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February 23, 2010

VIA HAND DELIVERY

CITY OF LAS VEGAS
PLANNING & DEVELOPMENT
731 S. Fourth St.
Las Vegas, NV 89101

Re: Justification Letter – General Plan Amendment, Zone Change, Site Development Plan Review, Special Use Permit to Allow for Senior Housing and Waivers.

To Whom It May Concern:

Please be advised this office represents Ovation (the "Applicant"). The Applicant is seeking a site development plan review for a proposed senior housing project generally located on the southeast corner of Lone Mountain Road and Rainbow Boulevard, particularly known as APN: 138-02-101-002 & 015 (collectively the "Site"). The Site is approximately 3.0 acres. In conjunction with the site development plan review, the Applicant is seeking a general plan amendment, zone change, special use permit and waivers.

General Plan Amendment for APN: 138-02-101-002

A portion of the Site's (APN: 138-02-101-002) current general plan is General Commercial ("CG"). The Applicant is seeking to amend the general plan and reduce the intensity from GC to Service Commercial ("SC") for said portion. The Applicant is requesting this amendment in order to reduce the zoning for the Site from C-2 to C-1. In conjunction with the reduced zoning, the Applicant is proposing a senior housing project which is an appropriate use within the C-1 zoning category. Therefore, the Applicant is seeking to have the general plan amended to match the proposed zone change and proposed senior housing use. The remaining parcel, APN: 138-02-101-015, is already planned SC.

Zone Change for APN: 138-02-101-002 & 015

The Site is currently zoned C-2. The Applicant is requesting to reduce the zoning to C-1. Since the Applicant is requesting a less intense zoning district, the zone change is appropriate in the area. The intersection of Lone Mountain Road and Rainbow Boulevard is zoned C-2 and the nearby intersection of Lone Mountain Road and Rancho is zoned C-2. Additionally, south of the Site is zoned R-3, higher residential density. Therefore, a change to C-1, for parcels currently zoned C-2, is compatible to the surrounding area.

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Special Use Permit to Allow Senior Housing

The Applicant is proposing a senior housing project. Senior housing is an appropriate use within a C-1 zoned district with a use permit. There is a multi-family, R-3 development located just south of the Site. A senior housing development located near commercial uses and other multi-family uses are compatible. The Applicant is seeking a waiver from the following special use permit requirements. Since there is a shortage of senior housing in the Las Vegas Valley, these waivers are appropriate because the project will be primarily residential with no commercial uses open to the public.

- "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."

- "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."

- "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."

Site Development Plan Review

The Applicant is proposing a 152 unit gated senior housing project. Approximately 48 units will be located on the first floor and approximately 52 units will be located on the second and third floors, respectively. The proposed development provides easy access off of Lone Mountain Road. The Applicant is proposing a dedicated right turn lane, which will also serve as a future bus stop, off of Lone Mountain Road and into the development.

The multi-family buildings will be three (3) stories and approximately 37' in height. All buildings will have elevator access to living units. The site design and architecture are consistent with the existing multi-family units to the south. Additionally, the Site will provide amenities such as a pool and spa, facilities for meetings and social gatherings, a game room, a salon, exercise room and a library/computer room. There will also be a common area kitchen available for residents' use during social events.

The Site meets all parking requirements. The Applicant is seeking an exception for parking lot landscaping. In order to meet parking requirements, the Applicant cannot provide landscape diamonds within the parking lot. The Applicant is also seeking a waiver from the Multi-Use Trail Landscaping requirement on Lone Mountain Road. Due to the bus turn out and existing Site conditions, there are areas where the Multi-Use Trail will not provide the five foot

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(5') transition strip. However, the ten foot (10') public transportation trail path and the five foot (5') private landscape strip are provided on Lone Mountain Road between Rainbow Boulevard and the entrance into the project. The Multi-Use Trail will not be provided east of the entrance because there is no area to transition back to the existing conditions.

We thank you in advance for your time and consideration of this matter. Should you have any questions or concerns, please feel free to contact me.

Sincerely,

KAEMPFER CROWELL RENSHAW
GRONAUER & FIORENTINO

Jennifer Lazovich

JJL/dmf

cc: Jan Goyer

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