



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: MAY 21, 2014

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: CAMBRIDGE COMPANIES, INC.

**** STAFF RECOMMENDATION(S) ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
GPA-53037	Staff recommends DENIAL.	
ZON-53038	Staff recommends DENIAL.	GPA-53037
VAR-53197	Staff recommends DENIAL, if approved subject to conditions:	GPA-53037 ZON-53038
SDR-53040	Staff recommends DENIAL, if approved subject to conditions:	GPA-53037 ZON-53038 VAR-53194

**** CONDITIONS ****

VAR-53197 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-53040) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SDR-53040 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-51397) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan and landscape plan dated 03/10/14 and building elevations date stamped 02/20/14, except as amended by conditions herein.
4. If perimeter wall is constructed around the northern property line it will be limited to a view fence that conforms to Title 19 wall standards.
5. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
7. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. Installed landscaping shall not impede visibility of any traffic control device.
8. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
9. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

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10. Prior to the submittal of a building permit application, the applicant shall meet with Department of Planning staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
11. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

12. Construct half-street improvements to match existing improvements to the south and a temporary termination (i.e. barriers) acceptable to the City Traffic Engineer, on Sandhill Road adjacent to this site, concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
13. The driveway for this site shall align with Proclamation Drive on the west side of Sandhill Road.
14. Provide a Public Access Easement to the parcel to the east of this site, assessor parcel #140-30-601-007 prior to approval of construction drawing for this site.
15. Landscape and maintain all unimproved right-of-way, if any, on Sandhill Road adjacent to this site. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
16. Submit an Encroachment Agreement for landscaping and private improvements, if any, in the Sandhill Road public rights-of-way prior to the issuance of permits for these improvements. The applicant must carry an insurance policy for the term of the Encroachment Agreement and add the City of Las Vegas as an additionally insured entity on this insurance policy. If requested by the City, the applicant shall remove property encroaching in the public right- of way at the applicant's expense pursuant to the terms of the City's Encroachment Agreement. The installation and maintenance of all private improvements in the public right of way shall be the responsibility of the adjacent property owner(s) and shall be transferred with the sale of the property for the entire term of the Encroachment Agreement. Coordinate all requirements for the Encroachment Agreement with the Land Development Section of the Department of Building and Safety (229-4836).

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17. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility.
18. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the submittal of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is for a Site Development Plan Review (SDR-53040) for a proposed 40 unit apartment complex located approximately 597 feet north of Washington Avenue, east of Sandhill Road on 2.19 acres. An associated General Plan Amendment (GPA-53037), Rezoning (ZON-53038) and Variance (VAR-53197) are required to proceed with this application. The applicant is requesting to change the General Plan land use designation from ML (Medium Low Density Residential) to M (Medium Density Residential) and the zoning designation from R-2 (Medium-Low Density Residential) to R-3 (Medium Density Residential). Additionally, a residential adjacency setback Variance is required to allow a 27.5-foot tall building 41 feet from a residential zoned property where 83 feet is required. The requested M (Medium Density Residential) land use designation and the R-3 (Medium Density Residential) zoning designation would allow for a development that is too dense for the surrounding neighborhood. Furthermore, the requested residential adjacency setback Variance reinforces the unsuitability of this project. Staff recommends denial of all four land use applications. If these applications are denied, the site will remain undeveloped.

ISSUES

- The site is currently an undeveloped parcel that requires a Site Development Plan Review to entitle the land to be developed as a 40 unit apartment complex.
- A General Plan Amendment is required to change the land use designation from ML (Medium Low Density Residential) to M (Medium Density Residential) to allow 17.4 units per acre.
- A Rezoning is required to allow multi-family housing at the subject site. The zone change is from R-2 (Medium-Low Density Residential) to R-3 (Medium Density Residential).
- A Variance is required to allow a residential adjacency setback of 43 feet where 83 feet is required.
- There is a landlocked parcel to the east of the subject site. If approved, Public Works will require the developer to provide a public access easement from the subject site to the parcel.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
08/21/02	The City Council approved a Special Use Permit (U-0075-02) request for a Church/House of Worship on the subject site.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
05/16/07	The City Council approved a request to Rezoning (ZON-20602) from R-E (Residence Estates) to R-2 (Medium-Low Density Residential), a Site Development Plan Review (SDR-19484) request for a Church/House of Worship and a Special Use Permit (SUP-19483) for a Church/House of Worship on the east side of Sandhill Road, approximately 630 feet north of Washington Avenue. The Planning Commission and staff recommended approval. SDR-19484 and SUP-19483 have expired.
04/08/14	The Planning Commission voted (6-0-1/gf) to recommend approval of a General Plan Amendment (GPA-53037) FROM: ML (MEDIUM LOW DENSITY RESIDENTIAL) TO: M (MEDIUM DENSITY RESIDENTIAL), Rezoning (ZON-53038) FROM: R-2 (MEDIUM-LOW DENSITY RESIDENTIAL) TO: R-3 (MEDIUM DENSITY RESIDENTIAL), Variance (VAR-53197) TO ALLOW A RESIDENTIAL ADJACENCY SETBACK OF 41 FEET WHERE 83 FEET IS REQUIRED, and Site Development Plan Review (SDR-53040) FOR A PROPOSED TWO-STORY 40 UNIT APARTMENT COMPLEX on 2.29 acres located approximately 597 feet north of Washington Avenue on the east side of Sandhill Road.

<i>Most Recent Change of Ownership</i>	
11/08/13	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
02/06/08	Civil Improvement Plans were approved and a permit (#23777) was issued for the site.

<i>Pre-Application Meeting</i>	
02/12/14	A pre-application meeting was held with the applicant's designated representative to discuss. 1. The submittal requirement for a General Plan Amendment, Rezoning, Variance and Site Development Plan Review. 2. That there is a land locked parcel to the east.

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<i>Neighborhood Meeting</i>	
03/06/14	A neighborhood meeting was held at the Bob Price Community Center at 2050 Bonnie Lane at 6:00 p.m. The meeting was attended by seven members of general public, three representatives for the applicant and one representative from the Department of Planning and the following concerns were noted: - Residents raised questions about the proposed construction timeframe and potential construction noise. - A resident questioned the amount of site work that would be done, and was concerned that the resulting vibration from construction might damage the foundations and structural integrity of adjacent houses. - Questions were raised about the proximity of the proposed apartment buildings to the residential neighborhood to the south, and wanted assurance that adequate buffers would be provided. - It was noted that the applicant should provide Spanish-language flyers to residents for any future meetings on the project.

<i>Field Check</i>	
02/27/14	A field check was conducted of the subject property, which consists of an undeveloped dirt lot with concert barriers along the western property line.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	2.19

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Undeveloped	ML (Medium Low Density Residential)	R-2 (Medium-Low Density Residential)
North	Drainage Channel	PF (Public Facilities)	N/A
South	Single Family, Detached	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
East	Single Family, Detached	ML (Medium Low Density Residential)	R-E (Residence Estates)
West	Undeveloped	L (Low Density Residential)	R-1 (Single Family Residential)

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<i>Master Plan Areas</i>	<i>Compliance</i>
No Applicable Master Plan Area	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
No Applicable Special Purpose or Overlay Districts	N/A
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS*Pursuant to Title 19.06.110, the following standards apply:*

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	6,500 SF	99,752.4 SF	Y
Min. Setbacks			
• Front	10 Feet	25 Feet	Y
• Side	5 Feet	8 Feet	Y
• Rear	20 Feet	217 Feet	Y
Min. Distance Between Buildings	13 Feet	10 Feet	Y
Max. Building Height	55 Feet	27.5 Feet	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Roof	Y

Review the following from Title 19.06.040 for compliance

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	83 Feet	41 Feet	N*
Adjacent development matching setback			
•Front	14 Feet	15 Feet	Y
•Side south	10 Feet	15 Feet	
Trash Enclosure	50 Feet	84 Feet	Y

*Variance (VAR-53197) accompanies this application to allow for the reduced setback

<i>Existing Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
R-2 (Medium-Low Density Residential)	6-12 Units per Acre*	18
<i>Proposed Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
R-3 (Medium Density Residential)	13-50 Units per Acre*	55
<i>General Plan</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
ML (Medium Low Density Residential)	8.49 Units per Acre	18
<i>Proposed General Plan</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
M (Medium Density Residential)	25.49 Units Per Acre	55

*Maximum dwelling units per acres (DUA) is determined by the underlying General Plan designation and may not exceed the density permitted under said designation.

Pursuant to Title 19.06 the following standards apply:

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Buffer Trees:				
• North	1 Tree / 20 Linear Feet	34 Trees	34 Trees	Y
• South	1 Tree / 20 Linear Feet	31 Trees	31 Trees	Y
• East	1 Tree / 20 Linear Feet	2 Trees	2 Trees	Y
• West	1 Tree / 20 Linear Feet	13 Trees	13 Trees	Y
TOTAL PERIMETER TREES		80 Trees	80 Trees	Y
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	27 Trees ¹	17 Trees	Y
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	6 Feet		7 Feet	Y
• South	6 Feet		12 Feet	Y
• East	6 Feet		27 Feet	Y
• West	15 Feet		25 Feet	Y
Wall Height	6 to 8 Feet Adjacent to Residential		Not Indicated	Y ²

- Title 19.08.110 (Commercial and Industrial Parking Design Standards) does not automatically apply to this project. Title 19.06.040 (Development Standards) and Title 19.06.110 establish the development standards for the multi-family residential use (apartments). The applicant has provided 17, 24-inch box trees throughout the parking lot where 27 would be required by commercial standards. The reduced landscaping would be an exception if the commercial standards applied.

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2. An existing six-foot wall is located along the southern property line. No additional walls are planned for this project at this time.

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Actual Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Sandhill Road	Major Collector	Planned Streets and Highways Map	87	N*

* Public Works determined that the development will match the existing improvements along Sandhill Road. Condition of Approval Number 11 reflects this position.

Pursuant to Title 19.08 and 19.12, the following parking standards apply:

Parking Requirement							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</i>	
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
1 Bedroom Apartments	8	1 per 1.25 du	10				
2 Bedroom Apartments	28	1 per 1.75 du	49				
3 Bedroom Apartments	4	1 per 2.0 du	8				
Visitor	40	1 per six units	7				
TOTAL SPACES REQUIRED			74		74		Y
Regular and Handicap Spaces Required			71	3	70	4	Y

ANALYSIS

The subject site is located within the Southeast Sector Plan of the Las Vegas 2020 Master Plan on a 2.19-acre undeveloped lot located approximately 597 feet north of Washington Avenue on the east side of Sandhill Road. The current General Plan land designation is ML (Medium Low Density Residential) and the current zoning district is R-2 (Medium-Low Density Residential).

Per Title 19.12, the Multi-Family Residential use is not permitted within a R-2 (Medium-Low Density Residential) zoning district. The applicant is proposing to Rezone (ZON-53038) within the property to R-3 (Medium Density Residential), as multi-family housing would be permitted said zoning district.

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In order to achieve the requested density of the proposed development and to remain consistent with the proposed zone change, the applicant has also requested to change the Southeast Sector Plan with a General Plan Amendment (GPA-53037). This amendment will change the land use designation of the parcel to M (Medium Density Residential).

Staff cannot support the requested zone change and subsequent General Plan Amendment, as the proposed changes are inconsistent with the existing surrounding land uses and will allow for an island of high residential density within an area predominately composed of single-family detached properties to the south, east and west of the subject site.

The applicant has submitted a request for a Site Development Plan Review (SDR-53040) to construct one, one-story office and community center and two, two-story apartment buildings consisting of a total of 40 units.

The one story structure office/clubhouse is similar in architectural form to that of the apartment buildings. The apartment building will offer for-lease units ranging from one to three bedroom units. The provided plans illustrate eight one-bedroom units, 28 two-bedroom units and four three-bedroom units. The architectural design and style is similar to the standard apartment complexes throughout the valley.

The 18-foot tall office/clubhouse is located directly south of the entry and located on the site in a way that meets all required setback and residential adjacency requirements. The two apartment buildings are 27.5 feet tall and fail to meet the required residential adjacency setback. An accompanying residential setback Variance (VAR-53197) is needed to allow a portion of the easternmost building to have a reduced setback of 41 feet where 83 feet is required. Staff cannot support this Variance, as it could be eliminated by proposing a different site configuration including, but not limited to having a structure that jogs, is staggered in height or is smaller in scale.

The site is accessed by Sandhill Road, designated as an 80-foot Major Collector by the Master Plan of Streets and Highways. Per Title 19.04.190 a three-foot amenity zone and a five-foot detached sidewalk is required; however, Title 19.04.010 gives the Director or Public Works the authority to determine the extent to which it is appropriate to implement the standards outline in the Complete Streets Chapter. It was determined that it would be appropriated for the proposed development to match the existing conditions with a five-foot attached sidewalk with no amenity zone.

There is an existing multi-use trail void of landscaping adjacent to the northern property line. Three pedestrian paths are proposed that will have unobstructed access to the trail. The developer has agreed to share the green screen adjacent to the Las Vegas Wash multi-use trail. This view sharing is accomplished by agreeing to a condition of approval that if a fence is constructed along the northern property line it will be a view fence only. Additionally, there is a landlocked parcel to the east of the subject site; however, a 24-foot access isle has been provided. A condition of approval has been added requiring a permanent access easement be recorded.

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The provided landscape plan meets the minimum vegetation requirements. Residential properties to the south will be screened by a mix of 24-inch box African Sumac, Chinese Pistache, Fan-Tex Ash, Texas Honey Mesquites and Mondell Pines. This will create a green screen a majority of the year, as the African Sumac and Modell Pines are evergreen trees. The northern property line is lined with 24-inch box Desert Willows, Desert Museum Palo Verdes, and African Sumacs. The trees and accompanied ground cover will provide splashes of red, yellow, pink and purple throughout the year. A similar mix of trees and shrubs is provided along the western property line.

The eastern property line is dominated by a 24-foot access easement and two Mondale Pine tree. Title 19.08.110 (Commercial and Industrial Parking Design Standards) does not automatically apply to this project; however, the applicant has provided a number of parking lot fingers and vegetation that is similar to the standards required by commercial development in the City. All Title 19.06 landscaping and buffering requirements have been met.

The Clark County School District expressed concern to the increased density of the proposed development, as the existing public primary and secondary schools in the area are near or over capacity with no additional schools planned for the area. Ronnow Elementary is at 128 percent capacity, Monaco Middle School is at 79 percent capacity and Desert Pines High School is at 83 percent of capacity.

In summation, the proposed project is too dense to be constructed in at manners that is harmonious with the existing land uses and will amplify the overcrowding of the public schools in the area. Staff recommends denial of all four land use applications.

FINDINGS (GPA-53037)

Section 19.16.030(I) of the Las Vegas Zoning Code requires that the following conditions be met in order to justify a General Plan Amendment:

1.The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations,

The intensity of the proposed General Plan Amendment to M (Medium Density Residential) is inconsistent with the surrounding land uses to the south, east and west of subject site. The proposed land use will create a spot of higher density.

2.The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,

The R-3 (Medium Density Residential) zoning designation allowed by the proposed General Plan Amendment will allow for land uses that are not harmonious and compatible with the surrounding area. The proposed M (Medium Density Residential) land use designation will allow for densities that are greater than the existing adjacent land uses.

3. There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and

Access to the site is provided by Sandhill Road, a 80-foot Major Collector, as designated by the Master Plan of Streets and Highways. The subject property is located within an area of the City where all utilities, fire and police services are currently in place and available. Therefore, there are adequate facilities available to accommodate the uses and densities permitted by the proposed General Plan Amendment.

4. The proposed amendment conforms to other applicable adopted plans and policies that include approved neighborhood plans.

The proposed amendment does not meet Policy 2.1.2 of the 2020 Master Plan: That development on vacant or underutilized lots within existing residential neighborhoods be sensitive in use and design to surrounding development.

FINDINGS (ZON-53038)

In order to approve a Rezoning application, pursuant to Title 19.16.090(L), the Planning Commission or City Council must affirm the following:

1. The proposal conforms to the General Plan.

The proposed Rezoning is in conformance with the proposed M (Medium Density Residential) General Plan designation. The M (Medium Density Residential) land use designation allows for a variety of multi-family units such as plexes, townhomes, low-density apartments. This category allow up to 25.49 units per acre. The project site meets this description; however, the site cannot physically accommodate the proposed apartment complex without the approval of a Variance from the residential adjacency setback requirement.

2. The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.

The uses allowed on the subject property by the proposed R-3 (Medium Density Residential) zoning district will not be compatible with the surrounding R-CL (Single Family Compact-Lot), R-1 (Single Family Residential) and R-E (Residence Estates) zoned parcels. The proposed R-3 (Medium Density Residential) zoning designation will create a dot of higher density surrounded by lower density zoning districts.

3. Growth and development factors in the community indicate the need for or appropriateness of the rezoning.

The proposed R-3 (Medium Density Residential) zoning district is inappropriate for this site as is surrounded on three sides with single family detached zoned properties and the existing public schools in the surrounding community are close or are at over capacity. Additionally, the proposed zone change does not meet Objective 2.2 of the 2020 Master Plan: To ensure that low density residential land uses with mature neighborhood can exist in close proximity to higher density residential, mixed-use, or non-residential uses by mitigating adverse impacts where feasible.

4. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.

The site is accessed by Sandhill Road, a 80-foot Major Collector, as designated by the Master Plan of Streets and Highways, which is adequate to serve the requirements of the zoning district

FINDINGS (VAR-53197)

In accordance with the provisions of Title 19.16.140(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 19.16.140(L) 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.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing to construct an apartment complex that is larger than the site can accommodate. Alternatively, the east most building could be reduced in size or reconfigured in a manner that would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

FINDINGS (SDR-53040)

In order to approve a Site Development Plan application, per Title 19.16.100(E) the Planning Commission and/or City Council must affirm the following:

1.The proposed development is compatible with adjacent development and development in the area;

The proposed development is incompatible with adjacent developments within the area. In particular, the project proposes a higher land use density (apartments) than the existing developments to the south, west and east.

2.The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;

The proposed development is consistent with the proposed General Plan designation of M (Medium Density Residential) and a majority of Title 19 requirements with exception of the requested Variance to allow a residential adjacency setback of 41 feet where 83 feet is required. The requested Variance reinforces that the proposed project is too intense for the subject site.

3.Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;

Access to the site is provided by Sandhill Road, a Major Collector, as designated by the Master Plan of Streets and Highways. Site access and circulation will not negatively impact adjacent roadways and neighborhood traffic.

4.Building and landscape materials are appropriate for the area and for the City;

The building materials are appropriate for the area and the city. Landscape materials are also appropriate with the exception of the proposed 15-gallon trees located along the south and east perimeter landscape buffers. A condition of approval has been added requiring a revised landscape plan to illustrate 24-inch box trees, as required by Title 19.12.

5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;

The building elevations are not unsightly or obnoxious, and are consistent in architectural style and color of other apartment complexes throughout the valley.

6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.

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 of the public.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED

379 (By City Clerk)

APPROVALS

1

PROTESTS

147