

**AGENDA MEMO**

CITY COUNCIL MEETING DATE: SEPTEMBER 16, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-32639 - APPLICANT: METROPOLITAN HOMES -
OWNER: ISANI RAZIA AND SARIHAN GUNAY

THIS ITEM WAS HELD IN ABEYANCE FROM THE AUGUST 19, 2009 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN BARLOW.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (5-1/vq-1/ke vote) recommends APPROVAL, subject to:

Planning and Development

1. Commercial business hours shall be limited to 7:00 a.m. to 9:00 p.m.
2. Occupancy shall be limited to persons 55 or older to the extent allowed by law.
3. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Senior Citizen Apartments use.
4. Approval of and conformance to the Conditions of Approval for Rezoning (Z-0050-97), Variances (VAR-32640 and VAR-33015) and Site Development Plan Review (SDR-32638) shall be required, if approved.
5. 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.
6. 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 (SUP-32639) for a proposed three-story, 44-foot tall, 151-unit Senior Citizen Apartment Complex with a Waiver to allow apartments on the ground floor where none are permitted on 2.16 acres adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The applicant has also submitted applications for a Variance (VAR-32640) to allow 119 parking spaces where 146 are required; a Variance (VAR-33015) to allow a 10-foot setback where Residential Adjacency standards require 132 feet, and to allow a lot coverage of 82% where 50% is the maximum permitted; and a Site Development Plan Review for a proposed three-story, 44-foot tall, 151-unit Senior Citizen Apartment Complex with 5,460 square feet of commercial space. As part of the Site Development Plan Review, the applicant is requesting an Exception to allow ground cover only (no trees or shrubs) in a required landscape buffer along the north perimeter. Staff is recommending denial of the request as the proposed use does not meet the minimum Special Use Permit requirements, and the number of Variances, Waivers and Exceptions required indicates that the site is to be overbuilt.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/08/97	The City Council approved a request for Rezoning (Z-0050-97) from U (Undeveloped) [SC (Service Commercial) General Plan designation] to C-1 (Limited Commercial) on 2.16 acres located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard.
02/18/04	The City Council approved requests for a Site Development Plan Review (SDR -3496) for a Senior Housing Complex with a Waiver of the perimeter landscaping requirements, and a Special Use Permit (SUP-3491) for a Senior Apartment Complex on 2.16 acres located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The Planning Commission recommended approval. These entitlements expired 02/18/06 as no Extension of Time was submitted.
11/15/04	A Code Enforcement complaint (#23727) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 01/12/05.
10/10/05	A Code Enforcement complaint (#35225) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 10/12/05.

03/20/06	A Code Enforcement complaint (#39426) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 04/26/06.
02/15/07	A Code Enforcement complaint (#50556) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 04/16/07.
04/18/08	A Code Enforcement complaint (#64758) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 05/19/08.
03/12/09	The Planning Commission recommended approval of companion items VAR-32640, VAR-33015 and SDR-32638 concurrently with this application. The Planning Commission voted 5-1/vq-1/ke to recommend APPROVAL (PC Agenda Item #17/sg).

Related Building Permits/Business Licenses

There are no related building permits or business licenses associated with the site.

Pre-Application Meeting

01/07/09	A pre-application meeting was held to discuss the requirements for applications for a Site Development Plan Review, a Special Use Permit and two Variances. Issues discussed included the minimum requirements for a Senior Apartment use, parking requirements and development standards.
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Neighborhood Meeting

A neighborhood meeting was neither required nor held for this application.

Field Check

01/21/09	A field check was conducted by staff. The subject site is a vacant, undeveloped lot with an unpermitted chain link fence at the east perimeter and a portion of the north perimeter, which is topped with barb wire. There was assorted trash and debris at the site.
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Details of Application Request	
Site Area	
Gross Acres	2.16 Acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	SC (Service Commercial)	U (Undeveloped) Zone [SC (Service Commercial) General Plan designation] Under Resolution of Intent to C-1 (Limited Commercial)
North	Mini-Storage Facility	SC (Service Commercial)	C-1 (Limited Commercial)
	Wireless Communications Facility	RN (Rural Neighborhood) [Clark County]	C-1 (Local Business) [Clark County]
South	Apartments	SC (Service Commercial)	R-3 (Medium Density Residential)
	Undeveloped	RN (Rural Neighborhood) [Clark County]	R-E (Rural Estates Residential) [Clark County]
East	Condominiums	M (Medium Density Residential)	R-3 (Medium Density Residential)
West	Undeveloped	RN (Rural Neighborhood) [Clark County]	R-E (Rural Estates Residential) [Clark County]

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	N/A
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (70 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		Y*

**Pursuant to Ordinance Number 5227, this proposed project has been deemed to be a Project of Regional Significance because it is a request for a Special Use Permit concerning property within 500 feet of the City boundary with Clark County. The applicant completed the required forms, which were then distributed by the City to the appropriate agencies for comments. No comments were received.*

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Senior Apartments	151 Units	0.75 / Unit	114				
General Retail	5460 SF	1 / 175	32				
SubTotal			146				
TOTAL			141	5	114	5	N*
Loading Spaces		1 / Less Than 10,000 SF	1		1		Y
Percent Deviation					19%		

**The applicant has submitted a request for a Variance (VAR-32640) to allow 119 parking spaces where 146 are required, a 19% deviation.*

Waivers		
Request	Requirement	Staff Recommendation
To allow apartments on the ground floor where none are permitted.	In the case of a multi-floor structure, the apartments themselves must be located above the ground floor	Denial

ANALYSIS

This is a request for a Special Use Permit (SUP-32639) for a proposed three-story, 44-foot tall, 151-unit Senior Citizen Apartment Complex with a Waiver to allow apartments on the ground floor where none are permitted on 2.16 acres adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The minimum Special Use Permit requirements listed in Title 19.04 for a Senior Citizen Apartment Complex include the provision that In the case of a multi-floor structure, the apartments themselves must be located above the ground floor, but access ways, entryways and community rooms may be located on the ground floor. The applicant is proposing to locate 19 apartment units on the ground floor of the complex, along with a parking garage containing 119 spaces, an enclosed courtyard, a managers office and 5,460 square feet of commercial space at the east end of the site,. There are both one bedroom and two bedroom apartments depicted on the ground floor. Staff is recommending denial of the request as the number of associated Variances, Waivers and Exceptions required for the proposed

development indicates that the site will be overbuilt.

- **Zoning**

The subject site is located within the Southeast Sector Plan of the General Plan and has a land use designation of SC (Service Commercial), which allows low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons, and that 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 Service Commercial category may also allow mixed-use development with a residential component where appropriate.

The subject site is currently zoned U (Undeveloped) [SC (Service Commercial) General Plan Designation] Under Resolution of Intent to the C-1 (Limited Commercial) district, which is intended to provide most retail shopping and personal services, and may be appropriate for mixed-use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-1 (Limited Commercial) district is consistent with the Service Commercial, and the Neighborhood Center categories of the General Plan. A Senior Citizen Apartment Complex is permitted in the C-1 (Limited Commercial) district with the approval of a Special Use Permit.

- **Use**

A Senior Apartment is an apartment house or other multi-family dwelling in which each unit is occupied by at least one person 55 years of age or older, or in which the units are intended and operated for occupancy by persons 55 years of age or older. This use includes an apartment house or other multi-family dwelling that qualifies as housing for older persons under the provisions of Federal law, including without limitation housing developments that:

1. Provide significant facilities and services specifically designed to meet the physical or social needs of older persons; and
2. Publish and adhere to policies and procedures that demonstrate an intent to provide housing for persons 55 years of age or older to the extent allowed by applicable State or Federal law.

- **Minimum Special Use Permit Requirements**

1. For any development that is over three stories in height:
 - a. The structures shall be compatible with the scale and massing of the types of development allowed in the applicable zoning district and shall provide a transition to less intensive development.
 - b. Rooflines and façade elements shall be articulated in order to break down the apparent massing of the structures.

2. The use shall be developed and operated only in connection with ground-level nonresidential development. In the case of a multi-floor structure, the apartments themselves must be located above the ground floor, but access ways, entryways and community rooms may be located on the ground floor.
3. The primary resident or guest entryway to the apartments must be independent of ground floor commercial uses, and must be directly accessible from and oriented to a street.
4. The overall architecture of the front elevation shall highlight the difference in uses through variations in volume and proportion, and shall be treated as a cohesive whole through finishes and colors.
5. For any development that, in accordance with LVMC 19.08.050, is allowed to exceed the maximum lot coverage provisions set forth in that Section, all landscape buffer requirements, and all minimum setback requirements for the C-1 district, shall be met.

The proposed use does not meet requirements number 2; the applicant has requested a Waiver to allow 19 apartment units on the ground floor. Staff is recommending denial of the Special Use Permit request as the proposed development does not meet the minimum Special Use Permit requirements, and the site, as proposed, will be overbuilt.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

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.**

The proposed land use cannot be conducted in a manner that is harmonious with existing surrounding land uses. The development is monolithic in scale and is not compatible with development in the area. A smaller building or multiple buildings would be more appropriate.

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

The subject site is not physically suitable for the proposed type and intensity of land use proposed as demonstrated by the number of associated Variances, Waivers and the Exception required for approval.

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 primary access to the site is a proposed driveway onto Decatur Boulevard, a 100-foot Primary Arterial, with a second driveway for emergency access via a crash gate on to Fairhaven Street, which is a 60-foot Local street, as designated by the Master Plan of Streets and Highways. These streets will provide adequate site access, and adjacent roadways and neighborhood traffic will not be negatively impacted.

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.

The site will be subject to permitting, inspections and licensing by the City of Las Vegas, and will not compromise the health, safety, and welfare, or the overall objectives of the General Plan.

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

The use does not meet all applicable conditions of Title 19.04 and the applicant is requesting a Waiver to allow 19 apartment units on the ground floor where none are allowed.

PLANNING COMMISSION ACTION

Conditions 1 and 2 were added at the Planning Commission Meeting to which the applicant agreed. Condition #2 is recommended to read: Sign and record a deed restriction with language determined to be satisfactory by the City Attorney which restricts the use of the site to an age-restricted community for those persons 55 years of age or older, to the full extent of the law.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

12

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 390 by City Clerk

APPROVALS 1

PROTESTS 1