



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 16, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-28102 - OWNER: CITY OF LAS VEGAS - APPLICANT:
ALPHA OMEGA STRATEGIES

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.06.080 for a project in the Airport Overlay District.
2. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-28101), Variance (VAR-27964) and Site Development Plan Review (SDR-27965) shall be required.
3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. Written approval by the Clark County Department of Aviation with no change in flight patterns shall be submitted to the City of Las Vegas prior to the issuance of building permits.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a proposed 135-foot high Senior Citizen Apartment building within the A-O (Airport Overlay) District on the west side of Decatur Boulevard, approximately 150 feet south of Vegas Drive. The overlay district limits height for the subject parcels to a maximum of 105 feet.

The subject proposal meets the provisions of Title 19.06.080 for the approval of a building height in excess of the 105-foot height limitation established for this area. The proposed development is vertical in nature to accommodate a larger number of affordable senior citizen apartment units, without creating additional expenses that would negate this projects affordability aspect.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/24/61	The Board of City Commissioners approved a zoning reclassification (Z-0018 -61) from R-1 (Single Family Residential) to C-1 (Limited Commercial) and R-3 (Medium Density Residential) for approximately 18.3 acres generally located at the southwest corner of Vegas Drive and Decatur Boulevard. The Planning Commission recommended approval.
07/30/70	The Final Map (Decatur Gardens Unit 1) for a proposed 16-unit condominium development located generally at the south west corner of Laurelhurst Drive and Vegas Drive recorded at the Clark County Recorders office.
11/17/82	The Board of City Commissioners approved a Tentative Map (Shalimar Gardens Condominiums) for a 64-unit condominium development located generally on the west side of Laurelhurst Drive and the south side of Westmoreland Drive, west of Decatur Boulevard. The City Planning Commission recommended approval.
06/12/08	The Planning Commission will consider an associated Special Use Permit (SUP-28101) for proposed Senior Citizen Apartments; a Special Use Permit (SUP-28102) to allow a 10-story 135-foot building where 105 feet is the maximum height allowed in the Airport Overlay District; and a Variance (VAR-27964) to allow 640 parking spaces where 696 spaces are required. Staff is recommending approval.
05/19/04	Code Enforcement Case # 15146 A black Acura abandoned on commercial property located at 1501 N Decatur Boulevard. Case closed on 06/03/04.
11/01/04	Code Enforcement Case # 23453 Graffiti on condo buildings; Refrigerators in the courtyard to deny access to minors at 1513 Laurelhurst Drive. Case closed 11/04/04.
06/19/05	Code enforcement Case # 31477 - An illegal vendor operating at 1501 N Decatur Boulevard. The Case was closed 06/25/05.
10/17/05	Code Enforcement Case # 35370 An illegal vehicle repair business was operating out of a home at 1513 Laurelhurst Drive. Case was closed 11/30/05.

12/10/05	Code enforcement Case # 36848 - An illegal car washes operating at 1501 N Decatur Boulevard. The Case was closed 12/11/05.
07/16/06	Code enforcement Case # 44540 - An illegal car washes operating at 1501 N Decatur Boulevard. The Case was closed 07/16/06.
03/20/07	Code Enforcement Case # 51401 An illegal carwash operation, homeless people and goose droppings on city lot at 1501 N Decatur Boulevard. The Case was closed on 04/03/07.
07/14/07	Code enforcement Case # 55717 - An illegal car washes operating at 1501 N Decatur Boulevard. The Case was closed 07/14/07.
04/12/08	Code enforcement Case # 64409 - An illegal car washes operating at 1401 and 1507 N Decatur Boulevard. The Case was closed 05/10/08.
05/19/08	Code enforcement Case # 65435 - An illegal car washes operating at 1401 and 1507 N Decatur Boulevard. The Case is still open.
06/12/08	The Planning Commission recommended approval of companion items VAR-27964, SUP-28101 and SDR-27965 concurrently with this application. The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #23/pl).
<i>Related Building Permits/Business Licenses</i>	
02/07/01	A demolition permit (#01002063) was issued for the removal of Wonder World Shopping Center. The permit was finalized on 02/20/01.
07/26/04	A demolition permit (#04018530) was issued for the removal of a condominium building at 1501 Laurelhurst Drive. The permit was finalized on 08/17/04.
07/26/04	A demolition permit (#04018531) was issued for the removal of a condominium building at 1509 Laurelhurst Drive. The permit was finalized on 08/17/04.
<i>Pre-Application Meeting</i>	
04/25/08	An informal pre-application conference was held. The overall project was discussed. Follow up conversations were required to facilitate a complete submittal of all necessary applications.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required for this application nor was one held.	
<i>Field Check</i>	
05/22/08	The subject site was found to devoid of any structures. The parking lot and parking lot lighting remains from the previous use of the site. The area where the buildings used to exists is now a dirt area, which is fenced off by chain link fencing (no permits found for the fences).

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	13.36
Net Acres	11.28

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Vacant	SC (Service Commercial) & M (Medium density Residential)	C-1 (Limited Commercial) & R-3 (Medium Density Residential)
North	Individual Commercial Establishments	SC (Service Commercial) & M (Medium Density Residential)	C-1 (Limited Commercial)
South	Commercial Shopping Center & Single Family Residences	SC (Service Commercial) & L (Low Density Residential)	C-1 (Limited Commercial) & R-1 (Single Family Residential)
East	Bureau of Land Management Offices & City Park (Ed Fountain Park)	PF (Public Facilities) & PR-OS (Parks/ Recreation/Open Space)	C-V (Civic)
West	Single Family Residences	L (Low Density Residential)	R-1 (Single Family Residential)

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

* The proposed height of the Senior Citizen Apartments, 135 feet, exceeds the height limitation of 105 feet for this area established by the North Las Vegas Airport Overlay Map portion of the A-O (Airport Overlay) District.

** Pursuant to Ordinance No. 5227, the project under review outlines a project that meets the threshold that defines a Project of Significant Impact as outlined in the ordinance for a development that generates an Average Daily Traffic (ADT) over 6,250 daily trips and is located within a half mile of another jurisdiction (Clark County). The applicant has prepared and submitted an impact report as required by the Ordinance for referral to affected agencies. As of 05/29/08, no comments have been received regarding this application.

DEVELOPMENT STANDARDS

Development Standards pursuant to Title 19.08.050

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	10 Acres	Y
Min. Lot Width	100 Feet	591 Feet	Y
Min. Setbacks			
• Front	20 Feet	27 Feet	Y
• Side	10 Feet	10.07 Feet	Y*
• Corner	N/A	N/A	N/A
• Rear	20 Feet	20.54 Feet	Y
Max. Lot Coverage	50%	21%	Y
Max. Building Height	61 Feet**	135 Feet	N***
Trash Enclosure	Screened	Internal to the Apartment Building****	Y
Mech. Equipment	Y	N	N*****

* *The setback complies with C-1 (Limited Commercial) district standards, but does not comply with Residential Adjacency setbacks.*

** *While there is no maximum height limit specifically listed in Title 19.08.050 for property located in a C-1 Zone, residential adjacency standards listed in Title 19.08.060 dictate that the western edge of the building fall at or below 61 feet in height.*

*** *The physical height of the building is 135 feet at its highest point, and is not in compliance with the residential adjacency standards. The applicant has provided a clock tower element to the top of the building, which brings the overall building height to 135 feet. The applicant has requested a Waiver of the residential adjacency standards, which is permissible by means of Title 19.08.060(B)5(a).*

**** *The proposed site depicts two (2) trash enclosures and one (1) trash compactor adjacent to the proposed commercial buildings. In addition the senior apartment building, as well as the government facility portion of the building, will utilize trash chutes located on either side of the building. A condition of approval has been added to substantiate conformance with Title 19.08.050(E)4(b).*

***** *The proposed building elevations and site plan do not depict the location of any mechanical equipment. Pursuant to Title 19.08.050(E)4(c) all mechanical equipment shall be concealed or screened from view of public rights-of-way. A condition has been added to this application to reflect before mentioned standard.*

ANALYSIS

The subject site is located on the Southeast Sector Map of the General Plan. The site is designated as SC (Service Commercial) within the General Plan. The SC category allows for low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons and do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theaters, and other places of public assembly and public and semi-public uses. This category also includes offices either singly or grouped as office centers with professional and business services. The SC (Service Commercial) category may also allow mixed-use development with a residential component where appropriate. The proposed Senior Citizen Apartment is in conformance with the SC (Service Commercial) land use designations.

The subject parcel is located within the Airport Overlay District (105 Feet) of the North Las Vegas Air Terminal. The requirements of the Airport Overlay District state that any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use property in a manner which would exceed the limitations of this subchapter may apply to the Planning Commission for a Special Use Permit.

Pursuant to Title 19.06.080, the provisions for a Special Use Permit to exceed the height limitation in the 105-foot limitation zone of the A-O (Airport Overlay) District are:

1. Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use property in a manner which would exceed the limitations of this subchapter may apply to the Planning Commission for a Special Use Permit. The Special Use Permit application shall be processed in accordance with the Special Use Permit procedures set forth in Subchapter 19.18.060, except that:
 - a. The applicant shall notify the FAA regional office and the Clark County Department of Aviation of the application prior to the time of submission; and
 - b. Any approval by the Planning Commission must be referred automatically to the City Council for final disposition.
2. Notwithstanding the preceding provisions of this subchapter, no Special Use Permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of this subchapter or any amendment thereto

This Special Use Permit has been submitted in conjuncture with a Special Use Permit (SUP-28101) to allow a Senior Citizen Apartment use, a Variance (VAR-27964) to allow 640 parking spaces where 696 are required and a Site Development Plan Review (SDR-27965) for a proposed 11-story, 416-unit Senior Citizen Apartment development with 56,150 square feet of commercial and 47,700 square feet of Government Facilities (fire station).

The applicant has not submitted evidence to the Department of Planning and Development that the FAA regional Office and the Clark County Department of Aviation have been notified of this application. The request to exceed the A-O (Airport Overlay) District height of 105 feet is

appropriate in this area provided all necessary approvals from the Federal Aviation Administration and Clark County Department of Aviation are obtained per Title 19.06.080. Due

to the compatibility of this development with the surrounding present and future area development, and the furthering of the goal of the Las Vegas Master Plan 2020 Housing Element for affordable housing, staff is recommending approval of this Special Use Permit.

FINDINGS

The following findings must be made for a Special Use Permit:

- 1. The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

With implementation of the proposed conditions associated with companion the Site Development Plan Review (SDR-27965), the proposed use can be operated in a manner compatible with the existing uses and the projected uses for the surrounding area.

- 2. The subject site is physically suitable for the type and intensity of land use proposed.**

With the approval of the associated Site Development Plan Review (SDR-27965) and Variance (VAR-27964) the site will be physically suitable for the proposed Senior Citizen Apartment use.

- 3. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

The subject site will receive vehicular access from Decatur Boulevard, a 100-foot primary arterial. The off-site parking lot and apartment open space will be accessed via Laurelhurst Drive, a 60-foot local street. Pedestrian access will be from both Laurelhurst Drive and Decatur Boulevard. The commercial lot is proposing cross access with the commercial site to the south and will require a cross access agreement. Therefore, the street or highway facilities will be adequate in size to facilitate the site.

- 4. Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.**

Provided that there are no impacts to existing flight routes and patterns, approval of this Special Use Permit will not compromise public health, safety or welfare.

- 5. The use meets all of the applicable conditions per Title 19.04.**

This Special Use Permit is required as a provision of Title 19.06.080 and has no applicable conditions under Title 19.04. Pursuant to Title 19.06.080, a Directors Permit application must be approved by the Clark County Department of Aviation prior to the issuance of a building permit.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

ASSEMBLY DISTRICT 34

SENATE DISTRICT 4

NOTICES MAILED 362 by City Clerk

APPROVALS 4

PROTESTS 1