



## **AGENDA MEMO**

**CITY COUNCIL MEETING DATE: MARCH 7, 2007**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: VAR-19208 - APPLICANT: LANDBARON INVESTMENTS -**  
**OWNER: MONTECITO IMAGING LLC**

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### **\*\* CONDITIONS \*\***

Staff recommends DENIAL. The Planning Commission (6-0-1/rt vote) recommends APPROVAL, subject to:

#### **Planning and Development**

1. Conformance to the conditions for Site Development Plan Review (SDR-18870), if approved.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. The building shall be a maximum of 10 stories or 168 feet, whichever is less.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

The applicant requests for a Variance to allow a 196.5 foot high office building 382 feet from residential property where Residential Adjacency Standards require 590 feet on 3.27 acres located at the southwest corner of Deer Springs Way and Riley Street. Since the Variance request is a self-imposed hardship, Staff recommends denial.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
12/07/98	The City Council approved a Rezoning (Z-0076-98) to T-C (Town Center) for this site as part of a larger request. The Planning Commission recommended approval on 11/05/98.
12/19/01	The City Council approved a request for a Site Development Plan Review [Z0076-98(24)] for a proposed 361,560 square-foot retail commercial center on 38.78 acres adjacent to the southeast corner of El Capitan Way (now Durango Drive) and Deer Springs Way. The Planning Commission recommended approval 11/01/01.
02/06/02	The City Council approved a request for a Master Sign Plan (MSP-0013-01) for the Montecito Town Center on 38.78 acres on the southeast corner of El Capitan Way (now Durango Drive) and Deer Springs Way. The Planning Commission recommended approval on 12/20/01.
03/06/02	The City Council approved a request for a Development Agreement (DA000201) to establish a set of development standards for portions of the UCTC (Urban Center Mixed Use - Town Center) and MS-TC (Main Street Mixed Use - Town Center) land use districts within the Town Center Zoning District on 172.46 acres of property generally located north of Centennial Parkway, west of Durango Drive, south of Elkhorn Road, and east of El Capitan Way. The Planning Commission recommended approval on 01/10/02.
03/14/02	The Planning Commission approved a request for a Tentative Map (TM-0007-02) for one lot on 38.78 acres on the southeast corner of El Capitan Way (now Durango Drive) and Deer Springs Way. This was a final action by the Planning Commission.

08/23/02	The Planning and Development Department administratively approved a request for a Site Development Plan Review [Z-0076-98(34)] for a proposed 344,120 square-foot retail commercial center on 39.5 acres adjacent to the southeast corner of El Capitan Way (now Durango Drive) and Deer Springs Way.
08/06/03	The City Council approved a request for a Site Development Plan Review (SDR-2478) and Special Use Permit (SUP-2478) for a 5,000 square-foot tavern adjacent to the south side of Deer Springs Way, approximately 500 feet east of Durango Drive. Planning Commission and staff recommended approval. The site was never built; therefore, the approval has expired.
02/08/07	The Planning Commission recommended approval of companion item SDR-18870 concurrently with this application.  The Planning Commission voted 6-0-1/rt to recommend APPROVAL (PC Agenda Item #26/jm).
<b><i>Pre-Application Meeting</i></b>	
12/14/06	A pre-application was held with the applicant. The applicant was informed that they would need to apply for a Site Development Plan Review. The applicant was also informed that the application would need to comply with Montecito Town Center, Town Center and Title 19 Development Standards. In addition, Building and Safety discussed building code standards for high-rise buildings.
<b><i>Neighborhood Meeting</i></b>	
1/24/07	A neighborhood meeting was held at the Centennial Academy at 6610 Grand Montecito Parkway at 6 PM and no members of the public attended.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	3.27

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Undeveloped	UC-TC (Urban Center Mixed Use - Town Center)	T-C (Town Center)
North	Undeveloped	UC-TC (Urban Center Mixed Use - Town Center)	T-C (Town Center)
South	Commercial	UC-TC (Urban Center Mixed Use - Town Center)	T-C (Town Center)

East	Single Family Residential	MS-TC (Main Street Mixed Use - Town Center)	T-C (Town Center)
West	Restaurant/Bar	UC-TC (Urban Center Mixed Use - Town Center)	T-C (Town Center)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>			
T-C Town Center District	X		Y
Montecito Town Center	X		Y
<b>Trails</b>		X	Y
<b>Rural Preservation Overlay District</b>		X	Y
<b>Development Impact Notification Assessment</b>	X		Y
<b>Project of Regional Significance</b>	X		Y

## DEVELOPMENT STANDARDS

*Pursuant to Town Center Development Standards and Montecito Development Agreement Standards the following apply:*

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	NA	NA	NA
Max. Site Coverage	60%	46%	Y
Min. Setbacks			
• Front	0-15 Feet	15 Feet	Y
• Side	10 Feet	89.1 Feet	Y
• Corner	15 Feet	15 Feet	Y
• Rear	20 Feet	181.1 Feet	Y
Max. Building Height	500 Feet	12 stories 196.5 feet	Y
Trash Enclosure	Yes	Yes	Y
Mech. Equipment	Yes	Yes	Y

*Pursuant to Title 19.08.060*

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	590 Feet	80 Feet	N

*\*A Variance (VAR-19208) is required as the proposal does not meet residential adjacency standards.*

*Pursuant to Town Center and Montecito Town Center Development Standards,, the following landscape standards apply:*

<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	12 Trees	14 Trees	Y
Amenity Zone Buffer: Min. Trees	1 Tree/ 30 Linear Feet	25 Trees	28 Trees*	Y
<b>TOTAL</b>		27 Trees	32 Trees#	Y

\*Mediterranean Fan Palm is not permitted in the Montecito Town Center Standards Manual.  
 #73 total trees on-site.

<i>Open Space Montecito Town Center per 5.1.7</i>					
<i>Total Acreage</i>	<i>SF Required</i>	<i>Percent Required</i>	<i>SF Provided</i>	<i>Provided</i>	<i>Compliance</i>
3.27	28,488 SF	20%	38,459 SF	27%	Y

*Pursuant to Title 19.10, the following parking standards apply:*

<i>Parking Requirement</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Required Parking Ratio</i>	<i>Required Parking</i>		<i>Provided Parking</i>		<i>Compliance</i>
			Regular	Handi-capped	Regular	Handi-capped	
			Medical	100,000 SF	1/200 up to 2,000 SF, plus 1 space for each addition 175 SF	570	
Office	50,000 SF	1/300	167				
<b>SubTotal</b>			722	15	755		
<b>TOTAL</b>			737	15	755	16	Y
Loading Spaces			4		4		Y

<b>Waivers</b>		
<b>Request</b>	<b>Requirement</b>	<b>Staff Recommendation</b>
Town Center Build-to-Line Standards	Town Center Build-to-Line Standards require up to 80 percent of the building edge within the Town Center Core Zone to be built to the setback lines.	Approval
Landscape Fingers	1 per 6 parking spaces	This waiver is not supported as the applicant is providing eighteen parking spaces more than required for the proposed project. The applicant would have the room to accommodate the fingers.

**ANALYSIS**

The site is currently undeveloped. The applicant proposes to construct a 12 story, 150,000 square-foot office building and five level parking structure on the 3.27 acre parcel. Pursuant to Title 19.08.060 Residential Adjacency Standards, a 196.5 tall building adjacent to residential protected property requires a setback of 590 feet. The building is set back 382 feet from the residential property, which is a 35 percent deviation from the standard. Therefore, the proposal does not meet the required setback for a 196.5 foot tall building and requires a Variance. Since there is no hardship associated with this site, and a site plan can be devised which would allow compliance with the Residential Adjacency standards, staff is recommending denial of this variance. A Site Development Plan (SDR-18870) has been submitted as a companion item with this application.

On 08/06/03, the residential protected property to the east of the proposed development was approved by City Council for a Site Development Plan Review for a proposed three-story, 320-unit multi-family residential development. On 11/20/03, three months later, the property was approved by City Council for a Site Development Plan Review for a 193-unit single-family residential development. The single-family residential was developed on the property which pursuant to Title 19.08.060 Residential Adjacency Standards defines it as protected.

The site plan depicts multiple driveway accesses to the open parking lot and the parking garage from internal circulation drives provided by the existing shopping center. No direct access is provided to Deer Springs Way or Riley Street from the parcel.

The landscape plan shows adequate buffering along the perimeter and complies with city and Town Center standards. The applicant is requesting a Waiver of Town Center Core Build-to-Line requirement to allow 38 percent build-to-line where 80 percent build-to-line is required. In addition, the applicant requests a Waiver of Town Center Development Standards which requires one landscape finger per six parking spaces. The elevations depict a 196.5 foot high office building with walls stepback eight feet per Town Center Development Standards.

The exterior of the office building varies in material and composition. The first 45 feet of office is covered in stone veneer and painted horizontal metal sunshade. Above 45 feet, the building is covered in three light brown precast panels, aluminum storefront with insulated tinted glazing, glass, and painted horizontal metal sunshade. The parking structure utilizes desert colors and stone veneer to accent its exterior.

## **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. An alternative design of the building would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the sites physical characteristics, it is concluded that the applicants hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

**PLANNING COMMISSION ACTION**

It was noted at the Planning Commission Meeting that a second neighborhood meeting was held and several neighbors were in attendance. The Planning Commission added condition #3 as shown.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**                      6

**ASSEMBLY DISTRICT**                      13

**SENATE DISTRICT**                      9

**NOTICES MAILED**                      199                      by City Clerk

**APPROVALS**                      0

**PROTESTS**                      1