



AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 1, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-15375 - APPLICANT: SCA DESIGN - OWNER: HILLBILLY ACRES, LLC.

**** CONDITIONS ****

The Planning Commission (4-3/ds/lc/sd vote) and staff recommend DENIAL.

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-15371) 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, landscape plan (date stamped 09/15/06), and building elevations (date stamped 08/14/06), except as amended by conditions herein.
4. A Waiver from Title 19.12.040 is hereby approved, to allow a seven foot wide landscape buffers along a portion of the east property line where 10 feet is required; to allow a five foot wide landscape buffer along a portion of the north property line where 15 feet is required, and to allow a four foot wide buffer along a portion of the west property line where 15 feet is required. In addition a Waiver is hereby approved to allow no trees in the parking lot landscaping area where 13 are required and to allow 37 trees in the perimeter landscape buffer where 58 trees are required.
5. All trash enclosures shall be located a minimum of 50 feet from existing single family residential development.
6. The minimum distance between buildings shall be 10 feet.
7. 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.

8. 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.
9. Air conditioning units shall not be mounted on rooftops.
10. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
11. 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.
12. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

13. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
14. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON15371 and all other applicable site-related actions.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Site Development Plan review and a waiver of Perimeter Landscape Buffer Requirements for a 36 unit apartment complex on 1.69 acres adjacent to the west side of Paniflow Street, approximately 100 feet south of Harris Avenue. A related Variance (VAR-15373) and Site Development Plan Review (SDR-15375) will be considered concurrently.

EXECUTIVE SUMMARY

Staff does not support this as it does not meet several Title 19 development standards. The height of the structure will have a negative effect on the surrounding properties that are designated for rural residential development. A different design could allow for greater compliance with Title 19 and better compatibility with the surrounding neighborhood.

BACKGROUND INFORMATION

A) Related Actions

10/05/06 The Planning Commission recommended denial of companion item VAR-15373 and approval of ZON-15371 concurrently with this application.

10/05/06 The Planning Commission voted 4-3/ds/lc/sd to recommend DENIAL (PC Agenda Item #17/ar).

B) Pre-Application Meeting

07/07/06 At the pre-application meeting, staff informed the applicant of the setback, residential adjacency, and landscaping requirements of the proposed development. Staff also noted that there are parcel lines on this site which will need to be eliminated prior to any construction.

C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application request, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 1.69

B) Existing Land Use

Subject Property: Undeveloped
 North: Single Family Dwellings
 South: Undeveloped
 East: Apartments
 West: Single Family Dwellings.

C) Planned Land Use

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

D) Existing Zoning

Subject Property: R-E (Residence Estate)
 North: R-E (Residence Estate)
 South: R-E (Residence Estate)
 East: R-3 (Medium Density Residential)
 West: R-3 (Medium Density Residential)

E) General Plan Compliance

The subject property is located in the Southeast Sector of the General Plan and has a land use designation of M (Medium Density Residential). This designation allows up to 25 units per acre and a variety of multi-family housing options. The proposed zoning of R-3 (Medium Density Residential) is compatible with the land use designation.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Rural Preservation Overlay District		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

F) Density

<i>EXISTING ZONING</i>	<i>PERMITTED DENSITY</i>	<i>PROPOSED ZONING</i>	<i>PERMITTED DENSITY</i>	<i>GENERAL PLAN</i>	<i>PERMITTED DENSITY</i>
R-E	2.0 du/ac for a total of 3.38 units	R-3	25.0 du/ac for a total of 42.25 units	M	25.49 du/ac for a total of 43.08 units

The proposed change in density is in compliance with the general plan designation

PROJECT DESCRIPTION

The applicant proposes to construct four eight-unit and one four-unit apartment buildings on this vacant site. The building setbacks along the front (east) and rear (west) property line are not in compliance with the standards of the R-3 zoning district. The buildings along the north property line do not comply with the Residential Adjacency Standards. Access will be provided by a 32 foot wide driveway to Paniflow Street. The landscape buffer along the south property line is 15 feet in width and complies with city standards. The landscaping along the remaining three property lines and within the parking lot does not comply with city standards.

The elevations depict two story structures at a height of 26 feet six inches. All buildings will have a stucco exterior with a concrete tile roof.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

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

Standards	Required	Requested	Compliance
Min. Lot Size	6500 Square Feet	1.69 Acres	Y
Min. Lot Width	N/A	148 Feet	Y
Min. Setbacks			
Front	20 Feet	17 Feet	N
Side (residential adjacency)	79 Feet 6 Inches	5 Feet	N
Rear	20 Feet	17 Feet	N
Max. Lot Coverage	N/A	28.7 %	Y
Max. Building Height	2 Stories /35 Feet	2 Stories/26 Feet Six Inches	Y*
Trash Enclosure	50 Feet from residential	25 Feet from residential	N

*Complies with R-3 standards, but does not comply with Residential Adjacency setback.

The apartments proposed for this site do not comply with the Residential Adjacency Standards. One of the trash enclosures on the site is 25 feet from an existing single family dwelling. Staff has included a condition of approval which will require this enclosure to be moved if this application is approved.

A2) Residential Adjacency Standards

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

- a) Proximity slope. Based on the heights of the buildings, a proximity slope setback of 79 feet six inches is required. One of the buildings is five feet from the side property line and does not comply with this standard.
- b) Building setback. Buildings in the north portion of this site are required to maintain a setback greater than or equal to that of the adjacent R-E zoned property, which is required to have a 10 foot side yard setback. One of the buildings is five feet from the side property line and does not comply with this standard.

A3) Parking and Traffic Standards

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

Uses	Ratio	Required		Provided	
		Parking		Parking	
		Regular	Handicap	Regular	Handicap
36 three-bedroom apartment units	two spaces per unit plus one guest space per unit	78	4	78	4

The proposed development meets the parking requirements of the zoning code.

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	13 Trees	0 Trees
Buffer:			
• Min. Trees			
North	1 Tree/20 Linear Feet	10 Trees	6 Trees
South	1 Tree/20 Linear Feet	10 Trees	6 Trees
East	1 Tree/20 Linear Feet	20 Trees	14 Trees
West	1 Tree/20 Linear Feet	18 Trees	11 Trees
• Min. Zone Width			
North	15 Feet		5 Feet
South	15 Feet		15 Feet
East	10 Feet		7 Feet
West	15 Feet		4 Feet

The proposed development does not meet the landscape standards of the Zoning Code.

B) General Analysis and Discussion

•Zoning

The site is currently zoned R-E (Residence Estates) and has an M (Medium Density Residential) General Plan Designation. The applicant requests a Rezoning (ZON-15371) to R-3 (Limited Multiple Residence) to allow a net density of 23.67 units per acre for this project.

•Site Plan

The proposal of two, two-story buildings adjacent to single family residences at a distance of five feet from the north property line, is inappropriate, and is grounds for denial of this Site Development Plan Review.

•Waivers

The site requires a waiver of perimeter landscape requirements. The applicant requests a five foot wide perimeter landscaping buffer along a substantial portion of the north property line where 15 feet is required, a four foot wide planter along the west property line where 15 feet is required, and a seven foot wide planter along a substantial portion of the east property line where

10 feet is required. The applicant is also requesting 37 trees where 71 are required. Staff does not support the request for waivers of perimeter buffer landscaping, as the buffer area is necessary in order to protect neighboring residential properties from the impact a new, multi-family residential development would have on the area

- Elevation

The proposed two, two-story buildings are 26 feet, six inches in height. Because this property is being proposed for multi-family residences and is adjacent to an R-E (Residence Estates) lot, Residential Adjacency requirements apply. As part of the accompanying Variance request (VAR-15373), the applicant requests a Residential Adjacency standard of five feet where 79 feet six inches is required.

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 development is not compatible with adjacent residential properties as it will not comply with the Residential Adjacency Standards. Additionally, setback requirements are not met, so adjacent properties are not adequately protected from the proposed project.

- 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;**

A Variance and landscape reductions are required, thus rendering the project incompatible with applicable plans and documents.

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

Primary site ingress and egress is proposed from Paniflow Street, a 55-foot Right-of-Way. Traffic from the proposed development entering onto Harris Avenue from Paniflow Street will increase, but this should not have a significant negative impact on the neighborhood as a whole.

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

Building and landscape materials are not appropriate as insufficient landscaping is being provided along the north, east and west boundaries of the site.

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 proposal is not harmonious or compatible with development in the surrounding area. The height of the structures and the proposed landscaping will not create an aesthetically pleasing addition to the area.

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 11

ASSEMBLY DISTRICT 28

SENATE DISTRICT 2

NOTICES MAILED 61 by Planning Department

APPROVALS 0

PROTESTS 0