



City of Las Vegas

Agenda Item No.: 38.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: SEPTEMBER 25, 2008**

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

Consent Discussion

SUBJECT: VAR-2974 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: INSPIRADO PARTMENTS, LLC - Request for a Variance TO ALLOW THREE-STORY BUILDINGS WHERE TWO STORIES IS THE MAXIMUM PERMITTED AND TO ALLOW BUILDING HEIGHTS OF 35 FEET WHERE 30 FEET IS THE MAXIMUM PERMITTED on 11.45 acres at the southeast corner of Lone Mountain Road and U.S. 95 (APNs 138-03-510-001 through 003, 023, 024, 025 and 030) - Medium Density Residential) Zone, Ward 4 (Brown)

P.C.: FINAL ACTION Unless Appeared Within 10 Days)

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	10	Planning Commission Mtg.	1
City Council Meeting	0	City Council Meeting	0

RECOMMENDATION:

DENIAL

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest Postcards
7. Submitted after Final Agenda Protest Postcards for Items 38 and 39
8. Submitted after Meeting Recordation Notices of Planning Commission Action and Conditions of Approval for Items 38 and 39

Motion made by DAVID STEINMAN to Approve subject to conditions

Passed For: 6; Against: 0; Abstain: 1; Did Not Vote: 0; Excused: 0
SAM DUNNAM, BYRON GOYNES, GLENN TROWBRIDGE, STEVEN EVANS, DAVID STEINMAN, VICKI QUINN; (Against-None); (Abstain-RICHARD TRUESDELL); (Did Not Vote-None); (Excused-None)

NOTE: COMMISSIONER TRUESDELL abstained as he has a partner who owns property within the notice area.

Minutes:

CHAIR GOYNES declared the Public Hearing open for Items 38 and 39.

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PETER LOWENSTEIN, Planning and Development Department, stated the site had previously been approved for a 250-unit apartment complex consisting of two-story buildings. He explained the proposed major modification would reorient the parking and building layouts and pool facility as well as change the building elevations to include garages and a third story. As the requested modification and variance request exceeded the permitted development standards and was a self-imposed hardship, he recommended denial of both applications and noted additional protest postcards had been received.

BOB GRONAUER, 7300 Howard Hughes Parkway, appeared on behalf of the applicant. He explained that this project had always been intended to be developed as a mix of two and three-story buildings and noted that the site plan had been approved by both the Planning Commission and the City Council. He explained that the appropriate elevations had not been submitted and stated these applications would remedy the situation. MR. GRONAUER stated the variance request would allow a three-story building with a height of 56 feet where a two-story building with a height of 35 feet was allowed. He noted that two two-story buildings would be constructed along Balsam Street.

Displaying the site plan on the overhead, MR. GRONAUER stated the applicant had made the floor plans larger and added garages. He pointed out the site condition had improved and that some buildings had been condensed, allowing the removal of other buildings. He suggested that the project met the original intent of the previous site plan, noting that no parking variance had been requested and the requested density was less than that which was permitted. He requested approval and added that the applicant was ready to move forward with this project.

KENNY ROGERS, 4668 Balsam Street, appeared in opposition and stated he had opposed this project from the beginning. He stated the applicant keeps requesting more variances and expressed his opposition to the three-story buildings because they would obstruct his view of the mountains. He wondered how the height would be measured for the structures and questioned how three-story buildings could be constructed to exceed the height of a two-story building by only one foot. He also expressed concern with construction traffic and took issue with a newspaper article which described this neighborhood as "rapidated."

BEN GALLEGOS, 4661 Balsam Street, appeared in opposition and concurred with MR. ROGERS comments. He noted that the neighbors who lived in Clark County had not been notified about this project.

MARGO WHEELER, Director of the Planning and Development Department, stated the property had been annexed to the City in 2005. ASSISTANT CITY ATTORNEY BRYAN SCOTT explained that there is no public hearing notification for annexations as only the subject parcel is impacted by the request and DOUG RANKIN, Planning and Development Department, concurred.

TODD FARLOW, 240 North 19th Street, asked ASSISTANT ATTORNEY SCOTT if State law protects views and ASSISTANT ATTORNEY SCOTT confirmed views were not protected.

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In response to the neighbors questions, MR. GRONAUER stated that the buildings would be measured from the finished grade to the roof for building height. He added that the applicant had all appropriate permits for stockpiling dirt and noted that the drainage study would establish the finished grades.

COMMISSIONER STEINMAN observed that MR. GRONAUER and the staff report gave different locations for the two-story buildings. MR. LOEWENSTEIN stated the staff report was correct regarding the number of two-story buildings, noting that Building Type 1B was a three-story building with a two-story element while Building Type 2A was a two-story building. He added that building height is measured from the finished floor grade. MR. GRONAUER concurred with staff.

In response to COMMISSIONER EVANS questions, MS. WHEELER clarified that the variance addressed the building height and the requested three stories.

COMMISSIONER TROWBRIDGE empathized with concerns of MR. CALDEFOS and MR. ROGERS and expressed his regret that they were forced to revisit a project they opposed. He also suggested the difference in height would not change the project's impact on their quality of life.

CHAIR GOYNES declared the Public Hearing closed for Items 38 and 39.

