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MAR 13 2023

City of Las Vegas
Department of Planning

LAS VEGAS OFFICE
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KAEMPFER

CROWELL

BOB GRONAUER
bgronauer@kcnvlaw.com
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March 13, 2023

VIA EMAIL

Nicole Eddowes
City of Las Vegas Planning Commission
495 S. Main Street
Las Vegas, Nevada 89101
neddowes@LasVegasNevada.GOV

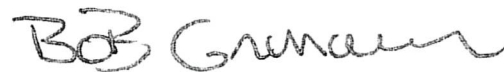
Re: Request for 30 Day Hold
March 14, 2023 City of Las Vegas Planning Commission Item 24
23-0027
Durango Drive and Grand Montecito Parkway

Dear Ms. Eddowes:

Please be advised that this office represents the applicant in the above-referenced matters. We respectfully request that these applications be held for 30 days from the presently scheduled City of Las Vegas Planning Commission of **March 14, 2023** until the **April 11, 2023** hearing.

Sincerely,

KAEMPFER CROWELL



Bob Gronauer

RJG/bkf

cc: Emily Wetzstein (*Via Email*)
Nora Lares (*Via Email*)
Peter Lowenstein (*Via Email*)

Submitted after Final Agenda
Items 24a-24b



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: MARCH 14, 2023

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: BANNER CENTENNIAL HILLS, LLC - OWNER: CENTENNIAL HILLS MOB OWNERS, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0027-VAR1	Staff recommends DENIAL, if approved subject to conditions:	
23-0027-SDR1	Staff recommends DENIAL, if approved subject to conditions:	23-0027-VAR1

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 22

NOTICES MAILED 76

PROTESTS 0

APPROVALS 0

Submitted after Final Agenda
Items 24a-24b

**** CONDITIONS ****

23-0027-VAR1 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (23-0027-SDR1) shall be required.
2. Conformance to the approved Conditions for Special Use Permit (21-0764-SUP1) and Site Development Plan Review (21-0764-SDR1), except where 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 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.

23-0027-SDR1 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Variance (23-0027-VAR1) shall be required.
2. Approval of and conformance to the Conditions of Approval for Special Use Permit (21-0764-SUP1) shall be required, except where amended herein.

Conditions Page Two
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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 landscape plan and building elevations, date stamped 02/07/23, and the site plan, date stamped 03/08/23, except as amended by conditions herein.
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 Building and Safety Division.
6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
7. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

8. Per condition #3 of TIA76160, The site driveway is currently restricted to right turns only by an existing median in Grand Montecito Parkway. The developer may modify this median in order to permit left turns into this site; however left turns out this site are not permitted due to sight visibility obstructions in the approved site plan. The median modifications must also permit left turns into the Northwest Career and Technical Academy. A minimum of 150' of storage must be provided for each driveway. Any movements may be restricted in the future as determined by the City Traffic Engineer.
9. If this site differs from the approved Technical Drainage Study, an update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to submittal of any construction drawings or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage study update.
10. Comply with all applicable conditions of approval for Site Development Plan Review (21-0765-SDR1) and any other site related actions.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a Major Amendment to a previously approved Site Development Plan Review (21-0764-SDR1) for a Multi-Family development to reconfigure the parking lot and intensify the previously approved parking Variance.

ISSUES

- The changes made to the Site Development Plan from the previous application include:
 - The vehicle entrance off of Grand Montecito has been revised;
 - The parking lot layout and drive aisles have been revised;
 - Utilities have been shown along Grand Montecito Parkway and Durango Drive; and
 - To reduce the total number of parking spaces to 392, where 404 spaces was previously approved and 440 spaces are required.

ANALYSIS

The requested Site Development Plan is an amendment of a previously approved Site Development Plan Review (21-0764-SDR1) and the proposed parking Variance is a reduction in parking from a previously approved Variance (21-0764-VAR1) to allow for 404 parking stalls where 440 are required.

The site is roughly 8.80 acres in the northwest corner of Durango Drive and Grand Montecito Parkway. The site is an irregular corner lot with a medical office park that includes a hospital to the north and west, an Auto Dealer Inventory Storage Facility (SDR-73335) to the east, and undeveloped land zoned for low-density residential to the south.

The changes made to the Site Development Plan from the previous application include the main entrance off of Grand Montecito Parkway has been revised, the parking lot layout and drive aisles have been revised, and the utilities have been shown along Grand Montecito Parkway and Durango Drive that were not included in the previous application. No units were added or removed from the previous approval.

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The proposed Parking Variance is reducing the parking capacity from the previous Variance. The project is required to provide 1.25 parking stalls for the 132 one-bedroom apartments, 1.75 parking stalls for the 132 two-bedroom apartments, and an additional guest parking stall for every six resident spaces. Under Title 19.12, the minimum parking required for the proposed number of Multi-Family units is 440 unimpeded stalls. The applicant is now proposing 392 where they were previously approved for 404. The applicant is using a traffic analysis to determine that fewer parking spaces are now required, but has not provided further justification for the Variance.

The previous Site Development Plan Review (21-0764-SDR1) approval had established a number of Waivers from the Town Center Development Standards. Those Waivers included the following:

- To allow a nine-foot setback/landscape buffer from the property line for parking areas that abut a public street where 15 feet is required.
- To allow parking facilities abutting the right of way where they are required to be located away from the right-of-way, on the rear side of the structure they serve.
- To allow a parking lot at the street corner where such is not allowed.
- To allow zero percent commercial, retail, entertainment or similar uses on the ground floor where 80 percent is required in mixed-use districts.
- To allow a reduction of parking lot trees where one per every six parking spaces are required.
- To allow a curb cut and vehicular access from a public right-of-way (Grand Montecito Parkway) within the UC-TC district where such is not allowed.

The applicant has revised the landscaping plan to be in conformity with the minimum number of parking lot trees. The remaining Waivers from the previously approved Site Development Plan Review (21-0764-SDR1) will remain in effect for this application.

Due to the site not meeting the current parking standards, City staff recommends denial for both the requested Variance and Site Development Plan Review. If denied, the previously approved Site Development Plan Review (21-0764-SDR1) will expire on 02/16/24.

FINDINGS (23-0027-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."

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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 reducing the amount of parking. Alternative design would allow conformance to the Title 19.12 parking 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 (23-0027-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 reduced parking capacity makes the proposed Multi-Family development incompatible with the adjacent development and development in the area, as insufficient parking could cause overflow parking to occur on neighboring properties.

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

Where silent, the Town Center Development Standards refer to Title 19. The proposed development is inconsistent with Title 19.12 for minimum parking requirements for multi-family residential developments.

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

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Grand Montecito Parkway is a 90-foot Residential Collector and regulated by the Town Center Development Standards Manual. Durango Drive is a 120-foot Primary Arterial and regulated by the Town Center Development Standards Manual. The adjacent roadways have sufficient capacity for the proposed development to access off the Parkway. The site has additional access through the adjacent medical office parking lot to access Durango Drive.

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

With adherence to the included Conditions of Approval, the building and landscape materials are appropriate for the area (Town Center) 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;

The building elevations are not undesirable or obnoxious in appearance, and are harmonious and comparable with development in the area. The proposed reduction in parking makes the proposed development not compatible with development in the area as overflow parking may negatively affect the neighboring properties and the commercial portion of the subdivision.

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

The site will be subject to all required building and fire inspections, protecting the public health, safety and general welfare.

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Code Enforcement., etc.</i>	
01/28/99	The Planning Commission approved an Annexation (A-0031-98), which annexed the subject property as a part of the larger request.
08/21/02	The City Council approved a General Plan Amendment (GPA-0019-02) to amend the Town Center Plan from ML (Medium Low Density Residential), L (Low Density Residential), GC (General Commercial) and SC-TC (Service Commercial - Town Center) to GC-TC (General Commercial - Town Center), SX-TC (Suburban Mixed Use - Town Center), SC-TC (Service Commercial - Town Center) and PF-TC (Public Facilities - Town Center). The subject site was designated as SC-TC as a part of the larger request.
	The City Council approved a Rezoning (Z-0043-02) from U (Undeveloped) to TC (Town Center). The subject site was designated as TC (Town Center) as a part of the larger request.
11/17/04	The City Council approved a request for a Site Development Plan Review (SDR-4985) and Rezoning (ZON-4991) for a medical/professional/retail development on 22.31 acres adjacent to the southeast corner of Regena Avenue and Riley Street. The Planning Commission and staff recommended approval.
11/03/05	The Planning Commission approved a Site Development Plan Review (SDR-8066) for a proposed 239,400 square-foot office complex on the subject site.
12/20/06	The City Council approved a request for a Site Development Plan Review (SDR-16952) for a 42,500 square-foot shopping center on 4.49 acres at the northwest corner of Durango Drive and Grand Montecito Parkway. The Planning Commission and staff recommended approval.
08/12/14	The Planning Commission approved a Waiver (WVR-54824) to allow no trees within a portions of the amenity zone adjacent to North Durango Drive, and to allow Chitalpa accent trees within amenity zone instead of the Rio Grande Ash shade tree, to accommodate an underground utility at 6100 North Durango Drive.
02/16/22	The City Council approved a Major Modification (21-0764-MOD1) from SC-TC (Service Commercial – Town Center) to UC-TC (Urban Center Mixed-Use) on the subject 8.8 acres at the northwest corner of Durango Drive and Grand Montecito Parkway. Staff recommended denial of the request.
	The City Council approved a Variance (21-0764-VAR1) to allow 404 parking spaces where 440 are required on the subject 8.8 acres at the northwest corner of Durango Drive and Grand Montecito Parkway. Staff recommended denial of the request.
	The City Council approved a Special Use Permit (21-0764-SUP1) to allow the High Density – Single Use within the UC-TC (Urban Center Mixed-Use) special land use designation on the subject 8.8 acres at the northwest corner of Durango Drive and Grand Montecito Parkway. Staff recommended denial of the request.
	The City Council approved a Site Development Plan Review (21-0764-SDR1) for a 264-unit multi-family residential development with waivers of Town Center development standards on the subject 8.8 acres at the northwest corner of Durango Drive and Grand Montecito Parkway. Staff recommended denial of the request.

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Related Building Permits/Business Licenses	
12/13/22	A building permit application (PRC-22-00130) was processed in for a new multifamily apartment building at 6130 North Durango Drive. This site was addressed as a part of this processing. This permit is under review and has not been issued as of 02/23/23.

Most Recent Change of Ownership	
12/19/14	A deed was recorded for a change in ownership.

Details of Application Request	
Site Area	
Gross Acres	8.80

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Undeveloped	UC-TC (Urban Center Mixed-Use – Town Center)	T-C (Town Center)
North	Hospital	SC-TC (Service Commercial – Town Center)	T-C (Town Center)
South	Undeveloped	L (Low Density Residential)	U (Undeveloped)
East	Undeveloped	PF-TC (Public Facilities – Town Center)	T-C (Town Center)
	Auto Dealer Inventory Storage Facility [SDR-73335]	PF-TC (Public Facilities – Town Center)	T-C (Town Center)
West	Office, Medical or Dental	SC-TC (Service Commercial – Town Center)	T-C (Town Center)

Master and Neighborhood Plan Areas	Compliance
No Applicable Master Plan Area	N/A
Special Area and Overlay Districts	Compliance
T-C (Town Center) District	Y*
Other Plans or Special Requirements	Compliance
Trails - Town Center Parkway Trail	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

*Waivers of Town Center Development Standards were previously approved, as listed in the Waivers table below.

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DEVELOPMENT STANDARDS

Pursuant to the Town Center Development Standards, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Setbacks			
• Front	0 Feet	90 Feet	Y
• Side	10 Feet	110 Feet	Y
• Corner	15 Feet	97 Feet	Y
• Rear	20 Feet	82 Feet	Y
Max. Building Height	12 Stories	4 Stories	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Not Depicted	N/A*

*Will be reviewed though building permit

Open Space – Town Center – Urban Center Mixed-Use					
Total Site Acreage	Required		Provided		Compliance
	Percent	Area	Percent	Area	
383,328 SF	20 %	76,666 SF	22.6%	86,587	Y

Landscaping and Open Space Standards Approved Pursuant to the Site Plan Development Review (21-074-SDR1)				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Buffer Trees:				
• North	N/A (previously approved)	27 Trees	26 Trees	Y
• South		24 Trees	23 Trees	Y
• East		38 Trees	38 Trees	Y
• West		26 Trees	25 Trees	Y
TOTAL PERIMETER TREES		115 Trees / 98 Req'd	113 Trees	Y
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row	22 Trees	31 Trees	Y
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	5 Feet	5 Feet		Y
• South	10 Feet	10 Feet		Y
• East	10 Feet	10 Feet		Y
• West	10 Feet	10 Feet		Y

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Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width	Compliance with Street Section
Durango Drive	Town Center Parkway Arterial (120')	Town Center Development Standards Manual	120'	Y
Grand Montecito Parkway	Town Center Frontage Road (90')	Town Center Development Standards Manual	90'	Y

Pursuant to the Town Center Development Standards and Title 19.12, the following parking standards apply:

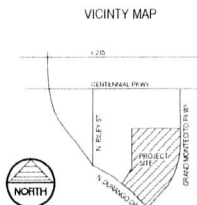
Parking Requirement							
Use	Gross Floor Area or Number of Units	Parking Ratio	Required Parking		Provided Parking		Compliance
			Regular	Handi-capped	Regular	Handi-capped	
1 Bedroom	132 units	1.25 per unit	165				
2 Bedroom	132 units	1.75 per unit	231				
Guest Spaces	264 units	1 space per 6 units	44				
TOTAL SPACES REQUIRED			440		392		N*
Regular and Handicap Spaces Required			431	9	382	10	N*
Percent Deviation			10.91%				

*A Variance has been submitted to provide relief from the parking requirements.

Pursuant to the Approved Site Plan Development Review (21-074-SDR1) - Waivers	
Requirement	Waiver
Any area of a parking lot that abuts a public street shall be setback from the property line a minimum of 15 feet.	9-foot setback from the property line for parking areas that abut a public street
Parking facilities shall be located away from the right-of-way, on the rear side of the structure they serve	Parking facilities are located abutting the right of way.
Parking lots shall not be permitted on street corners unless the applicant can demonstrate that to do so would not be feasible	Parking lot is located at the corner of Durango and Grand Montecito Parkway. No alternative design was presented to determine feasibility
In the Urban Center Mixed-Use (UC-TC) and Main Street Mixed-Use (MS-TC) Districts, vehicular access from the public right-of-way is prohibited and driveway curb cuts shall not be permitted.	To allow a curb cut and vehicular access from a public right away (Grand Montecito Parkway) within the UC-TC district where such is not allowed.

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<i>Pursuant to the Approved Site Plan Development Review (21-074-SDR1) - Waivers</i>	
<i>Requirement</i>	<i>Waiver</i>
80 percent of the ground level uses in Mixed-Use districts shall be commercial, retail, entertainment or similar uses. The 80 percent use calculation shall be based on the linear street frontage of each building	To allow zero percent commercial, retail, entertainment or similar uses on the ground floor.



PROJECT INFORMATION

[illegible]

MECHANICAL SCREENING

- * LANDSCAPE AROUND MECHANICAL EQUIPMENT TO BE PLANTED IN A MANNER AS TO COMPLETELY SCREEN ALL EQUIPMENT FROM VIEW
- * PROVIDE REQ'D WORK SPACE IN FRONT OF ALL METERS, FDC, VALVE BOXES AND RISER ROOMS PER CURRENT CODES LISTED ON COVER

FIRE TRUCK TURNING RADIUS TYP

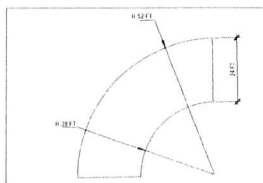
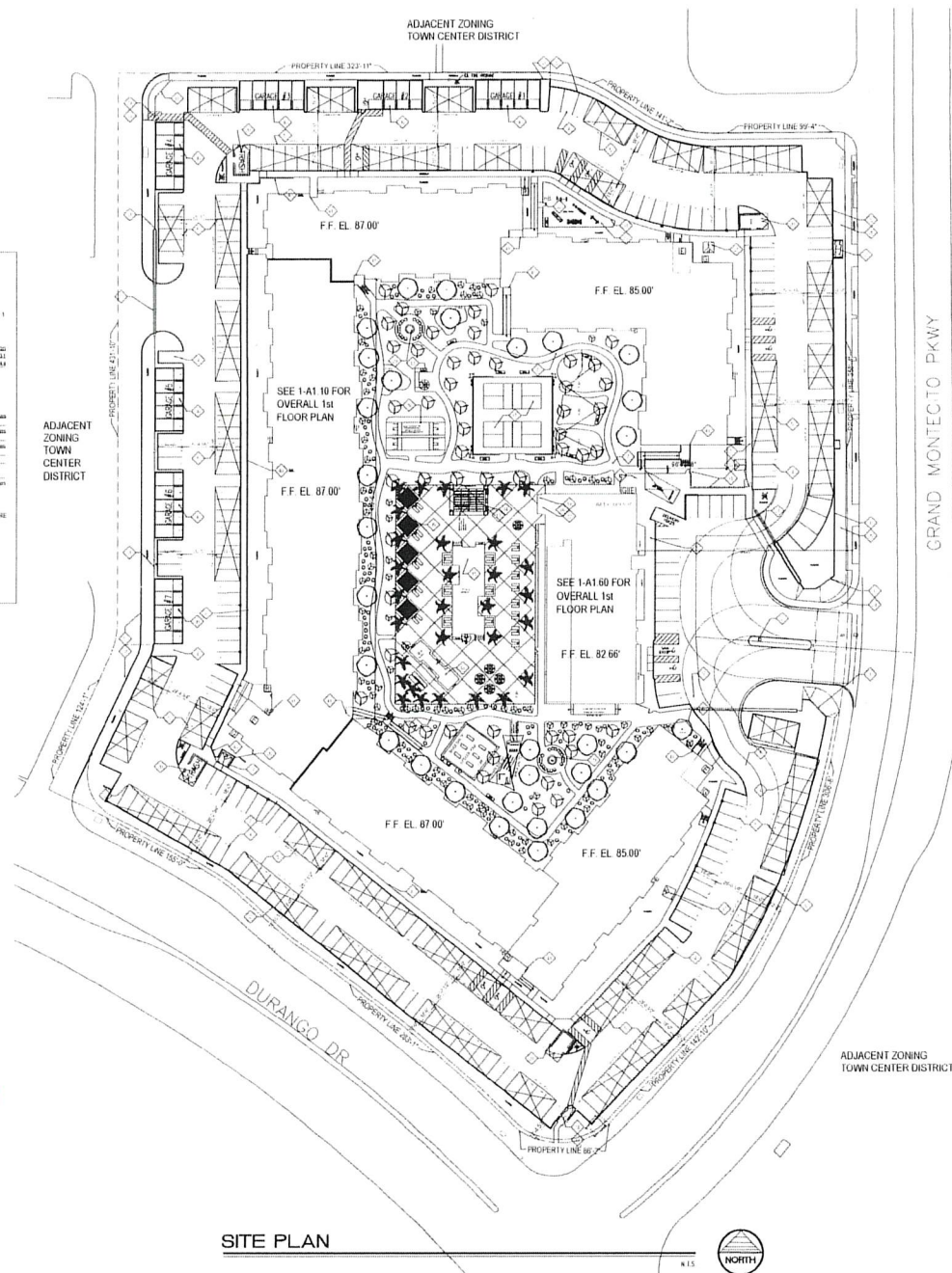
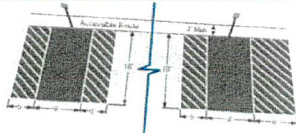


Table 4 Minimum Parking Space Size

TYPE OF SPACE	WIDTH	LENGTH
Standard Car	9 feet	18 feet
Compact Car	8 feet	18 feet
Handicapped (Car)	19 feet	18 feet
Handicapped (Vehicle with a Side-loading wheelchair lift)	22 feet	18 feet
Recreational Vehicle	10 feet	30 feet
Parallel Parking	9 feet	23 feet

Figure 2 – Handicapped Parking Dimensions 19.08.110



SITE PLAN KEY NOTES

- [illegible]

EMERGENCY ACCESS GATE REQUIREMENTS

- 1 All gates shall be electrically operated for entry and exit by an approved fire retardant material.
 - 11 Every override switch (M2821);
 - 11 Ground loop switch (M2821);
 - 11 Radio controlled central C2 2 letter or other approved equipment).
 - 11 Exemption: Radio controlled entry will be waived by installation of a Free exit loop.
 - 2 Gates installed using a radio controlled exit shall be provided with an approved 2 (ISO 15000).
 - 2 By a ISO 15000 class 1 reflective marker visible to the exiting traffic. It shall be located in the center of the exit gate
- Where applicable KFC321 Company authorization forms are required for any users, visitors, members and passengers. These forms will be obtained by the LPA and the driver can be contacted on the internet at www.KFC321.com
- Electrically operated gates shall fast to the full open position upon the loss of power. They remain fully open until the power is restored.
- Gates shall never be directed to full open position upon contact with an obstruction.

GREENE TINDALL

DESIGN

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DATE: 11-28-22

PROJECT: [REDACTED]

LOCATION: [REDACTED]

SCALE: 1"=20'-0"

ELEVATION



SITE PLAN



REFNO	DATE	NOTE

CGA DATE: 11-28-22

AS1.00

DATE: 11-28-22

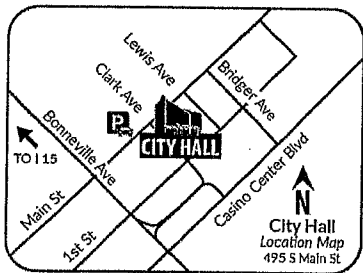
PROJECT: [REDACTED]

LOCATION: [REDACTED]

SCALE: 1"=20'-0"

City of Las Vegas, Department of Community Development
495 South Main Street
Las Vegas, Nevada 89101

Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT
this Request

☒ I OPPOSE
this Request

Please use available blank space on card for your comments.

23-0027 and 23-0027-VAR1 and 23-0027-SDR1

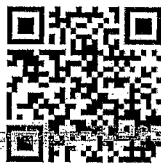
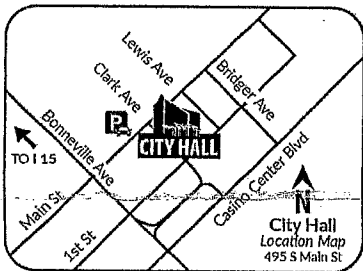
Planning Commission Meeting of 03/14/2023

33 BRDFNP1 69149

This will cause too much traffic congestion and ruin our beautiful community. There is a park and La Crosse Blvd nearby, hence a lot of children in the area. Drivers in Las Vegas do not follow the rules of the road. NO

City of Las Vegas, Department of Community Development
495 South Main Street
Las Vegas, Nevada 89101

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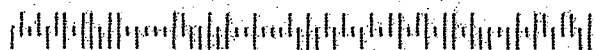
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23-0027 and 23-0027-VAR1 and 23-0027-SDR1

Planning Commission Meeting of 03/14/2023

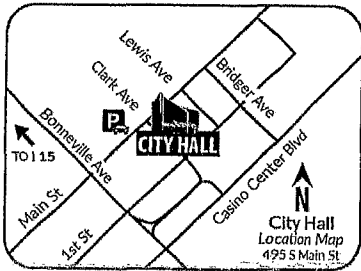
23-0027
12529704011
MCLAIN FAMILY TRUST
MCLAIN JAMES DALE & JUDITH DIANE
TRS
5980 N BONITA VISTA ST
LAS VEGAS NV 89149-3942

33 BRDFNP1 69149



City of Las Vegas, Department of Community Development
495 South Main Street
Las Vegas, Nevada 89101

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Planning Commission Meeting of **03/14/2023**

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23-0027
12529512004
B L M M D M HOLDINGS L L C
6230 N DURANGO DR
LAS VEGAS NV 89149

*Parking is already a problem!
this variance will make it
worse!*

24 P

03 030714 03145