

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

SPECIAL USE PERMIT

SUP-5578 - PUBLIC HEARING - APPLICANT: SAMCON, INC. - OWNER: GGP IVANHOE II, INC. - Request for a Special Use Permit FOR A PROPOSED GENERAL BUSINESS RELATED GAMING ESTABLISHMENT at 4300 Meadows Lane, Suite #243 (APN 139-31-510-019), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (4-0-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

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

MOTION:

MONCRIEF - APPROVED subject to conditions - UNANIMOUS with GOODMAN excused

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearing open on Item 107 [SUP-5578] and Item 108 [SUP-5580].

SEAN HIGGINS, President of SamCom, Inc., 5195 Las Vegas Boulevard South, appeared on behalf of the applicant.

COUNCILWOMAN MONCRIEF pointed out there are no sit-down restaurants in the Meadows Mall. Previously, this site housed the DiMartino Restaurant. She verified with MARGO WHEELER, Director, Planning and Development Department, that the suite number in the application for Item 108 [SUP-5580] should be corrected to #243.

No one appeared in opposition.

MAYOR PRO TEM REESE declared the Public Hearing closed on Item 107 [SUP-5578] and Item 108 [SUP-5580].

(2:44 - 2:45)

4-388

CONDITIONS:

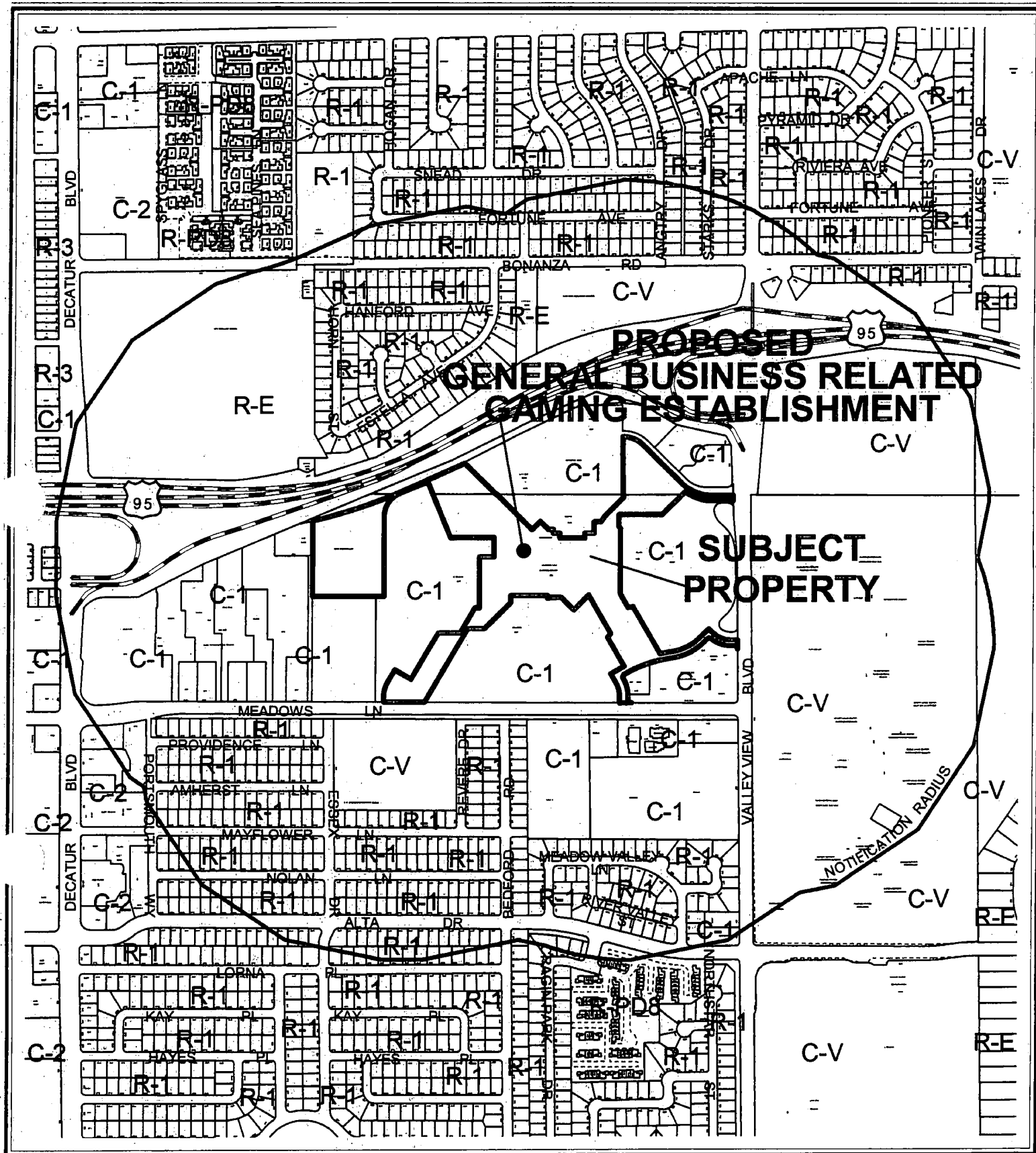
Planning and Development

1. Approval of Special Use Permit SUP-5580 by the City Council.

CITY COUNCIL MEETING OF: JANUARY 19, 2005

CONDITIONS - Continued:

2. Conformance to all Minimum Requirements under Title 19.04.050 for a General Business Related Gaming Establishment use.
3. Conformance with Chapter 6.50 of the City of Las Vegas Municipal Code.
4. Conformance with all other City code requirements and design standards of all City departments.
5. Expiration of this Special Use Permit one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.



CASE: SUP-5578

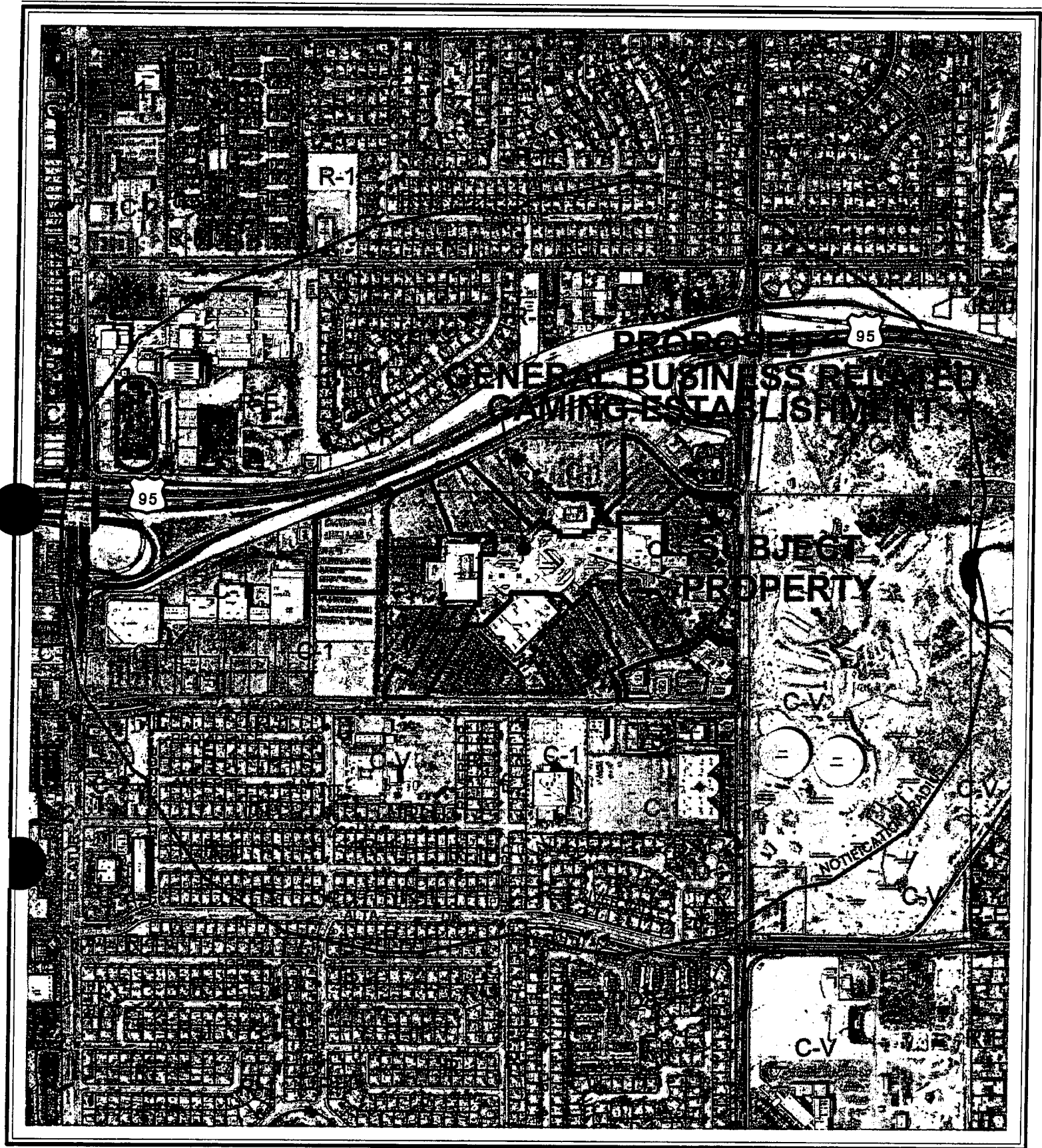
RADIUS: 1500 FT

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

0 600 1200 Feet

107





CASE: SUP-5578

RADIUS: 1500 FT

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

0 600 1200 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 19, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-5578 - APPLICANT: SAMCON, INC. - OWNER: GGP
IVANHOE II, INC.**

**** CONDITIONS ****

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

Planning and Development

1. Approval of Special Use Permit SUP-5580 by the City Council.
2. Conformance to all Minimum Requirements under Title 19.04.050 for a General Business Related Gaming Establishment use.
3. Conformance with Chapter 6.50 of the City of Las Vegas Municipal Code.
4. Conformance with all other City code requirements and design standards of all City departments.
5. Expiration of this Special Use Permit 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 Special Use Permit for a proposed General Business Related Gaming Establishment at 4300 Meadows Lane (Meadows Mall), Suite #243.

B) Applicant's Justification

A letter has been submitted with this application presenting the following justification for the request:

- There are currently no General Business Related Gaming Establishments in the Meadows Mall.
- The use would increase the traffic to the mall.
- The operation of the General Business Related Gaming Establishment is compatible with the other uses occurring within the mall.
- This use was previously allowed within the Meadows Mall for years when Ricardo's and DiMartino's operated inside of the mall.

BACKGROUND INFORMATION

A) Previous Actions

- | | |
|----------|---|
| 04/19/95 | The City Council approved a Special Use Permit (U-0021-95) for a Class III Secondhand Dealership to allow the sale of used records, tapes and compact discs on the subject property. The Board of Zoning Adjustment and staff recommended approval. |
| 12/18/96 | The City Council approved a Special Use Permit (U-0132-96) for Beer and Wine Sales in conjunction with a proposed restaurant on the subject property. The Board of Zoning Adjustment and staff recommended approval. |
| 05/02/01 | The City Council approved a Special Use Permit (U-0030-01) for Auto Dealer Inventory Storage on the subject property. The Planning Commission and staff recommended approval. |
| 09/19/01 | The City Council approved a Special Use Permit (U-0132-01) for a 60-foot tall wireless communications monopole on the subject property. The Planning Commission and staff recommended approval. |
| 10/06/04 | The City Council approved Special Use Permits (SUP-4807 and SUP-4809) to allow a 51-foot high, 14-foot x 48-foot off-premise advertisement (billboard) sign and a 40-foot high, 14-foot x 48-foot off-premise advertisement (billboard) sign on the subject property. The Planning Commission and staff recommended approval. |

- 12/16/04 The Planning Commission recommended approval of a Special Use Permit (SUP-5580) for a proposed Supper Club in Suite #2430 on the subject property and a Waiver of the 400-foot minimum distance separation requirement from a school.
- 12/16/04 The Planning Commission voted 4-0-1 to recommend APPROVAL (PC Agenda Item #54/dds).

B) Pre-Application Meeting

- 10/21/04 The staff met with the prospective applicant with an interest for a proposed General Business Related Gaming Establishment within the Meadows Mall. The staff reviewed the procedures necessary for consideration of a Special Use Permit.

C) Neighborhood Meetings

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

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 27.25

B) Existing Land Use

Subject Property: Commercial Center (Meadows Mall)
North: US 95; Residential Dwellings
Public School (Fyfe Elementary)
South: Residential Dwellings
Public School (Griffith Elementary)
YMCA
Office Park
East: Undeveloped (Las Vegas Valley Water District)
West: Commercial Center

C) Planned Land Use

Subject Property: SC (Service Commercial)
North: ROW (Right-of-Way)
L (Low Density Residential)
PF (Public Facilities)
South: L (Low Density Residential)
PF (Public Facilities)
SC (Service Commercial)
East: PF (Public Facilities)
West: SC (Service Commercial)

D) Existing Zoning

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

E) General Plan Compliance

The subject site is designated SC (Service Commercial) within the Southeast Sector Land Use Map of the General Plan. The C-1 zoning on the site conforms to the SC land use designation. A General Business Related Gaming Establishment is permitted as a Special Use in a C-1 (Limited Commercial) zoning district subject to the approval of a Special Use Permit and compliance with the base conditions for a Special Use Permit.

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

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

ANALYSIS

A) Zoning Code Compliance

There are no specific Title 19 restrictions that are applicable to a General Business Related Gaming Establishment; however, the use does require the approval of a Special Use Permit.

B) General Analysis and Discussion

- **Zoning**

The subject property is presently zoned C-1 (Limited Commercial). A General Business Related Gaming Establishment is permitted in a C-1 zoning district subject to the approval of a Special Use Permit.

- Use

According to Title 19, a General Business Related Gaming Establishment is: "a building or structure which is primarily used for some business other than gaming but in which restricted gaming is permitted pursuant to Chapter 6 of the Las Vegas Municipal Code."

An application has also been submitted for a Special Use Permit (SUP-5580) for a proposed Supper Club that would be conducted within the same suite. That use is to be considered in conjunction with this application.

- Conditions

There are no specific conditions of Title 19 that are applicable to a General Business Related Gaming Establishment use; however, because the use is considered a Restricted Gaming Establishment, it is subject to all the conditions of Chapter 6 of the Las Vegas Municipal Code. Those conditions are addressed in the Conditions of Approval for this report.

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 subject property is presently zoned C-1 (Limited Commercial). A General Business Related Gaming Establishment is permitted in a C-1 zoning district subject to the approval of a Special Use Permit. Since this use is to be located within a suite that is primarily used for some business other than gaming, it is necessary that the request for a Special Use Permit for a Supper Club (SUP-5580), submitted in conjunction with this application, be approved. It is recommended that that application be approved.

The proposed General Business Related Gaming Establishment in conjunction with a Supper Club is a use that is harmonious and compatible with retail businesses located in the Meadows Mall. The two uses will provide support to the other businesses by providing a location for consumers to dine and recreate.

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

The Meadows Mall consists of retail businesses that are of similar intensity as the proposed General Business Related Gaming Establishment. The mall's structure is designed for this type of use and is physically suitable.

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 Meadows Mall, within which the proposed General Business Related Gaming Establishment would be located, is designed to accommodate the traffic flow to and from Valley View Boulevard and Meadows Lane. According to the Master Plan of Streets and Highways, Valley View Boulevard is a secondary collector (80-foot wide) street that in turn has direct access to U.S. Highway 95. The proposed General Business Related Gaming Establishment would have no affect on the streets that access the Meadows Mall.

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 General Business Related Gaming Establishment would be subject to periodic inspection by regulatory agencies for business licensing, and will therefore not compromise the public health, safety and welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

22

NOTICES MAILED 625 by City Clerk

APPROVALS 0

PROTESTS 0

TENANT COPY

**PLANNING & DEVELOPMENT DEPARTMENT**

RECEIVED

NOV 05 2004

WESTAR

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-5578** APN: 139-31-510-016

Name of Property Owner: GGP Meadows Mall, LLC

Name of Applicant: SamCon, Inc.

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

 Yes

X **No**

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

City Official: _____

Partner(s): _____

APN: _____

Signature of Property Owner/Authorized Agent:

Print Name:

Robert A. Michaels

Subscribed and sworn before me

This 4th day of November, 2004

Kathleen Fabre

Notary Public in and for said County and State



REK
APPROVAL

PLANNING &
DEVELOPMENT

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-5578** APN: _____Name of Property Owner: GGP Meadows Mall, LLCName of Applicant: SanCon, Inc. dba Tomfoolery

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

_____ Yes

_____ **X** _____ No

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

City Official: _____

Partner(s): _____

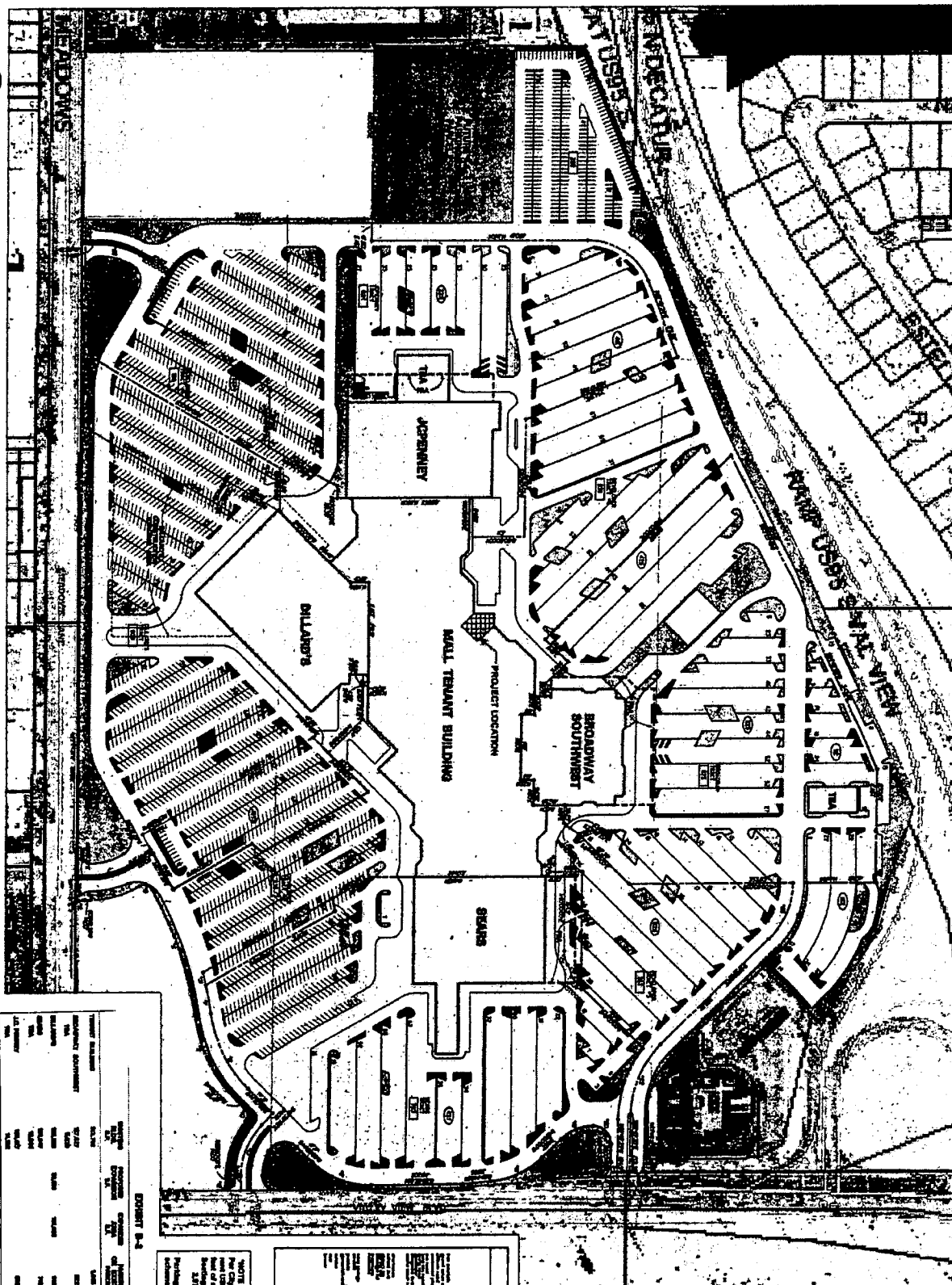
APN: _____

Signature of Property Owner/Authorized Agent: _____

Print Name: Robert Michaels

Subscribed and sworn before me

This 7th day of October, 2004[Signature]
Notary Public in and for said County and State



SITE PLAN
SCALE: 1:1000
NORTH

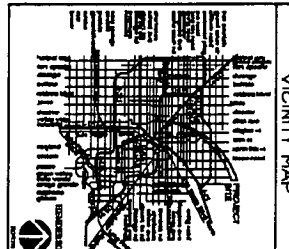
SUP-5578

12/16/04 PC

	1970-71	1971-72	1972-73	1973-74	1974-75	1975-76	1976-77	1977-78	1978-79	1979-80	1980-81	1981-82	1982-83	1983-84	1984-85	1985-86	1986-87	1987-88	1988-89	1989-90	1990-91	1991-92	1992-93	1993-94	1994-95	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33	2033-34	2034-35	2035-36	2036-37	2037-38	2038-39	2039-40	2040-41	2041-42	2042-43	2043-44	2044-45	2045-46	2046-47	2047-48	2048-49	2049-50	2050-51	2051-52	2052-53	2053-54	2054-55	2055-56	2056-57	2057-58	2058-59	2059-60	2060-61	2061-62	2062-63	2063-64	2064-65	2065-66	2066-67	2067-68	2068-69	2069-70	2070-71	2071-72	2072-73	2073-74	2074-75	2075-76	2076-77	2077-78	2078-79	2079-80	2080-81	2081-82	2082-83	2083-84	2084-85	2085-86	2086-87	2087-88	2088-89	2089-90	2090-91	2091-92	2092-93	2093-94	2094-95	2095-96	2096-97	2097-98	2098-99	2099-00	2100-01	2101-02	2102-03	2103-04	2104-05	2105-06	2106-07	2107-08	2108-09	2109-10	2110-11	2111-12	2112-13	2113-14	2114-15	2115-16	2116-17	2117-18	2118-19	2119-20	2120-21	2121-22	2122-23	2123-24	2124-25	2125-26	2126-27	2127-28	2128-29	2129-30	2130-31	2131-32	2132-33	2133-34	2134-35	2135-36	2136-37	2137-38	2138-39	2139-40	2140-41	2141-42	2142-43	2143-44	2144-45	2145-46	2146-47	2147-48	2148-49	2149-50	2150-51	2151-52	2152-53	2153-54	2154-55	2155-56	2156-57	2157-58	2158-59	2159-60	2160-61	2161-62	2162-63	2163-64	2164-65	2165-66	2166-67	2167-68	2168-69	2169-70	2170-71	2171-72	2172-73	2173-74	2174-75	2175-76	2176-77	2177-78	2178-79	2179-80	2180-81	2181-82	2182-83	2183-84	2184-85	2185-86	2186-87	2187-88	2188-89	2189-90	2190-91	2191-92	2192-93	2193-94	2194-95	2195-96	2196-97	2197-98	2198-99	2199-00	2200-01	2201-02	2202-03	2203-04	2204-05	2205-06	2206-07	2207-08	2208-09	2209-10	2210-11	2211-12	2212-13	2213-14	2214-15	2215-16	2216-17	2217-18	2218-19	2219-20	2220-21	2221-22	2222-23	2223-24	2224-25	2225-26	2226-27	2227-28	2228-29	2229-30	2230-31	2231-32	2232-33	2233-34	2234-35	2235-36	2236-37	2237-38	2238-39	2239-40	2240-41	2241-42	2242-43	2243-44	2244-45	2245-46	2246-47	2247-48	2248-49	2249-50	2250-51	2251-52	2252-53	2253-54	2254-55	2255-56	2256-57	2257-58	2258-59	2259-60	2260-61	2261-62	2262-63	2263-64	2264-65	2265-66	2266-67	2267-68	2268-69	2269-70	2270-71	2271-72	2272-73	2273-74	2274-75	2275-76	2276-77	2277-78	2278-79	2279-80	2280-81	2281-82	2282-83	2283-84	2284-85	2285-86	2286-87	2287-88	2288-89	2289-90	2290-91	2291-92	2292-93	2293-94	2294-95	2295-96	2296-97	2297-98	2298-99	2299-00	2300-01	2301-02	2302-03	2303-04	2304-05	2305-06	2306-07	2307-08	2308-09	2309-10
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1. All open wells in the past six years and wells of public use "or to be used for public purposes" are subject to regulation under Public Law 92-407. Other private wells not subject to regulation are Public Law 92-407 wells that are not used for public purposes, including all wells in the unregulated period.

***NOTE:**
Per City of Las Vegas Zoning requirements, residential (CR4000) requires 1 parking stall per 50 square feet of building and loading area.
Berding and Winkler Ave.: 2,577 sq. ft.
2,577 sq. ft. / 50 sq. ft. = 46 Parking stalls
Parking is provided within the shared parking scheme of the Sandstone Mall.



VICINITY MAP

RECEIVED

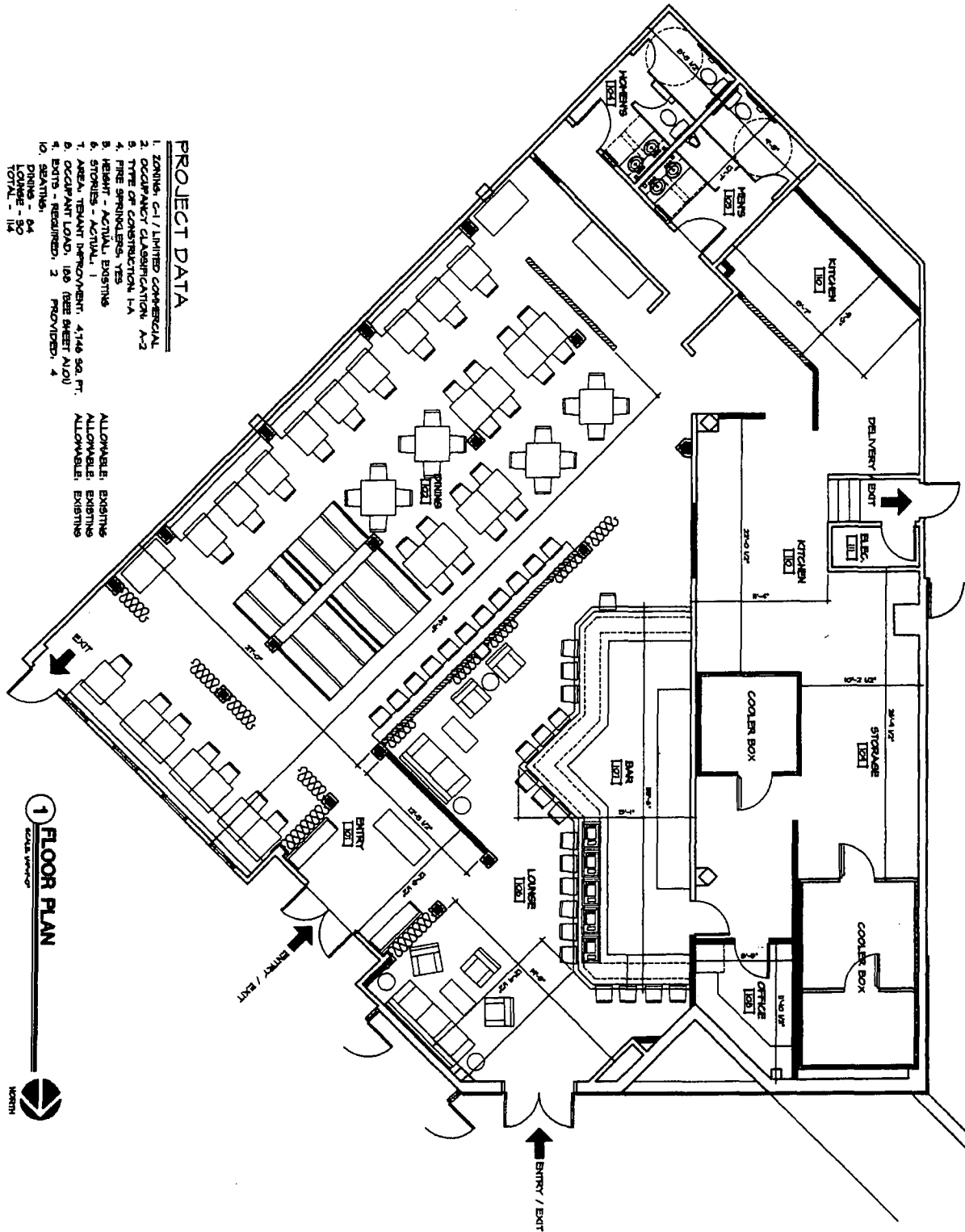
NOV 02 2004

ESTAR ARCHITECTS
ARCHITECTURE • PLANNING • INTERIOR DESIGN
701 BRIDGER AVE., SUITE 400, LAS VEGAS, NEVADA 89101
TELEPHONE: (702) 878-0000 FAX: (702) 878-8430
www.estararchitects.com

TENANT IMPROVEMENT FOR:
TOMFOOLERY
PUB AND EATERY
MEADOWS MALL, LAS VEGAS

ORDER NUMBER	ORDER NUMBER	DATE
04676	1	
Made by	2	
ORDER	3	
DATE	4	
12/25/04	5	
1:100	6	
	7	

- PROJECT DATA**
1. ZONING: C-1 / LIMITED COMMERCIAL
 2. OCCUPANCY CLASSIFICATION: A-2
 3. TYPE OF CONSTRUCTION: I-A
 4. FIRE SPRINKLERS: YES
 5. HEIGHT - ACTUAL: EXISTING
 6. STORIES - ACTUAL: 1
 7. AREA, TENANT IMPROVEMENT: 4,146 SQ. FT.
 8. OCCUPANT LOAD: 100 (SEE SHEET A10)
 9. EXITS - REQUIRED: 2 PROVIDED: 4
 10. SEATING:
 - DINING - 64
 - LOUNGE - 50
 - TOTAL - 114
- ALLOWABLE: EXISTING
ALLOWABLE: EXISTING
ALLOWABLE: EXISTING



1 FLOOR PLAN

RECEIVED
NOV 02 2004

SUP-5578
12/16/04 PC

A-1-P FLOOR PLAN	DATE: 12/16/04 DRAWN BY: [Name] CHECKED BY: [Name]	TENANT IMPROVEMENT FOR: TOMFOOLERY PUB AND EATERY MEADOWS HALL, LAS VEGAS	ESTAR ARCHITECTS ARCHITECTURE • PLANNING • INTERIOR DESIGN 701 BRIDGES AVE., SUITE 400, LAS VEGAS, NEVADA 89101 TELEPHONE: (702) 878-0000 FAX: (702) 878-6430 www.wagnarchitects.com
	SCALE: 1/8" = 1'-0"	PROJECT NO: 100770	SHEET NO: 001
	TOTAL SHEETS: 001	DATE: 12/16/04	DRAWN BY: [Name]
	CHECKED BY: [Name]	DATE: 12/16/04	SCALE: 1/8" = 1'-0"



SUP-5578 - APPLICANT: SAMCON, INC. - OWNER: GGP IVANHOE II, INC.
4300 MEADOWS LANE, SUITE #243
DECEMBER 16, 2004 PLANNING COMMISSION

12/2/04



SUP-5578 - APPLICANT: SAMCON, INC. - OWNER: GGP IVANHOE II, INC.
4300 MEADOWS LANE, SUITE #243
DECEMBER 16, 2004 PLANNING COMMISSION

12/2/04

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

SPECIAL USE PERMIT RELATED TO SUP-5578

SUP-5580 - PUBLIC HEARING - APPLICANT: SAMCON, INC. - OWNER: GGP IVANHOE II, INC. - Request for a Special Use Permit FOR A PROPOSED SUPPER CLUB AND WAIVER OF THE 400 FOOT MINIMUM DISTANCE SEPARATION REQUIREMENT FROM A SCHOOL at 4300 Meadows Lane, Suite #243 (APN 139-31-510-019), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (4-0-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

RECOMMENDATION:

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BACKUP DOCUMENTATION:

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

MOTION:

MONCRIEF - APPROVED subject to conditions - UNANIMOUS with GOODMAN excused

MINUTES:

NOTE: See Item 107 [SUP-5578] for all related discussion.

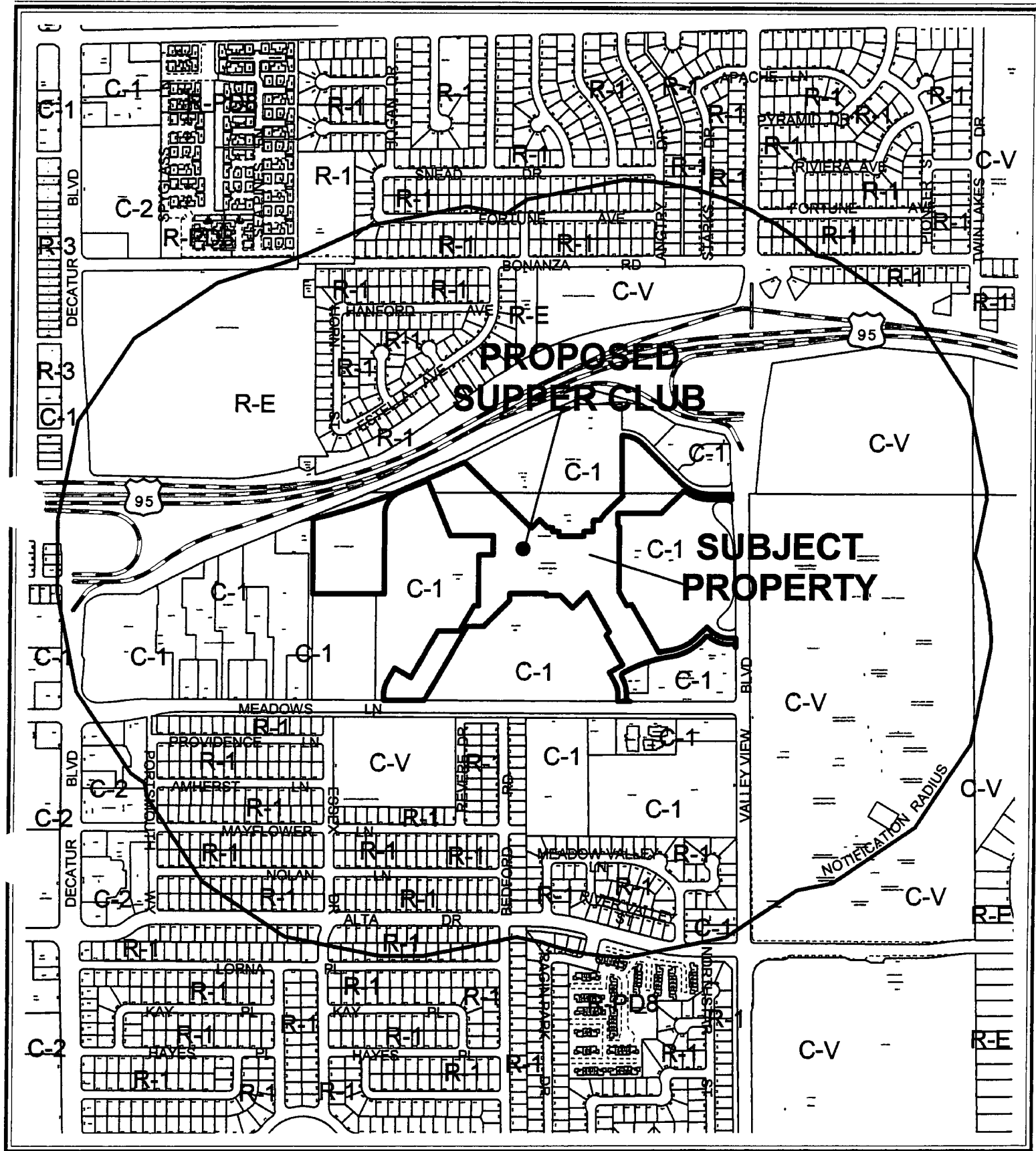
(2:44 - 2:45)

4-388

CONDITIONS:

Planning and Development

1. Conformance with all the requirements under Title 19.04.050 for a Supper Club use.
2. Conformance with all other City code requirements and design standards of all City departments.
3. Approval of this Special Use Permit does not constitute approval of a liquor license.
4. Expiration of this Special Use Permit one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
5. Waiver of the 400-foot separation requirement from a school is hereby granted.



CASE: SUP-5580

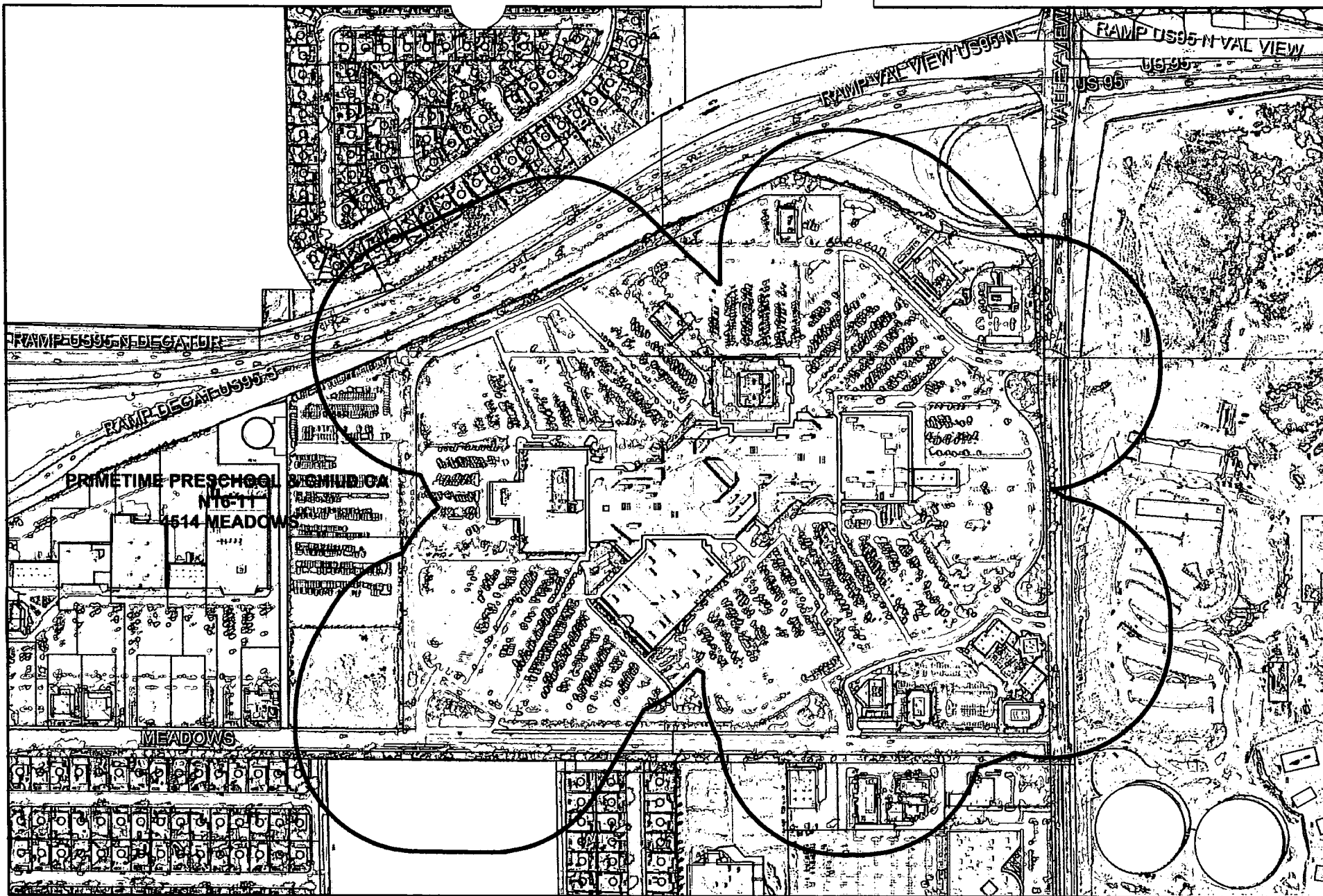
RADIUS: 1500 FT

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

0 600 1200 Feet

108





SUP-5580

Protected Landuses



Business Licenses



AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 19, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-5580 - APPLICANT: SAMCON, INC. - OWNER: GGP
IVANHOE II, INC.**

**** CONDITIONS ****

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

Planning and Development

1. Conformance with all the requirements under Title 19.04.050 for a Supper Club use.
2. Conformance with all other City code requirements and design standards of all City departments.
3. Approval of this Special Use Permit does not constitute approval of a liquor license.
4. Expiration of this Special Use Permit one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
5. Waiver of the 400-foot separation requirement from a school is hereby granted.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Special Use Permit for a proposed Supper Club at 4300 Meadows Lane (Meadows Mall), Suite #2430 and Waiver of the 400-foot minimum distance separation requirement from a school.

B) Applicant's Justification

A letter has been submitted with this application presenting the following justification for the request:

- There are currently no sit-down restaurants in the Meadows Mall. In connection with the food service, a separate bar would provide gaming and alcohol to patrons in a separate and distinct area from the dining room.
- Neither of the uses would increase the traffic to the mall and the uses will provide services not currently available in the mall.
- The operation of the supper club is compatible with the other uses occurring within the mall.
- These uses were previously allowed within the Meadows Mall for years when Ricardo's and DiMartino's operated inside of the mall.

BACKGROUND INFORMATION

A) Previous Actions

- | | |
|----------|---|
| 04/19/95 | The City Council approved a Special Use Permit (U-0021-95) for a Class III Secondhand Dealership to allow the sale of used records, tapes and compact discs on the subject property. The Board of Zoning Adjustment and staff recommended approval. |
| 12/18/96 | The City Council approved a Special Use Permit (U-0132-96) for Beer and Wine Sales in conjunction with a proposed restaurant on the subject property. The Board of Zoning Adjustment and staff recommended approval. |
| 05/02/01 | The City Council approved a Special Use Permit (U-0030-01) for Auto Dealer Inventory Storage on the subject property. The Planning Commission and staff recommended approval. |
| 09/19/01 | The City Council approved a Special Use Permit (U-0132-01) for a 60-foot tall wireless communications monopole on the subject property. The Planning Commission and staff recommended approval. |

- 10/06/04 The City Council approved Special Use Permits (SUP-4807 and SUP-4809) to allow a 51-foot high, 14-foot by 48-foot off-premise advertisement (billboard) sign and a 40-foot high, 14-foot by 48-foot off-premise advertisement (billboard) sign on the subject property. The Planning Commission and staff recommended approval.
- 12/16/04 The Planning Commission recommended approval of a Special Use Permit (SUP-5578) for a proposed General Business Related Gaming Establishment in Suite #2430 on the subject property.
- 12/16/04 The Planning Commission voted 4-0-1 to recommend APPROVAL (PC Agenda Item #55/dds).

B) Pre-Application Meeting

- 10/21/04 The staff met with the prospective applicant with an interest for a proposed Supper Club within Meadows Mall. It was noted that a school is located within 400 feet of the subject parcel, and that a Waiver would be required. It was also noted that not more than five gaming machines would be permitted with this request.

C) Neighborhood Meetings

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

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 27.25

B) Existing Land Use

Subject Property: Commercial Center (Meadows Mall)
North: US 95; Residential Dwellings
Public School (Fyfe Elementary)
South: Residential Dwellings
Public School (Griffith Elementary)
YMCA
Office Park
East: Undeveloped (Las Vegas Valley Water District)
West: Commercial Center

C) Planned Land Use

Subject Property: SC (Service Commercial)
North: ROW (Right-of-Way)
L (Low Density Residential)
PF (Public Facilities)

South: L (Low Density Residential)
PF (Public Facilities)
SC (Service Commercial)
East: PF (Public Facilities)
West: SC (Service Commercial)

D) Existing Zoning

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

E) General Plan Compliance

The subject site is designated SC (Service Commercial) within the Southeast Sector Land Use Map of the General Plan. The C-1 zoning on the site conforms to the SC land use designation. A Supper Club is permitted as a Special Use in a C-1 (Limited Commercial) zoning district subject to the approval of a Special Use Permit and compliance with the base conditions for a Special Use Permit.

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

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

ANALYSIS

A) Zoning Code Compliance

A1) Minimum Distance Separation Requirements

A Supper Club is permitted as a Special Use in a C-1 (Limited Commercial) zoning district subject to the approval of a Special Use Permit and compliance with the base conditions for a Special Use Permit. One such condition is a requirement that

the Supper Club be located no closer than 400 feet to any church, synagogue, school, childcare facility licensed for more than twelve children, or City park. A school is located south of Meadows Lane, across from Meadows Mall wherein the Supper Club is proposed to be located. In the manner in which the distance is measured, the Supper Club would be located within 400 feet of the school. Consequently, the applicant has requested a Waiver in this distance separation requirement.

B) General Analysis and Discussion

- **Zoning**

The subject property is presently zoned C-1 (Limited Commercial). A Supper Club is permitted in a C-1 zoning district subject to the approval of a Special Use Permit and compliance with the base conditions for a Special Use Permit.

- **Use**

According to Title 19, a Supper Club is: "A restaurant and bar operation with alcoholic beverage sales wherein the bar area is separated from the restaurant area by a barrier sufficient to prevent access to the bar by minors; wherein the actual seating available at all times within the restaurant area will accommodate at least 125 persons; wherein alcoholic beverages are served in the restaurant area only in conjunction with the service of food; wherein full course meals are available during all hours the bar area is open to the public; wherein a cook and food server, other than a bartender, are available at all times the bar area is open to the public; and wherein the restaurant operation is the principal portion of the business." The proposed Supper Club would be located in Suite #2430 of the Meadows Mall.

An application has also been submitted for a Special Use Permit (SUP-5578) for a proposed General Business Related Gaming Establishment that would be conducted within the same suite. That use is to be considered in conjunction with this application.

- **Conditions**

The conditions of Title 19 applicable to a Supper Club are listed as follows:

1. No supper club use shall be located within 400 feet of any church, synagogue, school, childcare facility licensed for more than twelve children or City park.
2. Except as otherwise provided in Subsection 3 below, the minimum distances referred to in Subsection 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed supper club which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest

to the proposed supper club. 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 not include the property line of:

- a. Any leasehold parcel; or
 - 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 Subsection 1.
3. In the case of a supper club proposed to be located on a parcel of at least eighty acres in size, the minimum distances referred to in Subsection 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 supper club will be located, without regard to intervening obstacles; or
 - b. In the case of a proposed supper club 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 supper club will be located, without regard to intervening obstacles.
4. When considering a Special Use Permit application for a supper club which also requires a waiver of the distance limitation in Subsection 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.
- *5. All businesses, which sell alcoholic beverages, shall conform to the provisions of Chapter 6.50 of the Las Vegas Municipal Code.

Except for number 5, the conditions above may be waived if it can be shown by convincing and substantial evidence by the applicant that any waiver of these requirements will not compromise the objective of the City in safeguarding the interests of the citizens of the City.

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 subject property is presently zoned C-1 (Limited Commercial). A Supper Club is permitted in a C-1 zoning district subject to the approval of a Special Use Permit and compliance with the base conditions for a Special Use Permit. The Supper Club meets the base conditions, except for the 400-foot distance separation requirement from a school located south of the Meadows Mall. For this reason, the applicant has requested a Waiver in this requirement.

The Meadows Mall suite within which the Supper Club would be located is actually over a thousand feet from the school. However, according to Title 19, the distance is to be measured from the closest edge of the parcel containing a Supper Club to the edge of the parcel that contains a school. In this case, the two parcels are across the street from each other. The distance separation requirement is necessary to ameliorate the incompatibility of the two uses from each other. However, in this case, the requirement is superfluous, as there is not only a large separation between the two uses, but there is a physical separation by its location within a shopping center. For these reasons, it is recommended that the Waiver be granted.

It is highly desirable and common for a Supper Club to be located within a shopping mall. The proposed Supper Club would be harmonious and compatible with existing retail uses in the Meadows Mall and it is recommended that this application be approved.

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

The Meadows Mall consists of retail business that are of similar intensity as the proposed Supper Club. The mall's structure is designed for this type of use and is physically suitable.

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 Meadows Mall, within which the proposed Supper Club would be located, is designed to accommodate the traffic flow to and from Valley View Boulevard and Meadows Lane. According to the Master Plan of Streets and Highways, Valley View Boulevard is a secondary collector (80-foot wide) street that in turn has direct access to U.S. Highway 95. The proposed Supper Club would have no effect on the streets that access the Meadows Mall.

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 Supper Club would be subject to periodic inspection by regulatory agencies for business licensing, and will therefore not compromise the public health, safety and welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 22

NOTICES MAILED 625 by City Clerk

APPROVALS 0

PROTESTS 0

TENANT COPY

**PLANNING & DEVELOPMENT DEPARTMENT**

RECEIVED

NOV 05 2004

WESTAR

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-5580** APN: 139-31-510-016

Name of Property Owner: GGP Meadows Mall, LLC

Name of Applicant: SamCon, Inc.

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

_____ Yes _____ X No

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

City Official: _____

Partner(s): _____

APN: _____

Signature of Property Owner/Authorized Agent:

Print Name:

Robert A. Michaels

Subscribed and sworn before me

This 4th day of November, 2004

Kathleen Fabre

Notary Public in and for said County and State





PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-5580** APN: _____

Name of Property Owner: GGP Meadows Mall, LLC

Name of Applicant: SamCon, Inc. dba Tomfoolery

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: *Robert Michaels*

Print Name: Robert Michaels

Subscribed and sworn before me

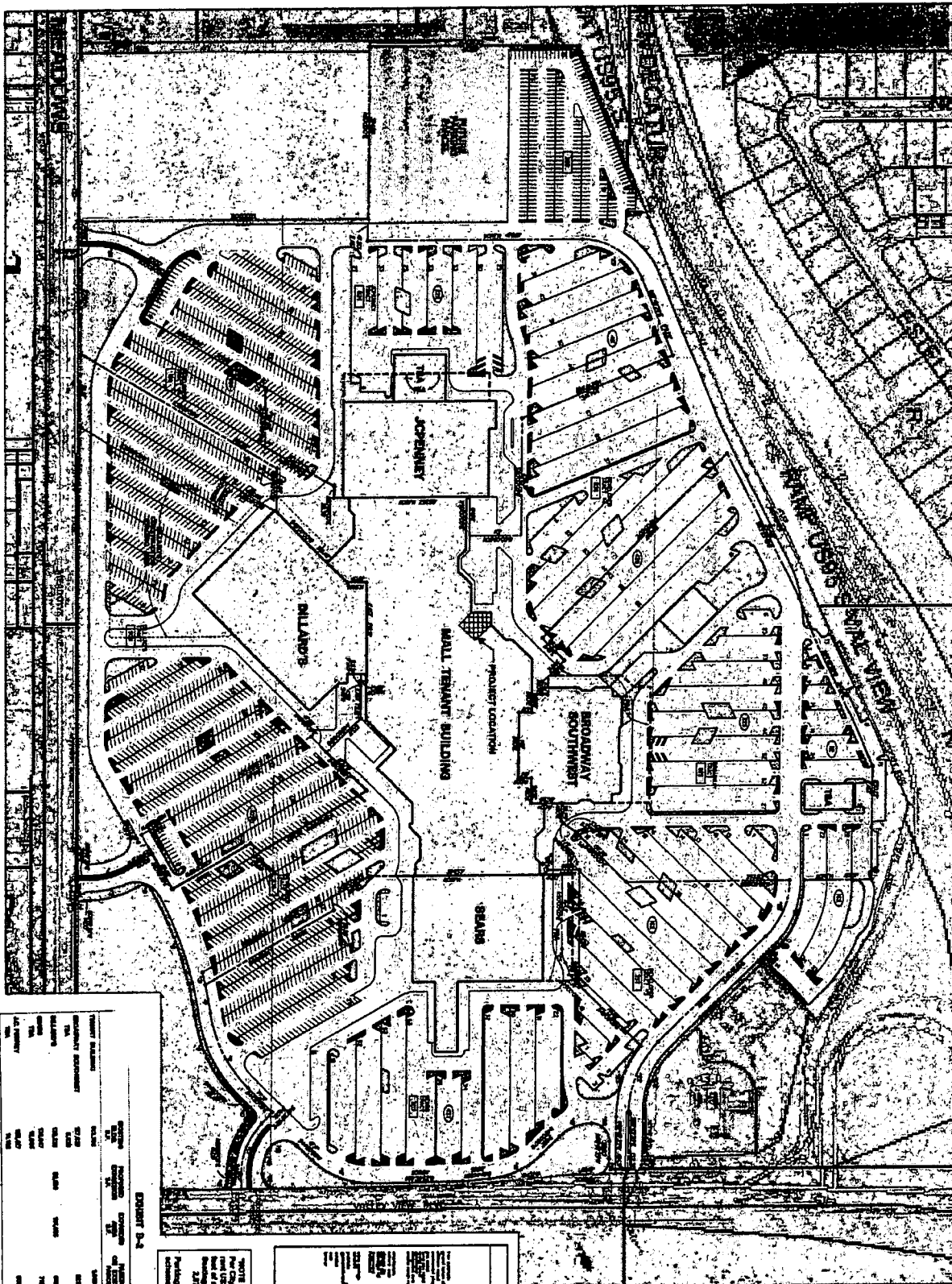
This 7th day of October, 2004

Laura E Smyth

Notary Public in and for said County and State



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



1. The owner warrants to the best of their knowledge and belief that the information contained herein is true and correct.

2. The owner warrants to the best of their knowledge and belief that the information contained herein is true and correct.

3. The owner warrants to the best of their knowledge and belief that the information contained herein is true and correct.

EXHIBIT D-1

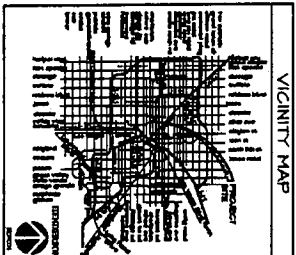
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2	ASBUILT	12/16/04	PC	2
3	ASBUILT	12/16/04	PC	3
4	ASBUILT	12/16/04	PC	4
5	ASBUILT	12/16/04	PC	5
6	ASBUILT	12/16/04	PC	6
7	ASBUILT	12/16/04	PC	7
8	ASBUILT	12/16/04	PC	8
9	ASBUILT	12/16/04	PC	9
10	ASBUILT	12/16/04	PC	10

NOTES

1. The owner warrants to the best of their knowledge and belief that the information contained herein is true and correct.

2. The owner warrants to the best of their knowledge and belief that the information contained herein is true and correct.

3. The owner warrants to the best of their knowledge and belief that the information contained herein is true and correct.



RECEIVED
NOV 02 2004

AS100

TENANT IMPROVEMENT FOR:
TOMFOOLERY
PUB AND EATERY
MEADOWS MALL, LAS VEGAS

CONSTRUCTION DOCUMENTS

ESTAR ARCHITECTS
ARCHITECTURE PLANNING EXTERIOR DESIGN
701 BRIDGER AVE., SUITE 400, LAS VEGAS, NEVADA 89101
TELEPHONE: (702) 678-0000 FAX: (702) 678-9430
www.wagnerarchitects.com

SUP-5580
12/16/04 PC

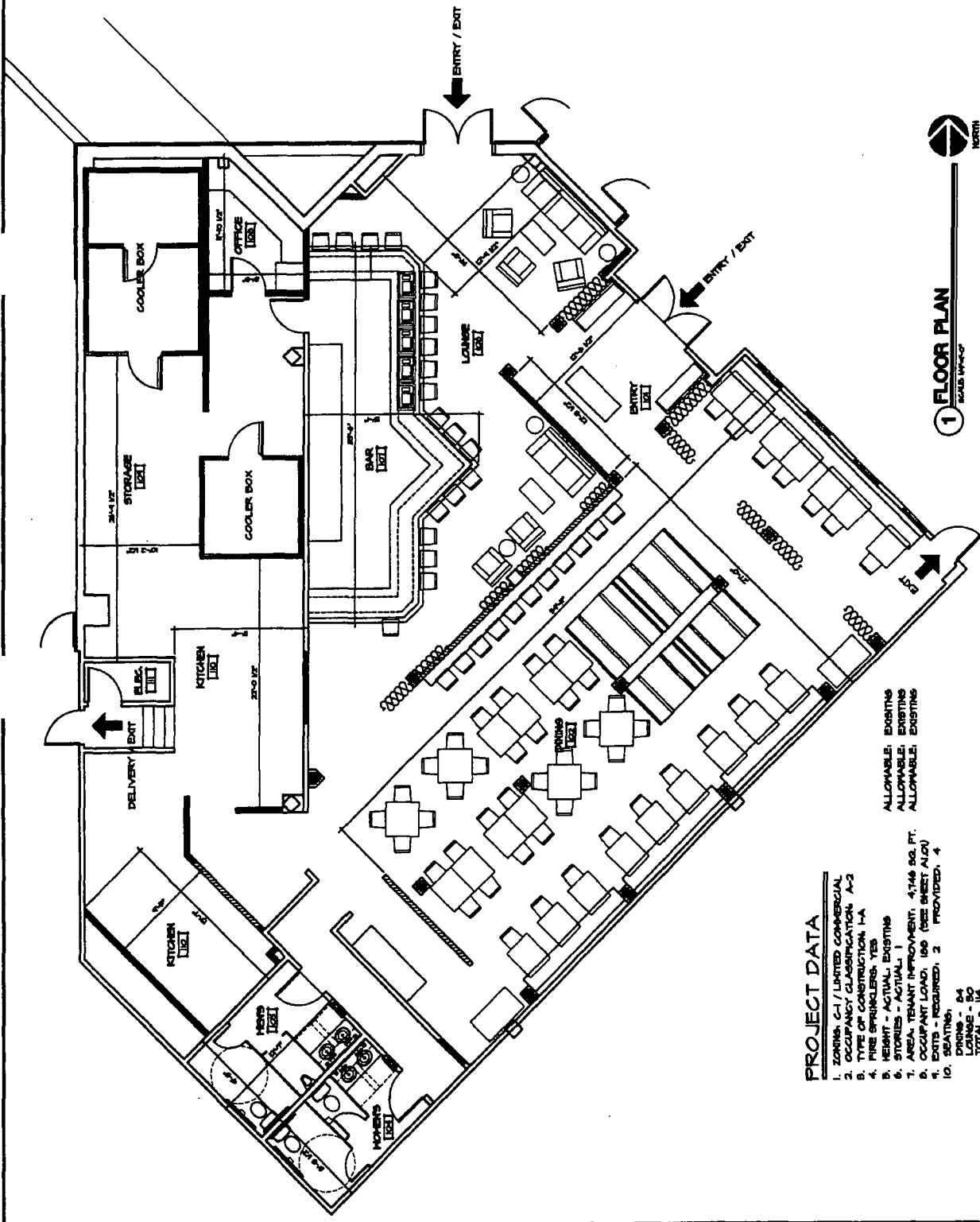
ESTAR ARCHITECTS
 701 BROADWAY, SUITE 400, LAS VEGAS, NEVADA 89101
 TELEPHONE: (702) 878-0000 FAX: (702) 878-8430
 WWW.ESTARARCHITECTS.COM

TENANT IMPROVEMENT FOR
PUB AND CATERING
 HAWAIIAN HALL, LAS VEGAS

NO.	DATE	DESCRIPTION	BY	CHKD.
1	12/16/04	ISSUED FOR PERMIT	WJ	WJ
2				
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10				

A-1P
 FLOOR PLAN

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

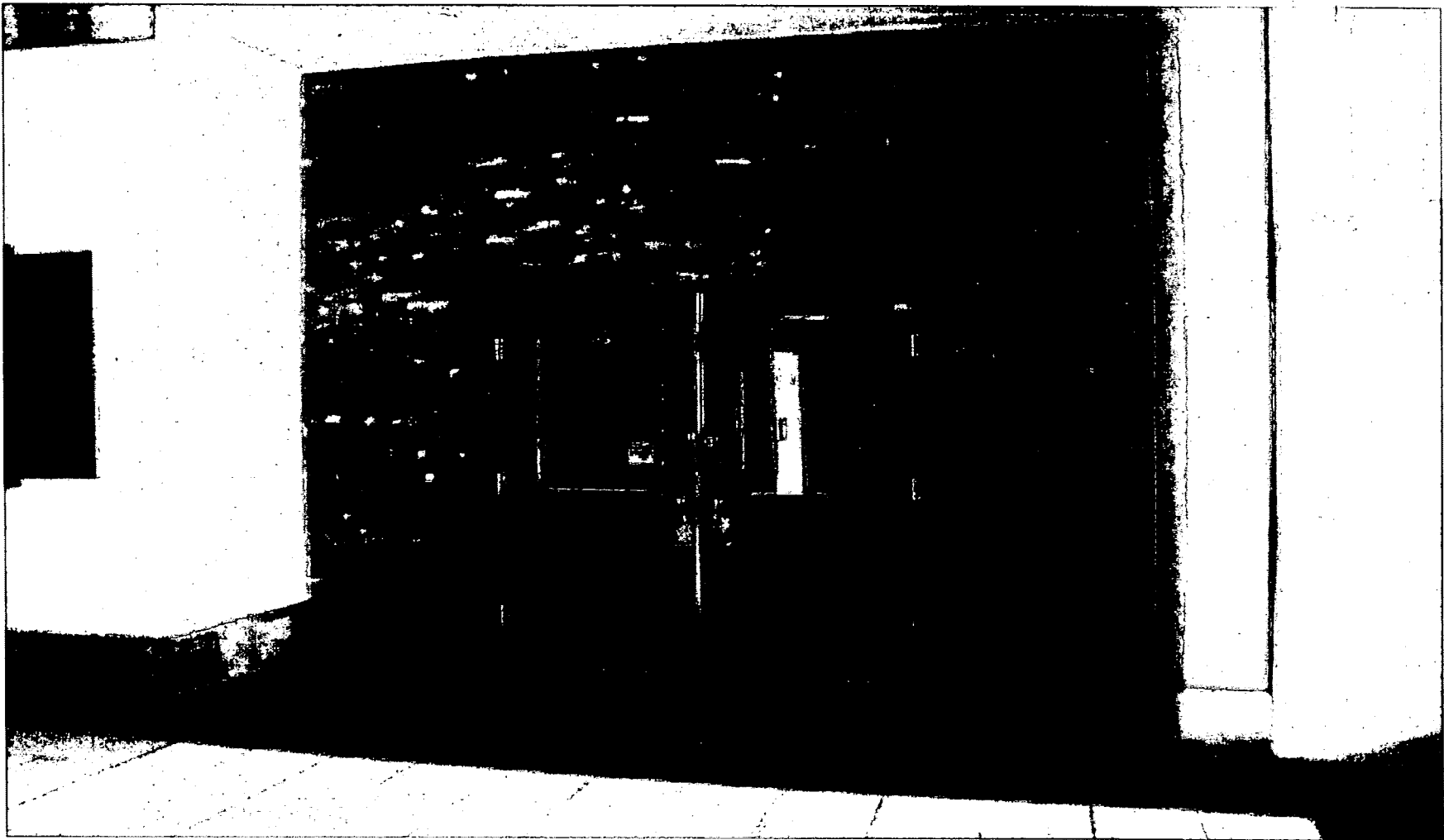
PROJECT DATA

1. ZONING: C-1 / LIMITED COMMERCIAL
2. OCCUPANCY CLASSIFICATION: A-2
3. TYPE OF CONSTRUCTION: I-A
4. FIRE SPRINKLERS: YES
5. HEIGHT - ACTUAL: EXISTING
6. STORIES - ACTUAL: 1
7. AREA, TENANT IMPROVEMENT: 4,146 SQ. FT.
8. OCCUPANT LOAD: 160 (SEE SHEET A-20)
9. EXITS - REQUIRED: 2 PROVIDED: 4
10. SEATING:
 - DRINKS - 84
 - LOUNGE - 50
 - TOTAL - 134

ALLOWABLE: EXISTING
 ALLOWABLE: EXISTING
 ALLOWABLE: EXISTING

THIS DOCUMENT, INCLUDING THE PLAN AND SPECIFICATIONS, IS THE PROPERTY OF ESTAR ARCHITECTS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF ESTAR ARCHITECTS. THE USER OF THIS DOCUMENT AGREES TO HOLD ESTAR ARCHITECTS HARMLESS FROM AND AGAINST ALL CLAIMS, DAMAGES, LOSSES, AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, THAT MAY BE ASSERTED AGAINST OR INCURRED BY ESTAR ARCHITECTS OR ITS EMPLOYEES, AGENTS, OR SUBCONTRACTORS, IN CONNECTION WITH THE USE OF THIS DOCUMENT.

SUP-5580
12/16/04 PC



SUP-5580 - APPLICANT: SAMCON, INC. - OWNER: GGP IVANHOE II, INC.
4300 MEADOWS LANE, SUITE #243
DECEMBER 16, 2004 PLANNING COMMISSION

12/2/04



SUP-5580 - APPLICANT: SAMCON, INC. - OWNER: GGP IVANHOE II, INC.
4300 MEADOWS LANE, SUITE #243
DECEMBER 16, 2004 PLANNING COMMISSION

12/2/04



SUP-5580 - APPLICANT: SAMCON, INC. - OWNER: GGP IVANHOE II, INC.
4300 MEADOWS LANE, SUITE #243
DECEMBER 16, 2004 PLANNING COMMISSION

12/2/04

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

SPECIAL USE PERMIT

SUP-5582 - PUBLIC HEARING - APPLICANT/OWNER: IGLECIA DEL DIOS VIVO COLUMNA Y APOYO DE LA VERDAD "LA LUZ DEL MUNDO" - Request for a Special Use Permit FOR AN EXPANSION (PARKING LOT) OF AN EXISTING CHURCH/HOUSE OF WORSHIP at 2413 Cedar Avenue and 2412 East Mesquite Avenue (APN 139-35-513-031 through 034), R-1 (Single-Family Residential) Zone, Ward 3 (Reese). The Planning Commission (5-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

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

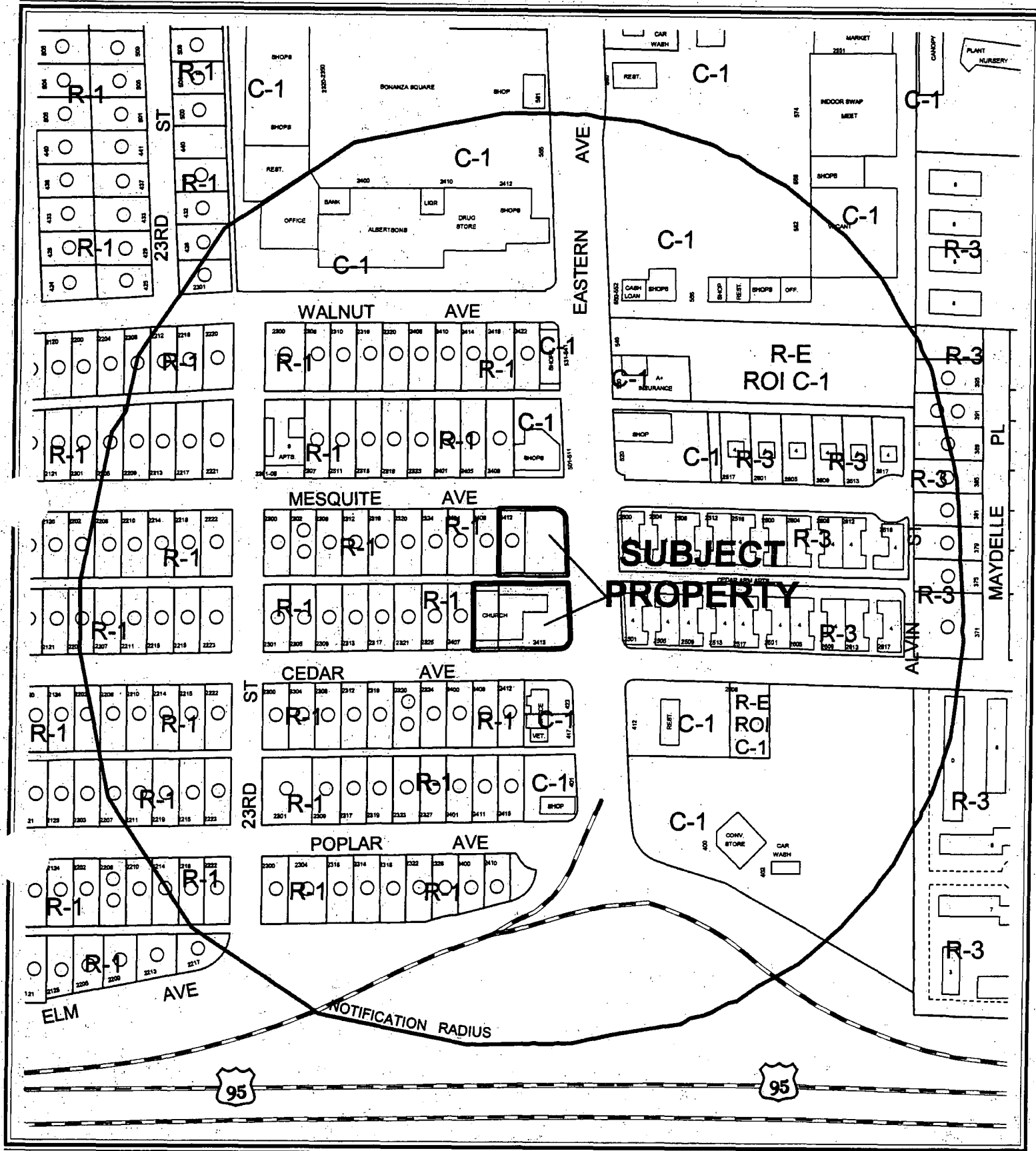
MOTION:

BROWN - Motion to HOLD IN ABEYANCE Item 91 [RQR-5513], Item 95 [SUP-2848], Item 96 [SUP-3394], Item 97 [SUP-4532], Item 98 [SUP-4693], Item 109 [SUP-5582] and Item 110 [SDR-5583] to 2/2/2005 and accept the WITHDRAWAL WITHOUT PREJUDICE of Item 120 [GPA-5182], Item 121 [ZON-5183], Item 122 [VAR-5575] and Item 123 [SDR-5573] - UNANIMOUS with MACK abstaining on Item 91 [RQR-5513] because his company, Mack Consulting, negotiates with Lamar Outdoor on behalf of his clients and GOODMAN excused

MINUTES:

MAYOR PRO TEM REESE requested Item 109 [SUP-5582] and Item 110 [SDR-5583] be held in abeyance to the 2/2/2005 City Council meeting so he can meet with the applicant. He announced that MAYOR GOODMAN and DEPUTY CITY MANAGER BETSY FRETWELL were attending the Mayors conference in Washington, D.C.

(1:00 - 1:07)



CASE: SUP-5582

RADIUS: 750 FT

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

AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 19, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-5582 - APPLICANT/OWNER: IGLECIA DEL DIOS VIVO
COLUMNA Y APOYO DE LA VERDAD "LA LUZ DEL MUNDO"**

**** CONDITIONS ****

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

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review [SDR-5583].
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 is a request for a Special Use Permit to allow the expansion of an existing Church/House of Worship at 2413 Cedar Avenue and 2412 East Mesquite Avenue.

B) Applicant's Justification

The applicant justifies the application by stating, "We have youth programs that guide young people through their difficult choices in life, avoiding drug addiction and encouraging higher education. We provide marriage counseling to assist couples and promote family unity." The applicant goes further to state, "Currently our building is not sufficient to accommodate our membership, thus creating problems during our services. Our goal in expanding and remodeling our building is to provide a more comfortable and appealing place for our new members and our community."

BACKGROUND INFORMATION

A) Previous Actions

- 05/20/59 The Board of City Commissioners approved Special Use Permit (U-0001-59) application for the construction of an off-street parking lot facility adjacent to an existing church at property located at the southwest corner of Mesquite Avenue and 25th Street. The Board of Zoning Adjustment and staff recommended approval.
- 05/27/65 The Board of Zoning Adjustment approved a Special Use Permit and Site Development Plan Review (U-0013-64) application to allow the construction of a sanctuary and classrooms, with additional parking facilities on property generally located at the northwest corner of 25th Street and Cedar Avenue. Staff recommended approval.
- 03/15/78 The Board of City Commissioners approved a Variance (V-0111-77) application to allow a 13-foot high sign, with the condition that, in event this reader board would be more suitable elsewhere on the property at some future time, it could be moved, on property located at 2413 East Cedar Avenue. The Board of Zoning Adjustment denied the application. The Department Director put forth the approved compromise.
- 03/27/86 The Board of Zoning Adjustment approved a Special Use Permit (U-0020-86) application to allow the operation of a day care nursery for children two through six, from 7 a.m. to 6 p.m., six days a week (Monday through Saturday), on property located at 2413 East Cedar Avenue. Staff recommended approval.

- 12/16/04 The Planning Commission recommended approval of a related case (SDR-5583).
- 12/16/04 The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #49/pl).

B) Pre-Application Meeting

- 10/22/04 A pre-application conference was held resulting in the following comments:
1. The original use permit (U-0013-64) is still valid, but does not encompass the total area.
 2. The Traffic Signal Fee will be assessed at time of building permits.
 3. The pan driveway on Mesquite is o.k.
 4. No Traffic Impact Analysis required.
 5. Chord easement may need to be dedicated on Cedar/Eastern.
 6. Replace any substandard improvements in the right-of-way.
 7. No parking spaces will be permitted in the public right-of-way.
 8. Check with the City Surveyor to determine the best way to re-map the site.
 9. Submit an encroachment agreement for landscaping within the right-of-way.
 10. Not subject to residential adjacency standards due to being located within the Redevelopment Area.
 11. Propose 40-foot tall sanctuary.
 12. Add a parking analysis to the site plan.
 13. Check with Building and Safety regarding the location of the handicap parking spaces.
 14. Revise the site plan to indicate the area of expansion, summarize the SF.
 15. Show elevation drawing of existing / proposed perimeter walls.
 16. The use permit is to include additional lots not part of the original.

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: 0.89

B) Existing Land Use

Subject Property: Church & Undeveloped (Proposed parking lot expansion)

North: Single Family Residence
Commercial Building

South: Single Family Residence
Office Building

East: Four-plex

West: Single-Family Residences

C) Planned Land Use

Subject Property: L (Low Density Residential)
SC (Service Commercial)
North: L (Low Density Residential)
SC (Service Commercial)
South: L (Low Density Residential)
SC (Service Commercial)
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-1 (Limited Commercial)
South: R-1 (Single Family Residential)
C-1 (Limited Commercial)
East: R-1 (Single Family Residential)
West: R-1 (Single Family Residential)

E) General Plan Compliance

The subject parcels are designated L (Low Density Residential) and SC (Service Commercial) within the Southeast Sector Land Use map of the General Plan. All of the subject site is within a R-1 (Single Family Residence) zoning district, which is in conformance with the L (Low Density Residential) General Plan designation but not with the SC (Service Commercial) General Plan designation located on the parcels along the western alignment of Eastern Avenue. The existing Church on the subject site is a permitted use within an R-1 (Single Family Residence) zoning district by means of a Special Use Permit (U-0013-64).

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

Redevelopment Plan Area

The subject site is located within the Las Vegas Redevelopment Plan area as adopted by the 1996 extension of the Redevelopment Area Boundaries Plan Maps. As outlined by Section 110, the objectives of the Redevelopment Plan are to eliminate environmental deficiencies and blight which constitute either social or economic liabilities or both and require redevelopment in the interests of the health, safety and general welfare of the people.

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	Conditions	Required			Provided	
		Ratio	Parking		Parking	
			Regular	Handicap	Regular	Handicap
Church / House of Worship	Not Provided	1 space for each 4 fixed seats or 1 space for each 100 sq ft of non-fixed seating area in gathering room, whichever is greater				
Gathering Room	5,247 SF.		50	3	50	3
Residence	1	2 Space per Dwelling Unit	2		2	
Totals			52	3	52	3

The applicant is proposing 55 parking spaces, which are composed of 38 standard parking spaces, 14 compact parking spaces and 3 handicap parking spaces. The applicant has, however, not supplied information pertaining to the number of fixed seats versus non-fixed seating area. Therefore, one cannot determine which parking calculation would be greater. Based upon the presented materials the applicant exactly meets the required number of parking spaces for the Church and residence building. The relocation of the proposed trash enclosure will result in the redistribution of a parking space to accommodate the required 50-foot minimum distance separation from protected properties.

A2) Minimum Distance Separation Requirements

There are no Minimum Separation Distance Requirements in the Zoning Code that apply to the proposed Church use

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

Standards	Code Requirement	Provided
Trash Enclosure	50' from a protected property	No

The proposed location of the trash enclosure is within 50 feet of a protected property. Therefore, approval of the Site Development Plan Review (SDR-5583) will be conditioned upon the trash enclosure moving into the parking facility to the north of the subject site, maintaining a 50-foot separation from the protected properties to the west.

B) General Analysis and Discussion

- Zoning

The subject parcels are currently located within a R-1 (Single Family Residence) zoning district. A Church/House of Worship is a permitted use within a R-1 (Single Family Residence) zoning district by means of a Special Use Permit. The proposed site now boasts more area than was previously approved for a Church per Special Use Permit (U-0013-64), therefore requiring a new use permit to encapsulate the entire area.

- Use

“Church, House of Worship” means any building used for religious worship services, religious education and fellowship activities and programs of a religious organization. The term includes the use of the building and premises for other related activities, such as child care facilities, formal educational programs, preschool classes and recreational activities, but only when those activities are ancillary to the religious use and only after those uses have been approved by means of a use review or other procedure under Chapter 19.18. The term does not include any class of childcare center, general education classroom or facility, thrift shop, homeless shelter or commercial activity.

- Conditions

The Special Use Permit will be held to the conditions of approval of Site Development Plan Review (SDR-5583).

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 expansion of an existing Church/House of Worship use will continue to be conducted in a harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.

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

The subject site has been utilized in the capacity of a church for over four decades, and now that the site is to be redeveloped with improved facilities the site continues to be physically suitable for the type and intensity of land use proposed.

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

The subject site will have access from Mesquite Avenue, a 60-foot public right-of-way and Eastern Avenue, a 100-foot primary arterial as defined by the Master Plan of Streets and Highways. Both avenues will continue to provide adequate access to the subject site.

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

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

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 16

NOTICES MAILED 138 by City Clerk

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-5582** APN: 139-35-513-031, 032, 033, 034

Name of Property Owner: LA LUZ DEL MUNDO CHURCH

Name of Applicant: LA LUZ DEL MUNDO CHURCH.
AMINADAB CORONADO

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

 Yes

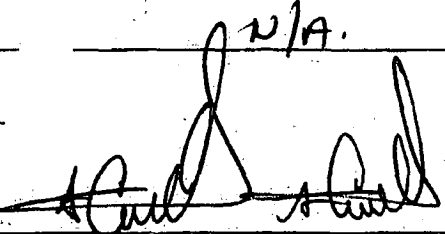
 X No

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

City Official: N/A

Partner(s): N/A N/A

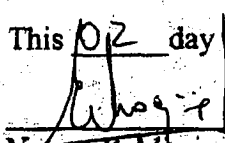
APN: N/A

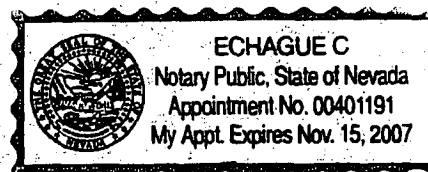
Signature of Property Owner/Authorized Agent: 

Print Name: AMINADAB CORONADO.

Subscribed and sworn before me

This 02 day of November, 2004


Notary Public in and for said County and State



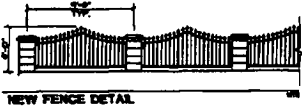
SUP-5582
SDR-5583
12-16-04 PC

E. MESQUITE AVE.



VICINITY MAP

SINGLE FAMILY
RESIDENCE



NEW FENCE DETAIL

ALLEY

EASTERN AVE.

CHURCH/SANCTUARY

AREA = 1,071 SQ. FT.
BULDING FOOTPRINT THIS AREA

KITCHEN/HALL AREA

AREA = 1,000 SQ. FT.
BULDING FOOTPRINT THIS AREA

RESIDENCE

PLAY COURT

RECEIVED
NOV 2 2004

CEDAR AVE.



0 25' 50'

A2
SHEET

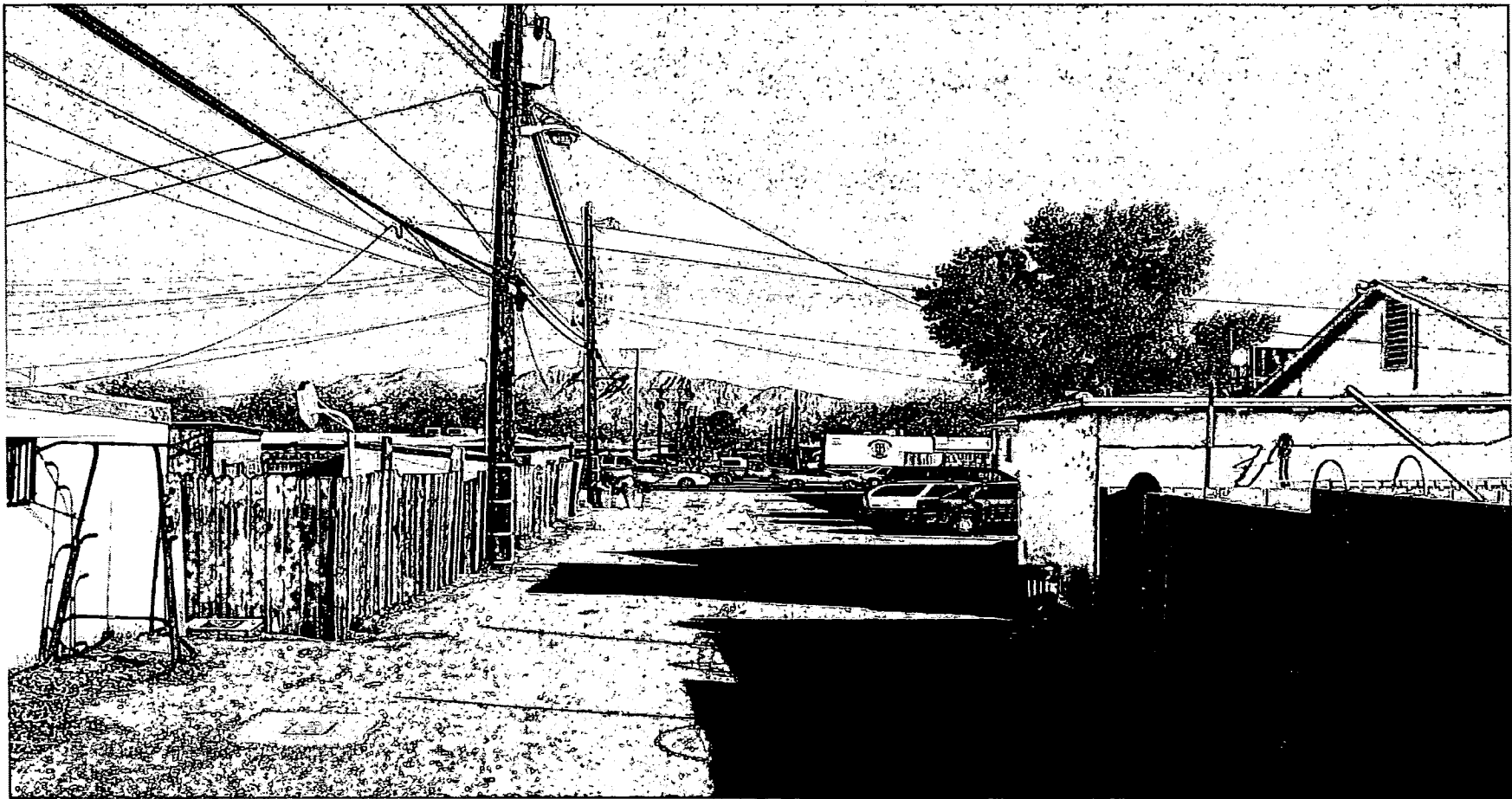
SCALE: 1" = 10'-0"

RECEIVED NOVEMBER 2, 2004
NOV 8 2004

SITE PLAN

"LA LUZ DEL MUNDO" CHURCH, LAS VEGAS, NEVADA

SUP-5582
12/16/04 PC



SUP-5582 - APPLICANT/OWNER: IGLECIA DEL DIOS VIVO COLUMNA Y APOYO DE LA VERDAD "LA LUZ DEL MUNDO"

2413 CEDAR AVENUE AND 2412 EAST MESQUITE AVENUE

DECEMBER 16, 2004 PLANNING COMMISSION

11/30/04



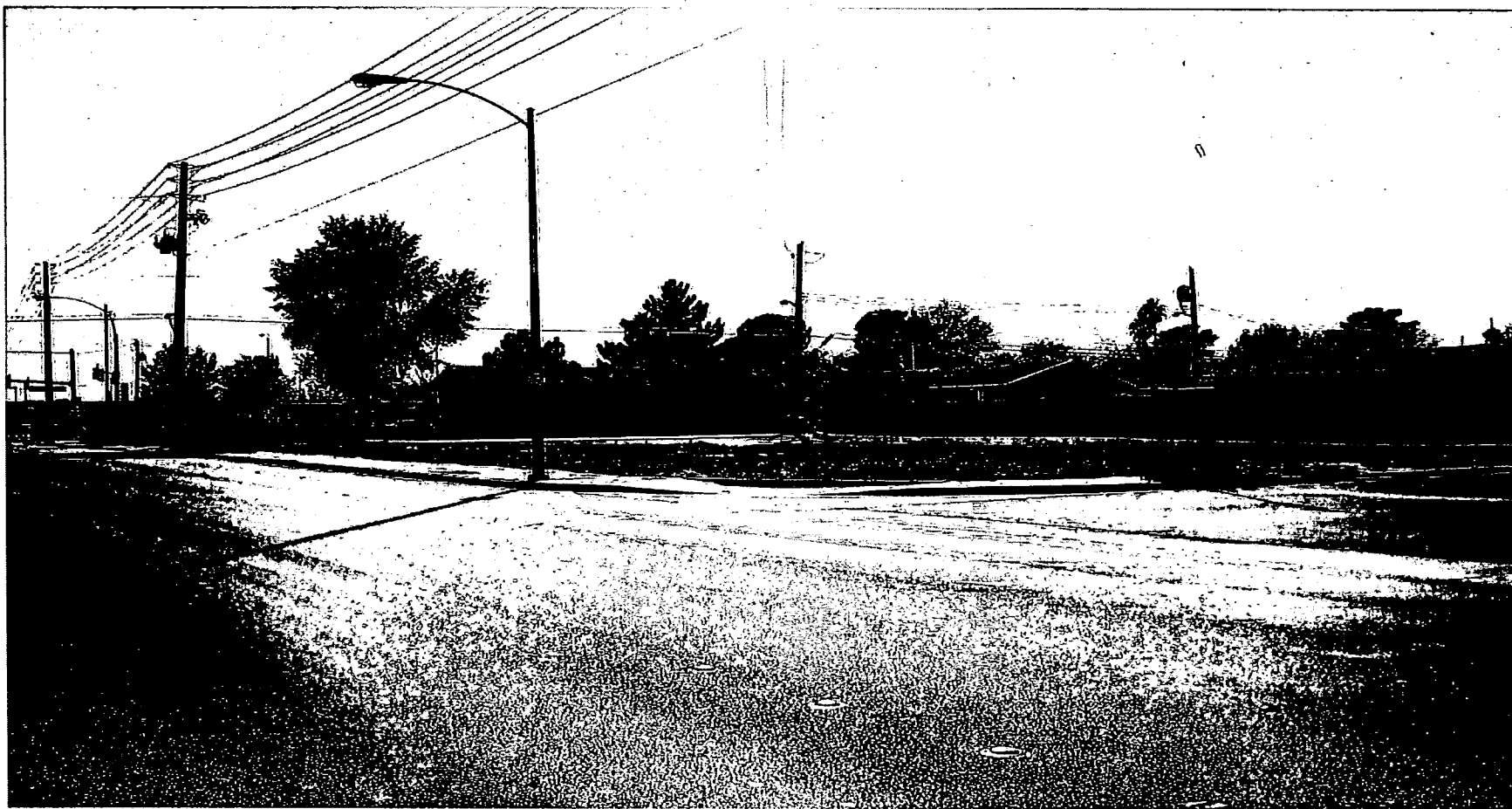
SUP-5582 - APPLICANT/OWNER: IGLECIA DEL DIOS VIVO COLUMNA Y APOYO DE LA VERDAD "LA
LUZ DEL MUNDO"
2413 CEDAR AVENUE AND 2412 EAST MESQUITE AVENUE
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SUP-5582 - APPLICANT/OWNER: IGLECIA DEL DIOS VIVO COLUMNA Y APOYO DE LA VERDAD "LA
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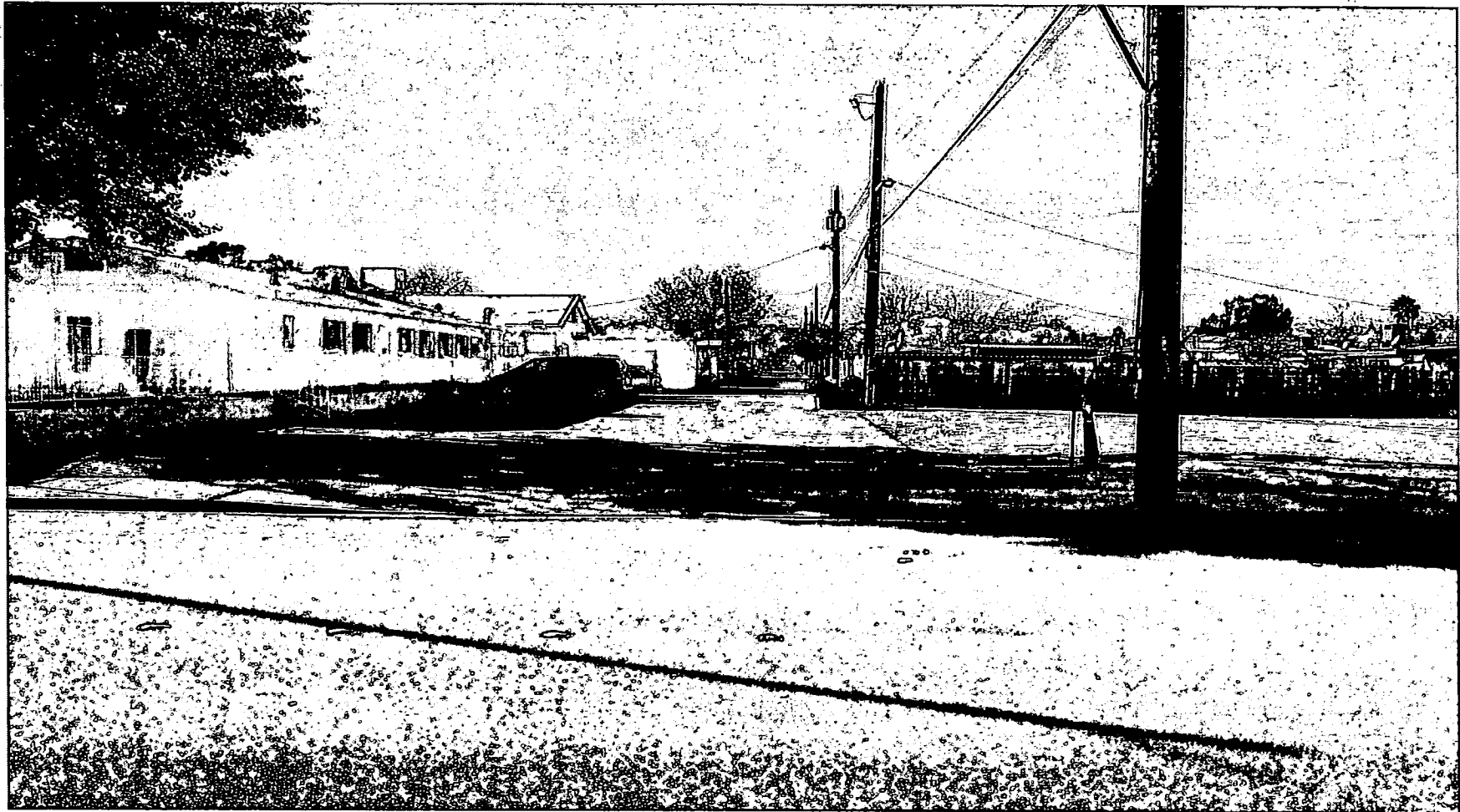


SUP-5582 - APPLICANT/OWNER: IGLECIA DEL DIOS VIVO COLUMNA Y APOYO DE LA VERDAD "LA LUZ DEL MUNDO"

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SUP-5582 - APPLICANT/OWNER: IGLECIA DEL DIOS VIVO COLUMNA Y APOYO DE LA VERDAD "LA
LUZ DEL MUNDO"
2413 CEDAR AVENUE AND 2412 EAST MESQUITE AVENUE
DECEMBER 16, 2004 PLANNING COMMISSION

11/30/04

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-5582

SDR-5583 - PUBLIC HEARING - APPLICANT/OWNER: IGLECIA DEL DIOS VIVO COLUMNA Y APOYO DE LA VERDAD "LA LUZ DEL MUNDO" - Request for a Site Development Plan Review FOR A PROPOSED EXPANSION OF AN EXISTING CHURCH/HOUSE OF WORSHIP AND PARKING LOT; AND A WAIVER OF PERIMETER LANDSCAPING STANDARDS at 2413 Cedar Avenue and 2412 East Mesquite Avenue (APN 139-35-513-031 through 034), R-1 (Single-Family Residential) Zone, Ward 3 (Reese). The Planning Commission (5-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

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

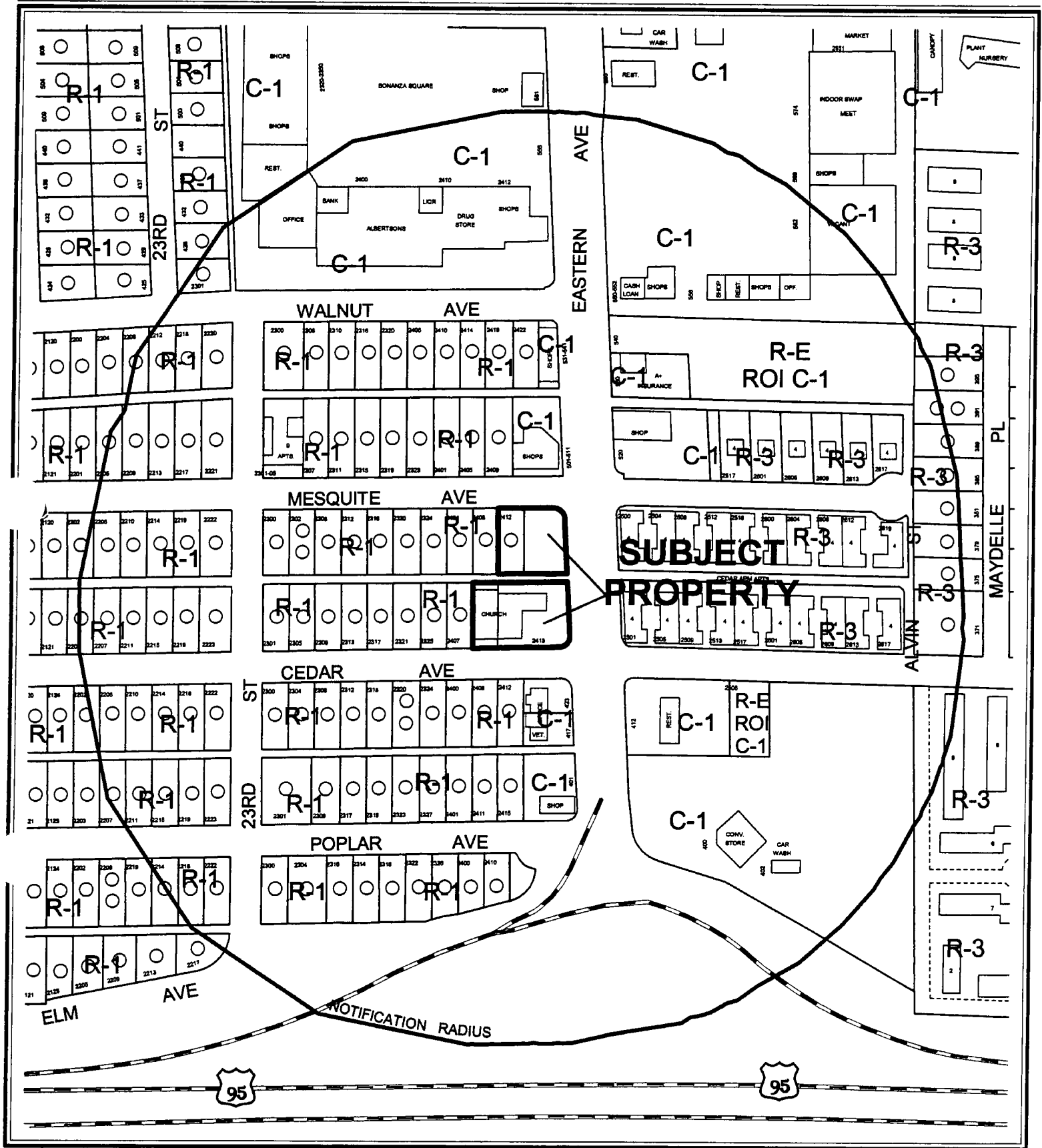
MOTION:

BROWN - Motion to HOLD IN ABEYANCE Item 91 [RQR-5513], Item 95 [SUP-2848], Item 96 [SUP-3394], Item 97 [SUP-4532], Item 98 [SUP-4693], Item 109 [SUP-5582] and Item 110 [SDR-5583] to 2/2/2005 and accept the WITHDRAWAL WITHOUT PREJUDICE of Item 120 [GPA-5182], Item 121 [ZON-5183], Item 122 [VAR-5575] and Item 123 [SDR-5573] - UNANIMOUS with MACK abstaining on Item 91 [RQR-5513] because his company, Mack Consulting, negotiates with Lamar Outdoor on behalf of his clients and GOODMAN excused

MINUTES:

MAYOR PRO TEM REESE requested Item 109 [SUP-5582] and Item 110 [SDR-5583] be held in abeyance to the 2/2/2005 City Council meeting so he can meet with the applicant. He announced that MAYOR GOODMAN and DEPUTY CITY MANAGER BETSY FRETWELL were attending the Mayors conference in Washington, D.C.

(1:00 - 1:07)

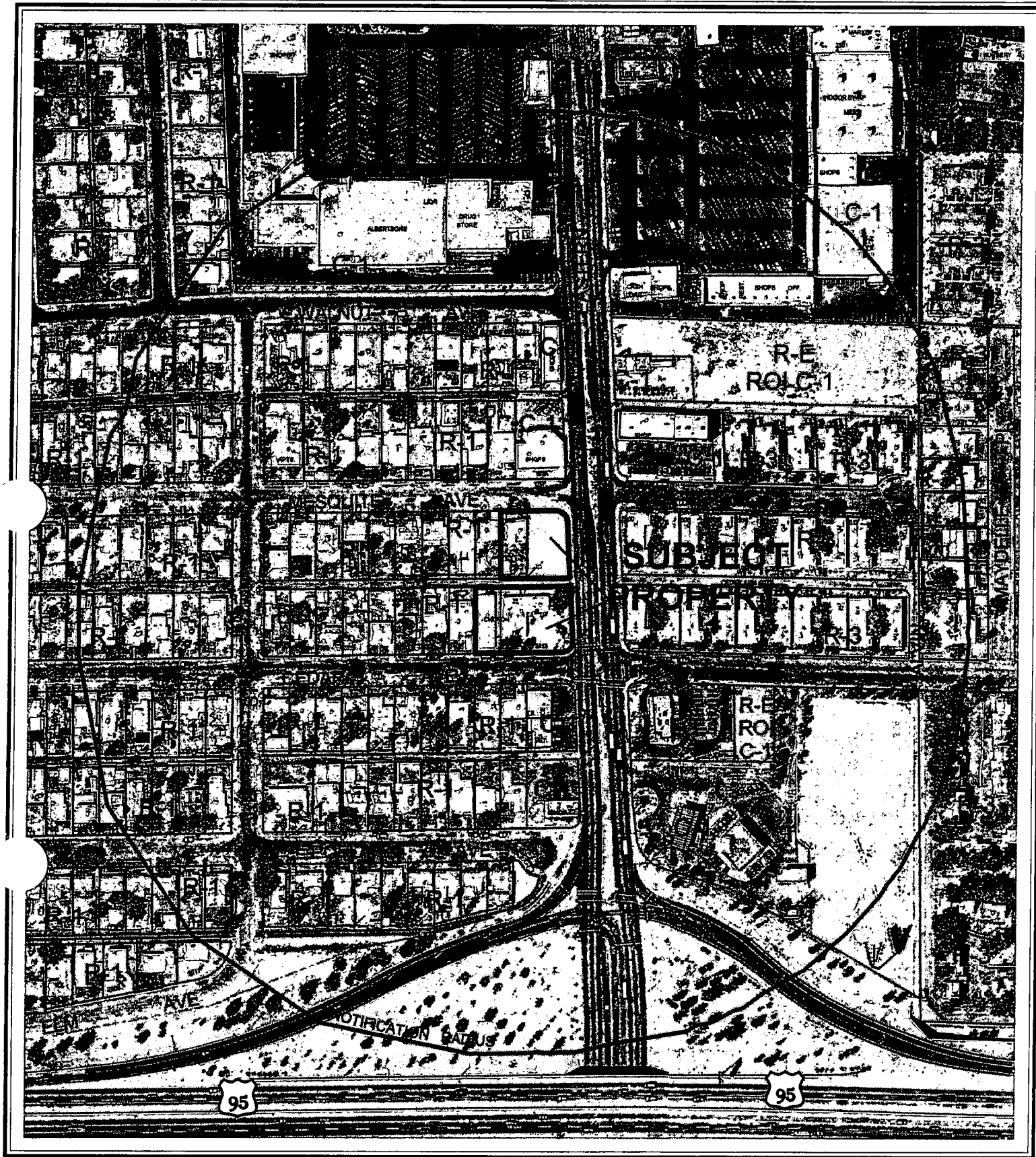


CASE: SDR-5583

RADIUS: 750 FT

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





CASE: SDR-5583

RADIUS: 750 FT

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

0 200 400 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 19, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SDR-5583 - APPLICANT/OWNER: IGLECIA DEL DIOS VIVO
COLUMNA Y APOYO DE LA VERDAD "LA LUZ DEL MUNDO"**

**** CONDITIONS ****

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

Planning and Development

1. 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.
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 site plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect the relocation of the trash enclosure to a minimum of 50 feet from any protected property.
5. The landscape plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect minimum 24-inch box trees planted a maximum of 20 feet on-center where possible and a minimum of four five-gallon shrubs for each tree within provided planters along Mesquite Avenue, Eastern Avenue and Cedar Avenue.
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.
7. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.
8. A Waiver of perimeter landscaping requirements is hereby approved.
9. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
10. 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.

11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Municipal Code Section 19.12.050.
12. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
13. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
14. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

15. Grant a Traffic Signal Chord easement at the northwest corner of Eastern Avenue and Cedar Avenue prior to the issuance of any permits. Contact the Right-of-Way section of the Department of Public Works for assistance with preparing the document.
16. Construct all incomplete half-street improvements (sidewalk) on Mesquite Avenue adjacent to this site concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
17. Remove all substandard public street and alley improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.
18. Construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site; the connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network; the connecting sidewalk shall be terminated on-site with a handicap ramp.
19. Landscape and maintain all unimproved rights-of-way on Eastern Avenue, Mesquite Avenue, and Cedar Avenue adjacent to this site concurrent with development.
20. Submit an Encroachment Agreement for all landscaping and private improvements located in the public rights-of-way adjacent to this site prior to occupancy of this site.
21. This site will be subject to the traffic signal impact fee as required by Ordinance No. 5644 at the time permits are issued.
22. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility prior to the issuance of any permits.

23. 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 Site Development Plan Review for a proposed expansion of an existing Church/House of Worship and a Waiver of perimeter landscaping standards at 2413 Cedar Avenue and 2412 East Mesquite Avenue.

B) *Applicant's Justification*

The applicant justifies the application by stating, "We have youth programs that guide young people through their difficult choices in life, avoiding drug addiction and encouraging higher education. We provide marriage counseling to assist couples and promote family unity." The applicant goes further to state, "Currently our building is not sufficient to accommodate our membership, thus creating problems during our services. Our goal in expanding and remodeling our building is to provide a more comfortable and appealing place for our new members and our community."

BACKGROUND INFORMATION

A) *Previous Actions*

- 05/20/59 The Board of City Commissioners approved Special Use Permit (U-0001-59) application for the construction of an off-street parking lot facility adjacent to an existing church at property located at the southwest corner of Mesquite Avenue and 25th Street. The Board of Zoning Adjustment and staff recommended approval.
- 05/27/65 The Board of Zoning Adjustment approved a Special Use Permit and Site Development Plan Review (U-0013-64) application to allow the construction of a sanctuary and classrooms, with additional parking facilities on property generally located at the northwest corner of 25th Street and Cedar Avenue. Staff recommended approval.
- 03/15/78 The Board of City Commissioners approved a Variance (V-0111-77) application to allow a 13-foot high sign, with the condition that, in event this reader board would be more suitable elsewhere on the property at some future time, it could be moved, on property located at 2413 East Cedar Avenue. The Board of Zoning Adjustment denied the application. The Department Director put forth the approved compromise.
- 03/27/86 The Board of Zoning Adjustment approved a Special Use Permit (U-0020-86) application to allow the operation of a day care nursery for children two through six, from 7 a.m. to 6 p.m., six days a week (Monday through Saturday), on property located at 2413 East Cedar Avenue. Staff recommended approval.

- 12/16/04 The Planning Commission recommended approval of a related case (SUP-5582).
- 12/16/04 The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #50/pl).

B) Pre-Application Meeting

- 10/22/04 A pre-application conference was held resulting in the following comments:
1. The original use permit (U-0013-64) is still valid, but does not encompass the total area.
 2. The Traffic Signal Fee will be assessed at time of building permits.
 3. The pan driveway on Mesquite is o.k.
 4. No Traffic Impact Analysis required.
 5. Chord easement may need to be dedicated on Cedar/Eastern.
 6. Replace any substandard improvements in the right-of-way.
 7. No parking spaces will be permitted in the public right-of-way.
 8. Check with the City Surveyor to determine the best way to re-map the site.
 9. Submit an encroachment agreement for landscaping within the right-of-way.
 10. Not subject to residential adjacency standards due to being located within the Redevelopment Area.
 11. Propose 40-foot tall sanctuary.
 12. Add a parking analysis to the site plan.
 13. Check with Building and Safety regarding the location of the handicap parking spaces.
 14. Revise the site plan to indicate the area of expansion, summarize the SF.
 15. Show elevation drawing of existing / proposed perimeter walls.
 16. The use permit is to include additional lots not part of the original.

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: 0.89

B) Existing Land Use

Subject Property: Church & Undeveloped (Proposed parking lot expansion)
North: Single Family Residence & Commercial Building
South: Single Family Residence & Office Building
East: Four-plex
West: Single-Family Residences

C) *Planned Land Use*

Subject Property: L (Low Density Residential)
SC (Service Commercial)
North: L (Low Density Residential)
SC (Service Commercial)
South: L (Low Density Residential)
SC (Service Commercial)
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-1 (Limited Commercial)
South: R-1 (Single Family Residential)
C-1 (Limited Commercial)
East: R-1 (Single Family Residential)
West: R-1 (Single Family Residential)

E) *General Plan Compliance*

The subject parcels are designated L (Low Density Residential) & SC (Service Commercial) within the Southeast Sector Land Use map of the General Plan. All of the subject site is within a R-1 (Single Family Residence) zoning district, which is in conformance with the L (Low Density Residential) General Plan designation but not with the SC (Service Commercial) General Plan designation located on the parcels along the western alignment of Eastern Avenue. The existing and proposed expansion of the Church on the subject site is a permitted use within an R-1 (Single Family Residence) zoning district by means of a Special Use Permit (U-0013-64).

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

Redevelopment Plan Area

The subject site is located within the Las Vegas Redevelopment Plan area as adopted by the 1996 extension of the Redevelopment Area Boundaries Plan Maps. As outlined by Section 110, the objectives of the Redevelopment Plan are to eliminate environmental deficiencies and blight which constitute either social or economic liabilities or both and require redevelopment in the interests of the health, safety and general welfare of the people.

PROJECT DESCRIPTION

The proposed development incorporates the remodeling of an existing Church and additional land to the north for the use of parking. The proposed renovations will expand the width and depth of the existing Church as well as increase the height of the building significantly. The existing residence building located on the southwest portion of the subject parcels is to remain with minor renovations that include the removal of storage room located along the public alley way. Additionally, an existing single-family dwelling is called for demolition to create the parking area on the northern portion of the 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	Provided	Compliance
Min. Lot Size	6,500 Square Feet	38,768.4 Square Feet	Yes
Min. Lot Width	65 Feet	127 Feet	Yes
Min. Setbacks			
• Front	20 Feet	50.4 Feet	Yes
• Side	5 Feet	24 Feet	Yes
• Corner	15 Feet	6 Feet	No*
• Rear	15 Feet	6.4 Feet	No*
Max. Lot Coverage	50 %	25 %	Yes
Max. Building Height	2 Stories / 35 Feet	35 Feet	Yes**
Trash Enclosure	Yes	Yes	Yes
Loading Zone	No	No	Yes

* The residence building indicated on the landscape/site plan was granted a house-moving permit and subsequent variance of front and rear yard setbacks as part of Special Use Permit (U-0013-64).

** The sanctuary of the Church is proposed at 35 feet in height, with a five-foot architectural embellishment, which skirts the entire building.

The proposed location of the trash enclosure is within 50 feet of a protected property. Therefore, approval of the Site Development Plan Review will be conditioned upon the trash enclosure moving into the parking facility to the north of the subject site, maintaining a 50-foot separation from the protected properties to the west.

The rest of the proposed redevelopments are in conformance with the development standards set forth by Title 19.08.

A2) Residential Adjacency Standards

Pursuant to Title 19.08, the Residential Adjacency Standards do not apply to the subject proposal, as a result of it being located within the Las Vegas Redevelopment Area, as described by ordinance.

A3) Parking and Traffic Standards

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

Uses	Conditions	Required		Provided	
		Ratio	Parking		Parking
			Regular	Handicap	
Church / House of Worship	Not Provided	1 space for each 4 fixed seats or 1 space for each 100 sq ft of non-fixed seating area in gathering room, whichever is greater			
Gathering Room	5,247 SF.		50	3	50 3
Residence	1	2 Space per Dwelling Unit	2		2
Totals			52	3	52 3

The applicant is proposing 55 parking spaces, which are composed of 38 standard parking spaces, 14 compact parking spaces and 3 handicap parking spaces. The applicant has, however, not supplied information pertaining to the number of fixed seats versus non-fixed seating area. Therefore, one cannot determine which parking calculation would be greater. Based upon the presented materials the applicant exactly meets the required number of parking spaces for the Church and residence building. The relocation of the proposed trash enclosure will result in the redistribution of a parking space to accommodate the required 50-foot minimum distance separation from protected properties.

A4) Landscape and Open Space Standards

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

Standards	Required		Provided
	Ratio	Trees	
Parking Area	1 Tree / 6 Spaces	10 Trees	11 Trees
Buffer:			
• Min. Trees	1 Tree / 20 Linear Feet	45 Trees	3 Trees
• Min. Zone Width			
• Front	15 Feet		6 – 38 Feet
• Side - Rear	8 Feet		0 – 6 Feet
• Wall height	8 Feet		Not Provided

The proposed landscaping of the Church will consist of 15 Brisbane Box trees, 11 of which are located within the parking facility to the north, 3 of which are located along the south and east property lines of the site and one tree that is located within the interior of the site. The subject parcels combined have a total of approximately 880 linear feet of property line, therefore requiring a total of 45 trees to be placed at an interval of 1 tree per 20 linear feet. The proposed redevelopment fails to meet this standard. The proposed landscape buffers have been measured from the property line inwards; as a result, the additional landscaping shown is to be established through an Encroachment Agreement, due to it being located within the public right-of-way. The proposed landscaped buffers constantly vary in depth and in some areas, especially the northwestern property line, have zero feet of landscaping. Therefore, the project fails to meet the required landscape standards and will require a waiver of said standards to be in compliance.

A5) Sign Standards

A sign has been indicated on the submitted landscape plan, but no details as to what type or size has been supplied. Previously, the Board of City Commissioners approved a Variance (V-0111-77) application to allow a 13-foot high sign, with the condition that, in event this reader board would be more suitable elsewhere on the property at some future time, it could be moved.

B) General Analysis and Discussion

- **Zoning**

The subject parcels are currently located within a R-1 (Single Family Residence) zoning district. A Church/House of Worship is a permitted use within a R-1 (Single Family Residence) zoning district by means of a Special Use Permit. The proposed site now boasts more area than was previously approved for a Church per Special Use Permit (U-0013-64), therefore requiring a new use permit to encapsulate the entire area.

- **Site Plan**

The site plan depicts the combining of four parcels into two parcels, bifurcated by a public alleyway. The proposed site encompasses both the southwest and northwest corners of Eastern Avenue and Cedar Avenue and Eastern Avenue and Mesquite Avenue, respectively. Access to the site will be made available via an two-way drive aisle from Mesquite Avenue, as well as from a public alleyway located directly between the portions of the proposed site via Eastern Avenue. The site will consist of a 3,044 square foot residence building and a 6,473 square foot Church/Sanctuary and hall, located on the southern portion of the site, and a parking facility located on the northern portion of the site. Parking to be provided on site totals 55 spaces, composed of 25 % compact spaces and 3 handicap spaces. The currently depicted location of the trash enclosure fails to meet the residential adjacency standards and will be conditioned to be relocated within the parking facility just north of the public alleyway.

- **Waivers**

The proposed redevelopment of the existing church facility will require a waiver of perimeter landscaping to be in conformance with applicable Title 19.12 requirements. Because the site is limited by existing structures, the necessary provision of required parking, the waiver request is acceptable, especially since the landscaping as a whole represents a marked improvement over existing conditions. However, 24-inch box trees will still be required along Mesquite Avenue, Eastern Avenue, and Cedar Avenue a maximum of 20 feet on center where possible.

- **Landscape Plan**

The landscape plan depicts 15-gallon Brisbane Box trees, 5-gallon Purple Pony, Heavenly Bamboo and Amur Privet shrubs and 1-gallon Munstead or Jean Davis and Blue Fescue shrubs. The site has a total 15 trees depicted, with the majority of them being located within the proposed parking area at the north of the site. The proposed redevelopment will require a waiver of perimeter landscaping standards to be in conformance.

- **Elevation**

The submitted building elevations depict a 35-foot tall building, adorned with an order of Corinthian capitals, which reach from the floor to a decorative cornice that skirts the entire building. Atop the cornice resides a decorative parapet that stands 5 feet in height. The building incorporates stained glass windows, as well as decorative torches to embellish the south elevation.

- **Floor Plan**

The floor plans of the church depicts a 4,170 square foot nave attached to a 1,209 square foot kitchen, as well as two restrooms. Centrally located within the nave is the chancel. On either side of the entry/lobby are stairways leading to a 1,077 square foot mezzanine.

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 church in question has been existence since at least 1959. Since that time the condition of the site and the surrounding community has been fairly static. The proposed redevelopment of the site would not change the relationship of the existing use with the surrounding area, and therefore would be compatible.

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 redevelopment of the site is in conformance with the General Plan, Title 19, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards; with the granting of a waiver of the perimeter landscaping standards.

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

The proposed entrance and exit on Mesquite Avenue and from the public alleyway onto Eastern Avenue will also have no negative impact adjacent neighborhood roadways or neighborhood traffic; since the use previously had less available parking as well as less direct access to the site.

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

The proposed materials are well suited to both the area and the development that currently exists on the site.

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 quite ornate and indicative of a religious facility, therefore in conformance.

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

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

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

16

NOTICES MAILED 137 by Planning Department

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-5583** APN: 139-35-513-031, 032, 033, 034

Name of Property Owner: LA LUZ DEL MUNDO CHURCH

Name of Applicant: LA LUZ DEL MUNDO CHURCH.
AMINADAB CORONADO

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

 Yes

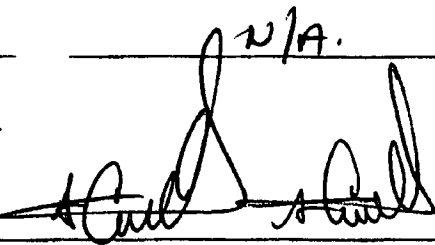
 X No

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

City Official: N/A

Partner(s): N/A N/A.

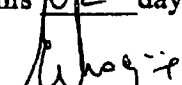
APN: N/A

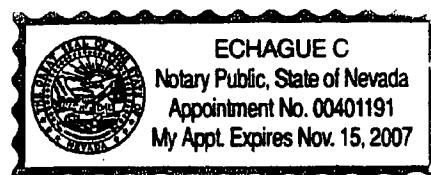
Signature of Property Owner/Authorized Agent: 

Print Name: AMINADAB CORONADO

Subscribed and sworn before me

This 02 day of November, 2004


Notary Public in and for said County and State



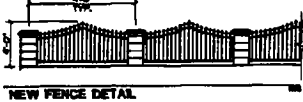
SUP-5582
SDR-5583
12-16-04 PC

E. MESQUITE AVE.



VICINITY MAP

SINGLE FAMILY
RESIDENCE



NEW FENCE DETAIL

ALLEY

EASTERN AVE.

CHURCH/SANCTUARY
AREA = 4,750 SQ. FT.
BUILDING FOOTPRINT
THIS AREA
AREA = 1,277 SQ. FT.
PCC/ASPH

KITCHEN/HALL
AREA
AREA = 1,250 SQ. FT.
BUILDING FOOTPRINT
THIS AREA

RESIDENCE

TO PLAY COURT

RECEIVED
NOV 2 2004

SUP-5582
12/16/04 PC

CEDAR AVE.

SITE PLAN

"LA LUZ DEL MUNDO" CHURCH, LAS VEGAS, NEVADA



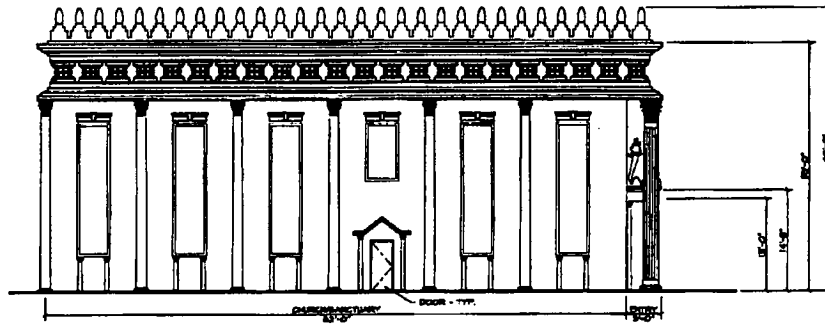
SCALE: 1" = 10'-0"

A2
SHEET

RECEIVED
NOV 8 2 2004

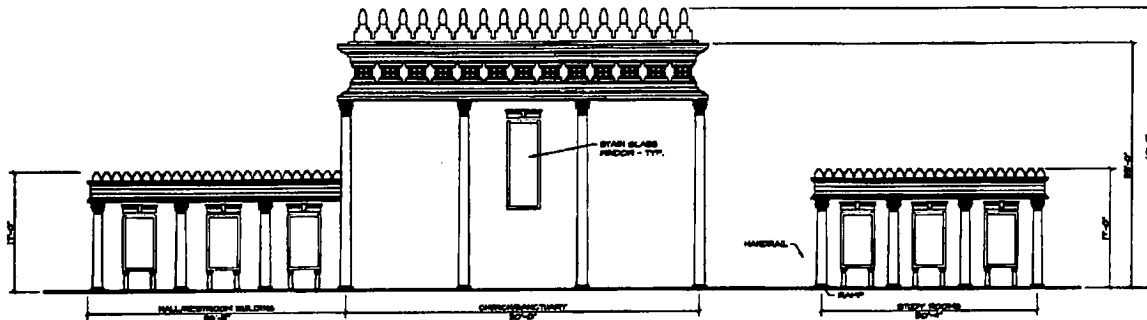
12-16-04 PC

RECEIVED NOVEMBER 2, 2004
NTV 6 9 2004



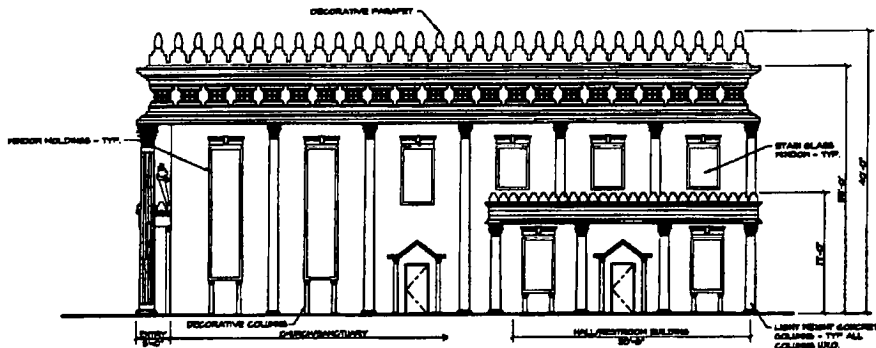
WEST ELEVATION

D



NORTH ELEVATION

C



EAST ELEVATION

B

SDR-5583
12-16-04 PC



SOUTH ELEVATION

A

MATERIAL	COLOR
CEMENT - WHITE	PAINTED TO MATCH
CEMENT - LIGHT GRAY	PAINTED TO MATCH
CEMENT - LIGHT GRAY	PAINTED TO MATCH
CEMENT - LIGHT GRAY	PAINTED TO MATCH
CEMENT - LIGHT GRAY	PAINTED TO MATCH

RECEIVED

NOV 2 2004

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

A5
SHEET

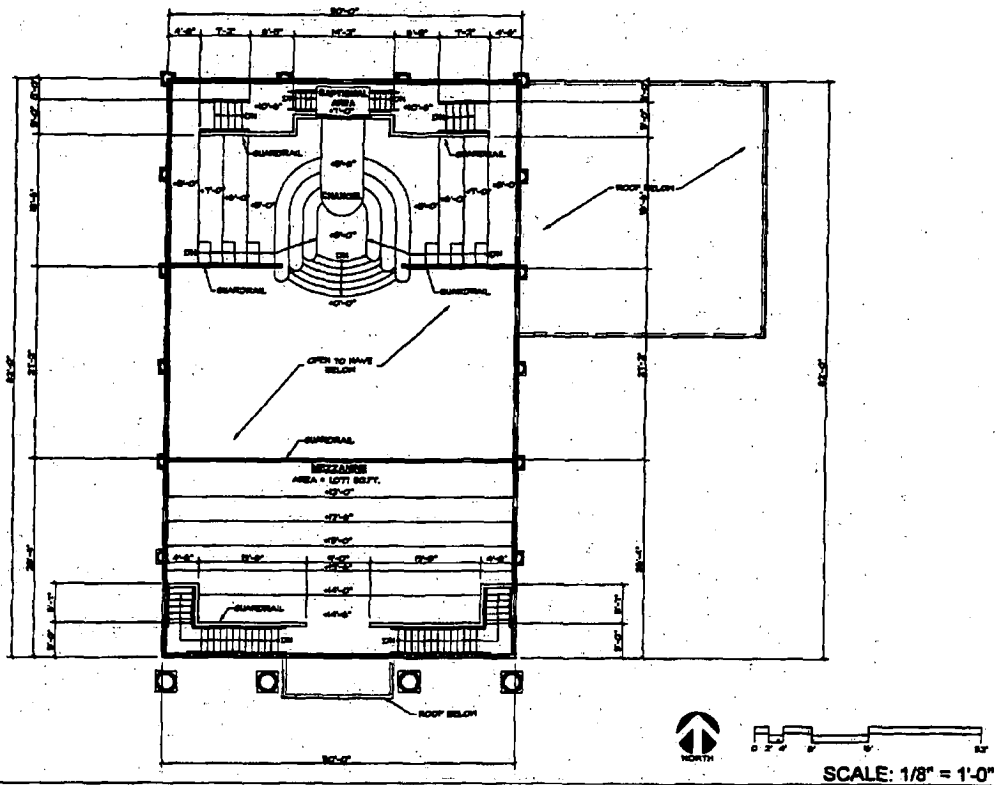
EXTERIOR ELEVATIONS

"LA LUZ DEL MUNDO" CHURCH, LAS VEGAS, NEVADA

NOV 2 2004 NOVEMBER 2, 2004

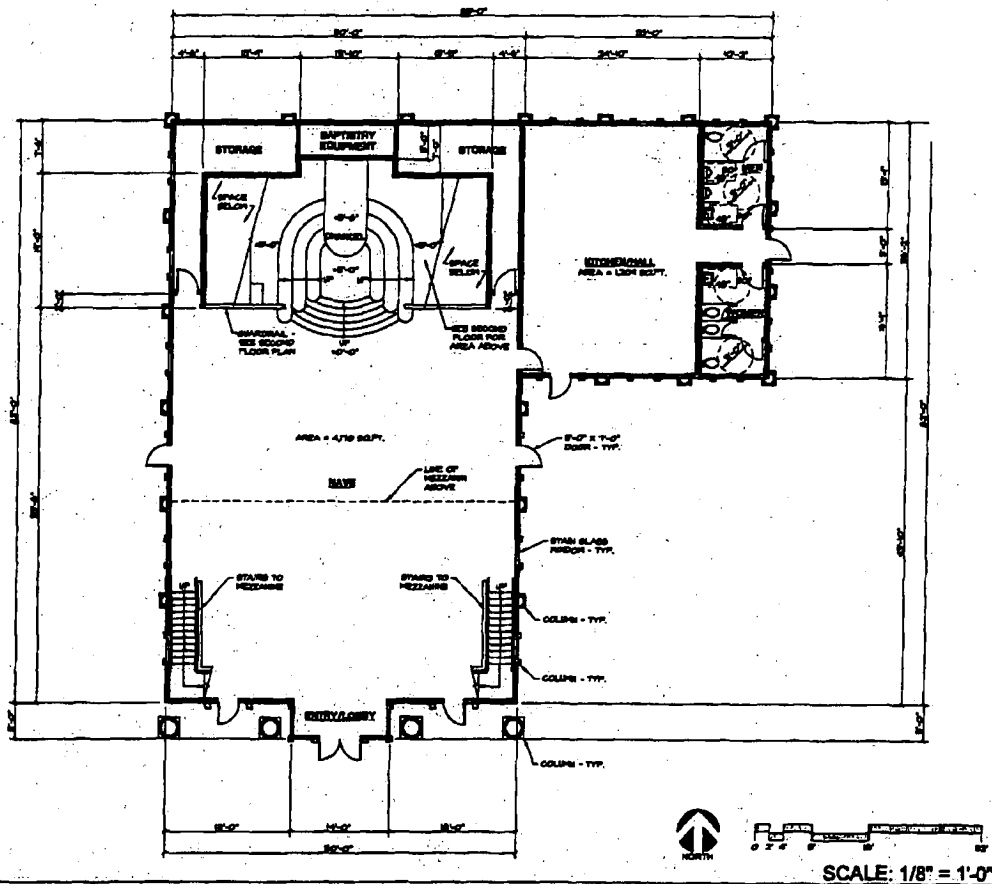


SDR-5583
12/16/04 PC



SECOND FLOOR PLAN

SDR-5583
12-16-04 PC



FIRST FLOOR PLAN

RECEIVED

NOV 2 2004

A4

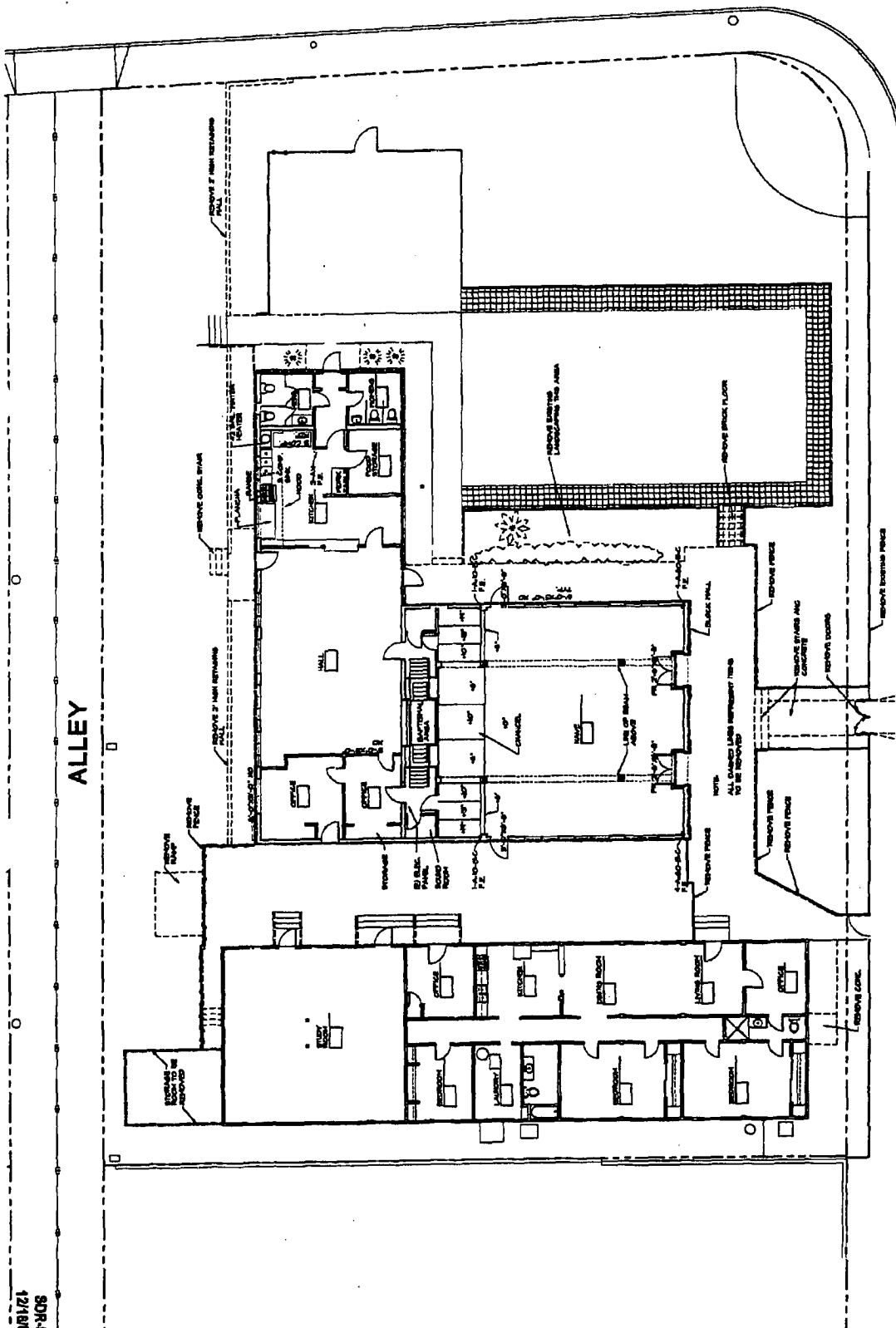
FLOOR PLANS

"LA LUZ DEL MUNDO" CHURCH, LAS VEGAS, NEVADA

RECEIVED
NOV 9 2004

NOVEMBER 2, 2004

SDR-5583
12/16/04 PC



CEDAR AVE.

NOV 2 2004

SDR-5583
12-16-04 PC

SDR-5583
12/18/04 PC

EXISTING FLOOR PLAN

"LA LUZ DEL MUNDO" CHURCH, LAS VEGAS, NEVADA



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

A3

NOVEMBER 2, 2004

1.3.200



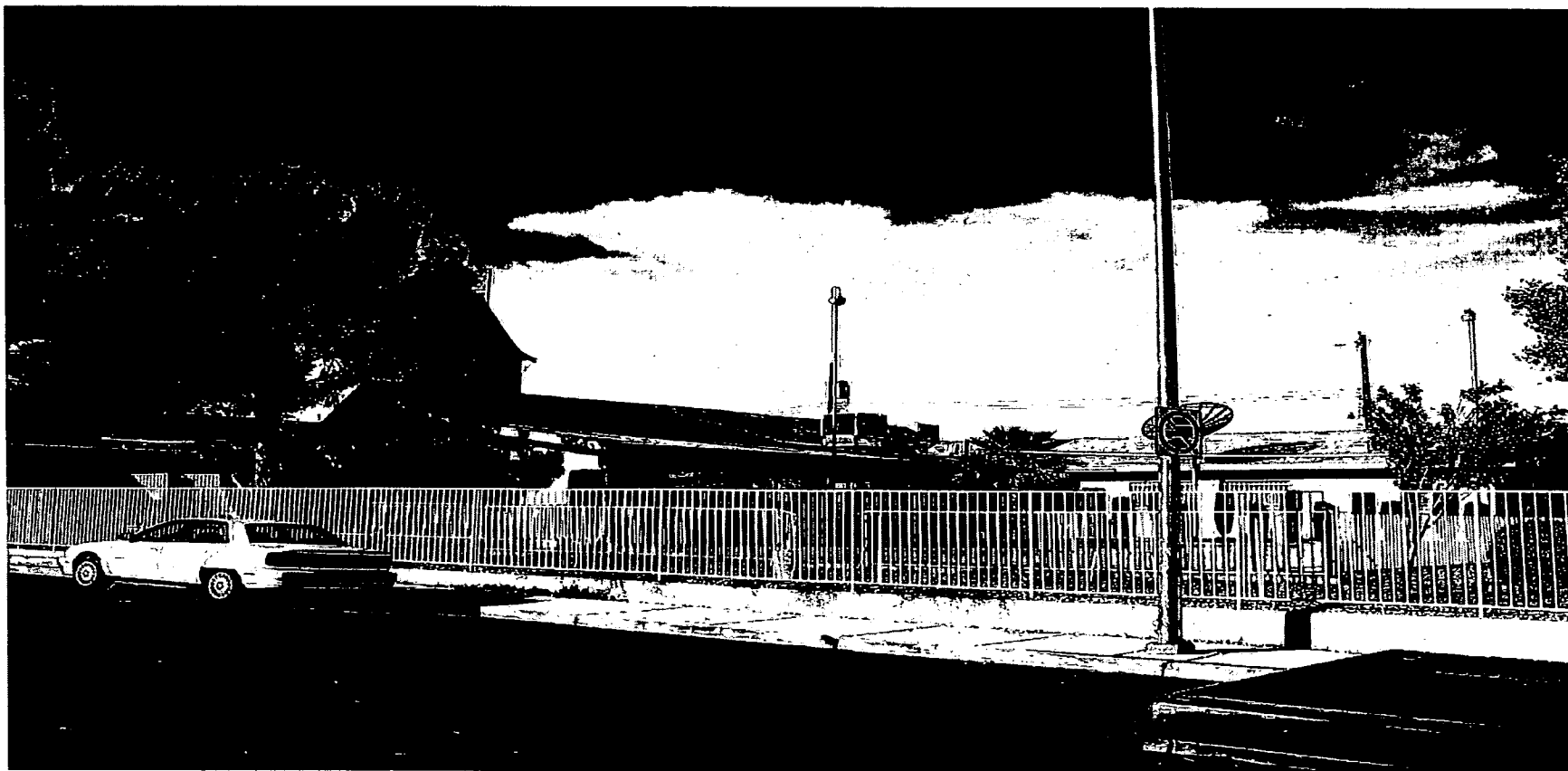
SDR-5583 - APPLICANT/OWNER: IGLECIA DEL DIOS VIVO COLUMNA Y APOYO DE LA VERDAD "LA
LUZ DEL MUNDO"
2413 CEDAR AVENUE AND 2412 EAST MESQUITE AVENUE
DECEMBER 16, 2004 PLANNING COMMISSION

11/30/04



SDR-5583 - APPLICANT/OWNER: IGLECIA DEL DIOS VIVO COLUMNA Y APOYO DE LA VERDAD "LA
LUZ DEL MUNDO"
2413 CEDAR AVENUE AND 2412 EAST MESQUITE AVENUE
DECEMBER 16, 2004 PLANNING COMMISSION

11/30/04

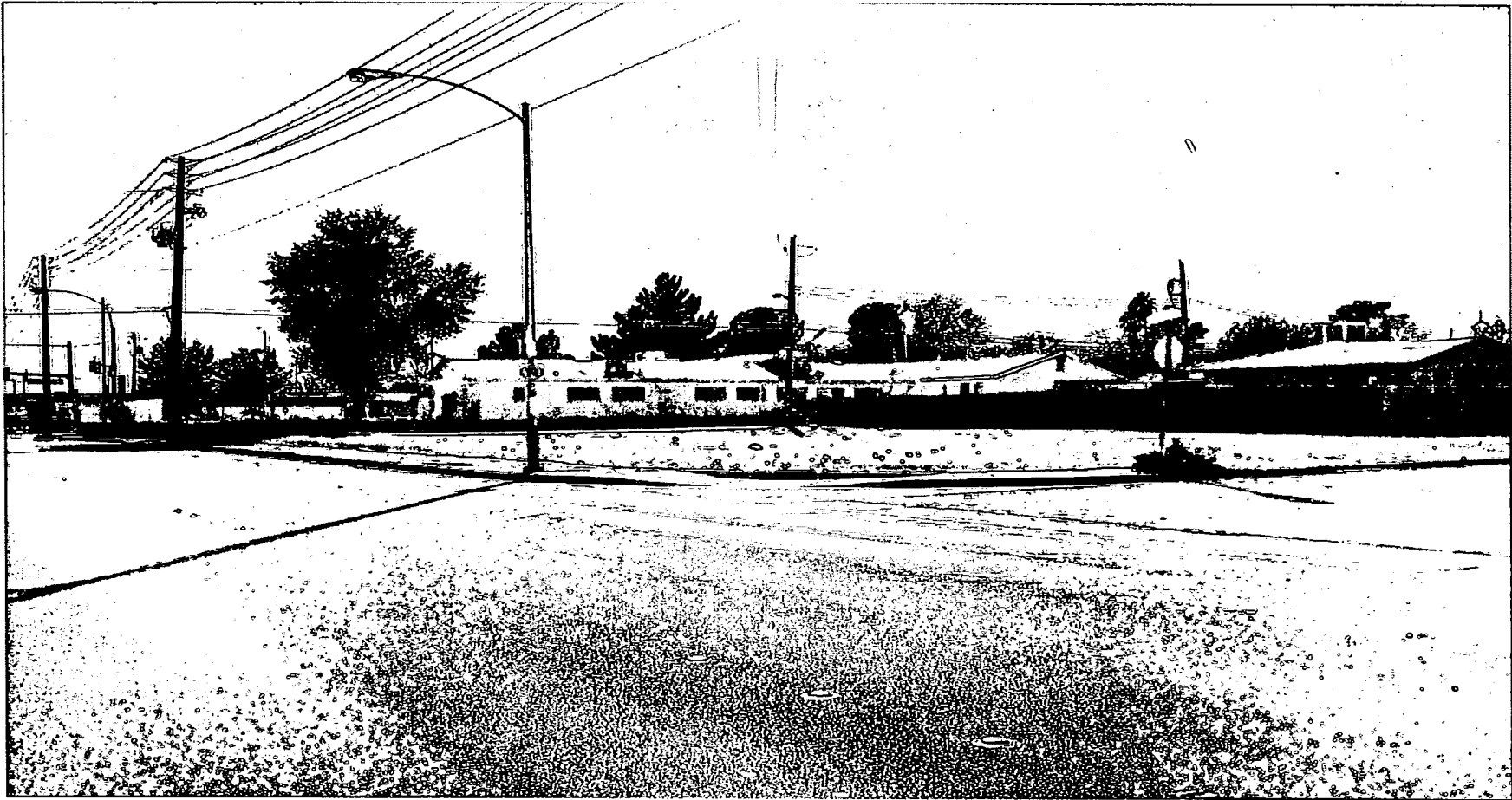


SDR-5583 - APPLICANT/OWNER: IGLECIA DEL DIOS VIVO COLUMNA Y APOYO DE LA VERDAD "LA LUZ DEL MUNDO"

2413 CEDAR AVENUE AND 2412 EAST MESQUITE AVENUE

DECEMBER 16, 2004 PLANNING COMMISSION

11/30/04



SDR-5583 - APPLICANT/OWNER: IGLECIA DEL DIOS VIVO COLUMNA Y APOYO DE LA VERDAD "LA
LUZ DEL MUNDO"
2413 CEDAR AVENUE AND 2412 EAST MESQUITE AVENUE
DECEMBER 16, 2004 PLANNING COMMISSION

11/30/04



SDR-5583 - APPLICANT/OWNER: IGLECIA DEL DIOS VIVO COLUMNA Y APOYO DE LA VERDAD "LA
LUZ DEL MUNDO"
2413 CEDAR AVENUE AND 2412 EAST MESQUITE AVENUE
DECEMBER 16, 2004 PLANNING COMMISSION

11/30/04

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: M. MARGO WHEELER**☐ **CONSENT** ☒ **DISCUSSION****SUBJECT:****REZONING**

ZON-4623 - PUBLIC HEARING - APPLICANT: NEVADA HOMES GROUP - OWNER: HUALAPAI NEVADA, LLC - Request for a Rezoning FROM: U (UNDEVELOPED) [R (RURAL DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION] TO: R-PD3 (RESIDENTIAL PLANNED DEVELOPMENT - 3 UNITS PER ACRE) on 5.35 acres adjacent to the southeast corner of Hualapai Way and Dorrell Lane (APN 125-19-201-001 and 003), Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (3-2 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.	24
City Council Meeting	0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	0
City Council Meeting	0

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (3-2 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted at City Council - Letter from Brigitte M. Solvie for Items 111, 112 and 113 filed Under Item 111
5. Back up referenced from the 12/16/2004 Planning Commission meeting Item 21

MOTION:

MACK - APPROVED subject to conditions - UNANIMOUS with GOODMAN excused

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearing open on Item 111 [ZON-4623], Item 112 [VAR-5377] and Item 113 [SDR-4626].

ATTORNEY JOHN FIELD, Kummer Kaempfer Bonner & Renshaw, 3800 Howard Hughes Parkway, appeared on behalf of the applicant and indicated the zone change conforms to the Centennial Hills Sector Plan for single-family residential subdivision. The 19 units will conform to the density of the plan. The residents of this area asked that the development be compatible with the surrounding area. The five-acre site is located along Hualapai Way and Dorrell Lane. The column of land along Hualapai Way is designated as Residential Rural as per the Centennial Hills Sector Plan with the proposed density of 3.59 dwelling units per acre. This serves as a buffer to the more intense Cliffs Edge Master Plan. Directly adjacent to the subject parcel is a multi-family medium density up to 25 dwelling units per acre. The 3.59 dwelling units per acre proposed along that column of land would buffer the 25 units per acre. Directly north of Dorrell Lane there is Village Commercial.

ATTORNEY FIELD explained they originally applied for a General Plan Amendment with a zone change to R-PD5. After listening to the neighbors' concerns about the density, they withdrew the

CITY COUNCIL MEETING OF: JANUARY 19, 2005**MINUTES - Continued:**

General Plan Amendment and redesigned the site. The residents had indicated they wanted a subdivision that would meet the plan of the area. Therefore, the plan was changed from 27 units to 19 units per acre. They will also provide the open space to meet the development standards of R-PD. Most of the opposition is the site's density and the residents asked for larger lots. Therefore, the applicant removed the open space and redistributed that square footage amongst all the lots to create larger lots. These lots will have backyards that comply with the desert rural development standards, as well as provide larger areas for families to play. The larger lots are located along the eastern property line and act as a buffer. Currently, the only development is located northwest of this site. The rear yards exceed the rural standards. In addition, the site design has been conditioned to have a single story/two-story varying elevation scheme. At the Planning Commission meeting additional conditions were discussed regarding drainage channel and retaining walls. The drainage channel concern has been addressed by placing it along the eastern property line, and the retaining walls meet the development standards.

ATTORNEY FIELD concluded that the residents asked for the increase of the rear yard of Lot 1. Therefore, the site was redesigned once again to provide for at least 35-foot rear yard setback on the single story in Lot 1. Other rear yard setbacks range of 41 feet, 52.1 feet, 51.1 feet with 47.7, 34.9 and a 33.1 side yard setback. He believes they have addressed the issue of creating a buffer for those people to the northwest and the intense use in the Cliffs Edge development. They have also agreed to provide low lighting.

MARC SIMON, Port of Dreams Ranch, 9780 Wittig Avenue, opposed the proposed project because of its incompatibility with what currently exists in the area. Homes at this location range between 4,000 to 15,000 square feet on one and five acre parcels. It is too dense and he objects to the elimination of the open space.

CRAIG PLATT, 7025 Eula Street, stated the final plan has addressed some of the residents' concerns, but not the density and its design. The residents unanimously oppose the project. The parcel is located within the Rural Preservation District. The City, County and State recognized this area as vital to the diversity of a healthy community and suggested it be treated differently. The proposed project would place a track development within a rural area where most of the custom homes are on lots of one-half acre and larger. The City Council should deny the project as presented, and direct the applicant to revise the plan. In addition, approving this project would set a precedent.

BRIGITTE SOLVIE, 7038 North Conquistador Street, and MARY SANDERS, 9945 Wittig Avenue, opposed the project. MS. SOLVIE submitted a letter outlining her concerns, including the high density. The residents are willing to accept the 15 homes, but on larger lots. She asked the City Council to consider decreasing the number of lots. MS. SANDERS pointed out the interlocal agreement between the City and County stipulates that a new development should be similar to the existing development. The applicant should comply with that same standard.

ATTORNEY FIELD rebutted that they attempted to address all of the residents' concerns, except for the density issue, which conforms to what is planned in this area. The subject property is not in the County's RMP area. The site in question was designated to be a buffer to Hualapai Way, which will be an 80 to 100-foot right-of-way. They attempted to assemble more parcels along this corridor, but the owners of those parcels are holding out for commercial. The City Council approved a multi-family, three-story

CITY COUNCIL MEETING OF: JANUARY 19, 2005

MINUTES - Continued:

development adjacent to this property. Therefore, the neighborhood is changing and the proposed project is compatible with the neighborhood. The site plan was designed to create rear yards that exceed the development standards in an RMP area.

COUNCILMAN MACK confirmed that the parcel is located outside of the County's RMP area. To mitigate some of the residents' concerns, when the Centennial Hills Sector Plan was developed, a strip of buffer was included between the rural areas, the master planned community and Hualapai Way. The approved three-story project will also act as a buffer. People would rather have larger yards than the open space. In fact, the open space was reduced to increase the rear yards of Lot 1 and 2.

Regarding Item 113 [SDR-4626], COUNCILMAN MACK imposed an additional condition stating that Lot 1 located in the northeast corner of the site shall have a minimum rear yard setback of 35 feet, as well as deleting Condition 8.

BART ANDERSON, Public Works Department, commented that in order to accommodate the extended setback for Lot 1, the entry drive would have to be relocated farther to the west. Since that entry drive is currently at the minimum standard allowable distance from the abutting street, most likely that condition would require a waiver of the Standard 220 foot offset. He recommended an additional condition on the site plan requiring the applicant to submit and get approval of a waiver of the standard offset distance. ATTORNEY FIELD agreed to obtain that waiver as a condition of approval.

MARGO WHEELER, Director, Planning and Development Department, indicated staff has not reviewed the new site plan and recommended that Condition 4 be amended to state that all development shall be in conformance with the building elevations date stamped 12/15/04 and the site plan submitted at the 1/19/05 City Council meeting. ATTORNEY FIELD indicated he would submit the plan to staff.

MAYOR PRO TEM REESE declared the Public Hearing closed on Item 111 [ZON-4623], Item 112 [VAR-5377] and Item 113 [SDR-4626].

(2:45 - 3:12)

4-485

CONDITIONS:

Planning and Development

1. A Resolution of Intent with a two-year time limit.
2. A Site Development Plan Review (SDR-4626) application approved by the Planning Commission and City Council prior to issuance of any permits, any site grading, and all development activity for the site.
3. A Variance (VAR-5377) for a reduction in required open space approved by the Planning Commission and City Council.

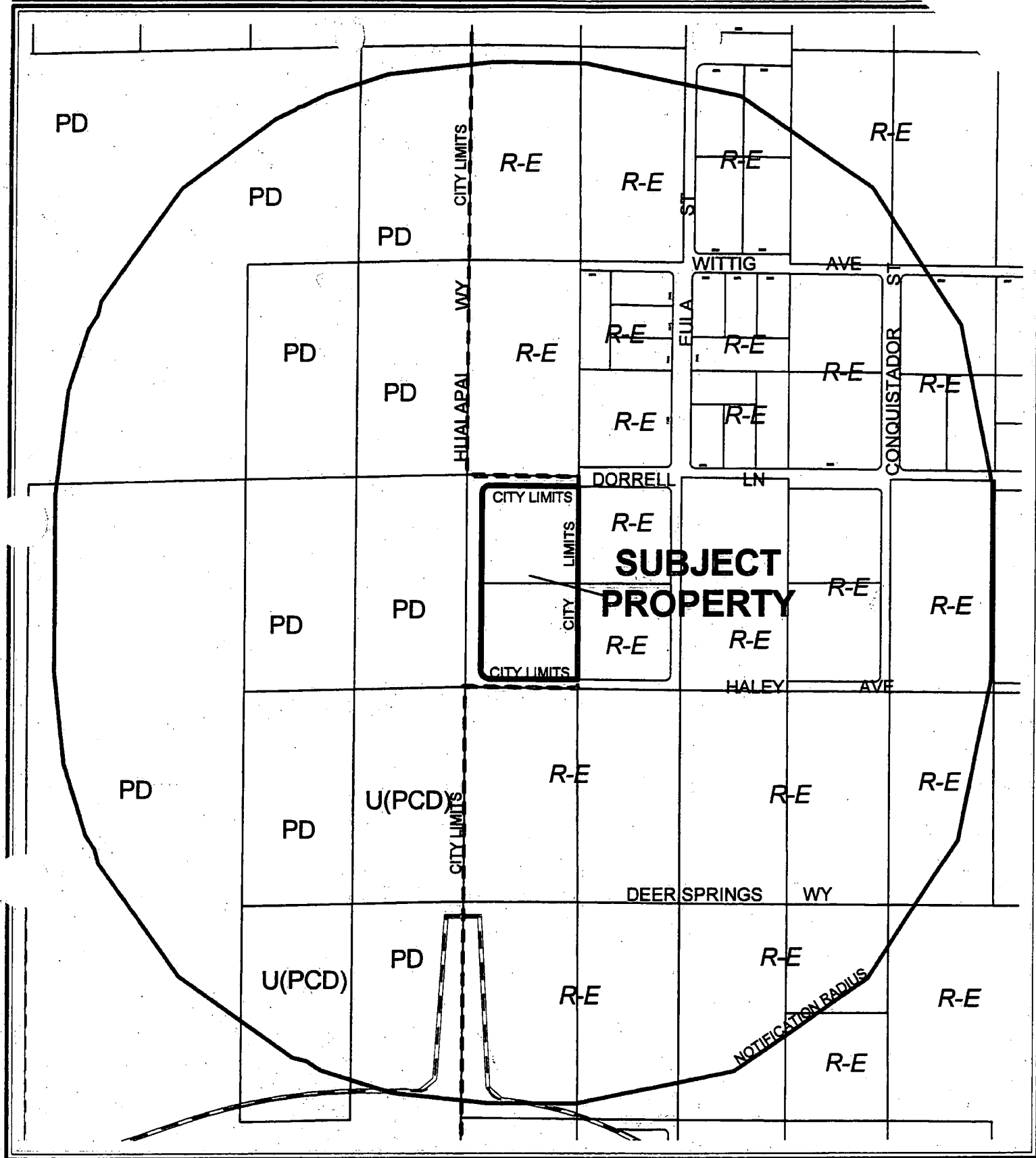
Public Works

4. Coordinate with the City Surveyor to determine whether a Merger and Resubdivision Map or other map is necessary. Comply with the recommendations of the City Surveyor.

CITY COUNCIL MEETING OF: JANUARY 19, 2005

CONDITIONS - Continued:

5. Construct half-street improvements including appropriate overpaving on Dorrell Lane, Hualapai Way and Haley Avenue adjacent to this site concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete). Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site.
6. If not already constructed at the time of development provide a minimum of two lanes of paved, legal access to this site prior to occupancy of any units within this development.
7. Extend public sewer in Haley Avenue to the west edge of this site at a location and to a depth acceptable to the City Engineer. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.
8. A 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.
9. Grant a Traffic Signal Chord Easement at the southeast corner of Hualapai Way and Dorrell Lane.
10. Dedicate 5-feet of additional right-of-way along Hualapai Way adjacent to this site in accordance with Standard Drawing #201.1, unless otherwise allowed by the City Traffic Engineer.



CASE: ZON-4623

RADIUS: 1320 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [R (RURAL DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION]

PROPOSED ZONING OF SUBJECT PROPERTY:

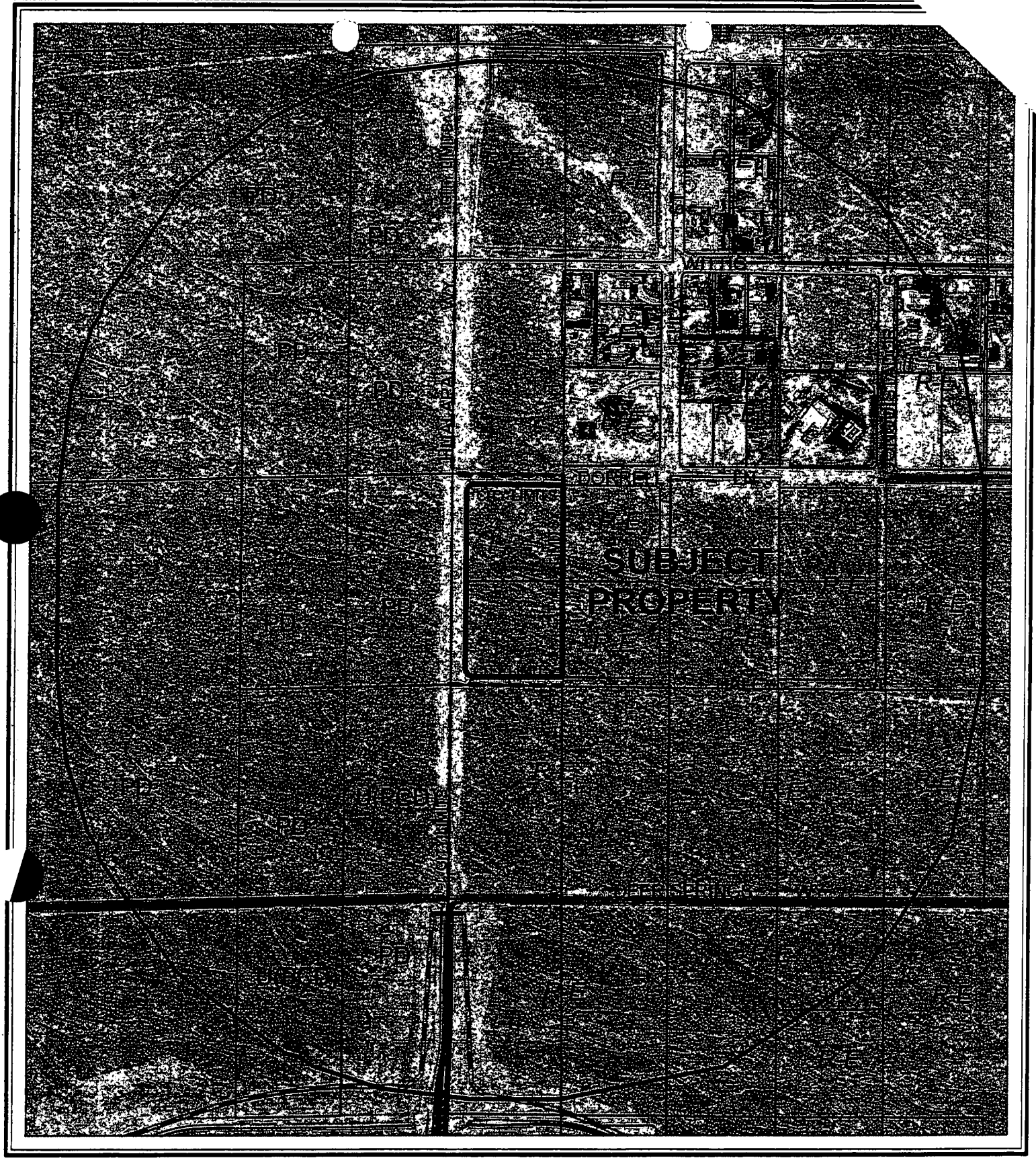
R-PD3 (RESIDENTIAL PLANNED DEVELOPMENT - 3 UNITS PER ACRE)

0 300 600 Feet



111





CASE: ZON-4623

RADIUS: 1320 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [R (RURAL DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION]

PROPOSED ZONING OF SUBJECT PROPERTY:

R-PD3 (RESIDENTIAL PLANNED DEVELOPMENT - 3 UNITS PER ACRE)

0 300 600 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 19, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ZON-4623 - PUBLIC HEARING - APPLICANT: NEVADA HOMES GROUP - OWNER: HUALAPAI NEVADA, LLC

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (3-2 vote) recommends APPROVAL, subject to:

Planning and Development

1. A Resolution of Intent with a two-year time limit.
2. A Site Development Plan Review (SDR-4626) application approved by the Planning Commission and City Council prior to issuance of any permits, any site grading, and all development activity for the site.
3. A Variance (VAR-5377) for a reduction in required open space approved by the Planning Commission and City Council.

Public Works

4. Coordinate with the City Surveyor to determine whether a Merger and Resubdivision Map or other map is necessary. Comply with the recommendations of the City Surveyor.
5. Construct half-street improvements including appropriate overpaving on Dorrell Lane, Hualapai Way and Haley Avenue adjacent to this site concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete). Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site.
6. If not already constructed at the time of development provide a minimum of two lanes of paved, legal access to this site prior to occupancy of any units within this development.
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9. Grant a Traffic Signal Chord Easement at the southeast corner of Hualapai Way and Dorrell Lane.
10. Dedicate 5-feet of additional right-of-way along Hualapai Way adjacent to this site in accordance with Standard Drawing #201.1, unless otherwise allowed by the City Traffic Engineer.

**** STAFF REPORT ****

APPLICATION REQUEST

A) *Action Requested*

This request is intended to rezone property located on 5.35 acres at the southeast corner of Hualapai Way and Dorrell Lane from R-E (Residence Estates) to R-PD3 (Residential Planned Development – 3 Units Per Acre).

B) *Applicant's Justification*

The applicant has stated that this request is justified because of the commercial development anticipated to the west as part of the Cliff's Edge Development. He has also stated that the requested zoning designation would be supported by the R (Rural Density Residential) land use designation, of the General Plan.

BACKGROUND INFORMATION

A) *Previous Actions*

- 07/07/04 The City Council heard the introduction of a bill to annex this property (ANX-4451). The effective date of that annexation was August 13, 2004.
- 07/22/04 The Planning Commission abeyed this application, as well as companion request SDR-4626, to its 08/26/04 meeting, to allow the applicant to revise the application to area residents concerns. Companion request GPA-4621 was withdrawn without prejudice at the request of the applicant.
- 08/26/04 The Planning Commission voted to table this application, as well as companion request SDR-4626, at the request of the applicant.
- 11/18/04 The Planning Commission voted to abey a revised request for R-PD3 (Residential Planned Development - 3 Units Per Acre), as well as companion item SDR-4626, which was modified from 27 lots to 19 larger lots with no open space component, to the 12/16 meeting. Companion Variance VAR-5377, which addresses this deficiency, was also abeyed concurrently.
- 12/16/04 The Planning Commission recommended approval of the related applications, which have again been redesigned and revised to reduce the potential retaining wall height along the eastern boundary of the site.
- 12/16/04 The Planning Commission voted 3-2 to recommend APPROVAL (PC Agenda Item #21/sr/gl).

B) *Pre-Application Meeting*

- 05/26/04 Issues discussed included the need for R-PD5 (Residential Planned Development - 5 Units Per Acre) zoning, private streets, a six-foot landscape planter along Hualapai Way, and approximately 20,800 square-feet of open space.

C) Neighborhood Meetings

06/22/04 No neighbors were in attendance at the meeting for the companion General Plan Amendment (GPA-4621).

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 5.35

B) Existing Land Use

Subject Property Undeveloped
North Undeveloped
South Undeveloped
East Undeveloped
West Undeveloped

C) Planned Land Use

Subject Property R (Rural Density Residential)
North R (Rural Density Residential)
South R (Rural Density Residential)
East RNP (Rural Neighborhood Preservation)
West PCD (Planned Community Development)

D) Existing Zoning

Subject Property Clark County
North Clark County
South Clark County
East Clark County
West PD (Planned Development)

E) General Plan Compliance

The Centennial Hills Interlocal Land Use Plan of the Centennial Hills Sector Plan designated this site for R (Rural Density Residential) land uses, which allow up to 3.59 units per acre.

The R-PD3 (Residential Planned Development - 3 Units Per Acre) zoning district is permitted by the General Plan with a density up to the maximum of 3.59 units per acre.

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

Clark County was notified of this request because adjacent properties are within that jurisdiction.

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 density of the R-PD3 (Residential Planned Development - 3 Units Per Acre) zoning district is in conformance with the R (Rural) General Plan land use designation.

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

The subject parcels are in an area of the city historically considered for very low intensity residential land uses. The character of the area is rural in nature with existing homes on half-acre lots at a minimum. Because the subject parcels are on the edge of this area, they are planned for development at three and a half units per acre to create a gradual increase in intensity from the rural neighborhood to the developing Cliff's Edge community to the west.

The R-PD (Residential Planned Development) zoning districts provide flexibility in design in exchange for the provision of open space. In this case, the design must be sensitive to the large lots to the east. Although the overall density proposed in this request is in conformance with the General Plan, the design is not appropriate for the area. Even though the required amount of open space could result in smaller lot sizes, it would serve as a buffer between this development and the adjacent homes. For this reason, the proposed development does not meet the intent of an R-PD (Residential Planned Development) district.

Although the overall density may be appropriate, the proposed design for the site is not. Homes built on the land to the east of the site, at two units per acre would each be very likely to have three homes backing up to them if this request is approved. That would not result in the type of neighborhood property owners have anticipated.

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

Much of the land in this area is still undeveloped. Known development of the Cliff's Edge Master Plan area is one factor that led to the existing R (Rural Density Residential) general plan designation on this site. The proposed zoning district is not inappropriate in and of itself, but the design is contingent upon a Variance for which there is neither hardship nor justification.

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.”**

Hualapai Way, a proposed 80-foot right-of-way alignment, will be adequate to serve this site.

PLANNING COMMISSION ACTION

The Planning Commission majority believes this project will be a buffer from existing to more intense uses.

NOTICES MAILED 44 by Planning Department

APPROVALS 0

PROTESTS 20



PAT#1233314

DORRELL LANE

S 88°23'25"E 347.44'

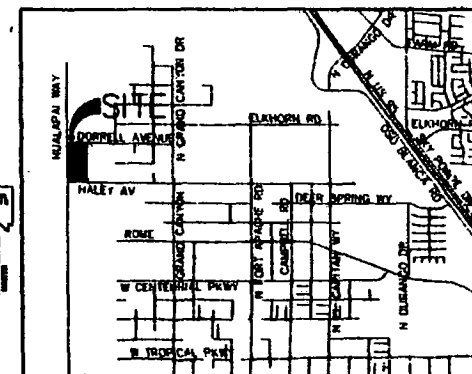
HUALAPAI WAY

80-FOOT (1/2) STREET IMPROVEMENT

HALEY AVENUE

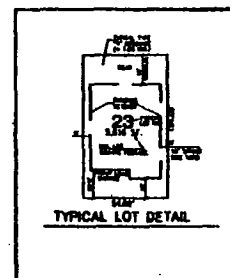
N 89°25'41"W 349.60'

APN#125-19-201-006

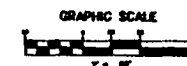


LOCATION MAP

PROJECT SUMMARY	
PROJECT NAME	NEVADA HOMES GROUP
PROJECT ADDRESS	8855 W. SAMARA AVENUE, SUITE # 201
PROJECT CITY	LAS VEGAS, NEVADA
PROJECT ZIP	89117
PROJECT PHONE	(702) 720-8300
PROJECT FAX	(702) 720-8300
PROJECT E-MAIL	PAUL.BAGNER@NEVADAHOMESGROUP.COM
PROJECT WEBSITE	WWW.NEVADAHOMESGROUP.COM
PROJECT ARCHITECT	PAUL BAGNER ARCHITECTS
PROJECT ENGINEER	PAUL BAGNER ARCHITECTS
PROJECT LANDSCAPE ARCHITECT	PAUL BAGNER ARCHITECTS
PROJECT SURVEYOR	PAUL BAGNER ARCHITECTS
PROJECT ATTORNEY	PAUL BAGNER ARCHITECTS
PROJECT FINANCER	PAUL BAGNER ARCHITECTS
PROJECT INSURER	PAUL BAGNER ARCHITECTS
PROJECT TITLE INSURANCE	PAUL BAGNER ARCHITECTS
PROJECT RECORDING	PAUL BAGNER ARCHITECTS
PROJECT RECORDING FEE	PAUL BAGNER ARCHITECTS
PROJECT RECORDING DATE	PAUL BAGNER ARCHITECTS
PROJECT RECORDING TIME	PAUL BAGNER ARCHITECTS
PROJECT RECORDING LOCATION	PAUL BAGNER ARCHITECTS
PROJECT RECORDING STATUS	PAUL BAGNER ARCHITECTS
PROJECT RECORDING COMMENTS	PAUL BAGNER ARCHITECTS

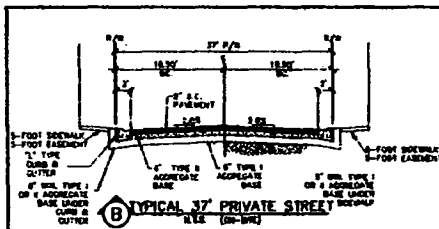


TYPICAL LOT DETAIL

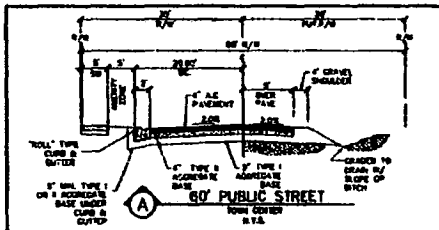


SETBACKS	
FRONT (GARAGE) :	20'
FRONT (HOUSE) :	15'
SIDE :	5'
CORNER/SIDE :	10'
REAR :	15'

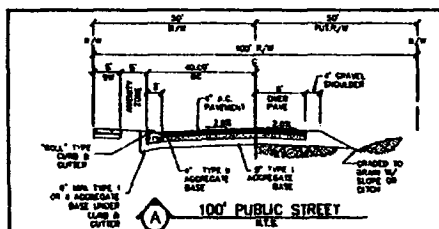
OWNER/DEVELOPER
NEVADA HOMES GROUP
8855 W. SAMARA AVENUE, SUITE # 201
LAS VEGAS, NEVADA 89117
(702) 720-8300
CONTACT: PAUL BAGNER



TYPICAL 37' PRIVATE STREET



TYPICAL 60' PUBLIC STREET



TYPICAL 100' PUBLIC STREET

- GENERAL NOTES:**
- There are no existing structures located within the property boundary.
 - The lot dimensions are preliminary and may vary with the mapping process.
 - The boundary for this project is from "of record information". The of record boundary will most likely differ from the surveyed boundary.
 - Some lot lines and dimensions may change during the final mapping process.

NEVADA HOMES GROUP

SITE DEVELOPMENT PLAN FOR

HUALAPAI/DORRELL

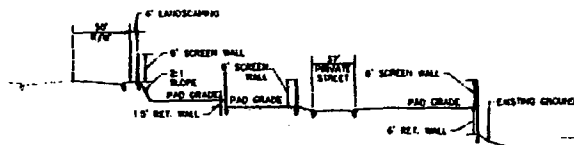
01

6438-CLV

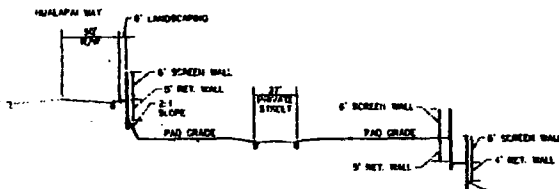
**ZON-4623
VAR-5377
SDR-4626
12/16/04 PC**

**RECEIVED
DEC 15 2004**

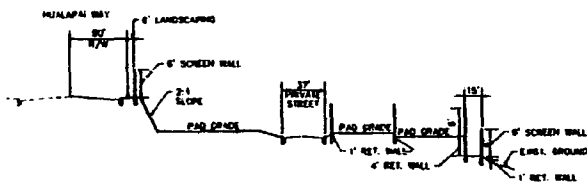
**REVISED
12.15.04**



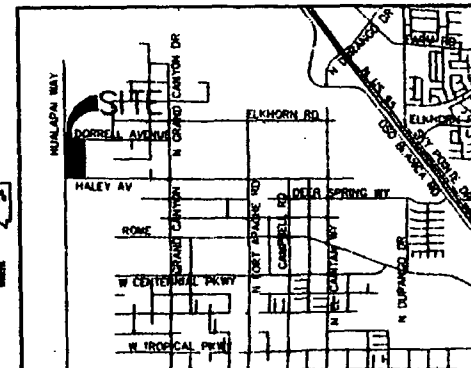
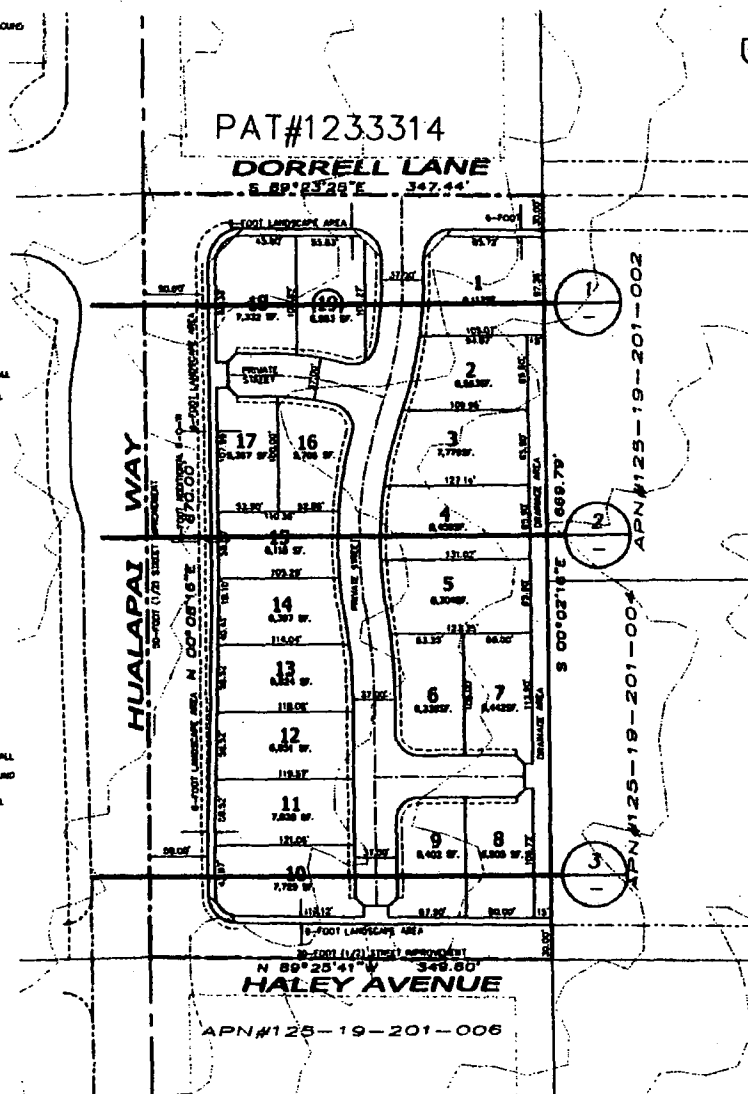
1 CROSS SECTION DETAIL



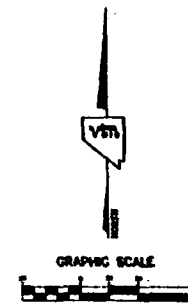
2 CROSS SECTION DETAIL



3 CROSS SECTION DETAIL



LOCATION MAP



OWNER/DEVELOPER
NEVADA HOMES GROUP
6095 W. SAHARA AVENUE, SUITE # 201
LAS VEGAS, NEVADA 89117
(702) 290-8200
CONTACT: WADE BINGHEP

NEVADA HOMES GROUP		CITY OF LAS VEGAS	
RETAINING WALL EXHIBIT		HUALAPAI/DORRELL	
DATE: 12/15/04	BY: WADE BINGHEP	DATE: 12/15/04	BY: WADE BINGHEP
SHEET 1 OF 2		SHEET 1 OF 2	
6438-CLV		6438-CLV	

REVISED
12.15.04

ZON-4623
VAR-5377
SDR-4626
12/16/04 PC

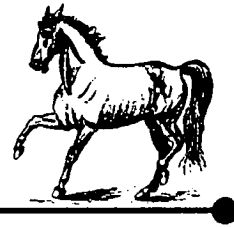
RECEIVED
DEC 15 2004



ZON-4623 - APPLICANT: NEVADA HOMES GROUP - OWNER: HUALAPAI NEVADA, LIMITED LIABILITY
COMPANY
SOUTHEAST CORNER OF HUALAPAI WAY AND DORRELL LANE
DECEMBER 16, 2004 PLANNING COMMISSION

7/1/04

John J. Solvie
Brigitte M. Solvie
7038 N. Conquistador Street
Las Vegas, Nevada 89149-1393



January 19, 2005

Mayor Oscar B. Goodman
City of Las Vegas
400 Stewart Avenue
Las Vegas, Nevada 89101

RE: Case No. ZON 4623
Case No. SDR 4626
Case No. VAR 5377

As a current landowner within the notification perimeter, I would like to state my opposition to applicant's SDR 4626 submittal.

This applicant has proposed several Site Design Reviews. The most current SDR dated 7/22/04 is requesting 19 homes on 5.0 acres. Conditions continue to be added without addressing the current residents' primary concern, density.

In Section 2.6 Land Use Issues of the Centennial Hills Sector Plan of the City of Las Vegas General Plan, Item 6, it states in part that "the Planning Commission and/or the City Council may require less intense development or development of lower density in order to protect the general health, safety and welfare of the community as well as maintain compatibility with and integrity of adjacent development."

This 330' transitional acreage is intended as a buffer to the immediately adjacent R-E home sites. It would be more consistent and more accurately represent the intent of the Centennial Hills Sector Plan if the applicant would decrease his project by a few home sites.

It is my hope that you deny applicants request and encourage applicant toward a lesser overall density, something closer to a 3.1 or 3.2 finished density.

Respectfully,

Brigitte M. Solvie
Landowner, APN 125-19-102-034

Submitted at City Council
Date 1/19/05 Item #11-113

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

VARIANCE RELATED TO ZON-4623

VAR-5377 - PUBLIC HEARING - APPLICANT: NEVADA HOMES GROUP - OWNER: HUALAPAI NEVADA, LLC - Request for a Variance TO ALLOW NO OPEN SPACE WHERE 13,633 SQUARE FEET IS THE MINIMUM REQUIRED FOR A PROPOSED 19 LOT SINGLE-FAMILY DEVELOPMENT on 5.35 acres adjacent to the southeast corner of Hualapai Way and Dorrell Lane (APN 125-19-201-001 and 003), U (Undeveloped) Zone [R (Rural Density Residential) General Plan Designation] [PROPOSED: R-PD3 (Residential Planned Development - 3 Units Per Acre)], Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (3-2 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.	5
City Council Meeting	0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	0
City Council Meeting	0

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (3-2 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted at City Council - Letter from Brigitte M. Solvie for Items 111, 112 and 113 filed Under Item 111
5. Back up referenced from the 12/16/2004 Planning Commission meeting Item 22

MOTION:

MACK - APPROVED subject to conditions - UNANIMOUS with GOODMAN excused

MINUTES:

NOTE: See Item 111 [ZON-4623] for all related discussion.
(2:45 - 3:12)
4-485

CONDITIONS:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-4623), and Site Development Plan Review [SDR-4626].

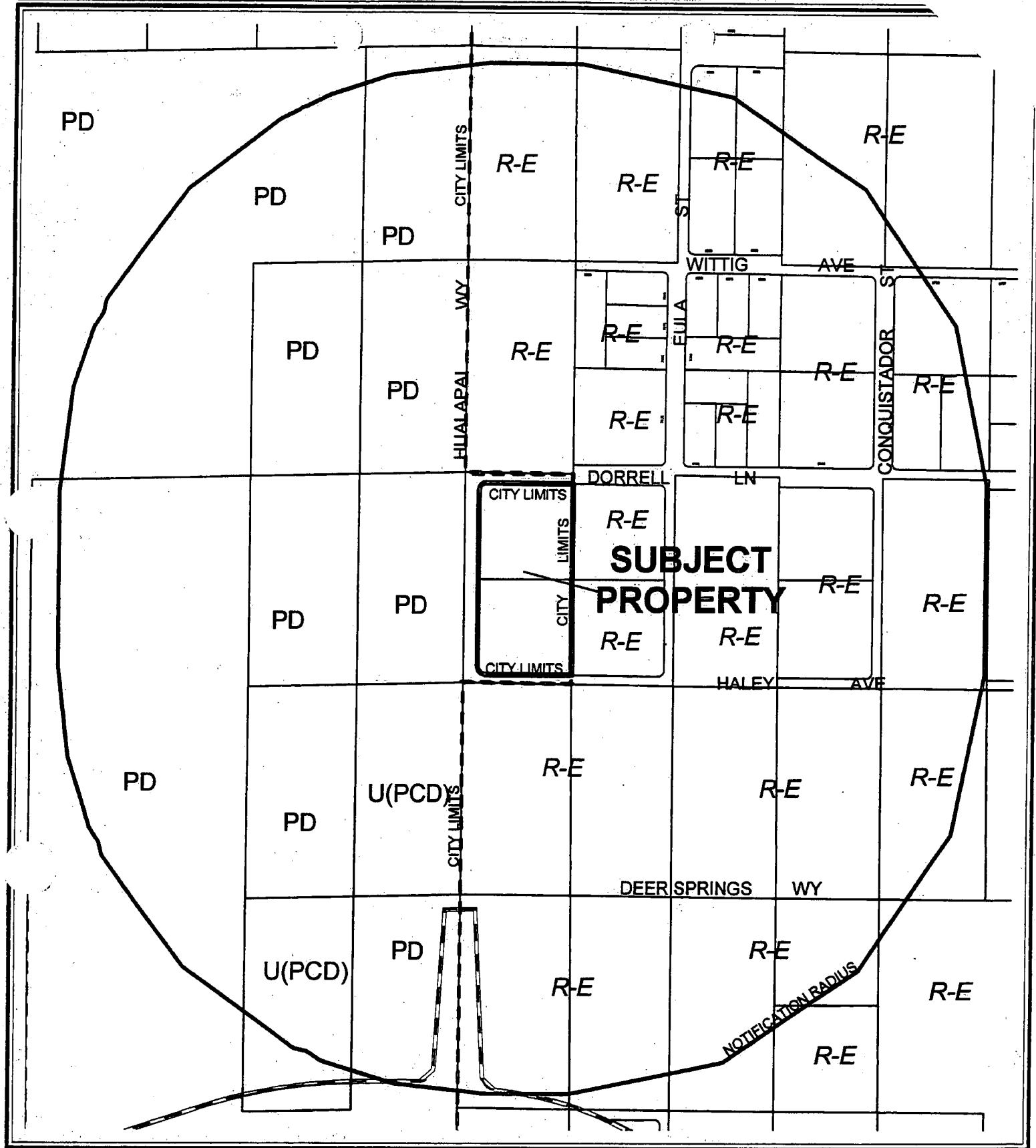
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

3. In lieu of compliance with the open space requirements of Municipal Code 19.06.040, the developer will be allowed to make a contribution to the City of Las Vegas Parks CIP Fund in the amount of \$54,532 to be utilized by the City Council for improvements to existing public parks nearby. This contribution must be made to Land Development prior to approval of a Final Map, otherwise the

CITY COUNCIL MEETING OF: JANUARY 19, 2005

CONDITIONS - Continued:

developer is still required to comply with the Open Space requirement in accordance with Title 19 of the Las Vegas Municipal Code.



CASE: VAR-5377

RADIUS: 1320 FT

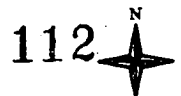
ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [R (RURAL DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION]

PROPOSED ZONING OF SUBJECT PROPERTY:

R-PD3 (RESIDENTIAL PLANNED DEVELOPMENT - 3 UNITS PER ACRE)

0 300 600 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 19, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: VAR-5377 - APPLICANT: NEVADA HOMES GROUP -
OWNER: HUALAPAI NEVADA, LLC**

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (3-2 vote) recommends APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-4623), and Site Development Plan Review [SDR-4626].
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
3. In lieu of compliance with the open space requirements of Municipal Code 19.06.040, the developer will be allowed to make a contribution to the City of Las Vegas Parks CIP Fund in the amount of **\$54,532** to be utilized by the City Council for improvements to existing public parks nearby. This contribution must be made to Land Development prior to approval of a Final Map, otherwise the developer is still required to comply with the Open Space requirement in accordance with Title 19 of the Las Vegas Municipal Code.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Variance to the open space provisions of the Code, to allow no open space where 13,633 square feet are required, located on 5.35 acres at the southeast corner of Hualapai Way and Dorrell Lane.

B) Applicant's Justification

The applicant's justification letter states that because of the limited number of lots (19), the lot sizes, and the large rear yards, elimination of the open space requirement will not adversely affect the project. They anticipate that the lots are large enough to accommodate each home's open space needs.

BACKGROUND INFORMATION

A) Previous Actions

- 07/07/04 The City Council heard the introduction of a bill to annex this property (ANX-4451). The effective date of that annexation was August 13, 2004.
- 07/22/04 The Planning Commission abeyed companion requests ZON-4623 and SDR-4626 to its 08/26/04 meeting, to allow the applicant to revise the application to area residents concerns. Companion request GPA-4621 was withdrawn without prejudice at the request of the applicant.
- 08/26/04 The Planning Commission voted to table these companion applications at the request of the applicant.
- 11/18/04 The Planning Commission voted to abey this request, as well as companion requests ZON-4623, which was previously revised to R-PD3 (Residential Planned Development - 3 Units Per Acre), and SDR-4626, which was modified from 27 lots to 19 larger lots with no open space component (which generated the need for this Variance), to its 12/16/04 meeting.
- 12/16/04 The Planning Commission recommended approval of related item, which have again been redesigned and revised to reduce the potential retaining wall height along the eastern boundary of the site.
- 12/16/04 The Planning Commission voted 3-2 to recommend APPROVAL (PC Agenda Item #22/sr/gl).

B) Pre-Application Meeting

10/04/04 Issues discussed included the overall reduction in lots from the previous site plan to meet the density of limit of 3.5 units per acre, in particular along the east property line. Public Works discussed the need for dedications of half-street improvements, a traffic signal impact fee, and a drainage study. They also suggested meeting with Fire and Safety to discuss crash gate requirements.

C) Neighborhood Meetings

A neighborhood meeting is not required with this request.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 5.35

B) Existing Land Use

Subject Property	Undeveloped
North	Undeveloped
South	Undeveloped
East	Undeveloped
West	Undeveloped

C) Planned Land Use

Subject Property	R (Rural Density Residential)
North	R (Rural Density Residential)
South	R (Rural Density Residential)
East	RNP (Rural Neighborhood Preservation)
West	PCD (Planned Community Development)

D) Existing Zoning

Subject Property	Clark County
North	Clark County
South	Clark County
East	Clark County
West	PD (Planned Development)

E) General Plan Compliance

The Centennial Hills Interlocal Land Use Plan of the Centennial Hills Sector Plan designated this site for R (Rural Density Residential) land uses, which allow up to 3.59 units per acre. The R-PD3 (Residential Planned Development - 3 Units Per Acre) zoning district is permitted by the General Plan with a density up to the maximum of 3.49 units per acre.

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

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

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

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

Total Acreage	Density	Required			Provided	
		Ratio	Percent	Area	Percent	Area
5.35	3.55	1.65	5.85 %	13,633 SF	0%	none

The application has no open space component. This Variance request is intended to seek relief from this requirement of the Code. The subject deviation is 100%

B) General Analysis and Discussion

The applicant is proposing to develop a 19-lot subdivision on 5.35 acres of land. The dimensions of the property are the typical 330 feet by 660 feet of undeveloped sites prior to right-of-way dedications. There appear to be no undevelopable areas of the site.

The purpose of the R-PD (Residential Planned Development) zoning districts is, in part, to allow for creative and flexible design in exchange for the provision of open space amenities. The lot size meets the five-acre minimum requirement, which is considered adequate to provide for this type of flexible design. The applicant is proposing a development with no open space areas but with bulk standards far less stringent than what would be required by the R-D (Single-Family Residential - Restricted) zoning district. This is not an appropriate application of the R-PD (Residential Planned Development) zoning district as it is effectively undermining the intent of Title 19. Open space can and should be provided as part of this application.

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 not providing any open space within the project. Alternative designs would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

PLANNING COMMISSION ACTION

There were three speakers protesting the project. Condition #3 was added.

NOTICES MAILED 47 by City Clerk

APPROVALS 0

PROTESTS 5



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

VAR-5377

Case Number: _____ APN: 125-19-201-001 & 003

Name of Property Owner: HUALAPAI NEVADA, LLC

Name of Applicant: NEVADA HOMES GROUP

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

_____ Yes

X No

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

City Official: _____

Partner(s): _____

APN: _____

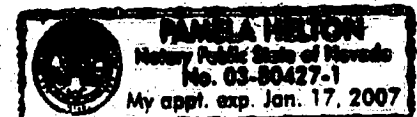
Signature of Property Owner/Authorized Agent: [Signature]

Print Name: DENN LAZARUS

Subscribed and sworn before me

This 27th day of October, 2004

Pamela Helton Clark Co., Nevada
Notary Public in and for said County and State



DORRELL LANE
S 89°23'25"E 347.44'

HUALAPAI WAY

APN#125-19-201-004 APN#125-19-201-002

HALEY AVENUE

APN#125-19-201--006

GENERAL NOTES :

1. There are no existing structures located within the property boundary.
2. The lot dimensions are preliminary and may vary with the mapping process.
3. The boundary for this project is from "of record information".
4. The lot of record boundary will most likely differ from the surveyed boundary.
4. Some lot lines and dimensions may change during the final mapping process.

SETBACKS

FRONT (GARAGE) : 20'
FRONT (HOUSE) : 15'
SIDE : 5'
CORNER/SIDE : 10'
REAR : 15'

OWNER/DEVELOPER

NEVADA HOMES GROUP
6095 W. SAHARA AVENUE, SUITE # 201
LAS VEGAS, NEVADA 89117
(702) 220-8200
CONTACT: PAUL WAGNER

NEVADA HOMES GROUP

DEVELOPMENT PLAN

HUALAPAI/DORRELL

01
1 of 2 pages
6438-CLV

LOCATION MAP

[illegible]

TYPICAL LOT DETAIL

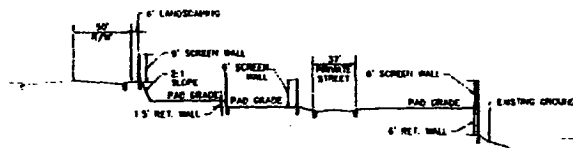
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10-11-68

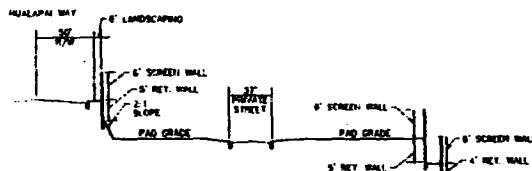
**ZON-4623
VAR-5377
SDR-4626
12/16/04 PC**

RECEIVED
DEC 15 2004

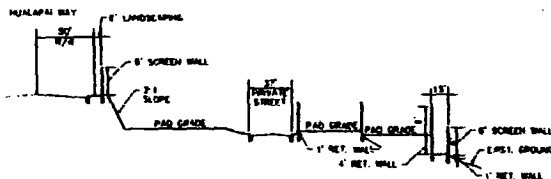
REVISED
12.15.04



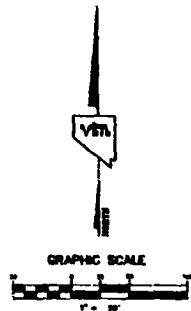
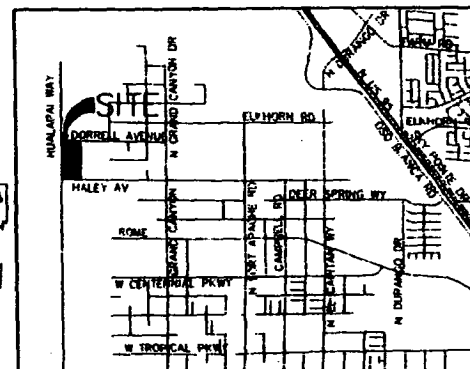
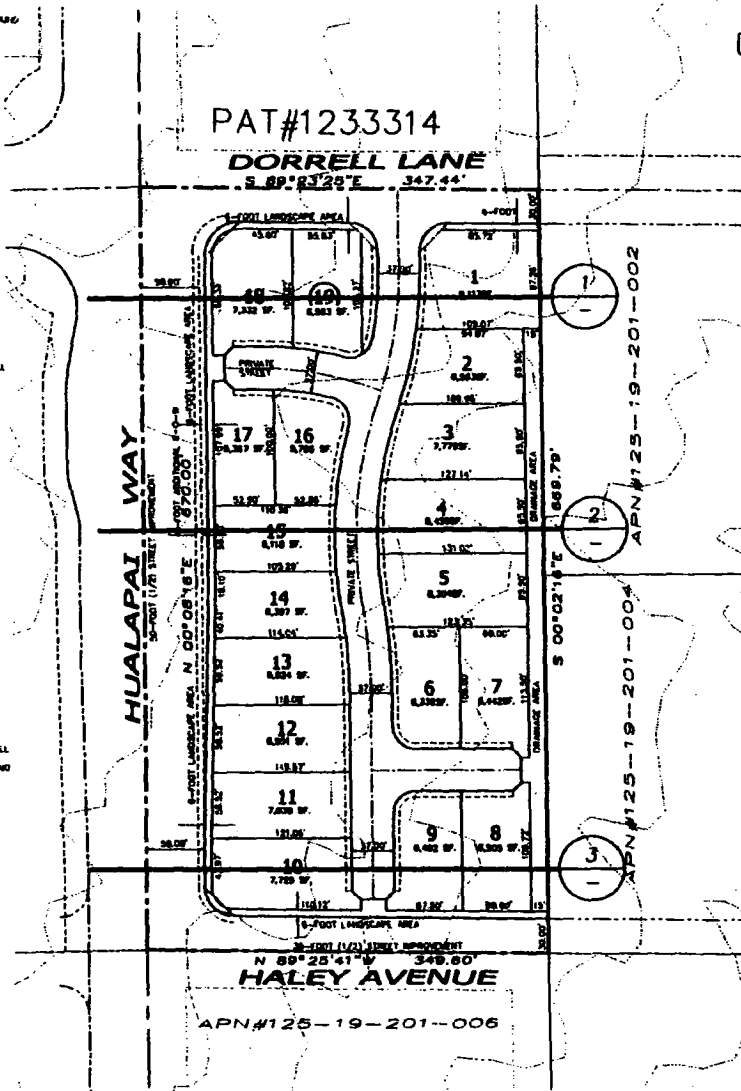
1 CROSS SECTION DETAIL



2 CROSS SECTION DETAIL



3 CROSS SECTION DETAIL



OWNER/DEVELOPER
NEVADA HOMES GROUP
6900 W. SAHARA AVENUE, SUITE # 201
LAS VEGAS, NEVADA 89117
(702) 270-6200
CONTACT: PAUL WICKER

NEVADA HOMES GROUP		CITY OF LAS VEGAS	
RETAINING WALL EXHIBIT		HUALAPAI/DORRELL	
DATE:	BY:	DATE:	BY:
DESIGNED BY:	CHKD:	DESIGNED BY:	CHKD:
CHECKED BY:	APPR:	CHECKED BY:	APPR:
PROJECT NO:	SCALE:	PROJECT NO:	SCALE:
SHEET		SHEET	
WALL - 1		WALL - 1	
2 OF 2 SHEETS		2 OF 2 SHEETS	
6438-CLV		6438-CLV	

REVISED
12.15.04

ZON-4623
VAR-5377
SDR-4626
12/16/04 PC

RECEIVED
DEC 15 2004



VAR-5377 - APPLICANT: NEVADA HOMES GROUP - OWNER: HUALAPAI NEVADA, LIMITED LIABILITY COMPANY

SOUTHEAST CORNER OF HUALAPAI WAY AND DORRELL LANE

DECEMBER 16, 2004 PLANNING COMMISSION

7/1/04

**NOTE: THE FOLLOWING DOCUMENTATION
WAS SUBMITTED FOR THE RECORD BEFORE
OR AT THE PLANNING COMMISSION HEARING
ON THIS ITEM WHICH IS NOW APPEARING
BEFORE THE CITY COUNCIL**

Telephone Protest/ Approval Log

Meeting Date: 12/16/04

Case Number: VAR 5377

Date: 12/14/04
Name: Marc Simon
Address: 9780 Witting
L.V. NV. 89149
Phone: (702) 656-3440
☒ PROTEST ☐ APPROVE

Date: _____
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Date: _____
Name: READ INTO
Address: THE RECORD
Phone: _____
☐ PROTEST ☐ APPROVE

Gary Leobold

From: Kim Bush [KBUSH@Co.Clark.NV.US]
Sent: Tuesday, December 14, 2004 5:35 PM
To: LSkaar@LasVegasNevada.GOV
Cc: GLeobold@LasVegasNevada.GOV
Subject: Wagner's app. at Dorrell/Hualapai

Hi Leni,

When time permits, please give me a call to discuss. Neighbors had a meeting last night and then stopped by to see me at 4 p.m. today. There are a few issues they need resolved prior to C of LV PC Thursday night if they're going to lend their support:

- Drop the house count from 19 to 15 or 16 - would like him to stay around 3-3.1 du/ac (8,500-9,000 sq. ft.)
- Support open space variance if he provides a 30' minimum setback along the eastside

They understand that the density will be greater along Hualapai, but believe the site plan can be revised to accommodate the above concerns if he takes out the "finger" on the southern portion and gets rid of some of the internal street network. They asked for Chip to attend so that they knew he was willing to fight for them and the transition/compatibility of their area. So, there you have it. I'll be in until 11 a.m. and then back here around 4 p.m. tomorrow.

Thanks,

Kim

Kim Bush
Town and Liaison Services
NW Community Liaison
Mt. Crest Neighborhood Services Ctr.
4701 N. Durango Dr.
Las Vegas NV 89129
Phone: 455-1900
FAX: 645-5889
E-mail: kbush@co.clark.nv.us

**READ INTO
THE RECORD**

ZON 4623
SDR-4626
VAR-5377

December 10, 2004

City of Las Vegas
Planning and Development Department
Current Planning Division
Development Services Center
731 S. Fourth Street
Las Vegas, NV 89101

Dear Planning and Development Department:

I am very concerned about the following request for changes in our neighborhood:

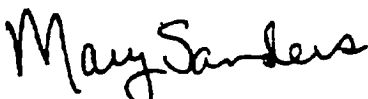
- VAR-5377
- ZON-4623
- SDR4626

Our neighborhood is a part of the rural preservation area zoned as .5 acre plus parcels. We are very concerned about the introduction of less than .20 acre parcels introduced into this area to the south of our land and homes. The Inter-local agreement states that the areas must be similar in nature to others in the community. We are concerned for a number of reasons including:

- increased traffic and congestion in our neighborhoods during and after construction
- loss of premium views because of the narrow lot sizes planned and requested by Nevada Homes Group
- loss of the rural nature of the area
- devaluing our properties' values because of smaller parcels with lower valuations
- the size of the lots are long and narrow creating cramped living spaces between homes
- dust and air pollution from the construction sites
- additional light in the neighborhood from street lights
- additional noise in the neighborhood from 19 additional homes with plans to further expand north along Hualapai with similar 5 acre parcels

My neighbors and I are respectful of nearby growth and development to the west of Hualapai. However, we wish to keep our rural preservation area stable with .5 acre plus parcels as R-E. We are requesting that you recommend this project be declined by the planning commission.

Sincerely,



Mary Sanders

Mary Sanders
9945 Wittig Ave.
Las Vegas, NV 89149

READ INTO
THE RECORD

December 14, 2004

Craig Platt
7025 Eula Street
Las Vegas, NV 89149

Kyle C. Walton, Senior Planner
City of Las Vegas Planning and Development Services
731 South Fourth Street
Las Vegas, NV 89101

RE: ZON 4623
SDR 4626
VAR 5377

Dear Mr. Robertson,

I am strongly opposed to the applicant's requests as they are being proposed.

The applicant is proposing to increase the density of housing far beyond what is appropriate for the community. A change to maximum density in an R-PD3 zoning is incompatible with the surrounding zoning in the area.

The proposed lot sizes, unit density, setbacks, street lighting and other details of the project do not fit, in a community of individual houses on larger one-half to two acre lots. A zoning change for this project to **Desert Rural (R-PD 2.1-2.49 DUA)** would be more appropriate.

Sections 2.6, 2.7, and 2.8 of the Centennial Hills Sector Plans require that new development should be similar and compatible with the existing area. Section 2.6 states in part that "the Planning Commission and/or the City Council may require less intense development or development of lower density in order to protect the general health, safety, and welfare of the community as well as maintain compatibility with and integrity of adjacent development". It is clear when looking at the standards that have been set up by the State, County and City that they have a vision that Rural Preservation Areas are important and that the protection of these areas, in nature and character, is in the best interest of the entire community. They create much needed housing options and contribute to vibrant community.

I hope that take these comments into consideration.

Respectfully,


Craig Platt

**READ INTO
THE RECORD**

December 14, 2004

ATTN: Sean Robertson, Planner
City of Las Vegas
Planning & Development Services
731 South Fourth Street
Las Vegas, Nevada 89101

RE: Case No. ZON 4823
Case No. SDR 4626
Case No. VAR 5377

As a current landowner within the notification perimeter, I formally oppose the applicant's requests for increased density to R-PD3 maximums.

This applicant has proposed several Site Design Reviews. This most current SDR dated 7/22/04 is for a maximum density, if granted as R-PD3.

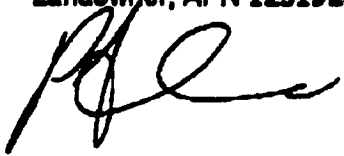
Keep in mind, this is only a 330' transition zone intended to buffer the R-E density. My concerns regarding lot size, house elevations, rear and side setbacks, landscaping, interior street lighting and house color are all vital to the integrity of the adjacent development home sites. Many of the *immediately* adjacent homes are two-acre and one-acre lots. Therefore, a Desert Rural zoning would be more consistent and more accurately represent the intent of the Centennial Hills Sector Plan.

In Section 2.6 Land Use Issues of the Centennial Hills Sector Plan of the City of Las Vegas General Plan, Item 6, it states in part that "the Planning Commission and/or the City Council may require less intense development or development of lower density in order to protect the general health, safety and welfare of the community as well as maintain compatibility with and integrity of adjacent development."

It is my hope that you deny applicants request and encourage applicant toward a lesser overall density, like Desert Rural (R-PD 2.1 - 2.49 DUA).

Respectfully,

Patrick J. Chicas
Landowner, APN 12519203005



READ INTO
THE RECORD

Fred Gawryk
Kathleen Bruce
9880 Elkhorn Rd
Las Vegas NV 89149

December 12, 2004

Attn: Sean Robertson, Planner
City of Las Vegas
Planning & Development Services
731 S. Fourth St
Las Vegas NV 89101

RE: Case No. ZON 4623, SDR 4626, VAR 5377

Please be advised that as landowners at the above address, **we oppose** the requested variance changes, which is within the area of notification listed with your office.

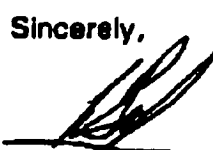
The applicant has proposed new site design reviews. As in our past meetings with your office, the applicant has failed to conform to any master plan objective. The applicant continues to propose new site designs that are either not conforming to the original objectives or the motive is to confuse and change the entire plan.

The adjacent properties range from 1 to 2.5 ac. Lots. Desert rural zoning is more consistent and accurately represents the intent of the Centennial Hills sector plan.

The fact that the planning commission has been extremely generous in past variance changes for the applicant, we believe the applicant is now falsely informing the Commission of the true profitability of the project. Due to the rapid increase in real estate values in this area, the applicant is no longer satisfied with a 150% margin, but will enjoy 260% through appreciation within the next few months.

A lesser overall density should be encouraged. This will hopefully protect our rural community. We believe that the applicant will still enjoy margins over 300% within the near future.

Sincerely,



Fred Gawryk, Kathleen Bruce

**READ INTO
THE RECORD**

December 14, 2004

ATTN: Sean Robertson, Planner
City of Las Vegas
Planning & Development Services
731 South Fourth Street
Las Vegas, Nevada 89101

RE: Case No. VAR 5377
Case No. ZON 4623
Case No. SDR 4626

Dear Mr. Robertson,

I am a current landowner within the neighborhood range of where the above zone variances are taking place. I am in opposition to the applicant's requests for increased density to R-PD3 maximums.

This applicant has proposed several Site Design Reviews. This most current SDR dated 7/22/04 is for a maximum density, if granted as R-PD3.

A large problem that I see with this is that only a 330' transition zone will buffer the R-E density. I am concerned at how the developers intended lot sizes, setbacks, and elevations will blend with the existing one and two acre lots that are directly east of these proposed home sites. I believe a Desert Rural zoning would more accurately represent the intent of the Centennial Hills Sector Plan.

In Section 2.6 Land Use Issues of the Centennial Hills Sector Plan of the City of Las Vegas General Plan, Item 6, it states in part that "the Planning Commission and/or the City Council may require less intense development or development of lower density in order to protect the general health, safety and welfare of the community as well as maintain compatibility with and integrity of adjacent development."

Please hear my request to deny the applicants request and encourage applicant toward a lesser overall density, like Desert Rural (R-PD 2.1 – 2.49 DUA).

Thank you so much for your time!

Sincerely,



Michelle Dishon
Landowner
APN 125-19-102-020

**READ INTO
THE RECORD**

Barbara Manning
6970 North Jensen Street
Las Vegas, Nevada 89149
(702) 658-4642

Post-it® Fax Note 787		Date 11-17	# of pages 2
To Kyle		From B. Manning	
Co./Dept. Planning		Co.	
Phone #		Phone #	
Fax #		Fax #	

November 17, 2004

City of Las Vegas
Attn: Kyle C. Walton, Senior Planner
Planning & Development Department
731 South Fourth Street
Las Vegas, Nevada 89101
FAX: 474-0352

READ INTO THE RECORD

Dear Sir:

Please consider this letter my **WRITTEN OBJECTION** to any type of Rezoning and Variance for the Applicant: Nevada Homes Group, Owner: Hualapai Nevada, LLC.

It has come to my attention that Nevada Homes Group is on the November 18, 2004, Planning Commission Meeting Agenda, item's 18, 19 and 20.

18. **ABEYANCE - RENOTIFICATION - ZON-4623 - REZONING - PUBLIC HEARING - APPLICANT: NEVADA HOMES GROUP - OWNER: HUALAPAI NEVADA, LLC** - Request for a Rezoning FROM: U (UNDEVELOPED) [R (RURAL DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION] TO: R-PD3 (RESIDENTIAL PLANNED DEVELOPMENT - 3 UNITS PER ACRE) on 5.35 acres adjacent to the southeast corner of Hualapai Way and Dorrell Lane (APN: 125-19-201-001 and 003), Ward 6 (Mack).
19. **VAR-5377 - VARIANCE RELATED TO ZON-4623 - PUBLIC HEARING - APPLICANT: NEVADA HOMES GROUP - OWNER: HUALAPAI NEVADA, LLC** - Request for a Variance TO ALLOW NO OPEN SPACE WHERE 13,633 SQUARE FEET IS THE MINIMUM REQUIRED FOR A PROPOSED 19 lot single-family development on 5.35 acres adjacent to the southeast corner of Hualapai Way and Dorrell Lane (APN 125-19-201-001 and 003), U (Undeveloped) Zone [R (Rural Density Residential) General Plan Designation[] PROPOSED: R-PD3 (Residential Planned Development - 3 Units Per Acre)], Ward 6 (Mack).
20. **ABEYANCE - RENOTIFICATION - SDR-4626 RELATED TO ZON-4623 AND VAR-5377 SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT: NEVADA HOMES GROUP - OWNER: HUALAPAI NEVADA, LLC** - Request FOR A SITE DEVELOPMENT PLAN

REVIEW OF A 19 LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 5.35 acres adjacent to the southeast corner of Hualapai Way and Dorrell Lane. (APN: 125-19-201-001 and 003), U (Undeveloped) Zone [R (Rural Density Residential) General Plan Designation] [PROPOSED: R-PD3 (Residential Planned Development 3 Units Per Acre)], Ward 6 (Mack).

Earlier this year, my neighbors and I met with the Developer at a Lone Mountain Citizen Advisory Meeting and another private meeting at the I-HOP Restaurant in the Centennial Hills Shopping Area.

During the two meetings it was made very clear to the Owner and the Developer that we ***DID NOT WANT any variation from the existing zoning of Undeveloped/Rural (2.1 to 3.5 Units per acre) (U(R)) and Rural Estates Residential [2 Units per Acre] (R-E).***

Both, my husband and I, are adamantly opposed to any changes from the existing zoning.

If you would like to talk to me, you may call me at 354-8994.

Thank you for your prompt attention to this matter,

Barbara Manning

cc: Kim Bush, Lone Mountain Citizen Advisory

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: M. MARGO WHEELER**☐ **CONSENT** ☒ **DISCUSSION****SUBJECT:****SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-4623 AND VAR-5377**

SDR-4626 - PUBLIC HEARING - APPLICANT: NEVADA HOMES GROUP - OWNER: HUALAPAI NEVADA, LLC - Request FOR A SITE DEVELOPMENT PLAN REVIEW FOR A 19-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 5.35 acres adjacent to the southeast corner of Hualapai Way and Dorrell Lane (APN 125-19-201-001 and 003), U (Undeveloped) Zone [R (Rural Density Residential) General Plan Designation] [PROPOSED: R-PD3 (Residential Planned Development - 3 Units Per Acre)], Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (3-2 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:**Planning Commission Mtg.****24****City Council Meeting****0****APPROVALS RECEIVED BEFORE:****Planning Commission Mtg.****0****City Council Meeting****0****RECOMMENDATION:**

Staff recommends DENIAL. The Planning Commission (3-2 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted at City Council - Letter from Brigitte M. Solvie for Items 111, 112 and 113 filed Under Item 111
5. Back up referenced from the 12/16/2004 Planning Commission meeting Item 23

MOTION:

MACK - APPROVED subject to conditions, deleting Condition 8, amending Condition 4 as read for the record:

4. All development shall be in conformance with the site plan, landscape plan and building elevations date stamped 12/15/04 and the site plan submitted at the 1/19/05 City Council meeting.

And the following added conditions:

- Lot 1 located in the northeast corner of the site shall have a minimum rear yard setback of 35 feet.

- The applicant shall submit and receive City Council approval of a Waiver of the 220 feet intersection offset distance between this site's proposed entry street and Hualapai Way.

- **UNANIMOUS** with GOODMAN excused

MINUTES:

NOTE: See Item 111 [ZON-4623] for all related discussion.

(2:45 - 3:12)

4-485

CONDITIONS:

Planning and Development

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

CITY COUNCIL MEETING OF: JANUARY 19, 2005

CONDITIONS - Continued:

in this development.

2. A Rezoning (ZON-4623) to a R-PD3 (Residential Planned Development) Zoning District approved by the City Council.
3. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
4. All development shall be in conformance with the site plan, landscape plan and building elevations, date stamped 12/15/04, except as amended by conditions herein.
5. Retaining walls shall be installed pursuant to plans presented on December 16, 2004, except as amended for lot 1, subject to approval of Public Works Department.
6. Lots 1, 2, 4 and 8 as shown on plans date stamped 12/15/04 shall be developed only for single-story homes.
7. The required open space area shall be redesigned and consolidated into a larger usable area.
8. The setbacks for this development shall be a minimum of 15 feet to the front of the house, 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. Building height shall not exceed two stories or 35 feet, whichever is less.
9. The site plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a tentative map.
10. Landscaping and a permanent underground sprinkler system shall be installed as required by Code and shall be permanently maintained in a satisfactory manner.
11. Air conditioning units shall not be mounted on rooftops.
12. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Municipal Code Section 19A.12.050.
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. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map for this site. The Design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
15. All City Code requirements and design standards of all City departments must be satisfied.

CITY COUNCIL MEETING OF: JANUARY 19, 2005**CONDITIONS - Continued:**

16. 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.

Public Works

17. Private streets and private drives shall be common lots that are offered as a public utility easements (P.U.E), City of Las Vegas public sewer easements and public drainage easements to be privately maintained by the Homeowner's Association.

18. 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.

19. Landscape and maintain all unimproved rights-of-way adjacent to this site.

20. Submit an Encroachment Agreement for all landscaping and private improvements located in the public rights-of-way adjacent to this site prior to occupancy of this site.

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

22. Site development to comply with all applicable conditions of approval for ZON-4623 and all other subsequent site-related actions.

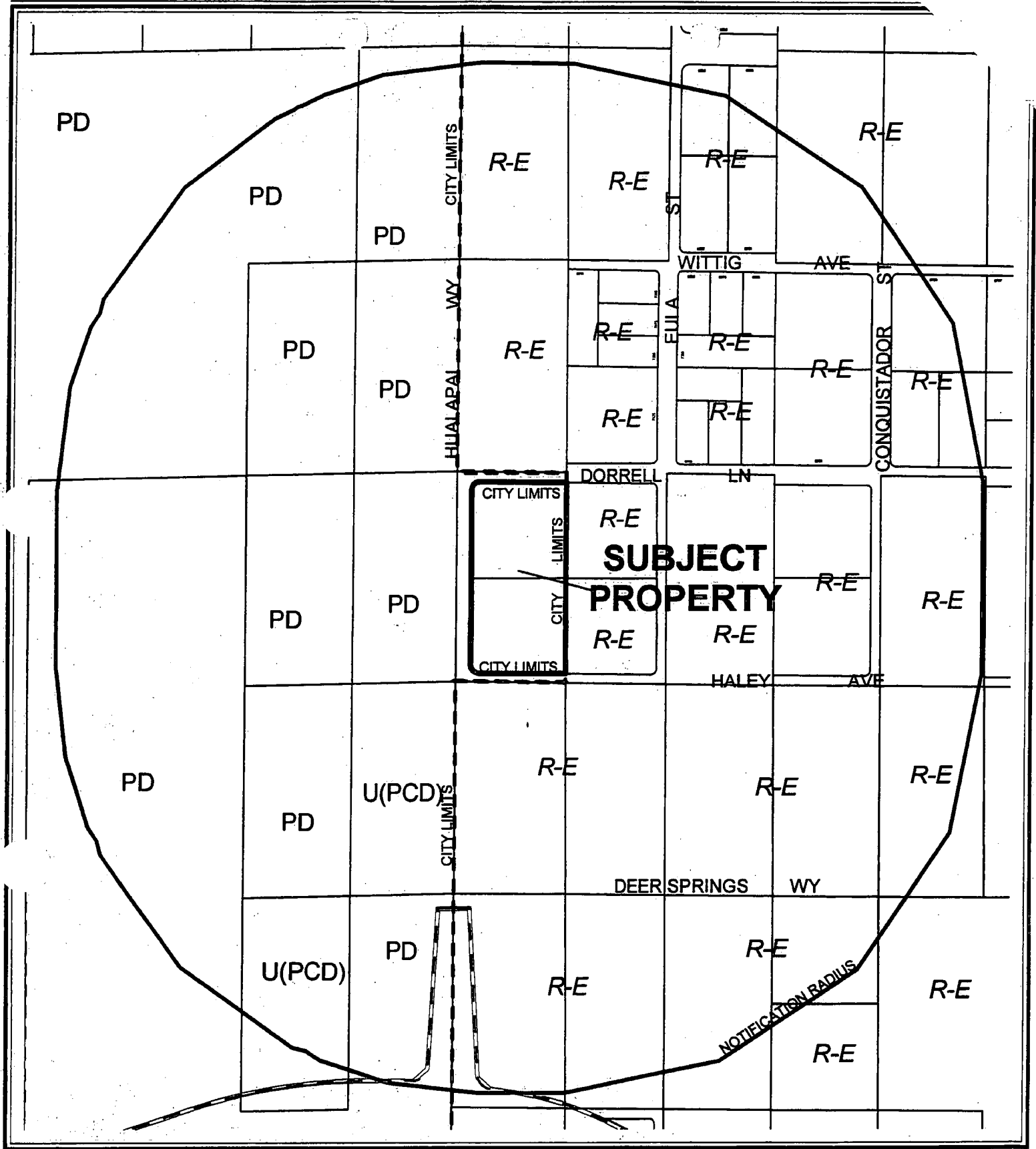
23. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved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

CITY COUNCIL MEETING OF: JANUARY 19, 2005

CONDITIONS - Continued:

whichever may occur first. Approval of this Site Development Plan does not constitute approval of any deviations.

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



CASE: SDR-4626

RADIUS: 1320 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [R (RURAL DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION]

PROPOSED ZONING OF SUBJECT PROPERTY:

R-PD3 (RESIDENTIAL PLANNED DEVELOPMENT - 3 UNITS PER ACRE)

0 300 600 Feet

113 N

AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 19, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SDR-4626 - APPLICANT: NEVADA HOMES GROUP -
OWNER: HUALAPAI NEVADA, LLC**

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (3-2 vote) recommends APPROVAL, subject to:

Planning and Development

1. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
2. A Rezoning (ZON-4623) to a R-PD3 (Residential Planned Development) Zoning District approved by the City Council.
3. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
4. All development shall be in conformance with the site plan, landscape plan and building elevations, date stamped 12/15/04, except as amended by conditions herein.
5. Retaining walls shall be installed pursuant to plans presented on December 16, 2004, except as amended for lot 1, subject to approval of Public Works Department.
6. Lots 1, 2, 4 and 8 as shown on plans date stamped 12/15/04 shall be developed only for single-story homes.
7. The required open space area shall be redesigned and consolidated into a larger usable area.
8. The setbacks for this development shall be a minimum of 15 feet to the front of the house, 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. Building height shall not exceed two stories or 35 feet, whichever is less.
9. The site plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a tentative map.
10. Landscaping and a permanent underground sprinkler system shall be installed as required by Code and shall be permanently maintained in a satisfactory manner.
11. Air conditioning units shall not be mounted on rooftops.

12. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Municipal Code Section 19A.12.050.
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. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map for this site. The Design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
15. All City Code requirements and design standards of all City departments must be satisfied.
16. 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.

Public Works

17. Private streets and private drives shall be common lots that are offered as a public utility easements (P.U.E), City of Las Vegas public sewer easements and public drainage easements to be privately maintained by the Homeowner's Association.
18. 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.
19. Landscape and maintain all unimproved rights-of-way adjacent to this site.

20. Submit an Encroachment Agreement for all landscaping and private improvements located in the public rights-of-way adjacent to this site prior to occupancy of this site.
21. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
22. Site development to comply with all applicable conditions of approval for ZON-4623 and all other subsequent site-related actions.
23. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first. Approval of this Site Development Plan does not constitute approval of any deviations.
24. 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 request is for a Site Development Plan Review for a 19-lot single-family subdivision with a density of 3.55 dwelling Units per Acre, on 5.35 acres located at the southeast corner of Hualapai Way and Dorrell Lane.

B) Applicant's Justification

The applicant's justification letter states that this project will neither create a safety hazard nor negatively impact adjoining properties.

BACKGROUND INFORMATION

A) Previous Actions

- 07/07/04 The City Council heard the introduction of a bill to annex this property (ANX-4451). The effective date of that annexation was 08/13/04.
- 07/22/04 The Planning Commission abeyed this application, as well as companion request ZON-4623, to its 08/26/04 meeting, to allow the applicant to revise the application to area residents concerns. Companion request GPA-4621 was withdrawn without prejudice at the request of the applicant.
- 08/26/04 The Planning Commission voted to table this application, as well as companion request ZON-4623, at the request of the applicant.
- 11/18/04 The Planning Commission voted to abey this revised application, for 19 larger lots with no open space component instead of 27 smaller lots, as well as companion item ZON-4623, which was modified from R-PD5 (Residential Planned Development - 5 Units per Acre) to R-PD3 (Residential Planned Development - 3 Units per Acre), to its 12/16/04 meeting. Companion Variance VAR-5377, which addresses the newly created open space deficiency, was also abeyed concurrently.
- 12/16/04 The Planning Commission recommended approval of related items, which have again been redesigned and revised to reduce the potential retaining wall height along the eastern boundary of the site.

12/16/04 The Planning Commission voted 3-2 to recommend APPROVAL (PC Agenda Item #23/sr/gl).

B) Pre-Application Meeting

5/26/04 Issues discussed included the need for R-PD5 (Residential Planned Development – 5 Units Per Acre) zoning, private streets, a 6-foot landscape planter along Hualapai Way, and approximately 20,800 square-feet of open space.

C) Neighborhood Meetings

06/22/04 No neighbors were in attendance at the meeting for the companion General Plan Amendment (GPA-4621).

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 5.35

B) Existing Land Use

Subject Property	Undeveloped
North	Undeveloped
South	Undeveloped
East	Undeveloped
West	Undeveloped

C) Planned Land Use

Subject Property	R (Rural Density Residential)
North	R (Rural Density Residential)
South	R (Rural Density Residential)
East	RNP (Rural Neighborhood Preservation)
West	PCD (Planned Community Development)

D) Existing Zoning

Subject Property	Clark County
North	Clark County
South	Clark County
East	Clark County
West	PD (Planned Development)

E) General Plan Compliance

The Centennial Hills Sector Plan designated this site for R (Rural Density Residential) land uses, which allow up to 3.59 Units Per Acre. The R-PD3 (Residential Planned Development – 3 Units Per Acre) zoning district is permitted under the Rural designation.

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

Clark County was notified of this request because adjacent properties are within that jurisdiction.

PROJECT DESCRIPTION

This request is for a 19-lot single-family subdivision at a density of 3.55 Units per Acre. Access is provided to Haley Avenue with internal circulation provided by 37-foot wide private streets. A six-foot landscape planter is provided along the adjacent public rights-of-way.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.08, development standards for R-PD (Residential Planned Development) developments are determined as part of the Site Development Plan Review.

Standards	Required	Provided	Compliance
Min. Lot Size	N/A	5,616 Sq Ft	N/A
Min. Lot Width	N/A	54 feet	N/A
Min. Setbacks • Front • Side • Corner • Rear	N/A	15' to house 20' to garage 5 feet 10 feet 15 feet	N/A

If the request is approved, these are acceptable standards for this type of single-family residential project.

A2) Residential Adjacency Standards

Residential Adjacency Standards do not apply to this request.

A3) Parking and Traffic Standards

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

Uses	GFA	Ratio	Required		Provided	
			Parking		Parking	
			Regular	Handicap	Regular	Handicap
SF dwelling	N/A	2 spaces per unit	38	N/A	38	0

The parking provided for each dwelling unit satisfies the zoning requirements.

A4) Landscape and Open Space Standards

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

Standards	Required		Provided
	Ratio	Trees	
Parking Area	N/A	N/A	N/A
Buffer:			
• Min. Trees	1 Tree/30 Linear Feet	49 Trees	59 Trees
• Min. Zone Width	6 Feet		6 Feet
• Wall height	6 Feet		6 Feet

The landscape buffer area meets the requirements of the Las Vegas Urban Design Guidelines and 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
5.35 acres	3.55	1.65	5.86 %	13,939 SF	0%	none

The application has no open space component. The Variance request is intended to seek relief from this requirement of the Code. The subject deviation is 100%.

B) General Analysis and Discussion

- **Zoning**

The proposed R-PD3 (Residential Planned Development - 3 Units Per Acre) zoning designation provides for single-family homes up to 3.59 dwelling Units Per Acre. The adjacent properties to the east are zoned to allow development at two Units Per Acre. The subject parcels are part of a buffer area, which includes the land to the north and south, which is planned for densities of no more than 3.59 dwelling Units Per Acre. The proposed zoning district is compatible with the adjacent existing and planned land uses. The size of the lots is not. The proposed project will degrade the buffering intended to be located between the rural areas east of Hualapai Way and the Cliff's Edge Master Planned Community.

- **Site Plan**

The site plan presented at the 11/18/04 Planning Commission meeting depicted lot sizes of approximately 5,616 square feet fronting on 37-foot wide private streets. These lots are significantly smaller than what is intended for this area. Open space is not provided in the development.

The plan revised for presentation at the 12/16/04 Planning Commission shows lot sizes ranging from 5,534 square feet to 9,113 square feet on the 37 foot wide private street with no open space. The applicant has advised that the intent of the redesign is specifically to reduce perimeter retaining wall heights, to reduce the potential for negative impact on the adjacent site to the east.

- **Landscape Plan**

The submitted landscape plan is conceptual only, but meets the requirements of Title 19 and the Las Vegas Urban Design Guidelines and Standards. Final landscape approval will be through the subdivision process.

- **Elevation**

Elevations depict one and two-story homes with two-car garages of design and materials typical to the valley.

- **Floor Plan**

Four floor plans have been submitted including a 1,663 sq. ft. single-story home and three two-story homes of 1,752; 2,084; and 2,309 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 density and lot sizes proposed for this development are not compatible with adjacent development, either existing or planned, although the redesigned plan brings the lot sizes closer to those of the surrounding rural properties.

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 not supported by the Centennial Hills Sector Plan as the proposed lots are smaller than that exists in the rural neighborhood, and the project does not contain open space that is a significant component of R-PD developments, and is one of the principal reasons for allowing design flexibility to developers in areas so zoned.

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

Hualapai Way and Dorrell Lane provide adequate access to this site. Internal circulation has no negative impact on adjacent properties.

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

The building and landscape materials proposed are typical of those used in similar developments and are appropriate in 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;”**

The building elevations and designs are typical of single-family subdivisions and are not undesirable or unsightly in appearance.

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

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

PLANNING COMMISSION ACTION

The Planning Commission amended Condition #4 and added Conditions 5 and 6.

NOTICES MAILED 44 by Planning Department

APPROVALS 0

PROTESTS 24



Case Number: **SDR-4626** APN: 125-19-201-001 & 003

Name of Property Owner: Hualapai Nevada LLC

Name of Applicant: NEVADA HOMES GROUP

Yes

No

City Official: _____

Partner(s): _____

APN: _____

Signature of Property Owner/Authorized Agent:

Print Name: JOSEPH BONIFATTO

This 26 day of MAY, 2004

Michael Atay
Notary Public in and for said County and State



Revised 2/12/02



Case Number: **SDR-4626** APN: **125-19-201-001 & 003**
Name of Property Owner: **Hualapai Nevada LLC**
Name of Applicant: **NEVADA HOMES GROUP**

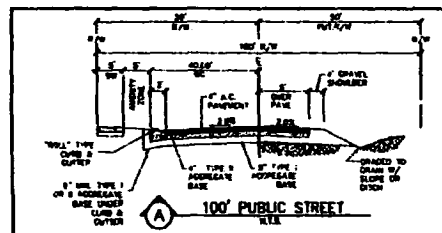
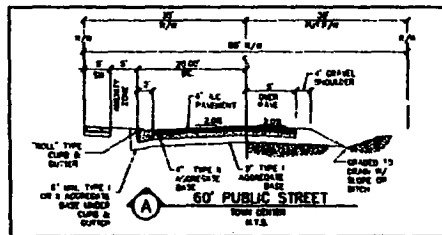
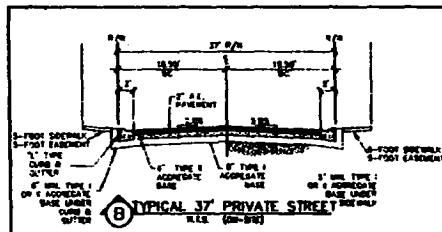
 Yes ☒ No

APN: _____

Print Name: JOSEPH BONIFATTE

Michael Atay
Notary Public in and for said County and State

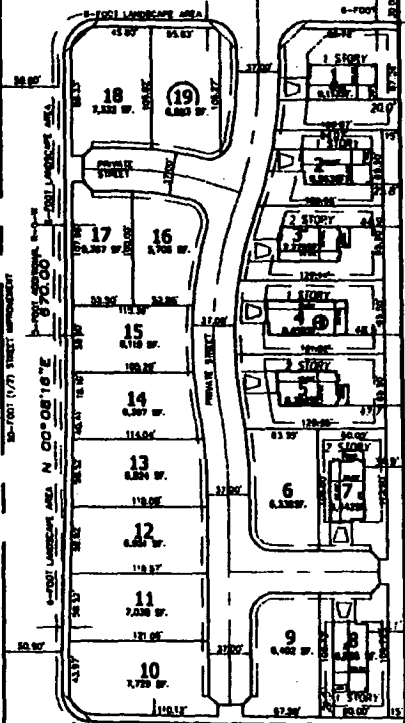




HUALAPAI WAY

PAT#1233314

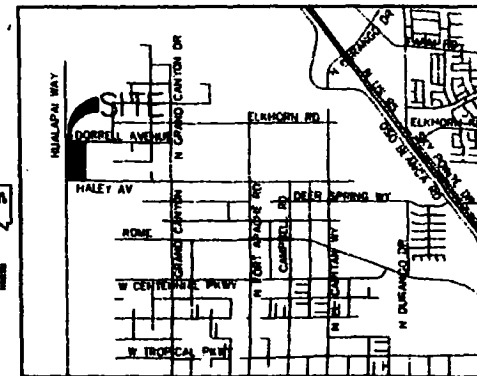
DORRELL LANE
S 89°23'28"E 347.44'



HALEY AVENUE

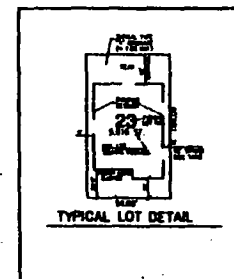
APN#125-19-201-006

- GENERAL NOTES:**
1. There are no existing structures located within the property boundary.
 2. The lot dimensions are preliminary and may vary with the mapping process.
 3. The boundary for this project is from "of record information". The of record boundary will most likely differ from the surveyed boundary.
 4. Some lot lines and dimensions may change during the final mapping process.



LOCATION MAP

PROJECT SUMMARY	
PROJECT NAME	NEVADA HOMES GROUP
PROJECT ADDRESS	1233314 PAT
PROJECT AREA	1.23 AC
PROJECT TYPE	RESIDENTIAL
PROJECT PHASE	PHASE 1
PROJECT OWNER	NEVADA HOMES GROUP
PROJECT DEVELOPER	PAUL BAGGER
PROJECT ENGINEER	PAUL BAGGER
PROJECT ARCHITECT	PAUL BAGGER
PROJECT LANDSCAPE ARCHITECT	PAUL BAGGER
PROJECT CIVIL ENGINEER	PAUL BAGGER
PROJECT SURVEYOR	PAUL BAGGER
PROJECT GEOLOGIST	PAUL BAGGER
PROJECT HISTORIC ARCHITECT	PAUL BAGGER
PROJECT ENVIRONMENTAL SCIENTIST	PAUL BAGGER
PROJECT SOCIAL SCIENTIST	PAUL BAGGER
PROJECT ECONOMIC ANALYST	PAUL BAGGER
PROJECT POLITICAL SCIENTIST	PAUL BAGGER
PROJECT EDUCATION SCIENTIST	PAUL BAGGER
PROJECT HEALTH SCIENTIST	PAUL BAGGER
PROJECT AGRICULTURE SCIENTIST	PAUL BAGGER
PROJECT BUSINESS SCIENTIST	PAUL BAGGER
PROJECT LAWYER	PAUL BAGGER
PROJECT ACCOUNTANT	PAUL BAGGER
PROJECT FINANCIAL ANALYST	PAUL BAGGER
PROJECT MARKETING SCIENTIST	PAUL BAGGER
PROJECT SALES SCIENTIST	PAUL BAGGER
PROJECT CUSTOMER SERVICE SCIENTIST	PAUL BAGGER
PROJECT HUMAN RESOURCES SCIENTIST	PAUL BAGGER
PROJECT TRAINING SCIENTIST	PAUL BAGGER
PROJECT QUALITY CONTROL SCIENTIST	PAUL BAGGER
PROJECT COMPLIANCE SCIENTIST	PAUL BAGGER
PROJECT RISK MANAGEMENT SCIENTIST	PAUL BAGGER
PROJECT LEGAL SCIENTIST	PAUL BAGGER
PROJECT ETHICS SCIENTIST	PAUL BAGGER
PROJECT COMMUNICATIONS SCIENTIST	PAUL BAGGER
PROJECT PUBLIC RELATIONS SCIENTIST	PAUL BAGGER
PROJECT MEDIA SCIENTIST	PAUL BAGGER
PROJECT ADVERTISING SCIENTIST	PAUL BAGGER
PROJECT PROMOTION SCIENTIST	PAUL BAGGER
PROJECT RESEARCH SCIENTIST	PAUL BAGGER
PROJECT ANALYSIS SCIENTIST	PAUL BAGGER
PROJECT INTERPRETATION SCIENTIST	PAUL BAGGER
PROJECT PRESENTATION SCIENTIST	PAUL BAGGER
PROJECT EVALUATION SCIENTIST	PAUL BAGGER
PROJECT IMPROVEMENT SCIENTIST	PAUL BAGGER
PROJECT INNOVATION SCIENTIST	PAUL BAGGER
PROJECT CREATIVITY SCIENTIST	PAUL BAGGER
PROJECT PROBLEM SOLVING SCIENTIST	PAUL BAGGER
PROJECT DECISION MAKING SCIENTIST	PAUL BAGGER
PROJECT STRATEGIC THINKING SCIENTIST	PAUL BAGGER
PROJECT CRITICAL THINKING SCIENTIST	PAUL BAGGER
PROJECT ANALYTICAL THINKING SCIENTIST	PAUL BAGGER
PROJECT SYNTHETIC THINKING SCIENTIST	PAUL BAGGER
PROJECT EVALUATIVE THINKING SCIENTIST	PAUL BAGGER
PROJECT CREATIVE THINKING SCIENTIST	PAUL BAGGER
PROJECT INQUIRY SCIENTIST	PAUL BAGGER
PROJECT REFLECTION SCIENTIST	PAUL BAGGER
PROJECT SELF-MANAGEMENT SCIENTIST	PAUL BAGGER
PROJECT SELF-REGULATION SCIENTIST	PAUL BAGGER
PROJECT SELF-MONITORING SCIENTIST	PAUL BAGGER
PROJECT SELF-ASSESSMENT SCIENTIST	PAUL BAGGER
PROJECT SELF-REFLECTION SCIENTIST	PAUL BAGGER
PROJECT SELF-IMPROVEMENT SCIENTIST	PAUL BAGGER
PROJECT SELF-DEVELOPMENT SCIENTIST	PAUL BAGGER
PROJECT SELF-EDUCATION SCIENTIST	PAUL BAGGER
PROJECT SELF-ENRICHMENT SCIENTIST	PAUL BAGGER
PROJECT SELF-EMPLOYMENT SCIENTIST	PAUL BAGGER
PROJECT SELF-ENTREPRENEURSHIP SCIENTIST	PAUL BAGGER
PROJECT SELF-LEADERSHIP SCIENTIST	PAUL BAGGER
PROJECT SELF-MANAGEMENT SCIENTIST	PAUL BAGGER
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PROJECT SELF-ENTREPRENEURSHIP SCIENTIST	PAUL BAGGER
PROJECT SELF-LEADERSHIP SCIENTIST	PAUL BAGGER



SETBACKS	
FRONT (GARAGE)	20'
FRONT (HOUSE)	15'
SIDE	5'
CORNER/SIDE	10'
REAR	15'

OWNER/DEVELOPER
NEVADA HOMES GROUP
8825 W. SAGHAR AVENUE, SUITE # 201
LAS VEGAS, NEVADA 89117
(702) 220-8200
CONTACT: PAUL BAGGER



ZON-4623
VAR-5377
SDR-4626
12/16/04 PC

REVISED
12.15.04

RECEIVED
DEC 15 2004

SITE DEVELOPMENT PLAN FOR

NEVADA HOMES GROUP

HALEY AVENUE

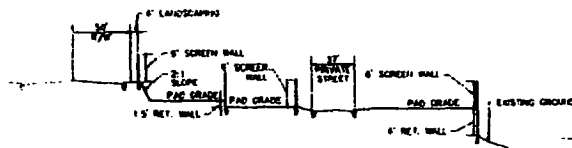
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APN#125-19-201-006

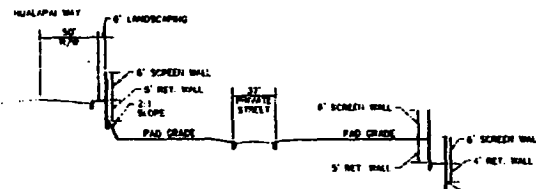
1" = 100'

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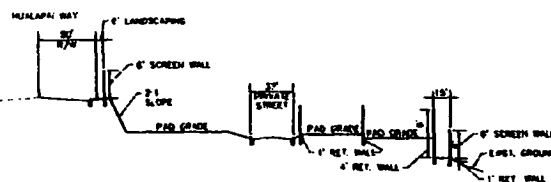
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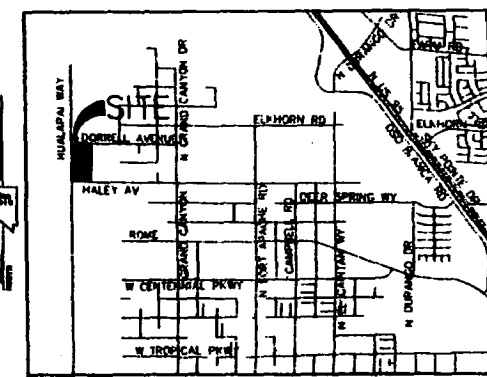
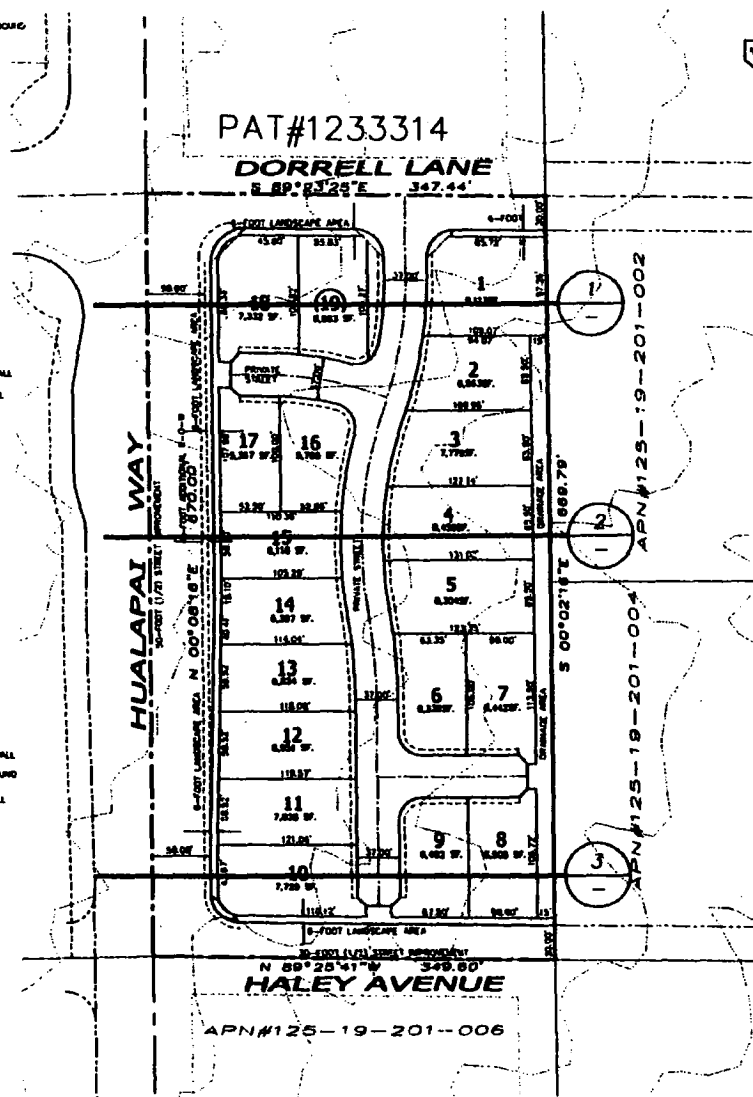
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N.T.S.



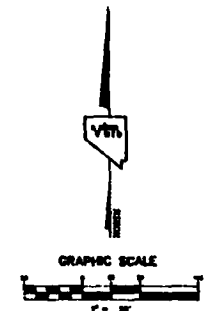
2 CROSS SECTION DETAIL
N.T.S.



3 CROSS SECTION DETAIL
N.T.S.



LOCATION MAP



OWNER/DEVELOPER
NEVADA HOMES GROUP
8895 W. SARAH AVENUE, SUITE # 201
LAS VEGAS, NEVADA 89117
702.412.8800
CONTACT: PAUL BARNER

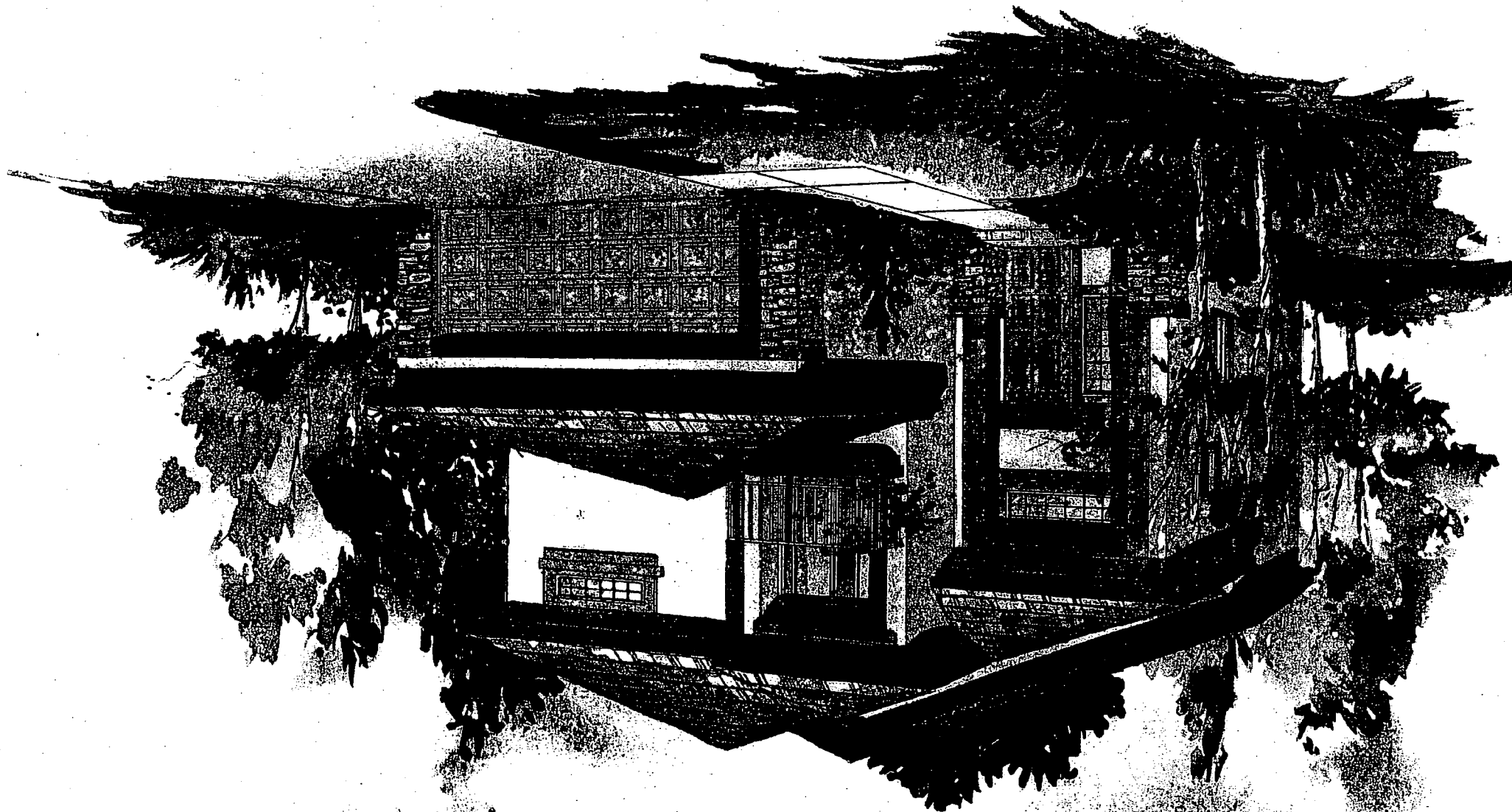
NEVADA HOMES GROUP		CITY OF LAS VEGAS	
PROJECT NO.	12-15-04	FILE NO.	12-15-04
DATE	12-15-04	DATE	12-15-04
BY	PAUL BARNER	BY	PAUL BARNER
CHECKED BY	PAUL BARNER	CHECKED BY	PAUL BARNER
APPROVED BY	PAUL BARNER	APPROVED BY	PAUL BARNER
SCALE	AS SHOWN	SCALE	AS SHOWN
RETNING WALL EXHIBIT		HUALAPAI/DORRELL	
WALL-1		6438-CLV	

REVISED
12.15.04

ZON-4623
VAR-5377
SDR-4626
12/16/04 PC

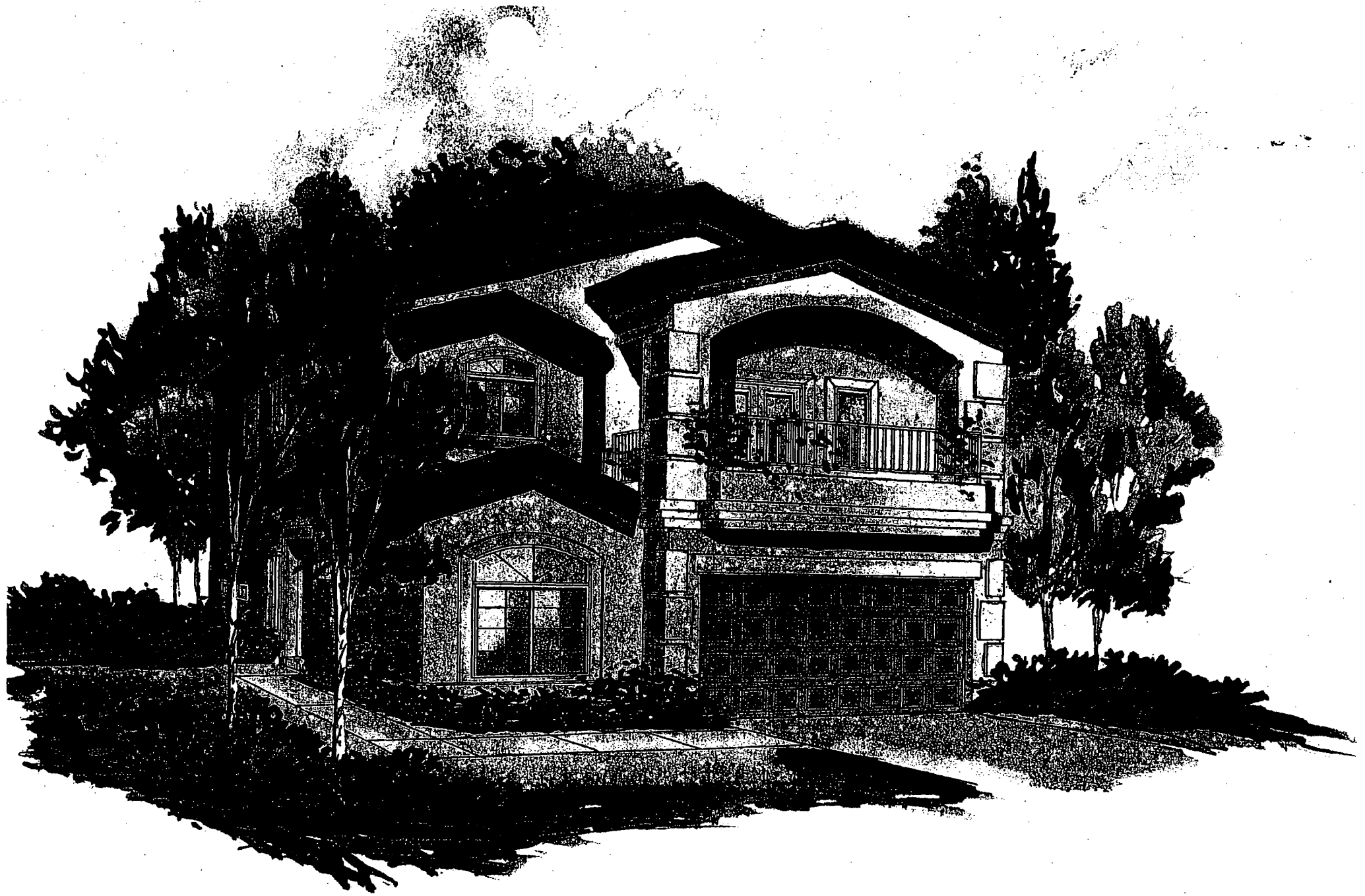
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DEC 15 2004

SDR-4626
7-22-04 PC





SDR-4626
7-22-04 PC



SDR-4626
7-22-04 PC



SDR-4626
7-22-04 PC



SDR-4626 - APPLICANT: NEVADA HOMES GROUP - OWNER: HUALAPAI NEVADA, LIMITED LIABILITY
COMPANY
SOUTHEAST CORNER OF HUALAPAI WAY AND DORRELL LANE
DECEMBER 16, 2004 PLANNING COMMISSION

7/1/04

**NOTE: THE FOLLOWING DOCUMENTATION
WAS SUBMITTED FOR THE RECORD BEFORE
OR AT THE PLANNING COMMISSION HEARING
ON THIS ITEM WHICH IS NOW APPEARING
BEFORE THE CITY COUNCIL**

Telephone Protest/ Approval Log

Meeting Date: 12/16/04

Case Number: SDR 4626

Date: 12/14/04
Name: Marc Simon
Address: 9780 Witting
L.V. NV. 89149
Phone: (702) 656-3440
☒ PROTEST ☐ APPROVE

Date: _____
Name: _____
Address: _____
Phone: _____
☐ PROTEST ☐ APPROVE

Date: _____
Name: _____
Address: _____
Phone: _____
☐ PROTEST ☐ APPROVE

Date: _____
Name: _____
Address: _____
Phone: _____
☐ PROTEST ☐ APPROVE

Date: _____
Name: _____
Address: _____
Phone: _____
☐ PROTEST ☐ APPROVE

Date: _____
Name: _____
Address: READ INTO
THE RECORD
Phone: _____
☐ PROTEST ☐ APPROVE

Gary Leobold

From: Kim Bush [KBUSH@Co.Clark.NV.US]
Sent: Tuesday, December 14, 2004 5:35 PM
To: LSkaar@LasVegasNevada.GOV
Cc: GLeobold@LasVegasNevada.GOV
Subject: Wagner's app. at Dorrell/Hualapai

Hi Leni,

When time permits, please give me a call to discuss. Neighbors had a meeting last night and then stopped by to see me at 4 p.m. today. There are a few issues they need resolved prior to C of LV PC Thursday night if they're going to lend their support:

- Drop the house count from 19 to 15 or 16 - would like him to stay around 3-3.1 du/ac (8,500-9,000 sq. ft.)
- Support open space variance if he provides a 30' minimum setback along the eastside

They understand that the density will be greater along Hualapai, but believe the site plan can be revised to accommodate the above concerns if he takes out the "finger" on the southern portion and gets rid of some of the internal street network. They asked for Chip to attend so that they knew he was willing to fight for them and the transition/compatibility of their area. So, there you have it. I'll be in until 11 a.m. and then back here around 4 p.m. tomorrow.

Thanks,

Kim

Kim Bush
Town and Liaison Services
NW Community Liaison
Mt. Crest Neighborhood Services Ctr.
4701 N. Durango Dr.
Las Vegas NV 89129
Phone: 455-1900
FAX: 645-5889
E-mail: kbush@co.clark.nv.us

**READ INTO
THE RECORD**

ZON 4623
SDR -4624
VAR -5377

December 10, 2004

City of Las Vegas
Planning and Development Department
Current Planning Division
Development Services Center
731 S. Fourth Street
Las Vegas, NV 89101

Dear Planning and Development Department:

I am very concerned about the following request for changes in our neighborhood:

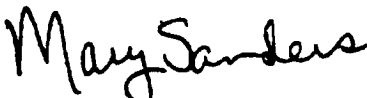
- VAR-5377
- ZON-4623
- SDR4626

Our neighborhood is a part of the rural preservation area zoned as .5 acre plus parcels. We are very concerned about the introduction of less than .20 acre parcels introduced into this area to the south of our land and homes. The Inter-local agreement states that the areas must be similar in nature to others in the community. We are concerned for a number of reasons including:

- increased traffic and congestion in our neighborhoods during and after construction
- loss of premium views because of the narrow lot sizes planned and requested by Nevada Homes Group
- loss of the rural nature of the area
- devaluing our properties' values because of smaller parcels with lower valuations
- the size of the lots are long and narrow creating cramped living spaces between homes
- dust and air pollution from the construction sites
- additional light in the neighborhood from street lights
- additional noise in the neighborhood from 19 additional homes with plans to further expand north along Hualapai with similar 5 acre parcels

My neighbors and I are respectful of nearby growth and development to the west of Hualapai. However, we wish to keep our rural preservation area stable with .5 acre plus parcels as R-E. We are requesting that you recommend this project be declined by the planning commission.

Sincerely,



Mary Sanders

Mary Sanders
9945 Wittig Ave.
Las Vegas, NV 89149

**READ INTO
THE RECORD**

December 14, 2004

Craig Platt
7025 Eula Street
Las Vegas, NV 89149

Kyle C. Walton, Senior Planner
City of Las Vegas Planning and Development Services
731 South Fourth Street
Las Vegas, NV 89101

RE: ZON 4623
SDR 4626
VAR 5377

Dear Mr. Robertson,

I am strongly opposed to the applicant's requests as they are being proposed.

The applicant is proposing to increase the density of housing far beyond what is appropriate for the community. A change to maximum density in an R-PD3 zoning is incompatible with the surrounding zoning in the area.

The proposed lot sizes, unit density, setbacks, street lighting and other details of the project do not fit, in a community of individual houses on larger one-half to two acre lots. A zoning change for this project to Desert Rural (R-PD 2.1-2.49 DUA) would be more appropriate.

Sections 2.6, 2.7, and 2.8 of the Centennial Hills Sector Plans require that new development should be similar and compatible with the existing area. Section 2.6 states in part that "the Planning Commission and/or the City Council may require less intense development or development of lower density in order to protect the general health, safety, and welfare of the community as well as maintain compatibility with and integrity of adjacent development". It is clear when looking at the standards that have been set up by the State, County and City that they have a vision that Rural Preservation Areas are important and that the protection of these areas, in nature and character, is in the best interest of the entire community. They create much needed housing options and contribute to vibrant community.

I hope that take these comments into consideration.

Respectfully,


Craig Platt

READ INTO
THE RECORD

December 14, 2004

ATTN: Sean Robertson, Planner
City of Las Vegas
Planning & Development Services
731 South Fourth Street
Las Vegas, Nevada 89101

RE: Case No. ZON 4623
Case No. SDR 4626
Case No. VAR 5377

As a current landowner within the notification perimeter, I formally oppose the applicant's requests for increased density to R-PD3 maximums.

This applicant has proposed several Site Design Reviews. This most current SDR dated 7/22/04 is for a maximum density, if granted as R-PD3.

Keep in mind, this is only a 330' transition zone intended to buffer the R-E density. My concerns regarding lot size, house elevations, rear and side setbacks, landscaping, interior street lighting and house color are all vital to the integrity of the adjacent development home sites. Many of the *immediately* adjacent homes are two-acre and one-acre lots. Therefore, a Desert Rural zoning would be more consistent and more accurately represent the intent of the Centennial Hills Sector Plan.

In Section 2.6 Land Use Issues of the Centennial Hills Sector Plan of the City of Las Vegas General Plan, Item 6, it states in part that "the Planning Commission and/or the City Council may require less intense development or development of lower density in order to protect the general health, safety and welfare of the community as well as maintain compatibility with and integrity of adjacent development."

It is my hope that you deny applicants request and encourage applicant toward a lesser overall density, like Desert Rural (R-PD 2.1 - 2.49 DUA).

Respectfully,

Patrick J. Chicas
Landowner, APN 12519203005



READ INTO
THE RECORD

Fred Gawryk
Kathleen Bruce
9880 Elkhorn Rd
Las Vegas NV 89149

December 12, 2004

Attn: Sean Robertson, Planner
City of Las Vegas
Planning & Development Services
731 S. Fourth St
Las Vegas NV 89101

RE: Case No. ZON 4623, SDR 4626, VAR 5377

Please be advised that as landowners at the above address, *we oppose* the requested variance changes, which is within the area of notification listed with your office.

The applicant has proposed new site design reviews. As in our past meetings with your office, the applicant has failed to conform to any master plan objective. The applicant continues to propose new site designs that are either not conforming to the original objectives or the motive is to confuse and change the entire plan.

The adjacent properties range from 1 to 2.5 ac. Lots. Desert rural zoning is more consistent and accurately represents the intent of the Centennial Hills sector plan.

The fact that the planning commission has be extremely generous in past variance changes for the applicant, we believe the applicant is now falsely informing the Commission of the true profitability of the project. Due to the rapid increase in real estate values in this area, The applicant is no longer satisfied with a 150% margin, but will enjoy 260% through appreciation within the next few months.

A lesser overall density should be encouraged. This will hopefully protect our rural community. We believe that the applicant will still enjoy margins over 300% within the near future.

Sincerely,



Fred Gawryk, Kathleen Bruce

**READ INTO
THE RECORD**

December 14, 2004

ATTN: Sean Robertson, Planner
City of Las Vegas
Planning & Development Services
731 South Fourth Street
Las Vegas, Nevada 89101

RE: Case No. VAR 5377
Case No. ZON 4623
Case No. SDR 4626

Dear Mr. Robertson,

I am a current landowner within the neighborhood range of where the above zone variances are taking place. I am in opposition to the applicant's requests for increased density to R-PD3 maximums.

This applicant has proposed several Site Design Reviews. This most current SDR dated 7/22/04 is for a maximum density, if granted as R-PD3.

A large problem that I see with this is that only a 330' transition zone will buffer the R-E density. I am concerned at how the developers intended lot sizes, setbacks, and elevations will blend with the existing one and two acre lots that are directly east of these proposed home sites. I believe a Desert Rural zoning would more accurately represent the intent of the Centennial Hills Sector Plan.

In Section 2.6 Land Use Issues of the Centennial Hills Sector Plan of the City of Las Vegas General Plan, Item 6, it states in part that "the Planning Commission and/or the City Council may require less intense development or development of lower density in order to protect the general health, safety and welfare of the community as well as maintain compatibility with and integrity of adjacent development."

Please hear my request to deny the applicants request and encourage applicant toward a lesser overall density, like Desert Rural (R-PD 2.1 – 2.49 DUA).

Thank you so much for your time!

Sincerely,



Michelle Dishon
Landowner
APN 125-19-102-020

**READ INTO
THE RECORD**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ CONSENT ☒ DISCUSSION

SUBJECT:
REZONING

ZON-5566 - PUBLIC HEARING - APPLICANT/OWNER: SHANDER INTERNATIONAL, LLC - Request for a Rezoning FROM: R-PD14 (RESIDENTIAL PLANNED DEVELOPMENT - 14 UNITS PER ACRE) TO: R-PD15 (RESIDENTIAL PLANNED DEVELOPMENT - 15 UNITS PER ACRE) on 12.58 acres at 5800 West Charleston Boulevard (APN 138-36-401-012 through 020; 138-36-406-001 and 009), Ward 1 (Moncrief). The Planning Commission (5-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

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

MOTION:

MONCRIEF - APPROVED subject to conditions - UNANIMOUS with GOODMAN excused and MACK not voting

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearing open on Item 114 [ZON-5566] and Item 115 [SDR-5568].

MICHAEL LIVINGSTON, 1350 Town Center Drive, appeared on behalf of the owner and concurred with all conditions.

COUNCILWOMAN MONCRIEF verified with MARGO WHEELER, Director, Planning and Development Department, that the project meets all zoning code requirements.

No one appeared in opposition.

MAYOR PRO TEM REESE declared the Public Hearing closed on Item 114 [ZON-5566] and Item 115 [SDR-5568].

(3:12 - 3:14)

4-1367

CONDITIONS:

Planning and Development

1. A Resolution of Intent with a two-year time limit.
2. A Site Development Plan Review application (SDR-5568) approved by the Planning Commission or

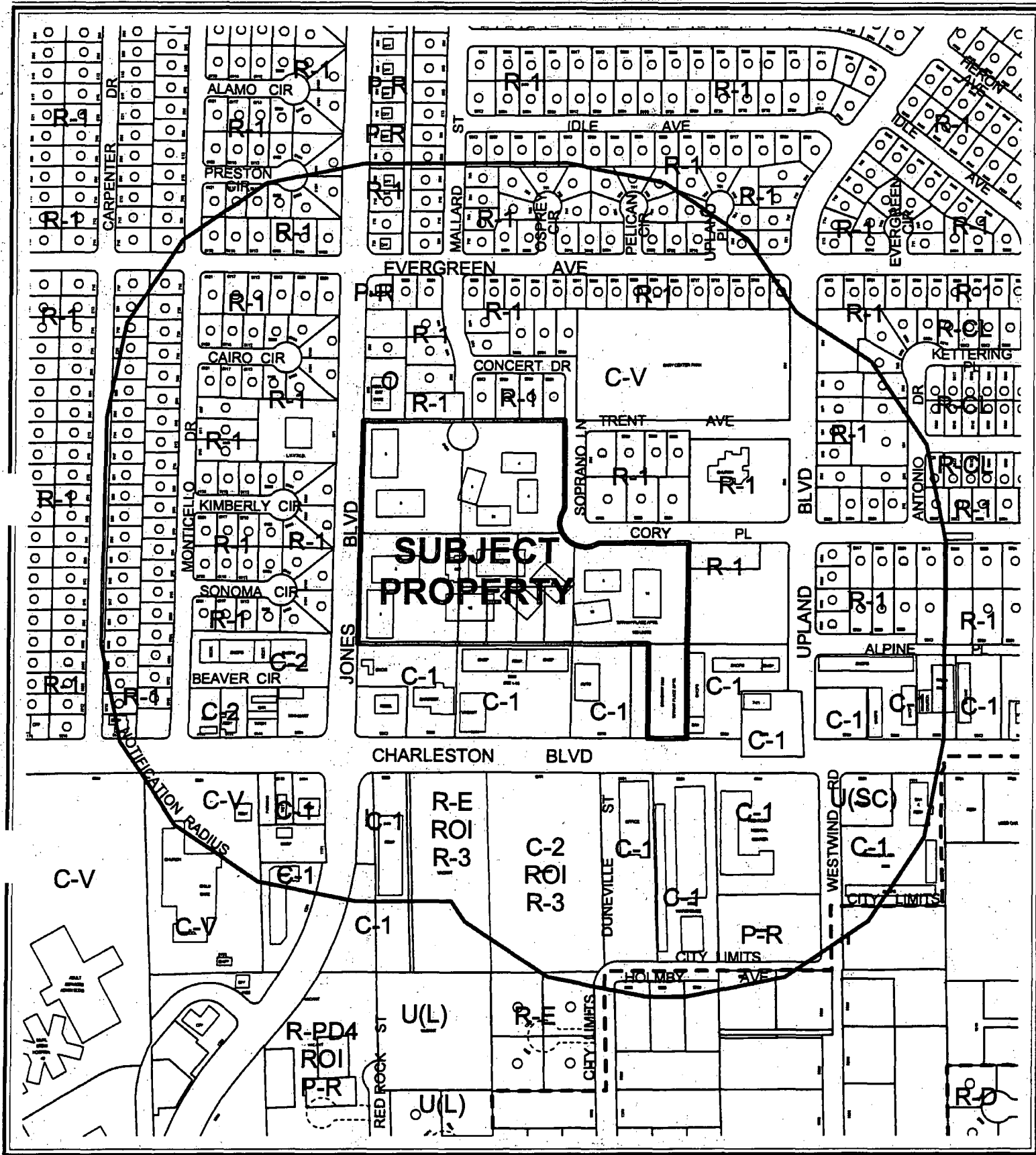
CITY COUNCIL MEETING OF: JANUARY 19, 2005

CONDITIONS - Continued:

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, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities.
4. 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. Provide and improve all drainageways as recommended in the approved drainage plan/study.
5. Site development to comply with all applicable conditions of approval for Z-100-88 and all other subsequent site-related actions.



CASE: ZON-5566

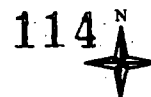
RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

R-PD14 (RESIDENTIAL PLANNED DEVELOPMENT - 14 UNITS PER ACRE)

PROPOSED ZONING OF SUBJECT PROPERTY:

R-PD15 (RESIDENTIAL PLANNED DEVELOPMENT - 15 UNITS PER ACRE)





CASE: ZON-5566

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

R-PD14 (RESIDENTIAL PLANNED DEVELOPMENT - 14 UNITS PER ACRE)

PROPOSED ZONING OF SUBJECT PROPERTY:

R-PD15 (RESIDENTIAL PLANNED DEVELOPMENT - 15 UNITS PER ACRE)

0 300 600 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 19, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ZON-5566 - APPLICANT/OWNER: SHANDER INTERNATIONAL, LLC

**** CONDITIONS ****

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

Planning and Development

1. A Resolution of Intent with a two-year time limit.
2. A Site Development Plan Review application (SDR-5568) approved by the Planning Commission or City Council prior to issuance of any permits, any site grading, and all development activity for the site.

Public Works

3. 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.
4. 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. Provide and improve all drainageways as recommended in the approved drainage plan/study.
5. Site development to comply with all applicable conditions of approval for Z-100-88 and all other subsequent site-related actions.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Rezoning from R-PD14 (Residential Planned Development – 14 Units Per Acre) to R-PD15 (Residential Planned Development – 15 Units Per Acre) on 12.58 acres at 5800 West Charleston Boulevard.

B) Applicant's Justification

The applicant justifies this application by stating that the project will meet requirements for the R-PD15 (Residential Planned Development – 15 Units Per Acre) zoning district. The overall development, including the proposed building, will meet Title 19 parking, setback, height, and residential adjacency requirements.

BACKGROUND INFORMATION

A) Previous Actions

- 11/02/88 The City Council denied a request to Rezone (Z-0100-88) the subject property from R-1 (Single-Family Residential) with a portion under Resolution of Intent to C-1 (Limited Commercial) to R-PD16 (Residential Planned Development – 16 Units Per Acre). The Planning Commission recommended approval. Staff recommended denial.
- 02/15/89 The City Council rescinded the previous denial of the request to Rezone (Z-0100-88) the subject property from R-1 (Single-Family Residential) with a portion under Resolution of Intent to C-1 (Limited Commercial) to R-PD16 (Residential Planned Development – 16 Units Per Acre). The decision was based on revised plans showing a reduction in the number of units from 208 to 182 and one-story buildings along the north portion of the site abutting R-1-(Single Family Residential) zoned properties. Staff recommended denial.
- 04/13/89 The City Council approved a request to Rezone (Z-0100-88) the subject property from R-1 (Single-Family Residential) with a portion under Resolution of Intent to C-1 (Limited Commercial) to R-PD16 (Residential Planned Development – 16 Units Per Acre). The approval was amended to R-PD14 with a maximum of 182 units. The Planning Commission recommended approval. Staff recommended denial.
- 10/18/89 The City Council approved a Review of Condition No. 14 [Z-0100-88(1)] of the approved Rezoning (Z-0100-88) prohibiting access to Jones Boulevard except for emergency purposes. The request was to allow a temporary driveway from Jones Boulevard to the leasing office while the Charleston Boulevard entrance was

being completed. The City Council conditioned its approval on the discontinuation of the temporary driveway 60 days following the approval of the first Certificate of Occupancy for any unit on the property. The Planning Commission and staff recommended approval.

- 06/28/99 The City Council approved a Review of Condition No. 14 [Z-0100-88(2)] of the approved Rezoning (Z-0100-88) prohibiting access to Jones Boulevard except for emergency purposes. The condition was deleted and a new landscaping plan for the site was required. Staff recommended approval.
- 12/16/04 The Planning Commission recommended approval of a companion Site Development Plan Review (SDR-5568) for a proposed addition of a six-unit multi-family building to an existing apartment complex on the subject site.
- 12/16/04 The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #30/ss).

B) Pre-Application Meeting

- 10/19/04 The applicant was made aware that the increase in multi-family units would increase the density such that a rezoning for the entire complex area would be required. Such a rezoning would still be compatible with the General Plan. The applicant demonstrated that the proposed building would match the architecture of the existing buildings and would meet code with respect to setbacks. The parking standard would be maintained, and landscaping could be upgraded to current standards.

C) Neighborhood Meetings

A neighborhood meeting is not required for a Rezoning application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 12.58
Net Acres: 11.98

B) Existing Land Use

Subject Property: Multi-Family Residential (Apartment Complex)
North: Single-Family Residential
Social Service Provider (Adult Day Care)
South: Retail
Restaurants
East: Single-Family Residential
Undeveloped
West: Single-Family Residential

C) Planned Land Use

Subject Property: M (Medium Density Residential)
North: L (Low Density Residential),
M (Medium Density Residential)
O (Office)
South: SC (Service Commercial)
East: L (Low Density Residential)
SC (Service Commercial)
West: L (Low Density Residential)

D) Existing Zoning

Subject Property: R-PD14 (Residential Planned Development – 14 Units Per Acre)
North: R-1 (Single-Family Residential)
O (Office)
South: C-1 (Limited Commercial)
R-1 (Single-Family Residential) under Resolution of Intent to C-1
(Limited Commercial)
East: R-1 (Single-Family Residential)
C-1 (Limited Commercial)
West: R-1 (Single-Family Residential)

E) General Plan Compliance

The subject site is designated M (Medium Density Residential) on the Southwest Sector Map of the General Plan. This land use classification allows residential developments up to a density of 25 dwelling Units Per Acre. The proposed R-PD15 (Residential Planned Development – 15 Units Per Acre) zoning district would conform to this General Plan designation.

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

The site is located 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.

ANALYSIS

A) General Analysis and Discussion

The proposed rezoning would allow for the addition of a six-unit multi-family building to an existing apartment complex. With the added units the total number of units in the development will rise to 188, with a density of 14.94 dwelling units per gross acre. This new density falls within the range of the existing M (Medium Density Residential) General Plan designation, which includes this development and some single-family lots to the north, up to the south side of Evergreen Avenue. The existing development is surrounded on three sides by R-1 (Single-Family Residential) development, with the exception of one lot to the north zoned O (Office). Existing commercial development zoned C-1 (Limited Commercial) lies to the south along Charleston Boulevard. The existing development has demonstrated compatibility with the nearby residential uses, and a negligible increase in density should have little to no negative impact on these uses. Conditions of approval for the accompanying Site Development Plan Review (SDR-5568) will ensure that the development meets current zoning code standards to maintain compatibility with the surrounding area.

FINDINGS

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

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

The existing General Plan designation of the subject site is M (Medium Density Residential). This land use category allows a maximum of 25 dwelling units per gross acre. The proposed rezoning to R-PD15 (Residential Planned Development - 15 Units Per Acre) is consistent with the current General Plan designation.

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

The existing R-PD14 (Residential Planned Development - 14 Units Per Acre) site has a much higher density than single-family residential development to the north, west, and east; however, the multi-family uses on the site have proven over time to be harmonious and compatible with the lower densities. The addition of six units to the development would have a negligible impact on these single-family developments.

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

The growing need in the area for leasable multi-family units indicates the appropriateness of the proposed rezoning.

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

Access to the property will be available via a private drive from Charleston Boulevard, designated as a 100-foot Primary Arterial street on the Master Plan of Streets and Highways, and Jones Boulevard, an 80-foot Secondary Collector. These streets have proven to be adequate to meet the traffic demands of the existing multi-family residential development, and will have adequate capacity to accommodate the additional traffic generated by a slight increase in the number of residential units.

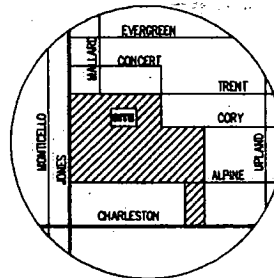
NEIGHBORHOOD ASSOCIATIONS NOTIFIED

8

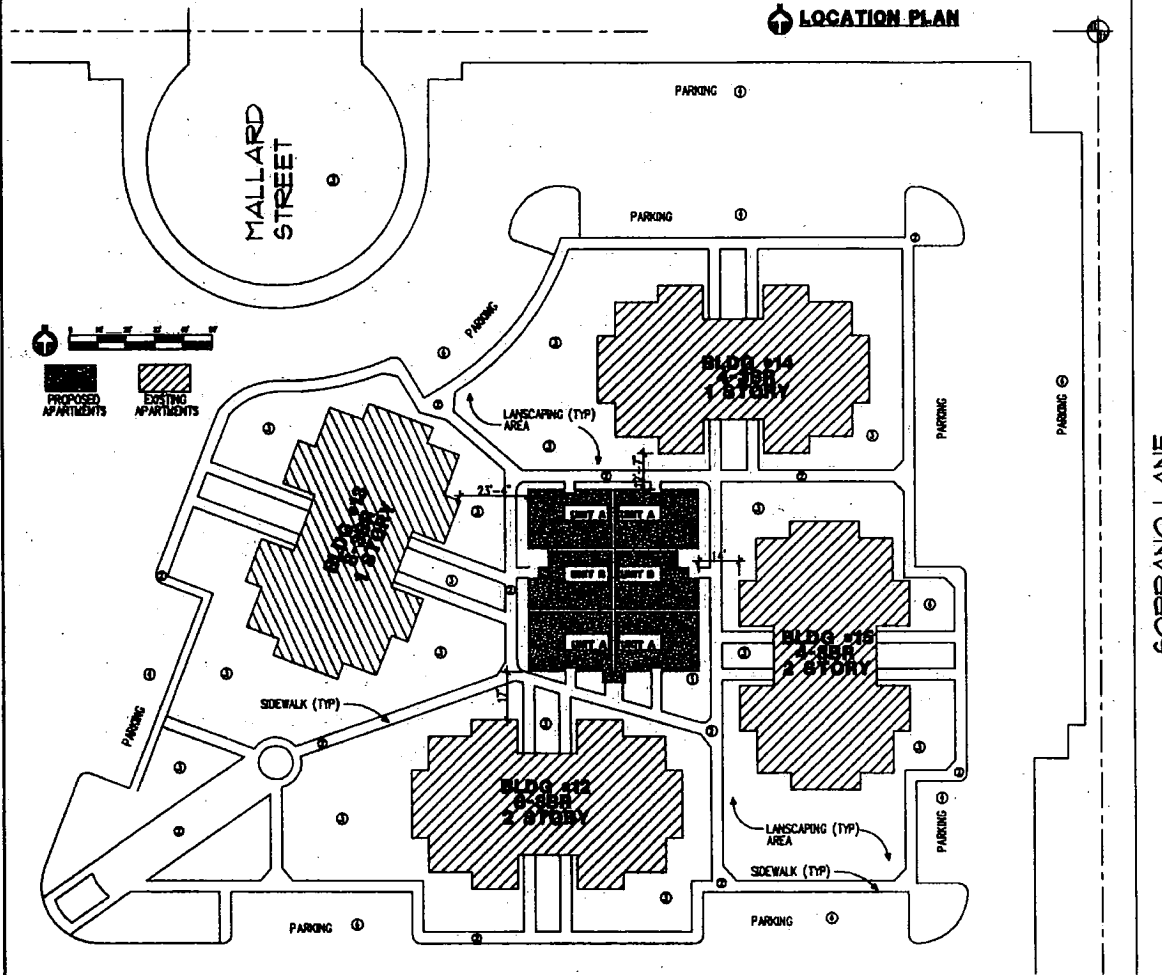
NOTICES MAILED 107 by Planning Department

APPROVALS 0

PROTESTS 0



LOCATION PLAN



ABULATION

LEGAL
A PORTION OF THE SW 1/4 OF THE SW 1/4 OF SECTION 36: T 20 S; R 60 E;
MDM: CITY OF LAS VEGAS, CLARK COUNTY, NEVADA
ZONING:
EXISTING: RPO-14
PROPOSED: RPO-15
LAND AREA: GROSS - 547,968 SF (12.58 ACRES)

EXISTING BUILDING AREA

EXISTING

48 - 1 BR UNITS @ 630 SF = 30,472 SQ. FT
110 - 2 BR UNITS @ 947 SQ. FT = 104,170 SQ. FT
24 - 3 BR UNITS @ 1070 SF = 25,680 SQ. FT
182 - TOTAL RENTABLE UNITS = 160,522 SQ. FT
RECREATION BUILDING = 3,870 SQ. FT
TOTAL BUILDABLE AREA = 184,492 SQ. FT

DENSITY
14.47 UNITS/GROSS ACRE (PERMITTED) = 182 UNITS
14.47 UNITS/GROSS ACRE (PROVIDED) = 182 UNITS

PARKING REQUIRED	SPACES PER UNIT	UNITS	PARKING REQUIRED	PARKING PROVIDED
1 BR UNIT	1.25 + 1 PER 6	48	68	
2 BR UNIT	1.75 + 1 PER 6	110	203	
3 BR UNIT	2.00 + 1 PER 6	24	52	
REQUIRED		182	323	
PROVIDED				499

PROPOSED BUILDING AREA

PROPOSED

48 - 1 BR UNITS @ 630 SF = 30,472 SQ. FT
110 - 2 BR UNITS @ 947 SQ. FT = 104,170 SQ. FT
24 - 3 BR UNITS @ 1070 SF = 25,680 SQ. FT
2 - 2 BR UNITS @ 1285 SQ. FT = 2,570 SQ. FT
4 - 3 BR UNITS @ 1,237 SF = 4,948 SQ. FT

188 - TOTAL RENTABLE UNITS = 168,040 SQ. FT
RECREATION BUILDINGS = 3,618 SQ. FT
TOTAL BUILDABLE AREA = 171,658 SQ. FT

DENSITY CHANGE REQUIRED 14.94 UNITS/GROSS ACRE (PERMITTED) = 188 UNITS

PARKING REQUIRED	SPACES PER UNIT	UNITS	PARKING REQUIRED	PARKING PROVIDED
1 BR UNIT	1.25 + 1 PER 6	48	68	
2 BR UNIT	1.75 + 1 PER 6	112	215	
3 BR UNIT	2.00 + 1 PER 6	28	81	
REQUIRED		188	344	
PROVIDED				499

BUILDING CODE ANALYSIS

GROUP OCCUPANCY: R-1 APARTMENTS
CONSTRUCTION TYPE: V - 1 HR
BUILDING HEIGHT: 30'-0"
NO. STORIES: 1 & 2

KEY NOTES

1. NEW 2 STORY APARTMENTS (8 TOTAL)
2. NEW CONCRETE SIDEWALK
3. EXISTING LANDSCAPED AREA
4. EXISTING PARKING

TIFFANY APARTMENTS 138-38-401-013

WARD 1
N.E. Corner Charleston / Jones
City of Las Vegas, Nevada 89146

SITE DEVELOPMENT PLAN



SP1

REVISED
12.1.04

ZON-5566
SDR-5568
12/16/04 PC

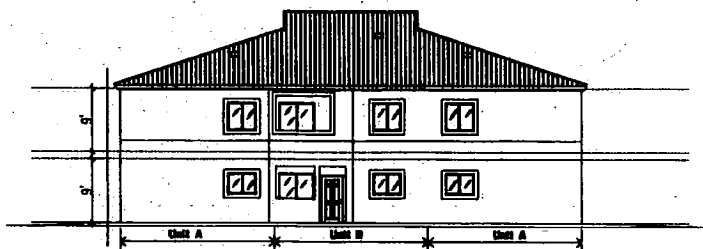
RECEIVED
DEC 1 2004

TIFFANY APARTMENTS 138-38-401-013
WARD 1
N.E. Corner Charleston / Jones
City of Las Vegas, Nevada 89148

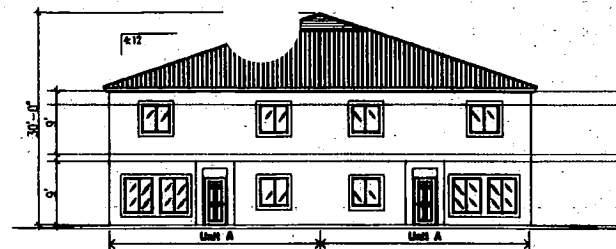
ELEVATIONS
BUILDING FLOOR PLANS

PROJECT	TIFFANY APARTMENTS
DATE	12.1.04
SCALE	1/8" = 1'-0"
DESIGNED BY	SP3
CHECKED BY	
APPROVED BY	

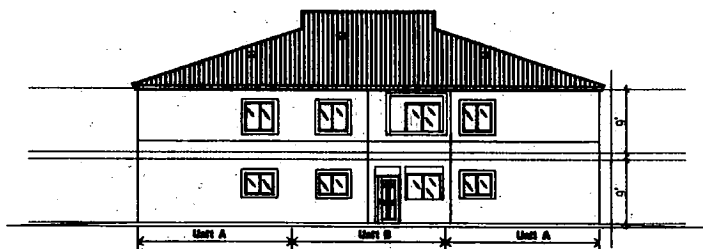
SP3



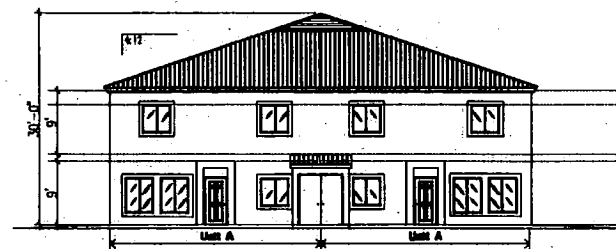
ELEVATION (UNITS A+B+A) NORTH



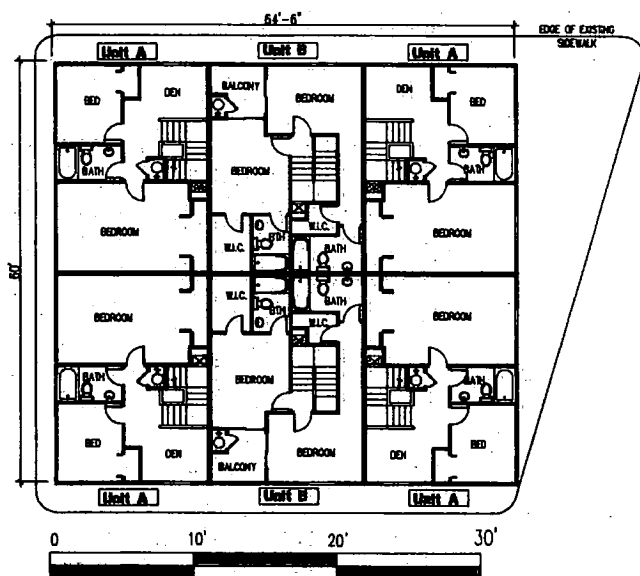
ELEVATION (UNITS A+A) EAST



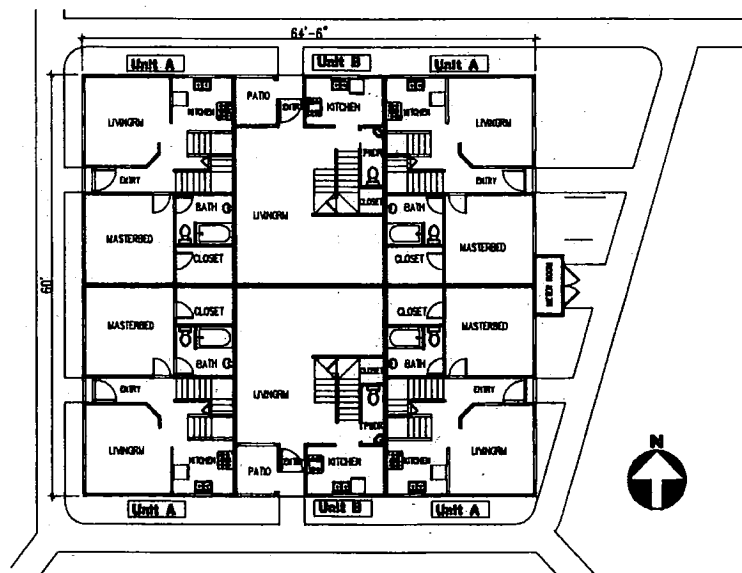
ELEVATION (UNITS A+B+A) SOUTH



ELEVATION (UNITS A+A) WEST

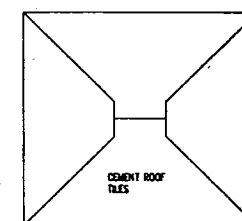


SECOND FLOOR BUILDING PLAN



GROUND FLOOR BUILDING PLAN

EXTERIOR FINISHES:
MATCH ADJACENT CEMENT ROOF TILES
AND PAINTED STUCCO WALLS



ROOF PLAN
SCALE 1/8" = 1'-0"

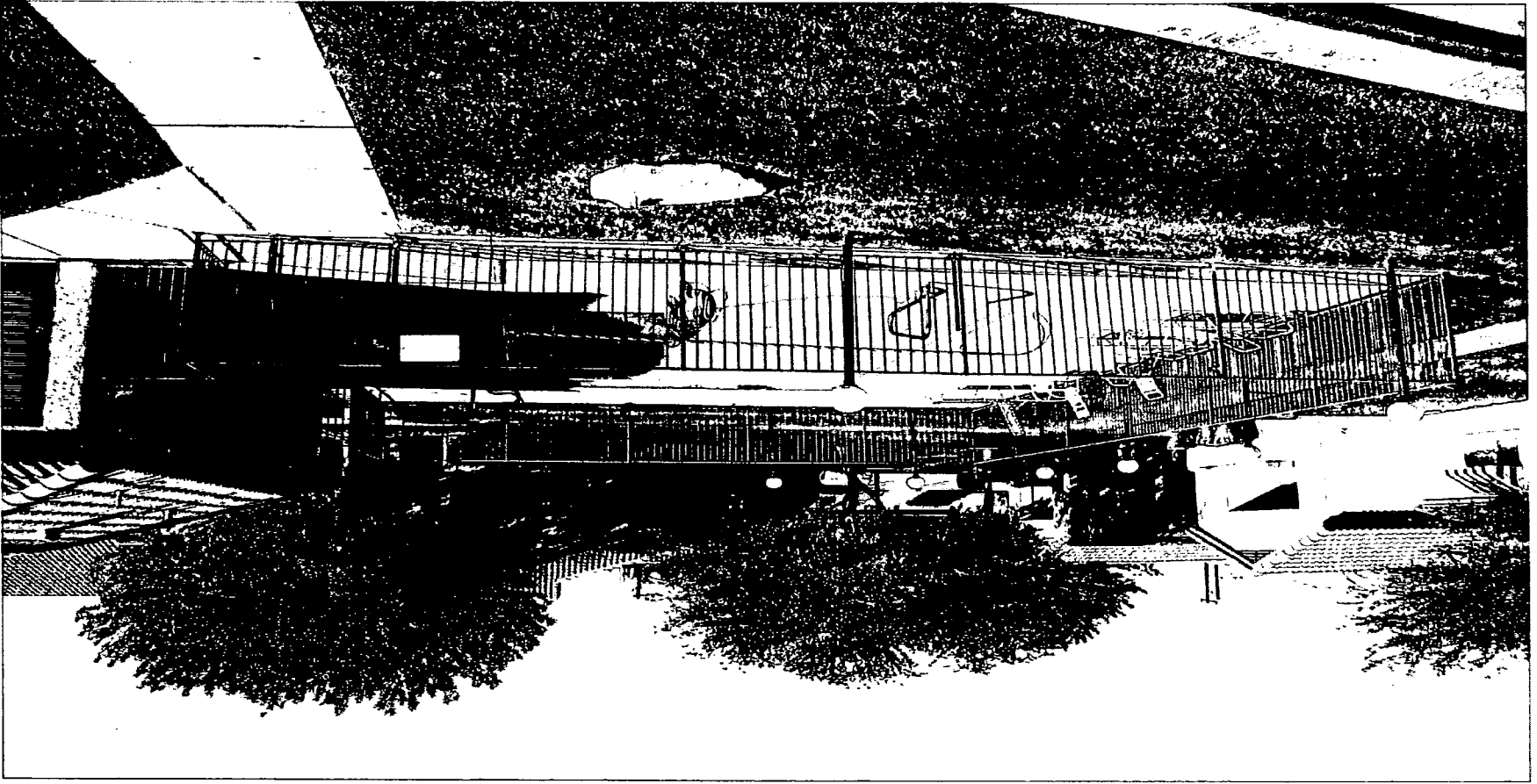
ZON-5566
SDR-5568
12/16/04 PC

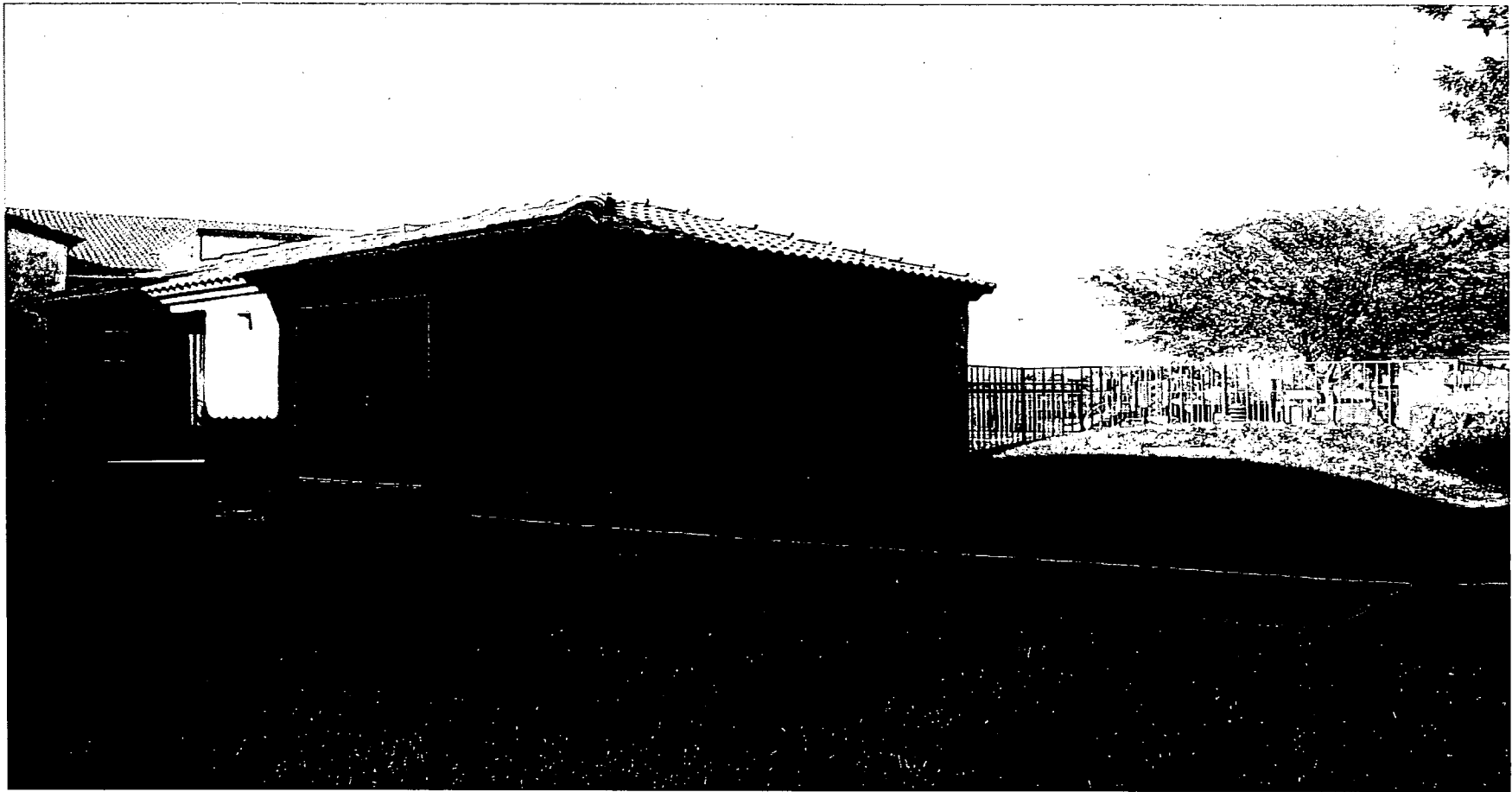
REVISED
12.1.04

RECEIVED
DEC 1 2004

ZON-5566 - APPLICANT/OWNER: SHANDER INTERNATIONAL, LLC
5800 WEST CHARLESTON BOULEVARD
DECEMBER 16, 2004 PLANNING COMMISSION

11/24/04





ZON-5566 - APPLICANT/OWNER: SHANDER INTERNATIONAL, LLC
5800 WEST CHARLESTON BOULEVARD
DECEMBER 16, 2004 PLANNING COMMISSION

11/24/04



ZON-5566 - APPLICANT/OWNER: SHANDER INTERNATIONAL, LLC
5800 WEST CHARLESTON BOULEVARD
DECEMBER 16, 2004 PLANNING COMMISSION

11/24/04

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-5566

SDR-5568 - PUBLIC HEARING - APPLICANT/OWNER: SHANDER INTERNATIONAL, LLC - Request for a Site Development Plan Review FOR A PROPOSED ADDITION OF A SIX-UNIT MULTI-FAMILY BUILDING TO AN EXISTING APARTMENT COMPLEX on 12.58 acres at 5800 West Charleston Boulevard (APN 138-36-401-012 through 020; 138-36-406-001 and 009), R-PD14 (Residential Planned Development - 14 Units Per Acre) [PROPOSED: R-PD15 (Residential Planned Development - 15 Units Per Acre)], Ward 1 (Moncrief). The Planning Commission (5-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

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

MOTION:

MONCRIEF - APPROVED subject to conditions - UNANIMOUS with GOODMAN excused and MACK not voting

MINUTES:

NOTE: See Item 114 [ZON-5566] for all related discussion.
(3:12 - 3:14)
4-1367

CONDITIONS:

Planning and Development

1. A Rezoning (ZON-5566) to a R-PD15 (Residential Planned Development - 15 Units Per Acre) Zoning District approved by the City Council.

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

3. All development shall be in conformance with the site plan, landscape plan and building elevations date stamped 12/01/04, except as amended by conditions herein. Damaged or missing trees on the perimeter of the site adjacent to public rights-of-way shall be replaced according to the landscape plan.

4. A minimum distance of 10 feet shall be maintained between buildings, and building height shall not exceed two stories or 35 feet, whichever is less, except for buildings abutting single-family residential properties, which shall be single-story.

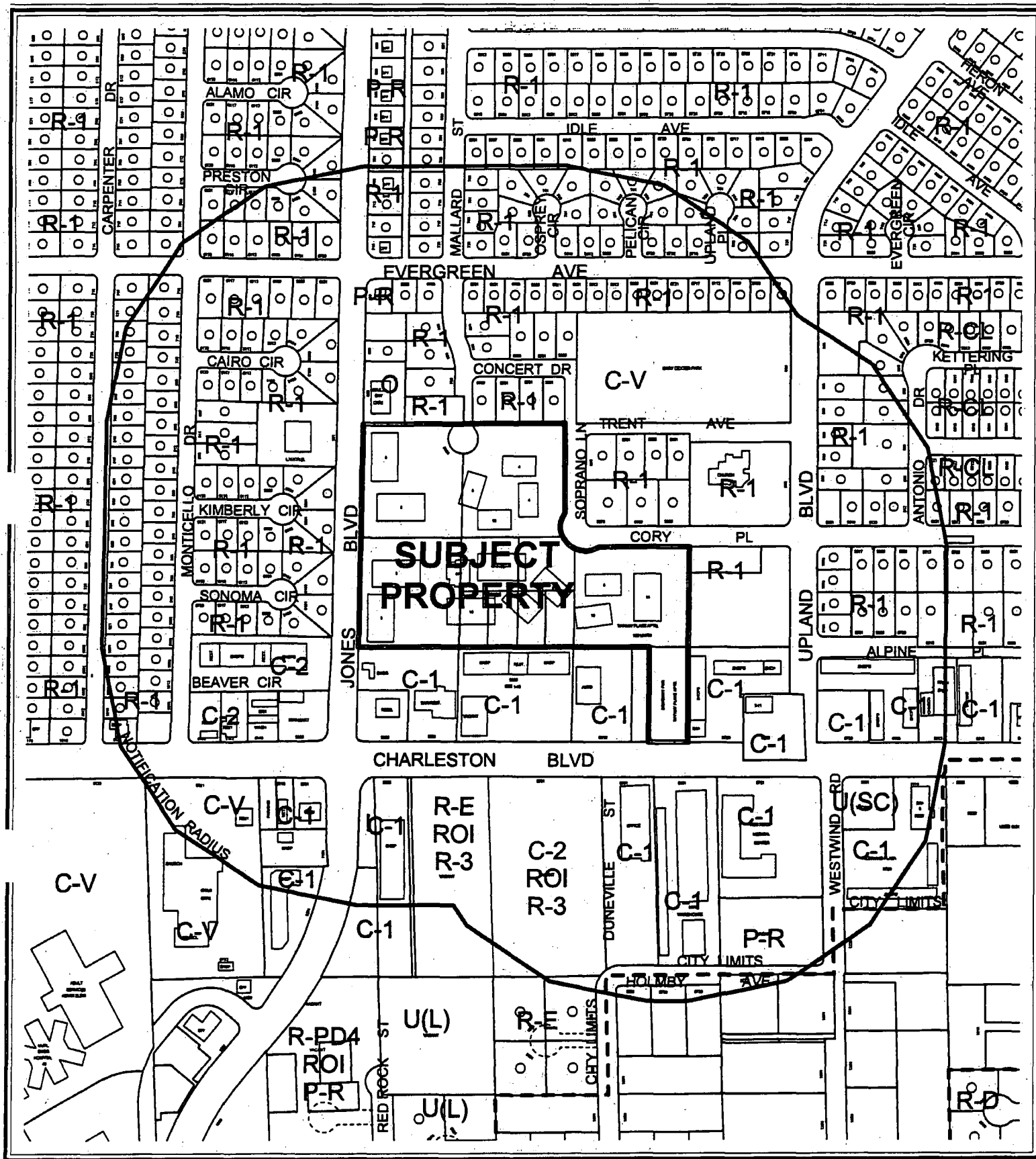
CITY COUNCIL MEETING OF: JANUARY 19, 2005

CONDITIONS - Continued:

5. The landscape plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect minimum 24-inch box shade trees and a minimum of four five-gallon shrubs for each tree within parking lot planters, per Title 19.12.040.
6. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
7. 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.
8. All trash enclosures shall be roofed in conformance with Title 19.08.045.
9. Handicapped parking spaces shall be striped in conformance with Title 19.10.010.G.
10. The Design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.

Public Works

11. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility.
12. Site development to comply with all applicable conditions of approval for Z-100-88, ZON-5566 and all other applicable site-related actions.



CASE: SDR-5568

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

R-PD14 (RESIDENTIAL PLANNED DEVELOPMENT - 14 UNITS PER ACRE)

PROPOSED ZONING OF SUBJECT PROPERTY:

R-PD15 (RESIDENTIAL PLANNED DEVELOPMENT - 15 UNITS PER ACRE)

115



AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 19, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-5568 - APPLICANT/OWNER: SHANDER INTERNATIONAL, LLC

**** CONDITIONS ****

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

Planning and Development

1. A Rezoning (ZON-5566) to a R-PD15 (Residential Planned Development – 15 Units Per Acre) Zoning District approved by the City Council.
2. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
3. All development shall be in conformance with the site plan, landscape plan and building elevations date stamped 12/01/04, except as amended by conditions herein. Damaged or missing trees on the perimeter of the site adjacent to public rights-of-way shall be replaced according to the landscape plan.
4. A minimum distance of 10 feet shall be maintained between buildings, and building height shall not exceed two stories or 35 feet, whichever is less, except for buildings abutting single-family residential properties, which shall be single-story.
5. The landscape plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect minimum 24-inch box shade trees and a minimum of four five-gallon shrubs for each tree within parking lot planters, per Title 19.12.040.
6. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
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8. All trash enclosures shall be roofed in conformance with Title 19.08.045.
9. Handicapped parking spaces shall be striped in conformance with Title 19.10.010.G.
10. The Design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.

Public Works

11. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility.
12. Site development to comply with all applicable conditions of approval for Z-100-88, ZON-5566 and all other applicable site-related actions.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Site Development Plan Review for a proposed addition of a six-unit multi-family building to an existing apartment complex on 12.58 acres at 5800 West Charleston Boulevard.

B) Applicant's Justification

The applicant justifies this application by stating that the overall development, including the proposed building, will meet Title 19 parking, setback, height, and residential adjacency requirements. Existing buffer trees that have been damaged or removed will be replaced to conform to the original approval of the site.

BACKGROUND INFORMATION

A) Previous Actions

- 11/02/88 The City Council denied a request to Rezone (Z-0100-88) the subject property from R-1 (Single-Family Residential) with a portion under Resolution of Intent to C-1 (Limited Commercial) to R-PD16 (Residential Planned Development – 16 Units Per Acre). The Planning Commission recommended approval. Staff recommended denial.
- 02/15/89 The City Council rescinded the previous denial of the request to Rezone (Z-0100-88) the subject property from R-1 (Single-Family Residential) with a portion under Resolution of Intent to C-1 (Limited Commercial) to R-PD16 (Residential Planned Development – 16 Units Per Acre). The decision was based on revised plans showing a reduction in the number of units from 208 to 182 and one-story buildings along the north portion of the site abutting R-1 (Single Family Residential) zoned properties. Staff recommended denial.
- 04/13/89 The City Council approved a request to Rezone (Z-0100-88) the subject property from R-1 (Single-Family Residential) with a portion under Resolution of Intent to C-1 (Limited Commercial) to R-PD16 (Residential Planned Development – 16 Units Per Acre). The approval was amended to R-PD14 (Residential Planned Development – 14 Units Per Acre) with a maximum of 182 units. The Planning Commission recommended approval. Staff recommended denial.
- 10/18/89 The City Council approved a Review of Condition No. 14 [Z-0100-88(1)] of the approved Rezoning (Z-0100-88) prohibiting access to Jones Boulevard except for emergency purposes. The request was to allow a temporary driveway from Jones

Boulevard to the leasing office while the Charleston Boulevard entrance was being completed. The City Council conditioned its approval on the discontinuation of the temporary driveway 60 days following the approval of the first Certificate of Occupancy for any unit on the property. The Planning Commission and staff recommended approval.

- 06/28/99 The City Council approved a Review of Condition No. 14 [Z-0100-88(2)] of the approved Rezoning (Z-0100-88) prohibiting access to Jones Boulevard except for emergency purposes. The condition was deleted and a new landscaping plan for the site was required. Staff recommended approval.
- 12/16/04 The Planning Commission recommended approval of a companion Rezoning request (ZON-5566) from R-PD14 (Residential Planned Development – 14 Units Per Acre) to R-PD15 (Residential Planned Development – 15 Units Per Acre) on the subject site.
- 12/16/04 The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #31/ss).

B) Pre-Application Meeting

- 10/19/04 The applicant was made aware that the increase in multi-family units would increase the density such that a rezoning for the entire complex area would be required. Such a rezoning would still be compatible with the General Plan. The applicant demonstrated that the proposed building would match the architecture of the existing buildings and would meet code with respect to setbacks. The parking standard would be maintained, and landscaping could be upgraded to current standards.

C) Neighborhood Meetings

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

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 12.58
Net Acres: 11.98

B) Existing Land Use

Subject Property: Multi-Family Residential (Apartment Complex)
North: Single-Family Residential
Social Service Provider (Adult Day Care)
South: Retail and Restaurants
East: Single-Family Residential
Undeveloped
West: Single-Family Residential

C) *Planned Land Use*

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

D) *Existing Zoning*

Subject Property: R-PD14 (Residential Planned Development – 14 Units Per Acre)
North: R-1 (Single-Family Residential)
O (Office)
South: C-1 (Limited Commercial)
R-1 (Single-Family Residential) under Resolution of Intent to C-1
(Limited Commercial)
East: R-1 (Single-Family Residential)
C-1 (Limited Commercial)
West: R-1 (Single-Family Residential)

E) *General Plan Compliance*

The subject site is designated M (Medium Density Residential) on the Southwest Sector Map of the General Plan. This land use classification allows residential developments up to a density of 25 dwelling Units Per Acre. The proposed R-PD15 (Residential Planned Development – 15 Units Per Acre) zoning district would conform to this General Plan designation.

PROJECT DESCRIPTION

The proposal calls for the removal of an existing swimming pool and structure containing related mechanical equipment and replacement with a new six-unit, two-story apartment building. This would create a cluster of five buildings in the northeastern portion of the site. The proposed 7,740 square foot building would contain an additional two 2-bedroom units and four 3-bedroom units. A series of paths connecting the buildings to each other would be reconstructed adjacent to the new building. A total of 499 parking spaces are currently provided, well in excess of the required 344 spaces. Perimeter landscaping consists of existing deciduous, evergreen, and palm trees along Soprano Lane, Cory Place, and Jones Boulevard, as well as along the private entry drive into the complex from Charleston Boulevard. New trees to match the existing species will be planted to replace damaged trees or trees that have been removed since their original planting.

ANALYSIS

A) *Zoning Code Compliance*

A1) Development Standards

In accordance with Title 19.06, the following Development Standards are proposed for the site:

Standards	Proposed
Min. Setbacks	
• Front (Jones Blvd.)	22 Feet
• Side	15 Feet
• Corner	N/A
• Rear	72 Feet
Min. Distance Between Buildings	10 Feet
Max. Building Height	2 Stories / 35 Feet, except for buildings abutting R-1 zoning (single-story)
Trash Enclosure	No new structures
Mech. Equipment	Screened

The existing setbacks will not be affected by approval of the proposed building; however, this building will be required to be set back at least 10 feet from any other building. The proposed height of the new building is 30 feet, which is comparable to the other two-story buildings on the site. The one-story restriction for buildings that abut R-1 (Single-Family Residential) zoned properties is reiterated as part of this request. No new trash enclosures are proposed.

A2) Residential Adjacency Standards

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

- a) Proximity slope. At a maximum height of 30 feet, the proposed building (at its highest point) must be set back at least 90 feet from the nearest property line of the protected single-family dwellings located to the north and east of the subject site. The building is shown at 160 feet from the properties to the north and 215 feet from the properties to the east; therefore, the adjacency standard with respect to the proximity slope has been met.
- b) Building setback. The proposed building must be setback a minimum of 20 feet from the protected single-family properties located both north and east of the subject site. At setbacks of 160 feet from the properties to the north and 215 feet from the properties to the east, the adjacency standard with respect to building setback is satisfied.

A3) Parking and Traffic Standards

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

Uses	No. of Units	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
Multi-Family (1-bedroom units)	48	1.25 spaces/unit + 1 space/6 units	68	N/A		
Multi-Family (2-bedroom units)	112 (2 new)	1.75 spaces/unit + 1 space/6 units	215	N/A		
Multi-Family (3-bedroom units)	28 (4 new)	2 spaces/unit + 1 space/6 units	61	N/A		
TOTAL	188	---	344	N/A	493	6

The proposed building will add 13 spaces to the onsite requirement, for a total of 344 spaces. The site currently provides 321 uncovered and 178 covered spaces (including garages) for a total of 499 spaces; therefore, the development exceeds Title 19 parking requirements.

A condition of approval will require the applicant to meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility.

A4) Landscape and Open Space Standards

The perimeter of the site adjacent to public rights-of-way contains existing deciduous, evergreen and palm trees planted according to the previous zoning action (Z-0100-88). As the planters are already existing and the trees and shrubs mature, only damaged or missing trees need to be replaced. The parking area is missing planter fingers, which should be placed at a ratio of one per six uncovered spaces. At least one 24-inch box shade tree should be provided per island along with a minimum of four (4) five-gallon evergreen shrubs per tree provided.

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

Total Acreage	Density	Ratio	Required		Provided	
			Percent	Area	Percent	Area
12.58 acres	14.9 du/ac	1.65	24.59 %	134,722 SF or 3.09 acres	50.75 %	278,080 SF or 6.38 acres

The development as proposed meets Title 19 open space requirements.

A5) Sign Standards

No changes are proposed to the existing signage on the site. Any new signage would be subject to the standards contained in Title 19.14 for the R-3 (Medium Density Residential) zoning district.

B) General Analysis and Discussion

- Zoning

The site is currently zoned R-PD14 (Residential Planned Development – 14 Units Per Acre). The increased density associated with the addition of six units to the development would require a zone change to R-PD15 (Residential Planned Development – 15 Units Per Acre). An application for Rezoning (ZON-5566) for the 12.58-acre site has been filed as a companion to this Site Development Plan Review.

- Site Plan

The addition of a new apartment building on the site is acceptable as long as the site is upgraded to meet current zoning codes as required for new development. Although the development would lose a swimming pool, another pool still exists in the southern portion of the site. In light of new development, all proposed handicapped spaces shall be re-stripped to conform to the standards contained in Title 19.10. In addition, all trash enclosures on the site shall be roofed in accordance with the Commercial Development Standards. The site plan should be revised to indicate these changes.

- Waivers

No waivers are requested as part of this Site Development Plan Review request, and none are required.

- Landscape Plan

Prior to the concurrent request for rezoning, the site complied with perimeter landscaping per the original zoning approval. The applicant has indicated where damaged or missing trees are located and marked for replacement. The applicant, as part of the site upgrade, should be able to provide additional trees within the parking area without reducing the number of parking spaces below the minimum required by the current zoning code. Therefore, a condition of approval requires additional planter fingers to be constructed that will include trees and shrubs according to Title 19.12.

- Elevation

The elevations match the existing apartment buildings on the site and indicate painted stucco exteriors with concrete tile roofs. The two-bedroom units each contain balconies.

- Floor Plan

The floor plans indicate that two (2) two-bedroom units and four (4) three-bedroom units would be added. Each unit contains two levels.

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 six-unit apartment building will be built with similar architectural features as the existing buildings that will surround it. This building will meet Residential Adjacency Standards and will be partially screened from view of neighboring single-family residential properties. The amount of parking will remain in excess of current code standards. The existing apartment complex was constructed in 1990 and has proven to be compatible with the area.

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

Even with the proposed slight increase in residential units, the project complies with the current M (Medium Density Residential) General Plan designation. Certain aspects of the site, including striping of handicapped parking spaces, roofing of trash enclosures, and the provision of additional trees in the parking lot must be brought up to code as the site is redeveloped.

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

Access to the site remains from Charleston Boulevard, designated a Primary (100-foot) Arterial and Jones Boulevard, designated a Secondary (80-foot) Collector on the Master Plan of Streets and Highways. Addition of six units will have minimal effect on circulation around the site and virtually no effect on neighborhood traffic.

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

Building materials include stucco exteriors, canvas awnings, and concrete tile roofs to match existing buildings on the site. Most landscaping is existing, but damaged or missing trees and shrubs will be replaced with similar materials.

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, which are similar in character and materials to the existing apartment buildings, ensure that an orderly and aesthetically pleasing environment is created.

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

The construction of the proposed building will be subject to inspection by public agencies; therefore, the health, safety and general welfare of the public will be safeguarded.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 8

NOTICES MAILED 107 by Planning Department

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-5568** APN: 138-36-401-073 012, 014
406-001 & 009

Name of Property Owner: INT'L ASSET MGRS., INC.

Name of Applicant: INT'L ASSET MGRS., INC.

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

Yes

☒ No

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

City Official: _____

Partner(s): _____

APN: _____

X Signature of Property Owner/Authorized Agent: 

X Print Name: Alex Tsvetkovsky
Managing Member

Subscribed and sworn before me

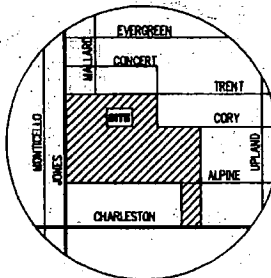
This 26th day of October, 2004

Notary Public for and for said County and State

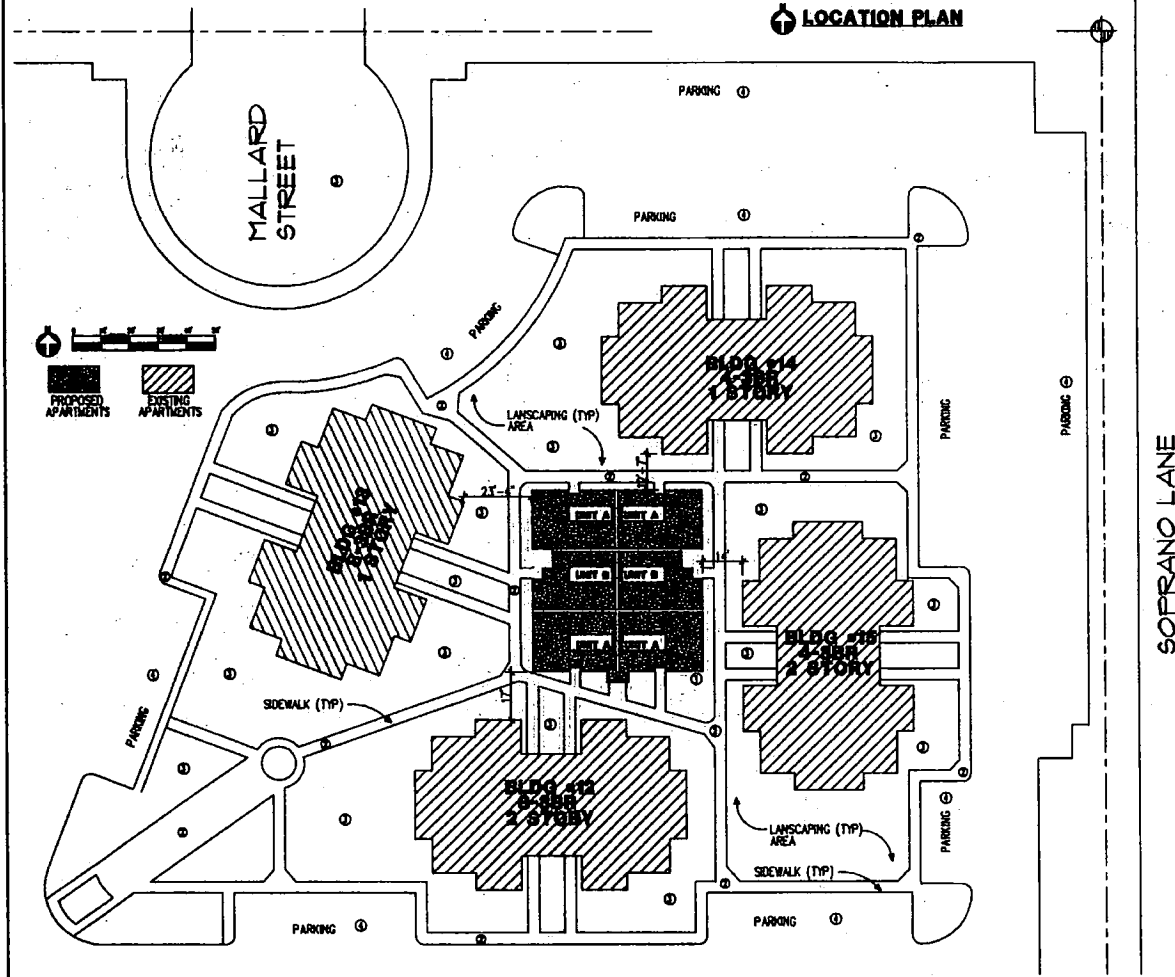
Revised 2/12/02

STEVE MOLLER
Notary Public, State of Nevada
Appointment No. 98-1169-1
My Appt. Expires March 11, 2006

f:\depot\Application Packet\Statement of Financial Interest.doc



LOCATION PLAN



ABULATION

LEGAL:
A PORTION OF THE SW 1/4 OF THE SW 1/4 OF SECTION 36, T 20 S, R 60 E,
MDM; CITY OF LAS VEGAS, CLARK COUNTY, NEVADA
ZONING:
EXISTING: RPD-14
PROPOSED: RPD-15
LAND AREA: GROSS - 547,968 SF (12.58 ACRES)

EXISTING BUILDING AREA

EXISTING

48 - 1 BR UNITS @ 639 SF = 30,672 SQ. FT.
110 - 2 BR UNITS @ 947 SQ. FT. = 104,170 SQ. FT.
24 - 3 BR UNITS @ 1070 SF = 25,680 SQ. FT.
182 - TOTAL RENTABLE UNITS = 180,522 SQ. FT.
RECREATION BUILDING = 3,970 SQ. FT.
TOTAL BUILDABLE AREA = 164,492 SQ. FT.

DENSITY: 14.47 UNITS/GROSS ACRE (PERMITTED) = 182 UNITS
14.47 UNITS/GROSS ACRE (PROVIDED) = 182 UNITS

PARKING REQUIRED	SPACES PER UNIT	UNITS	PARKING REQUIRED	PARKING PROVIDED
1 BR UNIT	1.25 + 1 PER 6	48	68	
2 BR UNIT	1.75 + 1 PER 6	110	203	
3 BR UNIT	2.00 + 1 PER 6	24	52	
REQUIRED		182	323	
PROVIDED				499

PROPOSED BUILDING AREA

PROPOSED

48 - 1 BR UNITS @ 639 SF = 30,672 SQ. FT.
110 - 2 BR UNITS @ 947 SQ. FT. = 104,170 SQ. FT.
24 - 3 BR UNITS @ 1070 SF = 25,680 SQ. FT.
2 - 2 BR UNITS @ 1285 SQ. FT. = 2,570 SQ. FT.
4 - 3 BR UNITS @ 1,237 SF = 4,948 SQ. FT.

188 - TOTAL RENTABLE UNITS = 188,040 SQ. FT.
RECREATION BUILDINGS = 3,618 SQ. FT.
TOTAL BUILDABLE AREA = 171,658 SQ. FT.

DENSITY CHANGE REQUIRED: 14.94 UNITS/GROSS ACRE (PERMITTED) = 188 UNITS

PARKING REQUIRED	SPACES PER UNIT	UNITS	PARKING REQUIRED	PARKING PROVIDED
1 BR UNIT	1.25 + 1 PER 6	48	68	
2 BR UNIT	1.75 + 1 PER 6	112	215	
3 BR UNIT	2.00 + 1 PER 6	28	61	
REQUIRED		188	344	
PROVIDED				499

BUILDING CODE ANALYSIS

GROUP OCCUPANCY: R-1 APARTMENTS
CONSTRUCTION TYPE: V - 1 HR
BUILDING HEIGHT: 30'-0"
NO. STORES: 1 & 2

KEY NOTES

1. NEW 2 STORY APARTMENTS (6 TOTAL)
2. NEW CONCRETE SIDEWALK
3. EXISTING LANDSCAPED AREA
4. EXISTING PARKING

TIFFANY APARTMENTS 138-58-401-013

WARD 1
N.E. Corner Charleston / Jones
City of Las Vegas, Nevada 89146

SITE DEVELOPMENT PLAN



SP1

REVISED
12.1.04

ZON-5566
SDR-5568
12/16/04 PC

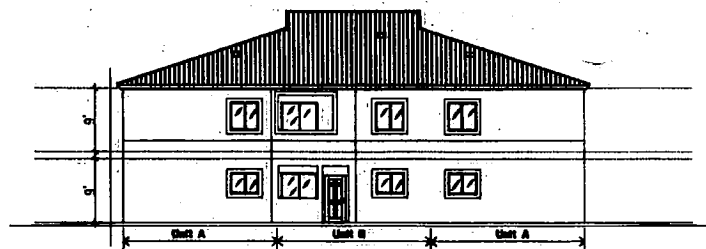
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DEC 1 2004

TIFFANY APARTMENTS 186-38-401-013
 WARD 1
 N.E. Corner Charleston / Jones
 City of Las Vegas, Nevada 89146

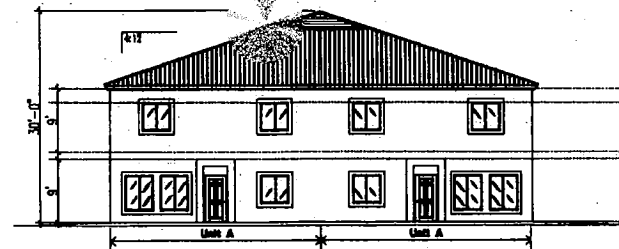
ELEVATIONS
 BUILDING FLOOR PLANS

DATE	REVISION
12/16/04	1.0
12/16/04	2.0
12/16/04	3.0
12/16/04	4.0
12/16/04	5.0
12/16/04	6.0
12/16/04	7.0
12/16/04	8.0
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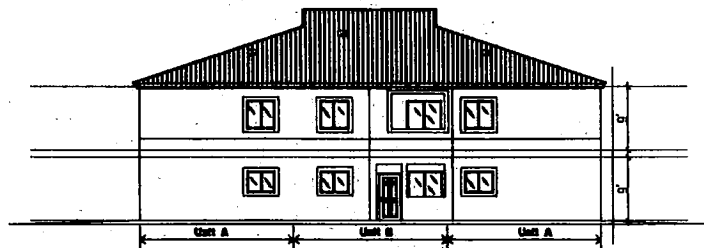
SP3



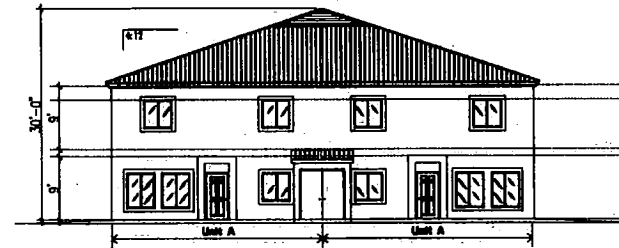
ELEVATION (UNITS A+B+A) NORTH



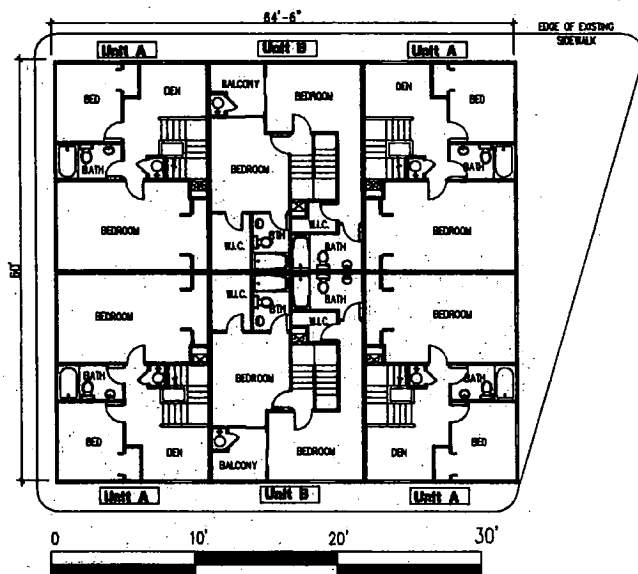
ELEVATION (UNITS A+A) EAST



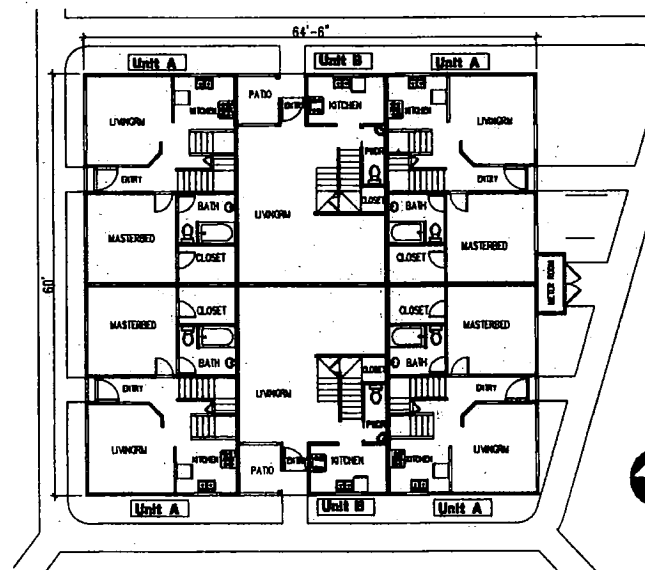
ELEVATION (UNITS A+B+A) SOUTH



ELEVATION (UNITS A+A) WEST

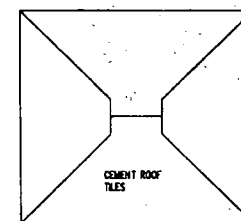


SECOND FLOOR BUILDING PLAN



GROUND FLOOR BUILDING PLAN

EXTERIOR FINISHES:
 MATCH ADJACENT CEMENT ROOF TILES
 AND PAINTED STUCCO WALLS

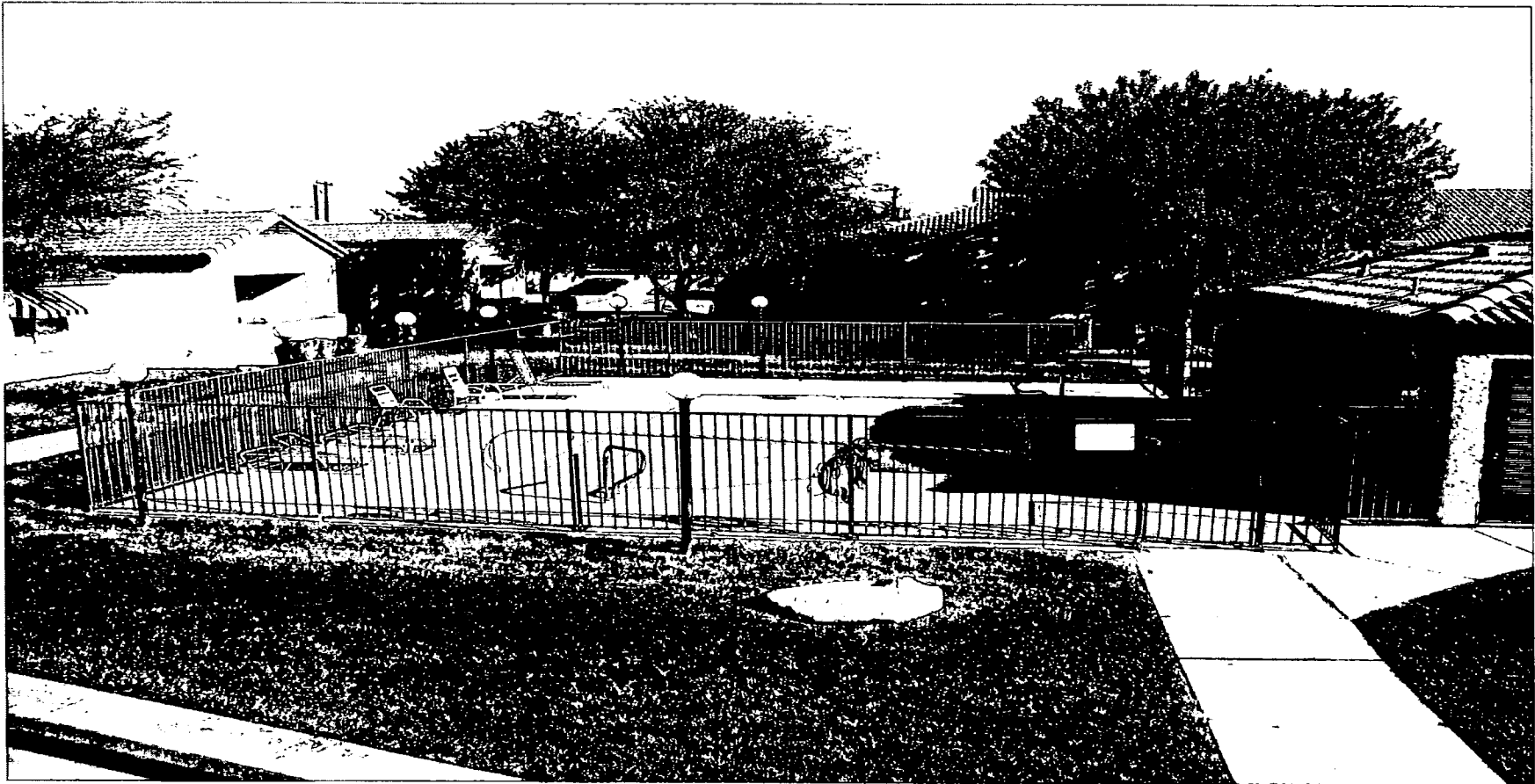


ROOF PLAN
 SCALE 1/16" = 1'-0"

REVISED
 12.1.04

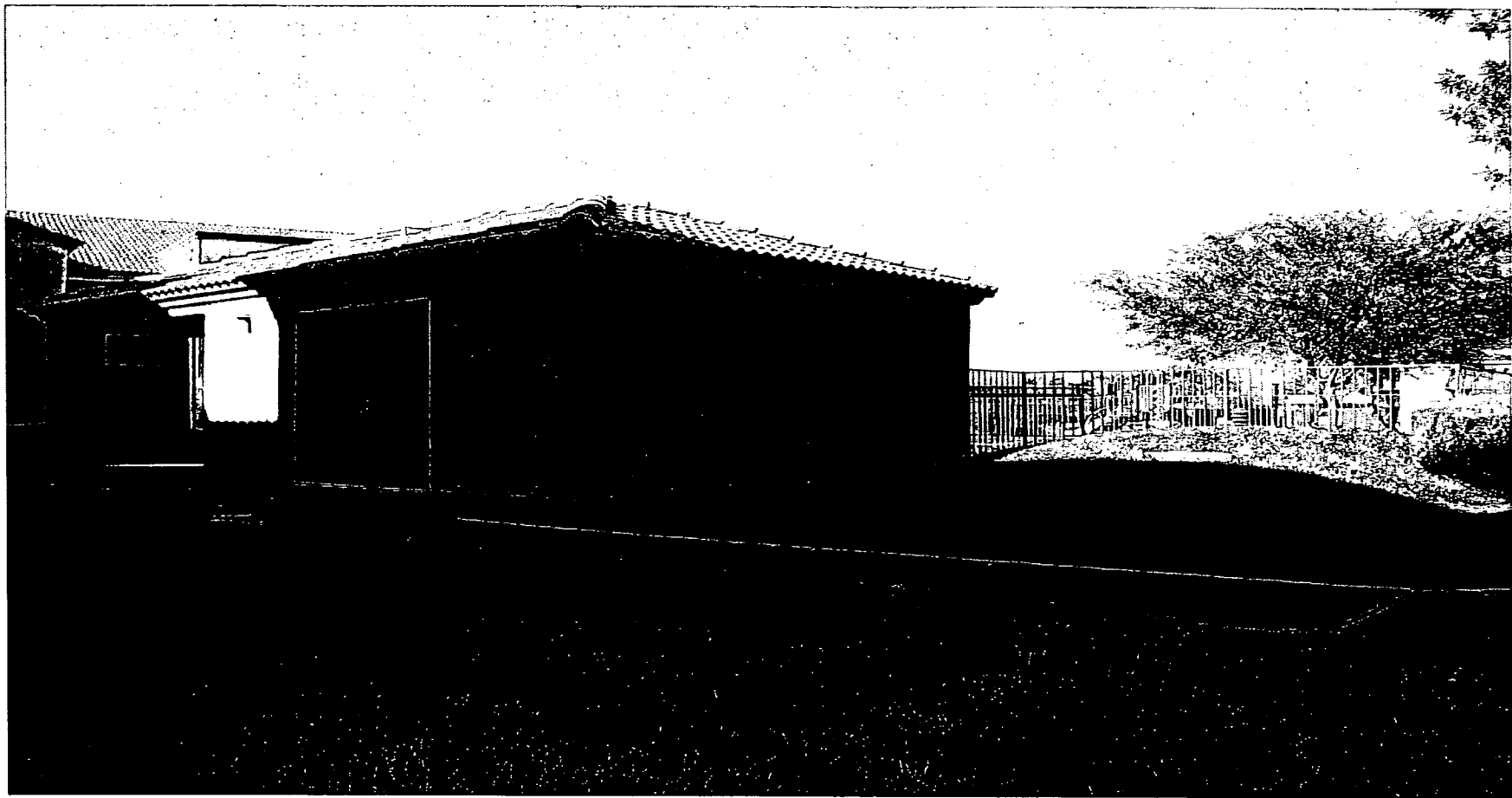
ZON-5566
 SDR-5568
 12/16/04 PC

RECEIVED
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SDR-5568 - APPLICANT/OWNER: SHANDER INTERNATIONAL, LLC
5800 WEST CHARLESTON BOULEVARD
DECEMBER 16, 2004 PLANNING COMMISSION

11/24/04



SDR-5568 - APPLICANT/OWNER: SHANDER INTERNATIONAL, LLC
5800 WEST CHARLESTON BOULEVARD
DECEMBER 16, 2004 PLANNING COMMISSION

11/24/04



SDR-5568 - APPLICANT/OWNER: SHANDER INTERNATIONAL, LLC
5800 WEST CHARLESTON BOULEVARD
DECEMBER 16, 2004 PLANNING COMMISSION

11/24/04

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

GENERAL PLAN AMENDMENT

GPA-4548 - PUBLIC HEARING - APPLICANT: RICHARD EHRLICH - OWNER: RICHARD EHRLICH, ET AL - Request to Amend a portion of the Southeast Sector Plan of the General Plan FROM: M (MEDIUM DENSITY RESIDENTIAL) AND ML (MEDIUM-LOW DENSITY RESIDENTIAL) TO: MLA (MEDIUM-LOW ATTACHED DENSITY RESIDENTIAL) on 18.54 acres adjacent to the south side of Owens Avenue, approximately 630 feet west of Lamb Boulevard (APN 140-30-503-001 and 002; 140-30-520-017 through 033), Ward 3 (Reese). The Planning Commission (5-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

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

MOTION:

REESE - APPROVED - UNANIMOUS with GOODMAN excused

MINUTES:

MAYOR PRO TEM REESE declared the Public Hearing open on Item 116 [GPA-4548], Item 117 [ZON-4554], Item 118 [VAR-4677] and Item 119 [SDR-4555].

CHRISTOPHER DYKA, 3531 East Russell Road, Suite G, appeared on behalf of the applicant and thanked MAYOR PRO TEM REESE for meeting with his clients. The park element at the entry was relocated at the interior of the project to make it more accessible to the single-family homes. In addition, some greenways have been retained through the center. The total unit count has been changed from 166 to 161, reducing the project by five lots. Due to this reduction, the open space has been increased to 85,000 square feet. The units are a for sale product.

STEVEN "CAPTAIN TRUTH" DEMPSEY questioned why staff and the Planning Commission recommended denial. MAYOR PRO TEM REESE pointed out the plan has been revised as per direction from the Planning Commission. The applicant has increased the open space by thirty percent. The plan has changed enough so that staff could recommend approval.

MARGO WHEELER, Director, Planning and Development Department, indicated that because it is a zoning of an R-PD, an additional condition should be imposed on Item 117 [ZON-4554] stating that it would be for a maximum of 161 units.

CITY COUNCIL MEETING OF: JANUARY 19, 2005**MINUTES - Continued:**

Regarding Item 118 [VAR-4677], MAYOR PRO TEM REESE asked MS. WHEELER to explain the condition regarding the contribution. MS. WHEELER explained that in this case the plans were resubmitted to staff and staff has had the opportunity to review the grounds, but has not recalculated that figure. Therefore, she recommended that an additional condition be added stating that the approval is with substantial conformance to the site plan submitted 1/13/05, and amend Condition 3 by removing the amount of \$205,603 and inserting that the amount would be calculated by the Public Works Department staff.

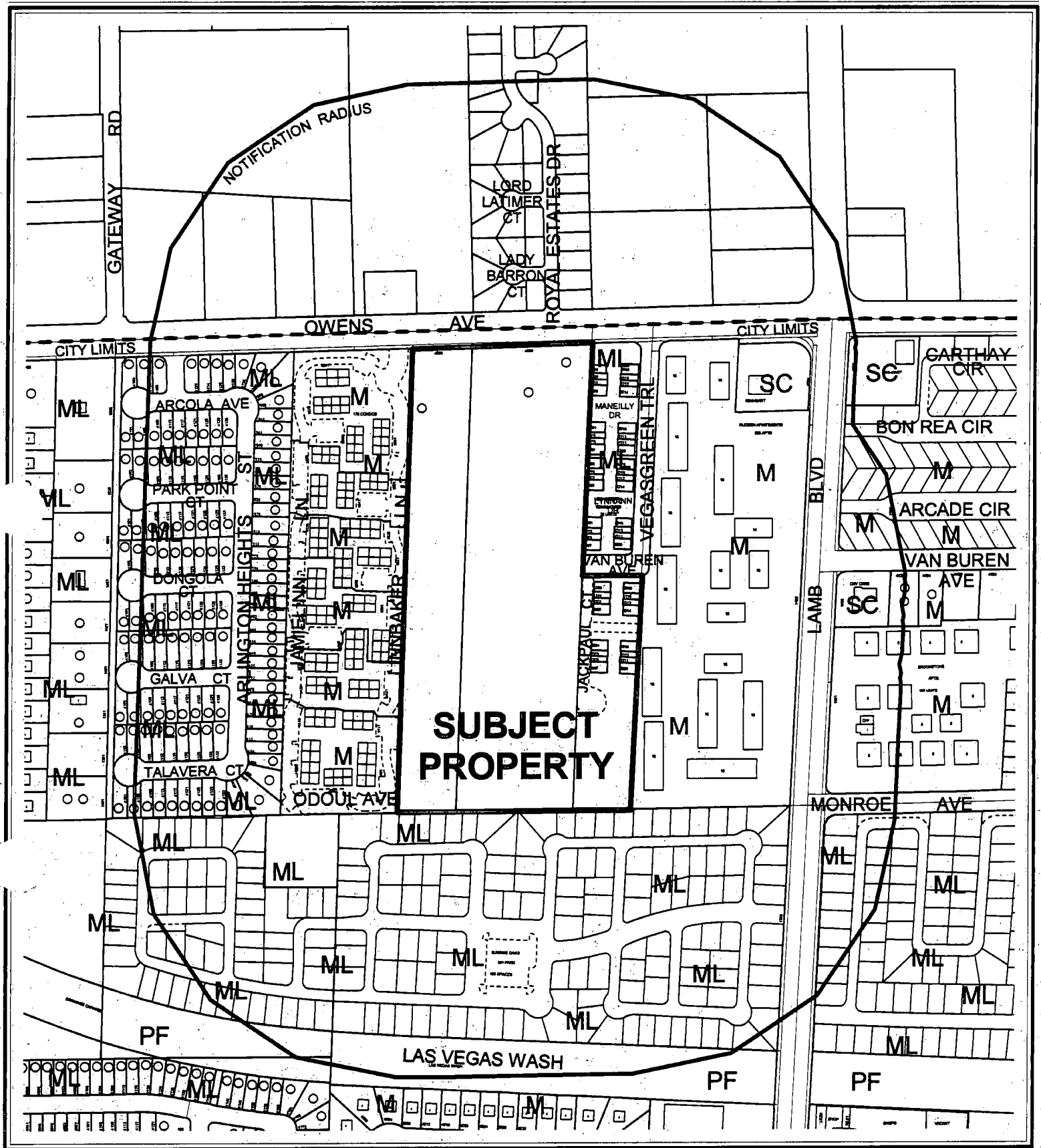
MAYOR PRO TEM REESE verified with MS. WHEELER that staff has the new site plan and recommended amending Condition 3 to Item 119 [SDR-4555] that all development shall be in conformance with the site plan date stamped 1/13/05 and building elevations date stamped 8/18/04 for a maximum of 161 units. She suggested an added condition that the pool and recreational facility shall be installed per plan to ensure the amenities shown are included.

NOTE: COUNCILMAN WOLFSON remarked that the citizens' agenda currently denotes the recommendation from the Planning Commission and staff based upon what occurred at the Planning Commission meeting. However, if new plans or changes are submitted after the Planning Commission meeting, it is almost misleading for the public because they will not be aware of the changes. He asked if there is any way that a notation could be included to indicate that something has changed from what occurred at the Planning Commission meeting and that something different is being presented to the City Council. MS. WHEELER responded that in cases where plans are received prior to notification, prior to posting and processing of the agenda, a note is added as to the application revision. However, this cannot always be done. COUNCILMAN WOLFSON stated he is aware of printing issues, but perhaps the Mayor or the Mayor Pro Tem, prior to the item being heard, could announce that the application being considered is different than what occurred at Planning Commission. MS. WHEELER indicated she would work with the City Clerk's Office to address this issue.

MAYOR PRO TEM REESE declared the Public Hearing closed on Item 116 [GPA-4548], Item 117 [ZON-4554], Item 118 [VAR-4677] and Item 119 [SDR-4555].

(3:14 - 3:28)

4-1454



CASE: GPA-4548

RADIUS: 750 FT

GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:

M (MEDIUM DENSITY RESIDENTIAL) AND ML (MEDIUM-LOW DENSITY RESIDENTIAL)

PROPOSED GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:

MLA (MEDIUM-LOW ATTACHED DENSITY RESIDENTIAL)

0 300 600 Feet



116





CASE: GPA-4548

RADIUS: 750 FT

GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:
M (MEDIUM DENSITY RESIDENTIAL) AND ML (MEDIUM-LOW DENSITY RESIDENTIAL)

PROPOSED GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:
MLA (MEDIUM-LOW ATTACHED DENSITY RESIDENTIAL)

0 300 600 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 19, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: GPA-4548 - APPLICANT: RICHARD EHRLICH - OWNER:
RICHARD EHRLICH, ET AL**

**** CONDITIONS ****

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

**** STAFF REPORT ****

APPLICATION REQUEST

This application seeks to amend a portion of the Southeast Sector Plan of the General Plan from M (Medium Density Residential) and ML (Medium-Low Density Residential) to MLA (Medium-Low Attached) on 18.54 acres adjacent to the south side of Owens Avenue, approximately 630 feet west of Lamb Boulevard. A previous request from this applicant sought to amend all but 5.29 acres of the property from ML (Medium-Low Density Residential) to M (Medium Density Residential), but was tabled at the 09/09/04 Planning Commission meeting in order for the applicant to resolve site design issues.

APPLICANT'S JUSTIFICATION

The applicant's justification letter states that the neighborhood in question is located in a residential neighborhood in the east side of Las Vegas. The surrounding property is a mix of single-family residential and multi-family medium-low and multi-family medium residential uses; therefore, the proposed General Plan amendment is compatible with the area. The applicant believes the development will enhance the neighborhood, turn a community eyesore into a community asset, create innovative housing, be compatible with surrounding uses, provide spacious and well-designed housing and be an overall asset to the neighborhood.

BACKGROUND DATA:

- 03/16/83 The Board of City Commissioners approved a request for a Rezoning from R-E (Residence Estates) to R-PD9 (Residential Planned Development – 9 Units Per Acre) for a portion of the subject site. The Planning Commission and staff recommended approval.
- 08/07/85 The City Council approved the Community Profiles of the city of Las Vegas General Plan by resolution. On this plan, the subject properties were designated for ML (Medium-Low Density Residential) land uses with a maximum density of 6 to 12 dwelling units per acre.
- 03/12/92 The Planning Commission approved the three Land Use Sector Maps of the General Plan.
- 08/18/99 The City Council approved GPA-23-99, which amended the density range for the Low Density Residential land use category to allow a maximum of 5.5 dwelling units per acre, Medium-Low Density Residential to allow up to 8.0 dwelling units per acre, and Medium Density Residential up to 25 dwelling units per acre.

- 09/06/99 The City Council approved GPA-10-00 to amend portions of the Southeast Sector Plan to indicate areas of potential transition, correct errors from GIS data conversion, and match actions since 1996.
- 09/06/00 The City Council approved the Las Vegas 2020 Master Plan. This site is within the Neighborhood Revitalization Area as described in the Plan.
- 04/19/00 The City Council approved a General Plan Amendment (GPA-0043-99) from ML (Medium-Low Density Residential) to M (Medium Density Residential), a Rezoning (Z-0066-99) from R-E (Residence Estates) to R-3 (Medium Density Residential), and a Site Development Plan Review [Z-0066-99(1)] for a 96-unit multi-family residential complex on APN 140-30-503-001. The Planning Commission and staff recommended approval. The Rezoning and Site Development Plan Review expired on 04/19/02.
- 12/06/00 The City Council accepted the applicant's request to Withdraw Without Prejudice a General Plan Amendment (GPA-0026-00) from ML (Medium-Low Density Residential) to M (Medium Density Residential) on 12.84 acres encompassing the area proposed for the current General Plan Amendment request. The Planning Commission and staff recommended approval. The City Council also accepted the applicant's request to Withdraw Without Prejudice a Rezoning (Z-0080-00) from R-E (Residence Estates) and R-E (Residence Estates) under Resolution of Intent to R-PD9 (Residential Planned Development – 9 Units Per Acre) to R-3 (Medium Density Residential), and a Site Development Plan Review [Z-0080-00(1)] for a proposed 288-unit multi-family development on the same site. The Planning Commission and staff recommended approval.
- 10/18/01 The Planning Commission approved a Site Development Plan Review [Z-0066-99(2)] for a proposed 95-unit multi-family residential development on APN 140-30-503-001. Staff recommended approval. The approval expired 10/18/03.
- 08/21/02 The City Council voted to table a General Plan Amendment (GPA-0017-02) from ML (Medium-Low Density Residential) to M (Medium Density Residential) and a Rezoning (Z-0040-02) from R-E (Residence Estates) to R-3 (Medium Density Residential) on APN 140-30-503-002 in order for the applicant to revise the site plan, which included a proposed 224-unit multi-family residential development. The Planning Commission and staff recommended approval of the General Plan Amendment with the recommendation that the request be amended to MLA (Medium-Low Attached Density Residential) on 07/11/02. The Planning Commission and staff recommended denial of the Rezoning.
- 07/08/04 The Planning Commission held this item in abeyance to the 08/12/04 Planning Commission Meeting to allow the applicant to redesign the site.

- | | |
|----------|---|
| 08/12/04 | The Planning Commission held this item in abeyance to the 09/09/04 Planning Commission Meeting to make further design changes. |
| 09/09/04 | The Planning Commission tabled a General Plan Amendment (GPA-4548) from ML (Medium-Low Density Residential) to M (Medium Density Residential) on 12.88 acres; a Rezoning (ZON-4554) from R-E (Residence Estates) and R-PD9 (Residential Planned Development - 9 Units Per Acre) to R-PD12 (Residential Planned Development - 12 Units Per Acre); a Variance (VAR-4677) to allow less than the minimum amount of required open space; and a Site Development Plan Review (SDR-4555) for a proposed 166-lot single-family residential development on the subject site. Staff recommended approval of the request to amend the General Plan and denial of all other items. |
| 12/16/04 | The Planning Commission recommended denial of companion items ZON-4554, VAR-4677 and SDR-4555. |
| 12/16/04 | The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #17/lm/ss). |

DETAILS OF APPLICATION REQUEST

Site Area (subject application):	Gross Acres:	18.54
	Net Acres:	17.95

EXISTING LAND USE

Subject Property: Undeveloped
North: Single-Family Manufactured Dwellings
South: Mobile Home Park
East: Townhouses and Apartments
West: Condominiums

PLANNED LAND USE

Subject Property: M (Medium Density Residential)
ML (Medium-Low Density Residential)

North: Clark County

South: ML (Medium-Low Density Residential)

East: ML (Medium-Low Density Residential)
M (Medium Density Residential)

West: M (Medium Density Residential)

EXISTING ZONING

Subject Property: R-E (Residence Estates) and R-PD9 (Residential Planned Development – 9 Units Per Acre)

North: R-2 (Medium Density Residential – Clark County) and R-T
(Manufactured Home Residential – Clark County)
South: R-MHP (Residential Mobile/Manufactured Home Park)
East: R-PD9 (Residential Planned Development – 9 Units Per Acre)
R-PD18 (Residential Planned Development – 18 Units Per Acre)
West: R-PD16 (Residential Planned Development – 16 Units Per Acre)

	YES	NO
INTERLOCAL AGREEMENT JOINT LAND USE PLANNING AREA		X
SPECIAL PLAN AREA		X
RURAL PRESERVATION NEIGHBORHOOD		X
RURAL PRESERVATION NEIGHBORHOOD BUFFER		X
PROJECT OF REGIONAL SIGNIFICANCE		X

The site is not within a special plan area or overlay district.

DEFINITIONS

ML (Medium-Low Density Residential)

(5.6 to 8 dwelling units/per gross acre.) This density range permits single-family compact lots and zero lot lines, manufactured home parks, and residential planned development. Local supporting uses such as parks, other recreation facilities, schools and churches are allowed in this category.

M (Medium Density Residential)

(12.1 to 25 dwelling units/gross acre.) The Medium Density Residential category permits a maximum of 25 dwelling units per gross acre. This category includes a higher density variety of multi-family unit types up to three stories in height.

MLA (Medium-Low Attached Density Residential)

(8.1 to 12 dwelling units/gross acre.) This category includes a variety of multi-family units such as plexes, townhouses, condominiums, and low density apartments. Higher density single-family dwellings are also permitted.

INTERAGENCY ISSUES

PROJECTS OF REGIONAL SIGNIFICANCE IMPACT REPORT

The Southern Nevada Regional Policy Plan, approved February 22, 2001, set out a requirement for local entities to establish a means of identifying Projects of Regional Significance (PRS) and of addressing the impacts of these projects. The city of Las Vegas, through Ordinance No. 5477, has established such a process. Pursuant to this ordinance, staff has determined that this proposed General Plan Amendment and its companion items would not meet the definition of a Project of Regional Significance as defined in the ordinance.

ANALYSIS

The proposed 166-lot single family residential development will have gated access from Owens Avenue, designated as a 100-foot Primary Arterial on the Master Plan of Streets and Highways. Secondary and emergency access is provided from Van Buren Avenue via Vegasgreen Trail. Adjacent to the site is a single-family manufactured home development to the north (within Clark County), Sunrise Mobile Home Park to the south, townhomes and apartments to the east and a condominium development to the west.

The Southeast Sector Plan of the General Plan designates the site as M (Medium Density Residential) and ML (Medium-Low Density Residential). This application proposes to change the land use designation of approximately 18.54 gross acres to MLA (Medium-Low Attached Density Residential) to accommodate the proposed 166-lot single-family residential development.

FINDINGS

Title 19.18.030.I requires that the following conditions be met in order to justify a General Plan Amendment:

1. The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations;
2. The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts;
3. There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and
4. The proposed amendment conforms to other applicable adopted plans and policies, which include approved neighborhood plans.

In regard to "1": The proposed MLA (Medium-Low Attached Density Residential) General Plan designation allows for a maximum of 12 dwelling units per gross acre. This category includes a variety of multi-family units such as plexes, townhouses, and low density apartments. Higher density single-family dwellings are also permitted uses. The proposed MLA (Medium-Low Attached Density Residential) designation is generally compatible with the adjacent M (Medium Density Residential) and ML (Medium-Low Density Residential) General Plan designations and land uses. The proposed M (Medium Density Residential) designation is an appropriate transition between the M (Medium Density Residential) designated properties to the west and east and the ML (Medium-Low Density Residential) designated parcels to the south and east.

In regard to “2”: The proposed zoning of R-PD9 (Residential Planned Development – 9 Units Per Acre) would permit the proposed 166-lot single-family residential development on 18.54 acres. This zoning designation is generally compatible with the existing R-2 (Medium Density Residential – Clark County) and R-T (Manufactured Home Residential – Clark County) to the north, the R-MHP (Residential Mobile/Manufactured Home Park) designated lands to the south, R-PD9 (Residential Planned Development – 9 Units Per Acre) and R-PD18 (Residential Planned Development – 18 Units Per Acre) to the east and the R-PD16 (Residential Planned Development – 16 Units Per Acre) to the west. The proposed zone change to R-PD9 (Residential Planned Development – 9 Units Per Acre) is compatible with the requested General Plan land use designation of MLA (Medium-Low Attached Density Residential).

In regard to “3”: There are adequate transportation, recreation, utility, and other facilities in the area to accommodate the proposed single-family residential project. The Northeast Area Command of the Las Vegas Metropolitan Police Department services the site with a substation at the 831 North Mojave Road (located south of Washington Avenue). Fire Station #8, located at 633 North Mojave Road (located north of Bonanza Road) is the closest city facility to the site.

In regard to “4”: There are no other adopted plans or policies that apply to this application.

GENERAL PLAN AMENDMENT NEIGHBORHOOD MEETING

11/30/04 A neighborhood meeting was held at the Walnut Recreation Center, 3075 N. Walnut Street. One applicant representative and three residents were in attendance. The residents had questions and concerns about access, density, the cost of proposed homes, and walls separating the proposed site from surrounding development.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

6

NOTICES MAILED: 921 by Planning Department

APPROVALS: 0

PROTESTS: 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: GPA-45488 APN: 140-30-503-001 ; 002 ; 140-30-520-017

Name of Property Owner: _____

Name of Applicant: ~~MARK A. RUA~~ *Richard K. Ehrlich

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: *Richard K. Ehrlich*

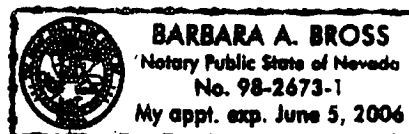
Print Name: Richard K. Ehrlich

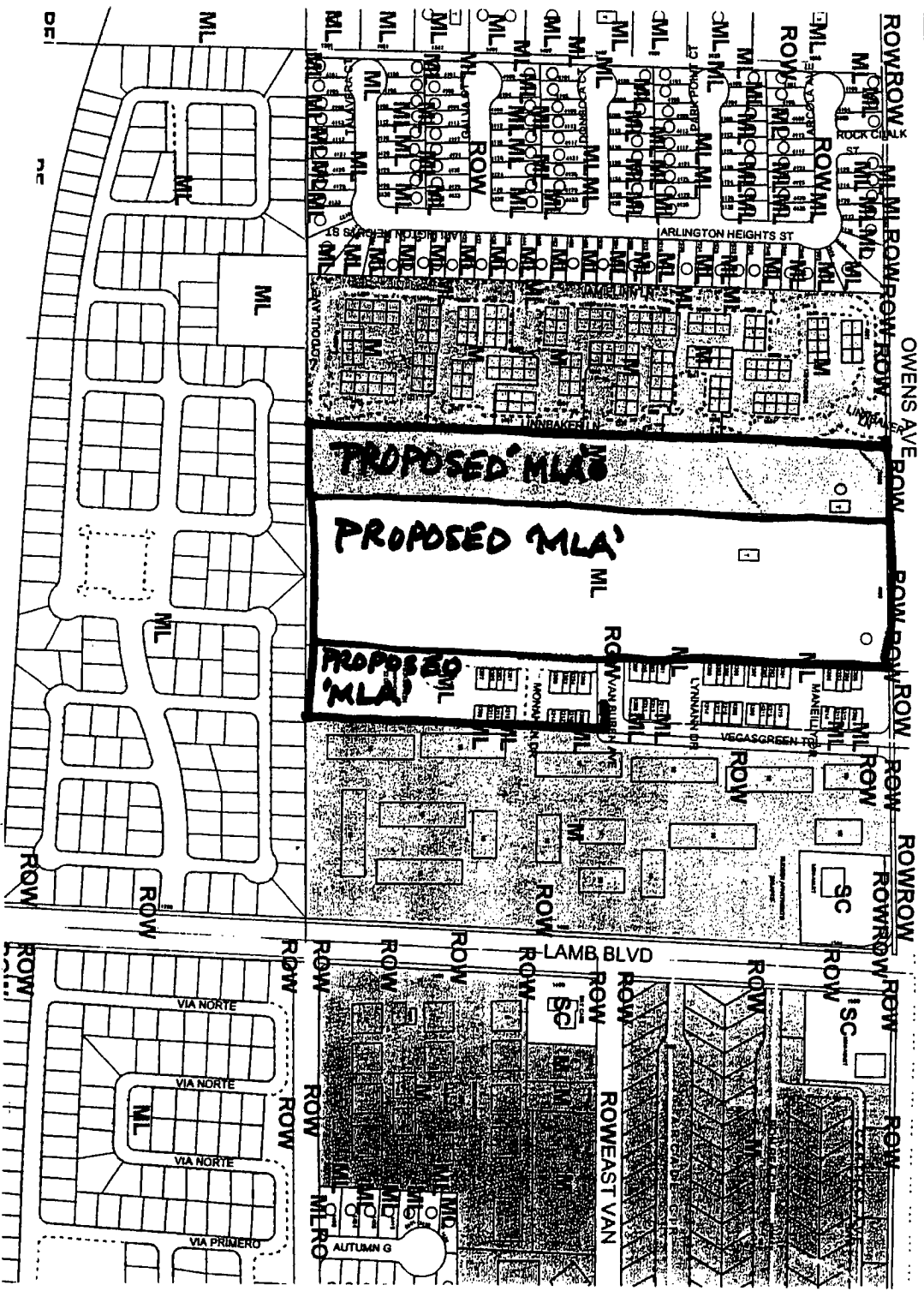
Subscribed and sworn before me

This 3rd day of March, 2004

Barbara A. Bross

Notary Public in and for said County and State





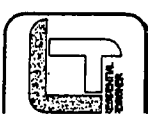
REVISED
 11/17/04
 GPA-4548
 12-16-04 PC

RECEIVED
 NOV 17 2004

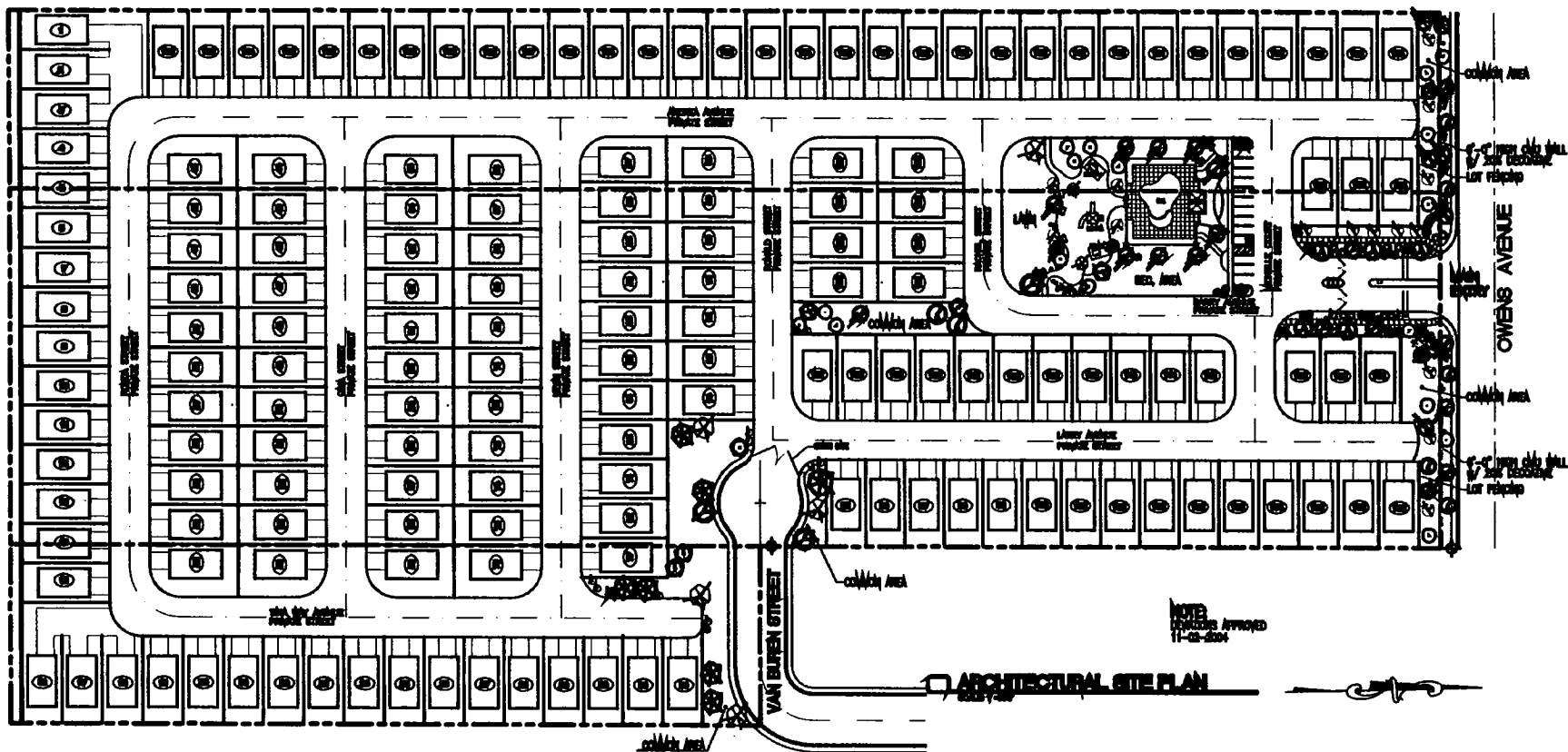
SHEET NUMBER 3-2 SITE PLAN	DATE 11-17-04	REVISION	DATE	BY
	THE TINDALL 3531 E. RUSSELL RD. SUITE 1 LAS VEGAS, NEVADA 89120 OFFICE: (702) 467-1407			

OWENS COURT SITE

DO NOT SCALE DRAWING
 ALL DIMENSIONS ARE IN FEET AND INCHES
 UNLESS OTHERWISE NOTED



LARRY TINDALL
 RESIDENTIAL DESIGNER
 3531 E. RUSSELL RD. SUITE 1
 LAS VEGAS, NEVADA 89120
 OFFICE: (702) 467-1407



PLANT LEGEND				
TREE PLANT SCHEDULE				
SYMBOL	Common Name	Scientific Name	SIZE	PL
	AFRICAN SPRUCE (C)	PRINCE LANCEA	3" P BCK	10
	RED TIP PALM (C)	FRAXINUS VELUTINA	3" P BCK	1
	SOUTHERN LIVE OAK (C)	QUERCUS VERNA	3" P BCK	1
	JAPANESE PRIVET (C)	LIRIODENDRON LAEVE	3" P BCK	6
	DWARF YELLOW BIRCH (C)	PARROTACEAE	3" P BCK	11
	LACEY BIRCH (C)	ELMACEAE	3" P BCK	1
	LACEY BIRCH (C)	ELMACEAE	3" P BCK	1
	WILLET OAK (C)	PARROTACEAE	3" P BCK	10
	CHINESE PISTACHE	ANACARDIACEAE	3" P BCK	10
PLANT	SHRUB	SIZE	COUNT	
	CAMELLIA	3" G.L.	0	
	RED TIP PALM (C)	3" G.L.	20	
	RED TIP PALM (C)	3" G.L.	10	
	GOLDEN BIRCH (C)	3" G.L.	10	
	KOREAN HONEYSUCKLE	3" G.L.	1	
	JAPANESE PRIVET	3" G.L.	10	
	SOFT YUCCA	3" G.L.	10	
	BLUE FESCUE	LAWN		

RECEIVED
NOV 17 2004



GPA-4548 ZON-4554
VAR-4677 SDR-4555
12/16/04 PC

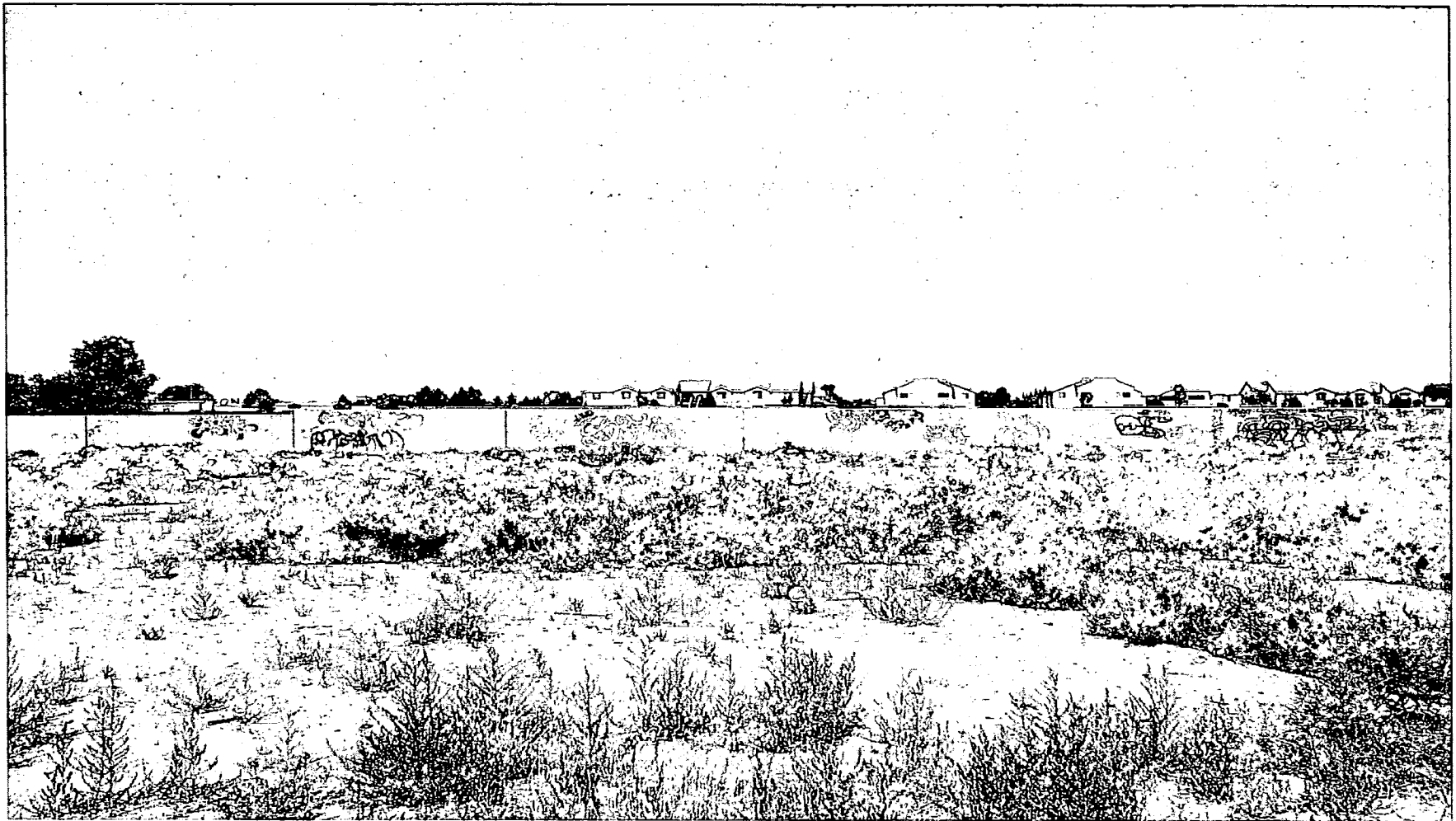
REVISED
11.17.04

HARRY T. BAKER
3551 LAUREL RD. SUITE 100
LOS ANGELES, CA 90008
TEL: 310-207-2000
FAX: 310-207-2000



OWENS COURT SITE
11-17-04





GPA-4548 - APPLICANT: RICHARD EHRLICH - OWNER: RICHARD EHRLICH, ET AL
SOUTH SIDE OF OWENS AVENUE, APPROXIMATELY 630 FEET WEST OF LAMB BOULEVARD
DECEMBER 16, 2004 PLANNING COMMISSION

06/17/04

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

REZONING RELATED TO GPA-4548

ZON-4554 - PUBLIC HEARING - APPLICANT: RICHARD EHRLICH - OWNER: RICHARD EHRLICH, ET AL - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: R-PD9 (RESIDENTIAL PLANNED DEVELOPMENT - 9 UNITS PER ACRE) on 15.89 acres adjacent to the south side of Owens Avenue, approximately 630 feet west of Lamb Boulevard (APN 140-30-503-001 and 002), Ward 3 (Reese). The Planning Commission (5-0 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

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

MOTION:

REESE - APPROVED subject to conditions and the following added condition as read for the record:

- The request would be for a maximum of 161 units.
- UNANIMOUS with GOODMAN excused

MINUTES:

NOTE: See Item 116 [GPA-4548] for all related discussion.
(3:14 - 3:28)
4-1454

CONDITIONS:

Planning and Development

1. A General Plan Amendment (GPA-4548) to a MLA (Medium-Low Attached Density Residential) land use designation, a Variance (VAR-4677) for a reduction in the amount of required open space, and a Site Development Plan Review application (SDR-4555) approved by the City Council prior to issuance of any permits, any site grading, and all development activity for the site.

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

Public Works

3. Dedicate appropriate right-of-way to terminate Van Buren Avenue adjacent to this site in a cul-de-sac meeting current City Standards. Coordinate with the Department of Public Works to determine an appropriate cul-de-sac design for this site prior to submittal of a Tentative Map.

4. Construct appropriate public street improvements to terminate Van Buren Avenue adjacent to this site

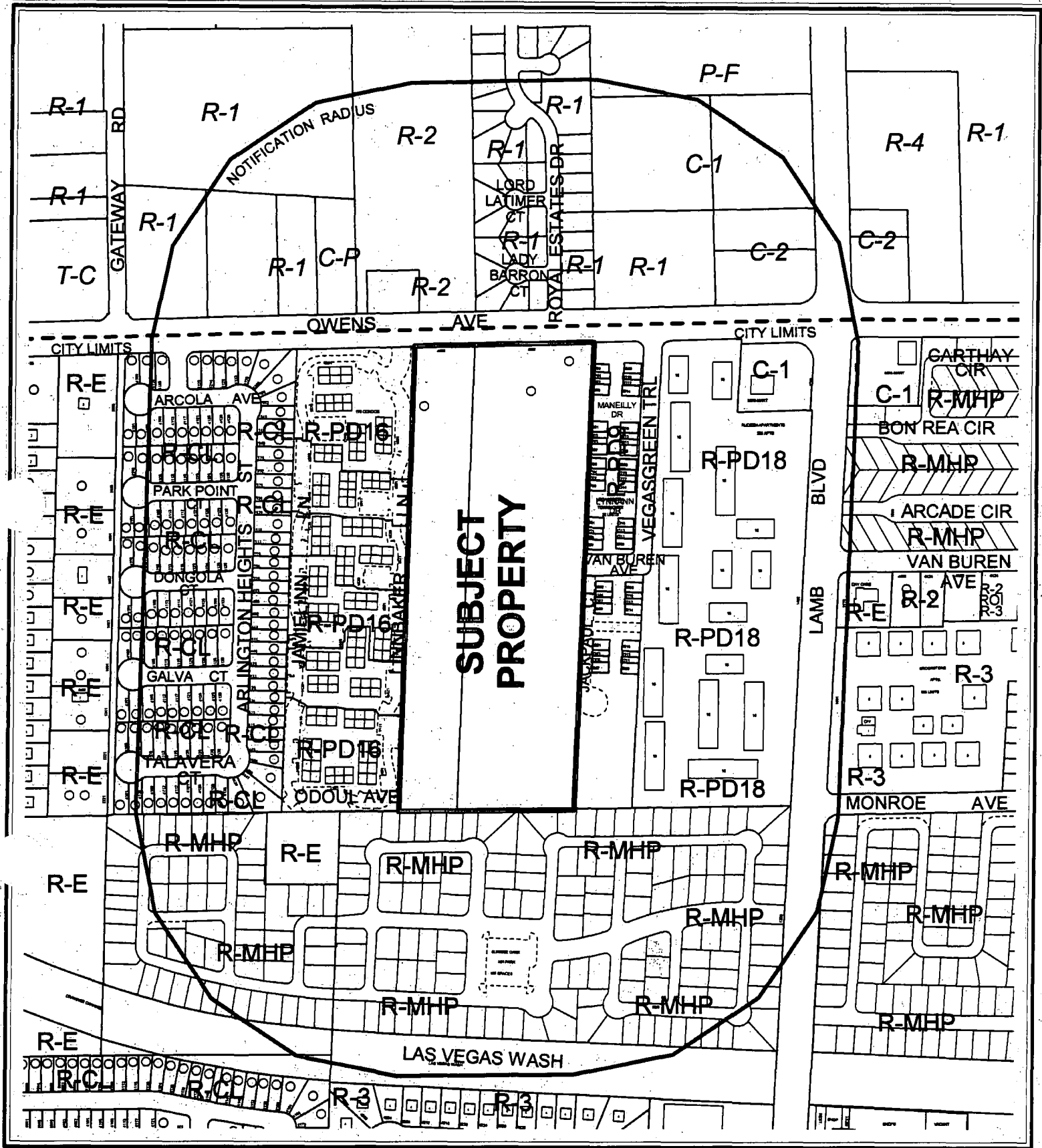
CITY COUNCIL MEETING OF: JANUARY 19, 2005**CONDITIONS - Continued:**

in a cul-de-sac meeting current City Standards concurrent with development of this site. Also, 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 occupancy of this site.

5. Meet with the City Collection Systems Planning Section of the Department of Public Works to determine how sewer services will be provided to this site prior to the submittal of any sewer-related construction drawings. Site development shall comply with the recommendations of the Collection Systems Planning Section, and the developer shall construct appropriate offsite sanitary sewer relief project to service this site along an alignment and to a location acceptable to the City Engineer.

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

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



CASE: ZON-4554

RADIUS: 750 FT

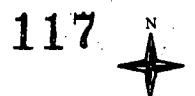
ZONING OF SUBJECT PROPERTY:

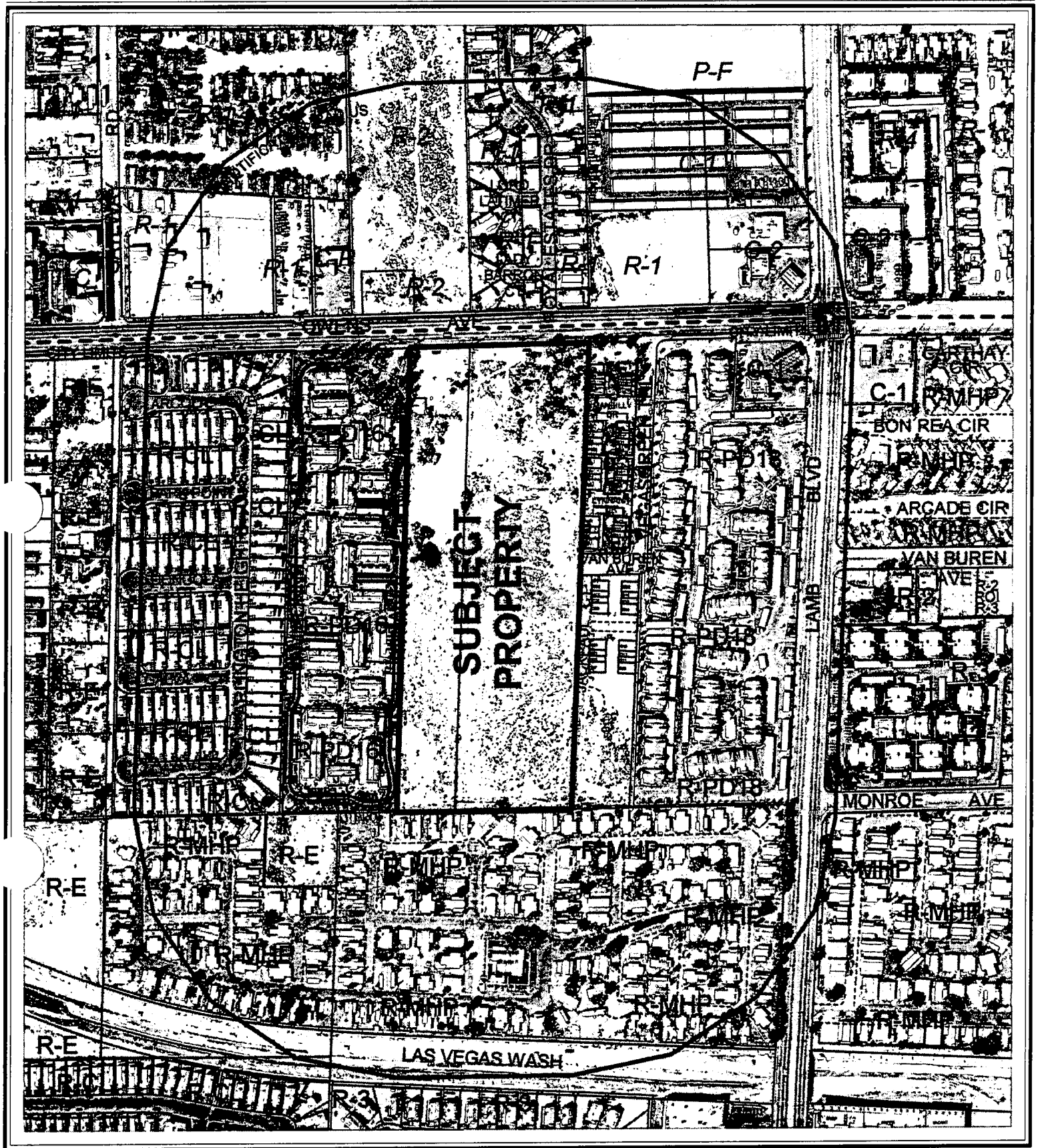
R-E (RESIDENCE ESTATES)

PROPOSED ZONING OF SUBJECT PROPERTY:

R-PD9 (RESIDENTIAL PLANNED DEVELOPMENT - 9 UNITS PER ACRE)

0 300 600 Feet





CASE: ZON-4554

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

R-E (RESIDENCE ESTATES)

PROPOSED ZONING OF SUBJECT PROPERTY:

R-PD9 (RESIDENTIAL PLANNED DEVELOPMENT - 9 UNITS PER ACRE)

0 300 600 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 19, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ZON-4554 - APPLICANT: RICHARD EHRLICH - OWNER: RICHARD EHRLICH, ET AL

**** CONDITIONS ****

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

Planning and Development

1. A General Plan Amendment (GPA-4548) to a MLA (Medium-Low Attached Density Residential) land use designation, a Variance (VAR-4677) for a reduction in the amount of required open space, and a Site Development Plan Review application (SDR-4555) approved by the City Council prior to issuance of any permits, any site grading, and all development activity for the site.
2. A Resolution of Intent with a two-year time limit.

Public Works

3. Dedicate appropriate right-of-way to terminate Van Buren Avenue adjacent to this site in a cul-de-sac meeting current City Standards. Coordinate with the Department of Public Works to determine an appropriate cul-de-sac design for this site prior to submittal of a Tentative Map.
4. Construct appropriate public street improvements to terminate Van Buren Avenue adjacent to this site in a cul-de-sac meeting current City Standards concurrent with development of this site. Also, 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 occupancy of this site.
5. Meet with the City Collection Systems Planning Section of the Department of Public Works to determine how sewer services will be provided to this site prior to the submittal of any sewer-related construction drawings. Site development shall comply with the recommendations of the Collection Systems Planning Section, and the developer shall construct appropriate offsite sanitary sewer relief project to service this site along an alignment and to a location acceptable to the City Engineer.
6. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus

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

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**** STAFF REPORT ****

APPLICATION REQUEST

A) *Action Requested*

This is a request for a Rezoning from R-E (Residence Estates) and R-PD9 (Residential Planned Development - 9 Units Per Acre) to R-PD9 (Residential Planned Development - 9 Units Per Acre) on approximately 18.54 acres adjacent to the south side of Owens Avenue, approximately 630 feet west of Lamb Boulevard. The request was tabled at the 09/09/04 Planning Commission meeting so that the applicant could resolve design issues with the development.

B) *Applicant's Justification*

The applicant has justified this request by stating that the proposed single-family development will be harmonious with the surrounding land uses and will improve the quality of the neighborhood. Lots will be narrow; however, through innovative building design, they will feel spacious.

BACKGROUND INFORMATION

A) *Previous Actions*

- 03/16/83 The Board of City Commissioners approved a request for a Rezoning from R-E (Residence Estates) to R-PD9 (Residential Planned Development - 9 Units Per Acre) for a portion of the subject site. The Planning Commission and staff recommended approval.
- 04/19/00 The City Council approved a General Plan Amendment (GPA-0043-99) from ML (Medium-Low Density Residential) to M (Medium Density Residential), a Rezoning (Z-0066-99) from R-E (Residence Estates) to R-3 (Medium Density Residential), and a Site Development Plan Review [Z-0066-99(1)] for a 96-unit multi-family residential complex on APN 140-30-503-001. The Planning Commission and staff recommended approval. The Rezoning and Site Development Plan Review expired on 04/19/02.
- 12/06/00 The City Council accepted the applicant's request to Withdraw Without Prejudice a General Plan Amendment (GPA-0026-00) from ML (Medium-Low Density Residential) to M (Medium Density Residential) on 12.84 acres encompassing the area proposed for the current General Plan Amendment request. The Planning Commission and staff had recommended approval. The City Council also accepted the applicant's request to Withdraw Without Prejudice a Rezoning

(Z-0080-00) from R-E (Residence Estates) and R-E (Residence Estates) under Resolution of Intent to R-PD9 (Residential Planned Development – 9 Units Per Acre) to R-3 (Medium Density Residential) and a Site Development Plan Review [Z-0080-00(1)] for a proposed 288-unit multi-family development on the same site. The Planning Commission and staff recommended approval.

- 10/18/01 The Planning Commission approved a Site Development Plan Review [Z-0066-99(2)] for a proposed 95-unit multi-family residential development on APN 140-30-503-001. Staff recommended approval. The approval expired 10/18/03.
- 08/21/02 The City Council voted to table a General Plan Amendment (GPA-0017-02) from ML (Medium-Low Density Residential) to M (Medium Density Residential) and a Rezoning (Z-0040-02) from R-E (Residence Estates) to R-3 (Medium Density Residential) on APN 140-30-503-002 in order for the applicant to revise the site plan, which included a proposed 224-unit multi-family residential development. The Planning Commission and staff recommended approval of the General Plan Amendment with the recommendation that the request be amended to MLA (Medium-Low Attached Density Residential). The Planning Commission and staff recommended denial of the Rezoning.
- 07/08/04 The Planning Commission held this item in abeyance to the 08/12/04 Planning Commission Meeting to allow the applicant time to redesign the site plan.
- 08/12/04 The Planning Commission held this item in abeyance to the 09/09/04 Planning Commission meeting to allow the applicant to further redesign the site.
- 09/09/04 The Planning Commission tabled a General Plan Amendment (GPA-4548) from ML (Medium-Low Density Residential) to M (Medium Density Residential) on 12.88 acres; a Rezoning (ZON-4554) from R-E (Residence Estates) and R-PD9 (Residential Planned Development - 9 Units Per Acre) to R-PD12 (Residential Planned Development - 12 Units Per Acre); a Variance (VAR-4677) to allow less than the minimum amount of required open space; and a Site Development Plan Review (SDR-4555) for a proposed 166-lot single-family residential development on the subject site. Staff recommended approval of the request to amend the General Plan and denial of all other items.
- 12/16/04 The Planning Commission recommended approval of companion item GPA-4548; and recommended denial of companion items VAR-4677 and SDR-4555. Property owners were renotified.
- 12/16/04 The Planning Commission voted 5-0 to recommend DENIAL (PC Agenda Item #18/ss).

B) Pre-Application Meeting

03/10/04 The applicant originally planned for R-CL (Single Family Compact-Lot) lots that did not meet code standards. A General Plan Amendment and a Rezoning to R-PD (Residential Planned Development) was suggested, which would also require a Site Development Plan Review. These items could not have a public hearing until July 8, 2004. The site would then have to be redesigned to include open space and a standard turnaround at Van Buren Avenue. A series of follow-up meetings were held to track the progress of the site plan and landscape plan. After open space calculations were totaled, it became evident that a Variance would be necessary in order to reduce the amount of required open space.

C) Neighborhood Meetings

A neighborhood meeting is not required for a Rezoning application; however, one was held in conjunction with the related request for a General Plan Amendment to the MLA (Medium-Low Attached) land use designation.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 18.54
Net Acres: 17.95

B) Existing Land Use

Subject Property: Undeveloped
North: Single-Family Manufactured Dwellings
South: Mobile Home Park
East: Townhouses and Apartments
West: Condominiums

C) Planned Land Use

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

D) Existing Zoning

Subject Property: R-E (Residence Estates)
R-PD9 (Residential Planned Development – 9 Units Per Acre)

North: R-2 (Medium Density Residential – Clark County)
R-T (Manufactured Home Residential – Clark County)
South: R-MHP (Residential Mobile/Manufactured Home Park)
East: R-PD9 (Residential Planned Development – 9 Units Per Acre)
R-PD18 (Residential Planned Development – 18 Units Per Acre)
West: R-PD16 (Residential Planned Development – 16 Units Per Acre)

E) General Plan Compliance

The subject site is designated M (Medium Density Residential) for APN 140-30-503-001 and ML (Medium-Low Density Residential) for the balance of the site on the Southeast Sector Map of the General Plan. The Medium Density category allows up to 25 dwelling Units Per Acre and is intended to accommodate multi-family residential development. The Medium-Low Density category allows up to eight Units Per Acre and permits single-family and two-family homes as well as local supporting uses such as schools and churches. The request for R-PD9 (Residential Planned Development - 5 Units Per Acre) zoning conforms to the MLA (Medium-Low Attached Density Residential) land use designation, which has been requested for the entire site. This category allows up to 12 Units Per Acre, permitting residential and related uses.

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

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

Some of the property owners inside the notification radius own property located in unincorporated Clark County; they have been notified of this request.

B) General Analysis and Discussion

The proposed rezoning to R-PD9 (Residential Planned Development - 9 Units Per Acre) conforms to the proposed MLA (Medium-Low Attached Density Residential) land use category in the General Plan, which is the subject of a companion application (GPA-4548). The proposed development (SDR-4555) will result in the construction of 166 detached single-family residential lots having a density of 8.95 units per gross acre, which is within the 8.1 to 12 dwelling Units Per Acre range allowed by the proposed MLA (Medium-Low Attached Density Residential) General Plan designation. The development will feature 37-foot wide private streets and an open space area with amenities that is greatly diminished from R-PD (Residential Planned Development) requirements.

Lots to the west are higher in density than the proposed development, zoned R-PD16 (Residential Planned Development – 16 Units Per Acre); however, these are condominiums, which are typically high-density projects. The R-PD9 (Residential Planned Development – 9 Units Per Acre) and R-PD18 (Residential Planned Development – 18 Units Per Acre) zoned property to the east consists of townhouses and apartments. Lots in the proposed development will average approximately 3,000 square feet. The staff recommendation of denial is based on the configuration of the lots on the accompanying site plan, which shows a 43 percent deviation from open space requirements and a lack of amenities such as sidewalks. The proposed detached single-family development also deviates from the established development pattern of the existing multi-family properties.

FINDINGS

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

1. “The proposal conforms to the General Plan.”

The proposed Rezoning to R-PD9 (Residential Planned Development - 9 Units Per Acre) on the subject site conforms to the density range allowed by the proposed MLA (Medium-Low Attached Density Residential) General Plan designation. Properties to the west and east of the subject property are designated M (Medium Density Residential) by the Southeast Sector Map of the General Plan.

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

The detached single-family residential uses proposed on the subject property generally are not permitted at densities higher than 12 Units Per Acre. The proposed detached single-family development, although consistent with surrounding development with regard to density, does not contain design elements compatible with the intent of an R-PD (Residential Planned Development) district and the adjacent multi-family residential land uses existing in the area.

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

The proposed R-PD9 (Residential Planned Development – 9 Units Per Acre) zoning district allows single-family residential uses; however, the type of lots proposed for the property to be rezoned do not resemble the development pattern of surrounding multi-family properties. The applicant has provided no compelling evidence substantiating the need for this type of development within the area. The proposed rezoning is therefore inappropriate.

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.”**

Primary access to the property is provided by Owens Avenue, identified as a Primary (100-foot) Arterial on the Master Plan of Streets and Highways. This road is adequate to meet the traffic demands of the proposed single-family residential development. The crash-gated access from Van Buren Avenue will provide a secondary access for emergency vehicles.

PLANNING COMMISSION ACTION

The Planning Commission was concerned about the density and sparse open space.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 6

NOTICES MAILED 921 by Planning Department

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: ZQN-4554 APN: 140-30-503-001 & 002
140-30-503-017

Name of Property Owner: _____

Name of Applicant: ~~MARTIN A. RUIZ~~ *Richard K. Ehrlich

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: *Richard K. Ehrlich*

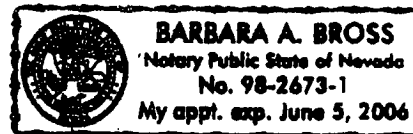
Print Name: Richard K. Ehrlich

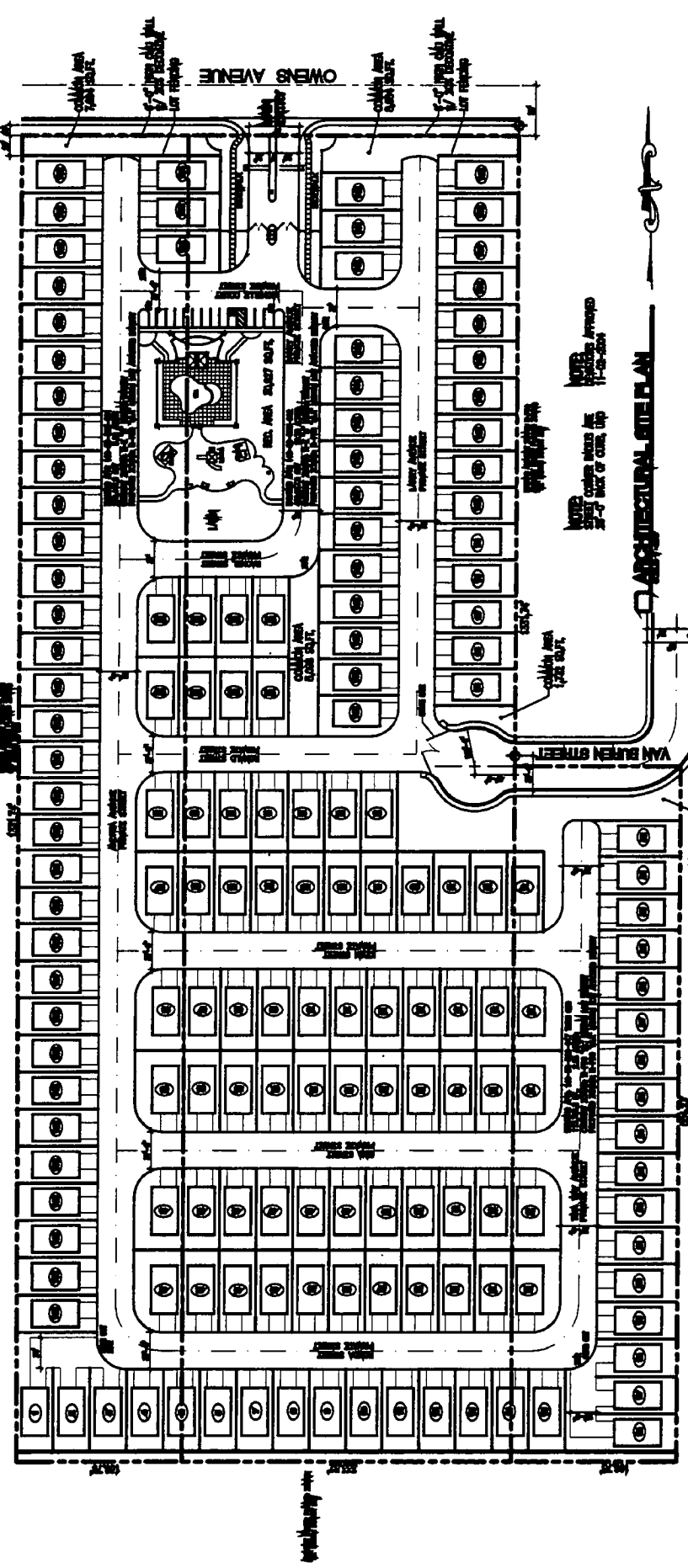
Subscribed and sworn before me

This 3rd day of March, 2004

Barbara A. Bross

Notary Public in and for said County and State





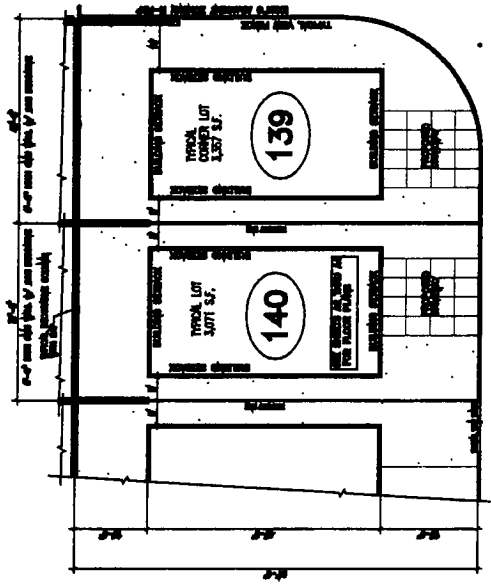
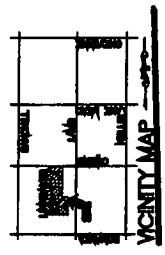
SITE TABULATION

USE	AREA (SQ. FT.)	AREA (AC.)	PERCENTAGE OF TOTAL SITE AREA
RESIDENTIAL - SINGLE-FAMILY	1,200,000	27.47	75.00
RESIDENTIAL - MULTIFAMILY	400,000	9.17	25.00
TOTAL	1,600,000	36.64	100.00

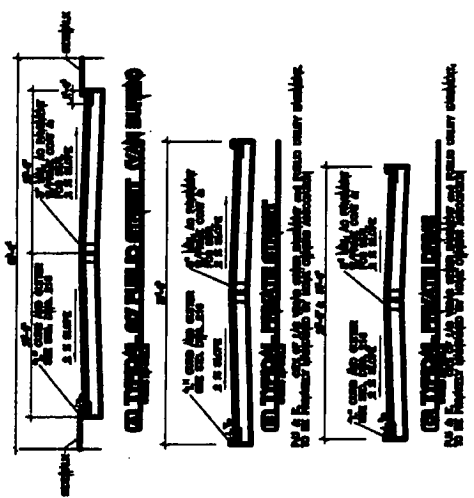
**GPA-4548 ZON-4554
VAR-4677 SDR-4555**

12/16/04 PC RECEIVED

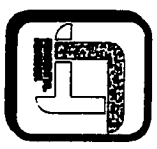
NOV 17 2004



REVIS
11.17.04



LARRY TITMUS
RESIDENTIAL DESIGNER
26371 E. RUSSELL RD., SUITE 100
LAS VEGAS, NEVADA 89120
FAX: (702) 887-0888



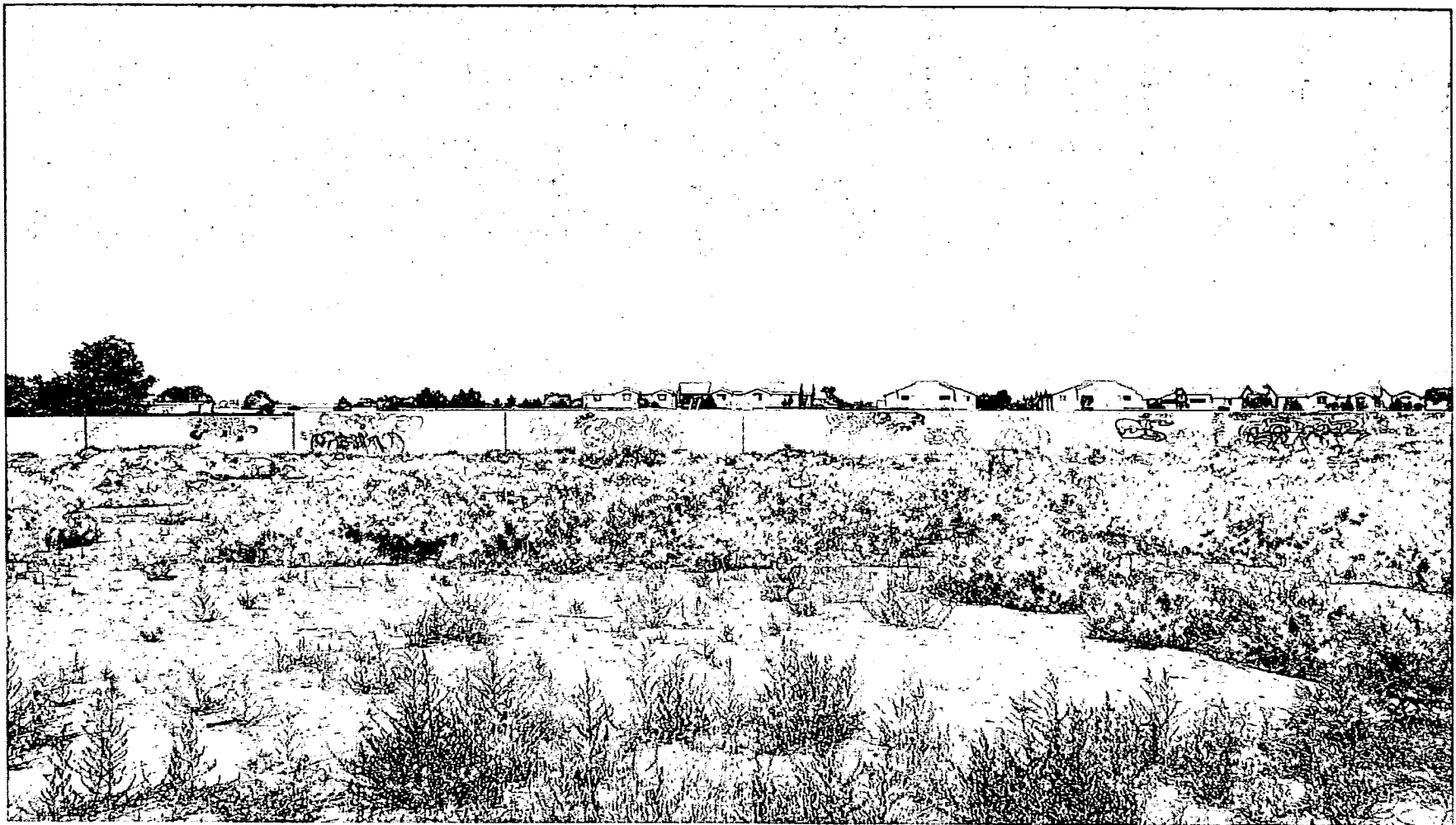
OWENS COURT SITE

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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8-1





ZON-4554 - APPLICANT: RICHARD EHRLICH - OWNER: RICHARD EHRLICH, ET AL
SOUTH SIDE OF OWENS AVENUE, APPROXIMATELY 630 FEET WEST OF LAMB BOULEVARD
DECEMBER 16, 2004 PLANNING COMMISSION

06/17/04

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

VARIANCE RELATED TO GPA-4548 AND ZON-4554.

VAR-4677 - PUBLIC HEARING - APPLICANT: RICHARD EHRLICH - OWNER: RICHARD EHRLICH, ET AL - Request for a Variance TO ALLOW 1.57 ACRES OF OPEN SPACE WHERE 2.75 ACRES IS THE MINIMUM REQUIRED IN CONJUNCTION WITH A PROPOSED 166-UNIT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 18.54 acres adjacent to the south side of Owens Avenue, approximately 630 feet west of Lamb Boulevard (APN 140-30-503-001 and 002; 140-30-520-017 through 033), R-E (Residence Estates) and R-PD9 (Residential Planned Development - 9 Units Per Acre) Zones [PROPOSED: R-PD9 (Residential Planned Development - 9 Units Per Acre)], Ward 3 (Reese). The Planning Commission (5-0 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

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

MOTION:

REESE - APPROVED subject to conditions, amending Condition 3 as follows:

3. In lieu of compliance with the open space requirements of Municipal Code 19.06.040, the developer will be allowed to make a contribution to the City of Las Vegas Parks CIP Fund in the amount calculated by the Public Works Department staff to be utilized by the City Council for improvements to existing public parks nearby. This contribution must be made to Land Development prior to approval of a Final Map, otherwise the developer is still required to comply with the Open Space requirement in accordance with Title 19 of the Las Vegas Municipal Code.

And the following added condition as read for the record:

- The approval is with substantial conformance to the site plan submitted 1/13/05.
- UNANIMOUS with GOODMAN excused

MINUTES:

NOTE: See Item 116 [GPA-4548] for all related discussion.

(3:14 - 3:28)

4-1454

CONDITIONS:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-4554) and Site Development Plan Review (SDR-4555).

2. This Variance shall expire two years from the date of final approval, unless it is exercised or an

CITY COUNCIL MEETING OF: JANUARY 19, 2005

CONDITIONS - Continued:

Extension of Time is granted by the City Council.

3. In lieu of compliance with the open space requirements of Municipal Code 19.06.040, the developer will be allowed to make a contribution to the City of Las Vegas Parks CIP Fund in the amount of \$205,603 to be utilized by the City Council for improvements to existing public parks nearby. This contribution must be made to Land Development prior to approval of a Final Map, otherwise the developer is still required to comply with the Open Space requirement in accordance with Title 19 of the Las Vegas Municipal Code.





CASE: VAR-4677

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

R-E (RESIDENCE ESTATES) AND R-PD9 (RESIDENTIAL PLANNED DEVELOPMENT - 9 UNITS PER ACRE)

PROPOSED ZONING OF SUBJECT PROPERTY:

R-PD9 (RESIDENTIAL PLANNED DEVELOPMENT - 9 UNITS PER ACRE)

0 300 600 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 19, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: VAR-4677 - APPLICANT: RICHARD EHRLICH - OWNER:
RICHARD EHRLICH, ET AL**

**** CONDITIONS ****

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

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-4554) and Site Development Plan Review (SDR-4555).
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.
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**** STAFF REPORT ****

APPLICATION REQUEST

A) *Action Requested*

This is a request for a Variance to allow 1.57 acres of open space where 2.75 acres is the minimum required in conjunction with a proposed 166-lot single-family residential development on approximately 18.54 acres adjacent to the south side of Owens Avenue, approximately 630 feet west of Lamb Boulevard. The request was tabled at the 09/09/04 Planning Commission meeting so that the site could be revised.

B) *Applicant's Justification*

The applicant has justified this request by stating that over half of the lot space within the development can be used exclusively by individual owners, thereby compensating for the deficiency in common open space.

BACKGROUND INFORMATION

A) *Previous Actions*

- 03/16/83 The Board of City Commissioners approved a request for a Rezoning from R-E (Residence Estates) to R-PD9 (Residential Planned Development – 9 Units per Acre) for a portion of the subject site. The Planning Commission and staff recommended approval.
- 04/19/00 The City Council approved a General Plan Amendment (GPA-0043-99) from ML (Medium-Low Density Residential) to M (Medium Density Residential), a Rezoning (Z-0066-99) from R-E (Residence Estates) to R-3 (Medium Density Residential), and a Site Development Plan Review [Z-0066-99(1)] for a 96-unit multi-family residential complex on APN 140-30-503-001. The Planning Commission and staff recommended approval. The Rezoning and Site Development Plan Review expired on 04/19/02.
- 12/06/00 The City Council accepted the applicant's request to Withdraw Without Prejudice a General Plan Amendment (GPA-0026-00) from ML (Medium-Low Density Residential) to M (Medium Density Residential) on 12.84 acres encompassing the area proposed for the current General Plan Amendment request. The Planning

Commission and staff had recommended approval. The City Council also accepted the applicant's request to Withdraw Without Prejudice a Rezoning (Z-0080-00) from R-E (Residence Estates) and R-E (Residence Estates) under Resolution of Intent to R-PD9 (Residential Planned Development – 9 Units Per Acre) to R-3 (Medium Density Residential) and a Site Development Plan Review [Z-0080-00(1)] for a proposed 288-unit multi-family development on the same site. The Planning Commission and staff recommended approval.

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- 07/08/04 The Planning Commission held this item in abeyance to the 08/12/04 Planning Commission Meeting to allow the applicant time to redesign the site plan.
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C) Neighborhood Meetings

A neighborhood meeting is not required for a Variance application; however, one was held in conjunction with the related request for a General Plan Amendment to the MLA (Medium-Low Attached) land use designation.

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Subject Property: R-E (Residence Estates)
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E) General Plan Compliance

The subject site is designated M (Medium Density Residential) for APN 140-30-503-001 and ML (Medium-Low Density Residential) for the balance of the site on the Southeast Sector Map of the General Plan. The Medium Density category allows up to 25 dwelling units per acre and is intended to accommodate multi-family residential development. The Medium-Low Density category allows up to eight units per acre and permits single-family and two-family homes as well as local supporting uses such as schools and churches. The request for R-PD9 (Residential Planned Development - 5 Units per Acre) zoning conforms to the MLA (Medium-Low Attached Density Residential) land use designation, which has been requested for the entire site. This category allows up to 12 units per acre, permitting residential and related uses.

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

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

Some of the property owners inside the notification radius own property located in unincorporated Clark County; they have been notified of this request.

ANALYSIS

A) Zoning Code Compliance

A4) Landscape and Open Space Standards

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

Total Acreage	Density	Ratio	Required		Provided	
			Percent	Area	Percent	Area
18.54 acres	9.0 du/ac	1.65	14.85%	119,929 SF or 2.75 acres	4.3 %	68,570 SF or 1.57 acres

The latest configuration of the site plan still indicates a deficiency in open space. The applicant has submitted this Variance application (VAR-4677) to request relief from this standard. The amount of deviation from the standard is 43 percent.

A \$4.00 per waived square foot standard for monetary contributions in lieu of Open Space requirements has been implemented on a consistent basis with open space variances. If this Variance is approved, this payment of fees has been included as a condition of that approval. Payment of fees in lieu of providing open space is not grounds for a Variance, according to NRS or Title 19. The recommended condition for payment is only offered to ensure that the City and residents acquire some benefit from this application, should it be approved.

B) General Analysis and Discussion

An open space component is required for any R-PD (Residential Planned Development) zoned project containing more than 12 dwelling units, in an amount based on the gross density of the proposed development. After several revisions, the applicant has proposed 166 detached single-family lots on 18.54 acres. The average lot size is now about 3,000 square feet, and in most cases the buildings are 10 feet apart on the sides and at least 30 feet apart in the rear. The development would not contain sidewalks.

The applicant has nearly doubled the amount of open space provided since the item was last presented and has improved the access to open space areas. Common open space is provided in a 30,927 square-foot park area located in the north central portion of the development. The park contains amenities such as a pool, barbecues, tot lot, and a clubhouse. Additional common space consists of areas situated around the proposed cul-de-sac bulb on Van Buren Avenue and the area outside of the required landscape buffer along Owens Avenue.

The proposed development still lacks sidewalks, making open space areas more difficult to access. The area near Owens Avenue is still almost completely fenced in and is dominated by trees that could be used to correct deficiencies in the amount of required landscaping. The justification that over 260,000 square feet of open space is available as part of the lots for private use is unacceptable. The open space concept was developed in part as a trade-off for the additional density and design flexibility offered by R-PD (Residential Planned Development) zoning. Open space is intended to be held in common and provided for the enjoyment of all the residents in the development, especially those in higher density developments. Inclusion of individual yards as part of the open space calculation defeats the purpose of such a requirement.

FINDINGS

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

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

Additionally, Title 19.18.070(L) states:

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

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing that the majority of developable land on the site be used for residential development at the expense of a necessary open space component. An alternative design to reduce the number of lots or provide the required amount of open space would allow conformance to the Title 19 requirements. Payment of monies in lieu of open space is not grounds for a Variance. The request for the reduction in open space is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 6

NOTICES MAILED 915 by City Clerk

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAR-4677 APN: 140-30-503-001
Name of Property Owner: Phoenix Gardens
Name of Applicant: _____

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

_____ Yes

_____ ☒ 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: _____

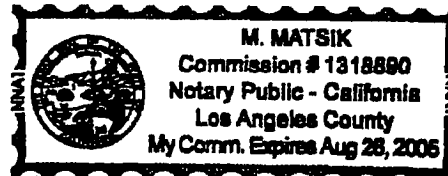
Print Name: _____

Richard K. Ehrlich

Subscribed and sworn before me

This 16 day of June, 2004

M. Matsik
Notary Public in and for said County and State





PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAR-4677 APN: 140-30-503-002
Name of Property Owner: Creative LLC
Name of Applicant: _____

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

_____ Yes

_____ 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: _____

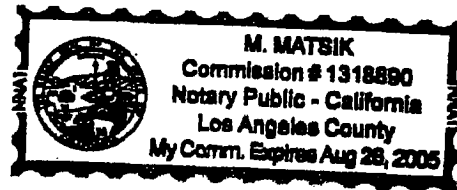
Signature of Property Owner/Authorized Agent: [Signature]

Print Name: Richard K. Ehrlich

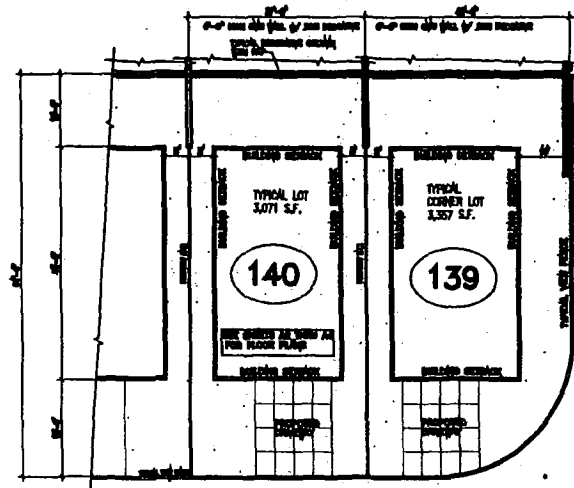
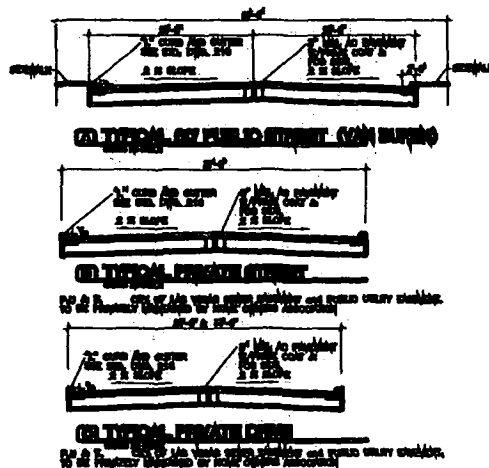
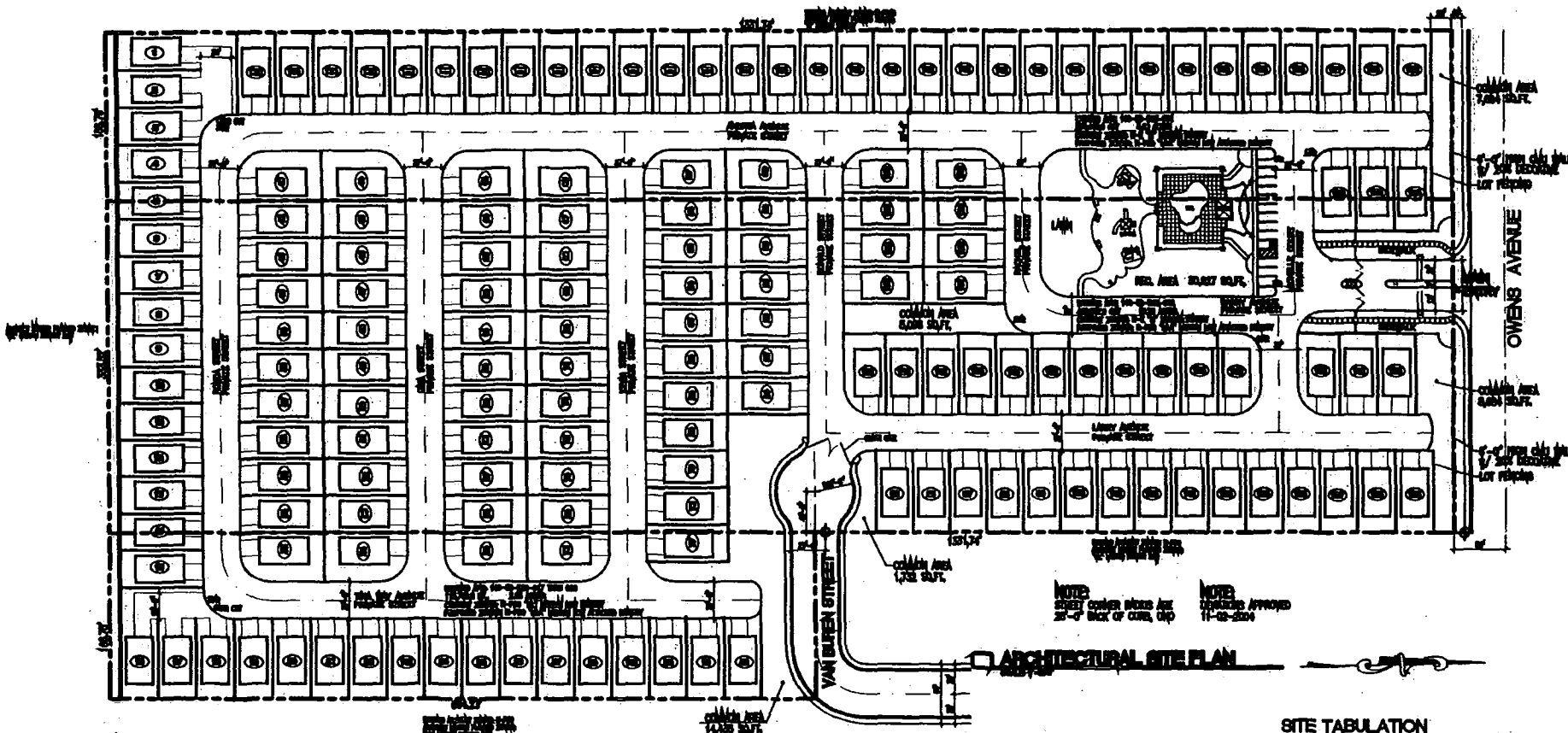
Subscribed and sworn before me

This 16 day of June, 2004

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







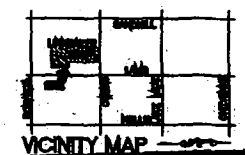
SITE TABULATION

Gravel surface minimum: 400 sq. yds. / 40,000 sq. ft. - 40,000 sq. ft. / 400 sq. yds.
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 400 sq. yds. = 40,000 sq. ft. / 40,000 sq. ft. = 400 sq. yds.
 400 sq. yds. = 40,000 sq. ft. / 40,000 sq. ft. = 400 sq. yds.
 400 sq. yds. = 40,000 sq. ft. / 40,000 sq. ft. = 400 sq. yds.

GPA-4548 ZON-4554
VAR-4677 SDR-4555

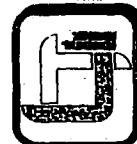
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NOV 17 2004



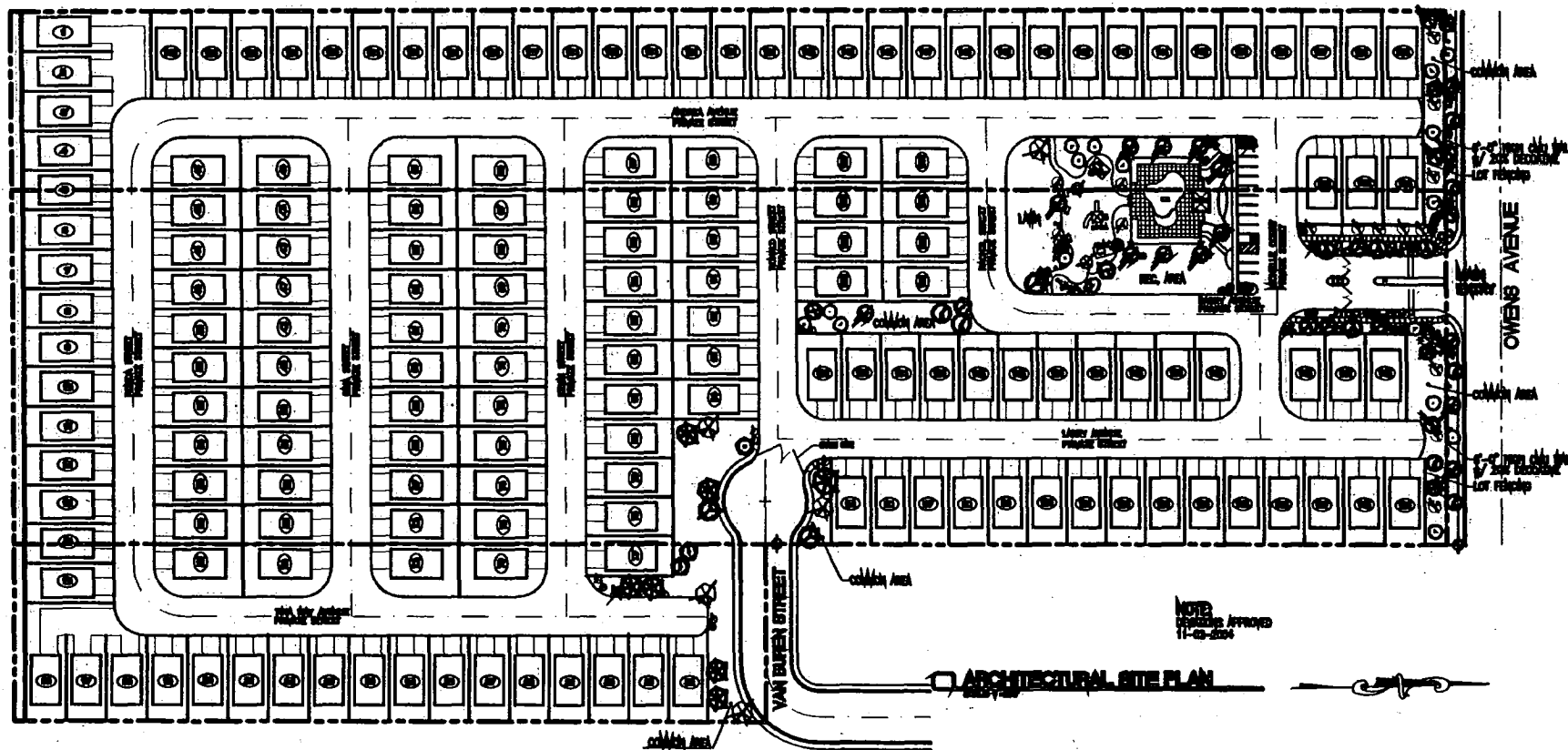
REVISED
11.17.04

ARCHITECTURAL DESIGNER
 1931 E. RUSSELL RD. SUITE 10
 LAS VEGAS, NEVADA 89110
 FAX: 702.957-2668



OWENS COURT SITE
 1931 E. RUSSELL RD. SUITE 10
 LAS VEGAS, NEVADA 89110
 FAX: 702.957-2668



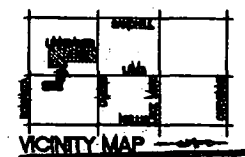


PLANT LEGEND				
TREE PLANT SCHEDULE				
SYMBOL	COMMON NAME	SCIENTIFIC NAME	SIZE	QTY
	AMERICAN ELM (C)	ULMUS AMERICANA	SP 100'	10
	RED TIP PHOTOINIA (C)	PHOTOINIA VIRENS	SP 100'	1
	SOUTHERN LIVE OAK (C)	QUERCUS VIRENIFORMIS	SP 100'	1
	JAPANESE PRIVET (C)	LIGUSTRUM LUCIDUM	SP 100'	6
	DESERT WILLOW (C)	BRIGNONIA	SP 100'	11
	LACEY OAK (C)	QUERCUS	SP 100'	6
	LACEY OAK (C)	QUERCUS	SP 100'	1
	VALLEY OAK (C)	QUERCUS	SP 100'	6
	CHINESE PARASOL	PARASOL	SP 100'	10
MARK	SHRUB	SIZE	COUNT	
	CAMELLIA	8 GAL.	0	
	RED TIP PHOTOINIA	8 GAL.	30	
	GOLDEN FORTSYTHIA	8 GAL.	10	
	DESERT WILLOW	8 GAL.	1	
	JAPANESE PRIVET	8 GAL.	10	
	SOFT YUCCA	8 GAL.	10	
	BLUE FESCUE	LAWN		

GPA-4548 ZON-4554
 VAR-4677 SDR-4555
 12/16/04 PC

REVISED
 11.17.04

RECEIVED
 NOV 17 2004

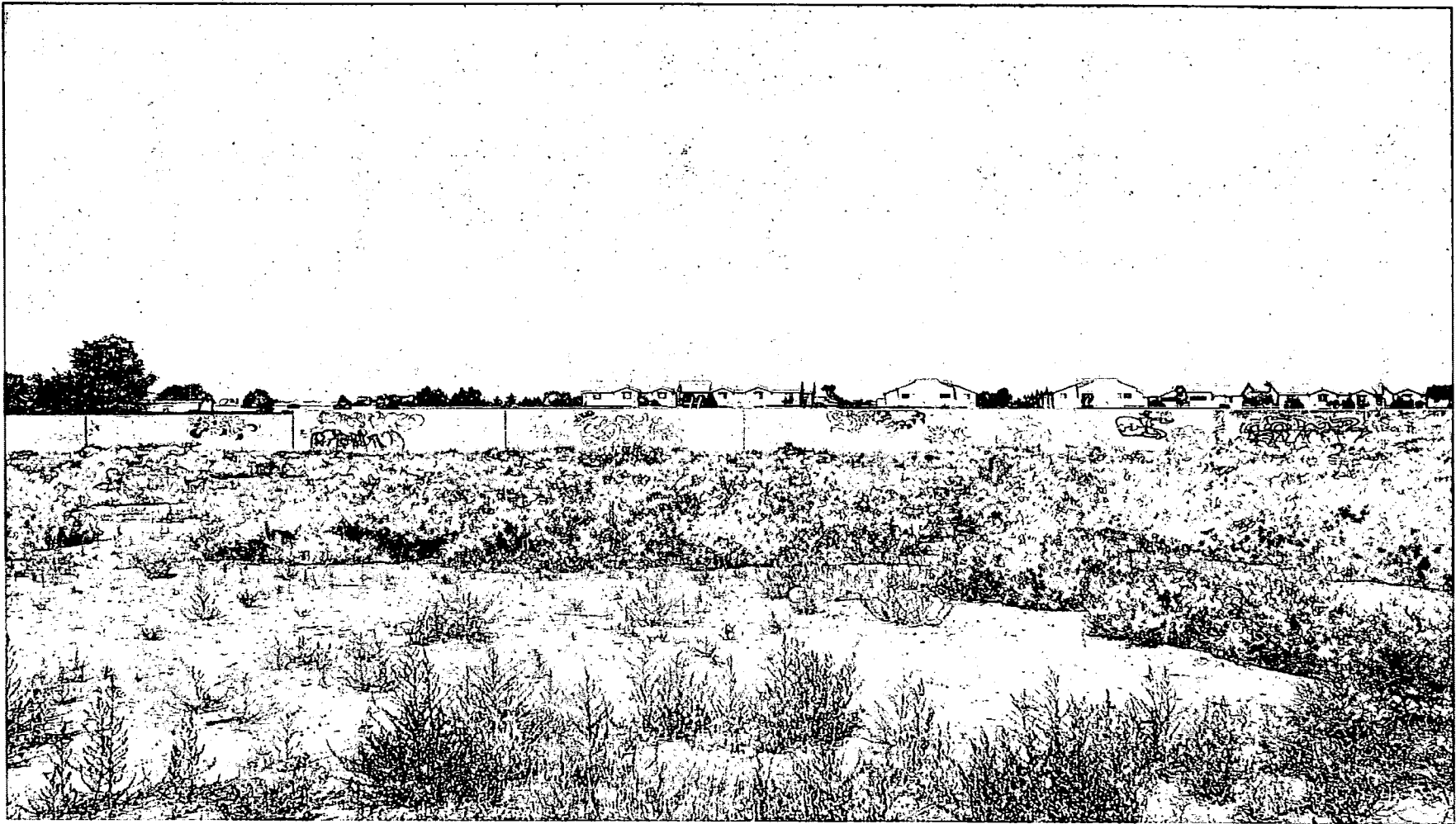


LARRY TISDALE
 2801 E. RUSSELL RD. SUITE 200
 LAS VEGAS, NEVADA 89119
 PHONE: 702-657-1000
 FAX: 702-657-1000

OWENS COURT SITE

RECEIVED
 NOV 17 2004

11.17.04



VAR-4677 - APPLICANT: RICHARD EHRLICH - OWNER: RICHARD EHRLICH, ET AL
SOUTH SIDE OF OWENS AVENUE, APPROXIMATELY 630 FEET WEST OF LAMB BOULEVARD
DECEMBER 16, 2004 PLANNING COMMISSION

06/17/04

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-4548. ZON-4554 AND VAR-4677

SDR-4555 - PUBLIC HEARING - APPLICANT: RICHARD EHRLICH - OWNER: RICHARD EHRLICH, ET AL - Request for a Site Development Plan Review FOR A PROPOSED 166-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 18.54 acres adjacent to the south side of Owens Avenue, approximately 630 feet west of Lamb Boulevard (APN 140-30-503-001 and 002; 140-30-520-017 through 033), R-E (Residence Estates) and R-PD9 (Residential Planned Development - 9 Units Per Acre) Zones [PROPOSED: R-PD9 (Residential Planned Development - 9 Units Per Acre)], Ward 3 (Reese). The Planning Commission (5-0 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

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

MOTION:

REESE - APPROVED subject to conditions, amending Condition 3 as follows:

3. All development shall be in conformance with the site plan date stamped 1/13/05 and building elevations date stamped 8/18/04 for a maximum of 161 units, except as amended by conditions herein.

And the following added condition as read for the record:

- The pool and recreational facility shall be installed per plan to ensure the amenities shown are included.**
- UNANIMOUS with GOODMAN excused**

MINUTES:

NOTE: See Item 116 [GPA-4548] for all related discussion.

(3:14 - 3:28)

4-1454

CONDITIONS:

Planning and Development

1. A General Plan Amendment (GPA-4548) to an MLA (Medium-Low Density Residential) Land Use designation, a Rezoning (ZON-4554) to an R-PD9 (Residential Planned Development - 9 Units Per Acre) Zoning District, and a Variance (VAR-4677) for a reduction in the amount of required open space 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.

CITY COUNCIL MEETING OF: JANUARY 19, 2005

CONDITIONS - Continued:

3. All development shall be in conformance with the site plan date stamped 11/17/04 and building elevations date stamped 08/18/04, except as amended by conditions herein.
4. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones, in this development. The planting of cool-season grasses, such as fescue or rye grass, is prohibited during the months of May through August.
5. The landscape plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect minimum 24-inch box trees planted a maximum of 20 feet on center and a minimum of four five-gallon shrubs for each tree within provided planters along Owens Avenue.
6. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.
7. 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.
8. The setbacks for this development shall be a minimum of 18 feet to the house and 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.
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.

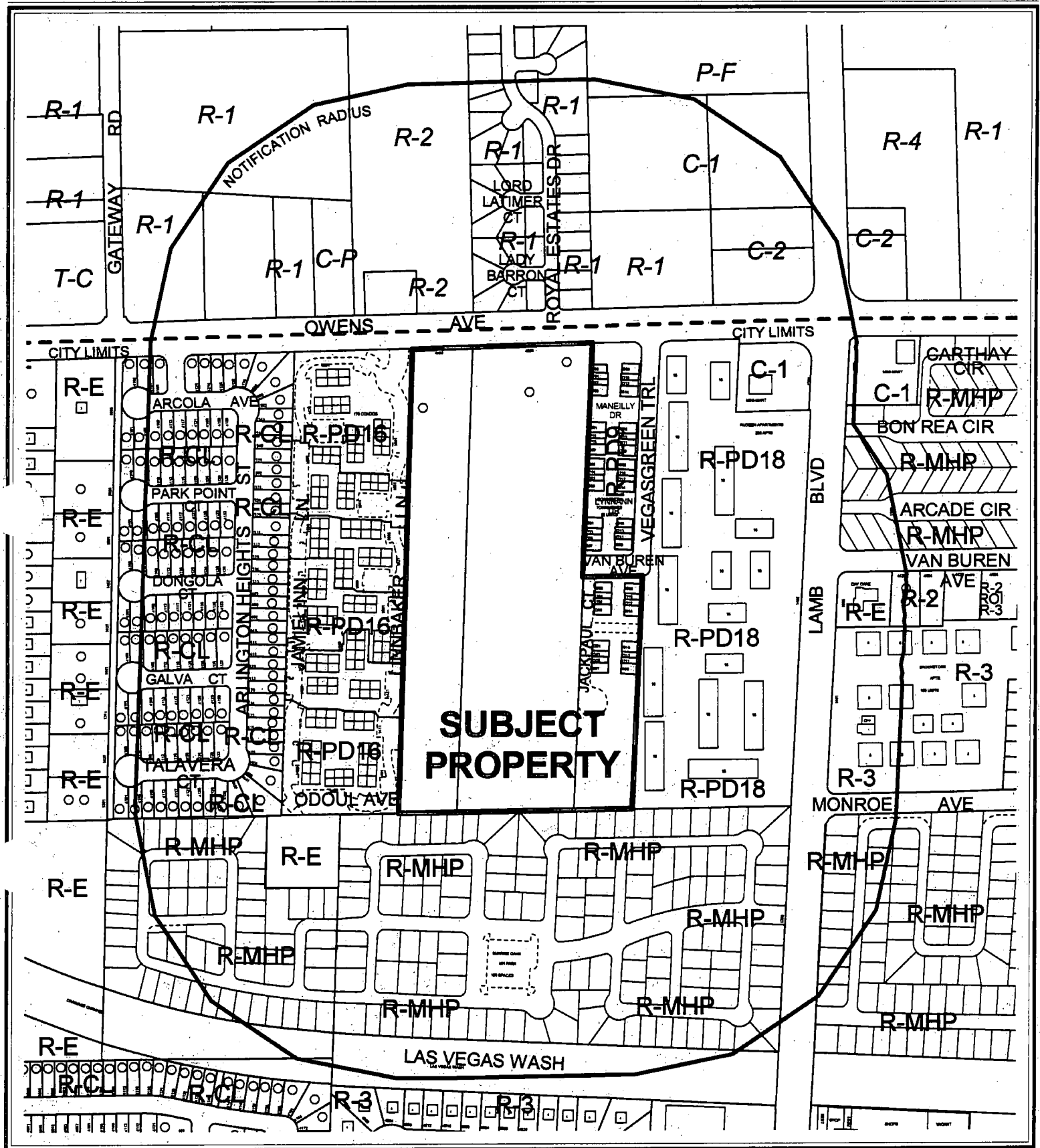
Public Works

11. 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.
12. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map for this site. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
13. The entrance to the proposed site shall provide two ingress lanes, unless otherwise allowed by the City Traffic Engineer.
14. Site development to comply with all applicable conditions of approval for ZON-4554 and all other subsequent site-related actions.
15. The final layout of the subdivision shall be determined at the time of approval of the Tentative Map.

CITY COUNCIL MEETING OF: JANUARY 19, 2005

CONDITIONS - Continued:

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



CASE: SDR-4555

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

R-E (RESIDENCE ESTATES) AND R-PD9 (RESIDENTIAL PLANNED DEVELOPMENT - 9 UNITS PER ACRE)

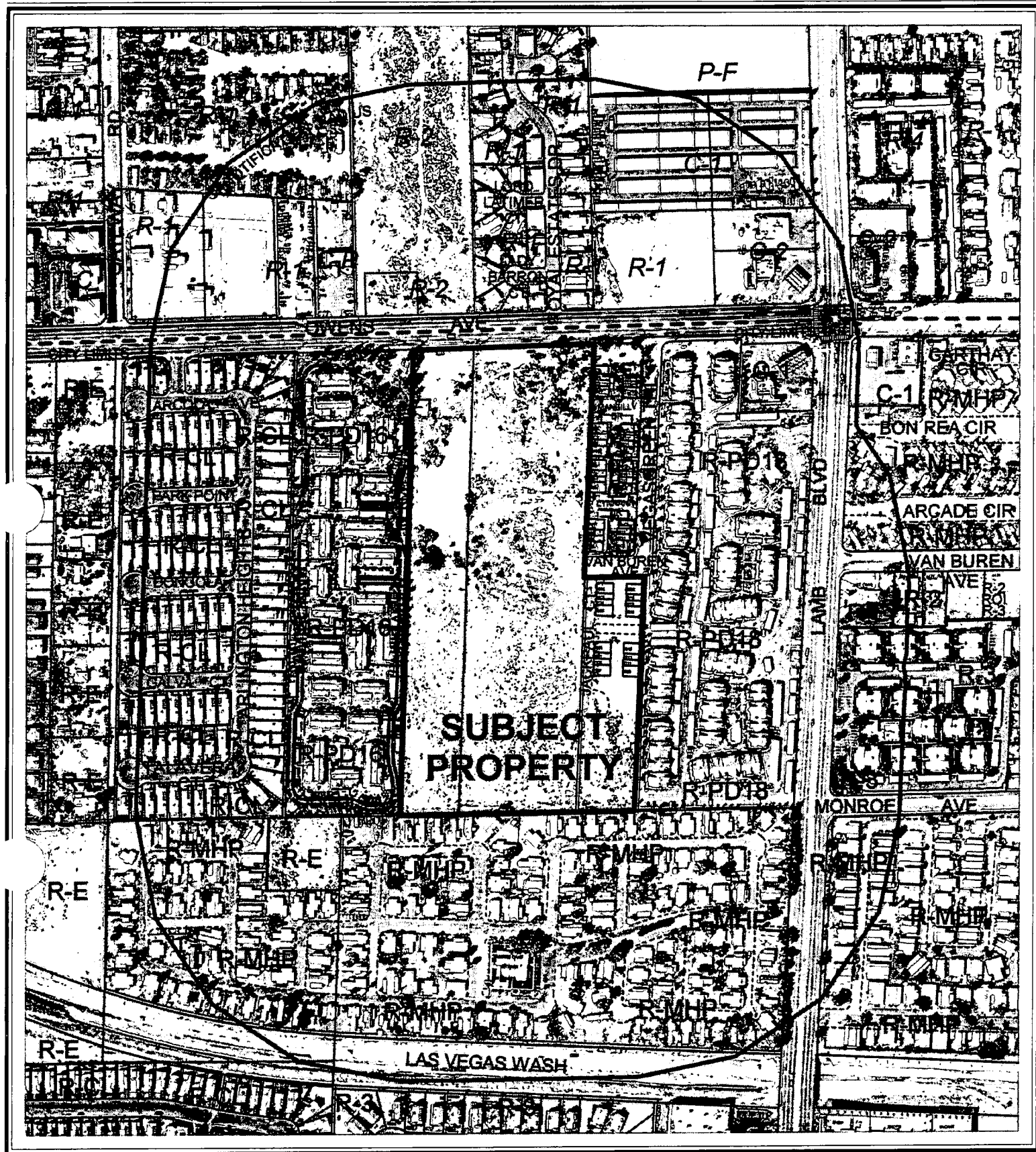
PROPOSED ZONING OF SUBJECT PROPERTY:

R-PD9 (RESIDENTIAL PLANNED DEVELOPMENT - 9 UNITS PER ACRE)

0 300 600 Feet

119





CASE: SDR-4555

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

R-E (RESIDENCE ESTATES) AND R-PD9 (RESIDENTIAL PLANNED DEVELOPMENT - 9 UNITS PER ACRE)

PROPOSED ZONING OF SUBJECT PROPERTY:

R-PD9 (RESIDENTIAL PLANNED DEVELOPMENT - 9 UNITS PER ACRE)

0 300 600 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 19, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-4555 - APPLICANT: RICHARD EHRLICH - OWNER: RICHARD EHRLICH, ET AL

**** CONDITIONS ****

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

Planning and Development

1. A General Plan Amendment (GPA-4548) to an MLA (Medium-Low Density Residential) Land Use designation, a Rezoning (ZON-4554) to an R-PD9 (Residential Planned Development – 9 Units Per Acre) Zoning District, and a Variance (VAR-4677) for a reduction in the amount of required open space 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 date stamped 11/17/04 and building elevations date stamped 08/18/04, except as amended by conditions herein.
4. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones, in this development. The planting of cool-season grasses, such as fescue or rye grass, is prohibited during the months of May through August.
5. The landscape plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect minimum 24-inch box trees planted a maximum of 20 feet on center and a minimum of four five-gallon shrubs for each tree within provided planters along Owens Avenue.
6. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.
7. 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.
8. The setbacks for this development shall be a minimum of 18 feet to the house and 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.

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.

Public Works

11. 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.
12. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map for this site. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
13. The entrance to the proposed site shall provide two ingress lanes, unless otherwise allowed by the City Traffic Engineer.
14. Site development to comply with all applicable conditions of approval for ZON-4554 and all other subsequent site-related actions.
15. The final layout of the subdivision shall be determined at the time of approval of the Tentative Map.
16. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first.

**** STAFF REPORT ****

APPLICATION REQUEST

A) *Action Requested*

This is a request for a Site Development Plan Review for a proposed 166-lot single-family residential development on approximately 18.54 acres adjacent to the south side of Owens Avenue, approximately 630 feet west of Lamb Boulevard.

Revisions to the site plan dated 11/17/04 adjusted the width of all internal private streets to 37 feet. With the reduction in density of the development from 12.22 to 8.95 dwelling Units Per Acre, the amount of required and provided open space was readjusted.

B) *Applicant's Justification*

The applicant has justified this request by stating that the proposed single-family development will be harmonious with the surrounding land uses and will improve the quality of the neighborhood. Lots will be narrow; however, through innovative building design, they will feel spacious.

BACKGROUND INFORMATION

A) *Previous Actions*

- 03/16/83 The Board of City Commissioners approved a request for a Rezoning from R-E (Residence Estates) to R-PD9 (Residential Planned Development – 9 Units Per Acre) for a portion of the subject site. The Planning Commission and staff recommended approval.
- 04/19/00 The City Council approved a General Plan Amendment (GPA-0043-99) from ML (Medium-Low Density Residential) to M (Medium Density Residential), a Rezoning (Z-0066-99) from R-E (Residence Estates) to R-3 (Medium Density Residential), and a Site Development Plan Review [Z-0066-99(1)] for a 96-unit multi-family residential complex on APN 140-30-503-001. The Planning Commission and staff recommended approval. The Rezoning and Site Development Plan Review expired on 04/19/02.
- 12/06/00 The City Council accepted the applicant's request to Withdraw Without Prejudice a General Plan Amendment (GPA-0026-00) from ML (Medium-Low Density Residential) to M (Medium Density Residential) on 12.84 acres encompassing the area proposed for the current General Plan Amendment request. The Planning Commission and staff had recommended approval. The City Council also

accepted the applicant's request to Withdraw Without Prejudice a Rezoning (Z-0080-00) from R-E (Residence Estates) and R-E (Residence Estates) under Resolution of Intent to R-PD9 (Residential Planned Development – 9 Units Per Acre) to R-3 (Medium Density Residential) and a Site Development Plan Review [Z-0080-00(1)] for a proposed 288-unit multi-family development on the same site. The Planning Commission and staff recommended approval.

- 10/18/01 The Planning Commission approved a Site Development Plan Review [Z-0066-99(2)] for a proposed 95-unit multi-family residential development on APN 140-30-503-001. Staff recommended approval. The approval expired 10/18/03.
- 08/21/02 The City Council voted to table a General Plan Amendment (GPA-0017-02) from ML (Medium-Low Density Residential) to M (Medium Density Residential) and a Rezoning (Z-0040-02) from R-E (Residence Estates) to R-3 (Medium Density Residential) on APN 140-30-503-002 in order for the applicant to revise the site plan, which included a proposed 224-unit multi-family residential development. The Planning Commission and staff recommended approval of the General Plan Amendment with the recommendation that the request be amended to MLA (Medium-Low Attached Density Residential). The Planning Commission and staff recommended denial of the Rezoning.
- 07/08/04 The Planning Commission held this item in abeyance to the 08/12/04 Planning Commission Meeting to allow the applicant time to redesign the site plan.
- 08/12/04 The Planning Commission held this item in abeyance to the 09/09/04 Planning Commission meeting to allow the applicant to further redesign the site.
- 09/09/04 The Planning Commission tabled a General Plan Amendment (GPA-4548) from ML (Medium-Low Density Residential) to M (Medium Density Residential) on 12.88 acres; a Rezoning (ZON-4554) from R-E (Residence Estates) and R-PD9 (Residential Planned Development - 9 Units Per Acre) to R-PD12 (Residential Planned Development - 12 Units Per Acre); a Variance (VAR-4677) to allow less than the minimum amount of required open space; and a Site Development Plan Review (SDR-4555) for a proposed 166-lot single-family residential development on the subject site. Staff recommended approval of the request to amend the General Plan and denial of all other items.
- 12/16/04 The Planning Commission recommended approval of companion item GPA-4548; and recommended denial of ZON-4554 and VAR-4677. Property owners were renotified.
- 12/16/04 The Planning Commission voted 5-0 to recommend DENIAL (PC Agenda Item #20/ss).

C) *Neighborhood Meetings*

A neighborhood meeting is not required for a Site Development Plan Review application; however, one was held in conjunction with the related request for a General Plan Amendment to the MLA (Medium-Low Attached) land use designation.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Gross Acres: 18.54
Net Acres: 17.95

B) *Existing Land Use*

Subject Property: Undeveloped
North: Single-Family Manufactured Dwellings
South: Mobile Home Park
East: Townhouses and Apartments
West: Condominiums

C) *Planned Land Use*

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

D) *Existing Zoning*

Subject Property: R-E (Residence Estates)
R-PD9 (Residential Planned Development – 9 Units Per Acre)
North: R-2 (Medium Density Residential – Clark County)
R-T (Manufactured Home Residential – Clark County)
South: R-MHP (Residential Mobile/Manufactured Home Park)
East: R-PD9 (Residential Planned Development – 9 Units Per Acre)
R-PD18 (Residential Planned Development – 18 Units Per Acre)
West: R-PD16 (Residential Planned Development – 16 Units Per Acre)

E) *General Plan Compliance*

The subject site is designated M (Medium Density Residential) for APN 140-30-503-001 and ML (Medium-Low Density Residential) for the balance of the site on the Southeast Sector Map of the General Plan. The Medium Density category allows up to 25 dwelling Units Per Acre and is intended to accommodate multi-family residential development. The

Medium-Low Density category allows up to eight Units Per Acre and permits single-family and two-family homes as well as local supporting uses such as schools and churches. The request for R-PD9 (Residential Planned Development - 5 Units Per Acre) zoning conforms to the MLA (Medium-Low Attached Density Residential) land use designation, which has been requested for the entire site. This category allows up to 12 Units Per Acre, permitting residential and related uses.

PROJECT DESCRIPTION

The proposed development now consists of 166 single-family lots on an 18.54-acre site. Three basic floor plan configurations are proposed. The designs are two-story products with two-car garages.

The open space provided with this project is 68,570 square feet, primarily contained within a recreation area in the north central portion of the site and a small pocket park adjacent to Van Buren Avenue. The total amount of open space provided is only 57 percent of that required by Title 19 open space standards. A companion Variance request (VAR-4677) seeks relief from this requirement.

A network of 37-foot wide private streets with L-type curb and gutter design and minimum 25-foot private drives serves the development. Typical lots are approximately 3,000 square feet. Access is gated from Owens Avenue, a 100-foot wide Primary Arterial; crash gates guard the access from Van Buren Avenue, which terminates in a cul-de-sac.

ANALYSIS

A) *Zoning Code Compliance*

A1) Development Standards

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

Standards	Proposed
Average Lot Size	2,997 SF
Min. Lot Width	37 Feet
Min. Setbacks	
• Front (to house and front-load garage)	18 Feet
• Side	5 Feet
• Corner	10 Feet
• Rear	15 Feet
Max. Lot Coverage	60%
Max. Building Height	2 Stories / 35 Feet

These development standards compare favorably to those developments in the City having similar densities.

A2) Parking and Traffic Standards

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

Uses	Units	Ratio	Required		Provided	
			Parking		Parking	
			Regular	Handicap	Regular	Handicap
Single Family, Detached	166	2 spaces/unit	332	N/A	344	1

The floor plans indicate that each model will feature a two-car garage; therefore, Title 19 parking requirements are satisfied. The provided handicapped space must be striped as van-accessible.

A3) Landscape and Open Space Standards

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

Standards	Required		Provided
	Ratio	Trees	
Buffer:			
• Min. Trees (Owens Ave.)	1 Tree/20 Linear Feet	20 Trees	13 Trees
• Min. Trees (Van Buren Ave.)	Not Required	---	9 Trees
• Min. Zone Width	6 Feet along Owens Ave.		10 Feet
• Wall height	6 Feet		6 Feet

Landscaping is deficient with respect to the number of trees and spacing along Owens Avenue. The site has no physical constraint to the provision of these trees; therefore, a condition of approval addresses this deficiency.

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
18.54 acres	9.0 du/ac	1.65	14.85%	119,929 SF or 2.75 acres	4.3 %	68,570 SF or 1.57 acres

The latest configuration of the site plan still indicates a deficiency in open space. The applicant has submitted this Variance application (VAR-4677) to request relief from this standard. The amount of deviation from the standard is 43 percent.

B) General Analysis and Discussion

- **Zoning**

Approval of companion Rezoning application (ZON-4554) will result in an R-PD9 (Residential Planned Development - 9 Units Per Acre) zoning designation for this site. The proposed Site Development Plan conforms to, and is an integral part of, the proposed zoning for the site.

- **Site Plan**

The city of Las Vegas Planning and Development Department is proposing new development standards for R-PD zoned projects in the city of Las Vegas, in addition to those general standards proposed by the developer. These include standards for garages and parking, the amount of private yard space, streets and streetscaping, sidewalks, residential design standards, open space, and cluster developments. These standards would not currently apply to the proposed development, but would instead provide a model by which other R-PD developments, such as the one proposed here, may be compared.

The following table compares the proposed R-PD9 (Residential Planned Development – 9 Units Per Acre) project with some of the development standards proposed for new R-PD projects in the city of Las Vegas.

Requirement	Proposed R-PD Standards	Proposed R-PD9 Single-Family Development
Parking	Conforms to Title 19.10 + 1 space/6 dwelling units	2 spaces/unit + 1 space/13 dwelling units
Private Yard Space	Min. 15 feet by 15 feet in side and rear yards	Min. 5 feet by 45 feet in side; 15 feet by 27 feet in rear
Driveway Length	Min. 18 feet as measured from back of sidewalk	Min. 18 feet from back of curb
Landscape Amenity Zones	Five feet abutting the street curb on both sides; to contain min. 1 - 24" box tree per 20 linear feet of street frontage or portion thereof, a min. of (5) five-gallon shrubs per required tree, and two-inch layer of groundcover	No Amenity Zones proposed
Sidewalks	Min. 5' wide, located between the Amenity Zone and front residential property line	No sidewalks proposed

Cluster Housing: • Units per Cluster	No more than four dwelling units may share a private drive	No clustering proposed; three units share a private drive
• Minimum lot Size	2,700 SF	2,997 SF
Design Standards: • Architectural Features	Varied wall planes, trim details; trim detailing, window styles, and exterior materials should be consistent for all four elevations of each dwelling	Varied wall planes and trim details; window styles and exterior materials are consistent
• Floor Plans	Min. three distinct floor plans	Three distinct floor plans
• Elevations	Min. three distinct elevation styles	Three distinct elevation styles
• Roofs	Min. two distinct roof colors and materials per development	Two distinct roof colors, all concrete tile roofs
• Exterior Colors	Min. three distinct color schemes per model	Four distinct color schemes per model
Common Open Space	None required if all lots in development exceed 6,500 SF; in all other developments, based on formula: No. of residential lots * 500 SF = open space required Min. 45 feet in either dimension	If formula were applied: 166 lots * 500 SF = 83,000 SF open space or 1.91 acres required; 68,570 or 1.57 acres is proposed Min. 18 feet in width

The proposed R-PD (Residential Planned Development) Standards could not support a project such as the one here proposed. The number and size of the lots cannot support the required design elements and open space requirements. Reconfiguration of the site to allow for larger lots and for streetscaping would be encouraged.

The lack of design elements such as sidewalks and a significant reduction of required open space all contribute to a recommendation of denial of the Site Development Plans. A redesign of the site to include larger lots with additional open space and amenities for residents is recommended.

The plan as proposed will require the concurrent approval of an open space Variance.

- **Waivers**

No waivers have been requested in relation to this Site Development Plan Review. A companion Variance (VAR-4677) to reduce the required amount of open space by approximately 43% has been submitted and will be considered concurrently.

- Landscape Plan

The submitted landscaping plan indicates an alternating arrangement of 24-inch box Desert Willow, 24-inch box African Sumac and 24-inch box Lacebark Elm trees planted 25 feet on-center along the south side of Owens Avenue. These trees are spaced improperly and therefore do not meet the number required by the Code. A condition of approval addresses this deficiency. Although not required along streets classified as Primary or Secondary Thoroughfares, 24-inch box Chinese Pistache, Japanese Privet, Southern Live Oak and Lacebark Elm trees are indicated on the edges of Van Buren Avenue abutting the development. The landscaping plan also depicts a variety of 15-gallon shrubs in sufficient number to meet Code groundcover standards. It is noted that current drought ordinances prohibit the planting of Blue Fescue as shown during the months of May through August.

- Elevations

The submitted elevations indicate that each model will be two stories and approximately 25 feet in height, with gabled tile roofs and stucco exteriors.

- Floor Plan

Three basic floor plans are proposed. All contain two-car front-loading garages.

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 single-family development, although consistent with surrounding development with regard to density, does not contain design elements compatible with the adjacent multi-family residential land uses existing in the area. The amount of open space is insufficient for similar R-PD developments of this size.

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

The subject site is currently designated M (Medium Density Residential) and ML (Medium-Low Density Residential) on the Southeast Sector Plan of the General Plan. The companion General Plan Amendment (GPA-4548), if approved, would re-designate the entire site to MLA (Medium-Low Attached Density Residential), allowing for residential densities of up to 12 Units Per Acre. A companion Rezoning (ZON-4554), if approved,

will rezone the subject site to the R-PD9 (Residential Planned Development – 9 Units Per Acre) zoning district. The proposed site plan would then conform to the General Plan. A companion Variance (VAR-4677) is required from R-PD open space standards. With the implementation of the recommended conditions regarding landscaping, the project will comply with Landscape, Wall and Buffer Standards.

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

The single access point off Owens Avenue, a 100-foot Primary Arterial as designated on the Master Plan of Streets and Highways, will not create a conflict with through traffic on adjacent streets. The crash-gated access from Van Buren Avenue will provide a secondary access for emergency vehicles.

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

The building and landscape materials are appropriate for single-family residential development in this portion of the City. It is noted that current drought ordinances prohibit the planting of Blue Fescue as shown on the landscaping plan during the months of May through August.

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 create an orderly environment and are typical of two-story single-family residential developments in the city of Las Vegas.

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

The proposed single-family residential development will be subject to municipal and building codes requiring on-site inspection by City staff, and will therefore not create a hazard to the public health, safety or welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

6

NOTICES MAILED 921 by Planning Department

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-4555 APN: 140-30-503-001 0002 & 140-30-503-017

Name of Property Owner: _____

Name of Applicant: Richard K. Ehrlich

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: _____

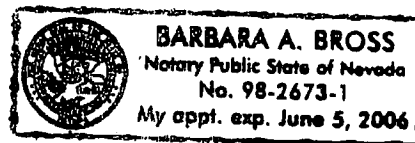
Signature of Property Owner/Authorized Agent: Richard K. Ehrlich

Print Name: Richard K. Ehrlich

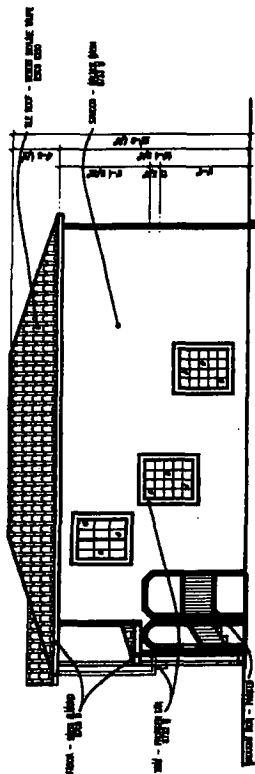
Subscribed and sworn before me

This 27th day of April, 2004

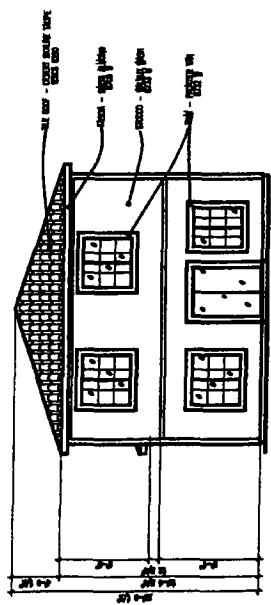
Barbara A. Bross
Notary Public in and for said County and State



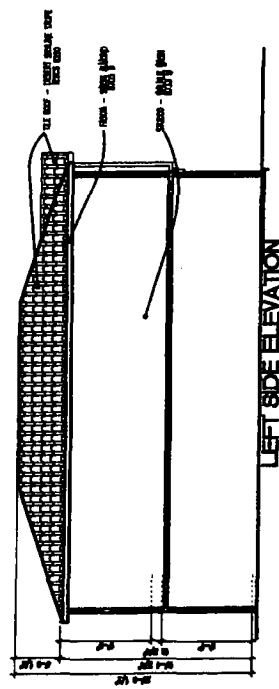
FRONT ELEVATION



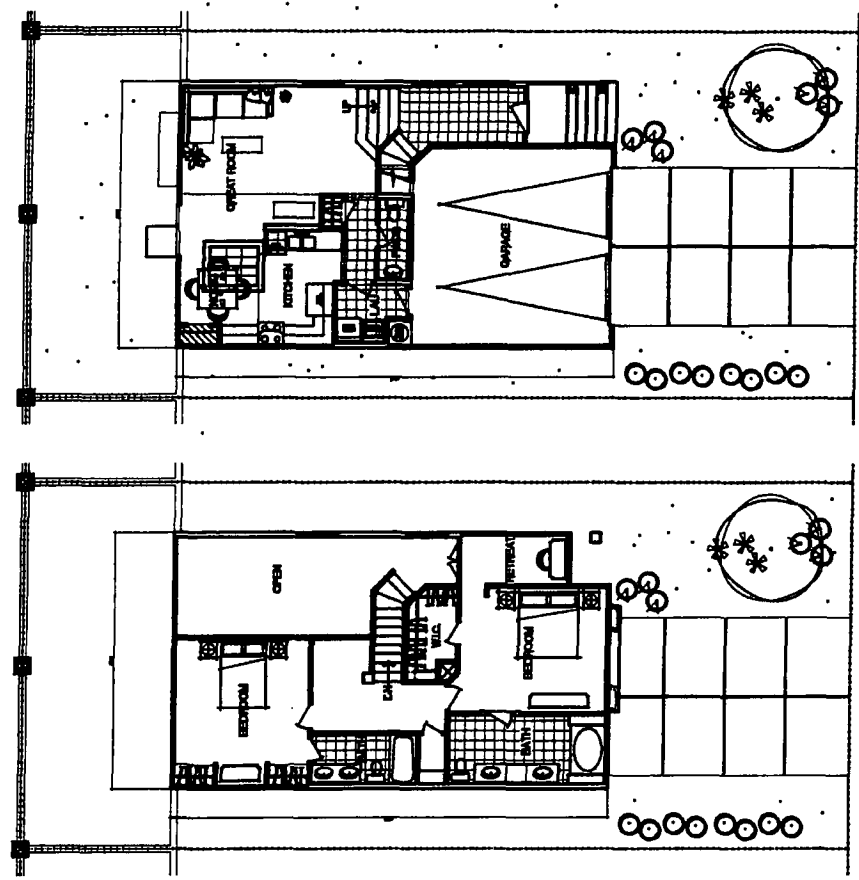
RIGHT SIDE ELEVATION



REAR ELEVATION



LEFT SIDE ELEVATION



2nd FLOOR PLAN

**1st FLOOR PLAN
MODEL 1450**

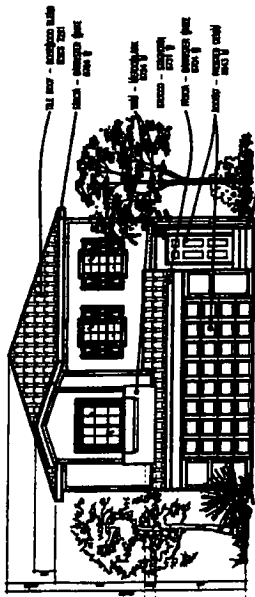
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			1000 N. 10TH ST. SUITE 100 DENVER, CO 80202 (303) 733-1111			

ZON-4554
VAR-4677
SDR-4555
09-09-04 P

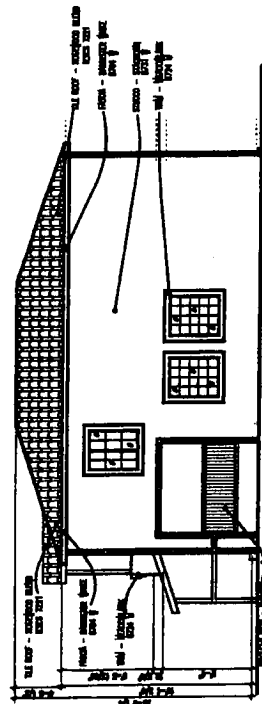
REVISED
8.18.04

~~REF ID: A52116~~

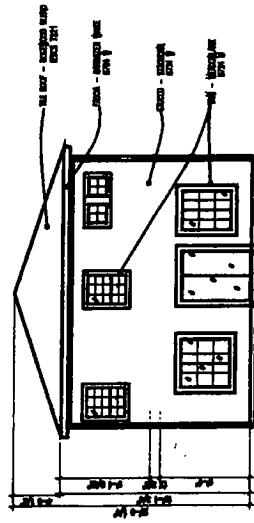
AUG 17 2004



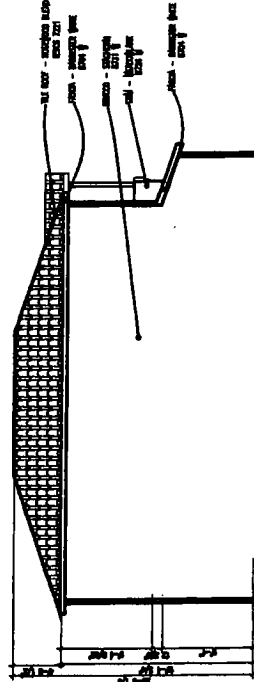
FRONT ELEVATION



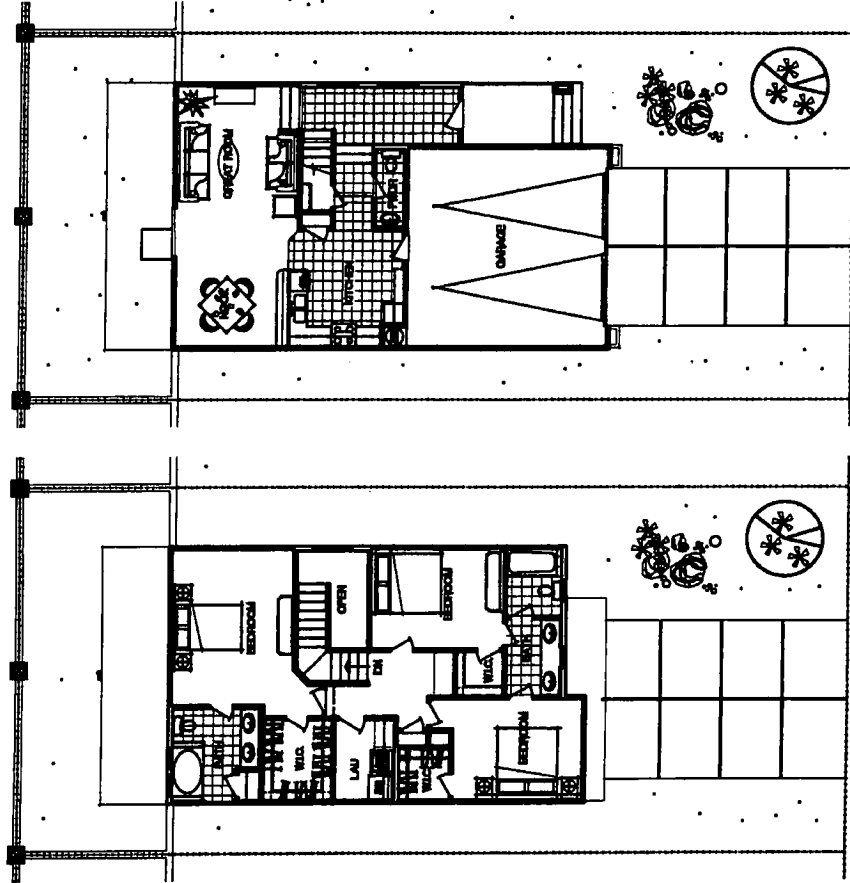
RIGHT SIDE ELEVATION



REAR ELEVATION



LEFT SIDE ELEVATION



2nd FLOOR PLAN

1st FLOOR PLAN
MODEL 1618

GREENETINDALL

ARCHITECTS

1618 STANDARD ELEVATION

OWENS COURT

OWENS AND OWENS BUILDING AND LAND INC.

CLARK COUNTY, MISSISSIPPI

1618 STANDARD ELEVATION

OWENS COURT

OWENS AND OWENS BUILDING AND LAND INC.

CLARK COUNTY, MISSISSIPPI

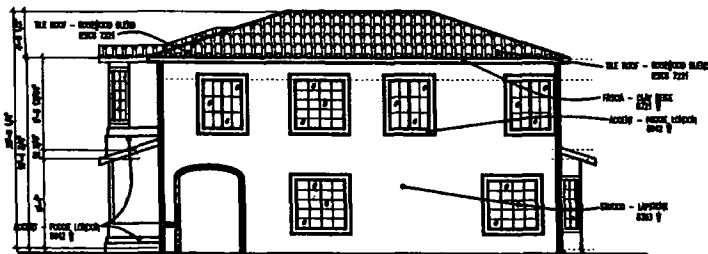
ZON-4554
VAR-4677
SDR-4555
09-09-04 PC

REVISED
8.18.04

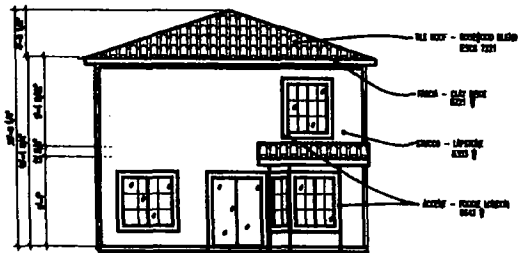
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AUG 17 2004



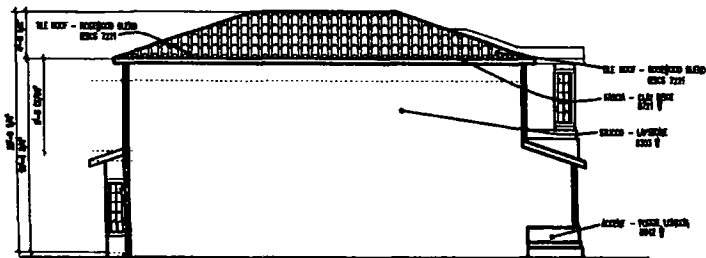
FRONT ELEVATION



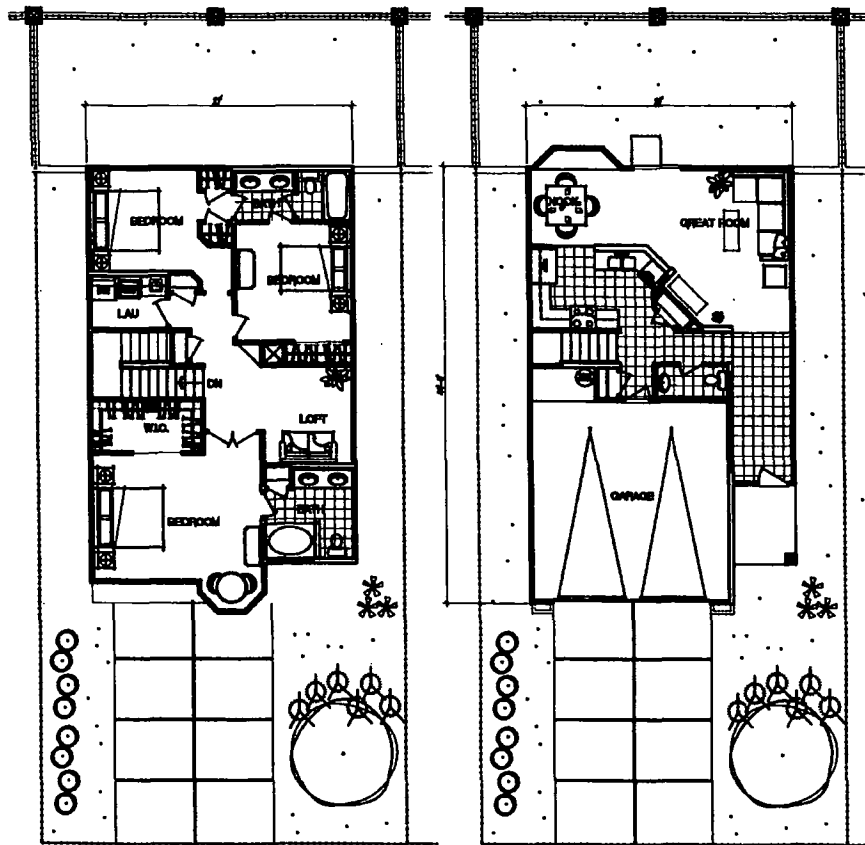
RIGHT SIDE ELEVATION



REAR ELEVATION



LEFT SIDE ELEVATION



2nd FLOOR PLAN

1st FLOOR PLAN
MODEL 1761

ZON-4554
VAR-4677
SDR-4555
09-09-04 PC

REVISED
8.18.04

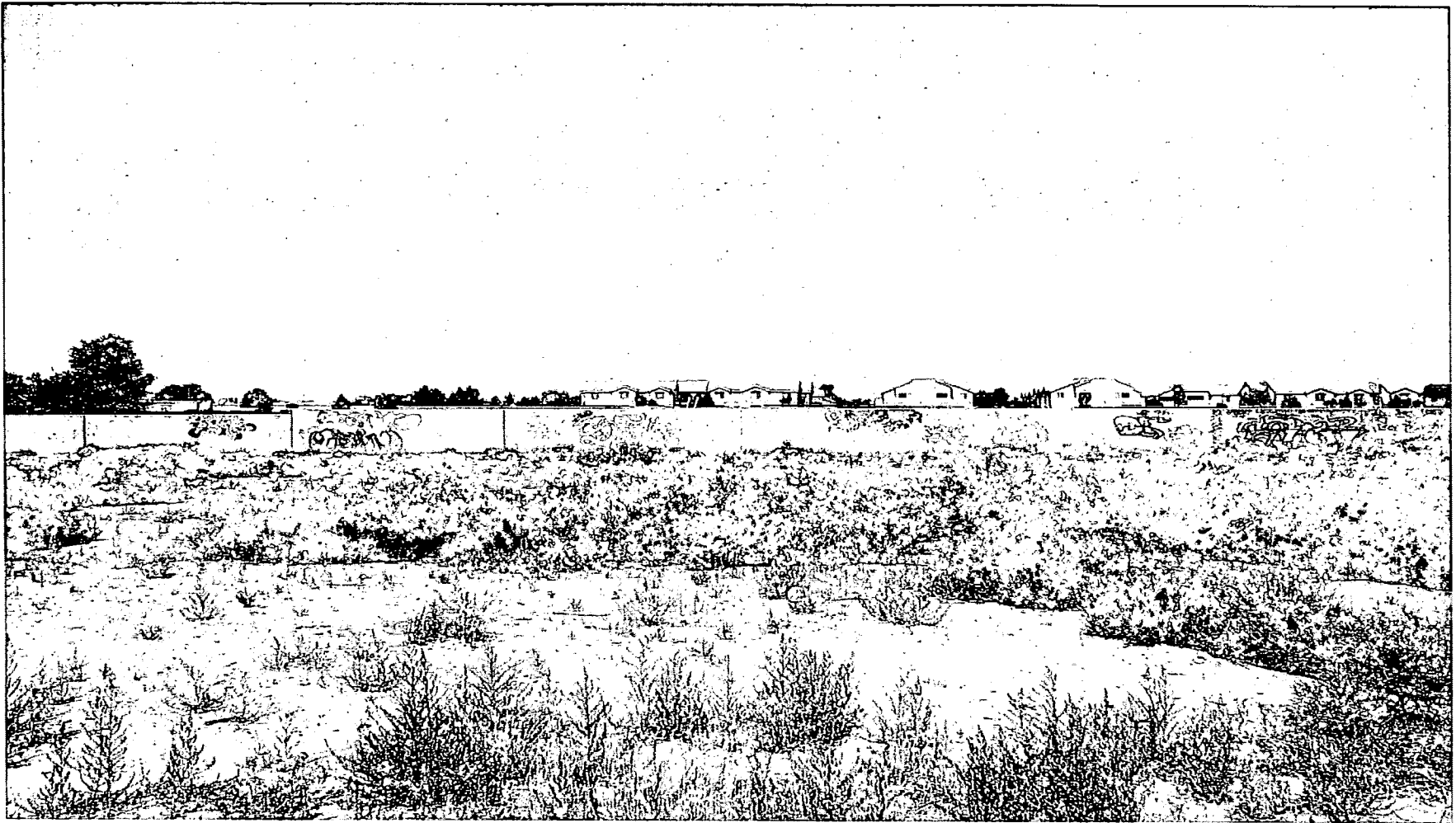
GREENETINDALL

1761 STANDARD ELEVATION

OWENS COURT

CLARK COUNTY, MISSOURI

RECEIVED
AUG 17 2004



SDR-4555 - APPLICANT: RICHARD EHRLICH - OWNER: RICHARD EHRLICH, ET AL
SOUTH SIDE OF OWENS AVENUE, APPROXIMATELY 630 FEET WEST OF LAMB BOULEVARD
DECEMBER 16, 2004 PLANNING COMMISSION

06/17/04

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: M. MARGO WHEELER**☐ **CONSENT** ☒ **DISCUSSION****SUBJECT:****GENERAL PLAN AMENDMENT**

GPA-5182 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: INFIELT DEVELOPMENT II, LLC AND JOHN D. FIELD - Request to Amend a portion of the Centennial Hills Interlocal Land Use Plan of the General Plan FROM: O (OFFICE) TO: SC (SERVICE COMMERCIAL) on 2.49 acres adjacent to the southwest corner of Alexander Road and Leon Avenue (APN 138-12-110-021 and 022), Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend DENIAL. (NOTE: The applicant requests to withdraw the portion of this application for APN 138-12-110-022; and to hold the remaining portion of the application for APN 138-12-110-021 to the 1/19/05 City Council meeting)

PROTESTS RECEIVED BEFORE:**Planning Commission Mtg.****7****City Council Meeting****0****APPROVALS RECEIVED BEFORE:****Planning Commission Mtg.****0****City Council Meeting****0****RECOMMENDATION:**

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

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application - Not Applicable
3. Staff Report
4. Justification letter

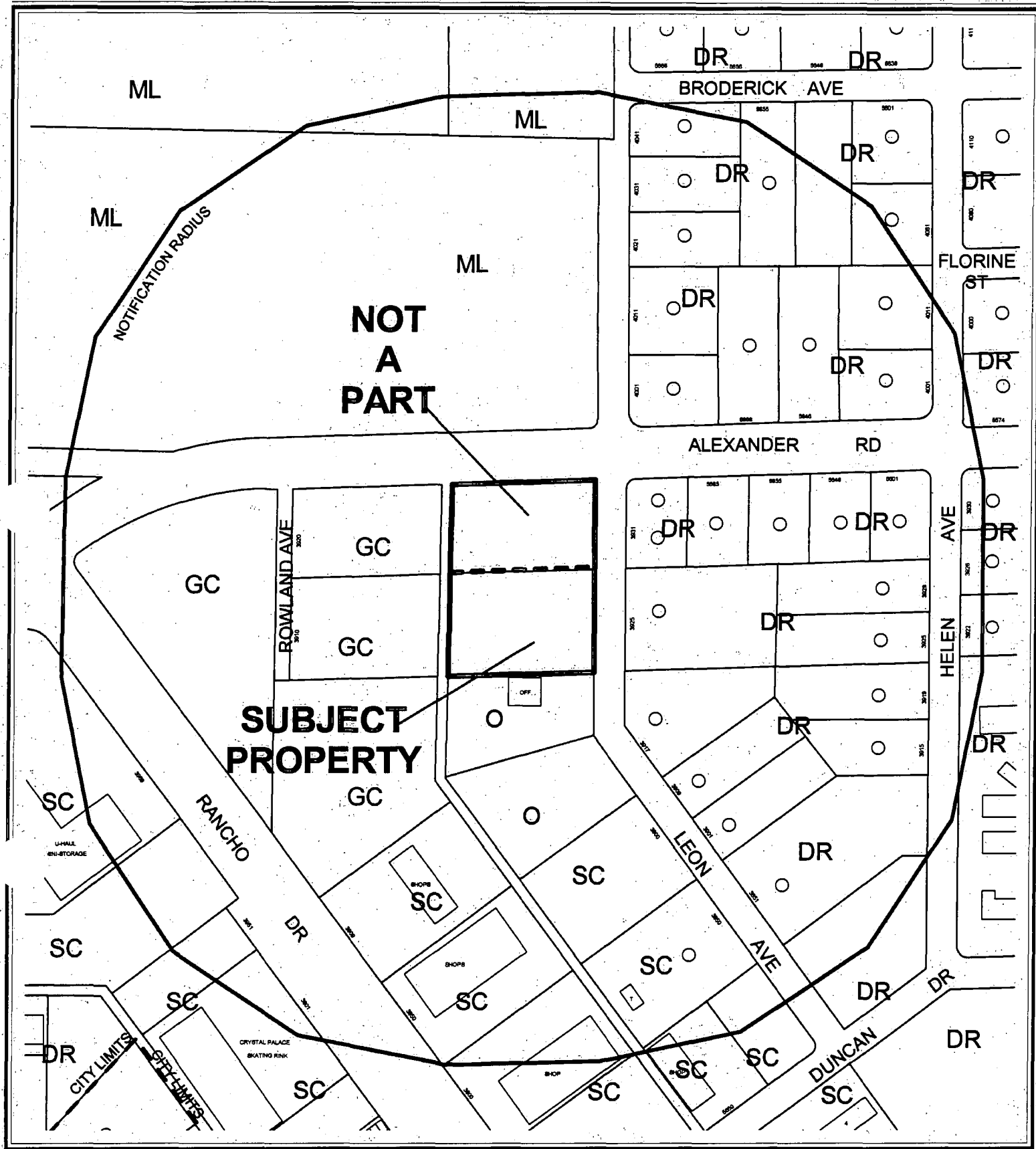
MOTION:

BROWN - Motion to HOLD IN ABEYANCE Item 91 [RQR-5513], Item 95 [SUP-2848], Item 96 [SUP-3394], Item 97 [SUP-4532], Item 98 [SUP-4693], Item 109 [SUP-5582] and Item 110 [SDR-5583] to 2/2/2005 and accept the WITHDRAWAL WITHOUT PREJUDICE of Item 120 [GPA-5182], Item 121 [ZON-5183], Item 122 [VAR-5575] and Item 123 [SDR-5573] - UNANIMOUS with MACK abstaining on Item 91 [RQR-5513] because his company, Mack Consulting, negotiates with Lamar Outdoor on behalf of his clients and GOODMAN excused

MINUTES:

MAYOR PRO TEM REESE indicated that prior to the meeting ATTORNEY BILL CURRAN submitted a letter, which was submitted for the record, requesting that Item 120 [GPA-5182], Item 121 [ZON-5183], Item 122 [VAR-5575] and Item 123 [SDR-5573] be withdrawn without prejudice.

(1:00 - 1:07)



CASE: GPA-5182

RADIUS: 750 FT

GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:

O (OFFICE)

PROPOSED GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:

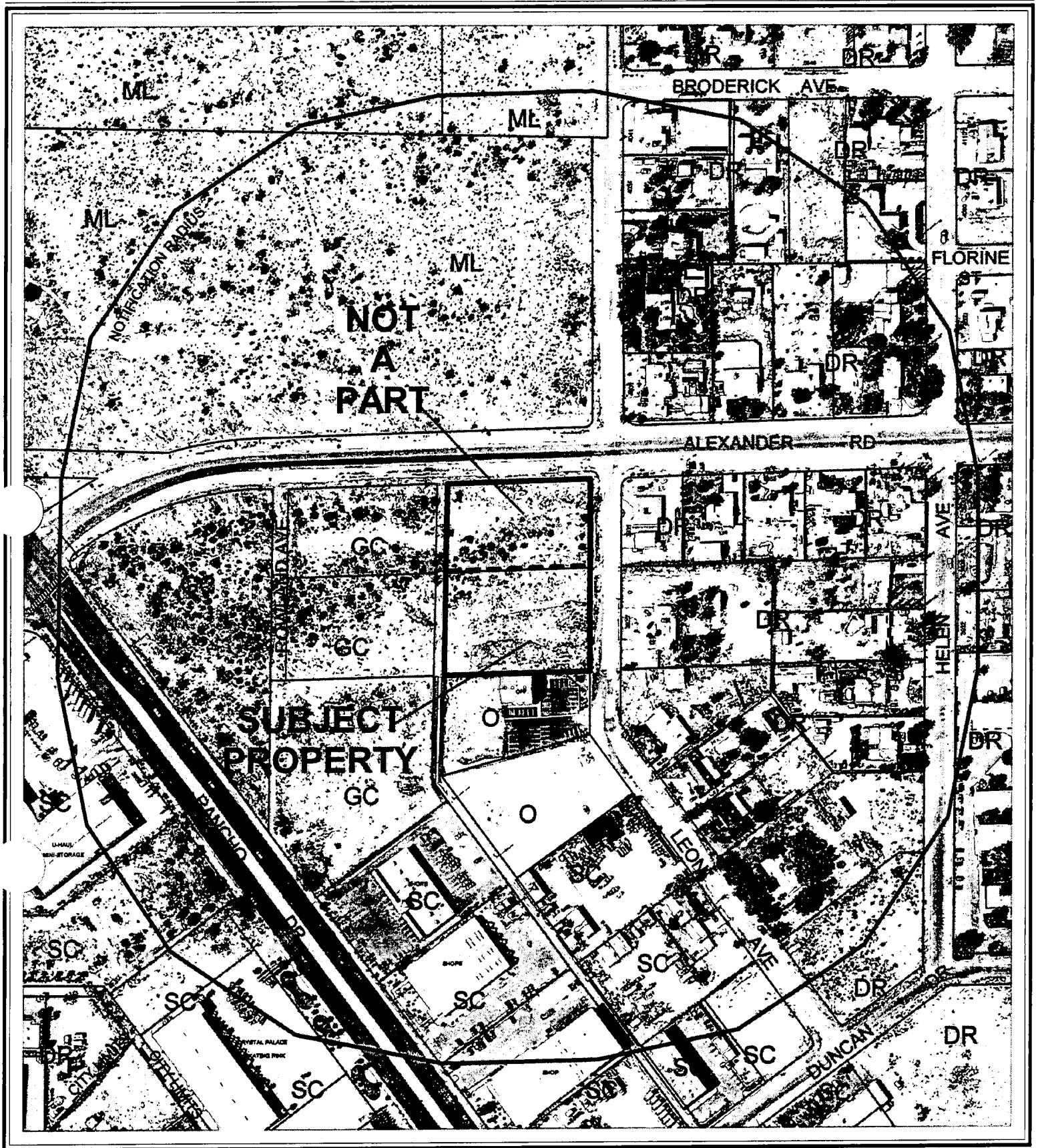
SC (SERVICE COMMERCIAL)

0 200 400 Feet



120





CASE: GPA-5182

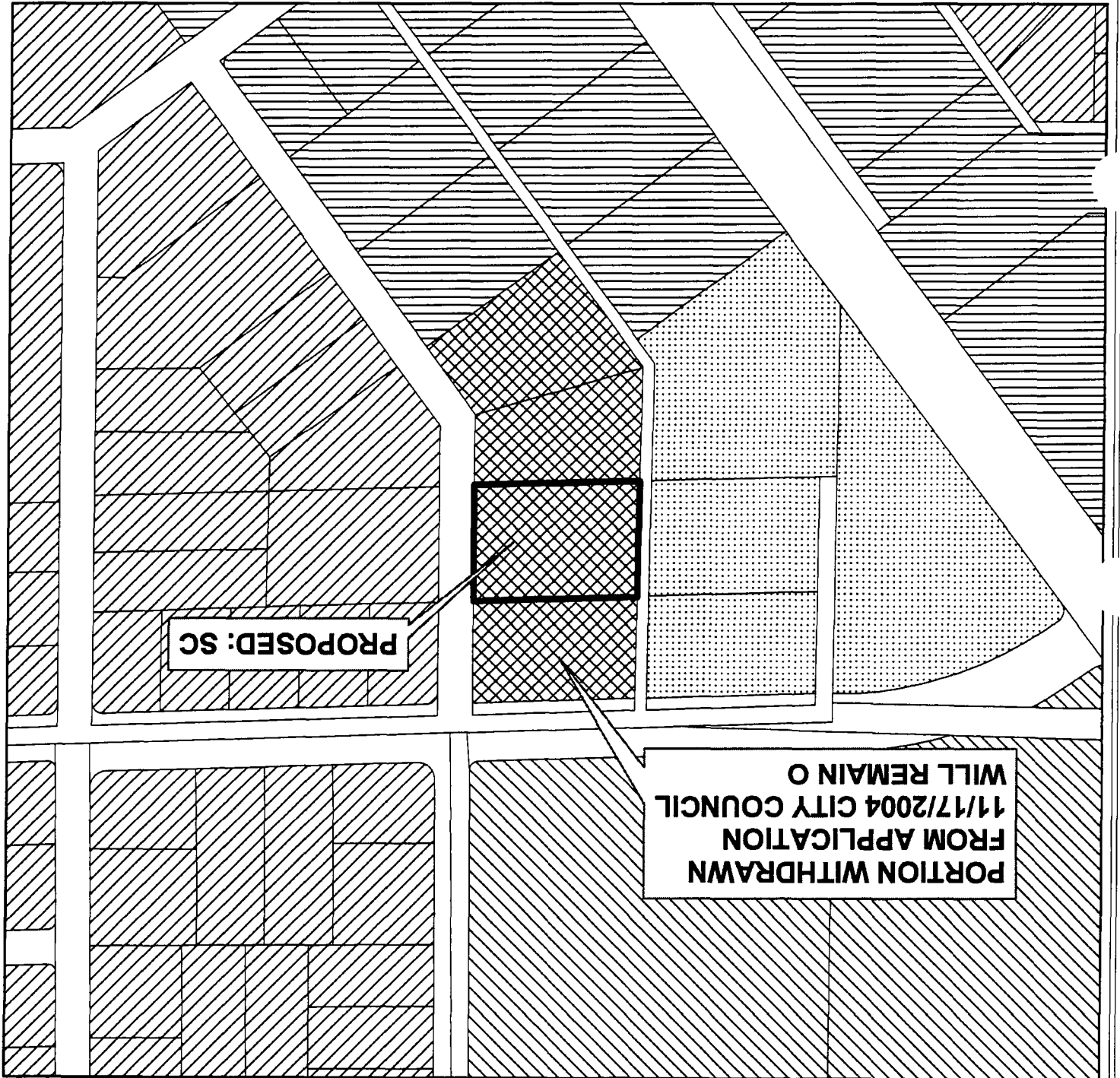
RADIUS: 750 FT

GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:

O (OFFICE)

PROPOSED GENERAL PLAN DESIGNATION OF SUBJECT PROPERTY:

SC (SERVICE COMMERCIAL)



General Plan	
	Rural Estates
	Desert Rural
	Medium - Low
	Office
	Service Commercial
	General Commercial

SUBJECT PROPERTY

0 210 420 840 Feet

Created by: planning
Due to continuous development activity
this map is for reference only.



AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 19, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: ABEYANCE ITEM - GPA-5182 - APPLICANT/OWNER:
INFIELD DEVELOPMENT II, LLC AND JOHN D. FIELD**

***THIS ITEM WAS HELD IN ABEYANCE FROM THE NOVEMBER 17, 2004 CITY
COUNCIL MEETING AT THE APPLICANT'S REQUEST.***

**** CONDITIONS ****

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

**** STAFF REPORT ****

APPLICATION REQUEST

This application seeks to change the General Plan land use designation of the subject property, which is adjacent to the southwest corner of Alexander Road and Leon Avenue from O (Office) to SC (Service Commercial).

BACKGROUND DATA:

- | | |
|----------|---|
| 08/07/85 | The City Council approved the Community Profiles of the city of Las Vegas General Plan by Resolution. |
| 03/12/92 | The Planning Commission approved the three Land Use Sector Maps of the General Plan. |
| 05/24/99 | The City Council approved the Centennial Hills Sector Map (GPA-01-99) of the city of Las Vegas General Plan, which replaced the Northwest Sector Map. |
| 08/18/99 | The City Council approved GPA-23-99, which amended the density range for the Low Density Residential land use category to allow a maximum of 5.5 dwelling units per acre, Medium Low Density Residential to allow up to 8 dwelling units per acre, and Medium Density Residential up to 25 dwelling units per acre. |
| 09/06/00 | The City Council approved the Las Vegas 2020 Master Plan. This site is within the Newly Developing Area as described in the Plan. |
| 11/07/01 | The City Council approved the Town Center Development Standards Manual through Bill No. 2001-100. |
| 04/02/03 | The City Council approved a request for a General Plan Amendment (GPA-1363) to amend portions of the Centennial Hills Sector Plan and the Southwest Sector Map from: GC (General Commercial), SC (Service Commercial) and DR (Desert Rural) TO: GC (General Commercial), O (Office), PF (Public Facility), ML (Medium-Low Density Residential) and DR (Desert Rural). Additionally, the City Council approved a request for a Rezoning (ZON-1364) from: C-2 (General Commercial), R-E (Residence Estates), R-MHP (Residential Mobile/Manufactured Home Park), and U (Undeveloped) to: C-2 (General Commercial), C-1 (Limited Commercial), O (Office), C-V (Civic), R-E (Residence Estates), R-1 (Single Family Residential), and U (Undeveloped) to GC (General Commercial), O (Office), PF (Public Facility), ML (Medium-Low Density Residential) and DR (Desert Rural) on property located on, or in close proximity to, both sides of Rancho Drive from Vegas Drive to the northern City limits at Moccasin Road. The Planning Commission and staff recommended approval of both items on February 27, 2003. |

10/21/04 The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #39/bts).

DETAILS OF APPLICATION REQUEST

Site Area: 2.49 acres

EXISTING LAND USE

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

PLANNED LAND USE

Subject Property O (Office)
North ML (Medium Low Density Residential)
South O (Office)
East DR (Desert Rural Residential)
West GC (General Commercial)

EXISTING ZONING

Subject Property O (Office)
North U (Undeveloped) [ML (Medium Low Density Residential) General Plan Designation]
South O (Office)
East R-E (Residential Estates)
West C-2 (General Commercial)

The site is currently designated as O (Office) within the Centennial Hills Interlocal Land Use Plan of the General Plan. The O (Office) category provides for small lot office conversions as a transition, along primary and secondary streets, from residential and commercial uses, and for large planned office areas. Permitted uses include business, professional and financial offices as well as offices for individuals, civic, social, fraternal and other non-profit organizations.

	YES	NO
SPECIAL PLAN AREA		X
RURAL PRESERVATION NEIGHBORHOOD		X
RURAL PRESERVATION NEIGHBORHOOD BUFFER		X
PROJECT OF REGIONAL SIGNIFICANCE		X

DEFINITIONS

O (Office) The Office category provides for small lot office conversions as a transition, along Primary and Secondary streets, from residential to commercial uses, and for large planned office areas. Permitted uses include business, professional, and financial offices as well as offices for individuals, civic, social, fraternal, and other non-profit organizations.

SC (Service Commercial) The Service Commercial category allows low to medium intensity retail, office, or other commercial uses that serve primarily the local area patrons and do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theaters, bowling alleys and other places of public assembly and public and semi-public uses. This category also includes offices either individually or grouped as office centers with professional and business services.

INTERAGENCY ISSUES

SPECIAL PLAN AREA

The subject site is located within the City's Centennial Hills Sector Plan area. Effective January 2, 2002, the entirety of the Centennial Hills Sector is subject to the provisions of an Interlocal Agreement between Clark County and the city of Las Vegas. The Centennial Hills Sector is referred to in the Interlocal Agreement as the "Joint Land Use Planning Area". Under the terms of the Agreement and subsequent procedures agreed upon by the City and the County, the City will forward any application for a General Plan Amendment within the "Excepted Areas" of the Joint Land Use Planning Area to the County for consideration by the Board of County Commissioners. Approval of both entities is required. This application was routed to Clark County Comprehensive and Current Planning Divisions for comment. No comment has been received to date.

ANALYSIS

This request is for a General Plan Amendment from O (Office) to SC (Service Commercial) on 2.49 acres. The amendment consists of two parcels, which will be utilized for office and indoor batting cage uses. To the north of the subject site, is undeveloped property intended for medium low residential, to the south is an existing office building, to the east is a single family residence and to the west is undeveloped property intended for general commercial. The SC (Service Commercial) designation would allow uses that would not be an effective transition between the rural residential development to the east and the General Commercial to the west.

FINDINGS

Section 19.18.030.I of the Las Vegas Zoning Code requires that the following conditions be met in order to justify a General Plan Amendment:

1. The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations,
2. The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,
3. There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and
4. The proposed amendment conforms to other applicable adopted plans and policies that include approved neighborhood plans.

In regard to "1":

The proposed land use of SC (Service Commercial) is an ineffective buffer from both ML (Medium Low Residential) and DR (Desert Rural Residential) to the north and east and between GC (General Commercial) to the west.

In regard to "2":

The C-1 (Limited Commercial) zoning designation is not compatible with the U (Undeveloped) Zone [ML (Medium-Low Density Residential) General Plan Designation] and R-E (Residential Estate) zoning designations to the north and east. Title 19.02.040 of the zoning ordinance states: this district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors.

In regard to "3":

As this location is surrounded with mature development the transportation, recreation, utility, and other facilities are sufficient to accommodate the residents of the proposed development.

In regard to "4":

The site is subject to the Centennial Hills Interlocal Land Use Plan and does not fall into any neighborhood plans.

GENERAL PLAN AMENDMENT NEIGHBORHOOD MEETING

09/21/04 The neighborhood meeting for this case was held at the Foothills Cafe. The proposed project is an office building and an indoor batting cage facility. There were 6 citizens in attendance and they had the following concerns:

- Did not want the site access from Leon Avenue. Applicant stated he would explore the possibility of providing an alternate drive from Alexander Road.
- Traffic, especially on Leon Avenue. Concerns also expressed about teenagers speeding down the street going to and from the facility. The applicant responded by stating that the majority of the kids would not be old enough to drive and would be dropped off by parents. The older kids, he explained, usually have access to practice facilities at their high schools.
- Noise - neighbors were worried about loud car stereos and teens loitering in the parking lot.
- Hours of operation - applicant responded by stating that he wasn't sure of the hours yet, but figured it would be in vicinity of 9 PM.
- Parking lot lighting - Neighbors were concerned about parking lot lighting shining in their back yards. Applicant responded by stating they could use lighting that would have less of an impact on the residential properties.
- Concerned how drainage would be affected by the development, and what impacts it would have on their neighborhood.

NOTICES MAILED: 50 by Planning Department

APPROVALS: 0

PROTESTS: 7



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **GPA-5182** APN: 138-12-110-021 / 138-12-110-022

Name of Property Owner: Infield Development II / John D. Field

Name of Applicant: John D. Field

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: John D. Field

Subscribed and sworn before me

This 3 day of September, 2004

CA Lind
Notary Public in and for said County and State



**ZONED R-E
GENERAL PLAN DR**

ALEXANDER

100

**ZONED C-2
GENERAL PLAN 6C**

UNDEVELOPED
ZONED O
GENERAL PLAN O

**ZONED C-2
GENERAL PLAN 6C**

SDR-5184
11-17-04 CC

GPA-5182
ZON-5183

SITE PLAN

A cross-sectional diagram of a wall. The wall is constructed of bricks. On top of the brick wall is a metal fence, represented by a series of vertical lines. Labels with arrows point to the 'METAL FENCE' and the 'BRICK WALL'.

SCREEN WALL ELEVATION

W04

RECEIVED
NOV 2 2004

TRASH ENCLOSURE ELEVATIONS

REVISED
11-2-84

ZONED R-E
GENERAL PLAN DR

VICINITY MAP

VICINITY MAP

2014

Q

LOCATION MAP

2000

ACCESSOR'S PARCEL NUMBERS 138-12-110-022

SITE INFORMATION

BUILDING AREA	REQD PARKING	PROVIDED
Office 14,000 SF	1:800 = 41	41
Total Parking	41	41

Handicapped Parking	25 to 50 = 2	2
Compact Parking Allowed (49 spaces * 80% = 14.7) = 9 spaces		
Compact Parking Provided = 16 spaces		

ZONING INFORMATION

Jurisdiction: City of Las Vegas

Current Zoning District: "D" Proposed Use - Offices
Central Overlay District

Minimum Lot Size	NONE
Lot Size: 30,004 sf or 1.144 acres	
Maximum Lot Coverage Allowed	80% = 15,271 SF
(F.A.R.) Lot Coverage Provided	215% = 14,000 SF

	REQUIRED	PROVIDED
Front Yard	25'	65'-6"
Side Yard	10'	10' and 64'-11"
Rear Yard	15'	10'-0"

Maximum Building Height Allowed:	2 stories and 35'
Actual Building Height:	28'-6" (One Story)

Office Building
Infield LLC
33940 Leon Ave.
Las Vegas, NV 89130

APTUS Architecture
 7700 South 4th Street
 Suite 200
 Las Vegas, Nevada 89149
 P 702.637.7390
 F 702.637.7373
 info@aptusarch.com aptusarch.com

APTUS PROJECT NO. 04.039

NOTE

CONFIDENTIALITY AND OTHER PROVISIONS

NO	DESCRIPTION	DATE
ISSUED		

SITE PLAN VICINITY MAP

ASI 00



GPA-5182 - APPLICANT/OWNER: INFIELDT DEVELOPMENT II, LLC AND JOHN D. FIELD
SOUTHWEST CORNER OF ALEXANDER ROAD AND LEON AVENUE
OCTOBER 21, 2004 PLANNING COMMISSION

10/05/04



GPA-5182 - APPLICANT/OWNER: INFIELD DEVELOPMENT II, LLC AND JOHN D. FIELD
SOUTHWEST CORNER OF ALEXANDER ROAD AND LEON AVENUE
OCTOBER 21, 2004 PLANNING COMMISSION

10/05/04

November 3, 2004

City of Las Vegas
Planning and Development Department
731 s. 4th Street.
Las Vegas, Nevada 89101

RE: APN: 138-12-110-022 and 138-12-110-021
Subject: A. General Plan Change
B. Zone Change
C. Site Development Review

Dear Sirs:

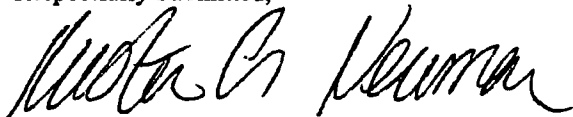
We are resubmitting drawings and requesting that the general plan amendment and the zone change previously requested for the subject property with the APN of 138-12-110-022 be withdrawn. This parcel is plus or minus 50,904 sf or 1.169 acres. The intended use of the property is for office space. This property is currently zoned "O" and we do not request any change from that zoning designation. This parcel meets the parking requirements and all setback requirements. We also request that we be allowed to provide trees at 15'-0" o.c. along Leon in lieu of landscaped "fingers".

We are also requesting that the site development review be withdrawn for the subject property with the APN of 138-12-110-021. In addition, we request that the General Plan amendment and Zone Change for this parcel be held until the January 19 City Council meeting. Please see revised plans dated 11.02.04 which reflect these changes. This parcel will have a deed restriction placed upon with the City of Las Vegas as a third party so that if the parcel is ever sold, only office uses would be allowed.

Please consider this request as a positive impact on the City of Las Vegas and the surrounding neighborhood.

Please call me at 702.839.1200 if you have any questions.

Respectfully Submitted,



Kristen G. Neuman (on behalf of John Field)
Aptus Architecture

GPA-5182
ZON-5183
SDR-5184

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

REZONING RELATED TO GPA-5182

ZON-5183 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: INFIELD DEVELOPMENT II, LLC AND JOHN D. FIELD - Request for a Rezoning FROM: O (OFFICE) TO: C-1 (LIMITED COMMERCIAL) on 2.49 acres adjacent to the southwest corner of Alexander Road and Leon Avenue (APN 138-12-110-021 and 022), Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend DENIAL. (NOTE: The applicant requests to withdraw the portion of this application for APN 138-12-110-022; and to hold the remaining portion of the application for APN 138-12-110-021 to the 1/19/05 City Council meeting.)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

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

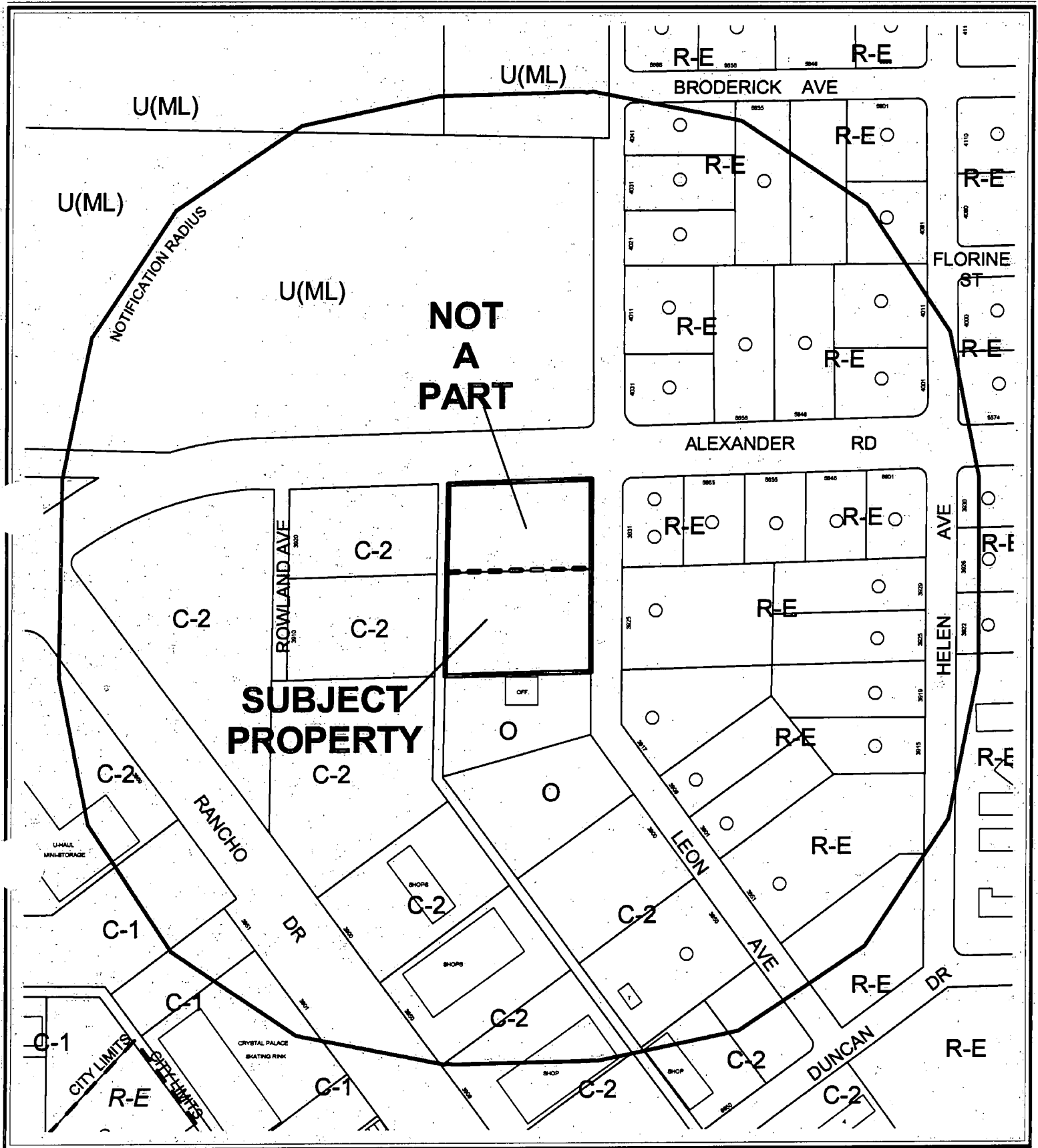
MOTION:

BROWN - Motion to HOLD IN ABEYANCE Item 91 [RQR-5513], Item 95 [SUP-2848], Item 96 [SUP-3394], Item 97 [SUP-4532], Item 98 [SUP-4693], Item 109 [SUP-5582] and Item 110 [SDR-5583] to 2/2/2005 and accept the WITHDRAWAL WITHOUT PREJUDICE of Item 120 [GPA-5182], Item 121 [ZON-5183], Item 122 [VAR-5575] and Item 123 [SDR-5573] - UNANIMOUS with MACK abstaining on Item 91 [RQR-5513] because his company, Mack Consulting, negotiates with Lamar Outdoor on behalf of his clients and GOODMAN excused

MINUTES:

MAYOR PRO TEM REESE indicated that prior to the meeting ATTORNEY BILL CURRAN submitted a letter, which was submitted for the record, requesting that Item 120 [GPA-5182], Item 121 [ZON-5183], Item 122 [VAR-5575] and Item 123 [SDR-5573] be withdrawn without prejudice.

(1:00 - 1:07)

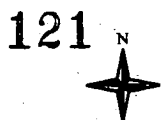


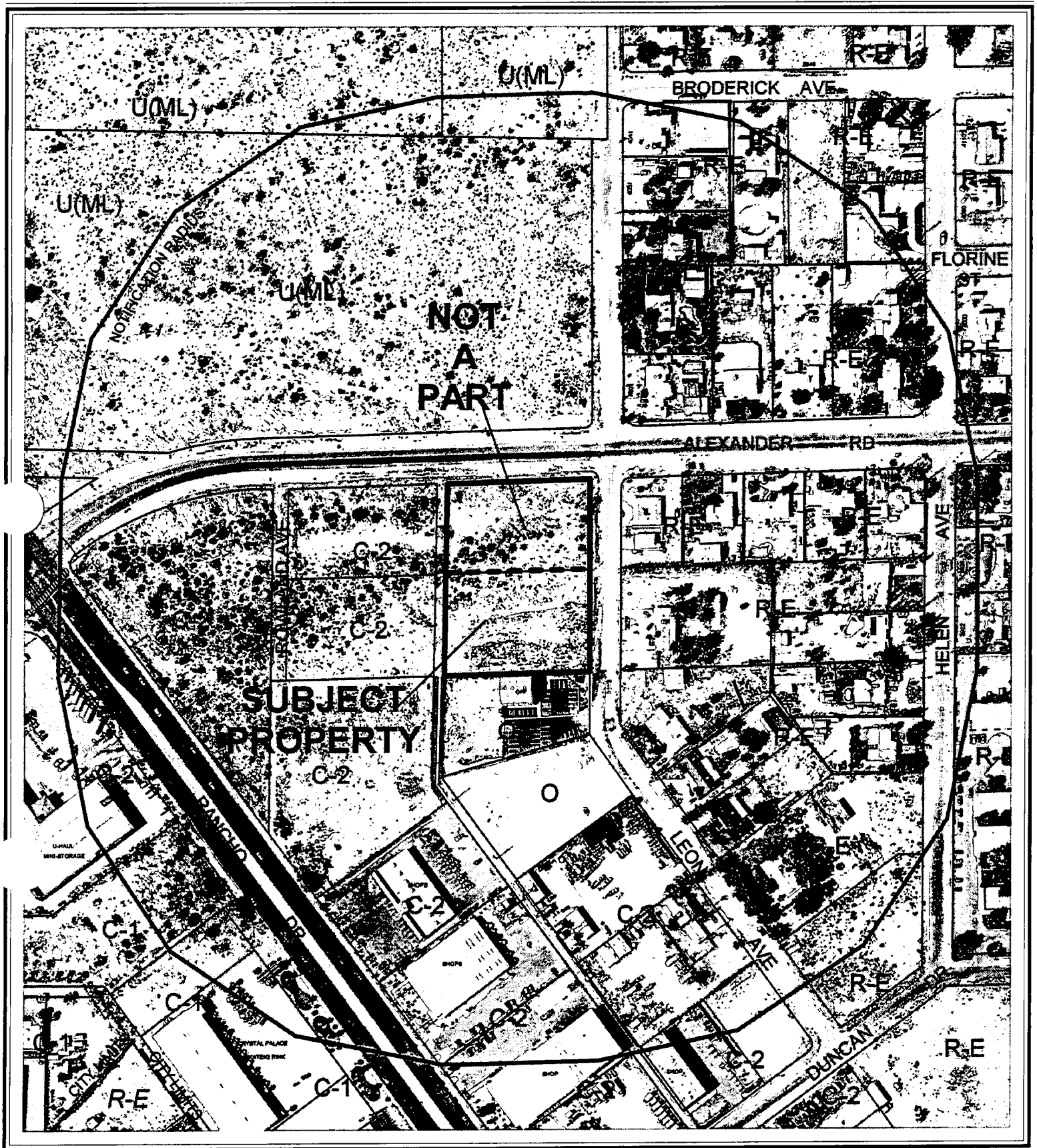
CASE: ZON-5183

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: O (OFFICE)

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





CASE: ZON-5183

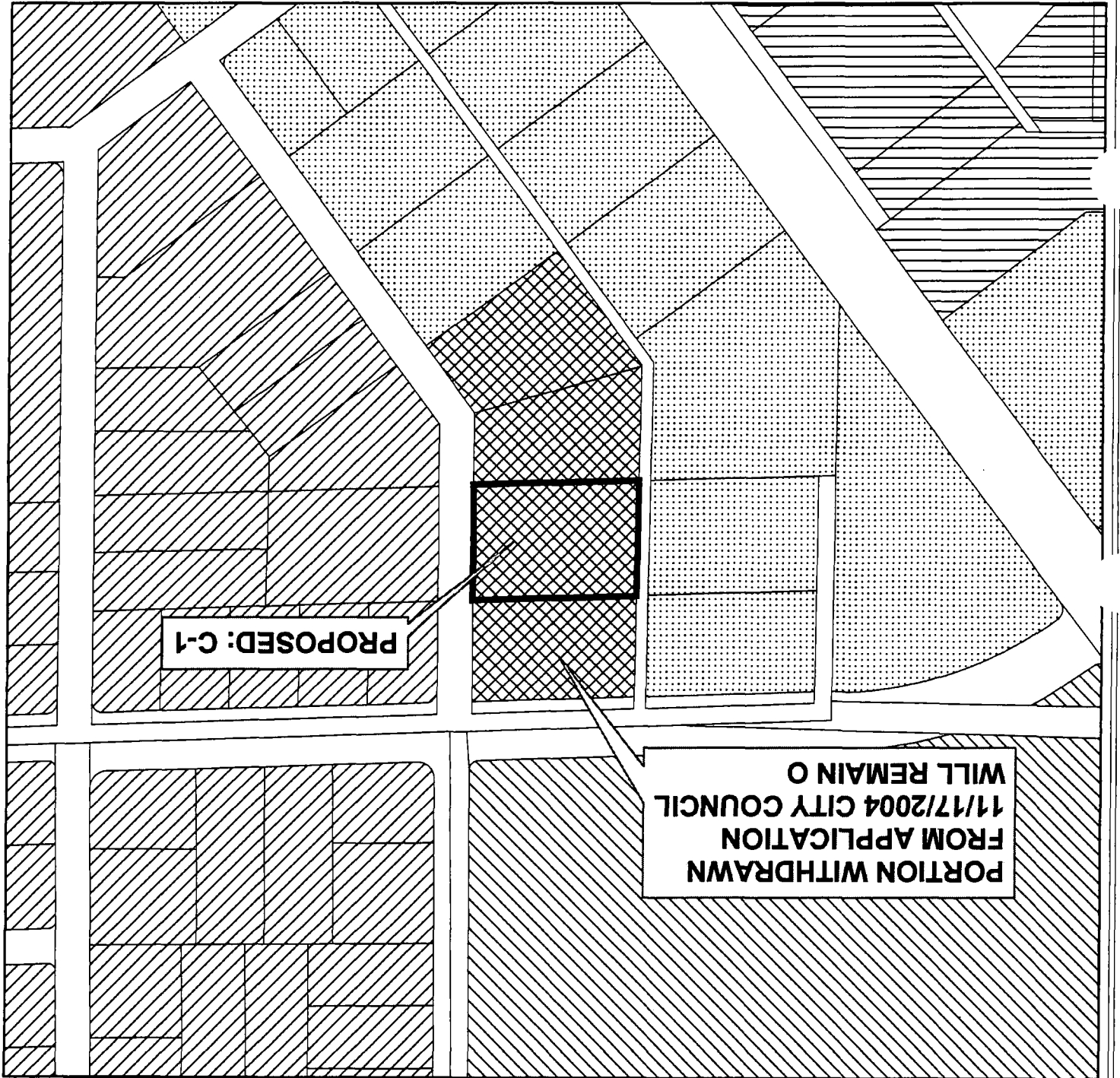
RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: O (OFFICE)

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

0 200 400 Feet





ZONING

- C-2
- C-1
- O
- R-E
- U

SUBJECT PROPERTY

0 200 400 800 Feet

Created by: planning
Due to continuous development activity
this map is for reference only.



AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 19, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE ITEM - ZON-5183 - APPLICANT/OWNER:
INFIELD DEVELOPMENT II, LLC AND JOHN D. FIELD

THIS ITEM WAS HELD IN ABEYANCE FROM THE NOVEMBER 17, 2004 CITY COUNCIL MEETING AT THE APPLICANT'S REQUEST.

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend DENIAL. If Approved, subject to:

Planning and Development

1. A General Plan Amendment (GPA-5182) to SC (Service Commercial) land use designation approved by the City Council.
2. A Resolution of Intent with a two-year time limit.
3. A Site Development Plan Review application (SDR-5184) 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

4. Dedicate a 25-foot radius on the southwest corner of Leon Avenue and Alexander Road prior to the issuance of any permits.
5. Construct half-street improvements, including appropriate transitional paving, on Leon Avenue and Alexander Road, adjacent to this site concurrent with development of this site. Also construct full-width improvements within the adjacent right-of-way to the west of 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. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).
6. Extend public sewer in Leon Avenue 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. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.

7. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings, 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, whichever may occur first, if allowed by the City Engineer.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for a Rezoning from O (Office) to C-1 (Limited Commercial) on a 2.49 acre site adjacent to the southwest corner of Alexander Road and Leon Avenue.

B) Applicant's Justification

The applicant's justification letter states this request is justified because it will provide employment and year round recreational services for the community.

BACKGROUND INFORMATION

A) Previous Actions

04/02/03 The City Council approved a request for a General Plan Amendment (GPA-1363) to amend portions of the Centennial Hills Sector Plan and the Southwest Sector Map from: GC (General Commercial), SC (Service Commercial) and DR (Desert Rural) TO: GC (General Commercial), O (Office), PF (Public Facility), ML (Medium-Low Density Residential) and DR (Desert Rural). Additionally, the City Council approved a request for a Rezoning (ZON-1364) from: C-2 (General Commercial), R-E (Residence Estates), R-MHP (Residential Mobile/Manufactured Home Park), and U (Undeveloped) to: C-2 (General Commercial), C-1 (Limited Commercial), O (Office), C-V (Civic), R-E (Residence Estates), R-1 (Single Family Residential), and U (Undeveloped) to GC (General Commercial), O (Office), PF (Public Facility), ML (Medium-Low Density Residential) and DR (Desert Rural) on property located on, or in close proximity to, both sides of Rancho Drive from Vegas Drive to the northern City limits at Moccasin Road. The Planning Commission and staff recommended approval of both items on February 27, 2003.

10/21/04 The Planning Commission recommended denial of related items (GPA-5182 and SDR-5184).

10/21/04 The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #40/bs).

B) Pre-Application Meeting

08/24/04 Issues related to a Rezoning were discussed at the pre-application meeting.

C) *Neighborhood Meetings*

09/21/04 The neighborhood meeting for this case was held at the Foothills Cafe. The proposed project is an office building and an indoor batting cage facility. There were 6 citizens in attendance and they had the following concerns:

- Did not want the site access from Leon Avenue. Applicant stated he would explore the possibility of providing an alternate drive from Alexander Road.
- Traffic, especially on Leon Avenue. Concerns also expressed about teenagers speeding down the street going to and from the facility. The applicant responded by stating that the majority of the kids would not be old enough to drive and would be dropped off by parents. The older kids, he explained, usually have access to practice facilities at their high schools.
- Noise - neighbors were worried about loud car stereos and teens loitering in the parking lot.
- Hours of operation - applicant responded by stating that he wasn't sure of the hours yet, but figured it would be in vicinity of 9 PM.
- Parking lot lighting - Neighbors were concerned about parking lot lighting shining in their back yards. Applicant responded by stating they could use lighting that would have less of an impact on the residential properties.
- Concerned how drainage would be affected by the development, and what impacts it would have on their neighborhood.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Gross Acres: 2.49 acres

B) *Existing Land Use*

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

C) *Planned Land Use*

Subject Property: O (Office)
North: ML (Medium Low Density)
South: O (Office)
East: DR (Desert Rural Residential)
West: GC (General Commercial)

D) Existing Zoning

Subject Property: O (Office)
North: U (Undeveloped) [ML (Medium Low Density Residential) General
Plan Designation]
South: O (Office)
East: R-E (Residential Estate)
West: C-2 (General Commercial)

E) General Plan Compliance

The site is currently designated as O (Office) within the Centennial Hills Interlocal Land Use Plan of the General Plan. The O (Office) category provides for small lot office conversions as a transition, along primary and secondary streets, from residential and commercial uses, and for large planned office areas. Permitted uses include business, professional and financial offices as well as offices for individuals, civic, social, fraternal and other non-profit organizations. The proposed zoning of C-1 (Limited Commercial) conforms to the proposed general plan designation of SC (Service Commercial).

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

The subject site is within the North Las Vegas Airport Overlay. The maximum height in this area is restricted to 105 feet. The applicant complies with the height restriction by proposing two buildings within the required height limit. The office building is proposed at 22'6", while the indoor batting cage building is proposed at 29 feet.

FINDINGS

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

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

The subject site is currently designated O (Office) on the Centennial Hills Interlocal Land Use Plan of the Las Vegas General Plan. The requested C-1 (Limited Commercial) zoning is not consistent with this current designation. The applicant has requested an amendment to the Centennial Hills Sector Plan to SC (Service Commercial) on the site, and while the requested C-1 (Limited Commercial) zoning is consistent with the requested General Plan designation, staff has determined the requested General Plan Amendment to be inappropriate.

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 property west of the subject site has a current general plan designation of C-2 (General Commercial). The C-2 designation provides a more intensive use, which necessitates a need for the current O (Office) buffer between the residential and proposed general commercial uses. Therefore, the requested rezoning is inconsistent with the finding for appropriateness of the rezoning.

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

The appropriateness for the rezoning is not justified. The rezoning would result in spot zoning for the area. The C-1 (Limited Commercial) zoning designation would intensify the current zoning of O (Office). Additionally, there is a substantial amount of undeveloped commercial land west of the subject site. Therefore, the requested rezoning will not meet any identified existing need for the commercially zoned property.

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

The site is serviced by Alexander Road, which is designated as a primary thoroughfare with a minimum right of way of 100' providing both ingress and egress. A 20' alleyway, which is west of the subject site provides egress from the site on to Alexander Road. Public Works condition number five (5) requires the street improvements to be made to the alleyway, Leon Avenue, and Alexander Road.

NOTICES MAILED 50 by Planning Department

APPROVALS 0

PROTESTS 7



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **ZON-5183** APN: 138-12-110-021 / 138-12-110-022

Name of Property Owner: Infield Development II / John D. Field

Name of Applicant: John D. Field

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: M. H. Furr

Print Name: John D. Field

Subscribed and sworn before me

This 3 day of September, 2004

Notary Public in and for said County and State



November 3, 2004

City of Las Vegas
Planning and Development Department
731 s. 4th Street.
Las Vegas, Nevada 89101

RE: APN: 138-12-110-022 and 138-12-110-021
Subject: A. General Plan Change
B. Zone Change
C. Site Development Review

Dear Sirs:

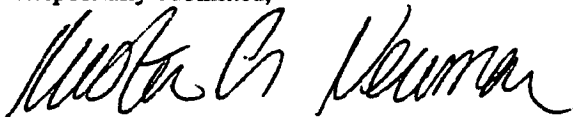
We are resubmitting drawings and requesting that the general plan amendment and the zone change previously requested for the subject property with the APN of 138-12-110-022 be withdrawn. This parcel is plus or minus 50,904 sf or 1.169 acres. The intended use of the property is for office space. This property is currently zoned "O" and we do not request any change from that zoning designation. This parcel meets the parking requirements and all setback requirements. We also request that we be allowed to provide trees at 15'-0" o.c. along Leon in lieu of landscaped "fingers".

We are also requesting that the site development review be withdrawn for the subject property with the APN of 138-12-110-021. In addition, we request that the General Plan amendment and Zone Change for this parcel be held until the January 19 City Council meeting. Please see revised plans dated 11.02.04 which reflect these changes. This parcel will have a deed restriction placed upon with the City of Las Vegas as a third party so that if the parcel is ever sold, only office uses would be allowed.

Please consider this request as a positive impact on the City of Las Vegas and the surrounding neighborhood.

Please call me at 702.839.1200 if you have any questions.

Respectfully Submitted,



Kristen G. Neuman (on behalf of John Field)
Aptus Architecture

6PA-5182
ZON-5183
SDR-5184

ZONED UNDEVELOPED MEDIAN/LAN
GENERAL PLAN ML

ZONED R-E
GENERAL PLAN DR

ALEXANDER

LEON

ZONED C-2
GENERAL PLAN GC

OFFICE BUILDING 14,000 SF
CURRENT ZONING 10'
PROPOSED ZONING 10'

UNDEVELOPED
ZONED O
GENERAL PLAN O

ZONED C-2
GENERAL PLAN GC

SDR-5184

11-17-04 CC

GPA-5182

ZON-5183

SITE PLAN

SCREEN WALL ELEVATION

1/8" = 1'-0"

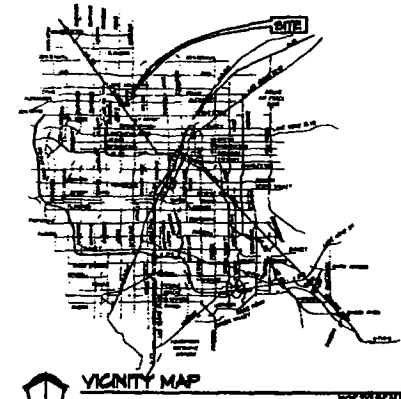
RECEIVED

NOV 2 2004

TRASH ENCLOSURE ELEVATIONS

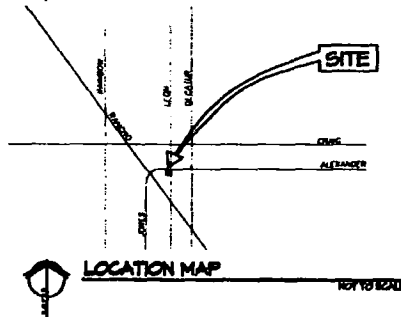
1/8" = 1'-0"

REVISED
11-2-04



VICINITY MAP

NOT TO SCALE



LOCATION MAP

NOT TO SCALE

ACCESSOR'S PARCEL NUMBERS 138-12-110-022

SITE INFORMATION

BUILDING AREA	FEET	PARCELS	PROVIDED
Office	14,000 SF	1,800	41
TOTAL PARKING		41	41
Handicapped Parking		25 to 80	2
Compact Parking Allowed (41 spaces * 30% = 14.7) = 4 spaces			
Compact Parking Provided = 16 spaces			

ZONING INFORMATION

Jurisdiction City of Las Vegas	
Current Zoning District: 10' Proposed Use - Offices	
Central Overly District	
Minimum Lot Size	NONE
Lot Size: 30,204 sq ft or 1.64 acres	
Minimum Lot Coverage Allowed (F.A.U.) Lot Coverage Provided	30% = 9,271 SF 21.9% = 14,000 SF
Front Yard	25' 65'-6"
Side Yard	10' 10' and 6'-11"
Rear Yard	15' 10'-0"
Maximum Building Height Allowed	3 stories and 35'
Actual Building Height	28'-6" (One Story)

Office Building
Infield LLC
3940 Leon Ave.
Las Vegas, NV 89130

APTUS Architecture

3940 Leon Ave.
Las Vegas, NV 89130
702.734.1234
info@aptus.com

APUS PROJECT NO. 04039

ARCHITECT

ENGINEER

NOTES

CONSENTED BY APTUS ARCHITECTURE

City Council Meeting 11/2/04

NO. DESCRIPTION DATE

ISSUED

**SITE PLAN
VICINITY MAP**

CONTINUED ON

AS100

ZONED UNDEVELOPED MEDIUM LOW
GENERAL PLAN ML

ZONED R-E
GENERAL PLAN DR

ALEXANDER

ZONED C-2
GENERAL PLAN 6C

ZONED R-E
GENERAL PLAN DR

ZONED C-2
GENERAL PLAN 6C

UNDEVELOPED
ZONED O
GENERAL PLAN O



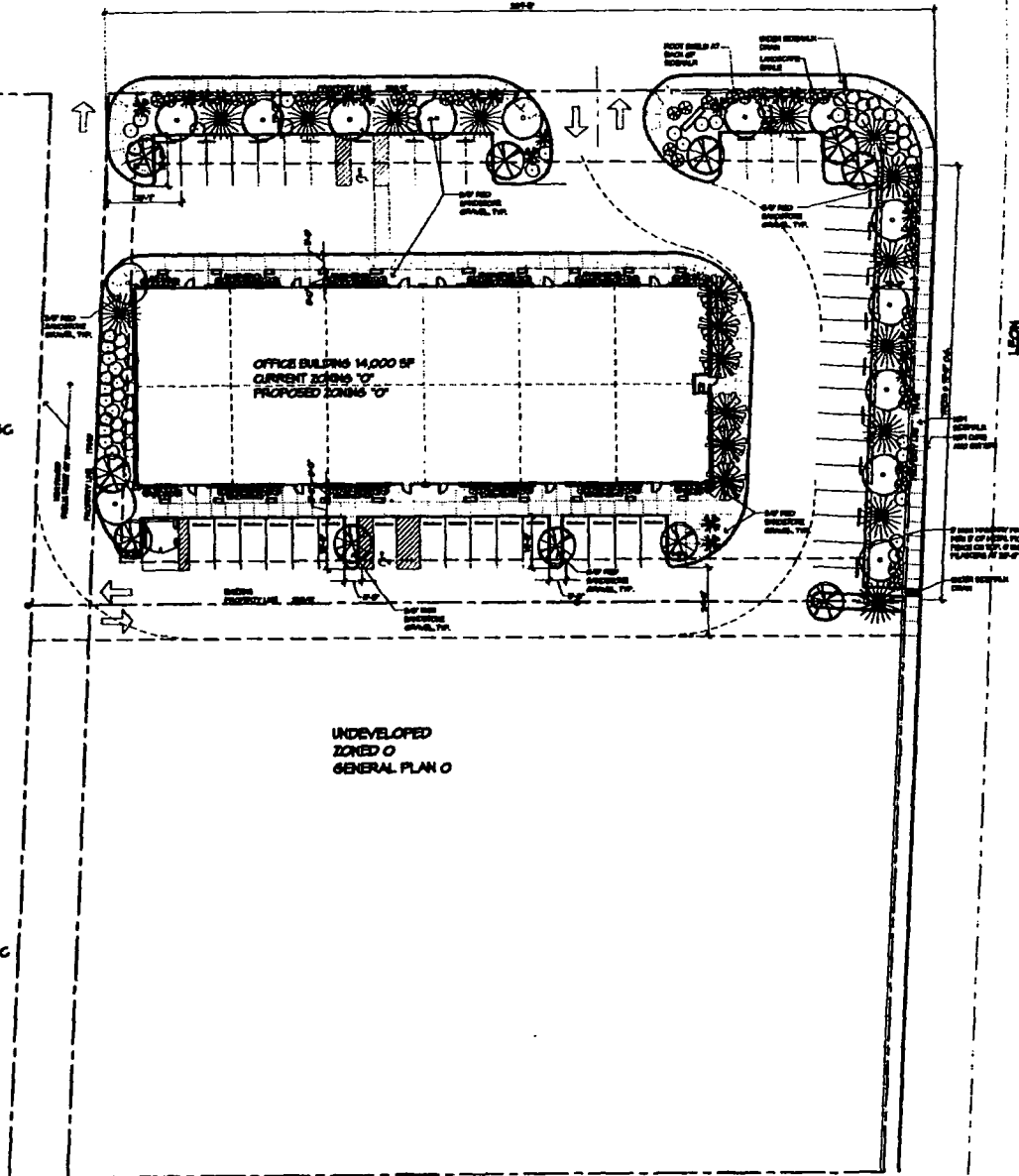
LANDSCAPE PLAN

1"=20'

RECEIVED
NOV 2 2004

GPA-5182
ZON-5183
SDR-5184
11-17-04 CC

REVISED
11-2-04



LANDSCAPE SCHEDULE				
SYMBOL	COMMON NAME	BOTANICAL NAME	SIZE	QTY.
△	POINCIANA	POINCIANA	24" DIA.	10
△	PORTULACA	PORTULACA	24" DIA.	10
△	CHLORIS	CHLORIS	24" DIA.	10
△	CALIFORNIA PALM	CALIFORNIA PALM	24" DIA.	10
△	DESERT CACTUS	DESERT CACTUS	10 DIA.	10
△	PORTULACA	PORTULACA	24" DIA.	10
△	CHLORIS	CHLORIS	24" DIA.	10
△	CHLORIS	CHLORIS	24" DIA.	10
△	CHLORIS	CHLORIS	24" DIA.	10

LANDSCAPE INFORMATION

Lot Size 14,691 SF or 1.254 Acres
Landscape Coverage Provided 10,210 SF (69.5%)
No Turf Provided
Trees shown at 12'-0" o.a. along the street in lieu of Landscape "Figures".

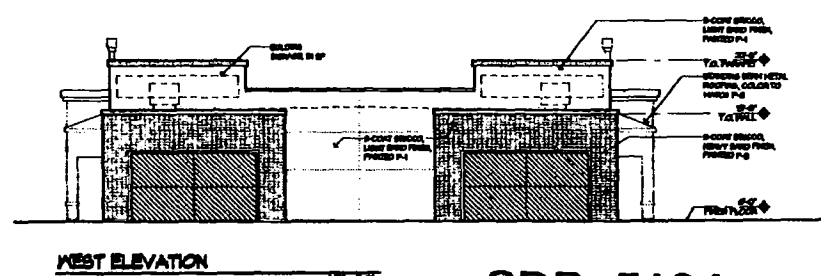
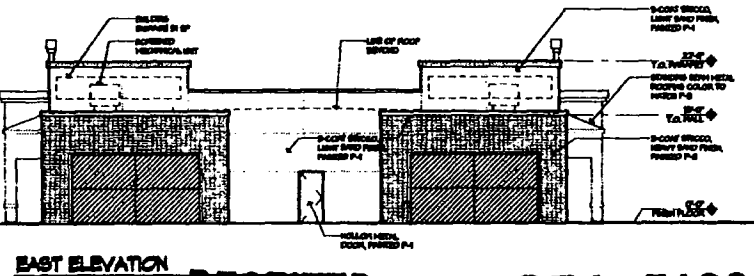
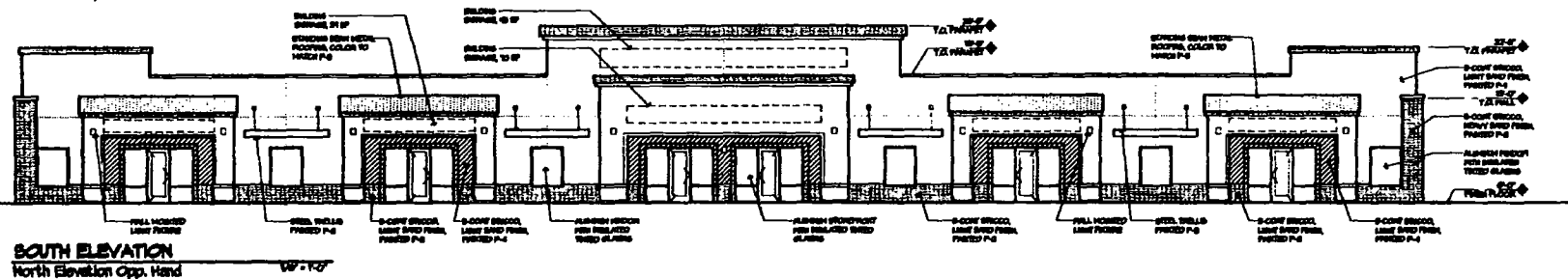
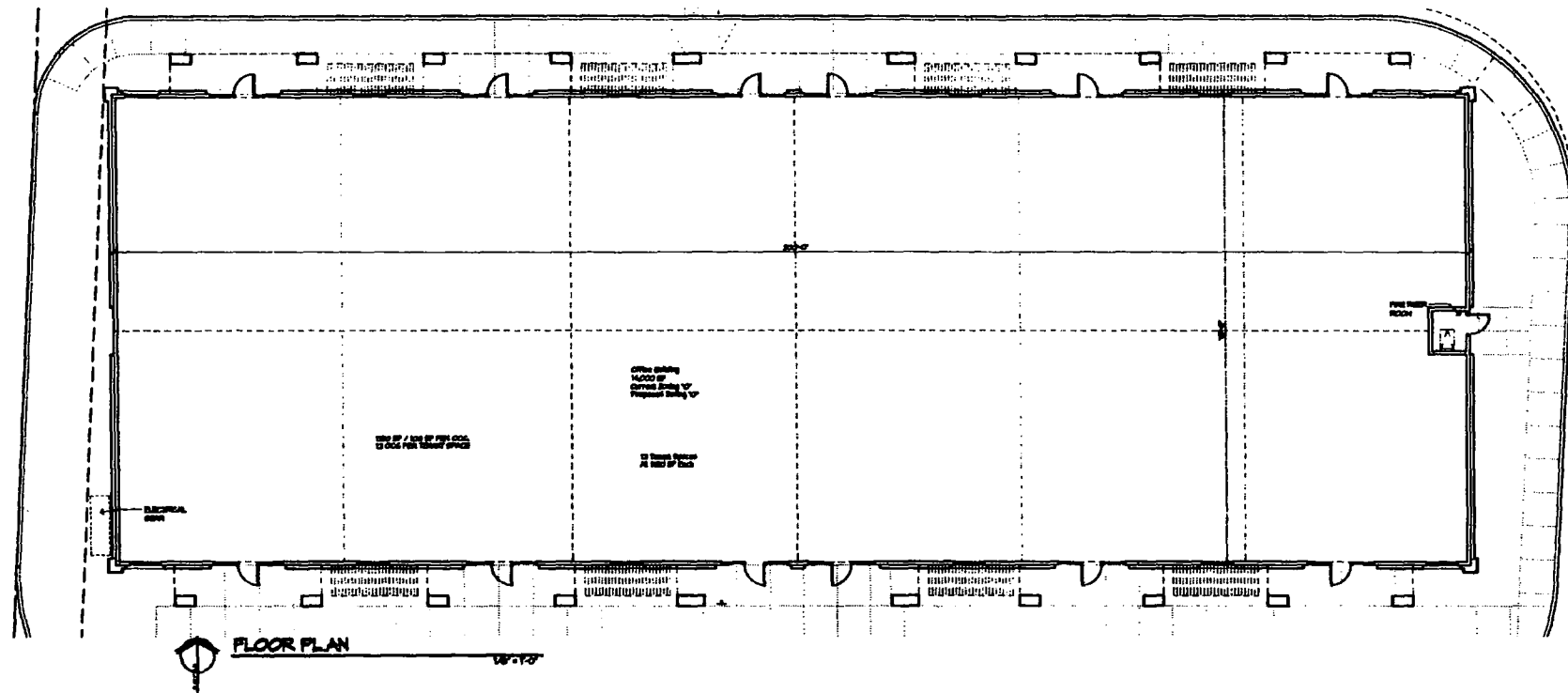
Office Building
Infield LLC
3940 Leon Ave.
Las Vegas, NV 89130

APTUS Architecture
1200 South 44 Street
Suite 200
Las Vegas, Nevada 89102
702.735.1111
www.aptus.com
APUS Project No. 04.029
ARCHITECT

REVISIONS		
NO.	DESCRIPTION	DATE
1	City Council Meeting	11/18/04
ISSUED		

LANDSCAPE
PLAN

L100



RECEIVED
NOV 2 2004

GPA-5182
ZON-5183

WEST ELEVATION

REVISED
11-2-04

SDR-5184
11-17-04 CC

Office Building
Infield LLC
3940 Leon Ave.
Las Vegas, NV 89130

APTUSA Architecture

200 South 4th Street
Suite 100
Las Vegas, NV 89101
702.251.1234
APTUSA@APTUSA.COM

APR 10/04 NO. 04.039
ARCHITECT

OWNER

DATE

CONSTRUCTION BY APTUSA ARCHITECTURE

City Council Meeting 11/18/04

NO. DESCRIPTION DATE

ISSUED

OFFICE
FLOOR PLAN
AND EXTERIOR
ELEVATIONS

Drawn by

A100



**ZON-5183 - APPLICANT/OWNER: INFIELD DEVELOPMENT II, LLC AND JOHN D. FIELD
SOUTHWEST CORNER OF ALEXANDER ROAD AND LEON AVENUE
OCTOBER 21, 2004 PLANNING COMMISSION**

10/05/04



**ZON-5183 - APPLICANT/OWNER: INFIELDT DEVELOPMENT II, LLC AND JOHN D. FIELD
SOUTHWEST CORNER OF ALEXANDER ROAD AND LEON AVENUE
OCTOBER 21, 2004 PLANNING COMMISSION**

10/05/04

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: PLANNING & DEVELOPMENT**DIRECTOR: M. MARGO WHEELER**☐ **CONSENT** ☒ **DISCUSSION****SUBJECT:**

VARIANCE RELATED TO GPA-5182 AND ZON-5183

VAR-5575 - PUBLIC HEARING - APPLICANT/OWNER: INFIELD DEVELOPMENT II, LLC - Appeal filed by the Applicant from the Denial by the Planning Commission of a request for a Variance TO ALLOW 79 PARKING SPACES WHERE 86 SPACES IS THE MINIMUM REQUIRED FOR A PROPOSED INDOOR COMMERCIAL RECREATIONAL FACILITY at 3930 Leon Avenue (APN 138-12-110-021), O (Office) Zone under Resolution of Intent to C-1 (Limited Commercial), Ward 6 (Mack). The Planning Commission (5-0 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.	1
City Council Meeting	0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	2
City Council Meeting	0

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Appeal letter filed by Curran & Parry
5. Submitted at City Council - Protest letters from Paul Coronado, Jr. and Mary T. Greene for Items 122 and 123 filed Under Item 122
6. Back up referenced from the 12/16/2004 Planning Commission meeting Item 47

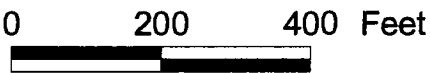
MOTION:

BROWN - Motion to HOLD IN ABEYANCE Item 91 [RQR-5513], Item 95 [SUP-2848], Item 96 [SUP-3394], Item 97 [SUP-4532], Item 98 [SUP-4693], Item 109 [SUP-5582] and Item 110 [SDR-5583] to 2/2/2005 and accept the WITHDRAWAL WITHOUT PREJUDICE of Item 120 [GPA-5182], Item 121 [ZON-5183], Item 122 [VAR-5575] and Item 123 [SDR-5573] - UNANIMOUS with MACK abstaining on Item 91 [RQR-5513] because his company, Mack Consulting, negotiates with Lamar Outdoor on behalf of his clients and GOODMAN excused

MINUTES:

MAYOR PRO TEM REESE indicated that prior to the meeting ATTORNEY BILL CURRAN submitted a letter, which was submitted for the record, requesting that Item 120 [GPA-5182], Item 121 [ZON-5183], Item 122 [VAR-5575] and Item 123 [SDR-5573] be withdrawn without prejudice.

(1:00 - 1:07)



O (OFFICE) UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL)



AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 19, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-5575 - APPLICANT/OWNER: INFIELD DEVELOPMENT II, LLC

**** CONDITIONS ****

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

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-5183) and Site Development Plan Review [SDR-5184].
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 an Appeal filed by the Applicant from the Denial by the Planning Commission of a request for a Variance to allow 79 parking spaces where 86 is the minimum number of spaces required for a proposed 17,062 square-foot Indoor Commercial Recreational Facility (Batting Cages) on 1.31 acres at 3930 Leon Avenue.

B) *Applicant's Justification*

The applicant's justification letter states this request is justified because it will provide employment and year round recreational services for the community.

BACKGROUND INFORMATION

A) *Previous Actions*

04/02/03 The City Council approved a request for a General Plan Amendment (GPA-1363) to amend portions of the Centennial Hills Sector Plan and the Southwest Sector Map from: GC (General Commercial), SC (Service Commercial) and DR (Desert Rural) TO: GC (General Commercial), O (Office), PF (Public Facility), ML (Medium-Low Density Residential) and DR (Desert Rural). Additionally, the City Council approved a request for a Rezoning (ZON-1364) from: C-2 (General Commercial), R-E (Residence Estates), R-MHP (Residential Mobile/Manufactured Home Park), and U (Undeveloped) to: C-2 (General Commercial), C-1 (Limited Commercial), O (Office), C-V (Civic), R-E (Residence Estates), R-1 (Single Family Residential), and U (Undeveloped) to GC (General Commercial), O (Office), PF (Public Facility), ML (Medium-Low Density Residential) and DR (Desert Rural) on property located on, or in close proximity to, both sides of Rancho Drive from Vegas Drive to the northern City limits at Moccasin Road. The Planning Commission and staff recommended approval of both items on February 27, 2003.

11/17/04 The City Council approved a request to withdraw without prejudice the portions of a General Plan Amendment (GPA-5182) and a Rezoning (ZON-5183) that applied to adjacent parcel number 138-12-110-022. Both of these applications with respect to the subject site will be considered at the 1/19/05 City Council meeting. The Planning Commission had recommended denial of the full application on 10/21/04. Staff had recommended denial.

- 11/17/04 The City Council approved a request to withdraw without prejudice the portion of Site Development Plan Review (SDR-5184) that applied to the subject parcel. The portion of the application that dealt with adjacent parcel number 138-12-110-022 was approved by the City Council on 12/01/04. The Planning Commission had recommended denial of the full application on 10/21/04. Staff had recommended denial.
- 12/16/04 The Planning Commission recommended denial of a companion Site Development Plan Review (SDR-5573) for a proposed 17,062 square-foot Indoor Commercial Recreational Facility (Batting Cages) and Waivers of commercial development standards for building placement and to allow a 10-foot rear yard setback where 20 feet is the minimum required. Staff has recommended denial.

B) Pre-Application Meeting

- 11/02/04 The applicant was advised of the submission requirements for the Site Development Plan Review and Variance applications.

C) Neighborhood Meetings

- 09/21/04 This was the required neighborhood meeting for the companion General Plan Amendment request, and was held at the Foothills Cafe. The proposed project is an office building and an indoor batting cage facility. There were six citizens in attendance and they had the following concerns:
- Did not want the site access from Leon Avenue. Applicant stated he would explore the possibility of providing an alternate drive from Alexander Road.
 - Traffic, especially on Leon Avenue. Concerns also expressed about teenagers speeding down the street going to and from the facility. The applicant responded by stating that the majority of the children would not be old enough to drive and would be dropped off by parents. The older children, he explained, usually have access to practice facilities at their high schools.
 - Noise - neighbors were worried about loud car stereos and teens loitering in the parking lot.
 - Hours of operation - applicant responded by stating that he wasn't sure of the hours yet, but figured it would be in vicinity of 9:00 PM.
 - Parking lot lighting - Neighbors were concerned about parking lot lighting shining in their back yards. Applicant responded by stating they could use lighting that would have less of an impact on the residential properties.

- Concerned how drainage would be affected by the development, and what impacts it would have on their neighborhood.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Gross Acres: 1.31 acres

B) *Existing Land Use*

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

C) *Planned Land Use*

Subject Property: O (Office)
North: O (Office)
South: O (Office)
East: DR (Desert Rural Residential)
West: GC (General Commercial)

D) *Existing Zoning*

Subject Property: O (Office)
North: O (Office)
South: O (Office)
East: R-E (Residential Estate)
West: C-2 (General Commercial)

E) *General Plan Compliance*

Although the site is currently designated as O (Office) within the Centennial Hills Interlocal Land Use Plan of the General Plan, GPA-5182, if approved, will redesignate this site to SC (Service Commercial). The Variance request is not directly affected by any specific General Plan policy.

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

There are no plans, overlays or trails that affect the subject site.

ANALYSIS

A) *Zoning Code Compliance*

A1) Parking and Traffic Standards

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

Uses	GFA	Ratio	Required		Provided	
			Parking		Parking	
			Regular	Handicap	Regular	Handicap
Community Recreational Facility (Indoor Batting Cages)	17,062 SF.	1/200 GFA	86	4	79	4

The project is deficient by seven spaces, or 8.1% of the required minimum. As a result, the applicant has request a companion Variance (VAR-5575) to seek relief from this standard.

The Department of Public Works indicates that since it supports present City Code parking requirements, it cannot support the variance request to allow 79 parking spaces where 86 spaces are the minimum allowed for a proposed indoor commercial recreational facility located at 3930 Leon Avenue.

B) *General Analysis and Discussion*

The project is to develop an indoor batting cage facility on the site within the proposed commercial building as outlined in companion Site Development Plan Review request (SDR-5573). This use will have a substantial amount of traffic entering and leaving the facility, which will primarily offer training to youths involved in baseball programs around the Valley. Much of this traffic can be expected on evenings and during weekends, when the primary users and their parents and coaches are available to make use of the facility in their spare time. If insufficient parking space is available on the site, overflow parking can be expected to occur on Leon Avenue, directly in front of homes, which are currently zoned as R-E (Residence Estates). Such a situation would be undesirable. Under C-1 (Limited Commercial) zoning, many other uses than the proposed batting facility could develop that could have a greater impact and demand for parking than this proposal.

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 proposing to overbuild the site with a structure that requires more parking than the site can support. Alternative design with a smaller building would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

12

NOTICES MAILED 49 by City Clerk

APPROVALS 2

PROTESTS 1

ZONED UNDEVELOPED MEDIUM/LOW
GENERAL PLAN M1

ALEXANDER

ZONED R-E
GENERAL PLAN DR

ZONED C-2
GENERAL PLAN GC

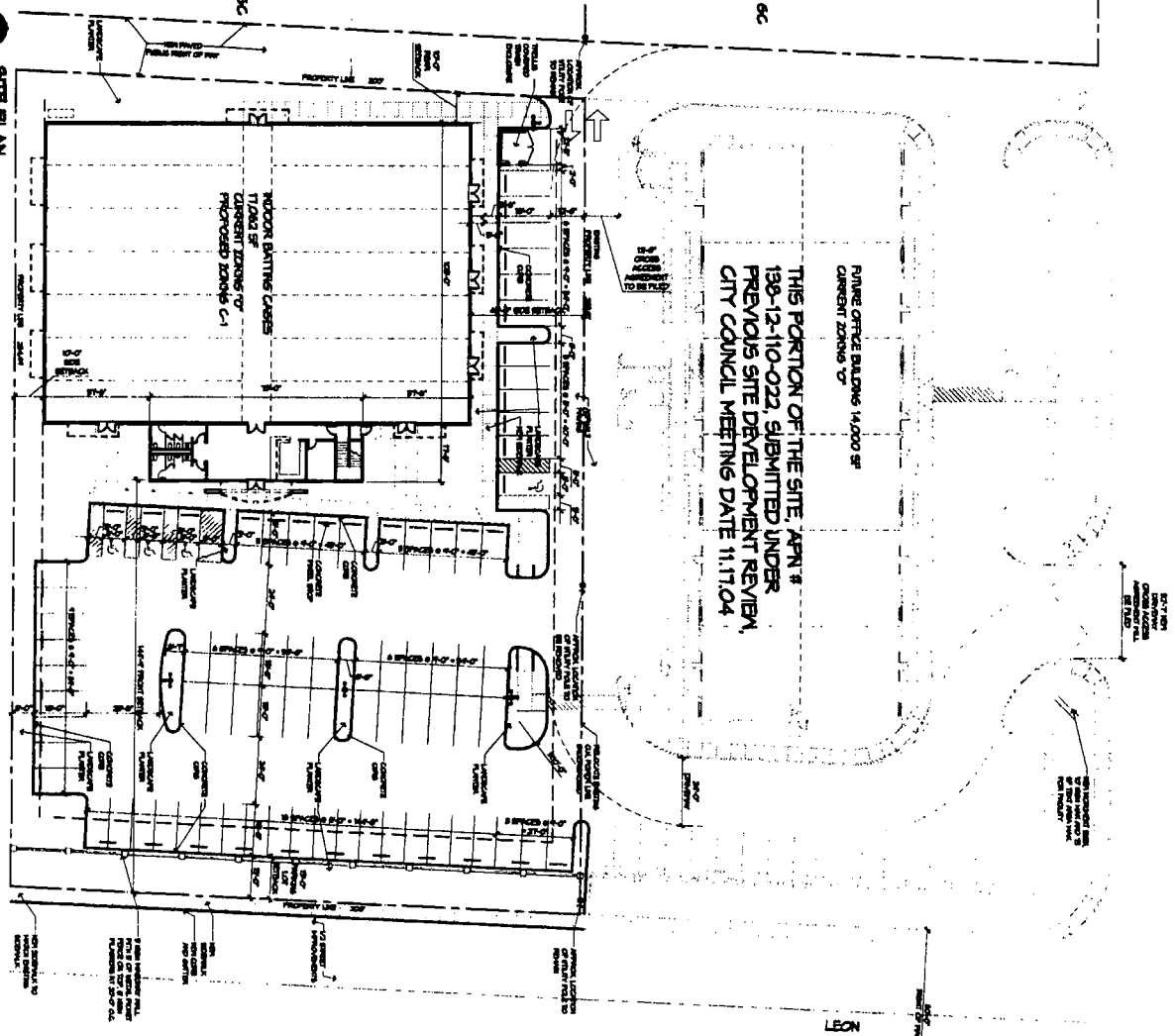
THIS PORTION OF THE SITE, APN #
198-12-110-022, SUBMITTED UNDER
PREVIOUS SITE DEVELOPMENT REVIEW,
CITY COUNCIL MEETING DATE 11.11.04

PLUMB OFFICE BUILDING 14,000 SF
CURRENT ZONING C-2

SITE PLAN

1"=35'-0"

ZONED O
GENERAL PLAN O



ZONED R-E
GENERAL PLAN DR

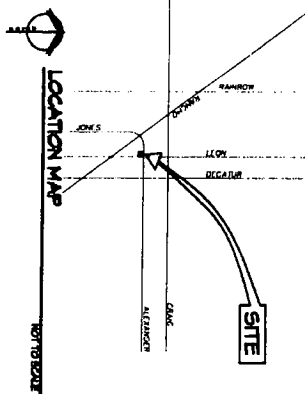
VICINITY MAP

NOT TO SCALE



LOCATION MAP

NOT TO SCALE



APTUSArchitecture

1200 West 4th Street
Suite 100
Las Vegas, NV 89102
Tel: 702.735.1111
Fax: 702.735.1112
www.aptusarch.com

Indoor Batting Cages

Infield LLC
3930 Leon Ave.
Las Vegas, NV 89130

ACCESSOR'S PARCEL NUMBER 198-12-110-021

SITE INFORMATION	
BUILDING AREA	RECORD PARKING PROVIDED
Indoor Batting Cages	17,042
Total Parking	1,200 + 65.5
Handicapped parking	65
Handicapped parking	75 to 100 = 4
Compared parking allowed (75 spaces + 50% = 25.7) + 25 spaces	4
Compared parking provided + 25 spaces	

ZONING INFORMATION

Jurisdiction City of Las Vegas
Current Zoning District: C-2
Proposed Zoning District: C-2
Minimum Lot Size: NONE
Lot Size: 50,000 sq ft or 1,207 acres
Minimum Lot Coverage: 10%
Maximum Lot Coverage: 20%
If A.U. Lot Coverage provided: 20% + 17,042 sq ft
Proposed: 144'-0"
Front Yard: 25'
Side Yard: 10'
Rear Yard: 15'
Maximum Building Height: 2 stories and 30' Actual Building Height: 31'-0" (One Story)

SITE PLAN

VICINITY MAP

DATE: 11/16/04

AS100

VAR-5575

12/16/04 PC



VAR-5575 - APPLICANT/OWNER: INFIELD DEVELOPMENT II, LLC
3930 LEON AVENUE
DECEMBER 16, 2004 PLANNING COMMISSION

11/24/04

CURRAN & PARRY
ATTORNEYS AT LAW

300 SOUTH FOURTH STREET
SUITE 1201
LAS VEGAS, NEVADA 89101

WILLIAM P. CURRAN
STANLEY W. PARRY

JOSHUA H. REISMAN
GLENN M. MACHADO

TELEPHONE
(702) 471-7000

FACSIMILE
(702) 471-7070

E-MAIL
curranparry@curranparry.com

December 27, 2004

Barbara Jo (Roni) Ronemus, City Clerk
City of Las Vegas
400 Stewart Avenue
Las Vegas, Nevada 89101

Via Facsimile: 382-4803
& U.S. Mail

**Re: Request to Appeal Planning Commission Decisions
December 16, 2004 Planning Commission Meeting
Item #47 (VAR-5575) & Item #48 (SDR-5573)**

Dear Mr. Ronemus:

On behalf of my client, Infield Development II, LLC, I wish to appeal the Planning Commission decisions in the above referenced matters made on December 16, 2004, to the City Council.

Please contact me at the number or address listed above to notify me when the appeals will be heard before the City Council.

Thank you for your assistance.

Sincerely,



Bill Curran

WPC:cw

cc: Margo Wheeler, Department of Planning & Development
John Field, Infield Development, LLC

RECEIVED
CITY CLERK
2004 DEC 27 A 11:46

Paul and Laura Coronado
5655 w. Alexander rd.
Las Vegas, Nevada 89130

City Clerk
City of Las Vegas
RE: SDR-5573
VAR-5575

Ladies and Gentlemen:

In Regards to the appeal filed #SDR-5573 and VAR-5575 which I received in the mail, I hereby object to both requests. As a neighbor and living in close proximity to the proposed sight, I am extremely concerned that the insufficient parking will lead to vehicles parked in front of the private residences of my neighbors or my own. As far as the appeal to allow the 10 foot rear yard setback where 20 foot is required, I object. Again this will only seem to congest the sight.

Thank you

Protest

Paul Coronado Jr. + *Laura Coronado*

RECEIVED
CITY CLERK
2005 JAN 19 A 10:45

Submitted after final agenda

Date 1/19/05 Item #122 & 123

January 10, 2005.

RECEIVED
CITY CLERK

City Council Chambers
400 Stewart Avenue
Las Vegas, NV 89101

2005 JAN 13 A 10:41

To whom it may concern,

I would like to register our protest to VAR-5575 and SDR-5573 (see attached). These two items are scheduled for January 19, 2005 at 1:00 PM. My husband, Gary, and I live at 3931 Leon Ave. which is located directly across the street for the proposed "Indoor Batting Cages." We have worked very hard and long to ensure that our community remains a quiet and peaceful area. A few years ago the zoning in this area was changed from "C1" to "O" to assist us with this desire. Business offices would not usually be opened on weekends and would not increase the traffic through our neighborhood significantly. We believe that this facility will disrupt our neighborhood and bring unnecessary noise and traffic through our community, especially on weekends. Additionally, to change the zoning from "O" to "C1" seems counter productive and in opposition to what was intended when it was initially changed from "C1" to "O."

Since there are at least two other "Indoor Batting Cages" located in our general area, I don't understand the purpose of this request by Infield Development II, LLC. I am hopeful that the City Planners will continue to recommend denial of both appeals and that our City Council members will also deny these appeals.

Thank you for your attention in this matter,

Mary T. Greene, Ph.D.

Mary T. Greene, Ph.D.
3931 Leon Ave.
Las Vegas, NV 89130
(702) 870-1794
(702) 592-7572

Protest

Submitted after final agenda

Date 1/14/05 Item #122 +
123

**NOTE: THE FOLLOWING DOCUMENTATION
WAS SUBMITTED FOR THE RECORD BEFORE
OR AT THE PLANNING COMMISSION HEARING
ON THIS ITEM WHICH IS NOW APPEARING
BEFORE THE CITY COUNCIL**

Telephone Protest/ Approval Log

Meeting Date: 12/16/04

Case Number: VAR-5575

Date: 12/10/04
Name: Mary Greene
Address: 3931 Leon Ave
L.V. NV. 89130
Phone: (702) 870-1794
☒ PROTEST ☐ APPROVE

Date: _____
Name: _____
Address: _____
Phone: _____
☐ PROTEST ☐ APPROVE

Date: _____
Name: _____
Address: _____
Phone: _____
☐ PROTEST ☐ APPROVE

Date: _____
Name: _____
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Phone: _____
☐ PROTEST ☐ APPROVE

Date: _____
Name: _____
Address: _____
Phone: _____
☐ PROTEST ☐ APPROVE

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-5182, ZON-5183 AND VAR-5575

SDR-5573 - PUBLIC HEARING - APPLICANT/OWNER: INFIELD DEVELOPMENT II, LLC -
Appeal filed by the Applicant from the Denial by the Planning Commission of a request for a Site Development Plan Review FOR A PROPOSED 17,062 SQUARE-FOOT INDOOR COMMERCIAL RECREATIONAL FACILITY (BATTING CAGES), WAIVERS OF THE COMMERCIAL DEVELOPMENT STANDARDS FOR BUILDING PLACEMENT AND TO ALLOW A 10-FOOT REAR YARD SETBACK WHERE 20 FEET IS THE MINIMUM REQUIRED at 3930 Leon Avenue (APN 138-12-110-021), O (Office) Zone under Resolution of Intent to C-1 (Limited Commercial), Ward 6 (Mack). The Planning Commission (5-0 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Appeal letter filed by Curran & Parry
5. Submitted at City Council - Protest letters from Paul Coronado, Jr. and Mary T. Greene for Items 122 and 123 filed Under Item 122
6. Back up referenced from the 12/16/2004 Planning Commission meeting Item 48

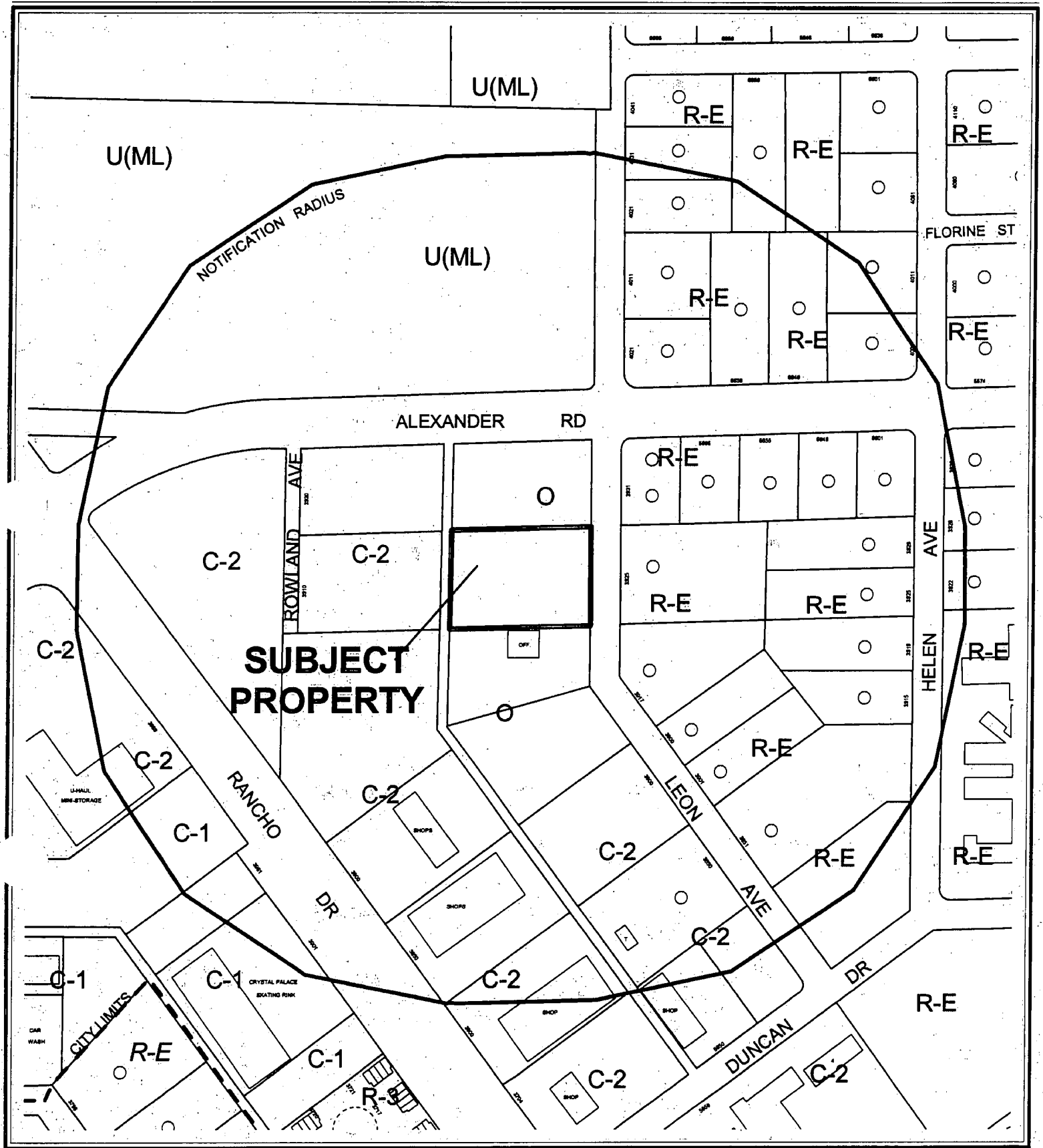
MOTION:

BROWN - Motion to HOLD IN ABEYANCE Item 91 [RQR-5513], Item 95 [SUP-2848], Item 96 [SUP-3394], Item 97 [SUP-4532], Item 98 [SUP-4693], Item 109 [SUP-5582] and Item 110 [SDR-5583] to 2/2/2005 and accept the WITHDRAWAL WITHOUT PREJUDICE of Item 120 [GPA-5182], Item 121 [ZON-5183], Item 122 [VAR-5575] and Item 123 [SDR-5573] - UNANIMOUS with MACK abstaining on Item 91 [RQR-5513] because his company, Mack Consulting, negotiates with Lamar Outdoor on behalf of his clients and GOODMAN excused

MINUTES:

MAYOR PRO TEM REESE indicated that prior to the meeting ATTORNEY BILL CURRAN submitted a letter, which was submitted for the record, requesting that Item 120 [GPA-5182], Item 121 [ZON-5183], Item 122 [VAR-5575] and Item 123 [SDR-5573] be withdrawn without prejudice.

(1:00 - 1:07)



CASE: SDR-5573

RADIUS: 750 FT

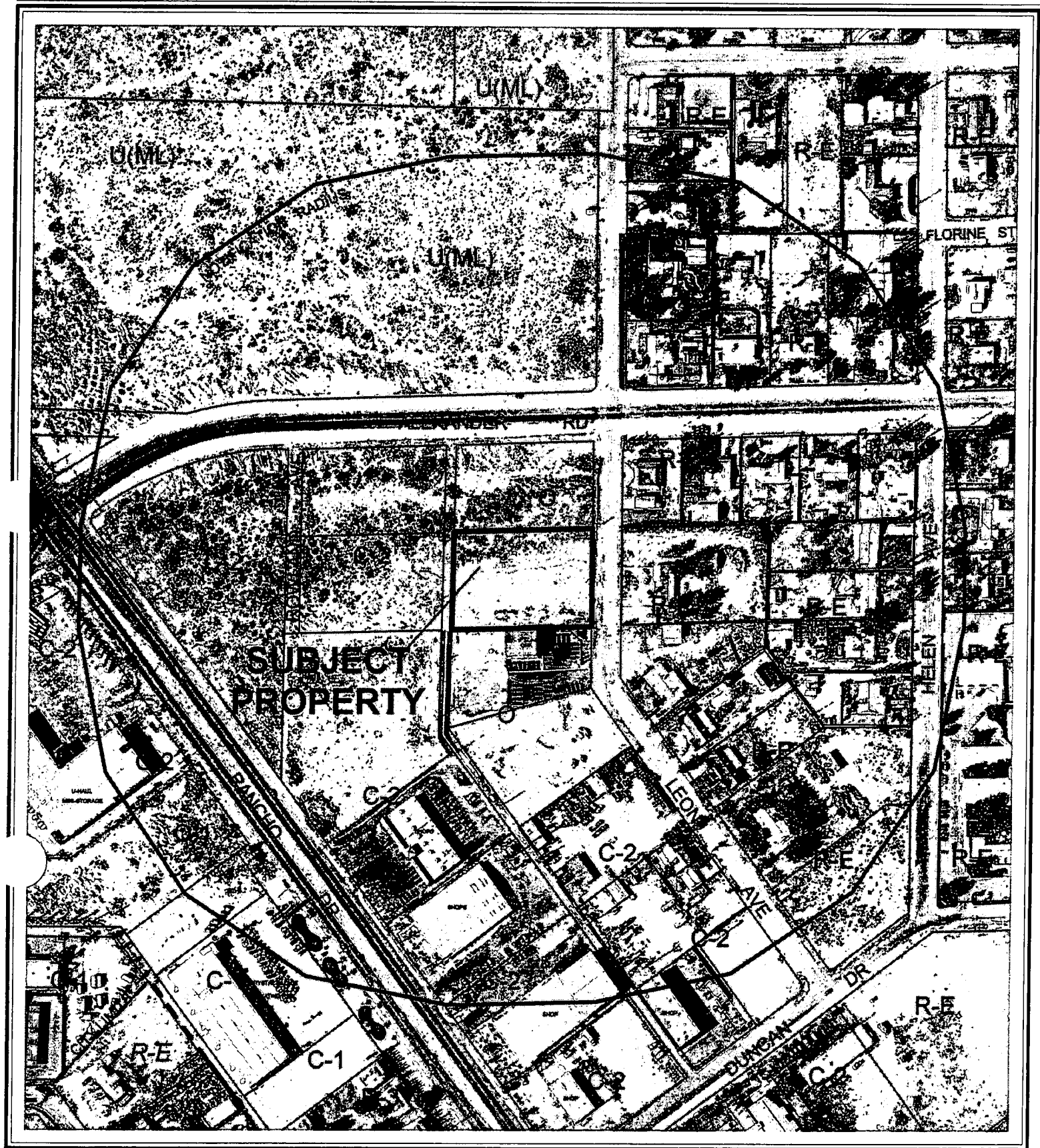
ZONING OF SUBJECT PROPERTY:

O (OFFICE) UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL)

0 200 400 Feet

123





CASE: SDR-5573

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

O (OFFICE) UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL)

0 200 400 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 19, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-5573 - APPLICANT/OWNER: INFIELD DEVELOPMENT II, LLC

**** CONDITIONS ****

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

Planning and Development

1. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
2. A General Plan Amendment (GPA-5182) from O (Office) to SC (Service Commercial), a Rezoning from O (Office) to a C-1 (Limited Commercial) Zoning District, and a Variance (VAR-5575) with respect to parking, approved by the City Council.
3. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
4. All City Code requirements and design standards of all City departments must be satisfied.
5. All development shall be in conformance with the site plan and building elevations, date stamped 11/02/04, except as amended by conditions herein.
6. Prior to the submittal of a building permit, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
7. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. [Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.]
8. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.
9. Prior to the issuance of building permits, a revised landscape plan must be submitted to and approved by the Department of Planning and Development showing a maximum of 12.5% of the total landscaped area as turf.
10. 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.

11. The elevations of the batting cages shall be revised with additional architectural features to enhance façade articulation. The elevations changes shall be approved by the Planning and Development Department prior to the time the application is made for a building permit.
12. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets. Air conditioning units shall not be mounted on rooftops residential development.
13. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize 'shoe-box' fixtures and downward-directed lights. Wallpack lighting shall utilize 'shoe-box' fixtures and downward-directed lights on the proposed building. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
14. A Waiver to allow a 10-foot rear yard setback shall be allowed as part of this site plan.
15. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
16. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.

Public Works

17. Construct half-street improvements, including appropriate transitional paving, on Leon Avenue adjacent to this site concurrent with development of this site. Also construct full-width improvements within the adjacent right-of-way to the west of 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. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).

18. Provide a copy of a recorded Joint Access Agreement between both parcels comprising the overall site prior to the issuance of any permits. Alternatively the applicant may record a map to establish intersite access rights prior to the issuance of any permits for this site.
19. Extend public sewer in Leon Avenue 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. 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.
20. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222A.
21. Construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site; the connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network; the connecting sidewalk shall be terminated on-site with a handicap ramp.
22. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON-5183 and all other applicable site-related actions.
23. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of public improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first.

**** STAFF REPORT ****

APPLICATION REQUEST

A) *Action Requested*

This is an Appeal filed by the Applicant from the Denial by the Planning Commission of a request for a Site Development Plan Review for a proposed 17,062 square-foot Indoor Commercial Recreational Facility (Batting Cages) and Waivers of commercial development standards for building placement and to allow a 10-foot rear yard setback where 20 feet is the minimum required on 1.31 acres at 3930 Leon Avenue.

B) *Applicant's Justification*

The applicant's justification letter states this request is justified because it will provide employment and year round recreational services for the community.

BACKGROUND INFORMATION

A) *Previous Actions*

- 04/02/03 The City Council approved a request for a General Plan Amendment (GPA-1363) to amend portions of the Centennial Hills Sector Plan and the Southwest Sector Map from: GC (General Commercial), SC (Service Commercial) and DR (Desert Rural) TO: GC (General Commercial), O (Office), PF (Public Facility), ML (Medium-Low Density Residential) and DR (Desert Rural). Additionally, the City Council approved a request for a Rezoning (ZON-1364) from: C-2 (General Commercial), R-E (Residence Estates), R-MHP (Residential Mobile/Manufactured Home Park), and U (Undeveloped) to: C-2 (General Commercial), C-1 (Limited Commercial), O (Office), C-V (Civic), R-E (Residence Estates), R-1 (Single Family Residential), and U (Undeveloped) to GC (General Commercial), O (Office), PF (Public Facility), ML (Medium-Low Density Residential) and DR (Desert Rural) on property located on, or in close proximity to, both sides of Rancho Drive from Vegas Drive to the northern City limits at Moccasin Road. The Planning Commission and staff recommended approval of both items on February 27, 2003.
- 11/17/04 The City Council approved a request to withdraw without prejudice the portions of a General Plan Amendment (GPA-5182) and a Rezoning (ZON-5183) that applied to adjacent parcel number 138-12-110-022. Both of these applications with respect to the subject site will be considered at the 1/19/05 City Council meeting. The Planning Commission had recommended denial of the full application on 10/21/04. Staff had recommended denial.

- 11/17/04 The City Council approved a request to withdraw without prejudice the portion of Site Development Plan Review (SDR-5184) that applied to the subject parcel. The portion of the application that dealt with adjacent parcel number 138-12-110-022 was approved by the City Council on 12/01/04. The Planning Commission had recommended denial of the full application on 10/21/04. Staff had recommended denial.
- 12/16/04 The Planning Commission recommended denial of a companion Variance request (VAR-5575) to allow 79 parking spaces on the site where 86 spaces are the minimum required. Staff has recommended denial.
- 12/16/04 The Planning Commission voted 5-0 to recommend DENIAL (PC Agenda Item #48/gl).

B) Pre-Application Meeting

- 11/02/04 The applicant was advised of the submission requirements for the Site Development Plan Review and Variance applications.

C) Neighborhood Meetings

- 09/21/04 This was the required neighborhood meeting for the companion General Plan Amendment request, and was held at the Foothills Cafe. The proposed project is an office building and an indoor batting cage facility. There were six citizens in attendance and they had the following concerns:
- Did not want the site access from Leon Avenue. Applicant stated he would explore the possibility of providing an alternate drive from Alexander Road.
 - Traffic, especially on Leon Avenue. Concerns also expressed about teenagers speeding down the street going to and from the facility. The applicant responded by stating that the majority of the children would not be old enough to drive and would be dropped off by parents. The older children, he explained, usually have access to practice facilities at their high schools.
 - Noise - neighbors were worried about loud car stereos and teens loitering in the parking lot.
 - Hours of operation - applicant responded by stating that he wasn't sure of the hours yet, but figured it would be in vicinity of 9:00 PM.
 - Parking lot lighting - Neighbors were concerned about parking lot lighting shining in their back yards. Applicant responded by stating they could use lighting that would have less of an impact on the residential properties.

- Concerned how drainage would be affected by the development, and what impacts it would have on their neighborhood.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Gross Acres: 1.31 acres

B) *Existing Land Use*

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

C) *Planned Land Use*

Subject Property: O (Office)
North: O (Office)
South: O (Office)
East: DR (Desert Rural Residential)
West: GC (General Commercial)

D) *Existing Zoning*

Subject Property: O (Office)
North: O (Office)
South: O (Office)
East: R-E (Residential Estate)
West: C-2 (General Commercial)

E) *General Plan Compliance*

Although the site is currently designated as O (Office) within the Centennial Hills Interlocal Land Use Plan of the General Plan, GPA-5182, if approved, will redesignate this site to SC (Service Commercial). The SC (Service Commercial) land use designation allows low to medium intensity retail, office, or other commercial uses that serve primarily the local area patrons and do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theaters, bowling alleys and other places of public assembly and public and semi-public uses. This category also includes offices either individually or grouped as office centers with professional and business services. The proposed Indoor Recreational Facility use is compatible with the proposed SC (Service Commercial) land use designation, although it is not compatible with the current O (Office) designation.

PROJECT DESCRIPTION

The applicant is requesting approval of one 17,062 square-foot building on a 1.3-acre site. The applicant is requesting a waiver of the commercial development standards with regard to building placement and to allow a 10-foot rear yard setback where 20 feet is the minimum required. The project will provide 79 parking spaces where 86 spaces are required; therefore, a parking Variance has been submitted.

ANALYSIS

A) *Zoning Code Compliance*

A1) Development Standards

Standards	Required	Provided	Compliance
Min. Lot Size	N/A	1.31 ac.	N/A
Min. Lot Width	100 Feet	200 Feet	Y
Min. Setbacks			
• Front	20 Feet	146 Feet	Y
• Side	10 Feet	10 Feet	Y
• Corner	15 Feet	N/A	N/A
• Rear	20 Feet	10 Feet	N
Max. Lot Coverage	30 %	29.9%	Y
Max. Building Height	None	31 Feet	Y
Trash Enclosure	Enclosed and roofed	Enclosed and roofed	Y
Loading Zone	N/A	N/A	N/A
Mech. Equipment	Screened	Screened	Y

The subject site does not comply with the 20-foot rear yard setback; therefore, the applicant is requesting a waiver of the commercial development standards to allow a 10-foot rear setback where a 20-foot setback is required. The applicant meets or exceeds all other requirements as indicated in the table above.

A2) Residential Adjacency Standards

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

- a) Proximity slope. As the building is 31 feet in height, a 93-foot proximity slope is required. As the building would be approximately 176 feet from the nearest single-family residential property, the project exceeds the requirement of the Code with regard to this standard.
- b) Building setback. As this project does not directly abut any residential property, this standard does not apply.

A3) Parking and Traffic Standards

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

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
Community Recreational Facility (Indoor Batting Cages)	17,062 SF.	1/200 GFA	86	4	79	4

The project is deficient by seven spaces, or 8.1% of the required minimum. As a result, the applicant has request a companion Variance (VAR-5575) to seek relief from this standard.

The Department of Public Works indicates that since it supports present City Code parking requirements, it cannot support the variance request to allow 79 parking spaces where 86 spaces are the minimum allowed for a proposed indoor commercial recreational facility located at 3930 Leon Avenue.

A4) Landscape and Open Space Standards

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

Standards	Required		Provided
	Ratio	Trees	
Parking Area	1 Trees/ 6 Spaces	14 Trees	14 Trees
Buffer:			
• Min. Trees	1 Tree/20 Linear Feet (external edges - 400 Feet)	20 Trees	22 Trees
	1 Tree/30 Linear Feet (internal edges - 574 Feet)	20 Trees	13 Trees
• Min. Zone Width	8 Feet		8 to 15 Feet
• Wall height	8 Feet		N/A

The proposed site landscaping meets or exceeds Code requirements other than landscape buffering along the north property line; however, as this north boundary is a shared drive aisle with an approved office development on the site immediately to the north, waiver of this landscaping area is acceptable.

B) General Analysis and Discussion

- **Zoning**

The proposed C-1 (Limited Commercial) zoning designation that is the subject of companion Rezoning request ZON-5183 for the site, allows many retail shopping and personal services. The adjacent residential properties to the east are zoned R-E (Residence Estates), which encourages single-family detached units and duplex units. The batting cage project would comply with the proposed C-1 (Limited Commercial) zoning district; however, there are many other uses allowed in the C-1 (Limited Commercial) zoning district that would be inappropriate directly across the street from residence estates development. The proposed zoning district is out of character with the adjacent existing and planned land uses and would degrade the buffering intended to be between located on this site between the R-E (Residence Estates) area to the east and the C-2 (General Commercial) area to the west.

- **Site Plan**

The site plan depicts a one-story commercial building on a 1.31-acre lot. The lot is approximately 200 feet south of Alexander Road, west of Leon Avenue. Alexander Road is a 100-foot arterial, while Leon Avenue is a 60-foot collector street. Open space is provided around the footprint of both buildings. Landscaping is also provided around the parking perimeter and islands, and covers approximately 21,554 square feet or 19.9% of the overall site. A significant portion of this open space is in the form of a 15-foot wide perimeter landscape strip.

- **Waivers**

The applicant is requesting a waiver of the commercial development standards to allow a 10-foot rear yard setback were 20 feet is required. The waiver can be supported since the site is adjacent to office uses and adequate perimeter landscaping is provided.

- **Landscape Plan**

The submitted landscape plan meets the requirements of Title 19 and the Las Vegas Urban Design Guidelines and Standards. The landscape plan indicates the placement of a variety of drought tolerant trees and shrubs.

- **Elevation**

The elevations depict a one-story building with a flat roof and which is constructed of concrete tilt-up panels. The design contains few architectural details such as variation in rooflines, height, and architectural pop-outs. The proposed facility is utilitarian in appearance and does not contribute significantly to the visual quality of 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 broad range of commercial uses allowable under the companion request for C-1 (Limited Commercial) zoning will not be compatible with the rural residential uses in the area. Established city policy is to locate all commercial uses in the Centennial Hills Sector within the Town Center area, or as infill development in commercially designated sites along Rancho Drive or within designated areas in master planned communities. This site does not meet any of these criteria.

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 inconsistent with Title 19 requirements for rear yard setbacks; however, the applicant has requested a waiver of this commercial development standards to allow a 10-foot rear setback where 20 feet is required. Although staff has recommended denial of this project, this waiver is acceptable if the project is approved.

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

The Master Plan of Streets and Highways designates Alexander Road as a Primary (100-foot) Arterial, while Leon Avenue is a designated as a 60-foot collector road. Both are capable of handling the traffic from this development.

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

Building and landscape materials are appropriate for this area of the City.

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

The elevations depict a one-story, flat-roofed, concrete tilt-up building. The proposed commercial structure contains little visual interest that could be achieved by variations in rooflines, height, and architectural pop-outs. Condition of approval number 11 is intended to address these design issues.

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

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

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

NOTICES MAILED 101 by Planning Department

APPROVALS 2

PROTESTS 1

ALEXANDER

**ZONED R-E
GENERAL PLAN DR**

**ZONED C-2
GENERAL PLAN 6C**

**ZONED C-2
GENERAL PLAN 6C**

THIS PORTION OF THE SITE, APN # 136-12-110-022, SUBMITTED UNDER PREVIOUS SITE DEVELOPMENT REVIEW CITY COUNCIL MEETING DATE 11.17.04

FUTURE OFFICE BUILDING 14,000 SF
CURRENT ZONING "C"

**ZONED R-E
GENERAL PLAN DR**

BATTLE PLAN

1-20-0

LOCATION MAP

105

VICINITY MAP

NOT TO SCALE

RECEIVED
NOV 02 2004

Indoor Batting Cages

Infield LLC
3930 Leon Ave.
Las Vegas, NV 89130

APTUS Architecture

ANOMALIES

ONE

COMPROMISES IN THE ARTS AND ARCHITECTURE

THE

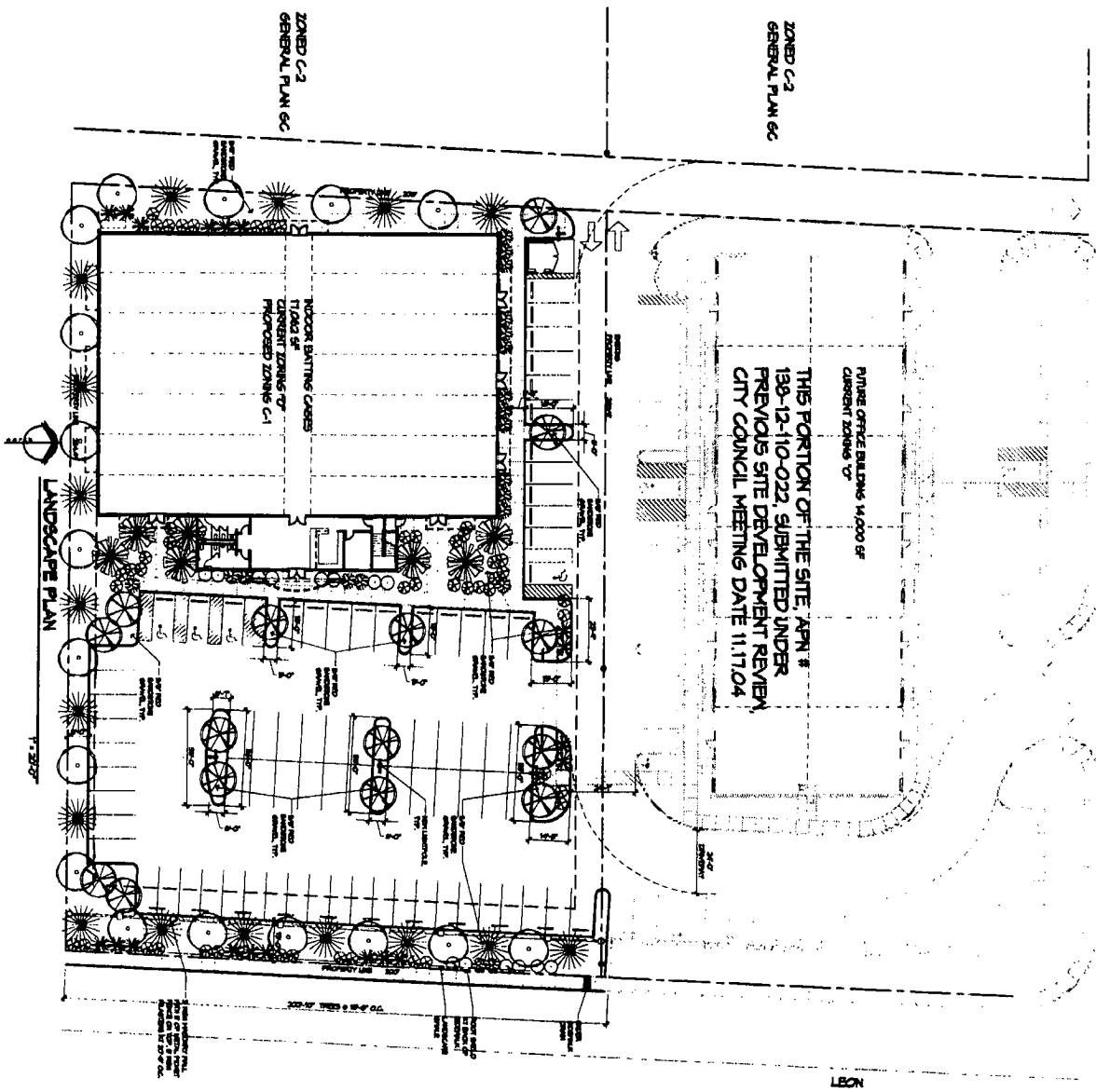
SITE PLAN

DATA REPORTS INC.

AS100

SDR-5573

12/16/04 PC



Landscape Schedule		DATE	TIME	LOCATION NAME	CONTACT NAME	PROJECT
11	2:30 AM	2:30 AM	2:30 AM	2:30 AM	2:30 AM	2:30 AM
9	2:30 AM	2:30 AM	2:30 AM	2:30 AM	2:30 AM	2:30 AM
17	2:30 AM	2:30 AM	2:30 AM	2:30 AM	2:30 AM	2:30 AM
7	2:30 AM	2:30 AM	2:30 AM	2:30 AM	2:30 AM	2:30 AM
40	2:30 AM	2:30 AM	2:30 AM	2:30 AM	2:30 AM	2:30 AM
18	2:30 AM	2:30 AM	2:30 AM	2:30 AM	2:30 AM	2:30 AM
21	2:30 AM	2:30 AM	2:30 AM	2:30 AM	2:30 AM	2:30 AM
31	2:30 AM	2:30 AM	2:30 AM	2:30 AM	2:30 AM	2:30 AM
40	2:30 AM	2:30 AM	2:30 AM	2:30 AM	2:30 AM	2:30 AM

RECEIVED
NOV 02 2004

Indoor Batting Cages

Infield LLC
3930 Leon Ave.
Las Vegas, NV 89130

AP/US Architecture

Los Angeles, CA 90044
P 760.361.1200
F 760.368.1713
info@pennell.com

APRIL REPORT NO. 04.0379
ADVERT

LANDSCAPE INFORMATION
Lot Sizes 50,453 SF or 1,207 Acres
Landscape Coverages Provided 11,330 SF (94.9%)
No Turf Provided

NOTE

Copyright © 1994 by Arthur Aschaffenburg

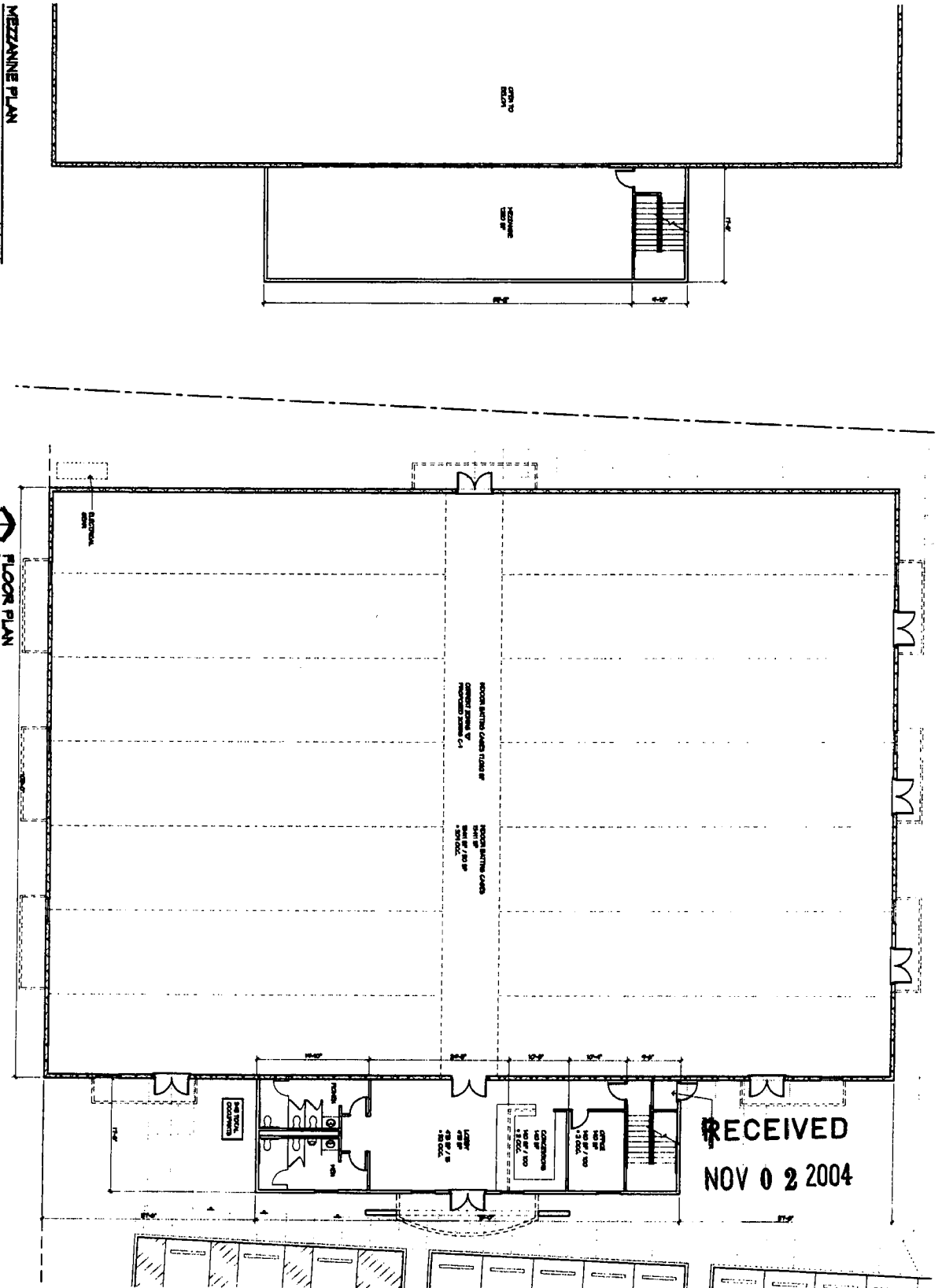
NO.	DESCRIPTION	DATE
ISSUED		
TOTAL		

LANDSCAPE
PLAN

Continued on next page

SDR-5573
12/16/04 PC

1107



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NOV 02 2004

Indoor Batting Cages
Infield LLC
3930 Leon Ave.
Las Vegas, NV 89130

APTUS Architecture
1800 South Las Vegas
Las Vegas, NV 89102
702.733.1171
info@aptusarch.com

APTUS PROJECT NO. 041079
ARCHITECT

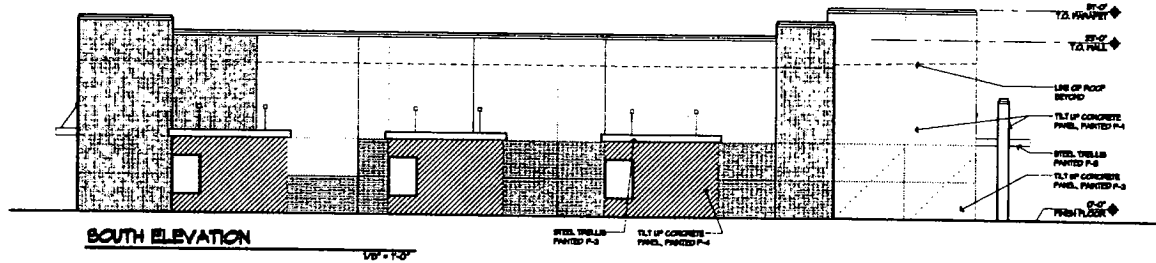
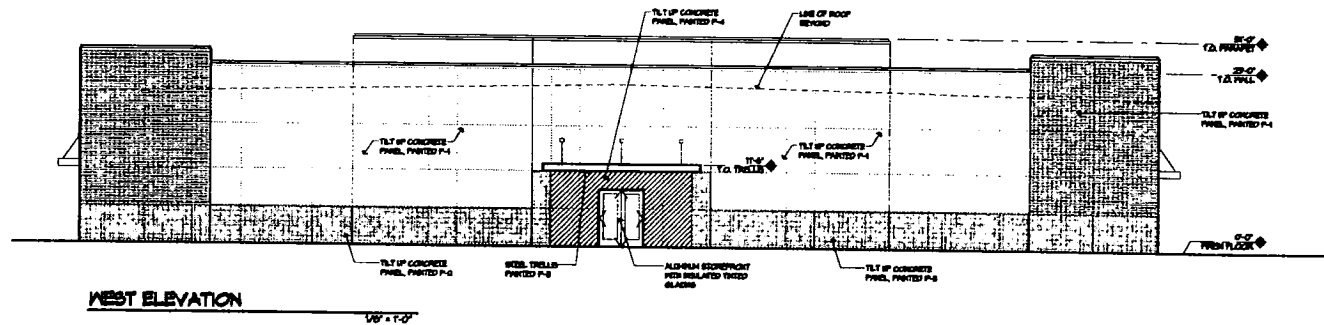
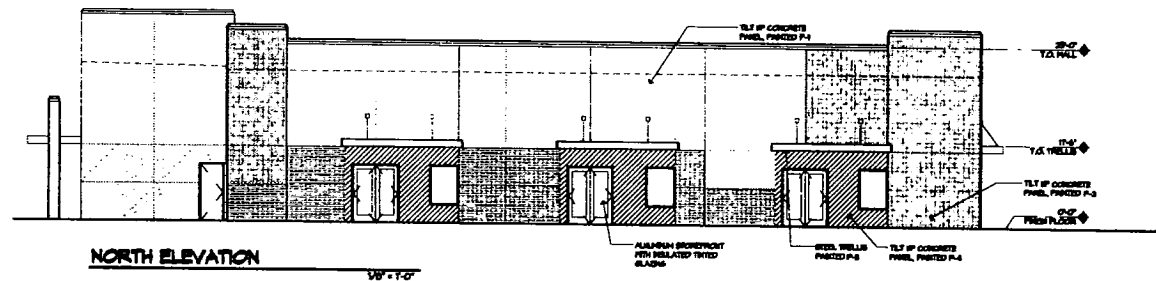
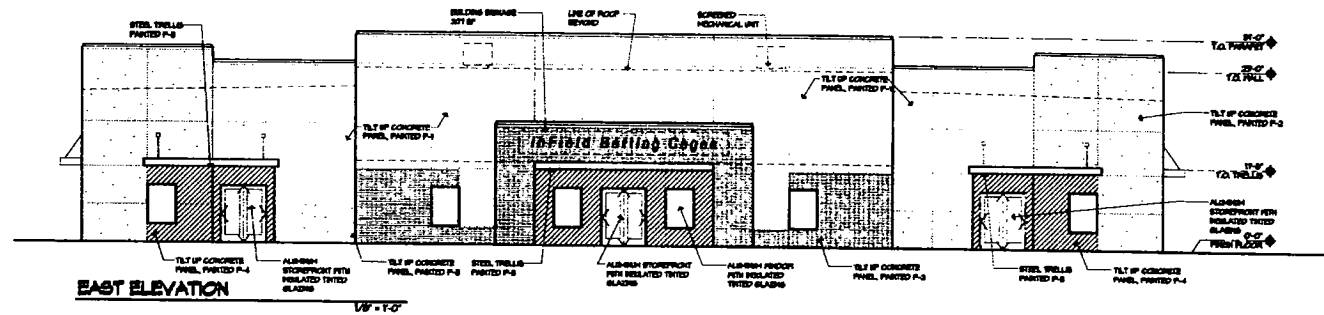
REVISIONS
DATE
BY

COORDINATED BY APTUS ARCHITECTURE
1. CIVIL AND MECHANICAL
NO DISCREPANCY
ISSUED

BATTING CAGES
FLOOR PLAN

A100

SDR-5573
12/16/04 PC



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NOV 02 2004

Indoor Batting Cages
Infield LLC
3930 Leon Ave.
Las Vegas, NV 89130

APTUS Architecture

2300 South 4th Street
Suite 200
Las Vegas, Nevada 89101
P 702.338.1200
F 702.338.1213
info@appliedmaterials.com

APPLIN PROJECT NO. **04.039**

ARCHITECT

SP-2000

NOTES

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CLV Scan Date: Sunday 11/02/06

NO.	DESCRIPTION	DATE
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ISSUED

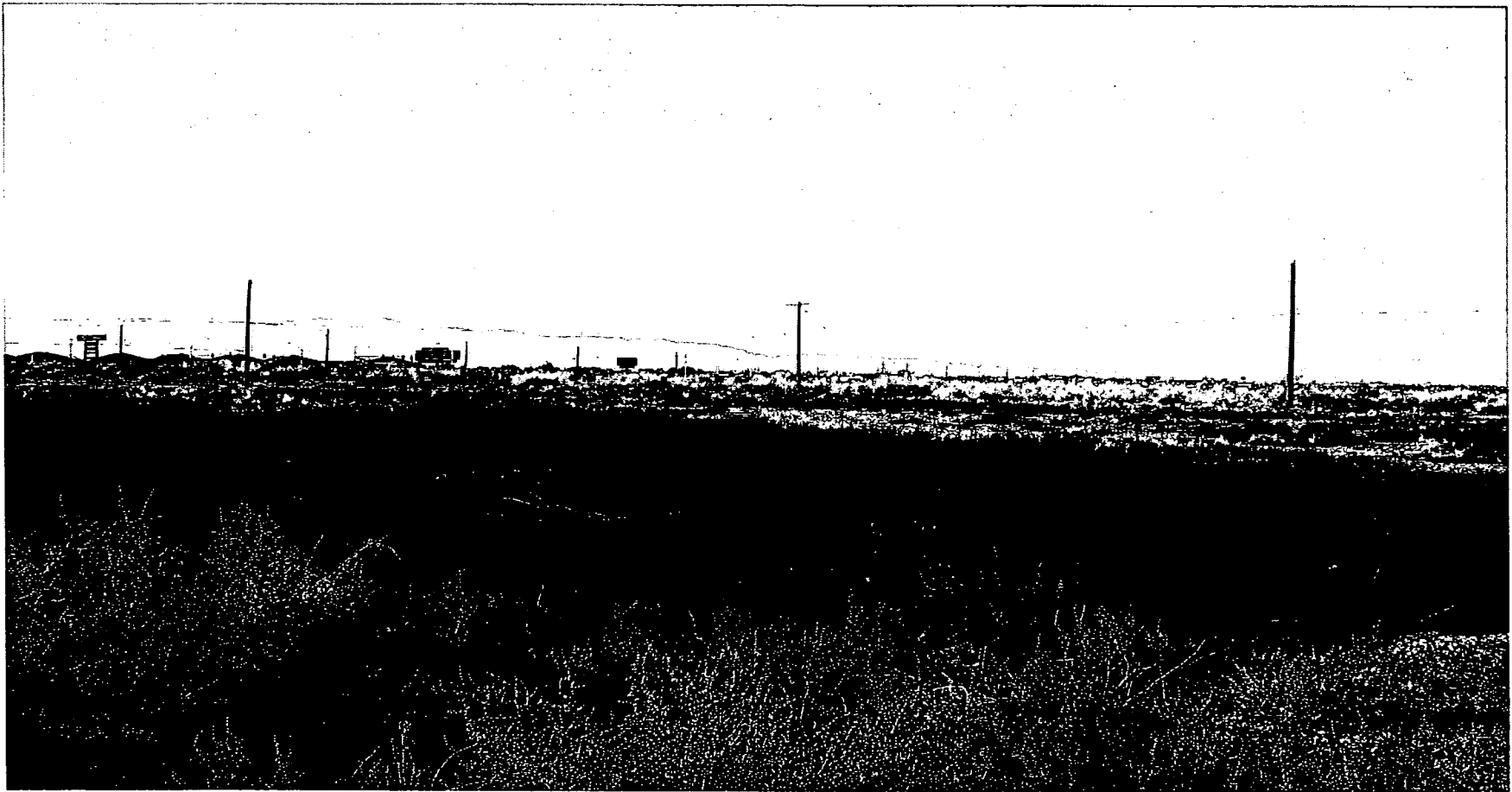
TITLE

BATTING CAGES EXTERIOR ELEVATIONS

DRAWING NO.

SDR-5573
12/16/04 PC

A200



SDR-5573 - APPLICANT/OWNER: INFELD DEVELOPMENT II, LLC
3930 LEON AVENUE
DECEMBER 16, 2004 PLANNING COMMISSION

11/24/04

CURRAN & PARRY
ATTORNEYS AT LAW

300 SOUTH FOURTH STREET
SUITE 1201
LAS VEGAS, NEVADA 89101

WILLIAM P. CURRAN
STANLEY W. PARRY

JOSHUA H. REISMAN
GLENN M. MACHADO

TELEPHONE
(702) 471-7000

FACSIMILE
(702) 471-7070

E-MAIL
curranparry@curranparry.com

December 27, 2004

Barbara Jo (Roni) Ronemus, City Clerk
City of Las Vegas
400 Stewart Avenue
Las Vegas, Nevada 89101

Via Facsimile: 382-4803
& U.S. Mail

**Re: Request to Appeal Planning Commission Decisions
December 16, 2004 Planning Commission Meeting
Item #47 (VAR-5575) & Item #48 (SDR-5573)**

Dear Mr. Ronemus:

On behalf of my client, Infield Development II, LLC, I wish to appeal the Planning Commission decisions in the above referenced matters made on December 16, 2004, to the City Council.

Please contact me at the number or address listed above to notify me when the appeals will be heard before the City Council.

Thank you for your assistance.

Sincerely,



Bill Curran

WPC:cw

cc: Margo Wheeler, Department of Planning & Development
John Field, Infield Development, LLC

RECEIVED
CITY CLERK
2004 DEC 27 A 11:46

**NOTE: THE FOLLOWING DOCUMENTATION
WAS SUBMITTED FOR THE RECORD BEFORE
OR AT THE PLANNING COMMISSION HEARING
ON THIS ITEM WHICH IS NOW APPEARING
BEFORE THE CITY COUNCIL**

Telephone Protest/ Approval Log

Meeting Date: 12/16/04

Case Number: SDR-5573

Date: 12/10/04
Name: Mary Greene
Address: 3931 Leon Ave
L.V. NV. 89130.
Phone: (702) 870-1794
☒ PROTEST ☐ APPROVE

Date: _____
Name: _____
Address: _____
Phone: _____
☐ PROTEST ☐ APPROVE

Date: _____
Name: _____
Address: _____
Phone: _____
☐ PROTEST ☐ APPROVE

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☐ PROTEST ☐ APPROVE

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Date: _____
Name: _____
Address: _____
Phone: _____
☐ PROTEST ☐ APPROVE

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 19, 2005

DEPARTMENT: CITY CLERK

DIRECTOR: BARBARA JO RONEMUS

☐ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

SET DATE ON ANY APPEALS FILED OR REQUIRED PUBLIC HEARINGS FROM THE CITY PLANNING COMMISSION MEETINGS, CENTENNIAL HILLS ARCHITECTURAL REVIEW COMMITTEE AND DANGEROUS BUILDING OR NUISANCE/LITTER ABATEMENTS

MINUTES:

NL - 5604 Emperor Way, DB - 1836 Lewis Avenue, NL - 1321 South Main Street, NL - 608 Jackson Avenue, NL - 620 Jackson Avenue, NL - 213 Harrison Avenue - 2/2/2005 Agenda

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: JANUARY 19, 2005

CITIZENS PARTICIPATION:

PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS WITHIN THE JURISDICTION OF THE CITY COUNCIL. NO SUBJECT MAY BE ACTED UPON BY THE CITY COUNCIL UNLESS THAT SUBJECT IS ON THE AGENDA AND IS SCHEDULED FOR ACTION. IF YOU WISH TO BE HEARD, COME TO THE PODIUM AND GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION ON ANY SINGLE SUBJECT, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED

MINUTES:

COUNCILWOMAN MONCRIEF stated that the investigation concerning her violations and the indictment were a result of a lynch mob mentality that led to her recall. The Deputy Secretary of State did not find any credible witnesses and the responses they are now providing really undermined any argument that she knowingly engaged in any violations. Additionally, the Deputy Secretary of State did not support prosecuting her because the smoking gun evidence turned out to be nothing more than an empty water pistol provided by questionable witnesses. COUNCILWOMAN MONCRIEF remarked she will not bend to political pressures. She will protect the interest and be the voice of all citizens, regardless of whether or not it pleases the political establishment. She will never be in the developers or special interest's pockets. She has always stood for what is right and for the people of Ward 1.

(3:28 - 3:30)

4-2016

CHUCK ARKELL, 10300 West Charleston Boulevard, President of Nevada Sportsmen Coalition (NSC), announced that the Coalition was incorporated in October of 2004. Their intent is to promote the charitable works of NSC groups who give millions of dollars and man-hours to wild life and habitat restoration projects. NSC published its first newsletter "The Call" of which copies were delivered to all licensed conservation agents in Clark County and throughout the state. Issues will highlight the contributions and successes of non-profit conservation groups. This effort is being funded solely by the donation of individuals and companies concerned about the future of wildlife heritage. The NSC'S goals will be to host the Southern Nevada Caucus to be held in March and a conference comprised of leaders of Southern Nevada conservation organizations. They will identify issues facing sportsmen in Southern Nevada and reach consensus on workable solutions. The NSC will be holding their first award banquet in the summer of 2005 to celebrate the achievement of groups and individuals in the conservation movement. NSC'S long-term goal is to commit to the construction of a conservation hall in the City of Las Vegas, which will be used for general meetings, public relations and conservation education. MR. ARKELL indicated he would keep the Council informed as to their progress.

(3:30 - 3:33)

4-2082

STEVEN "CAPTAIN TRUTH" DEMPSEY felt items that have revised plans should be held in abeyance to give staff the opportunity to review the changes. Once again, he mentioned that COUNCILWOMAN MONCRIEF did not keep her promise to investigate the Crazy Horse II because the bloodshed is ongoing. A constituent told him that the Mayor has been taking bribes.

(3:33 - 3:36)

4-2223

City of Las Vegas

MINUTES - Continued:

VERONICA DONJONES, 1025 Lowery Avenue, RHONDA BURNEY, 312 Mike Circle AND DOTTIE DAVIS, are all members of an organization they formed called ACORN (Associate Community Organization for Reform Now). Others members sitting in the audience were also acknowledged. ACORN'S goal is to address the necessity of speed bumps and the clean up of empty lots. A petition was submitted by ACORN to begin the process of having speed bumps installed in their neighborhood. The speed bumps will add to the children's safety, decrease drive-by shootings, and drag racing. The empty lots are full of debris, weeds and cement. The owner of one particular empty lot located at Gregory and Lake Mead obtained a construction permit, but no construction has begun. MS. DONJONES thanked COUNCILMAN WEEKLY'S efforts and asked for the entire Council's support in helping them achieve these goals.

(3:36 - 3:41)

4-2377

JOHN PON, 2125 Las Vegas Boulevard, stated the Las Vegas Metropolitan Police Department has been alleging he is a rapist and a child molester. He would like to know which officer is spreading these rumors. He does not have a criminal record and has never been in jail. MAYOR PRO TEM REESE directed CITY MANAGER DOUG SELBY to speak to MR. PON regarding his dilemma.

(3:41 - 3:42)

4-2602

MAYOR PRO TEM REESE thanked the members of ACORN (Associate Community Organization for Reform Now) for being present and he looks forward to working with them.

COUNCILMAN WEEKLY commended the members of ACORN for inviting him to attend one of their neighborhood meetings, and for taking the time to attend the City Council meeting. He hopes other neighborhoods use this group as an example of how positive results can be achieved when neighbors unite and work together for one common good. He appreciates ACORN expressing their concerns to the entire City Council because every Council member is responsible for every neighborhood.

(3:42 - 3:44)

4-2580

MEETING ADJOURNED AT 3:44 P.M.