



AGENDA MEMO

PLANNING COMMISSION MEETING: SEPTEMBER 25, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-29748 - APPLICANT/OWNER: INSPIRADO
APARTMENTS, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-29442) shall be required, 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.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Variance to allow three-story buildings where two stories is the maximum permitted and to allow building heights of 36 feet where 35 feet is the maximum height permitted on 11.45 acres at the southeast corner of Lone Mountain Road and U.S. 95. A Major Amendment to an approved Site Development Plan Review (SDR-29442) for a 252-unit Apartment Complex to allow three-story buildings has been submitted as a companion item to this request. A Site Development Plan Review (SDR-25894) for a 252-unit Apartment Complex consisting of two-story buildings was previously approved on the subject property. This new proposal seeks to add three-story 36-foot tall buildings where two-story, 31-foot tall buildings were previously approved. The subject property is located within an R-3 (Medium Density Residential) zone which limits buildings to a maximum of two stories or 35 feet, whichever is less. As this request is not in compliance with Title 19 standards, staff recommends denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&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 (APNs 138-03-510-001, 002 and 031), containing approximately 7.02 acres. The effective date of this annexation was 2/25/05. The Planning Commission and staff recommended approval of this request.
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), a Rezoning (ZON-5827) from R-E (Residence Estates) and U (Undeveloped) [O (Office) General Plan designation] to R-PD10 (Residential Planned Development 10 Units per Acre), and a Site Development Plan Review (SDR-5826) 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 and staff recommended denial on of these requests.
05/18/05	The City Council approved a Petition to Annex (ANX-6060) for property generally located on the west side of Balsam Street, 270 feet south of Lone Mountain Road, containing approximately 2.4 acres. The effective date of this annexation was 05/27/05. The Planning Commission and staff recommended approval of this request.

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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), a Site Development Plan Review (SDR6332) for a proposed 124-lot single-family attached residential development, and Rezoning (ZON-6327) from U (Undeveloped) [PR-OS (Park/Recreation/Open Space) General Plan designation] and R-E (Residence Estates) to R-PD10 (Residential Planned Development - 10 Units per Acre) 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 and recommended approval of the Rezoning and Site Development Plan Review. Staff recommended approval of these requests.
10/05/05	The City Council approved a Petition to Vacate (VAC-8347) a portion of Balsam Street and unnamed rights-of-way located south of Lone Mountain Road and east of U.S. 95. The Planning Commission and staff recommended approval of this request.
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 of these requests.
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 of this request.
04/02/08	The City Council approved a General Plan Amendment (GPA-25892) to Amend a portion of the Centennial Hills Sector of the General Plan from MLA (Medium Low Attached Density Residential) to M (Medium Density Residential), a Rezoning (ZON-25893) from R-E (Residence Estates) and U (Undeveloped) [MLA (Medium Low Attached Density Residential) General Plan designation] to R-3 (Medium Density Residential), a Variance (VAR-26228) to allow a Residential Adjacency setback of 20 feet where 91 feet is required at the southeast property line, and a Site Development Plan Review (SDR-25894) for a 248-unit Apartment Complex on 11.45 acres at the southeast corner of Lone Mountain Road and U.S. 95. The Planning Commission recommended approval of these requests, staff recommended denial.

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07/02/08	The City Council approved a Review of Condition (ROC-28659) to remove Condition Number 3 of an approved Vacation (VAC-8347) which required the Vacation of the bridle paths along properties within Clark County jurisdiction to record concurrently on a portion of Balsam Street and unnamed rights-of-way located south of Lone Mountain Road and east of U.S. 95. Staff recommended approval of this request.
Related Building Permits/Business Licenses	
There are no related building permits or building licenses that pertain to this site.	
Pre-Application Meeting	
08/05/08	A pre-application meeting was held with the applicant where elements of submitting a Major Modification to an approved Site Development Plan Review and a Variance were discussed.
Neighborhood Meeting	
A neighborhood meeting was not held, nor was one required for this request.	

Field Check	
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.

Details of Application Request	
Site Area	
Net Acres	11.45

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	M (Medium Density Residential)	R-3 (Medium Density Residential)
North	Hotel and Casino	GC (General Commercial)	C-2 (General Commercial)
South	Single-Family Residential	O (Office)	R-E (Rural Estates Residential - Clark County)
East	Single-Family Residential	PR-OS (Parks/Recreation/Open Space), O (Office) and PF-CC (Public Facilities Clark County)	R-E (Residence Estates) and R-E (Rural Estates Residential) Clark County
West	U.S. 95	ROW (Right of Way)	ROW (Right of Way)

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (175 Feet)	X		Y*
Trails	X		Y**
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

* The subject property is located within the North Las Vegas Airport Overlay within the 175-foot height limitation contour. None of the buildings on the subject property extend beyond this limitation.

** A Multi-Use Non-Equestrian Trail is proposed along the southern alignment of Lone Mountain Road in conformance with the Master Plan Transportation Trails Element of the General Plan.

DEVELOPMENT STANDARDS

Per Title 19.08, the following development standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	6,500 SF	474,346 SF	Y
Min. Setbacks			
• Front	20 Feet	20 Feet	Y
• Side	5 Feet	5 Feet	Y
• Corner	5 Feet	5 Feet	Y
• Rear	20 Feet	20 Feet	Y
Min. Distance Between Buildings	10 Feet	10 Feet	Y
Max. Building Height	2 stories/35 feet	3 stories, 36 Feet	N*
Trash Enclosure	50 feet from protected property	60 Feet	Y
Mech. Equipment	Screened	Screened	Y

* This Variance request has been submitted to allow three-story buildings where two stories is the maximum permitted and to allow 36-foot tall buildings where 35 feet is the maximum permitted in an R-3 (Medium Density Residential) zone.

Pursuant to Title 19.08.060, the following Residential Adjacency Standards apply:

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	70 Feet*	71.25 Feet	Y
Trash Enclosure	50 Feet	60 Feet	Y

* A Variance (VAR-26228) was approved to allow a setback of 70 feet where 91 feet is required.

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ANALYSIS

The plans submitted for the proposed development depict a 12-building Multi-Family Residential development on 11.45 acres at the southeast corner of U.S. 95 and Lone Mountain Road. Of the 12 buildings on site, 11 are three-story, 36-foot tall buildings while one building is two stories and 29 feet in height. The subject property is located within the R-3 (Medium Density Residential) zoning district, which limits buildings to a maximum of two stories or 35-feet in height, whichever is less. The applicant has revised the site plan to consolidate 252-units in 18 originally approved buildings into 252-units in 12 buildings, in order to allow for enhanced site circulation, garage buildings and greater floor plan options. As a result of the redesign, the height and floors of the buildings have increased. The need for this Variance indicates that the site as proposed is overbuilt; therefore staff recommends denial of this request.

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 by proposing three-story, 36-foot tall buildings where two stories, 35 feet is the maximum permitted. Alternatively, changing the zoning of the site to a district that allows 36-foot tall buildings with no Variance, or redesigning the site to include fewer units in two-story buildings, 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.

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