



**PLANNING COMMISSION AGENDA  
REGULAR MEETING**

**COUNCIL CHAMBER, 401 CALIFORNIA AVENUE,  
BOULDER CITY NV 89005**

**Wednesday  
September 21, 2016 – 7:00 PM**

**ITEMS LISTED ON THE AGENDA MAY BE TAKEN OUT OF ORDER; TWO OR MORE AGENDA ITEMS FOR CONSIDERATION MAY BE COMBINED; AND ANY ITEM ON THE AGENDA MAY BE REMOVED OR RELATED DISCUSSION MAY BE DELAYED AT ANY TIME.**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

**PUBLIC COMMENT**

**PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS ON THE AGENDA FOR ACTION. EACH PERSON HAS UP TO FIVE MINUTES TO SPEAK. IF AN AGENDA ITEM IS ALSO LISTED AS A PUBLIC HEARING, PERSONS MAY WAIT TO SPEAK UNTIL THAT PARTICULAR ITEM.**

AGENDA

For possible action: APPROVAL OF AGENDA

1. For possible action: Approval of the Minutes of the August 17, 2016 regular meeting
2. For possible action: CU-16-257 – Resolution No. 1139 – Layla & Travis Sabin for Captain Snowbeard’s Shaved Ice LLC – 443 Nevada Way: A **public hearing** on an application for a conditional use permit in the C2, General Commercial Zone for outdoor sales display (food vendor trailer) pursuant to Section 11-11-4.J of the City Code
3. For possible action: BCMHP, LCC – 1501 Nevada Highway: Matters pertaining to a proposed change of use for an existing mobile home park:
  - A. **Public hearing** on a proposed Master Plan Amendment and a proposed rezoning

- B. MPA-16-033 – Resolution No. 1140: Adoption and recommendation to the City Council on a proposed amendment to the Master Plan Future Land Use Map to change the land use designation for 7.33 acres from Community Commercial to Medium Density Residential
  - C. AM-16-329 – Resolution No. 1141: A recommendation to the City Council on a proposed amendment to the Zoning Map to rezone 7.33 acres from MP, Mobile Home Park to R3, Multi-Family Residential
- 4. Monthly Progress Report on Development Allotments
  - 5. For possible action: Committee/Commission Absences
  - 6. Public Comment

*Each person has up to five minutes to speak. Comments made during the Public Comment period of the agenda may be on any subject. There shall be no personal attacks against the Chair, members of the Planning Commission, the City staff, or any other individual. No person, other than members of the Planning Commission and the person who has the floor, shall be permitted to enter into any discussion, either directly or through a member of the Commission without the permission of the Chair or Presiding Officer. No action may be taken on a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action will be taken.*

**All decisions for action items on this agenda are final by the Planning Commission, unless they are recommendations to the City Council, or appealed to the City Council.** As per Section 11-34-4 of the Boulder City Code, appeals must be filed within seven (7) calendar days of the decision.

Supporting material is on file and is available for public inspection at the City Clerk's Office, 401 California Avenue, Boulder City, Nevada 89005 and the Boulder City website at [www.bcnv.org](http://www.bcnv.org), as per NRS 241. To request supporting material, please contact the City Clerk at (702) 293-9208 or [lkrumm@bcnv.org](mailto:lkrumm@bcnv.org).

Notice to persons with disabilities: Members of the public who are disabled and require special assistance or accommodations at the meeting are requested to notify the City Clerk by telephoning (702) 293-9208 at least seventy-two hours in advance of the meeting.

This notice and agenda has been posted on or before 9 a.m. on the third working day before the meeting at the following locations:

Boulder City Hall, 401 California Avenue  
United States Post Office, 1101 Colorado Street  
Boulder City Senior Center, 813 Arizona Street  
Boulder City Parks & Recreation, 900 Arizona Street  
[www.bcnv.org](http://www.bcnv.org)

## Item 1 - Minutes

### SUBJECT:

For possible action: Approval of the Minutes of the August 17, 2016 regular meeting

### ADDITIONAL INFORMATION:

#### ATTACHMENTS:

Description	Type
☐ Minutes	Backup Material

## DRAFT

### PLANNING COMMISSION REGULAR MEETING

August 17, 2016

(Agenda previously posted in accordance with NRS 241.020.3(a))

#### CALL TO ORDER

The regular meeting of the Boulder City Planning Commission was called to order by Chairman Giannosa at 7:00 p.m. Wednesday, August 17, 2016, in the Council Chamber, City Hall, 401 California Avenue, Boulder City, Nevada, in accordance with the Commission's Rules of Procedure, with the following members present:

Present: Chairman Jim Giannosa  
Commissioner Cokie Booth  
Commissioner Fritz McDonald  
Commissioner Glen Leavitt (via teleconference)  
Commissioner Paul Matuska  
Commissioner John Redlinger  
Commissioner Steve Walton

Absent: None

Also present: City Planner Susan Danielewicz  
Deputy City Clerk Tami McKay

#### PLEDGE OF ALLEGIANCE

#### PUBLIC COMMENT

Chairman Giannosa noted this was the public comment period for matters pertaining to items on the agenda. No comments were offered.

#### AGENDA

For possible action: APPROVAL OF AGENDA

**Motion:** Approve the Agenda.

**Moved by:** Member Booth. **Seconded by:** Member McDonald.

#### **Vote:**

**AYE:** Chairman Jim Giannosa, Member Cokie Booth, Member Fritz McDonald, Member Glen Leavitt, Member Paul Matuska, Member John Redlinger, Member Steve Walton (7)

**NAY:** None (0)

**Absent:** None (0)

The motion was approved.

1. For possible action: Approval of the Minutes of the July 20, 2016 regular meeting

**Motion:** Approve the Minutes.

**Moved by:** Member Booth. **Seconded by:** Member Matuska.

**Vote:**

**AYE:** Chairman Jim Giannosa, Member Cokie Booth, Member Fritz McDonald, Member Glen Leavitt, Member Paul Matuska, Member John Redlinger, Member Steve Walton (7)

**NAY:** None (0)

**Absent:** None (0)

The motion was approved.

2. For possible action: AFDA-16-187 – Brother Sonny, LLC – 1321 Alpine Drive: Zoning review of an application for 1 residential allotment for Construction Year 2016-17

Chairman Giannosa disclosed he helped build the house and would be abstaining from the matter.

A staff report had been submitted by City Planner Danielewicz and included in the Agenda packet.

City Planner Danielewicz provided a brief overview noting the applicant originally obtained a building permit as an owner-builder, but plans have changed and the owner no longer plans to live in the house. She noted it became necessary for the applicant to apply for a residential allotment for Construction Year 2016-17. She noted three variances had been previously been approved for this property and would remain in effect regardless of the owner.

Chairman Giannosa asked for public comments and none were offered.

**Motion:** Confirm zoning compliance and forward AFDA-16-187 to the Allotment Committee for review and rating.

**Moved by:** Member Booth. **Seconded by:** Member McDonald.

**Vote:**

**AYE:** Member Cokie Booth, Member Fritz McDonald, Member Glen Leavitt, Member Paul Matuska, Member John Redlinger, Member Steve Walton (6)

**NAY:** None (0)

**ABSTAIN:** Member Giannosa (1)

**Absent:** None (0)

The motion was approved.

3. For possible action: AM-16-327 – Resolution No. 1138 – City of Boulder City, Historic Preservation Committee: A **public hearing** and recommendation to the City Council on a proposed amendment to Title 11, Chapter 27, Historic Resources, Purpose

A staff report had been submitted by City Planner Danielewicz and included in the Agenda packet.

City Planner Danielewicz provided a brief overview noting the request had been drafted by the Historic Preservation Committee. She said they were requesting an amendment to the “purpose” section to help guide the Committee in its review of further potential code amendments. She noted the proposed language had been taken from a model code for cities in Connecticut.

In response to Member Matuska about the staff report reference to another code amendment, City Planner Danielewicz noted it was necessary to bring the City’s current code into conformance with NRS because it had been discovered that the original legal notice advertising did not follow the procedure to advertise for additional weeks. She said the re-adoption would not change any of the code language, but would satisfy the legal notice requirements.

In response to Member Leavitt, City Planner Danielewicz noted the re-adoption of the code would only require City Council approval because no code language is being changed for that ordinance.

Kiernan McManus, Historic Preservation Committee member, said the Committee had reviewed several different historic codes and concluded the “purpose” language from the model historic preservation code for the state of Connecticut was also appropriate for Boulder City.

Member Leavitt said the purpose of the Historic Preservation Committee is to make recommendations to the City Council, as defined in the Charter. He said he believed some of the amended language was subjective and could back the City into a corner. He said the language he was comfortable with was Section A.2 which used the word “encouraging” because this would not be legally binding. He said he believed the new language would take power away from the Planning Commission and City Council.

City Planner Danielewicz said for clarification purposes, Member Leavitt referred to the Charter, but the Historic Resources chapter is located within the City Code and not the Charter.

Member Booth said she was in favor of the proposed language and believed it to be encouraging rather than binding.

Member Leavitt said he was not in favor of the amended language, and said more discussion was needed regarding this.

Member Booth said she believed the Committee should have a more defined purpose, as proposed.

Member McDonald questioned if the expanded purpose language provided additional authority or regulations, or enabled the Committee to do anything it couldn't do now.

Mr. McManus said the current code purpose is only to provide regulations. He said Boulder City was unique and an expanded purpose would demonstrate the benefits of promoting and educating the public about preservation.

Member McDonald questioned why the Committee wasn't also amending Section 11-27-2 for the Committee's duties, and putting the new language there.

Member McManus said the proposed language is an attempt to clarify the purpose of the Committee which is to promote preservation efforts throughout the city. He said they had received a lot of positive feedback from the annual restoration workshop and tours of the filtration plant and wanted to reinforce the Historic Preservation Committee's mission to promote a preservation atmosphere.

In response to Member McDonald, Mr. McManus agreed the proposed changes were an attempt to rebrand the Committee's image and to promote preservation and education.

Member Redlinger said once the purpose is amended, the Committee could come back later with more changes and say they're necessary because of the expanded purpose language.

Mr. McManus replied to Mr. Redlinger noting the guidelines were not being amended, so the processes would remain the same. The code already gives the Committee the power to create guidelines, and they have done so; this amendment is to state the value of preservation.

In response to Member Redlinger, City Planner Danielewicz said the proposed purpose language was not typical of other zoning chapters, but is typical for zoning chapters pertaining to historic preservation. She said the language did not present a legal jeopardy.

In response to Member Booth, City Planner Danielewicz affirmed the Planning Commission does not have final say on code amendments, but makes recommendations to the City Council.

Member Walton said he valued and appreciated the efforts of the Historic Preservation Committee. He said he was not in favor of the new language because the Committee should serve as the vehicle to guide the recommendations outlined in the chapter. He suggested the duties of the Committee and purpose of the chapter should be separate and distinct. He also stated the section about drafting and applying design standards sounded like it might remove an approval process from the Planning Commission and Staff.

City Planner Danielewicz said she appreciated the comments offered by Member Walton and said Staff was responsible for dividing the Connecticut model code language into purposes of the chapter vs. purposes of the Committee.

Member Leavitt said the purposes of the Committee should not be included in the purpose section for the chapter, and should be moved to the section for the Committee's duties. He suggested the Historic Preservation Committee continue its efforts to encourage and educate the community but he wasn't comfortable with the proposed language.

Member Matuska said everyone agrees with the concept of historic preservation and the attitude for this must be developed in the community. He suggested some of the language be revised and cleaned up to articulate the value of historic preservation but he was concerned some of the language may be too strong. He said he believed most of the community supports preservation. He said there was nothing in the code to prevent the demolition of historic sites and believed this should be part of a future amendment.

Member McDonald said he was not in favor of the term fostering, but could support the term promoting. He said he did not want to grant the Historic Preservation Committee the authority to draft and apply design standards. He said he was okay with the purpose of the chapter being expanded, but couldn't support some of the proposed language because he believed it could be a potential liability for the City.

Mr. McManus said the Committee intends on reviewing each section of the Historic Resources chapter and understands its role is advisory to the Planning Commission and City Council. He said the Committee is committed to placing more emphasis on preservation. He said it was important to define the Committee's purpose and have it approved by the City Council so there was a clear direction pertaining to future amendments.

Member Leavitt said he agreed with some of the comments, but doesn't want to change the purpose of the Committee to go beyond advising and recommending. He said "promoting" doesn't have to be defined in order for the Committee to be able to go out and do it. He said as a property owner, he would not want to be required to follow certain procedures.

Member Redlinger said his concern was the purpose was driving the chapter. He said the language insinuated a directive rather than a recommendation. He suggested all of the sections of the chapter be reviewed for changes and all of the amendments be reviewed and approved at one time.

Member Booth said she thought the amendments were well written and was in favor of the changes.

Chairman Giannosa said there is a lot of historical value in Boulder City and promoting preservation was important. He said he was concerned about possible ripple effects of this code language in the future. He said he could support the changes if they applied only to publicly-owned properties, but was concerned about applying requirements to private property owners. He said the existing language is vague but this doesn't help.

Chairman Giannosa noted this was the time and place scheduled for a public hearing and asked for public input.

Kiernan McManus said he believed the proposed language was not unusual and was also similar to the language adopted in Carson City, Nevada. He said the Committee members had attended a preservation seminar sponsored by national professionals, and believed the proposed language didn't require preservation, but encouraged it.

There being no further comments offered, the public hearing was declared closed.

**Motion:** Recommend denial of AM-16-327 and recommend that the Historic Preservation Committee continue the review process and bring back a revised request for further consideration.

**Moved by:** Member Leavitt. **Seconded by:** Member Giannosa.

In response to Member McDonald, City Planner Danielewicz noted the applicant had the right to still move forward to the City Council for consideration of their original language, or they could choose to wait and bring back further revised language for the Commission to consider first.

Member McDonald urged the Historic Preservation Committee take the Planning Commission's comments into consideration and revise the language.

**Vote:**

**AYE:** Chairman Jim Giannosa, Member Fritz McDonald, Member Glen Leavitt, Member Paul Matuska, Member John Redlinger, Member Steve Walton (6)

**NAY:** Member Cokie Booth (1)

**Absent:** None (0)

The motion was approved.

4. Monthly Progress Report on Allotments

A staff report had been submitted by City Planner Danielewicz and included in the Agenda packet.

No comments offered.

5. For possible action: Committee/Commission Absences

None.

6. Public Comment

None.

There being no further business to come before the Planning Commission, Chairman Giannosa adjourned the meeting at 8:05 p.m.

\_\_\_\_\_  
Jim Giannosa, Chairman

ATTEST:

\_\_\_\_\_  
Tami McKay, Deputy City Clerk

Minutes Approved: \_\_\_\_\_

**Item 2 - CU-16-257**

**SUBJECT:**

For possible action: CU-16-257 – Resolution No. 1139 – Layla & Travis Sabin for Captain Snowbeard’s Shaved Ice LLC – 443 Nevada Way: A **public hearing** on an application for a conditional use permit in the C2, General Commercial Zone for outdoor sales display (food vendor trailer) pursuant to Section 11-11-4.J of the City Code

**ADDITIONAL INFORMATION:**

**ATTACHMENTS:**

Description	Type
Item 2 report	Cover Memo
PC Reso 1139	Resolution Letter
Item 2 backup	Backup Material



# Agenda Item No. 2 Planning Commission Meeting September 21, 2016

## Staff Report

**BOULDER CITY  
PLANNING COMMISSION**

**TO:** Planning Commission

**CHAIRMAN  
JIM GIANNOSA**

**FROM:** Susan Danielewicz, City Planner  
Community Development Department

**MEMBERS:  
COKIE BOOTH  
GLEN LEAVITT  
PAUL MATUSKA  
FRITZ MDDONALD  
JOHN REDLINGER  
STEVE WALTON**

**DATE:** September 14, 2016

**SUBJECT:** CU-16-257 – Resolution No. 1139 – Layla & Travis Sabin for Captain Snowbeard’s Shaved Ice LLC – 443 Nevada Way: A **public hearing** on an application for a conditional use permit in the C2, General Commercial Zone for outdoor sales display (food vendor trailer) pursuant to Section 11-11-4.J of the City Code

**MEETING LOCATION:  
COUNCIL CHAMBERS  
401 CALIFORNIA AVENUE  
BOULDER CITY, NV 89005**

**Action Requested:** That the Planning Commission conduct the required public hearing and consider adoption of Resolution No. 1139 for the renewal of a conditional use permit (CU-16-257) as noted above.

**WEBPAGE:  
WWW.BCNV.ORG**

**Applicant:** Layla & Travis Sabin for Captain Snowbeard’s Shaved Ice LLC

**Property Owner:** Kae & Elizabeth Pohe Family Trust

**CITY MANAGER:  
DAVID FRASER**

**Location:** 443 Nevada Way **APN#:** 186-09-110-021

**DEPUTY CITY CLERK:  
TAMI MCKAY**

**Zoning:** C2, General Commercial

**COMMUNITY DEVELOPMENT  
DIRECTOR:  
BROK ARMANTROUT**

**Information:** The applicants would like to obtain a conditional use permit to operate a food vendor trailer on the subject property; see attached information. The applicants have already started operating the business on site; they have received approval from the Health District and have also applied for their business license. They had indicated that they got a late start and only intend to operate at this location until mid-October, although their letter indicates that they are “planning to be seasonal although we are getting requests to be open year round.” More recently they have also indicated that they may wish to move the trailer on certain nights to a City park to be present for sporting events (they will deal with the Parks and Recreation Department for that). They are pursuing this location for now, but had also indicated that they might move to a location in the Las Vegas Valley in the future.

**CITY PLANNER:  
SUSAN DANIELEWICZ**

The subject property is a vacant lot downtown, located between two commercial buildings fronting on Nevada Way. The vacant property is divided by a fence; the trailer is currently located in front of the fence facing Nevada Way. (The applicant's site plan is based on a map from Google Maps which mistakenly shows a building on this property; the Google Earth photo is correct.) The Google Earth photo appears to be from Spring Jamboree weekend this past May, and shows what appears to be a food vendor trailer in this location. The applicants state that this wasn't their trailer (they only acquired it in late May), so it's likely another similar trailer that was just set up there at the time for that weekend event. It bears noting that the applicant's trailer, at this location, doesn't "stand out" prominently downtown, as it is not on a corner lot and is set back from the sidewalk close to the fence; refer to attached photos.

The City Code does not list food vendor trailers as a permitted or conditional use in any zone. However, for the C2 zone, Section 11-11-4.J lists as a conditional use "outdoor sales display areas," and this section has been applied to other food vendor trailer requests in the past.

The applicants have indicated that they might wish to return next year or even be year-round. If this use permit is approved, the applicant would not have to return to the Planning Commission again for operation of the trailer as proposed on the attached plans (and regardless of the time of year), unless the Planning Commission chooses to establish some form of time limit and require re-approval. The attached draft resolution does not include a time limit or require re-approval unless nuisances should arise. The Commission is welcome to amend the resolution, however, if it wishes to establish a time limit and/or require re-approval.

**Note:** Some Commissioners have previously expressed concern in the past about the appropriateness of these types of uses (particularly in the historic area of the City), primarily based on the appearance of the temporary trailers. Although Staff is researching this issue, as long as such uses involve trailers on wheels, the amount and content of signage (logos, colors) on a *vehicle* cannot be regulated by a municipality, based on past court decisions regarding signs. (For a structure, the *amount* of sign area can be regulated, but not the sign content.) Unless or until the City adopts specific standards and/or code amendments to further regulate or otherwise prohibit these uses, the best alternative in the interim is to impose a condition on such requests that subjects the use to further review and approval should the City later adopt specific standards for these uses (refer to condition no. 3 in the attached resolution).

If the City were to later adopt regulations that would actually prohibit these types of uses (such as a mobile vendor trailer) in certain areas of the City such as downtown, condition no. 3 in the attached resolution notes that this use permit would be revoked. While adding such a condition for a "retroactive" review and approval or revocation would not be appropriate in most cases, it is possible for a mobile use such as a trailer, since the use is clearly mobile and can easily be moved to another location if the use could not comply with any code requirements adopted at a later date.

Similar history: With the review of a prior CUP for a shaved ice trailer downtown (CU-13-240), the Planning Commission had expressed a desire for future code amendments to address these uses. At this time, staff is still researching other codes regarding this.

These are the conditional use permits that have previously been approved or denied over the years for these types of uses:

CU-05-200	1625 Nevada Hwy.	Nick's Famous Hots	No time limit
CU-06-206	567 Nevada Way	Pinkies Popcorn	No time limit
CU-13-240	567 Nevada Way	Beach Bums Hawaiian Ice	Approved in May thru mid-Oct; applicant did not request renewal
CU-14-246	100 Ville Dr.	Polar Snow	No time limit
CU-14-248	708 Canyon Rd.	Shavee's	No time limit
CU-14-252	704 Nevada Way	Shavee's	Denied *
CU-15-253	1497 Nevada Hwy.	Shavee's	No time limit; subject to future regulation

\*The request to place the Shavee's trailer at 704 Nevada Way (CU-14-252) was denied on the basis that the use would not be compatible with the historic area.

The only business above that has a current business license is Shavee's at 1497 Nevada Highway, although the trailer has not recently been there.

Zoning Review: Section 11-30-1, as amended by Ordinance 1001, establishes the purpose of Chapter 11-30, Conditional Uses, as follows:

"In certain zones conditional uses are permitted in order to give the zone use regulations of this Title the flexibility necessary to achieve the objectives of the zoning ordinance. Conditional uses are specific types of uses that may be allowed to locate in a zoning district provided that it complies with established preconditions. Because of their unusual characteristics, conditional uses require special consideration by the Planning Commission so that they may be properly integrated into the community of uses which may be suitable only in specific locations in a zone, or only if such uses are designed or laid out in a particular manner on the site. Conditional use shall ordinarily be construed as to mean the allowing of an activity as opposed to a variance, which is construed to refer to a physical variation".

Section 11-30-3, as amended by Ordinance 1001, sets forth the parameters under which the Commission can act on this application:

"In considering an application for a conditional use, the appointed members of the Planning Commission shall consider the nature and condition of all adjacent uses and structures, and may impose such requirements and conditions as deemed necessary with respect to location, construction, maintenance and operation of the use, in addition to those expressly provided in this Title for the particular use, as may be

necessary for the protection of adjacent properties and which are in the public interest. Before approving or conditionally approving a conditional use permit, the Commission shall determine that the establishment, maintenance and operation of a proposed conditional use will not be detrimental to the health, safety, morals or the general welfare of the City."

In determining whether the application meets the above requirements, the Commission is to consider, as a minimum, that certain, specific provisions and arrangements have been satisfactorily made. The following are the Conditional Use Permit criteria as set forth in Section 11-30-3.A, followed by staff's comments and possible findings, that are to be reviewed and considered by the Commission when it considers the application of appropriate conditions.

1. That the use will be in substantial conformance with the Master Plan and Future Land Use Map, and any applicable Area Master Plan.

Staff Comment: The 2003 Master Plan Future Land Use Map shows the subject property designated for Community Commercial use, in conjunction with the C2 zoning of the property. Outdoor sales are a conditional use in the C2 zone. The Master Plan text does not address temporary uses such as food vendor trailers.

2. That the use will be designed, constructed, and operated so as to be compatible with adjacent uses of land, the existing or planned character of the general vicinity, and the natural environment.

Staff Comment: The property is surrounded by other downtown commercial properties/uses. The use of outdoor sales for food vending purposes should not be incompatible with these nearby uses of land.

Regarding design, the City Code does not have any standards specific to these types of uses. As pointed out by other Commissioners in the past, the City Code does not have *any* design standards for buildings, commercial or residential, so there is no legal precedent for trying to impose design standards on food vendor trailers. Given that use permits were previously approved downtown for similar uses in the past, and because the City does not have design standards for these uses, approval of the current use permit should be considered, given that there is a proposed condition that would allow for the application of future code provisions relative to this use.

3. That the building layout, including building height and bulk, lighting, landscaping and screening, on-site or off-site parking, ingress and egress, loading facilities, and waste disposal shall be designed to not be materially detrimental to uses and property in the immediate area.

Staff Comment: The zoning ordinance does not have a separate parking standard for these uses, but parking requirements do not apply within the Central Business District (11-23-6), as there is public parking available within the downtown area. Although the area where the trailer is parked is covered with

artificial turf, below that the surface is paved, which complies with the requirement that the trailer must be parked on a hard-surface area as per Section 11-23-5.B.1 of the City Code.

4. That the development shall be located and designed to avoid undue noise, odor, traffic or other nuisances and dangers to abutting property owners.

Staff Comment: The proposed use is not anticipated to have any negative impact with regard to the above noted matters. Staff comments received to date offer no objection to the request.

5. That the use will be served by adequate essential public facilities and services including but not limited to streets, fire and police protection, electrical, water, storm and sanitary sewer service.

Staff Comment: The property can still be adequately served by essential public facilities and services.

The Commission must make written findings which shall specify facts relied upon by the Commission in rendering its decision. The Commission must fully set forth the facts and circumstances of its decision. If the Commission desires to approve the request, this can be accomplished by approval of the attached resolution.

Recommendation: It is recommended that the Planning Commission conduct the required public hearing and consider approval of Resolution No. 1139, a conditional use permit request for a food vendor trailer for Layla & Travis Sabin / Captain Snowbeard's Shaved Ice LLC at 443 Nevada Way.

NOTE: If the Planning Commission wishes to deny the request, a motion to deny CU-16-257, with findings, would be required. (Resolution No. 1139 would simply not be approved.) Any Planning Commission action (approval or denial) can be appealed to the City Council.

Attachments:

Resolution No. 1139  
Application  
Description of request  
Site plan  
Photos  
Location Map

SD09185A.docx

PLANNING COMMISSION RESOLUTION NO. 1139

RESOLUTION OF THE PLANNING COMMISSION OF BOULDER CITY,  
NEVADA, TO APPROVE CONDITIONAL USE PERMIT NO. CU-16-257

WHEREAS, Layla and Travis Sabin on behalf of Captain Snowbeard's Shaved Ice LLC have requested approval of Conditional Use Permit No. CU-16-257 to permit outdoor sales (a food vendor trailer) at 443 Nevada Way (APN 186-09-110-021) in the C2, General Commercial Zone as per Section 11-11-4.J of the City Code; and

WHEREAS, On September 21, 2016 the required and noticed public hearing was held by the Boulder City Planning Commission in accordance with the provisions of City Code Section 11-30-4, 11-30-5 and Chapter 11-35;

NOW, THEREFORE, BE IT RESOLVED that the Boulder City Planning Commission does hereby approve Conditional Use Permit No. CU-16-257 based on the findings:

1. The proposed use is consistent with the Community Commercial land use designation as per the Master Plan Future Land Use Map.
2. The immediate surrounding properties are also zoned C2, General Commercial, and this request is not anticipated to have a negative impact on the other uses in this zone.

BE IT FURTHER RESOLVED that the Boulder City Planning Commission does hereby approve Conditional Use Permit No. CU-16-257 based on the following conditions:

1. Use of the property shall be in substantial conformance with the plans and information submitted to and reviewed by the Planning Commission at its meeting on September 21, 2016, and the use shall comply with all necessary City and other applicable codes as well as requirements of City departments and any other applicable governing agencies.
2. The use shall not create nuisances to surrounding properties. The use is subject to additional public hearings should there be repeated or unresolved substantive complaints regarding the use or should there be violations of these conditions that are not corrected in a timely manner. Any conditional use permit is subject to the revocation procedures of Section 11-35-9 of the City Code.
3. Should the City adopt regulations specific to food vendor trailers or other similar temporary uses, this use permit shall be subject to reconsideration by the Planning Commission relative to the new regulations. If the use cannot comply with the new regulations, or if the new regulations would prohibit this type of use at this location, this conditional use permit shall be revoked.

4. As per Section 11-30-5 of the Boulder City Code, a conditional use permit is a purely personal privilege, not running with the land, and it shall not be transferred to a new owner or operator except in accordance with the provisions of that section of the City Code.

DATED and APPROVED this 21st day of September, 2016.

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Jim Giannosa, Chairman

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ATTEST: Tami J. McKay, Deputy City Clerk



**Boulder City, Nevada  
Community Development Department  
ZONING APPLICATION FORM**

Mailing Address:  
401 California Avenue  
Boulder City, Nevada 89005

**CHECK ONE:**

- MASTER PLAN AMENDMENT: MAP  TEXT
- ZONING AMENDMENT: MAP/REZONE  ORDINANCE TEXT
- CONDITIONAL USE PERMIT
- SPECIAL USE PERMIT
- VARIANCE
- DEVELOPMENT ALLOTMENT: Single-Family  Multi-Family  Hotel-Motel
- OTHER (as per STAFF ONLY): \_\_\_\_\_

Staff Use Only	
File No.	CU-16-257
Acceptor	J
Filing Date	08/30/2016
Hearing Date	09/21/2016
Fee Paid	7100.00

APPLICANT		PROPERTY OWNER	
NAME	Layla Sabin + Travis Sabin	NAME	CITY OF BOULDER CITY
MAILING ADDRESS	2431 Bert + Buckley Dr. Henderson, NV 89002	MAILING ADDRESS	K+E Pohe Family Trust 441 Nevada Way BC NV 89005
CONTACT PHONE	702-883-2444 Check: Work <input type="checkbox"/> Cell <input checked="" type="checkbox"/> Home <input type="checkbox"/>	CONTACT PHONE	Check: Work <input type="checkbox"/> Cell <input type="checkbox"/> Home <input type="checkbox"/>
EMAIL	laylasabin@hotmail.com	EMAIL	

STREET ADDRESS or LEGAL DESCRIPTION: 443 Nevada Way - Flying Saucer -

APPLICATION: Application must specify the nature of the request pursuant to the provisions of City Code, Title 11. Application is to permit the following (BRIEFLY describe here):

Allow Captain snowboards shaved ice to setup and sell shaved ice on the property at 443 Nevada Way.

JUSTIFICATION: Applicant must submit a written statement along with this application describing the nature of the request (in detail) and justification using the criteria in the City Code (copy attached).

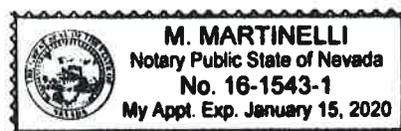
AFFIDAVIT: I do hereby solemnly swear or affirm that all statements contained in this application are true and correct to the best of my knowledge and that this statement is executed with the knowledge that misrepresentation or failure to reveal information requested may be deemed sufficient cause for refusal to approve this application.

Travis Sabin  
PRINT Applicant Name

[Signature]  
SIGNATURE of Applicant

State of Nevada, County of Clark Subscribed and sworn to (or affirmed) before me on (date)  
Aug. 30, 2016 by [name(s) of person(s) making statement] \*\*\*Travis Sabin\*\*\*

[Signature]  
(Signature of notarial officer) (Notary stamp)→



**FOR CITY USE ONLY****File No.: CU-16-257**

(Application, Page 2)

Date Fees Paid: 08/30/2016

**PLANNING COMMISSION**

Date Notices Mailed: 09/08/2016	Date Property Posted: Not Applicable	Date of Newspaper Notice: Not Applicable
Distance Requirement: 500'	Properties within distance: 78	No. of notices sent: 69
No. of mobile home parks (rental) included in mailing:		0
DATE / PLANNING COMMISSION ACTION (if applicable):  09/21/2016:		

**ALLOTMENT COMMITTEE**

DATE / ALLOTMENT COMMITTEE ACTION (if applicable):
--

**CITY COUNCIL**

Date Notices Mailed:	Date Property Posted:	Date of Newspaper Notice:
Distance Requirement:	Properties within distance:	No. of notices sent:
No. of mobile home parks (rental) included in mailing:		
DATE / CITY COUNCIL ACTION (if applicable):		

Additional comments:

Thursday, August 25, 2016

## **Captain Snowbeard's Shaved Ice LLC.**

---

### Conditional Use Permit

To whom it may concern,

We are writing you this letter in regards to us obtaining a Conditional Use Permit for our Shaved Ice business located on Kae Pohe's property at 443 Nevada Way. My husband Travis Sabin grew up in Boulder City and is the graduating class of 92'. He lived in Boulder City for over 34 years and we just recently sold the family home after the passing of his mother. My husband is a well know soccer coach in Boulder City as well as Henderson and although we may live right over the hill we spend most of our free time in Boulder City. We frequent Tonys Pizza, Grandma Daisy's the Brew Pub ect. and are here for all the small town events.

We are supporting small businesses in town with our Shaved Ice business as we are purchasing all of our ice through the Boulder City Water Store and are eating lunch and dinner at local restaurants. We have had great feedback from the community so far and families are excited for us to be in town as its a great thing to do with the kids for a treat!

We are planning to be seasonal although we are getting requests to be open year round. We are going to be open everyday from 12-7 until Mid October depending on weather. We are hoping to get approved for a CUP so that we can serve the families of Boulder City and help give the kids something to look forward to doing. We appreciate your time and look forward to speaking with you further!

Layla and Travis Sabin

Captain Snowbeard's Shaved Ice LLC

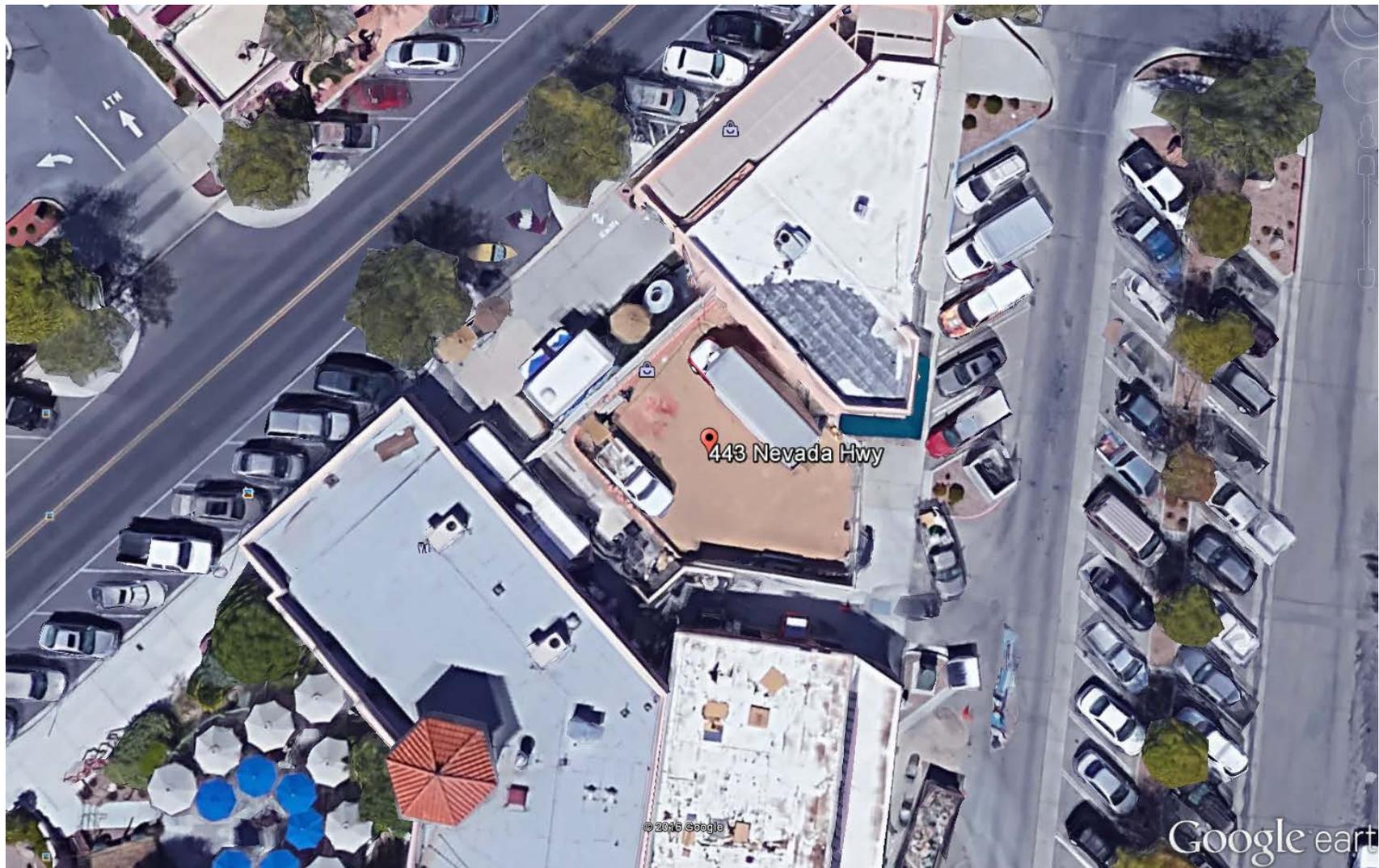
443 Nevada Way

702-883-2444



Map data ©2016 Google 20 ft

443 Nevada Way Google Earth photo image date May 2016 (?)



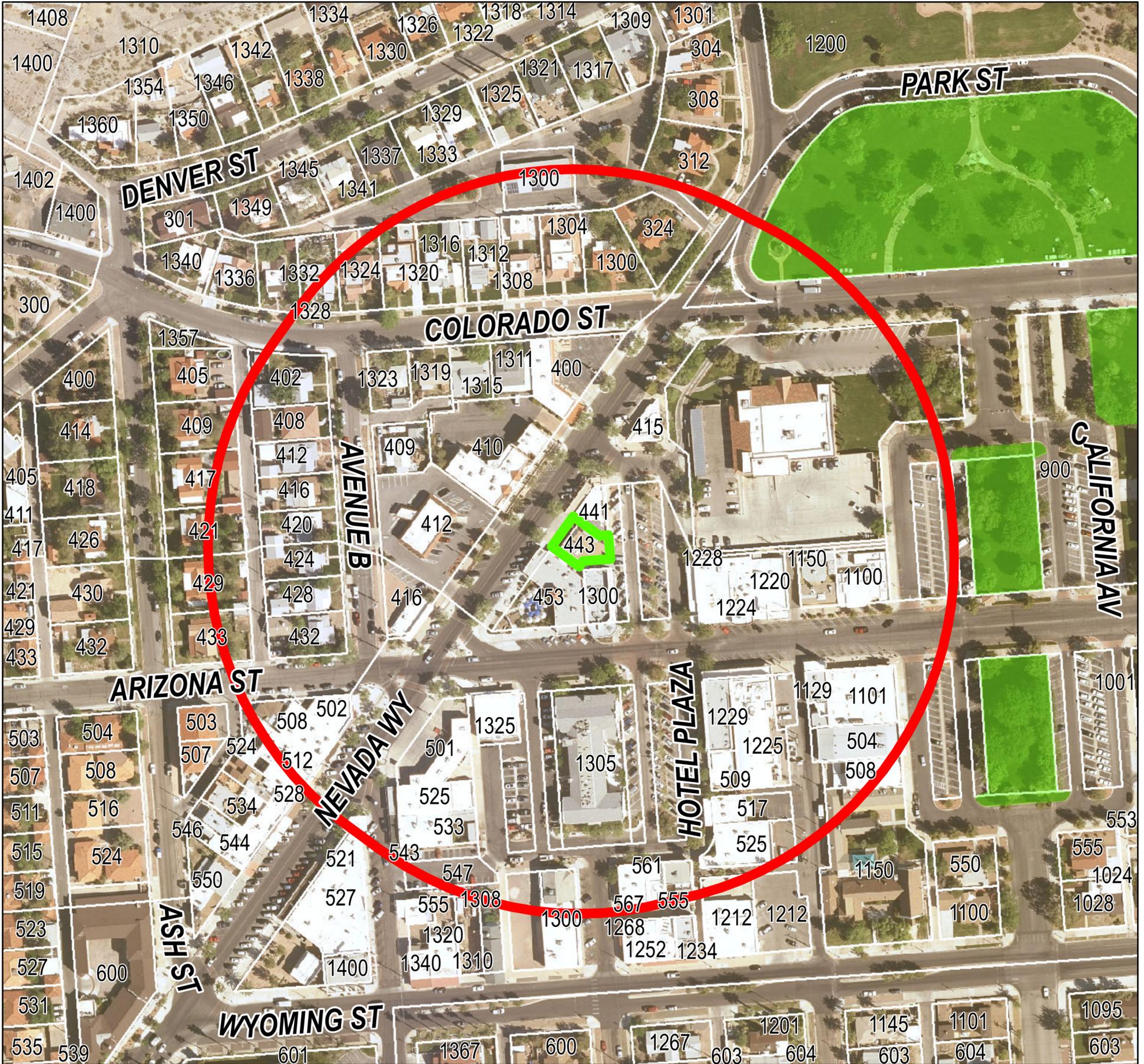
443 Nevada Way, Sept. 2016



Nevada Way, either side of 443 Nevada, Sept. 2016

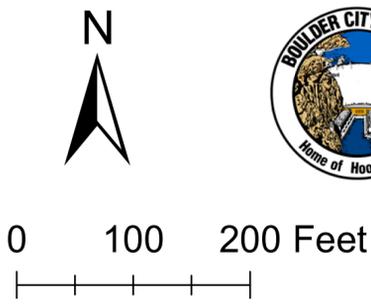


# Location Map for 443 Nevada Way

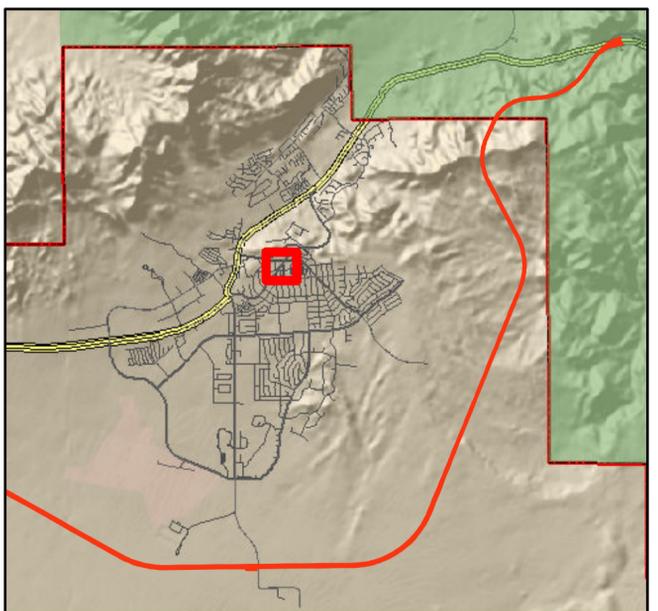


**Legend**

- 500 Foot Notification Area (NRS Requirement)
- 443 Nevada
- City Limits
- Municipal Airport
- City Parks
- Golf Courses
- Cemeteries
- Lake Mead
- Lake Mead National Recreation Area



Map created by:  
 Brok Armantrout, Director  
 Community Development Department  
 City of Boulder City, Nevada  
 September 5, 2016



**Item 3 - MPA-16-033, AM-16-329**

**SUBJECT:**

For possible action: BCMHP, LCC – 1501 Nevada Highway: Matters pertaining to a proposed change of use for an existing mobile home park:

- A. **Public hearing** on a proposed Master Plan Amendment and a proposed rezoning
- B. MPA-16-033 – Resolution No. 1140: Adoption and recommendation to the City Council on a proposed amendment to the Master Plan Future Land Use Map to change the land use designation for 7.33 acres from Community Commercial to Medium Density Residential
- C. AM-16-329 – Resolution No. 1141: A recommendation to the City Council on a proposed amendment to the Zoning Map to rezone 7.33 acres from MP, Mobile Home Park to R3, Multi-Family Residential

**ADDITIONAL INFORMATION:**

**ATTACHMENTS:**

Description	Type
☐ Item 3 report	Cover Memo
☐ PC Reso 1140	Resolution Letter
☐ PC Reso 1140 Exhibit A	Exhibit
☐ PC Reso 1141	Resolution Letter
☐ PC Reso 1141 Exhibit A	Exhibit
☐ Item 3 backup	Backup Material
☐ blank page	Backup Material



# Agenda Item No. 3 Planning Commission Meeting September 21, 2016

## Staff Report

**BOULDER CITY  
PLANNING COMMISSION**

**TO:** Planning Commission

**CHAIRMAN  
JIM GIANNOSA**

**FROM:** Susan Danielewicz, City Planner  
Community Development Department

**MEMBERS:**  
COKIE BOOTH  
GLEN LEAVITT  
PAUL MATUSKA  
FRITZ McDONALD  
JOHN REDLINGER  
STEVE WALTON

**DATE:** September 15, 2016

**SUBJECT:** BCMHP, LCC – 1501 Nevada Highway: Matters pertaining to a proposed change of use for an existing mobile home park:

A. **Public hearing** on a proposed Master Plan Amendment and a proposed rezoning

B. MPA-16-033 – Resolution No. 1140: Adoption and recommendation to the City Council on a proposed amendment to the Master Plan Future Land Use Map to change the land use designation for 7.33 acres from Community Commercial to Medium Density Residential

C. AM-16-329 – Resolution No. 1141: A recommendation to the City Council on a proposed amendment to the Zoning Map to rezone 7.33 acres from MP, Mobile Home Park to R3, Multi-Family Residential

---

**MEETING LOCATION:  
COUNCIL CHAMBERS  
401 CALIFORNIA AVENUE  
BOULDER CITY, NV 89005**

**WEBPAGE:  
WWW.BCNV.ORG**

---

**CITY MANAGER:  
DAVID FRASER**

**DEPUTY CITY CLERK:  
TAMI MCKAY**

**COMMUNITY DEVELOPMENT  
DIRECTOR:  
BROK ARMANTROUT**

**CITY PLANNER:  
SUSAN DANIELEWICZ**

.....  
**Action Requested:** That the Planning Commission conduct the required public hearing and consider adoption of Resolution Nos. 1140 and 1141 for a proposed Master Plan Future Land Use Map amendment (MPA-16-033) and Zoning Map amendment (AM-16-329) as noted above.

**Overview:**

- The new owner of the Boulder City Mobile Home Park has been cleaning up the property and removing many mobile homes and trailers.
- The owner is now requesting a zone change to allow multi-family development, which requires amendments to both the Master Plan Future Land Use Map and Zoning Map.
- Should the request be approved, the owner could proceed with closing the park and moving forward with multi-family development. Should the request be denied, the owner could continue use of the property as a mobile home park.

Applicant/Property Owner: BCMHP LLC (contacts: Randy Schams, Jackie Schams)

Location: 1501 Nevada Highway (Boulder City Mobile Home Park)

<b>Master Plan Future Land Use Map designations:</b>	
Current: Community Commercial	Proposed: Medium Density Residential
<b>Zoning Map districts:</b>	
Current: MP, Mobile Home Park	Proposed: R3, Multiple-Family Residential

Assessor's Parcel Nos.: 186-08-302-002, 186-08-302-003, 186-08-310-021 (7.33 acres total)

Description of Request: The new owner of the rental mobile home park is interested in changing the use of the property to multiple-family residential. Although rezonings are not to be conditioned on a particular use, the applicant's concept at this time is for townhomes (attached homes where owners would own their own lot).

NRS requirements: NRS recognizes that rental mobile home parks (where the lots are rented from the park owner) are sometimes closed, and has requirements for the owner to assist residents with the relocation of their homes. (If the resident chooses not to move the home or the home cannot be moved without being structurally damaged, the park owner must pay fair market value for the home.) However, those provisions and time deadlines do not apply until there is a formal notice to residents that the park will be closed. NRS also recognizes that an owner may want to convert a park to another use, and that a request to change the use of the park does not trigger a notice of park closure. This is because a request to change the use of a park does not necessarily mean that the request will be approved. Obviously an owner would not proceed with a notice to close a park until they learned if their change in land use is approved.

History: The existing properties have historically been used as a rental mobile home park which also included the long-term use of trailers/recreational vehicles on site. The original portion of the park dates back to 1950 per County Assessor records, with the park being expanded later in the 1970's. Because of the age of the park, it does not comply with all current code or other City requirements for a mobile home park. The property had recently gone into foreclosure and the new owner has been cleaning up the property and removing some of the mobile homes/trailers. (The park had been occupied both by homes which were owned by the occupants as well as rental homes that were owned by the owner of the park.)

Density: According to the City's records, the park had spaces for up to **91** mobile homes/trailers/recreational vehicles. At the time of the initial public hearing notice for this request there were 28 homes/trailers/RVs remaining on site. If the property were to be rezoned to R3, the maximum number of new dwellings allowed *by right* would be **80**. If a conditional use permit were also to be granted allowing higher density, the maximum number of new dwellings allowed could potentially be **127**. However, as noted below, the growth control ordinance would not apply for up to 91 replacement

dwellings on the property; so far the applicant has indicated they are looking at development of less than 80 new dwellings.

Growth Control: As the City's Controlled Growth Management Plan ordinance (as adopted by the voters) is intended to regulate *growth*, allotments are not required to *replace* dwelling units on the same property. (As an example, if a home is torn down, an allotment is not required to build a new home on the property.) Therefore, up to 91 new dwellings could be provided on the property without issuance of any allotments.

Land Use: The City's current Master Plan has this property designated for commercial rather than residential use, due to its frontage on Nevada Highway. Although there are three other mobile home parks in the vicinity, none of them front on Nevada Highway. City Staff's preference is that the property be used for commercial purposes, at least for the portion fronting on Nevada Highway. The applicant has indicated that commercial development is not a viable option at this time, and that the entire property is needed for residential use in order to make that use viable. (Note: while the existing Master Plan designation is for commercial use, the advertised rezoning request is for R3 use; the City cannot change the zoning to a commercial designation without a new public hearing. If the applicant is not willing to request zoning to a commercial designation, the City does not typically force a rezoning onto an unwilling property owner.)

The applicant's engineer submitted a description of the master plan and rezoning requests, although there are errors in his letter. The current use of the mobile home park is not consistent with the proposed zoning of R3. If the property is rezoned to R3, the existing mobile home park will become a nonconforming use. The only purpose for rezoning to R3 would be to remove the remaining mobile homes/trailers/RVs and then develop the property for multi-family use. If the rezoning were to be approved and the owner did not proceed with the closure of the park, the owner would not be allowed to add any new mobile homes, trailers or RVs to the property under R3 zoning, as per the provisions of Chapter 11-31 of the City Code, Nonconforming Buildings and Uses.

#### **MASTER PLAN:**

A provision of State law for master plan amendments (NRS 278.210.3) is that the Planning Commission does not merely recommend an amendment, but that BOTH the Planning Commission and City Council ADOPT an amendment to the Master Plan, and that the Planning Commission's resolution of adoption must be by a two-thirds majority (5 of 7 members). Thus the Planning Commission both adopts and effectively recommends a master plan amendment to the City Council. Once the Commission adopts the master plan amendment, the City Council cannot adopt any further changes unless it first resubmits the changes to the Planning Commission for a report, per NRS 278.220.4.

Note: Relative to the NRS requirements for a "neighborhood meeting" for changes to a Master Plan map, NRS requires that meeting to be conducted by the *applicant*. The applicant has their meeting scheduled for September 19th at the Boulder City Library.

Master Plan amendment finding requirements: The only finding NRS references with regard to the adoption or amendment of a master plan is Section 278.220.2, “The parts shall thereupon be endorsed and certified as master plans thus adopted for the territory covered, and are hereby declared to be established to conserve and promote the public health, safety and general welfare.”

SNRPC action: Another requirement of State law (NRS.278.02556) is that master plan text amendments be approved by the Southern Nevada Regional Planning Coalition. Because this amendment is only to the Future Land Use Map, SNRPC approval is not required.

## **REZONING:**

Zoning Ordinance (Title 11) Standards: (Statements in bold type are copied from Title 11)

**11-33-9: FINDINGS BY COUNCIL: In order to amend this Title, the Council shall find the following:**

- A. That the proposed amendment is in general conformance with the adopted Comprehensive Plan for the City.**
- B. That the proposed amendment promotes the health, safety, morals or the general welfare of the City.**

This rezoning does require amendment of the Master Plan Future Land Use Map, which is proposed as part of this application.

**In determining the above stated, the deliberating body shall consider, but is not limited to, the following factors:**

**Present land use:** The properties in question are all privately-owned and are presently occupied by a mobile home park; most of the homes on site have been removed at this time.

### **Present zoning in adjacent areas:**

North: CM, Commercial Manufacturing (north side of Nevada Highway)

East: C2, General Commercial and MP, Mobile Home Park \*

West: C2, General Commercial and ME, Mobile Home Estate

South: MP, Mobile Home Park \*\*

\*There are two small strips of land immediately to the east of the subject mobile home park that are privately owned (by the former owners of the mobile home park) that are also zoned MP, Mobile Home Park. These two small parcels were apparently not part of the foreclosure action against the three subject parcels occupied by the mobile home park. These strips of land are essentially not buildable (their width ranges between ~12' and ~24'); however, their existence means that the subject property does not abut the City's Madrone Street right-of-way further to the east. The City does not have any plans

to rezone those private strips of land at this time. The subject mobile home park does have legal frontage on both Nevada Highway and Yucca Street; access is currently legally from Yucca Street as there is no driveway from Nevada Highway due to the grade change there.

\*\*The City owns all the land to the south of this mobile home park. The portion of the land immediately adjacent to the applicant's property is currently zoned MP, Mobile Home Park, whereas the remainder of the land is zoned C2, General Commercial. Should this rezoning be approved, the City would (someday) later proceed with an amendment to rezone the "MP" portion to "C2" to match the remainder of the property.

**Impact on utilities:** Little impact is anticipated relative to the zone change, as there were once up to 91 mobile homes on the property.

**Noise:** Little impact is anticipated relative to the zone change, as the historical use of the property has also been residential.

**Drainage:** The required drainage report from the City Engineer is attached.

**Character of existing neighborhoods:**

North: Commercial properties (north side of Nevada Highway)

East: Commercial property (fronting on Nevada Highway), the Old Airport hangar (city)

West: Commercial property (fronting on Nevada Highway), and the Valley View Estates mobile home subdivision

South: Vacant city-owned land

Recommendation: The Community Development Department Staff respectfully requests that the Planning Commission conduct the required public hearing and consider adoption of Resolution Nos. 1140 and 1141, recommendations for a master plan amendment and rezoning of land for 1501 Nevada Highway.

NOTE: If the Commission wishes to recommend denial of the requests, motions to recommend denial of MPA-16-033 and AM-16-329 would be required. (The resolutions would simply not be approved.)

The Planning Commission's recommendations (for or against) will be forwarded to the City Council for consideration.

Attachments:

MPA-16-033:

- Resolution No. 1140
- Exhibit A: Master Plan Land Use Map amendment

AM-16-329:

- Resolution No. 1141
- Exhibit A: Zoning Map amendment

Applications, description

Drainage report

Location Map

PLANNING COMMISSION RESOLUTION NO. 1140

RESOLUTION OF THE PLANNING COMMISSION OF BOULDER CITY, NEVADA, TO ADOPT AND RECOMMEND TO THE CITY COUNCIL A PROPOSED AMENDMENT TO THE MASTER PLAN FUTURE LAND USE MAP TO CHANGE THE LAND USE DESIGNATION FOR 1501 NEVADA HIGHWAY FROM COMMUNITY COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL (MPA-16-033)

WHEREAS, On December 9, 2003 the City Council of Boulder City adopted Resolution No. 4234 adopting the 2003 Master Plan for the community pursuant to NRS 278.220; and

WHEREAS, BCMHP, LLC has initiated an application (MPA-16-033) to amend the Master Plan Future Land Use Map to change the land use designation for property it owns at 1501 Nevada Highway (APNs 186-08-302-002, 186-08-302-003, 186-08-310-021; 7.33 acres total) from Community Commercial to Medium Density Residential; and

WHEREAS, On September 19, 2016, the applicant conducted the required neighborhood meeting on the proposed amendment at the Boulder City Library as per NRS 278.210.2; and

WHEREAS, On September 21, 2016, the Boulder City Planning Commission conducted the required public hearing in accordance with the provisions of NRS 278.210;

NOW, THEREFORE, BE IT RESOLVED that the Boulder City Planning Commission does hereby adopt and recommend the following amendment to the Master Plan Future Land Use Map, by the statutorily required two-thirds majority of the Commission, based on the finding that it will conserve and promote the public health, safety and general welfare:

1. That the land use designation for 1501 Nevada Highway (7.33 acres) shall be changed from Community Commercial to Medium Density Residential as per attached Map **Exhibit A, MPA-16-033**. For map consistency land use designations shall extend to centerlines of abutting rights-of-way as applicable.

BE IT FURTHER RESOLVED that the appropriate officers of the City are hereby authorized and directed to certify an attested copy of the amendment to the City Council in accordance with NRS 278.210.6.

DATED and APPROVED this 21st day of September, 2016.

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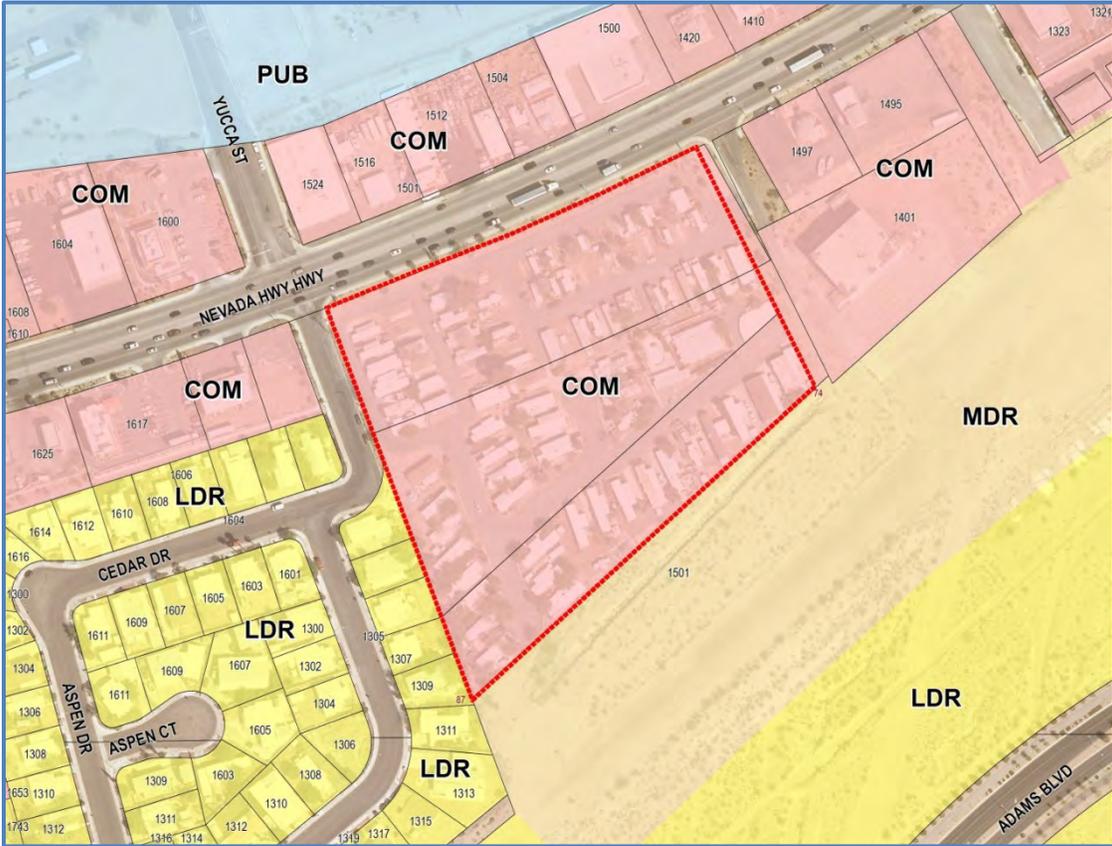
Jim Giannosa, Chairman

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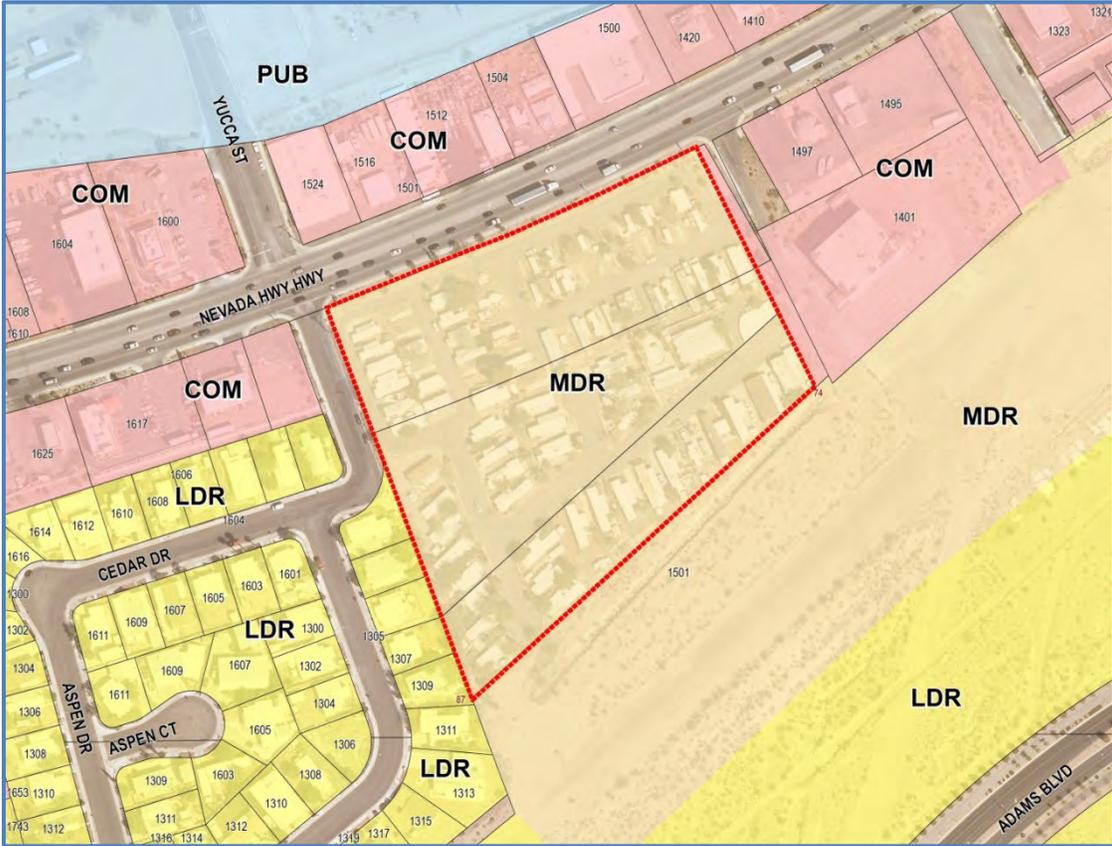
ATTEST: Tami J. McKay, Deputy City Clerk

**MPA-16-033 – EXHIBIT A**

Existing Master Plan:



Proposed Master Plan, change for 1501 Nevada Highway:



PLANNING COMMISSION RESOLUTION NO. 1141

RESOLUTION OF THE PLANNING COMMISSION OF BOULDER CITY, NEVADA, TO RECOMMEND TO THE CITY COUNCIL A PROPOSED AMENDMENT TO THE ZONING MAP TO REZONE 1501 NEVADA HIGHWAY FROM MP, MOBILE HOME PARK TO R3, MULTIPLE-FAMILY RESIDENTIAL (AM-16-329)

WHEREAS, BCMHP, LLC has initiated an application (AM-16-329) to amend the Zoning Map to rezone property it owns at 1501 Nevada Highway (APNs 186-08-302-002, 186-08-302-003, 186-08-310-021; 7.33 acres total) from MP, Mobile Home Park to R3, Multiple-Family Residential; and

WHEREAS, Said property is proposed for a Master Plan Future Land Use Map designation of Medium Density Residential (MPA-16-033) and the proposed zoning of "R3" is in conformance with the proposed Master Plan designation; and

WHEREAS, On September 21, 2016 the Boulder City Planning Commission conducted the required public hearing in accordance with the hearing and noticing provisions of Chapters 11-33 and 11-35 of the City Code and NRS 278.260;

NOW, THEREFORE, BE IT RESOLVED that the Boulder City Planning Commission does hereby recommend the following amendment to the Zoning Map, based on the findings that it will be in substantial conformance with the proposed amendment to the adopted Master Plan and promote the public health, safety, morals or general welfare:

1. That the zoning designation for 1501 Nevada Highway (7.33 acres) shall be changed from MP, Mobile Home Park to R3, Multiple-Family Residential as per attached Map **Exhibit A, AM-16-329**. For map consistency zoning designations shall extend to centerlines of abutting rights-of-way as applicable.

DATED and APPROVED this 21st day of September, 2016.

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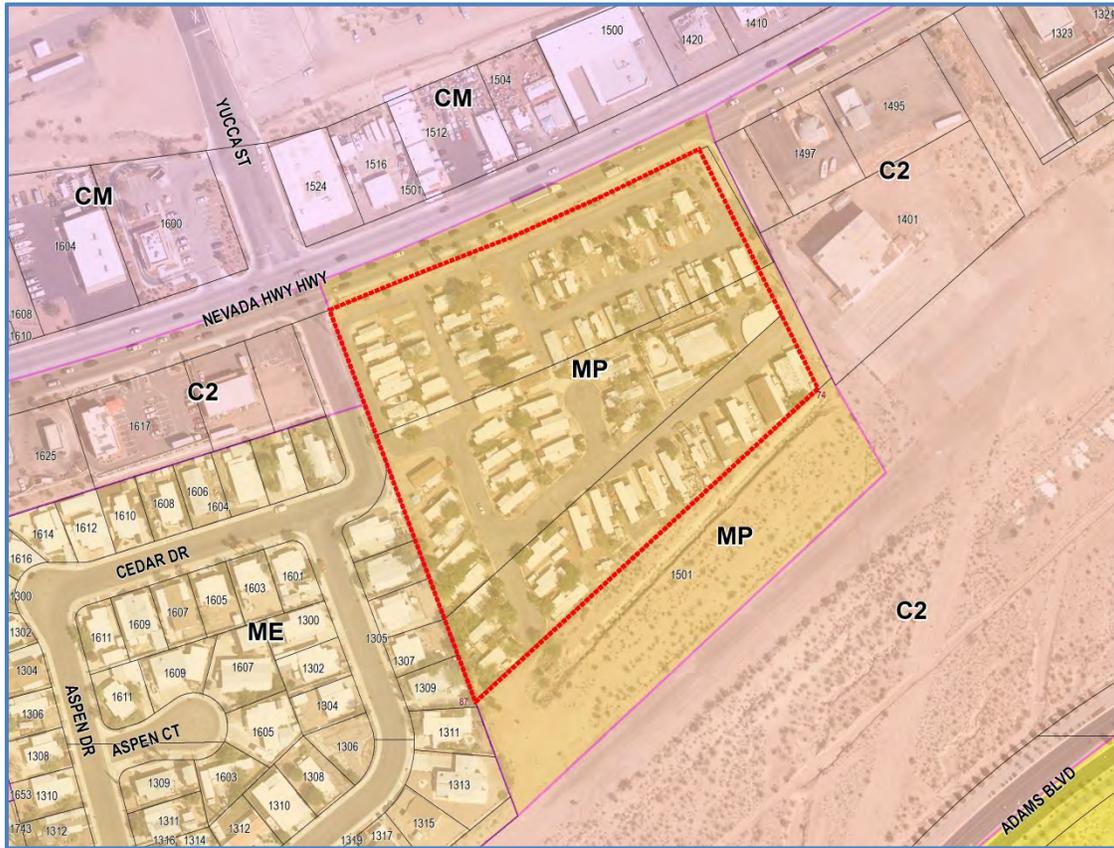
Jim Giannosa, Chairman

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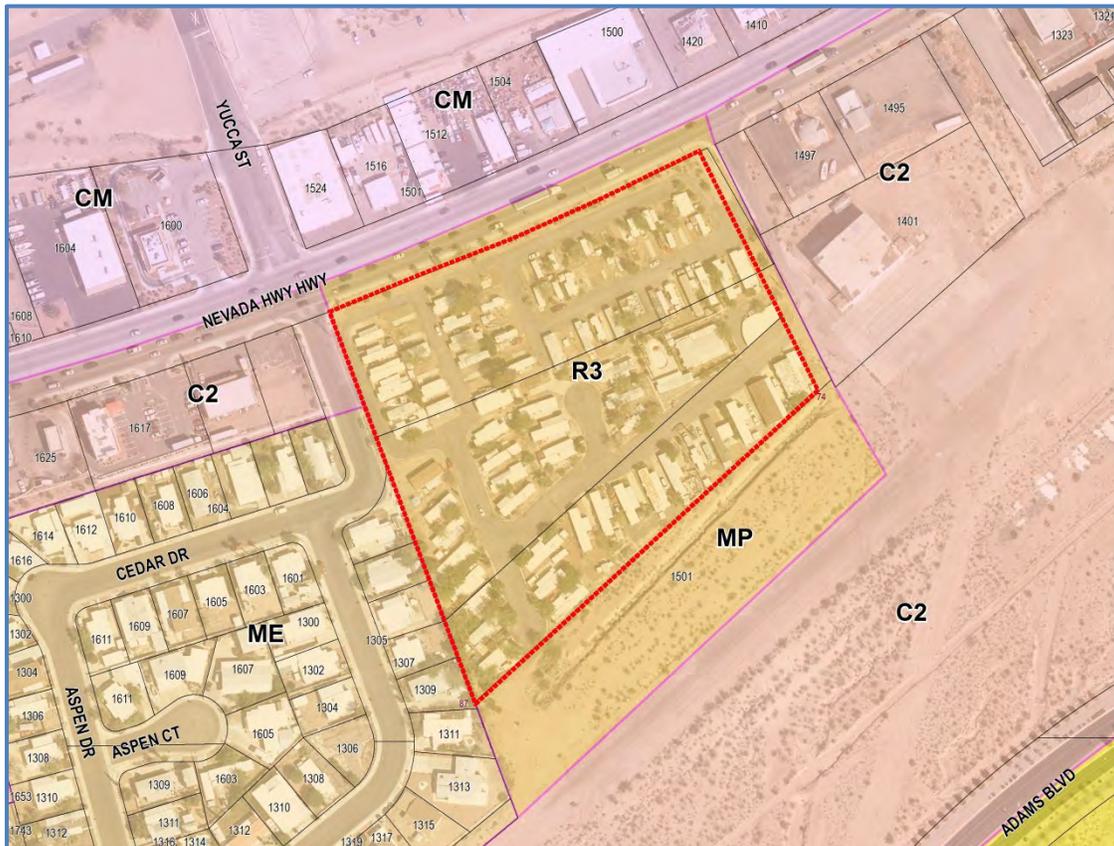
ATTEST: Tami J. McKay, Deputy City Clerk

# AM-16-329 – EXHIBIT A

Existing Zoning:



Proposed Zoning, change for 1501 Nevada Highway:





Boulder City, Nevada
Community Development Department
ZONING APPLICATION FORM

Mailing Address:
401 California Avenue
Boulder City, Nevada 89005

CHECK ONE:

- \* [X] MASTER PLAN AMENDMENT
[X] ZONING AMENDMENT: REZONE [ ] AMEND ORDINANCE TEXT [ ]
[ ] CONDITIONAL USE PERMIT
[ ] SPECIAL USE PERMIT
[ ] VARIANCE
[ ] DEVELOPMENT ALLOTMENT: Single-Family [ ] Multi-Family [ ] Hotel-Motel [ ]
[ ] OTHER (as per STAFF ONLY):

Staff Use Only
File No. MPA-16-033
Acceptor ED
Filing Date 08/31/2016
Hearing Date PC: 09/21/2016
Fee Paid \$150.00

Table with 4 columns: APPLICANT NAME, APPLICANT MAILING ADDRESS, APPLICANT CONTACT PHONE, APPLICANT EMAIL, PROPERTY OWNER NAME, PROPERTY OWNER MAILING ADDRESS, PROPERTY OWNER CONTACT PHONE, PROPERTY OWNER EMAIL. All fields contain BCMHP, LLC information.

STREET ADDRESS or LEGAL DESCRIPTION: 1501 NEVADA HWY, BOULDER CITY, NV 89005

APPLICATION: Application must specify the nature of the request pursuant to the provisions of City Code, Title 11. Application is to permit the following (BRIEFLY describe here):

TO AMEND ZONING OF PROPERTY TO R3 AND AMEND MASTER PLAN TO R3 Medium Density Residential

JUSTIFICATION: Applicant must submit a written statement along with this application describing the nature of the request (in detail) and justification using the criteria in the City Code (copy attached).

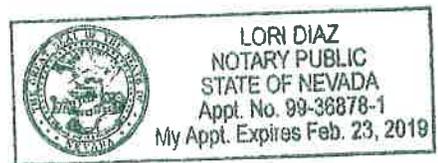
AFFIDAVIT: I do hereby solemnly swear or affirm that all statements contained in this application are true and correct to the best of my knowledge and that this statement is executed with the knowledge that misrepresentation or failure to reveal information requested may be deemed sufficient cause for refusal to approve this application.

PRINT Applicant Name: Randolph P. Schams

SIGNATURE of Applicant: [Handwritten Signature]

State of NEVADA, County of CLARK Subscribed and sworn to (or affirmed) before me on (date) 8/29/2016 by [name(s) of person(s) making statement] RANDOLPH P SCHAMS

(Signature of notarial officer) (Notary stamp)-> Original: Community Development / APP-ZONE / Revised 2013-01-03



**FOR CITY USE ONLY**

**File No.: MPA-16-033**

(Application, Page 2)

Date Fees Paid: 08/31/2016

**PLANNING COMMISSION**

Date Notices Mailed: 09/08/2016 *	Date Property Posted: 09/08/2016 **	Date of Newspaper Notice: 09/08/2016
Distance Requirement: 750'	Properties within distance: 111	No. of notices sent: 122
No. of mobile home parks (rental) included in mailing:		1
DATE / PLANNING COMMISSION ACTION (if applicable):  09/21/2016:		

**ALLOTMENT COMMITTEE**

DATE / ALLOTMENT COMMITTEE ACTION (if applicable):
--

**CITY COUNCIL**

Date Notices Mailed:	Date Property Posted: 09/08/2016 **	Date of Newspaper Notice:
Distance Requirement: 750'	Properties within distance:	No. of notices sent:
No. of mobile home parks (rental) included in mailing:		
DATE / CITY COUNCIL ACTION (if applicable):  10/25/2016:		

Additional comments:

\* Although the applicant was responsible for noticing and conducting a separate Neighborhood Meeting as required by NRS, the City notices for AM-16-329 also included the hearing information for MPA-16-033 as well.

\*\* Although a sign is not required to be posted for a Master Plan Amendment, the sign required for the rezoning of this property (AM-16-329) also referenced this request.



Boulder City, Nevada
Community Development Department
ZONING APPLICATION FORM

Mailing Address:
401 California Avenue
Boulder City, Nevada 89005

CHECK ONE:

- MASTER PLAN AMENDMENT
ZONING AMENDMENT: REZONE AMEND ORDINANCE TEXT
CONDITIONAL USE PERMIT
SPECIAL USE PERMIT
VARIANCE
DEVELOPMENT ALLOTMENT: Single-Family Multi-Family Hotel-Motel
OTHER (as per STAFF ONLY)

Staff Use Only
File No. AM-16-329
Acceptor SD
Filing Date 08/31/2016
Hearing Date PC: 09/21/2016
Fee Paid \*150.00

Table with 4 columns: APPLICANT NAME, APPLICANT MAILING ADDRESS, APPLICANT CONTACT PHONE, APPLICANT EMAIL, PROPERTY OWNER NAME, PROPERTY OWNER MAILING ADDRESS, PROPERTY OWNER CONTACT PHONE, PROPERTY OWNER EMAIL.

STREET ADDRESS or LEGAL DESCRIPTION: 1501 NEVADA HWY, BOULDER CITY, NV 89005

APPLICATION: Application must specify the nature of the request pursuant to the provisions of City Code, Title 11. Application is to permit the following (BRIEFLY describe here):

TO AMEND ZONING OF PROPERTY TO R3 AND AMEND MASTER PLAN TO R3 Medium Density Residential

JUSTIFICATION: Applicant must submit a written statement along with this application describing the nature of the request (in detail) and justification using the criteria in the City Code (copy attached).

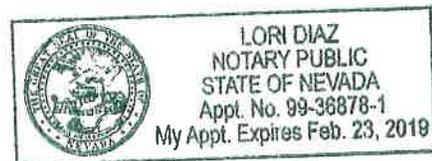
AFFIDAVIT: I do hereby solemnly swear or affirm that all statements contained in this application are true and correct to the best of my knowledge and that this statement is executed with the knowledge that misrepresentation or failure to reveal information requested may be deemed sufficient cause for refusal to approve this application.

Randolph P. Schams
PRINT Applicant Name

[Signature]
SIGNATURE of Applicant

State of NEVADA, County of CLARK Subscribed and sworn to (or affirmed) before me on (date) 8/29/2016 by [name(s) of person(s) making statement] RANDOLPH P SCHAMS

[Signature] (Signature of notarial officer)
[Notary stamp] (Notary stamp)->



**FOR CITY USE ONLY**

**File No.: AM-16-329**

(Application, Page 2)

Date Fees Paid: 08/31/2016

**PLANNING COMMISSION**

Date Notices Mailed: 09/08/2016	Date Property Posted: 09/08/2016	Date of Newspaper Notice: 09/08/2016
Distance Requirement: 750'	Properties within distance: 111	No. of notices sent: 122
No. of mobile home parks (rental) included in mailing:		1
DATE / PLANNING COMMISSION ACTION (if applicable):  09/21/2016:		

**ALLOTMENT COMMITTEE**

DATE / ALLOTMENT COMMITTEE ACTION (if applicable):
--

**CITY COUNCIL**

Date Notices Mailed:	Date Property Posted: 09/08/2016	Date of Newspaper Notice:
Distance Requirement: 750'	Properties within distance:	No. of notices sent:
No. of mobile home parks (rental) included in mailing:		
DATE / CITY COUNCIL ACTION (if applicable):  10/25/2016:		

Additional comments:

Notices were published and mailed, and signs posted, in accordance with NRS 278.260. The signs (2' x 2' in size), posted on 09/08/2016, indicated the dates of both the Planning Commission and City Council public hearings. The signs also referenced the associated Master Plan map amendment (MPA-16-033).



August 31, 2016

City of Boulder City  
Community Development Department  
401 California Avenue  
Boulder City, NV 89005

**Re: Nevada Highway Zone Amendment and Master Plan Amendment Request  
(APN(s):186-08-310-021; 186-08-302-002; 186-08-302-003)**

Dear Mr. Armantrout,

Per4mance Engineering, LLC. on behalf of the applicant, BCMHP, LLC, respectfully submits this justification letter in support of the Master Plan Amendment and Zone Change application for the subject development. We are currently requesting a Master Plan Amendment and Zone Change for the subject property from MP to R3. The subject property is currently a 7.33 acre mobile home park located at 1501 Nevada Highway, Boulder City, NV 89005 and is currently zoned MP. The subject property is generally located at the West end of Madrone Street and Nevada Highway.

The adjacent properties are currently zoned as follows:  
South – C2 – Undeveloped, (City of Boulder City Property)  
East – C2– Developed, Central Business District and Trading Areas  
West - ME- Developed, Residential Mobile Homes on Individual Lots  
North – CM – Developed, Light Manufacturing

The current use of this property does not meet the intent of the Comprehensive Plan for the City and therefore we are requesting a Master Plan Amendment along with the Zoning Amendment. Its current use as a mobile home park is consistent with the proposed Zoning Amendment of R3.

The proposed Zoning and Master Plan Amendment promotes the health, safety, morals, or the general welfare of the City. The Current Zoning of MP is not in conformance with the Comprehensive Plan. Adopting this Master Plan Amendment and Zoning Amendment proposing R3 would be in conformance with the Master Plan. The proposed rezoning will be followed by a tentative map application for a development that provides standard private streets and development that promotes the health, safety, morals, or the general welfare of the City.

If you have any questions, please contact our office.

Thank You,

A handwritten signature in black ink, appearing to read "Ray Fredericksen". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ray Fredericksen, P.E.  
President

Rezoning  
Case No. AM-16-329  
September 8, 2016

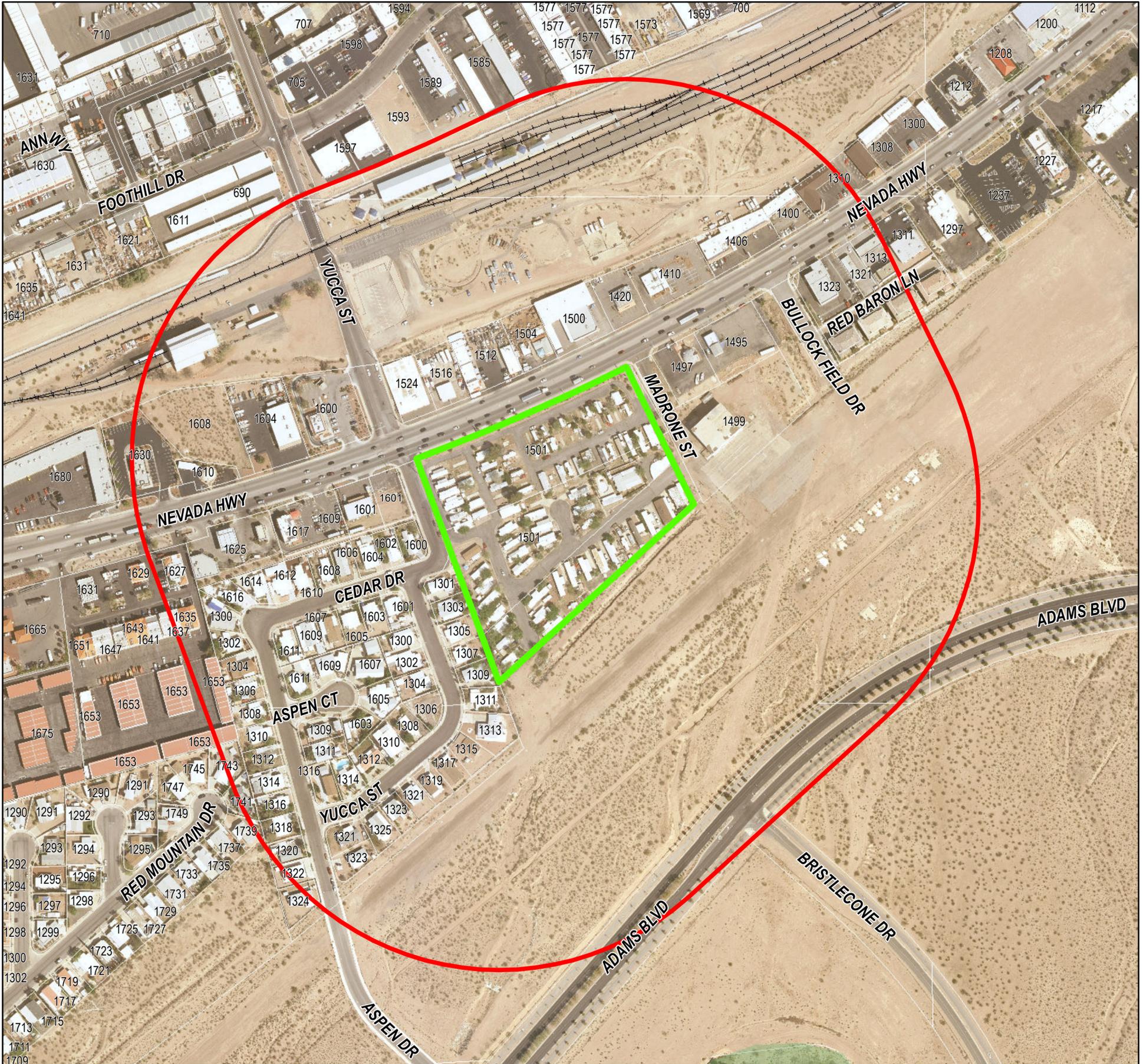
DRAINAGE

The following report is based on the existing conditions for the following site as of September 8, 2016:

- Boulder City Mobile Home Park
  - APN 186-08-310-021 and 186-08-002 & 003
  - 1501 Nevada Highway

The FEMA FIRM Panel for this area, Map No. 32003C2980 E, lists the site as Zone X. Zone X is the designation for land determined to be areas of minimal flood hazard, outside the 100-year flood plain. The existing drainage of this site is a combination of onsite street flow and onsite sheet flow mainly to the south onto currently undeveloped City owned land (the old airport site) into a collection channel and storm drain. This collection channel and storm drain connect to a City owned and maintained regional flood control facility storm drain, facility WAAD 0106 that runs through this property from Nevada Highway (US93). The facility conveys storm water from Yucca Street, north of Nevada Highway and a portion of Nevada Highway south to regional flood control facilities located along Adams Boulevard. The developer will need to provide for and protect these regional flood control facilities as part of the development of the project.

# Location Map for 1501 Nevada Highway



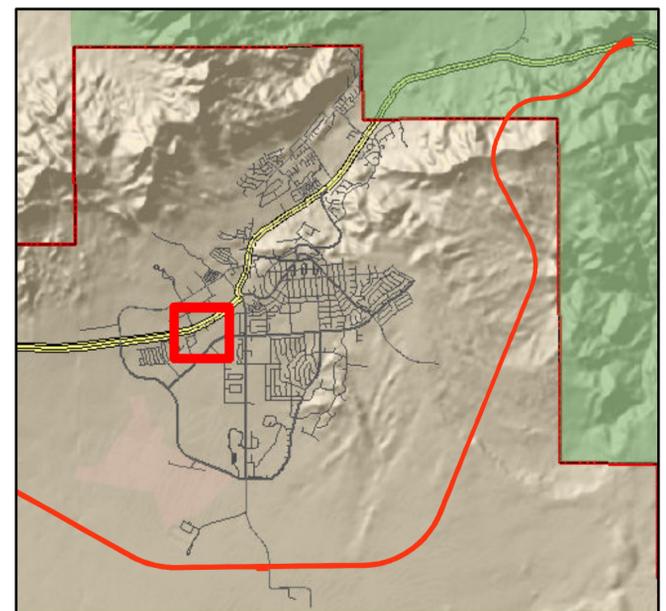
**Legend**

- 750 Foot Notification Area (NRS Requirement)
- 1501 Nevada Highway
- City Limits
- Municipal Airport
- City Parks
- Golf Courses
- Cemeteries
- Lake Mead
- Lake Mead National Recreation Area



0 100200 Feet

Map created by:  
 Brok Armantrout, Director  
 Community Development Department  
 City of Boulder City, Nevada  
 September 5, 2016



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## Item 4 - Monthly Allotment Report

### SUBJECT:

Monthly Progress Report on Development Allotments

### ADDITIONAL INFORMATION:

#### ATTACHMENTS:

Description	Type
📎 Item 4 report	Cover Memo



# Agenda Item No. 4 Planning Commission Meeting September 21, 2016

## Staff Report

TO: Planning Commission

FROM: Susan Danielewicz, City Planner, Community Development Department

DATE: September 14, 2016

SUBJECT: Monthly Progress Report on Development Allotments

As per the current Controlled Growth Management Plan, Section 11-41-13: "The Planning Commission shall review, on a monthly basis, a report...on each proposed development having an allotment award... Allotments awarded will be automatically rescinded if the building permit for the proposed development expires, or if no building permit is applied for and issued within one (1) year of the award of the allotments. All allotments awarded prior to the effective date of this Chapter shall likewise be rescinded if no building permit has been issued within one year of the effective date hereof." (11-5-1996 election)

As per a determination by previous City Attorney Andrews, projects for which no building permit for a property has been obtained within one year of the award are subject to expiration. If there are multiple buildings on the same property, and at least one permit has been obtained, then the remaining allotments will not automatically expire. (Condominiums are multiple units on a single property; townhomes are individual units on individual properties.)

CY = Construction Year (July 1 through June 30)      CO = Certificate of Occupancy

### **ALLOTMENTS FOR DEVELOPERS** (for residential units unless noted *otherwise*):

#### AFDA-16-187, BROTHER SONNY LLC, 1321 ALPINE DRIVE

Council approved 1 SF allotment for CY 16-17 on 09/13/2016 (conversion from Owner-Builder allotment from CY 15-16).

Certificate of Occupancy issued on: 08/22/2016

FINAL REPORT.

#### AFDA-16-186, MCCLAIN, 853 MONTERA LANE

Council approved 1 SF allotment for CY 15-16 on 03/08/2016.

Certificate of Occupancy issued on: 08/11/2016

FINAL REPORT.

AFDA-90-63, BOULDER LANDING - BC NO. 65, LAKE MOUNTAIN DRIVE

(30 allotments: CY 90-91; 29 CO's previously issued)

No progress to report on remaining 1 allotment.

Expiration date for issuance of permits: None (condominiums).

**ALLOTMENTS FOR OWNER-BUILDERS:** The effective date for the most recent adoption of Chapter 11-41, Controlled Growth Management Plan, is 11/05/1996. As per the new Sections 11-41-14 and 11-41-15 of the City Code, building permits for owner-builders who are building on lots created after the effective date of this code (11/05/1996) are counted towards the total number of available allotments that Construction Year. Such owner-builders are exempt from the allotment process, so long as each owner-builder does not request more than one owner-builder permit on applicable lots during a three-year period.

To date there have been only three residential subdivisions recorded after 11/05/1996 where there could be permits obtained by owner-builders: BC No. 86 - Lake Mead View Estates No. 3, BC No. 88 - Arctic Desert View Estates (built out), and BC No. 96 - Alpine Estates. Otherwise, the only other applicable sites are parcels created after 11/05/1996 which are not within subdivisions.

New Owner-Builder Allotments, permits issued during CY 2016-17:

None this past month.

SD09169E.docx