



AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 19, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-29654 APPLICANT: ALPHA OMEGA STRATEGIES
OWNER: CITY OF LAS VEGAS

THIS ITEM WAS HELD IN ABEYANCE FROM THE NOVEMBER 5, 2008 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

The Planning Commission (6-0 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-29657) 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 reduction of 34 parking spaces for 45 Senior Citizen Apartments for a proposed 12-story, 461-unit Senior Citizen Apartment development with 56,150 square feet of commercial and 47,700 square feet of Government Facilities (Fire Station) located on 13.36 acres adjacent to the west side of Decatur Boulevard, 150 feet south of Vegas Drive. The overall development was approved with a previous Variance (VAR-27964) to allow 640 parking spaces where 696 parking spaces were required 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 applicant has proposed an additional 45 Senior Citizen Apartment units through Site Development Plan Review (SDR-29651), which requires an additional 34 parking spaces for the development.

In addition to this proposal, the applicant has submitted a Variance (VAR-29657) to allow a four-foot setback along the north and south property lines where 10 feet is required 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. The overall development requires an approximate 5% deviation from the current approved parking standards. As this deviation is minor in nature, staff recommends approval of this request.

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 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-29657 and SDR-29651 concurrently with this application.</p> <p>The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #32/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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<i>Surrounding Property</i>	<i>Existing Land Use</i>	<i>Planned Land Use</i>	<i>Existing Zoning</i>
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>
Special Area Plan			
Redevelopment Plan Area	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O Airport Overlay District (105 Feet)	X		Y*
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		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 19.10, the following parking standards apply:

Parking Requirement							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Parking Ratio</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</i>
			<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Senior Citizen Apartments <i>Approved Units</i>	416 Units	.75/Unit	288*	4*	288	4	Y
Senior Citizen Apartments <i>Additional Proposed Units</i>	45 Units	.75/Unit	34	0	0	0	N**
Government Facility	47,700 SF	1/300 SF	138*	3*	138	3	Y

Shopping Center	56,150 SF	1/250 SF	196*	11*	196	11	Y
SubTotal			656	18	622	18	
TOTAL			674		640		N**
Loading Spaces			4		4		Y
Percent Deviation					5%		

* These figures represent the spaces provided by the applicant which were approved through Variance (VAR-27964).

** A Variance (VAR-29654) to allow a reduction of 34 parking spaces for 45 Senior Citizen Apartments has been submitted as a companion item to this request.

ANALYSIS

This is a request for a Variance to allow a reduction of 34 parking spaces for 45 Senior Citizen Apartments. The proposed development consists of a 12-story, 461-unit Senior Citizen Apartment development with 56,150 square feet of commercial and 47,700 square feet of Government Facilities (Fire Station). The overall development was approved with a previous Variance (VAR-27964) to allow 640 parking spaces where 696 parking spaces were required 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 applicant has proposed an additional 45 Senior Citizen Apartment units through Site Development Plan Review (SDR-29651), which requires an additional 34 parking spaces for the development. The overall development requires an approximate 5% deviation from the current approved parking standards. Staff is in support of this deviation as it is minor in nature for the proposed use; therefore, approval of this request is recommended.

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 predominant use of the site generates less vehicular traffic than anticipated, as well as the shared access agreement with the commercial property to the south that would alleviate any parking concerns if one were to arise. Therefore, staff is recommending approval of this Variance application.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 14

ASSEMBLY DISTRICT 34

SENATE DISTRICT 4

NOTICES MAILED 374 by City Clerk

APPROVALS 2

PROTESTS 1