

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: JANUARY 27, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SDR-5797 - SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-5796 - PUBLIC HEARING - APPLICANT/OWNER: SHELDON W. PAUL AND RAYMOND MARK TURNER - Request for a Site Development Plan Review FOR A PROPOSED NINE LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 5.0 acres adjacent to the northwest corner of Grand Canyon Drive and Alexander Road (APN 138-06-401-006), U (Undeveloped) Zone [DR (Desert Rural Density Residential) General Plan Designation] [PROPOSED: R-PD2 (Residential Planned Development - 2 Units Per Acre) Zone], Ward 4 (Brown).

C.C.: 03/02/05

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

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

MOTION:

McSWAIN – APPROVED subject to conditions – UNANIMOUS

To be heard by City Council 3/02/2005

MINUTES:

See Item 60 [ZON-5796] for all related discussion for Item 60 [ZON-5796] and Item 61 [SDR-5797].

(9:33 – 9:34)

3-500

PLANNING COMMISSION MEETING OF JANUARY 27, 2005
Planning and Development Department
Item 61 – SDR-5797

CONDITIONS:

Planning and Development

1. A Rezoning (ZON-5796) to an R-PD2 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, except as amended by conditions herein.
4. Building height shall not exceed two stories or 35 feet, whichever is less.
5. The setbacks for this development shall be a minimum of 10 feet to the front of the house and garage as measured from back of sidewalk or from back of curb if no sidewalk is provided, 10 feet on the side, 10 feet on the corner side, and 10 feet in the rear.
6. 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, to reflect a typical street section of Grand Canyon Drive with a 6-foot landscape buffer adjacent to a 5-foot sidewalk, as well as include a perimeter wall detail.
7. 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 the removal of the access control gates, unless in conformity with Clark County Uniform Standard Drawings 222a; The landscape plan shall also be revised to reflect a consistent legend with the full size plan and typical drawings, as well as to reflect identical lot sizes with the site plan.
8. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.
9. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
10. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.

PLANNING COMMISSION MEETING OF JANUARY 27, 2005
Planning and Development Department
Item 61 – SDR-5797

CONDITIONS – Continued:

11. All perimeter walls, including a combination of retaining and screen walls, shall not exceed eight feet in height, measured from the base of the retaining wall, without appropriate step backs.
12. All perimeter walls, including a combination of retaining and screen walls, shall not exceed eight feet in height, measured from the base of the retaining wall, without appropriate step backs.
13. Air conditioning units shall not be mounted on rooftops.
14. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Municipal Code Section 19.12.050.
15. 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.
16. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map for this site. The Design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
17. 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

PLANNING COMMISSION MEETING OF JANUARY 27, 2005
Planning and Development Department
Item 61 – SDR-5797

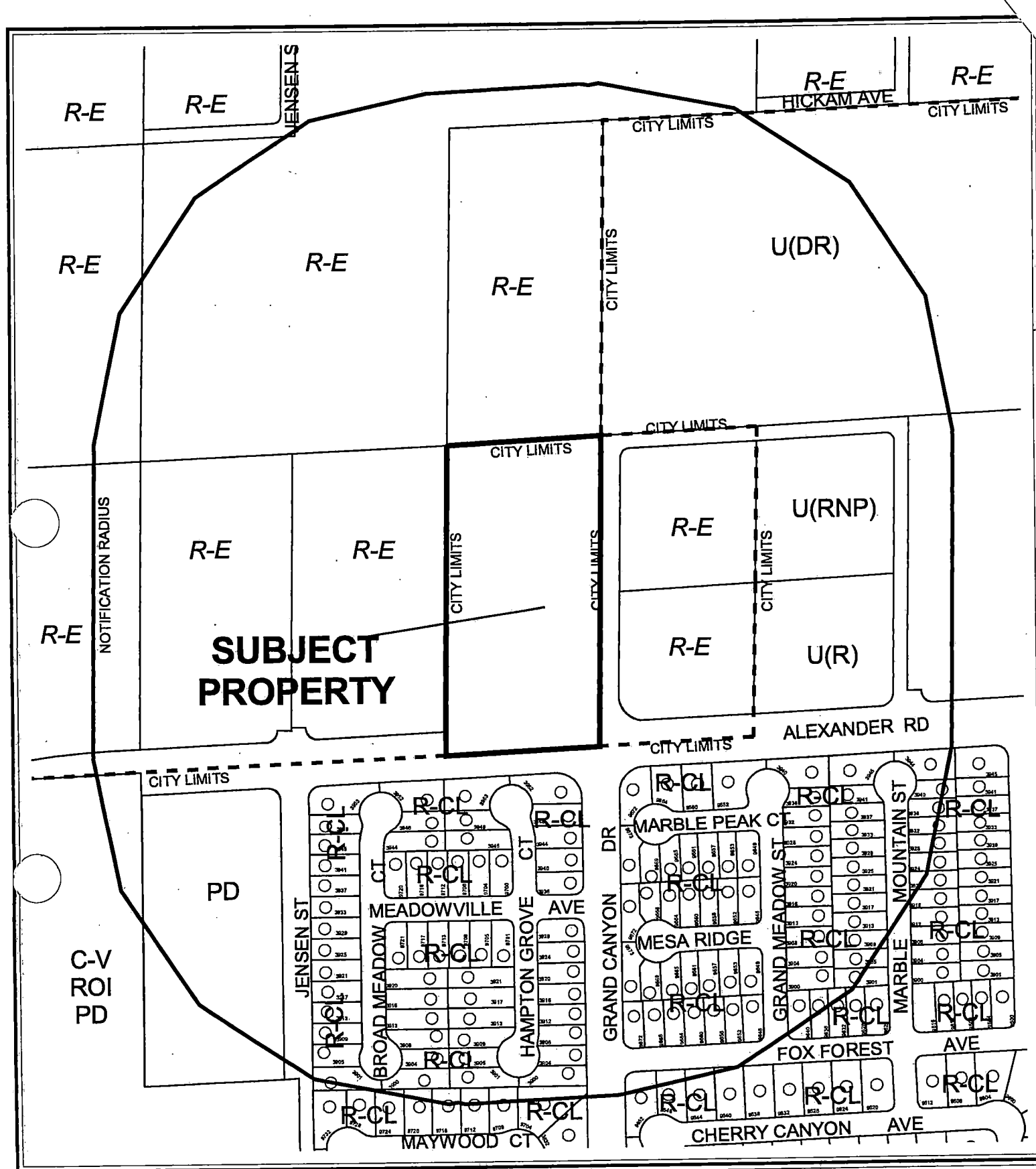
CONDITIONS – Continued:

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

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

Public Works

19. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222a. We note the proposed access driveway to Grand Canyon Drive cannot be gated as depicted on the site plan.
20. 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.
21. 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.
22. Landscape and maintain all unimproved right-of-way adjacent to this site.
23. Submit an Encroachment Agreement for all landscaping and private improvements located within the public right-of-way adjacent to this site prior to occupancy of this site.
24. Site development to comply with all applicable conditions of approval for ZON-5796 and all other applicable site-related actions.
25. 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-5797

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

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

PROPOSED ZONING OF SUBJECT PROPERTY:

R-PD2 (RESIDENTIAL PLANNED DEVELOPMENT - 2 UNITS PER ACRE)

0 200 400 Feet



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JANUARY 27, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SDR-5797 - APPLICANT/OWNER: SHELDON W. PAUL AND
RAYMOND MARK TURNER**

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

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SDR-5797 - Conditions Page Two
January 27, 2005 - Planning Commission Meeting

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

SDR-5797 - Conditions Page Three
January 27, 2005 - Planning Commission Meeting

Public Works

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22. Landscape and maintain all unimproved right-of-way adjacent to this site.
23. Submit an Encroachment Agreement for all landscaping and private improvements located within the public right-of-way adjacent to this site prior to occupancy of this site.
24. Site development to comply with all applicable conditions of approval for ZON-5796 and all other applicable site-related actions.
25. 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 nine-lot single-family residential subdivision on 5.0 acres adjacent to the northwest corner of Alexander Road and Grand Canyon Drive. An associated Rezoning (ZON-5796) application for the reclassification of property from U (Undeveloped) [DR (Desert Rural Density Residential) General Plan designation] to R-PD2 (Residential Planned Development – 2 Units Per Acre) will be considered in conjuncture with this application.

B) Applicant's Justification

The applicant justifies this application by stating the existing Clark County zoning districts adjacent to the subject parcel allow nine lots per acre and will be developed as such, therefore to be competitive with developers in the surrounding area and to justify the development's expense they are requesting the zone change.

BACKGROUND INFORMATION

A) Previous Actions

11/21/01 The City Council approved an Annexation [A-0006-99(A)] application, which petitioned to annex property generally located at the northwest corner of Alexander Road and Grand Canyon Drive. The Planning Commission recommended approval. The annexation became effective on 11/30/01.

B) Pre-Application Meeting

11/23/04 A pre-application conference was held and resulted in the following comments:

1. Dedicate and improve half streets adjacent to the site.
2. A drainage study and traffic impact fees are required.
3. A Home Owners Association is required with private streets.
4. A Residential Planned Development of less than 12 proposed residential units is not required to provide open space.

SDR-5797 - Staff Report Page Two
January 27, 2005 - Planning Commission Meeting

5. A six-foot wide landscape buffer will be required for the frontage along Grand Canyon Drive.
6. A Multi-Use Transportation Trail is required along the street frontage of Alexander Road.
7. Suggested R-D (Single Family Residential-Restricted) setbacks for the development.

C) *Neighborhood Meetings*

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

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Gross Acres: 5.0

B) *Existing Land Use*

Subject Property: Undeveloped [Proposed nine-lot Residential Subdivision]
North: Undeveloped [Clark County]
South: Single-Family Residential Dwellings
East: Undeveloped [Clark County]
West: Undeveloped [Clark County]

C) *Planned Land Use*

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

D) *Existing Zoning*

Subject Property: U (Undeveloped) [DR (Desert Rural Density Residential) General Plan Designation]
North: Clark County - Rural Estates Residential [2 Units per Acre] (R-E)
South: R-CL (Single Family Compact-Lot)
East: Clark County - Rural Estates Residential [2 Units per Acre] (R-E)
West: Clark County - Rural Estates Residential [2 Units per Acre] (R-E)

E) General Plan Compliance

The subject site is designated DR (Desert Rural Density Residential) within the Centennial Hills Sector Land Use Plan Map of the General Plan. The current zoning designation of U (Undeveloped) on the site is in conformance with the general plan as it permits a density of 2 dwelling units per acre. The proposed rezoning of the property to R-PD2 (Residential Planned Development – 2 Units Per Acre) is also in conformance with the DR (Desert Rural Density Residential) General Plan Designation.

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

Multi-Use Transportation Trail

A Multi-use Transportation Trail is required along the southern boundary alignment of the subject property, as shown on Map 2 of the Transportation Trails Element of the Master Plan and on Map 2 of the Interlocal Joint Parks and Trails Plan. The applicant has illustrated a 20-foot wide trail along the southern portion of the site.

PROJECT DESCRIPTION

A total of nine lots will be developed on the subject site. The lots will be located on a 40-foot wide private street with access to Grand Canyon Drive. Lots range in size from 15,609 square feet to 16,644 square feet. A six-foot wide landscape planter is indicated along the Grand Canyon Drive street frontage, on a revised street cross section received 12/28/04. A Multi-Use Transportation trail is depicted along the southern portion of the site. The proposed density of 1.80 units per acre is in conformance with the DR (Desert Rural Density Residential) General Plan designation and the proposed R-PD2 (Residential Planned Development – 2 Units Per Acre) zoning district. Since the scale of the project is under 12 proposed dwelling units, it is not required to provide any open space.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

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

Standards	Proposed	Acceptable
Min. Lot Size	15,715 Feet	Yes
Min. Setbacks		
• Front	10 Feet	Yes
• Side	10 Feet	Yes
• Corner	10 Feet	Yes
• Rear	10 Feet	Yes
Max. Lot Coverage	N/A	N/A
Max. Building Height	2 Stories / 35 Feet	Undetermined

The proposed setback standards and building heights are in conformance with the intent of the Zoning Code. The proposed setbacks are considerably less than what is found in the R-E (Residence Estates) zoning district. However, the proposed development slightly more dense due to an average of 16,000 square foot lots compared to the required 20,000 square foot lot minimum found in the R-E (Residence Estates) zoning district.

A2) Parking and Traffic Standards

Pursuant to Title 19.10, single-family homes are required to provide two parking spaces per dwelling. The applicant has provided no elevations or building footprints so no determination can be made at this time as to whether or not the parking standards can be met.

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	1 Trees/ 30 Linear Feet	22 Trees	26 Trees
• Min. Zone Width	6 Feet		6 Feet
• Wall height	8 Feet		Not Provided

SDR-5797 - Staff Report Page Five
January 27, 2005 - Planning Commission Meeting

The provided landscaping plan illustrates the required landscaping along Grand Canyon Drive and Alexander Road with the exception that the landscape plan's legend does not match the full size drawings of the site compared to the typical examples. The landscape plan depicts the use of 24-inch box trees at a spacing of 20 feet on center, which exceeds the minimum planting requirement of 30 feet on center. The landscape plan also depicts control access gates that are not shown on the site plan. For such gates to exist they must meet the requirements of Clark County Uniform Standard Drawings 222A, and has been conditioned to do so.

Pursuant to Title 19.06, the subject residential planned development does not require any open space, as it will contain less than 12 residential dwelling units.

B) General Analysis and Discussion

- **Zoning**

The proposed R-PD2 (Residential Planned Development – 2 Units Per Acre) zoning is in conformance with the DR (Desert Rural Density Residential) General Plan designation.

- **Site Plan**

The proposed development will result in the construction of 9 lots on 5.0 gross acres, for a density of 1.80 dwelling units per gross acre. A 40-foot wide, private street will be provided with access off Grand Canyon Drive. The site plan depicts no open space. The site plan is in accordance with R-PD (Residential Planned Development) requirements because a development with less than 12 proposed dwelling units is not required to provide open space. All but three of the lots are proposed to be in the 15,000 square foot size range, with the largest being 16,644 square feet and the smallest being 15,609 square feet. The proposed development is compatible with the surrounding area, which contains single-family residential lots ranging from 4,500 square foot to half-acre lots.

- **Waivers**

The proposed development is not requesting any waivers, nor have any been identified.

SDR-5797 - Staff Report Page Six
January 27, 2005 - Planning Commission Meeting

- **Landscape Plan**

The proposed landscape plan includes a copy of the site plan on the plan, which is inconsistent with the standalone site plan submitted. Differences in lots sizes have been identified as well as the graphical representations of plant materials do not match the full size plan with the typical drawings and the legend; as a result this application will be condition for a revise landscape plan. The plant materials to be used include 24-inch box Mesquite and Blue Palo Verde trees, 5-gallon Texas Ranger, Indian Hawthorne and Bird of Paradise shrubs and 1-gallon Trailing Dwarf, Rosemary and Dwarf Coyote brush, as well as 16-foot tall Date Palm trees.

- **Elevation**

No elevations have been submitted as a part of this Site Development Plan Review, therefore this application will be conditioned so the dwellings do not exceed two stories or 35 feet whichever is less.

- **Floor Plan**

No elevations have been submitted as a part of this Site Development Plan Review.

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 surrounding land uses and zoning districts contain single-family residential dwellings on lots zoned for densities between 2 and 12 units per acre. The proposed zoning designation of R-PD2 (Residential Planned Development – 2 Units Per Acre) will allow up to 2 dwelling units per acre. The project's proposed density of 1.80 units per gross acre is compatible with surrounding land uses.

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 of 1.81 units per gross acre is consistent with both the properties general plan designation and proposed zoning district. Further, the proposed setbacks are consistent with the proposed densities and surrounding land uses. Lastly, with added conditions, the site plan meets required subdivision regulations per Title 18, in addition to design standards as outlined under the Landscape, Wall and Buffer Standards and Title 19.

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

The single access to Grand Canyon Drive will not negatively impact adjacent roadways or neighborhood traffic. In addition, Public Works has added several conditions to insure roadways and neighborhood traffic will not be negatively impacted by the proposed project.

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

Building and landscape materials are appropriate for the area. The submitted landscaping plan conforms to all minimum spacing and size standards for residential planned developments.

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;"

No building elevations have been submitted for this development, most likely as a result of the proposed lots being developed with custom homes.

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

The proposed development will be subject to regulations of the Uniform Building Code, along with Building and Safety Department regulations including permits and inspections and therefore the development will not compromise the public health, safety or welfare.

SDR-5797 - Staff Report Page Eight
January 27, 2005 - Planning Commission Meeting

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 10

NOTICES MAILED 148 [Mailed with ZON-5796]

APPROVALS 0

PROTESTS 0

**PLANNING & DEVELOPMENT DEPARTMENT**

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-5797** APN: 138-06-401-006
Name of Property Owner: SHELDON PAUL / MARK TURNER
Name of Applicant: Same

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: Sheldon W. Paul

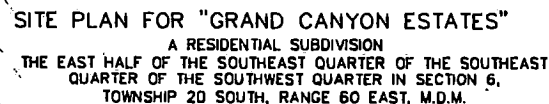
Subscribed and sworn before me

This 14th day of December, 2004

Arlene Perkins
Notary Public in and for said County and State



CURVE TABLE				
CURVE	LENGTH	RADIUS	TANGENT	DELTA
C1	31.18	20.00	19.68	89°05'09"
C2	29.81	75.00	15.25	90°56'43"
C3	16.62	19.50	8.95	48°49'38"
C4	196.26	40.50	35.42	277°39'15"
C5	16.62	19.50	8.95	48°49'38"
C6	16.62	19.50	8.95	48°49'38"
C7	196.26	40.50	35.42	277°39'15"
C8	16.62	19.50	8.95	48°49'38"
C9	23.31	15.00	14.73	89°03'17"
C10	15.87	10.00	10.16	96°34'49"
C11	01.61	54.00	50.88	85°32'14"



- MINIMUM LOT SIZE - 14,272 SF
- AVERAGE LOT SIZE - 14,780 SF
- GROSS AREA = 5.000 ACRES MORE OR LESS
- 1.808 LOTS PER ACRE

GENERAL NOTES

STANDARDIZATION		
ALL UTILITIES SHALL CONFORM TO THE STANDARDS AND SPECIFICATIONS OF THE CITY OF NORTH LAS VEGAS, NEVADA		
2. UTILITY SERVICES PROVIDED AS FOLLOWS:		8" MIN
WATER	LAS VEGAS VALLEY WATER DISTRICT	
ELECTRIC	NEVADA POWER COMPANY	
GAS	SOUTHWEST GAS CORPORATION	
SEWER	CITY OF LAS VEGAS	
SOLID WASTE DISPOSAL	REPUBLIC SERVICES	
TELEPHONE	SPRINT CENTRAL - NV	
UTILITY FASWELLSHIS TO BE DEDICATED TO THE RESPECTIVE AGENCIES. 4. STORM DRAIN TO SURFACE DRAIN ON STREETS 5. THIS DEVELOPMENT IS SHOWN IN ITS ENTIRETY ON THIS TENTATIVE MAP AND IS A PORTION OF THE TRACT DESCRIBED AS FOLLOWS: 6. ALL UTILITY SEWERS AND DRAIN MAINS ARE IF UNLESS OTHERWISE SHOWN		

SEWAGE CONTRIBUTION

AVERAGE = (250 GPD) x (11 LOTS) = 2,750 GPD
PEAK = 9,825 GPD

SETBACKS

SETBACKS

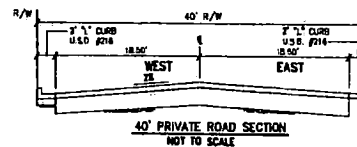
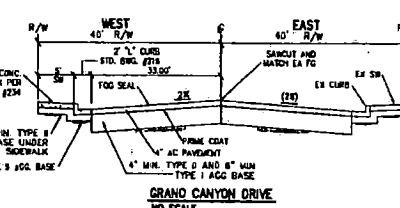
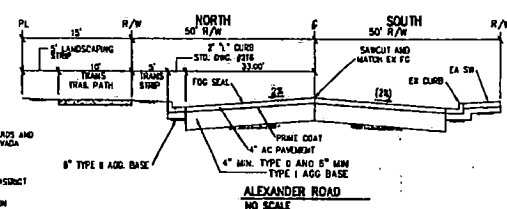
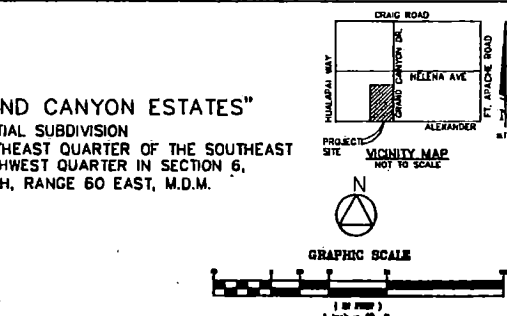
FRONT	10'
REAR	10'
SIDE	10'
CORNER	10'

REFERENCE INFORMATION

REFERENCES

NOTE

NOTHING OVER 24" ALLOWED IN SV2 EXCEPT
TRAFFIC CONTROL DEVICES
NO PROTECTIVE COVENANTS OR DEED
RESTRICTIONS ARE PLANNED.



LEGEND

NUMBER	DESCRIPTION	NUMBER	DESCRIPTION
1	HOOD-1/2" HOOT	20	CHASSIS RIBBON SHIELD
2	ROOF-1/2" HOOT	21	CHASSIS LIFT LUGS
3	CONSOLE	22	CHASSIS LIFT LUGS
4	WHEEL LUGS	23	CHASSIS LIFT LUGS
5	WHEEL LUGS	24	CHASSIS LIFT LUGS
6	CHASSIS LUGS	25	CHASSIS LIFT LUGS
7	CHASSIS LUGS	26	CHASSIS LIFT LUGS
8	CHASSIS LUGS	27	CHASSIS LIFT LUGS
9	CHASSIS LUGS	28	CHASSIS LIFT LUGS
10	CHASSIS LUGS	29	CHASSIS LIFT LUGS
11	CHASSIS LUGS	30	CHASSIS LIFT LUGS
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Call before you Dig—
1-800-227-2600
 OVERHEAD PHONE ALERT (O.A.A.)

DELTA ENGINEERING ASSUMES NO RESPONSIBILITY FOR EXISTING UTILITY LOCATIONS AND ELEVATIONS. THE UTILITIES SHOWN ON THIS DRAWING HAVE BEEN PLOTTED FROM THE BEST AVAILABLE INFORMATION. IT IS, HOWEVER, THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY THE LOCATION AND ELEVATION OF ALL UTILITIES PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION. CONTRACTOR IS TO FIELD VERIFY ALL EXISTING SITE CONDITIONS PRIOR TO CONSTRUCTION. IF A CONFLICT EXISTS BETWEEN WHAT IS SHOWN ON THESE DRAWINGS AND WHAT EXISTS IN THE FIELD, THE CONTRACTOR IS TO NOTIFY THE ARCHITECT OR ENGINEER IMMEDIATELY.

BENCHMARK
CLARK COUNTY BENCHMARK 82LV00--TH4
CITY OF LAS VEGAS RYET AND ALUMINUM PLATE IN TOP
OF CURB, SOUTHEAST CORNER OF ALEXANDER RD. AND
GRAND CANYON DR. NEAR PC OF GRAND CANYON DR.
ELEVATION= 782.858 METERS. 2601.23 FEET (NAVD 88)

LEGAL DESCRIPTION
THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST
QUARTER OF THE SOUTHWEST QUARTER IN SECTION 8,
TOWNSHIP 20 SOUTH, RANGE 80 EAST, N.D.M.

BASIS OF BEARINGS
NORTH 87°30'00" EAST BEING THE SOUTH LINE OF THE SOUTHEAST
QUARTER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP
28 SOUTH, RANGE 08 EAST, M.D.M. CLARK COUNTY, NEVADA AS
SHOWN ON FILE AT THE CLARK COUNTY, NEVADA RECORDERS OFFICE
AS FILE 101, PAGE 06 OF SURVEYS.

OWNER/DEVELOPER

SHeldon W PAUL
8188 STONE MEADOWS AVE
LAS VEGAS NEVADA 89142

SDR-5797

01/27/05 PC

RECEIVED
DEC 14 2004

DELTA ENGINEERING

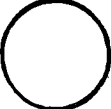
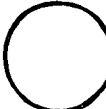
GRAND CANYON ESTATES
APN: 138-06-401-006

SITE PLAN

HTE

SITE

PLANTING LEGEND

SYM	SIZE	AREA	COMMON NAME	BOTANICAL NAME
	24" BOX TREE	AREA (A) 5- EACH SECTION BETWEEN TREES 20'-0" O.C. MIXED	MESQUITE	PROSOPIA SPECIES
	24" BOX TREE		BLUE PALO VERDE	CERCIDIUM FLORIDUM
	5'-GAL		TEXAS RANGER	LEUCOPHYLLUM FRUTECENS
	5'-GAL			
	1'-GAL GROUND COVER	AREA (A1) 5- EACH SECTION BETWEEN TREES 20'-0" O.C. MIXED	LANTANA	LANTANA SPECIES
	24" BOX TREE		MESQUITE	PROSOPIA SPECIES
	24" BOX TREE		BLUE PALO VERDE	CERCIDIUM FLORIDUM
	5'-GAL		TEXAS RANGER	LEUCOPHYLLUM FRUTECENS
	5'-GAL			
	1'-GAL GROUND COVER		DWARF COYOTE BRUSH	BACCHARIS CENTENNIAL

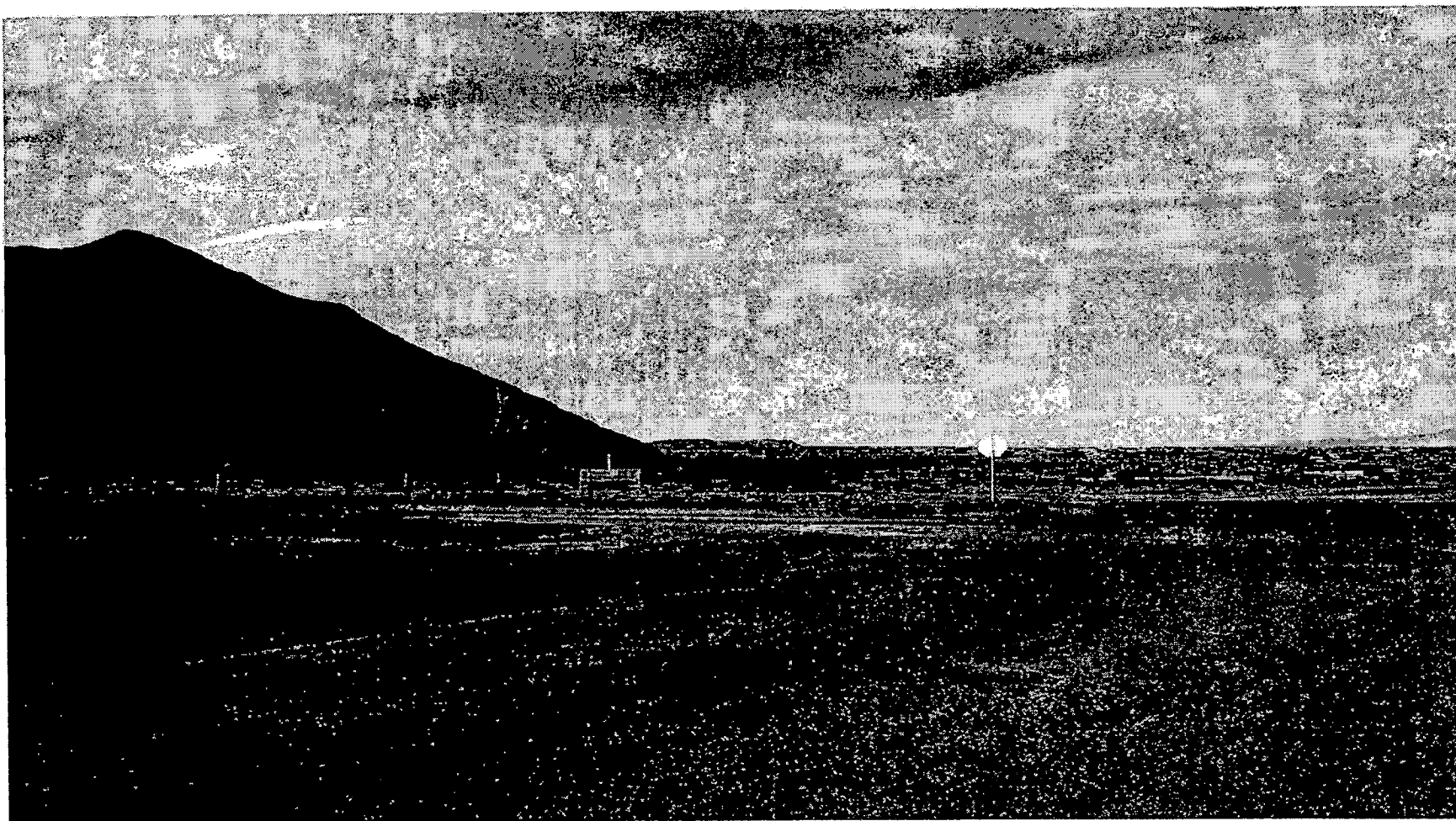
SDR-5797
01/27/05 PC

RECEIVED
DEC 14 2004

SYM	SIZE	TYPE (C)	COMMON NAME	BOTANICAL NAME
	16'-0" TALL	DATE PALM	DATE PALM	PHOENIX SPECIES
	16'-0" TALL	SELECT	MEXICAN FAN PALM	WASHINGTONIA ROBUSTA
	5'-GAL		INDIA HAWTHORNE	RAPHIOLEPIS INDICA
	5'-GAL		BIRD OF PARADISE	CEPSALPINIA SPECIES
	1'-GAL GROUND COVER		TEXING DWARF ROSEMARY	ROSMARINUS OFFICINALIS PROSTRATUS
	18" BOULDER		NATIVE.	

SDR-5797
01/27/05 PC

RECEIVED
DEC 14 2004



SDR-5797 - APPLICANT/OWNER: SHELDON W. PAUL AND RAYMOND MARK TURNER
NORTHWEST CORNER OF GRAND CANYON DRIVE AND ALEXANDER ROAD
JANUARY 27, 2005 PLANNING COMMISSION

12/30/04

JUSTIFICATION ZONE CHANGE

APN 138-06-401-006

December 12, 2004

THIS ZONE CHANGE IS BEING REQUESTED TO CHANGE THE EXISTING ZONING FROM U(DR) R-PD2.

THE EXISTING ZONING WILL NOT ALLOW 9 LOTS PER 5 ACRES (1.8 PER ACKER) IN THE CITY OF LAS VEGAS.

THE ADJACENT PROPERTY TO THE WEST AND THE EAST ARE IN THE COUNTY. THE COUNTY ALLOWS 9 LOTS PER ACRE IN THEIR EXISTING ZONING. THE WESTERN PROPERTY IS UNDER DEVELOPMENT; THE EASTERN PROPERTY WILL TENTIVELY HAVE 9 LOTS PER ACRE.

IN ORDER TO BE COMPETITIVE WITH OTHER DEVELOPERS IN THE IMMEDIATE AREA, IN THE COUNTY, AND JUSTIFY THE DEVELOPMENT EXPENSE WE ARE REQUESTING THE ZONE CHANGE.

WE APPRICIEATE YOUR ASSISTANCE
THANKS


SHELDON PAUL

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: JANUARY 27, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

ZON-5817 - REZONING - PUBLIC HEARING - APPLICANT: NEVADA BY DESIGN - OWNER: HOUSING AUTHORITY OF THE CITY OF LAS VEGAS -
Request for a Rezoning FROM: R-1 (SINGLE-FAMILY RESIDENTIAL) TO: R-MHP (RESIDENTIAL MOBILE/ MANUFACTURED HOME PARK) on 5.40 acres adjacent to the east side of the Interstate 515 freeway, approximately 620 feet south of Stewart Avenue (APN 140-31-303-002), Ward 3 (Reese).

C.C.: 03/02/05

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

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

MOTION:

TRUEDELL – APPROVED subject to conditions – UNANIMOUS

To be heard by City Council 3/02/2005

MINUTES:

CHAIRMAN NIGRO declared the Public Hearing open on Item 62 [ZON-5817], Item 63 [VAR-5825] and Item 64 [SDR-5821].

GARY LEOBOLD, Planning & Development Department, gave a detailed overview of the applications, indicating the original application for 37 units had expired. The new request is for 51 units, but staff believed that number combined with a reduction of pad sites would overbuild the site.

PLANNING COMMISSION MEETING OF JANUARY 27, 2005
Planning and Development Department
Item 62 – ZON-5817

MINUTES – Continued:

CLAYTON NEILSON, Nevada By Design, 3515 East Harmon Avenue, appeared on behalf of the applicant and indicated that the Housing Authority was trying to maximize the site to provide much needed affordable senior housing. MR. NEILSON asked that the condition that required the lots to be 65-feet wide adjacent to the existing homes be reduced as the widest mobile home is only 28-feet wide and the space saved could be used for additional housing. He asked that some landscaping conditions be amended because the homeowners association would incur the maintenance expense and that could be costly. He asked to work with staff to resolve the landscaping issue.

SELMA CLARK, Rulon Earl Mobile Manor Resident Council member, stated that the residents of the park look forward to having homes on the subject lot because it has become a popular haven for undesirable individuals. She said 17 prospective tenants are in line for the proposed project. She supported the project and asked the Commission to approve the items.

TODD FARLOW, 240 North 19th Street, indicated that his concern pertained to the removal of the bike trail from the site. MR. NEILSON informed him it was still shown on the plans and the proposed project would not encroach onto it. MR. FARLOW asked that the trail be renovated.

CHAIRMAN NIGRO explained that the 65-foot requirement would create a compatible transition with the adjacent lots. The landscaping condition already provided for the applicant to work with staff as MR. NEILSON requested.

VICE-CHAIRMAN TRUESDELL discussed with MR. NEILSON that the original applications expired because of a delay resulting from legislation that prohibited this type of project from being master metered for water. Costly individual metering was prohibitive for the Housing Authority and required a legislative revision.

COMMISSIONER McSWAIN confirmed with MR. NEILSON that the park would be age-restricted for individuals 55 and older. COMMISSIONER STEINMAN confirmed with ASHOK MARATHI, Development Director, Housing Authority, that tenants would have an income requirement and that there would be a rental restriction that no more than 30 percent of the tenant's income could be charged for rent. MR. MIRATHI emphasized the need for more housing and asked that the 51 lots be approved.

COMMISSIONER EVANS stated that he would not be able to support 51 lots because that would conflict with the City Council's previous approval for a maximum of 37 lots. MARGO WHEELER, Director, Planning and Development, informed the Commission that approval of 51 lots would require the deletion of Condition 4.

PLANNING COMMISSION MEETING OF JANUARY 27, 2005
Planning and Development Department
Item 62 – ZON-5817

MINUTES – Continued:

CHAIRMAN NIGRO declared the Public Hearing closed on Item 62 [ZON-5817], Item 63 [VAR-5825] and Item 64 [SDR-5821].

(9:34 – 9:57)

3-567

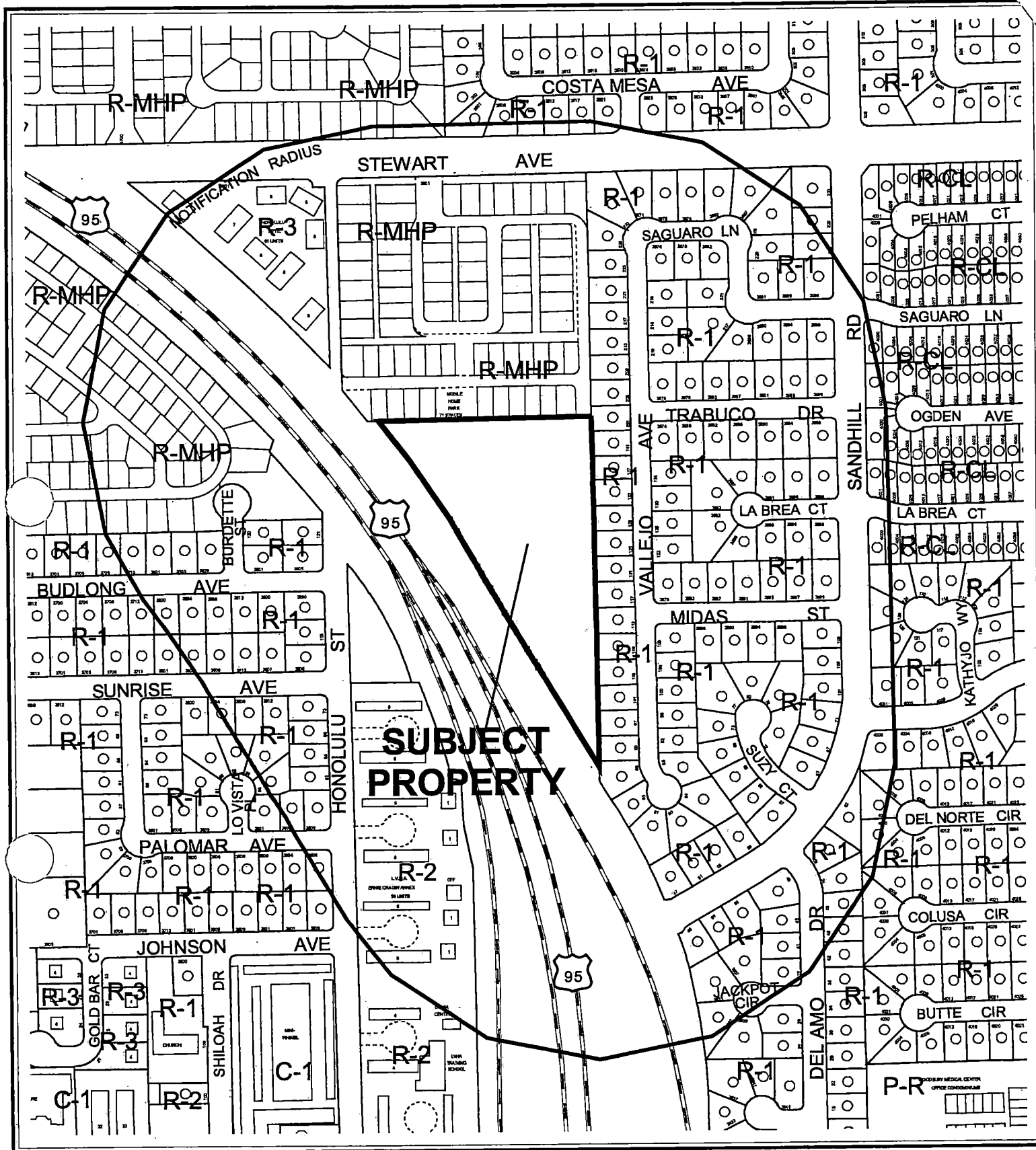
CONDITIONS:

Planning and Development

1. A Resolution of Intent with a two (2) year time limit.
2. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

3. 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 or 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.

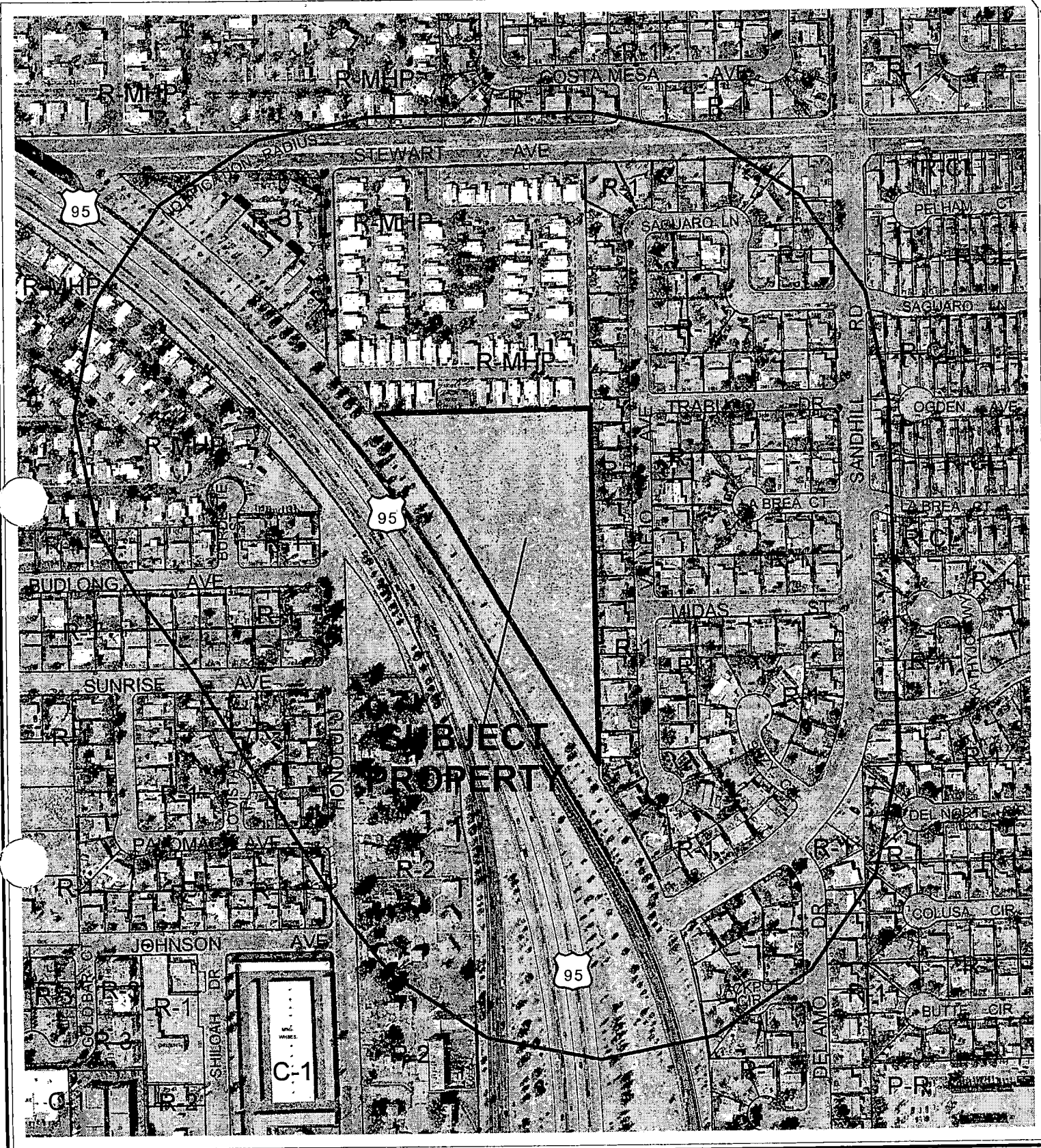


CASE: ZON-5817

RADIUS: 750 FT

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

PROPOSED ZONING OF SUBJECT PROPERTY:
R-MHP (RESIDENTIAL MOBILE/MANUFACTURED HOME PARK)



CASE: ZON-5817

RADIUS: 750 FT

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

PROPOSED ZONING OF SUBJECT PROPERTY:
R-MHP (RESIDENTIAL MOBILE/MANUFACTURED HOME PARK)

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JANUARY 27, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ZON-5817 - APPLICANT: NEVADA BY DESIGN - OWNER:

HOUSING AUTHORITY OF THE CITY OF LAS VEGAS

**** CONDITIONS ****

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

Planning and Development

1. A Resolution of Intent with a two (2) year time limit.
2. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

3. 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 or 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 is a request for a Rezoning from R-1 (Single Family Residential) to R-MHP (Residential Mobile/Manufactured Home Park) on 5.40 acres adjacent to the east side of the I-515, approximately 620 feet south of Stewart Avenue. An associated Variance (VAR-5825) and Site Development Plan Review (SDR-5821) application will be considered in conjuncture with this application.

B) Applicant's Justification

The applicant justifies the Rezoning application by stating that the proposed project is a continuation of an existing manufactured housing project (Rulon Earl – Phase I) and that it will assist the Las Vegas Housing Authority in achieving the occupancy needs and demands for manufactured housing pads.

BACKGROUND INFORMATION

A) Previous Actions

- 04/04/79 The Board of City Commissioners approved a request for reclassification of property from R-1 (Single Family Residential) to R-T (Trailer Residence), which was later modified to R-MHP (Residential Mobile/Manufactured Home Park), on the property to the north (Z-0021-79).
- 05/27/80 The Board of Zoning Adjustment approved a request for a Waiver of Mobile Home Setback Requirements (BZA-2-80) on the property to the north. This request allowed the side yard setback for open carports and patio covers to be reduced from five feet to three feet on the individual spaces.
- 08/18/99 The Las Vegas 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 a density up to 8 units per acre, and Medium Density Residential up to 25 units per acre.

ZON-5817 - Staff Report Page Two
January 27, 2005 - Planning Commission Meeting

06/21/00 The City Council approved a Rezoning (Z-0020-00) application for the reclassification of property from R-1 (Single Family Residential) to R-MHP (Residential Mobile/Manufactured Home Park) on 5.40 acres adjacent to the east side of the I-515, approximately 620 feet south of Stewart Avenue. The Planning Commission and Staff both recommended approval. **[The application was approved for a maximum of 37 lots.]**

09/06/00 The City Council approved a General Plan Amendment (GPA-0014-00) application to amend a portion of the Southeast Sector Plan of the General Plan from ML (Medium Low Density Residential) to M (Medium Density Residential) on 5.40 acres on the east side of I-515, approximately 620 feet south of Stewart Avenue. The Planning Commission recommended approval. Staff recommended denial.

09/06/00 The City Council approved a Variance (V-0013-00) application to allow 3,000 square feet mobile home spaces where 4,000 square feet is the minimum space size allowed, and 40-foot wide lots where 45 feet is the minimum lot width allowed on 5.40 acres on the east side of I-515, approximately 620 feet south of Stewart Avenue. The Planning Commission recommended approval. Staff recommended denial.

09/06/00 The City Council approved a Site Development Plan Review (SD-0022-00) application for a proposed 58-space mobile home park on 5.40 acres on the east side of I-515, approximately 620 feet south of Stewart Avenue. The Planning Commission recommended approval. Staff recommended denial. **[The application was conditioned not to exceed a development density of 10.8 dwelling units per acre, i.e. 37 lots.]**

B) Pre-Application Meeting

11/29/04 A pre-application conference was held resulting in the following comments:

1. The subject property must be rezoned from R-1 (Single Family Residential) to R-MHP (Residential Mobile/Manufactured Home Park).
2. The R-MHP (Residential Mobile/Manufactured Home Park) zoning designation requires a minimum space size of 4,000 square feet, a minimum space width of 45 feet and a front, side and rear setback of 5 feet.
3. Plans were previously submitted for a proposed 58-lot development in 2000.
4. Private street widths within a mobile/manufactured home park maybe 32 feet in width.
5. A drainage study will be required by Public Works.

ZON-5817 - Staff Report Page Three
January 27, 2005 - Planning Commission Meeting

6. Traffic signal fee will be required by Public Works.
7. The project is to be rental units for the Housing Authority.
8. A Multi-Use trail presently exists along the western alignment of the subject property.

C) Neighborhood Meetings

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

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 5.40

B) Existing Land Use

Subject Property: Undeveloped [Previously approved for a 37-lot mobile/manufactured home park]
North: Mobile/Manufactured Home Park
South: I-515
East: Single Family Detached Residential Dwellings
West: I-515

C) Planned Land Use

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

D) Existing Zoning

Subject Property: R-1 (Single Family Residential)
North: R-MHP (Residential Mobile/Manufactured Home Park)
South: Right-Of-Way
East: R-1 (Single Family Residential)
West: Right-Of-Way

E) General Plan Compliance

The subject parcel is designated M (Medium Density Residential) within the Southeast Sector Land Use Map of the General Plan. The M (Medium Density Residential) General Plan designation allows for a density range of 12.1 to 25 dwelling units per acre and includes a variety

ZON-5817 - Staff Report Page Four
January 27, 2005 - Planning Commission Meeting

of multi-family uses such as plexes, townhouses, and low density apartments. The current zoning of subject site is R-1 (Single Family Residential), which allows for a density of 5.5 dwelling units per acre. The proposed rezoning of the property to a R-MHP (Residential Mobile/Manufactured Home Park) zoning designation would allow for a density of 8 dwelling units per acre. The proposed rezoning is within the density range permitted by the M (Medium Density Residential) General Plan designation.

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

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

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

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

Standards	Required	Provided	Compliance
Min. Lot Size	4,000 Feet	3,000 Feet	NO
Min. Lot Width	45 Feet	40 Feet	NO
Min. Setbacks			
• Front	5 Feet	5 Feet	YES
• Side	5 Feet	5 Feet	YES
• Corner	5 Feet	5 Feet	YES
• Rear	5 Feet	5 Feet	YES
Max. Lot Coverage	N/A	46 %	N/A
Max. Building Height	2 Stories / 35 Feet	Not Provided	Undetermined

The proposed development fails to meet the minimum space size and width standards and will require approval of the associated Variance (VAR-5825) application to be in conformance with Title 19. Additionally, no elevations were submitted therefore, the height of the mobile/manufactured homes could not be determined at this time.

B) General Analysis and Discussion

The R-MHP District is a medium density residential district under single ownership or control designated primarily for the rental of spaces for occupied mobile or manufactured homes. The R-MHP District is consistent with the policies of the Medium-Low Density Residential category of the General Plan. The subject site is designated M (Medium Density Residential) within the General Plan, which allows for a maximum of 25 dwelling units per gross acre, but is limited to the density requirements set forth by the R-MHP zoning district.

The proposed zoning district is compatible with the General Plan land use designation. The M (Medium Density Residential) General Plan designation allows up to a maximum of 25 units per gross acre, and the current site plan shows a density of 9.44 units per acre. The proposed density is in conformance with both the General Plan and the R-MHP zoning district.

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 R-MHP (Residential Mobile/Manufactured Home Park) zoning district conforms to the General Plan designation of Medium Density Residential.

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

The proposed use is compatible with adjacent development. Another mobile home park exists to the north, a freeway to the west and a single-family residential development to the east.

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

The proposed development constitutes an infill project that would complete an established mobile/manufactured home park (Rulon Earl) to the north. The development of this site, which is surrounded by fully developed property, would be beneficial to the City.

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."

ZON-5817 - Staff Report Page Six
January 27, 2005 - Planning Commission Meeting

This project will be located near Stewart Avenue, a 100-foot wide Primary Arterial street, and Sandhill Road, an 80-foot wide Secondary Collector street. Even though direct access to the site will be through the existing portion of the mobile home park, these roads will be adequate in size to meet the requirements of the proposed zoning district.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

8

NOTICES MAILED 203 [Mailed with VAR-5825 and SDR-5821]

APPROVALS 0

PROTESTS 0

**PLANNING & DEVELOPMENT DEPARTMENT**

STATEMENT OF FINANCIAL INTEREST

Case Number: **ZON-5817** APN: 149-31-303-002

Name of Property Owner: Housing Authority of the City of Las Vegas

Name of Applicant: Parviz Ghadiri, Executive Director

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

Yes

X	No

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

City Official: _____

Partner(s): _____

APN: _____

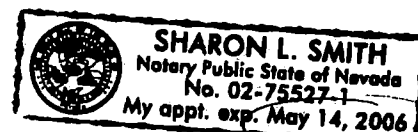
Signature of Property Owner/Authorized Agent:_____

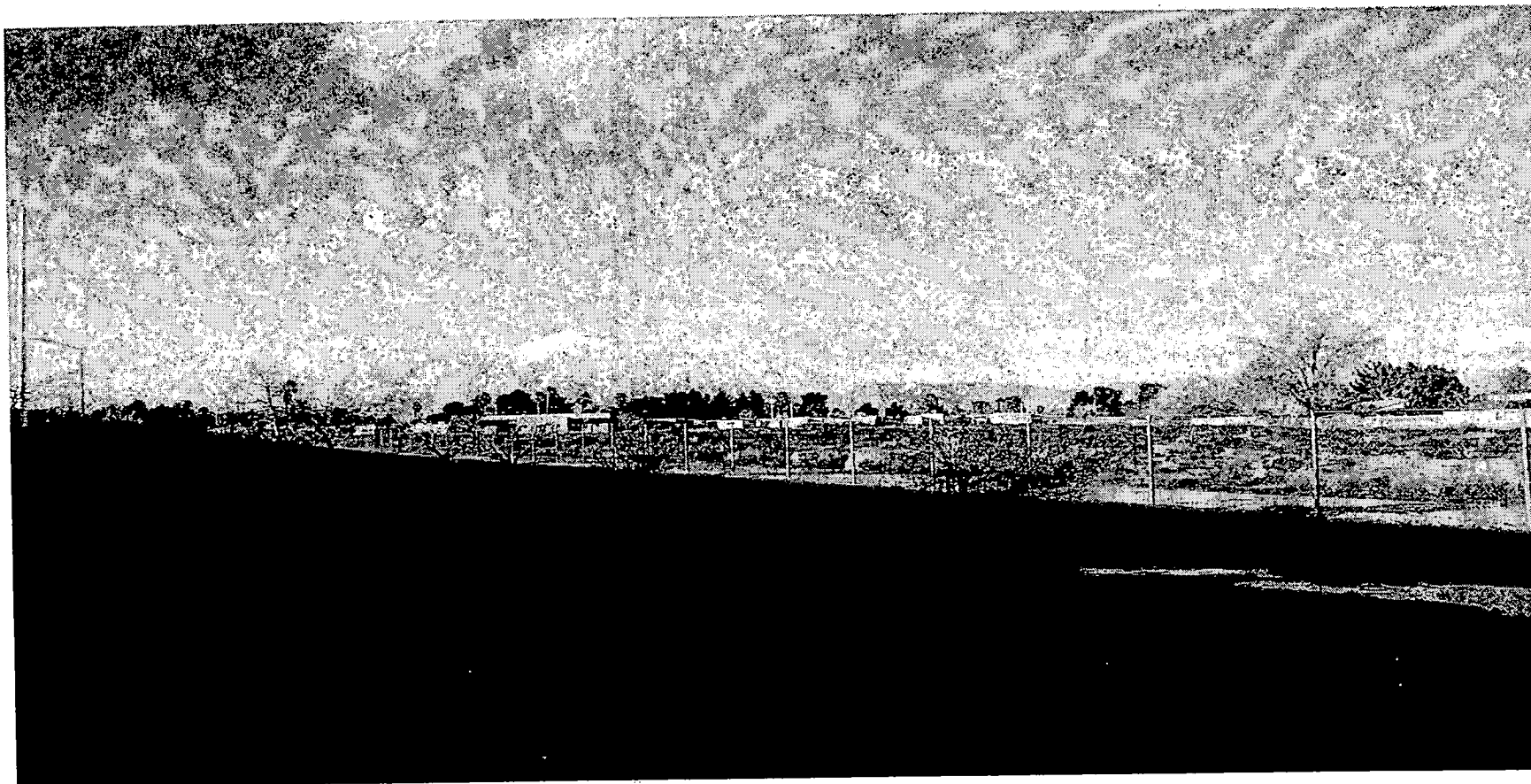
Print Name:

Subscribed and sworn before me

This 9TH day of DECEMBER, 2004

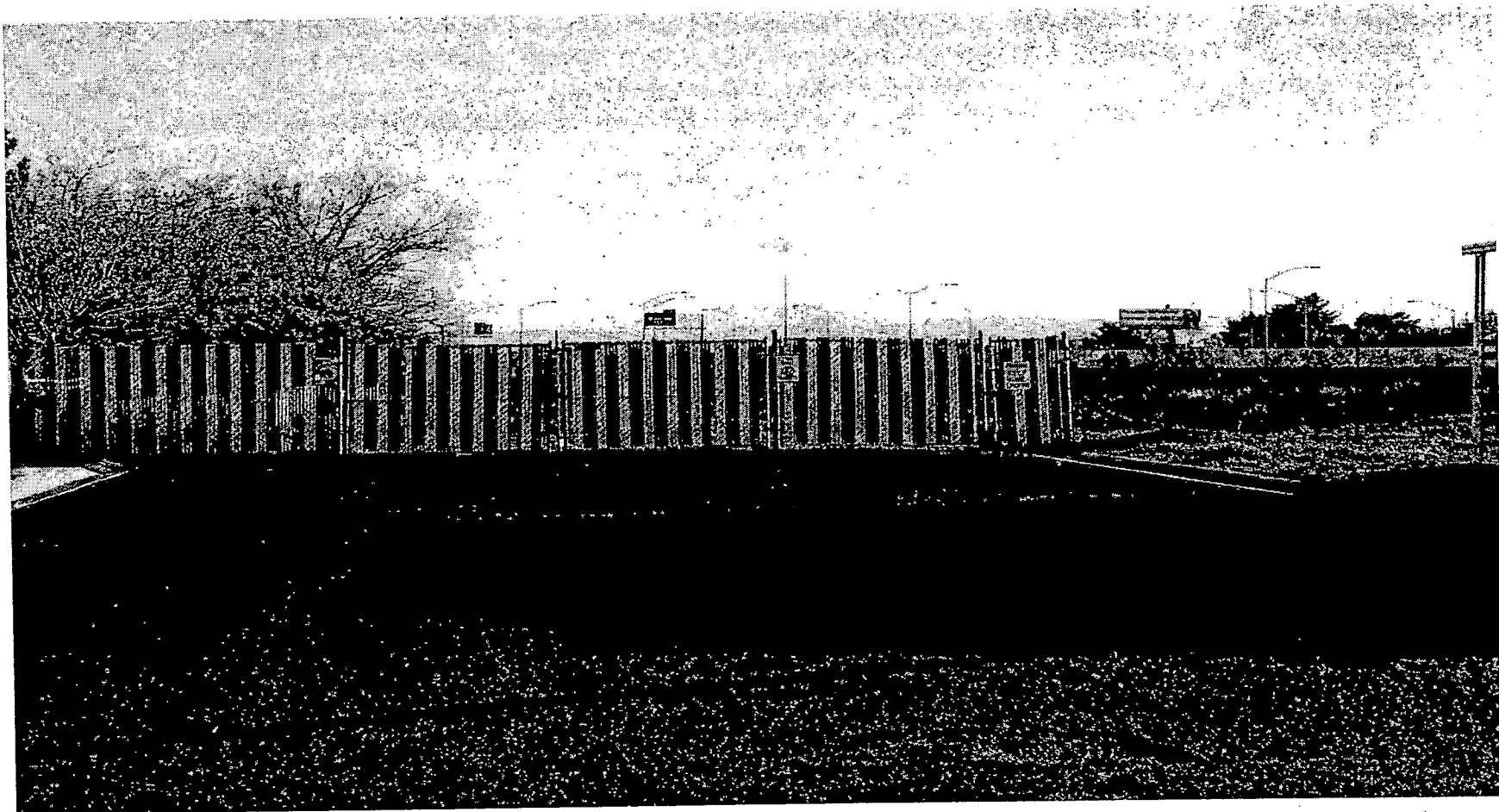
Notary Public in and for said County and State





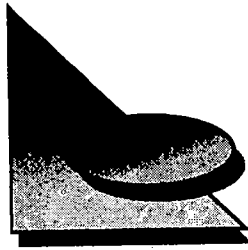
ZON-5817 - APPLICANT: NEVADA BY DESIGN - OWNER: HOUSING AUTHORITY OF THE CITY OF
LAS VEGAS
EAST SIDE OF THE INTERSTATE 515 FREEWAY, APPROXIMATELY 1,000 FEET SOUTH OF STEWART
AVENUE
JANUARY 27, 2005 PLANNING COMMISSION

1/11/05



ZON-5817 - APPLICANT: NEVADA BY DESIGN - OWNER: HOUSING AUTHORITY OF THE CITY OF
LAS VEGAS
EAST SIDE OF THE INTERSTATE 515 FREEWAY, APPROXIMATELY 1,000 FEET SOUTH OF STEWART
AVENUE
JANUARY 27, 2005 PLANNING COMMISSION

1/11/05



Nevada By Design

ENGINEERING CONSULTANTS

3515 E. Harmon Avenue ■ Las Vegas, NV 89121 ■ Phone 702•938•1525 ■ Fax 702•938•1530

November 29, 2004

City of Las Vegas
Planning and Development Department
741 South 4th Street
Las Vegas, NV 89101

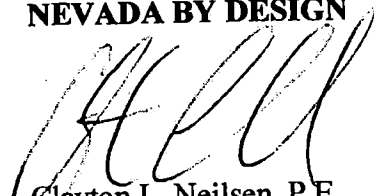
Re: **Justification Letter for Zoning for the Rulon Earl Mobile Home Park Expansion**

To Whom it May Concern,

This letter is to provide justification for the Zoning for the Rulon Earl Mobile Home Expansion from R-1 (Single Family Residential) to R-MHP (Residential Mobile/Manufactured Home Park). The reasons for the justification are that this project is a continuation of the existing manufactured housing project (Rulon Earl – Phase I). This project will also help the Las Vegas Housing Authority to achieve the occupancy needs and demands for more manufactured housing pads. This variance will also ensure that the lots of the Phase II expansion are compatible with the Phase I lots.

Sincerely,

NEVADA BY DESIGN



Clayton L. Neilsen, P.E.
Senior Engineer

DCN: 1129114

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: JANUARY 27, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

VAR-5825 - VARIANCE RELATED TO ZON-5817 - PUBLIC HEARING - APPLICANT: NEVADA BY DESIGN - OWNER: HOUSING AUTHORITY OF THE CITY OF LAS VEGAS - Request for a Variance TO ALLOW 3,000 SQUARE-FOOT MINIMUM SPACES WHERE 4,000 SQUARE FEET IS THE MINIMUM REQUIRED AND TO ALLOW 40-FOOT WIDE SPACES WHERE 45 FEET IS THE MINIMUM REQUIRED FOR A PROPOSED MOBILE HOME PARK EXPANSION on 5.40 acres adjacent to the east side of the Interstate 515 freeway, approximately 620 feet south of Stewart Avenue (APN 140-31-303-002), R-1 (Single-Family Residential) Zone [PROPOSED: R-MHP (Residential Mobile/Manufactured Home Park) Zone], Ward 3 (Reese).

C.C.: 03/02/05

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

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

MOTION:

TRUESDELL – APPROVED subject to conditions – UNANIMOUS

To be heard by City Council 3/02/2005

MINUTES:

See Item 62 for related discussion on Item 62 [ZON-5817], Item 63 [VAR-5825] and Item 64 [SDR-5821].

(9:34 – 9:57)

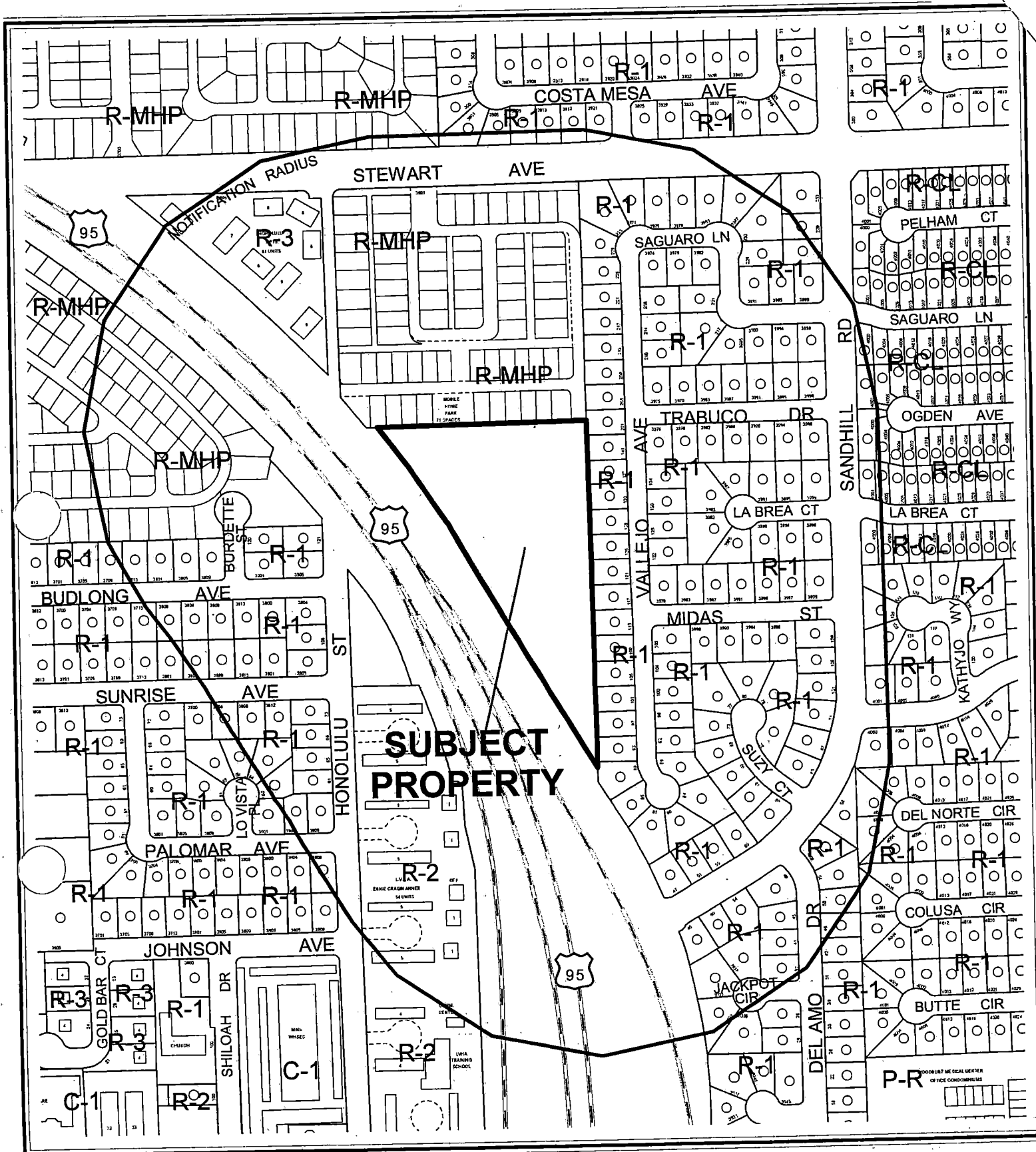
3-567

PLANNING COMMISSION MEETING OF JANUARY 27, 2005
Planning and Development Department
Item 63 – VAR-5825

CONDITIONS:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-5817) and Site Development Plan Review [SDR-5821].
2. Submit a revised site plan indicating the reduction in the number of lots to comply with the General Plan and increase the width of the lots along the east property line prior to the application for a building permit, as required by the Planning and Development Department.
3. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.



CASE: **VAR-5825**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

R-1 (SINGLE-FAMILY RESIDENTIAL)

PROPOSED ZONING OF SUBJECT PROPERTY:

R-MHP (RESIDENTIAL MOBILE/MANUFACTURED HOME PARK)

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JANUARY 27, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-5825 - APPLICANT: NEVADA BY DESIGN - OWNER:

HOUSING AUTHORITY OF THE CITY OF LAS VEGAS

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-5817) and Site Development Plan Review [SDR-5821].
2. Submit a revised site plan indicating the reduction in the number of lots to comply with the General Plan and increase the width of the lots along the east property line prior to the application for a building permit, as required by the Planning and Development Department.
3. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Variance to allow a 3,000 square-foot minimum spaces where 4,000 square feet is the minimum required and to allow 40-foot wide spaces where 45 feet is required within a R-MHP (Residential Mobile/Manufactured Home Park) zoning district for a proposed mobile home park expansion. An associated Rezoning (ZON-5817) and Site Development Plan Review (SDR-5821) application will be considered in conjuncture with this application.

B) Applicant's Justification

The applicant justifies the Rezoning application by stating that the proposed project is a continuation of an existing manufactured housing project (Rulon Earl – Phase I) and that it will assist the Las Vegas Housing Authority, a separate entity from the City of Las Vegas, in achieving the occupancy needs and demands for manufactured housing pads.

BACKGROUND INFORMATION

A) Previous Actions

- 04/04/79 The Board of City Commissioners approved a request for reclassification of property from R-1 (Single Family Residential) to R-T (Trailer Residence), which was later modified to R-MHP (Residential Mobile/Manufactured Home Park), on the property to the north (Z-0021-79).
- 05/27/80 The Board of Zoning Adjustment approved a request for a Waiver of Mobile Home Setback Requirements (BZA-2-80) on the property to the north. This request allowed the side yard setback for open carports and patio covers to be reduced from five feet to three feet on the individual spaces.
- 08/18/99 The Las Vegas 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 a density up to 8 units per acre, and Medium Density Residential up to 25 units per acre.

VAR-5825 - Staff Report Page One
January 27, 2005 - Planning Commission Meeting

- 06/21/00 The City Council approved a Rezoning (Z-0020-00) application for the reclassification of property from R-1 (Single Family Residential) to R-MHP (Residential Mobile/Manufactured Home Park) on 5.40 acres adjacent to the east side of the I-515, approximately 620 feet south of Stewart Avenue. The Planning Commission and Staff both recommended approval. **[The application was approved for a maximum of 37 lots.]**
- 09/06/00 The City Council approved a General Plan Amendment (GPA-0014-00) application to amend a portion of the Southeast Sector Plan of the General Plan from ML (Medium Low Density Residential) to M (Medium Density Residential) on 5.40 acres on the east side of I-515, approximately 620 feet south of Stewart Avenue. The Planning Commission recommended approval. Staff recommended denial.
- 09/06/00 The City Council approved a Variance (V-0013-00) application to allow 3,000 square feet mobile home spaces where 4,000 square feet is the minimum space size allowed, and 40-foot wide lots where 45 feet is the minimum lot width allowed on 5.40 acres on the east side of I-515, approximately 620 feet south of Stewart Avenue. The Planning Commission recommended approval. Staff recommended denial.
- 09/06/00 The City Council approved a Site Development Plan Review (SD-0022-00) application for a proposed 58-space mobile home park on 5.40 acres on the east side of I-515, approximately 620 feet south of Stewart Avenue. The Planning Commission recommended approval. Staff recommended denial. **[The application was conditioned not to exceed a development density of 10.8 dwelling units per acre, i.e. 37 lots.]**

B) Pre-Application Meeting

- 11/29/04 A pre-application conference was held resulting in the following comments:
1. The subject property must be rezoned from R-1 (Single Family Residential) to R-MHP (Residential Mobile/Manufactured Home Park).
 2. The R-MHP (Residential Mobile/Manufactured Home Park) zoning designation requires a minimum space size of 4,000 square feet, a minimum space width of 45 feet and a front, side and rear setback of 5 feet.
 3. Plans were previously submitted for a proposed 58-lot development in 2000.
 4. Private street widths within a mobile/manufactured home park maybe 32 feet in width.
 5. A drainage study will be required by Public Works.

VAR-5825 - Staff Report Page Three
January 27, 2005 - Planning Commission Meeting

6. Traffic signal fee will be required by Public Works.
7. The project is to be rental units for the Housing Authority.
8. A Multi-Use trail presently exists along the western alignment of the subject property.

C) Neighborhood Meetings

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

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 5.40

B) Existing Land Use

Subject Property: Undeveloped [Previously approved for a 37-lot mobile/manufactured home park]

North: Mobile/Manufactured Home Park

South: I-515

East: Single Family Detached Residential Dwellings

West: I-515

C) Planned Land Use

Subject Property: M (Medium Density Residential)

North: ML (Medium Low Density Residential)

South: Right-Of-Way

East: L (low Density Residential)

West: Right-Of-Way

D) Existing Zoning

Subject Property: R-1 (Single Family Residential)

North: R-MHP (Residential Mobile/Manufactured Home Park)

South: Right-Of-Way

East: R-1 (Single Family Residential)

West: Right-Of-Way

E) General Plan Compliance

The subject parcel is designated M (Medium Density Residential) within the Southeast Sector Land Use Map of the General Plan. The M (Medium Density Residential) General Plan designation allows for a density range of 12.1 to 25 dwelling units per acre and includes a variety of multi-family uses such as plexes, townhouses, and low density apartments. The current zoning of subject site is R-1 (Single Family Residential), which allows for a density of 5.5 dwelling units per acre. The proposed rezoning of the property to a R-MHP (Residential Mobile/Manufactured Home Park) zoning designation would allow for a density of 8 dwelling units per acre. The proposed rezoning is within the density range permitted by the M (Medium Density Residential) General Plan designation.

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

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

A) Zoning Code Compliance

A1) Development Standards

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

Standards	Required	Provided	Compliance
Min. Lot Size	4,000 Feet	3,000 Feet	NO
Min. Lot Width	45 Feet	40 Feet	NO
Min. Setbacks			
• Front	5 Feet	5 Feet	YES
• Side	5 Feet	5 Feet	YES
• Corner	5 Feet	5 Feet	YES
• Rear	5 Feet	5 Feet	YES
Max. Lot Coverage	N/A	46 %	N/A
Max. Building Height	2 Stories / 35 Feet	Not Provided	Undetermined

VAR-5825 - Staff Report Page Five
January 27, 2005 - Planning Commission Meeting

The proposed development seeks to reduce the required square footage of a mobile/manufactured home space by 1,000 square feet, while further reducing the required minimum space width by five feet. Therefore, the proposed expansion of Rulon Earl mobile home park fails to meet the minimum space width and the minimum space square footage required within a R-MHP (Residential Mobile/Manufactured Home Park) zoning district.

B) General Analysis and Discussion

The applicant has requested a Variance to allow the space size to be reduced from the required 4,000 square foot minimum to 3,000 square feet. Since the site plan does not show any open space areas within the project, the need for the 3,000 square foot space sizes cannot be vindicated. Additionally, even though the proposed project is in conformance with the General Plan density requirements for a M (Medium Density Residential) designation the proper designation associated with a R-MHP (Residential Mobile/Manufactured Home Park) zoning district is a ML (Medium Low Density Residential) designation. The ML General Plan designation allows up to a maximum of eight units per acre, meanwhile M General Plan designation allows up to 25 units per acre. The maximum number of units that can be placed on this site is 37 under a ML General Plan designation as compared to potential 135 under the M General Plan designation. The proposed 51-space mobile home park expansion would result in the overbuilding of the site. Therefore, this request cannot be supported. The lots shown along the east property line are 40 feet wide and 75 feet deep, while the lots in the abutting single family residential development to the east are 65 feet wide a 100 feet deep. Title 19 requires lots in the R-MHP zoning district to be 45 feet wide not 40 feet as the site plan shows. It is recommended that the spaces along the eastern property line increase in width to 65 feet to align with existing development and to provide a smoother transition to the new project. Furthermore it can be argued that 3,000 square foot lots are an impractical size of lot for today's manufactured/mobile homes. Currently, buyers of mobile homes prefer the wider 26 and 28-foot doublewide homes. Several of the older mobile home communities in Las Vegas are unable to accommodate the wider homes because space sizes are too small, and setbacks cannot be met.

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."

VAR-5825 - Staff Report Page Six
January 27, 2005 - Planning Commission Meeting

Additionally, Title 19.18.070L states:

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

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by attempting to over build the site. Alternative site design would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

8

NOTICES MAILED 203 [Mailed with ZON-5817 and SDR-5821]

APPROVALS 0

PROTESTS 0



Case Number: **VAR-5825** APN: 141-31-303-002

Name of Property Owner: Housing Authority of the City of Las Vegas

Name of Applicant: Parviz Ghadiri, Executive Director

 Yes X No

City Official: _____

Partner(s): _____

APN: _____

Signature of Property Owner/Authorized Agent:

Print Name: PARVIZ GHADIRI

This 9TH day of DECEMBER, 2004

Notary Public in and for said County and State





DENSITY
TOTAL LOTS: 31
GROSS AREA: 3.48 AC.
DENSITY: 8.28 LOTS PER AC.
TYP. LOT: 40' x 75'
PRIVATE DRIVE: 33'

PARKING
TOTAL SPACES REQUIRED: 111
TOTAL SPACES PROVIDED: 113

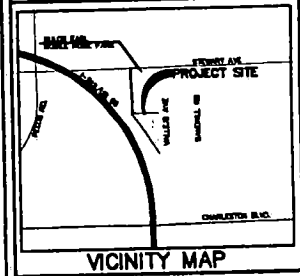
CEMENT AREA
TOTAL OPEN AREA REQUIRED: N/A
TOTAL AREA PROVIDED: 3.56 AC.

BENCHMARK:
 2" X 4" WOODEN NAIL AND PLATE IN TOP OF GIRD AT SOUTHWEST CORNER OF
 STEWART AND SARGENT.
 ELEVATION 1776.00 (DRAIN 60)

NORTH OF BEARINGS:
 NORTH 87°04' WEST BEARS THE EAST LINE OF THE SOUTHWEST QUARTER OF SEC.
 12, TOWNSHIP 64 N., RANGE 10 E., EAST, U.S.M., CLATSOP COUNTY, OREGON.
 DISTANCE IS 100.12 FEET TO PLATE.

NOTE:
PRIVATE ROADS SHALL BE A PUBLIC UTILITY
EASEMENT (PUE), A PUBLIC DRAINAGE
EASEMENT (WITH MAINTENANCE BY M.C.A.)
AND CITY OF LAS VEGAS SEWER EASEMENT.

Call before you OVERHEAD
1-702-593-8111

[illegible]

DO NOT SCALE DRAWINGS



Nevada By Design
 2500-2000S CONCRETE
 2015 East Main Street
 Las Vegas, NV 89107
 Phone: (702) 630-1323
 Fax: (702) 630-1530
 E-mail: info@nevadabydesign.com

RULON EARL MOBILE HOME PARK EXPANSION

PRELIMINARY LANDSCAPE PLAN

1

Housing Authority of the City of Las Vegas

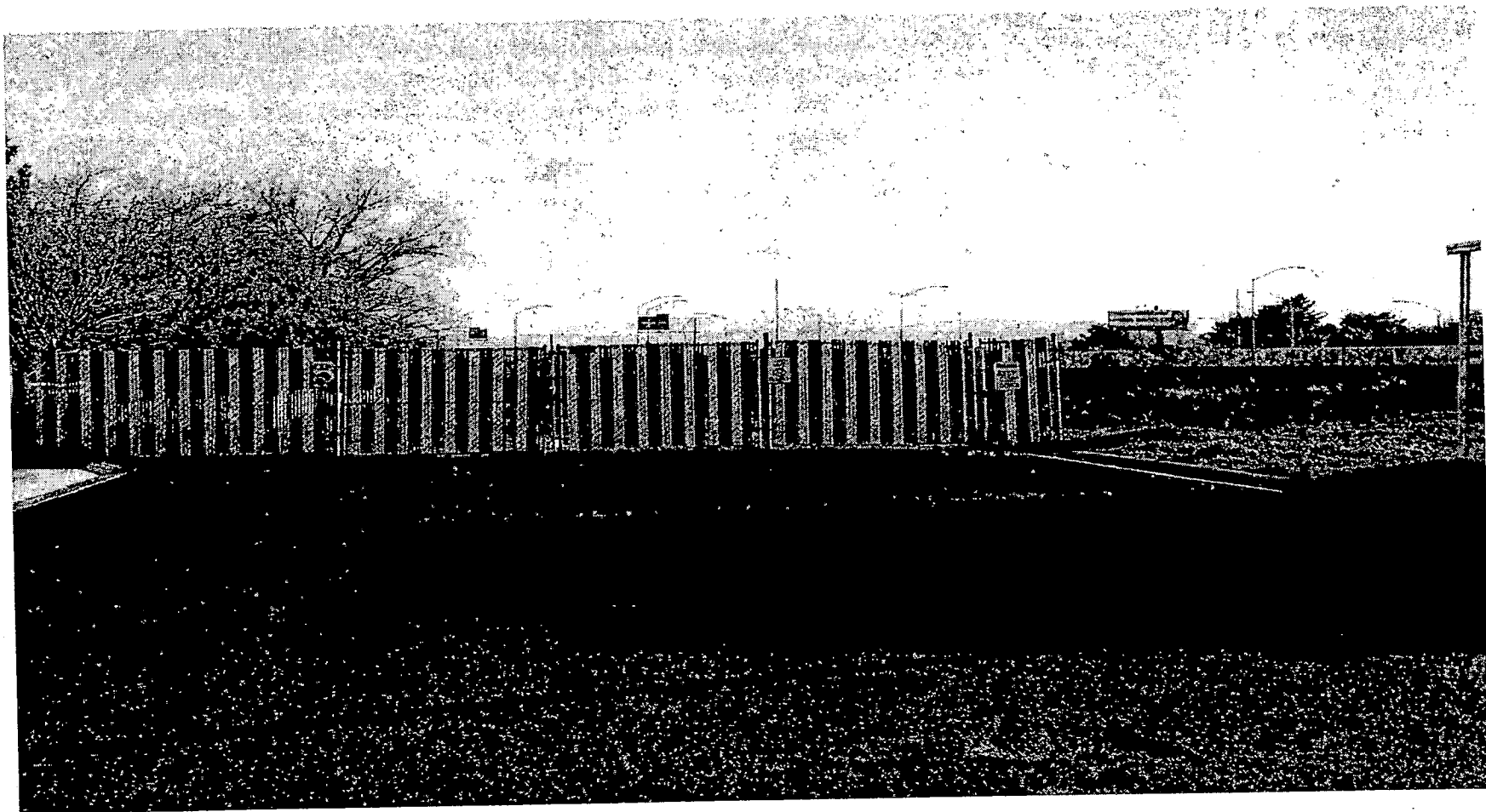
SDR-5821 ZON-5817
VAR-5825
01/27/05 PC

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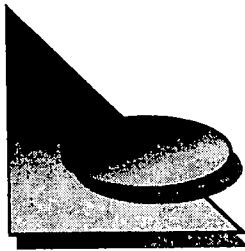
VAR-5825 - APPLICANT: NEVADA BY DESIGN - OWNER: HOUSING AUTHORITY OF THE CITY OF
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JANUARY 27, 2005 PLANNING COMMISSION

1/11/05



VAR-5825 - APPLICANT: NEVADA BY DESIGN - OWNER: HOUSING AUTHORITY OF THE CITY OF
LAS VEGAS
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JANUARY 27, 2005 PLANNING COMMISSION

1/11/05



Nevada By Design

ENGINEERING CONSULTANTS

3515 E. Harmon Avenue ■ Las Vegas, NV 89121 ■ Phone 702•938•1525 ■ Fax 702•938•1530

November 29, 2004

City of Las Vegas
Planning and Development Department
741 South 4th Street
Las Vegas, NV 89101

Re: Justification Letter for Variance for the Rulon Earl Mobile Home Park Expansion

To Whom it May Concern,

This letter is to provide justification for the Variance to allow 3,000 square foot mobile home spaces where 4,000 square feet is the minimum space allowed and 40-foot wide lots where 45 feet is the minimum lot width. The reasons for the justification are that this project is a continuation of the existing manufactured housing project (Rulon Earl – Phase I). This project will also help the Las Vegas Housing Authority to achieve the occupancy needs and demands for more manufactured housing pads. This variance will also ensure that the lots of the Phase II expansion are compatible with the Phase I lots.

Sincerely,

NEVADA BY DESIGN

Clayton L. Neilsen, P.E.
Senior Engineer

DCN: 1129094

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: JANUARY 27, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

**SDR-5821 - SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-5817 AND
VAR-5825 - PUBLIC HEARING - APPLICANT: NEVADA BY DESIGN - OWNER:
HOUSING AUTHORITY OF THE CITY OF LAS VEGAS - Request for a Site
Development Plan Review FOR A PROPOSED 51-PAD MOBILE/MANUFACTURED HOME
PARK EXPANSION on 5.40 acres adjacent to the east side of the Interstate 515 freeway,
approximately 620 feet south of Stewart Avenue (APN 140-31-303-002), R-1 (Single-Family
Residential) Zone [PROPOSED: R-MHP (Residential Mobile/Manufactured Home Park) Zone],
Ward 3 (Reese).**

C.C.: 03/02/05

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

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

MOTION:

**TRUESDELL – APPROVED subject to conditions and deleting Condition 4 – Motion
carried with EVANS voting NO – UNANIMOUS**

To be heard by City Council 3/02/2005

MINUTES:

See Item 62 [ZON-5817] for related discussion on Item 62 [ZON-5817], Item 63 [VAR-5825]
and Item 64 [SDR-5821].

(9:34 – 9:57)

3-567

PLANNING COMMISSION MEETING OF JANUARY 27, 2005
Planning and Development Department
Item 64 – SDR-5821

CONDITIONS:

Planning and Development

1. A Rezoning [ZON-5817] to a R-MHP (Residential Mobile/Manufactured Home Park) Zoning District and Variance [VAR-5825] 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. The site plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for civil plans, to reflect the addition of three handicap parking spaces and the distribution of guest parking throughout the site in accordance with Title 19.10.010 (F).
4. The site plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for civil plans, to reflect the increasing of lot widths along the east property line to 65 feet wide to align with existing development, as to provide a smoother transition to the new project.
5. The site plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for civil plans, to reflect the addition of two points of pedestrian access, or gates, be added to connect this project to the I-515 trail, which is located immediately to the west of the project.
6. The landscape plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for civil plans, to reflect minimum 24-inch box trees planted a maximum of 30 feet on-center and a minimum of four five-gallon shrubs for each tree within provided planters, as well as the landscape plan shall reflect size of the plant materials within the legend.
7. 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.
8. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner.
9. 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

PLANNING COMMISSION MEETING OF JANUARY 27, 2005
Planning and Development Department
Item 64 – SDR-5821

CONDITIONS – Continued:

site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.

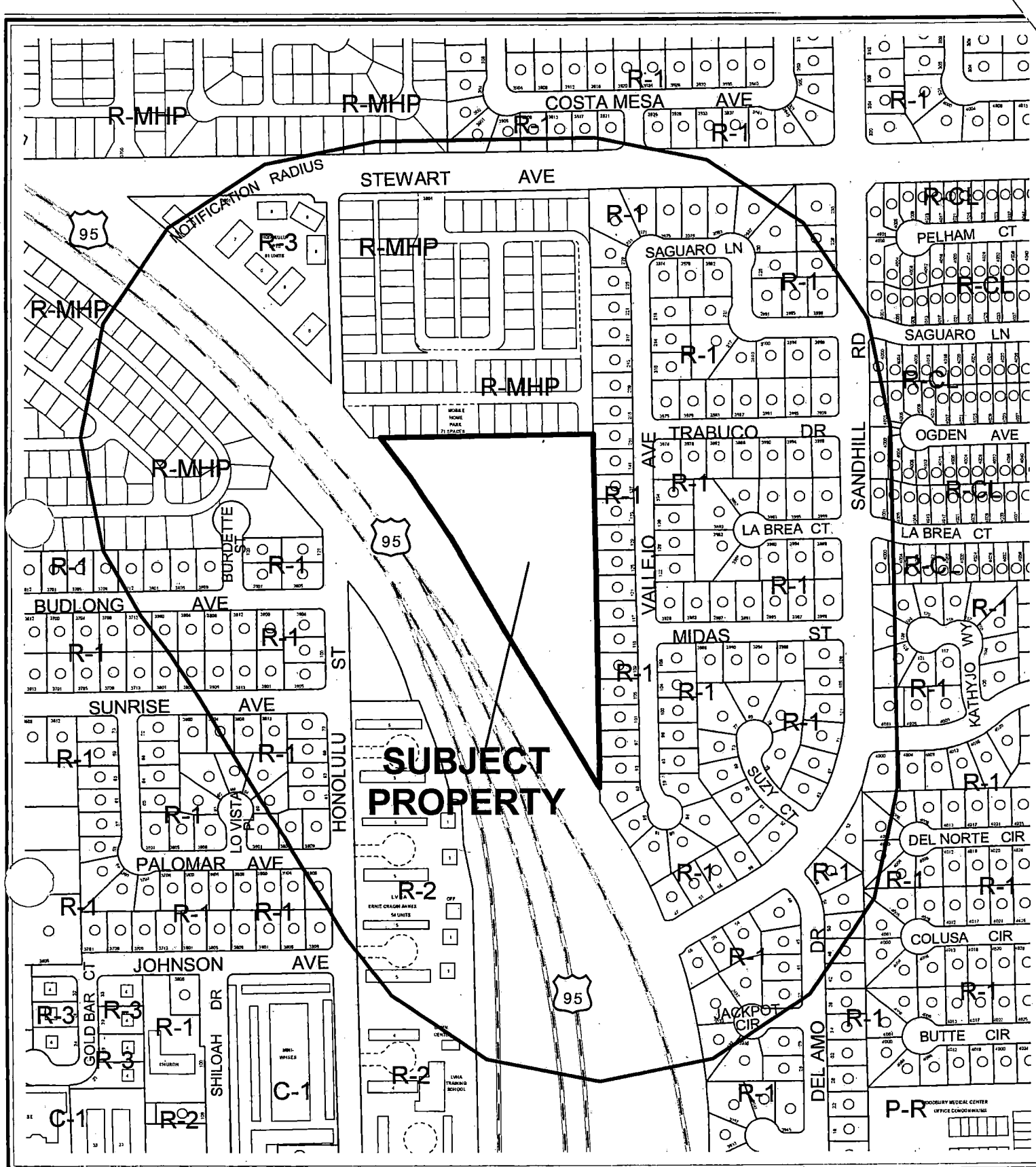
10. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets. Air conditioning units shall not be mounted on rooftops.
11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Municipal Code Section 19.12.050.
12. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
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. 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.
15. All City Code requirements and design standards of all City departments must be satisfied.

PLANNING COMMISSION MEETING OF JANUARY 27, 2005
Planning and Development Department
Item 64 – SDR-5821

CONDITIONS – Continued:

Public Works

16. Provide a copy of a recorded Joint Access Agreement between this site and the adjoining parcel to the north prior to the issuance of any permits.
17. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of any construction drawings 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.
18. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of public improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of construction drawings. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of construction drawings.
19. Site development to comply with all applicable conditions of approval for ZON-5817 and all other subsequent site-related actions.



CASE: **SDR-5821**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

R-1 (SINGLE-FAMILY RESIDENTIAL)

PROPOSED ZONING OF SUBJECT PROPERTY:

R-MHP (RESIDENTIAL MOBILE/MANUFACTURED HOME PARK)

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JANUARY 27, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SDR-5821 - APPLICANT: NEVADA BY DESIGN - OWNER:
HOUSING AUTHORITY OF THE CITY OF LAS VEGAS**

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. A Rezoning [ZON-5817] to a R-MHP (Residential Mobile/Manufactured Home Park) Zoning District and Variance [VAR-5825] 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. The site plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for civil plans, to reflect the addition of three handicap parking spaces and the distribution of guest parking throughout the site in accordance with Title 19.10.010 (F).
4. The site plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for civil plans, to reflect the increasing of lot widths along the east property line to 65 feet wide to align with existing development, as to provide a smoother transition to the new project.
5. The site plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for civil plans, to reflect the addition of two points of pedestrian access, or gates, be added to connect this project to the I-515 trail, which is located immediately to the west of the project.
6. The landscape plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for civil plans, to reflect minimum 24-inch box trees planted a maximum of 30 feet on-center and a minimum of four five-gallon shrubs for each tree within provided planters, as well as the landscape plan shall reflect size of the plant materials within the legend.
7. 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.
8. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner.

SDR-5821 - Conditions Page Two
January 27, 2005 - Planning Commission Meeting

9. 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.
10. 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.
11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Municipal Code Section 19.12.050.
12. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
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. 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.
15. All City Code requirements and design standards of all City departments must be satisfied.

SDR-5821 - Conditions Page Three
January 27, 2005 - Planning Commission Meeting

Public Works

16. Provide a copy of a recorded Joint Access Agreement between this site and the adjoining parcel to the north prior to the issuance of any permits.
17. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of any construction drawings 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.
18. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of public improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of construction drawings. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of construction drawings.
19. Site development to comply with all applicable conditions of approval for ZON-5817 and all other subsequent site-related actions.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Site Development Plan Review for a proposed 51-space mobile/manufacture home park on 5.40 acres adjacent to the east side of the I-515, approximately 620 feet south of Stewart Avenue. An associated Rezoning (ZON-5817) and Variance (VAR-5825) application will be considered in conjunction with this application.

B) Applicant's Justification

The applicant justifies the Rezoning application by stating that the proposed project is a continuation of an existing manufactured housing project (Rulon Earl – Phase I) and that it will assist the Las Vegas Housing Authority, a separate entity from the City of Las Vegas, in achieving the occupancy needs and demands for manufactured housing pads.

BACKGROUND INFORMATION

A) Previous Actions

- 04/04/79 The Board of City Commissioners approved a request for reclassification of property from R-1 (Single Family Residential) to R-T (Trailer Residence), which was later modified to R-MHP (Residential Mobile/Manufactured Home Park), on the property to the north (Z-0021-79).
- 05/27/80 The Board of Zoning Adjustment approved a request for a Waiver of Mobile Home Setback Requirements (BZA-2-80) on the property to the north. This request allowed the side yard setback for open carports and patio covers to be reduced from five feet to three feet on the individual spaces.
- 08/18/99 The Las Vegas 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 a density up to 8 DUA, and Medium Density Residential up to 25 dwelling units per acre.
- 06/21/00 The City Council approved a Rezoning (Z-0020-00) application for the reclassification of property from R-1 (Single Family Residential) to R-MHP (Residential Mobile/Manufactured Home Park) on 5.40 acres adjacent to the east side of the I-515, approximately 620 feet south of Stewart Avenue. The Planning Commission and Staff both recommended approval. [The application was approved for a maximum of 37 lots.]

SDR-5821 - Staff Report Page Two
January 27, 2005 - Planning Commission Meeting

- 09/06/00 The City Council approved a General Plan Amendment (GPA-0014-00) application to amend a portion of the Southeast Sector Plan of the General Plan from ML (Medium Low Density Residential) to M (Medium Density Residential) on 5.40 acres on the east side of I-515, approximately 620 feet south of Stewart Avenue. The Planning Commission recommended approval. Staff recommended denial.
- 09/06/00 The City Council approved a Variance (V-0013-00) application to allow 3,000 square feet mobile home spaces where 4,000 square feet is the minimum space size allowed, and 40-foot wide lots where 45 feet is the minimum lot width allowed on 5.40 acres on the east side of I-515, approximately 620 feet south of Stewart Avenue. The Planning Commission recommended approval. Staff recommended denial.
- 09/06/00 The City Council approved a Site Development Plan Review (SD-0022-00) application for a proposed 58-space mobile home park on 5.40 acres on the east side of I-515, approximately 620 feet south of Stewart Avenue. The Planning Commission recommended approval. Staff recommended denial. **[The application was conditioned not to exceed a development density of 10.8 dwelling units per acre, i.e. 37 lots.]**

B) Pre-Application Meeting

- 11/29/04 A pre-application conference was held resulting in the following comments:
1. The subject property must be rezoned from R-1 (Single Family Residential) to R-MHP (Residential Mobile/Manufactured Home Park).
 2. The R-MHP (Residential Mobile/Manufactured Home Park) zoning designation requires a minimum space size of 4,000 square feet, a minimum space width of 45 feet and a front, side and rear setback of 5 feet.
 3. Plans were previously submitted for a proposed 58-lot development in 2000.
 4. Private street widths within a mobile/manufactured home park maybe 32 feet in width.
 5. A drainage study will be required by Public Works.
 6. Traffic signal fee will be required by Public Works.
 7. The project is to be rental units for the Housing Authority.
 8. A Multi-Use trail presently exists along the western alignment of the subject property.

C) Neighborhood Meetings

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

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 5.40

B) Existing Land Use

Subject Property: Undeveloped [Previously approved for a 37-lot mobile/manufactured home park]

North: Mobile/Manufactured Home Park

South: I-515

East: Single Family Detached Residential Dwellings

West: I-515

C) Planned Land Use

Subject Property: M (Medium Density Residential)

North: ML (Medium Low Density Residential)

South: Right-Of-Way

East: L (low Density Residential)

West: Right-Of-Way

D) Existing Zoning

Subject Property: R-1 (Single Family Residential)

North: R-MHP (Residential Mobile/Manufactured Home Park)

South: Right-Of-Way

East: R-1 (Single Family Residential)

West: Right-Of-Way

E) General Plan Compliance

The subject parcel is designated M (Medium Density Residential) within the Southeast Sector Land Use Map of the General Plan. The M (Medium Density Residential) General Plan designation allows for a density range of 12.1 to 25 dwelling units per acre and includes a variety of multi-family uses such as plexes, townhouses, and low density apartments. The current zoning of subject site is R-1 (Single Family Residential), which allows for a density of 5.5 dwelling units per acre. The proposed rezoning of the property to a R-MHP (Residential Mobile/Manufactured Home Park) zoning designation would allow for a density of eight units per acre. The proposed rezoning is within the density range permitted by the M (Medium Density Residential) General Plan designation.

SDR-5821 - Staff Report Page Four
January 27, 2005 - Planning Commission Meeting

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 and or trail requirements.

PROJECT DESCRIPTION

The proposed 51-space mobile/manufactures home park development is intended to be built on a triangular shaped infill parcel. Access to the site will be achieved through the connection of a private drive to an existing private drive within the existing mobile/manufactured home park to the north.

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	4,000 Feet	3,000 Feet	NO
Min. Lot Width	45 Feet	40 Feet	NO
Min. Setbacks			
• Front	5 Feet	5 Feet	YES
• Side	5 Feet	5 Feet	YES
• Corner	5 Feet	5 Feet	YES
• Rear	5 Feet	5 Feet	YES
Max. Lot Coverage	N/A	46 %	N/A
Max. Building Height	2 Stories / 35 Feet	Not Provided	Undetermined

SDR-5821 - Staff Report Page Five
January 27, 2005 - Planning Commission Meeting

The proposed development fails to meet the minimum space size and width standards and will require approval of the associated Variance (VAR-5825) application to be in conformance with Title 19. Additionally, no elevations were submitted therefore, the height of the mobile/manufactured homes could not be determined at this time.

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
Mobile Home Park	51 Units	Two spaces per site (may be tandem) and one guest space for every six mobile home sites, distributed throughout the development	108	3	113	Zero

The proposed development meets the required number of regular parking spaces bur fails to provide any handicap parking spaces. Therefore, this application will be conditioned to provide a revised site plan indicating a total of three handicap parking spaces distributed throughout the development. Furthermore, the proposed guest parking spaces are concentrated at the southern portion of the site, therefore failing to be distributed throughout the site and will be conditioned to do so.

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	1 Tree / 30 Linear Feet	73 Trees	73 Trees
• Min. Zone Width	6 Feet		6 Feet
• Wall height	8 Feet Max		6 Feet

The proposed development meets the required number of trees, but fails to illustrate the required number of five-gallon shrubs to be placed around each tree. The landscape plan includes a perimeter wall detail that illustrates a six-foot CMU wall with two rows contrasting material out of eleven, thus failing to meet the 20% contrasting material requirement. Therefore this application will be conditioned so as to meet the before mentioned requirements.

B) General Analysis and Discussion

• **Zoning**

The proposed zoning district is compatible with the General Plan land use designation. The M (Medium Density Residential) General Plan designation allows up to a maximum of 25 units per gross acre, and the current site plan shows a density of 9.44 units per acre. The proposed density is in conformance with both the General Plan and the R-MHP zoning district.

• **Site Plan**

The site plan depicts a 51-lot subdivision with 32-foot wide private drives. The site plan shows entrances to the project from one street on the northeast end of the project. The entrance on the northeastern edge of the property is shown to align with an existing private drive.

The typical lot size is 3,000 square feet. The applicant has requested a Variance (VAR-5825) to allow the lot size to be reduced from the required 4,000 square foot minimum to 3,000 square feet. The lots in the abutting single-family residential development to the east are 45 feet wide and 75 feet deep. Although Title 19 only requires lots in the R-MHP zoning district to be 45 feet wide, staff recommends increasing these lots along the east property line to 65 feet wide to align with existing development to provide a smoother transition to the new project. It has been found, also, that 3,000 square foot lots are an impractical size of lot for today's manufactured/mobile homes. Currently, buyers of mobile homes prefer the wider 26 and 28-foot doublewide homes. Several of the older mobile home communities in Las Vegas are unable to accommodate the wider homes because space sizes are too small, and setbacks cannot be met.

In addition, access to the existing recreation building in Phase I has been granted to the new residence via a five-foot sidewalk as indicated on the site plan. Actually, an improvement to this application would be the expansion of the recreation area in a site similar to the existing recreation building lot, which would be located immediately to

SDR-5821 - Staff Report Page Seven
January 27, 2005 - Planning Commission Meeting

the south of that lot. The expanded recreation site could offer outdoor recreation amenities such as basketball courts or picnic tables. It has been noted that the adopted Parks Element of the City of Las Vegas Master Plan shows that this site is in an area outside the service radius of City of Las Vegas Schools, Neighborhood Parks, or Private Parks. The addition of recreation opportunities on this site would be beneficial to the residents of the existing Rulon Earl project, as well as the new residents. Furthermore, it is recommended that the provision be made for two points of pedestrian access, or gates, be added to connect this project to the I-515 trail, which is located immediately to the west of the project. This trail will provide residents with pedestrian access all the way to the downtown area.

- **Waivers**

The proposed development is requesting a variance from the minimum lot size of 4,000 square feet and the minimum lot width of 45 feet, which will be considered as part of a separate Variance (VAR-5825) application.

- **Landscape Plan**

The proposed landscape plan illustrates 73 Rio Grande Ash trees along the perimeter at a spacing of 25 feet on center. Additional Heritage Live Oak trees will be placed throughout the interior of the site.

- **Elevation**

No elevations were submitted.

- **Floor Plan**

No floor plans were submitted.

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;"**

Another mobile home park exists to the north, a freeway to the west and a single-family residential development to the east. Staff notes, however, that the size of lots is not compatible with the properties to the east and recommends a condition requiring that the width of the lots abutting the east property line be increased to match the width of the existing R-1 (Single Family Residential) lots. With the approval of Variance (VAR-5825) the proposed mobile/manufactured home park will be compatible with the existing mobile/manufactured home park to the north.

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

The proposed development does not conform to City plans, policies, and standards in the areas of lot size and width. This has been made evident by the number of additional conditions to placed on the application as well as the associated Variance (VAR-5825) application.

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

Site access may need to be reconfigured to provide a smooth transition between this project and the development to the north. In addition, access to the trail system located to the west of the project should be added.

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

Insufficient information has been submitted to evaluate the building and landscape 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;"**

Insufficient information has been submitted to evaluate the building elevations or design characteristics.

SDR-5821 - Staff Report Page Nine
January 27, 2005 - Planning Commission Meeting

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

8

NOTICES MAILED 203 [Mailed with ZON-5817 and VAR-5825]

APPROVALS 0

PROTESTS 0



Case Number: **SDR-5821** APN: 141-31-303-002

Name of Property Owner: Housing Authority of the City of Las Vegas

Name of Applicant: Parviz Ghadiri, Executive Director

Yes X No

City Official: _____

Partner(s): _____

APN: _____

Signature of Property Owner/Authorized Agent: Carrie K. Sullivan

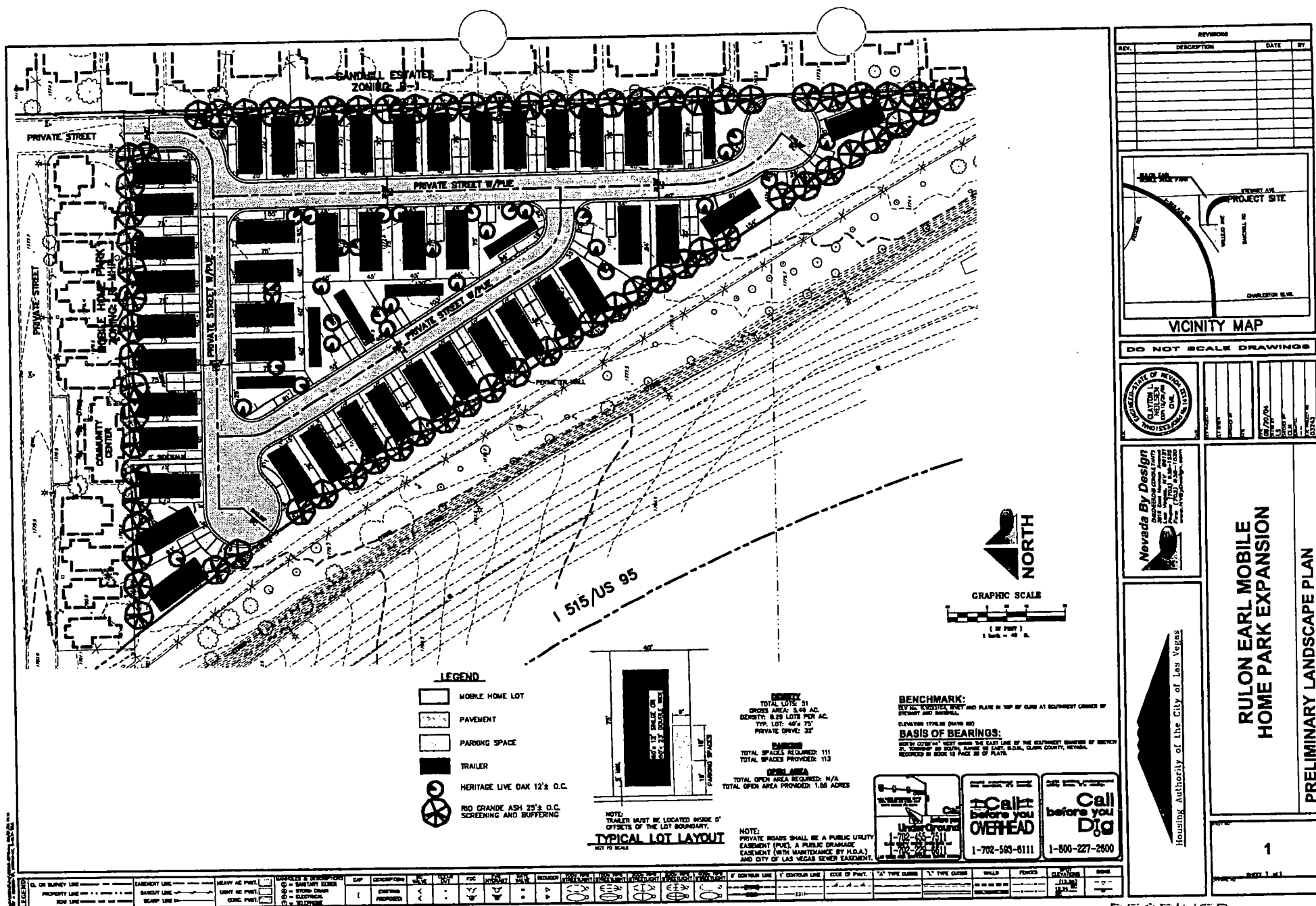
Print Name: PARVIZ GHADIRI

Subscribed and sworn before me

This 9TH day of December, 2004

John F. Smith
Notary Public in and for said County and State





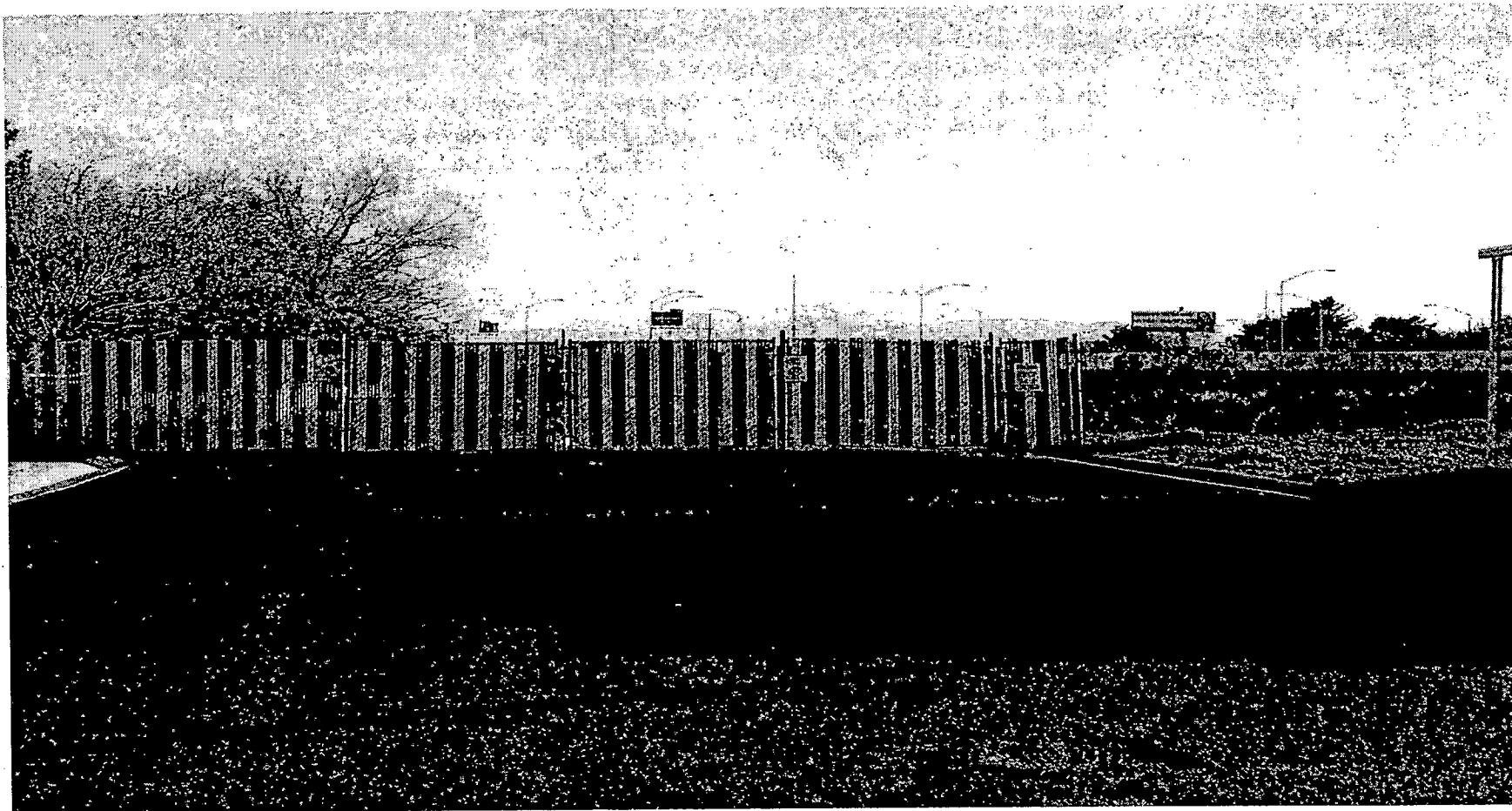
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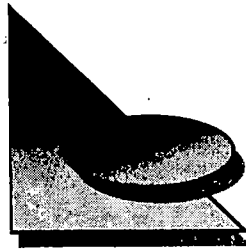
SDR-5821 - APPLICANT: NEVADA BY DESIGN - OWNER: HOUSING AUTHORITY OF THE CITY OF
LAS VEGAS
EAST SIDE OF THE INTERSTATE 515 FREEWAY, APPROXIMATELY 1,000 FEET SOUTH OF STEWART
AVENUE
JANUARY 27, 2005 PLANNING COMMISSION

1/11/05



SDR-5821 - APPLICANT: NEVADA BY DESIGN - OWNER: HOUSING AUTHORITY OF THE CITY OF
LAS VEGAS
EAST SIDE OF THE INTERSTATE 515 FREEWAY, APPROXIMATELY 1,000 FEET SOUTH OF STEWART
AVENUE
JANUARY 27, 2005 PLANNING COMMISSION

1/11/05



Nevada By Design

ENGINEERING CONSULTANTS

3515 E. Harmon Avenue ■ Las Vegas, NV 89121 ■ Phone 702-938-1525 ■ Fax 702-938-1530

November 29, 2004

City of Las Vegas
Planning and Development Department
741 South 4th Street
Las Vegas, NV 89101

○ **Re: Justification Letter for Site Development Review for the Rulon Earl Mobile Home Park Expansion**

To Whom it May Concern,

This letter is to provide justification for the Site Development Review for the Rulon Earl Mobile Home Expansion. The reasons for the justification are that this project is a continuation of the existing manufactured housing project (Rulon Earl – Phase I). This project will also help the Las Vegas Housing Authority to achieve the occupancy needs and demands for more manufactured housing pads. This variance will also ensure that the lots of the Phase II expansion are compatible with the Phase I lots.

Sincerely,

○ **NEVADA BY DESIGN**

Clayton L. Neilsen, P.E.
Senior Engineer

DCN: 1129104

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: JANUARY 27, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

VAR-5808 - VARIANCE - PUBLIC HEARING - APPLICANT: PERKOWITZ AND RUTH ARCHITECTS - OWNER: RICHMOND AMERICAN HOMES OF NEVADA, INC. - Request for a Variance TO ALLOW A 37-FOOT SETBACK WHERE RESIDENTIAL ADJACENCY STANDARDS REQUIRE A MINIMUM SETBACK OF 84 FEET FOR A PROPOSED OFFICE/WAREHOUSE DEVELOPMENT on 3.56 acres east of Rancho Drive, approximately 500 feet south of Lone Mountain Road (APN 138-02-102-012), C-2 (General Commercial) Zone, Ward 6 (Mack).

C.C.: 03/02/05

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

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

MOTION:

TRUESDELL – APPROVED subject to conditions – UNANIMOUS with McSWAIN abstaining because her company, Terra Contracting, is involved with Richmond American Homes

To be heard by City Council 3/02/2005

MINUTES:

CHAIRMAN NIGRO declared the Public Hearing open on Item 65 [VAR-5808] and Item 66 [SDR-5813].

STEVE SWANTON, Planning & Development Department, gave a brief overview of the applications.

PLANNING COMMISSION MEETING OF JANUARY 27, 2005
Planning and Development Department
Item 65 – VAR-5808

MINUTES – Continued:

MARY VENABLE, Perkowitz & Ruth Associates, 3980 Howard Hughes Parkway, Suite 450, appeared on behalf of the applicant and agreed to all conditions with the exception of a condition requiring a landscaping buffer in the 45-degree corners. She explained the Variance request was necessary because the lot is long and narrow and the building must be situated closer to the residential. The alternative of moving the building closer to the street would force traffic through the residential development and that would negatively affect neighbors.

CHAIRMAN NIGRO confirmed with MS. VENABLE that the site would have an eight-foot tall wall on the back property line with a six-foot wall around the remaining perimeter.

VICE-CHAIRMAN TRUESDELL voiced concerns that the “as approved” conditions would not restrict outside storage on the property. MS. VENABLE assured him that the intent of the project is to provide storage to tenants who might normally have an outside storage facility off premise. VICE-CHAIRMAN TRUESDELL confirmed with MS. VENABLE that the hours of operation would be daytime hours only. He indicated he would like to see conditions added restricting the outside storage and establishing daytime hours for deliveries and a restriction on adult businesses and taverns. MS. VENABLE stated the applicant would be agreeable to such conditions.

There was discussion regarding the demand for this type of facility in the Valley.

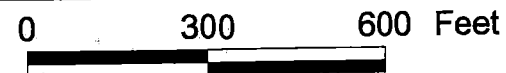
CHAIRMAN NIGRO declared the Public Hearing closed on Item 65 [VAR-5808] and Item 66 [SDR-5813].

(9:57 – 10:09)
3-1350

CONDITIONS:

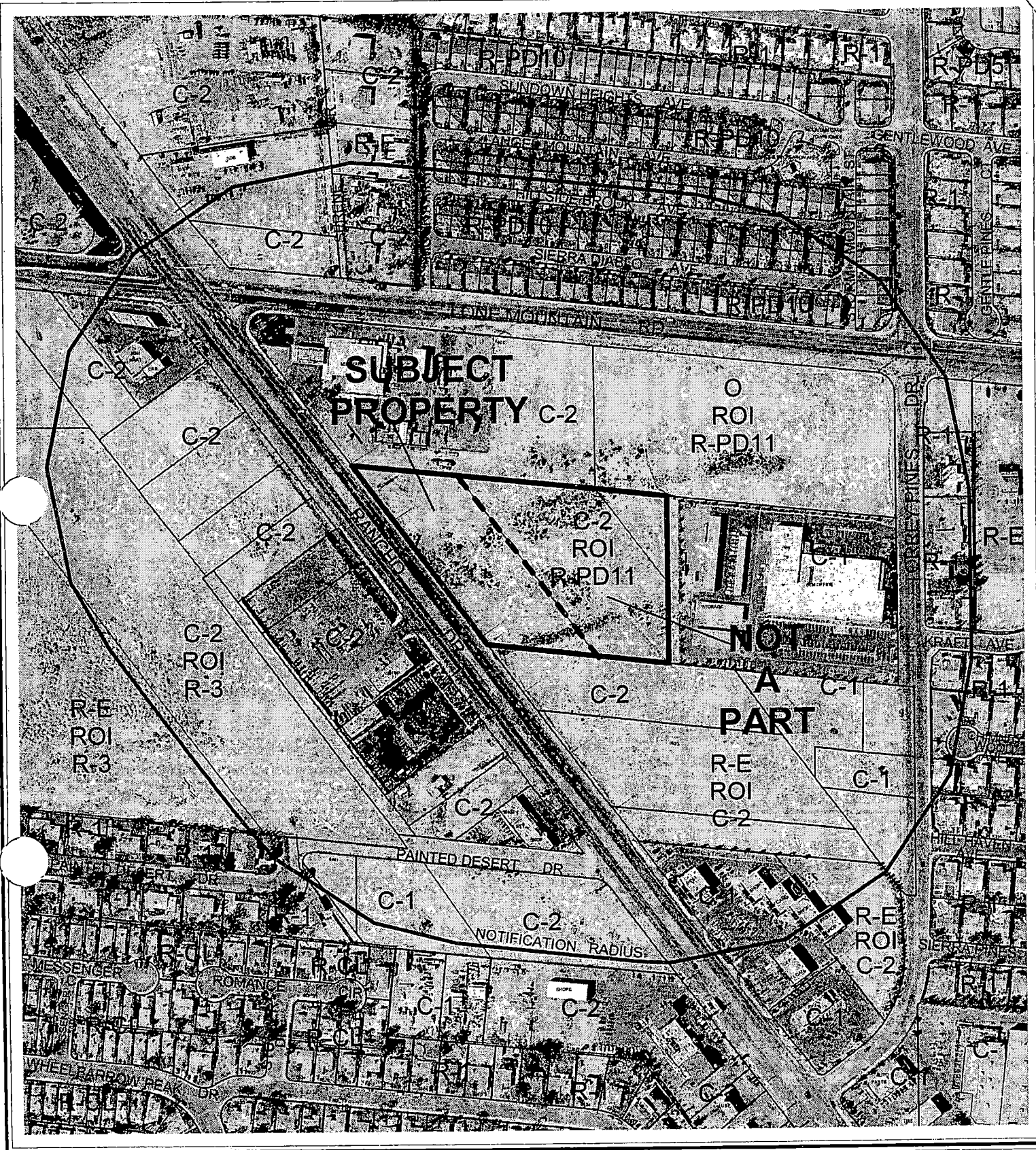
Planning and Development

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-5813).
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.



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





CASE: **VAR-5808**

RADIUS: 750 FT

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

0 300 600 Feet



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JANUARY 27, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: VAR-5808 – APPLICANT: PERKOWITZ AND RUTH
ARCHITECTS - OWNER: RICHMOND AMERICAN HOMES OF NEVADA, INC.**

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-5813).
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Variance to allow a 37-foot setback where Residential Adjacency Standards require a minimum setback of 84 feet for a proposed office development on 3.56 acres east of Rancho Drive, approximately 500 feet south of Lone Mountain Road.

B) Applicant's Justification

According to the applicant's justification letter, the roof height is 21 feet to accommodate proposed storage uses, but necessary screening of mechanical equipment requires an additional seven-foot parapet. A denser perimeter landscape buffer with trees spaced a maximum of 15 feet on center is proposed to mitigate the effects of the building height relative to residential development on the east. The trees will grow taller than the proposed building height, thus screening the development from the proposed single-family homes. Allowing the variance will provide the environmental quality the zoning ordinance seeks to maintain while allowing the owner full and reasonable use of his property. In addition, the owner, who is also owner and developer of the residential development to the east, supports this variance request and believes the quality of his own housing development will not be compromised by a shallower setback on the subject property.

BACKGROUND INFORMATION

A) Previous Actions

- 06/07/72 The Board of City Commissioners approved a Rezoning (Z-0039-72) from R-E (Residence Estates) to C-2 (General Commercial) on the subject property. The Planning Commission and staff recommended approval.
- 04/26/99 The City Council approved a Rezoning (Z-0007-99) from R-E (Residence Estates) to C-1 (Limited Commercial) to the east of the subject property. The Planning Commission and staff recommended approval.
- 05/24/99 The City Council approved a General Plan Amendment (GPA-0003-99) from SC (Service Commercial) to GC (General Commercial) and a Rezoning (Z-0008-99) from R-E (Residence Estates) and C-2 (General Commercial) to C-2 (General Commercial) on the subject property for a proposed new car dealership and accessory uses.

VAR-5808 - Staff Report Page Two
January 27, 2005 - Planning Commission Meeting

- 07/19/00 The City Council approved a Request for a Site Development Plan Review for a proposed 67,680 square-foot Bureau of Land Management facility on 5.09 acres on the west side of Torrey Pines Drive, approximately 355 feet south of Lone Mountain Road. The Planning Commission and staff recommended approval.
- 07/07/04 The City Council approved a General Plan Amendment (GPA-4072) from O (Office) and GC (General Commercial) to MLA (Medium-Low Attached Density Residential), a Rezoning (ZON-4202) from O (Office), R-E (Residence Estates) and C-2 (General Commercial) to R-PD11 (Residential Planned Development - 11 Units Per Acre) and a Site Development Plan Review (SDR-4204) for a proposed 116-unit single-family attached residential development on 10.95 acres to the east of the subject property. The Planning Commission recommended approval. Staff recommended denial.
- 01/27/05 The Planning Commission will consider a companion Site Development Plan Review (SDR-5813) request for a proposed 38,000 square-foot office development and for a Waiver of the building placement, perimeter, and parking lot landscaping requirements on the subject property. Staff recommends denial.

B) Pre-Application Meeting

- 12/01/04 The site requires construction of a portion of the multi-use transportation trail along Rancho Drive. Right-of-way improvements will require NDOT approval. Residential adjacency standards will apply, as land to the east of the subject site has a General Plan designation compatible with single-family development.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 3.56 (western 272 feet of APN 138-02-102-012)

B) Existing Land Use

Subject Property: Undeveloped
North: Convenience Store
South: Undeveloped
East: Undeveloped
West: Heavy Machinery
Equipment (Rental, Sales and Service)

C) Planned Land Use

Subject Property: GC (General Commercial)
North: GC (General Commercial)
South: GC (General Commercial)
East: MLA (Medium-Low Attached Density Residential)
West: GC (General Commercial)

D) Existing Zoning

Subject Property: C-2 (General Commercial)
North: C-2 (General Commercial)
South: C-2 (General Commercial)
East: C-2 (General Commercial) under Resolution of Intent to R-PD11
(Residential Planned Development – 11 Units Per Acre)
West: C-2 (General Commercial)

E) General Plan Compliance

The subject property is designated GC (General Commercial) in the Centennial Hills Sector Plan. This land use category allows intense retail, service, wholesale, office and other general business uses not generally considered compatible with adjoining residential areas without significant transition. The existing C-2 (General Commercial) zoning district and proposed office uses are compatible with the GC (General Commercial) designation. There are no General Plan projects that directly affect this request.

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

A 20-foot Multi-Use Non-Equestrian Trail as depicted in Exhibit 1 of the Transportation Trails Element of the Las Vegas 2020 Master Plan is required along the west side of the subject property adjacent to Rancho Drive. The site plan conforms to the Trails Element.

ANALYSIS

A) Zoning Code Compliance

A1) Residential Adjacency Standards

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

- a) Proximity slope. The height of the proposed building at the rear is 28 feet; therefore, it must be set back at least 84 feet from the rear property line, which the site shares with a proposed single-family attached residential development. The site plan shows the building to be set back 37 feet from the rear property line. The amount of deviation from the standard is 56 percent.
- b) Building setback. The proposed building must also be set back at least five feet from the rear property line to match the rear yard setback of the proposed single-family attached residential lots to the east of the subject property. This standard has been met, as the proposed building is set back 37 feet from the rear property line.

B) General Analysis and Discussion

The proposed building requires additional waivers of Commercial Development Standards and perimeter landscaping in addition to the requested variance. All other code standards are met. The hardship in this case is created by the interior storage use proposed by the applicant. This use requires higher ceilings than would be found in a typical office building. The suitability of storage for this area is not an issue; however, this type of use need not be placed adjacent to residential development, where the code requires a greater setback. The lot is not deep enough to accommodate a building of this size and height and still meet Zoning Code standards. The option to include storage in the tenant spaces is voluntary and therefore self-created. Denial is thus recommended.

FINDINGS

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

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

Additionally, Title 19.18.070L 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.”

VAR-5808 - Staff Report Page Five

January 27, 2005 - Planning Commission Meeting

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing a storage use requiring higher ceilings than would normally be found in a typical office building. Eliminating the storage use 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 135 [Mailed with SDR-5813]

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAR-5808** APN: 158-02-102-012

Name of Property Owner: Richmond American Homes of NV, Inc.

Name of Applicant: Perkowitz & Ruth Architects

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: _____

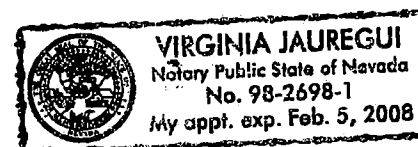
Signature of Property Owner/Authorized Agent: Pharis

Print Name: Paulo E. Chavez

Subscribed and sworn before me

This 14 day of December, 2004

Virginia Lawrence
Notary Public in and for said County and State



N:\04-Proj\04-897\112D DWG\Design Development\04XXX11-site01.dwg, 1/17/2005 3:54:42 PM, W:\11HP LaserJet 5000 N PCL 6, 1:1

SYMBOLS & LEGEND

- ACCESSIBLE ROUTE
- FIRE ACCESS

ADJACENT LAND USE: C-2

PROPERTY LINE

LANDSCAPE AREA

PROPOSED BUILDING (SHELL)

DRIVEWAY

MONUMENT SIGNAL SIZE AS PERMITTED BY ORDINANCE

30'-0"

100'-0"

64'-6"

62'-3"

59'-6"

PROPERTY LINE

LANDSCAPE AREA

PERIMETER BLOCK WALL - 6" AT SIDES, 8" AT REAR, PROPERTY LINE

138-02-102-004 ADJACENT LAND USE: C-2

PROPOSED BUILDING (SHELL)

LAND USE: C-2

417'-4"

8' LANDSCAPE BUFFER W/ TREES AT 5' O.C.

NM4036/05/11 55/123'

STRIPED WALK - ACCESSIBLE ROUTE

DRIVEWAY

8'-0" LOADING

8'-0" LOADING

PROPERTY LINE

LANDSCAPE AREA

PROPERTY LINE

PROPERTY LINE

PROPERTY LINE

SITE SUMMARY

LAND AREA	APPROX. 2.56 ACRES		
	(155,074 S.F. +/-)		
BUILDING AREA	38,000 S.F.		
BUILDING COVERAGE	25%		
CURRENT/PROPOSED ZONING	C-2		
SETBACKS REQUIRED:			
FRONT	20'		
REAR	20'		
SIDES	10'		
APN:	138-03-102-012		
PARKING ANALYSIS:			
TOTAL S.F.	38,000 S.F.		REQ'D
OFFICE	30%	11,400 S.F. @ 1/	300
WAREHOUSE	70%	26,600 S.F. @ 1/	1000
TOTAL REQ'D			65
PROVIDED (INCL. 3 HC)			69
138-02-102-012			
ADJACENT LAND USE: C-2			
(R21 R-PDU)			

SITE PLAN

SCALE: 1" = 60'-0"

PRELIMINARY - NOT FOR CONSTRUCTION
THIS PLAN HAS BEEN PREPARED WITHOUT BENEFIT OF A COMPLETE SURVEY. IT IS CONCEPTUAL IN NATURE AND NO GUARANTEE OF ITS ACCURACY IS IMPLIED.



3580 Howard Hughes Pkwy.
Suite 450
Las Vegas, NV 89103
702-892-8500
702-892-8504 fax
www.prchitects.com
Corporate Office:
Long Beach, CA
Regional Office:
Newport Beach, CA
Washington, DC
Las Vegas, NV

Parkowitz + Ruth
ARCHITECTS

RANCHO CEMENCE PARK
Las Vegas,
Nevada

Revisions

Date 12/14/04
Drawn By C. Oatis
Checked By RUDY STARKS
Project No. 04-897-11
File Name D:\89711-SITE01.dwg
Scale 1" = 60'

Site Plan

SA-1

VAR-5808
SDR-5813
01/27/05 PC

REVISED
1.18.05

RECEIVED
JAN 18 2005

SITE SUMMARY
LAND AREA

BUILDING AREA
BUILDING COVERAGE
CURRENT/PROPOSED ZONING
SETBACKS REQUIRED:
FRONT
REAR
SIDES

APPRDX 2.56 ACRES
(155,074 S.F. +/-)
38,000 S.F.
25%
C-2

APN:

138-03-102-012

TOTAL S.F.	38,000	S.F.		REQ'D	
OFFICE	30%	11,400	S.F. @1/	300	38
WAREHOUSE	70%	26,600	S.F. @1/	1000	27
TOTAL REQ'D					65
PROVIDED (INCL. 3 HC)					69

SYMBOLS & LEGEND

— — — — ACCESSIBLE ROUTE

||||| FIRE ACCESS

ADJACENT LAND USE: C-2

PROPERTY LINE

LANDSCAPE AREA -

138-02-102-012
ADJACENT LAND USE: C-2
(R-1, R-PD1)

— 8' LANDSCAPE BUFFER W/ TREES AT 13' O.C.

N36D26'09W 55129

ΔΠ': 4°

PROPERTY LINE

LANDSCAPE AREA

PROPERTY LINE

PERIMETER BLOCK
WALL - 6' AT SIDES
8' AT REAR
PROPERTY LINE

UB-07-102-004
ADJACENT LAND USE: C-2

RANCHO DRIVE

PRELIMINARY - NOT FOR CONSTRUCTION
THIS PLAN HAS BEEN PREPARED WITHOUT BENEFIT OF
A COMPLETE SURVEY. IT IS CONCEPTUAL IN NATURE
AND NO GUARANTEE OF ITS ACCURACY IS IMPLIED.

SCALE : 1" = 60'. 0"

SITE PLAN

Perkowitz | Ruth
ARCHITECTS

RANCHO CEMMERCE PARK

Las Vegas,
Nevada

Revisions

Date 12/14/04
Drawn By C Curis
Checked By RUDY STARKS
Project No. 04-897-11
File Name D0489711-SITE01.dwg
Scale 1" = 60'

Site Plan

SA-1

REVISED
1.18.05

RECEIVED

JAN 18 2005

VAR-5808
SDR-5813
01/27/05 PC

Perkowitz + Ruth
ARCHITECTS

RANCHO CEMMERCE PARK
Las Vegas,
Nevada

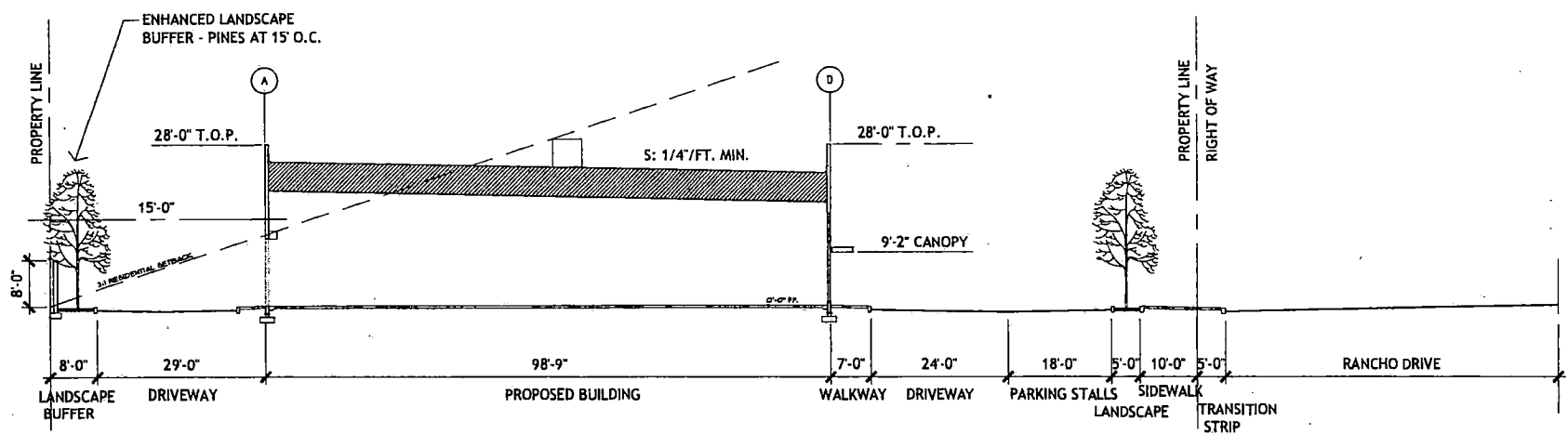
Revisions

Date 12/14/04
Drawn By C Curtis
Checked By RUDY STARKS
Project No. 04-897-11
File Name D0489711-SITE01.dwg
Scale 1" = 20'

PROFILE
SA-2

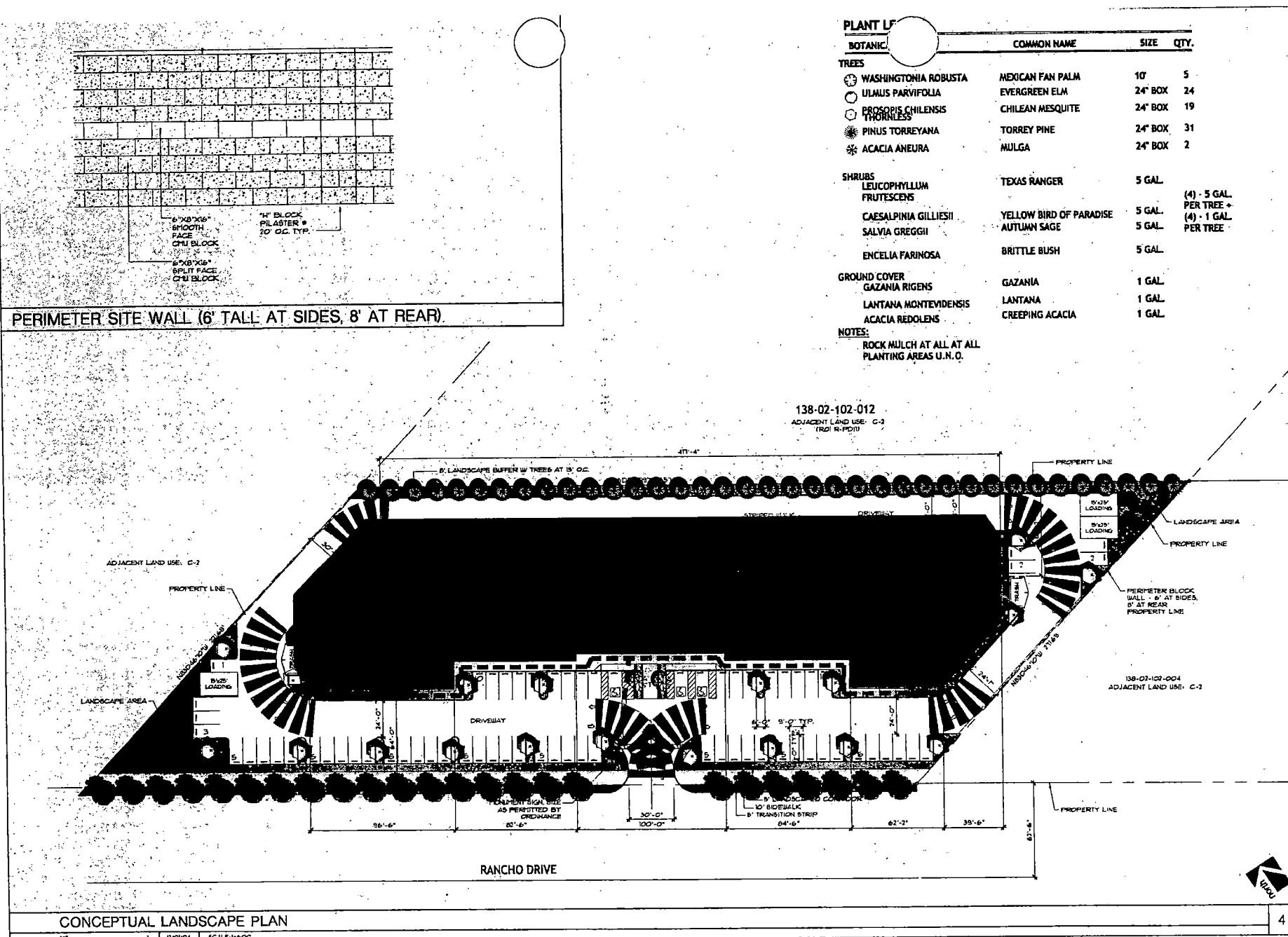
REVISED
1.18.05

RECEIVED
JAN 18 2005



PRELIMINARY - NOT FOR CONSTRUCTION
THIS PLAN HAS BEEN PREPARED WITHOUT BENEFIT OF
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AND NO GUARANTEE OF ITS ACCURACY IS IMPLIED.

VAR-5808
SDR-5813
01/27/05 PC



3980 Howard Hughes Pkwy.
Suite 450
Las Vegas, NV 89109
702-892-8500
702-892-8504 fax
www.prarchitects.com
Corporate Office
Long Beach, CA
Regional Offices
Newport Beach, CA
Washington, DC
Las Vegas, NV

Perkowitz-Ruth
ARCHITECTS

RANCHO CEMERCE PARK
Las Vegas,
Nevada

Revisions

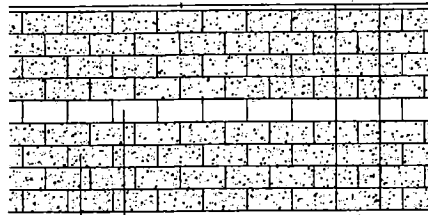
Date 12/14/04
Drawn By C. Curtis
Checked By RUDY STARKS
Project No. 04-897-11
File Name D0489711-LS-1.dwg
Scale 1" = 60'

Landscape Plan
LS-1

VAR-5808
SDR-5813
01/27/05 PC

REVISED
1.18.05

RECEIVED
JAN 18 2005



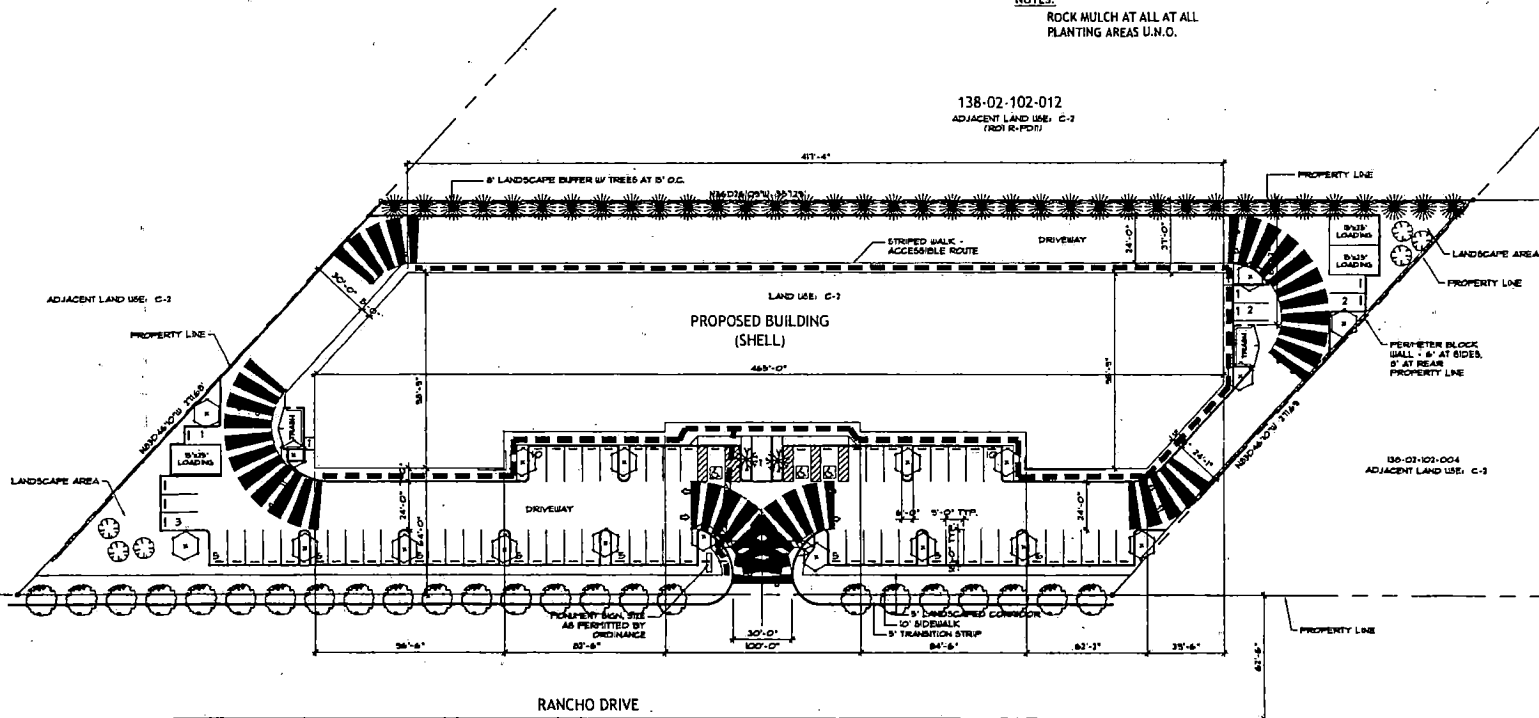
6'x8'x16' SMOOTH FACE CTU BLOCK
14' BLOCK PILASTER @ 20' O.C. TYP.

PERIMETER SITE WALL (6' TALL AT SIDES, 8' AT REAR)

PLANT

BOTANICAL NAME	COMMON NAME	SIZE	QTY.
TREES			
WASHINGTONIA ROBUSTA	MEXICAN FAN PALM	10'	5
ULMUS PARVIFOLIA	EVERGREEN ELM	24" BOX	24
PROSOPIS CHILENSIS THORNLESS	CHILEAN MESQUITE	24" BOX	19
PINUS TORREYANA	TORREY PINE	24" BOX	31
ACACIA ANEURA	MULGA	24" BOX	2
SHRUBS			
LEUCOPHYLLUM FRUTESCENS	TEXAS RANGER	5 GAL.	(4) - 5 GAL. PER TREE +
CAESALPINIA GILLIESII	YELLOW BIRD OF PARADISE	5 GAL.	(4) - 1 GAL. PER TREE
SALVIA GREGGII	AUTUMN SAGE	5 GAL.	
ENCELIA FARINOSA	BRITTLE BUSH	5 GAL.	
GROUND COVER			
GAZANIA RIGENS	GAZANIA	1 GAL.	
LANTANA MONTEVIDENSIS	LANTANA	1 GAL.	
ACACIA REDEOLENS	CREeping ACACIA	1 GAL.	

NOTES:
ROCK MULCH AT ALL AT ALL PLANTING AREAS U.N.O.



CONCEPTUAL LANDSCAPE PLAN



3980 Howard Hughes Pkwy.
Suite 450
Las Vegas, NV 89109
702-892-8300
702-892-8304 fax
www.praarchitects.com
Corporate Office:
Long Beach, CA
Regional Offices:
Newport Beach, CA
Washington, DC
Las Vegas, NV

Perkowitz Roth
ARCHITECTS
RANCHO CEMENT PARK
Las Vegas,
Nevada

Revisions

Date: 1/17/04
Drawn By: C. Curtis
Checked By: RUDY STARKS
Project No: 04-897-11
File Name: 04089711-LS-1.dwg
Scale: 1" = 60'

Landscape Plan
LS-1

REVISED
1.18.05

VAR-5808
SDR-5813
01/27/05 PC

RECEIVED
JAN 18 2005



VAR-5808 - APPLICANT: PERKOWITZ AND RUTH ARCHITECTS - OWNER: RICHMOND AMERICAN
HOMES OF NEVADA, INC.

EAST OF RANCHO DRIVE, APPROXIMATELY 500 FEET SOUTH OF LONE MOUNTAIN ROAD
JANUARY 27, 2005 PLANNING COMMISSION

1/12/05



3980 Howard Hughes Parkway
Suite 450
Las Vegas, NV 89109
702.892.8500
702.892.8514

www.prarchitects.com

January 17, 2005

Mr. Steve Swanton
City of Las Vegas
Current Planning Department
731 S. Fourth Street
Las Vegas, NV 89101

**RE: RANCHO COMMERCE PARK
APPLICATION FOR SITE DEVELOPMENT PLAN REVIEW
JUSTIFICATION LETTER**

Dear Mr. Swanton:

Perkowitz+Ruth Architects, on behalf of SF Investments, LLC, respectfully requests Site Development Plan Review approval for a 3.56 acre parcel located on the north side of Rancho Drive, south of Lone Mountain.

The Rancho Commerce Park project is a proposed shell building of approximately 38,000 s.f., for use as an office/retail space with warehouse for interior storage. The intent is to provide space for professional, service, and retail tenants who need a large amount of incidental storage or workspace relative to their office spaces, with uses that meet the current C-2 zoning. Possible tenants meeting this description may be:

- professional surveyors
- highway equipment rental service
- printers
- catering service
- wholesale showrooms
- cleaners
- garden supply
- auto parts accessory installation
- landscapers

Other similar uses that would require a use permit may be:

- custom and craft work (conditional use)
- building and maintenance service and sales (conditional use)
- light assembly and fabrication (conditional use)

The parking analysis assumes that the storage/work area of such uses as printers, light assembly, cleaners, or catering would be parked at the industrial/warehousing rate (1/1000). The floor area devoted to office space for professional and business services would be parked at 1/300, and retail and other uses would meet Chapter 19.10.

Sy Perkowitz, AIA, PE
President & CEO

Steven J. Ruth, AIA
Executive Vice President

Principals

Gary Clements
Kenneth P. Gunther, AIA
Branko Prebenda
Alan Pullman, AIA
Marios A. Savopoulos, AIA
J. Todd Stoutenborough, AIA
Brian Wolfe, AIA

Senior Associates

Don Grainger, AIA
Rick Overley, AIA
Vasilis G. Papadatos, AIA
Michael Salmon, AIA
Ted Yoshizaki, AIA

Associates

Tarek Anan
Farooq Ameen, AIA, RIBA
Ronald E. Bernhardt, AIA
Winston Chang, AIA
Percy Cheng
Edmond H. Classen
Mitra Esfandiari
Yong Heng
Scott Jackson
Hans Kaufmann
Deborah B. Loayza, AIA
Keith Mericle
Steven J. Phillips, AIA
Rudolph Starks, Jr., AIA
Jim Thury
Terry Todd
Sean Unsell
Brad Williams
Henry G. Wong, AIA

REVISED
1.18.05

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JAN 18 2005

We do not propose any tenants that would be wholesale distribution centers. This use is not allowed in C-2.

The proposed use is therefore compatible with the other commercial uses planned for the adjacent parcels.

The landscape plan provides an 8' landscape buffer along the rear only, which is adjacent to residential. We are requesting approval to omit the landscape buffer at the two sides, as these are adjacent to commercial use. The landscaping will be per City standards.

We are also requesting a waiver to the residential adjacency height limit, as the lot to the rear is to be developed as residential. Both properties are owned by the same entity. The owner, as the applicant for this action and developer of the adjacent residential, supports the height waiver and does not consider that this will lessen the quality of the residential development. The owner naturally would not propose the waiver if it would reduce the desirability of the homes. The height restriction, if not waived, would drastically limit the use of this lot and would limit access into the lot because of awkward building placement. With the proposed configuration, the building serves as a buffer between the homes and the parking area and street, resulting in reduced noise and pollution near the homes.

We do not foresee any particular issues or problems associated with this location.

Sincerely,

PERKOWITZ + RUTH ARCHITECTS



Mary Venable
Project Manager

Cc: File No. 5.2

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JAN 18 2005

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: JANUARY 27, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

SDR-5813 - SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-5808 - PUBLIC HEARING - APPLICANT: PERKOWITZ AND RUTH ARCHITECTS - OWNER: RICHMOND AMERICAN HOMES OF NEVADA, INC. - Request for a Site Development Plan Review FOR A PROPOSED 38,000 SQUARE-FOOT OFFICE/WAREHOUSE DEVELOPMENT AND FOR A WAIVER OF THE BUILDING PLACEMENT, PERIMETER, AND PARKING LOT LANDSCAPING REQUIREMENTS on 3.56 acres east of Rancho Drive, approximately 500 feet south of Lone Mountain Road (APN 138-02-102-012), C-2 (General Commercial) Zone, Ward 6 (Mack).

C.C.: 03/02/05

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

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

MOTION:

TRUESDELL – APPROVED subject to conditions and adding the following conditions:

- *No outside storage shall be permitted on the site.*
- *All deliveries shall be made between 9:00 a.m. and 5:00 p.m.*
- *No taverns or adult businesses shall be permitted on the site.*
- *An eight-foot block wall shall be constructed along the east property line.*

– UNANIMOUS with McSWAIN abstaining because her company, Terra Contracting, is involved with Richmond American Homes

To be heard by City Council 3/02/2005

MINUTES:

See Item 65 [VAR-5808] for related discussion on Item 65 [VAR-5808] and Item 66 [SDR-5813].

PLANNING COMMISSION MEETING OF JANUARY 27, 2005
Planning and Development Department
Item 66 – SDR-5813

MINUTES – Continued:

(9:57 – 10:09)
3-1350

CONDITIONS:

Planning and Development

1. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted.
2. All development shall be in conformance with the site plan, landscape plan and building elevations date stamped 01/18/05, except as amended by conditions herein.
3. No warehouse use as defined in Title 19.20 shall be permitted on the subject property.
4. Trash enclosures shall be roofed in accordance with Title 19.08.045.
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 a minimum of four (4) five-gallon shrubs for each 24-inch box tree within provided planters along the perimeters. The plan shall also show a minimum of five (5) five-gallon and five (5) one-gallon shrubs for each 24-inch box tree provided within parking lot planter fingers.
6. 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.
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. Turfed areas shall not exceed a maximum of 12.5% of the total landscapable area.
10. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

PLANNING COMMISSION MEETING OF JANUARY 27, 2005
Planning and Development Department
Item 66 – SDR-5813

CONDITIONS – Continued:

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

Public Works

12. Construct all incomplete half-street improvements on Rancho Drive adjacent to this site concurrent with development of this site. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).
13. Remove all substandard public street improvements adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. 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.
14. Construct sidewalk on at least one side of the access drive connecting this site to the adjacent public street 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 and shall be terminated on-site with a handicap ramp.
15. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222a and shall also receive approval from the Nevada Department of Transportation.
16. Landscape and maintain all unimproved right(s)-of-way on Rancho Drive adjacent to this site.
17. Obtain an Occupancy Permit from the Nevada Department of Transportation (NDOT) for all landscaping and private improvements in the Rancho Drive public right-of-way adjacent to this site prior to the issuance of any permits.
18. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study

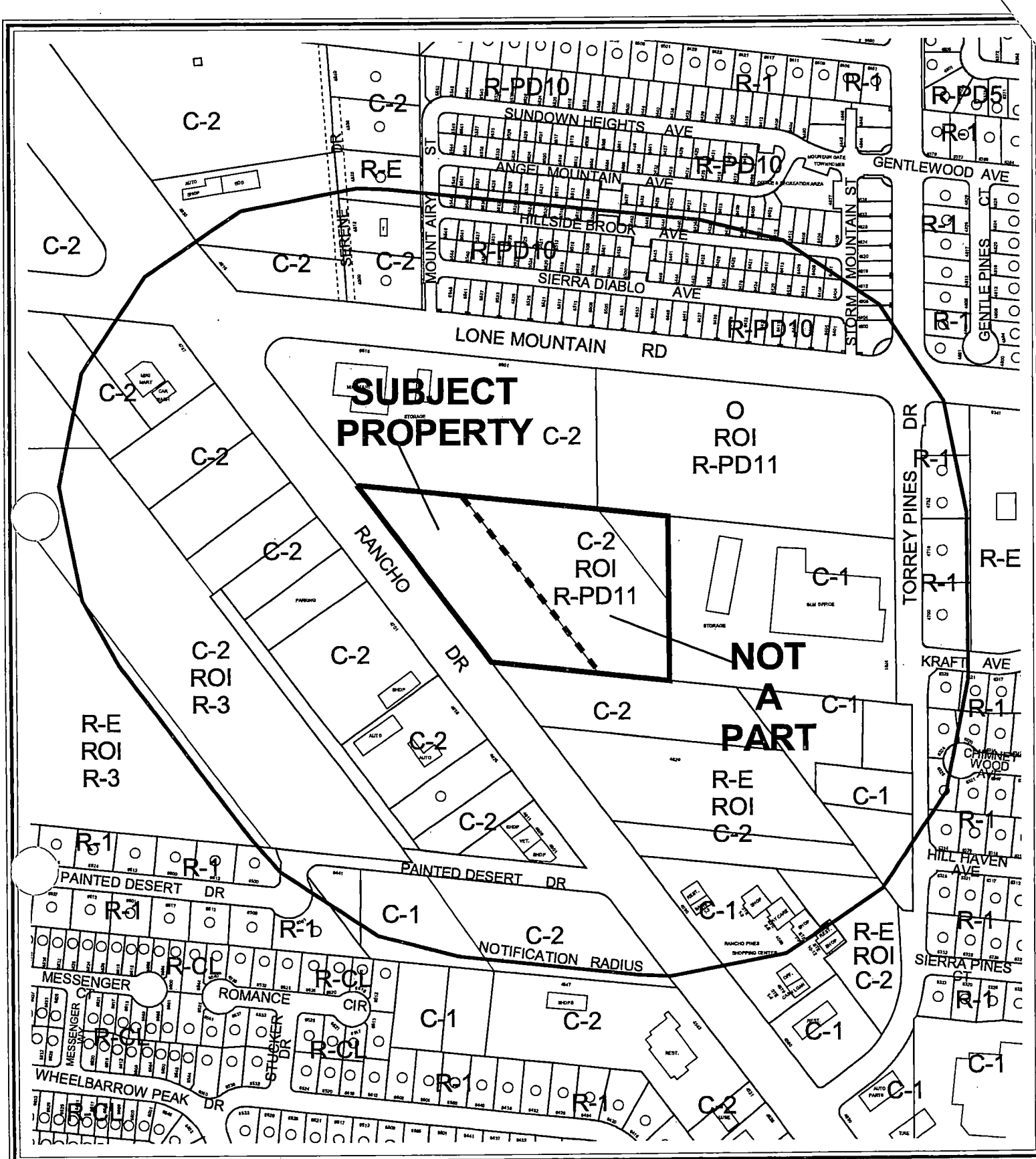
PLANNING COMMISSION MEETING OF JANUARY 27, 2005
Planning and Development Department
Item 66 – SDR-5813

CONDITIONS – Continued:

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.

C

C



CASE: **SDR-5813**

RADIUS: 750 FT

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

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JANUARY 27, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-5813 - APPLICANT: PERKOWITZ AND RUTH ARCHITECTS - OWNER: RICHMOND AMERICAN HOMES OF NEVADA, INC.

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted.
2. All development shall be in conformance with the site plan, landscape plan and building elevations date stamped 01/18/05, except as amended by conditions herein.
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6. 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.
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. Turfed areas shall not exceed a maximum of 12.5% of the total landscapable area.
10. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

SDR-5813 - Conditions Page Two
January 27, 2005 - Planning Commission Meeting

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

Public Works

12. Construct all incomplete half-street improvements on Rancho Drive adjacent to this site concurrent with development of this site. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).
13. Remove all substandard public street improvements adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. 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.
14. Construct sidewalk on at least one side of the access drive connecting this site to the adjacent public street 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 and shall be terminated on-site with a handicap ramp.
15. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222a and shall also receive approval from the Nevada Department of Transportation.
16. Landscape and maintain all unimproved right(s)-of-way on Rancho Drive adjacent to this site.
17. Obtain an Occupancy Permit from the Nevada Department of Transportation (NDOT) for all landscaping and private improvements in the Rancho Drive public right-of-way adjacent to this site prior to the issuance of any permits.
18. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study

SDR-5813 - Conditions Page Three
January 27, 2005 - Planning Commission Meeting

concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Site Development Plan Review for a proposed 38,000 square-foot office development and for a Waiver of the building placement, perimeter, and parking lot landscaping requirements on 3.56 acres east of Rancho Drive, approximately 500 feet south of Lone Mountain Road.

B) Applicant's Justification

According to the applicant's justification letter, the project is a proposed office shell building of approximately 38,000 square feet. The intent is to provide space for professional, service and retail tenants who need a large amount of incidental storage or work space relative to their office spaces. The proposed uses are compatible with the current C-2 (General Commercial) zoning district and uses planned for adjacent parcels. The project will be in conformance with all applicable zoning regulations, with the exception of residential adjacency standards, for which a companion variance is sought, and building placement and landscaping standards, for which waivers are requested as a part of this application. The applicant concludes that the landscape waivers are justified because the subject property is adjacent to commercially zoned property. The parking analysis assumes a warehouse-parking ratio for the storage spaces.

BACKGROUND INFORMATION

A) Previous Actions

- 06/07/72 The Board of City Commissioners approved a Rezoning (Z-0039-72) from R-E (Residence Estates) to C-2 (General Commercial) on the subject property. The Planning Commission and staff recommended approval.
- 04/26/99 The City Council approved a Rezoning (Z-0007-99) from R-E (Residence Estates) to C-1 (Limited Commercial) to the east of the subject property. The Planning Commission and staff recommended approval.
- 05/24/99 The City Council approved a General Plan Amendment (GPA-0003-99) from SC (Service Commercial) to GC (General Commercial) and a Rezoning (Z-0008-99) from R-E (Residence Estates) and C-2 (General Commercial) to C-2 (General Commercial) on the subject property for a proposed new car dealership and accessory uses.

SDR-5813 - Staff Report Page Two
January 27, 2005 - Planning Commission Meeting

- 07/19/00 The City Council approved a Request for a Site Development Plan Review for a proposed 67,680 square-foot Bureau of Land Management facility on 5.09 acres on the west side of Torrey Pines Drive, approximately 355 feet south of Lone Mountain Road. The Planning Commission and staff recommended approval.
- 07/07/04 The City Council approved a General Plan Amendment (GPA-4072) from O (Office) and GC (General Commercial) to MLA (Medium-Low Attached Density Residential), a Rezoning (ZON-4202) from O (Office), R-E (Residence Estates) and C-2 (General Commercial) to R-PD11 (Residential Planned Development - 11 Units Per Acre) and a Site Development Plan Review (SDR-4204) for a proposed 116-unit single-family attached residential development on 10.95 acres to the east of the subject property. The Planning Commission recommended approval. Staff recommended denial.
- 01/27/05 The Planning Commission will consider a companion Variance (VAR-5808) request to allow a 37-foot setback where Residential Adjacency standards require a minimum setback of 84 feet for a proposed office/warehouse development on the subject property. Staff recommends denial.

B) Pre-Application Meeting

- 12/01/04 The site requires construction of a portion of the multi-use transportation trail along Rancho Drive. Right-of-way improvements will require NDOT approval. Residential adjacency standards will apply, as land to the east of the subject site has a General Plan designation compatible with single-family development.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 3.56 (western 272 feet of APN 138-02-102-012)

B) Existing Land Use

Subject Property: Undeveloped
North: Convenience Store
South: Undeveloped
East: Undeveloped
West: Heavy Machinery and Equipment (Rental, Sales and Service)

C) *Planned Land Use*

Subject Property: GC (General Commercial)
North: GC (General Commercial)
South: GC (General Commercial)
East: MLA (Medium-Low Attached Density Residential)
West: GC (General Commercial)

D) *Existing Zoning*

Subject Property: C-2 (General Commercial)
North: C-2 (General Commercial)
South: C-2 (General Commercial)
East: C-2 (General Commercial) under Resolution of Intent to R-PD11
(Residential Planned Development – 11 Units Per Acre)
West: C-2 (General Commercial)

E) *General Plan Compliance*

The subject property is designated GC (General Commercial) in the Centennial Hills Sector Plan. This land use category allows intense retail, service, wholesale, office and other general business uses not generally considered compatible with adjoining residential areas without significant transition. The existing C-2 (General Commercial) zoning district and proposed office uses are compatible with the GC (General Commercial) designation.

PROJECT DESCRIPTION

The proposal is a 38,000 square-foot building shell with eight speculative tenant spaces for office and ancillary storage uses. Access to the site is from a 30-foot driveway from Rancho Drive. A minimum 24-foot driveway encircles the building. A total of 73 parking spaces are provided, not including three loading spaces. The building is oriented toward the rear, so that parking is primarily in the front. Landscaping is provided along the Rancho Drive and rear property lines. The rear buffer planter includes dense evergreen trees for the purpose of screening from abutting planned residential development to the east. A Multi-Use Non-Equestrian Trail is provided adjacent to Rancho Drive as required by the City's 2020 Master Plan.

ANALYSIS

A) *Zoning Code Compliance*

A1) Development Standards

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

SDR-5813 - Staff Report Page Four
January 27, 2005 - Planning Commission Meeting

Standards	Required C-2	Provided	Compliance
Min. Lot Size	N/A	3.56 Acres	N/A
Min. Lot Width	100 Feet	272 Feet	Y
Min. Setbacks			
• Front	20 Feet	64 Feet	Y
• Side	10 Feet	10 Feet	Y
• Corner	N/A	N/A	N/A
• Rear	20 Feet	20 Feet	Y
Max. Lot Coverage	50 %	24.5 %	Y
Max. Building Height	none	38 Feet	Y
Trash Enclosure	Walled, gated, roofed, 50 feet from residential property	Walled, gated, 63 feet from residential	Y
Loading Zone	3 spaces	3 spaces	Y
Mech. Equipment	Screened	Parapet screening	Y

The proposed project complies with development standards for the C-2 (General Commercial) zoning district. A condition of approval will ensure that all trash enclosures are roofed according to the Commercial Development Standards.

A2) Residential Adjacency Standards

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

- a) Proximity slope. The height of the proposed building at the rear is 28 feet; therefore, it must be set back at least 84 feet from the rear property line, which the site shares with a proposed single-family attached residential development. The site plan shows the building to be set back 37 feet from the rear property line. The amount of deviation from the standard is 56 percent. A companion Variance (VAR-5808) has been requested for relief from the Proximity Slope standard.
- b) Building setback. The proposed building must also be set back at least five feet from the rear property line to match the rear yard setback of the proposed single-family attached residential lots to the east of the subject property. This standard has been met, as the proposed building is set back 37 feet from the rear property line.

A3) Parking and Traffic Standards

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

SDR-5813 - Staff Report Page Five
January 27, 2005 - Planning Commission Meeting

Uses	GFA	Ratio	Required		Provided	
			Parking		Parking	
			Regular	Handicap	Regular	Handicap
Office	11,400 SF	1 space/300 SF GFA	38	---		
Interior Storage	26,600 SF	1 space/1,000 SF GFA	27	---		
TOTAL	38,000 SF	---	62	3	66	3

The proposed development exceeds Title 19 parking requirements. A mix of 30 percent office and 70 percent storage uses is projected. An imbalance in the use mix is likely to increase the parking requirement.

A4) Landscape 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 + half of all trees at end of rows	17 Trees	19 Trees
Buffer (maximums):			
• Min. Trees (Rancho Dr.)	1 Tree/20 Linear Feet	24 Trees	31 Trees
• Min. Trees (sides)	1 Tree/30 Linear Feet	17 Trees	0 Trees
• Min. Trees (rear)	1 Tree/20 Linear Feet	28 Trees	37 Trees
• Min. Zone Width (Rancho Drive)	15 Feet along Rancho Drive		15 Feet
• Min. Zone Width (sides/rear)	8 Feet		0 Feet along sides, 8 Feet along rear
• Wall height	Min. 6 Feet adjacent to residential, max. 6 Feet along sides		6 Feet at sides, 8 Feet at rear

Waivers have been requested from perimeter and parking lot landscaping standards. No buffer is provided on either side of the property. All other landscaping is compliant with Title 19 and the Landscape, Wall and Buffer Standards.

A5) Sign Standards

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

Monument Signs: [Entrance from Rancho Drive]

Standards	Allowed	Provided
Maximum Number	1 / 200 feet street frontage 2 total	1 total
Maximum Area	75 SF /sign	Not provided
Maximum Height	10 Feet	Not provided
Minimum Setback	5 Feet	5 Feet
Illumination	External/Internal	Not provided
Minimum Separation	100 Feet	N/A

Wall Signs: [West elevation]

Standards	Allowed	Provided
Maximum Number	Based on area	10 total
Maximum Area	Up to 20% of elevation of each leased area and 20% of any building elevation	Not provided
Maximum Projection	4 Feet	Not provided
Illumination	Internal/External/Animated/ Electronic Message Unit	Not provided

Signage consists of one entry monument sign and wall signage at each tenant space. All signage must conform to the standards contained in Title 19.14 specific to developments in the C-2 (General Commercial) zoning district.

B) General Analysis and Discussion

- Zoning

The site is currently zoned C-2 (General Commercial). The proposed office uses are permitted as of right in this district. The storage use is related to these proposed office uses, and no distribution of the stored goods is proposed. The parcel on which this site is located is shared with a portion of an approved single-family attached residential development to the east.

- Site Plan

Access to the site is from a 30-foot driveway from Rancho Drive. Circulation is logical, with a minimum 24-foot driveway extending around the proposed building. A 20-foot Multi-Use Transportation trail is proposed on the property adjacent to the east side of Rancho Drive and is accurately depicted on the site plan. Other than the requested variance for residential adjacency setback and waivers of building placement and perimeter landscaping standards addressed below, the site meets other applicable aspects of the Zoning Code, including setbacks, lot coverage, height, and lot specifications. However, the location of such a large building next to dense residential development could create ongoing nuisance issues.

- Waivers

The applicant has requested a Waiver of the Commercial Development Standards for placement of the building away from the front setback line to allow for parking in front of the building. Approval of the request is recommended. Although the building meets lot coverage requirements and its design is likely too large for it to comply with the placement standard, it is a better alternative to facing the residential development to the east, as well as siting the parking on that end of the property.

A Waiver of perimeter landscaping standards to allow no buffers along the side property lines has been requested. The waiver is not recommended, as the building size as designed could be reduced to accommodate required parking, access and landscaping. Lands on either side of the subject property are zoned for commercial uses, but that fact does not necessarily excuse a given site from adherence to the standards. No unavoidable circumstances preclude the applicant from providing conforming landscape buffers.

A Waiver of parking lot landscaping standards was requested as part of the original application. The landscape plan was subsequently revised to comply with Commercial Development Standards; therefore, the waiver is no longer necessary.

- Landscape Plan

The conceptual landscape plan shows 24-inch box Evergreen Elm trees spaced 20 feet on center along Rancho Drive. In addition, 24-inch box Chilean Mesquites are proposed for the parking area, and 24-inch Torrey Pines are depicted along the eastern boundary of the site. Additional trees spaced approximately 15 feet on center have been

provided along the eastern (rear) wall for screening of the proposed project from the approved residential development to the east. The standard shrubs and groundcover, including five-gallon Texas Ranger, Yellow Bird of Paradise, Autumn Sage and Brittle Bush and one-gallon Gazania, Lantana, and Creeping Acacia, have been provided.

- **Elevation**

Elevations are aesthetically pleasing and provide a varied roofline and numerous offsets. Building materials are acceptable and compatible with other commercial structures in the area.

- **Floor Plan**

The applicant has speculated that approximately 70 percent of the tenant space within the proposed building will consist of storage for the proposed office uses. It is speculated that the tenants will rent a separate storage unit for their goods. Eight tenant spaces of various sizes are depicted on the floor plans.

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 size and uses proposed for the building may have a negative impact on residential development planned to the east of the subject site. Office uses would be most compatible with the surrounding land uses.

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 development proposes uses not permitted in the C-2 (General Commercial) zoning district or the GC (General Commercial) General Plan land use designation. Approval of Waivers of Commercial development standards with regard to building placement is required, as well as a Waiver of perimeter landscaping standards.

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

The site will have access from Rancho Drive, a 200-foot Primary Arterial as shown on the Master Plan of Streets and Highways. Circulation around the site is logical. The proposed layout should not negatively impact Rancho Drive or neighboring traffic.

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

Building materials include tilt-up concrete, metal and aggregate, which are appropriate for office buildings in this area of the City. Landscaping materials are acceptable and are strategically placed for purposes of screening and beautification.

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;"**

Elevations are aesthetically pleasing and provide a varied roofline and numerous offsets. Building materials are acceptable and compatible with other commercial structures in the area.

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

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

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

12

NOTICES MAILED 135 [Mailed with VAR-5808]

APPROVALS 0

PROTESTS 0

Perkowitz + Ruth
ARCHITECTS

RANCHO CEMENCE PARK
**Las Vegas,
Nevada**

Revisions

Date 12/14/04
Drawn By C Curtis
Checked By RUDY STARKS
Project No. 04-897-11
File Name D0489711-SITE01.dwg
Scale T = 50'

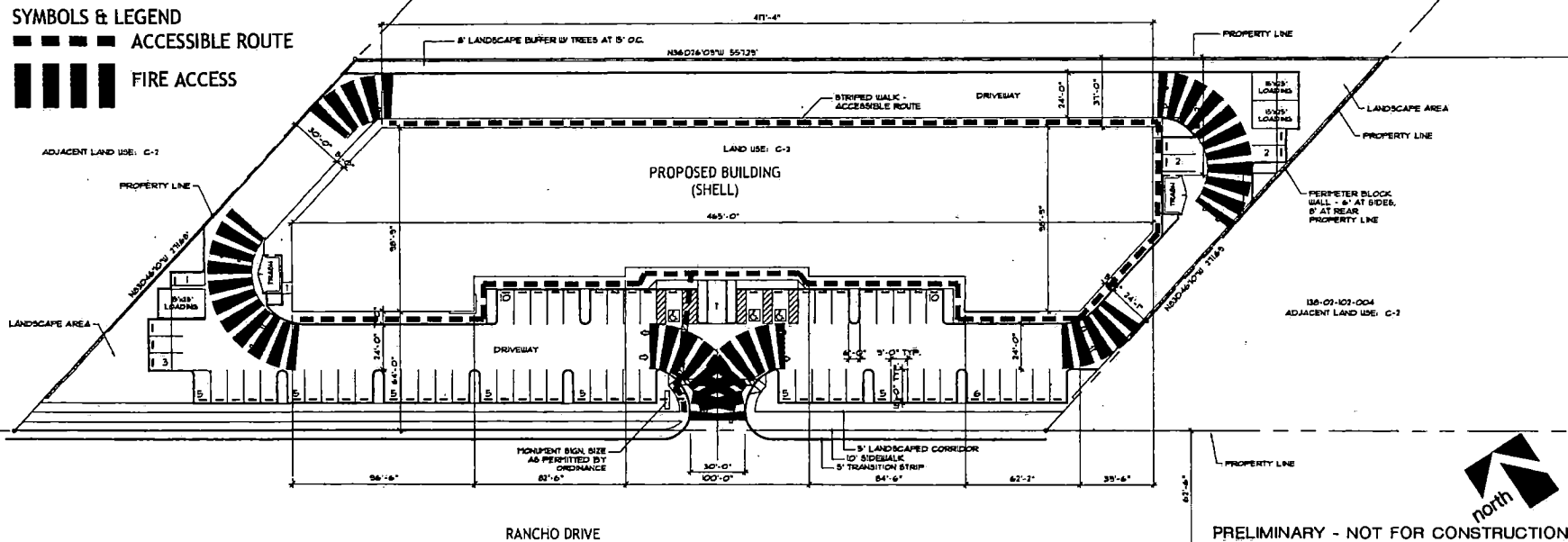
Site Plan
SA-1

SITE SUMMARY			
LAND AREA		APPROX 2.56 ACRES (155,074 S.F. +/-)	
BUILDING AREA		38,000 S.F.	
BUILDING COVERAGE		25%	
CURRENT/PROPOSED ZONING		C-2	
SETBACKS REQUIRED:			
FRONT		20'	
REAR		20'	
SIDES		10'	
APN:		138-03-102-012	
PARKING ANALYSIS:			
TOTAL S.F.	38,000 S.F.		REQ'D
OFFICE	30% 11,400 S.F.	@1/ 300	38
WAREHOUSE	70% 26,600 S.F.	@1/ 1000	27
TOTAL REQ'D			65
PROVIDED (INCL. 3 HC)			69
138-02-102-012			

SYMBOLS & LEGEND

— — — — ACCESSIBLE ROUTE

■ ■ ■ ■ FIRE ACCESS



PRELIMINARY - NOT FOR CONSTRUCTION
THIS PLAN HAS BEEN PREPARED WITHOUT BENEFIT OF
A COMPLETE SURVEY. IT IS CONCEPTUAL IN NATURE
AND NO GUARANTEE OF ITS ACCURACY IS IMPLIED.

SITE PLAN

SCALE: 1" = 60'-0"

VAR-5808
SDR-5813
01/27/05 PC

REVISED
1.18.05

RECEIVED
JAN 18 2005

SITE SUMMARY
LAND AREA

BUILDING AREA
BUILDING COVERAGE
CURRENT/PROPOSED ZONING
SETBACKS REQUIRED:
FRONT
REAR
SIDES

APPROX. 2.56 ACRES
(155,074 S.F. +/-)
38,000 S.F.
25%
C-2
20'
20'
10'

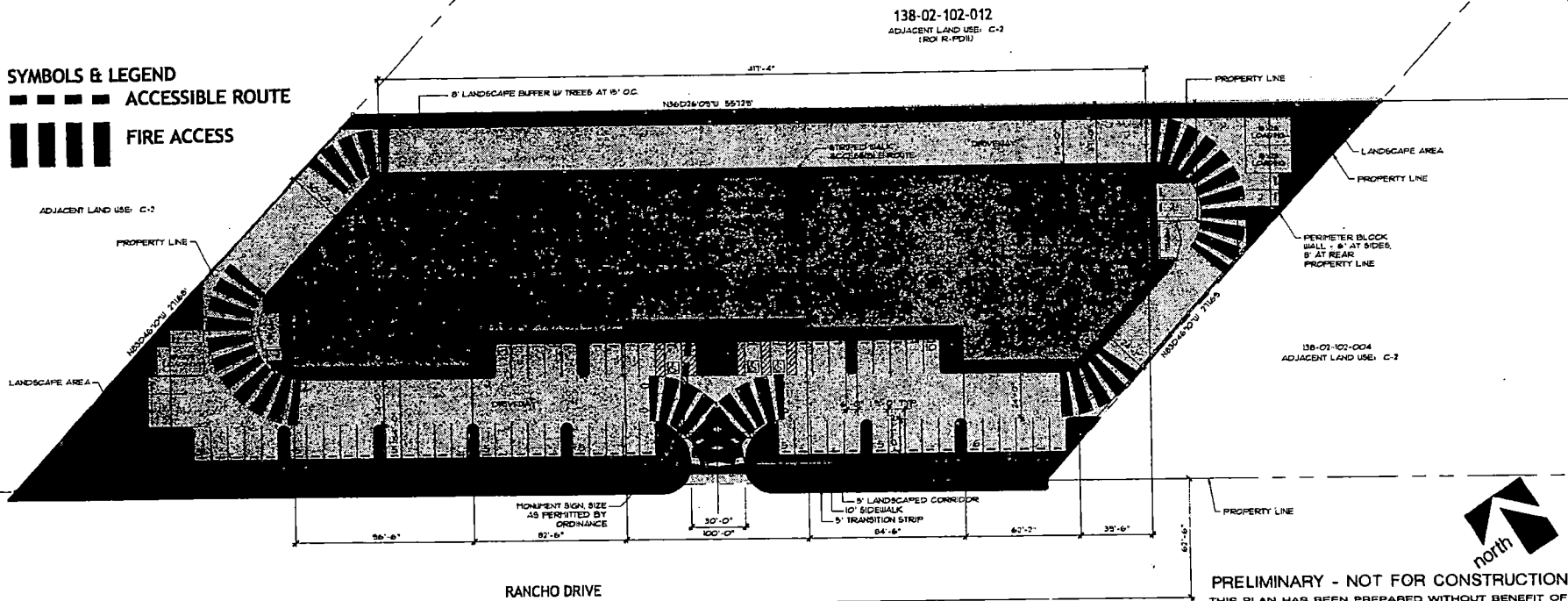
APN:

138-03-102-012

PARKING ANALYSIS:

	TOTAL S.F.	38,000 S.F.	REQ'D
OFFICE	30%	11,400 S.F. @ 1/ 300	38
WAREHOUSE	70%	26,600 S.F. @ 1/ 1000	27
TOTAL REQ'D			65
PROVIDED (INCL. 3 HC)			69

SYMBOLS & LEGEND
ACCESSIBLE ROUTE
FIRE ACCESS



SITE PLAN

SCALE: 1" = 60'-0"

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3980 Howard Hughes Pkwy.
Suite 450
Las Vegas, NV 89109
702-892-8500
702-892-8514 fax
www.prarchitects.com
Corporate Office:
Long Beach, CA
Regional Offices:
Newport Beach, CA
Washington, DC
Las Vegas, NV

Perkowitz + Ruth
ARCHITECTS

RANCHO CEMERCE PARK
Las Vegas,
Nevada

Revisions

Date	12/14/04
Drawn By	C. Curtis
Checked By	RUDY STARKS
Project No.	04-897-11
File Name	00489711-SITE01.dwg
Scale	1" = 60'

Site Plan

SA-1

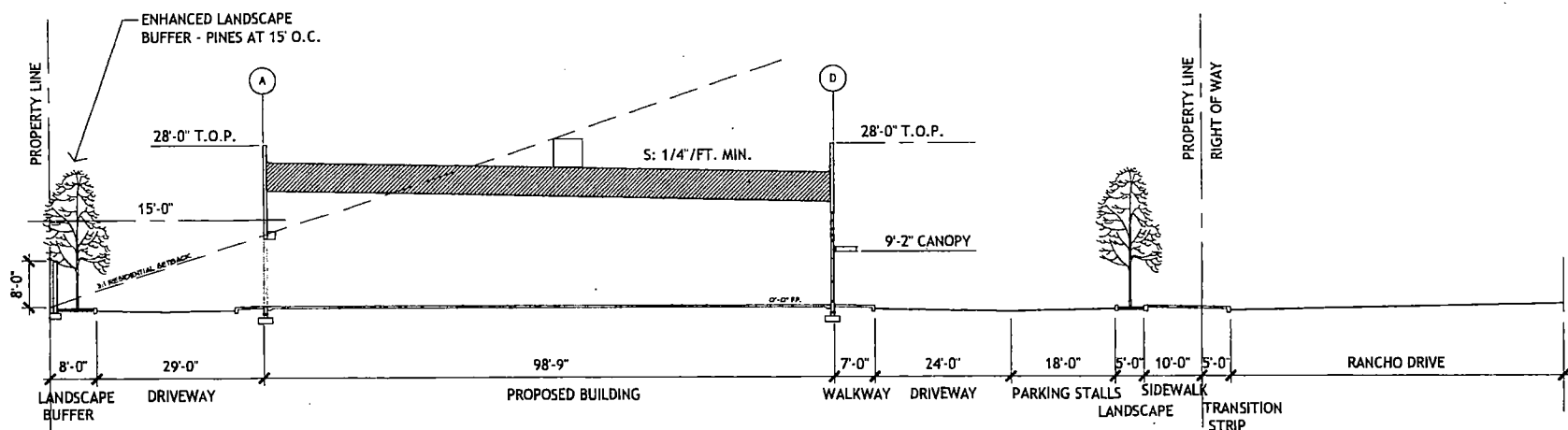
REVISED
1.18.05

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JAN 18 2005

VAR-5808
SDR-5813
01/27/05 PC

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A COMPLETE SURVEY. IT IS CONCEPTUAL IN NATURE
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3980 Howard Hughes Pkwy.
Suite 450
Las Vegas, NV 89109
702-892-8500
702-892-8514 fax
www.prarchitects.com
Corporate Office:
Long Beach, CA
Regional Offices:
Newport Beach, CA
Washington, DC
Las Vegas, NV

Perkowitz & Ruth
ARCHITECTS

RANCHO COMMERCE PARK
Las Vegas,
Nevada

Revisions

Date	12/14/04
Drawn By	C. Quris
Checked By	RUDY STARKS
Project No.	04-897-11
File Name	D0489711-SITE01.dwg
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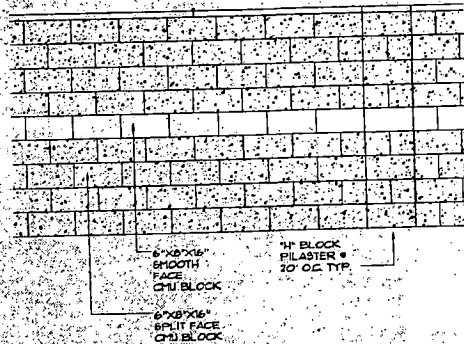
PROFILE

SA-2

REVISED
1.18.05

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JAN 18 2005

VAR-5808
SDR-5813
01/27/05 PC



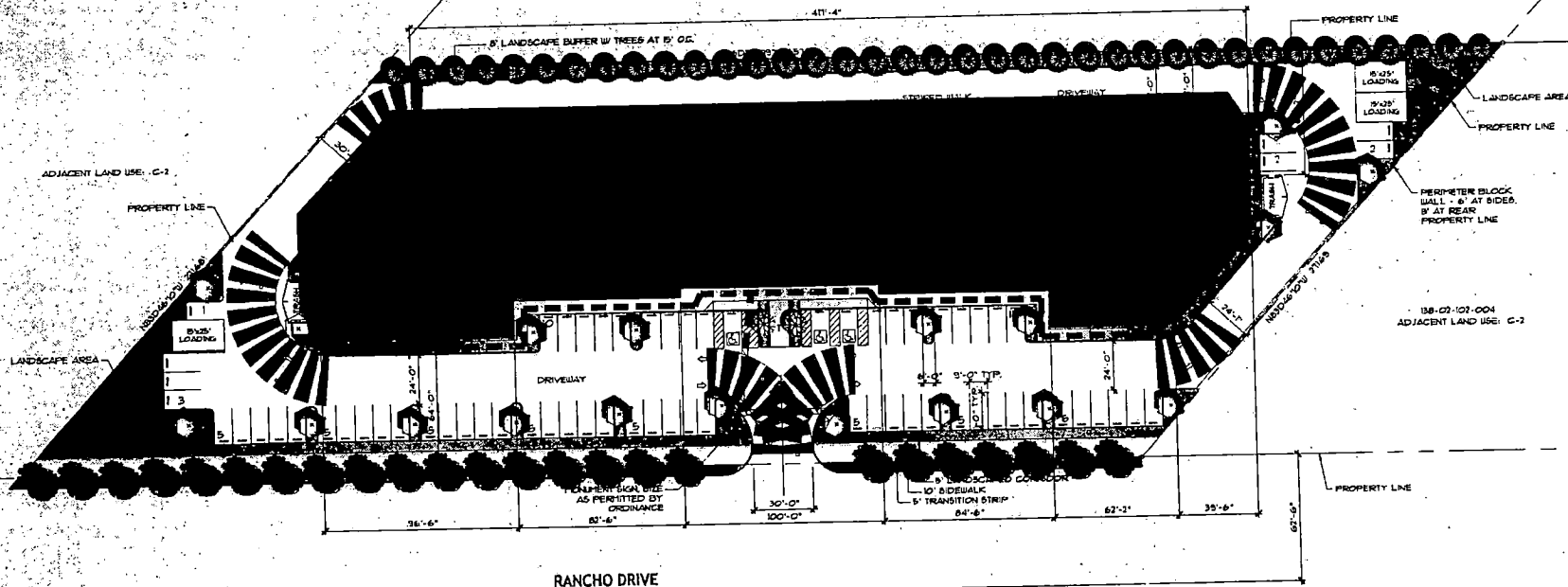
PERIMETER SITE WALL (6' TALL AT SIDES, 8' AT REAR).

PLANT LIST

BOTANIC	COMMON NAME	SIZE	QTY.
TREES			
WASHINGTONIA ROBUSTA	MEXICAN FAN PALM	10'	5
ULMUS PARVIFOLIA	EVERGREEN ELM	24" BOX	24
PROSOPIS CHILENSIS THORNLESS	CHILEAN MESQUITE	24" BOX	19
PINUS TORREYANA	TORREY PINE	24" BOX	31
ACACIA ANEURA	MULGA	24" BOX	2
SHRUBS			
LEUCOPHYLLUM FRUTESCENS	TEXAS RANGER	5 GAL.	(4) - 5 GAL. PER TREE +
CAESALPINIA GILLIESII	YELLOW BIRD OF PARADISE	5 GAL.	(4) - 1 GAL. PER TREE
SALVIA GREGGII	AUTUMN SAGE	5 GAL.	
ENCELIA FARINOSA	BRITTLE BUSH	5 GAL.	
GROUND COVER			
GAZANIA RIGENS	GAZANIA	1 GAL.	
LANTANA MONTEVIDENSIS	LANTANA	1 GAL.	
ACACIA REDOLENS	CREeping ACACIA	1 GAL.	

NOTES:
ROCK MULCH AT ALL AT ALL PLANTING AREAS U.N.O.

138-02-102-012
ADJACENT LAND USE: C-2
(NOT R-PD11)



CONCEPTUAL LANDSCAPE PLAN

15 01/01/04 SCALE 1/8\"/>

PR

3980 Howard Hughes Pkwy.
Suite 450
Las Vegas, NV 89103
702-892-8500
702-892-8514 fax
www.prchitects.com
Corporate Office:
Long Beach, CA
Regional Offices:
Newport Beach, CA
Washington, DC
Las Vegas, NV

Perkowitz-Ruth
ARCHITECTS

RANCHO CEMERCE PARK

**Las Vegas,
Nevada**

Revisions

Date 12/14/04
Drawn By C. Curtis
Checked By RUDY STARKS
Project No. 04-B97-11
File Name 00489711-LS-1dwg
Scale 1\"/>

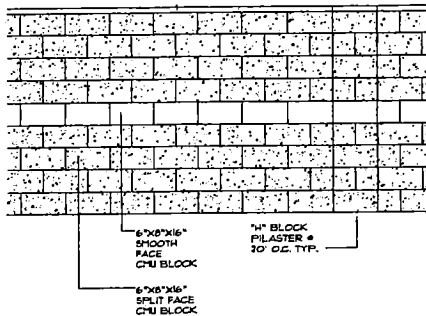
Landscape Plan

LS-1

REVISED
1.18.05

RECEIVED
JAN 18 2005

**VAR-5808
SDR-5813
01/27/05 PC**



PERIMETER SITE WALL (6' TALL AT SIDES, 8' AT REAR)

PLANT LIST			
BOTANICAL NAME	COMMON NAME	SIZE	QTY.
TREES			
WASHINGTONIA ROBUSTA	MEXICAN FAN PALM	10'	5
ULMUS PARVIFOLIA	EVERGREEN ELM	24" BOX	24
PROSOPIS CHILENSIS THORNLESS	CHILEAN MESQUITE	24" BOX	19
PINUS TORREYANA	TORREY PINE	24" BOX	31
ACACIA ANEURA	MULGA	24" BOX	2
SHRUBS			
LEUCOPHYLLUM FRUTESCENS	TEXAS RANGER	5 GAL.	(4) - 5 GAL. PER TREE +
CAESALPINIA GILLIESII	YELLOW BIRD OF PARADISE	5 GAL.	(4) - 1 GAL. PER TREE
SALVIA GREGGII	AUTUMN SAGE	5 GAL.	
ENCELIA FARINOSA	BRITTLE BUSH	5 GAL.	
GROUND COVER			
GAZANIA RIGENS	GAZANIA	1 GAL.	
LANTANA MONTEVIDENSIS	LANTANA	1 GAL.	
ACACIA REDOLENS	CREeping ACACIA	1 GAL.	

NOTES:
ROCK MULCH AT ALL PLANTING AREAS U.N.O.

PR

3980 Howard Hughes Pkwy.
Suite 450
Las Vegas, NV 89109
702-592-6500
702-592-6504 fax
www.prchitects.com
Corporate Office:
Long Beach, CA
Regional Offices:
Newport Beach, CA
Washington, DC
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ARCHITECTS
RANCHO CEMERCE PARK
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Revisions

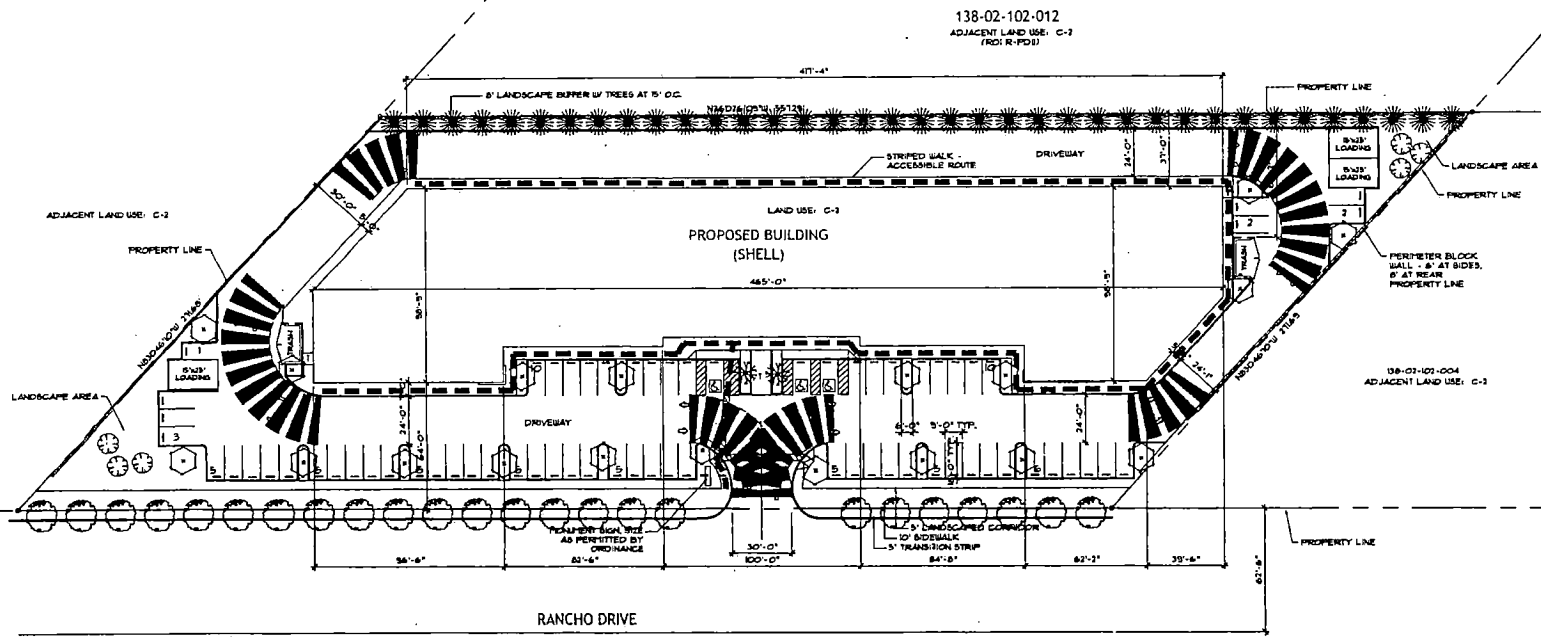
Date: 1/17/04
Drawn By: C. Curtis
Checked By: RUDY STARKS
Project No: 04-897-11
File Name: D0489711-LS-1.dwg
Scale: F = 6"

Landscape Plan
LS-1

REVISED
1.18.05

VAR-5808
SDR-5813
01/27/05 PC

RECEIVED
JAN 18 2005



CONCEPTUAL LANDSCAPE PLAN
SCALE: 1/8"=1'-0"

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SDR-5813 - APPLICANT: PERKOWITZ AND RUTH ARCHITECTS - OWNER: RICHMOND AMERICAN
HOMES OF NEVADA, INC.
EAST OF RANCHO DRIVE, APPROXIMATELY 500 FEET SOUTH OF LONE MOUNTAIN ROAD
JANUARY 27, 2005 PLANNING COMMISSION

1/12/05



3980 Howard Hughes Parkway
Suite 450
Las Vegas, NV 89109
702.892.8500
702.892.8514

www.prarchitects.com

January 17, 2005

Mr. Steve Swanton
City of Las Vegas
Current Planning Department
731 S. Fourth Street
Las Vegas, NV 89101

**RE: RANCHO COMMERCE PARK
APPLICATION FOR SITE DEVELOPMENT PLAN REVIEW
JUSTIFICATION LETTER**

Dear Mr. Swanton:

Perkowitz+Ruth Architects, on behalf of SF Investments, LLC, respectfully requests Site Development Plan Review approval for a 3.56 acre parcel located on the north side of Rancho Drive, south of Lone Mountain.

The Rancho Commerce Park project is a proposed shell building of approximately 38,000 s.f., for use as an office/retail space with warehouse for interior storage. The intent is to provide space for professional, service, and retail tenants who need a large amount of incidental storage or workspace relative to their office spaces, with uses that meet the current C-2 zoning. Possible tenants meeting this description may be:

- professional surveyors
- highway equipment rental service
- printers
- catering service
- wholesale showrooms
- cleaners
- garden supply
- auto parts accessory installation
- landscapers

Other similar uses that would require a use permit may be:

- custom and craft work (conditional use)
- building and maintenance service and sales (conditional use)
- light assembly and fabrication (conditional use)

The parking analysis assumes that the storage/work area of such uses as printers, light assembly, cleaners, or catering would be parked at the industrial/warehousing rate (1/1000). The floor area devoted to office space for professional and business services would be parked at 1/300, and retail and other uses would meet Chapter 19.10.

Sy Perkowitz, AIA, PE
President & CEO

Steven J. Ruth, AIA
Executive Vice President

Principals
Gary Clements
Kenneth E. Gunther, AIA
Branko Prebenda
Alan Pullman, AIA
Marinos A. Savopoulos, AIA
J. Todd Stoutenborough, AIA
Brian Wolfe, AIA

Senior Associates
Don Grainger, AIA
Rick Overley, AIA
Vasilis G. Papadatos, AIA
Michael Salmon, AIA
Ted Yoshizaki, AIA

Associates
Tarek Anan
Farooq Ameen, AIA, RIBA
Ronald E. Bernhardt, AIA
Winston Chang, AIA
Percy Cheng
Edmond H. Classen
Mitra Esfandiari
Yong Heng
Scott Jackson
Hans Kaufmann
Deborah B. Loayza, AIA
Keith Mericle
Steven J. Phillips, AIA
Rudolph Starks, Jr., AIA
Jim Thury
Terry Todd
Sean Unsell
Brad Williams
Henry G. Wong, AIA

REVISED
1.18.05

RECEIVED
JAN 18 2005

We do not propose any tenants that would be wholesale distribution centers. This use is not allowed in C-2.

The proposed use is therefore compatible with the other commercial uses planned for the adjacent parcels.

The landscape plan provides an 8' landscape buffer along the rear only, which is adjacent to residential. We are requesting approval to omit the landscape buffer at the two sides, as these are adjacent to commercial use. The landscaping will be per City standards.

We are also requesting a waiver to the residential adjacency height limit, as the lot to the rear is to be developed as residential. Both properties are owned by the same entity. The owner, as the applicant for this action and developer of the adjacent residential, supports the height waiver and does not consider that this will lessen the quality of the residential development. The owner naturally would not propose the waiver if it would reduce the desirability of the homes. The height restriction, if not waived, would drastically limit the use of this lot and would limit access into the lot because of awkward building placement. With the proposed configuration, the building serves as a buffer between the homes and the parking area and street, resulting in reduced noise and pollution near the homes.

We do not foresee any particular issues or problems associated with this location.

Sincerely,

PERKOWITZ + RUTH ARCHITECTS



Mary Venable
Project Manager

Cc: File No. 5.2

RECEIVED
JAN 18 2005

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: JANUARY 27, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

VAR-5768 - VARIANCE - PUBLIC HEARING - APPLICANT: S.B.A. DEVELOPMENT, INC. - OWNER: S.F. INVESTMENTS, LLC - Request for a Variance TO ALLOW A SIDE YARD SETBACK OF FOUR FEET WHERE FIVE FEET IS THE MINIMUM ALLOWED (LOT 3) AND A REAR YARD SETBACK OF 11 FEET WHERE 15 FEET IS THE MINIMUM ALLOWED (LOT 26) adjacent to the north and south sides of Peak Drive, west and east of Maverick Street (APN 138-14-601-029 and 138-14-701-002), R-E (Residence Estates) Zone under Resolution of Intent to R-1 (Single-Family Residential) Zone, Ward 5 (Weekly).

P.C.: FINAL ACTION

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter
5. City Council Approval Letter for SDR-3235

MOTION:

GOYNES – APPROVED subject to conditions – UNANIMOUS with McSWAIN abstaining because her company, Terra Contracting, is involved with Royal Construction, a contractor involved with the project

This is Final Action

MINUTES:

CHAIRMAN NIGRO declared the Public Hearing open.

GARY LEOBOLD, Planning & Development Department, gave a brief overview of the application.

PLANNING COMMISSION MEETING OF JANUARY 27, 2005
Planning and Development Department
Item 67 – VAR-5768

MINUTES – Continued:

RUSSELL SKUSE appeared on behalf of the applicant and explained the applicant is requesting relief on two, irregular shaped lots. At the time of original submittal, the applicant did not know the single story design would not fit on the two lots in question.

CHAIRMAN NIGRO declared the Public Hearing closed.

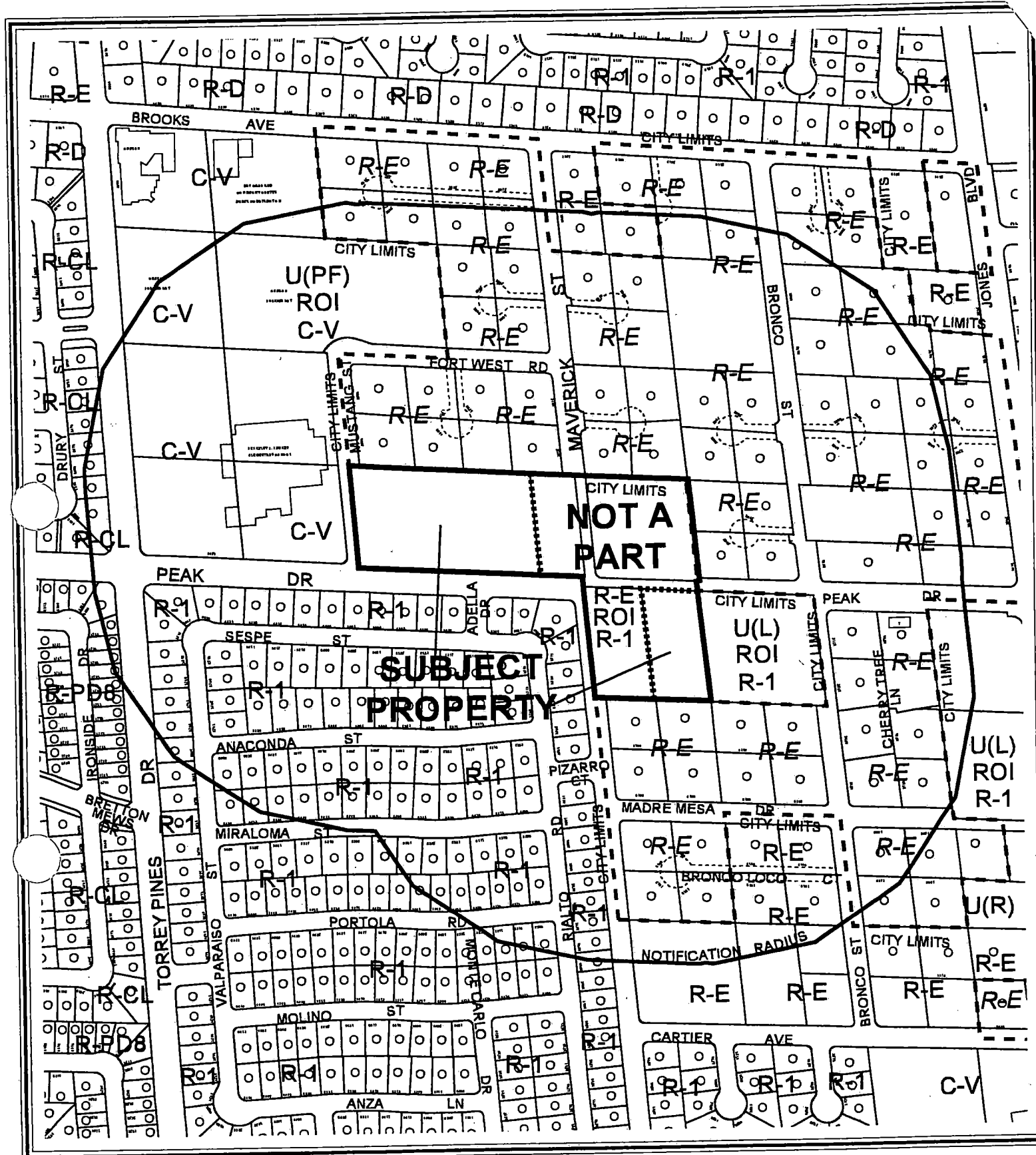
(10:09 – 10:12)

3-1846

CONDITIONS:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-3119) and Site Development Plan Review [SDR-3235].
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.



CASE: VAR-5768

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

R-E (RESIDENCE ESTATES) UNDER RESOLUTION OF INTENT TO R-1 (SINGLE-FAMILY RESIDENTIAL)

0 300 600 Feet





CASE: **VAR-5768**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

R-E (RESIDENCE ESTATES) UNDER RESOLUTION OF INTENT TO R-1 (SINGLE-FAMILY RESIDENTIAL)



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JANUARY 27, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-5768 - APPLICANT: S.B.A. DEVELOPMENT, INC. -

OWNER: S.F. INVESTMENTS, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-3119) and Site Development Plan Review [SDR-3235].
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Variance to allow a side yard setback of four feet where five feet is the minimum allowed (lot 3) and a rear yard setback of 11 feet where 15 feet is the minimum allowed (lot 26) adjacent to the north and south sides of Peak Drive, west and east of Maverick Street.

B) Applicant's Justification

The applicant justifies the request by stating that as a result of the final map design process and the civil engineering design process they have come upon a situation where only their two-story product will fit on the subject parcels. The applicant further states that as a result of Land Development requirements within the subdivision design to accommodate and facilitate the final design requirements, they have had to modify building envelopes and lot sizes. Hence, restricting the single-story product from fitting on the subject lots and therefore not allowing them to be in conformance with condition #17 of the approved Site Development Plan Review (SDR-3235).

BACKGROUND INFORMATION

A) Previous Actions

- 03/16/88 The City Council denied a Rezoning (Z-0133-87) from R-E (Residence Estates) to R-PD3 (Residential Planned Development – 3 Units Per Acre) on a portion of the subject property. The Planning Commission recommended denial.
- 05/02/90 The City Council approved a Rezoning (Z-0032-90) from N-U (Non-Urban) to R-E (Residence Estates) on a portion of the subject property. The Planning Commission recommended denial. The Resolution of Intent expired on May 2, 1991.
- 01/19/94 The City Council denied a Rezoning (Z-0123-93) from R-E (Residence Estates) to R-D (Single Family Residence, Restricted), R-1 (Single Family Residence) R-PD2 (Residential Planned Development – 2 Units Per Acre), and N-U (Non-Urban) and R-CL (Single Family Compact Lot) on the subject properties. The Planning Commission recommended denial.

VAR-5768 - Staff Report Page Two
January 27, 2005 - Planning Commission Meeting

- 08/03/94 The City Council approved a Rezoning (Z-0065-94) from R-E (Residence Estates) to R-D (Single Family Residence, Restricted) on a portion of the subject property. The Planning Commission recommended approval. The Resolution of Intent expired on August 3, 1995.
- 11/10/97 The City Council denied the appeal of a Planning Commission denial, thereby denying the request for a Special Use Permit (U-0078-97) for a proposed convalescent care facility on a portion of the subject property.
- 08/20/03 The City Council voted to Table General Plan Amendment (GPA-2570) to amend the General Plan from R (Rural Density Residential) to L (Low Density Residential), and approved the applicant's request to Withdraw without Prejudice a Rezoning (ZON-2573) to amend the zoning designation from R-E (Residence Estates) to R-PD5 (Residential Planned Development - 5 Units Per Acre), Site Development Plan Review (SDR-2580) for a proposed 46-lot single-family development and to allow 4.6 dwelling units per acre within a rural preservation neighborhood buffer where 3.0 dwelling units per acre are permitted and a Variance (VAR-2578) to allow zero square feet of open space where 33,062 square feet is required on the subject property. The Planning Commission recommended denial for all applications on July 24, 2003.
- 12/03/03 The City Council approved a General Plan Amendment (GPA-2570) to L (Low Density Residential); a Rezoning (ZON-3119) to R-1 (Single Family Residential with a waiver to the RPN density limitation; and a Site Development Plan Review (SDR-3235) for a 34-lot single family residential development on the subject site. The Planning Commission recommended approval of all three actions.
- 02/02/04 The City Council approved a Waiver of Title 18.12.160 (WVR-3402) application to allow 181-foot separations between intersections where a minimum of 220 feet is required when providing external access from a subdivision to an existing street having a right-of-way width of 60 feet or more on 10.00 acres adjacent to the northeast corner of Peak Drive and Maverick Street. The Planning Commission recommended approval.
- 02/26/04 The Planning Commission approved a Tentative Map (TMP-3718) application for a 34 lot single-family subdivision on 10 acres adjacent to the northeast, northwest and southeast corners of Peak Drive and Maverick Street. Staff recommended approval.

B) Pre-Application Meeting

- 12/01/04 A pre-application conference was held and resulted in the following comments:

VAR-5768 - Staff Report Page Three
January 27, 2005 - Planning Commission Meeting

1. The original intent to treat the situation as a Review of Conditions has been changed to a setback Variance for the two lots.
2. Add the setback deviations to the justification letter.

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: 10.00

B) Existing Land Use

Subject Property: Undeveloped
North: Single Family Dwellings
South: Single Family Dwellings
East: Single Family Dwellings
Undeveloped
West: School

C) Planned Land Use

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

D) Existing Zoning

Subject Property: R-E (Residence Estates) under Resolution of Intent to R-1 (Single Family Residential)
North: Unincorporated Clark County
South: R-1 (Single Family Residential)
Unincorporated Clark County
East: Unincorporated Clark County
West: C-V (Civic)
R-1 (Single Family Residential)

VAR-5768 - Staff Report Page Four
January 27, 2005 - Planning Commission Meeting

E) General Plan Compliance

A General Plan Amendment (GPA-2570) approved on December 3, 2003 amended the Southwest Sector Map of the General Plan to designate this site as L (Low Density Residential). The Low Density Residential designation allows between 3.6 and 5.5 units per acre. There are no General Plan policies that directly affect this request.

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

Special Overlay District

The subject site is located within the North Las Vegas Airport Overlay District; however, as the proposed structure will fall well beneath the designated height restriction, there will be no impact on the Airport Overlay District.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.08, the following Development Standards apply to the subject proposal (The values placed in the request column are for Lots 3 and 26, respectively):

Standards	Required	Requested	Compliance
Min. Lot Size	6,500 s.f.	6,507 s.f. & 7,909 s.f.	Yes
Min. Lot Width	65 Feet*	48 Feet & 55 Feet *	Yes
Min. Setbacks			
• Front	20 Feet	20 Feet & 20 Feet	Yes
• Side	5 Feet	4.54 Feet & 8.43 Feet	No
• Corner	15 Feet	N/A	N/A
• Rear	15 Feet	15 Feet & 11.65 Feet	No
Max. Lot Coverage	50 %	38.2% & 31.4%	Yes
Max. Building Height	1 Story	1 Story	Yes

VAR-5768 - Staff Report Page Five
January 27, 2005 - Planning Commission Meeting

* Pursuant to Title 19.08.040, Table 1, note #6 "Notwithstanding the minimum lot width in this table, lots located along the circular portion of a cul-de-sac or a knuckle portion of a street may be reduced to a minimum of 30 feet in width at the front property line, provided the average lot width meets the required lot width."

The subject deviations identified are that of lot 3 requiring a reduction of the side yard setback from 5 feet to 4.54 feet and that of lot 26 requiring a reduction of the rear yard setback from 15 feet to 11.65 feet.

B) General Analysis and Discussion

The approved 34-lot single-family residential subdivision is subject to the development standards set forth by the R-1 (Single Family Residential) zoning district. Two of the 34 lots fail to meet the development standards required of them. Lot 3 fails to meet the required five-foot side yard setback and Lot 26 fails to meet the required 15-foot rear yard setback. It appears that the product to be placed on the respective sites is simply too large. The applicant has supplied one set of building elevations and floor plans that do not match the 1,382 square foot (Parasol) single-story product brought before the City Council as part of the original Site Development Plan Review (SDR-3235).

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."

VAR-5768 - Staff Report Page Six
January 27, 2005 - Planning Commission Meeting

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship creating and placing a larger housing product on the respective sites. Alternative housing product 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 9

NOTICES MAILED 207

APPROVALS 0

PROTESTS 0



STATEMENT OF FINANCIAL INTEREST

138-14-601-029 & 030

Name of Property Owner: S.F. Investments, LLC

Name of Applicant: S.B.A. Development, Inc.

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

Yes ☐ No ☒

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

City Official: _____

Partner(s): _____

APN: _____

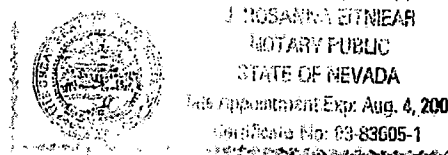
Signature of Property Owner/Authorized Agent: Y. W. F. N. /

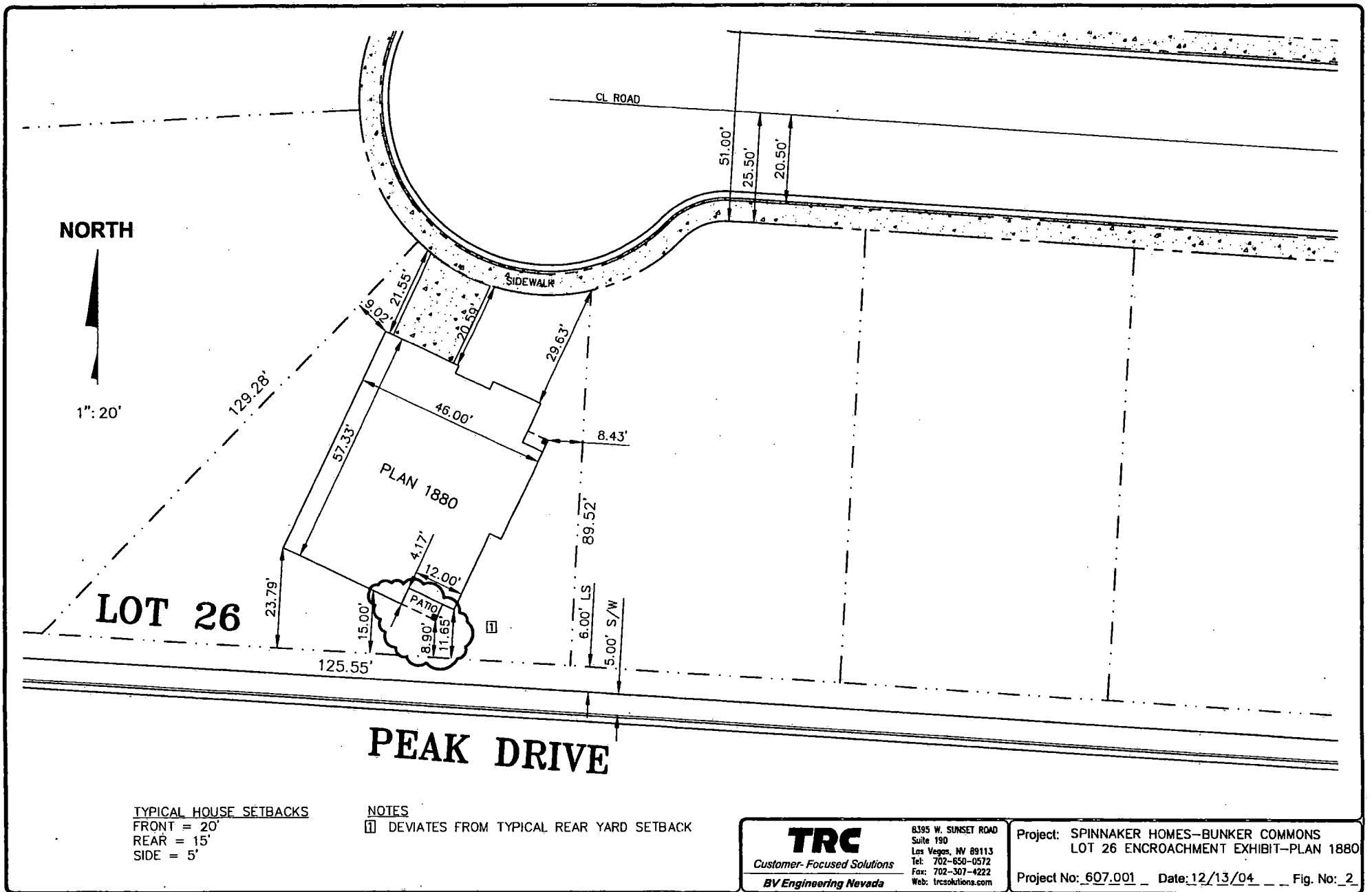
Print Name: STEPHEN B. ALLENBERG, PRESIDENT

Subscribed and sworn before me

This 12th day of Nov, 2004

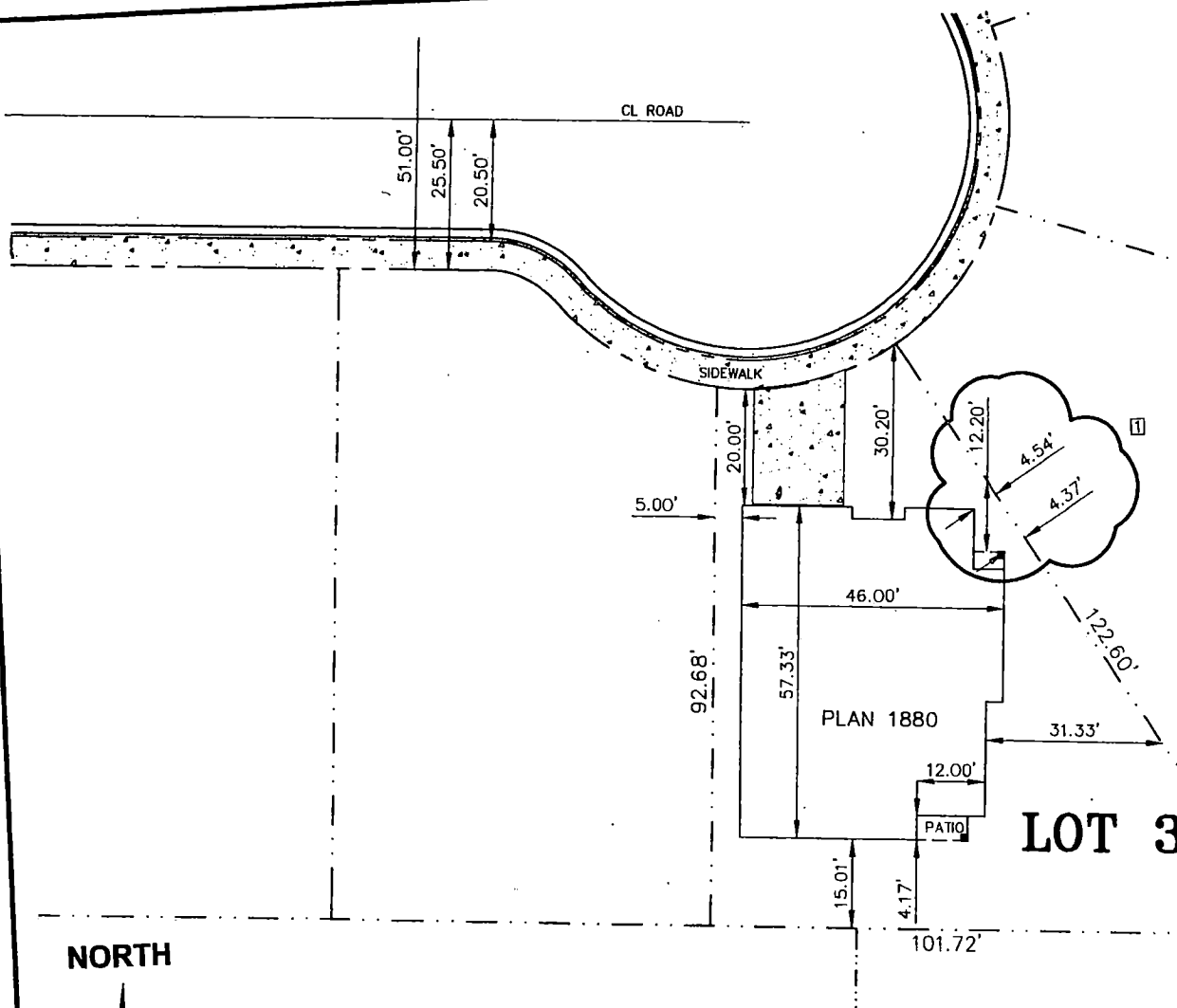
J. Rosanna Eitner
Notary Public in and for said County and State





VAR-5768
01/27/05 PC

APN: 138-14-701-003
S.F. INVESTMENTS, LLC



LOT 3

NORTH

TYPICAL HOUSE SETBACKS
FRONT = 20'
REAR = 15'
SIDE = 5'

NOTES
[1] DEVIATES FROM TYPICAL SIDE YARD SETBACK

TRC

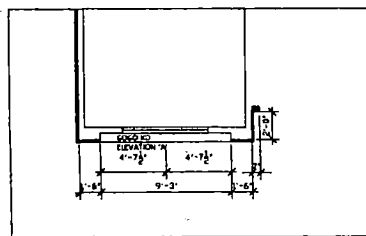
Customer-Focused Solutions
BV Engineering Nevada

8395 W. SUNSET ROAD
Suite 190
Las Vegas, NV 89113
Tel: 702-650-0572
Fax: 702-307-4222
Web: trcsolutions.com

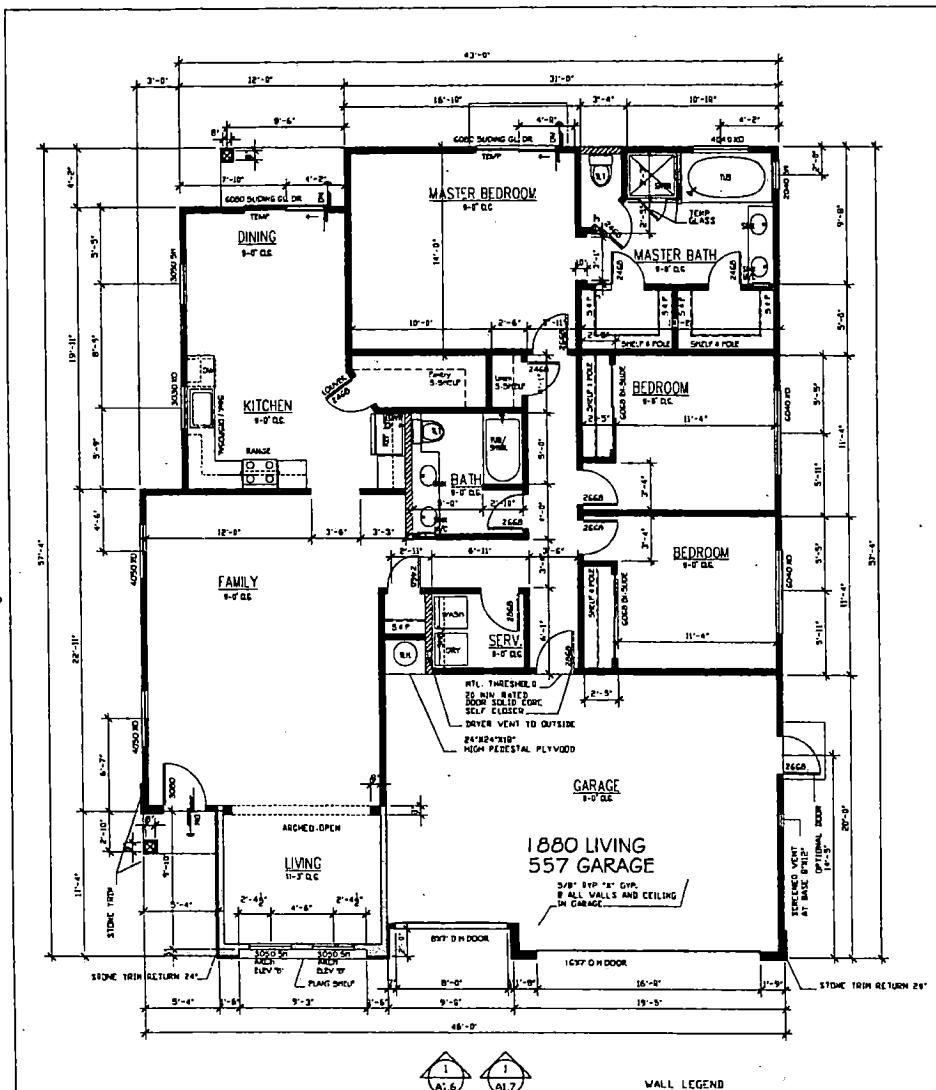
Project: SPINNAKER HOMES-BUNKER COMMONS
LOT 3 ENCROACHMENT EXHIBIT-PLAN 1880
Project No: 607.001 Date: 12/13/04 Fig. No: 1

VAR-5768
01/27/05 PC

1" = 20'



2 FLOOR PLAN ELEVATION "A"
SCALE: 1/4" = 1'-0"



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

1880 557's Living Area
18 557's Covered Front
21 557's Covered Back
557 557's Garage Area

WALL LEGEND

- 2"x4" STUDS @ 16" O.C.
- 2"x6" STUDS @ 16" O.C.
- BULLETPROOF FRAMER WALLS
REFER TO STRUCTURAL FOR STUD SIZE

OWNER TITLE CHANGE 10/1/04

DAVID MURPHY ARCHITECT
3110 S. 10TH AVENUE
SANDY VALLEY, NV 89019
(702) 250-4070 FAX 838-7682



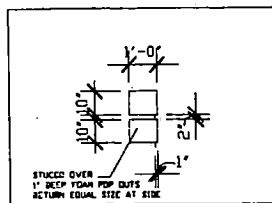
ROYAL CONSTRUCTION
4311 W. CHEYENNE AVE. SUITE 105
LAS VEGAS, NV 89032
PH 873-7773 FAX 873-7776
Contractor L.R. 004489

PLAN (1) 1880
FLOOR PLAN
BUNKER COMMONS

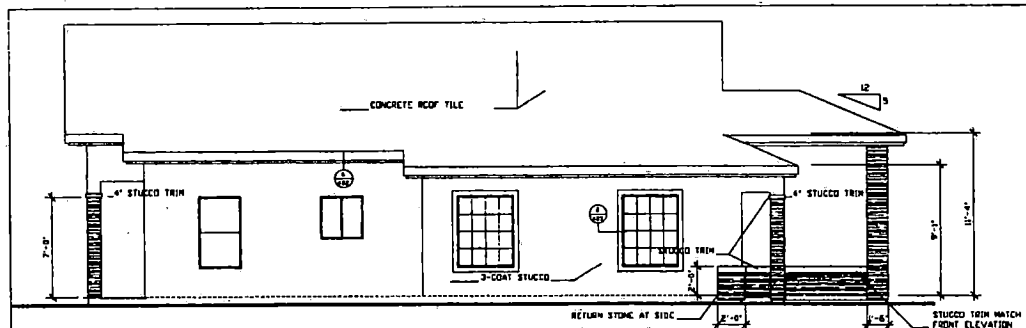
DRAWN	DAV
CHECKED	DAV
DATE	06/29/04
SCALE	AS SHOWN
JOB NO.	04-01

SHEET
A1.2
OF 7 SHEETS

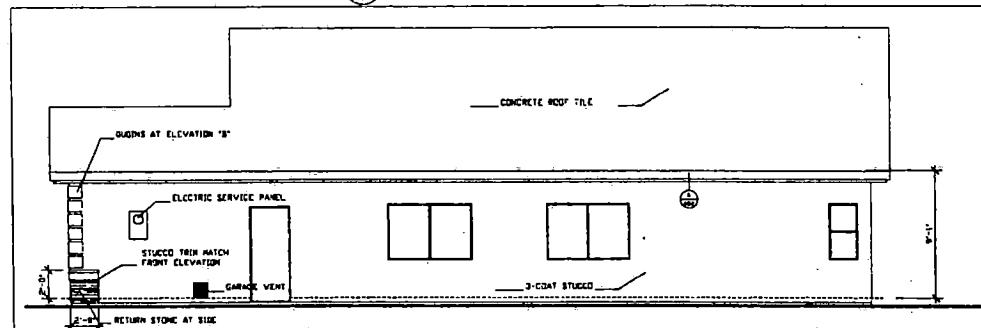
VAR-5768
01/27/05 PC



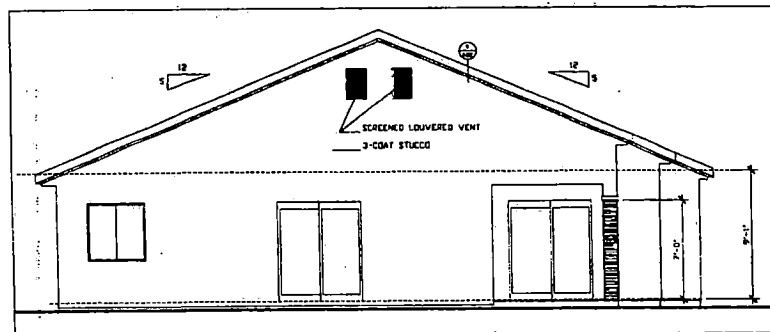
3 QUOINS AT ELEVATION
SCALE: 1/2" = 1'-0"



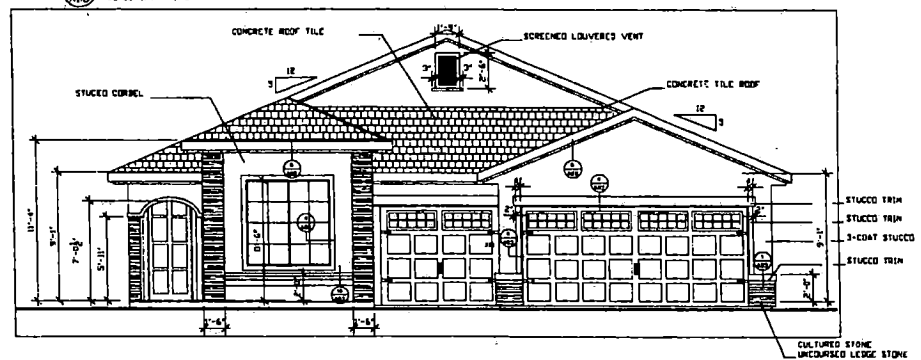
4 LEFT ELEVATION
SCALE: 1/4" = 1'-0"



2 RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



3 REAR ELEVATION
SCALE: 1/4" = 1'-0"



1 FRONT ELEVATION "A"
SCALE: 1/4" = 1'-0"

GARAGE DOORS FROM THE CARRIAGE HOUSE COLLECTION
DOORS BY CHI OVERHEAD DOORS
WINDOW FLASHING REFER TO DETAIL 3/403

OWNER STYLE CHANGE 10/1/05

DAVID MCKEE ARCHITECT
HC 31 BOX 73B
SANDY VALLEY NV 89019
(702) 250-4070 FAX 538-7662

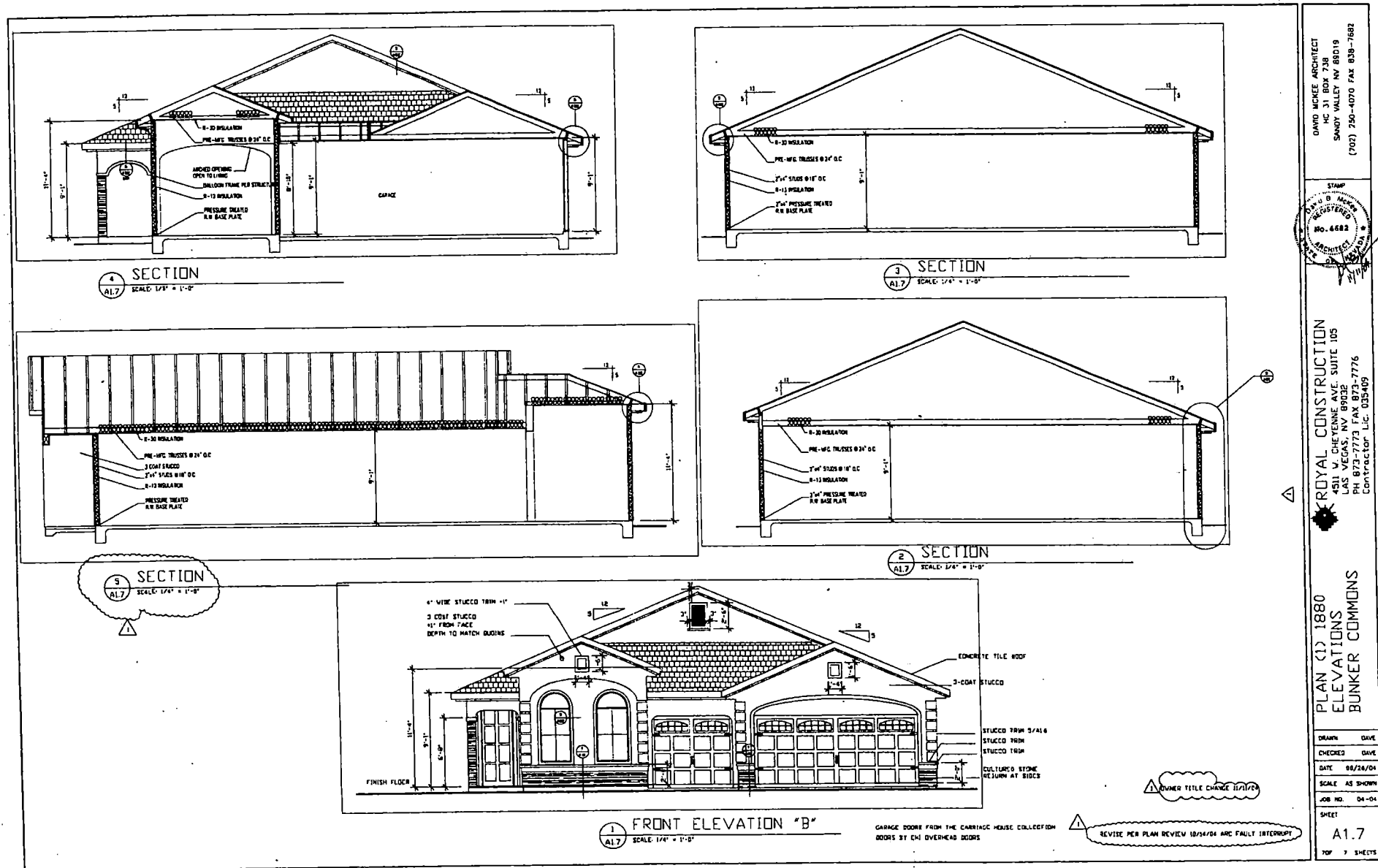


ROYAL CONSTRUCTION
1511 V. CHEVENE AVE. SUITE 105
LAS VEGAS, NV 89032
PH 875-7773 FAX 875-7776
Contractor Lic. 035409

PLAN (1) 1880
ELEVATIONS
BUNKER COMMONS

DRAWN	DATE
CHECKED	DATE
DATE	04/24/04
SCALE	AS SHOWN
JOB NO.	04-04
SHEET	
A1.6	
007	7 SHEETS

VAR-5768
01/27/05 PC

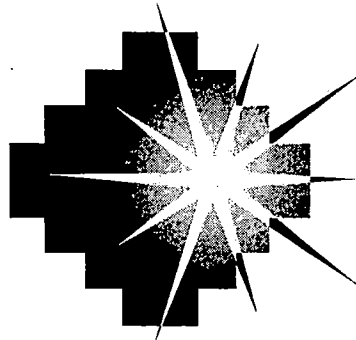


VAR-5768
01/27/05 PC



VAR-5768 - APPLICANT: S.B.A. DEVELOPMENT, INC. - OWNER: S.F. INVESTMENTS, LLC
NORTH AND SOUTH SIDES OF PEAK DRIVE, WEST AND EAST OF MAVERICK STREET
JANUARY 27, 2005 PLANNING COMMISSION

1/11/05



ROYAL CONSTRUCTION COMPANY

Contractor's License #35409

12-10-04

M. MARGO WHEELER, AICP
DEPUTY DIRECTOR
PLANNING AND DEVELOPMENT DEPARTMENT
CITY OF LAS VEGAS
400 STEW ART STREET
LAS VEGAS, NV. 89101

REGARDING: BUNKER COMMONS I, REQUEST FOR VARIANCE JUSTIFICATION
LETTER.

DEAR MRS. WHEELER,

SF INVESTMENTS IS REQUESTING TWO (2) VARIANCES FOR ENCROACHMENT OF BUILDING ENVELOPE AND BUILDING SETBACKS FOR THE ABOVE REFERENCED PROJECT. SPECIFICALLY, WE ARE REQUESTING A VARIANCE TO THE SIDE YARD SETBACK OF LOT NUMBER 3 FROM THE STANDARD 5 FEET TO ALLOW A 4.54 FOOT SETBACK AND A VARIANCE TO THE REAR YARD SETBACK OF LOT NUMBER 26 FROM THE STANDARD 15 FOOT TO ALLOW A 11.65 FOOT SETBACK. DUE THE SIZE OF THESE LOTS; LOT 3 BEING A 6507 SQUARE FOOT LOT AND LOT 26 BEING A 7909 SQUARE FOOT LOT AND THE FACT THAT THE BUILDING PLACEMENT IS SUCH THAT THE ENCROACHMENT IS A SMALL PORTION OF THE STRUCTURE; SF INVESTMENTS IS REQUEST APPROVAL.

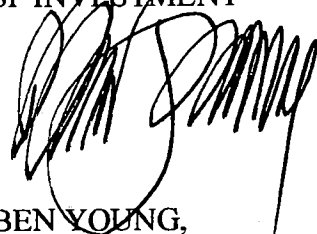
OUR REQUEST IS SITUATION BASED. AS A RESULT OF THE FINAL MAP DESIGN PROCESS AND THE CIVIL ENGINEERING DESIGN PROCESS WE NOW HAVE THE CONDITION WHERE OUR TWO STORY RESIDENCE FLOOR PLAN IS THE ONLY PLAN TYPE THAT WILL FIT WITHIN THE BUILDING ENVELOPE. THIS HAS OCCURRED RESULTING FROM LAND DEVELOPMENT REQUIREMENTS WITHIN THE SUBDIVISION DESIGN TO ACCOMMODATE AND FACILITATE THE FINAL

DESIGN REQUIREMENTS. THESE RESOLVED ISSUES HAVE EFFECTED THE LOT SIZES AND BUILDING ENVELOPES. THE REDUCED BUILDING ENVELOPES RESTRICT THE SINGLE STORY PLANS FROM FITTING ON THESE LOTS. BECAUSE OF CONDITION NUMBER 17, OF THE APPROVED CONDITIONS OF APPROVAL, RESTRICTING SF INVESTMENT FROM CONSTRUCTIONS 2 STORY PLANS ON THESE LOTS, SF INVESTMENT IS REQUESTING THESE VARIANCES TO ALLOW CONSTRUCTION OF OUR 1 STORY PLAN ON THESE LOTS.

SF INVESTMENT IS REQUESTING YOUR APPROVAL TO MITIGATE THIS PROBLEM.

SHOULD YOU HAVE ANY QUESTIONS OR COMMENTS REGARDING THIS CORRESPONDENCE, PLEASE DO NOT HESITATE TO CONTACT ME.

BEST REGARDS,
S.B.A.DEVELOPMENT, INC. d.b.a.
ROYAL CONSTRUCTION COMPANY
A NEVADA CORPORATION
MANAGING MEMBER FOR,
SF INVESTMENT



BEN YOUNG,
CONSTRUCTION ADMINISTRATOR
ROYAL CONSTRUCTION COMPANY



MAYOR
OSCAR B. GOODMAN

CITY COUNCIL
GARY REESE
(MAYOR PRO-TEM)
LARRY BROWN
LYNETTE B. McDONALD
WRENCE WEEKLY
MICHAEL MACK
JANET MONCRIEF

CITY MANAGER
DOUGLAS A. SELBY

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.ci.las-vegas.nv.us

68112-012-6/03

CONDITION # 17

February 20, 2004

FEB 25 2004

Mr. Steve Aizenberg
SF Investments
3320 North Buffalo Drive, Suite #208
Las Vegas, Nevada 89129

RE: SDR-3235 - SITE DEVELOPMENT PLAN REVIEW
CITY COUNCIL MEETING OF DECEMBER 3, 2003
RELATED TO GPA-2570 & ZON-3119

Dear Mr. Aizenberg:

The City Council at a regular meeting held December 3, 2003 APPROVED the request for a Site Development Plan Review FOR A 34-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 10 acres adjacent to the northeast, northwest and southwest corners of Peak Drive and Maverick Street (APN: 138-14-601-029, 030; 138-14-602-021, 138-14-701-001, and 002), R-E (Residence Estates) Zone [Proposed: R-1 (Single Family Residential) Zone]. The Notice of Final Action was filed with the Las Vegas City Clerk on December 4, 2003. This approval is subject to:

Planning and Development

1. If requested by property owners of APN 138-14-602-026 and 027 developer shall construct an eight-foot block wall on the southern property line of these parcels. This condition may be satisfied by increasing the height of the existing block wall, if structurally sound, or by constructing a new block wall. The new block wall shall be in a color to match the existing block wall.
2. The setbacks for lot 34, (northwest corner) shall be a 40 foot front setback and a 20 foot setback on the northern boundary.
3. A Rezoning [ZON-3119] to an R-1 (Single Family Residential) Zoning District approved by the City Council.
4. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
5. Prior to the time an application is made for a Tentative Map, a Waiver of Title 18.12.160 shall be approved by City Council.
6. All development shall be in conformance with the site plan, landscaping plan and building elevations, except as amended by conditions herein.

5 BCL

Mr. Steve Aizenberg
SDR-3235 – Page Two
February 20, 2004

7. The standards for this development shall include the following: minimum lot size of 6,500 square feet, minimum distance between buildings of 10 feet, lot coverage shall not exceed 50%, and building height shall not exceed two stories or 35 feet, whichever is less.
8. 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, to reflect minimum lot widths of 30 feet for lots located along the circular portion of a cul-de-sacs and 65 feet for all other lots. Lot widths shall be measured at the front setback line (20 feet) as required by Title 19.08.
9. The setbacks for this development shall be a minimum of 20 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, 15 feet on the corner side, and 15 feet in the rear.
10. 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, to reflect the six-foot perimeter landscape planter areas to be dedicated as common lots to be maintained by a homeowner's association.
11. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.
12. Air conditioning units shall not be mounted on rooftops.
13. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Municipal Code Section 19.12.050.
14. Any proposed 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.
15. 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.
16. All City Code requirements and design standards of all City departments must be satisfied.
17. Only lots numbered 5 to 9, 10 to 13, 29 and 31 on the site development plan shall be allowed to have two-story homes. The remainder of the 23 lots shall be limited to single-story homes. There shall be a maximum of 34 lots in total.

WISH TO ADD LOTS 3 & 26.

Mr. Steve Aizenberg
SDR-3235 – Page Three
February 20, 2004

Public Works

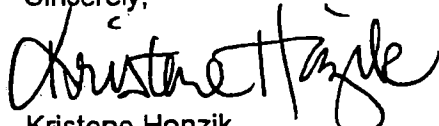
18. Meet with the Traffic Engineering Representative in Land Development for assistance in the possible redesign of the proposed street layout and on site circulation prior to the submittal of any construction plans or the issuance of any permits, whichever may occur first.
19. A Master Streetlight Plan of public streetlights for the overall subdivision shall be approved prior to the submittal of any construction drawings for this site. Installation of public streetlights on the interior cul-de-sacs may be deferred, provided the developer construct all appropriate undergrounds for the future installation of streetlights, and provides to the City the streetlights for future installation, or contributes equivalent monies in lieu of such requirements in accordance with City rural street standards.
20. The final layout of the subdivision shall be determined at the time of approval of the Tentative Map.
21. Site development to comply with all applicable conditions of approval for ZON-3119 and all other subsequent site-related actions.
20. 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.
22. 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.

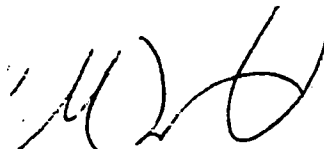
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Mr. Steve Aizenberg
SDR-3235 – Page Four
February 20, 2004

23. Construction of sidewalk shall be deferred on Mustang Street adjacent to this site, provided the developer signs and records a Covenant Running with Land agreement for the future installation of all sidewalk so deferred prior to the issuance of any permits for this site.

Sincerely,


Kristene Honzik
Deputy City Clerk I for
Barbara Jo Ronemus, City Clerk


M. Margo Wheeler, AICP
Deputy Director
Planning and Development Department

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. Of Fire Services

Mr. David Brown
Aztec Engineering
3320 North Buffalo Drive, Suite #106
Las Vegas, Nevada 89129

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: JANUARY 27, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

VAR-5795 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: BRUCE STEVEN GILBERT - Request for a Variance TO ALLOW A FOUR-FOOT WROUGHT IRON FENCE (50% OPEN) ON TOP OF A TWO-FOOT HIGH SOLID WALL WHERE FOUR FEET (TOP TWO FEET, 50% OPEN) IS THE MAXIMUM HEIGHT ALLOWED IN THE FRONT YARD on 0.17 acres at 1924 South Sixth Street (APN 162-03-315-039), R-1 (Single-Family Residential) Zone, Ward 3 (Reese).

P.C.: FINAL ACTION

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter
5. Submitted at meeting – Petition of Support from Bruce Gilbert
6. Submitted at meeting but not included in backup – Nine Polaroid Pictures of Fences Around Subject Property that Exceed Four Feet in Height from Bruce Gilbert

MOTION:

McSWAIN – APPROVED subject to condition – Motion carried with EVANS voting NO

This is Final Action

MINUTES:

CHAIRMAN NIGRO declared the Public Hearing open.

GARY LEOBOLD, Planning & Development Department, gave a brief overview of the application.

PLANNING COMMISSION MEETING OF JANUARY 27, 2005
Planning and Development Department
Item 68 – VAR-5795

MINUTES – Continued:

BRUCE GILBERT, 1924 South 6th Street, concurred with conditions and outlined his experiences with theft, vagrants and other criminal activities that have caused hardship and justify the requested fence. He submitted a petition of support from his surrounding neighbors showing support of the application.

TODD FARLOW, 240 North 19th Street, was concerned that MR. GILBERT had removed the fruit trees from his property. MR. GILBERT replied that he was having a problem with homeless people trespassing to get fruit off of the trees.

COMMISSIONER EVANS stated he could not support the Variance allowing a six-foot fence when Code allows four feet although he understood MR. GILBERT'S concerns.

CHAIRMAN NIGRO declared the Public Hearing closed.

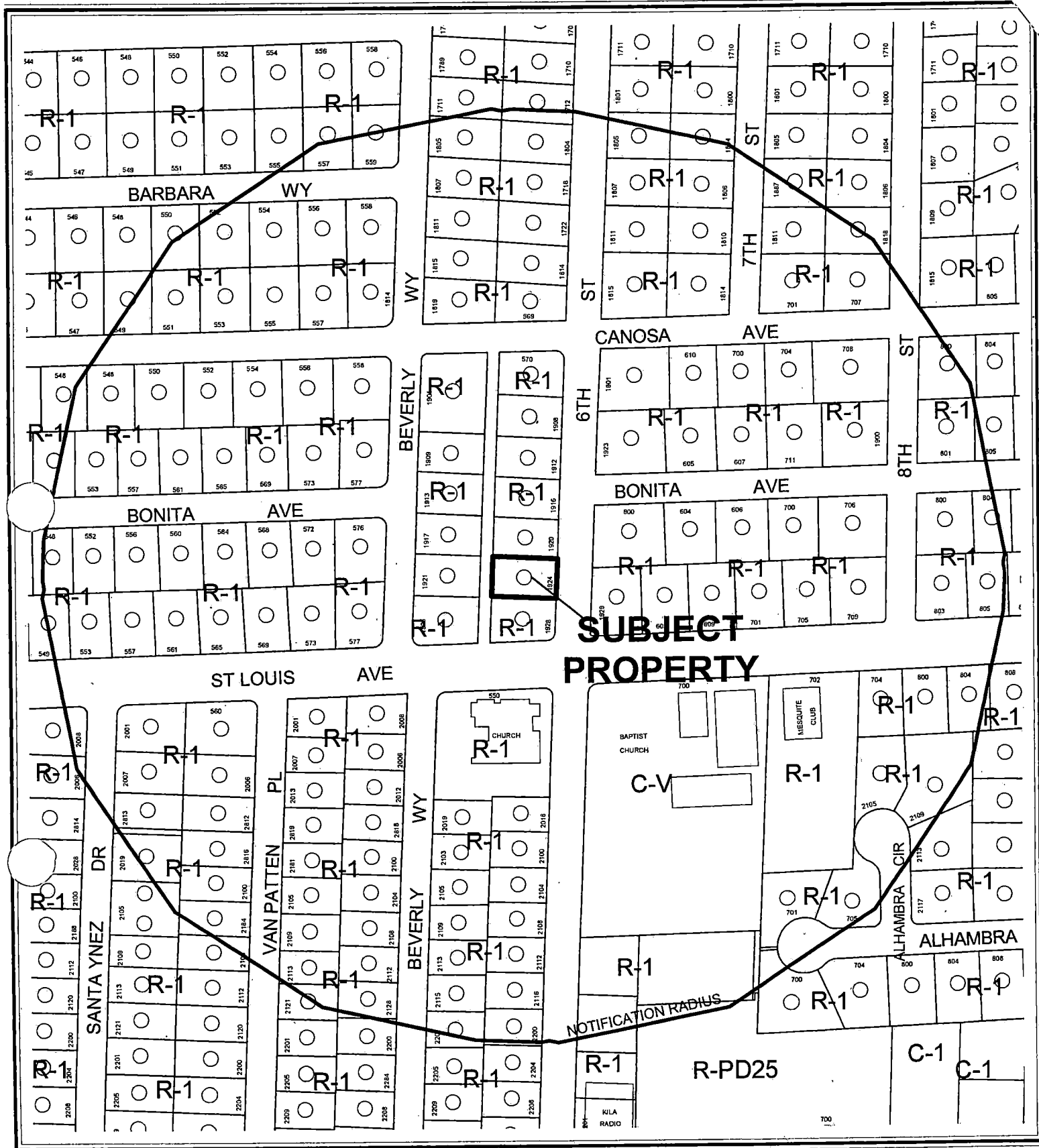
(10:12 – 10:20)

3-1975

CONDITION:

Planning and Development

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



CASE: **VAR-5795**

RADIUS: 750 FT

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





CASE: **VAR-5795**

RADIUS: 750 FT

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

0 200 400 Feet



City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JANUARY 27, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-5795 - APPLICANT/OWNER: BRUCE STEVEN GILBERT

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

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



**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Variance to allow a four-foot wrought iron fence (50% open) on top of a two-foot high solid wall where four feet (top two feet, 50% open) is the maximum height allowed in the front yard on 0.17 acres at 1924 South Sixth Street.

B) Applicant's Justification

The applicant justifies this application by stating that over the course of 20 years he has incurred financial loss as a result of theft and vandalism, due in part to the high volume of vagrants that populate the immediate area. In addition the applicant states that he has vested considerable capital in improvements to the site over the past 8 years and would like to protect by means of a six-foot high fence.

BACKGROUND INFORMATION

A) Previous Actions

There is no previous case history associated with the subject parcel.

B) Pre-Application Meeting

11/18/04 A pre-application conference was held, resulting in the following comments:

1. The wall is proposed as one course of block and then wrought iron to allow for a 6' wall/fence in the front yard where a maximum of four feet (two feet solid and two feet 50% open) is allowed.
2. The applicant must apply for a variance for this to be permissible.
3. The applicant is required to supply an elevation of the proposed wall/fence.

The applicant has submitted an elevation of the proposed wall with the site plan.

C) Neighborhood Meetings

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

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.17

B) Existing Land Use

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

C) Planned Land Use

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

D) Existing Zoning

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

E) General Plan Compliance

The subject property is designated L (Low Density Residential) within the Southeast Sector Land Use Plan Map of the General Plan. The subject sites current zoning of R-1 (Single Family Residential) is in conformance with the General Plan. There are no General Plan policies that directly affect this request.

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

Special Overlay District

The subject site is located within the McCarran Airport Overlay District; however, as the proposed block wall falls well below the 200-foot height restriction, there will be no impact on the Airport Overlay District.

ANALYSIS

A) *Zoning Code Compliance*

A1) Development Standards

Pursuant to Title 19.08.040 Subsection 2 the following development standards apply to the subject proposal:

Standards	Required	Provided
Wall height – Front Yard	4 Feet Total, with the top 2 vertical Feet 50% open to permit visibility	6 Feet

The proposed deviation exceeds the maximum height limitation by 34%. Therefore, the proposed six-foot wall height will require approval of a variance to be in conformance with Title 19.

B) *General Analysis and Discussion*

The applicant proposes to construct a six-foot block and wrought iron fence along the front property line of the subject parcel. The wall will be composed of one course of tan 8-inch block, with tan 5-foot and 4-inch wrought iron placed atop. The fence segmented by tan block pilasters every eight feet, as well as a pedestrian gate and a driveway gate.

A field inspection was carried out on 01/11/05 and yielded no other front yard walls/fences exceeding the development standards within the immediate area of the subject parcel. The Las Vegas Metropolitan Police Department commented that there were no significant law enforcement issues pertinent to 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:

VAR-5795 - Staff Report Page Four
January 27, 2005 - Planning Commission Meeting

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.”

Still, the owner of the subject property, without the proposed addition or a higher wall/fence, realizes beneficial use of the property, as a residence currently exists on the property. Furthermore, the hardship is “self-created or self imposed,” as the hardship resulted upon the establishment of the wall. 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

16

NOTICES MAILED 177

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

VAR-5795

Case Number: _____ APN: 162-03-315-039

Name of Property Owner: BRUCE STEVEN GILBERT

Name of Applicant: BRUCE STEVEN GILBERT

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: Bruce Steven Gilbert

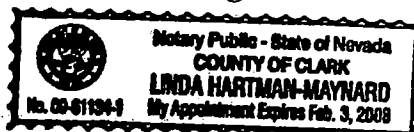
Print Name: BRUCE STEVEN GILBERT

Subscribed and sworn before me

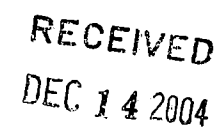
This 14th day of DECEMBER, 2004

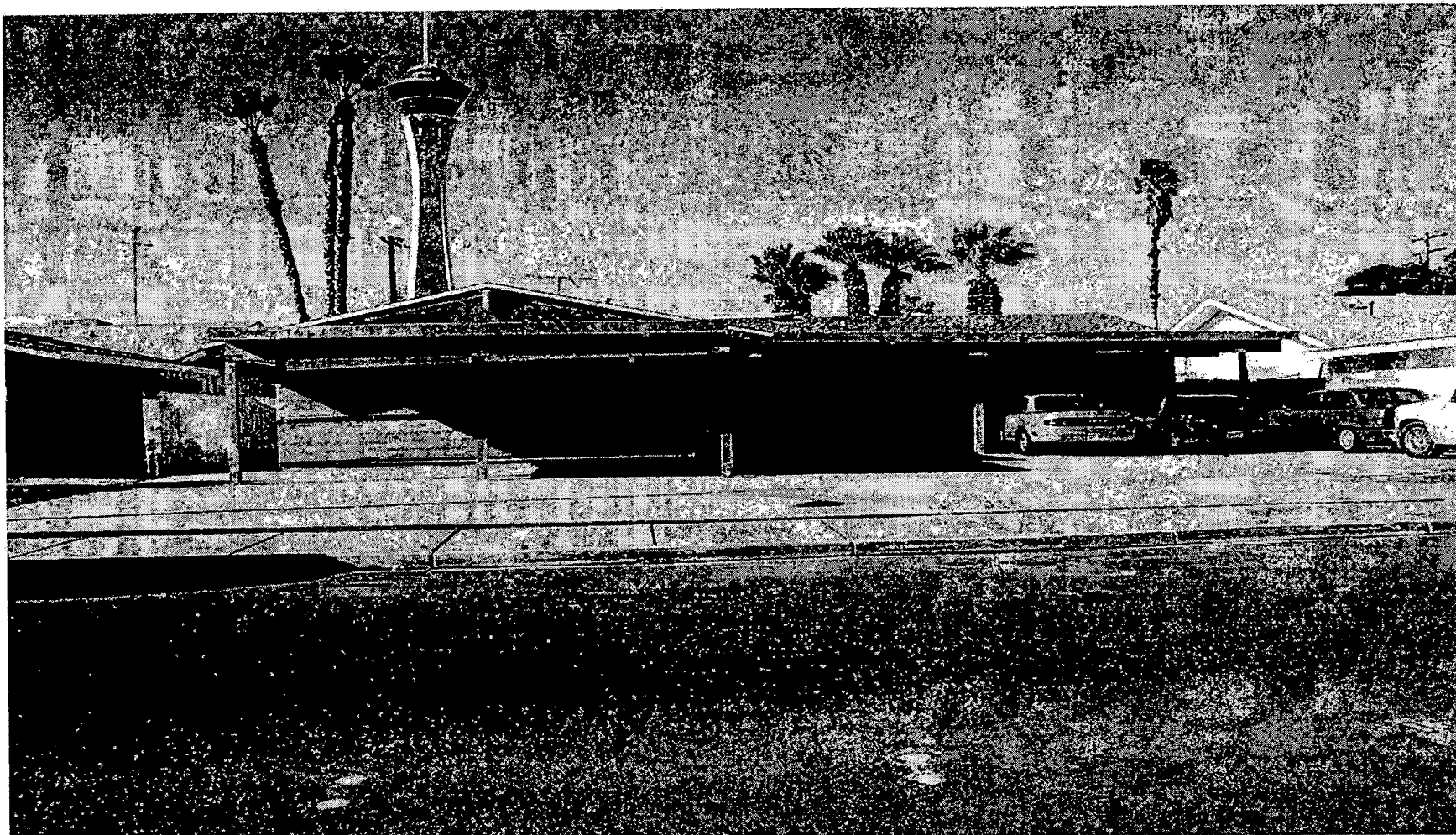
Linda Hartman-Maynard
Notary Public in and for said County and State

Revised 2/12/02



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VAR-5795 - APPLICANT/OWNER: BRUCE STEVEN GILBERT
1924 SOUTH SIXTH STREET
JANUARY 27, 2005 PLANNING COMMISSION

1/11/05

From
Bottom

Bruce Steven Gilbert

1924 South Sixth St.
Bruce Steven Gilbert

PROTECT MY PROPERTY, MAKE MY PROPERTY
SAFE AND SECURE AND STOP THE VAGRANTS FROM
TRESSPASSING AND BOOTHERING MY FAMILY AND TO STOP
THEIR COUNTLESS THIEVES, I HAVE EXPENDED IN 20 YEARS

VARIANCE 1924 South Sixth St. 89104
WARD 3 FENCE 6 FT. HIGH, ASSESSOR'S PARCEL 16203315039.

THE PROPOSED FENCE IS TO KEEP THE
VAGRANTS OFF MY PROPERTY. THE VAGRANTS COME
TO DOORS AND WINDOWS BEGGING. THEIR ARE THEFTS
AND BREAK INS OF VEHICLES AND HOUSES. THERE ARE
BREAK INS OF CARS, 23 FORD ROADSTERS, MOTORCYCLES,
TRAILER, BOAT AND ANYTHING THAT IS NOT ANCHORED
INTO CONCRETE. THE COST TO ME OF THE 20
YEARS I HAVE LIVED THIS HOUSE PROBABLY MINIMUM
\$30,000 TO \$40,000 IN THEFTS AND DAMAGES.

NOVEMBER 1, 2004 I REMOVED MY GRASS,
BUSHES, SEVEN TREES AND FOUR FOOT FENCE. THE
FOUR FOOT FENCE WAS USED BY VAGRANTS TO LAY
DOWN ON MY GRASS, EAT ALL THE FRUIT OFF THE
FRUIT TREES, DRINK THEIR WINE AND BEER AND
LEAVE ALL THEIR GARBAGE AND SOMETIMES THERE
THEMSELVES IN MY YARD. 1/4 BLOCK FROM COUNTY, 6TH HIGH

I LIVE ON SIXTH STREET BETWEEN CHARLESTON
BLVD. AND ST. LOUIS ST. WHERE SEVEN OF THE
HOUSES HAVE SIX FOOT VAGRANT IRON FENCES
COMPLETELY AROUND THEIR FRONT YARDS. I HAVE
BEEN WAITING FOR MANY YEARS TO SEE IF THE
CITY WAS GOING TO PASS NEW REGULATIONS OF
FENCES IN FRONT YARD. INSTEAD OF 2 FT SOLID AND 2
FT OPEN 50%, TO 2 FT SOLID AT BOTTOM AND 4 FT OPEN
50% AT TOP OF FENCE. I JUST LEARNED IT DIDN'T PASS.

I HAVE INVESTED OVER \$60,000 IN IMPROVEMENTS
TO MY HOUSE IN THE LAST 8 YEARS, I LIKE THE CENTRAL
LOCATION TO EVERYTHING. I BELIEVE MY RIGHTS
ARE BEING VIOLATED BY VAGRANTS AND GANGS.
BELIEVE THAT THIS PROPOSED SIX FOOT FENCE
WOULD GREATLY ENHANCE MY QUALITY OF LIVING. (TOP)

RECEIVED

DEC 14 2004

Date 01-27-05 Item #68

South Sixth Street 6 Ft. Fence

Bruce Gilbert residing at 1924 South Sixth St., Las Vegas, NV 89104. I am asking for 6 foot front and side fence to be one foot tan block and five foot tan wrought iron fence. There are 13 (six foot wrought iron fences) between Charleston Blvd and Saint Louis St. on 6th St. Three months ago I removed seven fruit trees, my landscaping, my lawn and a four ft. fence because vagrants passing my house were hiding behind the fence and leaving their beer cans, bottles, garbage and trash in my yard at night. Also breaking into and stealing parts from my motorcycle, boat, trike and automobiles.

Anything not Nailed down has been stolen from the front, side and backyard for the past twenty years, as there is an alley behind me too. I live one block from the city limits where they allow six foot fences. I would move out of the city to the county except I have invested approx. \$50,000. in renovations in the last ten years.

My house is paid for and I am on a limited income. I have lost substantial amount of money due to thefts in the last 20 years, I like the central location and I'm not going to let the vagrants keep bothering me and my family by them knocking on the windows, doors and begging for money day and night. I'm removing the existing windows, wroughtiron on them and replacing windows, but not wrought iron over them because it feels like your in jail!

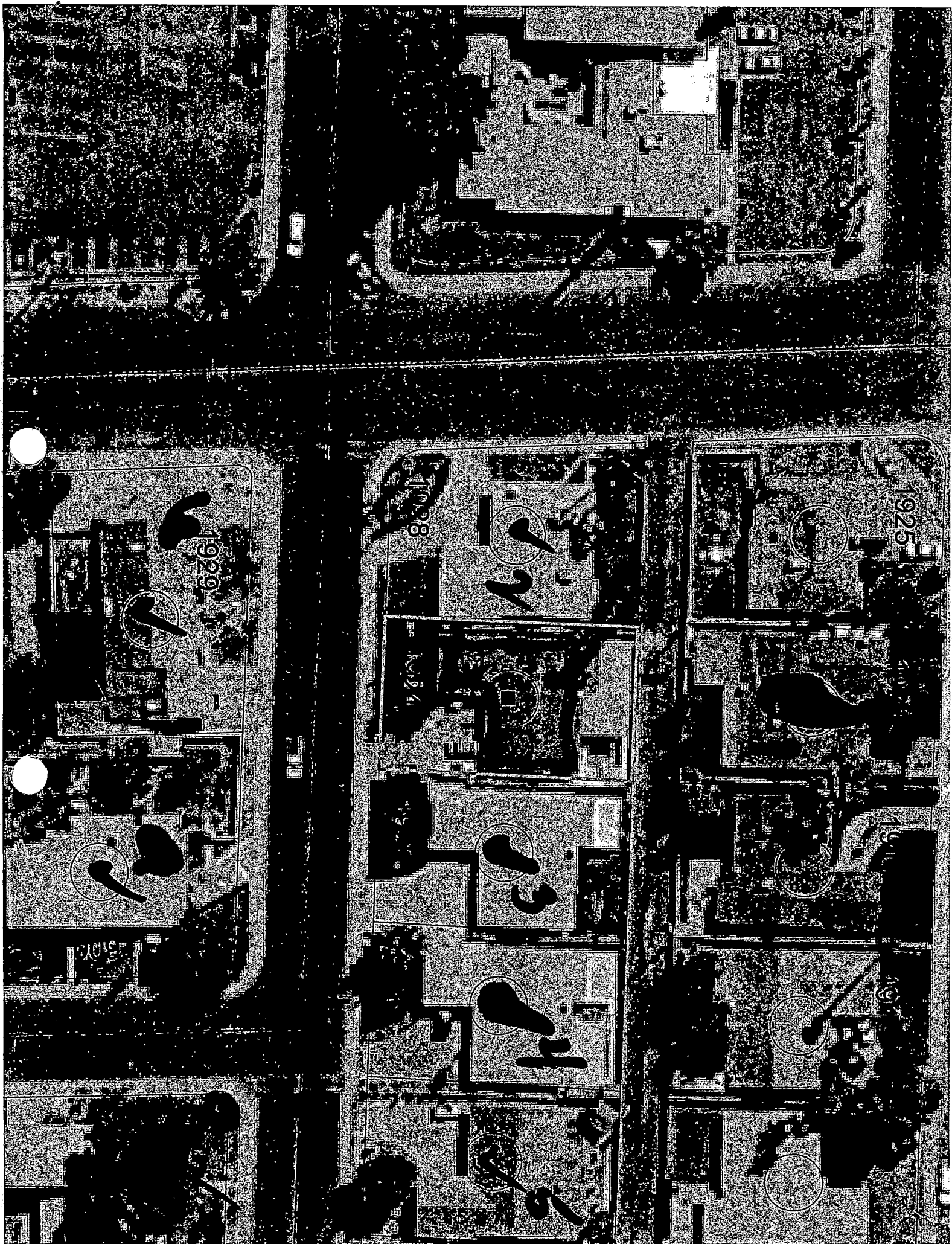
Without the variance I feel that the city of Las Vegas is going to cause my family undo hardship because of the exceptional topographical area, exceptional situations, would result in peculiar and exceptional and undue hardship upon the owner of the property. I beleive the six ft. fence a variance would releive the difficulties and hardship that I'm experiencing and that it is without substantial detriment to the public good, without impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.

As A property owner I feel that deserve to have a quali of living, freedom from the nuisance of the vagrants and gangs, to make my property safe and secure and protect what is mine. The other alternative is stay up all night, put cameras around house and get a GUN.

The following is a list of my immediate neighbors on both sides, in front and to the rear of me that DO NOT HAVE A PROBLEM WITH THIS SIX FOOT FENCE!

NAME	Yours Truly,	ADDRESS
Maria Acaveda	Bruce Gilbert	1928 S 6TH
Estuardo Ciriaco		1929 S 6TH
Dorcas Giff		600 BONITA AVE
Lucy E. Hicks		1905 S 6TH ST
Megan C.		1912 S 6TH
Heather LaRue		1901 S 6TH
CAN'T SIGN NO PROBLEM		570 CANOSA
Lelia Lopez		1921 Beverly way 89104
Robert VanDornblen		1920 So 6th

TO MY KNOWLEDGE NO ONE THAT LIVES IN NEIGHBORHOOD HAS A PROBLEM WITH THIS 6 FOOT FENCE Bruce Gilbert



AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: JANUARY 27, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

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CONSENT

☒

DISCUSSION

SUBJECT:

VAR-5812 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: ALBERT & KAMRAN INVESTMENTS, LLC - Request for a Variance TO ALLOW A TRASH ENCLOSURE TO BE ZERO FEET FROM A PROTECTED RESIDENTIAL PROPERTY WHERE RESIDENTIAL ADJACENCY STANDARDS REQUIRE A MINIMUM OF 50 FEET FOR AN APPROVED RETAIL DEVELOPMENT on 0.43 acres at 2187 North Decatur Boulevard (APN 138-24-611-073), C-1 (Limited Commercial) Zone, Ward 5 (Weekly).

C.C.: 03/02/05

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

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APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

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

MOTION:

GOYNES – APPROVED subject to conditions – Motion carried with TRUESDELL voting NO

To be heard by City Council 3/02/2005

MINUTES:

CHAIRMAN NIGRO declared the Public Hearing open.

GARY LEOBOLD, Planning & Development Department, gave a brief overview of the application.

JOHN CAPLE, Comfort General Contracting, 2821 Glen Devon Circle, appeared on behalf of the applicant and concurred with all conditions. He explained approval of the Variance would result in an extra parking space for the applicant and would make access easier for trucks

PLANNING COMMISSION MEETING OF JANUARY 27, 2005
Planning and Development Department
Item 69 – VAR-5812

MINUTES – Continued:

entering the site from Decatur Boulevard. MR. CAPLE stated a 14-foot oleander shrub would separate the trash enclosure from the adjacent residential property.

HAPPY ROSS, 4853 Eugene Avenue, stated his property is adjacent to the site and the alley separating his property from the subject property has always been accessible to him. He explained that the proposed wall would result in the loss of a parking space he has had in that alley since purchasing his home. CHAIRMAN NIGRO clarified that the area MR. ROSS was considering an alley was included in the parcel of the subject site and although he had been using it as an alley for some time, it was not one.

COMMISSIONER McSWAIN confirmed with MR. CAPLE that the trash enclosure would be covered.

CHAIRMAN NIGRO declared the Public Hearing closed.

(10:20 – 10:27)

3-2430

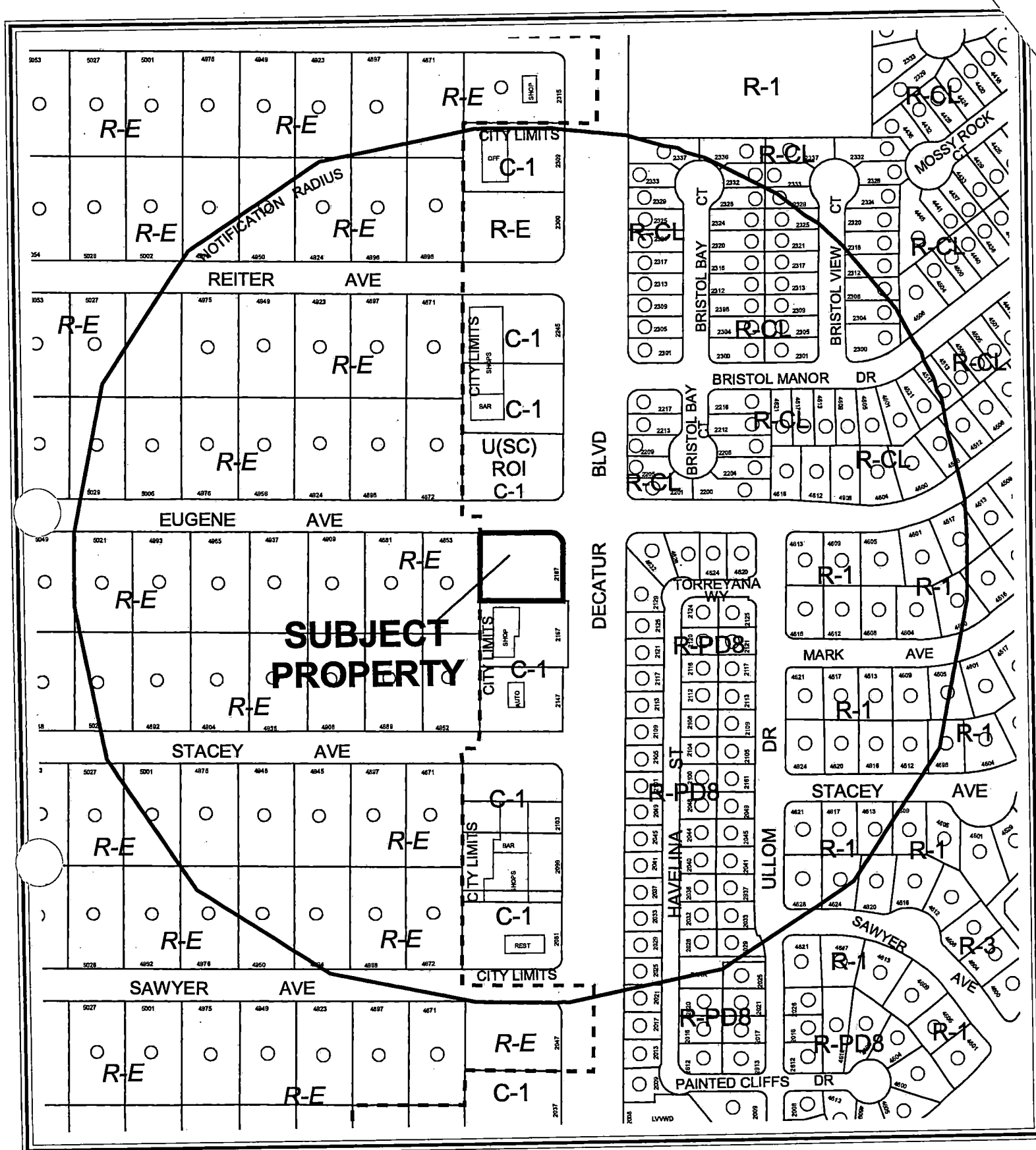
CONDITIONS:

Planning and Development

1. Conformance to the Conditions of Approval for Rezoning (ZON-1787) and Site Development Plan Review [SDR-1789].
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

Public Works

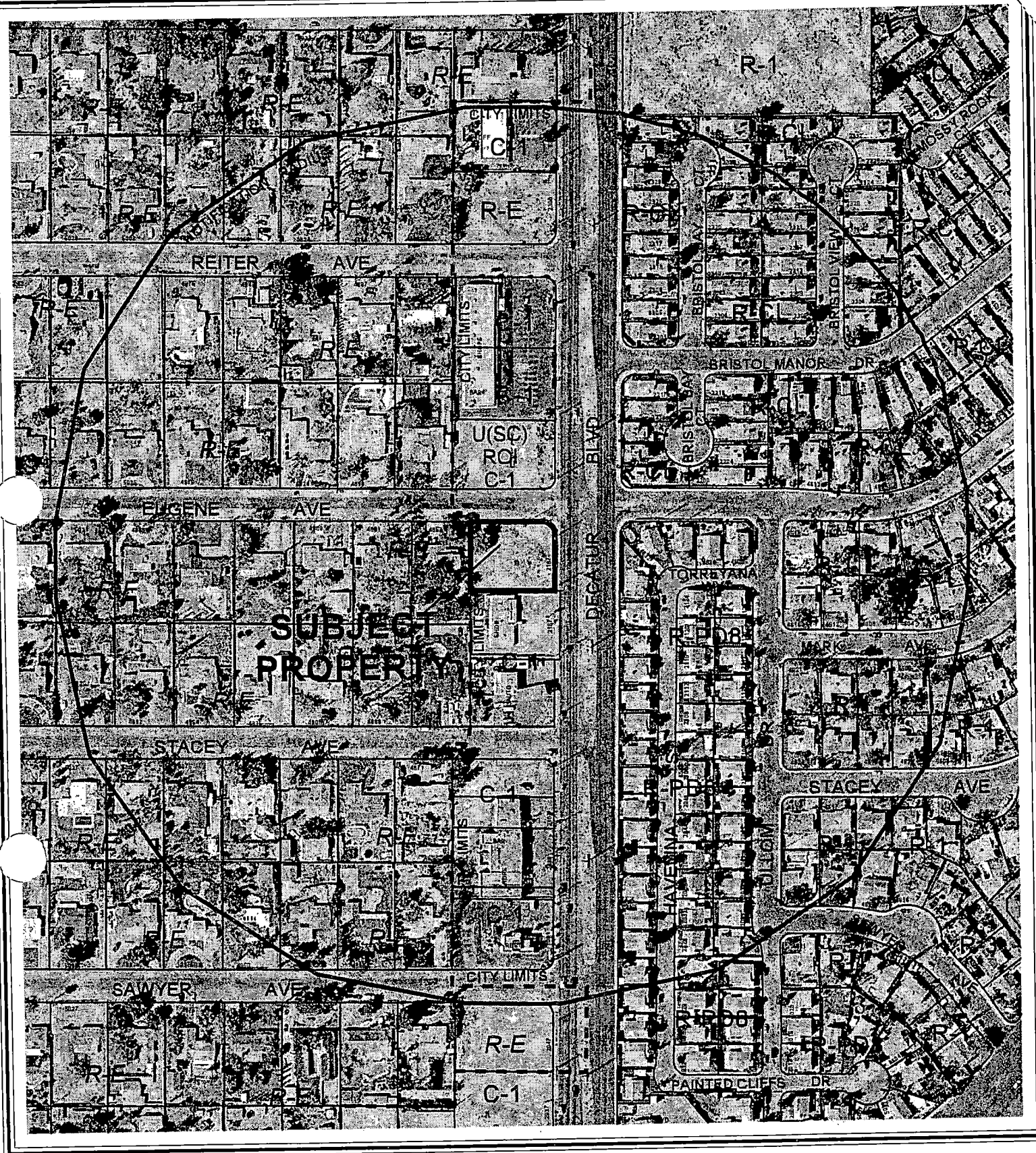
3. Dimensions and information presented on the civil improvement plans should match the approved site layout. The civil improvement plans may not match the proposed layout. Revise drawings as necessary.



CASE: **VAR-5812**

RADIUS: 750 FT

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



CASE: **VAR-5812**

RADIUS: 750 FT

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

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JANUARY 27, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-5812 - APPLICANT/OWNER: ALBERT & KAMRAN INVESTMENTS, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Conformance to the Conditions of Approval for Rezoning (ZON-1787) and Site Development Plan Review [SDR-1789].
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

Public Works

3. Dimensions and information presented on the civil improvement plans should match the approved site layout. The civil improvement plans may not match the proposed layout. Revise drawings as necessary.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Variance to allow a trash enclosure to be zero feet from a protected residential property where Residential Adjacency Standards require a minimum of 50 feet for an approved retail development on 0.43 acres at 2187 North Decatur Boulevard.

B) Applicant's Justification

The applicant justifies this application by stating that the by relocating the dumpster to the northwest portion of the site, it will alleviate an eyesore, which detracts from the buildings aesthetics', as well as it would eliminate the potential for a visual or odor nuisance. Additionally, the applicant puts forth that the relocation of the trash enclosure would allow for an additional parking space, as well as create easy access for the disposal truck.

BACKGROUND INFORMATION

A) Previous Actions

- 05/07/03 The City Council approved a Rezoning (ZON-1787) application for the reclassification of property from U (Undeveloped) [SC (Service Commercial) General Plan Designation] to C-1 (Limited Commercial) on 0.43 acres adjacent to the southeast corner of Decatur Boulevard and Eugene Street. The Planning Commission and staff both recommended approval.
- 05/07/03 The City Council approved a Variance (VAR-1859) application to reduce the required amount of on-site parking from 29 to 19 spaces and to reduce Residential Adjacency Standards from 62.5 feet to 20 feet on a 0.43-acre site, located at the southwest corner of Eugene Street and Decatur Boulevard. The Planning Commission and staff both recommended approval.
- 05/07/03 The City Council approved a Site Development Plan Review (SDR-1789) application for a proposed 4,996 square-foot retail commercial development, and waive a number of standards relating to parking location, perimeter landscaping and setbacks on a 0.43-acre site, located at the southwest corner of Eugene Street and Decatur Boulevard. The Planning Commission and staff both recommended approval.

VAR-5812 - Staff Report Page Two
January 27, 2005 - Planning Commission Meeting

B) Pre-Application Meeting

12/03/04 A pre-application conference was held and resulted in the following comments:

1. A Variance is required for the trash enclosure to be located within 50 feet of a residential property.
2. Access to the trash enclosure is proposed from Eugene Avenue.
3. There may be a traffic issue with the potential for the trash enclosure to roll onto Eugene Avenue; Check with Traffic.

The applicant has not as of yet contacted traffic regarding the relocation of the trash enclosure. Traffic has no comment regarding the relocation.

C) Neighborhood Meetings

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

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.44

B) Existing Land Use

Subject Property: Under Construction [Proposed Retail Building]
North: Undeveloped [No proposed projects]
South: Retail Shops
East: Single-Family Residences
West: Single-Family Residence

C) Planned Land Use

Subject Property: SC (Service Commercial)
North: SC (Service Commercial)
South: SC (Service Commercial)
East: ML (Medium-Low Density Residential)
West: R (Rural Density Residential)

VAR-5812 - Staff Report Page Three
January 27, 2005 - Planning Commission Meeting

D) Existing Zoning

Subject Property: C-1 (Limited Commercial)
North: U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under a Resolution of Intent to C-1 (Limited Commercial)
South: C-1 (Limited Commercial)
East: R-PD8 (Residential Planned Development - 8 Units Per Acre)
West: Clark County

E) General Plan Compliance

This site is located on the Southwest Sector Plan Map of the General Plan. The Southwest Sector Plan Map designates this site as SC (Service Commercial). The Service Commercial category allows low to medium intensity retail, office or other commercial uses that serve primarily local-area patrons and do not include more intense general commercial characteristics. The existing C-1 (Limited Commercial) zoning district is in conformance with the SC (Service Commercial) General Plan designation. There are no specific General Plan policies that directly affect this request.

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

Special Overlay District

The subject site is located within the North Las Vegas Overlay District; however, as the proposed trash enclosure falls well below the 200-foot height restriction, there will be no impact on the Airport Overlay District.

ANALYSIS

A) Zoning Code Compliance

A1) Residential Adjacency Standards

Pursuant to Title 19.08.060(G), the following Residential Adjacency Standards apply to the subject proposal:

PL

VAR-5812 - Staff Report Page Four
January 27, 2005 - Planning Commission Meeting

Use	Required	Provided
Trash Receptacles	Located a minimum of 50 feet from any property line of a protected property.	0 Feet

A "protected property" means residential property that is developed for sale or designated for such development, and single-family residential property, as those types of property are described in Subsection (1) of Subsection (A) of Title 19.08.060.

The proposed area for the relocation of the trash enclosure fails to meet the Residential Adjacency Standards.

B) General Analysis and Discussion

The applicant has supplied a site plan that indicates the location of the trash enclosure in the most general terms. The proposed location is identified by means of a Detail number. In this case Detail 3, also provided, is located in the northwest corner of the subject property. There exists approximately 20 feet of landscaping between the proposed retail building and the adjacent property line. The enclosure, as illustrate in Detail 3 is 10 feet in width. Hence the proposed trash enclosure could be located as far away from the property line as seven feet or as close as zero feet. Regardless the proposed location of the trash enclosure fails to meet the Residential Adjacency Standards set forth by Title 19.08.060.

The applicant had pulled a permit (C-233-03) for a trash enclosure, which has since expired (12/11/04) prior to its completion. The proposed shell building has yet to be completed, since the 06/14/04 issuance date of permit (C-233-03).

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."

VAR-5812 - Staff Report Page Five
January 27, 2005 - Planning Commission Meeting

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 changing an approved Site Development Plan Review in conformance with Residential Adjacency Standards. Alternative site design to maintain a 50-foot separation from the trash enclosure to a protected property 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 7

NOTICES MAILED 197

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAR-5812** APN: 138-24-611-073Name of Property Owner: Kamran Itzhakov

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.

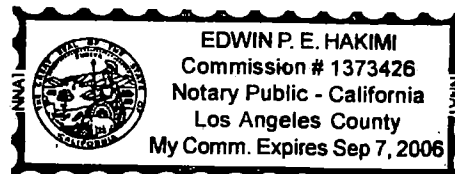
City Official: _____

Partner(s): _____

APN: _____

Signature of Property Owner/Authorized Agent: Kamran ItzhakovPrint Name: Kamran ItzhakovSubscribed and sworn before me Edwin P E HakimiThis 13 day of December, 2004Edwin P E Hakimi

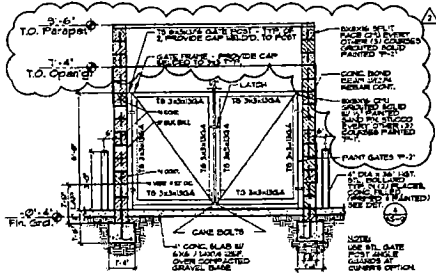
Notary Public in and for said County and State



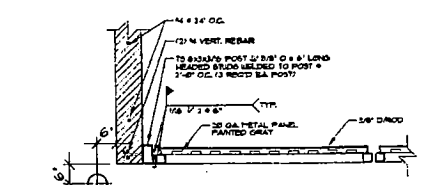
REMOVED

DEC 14 2004

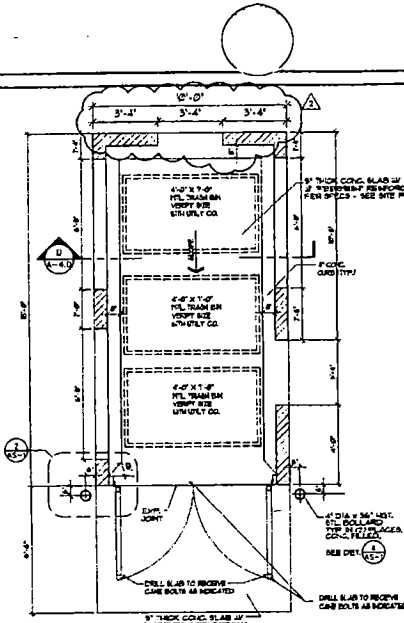
VAR-5812



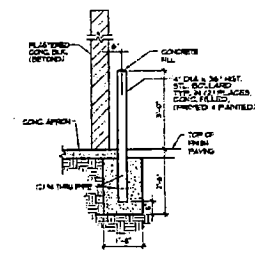
TRASH ENCLOSURE ELEV
SCALE: 3/8" = 1'-0"



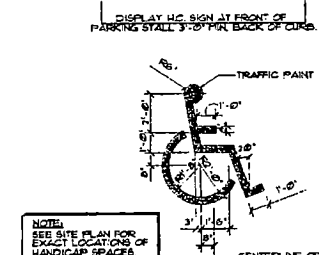
TRASH GATE DETAIL
SCALE: 3/4" = 1'-0"



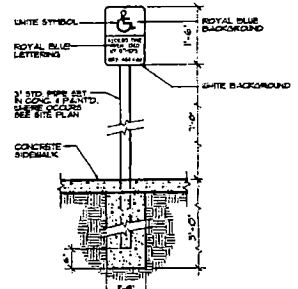
TRASH ENCLOSURE PLAN
SCALE: 3/8" = 1'-0"



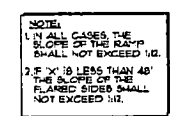
STL BOLLARD DETAIL
SCALE: 1/2" = 1'-0"



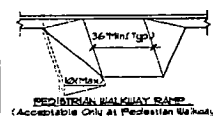
PAINTED HANDICAP SIGN
SCALE: 3/8" = 1'-0"



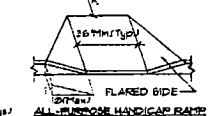
HANDICAP MOUNTED SIGN
SCALE: 3/4" = 1'-0"



HANDICAP CURB RAMP
SCALE: 3/8" = 1'-0"



DETECTABLE WALKWAY RAMP
SCALE: 3/8" = 1'-0"

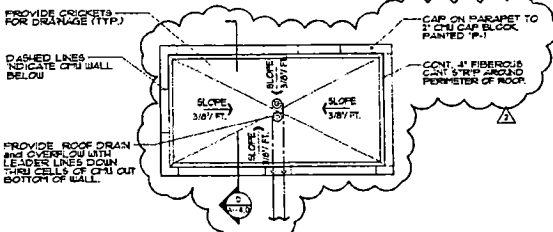


FLARED SIDE
SCALE: 3/8" = 1'-0"



WARNING SIGNALS AT CURB RAMP
SCALE: 3/8" = 1'-0"

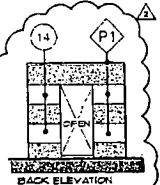
DETAILS



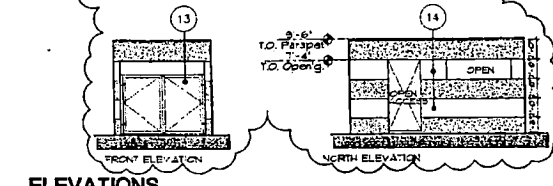
ROOF PLAN
SCALE: 1/4" = 1'-0"



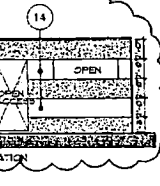
SOUTH ELEVATION
SCALE: 3/8" = 1'-0"



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

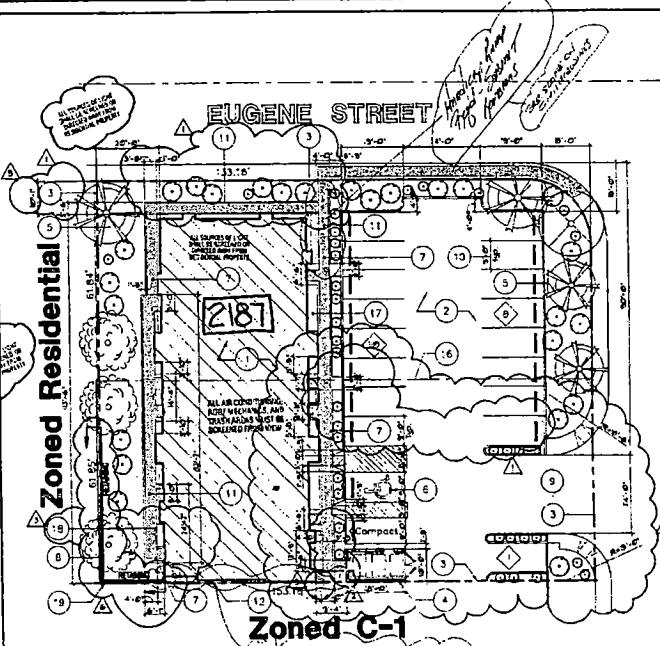


FRONT ELEVATION
SCALE: 3/8" = 1'-0"



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

TRASH ENCLOSURE



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

VAR-5812
01/27/05 PC

2187 N. DECATUR BLVD

ATTENTION
NO FINAL INSPECTION WITHOUT
SEAL APPROVAL

NOTE:
1. TREES SHOWN ON THIS PLAN ARE
ONLY A GRAPHIC REPRESENTATION
OF LANDSCAPED AREAS. SEE
LANDSCAPE PLAN FOR PLANTS.
2. NO WATERED LANDSCAPING TO BE
WITHIN 5' OF THE BUILDING. PROVIDE
3" OF COLORED GRAVEL.
3. ALL SIGNAGE SHALL BE ATTACHED
TO THE BUILDING OR BE ATTACHED
TO THE ADJACENT SIDEWALK. NO
SIGNAGE SHALL BE ATTACHED TO
THE SIDEWALK OR BETWEEN
CONCRETE WALKS AND SIDEWALKS.

SITE PLAN

- SITE NOTES:**
- NEW BUILDING SHOWN CROSSHATCHED
 - NEW ANNUAL 7' PLANTED PARKING AREA
SEE CIVIL DRAWING FOR DETAILS
 - PROPERTY LINE (TYP)
 - NEW EXISTING COVERED TRASH ENCLOSURE
SEE DETAILS ON THIS SHEET AND
PROPERTY LINE (TYP)
 - LANDSCAPED AREAS WITH AUTOMATIC
IRRIGATION SYSTEMS SHALL BE COVERED
WITH COLORED GRAVEL. SEE CIVIL
DRAWING FOR DETAILS.
 - PAINTED HANDICAP SYMBOL AND SIGN
SEE DETAILS ON THIS SHEET.
 - EXISTING 6' FOOT HIGH FENCE
 - NEW 3' HIGH DRIVEWAY
 - PROVIDE PARKING LOT LIGHTING AS SHOWN
ON EXISTING SYMBOL. INDICATES PARKING
COUNT
 - HANDICAPPED ACCESS SHALL SHOWN
 - SHEDS SHALL BE 10' HIGH. SEE CIVIL
DRAWING FOR DETAILS.
 - STREET LIGHTS WITH PAVED 1' AL GREEN
CROWN
 - ALL CITY WITH PAVED SAND FRESH COLORED
PAINTED 7" FREE SITE A-2 FOR COLOR SCHEDULE
SEE CIVIL DRAWING FOR DETAILS.
 - CORNER PROPERTY LINE IS LOCATED WITH
SOUTH ADJACENT TO CIVIL ENGINEER.
 - PROVIDE COLORED LANDSCAPE ROCK OF
3" DIA. WITH 1" HIGH GENERAL 1" DIA.
ROCK. SEE CIVIL DRAWING FOR DETAILS.
 - SEE CIVIL DRAWING FOR DETAILS ON
EXISTING SIDEWALK AND SEE CIVIL
DRAWING FOR DETAILS ON EXISTING
SIDEWALK AND SEE CIVIL DRAWING FOR
DETAILS ON EXISTING SIDEWALK.

PROJECT SUMMARY

UBC	1997
Construction Type	V-N
Fully Sprinkled	No
Occupancy	Group B
OFFICE BUILDING 'A'	4,998 SF.

PARKING

18 STALLS
HANDICAPPED 1 STALL
TOTAL PROVIDED 19 STALLS
TOTAL REQUIRED 19 STALLS
Parking Ratio 3.8/1000 SF.

LAND DATA

LAND AREA 0.43 NET ACRES
BUILDING/LAND RATIO 27.0%
ZONING C-1

SHEET TITLE PLAN

PROJECT
Kamran Retail Center
Decatur and Eugene, Las Vegas, NV

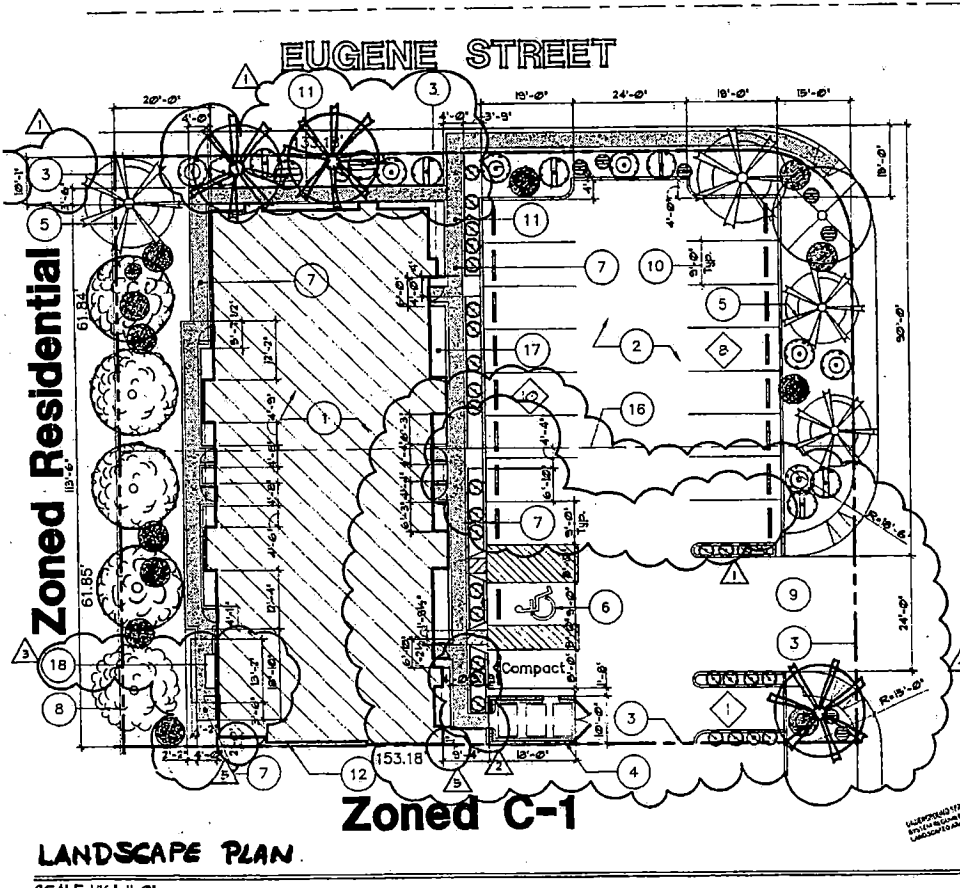
GEARING
ARCHITECTUR

AS-1
Project No. 03-500
Draw by: SAG
Checked by: JG

VAR-5812

RECEIVED

DEC 14 2004



LEGEND	
24" Bon Marell Pine	
24" Bon Chitalpa	
24" Bon Purple Leaf Plum	
59m Texas Ranger	
59m Jindal Hawthorne	
59m Variegated Mock Orange	
59m Green Eucalyptus	
59m Golden Eucalyptus	
Ground Cover	
REQUIRED IN ALL LANDSCAPE PLANTERS	

NOTE: ALL TREES, SHRUBS AND GROUNDCOVER MUST BE INSTALLED IN ACCORDANCE WITH THE SIZES AND SPACES AS SHOWN ON THIS PLAN. FINAL PLANTING INSPECTION WILL BE PERFORMED BY THE PLANNING AND DEVELOPMENT DEPARTMENT PRIOR TO FINAL APPROVAL.

APPROVED LANDSCAPING PLAN
W/ REDLINES ONLY
PLANNING & DEVELOPMENT DEPARTMENT

SITE NOTES:

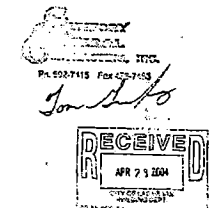
- NEW BUILDING SHOWN CROSSHATCHED.
- NEW ASPHALT PAVED PARKING AREA SEE CIVIL DRAWINGS FOR DETAILS.
- PROPERTY LINE (TYP)
- NEW MASONRY COVERED TRASH ENCLOSURE SEE DETAILS ON THIS SHEET AS-1
- LANDSCAPED AREAS WITH AUTOMATIC DRIP IRRIGATION SYSTEM PROVIDE CRUSHED GRANITE GROUND COVER OVER SEMI-PERMEABLE MEMBRANE (COLOR TO BE APPROVED BY OWNER)
- PAINTED HANDICAP SYMBOL AND SIGN SEE DETAILS ON THIS SHEET.
- 6" CURBS AND 4" THK. SIDEWALK AS SHOWN.
- EXISTING 6 FOOT HIGH FENCE
- NEW 24" WIDE DRIVEWAY.
- PROVIDE PARKING LOT STRIPING AS SHOWN NOTE DIAMOND SYMBOL INDICATING PARKING COUNT
- HANDICAPPED ACCESS.
- BUILDING WALL ALONG THE SOUTH PROPERTY LINE IS TO BE A ONE HOUR RATED WALL.
- STEEL GATES WITH PAINTED METAL SCREEN IN CENTER
- 8X8 CM WITH PAINTED SAND FINISH STUCCO, PAINTED "P-1" (SEE SHT. A-2 FOR COLOR SCHEDULE)
- 8X8 SPLIT FACE BLOCK PAINTED "P-2" (TYP. WHERE SHOWN SEE COLOR SCHEDULE SHT. A-2)
- FORMER PROPERTY LINE ELIMINATED WITH BOUNDARY ADJUSTMENT BY CIVIL ENGINEER.
- PROVIDE COBBLE LANDSCAPE ROCK ON 12" TYP. FILLER (SEE GENERAL NOTE 9 BELOW) IN PLANTERS WITHIN 8'-0" OF THE BUILDING. NO TREES ARE TO BE PLANTED WITHIN 10'-0" OF THE BUILDING.
- SWITCH GEAR IN WATERPROOF CABINET SEE ELECTRICAL PLANS FOR DETAILS.

PROJECT SUMMARY

UBC	1997
Construction Type	V-N
Fully Sprinkled	No
Occupancy	Group B
OFFICE BUILDING 'A'	4,996 S.F.
PARKING	
PARKING HANDICAPPED	18 STALLS 1 STALLS
TOTAL PROVIDED	19 STALLS
TOTAL REQUIRED	19 STALLS
Parking Ratio	3.8/1,000 S.F.
LAND DATA	
LAND AREA	0.43 NET ACRES
BUILDING/LAND RATIO	27.0%
ZONING	C-1

SHEET TITLE
LANDSCAPE PLAN

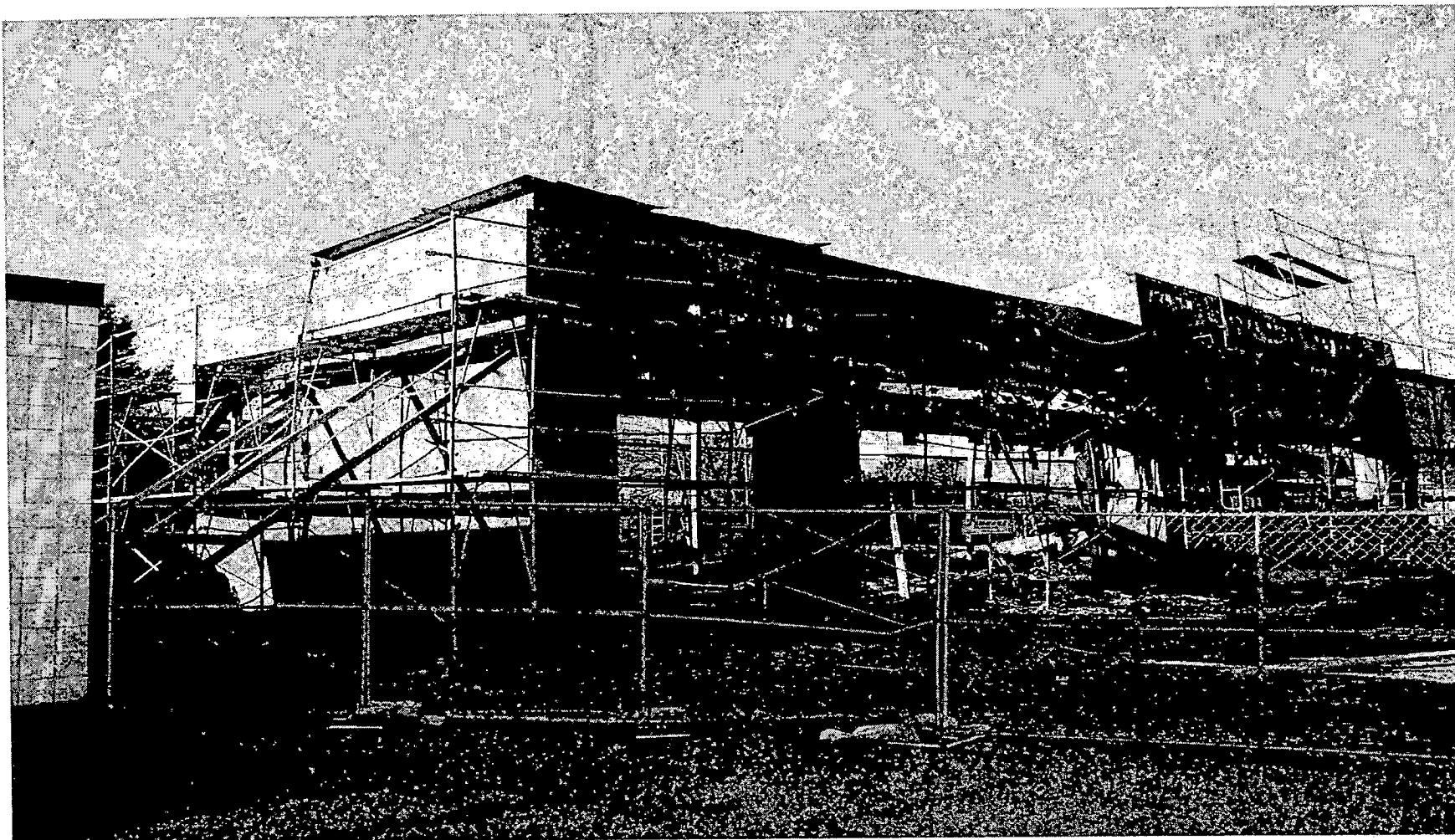
PROJECT
Kamran Retail Center
Decatur and Eugene, Las Vegas, NV



SHEET L-1 OF 6
Project No. 03-500
Drawn by: GRG
Checked by: arg Date: 8-12-2003

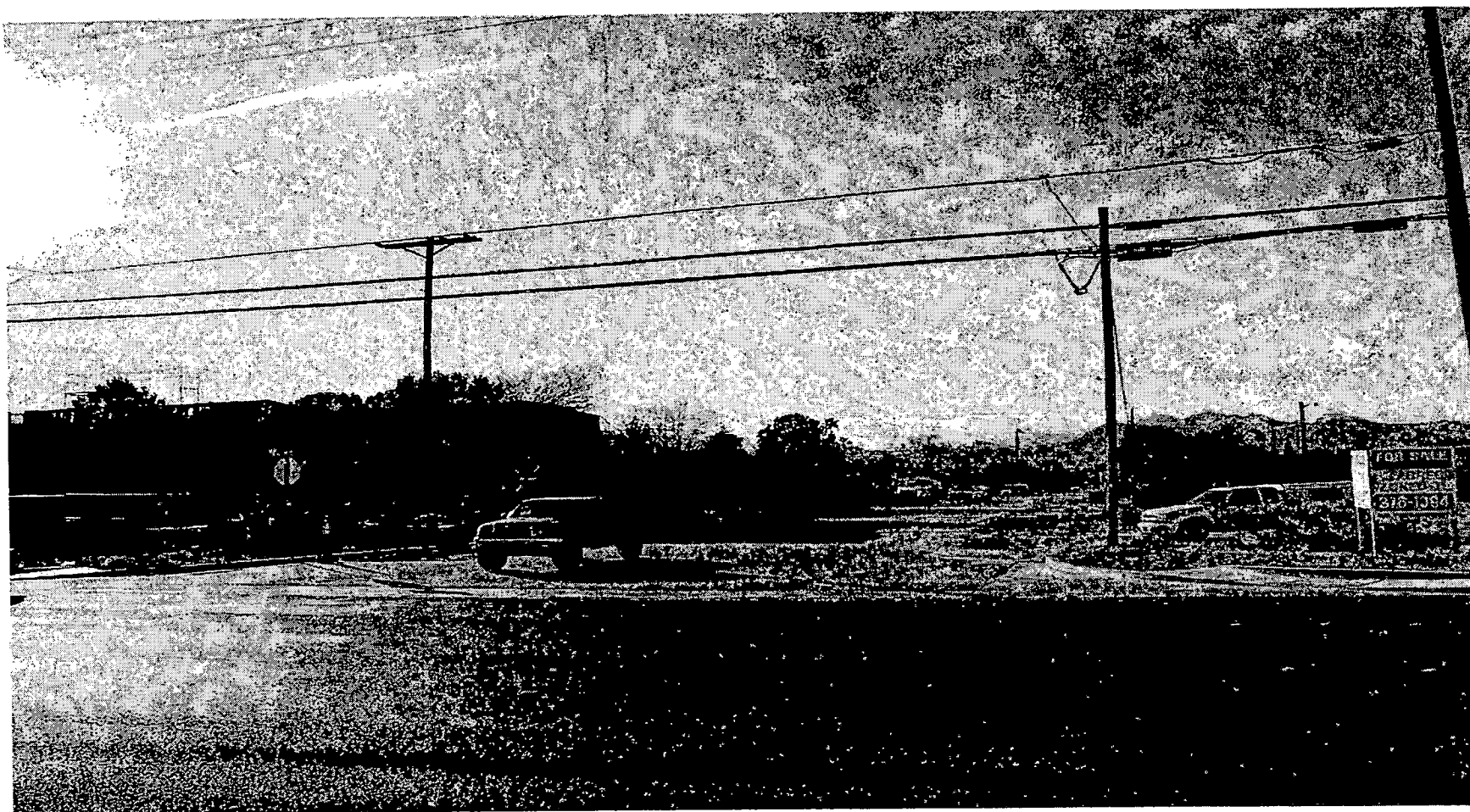
VAR-5812
01/27/05 PC

LANDSCAPE



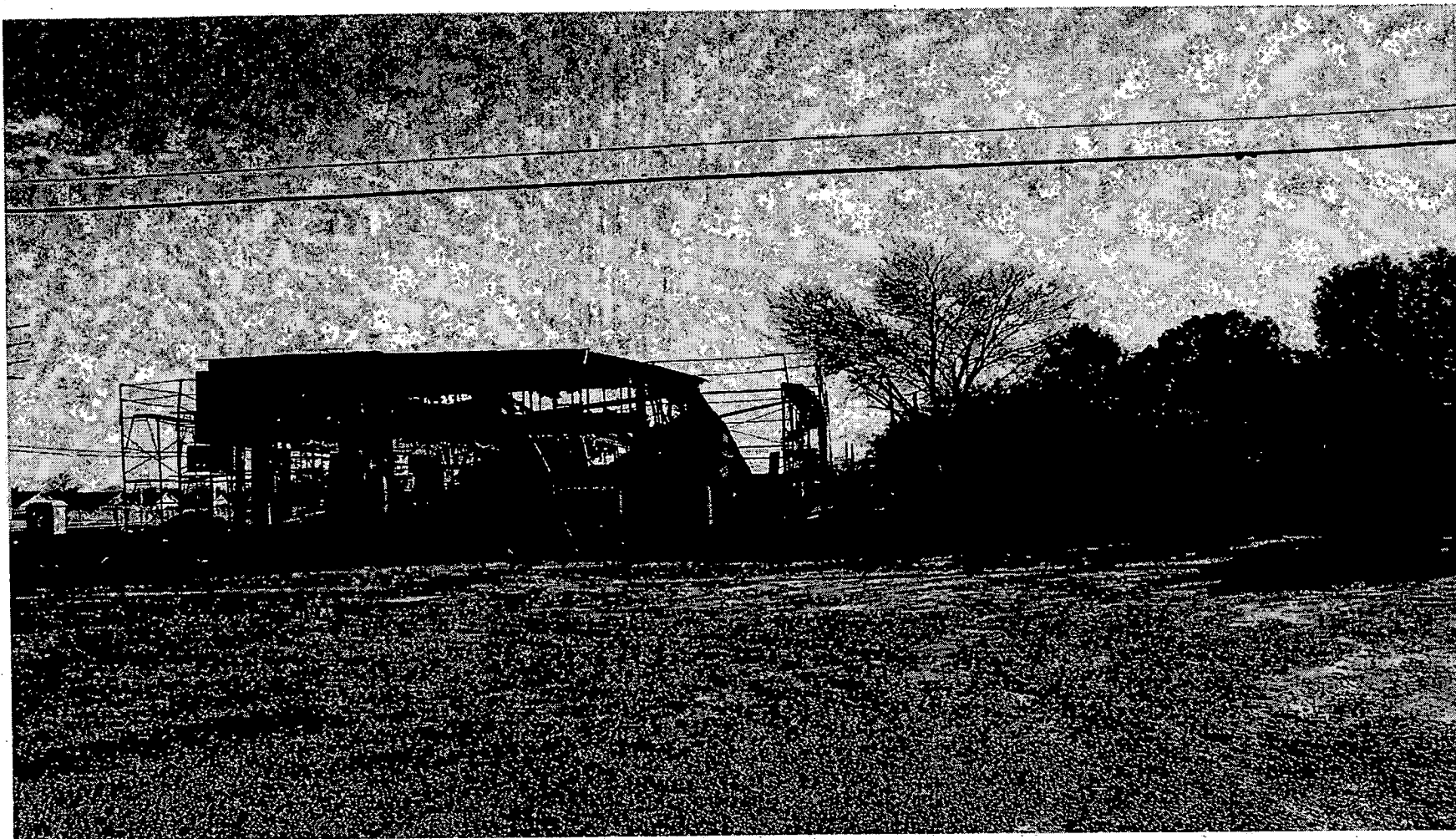
VAR-5812 - APPLICANT/OWNER: ALBERT & KAMRAN INVESTMENTS, LLC
2187 NORTH DECATUR BOULEVARD
JANUARY 27, 2005 PLANNING COMMISSION

1/11/05



VAR-5812 - APPLICANT/OWNER: ALBERT & KAMRAN INVESTMENTS, LLC
2187 NORTH DECATUR BOULEVARD
JANUARY 27, 2005 PLANNING COMMISSION

1/11/05



VAR-5812 - APPLICANT/OWNER: ALBERT & KAMRAN INVESTMENTS, LLC
2187 NORTH DECATUR BOULEVARD
JANUARY 27, 2005 PLANNING COMMISSION

1/11/05

**GUMFORY
GENERAL
CONTRACTING, INC.**

City of Las Vegas
Land Development
Att: Tom Burchart

Ref:
Kamran Retail Center
2187 N. Decatur
Plancheck # C23303
Permit # 04015276
TRASH ENCLOSURE RELOCATION

October 28, 2004

Dear Tom,

We are asking to relocate the trash enclosure from the East side (in front of the bldg.) to the Northwest or Northeast corner. (note 8 ½ x 11 submittal)

Our reasoning is:

- A) The access to the dumpster is limited in this area for the disposal truck.
- B) The City has required the owner to create an appealing front to this bldg. The exterior slate is beautiful. The trash enclosure is an eyesore....and there is always the issue of tidiness and the unkempt look of a dumpster.
- C) The neighbor to the South is complaining that it will be a sensory offense...optical and nasal....
- D) The proposed location will have a much better access for the tenants, easier and safer for the dumpster truck (coming in from Eugene rather than the main arterial, Decatur) and there are existing dumpsters in front of several residences on Eugene.

Thank You.

Sincerely,

John A. Caple
Gumfory General Contracting, Inc.

Extra Parking Spot

Dumpster BEHIND Bldg. 11. of Eugene

14 Foot Breakdown

RECEIVED

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AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: JANUARY 27, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SUP-5783 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: JLM REALTY - OWNER: SPANISH OAKS PLAZA, LIMITED PARTNERSHIP, ET AL - Request for a Special Use Permit FOR A PROPOSED MIXED-USE DEVELOPMENT CONSISTING OF A 316,445 SQUARE-FOOT RESIDENTIAL CONDOMINIUM COMPLEX WITH 17,000 SQUARE FEET OF GROUND FLOOR COMMERCIAL FLOOR AREA adjacent to the northwest corner of Sahara Avenue and Richfield Boulevard (APN 162-05-403-002 and 003), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief).

IF APPROVED: C.C.: 03/02/05

IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

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

MOTION:

NIGRO – Motion to bring forward and HOLD IN ABEYANCE Item 20 [GPA-5820], Item 42 [GPA-5814], Item 43 [ZON-5816], Item 44 [VAR-5819] and Item 45 [SDR-5815] to 2/10/2005 Planning Commission meeting; Item 28 [GPA-5762], Item 29 [ZON-5765], Item 30 [GPA-5775], Item 31 [ZON-5776], Item 32 [VAR-5846], Item 33 [SDR-5778], Item 52 [MOD-5784], Item 53 [ZON-5785], Item 54 [VAR-5786], Item 55 [VAR-5792], Item 56 [SDR-5781], Item 58 [ZON-5769] and Item 59 [SDR-5770] to 2/24/2005 Planning Commission meeting; STRIKE Item 16 [GPA-5266] and Item 89 [DIR-5833]; and WITHDRAW WITHOUT PREJUDICE Item 46 [GPA-5818], Item 47 [ZON-5824], Item 48 [ZON-5909], Item 70 [SUP-5783], Item 71 [SDR-5779] and Item 73 [SUP-5740] – UNANIMOUS

PLANNING COMMISSION MEETING OF JANUARY 27, 2005
Planning and Development Department
Item 70 – SUP-5783

MINUTES:

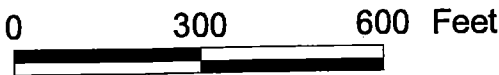
GARY LEOBOLD, Planning and Development, stated that letters are on file for each of the requests.

(6:03 – 6:11)

1-70

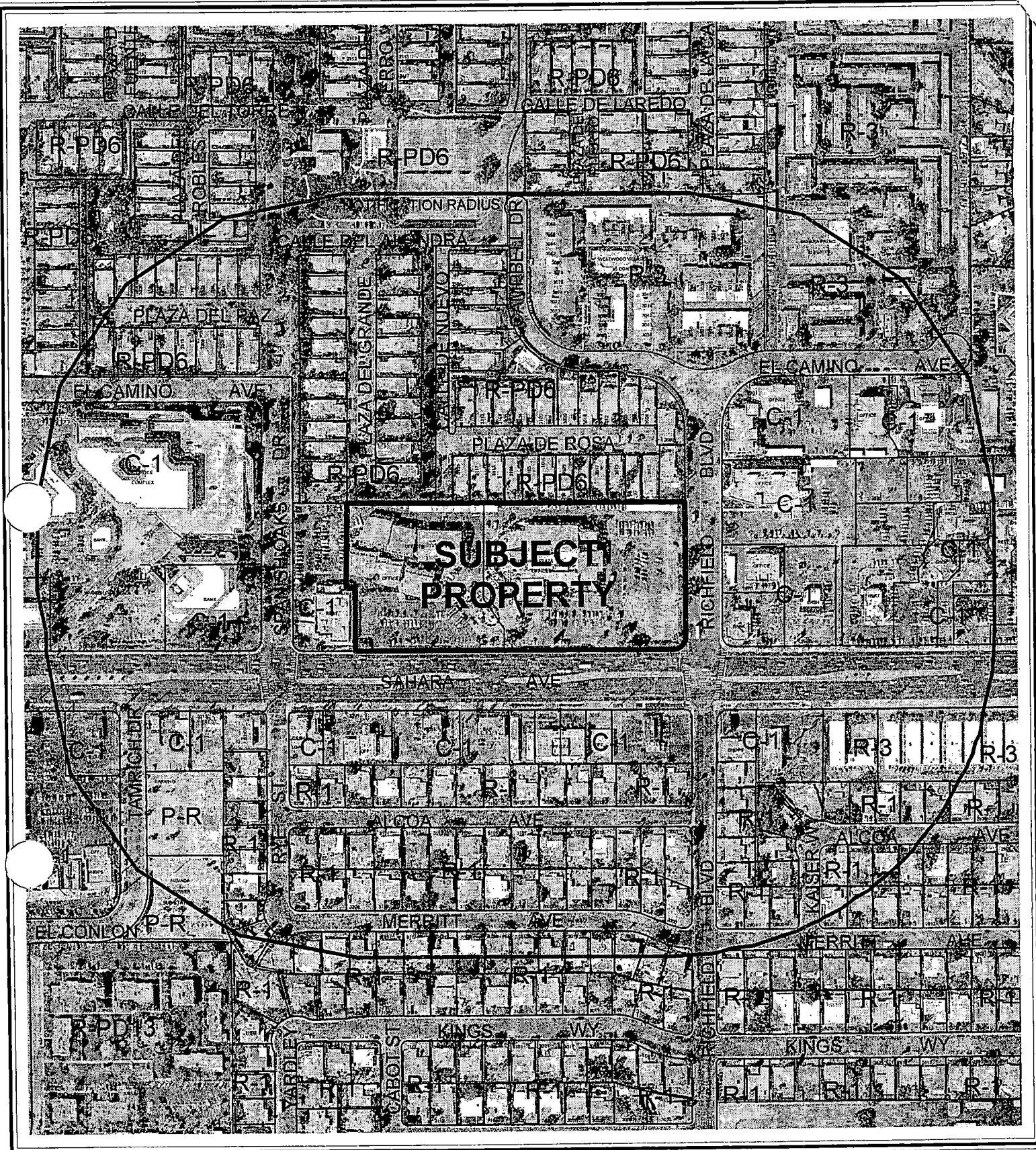
C

C



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





CASE: SUP-5783

RADIUS: 750 FT

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

0 300 600 Feet



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JANUARY 27, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-5783 - APPLICANT: JLM REALTY - OWNER: SPANISH
OAKS PLAZA LIMITED PARTNERSHIP, ET AL**

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for a Mixed-Use Development use.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-5779).
3. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
4. All City Code requirements and design standards of all City departments must be satisfied.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a proposed Mixed-use Development consisting of a 316,445 square-foot residential condominium complex with 17,000 square feet of ground floor commercial area adjacent to the northwest corner of Sahara Avenue and Richfield Boulevard.

B) Applicant's Justification

The applicant justifies the application by stating that the project has been designed as a mixed-use development, to enhance the urban environment of the area. Furthermore, the architecture to be utilized will provide a unique "flavor" to the development. The applicant states that the housing component of the project is livable and will assist in the satiating of the Las Vegas Valley's housing markets demand for mid-rise, mid priced, condominiums. Additionally, the commercial aspect of the development will be promoted as professional office units. The applicant states that interest in such development stems from existing tenants within the building and neighboring office buildings.

The applicant is requesting a waiver of the non-residential commercial requirement on the ground-level to allow for a residential development on the ground-level behind the non-residential commercial development. In conclusion, the applicant states the project will be a benefit to the redevelopment of the West Sahara Corridor by providing a transition in use and density that is not present at this time.

BACKGROUND INFORMATION

A) Previous Actions

09/26/73 The Board of City Commissioners approved a Rezoning (Z-0066-73) application for the reclassification of property generally located between West Oakey Boulevard on the north, West Sahara Avenue on the south, South Valley View Boulevard on the west, and Richfield Boulevard on the east, south of Westwood Village Tract and west of Springhurst Townhouses, from R-1 (Single-Family Residential) and R-3 (Medium Density Residential) to R-PD6 (Residential Planned Development -- 6 Units per Acre), R-4 (High Density Residential) and C-1 Limited Commercial). The Planning Commission and staff recommended approval.

SUP-5783 - Staff Report Page Two
January 27, 2005 - Planning Commission Meeting

- 09/27/84 The Board of Zoning Adjustment approved a Variance (V-0099-84) to allow auto sales for one day only in the months of February, May, August and November of every year where such is not permitted on property located at 3100 West Sahara Avenue. Staff recommended denial.
- 12/02/04 The Planning Commission accepted the applicant's request to Withdraw Without Prejudice a Special Use Permit (SUP-5471) for a Facility to provide testing, treatment, or counseling for drug or alcohol abuse at 3150 West Sahara Boulevard Avenue, Suite #B22. Staff recommended approval.
- 12/02/04 The Planning Commission accepted the applicant's request to Withdraw Without Prejudice a Special Use Permit (SUP-5472) for a Sex Offender Counseling Facility at 3150 West Sahara Boulevard Avenue, Suite #B22. Staff recommended approval.
- 01/27/05 The Planning Commission will consider a Site Development Plan Review (SDR-5779) for a proposed three building, seven-story, 316,445 square-foot residential condominium complex with 17,000 square feet of ground floor commercial area and for a Waiver from the ground floor non-residential requirement on the subject property. Staff recommends approval.

B) Pre-Application Meeting

- 11/19/04 The applicant presented a residential-only condominium project to staff. Staff then recommended amending the General Plan to a High Density Residential District and rezoning the property to R-PD to accommodate the developer's vision of the site. After several more meetings with staff, a plan containing both ground floor retail/commercial space and residential space was presented. A waiver would be required for the residential component on the ground level per the Commercial Development Standards. Compliance with Residential Adjacency Standards and building height standards along major streets should be demonstrated.

C) Neighborhood Meetings

- 01/10/05 A meeting with surrounding property owners was not mandatory for this project; however, the applicant organized two separate meetings to discuss issues relating to the proposed mixed-use development.

The first meeting was held at the Spanish Oaks Club House, 2201 Spanish Oaks Drive. Approximately 55 residents of the Spanish Oaks neighborhood community were in attendance. The scope of the project was briefly reviewed, and then the floor was opened for discussion. Issues raised included the following:

SUP-5783 - Staff Report Page Three
January 27, 2005 - Planning Commission Meeting

- Pre-selling of units
- Possibility of a priority list for Spanish Oaks residents
- Parking issues, including a possible shortage of parking, number of spaces for the residential and commercial components, reserved parking
- Ingress/egress from Richfield Boulevard
- Amenities of the development
- Privacy of the residents after such a development is built
- Building height
- Distance to the Spanish Oaks neighborhood
- Setbacks and landscaping
- Location of the proposed trash enclosure
- Security for the development

The second meeting was held at the Credit Union Plaza located at 3100 West Sahara Avenue and 11 surrounding property owners attended. Issues raised and discussed were as follows:

- Concerns regarding the effect a six-story building would have on sound bouncing back into the Richfield community, and whether or not a study would be provided
- Where the entries to the complex would be located
- Security issues
- Price of the properties
- Where the air conditioner units are to be placed
- Will the properties have balconies?
- Will the properties have public recreational facilities?
- What will the impact be on the schools in the area?
- Will there be an age restriction?
- Will there be additional units placed on the Jose Hogs property?
- Traffic control. Will there be an additional traffic signal on Sahara?
- Could the project spread to the surrounding areas?
- Construction noise/dust control/pollution/traffic
- Would this project raise property values in the surrounding area?
- Will the units being sold be full units with walls or just four walls?
- How many office spaces will be in each building?

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 6.65

SUP-5783 - Staff Report Page Four
January 27, 2005 - Planning Commission Meeting

B) Existing Land Use

Subject Property: Offices
North: Townhouses
South: Offices, Tavern, Retail Commercial
East: Offices, Financial Institution
West: Restaurant

C) Planned Land Use

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

D) Existing Zoning

Subject Property: C-1 (Limited Commercial)
North: R-PD6 (Residential Planned Development – 6 Units per Acre)
South: C-1 (Limited Commercial)
East: C-1 (Limited Commercial)
West: C-1 (Limited Commercial)

E) General Plan Compliance

The subject property is designated SC (Service Commercial) on the Southeast Sector Map of the General Plan. The Service Commercial category allows low to medium intensity retail, office or other commercial uses that primarily serve local patrons and do not include more intense general commercial characteristics. In the Neighborhood Revitalization Area the C-1 (Limited Commercial) zoning district may accommodate high-density residential uses, provided there is a non-residential component at the ground level. The existing C-1 (Limited Commercial) zoning district classification conforms to the SC (Service Commercial) designation.

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

SUP-5783 - Staff Report Page Five
January 27, 2005 - Planning Commission Meeting

This property is part of the Neighborhood Revitalization Area, identified by the Las Vegas Master Plan 2020 as neighborhoods where existing residential uses should be protected and proposed commercial development should be designed within the context of a walkable environment. Mixed-Use developments are permitted within these areas with the approval of a Special Use Permit.

The Airport Overlay District constitutes a planned area in which no structure shall be erected, altered or maintained on any parcel within the boundaries of the Airport Overlay District that would violate the height limitations depicted in maps adopted by Title 19. All development within the airspace above the height of 35 feet above the surface of the land, lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces, shall be subject to the height standards established on the Airport Overlay Maps. The proposed structures will stand approximately 90 feet tall, well under the 200-foot height restriction imposed by the McCarran Airport Overlay District map. No action is required on the part of the applicant.

ANALYSIS

A) Zoning Code Compliance

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

Standards	Code Requirement	Provided
Mixed-Use	Residential uses may be permitted in commercial districts by means of a Special Use Permit	Y
	Non-residential use shall be located at the ground level fronting the primary public right-of-way	Y*
	The architecture shall highlight the difference in uses	Y

The design of the development conforms to the minimum requirements listed in Title 19.04 for Mixed-Use development.

*The Commercial District Development Standards (Title 19.08.045 further require that for mixed-use developments in C-1 (Limited Commercial) zoning districts, residential units must be located at or above the second story of the structure. The applicant is requesting to waive this requirement as part of the Site Development Plan Review application.

B) General Analysis and Discussion

- Zoning

The proposed commercial uses are permitted in the C-1 (Limited Commercial) zoning district by right; the residential component is permitted upon approval of a Special Use Permit for a Mixed-Use Development. A separate Special Use Permit application (SUP-5783) has been filed concurrently with this Site Development Plan Review application.

- Use

Within the Neighborhood Revitalization Area, as defined by the Las Vegas 2020 Master Plan, residential uses permitted by right in the R-3 (Medium Density Residential) and R-4 (High Density Residential) zoning districts are permitted in the C-1 (Limited Commercial) district by means of an approved Special Use Permit. Commercial uses are permitted by right in the C-1 (General Commercial) district. The development will include a total of 225 residential units and six commercial units containing approximately 17,000 square feet.

- Conditions

The following base conditions of Title 19.04.050 must be met in order to approve a Special Use Permit:

1. The nonresidential use shall be located at ground level fronting the primary public right-of-way, and the primary entryway to that use shall be directly from and oriented to a street; and
2. The overall architecture of the front elevation shall highlight the difference in uses through variations in volume and proportion, and shall be treated as a cohesive whole through finishes and colors.

The design of the structure conforms to the minimum Mixed-Use development requirements listed in Title 19.04, although some residential units will also be located on the ground floor to the rear of the commercial component.

FINDINGS

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

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

Although some residential units will be located at the ground level adjacent to non-residential space, the design of the development adequately separates the commercial and residential components. As its primary orientation will be toward Sahara Avenue, the development should not significantly impact adjacent residential uses.

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

The proposed development will result in a residential density of approximately 34 units per net acre, which is appropriate for an area dominated by commercial and office uses. Surface and underground parking for both commercial and residential uses will be accommodated by the site.

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

Richfield Boulevard, a 90-foot public right-of-way, and Sahara Avenue, a 150-foot Primary Arterial as indicated by the Master Plan of Streets and Highways, will provide adequate access to the site.

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

Approval of the Special Use Permit is consistent with the General Plan, and will not compromise the public health, safety, or welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

14

NOTICES MAILED 248 [Mailed with SDR-5779]

APPROVALS 0

PROTESTS 0



Case Number: **SUP-5783**

Name of Property Owner: SPANISH OAKS PLAZA LP (3150 W. Sahara)

Name of Applicant: JLM Realty, Inc.

Yes

X No

City Official: _____

Partner(s): _____

APN: _____ By: Spanish Oaks Enterprises, Inc., General Partner

Signature of Property Owner/Authorized Agent: By: [Signature]

Print Name: ARTHUR V. ADAMS

Subscribed and sworn before me

This 08 day of December, 2004

Notary Public in and for said County and State

My Commission expires 03/31/2007

RECEIVED

DEC 14 2004



Case Number: **SUP-5783** APN: 162-05-403-002 and 003

Name of Property Owner SID-BRI INVESTMENTS (3150 W. Sahara)

Name of Applicant: JLM Realty, 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: _____

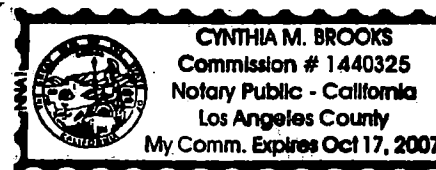
Signature of Property Owner/Authorized Agent: By: [Signature]

Print Name: BRIAN R. ADAMS

Subscribed and sworn before me

This 8 day of December, 2004

Notary Public in and for said County and State



RECEIVED

Revised 2/12/02

DEC 14 2004

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



STATEMENT OF FINANCIAL INTEREST (SDR)

Case Number: **SUP-5783**

APN: 162 -05-403 - 002 and 003

Name of Property Owner: CREDIT UNION PLAZA (Formerly The Fuller Towers) (3100 W. 5th St.)

Name of Applicant: JLM Realty, 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:

By: AHA Family Limited Partnership, General Partner
By: Spanish Oaks Enterprises, Inc., General Partner

Signature of Property Owner/Authorized Agent: By: [Signature]

Print Name: ARTHUR V. ADAMS

Subscribed and sworn before me

This 08 day of December, 2004

Notary Public in and for said County and State

my commission expires 03/31/2007

Revised 2/12/02.

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RECEIVED

DEC 14 1964

EXISTING RESIDENTIAL (SINGLE FAMILY HOMES)
R-PD6

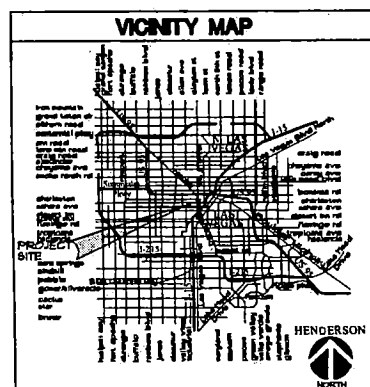


SURFACE PARKING

48 STANDARD STALLS (9'x18')

4 HANDICAP STALLS (9'x18')

52 TOTAL SURFACE PARKING



6 OFFICE/COMMERCIAL UNITS = 17,000 SQ. FT. OFFICE
225 LIVING UNITS
15% 3 BEDROOM = 34
15% 2 BEDROOM = 34
70% 1 BEDROOM = 157

<u>REQUIRED PARKING:</u>	
3 BEDROOM: 34 x 2.00 = 68 + 6 (GUEST PARKING) = 74	
2 BEDROOM: 34 x 1.75 = 60 + 6	= 66
1 BEDROOM: 157 x 1.25 = 197 + 26	= 223
TOTAL REQUIRED	= 363
TOTAL PROVIDED:	
PARKING GARAGE:	= 395
SURFACE PARKING:	= 52
17,000 SQ. FT. OFFICE / 300	= 57
TOTAL PROJECT REQUIRED:	= 420
PROVIDED:	= 447

Age Group	Percentage
0	10%
16'	15%
32'	10%
64'	45%
128'	20%



ESTAR ARCHITECTS
ARCHITECTURE • PLANNING • INTERIOR DESIGN
701 BRIDGER AVENUE, SUITE 400 LAS VEGAS, NEVADA 89101
TELEPHONE: (702) 876-0000 • FAX: (702) 878-8430
www.wagnerarchitects.com

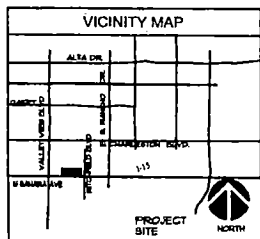
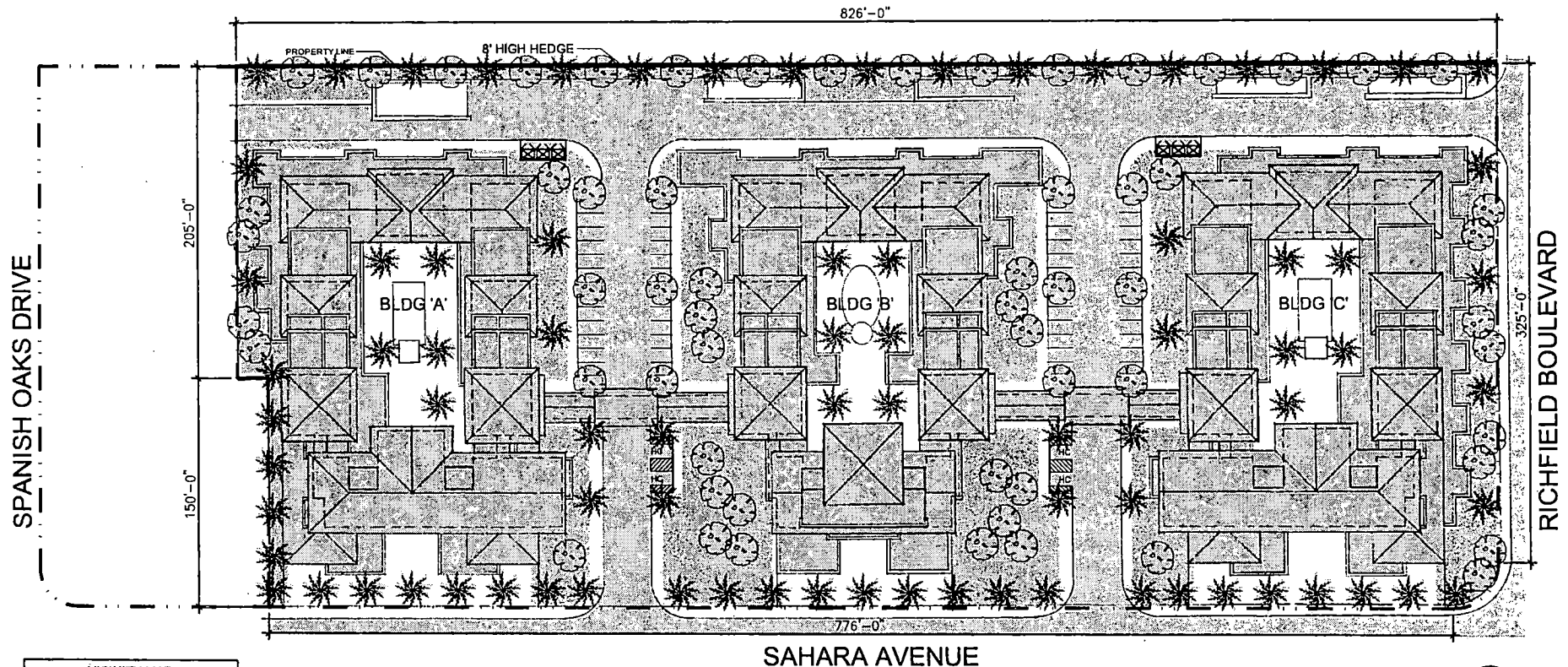
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DATE: January 18, 2005 at 4:00pm PROJECT NUMBER: 04125 FILE NAME: 04125_01.dwg
WAL:JES:MOYED:JUL:KIMMELMAN: Burtin

SDR-5779
SUP-5783
01/27/05 PC

REVISION
1.18.08

CONDOMINIUMS @ 3100 & 3150 W. SAHARA



- 24" BOX TREE (QUANTITY: 60)
 ARIZONA ASH (*fraxinus velutina*)
 WITH TWO 5-GALLON SHRUB
 CLUSTER AT BASE OF TREE:
 GREEN CLOUD (*leucophyllum freutescens*)
 PRIMROSE JASMINE (*jasminum mesnyi*)
- 25" HIGH PALM TREE (QUANTITY: 81)
 DATE PALM (*phoenix dactylifera*)
 WITH TWO 5-GALLON SHRUB
 CLUSTER AT BASE OF TREE:
 DESERT CASSIA (*cassia nemophylla*)
 BUSH MORNING GLORY (*convolvulus esneorum*)

DROUGHT-RESISTANT
 TURF GROUNDCOVER
 NOTE: 1.5" SCREENED GRANITE AT
 2" DEPTH IN ALL LANDSCAPE AREAS
 IN COMPLIANCE W/ ALL NEVADA CRITERIA

LANDSCAPE PLAN
SCALE: 1" = 32'-0"



NEW CONDOMINIUMS
@ 3100 & 3150 W. SAHARA AVENUE

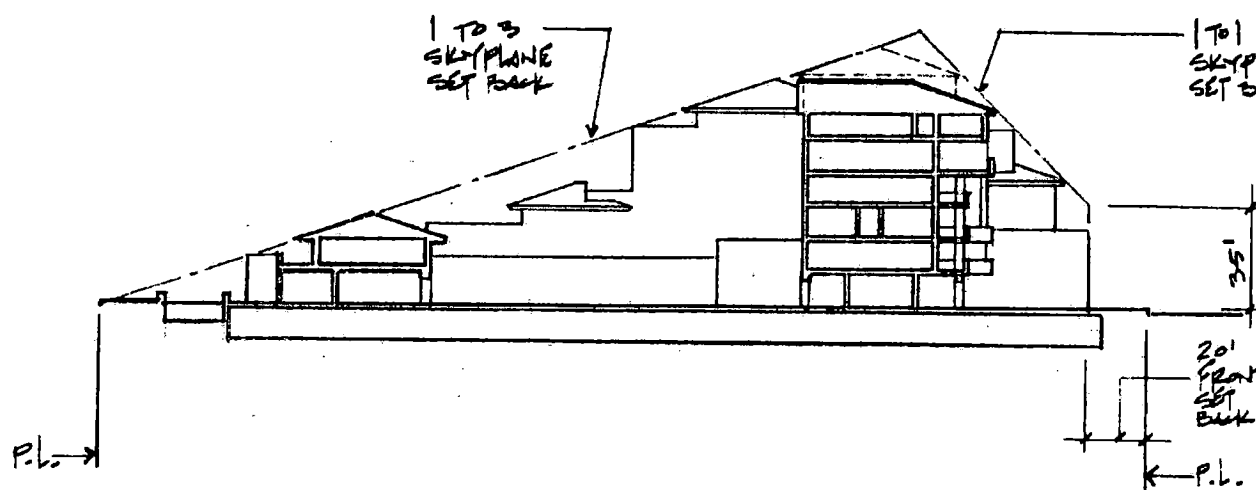
WESTAR ARCHITECTS
ARCHITECTURE • PLANNING • INTERIOR DESIGN
701 BRIDGER AVENUE SUITE 400 LAS VEGAS, NEVADA 89101
TELEPHONE: (702) 878-0000 FAX: (702) 878-8430
www.westarchitects.com

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SDR-5779
SUP-5783
01/27/05 PC

REVISED
1.18.05

**CONDOMINIUMS @
3100 & 3150 W. SAHARA**



CONCEPTUAL SITE SECTION
SCALE: 1" = 20'-0"

**NEW CONDOMINIUMS
@ 3100 & 3150 W. SAHARA AVENUE**

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DATE: January 18, 2005 at 10:00am PROJECT NUMBER: 04128 FILE NAME: 04128_001.dwg
WAS LAST MODIFIED BY: TOWNSHIP: BURLIN

REVISED
1.18.05

**SDR-5779
SUP-5783
01/27/05 PC**



SUP-5783 - APPLICANT: JLM REALTY - OWNER: SPANISH OAKS PLAZA LIMITED PARTNERSHIP, ET
AL
NORTHWEST CORNER OF SAHARA AVENUE AND RICHFIELD BOULEVARD
JANUARY 27, 2005 PLANNING COMMISSION

1/6/05



SUP-5783 - APPLICANT: JLM REALTY - OWNER: SPANISH OAKS PLAZA LIMITED PARTNERSHIP, ET
AL
NORTHWEST CORNER OF SAHARA AVENUE AND RICHFIELD BOULEVARD
JANUARY 27, 2005 PLANNING COMMISSION

1/6/05



SUP-5783 - APPLICANT: JLM REALTY - OWNER: SPANISH OAKS PLAZA LIMITED PARTNERSHIP, ET
AL
NORTHWEST CORNER OF SAHARA AVENUE AND RICHFIELD BOULEVARD
JANUARY 27, 2005 PLANNING COMMISSION

1/6/05

Architecture
Interior Design

WESTAR
ARCHITECTS

December 8, 2004

City of Las Vegas
Development Services Center
Planning & Development Dept.
731 South Fourth Street
Las Vegas, NV 89101

RE: Condominiums @ Sahara and Spanish Oaks
3100 – 3150 West Sahara Avenue
APN: 162-05-403-002 & 003

To Whom It May Concern,

Please accept this letter as justification for the above referenced property.

Our client is requesting a Site Development Plan Review with a Special Use Permit for a three building, seven story, 316,445 square feet residential condominium complex with ground level, 17,000 square feet of non-residential commercial development (offices, retail, etc) facing Sahara Avenue. Our client is also requesting a waiver of the non-residential commercial requirement on the ground-level to allow for a residential development on the ground-level behind the non-residential commercial development. This project is providing 447 parking spaces, surface and below grade, which is in compliance with zoning will be part of this project providing adequate parking for the project.

This project is located in The City of Las Vegas Redevelopment Area at the Northwest corner of Sahara Avenue and Richfield Boulevard on 6.65 net acres. It is bounded by residential to the north (Spanish Oaks) and commercial to the east, south and west.

The project has been designed as a mixed-use development, to enhance the urban environment of the area. It calls upon a *Santa Barbara Mission* style architecture to provide unique flavor to the development. The architecture is both livable and identifiable, without the uncomfortable forms that are prevalent within the modern day urban context. This housing is livable and it will contribute to Las Vegas as a needed component in the housing market and the Las Vegas valley. It promotes the mid-rise, mid priced, condominium development.

To enhance the development of the site, the commercial component will be promoted as professional office units. In its current configuration, the interest in these units is seen coming from existing tenants in the building and neighboring office buildings, and the owners of the condominiums contained within the proposed development. To date, interest in this type of development, a lower density non-high-rise configuration, has been significant.

RECEIVED

REVISED
12.28.04

DEC 28 2004

SDR 5979

WESTAR Architects, Inc.

701 bridger ave., suite 400 las vegas, nv 89101 phone: 702.878.0000 fax: 702.878.8430 email: info@wagnarchitects.com

It is the concern of the Owner to present this project to the City of Las Vegas without variances. Accordingly the project, as currently designed, is within the envelope created by the Residential Adjacency Standards to the north, and the vertical setbacks from a major arterial to the south. The project meets or exceeds all required building setbacks as prescribed by the City Zoning Ordinances.

This project will be a benefit to the redevelopment of the West Sahara corridor. It is not only a positive contribution to this section of the City, but will enhance residential property values in the immediate area and serve as buffer for the existing Spanish Oaks community to the north. It will provide a transition in use and density that is not present at this time.

We have met with Ms. Margo Wheeler, Deputy Director, Planning and Development Department, to review this project as presented. At that time Ms. Wheeler verified her acceptance of the mix of the commercial office component with the residential component at the grade level. We are attaching her notes on the plan for reference.

We look forward to the injection of this exciting, new and relevant housing product to the Las Vegas market to the benefit of both the unit owners, Spanish Oaks community and the City of Las Vegas.

Thank you for your consideration in this matter.

Yours truly,
WESTAR Architects



Dee Frandsen
Project Manager

File: V/2004Projects/04128/Correspondence/SiteReviewComm

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: JANUARY 27, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SDR-5779 - SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-5783 - PUBLIC HEARING - APPLICANT: JLM REALTY - OWNER: SPANISH OAKS PLAZA, LIMITED PARTNERSHIP, ET AL - Request for a Site Development Plan Review FOR A PROPOSED THREE-BUILDING, SEVEN-STORY, 316,445 SQUARE-FOOT RESIDENTIAL CONDOMINIUM COMPLEX WITH 17,000 SQUARE FEET OF GROUND FLOOR COMMERCIAL FLOOR AREA AND FOR A WAIVER FROM THE GROUND FLOOR NON-RESIDENTIAL REQUIREMENT on 6.65 acres adjacent to the northwest corner of Sahara Avenue and Richfield Boulevard (APN 162-05-403-002 and 003), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief).

C.C.: 03/02/05

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

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

MOTION:

NIGRO – Motion to bring forward and HOLD IN ABEYANCE Item 20 [GPA-5820], Item 42 [GPA-5814], Item 43 [ZON-5816], Item 44 [VAR-5819] and Item 45 [SDR-5815] to 2/10/2005 Planning Commission meeting; Item 28 [GPA-5762], Item 29 [ZON-5765], Item 30 [GPA-5775], Item 31 [ZON-5776], Item 32 [VAR-5846], Item 33 [SDR-5778], Item 52 [MOD-5784], Item 53 [ZON-5785], Item 54 [VAR-5786], Item 55 [VAR-5792], Item 56 [SDR-5781], Item 58 [ZON-5769] and Item 59 [SDR-5770] to 2/24/2005 Planning Commission meeting; STRIKE Item 16 [GPA-5266] and Item 89 [DIR-5833]; and WITHDRAW WITHOUT PREJUDICE Item 46 [GPA-5818], Item 47 [ZON-5824], Item 48 [ZON-5909], Item 70 [SUP-5783], Item 71 [SDR-5779] and Item 73 [SUP-5740] – UNANIMOUS

PLANNING COMMISSION MEETING OF JANUARY 27, 2005
Planning and Development Department
Item 71 – SDR-5779

MINUTES:

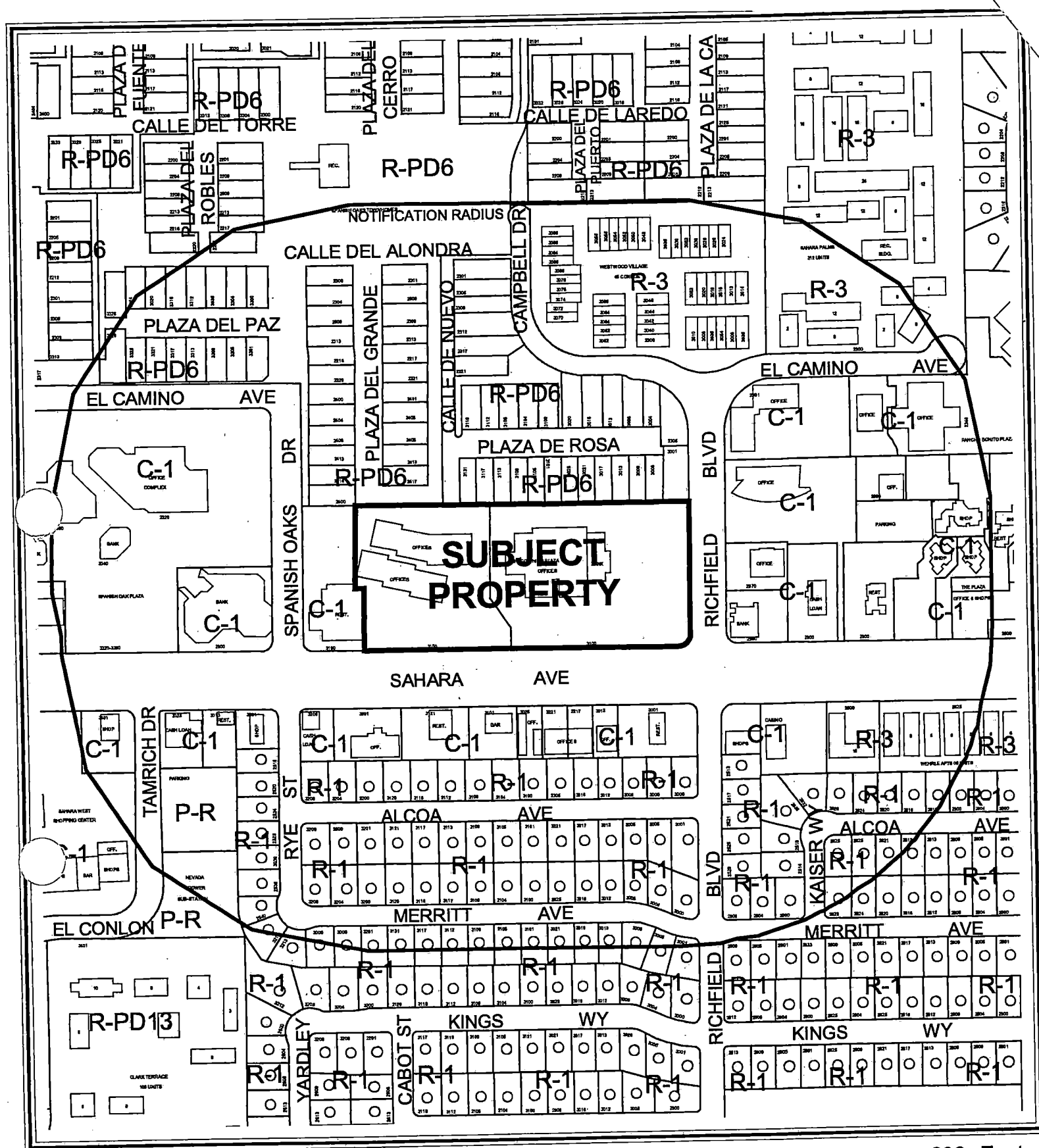
GARY LEOBOLD, Planning and Development, stated that letters are on file for each of the requests.

(6:03 – 6:11)

1-70

C

C



CASE: SDR-5779

RADIUS: 750 FT

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



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JANUARY 27, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-5779 - APPLICANT: JLM REALTY - OWNER: SPANISH OAKS PLAZA LIMITED PARTNERSHIP, ET AL

**** CONDITIONS ****

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

Planning and Development

1. A Special Use Permit (SUP-5783) for a proposed Mixed-Use Development approved by the City Council.
2. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
3. All development shall be in conformance with the site plan and building elevations date stamped 01/18/05, except as amended by conditions herein.
4. 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.
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 the replacement of palm trees along the north property line with evergreen or other suitable screening trees; the interspersing of 24-inch box deciduous trees with palm trees along Sahara Avenue; a minimum of four (4) five-gallon shrubs for each 24-inch box tree within provided planters along the perimeters and a minimum of five (5) five-gallon and five (5) one-gallon shrubs for each 24-inch box tree provided within parking lot planter fingers.
6. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. [Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.]
7. A stamped landscaping plan must be submitted prior to or at the same time application is made for a building permit.
8. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.

SDR-5779 - Conditions Page Two
January 27, 2005 - Planning Commission Meeting

9. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
10. 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.
11. Prior to approval of any final map, the developer is required to adopt a plan for the maintenance of infrastructure improvements. The plan is to include a listing of all infrastructure improvements, along with assignment of maintenance responsibility to either 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.
12. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

13. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. 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.
14. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222a.
15. Provide a copy of a recorded Joint Access Agreement between this site and the adjoining parcel to the west (Assessor's Parcel No. 162-05-403-001) prior to the issuance of any permits.
16. Landscape and maintain all unimproved right-of-way, if any, adjacent to this site concurrent with development.

SDR-5779 - Conditions Page Three
January 27, 2005 - Planning Commission Meeting

17. Obtain an Occupancy Permit from the Nevada Department of Transportation (NDOT) for all landscaping and private improvements in the Sahara Avenue public right-of-way adjacent to this site prior to the issuance of any permits.
18. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.
19. 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.
20. 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

SDR-5779 - Conditions Page Four
January 27, 2005 - Planning Commission Meeting

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 three building, seven-story, 316,445 square-foot residential condominium complex with 17,000 square feet of ground floor commercial area and for a Waiver from the ground floor non-residential requirement on 6.65 acres adjacent to the northwest corner of Sahara Avenue and Richfield Boulevard.

B) Applicant's Justification

The applicant justifies the application by stating that the project has been designed as a mixed-use development, to enhance the urban environment of the area. Furthermore, the architecture to be utilized will provide a unique "flavor" to the development. The applicant states that the housing component of the project is livable and will assist in the satiating of the Las Vegas Valley's housing markets demand for mid-rise, mid priced, condominiums. Additionally, the commercial aspect of the development will be promoted as professional office units. The applicant states that interest in such development stems from existing tenants within the building and neighboring office buildings.

The applicant is requesting a waiver of the non-residential commercial requirement on the ground-level to allow for a residential development on the ground-level behind the non-residential commercial development. In conclusion, the applicant states the project will be a benefit to the redevelopment of the West Sahara Corridor by providing a transition in use and density that is not present at this time.

BACKGROUND INFORMATION

A) Previous Actions

09/26/73 The Board of City Commissioners approved a Rezoning (Z-0066-73) application for the reclassification of property generally located between West Oakey Boulevard on the north, West Sahara Avenue on the south, South Valley View Boulevard on the west, and Richfield Boulevard on the east, south of Westwood Village Tract and west of Springhurst Townhouses, from R-1 (Single-Family Residential) and R-3 (Medium Density Residential) to R-PD6 (Residential Planned Development – 6 Units per Acre), R-4 (High Density Residential) and C-1 (Limited Commercial). The Planning Commission and staff recommended approval.

SDR-5779 - Staff Report Page Two
January 27, 2005 - Planning Commission Meeting

- 09/27/84 The Board of Zoning Adjustment approved a Variance (V-0099-84) to allow auto sales for one day only in the months of February, May, August and November of every year where such is not permitted on property located at 3100 West Sahara Avenue. Staff recommended denial.
- 12/02/04 The Planning Commission accepted the applicant's request to Withdraw Without Prejudice a Special Use Permit (SUP-5471) for a Facility to provide testing, treatment, or counseling for drug or alcohol abuse at 3150 West Sahara Boulevard Avenue, Suite #B22. Staff recommended approval.
- 12/02/04 The Planning Commission accepted the applicant's request to Withdraw Without Prejudice a Special Use Permit (SUP-5472) for a Sex Offender Counseling Facility at 3150 West Sahara Boulevard Avenue, Suite #B22. Staff recommended approval.
- 01/27/05 The Planning Commission will consider a Special Use Permit (SUP-5783) for a proposed Mixed-Use Development in conjunction with this project. Staff recommends approval.

B) Pre-Application Meeting

- 11/19/04 The applicant presented a residential-only condominium project to staff. Staff then recommended amending the General Plan to a High Density Residential District and rezoning the property to R-PD to accommodate the developer's vision of the site. After several more meetings with staff, a plan containing both ground floor retail/commercial space and residential space was presented. A waiver would be required for the residential component on the ground level per the Commercial Development Standards. Compliance with Residential Adjacency Standards and building height standards along major streets should be demonstrated.

C) Neighborhood Meetings

- 01/10/05 A meeting with surrounding property owners was not mandatory for this project; however, the applicant organized two separate meetings to discuss issues relating to the proposed mixed-use development.

The first meeting was held at the Spanish Oaks Club House, 2201 Spanish Oaks Drive. Approximately 55 residents of the Spanish Oaks neighborhood community were in attendance. The scope of the project was briefly reviewed, and then the floor was opened for discussion. Issues raised included the following:

SDR-5779 - Staff Report Page Three
January 27, 2005 - Planning Commission Meeting

- Pre-selling of units
- Possibility of a priority list for Spanish Oaks residents
- Parking issues, including a possible shortage of parking, number of spaces for the residential and commercial components, reserved parking
- Ingress/egress from Richfield Boulevard
- Amenities of the development
- Privacy of the residents after such a development is built
- Building height
- Distance to the Spanish Oaks neighborhood
- Setbacks and landscaping
- Location of the proposed trash enclosure
- Security for the development

The second meeting was held at the Credit Union Plaza located at 3100 West Sahara Avenue and 11 surrounding property owners attended. Issues raised and discussed were as follows:

- Concerns regarding the effect a six-story building would have on sound bouncing back into the Richfield community, and whether or not a study would be provided
- Where the entries to the complex would be located
- Security issues
- Price of the properties
- Where the air conditioner units are to be placed
- Will the properties have balconies?
- Will the properties have public recreational facilities?
- What will the impact be on the schools in the area?
- Will there be an age restriction?
- Will there be additional units placed on the Jose Hogs property?
- Traffic control. Will there be an additional traffic signal on Sahara?
- Could the project spread to the surrounding areas?
- Construction noise/dust control/pollution/traffic
- Would this project raise property values in the surrounding area?
- Will the units being sold be full units with walls or just four walls?
- How many office spaces will be in each building?

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 6.65

B) Existing Land Use

Subject Property: Offices
North: Townhouses
South: Offices, Tavern, Retail Commercial
East: Offices, Financial Institution
West: Restaurant

C) Planned Land Use

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

D) Existing Zoning

Subject Property: C-1 (Limited Commercial)
North: R-PD6 (Residential Planned Development – 6 Units per Acre)
South: C-1 (Limited Commercial)
East: C-1 (Limited Commercial)
West: C-1 (Limited Commercial)

E) General Plan Compliance

The subject property is designated SC (Service Commercial) on the Southeast Sector Map of the General Plan. The Service Commercial category allows low to medium intensity retail, office or other commercial uses that primarily serve local patrons and do not include more intense general commercial characteristics. In the Neighborhood Revitalization Area the C-1 (Limited Commercial) zoning district may accommodate high-density residential uses, provided there is a non-residential component at the ground level. The existing C-1 (Limited Commercial) zoning district classification conforms to the SC (Service Commercial) designation.

PROJECT DESCRIPTION

The project involves the removal of the existing commercial office buildings and the construction of three proposed seven-story mixed-use buildings containing a total of 225 residential condominium units and 17,000 square feet of commercial uses. Buildings 'A' and 'C' on the site plan will each contain 6,200 square feet of office space, while Building 'B' will contain 4,600 square feet. The commercial units will be located along the Sahara Avenue frontage; condominium units will be located behind the commercial units and along the sides of the development. An underground parking garage with access at the rear of the property contains 395 spaces, with an additional 52 spaces located at the ground level. Only residential units will occupy Levels 2 through 7.

A Spanish mission-style design is employed. Each building has an opening for a walkway leading back behind the commercial portion to a courtyard area containing a fountain. Floor plans range from 1,050 to 1,500 square feet and consist typically of single-story one-bedroom and two-story two- and three-bedroom units.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

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

Standards	Required C-1	Provided	Compliance
Min. Lot Size	N/A		N/A
Min. Lot Width	100 Feet	355 Feet	Y
Min. Setbacks			
• Front (Sahara Ave.)*	20 Feet	20 Feet	Y
• Side	10 Feet	10 Feet	Y
• Corner	15 Feet	20 Feet	Y
• Rear	20 Feet	56 Feet	Y
Max. Lot Coverage	50 %	33 %	Y
Max. Building Height*	none	90 Feet	Y
Trash Enclosure	Walled, gated, roofed	Walled, gated, roofed	Y
Loading Zone	2 required	none	N
Mech. Equipment	Screened	Screened	Y

SDR-5779 - Staff Report Page Six
January 27, 2005 - Planning Commission Meeting

*Per Title 19.08.030.C, buildings may be constructed up to 35 feet in height at the front yard setback line along streets classified as collector or larger by the Master Plan of Streets and Highways. Any portion of a building over 35 feet in height shall be set back an additional one foot for each foot of height in excess of 35 feet. At the front setback line, the height of the building is 35 feet. A section drawing submitted by the applicant illustrates compliance with the 1:1 height to setback ratio.

The proposed mixed-use development meets development standards applicable to the C-1 (Limited Commercial) zoning district.

A2) Residential Adjacency Standards

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

- a) Proximity slope. The buildings meet the 3:1 Proximity Slope requirement from the property line of protected single-family homes to the north, as their height is 17.5 feet at a setback of approximately 56 feet. Taller portions of the buildings are stepped back to meet the slope requirement.
- b) Building setback. Buildings meet the required five-foot building setback requirement matching the rear yard setback of the protected properties to the north.

A3) Parking and Traffic Standards

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

Uses	Units	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
<u>Condominiums</u>						
1-bedroom	157	1.25/unit	197			
2-bedroom	34	1.75/unit	60			
3-bedroom	34	2.00/unit	68			
Guest spaces	225	1/6 units	38			
Office	6 units/ 17,000 SF	1 space/300 SF GFA	57	3		

SDR-5779 - Staff Report Page Seven
January 27, 2005 - Planning Commission Meeting

TOTAL	231	---	411	9	428 (395 in under- ground parking garage)	19

The proposed development will provide 447 spaces where 420 are required by Title 19. Only office uses are proposed for the non-residential portion of the development; however, if retail uses are eventually added, the parking requirement will increase. A condition of approval of this site review requires the recordation of a joint access agreement between this site and the adjoining parcel to the west (Assessor's Parcel No. 162-05-403-001, Jose Hog's Casino and Cantina) prior to the issuance of any permits.

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 uncovered spaces + half of all trees at end of rows	15 Trees	16 Trees
Buffer:			
• Min. Trees (Sahara/Richfield)	1 – 24-in. Box Tree/20 Linear Feet	47 Trees	36 Trees
• Min. Trees (west/north PL)	1 – 24-in. Box Tree/30 Linear Feet	38 Trees	45 Trees
• Min. Zone Width (Sahara/Richfield)	15 Feet		20 Feet
• Min. Zone Width (west PL)	8 Feet commercial, 10 Feet res.		8-12 Feet
• Min. Zone Width (north PL)	6 Feet		6 Feet
• Wall height	Min. 6 feet north PL, max. 6 feet along Sahara and Richfield		8 Feet (hedge) along north PL

The number and spacing of trees along Sahara Avenue does not comply with the Landscape, Wall and Buffer standards for commercial development, which is the use at this location on the site. These trees should be spaced a maximum of 20 feet on center. All other landscaping standards are met.

B) General Analysis and Discussion

- Zoning

The proposed commercial uses are permitted in the C-1 (Limited Commercial) zoning district by right; the residential component is permitted upon approval of a Special Use Permit for a Mixed-Use Development. A separate Special Use Permit application (SUP-5783) has been filed concurrently with this Site Development Plan Review application.

- Site Plan

The site plan shows an effective layout of buildings, parking, and private access drives. One difficulty is the "right-in, right-out" ingress and egress from Sahara Avenue, caused by the lack of median openings. Eastbound traffic on Sahara wanting to enter the property must turn left at the Richfield Boulevard signal and maneuver around the median on Richfield. This will have some impact on traffic entering and exiting the Spanish Oaks development, unless this median opening is widened.

- Waivers

The applicant has requested a Waiver of the Commercial Development Standards with respect to the prohibition of residential units on the ground floor of mixed-use developments. Staff finds the waiver acceptable, as all the conditions for the Special Use Permit for a Mixed-Use development have been met, particularly the requirement that commercial uses be fronting Sahara Avenue. In addition, successive stories above the commercial element contain only residential uses, thereby meeting the intent of the development standard.

- Landscape Plan

Date palm trees shown across the north property line are unacceptable for screening from single-family development. Those should be replaced with evergreens or some other effective screening tree. Palm trees along Sahara Avenue should be interlaced with another species of deciduous tree for variety and to meet the number and spacing requirement (20 feet maximum) in the Landscape, Wall and Buffer Standards. The proper number of shrubs per tree should also be included on the landscape plan. A condition of approval addresses these issues.

- Elevation

Elevations and section drawings illustrate compliance with Residential Adjacency Standards and height restrictions along major streets (in this case Sahara Avenue). Materials and designs are acceptable and appropriate for this area.

- Floor Plan

Lots may need to be renumbered when application is made for a Tentative Map to distinguish commercial and residential units.

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 mixed-use development is adjacent to commercial uses on the south, west and east and a single-family development on the north. The buildings are set back from the residential property sufficiently to mitigate any major negative effects they may have. The site's location along a major thoroughfare allows for easy access and reduces the conflicts associated with residential adjacency.

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 will be consistent with the General Plan and with most standards of Title 19 and the Landscape, Wall and Buffer Standards with the implementation of conditions of approval of this review and the approval of a companion Special Use Permit for a Mixed-Use Development on the site. A Waiver has been requested from the requirement that all residential units be located at or above the second story as specified in the Commercial Development Standards; the intent of the requirement is met, as all stories above the ground floor commercial space have a residential use.

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

Minimum 24-foot private drives provide adequate circulation around the site and direct traffic to the provided underground parking. Primary access to the garage will be from Richfield Boulevard, which will have a minor impact on Spanish Oaks residents. Eastbound Sahara Avenue traffic approaching the development must turn left at Richfield Boulevard; likewise, traffic leaving the development via Sahara must turn right. A Traffic Impact Analysis must be submitted to the Department of Public Works as a condition of approval.

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

The proposed building and landscape materials are appropriate for the area and are consistent with the City's requirements, with implementation of the conditions of approval. In particular, date palms along the north property line should be replaced with evergreen or other suitable screening tree, and palms along Sahara Avenue should be complemented with additional deciduous trees.

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;"**

Elevations and section drawings illustrate compliance with Residential Adjacency Standards and height restrictions along Sahara Avenue. They create an aesthetically pleasing environment and are appropriate for this area.

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

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

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

14

NOTICES MAILED 248 [Mailed with SUP-5783]

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST (SDR)

Cast Number: **SDR-5779** APN: **62-05-403-002 & 003**

Name of Property Owner: Spanish Oaks Plaza LP (3150 W. Sahara)

Name of Applicant: JLM REALTY

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: _____ By: Spanish Oaks Enterprises, Inc.

Signature of Property Owner/Authorized Agent: John J. Adams

Print Name: ARTHUR V. ADAM

Subscribed and sworn before me

~~This~~ 10 day of December, 2004

W. J. Schmitt, Hershey, PA
Notary Public in and for said County and State

Notary Public in and for said County and State

My commission expires 3/31/2007

Revised 2/23/02

Abstract Application Package Statement of Financial Interest doc

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DEC 14 2004



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST (SDR)

Case Number: **SDR-5779** APN: 162-05-403-002 & 003
Name of Property Owner: SID-BRI INVESTMENTS (3150 N. Sahara)
Name of Applicant: JLM REALTY

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: BRIAN R. ADAMS

Subscribed and sworn before me

This 13th day of December, 2004

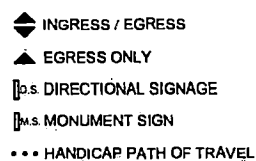
Cynthia M. Brooks
Notary Public in and for said County and State



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EXISTING RESIDENTIAL (SINGLE FAMILY HOMES)
R-PD6



48 STANDARD STALLS (9'x18')
4 HANDICAP STALLS (9'x18')
52 TOTAL SURFACE PARKING

LOCATION MAP

ALTA DR.
CANYON DR.
VALLEY VIEW DR.
WASHINGTON BLVD.
I-10
PROJECT SITE
NORTH

[illegible]

225 LIVING UNITS

15% 3 BEDROOM = 34
15% 2 BEDROOM = 34
70% 1 BEDROOM = 157

REQUIRED PARKING:

3 BEDROOM:	$34 \times 2.00 = 68 + 6$ (GUEST PARKING)	$= 74$
2 BEDROOM:	$34 \times 1.75 = 60 + 6$	$= 66$
1 BEDROOM:	$157 \times 1.25 = 197 + 26$	$= 223$
TOTAL REQUIRED		<u>$= 363$</u>

TOTAL PROVIDED:
PARKING GARAGE: = 395
SURFACE PARKING: = 52

17,000 SQ. FT. OFFICE / 300 = 57

TOTAL PROJECT REQUIRED: = 420
PROVIDED: = 447

SITE PLAN
SCALE: 1" = 32'-0"



NEW CONDOMINIUMS
@ 3100 & 3150 W. SAHARA AVENUE

WESTAR ARCHITECTS

ARCHITECTURE • PLANNING • INTERIOR DESIGN
701 BRIDGER AVENUE SUITE 400 LAS VEGAS, NEVADA 89101
TELEPHONE: (702) 678-0000 FAX: (702) 878-8432
www.wagnarchitects.com

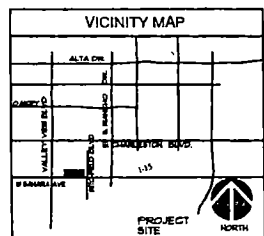
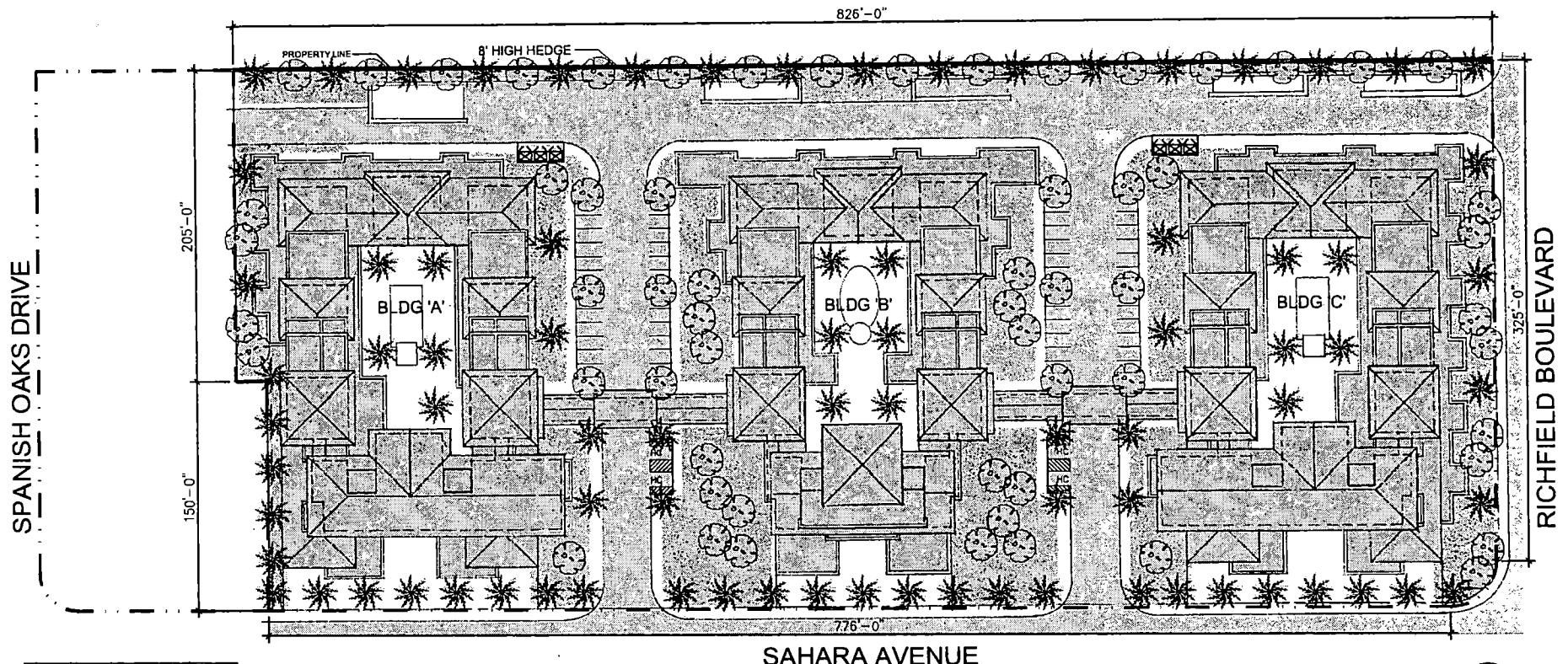
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DATE: January 18, 2005 at 1:00pm PROJECT NUMBER: 04128 FILE NAME: 04128_01.dwg

SDR-5779
SUP-5783
01/27/05 PC

REVISED
1.18.05

CONDOMINIUMS @ 3100 & 3150 W. SAHARA



-
-

DROUGHT-RESISTANT
TURF GROUNDCOVER
 NOTE: 1.5" SCREENED GRANITE AT
2" DEPTH IN ALL LANDSCAPE AREAS
IN COMPLIANCE W/ ALL NEVADA CRITERIA

LANDSCAPE PLAN
SCALE: 1" = 32'-0"



NEW CONDOMINIUMS
@ 3100 & 3150 W. SAHARA AVENUE

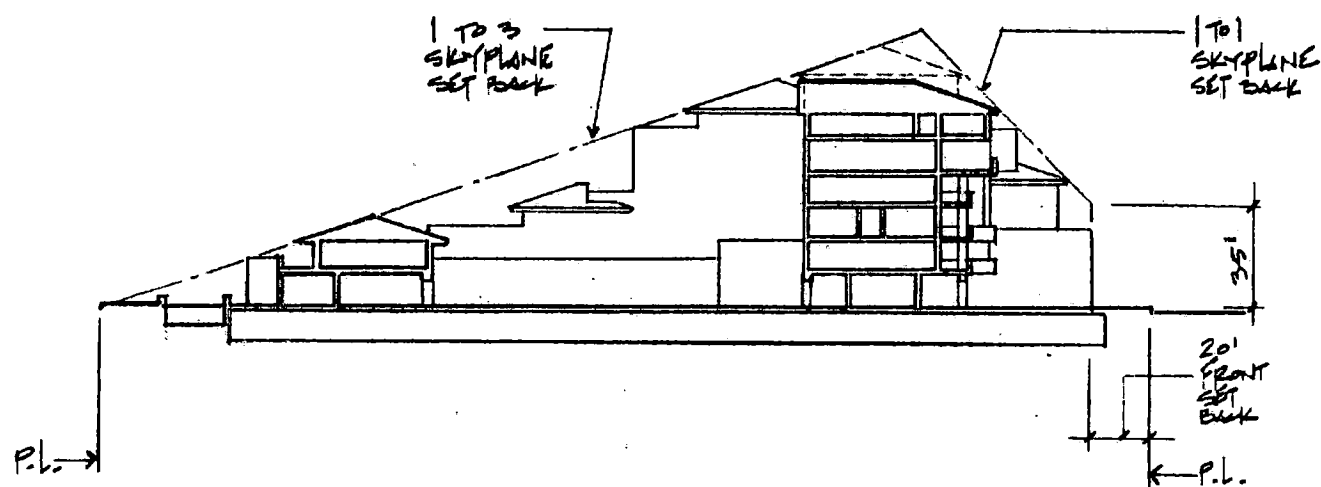
ESTAR ARCHITECTS
ARCHITECTURE • PLANNING • INTERIOR DESIGN
701 BRIDGER AVENUE SUITE 400 LAS VEGAS, NEVADA 89101
TELEPHONE: (702) 878-0000 FAX: (702) 878-8430
www.wagnerarchitects.com

DATE: January 18, 2005 at 1:00pm PROJECT NUMBER: 04188 FILE NAME: 04188_02_landscape.dwg
WAS LAST MODIFIED BY TECHNICIAN: Burtin

REVISED
1.18.05

SDR-5779
SUP-5783
01/27/05 PC

**CONDOMINIUMS @
3100 & 3150 W. SAHARA**



CONCEPTUAL SITE SECTION
SCALE: 1" = 20'-0"

**NEW CONDOMINIUMS
@ 3100 & 3150 W. SAHARA AVENUE**

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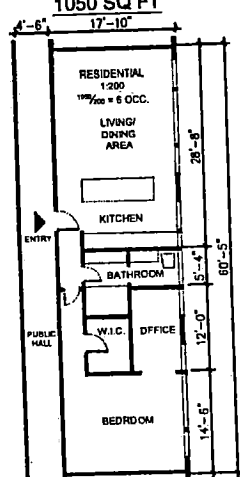
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1.18.05

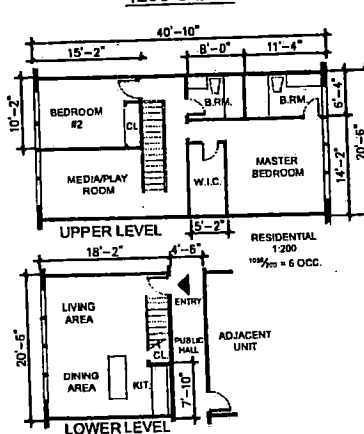
**SDR-5779
SUP-5783
01/27/05 PC**

CONDOMINIUMS @ 3100 & 3150 W. SAHARA

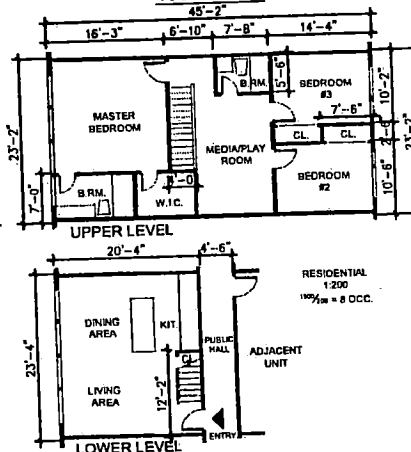
**TYPICAL 1 BEDROOM UNIT
1050 SQ FT**



**TYPICAL 2 BEDROOM UNIT
1200 SQ FT**



**TYPICAL 3 BEDROOM UNIT
1500 SQ FT**



APARTMENT PLANS
SCALE: 1" = 8'-0"



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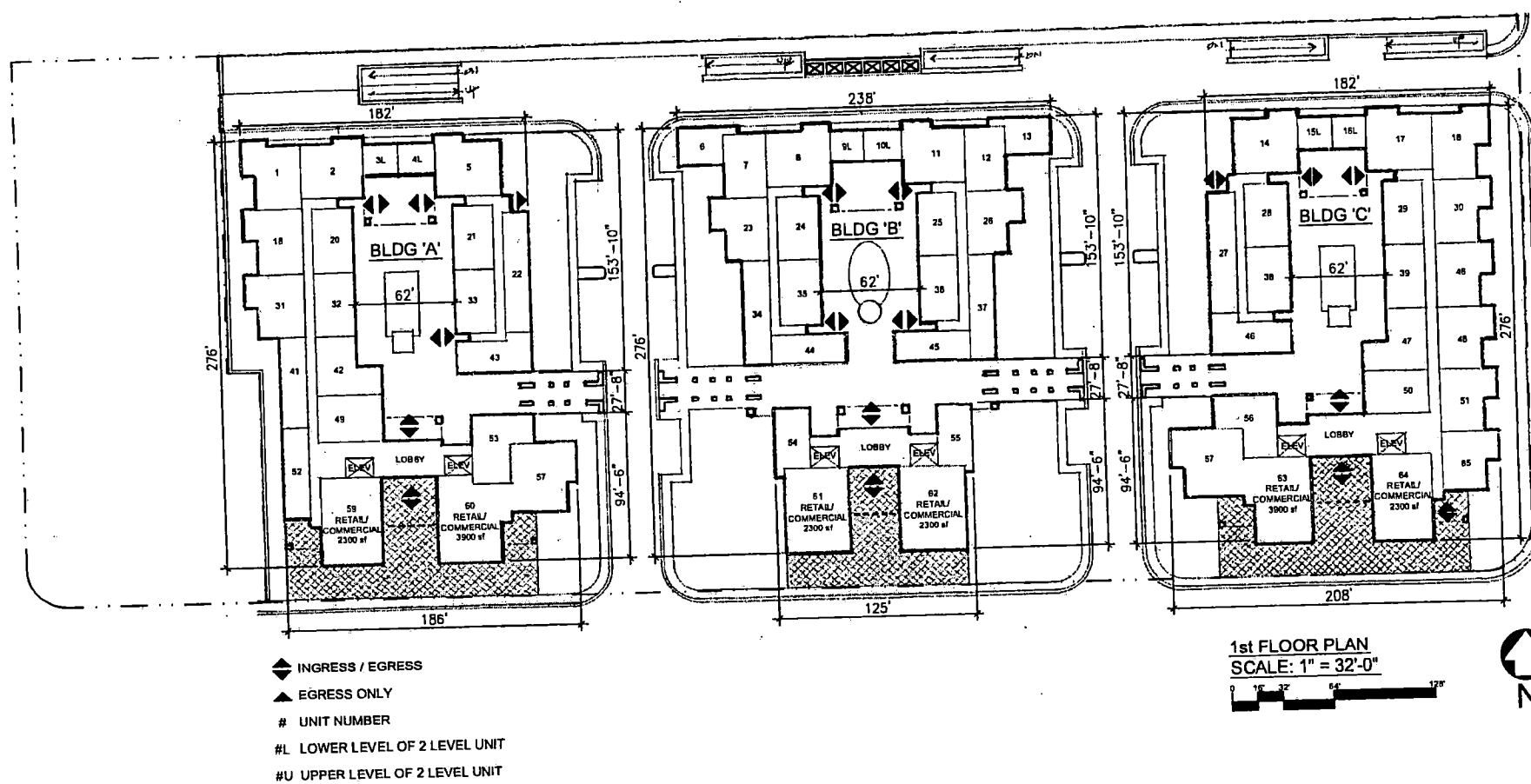
**SDR-5779
01/27/05 PC**

**NEW CONDOMINIUMS
@ 3100 & 3150 W. SAHARA AVENUE**

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VIA LAST MODIFIED BY: TROBRIAN BULLER

CONDOMINIUMS @ 3100 & 3150 W. SAHARA



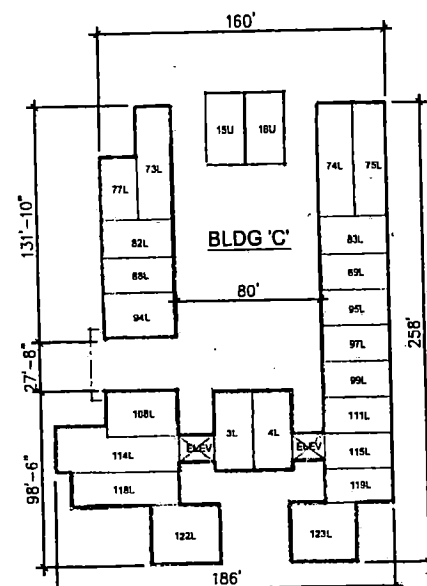
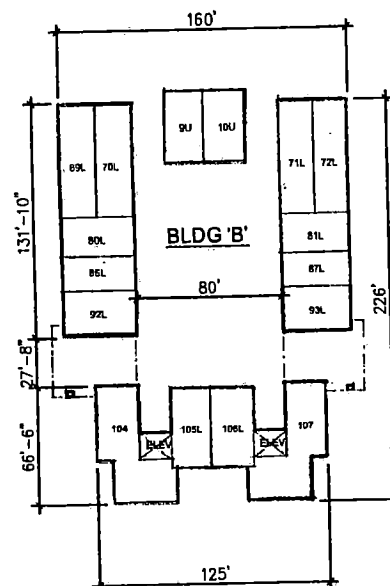
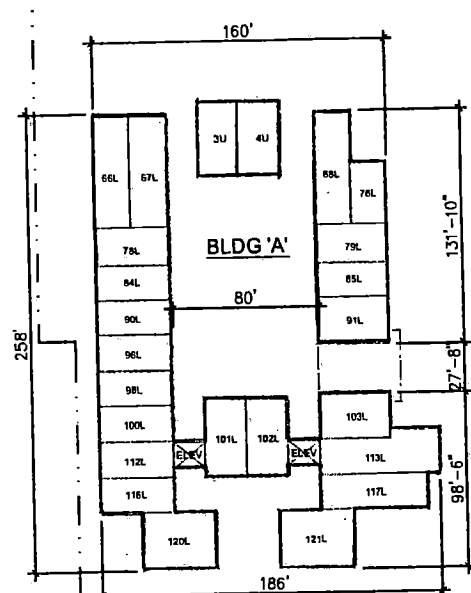
**NEW CONDOMINIUMS
@ 3100 & 3150 W. SAHARA AVENUE**

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THIS PLAN REVISIONS BY: 11/20/05

**SDR-5779
01/27/05 PC**

**CONDOMINIUMS @
3100 & 3150 W. SAHARA**



UNIT NUMBER
#L LOWER LEVEL OF 2 LEVEL UNIT
#U UPPER LEVEL OF 2 LEVEL UNIT

2nd FLOOR PLAN
SCALE: 1" = 32'-0"



NEW CONDOMINIUMS
@ 3100 & 3150 W. SAHARA AVENUE



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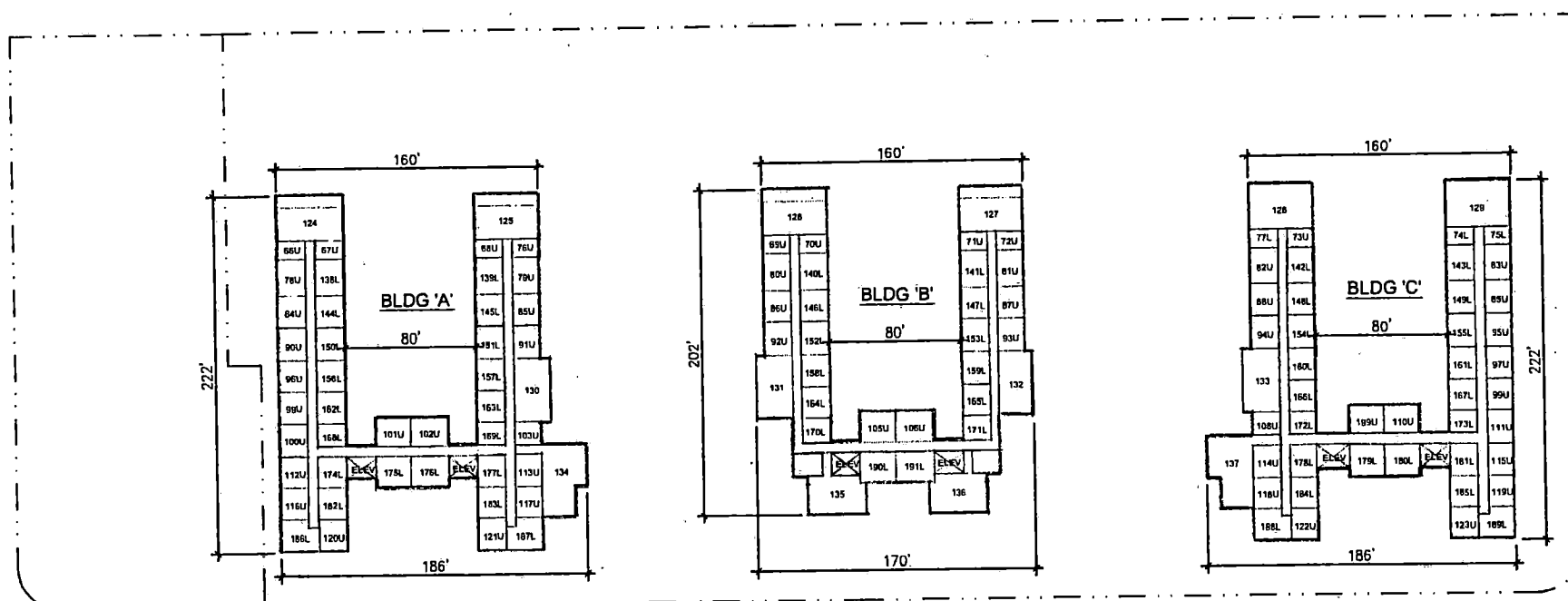
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ST. AUGUSTINE, FL. WINDWARD, BARTON

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SDR-5779
01/27/05 PC

CONDOMINIUMS @ 3100 & 3150 W. SAHARA



UNIT NUMBER
#L LOWER LEVEL OF 2 LEVEL UNIT
#U UPPER LEVEL OF 2 LEVEL UNIT

3rd FLOOR PLAN
SCALE: 1" = 32'-0"



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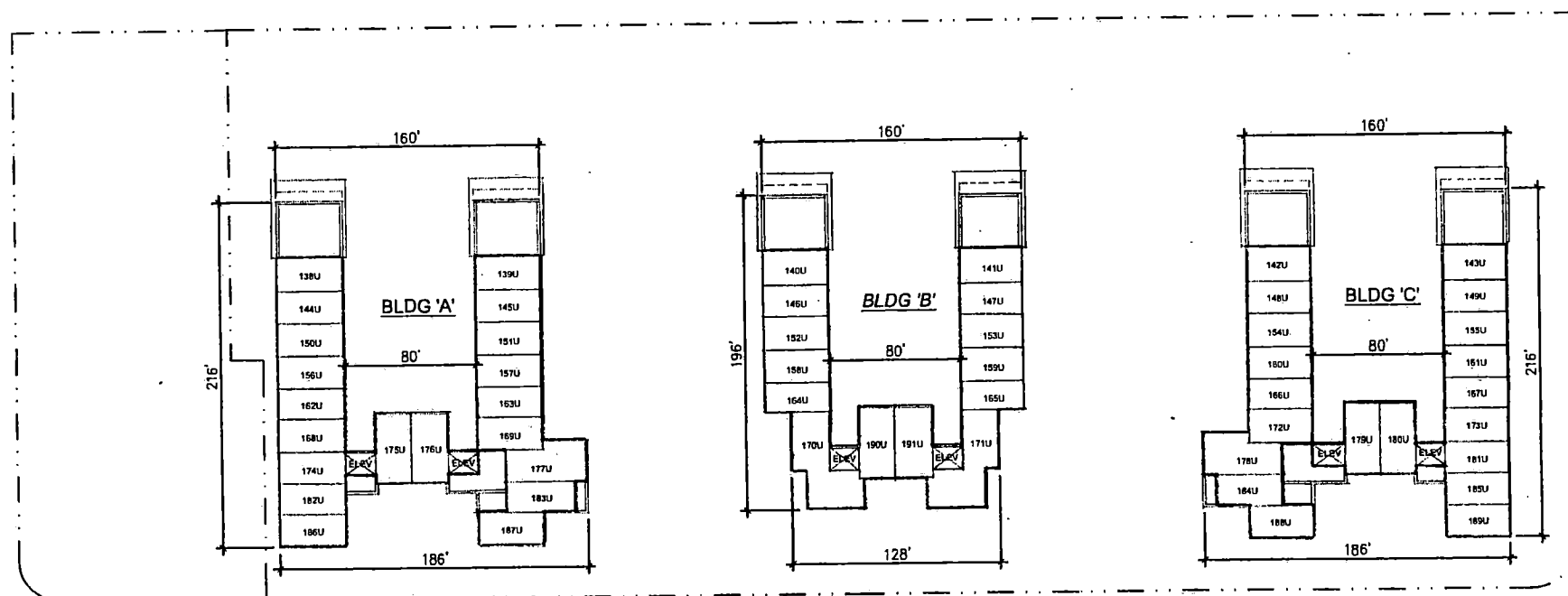
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01/27/05 PC

**NEW CONDOMINIUMS
@ 3100 & 3150 W. SAHARA AVENUE**

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DATE: December 13, 2004 at 4:48pm PROJECT NUMBER: 04128 FILE NAME: 010107.344.000
HAS LAST MODIFIED BY: MICHAEL B. WAGNER

CONDOMINIUMS @ 3100 & 3150 W. SAHARA



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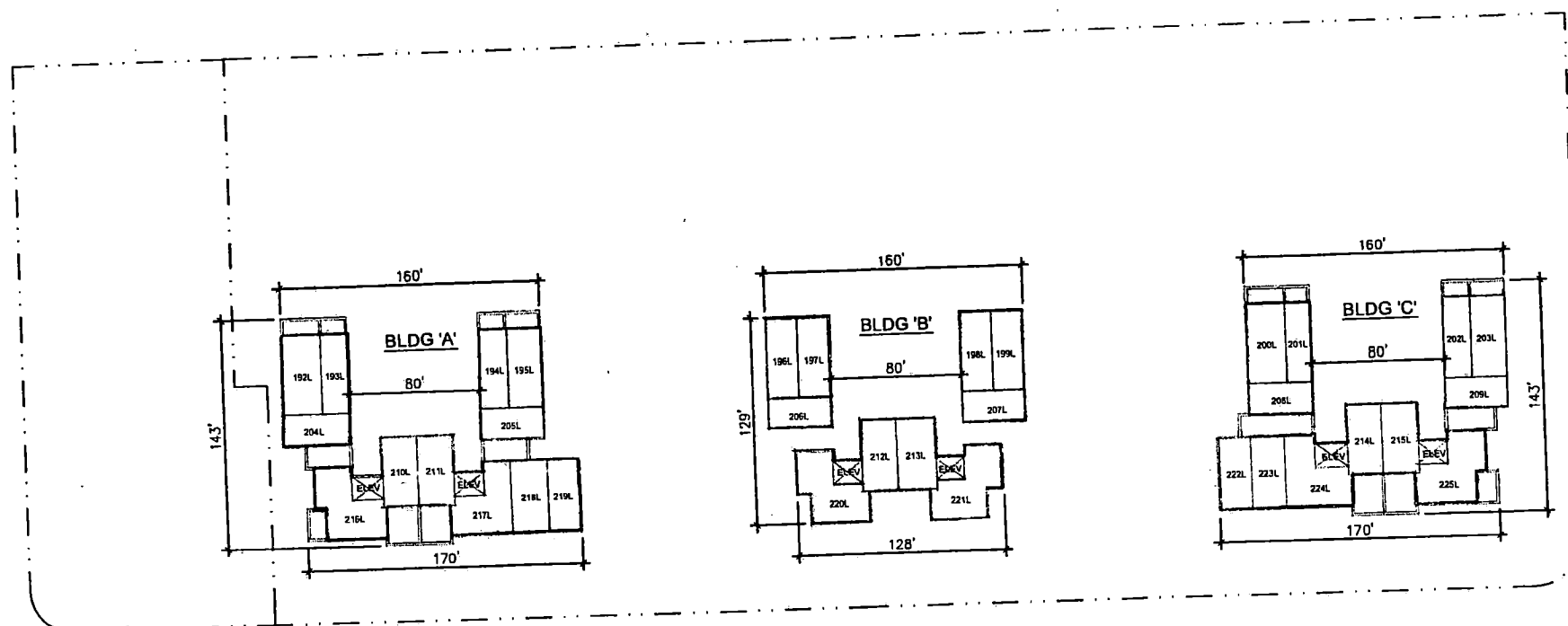
**SDR-5779
01/27/05 PC**

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@ 3100 & 3150 W. SAHARA AVENUE**

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DATE: 01/27/05 11:20:00 AM PROJECT NUMBER: 04108 FILE NAME: 04108_04108.dwg
PLOT LAST MODIFIED BY: TECHNICIAN, Burtin

CONDOMINIUMS @ 3100 & 3150 W. SAHARA



UNIT NUMBER
#L LOWER LEVEL OF 2 LEVEL UNIT
#U UPPER LEVEL OF 2 LEVEL UNIT

5th FLOOR PLAN
SCALE: 1" = 32'-0"



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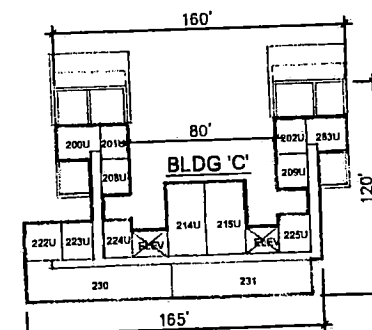
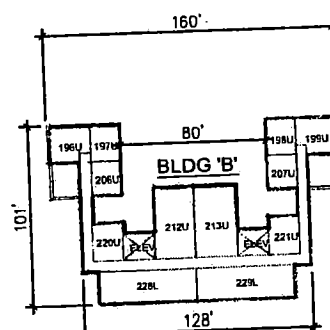
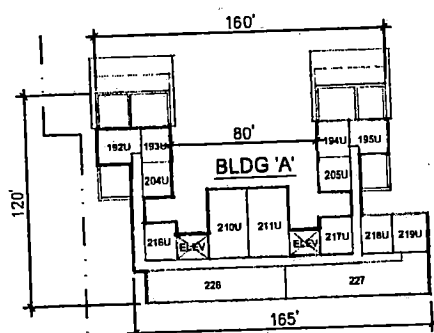
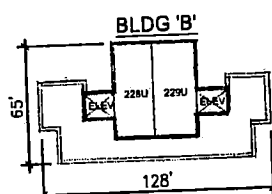
SDR-5779
01/27/05 PC

**NEW CONDOMINIUMS
@ 3100 & 3150 W. SAHARA AVENUE**

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DATE: December 15, 2004 4:00 PM
NOT LAST REVISION BY TECHNICIAN B-14

CONDOMINIUMS @ 3100 & 3150 W. SAHARA



UNIT NUMBER
#L LOWER LEVEL OF 2 LEVEL UNIT
#U UPPER LEVEL OF 2 LEVEL UNIT

6th FLOOR PLAN
SCALE: 1" = 32'-0"



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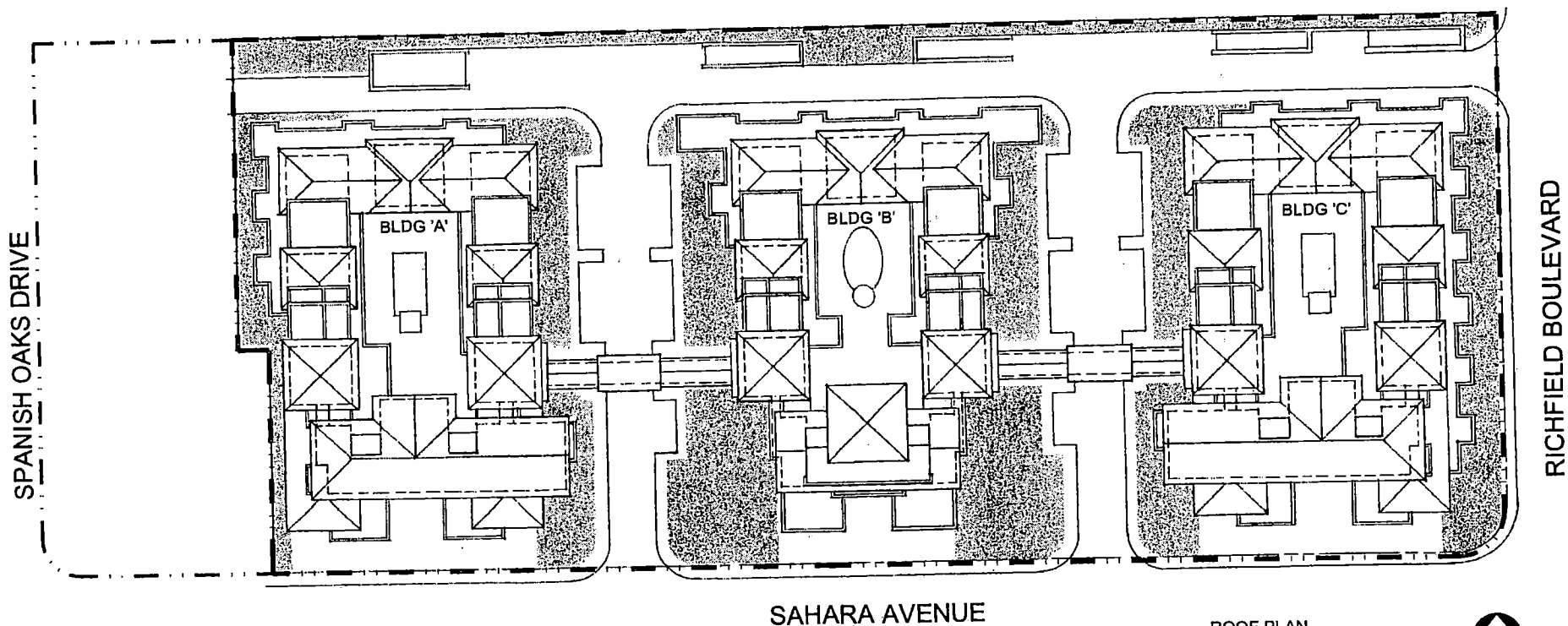
**NEW CONDOMINIUMS
@ 3100 & 3150 W. SAHARA AVENUE**

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**CONDOMINIUMS @
3100 & 3150 W. SAHARA**



ROOF PLAN
SCALE: 1" = 32'-0"



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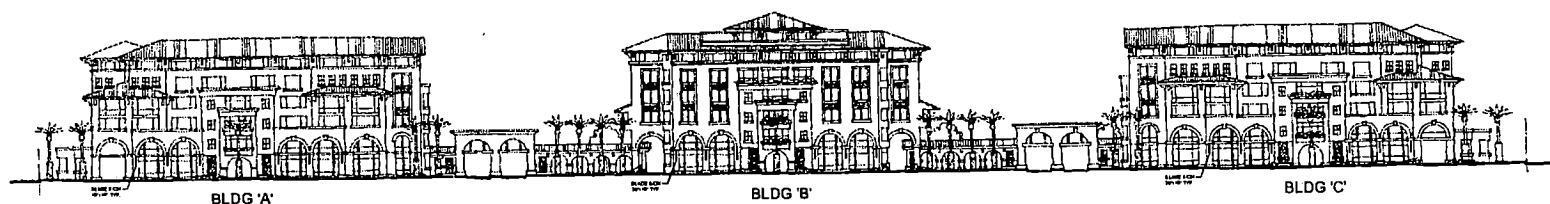
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@ 3100 & 3150 W. SAHARA AVENUE**

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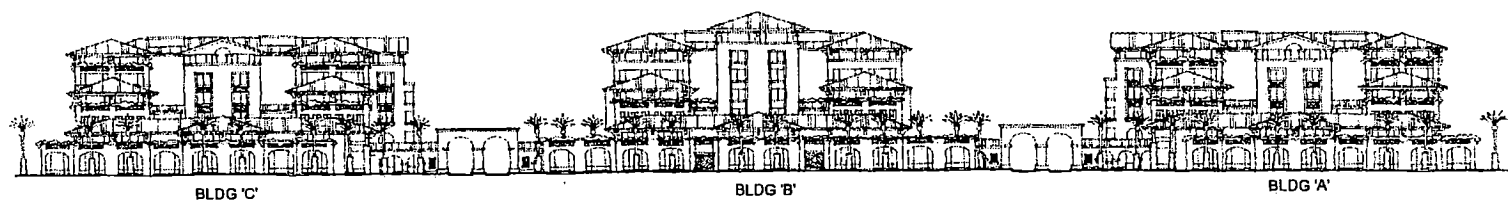
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**SUP-5783
SDR-5779
01/27/05 PC.**

**CONDOMINIUMS @
3100 & 3150 W. SAHARA**



**SOUTH ELEVATION
'FRONT' - SAHARA BLVD.**



**NORTH ELEVATION
'REAR' - RESIDENTIAL
SCALE: 1" = 32'-0"**

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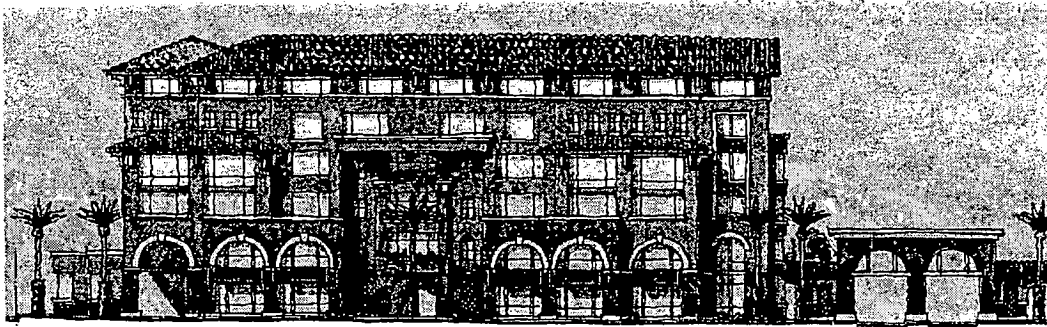
**NEW CONDOMINIUMS
@ 3100 & 3150 W. SAHARA AVENUE**

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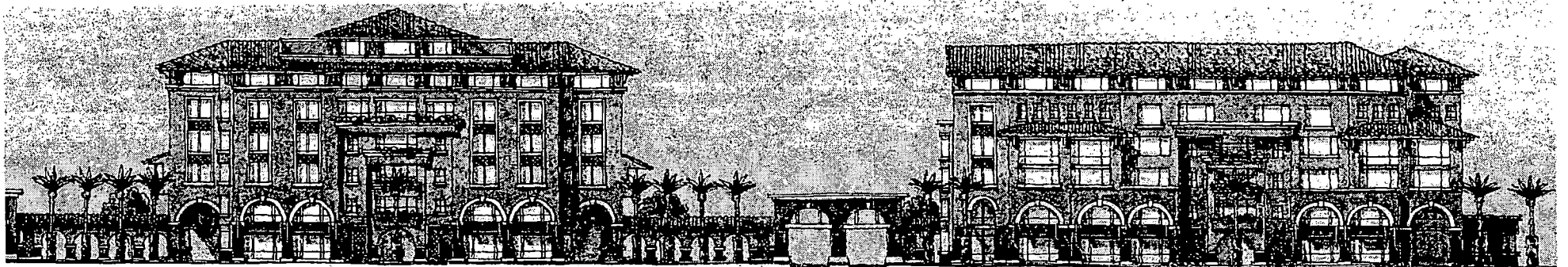
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SDR-5779
01/27/05 DC**

DATE: December 13, 2004 at 4:17pm PROJECT NUMBER: 04128 FILE NAME: 04128_001.dwg
WAS LAST MODIFIED BY: TERRY BURTON

**CONDOMINIUMS @
3100 & 3150 W. SAHARA**



BLDG 'A'



BLDG 'B'

BLDG 'C'

SOUTH ELEVATION
'FRONT' - SAHARA BLVD.
SCALE: 1" = 16'-0"



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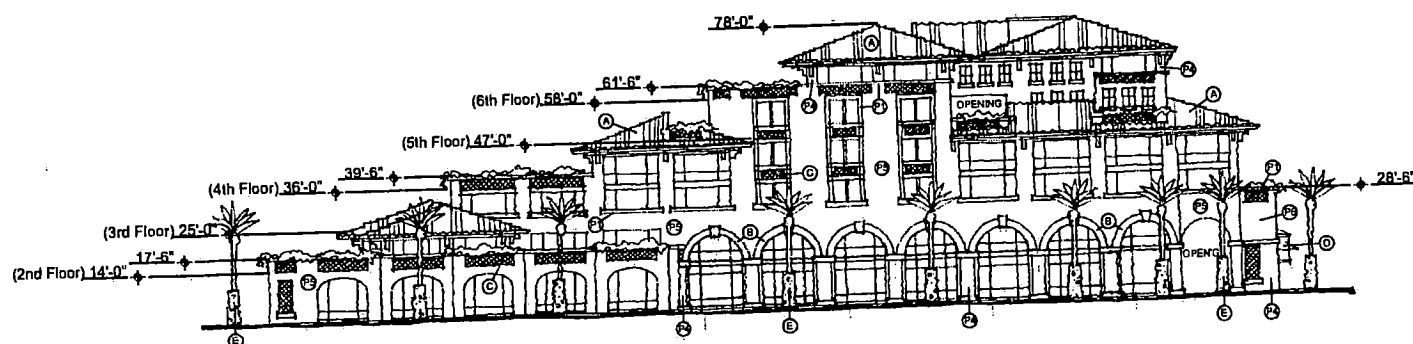
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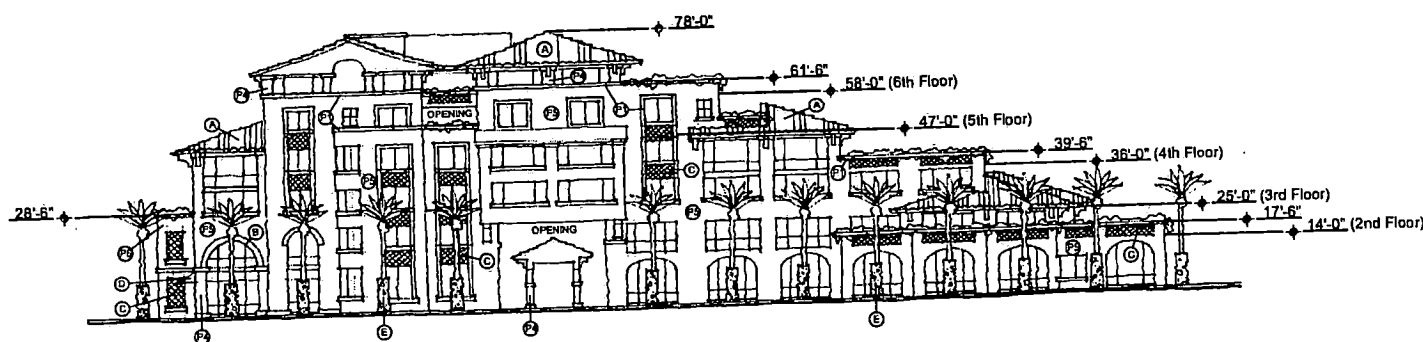
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**SUP-5783
SDR-5779
01/27/05 DC**

CONDOMINIUMS @ 3100 & 3150 W. SAHARA



BLDG 'A'
WEST ELEVATION



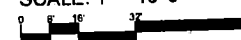
BLDG 'A'
EAST ELEVATION
SCALE: 1" = 16'-0"

PAINT ON ARCHITECTURAL SMOOTH STUCCO

- ① DE 6219 CRYSTAL HAZE
- ② DE 5324 FINE SAND
- ③ OE C777 MEADOW WOOD
- ④ DE 5181 GEORGIA CLAY
- ⑤ DE 5325 REGENCY CREAM
- ⑥ DE 5326 ROOT BEER FLOAT

MATERIALS

- ① DELANO CLAY TILE - SEVILLE MIXTURE
- ② STONE COMPOSITE ARCH SURROUND
- ③ STACKED CLAY TILE RAILING ACCENT
- ④ SUNBRELLA AWNING - FOREST GREEN
- ⑤ GREENSCREEN w/ FLOWER VINES



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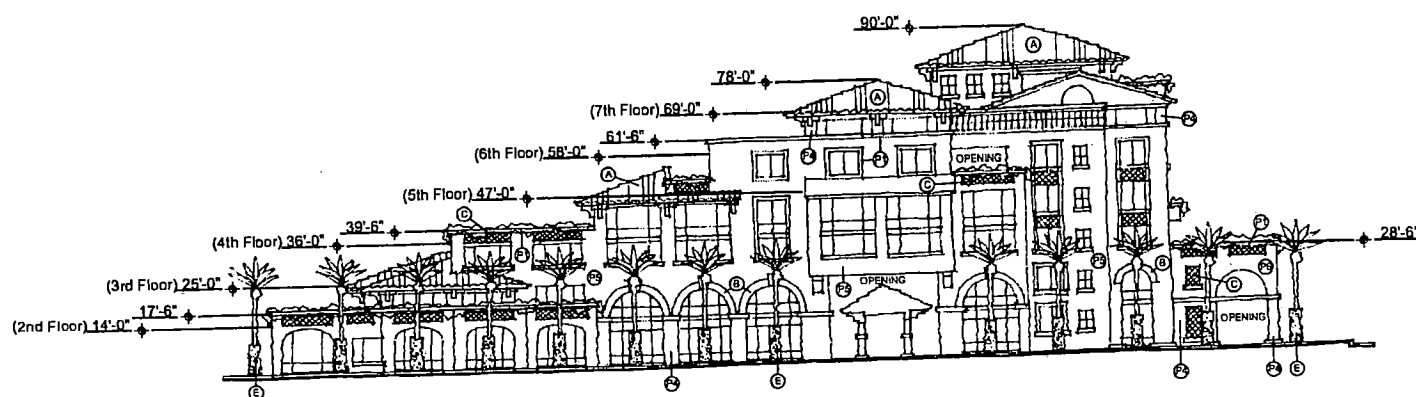
NEW CONDOMINIUMS
@ 3100 & 3150 W. SAHARA AVENUE

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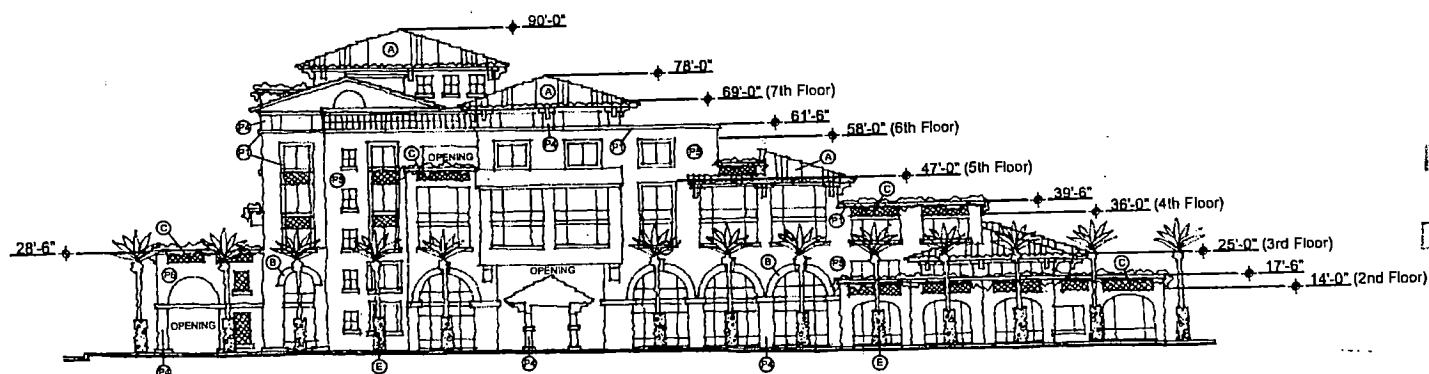
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CONDOMINIUMS @ 3100 & 3150 W. SAHARA



BLDG 'B'
WEST ELEVATION



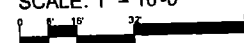
BLDG 'B'
EAST ELEVATION
SCALE: 1" = 16'-0"

PAINT ON ARCHITECTURAL SMOOTH STUCCO

- ① DE 6219 CRYSTAL HAZE
- ② DE 5324 FINE SAND
- ③ DE C777 MEADOW WOOD
- ④ DE 5181 GEORGIA CLAY
- ⑤ DE 5325 REGENCY CREAM
- ⑥ DE 5326 ROOT BEER FLOAT

MATERIALS

- ① DELANO CLAY TILE - SEVILLE MIXTURE
- ② STONE COMPOSITE ARCH SURROUND
- ③ STACKED CLAY TILE RAILING ACCENT
- ④ SUNBRELLA AWNING - FOREST GREEN
- ⑤ GREENSCREEN w/ FLOWER VINES



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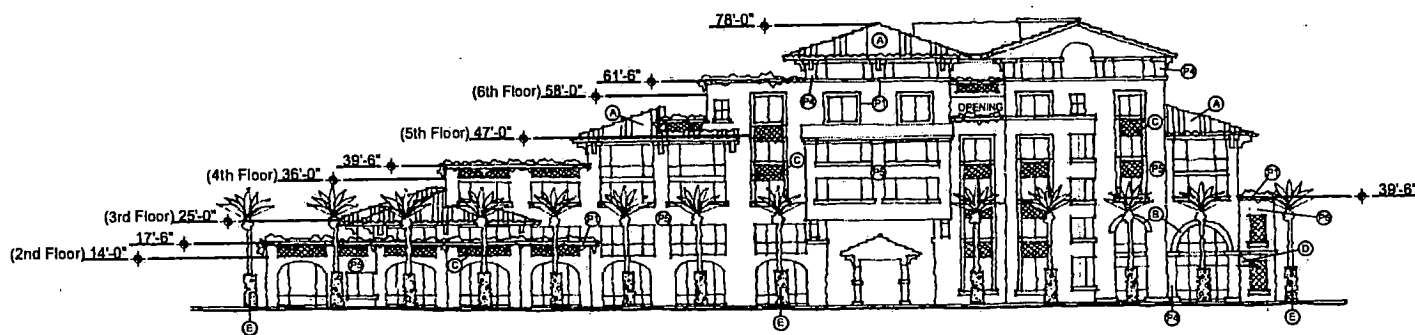
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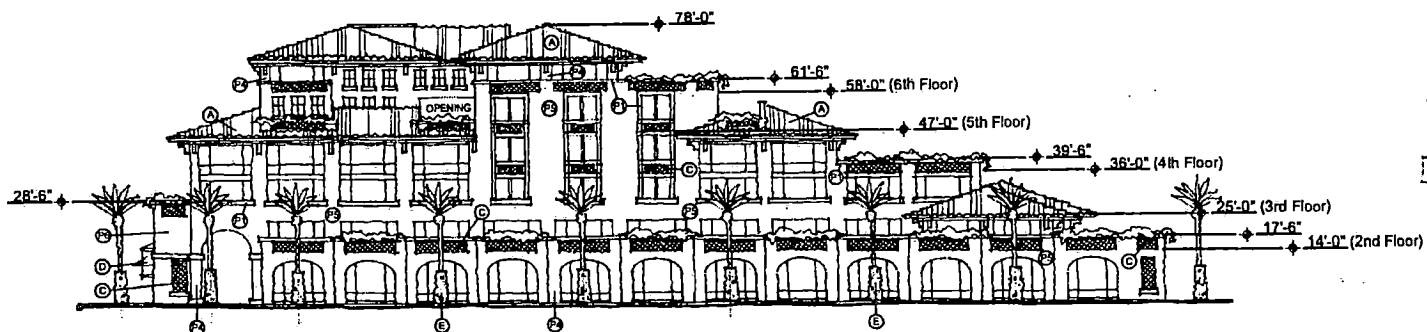
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**SUP-5783
SDR-5779
01/27/05 PC.**

**CONDOMINIUMS @
3100 & 3150 W. SAHARA**



**BLDG 'C'
WEST ELEVATION**



PAINT ON ARCHITECTURAL SMOOTH STUCCO

- ① DE 6219 CRYSTAL HAZE
- ② DE 5324 FINE SAND
- ③ DE C777 MEADOW WOOD
- ④ DE 5181 GEORGIA CLAY
- ⑤ DE 5325 REGENCY CREAM
- ⑥ DE 5326 ROOT BEER FLOAT

MATERIALS

- ① DELANO CLAY TILE - SEVILLE MIXTURE
- ② STONE COMPOSITE ARCH SURROUND
- ③ STACKED CLAY TILE RAILING ACCENT
- ④ SUNBRELLA AWNING - FOREST GREEN
- ⑤ GREENSCREEN w/ FLOWER VINES

**EAST ELEVATION
SCALE: 1" = 16'-0"**



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**NEW CONDOMINIUMS
@ 3100 & 3150 W. SAHARA AVENUE**



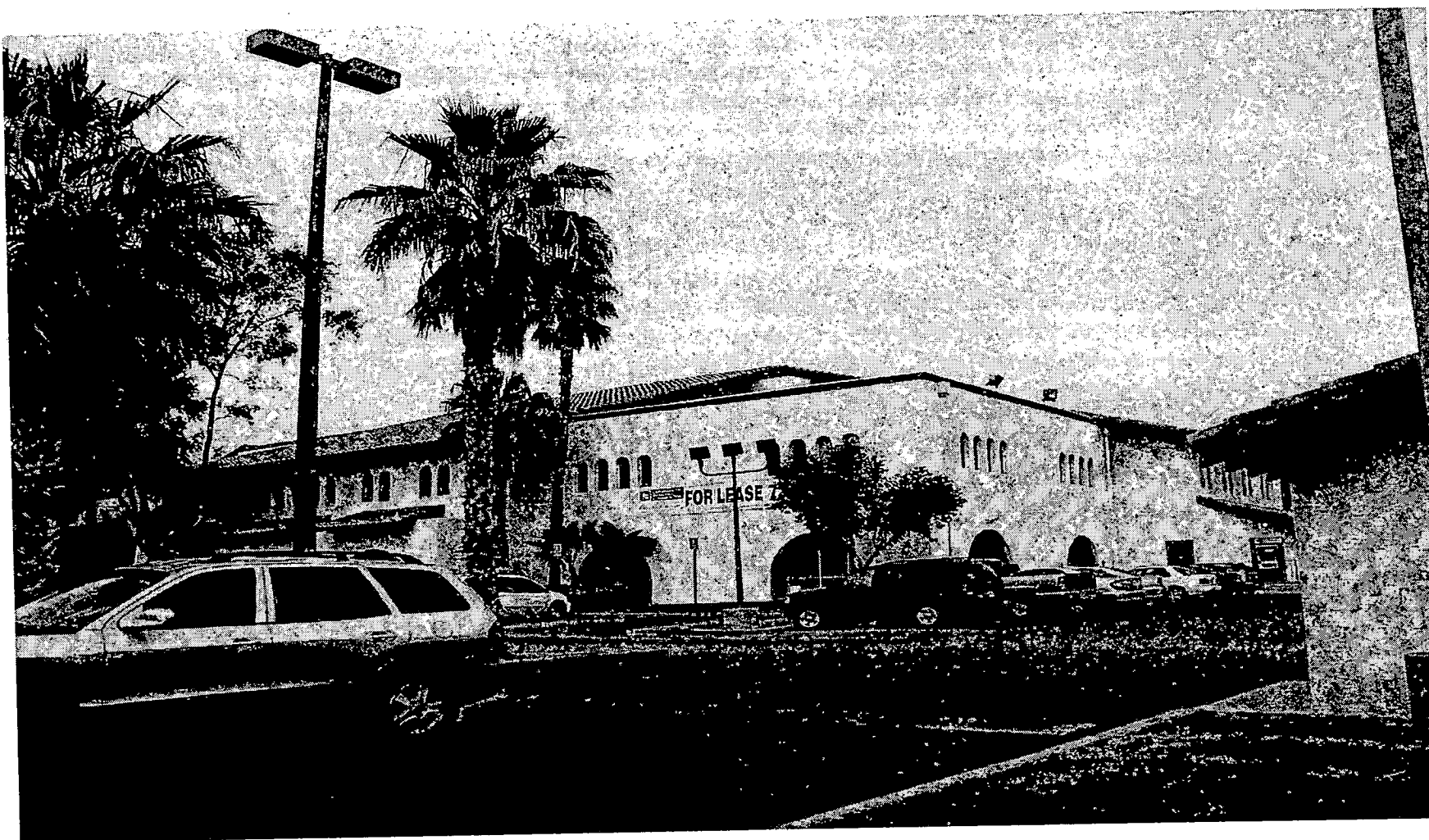
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**SUP-5783
SDR-5779
01/27/05 PC**



SDR-5779 - APPLICANT: JLM REALTY - OWNER: SPANISH OAKS PLAZA LIMITED PARTNERSHIP, ET
AL
NORTHWEST CORNER OF SAHARA AVENUE AND RICHFIELD BOULEVARD
JANUARY 27, 2005 PLANNING COMMISSION

1/6/05



SDR-5779 - APPLICANT: JLM REALTY - OWNER: SPANISH OAKS PLAZA LIMITED PARTNERSHIP, ET
AL
NORTHWEST CORNER OF SAHARA AVENUE AND RICHFIELD BOULEVARD
JANUARY 27, 2005 PLANNING COMMISSION

1/6/05



SDR-5779 - APPLICANT: JLM REALTY - OWNER: SPANISH OAKS PLAZA LIMITED PARTNERSHIP, ET
AL
NORTHWEST CORNER OF SAHARA AVENUE AND RICHFIELD BOULEVARD
JANUARY 27, 2005 PLANNING COMMISSION

1/6/05

Architecture
Interior Design

WESTAR
ARCHITECTS

December 8, 2004

City of Las Vegas
Development Services Center
Planning & Development Dept.
731 South Fourth Street
Las Vegas, NV 89101

RE: Condominiums @ Sahara and Spanish Oaks
3100 – 3150 West Sahara Avenue
APN: 162-05-403-002 & 003

To Whom It May Concern,

Please accept this letter as justification for the above referenced property.

Our client is requesting a Site Development Plan Review with a Special Use Permit for a three building, seven story, 316,445 square feet residential condominium complex with ground level, 17,000 square feet of non-residential commercial development (offices, retail, etc) facing Sahara Avenue. Our client is also requesting a waiver of the non-residential commercial requirement on the ground-level to allow for a residential development on the ground-level behind the non-residential commercial development. This project is providing 447 parking spaces, surface and below grade, which is in compliance with zoning will be part of this project providing adequate parking for the project.

This project is located in The City of Las Vegas Redevelopment Area at the Northwest corner of Sahara Avenue and Richfield Boulevard on 6.65 net acres. It is bounded by residential to the north (Spanish Oaks) and commercial to the east, south and west.

The project has been designed as a mixed-use development, to enhance the urban environment of the area. It calls upon a *Santa Barbara Mission* style architecture to provide unique flavor to the development. The architecture is both livable and identifiable, without the uncomfortable forms that are prevalent within the modern day urban context. This housing is livable and it will contribute to Las Vegas as a needed component in the housing market and the Las Vegas valley. It promotes the mid-rise, mid priced, condominium development.

To enhance the development of the site, the commercial component will be promoted as professional office units. In its current configuration, the interest in these units is seen coming from existing tenants in the building and neighboring office buildings, and the owners of the condominiums contained within the proposed development. To date, interest in this type of development, a lower density non-high-rise configuration, has been significant.

RECEIVED

REVISED
12.28.04

DEC 28 2004

SDR 5979

WESTAR Architects, Inc.

701 bridger ave., suite 400 las vegas, nv 89101 phone: 702:878.0000 fax: 702:878.8430 email: info@wagnarchitects.com

It is the concern of the Owner to present this project to the City of Las Vegas without variances. Accordingly the project, as currently designed, is within the envelope created by the Residential Adjacency Standards to the north, and the vertical setbacks from a major arterial to the south. The project meets or exceeds all required building setbacks as prescribed by the City Zoning Ordinances.

This project will be a benefit to the redevelopment of the West Sahara corridor. It is not only a positive contribution to this section of the City, but will enhance residential property values in the immediate area and serve as buffer for the existing Spanish Oaks community to the north. It will provide a transition in use and density that is not present at this time.

We have met with Ms. Margo Wheeler, Deputy Director, Planning and Development Department, to review this project as presented. At that time Ms. Wheeler verified her acceptance of the mix of the commercial office component with the residential component at the grade level. We are attaching her notes on the plan for reference.

We look forward to the injection of this exciting, new and relevant housing product to the Las Vegas market to the benefit of both the unit owners, Spanish Oaks community and the City of Las Vegas.

Thank you for your consideration in this matter.

Yours truly,
WESTAR Architects



Dee Frandsen
Project Manager

File: V/2004Projects/04128/Correspondence/SiteReviewComm

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: JANUARY 27, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SUP-5739 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: XIAO PING WANG, LLC - OWNER: CHARLESTON HEIGHTS SHOPPING CENTER -
 Request for a Special Use Permit FOR A PROPOSED MASSAGE ESTABLISHMENT AND A
 WAIVER OF THE REQUIRED 400-FOOT DISTANCE SEPARATION FROM A CHILD
 CARE FACILITY AND RESIDENTIAL ZONING at 570 South Decatur Boulevard (APN 138-
 36-701-018), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief).

IF APPROVED: C.C.: 03/02/05

IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
 City Council Meeting

1

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
 City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter
5. Submitted at Meeting – Petition of opposition from Greg Johnson

MOTION:

TRUESDELL – APPROVED subject to conditions and adding the following conditions:

- *There shall be no signage on the rear of the building.*
- *There shall be no customer access from the rear of the building.*

– UNANIMOUS with McSWAIN abstaining because her company, Terra Contracting,
 does work for the Beckers, who own the shopping center and DAVENPORT abstaining
 because the Beckers are his neighbors

To be heard by City Council 3/02/2005

MINUTES:

CHAIRMAN NIGRO declared the Public Hearing open.

PLANNING COMMISSION MEETING OF JANUARY 27, 2005
Planning and Development Department
Item 72 – SUP-5739

MINUTES – Continued:

STEVE SWANTON, Planning & Development Department, gave a detailed overview of the application.

EDDIE RAINES, Rainman Consulting, 3516 Flinthead Drive, appeared on behalf of the applicant and concurred with all conditions.

FRANCIS THOMAS, Director, A Small Wonder Preschool, 5100 Alta Drive and TRUDE and GREG JOHNSON, Co-owners, A Small Wonder Preschool 7669 Keating Circle, submitted a petition of opposition and voiced concerns over the increased traffic this project would produce. Traffic affects the children of the preschool when walking for field trips, the parents driving the children to and from the school and would endanger the pedestrian traffic from the housing across the street. They also felt the usage of this application would diminish the hard work and renovations recently completed within the older neighborhood.

MR. RAINES informed the Commission that the application is for an establishment with six treatment rooms. The traffic generated by the usage would not substantially increase the traffic in this established shopping center. CHAIRMAN NIGRO agreed that the shopping center traffic would not be greatly intensified.

COMMISSIONER McSWAIN confirmed with MR. RAINES that the applicant is a licensed, professional massage therapist and has operated other establishments without incident. The use would be for massage only and no other spa treatments would be offered.

VICE CHAIRMAN TRUESDELL suggested that conditions be added that no signage or customer access be allowed on the rear side of the building facing the residential area. The applicant concurred with the additional conditions.

CHAIRMAN NIGRO declared the Public Hearing closed.

(10:27 – 10:39)

3-2637

CONDITIONS:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for the Massage Establishment use.
2. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

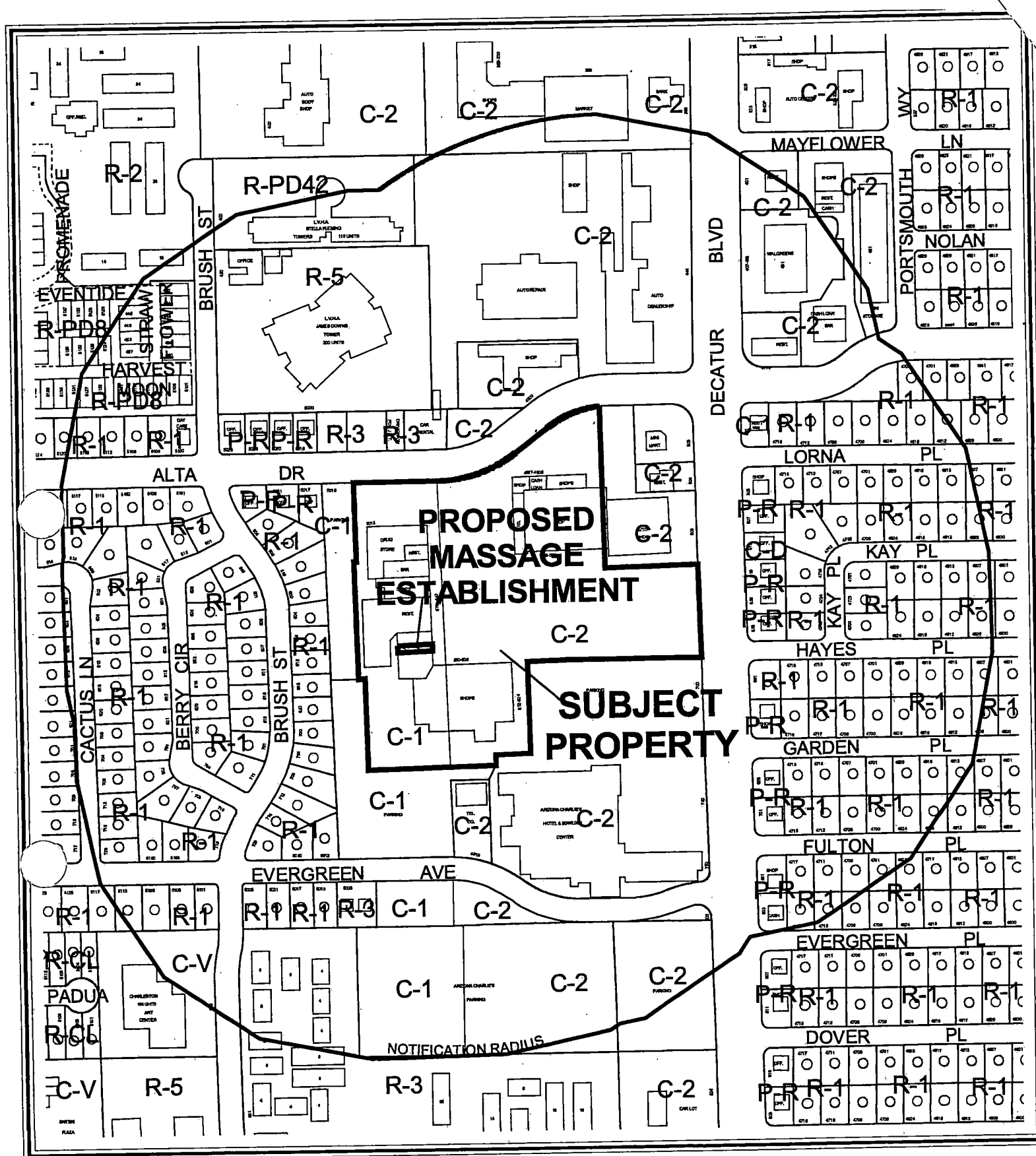
PLANNING COMMISSION MEETING OF JANUARY 27, 2005
Planning and Development Department
Item 72 – SUP-5739

CONDITIONS – Continued:

3. All City Code requirements and design standards of all City departments must be satisfied.
4. A Waiver is approved to the distance separation standard from residential uses.

C

C



CASE: SUP-5739

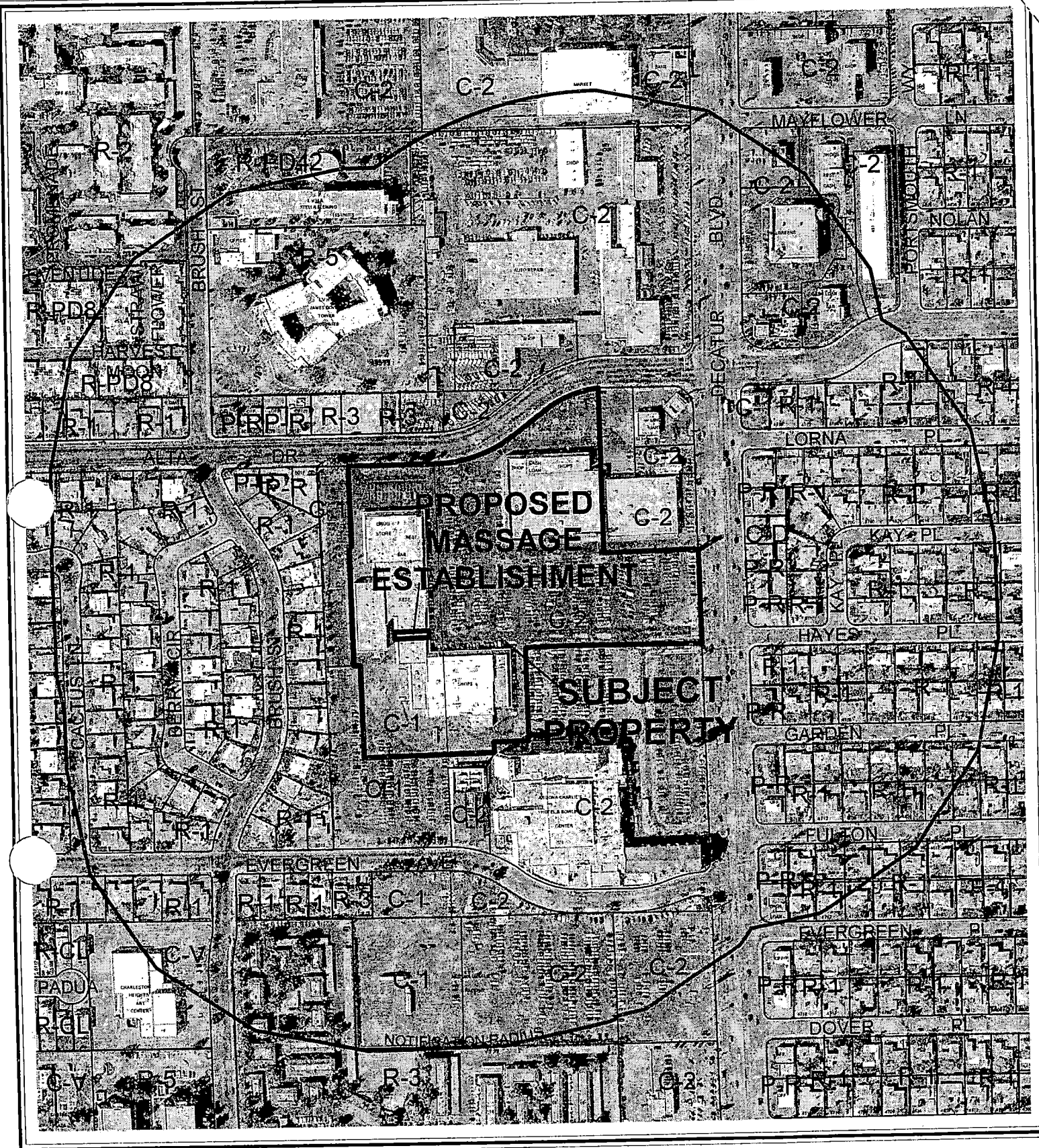
RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

C-1 (LIMITED COMMERCIAL) AND C-2 (GENERAL COMMERCIAL)

0 300 600 Feet





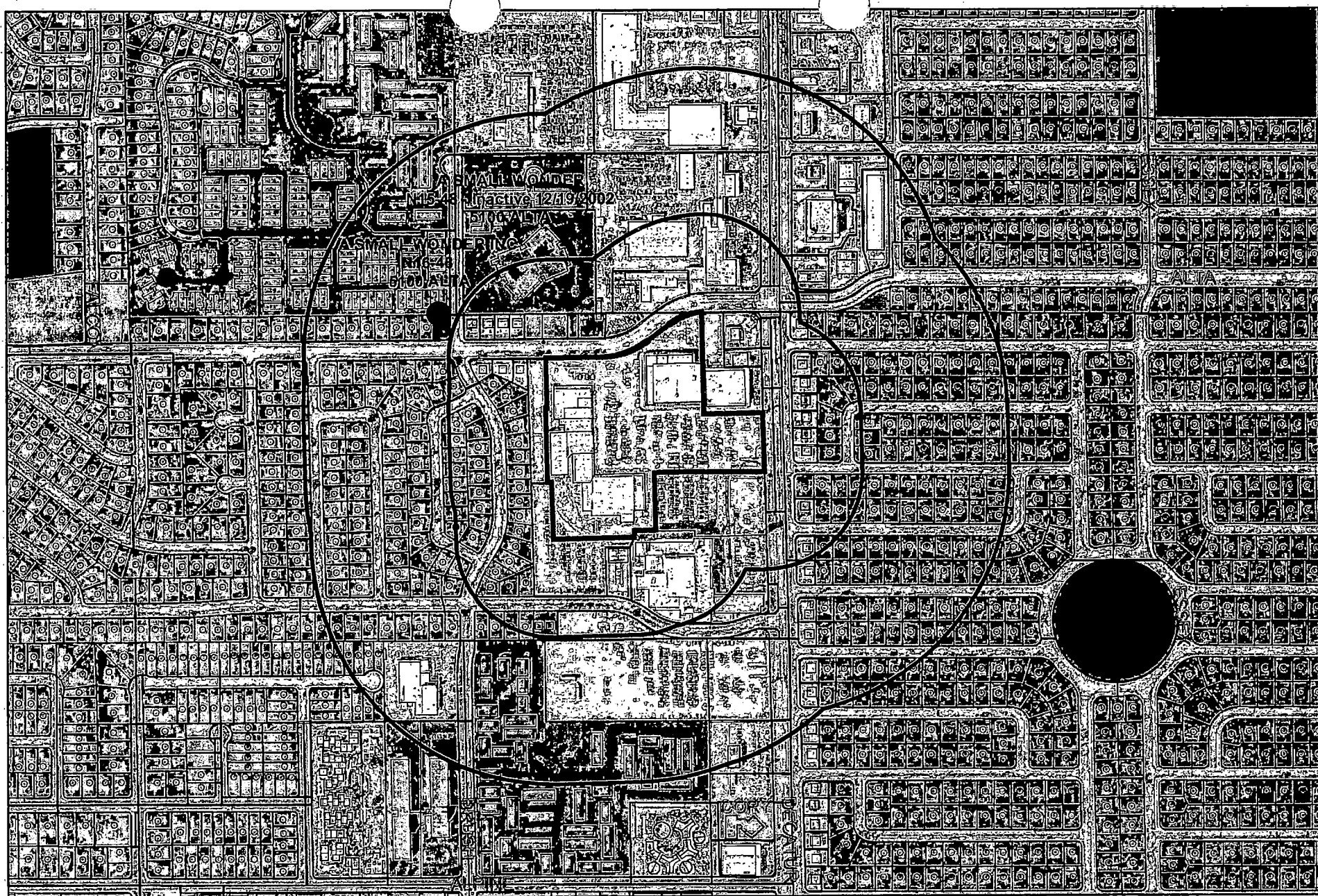
CASE: SUP-5739

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

C-1 (LIMITED COMMERCIAL) AND C-2 (GENERAL COMMERCIAL)





SUP-5739
Message Establishment

Business Licenses

- Massage Establishment
- Child Care/
Children Facility

Protected Landuses

- RELIGIOUS
- SCHOOLS
- PARKS

- Subject Property
- Residential Property
- Buffer

0 335 670 1,340 Feet



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JANUARY 27, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-5739 - APPLICANT: XIAO PING WANG, LLC -

OWNER: CHARLESTON HEIGHTS SHOPPING CENTER

**** CONDITIONS ****

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

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for the Massage Establishment use.
2. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
3. All City Code requirements and design standards of all City departments must be satisfied.
4. A Waiver is approved to the distance separation standard from residential uses.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Special Use Permit for a proposed Massage Establishment and a waiver of the required 400-foot distance separation from a Child Care Facility and residential zoning at 570 South Decatur Boulevard.

B) Applicant's Justification

The applicant justifies this application by stating that their previous location, 5000 West Oakley Boulevard, Suite D-2, is no longer lucrative and offers no room for expansion, as well as being severely handicapped by the limited number of parking spaces and no exposure to a major thoroughfare. The applicant believes the business change of location will benefit both themselves and the customers of Arizona Charlie's Hotel & Casino and the adjacent hair and nail salon. The applicant also states that by permitting this use it will increase employment opportunities and will not impact the total number of massage establishments.

BACKGROUND INFORMATION

A) Previous Actions

04/12/61	The City Council approved a Rezoning (Z-0053-60) to C-1 (Limited Commercial) on this site as part of a larger request. The Planning Commission recommended approval subject to amendments to the application on 01/24/61
10/19/83	The City Council approved a Site Development Plan Review (Z-0053-60) for a proposed addition to an existing shopping center. The Planning Commission recommended approval on 10/13/83.
12/21/93	The Planning Commission approved a Site Development Plan Review [Z-0053-60(2)] for a proposed 22,000 square-foot addition to an existing shopping center located at 560 South Decatur Boulevard.
02/10/94	The Planning Commission approved a request for a Review of Condition [Z-0053-60(3)] regarding landscaping along the west property line and to revise the parking layout on property located at 560 South Decatur Boulevard.

SUP-5739 - Staff Report Page Two
January 27, 2005 - Planning Commission Meeting

09/05/01 The City Council approved a Special Use Permit (U-0109-01) for an automobile rental facility at 5013 Alta Drive. The Planning Commission recommended approval on 08/09/01.

B) Pre-Application Meeting

12/01/04 A pre-application conference was held, resulting in the following comments:

1. A waiver of condition #3 for Massage Establishment will be required.
2. Within 200 feet of residential zoned property and a child care/ pre-school (N16-00048 & N15-00048).
3. Submittal requirements for a Special Use Permit were discussed.

C) Neighborhood Meetings

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

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 11.6

B) Existing Land Use

Subject Property: Established Commercial Center
North: Residential Office Conversions
Housing Authority Apartment Units
Fletcher Jones Auto Dealership
South: Arizona Charlie's Hotel & Casino
East: Residential Office Conversions
West: Single Family Dwellings
Residential Office Conversions

C) Planned Land Use

Subject Property: SC (Service Commercial)
North: GC (General Commercial)
SC (Service Commercial)
H (High Density Residential)
South: GTC (General Tourist Commercial)
East: SC (Service Commercial)
West: SC (Service Commercial)
L (Low Density Residential)

SUP-5739 - Staff Report Page Three
January 27, 2005 - Planning Commission Meeting

D) Existing Zoning

Subject Property: C-1 (Limited Commercial)
 C-2 (General Commercial)
 North: C-2 (General Commercial)
 P-R (Professional Office and Parking)
 R-3 (Medium Density Residential)
 R-5 (Apartment)
 South: C-1 (Limited Commercial)
 C-2 (General Commercial)
 East: O (Office)
 P-R (Professional Office and Parking)
 West: P-R (Professional Office and Parking)
 R-1 (Single Family Residential)

E) General Plan Compliance

This site is designated as SC (Service Commercial) on the Southeast Sector Land Use Map of the General Plan. The Service Commercial category allows low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons. The proposed massage establishment use is in conformance with the guidelines of the SC (Service Commercial) General Plan designation.

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

Airport Overlay District

The Airport Overlay District constitutes a planned area in which no structure shall be erected, altered or maintained on any parcel within the boundaries of the Airport Overlay District that would violate the height limitations depicted in the maps adopted by Title 19. All development within the airspace above the height of thirty five feet above the surface of the land, lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces, shall be subject to the height standards established on the Airport Overlay Maps. The existing structures stands well below the 175-foot height restriction imposed by the north Las Vegas Airport Overlay District map.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

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

Uses	GFA	Required			Provided	
		Ratio	Parking		Parking	
			Regular	Handicap	Regular	Handicap
Massage Establishment	6 Treatment Rooms	Two spaces per massage room, table or chair, with a minimum of six spaces	11	1	1,408	22

The proposed massage establishment will be located within an established commercial center that has ample parking. In addition, the commercial center shares additional parking with Arizona Charlie's Hotel & Casino.

A2) Minimum Distance Separation Requirements

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

Standards	Code Requirement	Provided
Massage Establishment	May not be located within 400 feet of any church, synagogue, school, city park, child care facility, or any parcel zoned for residential use	Single Family Dwellings are within 75 feet of the subject property
	May not be located within 1,000 feet of any other massage establishment	Yes

B) General Analysis and Discussion

• **Zoning**

The subject property is zoned C-1 (Limited Commercial). The Massage Establishment use is permitted in this zoning district with approval of a Special Use Permit.

SUP-5739 - Staff Report Page Five
January 27, 2005 - Planning Commission Meeting

- Use

The proposed Massage Establishment would occupy a tenant space within the in an established commercial center located on the southwest corner of Decatur Boulevard and Alta Avenue. The type of massage that would be practiced has been claimed to be strictly therapeutic. According to the floor plan, 6 rooms will be designed for therapy, with a table in each room.

A waiver from the 400-foot distance separation requirement from parcels zoned for single-family residential uses will be required in conjunction with the Special Use Permit. This waiver is acceptable, since the use is separated from the residential use by parking along the back of the commercial center, as well as a screen wall and landscaping. In addition, the front of the proposed business will not be visible from the residential uses to the west. The proposed use will also sit approximately 700 feet from Decatur Boulevard, a Primary 100-foot Arterial as designated on the Master Plan of Streets and Highways, and approximately 300 feet from Alta Avenue, an Secondary 80-foot Collector as designated on the Master Plan of Streets and Highways. Therefore, having an ample buffer between the residential uses to the east and north of subject site, respectively.

It has also been determined that a waiver from the existing childcare center/ pre-school (N16-00048 & N15-00048) is not required since the subject parcel is separated from the protected uses by approximately 407 feet.

The Las Vegas Metropolitan Police Department has identified no significant law enforcement issues in relationship to this application. The previous location of the business (5000 West Oakey Boulevard, Suite D-2) was licensed as an acupressure establishment (A38) on 12/19/01 and had received a favorable police report dated 07/17/01. The before mention classification has since been grouped under the Massage Establishment license (M03).

- Conditions

Title 19.04.050 lists the following specific base conditions for the approval of a Special Use Permit request for a Massage Establishment:

- (1) The use shall comply with all applicable requirements of LVMC Title 6.
- (2) The use must be located on a secondary thoroughfare or larger.
- (3) The use may not be located within four hundred feet of any church, synagogue, school, City park, childcare facility, or any parcel zoned for residential use.
- (4) The use may not be located within one thousand feet of any other massage establishment.

(5) The hours of operation shall be limited to the period between 8:00 a.m. and 9:00 p.m., unless further limited by the City Council on a case-by-case basis.

Any of the preceding conditions may be waived by the Planning Commission or City Council, if convincing and substantial evidence is presented demonstrating that the City's objective in safeguarding the public interest is not compromised. The proposed Massage Establishment can comply with these conditions, excluding the distance separation requirement for which a waiver is sought.

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 use is permitted within the C-1 (Limited Commercial) zoning district with approval of this Special Use Permit. The fact that the proposed Massage Establishment will be located on property that is less than 400 feet from residentially zoned parcels is mitigated by the screening provided by the wall and landscaping on the west property line and by Decatur Boulevard and Alta Avenue, both substantial right-of-ways, along the north and east property lines.

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

The subject site, which contains an established commercial center, can easily accommodate the impacts of the proposed Massage Establishment, which are expected to be minimal.

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

The subject site is accessed via the Decatur Boulevard, a 100-foot Primary Arterial as designated on the Master Plan of Streets and Highways, and Alta Avenue, an 80-foot Secondary Collector as designated on the Master Plan of Streets and Highways. These roadways will be adequate in capacity to meet the expected needs of the proposed Massage Establishment use.

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

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

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 16

NOTICES MAILED 318

APPROVALS 0

PROTESTS 1



STATEMENT OF FINANCIAL INTEREST

Name of Applicant: XIAO PING WANG, LLC

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

 Yes

X No

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

City Official: _____

Partner(s): _____

APN: _____

Signature of Property Owner/Authorized Agent: _____

Print Name: ERNEST A. BECKER, JR.

Subscribed and sworn before me

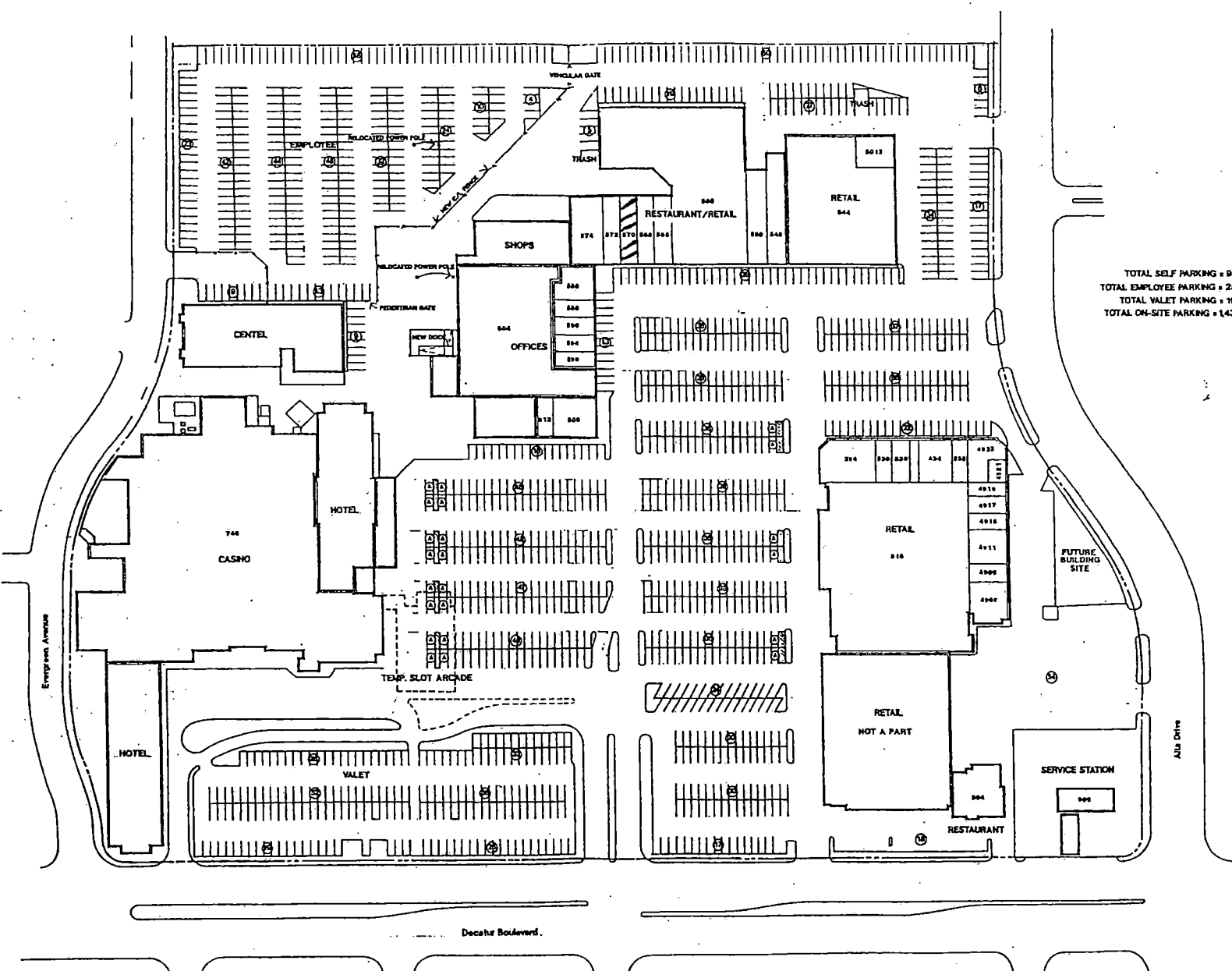
This 30th day of November, 2007

Notary Public in and for said County and State



CHARLESTON HEIGHTS SHOPPING CENTER

Southwest corner of Decatur Boulevard and Alta Drive



TOTAL SELF PARKING = 952 SPACES
 TOTAL EMPLOYEE PARKING = 284 SPACES
 TOTAL VALET PARKING = 104 SPACES
 TOTAL ON-SITE PARKING = 1,430 SPACES

SUP-5739
 01/27/05 PC

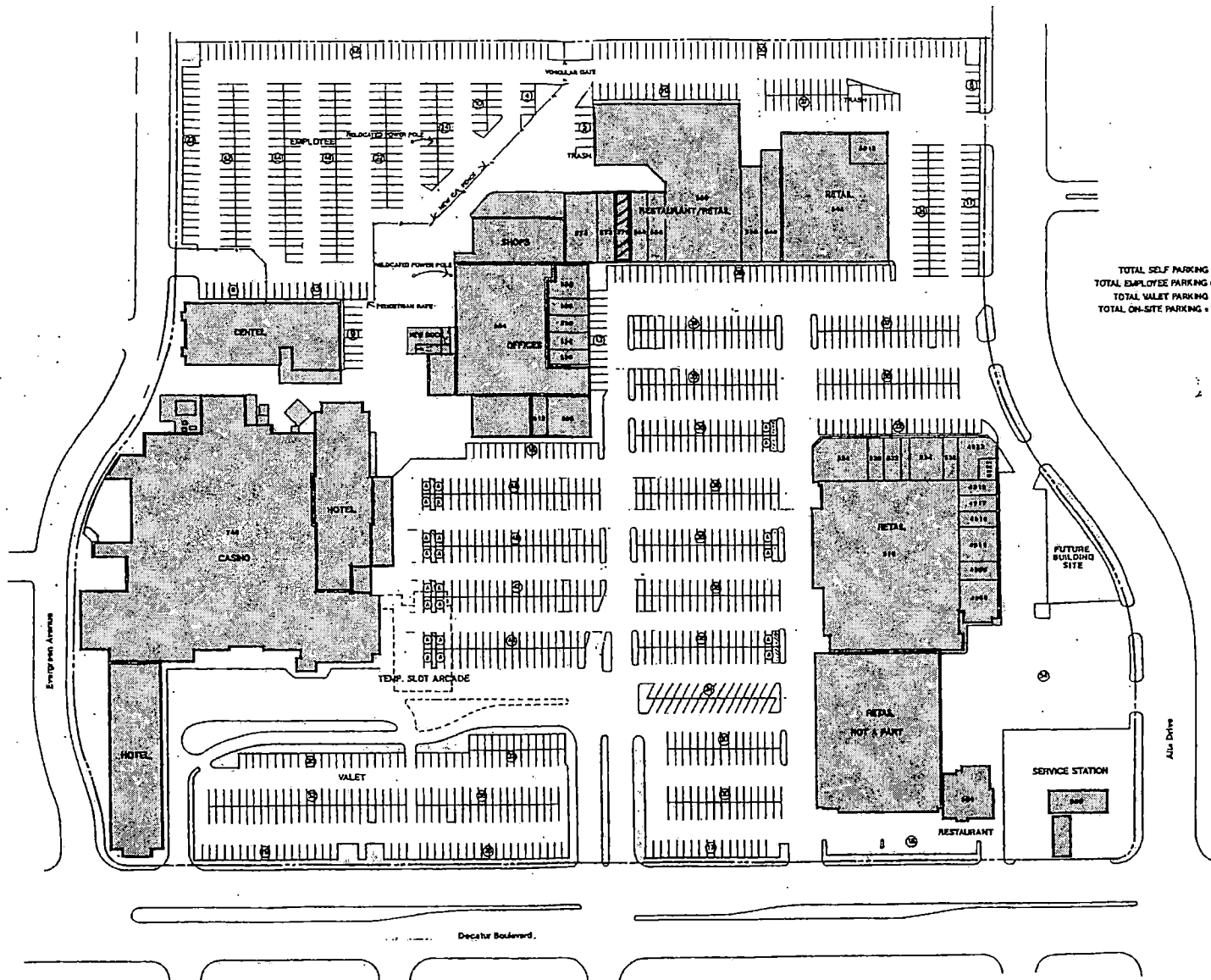
MARNELL CORRAO ASSOCIATES
 ARCHITECTS Interior Designers Managers Constructors
 4995 South Main Avenue Las Vegas, Nevada 89121 702.736.9422

DATE	1/27/05
BY	1/27/05
APP'D	1/27/05
REVISED	1/27/05
REVISION	1/27/05
DATE	1/27/05
BY	1/27/05
APP'D	1/27/05
REVISED	1/27/05
REVISION	1/27/05

SITE PLAN
 Charleston Heights Shopping Center
 On-Site Vehicular Parking

CHARLESTON HEIGHTS SHOPPING CENTER

Southwest corner of Decatur Boulevard and Alta Drive



TOTAL SELF PARKING = 632 SPACES
TOTAL EMPLOYEE PARKING = 224 SPACES
TOTAL VALET PARKING = 194 SPACES
TOTAL ON-SITE PARKING = 1,430 SPACES

N → **SUP-5739**
01/27/05 PC

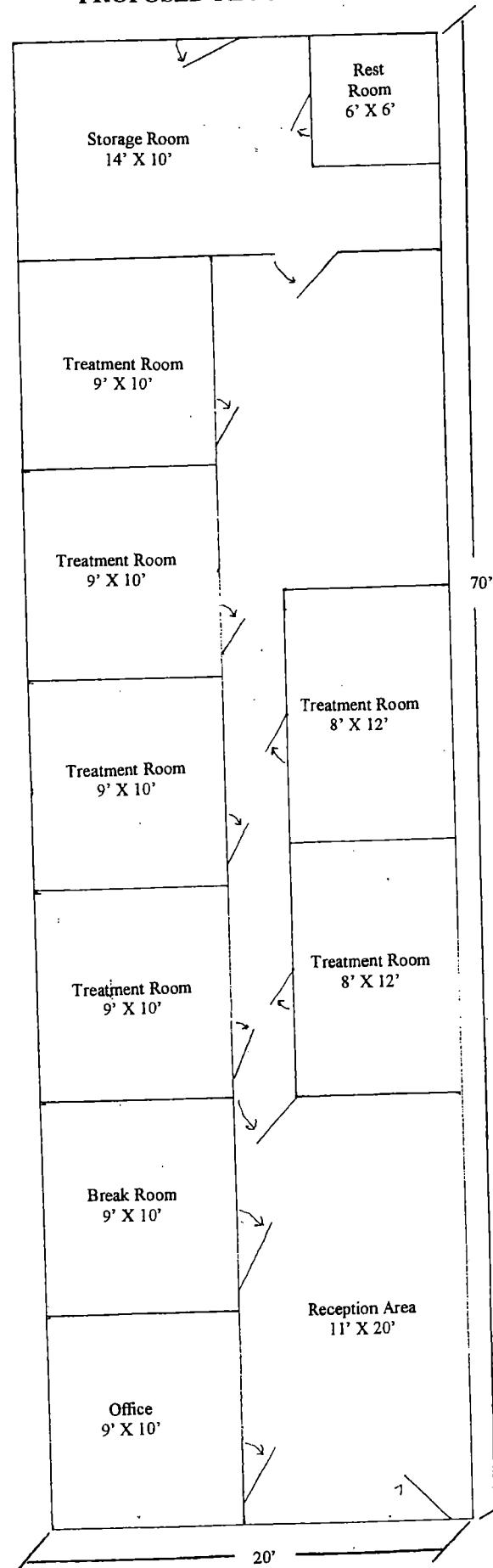
SITE PLAN

Charleston Heights Shopping Center
On-Site Vehicular Parking

MARNELL CORRAO ASSOCIATE

Architects Interior Designers Managers Consultants
1995 South Main Avenue, Suite 100, Memphis, TN 38103

**NEW CHINA SPA & MASSAGE
570 SOUTH DECATUR BOULEVARD
PROPOSED FLOOR PLAN**



Scale 1/5" = 1'

**SUP-5739
01/27/05 PC**

N →



SUP-5739 - APPLICANT: XIAO PING WANG, LLC - OWNER: CHARLESTON HEIGHTS SHOPPING
CENTER
570 SOUTH DECATUR BOULEVARD
JANUARY 27, 2005 PLANNING COMMISSION

1/6/05



SUP-5739 - APPLICANT: XIAO PING WANG, LLC - OWNER: CHARLESTON HEIGHTS SHOPPING
CENTER
570 SOUTH DECATUR BOULEVARD
JANUARY 27, 2005 PLANNING COMMISSION

1/6/05

Xiao Ping Wang
6248 Winston Falls Avenue
Las Vegas, Nevada 89139

December 2, 2004

Planning & Development Department
City of Las Vegas
731 South 4th Street
Las Vegas, Nevada 89101

Re: Justification letter for Special Use Permit for Massage Establishment and Waiver of Condition 3 the 400' separation from residential zoning and child care facilities, A Small Wonder, 5100 Alta Drive

To whom it may concern:

I have been operating Far East Massage, 5000 West Oakey Boulevard, Suite D-2, for the past three years. Although I have been able to stay even at this location I have not been able to gain financially and expand my business as I had hoped. This location is severely handicapped due to very limited parking and no exposure to a major thoroughfare.

I intend to offer therapeutic massage at this location in a serene and relaxing setting. I believe that many of the hair and nail salon customers from next door as well as the customers from Arizona Charlie's Hotel & Casino would find it convenient and take advantage of our service.

The approval of this special use permit would:

1. Increase employment opportunities. Since 570 South Decatur Boulevard fronts on a major thoroughfare and there is more than adequate parking, I will realize more customers which will allow me to offer employment to additional massage therapists.
2. Not increase the number of massage establishments. There will be no increase in the number of massage establishments' as I will be moving from one location to another.

I respectfully request your consideration of this application.

Sincerely,


Xiao Ping Wang, Manager, Member
Xiao Ping Wang, LLC

Telephone Protest/ Approval Log

Meeting Date: 01/27/05

Case Number: SLIP 5739

Date: 01/04/05 *President of:
Name: Betty Craig
Address: Meadows Preservation Committee
(All members oppose)
4416 Aha Dr. L.V. NV. 89107
Phone: (702) 878-4979
☒ PROTEST ☐ APPROVE

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

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

H Small

Warden DAYC

Ante

Petition

This is a petition in regards to a proposed Special Use permit, for a massage establishment, to be located at 570 South Decatur Boulevard. The applicant is Xiao Ping Wang, and owner of the Charleston Heights Shopping Center. The City of Las Vegas Planning Commission will meet this Thursday 1/27/05, to hear Item SUP-5739. This item, if approved, would allow a waiver of the required 400 feet separation between a childcare facility and residential zoning and a massage establishment. By signing this petition, I am expressing my opposition to any and all attempts to grant or allow a Waiver of the required 400 feet separation for this proposed massage establishment.

Cat. Dec.

Print Name	Signature	ADDRESS	DATE
Frances Thomas	Frances Thomas	555 Rexford St #10	1-25-05
Susie Fielding	Susie Fielding	6612 Shreve St	1-25-05
Norma Carrillo	Norma Carrillo	6612 Shreve St	1-25-05
Danielle Jordan	Danielle Jordan	6600 Bellcamp Cir	1-26-05
Artavia Blackson	Artavia Blackson	4517 Ranch Foreman Rd	1-26-05
Shenna Thompson	Shenna Thompson	903 Vineyard Vine Way	1-26-05
Margarita Alatorre	Margarita Alatorre	4115 11th St Apt 4	1-26-05
Jesús Martínez	Jesús Martínez	4115 11th St Apt 4	1-26-05
F. Small Pedraza	F. Small Pedraza	666 Roy Rogers Dr	1-26-05
Matika Hogan	Matika Hogan	808 Sanford Ct.	1-26-05
Hattie Sney	Hattie Sney	"	1-26-05
Tomás Ramirez	Tomás Ramirez	1253 W. 1253	1-26-05
Amanda Everist	Amanda Everist	5220 Mission Carmel	1-26-05
Rosemary Naples	Rosemary Naples	5220 Mission Carmel	1-26-05
Romulo Garcia	Romulo Garcia	"	1-26-05

Submitted at Planning Commission

Date

Item

A small
wonder DHA Care
center

Petition

This is a petition in regards to a proposed Special Use permit, for a massage establishment, to be located at 570 South Decatur Boulevard. The applicant is Xiao Ping Wang, and owner of the Charleston Heights Shopping Center. The City of Las Vegas Planning Commission will meet this Thursday 1/27/05, to hear Item SUP-5739. This item, if approved, would allow a waiver of the required 400 feet separation between a childcare facility and residential zoning and a massage establishment. By signing this petition, I am expressing my opposition to any and all attempts to grant or allow a Waiver of the required 400 feet separation for this proposed massage establishment.

Print Name	Signature	ADDRESS	DATE
WESTBROOK Leggett	[Signature]	6601 Silverstream 1128	1/27/05
John Gholson	[Signature]	6256 Paisial	1-26-05
Leticia Nino	[Signature]	6256 Paisial	1-26-05
Nathan Smith	[Signature]	4512 Fulton	1-26-05
Martinez Reza	[Signature]	7055 E. Leekmead Blvd Apt. 2104 89156	1-27-05
Vilma Hortas	[Signature]	2401 San De Luna St	1-27-05
Melissa Jax	[Signature]	5125 Del Rey WV	1-27-05
Jocelyn Teague	[Signature]	317 B 531 Nevada Sky	1-27-05
Jeanie L. Brant	[Signature]	1101 N. Jones Blvd	1-27-05
Tisha Goben	[Signature]	8212 Herules	1/27/05
Peggy Goben	[Signature]	8212 Herules	1/27/05
Erika Smith	[Signature]	515 DUKES AVE	1/27/05
Hayd Rick	[Signature]	704 Anatolia	1/27/05
Shandra Pabbs	[Signature]	4512 Fulton place	1/27/05
Kim Mathisen	[Signature]	4515 S. Durango #1164	1/25/05

Petition

This is a petition in regards to a proposed Special Use permit, for a massage establishment, to be located at 570 South Decatur Boulevard. The applicant is Xiao Ping Wang, and owner of the Charleston Heights Shopping Center. The City of Las Vegas Planning Commission will meet this Thursday 1/27/05, to hear Item SUP-5739. This item, if approved, would allow a waiver of the required 400 feet separation between a childcare facility and residential zoning and a massage establishment. By signing this petition, I am expressing my opposition to any and all attempts to grant or allow a Waiver of the required 400 feet separation for this proposed massage establishment.

Print Name	Signature	ADDRESS	DATE
JANICA AUEL	JANICA AUEL	901 BRUSH ST #60	01/26/05
ADRE COATES	ADRE COATES	901 BRUSH ST #60	01/26/05
Ron Williams	Ron Williams	1101 N Jones Blvd #201	01/26/05
Dorothy Robinson	Dorothy Robinson	200 Fullerton Ave	1-26-05
Venifer Green	Venifer Green	3321 Chelienne Gardens	1-26-05
Dorothy Sullivan	Dorothy Sullivan		1-26-05
Brandon Johnson	Brandon Johnson	4509 Providence	1/26/05
Carri Stultz	Carri Stultz	5408 Seabough Ave	1/26/05
Kenneth Stultz	Kenneth Stultz	5408 Seabough Ave	1/26/05
Vanessa Rodriguez	Vanessa Rodriguez	7312 Gray St	1/26/05
Maria Rodriguez	Maria Rodriguez	7312 Gray St	1/26/05
Amy Jackson	Amy Jackson	1331 Wildshire Way	1/26/05
James Jackson	James Jackson	1331 Wildshire Way	1/26/05
Sally Bless	Sally Bless	701 Torres Hill	1/27/05
Corinne Clark	Corinne Clark	6590 Trout Peak	1/27/05

*H Small Wonder
Day Camp
Center*

Petition

This is a petition in regards to a proposed Special Use permit, for a massage establishment, to be located at 570 South Decatur Boulevard. The applicant is Xiao Ping Wang, and owner of the Charleston Heights Shopping Center. The City of Las Vegas Planning Commission will meet this Thursday 1/27/05, to hear Item SUP-5739. This Item, if approved, would allow a waiver of the required 400 feet separation between a childcare facility and residential zoning and a massage establishment. By signing this petition, I am expressing my opposition to any and all attempts to grant or allow a Wavier of the required 400 feet separation for this proposed massage establishment.

Print Name	Signature	ADDRESS	DATE
Trina Hamill	<i>Trina Hamill</i>	5005 Apawana	1-27-05
Jamacia Smith	<i>Jamacia Smith</i>	6100 W. Jones Circle	1/27/05
Linda Bivett	<i>Linda Bivett</i>	5028 Alta Dr	1-27-05
Linda Benjamin	<i>Linda Benjamin</i>	5028 Alta Dr	1-27-05
Wendy Perry	<i>Wendy Perry</i>	5028 Alta Dr	1-27-05
Lisa Vibbard	<i>Lisa Vibbard</i>	5024 Alta Dr.	1-27-05
Susan Herman	<i>Susan Herman</i>	5024 Alta Dr.	1-27-05
Russ Taylor	<i>Russ Taylor</i>	5024 Alta Dr.	27 Jan 05
Kristin Less	<i>Kristin Less</i>	5024 Alta Dr.	27 Jan 05
DJ Murray	<i>DJ Murray</i>	51250 Dr.	1-27-05
Angela Murray	<i>Angela Murray</i>	51250 Dr.	1-27-05
Blenda Adlow	<i>Blenda Adlow</i>	534 S. Decatur	1-27-05
Thomas Bickart	<i>Thomas Bickart</i>	534 S. Decatur Blvd.	1-27-05
Val Herrera	<i>Val Herrera</i>	534 S. Decatur	1-27-05
Devin Johnson	<i>Devin Johnson</i>	534 S. Decatur	1-27-05

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: JANUARY 27, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SUP-5740 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: WORKS4ME, DURANGO, INC. - OWNER: PPLAND, LIMITED PARTNERSHIP -
Request for a Special Use Permit FOR A PROPOSED LIQUOR ESTABLISHMENT (TAVERN) AND A WAIVER OF THE 50-ACRE MINIMUM SITE AREA REQUIREMENT adjacent to the northwest corner of Durango Drive and El Capitan Way (APN 125-17-601-011), T-C (Town Center) Zone [SC-TC (Service Commercial - Town Center) Land Use Designation], Ward 6 (Mack).

IF APPROVED: C.C.: 03/02/05

IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

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

MOTION:

NIGRO – Motion to bring forward and HOLD IN ABEYANCE Item 20 [GPA-5820], Item 42 [GPA-5814], Item 43 [ZON-5816], Item 44 [VAR-5819] and Item 45 [SDR-5815] to 2/10/2005 Planning Commission meeting; Item 28 [GPA-5762], Item 29 [ZON-5765], Item 30 [GPA-5775], Item 31 [ZON-5776], Item 32 [VAR-5846], Item 33 [SDR-5778], Item 52 [MOD-5784], Item 53 [ZON-5785], Item 54 [VAR-5786], Item 55 [VAR-5792], Item 56 [SDR-5781], Item 58 [ZON-5769] and Item 59 [SDR-5770] to 2/24/2005 Planning Commission meeting; STRIKE Item 16 [GPA-5266] and Item 89 [DIR-5833]; and WITHDRAW WITHOUT PREJUDICE Item 46 [GPA-5818], Item 47 [ZON-5824], Item 48 [ZON-5909], Item 70 [SUP-5783], Item 71 [SDR-5779] and Item 73 [SUP-5740] – UNANIMOUS

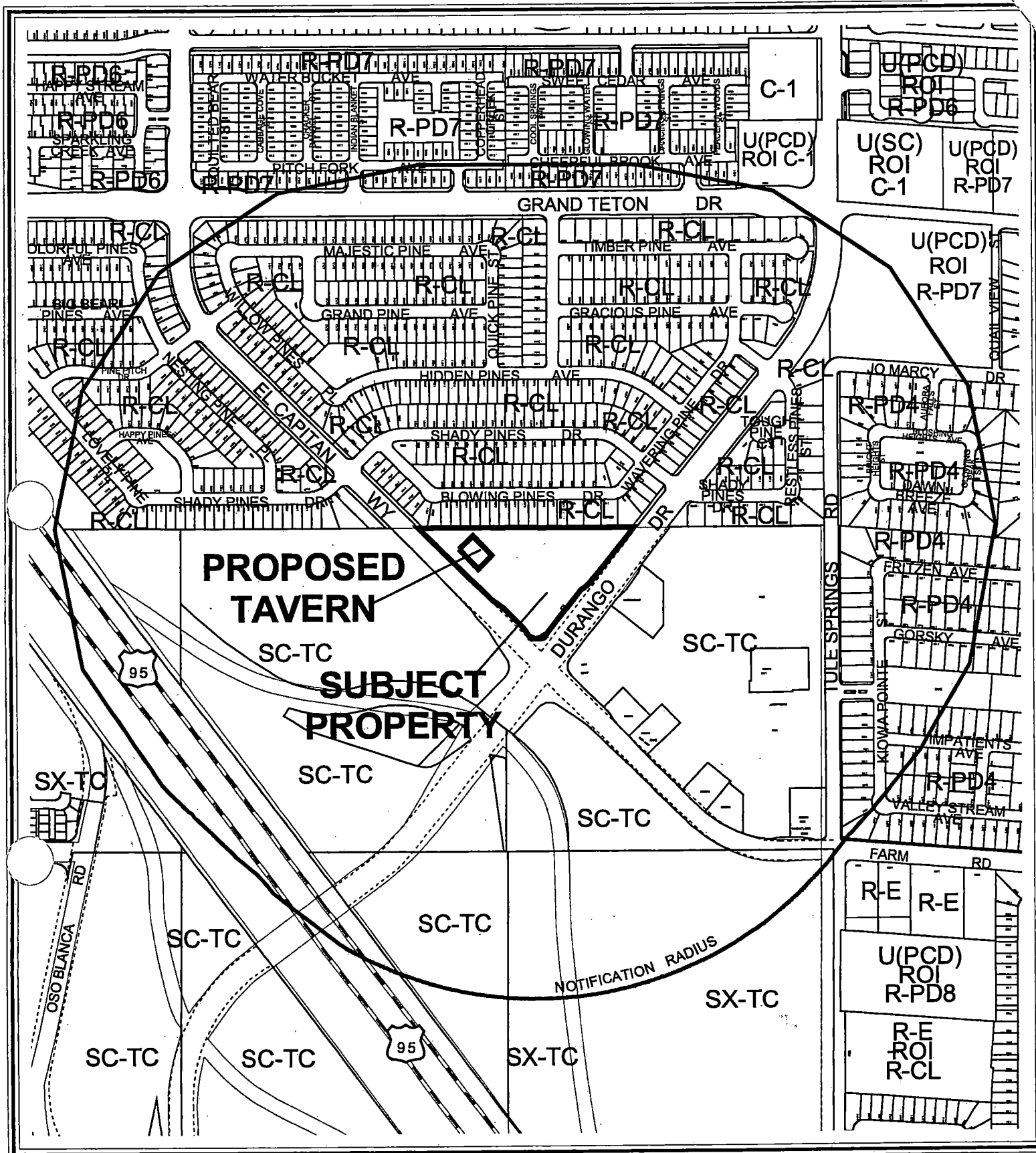
PLANNING COMMISSION MEETING OF JANUARY 27, 2005
Planning and Development Department
Item 73 – SUP-5740

MINUTES:

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

(6:03 – 6:11)

1-70



CASE: SUP-5740

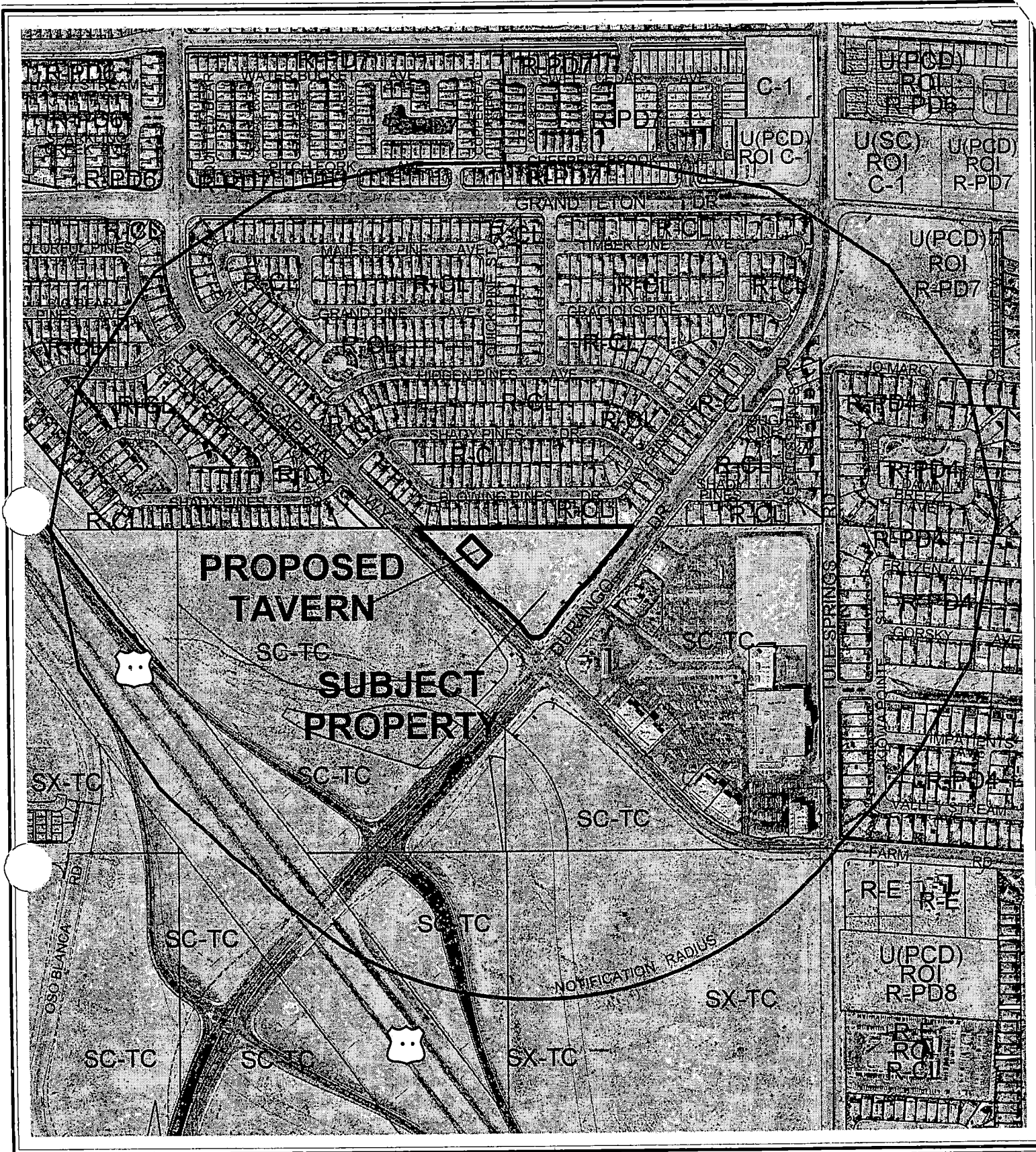
RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY:

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

0 400 800 Feet





CASE: SUP-5740

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY:

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

0 400 800 Feet





SUP-5740
Taverns

Business Licenses

- Child Care/
Children Facility ● Tavern

- RELIGIOUS
■ PARKS
■ SCHOOLS

- Subject Property
○ 400 foot buffer.

0 185 370 740 Feet



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JANUARY 27, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-5740 - APPLICANT: WORKS4ME, DURANGO, INC. -

OWNER: PPLAND, LIMITED PARTNERSHIP

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Conformance to the site plan dated 01/10/05 and conditions of approval of Site Development Plan Review (SDR-3191).
2. Conformance to all Minimum Requirements for a Tavern use, excluding the 50-acre minimum site area requirement, under the Town Center Development Standards.
3. A Waiver from the 50-acre minimum area requirement for the Tavern use in the SC-TC District is hereby approved.
4. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
5. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

6. If not already constructed by the Master Developer, construct all incomplete half-street improvements on El Capitan Way and Durango Drive adjacent to this site concurrent with development of this site. Also, construct appropriate on-site paving to provide for two-way vehicular traffic through this site concurrent with development of this site.
7. If not already constructed by the Master Developer, 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.
8. Site development to comply with all applicable conditions of approval for Site Development Plan Review SDR-3191, SDR-5681, the Durango Square (Commercial Subdivision) TMP-3272 and all other subsequent site-related actions.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Special Use Permit and a Waiver of the 50-acre minimum site area requirement for a proposed Tavern on property adjacent to the northwest corner of Durango Drive and El Capitan Way.

B) Applicant's Justification

The applicant specifically requests the Tavern use, although the establishment is primarily used and has been approved as a restaurant. Floor plans indicate a separate dining area from the lounge. The establishment will be located within a 4.87-acre commercial center. Residential properties to the north of the proposed location do not have direct access to this commercial center. The restaurant and Tavern uses are compatible with nearby commercial uses and comply with distance separation requirements. The applicant was unaware of the 50-acre minimum site area requirement for Taverns in the SC-TC (Service Commercial- Town Center) district.

BACKGROUND INFORMATION

A) Previous Actions

12/07/98	The City Council approved the request for a Rezoning (Z-0076-98) on 1,468 acres located within the area designated as Town Center on the Northwest Amendment to the General Plan, which includes this parcel. The Planning Commission and Staff recommended approval.
01/07/04	The City Council approved the request for a Site Development Plan Review (SDR-3191) and a Waiver of build-to-street standards of the Town Center Development Standards for a 23,320 square foot commercial center at the northwest corner of Durango Drive and El Capitan Way. The Planning Commission and staff recommended denial.
01/22/04	The Planning Commission approved a request for a Tentative Map (TMP-3272) for a two-lot commercial subdivision (Durango Square) on the subject site. Staff recommended approval.

SUP-5740 - Staff Report Page Two
January 27, 2005 - Planning Commission Meeting

- 05/04/04 The Centennial Hills Architectural Review Committee approved a Master Signage Plan (CHR-0014-04) for the overall site. Staff recommended approval.
- 12/03/04 Staff administratively approved a Minor Amendment to an approved Site Development Plan Review (SDR-3191) for the overall retail center on the subject parcel. While the distribution of the area of the center shifted among individual proposed building sites, the area of the overall center was slightly less than at the time of original approval.
- 01/13/05 The Planning Commission denied requests for a Special Use Permit (SUP-5684) for a proposed Restaurant with Drive-Through use and a Site Development Plan Review (SDR-5681) for a proposed 2,100 square-foot restaurant with drive-through (Jack In the Box) on the subject site. Staff recommended approval of both items.

B) Pre-Application Meeting

- 12/03/04 The site plan was found to comply with distance separation requirements. A Site Development Plan Review for the overall site was previously approved and showed the proposed building, including an outdoor seating area.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 4.87

B) Existing Land Use

Subject Property: Retail Commercial
North: Single-Family Dwellings
South: Undeveloped
East: Retail Commercial
West: Undeveloped

C) Planned Land Use

Subject Property: SC-TC (Service Commercial - Town Center)
North: PCD (Planned Community Development)
South: SC-TC (Service Commercial - Town Center)
East: SC-TC (Service Commercial - Town Center)
West: SC-TC (Service Commercial - Town Center)

SUP-5740 - Staff Report Page Three
January 27, 2005 - Planning Commission Meeting

D) Existing Zoning

Subject Property: T-C (Town Center)
North: R-CL (Single-Family Compact-Lot)
South: T-C (Town Center)
East: T-C (Town Center)
West: T-C (Town Center)

E) General Plan Compliance

The subject site has a SC-TC (Service Commercial- Town Center) land use designation on the Town Center Land Use Plan Map of the Centennial Hills Sector Plan. The proposed Tavern use is allowed in SC-TC (Service Commercial- Town Center) designated areas of Town Center with approval of a Special Use Permit. A waiver of one of the conditions of a Special Use Permit for a Tavern, requiring an overall site area of at least 50 acres, will be required on this site and is addressed below. The proposed use is in conformance with the General Plan.

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

The site is located within the boundaries of the Town Center Land Use Plan, the future land use plan for the site as described in Chapter 4 of the Centennial Hills Sector Plan. All development within Town Center is subject to the standards of the Town Center Development Standards Manual and Title 19.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

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

SUP-5740 - Staff Report Page Four
January 27, 2005 - Planning Commission Meeting

Uses	GFA	Ratio	Required		Provided	
			Parking		Parking	
			Regular	Handicap	Regular	Handicap
Tavern/ Restaurant	5,920 SF (3,509 public seating, includ- ing 650 SF outdoor seating)	1/50 SF GFA public seating/ waiting area, including outdoor seating area + 1/200 SF remainder of GFA	86	---		
Retail – Pads A/D	21,295 SF	1/175 SF GFA	122	---		
Restaurant w/Drive- Through	2,100 SF	1/100 SF	21	---		
TOTAL	29,965 SF		222	7	221	8

The proposed Tavern use meets Title 19 parking requirements, and the overall retail center will provide the requisite 229 parking spaces.

A2) Minimum Distance Separation Requirements

Pursuant to the Town Center Development Standards, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Pubs, Bars, Lounges (Tavern)	No such use located within 400 feet from any church, synagogue, school, child care facility (13+ children), or City park No minimum separation between similar uses	No protected uses within 400 feet of the subject parcel

The distance separation requirements for the proposed Tavern meet the Town Center Development Standards.

B) General Analysis and Discussion

- **Zoning**

The subject site is zoned SC-TC (Service Commercial – Town Center). A Tavern use is allowed in this district with the approval of a Special Use Permit.

- **Use**

A Tavern use allows the sale of alcoholic beverages for consumption on the premises where the same are sold and authorizes the sale, to consumers only and not for resale, of alcoholic beverages, in original sealed or corked containers, for consumption off the premises where the same are sold. The proposed Tavern is actually a 5,920 square-foot restaurant (Buffalo's Southwest Café) that contains a bar and lounge area. Floor plans indicate that the lounge area, which can accommodate up to 127 seats, is separated from the entrance and main dining room. Additional seating is provided on a 650 square-foot outdoor patio. The building was included as part of a previously approved Site Development Plan Review (SDR-3191).

- **Conditions**

The Town Center Development Standards Manual lists the following minimum requirements for approval of a Special Use Permit for a Tavern:

- a. No Tavern shall be located within 400 feet of any church, synagogue, school, child care facility licensed for more than twelve children, or City park.
- b. Uses licensed as Taverns or other comparable establishments, shall have no specific spacing requirements between similar uses. However, the Las Vegas City Council may consider the concentration and spacing of such uses as part of its deliberation and approval of any requests for such establishments.
- c. The distances referred to in Paragraphs a. and b. shall be measured in a straight line from the property line of the church, synagogue, school, child care facility, or from the nearest property line of a City park to the property line of the proposed liquor premises, and in a straight line from the property line of the proposed Tavern to the property line of any existing Tavern or comparable establishment, disregarding all intervening obstacles.

- d. All businesses which sell alcoholic beverages shall conform to the provisions of Chapter 6.50 of the Las Vegas Municipal Code.
- e. No Tavern shall be located within any Service Commercial zone unless it is part of a development with an aggregate acreage exceeding 50 acres with a majority of the acreage located within a zone, which allows Taverns.

The applicant requests that Paragraph (e) be waived to allow a Tavern on 4.87 acres where 50 acres is the minimum required in the SC-TC (Service Commercial – Town Center) district. Staff does not support this request. In Town Center, Taverns were envisioned to be included in large retail areas or within a dense urban core, not in small neighborhood shopping centers. Taverns are a more intense use than most retail commercial uses. In addition, the intended use of the property is a restaurant, a portion of which includes a lounge area. Similar establishments are normally classified as Supper Clubs, which have no such minimum area requirement in Town Center. Planning and Development Department records show that this is the first request for a waiver of the minimum 50-acre area requirement in the SC-TC (Service Commercial – Town Center) district.

FINDINGS

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

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

Taverns are a more intense use than most retail commercial uses; however, the proposed Tavern use would occur in a building used primarily as a restaurant, which will be harmonious and compatible with the surrounding residential and commercial land uses. The building has been approved previously as part of a site plan for the overall commercial center to which it belongs, subject to meeting the requirements of the Town Center Development Standards and Title 19 where applicable.

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

The current site plan shows that the retail center that includes the proposed Tavern and restaurant would be able to accommodate parking and traffic for all proposed uses. However, the SC-TC (Service Commercial – Town Center) land use designation only allows the proposed Tavern use with the stipulation that it be located on a site of 50 acres or more. The proposed site is less than five acres in area; therefore, a waiver is required from this requirement. In Town Center, Taverns were envisioned to be included in large retail areas or within a dense urban core, not in small neighborhood shopping centers.

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

Access to the site is via driveways from Durango Drive, a Town Center Parkway (120-foot) Arterial, and from El Capitan Way, an 80-foot Town Center Arterial. The access and roadways are adequate to meet the needs of the proposed development.

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

The proposed Tavern use will be subject to inspection by regulatory agencies for business licensing, and will therefore not compromise the public health, safety and welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

17

NOTICES MAILED 685

APPROVALS 0

PROTESTS 1



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-5740 APN: _____

Name of Property Owner: PPLand Limited Partnership

Name of Applicant: Works4Me Durango, 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: James A. Peterson

Print Name: James A. Peterson, by Power of Attorney for PPLand Limited Partnership

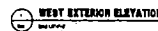
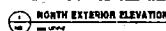
Subscribed and sworn before me

This 17th day of November, 2004

Kyle P. Connally
Notary Public in and for said County and State



OFFICIAL SEAL
KYLE P. CONNALLY
NOTARY PUBLIC-STATE OF NEW MEXICO
My commission expires: 4-10-2006



SYNTHETIC STUCCO FINISHES SHALL BE EQUAL DRYBAT FINISH - SANDBLAST COLOR AS NOTED BY NUMBER AND LOCATION ON THE ELEVATIONS AS:

SAMPLE SHALL BE PROVIDED TO OWNER FOR REVIEW AND APPROVAL PRIOR TO INSTALLATION

- 1 PAINT - SAND MOTIF - 422 BY KD
- 2 PAINT - TOWER PIED 6-7422 30MT
- 3 PAINT - ANYQUE WHITE - 2001 BY KD
- 4 PAINT - DESERT CASTLE - 541 BY KD
- 5 WEST DRYBRACK LIDGESTONE BY CULTURED STONE - LVS-2008
- 6 STANDING SEAM METAL ROOFING - BERLINGER T STYLE - FOREST GREEN
- 9 PAINT DOOR/ WINDOW SASH & MULLIONS BY BENJAMIN MOORE - GREEN 205



ARCHITECTRONIX, INC.
3303 CADILLAC AVENUE, SUITE F-1
COSTA MESA, CA 92626 714/934-0700

[illegible]

All ideas, drawings, and specifications shown herein are the property of Architects and shall not be used, copied, reproduced, or disclosed in any part, form, or combination, without the written consent of Architects. Any infringement will be subject to legal action. Contractors shall verify and be responsible for all dimensions and conditions on the job and notify this office of any variations from dimensions and conditions shown hereon. Written dimensions take precedence over scaled dimensions.



BUFFALO CAFE
FARM & DURANGO
LAS VEGAS, NV

EXTERIOR
ELEVATION
• ENTRANCE

DRAWN	
SCALE	1/4"=1'-0"
JOB NO:	528-02
DATE	10-4-04
RELEASE DATE	
CAD NAME	32801A40
SHEET NO:	

A4.0

SUP-5740
01/27/05 PC



SUP-5740 - APPLICANT: WORKS4ME, DURANGO, INC. - OWNER: PPLAND, LIMITED PARTNERSHIP
NORTHWEST CORNER OF DURANGO DRIVE AND EL CAPITAN WAY
JANUARY 27, 2005 PLANNING COMMISSION

12/30/04

JUSTIFICATION LETTER

The applicant seeks to operate a 5,990 square foot restaurant with a tavern liquor license which would include a 960 square foot patio for outdoor dining (the "business"). The business will be located within a commercial center (the "Center") at the southeast corner of Durango and El Capitan Way. El Capitan is the eastern extension of Farm Road. Durango is a major section line street with a 120 foot right-of-way. Other commercial businesses to be located within the Center are a Walgreen's Drug Store, Jack-in-the-Box and a yet-to-be-identified retail pad occupying approximately 6,500 square feet. The Center is located across the street from another major commercial development, currently anchored by an Albertson's market.

To our knowledge, the business is not located within 1,500 feet of the nearest other tavern, church, synagogue, school, child care facility or City park. There is direct ingress and egress from the business to Durango.

Although there is residential property located immediately to the ^{Nearby}~~South~~ of the Center, there is no nearby access point from the Center to that neighborhood. Further, the outdoor dining area of the business is on the opposite side of the building from where the residences are located and is facing directly onto El Capitan Way.

The business, Buffalo Southwest, is a national restaurant chain featuring a variety of food offerings from simple breakfast items, salads and sandwiches to main course dinner entrees such as steak and salmon. There is an area separate from the bar and lounge, exclusively for family dining. The lounge area contains sports memorabilia and televisions at the dining tables where patrons can enjoy their favorite sports action. The atmosphere is reminiscent of an Applebee's, Chile's or TGI Fridays and the target demographic is also similar. In sum, the location of the business is compatible with the commercial nature of the area and will not create noise or other hazards to the surrounding area.

Telephone Protest/ Approval Log

Meeting Date: 01/27/05

Case Number: SUP 5740

Date: 01/10/05
Name: Kerry Stewart
Address: 8312 Fritzen Ave
L.V. NV. 89131
Phone: (702) 360-9411
☒ 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: _____
Phone: _____
☐ PROTEST ☐ APPROVE

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: JANUARY 27, 2005**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: M. MARGO WHEELER**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

SUP-5761 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/OWNER:
HIRMIS B. HARON - Request for a Special Use Permit FOR A PROPOSED FINANCIAL INSTITUTION, SPECIFIED WITHIN AN EXISTING GROCERY STORE AND A WAIVER OF THE 200-FOOT MINIMUM DISTANCE SEPARATION FROM A RESIDENTIAL USE at 2021 East Stewart Avenue (APN 139-35-611-086 and 087), C-1 (Limited Commercial) Zone, Ward 3 (Reese).

IF APPROVED: C.C.: 03/02/05**IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)****PROTESTS RECEIVED BEFORE:**

Planning Commission Mtg.
City Council Meeting

1**APPROVALS RECEIVED BEFORE:**

Planning Commission Mtg.
City Council Meeting

0**RECOMMENDATION:**

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

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

MOTION:**DAVENPORT – APPROVED** subject to conditions and adding the following conditions:

- *No outside signage may advertise check cashing*
- *Approval is for check cashing only. There shall be no payday loans.*

– UNANIMOUS

To be heard by City Council 3/02/2005**MINUTES:**

CHAIRMAN NIGRO declared the Public Hearing open.

GARY LEOBOLD, Planning & Development Department, gave a brief overview of the application.

PLANNING COMMISSION MEETING OF JANUARY 27, 2005
Planning and Development Department
Item 74 – SUP-5761

MINUTES – Continued:

DAVE EDER, Nevada Gaming Application Consultants, 777 East Quartz Avenue, appeared on behalf of the applicant and clarified that the applicant is requesting approval for check cashing only. There would be no payday loans or contract loan usage. The location has been in existence since the 1960's and has been cashing paychecks since 1971. The applicant wants to continue to offer that service to his clients.

TODD FARLOW, 240 North 19th Street, stated that he attended the meeting to speak against this item; however, since it would be for check cashing only, he had no objection. MR. FARLOW commended the property owner for cleaning up the property.

KATHY JACOBSON, 237 North 20th Street, appeared on behalf of the Church Noblitt Neighborhood Association, which strongly opposed any type of payday loan center in the neighborhood. She explained that her organization has no problem with a check cashing operation; however, they were concerned that individuals leaving the market could become targets for robbery. MR. RAINES informed her that there is security on the premises and that check cashing has been offered at this location for years without incident.

COMMISSIONER DAVENPORT wanted to add a condition that approval would be for check cashing only and that there would not be any outdoor signage advertising check cashing. MR. RAINES agreed added condition.

CHAIRMAN NIGRO declared the Public Hearing closed.

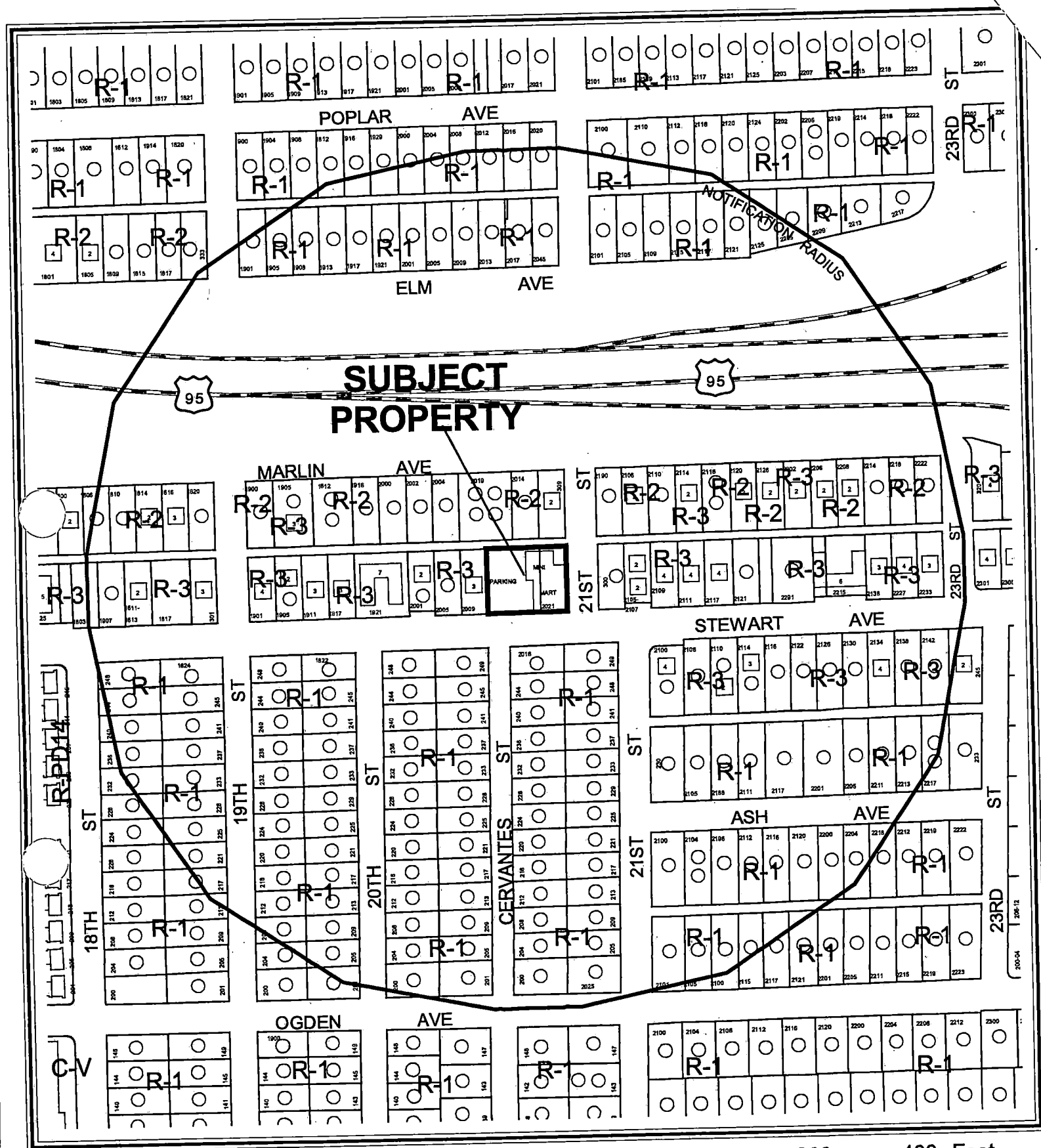
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3-3267

CONDITIONS:

Planning and Development

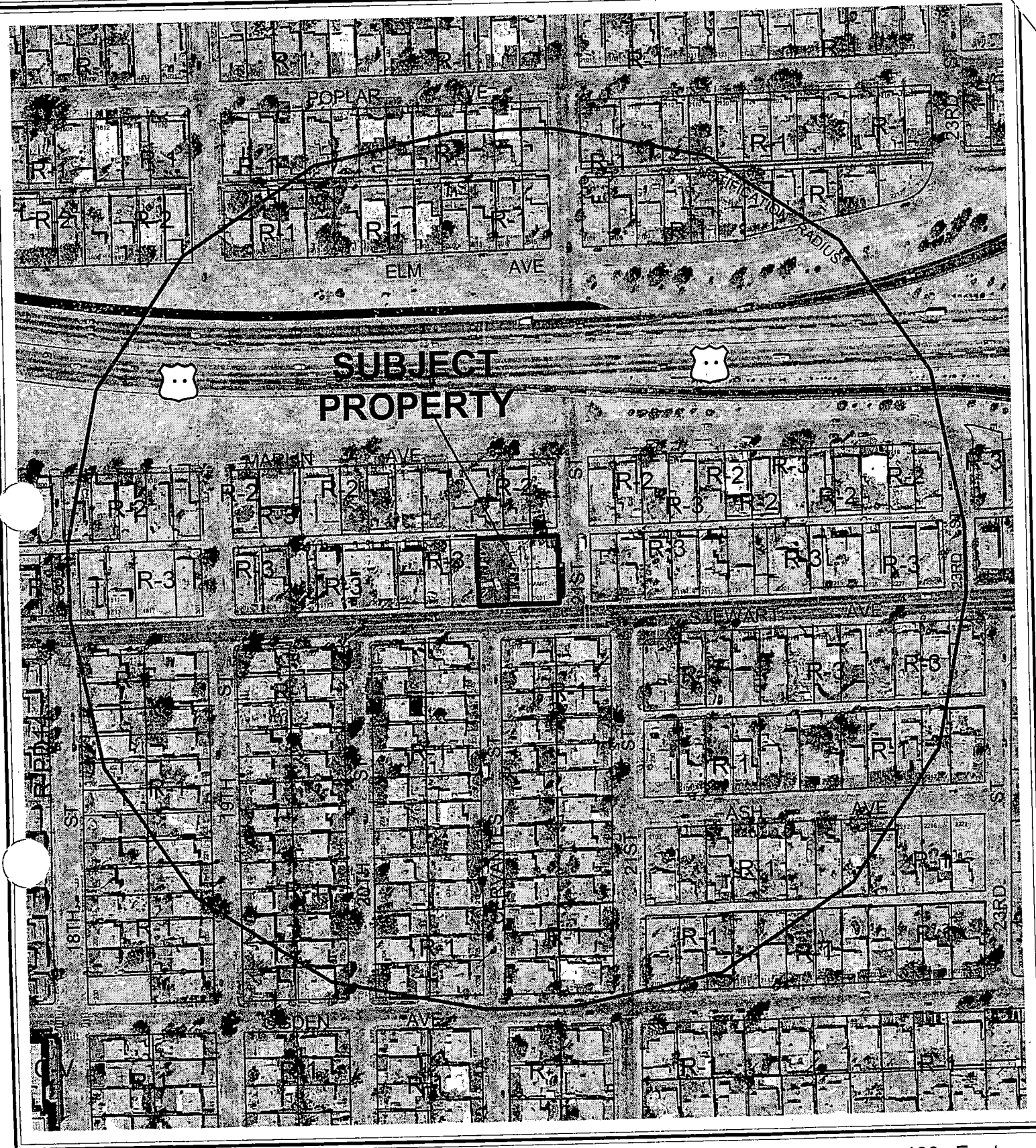
1. A Waiver of the separation requirement of a Financial Institution, Specified from a residential use.
2. Conformance to all minimum requirements under Title 19.04.050 for a Financial Institution, Specified, except for the separation requirement of a Financial Institution, Specified from a residential use.
3. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
4. Compliance with all City code requirements and design standards of all City departments.



CASE: SUP-5761

RADIUS: 750 FT

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



0 200 400 Feet

CASE: SUP-5761

RADIUS: 750 FT

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





SUP-5761

Financial Business Locations

-  Finance Company
-  Financial Institution, Specified
(Check Cashing Service)
-  Automobile Title Loan
-  Financial Institution, Specified
(Check Cashing Service with Gross)
-  Auto Pawn

-  Subject Property
-  Residential Property



0 225 450 900 Feet



City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JANUARY 27, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-5761 - APPLICANT/OWNER: HIRMIS B. HARON

**** CONDITIONS ****

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

Planning and Development

1. A Waiver of the separation requirement of a Financial Institution, Specified from a residential use.
2. Conformance to all minimum requirements under Title 19.04.050 for a Financial Institution, Specified, except for the separation requirement of a Financial Institution, Specified from a residential use.
3. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
4. Compliance with all City code requirements and design standards of all City departments.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for a Special Use Permit for a Financial Institution, Specified within an existing grocery store and for a Waiver of the 200-foot minimum separation distance from a residential use at 2021 East Stewart Avenue.

B) Applicant's Justification

The applicant has included a letter of justification with the application that reads as follows:

"The Stewart Market has been cashing checks for its customers since the 1960's. Over the past few years the amount of bad checks being cashed at the Stewart Market has increased to the point that it is causing a financial hardship for the market. The only way for the market to recover any of the losses is to charge a small percentage for those who are not making purchases...The applicant is also requesting a waiver of the requirements that the check cashing facility be located more than 200 feet away from residential use. The justification is that this service has been available to its customers since 1960's...Granting a Special Use Permit for Check cashing will allow the Stewart Market to continue this valuable service for its customers and will help the market with its operating costs."

BACKGROUND INFORMATION

A) Previous Actions

- 05/06/92 The City Council denied a request to Rezone (Z-0017-92) the subject property from an R-3 (Medium Density Residential) Zone to a C-1 (Limited Commercial) Zone for a food market. The Planning Commission and staff recommended denial of the request on 04/09/92.
- 12/16/92 The City Council approved a Variance (V-0096-92) to allow an Off-Premise (Billboard) Sign to a height of 65 feet on the subject property. The Board of Zoning Adjustment denied a Variance to allow an Off-Premise (Billboard) Sign to a height of 85 feet on the subject property on 07/28/92.

SUP-5761 - Staff Report Page Two
January 27, 2005 - Planning Commission Meeting

03/17/93 The City Council approved a request to Rezone (Z-0004-93) the subject property from an R-3 (Medium Density Residential) Zone to a C-1 (Limited Commercial) Zone for a food market on the subject property. The Planning Commission and staff recommended denial of the request on 02/25/93.

The grocery store was originally constructed in the 1960's as a meat market. In 1992, the subsequent owner of the market applied for a change in zoning to permit the erection of an Off-Premise (Billboard) Sign.

B) Pre-Application Meeting

12/02/04 The staff met with the prospective applicant to review the provisions for a Financial Institution, Specified in conjunction with a food store at the subject location. It was explained that such a use could not be located within 200 feet of a parcel with a residential use. Since the property is surrounded by residential development, it was noted that a Waiver of the separation requirement would be required.

C) Neighborhood Meetings

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

DETAILS OF APPLICATION REQUEST

A) Site Area

Acres: 0.42

B) Existing Land Use

Subject Property: Grocery store
North: Single-family residences and two-family residence
South: Single-family residence
East: Single-family residence
West: Apartment building

C) Planned Land Use

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

SUP-5761 - Staff Report Page Three
January 27, 2005 - Planning Commission Meeting

D) Existing Zoning

Subject Property: C-1 (Limited Commercial)
North: R-2 (Medium-Low Density Residential)
South: R-1 (Single-Family Residential)
East: R-3 (Medium Density Residential)
West: R-3 (Medium Density Residential)

E) General Plan Compliance

The subject site is located within the Southeast Sector of the General Plan in an SC (Service Commercial) land use category. The existing C-1 (Limited Commercial) Zone is consistent with the SC (Service Commercial) land use category, and the proposed Financial Institution, Specified is permitted in the C-1 (Limited Commercial) Zone with the approval of a Special Use Permit, subject to meeting the base conditions for the Special Use.

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

The subject property is also located in the Neighborhood Revitalization Area of "The City of Las Vegas 2020 Master Plan." The Neighborhood Revitalization Area consists of those neighborhoods that are to be stabilized and improved by protecting them from the intrusion of non-residential land uses and to integrate such uses into the neighborhoods in a sensitive manner. In particular, Policy 2.2.1 (page 43) states: "That any higher density or mixed-use redevelopment which is adjacent to lower density residential development incorporate appropriate design, transition (emphasis added), or buffering elements which will mitigate adverse visual, audible, aesthetic and traffic impacts."

One of the base requirements of a Special Use for a Financial Institution, Specified is that such uses be located at least 200 feet from any parcel used or zoned for residential use. The subject property is surrounded by residential uses that abut or are across the street from the subject property. Any use that fails to meet the separation requirement in the Neighborhood Revitalization Area is inconsistent with the stated policy that specifies that appropriate transition be provided in the juxtaposition of incompatible uses. For this reason, it is recommended that the application be denied.

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	Floor Area (sq.ft.)	Required			Provided	
		Ratio	Parking		Parking	
			Regular	Handicap	Regular	Handicap
Financial Institution, Specified		1 space per 200 sq. ft.				
Grocery Store	5,324	1 space per 175 sq. ft.	28	2	24	0

The existing grocery store is deficient in the required number of parking spaces, as 30 spaces are required and 24 are provided. According to Title 19.10.010, the grocery store is a "parking-impaired development," i.e. the use does not conform to the present parking standards of the Zoning Code. Furthermore, the grocery store is not to be considered a "nonconforming" use. The parking requirement for a grocery store is more restrictive than for a Financial Institution, Specified. Since the Financial Institution, Specified is to be located within the existing grocery store, no additional parking spaces are required.

A2) Minimum Distance Separation Requirement

No Financial Institution, Specified may be located within 200 feet from any parcel zoned for residential use. Because the subject property is surrounded by residential uses that abut or are across the street from the subject property, the proposed use cannot meet the minimum distance separation requirement. The applicant has requested a Waiver in this separation requirement; however, for the reasons discussed above, it is recommended that the Waiver not be approved.

B) General Analysis and Discussion

- Zoning**

The proposed Financial Institution, Specified is within the realm of permitted uses in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.

SUP-5761 - Staff Report Page Five
January 27, 2005 - Planning Commission Meeting

- Use

A Financial Institution, Specified is defined by Title 19 as any business whose primary function is to lend money; to cash checks or other negotiable instruments for a fee, service charge or other consideration; or to provide funds in exchange for the acceptance of a check on a post-dated or deferred-deposit basis. The term includes without limitation a check cashing service, paycheck advance service, and any business primarily providing cash loans, installment loans or cash advances.

The proposed Financial Institution, Specified would be located within the existing grocery store located on the property, and the use is expected to displace very little space within the grocery store. The use may be a convenience to patrons who frequent the store, but it may also be a draw to persons outside the immediate area who find the business convenient for cashing checks and for other financial transactions. It is this influx of persons from outside the area that is a cause for concern, particularly for residents that abut or are across the street from the subject property. For this reason, it is recommended that this application be denied.

- Conditions

The following are the minimum conditions from Title 19.04.050 for a Financial Institution, Specified:

1. The use shall comply with all applicable requirements of LVMC Title 6.
2. The building design and color scheme shall be subject to review by the Planning and Development Department to ensure that it will be harmonious and compatible with the surrounding area.
3. No temporary signs (as described in LVMC Title 19.14.090) such as balloons, inflated devices, searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage purposes, or other similar devices are permitted, except that banners announcing a "grand opening" or that a business is "coming soon" may be approved administratively for a period not to exceed thirty days.
4. Window signs shall not cover more than twenty percent (20%) of the area of all exterior windows.
5. Window signs shall not include flashing lights or neon lighting (adopted 03/31/04).

SUP-5761 - Staff Report Page Six
January 27, 2005 - Planning Commission Meeting

6. Window signs shall not include any text other than text that indicates the hours of operation and whether the business is open or closed (adopted 03/31/04).
7. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 8:00 p.m.
8. The building or portion thereof that is dedicated to the use shall have a minimum size of 1,000 square feet, and shall be designed to have sufficient interior space to provide for adequate customer waiting areas, customer queuing, and transaction space (such as "teller" windows or desks) (adopted 03/31/04).
9. No specified financial institution use may be located closer than 200 feet from any parcel used or zoned for residential use. In addition, no specified financial institution use may be located closer than 1,000 feet from any other specified financial institution use, auto title loan use or auto pawn use. For purposes of this Paragraph, distances shall be measured in a straight line from property line to property line, without regard to intervening obstacles (adopted 03/31/04).

The proposed use does not comply with the conditions specified above, as the use does not have the required 200-foot separation from a residential use. For this reason, it is recommended that the application be denied.

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 completely surrounded by existing residential development that abuts or is across the street from the proposed Financial Institution, Specified. One of the base conditions for this Special Use is that it be separated from residential development by a distance of 200 feet. Because it will have no separation from residential development, it is rendered incompatible with existing surrounding land uses. For this reason, it is recommended the application be denied.

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

The proposed Financial Institution, Specified is to be located within an existing grocery store. Although the present site is a "parking-impaired development" that does not have sufficient parking, the proposed use does not exacerbate this deficiency. All other on-site requirements would be met. Therefore, the subject site is physically suitable for the proposed use.

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

The proposed use will be located within an existing grocery store with access to Stewart Avenue, a Primary (100-foot wide) Arterial street on the Master Plan of Streets and Highways. The street facilities are adequate in size for the proposed use.

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

The proposed development will be subject to inspections and permitting, and therefore will not compromise the public health, safety or welfare. As discussed above, the Financial Institution, Specified cannot meet the requirement that it be separated a distance of 200 feet from a parcel on which a residential use exists or is permitted. Therefore, the use is not in conformance with the "The City of Las Vegas Master Plan 2020." For this reason, it is recommended that the application be denied.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

15

NOTICES MAILED 222

APPROVALS 0

PROTESTS 1



STATEMENT OF FINANCIAL INTEREST

Name of Property Owner: Hirmis Haron

Name of Applicant: Hirmis Haron

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

Yes

 X No

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

City Official: _____

Partner(s): _____

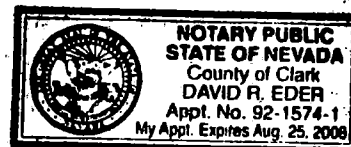
APV: _____

Signature of Property Owner/Authorized Agent: n Herman - Hagon

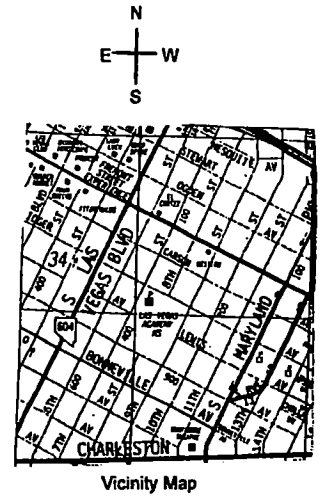
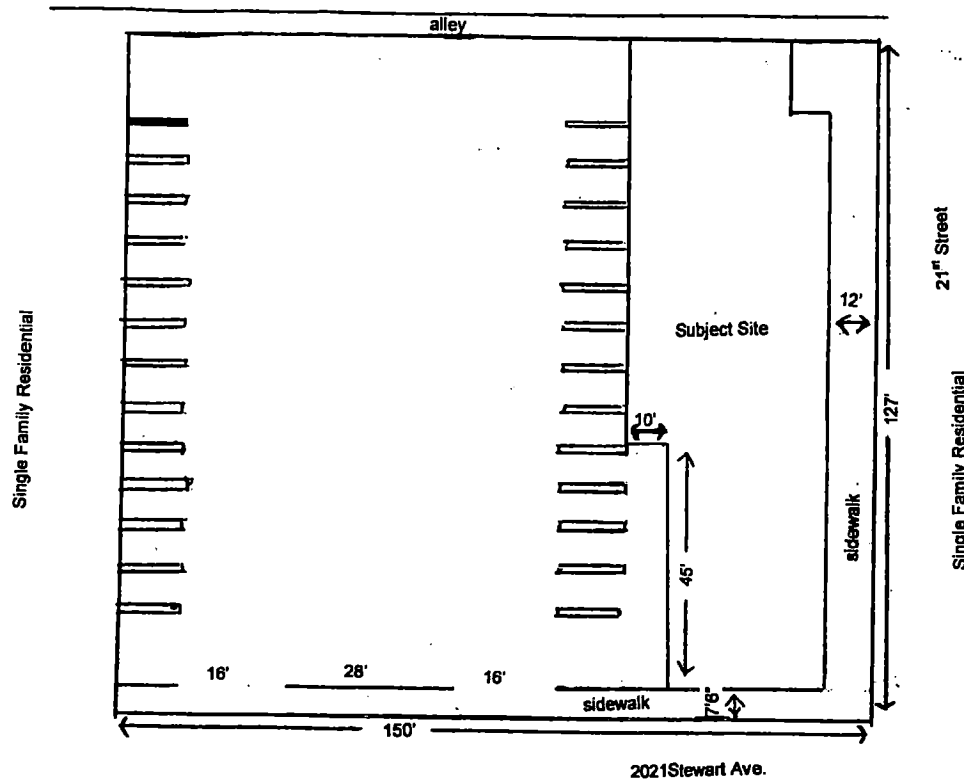
Subscribed and sworn before me

This 12 day of OCT, 2004

Notary Public in and for said County and State



(Multi - Family And Single Family Residential)



Scale 1" = 25'

24 parking spaces 8' X 16'

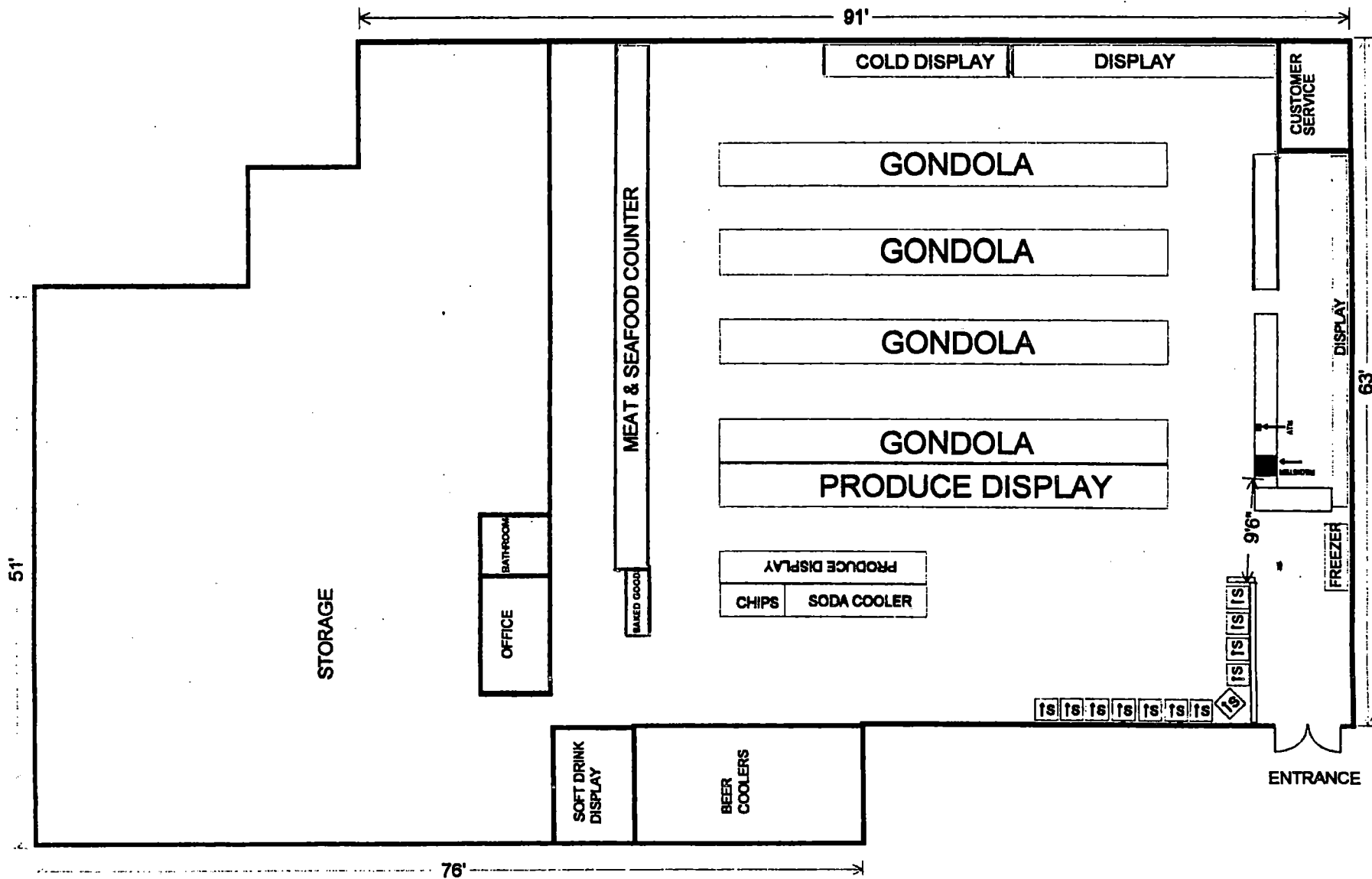
Lot Size 150' X 127' = 19,050 Sq Ft.

Building Sq Ft. 121' X 44' = 5,324 Sq Ft.

APN # 139-35-611-057

SUP-5761
01/27/05 PC

RECEIVED
DEC 13 2004

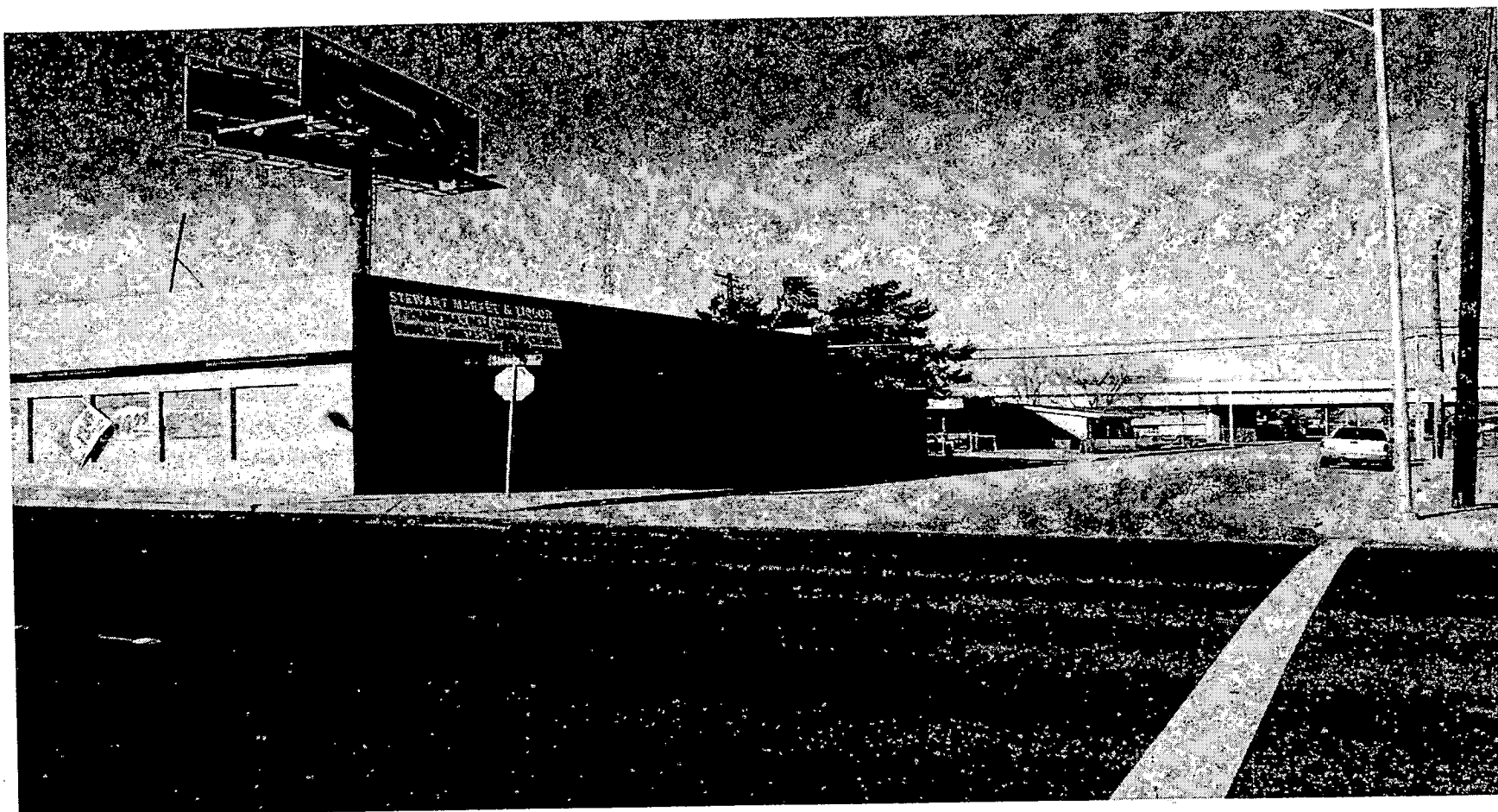


RECEIVED
DEC 13 2004

DATE PREPARED: 5/12/03
TOTAL FOOTAGE: 7,740 SQ. FT.
CUSTOMER AREA: 3,510 SQ. FT.

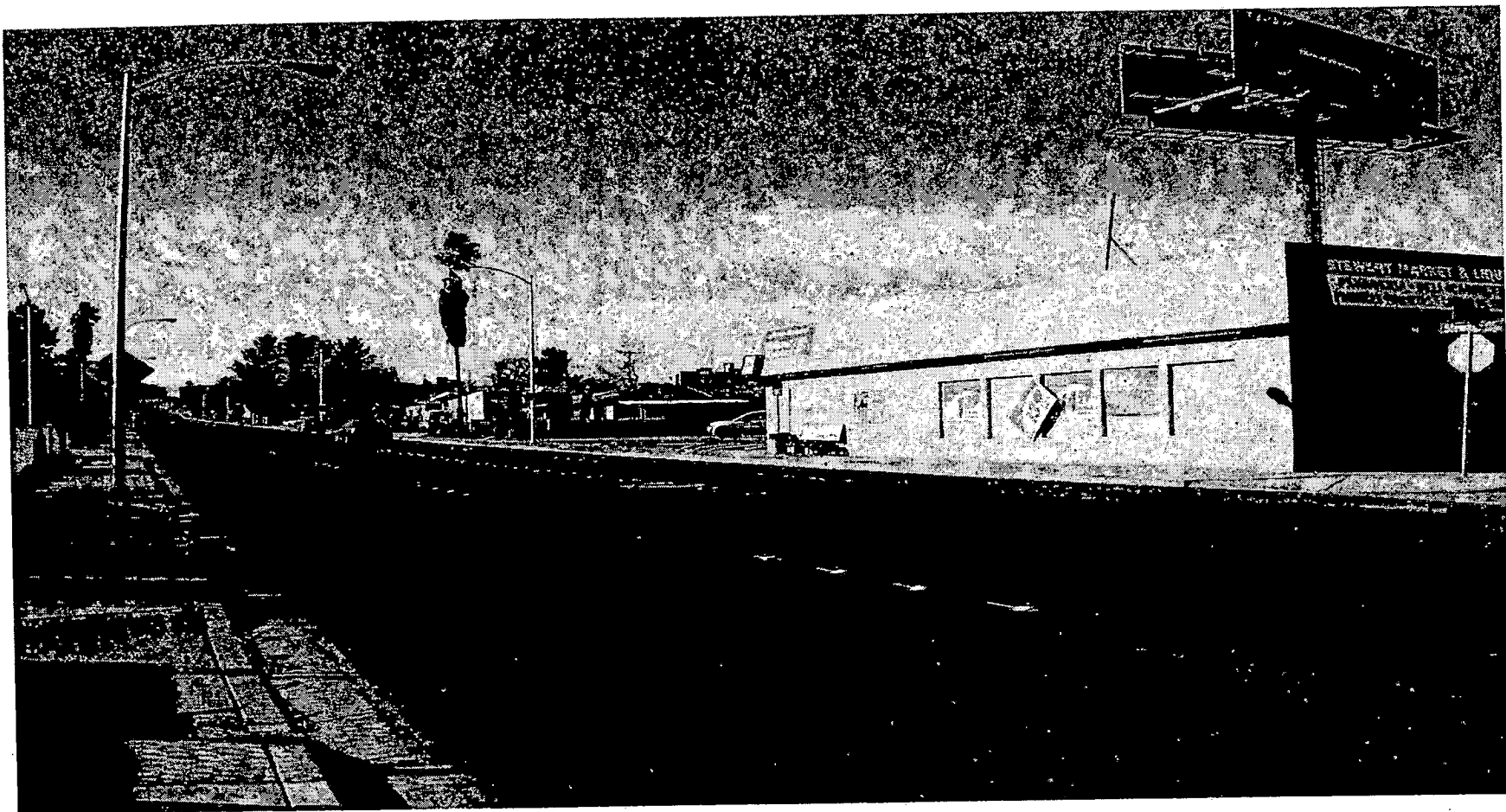
STEWART MARKET
2021 STEWART AVE.
LAS VEGAS NV 89101

SUP-5761
01/27/05 PC



SUP-5761 - APPLICANT/OWNER: HIRMIS B. HARON
2021 EAST STEWART AVENUE
JANUARY 27, 2005 PLANNING COMMISSION

1/11/05



SUP-5761 - APPLICANT/OWNER: HIRMIS B. HARON
2021 EAST STEWART AVENUE
JANUARY 27, 2005 PLANNING COMMISSION

1/11/05

Justification Letter
Stewart Market

The Stewart Market has been cashing checks for its customers since the 1960's. Over the past few years the amount of bad checks being cashed at the Stewart Market has increased to the point that it is causing a financial hardship for the market. The only way for the market to recover any of the losses is to charge a small percentage for those who are not making purchases.

Mr. Haron has been an excellent neighbor and takes pride in his business and in the down town area, as can be seen by the remodel of the Stewart Market. Mr. Haron is asking that he be allowed to continue this valuable service for his customers.

The applicant is also requesting a waiver of the requirement that the check cashing facility be located more than 200 feet away from residential use. The justification is that this service has been available to its customers since 1960's

Granting a Special Use Permit for Check Cashing will allow the Stewart Market to continue this valuable service for its customers. And will help The Market with its operating cost.

Telephone Protest/ Approval Log

Meeting Date: 1-27-PC

Case Number: SUP-5761

Date: 1-18-05
Name: Kathleen Jacobsen
Address: 237 N. 20th St.
Phone: 203 8827
☒ 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: _____
Phone: _____
☐ PROTEST ☐ APPROVE

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: JANUARY 27, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SUP-5771 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: MIGUEL NUNEZ - OWNER: AGRELLA PROPERTIES, LLC - Request for a Special Use Permit FOR A PROPOSED LIQUOR ESTABLISHMENT (OFF-PREMISE SALES) at 6700 West Charleston Boulevard, Suite F (APN 138-34-820-014), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief).

IF APPROVED: C.C.: 03/02/05

IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

20

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

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

MOTION:

EVANS – APPROVED subject to conditions and adding the following conditions:

- *The sale of alcoholic beverages shall be limited to beer and wine only.*
- *The sale of individual containers of any size of beer, wine coolers or screw cap wine is prohibited. There shall be no repackaging.*

– UNANIMOUS

To be heard by City Council 3/02/2005

MINUTES:

CHAIRMAN NIGRO declared the Public Hearing open.

GARY LEOBOLD, Planning & Development Department, gave a brief overview of the application.

PLANNING COMMISSION MEETING OF JANUARY 27, 2005
Planning and Development Department
Item 75 – SUP-5771

MINUTES – Continued:

MIGUEL NUNEZ appeared and concurred with all conditions.

LINDA WISCHMEYER, Grubb and Ellis Las Vegas, 3800 Howard Hughes Parkway, appeared on behalf of the property owner and informed the Commission that the owner supported the application.

VICE CHAIRMAN TRUESDELL stated that historically, the board has conditioned convenience stores for beer and wine sales only. He would not support hard liquor sales. It was agreed that standard conditions would be imposed limiting the type of sales and prohibiting individual sales. MR. NUNEZ agreed to the added conditions.

CHAIRMAN NIGRO declared the Public Hearing closed.

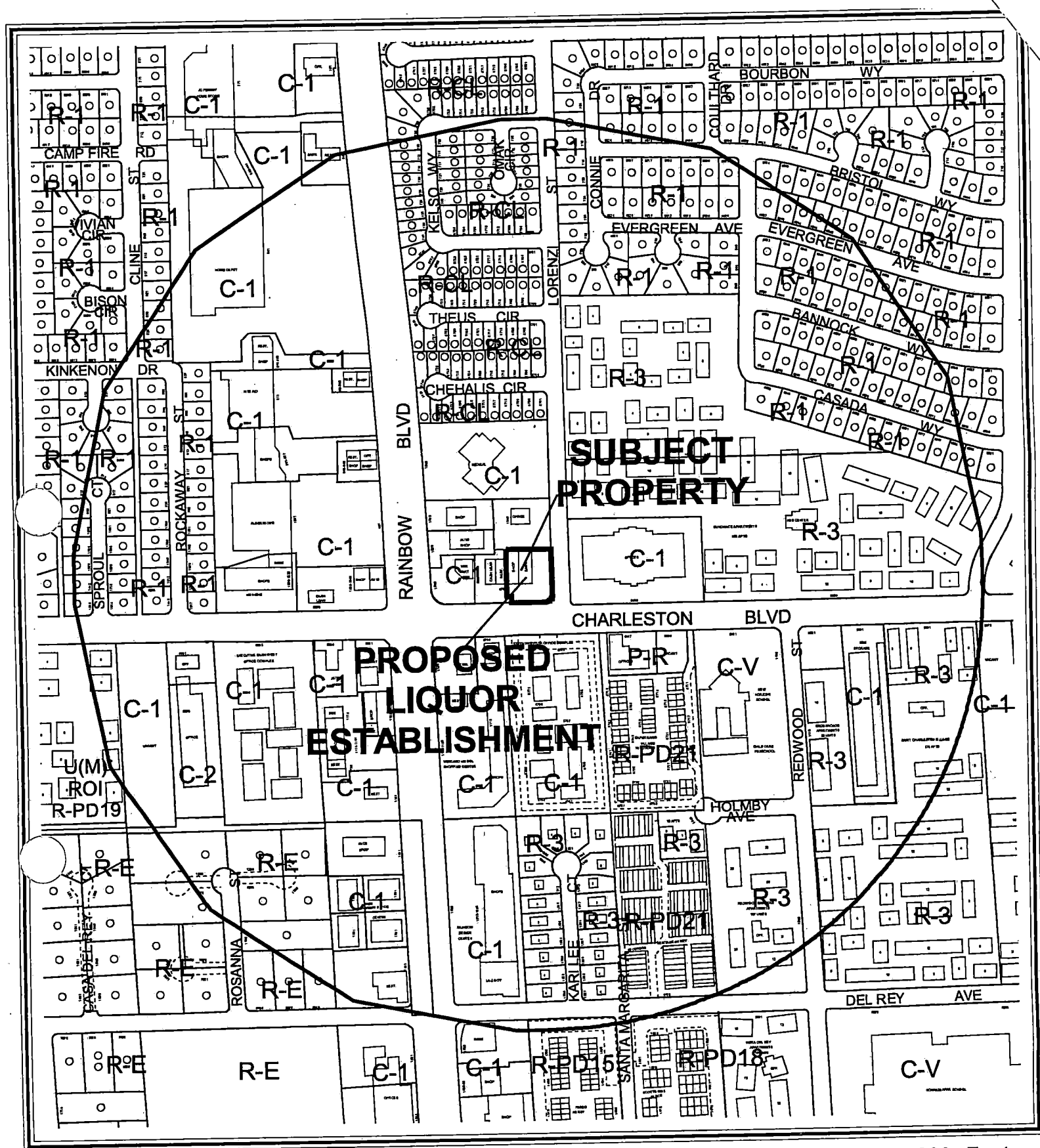
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3-3798

CONDITIONS:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for a Liquor Establishment (Off-sale) use.
2. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
3. All City Code requirements and design standards of all City departments must be satisfied.
4. Approval of this Special Use Permit does not constitute approval of a liquor license.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.



CASE: SUP-5771

RADIUS: 1500 FT

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





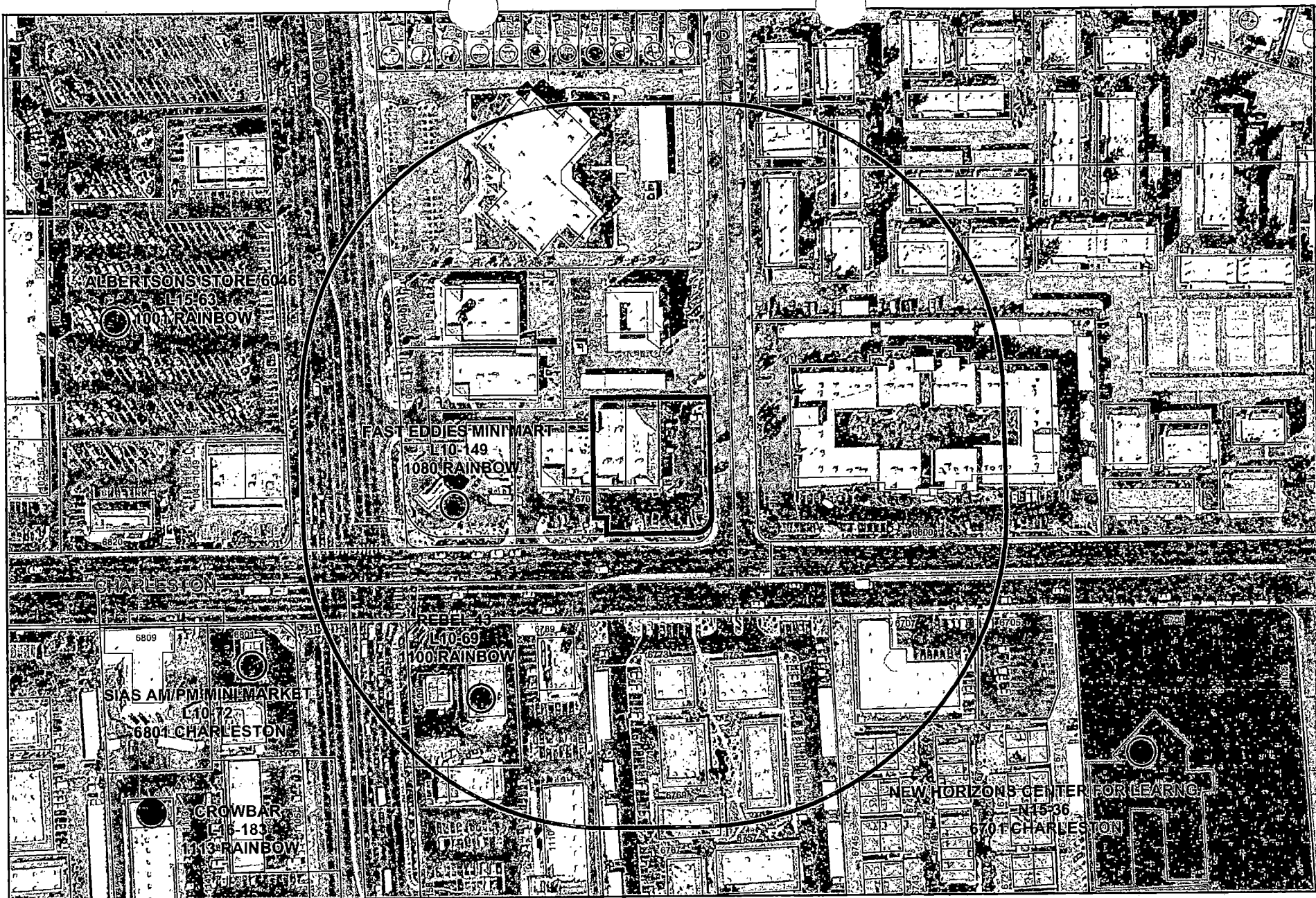
CASE: SUP-5771

RADIUS: 1500 FT

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

0 400 800 Feet





SUP-5771
Package Liquor Sales

Business Licenses

- Child Care/
Children Facility
- Supper Club/
Restaurant Service Bar
- Tavern
- Package Liquor Sales

- RELIGIOUS
- PARKS
- SCHOOLS

- Subject Property
- 400 foot buffer



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JANUARY 27, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-5771 - APPLICANT: MIGUEL NUNEZ - OWNER:
AGRELLA PROPERTIES, LLC**

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for a Liquor Establishment (Off-sale) use.
2. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
3. All City Code requirements and design standards of all City departments must be satisfied.
4. Approval of this Special Use Permit does not constitute approval of a liquor license.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a proposed liquor establishment (off-premise sales) within an existing convenience store at 6700 West Charleston Boulevard, Suite F.

B) Applicant's Justification

The applicant justifies the application by stating that the location meets the required 400 -foot minimum distance separation requirement.

BACKGROUND INFORMATION

A) Previous Actions

- 11/15/78 The Board of City Commissioners approved a Rezoning (Z-0080-78) application for the reclassification of property from R-E (Residence Estates) to R-1 (Single Family Residential) and C-1 (Limited Commercial). The subject parcel was part of this larger request. The Planning Commission recommended denial.
- 08/19/92 The City Council approved a Special Use Permit (U-0166-92) application to allow the sale of beer and wine in conjunction with a proposed convenience store and to allow the sale of gasoline on property located on the northeast corner of Rainbow Boulevard and Charleston Boulevard in Zoning District C-1 (Limited Commercial). The Board of Zoning adjustment recommended approval.
- 01/12/65 The Planning Commission approved a Site Development Plan Review [Z-0080-78(10)] application for proposed commercial shops on property located on the northwest corner of Charleston Boulevard and Lorenzi Street. Staff recommended approval.
- 02/24/97 The City Council approved a Special Use Permit (U-0152-96) application for a class III used bookstore on property located at 6700 West Charleston Boulevard. The Board of Zoning Adjustment recommended approval.

SUP-5771 - Staff Report Page Two
January 27, 2005 - Planning Commission Meeting

B) Pre-Application Meeting

11/24/04 A pre-application conference was held, resulting in the following comments:

1. Meets the base conditions for a Liquor Establishment (Off-Premise Sales).
2. The use is to be in conjuncture with an established convenience store.
3. The 2,130 s.f. of floor area is in compliance with business licensing.
4. May be conditioned so as to limit the sales of single containers.
5. Check for an updated site plan.
6. Depict the location for alcohol sales on the floor plan.
7. Reference Site Development Plan Review [Z-0080-78(10)].

The applicant has since supplied an updated site plan and has indicated the location for alcohol sales on the floor plan.

C) Neighborhood Meetings

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

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.69

B) Existing Land Use

Subject Property: Commercial Strip Center
North: Non-Profit Family & Child Treatment Center
South: Office Park & Retail Buildings
East: Offices
West: Convenience Store w/ Gasoline Sales

C) Planned Land Use

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

SUP-5771 - Staff Report Page Three
January 27, 2005 - Planning Commission Meeting

D) Existing Zoning

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

E) General Plan Compliance

This site is designated as SC (Service Commercial) on the Southwest Sector Map of the General Plan. This land use category allows low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons and that do not include more intense general commercial characteristics. It also includes offices either singly or grouped as office centers with professional and business services. The C-1 (Limited Commercial) zoning district conforms to the SC (Service Commercial) General Plan designation. The proposed off-premise sale of alcohol in conjuncture with an existing convenience store is in conformance with the uses permitted within a C-1 (Limited Commercial) zoning district.

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

No special districts, zones, or studies are related to this Special Use Permit request.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

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

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
Convenience Store	2,130 SF.	1 Space / 250 GFA	8	1	65	3

PL

SUP-5771 - Staff Report Page Four
January 27, 2005 - Planning Commission Meeting

The subject area is not increasing the square footage in which the use is to occupy, nor is the intensity of the use increasing, therefore parking standards are subject to the conditions of approval of the original Site Development Plan Review [Z-0080-78(10)]. A pet shop occupied the subject suite before the convenience store assumed the subject location. Title 19.10 holds both uses to the same parking requirements. In addition the approval and construction of the subject site precedes the effective date of Title 19, therefore the subject site can be considered a parking impaired development.

A2) Minimum Distance Separation Requirements

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

Standards	Code Requirement	Provided
Liquor Establishment (On-Sale)	400 Feet of any church, synagogue, school, child care facility licensed for more than twelve children, or City park	Yes

The proposed use will be located within an existing convenience store, which has been in operation since 11/16/04. The proposed use is located at a greater distance than 400 feet from any protected use. Therefore, it meets the minimum distance separation requirement.

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

Standards	Code Requirement	Provided
Trash Enclosure	Yes	Yes

A trash enclosure is located at the northwestern portion of the subject site and was previously approved as part of the original Site Development Plan Review [Z-080-78(10)].

B) General Analysis and Discussion

- Zoning**

The subject site is currently zoned C-1 (Limited Commercial). A Liquor Establishment (Off-sale) use is permitted in C-1 with the approval of a Special Use Permit.

SUP-5771 - Staff Report Page Five
January 27, 2005 - Planning Commission Meeting

- Use

Title 19.04.050 establishes the criteria for the approval of alcohol-related uses within the city. The Code requires this Liquor Establishment (Off-sale) use to be a minimum of 400 feet from any church, synagogue, school, childcare facility licensed for more than twelve children, or City park as measured from property line to property line. In this case, there are no protected uses within the required minimum 400-foot distance separation radius. The proposed sale of beer, wine will be an accessory use to an existing convenience store (La Palma Market). The convenience store has been issued business license on 11/16/04 and completed their Tenant Improvement of suite F on 10/22/04.

- Conditions

The following conditions are stipulated for the Liquor Establishment (On-sale/Off-sale/On-Off sale) use within a C-1 (Limited Commercial) zoning district. The conditions with asterisks are cannot be waived:

- *1. Except as otherwise provided in this Chapter, no liquor establishment (on-sale/off-sale/on-off-sale) use (hereinafter "liquor establishment") shall be located within four hundred 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 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 liquor establishment which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed liquor establishment. 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 liquor establishment proposed to be located on a parcel of at least eighty acres in size, the minimum distances referred to in Paragraph 1 shall be measured in a straight line:

SUP-5771 - Staff Report Page Six
January 27, 2005 - Planning Commission Meeting

- a. From the nearest property line of the existing use to the nearest portion of the structure in which the liquor establishment will be located, without regard to intervening obstacles; or
 - b. In the case of a proposed liquor establishment 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 liquor establishment will be located, without regard to intervening obstacles.
- 4. When considering a Special Use Permit application for a liquor establishment 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. The minimum distance requirements in Subsection (1) do not apply to:
 - a. An establishment which has a non-restricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992; or
 - b. A proposed retail establishment having more than 50,000 square feet or retail floor space.
- *6. All businesses, which sell alcoholic beverages, shall conform to the provisions of Chapter 6.50 of the Las Vegas Municipal Code.
- 7. The minimum distance requirements set forth in Subsection (1), which are otherwise non-waivable under the provisions of this subdivision, may be waived:
 - a. In accordance with the provisions of Subsection 19.040.050(A)(4) for any liquor establishment, which is proposed to be located on a parcel within the Downtown Casino Overlay District;
 - b. In accordance with the applicable provisions of the "Town Center Development Standards Manual" for any liquor establishment which is proposed to be located within the T-C (Town Center) Zoning District and which is designated MS-TC (Main Street Mixed Use) in the Town Center Land Use Plan; or

- c. In connection with a proposed retail establishment having between 20,000 square feet and 50,000 square feet of retail floor space, if no more than 10% of the retail floor space is regularly devoted to the display or merchandising of alcoholic beverages; or
- d. In connection with a retail establishment having less than 20,000 square feet of retail floor space, if the area to be used for the sale, display or merchandising of alcoholic beverages and each use to be protected are separated by a highway or a right-of-way with a width of at least 100 feet.

The application appears to meet all the applicable conditions of Title 19.04.050.

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 Liquor Establishment (Off-sale) use will be an accessory use to an existing convenience store. It is located in a predominantly commercial area along a Primary Arterial. For these reasons, the use is compatible with existing land uses and appropriate for the area.

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

The subject site is physically suitable for the type and intensity of land use proposed. The addition of a Liquor Establishment (Off-sale) use does not affect the parking requirement for the convenience store.

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

The subject location is accessible from Charleston Avenue, a 100-foot Primary Arterials as indicated on the Master Plan of Streets and Highways, and Lorenzi Street, a 60-foot public right-of-way. The highway facilities are of adequate size and capacity to accommodate the proposed Liquor Establishment (Off-Sale)/convenience store.

SUP-5771 - Staff Report Page Eight
January 27, 2005 - Planning Commission Meeting

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

The public health, safety, and welfare and the objectives of the General Plan would not be compromised as a result of the approval of a Special Use Permit, because the proposed Liquor Establishment (Off-sale) would be subject to inspections for a Certificate of Occupancy and that of Business Services.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

7

NOTICES MAILED 637

APPROVALS 0

PROTESTS 20

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-5771** APN: 138-34-820-014
138-34-820-013

Name of Property Owner: Al Agrella, Agrella Properties, LLC

Name of Applicant: X Miguel Nunez

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

Yes

No

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

City Official: _____

Partner(s): _____

APN: _____

Signature of Property Owner/Authorized Agent:

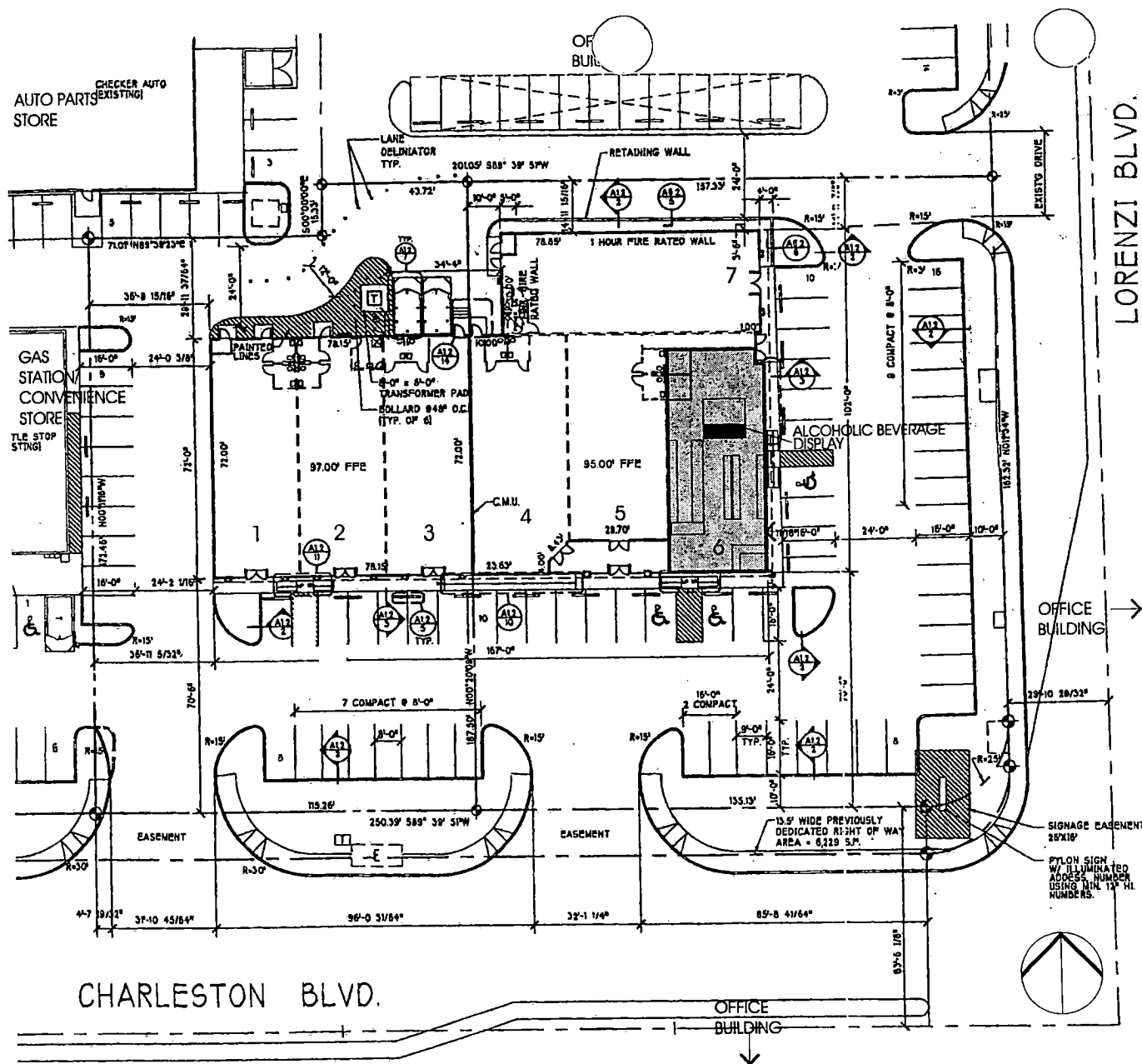
Print Name:

Subscribed and sworn before me

This 19th day of November, 2004

Notary Public in and for said County and State





PROJECT INFO:

MR. MIGUEL NUNEZ
LA PALMA MARKET
 6700 W. CHARLESTON BOULEVARD UNIT F (8)
 LAS VEGAS, NEVADA

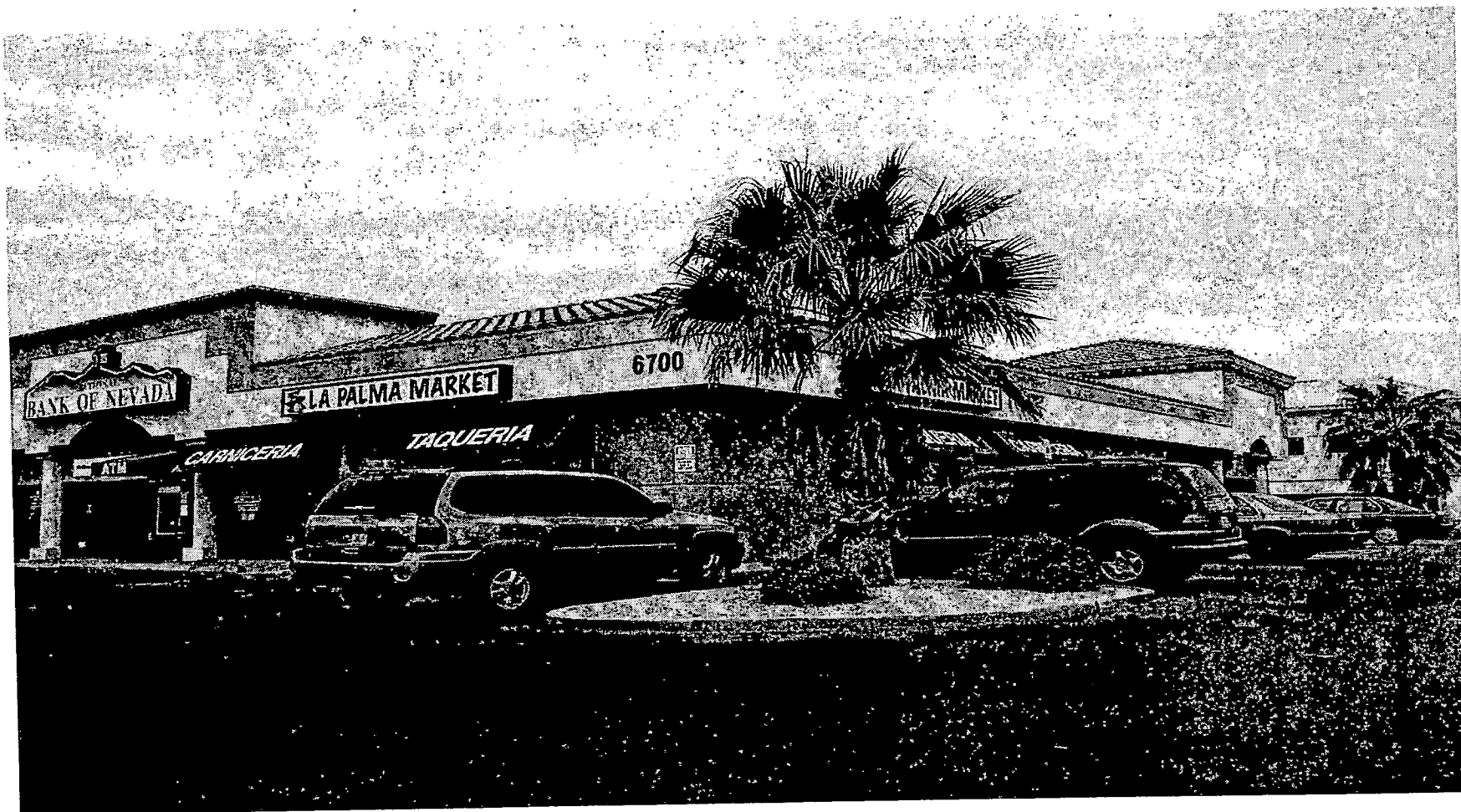
CODE ANALYSIS

SITE AREA: 50,436.56 S.F.
 TOTAL BUILDING AREA: 14,279 S.F.
 OCCUPANCY GROUP CLASSIFICATION: M AND A-2 IBC CHAPTER 3
 CONSTRUCTION TYPE: V-B IBC CHAPTER 6
 FULL AUTOMATIC SPRINKLERING OF BUILDING: YES IBC 504 AND CHAPTER 9
 TOTAL PARKING STALLS PROVIDED: 68 STALLS

TENANT SPACE	TENANT TYPE	S.F.	S.F. EA. AREA	PARKING RATIO	PARKING STALLS REQUIRED
1	RETAIL	1840		1/250	7.36
2	RETAIL	1840		1/250	7.36
3	CHINESE RESTAURANT-PUBLIC	1840	688 S.F.	1/50	13.76
	CHINESE RESTAURANT-NON PUBUC		1,152 S.F.	1/200	5.76
4 & 5	BANK	4,154		1/200	20.77
6	LA PALMA MARKET	2,130		1/250	8.52
7	VACANT SPACE	2,375		1/250	9.5
TOTAL		14,179			73.03

SUP-5771
01/27/05 PC

RECEIVED
 DEC 13 2004



SUP-5771 - APPLICANT: MIGUEL NUNEZ - OWNER: AGRELLA PROPERTIES, LLC
6700 WEST CHARLESTON BOULEVARD, SUITE F
JANUARY 27, 2005 PLANNING COMMISSION

1/6/05



SUP-5771 - APPLICANT: MIGUEL NUNEZ - OWNER: AGRELLA PROPERTIES, LLC
6700 WEST CHARLESTON BOULEVARD, SUITE F
JANUARY 27, 2005 PLANNING COMMISSION

1/6/05

City of Las Vegas
Planning Department
730 S. Fort St.

We would like to request
special use permit for the
off premise sale of beer and
wine at existing convenient
store, La Palma Market.

- The property meets the
400' distance separation
requirement.

We will not be selling
single alcoholic beverages,
but rather in packs of six,
twelve and/or twenty four.

- Miguel Nunez

President of La Palma Market

Planning Commission
City Council
400 Stewart Avenue
Las Vegas, Nv. 89101

RE: SUP 5771 - Proposed Liquor Establishment - 6700 W. Charleston Blvd.

To the City Council and the Planning Commission:

I have lived in Las Vegas since 1960, and in my home in Ward 1 since 1967. I am opposed to this liquor store being placed at this location for the following reasons:

1. There are already four corners of Rainbow and Charleston that you are able to purchase liquor on - the Albertsons, 7-11, Mobile and 76 stations, not to mention the Idle Spurs bar directly behind the 7-11. Albertsons has every imaginable type of liquor you could want, and if not, Lee's is just down the street at Oakley and Rainbow. In addition to these establishments, three block away is the Torrey Pines Pub and another 7-11, a Stop & Go, and Walgreens, all of which sell liquor.
2. Directly to the N.E. of the proposed site is the Sundance Apartments. Metro can tell you, as can I, as my house backs up to those apartments, that almost on a daily basis, and at least three times per week, the LVMPD helicopter is flying over it, and Metro is patrolling that complex because of the gangs, drug deals and shootings and fights, and low income families that live there. It is a crime ridden complex now, and with more liquor being that close, it will be worse.
3. Directly across the street to the S.E. is the Torrey Pines Apartments. Again, we have the same problems there as in the Sundance Apartments.
4. Next to those apartments you have the Baptist school at Redrock and Charleston
5. We also have Bonaza High School just four blocks away from the proposed corner, and Rose Warren Elementary School about six blocks away.

This is not the proper place for this establishment. There are too many minors and young children living in this area and another liquor store will only cause more problems.

I hereby request Denial of this license and ask that you recommend that Mr. Nunez go to another location for his establishment. He is not the owner of that property, which would make a difference, but only a tenant in a rental complex.

My neighbors feel as I do on our little street that this is not appropriate, and would only cause more crime to be in our neighborhood. I have enclosed a separate page with their signatures and addresses for your use.

Ms. Moncrief, we request denial of this license at this time, and in the future.

Regards,
Bonnie R. McDaniel, RN
Home Owner
6537 Casada Way
Las Vegas, Nv. 89107

LISTED AS SUP 5771, HEREBY REQUEST DENIAL FOR THE LOCATION OF
AT THIS TIME FOR THE REASONS MENTIONED IN THE LETTER SENT BY OUR NEIGHBOR,
BONNIE R. MCDANIEL.

NAME: THOMAS LAW + CAROLINE LANPHER
ADDRESS: 6508 CASADA WAY L.V., NV. 89107
PHONE: 702-878-2748

NAME: Robert Miller
ADDRESS: 6525 CASADA M L.V. 8907
PHONE: 870 8861

NAME: Bonnie McDaniel 870-0424
ADDRESS: 6537 Casada way
PHONE: Las Vegas NV 89107

NAME: Donna Tankums
ADDRESS: 6541 Casada way W 89107
PHONE: 259-0271

NAME: Mary Dohmen
ADDRESS: 6549 CASADA WAY
PHONE: 878-0868

NAME: Roman Baustic
ADDRESS: 6529 - Casada way
PHONE: 858-6503

NAME: Valerie Sanders
ADDRESS: 6501 CASADA W. 89107
PHONE: 702-877-0314

NAME: Harriet Clements
ADDRESS: 6513 Casada way
PHONE: 259-0136

NAME:
ADDRESS:
PHONE:

NAME:
ADDRESS:
PHONE:

NAME:
ADDRESS:
PHONE:

NAME:
ADDRESS:
PHONE:

NAME:
ADDRESS:
PHONE:

8

WE, THE HOME OWNERS LISTED AS SUP 5771, HEREBY REQUEST DENIAL FOR THE LICENSE OF THAT ESTABLISHMENT AT THIS TIME FOR THE REASONS MENTIONED IN THE LETTER SENT BY OUR NEIGHBOR, BONNIE R. MCDANIEL.

NAME: Jane P Yada Jane P Yada
ADDRESS: 6536 Casada Way LV NU 89107
PHONE: 870-6847

NAME: Kennel H H
ADDRESS: 6544 Casada Way LV NU 89107
PHONE: 870 4290

NAME: Sharon H H
ADDRESS: 6544 Casada Way LV NU 89107
PHONE: 870-4290

NAME: Mary P Yada
ADDRESS: 6546 Casada Way LV NU 89107
PHONE: 870-5775

NAME: John A Landhaed
ADDRESS: 6501 Casada Way
PHONE: 870-6970

NAME: Thomas L
ADDRESS: 6508 Casada Way
PHONE: 870-6970

NAME: NELSON GONZALEZ
ADDRESS: 6504 CASADA WAY
PHONE: 702 289 63 49

NAME: Sandra Varnay
ADDRESS: 6520 Casada Way
PHONE: LV 89107 702-370-1531

NAME: Mrs. Dale Difford
ADDRESS: 6548 Casada Way
PHONE: 870-2706 89107

NAME: Alejandra Angola
ADDRESS: 6532 Casada Way 89107
PHONE: 253-1355

NAME: Stephanie Cale
ADDRESS: 6528 CASADA WAY 89107
PHONE: 255-2541

NAME: DIANN L. JENKINS
ADDRESS: 6517 CASADA WY
PHONE: 870-3576

NAME: Larry Jenkins
ADDRESS: 6517 Casada Way
PHONE: 870-3576