

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JANUARY 17, 2007

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:
REZONING

ZON-17740 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER LARRY AND PATRICIA SCHEUSNER FAMILY TRUST, POULOS FAMILY TRUST, AND ASHTON BOYD FAMILY TRUST - Request for a Rezoning FROM: R-4 (HIGH DENSITY RESIDENTIAL) TO: R-5 (APARTMENT) on 1.38 acres on the north side of Bridger Avenue between 9th Street and 10th Street (APNs 139-34-712-026 through 028 and 041 through 043), Ward 5 (Weekly). Staff recommends DENIAL. The Planning Commission (4-3 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (4-3 vote) recommends APPROVAL, subject to conditions.

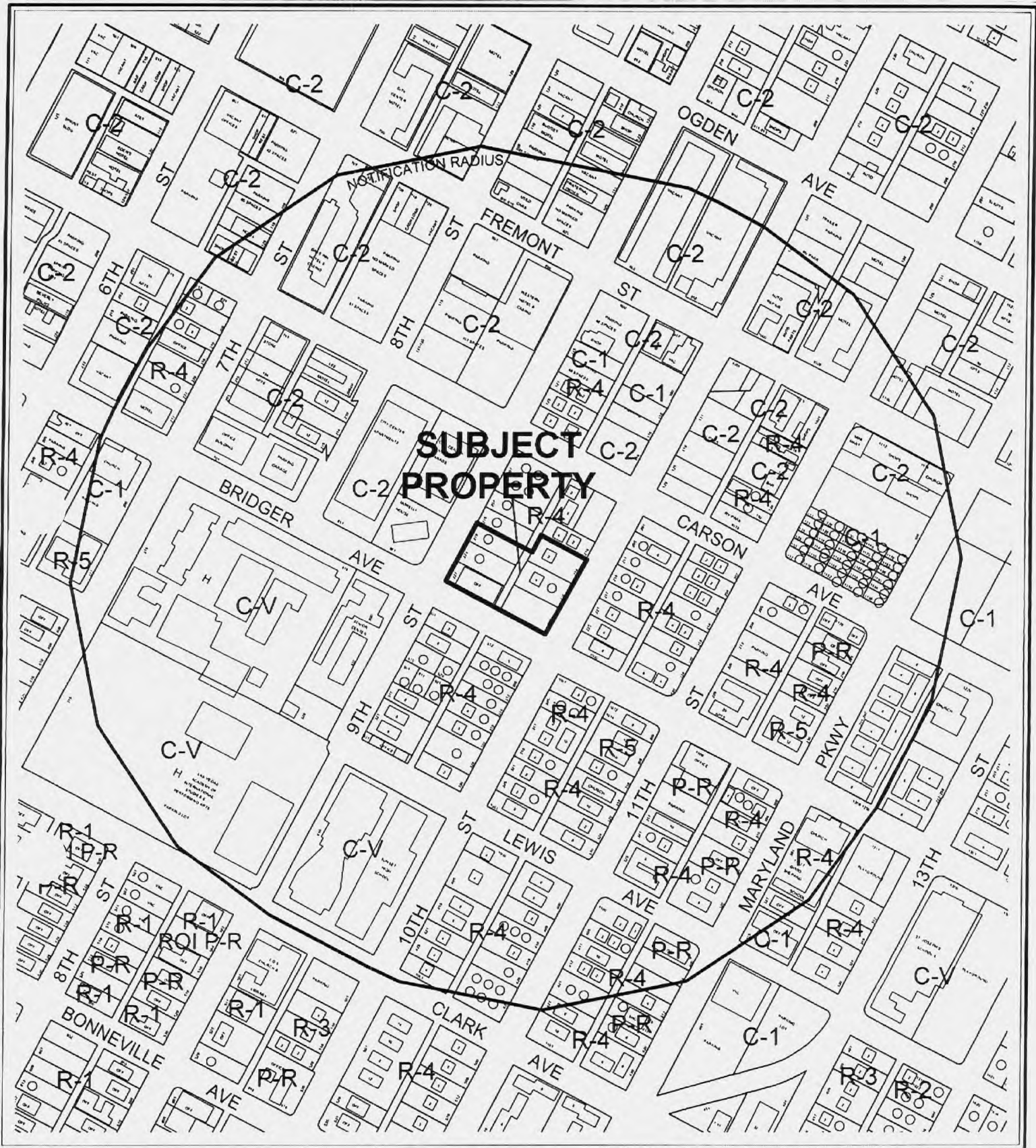
BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Submitted after final agenda - Abeyance request by SDA Inc. for Items 101-106
6. Backup referenced from the 12-07-06 Planning Commission Meeting Item 14

Motion made by GARY REESE to Hold in Abeyance Item 92 [GPA-16511], Item 93 [ZON-16519], Item 94 [VAR-16525], Item 95 [SDR-16522], Item 101 [ZON-17740], Item 102 [VAR-17741], Item 103 [VAR-17742], Item 104 [VAR-17743], Item 105 [VAC-17744], Item 106 [SDR-17745], Item 116 [SDR-15747], Item 117 [ROC-18341] and Item 130 [SUP-17739] to 2/07/2007; Item 82 [1919 Fremont Street], Item 118 [ZON-16179], Item 119 [VAR-16181], Item 120 [VAR-17191], Item 121 [SDR-16180], Item 122 [ZON-17242], Item 123 [VAR-17244], Item 124 [SDR-17247], Item 131 [SUP-18037] and Item 132 [SDR-18034] to 2/21/2007

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)



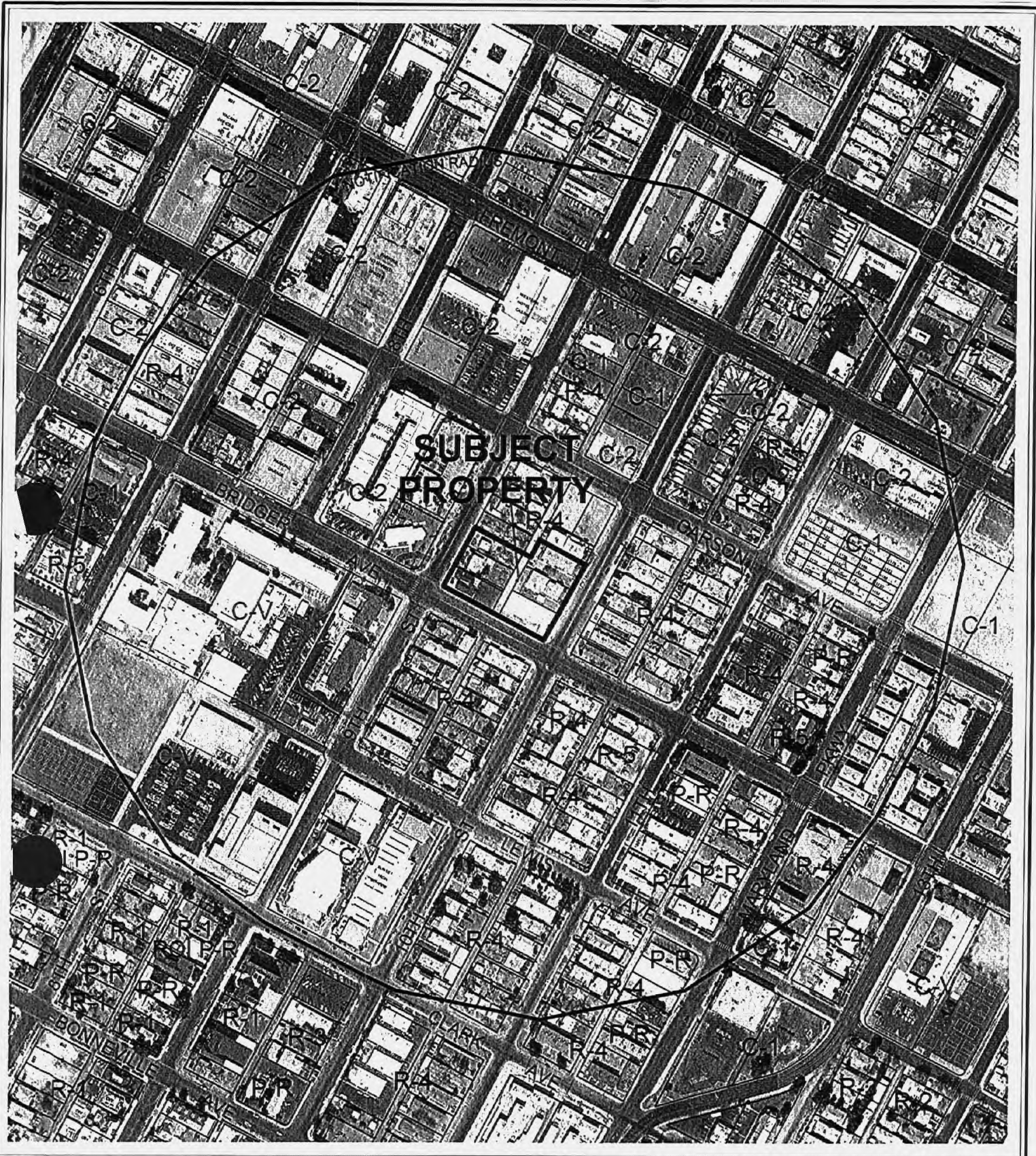
CASE: **ZON-17740**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-4 (HIGH DENSITY RESIDENTIAL)

PROPOSED ZONING OF SUBJECT PROPERTY: R-5 (APARTMENT)





CASE: **ZON-17740**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-4 (HIGH DENSITY RESIDENTIAL)

PROPOSED ZONING OF SUBJECT PROPERTY: R-5 (APARTMENT)



AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 17, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - ZON-17740 - APPLICANT/OWNER LARRY AND PATRICIA SCHEUSNER FAMILY TRUST, POULOS FAMILY TRUST, AND ASHTON BOYD FAMILY TRUST

THIS ITEM WAS HELD IN ABEYANCE FROM THE JANUARY 3, 2007 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN WEEKLY.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (4-3/se, sd, bg vote) recommends APPROVAL, subject to:

Planning and Development

1. A Resolution of Intent with a two-year time limit is hereby granted.
2. A Site Development Plan Review (SDR-17745) application approved by the City of Las Vegas is required prior to issuance of any permits, any site grading, and all development activity for the site.

Public Works

3. Coordinate with the City Surveyor regarding recordation of a Reversionary Map for this site; comply with the recommendations of the City Surveyor.
4. Dedicate a 10-foot radius on the northeast corner of Bridger Avenue and 9th Street and a 10-foot radius on the northwest corner of 10th Street and Bridger Street prior to the issuance of any permits.
5. 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.
6. Construct all incomplete half-street improvements on Bridger Avenue, 9th Street and 10th Street adjacent to this site concurrent with development of this site.

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

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a rezoning from R-4 (High Density Residential) to R-5 (Apartment) on 1.38 acres on the north side of Bridger Avenue between 9th Street and 10th Street. The following related applications will be considered concurrently: VAC-17744, VAR-17741, VAR-17742, VAR-17743 and SDR-17745.

The project as designed is more intense than the existing residential development on this block, and requires numerous Variances and Waivers. As such, the project is not appropriate to its context, and staff recommends denial.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
01/04/61	The Board of City Commissioners approved a Special Use Permit for an office at 227 South 9 TH Street
12/07/06	The Planning Commission recommended approval of companion items VAR-17741, VAR-17742, VAR-17743, VAC-17744 and SDR-17745 concurrently with this application. The Planning Commission voted 4-3/se, sd, bg to recommend APPROVAL (PC Agenda Item #14/ar).
<i>Pre-Application Meeting</i>	
08/18/06	The requirements for a rezoning application were reviewed.
<i>Neighborhood Meeting</i>	
	A neighborhood meeting is not required for this type of application

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.38 Acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Offices, multi-family dwellings, single family dwellings.	Mixed Use	R-4
North	Single family dwelling	Mixed Use	R-4
South	Apartments	Mixed Use	R-4
East	Apartments	Mixed Use	R-4
West	Apartments and Non-profit organization	Mixed Use	C-V and C-2

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown Centennial Plan		X	
Redevelopment Plan Area	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	
Trails	X		Y
Rural Preservation Overlay District		X	
Development Impact Notification Assessment		X	
Project of Regional Significance		X	

Redevelopment Area

The subject site is located within the Downtown Redevelopment Area, where special funding may be available for proposed projects. Developments are subject to all requirements of Title 19.

Trails

The Master Plan Transportation Trails Element depicts a trail along Ninth Street adjacent to this site. If this trail is constructed, it will be constructed by the city, and therefore the applicant is not required to show the trail on the submitted plans.

DEVELOPMENT STANDARDS

Per Title 19.08, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	7,000 square feet	1.38 acres	Y
Min. Lot Width	N/A	180 feet	Y
Min. Setbacks • Front (west) • Side (north) • Corner (south) • Rear (east)	• 10 Feet • 5 Feet • 5 Feet • 20 Feet	• 0 Feet • 8 Feet • 0 Feet • 0 Feet	• N* • Y** • N* • N*
Min. Distance Between Buildings	N/A	1 building	Y
Max. Lot Coverage	N/A	81 %	Y
Max. Building Height	5 Stories or 55 Feet	66 Feet	N***

*These setbacks do not comply with the R-5 standards. This issue will be considered under Variance VAR-17743.

**This setback complies with the R-5 standards, but does not comply with the Residential Adjacency Standards. This issue will be considered under Variance VAR-17742.

***The proposed height does not comply with the R-5 standards. This issue will be considered under Variance VAR-17743.

Per Title 19.08.06, the following standards apply:

Residential Adjacency Standards	Required/Allowed	Provided	Compliance
3:1 proximity slope	198 feet from north property line	8 feet	N
Adjacent development matching setback	5 feet	8 feet	Y
Trash Enclosure	50 feet from north property line	10 Feet	N

These setback issues will be considered under Variance VAR-17742.

Existing Zoning	Permitted Density	Units Allowed	Proposed Zoning	Permitted Density	General Plan	Permitted Density
R-4	50 du/ac	69	R-5	unlimited	MXU	greater than 25.49 du/ac

Per Title 19.12, the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Parking Area	1 tree/ 6 spaces	2 trees	2 trees	Y
Buffer:				
Min. Trees	1 tree/20 linear feet	27 trees	24 trees	N
Min. Zone Width	10 feet along 9th Street		0 feet along 9th Street	N
	10 feet along Bridger Avenue		4 feet along Bridger Avenue	N
	10 feet along Tenth Street		10 feet along Tenth Street	Y
	6 feet along north property line		5 feet along north property line	N

The applicant has requested a waiver to allow a reduction of the landscaping buffer requirements to allow 0 feet along a portion of the west property line, zero feet along Bridger Avenue, and five feet along the north property line.

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Number of Units	Required		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Apartments	300 one-bedroom units	1.25 spaces per unit plus one guest space for every six units	425 spaces	9 spaces	150 spaces	9 spaces	N
TOTAL (including handicap)			425 spaces	9 spaces	150 spaces	9 spaces	N
Percent Deviation					65 %		

This parking issue will be addressed under Variance VAR-17741.

Waivers		
Request	Requirement	Staff Recommendation
5 feet along north property line	6 feet along north property line	Denial
0 feet along 9th Street	10 feet along 9th Street	Denial
4 feet along Bridger Avenue	10 feet along Bridger Avenue	Denial

Because the site plan could be redesigned to include a less-intense use which would allow compliance with the city's landscaping standards, staff is recommending denial of all landscaping waivers.

ANALYSIS

The site is currently developed with two apartment buildings, two single-family dwellings, and an office building. The applicant proposes to demolish these structures and construct a 300-unit apartment building which will require a variance (VAR-17743) to allow the building to be zero feet from the west property line where ten feet is the minimum setback required, zero feet from the east property line where 20 feet is the minimum setback required, and zero feet from the south property line where five feet is the minimum setback required. Because the site plan could be redesigned to include a less-intense use which would allow compliance with the city's setback standards, staff is recommending denial of these setback variances.

The applicant has also requested a variance (VAR-17743) to allow a building height of 66 feet where the R-5 (Apartment) standards allow a maximum height of 55 feet. Because the site plan could be redesigned to include a less-intense use which would allow compliance with the city's height requirements, staff is recommending denial of this variance.

Because there is an existing single-family dwelling north of this site and adjacent to 9th Street, any proposed development of this site is required to comply with the proximity slope requirements of the Residential Adjacency standards. When applied to the height of the building as currently proposed (66 feet), these standards require a setback of 198 feet from the north property line which is adjacent to the existing single-family dwelling north of this site. The applicant has requested a variance (VAR-17742) to allow a setback of eight feet from the north property line where 198 feet is the minimum setback required. Because the site plan could be redesigned to include a less-intense use which would allow compliance with the city's Residential Adjacency standards, staff is recommending denial of this variance.

The Residential Adjacency standards also require trash enclosures to be setback at least 50 feet from single-family residential development. The applicant has requested a variance (VAR-17742) to allow the trash enclosure to be 10 feet from single-family development. Because the site plan could be redesigned to include a trash enclosure which would allow compliance with the city's Residential Adjacency standards, staff is recommending denial of this variance.

The applicant has requested a variance (VAR-17741) to allow 150 parking spaces on this site where 425 are required. Because there is no hardship associated with this site, and because staff finds that this proposed development is too intense for the subject property, staff is recommending denial of this parking variance. As part of this development, the applicant is proposing to vacate a portion of an existing 20-foot wide public alley that currently bisects this site and connects Carson Avenue and Bridger Avenue. In order to mitigate the vacation of this portion of the alley, the applicant proposes to construct a new alley, which will connect the unvacated portion of the existing alley to Tenth Street. Because staff is recommending denial of the rezoning, site development plan review and variances associated with this development, staff is recommending denial of the alley vacation. A 10-foot wide landscape buffer that complies with city standards is proposed along Tenth Street. The applicant has requested waivers to allow no perimeter landscaping along Ninth Street where ten feet is required; to allow four feet along Bridger Avenue where 10 feet is required; and to allow five feet along the north property line where six feet is required. Because the site plan could be redesigned to include a less-intense use which would allow compliance with the city's landscaping standards, staff is recommending denial of all landscaping waivers.

The elevations depict a stucco exterior with aluminum accents.

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.”**
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.”**
3. **“Growth and development factors in the community indicate the need for or appropriateness of the rezoning.”**
4. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.”**

In regard to “1”: The Downtown Redevelopment Plan designates the area along Seventh Street as MXU (Mixed Use Urban), which allows a range of residential, office, service and general commercial uses. The proposed R-5 (Apartment) district conforms to this existing designation.

In regard to “2”: The surrounding zoning districts consist of a mixture of R-4 (High Density Residential), C-2 (General Commercial), and C-V (Civic). Several residential structures remain on the same block as the proposed rezoning. The properties in the vicinity are developed with uses that would normally be compatible with the proposed R-5 (Apartment) district. In this instance, however, the five-story, 55-foot building height that the R-5 district would allow is not desirable in this area, as buildings taller than two stories would be out of character with most homes and businesses in the area.

In regard to “3”: The project as designed is more intense than other existing or proposed developments in the area, and requires numerous Variances and Waivers. As such, the project is not appropriate to its context.

In regard to “4”: The property is accessible from Ninth Street and Tenth Street. Both streets are adequate to meet the needs of the proposed R-5 (Apartment) District.

PLANNING COMMISSION ACTION

There were three speakers opposed and one in favor at the Planning Commission Meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

18

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 129 by Planning Dept

APPROVALS 1

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **ZON-17740** APN: **139-34-712-043**
Name of Property Owner: **POULOS FAMILY TRUST**
Name of Applicant: **SDA, INC. - DARIUSZ WIECHA**

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:

Peter Poulos

Christine Poulos
CHRISTINE POULOS

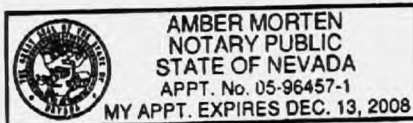
Print Name:

Peter Poulos

Subscribed and sworn before me

This 19 day of October, 2008

Amber Morten
Notary Public in and for said County and State





PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **ZON-17740** APN: 139-34-712-041/-042
Name of Property Owner: ASHTON - BOYD FAMILY TRUST
Name of Applicant: SDA, INC - DARIUSZ WIECHA

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:

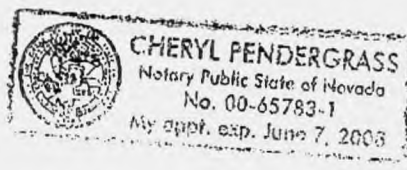
June T Boyd.

Print Name: June T. Boyd

Subscribed and sworn before me

This 16th day of Oct, 2006

Notary Public in and for said County and State





PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **ZON-17740** APN: 139-34-712-026 / -027 / -028
Name of Property Owner: LARRY AND PATRICIA SCHLEUSNER FAMILY TRUST
Name of Applicant: SDA, INC - DARIUSZ WIECHA

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: _____

Print Name: LARRY SCHLEUSNER

Subscribed and sworn before me

This 19TH day of OCT, 2006

Patricia J. Barnum
Notary Public in and for said County and State



SDA

October 24, 2006

Nathan Goldberg
City of Las Vegas
Planning Department
731 S. Fourth
Las Vegas, Nevada 89101
Telephone: 702-229-5447
Facsimile: 702-385-7268

Re: Bridger Avenue Apartments, Re-Zoning Submittal

Dear Mr. Goldberg:

This letter serves as our Justification Letter on the above referenced submittal, as described herein:

RE-ZONING

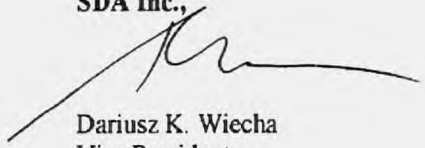
This is a rehabilitation project from existing residential and vacant land to multi-family affordable rental units. The target market will be residents who work in the downtown area and seniors. Said residents will be able to live in close proximity of their workplace. This project will assist in the City of Las Vegas' goal to rejuvenate the downtown area. The proposed development consists of apartment units, and a two-story parking garage.

This project fits the General Plan use. We request your consideration for re-zoning of the site for a higher density residential use. If approved, it will allow for construction of a multi-unit apartment complex, similar in nature to the neighboring City Center Apartments, also owned by our company.

Based on the popularity of the City Center Apartments and virtually non-existing vacancy rates, we are convinced that a property of similar character next door will greatly contribute to the urban success of downtown Las Vegas by providing affordable housing to inner city dwellers.

Sincerely,

SDA Inc.,



Dariusz K. Wiecha
Vice President

DKW/lis

ZON-17740 VAR-17741
VAR-17742 VAR-17743
SDR-17745 12/07/06 PC

SDA INC.
The Denver Tech Center
5655 South Yosemite Street, Suite 301
Greenwood Village, Colorado 80111
Telephone: (303) 220-0500
Facsimile: (303) 220-0596

Real Estate: Construction
Development
Investment
Management

SDA

VIA Federal Express

January 10, 2007

Lean Coleman
Deputy City Clerk II for
Barbara Jo Ronemus, City Clerk
City of Las Vegas
400 Stewart Avenue
Las Vegas, Nevada 89101
Phone: 702.229.6011

**RE: Request for Date Change, ✓
VAC-17744, ZON-17740, VAR-17741, VAR-17742, VAR-17743, AND ✓ SDR-
17745 ✓**

We respectfully request that the above-referenced, January 17, 2007 City Council items be moved and continued to the next City Council meeting on February 7, 2007.

Sincerely,

SDA Inc.,



Dariusz Wiecha
Vice President

DW/cs

cc: Mr. Larry Schleusner
Mrs. Patricia Schleusner
6675 Weather View Drive
Las Vegas, NV 89110

Mr. Peter Poulos
Ms. Christine Poulos
308 Sunnyvale Street
Las Vegas, Nevada 89145

Ms. June Boyd
680 South Solano
Las Cruces, New Mexico 88001

RECEIVED
CITY CLERK
2007 JAN 11 A 10:44

1/11/07 101-106

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

November 28, 2006

City of Las Vegas
Planning and Development Department
Current Planning Division
Development Services Center
731 South Fourth Street
Las Vegas, Nevada 89101
Phone: (702) 229-6301
Fax: (702) 385-7268

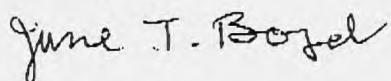
RE: Case: ZON-17740
Rezoning for the Proposed Bridger Avenue Apartments
Las Vegas, Nevada

Planning Commission:

I have seen the artist's rendering of the proposed apartment community that SDA INC. plans to develop at 10th Street and Bridger Avenue. As a long time downtown resident, I think that this is the type of improvement that greatly enhances the livability of the area. The adjacent City Center Apartment community, developed by this same developer, has been an enormous benefit to the community, improving the quality of life of downtown apartment dwellers as well as the aesthetics of the downtown cityscape.

I request that you approve the Site Development Plan, the variances, and the zoning change.

Sincerely,



June T. Boyd
225 South 10th Street
Las Vegas, Nevada 89101

ITEM # 14-19
CASE # ZON-17740
PC MTG 12-7-06

A

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JANUARY 17, 2007**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: M. MARGO WHEELER**☐ Consent ☒ Discussion**SUBJECT:**

VARIANCE RELATED TO ZON-17740

VAR-17741 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER LARRY AND PATRICIA SCHEUSNER FAMILY TRUST, POULOS FAMILY TRUST, AND ASHTON BOYD FAMILY TRUST - Request for a Variance TO ALLOW 150 PARKING SPACES WHERE 425 SPACES ARE REQUIRED IN CONJUNCTION WITH A PROPOSED APARTMENT DEVELOPMENT on 1.38 acres on the north side of Bridger Avenue between 9th Street and 10th Street (APNs 139-34-712-026 through 028 and 041 through 043), R-4 (High Density Residential) Zone [PROPOSED: R-5 (Apartment) Zone], Ward 5 (Weekly). Staff recommends DENIAL. The Planning Commission (4-3 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (4-3 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Backup referenced from the 12-07-06 Planning Commission Meeting Item 15

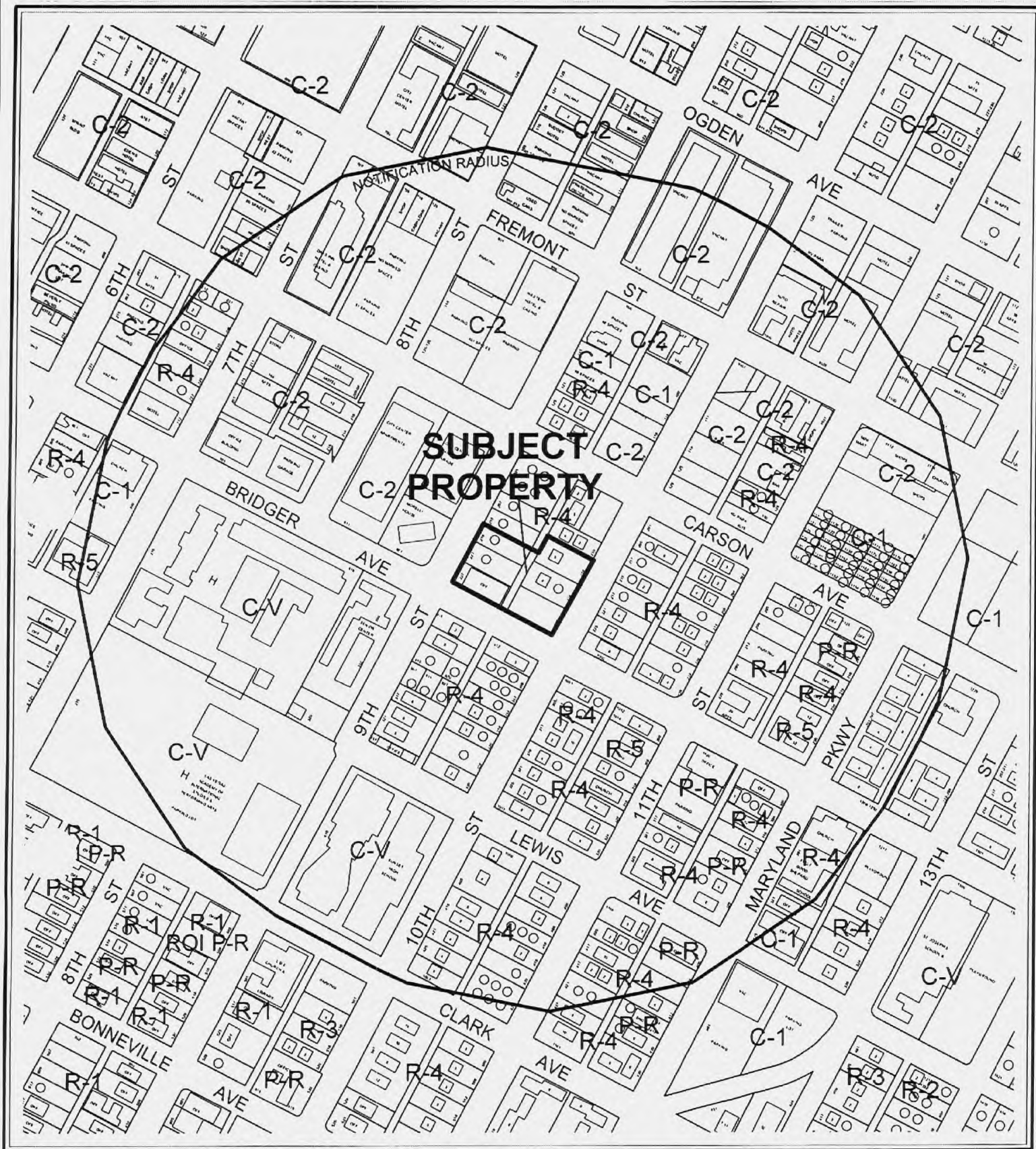
Motion made by GARY REESE to Hold in Abeyance Item 92 [GPA-16511], Item 93 [ZON-16519], Item 94 [VAR-16525], Item 95 [SDR-16522], Item 101 [ZON-17740], Item 102 [VAR-17741], Item 103 [VAR-17742], Item 104 [VAR-17743], Item 105 [VAC-17744], Item 106 [SDR-17745], Item 116 [SDR-15747], Item 117 [ROC-18341] and Item 130 [SUP-17739] to 2/07/2007; Item 82 [1919 Fremont Street], Item 118 [ZON-16179], Item 119 [VAR-16181], Item 120 [VAR-17191], Item 121 [SDR-16180], Item 122 [ZON-17242], Item 123 [VAR-17244], Item 124 [SDR-17247], Item 131 [SUP-18037] and Item 132 [SDR-18034] to 2/21/2007

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

See Item 101 for related backup.



CASE: **VAR-17741**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-4 (HIGH DENSITY RESIDENTIAL)

PROPOSED ZONING OF SUBJECT PROPERTY: R-5 (APARTMENT)

0 100200 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 17, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - VAR-17741 - APPLICANT/OWNER LARRY AND PATRICIA SCHEUSNER FAMILY TRUST, POULOS FAMILY TRUST, AND ASHTON BOYD FAMILY TRUST

THIS ITEM WAS HELD IN ABEYANCE FROM THE JANUARY 3, 2007 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN WEEKLY.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (4-3/se, sd, bg vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Rezoning (ZON-17740), and Site Development Plan Review (SDR-17745), if approved.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. To provide 50 additional parking spaces which meet Title 19 standards.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Variance to allow 150 parking spaces where 425 spaces are required in conjunction with a proposed apartment development on 1.38 acres on the north side of Bridger Avenue between Ninth Street and Tenth Street. The following related applications will be considered concurrently: VAC-17744, ZON-17740, VAR-17742, VAR-17743 and SDR-17745.

The request does not meet the criteria for the approval of variances, as the hardship is self-created and the applicant could revise the development to comply with parking requirements.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
01/04/61	The Board of City Commissioners approved a Special Use Permit for an office at 227 South 9 TH Street
12/07/06	The Planning Commission recommended approval of companion items ZON-17740, VAR-17742, VAR-17743, VAC-17744 and SDR-17745 concurrently with this application. The Planning Commission voted 4-3/se, sd, bg to recommend APPROVAL (PC Agenda Item #15/ar).
<i>Pre-Application Meeting</i>	
08/18/06	The requirements for a variance application were reviewed.
<i>Neighborhood Meeting</i>	
	A neighborhood meeting is not required for this type of application

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.38 Acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Offices, multi-family dwellings, single family dwellings.	Mixed Use	R-4
North	Single family dwelling	Mixed Use	R-4
South	Apartments	Mixed Use	R-4
East	Apartments	Mixed Use	R-4
West	Apartments and Non-profit organization	Mixed Use	C-V and C-2

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown Centennial Plan		X	
Redevelopment Plan Area	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	
Trails	X		Y
Rural Preservation Overlay District		X	
Development Impact Notification Assessment		X	
Project of Regional Significance		X	

Redevelopment Area

The subject site is located within the Downtown Redevelopment Area, where special funding may be available for proposed projects. Developments are subject to all requirements of Title 19.

Trails

The Master Plan Transportation Trails Element depicts a trail along Ninth Street adjacent to this site. If this trail is constructed, it will be constructed by the city, and therefore the applicant is not required to show the trail on the submitted plans.

DEVELOPMENT STANDARDS

Per Title 19.08, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	7,000 square feet	1.38 acres	Y
Min. Lot Width	N/A	180 feet	Y
Min. Setbacks • Front (west) • Side (north) • Corner (south) • Rear (east)	• 10 Feet • 5 Feet • 5 Feet • 20 Feet	• 0 Feet • 8 Feet • 0 Feet • 0 Feet	• N* • Y** • N* • N*
Min. Distance Between Buildings	N/A	1 building	Y
Max. Lot Coverage	N/A	81 %	Y
Max. Building Height	5 Stories or 55 Feet	66 Feet	N***

*These setbacks do not comply with the R-5 standards. This issue will be considered under Variance VAR-17743.

**This setback complies with the R-5 standards, but does not comply with the Residential Adjacency Standards. This issue will be considered under Variance VAR-17742.

***The proposed height does not comply with the R-5 standards. This issue will be considered under Variance VAR-17743.

Per Title 19.08.06, the following standards apply:

Residential Adjacency Standards	Required/Allowed	Provided	Compliance
3:1 proximity slope	198 feet from north property line	8 feet	N
Adjacent development matching setback	5 feet	8 feet	Y
Trash Enclosure	50 feet from north property line	10 Feet	N

These setback issues will be considered under Variance VAR-17742.

Existing Zoning	Permitted Density	Units Allowed	Proposed Zoning	Permitted Density	General Plan	Permitted Density
R-4	50 du/ac	69	R-5	unlimited	MXU	greater than 25.49 du/ac

Per Title 19.12, the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Parking Area	1 tree/ 6 spaces	2 trees	2 trees	Y
Buffer: Min. Trees	1 tree/20 linear feet	27 trees	24 trees	N
Min. Zone Width	10 feet along 9th Street		0 feet along 9th Street	N
	10 feet along Bridger Avenue		4 feet along Bridger Avenue	N
	10 feet along Tenth Street		10 feet along Tenth Street	Y
	6 feet along north property line		5 feet along north property line	N

The applicant has requested a waiver to allow a reduction of the landscaping buffer requirements to allow 0 feet along a portion of the west property line, zero feet along Bridger Avenue, and five feet along the north property line.

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Apartments	300 one-bedroom units	1.25 spaces per unit plus one guest space for every six units	425 spaces	9 spaces	150 spaces	9 spaces	N
TOTAL (including handicap)			425 spaces	9 spaces	150 spaces	9 spaces	N
Percent Deviation					65 %		

This parking issue will be addressed under Variance VAR-17741.

Waivers		
Request	Requirement	Staff Recommendation
5 feet along north property line	6 feet along north property line	Denial
0 feet along 9th Street	10 feet along 9th Street	Denial
4 feet along Bridger Avenue	10 feet along Bridger Avenue	Denial

Because the site plan could be redesigned to include a less-intense use which would allow compliance with the city's landscaping standards, staff is recommending denial of all landscaping waivers.

ANALYSIS

The site is currently developed with two apartment buildings, two single-family dwellings, and an office building. The applicant proposes to demolish these structures and construct a 300-unit apartment building which will require a variance (VAR-17743) to allow the building to be zero feet from the west property line where ten feet is the minimum setback required, zero feet from the east property line where 20 feet is the minimum setback required, and zero feet from the south property line where five feet is the minimum setback required. Because the site plan could be redesigned to include a less-intense use which would allow compliance with the city's setback standards, staff is recommending denial of these setback variances.

The applicant has also requested a variance (VAR-17743) to allow a building height of 66 feet where the R-5 (Apartment) standards allow a maximum height of 55 feet. Because the site plan could be redesigned to include a less-intense use which would allow compliance with the city's height requirements, staff is recommending denial of this variance.

Because there is an existing single-family dwelling north of this site and adjacent to 9th Street, any proposed development of this site is required to comply with the proximity slope requirements of the Residential Adjacency standards. When applied to the height of the building as currently proposed (66 feet), these standards require a setback of 198 feet from the north property line which is adjacent to the existing single-family dwelling north of this site. The applicant has requested a variance (VAR-17742) to allow a setback of eight feet from the north property line where 198 feet is the minimum setback required. Because the site plan could be redesigned to include a less-intense use which would allow compliance with the city's Residential Adjacency standards, staff is recommending denial of this variance.

The Residential Adjacency standards also require trash enclosures to be setback at least 50 feet from single-family residential development. The applicant has requested a variance (VAR-17742) to allow the trash enclosure to be 10 feet from single-family development. Because the site plan could be redesigned to include a trash enclosure which would allow compliance with the city's Residential Adjacency standards, staff is recommending denial of this variance.

The applicant has requested a variance (VAR-17741) to allow 150 parking spaces on this site where 425 are required. Because there is no hardship associated with this site, and because staff finds that this proposed development is too intense for the subject property, staff is recommending denial of this parking variance. As part of this development, the applicant is proposing to vacate a portion of an existing 20-foot wide public alley that currently bisects this site and connects Carson Avenue and Bridger Avenue. In order to mitigate the vacation of this portion of the alley, the applicant proposes to construct a new alley, which will connect the unvacated portion of the existing alley to Tenth Street. Because staff is recommending denial of the rezoning, site development plan review and variances associated with this development, staff is recommending denial of the alley vacation. A 10-foot wide landscape buffer that complies with city standards is proposed along Tenth Street. The applicant has requested waivers to allow no perimeter landscaping along Ninth Street where ten feet is required; to allow four feet along Bridger Avenue where 10 feet is required; and to allow five feet along the north property line where six feet is required. Because the site plan could be redesigned to include a less-intense use which would allow compliance with the city's landscaping standards, staff is recommending denial of all landscaping waivers.

The elevations depict a stucco exterior with aluminum accents.

FINDINGS

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

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

Additionally, Title 19.18.070L states:

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

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by not providing the required number of parking spaces for the prospective uses. The provision of additional parking spaces or a reduction in the number of apartments would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

PLANNING COMMISSION ACTION

The Planning Commission added condition #3.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

18

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 131 by City Clerk

APPROVALS 1

PROTESTS 1



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAR-17741** APN: 139-34-712-041/-042
Name of Property Owner: ASHTON - BOYD FAMILY TRUST
Name of Applicant: SDA, INC - DARIUSZ WIECHA

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: _____

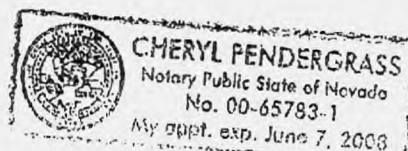
Signature of Property Owner: June T. Boyd

Print Name: June T. Boyd

Subscribed and sworn before me

This 16th day of Oct, 2006.

Notary Public in and for said County and State





PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAR-17741** APN: 139-34-712-026 / -027 / -028
Name of Property Owner: LARRY AND PATRICIA SCHLEUSNER FAMILY TRUST
Name of Applicant: SDA, INC - DARIUSZ WIECHA

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: _____

Print Name

LARRY

Patricia Schleusner

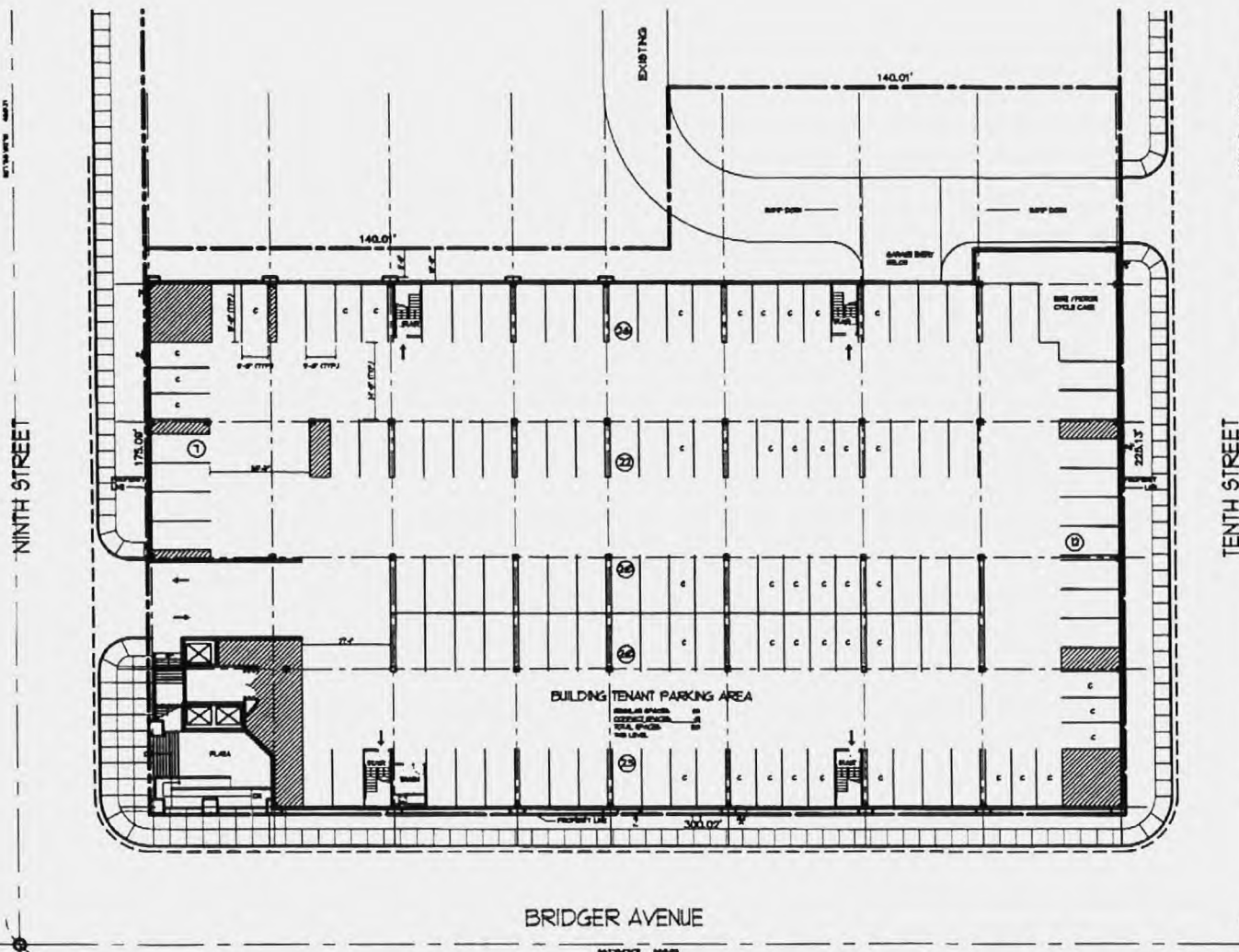
SCHLEUSNER

Subscribed and sworn before me

This 19th day of OCT, 2006

Patricia J. Barnum
Notary Public in and for said County and State





ZON-17740 VAR-17741
 VAR-17742 VAR-17743
 SDR-17745 12/07/06 PC

1. FLOOR PLAN - MOTOR PARKING



OCT 24 2006



308 S. BRIDGE, SUITE 200
 OREM, UT 84401
 801.225.4444



TAAG
 ARCHITECTS
 CONSULTING ARCHITECTS

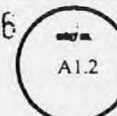
1010 E. PARKWAY
 SUITE 200
 OREM, UT 84401
 801.225.4444

BRIDGER STREET
 APARTMENTS
 LAS VEGAS, NEVADA
 DESIGNED BY B.A.A. INC. 06/06/06



CITY REPORT NO. 105485

NO.	DATE	DESCRIPTION
1	10/24/06	ISSUED FOR PERMIT
2		
3		
4		
5		
6		
7		
8		
9		
10		



SDA

SDA INC.
The Denver Tech Center
1625 South Yosemite Avenue, Suite 300
Greenwood Village, Colorado 80127
Telephone: (303) 750-1500
Facsimile: (303) 750-1700

**Real Estate: Construction
Development
Investment
Management**

October 24, 2006

Nathan Goldberg
City of Las Vegas
Planning Department
731 S. Fourth
Las Vegas, Nevada 89101
Telephone: 702-229-5447
Facsimile: 702-385-7268

Re: Bridger Avenue Apartments, Variance Parking

Dear Mr. Goldberg:

This letter serves as our Justification Letter on the above referenced submittal, as described herein:

VARIANCE PARKING

Since this project targets 'downtown employees' and seniors, the need for parking spaces, in our opinion, is much smaller than prescribed by the City code requirement. We are proposing a parking need of 0.5 spaces per unit. Our building consists of 188 one-bedroom units and 112 studios. All units have the efficiency type arrangements for high density urban living. It is our opinion that most residents will not have a vehicle, using mass transportation or simply walking to work.

The precedent we set with the adjacent City Center Apartments proved that 0.5 parking spaces per unit seem sufficient. At the City Center Apartments, which has 300 units, there are 150 parking spaces and have never had a shortage of parking. We would like to reduce the parking count requirement for the new project to 150 spaces, the same level as it was approved for the City Center Apartments.

We request the relaxation of current parking requirements as it will allow us to proceed with a project that will not only become an integral part of the downtown Las Vegas urban fabric, but will also provide a customer base for future mixed-use developments in the area.

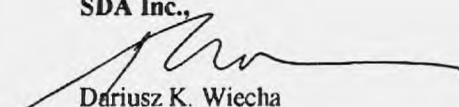
In addition to 200 parking spaces currently shown on our plans and dedicated for the new complex residents, we are making 33 additional spaces available to city employees via a direct agreement with the city.

This project fits the General Plan use. If approved, it will allow for construction of a multi-unit apartment complex, similar in nature to the neighboring City Center Apartment Complex, also owned by our company.

Based on the popularity of the City Center Apartments and virtually non-existing vacancy rates we are convinced that a property of similar character next door will greatly contribute to the urban success of downtown Las Vegas by providing affordable housing to inner city dwellers.

Sincerely,

SDA Inc.,


Dariusz K. Wiecha
Vice President

DKW/lis

ZON-17740 VAR-17741
VAR-17742 VAR-17743
SDR-17745 12/07/06 PC

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

November 28, 2006

City of Las Vegas
Planning and Development Department
Current Planning Division
Development Services Center
731 South Fourth Street
Las Vegas, Nevada 89101
Phone: (702) 229-6301
Fax: (702) 385-7268

RE: Case: ZON-17740
Rezoning for the Proposed Bridger Avenue Apartments
Las Vegas, Nevada

Planning Commission:

I have seen the artist's rendering of the proposed apartment community that SDA INC. plans to develop at 10th Street and Bridger Avenue. As a long time downtown resident, I think that this is the type of improvement that greatly enhances the livability of the area. The adjacent City Center Apartment community, developed by this same developer, has been an enormous benefit to the community, improving the quality of life of downtown apartment dwellers as well as the aesthetics of the downtown cityscape.

I request that you approve the Site Development Plan, the variances, and the zoning change.

Sincerely,

June T. Boyd

June T. Boyd
225 South 10th Street
Las Vegas, Nevada 89101

ITEM # 14-19
CASE # ZON-17740
PC MTG 12-7-06

A

JOHN L. THORNDAL
JAMES C. ARMSTRONG
CRAIG R. DELK
STEPHEN C. BALKENBUSH
PAUL F. EISINGER
CHARLES L. BUCKHAM
BRIAN E. TERREY
BLAIR L. PARKER
BRENT I. KOLVEI
ROBERT F. BALKENBUSH
PHILIP COODHART
JAMES J. JACKSON
DEBORAH L. ELSASSER
CHRISTOPHER J. CURTIN
KATHERINE F. PARAS
DAVID P. LANE
KEVIN K. DIAMOND

SHERRY V. BAKLEY
SRILATA K. SHAH
SUSAN B. FRASCA
JILL M. LORENZEN
PAUL R. KUKSI
CHRISTINE M. BUOZZE
KRISTEN R. CEDDES
MATTHEW J. PINCOLINI
BENJAMIN L. BUNKER
MICHAEL A. KRISTOF
ROONEL C. RAULON



LAW OFFICES
**THORNDAL ARMSTRONG
DELK BALKENBUSH & EISINGER**
A PROFESSIONAL CORPORATION
thorndal.com

Reply to John L. Thorndal
Las Vegas Office
jlt@thorndal.com

November 30, 2006

LAS VEGAS

1100 E. BRIDGER / SUITE
LAS VEGAS, NV 89101
MAILING
P.O. DRAWING 370
LAS VEGAS, NV 89155-2670
(702) 360-0600
FAX (702) 360-3527

RENO

6000 S. M. CARRAN. RD #B
RENO, NV 89519
(775) 780-2881
FAX (775) 780-2104

EIKO

919 IDAHO STREET
EIKO, NV 89811
(775) 777-3111
FAX (775) 780-8104

VIA FACSIMILE: 385-7268

Attn: Dorothy Marsilli, Agenda Tech.
Las Vegas Planning & Development Dept.
Current Planning Division
Development Services Center
731 South Fourth Street
Las Vegas, NV 89101

Re: VAR-17741 (December 7, 2006)

The applicant/owner have a number of requests concerning the property on the north side of Bridger Avenue between Ninth Street and Tenth Street, including rezoning, site development, and variances. The addition the 300 unit- six story apartment building would be a great improvement to the area and we have only one objection.

We object to Variance Request 17741 to allow only 150 parking spaces where 425 spaces are required. It would be highly unusual for an apartment complex to need a parking space for only every other apartment. Generally, at least one space is needed for every apartment and, more often than not, there are two vehicles per apartment. Allowing this variance will only increase the street parking which is becoming more and more of a concern in the area.

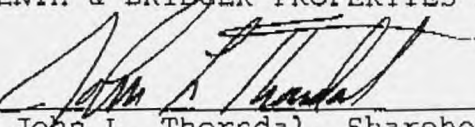
Las Vegas Planning Dept.
Re: Variance 17741
November 30, 2006
Page 2

When we added a three story addition to our building a few years ago we were required to obtain additional parking. We purchased additional property on an adjoining block in order to meet this requirement and, in fact, we now have spaces in excess of our current needs. Others should be required to at least meet the basic requirements. We therefore object to this particular variance request.

Very truly yours,

THORNDAL, ARMSTRONG, DELK,
BALKENBUSH & EISINGER
ELEVENTH & BRIDGER PROPERTIES TWO

BY:


John L. Thorndal, Shareholder
and Partner

JLT/ad

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JANUARY 17, 2007**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: M. MARGO WHEELER**☐ Consent ☒ Discussion**SUBJECT:**

VARIANCE RELATED TO ZON-17740 AND VAR-17741

VAR-17742 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER LARRY AND PATRICIA SCHEUSNER FAMILY TRUST, POULOS FAMILY TRUST, AND ASHTON BOYD FAMILY TRUST - Request for a Variance TO ALLOW A PROPOSED APARTMENT BUILDING TO BE EIGHT FEET FROM THE NORTH PROPERTY LINE WHERE THE RESIDENTIAL ADJACENCY STANDARDS REQUIRE A SETBACK OF 198 FEET AND TO ALLOW TRASH ENCLOSURES TO BE 10 FEET FROM RESIDENTIALLY ZONED PROPERTY WHERE 50 FEET IS THE MINIMUM SETBACK REQUIRED on 1.38 acres on the north side of Bridger Avenue between 9th Street and 10th Street (APNs 139-34-712-026 through 028 and 041 through 043), R-4 (High Density Residential) Zone [PROPOSED: R-5 (Apartment) Zone], Ward 5 (Weekly). Staff recommends DENIAL. The Planning Commission (4-3 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (4-3 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Backup referenced from the 12-07-06 Planning Commission Meeting Item 16

Motion made by GARY REESE to Hold in Abeyance Item 92 [GPA-16511], Item 93 [ZON-16519], Item 94 [VAR-16525], Item 95 [SDR-16522], Item 101 [ZON-17740], Item 102 [VAR-17741], Item 103 [VAR-17742], Item 104 [VAR-17743], Item 105 [VAC-17744], Item 106 [SDR-17745], Item 116 [SDR-15747], Item 117 [ROC-18341] and Item 130 [SUP-17739] to 2/07/2007; Item 82 [1919 Fremont Street], Item 118 [ZON-16179], Item 119 [VAR-16181], Item 120 [VAR-17191], Item 121 [SDR-16180], Item 122 [ZON-17242], Item 123 [VAR-17244], Item 124 [SDR-17247], Item 131 [SUP-18037] and Item 132 [SDR-18034] to 2/21/2007

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

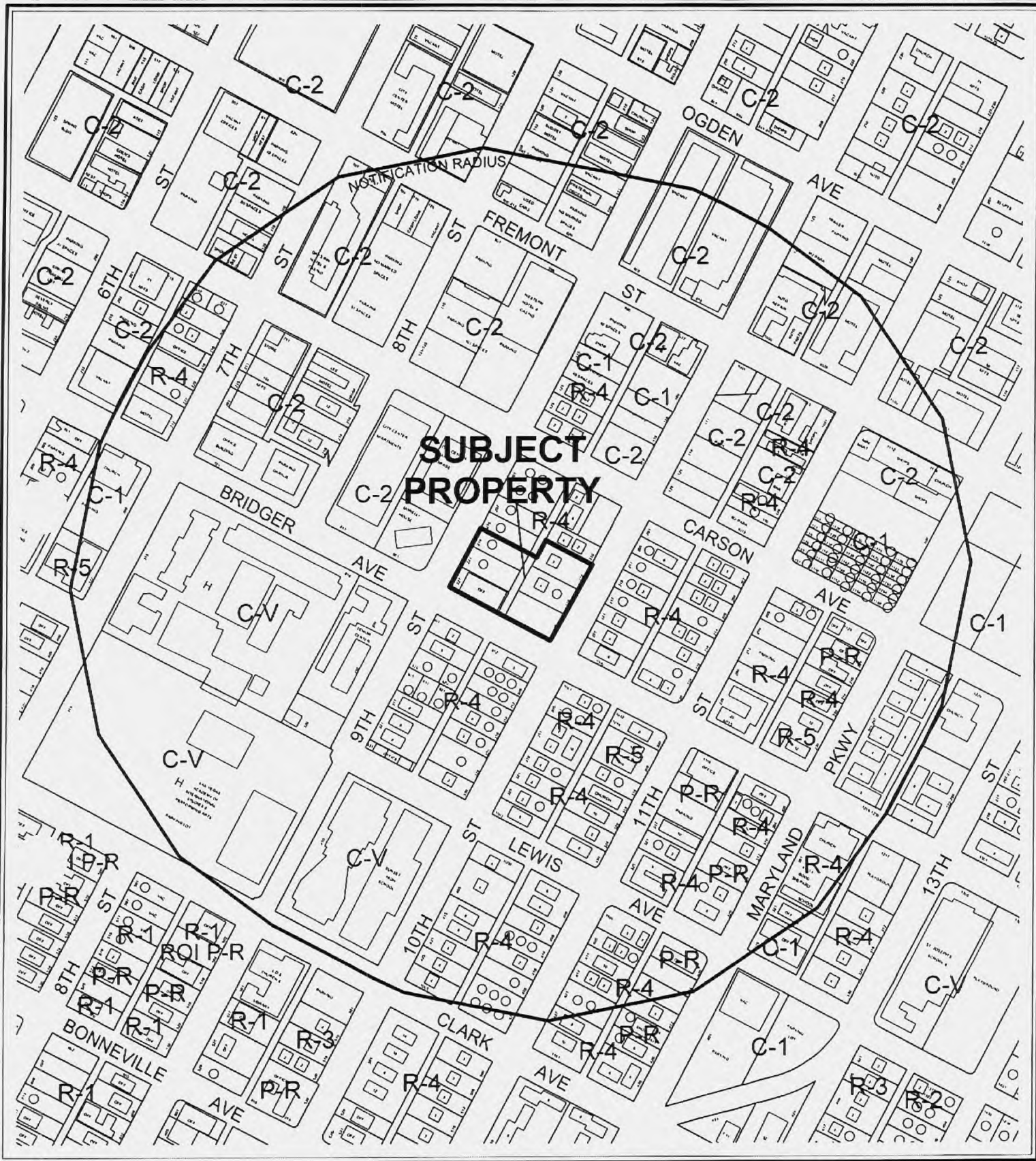
CITY COUNCIL MEETING OF: JANUARY 17, 2007

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

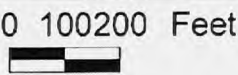
Minutes:

See Item 101 for related backup.





CASE: **VAR-17742**
RADIUS: 1000 FT
ZONING OF SUBJECT PROPERTY: R-4 (HIGH DENSITY RESIDENTIAL)
PROPOSED ZONING OF SUBJECT PROPERTY: R-5 (APARTMENT)



AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 17, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - VAR-17742 - APPLICANT/OWNER LARRY AND PATRICIA SCHEUSNER FAMILY TRUST, POULOS FAMILY TRUST, AND ASHTON BOYD FAMILY TRUST

THIS ITEM WAS HELD IN ABEYANCE FROM THE JANUARY 3, 2007 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN WEEKLY.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (4-3/se, sd, bg vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Rezoning (ZON-17740), and Site Development Plan Review (SDR-17745), if approved.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Variance to allow a proposed apartment building to be eight feet from the north property line where the residential adjacency standards require a setback of 198 feet and to allow trash enclosures to be 10 feet from residentially zoned property where 50 feet is the minimum setback required on 1.38 acres on the north side of Bridger Avenue between Ninth Street and Tenth Street.

The request does not meet the criteria for the approval of variances, as the hardship is self-created and the applicant could revise the development to comply with residential adjacency requirements.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
01/04/61	The Board of City Commissioners approved a Special Use Permit for an office at 227 South 9 TH Street
12/07/06	The Planning Commission recommended approval of companion items ZON-17740, VAR-17741, VAR-17743, VAC-17744 and SDR-17745 concurrently with this application. The Planning Commission voted 4-3/se, sd, bg to recommend APPROVAL (PC Agenda Item #16/ar).
<i>Pre-Application Meeting</i>	
08/18/06	The requirements for a variance application were reviewed.
<i>Neighborhood Meeting</i>	
	A neighborhood meeting is not required for this type of application

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.38 Acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Offices, multi-family dwellings, single family dwellings.	Mixed Use	R-4
North	Single family dwelling	Mixed Use	R-4
South	Apartments	Mixed Use	R-4
East	Apartments	Mixed Use	R-4
West	Apartments and Non-profit organization	Mixed Use	C-V and C-2

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown Centennial Plan		X	
Redevelopment Plan Area	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	
Trails	X		Y
Rural Preservation Overlay District		X	
Development Impact Notification Assessment		X	
Project of Regional Significance		X	

Redevelopment Area

The subject site is located within the Downtown Redevelopment Area, where special funding may be available for proposed projects. Developments are subject to all requirements of Title 19.

Trails

The Master Plan Transportation Trails Element depicts a trail along Ninth Street adjacent to this site. If this trail is constructed, it will be constructed by the city, and therefore the applicant is not required to show the trail on the submitted plans.

DEVELOPMENT STANDARDS

Per Title 19.08, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	7,000 square feet	1.38 acres	Y
Min. Lot Width	N/A	180 feet	Y
Min. Setbacks • Front (west) • Side (north) • Corner (south) • Rear (east)	• 10 Feet • 5 Feet • 5 Feet • 20 Feet	• 0 Feet • 8 Feet • 0 Feet • 0 Feet	• N* • Y** • N* • N*
Min. Distance Between Buildings	N/A	1 building	Y
Max. Lot Coverage	N/A	81 %	Y
Max. Building Height	5 Stories or 55 Feet	66 Feet	N***

*These setbacks do not comply with the R-5 standards. This issue will be considered under Variance VAR-17743.

**This setback complies with the R-5 standards, but does not comply with the Residential Adjacency Standards. This issue will be considered under Variance VAR-17742.

***The proposed height does not comply with the R-5 standards. This issue will be considered under Variance VAR-17743.

Per Title 19.08.06, the following standards apply:

Residential Adjacency Standards	Required/Allowed	Provided	Compliance
3:1 proximity slope	198 feet from north property line	8 feet	N
Adjacent development matching setback	5 feet	8 feet	Y
Trash Enclosure	50 feet from north property line	10 Feet	N

These setback issues will be considered under Variance VAR-17742.

Existing Zoning	Permitted Density	Units Allowed	Proposed Zoning	Permitted Density	General Plan	Permitted Density
R-4	50 du/ac	69	R-5	unlimited	MXU	greater than 25.49 du/ac

Per Title 19.12, the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Parking Area	1 tree/ 6 spaces	2 trees	2 trees	Y
Buffer: Min. Trees	1 tree/20 linear feet	27 trees	24 trees	N
Min. Zone Width	10 feet along 9th Street		0 feet along 9th Street	N
	10 feet along Bridger Avenue		4 feet along Bridger Avenue	N
	10 feet along Tenth Street		10 feet along Tenth Street	Y
	6 feet along north property line		5 feet along north property line	N

The applicant has requested a waiver to allow a reduction of the landscaping buffer requirements to allow 0 feet along a portion of the west property line, zero feet along Bridger Avenue, and five feet along the north property line.

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Number of Units	Required		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Apartments	300 one-bedroom units	1.25 spaces per unit plus one guest space for every six units	425 spaces	9 spaces	150 spaces	9 spaces	N
TOTAL (including handicap)			425 spaces	9 spaces	150 spaces	9 spaces	N
Percent Deviation					65 %		

This parking issue will be addressed under Variance VAR-17741.

Waivers		
Request	Requirement	Staff Recommendation
6 feet along north property line	5 feet along north property line	Denial
0 feet along 9th Street	10 feet along 9th Street	Denial
4 feet along Bridger Avenue	10 feet along Bridger Avenue	Denial

Because the site plan could be redesigned to include a less-intense use which would allow compliance with the city's landscaping standards, staff is recommending denial of all landscaping waivers.

ANALYSIS

The site is currently developed with two apartment buildings, two single-family dwellings, and an office building. The applicant proposes to demolish these structures and construct a 300-unit apartment building which will require a variance (VAR-17743) to allow the building to be zero feet from the west property line where ten feet is the minimum setback required, zero feet from the east property line where 20 feet is the minimum setback required, and zero feet from the south property line where five feet is the minimum setback required. Because the site plan could be redesigned to include a less-intense use which would allow compliance with the city's setback standards, staff is recommending denial of these setback variances.

The applicant has also requested a variance (VAR-17743) to allow a building height of 66 feet where the R-5 (Apartment) standards allow a maximum height of 55 feet. Because the site plan could be redesigned to include a less-intense use which would allow compliance with the city's height requirements, staff is recommending denial of this variance.

Because there is an existing single-family dwelling north of this site and adjacent to 9th Street, any proposed development of this site is required to comply with the proximity slope requirements of the Residential Adjacency standards. When applied to the height of the building as currently proposed (66 feet), these standards require a setback of 198 feet from the north property line which is adjacent to the existing single-family dwelling north of this site. The applicant has requested a variance (VAR-17742) to allow a setback of eight feet from the north property line where 198 feet is the minimum setback required. Because the site plan could be redesigned to include a less-intense use which would allow compliance with the city's Residential Adjacency standards, staff is recommending denial of this variance.

The Residential Adjacency standards also require trash enclosures to be setback at least 50 feet from single-family residential development. The applicant has requested a variance (VAR-17742) to allow the trash enclosure to be 10 feet from single-family development. Because the site plan could be redesigned to include a trash enclosure which would allow compliance with the city's Residential Adjacency standards, staff is recommending denial of this variance.

The applicant has requested a variance (VAR-17741) to allow 150 parking spaces on this site where 425 are required. Because there is no hardship associated with this site, and because staff finds that this proposed development is too intense for the subject property, staff is recommending denial of this parking variance. As part of this development, the applicant is proposing to vacate a portion of an existing 20-foot wide public alley that currently bisects this site and connects Carson Avenue and Bridger Avenue. In order to mitigate the vacation of this portion of the alley, the applicant proposes to construct a new alley, which will connect the un-vacated portion of the existing alley to Tenth Street. Because staff is recommending denial of the rezoning, site development plan review and variances associated with this development, staff is recommending denial of the alley vacation. A 10-foot wide landscape buffer that complies with city standards is proposed along Tenth Street. The applicant has requested waivers to allow no perimeter landscaping along Ninth Street where ten feet is required; to allow four feet along Bridger Avenue where 10 feet is required; and to allow five feet along the north property line where six feet is required. Because the site plan could be redesigned to include a less-intense use which would allow compliance with the city's landscaping standards, staff is recommending denial of all landscaping waivers.

The elevations depict a stucco exterior with aluminum accents.

FINDINGS

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

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

Additionally, Title 19.18.070L states:

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

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by designing a project that does not comply with the Residential Adjacency Standards. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

18

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 131 by City Clerk

APPROVALS 1

PROTESTS 0

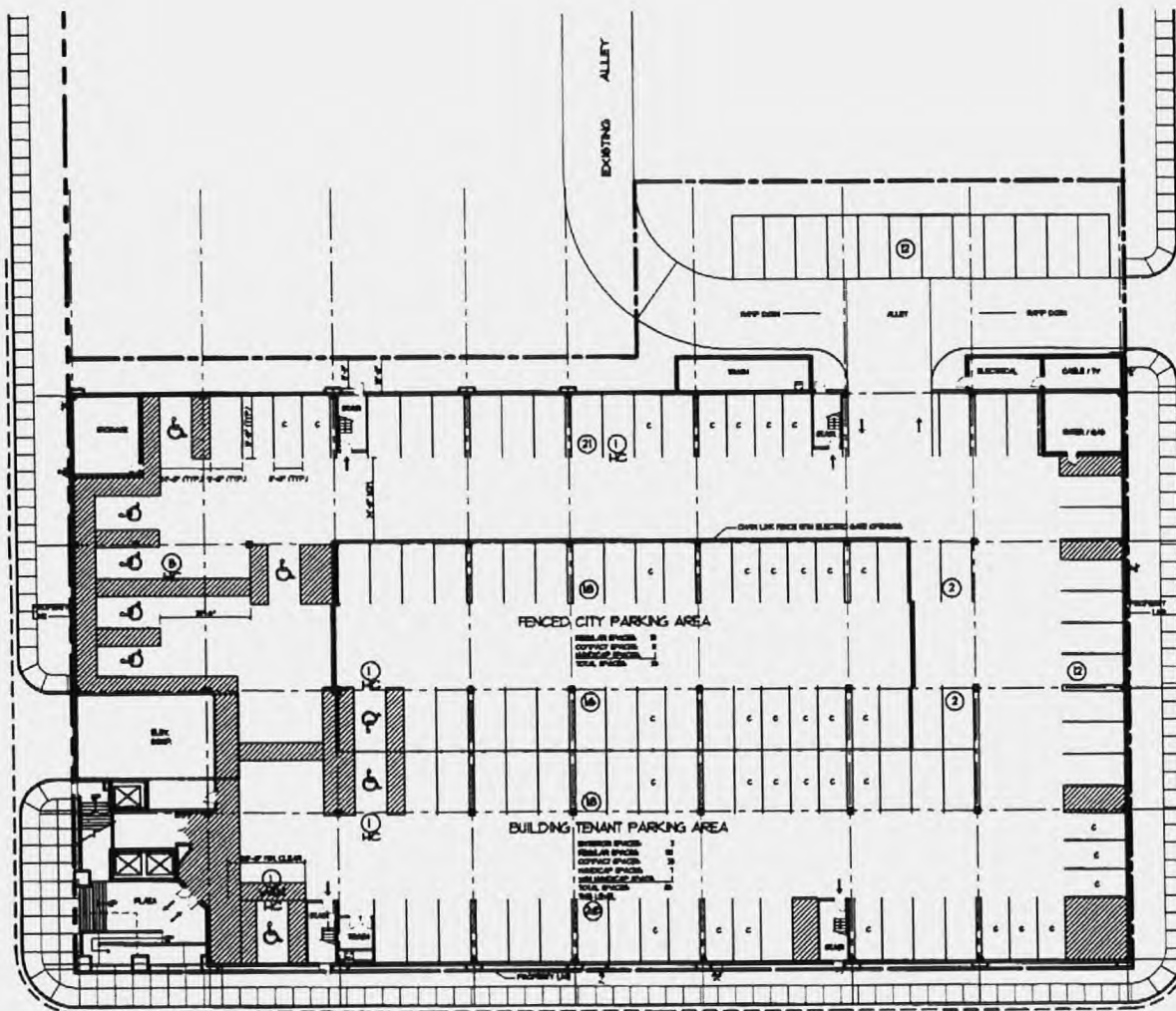




STATEMENT OF FINANCIAL INTEREST

F:\depos\Application Packet\Statement of Financial Interest.doc

NINTH STREET



BRIDGER AVENUE

ZON-17740 VAR-17741
 VAR-17742 VAR-17743
 SDR-17745 12/07/06 PC

1. CLOSE PLANT LOWER PARKING



001 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100



200 E. WYOMING, SUITE 200
 SPOKANE, WYOMING 83401
 509.325.1111



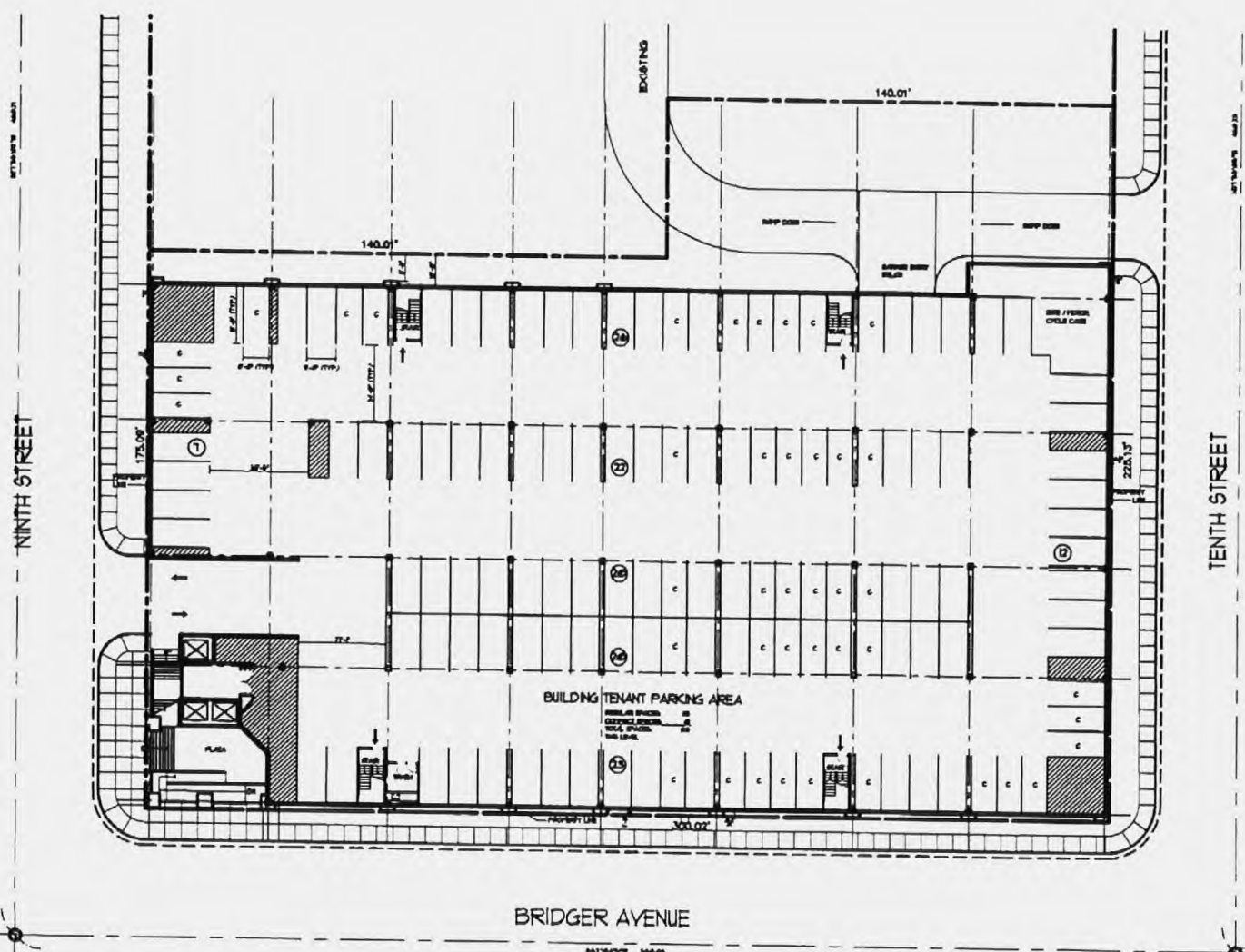
CONSULTING ARCHITECTS
 100 E. WYOMING, SUITE 200
 SPOKANE, WYOMING 83401
 509.325.1111

BRIDGER STREET
 APARTMENTS
 LAS VEGAS, NEVADA
 DEVELOPED BY SDA, INC. 06/06/09



NO.	REVISION	DATE
1	ISSUED FOR PERMIT	12/07/06
2		
3		
4		
5		
6		
7		
8		
9		
10		





ZON-17740 VAR-17741
 VAR-17742 VAR-17743
 SDR-17745 12/07/06 PC



300 S. KENT, SUITE 200
 OREM, UT 84401
 801.225.4444 FAX 801.225.4445

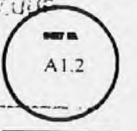


CONSULTING ARCHITECTS
 1015 E. 1000 S.
 SUITE 100
 OREM, UT 84401
 801.225.4444 FAX 801.225.4445

BRIDGER STREET
 APARTMENTS
 LAS VEGAS, NEVADA
 DESIGNED BY S.A.A. INC. 06/06/06



NO.	DATE	DESCRIPTION
1	12/07/06	PC
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		





200 S. MOUNTAIN VIEW AVE
SUITE 200
LAS VEGAS, NV 89102
702.735.1100



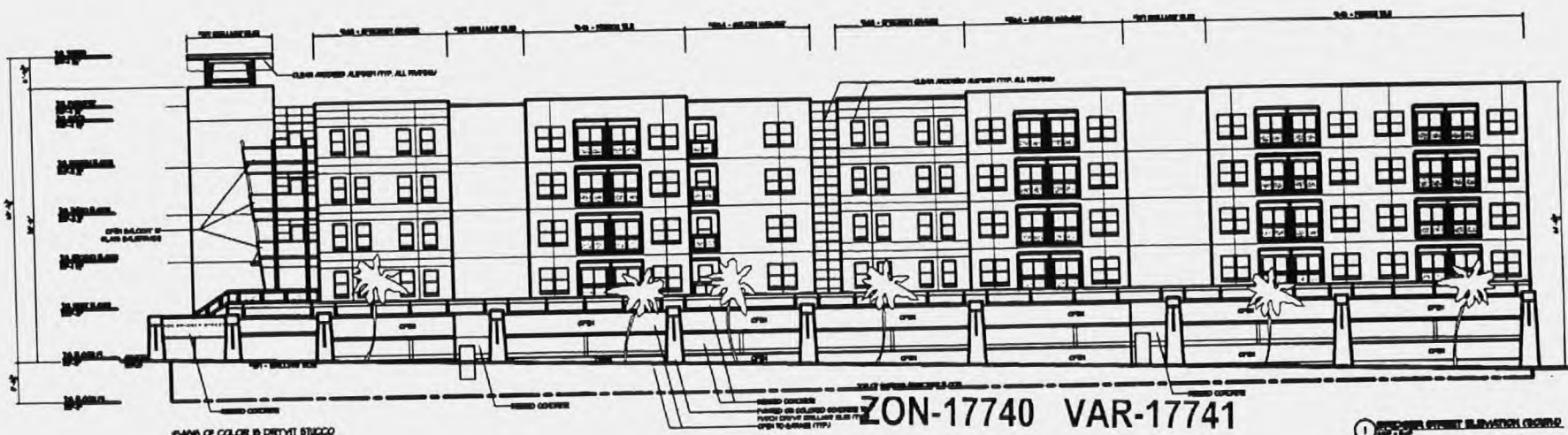
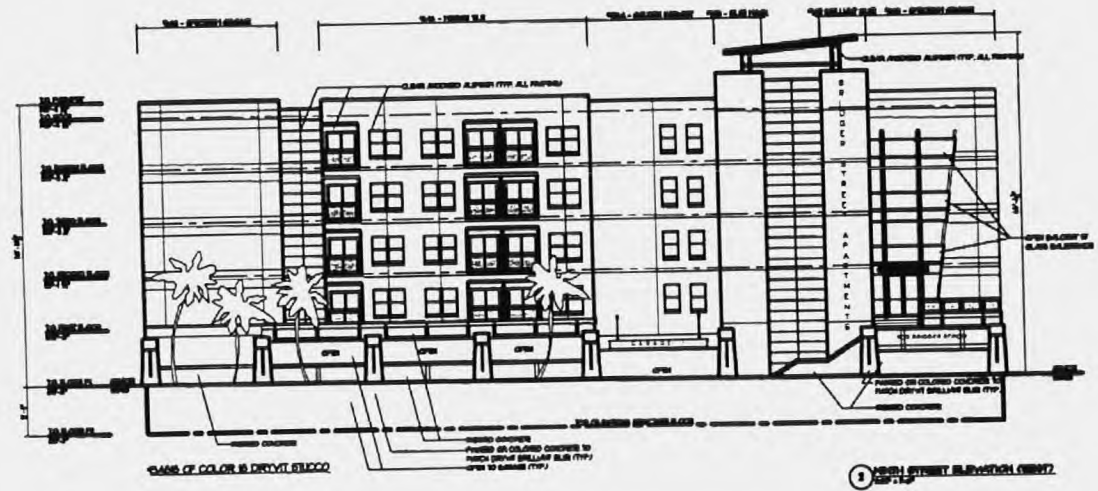
TAAG
ARCHITECTS
CONSULTING ARCHITECTS
1001 S. MOUNTAIN VIEW AVE
SUITE 200
LAS VEGAS, NV 89102
702.735.1100

BRIDGER STREET
APARTMENTS
LAS VEGAS, NEVADA
DESIGNED BY B.C.A., INC. COLORADO

PROJECT NO. 06030
CITY REVIEWAL BOARD
APPROVAL NO. 06030
DATE 06/03/06

NO.	DATE	REVISION
1	06/03/06	ISSUED FOR PERMIT
2	06/03/06	ISSUED FOR PERMIT
3	06/03/06	ISSUED FOR PERMIT
4	06/03/06	ISSUED FOR PERMIT
5	06/03/06	ISSUED FOR PERMIT
6	06/03/06	ISSUED FOR PERMIT
7	06/03/06	ISSUED FOR PERMIT
8	06/03/06	ISSUED FOR PERMIT
9	06/03/06	ISSUED FOR PERMIT
10	06/03/06	ISSUED FOR PERMIT
11	06/03/06	ISSUED FOR PERMIT
12	06/03/06	ISSUED FOR PERMIT
13	06/03/06	ISSUED FOR PERMIT
14	06/03/06	ISSUED FOR PERMIT
15	06/03/06	ISSUED FOR PERMIT
16	06/03/06	ISSUED FOR PERMIT
17	06/03/06	ISSUED FOR PERMIT
18	06/03/06	ISSUED FOR PERMIT
19	06/03/06	ISSUED FOR PERMIT
20	06/03/06	ISSUED FOR PERMIT
21	06/03/06	ISSUED FOR PERMIT
22	06/03/06	ISSUED FOR PERMIT
23	06/03/06	ISSUED FOR PERMIT
24	06/03/06	ISSUED FOR PERMIT
25	06/03/06	ISSUED FOR PERMIT
26	06/03/06	ISSUED FOR PERMIT
27	06/03/06	ISSUED FOR PERMIT
28	06/03/06	ISSUED FOR PERMIT
29	06/03/06	ISSUED FOR PERMIT
30	06/03/06	ISSUED FOR PERMIT
31	06/03/06	ISSUED FOR PERMIT
32	06/03/06	ISSUED FOR PERMIT
33	06/03/06	ISSUED FOR PERMIT
34	06/03/06	ISSUED FOR PERMIT
35	06/03/06	ISSUED FOR PERMIT
36	06/03/06	ISSUED FOR PERMIT
37	06/03/06	ISSUED FOR PERMIT
38	06/03/06	ISSUED FOR PERMIT
39	06/03/06	ISSUED FOR PERMIT
40	06/03/06	ISSUED FOR PERMIT
41	06/03/06	ISSUED FOR PERMIT
42	06/03/06	ISSUED FOR PERMIT
43	06/03/06	ISSUED FOR PERMIT
44	06/03/06	ISSUED FOR PERMIT
45	06/03/06	ISSUED FOR PERMIT
46	06/03/06	ISSUED FOR PERMIT
47	06/03/06	ISSUED FOR PERMIT
48	06/03/06	ISSUED FOR PERMIT
49	06/03/06	ISSUED FOR PERMIT
50	06/03/06	ISSUED FOR PERMIT
51	06/03/06	ISSUED FOR PERMIT
52	06/03/06	ISSUED FOR PERMIT
53	06/03/06	ISSUED FOR PERMIT
54	06/03/06	ISSUED FOR PERMIT
55	06/03/06	ISSUED FOR PERMIT
56	06/03/06	ISSUED FOR PERMIT
57	06/03/06	ISSUED FOR PERMIT
58	06/03/06	ISSUED FOR PERMIT
59	06/03/06	ISSUED FOR PERMIT
60	06/03/06	ISSUED FOR PERMIT
61	06/03/06	ISSUED FOR PERMIT
62	06/03/06	ISSUED FOR PERMIT
63	06/03/06	ISSUED FOR PERMIT
64	06/03/06	ISSUED FOR PERMIT
65	06/03/06	ISSUED FOR PERMIT
66	06/03/06	ISSUED FOR PERMIT
67	06/03/06	ISSUED FOR PERMIT
68	06/03/06	ISSUED FOR PERMIT
69	06/03/06	ISSUED FOR PERMIT
70	06/03/06	ISSUED FOR PERMIT
71	06/03/06	ISSUED FOR PERMIT
72	06/03/06	ISSUED FOR PERMIT
73	06/03/06	ISSUED FOR PERMIT
74	06/03/06	ISSUED FOR PERMIT
75	06/03/06	ISSUED FOR PERMIT
76	06/03/06	ISSUED FOR PERMIT
77	06/03/06	ISSUED FOR PERMIT
78	06/03/06	ISSUED FOR PERMIT
79	06/03/06	ISSUED FOR PERMIT
80	06/03/06	ISSUED FOR PERMIT
81	06/03/06	ISSUED FOR PERMIT
82	06/03/06	ISSUED FOR PERMIT
83	06/03/06	ISSUED FOR PERMIT
84	06/03/06	ISSUED FOR PERMIT
85	06/03/06	ISSUED FOR PERMIT
86	06/03/06	ISSUED FOR PERMIT
87	06/03/06	ISSUED FOR PERMIT
88	06/03/06	ISSUED FOR PERMIT
89	06/03/06	ISSUED FOR PERMIT
90	06/03/06	ISSUED FOR PERMIT
91	06/03/06	ISSUED FOR PERMIT
92	06/03/06	ISSUED FOR PERMIT
93	06/03/06	ISSUED FOR PERMIT
94	06/03/06	ISSUED FOR PERMIT
95	06/03/06	ISSUED FOR PERMIT
96	06/03/06	ISSUED FOR PERMIT
97	06/03/06	ISSUED FOR PERMIT
98	06/03/06	ISSUED FOR PERMIT
99	06/03/06	ISSUED FOR PERMIT
100	06/03/06	ISSUED FOR PERMIT

SHEET NO.
A2.1



ZON-17740 VAR-17741
VAR-17742 VAR-17743
SDR-17745 12/07/06 PC

SDA

SDA INC.
The Denver Tech Center
3655 South Yosemite Street, Suite
Greenwood Village, Colorado 80111
Telephone: (303) 720-0900
Facsimile: (303) 720-0796

**Real Estate: Construction
Development
Investment
Management**

October 24, 2006

Nathan Goldberg
City of Las Vegas
Planning Department
731 S. Fourth
Las Vegas, Nevada 89101
Telephone: 702-229-5447
Facsimile: 702-385-7268

Re: Bridger Avenue Apartments, Variance Site Distance/Residential Adjacency

Dear Mr. Goldberg:

This letter serves as our Justification Letter on the above referenced submittal, as described herein:

VARIANCE SITE DISTANCE TO RESIDENTIAL ADJACENCY

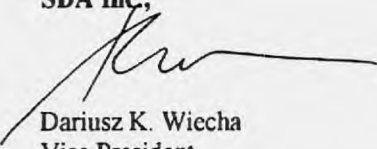
The City provides a recommended site distance for residential adjacency. As this requirement is fully valid in lesser density areas, it does not allow for creation of an urban streetscape in a downtown context. Since we are requesting a zoning change to R-5 to allow for an urban in-fill development, we would also like to request a variance for the required distance to other residential buildings. We believe, that the higher density of the project's downtown location, and the intent of the General Plan for urban revitalization warrants closer proximity to the adjacent projects.

This project fits the General Plan use. If approved, it will allow for construction of a multi-unit apartment complex, similar in nature to the neighboring City Center Apartments, also owned by our company.

Based on the popularity of the City Center Apartments and virtually non-existing vacancy rates we are convinced that a property of similar character next door will greatly contribute to the urban success of downtown Las Vegas by providing affordable housing to inner city dwellers.

Sincerely,

SDA Inc.,



Dariusz K. Wiecha
Vice President

DKW/lis

**ZON-17740 VAR-17741
VAR-17742 VAR-17743
SDR-17745 12/07/06 PC**

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

November 28, 2006

City of Las Vegas
Planning and Development Department
Current Planning Division
Development Services Center
731 South Fourth Street
Las Vegas, Nevada 89101
Phone: (702) 229-6301
Fax: (702) 385-7268

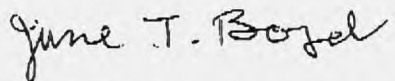
RE: Case: ZON-17740
Rezoning for the Proposed Bridger Avenue Apartments
Las Vegas, Nevada

Planning Commission:

I have seen the artist's rendering of the proposed apartment community that SDA INC. plans to develop at 10th Street and Bridger Avenue. As a long time downtown resident, I think that this is the type of improvement that greatly enhances the livability of the area. The adjacent City Center Apartment community, developed by this same developer, has been an enormous benefit to the community, improving the quality of life of downtown apartment dwellers as well as the aesthetics of the downtown cityscape.

I request that you approve the Site Development Plan, the variances, and the zoning change.

Sincerely,



June T. Boyd
225 South 10th Street
Las Vegas, Nevada 89101

ITEM # 14-19
CASE # ZON-17740
PC MTG 12-7-06

A

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JANUARY 17, 2007

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

VARIANCE RELATED TO ZON-17740, VAR-17741 AND VAR-17742

VAR-17743 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER LARRY AND PATRICIA SCHEUSNER FAMILY TRUST, POULOS FAMILY TRUST, AND ASHTON BOYD FAMILY TRUST - Request for a Variance TO ALLOW A PROPOSED APARTMENT BUILDING TO BE ZERO FEET FROM THE WEST PROPERTY LINE WHERE 10 FEET IS THE MINIMUM SETBACK REQUIRED, ZERO FEET FROM THE EAST PROPERTY LINE WHERE 20 FEET IS THE MINIMUM SETBACK REQUIRED, ZERO FEET FROM THE SOUTH PROPERTY LINE WHERE FIVE FEET IS THE MINIMUM SETBACK REQUIRED AND TO ALLOW A BUILDING HEIGHT OF 66 FEET WHERE 55 FEET IS THE MAXIMUM HEIGHT ALLOWED on 1.38 acres on the north side of Bridger Avenue between 9th Street and 10th Street (APNs 139-34-712-026 through 028 and 041 through 043), R-4 (High Density Residential) Zone [PROPOSED: R-5 (Apartment) Zone], Ward 5 (Weekly). Staff recommends DENIAL. The Planning Commission (4-3 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (4-3 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Backup referenced from the 12-07-06 Planning Commission Meeting Item 17

Motion made by GARY REESE to Hold in Abeyance Item 92 [GPA-16511], Item 93 [ZON-16519], Item 94 [VAR-16525], Item 95 [SDR-16522], Item 101 [ZON-17740], Item 102 [VAR-17741], Item 103 [VAR-17742], Item 104 [VAR-17743], Item 105 [VAC-17744], Item 106 [SDR-17745], Item 116 [SDR-15747], Item 117 [ROC-18341] and Item 130 [SUP-17739] to 2/07/2007; Item 82 [1919 Fremont Street], Item 118 [ZON-16179], Item 119 [VAR-16181], Item 120 [VAR-17191], Item 121 [SDR-16180], Item 122 [ZON-17242], Item 123 [VAR-17244], Item 124 [SDR-17247], Item 131 [SUP-18037] and Item 132 [SDR-18034] to 2/21/2007

CITY COUNCIL MEETING OF: JANUARY 17, 2007

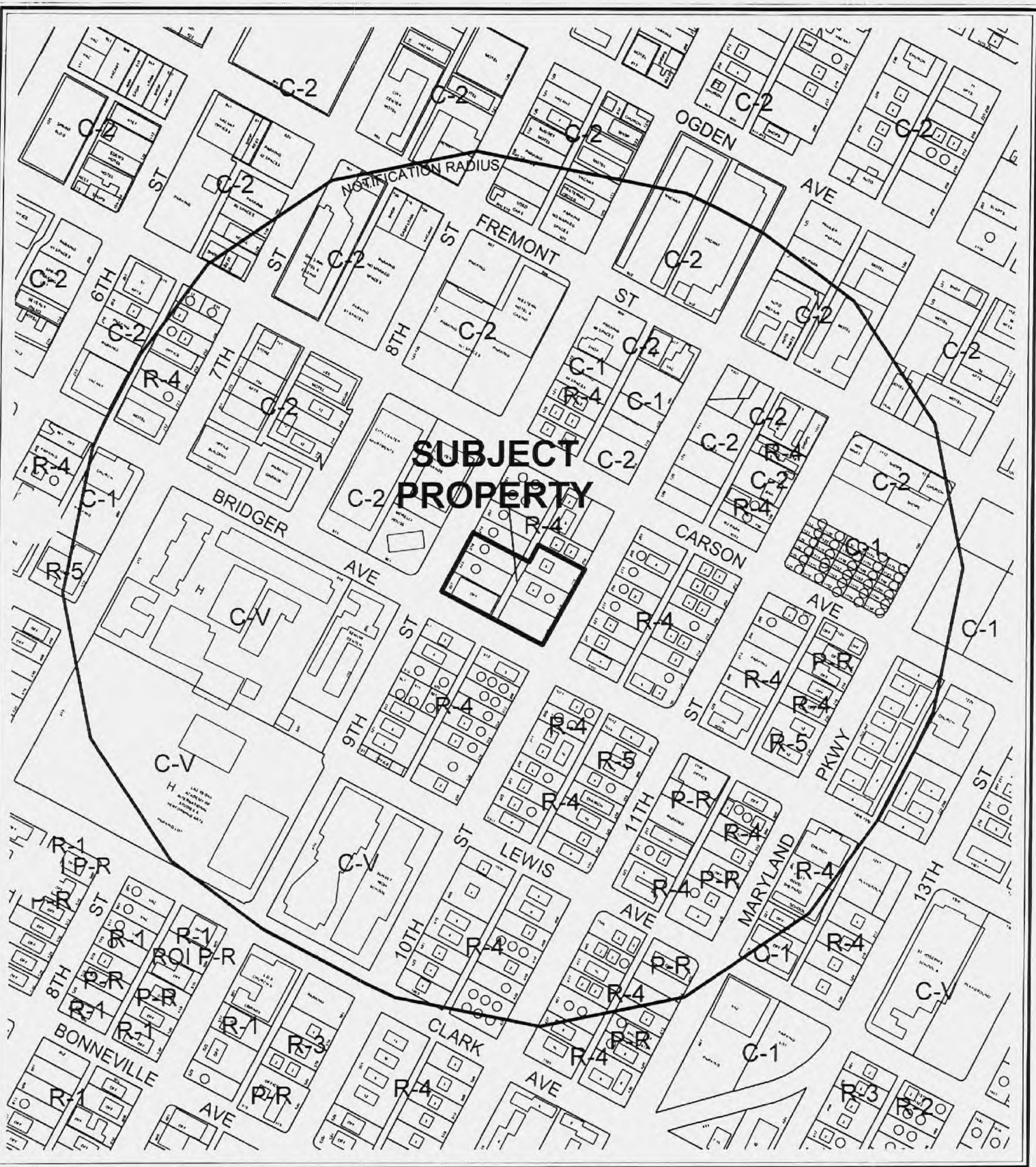
Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

Minutes:

See Item 101 for related backup.





CASE: **VAR-17743**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-4 (HIGH DENSITY RESIDENTIAL)

PROPOSED ZONING OF SUBJECT PROPERTY: R-5 (APARTMENT)

0 100200 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 17, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - VAR-17743 - APPLICANT/OWNER LARRY AND PATRICIA SCHEUSNER FAMILY TRUST, POULOS FAMILY TRUST, AND ASHTON BOYD FAMILY TRUST

THIS ITEM WAS HELD IN ABEYANCE FROM THE JANUARY 3, 2007 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN WEEKLY.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (4-3/se, sd, bg vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Rezoning (ZON-17740), and Site Development Plan Review (SDR-17745) if approved.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Variance to allow a proposed apartment building to be zero feet from the west property line where 10 feet is the minimum setback required, zero feet from the east property line where 20 feet is the minimum setback required, zero feet from the south property line where five feet is the minimum setback required and to allow a building height of 66 feet where 55 feet is the maximum height allowed on 1.38 acres on the north side of Bridger Avenue between Ninth Street and Tenth Street.

The request does not meet the criteria for the approval of variances, as the hardship is self-created and the applicant could revise the development to comply with the setback and height requirements.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
01/04/61	The Board of City Commissioners approved a Special Use Permit for an office at 227 South 9 th Street
12/07/06	The Planning Commission recommended approval of companion items ZON-17740, VAR-17741, VAR-17742, VAC-17744 and SDR-17745 concurrently with this application. The Planning Commission voted 4-3/se, sd, bg to recommend APPROVAL (PC Agenda Item #17/ar).
<i>Pre-Application Meeting</i>	
08/18/06	The requirements for a variance application were reviewed.
<i>Neighborhood Meeting</i>	
	A neighborhood meeting is not required for this type of application
<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.38 Acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Offices, multi-family dwellings, single family dwellings.	Mixed Use	R-4
North	Single family dwelling	Mixed Use	R-4
South	Apartments	Mixed Use	R-4
East	Apartments	Mixed Use	R-4
West	Apartments and Non-profit organization	Mixed Use	C-V and C-2

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown Centennial Plan		X	
Redevelopment Plan Area	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	
Trails	X		Y
Rural Preservation Overlay District		X	
Development Impact Notification Assessment		X	
Project of Regional Significance		X	

Redevelopment Area

The subject site is located within the Downtown Redevelopment Area, where special funding may be available for proposed projects. Developments are subject to all requirements of Title 19.

Trails

The Master Plan Transportation Trails Element depicts a trail along Ninth Street adjacent to this site. If this trail is constructed, it will be constructed by the city, and therefore the applicant is not required to show the trail on the submitted plans.

DEVELOPMENT STANDARDS

Per Title 19.08, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	7,000 square feet	1.38 acres	Y
Min. Lot Width	N/A	180 feet	Y
Min. Setbacks			
• Front (west)	• 10 Feet	• 0 Feet	• N*
• Side (north)	• 5 Feet	• 8 Feet	• Y**
• Corner (south)	• 5 Feet	• 0 Feet	• N*
• Rear (east)	• 20 Feet	• 0 Feet	• N*
Min. Distance Between Buildings	N/A	1 building	Y
Max. Lot Coverage	N/A	81 %	Y
Max. Building Height	5 Stories or 55 Feet	66 Feet	N***

*These setbacks do not comply with the R-5 standards. This issue will be considered under Variance VAR-17743.

**This setback complies with the R-5 standards, but does not comply with the Residential Adjacency Standards. This issue will be considered under Variance VAR-17742.

***The proposed height does not comply with the R-5 standards. This issue will be considered under Variance VAR-17743.

Per Title 19.08.06, the following standards apply:

Residential Adjacency Standards	Required/Allowed	Provided	Compliance
3:1 proximity slope	198 feet from north property line	8 feet	N
Adjacent development matching setback	5 feet	8 feet	Y
Trash Enclosure	50 feet from north property line	10 Feet	N

These setback issues will be considered under Variance VAR-17742.

Existing Zoning	Permitted Density	Units Allowed	Proposed Zoning	Permitted Density	General Plan	Permitted Density
R-4	50 du/ac	69	R-5	unlimited	MXU	greater than 25.49 du/ac

Per Title 19.12, the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Parking Area	1 tree/ 6 spaces	2 trees	2 trees	Y
Buffer:				
Min. Trees	1 tree/20 linear feet	27 trees	24 trees	N
Min. Zone Width	10 feet along 9th Street		0 feet along 9th Street	N
	10 feet along Bridger Avenue		4 feet along Bridger Avenue	N
	10 feet along Tenth Street		10 feet along Tenth Street	Y
	6 feet along north property line		5 feet along north property line	N

The applicant has requested a waiver to allow a reduction of the landscaping buffer requirements to allow 0 feet along a portion of the west property line, zero feet along Bridger Avenue, and five feet along the north property line.

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Apartments	300 one-bedroom units	1.25 spaces per unit plus one guest space for every six units	425 spaces	9 spaces	150 spaces	9 spaces	N
TOTAL (including handicap)			425 spaces	9 spaces	150 spaces	9 spaces	N
Percent Deviation					65 %		

This parking issue will be addressed under Variance VAR-17741.

Waivers		
Request	Requirement	Staff Recommendation
5 feet along north property line	6 feet along north property line	Denial
0 feet along 9th Street	10 feet along 9th Street	Denial
4 feet along Bridger Avenue	10 feet along Bridger Avenue	Denial

Because the site plan could be redesigned to include a less-intense use which would allow compliance with the city's landscaping standards, staff is recommending denial of all landscaping waivers.

ANALYSIS

The site is currently developed with two apartment buildings, two single-family dwellings, and an office building. The applicant proposes to demolish these structures and construct a 300-unit apartment building which will require a variance (VAR-17743) to allow the building to be zero feet from the west property line where ten feet is the minimum setback required, zero feet from the east property line where 20 feet is the minimum setback required, and zero feet from the south property line where five feet is the minimum setback required. Because the site plan could be redesigned to include a less-intense use which would allow compliance with the city's setback standards, staff is recommending denial of these setback variances.

The applicant has also requested a variance (VAR-17743) to allow a building height of 66 feet where the R-5 (Apartment) standards allow a maximum height of 55 feet. Because the site plan could be redesigned to include a less-intense use which would allow compliance with the city's height requirements, staff is recommending denial of this variance.

Because there is an existing single-family dwelling north of this site and adjacent to 9th Street, any proposed development of this site is required to comply with the proximity slope requirements of the Residential Adjacency standards. When applied to the height of the building as currently proposed (66 feet), these standards require a setback of 198 feet from the north property line which is adjacent to the existing single-family dwelling north of this site. The applicant has requested a variance (VAR-17742) to allow a setback of eight feet from the north property line where 198 feet is the minimum setback required. Because the site plan could be redesigned to include a less-intense use which would allow compliance with the city's Residential Adjacency standards, staff is recommending denial of this variance.

The Residential Adjacency standards also require trash enclosures to be setback at least 50 feet from single-family residential development. The applicant has requested a variance (VAR-17742) to allow the trash enclosure to be 10 feet from single-family development. Because the site plan could be redesigned to include a trash enclosure which would allow compliance with the city's Residential Adjacency standards, staff is recommending denial of this variance.

The applicant has requested a variance (VAR-17741) to allow 150 parking spaces on this site where 425 are required. Because there is no hardship associated with this site, and because staff finds that this proposed development is too intense for the subject property, staff is recommending denial of this parking variance. As part of this development, the applicant is proposing to vacate a portion of an existing 20-foot wide public alley that currently bisects this site and connects Carson Avenue and Bridger Avenue. In order to mitigate the vacation of this portion of the alley, the applicant proposes to construct a new alley, which will connect the unvacated portion of the existing alley to Tenth Street. Because staff is recommending denial of the rezoning, site development plan review and variances associated with this development, staff is recommending denial of the alley vacation. A 10-foot wide landscape buffer that complies with city standards is proposed along Tenth Street. The applicant has requested waivers to allow no perimeter landscaping along Ninth Street where ten feet is required; to allow four feet along Bridger Avenue where 10 feet is required; and to allow five feet along the north property line where six feet is required. Because the site plan could be redesigned to include a less-intense use which would allow compliance with the city's landscaping standards, staff is recommending denial of all landscaping waivers.

The elevations depict a stucco exterior with aluminum accents.

FINDINGS

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

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

Additionally, Title 19.18.070L states:

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

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by designing a project that does not comply with the setback and height 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

18

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 131 by City Clerk

APPROVALS 1

PROTESTS 0



Case Number: **VAR-17743** APN: **139-34-712-026 /- 027 /- 028**

Name of Applicant: SDA, INC - DARIUSZ WIECHA

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: _____

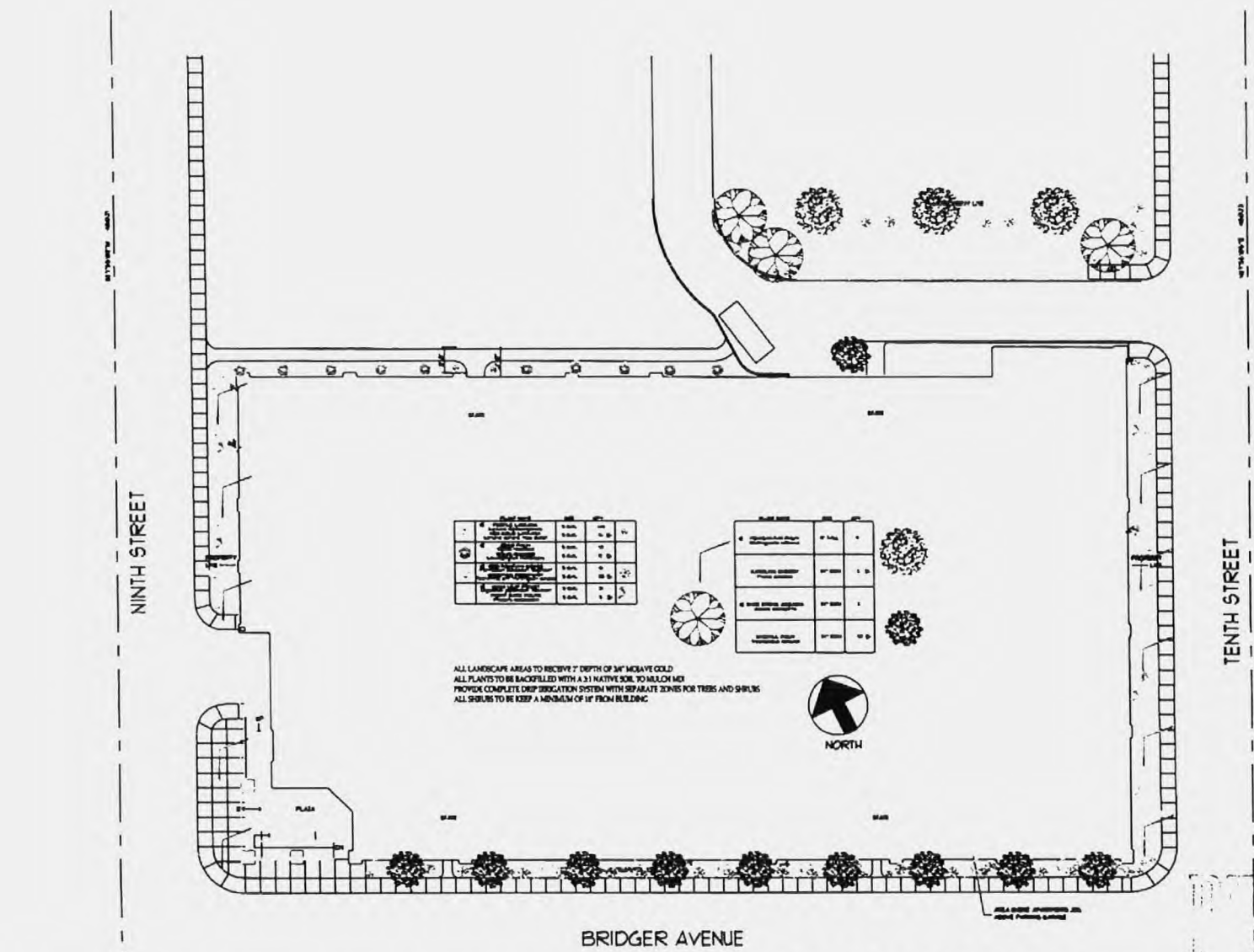
Print Name: _____

Subscribed and sworn before me

This 19th day of OCT, 2006

Patricia V. Barnum
Notary Public in and for said County and State





ZON-17740 VAR-17741
 VAR-17742 VAR-17743
 SDR-17745 12/07/06 PC

OCT 24 2006



1001 S. BRIDGER, SUITE 400
 LAS VEGAS, NV 89102
 702.735.1111



ARCHITECTS
 FINEST LINE ARCHITECTS

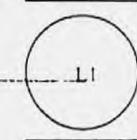
1001 S. BRIDGER, SUITE 400
 LAS VEGAS, NV 89102
 702.735.1111

BRIDGER STREET
 APARTMENTS
 LAS VEGAS NEVADA
 DEVELOPED BY S.O.A., INC. COLORADO



CITY REPORT

1	2	3	4	5	6	7	8	9	10





300 S. VENTURA, SUITE 200
 LAS VEGAS, NV 89101
 702.253.8800 702.253.8801 FAX

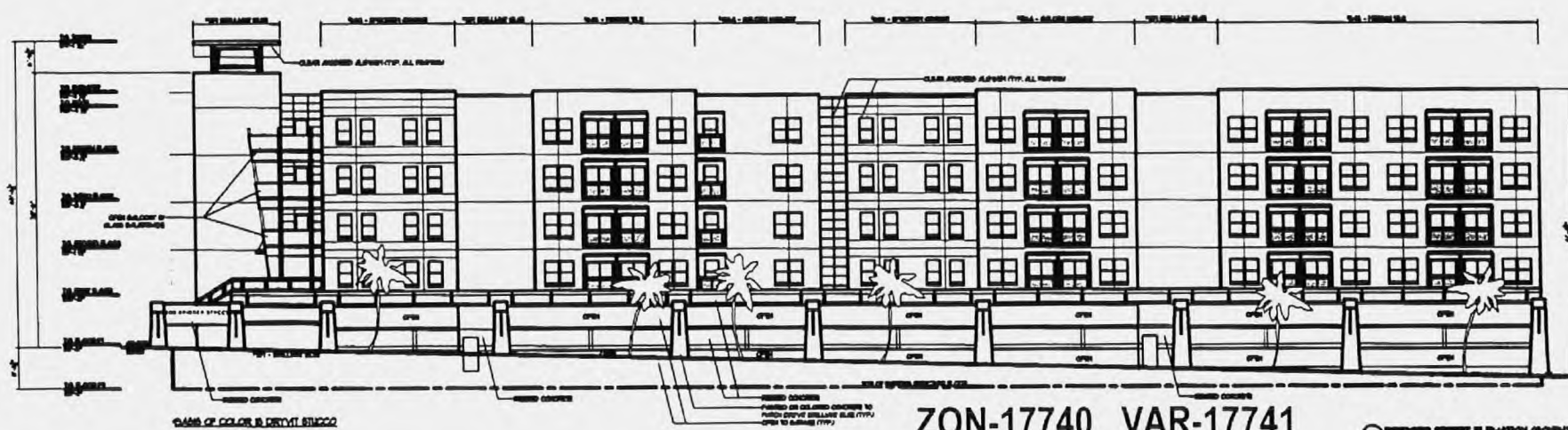
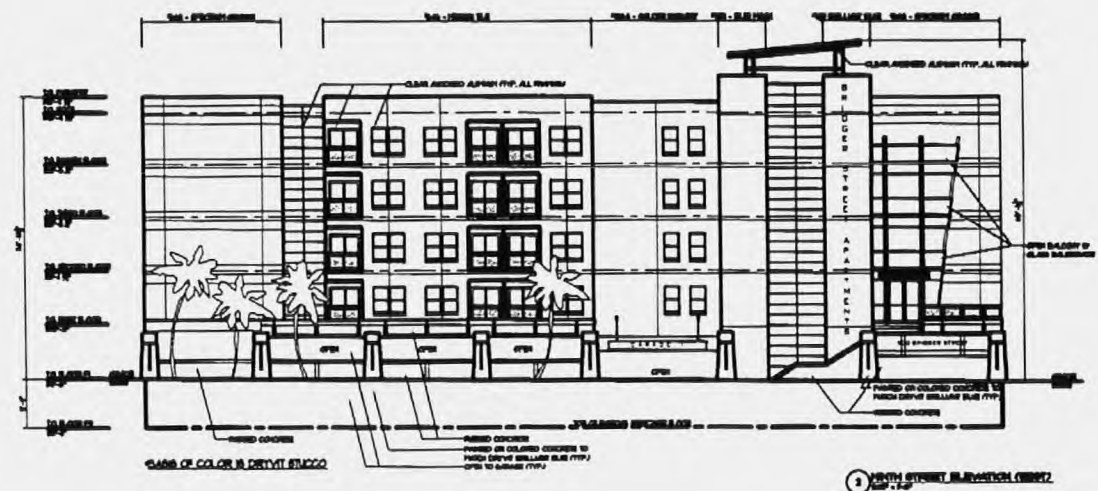


TAAG
 ARCHITECTS
 CONSULTING ARCHITECTS
 1000 S. 10TH STREET, SUITE 200
 LAS VEGAS, NV 89101
 702.253.8800 702.253.8801 FAX

**BRIDGER STREET
 APARTMENTS**
 LAS VEGAS, NEVADA
 DESIGNED BY B.C.A., INC. COLORADO

REVISIONS
 NO. DESCRIPTION
 1. 10/10/06
 2. 10/10/06
 3. 10/10/06
 4. 10/10/06
 5. 10/10/06
 6. 10/10/06
 7. 10/10/06
 8. 10/10/06
 9. 10/10/06
 10. 10/10/06
 11. 10/10/06
 12. 10/10/06
 13. 10/10/06
 14. 10/10/06
 15. 10/10/06
 16. 10/10/06
 17. 10/10/06
 18. 10/10/06
 19. 10/10/06
 20. 10/10/06
 21. 10/10/06
 22. 10/10/06
 23. 10/10/06
 24. 10/10/06
 25. 10/10/06
 26. 10/10/06
 27. 10/10/06
 28. 10/10/06
 29. 10/10/06
 30. 10/10/06
 31. 10/10/06
 32. 10/10/06
 33. 10/10/06
 34. 10/10/06
 35. 10/10/06
 36. 10/10/06
 37. 10/10/06
 38. 10/10/06
 39. 10/10/06
 40. 10/10/06
 41. 10/10/06
 42. 10/10/06
 43. 10/10/06
 44. 10/10/06
 45. 10/10/06
 46. 10/10/06
 47. 10/10/06
 48. 10/10/06
 49. 10/10/06
 50. 10/10/06
 51. 10/10/06
 52. 10/10/06
 53. 10/10/06
 54. 10/10/06
 55. 10/10/06
 56. 10/10/06
 57. 10/10/06
 58. 10/10/06
 59. 10/10/06
 60. 10/10/06
 61. 10/10/06
 62. 10/10/06
 63. 10/10/06
 64. 10/10/06
 65. 10/10/06
 66. 10/10/06
 67. 10/10/06
 68. 10/10/06
 69. 10/10/06
 70. 10/10/06
 71. 10/10/06
 72. 10/10/06
 73. 10/10/06
 74. 10/10/06
 75. 10/10/06
 76. 10/10/06
 77. 10/10/06
 78. 10/10/06
 79. 10/10/06
 80. 10/10/06
 81. 10/10/06
 82. 10/10/06
 83. 10/10/06
 84. 10/10/06
 85. 10/10/06
 86. 10/10/06
 87. 10/10/06
 88. 10/10/06
 89. 10/10/06
 90. 10/10/06
 91. 10/10/06
 92. 10/10/06
 93. 10/10/06
 94. 10/10/06
 95. 10/10/06
 96. 10/10/06
 97. 10/10/06
 98. 10/10/06
 99. 10/10/06
 100. 10/10/06

NO.	DESCRIPTION	DATE
1	10/10/06	10/10/06
2	10/10/06	10/10/06
3	10/10/06	10/10/06
4	10/10/06	10/10/06
5	10/10/06	10/10/06
6	10/10/06	10/10/06
7	10/10/06	10/10/06
8	10/10/06	10/10/06
9	10/10/06	10/10/06
10	10/10/06	10/10/06
11	10/10/06	10/10/06
12	10/10/06	10/10/06
13	10/10/06	10/10/06
14	10/10/06	10/10/06
15	10/10/06	10/10/06
16	10/10/06	10/10/06
17	10/10/06	10/10/06
18	10/10/06	10/10/06
19	10/10/06	10/10/06
20	10/10/06	10/10/06
21	10/10/06	10/10/06
22	10/10/06	10/10/06
23	10/10/06	10/10/06
24	10/10/06	10/10/06
25	10/10/06	10/10/06
26	10/10/06	10/10/06
27	10/10/06	10/10/06
28	10/10/06	10/10/06
29	10/10/06	10/10/06
30	10/10/06	10/10/06
31	10/10/06	10/10/06
32	10/10/06	10/10/06
33	10/10/06	10/10/06
34	10/10/06	10/10/06
35	10/10/06	10/10/06
36	10/10/06	10/10/06
37	10/10/06	10/10/06
38	10/10/06	10/10/06
39	10/10/06	10/10/06
40	10/10/06	10/10/06
41	10/10/06	10/10/06
42	10/10/06	10/10/06
43	10/10/06	10/10/06
44	10/10/06	10/10/06
45	10/10/06	10/10/06
46	10/10/06	10/10/06
47	10/10/06	10/10/06
48	10/10/06	10/10/06
49	10/10/06	10/10/06
50	10/10/06	10/10/06
51	10/10/06	10/10/06
52	10/10/06	10/10/06
53	10/10/06	10/10/06
54	10/10/06	10/10/06
55	10/10/06	10/10/06
56	10/10/06	10/10/06
57	10/10/06	10/10/06
58	10/10/06	10/10/06
59	10/10/06	10/10/06
60	10/10/06	10/10/06
61	10/10/06	10/10/06
62	10/10/06	10/10/06
63	10/10/06	10/10/06
64	10/10/06	10/10/06
65	10/10/06	10/10/06
66	10/10/06	10/10/06
67	10/10/06	10/10/06
68	10/10/06	10/10/06
69	10/10/06	10/10/06
70	10/10/06	10/10/06
71	10/10/06	10/10/06
72	10/10/06	10/10/06
73	10/10/06	10/10/06
74	10/10/06	10/10/06
75	10/10/06	10/10/06
76	10/10/06	10/10/06
77	10/10/06	10/10/06
78	10/10/06	10/10/06
79	10/10/06	10/10/06
80	10/10/06	10/10/06
81	10/10/06	10/10/06
82	10/10/06	10/10/06
83	10/10/06	10/10/06
84	10/10/06	10/10/06
85	10/10/06	10/10/06
86	10/10/06	10/10/06
87	10/10/06	10/10/06
88	10/10/06	10/10/06
89	10/10/06	10/10/06
90	10/10/06	10/10/06
91	10/10/06	10/10/06
92	10/10/06	10/10/06
93	10/10/06	10/10/06
94	10/10/06	10/10/06
95	10/10/06	10/10/06
96	10/10/06	10/10/06
97	10/10/06	10/10/06
98	10/10/06	10/10/06
99	10/10/06	10/10/06
100	10/10/06	10/10/06



ZON-17740 VAR-17741
 VAR-17742 VAR-17743
 SDR-17745 12/07/06 PC

1 SOUTH STREET ELEVATION (SHEET 1)
 10/10/06



2ND 1 WORTH, NEW 8-TH
SPRINGWOOD VILLAGE CO NEW
KALIFORNIA 20-TH 1968



TAAAG
ARCHITECTS
CONSULTING ARCHITECTS

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678,

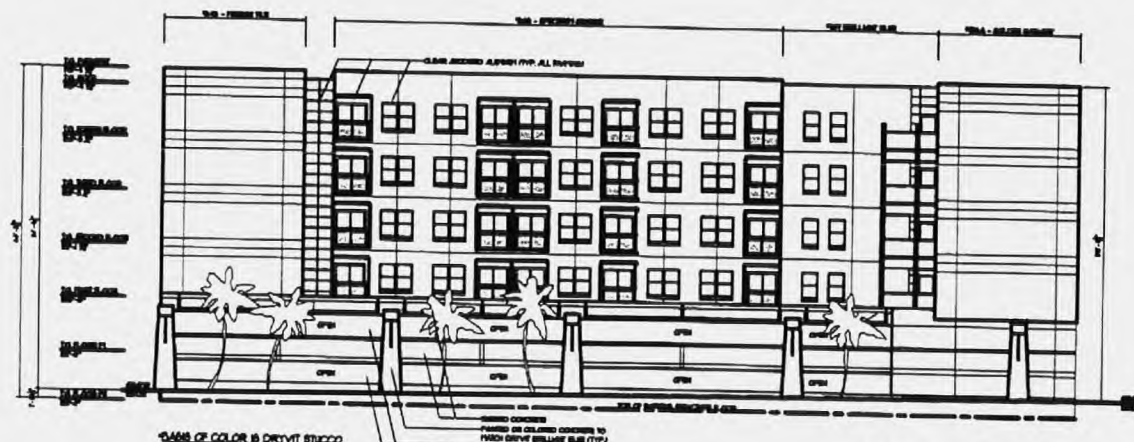
BRIDGER STREET
APARTMENTS
LAS VEGAS, NEVADA
MANAGED BY B.A.A. INC. COLORADO



CITY HOSPITAL, NEWARK, N.J.

[illegible]

SECRET
A2.2

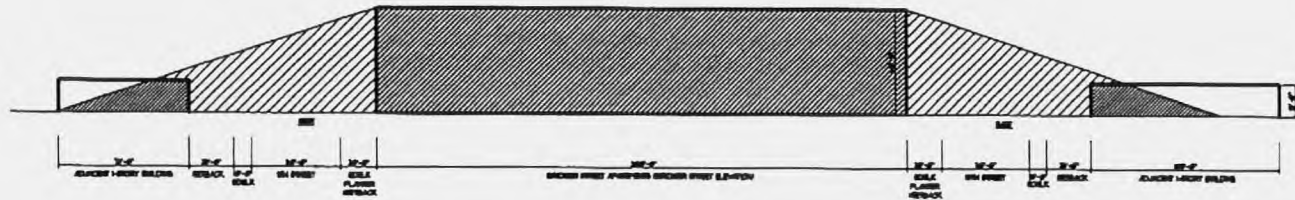


② TESTING SURVEY ELEVATION DATA

① ALLEY STREET ELEVATION (OPTION)

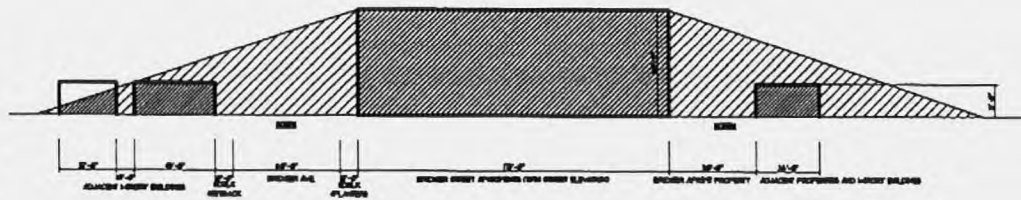
ZON-17740 VAR-17741
VAR-17742 VAR-17743
SDR-17745 12/07/06 PC

VIEW SIDE
APPROX. LINE
ELEVATION
FOOTING
FINISHED
FINISHED



WEST/EAST SECTION
REF. 1. N.P.

VIEW SIDE
APPROX. LINE
ELEVATION
FOOTING
FINISHED
FINISHED



SOUTH/NORTH SECTION
REF. 1. N.P.

ZON-17740 VAR-17741
VAR-17742 VAR-17743
SDR-17745 12/07/06 PC

OCT 14 2005



300 S. VERDE, SUITE 200
DENVER, COLORADO 80209
303.733.1111
WWW.BCADSIGN.COM



TAAG
ARCHITECTS
CONSULTING ARCHITECTS
1010 17th St., Suite 200
Denver, CO 80202
303.733.1111
WWW.TAAGARCHITECTS.COM

BRIDGER STREET
APARTMENTS
LAS VEGAS, NEVADA
DESIGNED BY BAA, INC. 00000000



REV.	DATE	DESCRIPTION
1	01/01/06	ISSUED FOR PERMIT
2	01/01/06	ISSUED FOR PERMIT
3	01/01/06	ISSUED FOR PERMIT
4	01/01/06	ISSUED FOR PERMIT
5	01/01/06	ISSUED FOR PERMIT
6	01/01/06	ISSUED FOR PERMIT
7	01/01/06	ISSUED FOR PERMIT
8	01/01/06	ISSUED FOR PERMIT
9	01/01/06	ISSUED FOR PERMIT
10	01/01/06	ISSUED FOR PERMIT



A2.4

SDA

SDA INC.
The Denver Tech Center
1000 South Yosemite Street, Suite 100
Greenwood Village, Colorado 80111
Telephone: (303) 220-4500
Facsimile: (303) 220-6790

Real Estate: Construction
Development
Investment
Management

October 24, 2006

Nathan Goldberg
City of Las Vegas
Planning Department
731 S. Fourth
Las Vegas, Nevada 89101
Telephone: 702-229-5447
Facsimile: 702-385-7268

Re: Bridger Avenue Apartments, Variance Setbacks and Height

Dear Mr. Goldberg:

This letter serves as our Justification Letter on the above referenced submittal, as described herein:

VARIANCE SETBACKS

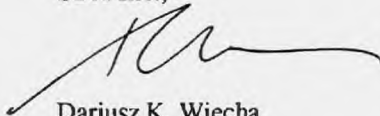
We are requesting a zero (0') setback on the West, East, and South side of the apartment building. The North setback is requested to be a minimum of 10 feet. We also request that the allowed building height be increased to 78' for architectural protrusions (entry tower element, elevator core) and 68' for the top of the roof of the residential portion of the project. The site geometry dictates full utilization to develop an urban character apartment complex. Currently enforced setbacks and height restrictions would reduce the project size making it financially unfeasible. Should the reduced setbacks be approved, they will enhance the urban character of the neighborhood.

This project fits the General Plan use. We request your consideration for re-zoning of the site of this project for a higher density residential use. If approved, it will allow for construction of a multi-unit apartment complex, similar in nature to the neighboring City Center Apartments, also owned by our company.

Based on the popularity of the City Center Apartments and virtually non-existing vacancy rates we are convinced that a property of similar character next door will greatly contribute to the urban success of downtown Las Vegas by providing affordable housing to inner city dwellers.

Sincerely,

SDA Inc.,



Dariusz K. Wiecha
Vice President

DKW/lis

ZON-17740 VAR-17741
VAR-17742 VAR-17743
SDR-17745 12/07/06 PC

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

November 28, 2006

City of Las Vegas
Planning and Development Department
Current Planning Division
Development Services Center
731 South Fourth Street
Las Vegas, Nevada 89101
Phone: (702) 229-6301
Fax: (702) 385-7268

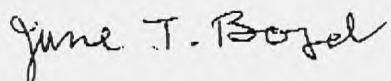
RE: Case: ZON-17740
Rezoning for the Proposed Bridger Avenue Apartments
Las Vegas, Nevada

Planning Commission:

I have seen the artist's rendering of the proposed apartment community that SDA INC. plans to develop at 10th Street and Bridger Avenue. As a long time downtown resident, I think that this is the type of improvement that greatly enhances the livability of the area. The adjacent City Center Apartment community, developed by this same developer, has been an enormous benefit to the community, improving the quality of life of downtown apartment dwellers as well as the aesthetics of the downtown cityscape.

I request that you approve the Site Development Plan, the variances, and the zoning change.

Sincerely,



June T. Boyd
225 South 10th Street
Las Vegas, Nevada 89101

ITEM # 14-19
CASE # ZON-17740
PC MTG 12-7-06

A

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JANUARY 17, 2007**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: M. MARGO WHEELER**☐ Consent ☒ Discussion**SUBJECT:**
VACATION

VAC-17744 – ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: LARRY AND PATRICIA SCHEUSNER FAMILY TRUST, POULOS FAMILY TRUST, AND ASHTON BOYD FAMILY TRUST - Petition to Vacate a portion of an existing alley generally located north of Bridger Avenue, 140 feet east of Tenth Street, Ward 5, (Weekly). Staff recommends DENIAL. The Planning Commission (4-3 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (4-3 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter

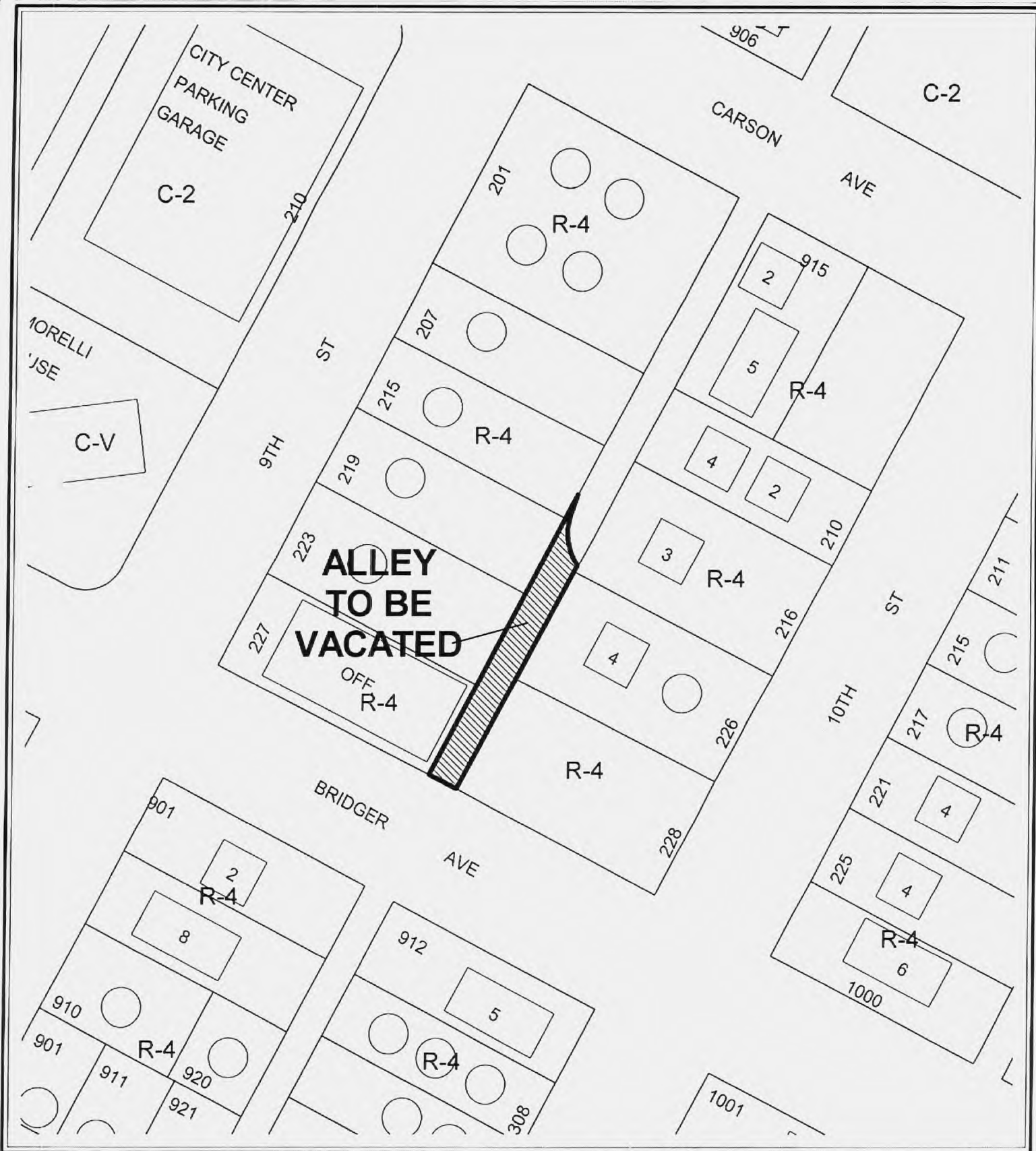
Motion made by GARY REESE to Hold in Abeyance Item 92 [GPA-16511], Item 93 [ZON-16519], Item 94 [VAR-16525], Item 95 [SDR-16522], Item 101 [ZON-17740], Item 102 [VAR-17741], Item 103 [VAR-17742], Item 104 [VAR-17743], Item 105 [VAC-17744], Item 106 [SDR-17745], Item 116 [SDR-15747], Item 117 [ROC-18341] and Item 130 [SUP-17739] to 2/07/2007; Item 82 [1919 Fremont Street], Item 118 [ZON-16179], Item 119 [VAR-16181], Item 120 [VAR-17191], Item 121 [SDR-16180], Item 122 [ZON-17242], Item 123 [VAR-17244], Item 124 [SDR-17247], Item 131 [SUP-18037] and Item 132 [SDR-18034] to 2/21/2007

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

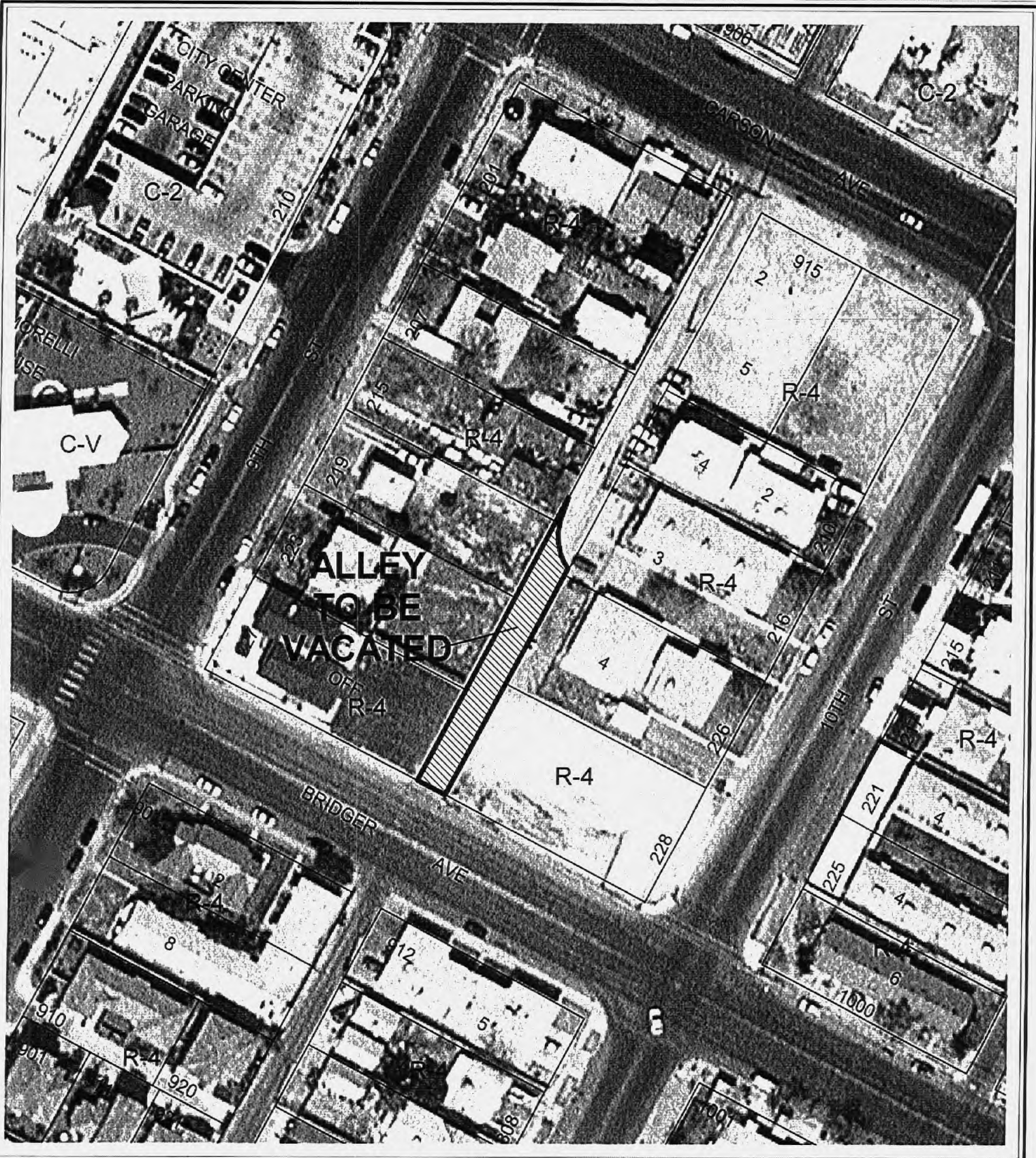
See Item 101 for related backup.



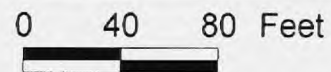
CASE: VAC-17744

0 40 80 Feet





CASE: VAC-17744



AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 17, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - VAC-17744 - APPLICANT/OWNERS: ASHTON-BOYD FAMILY TRUST, ET AL

THIS ITEM WAS HELD IN ABEYANCE FROM THE JANUARY 3, 2007 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN WEEKLY.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (4-3/se, sd, bg vote) recommends APPROVAL, subject to:

1. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress therefrom shall be provided if required.
2. All development shall be in conformance with code requirements and design standards of all City Departments.
3. If the Order of Vacation is not recorded within one (1) year after approval by the City of Las Vegas or an Extension of Time is not granted by the Planning Director, then approval will terminate and a new petition must be submitted.
4. The limits of this Vacation shall be the southerly portion of the public alley located north of Bridger Avenue, between 9th Street and 10th Street.
5. Submit an alternative alley access plan for approval by the City Engineer providing a legal through-access for this alley and an adequate turning radius. Such alley access shall be dedicated prior to or concurrent with the recordation of an Order of Vacation for this alleyway.
6. Provide a plan showing how the right-of-way proposed to be vacated will be incorporated into the abutting properties, including the property not controlled by the applicant (if applicable), so that an un-maintained "no-man's land" area is not produced by this action. The required plan shall identify exactly who is responsible to reclaim each portion of right-of-way and exactly how the right-of-way will be reclaimed, and shall provide a schedule of when such reclamation will occur. Such plan shall be approved by the City Engineer prior to the recordation of the Order of Vacation or the submittal of any construction drawings adjacent to or overlying the area requested for vacation, whichever may occur first.

7. A sanitary sewer relocation/abandonment plan must be approved by the Department of Public Works. If relocation is proposed, the relocated sewer lines must be constructed and active prior to the recordation of the Order of Vacation. Alternatively, public sewer easements shall be retained through this Petition of Vacation. If easements are required, this Vacation may record in phases, to allow for future elimination of easements at the discretion of the City Engineer.
8. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the recordation of the Order of Vacation for this application. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study. The drainage study required by ZON-17740 may be used to satisfy this requirement provided that it addresses the area to be vacated.
9. All existing public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Vacation.
10. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.

**** STAFF REPORT ****

APPLICATION REQUEST

This application is a request to Vacate a portion of an existing alley generally located north of Bridger Avenue, 140 Feet east of Tenth Street.

The applicant is proposing to vacate approximately half of the existing alley that runs between Carson Avenue and Bridger Avenue, half-way between Ninth and Tenth Streets. A Site Development Plan Review (SDR-17745) proposes to replace the vacated portion of the alley with a new alley to be dedicated that will connect the remainder of the alley from its termination to Tenth Street, at approximately the property line between the existing 216 Tenth Street and 226 Tenth Street.

BACKGROUND INFORMATION

A) Related Actions

- | | |
|----------|--|
| 12/07/06 | The Planning Commission recommended approval of companion items ZON-17740, VAR-17741, VAR-17742, VAR-17743 and SDR-17745 concurrently with this application. |
| 12/07/06 | The Planning Commission voted 4-3/se, sd, bg to recommend APPROVAL (PC Agenda Item #18/ar). |

B) Pre-Application Meeting

A pre-application conference is not required for a Vacation application request.

C) *Neighborhood Meetings*

A neighborhood meeting is not required as part of this application request, nor was one held.

DETAILS OF APPLICATION REQUEST

The property is legally described as being a portion of the Northeast Quarter of the Northeast Quarter of the Southeast Quarter of Section 34, Township 20 South, Range 61 East, M.D.M.

ANALYSIS

A) *Planning discussion*

The applicant proposes to vacate a portion of the alley connecting Bridger Avenue and Carson Avenue between Ninth Street and Tenth Street in order to provide for cohesive development along Bridger Avenue between Ninth Street and Tenth Street. In order to mitigate the vacation of the alley, the applicant proposes to dedicate a replacement of that portion to the north of his proposed development, diverting the alley flow to Tenth Street. In addition, the submitted vacation indicates that the applicant will replace the necessary water and sewer infrastructure in order to accommodate the vacation as well as the proposed development. However, as staff is recommending denial on the proposed rezoning, site plan, and related variances, staff cannot recommend approval for this vacation.

B) *Public Works discussion*

The following information is presented concerning this request to vacate certain public street right of ways:

- A. Does this vacation request result in uniform or non-uniform right-of-way widths?
Uniform, dedication for an alternative outlet for this public alley will be required through a Condition of Approval.
- B. From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability? *No.*
- C. Does it appear that the vacation request involves only excess right-of-way? *No.*
- D. Does this vacation request coincide with development plans of the adjacent parcels? *Yes*
Zoning Reclassification ZON-17740 and Site Development Plan Review SDR-17745.

- E. Does this vacation request eliminate public street access to any abutting parcel? *No.*
- F. Does this vacation request result in a conflict with any existing City requirements? *No.*
- G. Does the Department of Public Works have an objection to this vacation request? *No.*

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

18

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 7 by City Clerk

APPROVALS 0

PROTESTS 0



VAC-17744

139-34-712-043

POWELL'S FAMILY TRUST

SDA, INC. - DARIUSZ WIECHA

☒ No

F:\depot\Application Packet\Statement of Financial Interest doc



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VNC-1774 APN: 139-34-712-041/-042
Name of Property Owner: ASHTON - BOYD FAMILY TRUST
Name of Applicant: SDA INC - DARIUSZ WIECHA

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: _____

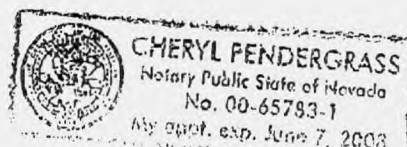
Signature of Property Owner:

Print Name: _____

Subscribed and sworn before me

This 16 day of Oct, 2006

Notary Public in and for said County and State







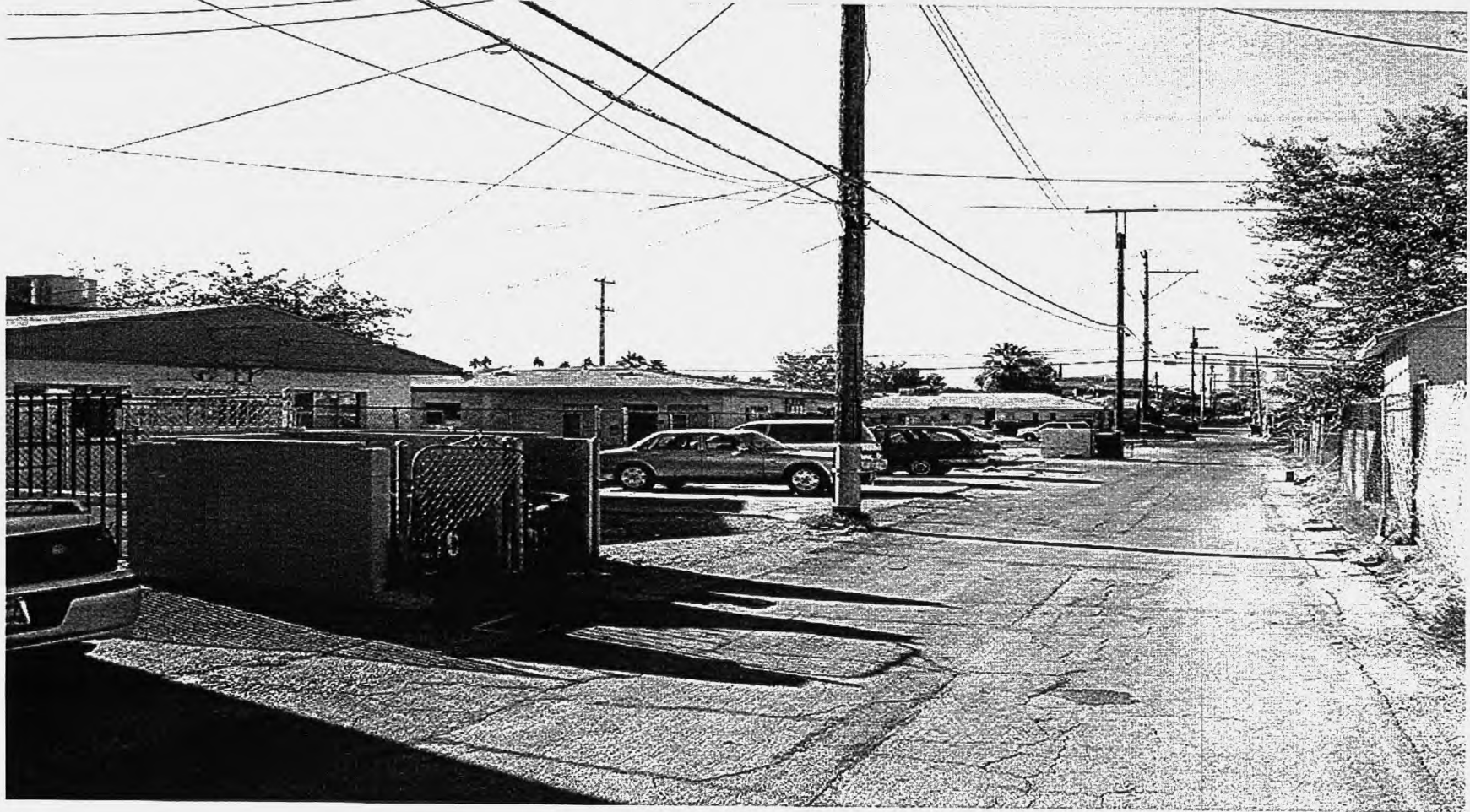
VAC-17744 - APPLICANT/OWNER LARRY AND PATRICIA SCHEUSNER FAMILY TRUST, POULOS FAMILY TRUST, AND ASHTON BOYD FAMILY TRUST
NORTH OF BRIDGER AVENUE, 140 FEET EAST OF TENTH STREET
DECEMBER 7, 2006 PLANNING COMMISSION

11/14/06



VAC-17744 - APPLICANT/OWNER LARRY AND PATRICIA SCHEUSNER FAMILY TRUST, POULOS FAMILY TRUST, AND ASHTON BOYD FAMILY TRUST
NORTH OF BRIDGER AVENUE, 140 FEET EAST OF TENTH STREET
DECEMBER 7, 2006 PLANNING COMMISSION

11/14/06



VAC-17744 - APPLICANT/OWNER LARRY AND PATRICIA SCHEUSNER FAMILY TRUST, POULOS FAMILY TRUST, AND ASHTON BOYD FAMILY TRUST
NORTH OF BRIDGER AVENUE, 140 FEET EAST OF TENTH STREET
DECEMBER 7, 2006 PLANNING COMMISSION

11/14/06

SDA

Real Estate: Construction
Development
Investment
Management

October 24, 2006

Nathan Goldberg
City of Las Vegas
Planning Department
731 S. Fourth
Las Vegas, Nevada 89101
Telephone: 702-229-5447
Facsimile: 702-385-7268

Re: Bridger Avenue Apartments, Vacation of the Alley

Dear Mr. Goldberg:

This letter serves as our Justification Letter on the above referenced submittal, as described herein:

VACATION OF THE ALLEY

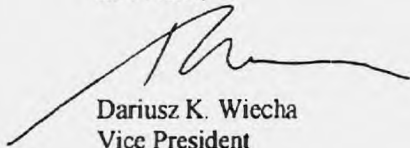
The geometry of the site calls for a cohesive development that would provide a continuous elevation along Bridger Avenue. We request vacation of the portion of the existing alley, which would otherwise divide our building in two, making our project not feasible.

To mitigate the alley requirements we provide enough space on our property, which we would like to dedicate to the new alley diverting its flow to 10th Street.

We believe such approach to this city block design will not only enhance the urban character of the area, but will also reduce the traffic impact on Bridger Avenue by eliminating the alley's current connection to Bridger Avenue and introducing its new connection to 10th Street.

Sincerely,

SDA Inc.,



Dariusz K. Wiecha
Vice President

DKW/ls

VAC-17744
12/07/06 PC

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JANUARY 17, 2007

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-17740, VAR-17741, VAR-17742 AND VAR-17743

SDR-17745 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER LARRY AND PATRICIA SCHEUSNER FAMILY TRUST, POULOS FAMILY TRUST, AND ASHTON BOYD FAMILY TRUST - Request for a Site Development Plan Review for a PROPOSED 300 UNIT, 66 FOOT HIGH, SIX STORY APARTMENT BUILDING AND A WAIVER OF THE PERIMETER LANDSCAPE BUFFERING STANDARDS FOR ZERO FEET OF LANDSCAPING WHERE TEN FEET IS REQUIRED ALONG THE SOUTHERN, EASTERN, AND WESTERN PERIMETER AND TO ALLOW FIVE FEET OF LANDSCAPING WHERE SIX FEET IS REQUIRED ALONG A PORTION OF THE NORTHERN PERIMETER on 1.38 acres on the north side of Bridger Avenue between 9th Street and 10th Street (APNs 139-34-712-026 through 028 and 041 through 043), R-4 (High Density Residential) Zone [PROPOSED: R-5 (Apartment) Zone], Ward 5 (Weekly). Staff recommends DENIAL. The Planning Commission (4-3 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (4-3 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Backup referenced from the 12-07-06 Planning Commission Meeting Item 19

Motion made by GARY REESE to Hold in Abeyance Item 92 [GPA-16511], Item 93 [ZON-16519], Item 94 [VAR-16525], Item 95 [SDR-16522], Item 101 [ZON-17740], Item 102 [VAR-17741], Item 103 [VAR-17742], Item 104 [VAR-17743], Item 105 [VAC-17744], Item 106 [SDR-17745], Item 116 [SDR-15747], Item 117 [ROC-18341] and Item 130 [SUP-17739] to 2/07/2007; Item 82 [1919 Fremont Street], Item 118 [ZON-16179], Item 119 [VAR-16181], Item 120 [VAR-17191], Item 121 [SDR-16180], Item 122 [ZON-17242], Item 123 [VAR-17244], Item 124 [SDR-17247], Item 131 [SUP-18037] and Item 132 [SDR-18034] to 2/21/2007

CITY COUNCIL MEETING OF: JANUARY 17, 2007

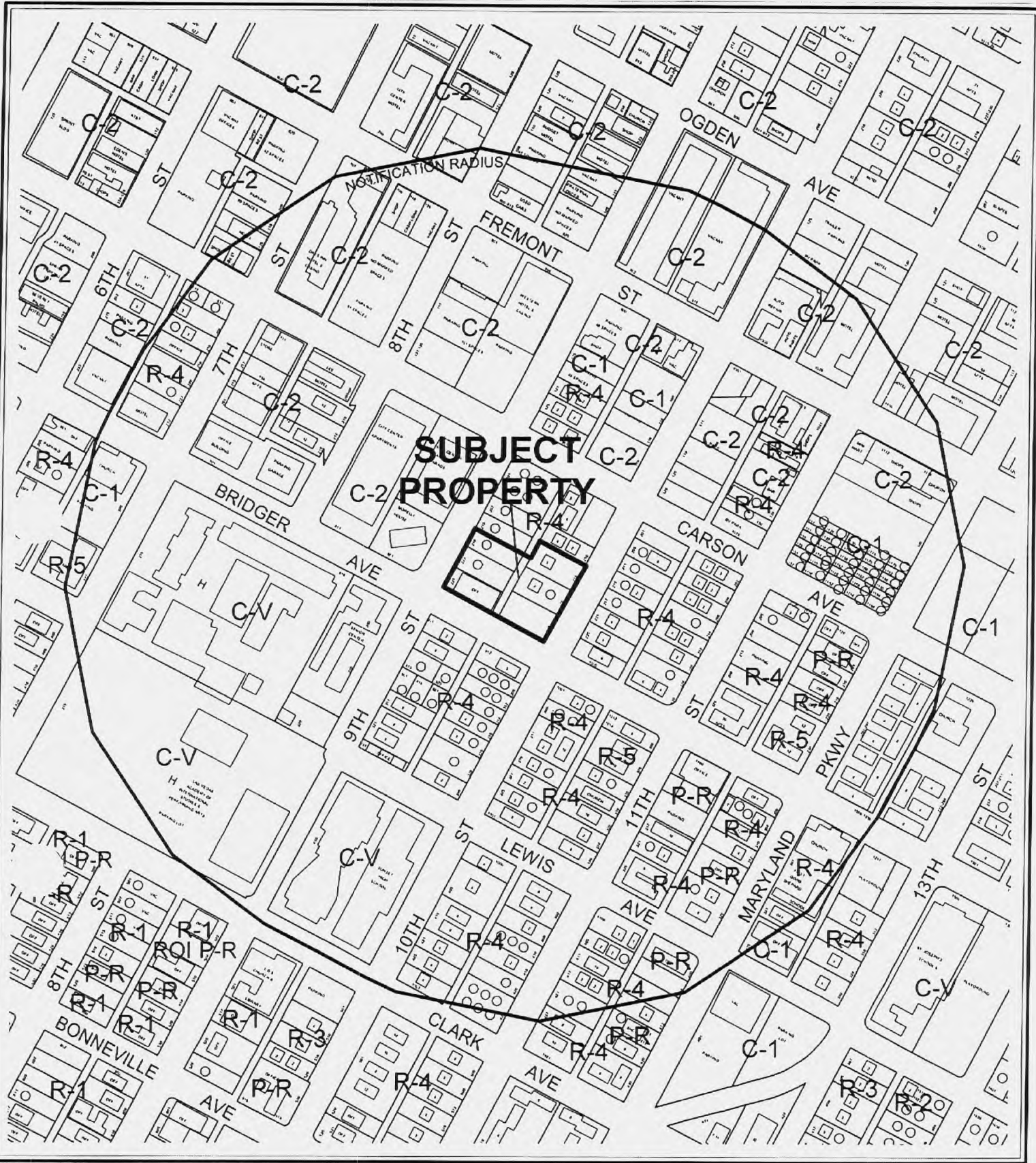
Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

Minutes:

See Item 101 for related backup.





CASE: **SDR-17745**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: R-4 (HIGH DENSITY RESIDENTIAL)

PROPOSED ZONING OF SUBJECT PROPERTY: R-5 (APARTMENT)

0 100200 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 17, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - SDR-17745 - APPLICANT/OWNER LARRY AND PATRICIA SCHEUSNER FAMILY TRUST, POULOS FAMILY TRUST, AND ASHTON BOYD FAMILY TRUST

THIS ITEM WAS HELD IN ABEYANCE FROM THE JANUARY 3, 2007 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN WEEKLY.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (4-3/se, sd, bg vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Rezoning (ZON-17740), and Variances (VAR-17741, VAR-17742, VAR-17743) if approved.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 10/24/06, except as amended by conditions herein.
4. A Waiver from Section 19.12 is hereby approved, to allow a five-foot wide landscape perimeter along the north property line where six feet is required, zero feet along Ninth Street where ten feet is required, and four feet along Bridger Avenue where ten feet is required.
5. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.
6. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.

7. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
8. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
9. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
10. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaires. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
11. 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.
12. A Comprehensive Construction Staging Plan shall be submitted to the Planning and Development Department for review and approval prior to the issuance of any building permits. The Construction Staging Plan shall include the following information: Design and location of construction trailer(s); design and location of construction fencing; all proposed temporary construction signage; location of materials staging area; and the location and design of parking for all construction workers.
13. Prior to the submittal of a building permit application, 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.
14. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

15. A Petition of Vacation, such as VAC-17744, to eliminate the existing alley right-of-way in conflict with this site plan shall record prior to the issuance of any permits overlying the area to be vacated. Dedicate a 20-foot wide alley through Assessor's Parcel No. 139-34-712-041 to connect to Tenth Street (including a radius) acceptable to the City Engineer prior to or concurrent with recordation of the Order of Vacation.
16. The proposed entry on 9th Street shall be designed to accommodate a minimum queue of three vehicles prior to the gate, unless otherwise allowed by the City Traffic Engineer.

17. Parking spaces located directly off the public alley shall be set back sufficiently to allow a 24-foot wide "aisle" width for vehicles to back out.
18. A sanitary sewer relocation plan must be submitted to and approved by the Collection Systems Planning Section of the Department of Public Works and the new sewer lines must be constructed and active prior to the recordation of an Order of Vacation of the existing sewer easements. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits as required by the Department of Public Works. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.
19. Landscape and maintain all unimproved rights-of-way, if any, on Bridger Avenue, 9th Street and 10th Street adjacent to this site. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
20. Submit an Encroachment Agreement for all landscaping, if any, located in the public right-of-way adjacent to this site prior to occupancy of this site.
21. Site development to comply with all applicable conditions of approval for ZON-17740 and all other applicable site-related actions.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for a proposed 300-unit, 66-foot high, six-story apartment building and a waiver of the perimeter landscape buffering standards for zero feet of landscaping where ten feet is required along the southern, eastern, and western perimeter and to allow five feet of landscaping where six feet is required along a portion of the northern perimeter on 1.38 acres on the north side of Bridger Avenue between Ninth Street and Tenth Street.

The project as designed is more intense than the existing residential development on this block, and requires numerous Variances and Waivers. As such, the project is not appropriate to its context, and staff recommends denial.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
01/04/61	The Board of City Commissioners approved a Special Use Permit for an office at 227 South 9 TH Street
12/07/06	The Planning Commission recommended approval of companion items ZON-17740, VAR-17741, VAR-17742, VAR-17743 and VAC-17744 concurrently with this application. The Planning Commission voted 4-3/se, sd, bg to recommend APPROVAL (PC Agenda Item #19/ar).
<i>Pre-Application Meeting</i>	
08/18/06	The requirements for a rezoning application were reviewed.
<i>Neighborhood Meeting</i>	
	A neighborhood meeting is not required for this type of application
<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.38 Acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Offices, multi-family dwellings, single family dwellings.	Mixed Use	R-4
North	Single family dwelling	Mixed Use	R-4
South	Apartments	Mixed Use	R-4
East	Apartments	Mixed Use	R-4
West	Apartments and Non-profit organization	Mixed Use	C-V and C-2

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown Centennial Plan		X	
Redevelopment Plan Area	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	
Trails	X		Y
Rural Preservation Overlay District		X	
Development Impact Notification Assessment		X	
Project of Regional Significance		X	

Redevelopment Area

The subject site is located within the Downtown Redevelopment Area, where special funding may be available for proposed projects. Developments are subject to all requirements of Title 19.

Trails

The Master Plan Transportation Trails Element depicts a trail along Ninth Street adjacent to this site. If this trail is constructed, it will be constructed by the city, and therefore the applicant is not required to show the trail on the submitted plans.

DEVELOPMENT STANDARDS

Per Title 19.08, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	7,000 square feet	1.38 acres	Y
Min. Lot Width	N/A	180 feet	Y
Min. Setbacks • Front (west) • Side (north) • Corner (south) • Rear (east)	• 10 Feet • 5 Feet • 5 Feet • 20 Feet	• 0 Feet • 8 Feet • 0 Feet • 0 Feet	• N* • Y** • N* • N*
Min. Distance Between Buildings	N/A	1 building	Y
Max. Lot Coverage	N/A	81 %	Y
Max. Building Height	5 Stories or 55 Feet	66 Feet	N***

*These setbacks do not comply with the R-5 standards. This issue will be considered under Variance VAR-17743.

**This setback complies with the R-5 standards, but does not comply with the Residential Adjacency Standards. This issue will be considered under Variance VAR-17742.

***The proposed height does not comply with the R-5 standards. This issue will be considered under Variance VAR-17743.

Per Title 19.08.06, the following standards apply:

Residential Adjacency Standards	Required/Allowed	Provided	Compliance
3:1 proximity slope	198 feet from north property line	8 feet	N
Adjacent development matching setback	5 feet	8 feet	Y
Trash Enclosure	50 feet from north property line	10 Feet	N

These setback issues will be considered under Variance VAR-17742.

Existing Zoning	Permitted Density	Units Allowed	Proposed Zoning	Permitted Density	General Plan	Permitted Density
R-4	50 du/ac	69	R-5	unlimited	MXU	greater than 25.49 du/ac

Per Title 19.12, the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Parking Area	1 tree/ 6 spaces	2 trees	2 trees	Y
Buffer: Min. Trees	1 tree/20 linear feet	27 trees	24 trees	N
Min. Zone Width	10 feet along 9th Street		0 feet along 9th Street	N
	10 feet along Bridger Avenue		4 feet along Bridger Avenue	N
	10 feet along Tenth Street		10 feet along Tenth Street	Y
	6 feet along north property line		5 feet along north property line	N

The applicant has requested a waiver to allow a reduction of the landscaping buffer requirements to allow 0 feet along a portion of the west property line, zero feet along Bridger Avenue, and five feet along the north property line.

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Apartments	300 one-bedroom units	1.25 spaces per unit plus one guest space for every six units	425 spaces	9 spaces	150 spaces	9 spaces	N
TOTAL (including handicap)			425 spaces	9 spaces	150 spaces	9 spaces	N
Percent Deviation					65 %		

This parking issue will be addressed under Variance VAR-17741.

Waivers		
Request	Requirement	Staff Recommendation
5 feet along north property line	6 feet along north property line	Denial
0 feet along 9th Street	10 feet along 9th Street	Denial
4 feet along Bridger Avenue	10 feet along Bridger Avenue	Denial

Because the site plan could be redesigned to include a less-intense use which would allow compliance with the city's landscaping standards, staff is recommending denial of all landscaping waivers.

ANALYSIS

The site is currently developed with two apartment buildings, two single-family dwellings, and an office building. The applicant proposes to demolish these structures and construct a 300-unit apartment building which will require a variance (VAR-17743) to allow the building to be zero feet from the west property line where ten feet is the minimum setback required, zero feet from the east property line where 20 feet is the minimum setback required, and zero feet from the south property line where five feet is the minimum setback required. Because the site plan could be redesigned to include a less-intense use which would allow compliance with the city's setback standards, staff is recommending denial of these setback variances.

The applicant has also requested a variance (VAR-17743) to allow a building height of 66 feet where the R-5 (Apartment) standards allow a maximum height of 55 feet. Because the site plan could be redesigned to include a less-intense use which would allow compliance with the city's height requirements, staff is recommending denial of this variance.

Because there is an existing single-family dwelling north of this site and adjacent to 9th Street, any proposed development of this site is required to comply with the proximity slope requirements of the Residential Adjacency standards. When applied to the height of the building as currently proposed (66 feet), these standards require a setback of 198 feet from the north property line which is adjacent to the existing single-family dwelling north of this site. The applicant has requested a variance (VAR-17742) to allow a setback of eight feet from the north property line where 198 feet is the minimum setback required. Because the site plan could be redesigned to include a less-intense use which would allow compliance with the city's Residential Adjacency standards, staff is recommending denial of this variance.

The Residential Adjacency standards also require trash enclosures to be setback at least 50 feet from single-family residential development. The applicant has requested a variance (VAR-17742) to allow the trash enclosure to be 10 feet from single-family development. Because the site plan could be redesigned to include a trash enclosure which would allow compliance with the city's Residential Adjacency standards, staff is recommending denial of this variance.

The applicant has requested a variance (VAR-17741) to allow 150 parking spaces on this site where 425 are required. Because there is no hardship associated with this site, and because staff finds that this proposed development is too intense for the subject property, staff is recommending denial of this parking variance. As part of this development, the applicant is proposing to vacate a portion of an existing 20-foot wide public alley that currently bisects this site and connects Carson Avenue and Bridger Avenue. In order to mitigate the vacation of this portion of the alley, the applicant proposes to construct a new alley, which will connect the un-vacated portion of the existing alley to Tenth Street. Because staff is recommending denial of the rezoning, site development plan review and variances associated with this development, staff is recommending denial of the alley vacation. A 10-foot wide landscape buffer that complies with city standards is proposed along Tenth Street. The applicant has requested waivers to allow no perimeter landscaping along Ninth Street where ten feet is required; to allow four feet along Bridger Avenue where 10 feet is required; and to allow five feet along the north property line where six feet is required. Because the site plan could be redesigned to include a less-intense use which would allow compliance with the city's landscaping standards, staff is recommending denial of all landscaping waivers.

The elevations depict a stucco exterior with aluminum accents.

FINDINGS

The following findings must be made:

1. The proposed development is compatible with adjacent development and development in the area;
2. The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;
3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;
4. Building and landscape materials are appropriate for the area and for the City;
5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;
6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.

In regard to “1”: The proposed development will exceed the scale and massing of any existing development on the east side of Ninth Street. Staff finds the height and intensity of the project is greater than adjacent development and is not compatible with residential development immediately to the north of this site.

In regard to “2”: The project as designed is more intense than the existing residential development on this block, and requires numerous Variances and Waivers to Title 19. As such, the project is not appropriate to its context, and staff recommends denial.

In regard to “3”: The property is accessible from Ninth Street and Tenth Street. Both streets are adequate to meet the needs of the proposed R-5 (Apartment) District.

In regard to “4”: The proposed building materials and landscape materials are appropriate for the immediate area and for the City, and are generally in compliance with the Residential Development Standards.

In regard to “5”: The inability of the applicant to devise a site plan that complies with the setback, residential adjacency, building height and landscape standards indicate that the design characteristics of this proposal are too intense for this site.

In regard to “6”: The proposed development will be subject to regular inspections for permitting and licensing and will; therefore, not compromise the public health, safety, and welfare.

PLANNING COMMISSION ACTION

One condition was deleted by the Planning Commission.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

18

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 129 by Planning Dept

APPROVALS 1

PROTESTS 0



Case Number: **SDR-17745** APN: 139-34-712-041/-042
Name of Property Owner: ASHTON - BOYD FAMILY TRUST
Name of Applicant: SDA, INC - DARIUSZ WIECHA

☒ Yes ☐ No

APN: _____

Print Name: June T. Boyd

Notary Public in and for said County and State



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-17745** APN: 139-34-712-026 / -027 / -028

Name of Property Owner: LARRY AND PATRICIA SCHLEUSNER FAMILY TRUST

Name of Applicant: SDA, INC - DARIUSZ WIECHA

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:

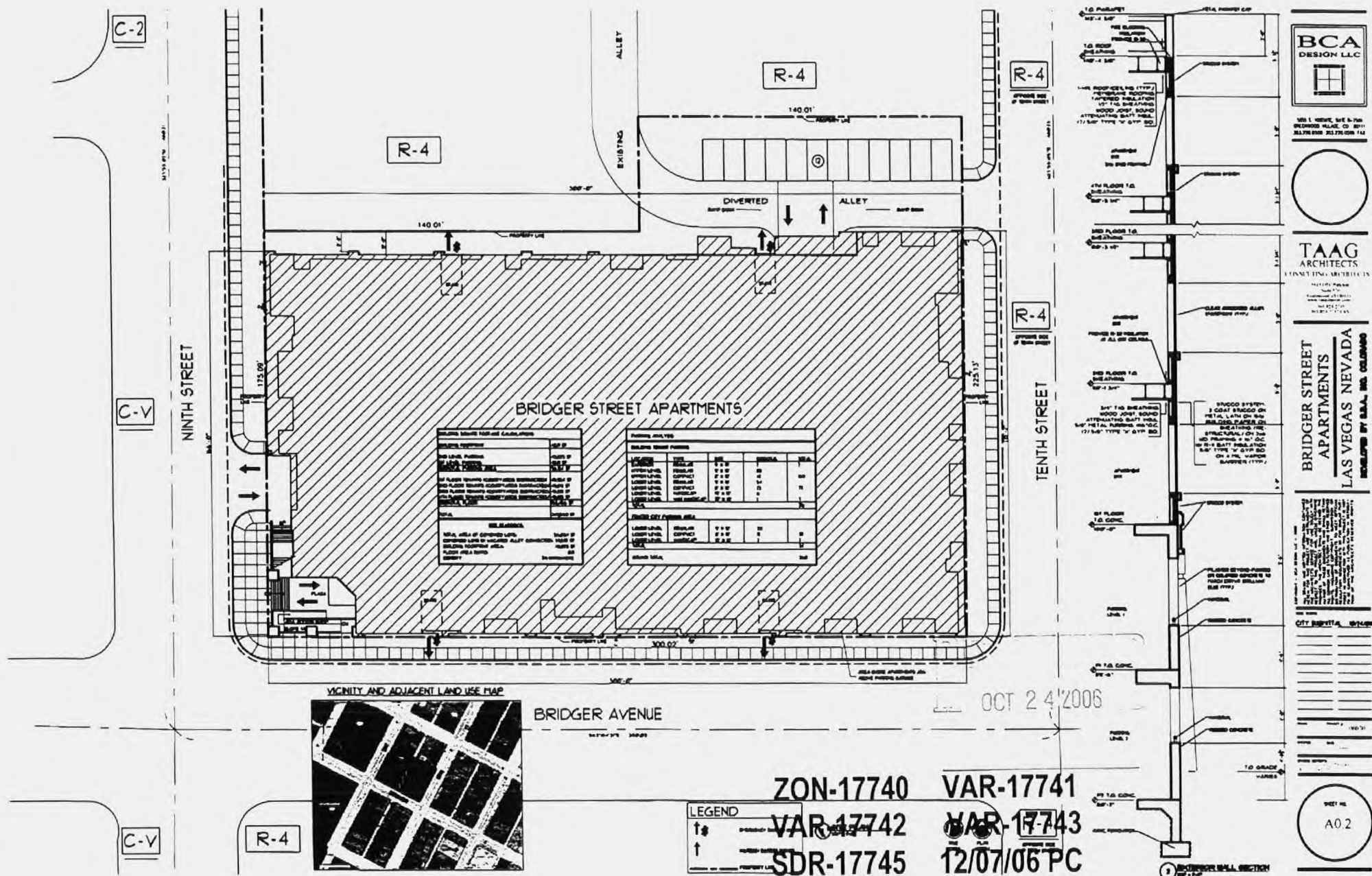
Print Name: Larry Schleusner Patricia Schleusner

Subscribed and sworn before me

This 19th day of OCT, 2006

Patricia Y. Barnum
Notary Public in and for said County and State





ZON-17740

VAR-17741

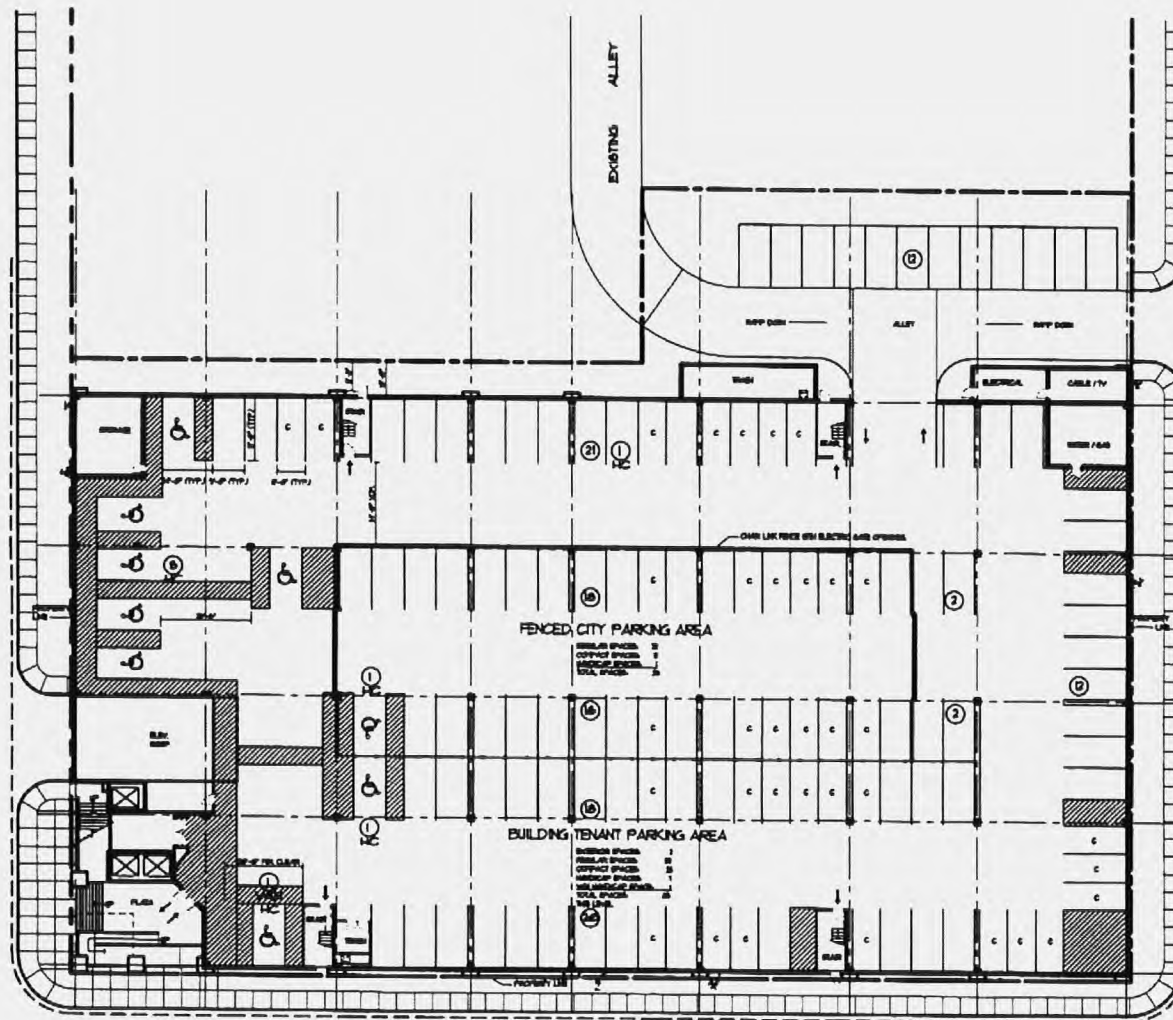
~~VAR 17742~~

~~VAR-17-743~~

SDR-17745

12/07/06 PC

NINTH STREET



BRIDGER AVENUE

TENTH STREET

ZON-17740 VAR-17741
 VAR-17742 VAR-17743
 SDR-17745 12/07/06 PC

1. COVER PLAN - LOWER PARKING



OCT 24 2006



200 S. KENNEDY, SUITE 6-200
 CHANDLER, ARIZONA 85226
 (480) 948-1111



TAAG
 ARCHITECTS
 CONSULTING ARCHITECTS

10100 Parkway
 Suite 100
 Las Vegas, NV 89143
 (702) 735-1111

BRIDGER STREET
 APARTMENTS
 LAS VEGAS, NEVADA
 DEVELOPED BY B.S.A., INC. 06/06/06



CITY OF LAS VEGAS

NO.	DATE	DESCRIPTION
1	10/24/06	ISSUED FOR PERMIT
2		
3		
4		
5		
6		
7		
8		
9		
10		





Vol. 1 (1974) *Published*
 1974-1975
 If Agreement is in the
 www.ingenta.com
 10.1002/1365-3113
 10.1002/1365-3113

DEVELOPED BY S.R.A., INC., CHICAGO



096019

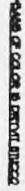
① **2013-2014 National Economy**

1

OCT 24 2006



① 新聞記事の分類



REPORT ON BUSINESS COUNCIL TO
PACIFIC COAST BELLWATER CLUB (TRP)
OPEN TO BUSINESS (TRP)

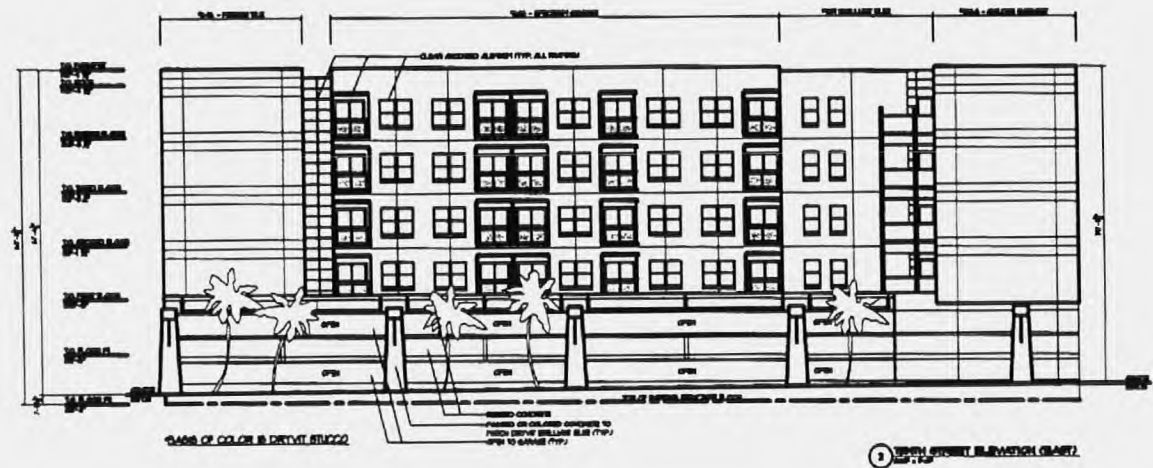


300 S. YOUNG, SUITE 200
DOWNTOWN LAS VEGAS, NV 89101
702.251.1111
WWW.BCADDESIGNLLC.COM

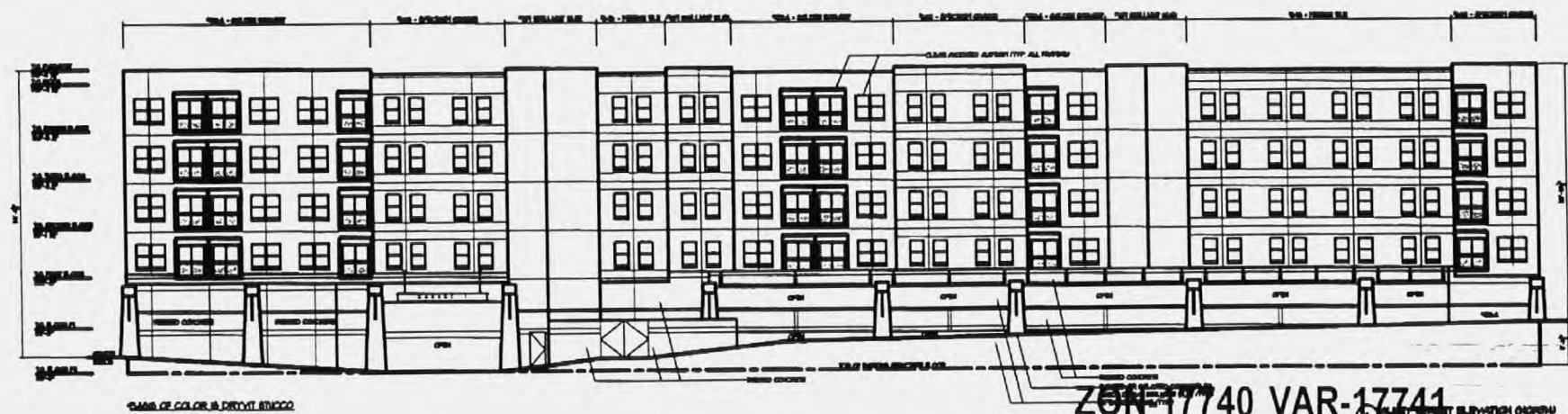


TAAG
ARCHITECTS
CONSULTING ARCHITECTS
1000 S. YOUNG, SUITE 200
DOWNTOWN LAS VEGAS, NV 89101
702.251.1111
WWW.TAAGARCHITECTS.COM

BRIDGER STREET
APARTMENTS
LAS VEGAS, NEVADA
DESIGNED BY BSA, INC. COLORADO



BRIDGER STREET ELEVATION (SHEET 2)

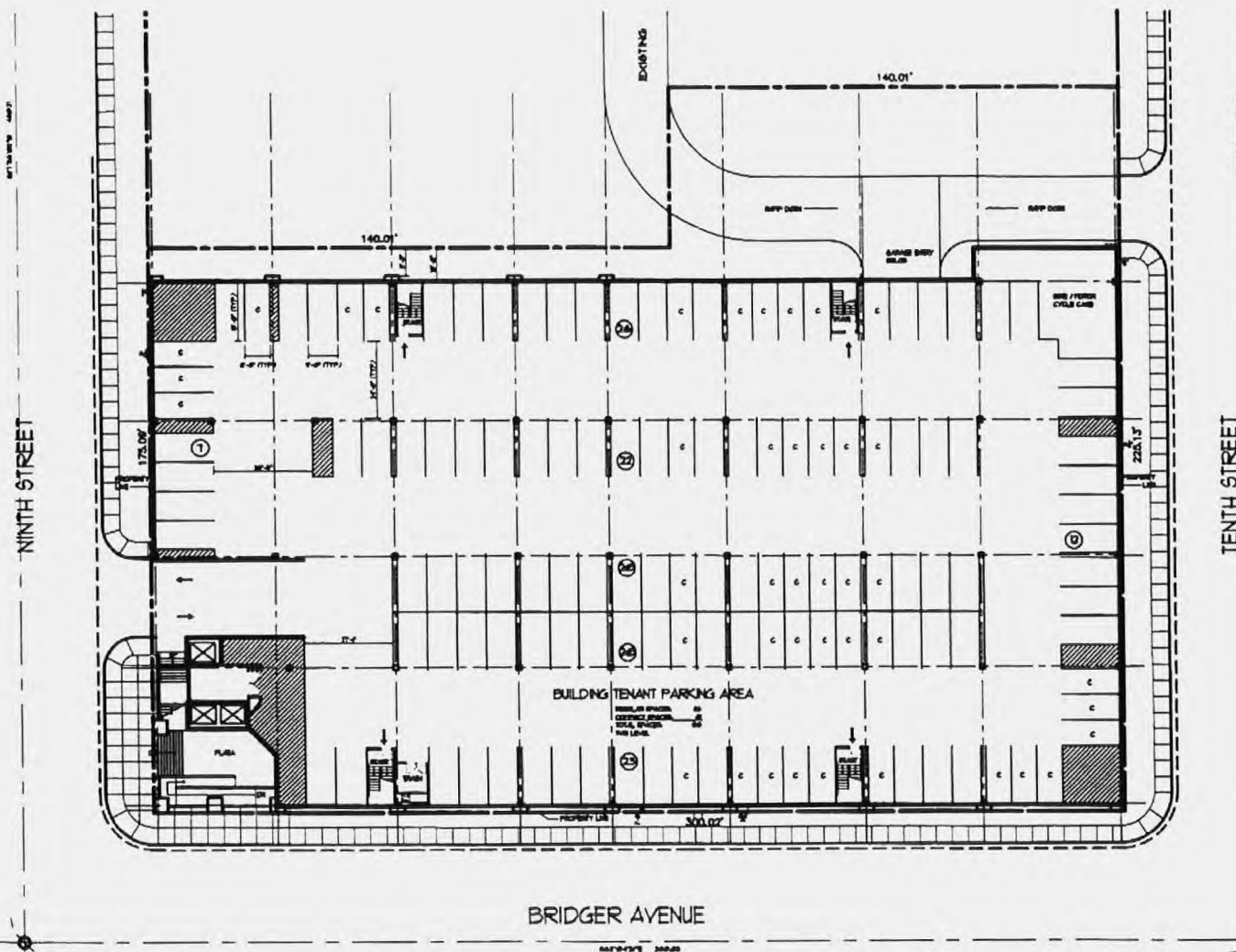


CLASS OF COLOR IS DRYVIT BR222

ZON-17740 VAR-17741
VAR-17742 VAR-17743
SDR-17745 12/07/06 PC

OCT 24 2006





ZON-17740 VAR-17741
 VAR-17742 VAR-17743
 SDR-17745 12/07/06 PC

OCT 24 2006



200 E. 10TH ST. SUITE 200
 BOULDER, CO 80501
 303.440.0000 303.440.0001 FAX



TAAG
 ARCHITECTS
 CONSULTING ARCHITECTS

1000 E. 10TH ST.
 BOULDER, CO 80501
 303.440.0000 303.440.0001 FAX

BRIDGER STREET
 APARTMENTS
 LAS VEGAS, NEVADA
 DEVELOPED BY S.A.A. INC. 00000000

BRIDGER STREET APARTMENTS
 1000 E. 10TH ST.
 BOULDER, CO 80501
 303.440.0000 303.440.0001 FAX

CITY SUBMITTAL 10/24/06

NO. 1	DATE	DESCRIPTION
1	10/24/06	ISSUED FOR PERMIT
2		
3		
4		
5		
6		
7		
8		
9		
10		





SEE 1. REPLY BY 4-20
PROVIDED W/ACT. CD. BY
MAIL/PHONE MAIL/PHONE /



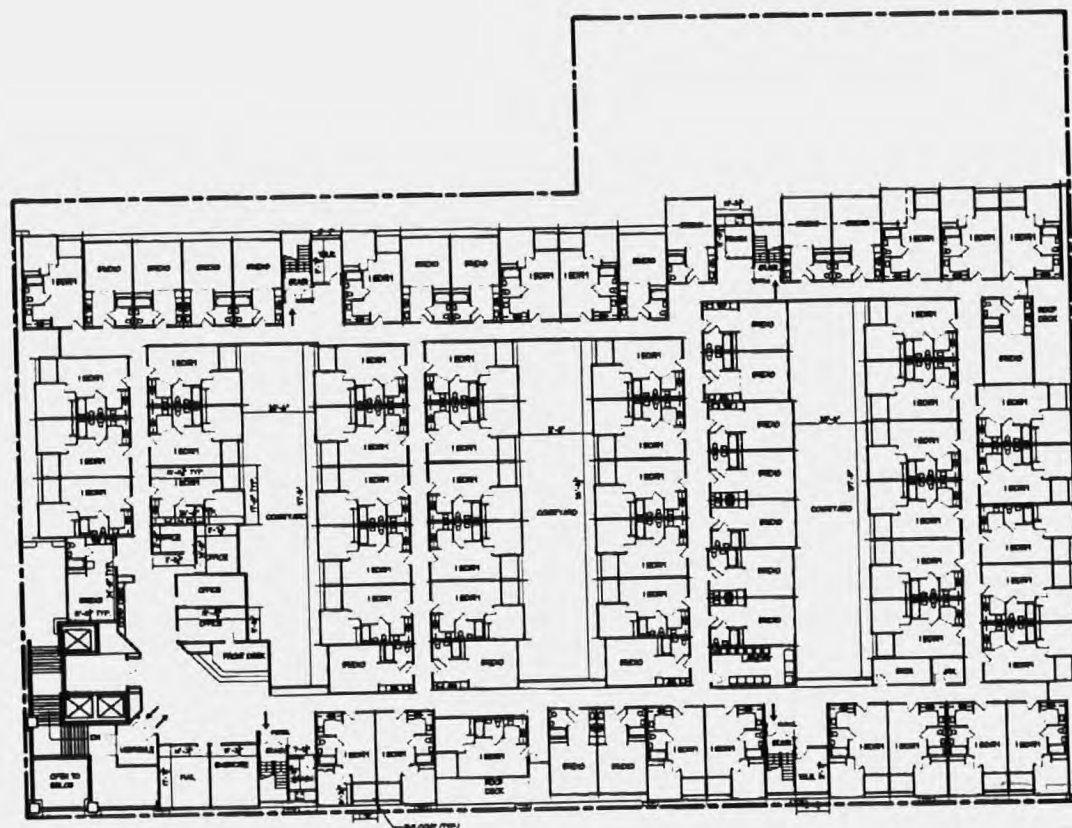
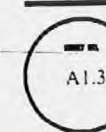
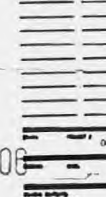
TAAG
ARCHITECTS
CONSULTING ARCHITECTS

1-800-235-2359
 1-800-235-2359
 1-800-235-2359
 1-800-235-2359
 1-800-235-2359

**BRIDGER STREET
APARTMENTS**
LAS VEGAS, NEVADA



CITY OF NEW YORK, N.Y.

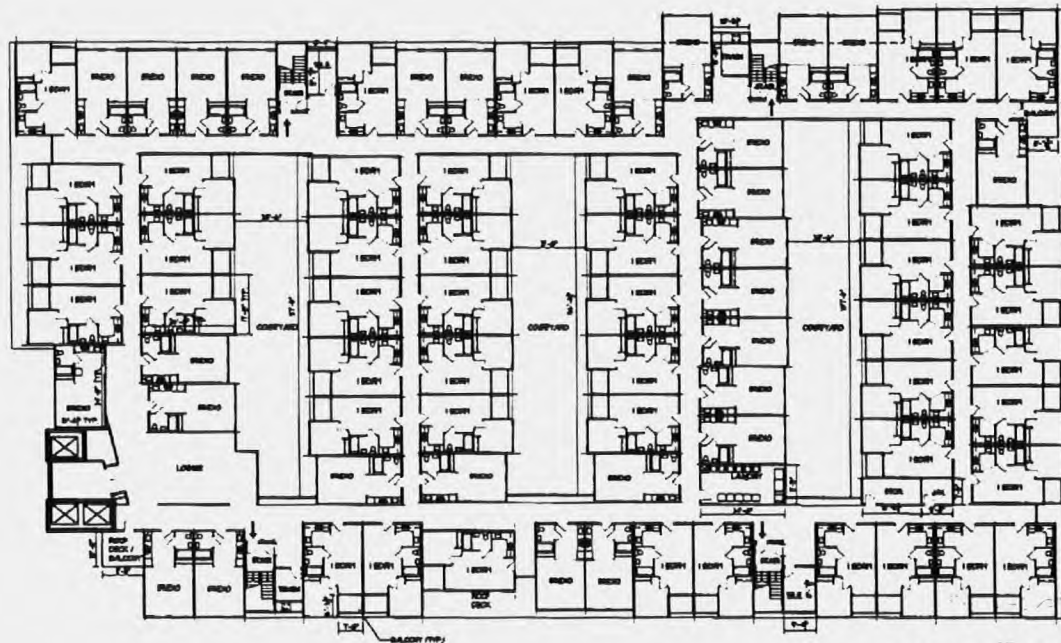


① FIRST FLOOR PLAN



OCT 24 2006

ZON-17740 VAR-17741
VAR-17742 VAR-17743
SDR-17745 12/07/06 PC



2ND - 4TH FLOOR PLAN

OCT 2 2006

ZON-17740 VAR-17741
 VAR-17742 VAR-17743
 SDR-17745 12/07/06 PC



300 S. WEST, STE. 8-200
 DOWNTOWN VEGAS, NV 89101
 702.259.0000 702.259.0001



TAAAG
 ARCHITECTS
 CONSULTING ARCHITECTS

14101, Park Ave.
 Suite 100
 Englewood, CO 80110
 303.751.1000
 303.751.1001
 303.751.1002

BRIDGER STREET
 APARTMENTS
 LAS VEGAS, NEVADA
 DEVELOPED BY SAA, INC. 00000000

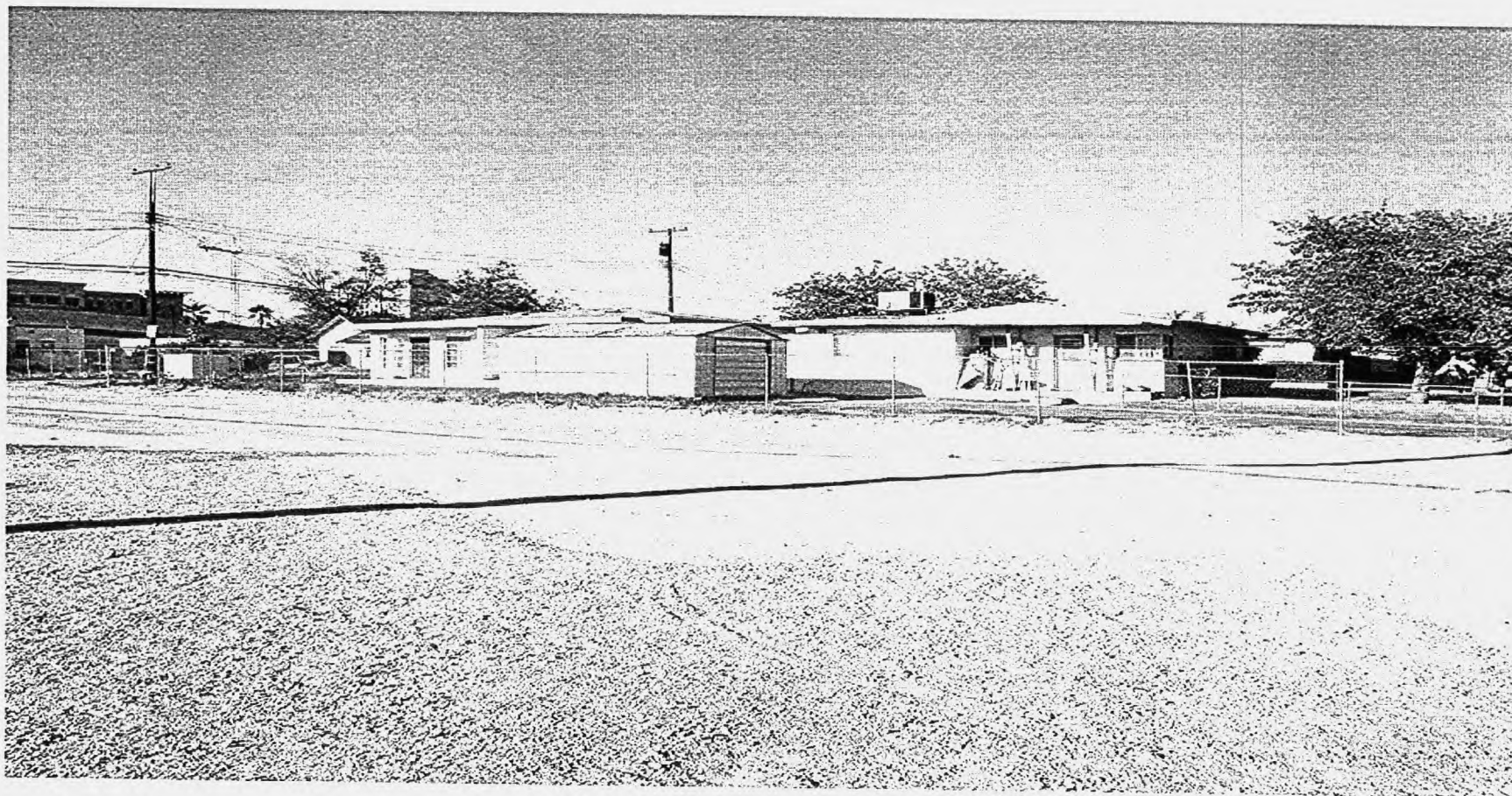
THIS DOCUMENT IS THE PROPERTY OF TAAAG ARCHITECTS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF TAAAG ARCHITECTS.

CITY REVIEW: 00000000

NO.	DATE	REVISION
1	12/07/06	PC



SDR 17745				
Larry & Patricia Scheusner Family Trust, Poulos Family Trust & Ashton Boyd Family Trust				
NEC Bridger & 9th				
Proposed 300 unit multi-family development.				
Traffic produced by proposed development:				
	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	RES. CONDO/TOWNHOUSE [DWELL]	300	5.86	1,758
AM Peak Hour			0.44	132
PM Peak Hour			0.52	156
(heaviest 60 minutes)				
Existing traffic on all nearby streets: No counts available for 9th				
Bridger Avenue				
Average Daily Traffic (ADT)	2,147			
PM Peak Hour	172			
(heaviest 60 minutes)				
10th Street				
Average Daily Traffic (ADT)	1,158			
PM Peak Hour	93			
(heaviest 60 minutes)				
Traffic Capacity of adjacent streets:				
Adjacent street ADT				
Capacity				
Bridger Avenue	15300			
10th Street	15300			
This project will add approximately 1,758 trips per day on Bridger, 9th and 10th. This will increase expected volumes by about 82 percent on Bridger and 152 percent on 10th. Bridger is at about 14 percent of capacity and 10th				
at about 8 percent of capacity. Counts are not available for 9th Street in this				
vicinity, but it is believed to be under capacity.				
Based on Peak Hour use, this development will add roughly 156 additional cars into the area; which works out to about five every two minutes.				
Note that this report assumes all traffic from this development uses all named streets.				



ZON-17740, VAR-17741, VAR-17742, VAR-17743 AND SDR-17745 - APPLICANT/OWNER LARRY AND PATRICIA SCHEUSNER FAMILY TRUST, POULOS FAMILY TRUST, AND ASHTON BOYD FAMILY TRUST
NORTH SIDE OF BRIDGER AVENUE BETWEEN 9TH STREET AND 10TH STREET
DECEMBER 7, 2006 PLANNING COMMISSION

11/09/06



ZON-17740, VAR-17741, VAR-17742, VAR-17743 AND SDR-17745 - APPLICANT/OWNER LARRY AND PATRICIA SCHEUSNER FAMILY TRUST, POULOS FAMILY TRUST, AND ASHTON BOYD FAMILY TRUST
NORTH SIDE OF BRIDGER AVENUE BETWEEN 9TH STREET AND 10TH STREET
DECEMBER 7, 2006 PLANNING COMMISSION

11/09/06



ZON-17740, VAR-17741, VAR-17742, VAR-17743 AND SDR-17745 - APPLICANT/OWNER LARRY AND PATRICIA SCHEUSNER FAMILY TRUST, POULOS FAMILY TRUST, AND ASHTON BOYD FAMILY TRUST
NORTH SIDE OF BRIDGER AVENUE BETWEEN 9TH STREET AND 10TH STREET
DECEMBER 7, 2006 PLANNING COMMISSION

11/09/06

SDA

SDA Inc.
The Denver Center
2000 North York Street, Suite 100
Denver, CO 80202
Telephone: 702-229-5447
Facsimile: 702-385-7268

**Real Estate: Construction
Development
Investment
Management**

October 24, 2006

Nathan Goldberg
City of Las Vegas
Planning Department
731 S. Fourth
Las Vegas, Nevada 89101
Telephone: 702-229-5447
Facsimile: 702-385-7268

Re: Bridger Avenue Apartments, Site Development Plan

Dear Mr. Goldberg:

This letter serves as our Justification Letter on the above referenced submittal, as described herein:

SITE DEVELOPMENT PLAN

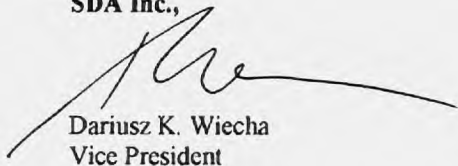
We herein request the submitted Site Development Plan to be reviewed and approved. Said Plan illustrates the proposed development, depicting the building with the garage as well as egress and ingress points. Site plan features are indicated along with a landscape plan illustrating perimeter beautification.

This project fits the General Plan use. If approved, it will allow for construction of a multi-unit apartment complex, similar in nature to the neighboring City Center Apartments, also owned by our company.

Based on the popularity of the City Center Apartments and virtually non-existing vacancy rates we are convinced that a property of similar character next door will greatly contribute to the urban success of downtown Las Vegas by providing affordable housing to inner city dwellers.

Sincerely,

SDA Inc.,



Dariusz K. Wiecha
Vice President

DKW/lis

**ZON-17740 VAR-17741
VAR-17742 VAR-17743
SDR-17745 12/07/06 PC**

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

November 28, 2006

City of Las Vegas
Planning and Development Department
Current Planning Division
Development Services Center
731 South Fourth Street
Las Vegas, Nevada 89101
Phone: (702) 229-6301
Fax: (702) 385-7268

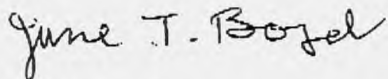
**RE: Case: ZON-17740
Rezoning for the Proposed Bridger Avenue Apartments
Las Vegas, Nevada**

Planning Commission:

I have seen the artist's rendering of the proposed apartment community that SDA INC. plans to develop at 10th Street and Bridger Avenue. As a long time downtown resident, I think that this is the type of improvement that greatly enhances the livability of the area. The adjacent City Center Apartment community, developed by this same developer, has been an enormous benefit to the community, improving the quality of life of downtown apartment dwellers as well as the aesthetics of the downtown cityscape.

I request that you approve the Site Development Plan, the variances, and the zoning change.

Sincerely,



June T. Boyd
225 South 10th Street
Las Vegas, Nevada 89101

ITEM # 14-19
CASE # ZON-17740
PC MTG 12-7-06

A

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JANUARY 17, 2007**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: M. MARGO WHEELER**☐ Consent ☒ Discussion**SUBJECT:**

VARIANCE

VAR-16165 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: YONG H. JUNG - Request for a Variance TO ALLOW 7 PARKING SPACES WHERE 13 PARKING SPACES ARE THE MINIMUM REQUIRED on 0.19 acres at 505 South Decatur Boulevard (APN 139-31-310-133), P-R (Professional Office and Parking) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (5-2 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

2

City Council Meeting

1

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (5-2 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Protest letter with three signatures submitted by Douglas A. Schlageter

Motion made by LOIS TARKANIAN to Approve Subject to Conditions and adding the following conditions as read for the record:

A. A landscape plan shall be submitted and approved by the Planning and Development Department staff prior to the time application is made for a building permit, depicting current landscape planters adjacent to the parking spaces located along the southern property line of the site. The landscape planters are to contain a minimum of two, 24-inch box trees and a minimum of four, five-gallon shrubs for each tree provided within the planters.

B. A permanent underground sprinkler system shall be installed in all landscape areas as required by the City of Las Vegas and shall be permanently maintained in a satisfactory manner.

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 1; Excused: 0

CITY COUNCIL MEETING OF: JANUARY 17, 2007

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-STEVE WOLFSON); (Excused-None)

Minutes:

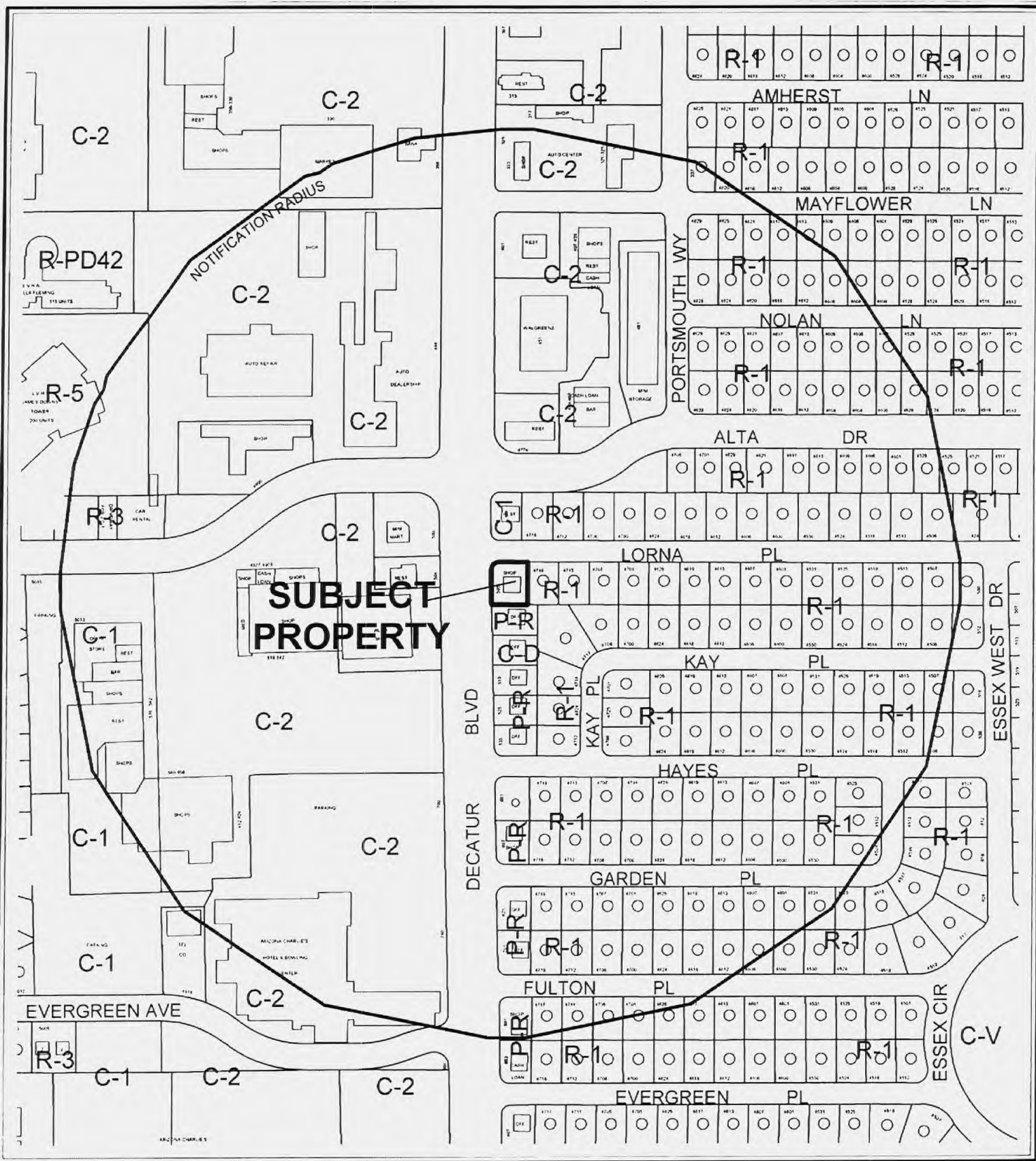
MAYOR GOODMAN declared the Public Hearing open.

MICHAEL DIAS, 113 West New York Avenue, appeared with applicant and spoke on his behalf. MR. DIAS accepted all conditions including the increased landscaping requirement.

Although there will be a deficiency in parking spaces, COUNCILWOMAN TARKANIAN believed the business will benefit the area and be a success.

MAYOR GOODMAN declared the Public Hearing closed.



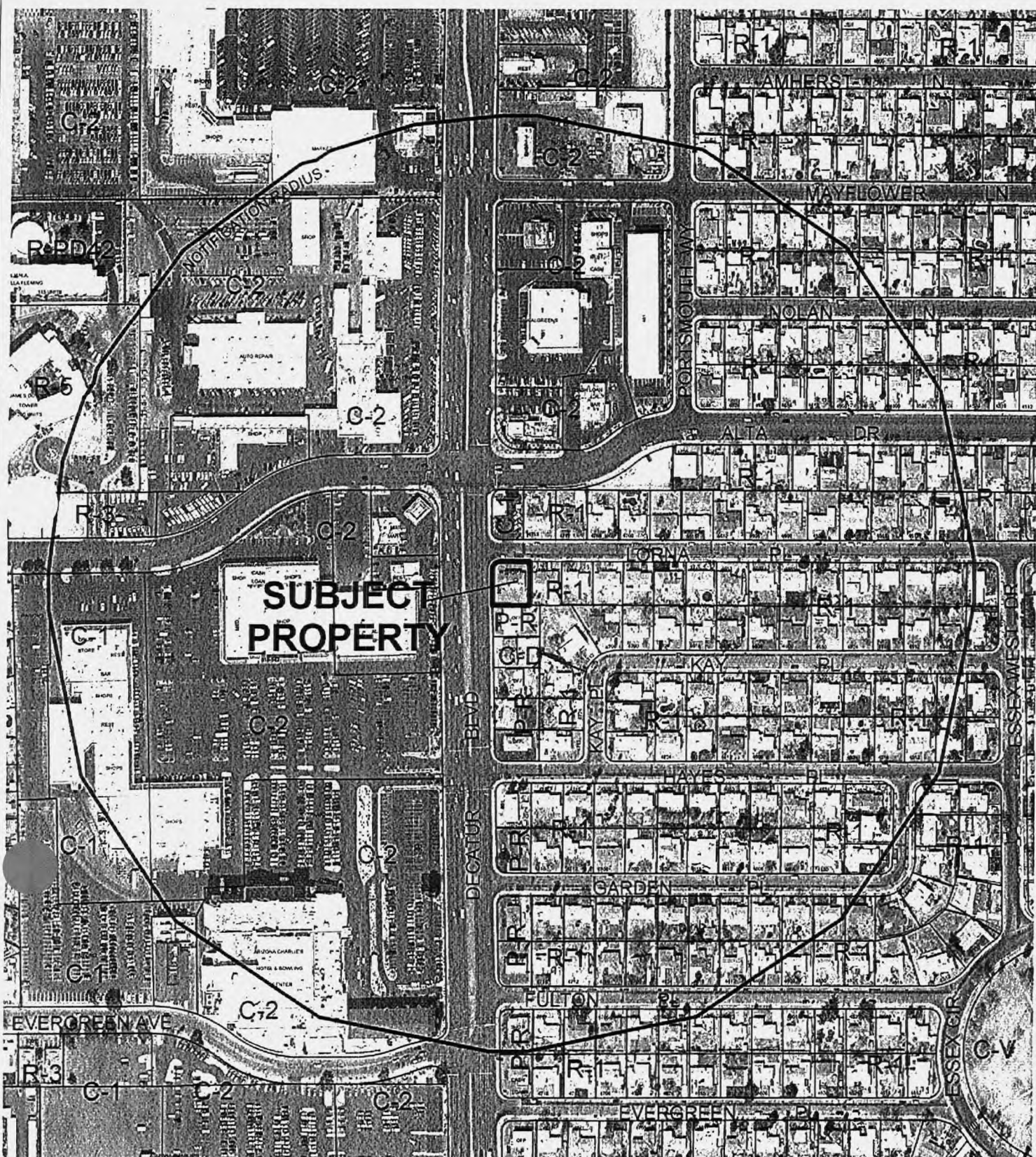


CASE: **VAR-16165**

RADIUS: 1000 FT

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





CASE: **VAR-16165**

RADIUS: 1000 FT

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



AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 17, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - VAR-16165 – APPLICANT/OWNER: YONG H. JUNG

THIS ITEM WAS HELD IN ABEYANCE FROM THE DECEMBER 20, 2006 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (5-2/se,sd vote) recommends APPROVAL, subject to:

Planning and Development

1. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
2. This approval shall be reviewed in six months at a public hearing before the Planning Commission.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a variance to allow 7 parking spaces where 13 parking spaces are the minimum required on 0.19 acres at 505 South Decatur Boulevard. The applicant proposes to locate a medical office facility at this location.

The site is currently configured with ten parking spaces. However, the applicant is proposing to replace three parking spaces located in the northeast portion of the property with a single required van-accessible handicap parking space, resulting in a net loss of two spaces. An existing 8 foot by 15 foot space is located in the northwest portion of the site. This space cannot be counted because it does not meet the minimum size of 8 feet by 18 feet, and it cannot be expanded because it would overhang into the driveway and would block the 14 foot wide driveway which wraps around the west side of the structure. The elimination of this space and the requirement for a van accessible handicap space leaves seven spaces as depicted on the site plan.

On-street parking is available on Lorna Place. Per Title 19.10.010D, on-street parking cannot be toward satisfying the requirement for on-site parking.

This site was converted to an office use in 1991. No on-site landscaping was required as part of the building permit approval.

This Variance is not supported as the hardship is self imposed through the applicant's choice to locate in a facility that cannot accommodate the intensity of the proposed use.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
11/20/91	The City Council approved a rezoning (Z-90-91) of this site to P-R (Professional Offices and Parking).
10/05/06	The Planning Commission voted 5-2/sc/sd to recommend APPROVAL (PC Agenda Item #49/ar).
<i>Related Building Permits/Business Licenses</i>	
12/12/91	A building permit to convert a single family dwelling to an office was approved for this location. No landscaping was required by this permit. The building permit for the single family dwelling was approved in 1955.
<i>Pre-Application Meeting</i>	
07/19/06	At the pre-application meeting, staff indicated that a van-accessible handicap space would be required in conjunction with this application.
<i>Neighborhood Meeting</i>	
	A neighborhood meeting is not required for this application.

Details of Application Request	
Site Area	
Net Acres	0.19

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Office	O (Office)	P-R (Professional Offices and Parking)
North	Retail	SC (Service Commercial)	C-1 (Limited Commercial)
South	Office	O (Office)	P-R (Professional Offices and Parking)
East	Single Family Dwelling	L (Low Density Residential)	R-1 (Single Family Residential)
West	Hotel/casino	GC (General Commercial)	C-2 (General Commercial)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts	X		
A-O Airport Overlay District	X		Y
Trails		X	
Rural Preservation Overlay District		X	
Development Impact Notification Assessment		X	
Project of Regional Significance		X	

DEVELOPMENT STANDARDS

Per 19.08.050, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	N/A	0.19 Acres	Y
Min. Lot Width	60 Feet	63 Feet	Y
Min. Setbacks			
• Front	20 Feet	20 Feet	Y
• Side	5 Feet	8 Feet	Y
• Corner	15 Feet	20 Feet	Y
• Rear	15 Feet	34 Feet	Y
Max. Lot Coverage	50 %	29 %	Y
Max. Building Height	2 stories/35 feet	1 story/15 feet	Y

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Medical Office	2,411 Square Feet	One space for each 200 sf of gfa up to 2,000 sf, plus one space for each additional 175 sf.	13 Spaces	1 Space	6	1	
TOTAL			13		7		
Percent Deviation			54%				

ANALYSIS

The site is currently developed with a 2,411 square foot office building which was converted from a single family dwelling in 1991. Access is provided by a single driveway to Lorna Place. A van-accessible handicap space is shown in the north portion of the site, with six additional spaces shown in the south.

The site plan that was associated with the approved zone change indicated that this property was to be used as a general office. The site plan depicted seven spaces, which complied with the parking requirement of seven spaces based on the zoning code standard of one space per 400 square feet. This variance is caused by the applicant's proposal to change the use of the property to a medical office, which is required by the zoning code to provide more parking than a general office.

FINDINGS

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

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

Additionally, Title 19.18.070L states:

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

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by locating in a facility that cannot accommodate the intensity of the proposed use. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

PLANNING COMMISSION ACTION

There were two speakers in opposition at the Planning Commission meeting. The Planning Commission added condition #2 as shown.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

14

ASSEMBLY DISTRICT 3

SENATE DISTRICT 11

NOTICES MAILED 191 by City Clerk

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

VAR-16165

Case Number: _____ APN: 139-31-310-133

Name of Property Owner: Dr. Yong H. Jung

Name of Applicant: Dr. Yong H. Jung

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: _____

State of NEVADA
County of CLARK

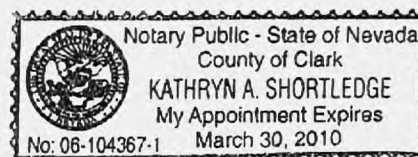
Print Name: _____

Yong H JUNG

Subscribed and sworn before me

This 18 day of Aug, 2006.

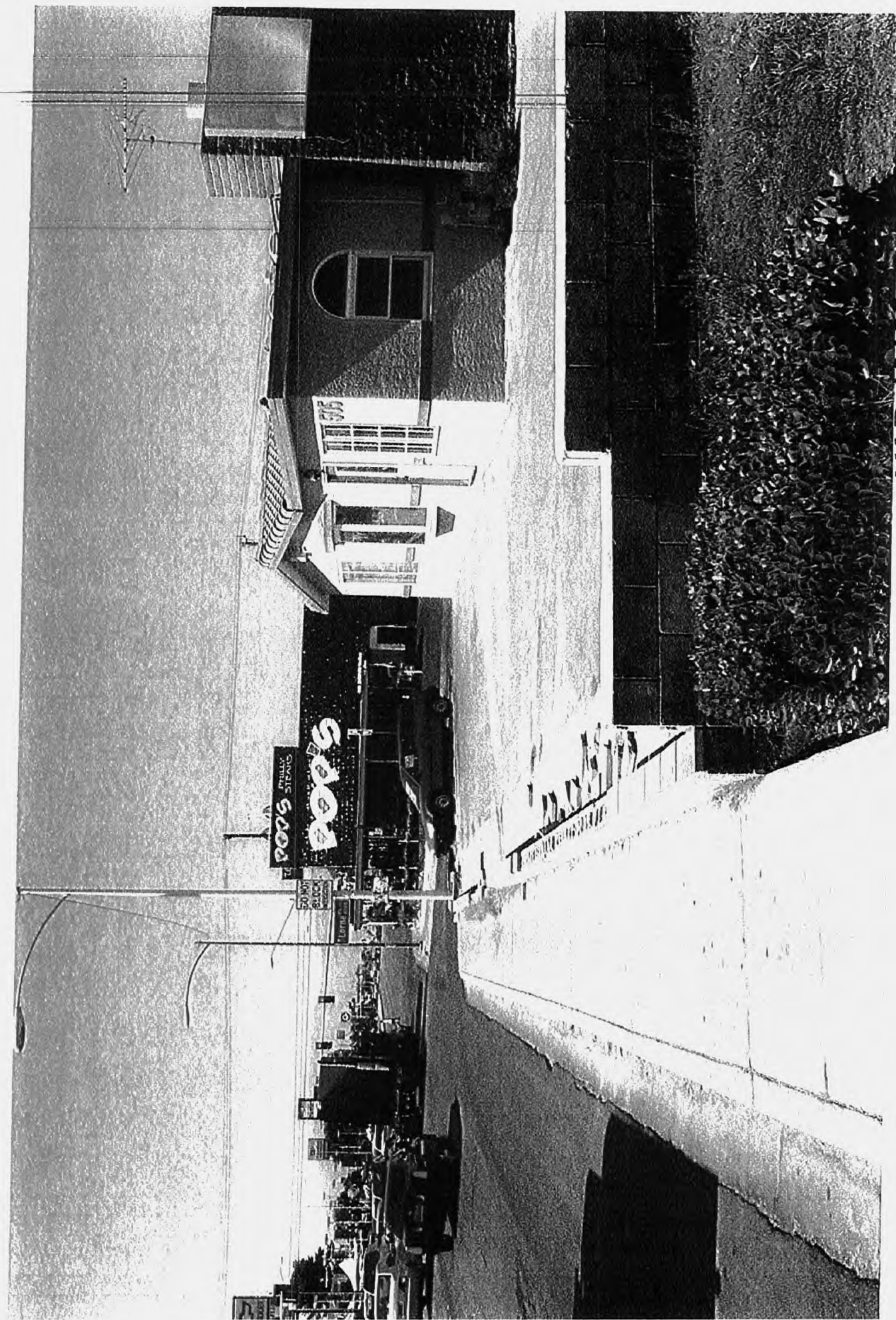
Kathryn A. Shortledge
Notary Public in and for said County and State



RECEIVED
AUG 22 2006



RECEIVED
AUG 22 2006

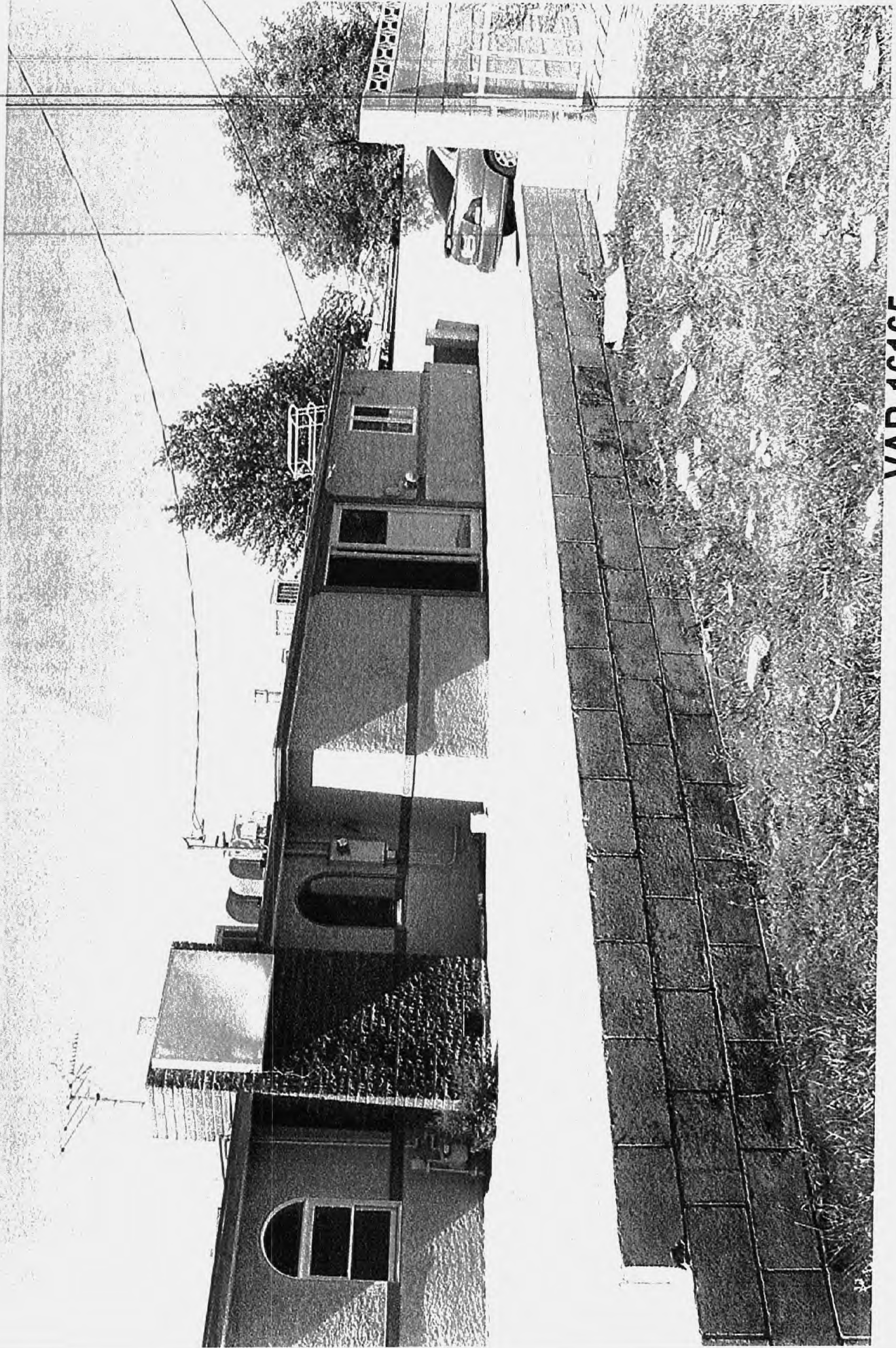


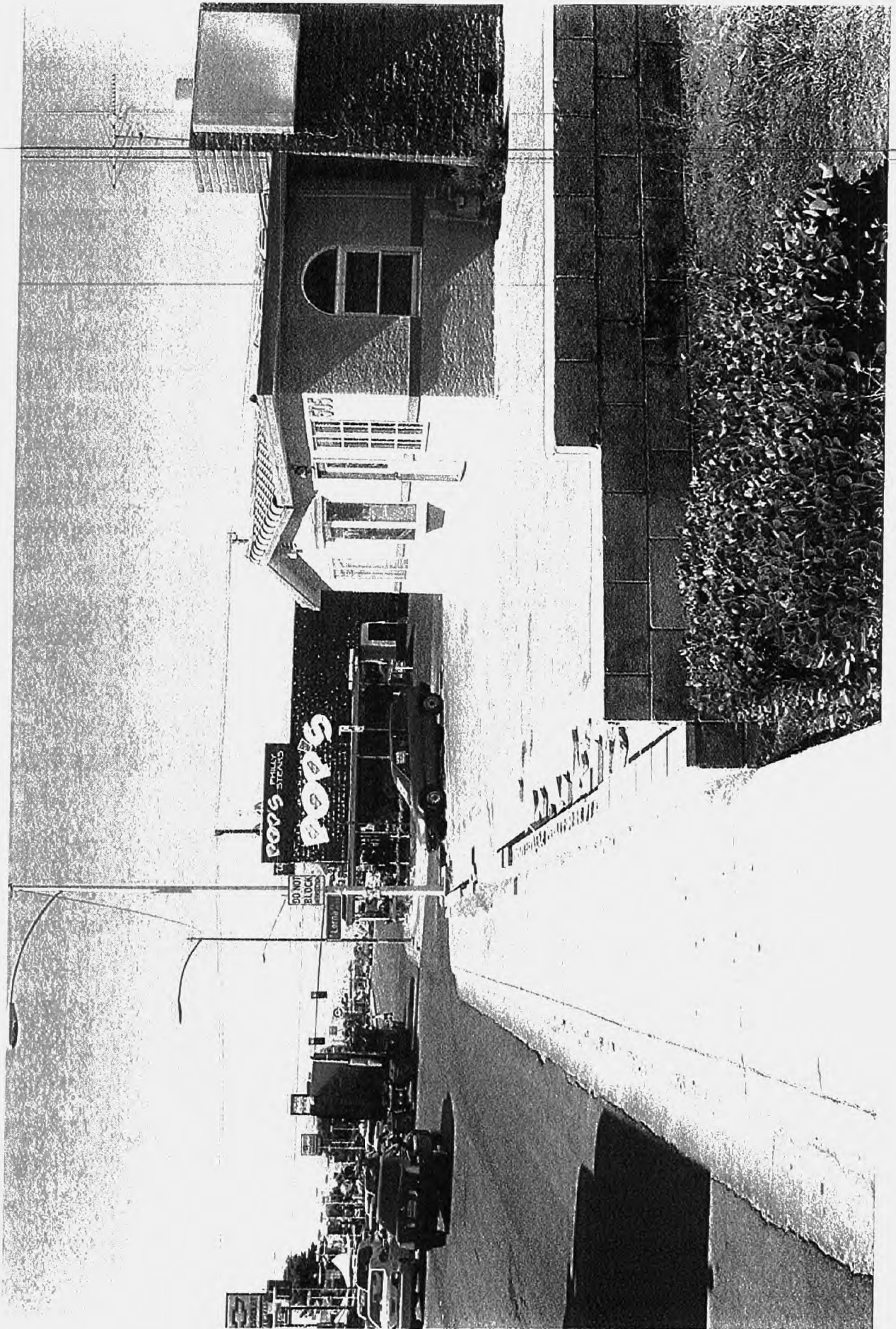
VAR-16165
10/05/06 PC

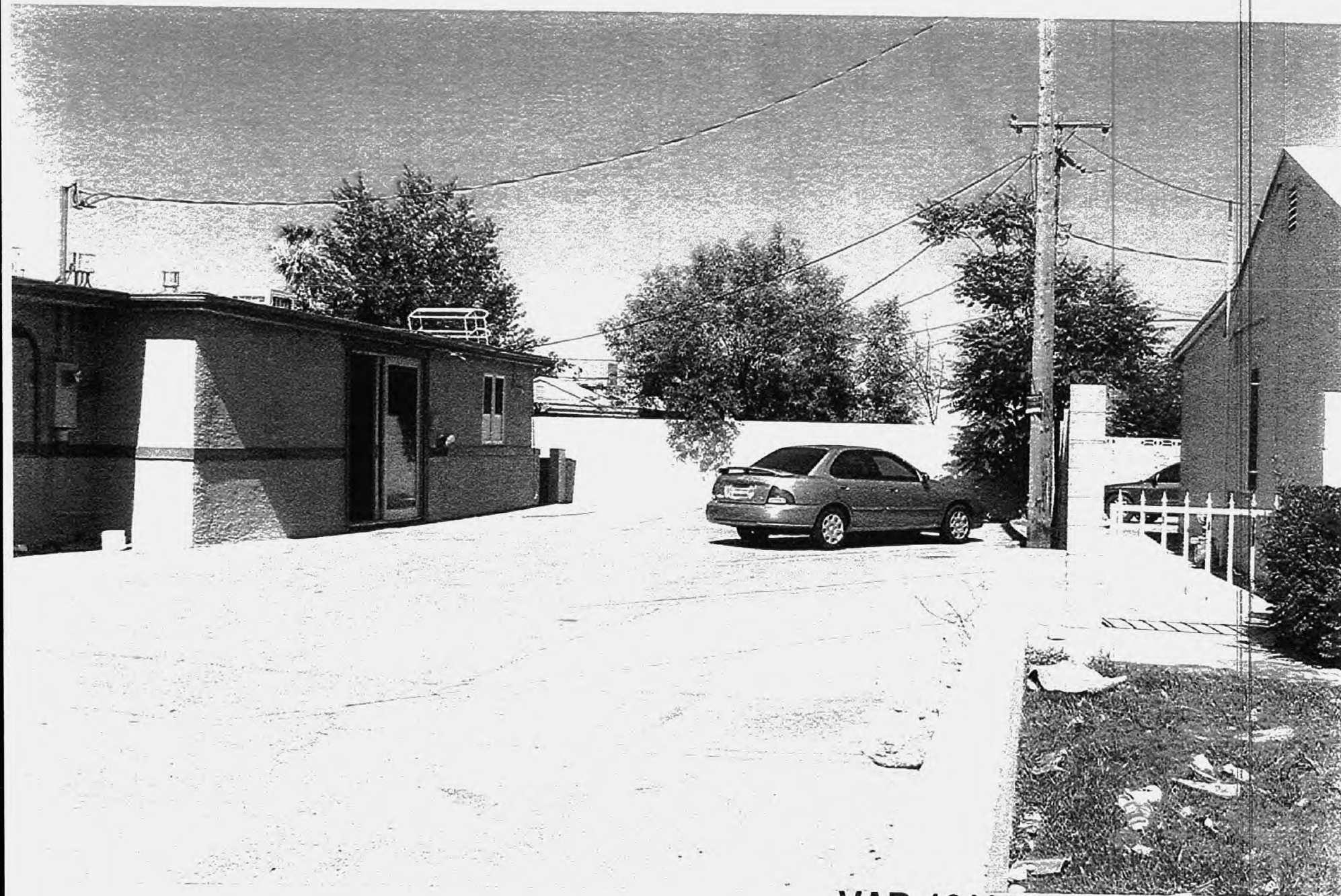
RECEIVED
AUG 23 2006

VAR-16165
10/05/06 PC

RECEIVED
AUG 2 2 2006







VAR-16165
10/05/06 PC

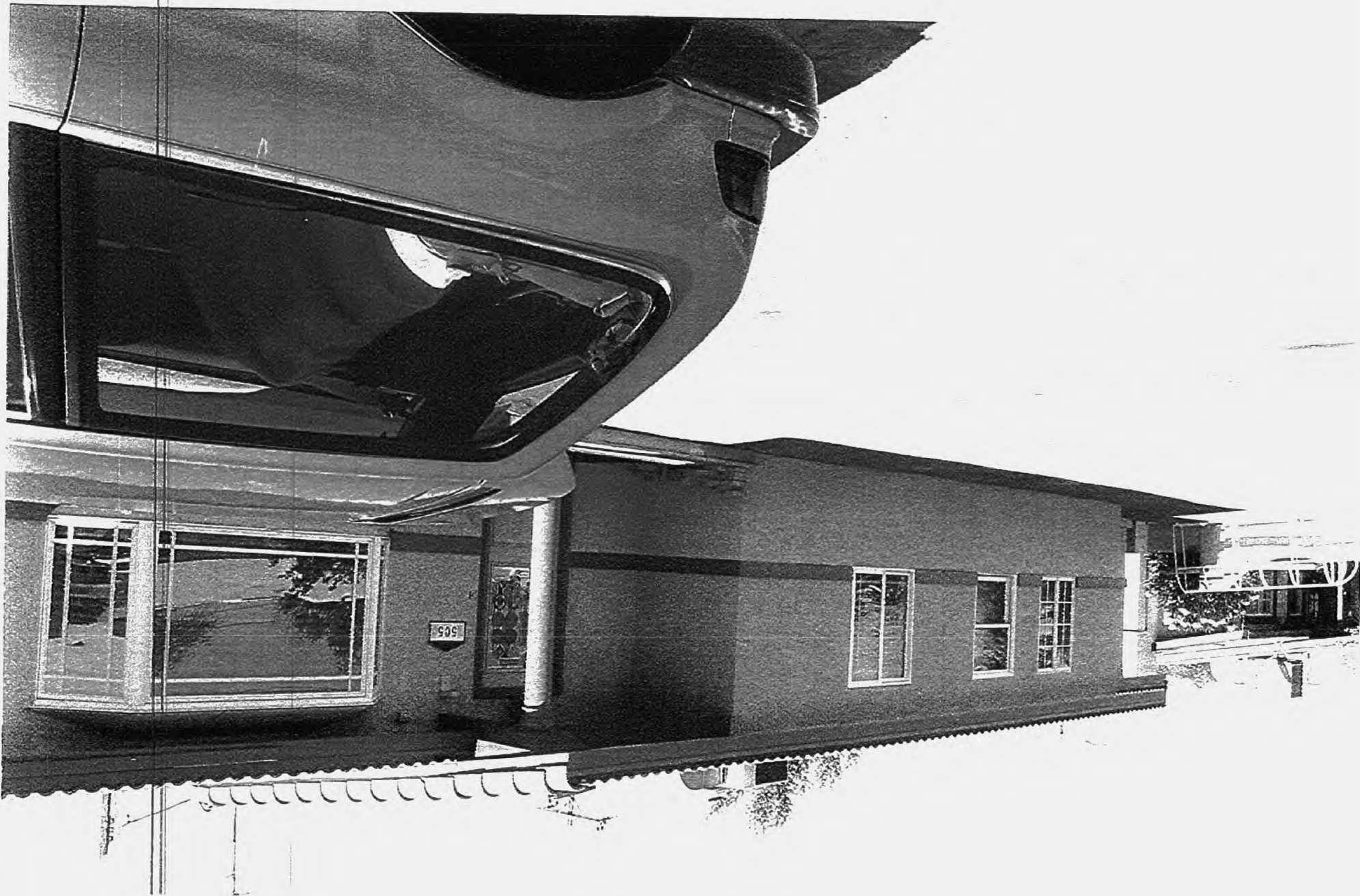
RECEIVED
AUG 22 2006





VAR-16165
10/05/06 PC

RECEIVED
AUG 22 2006





VAR-16165
10/05/06 PC

RECEIVED
AUG 2 3 2006





RECEIVED

AUG 22 2006





VAR-16165 - APPLICANT/OWNER: YONG H. JUNG
505 SOUTH DECATUR BOULEVARD
OCTOBER 5, 2006 PLANNING COMMISSION

08/30/06



VAR-16165 - APPLICANT/OWNER: YONG H. JUNG
505 SOUTH DECATUR BOULEVARD
OCTOBER 5, 2006 PLANNING COMMISSION

08/30/06

Dr. Yong H Jung
~~505 South Decatur Blvd.~~
Las Vegas, Nevada 89107
Tel: (702) 990-8415
Fax: (702) 938-1053

Monday, August 19, 2006

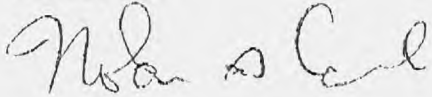
Subject: Justification Letter for Variance - Parking, etc.
Medical Office, Dr. Yong H Jung
Parcel Number: 13931310123
Letter of Justification

Dr. Yong H Jung desires to convert existing building that dates back to 1955 on stated property from Office to Medical Office(Chiropractor). The property when Office use was parking impaired.

In changing the use to Medical Office the property requires 4 additional parking spaces by current code that cannot fit onto the property. In addition the current driveway layout is insufficient per existing design criteria. When design meets ADA parking requirements an additional parking space is lost. So the final parking deficiency is 5 parking spaces.

We are asking for a variance or variances that will cover the above stated deficiencies of the property

Sincerely,



Nolan Carl

RECEIVED

AUG 22 2006

VAR-16165
10/05/06 PC

Date 10/31/06 Item 113

Submitted after final agenda

Thank You

- Lance Harty 501 Westex Dr 758-1395
- Chad Boggs 4513 Kay Place 870-8682
- Douglas A. Schlager 512 Essex West Dr. 878 6985

PLEASE REQUIRE THIS BUSINESS TO SUPPLY ALL ITS PARKING NEEDS AND REQUIREMENTS. AGGRAVATES.

WE OBJECT TO THE VARIANCE DESIRING INSUFFICIENT PARKING. ALREADY LORNA PL. IS OVER BURDENED WITH STREET PARKING NEAR DECATUR BLVD. IT ALSO SUFFERS FROM TRAFFIC CUTTING THROUGH THE NEIGHBORHOOD FROM CHARLESTON BLVD TO GO NORTH ON DECATUR. AND IT IS A NARROW STREET TO WHICH PARKING FURTHER AGGRAVATES.

WE OBJECT TO THE VARIANCE DESIRING

RE: VAR - 16165 PROTEST 4 OBJECT

400 STEWART AVENUE
LAS VEGAS NV 89101

Protest

2006 OCT 31 A 11:57

RECEIVED
CITY CLERK

TO: BARBARA JO ROVENUS

CITY CLERK

1ST FLOOR CITY HALL

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JANUARY 17, 2007**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: M. MARGO WHEELER**☐ Consent ☒ Discussion**SUBJECT:**

VARIANCE

VAR-16505 – ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: ALVY COOK - Appeal filed by the applicant from the denial by the Planning Commission of a request for a Variance TO ALLOW A FIVE-FOOT REAR YARD SETBACK WHERE 15 FEET IS THE MINIMUM SETBACK REQUIRED FOR A PROPOSED ROOM ADDITION at 1117 Strong Drive (APN 162-05-511-005), R-1 (Single Family Residential) Zone, Ward 1 (Tarkanian). The Planning Commission (6-1 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

The Planning Commission (6-1 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Appeal letter filed by Alvy and Connie Cook
6. Backup referenced from the 11-02-06 Planning Commission Meeting Item 38

Motion made by LOIS TARKANIAN to Approve Subject to Conditions and adding the following condition as read for the record:

A. Approval of the Variance will be for 7.5 foot setback where 15 is required.

B. The plan for additional landscaping on the southeast corner, screening and irrigation shall be submitted to Planning and Development for approval prior to issuance of building permits. Approved landscaping and irrigation shall be installed and inspected prior to final building inspection.

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

CITY COUNCIL MEETING OF: JANUARY 17, 2007

Minutes:

MAYOR GOODMAN declared the Public Hearing open.

There being no one present to speak on behalf of the applicant, COUNCILWOMAN TARKANIAN stated she believed the applicant was not present due to a previous meeting held with her and some residents. She pointed out that the situation is unique, in that McNeil Estates is moving forward to become a historic designation, but the community is split on the subject Variance. A compromise was obtained, in that variances will not be requested for residents' front yards, as it might interfere with the historical aspect. Any requested variances for the backyards will be considered but only for 50 percent of the requested amount. With this request, she supported a 7.5 foot variance and additional landscaping. Those residents not in support were concerned that this would set a precedent for the subject area but was willing to settle for the compromise.

MAYOR GOODMAN declared the Public Hearing closed.



AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 17, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - VAR-16505 - APPLICANT/OWNER: ALVY COOK

THIS ITEM WAS HELD IN ABEYANCE FROM THE JANUARY 3, 2007 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILWOMAN TARKANIAN.

**** CONDITIONS ****

The Planning Commission (6-1/gt vote) and staff recommend DENIAL. If Approved, subject to:

Planning and Development

1. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is an appeal filed by the applicant from the denial by the Planning Commission of a request for a Variance to allow a rear yard setback of five feet where 15 feet is the minimum setback required for a proposed room addition at 1117 Strong Drive.

The applicant has created a self-imposed hardship by proposing to overbuild the site. As there is no indication of a hardship associated with the site's physical characteristics, the recommendation is for denial.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
10/19/06	The Planning Commission abeyed at the request of the applicant an application for a Variance (VAR-16505) to the 11/02/06 Planning Commission meeting.
11/02/06	The Planning Commission voted 6-1/gt to recommend DENIAL (PC Agenda Item #38/jm).
<i>Related Building Permits/Business Licenses</i>	
	There are no permits that pertain to this site.
<i>Pre-Application Meeting</i>	
08/25/06	A pre-application was held. The applicant was informed that his request to build a house addition in the backyard would require a Variance. Staff then discussed the required materials needed to apply for the Variance.
<i>Neighborhood Meeting</i>	
	A neighborhood meeting was not held, nor is one required.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.25

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single Family Residential	L (Low Density Residential)	R-1 (Low Density Residential)
North	Single Family Residential	L (Low Density Residential)	R-1 (Low Density Residential)
South	Single Family Residential	L (Low Density Residential)	R-1 (Low Density Residential)
East	Single Family Residential	L (Low Density Residential)	R-1 (Low Density Residential)
West	Single Family Residential	DR (Desert Rural Density Residential)	R-E (Residence Estates)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	Y
Special Purpose and Overlay Districts		X	Y
Trails		X	Y
Rural Preservation Overlay District		X	Y
Development Impact Notification Assessment		X	Y
Project of Regional Significance		X	Y

DEVELOPMENT STANDARDS

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	6,500	11,088	Y
Min. Lot Width	65 Feet	84 Feet	Y
Min. Setbacks			
• Front	20 Feet	20 Feet	Y
• Side	5 Feet	5 Feet	Y
• Rear	15 Feet	5 Feet	Y
Max. Lot Coverage	50%	35%	Y
Max. Building Height	2 stories or 35 Feet	15.75 Feet	Y

ANALYSIS

The applicant is proposing to expand their 2,256 square-foot house by adding 625 square feet in the front part of the house and 932 square feet in the back of the house for a total of 1,626 square feet of addition. Per the site plans received, the house addition in the backyard, which forms an L-shape around the existing pool. This is the section of the house that the applicant is requesting a Variance for a five-foot rear yard setback where 15 feet is required.

FINDINGS

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

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

Additionally, Title 19.18.070L states:

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

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

PLANNING COMMISSION ACTION

There was one speaker in opposition and letters in support submitted at the Planning Commission meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 20

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 164 by City Clerk

APPROVALS 0

PROTESTS 3



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAR-16505** APN: 162-05-511-005
Name of Property Owner: Alvy Cook
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: _____

Print Name: _____

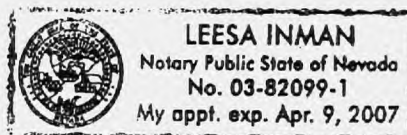
Alvy Cook

Subscribed and sworn before me

This 5 day of September, 2006

Leesa Inman

Notary Public in and for said County and State



LAS VEGAS, NEVADA

A PORTION OF THE NE 1/4, NE 1/4
SECTION 5, T21S, R61E, M.D. 8-8-M.
CLARK COUNTY, NEVADA

ENGINEER'S CERTIFICATE

[illegible]

Frederick P. Baker
Registered Professional Engineer and Licensed
Land Surveyor, Nevada Certificate No. 831

OWNER'S CERTIFICATE AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS: That the Las Vegas Development Co., Inc., a Nevada Corporation, Owner of the property platted herein, has caused the same to be surveyed and platted into blocks, lots, and streets as shown herein, and hereby dedicates the streets to and for the use of the public forever. Easements as shown are reserved for the construction and maintenance of public utilities only.

IN WITNESS WHEREOF we have hereunto set our hands and affixed the Corporate Seal this 13th day of July, 1953.

LAS VEGAS DEVELOPMENT CO., INC.

James J. Brown

George E. Franklin, Jr.
Secretary

ACKNOWLEDGEMENT

STATE OF NEVADA
COUNTY OF CLATSOP

On this 12th day of May, 1883, personally appeared before me, the undersigned, a Notary Public in and for said County and State, Thomas T. Mason and George E. Frensdorff known to me to be the President and Secretary of the Corporation that executed the foregoing instrument, and each of them to be in the full power of the said Corporation as shown developed; that he is acquainted with the seal of said Corporation and that he has seen said instrument in the presence of the said Corporation; that the signatures to said instrument were made by persons of full capacity and age and were signed voluntarily; and that the said Corporation executed the said instrument freely and voluntarily and for the assigned purposes therein mentioned.

E. M. Morris
Notary Public in and for said County and State
My commission expires *August 10, 1954*

CITY ENGINEER'S CERTIFICATE

I, J. S. Bennett, Jr., acting for
J. C. Brown, City Engineer of the City of Los Angeles, hereby certify that I have examined the final map of
Subdivision No. 2, and find the subdivision as shown herein to be in conformity with as it appeared on the historic map,
and approved otherwise. I certify that on previous days of the Planning Commission Act, and my local ordinances pertaining
to the filing of the approval of the tentative map have been complied with, and that I am satisfied that this map is
correctly correct.

6385

J. C. Boyer
C. C. Boyer City Engineer
Reg. Prof. Eng. Nevada Cert. No. 583
BY: J. D. Gaultier, Jr., Reg. Prof. Engineer
Nevada Cert. No. 719

APPROVALS

Approved this 17th day of May, 1963 by the Regional Planning Commission of Clark County, Nevada

J. E. Stofan

Addressed and accepted this 20th day of May, 1930 by the Board of Commissioners of the City of Las Vegas, Clark County, Nevada.

 Mayor

C. K. C. N. S. H. L. L. L.

The undersigned, as Trustee under the Trust dated December 19, 1952, executed by LUN VEGAS DEVELOPMENT CO., INC., a Nevada Corporation, as Plaintiff Title Insurance and Trust Company, Trustee, and Registered Owner, No. 1943 on Document No. 387717, Clark County Records, hereby joins in and consents to such partition.

POWER TITLE INSURANCE AND TRUST COMPANY, TRUSTEE

May 13. 1951

Name Wolfgang

SCALE: 1" = 100'

Public Utilities Easement,
South side of Ice Box

Base of Beak: Centering of Charleston Bird,
Michael Tract Inc. 1.

STATE OF NEVADA }
COUNTY OF CLARK }

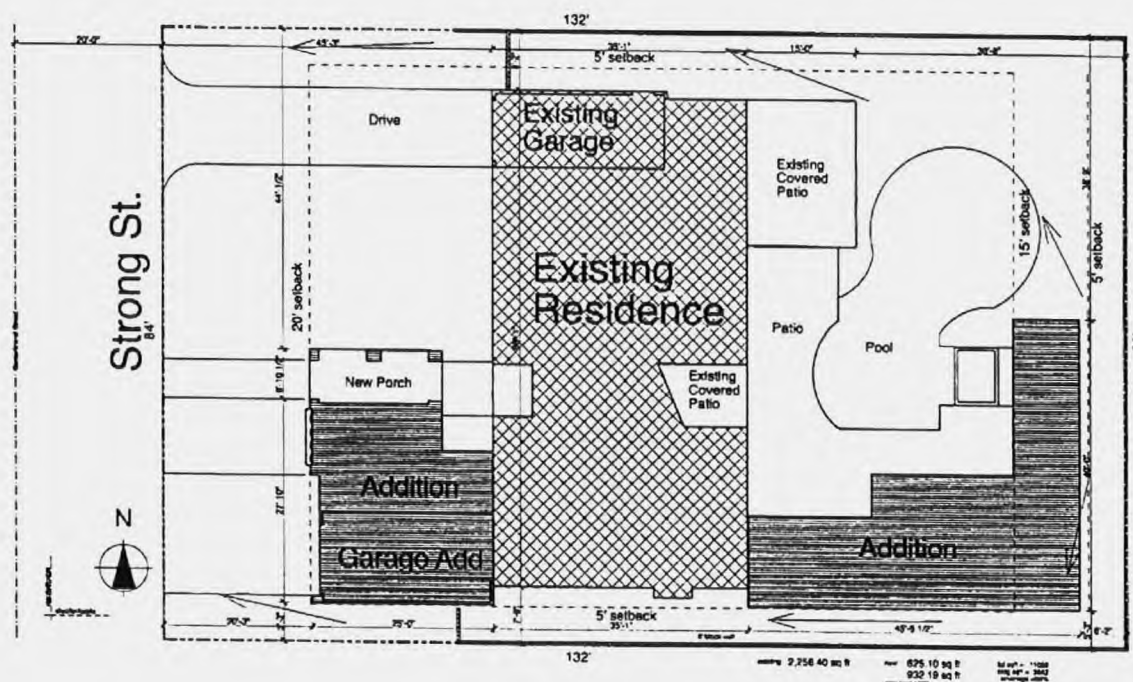
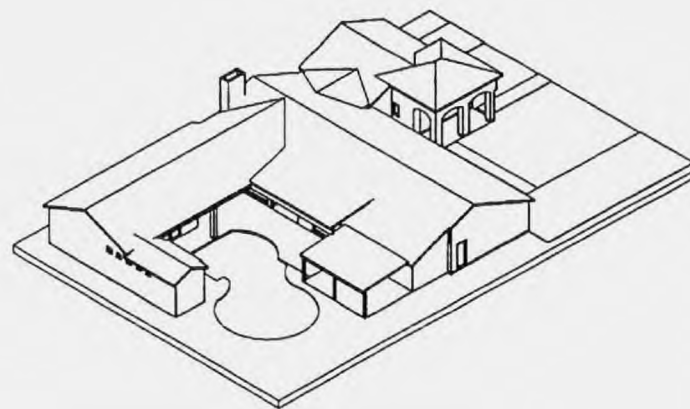
On this 17th day of May, 1953, personally appeared before me, the undersigned, a Notary Public in and for said County and State, Mr. H. Sweeney and Herman Wenzelberger known to me to be the Vice President and Assistant Secretary of the Corporation that executed the foregoing instrument, and upon oath of each deposed that he is the officer of the said Corporation as above designated, that he is acquainted with the said said Corporation and that the year thereof is said instrument of said Corporation and said Corporation; that the signatures to said instrument were made by officers of said Corporation as indicated on the said signatures; and that the said Corporation executed the said instrument freely and voluntarily and for the uses and purposes therein mentioned.

J. E. McManis
Notary Public in and for the County and State
My commission expires *August 10, 1993*

VAR-16505

11/02/06 PC

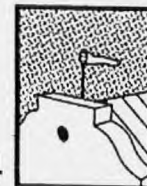
SEP 05 1996



VAR-16505
11/02/06 PC

Site Plan

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



John Mackey
Residential Designer
Lic # 113-P
5315 N. El Capitan Way
Las Vegas, NV 89148
jrmackey4@cox.net
fax 702.226.0198
702.857.2277

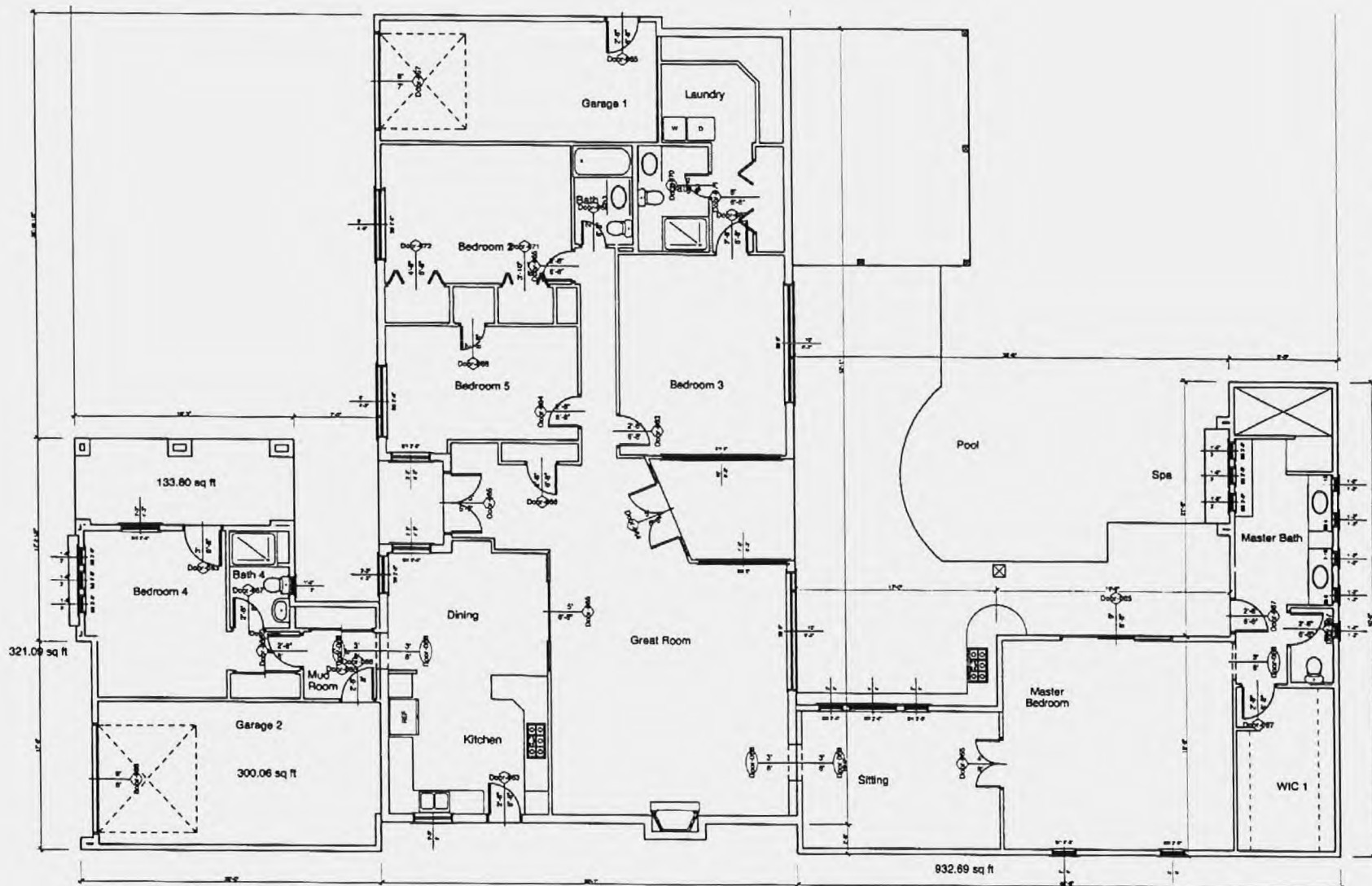
C

Site Plan

REV NO	DESCRIPTION	DATE	BY
--------	-------------	------	----

DATE:

Cook Addition
1117 Strong Dr
Las Vegas, Nevada 89102



Cook Addition
1117 Strong Dr
Las Vegas, Nevada 89102

Floor Plan

REV	NO	DESCRIPTION	DATE	BY
DATE	9/1/06			

RECEIVED
SEP 01 2006

VAR-16505
11/02/06 PC

SEP 05 2006 Floor Plan
Scale: 1/4" = 1'-0"



John Mackey
Residential Design
Lic # 113-P
8315 N. El Capitan Way
Las Vegas, NV 89148
jrmackey@bellsouth.net
702.228.0198
702.657.2277

A1



RECEIVED
SEP 05 2006

Elevations
Scale: 1/4" = 1'-0"

VAR-16505
11/02/06 PC



John Mackey
Residential Designer
Lic # 11378
5315 W. El Capitan Way
Las Vegas, NV 89149
jmackey4@cox.net
702.228.0158
702.657.2277

A2

Cook Addition
1117 Spring Dr
Las Vegas, Nevada 89102

Elevations

REV NO	DESCRIPTION	DATE	BY

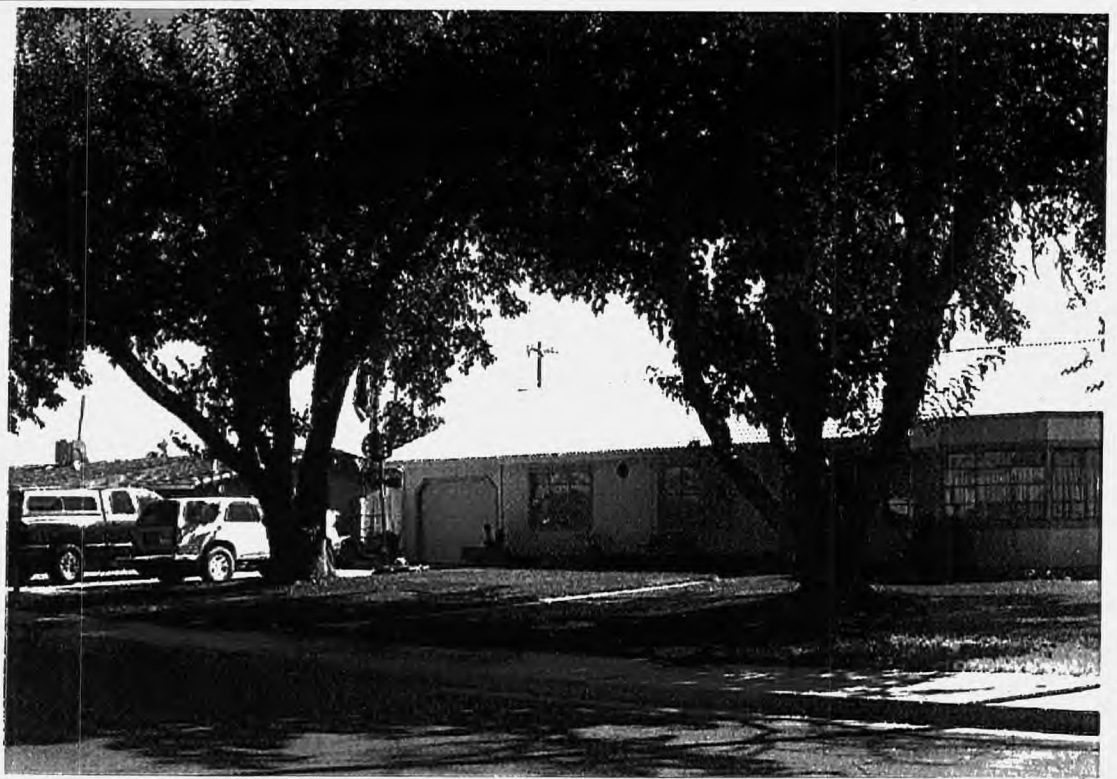
DATE:
9/1/06

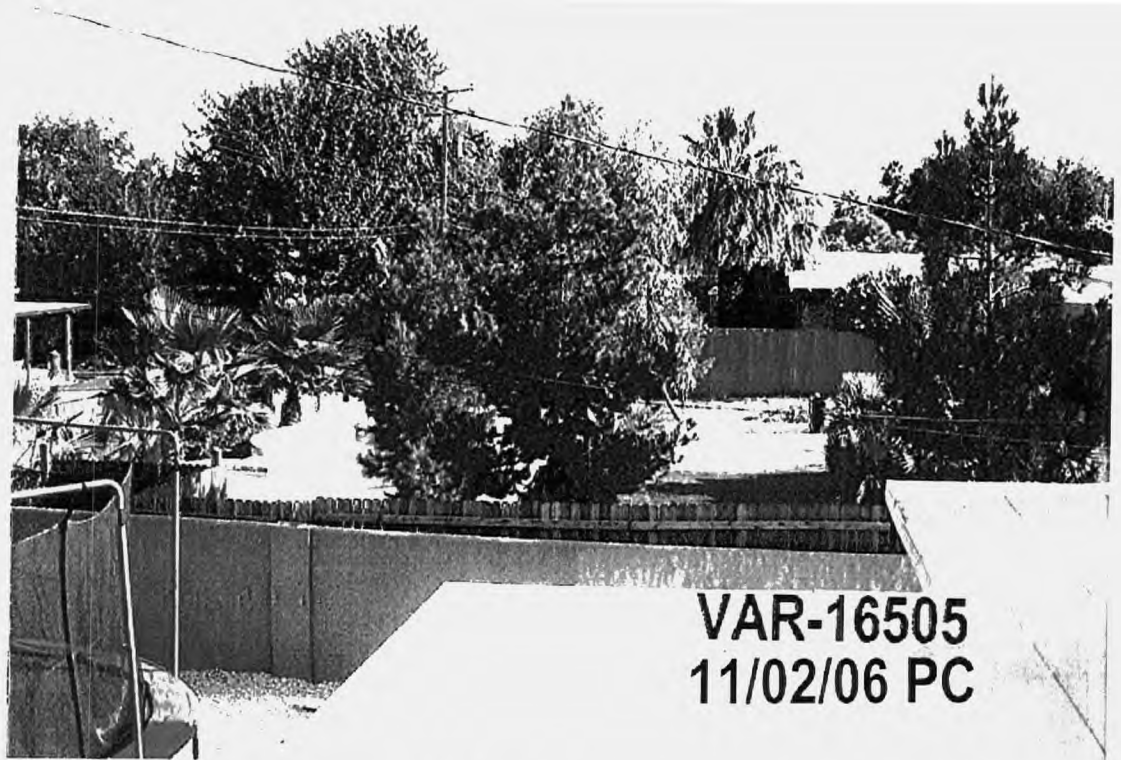


VAR-16505
11/02/06 PC



VAR-16505
11/02/06 PC





VAR-16505
11/02/06 PC



VAR-16505
11/02/06 PC



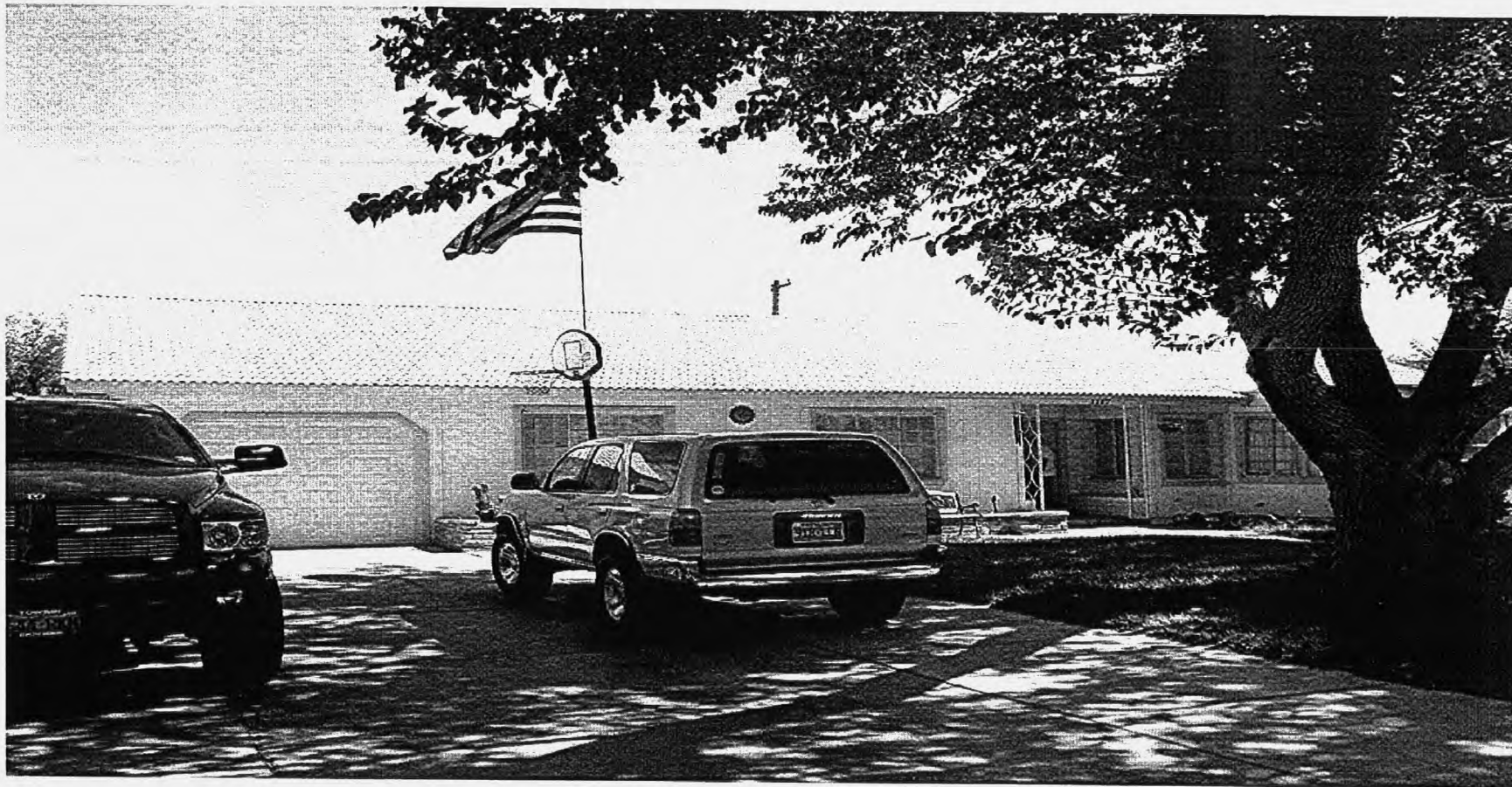
VAR-16505 - APPLICANT/OWNER: ALVY COOK
1117 STRONG DRIVE
NOVEMBER 2, 2006 PLANNING COMMISSION

09/21/06



VAR-16505 - APPLICANT/OWNER: ALVY COOK
1117 STRONG DRIVE
NOVEMBER 2, 2006 PLANNING COMMISSION

09/21/06



VAR-16505 - APPLICANT/OWNER: ALVY COOK
1117 STRONG DRIVE
NOVEMBER 2, 2006 PLANNING COMMISSION

09/21/06

Just a short note about why we would like to get these variances, if we can get the extra 9' it would allow us to put in an 'L' shape courtyard with a pool that would give us and our neighbors more privacy. The new part of the house would have no view windows on the east side, therefore it should not be an intrusion on anybody and like I said would actually give more privacy to all parties. Without the variance, part of the existing structure would have to be cut in to and would still leave limited space. We are primarily trying to improve the livability of the property. This house is located in the Mcneil Estates a very nice older neighborhood, bu the houses are getting a little age on them and need to be renovated to keep the neighborhood up to the shape it should be. Your consideration would be appreciated.

Thank you,

VAR-165
11/02/06

Nov. 9, 2006

11/9 006 19:27 7022580038

360PAINT

PAGE 02

2006 NOV - 9 A 9:22

RECEIVED
CITY CLERK

Ally Cook
1117 Strong Dr
Las Vegas, NV 891
702-258-7781

To whom it may concern,
This letter is concerning our

meeting on Nov. 8 which we were

denied our variance. We are putting

this in writing to appeal this.

Please let us know of our

meeting concerning this appeal.

I'm enclosing a copy of the letter

of denial, I will be faxing and sending

this letter through the mail.

Thank you
Ally & Connie Cook

1117 Strong Dr (APN 162-05-511-005)
R-1 Single Family Residence
Zone 1 Taskman

11/09/2006 THU 07:33 TTX/RX NO 89561 0002

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

Telephone Protest/ Approval Log

Meeting Date: 10/19/06

Case Number: VAR 16505

Date: 10/12/06

Name: Marsha Pippin

Address: 1132 Buehler
Las Vegas, NV 89102

Phone: 702-768-9655

☒

PROTEST

☐

APPROVE

Date: 10/12/06

Name: Stephen Reilly

Address: 1213 Strong
LV

Phone: _____

☒

PROTEST

☐

APPROVE

Date: _____

me: _____

Address: _____

Phone: _____

☐

PROTEST

☐

APPROVE

Date: _____

Name: _____

Address: _____

Phone: _____

☐

PROTEST

☐

APPROVE

Date: _____

Name: _____

Address: _____

Phone: _____

☐

PROTEST

☐

APPROVE

Date: _____

Name: _____

Address: _____

Phone: _____

☐

PROTEST

☐

APPROVE

Carman Burney

From: Nora Lares
Sent: Wednesday, October 18, 2006 1:19 PM
To: Carman Burney
Subject: FW: Internet Submission - VAR-16505 neighbor opposition

-----Original Message-----

From: jpreza@cox.net [mailto:jpreza@cox.net]
Sent: Wednesday, October 18, 2006 1:12 PM
To: planning@LasVegasNevada.gov
Subject: Internet Submission - VAR-16505 neighbor opposition

Citizen Name: James P. Reza

E-mail: jpreza@cox.net

Comments: Rergarding the above named variance request, I would like to register my opposition to the granting of this request. Myself and my wife are native Las Vegans who have lived at 1201 Strong Drive since June 2002, and I have appeared before the Planning Commission in recent months to register opposition to similar variance requests in the McNeil Estates neighborhood. We sold our Summerlin home and moved to McNeil to avoid the kind of wall-to-wall development that suburban developers are forced to create. Allowing homes to be expanded to fill their lots in McNeil increases resale value for one homeowner while threatening to alter the very nature of our open, friendly neighborhood. Please do not allow a precedent to be set, please do not allow the potential for greed and higher resale values via greater square footage to change McNeil Estates. Owner Alvy Cook should be encouraged to expand and improve his home without having to build to within five short feet of his neighbor's wall.

Thank you,
James P. Reza
702-256-9688

Date: 10/18/2006 1:12:28 PM

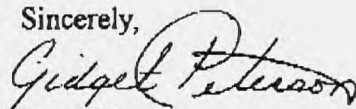
Gidget Peterson
1111 Strong Drive
Las Vegas, NV 89102

November 01, 2006

To whom it may concern:

Mr. Cook is requesting a variance for an extension on his residential home at 1117 Strong Drive. I reside next door at 1111 Strong Drive. I am currently renting this home from Realty Executive. I have no problem with the addition to Mr. Cooks home. I feel it will be a welcomed addition not only to his home but to the neighborhood.

Sincerely,



Ms. Gidget Peterson

Submitted at Planning Commission

VAR-16505

Date 11/2/06 Item # 38

Holly Drury

2412 Mason Ave.
Las Vegas, NV 89102-2122
(702) 877-2591
ahollyday@aol.com

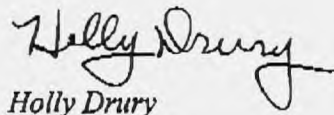
October 30, 2006

To whom it may concern,

Our family moved into the McNeil sub-division over 30 years ago when I was in high school. Years later, when their children had grown, my parents provided us the opportunity to purchase their home. My husband and I were eager to move our family into this terrific neighborhood.

This well established neighborhood has under gone many changes. But what makes this neighborhood unique is the neighborly ways of the residents. The respect most of us have for one another. **We respect the wishes of Alvy and Connie Cook, of 1117 Strong Drive, to improve their property. We do not object to their plans to expand and hope the zoning commission will approve their zone variance request.** We are also, currently remodeling our home and although our plans do not involve a zone variance, our neighbors are also supportive of our building plans.

Thank you,



Holly Drury

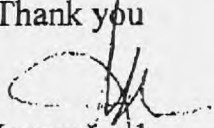
VAR-16505

To whom it may concern,

10/20/06 9:20am

Please be advised that we are the direct neighbors to Alvy and Connie to the south. Our address is 1127 Strong Dr. We feel it is fine and welcomed to the neighborhood with the addition to their home.

Thank you


James Lash


DONALD REDDING

1127 Strong Dr

Las Vegas Nv 89102

702-338-1721



State of Nevada

County of Clark

This instrument was acknowledged

By Suzanne Hatch on 10-20-06

VAR-16505

Thomas Jerald Newton

1122 Buehler Drive
Las Vegas, Nevada 89102

Phone (702) 382-1754
Fax (702) 382-3963

October 30, 2006

Alvy Cook
1117 Strong Drive
Las Vegas, Nevada 89102

RE: REQUEST FOR VARIANCE: VAR-16505

Dear Mr. & Mrs. Cook, and To Whomever This May Concern,

Your property and my property are adjoining, back-to-back.

Since you want to improve your property, I will heartily endorse any plan which you desire.

Your property is yours, which is yours to modify however you want. Since safety is a concern for you as well as for me, I'm sure your plans to remodel and to increase your house size adequately reflect your interests and any worries from your neighbors.

Good Luck on your Project!

ACE LOCKSMITHS



ACE LOCKSMITHS
"YOUR WINNING SECURITY TEAM"

JERRY NEWTON, CEO
CML, Certified Master Locksmith
CPS, Certified Professional Safekeeper

(702) 382-1754

1201 S. CASINO CENTER • LAS VEGAS, NEVADA 89104
FAX: (702) 382-3963 • E MAIL: aceclock@earthlink.net
Visit our Web Store: www.aceclock-lasvegas.com

SECURITY ALARMS



Sincerely,

Your Neighbor,

Jerry Newton

Attachment: VAR-16505

VAR-16505

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JANUARY 17, 2007**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: M. MARGO WHEELER**☐ Consent ☒ Discussion**SUBJECT:**
VARIANCE

VAR-14734 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: STEVEN PORTNOFF - This is an Appeal filed by the applicant from the denial by the Planning Commission of a request for a Variance TO ALLOW PROPOSED SIX FOOT HIGH BLOCK WALLS IN THE FRONT YARD WHERE FOUR FEET IS THE MAXIMUM HEIGHT ALLOWED on 0.63 acres located on the south side of O'Bannon Drive, approximately 140 feet west of Lisa Lane (APN 163-04-401-002), U [(Undeveloped) Zone, R (Rural) General Plan Designation], Ward 2 (Wolfson). The Planning Commission (7-0 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

5

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Appeal letter filed by Steve Portnoff
6. Backup referenced from the 11-02-06 Planning Commission Meeting Item 32

Motion made by STEVE WOLFSON to Approve Subject to Conditions and adding the following condition as read for the record:

A. Approval shall be for a six-foot high open wrought iron fence.

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 1; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-OSCAR B. GOODMAN); (Excused-None)

Minutes:

MAYOR GOODMAN declared the Public Hearing open.

CITY COUNCIL MEETING OF: JANUARY 17, 2007

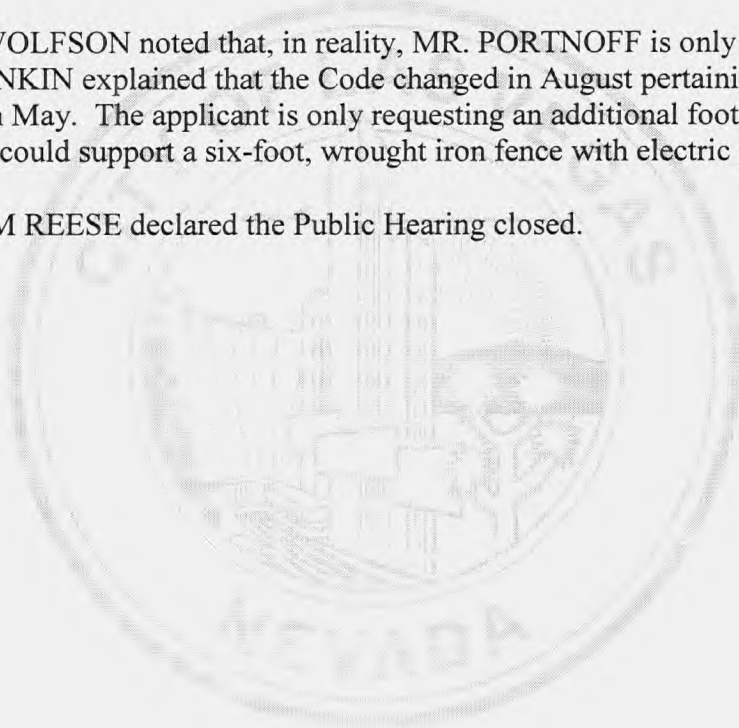
For the record, MAYOR GOODMAN referenced a letter from DOUG RANKIN, Planning Manager, that was sent to the applicant. BARBARA JO RONEMUS, City Clerk, confirmed that the City Clerk's office was in receipt of the letter.

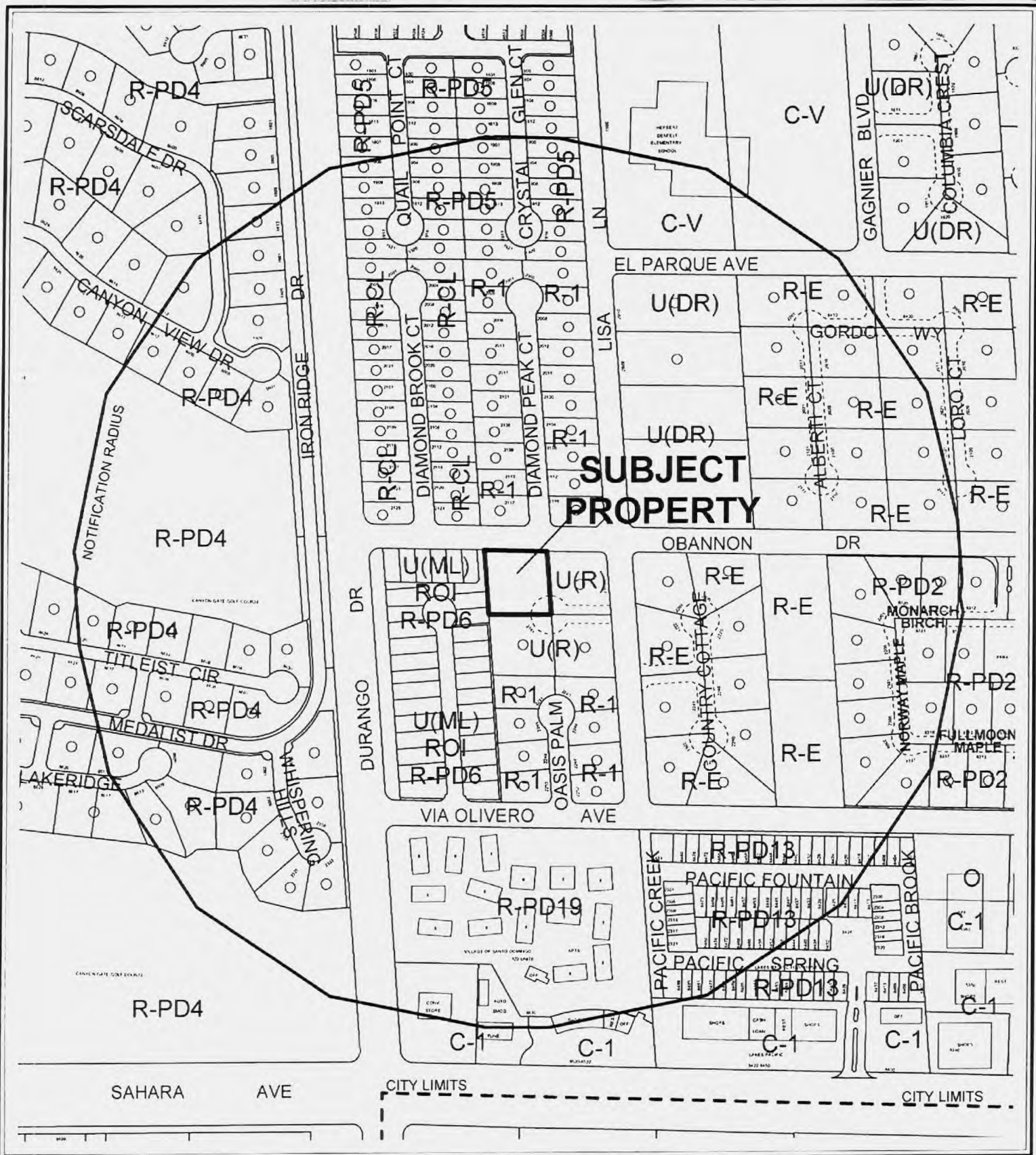
STEVEN PORTNOFF, applicant, used the overhead to provide photos depicting the area cul-de-sac, his neighbors' block walls and his proposed wrought iron fence.

COUNCILMAN ROSS questioned whether the other property owners pulled permits for the walls shown in the photos; if not, he felt it was unfair for those who abide by the Code when others opt to have no regard for the Code and build as they wish. MARGO WHEELER, Director of Planning and Development, responded that permits were required but she did not have any information as to whether the walls were built with permits.

COUNCILMAN WOLFSON noted that, in reality, MR. PORTNOFF is only seeking a one-foot variance. MR. RANKIN explained that the Code changed in August pertaining to walls, but the applicant applied in May. The applicant is only requesting an additional foot in wall height, so the Councilman could support a six-foot, wrought iron fence with electric gates.

MAYOR PRO TEM REESE declared the Public Hearing closed.





CASE: **VAR-14734**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

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

0 200 400 Feet





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

ZONING OF SUBJECT PROPERTY:

RADIUS: 1000 FT

CASE: VAR-14734

0 200 400 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 17, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - VAR-14734 – APPLICANT/OWNER: STEVEN PORTNOFF

THIS ITEM WAS HELD IN ABEYANCE FROM THE DECEMBER 20, 2006 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend DENIAL. If Approved, subject to:

Planning and Development

1. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

Public Works

2. All walls, private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives.

**** STAFF REPORT ****

APPLICATION REQUEST

This is an appeal filed by the applicant from the denial by the Planning Commission of a request for a Variance to allow proposed six-foot high block walls in the front yard where four feet is the maximum height allowed on 0.63 acres located on the south side of O'Bannon Drive, approximately 140 feet west of Lisa Lane.

A related Variance to allow a proposed single-family dwelling to be five feet from the side property line where 10 feet is the minimum setback required (VAR-16769) and a Special Use Permit (SUP-15027) to allow a proposed 80-foot high amateur radio antenna tower on the subject site will also be considered on this agenda.

EXECUTIVE SUMMARY

The applicant has created a self-imposed hardship. An alternative wall design could be utilized; therefore, denial of this request is recommended.

BACKGROUND INFORMATION

A) *Related Actions*

The Planning Commission recommended approval of companion item VAR-16769 concurrently with this application.

The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #32/ar).

B) *Pre-Application Meeting*

06/14/06 The requirements of a Variance application were explained.

C) *Neighborhood Meetings*

A neighborhood meeting is not required as part of this application request, nor was one held.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Net Acres: 0.63

B) Existing Land Use

Subject Property: Undeveloped
North: Single Family Dwelling
South: Single Family Dwelling
East: Single Family Dwelling
West: Undeveloped – single family subdivision map recorded

C) Planned Land Use

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

D) Existing Zoning

Subject Property: U [(Undeveloped) Zone, R (Rural) General Plan Designation]
North: R-1 (Single Family Residential)
South: U [(Undeveloped) Zone, R (Rural) General Plan Designation]
East: U [(Undeveloped) Zone, R (Rural) General Plan Designation]
West: U (Undeveloped) zone under resolution of intent to R-PD6
(Residential Planned Development, 6 units per acre.

E) General Plan Compliance

The U (Undeveloped) zoning classification is in conformance with the R (Rural) density residential General Plan designation.

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

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

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

Standards	Required	Requested	Compliance
Wall Fence Height			
• Front	4 Feet (top 2 feet 50% open)	6.0 Feet	N
• Right Side	8 Feet	8 Feet	Y
• Left Side	8 Feet	8 Feet	Y
• Rear	8 Feet	8 Feet	Y

The applicant is requesting a deviation of 50% of the front yard wall standard detailed in Title 19.08.040(B) (2). The proposed wall is six feet in height. The wall is only permitted to be four feet tall in this area, with the top two feet 50% open.

B) General Analysis and Discussion

The proposed wall does not comply with the development standards set forth in 19.08.040(B) (2). The current wall standards for residential zoning districts do not place an inherent hardship on the applicant, nor prohibit him from making the highest and best use of the property. Therefore, staff must recommend denial.

FINDINGS

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

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

Additionally, Title 19.18.070L states:

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

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing a wall not in conformance to the zoning code. Alternative wall 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.

PLANNING COMMISSION ACTION

The Planning Commission considered a condition to require a wrought iron fence.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 5

ASSEMBLY DISTRICT 2

SENATE DISTRICT 8

NOTICES MAILED 233 by City Clerk

APPROVALS 0

PROTESTS 4



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAR-14734 APN: 1163-04-401-002

Name of Property Owner: Steven Portnoff

Name of Applicant: Steven Portnoff

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: Steven Portnoff

Print Name: Steven Portnoff

Subscribed and sworn before me

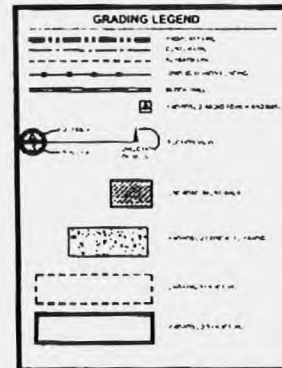
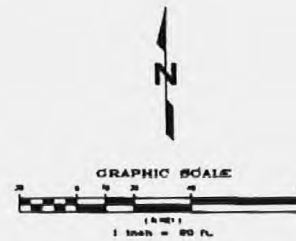
This 26 day of June, 2004

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



SITE PLAN FOR THE PORTNOFF RESIDENCE AT O'BANNON AVENUE AND LISA LANE

A SINGLE FAMILY RESIDENTIAL DEVELOPMENT
APN # 163-04-401-002
BEING A PORTION OF THE SOUTH HALF (W 1/2) OF THE SOUTHWEST QUARTER (SW 1/4)
OF SECTION 04, TOWNSHIP 21 SOUTH, RANGE 60 EAST, M.D.M.



BENCHMARK:
ELEVATION OF BENCHMARK IS 1150.00' M.S.L. (MEAN SEA LEVEL).
BENCHMARK IS A 1" DIA. IRON PIPE SET IN CONCRETE. IT IS LOCATED AT THE
SOUTHWEST CORNER OF THE LOT.

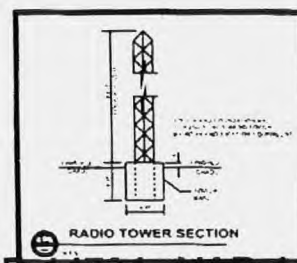
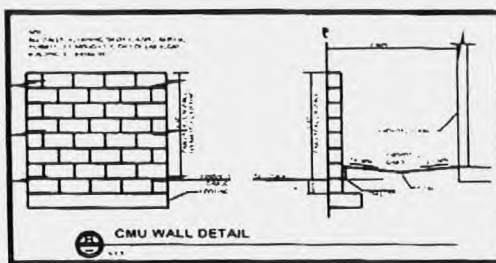
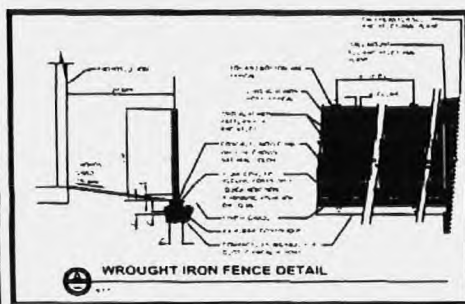
FLOOD ZONE DESCRIPTION:
THE FLOOD ZONE IS A 100 YEAR FLOOD ZONE. IT IS LOCATED AT THE
SOUTHWEST CORNER OF THE LOT. THE FLOOD ZONE IS A 100 YEAR FLOOD ZONE.
THE FLOOD ZONE IS A 100 YEAR FLOOD ZONE.

LEGAL DESCRIPTION:
A PORTION OF THE SOUTH HALF (W 1/2) OF THE SOUTHWEST QUARTER (SW 1/4)
OF SECTION 04, TOWNSHIP 21 SOUTH, RANGE 60 EAST, M.D.M. BEING
APN # 163-04-401-002.

BASIS OF BEARINGS:
THE BASIS OF BEARINGS IS THE NORTH ARROW. THE NORTH ARROW IS
LOCATED AT THE SOUTHWEST CORNER OF THE LOT. THE NORTH ARROW IS
LOCATED AT THE SOUTHWEST CORNER OF THE LOT.

LOT DATA
LOT AREA: 1.00 ACRES
LOT DIMENSIONS: 100' X 100'

OWNER / DEVELOPER
STEVE PORTNOFF RESIDENCE
O'BANNON AVENUE AND LISA LANE
CITY OF LAS VEGAS



**VAR-14734 VAR-14735
SUP-15027 REVISED
11/02/06 PC**

SEP 12 2006

PORTNOFF RESIDENCE STEVE PORTNOFF RESIDENCE O'BANNON AVENUE AND LISA LANE CITY OF LAS VEGAS SITE PLAN	NO	REVISIONS	DATE	BY	DATE	BY
	1	1	1	1	1	1
	2	2	2	2	2	2
	3	3	3	3	3	3
CHECKED BY DATE AUG 2006			DRAWN BY DATE AUG 2006			DATE APRR PORTNOFF



PEAK DEVELOPMENT SERVICES

June 20, 2006

City of Las Vegas
Planning Department
731 S. Fourth Street
Las Vegas, NV 89101

RE: Portnoff Residence Justification Letter

To Whom It May Concern:

On behalf of our client, Steven Portnoff, Peak Development respectfully requests consideration of the enclosed requests for Variance of Residential Adjacency, Variance of Setbacks and Variance of Fence Height for The Portnoff Residence. The proposed property is currently zoned UR and is located on O'Bannon Ave. The proposed property would yield 1 home on .58 acres.

The request for a Variance of Residential Adjacency would accommodate the homeowners request to install an 80 ft. amateur radio tower. The Amateur Radio Station will be operated under FCC rules and regulations. Enclosed please also find Certificate of appointment by the Office of Emergency Management Clark County, Nevada.

The request for a Variance of Fence Height would allow the proposed 6ft CMU screen wall offset 4ft from the existing cul-de-sac. The home has been reoriented to front O'Bannon Ave. This screen wall would provide privacy for what is now the homeowner's rear yard.

The requests for Variance of setbacks are as follows:

Required Front 20' - Proposing 13.5' (49.56 sf)

Required Rear 35' - Proposing 29' (24.93 sf)

Required Side 10' - Proposing 10'

Due to the irregular shape of the lot and footprint, the home encroaches slightly onto the required setbacks. The actual encroachment for the rear yard is 24.93 sf and the encroachment for the front is 49.56. This has occurred due to the reorientation of the home, due to the fact that the setbacks would remain the same as if the home were fronting the private cul-de-sac and not O'Bannon. If you take into consideration the reorientation we are actually providing a 35' front yard, 54' rear yard and the required 10' side yards.

Enclosed please find a site plan, elevations for your review of the site. Should you have any questions or need additional information please contact our office at (702) 451-5700.

Sincerely,
Peak Development Services

Steffanie Nelson
Director of Development

VAR-14733 VAR-14734

1000 N. Green Valley Parkway, Suite 300 PMB 231, Henderson, Nevada 89073
Telephone: (702) 451-5700 • Facsimile: (702) 451-5715

VAR-14735 11/02/06 PC

RECEIVED
CITY CLERK

Friday, November 03, 2006

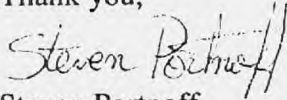
2006 NOV -3 P 12: 04

Ydoleena Yturalde
City of Las Vegas
400 Stewart ave.
Las Vegas, NV. 89101

Ref: VAR-14734
Parcel # 16304401002

This item was denied at Nov, 1st. 2006. Planning Commission Meeting.
I wish to appeal, and have sent to City Counsel Meeting Dec. 6th. 2006

Thank you,



Steven Portnoff
1335 Radwick Drive
Las Vegas, Nevada 89110
702 363-1995

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

Telephone Protest/ Approval Log

Meeting Date: 08/10/06

Case Number: VAR-14735
VAR-14734

Date: 08/04/06
Name: Naomi Sloan
Address: 2124 Diamond Brook
L.V. NV. 89117
Phone: (702) 228-9317
☒ 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

ITEM # 53451
CASE # VAR-14734 VAR-14735
PC MTG 7/10/06

Telephone Protest/ Approval Log

Meeting Date: 08/10/06

Case Number: SUP-15027
VAR-14735 VAR-14734

Date: 08/08/06
Name: Guerrero-Diaz
Address: 2173 S. Lisa Lane
L.V. NV 89117
Phone: (702) 400-8245
☒ 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

ITEM NO.: 53, 54, 55
CASE NO. VAR-14734, VAR-14735,
PC MEETING: 8/10/06 SUP-15027

August 3, 2006

To The Planning and Development Division:

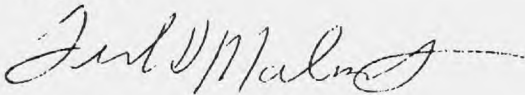
I am writing this correspondence in answer to variance VAR-14734, VAR-14735, and special use permit SUP-15027.

My family resides across the street from described property and we are very opposed to the owner's requests for variances and special uses to the Planning Commission.

1. VAR-14734 and VAR-14735: The placement of a six foot high block wall across the front of said residence in this neighborhood does not aesthetically lend itself to a proper fit. The neighborhood as a whole includes semi-custom and custom homes. The request for home placement so close to easements does not fit aesthetically with the residence styles in this neighborhood.
2. SUP-15027: This request is opposed very vigorously; an 80-foot antenna and accompanying requirements does not fit within this neighborhood. A tower of this magnitude will undoubtedly require on-site down guy supports, possible lighting for air safety, and interior barrier walls for keeping the curious away. This appears to be a hazard area for potential thrill seekers to climb this tower. There is also the possibility of interference with neighborhood telephone and television reception.

Overall, these requests collectively would give the appearance of a mini compound. Something of this sort does not belong in a residential neighborhood. What is to keep thrill seekers attempting to climb this structure? We have young children in this neighborhood, and I feel this would be a temptation. Any protective solutions the property owner could install would also lend itself to a non-residential look for this property.

Regards,



Frank H. Malmstedt, Jr.
2117 Diamond Peak ct
Las Vegas, NV. 89117

ITEM NO.: 53, 54, 55
CASE NO. VAR 14734, VAR 14735,
PC MEETING: 8:10 AM SUP 15027 f

Planning Commission

Hearing Date: 11/2/06

Applicant: Steven Portnoff

Re: Variance #'s 14734, 14735 + 15027

Commission Members:

I continue to object to these plans. I have been provided no new information which would alter my original objection & do not clearly understand why there is a hearing to rescind the denial.

The applicant should be building in an area which would allow him to do as he wants rather than change the intent and complexion of this area.

Sincerely,

James Fray's
8616 Tithenist Circle
Las Vegas, NV.
89117

ITEM # 32, 34, 36
CASE # SEE ABOVE
PC MTG 11-2-06

Telephone Protest/ Approval Log

Meeting Date: 11/2/06

Case Number: SUP 15007
VAR 14735, 14734

Date: Rita Fisher
Name: 10/31/06
Address: 2120 Diamond Brook Ct
Las Vegas NV 89117
Phone: (702) 363-2331
☒ 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

ITEM # 32, 34, 36

CASE # 388 87008

PC MTG 11/2/06

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JANUARY 17, 2007

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

VARIANCE RELATED TO VAR-14734

VAR-16769 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: STEVEN PORTNOFF - Request for a Variance TO ALLOW A PROPOSED SINGLE FAMILY DWELLING TO BE FIVE FEET FROM THE SIDE PROPERTY LINE WHERE 10 FEET IS THE MINIMUM SETBACK REQUIRED on 0.63 acres located on the south side of O'Bannon Drive, approximately 140 feet west of Lisa Lane (APN 163-04-401-002), U [(Undeveloped) Zone, R (Rural) General Plan Designation], Ward 2 (Wolfson). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter

Motion made by STEVE WOLFSON to Approve Subject to Conditions

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

MAYOR PRO TEM REESE declared the Public Hearing open.

STEVEN PORTNOFF, applicant, showed photos of the site plan. He pointed to the area dealing with the subject variance request, which is approximately 25 square feet of his entire patio and house roof structure. That structure is almost 6,000 square feet. The structure is encroaching five feet into the 10-foot sideyard setback. The remaining portion of the home is within the

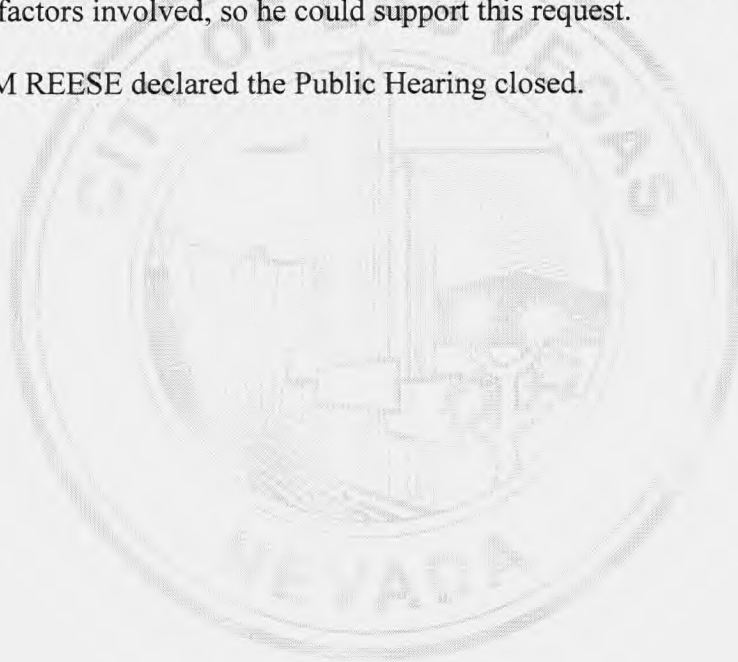
CITY COUNCIL MEETING OF: JANUARY 17, 2007

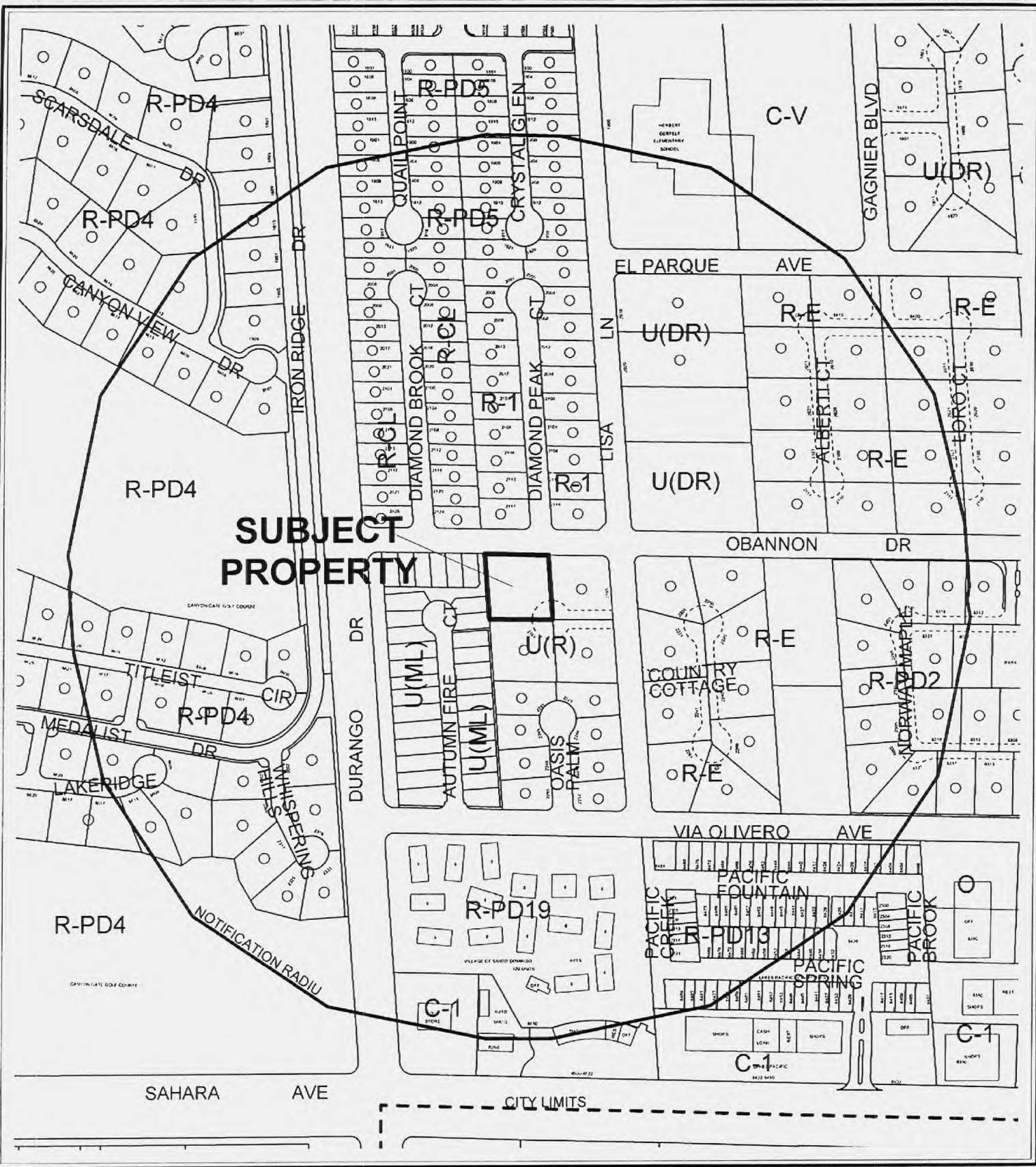
building setbacks. He emphasized the uniqueness of his lot in that it is turned at an angle in a cul-de-sac, whereby he would like to put a rectangular peg into an irregular shaped area. He respectfully requested approval of the requested variance. MR. PORTNOFF referenced an upcoming Richmond American residential development, which will have less than four feet of clearance between each house.

DOUG RANKIN, Planning Manager, explained to COUNCILMAN WOLFSON that the Richmond American project MR. PORTNOFF referred to was a project approved as part of a residential planned development, and the setbacks were set by the site plan.

COUNCILMAN WOLFSON confirmed twice with MR. PORTNOFF that he has spoken with his neighbor to the south of his property, and the neighbor had no problems with his requested variance. MR. PORTNOFF added that the neighbor's actual residence is approximately 20-25 feet away from their shared block wall. The Councilman felt the encroachment was minor considering all the factors involved, so he could support this request.

MAYOR PRO TEM REESE declared the Public Hearing closed.





CASE: VAR-16769

RADIUS: 1000 FEET

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) [GPA (GPA Designation) GENERAL PLAN DESIGNATION]





CASE: **VAR-16769**

RADIUS: 1000 FEET

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) [GPA (GPA Designation) GENERAL PLAN DESIGNATION]

0 200 400 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 17, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - VAR-16769 - APPLICANT/OWNER: STEVEN PORTNOFF

THIS ITEM WAS HELD IN ABEYANCE FROM THE DECEMBER 20, 2006 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

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

Planning and Development

1. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
2. The patio cover will not be an enclosed structure.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Variance to allow a proposed single-family dwelling to be five feet from the side property line where 10 feet is the minimum setback required on 0.63 acres located on the south side of O'Bannon Drive, approximately 140 feet west of Lisa Lane. This represents a 50 - percent deviation from the zoning code.

A related Variance (VAR-14734) to allow proposed six-foot high block walls in the front yard where four feet is the maximum height allowed and a Special Use Permit (SUP-15027) to allow a proposed 80-foot high amateur radio antenna tower on the subject site will also be considered on this agenda.

BACKGROUND INFORMATION

<i>Pre-Application Meeting</i>	
06/14/06	The requirements of a Variance application were explained.
11/02/06	The Planning Commission recommended denial of companion item VAR-14734 concurrently with this application. The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #37/ar).
<i>Neighborhood Meeting</i>	
	A neighborhood meeting is not required as part of this application request, nor was one held.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.63

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	R (Rural) Density Residential	U [(Undeveloped) Zone, R (Rural) General Plan Designation]
North	Single Family Dwelling	R (Rural) Density Residential	R-1 (Single Family Residential)
South	Single Family Dwelling	R (Rural) Density Residential	U [(Undeveloped) Zone, R (Rural) General Plan Designation]

East	Single Family Dwelling	R (Rural) Density Residential	U [(Undeveloped) Zone, R (Rural) General Plan Designation]
West	Undeveloped - single family subdivision map recorded	ML (Medium Low) Density Residential	U (Undeveloped) zone under resolution of intent to R-PD6 (Residential Planned Development, 6 units per acre.

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Per Title 19.08, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	20,000 sf	27,443 sf	Y
Min. Lot Width	30 Feet along cul-de-sac bulb	66 Feet	Y
Min. Setbacks			
• Front	• 20 Feet from edge of cul-de-sac bulb	25 Feet	Y
• Side	• 10 Feet	5 Feet	N
• Rear	• 35 Feet	72 Feet	Y

ANALYSIS

The applicant intends to construct a covered patio along the rear side of the proposed house. The site plan indicates the patio cover will be five feet from the west property line and seven feet from the north property line. The proposed size of the home being over 6,000 square feet is the contributing factor for the patio cover not meeting the required setback.

The hardship is self-imposed and staff cannot make a finding for approval.

FINDINGS

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

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

Additionally, Title 19.18.070L states:

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

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

PLANNING COMMISSION ACTION

The Planning Commission added condition #2.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

5

ASSEMBLY DISTRICT 2

SENATE DISTRICT 8

NOTICES MAILED 233 by City Clerk

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAR-16769** APN: 163-04-401-002

Name of Property Owner: Steven Portnoff

Name of Applicant: Steven Portnoff

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: Steven Portnoff

Print Name: Steven PORTNOFF

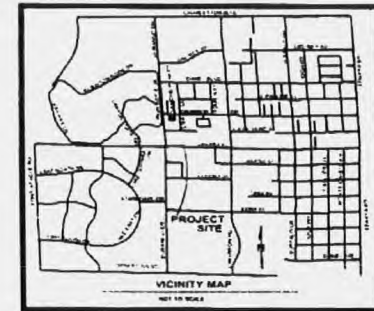
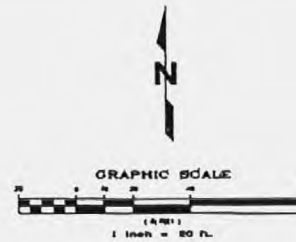
Subscribed and sworn before me

This 12 day of SEPTEMBER, 20 06

SAN
Notary Public in and for said County and State



BEING A PORTION OF THE SOUTH HALF (W 1/2) OF THE SOUTHWEST QUARTER (SW 1/4)
OF SECTION 04, TOWNSHIP 21 SOUTH, RANGE 60 EAST, M.D.M.

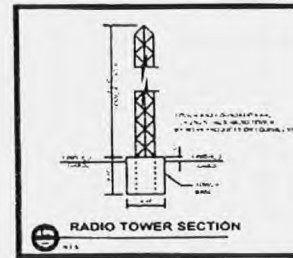
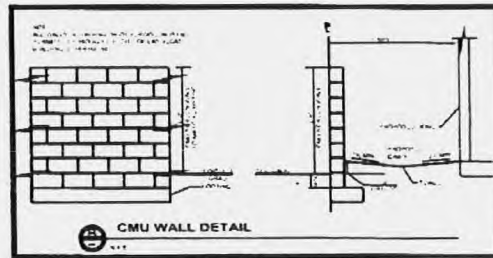
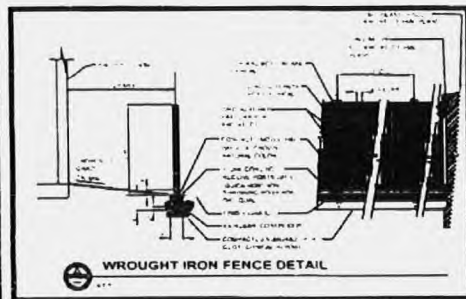


GRADING LEGEND

	ROADWAY, OR FENCE
	1" TO 4" DEPTH
	THE THICKER THE LINE
	DEPOT 1/2" TO 1" DEPTH - NOT PAID
	1/2" TO 1" DEPTH
	1" TO 4" DEPTH - NOT PAID
	1" TO 4" DEPTH
	1" TO 4" DEPTH
	1" TO 4" DEPTH - NOT PAID
	1" TO 4" DEPTH - NOT PAID
	1" TO 4" DEPTH - NOT PAID

[illegible][illegible][illegible]

BASIS OF BEARINGS:

[illegible]

OWNER / DEVELOPER
S. L. WILSON ARCHITECTS
1111 HAZENBACH DRIVE
DALLAS, TEXAS 75241-1001
TEL: 972-341-1991

[illegible]

**PORTNOFF
RESIDENCE**

STEVE PORTNOFF RESIDENCE
O'BANNON AVENUE AND LISA LANE
CITY OF LAS VAGAS

SITE PLAN

~~VAR-16769~~
11/02/06 PC

RECEIVED
SEP 12 2006



VAR-14734, VAR-14735, VAR-16769 & SUP-15027 - APPLICANT/OWNER: STEVEN PORTNOFF
SOUTH SIDE OF O'BANNON DRIVE, APPROXIMATELY 140 FEET WEST OF LISA LANE
NOVEMBER 2, 2006 PLANNING COMMISSION

07/24/06



VAR-14734, VAR-14735, VAR-16769 & SUP-15027 - APPLICANT/OWNER: STEVEN PORTNOFF
SOUTH SIDE OF O'BANNON DRIVE, APPROXIMATELY 140 FEET WEST OF LISA LANE
NOVEMBER 2, 2006 PLANNING COMMISSION

07/24/06



VAR-14734, VAR-14735, VAR-16769 & SUP-15027 - APPLICANT/OWNER: STEVEN PORTNOFF
SOUTH SIDE OF O'BANNON DRIVE, APPROXIMATELY 140 FEET WEST OF LISA LANE
NOVEMBER 2, 2006 PLANNING COMMISSION

07/24/06



PEAK DEVELOPMENT SERVICES

September 11, 2006

City of Las Vegas
Planning Department
731 S. Fourth Street
Las Vegas, NV 89101

RE: Portnoff Residence – Justification Letter

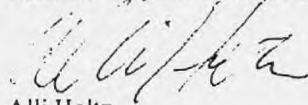
To Whom It May Concern:

On behalf of our client, Steven Portnoff, Peak Development respectfully requests consideration of the enclosed requests for Variance for the covered patio. The proposed property is currently zoned UR and is located on O'Bannon Ave. The proposed property would yield 1 home on .58 acres.

The request for Variance for the covered patio would accommodate the homeowners request to encroach on the side set backs by 5ft. where the minimum is 10 ft. One section of the covered patio encroaches 25 sq. ft. while the other section encroaches only a mere 6 sq. ft.

Enclosed please find a site plan, elevations for your review of the site. Should you have any questions or need additional information please contact our office at (702) 451-5700.

Sincerely,
Peak Development Services,


Alli Holtz
Project Coordinator

VAR-16769
11/02/06 PC

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JANUARY 17, 2007**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: M. MARGO WHEELER**☐ Consent ☒ Discussion**SUBJECT:**

SPECIAL USE PERMIT RELATED TO VAR-14734 AND VAR-16769

SUP-15027 - PUBLIC HEARING - APPLICANT/OWNER: STEVEN PORTNOFF - Request for a Special Use Permit FOR A PROPOSED 80-FOOT HIGH AMATEUR RADIO ANTENNA TOWER on the south side of O'Bannon Drive, approximately 140 feet west of Lisa Lane (APN 163-04-401-002), U (Undeveloped) Zone [R (Rural) General Plan Designation], Ward 2 (Wolfson). The Planning Commission (5-0 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

42

City Council Meeting

52

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

1

City Council Meeting

0

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Submitted at meeting – Letter by Doug Rankin, photographs submitted by Mr. Portnoff, neighborhood sign-in sheet, protest letter from Janice Frezer, and protest petition with 51 signatures
6. Verbatim Transcript
7. Backup referenced from the 12-21-06 Planning Commission Meeting Item 20

Motion made by STEVE WOLFSON to Deny

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

A Verbatim Transcript is made a part of the Final Minutes.

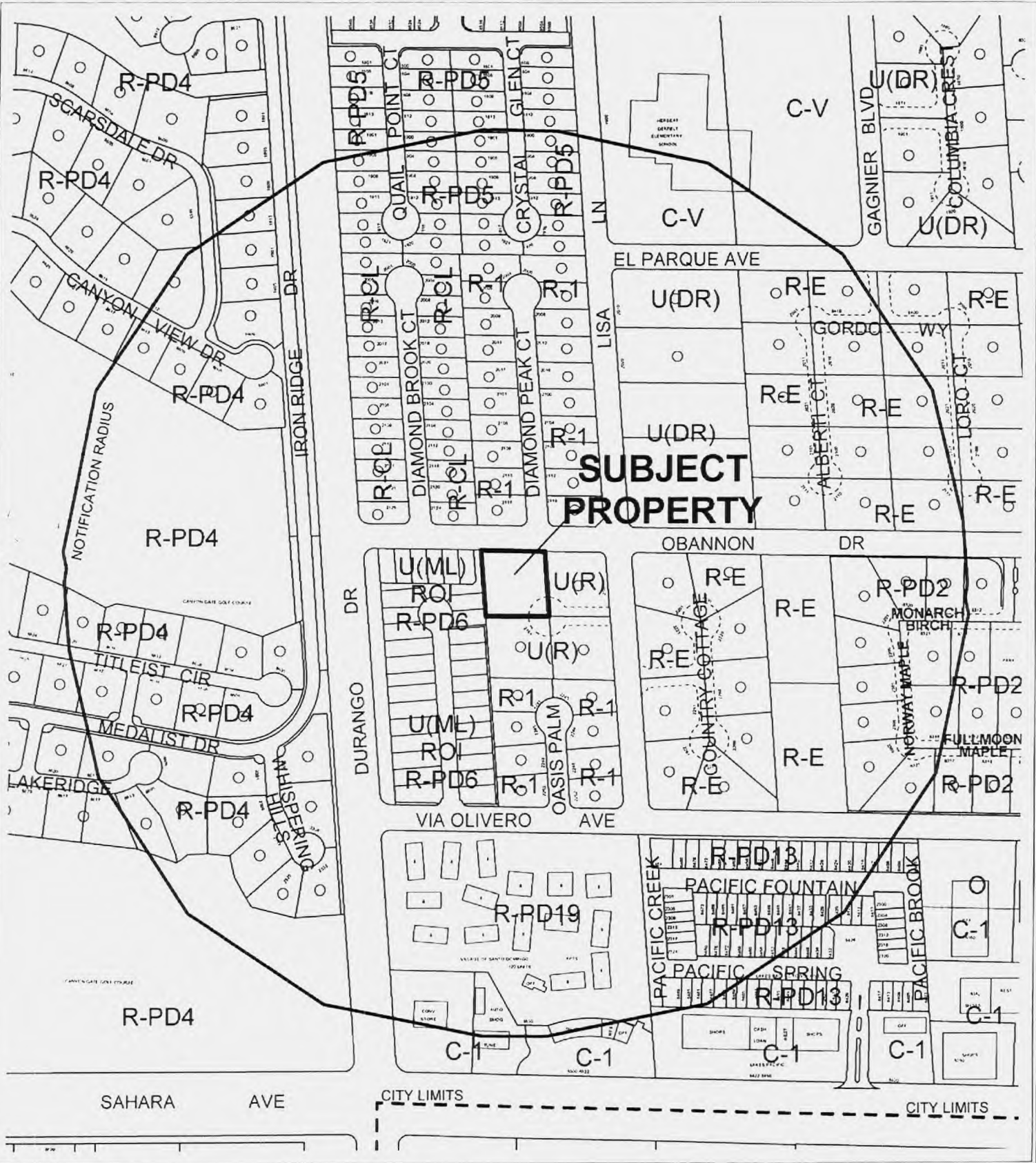
APPEARANCES:

OSCAR GOODMAN, Mayor

CITY COUNCIL MEETING OF: JANUARY 17, 2007

STEVEN PORTNOFF, Applicant
BARBARA JO RONEMUS, City Clerk
GARY REESE, Councilman
LOIS TARKANIAN, Councilwoman
STEVE WOLFSON, Councilman
JAMES LEWIS, Deputy City Attorney
LARRY BROWN, Councilman
SUSAN BROWN, 2201 Country Cottage Court





CASE: SUP-15027

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

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

0 200 400 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 17, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-15027 - APPLICANT/OWNER: STEVEN PORTNOFF

**** CONDITIONS ****

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

Planning and Development

1. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
2. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Special Use Permit for a proposed 80-foot high amateur radio antenna tower on the south side of O'Bannon Drive, approximately 140 feet west of Lisa Lane.

Applicant has revised the request as follows: a 60-foot high 18"x18"x18" triangular tower with a four antennae array which extends 6 feet above the tower and can extend to 70 feet in length. The location of the tower has moved 30 feet to the southwest. The tower will be located approximately 92 feet from the east property line, 44 feet from the north property line, 60 feet from the west property line and 113 feet from the south property line.

EXECUTIVE SUMMARY

A 60-foot tower is typically associated with commercial and industrial developments and is not appropriate in this residential area.

BACKGROUND INFORMATION

A) *Related Actions*

There is no relevant zoning history for this site.

B) *Pre-Application Meeting*

06/14/06 The requirements of a Special Use Permit application were explained.

C) *Neighborhood Meetings*

A neighborhood meeting is not required as part of this application request, nor was one held.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Net Acres: 0.63

B) Existing Land Use

Subject Property: Undeveloped
North: Single Family Dwelling
South: Single Family Dwelling
East: Single Family Dwelling
West: Undeveloped – single family subdivision map recorded

C) Planned Land Use

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

D) Existing Zoning

Subject Property: U (Undeveloped) Zone [R (Rural) General Plan Designation]
North: R-1 (Single Family Residential)
South: U (Undeveloped) Zone [R (Rural) General Plan Designation]
East: U (Undeveloped) Zone [R (Rural) General Plan Designation]
West: U (Undeveloped) Zone under Resolution of Intent to R-PD6
(Residential Planned Development - 6 Units Per Acre)

E) General Plan Compliance

The U (Undeveloped) zoning classification is in conformance with the R (Rural) density residential General Plan designation.

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

ANALYSIS

A) *General Analysis and Discussion*

August 10, 2006, SUP-15027 was considered by the Planning Commission, and that body recommended denial of the application to the City Council. Subsequently, the application was considered by the City Council and the Council voted to remand the application to the Planning Commission for further consideration. Most recently, on November 2, 2006, the Planning Commission reheard the application and voted to continue the public hearing on the application until December 21, 2006, to enable City staff to further communicate with the applicant regarding the City's obligation to make an "offer of reasonable accommodation" pursuant to the mandate of a specific FCC declaratory ruling, commonly referred to as PRB-1 ("PRB-1").

PRB-1 announced a limited federal preemption of local zoning laws that affect amateur radio communications as follows:

"Local regulations which involve placement, screening, or height of antennas based upon health, safety or aesthetic considerations must be crafted to accommodate reasonably amateur communications . . ."

At the City of Las Vegas, we have chosen to regulate the placement, screening and height of proposed amateur radio antennas greater than 15 feet in height by subjecting the applicant to the discretionary Special Use Permit process in order to reasonably accommodate amateur communications where possible. This process permits City staff, as well as the Planning Commission and City Council, to review each request for an amateur radio antenna independently, and decide upon the proper course of action based on the circumstances presented with each particular application. It also allows City staff to attempt to negotiate a satisfactory compromise with the applicant during the pendency of the public hearing process, if necessary.

The Planning and Development Department offered the following reasonable accommodation: the department will fully support the request for approval of an amateur radio antenna tower before the Planning Commission and City Council, provided that the tower is a crank-up or tilt-up antenna, no taller than forty feet from grade when fully extended, and no taller than fifteen feet from grade when not in use.

FINDINGS

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

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

A 60-foot tower is typically associated with commercial and industrial developments and is not appropriate in this residential area. The Planning and Development Department finds that this application, which requests a tower that is highly industrial in appearance, is not harmonious or compatible with the single-family and multi-family dwellings within the one-thousand foot (1000 ft.) radial notice area from the property line.

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

The proposed use is too intense for a residential neighborhood.

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 not bring additional traffic to the property.

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

The proposed use will not compromise the public health, safety, and welfare because the use will be constructed in compliance with applicable building codes.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

5

ASSEMBLY DISTRICT

2

SENATE DISTRICT

8

SUP-15027 - Staff Report Page Five
January 17, 2007, 2006 City Council Meeting

<u>NOTICES MAILED</u>	233	by City Clerk
------------------------------	-----	---------------

<u>APPROVALS</u>	0
-------------------------	---

<u>PROTESTS</u>	42
------------------------	----



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

SUP-15027

Case Number: _____ APN: 163-04-401-002

Name of Property Owner: Steven Portnoff

Name of Applicant: Steven Portnoff

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: 163-04-401-002

Signature of Property Owner: Steven Portnoff

Print Name: STEVEN PORTNOFF

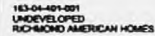
Subscribed and sworn before me

This 26 day of June, 2007

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



BEING A PORTION OF THE SOUTH HALF (W 1/2) OF THE SOUTHWEST QUARTER (SW 1/4)
OF SECTION 04, TOWNSHIP 21 SOUTH, RANGE 60 EAST, M.D.M.



OWNER / DEVELOPER

STEWART POSTHORN
1226 RIVINGTON DRIVE
LAS VEGAS, NEVADA 89116-3058
702/363-1287

[illegible]

BENCHMARK:
CITY OF LAS VEGAS METRIC: CONTRA, STATION 14.10000
MINOR: A RIVET & PLATE IN TOP OF CURB AT THE SOUTHWEST CORNER OF
SUNSHINE & SPRINGMOUNT & 30 FEET SOUTH

CUPERTINO
 PEST - 3000, 2P (40000)
 000000 - 012,0700 10 000000

**PORTNOFF
RESIDENCE**

STEVE PORTNOFF RESIDENCE
O'BANNON AVENUE AND LISA LANE
CITY OF LAS VAGAS

SITE PLAN

[illegible]

RECEIVED 1971 APR 28

Z:\Projects\Red Vista Development\Portnoff\Exhibits\Portnoff_Site Plan-112006.dwg, 11/21/2006 12:32:13 PM, Adobe PDF

SUP-15027

REVISED
12/21/06 PC

December 15, 2006

Doug Rankin
City of Las Vegas Planning & Development
Planning Manager

Re: SUP 15027

Doug,

It was a pleasure to meet with you, your technical advisors, and Mr. Jim Lewis, from the City Attorney Office. I believe a great deal was accomplished today.

During our meeting, your communication experts concluded a crank up style tower would not work for my application. Furthermore, a 60ft. guyed tower would be the right choice. As I look around my neighborhood I find a good mix of one and two story homes. The heights of these homes are approaching 40ft. and the grammar school appears to top 40ft. with two towers antennas, and rotator.

In today's meeting, I think this is our new direction.

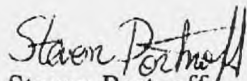
The Amateur radio tower will be a Rohn 18" tri-angle design, and not 36" tri-angle design.

The tower height will be 60ft. and not 80ft.

The 3-Mosley HF yagi antennas will be replaced with a single, 4-Element + Options Kit Steppir 40 meter thru 6 meter design. This will greatly reduce the visual clutter in the air, and help with the aesthetic considerations.

The tower will be moved, an additional 30ft., in a southwest direction. This should keep it in my yard, if it should unexpectedly come down. Public safety is always a concern, of the Amateur Radio Operator.

Yours truly,



Steven Portnoff
1335 Radwick Drive
Las Vegas, Nevada 89110

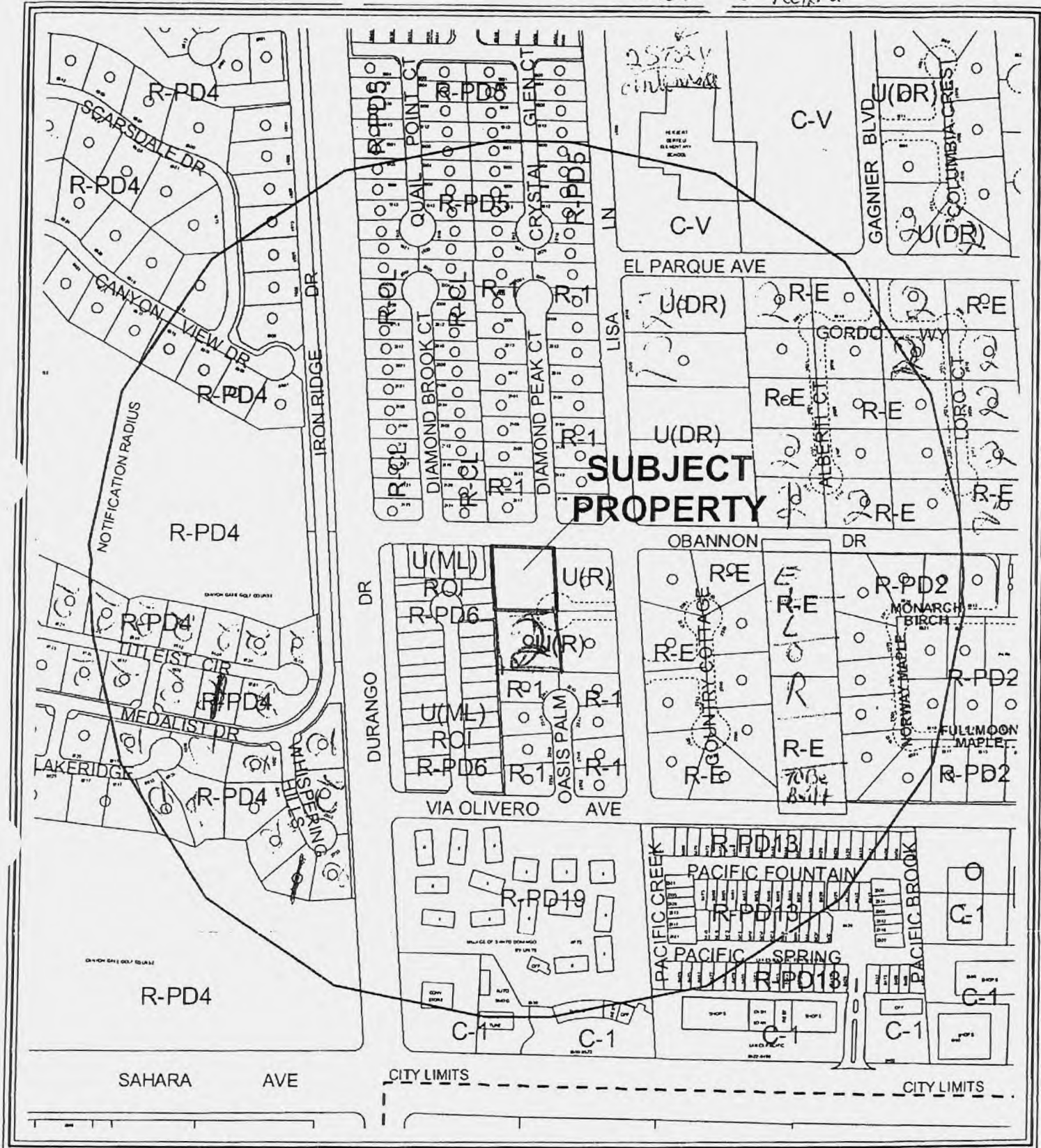
RECEIVED

DEC 18 2006

SUP-15027

12/21/06 PC

2-lowe
Retain

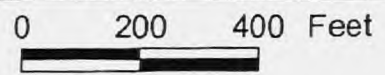


CASE: **VAR-14734**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

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



SUP-15027
12/21/06 PC



DEPARTMENT OF THE ARMY
MILITARY AFFILIATE RADIO SYSTEM
STATION LICENSE



AAT9DZ



The licensee, STEVEN PORTNOFF has agreed to operate the MARS Radio Station licensed herein in accordance with all the governing rules and regulations now or hereafter prescribed by the Chief, Military Affiliate Radio System, Department of the Army. This license shall remain valid until 14 FEBRUARY 2011 unless sooner modified or revoked for cause.

By Authority of the Secretary of the Army

Issued this 14TH day of AUGUST 2006

Kathy Kierman

Chief, Army Military Affiliate Radio System



**York County
Office of Emergency
Management**



AMATEUR RADIO
EMERGENCY SERVICE

Radio Amateur Civil Emergency Service

Name/Call: **Steven Portnoff KD7LVX**

Expires: **10 Nov 2008**

Issued By: *Shirley Allen KASD*
RACES Officer

Name/Call: **Steven Portnoff KD7LVX**

Expires: **10 Nov 2008**

Issued By: *Shirley Allen KASD*
ARES Emergency Coordinator

The holder identified hereon is a member in good standing of the Amateur Radio Emergency Service® (ARES®) sponsored by the American Radio Relay League, Inc., a licensed Amateur Radio Operator and a trained emergency communicator, volunteering personal time, skill and equipment to serve in the public interest.

Steven Portnoff
ARES Member's Signature

The holder identified hereon is a licensed Amateur Radio Operator who voluntarily provides local government with additional communications capability in time of emergency.

Steven Portnoff
RACES Member's Signature

**SUP-15027
12/21/06 PC**

Office of Emergency Management
Clark County, Nevada

CERTIFICATE OF APPOINTMENT

By virtue of the authority vested in me by the Clark County Board of Commissioners,
I do hereby appoint:

STEVEN D PORTNOFF - KD7LVX

as

Races Member

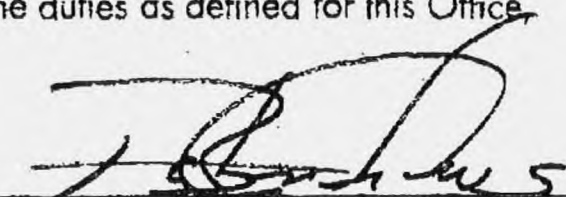
of and for the

Clark County Radio Amateur Civil Emergency Services

effective this date, to exercise the duties as defined for this Office
for the term established

January 31, 2002

Date


Emergency Management Manager,
County of Clark, Nevada



SUP-15027
12/21/06 PC

Phone ~~Radio~~ 263-9744

U. S. DEPARTMENT OF COMMERCE/National Oceanic and Atmospheric Administration
National Weather Service



Name STEVEN PORTNOFF
Address 7809 RIVIERA BEACH DR.
LAS VEGAS, NV. 89128
Code Number LV-47
Primary Agency u
Alternate Agency _____

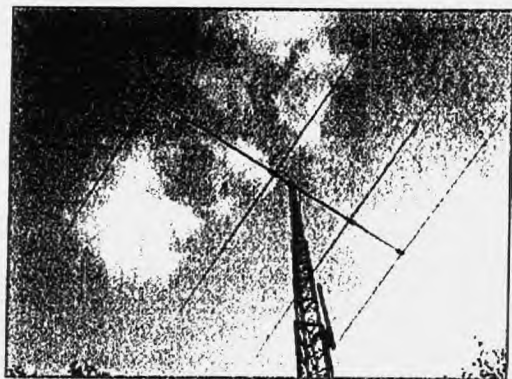
SKYWARN SPOTTER

SUP-15027
12/21/06 PC

SteppIR™

Yagi • Dipole • Vertical
(Patented)

The Most Powerful Multi-Band Antenna in the World!



7.0 - 54 MHz Continuous Coverage

100 MPH Wind Rating

Rated to 3000 Watts Key Down

Switch Directions 180° in 3 seconds

**Simultaneous Gain in
Opposite Directions**

Unequaled Gain and Front-to-Back!

Quick and easy assembly

**Cycle Tested 2 Million Band Changes
Without a Failure**

**Elements are Remotely Adjusted
from the Ham Shack**

Introducing the MonstIR 4 Element Yagi

More Band Performance on 40m, 30m, 20m, 15m, 12m, 10m, 8m, 6m, 4m, and Every Single Frequency in Between!

www.steppir.com

Fluidmotion Antenna Systems 23831 S.E. Tiger MT. RD.

Issaquah, WA 98027

Tel: 425.391.1999

Fax: 425.391.8377

**SUP-15027
12/21/06 PC**

Currently, most multi-band antennas use traps, log cells or interlaced elements as a means to cover several frequency bands. All of these methods have one thing in common—they significantly compromise performance. The SteppIR™ antenna system is our answer to the problem. Resonant antennas must be made a specific length to operate optimally on a given frequency.

So, instead of trying to "trick" the antenna into thinking it is a different length, or simply adding more elements that may destructively interact, why not just change the antenna length? Optimal performance is then possible on all frequencies with a lightweight, compact antenna. Since the SteppIR can control each element length, a long boom is not needed to achieve near optimum gain and front to back ratios on 40 - 10 meters. On 6 meters, an optional passive element is available that creates a long boom 6 element yagi.

Each antenna element consists of two spools of flat copper-beryllium strip conductor mounted in the antenna housing. The strips are perforated to allow a stepper motor to drive them simultaneously with a sprocket. Stepper motors are well known for their ability to index very accurately, thus giving very precise control of the antenna length. In addition, the motors are brushless and provide extremely long service life. The copper-beryllium strip is driven out into hollow, lightweight



SteppIR Microprocessor Based Controller

fiberglass support elements (the support elements stay extended), forming an element of any desired length up to 70' long.

The antenna is easy to assemble, and can be installed in weekend.

The antenna is connected to a microprocessor-based controller (via 22 gauge conductor cable) that offers numerous functions including dedicated buttons for each ham band, continuous frequency selection from 40m to 6m, 17 ham and 6 non-ham band memories, 180° direction reversal (allows you to switch directions of the Yagi 180° in 2.5 seconds) or bi-directional mode (simultaneous gain in opposite directions).

MonstIR Gain and Front-to-rear:

Notes: Gain and front-to-rear figures are shown in free space. Front to rear measurement is the worst case scenario, front-to-back is merely the measurement 180° from the forward direction, which is rarely the worst case.

Specifications	•	Monstir
Weight	•	215 lb / 98 kg
Max. Wind Surface Area	•	23.9 ft² / 2.22 m²
Wind Rating	•	100 MPH EIA-222-C
Longest Element	•	70 feet / 21.54 m
Power Rating	•	3000 W CW
Boom Length	•	34 ft / 10.4 m
Boom Diameter	•	2.75-2.5 in 7 - 6.4 cm
Frequency Coverage	•	40m - 6m Continuous
Turning Radius	•	39.7 ft / 12.22 m
Cable Requirements (shielded)	•	16 conductor 22 AWG
Tuning Rate	•	1.33 ft / sec .410 m / sec
Balun Included?	•	Yes

Band	Gain dBi	*Front to Rear dB
40m	7.8	25
30m	8.2	20
20m	9.5	21
17m	10.0	20
15m	10.2	27
12m	10.4	21
10m	10.6	11
6m*	13.0	30

*With optional passive element kit

SUP-15027
12/21/06 PC

KATHREIN SCALA DIVISION

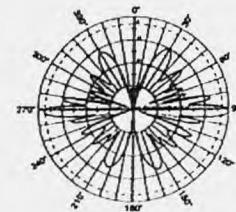
SL11-915/DT2 Omnidirectional Antenna

The Kathrein-Scala SL11-915/DT2 Paraslot antenna is specifically designed for spread spectrum systems and other applications in the 902–928 MHz ISM band, featuring high gain and an offset omnidirectional pattern.

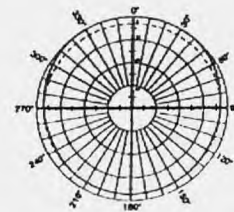
The H-polarized SL11-915/DT2 provides isolation from co-channel and adjacent-channel V-polarized signals. The Kathrein-Scala Paraslot design used in these antennas has earned a reputation for high performance and reliability in thousands of low-power UHF-TV broadcast transmission systems during the past 25 years.

Specifications:

Frequency range	902–928 MHz
Gain	11.4 dBd (maximum)
Impedance	50 ohms
VSWR	< 1.35:1
Polarization	Horizontal
Maximum input power	300 watts (at 50°C)
H-plane beamwidth	5.8 degrees (half-power)
Electrical downtilt	2 degrees (other values optional)
Connector	N female
Weight	26 lb (11.8 kg)
Height	180.25 inches (4578 mm)
Diameter	2.375 inches (60 mm)
Equivalent flat plate area	2.97 ft ² (0.276 m ²)
Wind survival rating	100 mph (161 kph)
Shipping dimensions	192 x 7 x 6 inches (4877 x 178 x 152 mm)
Shipping weight	95.0 lb (43.1 kg)
Mounting	Mounting kits are available for attachment to a flat vertical surface or to masts with 2.375 to 3.5 inch (60 to 89 mm) OD. <i>Kathrein Scala Division recommends that this antenna be secured from the top in addition to the standard bottom mounting. Contact Kathrein Scala Division Engineering for assistance.</i>



H-plane
Vertical pattern
H-polarization



E-plane
Horizontal pattern
H-polarization

PARASLOT is a registered trademark of Kathrein Inc., Scala Division.



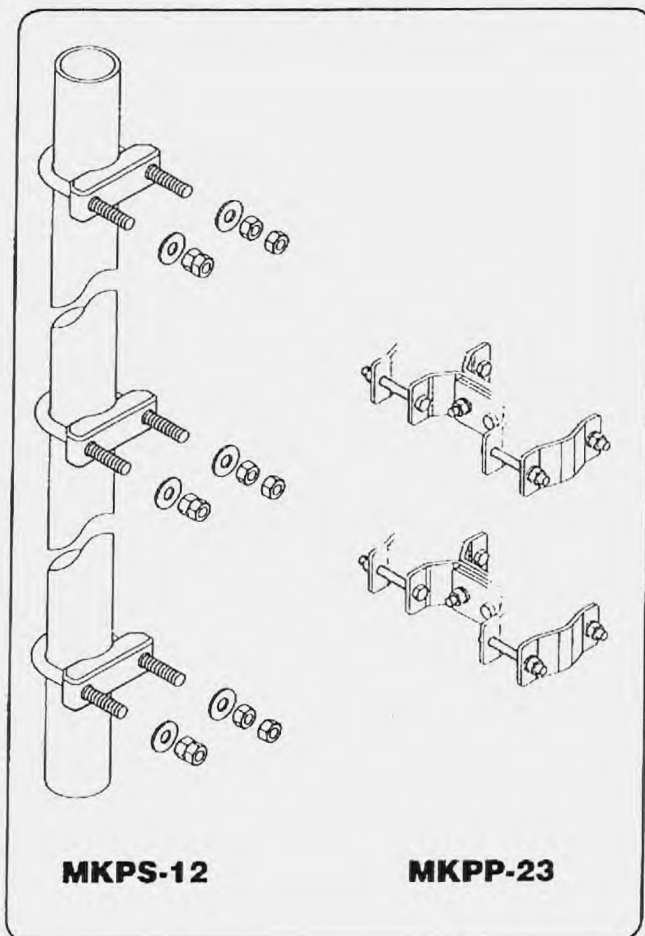
10059-G



SUP-15027
12/21/06 PC

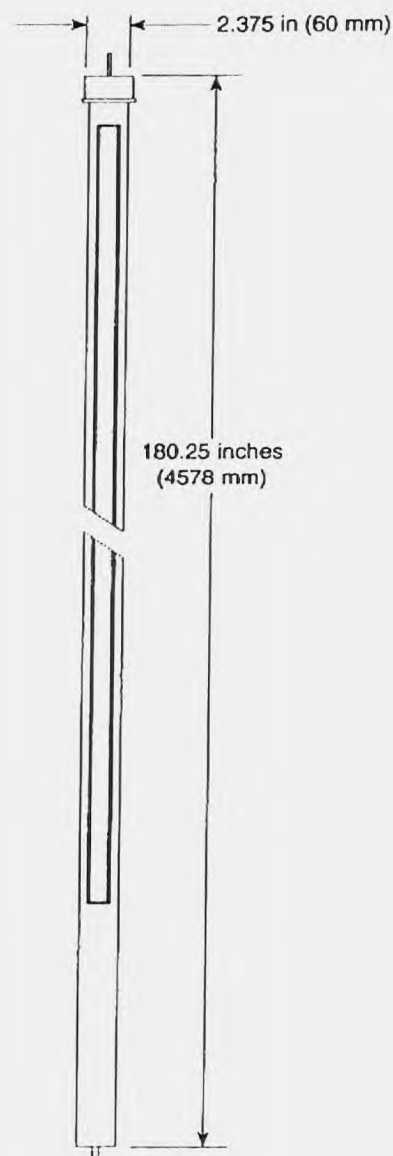
SCALA DIVISION

SL11-915/DT2 Omnidirectional Antenna



Mounting Options:

Model	Description
MKPS-12 (shown)	Mounting Kit for mounting to a flat plate
MKPP-23 (shown)	Mounting Kit for 2.375 to 3.5 inch (60 to 89 mm) OD mast.
MKGK-1	Guy Kit
MKSK-1	Spreader Kit



Order Information:

Model	Description
SL11-915N/DT2	Antenna with N connector for spread spectrum systems.

SUP-15027
12/21/06 PC

All specifications are subject to change without notice. The latest specifications are available at www.kathrein-scala.com.

Kathrein Inc., Scala Division Post Office Box 4580 Medford, OR 97501 (USA) Phone: (541) 779-6500 Fax: (541) 779-3991
Email: communications@kathrein.com Internet: www.kathrein-scala.com

[Home](#) [About WB0W](#) [Catalog](#) [Contact Us](#) [Ham Links](#) [Returns](#) [Specials](#) [Vendors](#)
[Hamfests](#)

Rohn 55G Guyed Tower



55G Midsection.....

The Rohn 55G tower is an extra heavy duty 18" face triangular design using 1.5" steel side rails and solid steel 7/16" cross bracing. Middle sections measure 10 feet long. Sections fit together with a double bolt joint for strength. The tower is designed to use three guy points spaced 120 degrees apart, with anchors set out from the tower 80% of the tower height. All 55G tower sections and optional accessories have a hot dipped galvanized finish to assure years of trouble-free service. Sections are supplied with galvanized nuts and bolts.

55G Accessories

3/4X12PP Pier Pin
 AS455G Rotor Shelf
 BPC55G Base Plate
 BPL55G Bearing Plate
 EP25345 Equalizer Plate- 3 Hole
 EP25345 Equalizer Plate- 5 Hole
 GA55GD Guy Assembly
 GAR30 Concrete Anchor
 GAC3455 Guy Anchor
 HBU Universal House Bracket
 SB55G Short Base Section
 TB3 Thrust Bearing- 2"
 TB4 Thrust Bearing- 3"
 TA55 Torque Assembly

DANGER

No Tower is self supporting during construction! Always use temporary guys on the top most section, and install permanent guy wires as soon as a guy point height is reached.

WB0W

WB0W

WB0W, Inc., 2002.

Website design & Maintained by WB0VRD, email bill@wb0w.com

SUP-15027
12/21/06 PC

[Home](#) [About WB0W](#) [Catalog](#) [Contact Us](#) [Ham Links](#) [Returns](#) [Specials](#) [Vendors](#)
[Hamfests](#)

SB55G

The Rohn SB55G is a short base section for 55G tower. Hole size is 3 feet square by 4 feet deep.



WB0W

WB0W

WB0W, Inc., 2002.

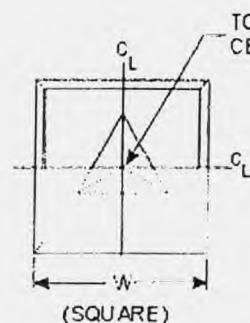
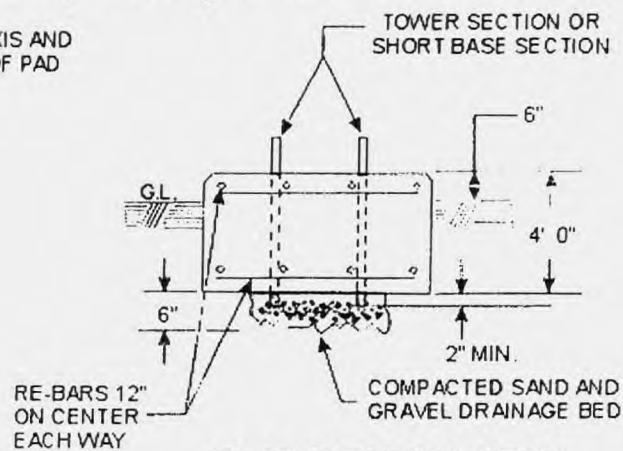
Website design & Maintained by WB0VRD, email bill@wb0w.com

SUP-15027
12/21/06 PC

FOUNDATION DETAILS

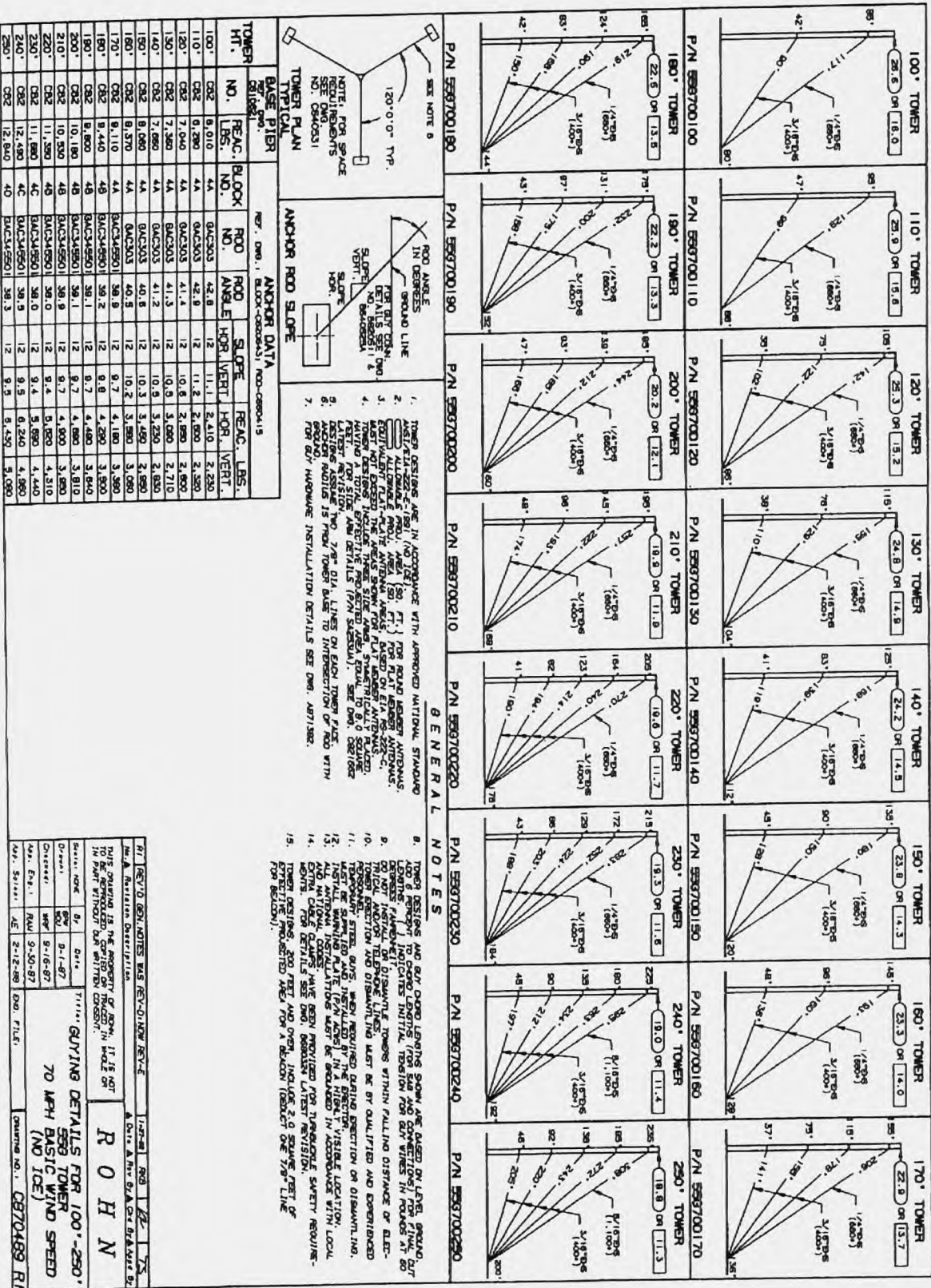
FOR

25G, 45G, 55G

PLAN VIEWELEVATION VIEW

TOWER NO.	OVER-TURNING MOMENT FOOT POUNDS	MAX. ALLOW. SHEAR POUNDS	W	CONCRETE REQUIRED CU. YDS.
25G	6,800	700	4' 0"	2.4
45G	12,800	1,600	5' 3"	4.1
55G	22,900	1,600	6' 0"	5.3

SUP-15027
12/21/06 PC





SUP-15027 - APPLICANT/OWNER: STEVEN PORTNOFF
SOUTH SIDE OF O'BANNON DRIVE, APPROXIMATELY 140 FEET WEST OF LISA LANE
DECEMBER 21, 2006 PLANNING COMMISSION

07/24/06



SUP-15027 - APPLICANT/OWNER: STEVEN PORTNOFF
SOUTH SIDE OF O'BANNON DRIVE, APPROXIMATELY 140 FEET WEST OF LISA LANE
DECEMBER 21, 2006 PLANNING COMMISSION

07/24/06



PEAK DEVELOPMENT SERVICES

June 20, 2006

City of Las Vegas
Planning Department
731 S. Fourth Street
Las Vegas, NV 89101

RE: Portnoff Residence - Justification Letter

To Whom It May Concern:

On behalf of our client, Steven Portnoff, Peak Development respectfully requests consideration of the enclosed requests for Variance of Residential Adjacency, Variance of Setbacks and Variance of Fence Height for The Portnoff Residence. The proposed property is currently zoned UR and is located on O'Bannon Ave. The proposed property would yield 1 home on .58 acres.

The request for a Variance of Residential Adjacency would accommodate the homeowners request to install an 80 ft. amateur radio tower. The Amateur Radio Station will be operated under FCC rules and regulations. Enclosed please also find Certificate of appointment by the Office of Emergency Management Clark County, Nevada.

The request for a Variance of Fence Height would allow the proposed 6ft CMU screen wall offset 4ft from the existing cul-de-sac. The home has been reoriented to front O'Bannon Ave. This screen wall would provide privacy for what is now the homeowner's rear yard.

The requests for Variance of setbacks are as follows:

Required Front 20' - Proposing 13.5' (49.56 sf)

Required Rear 35' - Proposing 29' (24.93 sf)

Required Side 10' - Proposing 10'

Due to the irregular shape of the lot and footprint, the home encroaches slightly onto the required setbacks. The actual encroachment for the rear yard is 24.93 sf and the encroachment for the front is 49.56. This has occurred due to the reorientation of the home, due to the fact that the setbacks would remain the same as if the home were fronting the private cul-de-sac and not O'Bannon. If you take into consideration the reorientation we are actually providing a 35' front yard, 54' rear yard and the required 10' side yards.

Enclosed please find a site plan, elevations for your review of the site. Should you have any questions or need additional information please contact our office at (702) 451-5700.

Sincerely,

Peak Development Services

Steffanie Nelson
Director of Development

PLANNING & DEVELOPMENT



DEVELOPMENT SERVICES CENTER

731 S. Fourth Street
Las Vegas, NV 89101

TTY 702-386-9108

Voice:

Administration 229-6353

Comp Planning 229-6022

Current Planning 229-6301

www.lasvegasnevada.gov

December 21, 2006

Mr. Steven Portnoff
1335 Radwick Drive
Las Vegas, Nevada 89110

Re: SUP-15027--Special Use Permit Request to Allow a
Proposed 80 Foot High Amateur Radio Antenna Tower; City's
Response to your amended application for an Amateur Radio
Antenna

Dear Mr. Portnoff,

Thank you for meeting with us on Monday, December 18, 2006 to further discuss the City's offer to reasonably accommodate your desire to engage in amateur radio communications on your property in what will be the rear yard of your primary residence located on the south side of O'Bannon Drive, approximately 140 feet west of Lisa Lane. In attendance at that meeting were the following people: you, me, Jim Lewis, Deputy City Attorney, and the City's experts in radio communications, Lou Amell, Fire Communications Supervisor and Jim Bassett, Fire Communications Technician II.

At the meeting you rejected the City's offer of reasonable accommodation. You reasoned that a 40 foot tower was too short to properly propagate the radio frequencies in which you intend to utilize at this location. In addition, you asserted that you could not accommodate a crank-up tower as the cable you intend to use is inflexible and cannot be used on a crank-up tower. Your final offer to the City was a 60-foot tall, 18"x18"x18" triangular tower with a four antennae array "sail" that will sit six feet above the top of the tower. You also indicated that each of the four antennae can be extended to over 70 feet in length. In sum, you desire to build a 66 foot tall structure with four antennae that can and will be extended to greater than 70 feet each, for use 24 hours each and every day.

We asked you to submit a letter amending your application to reflect your latest proposal. The City received your letter on Tuesday, December 19, 2006, and it reflects the structure in which you described at the December 18, 2006 meeting. This correspondence is to indicate that the Planning Department will not support your request for approval of your amended proposal. In the City of Las Vegas, a 60 foot latticed tower is commonly and typically associated with factory and industrial districts and is not appropriate for this developed residential area. The Planning and Development

Mayor
Oscar B. Goodman

City Council
Gary Reese
(Mayor Pro Tem)
Larry Brown
Lawrence Weekly
Steve Wolfson
Lois Tarkanian
Steven D. Ross

City Manager
Douglas A. Selby



07101-001-07-05

Submitted at City Council

Date 1/17/2007 Item #111

Department finds that your amended application is not harmonious or compatible with the single-family and multi-family dwellings within the one-thousand foot (1000 ft.) radial notice area from the property line.

Feel free to contact me (229-5408), or Jim Lewis, Deputy City Attorney (229-6629) at any time during normal business hours.

Yours truly,

A handwritten signature in black ink, appearing to read "Doug Rankin". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

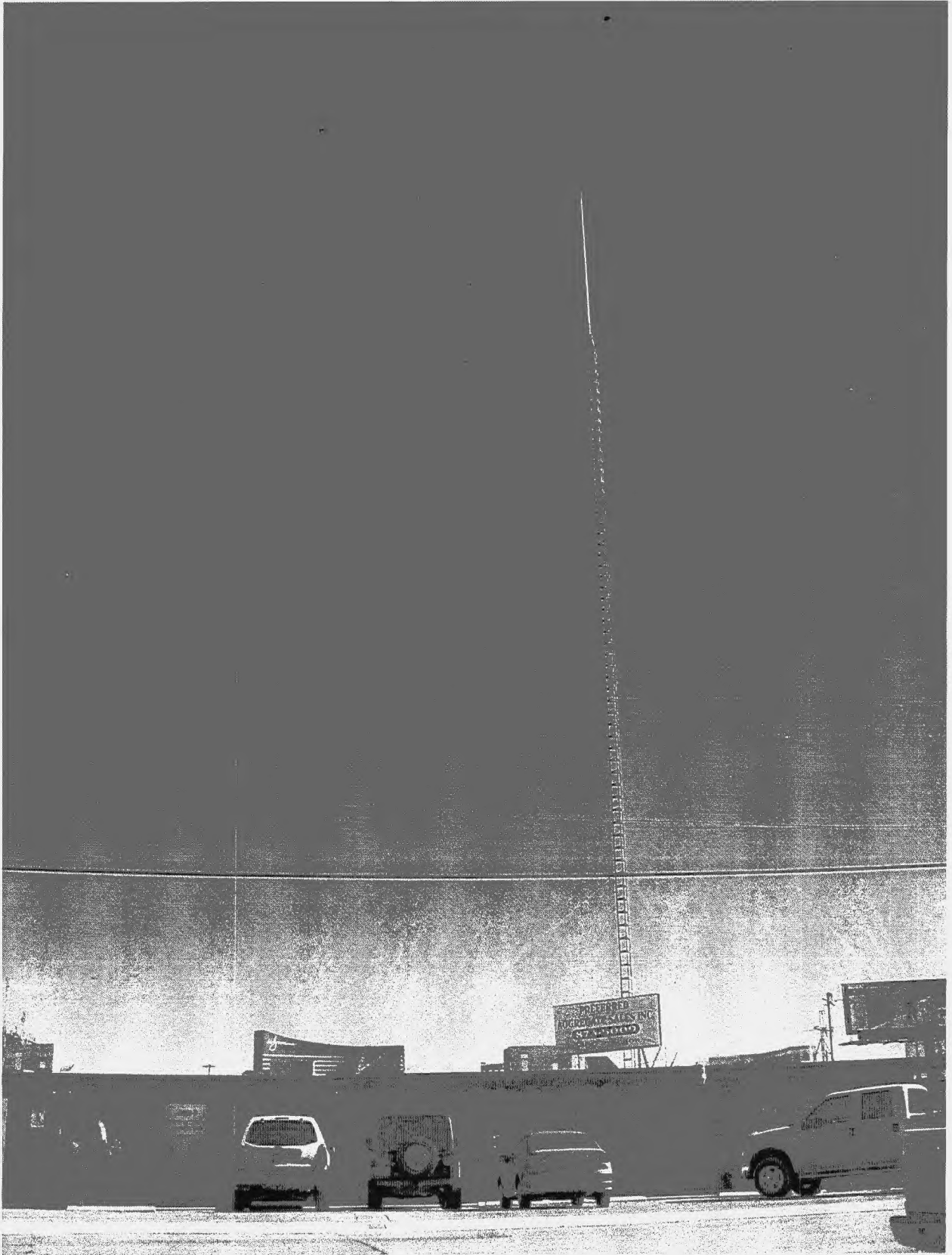
Doug Rankin, AICP
Planning Manager
City of Las Vegas
Planning & Development Department

cc: Steve Wolfson, Councilman
Larry Harala, Ward 2 Liaison
Margo Wheeler, Director of Planning and Development
James B. Lewis, Deputy City Attorney



POLARIS NEAR SPRING MOUNTAIN

Submitted to City Council
Date 1/17/2007 Item 111



PROXYON NEAR SPRING MOUNTAIN

Submitted at City Council
Date 1/17/2007 Item 111



CHANNEL 3 - FOREMASTER DRIVE

Submitted on File, Original
Date 1/17/00 Item III

PORTNOFF NEIGHBORHOOD MEETING 01/17/07

<u>NAME</u>	<u>ADDRESS</u>	<u>SETBACK VARIANCE</u>	<u>WALL HEIGHT VARIANCE</u>	<u>ANTENNA HEIGHT</u>
JIM LEWIS, DCA	CITY HALL	N/A	N/A	N/A
Doug Rankin Planning	731 S. 4th			
Harry Marule	City Hall	N/A	N/A	N/A
PEGGY ROSS	8460 Pacific Fountain Ave.			
STEVE JANG	9425 MAST	MA	N/A	N/A
Brenda Jacobson	2100 Alberti Ct	don't care	don't care	no
Susan Browne M.O.	2201 Country Cottage Ct.	object		
ARTHUR R. GENTZ	2200 COUNTRY COTTAGE CT.	object N/A	N/A	object
JoAnn Grady	2240 Country Cottage Ct	don't care	don't care	Object
Thomas J. Foselli	2113 Diamond Peak Ct	No	No	No
TOM REINERTSON	2005 DIAMOND PK CT	No	No	No
ART SLOAN	2124 DIAMOND BROOK CT			
Naomi Sloan	2124 DIAMOND BROOK	No	No	No
JAMES R. GORR	1352 DUSTY CREEK ST	YES	YES	YES
KATHRYN WELZENBACH	8468 PAUL FULTON AVE			
		YES	YES	NO NO NO

Submitted at City Council

Date 1/17/2007 Item 111

Planning Commission
Hearing Date: 11/2/06
Applicant: Steven Portnoff
Re: Variance #'s 14734, 14735 + 15027

Commission Members:

I continue to object to these plans. I have been provided no new information which would alter my original objection + do not clearly understand why there is a hearing to rescind the denial.

The applicant should be building in an area which would allow him to do as he wants rather than change the intent and complexion of this area.

Sincerely,
James Frasier
8616 Tithenist Circle
Las Vegas, NV.
89117

Submitted at City Council
Date 1/17/2007 Item 111

ITEM # 32, 34, 36
CASE # SEE ABOVE
PC MTG 11-2-06

P

fare from

(4) du lili
F. M. Garcia

1/7 *[Signature]*

Judy Welch

✓ Bay J Brooks 2005 Diamond Peak Ct 869 52288
Bay J Brooks Ct 89117

✓ Bay J Brooks 2005 Diamond Peak Ct 869 52288
Bay J Brooks Ct 89117

John Lally 2604 Diamond Brook & 89117

John Lally 2604 Diamond Brook Ct. 89/17
 2009 Diamond Brook Ct. 89/17

2009 Diamond Brook Ct. 89117
2000 DIAMOND BROOK CT 89117
243-7393

DIAMOND BROOK CT 89117
243-7393

2000 DIAMOND 243-7398
2000 DIAMOND BROOK CT 89117
243-7393

Joseph Nathan
2000
Diamond Brook CT 89117
243-7393

2000 DIAMOND BROOK CT 89117

✓ Janin d Caboson 360.4258

✓ Ronald Augusten 2017 Diamond Brook CT. 89117- 228-8365 ✓

Michael Canella 2109 Diamond Brook Ct. 89117 3603587

2109 Diamond Bwtk Ct. 89117 3683587

Mr. & Mrs. Morel J. Honore 2113 Diamond Blvd.
5.

~~2117~~ 2117 Diamond Brook Ct #9117

2116 Diamond Blvd # 87115

Submitted at City Council
Date 1/17/2013

Hydrom. Field 2116 Diamond Pt Break at 480

3113 Diamond 1 Ring 3/21/17

Michael Freeman 2012 Diamond Vase 2011

Nora Vios 212 Diamond Brook Ct
Carmel Vios " " "

Francisco Ruano 2125 Diamond Brook Ct

Nora A. Fisher 2125 Diamond Brook Ct

~~MARVIN - Luyk~~ 2104 Diamond Peak Ct.
~~Marianne Moulton~~ " " "

~~Marion Moulton~~ 2104 " " "

~~Barbara Moulton~~ " " "

Donna Wildt 2012 Diamond Peak Ct - 838-2682

John H. Wildt 2012 Diamond Peak Ct 838-2682

Stuart M. Polson 2013 Diamond Peak Ct. 255-3227

Michelle Cenciola 2013 Diamond Peak Ct. 255-3227

Philip M. Selber 2009 Diamond Peak Ct 233-5795

Myra D. Selber 2009 Diamond Peak Ct 233-5795

John Keidel 2100 Diamond Peak Ct. 242-0991

2100 Diamond Peak Ct. 242-0991

John M. Keidel

Joe Menich 2000 Diamond Peak 360 4961

Cynthia Wulfsberg 2109 Diamond Peak (415) 412 8603

Betty Wulfsberg 2109 Diamond Peak (502) 427-5863

SHARON PRIER 2108 DIAMOND PEAK Ct 89117 870-5480

Submitted at City Council

Date 1/17/2007 Item III

ITEM # 26

CASE # SUP. 1950.27

PC MTG 11-2-06

17P 19
20

RECEIVED
CITY CLERK

OBJECTION TO SUP-15027

2006 OCT 31 P 12:09

WE, THE RESIDENTS OF CANYON VIEW ESTATES –
LOCATED NEAR AND AROUND THE SOUTH HALF OF THE
SOUTHWEST QUARTER OF SECTION 04, TOWNSHIP 21
SOUTH, RANGE 60 EAST, M.D.M., DO FORMALLY OBJECT
TO SUP-15027.

CONSTRUCTION OF AN 80 FOOT, EIGHT STORY
AMATEUR RADIO ANTENNA TOWER IS INAPPROPRIATE
IN OUR DENSELY RESIDENTIAL AREA AND WOULD
ADVERSELY IMPACT THE UNIFORMITY AND
ATTRACTIVENESS OF OUR NEIGHBORHOOD.

WE, THE UNDERSIGNED, VIGOROUSLY OBJECT AND
REQUEST THAT THE CITY COUNCIL TURN DOWN ALL
SPECIAL PERMITS AND VARIANCES FOR THIS PROJECT.

Submitted on 10/31/06

Date 11/17/2007 Item 111

ITEM # 36
CASE # SUP-15027
PC MTG 11-2-06

Submitted after final agenda

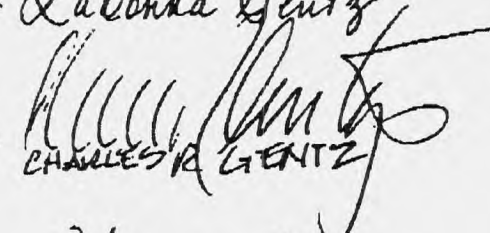
Date 10/31/06 Item #35

17

8P

NAME

ADDRESS

1. LaDonna Gentz 2200 Country Cottage Ct 89117
2.  2200 Country Cottage Ct 89117
CHARLES R. GENTZ
3. Rebecca Rosen 2241 Country Cottage Ct. 89117
4. Kenneth G. Rosen 2241 Country Cottage Ct. 89117
5. Rick Sealy 2240 Country Cottage Ct 89117
6. Susan Berane 2201 Country Cottage Ct 89117
7. David Bennett 2220 Country Cottage Ct 89117
8. Jennifer Bennett 2220 Country Cottage Ct 89117
9. John Gilt-Sealy 2240 Country Cottage Ct. 89117

Submitted to City Council

Date 1/17/2007 Item 111

Dennis C. HPECKE

✓ 10. DENNIS C. HPECKE

2221 COUNTRY COTTAGE

✓ 11. Envelope C. Houle 2261 Country Cottage Ct. 89117 89117

✓ 12.

William Hoyle

2261 Country Cottage Ct. Las Vegas

✓ 13.

Michelle Rose

2280 Country Cottage 89117

✓ 14.

Linda Rose

2280 Country Cottage 89117

Dup on
Page 1

✓ 15.

Dennis

2201 Country Cottage Ct. 89117

16.

17.

18.

19.

**CITY COUNCIL MEETING OF
January 17, 2007**

VERBATIM TRANSCRIPT – ITEM 111- SUP-15027

**Item 111 – SUP-15027 – PUBLIC HEARING – APPLICANT/OWNER: STEVEN
PORTNOFF – Request for a Special Use Permit FOR A PROPOSED 80-FOOT HIGH
AMATEUR RADIO ANTENNA TOWER on the south side of O'Bannon Drive,
approximately 140 feet west of Lisa Lane (APC 163-04-401-002), U (Undeveloped) Zone
[R(Rural) General Plan Designation], Ward 2 (Wolfson).**

Appearance List:

OSCAR GOODMAN, Mayor
STEVEN PORTNOFF, Applicant
BARBARA JO RONEMUS, City Clerk
GARY REESE, Councilman
LOIS TARKANIAN, Councilwoman
STEVE WOLFSON, Councilman
JAMES LEWIS, Deputy City Attorney
LARRY BROWN, Councilman
SUSAN BROWN, 2201 Country Cottage Court

Typed by: Angela Crolli

Proofed by: Yodeelena Yturralde

**CITY COUNCIL MEETING OF
January 17, 2007**

VERBATIM TRANSCRIPT – ITEM 111- SUP-15027

21 **MAYOR GOODMAN**

22 One eleven is SUP-1-5-0-2-7, same applicant owner, request for a Special Use Permit for a
23 proposed 80-foot high amateur radio antenna tower on the south side of O'Bannon Drive,
24 approximately a hundred and forty feet west of Lisa Lane. The Planning Commission and staff
25 recommended denial. These are in Ward 2. These are all public hearings, which I now declare
26 open. At this time before we hear, are you Mr. Portnoff?

27

28 **STEVEN PORTNOFF**

29 I am.

30

31 **MAYOR GOODMAN**

32 Okay. Before we hear from Mr. Portnoff, I believe we should make a matter of record a letter
33 from Doug Rankin dated December 21st 2006 to Mr. Portnoff. Have you received that, Sir?

34

35 **STEVEN PORTNOFF**

36 I have.

37

38 **MAYOR GOODMAN**

39 Okay, very good. Ms. Ronemus, do we have it in the record yet?

40

41 **BARBARA JO RONEMUS**

42 Yes, we do, Your Honor.

43

44 **MAYOR GOODMAN**

45 Okay. Very good. I'd be happy to hear from you, Sir.

46

47 **STEVEN PORTNOFF**

48 Good afternoon Mayor, Council. I am the applicant Steven Portnoff.

49

50 **END OF RELATED DISCUSSION**

CITY COUNCIL MEETING OF
January 17, 2007

VERBATIM TRANSCRIPT – ITEM 111- SUP-15027

RESUMED RELATED DISCUSSION

51

52 **STEVEN PORTNOFF**

53 Okay. Sorry, this, is easier watching you guys on TV; being here is –

54

55 **MAYOR GOODMAN**

56 No problem.

57

58 **STEVE PORTNOFF**

59 – little intimidating.

60

61 **MAYOR GOODMAN**

62 You're doing just fine.

63

64 **STEVE PORTNOFF**

65 Thank you.

66

67 **MAYOR GOODMAN**

68 Take your time.

69

70 **STEVE PORTNOFF**

71 Okay. I'll do a little reading. I'll try not to bore you here. I'm going read from part 97.15B of the

72 Federal Communications Act. Except as otherwise provided herein, a station antenna structure

73 may be erected at heights and dimensions sufficient to accommodate amateur service

74 communications. State and local regulations of a station antenna structure must not preclude

75 amateur service communications; rather it must reasonably accommodate such communications

76 and must constitute the minimum practical regulation to accomplish the state and local

77 authorities' legitimate purpose. This is PRB1, 1-0-1 FCC 2D 9-5-2, 1985.

78 Also from NRS Statute 2-7-8 dot 0-2-8-5 Amateur Radio Limitations on restrictions, on Amateur

79 Service Communications, limitations on regulations of stations antenna structures exception.

80 One; a governing body shall not adopt an ordinance, regulation or plan or take any other action

CITY COUNCIL MEETING OF
January 17, 2007

VERBATIM TRANSCRIPT – ITEM 111- SUP-15027

81 that precludes amateur service communications or that in any other manner does not conform to
82 provisions of 47CFR and 97DOC 15, and the limited preemption entitled Amateur Radio
83 Preemption 1-0-1 FCC 2D9-5-2-1985 as issued by the Federal Communications Commission.
84 Two, if a governing body adopts an ordinance or regulation or plan or takes any other action that
85 regulates the placement, screening or height of a station antenna structure based on health, safety
86 or aesthetic considerations, the ordinance, regulation, plan or action must; a) reasonably
87 accommodate amateur service communications and b) constitute the minimal level of regulation
88 practical to carry out legitimate purpose of the governing body.

89 The Planning Commission has decided to regulate with PRB1, pre-exemption of local zoning
90 laws that affect amateur radio communications as follow, and I quote: The Planning and
91 Development letter dated December 5th, two thousand and six, I believe that's in your backup,
92 they quoted: Local regulations which involve placements, screening or height of antennas based
93 on health, safety or aesthetic considerations must be crafted to accommodate reasonable amateur
94 communications, end quote.

95 The Commission adopted a limited preemption policy for amateur communications because there
96 were strong federal interests in promoting amateur communications. We do not believe that a
97 zoning regulation that provides extreme or excessive prohibition of amateur communication
98 could be deemed to be a reasonable accommodation, PRB1 2000 Item 8. That was a
99 reconsideration.

100 Councilmembers, it's also important to understand that at the December 15, two thousand and
101 six meeting, in which I, the City, the Attorney, Jim Lewis, Planning was represented by Mr.
102 Doug Rankin, and two experts in the City's communications department having to do with fire,
103 were present at the meeting. I'm sorry. And two City's experts in communication were present.
104 Planning decided to completely ignore their experts. The two experts said what I had said; staff's
105 offer to me would not work. Furthermore, in staff's December 21st, two thousand and six letter,
106 and I quote, this correspondence is to indicate that the Planning Department will not support your
107 request for approval of your amended proposal. In the City of Las Vegas a 60-foot lattice tower is
108 commonly and typically associated with factory and industrial districts and not appropriate for
109 this developed residential area. I have a couple of, seven pictures, actually.

CITY COUNCIL MEETING OF
January 17, 2007

VERBATIM TRANSCRIPT – ITEM 111- SUP-15027

110 **MAYOR GOODMAN**

111 Let's see, 60 or 80?

112

113 **STEVEN PORTNOFF**

114 Sixty foot, Sir. The original application was for 80-foot. We had a meeting, of which I'll – allow
115 the City Attorney to explain that, if I haven't already done a fair job of that. And I had
116 resubmitted an application with the reduced height.

117 This is, as I said, the City letter said that a 60-foot lattice tower is commonly and typically
118 associated with factories, industrial districts and not appropriate for this residential development.
119 This is a commercial broadcast tower. We all recognize it as TV 13. This is another commercial
120 tower. This is a shot of the Nevada Power facility by the Las Vegas Water District over on Valley
121 View and Alta. Inside here are approximately 20 different commercial towers and some
122 microwave antennas attached to them.

123 This is one of the oldest stations in Las Vegas, Nevada, which is Durango and Charleston, were
124 the old generators used to be back in the early days to support the City in the '50s when the
125 population was very small. Again, there is a multitude of commercial towers in this facility and
126 commercial microwave dishes in here.

127 This is on the County's own TI building; that's Shadow Lane, Pinto and Palomino. This is what
128 is called a porcupine vertical, meaning all the attachments. Again, a commercial tower. And
129 finally –

130

131 **MAYOR GOODMAN**

132 Bless you.

133

134 **STEVEN PORTNOFF**

135 Bless you, Mayor Pro Tem. Finally, this is a monopole carrying cellular devices. This is our
136 famous stealth-type palm tree that don't believe belongs here or the palm desert. These are in
137 commercial and industrial or factory-type areas. The fact is, the lattice amateur radio tower is
138 routinely located in a residential area, and those which are commonly and typically located in

CITY COUNCIL MEETING OF
January 17, 2007

VERBATIM TRANSCRIPT – ITEM 111- SUP-15027

139 commercial and industrial and factory areas, are the broadcast-type cellular, commercial,
140 porcupine vertical and monopoles.

141 And if I may have that overhead back, please. Okay. This is a lattice-type amateur radio tower.
142 That's an 80-foot tower. This is a lattice-type amateur radio tower.

143

144 **MAYOR GOODMAN**

145 When did you take these pictures?

146

147 **STEVEN PORTNOFF**

148 When?

149

150 **MAYOR GOODMAN**

151 Where?

152

153 **STEVEN PORTNOFF**

154 This one was taken on DI, adjacent to the Lakes, which puts it County; does not put it City. I
155 understand that.

156

157 **MAYOR GOODMAN**

158 In a residential area?

159

160 **STEVEN PORTNOFF**

161 Yes, Sir.

162

163 **MAYOR GOODMAN**

164 Okay.

165

166 **COUNCILMAN REESE**

167 The last three, before this one?

CITY COUNCIL MEETING OF
January 17, 2007

VERBATIM TRANSCRIPT – ITEM 111- SUP-15027

168 **COUNCILWOMAN TARKANIAN**

169 Mr. Mayor?

170

171 **MAYOR GOODMAN**

172 Yes.

173

174 **COUNCILWOMAN TARKANIAN**

175 I would just like to make a comment on the Nevada Power that you showed on Valley View.

176 That is not adjacent to residential.

177

178 **STEVEN PORTNOFF**

179 That's correct, Councilwoman. That is a –

180

181 **COUNCILWOMAN TARKANIAN**

182 It's quite a bit (inaudible)

183

184 **STEVEN PORTNOFF**

185 – commercial or a industrial area or factory area.

186

187 **COUNCILWOMAN TARKANIAN**

188 Okay.

189

190 **STEVEN PORTNOFF**

191 That's the point in which I'm trying to make.

192

193 **COUNCILWOMAN TARKANIAN**

194 Oh, I see.

195

196 **COUNCILMAN REESE**

197 Your Honor, if I could.

CITY COUNCIL MEETING OF
January 17, 2007

VERBATIM TRANSCRIPT – ITEM 111- SUP-15027

198 **MAYOR GOODMAN**

199 Yes.

200

201 **COUNCILMAN REESE**

202 Where – is this in here? That – one in there; where's that at?

203

204 **STEVEN PORTNOFF**

205 This one, if memory is correct, this one is in the County at Mount Hood and Owens.

206

207 **COUNCILMAN REESE**

208 Thank you.

209

210 **COUNCILMAN WOLFSON**

211 Mr. Portnoff, what are the measurements of the antenna, part of that last one? How tall is the
212 tower and how wide is the antenna?

213

214 **STEVEN PORTNOFF**

215 If I have to go to definitions, the entire structure will be classed as an antenna, Sir. The height is
216 80-foot on the tower. I'm not sure what the boom and the array is on these.

217

218 **COUNCILMAN WOLFSON**

219 Okay. But the boom and array on the one you're proposing is 70 feet wide and 35 feet in one
220 direction and 35 feet in another direction. Correct?

221

222 **STEVEN PORTNOFF**

223 That is correct.

224

225 **COUNCILMAN WOLFSON**

226 So, in order to be fair to everybody, you're showing us examples, but you're not giving us the
227 dimensions of these examples.

**CITY COUNCIL MEETING OF
January 17, 2007**

VERBATIM TRANSCRIPT – ITEM 111- SUP-15027

228 **STEVEN PORTNOFF**

229 I'm – going to get there in a moment, if I might.

230

231 **COUNCILMAN WOLFSON**

232 Well, I'm making sure that we take things in the right context –

233

234 **STEVEN PORTNOFF**

235 Thank you.

236

237 **COUNCILMAN WOLFSON**

238 – because the tower you're proposing is 60 feet –

239

240 **STEVEN PORTNOFF**

241 Yes.

242

243 **COUNCILMAN WOLFSON**

244 – with a 70-foot, 35 feet on each and 10 array.

245

246 **STEVEN PORTNOFF**

247 That is correct.

248

249 **COUNCILMAN WOLFSON**

250 Okay.

251

252 **STEVEN PORTNOFF**

253 This is a 70-foot lattice tower.

254

255 **COUNCILMAN REESE**

256 Where –

CITY COUNCIL MEETING OF
January 17, 2007

VERBATIM TRANSCRIPT – ITEM 111- SUP-15027

257 **STEVEN PORTNOFF**

258 This one –

259

260 **COUNCILMAN REESE**

261 Excuse me, if I can, Your Honor.

262

263 **MAYOR GOODMAN**

264 Yes.

265

266 **COUNCILMAN REESE**

267 Where's that last one? Where's it at?

268

269 **STEVEN PORTNOFF**

270 This one, I believe, is also on the Mount Hood/Owens area. And now this brings us into the City
271 of Las Vegas, being Charleston and 8th. This is a 60-foot tower. This array is probably 24 by 30;
272 I'm not sure. I'd have to go back and look at it. There are other antennas that are on this
273 particular residential house. The point that I'm trying to bring up is that we have lattice towers
274 that are here in residential areas.

275 This one is at Rancho – and Gowen. There happen to be three towers here; one in the
276 background, one here and one over here. Height, I didn't write down this. I'm pretty much, so
277 this is well above 50 feet in height.

278 This one is at Jones and Vegas. This is a 65-foot tower. This is a school at Lindell and West
279 Oakey; the Hancock Elementary School. This is somewhere between 60 and 80 feet and there are
280 houses around this, right across the street. It's a very tall tower with a very small dish on it. It's
281 an open area. For one, I don't know why it's up there, but it is; it does exist. I'm thankful it's in
282 the City.

283 This is a lattice tower that's on Charleston/Campbell and Alta. The school is the Howard A.
284 Wasden School, which that's a 60-foot lattice tower also. And that's right in the heart of a
285 residential area, a very old residential area. I think it's right next to the historic area off of
286 Palomino, Pinto and Alta.

CITY COUNCIL MEETING OF
January 17, 2007

VERBATIM TRANSCRIPT – ITEM 111- SUP-15027

287 This is at Buffalo and Alta; in the Sperial home. It's an 80-foot tower and this is at least 30-foot
288 of boom, Councilman. I – don't know what brand antenna it is. It's something that I don't
289 recognize, but –

290

291 **COUNCILMAN WOLFSON**

292 Thirty feet each way or thirty, fifteen feet in –

293

294 **STEVEN PORTNOFF**

295 The element, the elements -- are pretty close to the same.

296

297 **COUNCILMAN WOLFSON**

298 Okay, but my question is, for –

299

300 **STEVEN PORTNOFF**

301 I don't know, honestly, how much the elements are that drape on it.

302

303 **COUNCILMAN WOLFSON**

304 Okay. Now you understand my point, though, Mr. Portnoff, 'cause you're proposing the elements
305 which are the side antennas, as I'm calling them.

306

307 **STEVEN PORTNOFF**

308 Yes.

309

310 **COUNCILMAN WOLFSON**

311 What you're proposing is, on top of a 60-foot tower, 35 feet in each direction –

312

313 **STEVEN PORTNOFF**

314 And I'll be happy to get to that.

CITY COUNCIL MEETING OF
January 17, 2007

VERBATIM TRANSCRIPT – ITEM 111- SUP-15027

315 **COUNCILMAN WOLFSON**

316 – which will total –

317

318 **STEVEN PORTNOFF**

319 I'll be happy to get to that.

320

321 **COUNCILMAN WOLFSON**

322 – Mr. Portnoff, hold on, which what you're proposing is 35 feet in each direction for 70 feet of

323 antenna.

324

325 **STEVEN PORTNOFF**

326 Yes, Sir.

327

328 **COUNCILMAN WOLFSON**

329 Okay. Thank you.

330

331 **STEVEN PORTNOFF**

332 This is a 55-foot tower at Durango and just north of Alta, just north of Canyon Gate, just east of

333 Peccole. And finally, this lattice amateur radio tower is 60-foot at Durango and Westcliff. This is

334 in a side yard with what appears to be less than 10 foot to the neighbor, 'cause I know issues

335 were brought up at one time about if it fell would it stay in your yard, does it rotate in your yard?

336 What's the deal? And this is, again, another permitted tower that's in the City of Las Vegas.

337 Nevertheless, I'm going to read again. Local regulations which involve placement, screening or

338 height of antennas, based on health, safety or aesthetic considerations must be crafted to

339 accommodate reasonable amateur communications and to represent the minimum practical

340 regulation to accomplish the local authorities' legitimate purpose.

341 And finally, in paragraph 26 of PRB1, the Commissioner said that, we're confident, however,

342 that state and local governments will endeavor to legislate in the manner that affords appropriate

343 recognition to the important federal interest at stake here, and thereby avoid unnecessary

344 conflicts in federal policy, as well as time consuming and expensive litigation in this area.

**CITY COUNCIL MEETING OF
January 17, 2007**

VERBATIM TRANSCRIPT – ITEM 111- SUP-15027

345 Amateur operators who believe the local state governments have been overreaching and thereby
346 have precluded accomplishment of their legitimate communication goals, main addition use as
347 document to bring the policies in attention to the local tribunals in forms.

348 Now, what has happened is that I went through staff, I placed an application for an 80-foot tall
349 tower. I was told by staff that, no problem, along with my other two other variances. I didn't
350 realize what no problem meant. I left the room. My planners, people said it's okay to submit that
351 application. I was under the impression with my engineer, who can't be here today, that, no
352 problem, wasn't no problem, as I took it. It was going to be a problem, hence we've been here a
353 long time; better than six months with the antenna. I have grown to know the Deputy City
354 Attorney here. I think that we both gotten into some law that's new grounds for all of us because,
355 as much as anybody else, I watch TV and I don't see amateurs come up before this Council or
356 any other in this City. And I know that they just don't all appear overnight because I'm going to
357 do something that you're not going to see me do or catch me. Maybe it's like the block wall next
358 to my property. I don't know. I can't believe everybody is this blatantly turn their back on the
359 law. It can't be, especially when I see the law allows us to come before a Council like this,
360 present our case because of the importance of amateur radio and to get this type of permission on.
361 I am compatible in a residential neighborhood based on the law, based on what I am installing.
362 Councilman Wolfson is very right in the fact that I've a very large antenna ray on top of this
363 tower because staff has come back to me with limiting factors. Amateurs speak on many different
364 bands and frequencies, many different distances from across the street to across the country to
365 intercontinental. And those communication distances are done based on height of a brown, based
366 on antenna array, different jobs. This is why I have found an antenna that has replaced three
367 antennas, I hope, in my mind, it's considerably more money than what I was originally going to
368 put up. And yes, it's large, but it's not three or four devices that are in the air that look like clutter
369 from – hell. It's one piece that's very trimmed down. It has, as the Councilman is aware, it has
370 six elements on it, not twelve, seventeen or twenty. Yes, it's 34-foot long on its support. If you
371 think of a TV antenna from the old days on top of your house, and the elements that lace over it
372 are 35 feet on both sides or 70 foot. Yes, it will spin in my yard and stay in my yard, if it were to
373 come down. It's centered in my lot. It's high in the air. I can't imagine – this becoming a problem

CITY COUNCIL MEETING OF
January 17, 2007

VERBATIM TRANSCRIPT – ITEM 111- SUP-15027

374 in the neighborhood because it's a residential approved antenna. It's not something has been laid
375 on me that's found in a commercial or industrial factory area.

376 And with that, I'm here to answer any questions the best I can, and I would respectfully request
377 unanimous approval on this.

378

379 **MAYOR GOODMAN**

380 All right before we open up for questions as this time, let's hear from the Attorney and give us
381 your perspective on what we're supposed to decide here.

382 I have one question of somebody, before we go forward, is this a target for any kind of potential
383 terrorism? I mean, are these – targets or –

384

385 **STEVEN PORTNOFF**

386 You mean, is the antenna a target?

387

388 **MAYOR GOODMAN**

389 Yes.

390

391 **STEVEN PORTNOFF**

392 No.

393

394 **MAYOR GOODMAN**

395 Okay.

396

397 **STEVEN PORTNOFF**

398 In – fact, you know, we do live in strange times, and I hate to pull the 9-11 tag out, but you
399 yourself have been instrumental in getting us back on the City's watch list and getting us an
400 opportunity to go after, I think 10 million in federal funds because you too wish to build a
401 communication center in the northwest, is what I read.

CITY COUNCIL MEETING OF
January 17, 2007

VERBATIM TRANSCRIPT – ITEM 111- SUP-15027

402 **MAYOR GOODMAN**

403 That's correct.

404

405 **STEVEN PORTNOFF**

406 And HAMS, as you're very well aware, I don't care what kind of disaster it is, we are the
407 educated communicators, we're the ready force and volunteers, no pay, we spend thousands, ten
408 of thousands dollars on our own stuff, we pay our own way. We are the spread between
409 municipalities and FEMA and TSA and homeland security. We're the ones that are there because
410 we're prepared, and when all of this doesn't work, we're the guys that seem to have
411 communications up.

412

413 **MAYOR GOODMAN**

414 Alright, before, Mayor Pro Tem.

415

416 **COUNCILMAN REESE**

417 Yes, this is to staff. Margo, has there been a, done any research on when the last tower like this
418 was approved in the City.

419

420 **MARGO WHEELER**

421 No, Sir, we did not do any research of that type. The, all of the photos that he showed this
422 evening were not given to us so that we didn't have that information.

423

424 **COUNCILMAN REESE**

425 Well, I mean, I – would never question the man where he told us where they was. I've been here
426 a long time and I can't remember the last time I voted on an antenna like this in a backyard.

427

428 **MAYOR GOODMAN**

429 I don't think, from my recollection, I don't think that an issue like this has come before us.

CITY COUNCIL MEETING OF
January 17, 2007

VERBATIM TRANSCRIPT – ITEM 111- SUP-15027

430 **COUNCILMAN REESE**

431 Well, I've here for twelve years and I can't remember 'cause I know, with me, I would have a
432 hard time approving this or avoided something like this in a backyard. And like I said, I don't
433 remember, the twelve years I've been here voting for something like this. I don't know when
434 those antennas went up, whether they are legal whether they're not legal, that's not for me to say
435 today. I'm just putting that on the record that I don't remember the last time antenna like this was
436 approved in a backyard.

437

438 **MAYOR GOODMAN**

439 All right. Yes, Sir.

440

441 **JAMES LEWIS**

442 Mr. Mayor, thank you. If you wouldn't mind, Councilman Wolfson, I can, maybe explain the
443 City's interpretation of the relevant FCC regulations in this area. Mr. Portnoff did read you the
444 relevant FCC regulation. That regulation has been interpreted three times since 1985 by the FCC.
445 The catch phrase is PRB1. You might have heard him say that. That regulation, PRB1, and the
446 considerations of that regulation by the FCC were codified by the State some number years ago.
447 And he read to you as well. It was a 2-78 reference. Basically it says, City, you gotta look to
448 PRB1 when making decisions with regard to these amateur radio antennas. Okay.
449 Now, what is PRB1 do? What PRB1 has been found to do by the FCC is one, it says that our
450 ordinances that regulate these antennas must reasonably accommodate radio amateur operators.
451 What that means is, we can't have an ordinance that says no amateur radio antennas; only 10-foot
452 radio, amateur radio antennas or the like. What ours does is say, if you want something above 15
453 feet, you must come to the City and get a discretionary approval. That allows the City to take into
454 consideration any factors in the request. Maybe he lives out, maybe the applicant lives
455 somewhere where nobody else is living. Maybe he lives in an area where there are several
456 existing antennas. Who knows? But as to PRB1 and our regulations, what it says is that we must
457 reasonably; our regulation must reasonably accommodate the request. And it does because we
458 have the Special Use Permit process and he's here before you making his case.

CITY COUNCIL MEETING OF
January 17, 2007

VERBATIM TRANSCRIPT – ITEM 111- SUP-15027

459 Number two, any action by the City on a particular application must reasonably accommodate
460 his, the applicant's specific request. And again, to – not take too long here, he came in in May,
461 August. He went to the Planning Commission once. He came to this Board once. This Board
462 said, now, let's go back to the Planning Commission so we can discuss this further with you.
463 That is the City trying to reasonably accommodate this man's request, the applicant's request. In
464 this case, we sat down with him, Doug Rankin and I, had Lou Amell, our Communication
465 Supervisor and one of his people and we discussed with him what he is he wanted to do and what
466 the Planning Department thought was appropriate in an area where you've got about two hundred
467 and thirty some odd homes in a thousand foot radius from his house. What we came to was that
468 we found that we couldn't agree, and that where we find ourselves today.
469 Lastly, PRB1 says to the cities, you may deny an application if the application is proposed in a
470 residential area and it appears to be the type of tower or antenna that would be found typically in
471 a factory area or an industrial area of the City. And Mr. Wolfson, Councilman Wolfson, you've
472 got some pictures of some antenna that our Planning, may I come up and get those from you.
473 Thank you, Councilman and Mr. Mayor.

474

475 **MAYOR GOODMAN**

476 Yes.

477

478 **JAMES LEWIS**

479 We've got a few pictures here of antenna, and if I can get the overhead, that would be helpful, of
480 antenna, if you can just zoom in, please. Okay, very good. This – one here is on Polaris near
481 Spring Mountain. It's an industrial zoned area within our City. You'll notice that there is a
482 antenna there that is of a similar nature to the antenna requested at the applicant's residence.
483 Here is – another picture. This is at Procey near Spring Mountain. It is again of a similar nature
484 to the antenna that the applicant is requesting.
485 And then lastly, this you'll need to zoom in as far as we can, please. This is Channel 3 at
486 Foremaster Lane. Again, you've got an antenna there that – is similar character to the one that's
487 being requested, except this has microwave antennas on it and the applicant's will not.

CITY COUNCIL MEETING OF
January 17, 2007

VERBATIM TRANSCRIPT – ITEM 111- SUP-15027

488 Anyway, to – sum up on our interpretation of the relevant law the – federal government nor state
489 government has said that you must approve this application when one comes in for one. It says
490 you've got to talk to him. You've got to negotiate with him, and if you can come to some
491 reasonable agreement, great. If you can't and the tower looks like something that would be in an
492 industrially zoned area, then you're free to deny it. So, that's where we find ourselves today, and I
493 can answer any other questions you may have.

494

495 **MAYOR GOODMAN**

496 All right. Thank you very much. All right. Well, we have the, both positions have been put
497 forward rather forth rightly. And do you have any questions of either of the gentlemen?
498 Councilman Brown.

499

500 **COUNCILMAN BROWN**

501 Thank you, Your Honor. Mr. Lewis, can you explain, there was some reference to the local
502 authorities' mission or purpose.

503

504 **JAMES LEWIS**

505 Yes.

506

507 **COUNCILMAN BROWN**

508 And –

509

510 **JAMES LEWIS**

511 And Mr. Mayor, if I may. What – I need to find the PRB1. Okay. What the applicant was reading
512 from was the opinion that was given by the FCC in 1985 when the Amateur Radio Board went to
513 ask the FCC for a determination and declaration as to what does the, what do these certain
514 regulations mean. What he read to you was one of the regulations that they were in fact trying to
515 interpret. And let me – read it to you again.

**CITY COUNCIL MEETING OF
January 17, 2007**

VERBATIM TRANSCRIPT – ITEM 111- SUP-15027

516 **JAMES LEWIS**

517 Do you have it there?

518

519 **STEVEN PORTNOFF**

520 What do you want, the RB1 (sic) 2000 (inaudible)?

521

522 **JAMES LEWIS**

523 Yes, the thing that you had with it.

524

525 **STEVEN PORTNOFF**

526 That's exactly what I read. It's 2000.

527

528 **JAMES LEWIS**

529 Yeah, right. Right. Let me – read this again. This was, and tell me, Councilman, if this what it is

530 you're asking. Local regulations within, which involve placement, screening or height of the

531 antenna is based upon health, safety, aesthetic considerations must be crafted to accommodate

532 reasonably amateur communications. Is that the one?

533

534 **COUNCILMAN BROWN**

535 Continue.

536

537 **JAMES LEWIS**

538 The Commission, okay and then he's got some words here. Oh, this is – quoting PRB1 from the

539 2000, that was the 2000 reconsideration. The Commission adopted the limited preemption policy

540 for amateur communications because there was a strong federal interest in promoting amateur

541 communication. We do not believe that a zoning regulation that provides extreme or excessive

542 prohibition could be deemed to be a reasonable accommodation.

CITY COUNCIL MEETING OF
January 17, 2007

VERBATIM TRANSCRIPT – ITEM 111- SUP-15027

543 **COUNCILMAN BROWN**

544 But I understand a reasonable accommodation, but maybe Mr. Portnoff can help out. On two
545 occasions you referenced something about the local authorities' purpose or mission.

546

547 **STEVEN PORTNOFF**

548 You're, you, if I can find the exact, but the local authorities over legislating or regulation has a
549 balancing act, is where you're coming from. And this stems back to PRB1 1985. If I might, PRB1
550 2000 was an opinion or memorandum that was tried to be reshoved down the FCC's throat.

551

552 **COUNCILMAN BROWN**

553 I understand and I've heard what you've said. All I need to hear again is the context of –

554

555 **STEVEN PORTNOFF**

556 Okay.

557

558 **COUNCILMAN BROWN**

559 – that language. And the only thing I caught was the local authorities' purpose or mission or sense
560 of life. Somewhere in there it was referenced twice. I needed to know what context that was
561 given.

562

563 **STEVEN PORTNOFF**

564 A governing body shall not adopt an ordinance, regulation or plan or take any other action that
565 precludes amateur service communications. Was that the one?

566

567 **COUNCILMAN BROWN**

568 No.

569

570 **STEVEN PORTNOFF**

571 Okay.

**CITY COUNCIL MEETING OF
January 17, 2007**

VERBATIM TRANSCRIPT – ITEM 111- SUP-15027

572 **COUNCILMAN BROWN**

573 I think I heard this twice. Is that your prepared text?

574

575 **STEVEN PORTNOFF**

576 Would you like my text to skim through?

577

578 **COUNCILMAN BROWN**

579 Could I take a look at it?

580

581 **STEVEN PORTNOFF**

582 Certainly.

583

584 **COUNCILMAN BROWN**

585 And I would defer until I find it. Thank you, Your Honor.

586

587 **MAYOR GOODMAN**

588 All right.

589

590 **STEVEN PORTNOFF**

591 It's either on that page or the next.

592

593 **MAYOR GOODMAN**

594 No problem. All right. Any other questions at this time.

595

596 **COUNCILMAN BROWN**

597 Your Honor, here we go.

598

599 **MAYOR GOODMAN**

600 Okay.

**CITY COUNCIL MEETING OF
January 17, 2007**

VERBATIM TRANSCRIPT – ITEM 111- SUP-15027

601 **COUNCILMAN BROWN**

602 It's, rather it must reasonably accommodate such communications and must constitute the
603 minimal practical or regulation to accomplish the state or local authorities' legitimate purpose. If
604 you could, and that's in that first paragraph –

605

606 **JAMES LEWIS**

607 Right. I –

608

609 **COUNCILMAN BROWN**

610 – could you give some insight on that, context –

611

612 **JAMES LEWIS**

613 Thank you.

614

615 **COUNCILMAN BROWN**

616 – as far as our legitimate purpose.

617

618 **JAMES LEWIS**

619 Yes, certainly, Councilman Brown, through you, Mayor. The, your legitimate purpose is – it is
620 when we're talking about what it is you do up here; the health of your citizens, the safety of your
621 citizens, and the general welfare of your citizens. Aesthetics falls within the police power. And
622 so, they use those few words to explain a lot of words, which is what it is you do on a daily basis
623 up here. That mission, that purpose is to make sure that you balance the amateur radio operator's
624 needs to communicate as he sees fit and the public at large.

625

626 **COUNCILMAN BROWN**

627 And that is our legitimate purpose to balance that.

628

629 **JAMES LEWIS**

630 Yes.

CITY COUNCIL MEETING OF
January 17, 2007

VERBATIM TRANSCRIPT – ITEM 111- SUP-15027

631 **COUNCILMAN BROWN**

632 Okay. Thank you, Councilman.

633

634 **MAYOR GOODMAN**

635 All right. This is a public hearing, folks, if anybody would like to be heard, that should certainly
636 go in our equation. Just step up and give us your name, please. Be happy to hear from you.

637

638 **SUSAN BROWN**

639 Doctor Susan Brown, 2201 Country Cottage Court; it's a property about 50 yards from the
640 proposed site of the tower. I met Mr. Portnoff last night for the first time at our community
641 meeting. And he seems like a very nice man and all of us in the community would love to see
642 him come and build his home. However, we are in vigorous opposition to this tower for many
643 reasons. I don't want to belabor the point that it is an eyesore that it's, it will be unappealing
644 characteristic for the neighborhood. We respect Mr. Portnoff's enthusiasm and passion for his
645 hobby, but we have serious concerns about the tower and are opposed.

646 I'd also, I don't wanna belabor the aesthetics point because, obviously, you hear a lot of that, but
647 two other concerns that are of primary importance to us are, number one, these type of towers are
648 well-known to produce a lot of interference in the area with other electronic equipment. I, myself,
649 am a physician. I provide emergency services in the evening and I need my cell phone to work. I
650 need my communications equipment to work and Mr. Portnoff isn't able to give us any concrete
651 assurance that his activity with his hobby wouldn't interfere with those type of functions.

652 There're also several people in the community which, who have implemented medical devices in.
653 I don't see many of them here today, but they had also expressed concern about possible
654 interference with their medical devices that are implanted.

655 And second of all, I'd just like to point out that in this specific area we have a situation where
656 there are tandem high power lines, which run down Lisa and which also run down Durango
657 surrounding our properties. And those already admit, emit a relatively high amount of, I guess,
658 what's referred to as electromagnetic radiation. This is a known cause of deleterious health
659 effects, so much so that the FCC has maximal exposure levels which must be adhered to. And I
660 haven't heard anyone address what the addition of a high output tower like Mr. Portnoff's on top

CITY COUNCIL MEETING OF
January 17, 2007

VERBATIM TRANSCRIPT – ITEM 111- SUP-15027

661 of the exposure that we get from those power lines, would do to our cumulative exposure in the
662 area. And I thank the Council for their time.

663

664 **MAYOR GOODMAN**

665 All right. Thank you very much. Anybody else want to be heard? See, my problem, and hearing
666 the Doctor make her presentation, she raises three issues that, basically, are hypothetically. We
667 don't have any empirical data, other than, you know, your representation that there may be issues
668 concerning interference with yourself, the electromagnetic issue. And of course, those things are,
669 or the, an implement, those – things are true, then that's something we should worry about. I
670 don't know whether we have enough. I think right now we're stuck with aesthetics, unless you
671 disagree.

672

673 **JAMES LEWIS**

674 Mr. Mayor, if that question is directed at me, you've got, yes, aesthetic is a large part of – what it
675 is you're going to be thinking about and discussing today. You, you're also, you can also take
676 into consideration the wom, the Doctor's comments. Do we have any empirical evaluation of
677 those comments? No, we do not. So –

678

679 **MAYOR GOODMAN**

680 No, I mean I've heard similar things, but I don't know whether they're truthful or not,
681 particularly about the electromagnetic wires. I've heard that for years, but I – don't know whether
682 that's ever been a proven fact. But I'm – concerned that if we rely on that, that that may not be a
683 legitimate basis. I'm more concerned with the aesthetics. Of course, the Councilman knows that
684 Ward better than we do and knows the neighborhood better than we do. So, we have to look to
685 you for some guidance here.

686

687 **COUNCILMAN WOLFSON**

688 Thank you Mayor Goodman. First of all, Mr. Portnoff, I'd like to thank you for participating in
689 this process. I know it hasn't been an easy one. You've been to a couple of Planning Commission
690 meetings, to Council, neighborhood meetings and back to Council again, over a six or eight-

**CITY COUNCIL MEETING OF
January 17, 2007**

VERBATIM TRANSCRIPT – ITEM 111- SUP-15027

691 month period, and I just kind of think that the system works. Right or wrong, whether you agree
692 with our decision or not, we try to give you a fair opportunity to present your side of the case, and
693 I think you have.

694 I'd like to thank you Mr. Lewis for your input. You've been working on this for a long time.
695 Doug Rankin, there you are, Doug, I'd like to thank you as well. It's been kind of joint effort to
696 come to where we are today.

697 We did have a neighborhood meeting last night and I'd guesstimate there were about 20 to 25
698 people, and almost universally, the people that attended the meeting were in opposition to the
699 tower. I mean, we discussed the wall, fence, gate; we discussed your overhang as well, but
700 certainly the central issue for discussion is this antenna.

701 I do have a couple of petitions. First of all, I'd like to make part of the record our sign-in sheet
702 for the neighborhood meeting last night, if I could add that to the record.

703

704 **MAYOR GOODMAN**

705 All right.

706

707 **COUNCILMAN WOLFSON**

708 Secondly, I have two separate petitions and I'm told that on these petitions, one petition contains
709 36 signatures in opposition to the antenna tower; and the other one contains 17 persons in
710 opposition. I'd like to make these part of the record as well. Thank you.

711

712 **MAYOR GOODMAN**

713 All right, be made part of the record.

714

715 **COUNCILMAN WOLFSON**

716 And then finally, is there any way that we could have this put on the overhead, Roni? Margo, did
717 you have one 'cause I'd like to be able to refer to mine. It's right, a couple of, Jim, if we could
718 use Margo's so, I can refer to this, thank you.

719 A number of things came out at the meeting last night. And if we could zoom in just a little,
720 thank you. Certainly the subject property is that square right in the center but to the immediate

CITY COUNCIL MEETING OF
January 17, 2007

VERBATIM TRANSCRIPT – ITEM 111- SUP-15027

721 east or left on the screen is a set of newly constructed Richmond American Homes, thank you.
722 And I don't know how many homes there are. I guess maybe 40 homes or so, and we sent out
723 notices for purposes of our neighborhood meeting. I don't think anybody from Richmond
724 American attended, and I think my best guess would be that, I don't think escrow has closed on
725 any of those homes. So the Assessor's records don't have any new individual owners; they only
726 have Richmond American homes. And the point is that Mr. Portnoff's property is directly
727 adjacent to single family residents that are very close to each other and directly, potentially,
728 impacted by this antenna. Certainly, if you look to the north, those are two or three or four
729 residential streets, somewhat dense. And then to the east, both north and south, those are a little
730 larger properties. But this is truly a residential area, no doubt. We did, your first proposal, Mr.
731 Portnoff was for an 80-foot tower and this 80-foot tower. Did your first proposal for an 80-foot
732 tower also have the 70 foot antenna elements?

733

734 **STEVEN PORTNOFF**

735 No. It had a different array of arrangement on it.

736

737 **COUNCILMAN WOLFSON**

738 Okay. Well, in any event, what we tried to do is work with you as Mr. Lewis has discussed, and I
739 think at some point in time the City talked about trying to accommodate you with a 40-foot
740 retractable tower.

741

742 **STEVEN PORTNOFF**

743 Uh-huh.

744

745 **COUNCILMAN WOLFSON**

746 Meaning 40 foot in height, the tower, which could be lowered at certain times of the day. In
747 other words, if we thought it was appropriate to allow you to have your tower in a raised position
748 for 12 hours a day or 18 hours a day or whatever, the retractability would allow you to lower it,
749 so that your neighbors and anybody else that, whether it be aesthetic value or there is the danger
750 factor, people are concerned about in- strong winds, this tower being blown over. With a- 40-

CITY COUNCIL MEETING OF
January 17, 2007

VERBATIM TRANSCRIPT – ITEM 111- SUP-15027

751 foot retractable tower, we tried to accommodate you, and apparently that's not acceptable to you
752 and you came back with a 60-foot tower with a 70-foot antenna array, is that right?

753

754 **STEVEN PORTNOFF**

755 Yeah. Can I respond a little bit on that?

756

757 **COUNCILMAN WOLFSON**

758 Sure.

759

760 **STEVEN PORTNOFF**

761 The 40-foot tower, I would be concerned about it falling over in the wind, personally, because
762 their designed to support less antenna array. That's not the reason that was discarded and said no
763 thank you for the offer. I have radios that run 24-7, they're called repeaters, and you do not raise
764 them up and down. They also utilize a transmission line called hard line. Hard line is the same
765 as copper plumbing would be to a water heater in the garage, not flexible but it's rigid. You
766 don't fold it up and down, you'd break the line. The 60-foot tower was come about because the
767 original tower at 80 foot (sic), Planning said that it was not compatible with the neighborhood. I
768 might tend to agree with that. The tower was also physically made smaller from a 36-inch
769 diameter triangle to an 18-inch diameter triangle. The tower was to be a guided tower, meaning
770 it's engineered to handle 90 mile an hour winds. And as I said at last night's Planning
771 Commission, for my almost 35 years of living here, I've not recalled winds above 81, 84 miles an
772 hour in this valley. I clock winds at my own weather station up on Sunrise Mountain right now
773 where I currently live, and the biggest wind up there has been 61 miles an hour in the past 30
774 months. I would only hope that my engineers, the building department are smart enough to build
775 structures that don't come down in the winds, Councilman. So I'm very comfortable about
776 whatever I'm told I have to build, that's what's gonna be built.

777

778 **COUNCILMAN WOLFSON**

779 Certainly appreciate your comments, Mr. Portnoff.

CITY COUNCIL MEETING OF
January 17, 2007

VERBATIM TRANSCRIPT – ITEM 111- SUP-15027

780 **STEVEN PORTNOFF**

781 Thank you.

782

783 **COUNCILMAN WOLFSON**

784 The concern I have is this, is that if you were out in a more rural area, an area to the northwest for
785 example, that we apparently keep drawing on today, where it wasn't as dense. Secondly, if you
786 weren't the last person to join this neighborhood, I mean you- practically are, I mean from, I went
787 out and walked the property myself, and from what I recalled almost everything around you is
788 developed. So you're kind of like the last guy to- move in. Thirdly, we're talking about a tall
789 tower, I mean, no matter what the dimensions are, we're talking about a 60 foot high with a 70
790 foot antenna array, 35 feet in each direction.

791

792 **STEVEN PORTNOFF**

793 Aesthetically it should look more pleasing way up in the air. It should look smaller.

794

795 **COUNCILMAN WOLFSON**

796 Well, okay, but it's gonna be in the center of your backyard and your house is surrounded by
797 other residences. And the people that have spoken to me that lived in this area –

798

799 **STEVEN PORTNOFF**

800 – and two-story houses.

801

802 **COUNCILMAN WOLFSON**

803 Mr. Portnoff.

804

805 **STEVEN PORTNOFF**

806 Sorry.

CITY COUNCIL MEETING OF
January 17, 2007

VERBATIM TRANSCRIPT – ITEM 111- SUP-15027

807 **COUNCILMAN WOLFSON**

808 It's all right. The people that live in this area have spoken loud and clear. I mean I've received
809 emails, I've received telephone calls, we have petitions, we've had a neighborhood meeting, and
810 with very- few exceptions, your surrounding neighbors are against this proposal. Now I fully
811 recognize that there is a need for HAM radio operators for some of the reasons that have been
812 discussed, in case of a God-forbid, an attack where some of our traditional communication
813 equipment goes out, we rely on HAM radio operators, but you're not the only HAM – hand radio
814 operator in the City. I mean you, yourself, have given us pictures of other operators. So
815 personally, God forbid if that act occurs where we need to rely on some HAM radio operators to
816 come to our citizens' aide, and you don't have your radio operating because of no antenna.
817 There's a lot of other people that are out there to help us. It's not like you're the only guy in
818 town and if we don't allow you to put up your antenna, God forbid something happens, we're
819 without help. I mean you, yourself, showed us pictures and we have pictures. There's a lot of
820 HAM radio operators that would step in. So, once again I certainly appreciate what, it's not like
821 you're trying to bring a bad thing to the community, but just the physical thing you're trying to
822 introduce to this community, I don't think is appropriate. So, **my motion would be for denial.**
823 I'm sorry, you want- to respond. Sure.

824

825 **STEVEN PORTNOFF**

826 And to answer two things. The reason the array is so large is because, yes, I probably based on
827 what you've seen, would be the only one in the community that could operate any given band to
828 get out of the city. That's why the array is large. Also, I have been asked to accept the position
829 as Communications Officer for the Military Affiliate Radio Association here in Las Vegas. And,
830 as I said before, I didn't want to blow my horn about this, but Commissioner Goynes said it at
831 Planning, he asked the question, Are you the go-to guy? Are you Mr. Emergency? And I don't
832 want to go there with that, but I have been asked to step into that position. If this doesn't happen
833 at this point, it's not going to happen as fast as it's going to. Now I'm-

CITY COUNCIL MEETING OF
January 17, 2007

VERBATIM TRANSCRIPT – ITEM 111- SUP-15027

834 **COUNCILMAN WOLFSON**

835 You- present that to us after eight months, the last 30 seconds of your presentation with nothing
836 in writing. We've got nothing that- support, I'm not saying you're- misleading us but if you had
837 some letter to give us that showed us that you're the go-to guy. But for you just to come in at this
838 last minute and say that, I just- can't go with it, so with all due respect, **my motion is for denial.**

839

840 **MAYOR GOODMAN**

841 All right, let's vote please. Post. Motion carries. All right, thank you.

842

843 **STEVEN PORTNOFF**

844 Thank you.

845

846 **MAYOR GOODMAN**

847 Good luck to you, Sir.

848

849 **(END OF DISCUSSION)**

850 /ac/lc;yy

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

PLANNING & DEVELOPMENT



DEVELOPMENT SERVICES CENTER

731 S. Fourth Street
Las Vegas, NV 89101

TTY 702-386-9108

Voice:

Administration 229-6353

Comp Planning 229-6022

Current Planning 229-6301

www.lasvegasnevada.gov

November 30, 2006

Mr. Steven Portnoff
1335 Radwick Drive
Las Vegas, Nevada 89110

Re: SUP-15027--Special Use Permit Request
to Allow a Proposed 80 Foot High
Amateur Radio Antenna Tower; Offer of
Reasonable Accommodation

Dear Mr. Portnoff,

This correspondence relates to your special use permit application (SUP-15027) requesting an eighty foot tall amateur radio antenna tower in what will be the rear yard of your primary residence located on the south side of O'Bannon Drive, approximately one hundred-forty feet west of Lisa Lane.

As you are aware, on August 10, 2006, SUP-15027 was considered by the Planning Commission, and that body recommended denial of the application to the City Council. Subsequently, the application was considered by the City Council and the Council voted to remand the application to the Planning Commission for further consideration. Most recently, on November 2, 2006, the Planning Commission reheard the application and voted to continue the public hearing on the application until December 21, 2006, to enable City staff to further communicate with you regarding the City's obligation to make an "offer of reasonable accommodation" pursuant to the mandate of a specific FCC declaratory ruling, commonly referred to as PRB-1 ("PRB-1").

In a nutshell, PRB-1 announced a limited federal preemption of local zoning laws that affect amateur radio communications as follows:

"Local regulations which involve placement, screening, or height of antennas based upon health, safety or aesthetic considerations must be crafted to accommodate reasonably amateur communications . . ."

At the City of Las Vegas, we have chosen to regulate the placement, screening and height of proposed amateur radio antennas greater than 15 feet in height by subjecting the applicant to the discretionary Special Use Permit process in order to reasonably accommodate amateur communications where possible.

Mayor
Oscar B. Goodman

City Council
Gary Reese
(Mayor Pro Tem)
Larry Brown
Lawrence Weekly
Steve Wolfson
Lois Tarkanian
Steven D. Ross

City Manager
Douglas A. Selby



This process permits City staff, as well as the Planning Commission and City Council, to review each request for an amateur radio antenna independently, and decide upon the proper course of action based on the circumstances presented with each particular application. It also allows City staff to attempt to negotiate a satisfactory compromise with the applicant during the pendency of the public hearing process, if necessary.

Based upon your application, and the prior hearings on this matter, it is our understanding that you desire to install an eighty foot triangular tower with a base three feet in diameter in what will be the rear yard of your primary residence. The Planning and Development Department does not believe that this application, which requests a tower that is highly industrial in appearance, is reasonable for your residential neighborhood. Please be advised that there are at least 223 single-family and multi-family dwellings within the one-thousand foot (1000 ft.) radial notice area from your property line.

The Planning and Development Department offers the following reasonable accommodation: the department will fully support your request for approval of an amateur radio antenna tower before the Planning Commission and City Council, provided that the tower is a crank-up or tilt-up antenna, no taller than forty feet from grade when fully extended, and no taller than fifteen feet from grade when not in use. It is our understanding that such an antenna, when fully extended, will be no shorter than the antenna in use at your current residence, and as such, it should appropriately accommodate your ability to engage in amateur radio communications. Because a majority of the homes in your neighborhood are single story residences, an antenna taller than forty feet would be inappropriate.

Please submit a written response to our offer of reasonable accommodation. Once the City is in receipt of your written response, City staff (including our experts in radio communication and amateur radio communication) will be happy to sit down and further discuss our offer prior to your application being heard at the Planning Commission meeting scheduled for December 21, 2006.

Feel free to contact me (229-5408), or Jim Lewis, Deputy City Attorney (229-6629) at any time during normal business hours.

Yours truly,

A handwritten signature in black ink, appearing to read "D J Rankin", with a long horizontal flourish extending to the right.

Doug Rankin
Planning Supervisor
City of Las Vegas
Planning & Development Department

cc: Steve Wolfson, Councilman
Larry Harala, Ward 2 Liaison
Margo Wheeler, Director of Planning and Development
James B. Lewis, Deputy City Attorney

August 1, 2006

To: Council Person Lois Tarkanian

City Council Chambers
400 Stewart Ave
Las Vegas, Nevada 89101

Re: Special Use Permit SUP-15027 A Proposal for 80 foot
high Amateur Radio Antenna Tower located at O'bannon
and Diamond Peak Ct and Diamond Brook Ct.

Dear Council Person Tarkanian

We live in a quiet neighborhood (Diamond Peak Ct and
Diamond Brook Ct) that is located in an area where the land
to the south of us is being developed.

There where two variances that have previously been
discussed and were consider a non issue for our
neighborhood that we did not object to in order to not appear
obstructionists regarding growth in and around our
neighborhood.

Submitted at Planning Commission

Date 8/10/06 Item #53 -
55

We however vigorously object to **A 80 FOOT (8 STORY) AMATEUR RADIO TOWER** being constructed at the end of our streets. There are very few homes on our streets that even have television or small satellite antennas.

Our homes are all 1 story homes and an 80 foot (8 story) radio antenna would be an eye sore to the area. Even the cell phone towers are made to look like trees. Please as our representative disallow this eye sore from being constructed in our 1 story neighborhood atmosphere. Thank you in advance for your help and understanding.

	Name	Address	Phone
Sup.	Tom Reinertson	2005 DIAMOND PEAK CT	683 5515
	Jan Dusen	" " "	682-1108
Sup.	Donna L. Wildt	2012 Diamond PK	838-2682
	Jess Wildt	2012 Diamond PK	838-2682
Sup.	Barbara Nappi	2004 Diamond PK	869 8086
	Mario Haff	2004 DIAMOND PEAK CT	869-8006
Sup.	Thomas J. Foselli	2113 Diamond Peak Ct	243-5525
	Carol Ann Foselli	2113 Diamond PK Ct.	243-5525
	Nancy Ekman	2112 Diamond PK	256-5010

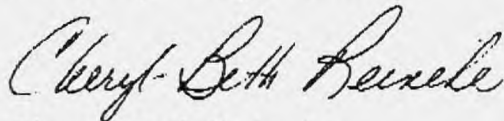
Cheryl-Beth Reineke
2204 Trident Maple Street
Las Vegas NV 89117-1893
702-804-9245
702-804-9247 Fax

August 9, 2006

Dear Planning Commission,

We are adamantly opposed to the approval of the Special Use Request SUP 15027 for an 80 foot amateur radio antenna in an all residential area where the residences don't have or may not allow due to HOA restrictions a TV antenna. The antenna would be an unsightly addition to the neighborhood and would not fit aesthetically.

Sincerely in Opposition,



Cheryl-Beth Reineke

ITEM # 15027
CASE # SUP-15027
PC MTG 8-10-06

Telephone Protest/ Approval Log

Meeting Date: 08/10/06

Case Number: SUP-15027
VAR-14735 VAR-14734

Date: 08/08/06
Name: Guerreiro Diaz
Address: 2173 S. Lisa Lane
L.V. NV 89117
Phone: (702) 400-8245
☒ 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

ITEM NO.: 53 54, 55

CASE NO. VAR-14734, VAR-14735,

PC MEETING: 8/10/06 SUP-15027

August 3, 2006

To The Planning and Development Division:

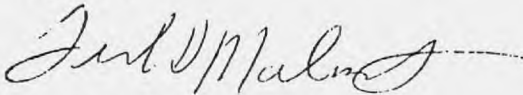
I am writing this correspondence in answer to variance VAR-14734, VAR-14735, and special use permit SUP-15027.

My family resides across the street from described property and we are very opposed to the owner's requests for variances and special uses to the Planning Commission.

1. VAR-14734 and VAR-14735: The placement of a six foot high block wall across the front of said residence in this neighborhood does not aesthetically lend itself to a proper fit. The neighborhood as a whole includes semi-custom and custom homes. The request for home placement so close to easements does not fit aesthetically with the residence styles in this neighborhood.
2. SUP-15027: This request is opposed very vigorously; an 80-foot antenna and accompanying requirements does not fit within this neighborhood. A tower of this magnitude will undoubtedly require on-site down guy supports, possible lighting for air safety, and interior barrier walls for keeping the curious away. This appears to be a hazard area for potential thrill seekers to climb this tower. There is also the possibility of interference with neighborhood telephone and television reception.

Overall, these requests collectively would give the appearance of a mini compound. Something of this sort does not belong in a residential neighborhood. What is to keep thrill seekers attempting to climb this structure? We have young children in this neighborhood, and I feel this would be a temptation. Any protective solutions the property owner could install would also lend itself to a non-residential look for this property.

Regards,



Frank H. Malmstedt, Jr.
2117 Diamond Peak ct
Las Vegas, NV. 89117

ITEM NO.: 53, 54, 55
CASE NO. VAR 14734, VAR 14735,
PC MEETING: 8:10 AM SUP 15027 f

JULY 1, 2006

To whom it may concern..... SLIP-15027

We strongly appose any variance allowing any
80 foot antenna at the south half of SW Section
04 , township 21 south, range 60 east. We live at
8317 Monarch Birch. Thank you..

Robert Worthen Jr

Robert Worthen Jr.

Debra Worthen

Debra Worthen

ITEM # 435
CASE # SLIP-15027
PC MTG 6-10-06

2

August 4, 2006

City of Las Vegas Planning & Development

Re: Case #: SUP-15027

Dear Planning Commission Members,

My name is Hanna Sweis and I live on 2161 S. Lisa Lane, Las Vegas. I am extremely concerned about the intention of Mr. Portnoff to erect an 80 foot Tower right in front of my house, since I live adjacent to his property which he had recently purchased. I have been living in my house for 6 years and value so much the openness in this neighborhood. I looked at his proposal and I see that he is erecting this tower right in my view. Not only it would be an eyesore, but such uncommon elements will affect the value of my property. Eighty foot is extremely high for anything to be in front of anyone, and I doubt it will be acceptable to anyone but Mr. Portnoff. There are many alternatives to this tower which he should consider to exercise his hobby. This is not a ranch neighborhood and houses here occupy ½ acre or less.

I strongly object to this SUP, and I hope that you will deny it.

Best Regards,

Hanna Sweis
2161 S. Lisa Lane
Las Vegas, NV 89117
702-526-5954



RECEIVED

ITEM # 655
CASE # SUP-15027
PC MTG 8-10-06

P

Telephone Protest/ Approval Log

Meeting Date: 08/10/06 PC

Case Number: SUP-15027

Date: 08/02/06
Name: Joe Stockett
Address: 8304 Fullmoon
Maple Ave LV. NV 89117
Phone: (702) 360-8867
☒ PROTEST ☐ APPROVE
Sycamore Space H.O. Assoc.

Date: 08/03/06
Name: Marvin Moraw
Address: 2104 Diamond Peak
LV NV 89117
Phone: (702) 341-8659
☒ PROTEST ☐ APPROVE

Date: 08/04/06
Name: Naomi Sloan
Address: 2124 Diamond Brook
LV. NV. 89117
Phone: (702) 228-9317
☒ PROTEST ☐ APPROVE

Date: 08/04/06
Name: Hanna Sweis
Address: 2161 S. Lisa Lane
LV. NV 89117
Phone: (702) 526-5454
☒ PROTEST ☐ APPROVE
*lives right next door - 80' is too high

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

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

ITEM # 155
CASE # SUP-15027
PC MTG 8/10/06

4?

Planning Commission

Hearing Date: 11/2/06

Applicant: Steven Portnoff

Re: Variance #'s 14734, 14735 + 15027

Commission Members:

I continue to object to these plans. I have been provided no new information which would alter my original objection & do not clearly understand why there is a hearing to rescind the denial.

The applicant should be building in an area which would allow him to do as he wants rather than change the intent and complexion of this area.

Sincerely,

James Fray
8616 Tithenist Circle
Las Vegas, NV.
89117

ITEM # 32, 34, 36
CASE # SEE ABOVE
PC MTG 11/2/06

✓ ~~Tom Reinertson~~
(REINERTSON)

2005 DIAMOND PEAK CT
683-5515

✓ ~~John Reinertson~~

2005 Diamond Peak Ct
682-1108

✓ ~~John Garcia~~

2001 DIAMOND PEAK CT. 233-8130

✓ ~~John Garcia~~

2008 Diamond Peak Ct. 240-2317

Judy Welch 2008 Diamond Peak Ct. 240-2317

✓ Gary J Brooks 2005 Diamond Peak Ct 869-1228

John Lally 2004 Diamond Brook Ct 89117

✓ ~~John Lally~~ 2009 Diamond Brook Ct. 89117

✓ ~~John Lally~~ 2000 DIAMOND BROOK CT 89117
243-7393

✓ ~~John Lally~~ 2000 DIAMOND BROOK CT 89117
243-7393

✓ ~~John Lally~~

2001 DIAMOND BROOK CT 89117

✓ ~~John Lally~~

360-4258

✓ ~~John Lally~~

2017 Diamond Brook Ct. 89117- 228-8365 ✓

✓ Michelle Cannella 2109 Diamond Brook Ct. 89117 360-3587

✓ ~~John Lally~~ 2109 Diamond Brook Ct. 89117 360-3587

✓ Mr + Mrs Morel J. Honore 2113 Diamond Brook Ct.

✓ ~~John Lally~~ 2117 Diamond Brook Ct 89117

✓ ~~John Lally~~ 2116 Diamond Brook Ct 89117

✓ ~~John Lally~~

✓ ~~John Lally~~ 2116 Diamond Brook Ct 89117

✓ ~~John Lally~~ 2112 Diamond Brook Ct 89117

✓ Nora Vios 212 Diamond Brook Ct
 Conrad Vios " " "
 ✓ Francisco Ruano 2125 Diamond Brook Ct
 ✓ Nora A. Fisher 2125 Diamond Brook Ct
 ✓ ~~MARVIN~~ ^{LAURENCE} ~~MORROW~~ 2104 Diamond Peak Ct.
~~MARVIN MORROW~~ " " "
~~MARVIN MORROW~~ 2004 " " "
~~BARBARA HUFF~~ " " "
 ✓ ~~JOSE~~ Donna Wildt 2012 Diamond Peak Ct. 838-2682
 ✓ ~~JOSE~~ H. Wildt 2012 Diamond Peak Ct 838-2682
 ✓ Stuart M. Polson 2013 Diamond Peak Ct. 255-3227
 ✓ Michell Cranciola 2013 Diamond Peak Ct. 255-3227
 ✓ Philip M. Heller 2009 Diamond Peak Ct 233-5795
 ✓ Mark D. Heller 2009 Diamond Peak Ct 233-5795
 ✓ John Keidel 2100 Diamond Peak Ct. 242-0991
 2100 Diamonds Peak Ct. 242-0991
 Whinn M. Keidel
 ✓ Joe Mench 2000 Diamond Peak 360 4961
 ✓ Cynthia Wulfsberg 2109 Diamond Peak (415) 412 8603
 Betty Wulfsberg 2109 Diamond Peak (502) 427-5863
 ✓ SHARON PRIER 2108 DIAMOND PEAK CT 89117 870-5480

ITEM # 26
 CASE # SWP-15027
 PC MTG 11-2-06

17P

Nancy Ehrman

From: "Nancy Ehrman" <nehrman331@earthlink.net>
 To: "Ehrman, Nancy" <nehrman331@earthlink.net>
 Sent: Thursday, October 26, 2006 12:32 AM
 Subject: Objection to Variance proposed by Steven Portnoff.

Dear Mr. Harala and Mr. Grossman,

Once again I strongly oppose the issues raised by Steven Portnoff in the form of variance Sup-15027 which would allow the installation of an 80 ft. amateur radio antenna tower on his property directly across from our homes on Diamond Peak Court. I also object to Var 14735 regarding the set back and also object to the Var 14734 which would propose a 6' wall in the front yard of the property. I live at 2112 Diamond Peak Court, just 2 houses away from Mr. Portnoff's property. He has never talked to any of us, who would be his close neighbors, in regard to his proposed changes and additions to the property or expressed his reasons for wanting the changes.

We have repeatedly voiced our objections to his proposals and have sent signed letters and appeared in person at the evening commission meetings to voice our opposition. We feel that our neighborhood is not the appropriate site for the oversized tower and also feel his requests for walls and set backs are not in keeping with the appearance and well being of the present neighborhood houses and property.

Nancy Ehrman
 2112 Diamond Peak Ct.
 Las Vegas, NV 89117

cc. Las Vegas Planning and Development Department

*Just to make sure you
 get the message.*

ITEM # 36
 CASE # SUP-15027 p
 PC MTG 11-2-06
 (Duplicate)

RECEIVED
CITY CLERK

OBJECTION TO SUP-15027

2006 OCT 31 P 12:09

WE, THE RESIDENTS OF CANYON VIEW ESTATES –
LOCATED NEAR AND AROUND THE SOUTH HALF OF THE
SOUTHWEST QUARTER OF SECTION 04, TOWNSHIP 21
SOUTH, RANGE 60 EAST, M.D.M., DO FORMALLY OBJECT
TO SUP-15027.

CONSTRUCTION OF AN 80 FOOT, EIGHT STORY
AMATEUR RADIO ANTENNA TOWER IS INAPPROPRIATE
IN OUR DENSELY RESIDENTIAL AREA AND WOULD
ADVERSELY IMPACT THE UNIFORMITY AND
ATTRACTIVENESS OF OUR NEIGHBORHOOD.

WE, THE UNDERSIGNED, VIGOROUSLY OBJECT AND
REQUEST THAT THE CITY COUNCIL TURN DOWN ALL
SPECIAL PERMITS AND VARIANCES FOR THIS PROJECT.

ITEM # 36
CASE # SUP-15027
PC MTG 11-2-06

Submitted after final agenda

Date 10/31/06 Item # 35

8P

NAME

ADDRESS

1. LaDonna Gentz 2200 Country Cottage Ct 89117
2. CHARLES R GENTZ 2200 Country Cottage Ct 89117
3. Rebecca Rosen 2241 Country Cottage Ct. 89117
4. Kenneth G. Rosen 2241 Country Cottage Ct. 89117
5. Rick Sealy 2240 Country Cottage Ct 89117
6. Susan Browne 2201 Country Cottage Ct 89117
7. David Bennett 2220 Country Cottage Ct 89117
8. Jennifer Bennett 2220 Country Cottage Ct 89117
9. John Gilt-Grady 2240 Country Cottage Ct. 89117

Dennis C. Haecke

✓ 10.

DENNIS C. HAECKE

2221 COUNTRY COTTAGE

89117

✓ 11.

Penelope C. Houde

2261 Country Cottage Ct. 89117

✓ 12.

William Houde

William Houde

2261 Country Cottage Ct. Las Vegas

✓ 13.

Michael R. Rose

2280 Country Cottage 89117

✓ 14.

Lash Rose

2280 Country Cottage 89117

Dup on
page 1

15.

D. Rose

2201 Country Cottage Ct. 89117

16.

17.

18.

19.

8P

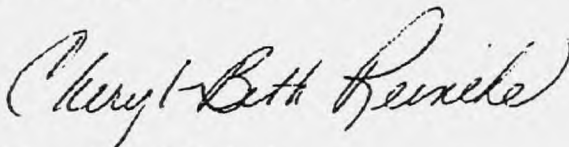
Cheryl-Beth Reineke
2204 Trident Maple Street
Las Vegas NV 89117-1893
702-804-9245
702-804-9247 Fax

November 1, 2006

Dear Planning Commission,

We are adamantly opposed to the approval of the Special Use Request SUP-15027, an 80ft amateur radio antenna in an all residential area. The surrounding residences don't have or may not allow, due to HOA restrictions, TV antennas. There is also concern of transmittal bleed over effecting personal wireless equipment. The antenna would be an unsightly addition to the neighborhood and would not fit aesthetically.

Sincerely in Opposition,



Cheryl-Beth Reineke
Homeowner

ITEM # 36
CASE # SUP-15027
PC MTG 11.2.06

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JANUARY 17, 2007

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

SPECIAL USE PERMIT

SUP-17551 – ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: FAMOUS UNCLE AL'S HOT DOGS - OWNER: VIRGIN TERRITORY, LLC - Request for a Special Use Permit FOR A PROPOSED BEER/WINE/COOLER ON-SALE ESTABLISHMENT IN CONJUNCTION WITH A PROPOSED RESTAURANT at 6020 West Craig Road (APN 138-02-611-006), R-E (Residence Estates) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 6 (Ross). NOTE: THE CORRECT ADDRESS IS 6010 WEST CRAIG ROAD, SUITE #110. The Planning Commission (7-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Backup referenced from the 12-07-06 Planning Commission Meeting Item 3

Motion made by STEVEN D. ROSS to Approve Subject to Conditions and adding the following condition as read for the record:

- A. The hours of operation shall be limited to 8:00 a.m. to Midnight, Monday through Saturday and 7:00 a.m. to 10:00 p.m. on Sundays.

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 1; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-STEVE WOLFSON); (Excused-None)

Minutes:

MAYOR GOODMAN declared the Public Hearing open.

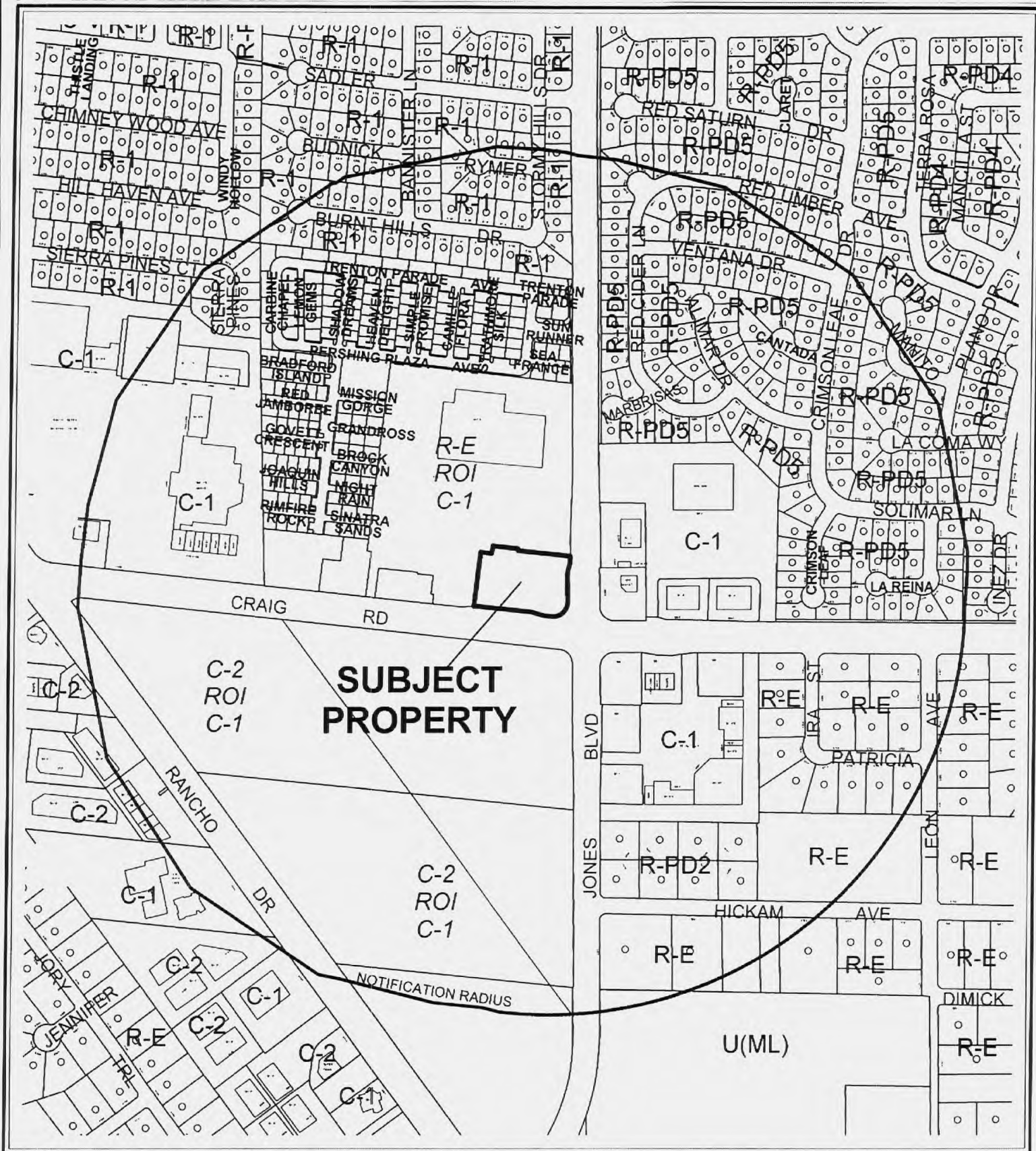
CITY COUNCIL MEETING OF: JANUARY 17, 2007

GUY SHIELDS, 15 Timberline Drive, Cold Creek, Nevada, owner, stated this will be the third establishment, one is in existence; another one is proposed for the Southern Highlands area and the subject location is for the northwest area. He explained some of the additional menu items, and affirmed that his establishments are known for their friendly service, neighborhood environment and the hotdogs are only grilled.

COUNCILMAN ROSS added that the proposed establishment will be in a great location and will be successful.

MAYOR GOODMAN declared the Public Hearing closed.





CASE: **SUP-17551**

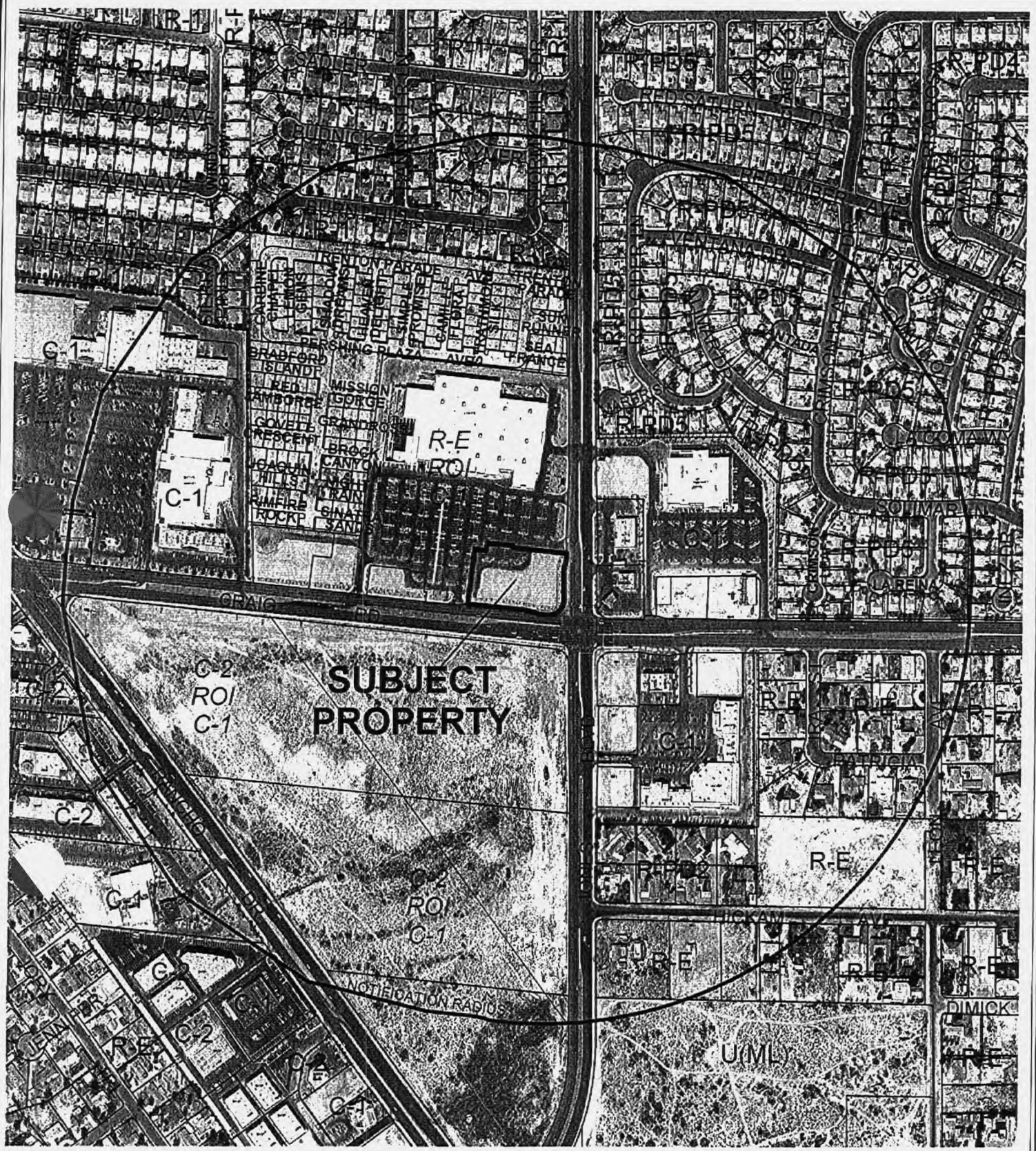
RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY:

R-E (RESIDENTIAL ESTATE) UNDER RESOLUTION OF INTENT TO
C-1 (LIMITED COMMERCIAL)

010000 Feet





CASE: SUP-17551

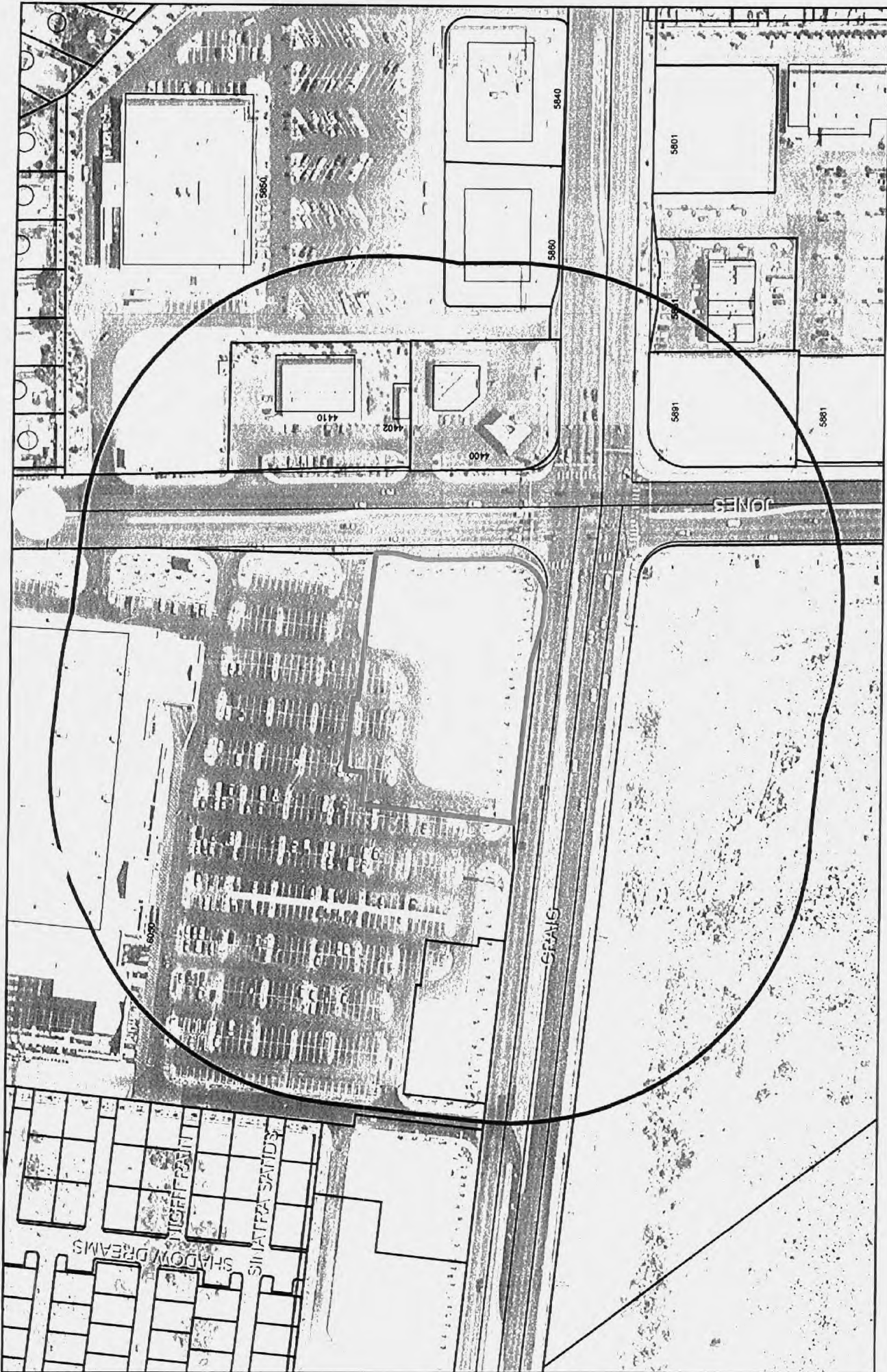
RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY:

R-E (RESIDENTIAL ESTATE) UNDER RESOLUTION OF INTENT TO
C-1 (LIMITED COMMERCIAL)

010000 Feet





SUP-17551

Protected Landuses

- CITY PARKS
- SCHOOLS
- RELIGIOUS

Business Licenses

- Tavern
- Supper Club/ Restaurant Service Bar
- Child Care/ Children Facility

- Subject Property
- 400 foot buffer



AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 17, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - SUP-17551 - APPLICANT: FAMOUS UNCLE AL'S HOT DOGS - OWNER: VIRGIN TERRITORY, LLC

THIS ITEM WAS HELD IN ABEYANCE FROM THE JANUARY 3, 2007 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN ROSS.

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
2. Approval of this Special Use Permit does not constitute approval of a liquor license.
3. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Special Use Permit for a Beer/Wine/Cooler On-Sale Establishment in conjunction with a proposed restaurant in an approved shopping center on 1.8 acres at 6020 West Craig Road, in an R-E (Residence Estates) zone under Resolution of Intent to C-1 (Limited Commercial) zone.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
03/19/03	The City Council approved a General Plan Amendment (GPA-0035-02) to SC (Service Commercial) and a Rezoning (Z-0081-02) to C-1 (Limited Commercial) on this site. The Planning Commission recommended approval on 11/21/02. Staff recommended denial.
10/20/04	The City Council approved a Special Use Permit (SUP-4996) for a home improvement warehouse store and a Site Development Plan Review (SDR-4995) for a 204,193 square-foot commercial development and a waiver of the build-to-line standards on a portion of this site. The Planning Commission recommended approval on 09/23/04. Staff recommended approval.
01/13/05	The Planning Commission approved a Master Sign Plan (MSP-5696) and a Tentative Map for Lowe's Plaza at Craig & Jones (TMP-5698) for a one-lot commercial subdivision which includes the subject site. Staff recommended approval.
12/07/06	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #3/rl).
<i>Related Building Permits/Business Licenses</i>	
08/16/06	A building permit under plan check number L-3253-06 was issued to the owner for Tenant Improvements for Certificate of Completion at the subject site.
<i>Pre-Application Meeting</i>	
09/22/06	A pre-application meeting was held with the applicant at which time the requirements for a Special Use Permit for a Beer/Wine/Cooler On-Sale Establishment was discussed.
<i>Neighborhood Meeting</i>	
	A neighborhood meeting is not required for this application nor was one held.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	1.80
Net Acres	1.79

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped (Approved Shopping Center Pad)	SC (Service Commercial)	R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial)
North	Retail	SC (Service Commercial)	R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial)
South	Undeveloped	SC (Service Commercial)	R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial)
East	Retail	SC (Service Commercial)	C-1 (Limited Commercial)
West	Undeveloped (Approved Shopping Center)	SC (Service Commercial)	R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O Airport Overlay District 140 Foot Buffer	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	NA	78,129 SF	Y
Min. Lot Width	100 Feet	211 Feet	Y
Min. Setbacks			
• Front	20 Feet	20 Feet	Y
• Side	10 Feet	20 Feet	Y
• Corner	15 Feet	20 Feet	Y
• Rear	25 Feet	60 Feet	Y
Max. Lot Coverage	50 %	24%	Y
Trash Enclosure	Enclosed and Roofed	Enclosed, Roofed	Y

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	177, 942 Square Feet	1space/250 Square Feet	698	14	762	19	Y
TOTAL			718		781		Y

ANALYSIS

- General

The subject site is located in the SC (Service Commercial) General Plan designation in the Centennial Hills Sector of the Las Vegas 2020 Master Plan. The proposed Beer/Wine/Cooler On-Sale use is compatible with the SC designation. The subject site is located on a 1.8 acre parcel within a commercial subdivision, legally identified as Lowe's Plaza at Craig and Jones. The proposed establishment will sell wine and beer in conjunction with an Uncle Al's Hot Dogs & Grill Restaurant. The subject suite is approximately 1,200 Square Feet with a public dining area that is 697.1 Square Feet and a kitchen prep and service area of 502.9 Square Feet. The restaurant seats 45 patrons, the minimum allowed as a condition of this Special Use Permit. The applicant meets all requirements of this Special Use, and approval of this request is recommended.

- Zoning

The subject property is zoned C-1 and located within the Lowe's Plaza shopping center. The C-1 zone is intended to provide for a variety of commercial, retail, restaurant and office uses including the proposed Beer/Wine/Cooler On-Sale Establishment, subject to the approval of a Special Use Permit.

- Use

Title 19.20 defines Beer/Wine/Cooler On-Sale Establishment as an establishment whose license to sell alcoholic beverages is limited to the sale of beer, wine and coolers for consumption only in connection with a meal on the premises where the same is sold, and is operated in connection with a restaurant in which 45 or more people may be served with meals at any one time at tables or stools.

- Conditions

BEER/WINE/COOLER ON-SALE ESTABLISHMENT [Special Use in Zones C-1, C-2, C-M, M]

Minimum Special Use Permit Requirements:

(1) Except as otherwise provided in this Chapter, no beer/wine/cooler on-sale establishment (hereinafter "establishment") shall be located within 400 Feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City park.

(2) Except as otherwise provided in Requirement (3) below, the distances referred to in Requirement (1) shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed 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 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 Requirement (1).

(3) In the case of an establishment proposed to be located on a parcel of at least eighty acres in size, the minimum distances referred to in Requirement (1) shall be measured in a straight line:

(a) From the nearest property line of the existing use to the nearest portion of the structure in which the establishment will be located, without regard to intervening obstacles; or

(b) In the case of a proposed 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 establishment will be located, without regard to intervening obstacles.

(4) When considering a Special Use Permit application for an establishment which also requires a waiver of the distance limitation in Paragraph (1), the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.

(5) The minimum distance requirements in Paragraph (1) do not apply to:

(a) An establishment which has a non-restricted gaming license in connection with a hotel having two hundred or more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of two hundred guest rooms after July 1, 1992; or

(b) A proposed establishment having more than fifty thousand square feet of 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.

The proposed use meets all of the distance separation requirements contained above. Further, as a Beer/Wine/Cooler On-Sale Establishment is defined as "An establishment whose license to sell alcoholic beverages is limited to the sale of beer, wine, and coolers for consumption only in connection with a restaurant in which 45 or more people may be served with meals at any one time at tables or stools," it is noted that the floor plan depicts seating for 45 patrons.

FINDINGS

The following findings must be made for a Special Use Permit:

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."
2. "The subject site is physically suitable for the type and intensity of land use proposed."
3. "Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use."
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."
5. The use meets all of the applicable conditions per Title 19.04.

In regard to "1":

The proposed use will be located in a restaurant within the Lowe's Plaza shopping center, which is intended to be a commercial center and contain a variety of commercial uses. This includes the proposed Beer/Wine/Cooler On-Sale Establishment. There are no protected uses located within 400 Feet of Lowe's Plaza, and the proposed Beer/Wine/Cooler On-Sale Establishment; therefore, can be conducted in a manner that is harmonious and compatible with surrounding land uses.

In regard to "2":

With implementation of the proposed conditions, there is no evidence of any physical constraint to the location of the proposed Beer/Wine/Cooler On-Sale Establishment in conjunction with a 1,200 Square Foot Restaurant on the subject site.

In regard to "3":

The subject site is served by Craig Road and Jones Boulevard, both 100-Foot Primary Arterials on the Master Plan of Streets and Highways, and more than adequate to serve the proposed use.

In regard to "4":

This site will be subject to inspections and business licensing requirements and will not endanger the public health or general welfare.

In regard to "5":

The proposed use is in compliance with all conditions of Title 19.04. The site is not within 400 Feet of a church, synagogue, school, child care facility licensed for more than 12 children or a city park. The subject site is a proposed restaurant with seating for 45 patrons in a C-1 zone, which permits this use with a Special Use Permit.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

11

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 292 by City Clerk

APPROVALS 0

PROTESTS 0



VICINITY MAP
NOT TO SCALE

[illegible]

OCT 13 2006



GRAPHIC SCALE
0 25 50
(IN FEET)
1 inch = 50 ft.

APR 4 2008

SUP-17551

VACANT LAND
C-1

VACANT
(ZONED R-E WITH
ACU TO C-2 (OFFICE))



SUP-17551 - APPLICANT: FAMOUS UNCLE AL'S HOT DOGS - OWNER: VIRGIN TERRITORY, LLC
6020 WEST CRAIG ROAD
DECEMBER 7, 2006 PLANNING COMMISSION

11/06/06

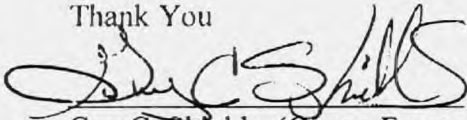
Famous Uncle Al's
Hot Dogs
&
Grill
6010 W. Craig Rd. Suite E-5
Las Vegas Nv. 89130

Justification Letter

Rc: Restaurant Establishment Indoor Beer & Wine Sales

It is the request of Famous Uncle Al's Hot Dogs & Grill @ 6010 W. Craig Rd. Suite E-5 Las Vegas Nv. 89130 to incorporate Indoor Beer & Wine Sales. Famous Uncle Al's Hot Dogs & Grill Restaurants have been operating on the east coast for over twenty years. Present Eastern locations that support existing City policies and regulations have received Franchise & Governmental approval for indoor Beer & Wine Sales. Our franchise has experience and training for the correct handling of Beer & Wine sale. Our location has been carefully chosen for the fact that it meet all of the existing City Las Vegas's policies and regulations for such indoor sales. All owners & employees shall receive the correct Governmental training and certifications for the correct handling of Indoor Beer & Wine Sales.

Thank You



Guy C. Shields (Owner Famous Uncle Al's Hot Dogs & Grill / NV-003)

SUP-17551
12/07/06 PC

RECEIVED
OCT 13 2006

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

CITY OF LAS VEGAS

ONE MOTION / ONE VOTE



Planning and Development Department
Current Planning Division
731 South Fourth Street
Las Vegas, Nevada 89101
(702) 229-6301 Phone (702) 385-7268 Fax

SUBJECT: SUP-17551 - APPLICANT: FAMOUS UNCLE AL'S HOT DOGS - OWNER: VIRGIN TERRITORY, LLC

The above item has been placed on the One Motion/One Vote portion of the Planning Commission Agenda for the **December 7, 2006** Planning Commission meeting. All of these items will be placed at the beginning of the agenda. The Chairman of the Planning Commission will open them at the same time.

Enclosed please find the proposed conditions of approval. If you agree to these conditions, please sign this form and fax it to Dorothy Marsili at 385-7268. If there is no one present at the Planning Commission meeting who wants to discuss this item, you will not be called to the podium to discuss the case. However, you must be present in case any Planning Commissioner or member of the public wants to discuss the item. If you have any questions, please contact my office at (702) 229-6301.

Please sign and date that you have read and agree to the conditions.

A handwritten signature in black ink, appearing to read "Guy C. Shields", written over a horizontal line.

Signature

12-05-06

Date

Guy C Shields

Please print name

Famous Uncle Al's Hot Dogs & Grill

Company Name

Sincerely,

John Korkosz
Planning Supervisor
Current Planning Division

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: JANUARY 17, 2007

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

SPECIAL USE PERMIT

SUP-17729 – ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: MARK JAGET - OWNERS: RICHARD WEISBANT FAMILY TRUST AND 3RD GASS PARTNERS, LLC - Request for a Special Use Permit TO ALLOW A MIXED-USE DEVELOPMENT adjacent to the northeast corner of Gass Avenue and 3rd Street (APNs 139-34-410-112 & 139-34-410-113), R-4 (High Density Residential) Zone under Resolution of Intent to C-2 (General Commercial) Zone, Ward 3 (Reese). The Planning Commission (4-3 vote) recommends DENIAL. Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

The Planning Commission (4-3 vote) recommends DENIAL. Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Revised Plans submitted 12-27-06
6. Submitted at meeting – Proposed construction staging schedule
7. Backup referenced from the 12-07-06 Planning Commission Meeting Item 28

Motion made by GARY REESE to Approve Subject to Conditions

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

MAYOR GOODMAN declared the Public Hearing open.

CITY COUNCIL MEETING OF: JANUARY 17, 2007

ATTORNEY JENNIFER LAZOVICH, 3800 Howard Hughes Parkway, appeared on behalf of the applicant. The applicant has met with residents and effort has been made in addressing their concerns. A formal construction, staging and phasing plan has been submitted to Planning. Because the proposed development is located within the Las Vegas Downtown Centennial Plan, there are no parking requirements. She used the overhead to detail the project. In essence, the residents would like additional parking and the entrance/exit point will be off of Gass Avenue and not 3rd Street. She noted that relocating the access point, an additional parking space on the street is obtained, giving a total of eight spaces. She confirmed for MAYOR GOODMAN that the project is the Factory Lofts and the price points range from \$300,000 to \$900,000, with one parking space for each unit.

ATTORNEY DON TINGEY, 723 South 3rd Street, 39 year resident of Las Vegas, stated that his office is located two inches from the north side of the project. He has been at this location since 1998 and shares the vision for Downtown. ATTORNEY TINGEY thanked COUNCILMAN REESE for visiting the area and assisting in addressing the parking issue should construction take place. He asked for clarification, as it was his and other owners' understanding that there would be no street parking allowed within the 3rd Street block. He believed the subject property would be duplicated in the same area, and parking will continue to be an issue. He also felt that one parking space for each unit would not be sufficient, as other developments, such as So-Ho and Newport, have one and a half parking spaces for each unit with an additional 35 parking spaces for visitors. Eventually there will be no parking on 3rd Street or side streets if the development is approved as proposed. He is concerned with the long term effects of this project and others to come.

TOM TRINISTICH resides with his brother across the street from this project at 722 South 3rd Street. After the meeting with residents, it is his opinion that the residents' concerns still aren't being addressed. Parking is and has been an ongoing issue; this project will bring additional traffic to the neighborhood but should not leave the residents in a lurch. He emphasized that residents are already parking on the streets, as their parking spaces are being utilized. He urged the Council to take into consideration the residents' concerns when deciding on the subject development.

MARGO WHEELER, Director of Planning and Development, verified with staff that neither So-Ho nor Newport developments have 1.5 spaces per unit; it is one per unit and additional parking for the retail area. ATTORNEY LAZOVICH clarified for COUNCILWOMAN TARKANIAN that on site there will be 33 parking spaces, which is not inclusive of the on street parking.

In response to COUNCILMAN BROWN'S inquiry, MS. WHEELER responded that the standard rule in most projects is one space per unit and one to three spaces for each retail use. BART ANDERSON, Public Works, added that a current meeting is scheduled to start updating and implementing a parking plan. He noted that the vision of Downtown entails a major metropolitan city with high rise buildings, so the idea of one parking space per person will not blend with the vision. He was pleased to hear that a parking analysis was being addressed. MS. WHEELER informed the Councilman that a current larger parking analysis of Downtown is

CITY COUNCIL MEETING OF: JANUARY 17, 2007

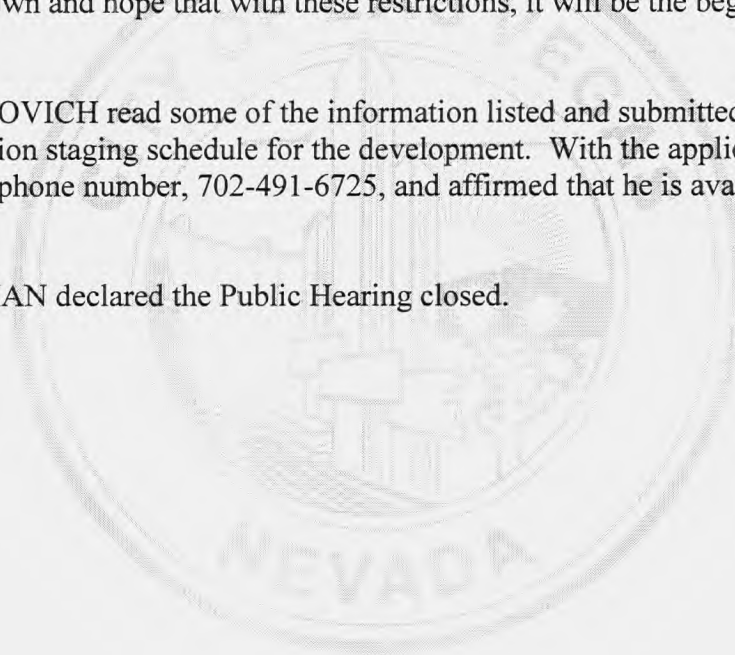
being done, and she would be happy to follow up with Council. COUNCILMAN BROWN asked that the analysis include an evaluation or briefing on downtown, relative to proximity of parking to end users.

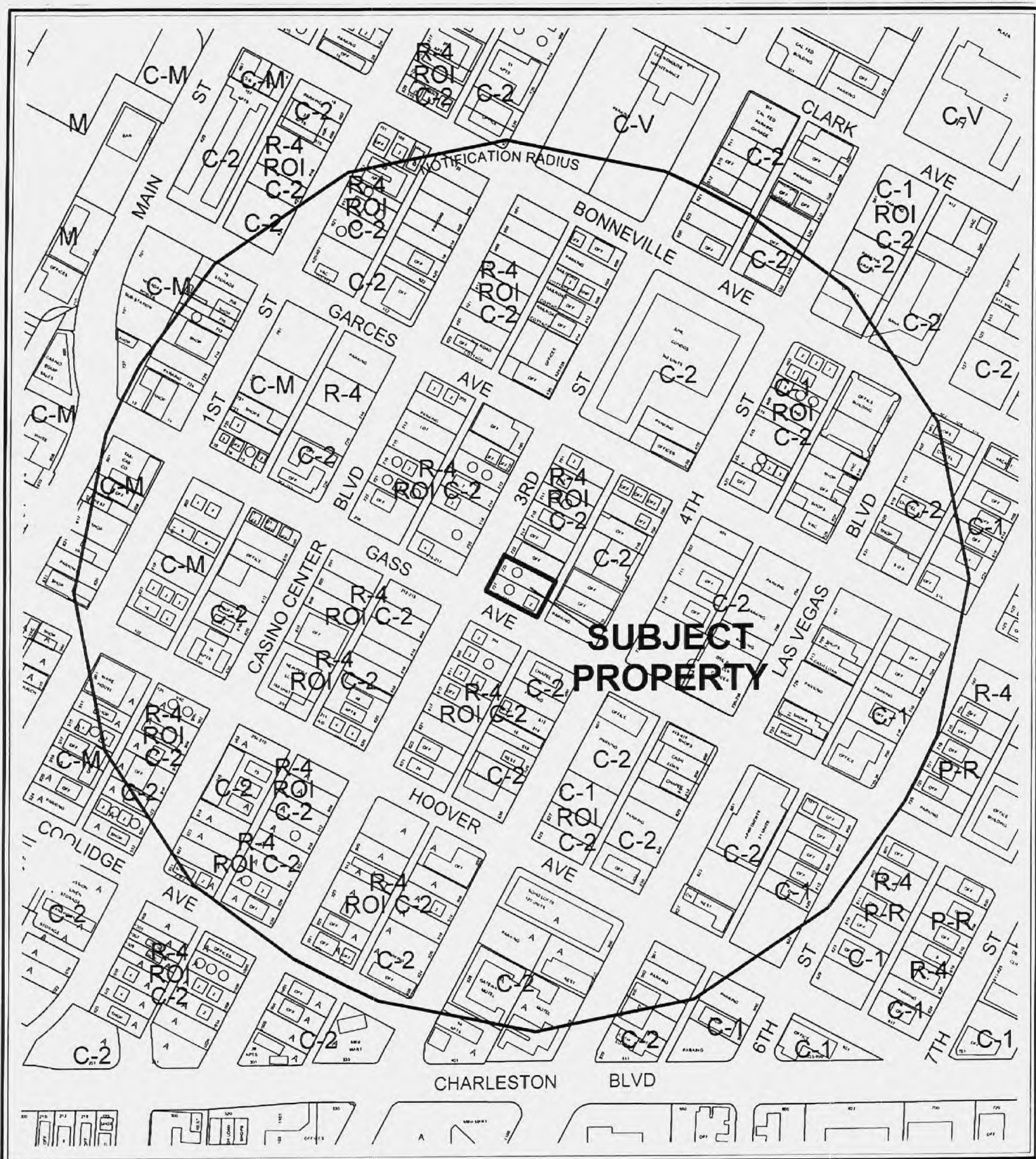
MAYOR GOODMAN added that with big cities and large high rise projects, individuals do not have vehicles. They sell their vehicles and walk to work. He is concerned with on-street parking, as it would be an issue if there were not any available.

COUNCILMAN REESE commented he visited the subject area and understands the parking issue. However, he believed the parking was limited due to the construction workers utilizing the parking spaces. As a result, he requested the following: a) 2-hour parking signs be placed in front of the residences and businesses and b) parking permits be supplied to the residents for their visitors. He agreed with ATTORNEY TINGEY and MR. TRINISTICH'S comments and believed they were valid; he stressed the importance of doing what we can to keep these individuals downtown and hope that with these restrictions, it will be the beginning in addressing these issues.

ATTORNEY LAZOVICH read some of the information listed and submitted for the record the proposed construction staging schedule for the development. With the applicant's approval, she announced his phone number, 702-491-6725, and affirmed that he is available to the residents.

MAYOR GOODMAN declared the Public Hearing closed.





CASE: **SUP-17729**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

R-4 (HIGH DENSITY RESIDENTIAL) UNDER RESOLUTION OF INTENT TO
C-2 (GENERAL COMMERCIAL)

0 100 200 Feet





CASE: **SUP-17729**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

R-4 (HIGH DENSITY RESIDENTIAL) UNDER RESOLUTION OF INTENT TO
C-2 (GENERAL COMMERCIAL)

0 100 200 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 17, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - SUP-17729 - APPLICANT: MARK JAGET -
OWNERS: RICHARD WEISBANT FAMILY TRUST AND 3RD GASS PARTNERS,
LLC

*THIS ITEM WAS HELD IN ABEYANCE FROM THE JANUARY 3, 2007 CITY COUNCIL
MEETING AT THE REQUEST OF THE APPLICANT.*

**** CONDITIONS ****

The Planning Commission (4-3/se, rt, ds vote) recommends DENIAL. Staff recommends APPROVAL subject to:

Planning and Development

1. Conformance to the conditions set for in Site Development Review (SDR-17731).
2. This approval shall be void two year from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a mixed-use, low-rise (five stories) residential development with 2,029 square feet of retail space available on the ground floor in a new building at the northeast corner of Third Street and Gass Avenue in downtown Las Vegas. The building is designed to reflect a warehouse-type loft residential development. There are several floor plans within this 30-unit development with several being of a "skip stop" layout offering both north and south views. A landscaped amenity area is located above the garage on the second floor that will include a pool. Roof signage is being proposed as an architectural element to reflect a 1940's style Las Vegas design. In addition, a companion application request for a Site Development Review (SDR-17731) has been filed. A Special Use Permit is required for the mixed-use nature of this project.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12-10-64	City Council rezoned the entire downtown including subject properties.
12/07/06	The Planning Commission recommended denial of companion item SDR-17731 concurrently with this application.
	The Planning Commission voted 4-3/se, rt, ds to recommend DENIAL (PC Agenda Item #28/yk).
<i>Pre-Application Meeting</i>	
10/12/06	The applicant met with staff concerning the development of a mixed-use project on commercially zoned property. The applicant was informed of the Special Use Permit requirement for the proposed mixed-use residential/commercial development and the standards for a Site Development Review application. A waiver for the required loading zone would be required and the applicant was informed that the proposed roof signage was problematic and should be reconsidered.
<i>Neighborhood Meeting</i>	
NA	NA

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	.60 acres
Net Acres	.32 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Apartments	Commercial	R-4 (High Density Residential)
North	Office	Commercial	C-2 (General Commercial)
South	Apartments	Commercial	R-4 (High Density residential)
East	Office/Parking Lot	Commercial	C-2 (General Commercial)
West	Apartments	Commercial	C-2 (General Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown Centennial Plan	X		Yes
Redevelopment Plan Area	X		Yes
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Downtown Overlay District	X		Yes
G-O Gaming Enterprise Overlay District		X	NA
A-O Airport Overlay District	X		Yes
H Historic Designation		X	NA
Downtown Casino Overlay District		X	NA
Live/Work Overlay District	X		Yes
Las Vegas Boulevard Scenic Byway Overlay District		X	NA
Trails		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

DEVELOPMENT STANDARDS

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	NA	13,655 sf	Yes
Min. Lot Width	NA	100 feet	Yes
Min. Setbacks			
• Front	NA	None	Yes
• Side	NA	None	
• Corner	NA	None	
• Rear	NA	None	
Min. Distance Between Buildings	NA	None	Yes

Max. Lot Coverage	100% allowed	100%	Yes
Max. Building Height	No limit	80 feet	Yes
Trash Enclosure	Required	Yes	Yes
Mech. Equipment	Screened	Yes	Yes

Per Title 19.08: All structures located in the Downtown Overlay District are exempted from the automatic application of the building height, building setback, lot coverage provisions and residential adjacency standards.

Streetscape Standards	Required	Provided	Compliance
Downtown Centennial Plan	5-foot amenity zone and 11-foot sidewalks	5-foot amenity zone and 11-foot sidewalks	Yes

This project meets the Downtown Centennial Plan streetscape requirements by providing five Southern Heritage Live Oak trees along the Gass Avenue frontage and providing three Deglet-Noor Date Palm trees along the Third Street frontage. Additional landscaping is located on the second floor amenity area on the north and east elevations of the structure.

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Residential (studio & 1 bedroom)	20	1.25 + one guest/6	28	2	28	2	Yes
Residential (2 bedroom)	10	1.75 + one guest/6	21	1	0	0	No
Retail	2,029 sq. ft.	1 per 175 sq.ft.	12	1	0	0	No
SubTotal			61	4	28	2	No
Loading Spaces		3			0		No

Projects located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of parking requirements. The applicant is justifying providing no parking for the retail portion of this project due to the availability of on-street parking, nearby availability of parking in paid garages and the location of mass transit lines along Las Vegas Boulevard and Casino Center Boulevard. Staff concurs with this portion of the application. The fact that a service alley is adjacent to the project justifies the lack of loading spaces and staff concurs.

Staff is concerned with the lack of stacking space before the security gates, especially on the Third Street entrance. Staff recommends that the Third Street entrance be converted to an exit only and that the garage opening off of the alley be used only for an entrance which would allow some stacking room off of the street via the service alley. All electronic security gates must have written approval by City of Las Vegas Traffic Engineering prior to being permitted.

Third Street Roof Sign: [19.14.(F).10]			
Standards		Allowed	Provided
Maximum Number		1 / Street frontage 1 total	1 total
Maximum Area		20% of elevation up to a maximum of 150 SF.	35 SF
Maximum Height		8 feet above top of wall	Shall be below 8 feet above the top of the wall
Minimum Setback		NA	NA
Illumination		Internal, External	Internal non-flashing red neon

Gass Avenue Roof Sign: [19.14.(F).10]			
Standards		Allowed	Provided
Maximum Number		1 / Street frontage 1 total	4 / Street frontage 4 total
Maximum Area		20% of elevation up to a maximum of 150 SF.	84 SF total for all four signs
Maximum Height		8 feet above top of wall	Shall be below 8 feet above the top of the wall
Minimum Setback		NA	NA
Illumination		Internal, External	Internal non-flashing red neon

ANALYSIS

The mixed-use retail/residential nature of this project conforms with the mixed-use standards for both the Downtown Centennial Plan and Redevelopment Plan.

The elevation of the proposed building is creative and offers a distinct design element into the downtown that hasn't been seen for many years. The west and south elevations show considerable relief with the recessed balconies. The proposed stone veneer and silver-shaded glass adds a modern feel to the warehouse character of the project. The garage gate on the west elevation is rather plain and will need to be revised showing additional architectural detail. The wrap around canopy over the sidewalk will require an aerial easement from Public Works.

The site plan takes maximum advantage of the limited space with the retail component at the southwest corner of the project and the parking garage wrapping around it. Due to the lack of

stacking for the secured entry off of Third Street, it is advised that this become an exit only with the sole entrance to the garage being off of the service alley on the east side of the project. Written approval from the City of Las Vegas Traffic Engineering is required for the electronically secured garage doors. There are no loading docks being proposed for this project. However, the service alley will provide ample room for trucks to load and unload goods directly adjacent to the east property. A trash chute with access directly off of the service alley is also being provided.

There are 15 floor plans being offered in the 30-unit residential component of the project which provides a wide range of choices ranging from 811 square feet to over 2,100 square feet per unit. There are four "skip stop" units that will provide the residents with both north and south views. The retail will be located on the ground floor facing the west and south. The lobby for the residential units is located off of Third Street and the retail can be accessed from both the lobby and directly off of Gass Avenue.

Five roof-top signs are being proposed for this development. Title 19 allows for one roof-top sign per street elevation. The proposed signage for the west elevation meets this requirement. However, four roof-top signs are being proposed for the Gass Avenue frontage. Staff recommends that these four signs either be consolidated or that the numbers 3, 1, and 0 are removed altogether. The red non-flashing neon may be problematic for neighboring residential units.

FINDINGS:

The following findings must be made for an SUP:

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. *Upon approval of the companion Site Development Review (SDR-17731) the proposed development is compatible with adjacent development and overall downtown development.*
2. The subject site is physically suitable for the type and intensity of land use proposed. *This mixed-use retail/residential property is well suited for its downtown location.*
3. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposal. *The capacity of both Third Street and Gass Avenue are adequate to meet the requirements 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. *An aerial encroachment permit is required for the sidewalk canopy and written approval for the electronic garage doors from the Traffic Engineering Department are required. The development will require building permits from the Department of Building and Safety which will assure the public health, safety and general welfare are secured. Additionally, a detailed construction plan will be submitted and approved by Planning and Development staff prior to construction.*
5. The use meets all of the applicable conditions per Title 19.04. *This project is in conformance with Title 19.04.*

PLANNING COMMISSION ACTION

There were two speakers opposed to the project based primarily upon parking and traffic impacts, especially during construction.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

18

ASSEMBLY DISTRICT 6

SENATE DISTRICT 3

NOTICES MAILED 272 by City Clerk

APPROVALS 0

PROTESTS 1



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-17729 APN: 139-34-410-112
Name of Property Owner: 3rd GMS Partners, LLC
Name of Applicant: MARC JAGET

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: _____

Print Name: MARC JAGET

Subscribed and sworn before me

This 24th day of October, 20 06

Cindy Lou Ord
Notary Public in and for said County and State





PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-17729** APN: 139-39-410-113

X Name of Property Owner: Richard D. Weisbaart and Sharon G. Weisbaart
Co-Trustees of The Richard D. Weisbaart Family Trust
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: _____

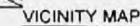
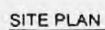
X Signature of Property Owner: Richard D. Weisbaart, Co-Trustee
Print Name: Richard D. Weisbaart, Co-Trustee

Subscribed and sworn before me

This 24th day of October, 2006

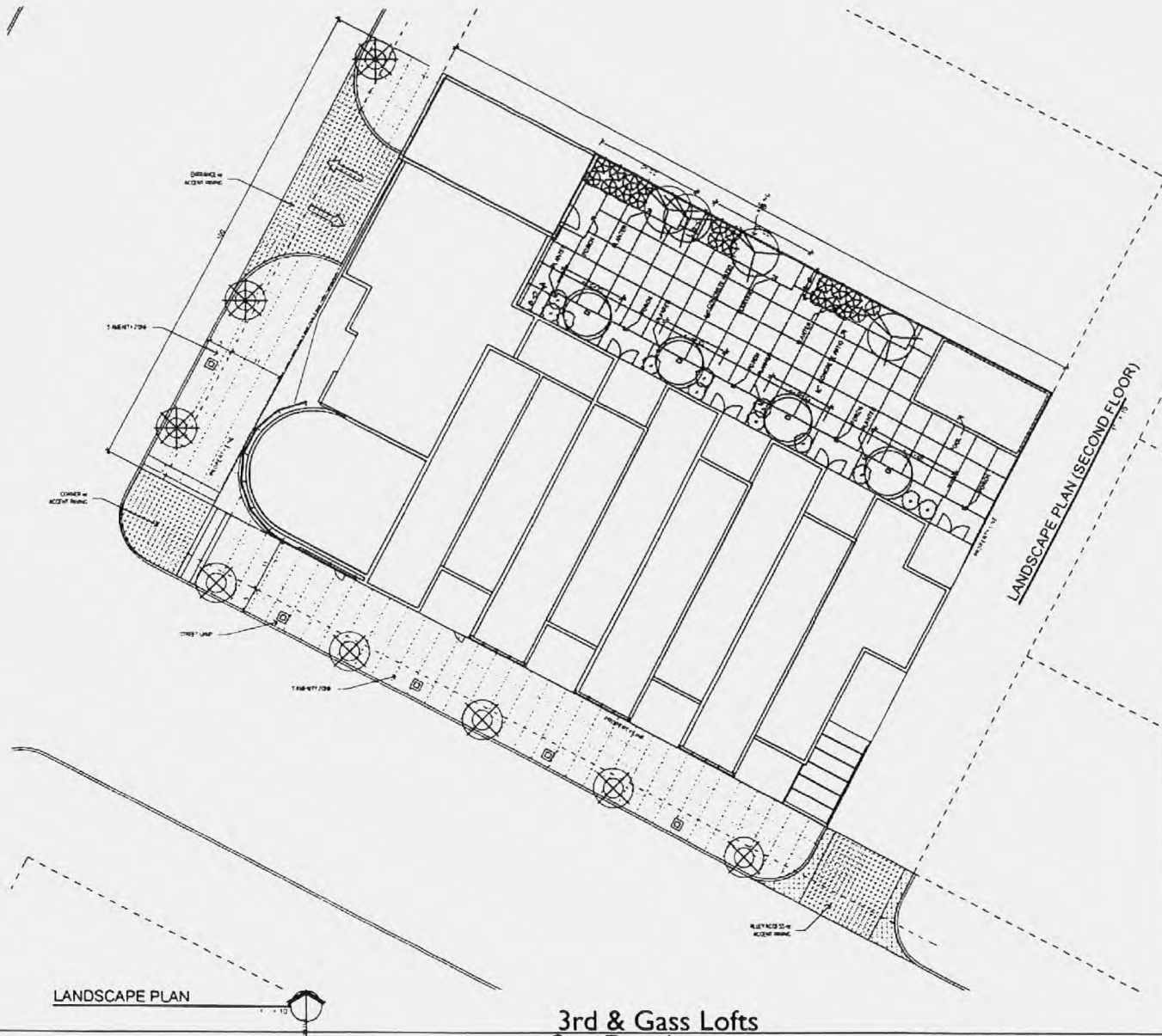
Cindy Lou Ord
Notary Public in and for said County and State





	REQD	PROVIDED
FRONT	3.4'	3.4'
INTERIOR SIDE	3.4'	3.4'
SIDE STREET	3.4'	3.4'
REAR	3.4'	3.4'

DA 9546 Int. & Comp. Lit.



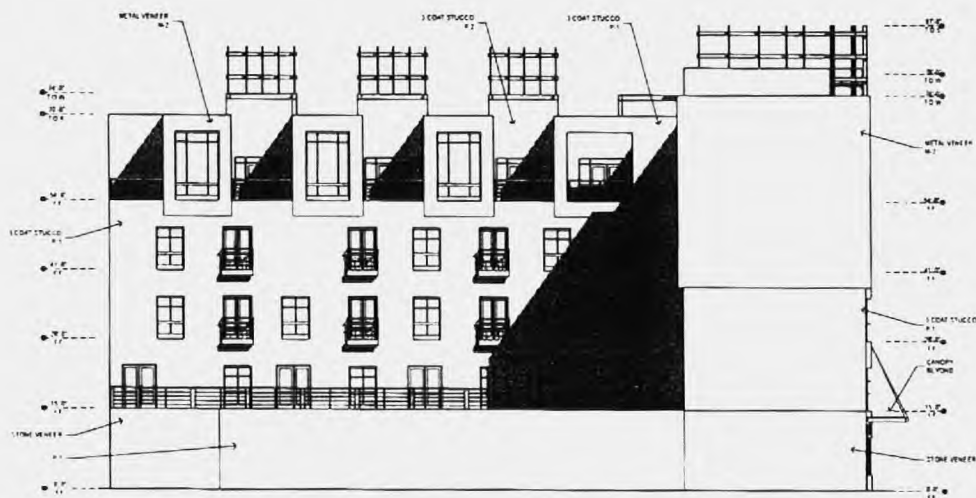
LANDSCAPE SCHEDULE				
TREES				
SYMBOL	COMMON NAME	BOTANICAL NAME	SIZE	QTY
	MONOCOT PINE	Pinus monophylla	24" Box	4
	CHILEAN MESQUITE	Prosopis juliflora	24" Box	4
	PALM	Phoenix	24" Box	1
	HERITAGE LIVE OAK	Quercus agrifolia	24" Box	4
SHRUBS				
	DESERT CACTUS	Cholla	5 gal	20
	MOUNTAIN YUCCA	Yucca montana	5 gal	12
	SALVIA	Salvia	5 gal	4
	CHERRY NETTLE	Prunella	5 gal	4
	MEXICAN SAGE	Salvia mexicana	5 gal	4

APTUSIA Architecture
 1700 South Main Street
 Suite 200
 Las Vegas, Nevada 89101
 P. 702.441.1400
 F. 702.441.1401

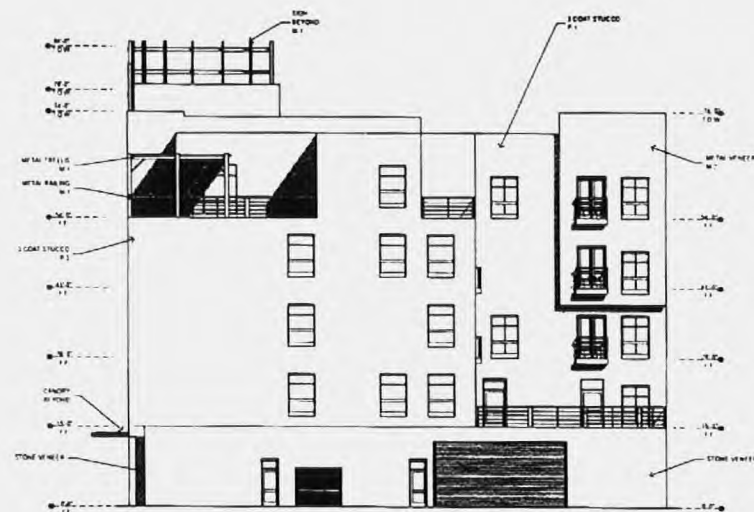
3rd & Gass Lofts
 Site Development
 310 Gass Avenue
 Las Vegas, Nevada 89101

SUP-17729
 SDR-17731
 12/07/06 PC

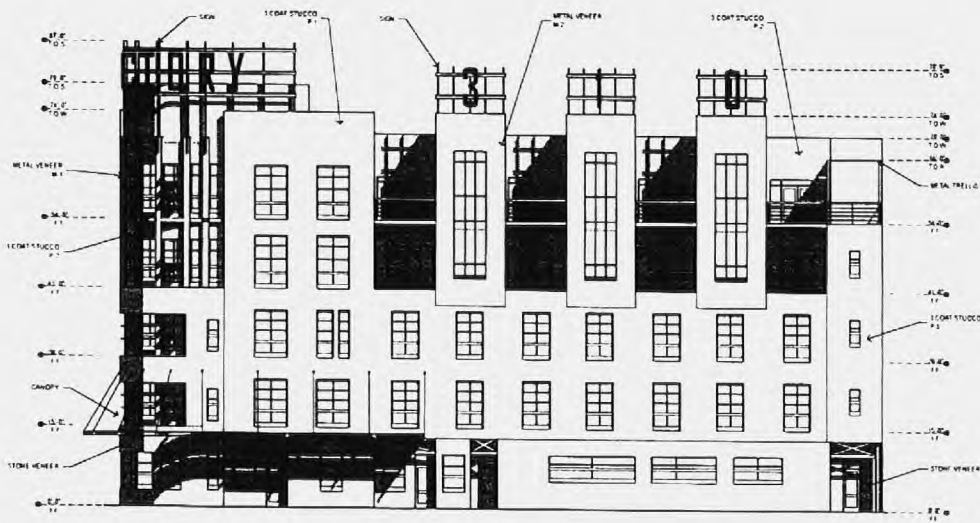
LANDSCAPE PLAN
 L100
 On Site - Land & Clear Utility



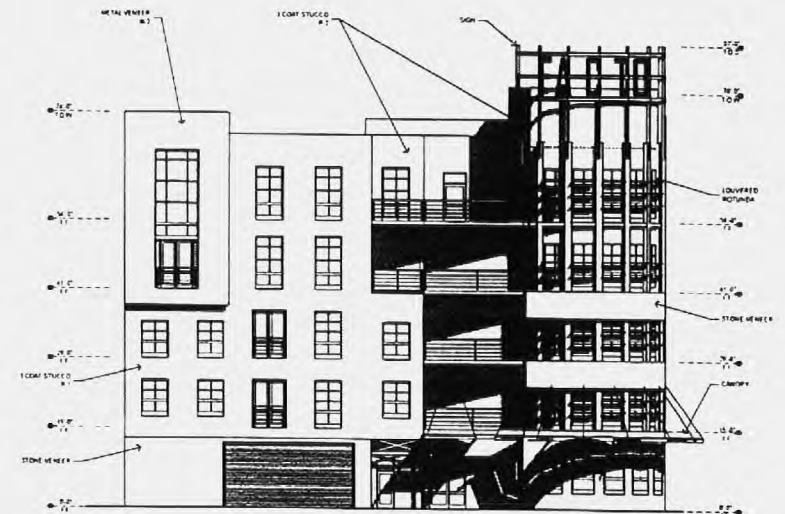
NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION

APTUSIA Architecture
1200 South Main Street
Suite 200
Las Vegas, Nevada 89104
P 702.878.1200
F 702.878.1201

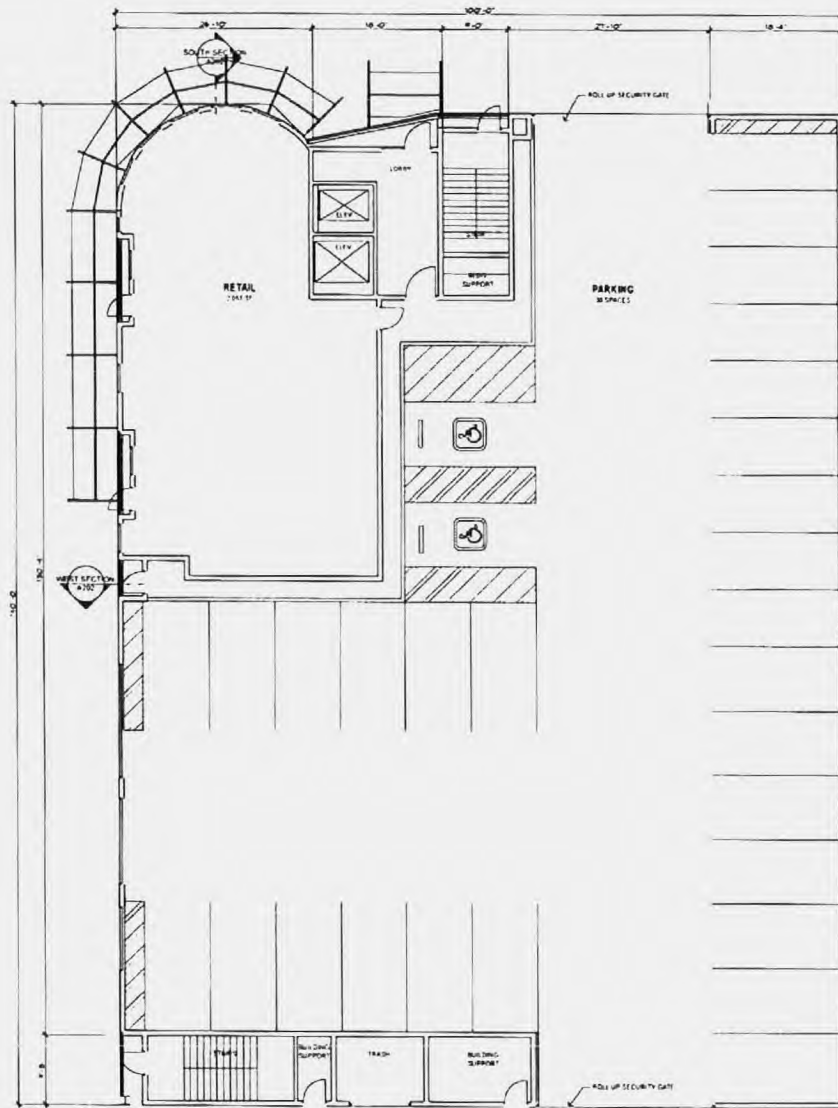
3rd & Gass Lofts
Site Development
310 Gass Avenue
Las Vegas, Nevada 89101

SUP-17729
SDR-17731
12/07/06 PC

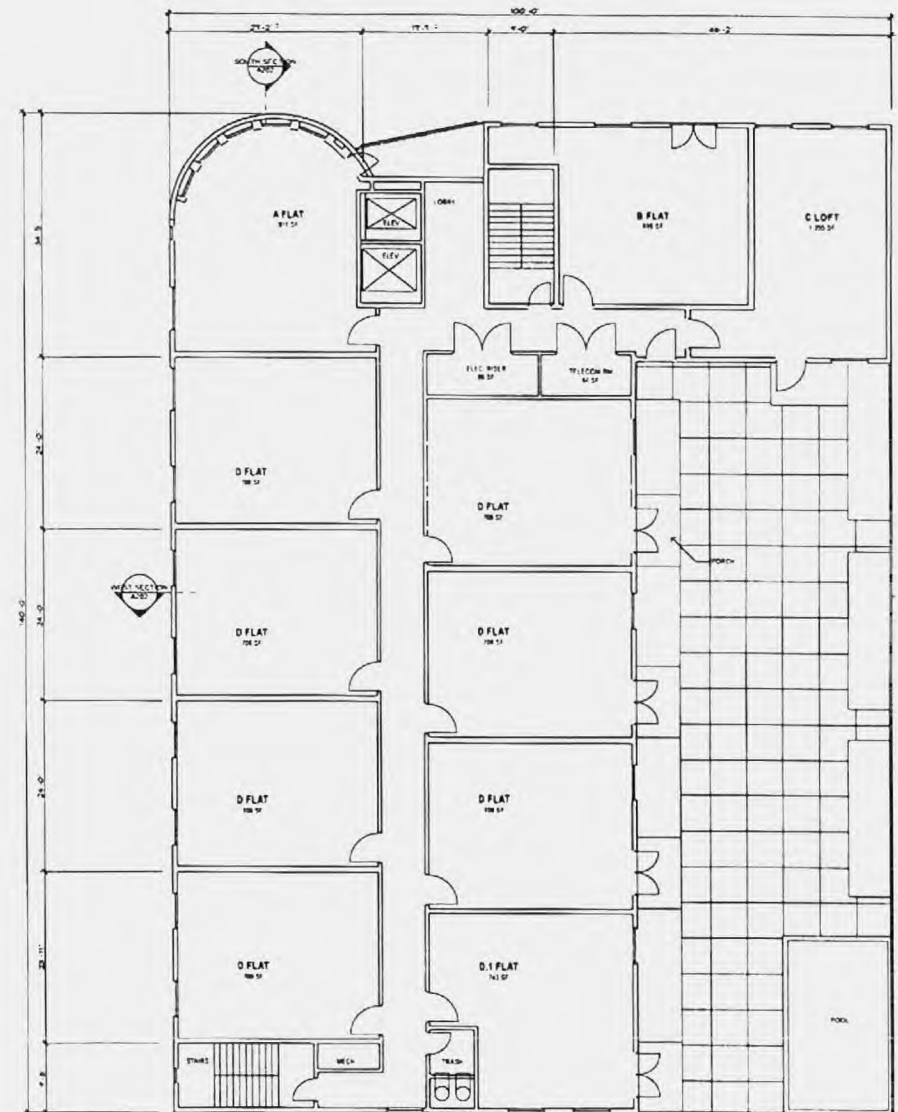
ELEVATIONS

A201

3rd & Gass Lofts



FIRST FLOOR



SECOND FLOOR

FIRST & SECOND
FLOOR PLANS

APTUS Architecture
1300 South Main Street
Suite 100
Las Vegas, Nevada 89101
P 702.429.1289
F 702.429.1273

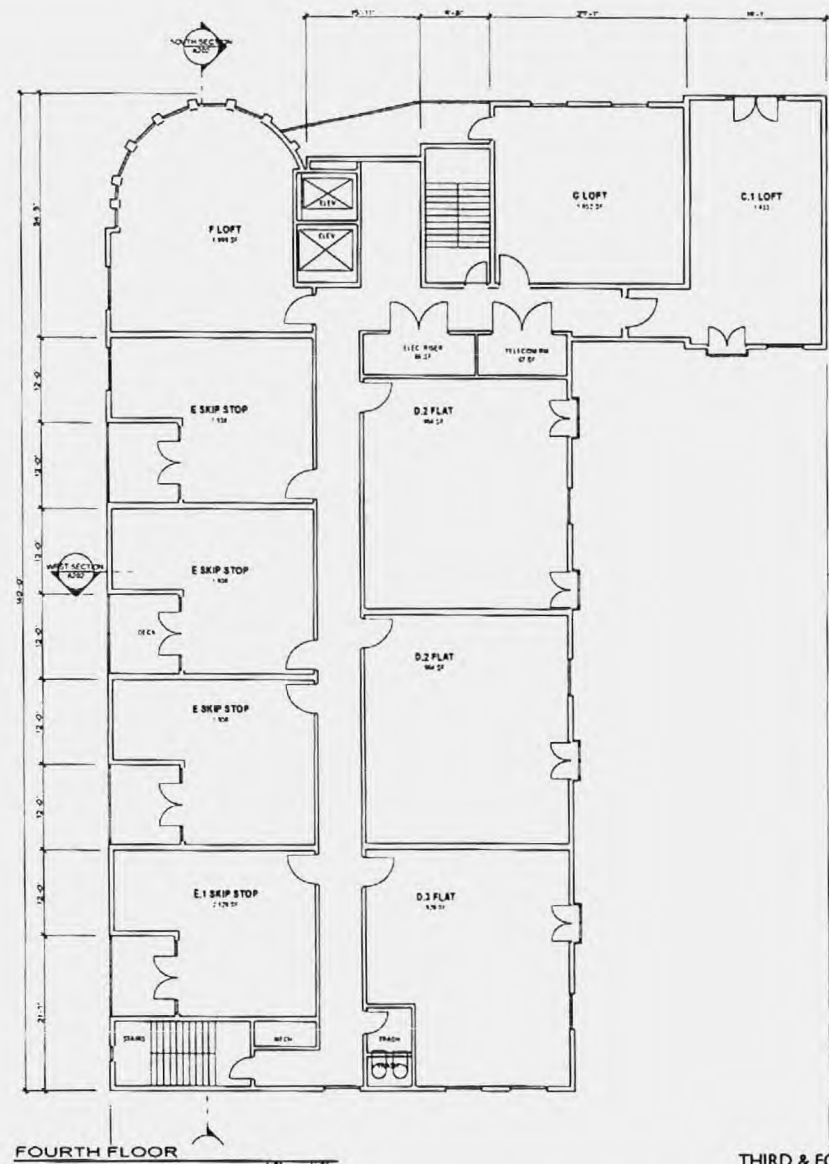
3rd & Gass Lofts
Site Development
310 Gass Avenue
Las Vegas, Nevada 89101

SUP-17729
SDR-17731
12/07/06 PC

City of Clark County
10-1-2006
OCT 24 2006

A100

3rd & Gass Lofts



APTUSIAArchitecture
 1700 Las Vegas Blvd. S. Suite 1000
 Las Vegas, Nevada 89136
 P 702.678.7288
 F 702.678.7277

3rd & Gass Lofts
 Site Development
 310 Gass Avenue
 Las Vegas, Nevada 89101

SUP-17729
SDR-17731
12/07/06 PC

1700 Las Vegas Blvd. S. Suite 1000

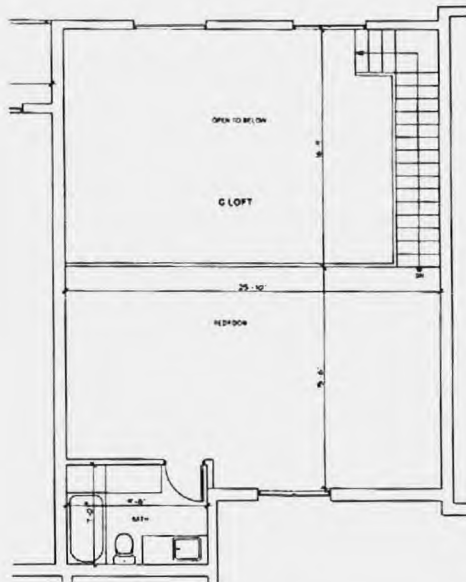
12/7/2006

01-24-2006

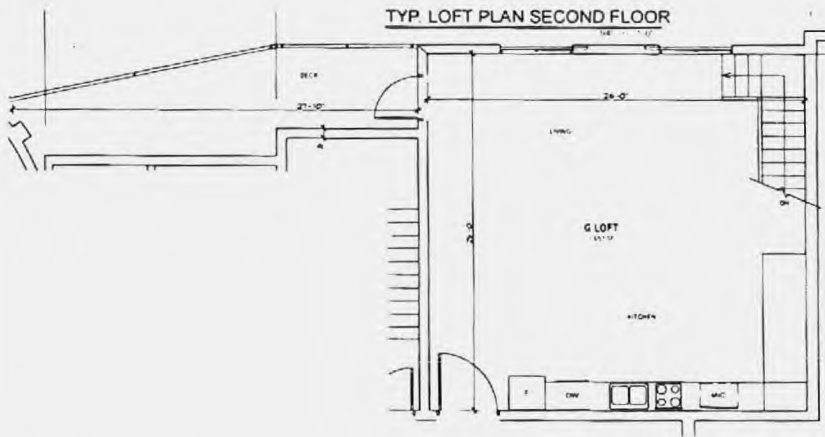
**THIRD & FOURTH
 FLOOR PLANS**

A101

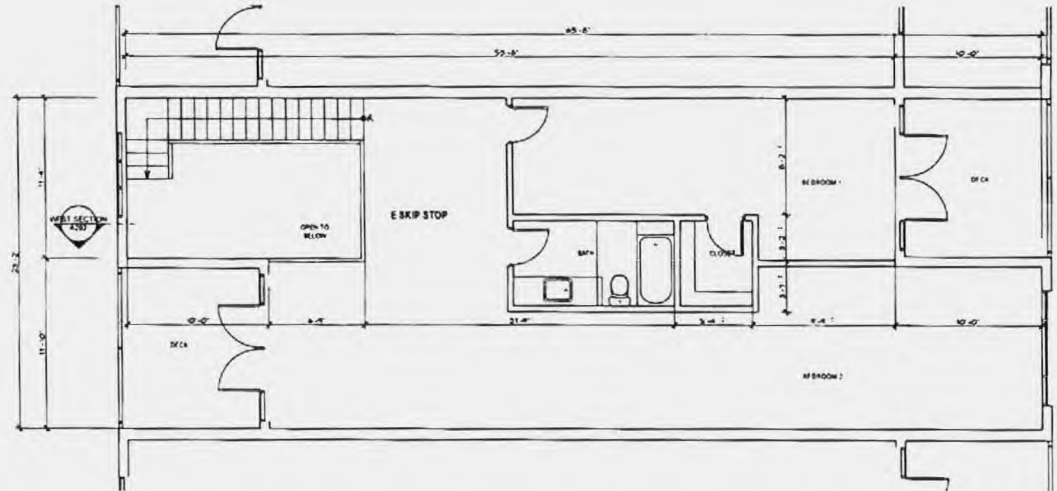
3rd & Gass Lofts



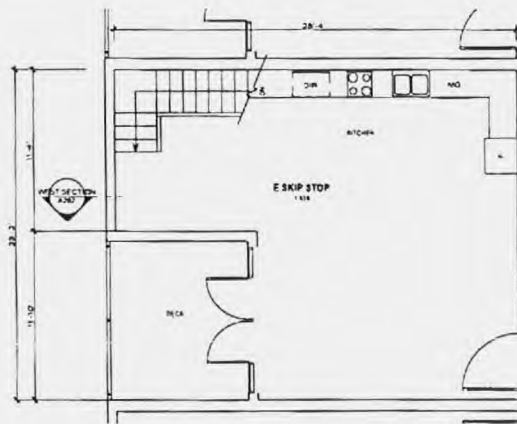
TYP. LOFT PLAN SECOND FLOOR



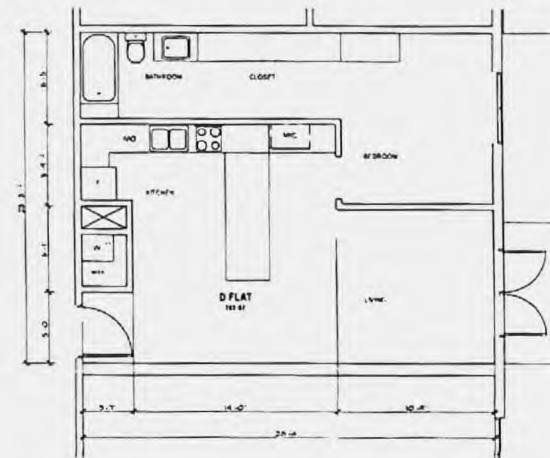
TYP. LOFT PLAN FIRST FLOOR



TYP. SKIP STOP SECOND FLOOR PLAN



TYP. SKIP STOP FIRST FLOOR PLAN



TYP. FLAT PLAN

LOFT AND FLAT PLANS

APTUS Architecture
1800 Sunset Ave. Suite 100
Las Vegas, NV 89102
P 702.878.1802
F 702.878.1803

3rd & Gass Lofts
Site Development
310 Gass Avenue
Las Vegas, Nevada 89101

SUP-17729
SDR-17731
12/07/06 PC

A103

310 Gass Ave. & 3rd St.

12/07/06

APTUS

October 24, 2006

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

APN: 139-34-410-112
139-34-410-113

Re:
Site Development Review

To Whom It May Concern:

We respectfully submit this application for a Site Development Review and Special Use Permit for the project at 3rd and Gass. This project is currently zoned R-4 with ROI C-2 and is in the Downtown Centennial Plan.

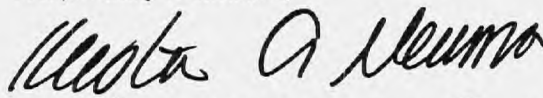
The project is a mixed-use 5 story loft project with ground floor retail located on the corner of 3rd and Gass in the City of Las Vegas. The building contains 30 loft units and 2,029 sf of retail space. The building is approximately 80 feet in height. We are providing parking for this mixed use development on-site. 30 parking spaces will be provided for the lofts. Public parking for the retail is provided along 3rd Street and Gass Street. Public transportation is also available on Las Vegas Boulevard. Parking for this facility should not be a problem considering the amount of existing parking in close proximity to the new development.

Ingress and Egress into the parking will be off of 3rd Street and through the alley off of Gass. The garage is gated with remote access for residents. The gated parking will provide security and safety for the residents. There are only 30 units providing a limited amount of ingress and egress traffic.

The owner desires to recall the heritage of Las Vegas and also to recreate the loft style buildings of warehouse and industrial districts. The buildings design is created with great care in order meet these requirements. The West and South Elevations have roof top signage to recall the 40's and 50's view of downtown Las Vegas and to incorporate the loft style. The signs add great character to the buildings facades while also breaking the roof line of the building adding to a much more interesting and exiting downtown city horizon.

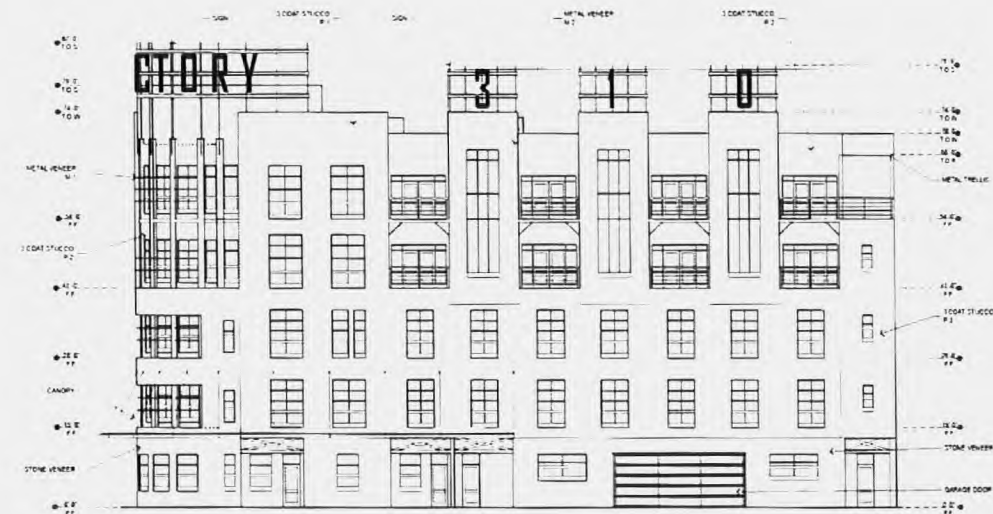
We have made every attempt to try and follow City of Las Vegas Title 19 as well as the Centennial Plan as closely as possible in the design and layout of this site. We hope that you will join us in our attempt to bring much-needed high caliber product into downtown and to Las Vegas residents.

Respectfully Submitted,


for R. Brandon Sprague

R. Brandon Sprague, AIA

SUP-17729
SDR-17731
12/07/06 PC



SOUTH ELEVATION



WEST ELEVATION

REVISED

RECEIVED

DEC 27 2006

APTUS Architecture
1300 South Main Street
Suite 100
Las Vegas, Nevada 89104
P: 702.679.1200
F: 702.679.1211

3rd & Gass Lofts
Site Development
310 Gass Avenue
Las Vegas, Nevada 89101

ELEVATIONS

A201

3rd & Gass Lofts

SUP-17729 SDR-17731 01-03-07 CC

**PROPOSED CONSTRUCTION STAGING SCHEDULE
FOR
FACTORY LOFTS
(NEC OF THIRD STREET AND GASS AVENUE)**

Project Schedule/Timeline

The Project timeline is an estimate based upon calculated conjectures. Such figures should not be considered absolute and may be subject to change. The projected schedule and timeline are as follows:

Design Phase: Estimated four (4) months.

Permitting Phase: Estimated three (3) months, with cooperating civil approvals.

Construction Phase: Estimated ten to twelve (10-12) months, not including TI build-outs.

Construction Phase includes the supply and install of all labor, materials and equipment within the following scope to include: site work, concrete, masonry & stone, metals, woods & plastics, moisture & thermal protection, doors & windows, finishes, specialties, equipment & cabinetry, elevators & conveying systems, mechanical and electric.

Total Scheduled Timeline: Estimated at seventeen to nineteen (17-19) months.

Project Staging

Construction staging, parking and storage of construction materials shall take place on the property located at:

817 S. Third Street and 821 S. Third Street
APN: 139-34-410-106 & 107

The staging of the Project will include the storage and set up of heavy machinery, business modules or trailers, certain raw materials and parking of vehicles by general contractor and identified sub-contractors.

Security

When the project is two-thirds complete, security will be provided (at night).

Contact information

The developer of the project, David Jaget, can be contacted at 702-491-6725.
The general contractor of the project, Vanguard Construction.

Submitted to City Council
Date 1/17/2007 Item 113

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

NOVEMBER 27, 2006

PLANNING AND DEVELOPMENT DEPT.
CURRENT PLANNING DIVISION
DEVELOPMENT SERVICES CENTER
731 S. FOURTH STREET
LAS VEGAS 89101

RE: SUP-17729 AND SDR-17731

WE WOULD LIKE TO VOICE OUR CONCERNS ABOUT THIS DEVELOPMENT. WITH THE PROJECT TO BE BUILT ON THE HEAVILY TRAVELLED INTERSECTION OF THIRD AND CASS, WE WOULD HOPE THE BUILDING IS SITUATED IN SUCH A WAY AS TO ^{NOT} BLOCK VISIBILITY OF THE TRAFFIC APPROACHING THE INTERSECTION ON CASS. THIS IS A DANGEROUS INTERSECTION NOW, WITH CARS RUNNING THE STOP SIGN. ANY DECREASE IN VISIBILITY WOULD ONLY ADD TO THE PROBLEM.

AS TO THE ENTRANCE AND EXIT TO THE PARKING LOT FACING THIRD STREET: THIS DRIVEWAY WOULD BE IN CLOSE PROXIMITY TO OUR DRIVEWAY ACROSS THE STREET FROM THE PROJECT SITE. SINCE WE NOW EXPERIENCE DELAYS BACKING-OUT OF OUR OWN DRIVEWAY, WE WOULD PREFER TO SEE THE ENTRANCE AND EXIT FROM THE BUILDING BE ON THE ALLEY SIDE ONLY, AWAY FROM EXISTING TRAFFIC. OR, AS AN ALTERNATIVE ENTRY AND EXIT ON THE ALLEY AND ON CASS AVENUE.

CURB-SIDE PARKING ON THIRD STREET AND CASS AVENUE IS EXTREMELY LIMITED. THE DEVELOPERS

HAVE NOT PROVIDED ANY PARKING FOR THE 2,200 SQUARE FEET OF RETAIL SPACE IN THEIR PROJECT. THIS WOULD MEAN THAT ANY CAR TRAFFIC THE RETAIL PROJECT ATTRACTED WOULD BE COMPETING FOR THE ALREADY INADEQUATE PARKING. WITH THIS IN MIND, WE WOULD BE AGREEABLE TO METERED PARKING ENFORCED BY THE CITY, ON SOUTH THIRD STREET AND EAST CASS AVENUE ADJACENT TO THE PROPERTY ON WHICH THE PROJECT WILL SIT. THIS WOULD ENSURE A TURN-OVER OF THE PARKING SPACES, INSTEAD OF THE ALL-DAY PARKING THAT EXISTS NOW.

WE BELIEVE THAT THE PROPOSED 30 PARKING SPACES FOR 30 UNITS IS INADEQUATE. IN ALL LIKELY HOOD, SEVERAL, IF NOT ALL, OF THE UNITS WILL HAVE MORE THAN ONE CAR. THERE IS NO PLACE FOR ANY "OVER-FLOW" PARKING ON THE STREET, SUCH AS FOR VISITORS, GUESTS OR MORE THAN ONE CAR PER UNIT. WE FEEL THIS INADEQUACY MUST BE ADDRESSED. OUR NEIGHBORHOOD CANNOT ABSORB ANY MORE CARS. THE OTHER LFT DEVELOPMENTS IN OUR AREA PROVIDE TWO PARKING SPACES PER UNIT. WE WOULD LIKE TO SEE THIS INADEQUATE PARKING ISSUE CORRECTED.

RESPECTFULLY,
THOMAS N. TRINAYSTICH
THOMAS N. TRINAYSTICH
733 SO. THIRD STREET
LAS VEGAS 89101

ITEM # 58 + 29
CASE # SWP-1729 + SDR-1731
PC MTG 12.7.06

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JANUARY 17, 2007

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-17729

SDR-17731 – ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: MARK JAGET - OWNERS: RICHARD WEISBANT FAMILY TRUST AND 3RD GASS PARTNERS, LLC - Request for a Site Development Plan Review FOR A FIVE STORY MIXED-USE DEVELOPMENT WITH 30 APARTMENTS AND 2,200 SQUARE FEET OF RETAIL AND A WAIVER OF THE DOWNTOWN CENTENNIAL PLAN BUILDING STEPBACK REQUIREMENT on 0.31 acres adjacent to the northeast corner of Gass Avenue and 3rd Street (APNs 139-34-410-112 & 139-34-410-113), R-4 (High Density Residential) Zone under Resolution of Intent to C-2 (General Commercial) Zone, Ward 3 (Reese). The Planning Commission (4-3 vote) recommends DENIAL. Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

The Planning Commission (4-3 vote) recommends DENIAL. Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Revised Plans submitted 12-27-06
6. Backup referenced from the 12-07-06 Planning Commission Meeting Item 29

Motion made by GARY REESE to Approve Subject to Conditions amending Conditions 3 and 7 and deleting Condition 19

3. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 01/16/07, except as amended by conditions herein with no 3rd Street access.

7. Revised elevations shall be submitted to and approved by the Planning and Development Department prior to the time application is made for a building permit to reflect: 1. a revised roof signage plan for the south elevation and; 2. additional architectural detail.

CITY COUNCIL MEETING OF: JANUARY 17, 2007

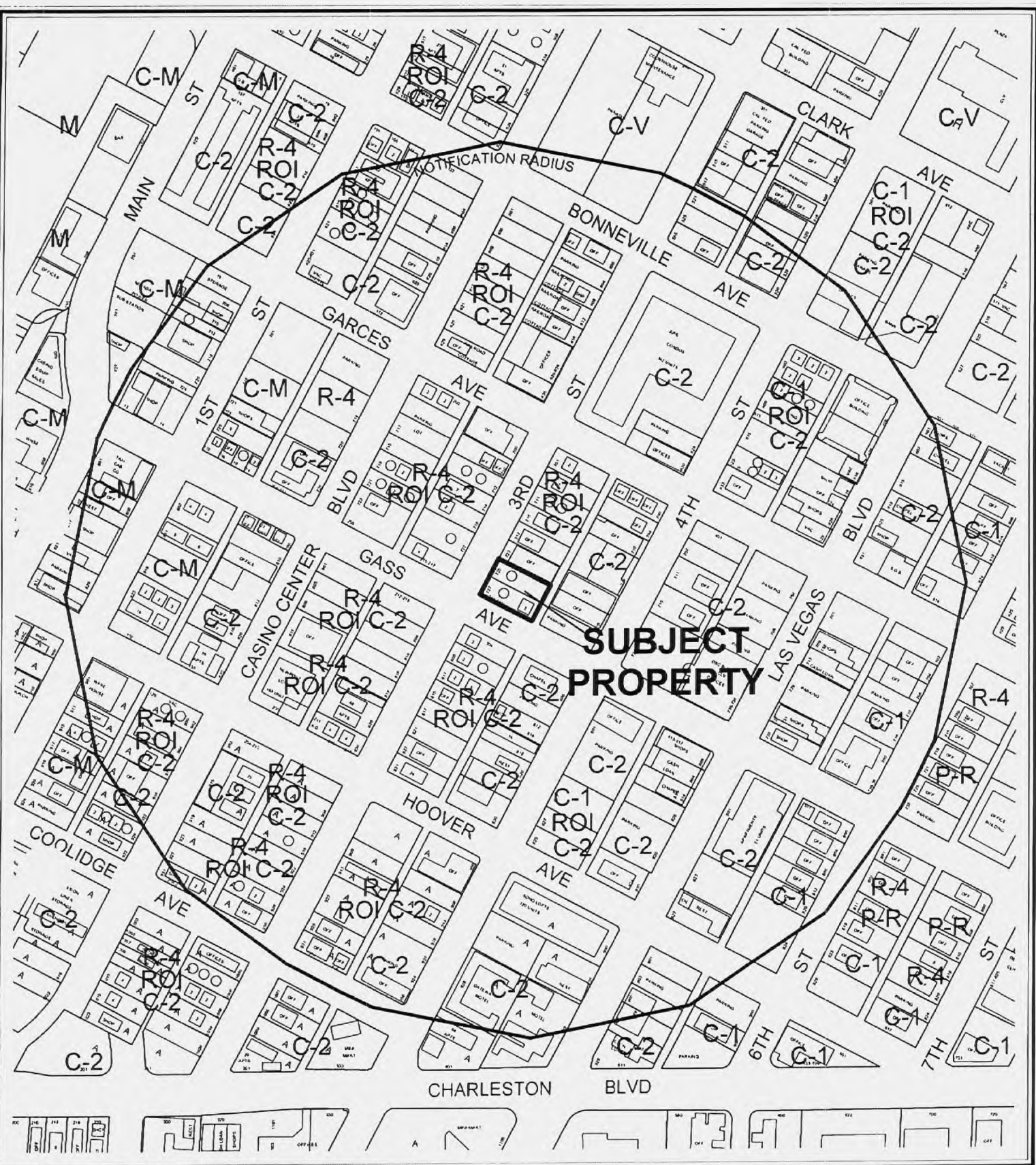
Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

Minutes:

See Item 113 for related discussion.





CASE: **SDR-17731**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

R-4 (HIGH DENSITY RESIDENTIAL) UNDER RESOLUTION OF INTENT TO
C-2 (GENERAL COMMERCIAL)

0 100 200 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 17, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - SDR-17731 - APPLICANT: MARK JAGET - OWNERS: RICHARD WEISBANT FAMILY TRUST AND 3RD GASS PARTNERS, LLC

THIS ITEM WAS HELD IN ABEYANCE FROM THE JANUARY 3, 2007 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

The Planning Commission (4-3/se, rt, ds vote) recommends DENIAL. Staff recommends APPROVAL subject to:

Planning and Development

1. Conformance to the conditions set forth in Special Use Permit (SUP-17729), if approved.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 10/24/06, except as amended by conditions herein.
4. Three Deglet-Noor Date Palm trees at least 25 feet in height shall be installed along the Third Street frontage.
5. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.
6. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
7. Revised elevations shall be submitted to and approved by the Planning and Development Department prior to the time application is made for a building permit to reflect: 1. A revised roof signage plan for the south elevation; 2. An exit only for the Third Street garage opening; and 3. Additional architectural detail.

8. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
9. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
10. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
11. 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.
12. A Comprehensive Construction Staging Plan shall be submitted to the Planning and Development Department for review and approval prior to the issuance of any building permits. The Construction Staging Plan shall include the following information: Design and location of construction trailer(s); design and location of construction fencing; all proposed temporary construction signage; location of materials staging area; and the location and design of parking for all construction workers.
13. Prospective buyers shall be informed that views may be obscured by future adjacent development and this information shall be included in project CC & R's
14. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
15. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

16. Coordinate with the City Surveyor to determine whether a Merger and Re-Subdivision Map or other map is necessary; comply with the recommendations of the City Surveyor.
17. Dedicate a 10 foot-radius on the northeast corner of Gass Avenue and 3rd Street.
18. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current Downtown Centennial Plan standards concurrent with development of this site, except as amended by conditions herein.

19. The proposed driveway on Third Street shall meet the approval of the City of Las Vegas Traffic Engineer prior to the submittal of construction drawings for this site.
20. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
21. Landscape and maintain all unimproved rights-of-way, if any, on Gass Avenue and 3rd Street adjacent to this site.
22. Submit an Encroachment Agreement for all landscaping, if any, located in the public rights-of-way adjacent to this site prior to occupancy of this site. Aerial encroachment shall not be permitted except as allowed by the Downtown Centennial Plan standards. No doors, gates or other such features shall encroach into the right-of-way either in the open or closed position.
23. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans, the issuance of any building or grading permits or the submittal of a map for this site, whichever may occur first. Provide and improve all drainage ways as recommended.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a mixed-use, low-rise (five stories) residential development with 2,029 square feet of retail space available on the ground floor in a new building at the northeast corner of Third Street and Gass Avenue in downtown Las Vegas. The building is designed to reflect a warehouse-type loft residential development. There are several floor plans within this 30-unit development with several being of a "skip stop" layout offering both north and south views. A landscaped amenity area is located above the garage on the second floor that will include a pool. Roof signage is being proposed as an architectural element to reflect a 1940's style Las Vegas design. In addition, a companion application request for a Special Use Permit (SUP-17729) has been filed.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12-10-64	City Council rezoned the entire downtown including the subject properties.
12/07/06	The Planning Commission recommended denial of companion item SUP-17729 concurrently with this application.
	The Planning Commission voted 4-3/se, rt, ds to recommend DENIAL (PC Agenda Item #29/yk).
<i>Pre-Application Meeting</i>	
10/12/06	The applicant met with staff concerning the development of a mixed-use project on commercially zoned property. The applicant was informed of the Special Use Permit requirement for the proposed mixed-use residential/commercial development and the standards for a Site Development Review application. A waiver for the required loading zone would be required and the applicant was informed that the proposed roof signage was problematic and should be reconsidered.
<i>Neighborhood Meeting</i>	
NA	NA

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	.60 acres
Net Acres	.32 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Apartments	Commercial	R-4 (High Density Residential)
North	Office	Commercial	C-2 (General Commercial)
South	Apartments	Commercial	R-4 (High Density residential)
East	Office/Parking Lot	Commercial	C-2 (General Commercial)
West	Apartments	Commercial	C-2 (General Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown Centennial Plan	X		Yes
Redevelopment Plan Area	X		Yes
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Downtown Overlay District	X		Yes
G-O Gaming Enterprise Overlay District		X	NA
A-O Airport Overlay District	X		Yes
H Historic Designation		X	NA
Downtown Casino Overlay District		X	NA
Live/Work Overlay District	X		Yes
Las Vegas Boulevard Scenic Byway Overlay District		X	NA
Trails		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

DEVELOPMENT STANDARDS

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	NA	13,655 square feet	Yes
Min. Lot Width	NA	100 feet	Yes
Min. Setbacks			
• Front	NA	None	Yes
• Side	NA	None	
• Corner	NA	None	
• Rear	NA	None	
Min. Distance Between Buildings	NA	None	Yes

Max. Lot Coverage	100% allowed	100%	Yes
Max. Building Height	No limit	80 feet	Yes
Trash Enclosure	Required	Yes	Yes
Mech. Equipment	Screened	Yes	Yes

Per Title 19.08: All structures located in the Downtown Overlay District are exempted from the automatic application of the building height, building setback, lot coverage provisions and residential adjacency standards.

Streetscape Standards	Required	Provided	Compliance
Downtown Centennial Plan	5-foot amenity zone and 11-foot sidewalks	5-foot amenity zone and 11-foot sidewalks	Yes

This project meets the Downtown Centennial Plan streetscape requirements by providing five Southern Heritage Live Oak trees along the Gass Avenue frontage and providing three Deglet-Noor Date Palm trees along the Third Street frontage. Additional landscaping is located on the second floor amenity area on the north and east elevations of the structure.

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Parking Ratio	Required		Provided		Compliance
			Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Residential (studio & 1 bedroom)	20	1.25 + one guest/6	28	2	28	2	Yes
Residential (2 bedroom)	10	1.75 + one guest/6	21	1	0	0	No
Retail	2,029 square feet	1 per 175 square feet	12	1	0	0	No
SubTotal			61	4	28	2	No
Loading Spaces		3			0		No

Projects located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of parking requirements. The applicant is justifying providing no parking for the retail portion of this project due to the availability of on-street parking, nearby availability of parking in paid garages and the location of mass transit lines along Las Vegas Boulevard and Casino Center Boulevard. Staff concurs with this portion of the application. The fact that a service alley is adjacent to the project justifies the lack of loading spaces and staff concurs.

Staff is concerned with the lack of stacking space before the security gates, especially on the Third Street entrance. Staff recommends that the Third Street entrance be converted to an exit only and that the garage opening off the alley be used only for an entrance which would allow some stacking room off of the street via the service alley. All electronic security gates must have written approval by City of Las Vegas Traffic Engineering prior to being permitted.

Third Street Roof Sign: [19.14.(F).10]		
Standards	Allowed	Provided
Maximum Number	1 / Street frontage 1 total	1 total
Maximum Area	20% of elevation up to a maximum of 150 SF.	35 SF
Maximum Height	8 feet above top of wall	Shall be below 8 feet above the top of the wall
Minimum Setback	NA	NA
Illumination	Internal, External	Internal non-flashing red neon

Gass Avenue Roof Sign: [19.14.(F).10]		
Standards	Allowed	Provided
Maximum Number	1 / Street frontage 1 total	4 / Street frontage 4 total
Maximum Area	20% of elevation up to a maximum of 150 SF.	84 SF total for all four signs
Maximum Height	8 feet above top of wall	Shall be below 8 feet above the top of the wall
Minimum Setback	NA	NA
Illumination	Internal, External	Internal non-flashing red neon

ANALYSIS

The elevation of the proposed building is creative and offers a distinct design element into the downtown that has not been seen for many years. The west and south elevations show considerable relief with the recessed balconies. The proposed stone veneer and silver-shaded glass adds a modern feel to the warehouse character of the project. The garage gate on the west elevation is rather plain and will need to be revised showing additional architectural detail. The wrap around canopy over the sidewalk will require an aerial easement from Public Works.

The site plan takes maximum advantage of the limited space with the retail component at the southwest corner of the project and the parking garage wrapping around it. Due to the lack of stacking for the secured entry off of Third Street, it is advised that this become an exit only with the sole entrance to the garage being off of the service alley on the east side of the project. Written approval from the City of Las Vegas Traffic Engineering is required for the

electronically secured garage doors. There are no loading docks being proposed for this project. However, the service alley will provide ample room for trucks to load and unload goods directly adjacent to the east property. A trash chute with access directly off of the service alley is also being provided.

There are 15 floor plans being offered in the 30-unit residential component of the project which provides a wide range of choices ranging from 811 square feet to over 2,100 square feet per unit. There are four "skip stop" units that will provide the residents with both north and south views. The retail will be located on the ground floor facing the west and south. The lobby for the residential units is located off of Third Street and the retail can be accessed from both the lobby and directly off of Gass Avenue.

Five roof-top signs are being proposed for this development. Title 19 allows for one roof-top sign per street elevation. The proposed signage for the west elevation meets this requirement. However, four roof-top signs are being proposed for the Gass Avenue frontage. Staff recommends that these four signs either be consolidated or that the numbers 3, 1, and 0 are removed altogether. The red non-flashing neon may be problematic for neighboring residential units.

FINDINGS:

The following findings must be made for an SDR:

1. The proposed development is compatible with adjacent development and development in the area. *Upon approval of the companion Special Use Permit (SUP-17729) the proposed development is compatible with adjacent development and overall downtown development.*
2. The proposed development is consistent with the General Plan, Title 19, and the Downtown Centennial Plan. *With the exception of the lack of loading zones and the proposed roof signage, this proposed development is consistent with the General Plan, Title 19 and the Downtown Centennial Plan.*
3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic. *The capacity of both Third Street and Gass Avenue are adequate to meet the requirements of the proposed development. However, due to the lack of off-street stacking available, the Third Street garage opening shall be used as an exit only with entrance to the garage via the service alley to the east.*
4. Building and landscape materials are appropriate for the area and for the City. *The streetscape landscaping meets the Downtown Centennial Plan standards.*

5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area. *The design and the proposed materials for the elevations of the building offer a creative aesthetic appearance and will blend well with the surrounding downtown environment.*
6. Appropriate measures are taken to secure and protect the public health, safety and general welfare. *An aerial encroachment permit is required for the sidewalk canopy and written approval for the electronic garage doors from the Traffic Engineering Department are required. The development will require building permits from the Department of Building and Safety which will assure the public health, safety and general welfare are secured. Additionally, a detailed construction plan will be submitted and approved by Planning and Development staff prior to construction.*

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

18

ASSEMBLY DISTRICT 6

SENATE DISTRICT 3

NOTICES MAILED 272 by Planning Dept

APPROVALS 0

PROTESTS 1



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-17731 APN: 139-34-410-13

X Name of Property Owner: Richard D. Weisbaert and Sharon G. Weisbaert,
Co-Trustees of The Richard D. Weisbaert Family Trust
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): _____

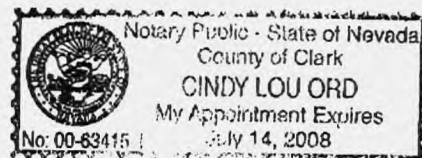
APN: _____

X Signature of Property Owner: Richard D. Weisbaert, Co-Trustee
Print Name: Richard D. Weisbaert, Co-Trustee

Subscribed and sworn before me

This 24th day of October, 2006

Cindy Lou Ord
Notary Public in and for said County and State





PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-17731 APN: 139-34-210-112
Name of Property Owner: 3rd GAS Partners, LLC
Name of Applicant: MARK JAGER

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: _____

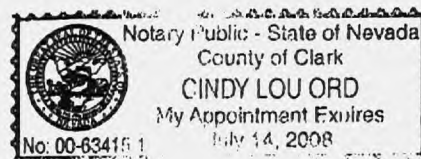
Signature of Property Owner: _____

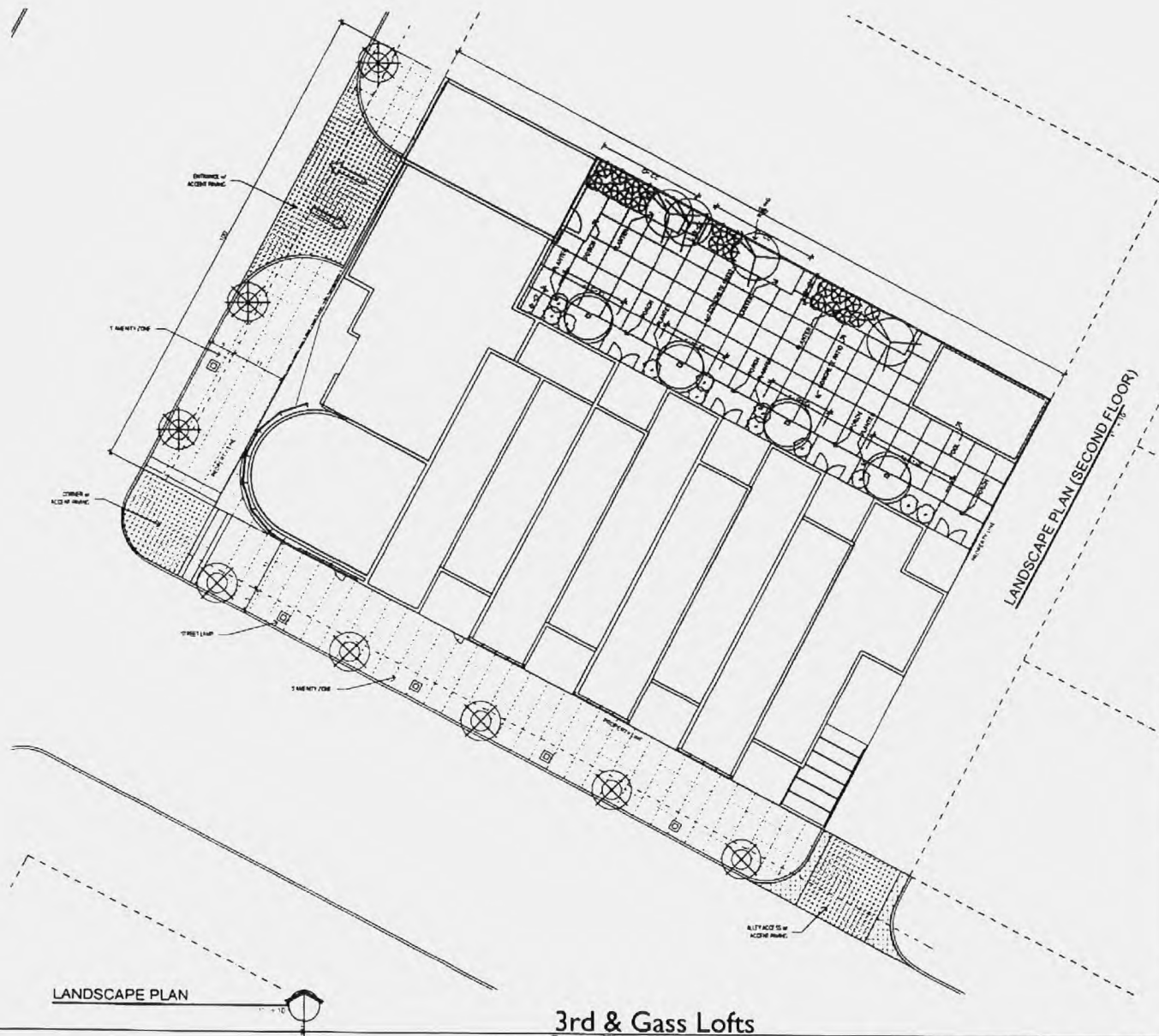
Print Name: MARK JAGER

Subscribed and sworn before me

This 24th day of October, 2006

Cindy Lou Ord
Notary Public in and for said County and State





LANDSCAPE SCHEDULE				
TREE	COMMON NAME	BOTANICAL NAME	SIZE	QTY
	MONOCLEPINE	MONOCLEPINE	24" Box	4
	CHILEAN MESQUITE	PROCESO (MEXICAN)	24" Box	4
	PALE	PALE	24" Box	1
	HERITAGE LIVE OAK	HERITAGE LIVE OAK	24" Box	1
SHRUB	COMMON NAME	BOTANICAL NAME	SIZE	QTY
	DESERT CASSIA	DESERT CASSIA	1 gal	20
	MOUNTAIN MAHOGANY	MOUNTAIN MAHOGANY	1 gal	12
	SALVIA	SALVIA	1 gal	4
	CRISTO MEXICAN	CRISTO MEXICAN	1 gal	4
	MEXICAN SAGE	MEXICAN SAGE	1 gal	4

APTUS Architecture
388 South Main Street
Suite 204
Las Vegas, Nevada 89101
702.441.1300
702.441.1301

3rd & Gass Lofts
Site Development
310 Gass Avenue
Las Vegas, Nevada 89101

SUP-17729
SDR-17731
12/07/06 PC

11 of Las Vegas 10th Subdivision

10/1/2006

2006

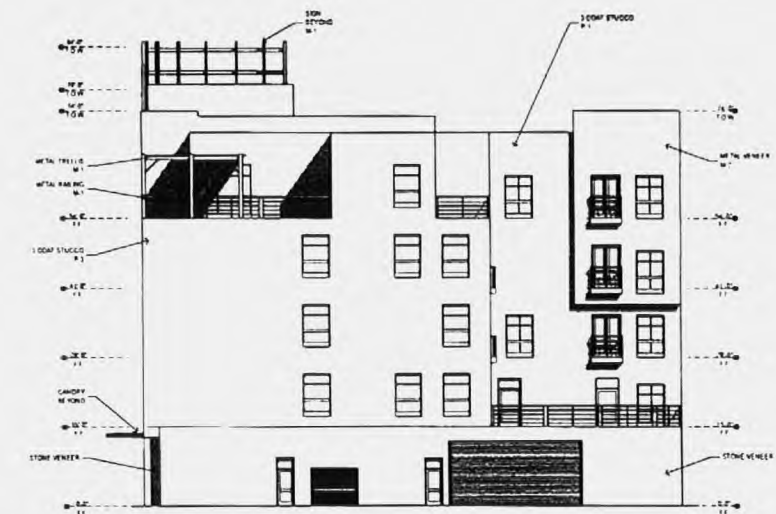
LANDSCAPE PLAN

L100

30 feet 1st & 2nd Floor

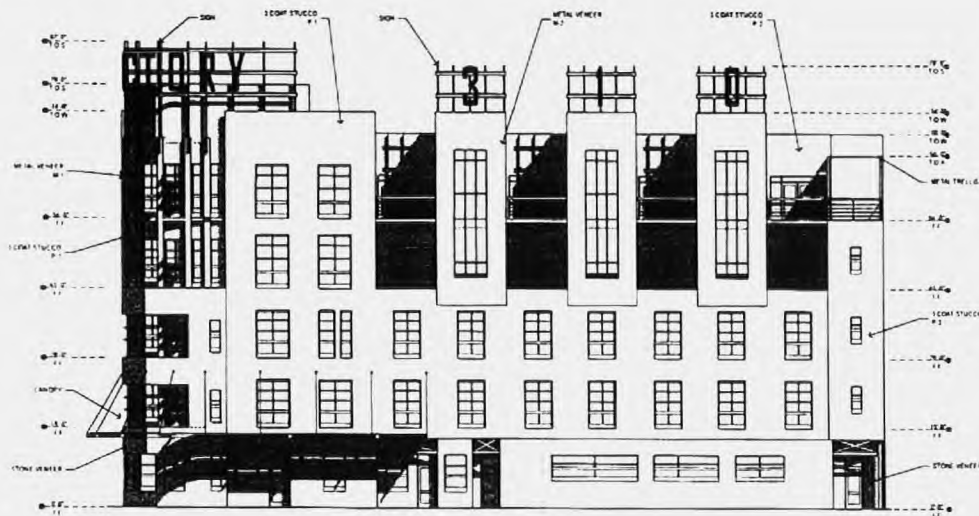


NORTH ELEVATION

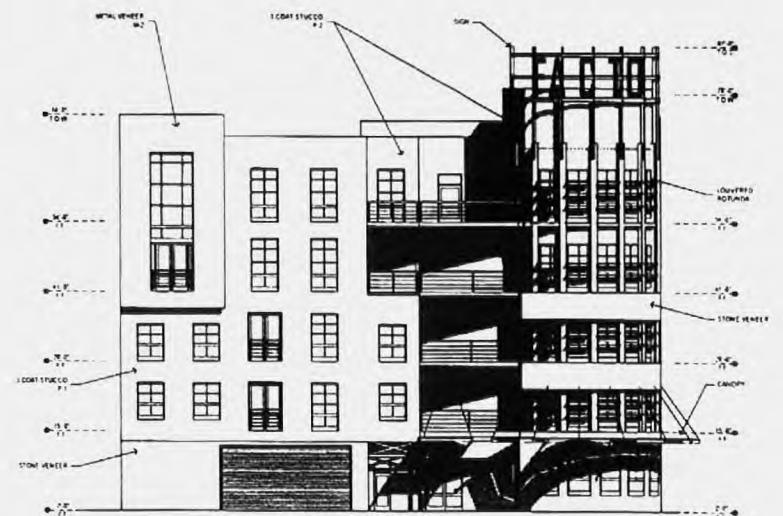


EAST ELEVATION

07.15.2006

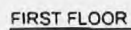


SOUTH ELEVATION



WEST ELEVATION

07/04/2006

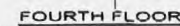


Lark Virginia, Farmville 879-604
P 782 875 • 2000
F 782 879 12 / 1

SUP-17729
SDR-17731
12/07/06 PC

RECEIVED
OCT 24 2006

On Date: 1-10-86 & Case: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 83



AIOI

96 984 Ind & Cases Left

+ 200 Tausend mit Gewinn
 zum 200.
 von Witten, Paderborn 871 24
 P 702 874 (200)
 + 704 875 (213)

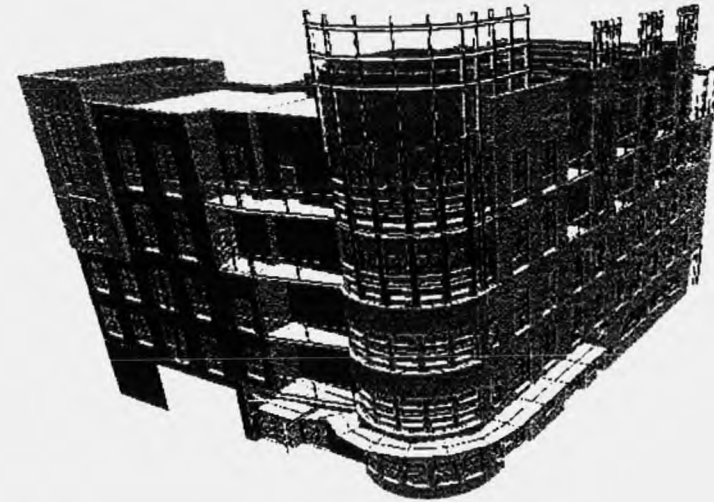
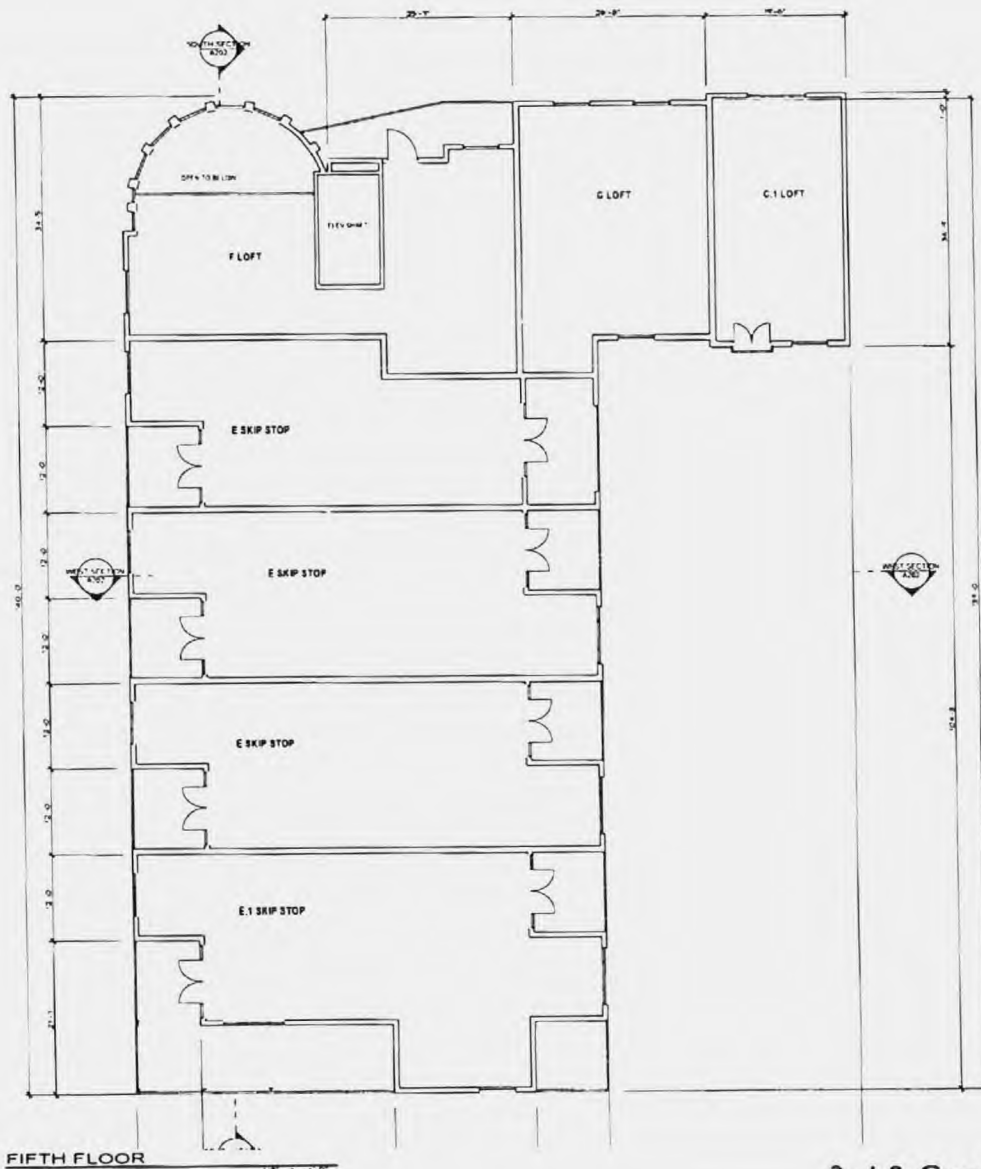
SUP-17729
SDR-17731
12/07/06 PC

10 of Los Angeles VOA Submitter

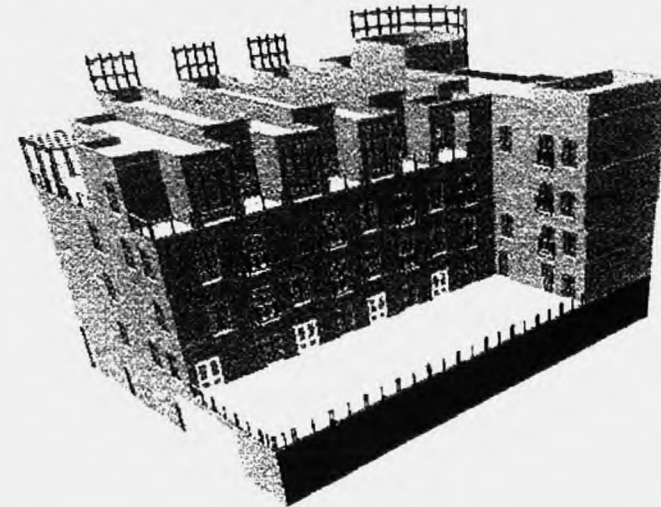
1991, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 2681, 2682, 2683, 2684, 26

[illegible]

007 24 2006



SOUTH PERSPECTIVE



NORTH PERSPECTIVE

APTUSIA Architecture

200 South Main Street
Suite 200
Las Vegas, Nevada 89101
P: 702.478.1234
F: 702.478.1235

3rd & Gass Lofts
Site Development
310 Gass Avenue
Las Vegas, Nevada 89101

SUP-17729

SDR-17731

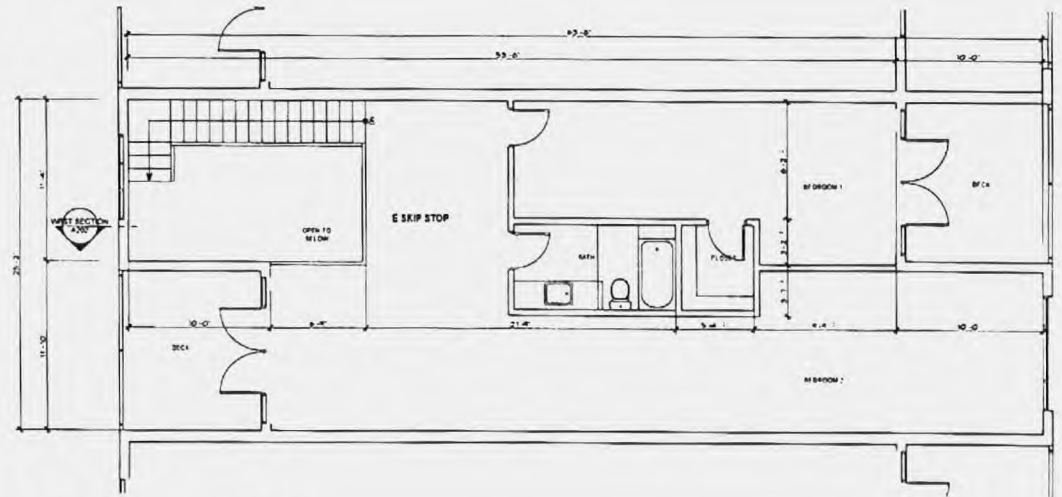
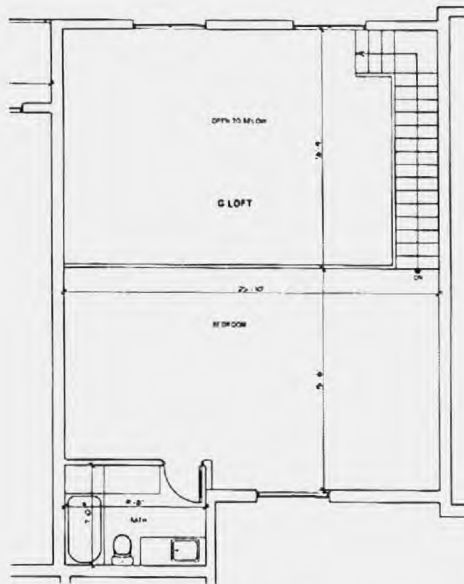
12/07/06 PC

LOOR
PLAN & MASSING
PERSPECTIVES

A102

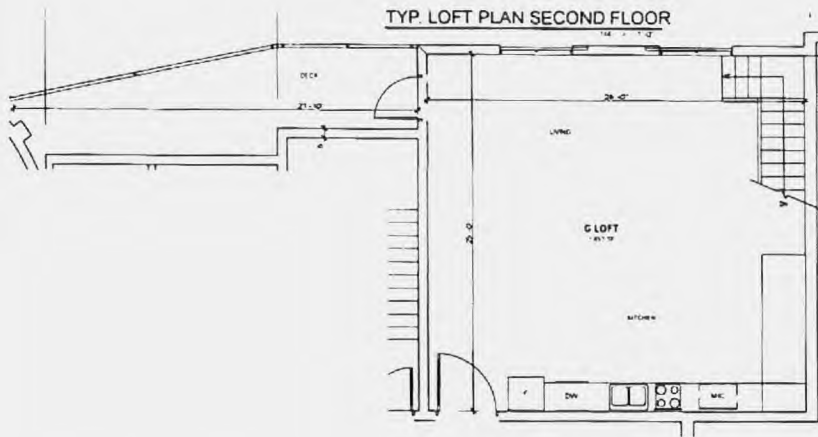
00.000 - 100.000

2006

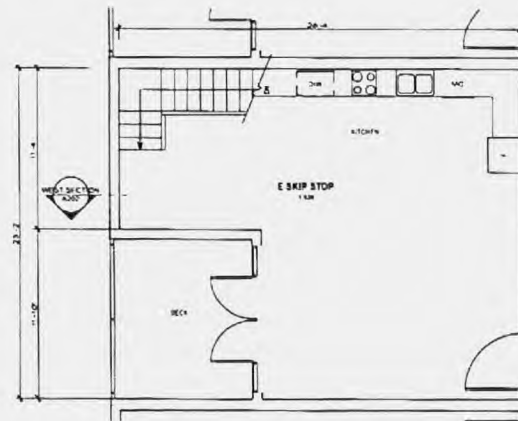


TYP. SKIP STOP SECOND FLOOR PLAN

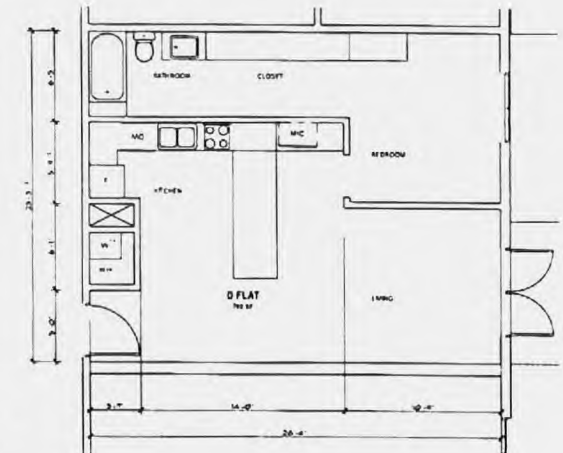
TYP. LOFT PLAN SECOND FLOOR



TYP. LOFT PLAN FIRST FLOOR



TYP. SKIP STOP FIRST FLOOR PLAN

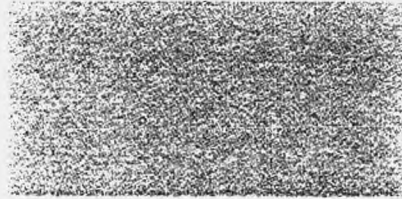


TYP. FLAT PLAN

LOFT AND FLAT PLANS



P-1

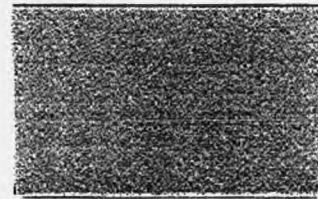


P-2

P-3



Stone Veneer



Glass



M-1 (to be applied to frames, mullions, handrails, & vertical fins)



M-2

RECEIVED
OCT 24 2006

SUP-17729
SDR-17731
12/07/06 PC

COLOR BOARD

SDR 17729				
Mark Jaget				
NEC Gass & 3rd				
Proposed 30 unit mixed-use development.				
Traffic produced by proposed development:				
	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	SHOPPING CENTER [1000 SF]	2.2	42.94	94
AM Peak Hour			1.03	2
PM Peak Hour			3.75	8
<i>(heaviest 60 minutes)</i>				
	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	RES. CONDO/TOWNHOUSE [DWELL]	30	5.86	176
AM Peak Hour			0.44	13
PM Peak Hour			0.52	16
<i>(heaviest 60 minutes)</i>				
Net Change	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	RES. CONDO/TOWNHOUSE [DWELL]	30		270
AM Peak Hour				15
PM Peak Hour				24
<i>(heaviest 60 minutes)</i>				
Existing traffic on all nearby streets: counts not available for 3rd Street				
Gass Avenue				
Average Daily Traffic (ADT)	3,227			
PM Peak Hour	258			
<i>(heaviest 60 minutes)</i>				
4th Street				
Average Daily Traffic (ADT)	13,088			
PM Peak Hour	1047			
<i>(heaviest 60 minutes)</i>				
Traffic Capacity of adjacent streets:				
	Adjacent street ADT			

	Capacity			
Gass Avenue	15300			
4th Street	29400			
This project will add approximately 270 trips per day on Gass, 3rd and 4th. This will increase expected volumes by about 8 percent on Gass and 2 percent on 4th. Gass is at about 21 percent of capacity and 4th at about 45 percent of capacity.				
Based on Peak Hour use, this development will add roughly 24 additional cars into the area; which works out to about one every three minutes.				
Note that this report assumes all traffic from this development uses all named streets.				



SUP-17729 AND SDR-17731 - APPLICANT: MARK JAGET - OWNERS: RICHARD WEISBANT FAMILY TRUST AND 3RD GASS PARTNERS, LLC
ADJACENT TO THE NORTHEAST CORNER OF GASS AVENUE AND 3RD STREET
DECEMBER 7, 2006 PLANNING COMMISSION

11/06/06



SUP-17729 AND SDR-17731 - APPLICANT: MARK JAGET - OWNERS: RICHARD WEISBANT FAMILY TRUST AND 3RD GASS PARTNERS, LLC
ADJACENT TO THE NORTHEAST CORNER OF GASS AVENUE AND 3RD STREET
DECEMBER 7, 2006 PLANNING COMMISSION

11/06/06

APTUS

October 24, 2006

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

APN: 139-34-410-112
139-34-410-113

Re:
Site Development Review

To Whom It May Concern:

We respectfully submit this application for a Site Development Review and Special Use Permit for the project at 3rd and Gass. This project is currently zoned R-4 with ROI C-2 and is in the Downtown Centennial Plan.

The project is a mixed-use 5 story loft project with ground floor retail located on the corner of 3rd and Gass in the City of Las Vegas. The building contains 30 loft units and 2,029 sf of retail space. The building is approximately 80 feet in height. We are providing parking for this mixed use development on-site. 30 parking spaces will be provided for the lofts. Public parking for the retail is provided along 3rd Street and Gass Street. Public transportation is also available on Las Vegas Boulevard. Parking for this facility should not be a problem considering the amount of existing parking in close proximity to the new development.

Ingress and Egress into the parking will be off of 3rd Street and through the alley off of Gass. The garage is gated with remote access for residents. The gated parking will provide security and safety for the residents. There are only 30 units providing a limited amount of ingress and egress traffic.

The owner desires to recall the heritage of Las Vegas and also to recreate the loft style buildings of warehouse and industrial districts. The buildings design is created with great care in order meet these requirements. The West and South Elevations have roof top signage to recall the 40's and 50's view of downtown Las Vegas and to incorporate the loft style. The signs add great character to the buildings facades while also breaking the roof line of the building adding to a much more interesting and exiting downtown city horizon.

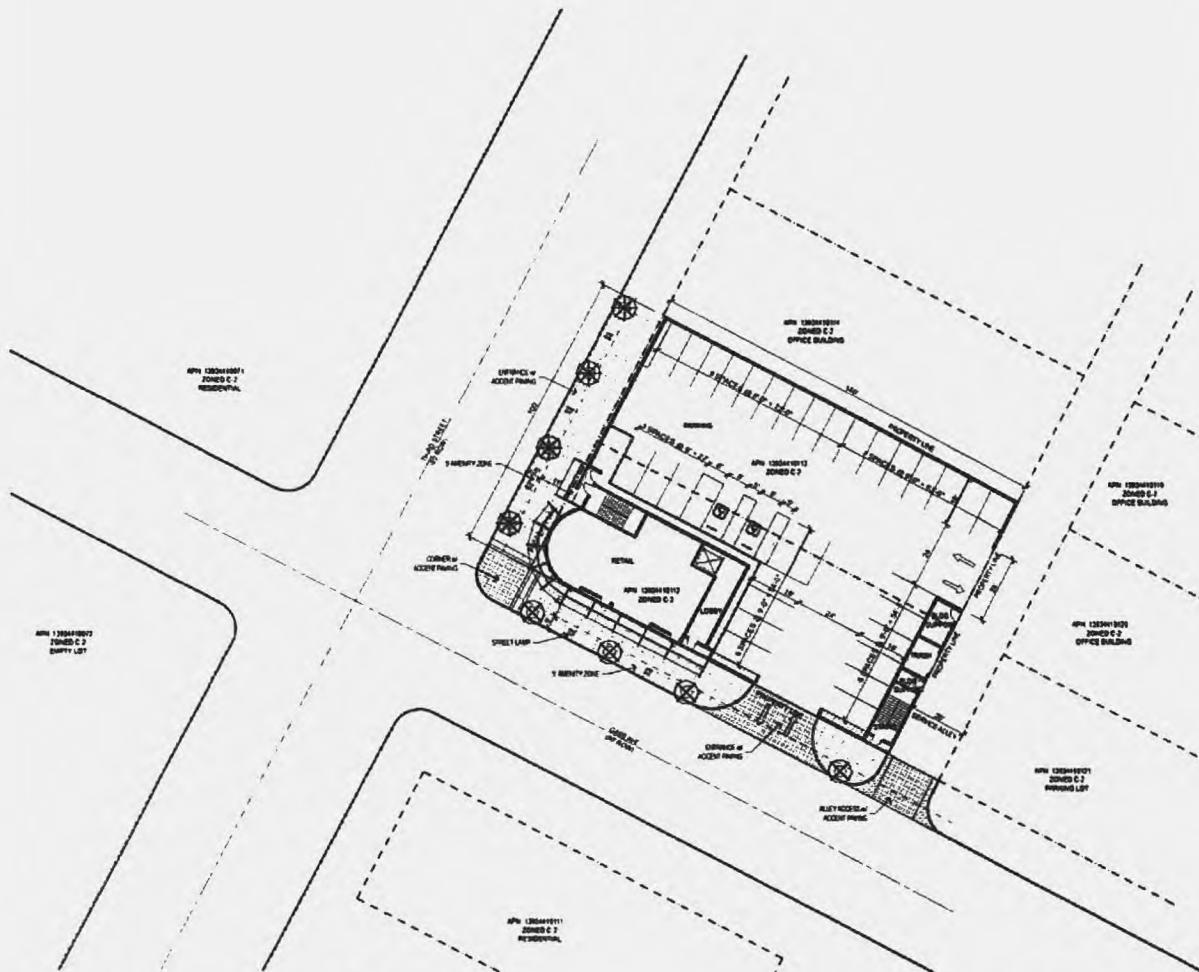
We have made every attempt to try and follow City of Las Vegas Title 19 as well as the Centennial Plan as closely as possible in the design and layout of this site. We hope that you will join us in our attempt to bring much-needed high caliber product into downtown and to Las Vegas residents.

Respectfully Submitted,

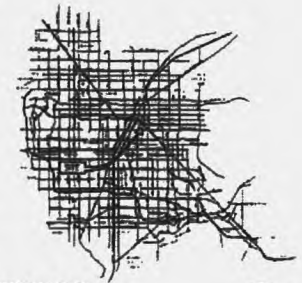
Kurtis C. Neuma
for R. Brandon Sprague

R. Brandon Sprague, AIA

SUP-17729
SDR-17731
12/07/06 PC



LOCATION MAP



VICINITY MAP

Site Zoning & Data

SITE DATA

PARCEL NUMBER	136-34-010-112
ADJACENT	CITY OF LAS VEGAS - 2001
EXISTING ZONING	MEDIUM DENSITY
EXISTING ZONING	6.4 or RD C-2
SITE AREA	14,400 SQ FT
DENSITY (RESELLING UNITS / 20,000 SQ FT)	10.75 UNITS/ACRE
FLOOR AREA RATIO (GROSS SQ FT / 20,000 SQ FT)	4.17
SETBACKS - (BUILDING)	
FRONT	5' 0"
REAR	5' 0"
SIDE (STREET)	5' 0"
SIDE (ALLEY)	5' 0"
MAX HEIGHT	NO LIMIT
ACTUAL HEIGHT	5' 0"
LOT COVERAGE ALLOWED	100%
ACTUAL LOT COVERAGE	100%

FRONT	5' 0"	PROVIDED	5' 0"
REAR	5' 0"	PROVIDED	5' 0"
SIDE (STREET)	5' 0"	PROVIDED	5' 0"
SIDE (ALLEY)	5' 0"	PROVIDED	5' 0"
MAX HEIGHT	NO LIMIT	PROVIDED	5' 0"
ACTUAL HEIGHT	5' 0"	PROVIDED	5' 0"
LOT COVERAGE ALLOWED	100%	PROVIDED	100%
ACTUAL LOT COVERAGE	100%	PROVIDED	100%

BUILDING AREA

BUILDING AREA	14,400 SQ FT
RETAIL	14,400 SQ FT
COMMERCIAL	14,400 SQ FT
OFFICE	14,400 SQ FT
INDUSTRIAL	14,400 SQ FT
RESIDENTIAL	14,400 SQ FT
TOTAL SQUARE FOOTAGE	14,400 SQ FT

PARKING AREA

BUILDING AREA	14,400 SQ FT	REQUIRED PARKING	14,400 SQ FT
RETAIL	14,400 SQ FT	PROVIDED	14,400 SQ FT
COMMERCIAL	14,400 SQ FT	PROVIDED	14,400 SQ FT
OFFICE	14,400 SQ FT	PROVIDED	14,400 SQ FT
INDUSTRIAL	14,400 SQ FT	PROVIDED	14,400 SQ FT
RESIDENTIAL	14,400 SQ FT	PROVIDED	14,400 SQ FT
TOTAL	14,400 SQ FT	PROVIDED	14,400 SQ FT

LANDSCAPE BUFFERS

FRONT	5' 0"	PROVIDED	5' 0"
REAR	5' 0"	PROVIDED	5' 0"
SIDE (STREET)	5' 0"	PROVIDED	5' 0"
SIDE (ALLEY)	5' 0"	PROVIDED	5' 0"

REVISED

RECEIVED

DEC 27 2006

City of Las Vegas SDR Submitted 12.21.06

SITE PLAN

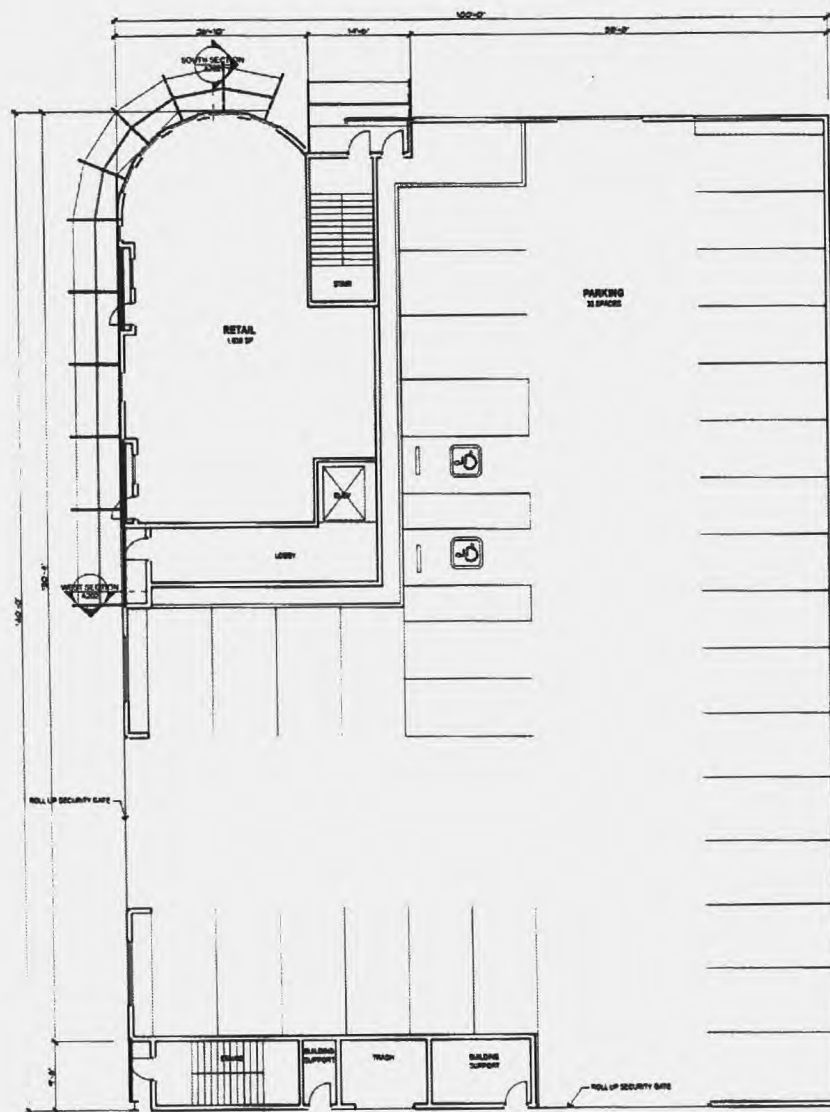
ASI01

BL004 3rd & Gass Lofts

3rd & Gass Lofts
Site Development
310 Gass Avenue
Las Vegas, Nevada 89101

SUP-17729 SDR-17731 01-03-07 CC

APTUS Architecture
1000 South Las Vegas
Suite 200
Las Vegas, Nevada 89101
P 702.875.1200
F 702.875.1211



FIRST FLOOR

3rd & Gass Lofts
 Site Development
 310 Gass Avenue
 Las Vegas, Nevada 89101

REVISED

RECEIVED

DEC 27 2006

FLOOR PLAN

A100

Rev. 001 3rd & Gass Lofts

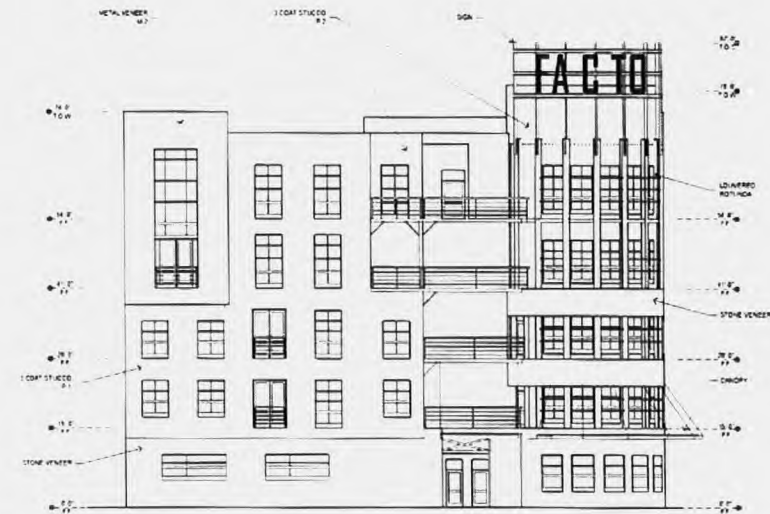
SUP-17729 SDR-17731 01-03-07 CC

APTUS Architecture

1300 South Main Street
 Suite 200
 Las Vegas, Nevada 89101
 P 702.850.1200
 F 702.850.1201



SOUTH ELEVATION



WEST ELEVATION

REVISED

RECEIVED

DEC 27 2006

APTUS Architecture

2380 Locust Ave. Suite 200
Las Vegas, Nevada 89102
P: 702.733.2200
F: 702.876.1317

3rd & Gass Lofts
Site Development
310 Gass Avenue
Las Vegas, Nevada 89101

City of Las Vegas SDP Department 12.21.06

ELEVATIONS

A201

06-044 3rd & Gass Lofts

SUP-17729 SDR-17731 01-03-07 CC

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

NOVEMBER 27, 2006

PLANNING AND DEVELOPMENT DEPT.
CURRENT PLANNING DIVISION
DEVELOPMENT SERVICES CENTER
731 S. FOURTH STREET
LAS VEGAS 89101

RE: SUP-17729 AND SDR-17731

WE WOULD LIKE TO VOICE OUR CONCERNS ABOUT THIS DEVELOPMENT. WITH THE PROJECT TO BE BUILT ON THE HEAVILY TRAVELLED INTERSECTION OF THIRD AND CASS, WE WOULD HOPE THE BUILDING IS SITUATED IN SUCH A WAY AS TO ^{NOT} BLOCK VISIBILITY OF THE TRAFFIC APPROACHING THE INTERSECTION ON CASS. THIS IS A DANGEROUS INTERSECTION NOW, WITH CARS RUNNING THE STOP SIGN. ANY DECREASE IN VISIBILITY WOULD ONLY ADD TO THE PROBLEM.

AS TO THE ENTRANCE AND EXIT TO THE PARKING LOT FACING THIRD STREET: THIS DRIVEWAY WOULD BE IN CLOSE PROXIMITY TO OUR DRIVEWAY ACROSS THE STREET FROM THE PROJECT SITE. SINCE WE NOW EXPERIENCE DELAYS BACKING-OUT OF OUR OWN DRIVEWAY, WE WOULD PREFER TO SEE THE ENTRANCE AND EXIT FROM THE BUILDING BE ON THE ALLEY SIDE ONLY, AWAY FROM EXISTING TRAFFIC. OR, AS AN ALTERNATIVE ENTRY AND EXIT ON THE ALLEY AND ON CASS AVENUE.

CURB-SIDE PARKING ON THIRD STREET AND CASS AVENUE IS EXTREMELY LIMITED. THE DEVELOPERS

HAVE NOT PROVIDED ANY PARKING FOR THE 2,200
SQUARE FEET OF RETAIL SPACE IN THEIR PROJECT.
THIS WOULD MEAN THAT ANY CAR TRAFFIC THE RETAIL
PROJECT ATTRACTED WOULD BE COMPETING FOR
THE ALREADY INADEQUATE PARKING. WITH THIS IN
MIND, WE WOULD BE AGREEABLE TO METERED PARKING
ENFORCED BY THE CITY, ON SOUTH THIRD STREET AND
EAST CASS AVENUE ADJACENT TO THE PROPERTY ON
WHICH THE PROJECT WILL SIT. THIS WOULD ENSURE
A TURN-OVER OF THE PARKING SPACES, INSTEAD OF
THE ALL-DAY PARKING THAT EXISTS NOW.

WE BELIEVE THAT THE PROPOSED 30 PARKING
SPACES FOR 30 UNITS IS INADEQUATE. IN ALL LIKELY
HOOD, SEVERAL, IF NOT ALL, OF THE UNITS WILL HAVE
MORE THAN ONE CAR. THERE IS NO PLACE FOR ANY
"OVER-FLOW" PARKING ON THE STREET, SUCH AS FOR
VISITORS, GUESTS OR MORE THAN ONE CAR PER UNIT.
WE FEEL THIS INADEQUACY MUST BE ADDRESSED.
OUR NEIGHBORHOOD CANNOT ABSORB ANY MORE CARS.
THE OTHER LFT DEVELOPMENTS IN OUR AREA PROVIDE
TWO PARKING SPACES PER UNIT. WE WOULD LIKE
TO SEE THIS INADEQUATE PARKING ISSUE CORRECTED.

RESPECTFULLY,
THOMAS N. TRINAYSTICH
THOMAS N. TRINAYSTICH
733 SO. THIRD STREET
LAS VEGAS 89101

ITEM # 28 * 29
CASE # SUP-17729 & SUP-17731
PC MTG 12.7.06

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JANUARY 17, 2007**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: M. MARGO WHEELER**☐ Consent ☒ Discussion**SUBJECT:**

SITE DEVELOPMENT PLAN REVIEW

SDR-17717 – ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER:
STEWART/NELLIS PARTNERS, LLC - Request for a Site Development Plan Review FOR
AN 84,245 SQUARE FOOT SHOPPING CENTER on 7.81 acres on property adjacent to the
northwest corner of Nellis Boulevard and Stewart Avenue, (APN 140-32-601-005), C-1 (Limited
Commercial) Zone, Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend
APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Backup referenced from the 12-07-06 Planning Commission Meeting Item 4

Motion made by GARY REESE to Approve Subject to Conditions

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

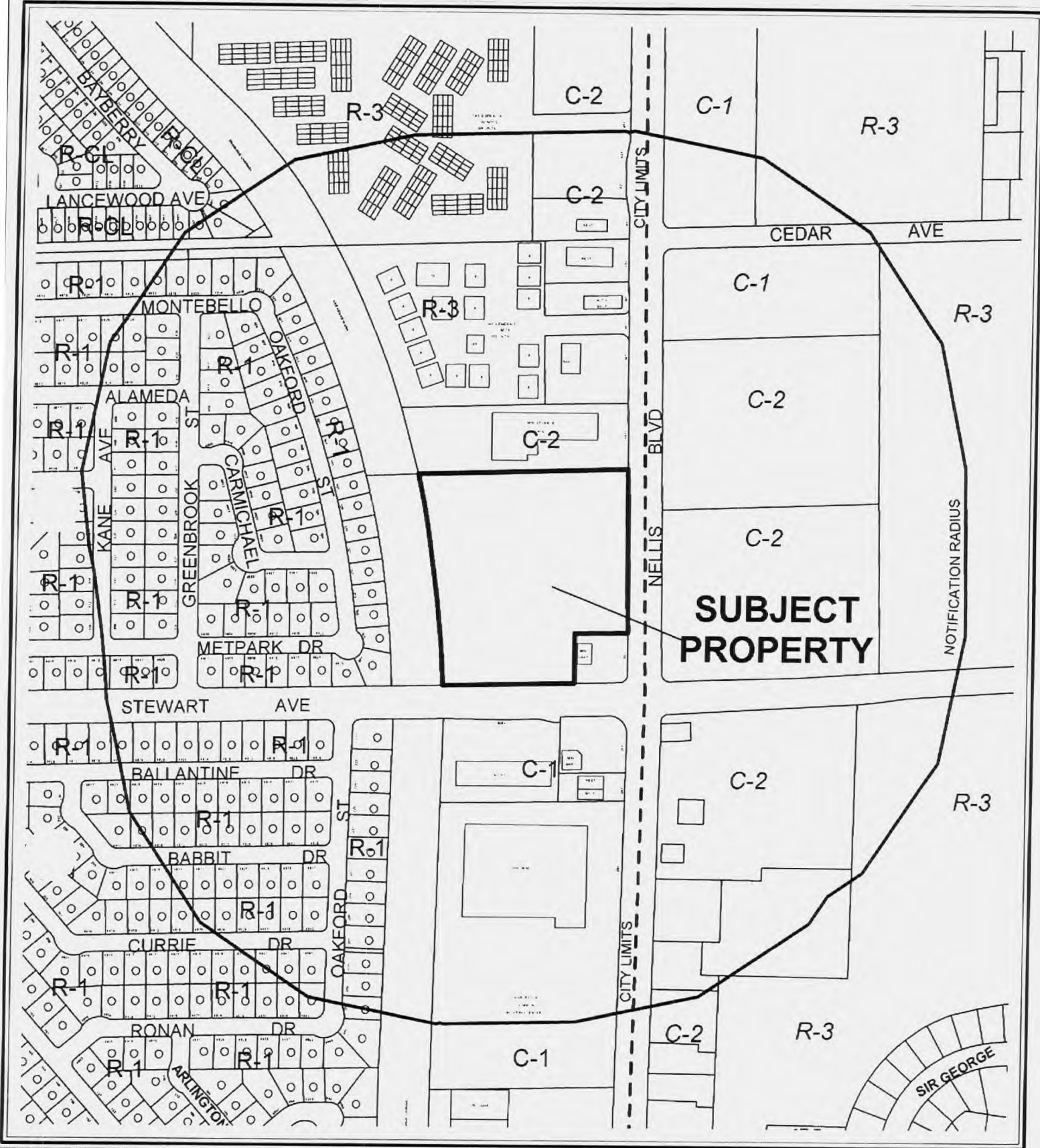
LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

Minutes:

MAYOR PRO TEM REESE declared the Public Hearing open.

MARK SANDBERG, Sandberg Solemme Design Group, Henderson, Nevada, appeared on
behalf of the applicant, concurred with conditions and requested approval. The proposal is a
neighborhood shopping center for the subject area. TESCO is a national chain of grocery stores
but smaller than the typical Wal-Marts here in the country.

MAYOR PRO TEM REESE declared the Public Hearing closed.



CASE: **SDR-17717**

RADIUS: 1000 FT

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

AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 17, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: ABEYANCE - SDR-17717 - APPLICANT/OWNER:
STEWART/NELLIS PARTNERS, LLC**

THIS ITEM WAS HELD IN ABEYANCE FROM THE JANUARY 3, 2007 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Rezoning (Z-0015-98), if approved.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan date stamped 10/30/06, and the landscape plan and building elevations date stamped 10/24/06, except as amended by conditions herein.
4. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.
5. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
6. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
7. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

8. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
9. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaires. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
10. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
11. Prior to the submittal of a building permit application, 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.
12. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.
13. Applicant shall provide revised site plans to reflect 2 additional loading spaces prior to issuance of building permits.

Public Works

14. Coordinate with the City of Las Vegas Engineering Division [Dave Bowers @ 229-6272] regarding what impact, if any, the Las Vegas Wash/Sandhill Sewer Rehabilitation and Nellis Boulevard Sewer projects will have on development of this site. Development of this site shall comply with the recommendations of the City Engineer.
15. Dedicate additional right-of-way necessary to complete the taper required for a bus turn out along Stewart Avenue on the southern edge of this site prior to the issuance of any permits. Also, dedicate the appropriate right-of-way adjacent to this site needed for the Las Vegas Wash Trail and grant a 15-foot wide Authorization to Enter Property (AEP) for the construction of the trail prior to the issuance of any permits.
16. Construct all incomplete half-street improvements on Stewart Avenue (sidewalk) adjacent to this site concurrent with development of this site.
17. 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.

18. Driveways shall be designed, located and constructed to meet the intent of Standard Drawing #222a.
19. Unless otherwise allowed by the City Engineer, 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 and shall be terminated on-site with a handicap ramp.
20. All pad sites within this overall site shall have perpetual common access to all driveways connecting this overall site to the abutting public streets.
21. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
22. 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.
23. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits, submittal of any construction drawings or the submittal of a Final Map for this site, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study.
24. Site development to comply with all applicable conditions of approval for Z-15-98 and all other applicable site related actions.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for an 84, 245 square-foot Commercial Retail Center located on the northwest corner of Stewart Avenue and Nellis Boulevard. The site consists of three major tenants and shops with two smaller pads opposite the main shopping center.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
Month/date/year	Action
11/06/97	The Planning Commission voted to hold a request for Rezoning (Z-0096-97) from R-E (Residence Estates) to C-1 (Limited Commercial) in abeyance indefinitely.
05/11/98	The City Council approved a Rezoning and Site Development Plan Review (Z-0015-98) from R-E (Residence Estates) to C-1 (Limited Commercial) for a proposed 77,946 square-foot retail center and a 12,275 square-foot minor automotive repair facility.
03/21/01	The City Council approved a Site Development Plan Review [Z-0015-98(1)] for a proposed 55,250 square-foot grocery store (Food 4 Less), a 14,490 square-foot drug store (Walgreen's) and a 6,000 square-foot restaurant on the northwest corner of Stewart Avenue and Nellis Boulevard.
03/21/01	The City Council approved the request for a Special Use Permit (U-0002-01) for the sale of package liquor for off-premise consumption in conjunction with a proposed 55,250 square-foot grocery store (Food 4 Less).
12/07/06	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #4/mh).
7/22/04	Code Enf #18663: High weeds and vagrants. Case closed 10/12/04
3/30/05	Code Enf #28015: High weeds and vagrants. Case closed 5/13/05
6/06/05	Code Enf #30827: High weeds and vagrants. Case closed 6/8/04
7/26/05	Code Enf #32951: High weeds and vagrants. Case closed 10/12/04
5/02/06	Code Enf #40785: High weeds and vagrants. Case closed 10/12/04
1/23/04	Code Enf #9076: High weeds and vagrants. Case closed 10/12/04
<i>Related Building Permits/Business Licenses</i>	
NA	NA
<i>Pre-Application Meeting</i>	
10/13/06	A pre-application conference was held and the requirements for submittal were discussed. Off-site improvements and provision for a bus turn-out on Stewart Avenue were also discussed.
<i>Neighborhood Meeting</i>	
NA	A neighborhood meeting was not required nor was there one held.

Details of Application Request	
Site Area	
Gross Acres	7.81 Acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial	SC (Service Commercial)	C-1 (Limited Commercial)
North	Commercial	GC (General Commercial)	C-2 (General Commercial)
South	Commercial	SC (Service Commercial)	C-1 (Limited Commercial)
East	Commercial	Clark County	Clark County
West	Residential	L (Low Density Residential)	R-1 (Single Family Residential)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	NA
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts		X	NA
Trails	X		Y
Development Impact Notification Assessment	X		Y
Project of Regional Significance	X		Y

Trails:

The subject property abuts the Las Vegas Wash along the western property line. A Multi-Use Transportation Trail is proposed along this section of the Wash.

INTERAGENCY ISSUES

Pursuant to 1999 Statutes of Nevada, Chapter 481 the proposed project is deemed to be a "project of significant impact" for the following reasons:

- 1) A commercial or industrial facility generating more than 3,000 average daily vehicle trips.

An Environmental Impact Assessment questionnaire was circulated to the affected Agencies and Entities for the mandated 15-day period. No comments have been received prior to the completion of this report.

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

DEVELOPMENT STANDARDS

Pursuant to Title 19.08 the following standards apply.

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	NA	7.81 acres	NA
Min. Lot Width	100 feet	640 feet	Y
Min. Setbacks			
• Front	20 feet	20 feet	Y
• Side	10 feet	34 feet	Y
• Corner	15 feet	90 feet	Y
• Rear	20 feet	30 feet	Y
Max. Lot Coverage	50%	25%	Y
Max. Building Height	NA	40 feet	Y
Trash Enclosure	50 feet from SFR	50 feet	Y
Mech. Equipment	Screened from ROW	Mounted behind roof parapets	Y

Review the following from Title 19.08.060

Residential Adjacency Standards	Required/Allowed	Provided	Compliance
3:1 proximity slope	120 feet from SFR	162 feet	Y
Trash Enclosure	50 feet from SFR	275 feet	Y

Pursuant to Title 19.12 the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Parking Area	1 Tree/ Per 6 Spaces	98	103 Trees	Y
Buffer:	1 Tree/Per 30 Linear			
Min. Trees	Feet	71	93 Trees	Y
TOTAL		169 Trees	196 Trees	Y
Min. Zone Width	8 Feet		10 Feet	Y
	15 Feet		18 Feet	Y

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Parking Ratio	Required		Provided		Compliance
			Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	84,245 sq ft	1:250 sq ft					
TOTAL			337	8	364	12	Y
Loading Spaces			4		2*		N

*The site plans only show two loading zones where four are required. Revised plans will need to be provided showing the additional two loading zones.

ANALYSIS

The site plan depicts an 84,245 square-foot shopping center with design standards that are compatible with adjacent development. The site is broken up into three separate pads with one pad acting as an anchor. No waivers have been submitted with this application.

The landscape plan depicts a fairly lush treatment with ample trees of the appropriate size and species for this site. The applicant has provided trees well in excess of the minimum required per Title 19.12 and there are multiple landscaped buffers that exceed the minimum standards as well.

The elevations and floor plans show a tasteful selection of building materials and interesting architectural features. The site layout consists of three buildings surrounding a landscaped parking area. The major retail portion (61,025 sq ft) contains the bulk of the 84,245 square footage total and is nestled into the rear northwest corner of the site. The remaining two pads (6,420 sq ft & 16,800 sq ft) are located opposite the primary retail building and are appropriately located adjacent to Nellis Boulevard on the southeastern portion of the site.

FINDINGS

The following findings must be made for an SDR:

1. The proposed development is compatible with adjacent development and development in the area;
2. The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;

3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;
4. Building and landscape materials are appropriate for the area and for the City;
5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;
6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.

In regard to "1":

The proposed retail center is compatible with the adjacent commercial development and development in the area. The intensity of the commercial use and the site layout will significantly contribute to the overall economic health of the surrounding area.

In regard to "2":

The proposed retail center is located on land with the appropriate General Plan Category and Zoning to remain consistent with the General Plan and Title 19. The proposal does show a deficiency in adequate loading zones for the ancillary pads as shown on the site plan. Other than this issue, there is nothing else shown that contradicts the duly-adopted city plans, policies, or standards.

In regard to "3":

The site access and circulation is not expected to have any negative impact on the adjacent roadways or neighborhood traffic. A Development Impact Notice Agreement (DINA) has been filed with the application so as to ensure adequate consideration to the traffic impact is taken into account.

In regard to "4":

The building and landscape materials chosen for this project are tasteful and interesting and are expected to contribute to the visual appearance of the area and for the City. The selected tree species and shrubs are all appropriate for the area.

In regard to "5":

Ample landscaping and interesting building elevations and massing will provide an aesthetic asset to the existing vacant lot. The overall site design creates an orderly and aesthetically pleasing environment that is harmonious and compatible with the local area.

In regard to “6”:

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

PLANNING COMMISSION ACTION

Condition #15 was amended with the concurrence of Public Works staff.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 2

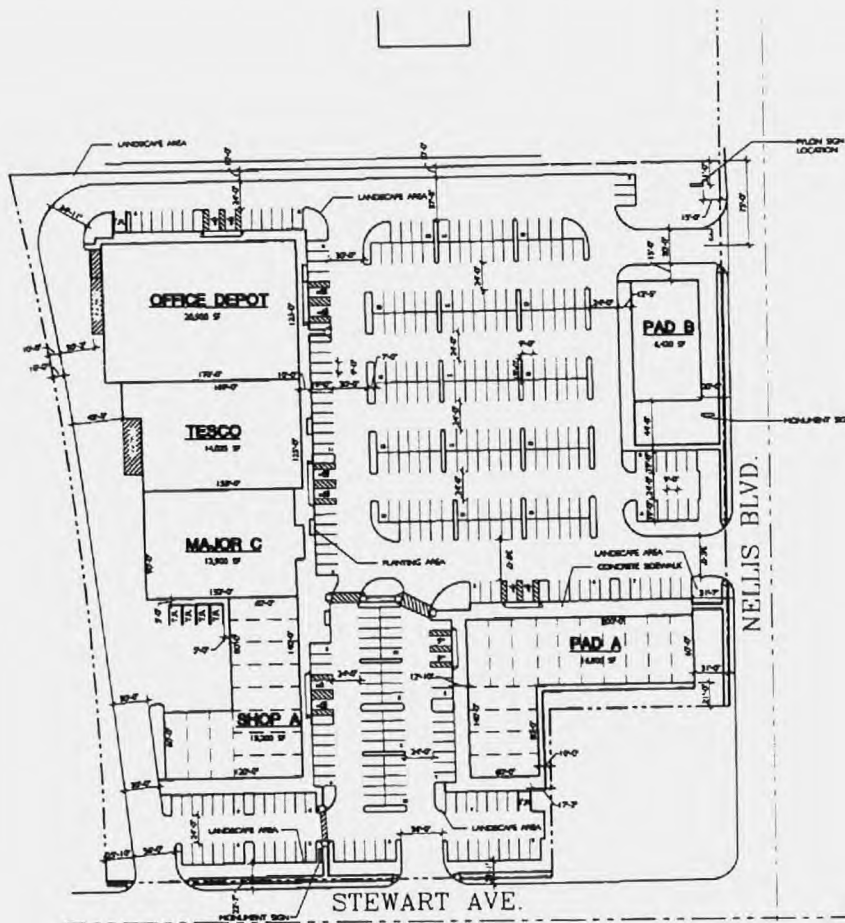
ASSEMBLY DISTRICT 14

SENATE DISTRICT 2

NOTICES MAILED 198 by Planning Dept

APPROVALS 0

PROTESTS 0



SITE PLAN

RECEIVED
OCT 30 2006

PROPOSED SITE SUMMARY

STEWART + NELLIS PARTNERS, LLC
EXISTING ZONING C2
SITE SIZE 7.81 ACRES
ADN # 140-326-01-005

PARKING

PARKING SPACES REQUIRED
63,345 @ 1 STALL/250 SF
PARKING SPACES REQUIRED + 254 STALLS
20,900 @ 1 STALL/200 SF
PARKING SPACES REQUIRED + 105 STALLS
TOTAL PARKING SPACES REQUIRED + 359 STALLS
PARKING SPACES PROVIDED + 364 STALLS

BUILDING SQUARE FOOTAGE

PAD A	16,800 SF
PAD B	6,400 SF
SHOP A	3,300 SF
MAJOR A	20,900 SF
MAJOR B	14,025 SF
MAJOR C	12,900 SF
TOTAL	84,245 SF

PROJECT LOCATION



SDR-17717
12/07/06 PC



1281 Galleria Circle Suite
Henderson, Nevada 89
Phone 702.433.40
Fax 702.433.4

COPYRIGHT

Project Name

STEWART AND NELLIS
PARTNERS, LLC
1800 STEWART AND NELLIS
LAS VEGAS, NEVADA

Sheet Title

SITE PLAN

Scale

PRELIMINARY
NOT FOR
CONSTRUCTION

Revision

Project # 0000
Revision Date

Sheet

AS1.0



1291 Galleria Drive Suite
Henderson, Nevada 89
Phone 702 433 40
Fax 702 433 4

Consultant

Project Title

STEWART AND NELLIS
PARTNERS, LLC
1800 STEWART AND NELLIS
LAS VEGAS, NEVADA

Sheet Title

Site
LANDSCAPE PLAN
PRELIMINARY
NOT FOR
CONSTRUCTION

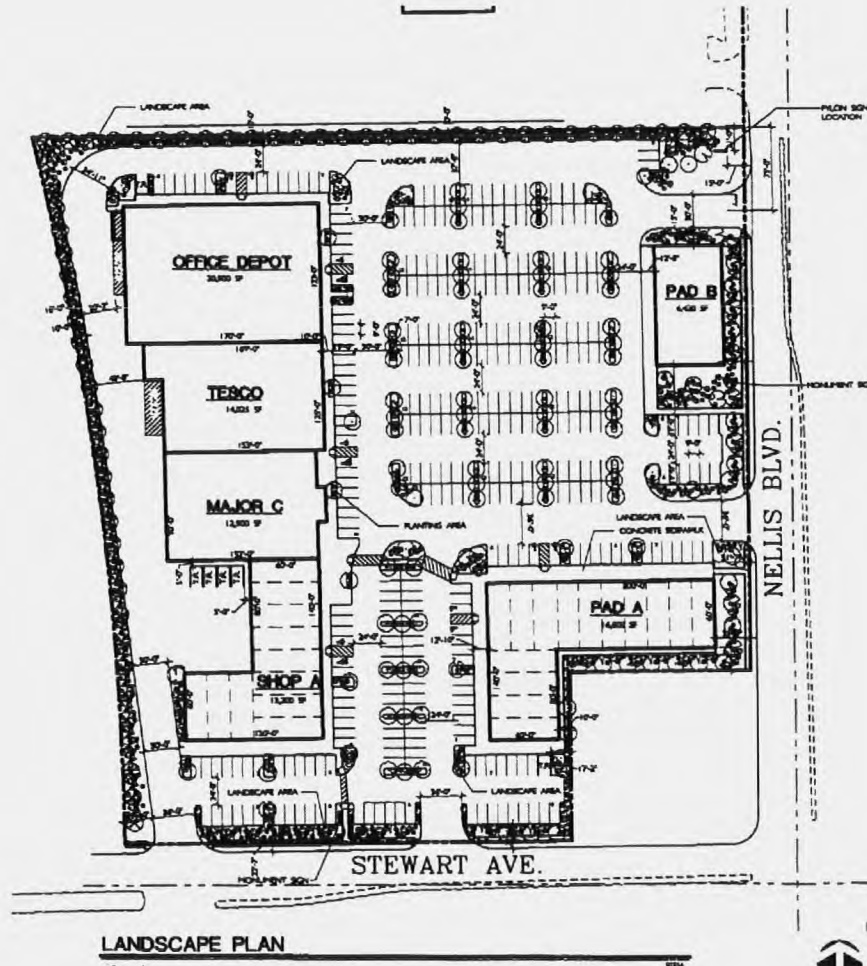
Revised

Project # 0000

Revised Date

Sheet

AL1.0



LANDSCAPE PLAN

PLANT SCHEDULE

SYMBOL	SIZE	BOTANICAL NAME	COMMON NAME
TREES			
○	2" BOX	ELAEAGNUS DECORATUS	JAPANESE BLUEBERRY
○	2" BOX	LIQUIDAMBAR LACINIA	JAPANESE PINE, SINGLE TRUNK
○	2" BOX	DALE LANCEA	AFRICAN SLAMC, SINGLE TRUNK
○	2" BOX	DALE LANCEA	AFRICAN SLAMC, MULTIPLE TRUNK
⊗	2" BOX	PNUS ELDARGIA	MOULDER (AFRICAN) PINE
SHRUBS			
●	1" GAL	AMEROSA DUMOSA	WHITE BUR-SAGE
●	1" GAL	DOEBMAGNUS OFFICINUS	DOEBMAGNUS
●	1" GAL	CASSIA INGLENSIS	SILVERBERRY
●	1" GAL	DASYLIRION VIRENS	DESERT SPOON
●	1" GAL	DIETES BICOLOR	PORTWINE LILY
MISCELLANEOUS			
DECOMPOSED GRANITE IN ALL PLANTING AREAS AND NO PLANT ZONES. 2" DEPTH (TYP) COLOR TO BE CHOSEN TO COMPLEMENT THE BUILDING COLORS AT THE SITE			

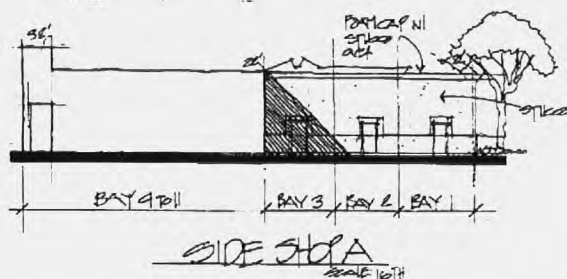
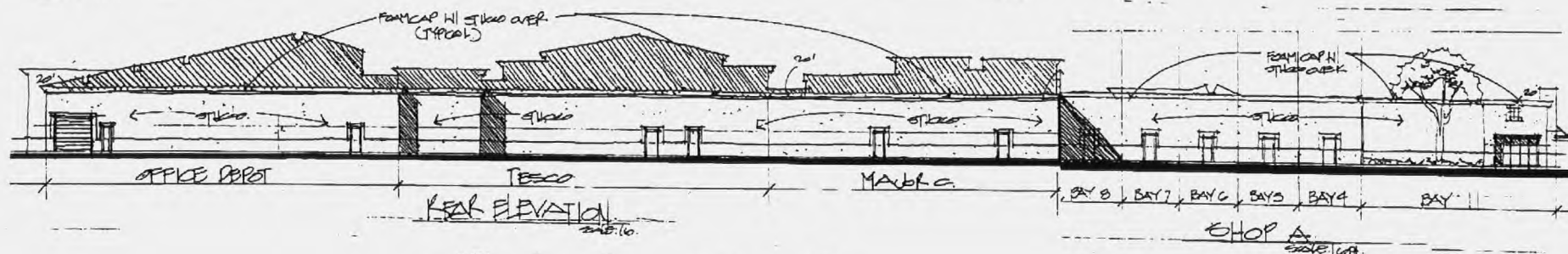
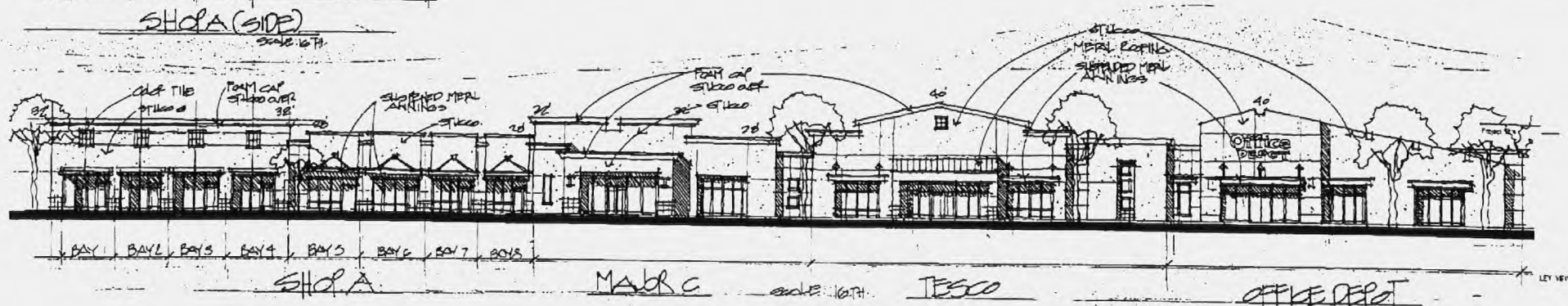
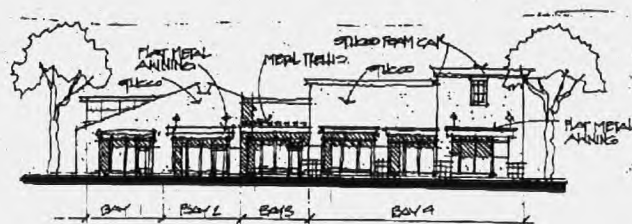
SDR-17717
12/07/06 PC

OCT 24 2006



1291 Galleria Drive Suite 1291
Henderson, Nevada 89014
Phone 702.433.4030
Fax 702.433.4580

Conclusion



SDR-17717
12/07/06 PC

12/07/06 PC



1261 Galleria Drive Suite 125
Henderson, Nevada 89014
Phone 702-433-4032
Fax 702-433-4666

Company

Project Title

Sheet Title

Date

PRELIMINARY
NOT FOR
CONSTRUCTION

Revision

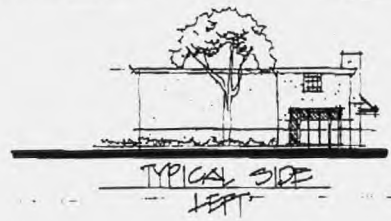
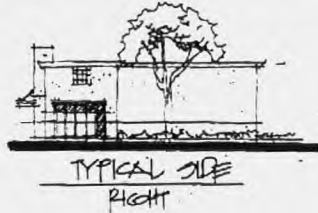
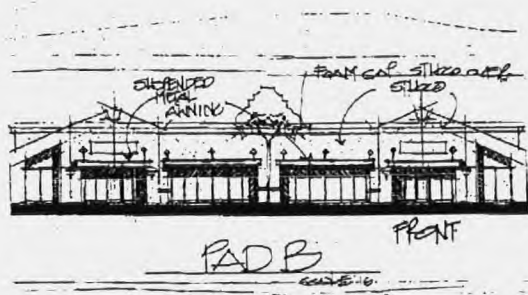
Project #

Client

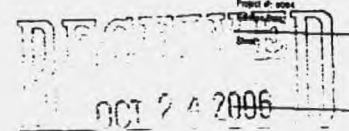
Drawn by

Check by

Scale



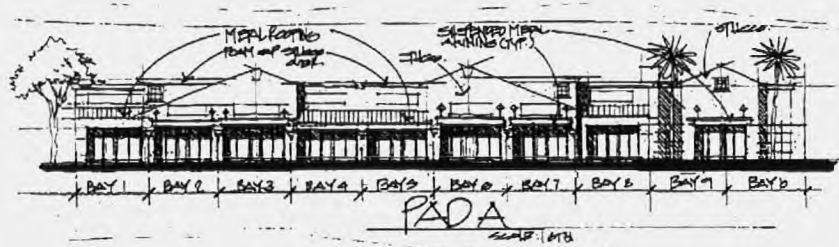
SDR-17717
12/07/06 PC



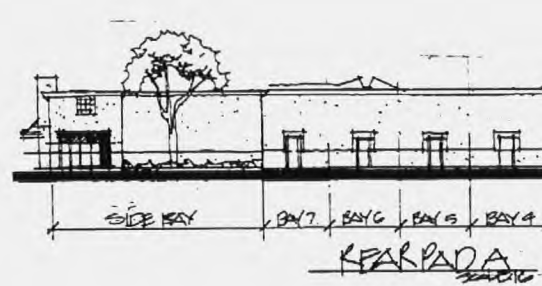
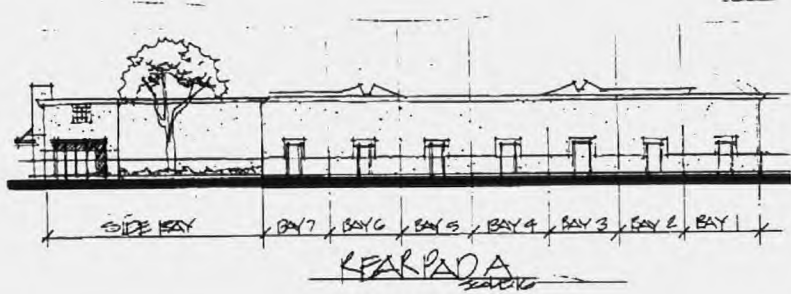


1201 Galleria Drive Suite 125
Henderson, Nevada 89014
Phone 702 433 4232
Fax 702 433 4299

Consultant



Project Title



Sheet Title

See

PRELIMINARY
NOT FOR
CONSTRUCTION

Revision

Project #

Revision

Sheet

SDR-17717
12/07/06 PC

OCT 24 2006



1291 Galleria Drive Suite
Henderson Nevada 89
Phone 702 433 90
Fax 702 433 4

Consultant

Project No

STEWART AND NELLIS
PARTNERS, LLC
900 STEWART AND NELLIS
LAS VEGAS, NEVADA

MAJOR 'A' BUILDING
900 STEWART AND NELLIS BLVD.

Sheet No

See FLOOR PLAN

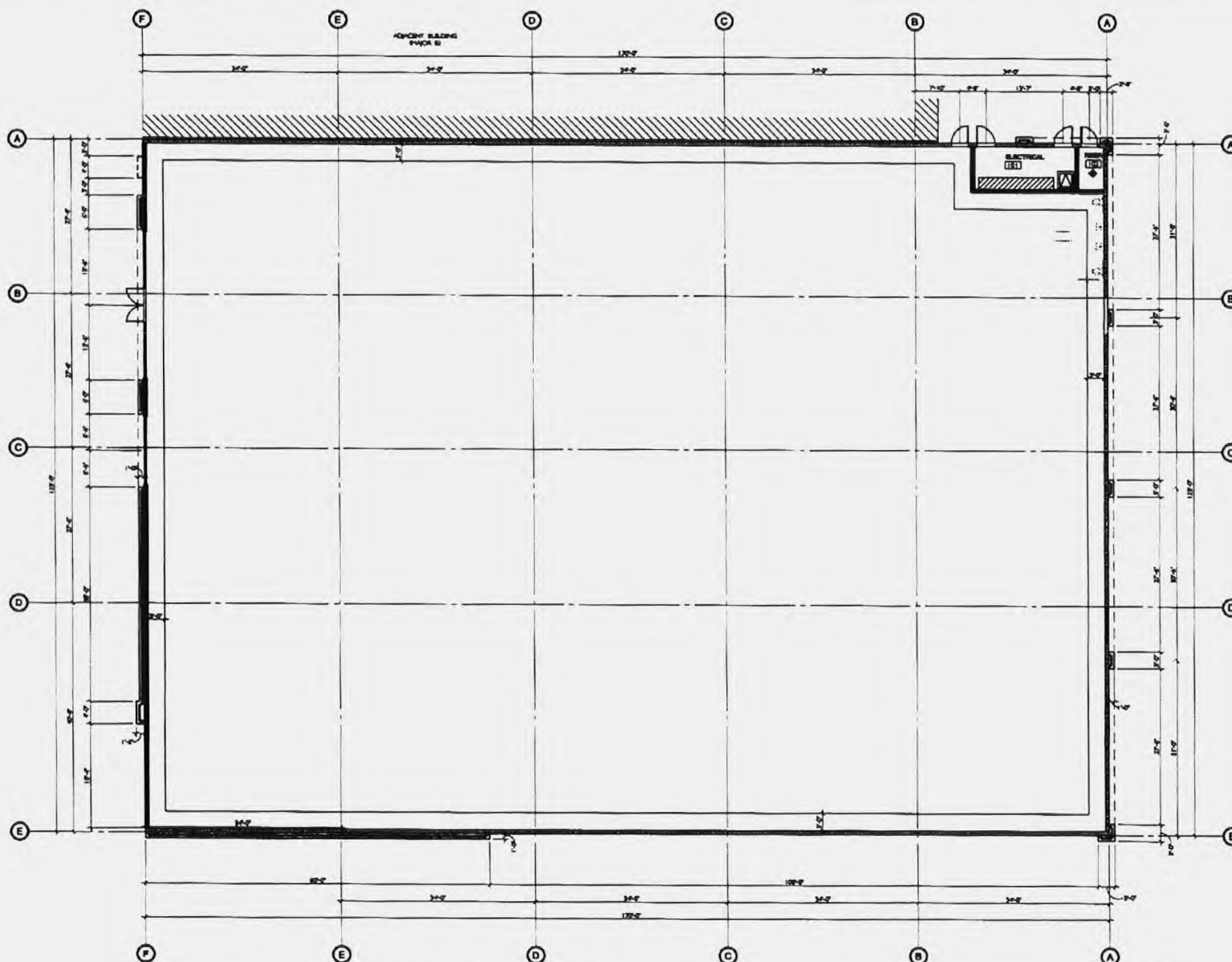
Revision

Project # 0000

Issue Date

Sheet SUPPORT-A

A1.0



FLOOR PLAN - MAJOR 'A'



SDR-17717

12/07/06 PC

OCT 24 2006



1201 Galleria Drive Suite
Henderson Nevada 89
Phone 702 433 40
Fax 702 433 41

Consultant

Record Title

STEWART AND HELLS
PARTNERS, LLC
BMC STEWART AND HELLS
LAS VEGAS, NEVADA

PAD 'A' BUILDING
9 BMC STEWART AVE & HELLS BLVD.

Sheet No.

Sta FLOOR PLAN

Revision

Project #

Revision Date

Sheet: 94-A1.0-PAD-A

A1.0



FLOOR PLAN - PAD "A"



SDR-17717

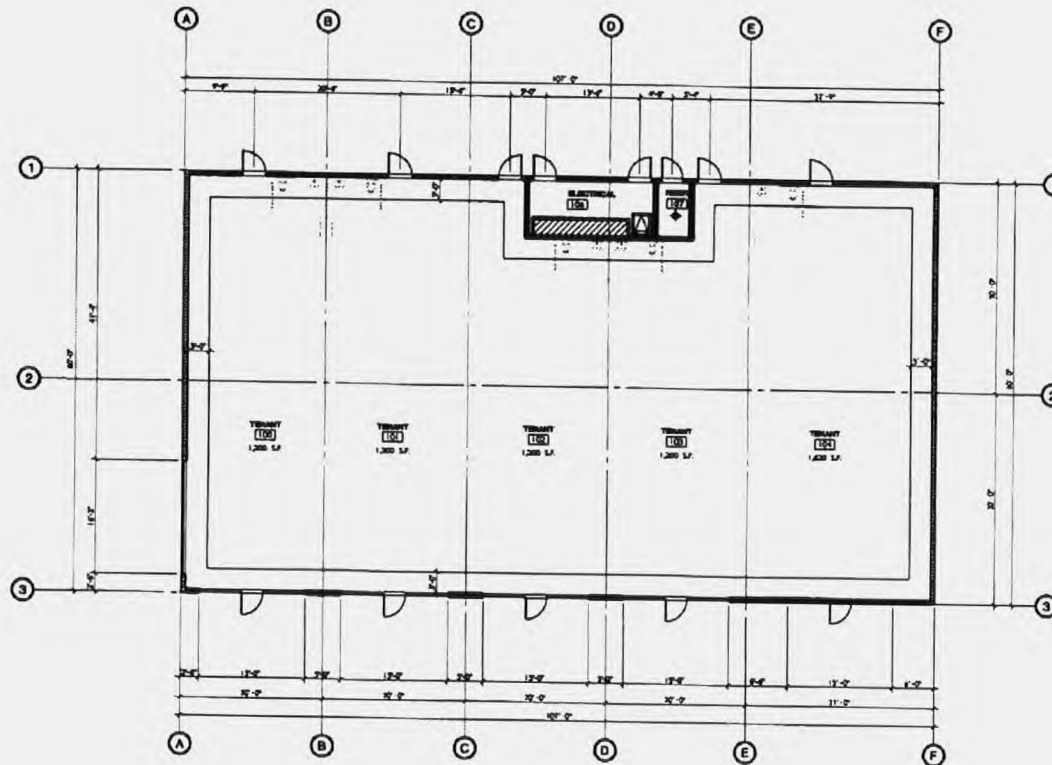
12/07/06 PC

DEC 7 2006



1281 Galleria Drive Suite
Henderson Nevada 89
Phone 702.433.40
Fax 702.433.4

Consultant



FLOOR PLAN - PAD "B"



Project File

STEWART AND NELLIS
PARTNERS, L.L.C.
9000 STEWART AND NELLIS
LAS VEGAS, NEVADA

PAD "B" BUILDING
9000 STEWART AND NELLIS BLVD.
Sheet Title

See FLOOR PLAN

Revision

Project # 8888

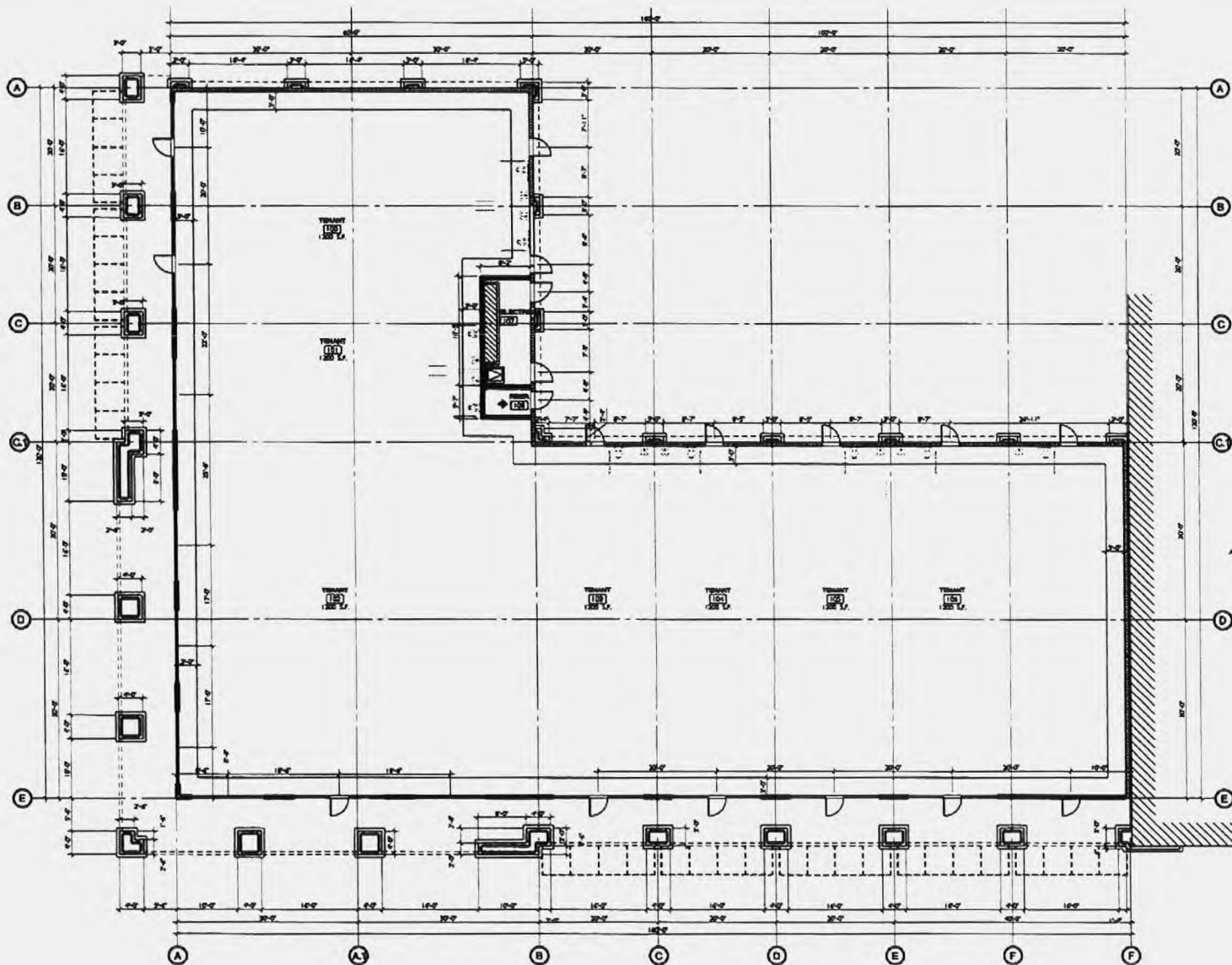
Revised 200

Sheet: 0-PAD-B

A1.0

SDR-17717
12/07/06 PC

OCT 24 2006



FLOOR PLAN - SHOP "A"

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



SDR-17717
12/07/06 PC



1281 Galena Drive Suite
Hawthorne, Nevada 89
Phone 702 433 40
Fax 702 433 4

Consultant

Project Title

STEWART AND NELLIS
PARTNERS, LLC.
900 STEWART AND NELLIS
LAS VEGAS, NEVADA

SHOP "A" BUILDING
900 STEWART AND NELLIS BLVD.
Sheet Title

See FLOOR PLAN

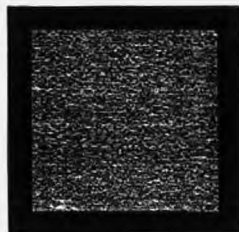
Revised

Project # 0004
Release Date

Sheet SDR-17717-A

A1.0

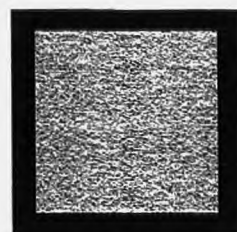
DEC 11 2006
OCT 24 2006



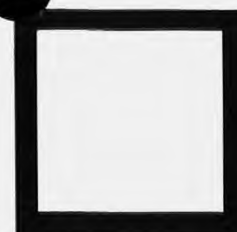
FRAZEE PAINT
8745A
KAYAK BROWN



FRAZEE PAINT
8214M
TOBACCO ROAD



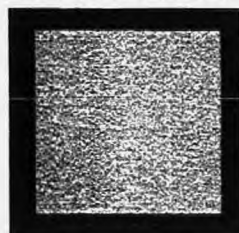
FRAZEE PAINT
7776N
GALENA GOLD



FRAZEE PAINT
7333M
ENDLESS PEACH



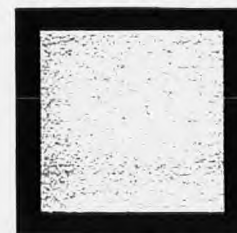
FRAZEE PAINT
7596A
AQUA DAZZLE



FRAZEE PAINT
7375
TANGERINE



FRAZEE PAINT
307
NAVAJO WHITE



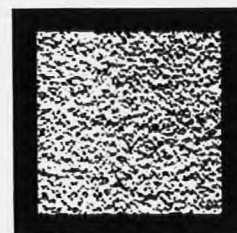
FRAZEE PAINT
521
TUSCANY



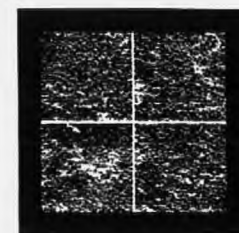
ROX PRODUCTS
AUTUMN HORIZON
LEDGESTONE SERIES



PLASTER TEXTURE
SMOOTH TROWELED
FINISH



PLASTER
TEXTURE
LIGHT DASH



DALTILE
CV13
REGAL ROUGE

STEWART & NELLIS

SDR-17717
12/07/06 PC

OCT 24 2006

SDR 17717				
Stewart/Nellis Partners, LLC				
NWC Stewart & Nellis				
Proposed 84.245 thousand square foot retail development.				
Traffic produced by proposed development:				
	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	SHOPPING CENTER [1000 SF]	84.245	42.94	3,617
AM Peak Hour			1.03	87
PM Peak Hour			3.75	316
(heaviest 60 minutes)				
Existing traffic on all nearby streets:				
Nellis Boulevard				
Average Daily Traffic (ADT)	44,425			
PM Peak Hour	3554			
(heaviest 60 minutes)				
Stewart Avenue				
Average Daily Traffic (ADT)	19,213			
PM Peak Hour	1537			
(heaviest 60 minutes)				
Traffic Capacity of adjacent streets:				
	Adjacent street ADT			
	Capacity			
Nellis Boulevard	51700			
Stewart Avenue	32600			
This project will add approximately 3,617 trips per day on Nellis, Bonanza and Stewart. This will increase expected volumes by about 8 percent on Nellis and 19 percent on Stewart. Nellis is at about 86 percent of capacity and Stewart is at about 59 percent of capacity.				
Based on Peak Hour use, this development will add roughly 316 additional cars into the area; which works out to about five every minute.				
Note that this report assumes all traffic from this development uses all named streets.				



SDR-17717 - APPLICANT/OWNER: STEWART/NELLIS PARTNERS, LLC
ADJACENT TO THE NORTHWEST CORNER OF NELLIS BOULEVARD AND STEWART AVENUE
DECEMBER 7, 2006 PLANNING COMMISSION

11/08/06



SDR-17717 - APPLICANT/OWNER: STEWART/NELLIS PARTNERS, LLC
ADJACENT TO THE NORTHWEST CORNER OF NELLIS BOULEVARD AND STEWART AVENUE
DECEMBER 7, 2006 PLANNING COMMISSION

11/08/06

SANDBERG GROUP

1291 Galleria Drive Suite 125
Henderson, Nevada 89014
702.4334032 fax 702.4334586
Web Site Address www.sgalv.com

October 24, 2006

City of Las Vegas
Planning & Development Dept.
731 S. Fourth Street
Las Vegas, Nevada 89101

REF: Site Development and Plan review
NWC Stewart & Nellis
APN 140-32-601-005

To Whom It May Concern,

The project listed above is a 7.81 acre retail development and is located at the NWC of Nellis and Stewart. The property is currently zoned C-1.

The project will consist of approximately 84,245 sq.ft. of in-line retail and freestanding pad buildings. The proposed use is compatible with existing zoning, therefore we are not requesting any revisions to the current zoning.

We would respectfully request your approval for the site development and plan review. If you have any questions or need any further information, please contact me at our office.

Very truly yours,
SANDBERG GROUP ARCHITECTS



Richard W. Salemme
Principal

SDR-17717
12/07/06 PC

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

CITY OF LAS VEGAS**ONE MOTION / ONE VOTE****Planning and Development Department****Current Planning Division****731 South Fourth Street****Las Vegas, Nevada 89101****(702) 229-6301 Phone (702) 385-7268 Fax****SUBJECT: SDR-17717 - APPLICANT/OWNER: STEWART/NELLIS PARTNERS, LLC**

The above item has been placed on the One Motion/One Vote portion of the Planning Commission Agenda for the *December 7, 2006* Planning Commission meeting. All of these items will be placed at the beginning of the agenda. The Chairman of the Planning Commission will open them at the same time.

Enclosed please find the proposed conditions of approval. If you agree to these conditions, please sign this form and fax it to Dorothy Marsili at 385-7268. If there is no one present at the Planning Commission meeting who wants to discuss this item, you will not be called to the podium to discuss the case. However, you must be present in case any Planning Commissioner or member of the public wants to discuss the item. If you have any questions, please contact my office at (702) 229-6301.

Please sign and date that you have read and agree to the conditions.

A handwritten signature in black ink, appearing to read "Richard V. Saleumne".

Signature

A handwritten date "12/5/06" in black ink.

Date

A handwritten name "Richard V. Saleumne" in black ink.

Please print name

A handwritten company name "Sandberg Saleumne Design Group" in black ink.

Company Name

Sincerely,

John Korkosz
Planning Supervisor
Current Planning Division

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JANUARY 17, 2007

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

SITE DEVELOPMENT PLAN REVIEW

SDR-15747 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: TWIN LAKES BAPTIST CHURCH - Request for a Site Development Plan Review FOR A PROPOSED 31,126 SQUARE-FOOT CHURCH/HOUSE OF WORSHIP AND A WAIVER OF THE PERIMETER LANDSCAPING REQUIREMENTS on 8.55 acres at the northwest corner of Rainbow Boulevard and Westcliff Drive (a portion of APN 138-27-802-004), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

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

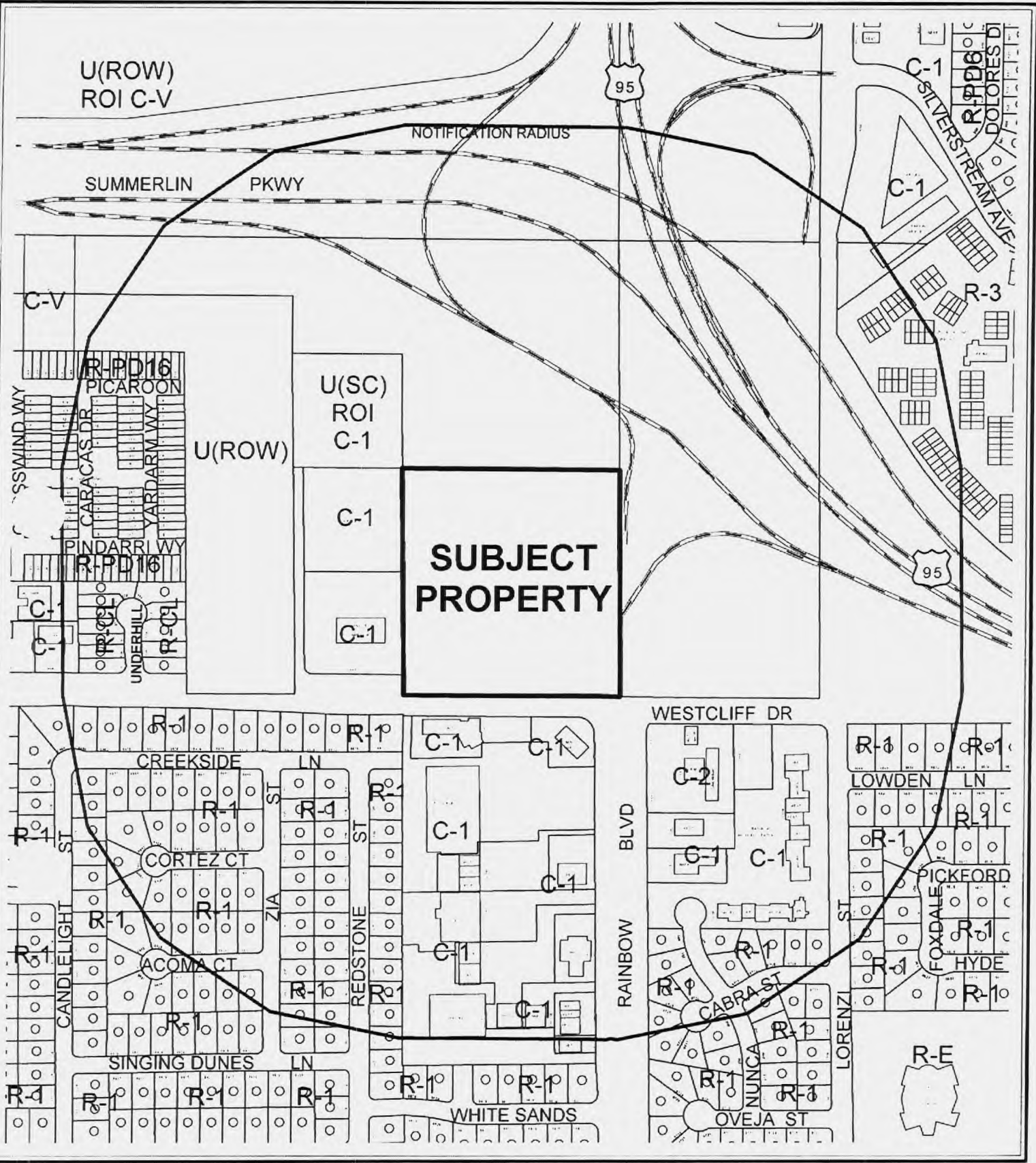
BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter

Motion made by GARY REESE to Hold in Abeyance Item 92 [GPA-16511], Item 93 [ZON-16519], Item 94 [VAR-16525], Item 95 [SDR-16522], Item 101 [ZON-17740], Item 102 [VAR-17741], Item 103 [VAR-17742], Item 104 [VAR-17743], Item 105 [VAC-17744], Item 106 [SDR-17745], Item 116 [SDR-15747], Item 117 [ROC-18341] and Item 130 [SUP-17739] to 2/07/2007; Item 82 [1919 Fremont Street], Item 118 [ZON-16179], Item 119 [VAR-16181], Item 120 [VAR-17191], Item 121 [SDR-16180], Item 122 [ZON-17242], Item 123 [VAR-17244], Item 124 [SDR-17247], Item 131 [SUP-18037] and Item 132 [SDR-18034] to 2/21/2007

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

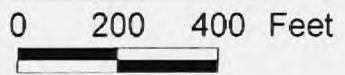


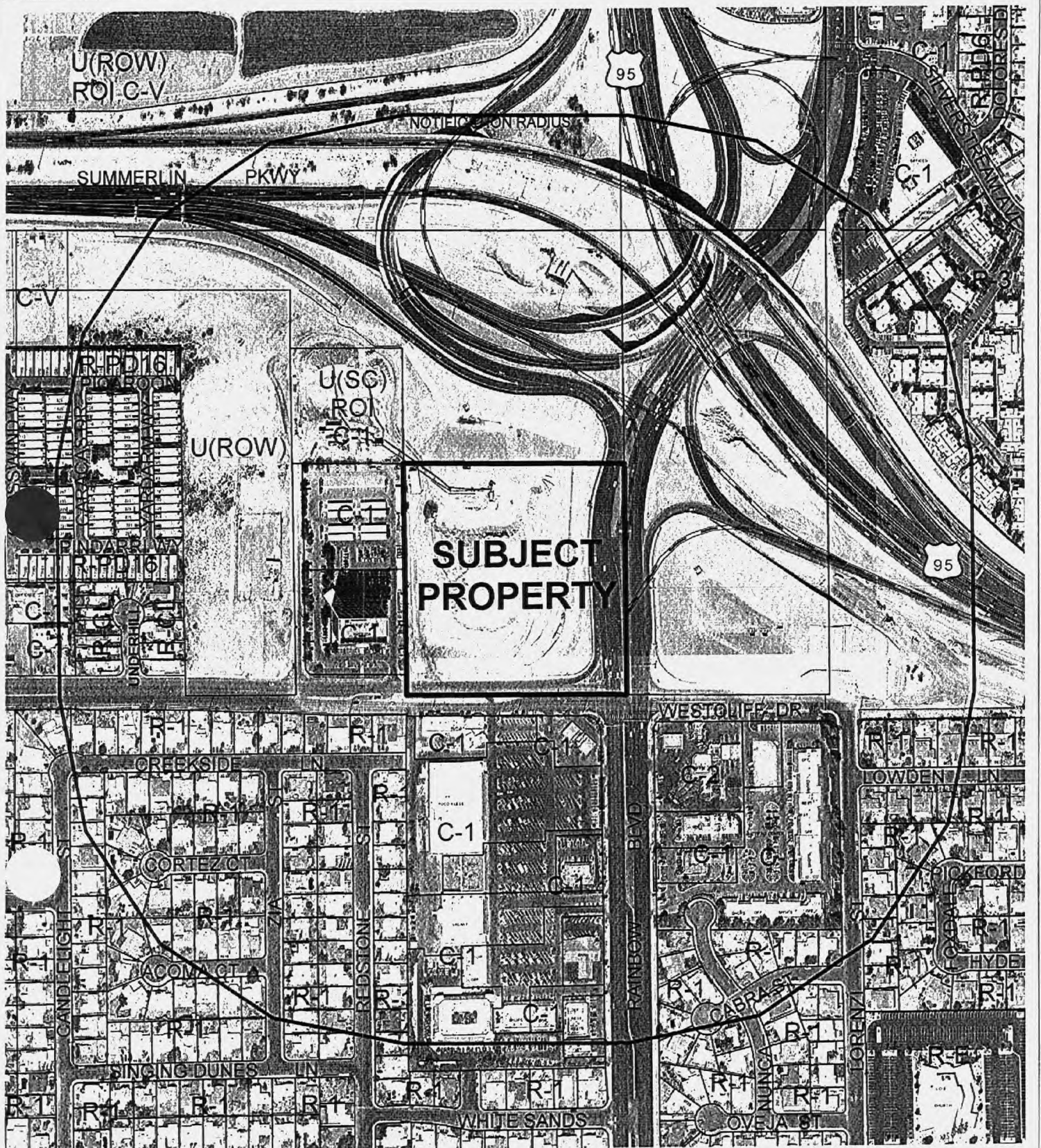
CASE: **SDR-15747**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [SC (SERVICE COMMERCIAL) GENERAL PLAN DESIGNATION]
 UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL)





CASE: **SDR-15747**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [SC (SERVICE COMMERCIAL) GENERAL PLAN DESIGNATION]
UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL)



AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 17, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - SDR-15747 - APPLICANT/OWNER: TWIN LAKES BAPTIST CHURCH

THIS ITEM WAS HELD IN ABEYANCE FROM THE JANUARY 3, 2007 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILWOMAN TARKANIAN.

**** CONDITIONS ****

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

Planning and Development

1. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
2. All development shall be in conformance with the revised site plan, landscape plan, and building elevations, submitted to the City Clerk on 9/21/06, except as amended by conditions herein.
3. A Waiver from Title 19.12 is hereby approved, to allow a minimum zero perimeter landscape buffer where a fifteen-foot buffer is required along the southern property line along Westcliff Drive, 53 inch wide landscape fingers where 60 inch wide landscape fingers are required and to allow no parking lot landscape fingers along the foundation parking area.
4. A revised site plan shall be submitted prior to the time an application is made for a building permit to reflect a 20-foot wide Multi-Use Transportation Trail (Bonanza Trail) in accordance with the Las Vegas 2020 Master Plan along the northern and eastern boundaries of the site.
5. A Site Development Plan Review application for Phase II of the project shall be submitted and scheduled for hearing by the Planning Commission prior to the issuance of any permits for that part of the project.
6. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. The technical landscape plan shall include the following changes from the conceptual landscape plan.

7. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
8. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
9. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
10. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
11. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
12. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
13. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

14. Dedicate appropriate right-of-way for Rainbow Boulevard adjacent to this site prior to the issuance of any permits unless otherwise allowed by the City Engineer.
15. 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.
16. Construct all incomplete half-street improvements on Rainbow Boulevard and Westcliff Drive adjacent to this site concurrent with development of this site.

17. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222a.
18. Provide proof to the Land Development Section of the Department of Public Works that the Nevada Department of Transportation has approved the design of the offsite improvements and driveway cuts adjacent to this site on Rainbow Boulevard and Westcliff Drive prior to the submittal of any construction drawings.
19. Coordinate with the Right-of-Way Section of the Department of Public Works to determine the application submittal requirements for Bureau of Land Management (BLM) applications for a portion of the trail path across BLM Parcel #138-27-802-006 on the northern side of this site as shown on the submitted site plan. A copy of the plant survey (if applicable), approved right-of-way grant issued by BLM, receipt for tortoise mitigation fee payment and notice to proceed issued by BLM (if applicable) shall be submitted to the Right-of-Way Section prior to approval of construction drawings for this site or the issuance of any permits, whichever may occur first.
20. Coordinate with the City Engineer's Office regarding the Bonanza Trail project. The trail shall be designed to connect with the portions of the trail being constructed by the City west and east of this site and shall be constructed to a minimum width of 12 feet and match the cross section being constructed by the City concurrent with development of this site.
21. 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.
22. Site development to comply with all applicable conditions of approval of the previous approval and all other applicable site-related actions, except as amended herein.
23. Unless otherwise allowed by the City Engineer, remove the western most driveway accessing Westcliff Drive.

**** STAFF REPORT ****

APPLICATION REQUEST

The applicant requests a Site Development Plan Review for a proposed 31,126 square-foot church/house of worship and a Waiver of the perimeter landscaping requirements on 8.55 acres at the northwest corner of Rainbow Boulevard and Westcliff Drive.

EXECUTIVE SUMMARY

The proposed two story building will be located on the northeast portion of the site. The first floor will consist of 19,224 square feet, with a 490-seat sanctuary, office space, classrooms and work rooms. The second floor is 11,902 square feet in area, with a 208-seat balcony and additional classroom space. A multi-use trail is provided along the north and east boundaries of the site.

The applicant has requested a Waiver of the perimeter landscape buffer requirement along the Westcliff Drive and a Waiver of the parking area landscape fingers. The applicant does not provide any landscaping on the south side of the property along Westcliff Drive which staff cannot support. Therefore, denial of this project is recommended

BACKGROUND INFORMATION

A) *Related Actions*

- | | |
|----------|--|
| 11/27/90 | The Board of Zoning Adjustment approved a Special Use Permit (U-0168-90) to allow the construction of a church on this property. This was final action; staff recommended approval. |
| 05/05/04 | The City Council approved a Site Development Plan Review (SDR-3997) for a 40,649 square-foot church/house of worship and a 1,200 square-foot temporary modular building. A Rezoning (ZON-3995) from U (Undeveloped) [SC (Service Commercial) General Plan Designation] to C-1 (Limited Commercial) on 12.50 acres adjacent to the northwest corner of Rainbow Boulevard and Westcliff Drive. The Planning Commission and staff recommended approval on 04/08/04. |
| 06/07/06 | The City Council approved an Extension of Time (EOT-13291) of an approved Rezoning (ZON-3995) from (Undeveloped) [SC (Service Commercial) General Plan Designation] to C-1 (Limited Commercial) on 12.50 acres adjacent to the northwest corner of Rainbow Boulevard and Westcliff. |
| 09/21/06 | The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #37/jm). |

B) Pre-Application Meeting

08/08/06 In the pre-application meeting, submittal requirements were discussed as were the determination of previous cases and their effect on this submittal. The applicant is submitting a new site plan; therefore, the applicant has allowed the approved Site Development Review (SDR-3997) to expire (5/5/06). However, the applicant has filed an Extension of Time on the Rezoning (ZON-3995) which the City Council approved on 06/07/06. In addition, the Bonanza Trail and its location 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: 8.55 acres

B) Existing Land Use

Subject Property: Undeveloped
North: Undeveloped
South: Commercial Establishment
East: Undeveloped
West: Financial Institution

C) Planned Land Use

Subject Property: SC (Service Commercial)
North: ROW (Right-of-Way)
South: SC (Service Commercial)
East: ROW (Right-of-Way)
West: SC (Service Commercial)

D) Existing Zoning

Subject Property: U (Undeveloped) under Resolution of Intent to
C-1 (Limited Commercial)
North: U (Undeveloped) [ROW (Right-of-Way)]
South: C-1 (Limited Commercial)
East: U (Undeveloped) [ROW (Right-of-Way)]
West: C-1 (Limited Commercial)

E) General Plan Compliance

The subject site is located in the Southwest Sector of the General Plan. The existing C-1 (Limited Commercial) zoning designation is in conformance with the SC (Service Commercial) category of the General Plan land use designation. This site is adjacent to a Multi-Use Transportation Trail (Bonanza Trail). The City is currently designing and constructing portions of this trail adjacent to this site to provide trail connectivity at the Rainbow interchange.

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

PROJECT DESCRIPTION

The proposed two story church will be located on the northeast portion of the site, with the remainder of the parcel, with the exception of the two pads adjacent to the south property line, proposed to be paved for parking. The first floor of the church will consist of 19,224 square feet, with a 490-seat sanctuary, office space, classrooms and work rooms. The second floor is 11,902 square feet in area, with a 208-seat balcony and additional classroom space.

Two driveways provide egress and ingress into the site. A 32-foot wide driveway provides ingress access to Westcliff Drive, while a 32-foot drive provides egress to the site. A 20-foot wide landscape planter is provided along the north, east and west property lines, while no landscaping is provided along Westcliff, the south property line.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

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

Standards	Required	Provided	Compliance
Min. Lot Width	100 Feet	492 Feet	Y
Min. Setbacks			
• Front	20 Feet	320 Feet	Y
• Side	10 Feet	70 Feet	Y
• Corner	N/A	---	N/A
• Rear	20 Feet	25 Feet	Y
Max. Lot Coverage	50 %	17	Y
Max. Building Height	None	Two Stories	Y
Trash Enclosure	Y	Y	Y

The request meets or exceeds Title 19 Development Standards.

A2) Residential Adjacency Standards

Residential Adjacency Standards do not apply to the subject development.

A3) Parking and Traffic Standards

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

Uses	GFA	Ratio	Required		Provided	
			Parking		Parking	
			Regular	Handicap	Regular	Handicap
Church	698 seats	1 per 4 fixed seats	175			
	25,566	1/300 for office	85			
Total			260	15	263	15

The project meets the parking standards per Title 19.10

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 Landscape Fingers	1 Tree/6 Spaces	60 Trees	61 Trees
Min. Trees - Perimeter	1 Tree/30 Feet	62 Trees	57 Trees
Min. Zone Depth Adjacent to Right-of-Way	15 Feet		0 Feet
Min. Zone Depth – Interior Lot Lines	8 Feet		20 Feet

The applicant provides adequate perimeter landscaping along the north and east boundaries of the site. The applicant does not provide any landscaping on the south side of the property along Westcliff Drive and is requesting a Waiver of the perimeter landscape buffer requirements which staff cannot support.

Along the 31,126 square foot worship center, the applicant provides foundation landscaping but does not show the required one landscape island for every six parking spaces. In addition, the applicant is proposing 53 inch wide landscape fingers where 60 inch wide landscape fingers are required. A Waiver of parking lot landscape fingers has also been requested as part of this application. While the applicant does not meet the required landscape island requirements, the applicant does provide foundation landscaping and 61 trees in the parking area where 60 are required. If the applicant were to replace the parking spaces with landscape fingers to meet the required number per Title 19.12., they would be deficient in parking. Therefore, staff supports the waiver of parking lot landscape fingers.

B) General Analysis and Discussion

- Zoning

The property is zoned C-1 (Limited Commercial). The proposed house of worship is a permitted use in this zoning district.

- Site Plan

The site development plan meets Title 19 Development Standards in terms of setbacks and parking.

- Waivers

Title 19.12	Required	Provided	Staff Recommendation
Minimum Zone Depth Adjacent to Right-of-Way	15 Feet of perimeter landscaping	0 Feet of perimeter landscaping (Westcliff Drive)	Staff does not support
Parking area landscape fingers	1 per every 6 parking spaces	No fingers along the foundation parking spaces, however applicant does exceed the total of trees required and provides adequate foundation landscaping	Staff supports

- Landscape Plan

The applicant provides adequate perimeter landscaping along the north and east boundaries of the site. The applicant does not provide any landscaping on the south side of the property along Westcliff Drive and is requesting a Waiver of the perimeter landscape buffer requirements.

Along the church, the applicant provides foundation landscaping but does not show the required one landscape island for every six parking spaces. A Waiver of parking lot landscape fingers has also been requested as part of this application. While the applicant does not meet the required landscape island requirements, the applicant does provide foundation landscaping and 61 trees in the parking area where 60 are required. If the applicant were to replace the parking spaces with landscape fingers to meet the required number per Title 19.12., they would be deficient in parking.

- Elevation

The building elevations show the building to be 45 feet, five inches in height to the top of the roof line; the steeple projects to a height of 77 feet, eight inches. The façade consists of foam cornices with stucco and kite shaped decorative insets. A metal ribbed roof will be constructed; the steeple is pre-fabricated.

- Floor Plan

The floor plan provides detail on the number and square footage of each classroom and seating area.

FINDINGS

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

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

The proposed church is compatible with adjacent development, as it is in close proximity to the freeway and other commercial 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 use is consistent with the goals, objectives and policies of the General Plan; however, the landscaping is consistent with Title 19.12 and cannot be supported.

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

The project will have access to Westcliff Drive, a 100-foot Primary Arterial, which should not negatively impact adjacent roadways or adjacent traffic.

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

The height and building elevations are appropriate for this area of the City.

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

The building elevations and design characteristics will contribute to an orderly and pleasing environment and are harmonious and compatible with other development in the area; however, the lack of landscaping along Westcliff is unsightly and not harmonious with the surrounding area.

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

Building inspections will take place to ensure conformance to the building code.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 5

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 234 by Planning Department

APPROVALS 0

PROTESTS 0



RECEIVED
AUG 08 2006

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-15747** APN: 13827802004
Name of Property Owner: TWIN LAKES BAPTIST CHURCH
Name of Applicant: CARL FLEMING

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: _____

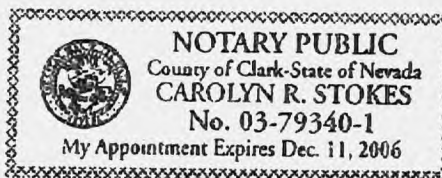
Signature of Property Owner: Carl Fleming

Print Name: Carl Fleming

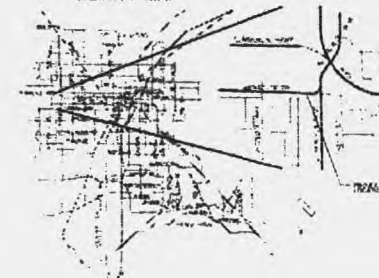
Subscribed and sworn before me

This 24th day of July, 2006

Carolyn R. Stokes
Notary Public in and for said County and State

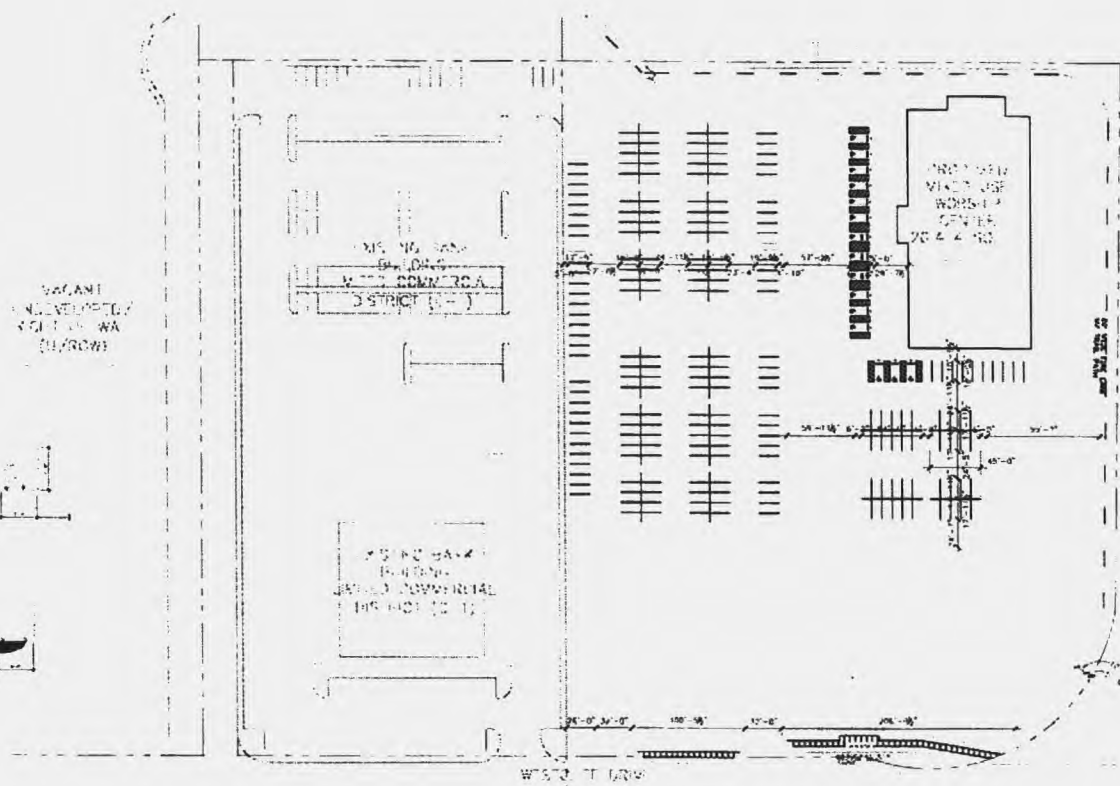
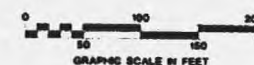


VICINITY MAP



PROJECT SUMMARY

PROJECT NAME	TWIN LAKES BAPTIST CHURCH
PROJECT ADDRESS	1000 N. 10TH AVE. SPOKANE, ID 83402
PROJECT TYPE	RECONSTRUCTION
PROJECT OWNER	LENDALL MAINS ARCHITECT
PROJECT DATE	SEP 21 2006



TWIN LAKES BAPTIST CHURCH

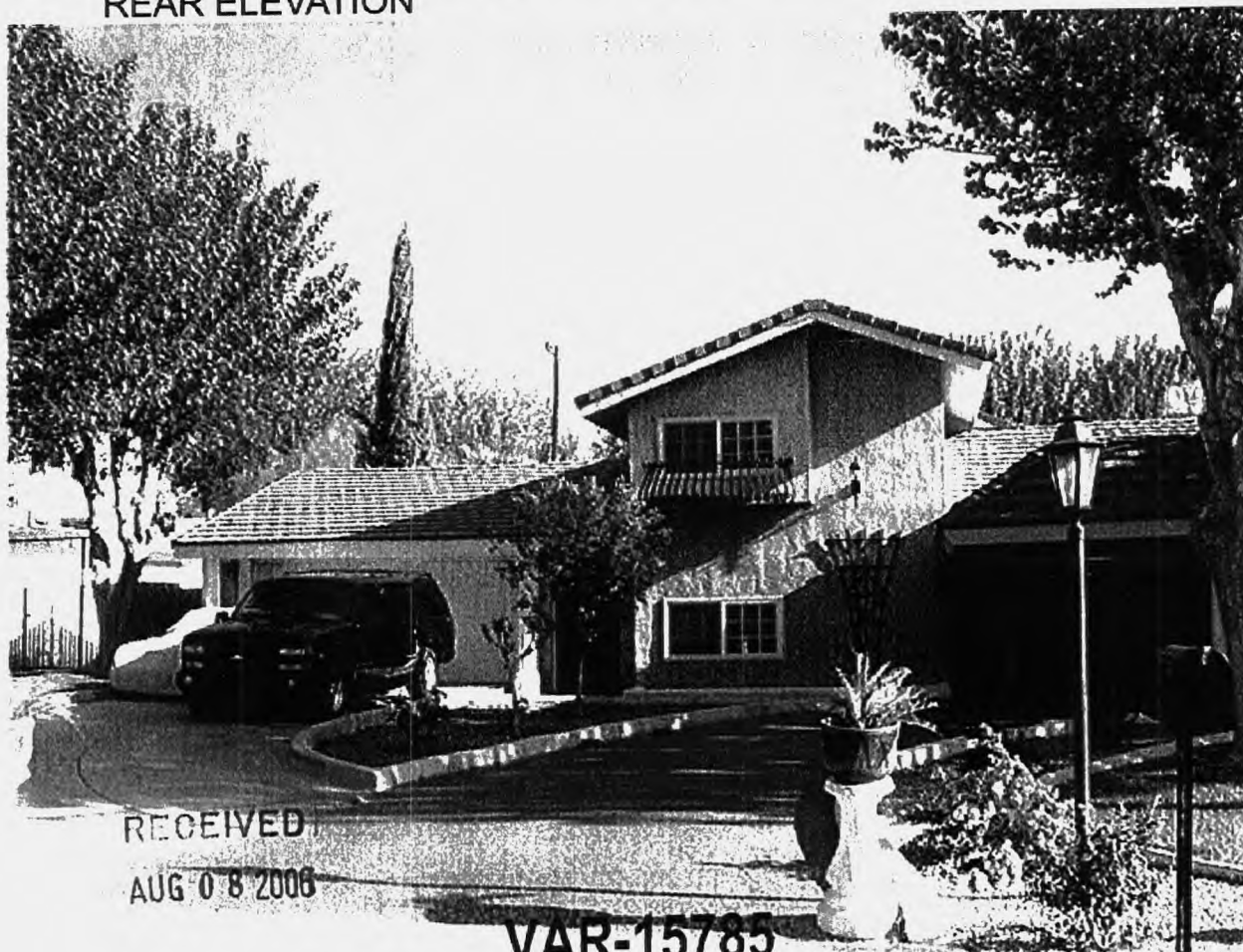
SDR-15747
REVISED
09/21/06 PC

LENDALL MAINS
ARCHITECT
SEP 21 2006

AS-1



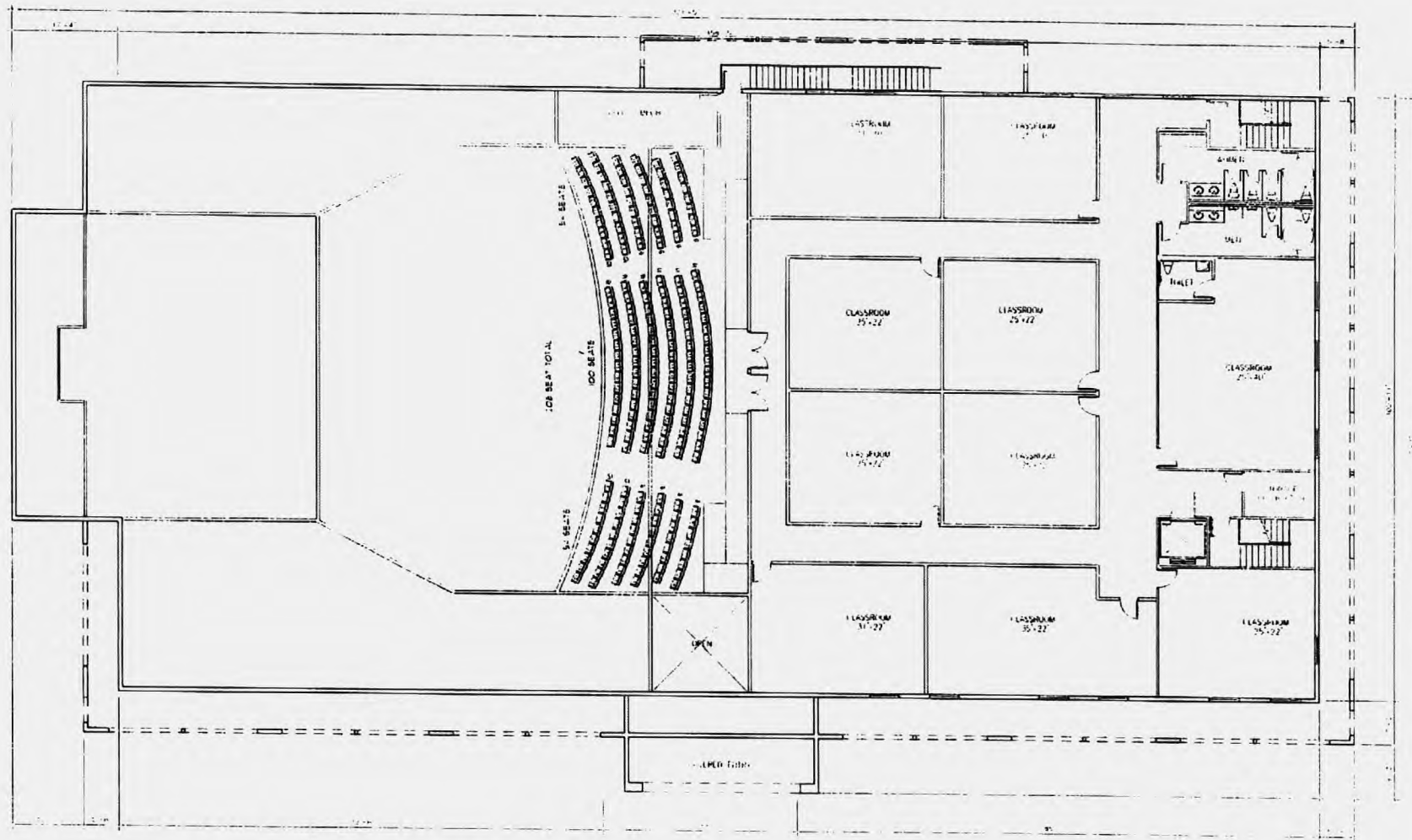
REAR ELEVATION



RECEIVED
AUG 08 2006

FRONT ELEVATION

VAR-15785
09/21/06 PC



SECOND FLOOR PLAN - 11,900 SF
TWIN LAKES BAPTIST CHURCH

SDR-15747

09/21/06 PC

RECEIVED

AUG 8 2006

A-2



1" = 4'-0"

FILE 11

VALLEY
HIDEWAY
RIGHT OF WAY
(11'-0" W)

EXISTING BANK
BUILDING
LIMITED COMMERCIAL
DISTRICT (C-1)

EXISTING BANK
BUILDING
LIMITED COMMERCIAL
DISTRICT (C-1)

WESTLIFE DRIVE

PROPOSED
MIXED USE
WORSHIP
CENTER
31,125 SQ. FT.

PLANT LEGEND

SIZE	SYMBOL NAME	COMMON NAME
TREES		
24" DBH	FRONTAL	FRONTAL
24" DBH	WATERWAY	WATERWAY
SHRUBS/ACCENTS		
5' DBH	SHRUBS	SHRUBS
5' DBH	SHRUBS	SHRUBS
5' DBH	SHRUBS	SHRUBS

NOTE:
ALL PLANTING SHALL MEET THE REQUIREMENTS OUTLINED IN THE SITE
PLAN. ALL PLANTING SHALL BE DONE BY THE END OF THE YEAR 2006. THIS IS
ALL PLANTING SHALL BE DONE BY THE END OF THE YEAR 2006. THIS IS
ALL PLANTING SHALL BE DONE BY THE END OF THE YEAR 2006. THIS IS

RECEIVED
AUG 8 2006

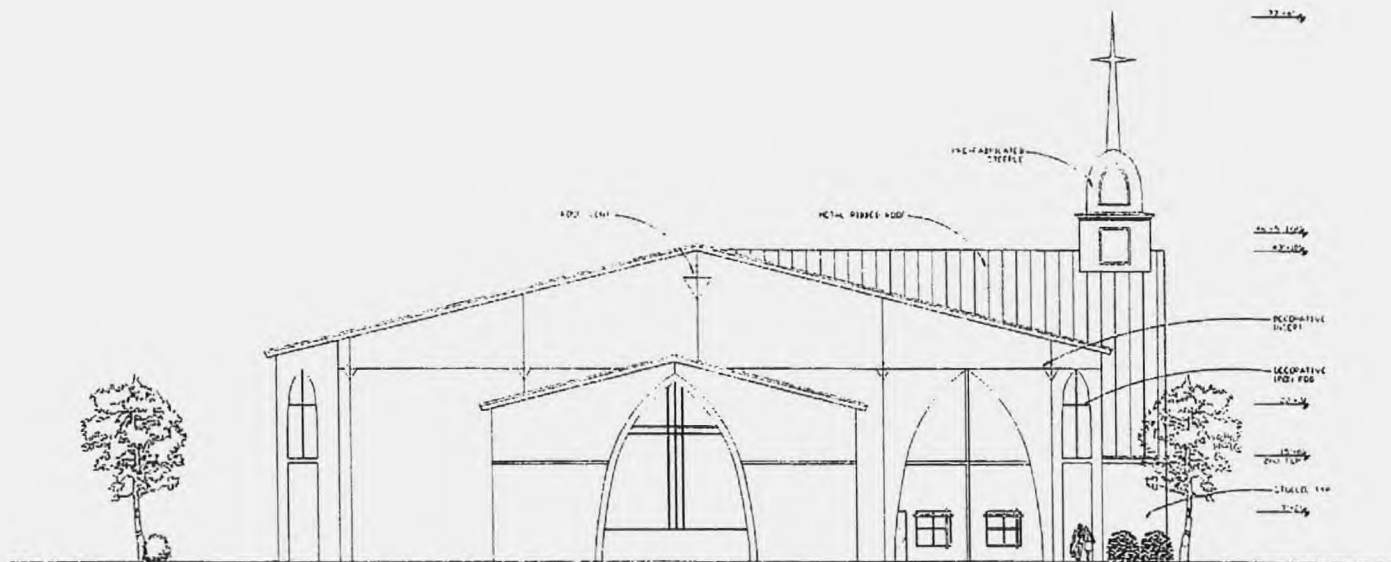
PROPOSED LANDSCAPE

TWIN LAKES BAPTIST CHURCH

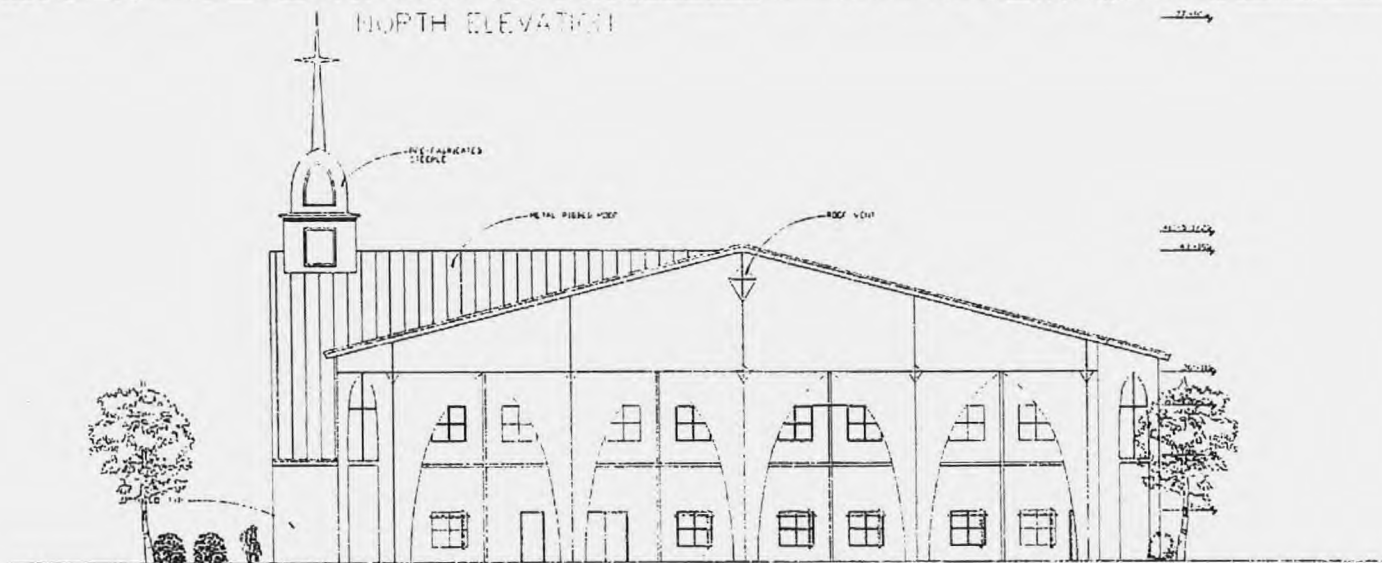
SDR-15747
09/21/06 PC

LENDALL MAINS
ARCHITECT
2500 East Polaris Lane
Suite #1
1500 North Highland Road
Phoenix, AZ 85024
Phone: 702.437.9675
Fax: 702.437.9675

L-1



NORTH ELEVATION



SOUTH ELEVATION

RECEIVED

AUG 8 2006

TWIN LAKES BAPTIST CHURCH

SDR-15747

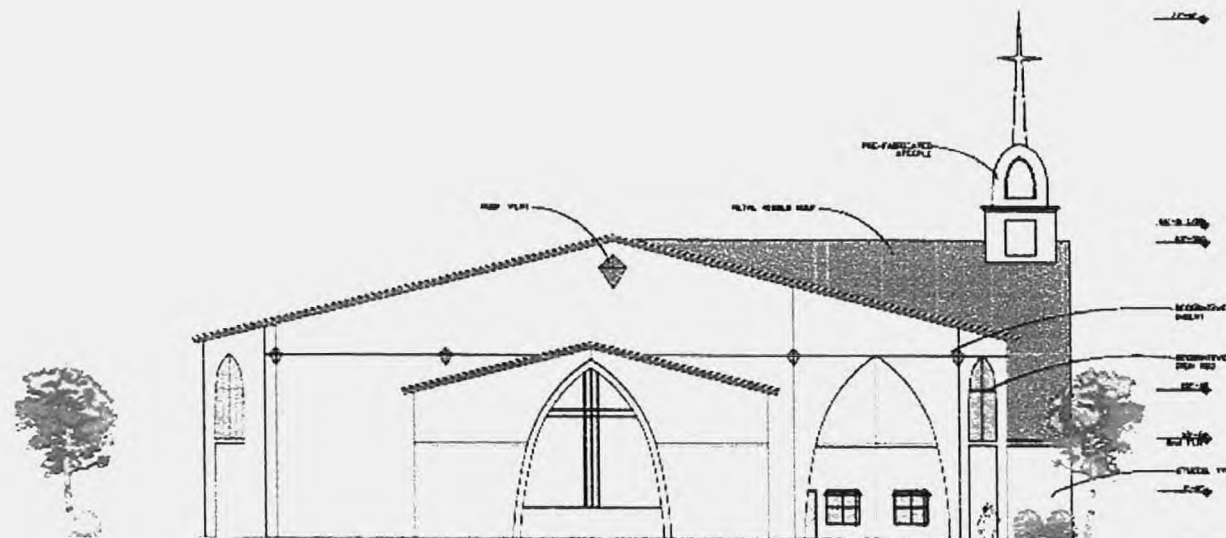
09/21/06 PC



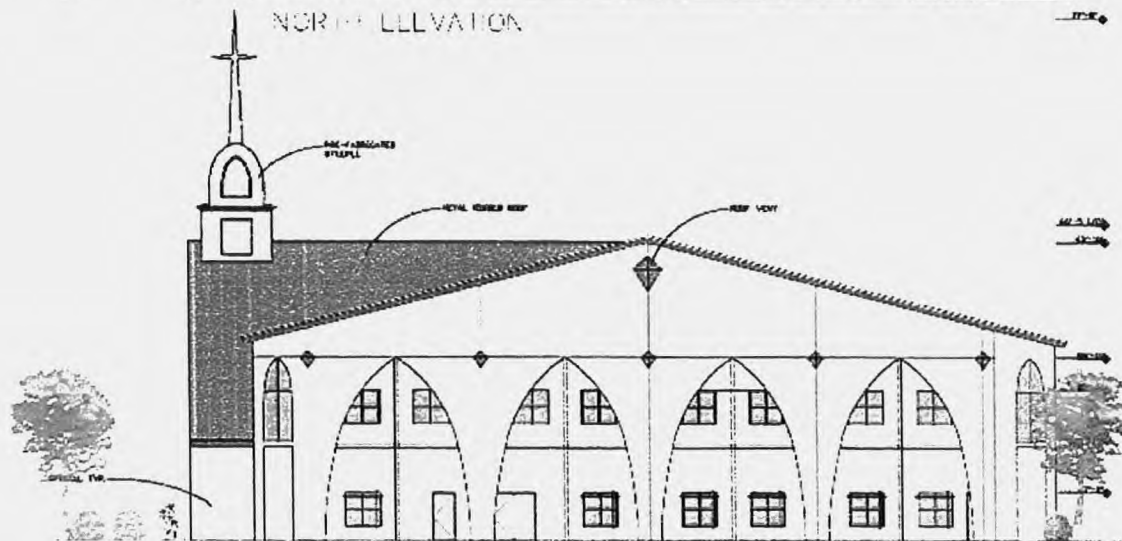
LEONARD MANN
ARCHITECT

SHEET NO.

A-4



NORTH ELEVATION



SOUTH ELEVATION

RECEIVED

AUG 3 2006

TWIN LAKES BAPTIST CHURCH



SDR-15747
09/21/06 PC

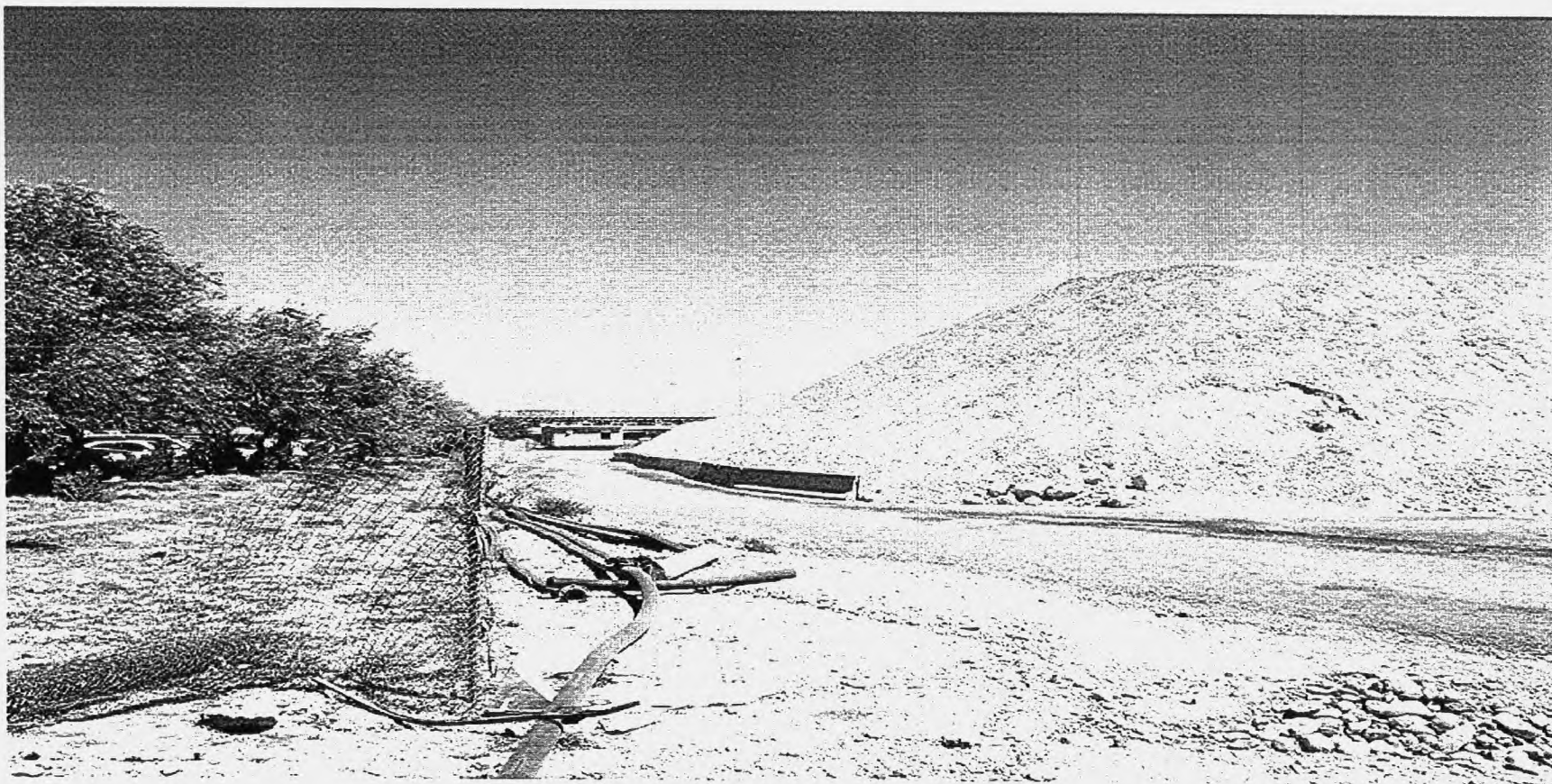
LENDALL MAINS
ARCHITECT
1000 S. 10th Ave.
Suite 100
Denver, Colorado 80202
Phone: 303.733.1000
Fax: 303.733.1001

Sheet No.

A-4

SDR 15747 Twin Lakes Baptist Church				
NWC Westcliff & Rainbow				
Proposed 31.126 thousand square foot church.				
Traffic produced by proposed development:				
New development	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	CHURCH [1000 SF]	31.126	9.11	284
AM Peak Hour			0.72	22
PM Peak Hour <i>(heaviest 60 minutes)</i>			0.66	21
Existing traffic on all nearby streets:				
Westcliff Drive				
Average Daily Traffic (ADT)	13,204			
PM Peak Hour <i>(heaviest 60 minutes)</i>	1056			
Rainbow Boulevard				
Average Daily Traffic (ADT)	62,699			
PM Peak Hour <i>(heaviest 60 minutes)</i>	5016			
Traffic Capacity of adjacent streets:				
	Adjacent street ADT Capacity			
Westcliff Drive	34300			
Rainbow Boulevard	51700			
This project will add approximately 284 trips per day on Westcliff and Rainbow.				
This will increase expected volumes by about 2 percent on Westcliff and less than one percent on Rainbow. Westcliff is at about 39 percent of capacity and Rainbow is over capacity.				
Based on Peak Hour use, this development will add roughly 21 additional cars into the area; which works out to about one every three minutes.				

Note that this report assumes all traffic from this development uses all named streets.				



SDR-15747 - APPLICANT/OWNER: TWIN LAKES BAPTIST CHURCH
NORTHWEST CORNER OF RAINBOW BOULEVARD AND WESTCLIFF DRIVE
SEPTEMBER 21, 2006 PLANNING COMMISSION

08/22/06



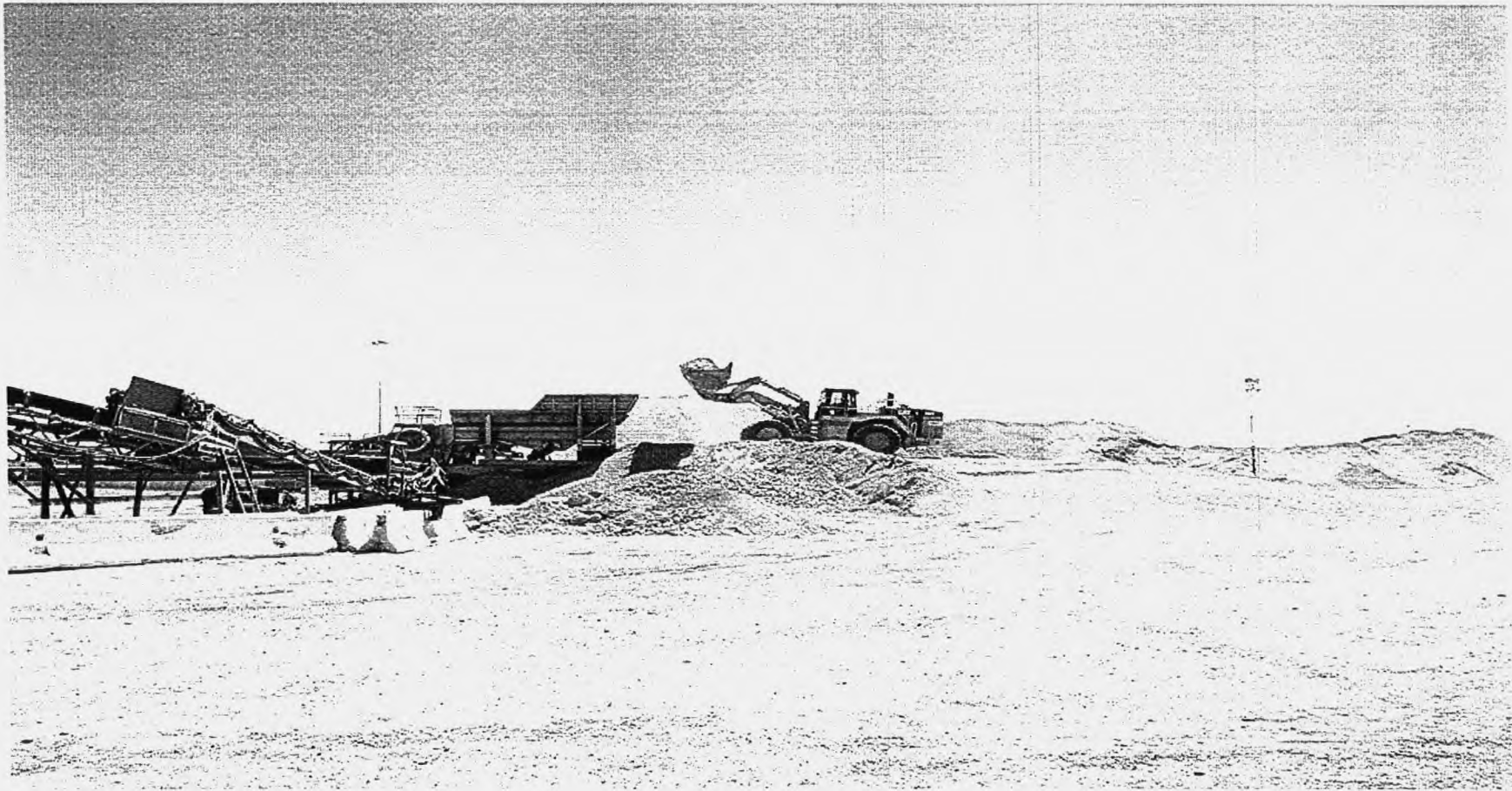
SDR-15747 - APPLICANT/OWNER: TWIN LAKES BAPTIST CHURCH
NORTHWEST CORNER OF RAINBOW BOULEVARD AND WESTCLIFF DRIVE
SEPTEMBER 21, 2006 PLANNING COMMISSION

08/22/06



SDR-15747 - APPLICANT/OWNER: TWIN LAKES BAPTIST CHURCH
NORTHWEST CORNER OF RAINBOW BOULEVARD AND WESTCLIFF DRIVE
SEPTEMBER 21, 2006 PLANNING COMMISSION

08/22/06



SDR-15747 - APPLICANT/OWNER: TWIN LAKES BAPTIST CHURCH
NORTHWEST CORNER OF RAINBOW BOULEVARD AND WESTCLIFF DRIVE
SEPTEMBER 21, 2006 PLANNING COMMISSION

08/22/06



SDR-15747 - APPLICANT/OWNER: TWIN LAKES BAPTIST CHURCH
NORTHWEST CORNER OF RAINBOW BOULEVARD AND WESTCLIFF DRIVE
SEPTEMBER 21, 2006 PLANNING COMMISSION

08/22/06

LENDALL MAINS ARCHITECT

RECEIVED
AUG 08 2006

August 7, 2006

Planning & Development Department
City of Las Vegas
731 S. 4th St.
Las Vegas, NV 89101

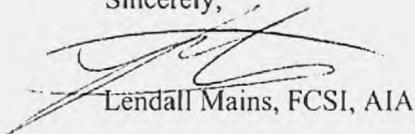
RE: Twin Lake Baptist Church
Request for Design and Site Review

Please accept this letter as justification for design and site review to A.P.No. 38-27-802-004.

We request that A.P. No. 38-27-802-004 for design and site review. Currently, parcel A.P. No. 138-27-802-004 is zoned C-1 Commercial with non-limited building height with our setbacks as follows: front yard- 20 feet; side yards- 10 feet; and rear yards- 10 feet. This project was previously reviewed by the City of Las Vegas in 2004 where the building was on the northwest parcel. The trail will remain as planned and we will comply with all C-1 requirements on the parcel. The parcel will be used for a proposed two-story mixed-used worship center of approximately 31,126 square feet. The previously approved building is being moved to the larger parcel for phase one of the development.

The church is also requesting to leave the previously approved modular building adjacent to the area that will be the west of the building of the project. The Phase I building will be open December 2007. The Church presently has facility on Vegas Drive and is requesting the use of the modular building be allowed to be placed on the site as shown on the attached drawings, for office and conference meeting space until their Phase I building is constructed.

Sincerely,



Lendall Mains, FCSI, AIA

SDR-15747
09/21/06 PC

3930 E. Patrick Lane, Ste. 1
Las Vegas NV 89120
(702) 437-5621 Phone
(702) 437-5623 Fax