



City of Las Vegas

Agenda Item No.: 42.

**AGENDA SUMMARY PAGE - PLANNING
PLANNING COMMISSION MEETING OF: FEBRUARY 12, 2019**

**DEPARTMENT: PLANNING
DIRECTOR: ROBERT SUMMERFIELD**

☐ Consent ☒ Discussion

SUBJECT: VAR-75324 - VARIANCE - PUBLIC HEARING - APPLICANT: VISION COMMERCIAL ONE, LLC, OWNER: SAHNE'S HOME VENTURES, INC. - For possible action on a request for a variance TO ALLOW A 17-FOOT RESIDENTIAL ADJACENCY SETBACK WHERE 72 FEET IS THE MINIMUM REQUIRED AND TO ALLOW A 76-FOOT RESIDENTIAL ADJACENCY SETBACK WHERE 155 FEET IS THE MINIMUM REQUIRED. 0.33 acres adjacent to the south side of Smoke Ranch Road, approximately 175 feet east of Decatur Boulevard (APN 139-19-101-002), C-1 (Limited Commercial) Zone, Ward 5 (Greater PRJ-75268]. Staff recommends DENIAL.

C.C.: 3/6/2019

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

6

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL, if approved, subject to conditions:

BACKUP DOCUMENTATION:

1. Location and Aerial Maps - VAR-75324, SUP-75325, SUP-75326 and SDR-75327 [PRJ-75268]
2. Conditions and Staff Report - VAR-75324, SUP-75325, SUP-75326 and SDR-75327 [PRJ-75268]
3. Supporting Documentation - VAR-75324, SUP-75325, SUP-75326 and SDR-75327 [PRJ-75268]
4. Photo(s) - VAR-75324, SUP-75325, SUP-75326 and SDR-75327 [PRJ-75268]
5. Justification Letter - VAR-75324, SUP-75325, SUP-75326 and SDR-75327 [PRJ-75268]
6. Protest Postcards for VAR-75324 and SUP-75325 [PRJ-75268]
7. Submitted after Final Agenda - Protest Postcards for VAR-75324 and SUP-75325 [PRJ-75268] and Protest Documentation Not Vetted - Comment Form (1) for VAR-75324, SUP-75325, SUP-75326 and SDR-75327 [PRJ-75268]

Motion made by TRINITY HAVEN SCHLOTTMAN to Approve subject to conditions

Passed For: 5; Against: 0; Abstain: 1; Did Not Vote: 0; Excused: 1

DONNA TOUSSAINT, TRINITY HAVEN SCHLOTTMAN, SAM CHERRY, LOUIS DE SALVIO, VICKI QUINN; (Against-None); (Abstain-CHRISTINA ROUSH); (Did Not Vote-None); (Excused-BRENDA J. WILLIAMS)

PLANNING COMMISSION MEETING OF: FEBRUARY 12, 2019

NOTE: Commissioner Roush disclosed that her husband is on the Board of SafeNest, and out of an abundance of caution, she abstained from voting on Items 42-45.

Minutes:

CHAIR CHERRY declared the Public Hearing open for Items 42-45.

JONATHAN BOYLES, Planner II, reported that the subject site is located in the southwest sector of the General Plan and has a current land use designation of GC (General Commercial) and a zoning designation of C-1 (Limited Commercial). The Senior Citizens Apartments use is a conditional land use in the C-1 zoning district. However, a Special Use Permit (SUP) is required as the proposed use does not comply with Conditional Use Regulations Numbers 1, 2 and 4, which require the roof lines to break down the massing of the structures, ground level retail to be provided and for the elevations to highlight the difference in uses through variation in volume and proportion.

The existing Airport Overlay Standards allow a maximum height of 35 feet on the northwest corner of the subject site and 70 feet on the southwest portion. As proposed, the 43-foot building height exceeds the height of the 35-foot maximum within the Airport Overlay; therefore, an SUP is required. As such, the Federal Aviation Administration (FAA) must be notified of the proposed construction, alteration of this development, and a condition of approval has been added to assure that this requirement is met.

Additionally, a Variance has been requested to allow a reduction of the required residential adjacency setbacks of the structures and Waivers to allow deviations from required landscape buffer widths and exceptions of required planting materials on the site. Staff does not support this request.

Staff determined that the proposed project is not compatible with surrounding development in the area as evidenced by the requested SUP's, Variance, Waivers and associated exceptions of planting materials; therefore, staff recommended denial of this project. Additional protest letters were received after publication.

VINCENT SCHUTTLE, applicant, appeared and explained that this request is for a site located on approximately 5.33 net acres at the corner of Smoke Ranch Road and Decatur Boulevard. The property is currently zoned C-1 in a General Commercial area, and they are requesting to construct a senior housing project. He showed a rendering of the development, which proposes a 161-unit four-story wrap gated community with a porte-cochere entrance. There will be a fob system for the gates and the units so only residents and their guests may enter the units, and an indoor/outdoor pool with a wall that will open up and adjoin with the interior amenities.

There will also be five 24-foot high townhome buildings with six two-story units in each of them. MR. SCHUTTLE explained that a Variance is needed because there is a 3:1 slope requirement for residential adjacency standards, which requires a 72-foot setback; however, they are nearly the same height as existing two-story homes in the area. The townhomes have deep

PLANNING COMMISSION MEETING OF: FEBRUARY 12, 2019

back yards with walls next to the walls of the existing residences, and they are requesting to not have the landscape buffer between the walls so nobody can get between them and hide or create mischief. MR. SCHUTTLEER pointed out on the rendering that there is a minimal buffer against the wall and there is no landscape buffer on the interior adjacent to the convenience store site. They are requesting no landscaping on the interior as well as they wish to help with circulation and be in compliance with the fire code. Because of the setback requirements, they feel they have adequately buffered the existing residential, and they have included numerous amenities.

MR. SCHUTTLEER discussed the airport height restriction for the North Las Vegas airport and showed the flight path pointing out that the Fiesta Station and Texas Station are taller than 35 feet and are closer to the runways. Additionally, there are existing 70-foot power lines that run adjacent/through the northern border of the site.

COMMISSIONERS QUINN and TOUSSAINT thought that there was a desperate need for this in Ward 6, and they were in support.

COMMISSIONER DESALVIO noted that they have to get FAA approval even if this project is approved by Planning Commission and City Council and MR. SCHUTTLEER confirmed that is the case.

COMMISSIONER SCHOTTSMAN commented that the proposal is a lot lower than many other obstacles in the area.

CHAIR CHERRY asked if Decatur Boulevard was one of the areas with a zero-foot landscape buffer, and MR. SCHUTTLEER replied that that area will have a 15-foot landscape buffer.

See Items 43-45 for related background.

CHAIR CHERRY declared the Public Hearing closed for Items 42-45.