

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 16, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-12272 - APPLICANT/OWNER: MARISELA CARDONA

THIS ITEM WAS HELD IN ABEYANCE FROM THE JUNE 7, 2006 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend DENIAL. If approved, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-12276) shall be required.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. 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 date stamped 04/03/06, and building elevations date stamped 04/05/06, except as amended by conditions herein.
4. An Exception from Title 19.10.010.H(11b and 11c) is hereby approved, to allow no landscape planter islands and trees within the parking area.
5. Building height shall not exceed two stories or 35 feet, whichever is less.
6. The minimum distance between buildings shall be 10 feet.
7. A revised site plan shall be submitted to and approved by the Planning and Development Department, prior to the time application is made for a Tentative Map, to reflect the changes herein. A van-accessible handicapped parking space shall be provided in accordance with Title 19.10 standards. Standard parking spaces shall be reduced to 19 feet in length to allow for conformance with perimeter landscape buffer standards.
8. 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. The technical landscape plan shall include the following changes from the conceptual landscape plan: Six-foot wide perimeter landscape buffers shall be provided along the east and south property lines.

9. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
10. Air conditioning units shall not be mounted on rooftops.
11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
12. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaires. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
13. 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.
14. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department 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.
15. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

16. Show all Sight Visibility Restriction Zones (SVRZs) adjacent to public streets and include the following note: "No walls, fences, trees, shrubs, utility appurtenances or any other object, other than traffic control devices and street light poles, may be constructed or installed within the Sight Visibility Restriction Zone (S.V.R.Z.) unless said object is maintained at less than 24 inches in height measured from adjacent top of curb, or where no curb exists, a height of 27 inches measured from the top of adjacent asphalt, gravel, or pavement street surface. Area shall be labeled as Privately Maintained.
17. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222a.
18. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services prior to the issuance of any permits.

19. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON-12276 and all other subsequent site-related actions.
20. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of public improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a Request for a Site Development Plan Review for a proposed 32-unit condominium project and a Waiver of perimeter landscape buffer width standards on 1.62 acres at 814 North Tonopah Drive. Companion applications for an amendment to the Southeast Sector Land Use Map of the Master Plan (GPA-12274) and a Rezoning (ZON-12276) have also been submitted.

EXECUTIVE SUMMARY

The proposed condominium development is well designed; however, its location adjacent to existing single-family development and land master-planned for rural single-family development does not allow for an appropriate transition to medium density, multi-family uses. Staff therefore recommends denial. If approved, the site requires approval of an exception to the parking lot landscape standards, which can be supported. The requested Waiver of perimeter landscape buffer standards is not recommended; therefore, conditions have been added requiring the site and landscape plans to be revised to meet these standards.

BACKGROUND INFORMATION

A) Related Actions

- 10/20/76 The City Council approved the appeal of the Board of Zoning Appeal denial of a Variance (V-0054-76) to allow the on-premise sale and advertising of wood and hay on the subject property. The Council added a condition requiring expiration of the Variance on 04/01/77. A follow-up inspection on 04/18/77 found that the condition was satisfied.
- 10/19/83 The City Council approved a request to Rezone (Z-0081-83) property south of the subject site from R-E (Residence Estates) to R-PD3 (Residential Planned Development 3 Units Per Acre) and a Waiver of the five-acre minimum site area requirement to allow four single-family residential lots on 1.33 acres. The Planning Commission and staff recommended approval.
- 03/15/06 The City Council accepted the applicants request to Withdraw Without Prejudice a General Plan Amendment (GPA-10789) to change the Master Plan land use designation from L (Low Density Residential) to M (Medium Density Residential); a Rezoning (ZON-10792) from R-E (Residence Estates) to R-3 (Medium Density Residential); a Variance (VAR-10795) to allow a reduction in the Residential Adjacency setback and the required setbacks; and a Site Development Plan Review (SDR-10796) for a proposed 24-unit apartment project on 1.49 acres abutting the east side of the subject property. The Planning Commission and staff recommended denial.

04/27/06 The Planning Commission recommended denial of companion items GPA-12274 and ZON-12276 concurrently with this application.

04/27/06 The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #42/ss).

B) Pre-Application Meeting

02/28/06 Staff detailed the submittal requirements for General Plan Amendment, Rezoning and Site Development Plan Review applications.

C) Neighborhood Meetings

03/22/06 Ten neighborhood residents attended and had the following concerns and comments:

- * The project should have a perimeter wall and dense landscaping to screen the buildings from the adjacent single-family residences.
- * Concerns were raised about the maintenance of the apartment complex immediately north of the subject site.
- * Residents wanted the units to be owner-occupied, rather than rental units, and that the CC&R's for the property should prevent owners from renting or leasing the units for two years.
- * Concern about maintenance requirements and formation of an HOA.

The applicant committed to construct an eight-foot high perimeter wall. The applicant agreed to requiring that owners be restricted from leasing units for two years. The applicant stated that no variances or waivers were being requested, and that they would be including additional landscape materials in the buffer areas to screen the project from adjacent properties. Later, the applicant changed the request from apartments to condominiums and redesigned the site to avoid a Residential Adjacency variance.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 1.62

B) Existing Land Use

Subject Property: Single Family Dwellings
North: Multi Family Dwellings (Apartments)
South: Single Family Dwellings
East: Undeveloped
West: Apartments, Townhouses

C) *Planned Land Use*

Subject Property: L (Low Density Residential)
North: M (Medium Density Residential)
South: L (Low Density Residential)
East: L (Low Density Residential)
West: M (Medium Density Residential)

D) *Existing Zoning*

Subject Property: R-E (Residence Estates)
North: R-3 (Medium Density Residential)
South: R-PD3 (Residential Planned Development 3 Units Per Acre)
East: R-E (Residence Estates)
West: R-3 (Medium Density Residential)
R-PD16 (Residential Planned Development 16 Units Per Acre)

E) *General Plan Compliance*

The subject site is designated L (Low Density Residential) on the Southeast Sector Map of the Master Plan. This land use category typically allows single-family detached homes and manufactured homes on individual lots up to 5.49 units per acre. Gardening, home occupations and family child care facilities are also permitted. The applicant has requested an amendment to the Master Plan to allow up to 25.49 units per acre, which would allow for the proposed condominium project. The M (Medium Density Residential) designation would therefore allow conformance with the Master Plan.

PROJECT DESCRIPTION

A total of 32 condominium units are proposed in four buildings. The development would have a density of 19.75 dwelling units per acre. Access is provided from Tonopah Drive on the south side of the site. An internal drive extends along the south and east portions of the site, allowing for additional separation from low-density properties. Uncovered parking is available along the drive, containing 71 spaces. Landscaping is provided at the ends of parking rows and adjacent to the buildings. Perimeter buffers are also provided; however, the south and east buffer widths are less than the minimum required by Title 19. Rows of Mondel Pine within the buffers will aid in screening the development from adjacent properties.

The two southernmost buildings are single-story, while the remaining two buildings are both two stories. All structures comply with Residential Adjacency requirements. A mix of two and three bedroom units are provided within each building. The buildings exteriors consist of colored stucco and pitched concrete tile roofs. Stucco trim around the windows, roofline and patios/balconies provides some variation in appearance.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.08, the following Development Standards apply to the subject proposal:

| Standards | Required R-3 | Provided | Compliance |
|---------------------------------|--|--|-------------------|
| Min. Lot Size | 6,500 Square Feet | 70,567 SF | Y |
| Min. Lot Width | N/A | 180 Feet | N/A |
| Min. Setbacks | | | |
| • Front | 20 Feet | 20 Feet | Y |
| • Side | 5 Feet | 16 Feet | Y |
| • Corner | 5 Feet | N/A | N/A |
| • Rear | 20 Feet | 83 Feet | Y |
| Max. Lot Coverage | N/A | 28% | N/A |
| Floor Area Ratio | N/A | 0.44 | N/A |
| Max. Building Height | 2 Stories / 35 Feet | 2 Stories / 26 Feet | Y |
| Min. Distance Between Buildings | 10 Feet | 16 Feet | Y |
| Trash Enclosure | Walled, gated, roofed, 50 feet from residential property | Walled, gated, roofed, 50-foot setback | Y |
| Mech. Equipment | Screened | Not provided | N |

The proposal meets R-3 (Medium Density Residential) Development Standards. Mechanical equipment was not shown on the site plan. Title 19 requires all such equipment to be screened. Air conditioners are prohibited on the roofs of residential buildings.

The following Code standards are not met by the proposal and require waivers:

| Waiver | Code Requirement | Proposed | Recommendation |
|---------------|--|---|---|
| 19.12.040.A | Minimum landscape buffer depth adjacent to rights-of-way is 10 feet, except 15 feet where adjacent to or across the street from existing single family use or zoning district. Minimum depth along interior lot lines is 6 feet. | Buffer along east property line is 5 feet where 6 feet is required, and is 4 feet along south property line where 6 feet is required. | <i>Denial.</i> Standard parking spaces can be reduced to 19 feet, which would allow room for the buffers to comply with the standard. |

A Waiver is required to allow a four-foot perimeter buffer width along the south property line where six feet the minimum width required and a five-foot buffer along the east property line where six feet is required. Staff recommends denial of the request, as the length of parking spaces on the east and south sides of the buildings can be legally reduced to 19 feet, allowing for the additional space needed for the buffers to comply with the standard. Buffer requirements are met along Tonopah Drive and along the north property line of the subject site.

| Exception | Code Requirement | Proposed | Recommendation |
|-----------------------|---|--|-----------------|
| 19.10.010.H(11b, 11c) | One tree for every six uncovered parking spaces located within the interior of the parking lot. | Trees only planted at the end of parking rows. | <i>Approval</i> |

Staff recommends approval of the request for an exception to the Code standard requiring trees within planters located in the parking area, as additional trees are proposed within the interior. Provision of the required number of planters would reduce the number of parking spaces that can be provided below the amount required by Title 19.

A2) Residential Adjacency Standards

Pursuant to Title 19.08, the following Residential Adjacency Standards apply to the subject proposal:

- a) Proximity slope. The maximum height of the two-story condominium buildings adjacent to protected residential properties is 26 feet. The Proximity Slope limitation requires these buildings to be set back at least 78 feet from the residential property lines at this height. These buildings are setback 83 feet from R-E zoned properties to the east, 114 feet from properties on the south, and 80 feet from townhouses to the west. The height of the single-story buildings is 16 feet, requiring at least a 48-foot setback from the protected properties. These buildings are set back 80 feet from properties on the east, 59 feet from properties on the south, and 80 feet from the townhouses to the west. The project therefore complies with the Proximity Slope component of the Residential Adjacency Standards.
- b) Building setback. The condominium buildings must be set back a minimum of 35 feet from the east property line and 30 feet from the south property line to meet this requirement. The provided setbacks comply with this standard.

A3) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

| Uses | Units | Required | | | Provided | |
|----------------------------------|-----------|--------------------|-----------|----------|-----------|----------|
| | | Ratio | Parking | | Parking | |
| | | | Regular | Handicap | Regular | Handicap |
| <i>Multi-Family Residential:</i> | | | | | | |
| 2 Bedroom | 20 | 1 space/1.75 units | 35 | | | |
| 3 Bedroom | 12 | 1 space/2.00 units | 24 | | | |
| Guest parking | 32 | 1 space/6 units | 6 | | | |
| Subtotal | 32 | | 65 | Variable | 68 | 3 |
| TOTAL | 32 | | 65 | | 71 | |

A total of 65 parking spaces is required for the 32 units as proposed. The site will provide 71 spaces, thereby meeting Title 19 requirements. Per Title 19.10, handicapped spaces are required at the rate of one space per dwelling unit that is designed to accommodate handicapped occupants. The three accessible spaces provided indicate that up to three units may be designed for occupancy by the handicapped. One of these spaces are not striped to allow for accessible lanes on both sides of the stall; a condition of approval will require provision of a van-accessible handicap lane.

A4) Landscape and Open Space Standards

Pursuant to Title 19.12, the following Landscape Standards apply to the subject proposal:

| Standards | Required | | Provided |
|--|------------------------------|----------|----------|
| | Ratio | Trees | |
| Parking Area | 1 Tree/6 Spaces | 12 Trees | 6 Trees |
| Buffer: | | | |
| • Min. Trees | 1 24 Box Tree/20 Linear Feet | 53 Trees | 59 Trees |
| • Min. Zone Width (Tonopah Dr.) | 15 Feet | | 20 Feet |
| • Min. Zone Width (south/north/east perimeter) | 6 Feet | | 4 Feet |
| • Wall height | Min. 6 Feet | | 6 Feet |

All of the trees provided in the parking area are located at the end of parking rows. The required number of trees should be planted within landscaped islands; no islands are provided. A waiver (exception) has been requested from this standard. The number of trees and spacing comply with Title 19; however, the landscape buffer width along the south and east property lines does not, ranging from 4-5 feet where a minimum of six feet is required. A waiver has also been requested from this standard. The one-foot encroachment of the parking area into the north buffer is acceptable, as it only occupies about five percent of the total length of the buffer.

A5) Sign Standards

Signs shall be permitted according to the standards contained in Title 19.14 for the R-3 (Medium Density Residential) district.

B) *General Analysis and Discussion*

•Zoning

The subject site is currently zoned R-E (Residence Estates), which allows for large single-family residential lots. The applicant has submitted an application to be heard concurrently with this Site Development Plan Review to rezone the site to R-3 (Medium Density Residential), which would allow the proposed condominium project. The site is bounded by a R-3 (Medium Density Residential) zoning designation on the north, R-3 (Medium Density Residential) and R-PD16 (Residential Planned Development 16 Units Per Acre) on the west, R-PD3 (Residential Planned Development 3 Units Per Acre) on the south, and R-E (Residence Estates) on the east. If rezoned to R-3 (Medium Density Residential), the size of the property will allow up to 41 dwelling units.

•Site Plan

The current plan was revised to shift the location of the buildings away from the properties designated for single-family residential uses and to reduce the height of the buildings closest to those uses. Parking was shifted to the south side and rear of the property. The result is a better design sensitive to existing homeowners. However, the land use is inappropriate for the site, given the existing low density development to the south and lands zoned R-E (Residence Estates) to the east. The recommendation is for denial, based on staffs recommendation for the required Master Plan Amendment and Rezoning items. If approved, a condition is added requiring the reconfiguration of the handicapped parking spaces to allow for a van-accessible space. A tentative map will be required to subdivide the property so that individual units can be sold.

•Landscape Plan

The amount of trees and plants should satisfy the requirement for screening from existing properties. If approved, a condition requires the site and landscape plans to be revised to allow room for perimeter landscape buffers that meet Title 19 width requirements.

•Elevation

The submitted elevations are similar in design and color to other condominium and apartment developments in the city of Las Vegas. Changes in color scheme and patio/balcony popouts provide visual interest. Each unit is designed to have a private entry.

- Floor Plan

Two-bedroom and three-bedroom plans are provided. Access to upper floors will be by external staircase.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 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 site design is compatible with multi-family development to the west and north of the subject site; however, its high density is not a good transition from the rural density of the abutting properties.

2. The proposed development is consistent with the General Plan, Title 19, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;

The proposed condominium development is in general conformance with Title 19 standards and will be in conformance with the Master Plan if approved in conjunction with an amendment to the Master Plan. Conditions of approval address variances from the Code that can be corrected by plan revisions.

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

Access to the proposed site is from Tonopah Drive, a 60-foot right-of-way. The development as proposed will have minimal impact on traffic in the neighborhood.

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

Building materials are typical of apartment and condominium buildings in the Las Vegas Valley. Landscaping materials are drought-tolerant and compatible with existing development.

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 submitted elevations create a visually appealing environment and will be set back a distance sufficient to meet Residential Adjacency requirements.

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

The development will be subject to inspections, and appropriate measures will be taken to protect the public health, safety and general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 15

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 221 by Planning Department

APPROVALS 0

PROTESTS 0