



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: FEBRUARY 11, 2025

DEPARTMENT: COMMUNITY DEVELOPMENT

**ITEM DESCRIPTION: APPLICANT: LEGGERA DEVELOPMENT, LLC - OWNER:
NOLA STAR HOLDINGS, LLC**

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0667-VAR1	Staff recommends DENIAL, if approved subject to conditions:	24-0667-SUP1 24-0667-SDR1
24-0667-SUP1	Staff recommends DENIAL, if approved subject to conditions:	24-0667-VAR1 24-0667-SDR1
24-0667-SDR1	Staff recommends DENIAL, if approved subject to conditions:	24-0667-VAR1 24-0667-SUP1

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 9

NOTICES MAILED 321

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

24-0667-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved, to allow 355 parking spaces where 448 parking spaces are required.
2. Approval of and conformance to the Conditions of Approval for Special Use Permit (24-0667-SUP1) and Site Development Plan Review (24-0667-SDR1) shall be required, if approved.
3. 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.
4. 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 Building and Safety Division.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

24-0667-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.10.080 for a project in the Airport Overlay District.
2. Approval of and conformance to the Conditions of Approval for Variance (24-0667-VAR1) and Site Development Plan Review (24-0667-SDR1) shall be required, if approved.

Conditions Page Two
February 11, 2025 - Planning Commission Meeting

3. 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.
4. 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 Building and Safety Division.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit, as well as submitted as part of any business license application.
6. Trash enclosures shall be provided in conformance with the provisions of Title 19.08.040.E.
7. Prior to or at the time of submittal for any building permit, the applicant shall provide written verification by the Federal Aviation Administration (FAA), the Clark County Department of Aviation, or both, of the following:
 - a. Applicant is required to file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA.
 - b. Applicant is advised that FAA's airspace determinations (the outcome of filing the FAA Form 7460-1) are dependent on petitions by any interested party and the height that will not present a hazard as determined by the FAA may change based on these comments. Applicant is advised that the FAA's airspace determinations include expiration dates and that separate airspace determinations will be needed for construction cranes or other temporary equipment.
 - c. No building permits should be issued until the applicant provides evidence that a "Determination of No Hazard to Air Navigation" has been issued by the FAA.
 - d. No structure greater than 35 feet in height shall be permitted to be erected or altered that would constitute a hazard to air navigation, or would result in an increase to minimum flight altitudes during any phase of flight, or would otherwise be determined to pose a significant adverse impact on airport or aircraft operations
8. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

24-0667-SDR1 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Variance (24-0667-VAR1) and Special Use Permit (24-0667-SUP1) shall be required, if approved.
2. Conformance to the Conditions of Approval for Site Development Plan Review (SDR-73295) shall be required, except as amended herein.
3. 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.
4. All development shall be in conformance with the site plan, date stamped 01/09/25, landscape plan and building elevations, date stamped 12/19/24 except as amended by conditions herein.
5. An Exception from Title 19.08 is hereby approved, to allow 73 parking area trees where 81 parking area trees are required.
6. 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 Building and Safety Division.
7. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
8. Trash enclosures shall be provided in conformance with the provisions of Title 19.08.040.E.
9. 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, which 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.
10. Prior to the submittal of a building permit application, the applicant shall meet with Department of Community Development 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.

Conditions Page Four

February 11, 2025 - Planning Commission Meeting

11. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

12. Prior to the issuance of permits, grant a Bus Shelter Pad Easement in conformance with Standard Drawing #234.2 and 234.5 to the Regional Transportation Commission (RTC). Construction of the bus turnout is required concurrent with the building proposed on this site.
13. Comply with approved Traffic Impact Analysis #76121.
14. Comply with all applicable conditions of approval for 20-0101-SDR1 and any other site related actions.

Staff Report Page One
February 11, 2025 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Major Amendment to a previously approved Site Development Plan Review (SDR-73295) for proposed revisions to Phase 3 of a multi-family residential development generally located on the west side of Rancho Drive, approximately 650 feet north of Smoke Ranch Road.

ISSUES

- Pursuant to Title 19.16.100 (F), Site Development Plan Reviews may be approved administratively as long as the proposed project adheres to all applicable requirements of Title 19. However, the applicant has requested a Special Use Permit to allow 38-foot tall buildings where 35 feet is the maximum height allowed by the Airport Overlay. A Variance is also requested to allow 355 parking spaces where 448 parking spaces are required. Both applications require a public hearing. Staff recommends denial of all requested entitlements.
- An Exception of Title 19.08 is requested to allow 71 parking area trees where 83 parking area trees are required. Staff does not support this request.

ANALYSIS

The subject site is part of a multi-family residential development consisting of three separate parcels. On August 15, 2018 the City Council approved a request to Rezone (ZON-73294) the subject site from R-PD19 (Residential Planned Development – 19 Units per Acre) to R-3 (Medium Density Residential). Additionally, the City Council approved a Site Development Plan Review (SDR-73295) for a proposed 738-unit multi-family residential (apartment) development.

Staff Report Page Two
February 11, 2025 - Planning Commission Meeting

Pursuant to approved Site Development Plan Review (SDR-73295) the proposed development was separated into three individual phases. Per the submitted justification letter it has been determined that minor changes are needed for the last phase of the project (APN 139-18-410-016). These changes include:

- The unit mix has changed, including a new three-bedroom unit where previously submitted plans did not have a three-bedroom.
- An increase in the number of studio apartment units from 12 to 36.
- An increase in the overall total unit count for phase III from 224 units at a density of 24.4 du/ac, to 252 units, at a density of 28.5 du/ac.
- Reduction in provided parking spaces from 376 to 355 and a parking lot reconfiguration.
- Increase in the square footage of the club house from 2,700 square feet to 4,994 square feet.
- All proposed residential buildings are three stories or 38 feet.

The subject property is located within the Airport Overlay District due to the site's proximity to the North Las Vegas Airport. For development in this area of the Airport Overlay District, development shall not exceed a height of 35 feet. The submitted building elevations depict residential buildings with a height of three stories or 38 feet, prompting a Special Use Permit request.

Per the Clark County Department of Aviation, the proposed development will exceed the 100:1 notification requirement for the North Las Vegas Airport, the Federal Aviation Administration (FAA) must be notified of the proposed construction or alteration of any building or structure that will exceed a slope of 100:1 for a distance of 20,000 feet from the nearest point of any airport runway or for any structure greater than 200 feet in height. Such notification allows the FAA to determine what impact, if any, the proposed development will have upon aircraft operations, and to allow the FAA to determine whether the development should be obstruction marked or lighted. The applicant is advised that FAA's airspace determinations (the outcome of filing the FAA Form 7460-1) are dependent on petitions by any interested party and the height that will not present a hazard as determined by the FAA may change based on these comments. FAA's airspace determinations include expiration dates and that separate airspace determinations will be needed for construction cranes or other temporary equipment.

Staff Report Page Three**February 11, 2025 - Planning Commission Meeting**

The applicant is also advised that issuing a stand-alone noise disclosure statement to the purchaser or renter of each unit in the proposed development and to forward the completed and recorded noise disclosure statements to the Department of Aviation's Noise Office at landuse@lasairport.com, is strongly encouraged. Additionally, the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations which was constructed after October 1, 1998, and funds will not be available in the future should the residents wish to have their buildings purchased or soundproofed. Conditions of approval have been added to ensure compliance with these provisions.

As a result of the increased unit count and floor area of the approved clubhouse area, a total of 448 parking spaces are required to accommodate the development. Previously, the approved site plan included private garages, which have been removed as part of the proposed amendments. The applicant has stated the parking lot reconfiguration was necessary to comply with development standards regarding building clearances from sidewalks and parking canopies and including trash enclosures. Additionally, the applicant cites two and three-bedroom units often being occupied by single tenants, which would reduce the overall parking demand. However, staff finds this reduction in parking to be a self-imposed hardship and recommends denial of the requested Variance.

Landscape buffers throughout the subject site remain the same as the prior approval. A Waiver of the perimeter landscape buffer requirements was approved through Site Development Plan Review (SDR-73295), allowing a 10-foot landscape buffer along all property lines. With the parking lot reconfiguration, an exception for reduced parking lot landscaping is required. While the small deficiency in parking lot landscape trees will not directly conflict with the urban forestry goals of the City of Las Vegas 2050 Master Plan, this request is an example of the applicant attempting to overdevelop the site. Therefore, staff does not support the requested Exception.

Clark County School District has indicated that the proposed amendments would generate a total of 31 elementary school students, 16 middle school students, and 20 high school students. The proposed multi-family residential development is serviced by Reed Elementary School, Brinley Middle School, and Cimarron-Memorial High School, of which none are over capacity.

The City of Las Vegas 2050 Master Plan also addresses housing affordability and availability that the City must address. While the addition of new unit types and the overall number of units may contribute positively to the housing shortage and affordability crisis, staff cannot support the requested Variance for the reduction in parking requirements as this is a self-imposed hardship. As such, staff is therefore recommending denial of all requested entitlements. If approved, the Variance, Special Use Permit, and Site Development Plan Review will be subject to conditions.

Staff Report Page Four
February 11, 2025 - Planning Commission Meeting

FINDINGS (24-0667-VAR1)

In accordance with the provisions of Title 19.16.140(B), the 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 develop a multifamily residential development without sufficient parking to accommodate the use. 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 (24-0667-SUP1)

In order to approve a Special Use Permit application, per Title 19.16.110(L) 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 Special Use Permit to allow 38-foot tall buildings is associated with a Variance request for a reduction in parking. This is evidence that the proposed intensification of a previously approved multi-family residential development cannot be conducted in a manner that is harmonious and compatible with existing surrounding land uses.

Staff Report Page Five
February 11, 2025 - Planning Commission Meeting

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

The subject site is not physically suitable to accommodate the intensity of a three-story, 252-unit multifamily residential development. This is evidenced by the requested Variance for reduced parking requirements.

- 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.**

Site access is provided by Airport Drive, a 60-foot Local Street. Airport Drive is adequate in size to meet the requirements of the proposed use.

- 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.**

Approval of the height of the project as proposed could result in changes to air traffic routes that will impact adjoining residential neighborhoods. A condition of approval will ensure that any concerns reflected in the review of this project by the Clark County Department of Aviation are addressed by the applicant prior to the issuance of any building permits.

FINDINGS (24-0067-SDR1)

In order to approve a Site Development Plan Review 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 requires Variance for reduced parking requirements. While the proposed multi-family residential development is similar to adjacent multi-family residential development, the request for this Variance is evidence of the proposed development not being compatible with adjacent development and development in the area.

Staff Report Page Six
February 11, 2025 - Planning Commission Meeting

2. **The proposed development is consistent with the General Plan, this Title, and other duly-adopted city plans, policies and standards;**

The proposed development requires a Variance for relief in parking requirements, thereby making the proposed development inconsistent with the General Plan, Title 19, and other duly adopted city plans, policies and standards.

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

Site ingress/egress is provided off of Airport Drive and will not negatively impact adjacent roadways or neighborhood traffic.

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

Building and landscape materials remain unchanged from what was previously approved and still remain appropriate for the area and for the City.

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;**

Building elevations, design characteristics and other architectural and aesthetic features remain unchanged from what was previously approved. As proposed the elevations are aesthetically pleasing and are harmonious and compatible with development in the area.

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

Development will be subject to building permit review and inspection to ensure the public health, safety and general welfare are protected.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
12/17/08	The City Council approved a request for a Rezoning (ZON-29661) from C-M (Commercial/Industrial) under Resolution of Intent to R-PD16 (Residential Planned Development – 16 Units per Acre) to R-PD19 (Residential Planned Development – 19 Units per Acre) generally located at the northwest corner of Rancho drive and Smoke Ranch Road. The Planning Commission recommended approval. Staff recommended denial.
	The City Council approved a request for a Site Development Plan Review (SDR-29658) for a proposed two and three-story multi-family development consisting of 335 condominium and 304 apartment units on 33.47 acres generally located at the northwest corner of Rancho Drive and Smoke Ranch Road. The
08/15/08	The City Council approved a Site Development Plan Review (SDR-73295) for a proposed 738-unit multi-family residential development on the west side of Rancho Drive, 230 feet north of Smoke Ranch Road.
	The City Council approved a Rezoning (ZON-73294) from R-PD19 (Residential Planned Development – 19 Units per Acre) to R-3 (Medium Density Residential) on the west side of Rancho Drive, 230 feet north of Smoke Ranch Road.
08/05/20	The City Council approved the first Extension of Time (EOT-78774) for a previously approved Site Development Plan Review (SDR-73295) for a proposed 738-unit multi-family residential development on 33.47 acres on the west side of Rancho Drive, 230 feet north of Smoke Ranch Road. Staff recommended approval.
01/15/21	The Department of Community Development administratively approved a Site Development Plan Review (20-0101-SDR1) for a 692-unit Multi-Family Residential Development where 738 units were previously approved on the west side of Rancho Drive, 230 feet north of Smoke Ranch Road.
10/19/22	The City Council approved a Major Amendment (22-0368-SDR1) to an approved Site Development Plan Review (SDR-73295) for a three-story, 692-unit multi-family residential development on the north side of Smoke Ranch Road, approximately 190 feet west of Rancho Drive.
	The City Council approved a Special Use Permit (22-0368-SUP1) for proposed 38-foot tall buildings within the 35-foot restricted area of the Airport Overlay District on the north side of Smoke Ranch Road, approximately 190 feet west of Rancho Drive.

Staff Report Page Eight
February 11, 2025 - Planning Commission Meeting

Most Recent Change of Ownership	
06/03/22	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
07/16/21	A building permit (#R21-08832) was issued for early grading (Rancho Apartments) at Rancho Drive and Airport Drive. The permit has not been finalized.
08/24/21	A building permit (#L21-00070) was issued for offsite improvements (Rancho Village Apartments) at Rancho Drive and Airport Drive. The permit has not been finalized.
09/14/21	A building permit (#PRC21-00007) was issued for multi-family buildings, clubhouse and onsite improvements (Rancho Apartments) at 2705 North Rancho Drive. The permit was finalized on 09/14/21.

Pre-Application Meeting	
12/11/24	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Variance, Special Use Permit, and Site Development Plan Review.

Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	

Field Check	
01/06/24	Staff conducted a routine field check of the property and observed an undeveloped with construction material and staging for construction phase ii of the approved residential development. Nothing of concern was noted.

Details of Application Request	
Site Area	
Net Acres	8.83

Staff Report Page Nine

February 11, 2025 - Planning Commission Meeting

<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	TOD-2 (Transit Oriented Development – Low)	R-3 (Medium Density Residential)
North	Residential, Multifamily		
South			
East	Shopping Center	GC (General Commercial – Clark County)	C-2 (General Commercial – Clark County)
West	Office, Other than Listed	TOD-2 (Transit Oriented Development – Low)	C-M (Commercial/Industrial)

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: Twin Lakes	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) District (35 Feet)	N*
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	Y
Project of Regional Significance	Y

*The applicant requests a Special Use Permit to allow 38-foot tall buildings within the 35-foot restricted area of the Airport Overlay District.

DEVELOPMENT STANDARDS

Pursuant to Title 19.06.110 and Title 19.10.080, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	6,500 SF	385,508 SF	Y
Min. Setbacks			
• Front	10 Feet	85 Feet	Y
• Side	5 Feet	10 Feet	Y
• Rear	20 Feet	20 Feet	Y
Min. Distance Between Buildings	10 Feet	10 Feet	Y
Max. Building Height	5 Stories/ 55 Feet	3 Stories/ 38 Feet	Y*
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, Gated, w/ a Roof or Trellis	Y
Mech. Equipment	Screened	By Condition	Y

*A Special Use Permit is requested to allow 38-foot tall buildings within the 35-foot restricted area of the Airport Overlay District.

Pursuant to Title 19.08 and Site Development Plan Review (SDR-73295), the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Buffer Trees:				
• North	1 Tree / 20 Linear Feet	23 Trees	24 Trees	Y
• South	1 Tree / 20 Linear Feet	27 Trees	27 Trees	Y
• East	1 Tree / 20 Linear Feet	35 Trees	35 Trees	Y
• West	1 Tree / 20 Linear Feet	24 Trees	29 Trees	Y
TOTAL PERIMETER TREES		109 Trees	115 Trees	Y
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	83 Trees	71 Trees	N*
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	15 Feet		10 Feet	Y
• South	15 Feet		10 Feet	Y
• East	15 Feet		10 Feet	Y
• West	15 Feet		10 Feet	Y

*An Exception is requested for a reduction in parking area trees.

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Rancho Drive	Expressway	Master Plan of Streets and Highways Map	125 Feet	Y
Decatur Boulevard	Primary Arterial	Master Plan of Streets and Highways Map	120 Feet	Y
Airport Drive	Local Street	Title 13	60 Feet	Y

Pursuant to Title 19.08 and 19.12, 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	
Residential, Multifamily (Studio 1/Bedroom)	126 units	1.25 spaces per unit	157				
Residential, Multifamily (2 Bedroom)	114 units	1.75 spaces per unit	199				
Residential, Multifamily (3 Bedroom)	12 units	2.00 spaces per unit	24				
Guest Spaces	1 space per 6 units		42				
Community Center, Private (Accessory)	4,994 SF	1 per 200 SF	25				
TOTAL SPACES REQUIRED			448		355		N*
Regular and Handicap Spaces Required			439	9	346	9	N*
Percent Deviation			26%				

*A Variance is requested for a reduction in parking requirements.