



City of Las Vegas

Agenda Item No.: 126.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: AUGUST 16, 2006**

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

Consent Discussion

SUBJECT:
VARIANCE

VAR-12318 PUBLIC HEARING APPLICANT/OWNER: TMF INVESTMENTS, LLC, ET AL. Request for variance TO ALLOW A RESIDENTIAL ADJACENCY SETBACK OF 20 FEET WHERE A 10 FOOT SETBACK IS THE MINIMUM SETBACK REQUIRED AND TO ALLOW THREE STORIES WHERE A MAXIMUM OF TWO STORIES IS ALLOWED on 10.53 acres adjacent to the west side of Decatur Boulevard between Madre Mesa Drive and Roberta Lane (APNs 138-13-0110-23, 045-050 and 057), R-E (Residence Estates) Zone, U (Undeveloped) Zone [M (Medium Density Residential) Master Plan Designation], and U (Undeveloped) Zone [SC (Service Commercial) Master Plan Designation] under Resolution of Intent to C-1 (Limited Commercial) Zone [PROPOSED: R-3 (Medium Density Residential) Zone], Ward 5 (Weekly). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	3	Planning Commission Mtg.	0
City Council Meeting	3	City Council Meeting	0

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions and Staff Report
3. Supporting documentation
4. Justification Letter
5. Submitted after final agenda - Protest by Joseph Kohout and Wm. Richard and Delores Barrett
6. Backup referenced from the 07-13-06 Planning Commission meeting Item 17

Motion made by LAWRENCE WEEKLY to Approve subject to conditions

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0
LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

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Minutes:

MAYOR GOODMAN declared the Public Hearing open for Item 126 [VAR-12318] and Item 127 [SDR-12316].

DAVID TURNER, Baughman and Turner Consulting Engineers, appeared with owner, STEVE ALLEN. MR. TURNER stated the project would consist of 198 units with a less intense density than what is allowed. He explained the variance would address Residential Adjacency Standards. The project does not contain any three-story units, but rather a dormer or vent for the third level. MR. TURNER indicated the buildings were set back in accordance with the height of 35 feet, and upon three neighborhood meetings the applicant deleted one carriage unit to allow one building to be pushed back further and provide larger setbacks for the northern and southern property lines. The project would offer a gated community with crash gates, it would be mitigated by a property manager and has a significant access point off Madre Mesa Drive. MR. TURNER displayed renderings of the carriage units and requested approval.

BERNARD OPEY, 2664 Los Palos, noted his property's location and acknowledged changes made by the applicant in an attempt to please the nearby community. He opposed the variance since the applicant was aware of zoning requirements prior to the purchase of land. MR. OPEY commented that an apartment complex would contribute to crime in the area and he recommended denial.

TOM McGOWAN, Las Vegas resident, questioned the priority between developers and long time residents. He opined that those who purchase land first should be served first, and since the developer knew of the limitations on the subject property, the residents should be considered first.

LAURIE DUFRENE, 5015 Roberta Lane, noted she is a nearby resident and has worked with the developer to offer something that would fit the neighborhood. She recommended approval.

MS. ANGELICA noted her close proximity to the project and stated that her privacy would be affected. There are additional apartments across the street from the proposed site that have contributed to crime. She recommended another project suitable for children and/or seniors as being more compatible than what is proposed.

GARTH BANKS commented that the proposed project is too big and too intense for the subject parcel. The application should not allow three stories for fear that the developer may decide to build three habitable floors upon approval as opposed to the third non habitable floor as stated.

MAYOR GOODMAN acknowledged MR. BANKS' concern and requested clarification. DEPUTY CITY ATTORNEY JAMES LEWIS verified that the developer would not be able to deviate from the plans as presented and submitted with the application. MARGO WHEELER, Director of Planning and Development, noted that the floor plan contains a mezzanine floor, which is similar to a loft. She read an existing condition that addresses the concern affecting

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windows on the mezzanine level. This would ensure that a person could not look onto the neighboring property but stated that the building's appearance would give the illusion of three full stories.

MR. OPEY commented that he invested his own money to notify residents of the third meeting and queried how long construction would be in effect.

COUNCILMAN WEEKLY thanked the neighbors for appearing. He noted that due to previous apprehensions about the project, it was held in abeyance. Upon neighborhood meetings to address the major concerns regarding residential adjacency issues and adequate open space, there was a greater sense of support than opposition. COUNCILMAN WEEKLY stated that the purpose of the neighborhood meetings was to obtain a well-rounded opinion about how well the project was perceived and he supported the majority.

COUNCILMAN WEEKLY requested the site be abated from rubble as swiftly as possible and questioned if a date could be imposed. DEPUTY CITY ATTORNEY BRYAN SCOTT replied that an appropriate date would be some time after their demolition permit was obtained. COUNCILMAN WEEKLY suggested there be a 30 day deadline upon issuance of the necessary permits to have the lot properly abated.

MAYOR GOODMAN declared the Public Hearing closed for Item 126 [VAR-12318] and Item 127 [SDR-12316].