

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MAY 16, 2007

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

SITE DEVELOPMENT PLAN REVIEW

SDR-20178 - PUBLIC HEARING - APPLICANT: LEVITZ HOME FURNITURE - OWNER: CONSTANTINO NOVAL NEVADA LLC. - Request for a Site Development Plan Review FOR A PROPOSED FREESTANDING SIGN, 80-FEET IN HEIGHT WITHIN 200 FEET OF THE US 95 HIGHWAY on 8.19 acres at 81 South Martin Luther King Boulevard (APN 139-33-510-002), M (Industrial) Zone, Ward 5 (Williams). The Planning Commission (5-0-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

1

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

The Planning Commission (5-0-1 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 04-12-07 Planning Commission Meeting Item 19

Motion made by BRENDA J. WILLIAMS to Approve Subject to Conditions

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

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

NOTE: Subsequent to hearing Item 109, COUNCILMAN REESE asked that his not voting on Items 107 and 108 be changed to the affirmative.

Minutes:

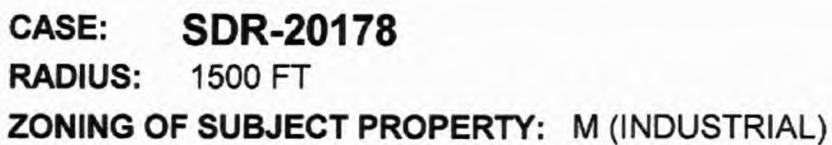
MAYOR GOODMAN declared the Public Hearing open.

KEN KENDALL, Visible Graphics, and MARIO RODRIGUEZ, Signs West, appeared on behalf of the applicant.

CITY COUNCIL MEETING OF: MAY 16, 2007

MAYOR GOODMAN declared the Public Hearing closed.







CASE: SDR-20178

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

0 500 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 16, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SDR-20178 - APPLICANT: LEVITZ HOME FURNITURE -
OWNER: CONSTANTINO NOVAL NEVADA LLC.**

**** CONDITIONS ****

The Planning Commission (5-1/sd vote) and staff recommend 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 80-foot sign 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 site plan, landscape plan, and building elevations, date stamped 02/27/07, except as amended by conditions herein.
3. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.
4. The existing billboard sign shall be demolished prior to the commencement of the physical construction of the new sign.

Public Works

5. The proposed freestanding sign, including base, shall not be located within the existing or proposed public right-of-way, existing or proposed public sewer or drainage easements, or interfere with Site Visibility Restriction Zones.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This request is for a Site Development Plan Review for a proposed freestanding sign, 80-feet in height within 200 feet of the US95 highway, located at 81 South Martin Luther King Boulevard, on an 8.19 acre commercial subdivision. Due to changing conditions in the area the applicant wishes to replace the current 40-foot tall sign with a sign that will be 80-feet in height.

The location of the sign is within 200 feet of the right-of-way line of highway US 95, and the proposed 80-foot sign will be 30-feet above the freeway elevation. Additionally, the sign will be visible from the Oran K. Gragson Highway. At this location an increase in height to 80-feet may be authorized by the City Council after review by the Planning Commission.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
06/08/98	The City Council approved a request for a special use permit (U-0025-98) on property located at 73 S Martin L King Blvd for a 14 foot by 48 foot off-premise advertising (billboard) sign at a height of 74 feet.
08/02/2000	The City Council approved a Two Year Required Review of an approved Special Use Permit [U-0025-98(1)] to allow a 672 square foot - 48 foot high off premise sign (billboard) on property located at 73 South Martin Luther King Boulevard.
09/18/2002	The City Council approved a Required Two Year Review of an approved Special Use Permit [U-0025-98(2)] which allowed a 74 foot high, 14 foot x 48 foot off premise advertising (billboard) sign at 73 South Martin L. King Boulevard.
10/01/03	The City Council approved (GPA-2497) a request to Amend the City of Las Vegas Downtown Development Plan Map (Map 9) of the Las Vegas Redevelopment Plan from Industrial to Commercial and from Industrial to Mixed Use for properties bounded by Charleston Boulevard to the north, Third Street to the east, Commerce Street to the west and Colorado Street to the south.
01/01/2007	The City Council tabled a required four year review (RQR-17098) of an approved special use permit (U-0025-98) which allowed a 14-foot x 48-foot off-premise advertising (billboard) sign at 73 South Martin L King Boulevard due to billboard moratorium.
04/12/07	The Planning Commission voted 5-1/sd to recommend APPROVAL (PC Agenda Item #19/lhm).
<i>Related Building Permits/Business Licenses</i>	
11/14/95	Sign (Permit # 95877436)
5/27/05	Monopole (Permit # 5000404)

Pre-Application Meeting	
2/13/07	Submittal requirements; show sign setback and elevations.
Neighborhood Meeting	
	No neighborhood meeting is required for this application, nor was one held.

Details of Application Request	
Site Area	
Net Acres	8.21

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Retail	LI/R (Light Industry/Research)	M (Industrial)
North	US95 Hwy	ROW	ROW
South	M (Industrial)	LI/R (Light Industry/Research)	M (Industrial)
East	US 95 Hwy / I-15	ROW	ROW
West	US 95 access ramp Tennis courts	ROW / MXU (Mixed Use)	R-5 (Apartment)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan			
Redevelopment Plan Area	X		Y
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
A-O Airport Overlay District (175 feet)	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

Airport Overlay

While the subject site is located in the Airport Overlay District, the proposed sign will not be of sufficient height to warrant further review for aviation purposes.

DEVELOPMENT STANDARDS

Freestanding Signs: 19.14.5		
Standards	Allowed	Provided
Maximum Number	*1 / Street frontage 1 total	1 / Street frontage 1 total
Maximum Area	**740 Square Feet	612 Square Feet
Maximum Height	80 Feet	80 Feet
Minimum Setback	5 Feet	5 Feet
Illumination	Allowed	Metal Halide Lighting System

*Sign Standards 19.14.5 Freestanding signs: (a) Maximum number one freestanding sign per each 200 lineal feet of street frontage or portion thereof.

** (b) Maximum area (i) The total area of all freestanding and monument signs shall not exceed two square feet of sign area for each lineal foot of street frontage.

ANALYSIS

The proposed illuminated, freestanding sign, 80 feet in height, will replace an existing 40 foot tall freestanding sign. Title 19.14.060 limits the height of freestanding signs to 40 feet. The height may be increased to 80 feet if the sign is within 200 feet of the right-of-way line and can be read from Interstates 15 and 215, US 95 from the north city limits to the Oran K. Gragson Highway, the Oran K. Gragson Highway or Interstate 515, when authorized by the City Council, after review by the Planning Commission.

- Sign Standards

This sign will be subject to Title 19.14.060(F) 5 [Permitted Signs in the C-1, C-2, C-M and C-2 Zoning Districts].

(5) Freestanding Signs

(a) Maximum number.

- (i) One freestanding sign per each 200 lineal feet of street frontage or portion thereof. The total number of all freestanding and monument signs shall not exceed one per each 200 lineal feet of street frontage or portion thereof.

(b) Maximum area.

- (i) The total area of all freestanding and monument signs shall not exceed two square feet of sign area for each lineal foot of street frontage. On lots with multiple street frontages, the allowable area for each street frontage shall be calculated separately unless consolidated into one sign, then each street frontage shall be added and total square footage permitted may be allowed in one consolidated sign.

(c) Maximum Height.

40 feet, subject to the following:

- (i) A freestanding sign within 200 feet of the right-of-way line of an elevated freeway or highway to which it is oriented may be erected up to 30 feet above the elevation of the elevated freeway or highway nearest the sign.
- (ii) In addition, signs within 200 feet of the right-of-way line and which can be read from Interstates 15 and 215, US 95 from the north city limits to the Oran K. Gragson Highway, the Oran K. Gragson Highway or Interstate 515 may be increased to a height equal to 80 feet, when authorized by the City Council, after review by the Planning Commission.

(d) Minimum Setback. Five feet from all property lines.

(e) Additional standards.

- (i) All freestanding and monument signs on the same lot or in the same development shall maintain a minimum separation of 100 feet measured along the street frontage.

(f) Illumination permitted. Internal, external, animated and electronic message unit signs are permitted except on a building elevation visible from and located within 200 feet of property zoned or shown on the General Plan as planned for single-family residential (attached or detached use).

FINDINGS

The following findings must be made for an SDR:

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

This M (Industrial) zoned commercial subdivision is bordered on the north by highway US 95 and on the east by highway I-15. Martin L King Boulevard is the access street on the west side of the subject parcel. An access ramp for US 95 and tennis courts are directly across Martin L King Boulevard from the site.

- 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;**

The proposed sign is consistent with city standards and is compatible with existing development in the area.

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

The site is accessed from Martin L King Boulevard which is designated on the Master Plan of Streets and Highways as Major Collector (80-foot) foot right-of-way. This roadway should not be adversely impacted by the proposed sign.

- 4. Building and landscape materials are appropriate for the area and for the City;**

Building materials are typical for sign construction and are appropriate for a sign to be visible from the highway at this location.

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

The elevations of the proposed sign indicate the sign is large enough to be easily viewed from the highway just to provide identification of the business at that location. The sign is compatible with development in the area.

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

The project will be subject to permit review and inspections, and is, therefore appropriate measures will be taken to protect human health and public safety.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 20

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 29 by Planning Department

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-20178** APN: _____

Name of Property Owner: Nevada Development, Tedd Rosenstein

Name of Applicant: Levitz Furniture, Ken Brown

Name of Representative: Visible Graphics, Janine Martinez

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

_____ Yes

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: _____

Print Name: _____

Tedd Rosenstein

Subscribed and sworn before me

This 20 day of February, 2007

Janine Jo Knox
Notary Public in and for said County and State



YOU'LL LOVE IT AT
LEVITZ®

PYLON DESIGN

MLK - LAS VEGAS, NV

ORIGINALLY SUBMITTED: MAY 1, 2006

REVISED: AUGUST 17, 2006

VISIBLE INTERNATIONAL
CORPORATE
IDENTITY
GRAPHICS

LOS ANGELES LAS VEGAS PHOENIX
6840 HAYVENHURST SUITE 100A
LOS ANGELES, CA. 91406
1800: 525 5519 FAX 1818: 787-0415

RECEIVED
FEB 27 2007

SDR-20178

04/12/07 PC

LEVITZ
FURNITURE

Approx. 10' tall on 5' x 10' base
around freeway overpass
As per Code

LEVITZ
FURNITURE

FURNITURE
Gallery
382-9013

SDR-20178
04/12/07 PC

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FACING EAST-WEST

FACING NORTH-SOUTH

SHEET

1

CLIENT:

LEVITZ
FURNITURE

SIGN TYPE: CONCRETE

SCALE: AS NOTED

PROJECT: MLK

DATE: 1/17/07

VISIBLE INTERNATIONAL
GRAPHICS CORPORATE
IDENTITY
LOS ANGELES • LAS VEGAS • PHOENIX
6840 HAYVENHURST SUITE 100A
LOS ANGELES, CA 91406
(800) 525-5515 FAX (818) 787-0415

This drawing is an original piece of art
work and is owned by VGP. It was designed
for your personal use as part of a project
being designed for you by VGP. This artwork
is not to be duplicated in any way without
the permission of VGP.

DRAWING HAS BEEN REVIEWED & IS:

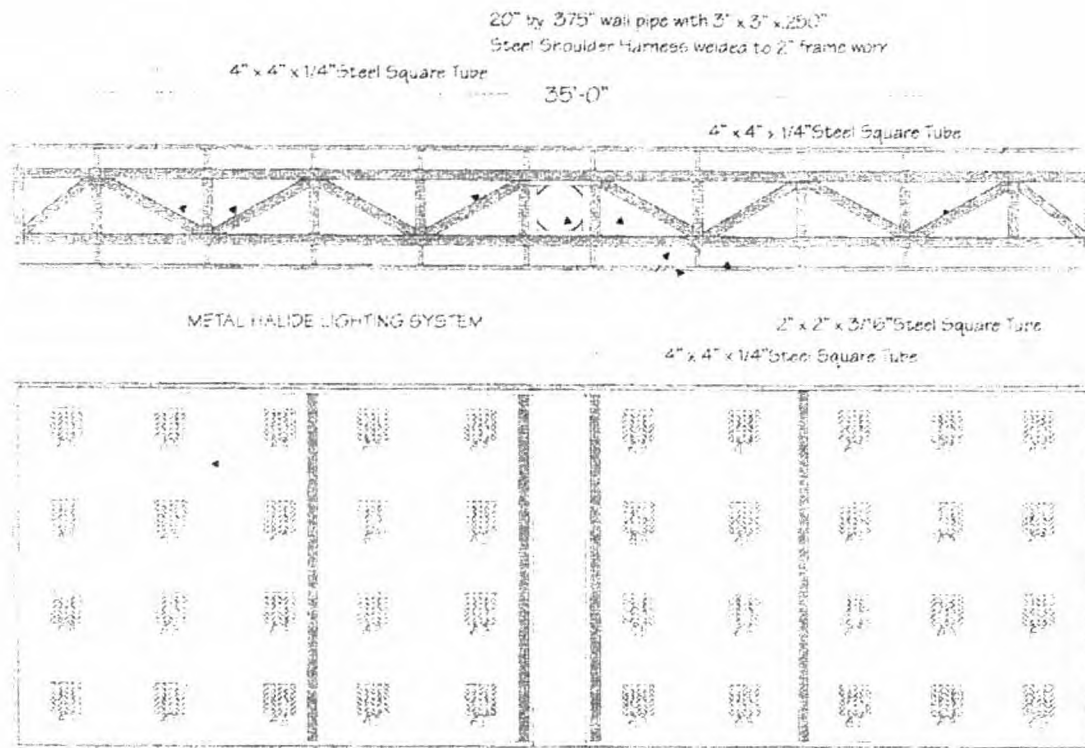
☐ APPROVED WITHOUT EXCEPTION

☐ APPROVED WITH NOTES

☐ TO BE REVIEWED & REDESIGNED

BY: _____

DATE: _____



12'-0"

Top Capnets - Frame / Lamping Detail

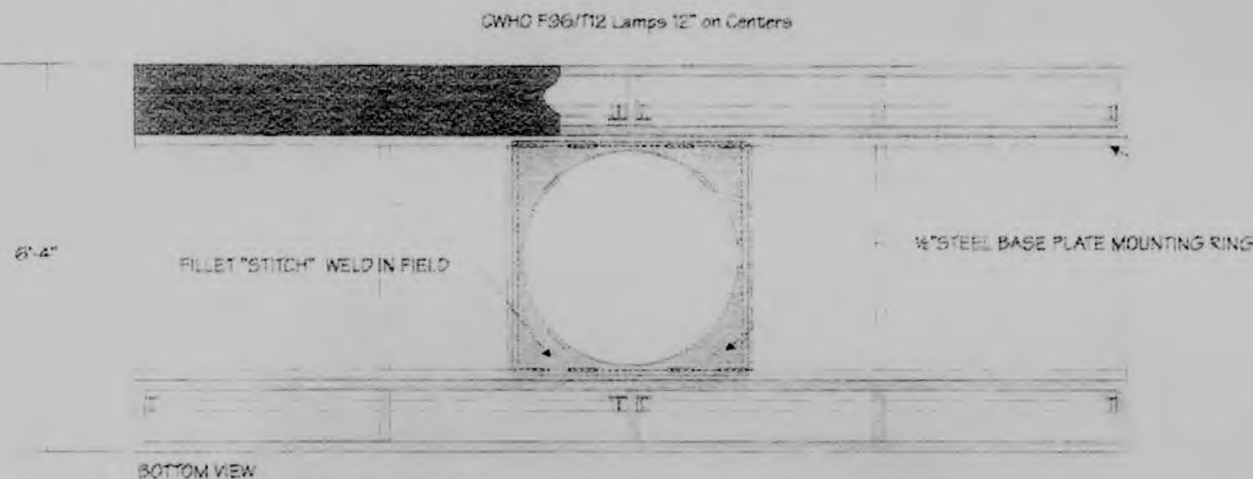
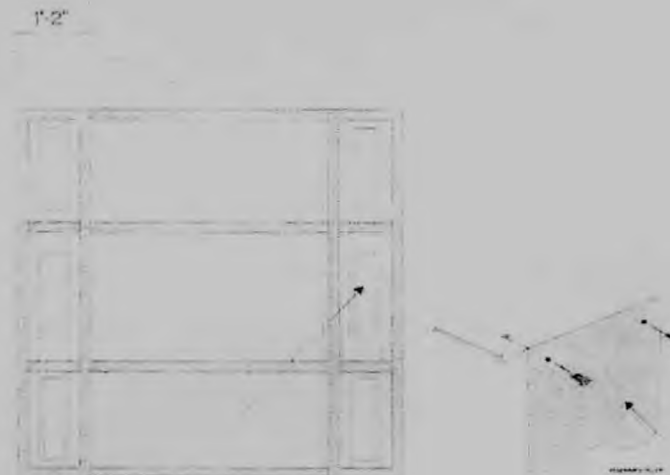
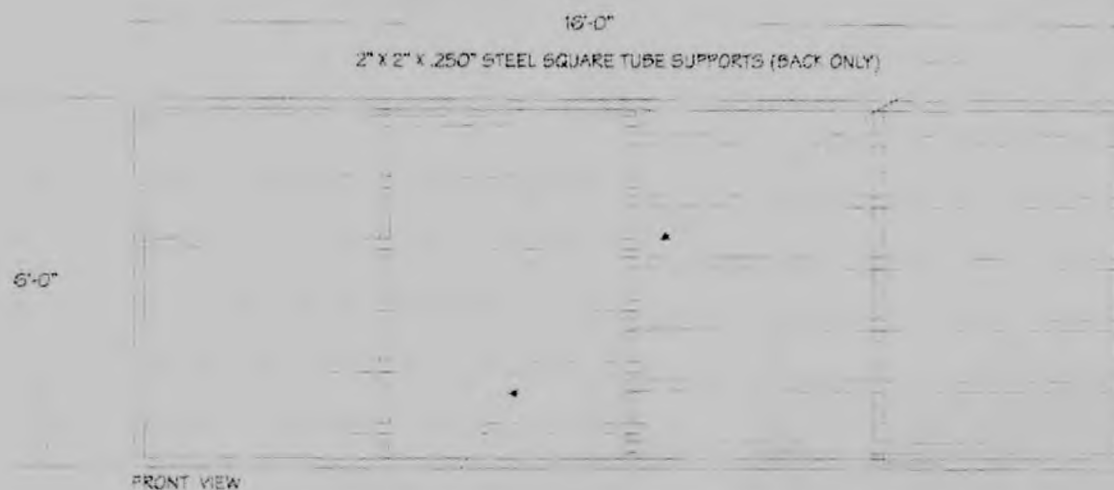
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RECEIVED
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SDR-20178
04/12/07 PC

SHEET 2	CLIENT: LEVITZ FURNITURE	SIGN TYPE: <i>EMULSION SIGN</i> SCALE: <i>AS NOTED</i> PROJECT: <i>V.P.</i> DATE: <i>07/17/07</i>	VISIBLE GRAPHICS INTERNATIONAL CORPORATE IDENTITY LOS ANGELES • LAS VEGAS • PHOENIX 6840 HAYVENHURST SUITE 100A LOS ANGELES, CA 91406 (800) 525-5519 FAX (818) 787-0415	This drawing is an original piece of artwork and is owned by V.G. It was designed for your personal use as part of a project being designed for you by V.G. This artwork is not to be duplicated in any way without the permission of V.G.	DRAWING HAS BEEN REVIEWED & IS: ☐ APPROVED & THROTTLED FOR RELEASE ☐ APPROVED & NOTED ☐ TO BE REVIEWED & RE-DESIGNED BY: _____ DATE: _____
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BALLAST LOCATION/ UNDER FILLER FOR EASY SERVICE

2" X 2" X .25" STEEL ANGLE MOUNTING BRACKET

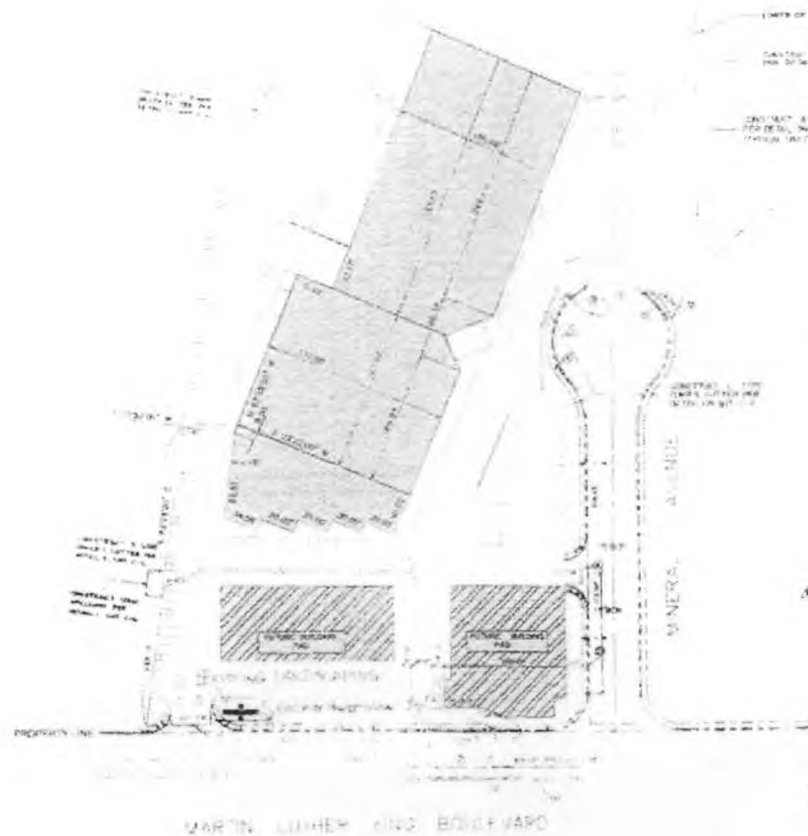
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04/12/07 PC

Scale - 1/2" = 1'-0"

Bottom Cabinets 2 REQUIRED- Frame / Lamping Detail

SHEET 3	CLIENT: LEVITZ FURNITURE	SIGN TYPE <u>BACK TO BACK SIGN</u> SCALE <u>AS NOTED</u> PROJECT <u>MLN</u> DATE <u>07/05/06</u>	VISIBLE GRAPHICS INTERNATIONAL CORPORATE IDENTITY LOS ANGELES • LAS VEGAS • PHOENIX 6840 HAYVENHURST SUITE 100A LOS ANGELES, CA. 91406 (800) 525-5519 FAX (818) 787-0415	This drawing is an original piece of art work and is owned by VG. It was designed for your personal use as part of a project being designed for you by VG. This artwork is not to be duplicated in any way without the permission of VG.	DRAWING HAS BEEN REVIEWED & IS: ☐ APPROVED WITHOUT EXCEPTION ☐ APPROVED AS NOTED ☐ TO BE REVISED & RESUBMITTED BY: _____ DATE: _____
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- NOTES TO THE ENGINEER**
1. THE PROPOSED DEVELOPMENT IS TO BE LOCATED ON THE CORNER OF MARTIN LUTHER KING BOULEVARD AND AVENUE A.
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DEVIATIONS FROM STANDARDS

CONSTRUCTION OF THE PROPOSED DEVELOPMENT IS TO BE IN ACCORDANCE WITH THE CITY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS, DIVISION OF ENGINEERING, STANDARDS AND SPECIFICATIONS FOR THE DESIGN AND CONSTRUCTION OF STREETS AND HIGHWAYS.

OFF-SITE UTILITIES

UTILITY	LOCATION	DEPTH	DIAMETER
WATER	100' W. OF LOT 1	18" D.	12" DIA.
SEWER	100' W. OF LOT 1	18" D.	12" DIA.
GAS	100' W. OF LOT 1	18" D.	12" DIA.
ELECTRIC	100' W. OF LOT 1	18" D.	12" DIA.
TELEPHONE	100' W. OF LOT 1	18" D.	12" DIA.

APPROVALS

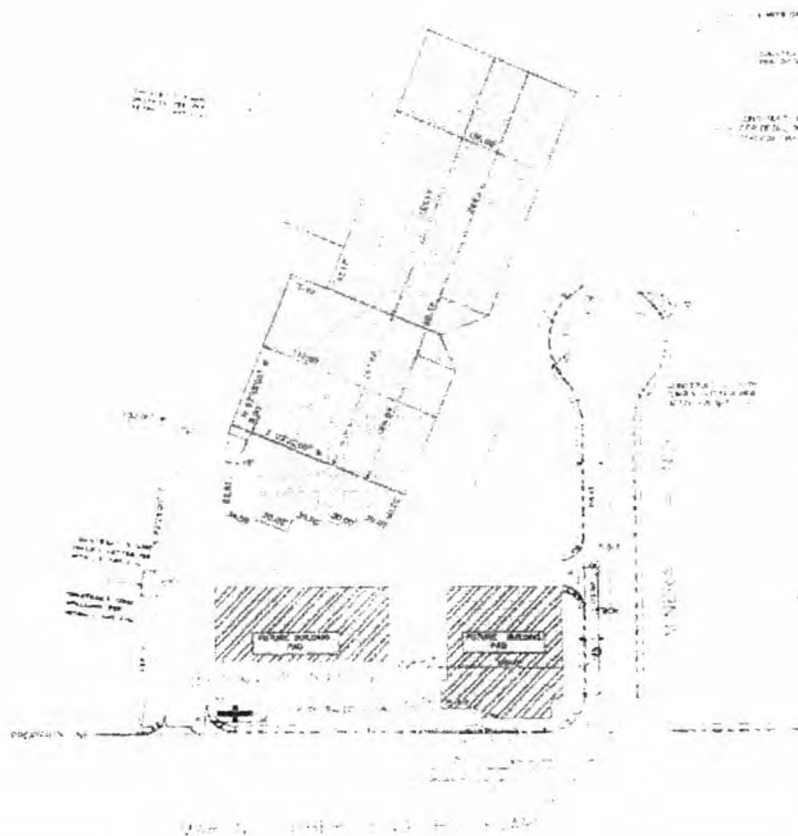
CITY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
DIVISION OF ENGINEERING

APPROVED: _____
DATE: _____

APPROVED: _____
DATE: _____

RECEIVED
FEB 27 2007

SDR-20178
04/12/07 PC



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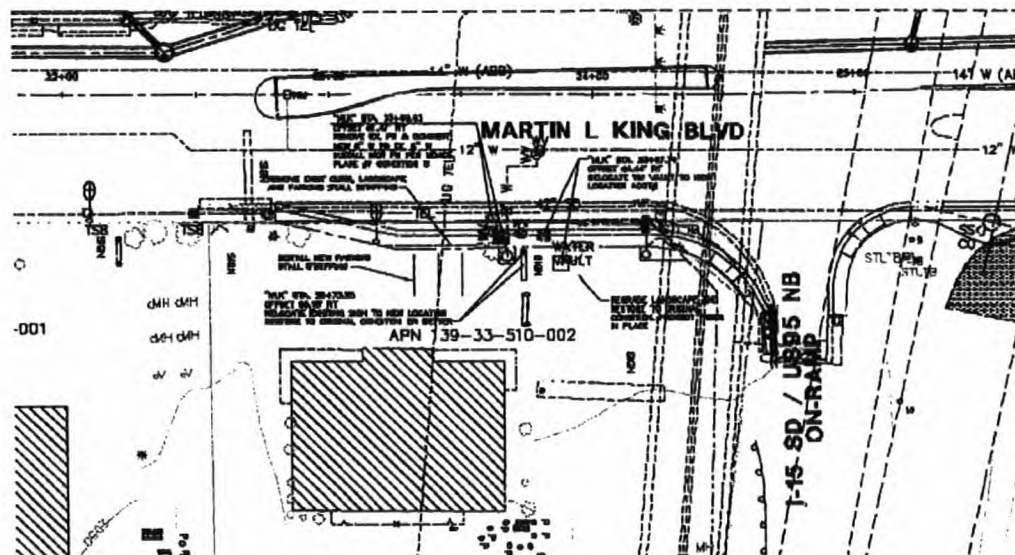
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SDR-20178
04/12/07 PC



DEPARTMENT OF PUBLIC WORKS

DEPT OF LAB AGRIC

VEN

CONSULTING ENGINEERS • PLANNERS • LAND SURVEYORS
1777 SOUTH RAINBOW BOULEVARD
LAS VEGAS, NEVADA 89146-0448 PHONE (702) 673-7888 FAX (702) 268-3877

PROPERTY DETAILS

MARTIN L. KING BLVD IMPROVEMENTS
ALTA DR TO CAREY AVE



<u>APPENDIX</u>	
LAB MESA VALLEY SHERIFFS OFFICE	DATE

P16

SDR-20178
REVISED
04/12/07 PC

MAR 30 2007



SDR-20178 - APPLICANT: LEVITZ HOME FURNITURE - OWNER: CONSTANTINO NOVAL NEVADA LLC.
81 SOUTH MARTIN LUTHER KING BOULEVARD
APRIL 12, 2007 PLANNING COMMISSION

03/12/07



SDR-20178 - APPLICANT: LEVITZ HOME FURNITURE - OWNER: CONSTANTINO NOVAL NEVADA LLC.
81 SOUTH MARTIN LUTHER KING BOULEVARD
APRIL 12, 2007 PLANNING COMMISSION

03/12/07



SDR-20178 - APPLICANT: LEVITZ HOME FURNITURE - OWNER: CONSTANTINO NOVAL NEVADA LLC.
81 SOUTH MARTIN LUTHER KING BOULEVARD
APRIL 12, 2007 PLANNING COMMISSION

03/12/07



January 2, 2007
By first-class mail

Planning Department
Development Services Center
731 South 4th Street
Las Vegas, NV 89101

RE: LEVITZ FURNITURE SIGN

Dear Planning Commission Members:

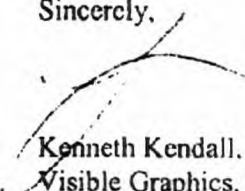
On behalf of our client Levitz Furniture, I am writing to request a review under Las Vegas Zoning Ordinance Section 19.14.060 (F)(5)(c)(ii). As you know, the City Zoning Ordinance ordinarily limits the height all freestanding signs to 40 feet. However, under the above section, the City Council, after review by the Planning Commission, may allow an 80-foot sign, if the sign stands within 200 feet of the right-of-way line and can be seen from certain highways.

Our client Levitz Furniture currently has a sign located about 80 S Martin Luther King Boulevard in the City of Las Vegas and standing within 200 feet of the right-of-way line. Although Levitz Furniture found its sign adequate in the past, continuous market competition, gradual decrease in sales, and increasing customer complaints about the lack of the store's visibility from highways and streets compelled our client to re-evaluate its sign requirements. Therefore, to stay competitive, to satisfy its customers' demands, and, consequently, to continue providing excellent jobs and superior services to the local community, Levitz Furniture wishes to replace its current sign with a larger, 80-foot pylon sign.

Accordingly, we respectfully ask that you review our client's request under Section 19.14.060 (F)(5)(c)(ii) and submit a favorable recommendation to the City Council for its final approval and authorization. To that end, we are offering to cooperate with you fully and to comply with any of your requests quickly.

Thank you.

Sincerely,



Kenneth Kendall, CEO
Visible Graphics, Inc.

SDR-20178
04/12/07 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-20178 - APPLICANT: LEVITZ HOME FURNITURE - OWNER:
CONSTANTINO NOVAL NEVADA LLC.**

The above item has been placed on the One Motion/One Vote portion of the Planning Commission Agenda for the *April 12, 2007* 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.

Signature Date 4-11-07

Janine Martinez
Please print name

Visible Graphics, Inc.
Company Name

Sincerely,

John Korkosz
Planning Supervisor
Current Planning Division

CITY OF LAS VEGAS**ONE MOTION / ONE VOTE**

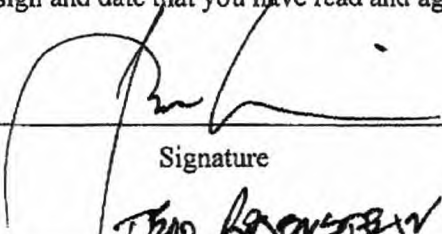
Planning and Development Department
Current Planning Division
731 South Fourth Street
Las Vegas, Nevada 89101
(702) 229-6301 Phone (702) 385-7268 Fax

SUBJECT: SDR-20178 - APPLICANT: LEVITZ HOME FURNITURE - OWNER: CONSTANTINO NOVAL NEVADA LLC.

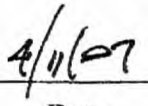
The above item has been placed on the One Motion/One Vote portion of the Planning Commission Agenda for the **April 12, 2007** Planning Commission meeting. All of these items will be placed at the beginning of the agenda. The Chairman of the Planning Commission will open them at the same time.

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.

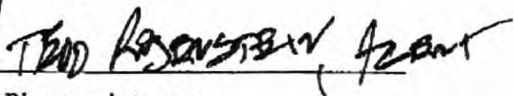
Please sign and date that you have read and agree to the conditions.



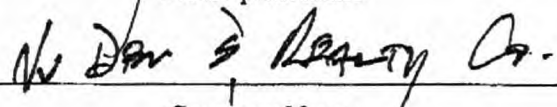
Signature



Date



Please print name



Company Name

Sincerely,

John Korkosz
Planning Supervisor
Current Planning Division

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: MAY 16, 2007**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: M. MARGO WHEELER**☐ Consent ☒ Discussion**SUBJECT:**
VACATION

VAC-19628 - PUBLIC HEARING - OWNER/APPLICANT: BARBARA J. FARMANALI -
Petition to vacate a drainage easement generally located on the north side of Centennial
Parkway, approximately 645 feet east of Leon Avenue, Ward 6 (Ross). The Planning
Commission (6-0 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 (6-0 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 04-12-07 Planning Commission Meeting Item 5

Motion made by STEVEN D. ROSS to Approve Subject to Conditions

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

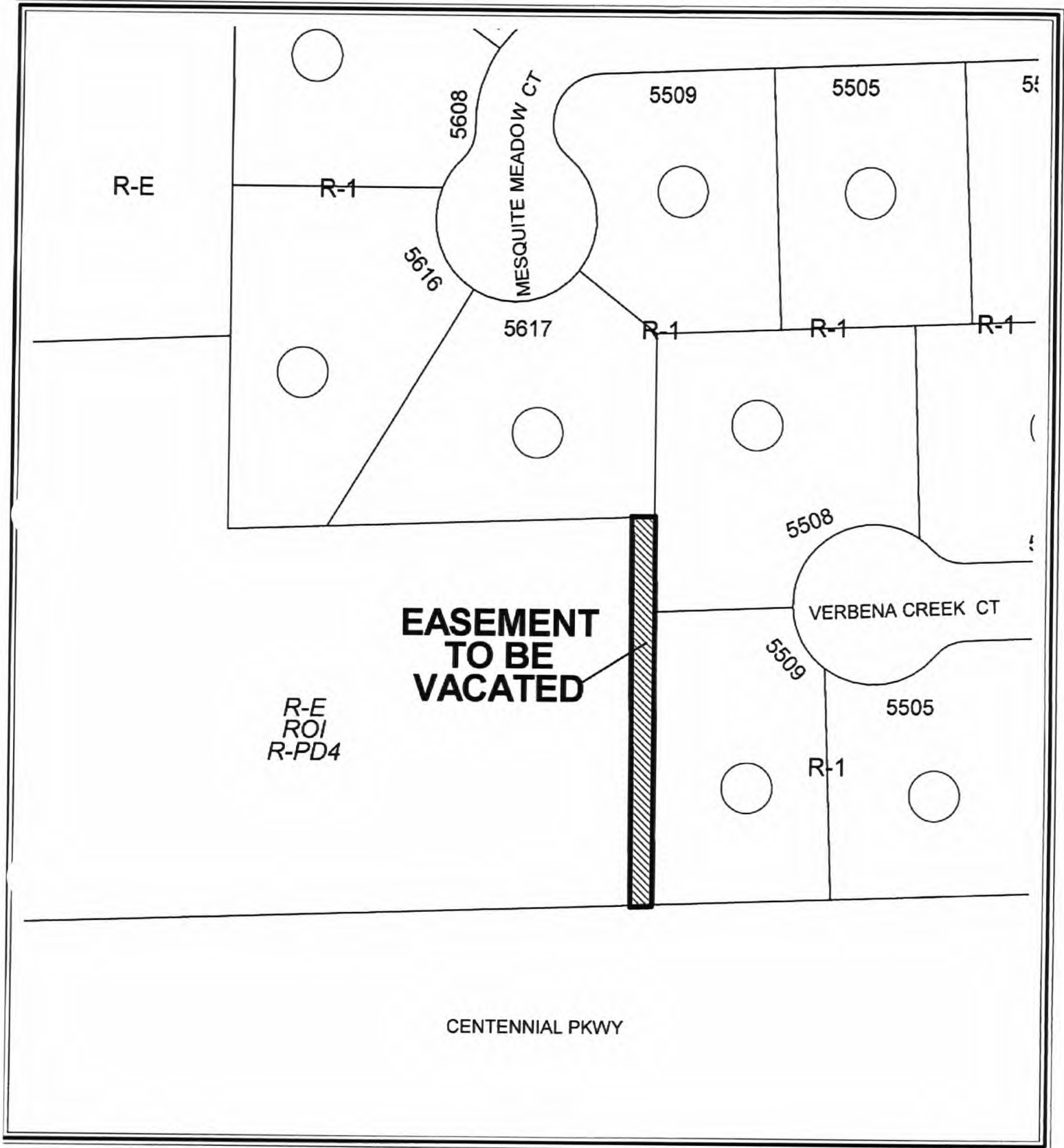
BRENDA J. WILLIAMS, LOIS TARKANIAN, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

NOTE: Subsequent to hearing Item 109, COUNCILMAN REESE asked that his not voting on
Items 107 and 108 be changed to the affirmative.

Minutes:

MAYOR GOODMAN declared the Public Hearing open.

Seeing no one present to speak, MAYOR GOODMAN declared the Public Hearing closed.



CASE: VAC-19628



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 16, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAC-19628 - OWNER/APPLICANT: BARBARA J. FARMANALI

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

1. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress there from shall be provided if required.
2. All development shall be in conformance with code requirements and design standards of all City Departments.
3. 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.
4. 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.
5. The limits of this Petition of Vacation shall be the existing 10-foot drainage easement along the east side of Assessor Parcel Number #125-24-404-007.
6. 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-18196 may be used to satisfy this requirement provided that it addresses the area to be vacated.

7. All 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.

** STAFF REPORT **

PROJECT DESCRIPTION

The project is a petition to vacate a 10 foot public drainage easement generally located 185 north of Centennial Parkway and 590 feet west of Bradley Road. The project complies with all previous approvals. Staff recommends approval.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
06/01/05	The City Council approved a Rezoning (ZON-6274) of the subject property to R-PD4 (Residential Planned Development – 4 Units Per Acre) and a Variance (VAR-6276) in the minimum area for formation of R-PD (Residential Planned Development) zoning district, and a Site Development Plan Review (SDR-6275) for an 8-lot single-family subdivision. A related Waiver to Title 18 Standards (WVR-6277) was withdrawn without prejudice. The Planning Commission recommended approval of all items, including the Waiver on 04/28/05. Staff recommended denial of all items.
03/07/07	The City Council approved a related Site Development Plan Review (SDR-17727) for an 8-lot single-family subdivision on 2.18 acres adjacent to the north side of Centennial Parkway approximately 360 feet east of Leon Avenue. The Planning Commission and Staff recommended approval.
04/12/07	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #5/ja).
<i>Related Building Permits/Business Licenses</i>	
	No Building Permits or Business Licenses have been issued for the subject site.
<i>Pre-Application Meeting</i>	
10/05/06	A pre-application meeting was held to discuss the requirements for the Site Development Plan Review.
10/24/06	A pre-application meeting was held to discuss the requirements for the Rezoning.
<i>Neighborhood Meeting</i>	
	A neighborhood meeting is not required for this application, nor was one held.

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	L (Low Density Residential)	R-E (Residence Estates) under Resolution of Intent to R-PD4 (Residential Planned Development – 4 Units Per Acre)

North	Undeveloped, Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential) and R-E (Residence Estates)
South	Undeveloped,	Right-of-way	Right-of-way
East	Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
West	Undeveloped	L (Low Density Residential)	R-E (Residence Estates)

<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

ANALYSIS

- **Planning**

Planning staff has no objection to the Vacation request. Development of the site is proposed as single-family residential in accordance with approved Site Development Plan Review (SDR-17727) and Rezoning (ZON-18196).

- **Public Works**

This Vacation application proposes to vacate an existing public drainage easement. As no right-of-way is proposed to be vacated, and thus no franchise rights are involved, it is not necessary to send this Vacation request to the utility companies and franchise holders, nor wait for their responses. Since only City easements are involved; any utility company interests will not be affected.

PLANNING COMMISSION ACTION

The applicant's correct middle initial is "L."

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

10

NOTICES MAILED

5 by City Clerk

APPROVALS

0

PROTESTS

0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAC-19628** APN: 125-24-404-007Name of Property Owner: Barbara L. FermanaliName of Applicant: Taney Engineering

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: 125-24-404-007Signature of Property Owner: *Barbara L. Fermanali*Print Name: Barbara L. Fermanali

Subscribed and sworn before me

This 10 day of Jan, 2007
Mark Senior Bean
Notary Public in and for said County and State

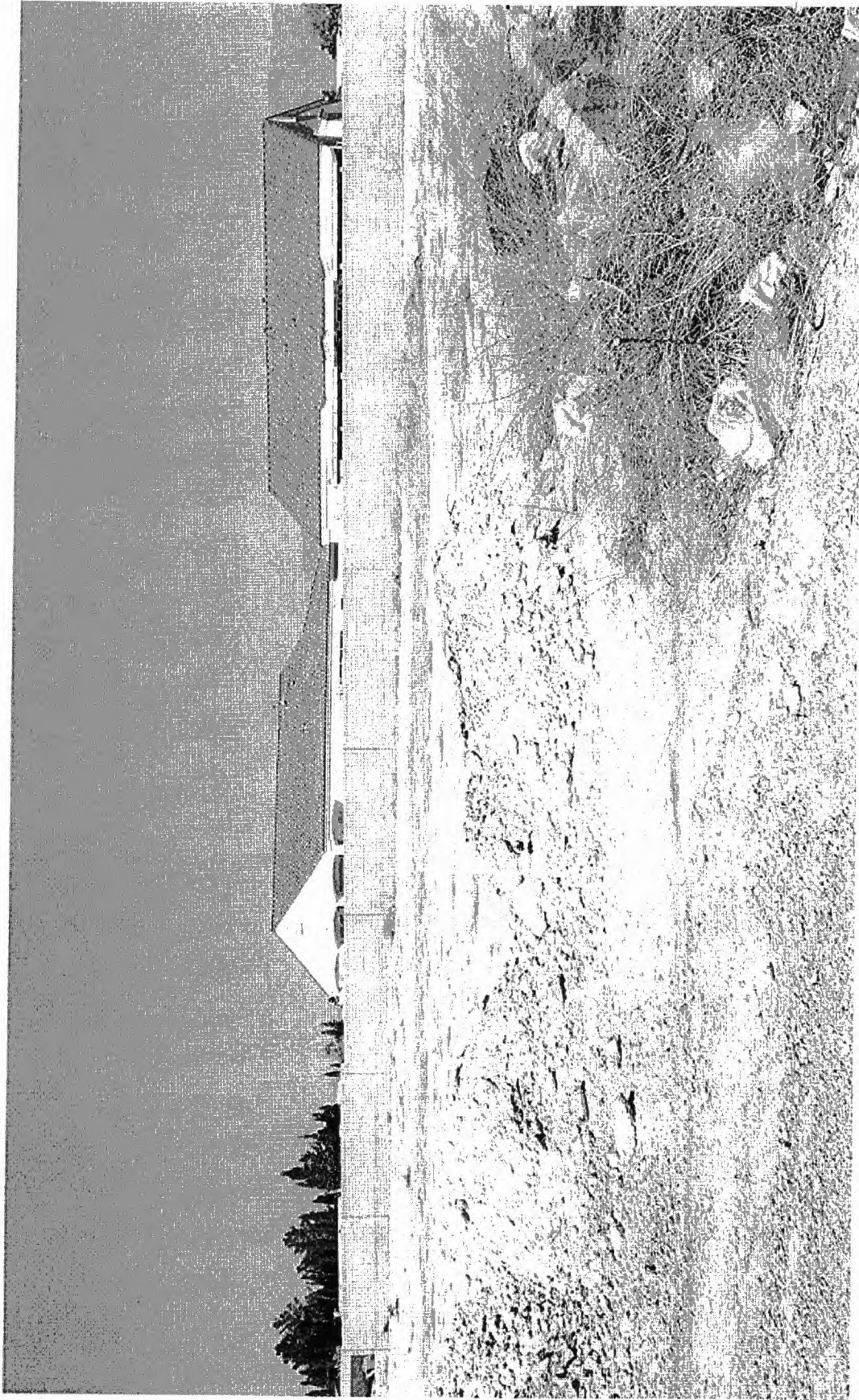


RECEIVED



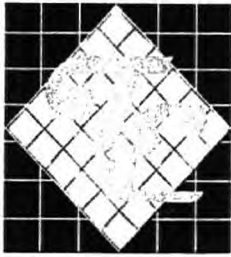
VAC-19628 - OWNER/APPLICANT: BARBARA J. FARMANALI
APRIL 12, 2007 PLANNING COMMISSION

02/20/07



VAC-19628 - OWNER/APPLICANT: BARBARA J. FARMANALI
APRIL 12, 2007 PLANNING COMMISSION

02/20/07



TANEY ENGINEERING

4445 S. JONES #1

LAS VEGAS, NEVADA 89103

TELEPHONE: (702) 362-8844

FAX: (702) 362-5233

January 30, 2007

City of Las Vegas
City Planning and Development Department
731 South Fourth Street
Las Vegas, NV 89101

Re: Vacation of Public Drainage Easement for Centennial and Leon

To Whom It May Concern:

On behalf of our client, National Homes Corporation, we are requesting the vacation of an existing 10.0' wide public drainage easement located along the east side of the property. Our client is proposing a 10.0' wide public drainage easement along the north side of the property within a common element in lieu of the existing drainage easement that currently intercepts the proposed back yards of lots 1-3.

Approval of this request will have no adverse impact on the surrounding community. If you have any questions or need any additional information please do not hesitate to contact this office.

Sincerely,

Taney Engineering

Renaye M. Mendoza, E.I.
Project Manager

RECEIVED

VAC-19628
04/12/07 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: VAC-19628 - OWNER/APPLICANT: BARBARA J. FARMANALI

The above item has been placed on the One Motion/One Vote portion of the Planning Commission Agenda for the April 12, 2007 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 Marali 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.

Barbara J. Farmanali 4-12-07
Signature Date

Barbara J. Farmanali
Please print name

Company Name

Sincerely,

John Korkosz

~~Planning Division~~
Current Planning Division

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: MAY 16, 2007**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: M. MARGO WHEELER**☐ Consent ☒ Discussion**SUBJECT:**
VACATION

VAC-19867 - PUBLIC HEARING - APPLICANT: LAS VEGAS CIVIL ENGINEERING - OWNER: RUTHERFORD MCKINNEY - Petition to Vacate a 20-foot wide section of public right-of-way generally located west of D Street, north of Owens Avenue and south of Leonard Avenue, Ward 5 (Williams). The Planning Commission (6-0 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 (6-0 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 04-12-07 Planning Commission Meeting Item 20

Motion made by BRENDA J. WILLIAMS to Approve Subject to Conditions

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

BRENDA J. WILLIAMS, LOIS TARKANIAN, 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 and confirmed there was no one present to speak on behalf of the applicant.

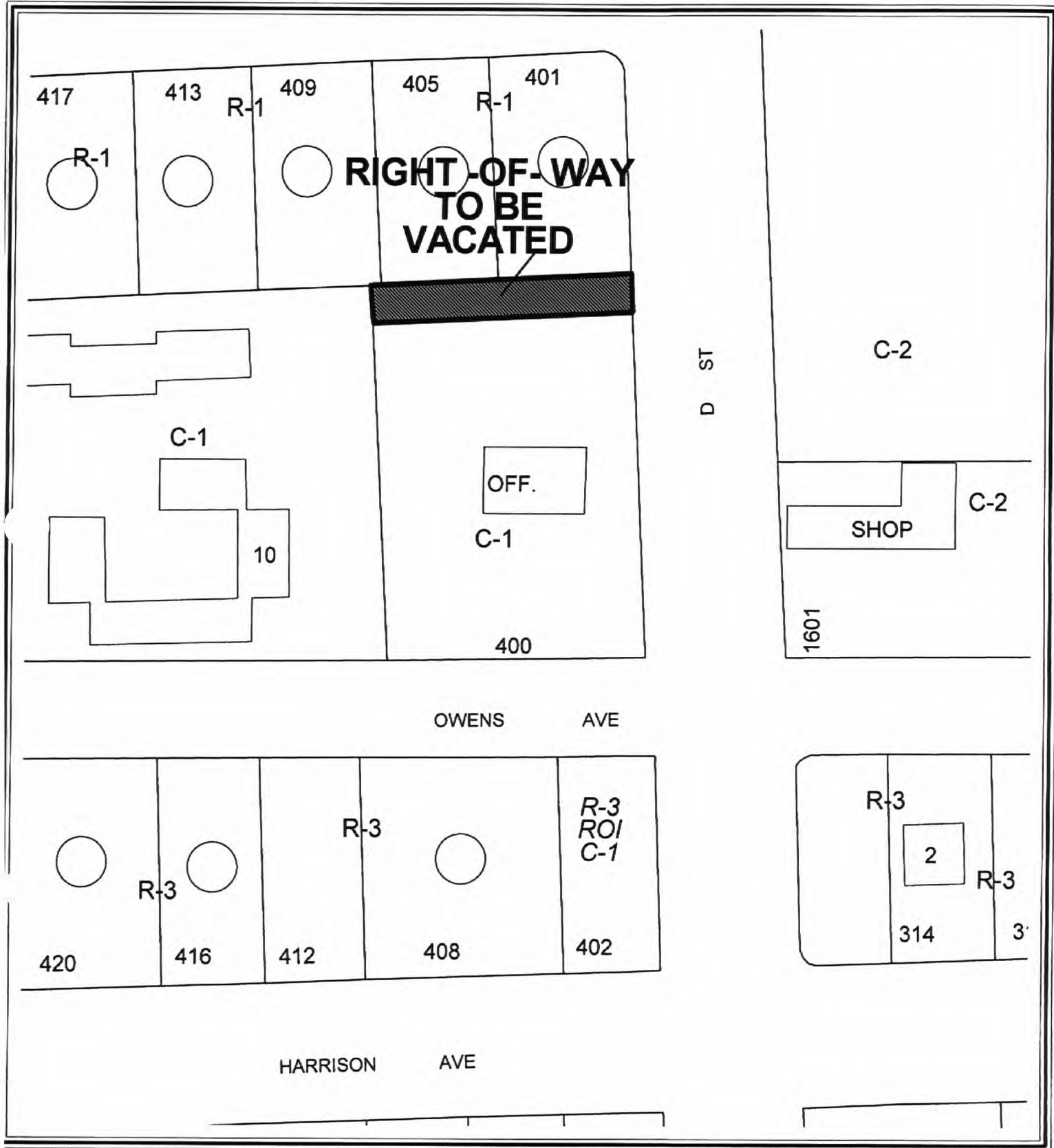
BEATRICE TURNER, West Las Vegas, questioned what the item entailed. BART ANDERSON, Public Works, answered that there is an unused alley in the rear of the applicant's property, which is fenced off. This right-of-way was part of a remnant from the construction of the senior apartment complex. The applicant is asking to eliminate the right-of-way and reclaim the property to utilize it.

CITY COUNCIL MEETING OF: MAY 16, 2007

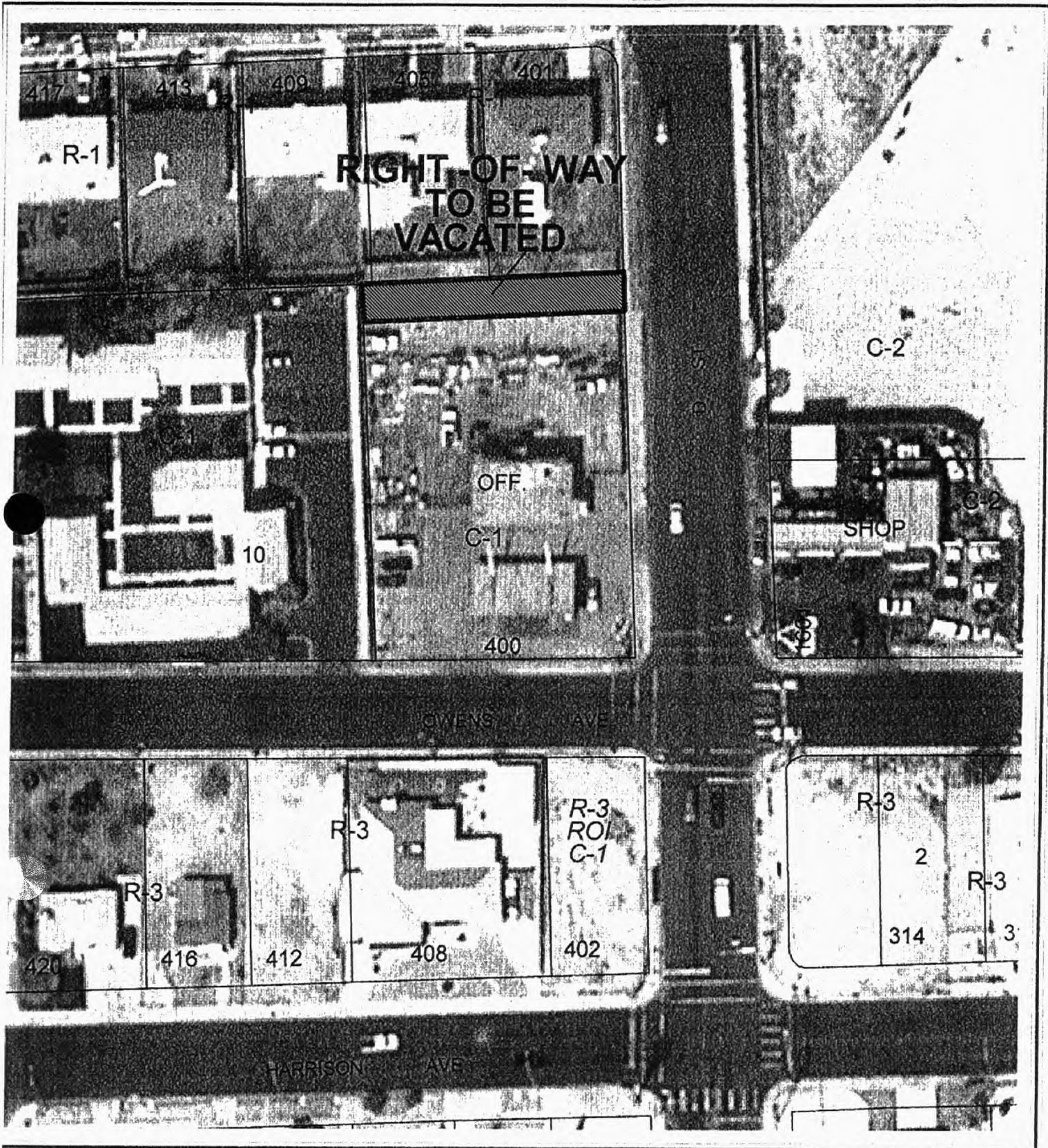
FRANK MITCHELL, 401 Leonard Street, resides adjacent to the subject property and is concerned that the proposed vacation will depreciate his property. He also questioned whether the property to the north or south would obtain this portion of property. BART ANDERSON, Public Works, responded that the County Assessor will determine how the property is distributed, but it appears that the property would reattach to the property on the south side.

MAYOR GOODMAN declared the Public Hearing closed.





CASE: VAC-19867



CASE: VAC-19867

0 20 40 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 16, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAC-19867 - APPLICANT: LAS VEGAS CIVIL ENGINEERING

- OWNER: RUTHERFORD MCKINNEY

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

1. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress there from 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 Petition of Vacation shall be defined as a 20 foot wide alley located west of "D" Street, north of Owens Avenue.
5. 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.
6. 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 or should cross any right of way or easement being vacated must be retained.

**** STAFF REPORT ****

APPLICATION REQUEST

This request is to Vacate a 20-foot wide section of public right-of-way generally located west of D Street, north of Owens Avenue and south of Leonard Avenue.

EXECUTIVE SUMMARY

The applicant is requesting the vacation of an unpaved 20-foot wide, 129-foot long alley, as required by condition 15 of SDR-14769. This action is necessary to allow expansion of an existing office building.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
8/10/2006	The Planning Commission approved (SDR-14769) a request for a Site Development Plan Review for a proposed 1,792 square foot addition to an existing contractor business and a waiver of perimeter landscaping requirements on 0.51 acres at 400 West Owens Avenue
4/12/2007	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #20/lhm).
<i>Pre-Application Meeting</i>	
A Pre-application meeting is not required for this type of application nor was one held.	
<i>Neighborhood Meeting</i>	
A Neighborhood Meeting is not required for this type of application nor was one held.	

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Office	Commercial	C
North	Residential	L (Low Density Residential)	R-1 (Single Family Residential)
South	Multi-Family	C (Commercial)	R-3 (Residential Estates)
East	Commercial	C (Commercial)	C-2 (General Commercial)
West	Multi-Family	C (Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
West Las Vegas Plan	Y		Y
Redevelopment Plan	Y		
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (175')	Y		Y
Northwest Sector	Y		Y
Southwest Sector	Y		Y
Trails		N	Y
Rural Preservation Overlay District		N	Y
Development Impact Notification Assessment		N	Y
Project of Regional Significance		N	Y

The subject site is located within the Downtown Redevelopment Plan area and the West Las Vegas Plan. The site is designated for Commercial uses under the Land Use Category of C (Commercial Use). The Commercial Use designation allows for uses that are normally permitted within the O, SC, and GC designations.

DETAILS OF APPLICATION REQUEST

The above property is legally described as a twenty-foot (20') wide right-of-way (alley) west of D street, north of Owens Avenue and south of Leonard Avenue.

Said property being a portion of the south half (S½) of the southwest quarter (SW¼) of the Southwest quarter (SW¼) of the southeast quarter (SE¼) of Section 22, Township 20 South, Range 61 east, M.D.M..

ANALYSIS

A) *Planning discussion*

Planning staff has no objection to the vacation request. No adverse effects to traffic circulation or site access would result with the proposed vacation.

B) Public Works discussion

We present the following information concerning this request to vacate certain public street ROW:

- A. Does this vacation request result in uniform or non-uniform right-of-way widths? *It will result in a uniform right-of-way width as it will eliminate an unused alley.*
- B. From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability? *No, since there is currently no traffic using this alley.*
- C. Does it appear that the vacation request involves only excess right-of-way? *Yes since no other portion of the alley was ever dedicated.*
- D. Does this vacation request coincide with development plans of the adjacent parcels? *Yes, Site Development Plan Review SDR-14769 shows the proposed vacated area as being incorporated into their site as a landscaped area and if left as right-of-way, would require an encroachment agreement.*
- 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.*

PLANNING COMMISSION ACTION

Condition #6 was added by the Public Works Department.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

13

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 5 by City Clerk

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAC-19867** APN: 139-22-403-003

Name of Property Owner: RUTHERFORD MCKINNEY

Name of Applicant: _____

Name of Representative: JOEY DEBLANKO

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: Rutherford McKinney

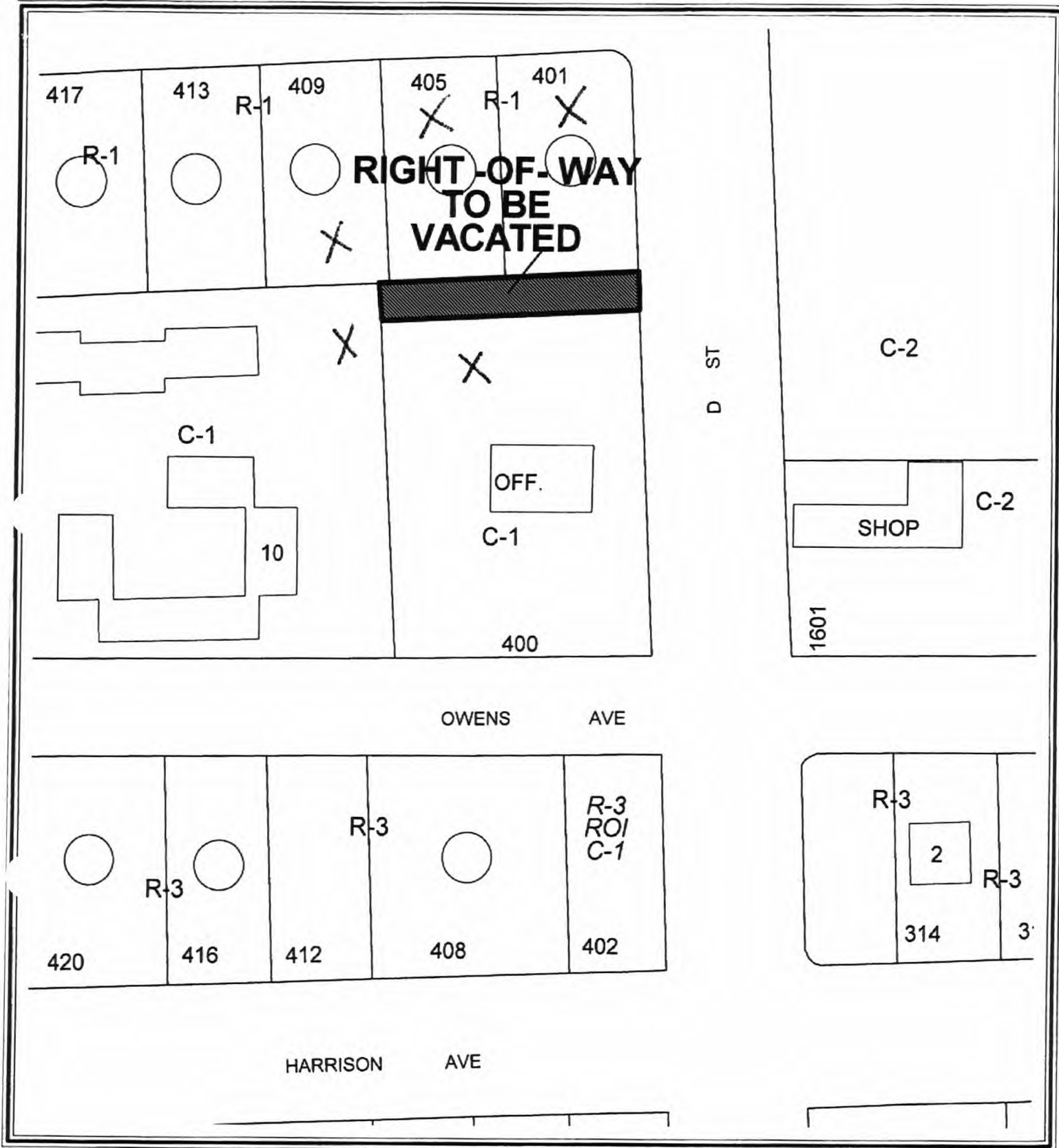
Print Name: Rutherford McKinney

Subscribed and sworn before me

This 27 day of FEBRUARY, 2007

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





CASE: VAC-19867

APN: 139-22-410-065

APN: 139-22-410-066

L = 129'

L = 26'

LEGEND

 AREA TO BE VACATED
(2580 SF)

APN: 139-22-410-065

PR. BLDG

EX. BLDG

D Street
70' R/W
(PUBLIC STREET)

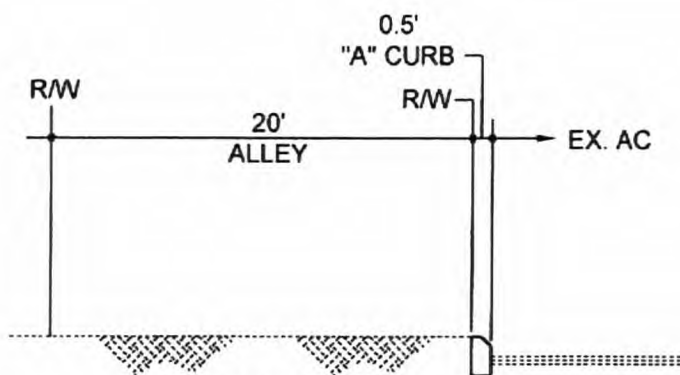
Owens Avenue
50' R/W
(PUBLIC STREET)

VACATION EXHIBIT

SCALE: 1"=30'

RECEIVED

FEB 13 2007



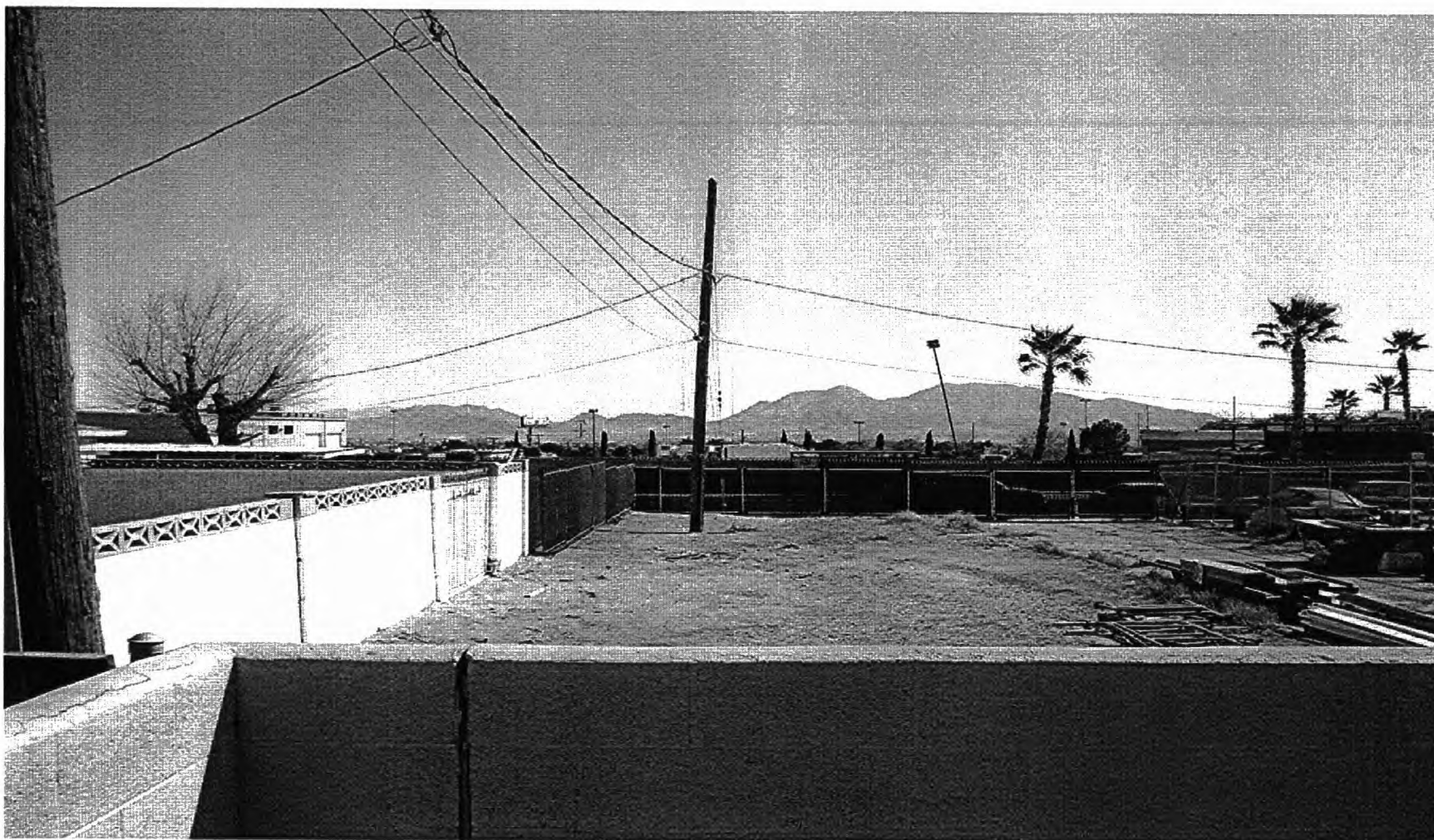
SECTION A

N.T.S.



VAC-19867

04/12/07 PC



VAC-19867 - APPLICANT: LAS VEGAS CIVIL ENGINEERING - OWNER: RUTHERFORD MCKINNEY
WEST OF D STREET, NORTH OF OWENS AVENUE AND SOUTH OF LEONARD AVENUE
APRIL 12, 2007 PLANNING COMMISSION

03/02/07

Tuesday, January 23, 2007

City of Las Vegas Planning & Development
731 South Fourth Street
Las Vegas, Nevada 8901

Re: Justification of Vacation of Alley Way
APN 139-22-403-003



Dear Planning & Development:

Las Vegas Civil Engineering is assisting Rutherford McKinney with the vacation of the 20' Alley Way to the north of the above mentioned parcel. Rutherford McKinney is requesting this vacation as an effort in compliance with SDR-14769 item number 15. If additional information is required please contact our office at your convenience. We look forward to speaking with you following your review.

Sincerely,

A handwritten signature in black ink, appearing to read "Joey DeBlanco". The signature is stylized with large, flowing loops.

Joey DeBlanco, P.E.

VAC-19867
04/12/07 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

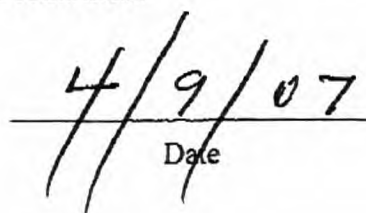
SUBJECT: VAC-19867 - APPLICANT: LAS VEGAS CIVIL ENGINEERING - OWNER:
RUTHERFORD MCKINNEY

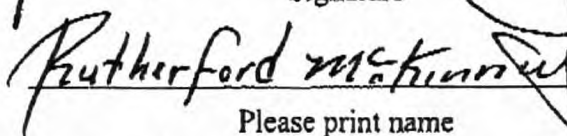
The above item has been placed on the One Motion/One Vote portion of the Planning Commission Agenda for the **April 12, 2007** Planning Commission meeting. All of these items will be placed at the beginning of the agenda. The Chairman of the Planning Commission will open them at the same time.

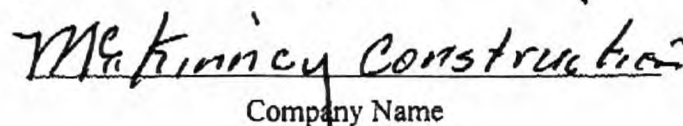
Enclosed please find the proposed conditions of approval. If you agree to these conditions, please sign this form and fax it to Dorothy Marsili at 385-7268. If there is no one present at the Planning Commission meeting who wants to discuss this item, you will not be called to the podium to discuss the 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.


Signature


Date


Please print name


Company Name

Sincerely,

John Korkosz
Planning Supervisor
Current Planning Division

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: MAY 16, 2007**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: M. MARGO WHEELER**☐ Consent ☒ Discussion**SUBJECT:****REQUIRED SIX MONTH REVIEW**

RQR-20054 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: LAS VEGAS DEVELOPMENT COMPANY - OWNER: CARDAN LINDELL NORTH, L.L.C. - Required Six Month Review of a Variance TO ALLOW A PROPOSED 100-FOOT TALL FLAGPOLE WHERE 40 FEET IS THE MAXIMUM HEIGHT ALLOWED at 5550 West Sahara Avenue (APN 163-01-404-022), C-2 (General Commercial) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL

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

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions and Staff Report
3. Supporting Documentation
4. City Council approval letter for VAR-11759
5. 24 Protest letters
6. Submitted after final agenda – Abeyance request by Chesnoff and Schonfeld
7. Verbatim Transcript

Motion made by LOIS TARKANIAN to Deny

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

BRENDA J. WILLIAMS, LOIS TARKANIAN, 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:

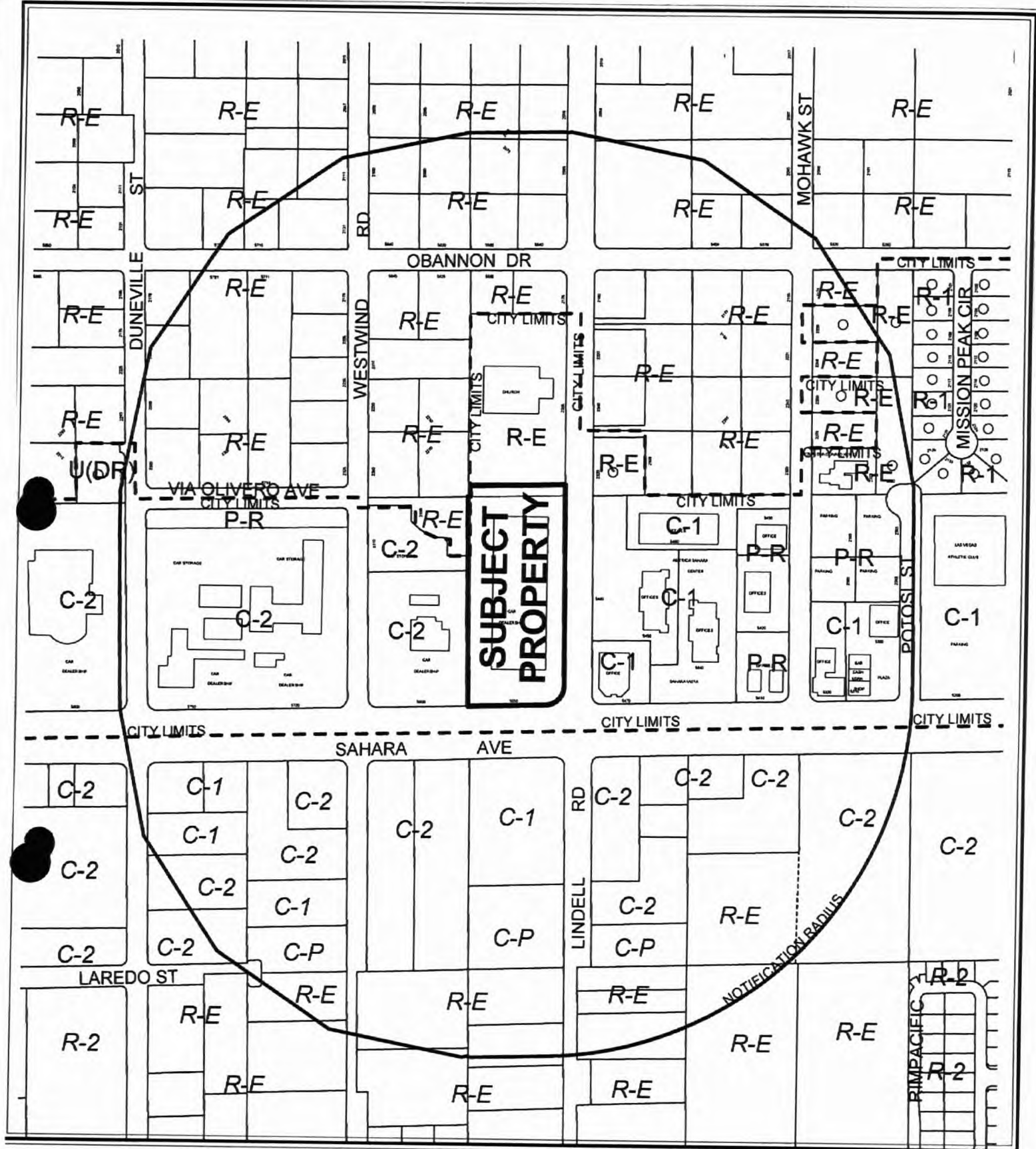
LOIS TARKANIAN, Councilwoman

GARY REESE, Councilman

CITY COUNCIL MEETING OF: MAY 16, 2007

OSCAR GOODMAN, Mayor
BRYAN SCOTT, Assistant City Attorney
DAVID CHESNOFF, Attorney
CARL MARCELLO, Las Vegas Development Company
MARGO WHEELER, Director of Planning and Development
DAN TOWBIN, Cardan Lindell North, LLC
TOM McGOWAN, Las Vegas resident
STEVE SANSON, Desert Storm Veteran
JOHNNY VENTURA, Korean War Veteran
CONITA JONES, 5645 O'Bannon Drive
CARLOS POLIAK, Veteran
WAYNE EARL, 2260 Westwind Road
CONNIE KLING, 5640 O'Bannon Drive
GARY SWANCIGER, 2270 Westwind Road
STEVE WOLFSON, Councilman





CASE: **RQR-20054**

RADIUS: 1000 FT

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



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 16, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - RQR-20054 - APPLICANT: LAS VEGAS
DEVELOPMENT COMPANY - OWNER: CARDAN LINDELL NORTH, L.L.C.

THIS ITEM WAS HELD IN ABEYANCE FROM THE MAY 2, 2007 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

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

Planning and Development

1. The applicant shall obtain a demolition permit and remove the subject flagpole within 60 days.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Required Six Month Review of a Variance (VAR-11759) to allow a proposed 100-foot tall flagpole where 40 feet is the maximum height allowed at 5550 West Sahara Avenue.

The subject flagpole has generated complaints from surrounding neighbors regarding noise. Additionally, the flagpole is not in conformance to the site plans that were submitted with the Variance (VAR-11759) as the monument to the Veterans has not been constructed. Denial of this request is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/03/06	The City Council approved a request for a Variance (VAR-11759) to allow a proposed 100-foot tall flagpole where 40 feet is the maximum height allowed on the subject property. The Planning Commission recommended approval. Staff recommended denial.
<i>Related Building Permits/Business Licenses</i>	
04/28/06	A building permit (#6003130) was issued for the subject flagpole. A final inspection was not conducted.
<i>Pre-Application Meeting</i>	
A pre-application meeting is not required, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	
<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	4.14

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Auto Dealership	GC (General Commercial)	C-2 (General Commercial) C-1 (Limited Commercial)
North	Church	DR (Desert Rural Density Residential)	R-E (Residence Estates)
South	Auto Dealership	Clark County	Clark County
East	Offices	SC (Service Commercial)	C-1 (Limited Commercial)
West	Auto Dealership	GC (General Commercial)	C-2 (General 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		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 19.14:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Maximum Flagpole Height	40 Feet	100 Feet	N

ANALYSIS

Complaints have been received regarding the noise that flag and the hooks that hold on the flag make in the wind. It is further noted that the monument for the Veterans of Foreign Wars that was to be provided has not been installed; thus the flagpole is not in compliance with the plans that were provided with the Variance (VAR-11759) submittal. The subject flagpole is considered too large for the subject property and denial of this request is recommended.

Conditions of approval from VAR-11759:

1. Approval of and conformance to the Conditions of Approval for General Plan Amendment (GPA-4549), Rezoning (ZON-4550), and Site Development Plan Review (SDR-4551).
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City of Las Vegas.

3. The maximum height of the flagpole shall be limited to 100 feet.
4. This Variance shall be reviewed in six (6) months at which time the City Council may require the flagpole be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the flagpole is removed.
5. The flagpole shall not be located within the public right-of-way, existing or proposed public sewer or drainage easements, or interfere with Site Visibility Restriction Zones.

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 through their design choices. 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.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

N/A

ASSEMBLY DISTRICT

N/A

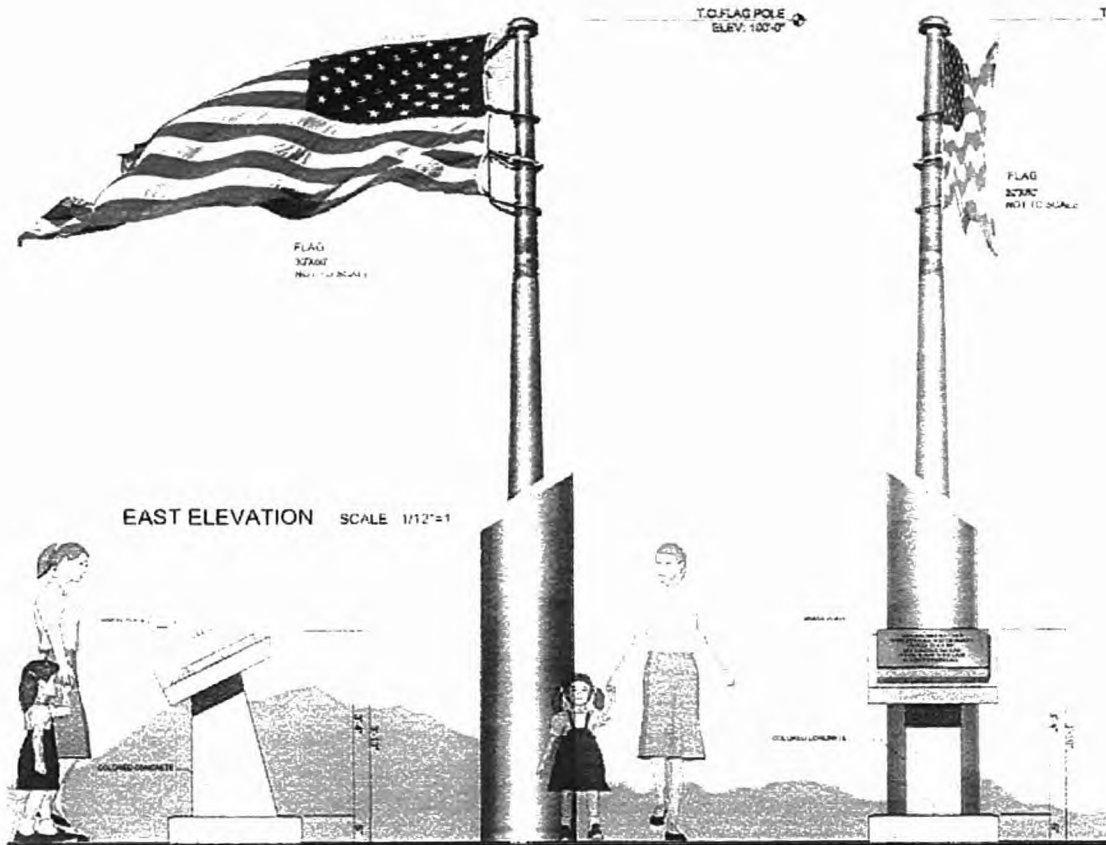
SENATE DISTRICT

N/A

NOTICES MAILED 110

APPROVALS 0

PROTESTS 0

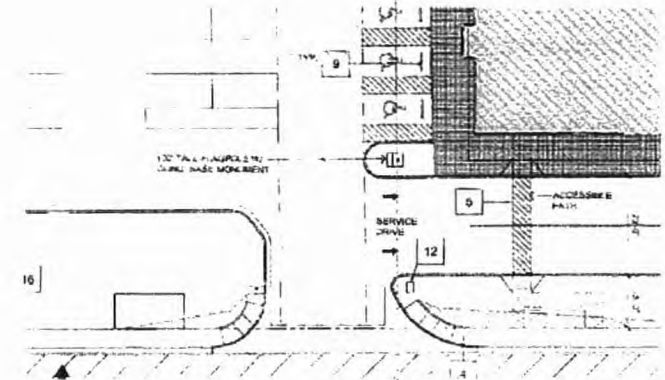


EAST ELEVATION SCALE 1/12"=1'

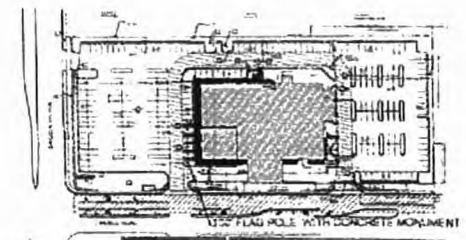
SOUTH ELEVATION SCALE: 1/12"=1'

PLAN SCALE: 1/12"=1'

PLATE PLAN



SITE PLAN SCALE: 1/16"=1'



KEY PLAN

TOWBIN HUMMER

CLARK COUNTY
LAS VEGAS, NEVADA

FLAG POLE AND MONUMENT

JMA # 2003346

10152 COVINGTON CROSS DRIVE
LAS VEGAS, NV 89144
PHONE: (702) 751-2033
FAX: (702) 751-8035
WWW.JMAARCH.COM

SCALE: 1"=1'

RQR-20054 RECEIVED
05-02-07 CC FEB 20 2007

Check: 03-21-2008

FLAG POLE AND MONUMENT

RQR-20054
05-02-07 CC



RECEIVED



May 4, 2006

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY
STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS

DOUGLAS A. SELBY
CITY MANAGER

Mr. Dan Towbin
Cardan Lindell North, LLC
5605 West Sahara Avenue
Las Vegas, Nevada 89146

RE: VAR-11759 - VARIANCE
CITY COUNCIL MEETING OF MAY 3, 2006

Dear Mr. Towbin:

The City Council at a regular meeting held May 3, 2006 APPROVED the Review by Council of a request for a Variance TO ALLOW A PROPOSED 130-FOOT TALL FLAGPOLE WHERE 40 FEET IS THE MAXIMUM HEIGHT ALLOWED on 4.14 acres at 5550 West Sahara Avenue (APN 163-01-404-022), C-2 (General Commercial) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on May 4, 2006. This approval is subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for General Plan Amendment (GPA-4549), Rezoning (ZON-4550), and Site Development Plan Review (SDR-4551).
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City of Las Vegas.
3. The maximum height of the flagpole shall be limited to 100 feet.
4. This Variance shall be reviewed in six (6) months at which time the City Council may require the flagpole be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the flagpole is removed.

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

VOICE 702.229.6011

TTY 702.386.9108

www.lasvegasnevada.gov

18112-001-06-05
CLV 7009

Mr. Dan Towbin
VAR-11759 – Page Two
May 4, 2006

Public Works

5. The flagpole shall not be located within the public right-of-way, existing or proposed public sewer or drainage easements, or interfere with Site Visibility Restriction Zones.

Sincerely,



Angela Crolli
Deputy City Clerk II for
Barbara Jo Ronemus, City Clerk

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

Mr. Carl Marcello
Las Vegas Development Company
4795 South Durango Drive
Las Vegas, Nevada 89147



Charles M. Damus & Associates

A Professional Law Corporation

RECEIVED
CITY CLERK

April 26, 2007 2007 APR 30 A 10: 46

Protest

City Clerk
First Floor, City Hall
400 Stewart Avenue
Las Vegas, Nevada 89101

Re: *RQR-20054*
City Counsel Meeting scheduled for
May 2, 2007 at 1:00 p.m.
Applicant: Las Vegas Development Co.

Members of the Council:

My name is Charles Damus, and I reside at 2243 S. Mohawk Street, Las Vegas, Nevada, within about 600 feet of the hundred-foot tall flagpole and gigantic flag. I have been a resident since 1955, and have maintained a law office in downtown Las Vegas since 1974. Although the property owner, Dan Tobin, is a nice guy, my neighbors and myself strongly feel that the hundred-foot flagpole and the gigantic flag on the pole are totally out of proportion with the dealership and especially with our rural-type neighborhood. Additionally, on windy days (which we have several) the flag makes a tremendous amount of noise that invades our neighborhood.

Unlike the situation with the McCarran right turn flights, the abatement of this noise requires no expenditure of City funds. The dealership's grand opening is over, and they no longer need this huge flag. Accordingly, it is hoped that you will not approve an extension of the variance, and require the dealership to remove the giant flagpole and flag. My neighbors and myself are as patriotic as anyone, but the sheer size is inappropriate.

Very truly yours,

CHARLES M. DAMUS, ESQ.

CMD/bs

Submitted after final agenda

Date *4-30-07* Item # *83*

RQR-20054

City of Las Vegas
Councilpersons/Mayor Goodman, City Attorney
400 Stewart Ave.
Las Vegas, NV 89101

Protest

Dear Council Members;

June 27, 2006

I want it to be on the record that Towbin Hummers has a entirely too large flag which pops in the wind and can be heard at my home which is on O'Bannon and Westwind. This was our concern with a flag of that size being allowed within a neighborhood. If for some reason the neighborhood is not notified of the 6 months review of this flag we shall feel partial treatment given to Towbin dealership again.

I also have been called by Jennifer Hardman, Gary Swanciger, T.J. and Coleen Rice, Shreela Chakmian, Marianne Jorgensen, Paul and Susie Schofield concerning this noise. All of these people called because of the wind blowing last night!

As Mr. Towbin told the residents at the neighborhood meeting when this entire hummer dealership fiasco started; "I will get what I want!" I ask the City, "Is there some reason he knew he would get whatever he wanted?"

Once again for the record, Towbin Hummer flag is too large for a neighborhood and makes a lot of noise when the wind blows! It would be better suited for a business located along the freeway and not within a neighborhood.

We are by know means anti flag. I myself served in the military. I was offended and still am offended that Towbin dealership would use the United States flag for a way to sell a vehicle.

Thank you,

Conita Jones
5645 O'Bannon Drive
Las Vegas, NV 89146
702-364-1395/cell702-381-4923

Cc: Dan Towbin

Submitted after final agenda

Date 4-30-07 Item #83

2007 APR 30 A 9:00

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CITY CLERK

Las Vegas City Council
400 Stewart Avenue
Las Vegas, Nevada

Protest

SIX MONTH REVIEW OF
RQR-20054

I am in DEFINITE OPPOSITION of Cardan Lindell North, L.L.C. located at 5550 West Sahara (APN163-01-404-022) to be allowed a variance of a 100-foot tall flagpole where 40 feet is the maximum height allowed.

My reason for opposing this 100 foot tall flagpole is:

- ① Allowing the variance would establish a precedent for future requests in regards to flagpole height allowances and/or a possible permanent change in flagpole height allowances.
- ② The height of the pole requires a larger flag which OVERWHELMS surrounding areas, as well as making the NV flag look ridiculous due to size difference. In addition, the larger flag "pops" with such a loud sound that it resonates throughout the neighborhood.

Printed Name: Connie King Date 4/27/07

Signature: Connie King Address 5640 O'Bannon Dr, LV 89146

Submitted after final agenda

Date 4-30-07 Item # 83

Las Vegas City Council
400 Stewart Avenue
Las Vegas, Nevada

SIX MONTH REVIEW OF
RQR-20054

I am in DEFINITE OPPOSITION of Cardan Lindell North, L.L.C. located at 5550 West Sahara (APN163-01-404-022) to be allowed a variance of a 100-foot tall flagpole where 40 feet is the maximum height allowed.

My reason for opposing this 100 foot tall flagpole is:

Noise factor - spinning at night
Visual factor - too large out
proportion
too high also

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CITY CLERK
2007 APR 25 9:05 AM
APR 25 2007

Printed Name: Joseph Piracci Date Apr 25, 07

Signature: [Signature] Address 2330 Westwind
LV NV 89146

Las Vegas City Council
400 Stewart Avenue
Las Vegas, Nevada

SIX MONTH REVIEW OF
RQR-20054

I am in DEFINITE OPPOSITION of Cardan Lindell North, L.L.C. located at 5550 West Sahara (APN163-01-404-022) to be allowed a variance of a 100-foot tall flagpole where 40 feet is the maximum height allowed.

My reason for opposing this 100 foot tall flagpole is:

FLAG IS OVERSIZED AND VERY NOISY

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CITY CLERK
2007 APR 30 A 9:05

Printed Name: PAUL O'BANNON Date 4-25-07

Signature:  Address 5710 W. O'BANNON DR

Las Vegas City Council
400 Stewart Avenue
Las Vegas, Nevada

SIX MONTH REVIEW OF
RQR-20054

I am in DEFINITE OPPOSITION of Cardan Lindell North, L.L.C. located at 5550 West Sahara (APN163-01-404-022) to be allowed a variance of a 100-foot tall flagpole where 40 feet is the maximum height allowed.

My reason for opposing this 100 foot tall flagpole is:

TO CLOSE TO OUR HOMES! KEEPS US
UP AT NIGHT! GOOD GRIEF, IT'S JUST
TO BIG TOO BE SO CLOSE TO OUR HOMES.
HAVE MERCY, CANCEL THERE VARIANCE
AND ALLOW THEM A 40 FOOT POLE.
GOD BLESS AMERICA.

THANK YOU,

Printed Name: JASON P O'BANNON Date 04-25-07

Signature: [Signature] Address 5710 W O'BANNON DR
LV NV 89146

Las Vegas City Council
400 Stewart Avenue
Las Vegas, Nevada

SIX MONTH REVIEW OF
RQR-20054

I am in **DEFINITE OPPOSITION** of Cardan Lindell North, L.L.C. located at 5550 West Sahara (APN163-01-404-022) to be allowed a variance of a 100-foot tall flagpole where 40 feet is the maximum height allowed.

My reason for opposing this 100 foot tall flagpole is:

The noise factor as it is right in front of the property.

The other reason is due to the size as it looks to be an eye sore and takes it away from the residential look.

Printed Name:

SHREELA CHAKMIAN

Date

4/24/07

Signature:



Address

2325 WESTLAND RD.
L.V. NV 89146

2007 APR 30
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CITY CLERK

Las Vegas City Council
400 Stewart Avenue
Las Vegas, Nevada

SIX MONTH REVIEW OF
RQR-20054

I am in DEFINITE OPPOSITION of Cardan Lindell North, L.L.C. located at 5550 West Sahara (APN163-01-404-022) to be allowed a variance of a 100-foot tall flagpole where 40 feet is the maximum height allowed.

My reason for opposing this 100 foot tall flagpole is:

I do not object to anyone flying the American flag; in fact, I am for it as a patriotic gesture.

In this case, however, the flag is so large that when the wind blows it makes a loud flapping noise which throughout the night (the flag flies 24 hours) ^{is} so loud it affects my sleeping.

Printed Name: John B. DuBois Date 8-7-1831

Signature: John B. DuBois Address 2047 Westwind Rd.,
Las Vegas 89146

Las Vegas City Council
400 Stewart Avenue
Las Vegas, Nevada

SIX MONTH REVIEW OF
RQR-20054

I am in DEFINITE OPPOSITION of Cardan Lindell North, L.L.C. located at 5550 West Sahara (APN163-01-404-022) to be allowed a variance of a 100-foot tall flagpole where 40 feet is the maximum height allowed.

My reason for opposing this 100 foot tall flagpole is:

Needs to be smaller
not so loud!

RECEIVED
CITY CLERK
2007 APR 30 A 9:06

Printed Name: Mary E Earl Date 4/27/07

Signature: Mary Earl Address 2760 Westwind Rd
Las Vegas, NV 89146

Las Vegas City Council
400 Stewart Avenue
Las Vegas, Nevada

**SIX MONTH REVIEW OF
RQR-20054**

I am in **DEFINITE OPPOSITION** of Cardan Lindell North, L.L.C. located at 5550 West Sahara (APN163-01-404-022) to be allowed a variance of a 100-foot tall flagpole where 40 feet is the maximum height allowed.

My reason for opposing this 100 foot tall flagpole is:

The flag is too large - decrease in size please.

RECEIVED
CITY CLERK
2007 APR 30 A 9:06

Printed Name: Dolly L. Earl Date 4-27-07

Signature: Dolly L Earl Address 2260 Westwind Dr
LIV. NV 89146

Las Vegas City Council
400 Stewart Avenue
Las Vegas, Nevada

SIX MONTH REVIEW OF
RQR-20054

I am in **DEFINITE OPPOSITION** of Cardan Lindell North, L.L.C. located at 5550 West Sahara (APN163-01-404-022) to be allowed a variance of a 100-foot tall flagpole where 40 feet is the maximum height allowed.

My reason for opposing this 100 foot tall flagpole is:

The flag that is flown is too big and when the wind blows as it frequently does, especially at night it is noisy and interferes with restful sleep.

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CITY CLERK
2007 APR 30 A 9:06

Printed Name: HAROLD WAYNE EARL Date 4/27/07

Signature: Harold Wayne Earl Address 2260 Westward Rd
Las Vegas, NV 89146

Las Vegas City Council
400 Stewart Avenue
Las Vegas, Nevada

SIX MONTH REVIEW OF
RQR-20054

I am in DEFINITE OPPOSITION of Cardan Lindell North, L.L.C. located at 5550 West Sahara (APN163-01-404-022) to be allowed a variance of a 100-foot tall flagpole where 40 feet is the maximum height allowed.

My reason for opposing this 100 foot tall flagpole is:

I do not care for the huge flag whipping around it's snapping noise that when the wind is blowing over way we are kept awake at night.

RECEIVED
CITY CLERK
2007 APR 30 A 9:06

Printed Name: JUDITH A DUBOIS Date 4/24/07

Signature: Judith A Dubois Address 2047 WESTWIND RD
89146

Las Vegas City Council
400 Stewart Avenue
Las Vegas, Nevada

SIX MONTH REVIEW OF
RQR-20054

I am in DEFINITE OPPOSITION of Cardan Lindell North, L.L.C. located at 5550 West Sahara (APN163-01-404-022) to be allowed a variance of a 100-foot tall flagpole where 40 feet is the maximum height allowed.

My reason for opposing this 100 foot tall flagpole is:

It is awfully big, naisey &
there is no Memorial as first
said.

Printed Name: Terry Hanley Date 4/26/07
Signature: Terry Hanley Address 2250 Westwind Rd.

RECEIVED
CITY CLERK
2007 APR 30 4:06 PM

Las Vegas City Council
400 Stewart Avenue
Las Vegas, Nevada

SIX MONTH REVIEW OF
RQR-20054

I am in DEFINITE OPPOSITION of Cardan Lindell North, L.L.C. located at 5550 West Sahara (APN163-01-404-022) to be allowed a variance of a 100-foot tall flagpole where 40 feet is the maximum height allowed.

My reason for opposing this 100 foot tall flagpole is:

Current noise in area is obnoxious
Potential exists for future noise from
flagpole installed by other dealerships on
Sahara

Donald K. Parker
2313 Duneville
Las Vegas, NV 89146-3150

Printed Name:

Date

04/28/06

Signature:

Donald K. Parker

Address

2007 APR 30 AM 9:06
RECEIVED
CITY CLERK

Las Vegas City Council
400 Stewart Avenue
Las Vegas, Nevada

SIX MONTH REVIEW OF
RQR-20054

I am in **DEFINITE OPPOSITION** of Cardan Lindell North, L.L.C. located at 5550 West Sahara (APN163-01-404-022) to be allowed a variance of a 100-foot tall flagpole where 40 feet is the maximum height allowed.

My reason for opposing this 100 foot tall flagpole is:

1. Sets a precedence for other businesses.
2. The size of the flag produces significant noise in windy weather and is disruptive to the neighborhood.

RECEIVED
CITY CLERK
2007 APR 30 A 9:06

Printed Name: Merideth J Parker Date 4-28-07

Signature: Merideth J Parker Address 2313 Duraville St
89146

Las Vegas City Council
400 Stewart Avenue
Las Vegas, Nevada

SIX MONTH REVIEW OF
RQR-20054

I am in DEFINITE OPPOSITION of Cardan Lindell North, L.L.C. located at 5550 West Sahara (APN163-01-404-022) to be allowed a variance of a 100-foot tall flagpole where 40 feet is the maximum height allowed.

My reason for opposing this 100 foot tall flagpole is:

In the short amount of time the flag has been in place, it's free edge is tattered, torn and dirty, creating an unattractive attempt at patriotism. The large flag flaps & snaps on breezy days, disrupting the quiet, and creating more noise for an inner city neighborhood. Please do not allow this variance.

Printed Name: Marianne Sampson Date 4-28-07

Signature: Marianne Sampson Address 51625 O'Brien Dr

RECEIVED
CITY CLERK
APR 30 4:06 PM

Las Vegas City Council
400 Stewart Avenue
Las Vegas, Nevada

SIX MONTH REVIEW OF
RQR-20054

I am in DEFINITE OPPOSITION of Cardan Lindell North, L.L.C. located at 5550 West Sahara (APN163-01-404-022) to be allowed a variance of a 100-foot tall flagpole where 40 feet is the maximum height allowed.

My reason for opposing this 100 foot tall flagpole is:

Noise plus poss. of more
flags to come.

Printed Name:

F. Franky

Date

4/29/07

Signature:

F. Franky

Address

2180 Lindell Rd.

RECEIVED
CITY CLERK
2007 APR 30 A 9:00

Las Vegas City Council
400 Stewart Avenue
Las Vegas, Nevada

SIX MONTH REVIEW OF
RQR-20054

I am in **DEFINITE OPPOSITION** of Cardan Lindell North, L.L.C. located at 5550 West Sahara (APN163-01-404-022) to be allowed a variance of a 100-foot tall flagpole where 40 feet is the maximum height allowed.

My reason for opposing this 100 foot tall flagpole is:

I DON'T KNOW WHAT THEY INTEND
TO FLY ON IT. & A POLE THAT
IS 2 1/2 TIMES TALLER THAN
ALLOWED. ITS TIME TO STOP
THESE VARIANCES. WHAT WILL
THEY ASK FOR NEXT???

Printed Name: HUGH WINESETT

Date 4-26-07

Signature: [Signature]

Address _____

RECEIVED
CITY CLERK
2007 APR 30 9:07 AM

WINESETT
5620 O'BANNON DR.
LAS VEGAS, NEVADA 89146

Las Vegas City Council
400 Stewart Avenue
Las Vegas, Nevada

SIX MONTH REVIEW OF
RQR-20054

I am in DEFINITE OPPOSITION of Cardan Lindell North, L.L.C. located at 5550 West Sahara (APN163-01-404-022) to be allowed a variance of a 100-foot tall flagpole where 40 feet is the maximum height allowed.

My reason for opposing this 100 foot tall flagpole is:

Excessive noise - depending
on direction of wind -
also - somewhat unsightly
in that it is simply too
large for the entire area

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CITY CLERK
2001 APR 30 A 9:07

Printed Name:

Ralph H. Schofield

Date

4-26-01

Signature:



Address

2210 Westwood Rd
L V NV 89146

Las Vegas City Council
400 Stewart Avenue
Las Vegas, Nevada

SIX MONTH REVIEW OF
RQR-20054

I am in DEFINITE OPPOSITION of Cardan Lindell North, L.L.C. located at 5550 West Sahara (APN163-01-404-022) to be allowed a variance of a 100-foot tall flagpole where 40 feet is the maximum height allowed.

My reason for opposing this 100 foot tall flagpole is:

Pole too tall. Extra large flag causes excessive noise in neighborhood on windy days.

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CITY CLERK
2001 APR 30 A 9 09

Printed Name: Glen Hardman Date 4-26-01

Signature: [Signature] Address 2260 Lindell Rd

Las Vegas City Council
400 Stewart Avenue
Las Vegas, Nevada

**SIX MONTH REVIEW OF
RQR-20054**

I am in **DEFINITE OPPOSITION** of Cardan Lindell North, L.L.C. located at 5550 West Sahara (APN163-01-404-022) to be allowed a variance of a 100-foot tall flagpole where 40 feet is the maximum height allowed.

My reason for opposing this 100 foot tall flagpole is:

Flagging is noisy. Don't oppose the flag,
just noise is disturbing when windy.

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1001 APR 30 A 9:07

Printed Name: Vicki Battley Date 4-26-07
Signature: Vicki Battley Address 2320 Lindell

Las Vegas City Council
400 Stewart Avenue
Las Vegas, Nevada

SIX MONTH REVIEW OF
RQR-20054

I am in DEFINITE OPPOSITION of Cardan Lindell North, L.L.C. located at 5550 West Sahara (APN163-01-404-022) to be allowed a variance of a 100-foot tall flagpole where 40 feet is the maximum height allowed.

My reason for opposing this 100 foot tall flagpole is:

Lighting of ^{flag} pole at night is

disturbing — interferes with

The peaceful "rest" in the neighborhood —

too bright and up so high it is
visible from almost every window in home.

Printed Name: Suzanne Bruner Date 4/23/07

Signature: Suzanne Bruner Address 5540 O'Bannon

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CITY CLERK
1001 APR 23 2007

Las Vegas City Council
400 Stewart Avenue
Las Vegas, Nevada

SIX MONTH REVIEW OF
RQR-20054

I am in DEFINITE OPPOSITION of Cardan Lindell North, L.L.C. located at 5550 West Sahara (APN163-01-404-022) to be allowed a variance of a 100-foot tall flagpole where 40 feet is the maximum height allowed.

My reason for opposing this 100 foot tall flagpole is:

THE FLAPPING IS VERY NOISY

Printed Name: JERRY STERN Date 4-28-07

Signature: [Signature] Address 2175 WESTWIND BLVD

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APR 30 9:07 AM 2007

Las Vegas City Council
400 Stewart Avenue
Las Vegas, Nevada

SIX MONTH REVIEW OF
RQR-20054

I am in **DEFINITE OPPOSITION** of Cardan Lindell North, L.L.C. located at 5550 West Sahara (APN163-01-404-022) to be allowed a variance of a 100-foot tall flagpole where 40 feet is the maximum height allowed.

My reason for opposing this 100 foot tall flagpole is:

The Pole Is To High Which Allows The Flapping Noise From The Flag To Travel Across The Neighborhood. This Flagpole Is Suited For A Business Area Along A Freeway and Not Beside A Neighborhood. This Would Also ~~Set~~ Set A Precedent For Others To Put Such A Tall Flag Pole Up. This Variance Needs To Be Denied. I Also Am A Veteran And

Printed Name: Carita Jones Date 4-29-07

Signature: [Signature] Address 5645 Obregon Dr

For A Business To Sell Vehicles Under This Pretense Is An Insult.

LAW OFFICES

Chesnoff & Schonfeld

AN ASSOCIATION OF PROFESSIONAL CORPORATIONS

520 SOUTH FOURTH STREET

LAS VEGAS, NEVADA 89101-6593

DAVID Z. CHESNOFF, CHARTERED
RICHARD A. SCHONFELD, CHARTERED

CHAKA T. HENRY

TELEPHONE
(702) 384-5563
FAX
(702) 598-1425

May 16, 2007

City of Las Vegas
400 Stewart Avenue
Las Vegas, Nevada 89101

Attn: Barbara Jo Ronemus, City Clerk

Via Facsimile - (702) 382-4803

Re: Item No. 110, City Council Agenda on May 16, 2007
RQR-20054 - Las Vegas Development Company

Dear Clerk:

Within the last week I have been retained by Las Vegas Development Company to represent them in the above-referenced matter. I have asked my colleague Jay Brown, Esq. to join me in the representation.

I am requesting that the matter be taken off calendar until the June 6, 2007 so that we can effectively prepare for the proceedings.

I have recently been engaged in a case styled *Nevada v. Hein* which was a complicated homicide trial. In addition I worked almost exclusively since May 5, 2007 on a matter styled *Nevada v. Albrecht* which just ended this past week.

Today, I must appear in the United States District Court in the matter of *US v. Barkan* and this afternoon I am engaged in a prearranged telephone conference with several lawyers from the Justice Department in Washington D.C. as well as the US Attorney's office in Anchorage, Alaska. All of these matters are of grave significance to the individuals that I am representing and as a consequence I have devoted my time to them and have not been able to adequately prepare on behalf of my client, Las Vegas Development Company.

I am not asking for a lengthy delay but one of only several weeks so that Mr. Brown and I can effectively represent our client as I am sworn to do so.

I am not making this request for purposes of delay, but rather in the interest of justice, for due process, and consistent with my understanding as to the manner in which the City of Las Vegas has always operated as far as I am concerned.

Submitted after final agenda

Date 5/16/07 Item #110

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2007 MAY 16 A 9:13

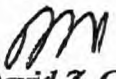
LAW OFFICES

Chesnoff & Schonfeld
AN ASSOCIATION OF PROFESSIONAL CORPORATIONS

May 16, 2007
Page Two

Thank you for you for your kind consideration of my request.

Very truly yours,


David Z. Chesnoff, Esq.

DZC/rr

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2007 MAY 16 A 9:13

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

ITEM 110 - RQR-20054 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: LAS VEGAS DEVELOPMENT COMPANY - OWNER: CARDAN LINDELL NORTH, L.L.C. - Required Six Month Review of a Variance TO ALLOW A PROPOSED 100-FOOT TALL FLAGPOLE WHERE 40 FEET IS THE MAXIMUM HEIGHT ALLOWED at 5550 West Sahara Avenue (APN 163-01-404-022), C-2 (General Commercial) Zone, Ward 1 (Tarkanian).

Appearance List:

LOIS TARKANIAN, Councilwoman
GARY REESE, Councilman
OSCAR GOODMAN, Mayor
BRYAN SCOTT, Assistant City Attorney
DAVID CHESNOFF, Attorney
CARL MARCELLO, Las Vegas Development Company
MARGO WHEELER, Director of Planning and Development
DAN TOWBIN, Cardan Lindell North, LLC
TOM MCGOWAN, Las Vegas resident
STEVE SANSON, Desert Storm Veteran
JOHNNY VENTURA, Korean War Veteran
CONITA JONES, 5645 O'Bannon Drive
CARLOS POLIAK, Veteran
WAYNE EARL, 2260 Westwind Road
CONNIE KLING, 5640 O'Bannon Drive
GARY SWANCIGER, 2270 Westwind Road
STEVE WOLFSON, Councilman

1 hour 11 minutes

Typed by: Ydoleena Yturralde

Proofed by: Angela Crolli

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

31 **COUNCILWOMAN TARKANIAN**

32 Councilman Reese?

33

34 **COUNCILMAN REESE**

35 Yes.

36

37 **COUNCILWOMAN TARKANIAN**

38 Mayor, through – Councilman –

39

40 **MAYOR GOODMAN**

41 Certainly.

42

43 **COUNCILWOMAN TARKANIAN**

44 – Reese.

45

46 **MAYOR GOODMAN**

47 Certainly.

48

49 **COUNCILWOMAN TARKANIAN**

50 – Item 110 there was a request for an abeyance, and I had a copy of a letter on my desk today
51 and I have been contacted and spoke with individuals yesterday about it. I did not want to grant
52 that abeyance for the reason that in May of '06 we granted the applicant what they requested with
53 the understanding, we had several neighbors here, and this Council, including the Mayor and
54 several members of the Council, very strongly stated at the end of it, there would be a six-month
55 review, and that neighbors weren't happy then they would be the reconsideration of taking away
56 the applicant's request.

57 What happened was that, quite honestly, I didn't pay close attention and the six-month, which
58 should have been last December '06 passed. I was then contacted by several residents who asked
59 me, when are you going to review that item you promised us that you would review it; the
60 Council promised us. So, I checked on it and was placed again two week, two weeks ago and a

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

61 request was made by the applicant for a Variance, I mean, excuse me, for an abeyance and I did
62 abey it for two weeks at that time. I do not feel we should have any more abeyances because the
63 people are here today. They've been agitated for some time. We did make the commitment that
64 it would be a six-month review and now it's a 12-month, two-week review, and I think we
65 should keep that commitment to them. And this is nothing against the attorneys, who wish to
66 have an abeyance. I respect them professionally and as individuals. This is the applicant's
67 responsibility to have done this absolutely months ago. So, I'm requesting that we hear that item
68 now.

69
70 **COUNCILMAN REESE**

71 Okay, then we will – drop the withdrawal for abeyance on Item 110, which is an RQR two
72 thousand fifty-four, Las Vegas Development Company, fifty-five fifty West Sahara Avenue. Are
73 there any other corrections or additions to this?

74
75 **BRYAN SCOTT**

76 Mayor Pro Tem? Bryan.

77
78 **COUNCILMAN REESE**

79 Yes.

80
81 **BRYAN SCOTT**

82 Normally, the Mayor would have an abstention on Item Number 162 as a result of Mr. Brown's
83 involvement in this and his business relationship with Mr. Brown. But since, this is being
84 abeyed, Mayor, you can vote on the abeyance, since it's not a substantive motion.

85
86 **MAYOR GOODMAN**

87 All right. Very good. I also see Mr. Chesnoff, who's coming up to the podium. Mr. Chesnoff
88 and myself are involved in a business relationship, owning some property down in Elgin in
89 Nevada and –

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

90 **COUNCILMAN REESE**

91 Elgin?

92

93 **MAYOR GOODMAN**

94 Elgin. It's on the way to Pioche and Penaca.

95

96 **COUNCILMAN REESE**

97 It's down the wash, yeah.

98

99 **MAYOR GOODMAN**

100 That's correct; it's in the wash.

101

102 **COUNCILMAN REESE**

103 Yeah.

104

105 **MAYOR GOODMAN**

106 It's in the toilet, this particular piece of property. But nevertheless, I've been advised by the City

107 Attorney, as a result of that, I have to abstain, so, if you'd be kind of enough –

108

109 **COUNCILMAN REESE**

110 Okay.

111

112 **MAYOR GOODMAN**

113 – to address Mr. Chesnoff.

114

115 **COUNCILMAN REESE**

116 Mr. Chesnoff, please.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

117 **DAVID CHESNOFF**

118 Yes. Thank you. David Chesnoff, 520 South 4rd Street, Las Vegas, Nevada, 89101. The reason
119 the Mayor knew that was I contacted him because of the ethical concern I had with him
120 participating in this matter. In that light, I have to raise another ethical question with respect to
121 Councilwoman Tarkanian's involvement.

122 My client, Las Vegas Development, is the real estate leasing agent for her son, Daniel Tarkanian
123 on a shopping center mall that he has. That's number one. And number two, over the years, as
124 far back as when Mayor Goodman was my law partner, we have provided legal counsel to Mrs.
125 Tarkanian, her husband, Jerry Tarkanian and me to her son Danny Tarkanian. So, I don't think
126 it's appropriate for her to participate because I wouldn't want anybody to think that she would do
127 special favors for me.

128

129 **COUNCILWOMAN TARKANIAN**

130 Mr., can I answer that?

131

132 **COUNCILMAN REESE**

133 Absolutely.

134

135 **COUNCILWOMAN TARKANIAN**

136 Well, quite honestly, I have nothing to do with that lease that he's talking about, and I have not
137 used him myself, as legal counsel. He has never served as my legal counsel.

138

139 **BRYAN SCOTT**

140 And Councilwoman, as long as there, you don't have any, as long as your independence of
141 judgment isn't compromise in any way, in your opinion, then you're able to vote on that item.

142

143 **DAVID CHESNOFF**

144 Well, I'd like the record to be complete. I absolutely believed that I was counseling Mrs.
145 Tarkanian at the time that we did it. And as recently as the last election, Mrs. Tarkanian
146 contacted me to provide legal services to her. So, I really want the record to be complete on that,

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

147 especially in light of the fact that I'm the only item that was on the abeyance calendar that Mrs.
148 Tarkanian and the rest of the Council, apparently, didn't grant a continuance to. So, I think a
149 complete record needs to be made because I don't want anybody to ever suggest that I had any
150 appearance of impropriety.

151

152 **BRYAN SCOTT**

153 And just for the record, Mayor and Mayor Pro Tem, as long as the Councilwoman believes that
154 this gentleman was not her attorney at that time, there's never – been an attorney/client
55 relationship, you don't owe him any money, he doesn't owe you any money, your independence
156 of judgment isn't hampered in any way, you're able to vote on this item.

157

158 **DAVID CHESNOFF**

159 I – don't believe that that's the legal standard, most respectfully. I acted as her lawyer, her
160 husband's lawyer and I have advised her son –

161

162 **COUNCILMAN REESE**

163 Excuse me just a minute, I'm gonna call for a two-minute recess here. Councilwoman, would
164 you like to meet with Bryan?

165

166 **COUNCILWOMAN TARKANIAN**

167 Is Bryan asking me something?

168

169 **COUNCILMAN REESE**

170 No.

171

172 **COUNCILWOMAN TARKANIAN**

173 You're the attorney, so I'm letting the attorney handle this. But I didn't know if you were asking
174 me something?

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

175 **COUNCILMAN REESE**

176 Well, I – just wanted to know if you and Bryan wanted to go back to the back and talk this over.

177

178 **COUNCILWOMAN TARKANIAN**

179 Well, we could. I could state that Mr. Chesnoff never represented me. I will repeat that again. I
180 did call him to see if he could represent me and no connection was made there. So –

181

182 **BRYAN SCOTT**

183 And – that doesn't form an attorney/client relationship.

184

185 **DAVID CHESNOFF**

186 Well, with all due respect –

187

188 **COUNCILWOMAN TARKANIAN**

189 I don't think so.

190

191 **DAVID CHESNOFF**

192 – to the City Attorney, conversations were had that requested my advise, communications were
193 made –

194

195 **BRYAN SCOTT**

196 But the conversations were –

197

198 **DAVID CHESNOFF**

199 Mr. City Attorney, with all due respect, since you not aware of the facts, and you're making a
200 judgment based strictly on her representations, I think we should investigate the facts first. It
201 also may require people who are present as witnesses to the fact that we have provided legal
202 representations to the Tarkanians.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

203 **COUNCILMAN REESE**

204 At this time we are in recess for a few minutes.

205

206 **RECESS: 1:50 P.M.**

207

208 **DAVID CHESNOFF**

209 Mayor – Pro Tem, I’m sorry.

210

211 **COUNCILWOMAN TARKANIAN**

212 Ready to vote? Yes.

213

214 **COUNCILMAN REESE**

215 Okay.

216

217 **COUNCILWOMAN TARKANIAN**

218 Would –

219

220 **COUNCILMAN REESE**

221 Mrs. Tarkanian –

222

223 **COUNCILWOMAN TARKANIAN**

224 – you repeat the motion, though.

225

226 **COUNCILMAN REESE**

227 Yes. Okay, you want to withdraw – Item 110 being held in abeyance?

228

229 **COUNCILWOMAN TARKANIAN**

230 Yes. I want it to be heard today.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

231 **COUNCILMAN REESE**

232 Okay, that's fine.

233

234 **END RELATED DISCUSSION – RESUME RELATED DISCUSSION**

235

236 **COUNCILMAN REESE**

237 Mr. Chesnoff, yes?

238

39 **DAVID CHESNOFF**

240 My letter reflected that I had a two o'clock conference call of some significance, so I'm hoping
241 that I would, at least, know the results of my letter so that I could represent the client that had
242 hired me prior to this matter.

243

244 **COUNCILMAN REESE**

245 How long you think you're going to be on the conference call?

246

247 **DAVID CHESNOFF**

248 At least an hour.

49

250 **COUNCILMAN REESE**

251 Would you like to have this item trailed, Councilwoman, until – four o'clock.

252

253 **COUNCILWOMAN TARKANIAN**

254 That – would be fine.

255

256 **DAVID CHESNOFF**

257 My – request is still that I get a continuance so I can be properly prepared –

258

259 **COUNCILMAN REESE**

260 Okay.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

261 **DAVID CHESNOFF**

262 – as a professional courtesy, and I can say that in 28 years of practicing law, I've never had a
263 request like this denied.

264

265 **COUNCILMAN REESE**

266 Okay.

267

268 **END RELATED DISCUSSION – RESUME RELATED DISCUSSION**

269

270 **COUNCILMAN REESE**

271 Hearing none, Your Honor, **I'll make a motion to bring all these items and take the**
272 **appropriate action**, please.

273

274 **MAYOR GOODMAN**

275 All right. As to 110 I'm abstaining, as to the rest I'll vote. Okay. Post. Motion carries.
276 **(Motion carried unanimously).**

277

278 **COUNCILMAN REESE**

279 So, you pushed the wrong button, Sir.

280

281 **MAYOR GOODMAN**

282 Excuse me?

283

284 **COUNCILMAN REESE**

285 You pushed the wrong button. Oh, I'm sorry. I'm sorry, yes. Okay.

286

287 **MAYOR GOODMAN**

288 All right.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

289 **COUNCILMAN REESE**

290 And Item 110 will be heard, time certain –

291

292 **DAVID CHESNOFF**

293 I thought – that was included with now the Mayor abstaining.

294

295 **COUNCILMAN REESE**

296 But it's going to be heard today.

297

298 **DAVID CHESNOFF**

299 You didn't vote on it.

300

301 **COUNCILMAN REESE**

302 Well, he abstained, but we all voted on it.

303

304 **DAVID CHESNOFF**

305 I thought you voted, I – misunderstood. My understanding was you had a list that you wanted to

306 table it was included in the list. Councilwoman Tarkanian over my –

307

308 **COUNCILMAN REESE**

309 She – had – withdrawn. She had 110 withdrawn. So, we voted on all the items except 110.

310

311 **DAVID CHESNOFF**

312 Okay. Well, then why did he abstain if it wasn't included?

313

314 **BRYAN SCOTT**

315 He's abstaining on voting either way.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

316 **DAVID CHESNOFF**

317 Okay. Well, that's not what happened, but I understand what you intended to have happen.

318

319 **BRYAN SCOTT**

320 Well, if you want to revote just to make the record clear, you can vote on all the – abstention

321 items, deleting Item Number 110.

322

323 **COUNCILMAN REESE**

324 That would be my – motion.

325

326 **MAYOR GOODMAN**

327 All right. Let's vote. Post.

328

329 **COUNCILMAN REESE**

330 I'll rescind – the original motion, Your Honor.

331

332 **MAYOR GOODMAN**

333 All right. Then, so the motion is to rescind the original motion. Let's vote on that. Post.

334 **(Motion carried unanimously)**

335

336 **COUNCILMAN REESE**

337 And then I would make a motion, Your Honor, to approve all items as read, with – the

338 exception of Item 110 –

339

340 **MAYOR GOODMAN**

341 All right Let's –

342

343 **COUNCILMAN REESE**

344 – with all conditions.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

345 **MAYOR GOODMAN**

346 – let's vote. Post. Motion carries. (**Motion carried unanimously**)

347

348 **COUNCILMAN REESE**

349 And we will have Item 110 heard at around, not before four o'clock, but as soon as after four
350 o'clock as possible.

351

352 **DAVID CHESNOFF**

353 Thank you for that courtesy, and I still make the request that, the basis for the recusal, the
354 relationship with me, and her son's relationship with my client, as part of the record.

355

356 **COUNCILMAN REESE**

357 Thank you.

358

359 **BRYAN SCOTT**

360 And just for the record, we have advised of it, she can vote on this item, on (inaudible).

361

362 **END RELATED DISCUSSION – RESUME RELATED DISCUSSION**

363

364 **MAYOR GOODMAN**

365 The Mayor Pro Tem has requested that we call Item 110, which is RQR-2 O-O-5-4o, Public
366 hearing. The applicant is Las Vegas Development Company. The owner is Cardan Lindell
367 North, LLC. Required six-month review of a Variance to allow a proposed hundred-foot tall flag
368 pole where 40 feet is the maximum height allowed at 5550 West Sahara Avenue. This is in
369 Ward 1 and the staff recommends denial.

370 I was advised by the Mayor Pro Tem that Mr. Chesnoff made a proposal that if he withdraws his
371 representation as counsel for the applicant here, whether I would be able to vote on this matter
372 and participate or whether the fact that he has represented the applicant would preclude me.
373 Because the only reason that I'm abstaining is because of Mr. Chesnoff and the fact that we own a
374 piece of property together.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

375 **BRYAN SCOTT**

376 Your Honor, as long as Mr. Chesnoff isn't involved in the item, you're able to vote because that
377 relationship between you and he won't exist as far as this –

378

379 **MAYOR GOODMAN**

380 Well, I want to be absolutely sure, and I'm not trying to take any money out of your pocket, but, if
381 you're getting paid any kind of a fee, as a result of being here representing the applicant, and I
382 know you, you're probably making a fortune, I – don't wanna participate. But if I'm assured that
383 you do not get any personal benefit out of this, then I will participate.

384

385 **DAVID CHESNOFF**

386 And I will make a record, Your Honor, and Mayor Pro Tem, it was my intention to participate
387 but as a result of the denial of the continuance, I don't believe that I am prepared to be in an
388 effective advocate and I don't think that ethically I should proceed. I have received a fee, which I
389 intend on returning to Mr. Towbin and my client immediately, tomorrow morning. I will not
390 accept \$1 for the work I've done. I know that's shocking to you, Mayor, but –

391

392 **MAYOR GOODMAN**

393 I'll tell you if your nose is growing I know why, but that's a, I –

394

395 **DAVID CHESNOFF**

396 But a –

397

398 **MAYOR GOODMAN**

399 – can handle that.

400

401 **DAVID CHESNOFF**

402 – the only problem I'll have is explaining to Mrs. Chesnoff how I gave money back.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

403 **MAYOR GOODMAN**

404 That's great.

405

406 **DAVID CHESNOFF**

407 But I'm going to ask permission to withdraw and the same applies to Mr. Brown. Both of us
408 were unprepared to participate. We needed the continuance in order to make the kind of
409 presentation that I would make. And I'm going to leave it in the hands of my able client.

410

411 **MAYOR GOODMAN**

412 Okay. Now, was Jay Brown involved too?

413

414 **DAVID CHESNOFF**

415 He was, but he's not because the only person who got money was me and I was going to give
416 money to Mr. Brown, but I haven't.

417

418 **MAYOR GOODMAN**

419 Is that accurate, Mr. Brown, because I'd have to abstain if you were involved as well, based on
420 my property interest with him. All right. I'll accept those representations and we'll go forward.

421

422 **DAVID CHESNOFF**

423 I – apologize to my client, who I know for a long time and who I met, actually, as a result of my
424 involvement with the Andre Aggasi Charitable Foundation, but I'll be back some time. Thank
425 you.

426

427 **MAYOR GOODMAN**

428 All right. Mr. Marcello.

429

430 **CARL MARCELLO**

431 Your Honor, members of the City Council, first of all I'd like to excuse my dress today. I would
432 have dressed more formally if I knew I was going to be presenting. And I would like to go

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

433 through the history of this project. We're here not only to address this issue but to uphold our
434 integrity, our honesty, and the right to fly the American flag in front of Towbin Hummer.

435 And on March 23rd, 2006, we went before the Planning Commission and requested a Variance to
436 construct a hundred and thirty-foot flag pole with a 30 by 60 flag. We, at that point in time, the
437 Planning Commission approved us to fly a hundred foot flag pole with the same size flag. There
438 was a ten-day appeal period and then during that ten-day appeal period, Councilwoman
439 Tarkanian appealed it and had it moved to the City Council for an appeal.

440 Let's see, on May 3rd, 2000, two thousand and six, we went before the City Council and that –
441 during that meeting, we were approved for a hundred-foot flag pole and the 75 foot, a hundred
442 foot flag pole and 30 by 60 flag. Councilwoman Tarkanian at that time said that she would
443 approve us to have a 75 foot flag pole with a 30 by 60 flag but we did not agree to that and that's
444 why we moved forward to support our decision that we had from the Planning Commission.
445 And – here we are today for a six-month review.

446 During the past year, we haven't received any written complaints and, in fact, I even attended a
447 neighborhood meeting where councilwoman Tarkanian and Chip Maxfield attended and ran a
448 few months ago and the neighbors that are here today attended that meeting and they, there was
449 no complaints with regards to the flag at all. So, we're gonna ask that you could support us today
450 and uphold us flying the flag and – then we could move forward with our dedication memorial
451 that we committed to do, which was not part of the conditions of the original approval. This is
452 something that we wanted to do ourselves. And the reason why we haven't done that yet was
453 because we wanted to get our final approval first before spending more money to build the
454 memorial.

455 In fact, we had it on the Mayor's schedule for May 30, for him to attend and officiate that
456 ceremony. But we called, we held off on it because we didn't know it would happen when we
457 came back for our review. I have a signed contract with Martin Hariss Construction to build it.
458 They're ready to start tomorrow and should be done in about a week. We have Las Vegas
459 Trophies who's a four-month Thunderbird making the plaque that's gonna go on top of the –
460 structure. And then at another time we will have a memorial service and then ask the Mayor to
461 preside over that and support us.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

462 **MAYOR GOODMAN**

463 Thank you. Are there any questions of Mr. Marcello? I have a question of Mr. Scott. Was the
464 memorial a part of the condition in order to have the flag fly there?

465

466 **BRYAN SCOTT**

467 It wasn't an official condition. I know the applicant referenced it when he made his presentation
468 back in May of 2006 but it did not make it on as a formal condition.

469

470 **MAYOR GOODMAN**

471 It was not a formal condition?

472

473 **MARGO WHEELER**

474 If I may, Mayor.

475

476 **MAYOR GOODMAN**

477 Yes.

478

479 **MARGO WHEELER**

480 I apologize. The condition stipulate state that the project must be built in compliance with the
481 plans that were submitted and the plans that were submitted showed that feature and it was
482 shown in the, it is in your file. The original plan is in your file received and it is also in the
483 original proposal. So, that's why it is made a part of the requirements because it is part of the
484 original submittal.

485

486 **MAYOR GOODMAN**

487 All right. Now assuming that the flag is permitted to fly, what is your representation to us today,
488 as far as the memorial being completed?

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

489 **CARL MARCELLO**

490 It'll be completed within a week. We have a contract with Martin Harris for and we're prepared
491 to move forward and get it done and then pick an official date where we would ask you to preside
492 over us for ceremony with other officials from the state and City government.

493
494 **MAYOR GOODMAN**
495 All right. Are there any questions of Mr. Marcello? Mr. Towbin? Any questions or would you
496 like to be heard?

'97
498 **DAN TOWBIN**
499 The only thing I'd like to say is that over this – year I have not had one complaint, one comment,
500 certainly I've not heard from Councilwoman Tarkanian on this issue. We've had many contacts
501 with the City though, she's (inaudible) many times; the wall's not the right height, this plant is
502 dead, there's graffiti on the wall. We've had multiple contacts, and we've taken care of every
503 issue without – question. Work very well with the City.

504
505 **MAYOR GOODMAN**

506 All right.

07
508 **DAN TOWBIN**
509 I've never heard a complaint from a neighbor or any, anybody, not an email, not a fed ex, not a
510 letter, not a phone call, one time about that – because you're gonna hear testimony today from an
511 individual who's a neighbor who is not happy that I didn't build him a wall, special wall for him.
512 And I'm not gonna be shaken down by a neighbor, so that's – the basis of that and, but I did every
513 thing in regards to all the issues that I've been trying to run a business. I have a letter from a
514 neighbor that I'd like to read. The most direct neighbor. And I think it, it's really well written.
515 It's from Joe Esposito. He's the president of Liberty Lock and Safe. He's right across the street.
516 To whom it may concern. I would like to state that the flag and pole that is situated at Towbin
517 Hummer and adjacent to my building at fifty-four seventy West Sahara Avenue, it's
518 complimentary to my business. I would also like to state that any business that puts so much

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

519 expense, time and design in, to such a land mark status symbol of our country should be
520 commended and praised. Each morning I come to work. I gaze at that inspiring symbol of
521 freedom and give thanks that I live in this wonderful country. I would also like to state that given
522 the size of this glorious flag, the fact that when it is out stretched in the wind, it is surprisingly
523 quiet. It is not distracting in the least, but on the contrary, fills my entire team of 55 employees
524 with pride.

525 There are many days we comment as to how beautiful she is. Any individual or group that would
526 defer to this symbol of America as nuisance, eyesore, or noise maker should be looked at by the
527 Department of Homeland Security to see where their sympathies lie. Respectfully submitted,
528 Joseph Esposito, President of Liberty lock and key. Thank you.

529

530 **MAYOR GOODMAN**

531 All right.

532

533 **DAN TOWBIN**

534 I'm very proud the fact that I am waving this beautiful flag of ours. I'm a very patriotic person
535 and it's my opportunity to – show that and to share that with all people of Las Vega. And I've
536 had nothing but compliments from people that are customers and neighbors and that don't have a
537 bone to pick with me or my company. We've given back many things to this community. I think
538 this flag is giving back to the community. I'm very, very proud of it. Thank you very much.

539

540 **MAYOR GOODMAN**

541 All right. Thank you. Mr. Marcello.

542

543 **CARL MARCELLO**

544 Your Honor, one other thing. Just to state for the record, there are many flags flying in – on
545 Sahara and throughout the City, and Terrible Herbst has really set a standard for that. There's
546 many 100 foot flag poles out there, you know, in the same proximity to residential
547 neighborhoods. I think a precedent would have been set by now, just wanted to state that.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

548 **MAYOR GOODMAN**

549 All right. Before we hear from the public, do any of the Council members have any comments or
550 questions at this time? All right. Folks, it's a public hearing. Would anyone like to be –

551

552 **COUNCILWOMAN TARKANIAN**

553 Mr. Mayor, if I might please.

554

555 **MAYOR GOODMAN**

556 Yes. Certainly.

557

558 **COUNCILWOMAN TARKANIAN**

559 Would you just, I just want to make a couple of corrections or comments so that we know full
560 accuracy. The meeting to which Mr. Marcello is referring, the one that I held with Chip
561 Maxfield, I just want you to know that this was not an item on that agenda. We were doing
562 traffic studies and so that's why the item never came up. Secondly, I do believe that an email was
563 sent to Mr. Towbin and I've got it some place in this pile, which I can find, if it's not already with
564 the stack of papers that you have. My understanding is that, and I received it this morning, that
565 each of this Councilmembers received, it was 25 to 30 letters from different individuals in that
566 area who were complaining about the flag.

567 Now, I did not start getting these complaints until slightly past that six-month period, but after
568 that I did start receiving them. I did not do anything with Towbin because it was my
569 understanding from our vote at the May meeting that this would be reviewed and at that time
570 how the neighbors felt was going to be the deciding factor. So, that's why I did not want to get
571 involved. I didn't want anyone to think I was out there with the neighbors or something. And
572 Mr. Marcello, I just want to emphasize to you that you said you needed the approval on May 3rd
573 because you have a ceremony scheduled no less than two weeks away and that ceremony was to
574 dedicate and honor the veterans and there was no comment then and no mention of final
575 approval. You stated then at that meeting that within two weeks you were gonna have that
576 ceremony and that's why we had to rush that vote.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

577 **CARL MARCELLO**

578 What date was that, Councilwoman?

579

580 **COUNCILWOMAN TARKANIAN**

581 That was our meeting of May 3rd, 2006.

582

583 **CARL MARCELLO**

584 Well, we had it scheduled for the 30th.

585

586 **COUNCILWOMAN TARKANIAN**

587 Yes, Memorial Day, right?

588

589 **CARL MARCELLO**

590 The May 30th. May 30th.

591

592 **COUNCILWOMAN TARKANIAN**

593 Well, what does that mean?

594

595 **CARL MARCELLO**

596 Well I think –

597

598 **COUNCILWOMAN TARKANIAN**

599 I said the meeting was on May 3rd.

600

601 **CARL MARCELLO**

602 Right, you said.

603

604 **COUNCILWOMAN TARKANIAN**

605 And that's when you –

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

606 **CARL MARCELLO**

607 You said – you said two weeks. There wouldn't be two weeks, right, of this, May 3rd was – last
608 year.

609

610 **COUNCILWOMAN TARKANIAN**

611 That's what I'm talking about. Last year.

612

613 **CARL MARCELLO**

614 Last year.

615

616 **COUNCILWOMAN TARKANIAN**

617 I'm talking – okay. I don't know how I that confusion arose but let me just emphasize that what
618 I'm saying is, that at that date, May 3rd, 2006, you said you had a ceremony scheduled and you
619 said Memorial Day. You said you were gonna get the Nellis Color Guard and that's why we had
620 to rush the vote and that's all I'm saying. No time did you mention –

621

622 **CARL MARCELLO**

623 That's – not, that's an inaccurate statement, with all due respect. You can't – schedule something
624 like that and sent out invitations within two weeks. Maybe there was a miscommunication there

625 –

626

627 **COUNCILWOMAN TARKANIAN**

628 Well, forget the two weeks. I don't know if that's accurate or not the two weeks. I'm just saying
629 that you said that you had, well let's get the –

630

631 **CARL MARCELLO**

632 We had enough (inaudible).

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

633 **COUNCILWOMAN TARKANIAN**

634 I have on tape that you said you wanted to do it during the centennial year and you were going to
635 do it during the centennial year.

636

637 **CARL MARCELLO**

638 That was –

639

640 **COUNCILWOMAN TARKANIAN**

641 The centennial year's been over for a while.

642

643 **CARL MARCELLO**

644 That was the intent.

645

646 **COUNCILWOMAN TARKANIAN**

647 Yeah.

648

649 **CARL MARCELLO**

650 Okay. That was the – intent.

651

652 **COUNCILWOMAN TARKANIAN**

653 You never mentioned final approval. You just said you, we had to hurry with it because you had
654 planning to do.

655

656 **CARL MARCELLO**

657 No, I don't believe so.

658

659 **COUNCILWOMAN TARKANIAN**

660 Okay.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

661 **CARL MARCELLO**

662 Not that I recall.

663

664 **MAYOR GOODMAN**

665 All right. Any other comments or questions? All right. Public comment.

666

667 **TOM McGOWAN**

668 Tom McGowan, Las Vegas resident and disabled American Veteran of the Korean War. What
669 kind of a flag, everywhere in this text, in this conversation, not once did anybody say American
670 flag. Is it red, white and blue? Approve the item without delay. Thank you.

671

672 **MAYOR GOODMAN**

673 All right. Would anyone else like – would anyone else like to be heard.

674

675 **STEVE SANSON**

676 Good afternoon Mayor, City Council. My name is Steve Sanson, a proud Desert Storm Veteran
677 that served this country proudly in the first war from Desert Storm in the United States Marine
678 Corp, President of Veterans in Politics, 6455 Dean Martin Drive. Sitting in the audience I have
679 Nick Starling, who's an Army Ranger Combat Veteran, the third vehicle during the invasion of
680 Baghdad. Everyone has the right to fly the American flag and that right belongs to all
681 Americans. We are proud that Americans would want to honor and pledge allegiance to our flag.
682 Our flag has been flown proudly from the revolution, Revolutionary War to present day over two
683 hundred and thirty-two years.

684 We do not have an issue with flying of the American flag. The applicant stated over 12 months
685 ago on May 3rd, two thousand and six that in addition to the American flag, there would be a
686 memorial at the base of the flag pole in honor of our Veterans. The applicant's statement are as
687 follows: "We dedicate the flag to our brave veterans who have risked their lives to insure our
688 freedoms. This will be in conjunction with the Las Vegas Centennial." Applicant added that
689 there would be a plaque, a monument, Color Guard from Nellis Air Force Base. We are hear to
690 tell you that there is no memorial at the base of the flag pole, there is no plaque and there hasn't

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

691 been any Color Guard over 12 months. What disturbs us is the exploitation of veterans, our men
692 and women dying for our right to a free nation being used for selfish financial gains.
693 Veterans give their life for selfless reasons. The veterans should not be exploited to gain the
694 compassionate and sympathetic hearts of the general public and this City Council. Thank you
695 and semper fidelis; here and always faithful.

696

697 **MAYOR GOODMAN**

698 Thank you. Anybody else like to be heard?

699

700 **JOHNNY VENTURA**

701 Oops, excuse me. Perhaps last but not least, I too am a Korean War Veteran and believe in that
702 flag and what everyone else has said about our American flag. Semper fi (sic) I was a Navy
703 House (inaudible) during the Korean war. I took care of you, a lot of you Marines. Anyway,
704 God Bless us and God keep us going forward. Amen.

705

706 **MAYOR GOODMAN**

707 Yes, ma'am.

708

709 **CONITA JONES**

710 Conita Jones, 5645 O'Bannon Drive. When they first came to us, they met with three of us and
711 they wanted to, the memorial to be Vietnam Veteran. They did not even know that there were no
712 hummers used in. I'm Vietnam Veteran myself. I wish we were a master plan community and
713 somebody would block us from these. We all love the American flag. Stop the businesses from
714 being in our neighborhood. It's loud. I wrote a letter June 27th, two thousand and six, that's
715 shortly after it went up, copying Dan Towbin. Each one of you should have received one stating
716 that we had a problem.

717 The flag was loud. It pops, it's like fireworks; good on Fourth of July, not a daily thing. It's
718 business, it should be on a freeway with a large flag for people to see and hear, on a freeway; not
719 in neighborhoods. I'm a Vietnam Veteran. For anybody who'd like to say, we didn't serve. We
720 love the flag.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

721 **MAYOR GOODMAN**

722 Thank you. Next, please.

723

724 **CARLOS POLIAK**

725 I'm just gonna be, just play me for a second. And comment on this particular topic.

726

727 **MAYOR GOODMAN**

728 You have to –

729

730 **CARLOS POLIAK**

731 My name is Poliak. And, you know, I was in the military for four years. I appreciate the symbol,
732 but I think what we need to do is put excerpts of the Constitution because people don't
733 understand, they can't see any writing there. They don't know why that flag is there. And it be,
734 probably, more academic to have excerpts here and there. This is what it means how our
735 forefathers drafted this because if you ask anybody on the street, about the Constitution, they
736 don't even know how to spell it.

737

738 **MAYOR GOODMAN**

739 Next, please.

740

741 **WAYNE EARL**

742 My name is Wayne Earl. I live at 2260 Westwind Road. I'm kitty corner through the block from
743 the flag in question. I know there are two other flags in the neighborhood. Same – size, same
744 size pole and I consider all of them sort of a disservice to the – idea of the flag. I think the flag is
745 a patriotic thing. I served in the navy in World War II. I had three brothers in the army. We
746 participated in the occupation of Japan and the repatriation of the Japanese people that were on
747 the islands. I like to see our flag flown, but I don't like to see it used as a commercial draw. I'm
748 familiar with some of the complaints of my neighbors that the flag is loud.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

749 Personally it doesn't bother me being loud, but I recognize that when the wind comes up and
750 usually that's not in the evening, that it can be distracting. And I think the flag should be flown
751 liberally not auspiciously. That's all I had to say about it.

752

753 **MAYOR GOODMAN**

754 Thank you, Sir. Yes, Ma'am.

755

756 **CONNIE KLING**

757 Good evening mayor, councilman, I appreciate you working quite so late. My name is Connie
758 Kling. I live at 5640 O'Bannon Drive, which is about a block over from where the Hummer
759 dealership is. I have, happen to be at neighborhood meetings where it has been promised that
760 there issues, neighbor's issues with lights and the wall would be taken care of. Those items have
761 never been followed through with. As far as I'm concerned, that puts the integrity of the
762 dealership at question because they are not following through with things that they promised
763 when we had neighborhood meetings to plan this. In addition to that, I don't often hear the noise,
764 but I am an insomniac. I am up in the wee hours of the night and when it is windy, I do hear it.
765 Now, I don't live next to it. And, I don't, it's not that much of an issue for me. I have to say
766 initially, I thought it was gun shots in the neighborhood, and we don't live in a neighborhood
767 where we hear gun shots. The other issues I would like to address are the size of the flag. I don't
768 think, first of all, that it's an appropriate size for the area. I am like the gentleman that was up
769 here previous to me, I think that the flag should be revered. I think that our troops should be
770 honored, but I don't think that the size is what makes the difference. First of all, it overwhelms
771 the area. Secondly, I have a question, if I may. Is the flag that you currently have 30 by 60?

772

773 **CARL MARCELLO**

774 Yes.

775

776 **CONNIE KLING**

777 Okay. What size flag did you have up there previously, because the size that you have flying
778 now is not what you had previously?

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

779 **CARL MARCELLO**

780 No. Ma'am, we have – can I –

781

782 **MAYOR GOODMAN**

783 Wait – whoa. Folks, speak through me.

784

785 **CONNIE KLING**

786 It appears much smaller and the reason I noticed it, my husband is active duty. I drive right by
787 their dealership every day going to my job. And first of all they had the flag up there, and I –
788 love the flag, but it looks out of proportion, greatly out of proportion in comparison to the
789 Nevada flag. If you decide to make an agreement with them to let them keep that flag pole, then
790 the two flags should be in direct proportion. Otherwise I think you do a disservice to the State of
791 Nevada as well as to the United States Government flag. In addition to that, I want to say that, as
792 far as the memorial, if they're going to put a memorial up to honor the troops, it shouldn't make
793 any difference the size of the flag; the regular size, the larger size. Well, we're not gonna do it
794 until we can see if we get this.

795 I can understand the memorial may, perhaps, and I emphasize perhaps, change in size depending
796 on the size of the flag that they're flying, but I can't truly think that a memorial down here on the
797 ground is going to change that much in size if they change the size of the flag. I also do not think
798 that – this promise to put this memorial in place and have all of these things should have been
799 delayed over this whole – concern. Well, am I gonna get to keep my flag or not. My husband is
800 a combatant. My husband's been in the military for over 23 years. He and I both would do or say
801 anything to further and honor the flag and this country's government.

802 And I a – agree with – the gentlemen before me, I think that it is a ruse to profitably line their
803 pocket. I don't think, and I'm sorry if this offends you, in my opinion, you are not doing this or
804 requesting this for the right reasons. If I truly felt that they were the right reasons then that would
805 be one thing but I don't think they are. Another thing, if you're going to fly a flag you should see
806 that that flag is properly maintained. How many times have I driven by there and seen that flag
807 in tatters. I have, on a daily basis. Now, I admit it was during the windy season, and perhaps

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

808 they were waiting to see if they were going to get the authorization to keep it there so that they
809 didn't want to spend the money on another 30 by 60 flag so that it looks nice and was appropriate.
810 But those are my feelings on the matter, and I appreciate your time.

811

812 **MAYOR GOODMAN**

813 Thank you.

814

815 **CONNIE KLING**

816 Thank you.

817

818 **MAYOR GOODMAN**

819 Yes, Sir.

820

821 **GARY SWANCIGER**

822 Good evening. Thank you, Council, Mayor and Councilmembers. My name is Gary Swanciger,
823 I live at 2270 Westwind Road. My property adjoins the dealership in question, and I'm the guy
824 who's trying to shake Mr. Towbin down, according to him. Even though I have an agreement, I
825 have a letter from the architectural firm that said they would provide a visual screening along the
826 west wall that belongs to the LDS Church to screen me from the back of the Hummer Dealership.
827 This was something that was negotiated prior to the City Council meeting and at the City Council
828 meeting, Mr. Hummer – Mr. Towbin, agreed at that time again to provide that visual screening.
829 The reason I requested it is 'cause of previously when they were using that property which was
830 previously a beauty shop converted from a home. They had stored a sea of Hummers back there
831 and it wasn't, Hummers are not my favorite vehicle and I shouldn't have to be an extension of
832 their parking lot. And so, I requested a simple visual screening. I didn't ask him to extend the
833 wall which separates them from the church in the rear of their lot, which would be the north wall.
834 I simply asked them to raise my wall the appropriate amount in order to screen me. I've been in
835 negotiation with Mr. Marcello and Mr. Towbin for well over a year now to, for them to comply
836 with our original – agreement.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

837 Now, if he and Mr. Marcello told me that I was trying to shake him down, or I was try to shake
838 Mr. Towbin down in presence of Dr. Piracci, who's my next door neighbor, and I took – offense
839 to that. I felt he insulted me. I did everything that I felt was appropriate. I'm simply trying to
840 protect my property and then come, for him to come forward and do this again.

841 I find it – unbelievable. I originally supported the flag. I supported, Mr. Marcello came to me
842 during one of our discussions about the wall. They kept leading me on to believe they would do
843 what they said they would do, and he says, oh, we're gonna put up a hundred and thirty-foot flag
844 and the Vietnam War Memorial. Well, I enlisted in 1966 in the U.S. Navy. I served four years
845 until 1971 as a – rescue crewman in Adac Alaska and then (inaudible) supply officer in the, on
846 (inaudible) 31. I've seen a lot of terrible things and I'm proud of my service and I'm – proud of
847 the flag.

848 I have no problem with flying the American flag. I think that's one of the reasons I served in the
849 service. But the American flag is a symbol; it shouldn't be a wind instrument. This flag flies a
850 hundred feet tall and currently I have done some calculations, I have pictures. I did some
851 calculations on a flag and I, currently, I believe the current flag is 25 by 50. And they could fly
852 as much as a 30 by 50 flag on that pole. I believe you have information in your packet. And the
853 reason I did this calculation, I wanted to see how many square feet of sound was, a flag was
854 bringing the sound throughout our neighborhood. It's twelve hundred fifty square feet, the sign
855 of a small house was up there waving in the wind. If they were allowed to continue with the
856 hundred foot flag pole, it'd be fifteen hundred square feet of – increased sound. Now, probably a
857 physicist could tell you what the decibel level would be at a certain, within a certain air speed
858 and size of a flag but I can't do that calculation.

859 But when in preparing for the – for this meeting – I reviewed the meeting, Planning/Council
860 meeting and Mr. Marcello, let me read this if I may, I'm a little dry now. This is from the
861 minutes. The Planning Commission meeting, March 23rd, 2006, Vice Chairman Evans remarked
862 that the neighbors might not realize the sound of a flag that size would be one that snaps and
863 waves in the wind. Mr. Marcello stated that the flag would be nearly fifteen hundred linear feet
864 away from the nearest resident – home and mentioned the noise already produced by the traffic at
865 that location. Vice Chairman Evans resented the argument that this would serve primarily as a
866 patriotic request. It is apparent that allowing this request would serve as a marketing symbol for

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

the dealership and opposing such request would appear as if patriotism is not encouraged. He stated that the reason given for the size of the flag was disingenuous.

Now, I calculated distance based on that information, I said okay, how far away am I from this flag? Well, wait, when I – came forward and supported the flag based on being a war memorial, a Vietnam War Memorial, I hadn't really considered the noise and when we had the Council meeting it was kind of a – awakening to me because here I had committed my word to Mr. Marcello, I would support this flag pole and I, so when Mr. Evans brought this up and then later they offered a six month review, I felt okay, I can live with this because we'll have six months and if it's not a problem, it's not a problem.

Well, six months went by and another six months went by and here we are today. Just recently have the neighbors received notification – of the meetings; many of them complained to me long before. As a matter of fact, I have a copy – of the e-mail that I sent to Mr. Towbin the night of, the morning of July 5th because I was awakened by the flag. And I expressed to him my concern that I had received from the neighbors about the noise, as well as myself. So, I – as I did some calculations and first of all I'd like to show you how this flag affects my home. I don't know exactly where this goes.

COUNCILWOMAN TARKANIAN

Can someone help him, please?

GARY SWANCIGER

All right the middle. Like this. This is the front – and my home and the flag flying behind it. They, it's very large. This is my home when the flag is not flying; you can still see the presence of the height of the flag pole in relationship to the distance to my home. This is my home from the Hummer parking lot to show you what I was concerned about 'cause I can easily see over the top of that wall, which Code Enforcement recently required them to raise about four – blocks and it's helped tremendously. But I, basically, I had no privacy. People would come back here they would show their vehicles standing looking directly at me.

I – took this picture last night sitting on my patio at night. Not only did I have a great view of the – flag pole, but I've got – 13 light poles and 16 lamps lit. This is what I have. I had previously

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

897 asked Mr. Marcello to extinguish this light. This light is 95 feet from my bedroom window, but
898 since they decided they weren't going to cooperate with me, they turned it back on. That picture's
899 last night also. This is a picture of the reflection of the lights in my master bedroom window.

900

901 **MAYOR GOODMAN**

902 Okay. We're going a little bit astray –

903

904 **GARY SWANCIGER**

905 No.

906

907 **MAYOR GOODMAN**

908 – off the flag issue.

909

910 **GARY SWANCIGER**

911 Flag issue. They're all flag issues. This flag is on a hundred-foot pole and it's 25 by 50, which is
912 1,250 square feet of flag flying up there. Okay. I'm sorry. I'm just a little – I got a little
913 disorganized here, Sir.

914

915 **MAYOR GOODMAN**

916 No problem.

917

918 **GARY SWANCIGER**

919 Okay. What I did is I went down to, I calculated, I don't know if this is gonna come in. I
920 basically took an aerial view of the area off the City web site, and then I took the plot map from
921 the City web site in order to center the pole, and I want to make a calculation of how far this flag
922 was from my house. Now, remember Mr. Marcello said the nearest home was fifteen hundred
923 feet away. Okay. The back of my property line, now these calculations are from Doug Rankin
924 and Bob Levrant of the Planning and Development Department. I visited them on Monday, May
925 7th. My property line is four hundred fifty-three feet from this flag pole. The back of my house is
926 five hundred and forty feet. Mr. Marcello, Mr. Purucci's (sic) home, which is adjacent to mine, is

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

927 two hundred and ninety-two, two hundred and ninety-four feet from the property line, four
928 hundred and five feet from the back of his house.

929 Conita Jones, who spoke here earlier, the – flag is nine hundred and fifteen feet from her property
930 line and the back of the, from the back of the house, nine hundred and ninety feet. If you do a
931 fifteen hundred-mile radius from the center of the flag pole, to the north, it takes you to El
932 Parque, to the south El Dorado, to the east Edmond, and to the west, Duneville/Saratoga. So,
933 they gave it, based on fifteen hundred feet, it took five, was fifteen hundred feet away, probably
934 wouldn't be a problem. But for me, 500 feet away, when the wind's blowing, this is a 24/7 flag,
935 they don't take it down in inclement weather. I don't know how they could. It probably takes eight
936 men to take it down. This flag is brutal; it's woken me up on numerous occasions and I really
937 think it's just not appropriate.

938 If they really wanna create a memorial, I saw a beautiful situation when I came to the City
939 Council today. You have three flag poles; probably 40 feet high. Okay. They can have an
940 American flag, appropriate size Nevada State flag and perhaps an MIA flag or a Hummer flag
941 signing, – three flag memorial. A hundred-foot flag pole does nothing but promote excess noise
942 in the neighborhood, and also assess a dangerous precedent because the Budget/Kia dealership
943 may want a hundred-foot flag pole and the two Desert Dealerships on the same side of the street
944 may want a hundred-foot flag pole and the residents would never get any sleep at night.

945 So I – really request your – that you vote against this issue. If they want to have a memorial, it
946 should be in front of the dealership, not above it. Thank you.

947

948 **MAYOR GOODMAN**

949 Anybody else like to be heard at this time? All right. We'll close the public hearing. Would you
950 like to be heard?

951

952 **DAN TOWBIN**

953 I'd like to respond to a few of the comments by the – neighbors. I'm sorry, I don't remember her
954 name, but she had, the lady that mentioned that some things that were just not so about the size
955 of the flag changing. That's just not true. The tattered flag issue, we have a contract with a
956 company that changes it out every month with, we bought an additional flag. We pay several

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

957 hundred dollars a month for this service. The only time they cannot do that is when the wind is
958 so powerful that you just can't, it'd be dangerous to take it down. So, sometimes for a week, it
959 might – fly tattered, but we're all very much aware of it and we have a contract or arrangement
960 with a company to take care of the. So, we've gone through a great expense to – make sure that
961 that didn't happen out of respect to the flag.

962 You know, people made a lot of comments about whether or not my heart is in the right place
963 with that. But only I would know that, wouldn't I. Unless you had a crystal ball or you're psychic
964 or something you wouldn't know whether or not I was doing it for commercial benefit or not. I'm
965 a very, very patriotic person and that can be proven. I'm not gonna bother with it, but I'm not
966 gonna stand here and be – accused of being, just a doing this for only financial gain. I really
967 don't know of anybody that purchased a vehicle from me because I fly the flag. I have not met
968 that customer yet, but I'm very proud of the fact that I do. And the nice thing about this, and one
969 of the things that the flag does make a statement about in this country, is that these people can
970 come up here and make these comments without us stopping them. That's a – right we have and
971 one of the things that the flag represents is the fact that these folks can – express their feelings
972 and their concerns and I think that's very special. And I – really in honor that.

973 And then our – neighbor who referred to me as Mr. Hummer, Mr. Swagger (sic), very much
974 aware of him, and he has a bone to pick. He was under the impression that we were going to
975 participate in rebuilding his wall in the back. He's got like a little pony wall. And – his backyard
976 is in is in terrible disarray; it's over grown, it's dirt and it's got weeds. And you know, we're
977 talking about a nuisance, I mean we look at this all the time. It's horrible we spent a great deal of
978 money building a beautiful property working with the City on all kinds of issues and then I have
979 to look at this eyesore of a house that he has and this backyard, who probably never spent ten
980 cents in maintaining. And he has a three foot pony wall and – he needs a higher Wall but his
981 neighbor is the church, the LDS church. And he sent us a proposal for eighteen to twenty
982 thousand dollars expecting us to – rebuild his, to build his wall. And we never made a
983 commitment. We – did talk to him about participating, but when I felt like I was getting shaking
984 down by this guy and his insinuations were, you know, there's people that are having a problem
985 with this flag and you know, it was just very timely, when this – conversation, didn't hear from
986 him for six months, seven months. Didn't hear from – you, didn't hear from this guy until it was

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

987 evident that I was not gonna spend \$20,000 improving his property. So, I've said it, I've said it
988 on tape, he was – he's got a problem with that.

989 You know, that's the nice thing about being able to be in this forum and expressing one's self and
990 that's one of the things that the flag represents. So, that's all I have to say and I – hope that you
991 will honor this – flag. If there's any issue here today, let it be about the memorial. Give me
992 appropriate time that you demand me to have it up. It's with the best intentions. We've had a lot
993 of people make their opinion both at City Council, staff, neighbors, what I should put on this
994 memorial, how many flags, where they should be, the flag is up. I really hope that you're not
995 going to take down the American flag in Las Vegas, and if you'd like, I will commit right here
996 and there about the memorial.

997 Our first discussions were about the Vietnam Vet. We, there was a, this was a work in process,
998 you know, I mean we can't be held accountable for every conversation we've had in trying to
999 work this issue out as we did with every other issue. If you notice on those photographs Mr.
1000 Swagner (sic) by the way, all those light photographs, did you see his property? It's dark as can
1001 be. There is no light protruding onto his property. There is light at the dealership, but there's no
1002 light protruding onto his property. We have no paging, we have no doors open to his property
1003 from the shop. There's a lot of things we worked out a year and a half ago. They should be, why
1004 are we talking about that stuff now? We're a good neighbor. We respond to every – concern that
1005 is put forth to us. Ms. Jones, who came up here before, contacts our office any time a Hummer
1006 drives by her house. And we have a meeting with our employees that day and let them know
1007 about the planned route for driving, and we have a discussion reminding them of their
1008 employment agreement that prohibits them from driving in the neighborhood. And I heard no
1009 complaints about the noise except for Mr. Swager (sic) who happens to have a problem with us
1010 about – a wall. Nobody else have had a problem with the noise, keeping them up or anything
1011 else. Thank you very much.

1012

1013 **MAYOR GOODMAN**

1014 All right. Thank you. Mayor Pro Tem.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

1015 **COUNCILMAN REESE**

1016 Thank you Your Honor, Mr. – Towbin, I certainly love the flag but I – feel like that you've had
1017 ample time, and now here you are asking for more time to put up the memorial. I agree with Mr.
1018 Sanson. I thought he was – perfect in his comments and stuff. I – don't feel like that giving you
1019 two more weeks or six more months is going to take away from the fact that you promised us a
1020 year ago that this would be done and it's still not done. So, here you are, no, no, I listened to you.
1021 I – really feel like that giving you more time is just taking away with the spirit of what we've
1022 done, what you talked about the American flag stands for and – to me, the – American flag
23 represents honesty, forthrightness and I feel like that I've been boogered.

1024 I was told that this is gonna happen and it hasn't happened and that really, really bothers me.
1025 And we don't have enough staff members, we don't have enough hours to go out there and make
1026 sure every condition is met and that really, really offends me and again this has nothing to do
1027 with the American flag. We, we've heard the American flag, what it stands for the freedom that
1028 it – represents. I, certainly, represent the same thing and again, I – feel like that I've been
1029 boogered and I just have a hard time with it. So, I don't feel like giving you any more time is
1030 gonna do anything except, well I'm not gonna say that, any how, I – don't believe that your
1031 intentions was to put up the memorial like you said it was or that memorial would have been put
1032 up already. Thank you.

33

1034 **MAYOR GOODMAN**

1035 All right. Any other comments or questions? Councilman Wolfson.

1036

1037 **COUNCILMAN WOLFSON**

1038 Yeah, thank you, Mayor Goodman. With your permission, Councilwoman, I was in the back
1039 when this agenda item started and I didn't hear the explanation that was given for the delay in
1040 putting up the memorial. So, if somebody could offer that to me.

1041

1042 **DAN TOWBIN**

1043 I'm glad that you asked because I really would like to kind of clear that up because it's, it is an
1044 issue. We, first of all, we didn't know it to be a condition. It was not part of the conditions, per

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

1045 se. I understand from – staff today that they said, well everything you put on the plans is
1046 basically a condition. So, technically speaking yes, it's a condition, but there was no written
1047 condition to me or to us and it was not made a part of the condition Councilwoman Tarkanian,
1048 or, actually, I think it was Mayor Goodman, actually, made the proposal last time. But there was
1049 not a condition so, we were supposed to go for a review in six months. That was six months ago.

1050

1051 **COUNCILMAN WOLFSON**

1052 Let me stop you. Let me stop you right there, if you don't mind. May 3rd is when we approved
1053 this.

1054

1055 **MAYOR GOODMAN**

1056 '06.

1057

1058 **COUNCILMAN WOLFSON**

1059 I'm sorry.

1060

1061 **MAYOR GOODMAN**

1062 '06.

1063

1064 **COUNCILMAN WOLFSON**

1065 Yes, May 3rd, '06 is when we approved this. I don't remember if you were here, Mr. Towbin, but
1066 certainly Mr. Marcello was here.

1067

1068 **DAN TOWBIN**

1069 I was.

1070

1071 **COUNCILMAN WOLFSON**

1072 Were you here Mr. Towbin?

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

1073 **DAN TOWBIN**

1074 Yes.

1075

1076 **COUNCILMAN WOLFSON**

1077 I mean, I thought it was pretty clear that the spirit of what we were doing –

1078

1079 **DAN TOWBIN**

1080 Absolutely.

1081

1082 **COUNCILMAN WOLFSON**

1083 – was for you to put this memorial in. In fact –

1084

1085 **COUNCILMAN REESE**

1086 By Memorial Day.

1087

1088 **COUNCILMAN WOLFSON**

1089 Huh?

1090

1091 **COUNCILMAN REESE**

1092 By Memorial Day.

1093

1094 **COUNCILMAN WOLFSON**

1095 Well, whether it was by Memorial Day, it was certainly within a short period of time. I mean, I
1096 remember the controversy was the hundred feet versus the 40 feet, and I know that I was swayed
1097 at the time because rather than restrict you to 40 feet, give you a hundred feet, but it was in
1098 addition to, you know, displaying the American flag, we were gonna have a great symbol; a
1099 memorial.

1100

1101 **COUNCILMAN REESE**

1102 That's right.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

1103 **COUNCILMAN WOLFSON**

1104 And I just find it difficult for you to come in here now and say, you know, I really didn't think it
1105 was part of the requirement –

1106

1107 **DAN TOWBIN**

1108 No. I'm not saying that. Let me finish.

1109

1110 **MAYOR GOODMAN**

1111 Boys.

1112

1113 **COUNCILMAN WOLFSON**

1114 You did say that, I mean.

1115

1116 **DAN TOWBIN**

1117 Well, would you like me to finish the thought or, I mean.

1118

1119 **COUNCILMAN WOLFSON**

1120 Sure.

1121

1122 **DAN TOWBIN**

1123 I'm not gonna take an axing for something I didn't do. What I was saying, as I was saying, six
1124 months we were supposed to have a review. We never got notified. What we thought, very
1125 clear, there was not a condition, let's get our final approval. We have this thing hanging over our
1126 head. City Council is gonna decide whether or not we're gonna – be able to – display this flag.
1127 That's where you left me. So, why would I spend a great deal of money, I mean, I know that, you
1128 know, I mean that, if that's what your expectations are, please tell me now. If you expect me to
1129 bring out distinguished parts of this community, the Mayor, the Governor, City Council people,
1130 inviting all the politicians and all the people that make this town go, in this southern Nevada, and
1131 part of Nellis and every thing else, and then you're gonna ask me to take this mem – this flag
1132 down. So, I thought it would be best –

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

1133 **COUNCILMAN WOLFSON**

1134 What I'm gonna do, what I'm gonna throw out there is the opportunity to see the tape from the
1135 May 3rd meeting. Because, Mr. Towbin, if you're right and you didn't think it was a condition, I
1136 hear what you're saying but that's not my recollection. And you know –

1137

1138 **DAN TOWBIN**

1139 We have it written, it's written.

1140

41 **COUNCILMAN WOLFSON**

1142 A picture tells a thousand words. Councilwoman, if you don't wanna do that I accept that and I'll
1143 go with ya.

1144

1145 **COUNCILWOMAN TARKANIAN**

1146 No, it's all –

1147

1148 **COUNCILMAN WOLFSON**

1149 If there's a tape –

1150

51 **DAN TOWBIN**

1152 But we have a written condition –

1153

1154 **COUNCILMAN WOLFSON**

1155 Hold on, Mr. Towbin. If there's a tape which displays what everybody said and what the spirit of
1156 the conversation was, that'll answer it for everybody.

1157

1158 **COUNCILWOMAN TARKANIAN**

1159 And – Councilman Wolfson, I would like to show the tape. The problem is the tape is too long
1160 for today's meeting but I do have parts of it that, I think, that are pertinent that I could show and I
1161 have about two quotes at the end. I want to say that even after the review was mentioned it's
1162 automatic to get a review. Are we saying that these people, who are such successful businessmen

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

1163 who do business with the City all the time didn't know that the site plan would be part of what
1164 they would have to do, Number one on the memorial, or that we wouldn't be having a review and
1165 they never mentioned, even when they knew there was a review, that they were not going to do
1166 that memorial. And, did you want to say something else, because now that I'm on a roll.

1167

1168 **MAYOR GOODMAN**

1169 I want the tape.

1170

1171 **COUNCILWOMAN TARKANIAN**

1172 I would just like – to quickly add that the Hummer Dealership is one of the dealership, of course,
1173 along the Sahara corridor. We've had many, many complaints and the Hummer Dealership has
1174 been at the top of the number of complaints. And we have Code Enforcement, who has gone out
1175 there and who has tried to make corrections. I have not had a single Code Enforcement officer
1176 tell me about this gentlemen's house, but I will ask that Code Enforcement to go out there and
1177 check on it. But that has nothing to do with it. We're not talking about even the flag. The flag
1178 we love, we know that. We're talking about the flag pole and we said in that last meeting that if
1179 the neighbors didn't like it, it would be removed and you agreed to that.

1180 And I remember why I felt you weren't genuine in your patriotism, I felt it when I asked and I
1181 made a motion, my motion was that it be 75 feet and you stated, Mr. Marcello, that I'd rather
1182 have nothing than not have a hundred. Well, to me, if your heart's in patriotism, it's that tribute
1183 to the Veterans right there, it's not the height so it attracts people from a long, long distance. And
1184 that's what I feel –

1185

1186 **DAN TOWBIN**

1187 Councilwoman, the reason that we were, had a problem with the 75 feet, was the fact that 75-foot
1188 flag is closer to the ground and we knew that would be much noisier and we didn't see the, we
1189 did not want to have a problem. So, we thought, the higher it is, the less noise it's gonna make.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

1190 **COUNCILWOMAN TARKANIAN**

1191 Except that a 75 foot flag would be smaller. You don't have the same size flag if you're
1192 following flag etiquette on the 75-foot pole as you do on a hundred.

1193

1194 **MAYOR GOODMAN**

1195 Okay. What I would like to do is, Councilwoman, you say you have the tape?

1196

1197 **COUNCILWOMAN TARKANIAN**

1198 Yes.

1199

1200 **MAYOR GOODMAN**

1201 I'd like to see the tape.

1202

1203 **COUNCILWOMAN TARKANIAN**

1204 We're calling for it now. My liaison in the back room heard what you said and basically, while
1205 we're getting it on could I just begin so I could save.

1206

1207 **MAYOR GOODMAN**

1208 Well –

1209

1210 **COUNCILWOMAN TARKANIAN**

1211 Okay.

1212

1213 **COUNCILWOMAN TARKANIAN**

1214 I think you have a back up some but that Las Vegas Centennial is where you're saying you're
1215 going to do this veterans memorial. I hope we're right. I hate to do this in a long meeting.

1216

1217 **MAYOR GOODMAN**

1218 I wanna see the tape.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

1219 **COUNCILWOMAN TARKANIAN**

1220 You can't see all of the tape, Mayor –

1221

1222 **MAYOR GOODMAN**

1223 I wanna see the relevant portion of the tape. I wanna see what representation (inaudible)

1224

1225 (VIDEO SHOWN)

1226

1227 **COUNCILWOMAN TARKANIAN**

1228 Mr. Mayor.

1229

1230 **MAYOR GOODMAN**

1231 Yes.

1232

1233 **COUNCILWOMAN TARKANIAN**

1234 I think that's basically the major part of where they were talking about it. It started a little later

1235 than it should have, but that's, basically, what they were saying. They were gonna have the

1236 memorial, they were gonna have it during the centennial, they were gonna have the color guard.

1237

1238 **MAYOR GOODMAN**

1239 Does that satisfy you, Councilman Wolfson?

1240

1241 **COUNCILMAN WOLFSON**

1242 As Councilwoman says, it may have started it a little later than we'd prefer, but I did hear, is it

1243 Marcella? (sic)

1244

1245 **CARL MARCELLO**

1246 Yes.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

1247 **COUNCILMAN WOLFSON**

1248 I did hear Mr. Marcella (sic) say that they were gonna have it in conjunction with the centennial
1249 and I thought he said maybe Memorial Day.

1250

1251 **CARL MARCELLO**

1252 Can I please make a comment?

1253

1254 **COUNCILMAN WOLFSON**

55 Sure.

1256

1257 **MAYOR GOODMAN**

1258 Yeah, this is the time to do it.

1259

1260 **CARL MARCELLO**

1261 That was on May 3rd, two thousand and six. Am I correct?

1262

1263 **COUNCILMAN WOLFSON**

1264 Yes, Sir

1265

1266 **CARL MARCELLO**

1267 Okay. And we, at that point in time, as part of the condition was we was gonna have a six month
1268 review. Am I Correct? After that, six months from May 3rd, we was supposed to come back
1269 before this body and get approved, which would be within the centennial year for the Las Vegas;
1270 is that correct?

1271

1272 **COUNCILMAN WOLFSON**

1273 Technically, it's within the year.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

1274 **CARL MARCELLO**

1275 Okay. So, we never got notified of a six-month review. We were gonna wait, get it approved.
1276 We never had – the intention of not building that memorial, and that's what's trying to take place
1277 here today; that's wrong. We had it designed and it's ready to go and it's ready to start
1278 construction tomorrow. But we just didn't want to spend the money, you know, if we were gonna
1279 have the flag pole come down. So, six months from May 3rd, two thousand and six, we was
1280 supposed to have a review and that never took place. So, it ended up here; we are today in two
1281 thousand and seven. And that's the reason why the memorial isn't built today. There's no ill will
1282 here or ill intent. not at all. It's – a disgrace that it's even, upon myself, that it's being portrayed
1283 like that. We would not become before this Council and make a commitment to make to do a
1284 memorial and not do it. There's no way. That's not my intent and I know it's not Mr. Towbin's
1285 intent.

1286

1287 **MAYOR GOODMAN**

1288 All right. Thank you.

1289

1290 **COUNCILWOMAN TARKANIAN**

1291 Mr. Mayor.

1292

1293 **MAYOR GOODMAN**

1294 Yes.

1295

1296 **COUNCILWOMAN TARKANIAN**

1297 He was aware of the six-month review. He said he wasn't aware, he was aware of the six month
1298 review. It shows that on the tape and then a little earlier he said it would do an undue hardship if
1299 we didn't move quickly to vote on this because of what they wanted to do in the celebration and
1300 the dedication of the memorial. I would like to say, and this is the main thing, the main thing is
1301 that we're here to ensure that the conditions that were made in May of 2006 are met and that no
1302 harm was enacted on the quality of life for the residents in the area. I don't recall you asking for
1303 the review and yet you knew a review should occur.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

1304 **CARL MARCELLO**

1305 No, no.

1306

1307 **COUNCILWOMAN TARKANIAN**

1308 So, it goes both ways as far as that City staff or the other. Please let me finish because I have to
1309 tell you the last time in May 2006 you had an awful long time to talk, and the other people didn't
1310 have as much time and I didn't have as much time. So, I – want to point that out and I'd like to
1311 say that, on all of this, towards the end this is what, today the importance of having this review is
1312 to finally finally keep our commitment, our word to our residents as Council members. That's
1313 why it was important to have this here today. And I wanted to point out that at the end of that
1314 tape, if you went all the way to the end, you state, you state if the neighbors say it is a problem,
1315 we can take it down. And then the Mayor responded; you have no choice. And that was where it
1316 ended.

1317 And that's what those people, those residents believed. They believed. And that was one reason
1318 why I stayed out of any of the neighbor business because I knew that they were the ones who
1319 would be coming back if they had a problem. And you know that I was concerned at the height
1320 of it and I felt that if we should have the flag we could have it at 75 feet and you said at that time,
1321 it's on the tape, I'd rather not have any at all if it's 75, if it's not a hundred feet. That's – a
1322 summary of what you said, and then I said, well that doesn't sound very patriotic to me, because
1323 the flag is the flag and it represents our country and you don't have to have it that high, which I
1324 may have mentioned before.

1325 I'm ready to make a motion, Mr. Mayor, if you want me to.

1326

1327 **MAYOR GOODMAN**

1328 All right. I'd like to be – heard first. This Council took an extraordinary action several years ago
1329 about the American flag. People will recall that there were homeowners associations in this
1330 community that barred the American flag from being flown in the homeowners' area just as a
1331 matter of policy. And we actually passed on ordinance to the effect that flags can be flown
1332 notwithstanding a homeowners association. If a person, who is part of that association wanted to
1333 fly the American flag at their home. I think the problem we have here, I'm not gonna call

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

1334 anybody names because that's not what this is about, I think that there was a perhaps a
1335 misunderstanding on your part. I definitely was under the impression at the time that the motion
1336 was made, because I'm the one who carried the ball, that that memorial would be a done deal.
1337 I don't understand, really, why we keep on referring to the centennial because it was outside the
1338 centennial year. The centennial would have concluded by May the 15th of 19, of two thousand
1339 and six. But if you, you know, two weeks from then maybe you wanted to still, to be associated
1340 with the centennial.

1341 Mr. Sanson makes a good point. The flag is what is symbolic of what you and the other
1342 gentlemen who severed our country and put themselves in harms way, and the lady as well. I
1343 don't want to forget you of course, during these wars and conflicts to preserve the liberties that
1344 we pride ourselves as being the only nation that really has this kind of freedom. And I just feel
1345 that we expected, we – expected the memorial to have been done at this time and that, I think, it's
1346 the thing that perhaps is most disturbing to me. Because I know that that was your intent, it
1347 wasn't done, perhaps because of a misunderstanding but nevertheless, I think that that was our
1348 expectation and we have been let down in that expectation. Councilwoman.

1349

1350 **COUNCILWOMAN TARKANIAN**

1351 Mr. Mayor, I just wanted to point out, and I'm sure you didn't mean it that way, but is not the flag
1352 that we're trying to prohibit here. It's the height of the flag pole which is sort of different from
1353 the homeowners where they tried to keep the flags –

1354

1355 **MAYOR GOODMAN**

1356 No. And I appreciate that and I wish I would hear from Mr. Towbin and Mr. Marcello that they
1357 would like to have a 75-foot flag pole there which was acceptable to us at one point in time.

1358

1359 **COUNCILWOMAN TARKANIAN**

1360 I would – like to make a motion if I could.

1361

1362 **MAYOR GOODMAN**

1363 All right.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

1364 **COUNCILWOMAN TARKANIAN**

1365 And that motion is to deny. But, I would then like to work with Mr. Towbin and Mr. Marcello to
1366 see if we could, along with the veterans group, along with veterans who have spoken here today
1367 about their concern of (inaudible) a flag of patriotism around a commercial thing, I would like to
1368 have them serve in working with us so that we could reach a – fine memorial.

1369

1370 **MAYOR GOODMAN**

1371 But what I would like to do is, I would like to have this resolved, as strange as it may sound, by
72 Memorial Day, so that we either get this resolved with the flag pole at a height that's acceptable
1373 with a memorial to the veterans so we can have that celebration. I don't want to put it off another
1374 year.

1375

1376 **COUNCILWOMAN TARKANIAN**

1377 And by the way Mr. Mayor, I just wanted to point out that's why on the tape Mr. Marcello said,
1378 they use the term we want to finish it by the centennial and that's where the ten days came in
1379 because the centennial ended approximately ten days after our – Council meeting, and that's why
1380 there was the rush and that's why they were saying no undue hardship. I do not feel it is
1381 appropriate to have that tall a flag pole in that area. Again I move for denial on this item but I
1382 move in a way that I hope we can work together. I don't know how you could reduce the flag
1383 pole or what could be done, but if we could work together with a veterans group on the size and
1384 on the memorial itself because it is a little off balance if you look at it.

1385

1386 **MAYOR GOODMAN**

1387 Well, I'll support that on the understanding that the two of you will be meeting with the
1388 Councilwoman's office and the veterans group immediately to try to get a resolution as to the
1389 height of the flag pole and I want that memorial up and running by May the 30th.

1390

1391 **MARGO WHEELER**

1392 If I may, Mayor and Councilwoman.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

1393 **MAYOR GOODMAN**

1394 Yes.

1395

1396 **MARGO WHEELER**

1397 I apologize, but the motion for denial would then mean that the, in the absence of other
1398 conditions, so that's why I bring it to the Council's attention so that we have the appropriate
1399 conditions, the motion for denial would mean that the flag pole has to be removed and they
1400 would be able to build a flag pole of 40 feet in height which is what is allowed by code. So, if
(91 the Council has other wishes then I need for the Council to place those on the record so that staff
1402 can adequately follow up in accordance with your wishes.

1403

1404 **MAYOR GOODMAN**

1405 Well, I expressed my wishes.

1406

1407 **MARGO WHEELER**

1408 Okay.

1409

1410 **COUNCILWOMAN TARKANIAN**

1411 Again, I move for denial of the flag as it is today and coming back to build a 40 foot flag, a foot
1412 pole or what ever. Excuse me. Let me take that back. **I move for denial of the hundred foot**
1413 **flag pole and request that we have a group coming back that might be able to see how we**
1414 **could work out another size flag pole with a relevant memorial for the veterans.**

1415

1416 **MAYOR GOODMAN**

1417 I hope, Mr. Towbin, that you will be cooperative in that respect. I hope you will. It's your
1418 prerogative, of course, but I think it's your intention to have the memorial there. I think it's your
1419 intention to fulfill your patriotic obligation as you expressed it and perhaps you can negotiate a
1420 height differential over the 40 feet, I don't know, but I would like to see a memorial there and I'd
1421 like to see a flag there.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

1422 **DAN TOWBIN**

1423 Your Honor, I'm really, really don't understand what I'm supposed – am I supposed to get a
1424 wrecking ball and take this flag pole down?

1425

1426 **MAYOR GOODMAN**

1427 I don't know.

1428

1429 **DAN TOWBIN**

✓ 30 I really don't understand.

1431

1432 **MAYOR GOODMAN**

1433 Well –

1434

1435 **DAN TOWBIN**

1436 I don't, really.

1437

1438 **MAYOR GOODMAN**

● 1439 – at this point in time you could chop 60 feet off of it. I mean that's a –

● 1440

1441 **DAN TOWBIN**

1442 It just can't be done.

1443

1444 **MAYOR GOODMAN**

1445 That's – what's being said at this point in time and I'm suggesting that you meet quickly with the
1446 Councilwoman's office and with the veterans groups and gets this resolved, one way or the other
1447 or else we'll remove the flag pole for you.

1448

1449 **BRYAN SCOTT**

1450 Mr. Mayor, as – a condition in the staff report it indicates that if denial, the applicant shall obtain
1451 a demolition permit and remove the subject flag pole within 60 days.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

1452 **MAYOR GOODMAN**

1453 All right. Well –

1454

1455 **BRYAN SCOTT**

1456 That is in the condition.

1457

1458 **MAYOR GOODMAN**

1459 As I say, I would like these things, I'm – conditioning my vote or I won't support the motion on
1460 the fact that you're going to meet, you're gonna try to get this resolved. If that meeting's not
1461 gonna take place, then I'm going to have to vote accordingly.

1462

1463 **DAN TOWBIN**

1464 Well, I didn't know that I would have to deal with this the next couple of weeks, I'm not going to
1465 be in the country so, I can't change that. I can – meet in 30 days but I can't meet within two
1466 weeks.

1467

1468 **MAYOR GOODMAN**

1469 Okay. Well, I thought we could get it done by Memorial Day, if all the plans were in order as
1470 was represented.

1471

1472 **DAN TOWBIN**

1473 But, I, Mr. Marcello could meet up on my behalf.

1474

1475 **MAYOR GOODMAN**

1476 Oh, that's fine.

1477

1478 **DAN TOWBIN**

1479 Yeah.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

1480 **MAYOR GOODMAN**

1481 As your agent, that's fine.

1482

1483 **DAN TOWBIN**

1484 Absolutely.

1485

1486 **CARL MARCELLO**

1487 Mayor, we have arrangements to – start building the memorial, like, tomorrow.

1488

1489 **MAYOR GOODMAN**

1490 All right. Well, let's start it.

1491

1492 **CARL MARCELLO**

1493 And you, can we – proceed forward with that.

1494

1495 **MAYOR GOODMAN**

1496 Yes, I'd like to – get the input of some of the vets here. I think that would be helpful –

1497

1498 **CARL MARCELLO**

1499 Because – per our design, okay, that we submitted in, which I had no idea it was included in the
1500 design of a flag pole.

1501

1502 **MAYOR GOODMAN**

1503 Okay. Well, I would love to see a memorial there and then we'll give you appropriate kudos, and
1504 we'll have a nice ceremony on Memorial Day.

1505

1506 **COUNCILWOMAN TARKANIAN**

1507 Okay. Can we call for the question, please?

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

1508 **MAYOR GOODMAN**

1509 All right. Let's vote.

1510

1511 **COUNCILMAN WOLFSON**

1512 Mayor Goodman, I'm sorry, not to beat a dead horse, but this fact did not come out yet, and just

1513 out of curiosity, the cost of the memorial, do you have any idea about the cost of the memorial?

1514 To give us an idea of what we're talking about.

1515

1516 **CARL MARCELLO**

1517 It could be right around \$20,000.

1518

1519 **COUNCILMAN WOLFSON**

1520 Twenty thousand dollars.

1521

1522 **CARL MARCELLO**

1523 Yeah, in that area.

1524

1525 **COUNCILWOMAN TARKANIAN**

1526 Mr. Mayor?

1527

1528 **MAYOR GOODMAN**

1529 Yes.

1530

1531 **COUNCILWOMAN TARKANIAN**

1532 – could I ask that perhaps is that Mr., are you still in the audience? Yes, if his veterans group,

1533 they represent several different groups, if they could quickly then, after this item is finished,

1534 make arrangements, they could go over with you, your current plans and see how they could help

1535 and give some input, if that would be all right with you, that would quicken it, Mr. Mayor.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

1536 **MAYOR GOODMAN**

1537 I would like that.

1538

1539 **CARL MARCELLO**

1540 Yeah, it would – the memorial – designed and I think they could have some really good input on
1541 what we put on the bronze plaque, you know, I think that would be really good. Well, I tell you –

1542

1543 **COUNCILWOMAN TARKANIAN**

1544 Could they meet with you tomorrow? If Mr. Sanson can. I have no idea if he can or not.

1545

1546 **CARL MARCELLO**

1547 I'll get with him. I have to look at my schedule and we'll do it as expeditiously as possible. But
1548 all I could, you know, say is that, you know, we spent over \$50,000 or so on this hundred-foot
1549 flag pole and to reduce it in size is gonna, it's a major task. There was never an intent to go
1550 against the conditions.

1551

1552 **MAYOR GOODMAN**

1553 And I – will concede that. I just think there wasn't a meeting of the mind. I was under the
1554 impression that that memorial was gonna be up by Memorial Day.

1555

1556 **COUNCILWOMAN TARKANIAN**

1557 May mayor, I've called for the question.

1558

1559 **MAYOR GOODMAN**

1560 All right.

1561

1562 **COUNCILWOMAN TARKANIAN**

1563 Could we please have the question? We're gonna be here till midnight.

CITY COUNCIL MEETING OF
May 16, 2007
VERBATIM TRANSCRIPT – ITEM 110

1564 **MAYOR GOODMAN**

1565 That's all right too. But we'll vote. Let's vote. Post. Motion carries (**Motion carried**
1566 **unanimously**).

1567

1568 **BRYAN SCOTT**

1569 And Mr. Mayor, just to clarify, that'll have to be down in 60 days, the hundred foot flag pole.

1570

1571 **MAYOR GOODMAN**

72 Right.

1573

1574 **(END OF DISCUSSION)**

1575 /yy;ac

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MAY 16, 2007

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

SPECIAL USE PERMIT

SUP-18347 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: GRAND TETON LODGE LAND LLC - Request for a Special Use Permit FOR A PROPOSED 800 SQUARE FOOT CAR WASH, FULL SERVICE on 2.71 acres on the northeast corner of Grand Teton Drive and Durango Drive (APN 125-09-401-031), U [(Undeveloped) Zone, SC (Service Commercial) General Plan Designation] Under Resolution of Intent to C-1 (Limited Commercial), Ward 6 (Ross). Staff recommends DENIAL. The Planning Commission (5-1-1 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 (5-1-1 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 by Gary R. Kronenberg
6. Submitted after final agenda – Abeyance request by Moran Law Firm for Items 111-113
7. Backup referenced from the 02-08-07 Planning Commission Meeting Item 15

Motion made by GARY REESE to Hold in Abeyance Items 64, 114-117, 122, 134-139, 157, 162, 164 and 167-170 to 6/06/2007; Items 155, 156, 163, 165 and 166 to 6/20/2007; Strike Item 106; Table Items 111-113; and Withdraw Without Prejudice Item 158

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

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



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 16, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - SUP-18347 - APPLICANT/OWNER: GRAND TETON LODGE LAND LLC

THIS ITEM WAS HELD IN ABEYANCE FROM THE APRIL 18, 2007 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (5-1-1/gt,sd vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Site Development Plan Review (SDR-18349) and Special Use Permit (SUP-18630) 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 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 proposed 800 square foot Car Wash, Full Service at the northeast corner of Grand Teton Drive and Durango Drive. An accompanying Special Use Permit (SUP-18630) for a Beer/Wine/Cooler Off-sale Establishment and a Site Development Plan Review (SDR-18349) for the Car Wash, a Service Station without automotive repair and a fast-food restaurant will be considered. An approved tavern is under construction at the subject site as well.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
3/17/99	The Board of County Commissioners approved the rezoning (ZC-1702-98) of the northeast corner of Durango Drive and Grand Teton Drive.
6/08/99	The City Council approved the annexation [A-28-99(A)] of the subject site. The effective date of the annexation was September 24, 1999.
6/21/00	The City Council approved a Special use Permit (U-0011-00) for a tavern at the subject site. The Planning Commission and staff recommended approval.
7/17/02	The City Council approved of an Extension of Time [U-0011-00(1)] for the approved Tavern. The Planning Commission and staff recommended approval.
03/17/04	The City Council approved a General Plan Amendment application (GPA-3483) from PCD (Planned Community Development) to SC (Service Commercial), a Rezoning (ZON-3509) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial) and U (Undeveloped) [PCD (Planned Community Development) General Plan Designation], and a Review of Condition (ROC-2671) to remove a condition that restricted commercial development to the western portion of the subject site. The Planning Commission recommended approval of the GPA, ZON and ROC on 1/22/04 and tabled requests for a Special Use Permit (SUP-3513) for a proposed mini-warehouse facility, and a Site Development Plan Review application (SDR-3511) for a proposed 71,570 square foot office, tavern, mini-storage development. Staff recommended approval for all five applications.

04/06/05	The City Council approved a Special Use Permit (SUP-5691) for a Tavern and a Waiver from the distance separation requirements from an existing park, a Variance (VAR-5694) to allow a 24-foot setback where residential adjacency standards require a minimum of 73 feet, a Variance (VAR-5693) a Variance to allow 132 parking spaces where 148 spaces are the minimum required, and a Site Development Plan Review (SDR-5689) for a 6,115 square-foot tavern and a Waiver of trash enclosure separation. The Planning Commission recommended approval on 03/10/05 and staff recommended denial.
01/11/07	The Planning Commission held in abeyance a Special Use Permit (SUP-18347) for a proposed 800 square foot Car Wash, Full Service; a Special Use Permit (18630) for a proposed Beer/Wine/Cooler Off-sale Establishment and a Site Development Plan Review (SDR-18349) for the Car Wash, a Service Station without automotive repair and a fast-food restaurant with a drive-through. Staff recommended denial.
02/08/07	The Planning Commission recommended approval of companion items SU-18630 and SDR-18349 concurrently with this application. The Planning Commission voted 5-1-1/gt/sd to recommend APPROVAL (PC Agenda Item #15/rl).
<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/09/05	Business License L16-266-4-1214 issued for a Tavern issued to Tomfoolery, inactive effective 06/07/06.
06/07/06	Pending Business License requests created for The Lodge at Grand Teton including C05-96168-0-107791 for Tobacco Retailer, C08-96164-0-107791 for Coin Operated Amusements, C20-96167-7-850 for Convention Hall Gaming Tax, G01-96166-4-850 for Gaming-Restricted, and R09-96163-0-107791 for a Restaurant.
08/18/06	Building Permit C-0189-05 issued for a trash enclosure, on-site improvements and a Certificate of Occupancy for a tavern on the subject site.
<i>Pre-Application Meeting</i>	
11/13/06	At a Pre-application meeting, the applicant was told of the requirements for a site development plan review and the requirements for a special use permit. Additional detail was given regarding landscaping and parking requirements particular to the subject site.

Neighborhood Meeting	
01/02/06	A neighborhood meeting was held at the Silverstone Golf Club 8600 Cupp Drive at 6:00 p.m. Attendance included three members of the development team, nine members of the public and one member of the Planning & Development staff. The following concerns were brought up by members of the public: • Concerns about the speaker box of the fast food pad • Area over saturated by alcohol uses • Request for a family restaurant • No 24 hrs uses Concerns about Day Care use at 7955 Quail Heaven being too close to uses.

Details of Application Request	
Site Area	
Gross Acres	2.71

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Tavern, Undeveloped	SC (Service Commercial)	U(SC) Undeveloped (Service Commercial) under Resolution of Intent to C-1 (Limited Commercial)
North	Single Family	PCD (Planned Community Development)	R-PD6 (Residential Planned Community – 6 Units per Acre)
South	Single Family (under construction)	PCD (Planned Community Development)	R-PD7 (Residential Planned Community – 7 Units per Acre)
East	Single Family (under construction)	PCD (Planned Community Development)	U(PCD) Undeveloped (Planned Community Development) under Resolution of Intent to R-PD7 (Residential Planned Community – 7 Units per Acre)
West	Undeveloped (proposed retail)	PCD (Planned Community Development)	U(PCD) Undeveloped (Planned Community Development) 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		X	N/A
Trails	X		Y*
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A

* The Trail Requirements related to the subject site are fully addressed in the companion application for Site Development Plan Review (SDR-18349).

DEVELOPMENT STANDARDS

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	115,730 Square Feet	Y
Min. Lot Width	100 Feet	220 Feet	Y
Min. Setbacks			
• Front	20 Feet	25 Feet	Y
• Side	10 Feet	16 Feet	Y
• Corner	15 Feet	24 Feet	Y
• Rear	20 Feet	80 Feet	Y
Max. Lot Coverage	50%	12%	Y
Max. Building Height	N/A	32.75 Feet	Y
Trash Enclosure	50 Feet from residential uses	62 Feet	Y
Mech. Equipment	Screened	Screened	Y
<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	79.5 Feet	105 Feet	Y
Adjacent development matching setback	10 Feet	80 Feet	Y
Trash Enclosure	50 Feet from residential uses	73 Feet	Y

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area	1 Tree/6 Spaces 1 Finger/6 Spaces	22	23	Y N*

Buffer:				
Min. Trees				
North	1 Tree/20 Feet	21	20	N*
East	1 Tree/20 Feet	14	12	N*
South	1 Tree/30 Feet	13	18	Y
West	1 Tree/30 Feet	9	9	Y
TOTAL		79	82	Y
Min. Zone Width				
• East	15 Foot Buffer		15 Foot	Y
• North	8 Foot Buffer		10 Foot	Y
• West	8 Foot Buffer		8 Feet	Y
• South	15 Foot Buffer		20 Feet	Y

* Additional trees and parking lot fingers to be required by condition on related Site Development Plan Review (SDR-18349).

<i>Standards</i>	<i>Required</i>	<i>Provided</i>	<i>Compliance</i>
Wall Height			
East Property Line	Minimum 6 Feet, Maximum 8 Feet	8 Foot Block Wall	Y
North Property Line	Minimum 6 Feet, Maximum 8 Feet	8 Foot Block wall	Y

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi- capped	Regular	Handi- capped	
Tavern (Existing)	3,171 SF	1:50 SF	64				
	Public seating						
	3,204 SF	1:200 SF	16				
	Remainder						
Car Wash*	800 SF	NA	NA				
Service Station	4,056	1:250 SF	16				
Restaurant*	650 SF	1:50 SF	13				
	Public seating						
	2,050 SF	1:200 SF	10				
	Remainder						
Sub-Total			114	5	122	5	
TOTAL –Including Handicapped			119		127		Y

* The Restaurant Drive-Through and the Car Wash each provide six stacking spaces in addition to the above parking spaces provided.

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 Car Wash, Full Service use is compatible with the SC designation. The proposed use will be in conjunction with a Service Station without automotive repair. In addition, the development includes a proposed fast food restaurant and an approved tavern. The combination of these uses, however, are too intense for the site and staff recommends denial.

- Zoning

The subject property is located in the C-1 zone. The C-1 zone is intended to provide for a variety of commercial, retail, restaurant and office uses including the proposed Car Wash, subject to the approval of a Special Use Permit.

- Use

Title 19.20 defines Car Wash (Full Service) as a car wash facility, typically operated in conjunction with a gas station, which customarily employs automatic or semiautomatic methods of cleaning. The proposed Car Wash, Full Service use is not compatible with the surrounding neighborhoods because of the type, intensity and number of uses proposed on this site, in combination with the approved tavern. Further, a condition of approval of a previously approved Site Development Plan Review (SDR-5689) read "No roll-up doors or drive-thru windows shall be allowed on this site." Therefore staff recommends denial.

- Conditions

The proposed Car Wash (Full Service) use meets the requirement below, as per Title 19.04; however, the use, particularly in concentration with the other uses at the subject site, is too intense for this location.

1. Each wash bay shall have a stacking lane that will accommodate at least six cars.

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.”**

The project is compatible with the General Plan land-use designation for the area and satisfies the requirements of the Zoning Code with respect to minimum separation distance requirements. The project, however, in combination with the other uses on this relatively small site is too intense for its location and not harmonious and compatible with the surrounding land uses. Therefore, staff recommends denial.

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

The intensity of the Car Wash, Full Service use, particularly in combination with the other proposed uses on this site are too intense in scope and number for the surrounding residential neighborhoods.

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 Car Wash, Full Service use will be accessed from Durango Drive and Grand Teton Drive, identified on the Master Plan of Streets and Highways as a 100-foot Primary Arterials and a 120-Foot Parkway Arterial, respectively. While these roads have adequate capacity, the proposed uses are too intense for this intersection.

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 Car Wash, Full Service use in combination with the other proposed and approved uses is too intense for the location; and therefore, staff finds that approval of the Special Use Permit will be inconsistent with the public health, safety, and welfare as well as the overall objectives of the General Plan.

5. **The use meets all of the applicable conditions per Title 19.04.**

The subject site meets all applicable conditions for a Car Wash, Full Service as per the requirements of Title 19.04; however, for the aforementioned reasons, this use is not appropriate for the subject site.

PLANNING COMMISSION ACTION

There was one speaker in opposition at the Planning Commission Meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 16

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 882 by City Clerk

APPROVALS 0

PROTESTS 1

**PLANNING & DEVELOPMENT DEPARTMENT****STATEMENT OF FINANCIAL INTEREST**Case Number: **SUP-18347** APN: 125-09-401-031Name of Property Owner: GRAND TETON LODGE LAND, LLCName of Applicant: GRAND TETON LODGE LAND, LLCName of Representative: PACIFIC DESIGN CONCEPTS

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: _____

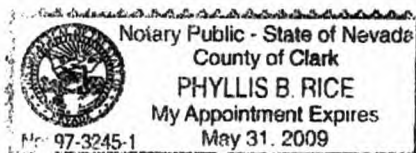
Signature of Property Owner: _____

Print Name: STUART APOLU

Subscribed and sworn before me

This 21st day of NOV, 2006Phyllis B. Rice
Notary Public in and for said County and State

Revised 11-14-06



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

1
pacific design concepts, llc

3005 w. horizon ridge pkwy., #200, henderson, nv 89052 (702) 454-5842 fax (702) 454-7842

PDC

November 21, 2006

City of Las Vegas
731 S. 4th Street
Las Vegas, NV 89101

Attn: Planner

**RE: C-STORE AT GRAND TETON
APN: 125-09-401-031
JUSTIFICATION LETTER**

PROJECT NO: 06-182

Dear Planner,

We respectfully request favorable consideration for the above referenced project for a Special Use Permit.

The proposed Special Use Permit is to allow an automated car wash facility in conjunction with a convenience store with gas pumps.

The proposed special use permit is appropriate based on the following findings of facts;

- A. The proposed use can be conducted in a manner. That is harmonious and compatible with existing surrounding land uses, and with future surrounding land use as projected by the General Plan;
- B. The subject site is physically suitable for the type and intensity of land use being proposed;
- C. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use;
- D. Approval of the Special Use Permit at the site in question will be consistent with or compromise the public health, safety and welfare or the overall objectives of the General Plan.

Should you have any questions or require additional information please contact our office.

Sincerely,



Richard C. Gallegos
Principal

RCG/mt

Cc: 06-182.js.lt.sup.civ.cstore.grand.teton

**SUP-18347
SDR-18349
02/08/07 PC**

NOTICE OF PUBLIC HEARING

SPECIAL USE PERMIT

FEB. 24, 07

I VOTE NO FOR PERMIT
SUP-18347

KRONENBERG GARY R
8316 BLUSHING HEIGHTS AVE
LAS VEGAS NV 89131-4610

Gary R. Kronenberg

MEETING: CITY COUNCIL
DATE: MARCH 7, 2007
TIME: 1:00 P.M.
LOCATION: CITY COUNCIL CHAMBERS
400 STEWART AVENUE
LAS VEGAS, NEVADA

SUP-18347

APPLICANT/OWNER: GRAND TETON LODGE LAND LLC - REQUEST FOR A SPECIAL USE PERMIT FOR A PROPOSED 800 SQUARE FOOT CAR WASH, FULL SERVICE ON 2.71 ACRES ON THE NORTHEAST CORNER OF GRAND TETON DRIVE AND DURANGO DRIVE (APN 125-09-401-031), U [(UNDEVELOPED) ZONE, SC (SERVICE COMMERCIAL) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL), WARD 6 (ROSS).

THE ABOVE PROPERTY IS LEGALLY DESCRIBED AS BEING A PORTION OF THE SOUTH HALF (S $\frac{1}{2}$) OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF SECTION 09, TOWNSHIP 19 SOUTH, RANGE 60 EAST, M.D.M.

Any and all interested persons may appear and be heard at said meeting, or may, prior thereto, file written objections thereto or approvals thereof with the City Clerk, 1st Floor, City Hall, 400 Stewart Avenue, Las Vegas, Nevada, 89101. For further information, please call (702) 229-6301 (TDD 386-9108) <http://www.lasvegasnevada.gov>



SEE LOCATION MAP ON REVERSE SIDE

Protest

BEVERLY BRIDGES
ACTING CITY CLERK

RECEIVED
CITY CLERK
2007 FEB 26 A 11:07

111-113



MORAN LAW FIRM LLC
MORAN BRANDON BENDAVID MORAN
ATTORNEYS AT LAW

JOHN T. MORAN, JR.
LEW BRANDON, JR.
JEFFERY A. BENDAVID
J.T. MORAN III
ADAM S. DAVIS

May 14, 2007

VIA FACSIMILE ONLY

Councilman Steven Ross, Ward 6
LAS VEGAS CITY COUNCIL
400 East Stewart Avenue
Las Vegas, Nevada 89101

**RE: POSTPONEMENT OF ITEM 111 [SUP-18347];
ITEM 112 [SUP-18630]; AND
ITEM 113 [SDR-18349]**

Dear Councilman Ross:

Please allow this correspondence to serve as a status and update relative to the real property and proposed development thereon of the above referenced matter.

As you are aware, approximately one (1) month ago we held a neighborhood meeting in the hopes of responding to and addressing the needs, requests, and concerns of the neighbors in the area. To wit, we are still in the process of coming to a feasible resolution and plan that would be beneficial to both the neighbors and our client.

As such, we would request that you please consider this correspondence our formal request for a continuance of the May 16, 2007, City Council Meeting. We are at this time requesting that said applications be held in abeyance for two (2) weeks when the next scheduled City of Las Vegas Council Meeting is held.

Your anticipated cooperation in this matter is greatly appreciated.

As always, should you have any questions and/or concerns regarding this or any matter, please do not hesitate to contact me personally. I remain,

Very truly yours,

John T. Moran III, Esq.
MORAN LAW FIRM, LLC

JT3/ao

Cc: Ms. Margo Wheeler, Las Vegas City Planning
Mr. Stuart Apollo
Mr. Richard Gallegos

Submitted after final agenda

Date 5-16-07 Item #s 111-113

RECEIVED
CITY CLERK

2007 MAY 16 P 12:45

**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**

NOTICE OF PUBLIC HEARING

Dec 29, 06

1 note NO on

SUP-18347

Gary R. Kronenberg

12516110007
KRONENBERG GARY R
8316 BLUSHING HEIGHTS AVE
LAS VEGAS NV 89131-4610

Case: SUP-18347

SPECIAL USE PERMIT

MEETING: PLANNING COMMISSION
DATE: JANUARY 11, 2007
TIME: 6:00 P.M.
LOCATION: CITY COUNCIL CHAMBERS
400 STEWART AVENUE
LAS VEGAS, NEVADA

SUP-18347

APPLICANT/OWNER: GRAND TETON LODGE LAND LLC - REQUEST FOR A SPECIAL USE PERMIT FOR A PROPOSED 800 SQUARE FOOT CAR WASH, FULL SERVICE ON 2.71 ACRES ON THE NORTHEAST CORNER OF GRAND TETON DRIVE AND DURANGO DRIVE (APN 125-09-401-031), U [(UNDEVELOPED) ZONE, SC (SERVICE COMMERCIAL) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL), WARD 6 (ROSS).

THE ABOVE PROPERTY IS LEGALLY DESCRIBED AS BEING A PORTION OF THE SOUTH HALF (S½) OF THE SOUTHWEST QUARTER (SW¼) OF SECTION 09, TOWNSHIP 19 SOUTH, RANGE 60 EAST, M.D.M.

Any and all interested persons may appear before the City Planning Commission either in person or by representative and object to or express approval of this request; or may, prior to this meeting, file written objection thereto or approval thereof with the Planning and Development Department, Current Planning Division, Development Services Center, 731 South Fourth Street, Las Vegas, Nevada 89101. This request may be deemed Final Action by the Planning Commission or forwarded to the City Council. The date of the City Council meeting, if applicable, will be announced at the Planning Commission meeting after discussion of the item. You will receive an additional notice for the City Council meeting. For further information, please call (702) 229-6301 (TDD 386-9108) <http://www.lasvegasnevada.gov>.



SEE LOCATION MAP ON REVERSE SIDE

JOHN KORKOSZ, PLANNING SUPERVISOR
PLANNING AND DEVELOPMENT DEPARTMENT
CURRENT PLANNING DIVISION

ITEM # 34
CASE # SUP-18347
PC MTG 1-11-07

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: MAY 16, 2007**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: M. MARGO WHEELER**☐ Consent ☒ Discussion**SUBJECT:****SPECIAL USE PERMIT RELATED TO SUP-18347**

SUP-18630 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: GRAND TETON LODGE LAND LLC - Request for a Special Use Permit FOR A BEER/WINE/COOLER OFF-SALE ESTABLISHMENT IN A PROPOSED SERVICE STATION WITHOUT AUTOMOTIVE REPAIR on 2.71 acres on the northeast corner of Grand Teton Drive and Durango Drive (APN 125-09-401-031), U [(Undeveloped) Zone, SC (Service Commercial) General Plan Designation] Under Resolution of Intent to C-1 (Limited Commercial), Ward 6 (Ross). Staff recommends DENIAL. The Planning Commission (5-1-1 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 (5-1-1 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Protest letter by Gary R. Kronenberg
6. Backup referenced from the 02-08-07 Planning Commission Meeting Item 16

Motion made by GARY REESE to Hold in Abeyance Items 64, 114-117, 122, 134-139, 157, 162, 164 and 167-170 to 6/06/2007; Items 155, 156, 163, 165 and 166 to 6/20/2007; Strike Item 106; Table Items 111-113; and Withdraw Without Prejudice Item 158

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

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

U (UNDEVELOPED) ZONE [SC (SERVICE COMMERCIAL) GENERAL PLAN DESIGNATION] UNDER
RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL)

SUP-18630

BEER/WINE/COOLER OFF-SALE

Business Licenses

- Tavern
- Child Care/Children Facility
- Supper Club/Restaurant Service Bar
- Liquor on/off Sales
- RELIGIOUS
- CITY PARKS
- SCHOOLS
- 400 foot buffer
- Subject Property



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 16, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - SUP-18630 - APPLICANT/OWNER: GRAND TETON LODGE LAND LLC

THIS ITEM WAS HELD IN ABEYANCE FROM THE APRIL 18, 2007 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (5-1-1/gt, sd vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Site Development Plan Review (SDR-18349), 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. Approval of this Special Use Permit does not constitute approval of a liquor license.
4. The sale of individual containers of any size of beer, wine coolers or screw cap wine is prohibited. All such products shall remain in their original configurations as shipped by the manufacturer. Further, no repackaging of containers into groups smaller than the original shipping container size shall be permitted.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Special Use Permit for a Beer/Wine/Cooler Off-Sale Establishment in a Proposed Service Station without Automotive Repair at the northeast corner of Grand Teton Drive and Durango Drive. This application is related to SUP-18347 and SDR-18349.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
3/17/99	The Board of County Commissioners approved the rezoning (ZC-1702-98) of the northeast corner of Durango Drive and Grand Teton Drive.
6/08/99	The City Council approved the annexation [A-28-99(A)] of the subject site. The effective date of the annexation was September 24, 1999.
6/21/00	The City Council approved a Special use Permit (U-0011-00) for a tavern at the subject site. The Planning Commission and staff recommended approval.
7/17/02	The City Council approved of an Extension of Time [U-0011-00(1)] for the approved Tavern. The Planning Commission and staff recommended approval.
03/17/04	The City Council approved a General Plan Amendment application (GPA-3483) from PCD (Planned Community Development) to SC (Service Commercial), a Rezoning (ZON-3509) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial) and U (Undeveloped) [PCD (Planned Community Development) General Plan Designation], and a Review of Condition (ROC-2671) to remove a condition that restricted commercial development to the western portion of the subject site. The Planning Commission recommended approval of the GPA, ZON and ROC on 1/22/04 and tabled requests for a Special Use Permit (SUP-3513) for a proposed mini-warehouse facility, and a Site Development Plan Review application (SDR-3511) for a proposed 71,570 square foot office, tavern, mini-storage development. Staff recommended approval for all five applications.

04/06/05	The City Council approved a Special Use Permit (SUP-5691) for a Tavern and a Waiver from the distance separation requirements from an existing park, a Variance (VAR-5694) to allow a 24-foot setback where residential adjacency standards require a minimum of 73 feet, a Variance (VAR-5693) a Variance to allow 132 parking spaces where 148 spaces are the minimum required, and a Site Development Plan Review (SDR-5689) for a 6,115 square-foot tavern and a Waiver of trash enclosure separation. The Planning Commission recommended approval on 03/10/05 and staff recommended denial.
01/11/07	The Planning Commission held in abeyance a Special Use Permit (SUP-18347) for a proposed 800 square foot Car Wash, Full Service; a Special Use Permit (18630) for a proposed Beer/Wine/Cooler Off-sale Establishment and a Site Development Plan Review (SDR-18349) for the Car Wash, a Service Station without automotive repair and a fast-food restaurant with a drive-through. Staff recommended denial.
02/08/07	The Planning Commission recommended approval of companion items SUP-18630 and SDR-18349 concurrently with this application. The Planning Commission voted 5-1-1/gt/sd to recommend APPROVAL (PC Agenda Item #15/rl).

Related Relevant City Actions by P&D, Fire, Bldg., etc.

12/09/05	Business License L16-266-4-1214 issued for a Tavern issued to Tomfoolery, inactive effective 06/07/06.
06/07/06	Pending Business License requests created for The Lodge at Grand Teton including C05-96168-0-107791 for Tobacco Retailer, C08-96164-0-107791 for Coin Operated Amusements, C20-96167-7-850 for Convention Hall Gaming Tax, G01-96166-4-850 for Gaming-Restricted, and R09-96163-0-107791 for a Restaurant.
08/18/06	Building Permit C-0189-05 issued for a trash enclosure, on-site improvements and a Certificate of Occupancy for a tavern on the subject site.

Pre-Application Meeting

11/13/06	At a Pre-application meeting, the applicant was told of the requirements for a site development plan review and the requirements for a special use permit. Additional detail was given regarding landscaping and parking requirements particular to the subject site.
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Neighborhood Meeting

01/02/06	A neighborhood meeting was held at the Silverstone Golf Club 8600 Cupp Drive at 6:00 p.m. Attendance included three members of the development team, nine members of the public and one member of the Planning & Development staff. The following concerns were brought up by members of the public: • Concerns about the speaker box of the fast food pad • Area over saturated by alcohol uses • Request for a family restaurant • No 24 hrs uses Concerns about Day Care use at 7955 Quail Heaven being too close to uses.
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Details of Application Request

Site Area

Gross Acres	2.71
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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Tavern, Undeveloped	SC (Service Commercial)	U(SC) Undeveloped (Service Commercial) under Resolution of Intent to C-1 (Limited Commercial)
North	Single Family	PCD (Planned Community Development)	R-PD6 (Residential Planned Community – 6 Units per Acre)
South	Single Family (under construction)	PCD (Planned Community Development)	R-PD7 (Residential Planned Community – 7 Units per Acre)
East	Single Family (under construction)	PCD (Planned Community Development)	U(PCD) Undeveloped (Planned Community Development) under Resolution of Intent to R-PD7 (Residential Planned Community – 7 Units per Acre)
West	Undeveloped (proposed retail)	PCD (Planned Community Development)	U(PCD) Undeveloped (Planned Community Development) 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		X	N/A
Trails	X		Y
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A

DEVELOPMENT STANDARDS

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	115,730 Square Feet	Y
Min. Lot Width	100 Feet	220 Feet	Y
Min. Setbacks			
• Front	20 Feet	25 Feet	Y
• Side	10 Feet	16 Feet	Y
• Corner	15 Feet	24 Feet	Y
• Rear	20 Feet	80 Feet	Y

Max. Lot Coverage	50%	12%	Y
Max. Building Height	N/A	32.75 Feet	Y
Trash Enclosure	50 Feet from residential uses	62 Feet	Y
Mech. Equipment	Screened	Screened	Y

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	79.5 Feet	105 Feet	Y
Adjacent development matching setback	10 Feet	80 Feet	Y
Trash Enclosure	50 Feet from residential uses	73 Feet	Y

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi- capped	Regular	Handi- capped	
Tavern (Existing)	3,171 SF	1:50 SF	64				
	Public seating						
	3,204 SF	1:200 SF	16				
	Remainder						
Car Wash*	800 SF	NA	NA				
Service Station	4,056	1:250 SF	16				
Restaurant*	650 SF	1:50 SF	13				
	Public seating						
	2,050 SF	1:200 SF	10				
	Remainder						
Sub-Total			114	5	122	5	
TOTAL –Including Handicapped			119		127		Y

* The Restaurant Drive-Through and the Car Wash each provide six stacking spaces in addition to the above parking spaces provided.

ANALYSIS

- General Plan and Zoning**

The subject site is located in the Centennial Hills Sector of the General Plan with a land-use designation of SC (Service Commercial). This designation allows for a variety of commercial uses that serve primarily local area patrons, including the proposed use. The subject site is under a Resolution of Intent to the C-1 (Limited Commercial) zoning district, within which the proposed Beer/Wine/Cooler Off-Sale Establishment use is permissible with a Special Use Permit.

- **Use**

The sale of beer/wine/coolers for consumption off-premise in conjunction with a car wash is an allowed use within the C-1 (Limited Commercial) Zoning District with the approval of a Special Use Permit. The reason for a special use permit is to ensure that a proposed use conducted in a manner that is harmonious and compatible with uses located on the same or surrounding properties. The process recognizes that, within a given zoning district, certain uses may be appropriate and compatible in some locations but not in others.

The Special Use Permit process allows a site-specific inquiry into the compatibility of a proposed use at a particular location, taking into account: the characteristics of the site and the surroundings; the relevant zoning and planning principles; and the input of the Planning Commission, City Council and other interested parties. The proposed Beer/Wine/Cooler Off-Sale Establishment use is not compatible with the surrounding neighborhoods because of the type, intensity and number of uses proposed on this site, in combination with the approved tavern. Therefore staff recommends denial.

- **Conditions**

The submitted documents indicate that the proposed use meets all of the applicable requirements for this special use from Title 19.04 listed below; however, the Beer/Wine/Cooler Off-Sale Establishment use is not appropriate at this particular location because of the type, intensity and number of uses proposed on this site.

The following conditions apply to the proposed use:

1. Except as otherwise provided in this Chapter, no retail establishment with accessory package liquor off-sale (hereinafter "establishment") shall be located within four hundred feet of any church, synagogue, child care facility licensed for more than twelve children, or City park.
2. Except as otherwise provided in Paragraph 3 below, the distances referred to in Paragraph 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed 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 purpose 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 Paragraph 1.
3. In the case of an establishment property to be located on a parcel of at least eighty acres in size, the minimum distances referred to in Paragraph 1 shall be measured in a straight line:
 - 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 lines 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 nonrestricted 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.
7. The minimum distance requirements set forth in paragraph 1, which are otherwise nonwaivable under the provisions of this subdivision, maybe be waived:
 - a. In accordance with the provisions of Section 19.040.050(A)(4) for any establishment which is proposed to be located on a parcel within the Downtown Casino Overlay District;
 - b. In accordance with the applicable provisions of the "Town Center Development Standards Manual" for any establishment which is proposed to be located within the T-C (Town Center) Zoning District and which is designated MS-TC (Main Street Mixed Use) in the Town Center Land Use Plan; or

- c. In connection with a retail establishment having less than twenty thousand square feet of retail floor space, if the area to be used for the sale, display or merchandising of alcoholic beverages and each use to be protected are separated by a highway or right-of-way with a width of at least one hundred feet.

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.”**

While the proposed project is compatible with the General Plan land-use designation for the area and satisfies the requirements of the Zoning Code with respect to minimum separation distance requirements, the intensity of a Beer/Wine/Cooler Off-sale Establishment use on this site in combination with an approved tavern is too intense to be harmonious and compatible with the surrounding area.

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

The intensity of the Beer/Wine/Cooler Off-Sale Establishment use, particularly in combination with the other proposed uses on this site are too intense in scope and number for the surrounding residential neighborhoods.

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 Beer/Wine/Cooler Off-Sale Establishment use will be accessed from Durango Drive and Grand Teton Drive, identified on the Master Plan of Streets and Highways as a 100-foot Primary Arterials and a 120-Foot Parkway Arterial, respectively. While these roads have adequate capacity, the proposed uses are too intense for this intersection.

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 Beer/Wine/Cooler Off-Sale Establishment use in combination with the other proposed and approved uses is too intense for the location; and therefore, staff finds that approval of the Special Use Permit will be inconsistent with the public health, safety, and welfare as well as the overall objectives of the General Plan.

5. **The use meets all of the applicable conditions per Title 19.04.**

The subject site meets all applicable conditions for a Beer/Wine/Cooler Off-Sale Establishment as per the requirements of Title 19.04; however, for the aforementioned reasons, this use is not appropriate for the subject site.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

16

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 882 by City Clerk

APPROVALS 0

PROTESTS 1

**PLANNING & DEVELOPMENT DEPARTMENT****STATEMENT OF FINANCIAL INTEREST**Case Number: **SUP-18630** APN: 125-09-401-031Name of Property Owner: Grand Teton Lodge Land, LLCName of Applicant: Grand Teton Lodge Land, LLC - Stuart ApolloName of Representative: Pacific Design Concepts, LLC

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

☐ Yes☒ 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: _____

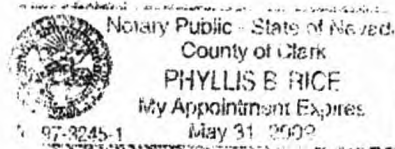
Signature of Property Owner: _____

Print Name: STUART APOLLO

Subscribed and sworn before me

This 6TH day of DEC, 20 06

Phyllis B. Rice
Notary Public in and for said County and State



PROJECT DATA:

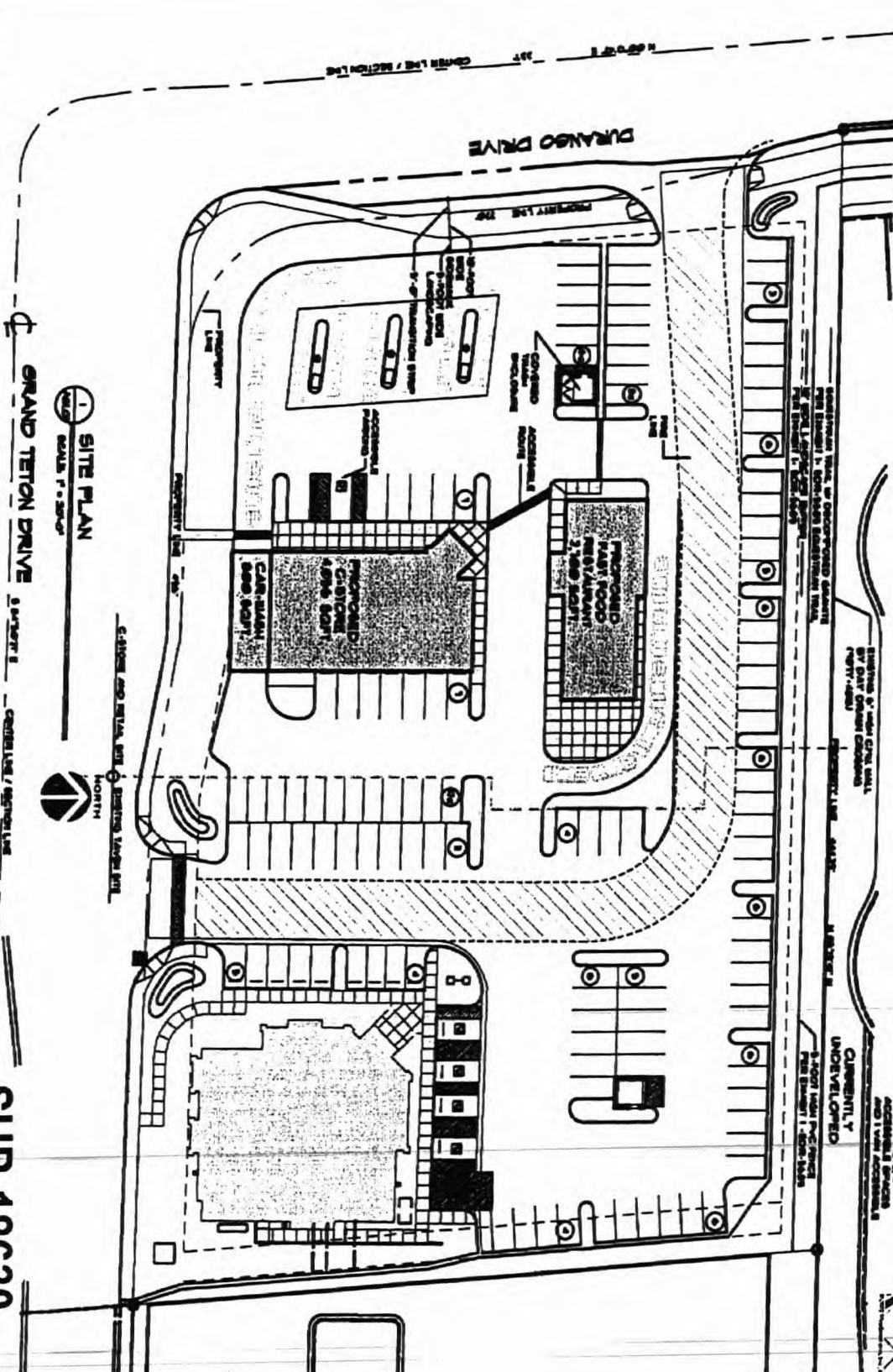
APPLICANT: PACIFIC DESIGN CONCEPTS, LLC
PROJECT: C-STORE AT GRAND TETON
LOCATION: GRAND TETON DR. & DURANGO DR., LAS VEGAS, NV
SECTION: 11
DATE: 02/08/07
SCALE: 1" = 50'-0"

PROPOSED:
RESTAURANT: 1,500 SQ. FT.
C-STORE: 4,000 SQ. FT.
TOTAL: 5,500 SQ. FT.
EXISTING: 1,500 SQ. FT.
TOTAL: 7,000 SQ. FT.

EXISTING CALCULATIONS:
EXISTING AREA: 1,500 SQ. FT.
EXISTING PERMITS: 1,500 SQ. FT.
EXISTING ZONING: 1,500 SQ. FT.
EXISTING TOTAL: 1,500 SQ. FT.

PROPOSED CALCULATIONS:
PROPOSED AREA: 5,500 SQ. FT.
PROPOSED PERMITS: 5,500 SQ. FT.
PROPOSED ZONING: 5,500 SQ. FT.
PROPOSED TOTAL: 5,500 SQ. FT.

PROJECT LOCATION:



SITE PLAN
 SCALE: 1" = 50'-0"

RECEIVED
 DEC 7 2006

SUP-18630
 02/08/07 PC

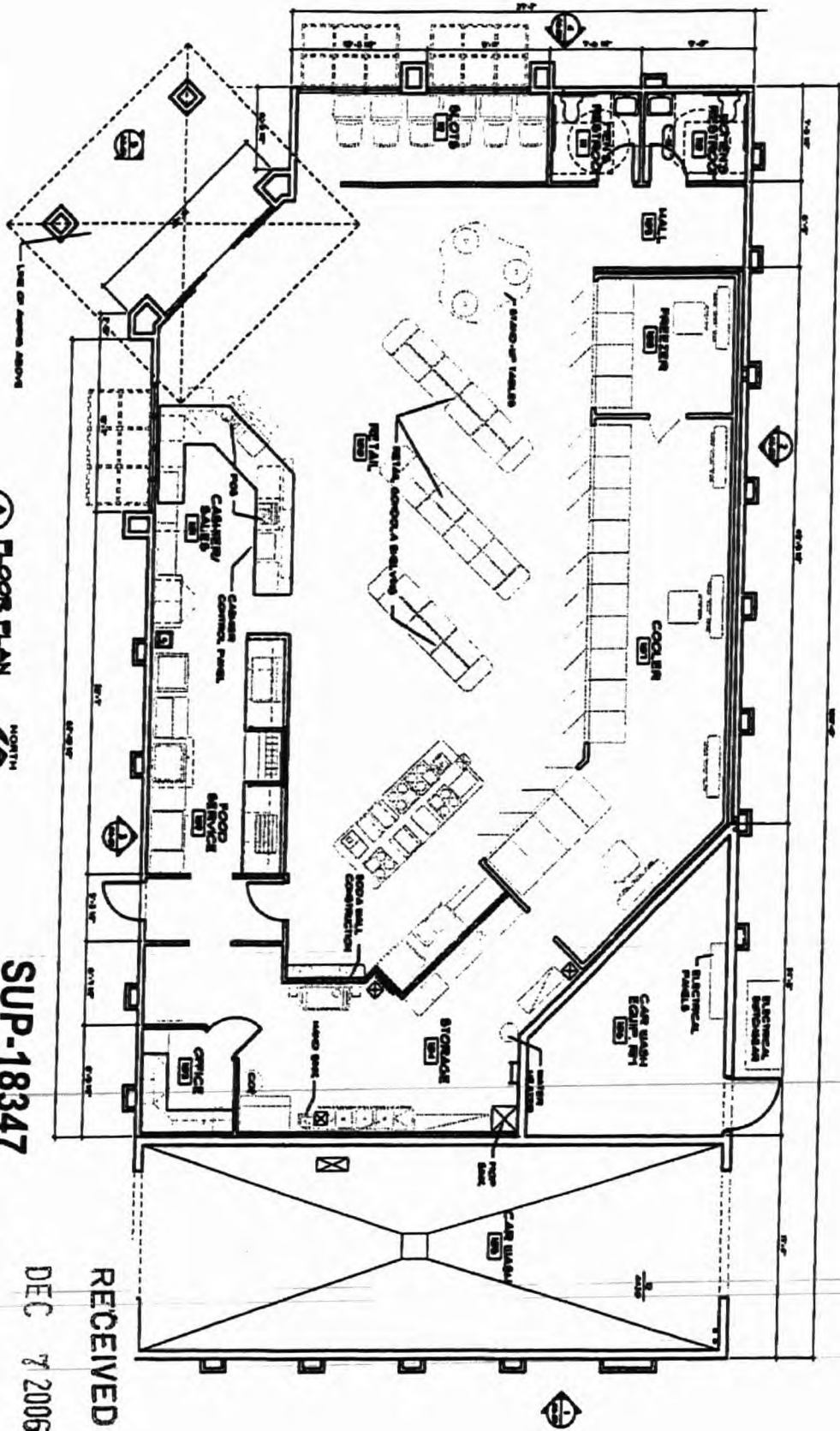
PROPOSED ARCHITECTURAL SITE PLAN LAND USE SUBMITTAL

PRELIMINARY NOT FOR CONSTRUCTION

PROJECT INFO: C-STORE AT GRAND TETON
 GRAND TETON DR. & DURANGO DR., LAS VEGAS, NEVADA

pacific design concepts, llc
 3005 W. HORIZON RIDGE PARKWAY, SUITE 200
 HENDERSON, NEVADA 89052
 (702) 454-5842 FAX (702) 454-7842

AS101



GENERAL NOTES:

1. PROVIDE OR PROVIDE ARE UP TO 10' HIGHER THAN THE EXISTING GRADE AT ALL LOCATIONS WHERE THE EXISTING GRADE IS LOWER THAN THE FINISHED GRADE.
2. PROVIDE ALL EXISTING UTILITIES TO REMAIN AND ALL NEW UTILITIES TO BE INSTALLED IN ACCORDANCE WITH THE CITY OF GRAND TETON SPECIFICATIONS.
3. PROVIDE ALL EXISTING UTILITIES TO REMAIN AND ALL NEW UTILITIES TO BE INSTALLED IN ACCORDANCE WITH THE CITY OF GRAND TETON SPECIFICATIONS.
4. PROVIDE ALL EXISTING UTILITIES TO REMAIN AND ALL NEW UTILITIES TO BE INSTALLED IN ACCORDANCE WITH THE CITY OF GRAND TETON SPECIFICATIONS.
5. PROVIDE ALL EXISTING UTILITIES TO REMAIN AND ALL NEW UTILITIES TO BE INSTALLED IN ACCORDANCE WITH THE CITY OF GRAND TETON SPECIFICATIONS.
6. PROVIDE ALL EXISTING UTILITIES TO REMAIN AND ALL NEW UTILITIES TO BE INSTALLED IN ACCORDANCE WITH THE CITY OF GRAND TETON SPECIFICATIONS.

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



RECEIVED

DEC 7 2006

SUP-18347

SDR-18349

SUP-18630

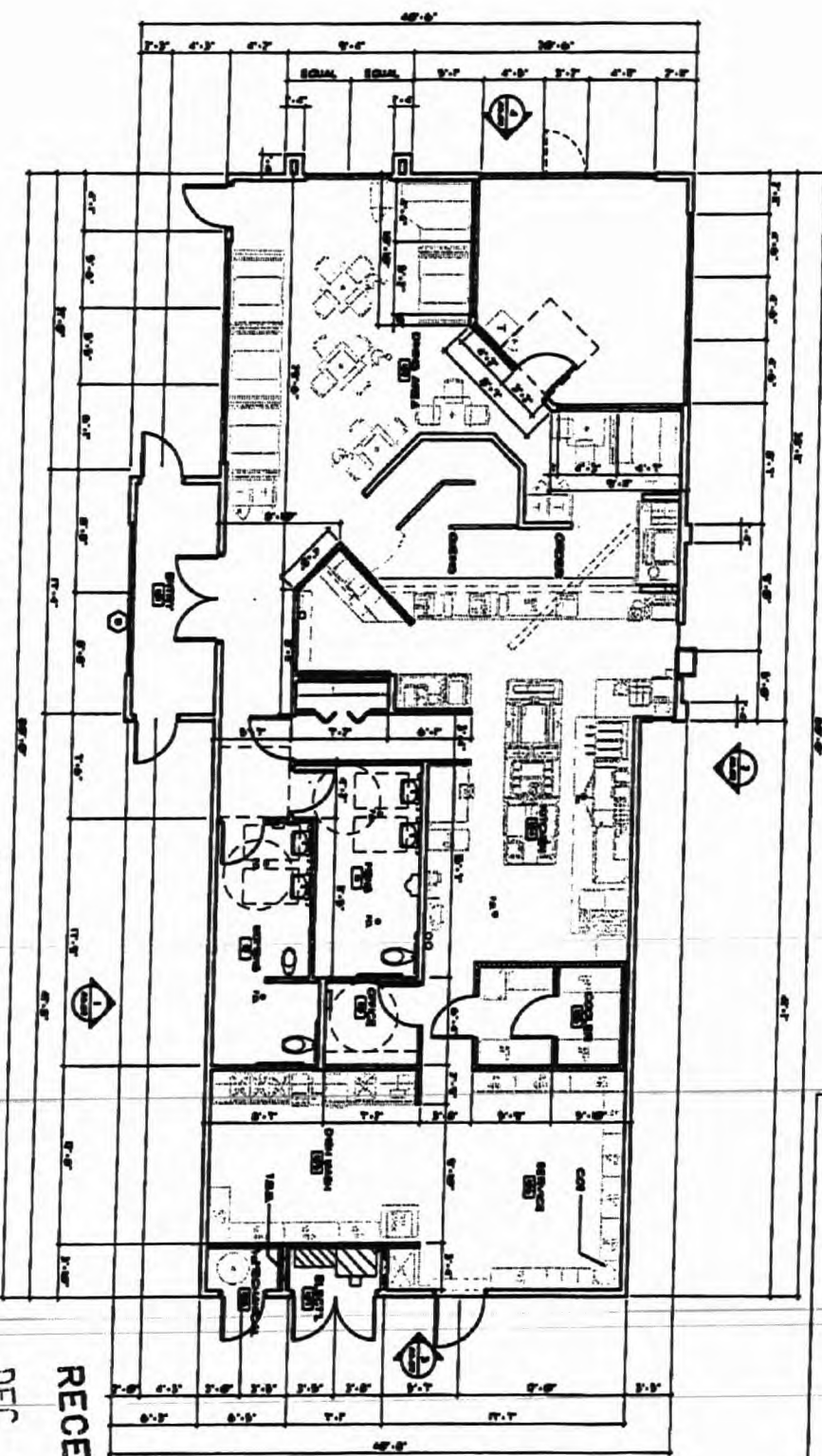
02/08/07 PC

C-STORE FLOOR PLAN
LAND USE SUBMITTAL

PRELIMINARY
NOT FOR
CONSTRUCTION

**C-STORE AT
GRAND TETON**
ADDRESS
LAS VEGAS, NEVADA

pacific design concepts, llc
3005 W. HORIZON RIDGE PARKWAY, SUITE 200
HENDERSON, NEVADA 89052
(702) 454-5842 fax (702) 454-7842



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

- GENERAL NOTES**
1. ALL DIMENSIONS ARE TO FACE OF STUDS AND CENTER LINE OF SLABS AND CURBS, ETC.
 2. ROOM SIZES INDICATE TYPES AND SIZES OF THE SIZES ARE
 3. ROOM SIZES INDICATE TYPES AND SIZES OF THE SIZES ARE
 4. SEE DETAILS AT 1/8" = 1'-0" FOR WALLS, FLOORING, CEILING, ETC.
 5. SEE DETAILS AT 1/8" = 1'-0" FOR WALLS, FLOORING, CEILING, ETC.
 6. PROVIDE GOOD SIGHT TRIANGLE AT ALL FULL HEIGHT WALLS
 7. PROVIDE SMOKE AS REQUIRED FOR CATERING, ETC.
 8. SEE SEPARATE PLAN FOR NON-STRUCTURAL ELEMENTS AND FINISHES

SUP-18347
SDR-18349
SUP-18630
02/08/07 PC

RECEIVED
DEC 7 2006

FAST FOOD FLOOR PLAN LAND USE SUBMITTAL	PRELIMINARY NOT FOR CONSTRUCTION	PROJECT NO. C-STORE AT GRAND TETON ADDRESS LAS VEGAS, NEVADA	pacific design concepts, llc 3005 W. HORIZON RIDGE PARKWAY, SUITE 200 HENDERSON, NEVADA 89052 (702) 454-5842 FAX (702) 454-7842
--	--	--	---

pacific design concepts, llc

3005 w. horizon ridge pkwy., #200, henderson, nv 89052 (702) 454-5842 fax (702) 454-7842

PDC

December 1, 2006

City of Las Vegas
731 S. 4th Street
Las Vegas, NV 89101

Attn: Planner

**RE: C-STORE AT GRAND TETON
APN: 125-09-401-031
JUSTIFICATION LETTER**

PROJECT NO: 06-182

Dear Staff,

We respectfully request favorable consideration for the above referenced project for a Special Use Permit.

The proposed special use permit is to allow the sale of beer/wine/cooler off sale establishment in conjunction with a convenience store.

The proposed special use permit is appropriate based on the following findings of facts;

- A. The proposed use can be conducted in a manner. That is harmonious and compatible with existing surrounding land uses, and with future surrounding land use as projected by the General Plan;
- B. The subject site is physically suitable for the type and intensity of land use being proposed;
- C. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use;
- D. Approval of the Special Use Permit at the site in question will be consistent with or not compromise the public health, safety and welfare or the overall objectives of the General Plan.
- E. This use is common with a convenience store and all separation distances have been met.

Should you have any questions or require additional information please contact our office.

Sincerely,



Richard C. Gallegos
Principal

RCG/mt

Cc: 06-182.js.lt.sup.clv.cstore.grand.teton

**SUP-18630
02/08/07 PC**

NOTICE OF PUBLIC HEARING

FEB. 24, 07

SPECIAL USE PERMIT

I VOTE NO FOR

PERMIT SUP-18630

Mary R. Kronenberg

GARY R. KRONENBERG
8316 BLUSHING HTS. AVE,
LAS VEGAS, NV, 89131-4610

MEETING: CITY COUNCIL
DATE: MARCH 7, 2007
TIME: 1:00 P.M.
LOCATION: CITY COUNCIL CHAMBERS
400 STEWART AVENUE
LAS VEGAS, NEVADA

SUP-18630

APPLICANT/OWNER: GRAND TETON LODGE LAND LLC - REQUEST FOR A SPECIAL USE PERMIT FOR A BEER/WINE/COOLER OFF-SALE ESTABLISHMENT IN A PROPOSED SERVICE STATION WITHOUT AUTOMOTIVE REPAIR ON 2.71 ACRES ON THE NORTHEAST CORNER OF GRAND TETON DRIVE AND DURANGO DRIVE (APN 125-09-401-031), U [(UNDEVELOPED) ZONE, SC (SERVICE COMMERCIAL) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL), WARD 6 (ROSS).

THE ABOVE PROPERTY IS LEGALLY DESCRIBED AS BEING A PORTION OF THE SOUTH HALF (S $\frac{1}{2}$) OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF SECTION 09, TOWNSHIP 19 SOUTH, RANGE 60 EAST, M.D.M.

Any and all interested persons may appear and be heard at said meeting, or may, prior thereto, file written objections thereto or approvals thereof with the City Clerk, 1st Floor, City Hall, 400 Stewart Avenue, Las Vegas, Nevada, 89101. For further information, please call (702) 229-6301 (TDD 386-9108) <http://www.lasvegasnevada.gov>



SEE LOCATION MAP ON REVERSE SIDE

Protest

BEVERLY BRIDGES
ACTING CITY CLERK

2007 FEB 26 A 11:06

RECEIVED
CITY CLERK
2007 FEB 26 11:06
CITY CLERK

**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**

NOTICE OF PUBLIC HEARING

Dec. 29, 06

SPECIAL USE PERMIT

1 note NO on

SUP-18630.

GARY R. KRONENBERG
8316 BRUSHING HTS. AVE.
LAS VEGAS, NV. 89131

MEETING: PLANNING COMMISSION
DATE: JANUARY 11, 2007
TIME: 6:00 P.M.
LOCATION: CITY COUNCIL CHAMBERS
400 STEWART AVENUE
LAS VEGAS, NEVADA

SUP-18630

APPLICANT/OWNER: GRAND TETON LODGE LAND LLC - REQUEST FOR A SPECIAL USE PERMIT FOR A BEER/WINE/COOLER OFF-SALE ESTABLISHMENT IN A PROPOSED SERVICE STATION WITHOUT AUTOMOTIVE REPAIR ON 2.71 ACRES ON THE NORTHEAST CORNER OF GRAND TETON DRIVE AND DURANGO DRIVE (APN 125-09-401-031), U [(UNDEVELOPED) ZONE, SC (SERVICE COMMERCIAL) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL), WARD 6 (ROSS).

THE ABOVE PROPERTY IS LEGALLY DESCRIBED AS BEING A PORTION OF THE SOUTH HALF (S $\frac{1}{2}$) OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF SECTION 09, TOWNSHIP 19 SOUTH, RANGE 60 EAST, M.D.M.

Any and all interested persons may appear before the City Planning Commission either in person or by representative and object to or express approval of this request; or may, prior to this meeting, file written objection thereto or approval thereof with the Planning and Development Department, Current Planning Division, Development Services Center, 731 South Fourth Street, Las Vegas, Nevada 89101. This request may be deemed Final Action by the Planning Commission or forwarded to the City Council. The date of the City Council meeting, if applicable, will be announced at the Planning Commission meeting after discussion of the item. You will receive an additional notice for the City Council meeting. For further information, please call (702) 229-6301 (TDD 386-9108) <http://www.lasvegasnevada.gov>.



JOHN KORKOSZ, PLANNING SUPERVISOR
PLANNING AND DEVELOPMENT DEPARTMENT
CURRENT PLANNING DIVISION

SEE LOCATION MAP ON REVERSE SIDE

ITEM # 35

CASE # SUP-18630

PC MTG 1-11-07

2

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: MAY 16, 2007**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: M. MARGO WHEELER**☐ Consent ☒ Discussion**SUBJECT:**

SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-18347 AND SUP-18630

SDR-18349 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: GRAND TETON LODGE LLC - Request for a Major Amendment to an approved Site Development Plan Review FOR A PROPOSED 4,056 SQUARE-FOOT SERVICE STATION WITHOUT AUTOMOTIVE REPAIR, AN 800 SQUARE FOOT CAR WASH, FULL SERVICE, AND A 2,700 SQUARE FOOT RESTAURANT WITH DRIVE-THROUGH on 2.71 acres on the northeast corner of Grand Teton Drive and Durango Drive (APN 125-09-401-031), U [(Undeveloped) Zone, SC (Service Commercial) General Plan Designation] Under Resolution of Intent to C-1 (Limited Commercial), Ward 6 (Ross). Staff recommends DENIAL. The Planning Commission (5-1-1 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

2

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (5-1-1 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 02-08-07 Planning Commission Meeting Item 17

Motion made by GARY REESE to Hold in Abeyance Items 64, 114-117, 122, 134-139, 157, 162, 164 and 167-170 to 6/06/2007; Items 155, 156, 163, 165 and 166 to 6/20/2007; Strike Item 106; Table Items 111-113; and Withdraw Without Prejudice Item 158

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

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

U (UNDEVELOPED) ZONE [SC (SERVICE COMMERCIAL) GENERAL PLAN DESIGNATION] UNDER
RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL)

AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 16, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - SDR-18349 - APPLICANT/OWNER: GRAND TETON LODGE LLC

THIS ITEM WAS HELD IN ABEYANCE FROM THE APRIL 18, 2007 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (5-1-1/gt, sd vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Special Use Permit (SUP-18347) and Special Use Permit (SUP-18630), 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 11/28/06, except as amended by conditions herein.
4. A revised landscape plan shall be submitted prior to the time an application is made for a building permit depicting a total of twenty-one 24-inch box trees spaced 20 feet on center in the landscape perimeter buffer along the north side of the property, fourteen 24-inch box trees spaced 20 feet on center in the landscape perimeter buffer along the east property line, and one parking lot landscape finger for every six parking spaces.
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 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. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

12. If not already constructed at time of development, construct half-street improvements on Durango Drive and Grand Teton Drive, including the widened median island on Grand Teton Drive, concurrent with development of this site. If applicable, extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete). 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.
13. The required equestrian trail along the north side of this site shall be deeded to the City of Las Vegas within one year of completion of construction. The trail shall be privately maintained prior to conveyance. Coordinate with the right-of-way section of the Department of Public Works regarding the appropriate method to convey the trail to the City of Las Vegas; a parcel map or other map may be required to create the legal trail parcel.
14. The required multi-use transportation trail along Durango Drive shall be granted to the City of Las Vegas prior to the issuance of any permits and shall be designated as a multi-use transportation trail easement over its entirety to be privately maintained; coordinate the right-of-way section of the Department of Public Works regarding document preparation.

15. 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.
16. All 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 and abutting street intersections.
17. An update to the previously approved Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, 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.
18. 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 map for this site, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study.
19. Site development to comply with all applicable conditions of approval for ZON-3509 and all other applicable site-related actions.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is for a Site Development Plan Review for a proposed 4,056 square-foot Service Station without Automotive Repair, an 800 square-foot Car Wash, and a 2,700 square-foot Restaurant with Drive-Through on 2.71 acres on the northeast corner of Grand Teton Drive and Durango Drive.

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
3/17/99	The Board of County Commissioners approved the rezoning (ZC-1702-98) of the northeast corner of Durango Drive and Grand Teton Drive.
6/08/99	The City Council approved the annexation [A-28-99(A)] of the subject site. The effective date of the annexation was September 24, 1999.
6/21/00	The City Council approved a Special use Permit (U-0011-00) for a tavern at the subject site. The Planning Commission and staff recommended approval.
7/17/02	The City Council approved of an Extension of Time [U-0011-00(1)] for the approved Tavern. The Planning Commission and staff recommended approval.
03/17/04	The City Council approved a General Plan Amendment application (GPA-3483) from PCD (Planned Community Development) to SC (Service Commercial), a Rezoning (ZON-3509) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial) and U (Undeveloped) [PCD (Planned Community Development) General Plan Designation], and a Review of Condition (ROC-2671) to remove a condition that restricted commercial development to the western portion of the subject site. The Planning Commission recommended approval of the GPA, ZON and ROC on 1/22/04 and tabled requests for a Special Use Permit (SUP-3513) for a proposed mini-warehouse facility, and a Site Development Plan Review application (SDR-3511) for a proposed 71,570 square foot office, tavern, mini-storage development. Staff recommended approval for all five applications.

04/06/05	The City Council approved a Special Use Permit (SUP-5691) for a Tavern and a Waiver from the distance separation requirements from an existing park, a Variance (VAR-5694) to allow a 24-foot setback where residential adjacency standards require a minimum of 73 feet, a Variance (VAR-5693) a Variance to allow 132 parking spaces where 148 spaces are the minimum required, and a Site Development Plan Review (SDR-5689) for a 6,115 square-foot tavern and a Waiver of trash enclosure separation. The Planning Commission recommended approval on 03/10/05 and staff recommended denial.
01/11/07	The Planning Commission held in abeyance a Special Use Permit (SUP-18347) for a proposed 800 square foot Car Wash, Full Service; a Special Use Permit (18630) for a proposed Beer/Wine/Cooler Off-sale Establishment and a Site Development Plan Review (SDR-18349) for the Car Wash, a Service Station without automotive repair and a fast-food restaurant with a drive-through. Staff recommended denial.
02/08/07	The Planning Commission recommended approval of companion items SU-18347 and SUP-18630 concurrently with this application. The Planning Commission voted 5-1-1/gt, sd to recommend APPROVAL (PC Agenda Item #17/rl).

Related Relevant City Actions by P&D, Fire, Bldg., etc.

12/09/05	Business License L16-266-4-1214 issued for a Tavern issued to Tomfoolery, inactive effective 06/07/06.
06/07/06	Pending Business License requests created for The Lodge at Grand Teton including C05-96168-0-107791 for Tobacco Retailer, C08-96164-0-107791 for Coin Operated Amusements, C20-96167-7-850 for Convention Hall Gaming Tax, G01-96166-4-850 for Gaming-Restricted, and R09-96163-0-107791 for a Restaurant.
08/18/06	Building Permit C-0189-05 issued for a trash enclosure, on-site improvements and a Certificate of Occupancy for a tavern on the subject site.

Pre-Application Meeting

11/13/06	At a Pre-application meeting, the applicant was told of the requirements for a site development plan review and the requirements for a special use permit. Additional detail was given regarding landscaping and parking requirements particular to the subject site.
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Neighborhood Meeting	
01/02/06	A neighborhood meeting was held at the Silverstone Golf Club 8600 Cupp Drive at 6:00 p.m. Attendance included three members of the development team, nine members of the public and one member of the Planning & Development staff. The following concerns were brought up by members of the public: • Concerns about the speaker box of the fast food pad • Area over saturated by alcohol uses • Request for a family restaurant • No 24 hrs uses Concerns about Day Care use at 7955 Quail Heaven being too close to uses.

Details of Application Request			
Site Area			
Gross Acres	2.71		
Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Tavern, Undeveloped	SC (Service Commercial)	U(SC) Undeveloped (Service Commercial) under Resolution of Intent to C-1 (Limited Commercial)
North	Single Family	PCD (Planned Community Development)	R-PD6 (Residential Planned Community – 6 Units per Acre)
South	Single Family (under construction)	PCD (Planned Community Development)	R-PD7 (Residential Planned Community – 7 Units per Acre)
East	Single Family (under construction)	PCD (Planned Community Development)	U(PCD) Undeveloped (Planned Community Development) under Resolution of Intent to R-PD7 (Residential Planned Community – 7 Units per Acre)
West	Undeveloped (proposed retail)	PCD (Planned Community Development)	U(PCD) Undeveloped (Planned Community Development) 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		X	N/A
Trails	X		Y
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A

DEVELOPMENT STANDARDS

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	115,730 Square Feet	Y
Min. Lot Width	100 Feet	220 Feet	Y
Min. Setbacks			
• Front	20 Feet	25 Feet	Y
• Side	10 Feet	16 Feet	Y
• Corner	15 Feet	24 Feet	Y
• Rear	20 Feet	80 Feet	Y
Max. Lot Coverage	50%	12%	Y
Max. Building Height	N/A	32.75 Feet	Y
Trash Enclosure	50 Feet from residential uses	62 Feet	Y
Mech. Equipment	Screened	Screened	Y
<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	79.5 Feet	105 Feet	Y
Adjacent development matching setback	10 Feet	80 Feet	Y
Trash Enclosure	50 Feet from residential uses	73 Feet	Y

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area	1 Tree/6 Spaces 1 Finger/6 Spaces	22	23	Y N*
Buffer:				
Min. Trees				
North	1 Tree/20 Feet	21	20	N*
East	1 Tree/20 Feet	14	12	N*
South	1 Tree/30 Feet	13	18	Y
West	1 Tree/30 Feet	9	9	Y

TOTAL				
Min. Zone Width				
• East	15 Foot Buffer	15 Foot	Y	
• North	8 Foot Buffer	10 Foot	Y	
• West	8 Foot Buffer	8 Feet	Y	
• South	15 Foot Buffer	20 Feet	Y	
Wall Standards	Required	Provided	Compliance	
Wall Height				
East Property Line	Minimum 6 Feet, Maximum 8 Feet	8 Foot Block Wall	Y	
North Property Line	Minimum 6 Feet, Maximum 8 Feet	8 Foot Block wall	Y	

** Additional trees to be required by Condition 4.

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Tavern (Existing)	3,171 SF	1:50 SF	64				
	Public seating						
	3,204 SF	1:200 SF	16				
	Remainder						
Car Wash*	800 SF	NA	NA				
Service Station	4,056	1:250 SF	16				
Restaurant*	650 SF	1:50 SF	13				
	Public seating						
	2,050 SF Remainder	1:200 SF	10				
Sub-Total			114	5	122	5	
TOTAL –Including Handicapped			119		127		Y

* The Restaurant Drive-Through and the Car Wash each provide six stacking spaces in addition to the above parking spaces provided.

Waivers		
Request	Requirement	Staff Recommendation
Landscape Island at end of 100 Foot Aisle.	1 Landscape Finger every 6 parking spaces.	Denial

ANALYSIS

The subject site is located in a C-1 (Limited Commercial) zone in the SC (Service Commercial) Land Use designation area within the Centennial Hills Sector of the Las Vegas 2020 Master Plan. The C-1 zone is intended to provide most retail shopping and personal services. This district should be on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors, such as Grand Teton Drive and Durango Drive. The property is not located within any special plan areas or overlay districts. The proposed restaurant and convenience store is appropriate and conforming to C-1 zone and the SC designation; however the proposed site plan is too intense for the specific location. The proposed site plan includes a full service car wash and a fast food restaurant with a drive through; however, a previously approved Site Development Plan Review (SDR-5689) on the site was approved with a condition "no roll-up doors or drive-thru windows shall be allowed on this site."

The proposed site plan depicts a proposed 2,700 square-foot fast food restaurant, a proposed 4,056 service station without automotive repair with an attached 800 square-foot full-service car wash, and an existing 6,375 square-foot tavern on a 115,730 square foot parcel. 127 parking spaces are provided where 125 are required. The site plan conforms to all Title 19 development standards including building setbacks, lot coverage, building height and screening. The proposed structures conform to the residential adjacency standards as required in Title 19 including proximity slope and residential equivalent setbacks. Both the tavern and the service station are oriented to the setback line at Grand Teton Drive, with the restaurant set behind the service station. Sufficient stacking for six vehicles is provided for both the car wash and for the restaurant drive-through. However, the combination of uses on this site is deemed too intense for the surrounding neighborhood, and staff; therefore, recommends denial.

A multi-use transportation trail runs along the west property line of the subject site along the Durango Drive right-of-way. Also, a multi-use equestrian trail runs along the north property line of the subject site. The latter is contained entirely in the subject site. The proposed site plan and landscape plan depict that the trails will be built to the standards as required by the Las Vegas 2020 Master Plan, as previously required by previously approved Site Development Plan Review (SDR-5689).

The perimeter landscape buffer widths comply with the Title 19 requirements; however, the plan shows a deficiency of one tree in the north buffer and two trees in the east buffer. The south buffer has five trees more than are required and a condition of approval has been added to require sufficient trees spaced 20 feet on center. The parking lot has a sufficient number of trees, but there are several spaces in which there are more than six spaces without a landscape finger or island. A condition has been added to provide a revised landscape plan prior to the issuance of building permits.

The elevations and floor plans depict structures which are consistent with Title 19 standards, and the colors and materials would be appropriate to the surrounding community at a more appropriate 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;**

While the proposed project is compatible with the General Plan land-use designation for the area and satisfies the requirements of the Zoning Code with respect to minimum separation distance requirements, the intensity of a Car Wash, Full Service use on this site in combination with an approved tavern and other proposed development is too intense to be harmonious and compatible with the surrounding 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;**

While the proposed uses are permitted under the General Plan, the proposed development on this lot, and the necessary Waiver of Parking Lot landscape standards, indicate that this request exceeds the intensity that is appropriate for the site and cannot be supported.

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

The site will be accessed from Durango Drive a (100-foot) Primary Arterial and Grand Teton Drive a (120-foot) Parkway Arterial as designated on the Master Plan of Streets and Highways. The on-site circulation is limited as a parking lot landscape waiver is necessary in order to accommodate the required number of parking spaces.

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

The intensity of the uses, including a drive-through adjacent to Grand Teton Drive, indicates an attempt to exceed the intensity appropriate for the site that cannot be overlooked even though the materials and architectural features may be of appropriate quality for the area.

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

The building elevations depict design characteristics and other architectural and aesthetic features which are attractive and conducive to the locality, but the buildings themselves are inappropriate for the subject site.

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

While, the proposed development will be subject to the Uniform Building Code, the intensity of the proposed development may compromise the public health, safety or welfare.

PLANNING COMMISSION ACTION

The Planning Commission requested a re-design prior to City Council to which the applicant agreed.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

16

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 867 by Planning Department

APPROVALS 0

PROTESTS 1



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-18349** APN: 125-09-401-031

Name of Property Owner: GRAND TETON LODGE LAND, LLC

Name of Applicant: GRAND TETON LODGE LAND, LLC

Name of Representative: PACIFIC DESIGN CONCEPTS

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: _____

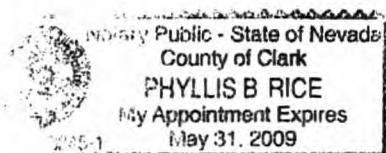
Print Name: STUART APOLLO

Subscribed and sworn before me

This 21st day of NOV, 2006

Phyllis B. Rice

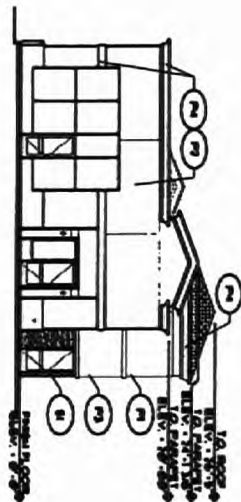
Notary Public in and for said County and State



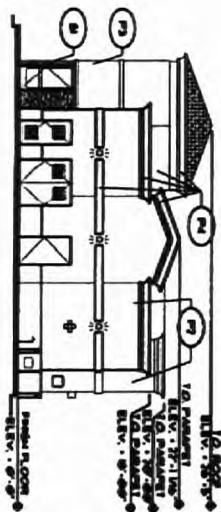
pacific design concepts, llc
3005 w. horizon ridge parkway, suite 200
henderson, nevada 89052
(702) 454-5842 fax (702) 454-7842

PAINT LEGEND

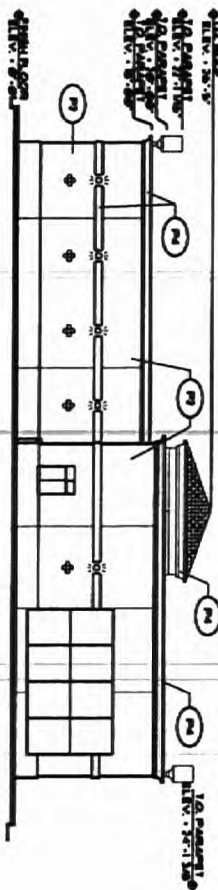
- 1 PRIMARY COLOR
PAINTER WHITE - MINERAL LIGHT ON SOUL
- 2 SECONDARY COLOR
PAINTER WHITE - TUSCAN CLAY ON SOUL
- 3 ACCENT COLOR
PAINTER WHITE - TUSCAN CLAY ON SOUL
- 4 DECORATING PAINT COLOR
PAINTER WHITE - TUSCAN CLAY ON SOUL
- 5 SOLID STONE - NON VULNERABLE MATERIAL
LIMESTONE (CSP - 180) ON SOUL
- 6 POWER LUMBER - CHERRYWOOD, BROWN BLIND
ON SOUL



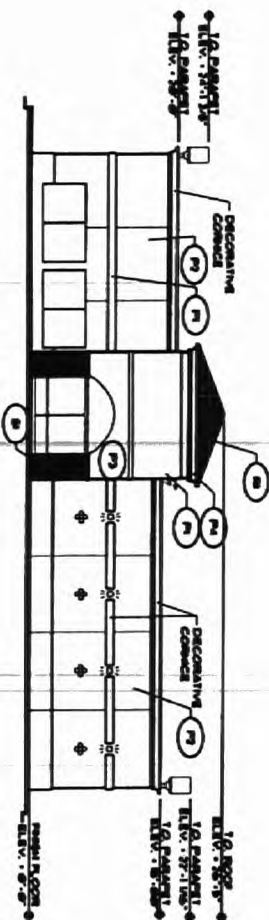
4 LEFT ELEVATION
SCALE 1/8"=1'-0"



5 RIGHT ELEVATION
SCALE 1/8"=1'-0"



2 REAR ELEVATION
SCALE 1/8"=1'-0"



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

SUP-18347
SDR-18349
02/08/07 PC

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NOV 8 2006

1. **PERFUME OIL**
FLAVOR: WHITE - STRAW LIGHT OR BOLD.
2. **BICHOIRAR OIL**
FLAVOR: SMOOD - MILDEN CLAY OR BOLD.
3. **ACORR OIL**
FLAVOR: MILD - CRISPNESS OR BOLD.
4. **DECATONIC FLAVOR OIL**
FLAVOR: MILD - RICHEN (HEART) OR BOLD.
5. **SPICE OIL**
FLAVOR: MILD - CRISPNESS OR BOLD.
6. **CLAYED OIL - FOR FLAVOR**
LIPIDATION OIL - 100% OR BOLD.
7. **ROSE LIPID - QUACON, BROWN FLAVOR**
OR BOLD.



3005 W. HORIZON RIDGE PARKWAY, SUITE 200
HENDERSON, NEVADA 89052
(702) 454-5842 FAX (702) 454-7842

02/08/07 PC

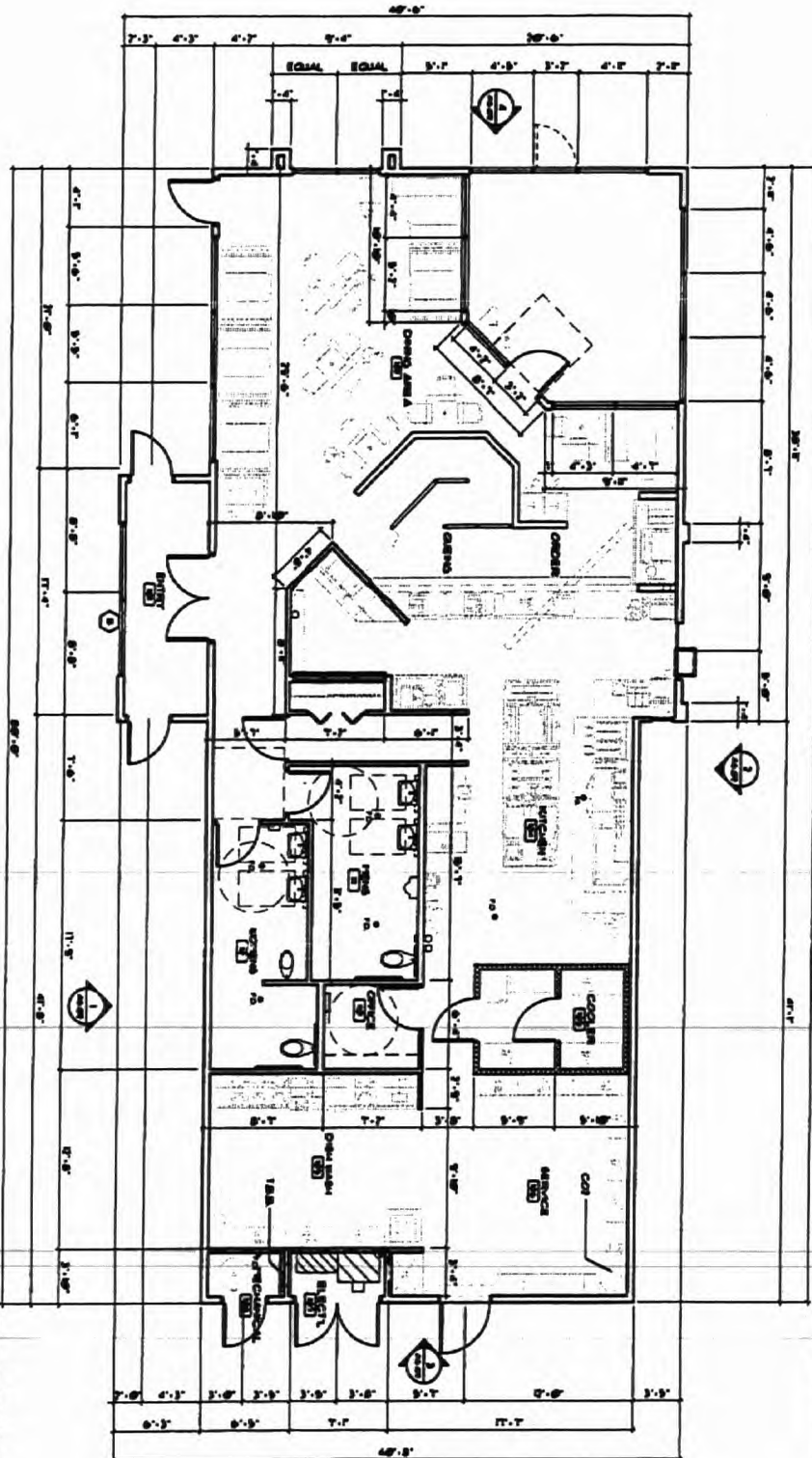
SUP-18347
SDR-18349

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09 26 2006

THESE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF THE ARCHITECT AND MAY NOT BE REPRODUCED OR USED FOR ANY PURPOSE WITHOUT THE ARCHITECT'S WRITTEN CONSENT. COPIES OF THE DRAWINGS AND SPECIFICATIONS LOANED BY THE CLIENT MAY BE UTILIZED ONLY FOR THE USE AND FOR COMPLETING THE PROJECT FOR WHICH THEY WERE PREPARED, AND NOT FOR CONSTRUCTION OF ANY OTHER PROJECT. ANY USE OR REPRODUCTION OF THE DRAWING IN WHOLE OR PART BY ANY MEANS WHATSOEVER IS STRICTLY PROHIBITED. THESE DOCUMENTS ARE NOT FINAL AND READY FOR USE, AND THEREFORE NOT VALID, UNLESS THEY ARE SIGNED, AGREED, AND DATED. NOT 023-MO 000-00 design drawings, inc. © 2000.

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



GENERAL NOTES

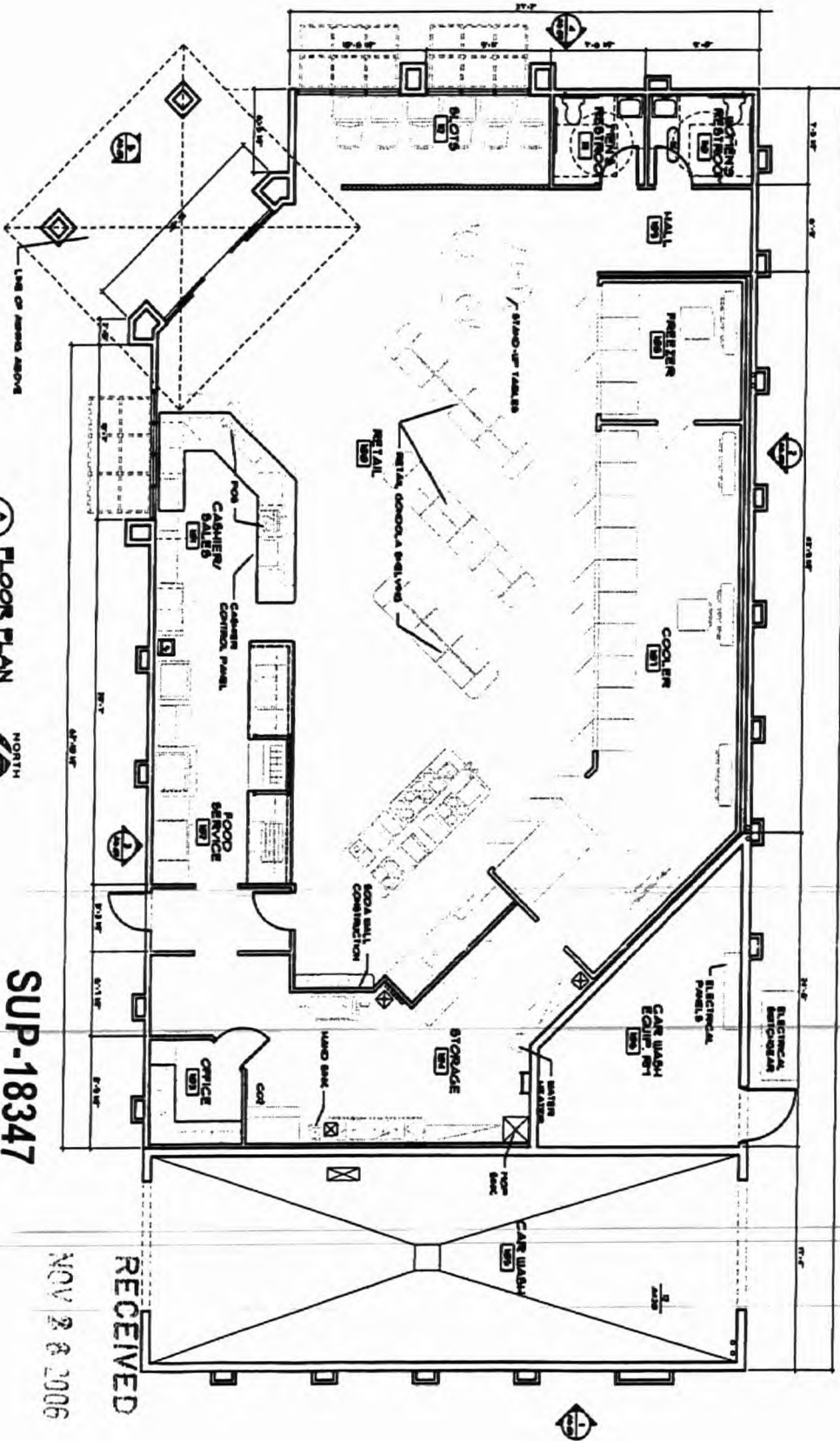
1. ALL DIMENSIONS ARE TO FACE OF SHEDS AND CENTER LINE OF DRIVE AND COUNTRY ROAD.
2. FOR DOOR SWEET TYPES AND SCHEDULES SEE SHEETS 18347-1 AND 18347-2.
3. FOR ROOF SWEET SCHEDULES SEE SHEET 18347-3.
4. SEE DETAILS 18347-4 FOR INTERIOR WALL, INTERIOR DETAILS, AND LOCATIONS.
5. PROVIDE SOUND BARRIER WALL AT ALL WALL HEIGHT WALLS.
6. PROVIDE BACKUP AS REQUIRED FOR CATEGORY, GRADE, AND ETC.
7. SEE EQUIPMENT PLAN FOR KITCHEN EQUIPMENT AND FURNISHING INFORMATION.

SUP-18347
SDR-18349
02/08/07 PC

RECEIVED

NOV 28 2006

As instruments of service these drawings and specifications are the property of the architect and may not be reproduced or used for any purpose without the architect's written consent. Copies of the drawings and specifications retained by the client may be used only for their use and for completing the project for which they were prepared, and not for construction of any other projects. Any use or reproduction of the drawings in whole or in part by any means whatsoever is strictly prohibited. These documents are not valid and ready for use, and therefore not valid, until they are sealed, signed, and dated. PAC 02/08/07 PC/AC design concepts, llc 02/08/07 FAST FOOD FLOOR PLAN LAND USE SUBMITTAL PRELIMINARY NOT FOR CONSTRUCTION PROJECT TITLE: C-STORE AT GRAND TETON ADDRESS: LAS VEGAS, NEVADA pacific design concepts, llc 3005 W. HORIZON RIDGE PARKWAY, SUITE 200 HENDERSON, NEVADA 89052 (702) 454-5842 FAX (702) 454-7842	FAST FOOD FLOOR PLAN LAND USE SUBMITTAL PRELIMINARY NOT FOR CONSTRUCTION PROJECT TITLE: C-STORE AT GRAND TETON ADDRESS: LAS VEGAS, NEVADA pacific design concepts, llc 3005 W. HORIZON RIDGE PARKWAY, SUITE 200 HENDERSON, NEVADA 89052 (702) 454-5842 FAX (702) 454-7842	FAST FOOD FLOOR PLAN LAND USE SUBMITTAL PRELIMINARY NOT FOR CONSTRUCTION PROJECT TITLE: C-STORE AT GRAND TETON ADDRESS: LAS VEGAS, NEVADA pacific design concepts, llc 3005 W. HORIZON RIDGE PARKWAY, SUITE 200 HENDERSON, NEVADA 89052 (702) 454-5842 FAX (702) 454-7842	FAST FOOD FLOOR PLAN LAND USE SUBMITTAL PRELIMINARY NOT FOR CONSTRUCTION PROJECT TITLE: C-STORE AT GRAND TETON ADDRESS: LAS VEGAS, NEVADA pacific design concepts, llc 3005 W. HORIZON RIDGE PARKWAY, SUITE 200 HENDERSON, NEVADA 89052 (702) 454-5842 FAX (702) 454-7842
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GENERAL NOTES:

1. Dimensions on drawings are to face of steel sections unless otherwise noted.
2. FIELD VENTILATION: ALL DIMENSIONS, CONDITIONS AT JOB SITE AND IMPROVE BEFORE REMOVED WORK.
3. PROVIDE CORRECT QUANTITY, FULL REPORT AT ALL VENTILATION CORRECTIONS.
4. PROVIDE TRANSITION STRIPS AT ALL EXISTING FLOOR FINISHES. PROVIDE SPECIAL STRIPS AT T&E AND COORDINATE.
5. PROVIDE SOUND ATTENUATION BLANKETS IN WALLS SEPARATING THE ROCKET ROOMS AND OTHER ADJACENT ROOMS.
6. CONSTRUCTION SHALL REMOVE AND LOCATE ACCESS PANELS AS REQUIRED AFTER INSTALLATION OF MECHANICAL, ELECTRICAL AND PLUMBING WORK.
7. ALL PARTITIONS ADJACENT TO OR LOCATED AT THE BACK OF PLUMBING SHALL BE REMOVED AND REINSTALLED WITH TYPICAL INSULATION SYSTEM BOARD.

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



SUP-18347
SDR-18349

02/08/07 PC

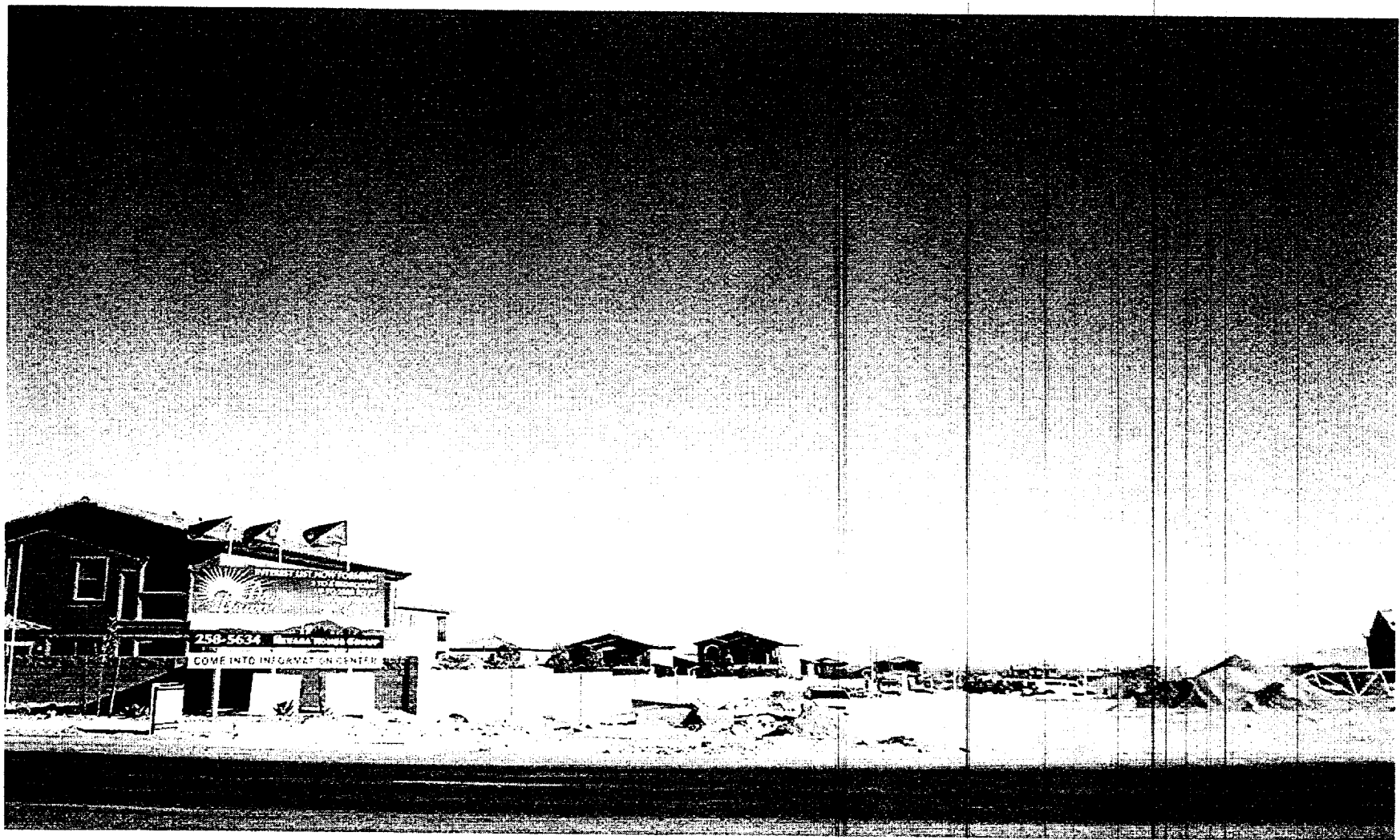
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RECEIVED

Project Title: C-STORE FLOOR PLAN Sheet No.: A101 Scale: 1/8" = 1'-0" Author: Wade Sato Check: Wade Sato Date: 11/26/2006	PRELIMINARY NOT FOR CONSTRUCTION LAND USE SUBMITTAL	Project Title: C-STORE AT GRAND TETON Address: LAS VEGAS, NEVADA	pacific design concepts, llc 3005 W. HORIZON RIDGE PARKWAY, SUITE 200 HENDERSON, NEVADA 89052 (702) 454-5842 FAX (702) 454-7842
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SDR 18349				
Grand Teton Lodge LLC				
NEC Grand Teton & Durango				
Proposed 7.556 thousand square foot expansion of a commercial development.				
Traffic produced by proposed development:				
	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	CONVENIENCE MARKET W/GAS [1000 SF]	4.856	845.60	4,106
AM Peak Hour			45.58	221
PM Peak Hour			60.61	294
(heaviest 60 minutes)				
	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	FAST-FOOD W/ DRIVE THRU [1000 SF]	2.7	496.12	1,340
AM Peak Hour			53.11	143
PM Peak Hour			34.64	94
(heaviest 60 minutes)				
Project Total	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	SHOPPING CENTER [1000 SF]	7.556		5,446
AM Peak Hour				365
PM Peak Hour				388
(heaviest 60 minutes)				
Existing traffic on all nearby streets:				
Grand Teton Parkway				
Average Daily Traffic (ADT)	3,904			
PM Peak Hour	312			
(heaviest 60 minutes)				
Durango Drive				
Average Daily Traffic (ADT)	9,755			
PM Peak Hour	780			
(heaviest 60 minutes)				
Traffic Capacity of adjacent streets:				
	Adjacent street ADT			

	Capacity			
Grand Teton Parkway	51700			
Durango Drive	51700			
This project will add approximately 5,446 trips per day on Grand Teton and				
Durango. This will increase expected volumes by about one hundred fifty four percent				
on Grand Teton and about sixty two percent on Durango. Grand Teton is at about 8				
percent of capacity and Durango is at about 19 percent of capacity.				
Based on Peak Hour use, this development will add roughly 388 additional				
cars into the area; which works out to about one every five minutes.				
Note that this report assumes all traffic from this development uses all named streets.				



SUP-18347, SUP-18630 AND SDR-18349 - APPLICANT/OWNER: GRAND TETON LODGE LAND LLC
NORTHEAST CORNER OF GRAND TETON DRIVE AND DURANGO DRIVE
FEBRUARY 8, 2007 PLANNING COMMISSION

12/08/06



SUP-18347, SUP-18630 AND SDR-18349 - APPLICANT/OWNER: GRAND TETON LODGE LAND LLC
NORTHEAST CORNER OF GRAND TETON DRIVE AND DURANGO DRIVE
FEBRUARY 8, 2007 PLANNING COMMISSION

12/08/06



SUP-18347, SUP-18630 AND SDR-18349 - APPLICANT/OWNER: GRAND TETON LODGE LAND LLC
NORTHEAST CORNER OF GRAND TETON DRIVE AND DURANGO DRIVE
FEBRUARY 8, 2007 PLANNING COMMISSION

12/08/06



SUP-18347, SUP-18630 AND SDR-18349 - APPLICANT/OWNER: GRAND TETON LODGE LAND LLC
NORTHEAST CORNER OF GRAND TETON DRIVE AND DURANGO DRIVE
FEBRUARY 8, 2007 PLANNING COMMISSION

12/08/06

pacific design concepts, llc

PDC

3005 w. horizon ridge pkwy., #200, henderson, nv 89052 (702) 454-5842 fax (702) 454-7842

November 21, 2006

City of Las Vegas
731 S. 4th Street
Las Vegas, NV 89101

Attn: Planner

**RE: C-STORE AT GRAND TETON
APN: 125-09-401-031
JUSTIFICATION LETTER**

PROJECT NO: 06-182

Dear Planner,

We respectfully request favorable consideration for the above referenced project for a Site Development Review.

The proposed special use permit is to allow a single story 2,700 sq. ft. fast food convenience restaurant with a drive-thru lane and a single story 4,000 sq. ft. convenience store with gas pumps and a car wash.

This request is appropriate based on the following finding of the facts;

1. The proposed development is compatible with adjacent development and development in the area.
2. The proposed development is consistent with the General Plan, Title 19 and 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.

Should you have any questions or require additional information please contact our office.

Sincerely,



Richard C. Gallegos
Principal

RCG/mt

Cc: 06-182.js.lt.sdr.clv.cstore.grand.teton

**SUP-18347
SDR-18349
02/08/07 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**

NOTICE OF PUBLIC HEARING

Dec 29, 06

SITE DEVELOPMENT PLAN REVIEW

1 vote NO on

SDR-18349.

GARY R. KROENBERG
GARY R. KROENBERG
8316 Blushing Hts. Ave.
Las Vegas, NV 89131

MEETING: PLANNING COMMISSION
DATE: JANUARY 11, 2007
TIME: 6:00 P.M.
LOCATION: CITY COUNCIL CHAMBERS
400 STEWART AVENUE
LAS VEGAS, NEVADA

SDR-18349

APPLICANT/OWNER: GRAND TETON LODGE LLC - REQUEST FOR A MAJOR AMENDMENT TO AN APPROVED SITE DEVELOPMENT PLAN REVIEW FOR A PROPOSED 4,056 SQUARE-FOOT SERVICE STATION WITHOUT AUTOMOTIVE REPAIR, AN 800 SQUARE FOOT CAR WASH, FULL SERVICE, AND A 2,700 SQUARE FOOT RESTAURANT WITH DRIVE-THROUGH ON 2.71 ACRES ON THE NORTHEAST CORNER OF GRAND TETON DRIVE AND DURANGO DRIVE (APN 125-09-401-031), U [(UNDEVELOPED) ZONE, SC (SERVICE COMMERCIAL) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL), WARD 6 (ROSS).

THE ABOVE PROPERTY IS LEGALLY DESCRIBED AS BEING A PORTION OF THE SOUTH HALF (S $\frac{1}{2}$) OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF SECTION 09, TOWNSHIP 19 SOUTH, RANGE 60 EAST, M.D.M.

Any and all interested persons may appear before the City Planning Commission either in person or by representative and object to or express approval of this request; or may, prior to this meeting, file written objections thereto or approval thereof with the Planning and Development Department, Current Planning Division, Development Services Center, 731 South Fourth Street, Las Vegas, Nevada 89101. Final Action on this request may be determined by the City Council. The date of the City Council meeting, if applicable, will be announced at the Planning Commission meeting after the discussion of the item. You may not receive an additional notice for the City Council meeting. For further information, please call (702) 229-6301 (TDD 386-9108) <http://www.lasvegasnevada.gov>.



JOHN KORKOSZ, PLANNING SUPERVISOR
PLANNING AND DEVELOPMENT DEPARTMENT
CURRENT PLANNING DIVISION

SEE LOCATION MAP ON REVERSE SIDE

ITEM # 36

CASE # SDR-18349

PC MTG 1-11-07

P

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: MAY 16, 2007

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

GENERAL PLAN AMENDMENT

GPA-18776 - PUBLIC HEARING - APPLICANT/OWNER: CARLOS AVE MARIA - Request to Amend a portion of the Southwest Sector Plan of the General Plan FROM: R (RURAL DENSITY RESIDENTIAL) TO: SC (SERVICE COMMERCIAL) on 0.61 acres at 5200 Vegas Drive (APN 138-24-801-027), Ward 5 (Williams). The Planning Commission (6-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

2

City Council Meeting

0

RECOMMENDATION:

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to conditions.

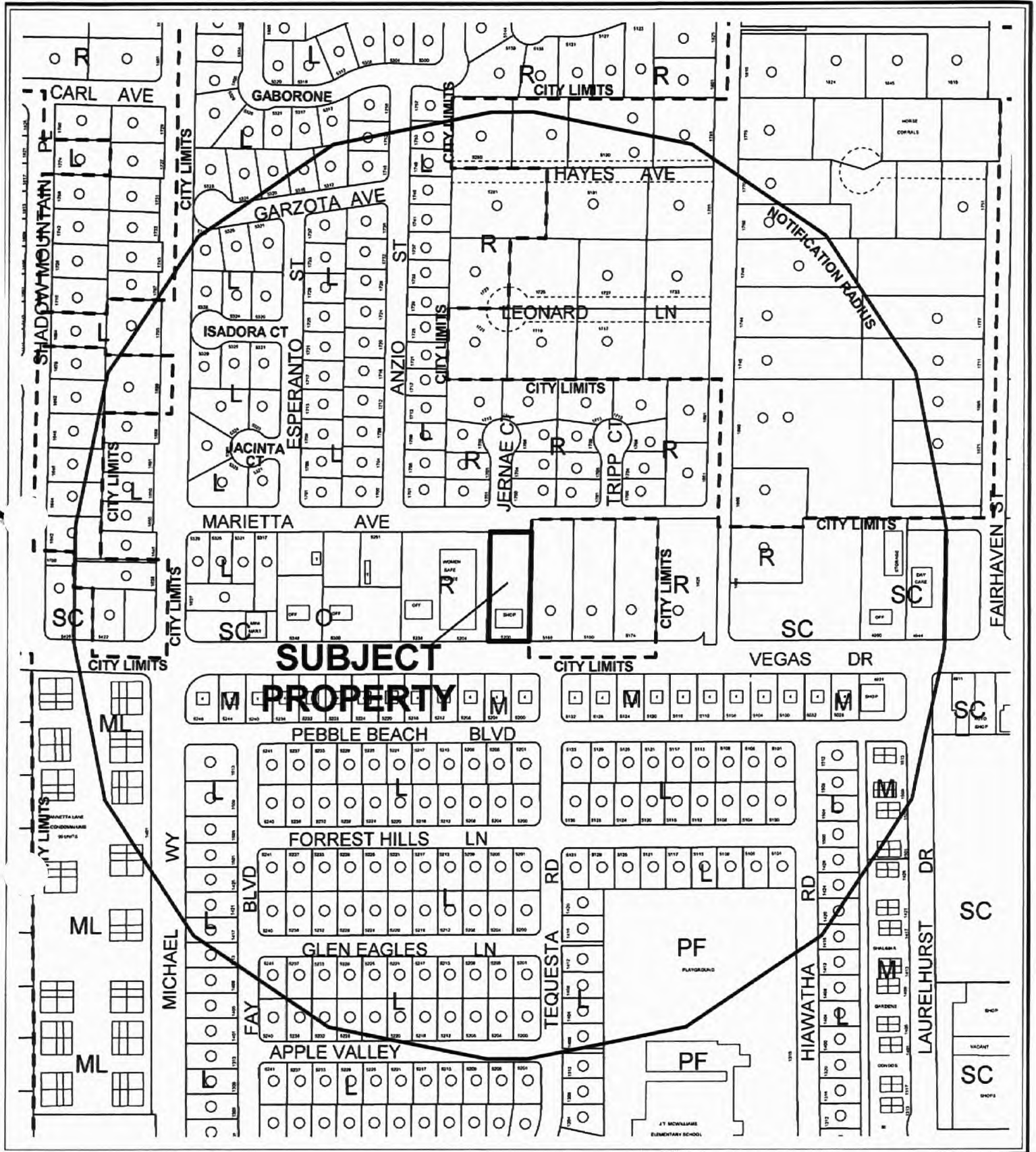
BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions (Not Applicable) and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Submitted after final agenda – Abeyance request by Carlos Avemaria for Items 114-117
6. Backup referenced from the 04-12-07 Planning Commission Meeting Item 21

Motion made by GARY REESE to Hold in Abeyance Items 64, 114-117, 122, 134-139, 157, 162, 164 and 167-170 to 6/06/2007; Items 155, 156, 163, 165 and 166 to 6/20/2007; Strike Item 106; Table Items 111-113; and Withdraw Without Prejudice Item 158

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

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



CASE: **GPA-18776**

RADIUS: 1000 FT

GENERAL LAND USE OF SUBJECT PROPERTY:

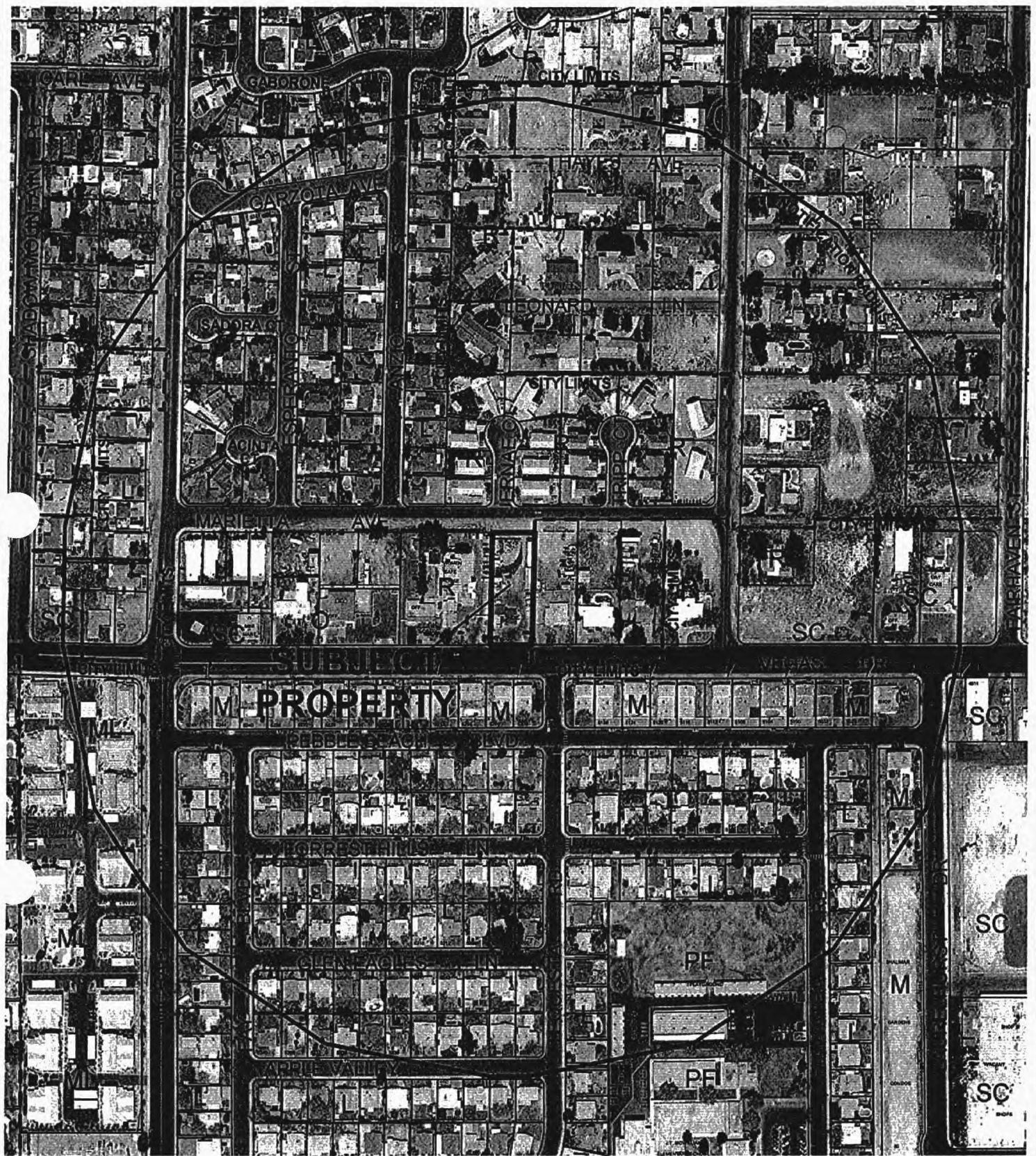
R (RURAL DENSITY RESIDENTIAL)

PROPOSED GENERAL LAND USE OF SUBJECT PROPERTY:

SC (SERVICE COMMERCIAL)

0 300 600 Feet





CASE: GPA-18776

RADIUS: 1000 FT

GENERAL LAND USE OF SUBJECT PROPERTY:
R (RURAL DENSITY RESIDENTIAL)

PROPOSED GENERAL LAND USE OF SUBJECT PROPERTY:
SC (SERVICE COMMERCIAL)

0 300 600 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 16, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: GPA-18776 - APPLICANT/OWNER: CARLOS AVEMARIA

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend APPROVAL.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request to amend a portion of the Southwest Sector Plan of the General Plan from R (Rural Density Residential) to SC (Service Commercial) on 0.61 acres at 5200 Vegas Drive. This site meets the intent of the SC (Service Commercial) Land Use category which allows low to medium intensity retail, office, or other commercial uses that serve primarily the local area patrons and do not include more intense general commercial characteristics; therefore, staff recommends approval.

There are three companion items that are associated with this applicant, a Rezoning (ZON-18773) from O (Office) and R-D (Single Family Residential Restricted) to C-1 (Limited Commercial), a Special Use Permit (SUP-18774) and Site Development Plan Review (SDR-19330) for an existing 1,548 square-foot office building.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
10/01/03	The City Council approved the Annexation [A-0022-01(A)] of property described generally as located on the north side of Vegas Drive, approximately 735 feet east of Michael Way.
12/28/05	Code Enforcement opened a case #37233 citing an inoperable motor home in the backyard. The case was closed.
09/01/06	Code Enforcement opened a case #45987 citing the property owner for illegal storing of trailers, dump trucks and inoperable vehicles in the back yard. In addition, the site is not zoned for a commercial business. The case is still open.
04/12/07	The Planning Commission recommended approval of companion items ZON-18773; SUP-18774 and SDR-19330 concurrently with this application. The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #21/jm).
<i>Related Building Permits/Business Licenses</i>	
12/28/06	A Non-work Certificate of Occupancy approved for Nevada First DMV services (Business license #P27-00266) under the Plan Check #L1464-06.
<i>Pre-Application Meeting</i>	
01/12/07	A pre-application conference was held and elements of this development were discussed. It was noted that the proposed use is not permitted within the existing zone, that a General Plan Amendment, Rezoning, Site Development Review would be necessary, and that a Special Use Permit would be required. In addition, the applicant was informed that Waivers for perimeter landscaping would be required if he was to keep the site the same.

Neighborhood Meeting	
01/02/07	A neighborhood meeting was held at 5:30 PM at Buenos Aires Air, 5200 Vegas Drive. Seven members of the public attended. The business has been operating business for two years at the site. Questions mentioned at the meeting pertained to the following: • Wall • Access to Marietta • Chemical storage • The storage of heavy equipment would only be vans • Hours of operation are 7:00 AM to 5:00 PM, 10 employees • Trailers to be removed and no on-site manufacturing.

Details of Application Request	
Site Area	
Net Acres	0.61

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial HVAC	R (Rural Density Residential)	O (Office) & R-D (Single Family Residential Restricted)
North	Single Family Residential	R (Rural Density Residential)	R-1 (Low Density Residential)
South	Duplex	M (Medium Density Residential)	R-3 (Medium Density Residential)
East	Clark County	R (Rural Density Residential)	Clark County
West	Group Home Facility	R (Rural Density Residential)	R-E (Residence Estates)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	Y
A-O Airport Overlay District (105 feet)	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

ANALYSIS

The request is for a General Plan Amendment from R (Rural Density Residential) to SC (Service Commercial). The subject site has an existing office building on the southern portion of the site. The proposed SC (Service Commercial) Land Use designation allows low to medium intensity retail, office, or other commercial uses that serve primarily the local area patrons and do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theaters, bowling alleys and other places of public assembly and public and semi-public uses. This category also includes offices either individually or grouped as office centers with professional and business services.

The property gains access from Vegas Drive, an 80-foot Secondary Collector as designated by the Master Plan Streets and Highways, which is an adequate thoroughfare for the commercial zone requested.

FINDINGS

Section 19.18.030.I of the Las Vegas Zoning Code requires that the following conditions be met in order to justify a General Plan Amendment:

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

In regard to "1":

The proposed General Plan Amendment is compatible with the surrounding land uses. This site meets the intent of the SC (Service Commercial) Land Use category which allows low to medium intensity retail, office, or other commercial uses that serve primarily the local area patrons and do not include more intense general commercial characteristics. The property gains access from Vegas Drive, an 80-foot Secondary Collector as designated by the Master Plan Streets and Highways, which is an adequate thoroughfare for the commercial zone requested.

In regard to "2":

The proposed rezoning to C-1 (Limited Commercial) would be consistent with the existing office establishment and proposed SC (Service Commercial) General Plan designation.

In regard to “3”:

The transportation and utility facilities to this site are adequate enough to accommodate the use proposed by this general plan amendment.

In regard to “4”:

This request conforms to the applicable, adopted plans and policies for this area.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 7

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 370 by Planning Department

APPROVALS 1

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **GPA-18776** "PN: 138-24-801-027

Name of Property Owner: CARLOS ADEM ARIZA

Name of Applicant: CARLOS AVE MARIA

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: _____

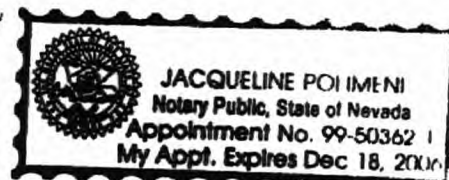
Signature of Property Owner: _____

Print Name: CARLOS AVE MARIA

Subscribed and sworn before me

This 12 day of December, 2006

Notary Public in and for said County and State



City of Las Vegas

FUTURE LAND USE
138-24-801-027

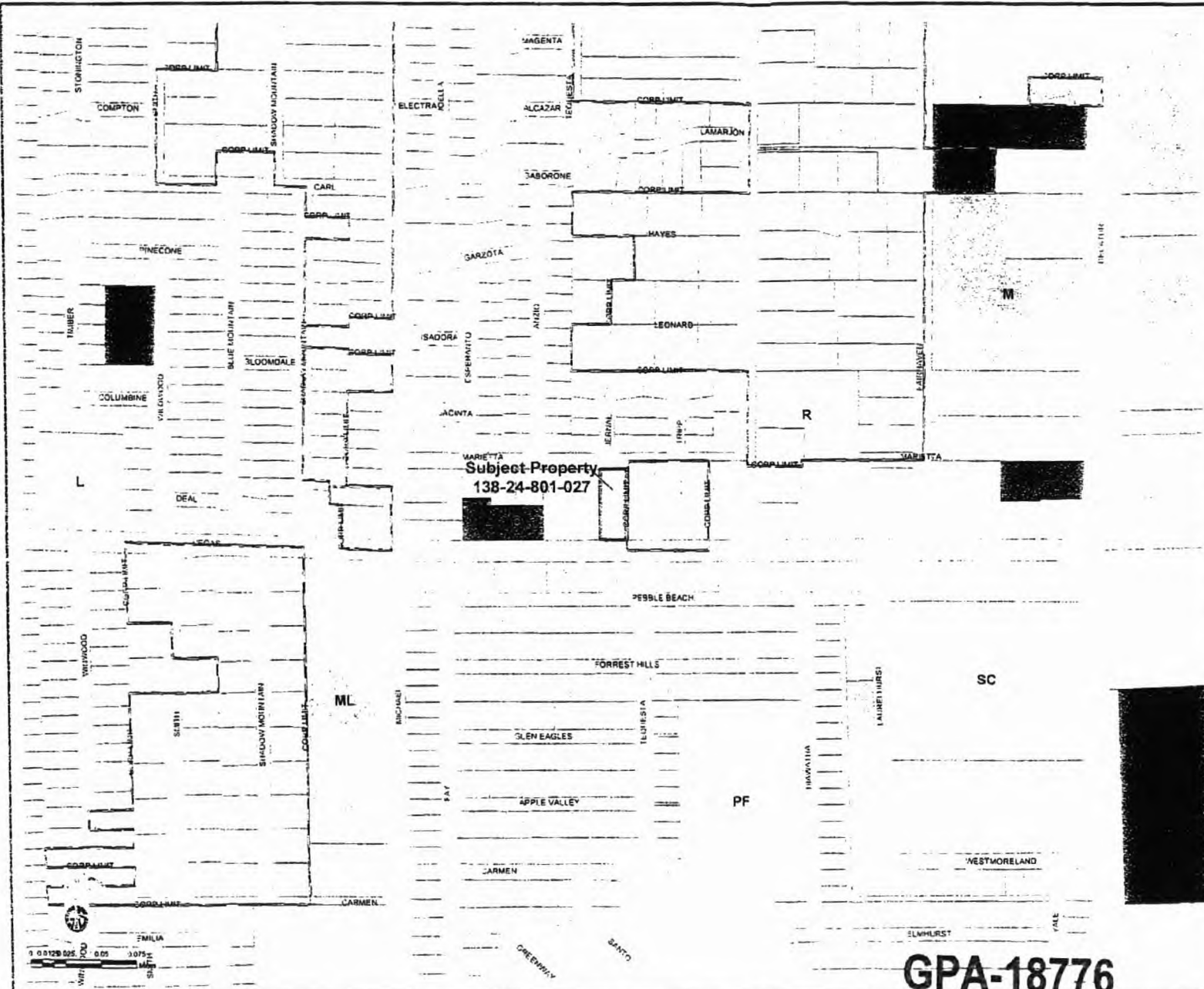
- ☐ Rural Neighborhood Preservation - up to 2 du/ac (0 to 2 du/ac)
- ☐ Open Rural - up to 2.49 du/ac (2.1 to 2.49 du/ac)
- ☐ Rural - up to 3.59 du/ac (2.5 to 3.59 du/ac)
- ☐ Low - 2.6 to 5.5 du/ac
- ☐ Medium - Low - 5.6 to 8 du/ac
- ☐ Medium - Low Attached - 8.1 to 12 du/ac
- ☐ Medium - 12.1 to 25 du/ac
- ☐ High - 25+ du/ac
- ☐ Mixed Use (L, ML, M, H, O, SC, CC, PF)
- ☐ Office
- ☐ Service Commercial
- ☐ General Commercial
- ☐ General Tourist Commercial
- ☐ Commercial (O, SC, CC)
- ☐ Park/Recreation/Open Space
- ☐ Park / Recreation / Open Space
- ☐ Public Facility
- ☐ Public Facility - School
- ☐ Public Facilities (Clark County)
- ☐ Resource Conservation
- ☐ Light Industrial / Research
- ☐ Planned Community Development
- ☐ Town Center
- ☐ University Medical Center
- ☐ Traditional Neighborhood Development

RECEIVED
DEC 14 2006

Printed: December 11, 2006



25 maps are prepared and
only to meet the needs of the City.
Due to limitations, some information may
not be available in all areas.
Information is provided for
Planning & Development Dept.
138-24-801-027



GPA-18776
04/12/07 PC

MARLETTA AVENUE

GENERAL PLAN
EXISTING RURAL

Instructional Use

NECESSARY
STRUCTURES
TO REMAIN

18' LANDSCAPE RUM VALL (PROPOSED)

EXISTING GATE TO BE CLOSED

EXISTING WALL

GENERAL PLAN
EXISTING RURAL

Existing Concrete R/W

Total Area Estimated Over 10 Acres

ALL TO REMAIN EXCEPT CHANGES

20' 9' 18' 30'

GENERAL PLAN
EXISTING RURAL
STRUCTURES TO REMAIN THE SAME NO CHANGES

STREET
CEMENTED PAVEMENT

Existing Concrete R/W

11' 35' 36' 17' 10'

4' SIDE WALK

TRASH 17' ENCLOSURE

17' 10'

PROPOSED

17' 10'

GENERAL PLAN
EXISTING RURAL

SITE INFORMATION

Parcel Area	1.0000
Block Area	1.0000
Lot Coverage	1.30%
Parking Required	30000
Parking Provided	0
HC Required	0
HC Provided	0
Set Backs:	
Front	0
East	0
Side West	0
Side East	0

Lot Coverage	1.30%
HC Required	0
HC Provided	0

Set Backs:	
Front	0
East	0
Side West	0
Side East	0

Single Family Home

Single Family Home

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MAR 28 2007

VEGAS DRIVE

GPA-18776 ZON-18773
SUP-18774 SDR-19330
REVISED 04/12/07 PC

NORTH

SITE PLAN
LANDSCAPE 2
Scale: 1" = 100'

DATE



JUSTIFICATION LETTER

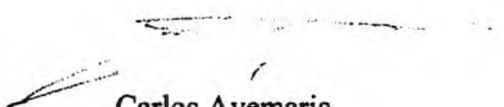
March 27, 2007

Planning & Development
731 South Forth Street
Las Vegas, NV 89101
Tel: (702) 229-4714
Fax: (702) 385-7268

Att: Steve Swanton
Re: Property at 5200 Vegas Drive
Parcel # 138-24-801-027
To: whom it may concern

My name is Carlos Avemaria, I am the owner of the property located at 5200 Vegas drive, Las Vegas, Nevada 89108. This letter is to identify the changes proposed in respects of the site development plan review done by the planning and Development Department. In accordance with the requirements for this property to become C-1 we are doing the following changes. We are blocking an existing gate that is in the back wall of the property to not have access from the back of the property (Marietta Street) to the inside of the property. We are planting 5 trees 8' from the back wall to satisfy the 8' buffer in the back of the property to meet the requirements from the site plan review. We also have two accessories structures that we use to stock all of our parts that we need to be able to operate our business properly. If there is any questions or concerns please do not hesitate to call me at the following number (702) 491-7076.

Sincerely yours,


Carlos Avemaria
President
Buenos Aires A/C & Heating, Inc.

GPA-18776 ZON-18773
SUP-18774 SDR-19330
REVISED 04/12/07 PC

RECEIVED
MAR 28 2007



JUSTIFICATION LETTER

December 12, 2006

Planning & Development
731 South Forth Street
Las Vegas, NV 89101
Tel: (702) 229-4714
Fax: (702) 385-7268

Att: Steve Swanton
Re: Property at 5200 Vegas Drive
Parcel # 138-24-801-027
To: whom it may concern

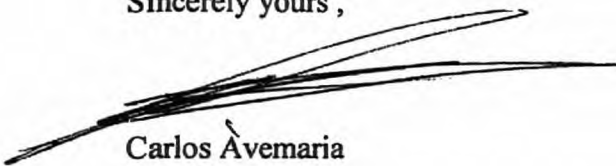
My name is Carlos Avemaria, I am the property owner located at 5200 Vegas drive, Las Vegas, Nevada 89108. Stephanie Demoleas (inspector 17) came by the mentioned property on 9/6/06 and noticed some problems complying with the codes for the zones assigned to this location which brought up to my attention that zone changes will need to be made. The situation is the following, This property has one parcel yet it has two different zones, the front is Office ("O") and the back half is zoned as residential (R-D), this is how the property was obtained when bought from the previous owner, who also like my self had an Air conditioning company in this location, before and after the annexation where the jurisdiction was changed from Clark County to City of Las Vegas, I have been in this property for two years now in which I have grown my Business, we are up to 6 company vehicles, where they need to be parked in the back of the office, since I have such a big lot (around ½ acre) in the back of the office with no building structure. I have talked to a planner reviewer from the city of Las Vegas and he has inform me about codes for this property under the current zones, which disables my business to operate properly, stating that after 9 p.m. there is no vehicles to be parked any where, neither in the residential or office area of my property (5200 Vegas Drive Las Vegas, NV 89108), also that after 9 p.m. there couldn't be any personal inside the building structure. I need a place to park some company vehicles during slow seasons, there is no space in the apartment complex where I live to park more than one vehicle, I was not aware of this situation since the previous owner of this property had no problems from Clark County or city of Las Vegas, when he had his Air Conditioning Company working out of this property.

I need to have the existing zones changed ("R-D" and "o" to one zone C-1 to be able to comply with the city codes and requirements for being able to operate my Air Conditioning & Heating business at this mentioned location, to be able to dispatch, also park the company vehicles after 9:00pm, To change it to C-1 zoning I will also need to apply for changing the General Plans, from "Rural" to "Service commercial", applying

GPA-18776
04/12/07 PC

for a Special use permit for building maintenance , service and sales will also be required, to operate my HVAC business to its full capacity. I believe that this zone/general plan change will support existing city policies and regulations due to very near locations are already converted to C-1 (five lots east & four lots west are C-1 properties). There will be no changes made to this site as part of this application, any future changes will be done through a site development plan review. If there is any questions or concerns please do not hesitate to get a hold of me at either my e-mail address buenosairesacand01@sprintpcs.com or directly to my cellular number (702) 491-7076 or via mail at 5200 Vegas Drive, Las Vegas, Nevada 89108 and thank you for taking this justification letter in consideration.

Sincerely yours ,

A handwritten signature in black ink, appearing to read 'Carlos Ávemaria', with a long horizontal flourish extending to the right.

Carlos Ávemaria
President
Buenos Aires A/C & Heating, Inc.

GPA-18776
04/12/07 PC

RECEIVED
CITY CLERK

2007 MAY 15 P 4: 24

Las Vegas City Council
Phone: 702-229-6301
Fax: 702-382-4803
May 15, 2007

RE: City Council Meeting on May 16, 2007

I, Carlos Avemaria, would like to request a postponement of the City Council Meeting tomorrow. This meeting is with regard to discussing the following case numbers: GPA-18776, ZON-18773, SUP-18774, and SDR-19330. I would like the meeting to be postponed to June 6, 2007 which is three weeks from tomorrow. I thank you for your consideration.

Carlos Avemaria
Owner of property 5200 Vegas Dr. Las Vegas, NV 89108
Phone: 702-491-7076 Fax 702-878-1946

Submitted after final agenda

Date 5/15/07 Item #114-117

**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: 1/25/07

Case Number: GPA 18776

Date: 1/24/07
Name: Diana Albiston
Address: 1721 Leonard
Phone: 338-3670
☒ PROTEST ☐ APPROVE
* See attachment

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

Re: 5200 Vegas Drive Las Vegas, NV APN 138-24-801-027

I am a homeowner in the adjacent area and my objection is not to the rezoning but to the condition of the property, which is a violation.

The back of the property facing Marietta Drive, which is a residential street, has junk trailers, debris and non working vehicles in the back which are unsightly and a violation of NRS.

There is a small block wall on a portion of it but not all of it and not nearly tall enough. Enclosed are some photos from Marietta Drive.

Thank you





February 27, 2007

Planning and Development Commission
Current Planning Division
Development Services Center
731 Fourth Street
Las Vegas NV 89101

Attn: John Korkosz

Dear Mr. Korkosz:

This will let you know
that I favor the application
of Carlos Avemaria for
keying from O and R-D
to C-1 at 5200 Vegas Drive,
and have no objection to it.

Yours truly,

Mary Alice Vaughn

owner: 5174 Vegas Drive
Las Vegas NV, 89108

ITEM # 8
CASE # GPA-18776
PC MTG 3-8-07

A

DATE: 11 April 2007

FAX: 877-2438

TO: DOUG RANKIN

REGARDING: 12 April 2007—Agenda Items #21-24

We attended the neighborhood meeting held by the applicant at 5200 Vegas Drive.

The answers to our questions and our checking of the zones of the surrounding area provides us reasons to request APPROVAL of these 4 Avemaria items.

June INGRAM
President of Charleston Neighborhood Preservation

June Ingram

ITEM # 21-24
CASE # GA-18776
PC MTG 412-07

20N-18773
SWP-18774
S02-19330

A

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MAY 16, 2007

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

REZONING RELATED TO GPA-18776

ZON-18773 - PUBLIC HEARING - APPLICANT/OWNER: CARLOS AVEMARIA - Request for a Rezoning FROM: O (OFFICE) AND R-D (SINGLE FAMILY RESIDENTIAL - RESTRICTED) TO: C-1 (LIMITED COMMERCIAL) on 0.61 acres at 5200 Vegas Drive (APN 138-24-801-027), Ward 5 (Williams). The Planning Commission (6-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

1

City Council Meeting

0

RECOMMENDATION:

The Planning Commission (6-0 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 04-12-07 Planning Commission Meeting Item 22

Motion made by GARY REESE to Hold in Abeyance Items 64, 114-117, 122, 134-139, 157, 162, 164 and 167-170 to 6/06/2007; Items 155, 156, 163, 165 and 166 to 6/20/2007; Strike Item 106; Table Items 111-113; and Withdraw Without Prejudice Item 158

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

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



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 16, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ZON-18773 - APPLICANT/OWNER: CARLOS AVEMARIA

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. A General Plan Amendment (GPA-18776) to a SC (Service Commercial) land use designation approved by the City Council.
2. A Resolution of Intent with a two-year time limit is hereby granted.
3. A Site Development Plan Review (SDR-19330) 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

4. Contact the City Engineer's Office to coordinate the development of this project with the "Coran Rancho Vegas Sewer Rehabilitation" project and the "Vegas Drive, Michael Way to Rancho Drive" project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.
5. Construct half-street improvements including appropriate transition paving on Marietta Avenue adjacent to this site concurrent with on-site development activities.
6. Remove and replace all substandard public street improvements, if any, adjacent to this site on Vegas Drive and replace with new improvements meeting current City Standards concurrent with on-site development activities. 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. Coordinate with the Land Development section of the Department of Public Works to determine what improvements are substandard.
7. This site will be subject to the traffic signal impact fee as required by Ordinance No. 5644 at the time permits are issued.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Rezoning from O (Office) and R-D (Single Family Residential - Restricted) to C-1 (Limited Commercial) on 0.61 acres at 5200 Vegas Drive.

Staff finds the Rezoning to be appropriate as it would bring the zoning into conformance with the proposed SC (Service Commercial) General Plan designation, and the uses allowed with the proposed C-1 (Limited Commercial) zoning district are compatible with the density in the area.

A related General Plan Amendment (GPA-18776), Special Use Permit (SUP-18774), and Site Development Plan Review (SDR-19330) will be considered concurrently.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
10/01/03	The City Council approved the Annexation [A-0022-01(A)] of property described generally as located on the north side of Vegas Drive, approximately 735 feet east of Michael Way.
12/28/05	Code Enforcement opened a case #37233 citing an inoperable motor home in the backyard. The case was closed.
09/01/06	Code Enforcement opened a case #45987 citing the property owner for illegal storing of trailers, dump trucks and inoperable vehicles in the back yard. In addition, the site is not zoned for a commercial business. The case is still open.
04/12/07	The Planning Commission recommended approval of companion items GPA-18776; SUP-18774 and SDR-19330 concurrently with this application. The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #22/jm).
<i>Related Building Permits/Business Licenses</i>	
12/28/06	A Non-work Certificate of Occupancy approved for Nevada First DMV services (Business license #P27-00266) under the Plan Check #L1464-06.
<i>Pre-Application Meeting</i>	
01/12/07	A pre-application conference was held and elements of this development were discussed. It was noted that the proposed use is not permitted within the existing zone, that a General Plan Amendment, Rezoning, Site Development Review would be necessary, and that a Special Use Permit would be required. In addition, the applicant was informed that Waivers for perimeter landscaping would be required if he was to keep the site the same.

Neighborhood Meeting	
01/02/07	A neighborhood meeting was held at 5:30 PM at Buenos Aires Air, 5200 Vegas Drive. Seven members of the public attended. The business has been operating business for two years at the site. Questions mentioned at the meeting pertained to the following: • Wall • Access to Marietta • Chemical storage • The storage of heavy equipment would only be vans • Hours of operation are 7:00 AM to 5:00 PM, 10 employees • Trailers to be removed and no on-site manufacturing.

Details of Application Request	
Site Area	
Net Acres	0.61

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial HVAC	R (Rural Density Residential)	O (Office) & R-D (Single Family Residential Restricted)
North	Single Family Residential	R (Rural Density Residential)	R-1 (Low Density Residential)
South	Duplex	M (Medium Density Residential)	R-3 (Medium Density Residential)
East	Clark County	R (Rural Density Residential)	Clark County
West	Group Home Facility	R (Rural Density Residential)	R-E (Residence Estates)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	Y
A-O Airport Overlay District (105 feet)	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

ANALYSIS

The applicant has requested a Rezoning from O (Office) and R-D (Single Family - Residential Restricted) to a C-1 (Limited Commercial) District. The C-1 District is intended to provide most retail shopping and personal services, and may be appropriate for mixed use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-1 District is consistent with the Service Commercial and the Neighborhood Center categories of the General Plan.

The property gains access from Vegas Drive, an 80-foot Secondary Collector as designated by the Master Plan Streets and Highways, which is an adequate thoroughfare for the commercial zone requested. As this development proposal is located on the periphery of residential neighborhoods, and Vegas Drive is a secondary collector, it is compatible with the surrounding land uses and zoning districts.

In addition to the rezoning, the applicant has requested additional applications. The applicant has requested a General Plan Amendment (GPA-18776) to SC (Service Commercial). A Special Use Permit (SUP-18774) has been requested as the proposed Building Maintenance Service and Sales use in a C-1 (Limited Commercial Zone) requires one.

FINDINGS

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

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

The proposed C-1 (Limited Commercial) zone would be in conformance with the proposed SC (Service Commercial) General Plan Amendment (GPA-18776).

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

The C-1 (Limited Commercial) zoning district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. As this development proposal is located on the periphery of residential neighborhoods and Vegas Drive is a Secondary Collector as designated by the Master Plan Streets and Highways, it is 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.”**

The growth and development factors indicate a need for commercial development. The property gains access from Vegas Drive, an 80-foot Secondary Collector as designated by the Master Plan Streets and Highways, which is an adequate thoroughfare for the commercial zone requested.

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.”**

Vegas Drive is an 80-foot wide Secondary Collector as designated by the Master Plan Streets and Highways which will not be adversely impacted by the proposed C-1 (Limited Commercial) zoning district.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 7

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 370 by Planning Department

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **ZON-18773** APN: 138-24-801-027

Name of Property Owner: CARLOS AVEINARIT

Name of Applicant: Carlos Auerbach

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: _____

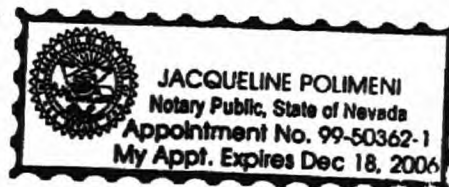
Print Name:

Carlos Avelar

Subscribed and sworn before me

This 12 day of December, 2006

Notary Public in and for said County and State



MARIETTA AVENUE

GENERAL PLAN
EXISTING RURAL

PROPOSED
LANDSCAPE

Instructions: Use

LANDSCAPE RUM WALL (PROPOSED)

EXISTING WALL TO BE CLOSED

EXISTING WALL

GENERAL PLAN
EXISTING RURAL

Existing Concrete R.O.

Total Project Estimated Size: 11 Acres

ALL OTHER REMAINS TO REMAIN UNCHANGED

PROPOSED
STRUCTURES
TO REMAIN

PROPOSED
STRUCTURES
TO REMAIN

GENERAL PLAN
EXISTING RURAL
STRUCTURE TO REMAIN THE SAME NO CHANGES

EXISTING
CONCRETE FENCING
Existing Concrete R.O.

EXISTING GATE
TRASH 17' ENCLOSURE
4' SIDE WALK
PROPOSED

GENERAL PLAN
EXISTING RURAL

SITE INFORMATION

Parcel Area	1.0000
Side Area	0.0000
Lot Coverage	1.00%
Parking Required	100.00
Parking Provided	100.00
IRC Required	1.00
IRC Provided	1.00
Set Backs:	
Front	10.00
Rear	10.00
Side West	10.00
Side East	10.00
Lot Coverage	1.00%
Side Area	0.0000
Side Area	0.0000

Side Area	0.0000
Side Area	0.0000
Side Area	0.0000
Side Area	0.0000
Side Area	0.0000
Side Area	0.0000
Side Area	0.0000
Side Area	0.0000
Side Area	0.0000
Side Area	0.0000

Single Family Home

Single Family Home

RECEIVED
MAR 28 2007

VEGAS DRIVE

GPA-18776 ZON-18773
SUP-18774 SDR-19330
REVISED 04/12/07 PC

NORTH

SITE PLAN
LANDSCAPE 3
Scale Size

DATE

DATE
10/11/07

DATE
10/11/07

DATE
10/11/07

DATE
10/11/07

DATE
10/11/07

DATE
10/11/07

DATE
10/11/07

EXISTING WALL

EXISTING GATE

GENERAL PLAN
EXISTING RURAL

Jurisdiction
Las Vegas

Existing Zoning R-D

Total Parcel Estimated Size .61 Acres

(LAND TO REMAIN "AS IS". NO CHANGES)

Proposed C-1

GENERAL PLAN DESIGNATION
PROPOSED SERVICE COMMERCIAL

ZONE DIVISION LINE

GENERAL PLAN
EXISTING RURAL

(STRUCTURE TO REMAIN THE SAME. NO CHANGES)

EXISTING
CEMENTED PARKING

Existing Zoning - "O"

Exit

EXISTING GATE

Exit

GATE

Proposed C-1

GENERAL PLAN DESIGNATION
PROPOSED SERVICE COMMERCIAL

Shaded area
Landscape

GENERAL PLAN
EXISTING RURAL

Zone - R-E

Single Family Home

SITE INFORMATION

Parcel Area:	.61 Acres
Blag Area:	1548sf
Lot Coverage:	5.80%
Parking required:	1/300sf (6)
Parking Provided	14
HC required	1
HC provided	1
Set Backs:	
Front:	37'
Rear:	192'
Side (west):	10'
Side (east):	36'

Lot Coverage:

1548' / .61 acres

1548' / 26,571.6' = .058 = 5.8%

ZON-18773
04/12/07 PC

Single Family Home

RECEIVED
DEC 14 2006

ADDRESS
5200 VEGAS DRIVE
LAS VEGAS
NEVADA

COUNTY
CLARK

PARCEL NUMBER
138-24-801-027

CARD NO.



JUSTIFICATION LETTER

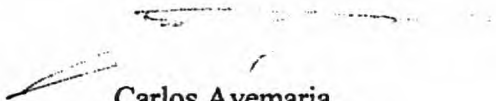
March 27, 2007

Planning & Development
731 South Forth Street
Las Vegas, NV 89101
Tel: (702) 229-4714
Fax: (702) 385-7268

Att: Steve Swanton
Re: Property at 5200 Vegas Drive
Parcel # 138-24-801-027
To: whom it may concern

My name is Carlos Avemaria, I am the owner of the property located at 5200 Vegas drive, Las Vegas, Nevada 89108. This letter is to identify the changes proposed in respects of the site development plan review done by the planning and Development Department. In accordance with the requirements for this property to become C-1 we are doing the following changes. We are blocking an existing gate that is in the back wall of the property to not have access from the back of the property (Marietta Street) to the inside of the property. We are planting 5 trees 8' from the back wall to satisfy the 8' buffer in the back of the property to meet the requirements from the site plan review. We also have two accessories structures that we use to stock all of our parts that we need to be able to operate our business properly. If there is any questions or concerns please do not hesitate to call me at the following number (702) 491-7076.

Sincerely yours,


Carlos Avemaria
President
Buenos Aires A/C & Heating, Inc.

GPA-18776 ZON-18773
SUP-18774 SDR-19330
REVISED 04/12/07 PC

RECEIVED
MAR 28 2007



JUSTIFICATION LETTER

December 12, 2006

Planning & Development
731 South Forth Street
Las Vegas, NV 89101
Tel: (702) 229-4714
Fax: (702) 385-7268

Att: Steve Swanton
Re: Property at 5200 Vegas Drive
Parcel # 138-24-801-027
To: whom it may concern

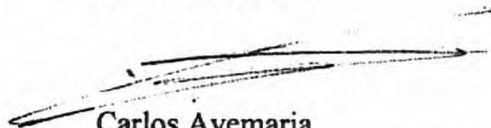
My name is Carlos Avemaria, I am the property owner located at 5200 Vegas drive, Las Vegas, Nevada 89108. Stephanie Demoleas (inspector 17) came by the mentioned property on 9/6/06 and noticed some problems complying with the codes for the zones assigned to this location which brought up to my attention that zone changes will need to be made. The situation is the following ,This property has one parcel yet it has two different zones, the front is Office ("O") and the back half is zoned as residential (R-D) , this is how the property was obtained when bought from the previous owner, who also like my self had an Air conditioning company in this location, before and after the annexation where the jurisdiction was changed from Clark County to City of Las Vegas, I have been in this property for two years now in which I have grown my Business, we are up to 6 company vehicles, where they need to be parked in the back of the office, since I have such a big lot (around ½ acre) in the back of the office with no building structure. I have talked to a planner reviewer from the city of Las Vegas and he has inform me about codes for this property under the current zones, which disables my business to operate properly, stating that after 9 p.m. there is no vehicles to be parked any where, neither in the residential or office area of my property (5200 Vegas Drive Las Vegas , NV 89108) , also that after 9 p.m. there couldn't be any personal inside the building structure. I need a place to park some company vehicles during slow seasons, there is no space in the apartment complex where I live to park more than one vehicle , I was not aware of this situation since the previous owner of this property had no problems from Clark County or city of Las Vegas, when he had his Air Conditioning Company working out of this property.

I need to have the existing zones changed ("R-D" and "o" to one zone C-1 to be able to comply with the city codes and requirements for being able to operate my Air Conditioning & Heating business at this mentioned location, to be able to dispatch, also park the company vehicles after 9:00pm , To change it to C-1 zoning I will also need to apply for changing the General Plans, from "Rural" to "Service commercial", applying

ZON-18773
04/12/07 PC

for a Special use permit for building maintenance , service and sales will also be required, to operate my HVAC business to its full capacity. I believe that this zone/general plan change will support existing city policies and regulations due to very near locations are already converted to C-1 (five lots east & four lots west are C-1 properties). There will be no changes made to this site as part of this application, any future changes will be done through a site development plan review. If there is any questions or concerns please do not hesitate to get a hold of me at either my e-mail address buenosairesacand01@sprintpcs.com or directly to my cellular number (702) 491-7076 or via mail at 5200 Vegas Drive, Las Vegas, Nevada 89108 and thank you for taking this justification letter in consideration.

Sincerely yours ,



Carlos Avemaria
President
Buenos Aires A/C & Heating, Inc.

ZON-18773
04/12/07 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**

DATE: 11 April 2007

FAX: 877-2438

TO: DOUG RANKIN

REGARDING: 12 April 2007—Agenda Items #21-24

We attended the neighborhood meeting held by the applicant at 5200 Vegas Drive.

The answers to our questions and our checking of the zones of the surrounding area provides us reasons to request APPROVAL of these 4 Avemaria items.

June INGRAM
President of Charleston Neighborhood Preservation

June Ingram

ITEM # 21-24
CASE # GA-18776
PC MTG 412-07

20N-18773
SWP-18774
SOR-1933C

A

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: MAY 16, 2007

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

SPECIAL USE PERMIT RELATED TO GPA-18776 AND ZON-18773

SUP-18774 - PUBLIC HEARING - APPLICANT/OWNER: CARLOS AVEMARIA - Request for a Special Use Permit FOR AN EXISTING BUILDING MAINTENANCE SERVICE AND SUPPLY ESTABLISHMENT at 5200 Vegas Drive (APN 138-24-801-027), O (Office) and R-D (Single Family Residential - Restricted) Zones [PROPOSED: C-1 (Limited Commercial) Zone], Ward 5 (Williams). The Planning Commission (6-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

1

City Council Meeting

4

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

1

City Council Meeting

1

RECOMMENDATION:

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Returned postcard protests and support
6. Back-up referenced from the 04-12-07 Planning Commission Meeting Item 23

Motion made by GARY REESE to Hold in Abeyance Items 64, 114-117, 122, 134-139, 157, 162, 164 and 167-170 to 6/06/2007; Items 155, 156, 163, 165 and 166 to 6/20/2007; Strike Item 106; Table Items 111-113; and Withdraw Without Prejudice Item 158

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

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



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 16, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-18774 - APPLICANT/OWNER: CARLOS AVE MARIA

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Rezoning (ZON-18773) and Site Development Plan Review (SDR-19330) 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 City Code requirements and design standards of all City departments must be satisfied, except as modified herein.
4. Outside storage shall be screened from view from adjacent properties and streets.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for an existing Building Maintenance Service and Sales establishment at 5200 Vegas Drive. The subject site contains an existing building; however the Building Maintenance Service and Sales use requires a Special Use Permit. The site is physically suitable for this proposed use; therefore, staff recommends approval.

A related General Plan Amendment (GPA-18776), Rezoning (ZON-18773), and Site Development Plan Review (SDR-19330) will be considered concurrently.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
10/01/03	The City Council approved the Annexation [A-0022-01(A)] of property described generally as located on the north side of Vegas Drive, approximately 735 feet east of Michael Way.
12/28/05	Code Enforcement opened a case #37233 citing an inoperable motor home in the backyard. The case was closed.
09/01/06	Code Enforcement opened a case #45987 citing the property owner for illegal storing of trailers, dump trucks and inoperable vehicles in the back yard. In addition, the site is not zoned for a commercial business. The case is still open.
04/12/07	The Planning Commission recommended approval of companion items GPA-18776; ZON-18773 and SDR-19330 concurrently with this application. The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #23/jm).
<i>Related Building Permits/Business Licenses</i>	
12/28/06	A Non-work Certificate of Occupancy approved for Nevada First DMV services (Business license #P27-00266) under the Plan Check #L1464-06.
<i>Pre-Application Meeting</i>	
01/12/07	A pre-application conference was held and elements of this development were discussed. It was noted that the proposed use is not permitted within the existing zone, that a General Plan Amendment, Rezoning, Site Development Review would be necessary, and that a Special Use Permit would be required. In addition, the applicant was informed that Waivers for perimeter landscaping would be required if he was to keep the site the same.

Neighborhood Meeting	
01/02/07	A neighborhood meeting was held at 5:30 PM at Buenos Aires Air, 5200 Vegas Drive. Seven members of the public attended. The business has been operating business for two years at the site. Questions mentioned at the meeting pertained to the following: • Wall • Access to Marietta • Chemical storage • The storage of heavy equipment would only be vans • Hours of operation are 7:00 AM to 5:00 PM, 10 employees • Trailers to be removed and no on-site manufacturing.

Details of Application Request	
Site Area	
Net Acres	0.61

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial HVAC	R (Rural Density Residential)	O (Office) & R-D (Single Family Residential Restricted)
North	Single Family Residential	R (Rural Density Residential)	R-1 (Low Density Residential)
South	Duplex	M (Medium Density Residential)	R-3 (Medium Density Residential)
East	Clark County	R (Rural Density Residential)	Clark County
West	Group Home Facility	R (Rural Density Residential)	R-E (Residence Estates)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	Y
A-O Airport Overlay District (105 feet)	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

Pursuant to Title 19.08, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Width	100 Feet	100 Feet	Y
Min. Setbacks • Front • Side • Corner • Rear	20 Feet 10 Feet NA 20 Feet	37 Feet 10 Feet 192 Feet	Y
Max. Lot Coverage	50%	5.8%	Y
Max. Building Height	NA	13 Feet	Y
Trash Enclosure	Yes	25 Feet	N*
Mech. Equipment	Yes, screened	Yes	Y

**A condition has been added to bring this standard to code.*

Pursuant to 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	Zero Trees	N*
Buffer:				
Min. Trees	1 Trees/20 Linear Feet	34 Trees	7 Trees	N*
TOTAL		36 Trees	7 Trees	N*
Min. Zone Width (Right-of-way) Front	15 Feet		4 Feet	N*
Min. Zone Width (Right-of-way) Rear	15 Feet		15 Feet	Y
Min. Zone Width (Interior)	8 Feet		Zero Feet	N*
Wall Height	8 Feet		8 Feet	Y

**Waivers have been requested.*

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	
Building Maintenance and Supply Establishment	1,548 SF	1/300 GFA	5	1	13	1	Y
TOTAL			6		14		Y

<i>Waivers</i>		
<i>Request</i>	<i>Requirement</i>	<i>Staff Recommendation</i>
Waiver to allow no perimeter landscape buffers along the north and east property lines and a portion of the west property line where eight feet is required and a four-foot wide perimeter landscape buffer along the south property line.	15 Feet	Denial
Zero Parking Lot Landscape Fingers	1 per 6 parking spaces	Denial

ANALYSIS

The proposed Building Maintenance Service and Sales establishment use is allowed with the approval of a special use permit in the C-1 (Service Commercial) zoning district. Building Maintenance Service and Sales is defined in Title 19 as a facility or area for contracting services such as building repair and maintenance, the installation of plumbing, electrical, air conditioning and heating equipment, janitorial services, and exterminating services. The retail sale of supplies is permitted as an accessory use. There is one base condition for approval of a Special Use Permit for a Building Maintenance Service and Sales establishment. The condition states that outside storage shall be screened from view from adjacent properties and streets.

This is an existing office development that was annexed into the City of Las Vegas from Clark County in 10/01/03. The office was operating as a Building Maintenance Service and Sales establishment without proper zoning and permits. The applicant is proposing to acquire the appropriate permits and approvals to legally operate a Building Service and Sales establishment.

The proposed Building Maintenance Service and Sales use requires six parking spaces, including one handicap accessible space. The submitted site plan indicates 13 parking spaces will be provided, including the one handicap space depicted as van accessible. Therefore, the site exceeds Title 19 parking standards.

The proposed C-1 (General Commercial) zoning on the site is appropriate for this use and compatible with other commercial uses along Vegas Drive. Staff is recommending approval of this application. However, staff is recommending denial of companion Site Development Plan Review (SDR-19330), due to the applicant's request for waivers to the code requirements for perimeter landscape buffer widths, materials and parking lot landscaping.

FINDINGS

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

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

Although there is residential to the north and east of the property, the property gains access from Vegas Drive, an 80-foot Secondary Collector as designated by the Master Plan Streets and Highways, which is an adequate thoroughfare for the commercial zone requested. As this development proposal is located on the periphery of residential neighborhoods and Vegas Drive is a secondary collector, it is compatible with the surrounding land uses and zoning districts.

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

The subject site contains an existing building; however the Building Maintenance Service and Sales use requires a Special Use Permit. The site is physically suitable for this proposed use.

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

The site gains access to Vegas Drive, an 80-foot secondary collector as designated by the Master Plan Streets and Highways. These roadways will be adequate to meet the demand of the uses on the site.

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

The businesses on the subject site are routinely inspected for compliance to applicable codes; therefore, the public health, safety, and general welfare will be safeguarded.

5. **The use meets all of the applicable conditions per Title 19.04.**

The use meets the applicable condition for the Building Maintenance Service and Sales use.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

7

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 362 by City Clerk

APPROVALS 0

PROTESTS 1

MARIETTA AVENUE

GENERAL PLAN
EXISTING RURAL

PROPOSED
LANDSCAPE

LANDSCAPE ROM WALL (PROPOSED)

EXISTING GATE TO BE CLOSED

EXISTING WALL

GENERAL PLAN
EXISTING RURAL

EXISTING LANDSCAPE

EXISTING GATE TO BE CLOSED

EXISTING WALL TO REMAIN

PROPOSED
STRUCTURES
TO REMAIN

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GENERAL PLAN
EXISTING RURAL

SITE INFORMATION

Parcel - res	10000
Block - res	10000
Lot Coverage	100%
Parking required	20000
Parking provided	20000
IRC required	100%
IRC provided	100%
Set Backs:	
Front	100'
Side	100'
Side West	100'
Side East	100'

Lot Coverage	100%
Block Coverage	100%
Lot Area	10000

Set Backs:	
Front	100'
Side	100'
Side West	100'
Side East	100'

Single Family Home

Single Family Home

DECEIVE
MAR 28 2007

VEGAS DRIVE

GPA-18776 ZON-18773
SUP-18774 SDR-19330
REVISED 04/12/07 PC

NORTH

SITE PLAN
LANDSCAPE 2
Scale Size

DA 01

EXISTING WALL

EXISTING GATE

GENERAL PLAN
EXISTING RURAL

Jurisdiction
Las Vegas

Existing Zoning R-D

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PROPOSED SERVICE COMMERCIAL

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EXISTING RURAL
(STRUCTURE TO REMAIN THE SAME, NO CHANGES)

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Exit

EXISTING GATE

Exit

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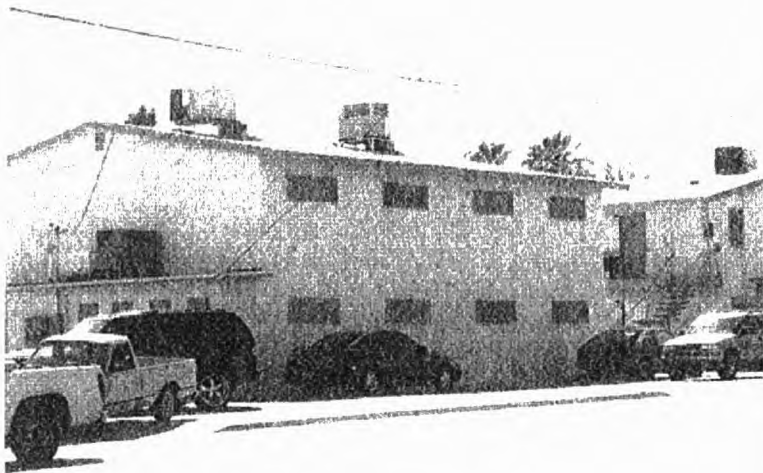
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PARCEL NUMBER
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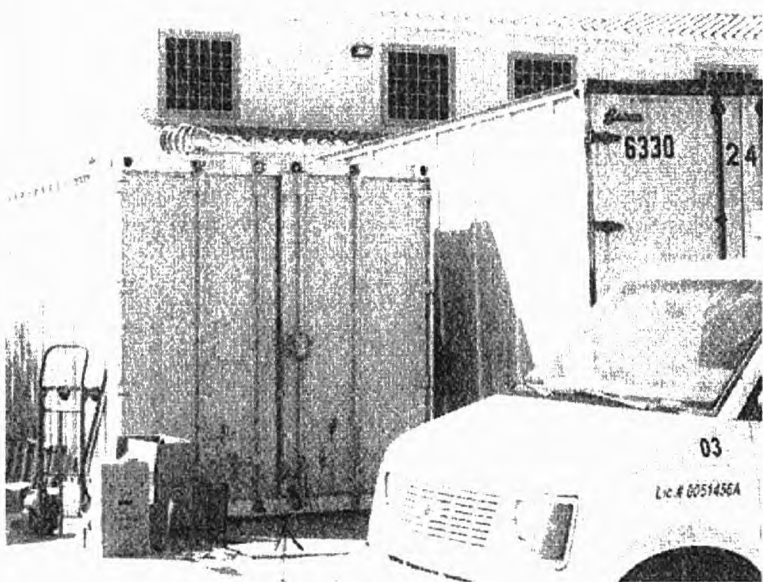
CARLOS



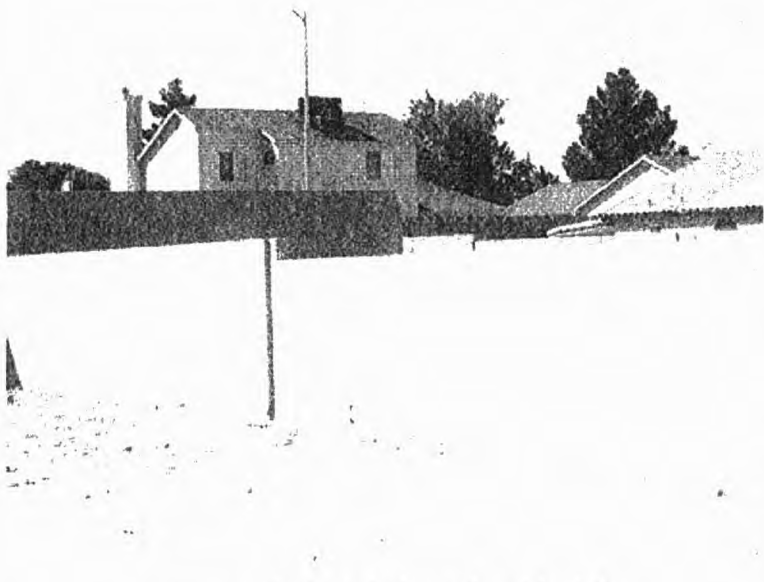
Access drive



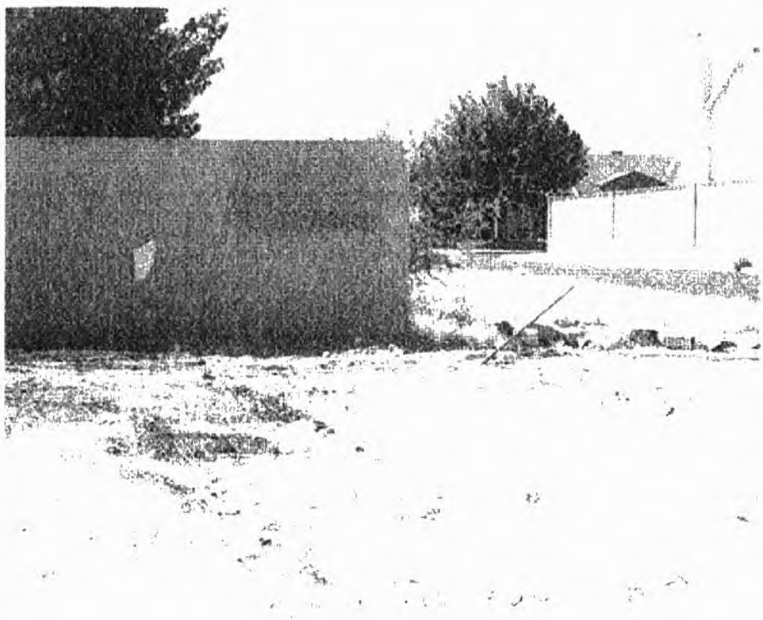
Back side drive

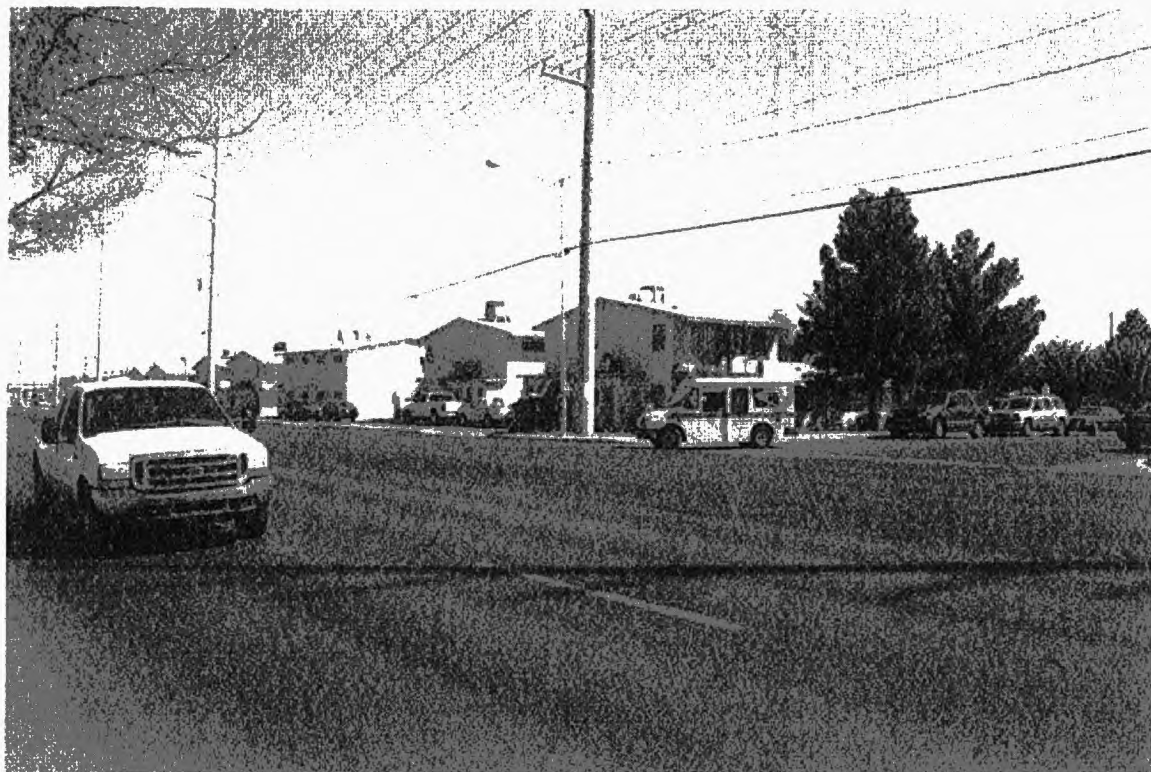


Internal storage



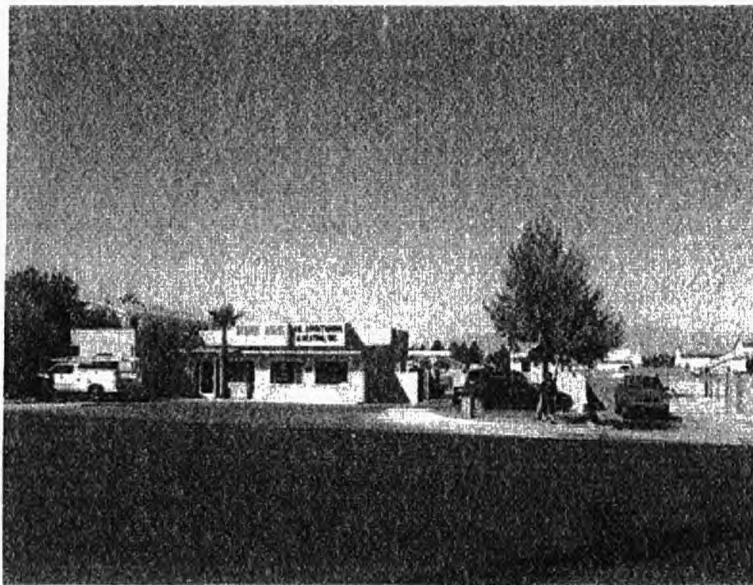
Front side drive



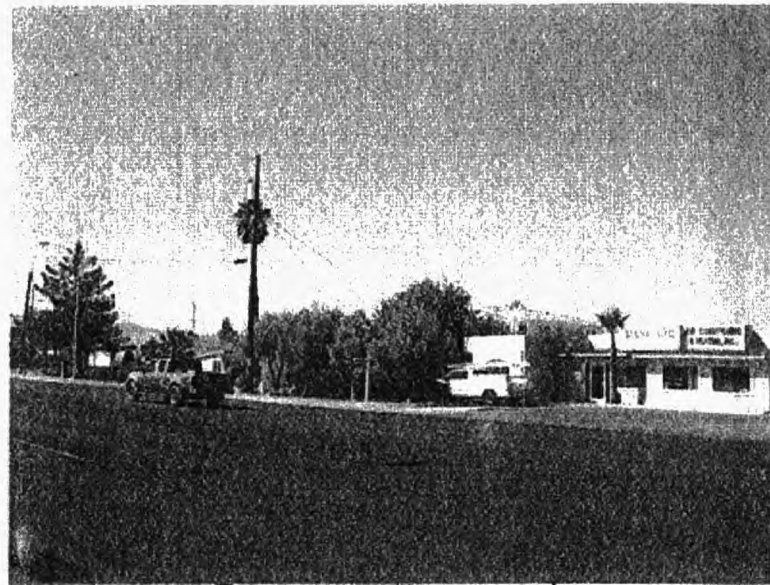


Ross 7th Street

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K
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front view (10/25/05)



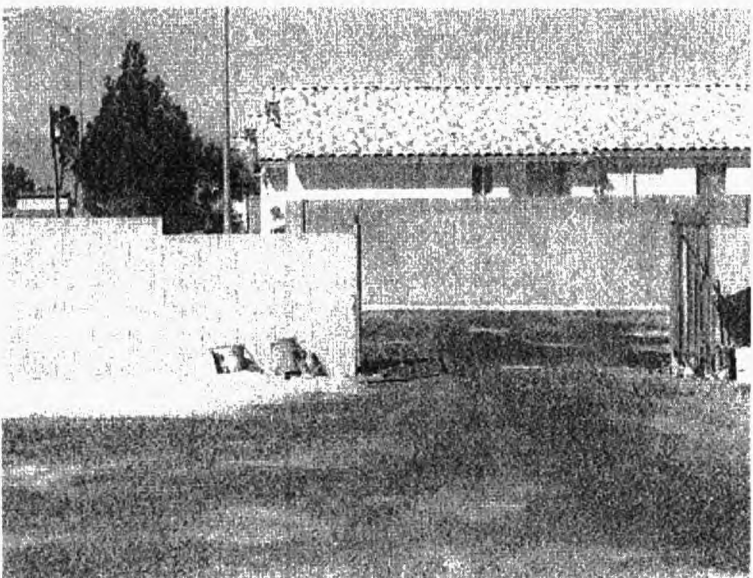
Office and Buildings
next to it.



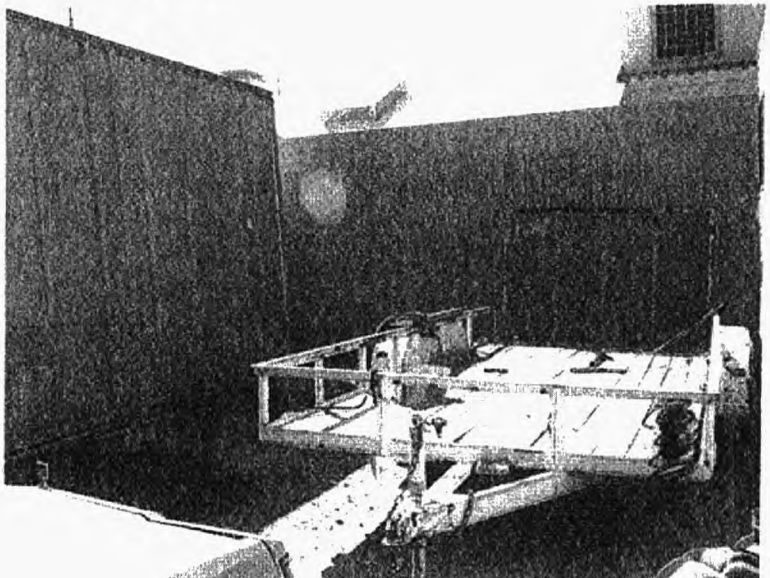
businesses next to office



the company vehicle parked back of
office



Back Gate



scissor lift needed to
have the lift to the parking lot



JUSTIFICATION LETTER

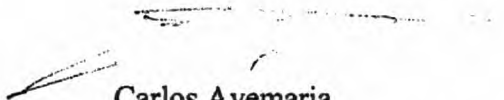
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To: whom it may concern

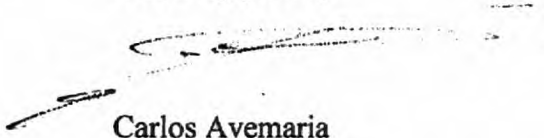
My name is Carlos Avemaria, I am the property owner located at 5200 Vegas drive, Las Vegas, Nevada 89108. Stephanie Demoleas (inspector 17) came by the mentioned property on 9/6/06 and noticed some problems complying with the codes for the zones assigned to this location which brought up to my attention that zone changes will need to be made. The situation is the following, This property has one parcel yet it has two different zones, the front is Office ("O") and the back half is zoned as residential (R-D), this is how the property was obtained when bought from the previous owner, who also like my self had an Air conditioning company in this location, before and after the annexation where the jurisdiction was changed from Clark County to City of Las Vegas, I have been in this property for two years now in which I have grown my Business, we are up to 6 company vehicles, where they need to be parked in the back of the office, since I have such a big lot (around ½ acre) in the back of the office with no building structure. I have talked to a planner reviewer from the city of Las Vegas and he has inform me about codes for this property under the current zones, which disables my business to operate properly, stating that after 9 p.m. there is no vehicles to be parked any where, neither in the residential or office area of my property (5200 Vegas Drive Las Vegas, NV 89108), also that after 9 p.m. there couldn't be any personal inside the building structure. I need a place to park some company vehicles during slow seasons, there is no space in the apartment complex where I live to park more than one vehicle, I was not aware of this situation since the previous owner of this property had no problems from Clark County or city of Las Vegas, when he had his Air Conditioning Company working out of this property.

I need to have the existing zones changed ("R-D" and "o" to one zone C-1 to be able to comply with the city codes and requirements for being able to operate my Air Conditioning & Heating business at this mentioned location, to be able to dispatch, also park the company vehicles after 9:00pm, To change it to C-1 zoning I will also need to apply for changing the General Plans, from "Rural" to "Service commercial", applying

SUP-18774
04/12/07 PC

for a Special use permit for building maintenance , service and sales will also be required, to operate my HVAC business to its full capacity. I believe that this zone/general plan change will support existing city policies and regulations due to very near locations are already converted to C-1 (five lots east & four lots west are C-1 properties). There will be no changes made to this site as part of this application, any future changes will be done through a site development plan review. If there is any questions or concerns please do not hesitate to get a hold of me at either my e-mail address buenosairesacand01@sprintpcs.com or directly to my cellular number (702) 491-7076 or via mail at 5200 Vegas Drive, Las Vegas, Nevada 89108 and thank you for taking this justification letter in consideration.

Sincerely yours ,



Carlos Avemaria
President
Buenos Aires A/C & Heating, Inc.

SUP-18774
04/12/07 PC

City of Las Vegas
City Clerk
City Hall, First Floor
400 Stewart Avenue
Las Vegas, Nevada 89101

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001 MAY -8 A 10: 54



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COLDREN RONALD A & SALLY A
5280 HAYES AVE
LAS VEGAS NV 89108-2315

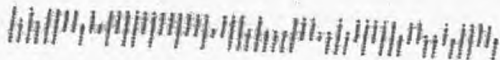


I SUPPORT
this Request



I OPPOSE
this Request

SUP-18774

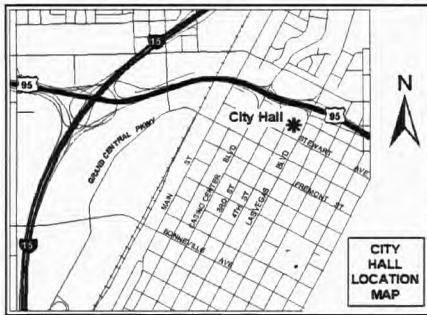


City of Las Vegas
City Clerk
City Hall, First Floor
400 Stewart Avenue
Las Vegas, Nevada 89101

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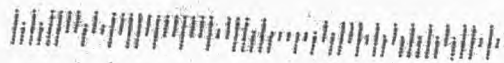
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SMITH JOAN R
5325 MARIETTA AVE
LAS VEGAS NV 89108-2366

☐ I SUPPORT
this Request

☒ I OPPOSE
this Request

SUP-18774

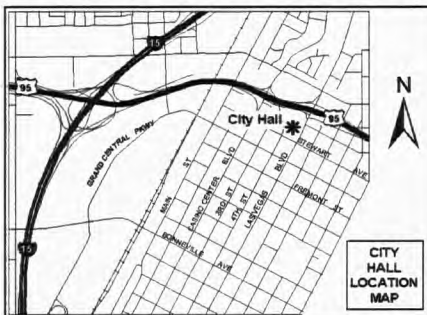


City of Las Vegas
City Clerk
City Hall, First Floor
400 Stewart Avenue
Vegas, Nevada 89101

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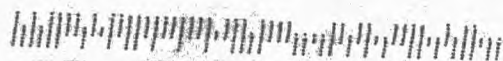
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FRALEY DAVID
5325 MARIETTA AVE
LAS VEGAS NV 89108-2366

☐ I SUPPORT
this Request

☒ I OPPOSE
this Request

SUP-18774



Application Information

SUP-18774 - SPECIAL USE PERMIT - PUBLIC HEARING -
APPLICANT/OWNER: CARLOS AVEMARIA - REQUEST FOR A SPECIAL
USE PERMIT FOR AN EXISTING BUILDING MAINTENANCE SERVICE
AND SUPPLY ESTABLISHMENT AT 5200 VEGAS DRIVE (APN 138-24-801-
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WARD 5 (WILLIAMS). NOTE: THIS APPLICATION IS FOR AN EXISTING
BUILDING MAINTENANCE SERVICE AND SALES ESTABLISHMENT.

Application Location



The proposed project might not pertain to the entire
highlighted project site.

Public Hearing Information

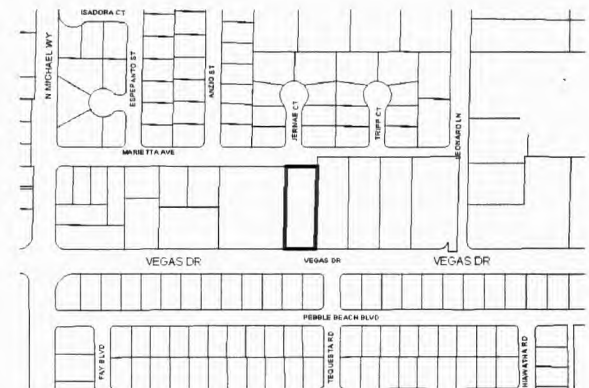
Meeting: City Council
Date: May 16, 2007
Time: 1:00 P.M.
Location: City Council Chambers
400 Stewart Avenue
Las Vegas, Nevada

Any and all interested persons may appear and be heard at said meeting, or may, prior thereto, file written objections thereto or approvals there of with the City Clerk, 1st Floor, City Hall, 400 Stewart Avenue, Las Vegas, Nevada 89101. For further information, please call 702-229-6301 (TDD 702-386-9108), <http://www.lasvegasnevada.gov>.

Application Information

SUP-18774 - SPECIAL USE PERMIT - PUBLIC HEARING -
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City of Las Vegas
City Clerk
City Hall, First Floor
400 Stewart Avenue
Las Vegas, Nevada 89101



2007 MAY -8 A 10: 51

Official Notice of Public Hearing



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EWING MARY K
1750 LEONARD LN
LAS VEGAS NV 89108-2321

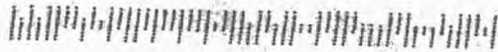


I SUPPORT
this Request



I OPPOSE
this Request

SUP-18774



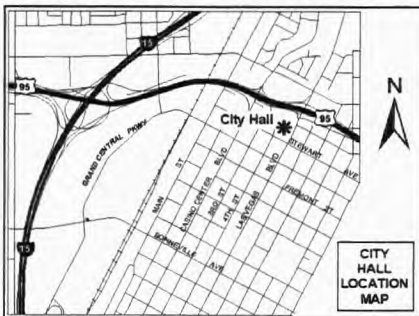
City of Las Vegas
City Clerk
City Hall, First Floor
400 Stewart Avenue
Las Vegas, Nevada 89101

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2007 MAY -8 A 10: 52

Official Notice of Public Hearing



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PORTER MAREE
1736 ANZIO ST
LAS VEGAS NV 89108-2326

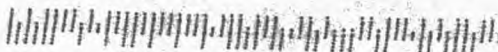


I SUPPORT
this Request



I OPPOSE
this Request

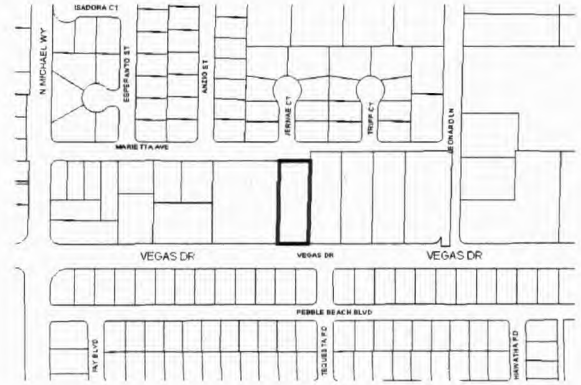
SUP-18774



Application Information

SUP-18774 - SPECIAL USE PERMIT - PUBLIC HEARING -
APPLICANT/OWNER: CARLOS AVEMARIA - REQUEST FOR A SPECIAL
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Application Location



The proposed project might not pertain to the entire
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Public Hearing Information

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Time: 1:00 P.M.
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400 Stewart Avenue
Las Vegas, Nevada

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Application Information

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Public Hearing Information

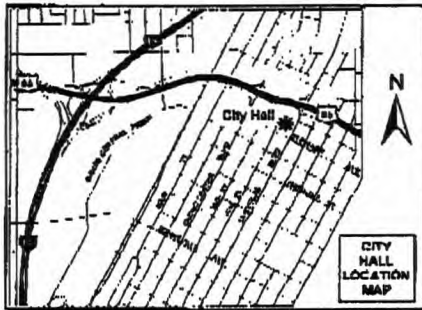
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City of Las Vegas
 City Clerk
 City Hall, First Floor
 400 Stewart Avenue
 Las Vegas, Nevada 89101



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COLDREN RONALD A & SALLY A
 5280 HAYES AVE
 LAS VEGAS NV 89108-2315

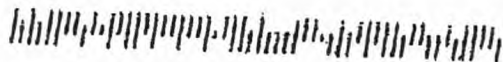


☒ I SUPPORT
 this Request



☐ I OPPOSE
 this Request

SUP-18774



Support

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 2007 MAY -7 A 8:08

**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**

R

DO YOU WANT VEGAS DRIVE TO BECOME COMMERCIAL?

BY MARCH 7, PROTEST REZONING 5200 VEGAS
DRIVE TO COMMERCIAL **SUP-18774**

YOU CAN PHONE, FAX, OR MAIL YOUR PROTEST.

CONTACT CURRENT PLANNING

PHONE 229-6301

FAX 474-0352

MAIL

CURRENT PLANNING

731 SOUTH FOURTH STREET

LAS VEGAS 89101

RE	CITY OF LAS VEGAS PLANNING COMMISSION MEETING MARCH 8, 2007 6 PM CITY COUNCIL CHAMBERS
CASE	SUP-18774
ADDRESS	5200 VEGAS DRIVE
CURRENT ZONING	O OFFICE AND R-D SINGLE FAMILY RESTRICTED
PROPOSED ZONING	C-1 LIMITED COMMERCIAL

I HEREBY **PROTEST** PROPOSED REZONING SUP-18774 TO C-1
COMMERCIAL.

NAME	NICANDRO Gallegos
ADDRESS	1701 Jernae Ct. Las Vegas NV. 89108
PHONE	(702) 631-6754

ITEM # 10
CASE # SUP-18774
PC MTG 3-8-07

DATE: 11 April 2007

FAX: 877-2438

TO: DOUG RANKIN

REGARDING: 12 April 2007—Agenda Items #21-24

We attended the neighborhood meeting held by the applicant at 5200 Vegas Drive.

The answers to our questions and our checking of the zones of the surrounding area provides us reasons to request APPROVAL of these 4 Avemaria items.

June INGRAM
President of Charleston Neighborhood Preservation

June Ingram

ITEM # 21-24
CASE # GA-18776
PC MTG 412-07

20N-18773
SWP-18774
SDR-1933C

A

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: MAY 16, 2007**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: M. MARGO WHEELER**☐ Consent ☒ Discussion**SUBJECT:**

SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-18776, ZON-18773 AND SUP-18774

SDR-19330 - PUBLIC HEARING - APPLICANT/OWNER: CARLOS AVE MARIA - Request for a Site Development Plan Review FOR A 1,548 SQUARE-FOOT OFFICE DEVELOPMENT WITH WAIVERS TO ALLOW NO PERIMETER LANDSCAPE BUFFERS ALONG THE NORTH AND EAST PROPERTY LINES AND A PORTION OF THE WEST PROPERTY LINE WHERE EIGHT FEET IS REQUIRED AND A FOUR-FOOT WIDE PERIMETER LANDSCAPE BUFFER ALONG THE SOUTH PROPERTY LINE WHERE 15 FEET IS REQUIRED on 0.61 acres at 5200 Vegas Drive (APN 138-24-801-027), O (Office) and R-D (Single Family Residential-Restricted) Zones [PROPOSED: C-1 (Limited Commercial) Zone], Ward 5 (Williams). Staff recommends DENIAL. The Planning Commission (5-1 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

1

City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (5-1 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 04-12-07 Planning Commission Meeting Item 24

Motion made by GARY REESE to Hold in Abeyance Items 64, 114-117, 122, 134-139, 157, 162, 164 and 167-170 to 6/06/2007; Items 155, 156, 163, 165 and 166 to 6/20/2007; Strike Item 106; Table Items 111-113; and Withdraw Without Prejudice Item 158

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

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



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 16, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-19330 - APPLICANT/OWNER: CARLOS AVEMARIA

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (5-1/sd vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Rezoning (ZON-18923), and Special Use Permit (SUP-18774) 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, date stamped 03/28/07 and building elevations, date stamped 01/22/07.
4. A Waiver from Title 19.12.040A Landscape, Wall and Buffer Standards is hereby approved to allow a zero-foot perimeter landscape buffer along the east and a portion of the west side yards where eight feet is required.
5. A Waiver from Title 19.12.040A Landscape, Wall and Buffer Standards is hereby approved to allow a four foot perimeter landscape buffer along the front yard where 15 feet is required.
6. A Waiver from Title 19.12.040B Landscape, Wall and Buffer Standards is hereby approved to allow 13 trees where 34 trees are required
7. A Waiver from Title 19.10.010 J11 Parking, Loading, and Traffic Standards is hereby approved, to allow zero parking lot finger where two parking lot fingers are required.
8. A revised site plan 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 the following changes. The trash enclosure shall be located a minimum of 50 feet from any property line of a protected property in accordance with 19.08.060G. The two accessory structures located in the undeveloped rear yard shall be located eight feet from the side yard setback in accordance with Title 19.08 setback standards for accessory structures.

9. This applicant shall pave the rear yard to be in conformance with material acceptable to the Clark County Air Quality management office.
10. The applicant shall remove the gate on the rear property line, replacing and enclosing it with material matching the existing block wall.
11. 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.
12. 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.
13. 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).
14. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
15. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
16. 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.
17. 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.
18. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

19. Submit an application for a deviation from Standard Drawing #222a for the driveway accessing this site from Vegas Drive.
20. All 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 and abutting street intersections.
21. Meet with the Flood Control Section of the Department of Public Works for assistance with drainage paths for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainage ways as recommended.
22. Site development to comply with all applicable conditions of approval for ZON-18773 and all other site-related actions.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for a 1,548 square-foot office development with a Waiver to allow no east property lines and a portion of the west property line where eight feet is required and a four-foot wide perimeter landscape buffer along the south property line where 15 feet is required on 0.61 acres.

The northern half is undeveloped with two storage containers located approximately 130 feet from the north property line. A condition has been added to move the containers eight feet from the side setback to meet Title 19.08 setback standards for accessory structures.

Although the proposed use would be compatible with others in the immediate area, the multiple deviations from standards indicate that the applicant is intending to overbuild the site. Therefore, denial is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
10/01/03	The City Council approved the Annexation [A-0022-01(A)] of property described generally as located on the north side of Vegas Drive, approximately 735 feet east of Michael Way.
12/28/05	Code Enforcement opened a case #37233 citing an inoperable motor home in the backyard. The case was closed.
09/01/06	Code Enforcement opened a case #45987 citing the property owner for illegal storing of trailers, dump trucks and inoperable vehicles in the back yard. In addition, the site is not zoned for a commercial business. The case is still open.
04/12/07	The Planning Commission recommended approval of companion items GPA-18776; ZON-18773; SUP-18774 concurrently with this application. The Planning Commission voted 5-1/sd to recommend APPROVAL (PC Agenda Item #24/jm).
<i>Related Building Permits/Business Licenses</i>	
12/28/06	A Non-work Certificate of Occupancy approved for Nevada First DMV services (Business license #P27-00266) under the Plan Check #L1464-06.
<i>Pre-Application Meeting</i>	
01/12/07	A pre-application conference was held and elements of this development were discussed. It was noted that the proposed use is not permitted within the existing zone, that a General Plan Amendment, Rezoning, Site Development Review would be necessary, and that a Special Use Permit would be required. In addition, the applicant was informed that Waivers for perimeter landscaping would be required if he was to keep the site the same.

Neighborhood Meeting	
01/02/07	A neighborhood meeting was held at 5:30 PM at Buenos Aires Air, 5200 Vegas Drive. Seven members of the public attended. The business has been operating business for two years at the site. Questions mentioned at the meeting pertained to the following: • Wall • Access to Marietta • Chemical storage • The storage of heavy equipment would only be vans • Hours of operation are 7:00 AM to 5:00 PM, 10 employees • Trailers to be removed and no on-site manufacturing.
Details of Application Request	
Site Area	
Net Acres	0.61

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial HVAC	R (Rural Density Residential)	O (Office) & R-D (Single Family Residential Restricted)
North	Single Family Residential	R (Rural Density Residential)	R-1 (Low Density Residential)
South	Duplex	M (Medium Density Residential)	R-3 (Medium Density Residential)
East	Clark County	R (Rural Density Residential)	Clark County
West	Group Home Facility	R (Rural Density Residential)	R-E (Residence Estates)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	Y
A-O Airport Overlay District (105 feet)	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

Pursuant to Title 19.08, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Width	100 Feet	100 Feet	Y
Min. Setbacks • Front • Side • Corner • Rear	20 Feet 10 Feet NA 20 Feet	37 Feet 10 Feet 192 Feet	Y
Max. Lot Coverage	50%	5.8%	Y
Max. Building Height	NA	13 Feet	Y
Trash Enclosure	Yes	25 Feet	N*
Mech. Equipment	Yes, screened	Yes	Y

**A condition has been added to bring this standard to code.*

Pursuant to 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	Zero Trees	N*
Buffer:				
Min. Trees	1 Trees/20 Linear Feet	34 Trees	13 Trees	N*
TOTAL		36 Trees	13 Trees	N*
Min. Zone Width (Right-of-way) Front Yard	15 Feet		4 Feet	N*
Min. Zone Width (Right-of-way) Rear Yard	15 Feet		15 Feet	Y
Min. Zone Width (Interior)	8 Feet		Zero Feet	N*
Wall Height	8 Feet		8 Feet	Y

**Waivers have been requested.*

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	
Building Maintenance Service and Sales Establishment	1,548 SF	1/300 GFA	5	1	13	1	Y
TOTAL			6		14		Y

(For Landscaping or Special Use Permits)

Waivers		
Request	Requirement	Staff Recommendation
Waiver to allow no perimeter landscape buffers along the east property lines and a portion of the west property line where eight feet is required and a four-foot wide perimeter landscape buffer along the south property line.	15 Feet	Denial
Zero Parking Lot Landscape Fingers	1 per 6 parking spaces	Denial

ANALYSIS

- Zoning

The applicant has requested a Rezoning (ZON-18733) to a C-1 (Limited Commercial) District. The C-1 District is intended to provide most retail shopping and personal services, and may be appropriate for mixed use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-1 District is consistent with the Service Commercial and the Neighborhood Center categories of the General Plan. In addition, the applicant has requested a General Plan Amendment (GPA-18776) to SC (Service Commercial).

The site does accommodate the development standards of the Limited Commercial District. Additionally, the proposed Building Maintenance Service and Sales use in a C-1 (Limited Commercial District) requires a Special Use Permit (SUP-18774).

The property gains access from Vegas Drive, an 80-foot Secondary Collector, which is an adequate thoroughfare for the commercial zone requested.

- Site Plan

The site plan shows an existing 1,548 square-foot office building. The building is situated in the south end of the 0.61 acre parcel. Of the 0.61 acre parcel approximately half of the parcel is paved and developed.

The northern half is undeveloped with two storage containers located approximately 130 feet from the north property line. The larger container is 29 feet long and nine feet wide, while the smaller container is 20 feet long and eight feet wide. The height of the containers was not submitted as part of the elevations plans; however, pictures submitted and a site visit by staff confirm that the containers height does not exceed the main structure per Title 19.08. A condition has been added to move the containers eight feet from the side setback to meet Title 19.08 setback standards for accessory structures.

The parking is located on the southern half of the parcel gaining access from Vegas Drive, an 80-foot Secondary Collector. A gate partitions the south side of the development from the north side. A condition has been added to eliminate this gate denying access from the south property onto the north.

- Waivers

The applicant has requested a Waiver of perimeter landscaping requirements. The applicant provides no perimeter landscaping on the east property line and a portion of the west property line where eight feet is required and a four-foot wide perimeter landscape buffer along the south property line where 15 feet is required. Additionally the applicant is providing less than the required number of trees along the perimeter of the site. Staff recommends denial of this waiver as the provision of trees would buffer the commercial development from the adjacent residential uses and contribute aesthetically to the area.

- Landscape Plan

The landscape plan shows a fair amount of landscaping in the front and rear yard area; however, the applicant provides a portion of landscaping on the west property line and no landscaping on the east property line. The applicant has requested a Waiver of perimeter landscaping requirements. There are trees along the west side, spaced between 20 to 30 feet on center.

- Elevation

Elevations depict a structure that is 13 feet tall. The building is very basic with little architectural embellishment.

- Floor Plan

The layout is a typical office establishment with five rooms designated for offices.

FINDINGS

The following findings must be made for an SDR:

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

Although the proposed use would be compatible with others in the immediate area, the multiple deviations from standards indicate that the applicant is intending to overbuild the site. Therefore, denial is recommended.

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;

The proposed development does not meet many of the requirements of Title 19. Deviations include issues related to lack of a trash enclosure and perimeter landscaping requirements. The large number of deviations is an indication that the development is too intense for this location; therefore, denial of this request is recommended.

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

The site gains access to Vegas Drive, an 80-foot secondary collector. For the northern half of the site, a condition has been added that states that the applicant shall pave the rear yard to be in conformance with material acceptable to the Clark County Air Quality management office.

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

Building and landscape materials are appropriate for the area and the City of Las Vegas.

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

Building and landscape materials are appropriate for the area and the City of Las Vegas.

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

Elevations and design characteristics are not unsightly and are harmonious and compatible with development in the vicinity.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

7

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 370 by Planning Department

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-19330** APN: 135-74-501-027

Name of Property Owner: Charles A. Ziegler, Jr.

Name of Applicant: Gregory Alexander

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: Thomas Anthony A

Subscribed and sworn before me

This 11 day of Dec, 2006

August 16, 1961
Notary Public in and for said County and State



MARGETTA AVENUE

GENERAL PLAN
EXISTING RURAL

PROPOSED
LANDSCAPE

18' LANDSCAPE ROM WALL (PROPOSED)

EXISTING GATE TO BE CLOSED

EXISTING WALL

GENERAL PLAN
EXISTING RURAL

EXISTING GATE TO BE CLOSED

Total Area Enclosed Side of Road

ALL OF REMAINING WALL TO BE REMOVED

STRUCTURES
TO REMAIN

20' 9' 18'

30' SIDE DIVISION SITE

GENERAL PLAN
EXISTING RURAL
STRUCTURES TO REMAIN THE SAME NO CHANGES

EXISTING GATE

EXISTING GATE

EXISTING GATE

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GENERAL PLAN
EXISTING RURAL

SITE INFORMATION

Parcel Area	1.0000
Block Area	1.0000
Lot Coverage	1.0000
Parking Required	30000
Parking Provided	0
HC Required	0
HC Provided	0
Set Backs	0
Front	0
East	0
Side West	0
Side East	0

Lot Coverage	1.0000
Block Area	1.0000
Lot Coverage	1.0000
Block Area	1.0000
Lot Coverage	1.0000
Block Area	1.0000
Lot Coverage	1.0000
Block Area	1.0000
Lot Coverage	1.0000
Block Area	1.0000

Single Family Home

Single Family Home

RECEIVED
MAR 28 2007

VEGAS DRIVE

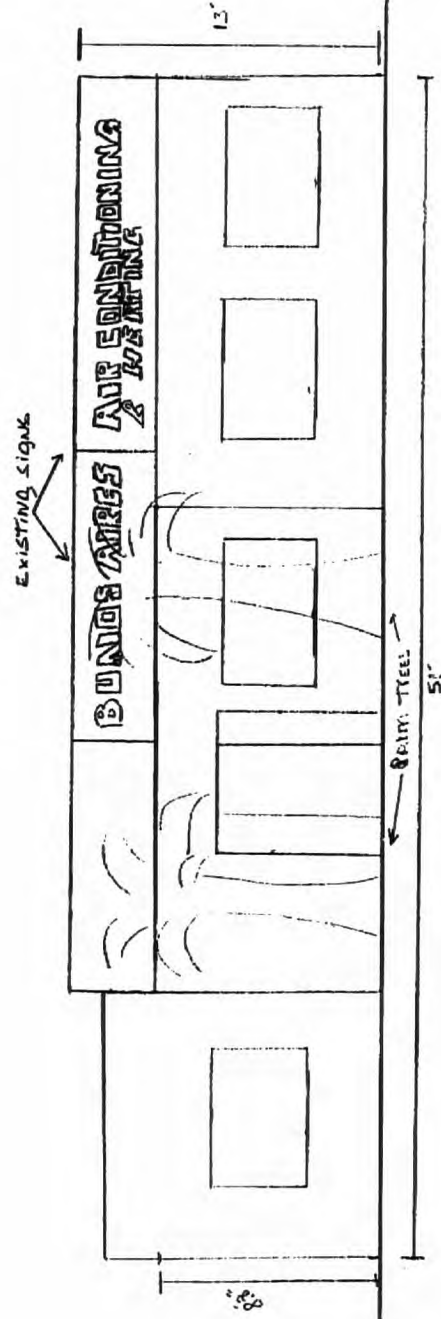
GPA-18776 ZON-18773
SUP-18774 SDR-19330
REVISED 04/12/07 PC

NORTH

SITE PLAN
LANDSCAPE
Scale Size

DATE

OUTSIDE MATERIAL: STUCCO
BUILDING COLOR: TAN



BRN

JAN 22 2007

SDR-19330
04/12/07 PC

BUILDING ELEVATION PLAN

PROJECT: 5200 VEGAS DRIVE

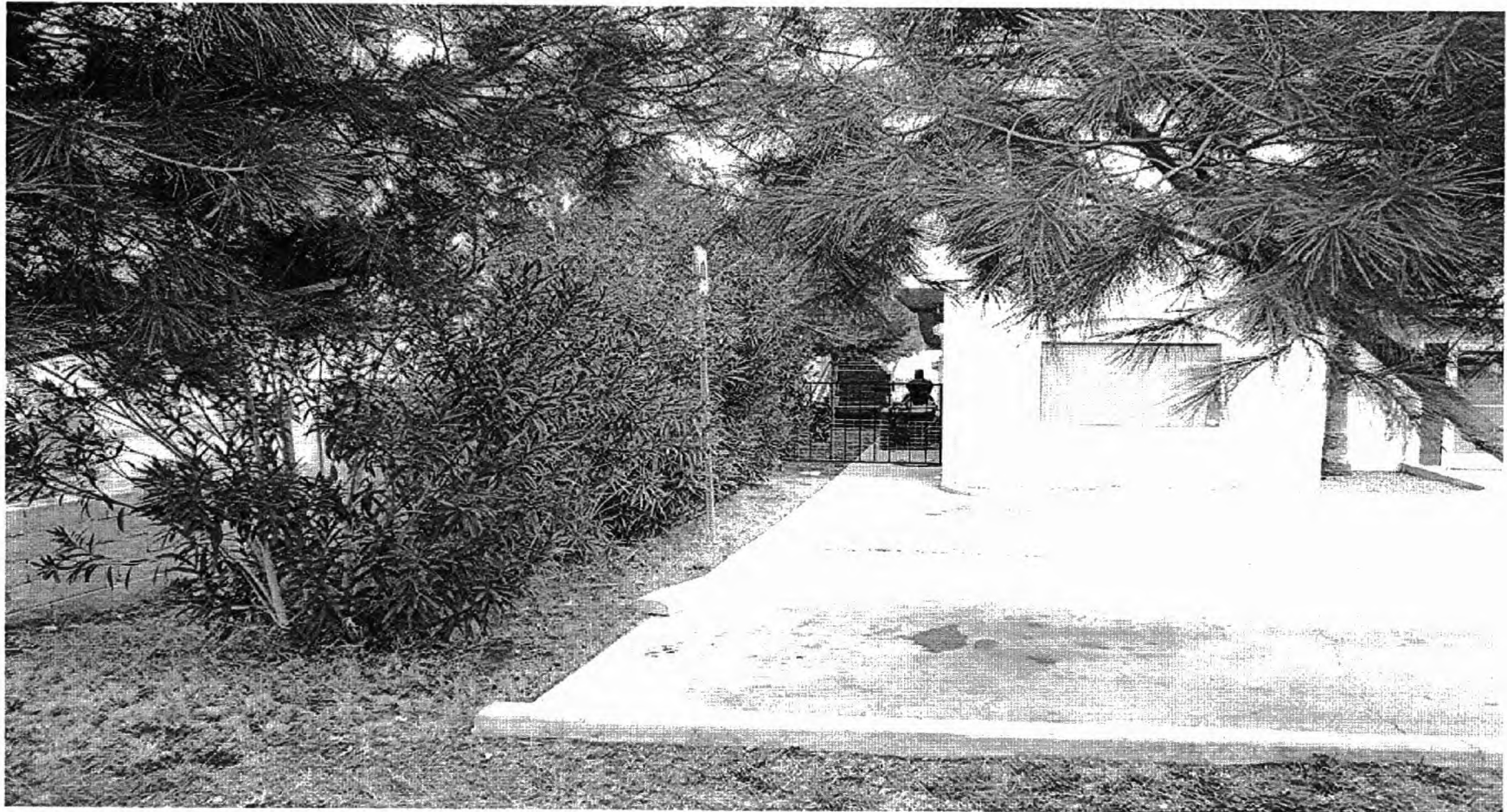
SCALE:
3/16

(North arrow is in existing building)



GPA-18776, ZON-18773, SUP-18774 AND SDR-19330 - APPLICANT/OWNER: CARLOS AVE MARIA
5200 VEGAS DRIVE
APRIL 12, 2007 PLANNING COMMISSION

01/31/07



GPA-18776, ZON-18773, SUP-18774 AND SDR-19330 - APPLICANT/OWNER: CARLOS AVE MARIA
5200 VEGAS DRIVE
APRIL 12, 2007 PLANNING COMMISSION

01/31/07



GPA-18776, ZON-18773, SUP-18774 AND SDR-19330 - APPLICANT/OWNER: CARLOS AVEMARIA
5200 VEGAS DRIVE
APRIL 12, 2007 PLANNING COMMISSION

01/31/07



GPA-18776, ZON-18773, SUP-18774 AND SDR-19330 - APPLICANT/OWNER: CARLOS AVE MARIA
5200 VEGAS DRIVE
APRIL 12, 2007 PLANNING COMMISSION

01/31/07



GPA-18776, ZON-18773, SUP-18774 AND SDR-19330 - APPLICANT/OWNER: CARLOS AVEMARIA
5200 VEGAS DRIVE
APRIL 12, 2007 PLANNING COMMISSION

01/31/07



GPA-18776, ZON-18773, SUP-18774 AND SDR-19330 - APPLICANT/OWNER: CARLOS AVEMARIA
5200 VEGAS DRIVE
APRIL 12, 2007 PLANNING COMMISSION

12/26/06



GPA-18776, ZON-18773, SUP-18774 AND SDR-19330 - APPLICANT/OWNER: CARLOS AVEMARIA
5200 VEGAS DRIVE
APRIL 12, 2007 PLANNING COMMISSION

12/26/06



JUSTIFICATION LETTER

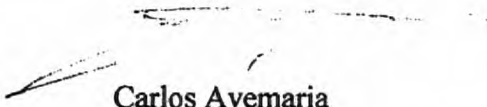
March 27, 2007

Planning & Development
731 South Firth Street
Las Vegas, NV 89101
Tel: (702) 229-4714
Fax: (702) 385-7268

Att: Steve Swanton
Re: Property at 5200 Vegas Drive
Parcel # 138-24-801-027
To: whom it may concern

My name is Carlos Avemaria, I am the owner of the property located at 5200 Vegas drive, Las Vegas, Nevada 89108. This letter is to identify the changes proposed in respects of the site development plan review done by the planning and Development Department. In accordance with the requirements for this property to become C-1 we are doing the following changes. We are blocking an existing gate that is in the back wall of the property to not have access from the back of the property (Marietta Street) to the inside of the property. We are planting 5 trees 8' from the back wall to satisfy the 8' buffer in the back of the property to meet the requirements from the site plan review. We also have two accessories structures that we use to stock all of our parts that we need to be able to operate our business properly. If there is any questions or concerns please do not hesitate to call me at the following number (702) 491-7076.

Sincerely yours,


Carlos Avemaria
President
Buenos Aires A/C & Heating, Inc.

GPA-18776 ZON-18773
SUP-18774 SDR-19330
04/12/07 PC

RECEIVED
MAR 28 2007

**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**

DATE: 11 April 2007

FAX: 877-2438

TO: DOUG RANKIN

REGARDING: 12 April 2007—Agenda Items #21-24

We attended the neighborhood meeting held by the applicant at 5200 Vegas Drive.

The answers to our questions and our checking of the zones of the surrounding area provides us reasons to request APPROVAL of these 4 Avemaria items.

June INGRAM
President of Charleston Neighborhood Preservation

June Ingram

ITEM # 21-24
CASE # GA-18776
PC MTG 412-07

20N-18773
SWP-18774
SDR-1933C

A

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: MAY 16, 2007

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

GENERAL PLAN AMENDMENT

GPA-20150 - PUBLIC HEARING - APPLICANT: DIAMOND SPRINGS LLC - OWNER: FIRST SOUTHERN BAPTIST CHURCH - Request to Amend a portion of the Southeast Sector Plan of the Master Plan FROM: PF (PUBLIC FACILITIES) TO: O (OFFICE) on 0.69 acres on the east side of 6th Street, 335 feet south of St. Louis Avenue (APN-162-03-801-135), Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (5-0-1 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

1

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (5-0-1 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions (Not Applicable) and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Backup referenced from the 04-12-07 Planning Commission Meeting Item 44

Motion made by GARY REESE to Approve Subject to Conditions

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

BRENDA J. WILLIAMS, LOIS TARKANIAN, 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 on Items 118-121.

DOUG LEAN, 5520 South Fort Apache Road, Las Vegas, appeared on behalf of Desert Springs and First Southern Baptist Church. MR. LEAN gave an overview and stated the major point is staff suggested C-1 (commercial) development and the applicant concurred, yet the neighbors

CITY COUNCIL MEETING OF: MAY 16, 2007

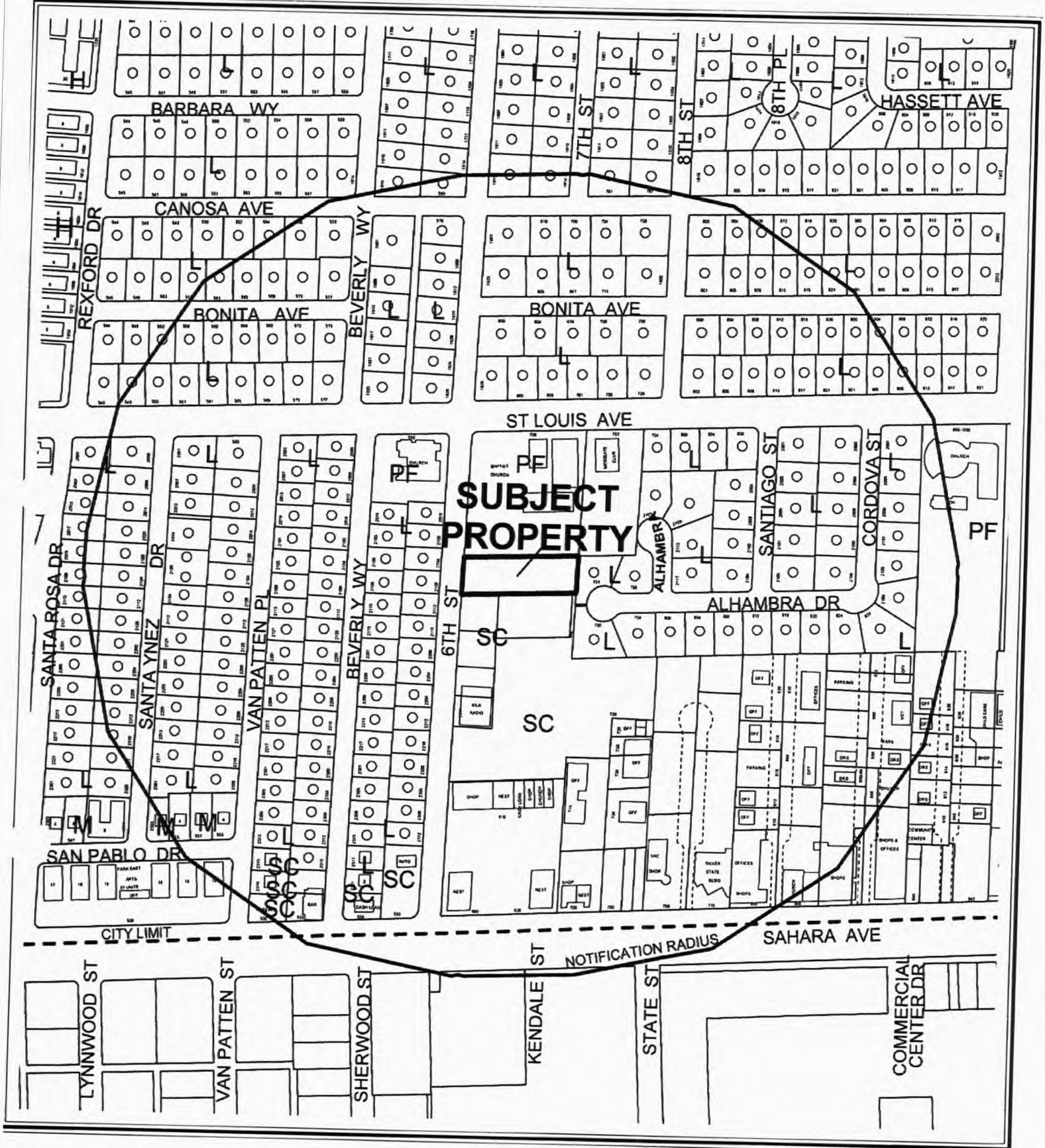
preferred O (office) zoning. In addition, there is sufficient landscaping, very little viewing from the back wall and no parking variances.

Responding to COUNCILMAN REESE'S query regarding staff's recommendation for denial, MARGO WHEELER, Director of Planning and Development, stated the only reason is due to the variance necessitated by the type of development. The Councilman noted the building was beautiful and would compliment the area.

BEATRICE TURNER, West Las Vegas, questioned if the applicant will be renting the office spaces. MR. LEAN responded that the developer is purchasing land from the church.

MAYOR GOODMAN declared the Public Hearing closed on Items 118-121.





CASE: GPA-20150

RADIUS: 1000 FT

GENERAL LAND USE OF SUBJECT PROPERTY:

PF (PUBLIC FACILITIES)

PROPOSED GENERAL LAND USE OF SUBJECT PROPERTY:

O (OFFICE)

0 500 Feet





CASE: **GPA-20150**

RADIUS: 1000 FT

GENERAL LAND USE OF SUBJECT PROPERTY:

PF (PUBLIC FACILITIES)

PROPOSED GENERAL LAND USE OF SUBJECT PROPERTY:

O (OFFICE)

0 500 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 16, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: GPA-20150 - APPLICANT: DIAMOND SPRINGS LLC - OWNER:
FIRST SOUTHERN BAPTIST CHURCH

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (5-0-1/d vote) recommends APPROVAL.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request to amend a portion of the Southeast Sector Plan of the Master Plan from the PF (Public Facilities) Master Plan Designation to the O (Office) Master Plan Designation on 0.69 acres of property located on the east side of 6th Street, 335 feet south of St. Louis Avenue.

Companion requests for a Rezoning (ZON-20151), Variance (VAR-20152), and Site Development Plan Review (SDR-20149) have been filed with this application. The applicant is seeking to ultimately develop an 11,100 square-foot professional office building for this location.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
03/05/58	The Board of Commissioners for the City of Las Vegas approved a Use Permit (U-0001-58) to construct, maintain, and use a church on property located at the southeast corner of 6 th Street and St. Louis Avenue.
08/29/75	The Board of Zoning Adjustment approved a Use Permit (U-0056-75) to allow the operation of a child care nursery, a pre-school, and to conduct educational programs on property located at 700 E. St. Louis Avenue.
06/23/92	The City Council approved the reclassification of property (Z-0024-92) located at 700 East St. Louis Avenue from R-1 (Single Family Residential) zoning to C-V (Civic) zoning for the remodel and expansion of an existing church.
04/12/07	The Planning Commission recommended approval of companion items ZON-20151; VAR-20152 and SDR-20149 concurrently with this application. The Planning Commission voted 5-0-1/d to recommend APPROVAL (PC Agenda Item #44/mh).
<i>Related Building Permits/Business Licenses</i>	
NA	NA
<i>Pre-Application Meeting</i>	
02/09/07	A meeting was held with staff regarding the requirements to develop a vacant parcel associated with an existing church into an 11,100 SF professional office building. The applicant was informed of the requirements of a General Plan Amendment from the "PF" land use to "O", a Rezoning, a Variance from residential adjacency setbacks, and Site Development Plan Review.
<i>Neighborhood Meeting</i>	
03/14/07	A neighborhood meeting was scheduled in the First Southern Church, Fellowship Hall, 700 E. St. Louis at 5:30pm.

Details of Application Request			
Site Area			
Net Acres	0.69 acres		
Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	PF (Public Facilities)	C-V (Civic) Zone
North	Church	PF (Public Facilities)	C-V (Civic) Zone
South	Undeveloped	SC (Service Commercial)	R-1 (Single Family Residential) Zone
East	Single Family Homes	L (Low Density Residential)	R-1 (Single Family Residential) Zone
West	Single Family Homes	L (Low Density Residential)	R-1 (Single Family Residential) Zone

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

DEFINITIONS

PF (Public Facilities) The Public Facilities category allows for large governmental building sites and complexes, police and fire facilities, hospitals and rehabilitation sites, sewage treatment and storm water control facilities, and other uses considered public or semi-public such as libraries and public utility facilities.

O (Office) The Office category provides for small lot office conversions as a transition along primary and secondary streets from residential and commercial uses, and for large planned office areas. Permitted uses include business, professional and financial offices as well as offices for individuals, civic, social, fraternal and other non-profit organizations.

ANALYSIS

The 0.69 acre parcel is currently undeveloped and is situated between a church to the north, undeveloped parcels to the south, and single family homes to the east and west. From a land use perspective, this property is most suitable for low-intensity commercial uses that serve as a buffer between more intense commercial uses to the south and the civic uses to the north, and the residential uses to the east and west. The proposed General Plan Amendment from PF (Public

Facilities) to O (Office), along with the requests for Rezoning (ZON-20151), Variance (VAR-20152), and Site Development Plan Review (SDR-20149) seek to ultimately allow the development of an 11,100 square-foot professional office building.

Because the neighboring properties to the south are under the SC (Service Commercial) General Plan category with the C-1 (Service Commercial) Zoning District being best suited for this type of project, staff recommends denial on the O (Office) General Plan Amendment and the Rezoning to the "O" (Office) zoning district as approval of this request would constitute Spot Zoning.

The site is located within the Neighborhood Revitalization Strategy Area of the 2020 Master Plan, which has policies encouraging infill development. Specifically, Policy 2.1.2 of that Strategy Area reads "That development on vacant or underutilized lots within existing residential neighborhoods be sensitive in use and design to surrounding development". Although the proposed professional office use is within the parameters of the policy intentions of the Neighborhood Revitalization Strategy Area, a low-intensity commercial use designed in respect to adjacent residential uses can be accomplished with the SC (Service Commercial) land use designation without resulting in a parcel that maintains an isolated land use code such as the request at-hand.

FINDINGS

Section 19.18.030.I of the Las Vegas Zoning Code requires that the following conditions be met in order to justify a General Plan Amendment:

- 1. The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations,**

An approved General Plan Amendment to the O (Office) category would allow the development of a professional office on the subject site. However, although this use will be compatible with the existing commercial uses to the south, staff recommends that the SC (Service Commercial) General Plan category is better more appropriate because it is consistent with the parcels to the south.

- 2. The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,**

The proposed O (Office) land use is not compatible with the existing adjacent C-V (Civic) zoned property to the north as the recommended General Plan category of SC (Service Commercial) does not support the "O" (Office) zoning district.

The request for a Rezoning (ZON-20151) to the O (Office) zoning district for this single parcel constitutes "Spot Zoning", defined by Title 19.20 as:

“Spot Zoning: Rezoning of a lot or parcel or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the General Plan.”

3. **There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and**

Access to the site is provided by 6th Street, a 60-foot wide local street which will not be adversely impacted by this request.

4. **The proposed amendment conforms to other applicable adopted plans and policies that include approved neighborhood plans.**

The subject area is located within the Neighborhood Revitalization Area of the Las Vegas 2020 Master Plan. One of the listed objectives for this area is: “To improve the amount and quality of infill development on vacant and underutilized lands within established areas of the City (Objective 2.6).” The reclassification of the subject property to SC (Service Commercial) would be better suited to enable this property to develop a use that is compatible to existing adjacent development and further this objective of the Las Vegas 2020 Master Plan without creating a condition of Spot Zoning to the “O” (Office) Zoning district.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

12

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 310 by Planning Department

APPROVALS 0

PROTESTS 1



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **GPA-20150** APN: 162-03-801-135
Name of Property Owner: First Southern Baptist Church
Name of Applicant: Diamond Springs LLC
Name of Representative: APTUS Architecture

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: Honore E. Brady

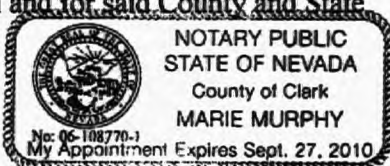
Print Name: Honore E. Brady Trustee

Subscribed and sworn before me

This 24th day of Feb, 20 07

Marie Murphy Clark Nevada

Notary Public in and for said County and State





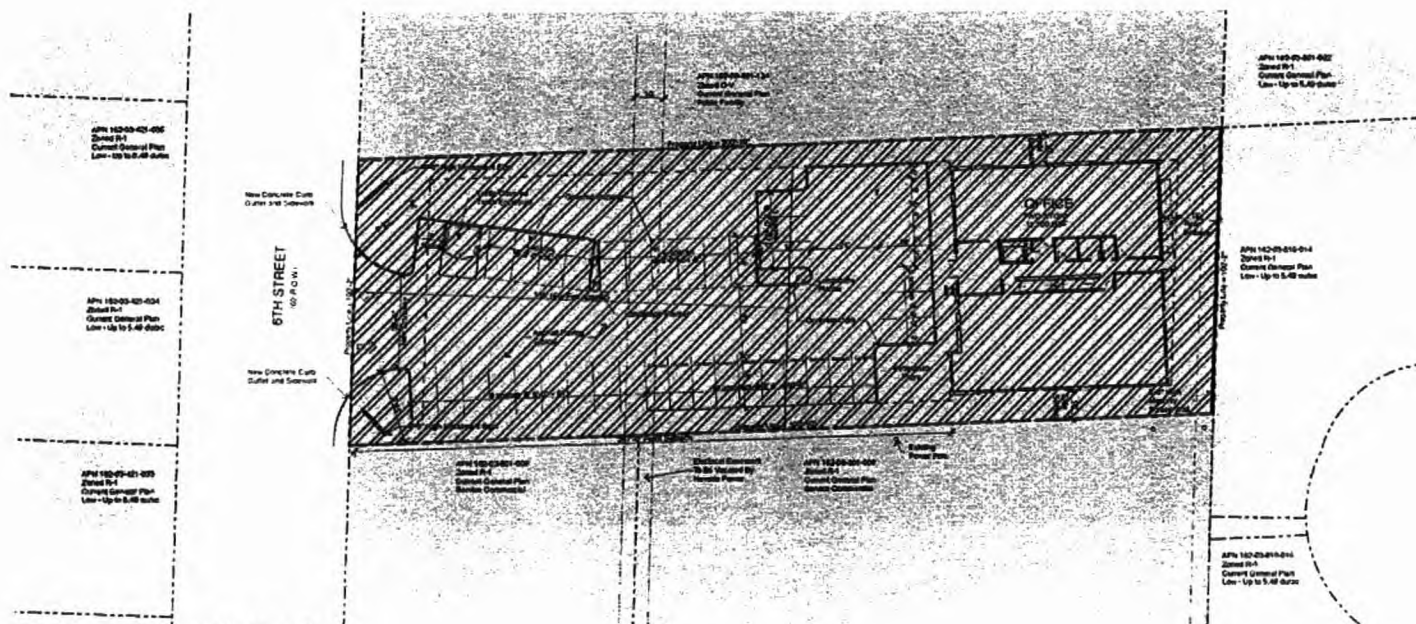
NEIGHBORHOOD AND LOCATION MAPS

Site Zoning & Data

SITE DATA	
PARCEL NUMBER	100-40-001-130
JURISDICTION	CITY OF LAS VEGAS - NORTH
EXISTING GENERAL PLAN	PUBLIC FACILITY
PROPOSED GENERAL PLAN	SERVICE COMMERCIAL
EXISTING ZONING	C-1
PROPOSED ZONING	C-1
SITE AREA	100,000 SQ. FT. 2.28 ACRES 0.05 ACRES

Legend

- Properties Proposed for General Plan Amendment
- Proposed Project Boundary
- Low - Up to \$ 49 du/ac
- Service Commercial
- General Commercial
- Public Facility



GENERAL PLAN AMENDMENT

6th Street/ St. Louis Avenue
Site Development Review

6th Street
Las Vegas, NV 89101
GPA-20150 ZON-20151
VAR-20152 SDR-20149
04/12/07 PC

RECEIVED
FEB 26 2007

General Plan
Amendment
GPA

APTUS Architecture
1000 South Main Avenue
Suite 200
Las Vegas, Nevada 89101
P: 702.591.1000
F: 702.591.1001

February 12, 2007

City of Las Vegas
Planning and Development Department
731 s. 4th Street.
Las Vegas, Nevada 89101

RE: APN: 162-03-801-135
Subject: A. General Plan Amendment
B. Zoning Change
C. Site Development Review
D. Landscape Finger Island Waivers
E. Residential Adjacency

Dear Sirs:

The intended use for the property on 6th Street south of St. Louis is Professional Office Space.

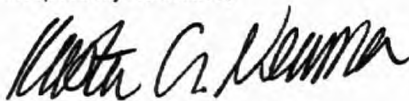
This property currently has a General Plan designation of "Public Facility" and a zoning designation of "CV". We are requesting a general plan amendment to "Service Commercial" and a zone change to "O" for this parcel. This project consists of a vacant lot that will be converted to an office. We feel this general plan amendment and zone change would be of similar use to that which is currently in the area. North of our property is an existing church, east are existing one-story residences and to the west are existing one-story residences. South of our property is a vacant lot that is zoned R-1 but has a general plan of "Service Commercial".

The new structure is 11,100 sf and is two stories high. Thirty-eight parking spaces will be provided which include a van accessible space and a standard handicap space. All setbacks and landscape buffers are provided per Title 19. We are requesting a waiver for three required landscape finger islands in the parking lot. We have provided enhanced landscaping on the north side of the site. An 8'-0" high masonry screen wall will be added to the east side of the site to buffer the residences from our project. Due to site constraints and the narrowness of the lot, we must request a variance for the residential adjacency. We attempted to design the site with the building on the east in order to decrease the residential adjacency setback variance. However, once the throat depth, the driveway width the required parking dimensions and the vehicle access were taken into account the remaining lot with was not sufficient for a building to function as a professional office. Therefore, in order to make the entire site functional, we have placed the building at the east end of the property and must request a variance for the residential adjacency requirement of 15'-0" where 105'-0" would be required.

The building is contemporary in design and will be made of framed walls with stucco and stone veneer and all mechanical units will be fully screened.

Please consider this General Plan Amendment, rezoning, site development review and variance request as a positive impact on the City of Las Vegas and the surrounding neighborhood.

Respectfully Submitted,



Kristen G. Neuman, AIA
APTUS Architecture

GPA-20150 ZON-20151
VAR-20152 SDR-20149
04/12/07 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**

Telephone Protest/ Approval Log

2CN-20151
VAR-20152
SDR-20149

Meeting Date: 04/04/07

Case Number: GPA-20150
04/12/07 PC.

Date: 04/04/07
Name: Sherrill Franceschi
Address: 8385 W. La Madre Wy
LV NV 89149
Phone: (702) 860-6050
☒ PROTEST ☐ APPROVE

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

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

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☐ PROTEST ☐ APPROVE

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

ITEM # 44-47
CASE # See Above
PC MTG 4-12-07

P

Subj: **SDR 20149, GPA 20150,**
 Date: 4/11/2007 11:00:06 P.M. Pacific Daylight Time
 From: southridgena@gmail.com
 To: douglaslein@aol.com
 CC: larrington@lasvegasnevada.gov, gregorystephenbrown@gmail.com

With respect to items #44 - #47 on the Planning Commission agenda for April 12, please include the following letter as a public comment submitted by Gregory Brown, 606 Bonita Avenue, on behalf of the Southridge Neighborhood Association:

Based on the plans presented at the neighborhood meeting held last month and a follow-up meeting with Mr. Lein, this project has the support of the Neighborhood Association. The response of those who attended the neighborhood meeting and viewed the plans presented that day was that this project is well-suited to the site and compatible with existing use of nearby properties, which are single family homes on the west side of 6th street and civic uses on the southeast and southwest corners of 6th & St Louis. The consensus of the neighbors was that this project would be well-suited to the site and compatible with nearby properties, because of the limited scale of the building, the design which limits direct views onto adjacent houses, the placement of the structure on the property away from the street, the landscaping buffer, the adequate on-site parking, and the intended use for low-traffic offices.

We share the applicant's view that "Office" is an appropriate land-use designation for this plot – which again is adjacent to a church and directly across the street from single-family homes. We would be concerned about a more permissive designation such as "Service Commercial." If such a designation were to be granted, the site would then be entitled for retail and other commercial uses which would be inconsistent with the Southridge and Beverly Green Neighborhood plan, as approved by the Planning Commission and City Council in 2001. We stated in that plan and continue to express as our primary concern to prevent commercial encroachment on St. Louis east of Paradise and on properties adjacent to St. Louis.

For these reasons, we support this application including the application for a designation of "Office" and we oppose a designation for "Service Commercial."

Gregory Brown
 President, Southridge Neighborhood Association

Submitted at Planning Commission

Date 4/12/07 Item # 44-47

Thursday, April 12, 2007 America Online: DouglasLein

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MAY 16, 2007

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

REZONING RELATED TO GPA-20150

ZON-20151 - PUBLIC HEARING - APPLICANT: DIAMOND SPRINGS LLC - OWNER: FIRST SOUTHERN BAPTIST CHURCH - Request for a Rezoning FROM: C-V (Civic) TO: O (OFFICE) on 0.69 acres on the east side of 6th Street, 335 feet south of St. Louis Avenue (APN-162-03-801-135), Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (5-0-1 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

1

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (5-0-1 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. Backup referenced from the 04-12-07 Planning Commission Meeting Item 45

Motion made by GARY REESE to Approve Subject to Conditions

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

BRENDA J. WILLIAMS, LOIS TARKANIAN, 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 118 for related discussion.





CASE: ZON-20151

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-V (CIVIC)

PROPOSED ZONING OF SUBJECT PROPERTY: O (OFFICE)

0 500 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 16, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: ZON-20151 - APPLICANT: DIAMOND SPRINGS LLC -
OWNER: FIRST SOUTHERN BAPTIST CHURCH**

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (5-0-1/d vote) recommends APPROVAL, subject to:

Planning and Development

1. A General Plan Amendment (GPA-20150) to an Office land use designation approved by the City Council.
2. A Resolution of Intent with a two-year time limit is hereby granted.
3. A Variance (VAR-20152) and Site Development Plan Review (SDR-20149) 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, if approved.

Public Works

4. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities. 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.
5. This site shall connect to the City of Las Vegas public sewer system at a location acceptable to the City Engineer.
6. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths 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 application is a request to for a Rezoning (ZON-20151) to the "O" (Office) Zoning District on 0.69 acres on the east side of 6th Street, 335 feet south of St. Louis Avenue.

The applicant is seeking to develop an 11,100 square-foot professional office building for this location. Companion requests for a General Plan Amendment (GPA-20150), a Variance (VAR-20152), and Site Development Plan Review (SDR-20149) have been filed with this application.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
3/05/58	The Board of Commissioners for the City of Las Vegas approved a Use Permit (U-0001-58) to construct, maintain, and use a church on property located at the southeast corner of 6 th Street and St. Louis Avenue.
8/29/75	The Board of Zoning Adjustment approved a Use Permit (U-0056-75) to allow the operation of a child care nursery, a pre-school, and to conduct educational programs on property located at 700 E. St. Louis Avenue.
6/23/92	The City Council approved the reclassification of property (Z-0024-92) located at 700 East St. Louis Avenue from R-1 (Single Family Residential) zoning to C-V (Civic) zoning for the remodel and expansion of an existing church.
04/12/07	The Planning Commission recommended approval of companion items GPA-20150; VAR-20152 and SDR-20149 concurrently with this application. The Planning Commission voted 5-0-1/d to recommend APPROVAL (PC Agenda Item #45/mh).
<i>Pre-Application Meeting</i>	
02/09/07	A Pre-application meeting was held with staff concerning the requirements to develop a vacant parcel associated with an existing church into an 11,100 SF professional office building. The applicant was informed of the requirements of a General Plan Amendment, a Rezoning, a Variance, and Site Development Plan Review.
<i>Neighborhood Meeting</i>	
3/14/07	A neighborhood meeting was scheduled in the First Southern Church, Fellowship Hall, 700 E. St. Louis at 5:30pm.
<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.69 acres

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

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	PF (Public Facilities)	C-V (Civic) Zone
North	Church	PF (Public Facilities)	C-V (Civic) Zone
South	Undeveloped	SC (Service Commercial)	R-1 (Single Family Residential) Zone
East	Single Family Homes	L (Low Density Residential)	R-1 (Single Family Residential) Zone
West	Single Family Homes	L (Low Density Residential)	R-1 (Single Family Residential) Zone

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	NA	29,620 SF	NA
Min. Lot Width	60 feet	100 feet	Y
Min. Setbacks			
• Front	25 feet	207 feet	Y
• Side	10 feet	10 feet	Y
• Corner	15 feet	NA	NA
• Rear	15 feet	15 feet	Y
Max. Lot Coverage	30%	19%	Y
Max. Building Height	2 stories of 35 feet, whichever is less	35 feet	N*
Trash Enclosure	Screened & covered	Screened & covered	Y
Mech. Equipment	Screened	screened	Y

*Although this proposal meets most of the Design Standards as listed by Title 19.08, the proposal does not meet the Residential Adjacency Standards. A Variance (VAR-20152) has been requested a companion item.

Pursuant to Title 19.08.060, the following standards apply:

Residential Adjacency Standards	Required/Allowed	Provided	Compliance
3:1 proximity slope	114 feet	15 feet	N
Adjacent development matching setback	15 feet	15 feet	Y
Trash Enclosure	50 feet from residential		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/ 6 Spaces	4 Trees	1	N
Buffer: Min. Trees	1 Tree/ 20 Linear Feet along north perimeter; 1 Tree/ 30 Linear Feet along south, east, & west perimeters	10 Trees; 18 Trees	26	Y
TOTAL		32 Trees	55	Y
Min. Zone Width	8 Feet		12 Feet	Y
Wall Height	6 Feet		8 Feet	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	
Office, Other Than Listed	11,100 SF	1:300	37	2	38	2	Y
TOTAL			37	2	38	2	Y

ANALYSIS

The applicant is requesting a Rezoning from the existing C-V (Civic) Zoning District to the O (Office) Zoning District. A General Plan Amendment has been requested to accommodate a change in land use from a portion of an existing lot that was used as a parking lot to an existing church. Although the applicant is requesting a Zoning District that is in compliance with the requested General Plan Amendment, the two requests in total would constitute "Spot Zoning" as defined in Title 19.20. as such:

"Rezoning of a lot or parcel or parcel of land to benefit an owner for a use incompatible with surrounding land uses and that does not further the General Plan."

Because the applicant's proposal for an office use in a residential context can be accomplished with the SC (Service Commercial) land use designation and C-1 (Limited Commercial) zoning without resulting in a parcel zoned in isolation from the adjacent properties that are under the SC (Service Commercial) land use designation, staff recommends denial.

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."

As the associated request for the General Plan Amendment to the "O" (Office) land use category has been recommended for denial by staff and the request for a Rezoning to the associated Office zoning district would constitute spot-zoning in nature. Therefore, staff recommends denial.

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

The proposed use of professional office is compatible with the surrounding land uses and zoning districts. However, the requested General Plan Amendment and Rezoning to the O (Office) land use category and "O" (Office) zoning District would constitute Spot Zoning. Staff recommends that the SC (Service Commercial) land use and C-1 (Limited Commercial) zoning District would facilitate the proposed use without creating the Spot Zoning condition.

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

Per the stated policies listed in the Las Vegas Master Plan, this property, along with the adjoining southern properties maintaining the SC (Service Commercial) land use designation, have remained undeveloped for some time. With a General Plan Amendment to a more suitable SC (Service Commercial) land use category and C-1 (Limited Commercial) zoning District, the proposed, low-intensity commercial use such as this professional office would be beneficial to the immediate area.

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

6th Street, classified as a Local street, would be suitable for only low-intensity commercial uses such as this professional office. Staff believes that the impact from increased traffic would be minimal if restricted to this type of use.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 310 by Planning Department

APPROVALS 0

PROTESTS 1



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **ZON-20151** APN: 162-03-801-135
Name of Property Owner: FIRST Southern Baptist Church
Name of Applicant: Diamond Springs LLC
Name of Representative: APTUS Architecture

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: NORRIS E. BRADY Trustee

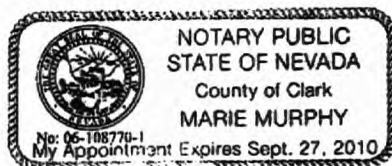
Subscribed and sworn before me

This 26th day of FEB, 2007

Marie Murphy Clark Nevada

Notary Public in and for said County and State

RECEIVED





VICINITY AND LOCATION MAPS

Site Zoning & Data

SITE DATA

PARCEL NUMBER	100-00-0113
APPROXIMATION	CITY OF LAS VEGAS - 0000
EXISTING GENERAL PLAN	PUBLIC FACILITY
PROPOSED GENERAL PLAN	SERVICE COMMERCIAL
EXISTING ZONING	C-1
PROPOSED ZONING	O-1 OFFICE
SITE AREA	0.0000 ACRES
	0.0000 ACRES
	0.0000 ACRES
	0.0000 ACRES

SETBACKS - BUILDING

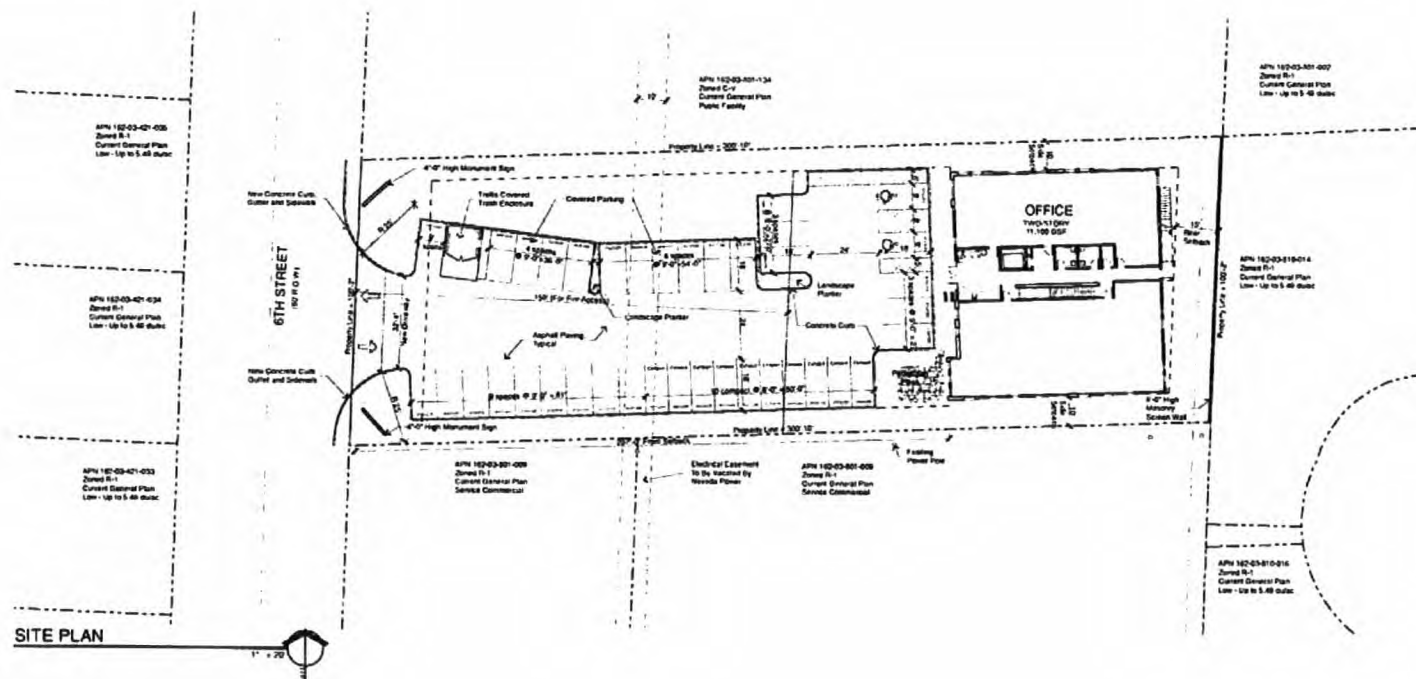
	REDS	PROVIDED
FRONT	10'-0"	10'-0"
REAR	10'-0"	10'-0"
MAX HEIGHT	35'-0"	35'-0"
ACTUAL HEIGHT	35'-0"	35'-0"
LOT COVERAGE ALLOWED	30%	30%
ACTUAL LOT COVERAGE	30%	30%

BUILDING AREA

BUILDING AREA	8,200 SF
OFFICE	1,700 SF
COMMON SPACE	1,100 SF
TOTAL SQUARE FOOTAGE	11,000 SF

PARKING AREA

EXISTING PARKING	PROVIDED
OFFICE	20
COMMON SPACE	20
TOTAL PARKING SPACES PROVIDED	40
REQUIRED PARKING SPACES PROVIDED	40
EXCESS PARKING SPACES PROVIDED	0



SITE PLAN

RECEIVED
FEB 26 2007

6th Street/ St. Louis Avenue
Site Development Review
6th Street
Las Vegas, Nevada 89109

GPA-20150 ZON-20151
VAR-20152 SDR-20149
04/12/07 PC

SITE PLAN

AS100

APTUS Architecture
1200 South Main Street
Suite 200
Las Vegas, Nevada 89104
702.875.1200
702.875.1211

APR 11 2007 10:00 AM 100-00-0113 SITE PLAN 100-00-0113 SITE PLAN 100-00-0113 SITE PLAN 100-00-0113 SITE PLAN 100-00-0113 SITE PLAN

February 12, 2007

City of Las Vegas
Planning and Development Department
731 s. 4th Street.
Las Vegas, Nevada 89101

RE: APN: 162-03-801-135
Subject: A. General Plan Amendment
B. Zoning Change
C. Site Development Review
D. Landscape Finger Island Waivers
E. Residential Adjacency

Dear Sirs:

The intended use for the property on 6th Street south of St. Louis is Professional Office Space.

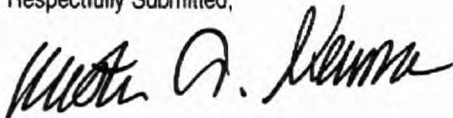
This property currently has a General Plan designation of "Public Facility" and a zoning designation of "CV". We are requesting a general plan amendment to "Service Commercial" and a zone change to "O" for this parcel. This project consists of a vacant lot that will be converted to an office. We feel this general plan amendment and zone change would be of similar use to that which is currently in the area. North of our property is an existing church, east are existing one-story residences and to the west are existing one-story residences. South of our property is a vacant lot that is zoned R-1 but has a general plan of "Service Commercial".

The new structure is 11,100 sf and is two stories high. Thirty-eight parking spaces will be provided which include a van accessible space and a standard handicap space. All setbacks and landscape buffers are provided per Title 19. We are requesting a waiver for three required landscape finger islands in the parking lot. We have provided enhanced landscaping on the north side of the site. An 8'-0" high masonry screen wall will be added to the east side of the site to buffer the residences from our project. Due to site constraints and the narrowness of the lot, we must request a variance for the residential adjacency. We attempted to design the site with the building on the east in order to decrease the residential adjacency setback variance. However, once the throat depth, the driveway width the required parking dimensions and the vehicle access were taken into account the remaining lot with was not sufficient for a building to function as a professional office. Therefore, in order to make the entire site functional, we have placed the building at the east end of the property and must request a variance for the residential adjacency requirement of 15'-0" where 105'-0" would be required.

The building is contemporary in design and will be made of framed walls with stucco and stone veneer and all mechanical units will be fully screened.

Please consider this General Plan Amendment, rezoning, site development review and variance request as a positive impact on the City of Las Vegas and the surrounding neighborhood.

Respectfully Submitted,



Kristen G. Neuman, AIA
APTUS Architecture

GPA-20150 ZON-20151
VAR-20152 SDR-20149
04/12/07 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**

Telephone Protest/ Approval Log

2CN-20151
VAR-20152
SDR-20149

Meeting Date: 04/04/07

Case Number: GPA-20150
04/12/07 PC.

Date: 04/04/07
Name: Sherrill Franceschi
Address: 8385 W. La Madre Way
LV NV 89149
Phone: (702) 860-6050
☒ PROTEST ☐ APPROVE

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

Date: _____
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☐ PROTEST ☐ APPROVE

ITEM # 44-47
CASE # See above
PC MTG 4-12-07

P

Subj: **SDR 20149, GPA 20150,**
 Date: 4/11/2007 11:00:06 P.M. Pacific Daylight Time
 From: southridgena@gmail.com
 To: douglaslein@aol.com
 CC: larrington@lasvegasnevada.gov, gregorystephenbrown@gmail.com

With respect to items #44 - #47 on the Planning Commission agenda for April 12, please include the following letter as a public comment submitted by Gregory Brown, 606 Bonita Avenue, on behalf of the Southridge Neighborhood Association:

Based on the plans presented at the neighborhood meeting held last month and a follow-up meeting with Mr. Lein, this project has the support of the Neighborhood Association. The response of those who attended the neighborhood meeting and viewed the plans presented that day was that this project is well-suited to the site and compatible with existing use of nearby properties, which are single family homes on the west side of 6th street and civic uses on the southeast and southwest corners of 6th & St Louis. The consensus of the neighbors was that this project would be well-suited to the site and compatible with nearby properties, because of the limited scale of the building, the design which limits direct views onto adjacent houses, the placement of the structure on the property away from the street, the landscaping buffer, the adequate on-site parking, and the intended use for low-traffic offices.

We share the applicant's view that "Office" is an appropriate land-use designation for this plot – which again is adjacent to a church and directly across the street from single-family homes. We would be concerned about a more permissive designation such as "Service Commercial." If such a designation were to be granted, the site would then be entitled for retail and other commercial uses which would be inconsistent with the Southridge and Beverly Green Neighborhood plan, as approved by the Planning Commission and City Council in 2001. We stated in that plan and continue to express as our primary concern to prevent commercial encroachment on St. Louis east of Paradise and on properties adjacent to St. Louis.

For these reasons, we support this application including the application for a designation of "Office" and we oppose a designation for "Service Commercial."

Gregory Brown
 President, Southridge Neighborhood Association

Submitted at Planning Commission

Date 4/12/07 Item # 44-47

Thursday, April 12, 2007 America Online: DouglasLein

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: MAY 16, 2007**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: M. MARGO WHEELER**☐ Consent ☒ Discussion**SUBJECT:**

VARIANCE RELATED TO GPA-20150 AND ZON-20151

VAR-20152 - PUBLIC HEARING - APPLICANT: DIAMOND SPRINGS LLC - OWNER: FIRST SOUTHERN BAPTIST CHURCH - Request for a Variance TO ALLOW A TWO-STORY 35 FOOT HIGH OFFICE BUILDING 15 FEET FROM RESIDENTIAL PROPERTY WHERE RESIDENTIAL ADJACENCY STANDARDS REQUIRE 105 FEET on 0.69 acres on the east side of 6th Street, 335 feet south of St. Louis Avenue (APN-162-03-801-135), C-V (Civic) Zone [PROPOSED: O (OFFICE) Zone], Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (5-0-1 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

1

City Council Meeting

3

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

2

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (5-0-1 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Returned postcard protests
6. Submitted after final agenda – Returned postcard protest and support
7. Submitted after meeting – Returned postcard support
8. Backup referenced from the 04-12-07 Planning Commission Meeting Item 46

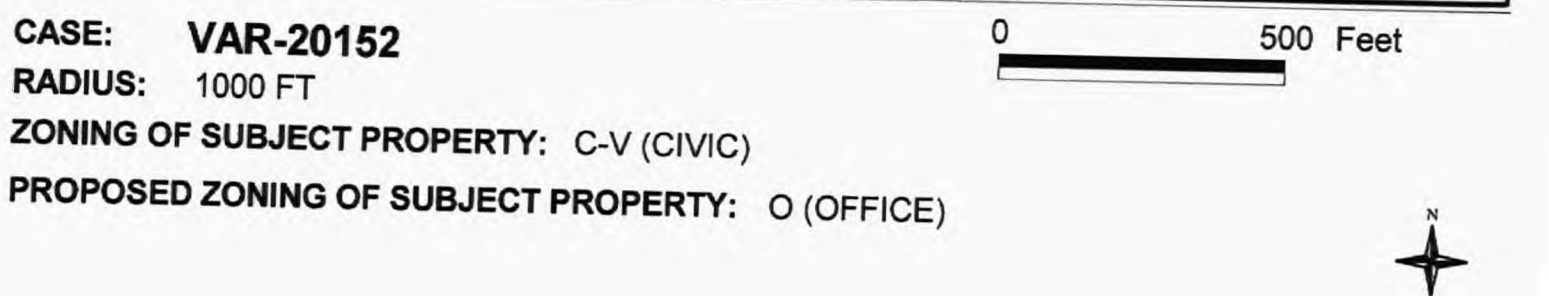
Motion made by GARY REESE to Approve Subject to Conditions

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

BRENDA J. WILLIAMS, LOIS TARKANIAN, 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 118 for related discussion.



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 16, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: VAR-20152 - APPLICANT: DIAMOND SPRINGS LLC -
OWNER: FIRST SOUTHERN BAPTIST CHURCH**

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (5-0-1/d vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Rezoning (ZON-20151) and Site Development Plan Review (SDR-20149) 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 application is a request for a Variance to allow a 35 foot high office building to be 15 feet from residential property where Residential Adjacency Setback standards require 105 feet on property located on the east side of 6th Street, 335 feet south of St. Louis Avenue. The additional setback distance stems from an approximate 3-foot difference in grade from the affected residential property.

This application is accompanied with requests for a General Plan Amendment (GPA-20150), Rezoning (ZON-20151), and Site Plan Development Review (SDR-20149) and will be heard concurrently.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
03/05/58	The Board of Commissioners for the City of Las Vegas approved a Use Permit (U-0001-58) to construct, maintain, and use a church on property located at the southeast corner of 6 th Street and St. Louis Avenue.
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06/23/92	The City Council approved the reclassification of property (Z-0024-92) located at 700 East St. Louis Avenue from R-1 (Single Family Residential) zoning to C-V (Civic) zoning for the remodel and expansion of an existing church.
04/12/07	The Planning Commission recommended approval of companion items GPA-20150; ZON-20151 and SDR-20149 concurrently with this application. The Planning Commission voted 5-0-1/d to recommend APPROVAL (PC Agenda Item #46/mh).
<i>Related Building Permits/Business Licenses</i>	
Month/date/year	Description
NA	NA
<i>Pre-Application Meeting</i>	
02/09/07	A Pre-application meeting was held with staff concerning the requirements to develop a vacant parcel associated with an existing church into an 11,100 SF professional office building. The applicant was informed of the requirements of a General Plan Amendment from the "PF" land use to "O", a Rezoning, a Variance from residential adjacency setbacks, and Site Development Plan Review.
<i>Neighborhood Meeting</i>	
03/14/07	A neighborhood meeting was scheduled in the First Southern Church, Fellowship Hall, 700 E. St. Louis at 5:30pm.

Details of Application Request

Site Area

Net Acres	0.69 acres
-----------	------------

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	PF (Public Facilities)	C-V (Civic) Zone
North	Church	PF (Public Facilities)	C-V (Civic) Zone
South	Undeveloped	SC (Service Commercial)	R-1 (Single Family Residential) Zone
East	Single Family Homes	L (Low Density Residential)	R-1 (Single Family Residential) Zone
West	Single Family Homes	L (Low Density Residential)	R-1 (Single Family Residential) Zone

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

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	NA	29,620 SF	NA
Min. Lot Width	60 feet	100 feet	Y
Min. Setbacks			
• Front	25 feet	207 feet	Y
• Side	10 feet	10 feet	Y
• Corner	15 feet	NA	NA
• Rear	15 feet	15 feet	Y
Max. Lot Coverage	30%	19%	Y
Max. Building Height	2 stories of 35 feet, whichever is less	35 feet	N*
Trash Enclosure	Screened & covered	Screened & covered	Y
Mech. Equipment	Screened	screened	Y

Pursuant to Title 19.08.060 the following standards apply:

Residential Adjacency Standards	Required/Allowed	Provided	Compliance
3:1 proximity slope	105 feet*	15 feet	N
Adjacent development matching setback	15 feet	15 feet	Y
Trash Enclosure	50 feet	91 feet	Y

ANALYSIS

This request for a Variance from the residential setback distance stems from the proposed 35 foot high office building being placed 15 feet from protected property where residential adjacency standards require 105 feet. The 0.69 acre subject parcel is located on the east side of 6th Street, approximately 335 feet south of St. Louis Avenue. The building façade is slightly offset from the rear property line and has two different elevation heights – one 35-foot high northern parapet with an approximate 22-foot rear setback and one 32-foot high southern parapet with a 15-foot rear setback. The greatest affecting plane that intersects the 3:1 residential adjacency setback slope is the 32-foot high parapet. The 32-foot height has an additional 3-foot maximum height added due the change in grade from the western neighboring residential property. This additional height results in a 35-foot building height being located 15 feet from the affected residential property where a 3:1 slope requirement would require a 105-foot setback.

Regarding the layout of the second floor office suites, it is important to note that efforts have been made to protect the visual privacy of the adjacent residential property. The provided floor plans and elevations show office windows placed at six-feet above the second floor level allowing southern light to enter the building while making it difficult to have visual access to the neighboring property. In addition to the high windows, the applicant has also provided ample 24-inch box trees that, when mature, should provide additional screening of the building.

Because this proposal stems from the overbuilding of a narrow lot –thus requiring the applicant to place the building behind the required parking and closer to the residential property- staff recommends denial as different design would potentially avoid the necessity of approving this Variance.

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 placing a two-story structure too close to residentially zoned property. An alternative design reducing the overall building size and arranging the building more towards the west would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

12

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 312 by City Clerk

APPROVALS 0

PROTESTS 1



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAR-20152** APN: 162-03-801-135
Name of Property Owner: First Southern Baptist Church
Name of Applicant: Diamond Springs LLC
Name of Representative: APTUS Architecture

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: Horace E. Brady

Print Name: Horace E Brady Trustee

Subscribed and sworn before me

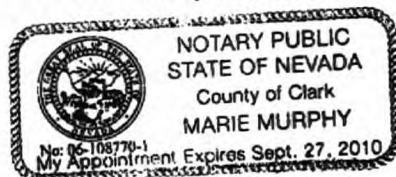
This 26th day of Feb, 2007

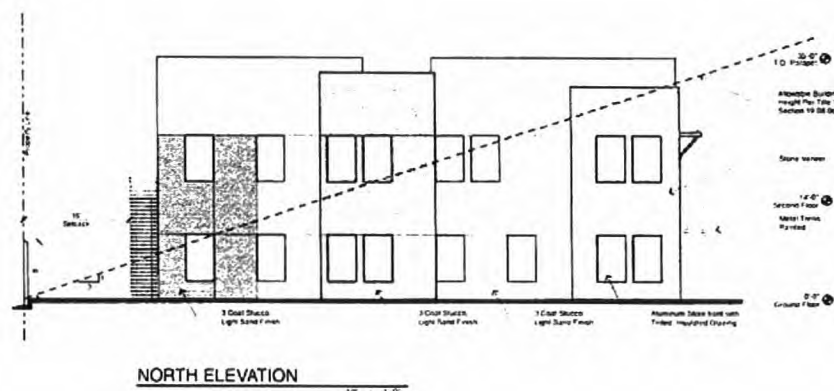
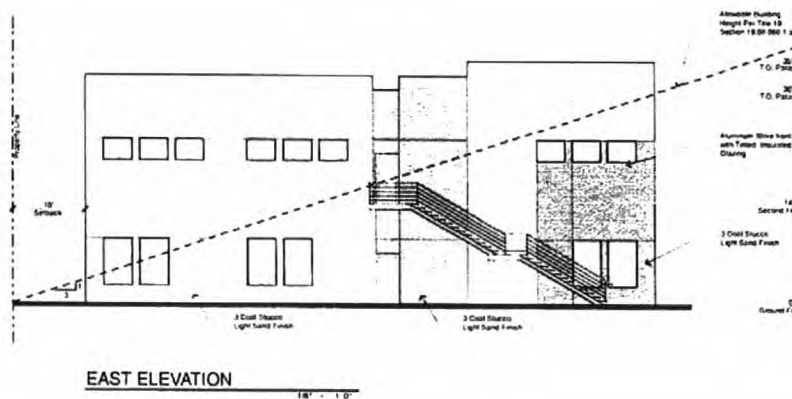
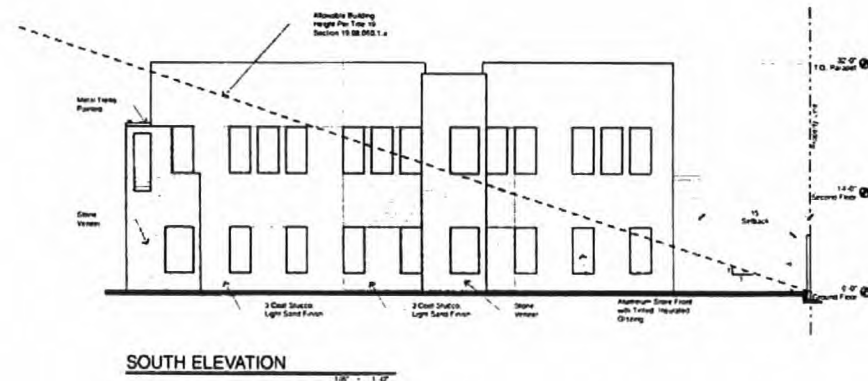
Marie Murphy Clark Nevada

Notary Public in and for said County and State

RECEIVED

FEB 23 2007





6th Street/ St. Louis Avenue
Site Development Review

6th Street
Las Vegas, Nevada 89109

GPA-20150 ZON-20151
VAR-20152 SDR-20149
04/12/07 PC

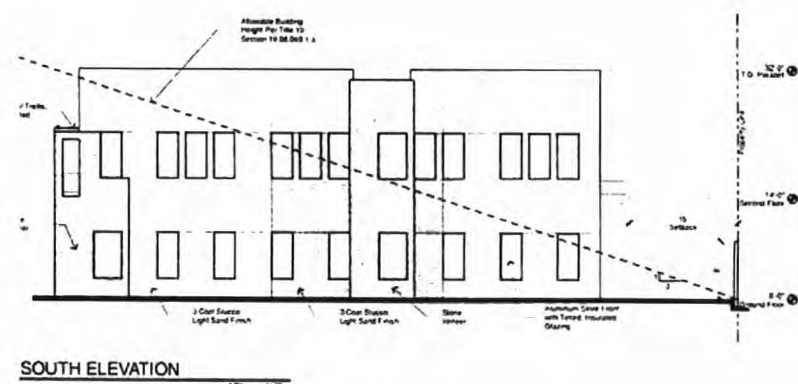
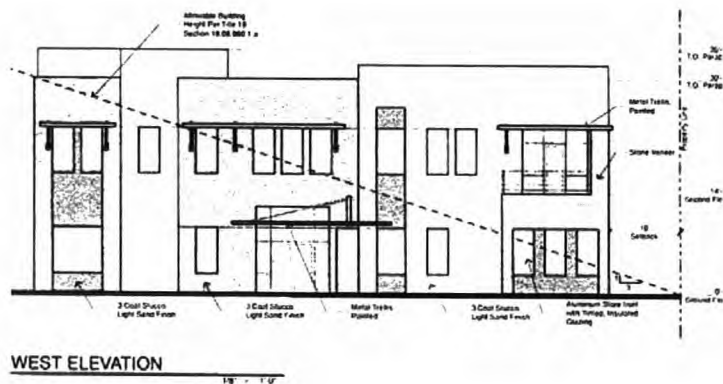
City of Las Vegas SDR Submittal 1/27/07

ELEVATIONS

A200

26 PLOT 6th Street/ St. Louis Avenue

APTUS Architecture
1000 South Main Street
Suite 200
Las Vegas, Nevada 89004
P 702.733.1200
F 702.733.1211



6th Street/ St. Louis Avenue

Site Development Review

6th Street

Las Vegas, Nevada 89109

GPA-20150 ZON-20151

VAR-20152 SDR-20149

04/12/07 PC

BUILDING
ELEVATIONS-temp

A201

06.852 6th Street/ St. Louis Avenue

APTUS Architecture
1305 South Main Street
Suite 200
Las Vegas, Nevada 89101
P 702.499.1208
F 702.499.1217

City of Las Vegas SDR Submittal 11/1/07

RECEIVED

February 12, 2007

City of Las Vegas
Planning and Development Department
731 s. 4th Street.
Las Vegas, Nevada 89101

RE: APN: 162-03-801-135
Subject: A. General Plan Amendment
B. Zoning Change
C. Site Development Review
D. Landscape Finger Island Waivers
E. Residential Adjacency

Dear Sirs:

The intended use for the property on 6th Street south of St. Louis is Professional Office Space.

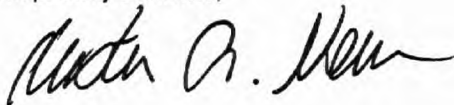
This property currently has a General Plan designation of "Public Facility" and a zoning designation of "CV". We are requesting a general plan amendment to "Service Commercial" and a zone change to "O" for this parcel. This project consists of a vacant lot that will be converted to an office. We feel this general plan amendment and zone change would be of similar use to that which is currently in the area. North of our property is an existing church, east are existing one-story residences and to the west are existing one-story residences. South of our property is a vacant lot that is zoned R-1 but has a general plan of "Service Commercial".

The new structure is 11,100 sf and is two stories high. Thirty-eight parking spaces will be provided which include a van accessible space and a standard handicap space. All setbacks and landscape buffers are provided per Title 19. We are requesting a waiver for three required landscape finger islands in the parking lot. We have provided enhanced landscaping on the north side of the site. An 8'-0" high masonry screen wall will be added to the east side of the site to buffer the residences from our project. Due to site constraints and the narrowness of the lot, we must request a variance for the residential adjacency. We attempted to design the site with the building on the east in order to decrease the residential adjacency setback variance. However, once the throat depth, the driveway width the required parking dimensions and the vehicle access were taken into account the remaining lot with was not sufficient for a building to function as a professional office. Therefore, in order to make the entire site functional, we have placed the building at the east end of the property and must request a variance for the residential adjacency requirement of 15'-0" where 105'-0" would be required.

The building is contemporary in design and will be made of framed walls with stucco and stone veneer and all mechanical units will be fully screened.

Please consider this General Plan Amendment, rezoning, site development review and variance request as a positive impact on the City of Las Vegas and the surrounding neighborhood.

Respectfully Submitted,



Kristen G. Neuman, AIA
APTUS Architecture

GPA-20150 ZON-20151
VAR-20152 SDR-20149
04/12/07 PC

City of Las Vegas
City Clerk
City Hall, First Floor
400 Stewart Avenue
Las Vegas, Nevada 89101



Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the City Clerk at the address listed above or fax this side of this card to (702) 382-4803.

REED EDWARD R III
804 E ST LOUIS AVE
LAS VEGAS NV 89104-2829



I SUPPORT
this Request



I OPPOSE
this Request

VAR-20152

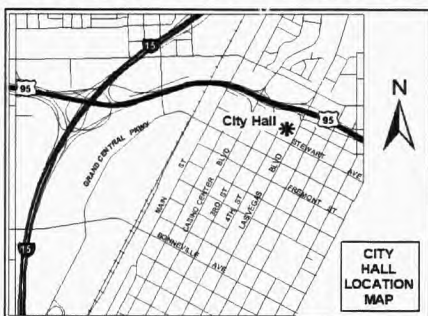
RECEIVED
CITY CLERK

2007 MAY -8 A 5b

Protest

City of Las Vegas
City Clerk
City Hall, First Floor
400 Stewart Avenue
Las Vegas, Nevada 89101

Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the City Clerk at the address listed above or fax this side of this card to (702) 382-4803.

☐

I SUPPORT
this Request



I OPPOSE
this Request

VAR-20152

RECEIVED
CITY CLERK



2007 MAY -8 A 10:54

U.S. POSTAGE



00.39:

H METER 717383

PAYNE MARION R TRUST
PAYNE MARION R TRS
2304 BEVERLY WY
LAS VEGAS NV 89104-2760

City of Las Vegas
City Clerk
City Hall, First Floor
400 Stewart Avenue
Las Vegas, Nevada 89101

Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the City Clerk at the address listed above or fax this side of this card to (702) 382-4803.

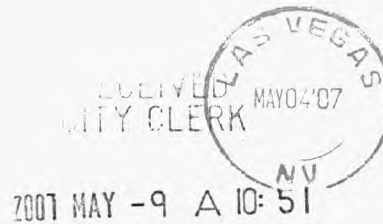
☐

I SUPPORT
this Request

VAR-20152

☒

I OPPOSE
this Request



BOOTH RICHARD
2208 BEVERLY WY
LAS VEGAS NV 89104-2759

Date 5/9/07 Item #120

City of Las Vegas
City Clerk
City Hall, First Floor
400 Stewart Avenue
Las Vegas, Nevada 89101

Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the City Clerk at the address listed above or fax this side ~f this card to (702) 382-4803.

SKONIECZNY HENRY J
O'NEILL RACHEL C
705 E ST LOUIS AVE
LAS VEGAS NV 89104-2822

☒ I SUPPORT
this Request
VAR-20152

☐ I OPPOSE
this Request

RECEIVED
CITY CLERK



2007 MAY -9 A 10:12WV



City of Las Vegas
City Clerk
City Hall, First Floor
400 Stewart Avenue
Las Vegas, Nevada 89101

RECEIVED
CITY CLERK



2007 MAY 31 A 10:47
Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the City Clerk at the address listed above or fax this side of this card to (702) 382-4803.

TIRSO REYNANTE M
701 CANOSA AVE
LAS VEGAS NV 89104-2816



I SUPPORT
this Request



I OPPOSE
this Request

VAR-20152

Submitted after City Council
Date 5/31/07 Item #120

**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

20N-20151
VAR-20152
SDR-20149

Meeting Date: 04/04/07

Case Number: GPA-20150
04/12/07 PC.

Date: 04/04/07
Name: Sherrill Franceschi
Address: 8885 W. La Madre Way
LV NV 89149
Phone: (702) 860-6050
☒ PROTEST ☐ APPROVE

Date: _____
Name: _____
Address: _____
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

ITEM # 44-47
CASE # See above
PC MTG 4-12-07

P

Subj: **SDR 20149, GPA 20150,**
 Date: 4/11/2007 11:00:06 P.M. Pacific Daylight Time
 From: southridgena@gmail.com
 To: douglaslein@aol.com
 CC: larrington@lasvegasnevada.gov, gregorystephenbrown@gmail.com

With respect to items #44 - #47 on the Planning Commission agenda for April 12, please include the following letter as a public comment submitted by Gregory Brown, 606 Bonita Avenue, on behalf of the Southridge Neighborhood Association:

Based on the plans presented at the neighborhood meeting held last month and a follow-up meeting with Mr. Lein, this project has the support of the Neighborhood Association. The response of those who attended the neighborhood meeting and viewed the plans presented that day was that this project is well-suited to the site and compatible with existing use of nearby properties, which are single family homes on the west side of 6th street and civic uses on the southeast and southwest corners of 6th & St Louis. The consensus of the neighbors was that this project would be well-suited to the site and compatible with nearby properties, because of the limited scale of the building, the design which limits direct views onto adjacent houses, the placement of the structure on the property away from the street, the landscaping buffer, the adequate on-site parking, and the intended use for low-traffic offices.

We share the applicant's view that "Office" is an appropriate land-use designation for this plot – which again is adjacent to a church and directly across the street from single-family homes. We would be concerned about a more permissive designation such as "Service Commercial." If such a designation were to be granted, the site would then be entitled for retail and other commercial uses which would be inconsistent with the Southridge and Beverly Green Neighborhood plan, as approved by the Planning Commission and City Council in 2001. We stated in that plan and continue to express as our primary concern to prevent commercial encroachment on St. Louis east of Paradise and on properties adjacent to St. Louis.

For these reasons, we support this application including the application for a designation of "Office" and we oppose a designation for "Service Commercial."

Gregory Brown
 President, Southridge Neighborhood Association

Submitted at Planning Commission

Date 4/12/07 Item # 44-47

Thursday, April 12, 2007 America Online: DouglasLein

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MAY 16, 2007

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-20150, ZON-20151 AND VAR-20152

SDR-20149 - PUBLIC HEARING - APPLICANT: DIAMOND SPRINGS LLC - OWNER: FIRST SOUTHERN BAPTIST CHURCH - Request for a Site Development Plan Review FOR A PROPOSED 11,110 SQUARE FOOT OFFICE BUILDING on 0.69 acres on the east side of 6th Street, 335 feet south of St. Louis Avenue (APN-162-03-801-135), C-V (Civic) Zone [PROPOSED: O (Office) Zone], Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (5-0-1 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 (5-0-1 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 04-12-07 Planning Commission Meeting Item 47

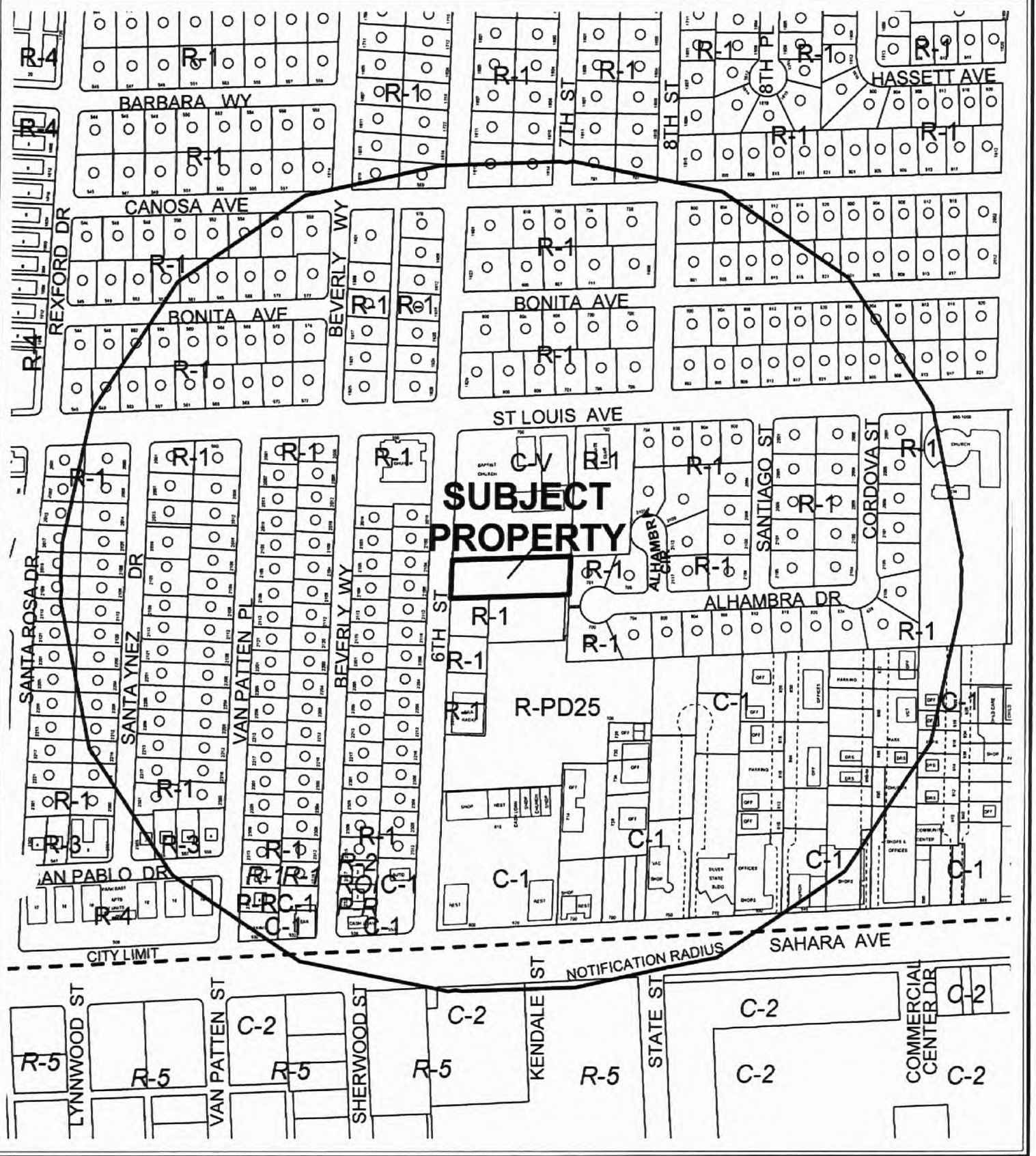
Motion made by GARY REESE to Approve Subject to Conditions

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

BRENDA J. WILLIAMS, LOIS TARKANIAN, 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 118 for related discussion.



CASE: SDR-20149

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-V (CIVIC)

PROPOSED ZONING OF SUBJECT PROPERTY: O (OFFICE)

0 500 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 16, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SDR-20149 - APPLICANT: DIAMOND SPRINGS LLC -
OWNER: FIRST SOUTHERN BAPTIST CHURCH**

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (5-0-1/d vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Rezoning (ZON-20151) 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 2/23/07, except as amended by conditions herein.
4. A Waiver from Title 19.10 is hereby approved, to allow one parking lot tree where four are required.
5. A revised site plan shall be submitted to and approved by the Planning and Development Department, prior to the time application is made for a building permit for signage, to reflect the changes herein:
 - A. One Monument Sign per street frontage with a maximum size of 75 square feet and maximum height of 8 feet is allowed in the "O" (Office) zoning District Title 19.14.060.
 - B. A monument sign must show a setback of five feet from all property lines.
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.

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 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.
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. Submit an application for a deviation from Standard Drawing #222a for the driveway accessing this site from Sixth Street.
15. 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.

16. 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.
17. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON-20151 and all other applicable subsequent site-related actions.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Site Development Plan Review for a proposed 11,110 square foot office building on 0.69 acres of property located on the east side of 6th Street, 335 feet south of St. Louis Avenue.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
03/05/58	The Board of Commissioners for the City of Las Vegas approved a Use Permit (U-0001-58) to construct, maintain, and use a church on property located at the southeast corner of 6 th Street and St. Louis Avenue.
08/29/75	The Board of Zoning Adjustment approved a Use Permit (U-0056-75) to allow the operation of a child care nursery, a pre-school, and to conduct educational programs on property located at 700 E. St. Louis Avenue.
06/23/92	The City Council approved the reclassification of property (Z-0024-92) located at 700 East St. Louis Avenue from R-1 (Single Family Residential) zoning to C-V (Civic) zoning for the remodel and expansion of an existing church.
04/12/07	The Planning Commission recommended approval of companion items GPA-20150; ZON-20151 and VAR-20152 concurrently with this application.
	The Planning Commission voted 5-0-1/d to recommend APPROVAL (PC Agenda Item #47/mh).
<i>Pre-Application Meeting</i>	
02/09/07	A Pre-application meeting was held with staff concerning the requirements to develop a vacant parcel associated with an existing church into an 11,100 SF professional office building. The applicant was informed of the requirements of a General Plan Amendment, a Rezoning, a Variance, and Site Development Plan Review.
<i>Neighborhood Meeting</i>	
03/14/07	A neighborhood meeting was scheduled in the First Southern Church, Fellowship Hall, 700 E. St. Louis at 5:30pm.
<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.69 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	PF (Public Facilities)	C-V (Civic) Zone
North	Church	PF (Public Facilities)	C-V (Civic) Zone
South	Undeveloped	SC (Service Commercial)	R-1 (Single Family Residential) Zone
East	Single Family Homes	L (Low Density Residential)	R-1 (Single Family Residential) Zone
West	Single Family Homes	L (Low Density Residential)	R-1 (Single Family Residential) Zone

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	NA	29,620 SF	NA
Min. Lot Width	60 feet	100 feet	Y
Min. Setbacks			
• Front	25 feet	207 feet	Y
• Side	10 feet	10 feet	Y
• Corner	15 feet	NA	NA
• Rear	15 feet	15 feet	Y
Max. Lot Coverage	30%	19%	Y
Max. Building Height	2 stories of 35 feet, whichever is less	35 feet	N*
Trash Enclosure	Screened & covered	Screened & covered	Y
Mech. Equipment	Screened	screened	Y

*Although this proposal meets most of the Design Standards as listed by Title 19.08, the proposal does not meet the Residential Adjacency Standards. A Variance (VAR-20152) has been requested a companion item.

Pursuant to Title 19.08.060, the following standards apply:

Residential Adjacency Standards	Required/Allowed	Provided	Compliance
3:1 proximity slope	114 feet	15 feet	N
Adjacent development matching setback	15 feet	15 feet	Y
Trash Enclosure	50 feet from residential	98 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/ 6 Spaces	4 Trees	1	N
Buffer: Min. Trees	1 Tree/ 20 Linear Feet along north perimeter; 1 Tree/ 30 Linear Feet along south, east, & west perimeters	10 Trees; 18 Trees	26	Y
TOTAL		32 Trees	55	Y
Min. Zone Width	8 Feet		12 Feet	Y
Wall Height	6 Feet		8 Feet	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	
Office, Other Than Listed	11,100 SF	1:300	37	2	38	2	Y
TOTAL			37	2	38	2	Y

Monument Signs: 19.14.060

Standards	Allowed	Provided
Maximum Number	1 sign per Street frontage	2 Street frontage signs*
Maximum Area	75 SF /sign	2 X 48 SF: 96 SF total*
Maximum Height	8 Feet	4 feet
Minimum Setback	5 Feet	3 feet*
Illumination	Direct/Internal	Not shown*

Waivers

Request	Requirement	Staff Recommendation
To allow 1 parking lot tree	Four trees	Approval

ANALYSIS

- **Zoning/Use**

The proposed office use is an appropriate for the area. However, as the requested General Plan Amendment to the O (Office) land use category and "O" (Office) Rezoning would constitute Spot Zoning, staff has recommended denial. A General Plan Amendment to SC (Service Commercial) with an affiliated C-1 (Limited Commercial) zoning District would allow the same use as proposed but remain in context with the existing adjoining land use to the south.

- **Site Plan**

The site plan shows a two-story building with an approximate 5,800 square foot building footprint (11,110 gross floor area) nestled at the far eastern end of the property providing a total lot coverage of 19% where 30% is allowed. Parking spaces for 38 cars –with two meeting ADA accessibility standards- are located at the front –or western end- of the property and are accessed from a non-standard 32 foot, 4 inch driveway off of 6th Street.

The applicant states that due to the narrowness of the lot -100 feet- and the requirements for drive access the building must be set back towards the rear of the building. Because of this arrangement, a Variance for Residential Adjacency Setbacks has been requested.

- **Residential Adjacency**

Although the office proposal meets the maximum allowable height for the "O" (Office) zoning District, the project does not meet the required Residential Adjacency Setback Standards. The eastern edge of the building located to the rear of the property show a split elevation with 35 foot and 32 foot parapets. The 32-foot parapet is located 15 feet from a single-family home that sits an additional 3 feet lower than the office grade. This requires that the office be setback 105 feet from the east in order to meet the 3:1 Residential Adjacency slope requirements.

Concerning the risk of privacy, it is important to note that the applicant has provided floorplans and elevations showing windows placed at 6-feet above the second floor. This arrangement should allow light to access the office buildings while making it difficult to have visual access to the neighboring property from the second floor.

A Variance (VAR-20152) has been requested as companion item to this Site Development Review. Because alternative design scenarios would allow possible compliance, staff has recommended denial on both the Site Development Review and the requested Variance.

- **Landscape Plan**

The provided landscape plan shows an inadequate amount of parking lot tree coverage. However, in an effort to provide screening to the residential properties to the east and to compensate for the shortage of parking lot trees, the applicant has provided enhanced landscaping along the northern perimeter. In addition to the abundant landscaping, the proposal shows a small pedestrian plaza located next to the southeast corner of the building that is adequately shaded and provides an inviting space for both office users and customers.

- **Elevations**

The selected materials shown on the elevations are appropriate for the proposed office use and provide some visual interest typical of professional-class office buildings. Stone veneer is shown along the north, south, and west elevations and a variation in red desert tones provide a visual breakup of the façade while remaining respectful of the surrounding residential character of the neighborhood.

A Variance to the Residential Adjacency Setback Standards has been requested as the rear elevations encroach the 3:1 setback slope.

- **Floor Plan**

The four office spaces, split between two floors, are shown on the provided floor plans. Each level contains two office bays arranged on an east-west axis that are divided by a continuous corridor running from the front entrance to an exit located at the rear of the building. Vertical circulation is provided by both an internal and external stairway and a single elevator. The external stairway is located at the rear of the building adjacent to the single-family home to the east.

- **Signage**

The provided site plans and landscape plans show two four-foot high by 12-foot wide monument signs located at the northwest and southwest corners of the property. Each sign is angled toward 6th Street and placed approximately three feet from the northern and southern property lines, respectively. Per Title 19.14.060, one monument sign at a maximum height of 8 feet placed 5 feet from property lines is allowed per street front. Additionally, monument signs have a maximum allowable area of 75 square feet and may not be internally or externally illuminated as there is residential property present within 200 feet.

A condition has been added for revised site plans to be submitted at the time building permits are pulled for signage to show adequate compliance with Title 19.14.060.

FINDINGS

The following findings must be made for an SDR:

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

The proposed office building use and layout are compatible with the adjacent residential neighborhoods to the east and west. However, due to the building's designed height, a Variance to the Title 19.08 Residential Adjacency Setback Standards has been requested. Therefore, the proposed development is not compatible with the adjacent development in its entirety.

- 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;**

The proposed development is inconsistent with the General Plan and Title 19 as proven by the requested Waiver to Title 19.10.010 and Variance from the Title 19.08 Residential Adjacency Setback Requirement.

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

Site access is from a single 32-foot curb cut off of 6th Street, classified as a Local street in the Master Plan of Streets and Highways. Staff believes that the impact from increased traffic would be minimal if restricted to low-intensity commercial uses such as this professional office.

- 4. Building and landscape materials are appropriate for the area and for the City;**

The applicant has provided a very attractive building with primarily smooth-stucco walls painted different red desert tones complemented with offset facades clad in stone veneer. The street-front windows and main entrance are accented with contemporary metal trellises, painted an iron-red, which provides visual modern contrast to the earth-toned colors of the building.

Abundant landscaping has been provided on the site with a significant assortment of desert-appropriate trees and shrubs placed along the northern perimeter. A small pedestrian plaza has been provided just south of the main entrance and is adequately landscaped so as to provide a shaded area.

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

The proposed 35-foot high (32-foot parapet plus three-foot change in grade) building elevation does not meet the required 105-foot Residential Adjacency Setback as established by the 3:1 slope requirement listed in Title 19.08. Although the applicant has made efforts to mitigate this setback encroachment by providing additional landscape screening, matching residential setback, and six-foot high windows, staff has recommended denial for the Variance (VAR-20152) as it stems from a personally-created hardship. A reduction in the overall building size and alternative design would be able to meet the required setback.

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

By conformance to conditions, appropriate measures will be taken to secure and protect the public health, safety and general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

12

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 310 by Planning Department

APPROVALS 0

PROTESTS 1



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-20149** APN: 162-03-801-135

Name of Property Owner: First Southern Baptist Church.

Name of Applicant: Diamond Springs LLC

Name of Representative: APTUS Architecture

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: Horace E. Brady

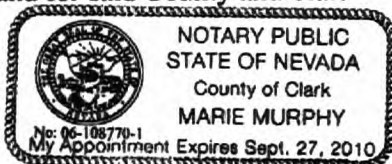
Print Name: Horace E. Brady Trustee

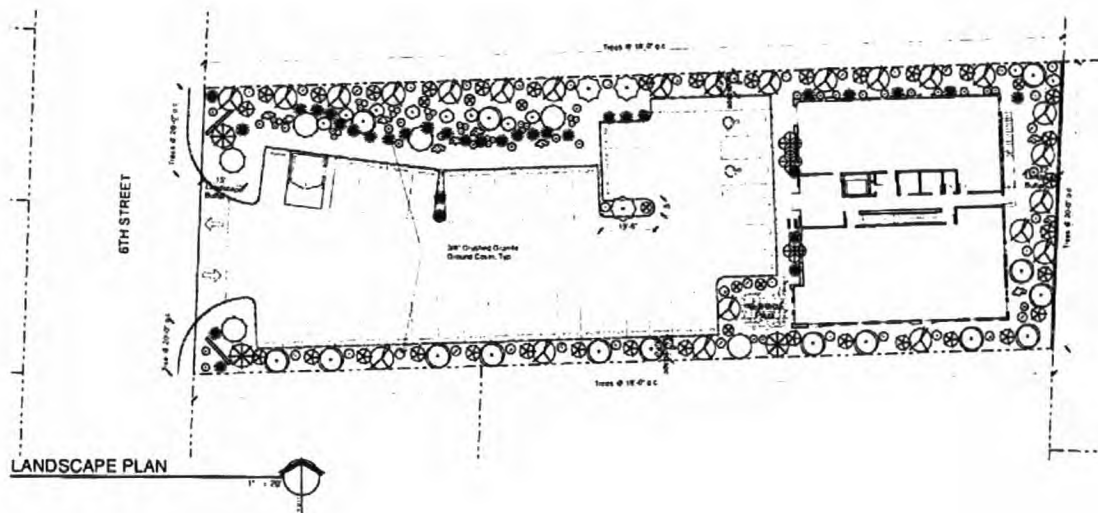
Subscribed and sworn before me

This 26th day of Feb, 20 07

Thurman Clark Nevada

Notary Public in and for said County and State





LANDSCAPE SCHEDULE				
TREES				
SYMBOL	COMMON NAME	BOTANICAL NAME	SIZE	QTY
	VELVET MESQUITE	Prosopis juliflora	24" Dia	24
	TEXAS HONEY SUCKLE	Lonicera garlandiae	24" Dia	15
	SHRESTIMA ACACIA	Acacia gerrardii	24" Dia	3
	PALO VERDE	Croton retusus	24" Dia	6
	VERTICILLATA OAK	Quercus verticillata	24" Dia	3
	MEDITERRANEAN FAN PALM	Livistona rotundifolia	24" Dia	3
SHRUBS				
	TEXAS RANGER	Leucophyllum frutescens	5 gal	25
	YUCCA	Yucca glauca	5 gal	25
	YUCCA	Yucca glauca	5 gal	15
	YUCCA	Yucca glauca	15 gal	15
	YUCCA	Yucca glauca	5 gal	25
GROUND COVER				
	DESERT CARPET	Portulaca oleraceae	5 gal	25
	LANтана	Lantana camara	5 gal	25
	MEDIAL WEST FOUNTAIN GRASS	Stipa capensis	5 gal	25
ROCK MULCH				
SIZE	COLOR	TO BE SELECTED BY ARCHITECT FROM MANUFACTURER'S STANDARD COLORS	DEPTH	
30" CRUSHED GRANITE			MIN 2" DEEP	

LANDSCAPE BUFFERS

FROM	TO	PREVIEW
FRONT	15'-0"	15'-0"
REAR	15'-0"	15'-0"
SIDE STREET	15'-0"	15'-0"
YARD	15'-0"	15'-0"

6th Street/ St. Louis Avenue
Site Development Review

6th Street
Las Vegas, Nevada 89109

GPA-20150 ZON-20151
VAR-20152 SDR-20149

04/12/07 PC

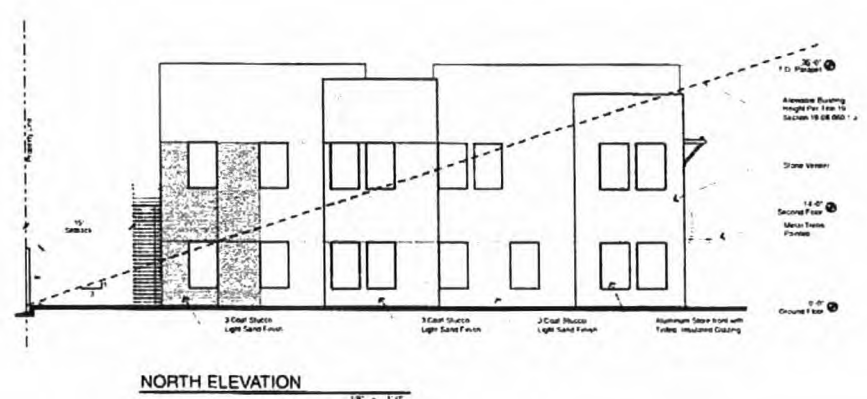
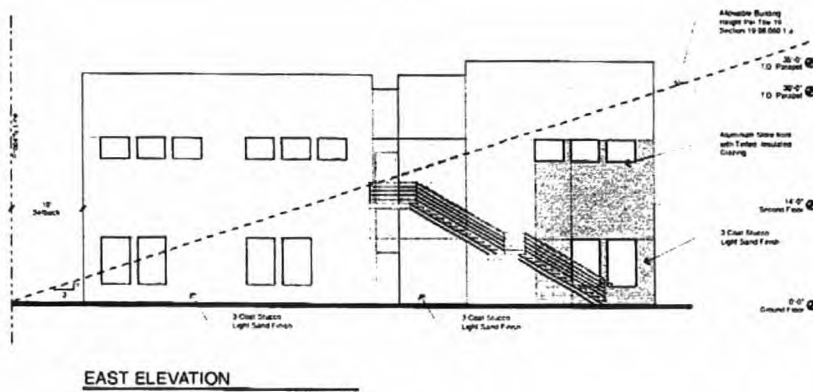
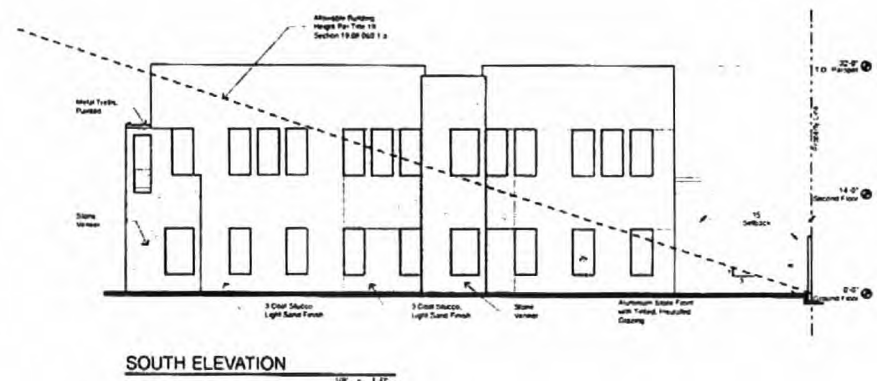
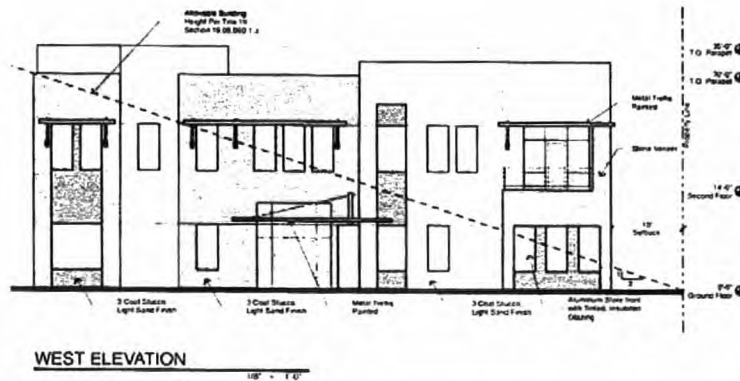
RECEIVED
FEB 26 2007

PLANTING PLAN

LI100

80-012 04/12/07 St. Louis Avenue

APTUS Architecture
1200 South Main Street
Suite 200
Las Vegas, Nevada 89101
P 702.878.1200
F 702.878.1201

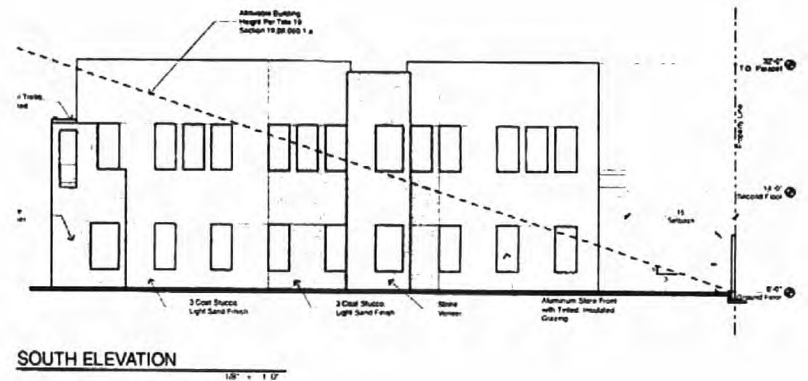
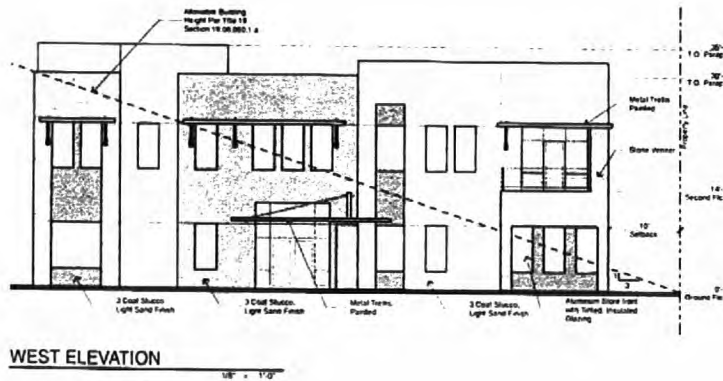


6th Street/ St. Louis Avenue
Site Development Review
6th Street
Las Vegas, Nevada 89105

GPA-20150 ZON-20151
VAR-20152 SDR-20149
04/12/07 PC

RECEIVED
FEB 26 2007
A200

APTUS Architecture
1200 South Main Street
Suite 200
Las Vegas, Nevada 89101
P: 702.891.1200
F: 702.891.1211



APTUS Architecture
 1305 South 4th Street
 Suite 300
 Las Vegas, Nevada 89104
 P 702.879.1200
 F 702.879.1211

6th Street/ St. Louis Avenue
 Site Development Review
 6th Street
 Las Vegas, Nevada 89109

GPA-20150 ZON-20151
VAR-20152 SDR-20149
 04/12/07 PC

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 Building ELEVATIONS-temp
 A201
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 2:27:07
 04/12/07 PC



GPA-20150 ZON-20151
VAR-20152 SDR-20149
04/12/07 PC

APTUS Architecture
©2006 Associated with University
Summer 2006
Los Angeles, California 90015
P. 310.414.1111
F. 310.414.1112

RECEIVED FLOOR PLAN
FEB 26 2007 A100



GPA-20150, ZON-20151, VAR-20152 AND SDR-20149 - APPLICANT: DIAMOND SPRINGS LLC -
OWNER: FIRST SOUTHERN BAPTIST CHURCH
THE SOUTHEAST CORNER OF ST. LOUIS AVENUE AND SOUTH 6TH STREET
APRIL 12, 2007 PLANNING COMMISSION

03/12/07

APTUS

February 12, 2007

City of Las Vegas
Planning and Development Department
731 s. 4th Street.
Las Vegas, Nevada 89101

RE: APN: 162-03-801-135
Subject: A. General Plan Amendment
B. Zoning Change
C. Site Development Review
D. Landscape Finger Island Waivers
E. Residential Adjacency

Dear Sirs:

The intended use for the property on 6th Street south of St. Louis is Professional Office Space.

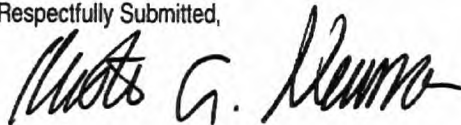
This property currently has a General Plan designation of "Public Facility" and a zoning designation of "CV". We are requesting a general plan amendment to "Service Commercial" and a zone change to "O" for this parcel. This project consists of a vacant lot that will be converted to an office. We feel this general plan amendment and zone change would be of similar use to that which is currently in the area. North of our property is an existing church, east are existing one-story residences and to the west are existing one-story residences. South of our property is a vacant lot that is zoned R-1 but has a general plan of "Service Commercial".

The new structure is 11,100 sf and is two stories high. Thirty-eight parking spaces will be provided which include a van accessible space and a standard handicap space. All setbacks and landscape buffers are provided per Title 19. We are requesting a waiver for three required landscape finger islands in the parking lot. We have provided enhanced landscaping on the north side of the site. An 8'-0" high masonry screen wall will be added to the east side of the site to buffer the residences from our project. Due to site constraints and the narrowness of the lot, we must request a variance for the residential adjacency. We attempted to design the site with the building on the east in order to decrease the residential adjacency setback variance. However, once the throat depth, the driveway width the required parking dimensions and the vehicle access were taken into account the remaining lot with was not sufficient for a building to function as a professional office. Therefore, in order to make the entire site functional, we have placed the building at the east end of the property and must request a variance for the residential adjacency requirement of 15'-0" where 105'-0" would be required.

The building is contemporary in design and will be made of framed walls with stucco and stone veneer and all mechanical units will be fully screened.

Please consider this General Plan Amendment, rezoning, site development review and variance request as a positive impact on the City of Las Vegas and the surrounding neighborhood.

Respectfully Submitted,



Kristen G. Neuman, AIA
APTUS Architecture

GPA-20150 ZON-20151
VAR-20152 SDR-20149
04/12/07 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**

Telephone Protest/ Approval Log

20N-20151
VAR-20152
SDR-20149

Meeting Date: 04/04/07

Case Number: GPA-20150
04/12/07 PC.

Date: 04/04/07
Name: Sherri Franceschi
Address: 8385 W. La Madre Wy
LV NV 89149
Phone: (702) 860-6050
☒ PROTEST ☐ APPROVE

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

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

ITEM # 44-47
CASE # See above
PC MTG 4-12-07

P

Subj: **SDR 20149, GPA 20150,**
 Date: 4/11/2007 11:00:06 P.M. Pacific Daylight Time
 From: southridgena@gmail.com
 To: douglaslein@aol.com
 CC: larrington@lasvegasnevada.gov, gregorystephenbrown@gmail.com

With respect to items #44 - #47 on the Planning Commission agenda for April 12, please include the following letter as a public comment submitted by Gregory Brown, 606 Bonita Avenue, on behalf of the Southridge Neighborhood Association:

Based on the plans presented at the neighborhood meeting held last month and a follow-up meeting with Mr. Lein, this project has the support of the Neighborhood Association. The response of those who attended the neighborhood meeting and viewed the plans presented that day was that this project is well-suited to the site and compatible with existing use of nearby properties, which are single family homes on the west side of 6th street and civic uses on the southeast and southwest corners of 6th & St Louis. The consensus of the neighbors was that this project would be well-suited to the site and compatible with nearby properties, because of the limited scale of the building, the design which limits direct views onto adjacent houses, the placement of the structure on the property away from the street, the landscaping buffer, the adequate on-site parking, and the intended use for low-traffic offices.

We share the applicant's view that "Office" is an appropriate land-use designation for this plot – which again is adjacent to a church and directly across the street from single-family homes. We would be concerned about a more permissive designation such as "Service Commercial." If such a designation were to be granted, the site would then be entitled for retail and other commercial uses that would be inconsistent with the Southridge and Beverly Green Neighborhood plan, as approved by the Planning Commission and City Council in 2001. We stated in that plan and continue to express as our primary concern to prevent commercial encroachment on St. Louis east of Paradise and on properties adjacent to St. Louis.

For these reasons, we support this application including the application for a designation of "Office" and we oppose a designation for "Service Commercial."

Gregory Brown
 President, Southridge Neighborhood Association

Submitted at Planning Commission

Date 4/12/07 Item # 44-47