



## **AGENDA MEMO**

**CITY COUNCIL MEETING DATE: NOVEMBER 5, 2008**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: VAR-29657 APPLICANT: ALPHA OMEGA STRATEGIES**  
**OWNER: CITY OF LAS VEGAS**

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### **\*\* CONDITIONS \*\***

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

#### **Planning and Development**

1. Conformance to the conditions for Special Use Permit (SUP-28101), Special Use Permit (SUP-28102), Variance (VAR-27964), Variance (VAR-29654) and Site Development Plan Review (SDR-27965) and Site Development Plan Review (SDR-29651), 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 a four-foot north and south property line setback where 10 feet is required on 13.36 acres adjacent to the west side of Decatur Boulevard 150 feet south of Vegas Drive. The site was originally approved with a 10-foot side yard setback for an 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 setbacks shown for this building on the original Site Development Plan Review (SDR-27965) included a written notation indicating a 10-foot north and south property line setback on the site plan while the actual setback in scale depicted a four-foot north and south property line setback. This proposal seeks to correctly identify the north and south setback of the residential building from ten feet to four feet and obtain the proper Variance for the setback.

In addition to this proposal, the applicant has submitted a Variance (VAR-29654) to allow a reduction of 34 parking spaces for 45 Senior Citizen Apartments and a Site Development Plan Review (SDR-29651) to increase the number of residential units from 416 to 461 within an additional floor with no additional height. As this proposal will have no impact on the adjacent commercial properties, staff recommends approval of this request.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;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 of this request.
07/30/70	A Final Map (Decatur Gardens Unit 1) for a proposed 16-unit Condominium development located generally at the southwest corner of Laurelhurst Drive and Vegas Drive recorded at the Clark County Records 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 Planning Commission recommended approval of this request.
05/19/04	A Code Enforcement Citation was issued (#15146) for an abandoned automobile at 1501 North Decatur Boulevard. The case was resolved on 06/03/04.

11/01/04	A Code Enforcement Citation was issued (#23453) for an illegal vendor operating at 1501 North Decatur Boulevard. The case was resolved on 11/04/04.
06/19/05	A Code Enforcement Citation was issued (#31477) for an illegal vendor operating at 1501 North Decatur Boulevard. The case was resolved on 06/25/05.
10/17/05	A Code Enforcement Citation was issued (#35370) for an illegal vehicle repair business operating out of a home at 1513 Laurelhurst Drive. The case was resolved 11/30/05.
12/10/05	A Code Enforcement Citation was issued (#36848) for an illegal car wash operating at 1501 North Decatur Boulevard. The case was resolved 12/11/05.
07/16/06	A Code Enforcement Citation was issued (#44540) for an illegal car wash operating at 1501 North Decatur Boulevard. The case was resolved 07/16/06.
03/20/07	A Code Enforcement Citation was issued (#51401) for an illegal car wash, homeless loitering and goose droppings on City property at 1501 North Decatur Boulevard. The case was resolved 04/03/07.
07/14/07	A Code Enforcement Citation was issued (#55717) for an illegal car wash operating at 1501 North Decatur Boulevard. The case was resolved on 07/14/07.
04/12/08	A Code Enforcement Citation was issued (#64409) for an illegal car wash operating at 1501 North Decatur Boulevard. The case was resolved 05/10/08.
05/19/08	A Code Enforcement Citation was issued (#65435) for an illegal car wash operating at 1501 North Decatur Boulevard. The case was resolved 07/05/08.
07/16/08	The City Council approved a request for a Variance (VAR-27964) to allow 640 parking spaces where 696 spaces were required, a Special Use Permit (SUP-28101) for Senior Citizen Apartments, a Special Use Permit (SUP-28102) to allow a 11-story 135-foot building where 105 feet is the maximum height allowed in the Airport Overlay District and a Site Development Plan Review (SDR-27965) for an 11-story, 416-unit Senior Citizen Apartment development with 56,150 square feet of Commercial, 47,700 square feet of Government Facilities (Fire Station), and a Park with a Waiver of the Residential Adjacency Standards to allow a 183-foot setback where 405 feet is required and to allow a six-foot wide landscape buffer on the southern portion of the site where eight feet is required on 13.36 acres on the west side of Decatur Boulevard, approximately 150 feet south of Vegas Drive. The Planning Commission and staff recommended approval of these requests.
08/14/08	The Planning Commission approved a request for a Tentative Map (TMP-27963) for a one-lot commercial subdivision on 9.98 acres on the west side of Decatur Boulevard, approximately 150 feet south of Vegas Drive. Staff recommended approval of this request.
09/19/08	A Final Map (FMP-30176) was submitted to the Planning and Development Department for a 1-lot Commercial Subdivision on 9.95 acres adjacent to east side of North Decatur Boulevard, approximately 150 feet south of Vegas Drive.

10/09/08	<p>The Planning Commission recommended approval of companion items VAR-29654 and SDR-29651 concurrently with this application.</p> <p>The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #31/dc).</p>
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***Related Building Permits/Business Licenses***

02/07/01	A demolition permit (#01002063) was issued for the removal of an existing Shopping Center. The permit was finalized on 02/20/01.
07/26/04	Demolition permits (#04018530 and #04018531) were issued for the removal of Condominium buildings at 1501 and 1509 Laurelhurst Drive. The permits were finalized on 08/17/04.

***Pre-Application Meeting***

08/19/08	A pre-application meeting was held with the applicant where the requirements of submitting a Major Modification to an approved Site Development Plan Review and a Variance were discussed.
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***Neighborhood Meeting***

A neighborhood meeting was not held, nor was one required.

***Field Check***

09/02/08	A field check was performed by staff at the subject property. The site was void of structures; however, the parking lot and parking lot lighting remain from the previous use of the site. A chain link fence exists near the west half of the site surrounding the pad where the former site buildings once stood.
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***Details of Application Request***

***Site Area***

Gross Acres	13.36
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<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Vacant [Proposed 416-Unit Senior Citizen Apartments, 47,700 SF Government Facility and 56,150 SF Commercial Development (SDR -27965)]	SC (Service Commercial)	C-1 (Limited Commercial) and R-3 (Medium Density Residential)
North	Office/Retail	SC (Service Commercial) and M (Medium Density Residential)	C-1 (Limited Commercial)

South	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
	Single-Family Residences	L (Low Density Residential)	R-1 (Single Family Residential)
East	Bureau of Land Management Offices and City of Las Vegas Park	PF (Public Facilities) and 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>
<b>Special Area Plan</b>			
Redevelopment Plan Area	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>			
A-O Airport Overlay District (105 Feet)	X		Y*
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

\* The City Council approved a Special Use Permit (SUP-28102) to allow a 135-foot tall building where 105 feet is the maximum height permitted within the Airport Overlay District.

## DEVELOPMENT STANDARDS

*Pursuant to Title 19.08.050, the following standards apply:*

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	581,962 SF	N/A
Min. Lot Width	100 Feet	591 Feet	Y
Min. Setbacks			
• Front	20 Feet	27 Feet	Y
• Side	10 Feet	4 Feet	N*
• Corner	N/A	N/A	N/A
• Rear	20 Feet	20.54 Feet	Y
Max. Lot Coverage	50%	15.8%	Y
Max. Building Height	135 Feet**	129 Feet	Y**
Trash Enclosure	Screened	Screened, Internal to the Residential Building	Y***
Mech. Equipment	Screened	Not Shown	N****

\* The applicant has submitted this Variance to allow a four-foot setback along the north and south perimeters where 10 feet is required.

\*\* A maximum building height of 135 feet was approved where 105 Feet was the maximum permitted through Special Use Permit (SUP-28102).

\*\*\* The proposed site depicts two trash enclosures and one trash compactor adjacent to the commercial buildings. In addition, the Senior Citizen 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 was added to the Site Development Plan Review (SDR-29651) 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 was added to the Site Development Plan Review (SDR-29651) requiring conformance with Title 19.08.050(E)(4)(c).

***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	183 Feet	183 Feet	Y*
Adjacent development matching setback	20 Feet	20.54 Feet	Y
Trash Enclosure	50 Feet	630 Feet	Y

\* A Waiver was approved with the previously approved Site Development Plan Review (SDR-27965) which permitted a residential adjacency setback of 183 feet where 405 feet is required.

**ANALYSIS**

This is a request for a Variance to allow a four-foot north and south property line setback where 10 feet is required on 13.36 acres adjacent to the west side of Decatur Boulevard 150 feet south of Vegas Drive. The site was originally approved with a 10-foot side yard setback for an 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 setbacks shown for this building on the original Site Development Plan Review (SDR-27965) included a written notation indicating a 10-foot north and south property line setback on the site plan while the actual setback in scale depicted a four-foot north and south property line setback. This proposal seeks to correctly identify the north and south setback of the residential building from ten feet to four feet and obtain the proper Variance for the setback. As this proposal will have no impact on the adjacent commercial properties, staff recommends approval 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.

Evidence of a unique or extraordinary circumstance has been presented, in that the site plan originally approved through Site Development Plan Review (SDR-27965) depicted the building with a four-foot setback in scale while mislabeling the setback as 10 feet. The approved Senior Citizen Apartments will not change or shift in location from the already approved site plan and will not affect the adjacent commercial development; therefore, staff is recommending approval of this Variance application.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 14

**ASSEMBLY DISTRICT** 34

**SENATE DISTRICT** 4

**NOTICES MAILED** 364 by City Clerk

**APPROVALS** 2

**PROTESTS** 1