

*City of Las Vegas*

**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: FEBRUARY 28, 2008**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ABYANCE - GPA-25892 - APPLICANT/OWNER: SF INVESTMENTS, LLC**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: DENIAL.**

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

**PROJECT DESCRIPTION**

This is a request to amend a portion of the Centennial Hills Sector Plan of the Master Plan from MLA (Medium-Low Attached Density Residential) to M (Medium Density Residential) on 11.45 acres at the southeast corner of Lone Mountain Road and U.S. 95.

The following related cases will be considered concurrently: a request for a Site Development Plan Review (SDR-25894) for a 248 unit apartment complex, a request for a Rezoning (ZON-25893) to R-3 (Medium Density Residential) and a request for a Variance (VAR-26228) of Title 19.08 Residential Adjacency Standards.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
02/16/05	The City Council approved a Petition to Annex (ANX-5100) property generally located on the east side of U.S. 95, south of Lone Mountain Road (APN 138-03-510-001, 002 and 031), containing approximately 7.02 acres. The effective date of this annexation was 2/25/05. Planning Commission recommended approval on 12/16/04.
03/02/05	The City Council approved a General Plan Amendment (GPA-5823) application to amend a portion of the Centennial Hills Sector Plan) of the General Plan from O (Office) to MLA (Medium-Low Attached Density Residential) on 7.80 acres adjacent to the southwest corner of Balsam Street and Lone Mountain Road. The Planning Commission recommended denial on 01/27/05.
03/02/05	The City Council approved a Rezoning (ZON-5827) application to from R-E (Residence Estates) and U (Undeveloped) [O (Office) General Plan Designation] to R-PD10 (Residential Planned Development - 10 units per acre) on 7.80 acres adjacent to the southwest corner of Balsam Street and Lone Mountain Road. The Planning Commission recommended denial on 01/27/05.
03/02/05	The City Council approved a Site Development Plan Review (SDR-5826) application for a proposed 78-lot single-family attached residential development on 7.80 acres adjacent to the southwest corner of Balsam Street and Lone Mountain Road. The Planning Commission recommended denial on 01/27/05.

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06/01/05	The City Council approved a General Plan Amendment (GPA-6321) application to amend a portion of the Centennial Hills Sector Plan of the General Plan from PR-OS (Park/Recreation/Open Space) And O (Office) to MLA (Medium-Low Attached Density Residential) on 3.26 acres at 4705, 4723 and 4743 Balsam Street and on property adjacent to the southeast corner of Lone Mountain Road and Balsam Street. Staff recommended approval.
05/18/05	The City Council considered an Annexation (ANX-6060) application to Petition for the annexing of land generally located on the west side of Balsam Street, 270 feet south of Lone Mountain Road, containing approximately 2.4 acres. The Planning Commission recommended approval on 03/24/05. [The effective date is 05/27/05]
06/01/05	The City Council approved Site Development Plan Review (SDR6332), General Plan Amendment (GPA-6321), and Rezoning (ZON-6327) applications associated with a proposed 124 lot single-family attached residential development on 12.00 acres adjacent to the southeast corner of U.S. 95 and Lone Mountain Road and associated. The Planning Commission did not reach a super majority vote on the GPA request. The Planning Commission recommended approval of the Rezone and Site Development Plan Review.
10/05/05	The City Council approved a Petition to Vacate a portion of Balsam Street and unnamed rights-of-way located south of Lone Mountain Road and east of U.S. 95. Planning Commission and Staff recommended approval.
06/20/07	The City Council approved an Extension of Time (EOT-21136) of Site Development Plan Review (SDR-6332) and an Extension of Time (EOT-21137) an approved Rezoning (ZON-6327) from U (Undeveloped) [MLA (Medium Low Attached Density Residential) and R-E (Residence Estates) zone to R-PD10 (Residential Planned Development - 10 Units per Acre) on property adjacent to the southeast corner of Lone Mountain Road and Balsam Street. Staff recommended approval with a Two-year extension.
07/26/07	The Planning Commission accepted the applicants request for an abeyance to the 8/09/07 Planning Commission.
08/09/07	The Planning Commission approved a Tentative Map (TMP-21144) for a 124-lot single family residential subdivision on 12.0 acres adjacent to the southeast corner of Lone Mountain Road and U.S. Highway 95. Staff recommended approval.
<b><i>Related Building Permits/Business Licenses</i></b>	
The site is undeveloped; therefore, there are no related building permits or building licenses that pertain to this site.	
<b><i>Pre-Application Meeting</i></b>	
11/27/07	A pre-application meeting was held with the applicant. The applicant is proposing a 252 unit multi-family development for the parcel. The applicant was informed in detail the parking, landscaping and setback requirements for a multi-family development. Submittal requirements were then discussed.

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<i>Neighborhood Meeting</i>	
12/27/07	<p>A neighborhood meeting was held on Thursday, December 27, 2007 at 7:00 pm at the Mt. Crest Community Center located at 4701 N. Durango Drive, Las Vegas, NV. The following concerns were expressed at the meeting:</p> <ul style="list-style-type: none"> <li>• Residents did not express either approval or rejection of the proposed change in density.               <ul style="list-style-type: none"> <li>• Primary concern among residents were:</li> <li>• When were the three homes in the west side of Balsam annexed;</li> <li>• Whether the drainage study would be updated as has been requested of the currently approved project;</li> <li>• Whether the bridal path along the rear on the property east of Balsam would be maintained;</li> <li>• Whether the entry off of Lone Mountain would in fact be the only entry and what assurance they would have that an entry would not be opened onto Balsam.</li> <li>• Whether the maximum height was based off of existing grades or were there plans to further increase the height of the graded surface;</li> <li>• Whether the conditions that had been discussed for the previous project would be continued here (i.e.. a larger vacation of Balsam?);</li> <li>• Whether the utilities would be placed underground and how that would affect the current residences who use the existing overhead lines;</li> <li>• The applicant's representative indicated that he would follow up on the questions presented.</li> </ul> </li> </ul>

<i>Field Check</i>	
12/19/07	A site visit was conducted and the project parcels are undeveloped and are positioned south of Lone Mountain Road and the related overpass across the US 95 Freeway.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	11.45 acres

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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	MLA (Medium Low Density Attached Residential)	R-E (Residence Estates) and U (Undeveloped) Zone under Resolution of Intent to R-PD10 (Residential Planned Development 10 units per acre) Zone.
North	Hotel and Casino	GC (General Commercial)	C-2 (General Commercial)
South	Single family Residential Clark County	O (Office) Clark County	R-E (Residence Estates) - Clark County
East	Single family Residential - Clark County	MLA (Medium Low Density Attached Residential) City of Las Vegas, and O (Office) Clark County	R-E (Residence Estates) City of Las Vegas and Clark County
West	US 95	ROW (Right of Way)	ROW (Right of Way)

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

## STANDARDS

<i>Existing Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
R-E (Residence Estates) and U (Undeveloped) Zone under Resolution of Intent to R-PD10	10.59 du/ac	121 Units
<i>Proposed Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
R-3 (Medium Low Density Residential)	13-25 du/ac	286 Units

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<i>General Plan</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
M (Medium Density Residential)	25.49 du/ac	291 Units

## ANALYSIS

This is a request to amend a portion of the Centennial Hills Sector Plan of the Master Plan from MLA (Medium-Low Attached Density Residential) to M (Medium Density Residential) on 11.45 acres at the southeast corner of Lone Mountain Road and U.S. 95. The Medium Density Residential category includes a variety of multi-family units such as plexes, townhouses, and low-density apartments. This category allows up to 25.49 units per acre.

The 11.45 acre site is currently undeveloped. The amendment was submitted in conjunction with a proposed Rezoning (ZON-25893) to R-3 (Medium Density Residential), a Variance (VAR-26228) to allow a 70-foot residential adjacency setback where 91 feet is required and a Site Development Plan Review (SDR-25894) for a proposed two-story apartment development consisting of 252 units.

The site plan (SDR-25894) associated with this request does not comply with the Residential Adjacency Standards of Title 19, which require a 91-foot setback and the density allowed by the proposed R-3 (Medium Density Residential) designation is not compatible with the existing single family residential development to the east of this site; therefore, staff is unable to support this General Plan Amendment.

### Centennial Hills Sector Plan

*Objective B: Achieve a compatible balance of land uses that are standard throughout the Centennial Hills Sector by providing appropriate and compatible locations for all land use categories.*

The overall density and intensity of the project is greater than adjacent single-family residential development.

*Policy B1.4: Encourage the development of random vacant infill lots in substantially developed, single-family neighborhoods at densities similar to existing development.*

The project as designed is more intense than the existing residential development adjacent to the site.

*Policy B3.1: Require multi-family developments to be compatible with adjoining mixed uses and single-family uses through site planning and building design, setback and height requirements, landscape and wall buffers, and other buffers to adjoining uses.*

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The need for a Variance for residential adjacency clearly violates this element of the Centennial Hills Sector Plan.

## **FINDINGS**

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

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

### **In regard to 1:**

The proposed General Plan Amendment to M (Medium Density Residential) allows densities of up to 25.49 units per acre. This type of density is not compatible with the existing MLA (Medium Low Density Attached Residential) development to the east of this site.

### **In regard to 2:**

The site plan (SDR-25894) associated with this request does not comply with the Residential Adjacency Standards of Title 19.08, which require a 91-foot setback and the density allowed by the proposed R-3 (Medium Density Residential) designation of 25 dwelling units per acre is not compatible with the existing single family residential development to the east of this site; therefore, staff is unable to support this General Plan Amendment.

### **In regard to 3:**

There are adequate facilities and infrastructure to accommodate a development of this size on this site.

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**In regard to 4:**

This request does not comply with Program B1.4 of the Centennial Hills Sector Plan, which encourages the development of random vacant infill lots in substantially developed, single-family neighborhoods at densities similar to existing development.

This request also does not comply with Policy B3 of the Centennial Hills Sector Plan, which states that the appropriate location of multiple family residential uses in the Northwest area of the city should be in the Centennial Hills Town Center or Village Center areas.

The necessity of the associated residential adjacency Variance (VAR-26228) indicates that this General Plan Amendment is not in compliance with Program B3.1 of the Centennial Hills Sector Plan, which requires multi-family developments to be compatible with adjoining single-family uses through site planning and building design, setback and height requirements, landscape and wall buffers, and other buffers to adjoining uses. The need for a Variance for residential adjacency clearly violates this element of the Centennial Hills Sector plan.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED 7**

**ASSEMBLY DISTRICT 37**

**SENATE DISTRICT 4**

**NOTICES MAILED 414**

**APPROVALS 9**

**PROTESTS 13**