



AGENDA MEMO - COMMUNITY DEVELOPMENT

CITY COUNCIL MEETING DATE: MAY 17, 2023

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: SR DECATUR APTS, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0105-EOT1	Staff recommends APPROVAL, subject to conditions:	
23-0105-EOT2	Staff recommends APPROVAL, subject to conditions:	21-0105-EOT1
23-0105-EOT3	Staff recommends APPROVAL, subject to conditions:	21-0105-EOT1 21-0105-EOT2
23-0105-EOT4	Staff recommends APPROVAL, subject to conditions:	21-0105-EOT1 21-0105-EOT2 21-0105-EOT3

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

N/A

NOTICES MAILED

N/A

PROTESTS

0

APPROVALS

0

**** CONDITIONS ****

23-0105-EOT1 CONDITIONS

Planning

1. This approval shall expire on 03/06/25 unless another Extension of Time is approved by the City of Las Vegas
2. Conformance to the Conditions of Approval for Variance (VAR-75324) and all other related actions as required by the Department of Planning and the Department of Public Works.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

23-0105-EOT2 CONDITIONS

Planning

1. This approval shall expire on 03/06/25 unless another Extension of Time is approved by the City of Las Vegas
2. Conformance to the Conditions of Approval for Special Use Permit (SUP-75325) and all other related actions as required by the Department of Planning and the Department of Public Works.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

23-0105-EOT3 CONDITIONS

Planning

1. This approval shall expire on 03/06/25 unless another Extension of Time is approved by the City of Las Vegas
2. Conformance to the Conditions of Approval for Special Use Permit (SUP-75326) and all other related actions as required by the Department of Planning and the Department of Public Works.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

23-0105-EOT4 CONDITIONS

Planning

1. This approval shall expire on 03/06/25 unless another Extension of Time is approved by the City of Las Vegas
2. Conformance to the Conditions of Approval for Special Use Permit (SDR-75327) and all other related actions as required by the Department of Planning and the Department of Public Works.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is the second request for Extension of Time for land use entitlements pertaining to a previously approved 191-unit Senior Citizen Apartments use, consisting of five 24-foot tall townhome style apartment buildings and one 53-foot tall apartment building on 5.33 acres adjacent to the south side of Smoke Ranch Road, approximately 175 feet east of Decatur Boulevard.

ISSUES

- This is the second request for Extensions of Time that were submitted on 03/09/23.
- In March 2019, the City Council approved the following land use entitlement projects:
 - A Variance request (VAR-75324) 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.
 - A Special Use Permit request (SUP-75325) for a proposed 191-unit Senior Citizen Apartments use.
 - A Special Use Permit request (SUP-75326) for a 53-foot tall building where the Airport Overlay District limits the height to 35 feet.
 - A Site Development Plan Review request (SDR-75327) for a proposed 191-unit, senior citizen apartments development with Waivers to allow a zero-foot landscape buffer on the north and west property lines where 15 feet is the minimum required and a zero-foot landscape buffer along a portion of the east property line where eight feet is the minimum required; also to allow a zero-foot landscape buffer along a portion of the north and west property line where eight feet is required.

ANALYSIS

In March 2019, the City Council approved a Site Development Plan Review (SDR-75327) and related applications for a 191-unit senior citizen apartment development. As a part of this approval, a Variance (VAR-75324) was approved to allow a 17-foot residential adjacency setback where 72 feet is the minimum required and a 76-foot residential adjacency setback where 155 feet is the minimum required, a Special Use Permit (SUP-75325) for a proposed 191-unit Senior Citizen Apartments use, and a Special Use Permit (SUP-75326) for a 53-foot tall building where the Airport Overlay District limits the height to 35 feet. The applicant is proposing to extend the approval periods of VAR-75324 through Extension of Time (21-0136-EOT1), SUP-75325 through 21-0136-EOT2, SUP-75326 through 21-0136-EOT3, and SDR-75327 through 21-0136-EOT4. These are the second requests for an extended approval period.

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Per Title 19.16.100, 19.16.110, and 19.16.140 of the Unified Development Code, Special Use Permits, Variances, and Site Development Plan Reviews are exercised upon the issuance of a building permit for new construction. The applicant submitted building plans for commercial development on 01/17/20 to the Department of Building and Safety with a plan check number (#C20-00289). The permit application (#C20-00289) expired on 02/25/23. There is an open Code Enforcement case (#CE23-01875) as of 04/18/23 for homeless encampment activity on the subject site.

The subject site is located in the 2050 Master Plan Area of Twin Lakes. The 2050 Master Plan Area of Twin Lakes includes a goal for increased diverse housing options. The subject Special Use Permit entitlements and Site Development Plan Review entitlement would help meet the housing goals outlined in the 2050 Master Plan Area of Twin Lakes, as the Special Use Permit entitlements and Site Development Plan Review entitlement are for a 191-unit Senior Citizen Apartments use and development. Per the submitted justification letter, the applicant has requested additional time to complete their required building permits. While the applicant has not yet exercised the Special Use Permit entitlements or Site Development Plan Review entitlement, the conditions of the site and the surrounding area have not changed since the previous approvals; therefore, staff recommends approval of these Extension of Time requests for a time period of two years, subject to conditions.

FINDINGS (23-0105-EOT)

Pursuant to Title 19.16.100, 19.16.110, and 19.16.140, Special Use Permits, Variances, and Site Development Plan Reviews are deemed exercised upon the issuance of a building permit for new construction. Building permits have been submitted and are currently under review. Since no building permits have been issued, Extensions of Time are necessary. If denied, the land entitlements will have expired on 03/06/23. These Extensions of Time requests will not jeopardize public health, safety, and welfare; therefore, staff recommends approval of this request subject to a two-year time limit.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
04/16/08	The City Council approved a General Plan Amendment (GPA-25969) from MLA (Medium-Low Attached Density Residential) to GC (General Commercial) on 5.33 acres adjacent to the south side of Smoke Ranch Road, approximately 175 feet east of Decatur Boulevard. The Planning Commission recommended approval and staff recommended denial.
	The City Council approved a Rezoning (ZON-25970) from R-1 (Single Family Residential) under resolution of intent to R-PD10 (Residential Planned Development - 10 Units per Acre) to C-2 (General Commercial) on 5.33 acres adjacent to the south side of Smoke Ranch Road, approximately 175 feet east of Decatur Boulevard. The Planning Commission recommended approval and staff recommended denial. *The application was amended to C-1 (Limited Commercial) at the City Council Meeting.*
08/28/08	The Planning Commission approved a Tentative Map (TMP-28938) for a one-lot commercial subdivision on 5.34 acres at the southeast corner of Decatur Boulevard and Smoke Ranch Road, staff recommended approval.
03/06/19	The City Council approved a Variance (VAR-75324) 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 adjacent to the south side of Smoke Ranch Road, approximately 175 feet east of Decatur Boulevard. The Planning Commission recommended approval while staff recommended denial.
	The City Council approved a Special Use Permit (SUP-75325) for a proposed 191-unit Senior Citizen Apartments use on 5.33 acres adjacent to the south side of Smoke Ranch Road, approximately 175 feet east of Decatur Boulevard. The Planning Commission recommended approval while staff recommended denial.
	The City Council approved a Special Use Permit (SUP-75326) for a 53-foot tall building where the Airport Overlay District limits the height to 35 feet adjacent to the south side of Smoke Ranch Road, approximately 175 feet east of Decatur Boulevard. The Planning Commission recommended approval while staff recommended denial.

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
	The City Council approved a Site Development Plan Review (SDR-75327) for a proposed 191-unit senior citizen apartments development with Waivers to allow a zero-foot landscape buffer on the north and west property lines where 15 feet is the minimum required and a zero-foot landscape buffer along a portion of the east property line where eight feet is the minimum required; also to allow a zero-foot landscape buffer along a portion of the north and west property line where eight feet is required adjacent to the convenience store on 5.33 acres adjacent to the south side of Smoke Ranch Road, approximately 175 feet east of Decatur Boulevard. The Planning Commission recommended approval while staff recommended denial.
05/05/21	The City Council approved an Extension of Time (21-0136-EOT1) for an approved Variance (VAR-75324) 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 adjacent to the south side of Smoke Ranch Road, approximately 175 feet east of Decatur Boulevard. Staff recommended approval.
	The City Council approved an Extension of Time (21-0136-EOT2) for an approved Special Use Permit (SUP-75325) for a proposed 191-unit Senior Citizen Apartments use on 5.33 acres adjacent to the south side of Smoke Ranch Road, approximately 175 feet east of Decatur Boulevard. Staff recommended approval.
	The City Council approved an Extension of Time (21-0136-EOT3) for an approved Special Use Permit (SUP-75326) for a 53-foot tall building where the Airport Overlay District limits the height to 35 feet adjacent to the south side of Smoke Ranch Road, approximately 175 feet east of Decatur Boulevard. Staff recommended approval.
	The City Council approved an Extension of Time (21-0136-EOT4) for an approved Site Development Plan Review (SDR-75327) for a proposed 191-unit senior citizen apartments development with Waivers to allow a zero-foot landscape buffer on the north and west property lines where 15 feet is the minimum required and a zero-foot landscape buffer along a portion of the east property line where eight feet is the minimum required; also to allow a zero-foot landscape buffer along a portion of the north and west property line where eight feet is required adjacent to the convenience store on 5.33 acres adjacent to the south side of Smoke Ranch Road, approximately 175 feet east of Decatur Boulevard. Staff recommended approval.
04/04/23	A Code Enforcement case (#CE23-01875) was processed for homeless encampment activity located on the south side of Smoke Ranch Road, approximately 175 feet east of Decatur Boulevard. The Case is open as of 04/18/23 and is pending further inspection.

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<i>Most Recent Change of Ownership</i>	
11/08/22	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
11/22/19	A Civil Improvement Plan (#L19-02545) is currently under review for civil offsite improvements and a water line extension at the southeast corner of Smoke Ranch Road and Decatur Boulevard. The permit is contingent on the approval of these Extension of Time requests.
01/17/20	A Building Permit (#C20-00289) was processed to construct five two-story apartment buildings including on-site parking and amenities at 2360 North Decatur Boulevard. The permit application expired on 02/25/23.

<i>Pre-Application Meeting</i>
A pre-application meeting was not required, nor was one held.

<i>Neighborhood Meeting</i>
A neighborhood meeting was not required, nor was one held.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	5.33

<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	GC (General Commercial)	C-1 (Limited Commercial)
North	General Retail, Other than Listed Beer/Wine/Cooler Off-Sale Establishment	SC (Service Commercial)	C-1 (Limited Commercial)
	Shopping Center	LI/R (Light Industry/ Research)	C-M (Commercial/ Industrial)
	Vacant		
South	Single Family, Detached	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
East			

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<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>
West	General Retail, Other than Listed Beer/Wine/Cooler Off-Sale Establishment	SC (Service Commercial)	C-1 (Limited Commercial)
	Undeveloped	RN (Rural Neighborhood – Clark County)	C-1 (Local Business) - Clark County)

<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 (35Feet)	N*
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area – Area 1/2	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

*The maximum height of 53 feet was approved through Special Use Permit (SUP-75326).