



**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: OCTOBER 23, 2008**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: VAR-30312 - APPLICANT/OWNER: LAS VEGAS VENTURE, LLC AND SOUTHERN TRACE HOLDINGS, LLC**

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

**STAFF RECOMMENDATION:**      **APPROVAL**, subject to:

***Planning and Development***

1.      Approval of and conformance to the Conditions of Approval for Rezoning (ZON-3672), Special Use Permit (SUP-13431), Variance (VAR-13429), Waiver (WVR-13432) and Site Development Plan Reviews (SDR-13428 and SDR-29912) 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.

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

**PROJECT DESCRIPTION**

This is a request for a Variance to allow a 15-foot front yard setback where 20 feet is required on a Senior Citizen Apartment development located adjacent to the west side of Effinger Street, approximately 300 feet south of Harris Avenue. The applicant has also submitted a Major Amendment (SDR-29912) to an approved Site Development Plan Review (SDR-13428) to include three additional units on an approved 99-unit expansion to an existing 110-unit Senior Citizen Apartment development located adjacent to the west side of Effinger Street, approximately 300 feet south of Harris Avenue.

The proposed Senior Citizen Apartment development is consistent with Objective 2.2 and Policy 2.2.2 of the Las Vegas 2020 Master Plan; therefore, Staff is recommending approval of the requests.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
07/21/04	The City Council approved a General Plan Amendment (GPA-3670) from L (Low Density Residential) to M (Medium Density Residential), a Rezoning (ZON-3672) from R-E (Residence Estates) to R-3 (Medium Density Residential), and a Site Development Plan Review (SDR-3958) with a reduction in the amount of required perimeter landscaping for a proposed 50-unit multi-family residential development on 2.09 acres adjacent to the west side of Effinger Street, approximately 300 feet south of Harris Avenue. The Planning Commission recommended approval. Staff recommended denial.
08/16/06	The City Council approved a Special Use Permit (SUP-13431) and a Site Development Plan Review (SDR-13428) for a Senior Citizen Apartment Development on 2.14 acres adjacent to the west side of Effinger Street, approximately 300 feet south of Harris Avenue. Two companion Variances (VAR-13429 and VAR-13430) were approved to allow a Residential Adjacency setback of 15 feet where 142 feet was required, and to allow 10-foot perimeter walls where eight feet was the maximum height allowed. Planning Commission recommended approval of all requests.
08/16/08	The City Council approved a Waiver (WVR-13432) to allow a non-circular cul-de-sac at the intersection of Effinger Street and Poppy Lane. Planning Commission recommended approval.
08/16/06	The City Council approved a Vacation (VAC-13433) for a portion of Poppy Lane between Effinger Street and McKnight Street. Planning Commission recommended approval.

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08/16/06	The City Council approved an Extension of Time (EOT-15006) for a Rezoning (ZON-3672) from R-E (Residence Estates) to R-3 (Medium Density Residential) on 2.14 acres adjacent to the west side of Effinger Street, approximately 300 feet south of Harris Avenue. Staff recommended approval.
08/14/07	Staff administratively approved an Extension of Time (EOT-23381) for an approved Vacation (VAC-13433) of a portion of Poppy Lane between Effinger Street and McKnight Street.
06/13/08	Staff administratively approved an Extension of Time (EOT-28605) for an approved Vacation (VAC-13433) of a portion of Poppy Lane between Effinger Street and McKnight Street.
08/06/08	The City Council approved Extensions of Time (EOT-28599, EOT-28600, EOT-28601, EOT-28602, EOT-28603 and EOT-28604, respectively) for a Rezoning (ZON-3672) from R-E (Residence Estates) to R-3 (Medium Density Residential), Site Development Plan Review (SDR-13428) for a Senior Citizen Apartment Development, Variance (VAR-13429) to allow a Residential Adjacency setback of 15 feet where 142 feet was required, Variance (VAR-13430) to allow 10-foot perimeter walls where eight feet was the maximum height allowed, Waiver (WVR-13432) to allow a non-circular cul-de-sac at the intersection of Effinger Street and Poppy Lane, and Special Use Permit (SUP-13431) for a Senior Citizen Apartment Development on 2.14 acres adjacent to the west side of Effinger Street, approximately 300 feet south of Harris Avenue. Staff recommended approval.
<b><i>Related Building Permits/Business Licenses</i></b>	
There are no building permits or business licenses associated with the subject site.	
<b><i>Pre-Application Meeting</i></b>	
09/04/08	A pre-application meeting was held to discuss the proposed modifications to an approved Site Development Plan (SDR-13428).

<b><i>Field Check</i></b>	
09/16/08	A field check of the subject site was performed by staff. The site is noted to be undeveloped and vacant, with a chain link fence topped by barbed wire surrounding it. The fence is in poor condition and has not been permitted. There is graffiti on a block wall along the south side of the site.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	2.14

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<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Undeveloped (Proposed 99-unit Senior Citizen Apartment DevelopmentSDR-13428)	M (Medium Density Residential)	R-E (Residence Estates) under Resolution of Intent to R-3 (Medium Density Residential)
North	Vacant Land	L (Low Density Residential)	R-E (Residence Estates)
South	Senior Citizen Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)
East	Single-Family Residences and Vacant Land	L (Low Density Residential)	R-E (Residence Estates)
West	Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)

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

**DEVELOPMENT STANDARDS**

*Pursuant to Title 19.08, the following standards apply:*

<b>Standard</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Min. Lot Size	6,500 SF	2.14 Acres	Y
Min. Lot Width	N/A	N/A	N/A
Min. Setbacks			
Front	20 Feet	15 Feet	N*
Side	15 Feet**	15 Feet	Y
Corner	5 Feet	N/A	N/A
Rear	20 Feet	20 Feet	Y
Min. Distance Between Buildings	10 Feet	10 Feet	Y
Max. Lot Coverage	N/A	N/A	N/A
Max. Building Height	2 Stories or 35 feet, whichever is less	4 Stories	Y***

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Trash Enclosure	Screened, Roofed	Not Indicated	N/A
Mech. Equipment	Screened	Not Indicated	N/A

*\* The applicant has requested a Variance (VAR-30312) to allow a 15-foot front yard setback where 20 feet is required.*

*Development Plan Review (SDR-13428).*

*\*\*A 15-foot side yard setback is required along the north perimeter to match the minimum setback requirement for the adjacent R-E (Residence Estates) zone, per Title 19.08.060 Residential Adjacency Standards.*

*\*\*\*A Special Use Permit (SUP-13431) was approved to allow a four-story Senior Citizen Apartment development.*

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

<b><i>Residential Adjacency Standards</i></b>	<b><i>Required/Allowed</i></b>	<b><i>Provided</i></b>	<b><i>Compliance</i></b>
3:1 proximity slope	142 Feet	15 Feet	Y*
Adjacent development matching setback	50 Feet	15 Feet	Y*
Trash Enclosure	50 Feet	120 Feet	Y

*\*A Variance (VAR-13429) was approved to allow a 15-foot setback where Residential Adjacency Standards require 142 feet.*

**ANALYSIS**

The site is located approximately 300 feet south of Harris Avenue, on the west side of Effinger Street. The proposed site plan layout is almost identical to the previously approved Site Development Plan Review (SDR-13428) in that the units are located along the south, west and north property lines, with parking on the east side of the apartment buildings. Additional parking and landscaping will be provided in a vacated section of Poppy Lane. The site plan proposes to add two Senior Citizen apartment units and a manager unit to the approved plan.

At the northeast corner of the site, the plan indicates that the building will be set back only 15 feet from the Effinger Street right-of-way, where it was previously approved at 24 feet, due to a requirement to provide a minimum of 10 feet of separation between buildings. This has necessitated the request for this Variance to allow a 15-foot front yard setback where 20 feet is required, a 20 percent deviation from the required setback distance.

**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:

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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.

The applicant states that the Nevada Housing Division and their lender have imposed a requirement to shift a building so that a minimum 10-foot separation will exist between building phases; as a result, the building in the northeast corner of the site will be located within the required front yard setback area, as defined by Title 19. The portion of the building that will be located in the setback area is a required fire exit stairwell, and will not be inhabitable space. Staff can support this request as the building shift is not a self-imposed hardship.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**            9

**ASSEMBLY DISTRICT**            28

**SENATE DISTRICT**            2

**NOTICES MAILED**            98

**APPROVALS**            0

**PROTESTS**            0