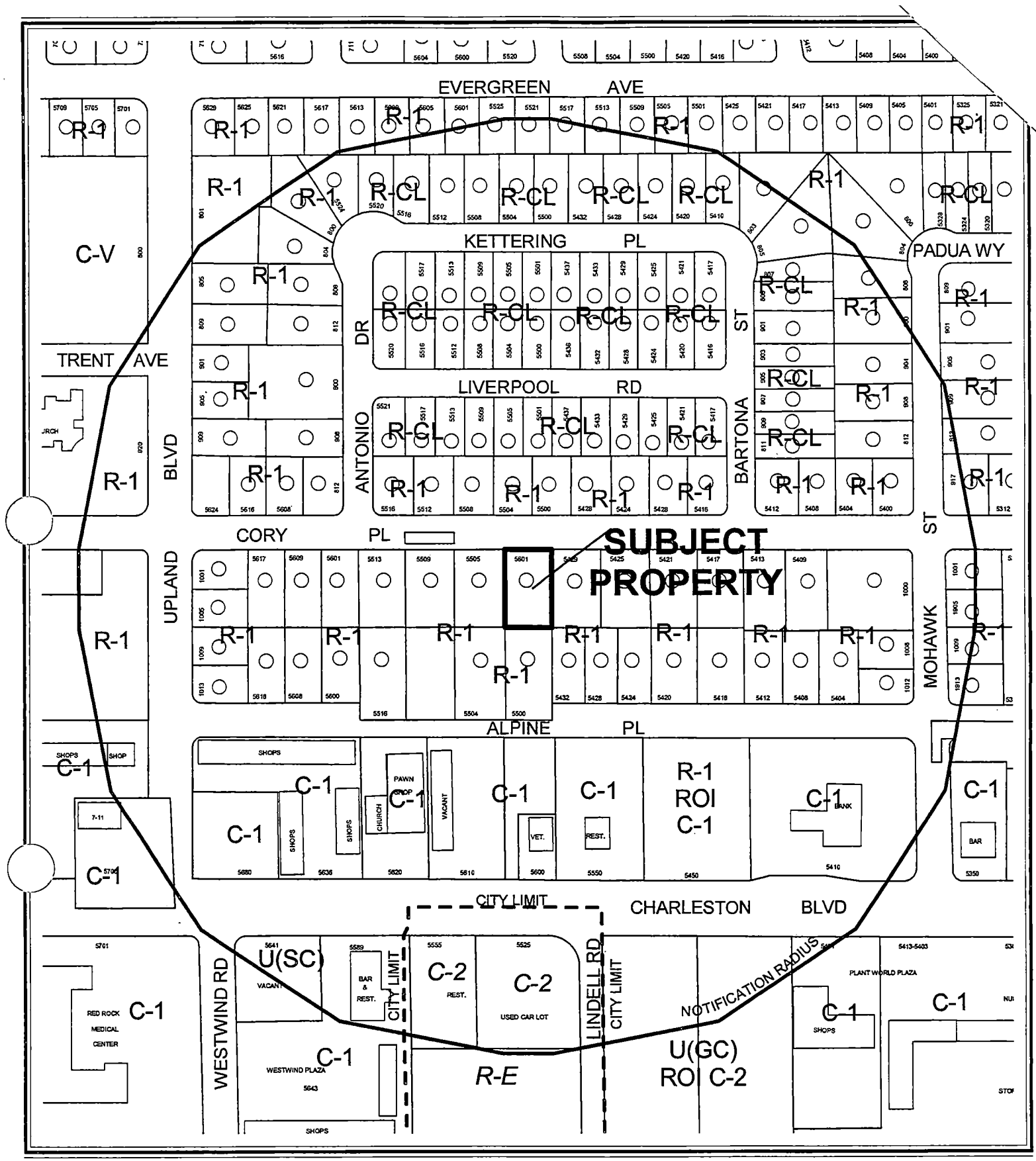
2. The Guest House/Casita shall only be used for a member of the immediate family that resides in the principal residence on the lot.

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.

Public Works

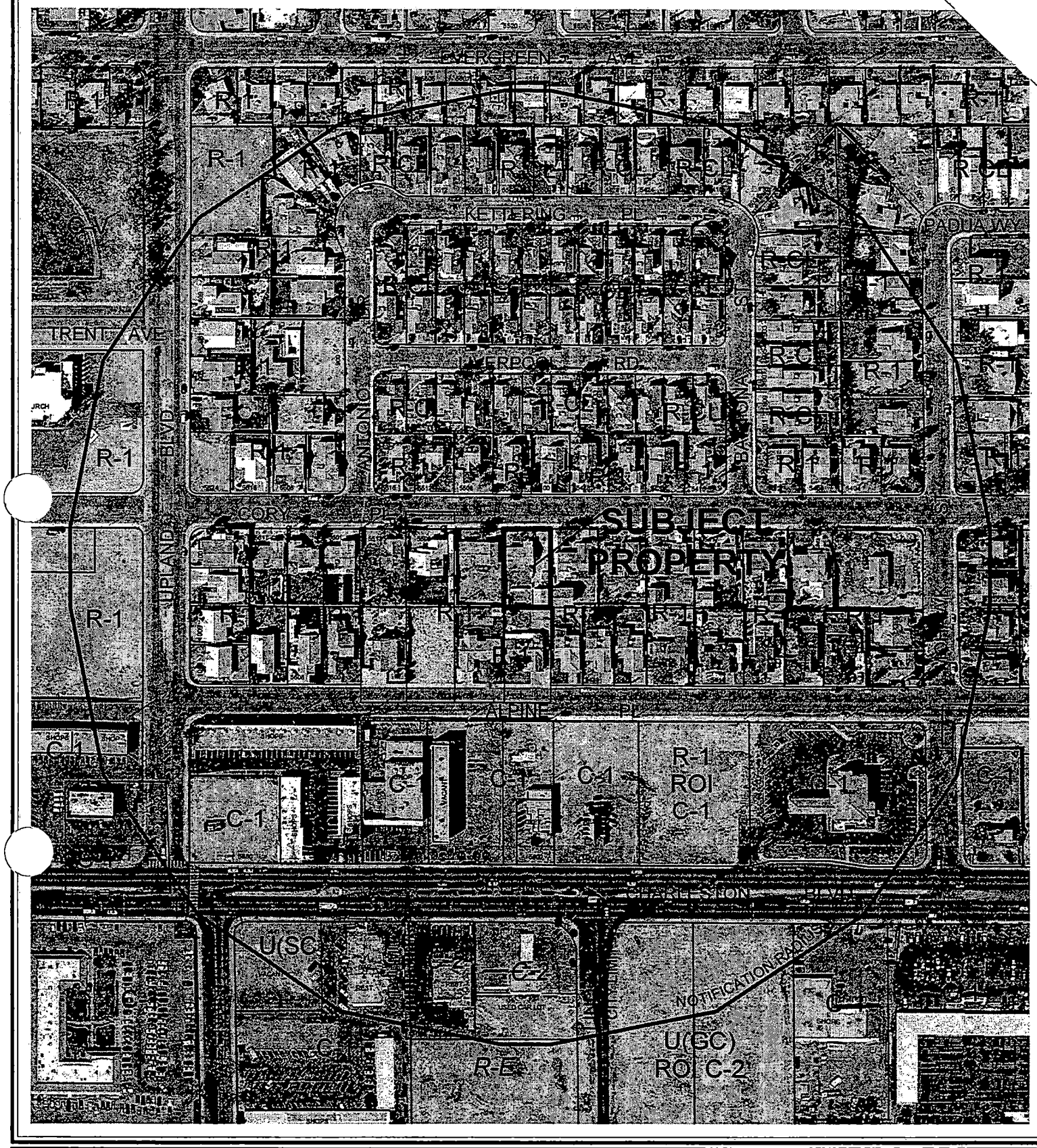
5. The applicant shall provide proof from the Clark County Health Department that the guest house/casita has a valid septic tank permit. If one doesn't exist or cannot be provided, the guest house/casita shall be required to connect to the City of Las Vegas public sewer system prior to the issuance of any permits or certificates of occupancy.




**CASE:** **SUP-5378**

**RADIUS:** 750 FT

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




0 200 400 Feet

**CASE:** **SUP-5378**

**RADIUS:** 750 FT

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

N

City of Las Vegas

## AGENDA MEMO

**PLANNING COMMISSION MEETING DATE: NOVEMBER 18, 2004**
**DEPARTMENT: PLANNING AND DEVELOPMENT**
**ITEM DESCRIPTION: SUP-5378 - APPLICANT/ OWNER: JOHN S. BLOOM**

## ** CONDITIONS **

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

***Planning and Development***

1. Conformance to all Minimum Requirements under Title 19.04.050 for a Special Use.

2. The Guest House/Casita shall only be used for a member of the immediate family that resides in the principal residence on the lot.

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.

***Public Works***

5. The applicant shall provide proof from the Clark County Health Department that the guest house/casita has a valid septic tank permit. If one doesn't exist or cannot be provided, the guest house/casita shall be required to connect to the City of Las Vegas public sewer system prior to the issuance of any permits or certificates of occupancy.

# ** STAFF REPORT **

## APPLICATION REQUEST

### *A) Action Requested*

This request is for a Special Use Permit for an existing guest house/casita to be three feet from the side property line and four feet four inches from the rear property line were five feet is the minimum setback required at 5501 Cory Place.

### *B) Applicant's Justification*

The applicant submitted a letter with the subject application, explaining his reasons for the requested Special Use Permit. The reasons are noted as follows:

- The property was purchased on June 3, 2004 with a guesthouse as separate residences. When I went to separate electricity, I found there was no building permit issued.
- I now plan to move my Mom into the guesthouse because of her ailing health.
- This building has no impact on adjoining properties. Next-door property has a two-story larger structure with living space on the second floor.
- Have spoken to back and side neighbors and neither has objection to the guesthouse.

## BACKGROUND INFORMATION

### *A) Previous Actions*

08/06/75 The Board of Zoning Adjustment approved a Variance (V-0028-75) to allow two horses and a corral on a temporary basis for a period of one year on a larger tract, which included the subject lot.

### *B) Pre-Application Meeting*

09/17/04 The staff met with the prospective applicant to review a proposal to approve the location of an existing Guest House/Casita on the subject property that does not have the proper setbacks. The staff explained that the prospective applicant would be required to obtain a Special Use Permit for approval of the established setbacks prior to approval of the Guest House/Casita as a Conditional Use. The submittal requirements for a Special Use Permit were reviewed with the applicant.

DDS

*C) Neighborhood Meetings*

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

## DETAILS OF APPLICATION REQUEST

*A) Site Area*

Acres: 0.26

*B) Existing Land Use*

| | |
|---|---|
| Subject Property: | Single-family residence |
| North: | Single-family residence |
| South: | Single-family residence |
| East: | Single-family residence |
| West: | Single-family residence |

*C) Planned Land Use*

| | |
|---|---|
| Subject Property: | L (Low Density Residential) |
| North: | L (Low Density Residential) |
| South: | L (Low Density Residential) |
| East: | L (Low Density Residential) |
| West: | L (Low Density Residential) |

*D) Existing Zoning*

| | |
|---|---|
| Subject Property: | R-1 (Single-Family Residential) |
| North: | R-1 (Single-Family Residential) |
| South: | R-1 (Single-Family Residential) |
| East: | R-1 (Single-Family Residential) |
| West: | R-1 (Single-Family Residential) |

*E) General Plan Compliance*

The subject site is designated L (Low Density Residential) on the Southwest Sector Map of the General Plan. This land use category is intended for single-family residential development at from 3.6 to 3.5 dwelling units per acre. The subject site is zoned R-1 (Single-Family Residential), which is a zoning district permitted within the L (Low Density Residential) General Plan designation.

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

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

## ANALYSIS

### *A) Zoning Code Compliance*

A1) Development Standards

According to Title 19.04, a Guest House/Casita is permitted as a Conditional Use in the R-1 (Single-Family Residential) zoning district, subject to meeting certain conditions. One condition is as follows: "A guest house/casita may be located in a rear or side yard if it meets the required setbacks, and, if detached from the principal building, it shall have a minimum separation of ten (10) feet from the principal dwelling and a minimum setback of five (5) feet from side and rear property lines." The existing Guest House/Casita on the subject property is located three feet from the side lot line and four feet four inches from the rear lot line. Consequently, the Guest House/Casita does not have the proper setbacks.

### *B) General Analysis and Discussion*

- Zoning

A Guest House/Casita is permitted as a Conditional Use in an R-1 (Single-Family Residential) zoning district, subject to meeting certain conditions. One of the conditions is that it meets the rear and side yard requirements for the Conditional Use. As discussed above, the existing Guest House/Casita does not have the required setbacks. However, where a Conditional Use would not comply with a condition, Title 19.04 permits a Special Use to be granted to alter/eliminate the condition. Accordingly, the applicant is submitting a request for a Special Use to authorize the existing reduced setbacks.

- Use

  The existing Guest House/Casita was established as such without a building permit in the 1980's. Prior to that time, the building was constructed as a garage along with the existing house on the subject lot in 1970. The existing owner purchased the property in June of this year with the assumption that the Guest House/Casita was legally established. Upon wanting to separate the electricity for the Guest House/Casita from the existing house, it was learned that there was no building permit issued to convert the existing garage to the Guest House/Casita. The Applicant now wishes to legitimize the existing Guest House/Casita as a Conditional use by submittal of this application for a Special Use to approve the existing rear yard and side yard setbacks.

- Conditions

  There are no specific conditions of Title 19.04 for the requested Special Use Permit.

## FINDINGS

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

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

   The building in which the existing Guest House/Casita is located was constructed as a garage in 1970. A garage is an accessory structure that is permitted to have reduced setbacks to those required for a principal building. A Guest House/Casita is a principal use that is required to comply with the setback requirements for a principal use. In an R-1 (Single-Family Residential) zoning district, a residence is required to have a 15-foot rear yard and a five-foot side yard; however, as a Guest House/Casita, the rear yard and side yard setback may be reduced to five feet. The change from an accessory use (garage) to a principal use (Guest House/Casita, i.e. a residence) is a significant alteration.

   One additional condition of a Conditional Use for a Guest House/Casita is that it be separated from the principal residence on the lot by a minimum of 10 feet. The same minimum separation would be provided from residences on adjoining lots if the Guest House/Casita were provided with a five-foot setback from the side and rear lot lines. Side and rear yard setbacks are required to provide for light, air, and privacy. For this reason, it is not recommended that a Special Use Permit be granted to reduce these important setbacks.

DDS

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

   The existing Guest House/Casita is located 45.6 feet from the existing residence on the lot. As discussed above, the minimum separation required between the Guest House/Casita and residence is 10 feet. Therefore, the lot is large enough to accommodate the Guest House/Casita with the appropriate rear yard and side yard setbacks. For this reason, is not recommended that a Special Use Permit be granted to reduce these setbacks but that the building should be moved closer to the residence.

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 lot is located off Cory Place, a local street that provides access to the lot. The existing street should be adequate for the additional vehicular trips from a Guest House/Casita on the subject lot.

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."**

   As discussed above, approval of a Special Use Permit to reduce the required setbacks for a Guest House/Casita on the subject lot, compromises the intent of Title 19 to provide for light, air and privacy by appropriate setbacks between residences. For this reason, it is not recommended that the subject Special Use Permit be granted.

**NOTICES MAILED** 170

**APPROVALS** 0

**PROTESTS** 0

DDS

PLANNING & DEVELOPMENT DEPARTMENT

# STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-5378** APN: 138-36-407-009

Name of Property Owner: JOHN S. BLOOM

Name of Applicant: JOHN S. BLOOM

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: JS Bloom

Print Name: JOHN S. BLOOM

Subscribed and sworn before me

This 5TH day of OCTOBER, 2004

Linda Hartman Maynard

Notary Public in and for said County and State

Notary Public - State of Nevada
COUNTY OF CLARK
LINDA HARTMAN-MAYNARD
No. 00-61134-1 My Appointment Expires Feb. 3, 2008

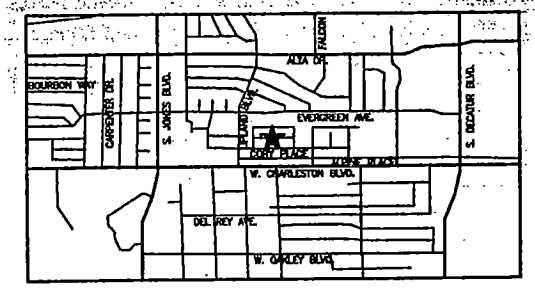
# 5501 CORY PLACE

**LOT SIZE = 11,326 S.F.**

## OWNER/ CONTRACTOR CERTIFICATION

I _____, OWNER OF THE PROPOSED PROPERTY, AGREE THAT I HAVE ACCURATELY REPRESENTED THE EXISTING AND NEW CONDITIONS ON THE SAID PARCEL No. 138-36-407-025, TO THE BEST OF MY KNOWLEDGE AND ABILITY.

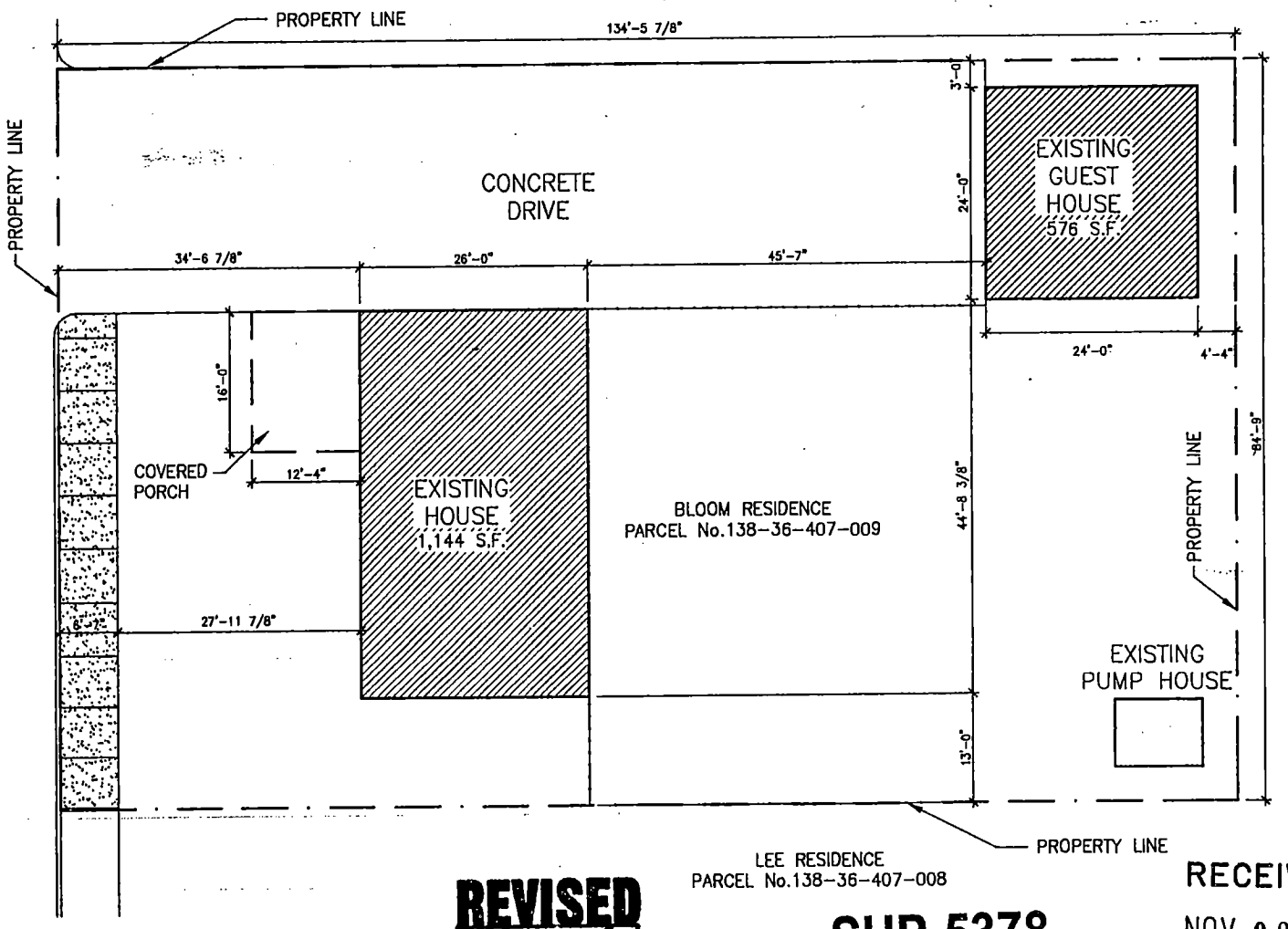
X._____
JOHN BLOOM, OWNER




## VICINITY MAP

SCALE: N.T.S.

RAMPTON RESIDENCE
PARCEL No.138-36-407-010




REVISED
11.8.04

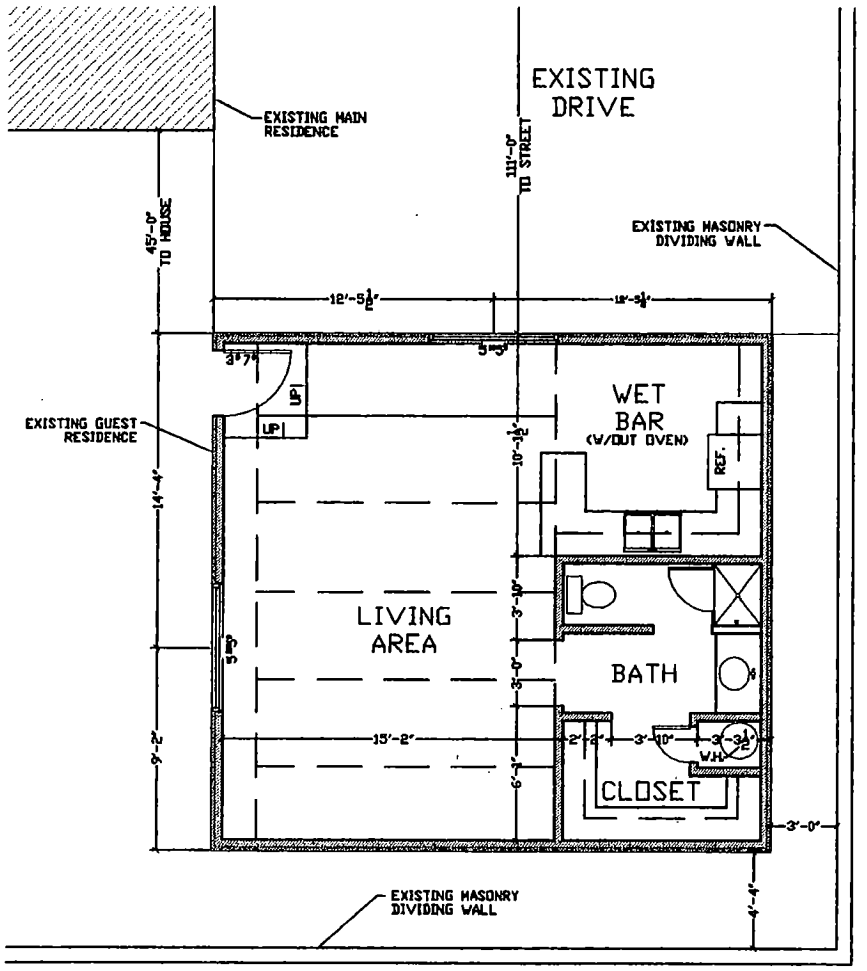
RECEIVED
NOV 08 2004

SUP-5378
11/18/04 PC

## SITE PLAN

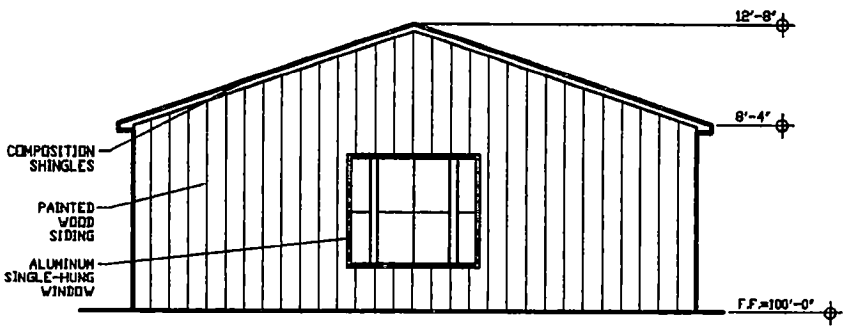
SCALE: 1"=20'-0"

(STREET) CORY PLACE



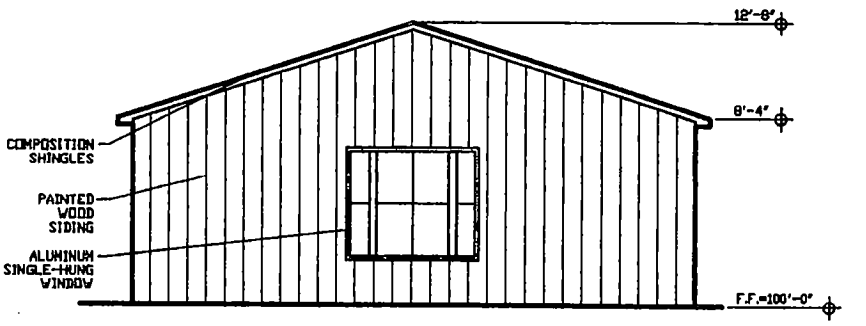

# FLOOR PLAN

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




# ELEVATION

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




# ELEVATION

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

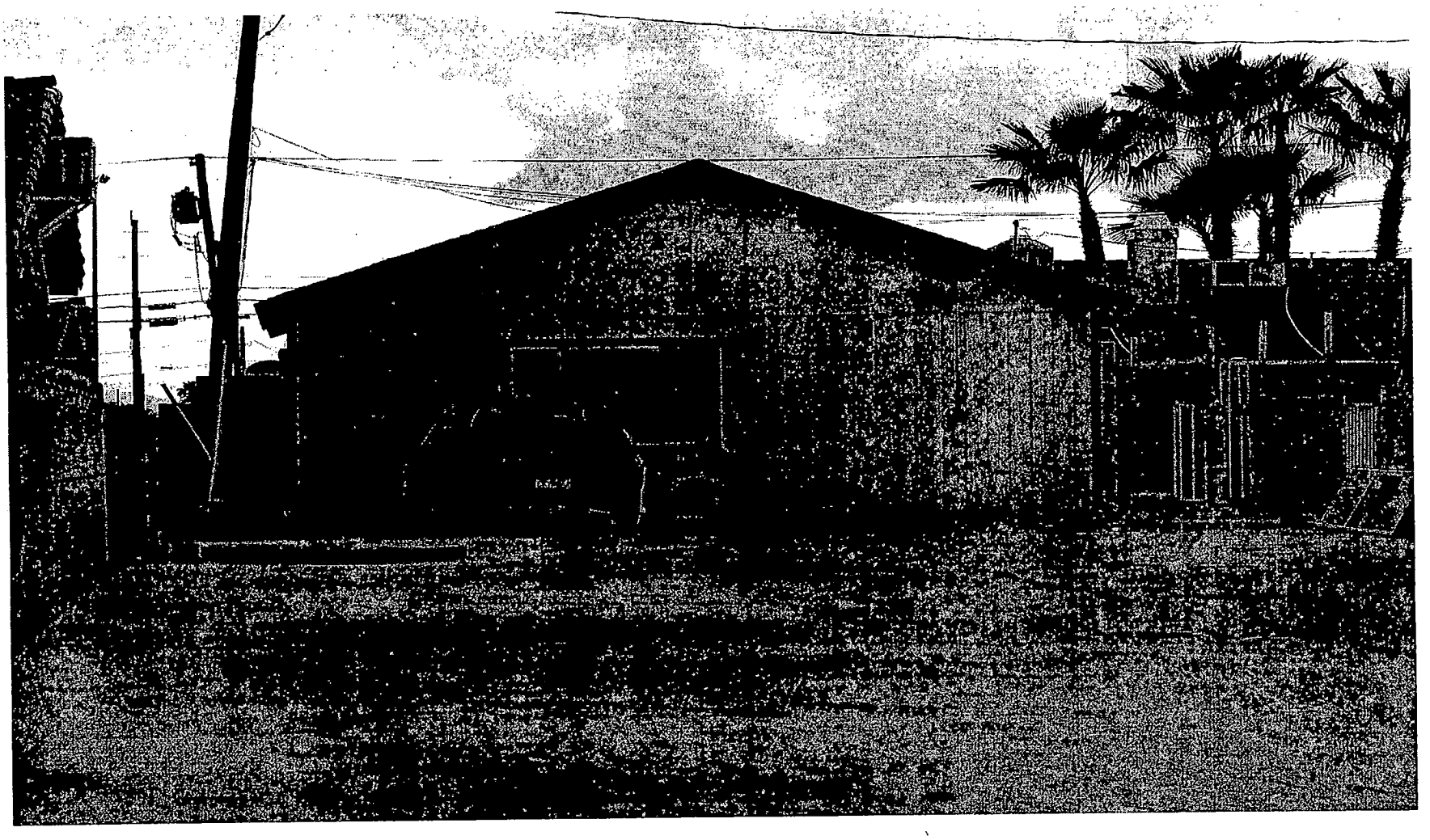
# GUEST BUILDING

SUP-5378
11/18/04 PC

RECEIVED
OCT 05 2004

SUP-5378 - APPLICANT/ OWNER: JOHN S. BLOOM
5501 CORY PLACE
NOVEMBER 18, 2004 PLANNING COMMISSION

10/28/04



SUP-5378 - APPLICANT/ OWNER: JOHN S. BLOOM
5501 CORY PLACE
NOVEMBER 18, 2004 PLANNING COMMISSION

10/28/04

City of Las Vegas

Agenda Item No.: 46

## AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

**PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004**

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

**SUBJECT:**
**SUP-5386 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: PAUL DEVITT - OWNER: BARRICK-BREO II, LLC** - Request for a Special Use Permit FOR A PROPOSED TAVERN-LIMITED ESTABLISHMENT at 517 Fremont Street (APN 139-34-611-016), C-2 (General Commercial) Zone, Ward 5 (Weekly).

**IF APPROVED: C.C.: 12/15/04**
**IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)**

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

**RECOMMENDATION:**
Staff recommends APPROVAL.

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

**MOTION:**
**McSWAIN – APPROVED subject to conditions – UNANIMOUS with TRUESDELL abstaining as the subject property is within the Notification area of an item that he abstained on earlier, and there has been some discussions with the tenant on the previous item**

**To be heard by City Council 12/15/2004**

**MINUTES:**
VICE CHAIRMAN NIGRO declared the Public Hearing open.

GARY LEOBOLD, Planning and Development, stated that the proposed Tavern-Limited Establishment is a permitted use in the C-2 (General Commercial) zoning district and is the type of use encouraged in the Downtown Entertainment Overlay District. The signage proposal has been reviewed and approved on November 9, 2004, by the Design Review Committee for that area. In addition, it is consistent with the redevelopment objectives for the Downtown Centennial Plan and the Overlay District. There are no gaming machines incorporated into the use, parking is limited, but there is available parking in the garage or on the street. There are no structural or aesthetic changes to the exterior of the site, with the exception of additional signage.

**MINUTES – Continued:**
MR. LEOBOLD concluded by stating that the property owners would be required, as a condition, to contribute to costs for extending the streetscape improvements to Eighth Street, which is currently being pursued by the Office of Business Development.

JOHN LASPALUTO, Aptus Architects, 1200 S. Fourth Street, appeared on behalf of the applicant and concurred with staff's recommendation. He added that they are very excited about working on a project within the redevelopment area along Fremont Street.

MR. LASPALUTO informed COMMISSIONER STEINMAN that the business name would be "Manicure and Martinis". There are two other establishments in New York and California.

VICE CHAIRMAN NIGRO declared the Public Hearing closed.
(10:45 10:48)
**4-97**

**CONDITIONS:**
Planning and Development

1. Conformance to all Minimum Requirements of Title 19.06.120 and Title 6.50.

2. Restricted Gaming shall be prohibited within this establishment pursuant to Title 6.40.155.

3. The property owner shall be required to participate in a proportionate share of the Fremont Street Streetscape Project, to be implemented and constructed by the City of Las Vegas.

4. 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.

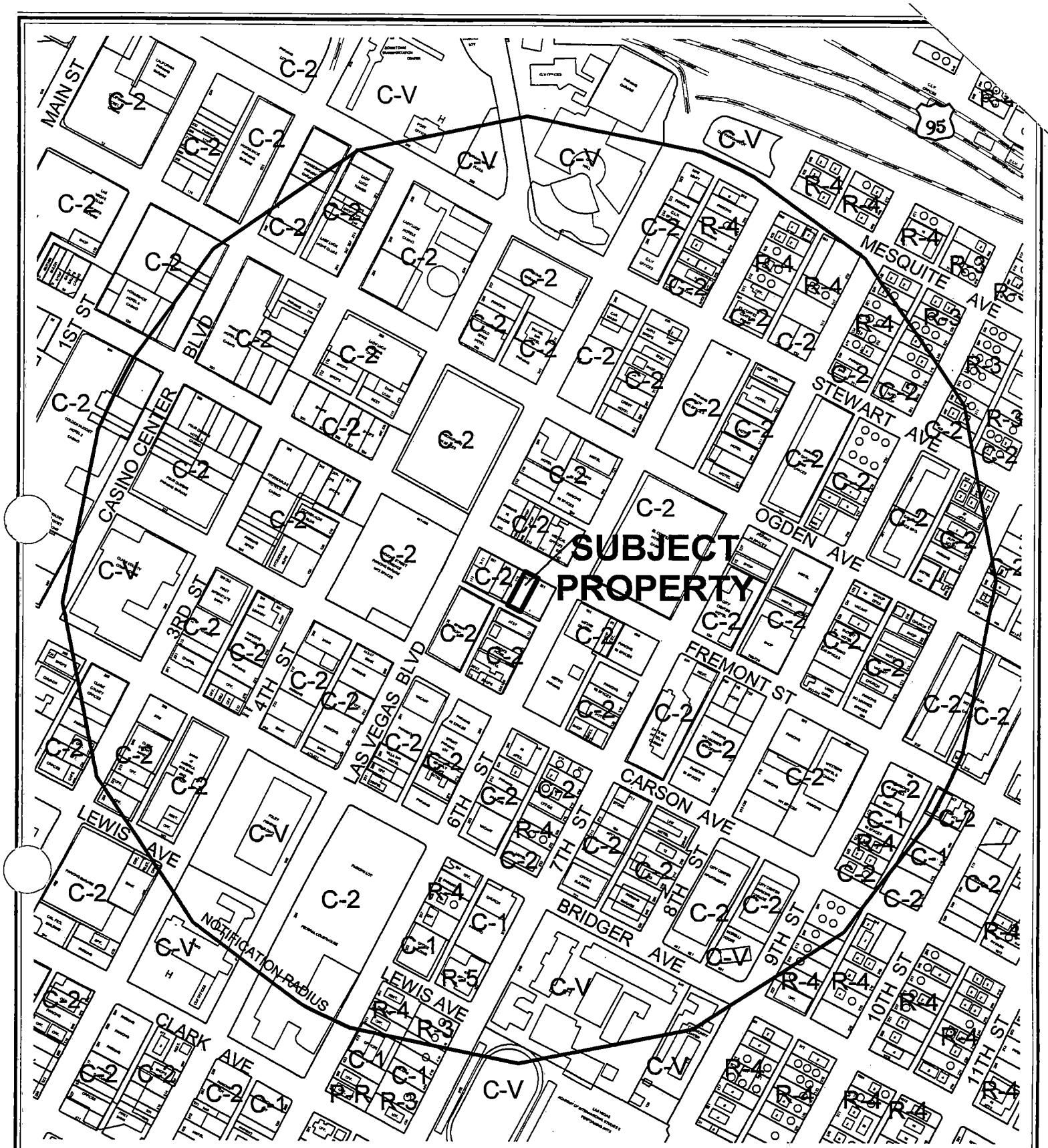
5. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

6. 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.

7. Submit an Encroachment Agreement for all landscaping and private improvements located in the Fremont Street public right-of-way adjacent to this site prior to occupancy of this site.

8. Landscape and maintain all unimproved right-of-way on Fremont Street adjacent to this site.



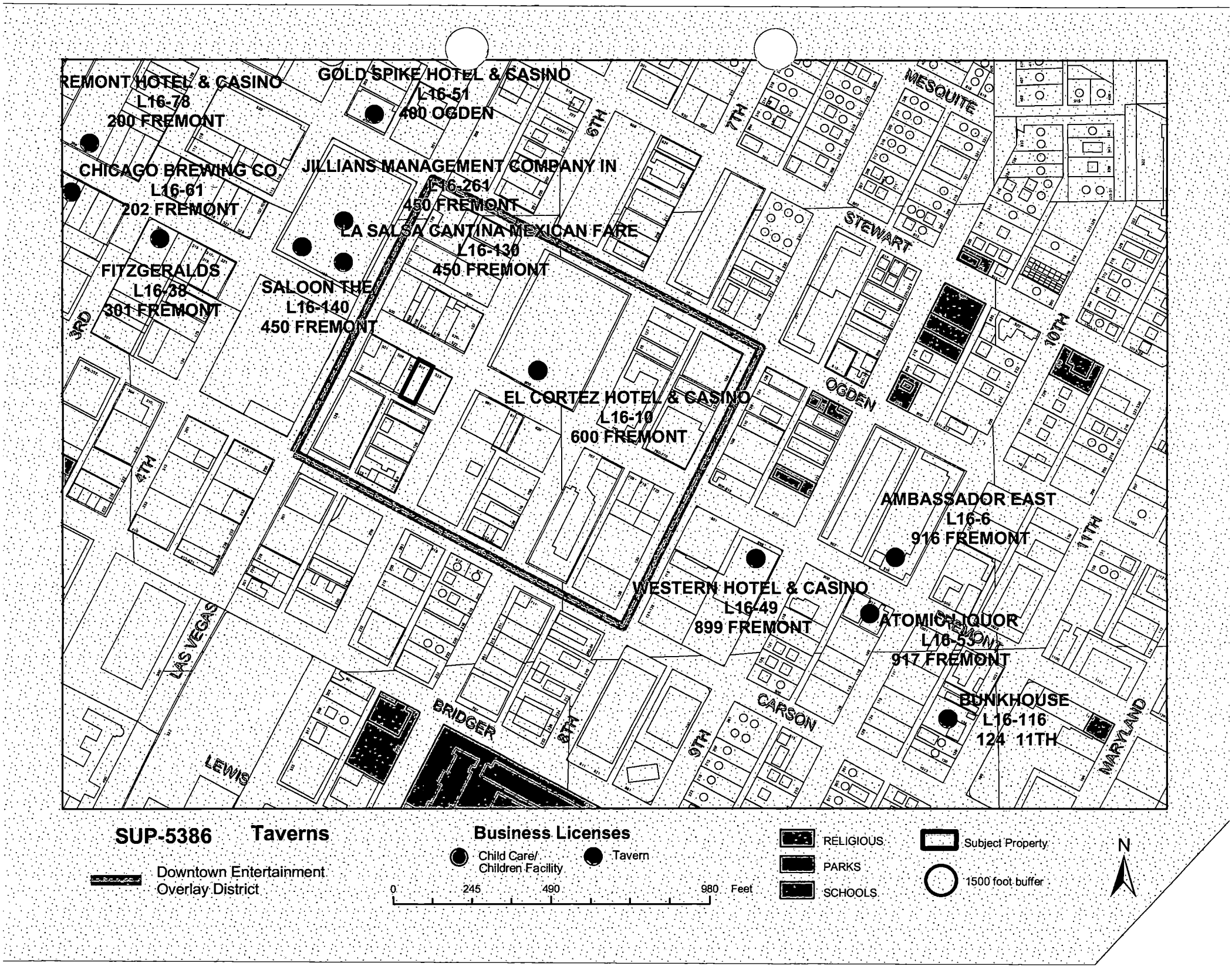

0 400 800 Feet

**CASE:** **SUP-5386**

**RADIUS:** 1500 FT

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

N


REMONT HOTEL & CASINO
L16-78
200 FREMONT
GOLD SPIKE HOTEL & CASINO
L16-51
400 OGDEN
CHICAGO BREWING CO
L16-61
202 FREMONT
JILLIANS MANAGEMENT COMPANY IN
L16-261
450 FREMONT
LA SALSA CANTINA MEXICAN FARE
L16-130
450 FREMONT
FITZGERALDS
L16-38
301 FREMONT
SALOON THE
L16-140
450 FREMONT
EL CORTEZ HOTEL & CASINO
L16-10
600 FREMONT
AMBASSADOR EAST
L16-6
916 FREMONT
WESTERN HOTEL & CASINO
L16-49
899 FREMONT
ATOMIC LIQUOR
L16-53
917 FREMONT
BUNKHOUSE
L16-116
124 11TH
6TH
7TH
MESQUITE
STEWART
10TH
OGDEN
3RD
4TH
LAS VEGAS
BRIDGER
8TH
9TH
CARSON
FREMONT
11TH
LEWIS
MARYLAND
SUP-5386 Taverns
Downtown Entertainment Overlay District
Business Licenses
Child Care/ Children Facility
Tavern
0 245 490 980 Feet
RELIGIOUS
PARKS
SCHOOLS
Subject Property
1500 foot buffer
N

City of Las Vegas

## AGENDA MEMO

**PLANNING COMMISSION MEETING DATE: NOVEMBER 18, 2004**
**DEPARTMENT: PLANNING AND DEVELOPMENT**
**ITEM DESCRIPTION: SUP-5386 - APPLICANT: PAUL DEVITT - OWNER: BARRICK-BREO II, LLC**

## ** CONDITIONS **

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

***Planning and Development***

1. Conformance to all Minimum Requirements of Title 19.06.120 and Title 6.50.

2. Restricted Gaming shall be prohibited within this establishment pursuant to Title 6.40.155.

3. The property owner shall be required to participate in a proportionate share of the Fremont Street Streetscape Project, to be implemented and constructed by the City of Las Vegas.

4. 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.

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

***Public Works***

6. 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.

7. Submit an Encroachment Agreement for all landscaping and private improvements located in the Fremont Street public right-of-way adjacent to this site prior to occupancy of this site.

8. Landscape and maintain all unimproved right-of-way on Fremont Street adjacent to this site.

# ** STAFF REPORT **

## APPLICATION REQUEST

### *A) Action Requested*

This is a request for a Special Use Permit for a proposed Tavern-Limited Establishment at 517 Fremont Street.

### *B) Applicant's Justification*

According to the applicant's justification letter, the subject proposal is a cocktail lounge in the guise of a vintage beauty salon. Services and amenities provided will include cocktails, manicures, and a VIP lounge. Hours of operation will be from 4:00 p.m. to 4:00 a.m. nightly. In conformance with the standards accompanying a tavern-limited license, the lounge will offer live DJ entertainment at least four nights per week. Parking is provided onsite, on adjacent streets, and in the nearby Neonopolis and Fremont Street Experience parking garages. This should be adequate, considering that public transportation is available on Las Vegas Boulevard. According to the applicant, this project will be a catalyst for the revitalization of the downtown area.

## BACKGROUND INFORMATION

### *A) Previous Actions*

12/16/64 The City Council approved a Rezoning to C-2 (General Commercial) on the subject site as part of a larger request (Z-0100-64).

10/02/02 The City Council adopted an ordinance establishing the Downtown Entertainment Overlay District and corresponding regulatory provisions and establishing the Tavern-Limited liquor license pertaining only to this District.

### *B) Pre-Application Meeting*

09/20/04 Staff explained to the applicant that the proposal would require a Special Use Permit for a Tavern-Limited Establishment. The distance separation requirement between tavern uses in the Downtown Entertainment Overlay is waived by ordinance. A parking analysis of the site would be required as part of the Special Use Permit submittal.

SS

## DETAILS OF APPLICATION REQUEST

***A) Site Area***

Net Acres: 0.15

***B) Existing Land Use***

| | |
|---|---|
| Subject Property: | Financial Institution, Specified |
| North: | Jeweler |
| | Real Estate Brokerage |
| South: | Offices |
| East: | Wire Transfer Service |
| | Restaurant |
| West: | Financial Institution, Specified |

***C) Planned Land Use***

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

***D) Existing Zoning***

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

***E) General Plan Compliance***

The Downtown Redevelopment Area Land Use Map within the Southeast Sector Plan designates the subject parcel as C (Commercial), which allows office uses, service-oriented commercial uses, and general commercial uses. The proposed Tavern-Limited Establishment is consistent with the Commercial designation and is a permitted use in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit.

| *SPECIAL DISTRICTS/ZONES* | Yes | No |
|---|---|---|
| **Special Area Plan** | **X** | |
| Downtown Centennial Plan | X | |
| Las Vegas Redevelopment Plan Area | X | |
| **Special Overlay District** | **X** | |
| Downtown Entertainment District | X | |
| Neighborhood Revitalization Area | X | |
| **Trails** | | **X** |
| **Development Impact Notification Assessment** | | **X** |
| **Project of Regional Significance** | | **X** |

The subject site is located within the East Fremont District of the Downtown Overlay District. Standards for new construction within this area are detailed within the Downtown Centennial Plan. This site is also part of the Neighborhood Revitalization Area and the Las Vegas Redevelopment Plan Area, which includes most of downtown Las Vegas, portions of West Las Vegas, and the industrial area located south of Charleston and east of the Union Pacific Railroad. The purpose of this plan is to eliminate blighted properties, develop vacant or underutilized properties by using methods of planning, and strengthen the economic base of this part of the City of Las Vegas.

Established in 2002 to further the City's downtown redevelopment efforts, the Downtown Entertainment Overlay District is an area intended to encourage blues and jazz nightclubs, comedy clubs, and other musical entertainment venues in a non-gaming environment. Licensing and zoning restrictions such as distance separation and parking requirements have been eased in order to create a cluster of such uses that also sell alcohol. The Downtown Entertainment Overlay District consists of the area bounded by Ogden Avenue on the north, Carson Avenue on the south, Las Vegas Boulevard on the west, and Eighth Street on the east.

## ANALYSIS

### *A) Zoning Code Compliance*

A1) Parking and Traffic Standards

Pursuant to Title 19.06.120, the on-site parking requirements for any tavern or nightclub within the Downtown Entertainment Overlay District do not apply. The Special Use Permit approval may include conditions designed to mitigate any impacts related to parking. The proposed site plan indicates that five on-site parking spaces will be provided. Additional parking will be available on adjacent streets and within the Fremont Street Experience and Neonopolis parking garages.

A2) Minimum Distance Separation Requirements

Pursuant to Title 19.06.120, any liquor-serving establishment approved by means of a Special Use Permit for a parcel located within the Downtown Entertainment Overlay District shall not be subject to the distance separation requirements set forth in Title 19.04. The Special Use Permit approval may include conditions designed to mitigate any impacts related to distance separation.

***B) General Analysis and Discussion***

- Zoning

The subject property is zoned C-2 (General Commercial). A Tavern-Limited Establishment is a permitted use in this zoning district with the approval of a Special Use Permit.

- Use

A Tavern-Limited Establishment, as defined by Title 19.20, is an establishment that is licensed with a tavern-limited business license in accordance with Title 6.50. This type of license:

(1) Authorizes the sale of alcoholic beverages only for consumption on the premises where the same are sold.
(2) May only be issued for premises located in the Downtown Entertainment Overlay District.
(3) Is not transferable, except to a location within the same entertainment district and to an operator who has been approved by the City Council.

In addition, no Restricted Gaming (consisting of not more than fifteen slot machines, incidental to the primary business at the establishment, and no other game or gaming device at the establishment) shall be conducted, maintained, or operated within the Downtown Entertainment Overlay District, per Title 6.40.155.

The proposal is for a Tavern with a vintage beauty salon theme to be located within an existing 2,157 square-foot building. No changes are proposed to the exterior of the building, other than for signage. Existing signage on the front elevation will be removed and replaced with a single projecting sign cabinet. This signage proposal will be considered for approval at the November 9, 2004 meeting of the Downtown Entertainment Overlay District Design Review Committee in accordance with the provisions of Title 19.06.120.

SS

Parking is limited on the site; other than spaces located at the rear of the building, patrons will have to use available spaces along Fremont and Sixth Streets or nearby parking garages for a fee. No valet parking is proposed. Anticipated hours of operation will be 4:00 p.m. to 4:00 a.m. daily. Live entertainment will be offered at least four nights per week in conformance to the Downtown Entertainment Overlay District standards.

The property would typically be subject to the streetscape standards of the Downtown Centennial Plan, which would require an 11-foot wide sidewalk and shade trees at 30-foot intervals. However, the City has been awarded partial funding from the Nevada Department of Transportation for the implementation of a streetscape treatment on Fremont Street between Las Vegas Boulevard and Sixth Street. The Office of Business Development is in the process of working with the property owners to contribute to the costs of extending the streetscape project to Eighth Street. As this project is scheduled for implementation in the near future, the property owner shall be required to participate in a proportionate share of the streetscape treatment, rather than install the streetscape treatment as a condition of approval, as would typically be required.

- Conditions

There are no base conditions for approval of a Tavern-Limited Establishment. The establishment need only comply with the regulations for a tavern-limited license and those provisions governing the Downtown Entertainment Overlay District.

## 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-Limited Establishment is a permitted use in the C-2 (General Commercial) zoning district and is the type of use encouraged in the Downtown Entertainment Overlay District. It is surrounded by other parcels zoned for similar uses. No gaming machines will be incorporated into the use. No structural or aesthetic changes will be made to the building exterior except for signage, which is subject to review by the Downtown Entertainment Overlay District Design Review Committee.

SS

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

   The existing building is suitable for the proposed Tavern-Limited Establishment. Limited onsite parking is available; however, the proposed tavern will depend on additional on-street parking and nearby parking garages to meet the expected demand.

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

   Access to the site is provided by Fremont Street, an 80-foot right-of-way, and an alley connecting Las Vegas Boulevard and Sixth Street. Much of the expected traffic for this use will be by pedestrians; however, these streets are adequate in size to meet the requirements of all uses on site, including the proposed Tavern-Limited Establishment.

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 Tavern-Limited Establishment will be subject to inspections for compliance with business licensing requirements and will not compromise the public health, safety and welfare. The proposed use is consistent with the redevelopment objectives of the Downtown Centennial Plan, Las Vegas Redevelopment Area, and the Downtown Entertainment Overlay District.

**NOTICES MAILED** 240

**APPROVALS** 0

**PROTESTS** 0

SS

PLANNING & DEVELOPMENT

# PLANNING & DEVELOPMENT DEPARTMENT

## STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-5386 APN: 139 34 611 016

Name of Property Owner: BARRICK-BREO, II, LLC

Name of Applicant: Paul Devitt

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: X [signature]

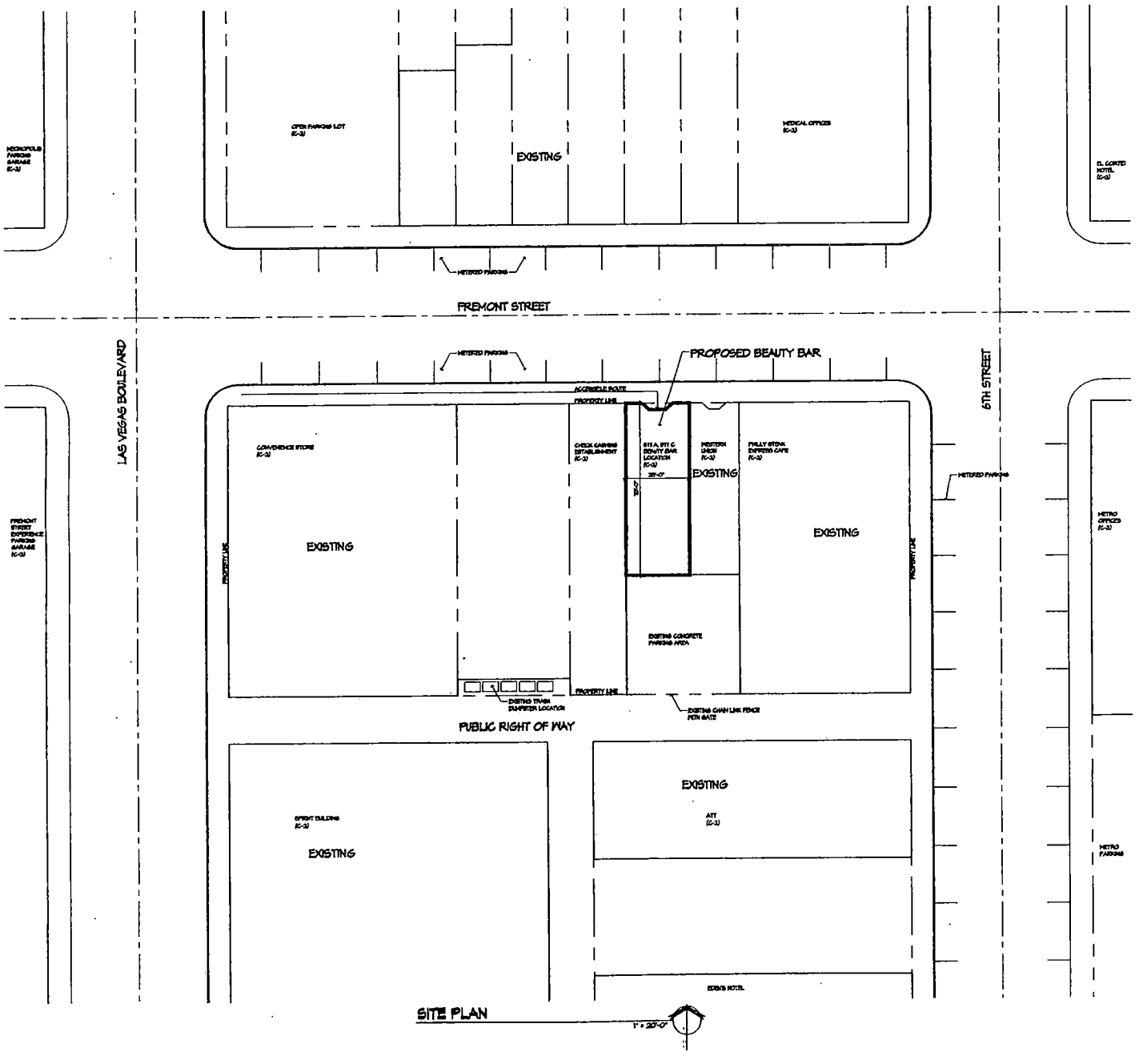
Print Name: X Stephen Crystal

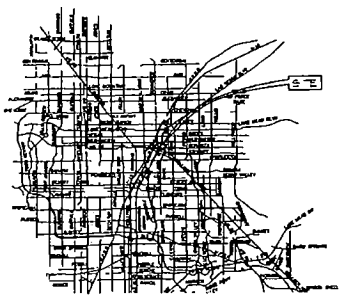
Subscribed and sworn before me

This 5th day of Oct., 2004

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

WENDY PARNELL
Notary Public State of Nevada
No. 04-87365-1
My appt. exp. Mar. 4, 2008




VICINITY MAP

NOT TO SCALE

LOCATION MAP

NOT TO SCALE

| ACCESSOR'S PARCEL NUMBER | 194-34-611-016 | |
|---|---|---|
| SITE INFORMATION | | |
| | | REQ'D PARKING PROVIDED |
| SITE AREA | 6,500 SF | |
| BUILDING AREA | 2,151 SF | See Justification Letter |
| Total Parking | | See Justification Letter |

# Beauty Bar

517 Fremont Street
Las Vegas, Nevada 89101

APTUS Architecture
1200 South 4th Street
Suite 204
Las Vegas, Nevada 89104
P 702.639.1300
F 702.639.1211
info@aptusarchitecture.com

APTUS PROJECT NO: 04.058

ARCHITECT

STAMP/SEAL

NOTES

COPYRIGHT 2004 © BY APTUS ARCHITECTURE

| NO | DESCRIPTION | DATE |
|---|---|---|
| 1 | S.U.P. Submittal | 10.5.04 |

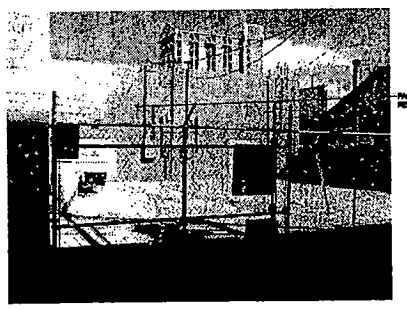
ISSUED

TITLE
SITE PLAN

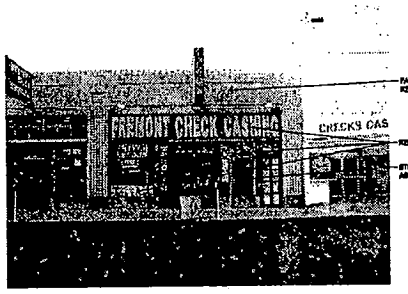
DRAWING NO
AC100

RECEIVED
OCT 0 5 2004

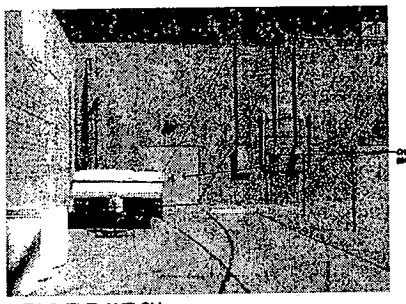
SUP-5386
11/18/04 PC



REAR ELEVATION
Oblique
NO SCALE




FRONT ELEVATION
NO SCALE



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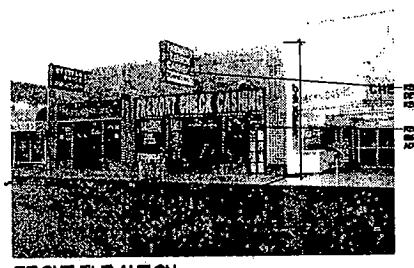
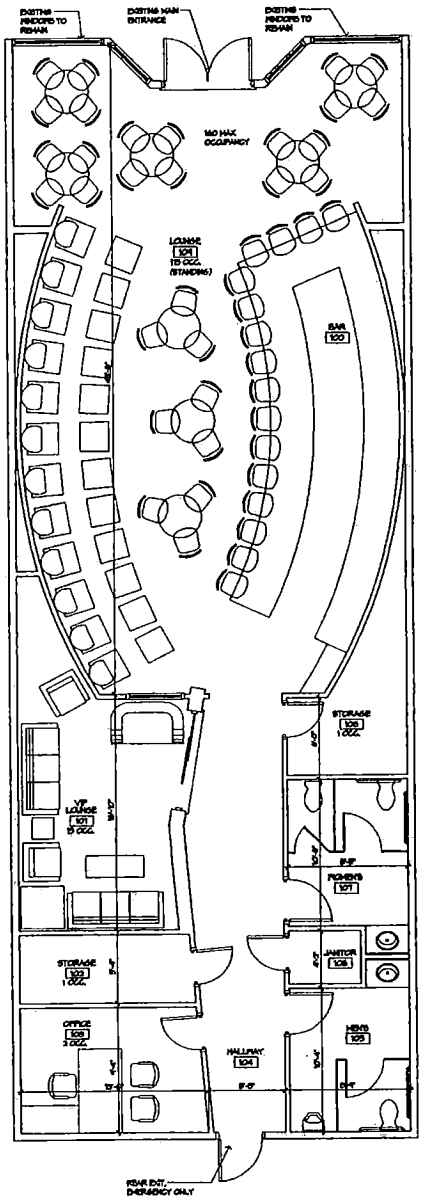
NO SCALE



FRONT ELEVATION
Oblique
NO SCALE

SIGNAGE DETAIL
NO SCALE




FLOOR PLAN
1/4" = 1'-0"

RECEIVED
OCT 0 5 2004

**SUP-5386**
**11/18/04 PC**

# Beauty Bar

517 Fremont Street
Las Vegas, Nevada 89101

APTUS Architecture
1200 South 4th Street
Suite 206
Las Vegas, Nevada 89104
P 702.879.1300
F 702.879.1313
info@aptusarchitecture.com

APTUS PROJECT NO. 04.058

ARCHITECT

ENGINEER

NOTES

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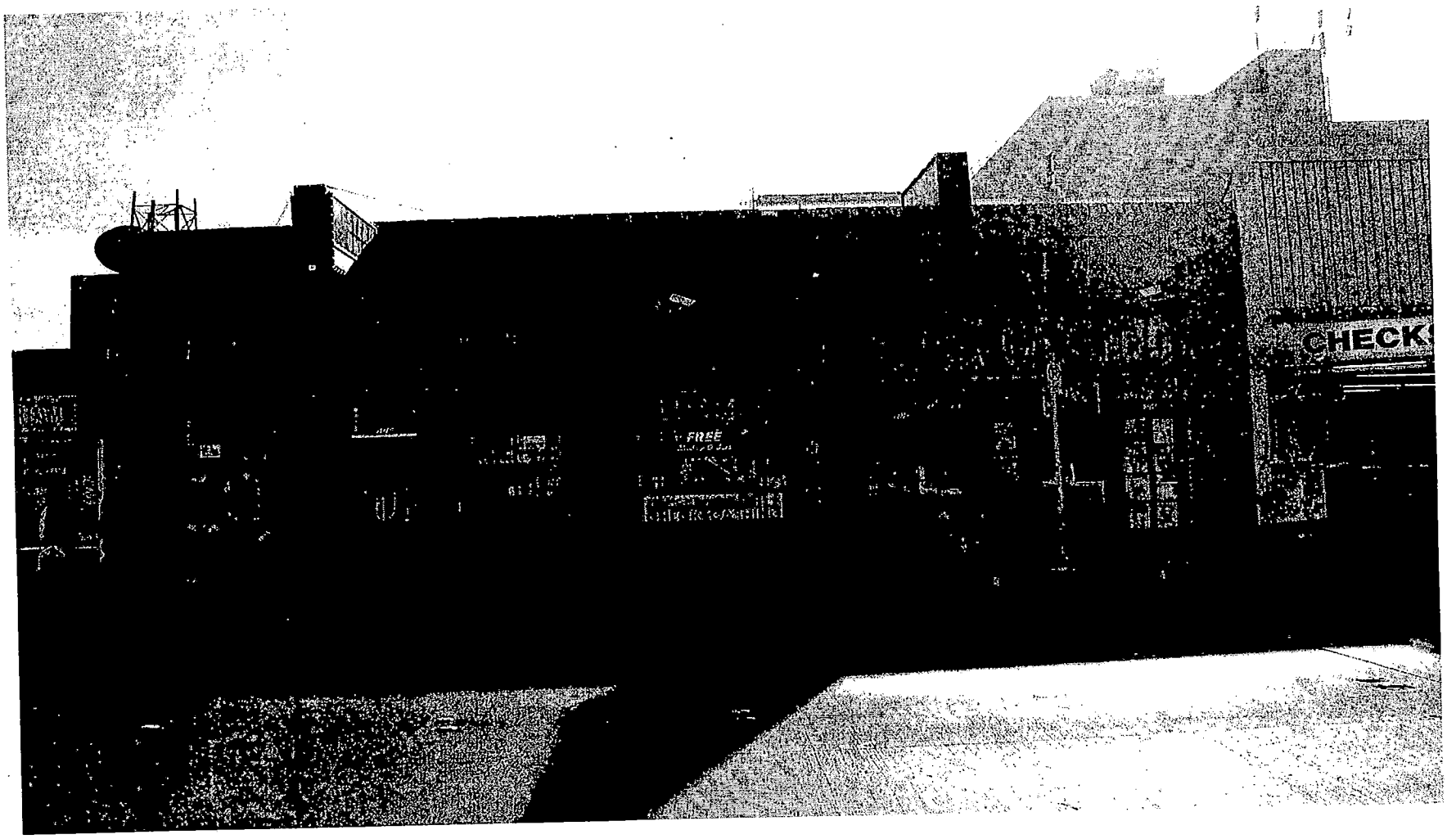
| NO | DESCRIPTION | DATE |
|---|---|---|
| 1 | S.U.P. Submittal | 10.5.04 |

ISSUED

TITLE
FLOOR PLAN AND EXTERIOR ELEVATIONS

DRAWING NO

A100




SUP-5386 - APPLICANT: PAUL DEVITT - OWNER: BARRICK-BREO II, LLC
517 FREMONT STREET
NOVEMBER 18, 2004 PLANNING COMMISSION

10/22/04

City of Las Vegas

Agenda Item No.: 47

## AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

**PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004**

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

**SUBJECT:**
**SUP-5392 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: BARBARA J. REAVES - OWNER: MATTHEW DALE NORMAN IRREVOCABLE TRUST, ET AL** - Request for a Special Use Permit FOR A PROPOSED CHILD CARE CENTER at 4301 Stewart Avenue (APN 140-31-602-009), R-E (Residence Estates) Zone, Ward 3 (Reese).

**IF APPROVED: C.C.: 12/15/04**
**IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)**

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

**RECOMMENDATION:**
Staff recommends APPROVAL.

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

**MOTION:**
**EVANS – APPROVED subject to conditions – UNANIMOUS with TRUESDELL abstaining as the subject property is within the Notification area of an item that he abstained on earlier, and there have been some discussions with the tenant on the previous item**

**To be heard by City Council 12/15/2004**

**MINUTES:**
CHAIRMAN TRUESDELL declared the Public Hearing open.

DON SCHMEISER, Planning and Development, stated that this is an existing use at this location and has been since 1980. The business ceased operation in November, 2003, and the business license became null and void a year later. The property owner requested a Special Use Permit in order to re-establish the use in the present location. The proposed child care would provide care for up to 100 children, has adequate outdoor play areas and the on-site parking meets current zoning standards. Staff recommended approval.

**MINUTES – Continued:**
MICHAEL REAVES, 6813 N. Campbell Road, appeared on behalf of the owner, Barbara J. Reaves. MR. REAVES concurred with staff's recommendations and conditions.

(10:48 10:50)
**4-195**

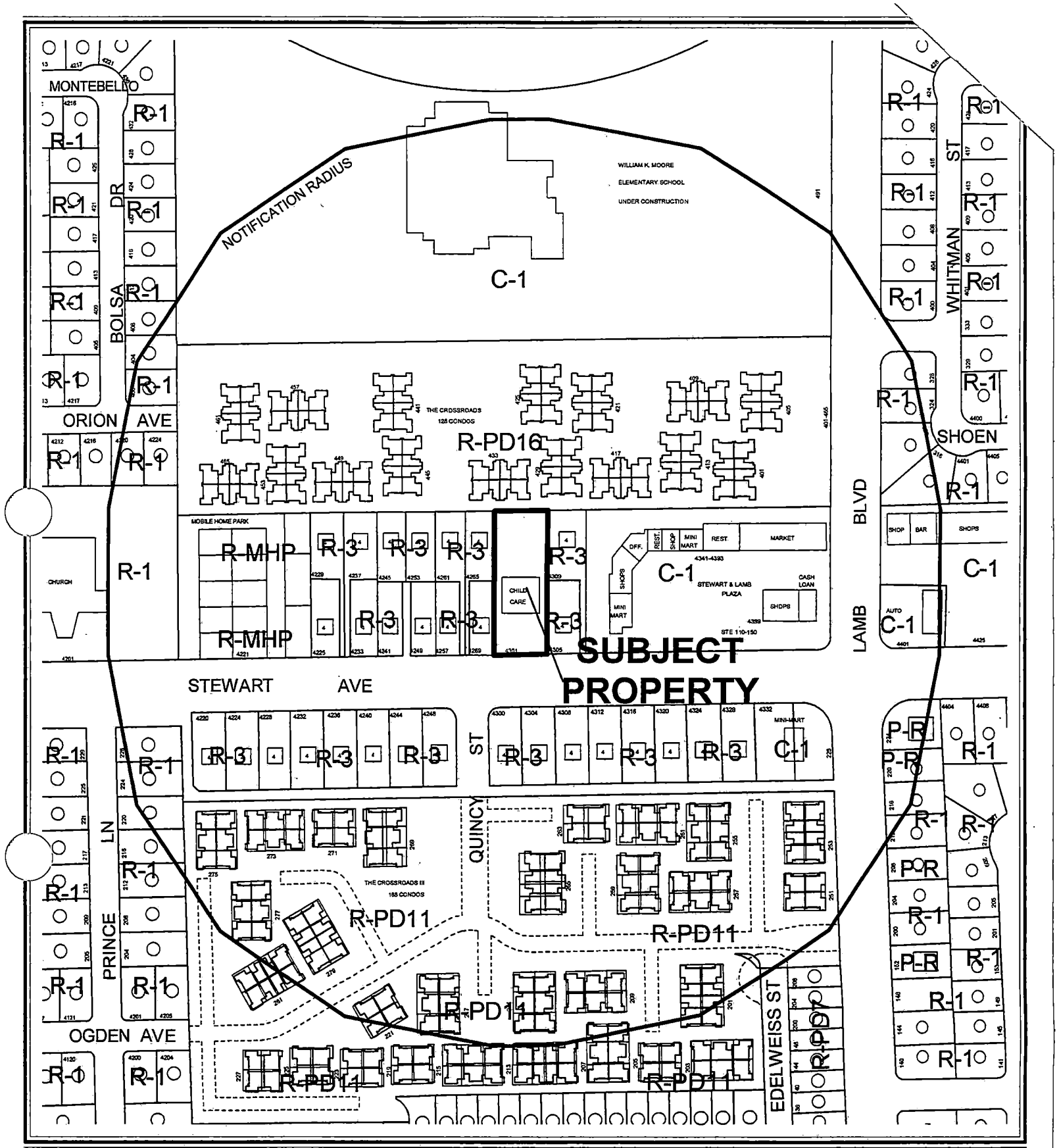
**CONDITIONS:**
Planning and Development

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

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

Public Works

3. 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 prior to the issuance of a special use permit. All existing driveways are acceptable.




**CASE:** **SUP-5392**

**RADIUS:** 750 FT

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

N

City of Las Vegas

## AGENDA MEMO

**PLANNING COMMISSION MEETING DATE: NOVEMBER 18, 2004**
**DEPARTMENT: PLANNING AND DEVELOPMENT**
**ITEM DESCRIPTION: SUP-5392 - APPLICANT: BARBARA J. REAVES - OWNER: MATTHEW DALE NORMAN IRREVOCABLE TRUST, ET AL**

## ** CONDITIONS **

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

***Planning and Development***

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

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

***Public Works***

3. 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 prior to the issuance of a special use permit. All existing driveways are acceptable.

# ** STAFF REPORT **

## APPLICATION REQUEST

### *A) Action Requested*

This is a request for a Special Use Permit for a proposed Child Care Center use on property at 4301 Stewart Avenue.

### *B) Applicant's Justification*

The applicant justifies this request by stating that the existing building on the property had previously been licensed as a Child Care Center for up to 100 children until November 2003. A Special Use Permit is required for this use in a residential zoning district.

## BACKGROUND INFORMATION

### *A) Previous Actions*

| | |
|---|---|
| 02/28/80 | The Board of Zoning Adjustment approved a request for a Variance (V-0003-80) to allow a commercial child care facility (Kinder Care Learning Center) on the subject property. |
| 04/02/80 | The Board of City Commissioners denied an appeal of the Board of Zoning Adjustment's approval of the Variance (V-0003-80) to allow a commercial child care facility on the subject property. |
| 11/14/03 | The Child Care Facility on the subject site ceased business operations. |
| 11/14/04 | The Variance (V-0003-80) to allow the Child Care Facility became void. |

### *B) Pre-Application Meeting*

| | |
|---|---|
| 09/15/04 | Requirements for submittal of the Special Use Permit for a Child Care Center were discussed. Parking standards for this use were emphasized. |

## DETAILS OF APPLICATION REQUEST

### *A) Site Area*

Net Acres: 0.64

SS

***B) Existing Land Use***

| | |
|---|---|
| Subject Property: | Child Care Center |
| North: | Residential Condominiums |
| South: | Multi-Family Residential (Four-Plexes) |
| East: | Multi-Family Residential (Four-Plexes) |
| West: | Multi-Family Residential (Four-Plexes) |

***C) Planned Land Use***

| | |
|---|---|
| Subject Property: | SC (Service Commercial) |
| North: | M (Medium Density Residential) |
| South: | M (Medium Density Residential) |
| East: | M (Medium Density Residential) |
| West: | M (Medium Density Residential) |

***D) Existing Zoning***

| | |
|---|---|
| Subject Property: | R-E (Residence Estates) |
| North: | R-PD16 (Residential Planned Development – 16 Units per Acre) |
| South: | R-3 (Medium Density Residential) |
| East: | R-3 (Medium Density Residential) |
| West: | R-3 (Medium Density Residential) |

***E) General Plan Compliance***

The site is designated SC (Service Commercial) on the Southeast Sector Map of the General Plan. This category allows for low to medium intensity retail, office and commercial uses. The existing current R-E (Residence Estates) zoning classification does not conform to the SC (Service Commercial) designation; however, the Child Care Center use is a compatible commercial use and is allowed within an R-E (Residence Estates) zone with an approved Speical Use Permit.

| *SPECIAL DISTRICTS/ZONES* | Yes | No |
|---|---|---|
| **Special Area Plan** | | X |
| **Special Overlay District** | X | |
| Neighborhood Revitalization Area | X | |
| **Development Impact Notification Assessment** | | X |
| **Project of Regional Significance** | | X |

There are no special area plans or trails. The site is located within the Neighborhood Revitalization District as established by the Las Vegas Master Plan 2020. The Plan identifies neighborhoods that may contain declining infrastructure, increasing traffic and noise, and increases in property crimes and vandalism, so that they may be stabilized and protected from further deterioration.

SS

## 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 |
| Child Care Center | N/A | One space per staff member and one space per 10 children | 16 | 1 | 16 | 1 |

The proposed Child Care center meets the required parking standards of Title 19. The 17 spaces required were based on the seven employees and up to 100 children expected during any given day.

A2) Minimum Distance Separation Requirements

There are no Minimum Separation Distance Requirements in the Zoning Code that apply to the proposed Child Care Center use and there are no other licensed child care providers within the 750-foot notification distance.

### *B) General Analysis and Discussion*

- Zoning

The subject site is zoned R-E (Residence Estates) with an SC (Service Commercial) General Plan designation. A Child Care Center use is permitted within an R-E (Residence Estates) zoning district with the approval of a Special Use Permit.

- Use

A Child Care Center by definition is a commercial facility in which the licensee regularly provides day or overnight care for more than 12 children. The facility is subject to the child care regulations and standards of the Department of Business

Activity. The current 4,725 square-foot facility had been in operation since the early 1980s and had previously been licensed as a Child Care Center and a Nursery, but the license expired in November 2003. The Child Care Center had been approved through a previous use Variance (V-0003-80), an entitlement that is no longer permitted by the Zoning Code. This Variance became void on November 14, 2004. The proposed Special Use Permit would legitimize the use within the R-E (Residence Estates) zoning district. No changes will be made to the exterior of the structure.

According to business licensing statistics, the previous child care facility had been inspected for compliance with applicable codes at least twice each year since 1997, leading up to the facility's closure in 2003. A number of discrepancies were discovered and corrected during that period.

- Conditions

There are no base conditions for approval of a Special Use Permit for a Child Care Center use. These projects are evaluated on a case-by-case basis and conditions are imposed as needed.

**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 the subject property is surrounded by multi-family residential uses on adjacent parcels, the proposed Child Care Center use has previously existed on the site without creating nuisances to the neighborhood. Therefore, it can be conducted in a manner that is harmonious with surrounding land uses.

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

   The existing building on the site is able to provide care for up to 100 children. Adequate outdoor play areas are provided. On-site parking meets current Zoning Code standards.

SS

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 receives access from Stewart Avenue, a 100-foot Primary Arterial as designated on the Master Plan of Streets and Highways. This street will be adequate in size to accommodate the proposed Child Care Center use.

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

   The proposed Child Care Center will be subject to regular inspection for compliance with applicable codes; therefore, the public health, safety and welfare will be safeguarded.

**NOTICES MAILED** 303

**APPROVALS** 0

**PROTESTS** 0

SS

PLANNING & DEVELOPMENT DEPARTMENT

# STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-5392** APN: _____

Name of Property Owner: DAN NORMAN

Name of Applicant: BARBARA REAVE

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: DAN NORMAN

Subscribed and sworn before me

This 9th day of Sept, 2004

Pulaski County Arkansas

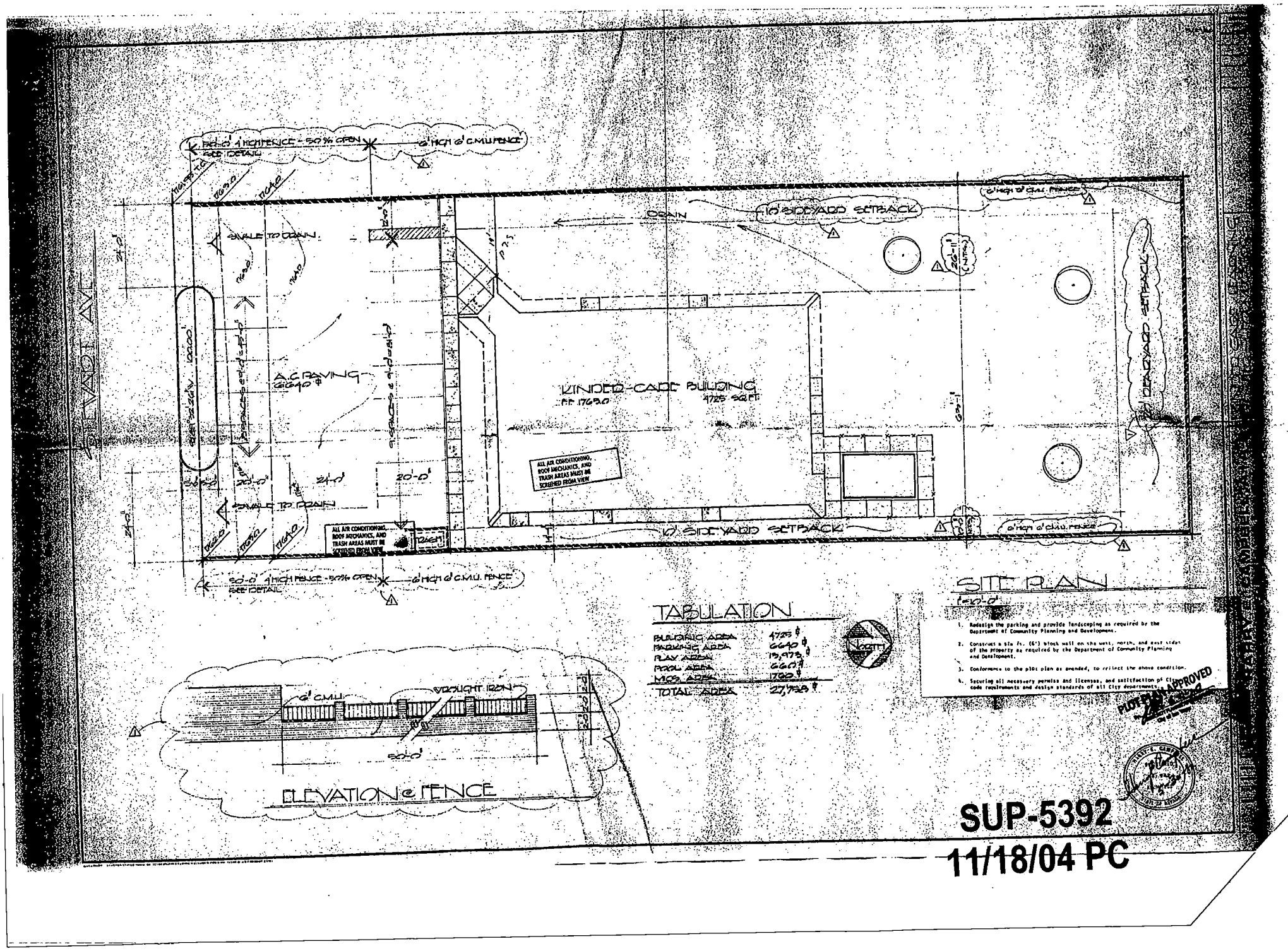
Notary Public in and for said County and State

Betty J. Lock

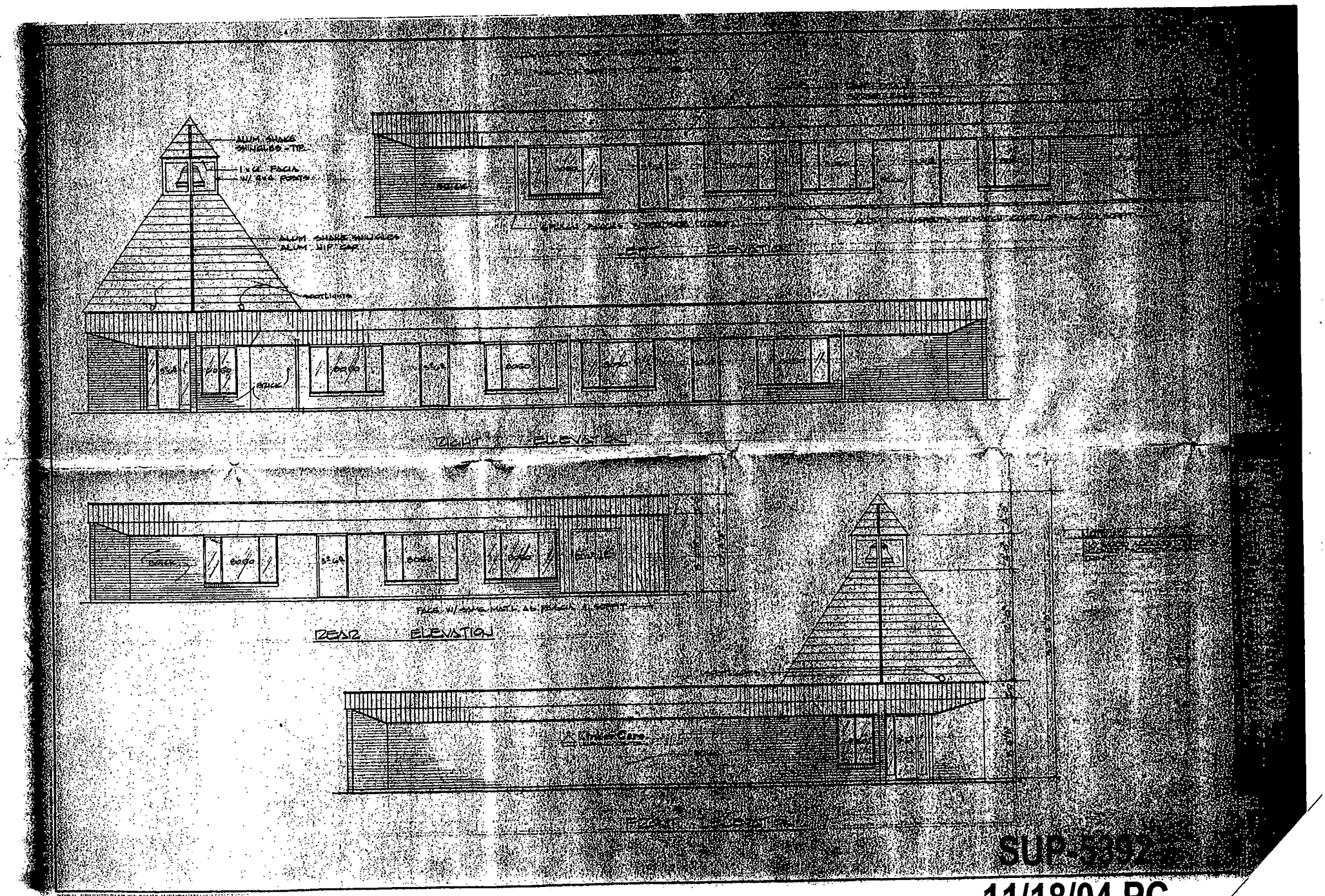
Revised 2/12/02

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

Comm. Expires 1-30-13




SUP-5392
11/18/04 PC




SUP-5352

11/18/04 PC

SUP-5392 - APPLICANT: BARBARA J. REAVES - OWNER: MATTHEW DALE NORMAN IRREVOCABLE TRUST, ET AL
4301 STEWART AVENUE
NOVEMBER 18, 2004 PLANNING COMMISSION

10/22/04

City of Las Vegas

Agenda Item No.: 48

## AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

**PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004**

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

**SUBJECT:**
**SUP-5466 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/OWNER: FREMONT STREET EXPERIENCE PARKING CORPORATION** - Request for a Special Use Permit FOR A PROPOSED LIQUOR ESTABLISHMENT (TAVERN) AND A WAIVER OF THE SEPARATION DISTANCE REQUIREMENT at 425 Fremont Street (APN 139-34-610-045), C-2 (General Commercial) Zone, Ward 1 (Moncrief).

**IF APPROVED: C.C.: 12/01/04**
**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:**
**DAVENPORT – APPROVED subject to conditions and deleting Condition 1 – UNANIMOUS with TRUESDELL abstaining because he is involved with the tenant of the property directly across the street from the subject site**

**To be heard by City Council on 12/01/2004**

**MINUTES:**
CHAIRMAN TRUESDELL declared the Public Hearing open.

GARY LEOBOLD, Planning & Development Department, explained that approval of this application would allow a tavern on the subject parcel. It would be located in the former location of the Race Rock Restaurant. There is a small area on the main floor and the entire second floor of the building would be associated with this development. There are approximately 20 liquor establishments within the required 1500-foot separation area; however, the distance requirement may be waived for parcels within the downtown Casino Overlay District. MR. LEOBOLD

**MINUTES – CONTINUED:**

indicated the item had not yet been approved by the Development Review Committee. The applicant has requested the item be fast tracked to the December 1, 2004 City Council meeting.

JOHN COLE, Chief Operating Officer, Fremont Street Experience, 9005 Night Owl Court, asked if Condition 1 could be deleted from the "if approved" conditions. Condition 1 stated the Special Use Permit would expire in one year from the date of final approval unless an Extension of Time was granted by the City Council. The project is very large at 34,000 square feet and a significant amount of money would be invested. It would be difficult to have the developer commit to a large contract and invest such a large amount of money with the prospect of having something change within one year. The Freemont Street Experience requests the period of time reflected in the condition be changed to the length of the initial lease term, which is 10 years.

MARGO WHEELER, Deputy Director, Planning & Development Department, advised the Commissioners that this topic has been discussed with staff and in light of the relationship with the City on this matter, it is believed that Condition 1 could be eliminated completely.

VICE CHAIRMAN NIGRO clarified for MR. COLE that the condition did not mean that once the facility opens it could be revoked within a year. MR. COLE understood that fact but replied that the out-of-town investors who are not familiar with the City of Las Vegas procedures are wary of the condition.

MR. COLE also commended the services of FLYNN FAGG of the Planning & Development Department. He said MR. FAGG was extremely helpful in pulling the project together. MS. WHEELER thanked MR. COLE for his comments.

VICE CHAIRMAN NIGRO declared the Public Hearing closed.

(10:50 – 10:55)

**4-249**

**CONDITIONS:**

Planning and Development

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

2. The 1,500-foot distance separation requirement for the Liquor Establishment (Tavern) use is hereby waived in accordance with Title 19.04.050(B).

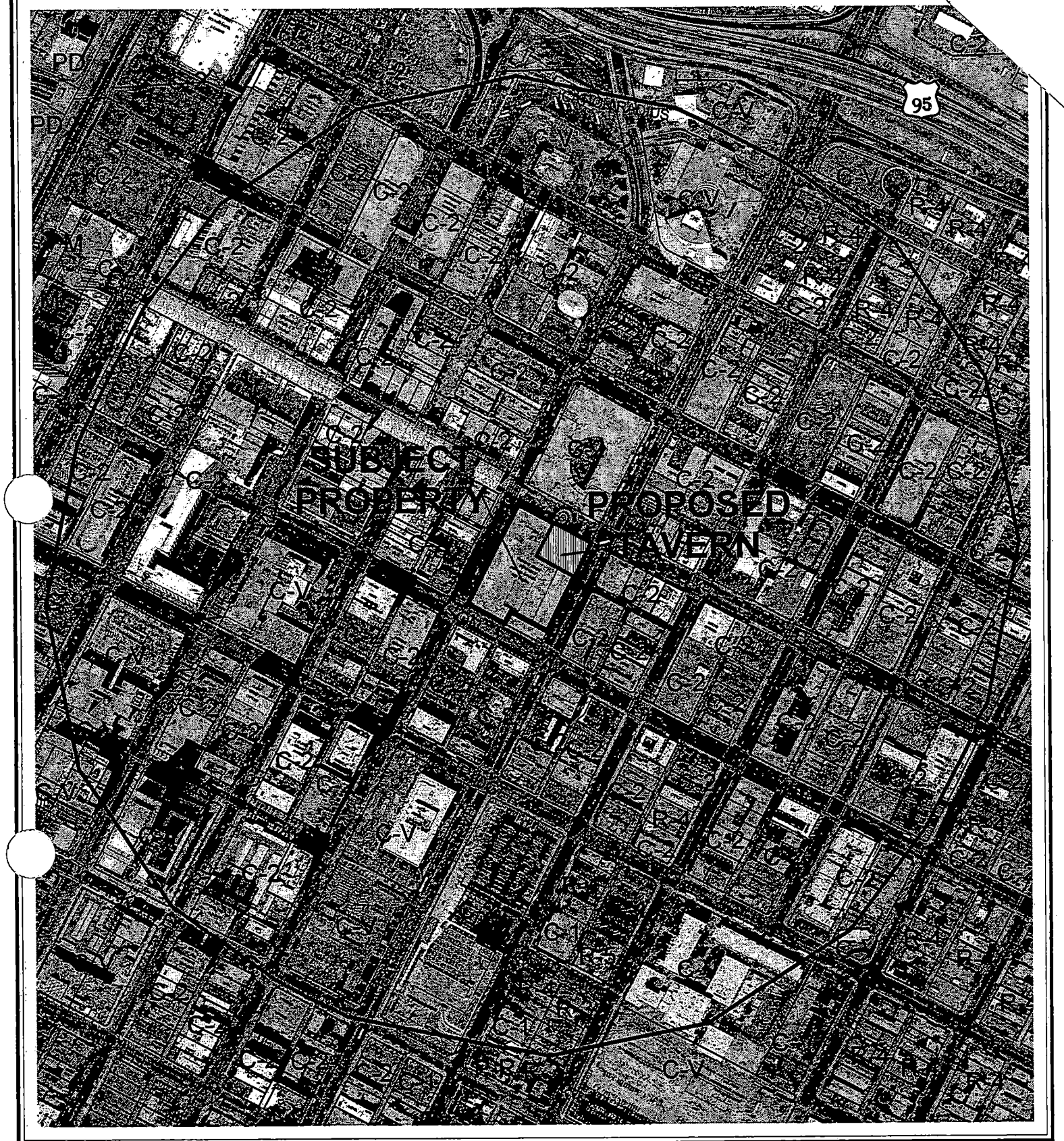
3. Signage for the parcel shall be subject to the requirements of the Las Vegas Boulevard Scenic Byway Overlay District and other applicable regulations.

**CONDITIONS – CONTINUED:**

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

Public Works

5. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to the issuance of any permits.



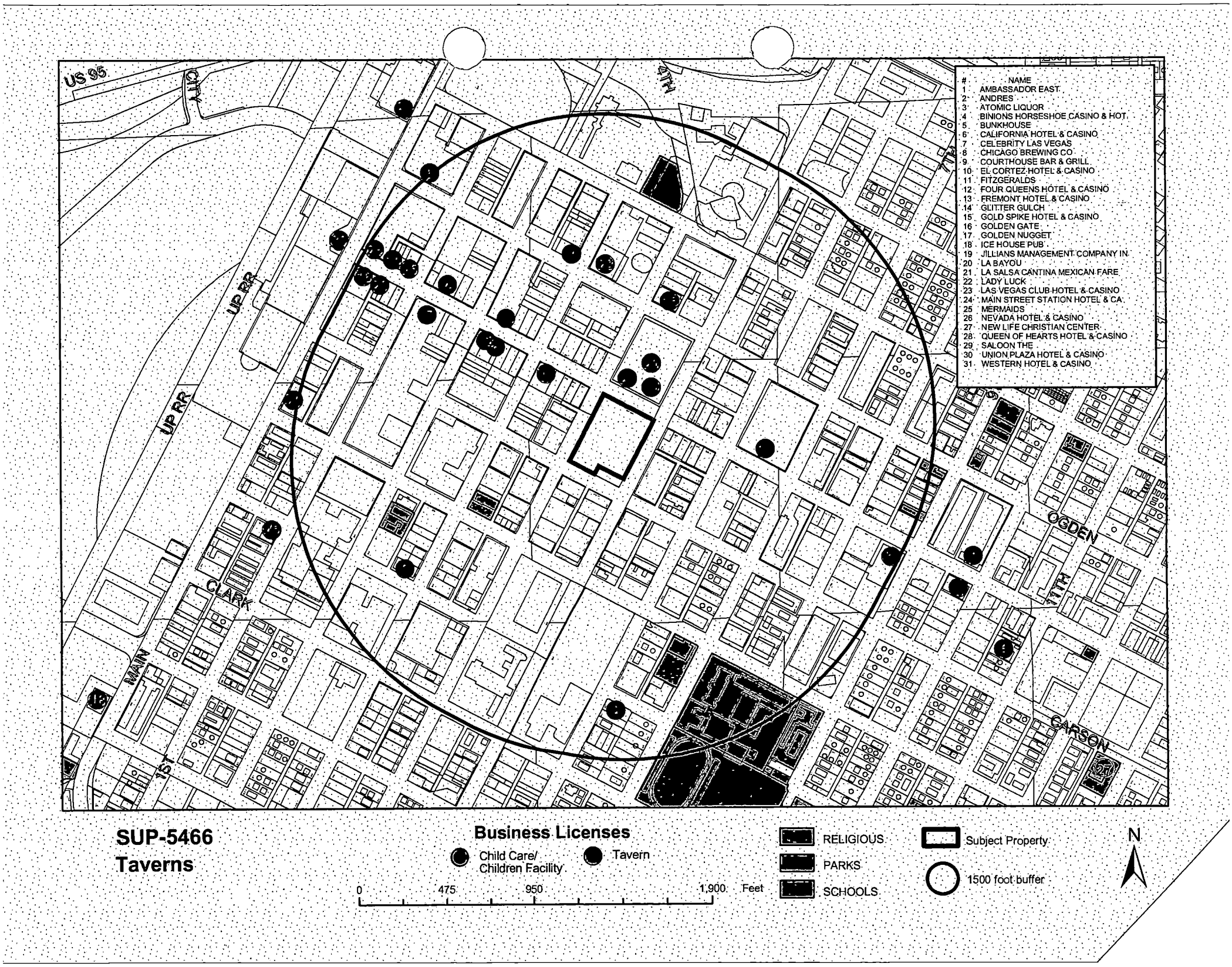

0 400 800 Feet

**CASE:** **SUP-5466**

**RADIUS:** 1500 FT

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

N


US 95
CITY
UP RR
UP RR
4TH
OGDEN
11TH
CLARK
MAIN
1ST
CARSON
# NAME
1 AMBASSADOR EAST
2 ANDRES
3 ATOMIC LIQUOR
4 BINIONS HORSESHOE CASINO & HOT
5 BUNKHOUSE
6 CALIFORNIA HOTEL & CASINO
7 CELEBRITY LAS VEGAS
8 CHICAGO BREWING CO
9 COURTHOUSE BAR & GRILL
10 EL CORTEZ HOTEL & CASINO
11 FITZGERALDS
12 FOUR QUEENS HOTEL & CASINO
13 FREMONT HOTEL & CASINO
14 GLITTER GULCH
15 GOLD SPIKE HOTEL & CASINO
16 GOLDEN GATE
17 GOLDEN NUGGET
18 ICE HOUSE PUB
19 JILLIANS MANAGEMENT COMPANY IN
20 LA BAYOU
21 LA SALSA CANTINA MEXICAN FARE
22 LADY LUCK
23 LAS VEGAS CLUB HOTEL & CASINO
24 MAIN STREET STATION HOTEL & CA
25 MERMAIDS
26 NEVADA HOTEL & CASINO
27 NEW LIFE CHRISTIAN CENTER
28 QUEEN OF HEARTS HOTEL & CASINO
29 SALOON THE
30 UNION PLAZA HOTEL & CASINO
31 WESTERN HOTEL & CASINO
SUP-5466
Taverns
Business Licenses
Child Care/ Children Facility
Tavern
0 475 950 1,900 Feet
RELIGIOUS
PARKS
SCHOOLS
Subject Property
1500 foot buffer
N

City of Las Vegas

## AGENDA MEMO

**PLANNING COMMISSION MEETING DATE: NOVEMBER 18, 2004**
**DEPARTMENT: PLANNING AND DEVELOPMENT**
**ITEM DESCRIPTION: SUP-5466 - APPLICANT/OWNER: FREMONT STREET EXPERIENCE PARKING CORPORATION**

## ** CONDITIONS **

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

***Planning and Development***

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

2. The 1,500-foot distance separation requirement for the Liquor Establishment (Tavern) use is hereby waived in accordance with Title 19.04.050(B).

3. Signage for the parcel shall be subject to the requirements of the Las Vegas Boulevard Scenic Byway Overlay District and other applicable regulations.

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

***Public Works***

5. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to the issuance of any permits.

# ** STAFF REPORT **

## APPLICATION REQUEST

### *A) Action Requested*

This is a request for approval of a Special Use Permit and a Waiver of the 1,500-foot separation distance requirement for a proposed Liquor Establishment (Tavern) at 425 Fremont Street.

### *B) Applicant's Justification*

The applicant indicates that approval of the request will bring an established operator to the downtown market and will assist in increasing the options for entertainment in the downtown area.

## BACKGROUND INFORMATION

### *A) Previous Actions*

12/16/64 The City Council approved a Rezoning (Z-0100-64) to reclassify property, including the subject parcel, 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).

05/20/92 The City Council approved a Special Use Permit (U-0081-92) to allow a Class III Secondhand Dealership on the subject property. The Board of Zoning Adjustment recommended approval of the request on 04/28/92.

11/18/92 The City Council approved a Special Use Permit (U-0257-92) to allow a Class III Secondhand Dealership on the subject property. The Board of Zoning Adjustment recommended approval of the request on 10/27/92.

07/06/94 The City Council approved an Aesthetic Review (AR-0009-94) for the construction of a parking structure and retail shops on the subject property. The Planning Commission recommended approval on 06/23/94.

08/22/95 The Board of Zoning Adjustment approved a Variance (V-0117-95) to allow three projecting wall signs on the parking structure building.

10/06/99 The City Council approved a Special Use Permit (U-0096-99) for a proposed tavern on the subject property. The Planning Commission recommended approval of the request on 9/23/99.

***B) Pre-Application Meeting***

10/14/04 At the pre-application conference, issues were discussed relative to the Waiver of the separation distance requirement and the operation of the facility.

***C) Neighborhood Meetings***

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

**DETAILS OF APPLICATION REQUEST**

***A) Site Area***

Net Acres: 2.59

***B) Existing Land Use***

| | |
|---|---|
| Subject Property: | General Retail Use |
| | Parking Structure |
| North: | General Retail Use |
| | Restaurant Use |
| | Entertainment Use |
| South: | Financial Institution Use |
| East: | Office Use |
| | General Retail Use |
| West: | Retail Use |
| | Hotel Use |
| | Gaming Use |

***C) Planned Land Use***

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

***D) Existing Zoning***

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

***E) General Plan Compliance***

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

| *SPECIAL DISTRICTS/ZONES* | Yes | No |
|---|---|---|
| **Special Area Plan** | | |
| Downtown Centennial Plan | X | |
| Redevelopment Plan Area | X | |
| **Special Overlay District** | | |
| Fremont Street Experience | X | |
| Downtown Casino Overlay District | X | |
| Las Vegas Boulevard Scenic Byway Overlay | X | |
| **Rural Preservation Neighborhood** | | X |
| **County/North Las Vegas/HOA Notification** | | X |
| **Development Impact Notification Assessment** | | X |
| **Project of Regional Significance** | | X |

**Redevelopment Plan Area**

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

**Downtown Centennial Plan**

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

**Downtown Casino Overlay District/Fremont Street Experience**

The parcel is located within the boundaries of the Downtown Casino Overlay District, and is within the Special Signage Sub-District, although Title 19.06.100 exempts properties within the pedestrian mall from the Sub-District regulations.

**Las Vegas Boulevard Scenic Byway**

The property is also located within the boundaries of the Las Vegas Boulevard Scenic Byway Overlay, which is intended to preserve the character of Las Vegas Boulevard as a nighttime urban scenic byway. The Overlay requires the use of neon or animation for all signage, and prohibits new off-premise signage.

## ANALYSIS

### *A) Zoning Code Compliance*

A1) Parking and Traffic Standards

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

| Uses | GFA | Required Parking Ratio | Required Parking Regular | Required Parking Handicap |
|---|---|---|---|---|
| Tavern Area | 24,484 | 1/50 GFA | 490 | |
| Remaining area | 6,121 | 1/200 GFA | 31 | |
| Retail Space | 4,000 | 1/250 GFA | 16 | |
| Total | 34,605 | | 537 | 11 |

Title 19.10 would typically require a total of 537 parking spaces for this use outside the boundaries of the Downtown Centennial Plan area; parking for the use will be provided on site in the parking structure, which has 1,472 parking spaces.

A2) Minimum Distance Separation Requirements

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

| Standards | Code Requirement | Provided |
|---|---|---|
| Liquor Establishment (Tavern) | 1,500 Feet | 80 Feet |

Three Liquor Establishments are located across the street from the proposed use, and 20 others are within the 1,500 separation distance. Title 19.04.050 allows the distance separation requirement to be waived from properties within the Downtown Casino Overlay District. Staff recommends approval of the Waiver request.

***B) General Analysis and Discussion***

- Zoning

The property is zoned C-2 (General Commercial); Liquor Establishments are permitted upon approval of a Special Use Permit. The use will be housed within an existing commercial space, and no additional square footage will be added as part of this request. The signage for the property will be subject to the requirements of the Las Vegas Boulevard Scenic Byway Overlay District, in addition to other standards that apply.

- Use

The applicant has indicated that the business will be open from 4:00 p.m. until 2:00 a.m., and will include food service, billiards, dancing, and bull riding. Musical entertainment may also be offered at the venue. The applicant indicates that 4,000 square feet of the space will be utilized as a retail shop for the sale of country and western clothing. All of the proposed uses are in conformance with the C-2 (General Commercial) zoning.

- Conditions

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

**FINDINGS**

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

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

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

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

   The subject commercial space has been utilized as a Liquor Establishment previously, and is 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 site has direct access to the Fremont Street pedestrian mall area; parking for the facility will be available in the attached parking structure, which has direct access from the surrounding streets.

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

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

**NOTICES MAILED** 222

**APPROVALS** 0

**PROTESTS** 0

FF

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

# PLANNING & DEVELOPMENT DEPARTMENT

## STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-5466** APN: _____

Name of Property Owner: FREMONT STREET EXPERIENCE PARKING CORP.

Name of Applicant: JOHN P. COLE

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 FROM A PERSONAL PERSPECTIVE THE MAYOR NOR ANY COUNCIL MEMBER HAS ANY FINANCIAL INTEREST. HOWEVER, THE MAJORITY OF CASH FLOWS GO TO THE CITY.

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: John P. Cole

Print Name: JOHN P. COLE

Subscribed and sworn before me

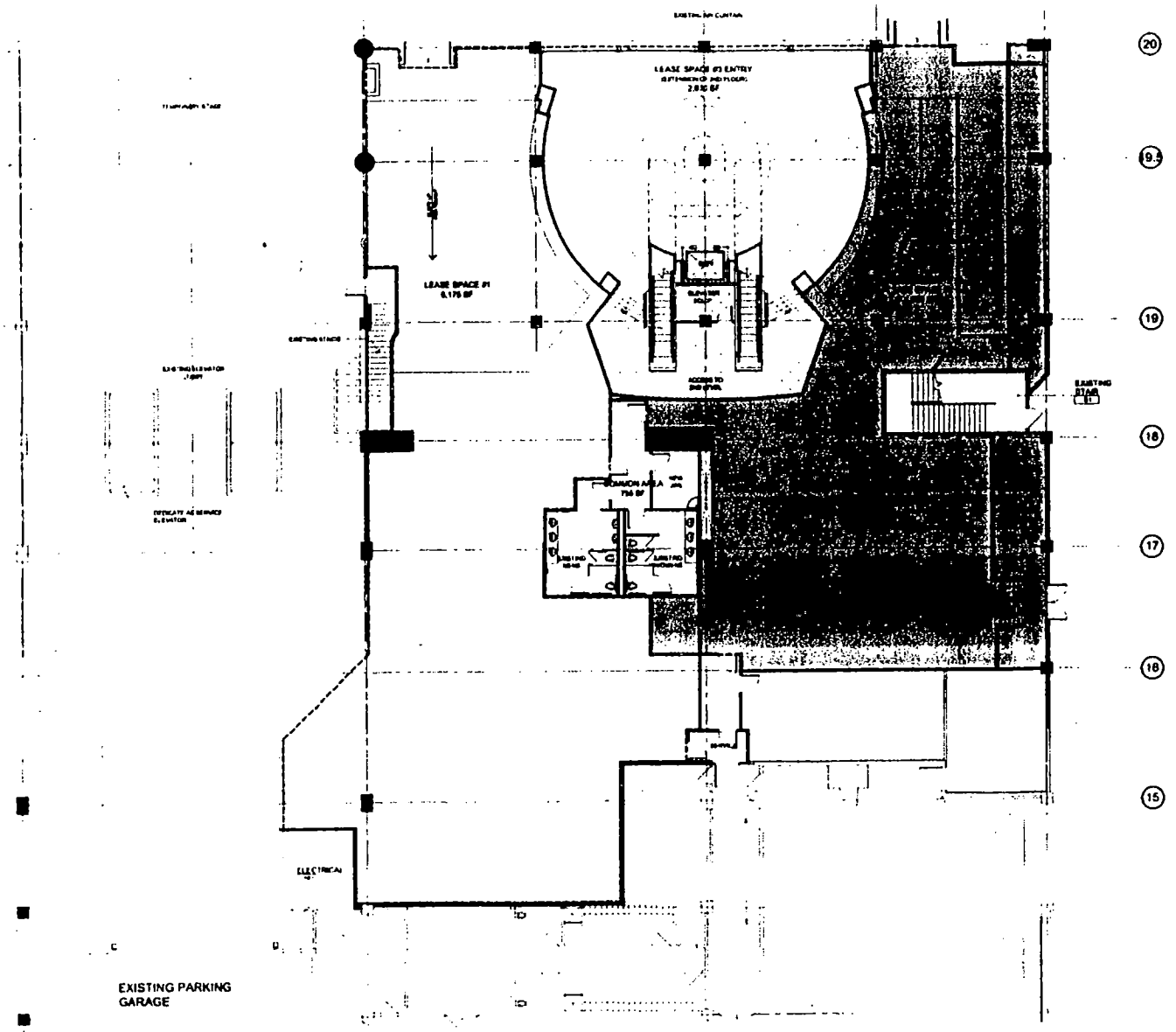
This 18TH day of OCTOBER, 2004

Lisa B. Forseen

Notary Public in and for said County and State

LISA B. FORSEEN
Notary Public State of Nevada
No. 97-3794-1
My appt. exp. Aug. 29, 2005

JMA ARCHITECTURE STUDIO




## FLOOR PLAN DATA

FIRST FLOOR

| | |
|---|---|
| LEASE SPACE #1 | 6,175 SF |
| LEASE SPACE #2 | 4,690 SF |

SECOND FLOOR

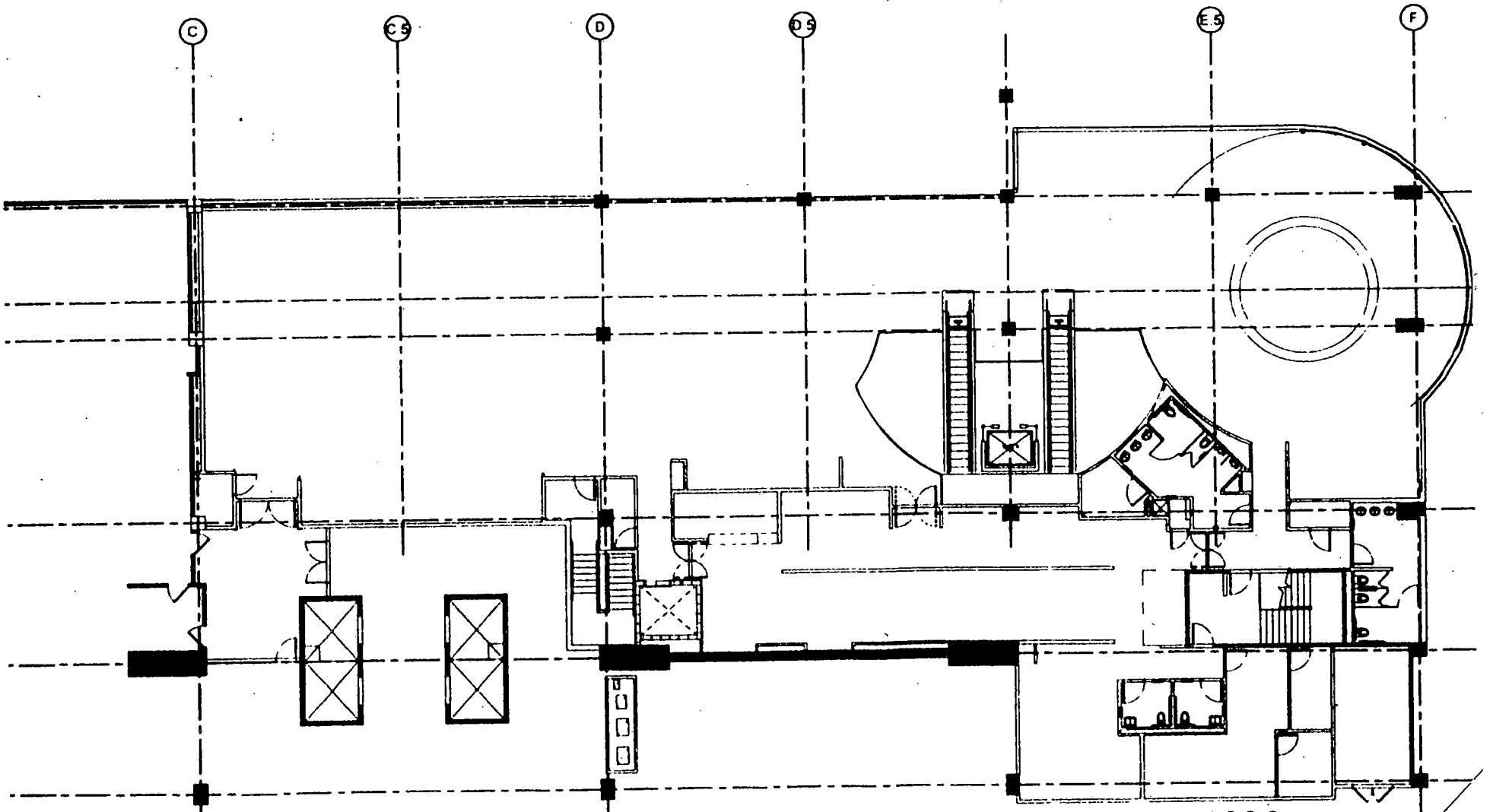
| | |
|---|---|
| LEASE SPACE #3 ENTRY (ON FIRST FLOOR) | 2,930 SF |
| LEASE SPACE #3 | 11,855 SF |
| TOTAL LEASE SPACE #3 | 14,785 SF |

| | |
|---|---|
| TOTAL LEASE SPACE: | 25,650 SF |
| COMMON SPACE (1ST FLOOR) | 755 SF |
| TOTAL AREA: | 26,405 SF |

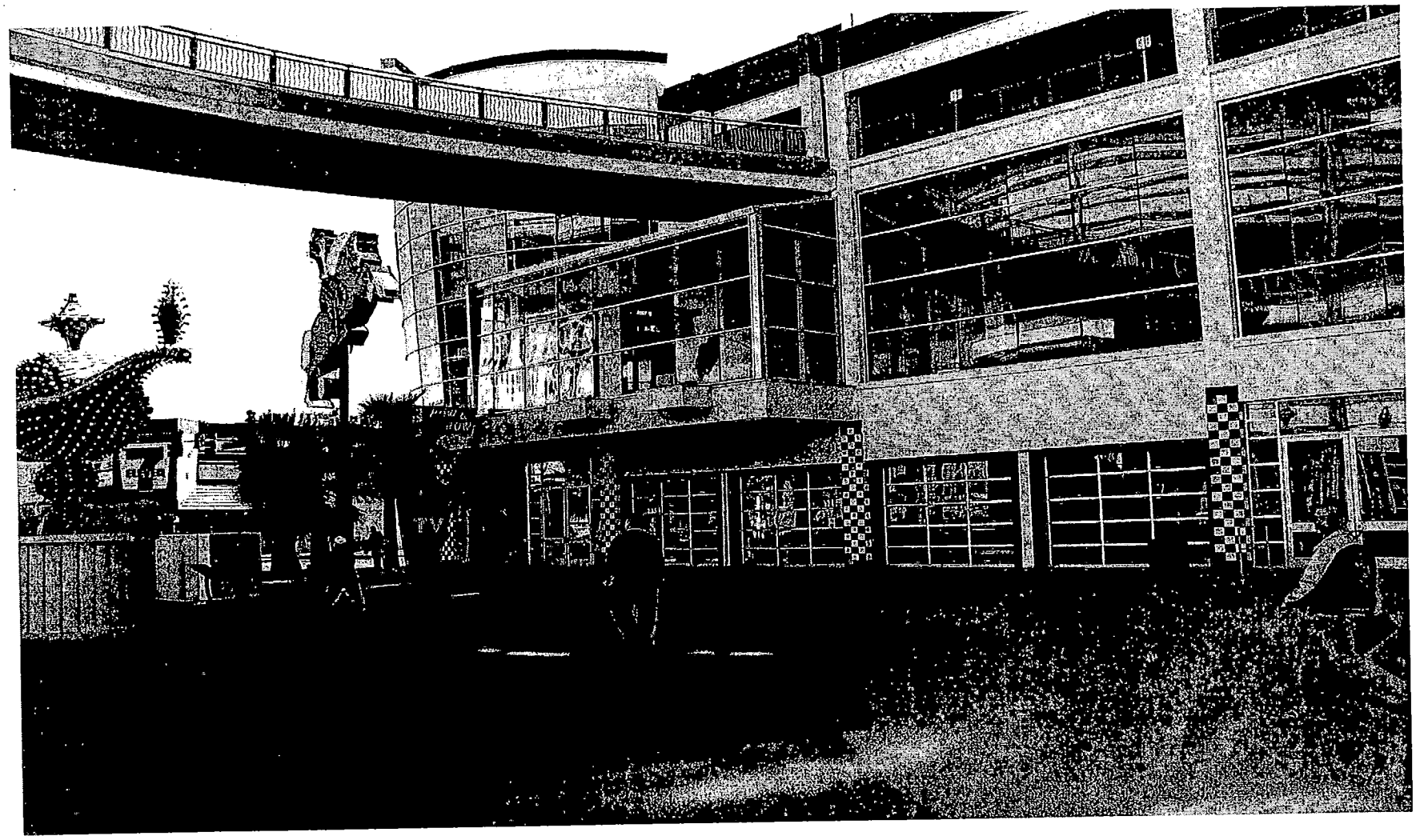
# FREMONT STREET REMODEL

FIRST FLOOR PLAN

**SUP-5466**
**11/18/04 PC**

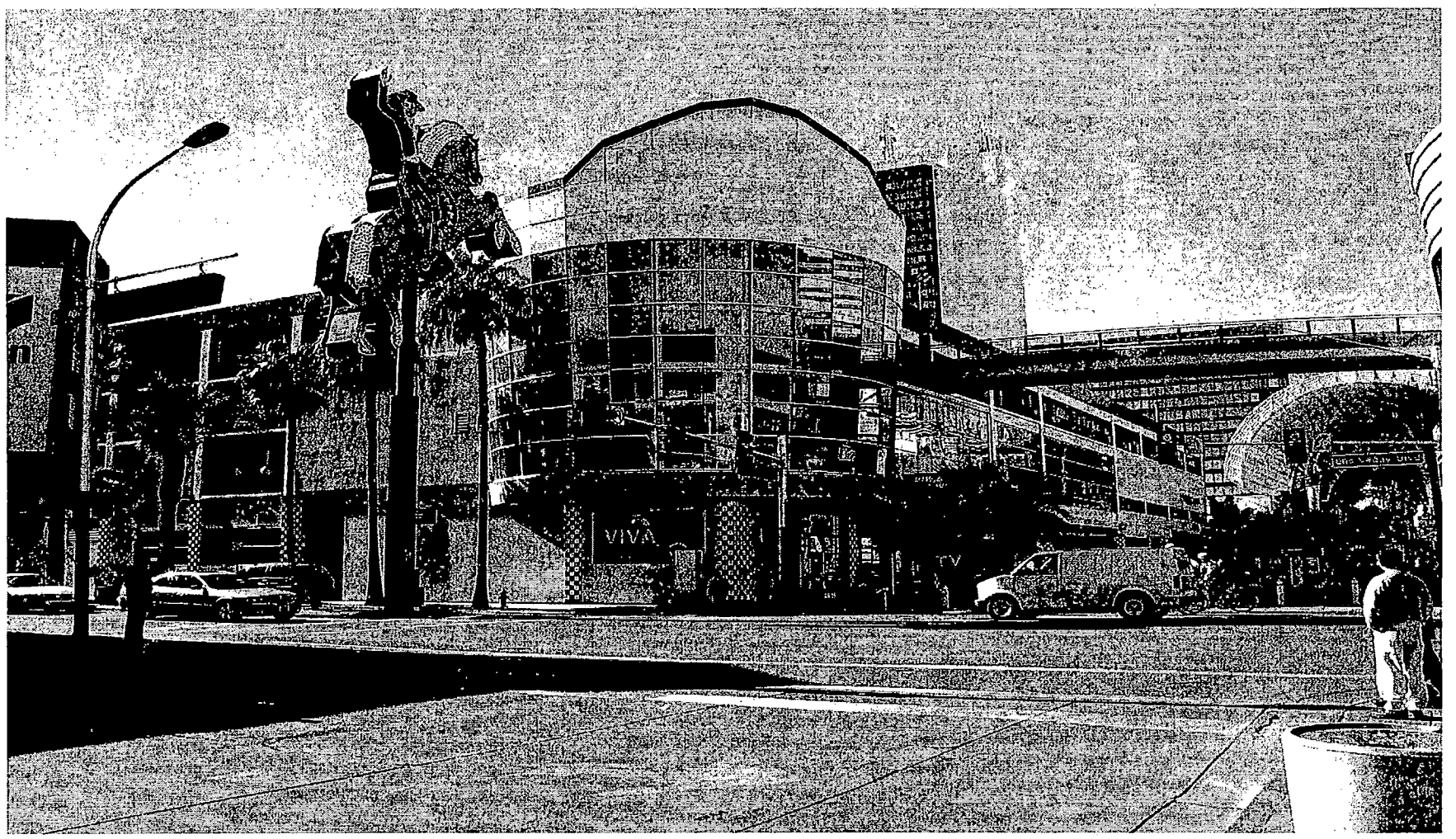



**SUP-5466**
**11/18/04 PC**



SUP-5466 - APPLICANT/OWNER: FREMONT STREET EXPERIENCE PARKING CORPORATION
425 FREMONT STREET
NOVEMBER 18, 2004 PLANNING COMMISSION

11/02/04




SUP-5466 - APPLICANT/OWNER: FREMONT STREET EXPERIENCE PARKING CORPORATION
425 FREMONT STREET
NOVEMBER 18, 2004 PLANNING COMMISSION

11/02/04

City of Las Vegas

Agenda Item No.: 49

## AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

**PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004**

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

**SUBJECT:**
**RQR-5247 - REQUIRED ONE YEAR REVIEW - PUBLIC HEARING - APPLICANT: REAGAN NATIONAL ADVERTISING OF NEVADA - OWNER: GATEWAY MOTEL, INC.** - Required One Year Review of an approved Special Use Permit (U-0028-01) WHICH ALLOWED A 40 FOOT HIGH, 28-FOOT BY 24-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 928 Las Vegas Boulevard South (APN 139-34-410-165), C-2 (General Commercial) Zone, Ward 5 (Weekly).

**IF APPROVED: C.C.: 12/15/04**
**IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)**

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

**RECOMMENDATION:**
Staff recommends DENIAL.

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

**MOTION:**
**GOYNES – DENIED – UNANIMOUS**

**This is Final Action**

**MINUTES:**
CHAIRMAN TRUESDELL declared the Public Hearing open.

DON SCHMISER, Planning & Development Department, explained the original Special Use Permit and the two extensions of time had a stipulation requiring a one-year review of the request. During that review, the City reserved the right to require removal of the sign. It is well known that the subject site of Las Vegas Boulevard and Charleston Boulevard is a high-profile location. Staff does not find the site to be in conformance with the Downtown Centennial Plan or the Redevelopment Plan area.

**MINUTES – CONTINUED:**

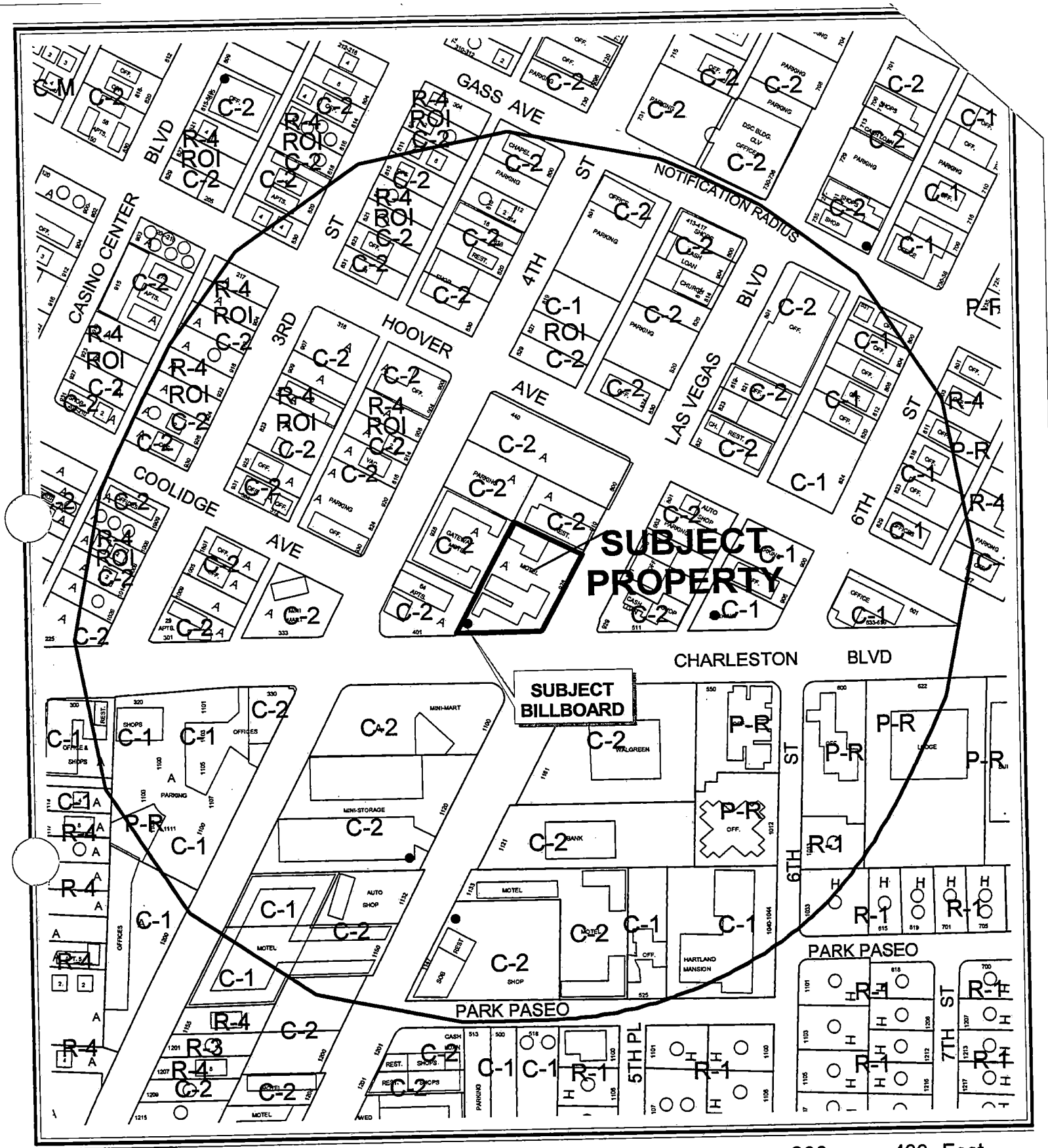
He noted that the City recently received Scenic Byway designation for Las Vegas Boulevard and plans are currently under way to attain National Scenic Byway designation for a section that includes the subject property. The National Scenic Byway guidelines state that no new outdoor advertising is permitted along a byway once the designation is in effect. Accordingly, no new or extensions of previously approved Special Use Permits for off-premise advertising signs should be granted along this section of Las Vegas Boulevard. Because of this, staff is recommending denial.

ANDY BILANZICH, 1464 East Michigan Avenue, appeared on behalf of the applicant and stated that the billboard is located on the property as far away from Las Vegas Boulevard as physically possible. During the last review, a new chain link fence was constructed after the City asked if the applicant could fix up the site. The property is kept clean and some landscaping has been done over the years. MR. BILANZICH respectfully requested another one-year extension on the permit.

COMMISSIONER EVANS stated that he believed he voted against this item during both reviews and that if he remembered correctly, the board voted against the item as well. He said that unless something has changed the situation, his vote would not change.

COMMISSIONER McSWAIN acknowledged the applicant did invest some money in the property by providing the new chain link fence; however, the fence did little to improve the aesthetics of the site.

(10:55 – 10:59)

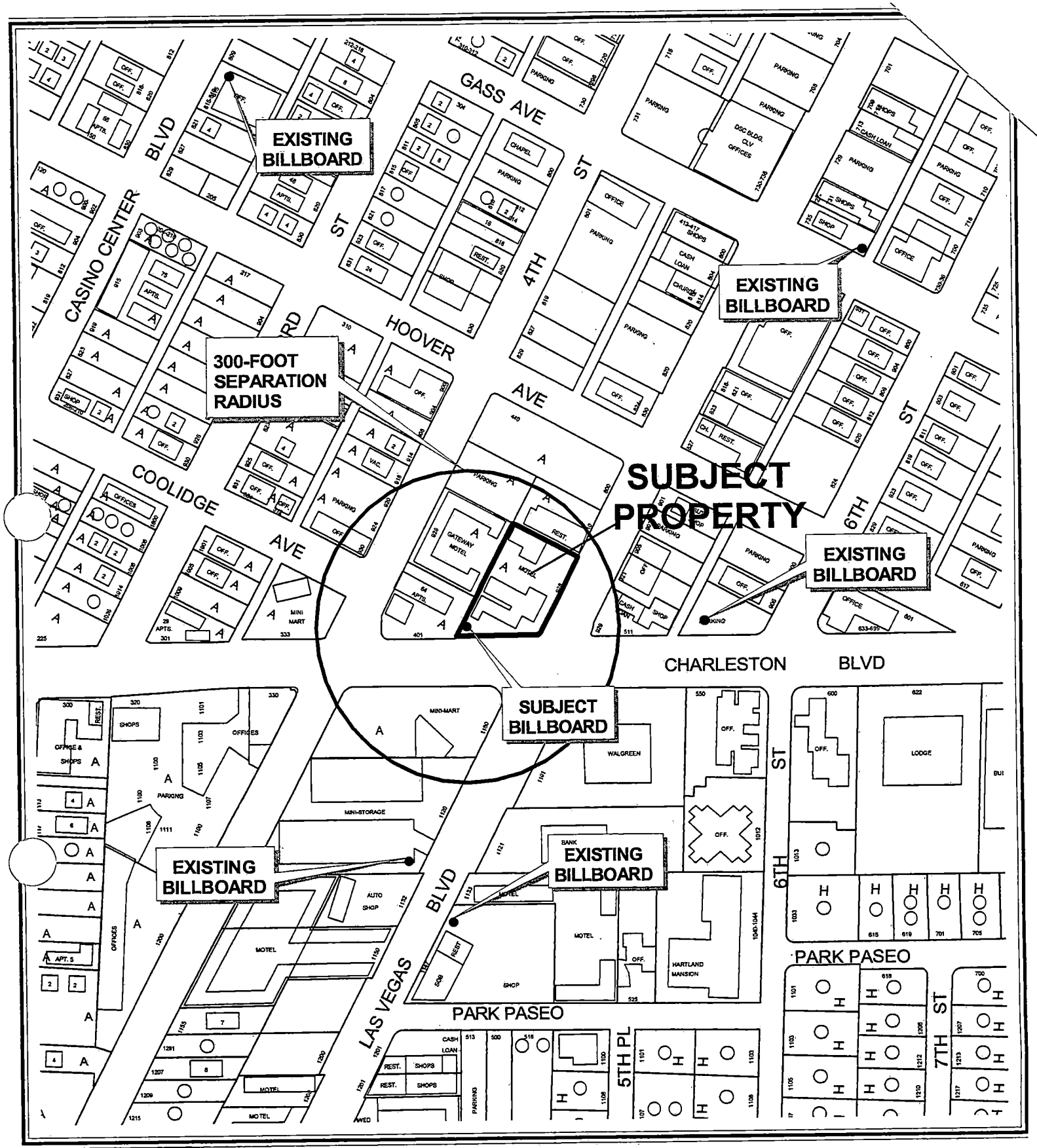



**CASE:** **RQR-5247**

**RADIUS:** 750 FT

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

N

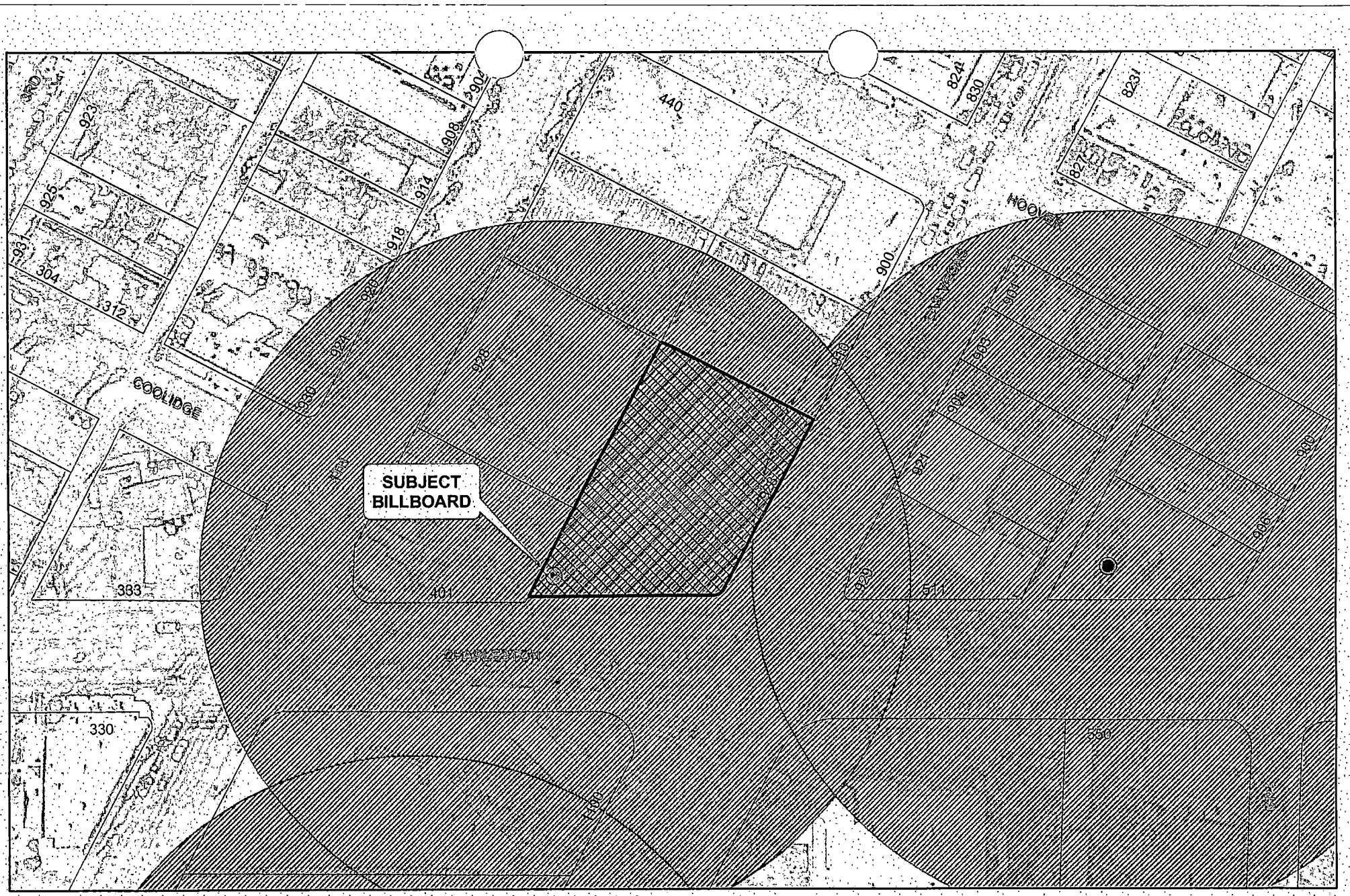



**CASE:** **RQR-5247**

**SEPARATION RADIUS:** 300 FT

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

N




## RQR-5247

## City of Las Vegas Billboard Data

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

N

City of Las Vegas

## AGENDA MEMO

**PLANNING COMMISSION MEETING DATE: NOVEMBER 18, 2004**
**DEPARTMENT: PLANNING AND DEVELOPMENT**
**ITEM DESCRIPTION: RQR-5247 - APPLICANT: REAGAN NATIONAL ADVERTISING OF NEVADA - OWNER: GATEWAY MOTEL, INC.**

## ** CONDITIONS **

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

***Planning and Development***

1. At least 75% of the total sign surface shall consist of illuminated neon signage as required under the Scenic Byway Overlay District.

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

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

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

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

6. The chain-link fence enclosure shall be properly maintained, until removed.

# ** STAFF REPORT **

## APPLICATION REQUEST

### *A) Action Requested*

This request is for approval of a one-year Required Review of an approved Special Use Permit (U-0028-01), which allowed a 40-foot high, 28-foot by 24-foot Off-Premise Advertising (Billboard) Sign at 928 Las Vegas Boulevard South.

### *B) Applicant's Justification*

A justification letter is not required for this type of application.

## BACKGROUND INFORMATION

### *A) Previous Actions*

05/16/01 The City Council Approved a Special Use Permit (U-0028-01) for a proposed 45-foot tall, 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign on the subject site. The Planning Commission and staff recommended denial.

08/09/02 The City Council Approved a Required One Year Review [U-0028-01(1)] of an approved Special Use Permit which allowed a 40-foot high, 28-foot by 24-foot Off-Premise Advertising (Billboard). Sign on the subject site. The Planning Commission and staff recommended denial.

11/20/03 The City Council granted the Appeal; thereby approving the Required One-Year Review (RQR-3024) of an approved Special Use Permit (U-0028-01), which allowed a 40-foot high, 28-foot by 24-foot Off-Premise Advertising (Billboard) Sign on the subject site. The Planning Commission and staff recommended denial.

### *B) Pre-Application Meeting*

A pre-application conference is not required for this type of application.

### *C) Neighborhood Meetings*

A neighborhood meeting is not required for a Required Review application, nor was one held for this application.

PL

## DETAILS OF APPLICATION REQUEST

***A) Site Area***

Gross Acres: 1.2 Acres

***B) Existing Land Use***

| | |
|---|---|
| Subject Property: | Motel |
| North: | Restaurant |
| South: | Convenience Store |
| East: | Payday and Title Loan Business |
| West: | Apartment Building |

***C) Planned Land Use***

| | |
|---|---|
| Subject Property: | C (Commercial) [Downtown Redevelopment Plan O (Office), SC (Service Commercial) and GC (General Commercial)] |
| North: | MXU (Mixed Use) [Downtown Redevelopment Plan - Mixed Use – 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 Facility)] |
| South: | C (Commercial) [Downtown Redevelopment Plan O (Office), SC (Service Commercial) and GC (General Commercial)] |
| East: | C (Commercial) [Downtown Redevelopment Plan O (Office), SC (Service Commercial) and GC (General Commercial)] |
| West: | C (Commercial) [Downtown Redevelopment Plan O (Office), SC (Service Commercial) and GC (General Commercial)] |

***D) Existing Zoning***

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

***E) General Plan Compliance***

The subject site is located in the Downtown Redevelopment Area of the General Plan. The Redevelopment Plan identifies O (Office), SC (Service Commercial) and GC (General Commercial) General Plan designations for the subject site. The existing C-2 (General Commercial) zoning designation is not in conformance with the Redevelopment Plan designations. Further, the existing Off-Premise Advertising (Billboard) Sign is not in conformance with the Downtown Centennial Plan, as the continuation of such uses does not support redevelopment or rehabilitation efforts.

PL

| *SPECIAL DISTRICTS/ZONES* | Yes | No |
|---|---|---|
| **Special Area Plan** | X | |
| Downtown Centennial Plan | X | |
| Redevelopment Plan Area | X | |
| **Special Overlay District** | X | |
| State Scenic Byway Designation | X | |
| **Trails** | | X |
| **Study Area** | | X |
| **Rural Preservation Neighborhood** | | X |
| **County/North Las Vegas/HOA Notification** | | X |
| **Development Impact Notification Assessment** | | X |
| **Project of Regional Significance** | | X |

**Downtown Centennial Plan and Redevelopment Plan Area**

Within the Downtown Centennial Plan the site is designated as District Three: Downtown South, which states the district is a mixed-use area containing a wide variety of land uses and density of existing utilitarian buildings and multi-family structures ripe for rehabilitation. The existing Off-Premise Advertising (Billboard) Sign is not in conformance with the Downtown Centennial Plan or the Redevelopment Plan Area, as the continuation of such uses does not support redevelopment or rehabilitation efforts.

**State Scenic Byway Designation**

Las Vegas Boulevard, from Sahara Avenue to Washington Boulevard, attained a State Scenic Byway designation on November 28, 2001. Plans are currently under way to attain a National Scenic Byway Designation. As part of this review the National Scenic Byways Guidelines state that no new outdoor advertising is permitted along a byway once designated as a State Byway. Accordingly, no new or extensions of previously approved Special Use Permits for Off-Premise Advertising (Billboard) Signs should be granted along this stretch of Las Vegas Boulevard. If Off-Premise Advertising continues to be approved or extended the attainment of a National Scenic Byway Designation will be jeopardized.

**ANALYSIS**

***A) Zoning Code Compliance***

A1) Minimum Distance Separation Requirements

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

| Standards | Code Requirement | Provided |
|---|---|---|
| Off-Premise Advertisement (Billboard) | 300 Feet from - another Off-Premise Advertising Sign and (R) and (U) Zoned Properties | 465 Feet from closest Off-Premise Advertising Sign and 730 Feet from closest Residential Zoned property |

The Off-Premise Advertising (Billboard) Sign is presently 465 Feet from the nearest Off-Premise Advertising Sign and 730 Feet from the nearest Residential Zoned Property; therefore the subject sign meets minimum distance separation requirements.

***B) General Analysis and Discussion***

- Zoning

The subject site is zoned C-2 (General Commercial) which permits an Off-Premise Advertising (Billboard) Sign with the approval of a Special Use Permit. The subject site was approved for a billboard in 2001 through Special Use Permit U-0028-01. A billboard was constructed and is currently in use on the subject site. A Required One-Year Review [U-0028-01(1)] for the Billboard was approved by City Council on 08/09/02. Condition number one of [U-0028-01(1)] required that the City Council shall review the billboard use one year after approval at which time the sign may require removal. As stated in the original Special Use Permit report and subsequent Required Review report, the continuation or proliferation of uses such as Off-Premise Advertising (Billboard) Signs does not positively impact Downtown Redevelopment efforts as outlined by the Downtown Redevelopment Plan and the Downtown Centennial Plan.

- Use

An Off-Premise Sign is defined by Title 19 as any sign advertising or announcing any place, product, goods, services, idea or statement whose subject is not available, located at, nor on the lot where the sign is erected or placed. The subject sign is currently advertising a business located off-site which meets the qualifications to be defined as an Off-Premise Advertising Sign.

- Site Visit Results

The subject off-premise advertising (billboard) sign is currently clear of any graffiti is in relative good condition. The surrounding chain link fence is also in an acceptable state of being.

- Conditions

Title 19.14.100(C) specifies the following provisions regarding off-premise advertising signs:

1. No off-premise signs shall be erected in the public right-of-way.
2. No off-premise sign certificate of any kind shall be issued for an existing or proposed sign unless the sign is consistent with all requirements of this Chapter (including those protecting existing signs).
3. Off-premise signs are permitted in the C-1 (Limited Commercial), C-2 (General Commercial), C-M (Commercial/ Industrial) and M (Industrial) Zoning Districts only.
4. No off-premise sign shall have a surface area greater than 672 square feet, except that an embellishment of not to exceed five feet above the regular rectangular surface of the sign may be added if the additional area contains no more than 128 square feet.
5. Off-premise signs not oriented toward the same highway shall be no closer than 300 feet in any direction to any other off-premise sign, wherever located, including an off-premise sign that is situated outside the corporate boundaries of the City.
6. The distance to and from a sign shall be measured with reference to the point on the ground that is directly beneath the center of the sign structure.
7. All other off-premise signs shall be no higher than 40 feet from grade at the point of construction, except that an off-premise sign within 60 feet of the right-of-way line of the street to which it is oriented which, at a height of 40 feet, will have a significant portion of its display surface obscured from view from the travel lanes of the street may be increased to a maximum of 55 feet when authorized by the City Council.
8. Off-premise signs shall not be located closer than 10 feet to the right-of-way line of a freeway nor closer than 50 feet to the intersection of the present or future rights-of-way of any two public roads, streets or highways.
9. No off-premise sign shall be allowed within 300 feet from the nearest property line of a lot in the "U" zoning district or any "R" zoning district.

The subject sign conforms to the minimum conditions of Title 19.14.100.

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."**

   Off-Premise Advertising (Billboard) Signs are not harmonious and compatible with redevelopment efforts as the subject site is located in the Las Vegas Downtown Centennial Plan and the Downtown Redevelopment Plan. Further extending Off-Premise Advertising (Billboard) Signs along Las Vegas Boulevard will also threaten the ability for the Boulevard to attain a National Scenic Byway Designation. As stated in the Las Vegas 2020 Master Plan; the visual image of the streetscape and roadscape environments is perhaps the most important single factor in the perception of quality of life for both the resident and visitor to Las Vegas.

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

   Physically, the Billboard does not occupy any required on-site parking spaces, and with the previous approval additional landscaping was required around the Billboard. In addition, the Billboard meets minimum setback standards and does not negatively impact on-site circulation; therefore the subject site is physically suitable for the continuation of the Billboard 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 existing and continued use of an Off-Premise Advertising Sign will not create additional vehicular traffic; therefore the Street facilities providing access to the property are adequate in size for the billboard use.

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

PL

The existing billboard sign received construction permits and a final inspection approval from the Building and Safety Department to ensure the public health, safety, and welfare are not compromised. The continuation of this Special Use Permit, however, does compromise the overall objectives of the Las Vegas Downtown Centennial Plan and Downtown Redevelopment Plan, as the continuation of such uses does not support redevelopment or rehabilitation efforts, which includes jeopardizing the ability to attain a National Scenic Byway Designation for Las Vegas Boulevard from Sahara Avenue to Washington Boulevard.

**NOTICES MAILED** 90

**APPROVALS** 0

**PROTESTS** 0

PL

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

# PLANNING & DEVELOPMENT DEPARTMENT

## STATEMENT OF FINANCIAL INTEREST

Case Number: **RQR-5247** APN: 139-34-410-165

Name of Property Owner: Gateway Motel Inc

Name of Applicant: Reggan National Advertising of Nevada

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

_____ Yes __X__ No

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

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner/Authorized Agent: Andrew D Bilanzich

Print Name: Andrew D. Bilanzich

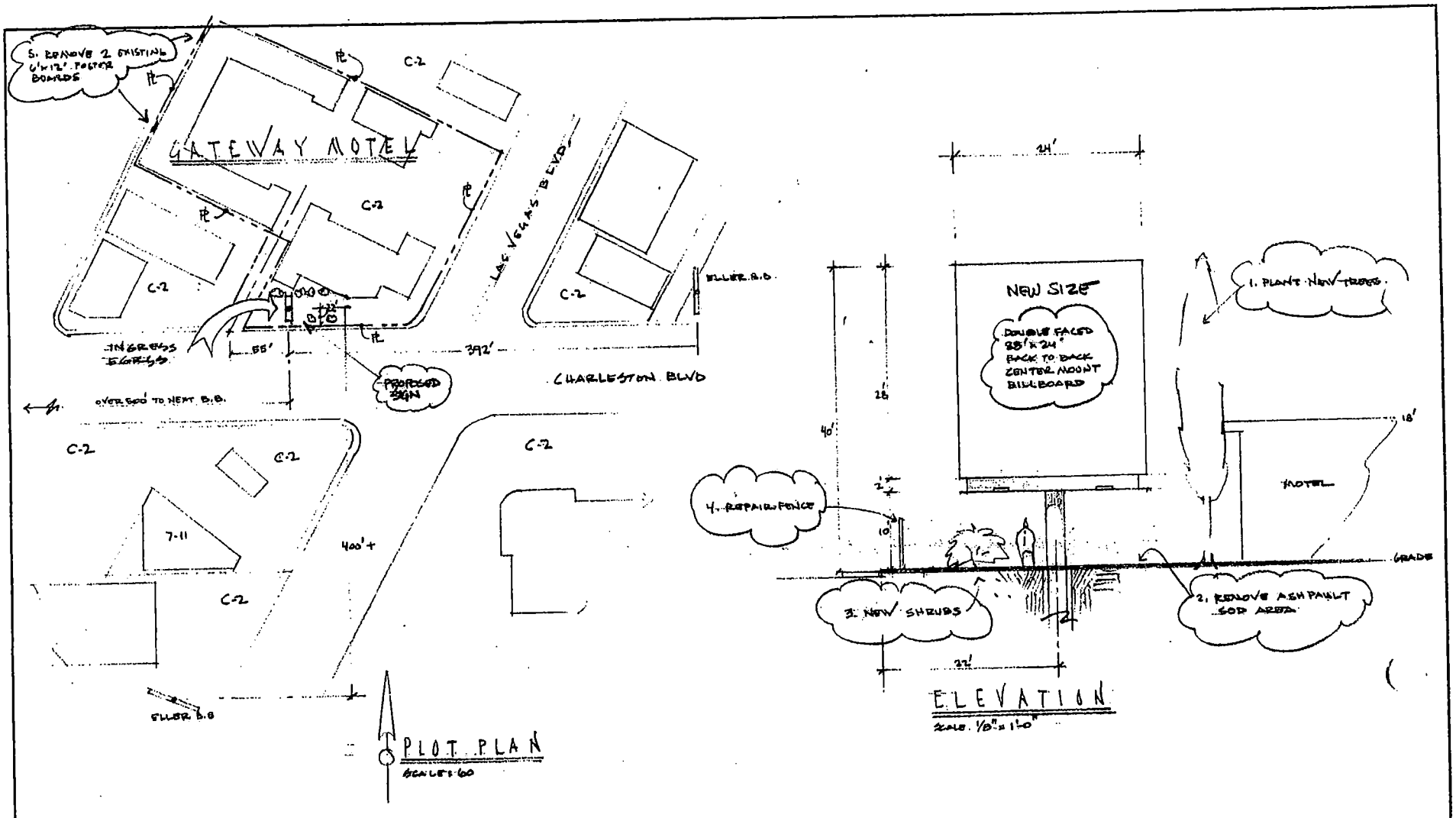
Subscribed and sworn before me

This 1st day of September 2004

Mary Mahoney

Notary Public in and for said County and State

MARY JO MAHONEY
Notary Public State of Nevada
No. 99-58884-1
My appt. exp. Oct. 25, 2007




REAGAN NATIONAL ADVERTISING

7181 S. INDUSTRIAL LV NV 89118 · 702-861-3904

OWNER: GATEWAY MOTEL 928 LVBS LV NV 89109

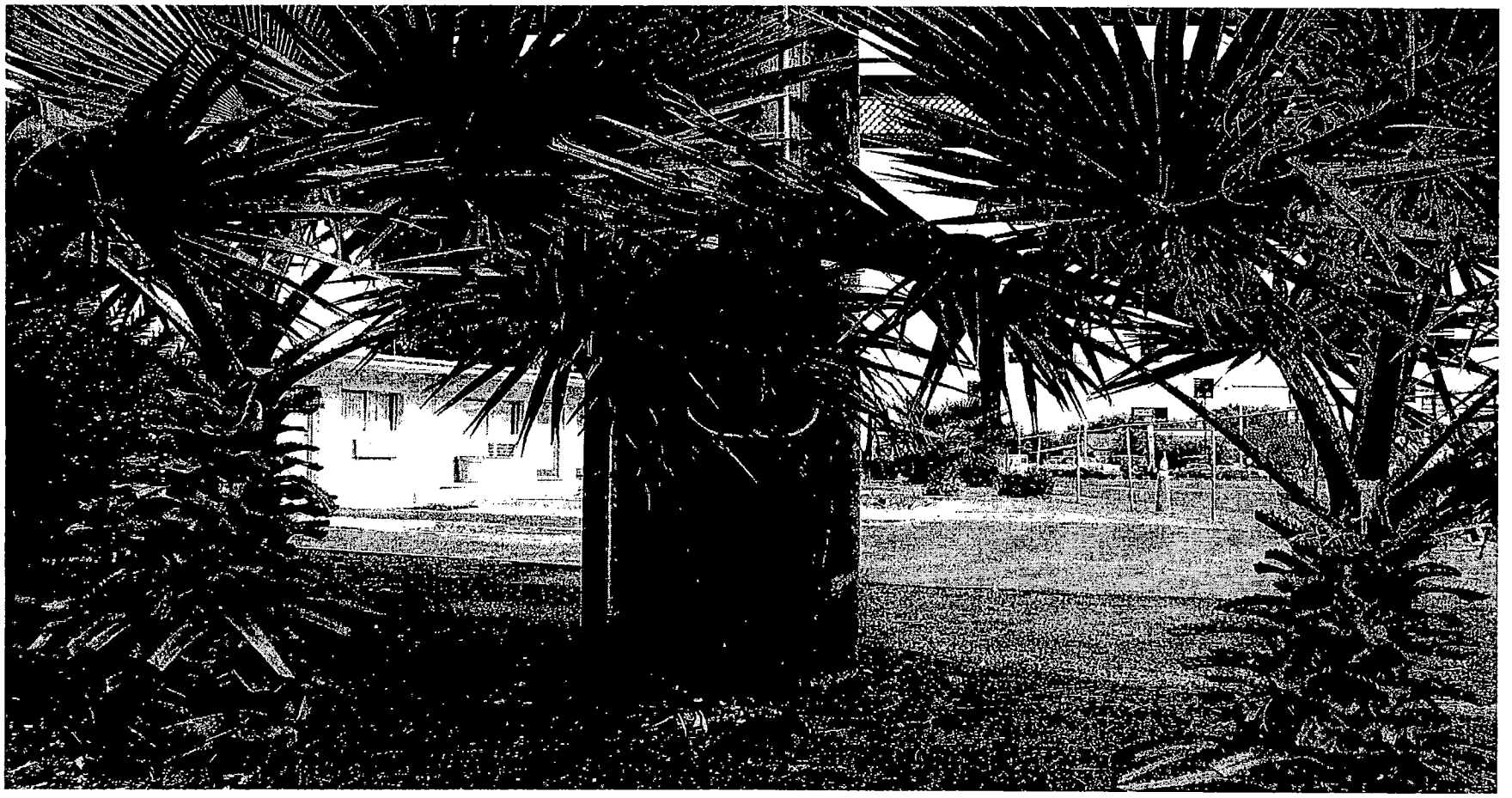
SCALE: NOTED | APPROVED BY: | DRAWN BY: LCC

DATE: 8-23-01 | REVISED

LOCATION: SAME | DRAWING NUM

**RQR-5247**

**11/18/04 PC**



RQR-5247 - APPLICANT: REAGAN NATIONAL ADVERTISING OF NEVADA - OWNER: GATEWAY MOTEL, INC.
928 LAS VEGAS BOULEVARD SOUTH
NOVEMBER 18, 2004 PLANNING COMMISSION

10/26/04

RQR-5247 - APPLICANT: REAGAN NATIONAL ADVERTISING OF NEVADA - OWNER: GATEWAY MOTEL, INC.
928 LAS VEGAS BOULEVARD SOUTH
NOVEMBER 18, 2004 PLANNING COMMISSION

10/26/04

RQR-5247 - APPLICANT: REAGAN NATIONAL ADVERTISING OF NEVADA - OWNER: GATEWAY MOTEL, INC.
928 LAS VEGAS BOULEVARD SOUTH
NOVEMBER 18, 2004 PLANNING COMMISSION

10/26/04

City of Las Vegas

Agenda Item No.: 50

## AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

**PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004**

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

**SUBJECT:**

**WVR-5355 - WAIVER - PUBLIC HEARING - APPLICANT/OWNER: CLIFF SHADOWS PROPERTIES, LLC** - Request for a Waiver of Title 18.12.100 TO ALLOW 24 FOOT PRIVATE STREET WIDTHS WHERE A MINIMUM OF 37 FEET IS REQUIRED FOR A PROPOSED TOWNHOME DEVELOPMENT on 15.9 acres adjacent to the southeast corner of Lone Mountain Road and Cliff Shadows Parkway (APN 137-01-101-026), U (Undeveloped) Zone [MLA (Medium-Low Attached Density Residential) General Plan Designation] under Resolution of Intent to R-PD12 (Residential Planned Development - 12 Units Per Acre), Ward 4 (Brown).

**C.C.: 12/15/04**

| 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 Terra Contracting is presently doing work on some Focus Group projects and EVANS not voting**

**To be heard by City Council 12/15/2004**

**MINUTES:**
CHAIRMAN TRUESDELL declared the Public Hearing open.

GARY LEOBOLD, Planning & Development Department, explained this project was originally approved as an apartment project pursuant to SDR-2635 wherein all units were to be considered as rental units within a single parcel. Although the developer was seeking owners for each 4-plex block of units, there would not be direct control by the purchasers over the units so, it was essentially a rental property. As a result, the external access roads of the projects were shown as

**MINUTES – CONTINUED:**

driveways and the roads are proposed at 24-feet wide. Currently, the applicant intends to market these units as town homes so that each unit is sold to an individual owner. Under the City's Title 18 Subdivision Ordinance, town homes require internal access roads to provide access to individual "for sale" units, these roads must be considered as private streets. The minimum width of a private street is 37 feet; therefore, the applicant is requesting a waiver allowing the 24-foot width. Approval of this waiver would not result in a material change from a planning or subdivision standpoint.

JOHN VORNSAND, 2564 Wigwam Parkway, appeared on behalf of the applicant and agreed to all conditions. COMMISSIONER STEINMAN asked MR. VORNSAND to explain how the parking is set up for this project. MR. VORNSAND replied that the parking would be in garages. The main, circulatory portion of the streets will be 28-feet in width. The 24-foot wide portions of the roads will be servicing eight units each and each unit will have a two-car garage. COMMISSIONER STEINMAN asked where the guests would park. MR. VORNSAND stated that there are some parking areas around the development such as near the clubhouse and pool and also on the ends of the blocks.

COMMISSIONER STEINMAN acknowledged that expanding the street width would result in the loss of several units. MR. VORNSAND stated the project was already under construction. The construction started with the approval of the project as an apartment complex. MR. LEOBOLD confirmed the project did have Site Plan approval as an apartment project and construction had begun. Once the project changed to the designation of town homes, the road requirements changed to 37-feet wide private streets. He reiterated that there is no change in the actual development itself. MR. VORNSAND stated the changing market conditions were what prompted the change from renting to selling. He added that the surrounding neighbors are very happy with the change.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(10:59 – 11:04)

**4-519**

**CONDITIONS:**

Planning and Development

1. Approval of and conformance to the Conditions of Approval for General Plan Amendment (GPA-2633), Rezoning (ZON-2634), Variance (VAR-2958), and Site Development Plan Review (SDR-2635).

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.

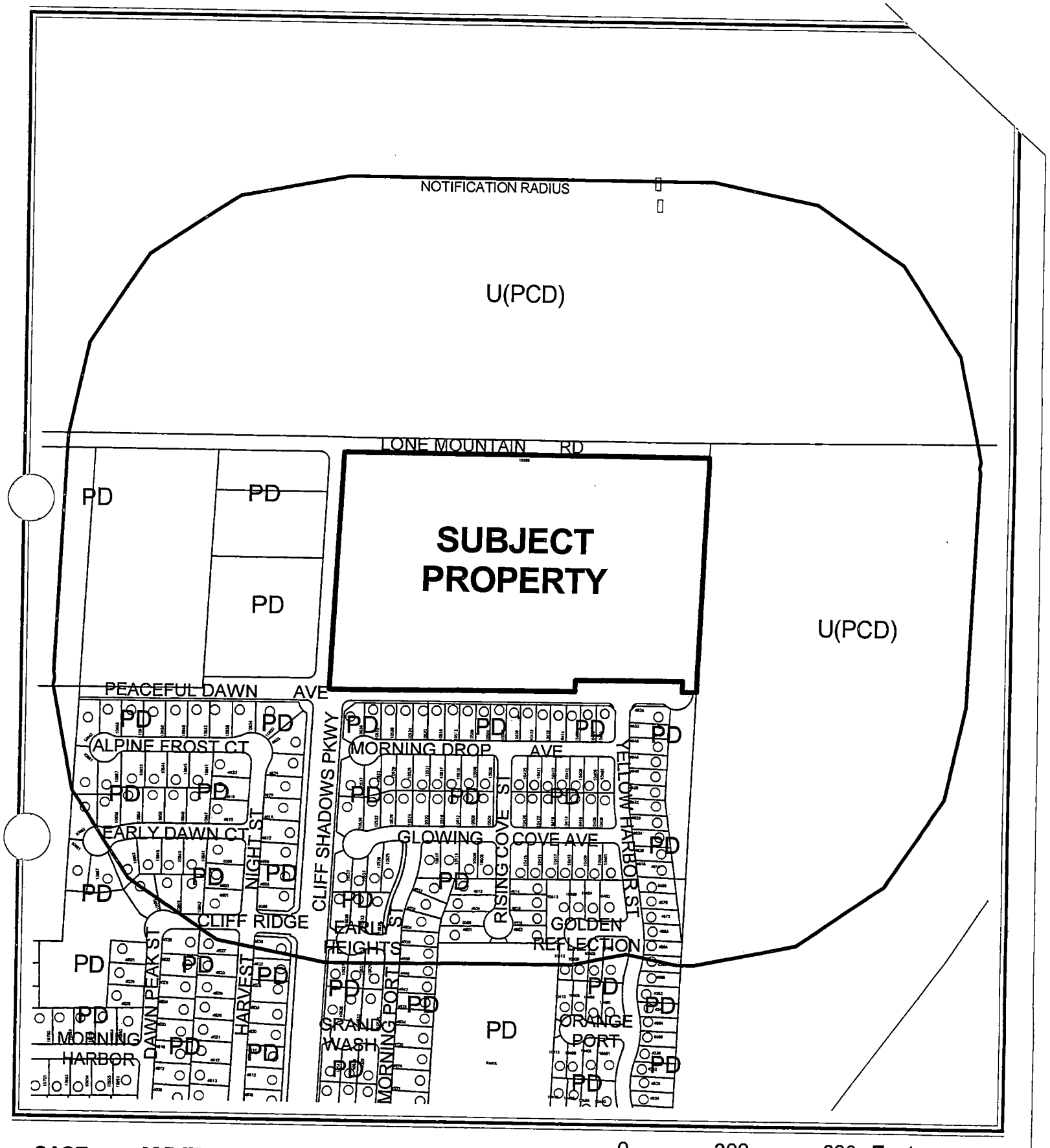
**CONDITIONS – CONTINUED:**

Public Works

3. Curbs on at least one side of the proposed 28-foot wide private streets shall be constructed of red concrete and "Fire Lane No Parking" signs shall be provided in accordance with the adopted Fire Code (Ordinance #5667) of Section 18.2.2.5.7 to prevent parking on one side of the street. The curb coloring and signage shall be privately maintained in perpetuity by the Homeowners' Association. Parking shall not be permitted on the 24-foot wide private drives.

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

5. Site development to comply with all applicable conditions of approval for ZON-2634, SDR-2635, and all other applicable site-related actions.




**CASE:** **WVR-5355**

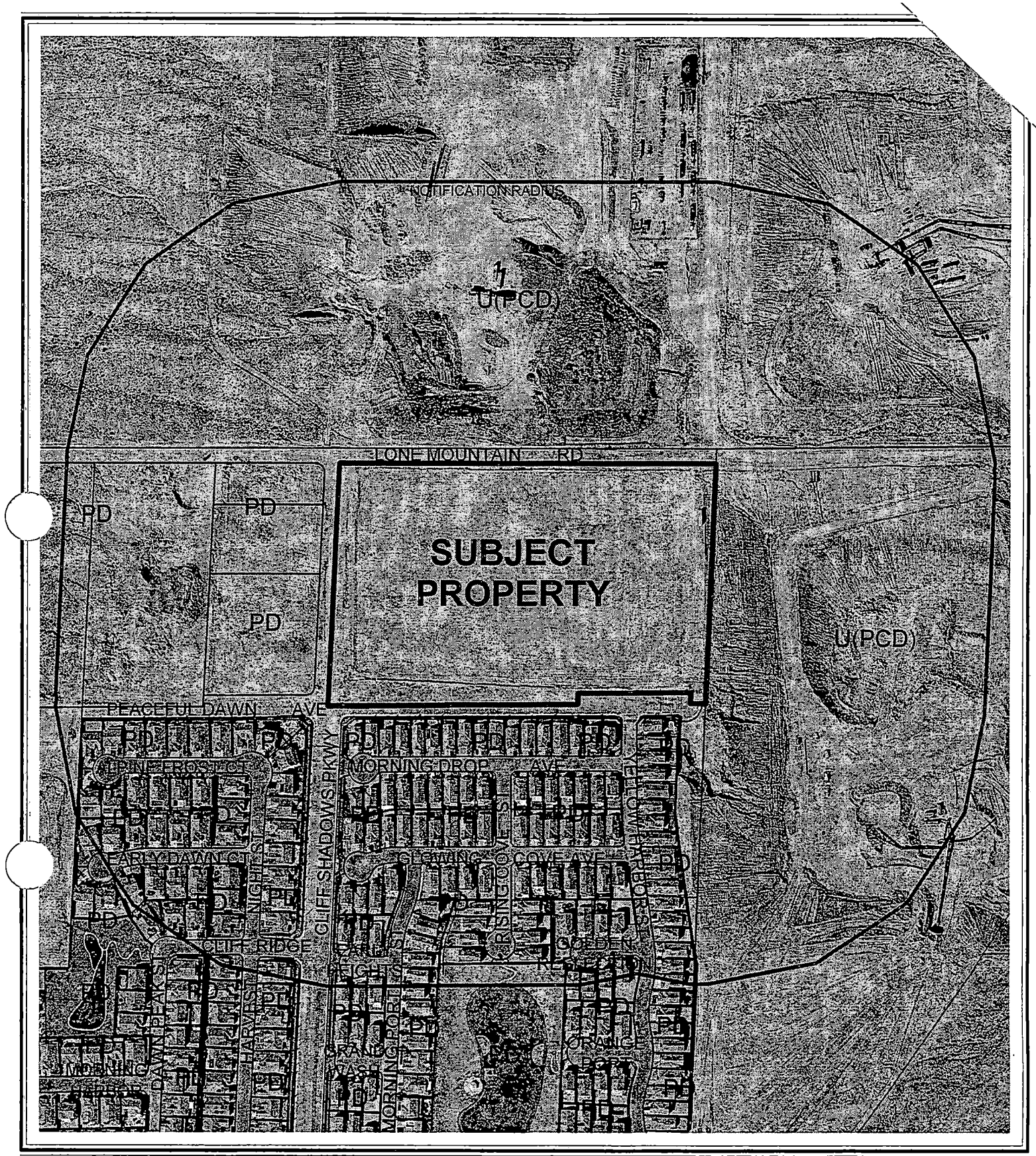
**RADIUS:** 750 FT

0 300 600 Feet

N

**ZONING OF SUBJECT PROPERTY:**

U (UNDEVELOPED) ZONE [MLA (MEDIUM LOW ATTACHED) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO R-PD12 (RESIDENTIAL PLANNED DEVELOPMENT - 12 UNITS PER ACRE)




**CASE:** **WVR-5355**

**RADIUS:** 750 FT

**ZONING OF SUBJECT PROPERTY:**
U (UNDEVELOPED) ZONE [MLA (MEDIUM LOW ATTACHED) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO R-PD12 (RESIDENTIAL PLANNED DEVELOPMENT - 12 UNITS PER ACRE)

City of Las Vegas

## AGENDA MEMO

**PLANNING COMMISSION MEETING DATE: NOVEMBER 18, 2004**
**DEPARTMENT: PLANNING AND DEVELOPMENT**
**ITEM DESCRIPTION: WVR-5355 - APPLICANT/OWNER: CLIFF SHADOWS PROPERTIES, LLC**

## ** CONDITIONS **

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

***Planning and Development***

1. Approval of and conformance to the Conditions of Approval for General Plan Amendment (GPA-2633), Rezoning (ZON-2634), Variance (VAR-2958), and Site Development Plan Review (SDR-2635).

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

***Public Works***

3. Curbs on at least one side of the proposed 28-foot wide private streets shall be constructed of red concrete and "Fire Lane No Parking" signs shall be provided in accordance with the adopted Fire Code (Ordinance #5667) of Section 18.2.2.5.7 to prevent parking on one side of the street. The curb coloring and signage shall be privately maintained in perpetuity by the Homeowners' Association. Parking shall not be permitted on the 24-foot wide private drives.

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

5. Site development to comply with all applicable conditions of approval for ZON-2634, SDR-2635, and all other applicable site-related actions.

# ** STAFF REPORT **

## APPLICATION REQUEST

### *A) Action Requested*

The request is for a Waiver of Title 18.12.100 to allow 24-foot private street widths where a minimum of 37 feet is required for a proposed townhome development on a 15.9-acre site located adjacent to the southeast corner of Cliff Shadows Parkway and Lone Mountain Road.

### *B) Applicant's Justification*

The applicant has justified this request by stating that this project has not changed from the previously approved apartment project from a design standpoint, and that this request is consistent with other developments that have been approved within the Las Vegas Valley, and that the reduction in street widths will add to the uniqueness of the project.

## BACKGROUND INFORMATION

### *A) Previous Actions*

07/14/97 The City Council approved a Petition to annex (A-0003-97) approximately 80 acres of land generally located west of Hualapai Way, between Alexander Road and Craig Road. The Planning Commission recommended approval on 02/13/97.

11/01/00 The City Council voted to strike from the agenda a Request to amend the Northwest Sector Plan of the General Plan of the City Las Vegas (GPA-0042-99) for lands located on the south side of Lone Mountain Road between Barden Road and Shaumber Road, from PCD (Planned Community Development) to SC (Service Commercial) and M (Medium Density Residential. The Planning Commission recommended denial on 10/21/99.

11/01/00 The City Council approved a Request for a Rezoning (Z-0067-99) on a 19.04-acre property located adjacent to the southeast corner of the Lone Mountain Road and Shaumber Road intersection, from U (Undeveloped) to C-1 (Limited Commercial) and R-PD22 (Residential Planned Development - 22 Units Per Acre). The Planning Commission recommended denial on 10/28/99.

08/07/02 The City Council approved a Request for a Major Modification (Z-0024-99(42) to the Lone Mountain West Master Development Plan to add approximately 15.91 acres to the Master Plan area and to designate these parcels for Medium-Low (up to 12 dwelling units per acre) land uses located adjacent to the southeast corner of Lone Mountain Road and Cliff Shadows Parkway. The Planning Commission recommended approval on 07/11/02.

12/19/02 The Planning Commission voted to withdraw without prejudice Requests for a Site Development Plan Review (Z-0067-99(3)) for a 123-lot single-family residential development, and for a Variance (VAR-1261) to allow no open space where 1.23 acres of open space is required for the proposed residential development on 15.98 acres located adjacent to the southeast corner of Lone Mountain Road and Cliff Shadows Parkway.

05/07/03 The City Council approved a Request (DIR-2170) to rescind a previous approval of a Major Modification (Z-0024-99(42)) to include this property in the Lone Mountain West Master Plan on property located adjacent to the southeast corner of Lone Mountain Road and Cliff Shadows Parkway. This request was submitted directly to the City Council.

09/11/03 The Planning Commission voted to abey the companion General Plan Amendment to this application (GPA-2633) to its 10/09/03 meeting to renotify the item and allow it to be considered with three companion applications.

10/09/03 The Planning Commission voted to abey GPA-2633 and three companion applications to its 11/06/03 meeting to allow the applicant time to redesign the project in a manner that mitigates the density requested, and to review the redesigned project with Planning staff.

11/19/03 The City Council voted to approve four companion applications: a General Plan Amendment (GPA-2633) to redesignate the subject site from PCD (Planned Community Development) to MLA (Medium-Low Attached Density Residential), a Rezoning (ZON-2634) from U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] to R-PD12 (Residential Planned Development - 12 Units per Acre), a Variance (VAR-2958) to allow a side yard setback of 34 feet where Residential Adjacency Standards require a 72-foot setback, and a Site Development Plan Review (SDR-2635) for a 192-unit apartment development and a Waiver of perimeter buffering standards. The Planning Commission recommended approval on 11/06/03. Staff had recommended approval.

GL

***B) Pre-Application Meeting***

09/21/04 The applicant was provided with the submission requirements for this application.

***C) Neighborhood Meetings***

A neighborhood meeting is not required for a Title 18 Waiver application.

**DETAILS OF APPLICATION REQUEST**

***A) Site Area***

Gross Acres: 15.9

***B) Existing Land Use***

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

***C) Planned Land Use***

| | |
|---|---|
| Subject Property: | PCD (Planned Community Development) |
| North: | PCD (Planned Community Development) |
| South: | PCD (Planned Community Development) [L (Low Density Residential) Lone Mountain West Master Development Plan Designation] |
| East: | PCD (Planned Community Development) |
| West: | PCD (Planned Community Development) [ML (Medium-Low Density Residential) and VC (Village Commercial) Lone Mountain West Master Development Plan Designations] |

***D) Existing Zoning***

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

*E) General Plan Compliance*

This site is located on the Centennial Hills Sector Plan Map of the General Plan. The Centennial Hills Sector Plan Map designates the subject site as MLA (Medium-Low Attached Density Residential). The current zoning of the site is R-PD12 (Residential Planned Development - 12 Units per Acre) zoning district, which conforms to the land use designation. There are no General Plan policies or zoning regulations that are directly relevant to this request.

| *SPECIAL DISTRICTS/ZONES* | Yes | No |
|---|---|---|
| **Special Area Plan** | | X |
| Lone Mountain West | | 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 subject site is not affected by any special area plans, overlay districts, study areas or other specific planning policies; however, it should be noted that the site is directly adjacent to lands within the Lone Mountain West Master Development Plan, and that the subject site was placed in (August 2002), and then subsequently removed from (May 2003), the Lone Mountain West Master Development Plan area. While within the Lone Mountain West Master Development Plan, the site was designated as ML (Medium-Low Density Residential), which allows up to 12 units per acre in that Plan.

**ANALYSIS**

*A) Zoning Code Compliance*

A1) Development Standards

There are no Zoning Code issues to be resolved with respect to this application.

The Department of Public Works recognizes the intent of the applicant to change an apartment complex which is currently under construction to a townhome community. The standard private street width for an apartment or condominium project is 24 feet. For a residential subdivision, including townhome communities, the minimum width is 37 feet. Public Works has no objection to the request for a Waiver of Title 18.12.100 to allow 28-foot wide private streets within this development, however requests that Conditions of Approval as listed at the beginning of this case report be imposed.

GL

***B) General Analysis and Discussion***

The project was originally approved as an apartment project pursuant to SDR-2635, wherein all units were considered rental units within a single parcel, although purchasers were to be sought for each four-plex block of units. Such purchasers would not have control over rental rates, tenancy decisions and so on; these would be done by the development's association. In such a development, as essentially a rental project, the internal access roads were considered as driveways.

Under the current scheme, the applicant is instead planning to market these units individually as "townhomes". This means that the project will have each unit sold to an individual owner. The Subdivision Ordinance (Title 18), requires that internal access roads providing access to individual for-sale units be considered as private streets.

Specifically, Title 18.12.100 states:

> "Private streets must comply with applicable City standards and with the following requirements:
>
> (A) Private streets shall have a minimum width of thirty-seven feet from back-of-curb to back-of-curb. Private streets with rolled curbs shall have a minimum width of thirty-nine feet.
>
> (B) Private streets shall meet the minimum construction standards for public streets.
>
> (C) Street name signs for private streets shall bear the words "privately maintained" and shall be a color and design established by the City and in conformance with the Manual of Uniform Traffic Control Devices. The color of such a sign must differ distinctly from that used in connection with public streets."

As the proposed internal access roads are 24 and 28 feet in width, they do not meet the minimum standard as provided in subsection (A) above. A Waiver of this clause of Title 18 is required for the project to proceed on an individual unit for-sale basis.

**FINDINGS**

The applicant will be required to resolve utility service issues that arise as a result of converting the development of the site from rental units to "for-sale" townhomes. These issues are beyond the scope of the review for this private street Waiver application. Conditions pertaining to utility service will be imposed with the Tentative Map for this site.

GL

Other than the tenure of the units, the design of the project is unchanged from that approved pursuant to SDR-2635. Approval of the waiver request will represent no material change for the project from either a planning or a subdivision standpoint. Accordingly, it is recommended that this Title 18 Waiver request be approved.

**NOTICES MAILED** 158

**APPROVALS** 0

**PROTESTS** 0

GL

PLANNING & DEVELOPMENT

# PLANNING & DEVELOPMENT DEPARTMENT

## STATEMENT OF FINANCIAL INTEREST

Case Number: **WVR-5355** APN: 137-01-101-026

Name of Property Owner: Cliff Shadows Properties LLC

Name of Applicant: Cliff Shadows Properties, LLC

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

_____Yes __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: L. Niel Dexter

Print Name: L. Niel Dexter

Subscribed and sworn before me

This 13th day of September, 20 04

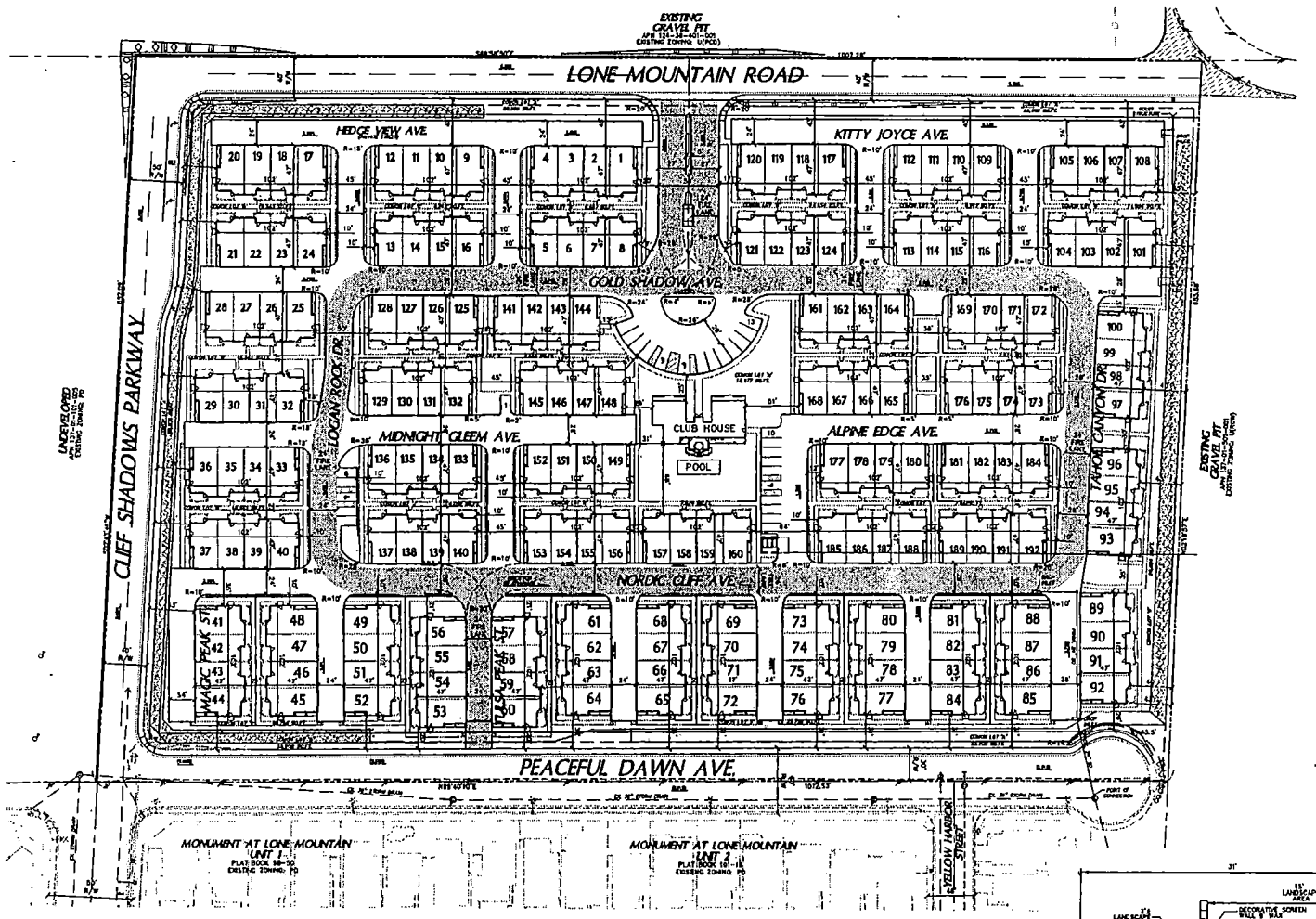
Pamela B. Heiser

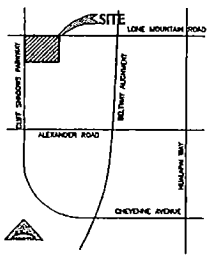
Notary Public in and for said County and State

Notary Public - State of Nevada
County of Clark
PAMELA B. HEISER
My Appointment Expires
June 1, 2006

# CLIFF SHADOWS TOWNHOMES
## TOWNHOME SUBDIVISION

LEGEND
STREET CENTERLINE
PROPERTY BOUNDARY LINE

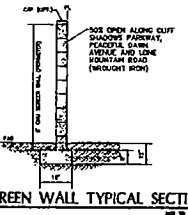



SEC. 01, T. 20 S., R. 59 E., M.D.M.
VICINITY MAP
NO SCALE

NORTH
1" = 50'

GRAPHIC SCALE
( IN FEET )
1 inch = 60 ft.




6' SCREEN WALL TYPICAL SECTION
NO SCALE

### PARKING TABULATION

| | |
|---|---|
| REQUIRED PARKING: | |
| 2 BEDROOM = 1.75/UNIT (98 UNITS) | = 168 SPACES |
| 3 BEDROOM = 2.00/UNIT (96 UNITS) | = 192 SPACES |
| GUEST PARKING = 1/6 UNITS (192 UNITS) | = 32 SPACES |
| TOTAL REQUIRED | = 392 SPACES |
| PROVIDED PARKING: | |
| 9'x19' PARKING SPACES | = 26 SPACES |
| GARAGE SPACES | = 384 SPACES |
| HANDICAP SPACES | = 4 SPACES |
| TOTAL PROVIDED | = 414 SPACES |

### OPEN SPACE TABULATION
COMMON AREAS

### SITE STANDARDS
TYPICAL STALL SIZE = 9'x19'
TYPICAL DRIVE AISLE WIDTH = 24'
TYPICAL FIRE LANE WIDTH = 26'
FIRE TURNING RADIUS = 28'INSIDE/52'OUTSIDE

### LEGAL DESCRIPTION
BEING A PORTION OF THE NORTH HALF (N1/2) OF THE EAST HALF (E1/2) OF THE NORTH HALF (N1/2) OF THE NORTH WEST QUARTER (NW1/4) OF SECTION 01, T. 20 S., R. 59 E., M.D.M., CLARK COUNTY, NEVADA.

### 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 | REPUBLIC SERVICES |
| TELEPHONE | SPRINT TELEPHONE |
| CABLE | COX CABLE |

3. UTILITY EASEMENTS TO BE DEDICATED TO RESPECTIVE AGENCIES.
4. SEWER CONTRIBUTION = AVERAGE 0.023 M.G.D./PEAK 0.069 M.G.D.
5. BUILDINGS ON SITE ARE TO BE SPRINKLED PER CLV FIRE DEPT. STD.
6. THIS DEVELOPMENT IS SHOWN IN ITS ENTIRETY HEREON AND IS NOT A PORTION OF A MASTER PLANNED AREA.
7. STORM WATER TO SURFACE DRAIN ON STREETS
8. NO PHYSICAL FEATURES ARE PRESENT ON SITE.

### BUILDING TABULATION

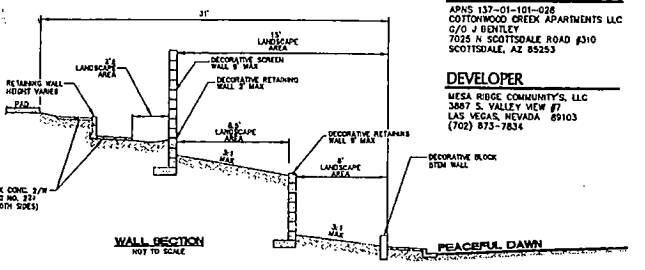
| | |
|---|---|
| BUILDING DATA: | |
| FOUR-PLEX BUILDING — 4,188 S.F. x 48 BLDGS | = 215,328 S.F. |
| CLUB HOUSE — 2,920 S.F. x 1 BLDGS | = 2,920 S.F. |
| TOTAL GROSS BUILDING AREA | = 219,248 S.F. |
| BUILDING COVERAGE | = 31.4 % |

### BENCHMARK
CITY OF LAS VEGAS BENCHMARK No. ILV90 335ES.
RIVET AND PLATE IN CONC. ELEC. VAULT, NW CORNER OF BUFFALO DRIVE AND LONE MOUNTAIN ROAD.
ELEVATION = 717.2003(m) NAVD 88
ELEVATION = 2353.94(ft)

### LIST OF INCLUDED RECREATIONAL ONSITE AMENITIES
1. CENTRALLY LOCATED POOL
2. RECREATIONAL BUILDING WITH INDOOR GYM

### PROJECT DATA

| | |
|---|---|
| SITE AREA (NET) | 13.7± ACRES |
| SITE AREA (GROSS) | 15.9± ACRES |
| B.U.A. | 12.0 |
| NUMBER OF UNITS | 192 |
| A.P.N. | 137-01-101-026 |
| ZONING (EXISTING) | U(PCD) |
| ZONING (PROPOSED) | PD-22 |




### OWNER
APNS 137-01-101-026
COTTONWOOD CREEK APARTMENTS LLC
C/O J BENTLEY
7025 N SCOTTSDALE ROAD #310
SCOTTSDALE, AZ 85253

### DEVELOPER
MESA RIDGE COMMUNITY'S, LLC
3887 S. VALLEY VIEW #7
LAS VEGAS, NEVADA 89103
(702) 873-7834

GREGORY D. RADKE EXP 12/31/05 CIVIL

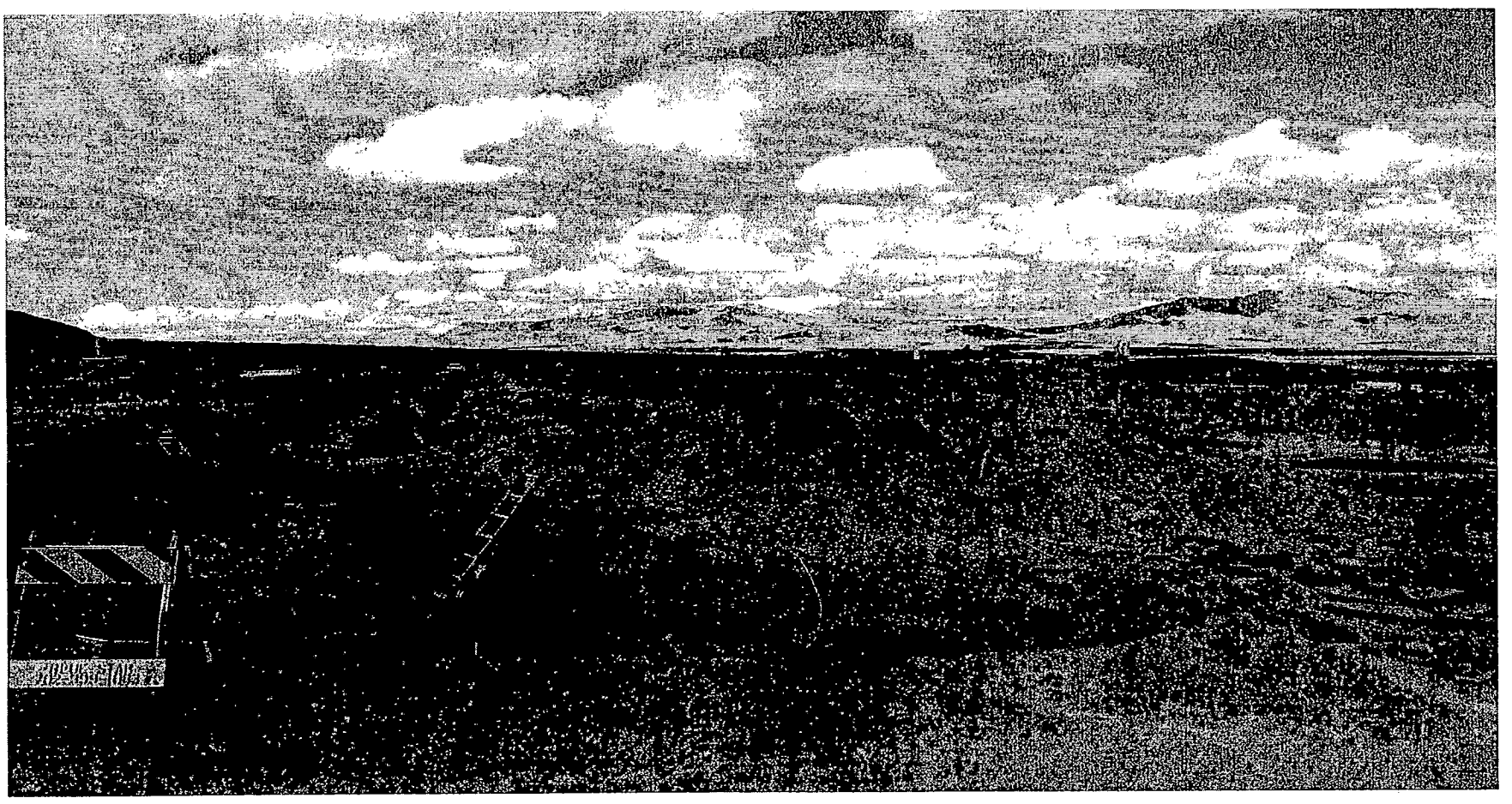
| | | | |
|---|---|---|---|
| DESIGNED BY: | | DRAWN BY: | CHKD BY: |
| JOB NUMBER: | 1281-001-032 | DATE: | 09/28/04 |
| NO. | REVISION | | DATE APPR. |


L. R. NELSON CONSULTING ENGINEERS, INC.
3035 East Patrick Lane Suite 9
Las Vegas, Nevada 89120
(702) 798-7878
(702) 451-2236 FAX


SITE PLAN TO ACCOMPANY STREET WITH VARIANCE
CLIFF SHADOWS TOWNHOMES
A TOWNHOME SUBDIVISION
CITY OF LAS VEGAS NEVADA

SHEET NUMBER 1 OF 1 SHEETS
1281-001-032

**WVR-5355**
**11/18/04 PC**



WVR-5355 - OWNER/APPLICANT: CLIFF SHADOWS PROPERTIES, LLC
SOUTHEAST CORNER OF LONE MOUNTAIN ROAD AND CLIFF SHADOWS PARKWAY
NOVEMBER 18, 2004 PLANNING COMMISSION

10/28/04

WVR-5355 - OWNER/APPLICANT: CLIFF SHADOWS PROPERTIES, LLC
SOUTHEAST CORNER OF LONE MOUNTAIN ROAD AND CLIFF SHADOWS PARKWAY
NOVEMBER 18, 2004 PLANNING COMMISSION

10/28/04

City of Las Vegas

Agenda Item No.: 51

## AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

**PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004**

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

**SUBJECT:**

**VAR-5373 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: TODD J. KENNER AND SALLY S. KENNER** - Request for a Variance TO ALLOW A 10-FOOT REAR YARD SETBACK WHERE 35 FEET IS THE MINIMUM REQUIRED IN CONJUNCTION WITH A PROPOSED ROOM ADDITION TO AN EXISTING SINGLE-FAMILY RESIDENCE on 0.47 acres at 2240 Shaw Circle (APN 163-03-802-004), 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 Planning Commission Meeting – Letters of Support from Adjacent Homeowners

**MOTION:**

**McSWAIN – APPROVED subject to conditions – UNANIMOUS**

**This is Final Action**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open.

DON SCHMEISER, Planning & Development Department, stated the applicants are requesting a 71 percent reduction in the required rear-yard setback. Staff is sympathetic to the problems the applicant is experiencing and in fact, several other property owners have the same issues. Unfortunately, a variance cannot be granted without proving a legal hardship or a practical difficulty as defined by Nevada laws. There is no such evidence in this case.

**MINUTES – CONTINUED:**

TODD KENNER, 2240 Shaw Circle, appeared and pointed out that the lot is quite narrow and long. If there was an addition of any type to the home, a reduction in the rear-yard setback would be required. The house is currently located 38 feet from the rear yard. The minimum requirement is 35 feet. MR. KENNER stated that he would like to keep the integrity of a single-story home and the cul-de-sac has several other single-story homes. A casita could be constructed within 5 feet of the rear yard setback and it would meet code; however, the applicant prefers to maintain 10 feet on the side and rear yards. The proposed addition is 30 feet long and the lot is over 210 feet in length.

He also noted that the adjacent lot owner currently has outdoor storage and exotic animals and they have lived compatibly next door to each other. He also provided letters of support to the City Clerk that were written by all of the adjacent homeowners. MR. KENNER stated the addition would be a bedroom to accommodate his father-in-law. He respectfully requested approval from the Commission.

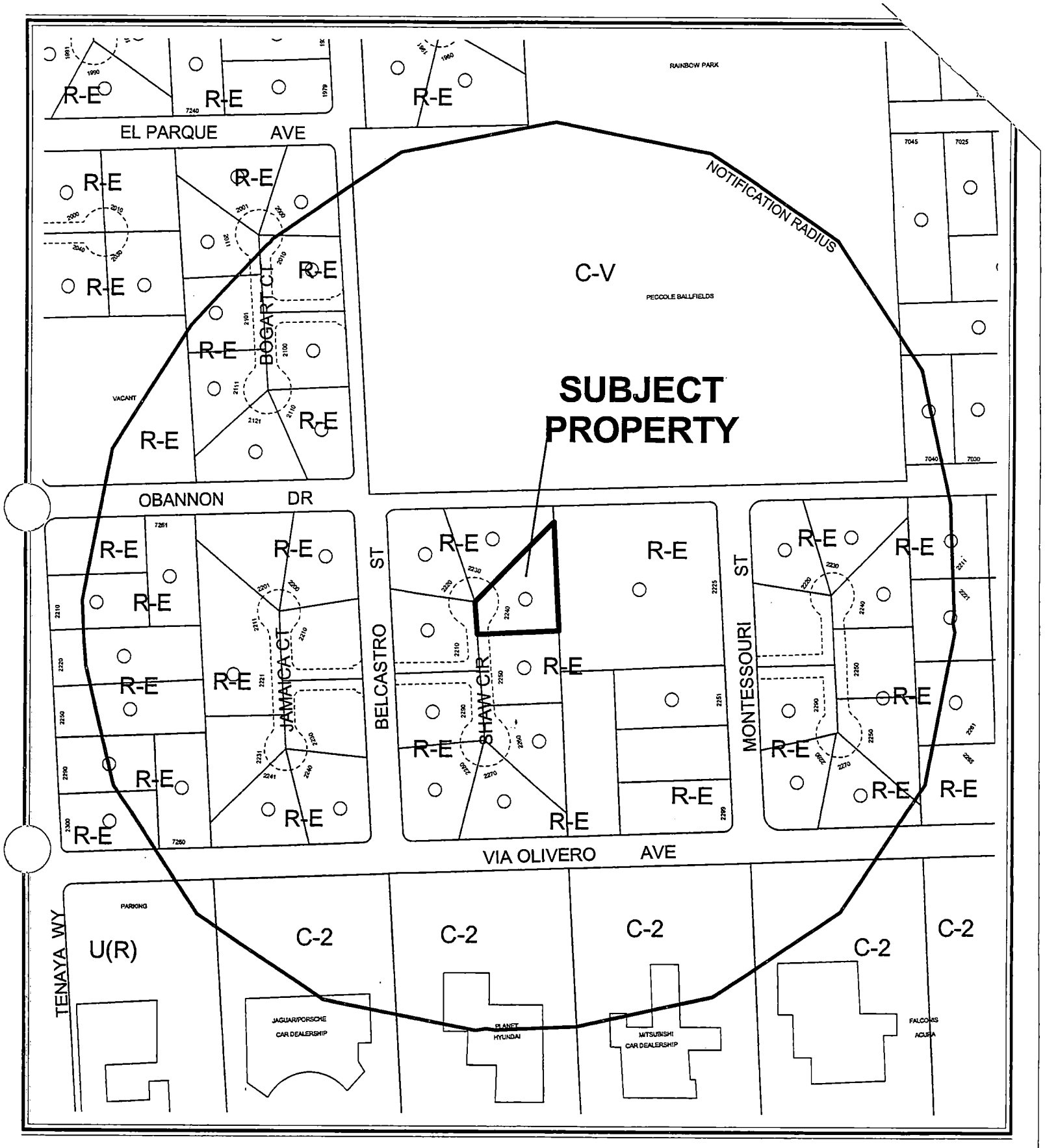
COMMISSIONER McSWAIN stated the applicant presented his case well and agreed that the shape of the lot is reason enough to support the request.

(11:04 – 11:08)
**4-701**

**CONDITIONS:**

Planning and Development

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




0 200 400 Feet

**CASE:** **VAR-5373**

**RADIUS:** 750 FT

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

N

City of Las Vegas

## AGENDA MEMO

**PLANNING COMMISSION MEETING DATE: NOVEMBER 18, 2004**
**DEPARTMENT: PLANNING AND DEVELOPMENT**
**ITEM DESCRIPTION: VAR-5373 - APPLICANT/OWNER: TODD J. KENNER AND SALLY S. KENNER**

## ** 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 is a request for a Variance to allow a 10-foot rear yard setback where 35 feet is the minimum required in conjunction with a proposed room addition to a single-family residence on 0.47 acres at 2240 Shaw Circle.

### *B) Applicant's Justification*

A letter is attached to the application explaining the reasons for the requested Variance. The reasons are summarized in the applicants' own verbiage as follows:

- The subject lot is a somewhat pie-shaped property. The long, narrow house is oriented in the lot's longest dimension, leaving a very long and shallow back yard.
- To add onto the house, the required 35-foot rear setback would have to be encroached upon. The shape of the lot is obviously a hardship in adding to the home without encroaching on the rear-yard setback.
- An auxiliary building would be permitted in the proposed area with less than a 10-foot rear-yard setback. It makes sense from the standpoint of construction and convenience to simply add onto the house. Although a second story is possible, we would prefer to maintain the existing single story ranch style layout.
- The rear yard line is along a 2.2-acre lot with exotic animals. The residence on this lot is over 150 feet away, and the residents have submitted a letter in support of the variance.

## BACKGROUND INFORMATION

### *A) Previous Actions*

11/23/98 The City Council approved a General Plan Amendment (GPA-0027-98) to reclassify a large tract of land of which the subject parcel is included from R (Rural Density Residential) to DR (Desert Rural Density Residential). The Planning Commission recommended approval on 10/22/98.

***B) Pre-Application Meeting***

09/22/04 The staff met with the prospective applicants as to a proposed addition to an existing residence that would be located 10 feet from the rear lot line. It was explained that Title 19 requirements would not permit the addition unless a Variance is granted. The staff reviewed the procedures for the processing of a Variance.

***C) Neighborhood Meetings***

A neighborhood meeting is not required for a Variance and one was not held.

**DETAILS OF APPLICATION REQUEST**

***A) Site Area***

Acres: 0.47

***B) Existing Land Use***

| | |
|---|---|
| Subject Property: | Single-family residential |
| North: | Single-family residential |
| South: | Single-family residential |
| East: | Single-family residential |
| West: | Single-family residential |

***C) Planned Land Use***

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

***D) Existing Zoning***

| | |
|---|---|
| Subject Property: | R-E (Residence Estates) |
| North: | R-E (Residence Estates) |
| South: | R-E (Residence Estates) |
| East: | R-E (Residence Estates) |
| West: | R-E (Residence Estates) |

### *E) General Plan Compliance*

The subject property is located in the Southwest Sector of the General Plan. The Southwest Sector Map designates the future land use for this property as DR (Desert Rural Density Residential). The property is zoned R-E (Residence Estates), which is a zone permitted in the DR classification. There are no specific General Plan policies directly related to this Variance request.

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

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

## 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 | | Y |
| Min. Lot Width | 100 feet | | Y |
| Min. Setbacks | | | |
| • Front | 50 feet | | N |
| • Side | 10 feet | | Y |
| • Corner | 15 feet | | Y |
| • Rear | 35 feet | 10 feet | N |
| Max. Lot Coverage | NA | | NA |
| Max. Building Height | 2 Stories / 35 feet | | Y |

The front yard setback, which is the distance between the street right-of-way and primary structure, is required to be 50 feet; however, the existing residence appears to be located approximately 20 feet from the street right-of-way. The front property line is located along the center of the road, and it appears that the residence is approximately 60 feet back from the front property line. Apparently, the interpretation was made at the time the residence was built that the front lot line should also be construed as the street right-of-way line.

The applicant is requesting that the proposed house addition be located to within 10 feet of the rear lot line. Since the rear yard setback (the distance between the rear lot line and the primary structure) is required to be 35 feet, a Variance is required in this setback, which is the purpose of this application.

***B) General Analysis and Discussion***

The applicants wish to add a bedroom to their existing residence for an elderly parent. To add onto the house in the manner proposed would require protruding into the approximate 38-foot rear yard by approximately 28 feet. Since a 35-foot rear yard is required in the R-E (Residence Estates) Zone, a Variance is required, which is the purpose for the subject application.

The applicants justify the request for a Variance based on the shape of the lot and the home's elongation parallel to the rear lot line. Adding onto the home would only be allowed at the north end of the home where there is an existing swimming pool. Regardless, a Variance may only be granted if the necessary legal criteria are present to enable a Variance to be granted. These criteria are discussed below.

**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 criteria in Title 19 for granting a variance are promulgated from common law in the State of Nevada. More specifically, a "practical difficulty" or "hardship" as stated above has special meaning under Nevada law. The courts have interpreted a hardship to mean that a "regulation to property greatly decreases or practically destroys its value for any permitted use, so as to deprive the owner of the land of all beneficial use or that land is virtually useless as it is presently zoned."[*Enterprise Citizens v. Clark County Commissioners* (1996).]

In view of the above criteria, it is recommended that the application be denied. This recommendation of denial is based on the following findings, only one of which is necessary to deny a Variance:

- **No evidence is provided that a hardship exists to warrant a Variance in the required rear yard.**

  The onus for presenting such evidence is placed on the applicants, the persons allegedly aggrieved by the requirement. The applicants justify the request for the Variance primarily on the shape of the lot and the home's positioning on the lot.

- **The hardship is self-imposed.**

  Clearly the hardship is of the applicant's own making, as the reduction in the amount of rear yard setback is based upon applicant's interest in constructing an addition within the rear yard. If a hardship is self-imposed, then according to the criteria above, it would appear that a Variance is not warranted.

- **Use of the property is not denied.**

  The lot's shape limits the ability to expand the existing home. However, the question is one of whether the rear yard setback so impairs use of the property that it can't be used for residential purposes. The response to this question is obvious, as the property is presently being used as a residence. The applicant's dilemma is no different than any other residential property where the resident does not have the ability to add onto a home without intruding into required setback areas. Since the property is being used for residential purposes, it would appear that a Variance is not warranted.

**NOTICES MAILED** 58

**APPROVALS** 0

**PROTESTS** 0

DDS

PLANNING & DEVELOPMENT

# PLANNING & DEVELOPMENT DEPARTMENT

## STATEMENT OF FINANCIAL INTEREST

Case Number: VAR-5373 APN: 163-03-802-004

Name of Property Owner: TODD J. & SALLY S. KENNER

Name of Applicant: TODD & SALLY KENNER

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: Sally S Kenner

Print Name: SALLY S. KENNER

Subscribed and sworn before me

This 4th day of October, 2004

Barbara Sussman

Notary Public in and for said County and State

BARBARA SUSSMAN
Notary Public - Nevada
No: 00-65438-1
My appt. exp: Oct. 18, 2004

RAINBOW FAMILY PARK

GRAPHIC SCALE

1 inch = 20 ft.

N

O'BANNON AVENUE

BELCASTRO STREET

LOT 3

(EXISTING RESIDENCE)

TIMBER BUILDING (EXISTING)

BIG CAT ENCLOSURE (TIGERS + LIONS)

EXISTING TREE

2210 SHAW CR

APN 163-03-802-009

LOT 1

PROPOSED SINGLE STORY ADDITION

PROPOSED REDUCED SETBACK

OVER 150' TO EXISTING RESIDENCE

RETAINING WALL ELEVATION DROP 6'±

SHAW CIRCLE (PRIVATE ROAD)

ADJACENT RESIDENCE

PROJECT SITE

VICINITY MAP

VAR-5373

11/18/04 PC

RECEIVED

OCT 04 2004

KENNER RESIDENCE
SITE PLAN
2210 SHAW CR
APN 163-03-802-009

VAR-5373 - APPLICANT/OWNER: TODD J. KENNER AND SALLY S. KENNER
2240 SHAW CIRCLE
NOVEMBER 18, 2004 PLANNING COMMISSION

10/28/04

2210 Shaw Circle
Las Vegas, NV 89117
November 15, 2004

City Of Las Vegas

We support the Kenner's request for a zone variance to construct an addition to the rear of their house.

Kathleen Rapp and James Brannan

Submitted at Planning Commission
Date 11-18-04 Item: #51

September 30, 2004

City of Las Vegas

To whom it may concern:

We want to express our support for the application of our neighbors, Todd and Sally Kenner, to be able to construct a one-story bedroom addition to their home.

The Kenners' residence abuts our 2-acre home site at the rear. We have no problem with them building to 10 feet from our mutual property line. Their proposed new construction will not pose a detriment to our property.

Yours truly,

Olga and Dagmar Hantigova
2225 Montessori Street

Clark County Assessors Parcel Number 163-03-802-014

2250 Shaw Circle
Las Vegas, NV 89117
APN 163-08-802-006
September 25, 2004

Las Vegas Planning

Dear Planning:

This letter is to express our support of your granting our neighbors, Todd and Sally Kenner, a variance in their required rear-yard setback. They want to add a one-story bedroom addition to their house. We do not have a problem with that. We understand that they will maintain the 10-foot side yard setback, which separates their house from our mutual property line, but want to build to 10 feet from their rear property line.

Our house is directly south of the part of their house where they will add on. They have told us that their plans have taken into consideration our privacy and that they will strictly limit windows to small ones placed high on the wall which faces our back yard. This addition will actually give us more privacy.

The Kenners have always been considerate neighbors and we are sure this will continue with the construction of their addition. Thank you for enabling them to utilize their property fitting their needs.

Yours truly,

Ernest Turner

Lenore Turner

November 18, 2004

City of Las Vegas
Planning Commission

Sir/madam:

We want to express our support for our neighbors at 2240 Shaw Circle to be granted a variance to construct an addition to the south end of their home. We have no problem with this construction, it will not adversely affect our property.

Leticia & Glenn Keeler

Glenn and Leticia Keeler
2230 Shaw Circle

# NOTICE OF PUBLIC HEARING

## VARIANCE

Case: VAR-5373

16303802002
ALMUGHAIRY MOHAMED SULTAN
2220 SHAW CIR
LAS VEGAS NV 89117-2811

| | |
|---|---|
| MEETING: | PLANNING COMMISSION |
| DATE: | NOVEMBER 18, 2004 |
| TIME: | 6:00 P.M. |
| LOCATION: | CITY COUNCIL CHAMBERS<br>400 STEWART AVENUE<br>LAS VEGAS, NEVADA |

## VAR-5373

**APPLICANT/OWNER: TODD J. KENNER AND SALLY S. KENNER - REQUEST FOR A VARIANCE TO ALLOW A 10-FOOT REAR YARD SETBACK WHERE 35 FEET IS THE MINIMUM REQUIRED IN CONJUNCTION WITH A PROPOSED ROOM ADDITION TO AN EXISTING SINGLE-FAMILY RESIDENCE ON 0.47 ACRES AT 2240 SHAW CIRCLE (APN 163-03-802-004), R-E (RESIDENCE ESTATES) ZONE, WARD 1 (MONCRIEF).**

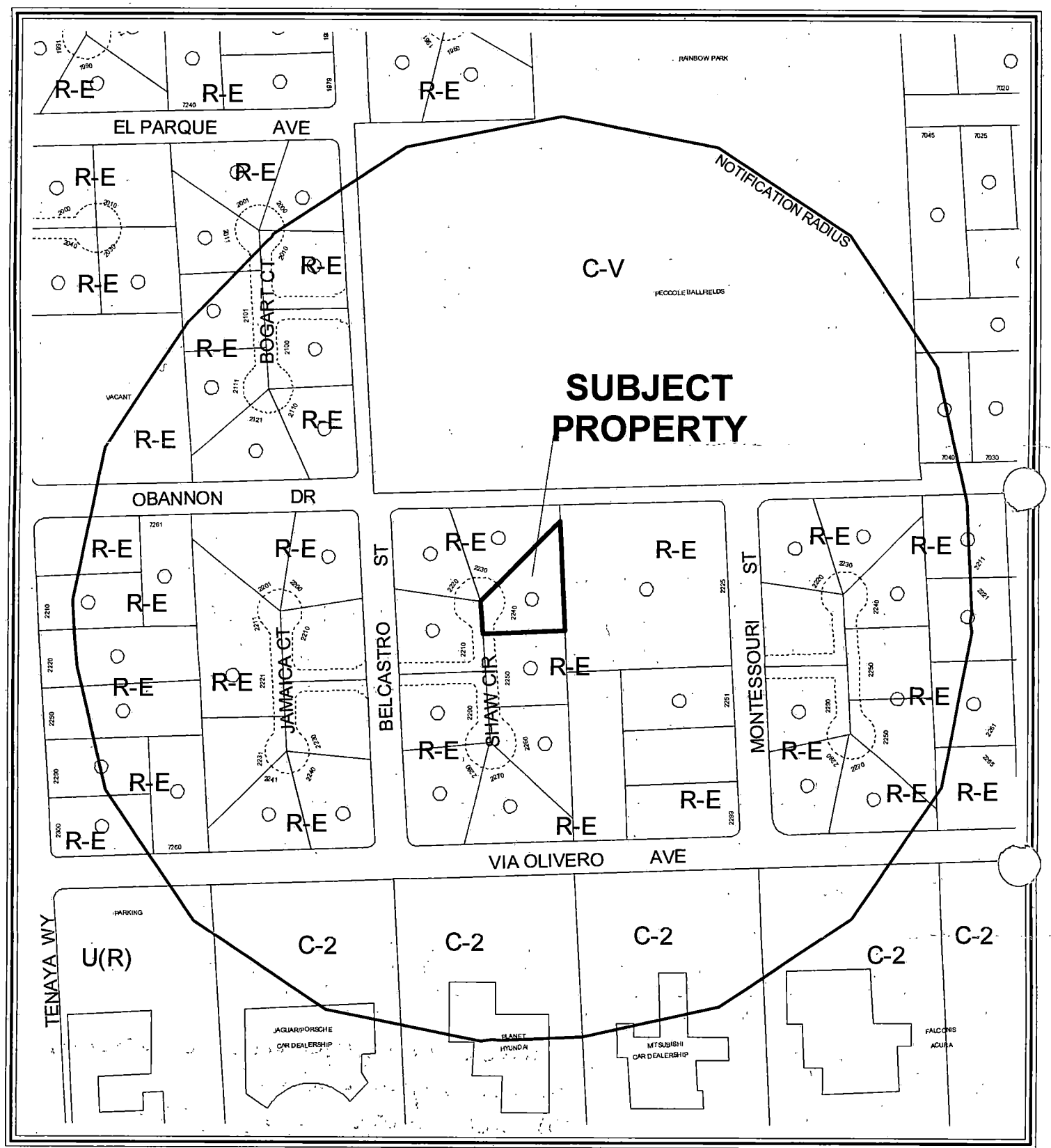
**THE ABOVE PROPERTY IS LEGALLY DESCRIBED AS BEING A PORTION OF THE SOUTH HALF (S½) OF THE SOUTHEAST QUARTER (SE¼) OF SECTION 3, TOWNSHIP 21 SOUTH, RANGE 60 EAST, M.D.M.**

Any and all interested persons may appear before the Planning Commission either in person or by representative and object to or express approval of this request; or may, prior to this meeting, file written objections thereto or approval thereof with the Planning and Development Department, 731 South Fourth Street, Las Vegas, Nevada 89101. For further information, please call 229-6301 (TDD 386-9108), http:\\www.lasvegasnevada.gov.

I have no objection whatsoever
Please represent me:
Thank you
AL MUGHAIRY
2220 SHAW CIRCLE, LV NV 89117

GARY LEOBOLD, PLANNING SUPERVISOR
PLANNING AND DEVELOPMENT DEPARTMENT
CURRENT PLANNING DIVISION

SEE LOCATION MAP ON REVERSE SIDE




0 200 400 Feet

**CASE:** **VAR-5373**

**RADIUS:** 750 FT

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

N

City of Las Vegas

Agenda Item No.: 52

## AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

**PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004**

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

**SUBJECT:**
**VAR-5479 - VARIANCE - PUBLIC HEARING - APPLICANT: AMBLING MULTI-FAMILY DEVELOPMENT - OWNER: ALTA MLK, LLC** - Request for a Variance TO ALLOW 153,879 SQUARE FEET OF OPEN SPACE WHERE 606,678 SQUARE FEET IS REQUIRED FOR AN 854-UNIT MULTIFAMILY DEVELOPMENT on 16.78 acres north of Alta Drive and west of Martin L. King Boulevard (APN 139-33-202-005), C-1 (Limited Commercial) Zone [PROPOSED: R-PD50 (Residential Planned Development - 50 Units Per Acre)], Ward 5 (Weekly).

**C.C.: 12/01/04**

| 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 – APPROVED subject to conditions – UNANIMOUS with NIGRO abstaining, because he owns property within the notification area**

**To be heard by City Council 12/01/2004**

**MINUTES:**
CHAIRMAN TRUESDELL declared the Public Hearing open.

GARY LEOBOLD, Planning & Development Department, explained the Variance would allow 23 percent of open space where 83 percent is required by Code. The application was required as a condition of Site Plan SDR-5155, which was recommended for approval by the Planning Commission on November 4, 2004. Staff finds the criteria for the Variance has been met and the provided open space and recreational amenities, as part of the project, would be adequate for the

**MINUTES – CONTINUED:**

number of units proposed for the site. The applicant has requested this item be fast tracked to the 12/01/2004 City Council meeting, which would allow it to catch up to the companion items for the project.

DAVID LeGRAND, 2330 West Sahara Avenue, Suite 800, appeared on behalf of the applicant and agreed to staff's recommendation and conditions. He stated the applicant has had extensive meetings with the Rancho Manor Community Association since last appearing before the Commission and a satisfactory arrangement has been agreed upon. The applicant anticipates the association would be supportive of the project when it is heard on December 1st before the City Council. He thanked the Commissioners for their attention.

MR. LeGRAND continued by saying the technical issue related to this Variance application was caused by the rooftops of the garages, which were designed to accommodate tennis courts and exercise facilities, but did not technically count towards meeting the open space requirement. The applicant felt this was appropriate for the style of condominium project being proposed.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(11:08 – 11:12)

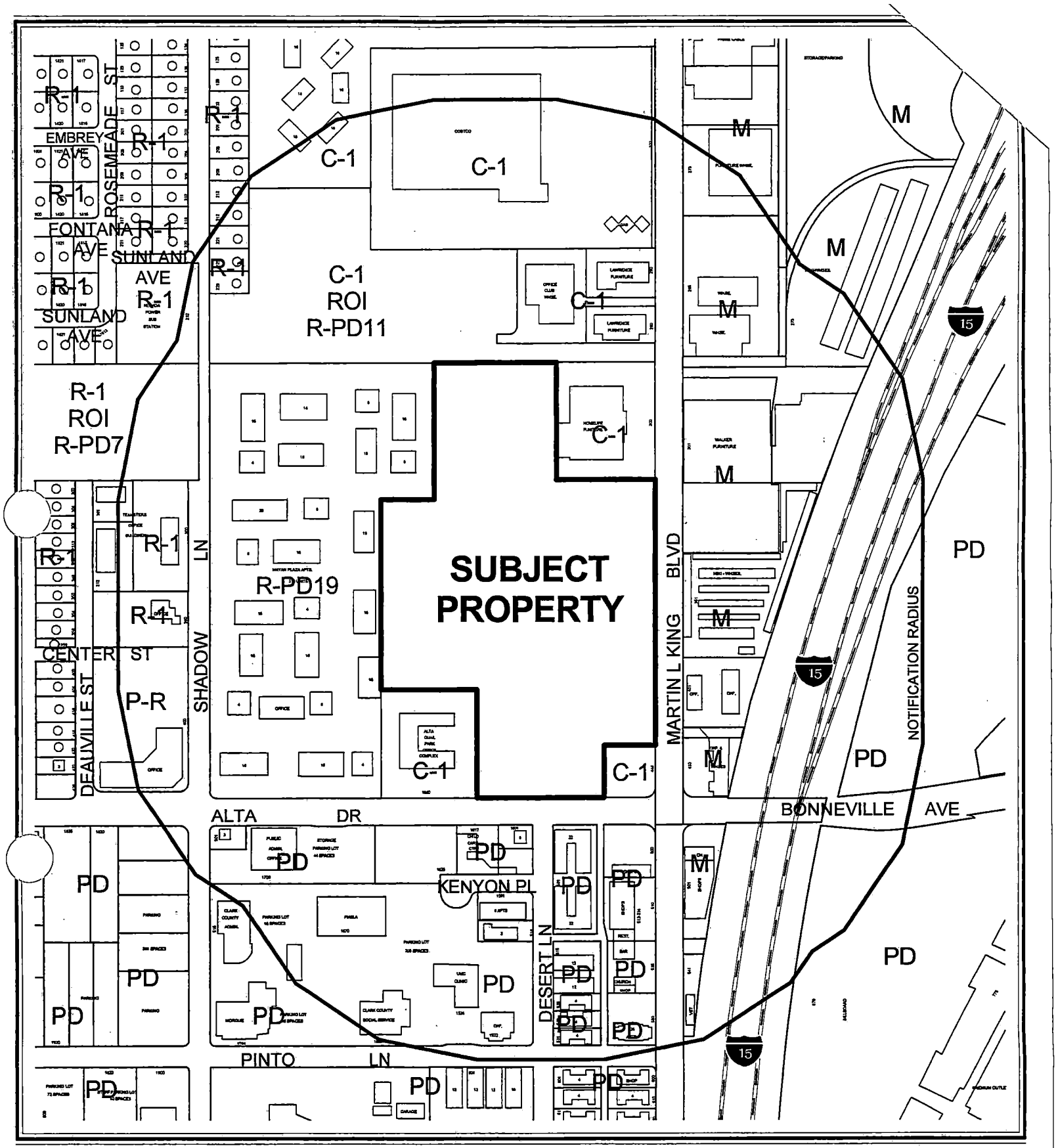
**4-840**

**CONDITIONS:**

Planning and Development

1. Approval of and conformance to the Conditions of Approval for General Plan Amendment (GPA-5034), Rezoning (ZON-4941), Variance (VAR-5035), and Site Development Plan Review (SDR-5155).

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




0 300 600 Feet

**CASE:** **VAR-5479**

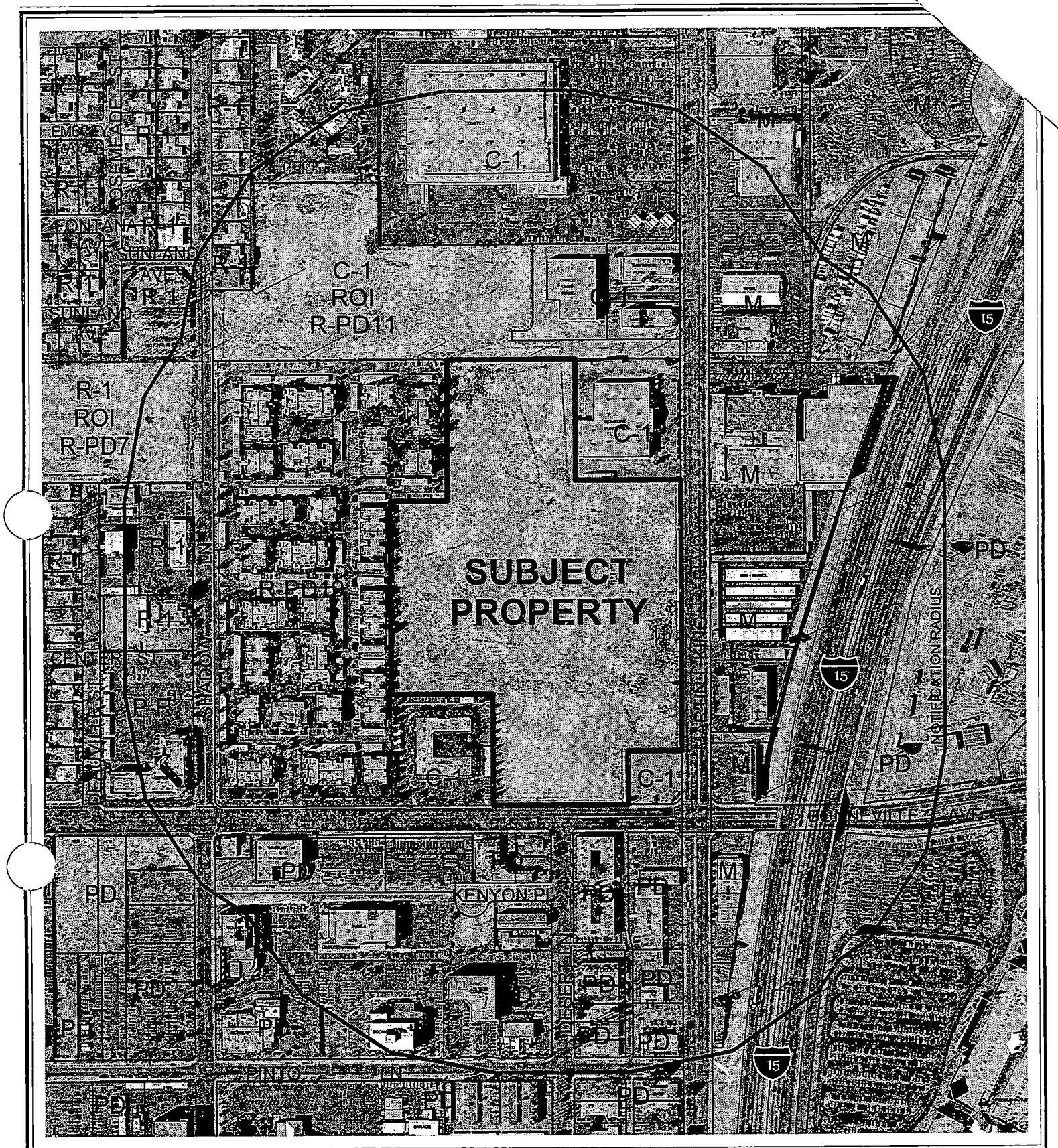
**RADIUS:** 750 FT

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

**PROPOSED ZONING OF SUBJECT PROPERTY:**

R-PD50 (RESIDENTIAL PLANNED DEVELOPMENT - 50 UNITS PER ACRE)

N




0 300 600 Feet

**CASE:** **VAR-5479**

**RADIUS:** 750 FT

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

**PROPOSED ZONING OF SUBJECT PROPERTY:**

R-PD50 (RESIDENTIAL PLANNED DEVELOPMENT - 50 UNITS PER ACRE)

N

City of Las Vegas

## AGENDA MEMO

**PLANNING COMMISSION MEETING DATE: NOVEMBER 18, 2004**
**DEPARTMENT: PLANNING AND DEVELOPMENT**
**ITEM DESCRIPTION: VAR-5479 - APPLICANT: AMBLING MULTI-FAMILY DEVELOPMENT - OWNER: ALTA MLK, LLC**

## ** CONDITIONS **

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

***Planning and Development***

1. Approval of and conformance to the Conditions of Approval for General Plan Amendment (GPA-5034), Rezoning (ZON-4941), Variance (VAR-5035), and Site Development Plan Review (SDR-5155).

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

# ** STAFF REPORT **

## APPLICATION REQUEST

### *A) Action Requested*

This is a request for approval of a Variance to allow 153,879 square feet of open space where 606,678 square feet is required for an 807-unit multi-family development on 16.78 acres north of Alta Drive and west of Martin L. King Boulevard.

### *B) Applicant's Justification*

The applicant has stated that the development will help to revitalize the Downtown area and stabilize the neighborhoods in the surrounding area and diversity the economic base in the vicinity.

## BACKGROUND INFORMATION

### *A) Previous Actions*

08/17/60 A request to Rezone a portion of the subject property from R-1 (Single-Family Residential) to R-4 (High Density Residential) was approved by City Council. The Planning Commission recommended approval of the request.

05/22/03 A request for approval of a Tentative Map (TMP-1990) for a one-lot commercial subdivision (Alta Business Park) was Withdrawn without Prejudice by the applicant at the Planning Commission meeting.

11/04/04 The Planning Commission recommended approval of a General Plan Amendment (GPA-5034), Rezoning (ZON-4941), Variance (VAR-5035), and Site Development Plan Review (SDR-5155) in order to permit the development of a 807-unit multi-family development with 3,000 square feet of commercial space on the subject site. Staff recommended approval of the requests.

### *B) Pre-Application Meeting*

07/27/04 At the pre-application conference, issues were relative to the amount of open space provided and other recreational amenities available for the residents.

*C) Neighborhood Meetings*

09/14/04 At the neighborhood meeting, issues were discussed relative to a traffic study, whether or not variances had been granted for the commercial project to the west, and whether Residential Adjacency Standards had been applied to the residential project to the north.

## DETAILS OF APPLICATION REQUEST

*A) Site Area*

Net Acres: 16.78

*B) Existing Land Use*

| | |
|---|---|
| Subject Property: | Unimproved Land |
| North: | Unimproved Land |
| | Furniture Warehouse Stores |
| South: | Shops |
| | Medical Offices |
| | Clinic |
| East: | Mini-Warehouses |
| | Offices |
| | Furniture Warehouse Store |
| West: | Apartments |

*C) Planned Land Use*

| | |
|---|---|
| Subject Property: | SC (Service Commercial) |
| | [PROPOSED: H (High Density Residential)] |
| North: | M (Medium Density Residential) |
| | SC (Service Commercial) |
| South: | UMC (Las Vegas Medical District) |
| East: | DTR (Downtown Redevelopment) |
| West: | M (Medium Density Residential) |

*D) Existing Zoning*

| | |
|---|---|
| Subject Property: | C-1 (Limited Commercial) |
| | [PROPOSED: R-PD (Planned Development)] |
| North: | C-1 (Limited Commercial) under Resolution of Intent to R-PD11 (Residential Planned Development - 11 Units Per Acre) |
| | C-2 (General Commercial) |
| South: | PD (Planned Development) |
| East: | M (Industrial) |
| West: | R-PD19 (Residential Planned Development - 19 Units Per Acre) |

FF

This proposal requires a variance from the open space requirement and is the subject of this application. The subject deviation is 452,799 square feet, or 74.6%.

***B) General Analysis and Discussion***

In analyzing the associated Rezoning (ZON-4941) and Site Development Plan Review (SDR-5155) applications, it was discovered that the proposed development would be required to provide a minimum of 83% open space based on the requirements of the R-PD (Residential Planned Development) zoning. This application was required as a condition of approval of the development.

In reviewing the proposed site plan for the development, both active and passive open space will be provided. The plan includes a central amenity area between the three residential towers, which will include a clubhouse, swimming pool and sun deck, and a putting green. In addition, a children's playground area will be provided adjacent to the west tower. The perimeter buffers for the project vary from 20 feet to 40 feet, which far exceed the minimum six-foot buffer required by the Code. In addition to these open space amenities provided at grade, the development plan also includes recreational amenities such as tennis courts and basketball courts located on the top floor of the parking structures. The proposed open space and recreational amenities will be adequate to serve the residents of the project.

The R-PD (Residential Planned Development) zoning is typically applied to single-family detached development, and the open space formula was instituted based on that development type. The open space formula, when applied to high-density multifamily development, requires more open space than is possible to provide. Consequently, a Variance will be required in any case that this zoning is applied to high-density development.

**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 application of the standard open space formula to the proposed development type results in a requirement that is excessive. The amount of open space to be provided is adequate for the residents of the development and will comply with the objectives of the requirements; therefore, approval of the request is recommended.

**NOTICES MAILED** 368

**APPROVALS** 0

**PROTESTS** 0

FF

# PLANNING & DEVELOPMENT DEPARTMENT

## STATEMENT OF FINANCIAL INTEREST

Case Number: VAR-5479 APN: 139-33-202-005

Name of Property Owner: Alta MLK, LLC

Name of Applicant: Ambling Multi-Family Development

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: David Carver

Subscribed and sworn before me

This ____ day of October, 20 04

_____

Notary Public in and for said County and State

## SITE DATA

SITE AREA = 16.78 ACRES

BLDG 100
280 UNITS (28 STORIES)
3 LEVEL PARKING DECK
475 SPACES TOTAL
(INCLUDES 8 ACCESSIBLE SPACES AND 1 VAN ACCESSIBLE SPACE)

AREA CALCULATIONS
BUILDING FOOTPRINT: 19,397 SF
PARKING DECK FOOTPRINT: 55,810 SF

TOTAL BUILDING: 506,538 SF (INCLUDES BALCONIES)
TOTAL PARKING DECK: 156,816 SF

BLDG 200
280 UNITS (28 STORIES)
3 LEVEL PARKING DECK
475 SPACES TOTAL
(INCLUDES 8 ACCESSIBLE SPACES AND 1 VAN ACCESSIBLE SPACE)

AREA CALCULATIONS
BUILDING FOOTPRINT: 19,397 SF
PARKING DECK FOOTPRINT: 55,810 SF

TOTAL BUILDING: 506,538 SF (INCLUDES BALCONIES)
TOTAL PARKING DECK: 156,816 SF

BLDG 300
280 UNITS (28 STORIES)
3 LEVEL PARKING DECK
475 SPACES TOTAL
(INCLUDES 8 ACCESSIBLE SPACES AND 1 VAN ACCESSIBLE SPACE)

AREA CALCULATIONS
BUILDING FOOTPRINT: 19,397 SF
PARKING DECK FOOTPRINT: 58,964 SF

TOTAL BUILDING: 513,659 SF (INCLUDES BALCONIES)
TOTAL PARKING DECK: 163,439 SF

AREA TOTALS:

GROSS AREA OF THE THREE APARTMENT BUILDINGS (INCLUDES BALCONIES) 1,526,735 SF

TOWNHOMES
14 UNITS/2 STORIES + GARAGE
2,500 SF EACH: 35,000 SF

CLUBHOUSE: 1 STORY 6,000 SF

RETAIL: 1 STORY 3,000 SF

PARKING DECKS: 477,070 SF

F.A.R: RESIDENTIAL AREA / SITE AREA = 2.14
(EXCLUDES AREA OF PARKING DECKS)

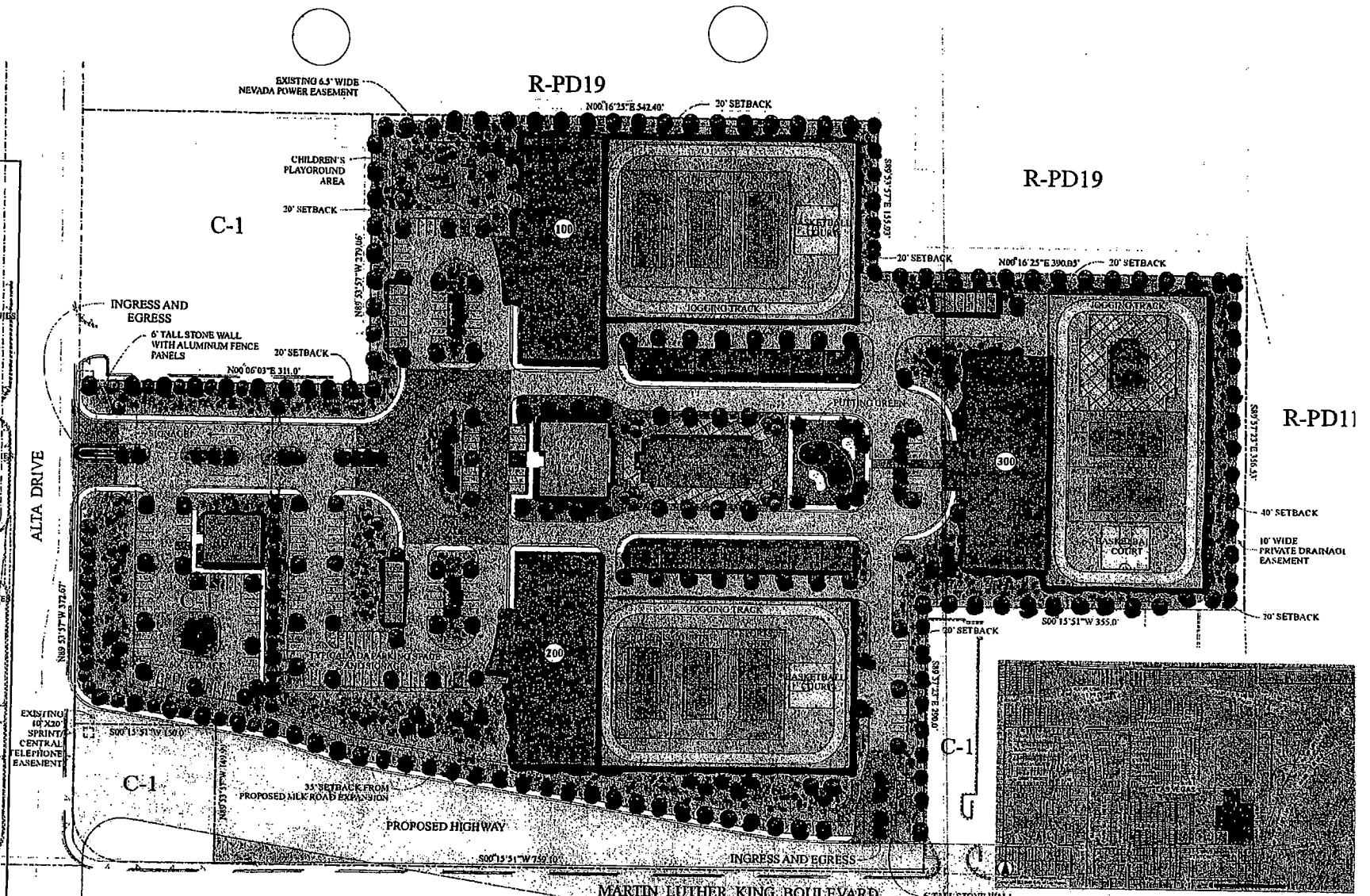
TOTAL UNITS = 854
DENSITY = 50.9 UNITS/ACRE

PARKING DECK SPACES = 1,425
SURFACE SPACES = 120 (4 ARE HDCP ACCESSIBLE)
DETACHED GARAGE SPACES = 18
ATTACHED GARAGE SPACES = 28

TOTAL RESIDENTIAL PARKING SPACES = 1,591
= 1.86 SPACES/UNIT

RETAIL SPACES = 46 (4 ARE ACCESSIBLE)

NOTE:
STANDARD PARKING SPACE = 9'X18'
HDCP ACCESSIBLE SPACE = 9'X18' PLUS 5' ACCESS AISLE
VAN ACCESSIBLE SPACE = 9'X18' PLUS 8' ACCESS AISLE




NORTH

SCALE: 1" = 50'-0"

AUGUST 30, 2004

AMBLING COMPANIES

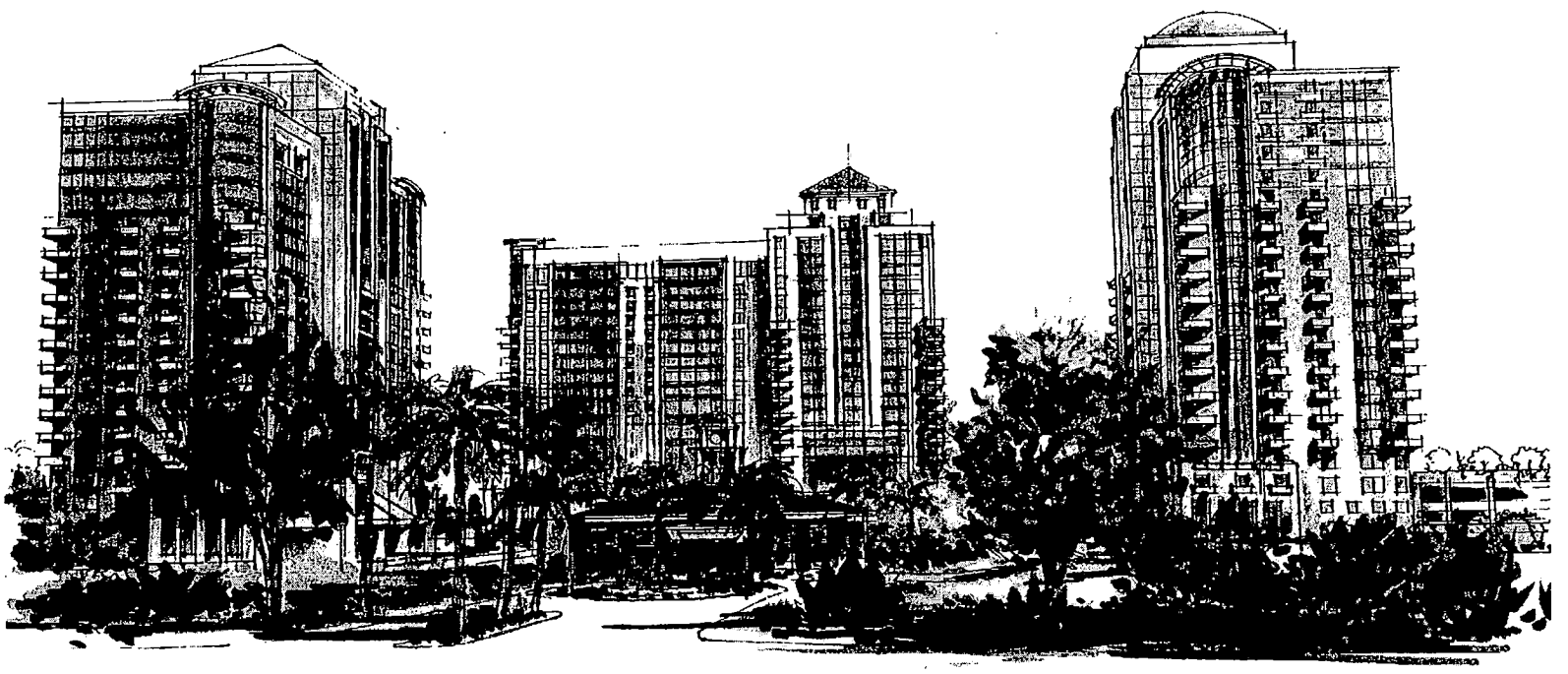
**VAR-5479**
**11/18/04 PC**

# SITE DEVELOPMENT PLAN
# ALTA DRIVE HIGH-RISE
## PROPOSED DEVELOPMENT
LAS VEGAS, NEVADA

**REVISED**
9.2.04

EDWIN RAYMOND KIMSEY JR. REGISTERED No. 5095 ARCHITECT STATE OF NEVADA 9/30/04


Edwin R. Kimsey Jr., AIA
Architecture - Urban Design - Planning
3596 Peachtree Road NE
Suite 650
Atlanta, GA 30305
PHONE 404.365.7619 - FAX 404.365.7619



View From Alta Drive

AMBLING COMPANIES

# ALTA VISTA SITE ANALYSIS

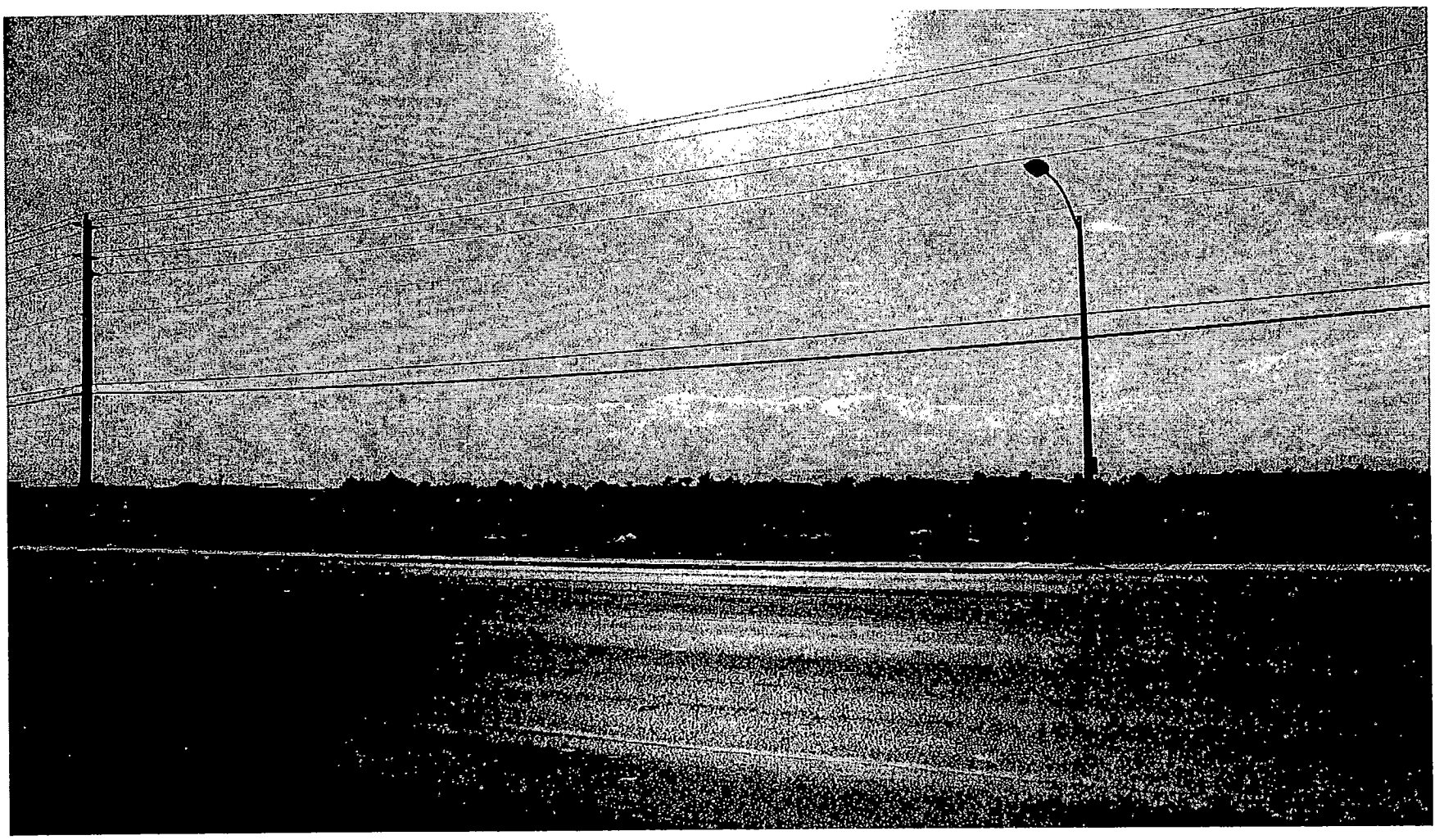
**PROPOSED DEVELOPMENT**

LAS VEGAS, NEVADA

Edwin R. Kimsey Jr., AIA

VAR-5479 - APPLICANT: AMBLING MULTI-FAMILY DEVELOPMENT - OWNER: ALTA MLK, LLC
NORTH OF ALTA DRIVE AND WEST OF MARTIN L. KING BOULEVARD
NOVEMBER 18, 2004 PLANNING COMMISSION

10/1/04



VAR-5479 - APPLICANT: AMBLING MULTI-FAMILY DEVELOPMENT - OWNER: ALTA MLK, LLC
NORTH OF ALTA DRIVE AND WEST OF MARTIN L. KING BOULEVARD
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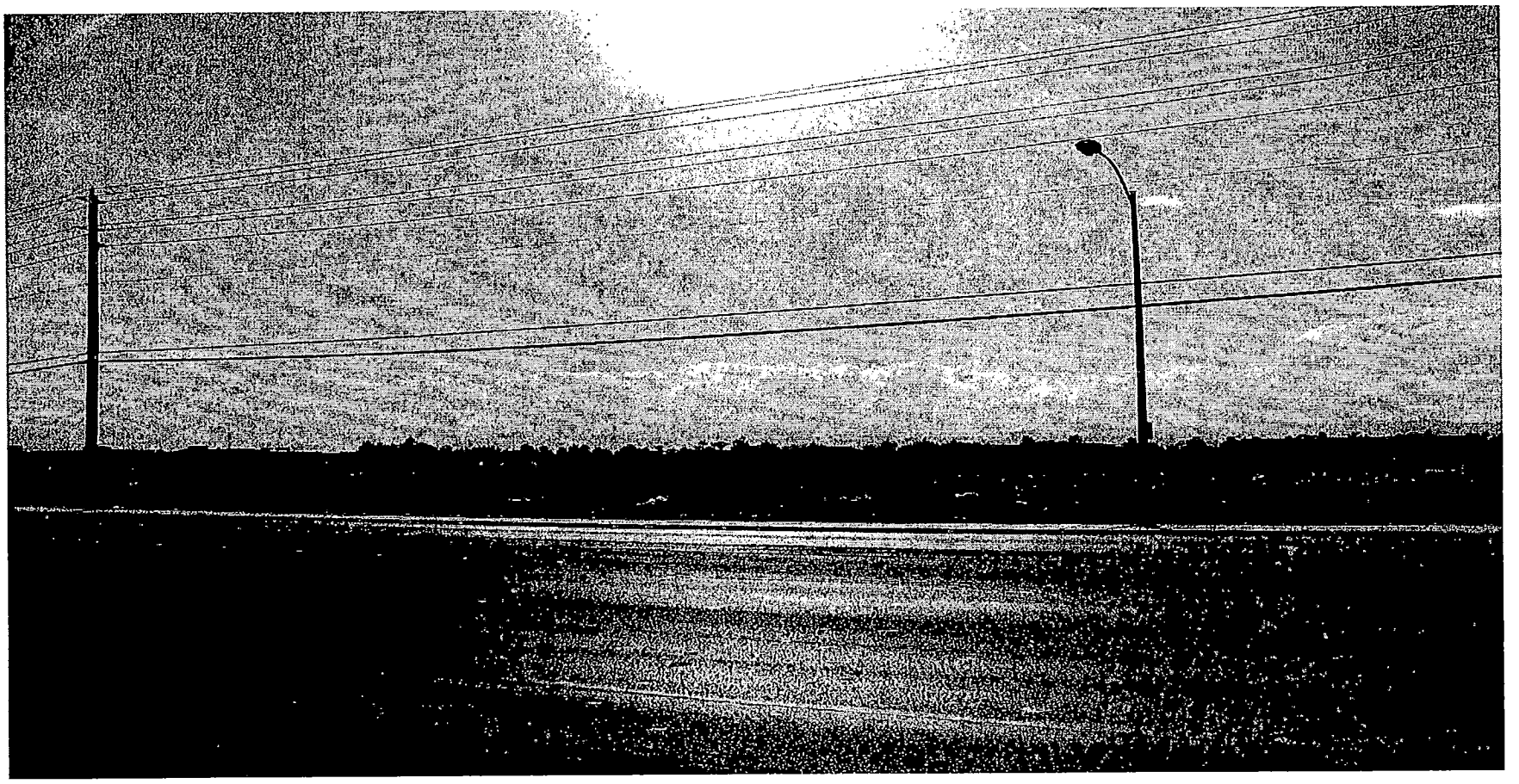
10/1/04



VAR-5479 - APPLICANT: AMBLING MULTI-FAMILY DEVELOPMENT - OWNER: ALTA MLK, LLC
NORTH OF ALTA DRIVE AND WEST OF MARTIN L. KING BOULEVARD
NOVEMBER 18, 2004 PLANNING COMMISSION

10/1/04

City of Las Vegas

Agenda Item No.: 53

## AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

**PLANNING COMMISSION MEETING OF: NOVEMBER 18, 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 APPROVAL.

**BACKUP DOCUMENTATION:**
1. Location Map – Not Applicable
2. Conditions For This Application
3. Staff Report

**MOTION:**
**REPORT GIVEN – NO ACTION TAKEN**

**MINUTES:**
CHAIRMAN TRUESDELL declared the Public Hearing open.

DAVID CLAPSADDLE, Planning and Development Department, explained that staff received comments from the Commissioners regarding a draft of the Text Amendment that was distributed on September 23, 2004. Staff is now ready to update the Commission on the status of the Ordinance and is looking for additional discussion on the item.

One of the ideas being considered regarding the ordinance would require applicants to submit a photo simulation of the billboard with surrounding, off-premise signs within a 500-foot radius of the site. Currently, there is a similar requirement on cell tower applications. Other ideas being considered include not allowing billboards on vacant property, increasing the separation distance on billboards from 300 feet to 500 feet, establishing separation distance or height restrictions on on-site signage and billboards, increasing the separation distance from residential areas to 700 feet and codifying some of the standard conditions that are imposed on Special Use Permits regularly.

**MINUTES – Continued:**

During the workshop held in July to discuss this topic, staff showed several photographs of Sahara Avenue and Charleston Boulevard signage to the Commissioners. Staff has altered these photos to reflect the standards being discussed for the Text Amendment. These photos indicate how the street signage would have developed if the standards were imposed. He showed photos of Paradise Road and Sahara Avenue. There were four signs in the photo. The proposed distance separation requirements would reduce the number of signs to two.

MR. CLAPSADDLE then explained that another issue often discussed by the Commissioners is design standards. It had been agreed upon in the past that the Chelsea billboards displayed the design attributes the Commission was looking for. To give an example of how the implementation of these design standards would change the look of areas with billboard clutter, staff took a photo of a Chelsea billboard and imposed that image onto the photos being shown.

The next set of photos shown was the area at Sahara Avenue and Maryland Parkway. Photos were shown of current signage and then of how the area would look if suggested standards were imposed. COMMISSIONER McSWAIN asked if a sign shown in the photo was at an acceptable height or if an exception had been made. She thought the sign looked too tall. MR. CLAPSADDLE explained that it may be hard to tell when looking at a photograph but the sign might have been slightly taller than 50 feet. The A-Mall sign in the photo stood at approximately 26 feet.

MR. CLAPSADDLE then showed photos of the Palace Station area and drew the attention to an on-premise 7-11 sign blocking part of the nearby billboard. He estimated the 7-11 sign to be approximately 40 feet and stated it was an established sign. Assuming the billboard was first, the 7-11 sign would have been restricted to about 20 feet and it would not block the billboard. He pointed out that the proposed language would not require monument signs instead of a freestanding sign. It would restrict the height of the freestanding signs to approximately 26 feet.

COMMISSIONER McSWAIN confirmed with MR. CLAPSADDLE that if the billboard had been constructed first, using the proposed standards for the Text Amendment, the 7-11 sign would have been limited to no taller than 26 feet. She voiced concerns over putting the adjacent property owners at a disadvantage relative to their own signage because of an existing billboard. MR. CLAPSADDLE agreed that that was a valid concern and there were two options. First, an applicant who would like their freestanding sign to be taller than 26 feet could do a Master Sign Plan application, which would relieve them from meeting sign standards of the Code. The second option would be to request a Variance from the height standards.

**MINUTES – Continued:**

COMMISSIONER McSWAIN thought the simulated "after" photo was visually pleasing and less cluttered but was concerned about having to deviate from the Code to be fair to an adjoining business owner who was ultimately affected by a billboard.

MR. CLAPSADDLE continued by saying another aspect being considered is no longer allowing billboards to be constructed up and over a building. He indicated the City of North Las Vegas did now allow it before they did the moratorium and Clark County does not allow it. They are allowed in some jurisdictions throughout the country. He showed enhanced photos of how those signs would look with the Chelsea billboard design standards and suggested that could be an approach to take instead of not allowing them altogether.

He also showed an example of a pole and sign face that would not meet suggested standards for maintenance and upkeep. If the suggested language were added to the Code, the Commission could call a Public Hearing to revoke the permit for that sign because it would not be in conformance with the Code.

MR. CLAPSADDLE added that there is no waiver in the Code to the distance separation standard as it is written currently, that would not change with the proposed language. There would still be an option to request a waiver for height restriction. Another concern expressed during City Council was what to do to make sure existing signs are considered legal if the text amendment were approved. MR. CLAPSADDLE looked to what North Las Vegas did when they imposed a moratorium. They allowed the existing signs to remain as long as they were properly maintained and if a valid sign permit had been issued. If more than 50% of the cost of the board would have to be incurred to do repairs, the status of being legally non-conforming would be lost.

He summarized by saying the photo presentation was an attempt to put words into pictures. He asked if the Commission saw the impact they were hoping for in the enhanced after photos. He also asked if there were any new suggestions after viewing the presentation.

COMMISSIONER McSWAIN stated that most of the presentation was nicely done. She felt it did not address a couple of valid points. It did not address certain corridors that the City would want to exempt such as west on Charleston Boulevard and Sahara Avenue. MR. CLAPSADDLE replied that the exclusionary zone would be one of the more difficult aspects of this review and it was not addressed in the presentation. He assured her that it would be addressed in the future. She also questioned the suggested Condition 3 in the backup, which related to landscaping etc. A more formal requirement, such as a Site Plan Review was more what the Commissioner was hoping to see proposed. That would help to bring the properties into conformance with Code the

**MINUTES – Continued:**

same way any other property with a suggested renovation would have to do. Deviations are often made on applications based on variables such as the size of the lot so standard verbiage requiring Code conformance would still allow for those applications who physically cannot make it work.

COMMISSIONER McSWAIN also had hoped that the presentation would have addressed holding the property owners responsible for the condition of the property the sign is located on. There could be a lot of visual clutter as a result of illegal signage in addition to non-conforming signs. If a property owner has a billboard and continues to have signs that are not allowed, that should be cause to remove the billboard. In the past, the argument from billboard companies is that they do not own the property. She felt the owner should be tied into the process because they are benefiting directly from the income of the sign. MR. CLAPSADDLE stated that if a Special Use Permit is issued for a billboard and it is not being maintained, the permit can be brought up for revocation at any time. COMMISSIONER McSWAIN stated she was not referring to a non-conforming billboard, she was referencing the property a sign could be located on and how it is not in conformance and has other non-conforming signage. DEPUTY CITY ATTORNEY BRYAN SCOTT indicated that the Commission has the authority to place any condition felt appropriate onto an application for a Special Use Permit for a billboard. That would include conditioning the maintenance of the lot itself. It is also a misdemeanor under the Zoning Code. City Council has the authority to revoke the permit if the situation warrants that measure.

COMMISSIONER McSWAIN asked if the current conditions dealt with the issue of property maintenance. MR. CLAPSADDLE referred the Commission to Condition 8 stating the off-premise sign and all its supporting structure shall be maintained at all time. He suggested adding verbiage to the end of that condition that would state the property of which the sign is located on must be properly maintained as well. DEPUTY CITY ATTORNEY SCOTT suggested the verbiage could read "abutting the sign" or "adjacent to the sign" as well.

VICE CHAIRMAN NIGRO asked if an adjacent property owner were to come in for a sign application and the proposed sign was within 200 feet of an existing billboard, would there be an issue if the proposed sign was no taller than 26 feet? MR. CLAPSADDLE indicated he was correct and he added that under current Code, an applicant could build a sign up to 40 feet in height. With the proposed verbiage, if an applicant were to come in and there was not a billboard within 200 feet, a permit could be issued for the sign to be up to 40 feet in height. An applicant wishing for relief of these standards could apply for a Master Sign Plan or could do an application for a Variance. VICE CHAIRMAN NIGRO said he could go along with that suggestion. MR. CLAPSADDLE also informed him that before the County imposed their moratorium, their standard was 100 feet.

**MINUTES – Continued:**

COMMISSIONER STEINMAN stated one of the photos had shown a dual faced sign and he wanted to know where the language was in the proposal that would prohibit that. CHAIRMAN TRUESDELL pointed out that Condition 9 addressed that issue and allowed only one advertising sign per sign face. COMMISSIONER STEINMAN asked what the method of penalty or fine would relate to that violation. DEPUTY CITY ATTORNEY SCOTT replied that if it is a condition of a Special Use Permit it would be a misdemeanor and would be cause for revocation. COMMISSIONER STEINMAN confirmed with MR. CLAPSADDLE that there would not need to be a condition on a Special Use Permit application if it was in the Code. After that point, it would be a matter of enforcement.

COMMISSIONER McSWAIN asked if there was a possibility of requiring a letter of acknowledgement or permission from adjacent property owners when a billboard is proposed. Something to the effect of allowing the adjacent owners first right of refusal since the installation of the billboard would then restrict their signage. She feared the billboards would cause the business owners to be penalized with a height restriction on their signage. She asked if the letter could be made part of the notification process. She also asked that since the exclusionary zones are not yet mapped out, would there be a way to allow the Commission to deny an application because it is not appropriate. MR. CLAPSADDLE said there is an exclusionary zone set up, it would be a matter of determining whether that zone needs to be expanded or not. DEPUTY CITY ATTORNEY SCOTT added that even if property is not located within an exclusionary zone, the Commission and City Council have the authority to determine whether or not the billboard would be harmonious and compatible with the surrounding area and if it fits in with what is currently developed. An application meeting Code requirements does not automatically mean the billboard is right for the area.

MR. CLAPSADDLE stated the reason for the suggested language is to give the Commissioners standards on the books to give better guidance for the decision making process. It would also allow for consistency in that process. The standard would still be whether or not it is harmonious and compatible with the area but some design standards and distance and height requirements would be added.

DEPUTY CITY ATTORNEY SCOTT pointed out that clarifying the standards would assist in building a court case proving the sign is not harmonious and compatible with the surrounding area. Photo simulation would show the clutter and that would provide for a better visual presentation of what exists or does not exist. That would help to show if the sign is harmonious and compatible. CHAIRMAN TRUESDELL reminded everyone that although the work is being done to strengthen the Code to address signs; however, the Planning Commission is always just a recommendation to the City Council for the Special Use Permit. The Commission could ask for

**MINUTES – Continued:**

limitations but the Council always has greater latitude. DEPUTY CITY ATTORNEY SCOTT agreed but stated it does help to build a record at both Planning Commission and the City Council.

CHAIRMAN TRUESDELL asked if there had to be verbiage to protect the special signage considerations given to the districts such as the Arts District and Downtown Overlay Area. MR. CLAPSADDLE said he would have to review that aspect and report back because it had not yet been addressed. MR. CLAPSADDLE said that with the many mixed-use projects, determining if off-premise signs are allowed is an issue. The projects are basically residential and billboards are not allowed in residential zones. He suggested that perhaps off-premise signs should not be allowed in mixed-use projects. There are several in the downtown overlay district. He promised to look into whether or not a reference needed to be made to refer back to the Arts District and Downtown Overlay District.

CHAIRMAN TRUESDELL asked if issues previously discussed regarding the US 95 Freeway and the Summerlin Parkway were included in the presentation and item backup. MR. CLAPSADDLE informed him that that area would be included in the work to be done regarding exclusionary zones.

COMMISSIONER McSWAIN suggested the possibility of changing the word "may" to "will" in Condition 14 regarding the sign bases being painted to match structures located on the parcel.

CHAIRMAN TRUESDELL thanked MR. CLAPSADDLE for the presentation and report and stated the Commission was not ready to act on the matter. He acknowledged that the item would come back before the Commission after further discussion and industry meetings. MR. CLAPSADDLE said the next step would be to take the Commissioner's input and revise the language of the text amendment. Then a letter would be sent out to the industry so they could review and submit comments. A Public Hearing would be held at some point and the industry would be invited to make comments then as well. The City Council would then receive a recommendation.

COMMISSIONER McSWAIN confirmed with MR. CLAPSADDLE he would be working on the Text Amendment project for a few more days; however, it would be assigned to another staff member as his final day in the Planning Department was fast approaching. She thanked him for his efforts.

**MINUTES – Continued:**
ROBERT GENZER, Planning & Development Department, stated that this would be MR. CLAPSADDLE'S final Planning Commission meeting as a staff member. He informed the Commissioners that MR. CLAPSADDLE had accepted a position in the private sector. MR. GENZER thanked MR. CLAPSADDLE on behalf of the residents of the City of Las Vegas, for his services over the last several years. He wished him well in his new endeavor. MR. CLAPSADDLE was very appreciative of MR. GENZER'S comments.

CHAIRMAN TRUESDELL declared the Public Hearing closed.
(6:45-7:27)
**1-1934**

**CONDITIONS:**
Title 19.14.100 shall be amended as follows:

Create a new 19.14.100 (B) (4) and (5):

4. The applicant shall provide a maintenance schedule for the off-premise sign and property at the time of submitting the application for a Special Use Permit.

5. In consideration of the approval or denial of a Special Use Permit for an off-premise sign, the Planning Commission or City Council may impose conditions requiring the overall site on which the off-premise sign is located to meet the landscaping, wall and buffer standards of the Code within a period of time specificed by the Planning Commission and City Council.

Create new or amend the existing following standards in 19.14.100 (C):

2. No off-premise sign shall be erected on a vacant property that does not have a minimum of one permanent industrial or commercial use.

3. Off-premise signs are permitted in the C-1, C-2, C-M and M Zoning Districts Only. All proposed off-premise signs in the C-1 and C-2 zoning districts, regardless of orientation to the right-of-way shall be no closer than 500 feet in any direction to any other off-premise sign and no closer than 200 feet to any on-premise pylon sign of at least 26 feet in height, including those outside the corporate limits of the City. All off-premise signs in the C-M or M zoning districts shall be no closer than 300 feet in any direction to any off-premise sign, with no distance separations standard from any on-premise sign.

**CONDITIONS – Continued:**

5. Off-premise signs which are within 660 feet of the right-of-way and which can be read from Interstate 15, US 95 from the north city limits to the Oran K. Gragson Highway, the Oran K. Gragson Highway or Interstate 515 shall be no closer than 750 feet ~~(measured along the highway frontage)~~ to any other off-premise sign within 660 feet of the right-of-way as described above, including those located outside the corporate boundaries of the City. ~~along the same frontage.~~ Each side of the highway shall be considered a separate frontage. ~~This standard shall also apply to off-premise signs outside of the corporate limits of the City. The sign and all other off-premise signs not oriented toward the same highway shall be no closer than 300 feet in any direction to any other off-premise sign, wherever located, including an off-premise sign that is situated outside the corporate boundaries of the City.~~

9. ~~Off-premise signs shall not be located closer than 10 feet to the right-of-way line of a freeway nor closer than 50 feet to the intersection of the present or future rights-of-way of any two public roads, streets or highways.~~ No portion of an off-premise sign shall be closer than 25 feet to any existing or future public right-of-way.

11. No off-premise sign shall be allowed within ~~300~~—750 feet from the nearest property line of a lot in the "U" zoning district or "R" zoning district.

All standards will be re-numbered so they are in sequential order.

Create the following new standards for 19.14.100 (D)

6. All Special Use Permits shall be reviewed in a minimum of a five (5) year period, unless another period of time is established by the City Council. The City Council may require the sign to be removed as a result of the required review. The applicant shall be responsible for the notification cost of the review. Failure to pay these costs may result in a requirement that the off-premise sign be removed.

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

**CONDITIONS – Continued:**

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

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

10. All off-premise signs shall be designed to discourage birds from creating a nuisance to the sign or property.

11. The permit number, permittee's name and telephone number, and the sign's address as assigned by the City shall be indicated on a 4 inch by 6 inch plate, or other approved substitute, installed so as to be readily accessible and readable, approximately six feet above the adjacent ground surface, on every proposed off-premise sign erected in accordance with the provisions of this section of the Code. The display shall also identify the owner of the off-premise sign.

12. It is the determination of the City that abandoned signs or those, which appear to be abandoned due to missing or disoriented panels, are a detriment to the health, safety and welfare of the general public. Therefore, the face of each permitted off-premise sign shall contain a discernable message or graphic at all time. Any off-premise sign that stands as a skeletal structure without message panels, or which has all blank panels or panels removed or arranged in such a manner as to make the message unreadable shall be considered in disrepair and not in compliance to this section of the Code.

13. No off-premise sign shall be erected over an existing structure. Following construction of the sign, no building shall be constructed or placed beneath any part of the off-premise sign.

14. All proposed off-premise signs and supporting structures shall be painted to match any structures on the parcel. Additional design standards for those off-premise signs located in the C-1 and C-2 distrcits may be required to provide enhanced aesthetics, such as but not limited to pole covers or the number of design of support structures.

City of Las Vegas

## AGENDA MEMO

**PLANNING COMMISSION MEETING DATE: NOVEMBER 18, 2004**
**DEPARTMENT: PLANNING AND DEVELOPMENT**
**ITEM DESCRIPTION: ABEYANCE - TXT-5037 - CITY OF LAS VEGAS**

### ** CONDITIONS **

**STAFF RECOMMENDATION: APPROVAL**

**Title 19.14.100 shall be amended as follows:**

**Create a new 19.14.100 (B) (4) and (5):**

3. The applicant shall provide a maintenance schedule for the off-premise sign and property at the time of submitting the application for a Special Use Permit.

3. In consideration of the approval or denial of a Special Use Permit for an off-premise sign, the Planning Commission or City Council may impose conditions requiring the overall site on which the off-premise sign is located to meet the landscaping, wall and buffer standards of the Code within a period of time specificed by the Planning Commission and City Council.

**Create new or amend the existing following standards in 19.14.100 ©:**

2. No off-premise sign shall be erected on a vacant property that does not have a minimum of one permanent industrial or commercial use.

3. Off-premise signs are permitted in the C-1, C-2, C-M and M Zoning Districts Only. All proposed off-premise signs in the C-1 and C-2 zoning districts, regardless of orientation to the right-of-way shall be no closer than 500 feet in any direction to any other off-premise sign and no closer than 200 feet to any on-premise pylon sign of at least 26 feet in height, including those outside the corporate limits of the City. All off-premise signs in the C-M or M zoning districts shall be no closer than 300 feet in any direction to any off-premise sign, with no distance separations standard from any on-premise sign.

5. Off-premise signs which are within 660 feet of the right-of-way and which can be read from Interstate 15, US 95 from the north city limits to the Oran K. Gragson Highway, the Oran K. Gragson Highway or Interstate 515 shall be no closer than 750 feet ~~(measured along the highway frontage)~~ to any other off-premise sign within 660 feet of the right-of-way as described above, including those located outside the corporate boundaries of the City. ~~along the same frontage.~~ Each side of the highway shall be considered a separate frontage. ~~This standard shall also apply to off-premise signs outside of the corporate limits of the City.~~ ~~The sign and all other off-premise signs not oriented toward the same highway shall be no closer than 300 feet in any direction to any other off-premise sign, wherever located, including an off-premise sign that is situated outside the corporate boundaries of the City.~~

9. ~~Off-premise signs shall not be located closer than 10 feet to the right-of-way line of a freeway nor closer than 50 feet to the intersection of the present or future rights-of-way of any two public roads, streets or highways.~~ No portion of an off-premise sign shall be closer than 25 feet to any existing or future public right-of-way.

11. No off-premise sign shall be allowed within ~~300~~ 750 feet from the nearest property line of a lot in the "U" zoning district or "R" zoning district.

All standards will be re-numbered so they are in sequential order.

**Create the following new standards for 19.14.100 (D)**

6. All Special Use Permits shall be reviewed in a minimum of a five (5) year period, unless another period of time is established by the City Council. The City Council may require the sign to be removed as a result of the required review. The applicant shall be responsible for the notification cost of the review. Failure to pay these costs may result in a requirement that the off-premise sign be removed.

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

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

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10. All off-premise signs shall be designed to discourage birds from creating a nuisance to the sign or property.

11. The permit number, permittee's name and telephone number, and the sign's address as assigned by the City shall be indicated on a 4 inch by 6 inch plate, or other approved substitute, installed so as to be readily accessible and readable, approximately six feet above the adjacent ground surface, on every proposed off-premise sign erected in accordance with the provisions of this section of the Code. The display shall also identify the owner of the off-premise sign.

12. It is the determination of the City that abandoned signs or those, which appear to be abandoned due to missing or disoriented panels, are a detriment to the health, safety and welfare of the general public. Therefore, the face of each permitted off-premise sign shall contain a discernable message or graphic at all time. Any off-premise sign that stands as a skeletal structure without message panels, or which has all blank panels or panels removed or arranged in such a manner as to make the message unreadable shall be considered in disrepair and not in compliance to this section of the Code.

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# ** STAFF REPORT **

## APPLICATION REQUEST

Discussion and possible action to amend a portion of Title 19.14.100 of the Las Vegas Zoning Code. This amendment would amend certain existing standards for off-premise signs, as well as establish new ones.

## BACKGROUND INFORMATION

07/15/04 The Planning Commission conducted a workshop to discuss issues and possible Code changes pertaining to Off-Premise Advertising Signs.

09/23/04 The Planning Commission will hear a text amendment regarding the demolition of existing off-premise signs due to roadway expansion. (TXT-5129).

## ANALYSIS

It is a common occurrence for the Planning Commission and City Council to hear four to eight applications a meeting for new off-premise advertising signs, as well as two year required reviews for previously approved signs. The issues pertaining to the approval or denial of billboards is complex; Title 19.14.100 provides standards for the location, size, distance separation and height for these types of signs, yet also contains a provision that the aesthetic impacts of these signs may be taken into account when consideration of approval or denial takes place. There are no well-defined standards in the Code pertaining to aesthetics, although conditions are routinely attached to a Special Use Permit that are not in the Code. Also, it is also common for discussion to take place regarding clutter and present and future maintenance of not only the sign, but the property as well. Some signs have been approved due to the fact that no other billboards have been approved along a roadway corridor, while some have been denied to prevent clutter from occurring.

Related to the placement of off-premise signs is on-premise signage. One example of this connection is the issue of height; any commercial business can have a 40 foot high on-premise sign. The height standard, with some exceptions along freeways for off-premise signs is also 40 feet; yet the Code treats these in entirely separate sections of the Sign Ordinance (Title 19.14.100).

Still another concern is the one size fits all in terms of signs located in commercial or industrial areas of the City. It may be more prudent to establish strict size, dimension, distance separation and height standards for those located in commercial areas as opposed to industrial areas of the City.

Another aspect of off-premise signs is the Exclusionary Zone, where the placement of billboards is not allowed. It has never been amended since it was adopted. Changing this map is a maze of complexity, and will be dealt with at a later date.

In summary, current Code standards are not adequate to address issues raised by the containing influx of off-premise sign applications to the City. Substantial amendments need to be made in order to ensure the orderly development of the City.

**NOTICES MAILED** NEWSPAPER ONLY

**APPROVALS** 0

**PROTESTS** 0

City of Las Vegas

Agenda Item No.: 54

## AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

**PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004**

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

**SUBJECT:**
**TXT-5391 - TEXT AMENDMENT - - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS** - Discussion and possible action to amend Title 19.06.090 Section D(3), to remove the limit on the number of terms that can be served by a member of the Historic Preservation Commission.

**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:**
**EVANS – APPROVED subject to conditions – UNANIMOUS with NIGRO abstaining as he owns property within the notification area**

**To be forwarded to City Council in Ordinance form**

**MINUTES:**
CHAIRMAN TRUESDELL declared the Public Hearing open.

MARGO WHEELER, Deputy Director, Planning & Development Department, stated the item does occur in the Zoning Code of the City, therefore, it does come before the Planning Commission for recommendation. Currently, members of the Historic Preservation Commission are limited to two terms. In light of the Centennial Year 2005, MAYOR GOODMAN would be sponsoring an ordinance to allow members to be reappointed to two, four-year terms and not limited to just two terms.

COMMISSIONER EVANS stated that there was a great deal of talent on the Historic Preservation Commission and he would like to see continuity on that board. He concurred with staff's analysis.

**MINUTES – CONTINUED:**
COMMISSIONER McSWAIN explained that although she appreciated present conditions justifying the continuance of current board members, she would not be able to support the item. Having served on a number of boards where there were requirements limiting terms or imposing cool off periods, she realized the benefits of keeping the boards fresh. It also allows other talent in the community the opportunity to serve and they may bring a different perspective to the board.

CHAIRMAN TRUESDELL declared the Public Hearing closed.
(11:12 – 11:14)
**4-955**

**CONDITIONS:**
Amend Title 19.06.090(D), as follows

D. Historic Preservation Commission - Membership

The HPC shall consist of eleven voting members who are appointed by the City Council and two ex-officio members.

**1.** Each voting member must have a demonstrated interest in or knowledge of:

**a.** the history of the City of Las Vegas;

**b.** design, architecture, real estate and other matters relevant to judging the economic and cultural value of particular historic preservation activities.

**2.** The term of each voting member is four years.

**3.** Voting members may be reappointed~~, but may not serve more than two complete, consecutive terms, including as one term the unexpired portion of any term to which a member is appointed to fill a vacancy~~.

City of Las Vegas

## AGENDA MEMO

**PLANNING COMMISSION MEETING DATE: NOVEMBER 18, 2004**
**DEPARTMENT: PLANNING AND DEVELOPMENT**
**ITEM DESCRIPTION: TXT-5391 - APPLICANT/OWNER: CITY OF LAS VEGAS**

## ** CONDITIONS **

**STAFF RECOMMENDATION: APPROVAL**

Amend Title 19.06.090(D), as follows

**D. Historic Preservation Commission - Membership**

The HPC shall consist of eleven voting members who are appointed by the City Council and two ex-officio members.

1. Each voting member must have a demonstrated interest in or knowledge of:

   **a.** the history of the City of Las Vegas;

   **b.** design, architecture, real estate and other matters relevant to judging the economic and cultural value of particular historic preservation activities.

2. The term of each voting member is four years.

3. Voting members may be reappointed~~, but may not serve more than two complete, consecutive terms, including as one term the unexpired portion of any term to which a member is appointed to fill a vacancy~~.

# ** STAFF REPORT **

## APPLICATION REQUEST

Discussion and possible action to amend a portion of Title 19.06.090 of the Las Vegas Zoning Code. The purpose of this text amendment is to remove the term limits of voting members of the Historic Preservation Committee.

## ANALYSIS

Title 19.06.090 (D) (3) states:

> "Voting members may be reappointed, but may not serve more than two complete, consecutive terms, including as one term the unexpired portion of any term to which a member is appointed to fill a vacancy."

The purpose of this amendment is to eliminate the term limits for members of the Historic Preservation Committee. This section will now read:

> "Voting members may be reappointed."

**NOTICES MAILED** NEWSPAPER ONLY

**APPROVALS** 0

**PROTESTS** 0

MP

City of Las Vegas

# *PLANNING COMMISSION AGENDA*

PLANNING COMMISSION MEETING OF: NOVEMBER 18, 2004

**CITIZENS PARTICIPATION:**

ITEMS RAISED UNDER THIS PORTION OF THE PLANNING COMMISSION AGENDA CANNOT BE ACTED UPON BY THE PLANNING COMMISSION UNTIL THE NOTICE PROVISIONS OF THE OPEN MEETING LAW HAVE BEEN COMPLIED WITH. THEREFORE, ACTION ON SUCH ITEMS WILL HAVE TO BE CONSIDERED AT A LATER TIME.

**MINUTES:**

None

MEETING ADJOURNED AT 11:13 P.M.

Respectfully submitted:

Arlene Coleman

ARLENE COLEMAN, DEPUTY CITY CLERK

Stacey Campbell

STACEY CAMPBELL, DEPUTY CITY CLERK