



AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 15, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-14306 - APPLICANT/OWNER: BRUCE A. AND JULIE A. KHALILZADEGAN

** CONDITIONS **

Staff recommends DENIAL. The Planning Commission (4-3/gt/se/bg vote) recommends APPROVAL, subject to:

Planning and Development

1. Construct an eight-foot perimeter wall. The resulting gap between the wall shall be capped with a cementitious material that will not add any additional load to the walls as approved by the Planning Department and the Building and Safety Department.
2. A tot lot shall be added to the open space area.
3. Conformance to the Conditions of Approval for General Plan Amendment (GPA-14304), Rezoning (ZON-14308) shall be required, if approved.
4. 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.
5. All development shall be in conformance with the site plan and landscape plans, and building elevations, date stamped 10/04/06, pursuant to the site plan for a maximum of 36 units, except as amended by conditions herein.
6. There shall be no covered parking along the east property line.
7. A Waiver from perimeter landscape buffer width is hereby approved, to allow a landscape buffer five feet in width in the rear and side yard areas where six feet is required.
8. The minimum distance between buildings shall be 14 feet.

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, 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; the applicant shall be required to provide for the multi-use transportation trail is required along Rainbow Boulevard.
10. 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.
11. Air conditioning units shall not be mounted on rooftops.
12. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
13. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. 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.
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. Gated entry drives shall be designed, located and constructed in accordance with Standard Drawing #222A.
17. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map for this site. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.

18. A Homeowners Association shall be established to maintain all private roadways, landscaping and common areas created with this development.
19. 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.
20. The final layout of the subdivision shall be determined at the time of approval of the Tentative Map.
21. 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 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.
22. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON-14308 and all other applicable site-related actions.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Site Development Plan Review for a proposed 36-unit condominium development and a waiver of perimeter landscape buffer requirements on 3.52 acres at 5300 North Rainbow Boulevard.

EXECUTIVE SUMMARY

The proposed condominium project contains deviations from landscaping requirements, requires a General Plan Amendment, a Rezoning, and does not meet the intent of the Rural Preservation Overlay District. The proposed deviations are not supported, nor are the General Plan Amendment and Rezoning applications. The project is out of character with the neighborhood and is not in compliance with standards; therefore, denial of this project is recommended.

BACKGROUND INFORMATION

A) Related Actions

- 07/27/06 This item and companion items for a General Plan Amendment (GPA-14304) to change the land use designation from R (Rural Density Residential) to M (Medium Density Residential), a Rezoning (ZON-14308) to change the zoning from R-E (Residence Estates) to R-3 (Medium Density Residential), and a Variance (VAR-14309) from residential adjacency requirements were abeyed to the 08/24/06 Planning Commission meeting in order for the applicant to redesign the project.
- 08/24/06 This item and companion items for a General Plan Amendment (GPA-14304) to change the land use designation from R (Rural Density Residential) to M (Medium Density Residential), a Rezoning (ZON-14308) to change the zoning from R-E (Residence Estates) to R-3 (Medium Density Residential), and a Variance (VAR-14309) from residential adjacency requirements were held in abeyance in order to submit revised plans for the project.
- 09/07/06 The Planning Commission approved companion items for a General Plan Amendment (GPA-14304) to change the land use designation from R (Rural Density Residential) to MLA (Medium-Low Attached Density Residential). The Site Development Plan Review (SDR-14306) was held in abeyance to the 10/19/06 Planning Commission meeting. The Variance (VAR-14309) is no longer required and was withdrawn without prejudice.
- 10/19/06 [The Planning Commission voted 4-3/gt/se/bg to recommend APPROVAL \(PC Agenda Item #22/ng\).](#)

B) Pre-Application Meeting

06/01/06 A pre-application meeting was held and elements of this proposed development were discussed.

C) Neighborhood Meetings

06/15/06 A neighborhood meeting was held regarding companion General Plan Amendment (GPA-14304). The meeting was held at 5:30 p.m. at the Santa Fe Casino. Two applicant representatives, two staff members, and 25 citizens were in attendance. The following concerns were noted:

- The proposed condominiums are inappropriate for the area; everything in the immediate vicinity is single-family residential.
- The Medium Density land use designation is much too dense for the area.
- The two-story buildings are inappropriate as everything else in the neighborhood is one story.
- The project doesn't have adequate side yard setbacks - 10 feet isn't sufficient to separate a two-story multifamily building from a single-family residence.
- The two-story buildings will completely diminish views.
- The multi-family project will generate excessive traffic.
- The multi-family project will decrease property values.
- The type of people who live in apartments and condominiums will result in an increase in crime and do not belong in a single-family area.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 3.52

B) Existing Land Use

Subject Property: Single Family Residential (Proposed Condominium Development)

North: Single Family Residential
Commercial

South: Single Family Residential

East: Single Family Residential

West: Single Family Residential

C) Planned Land Use

Subject Property: R (Rural Density Residential) [(Proposed MLA (Medium Low Attached Density Residential)]

North: R (Rural Density Residential)

South: L (Low Density Residential)
East: L (Low Density Residential)
West: ML (Medium-Low Density Residential)

D) Existing Zoning

Subject Property: R-E (Residence Estates) [Proposed R-2 (Medium-Low Density Residential)]

North: R-E (Residence Estates)
South: R-1 (Single Family Residential)
East: R-1 (Single Family Residential)
West: R-CL (Single Family Compact Lot)

E) General Plan Compliance

The subject property is currently designated as R (Rural Density Residential) under the Centennial Hills Sector Plan of the General Plan. The Rural Density Residential category is a rural or semi-rural environment with a lifestyle much like that of the Desert Rural, but with smaller allowable lot size. The R category permits up to 3.59 units per acre. The applicant has proposed a General Plan Amendment (GPA-14304) to be heard concurrently with the application that would amend the land-use designation to MLA (Medium Low Attached Density Residential). The Medium Low Attached Density Residential category includes a variety of multi-family units such as plexes, townhouses, and low density apartments. The MLA category permits up to 12.49 units per acre. The proposed density is 10.23 units per acre. With approval of the proposed General Plan Amendment the site would be in compliance with the General Plan. It is noted that denial of the General Plan Amendment is recommended as the proposed MLA (Medium Low Attached Density Residential) designation is not compatible with the area.

PROJECT DESCRIPTION

The project calls for a 36-unit condominium development consisting of eight residential buildings plus a clubhouse. The two eight-plexes are two stories in height and the remaining buildings are single-story. A portion of the parking would be covered and a gated entrance is proposed.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.08, the following Development Standards apply:

Standards	Required R-2	Provided	Compliance
Min. Lot Size	6,500 SF	153,331 SF	Y
Min. Setbacks			
• Front	20 Feet	25 Feet	Y
• Side	5 Feet	53 Feet	Y
• Corner	5 Feet	N/A	N/A
• Rear	20 Feet	70 Feet	Y
Max. Building Height	2 Stories/35 Feet	2 Stories/28 Feet	Y
Trash Enclosure	50 Feet from a protected property	53 Feet	Y

The proposed development meets the development standards of the requested R-2 district.

A2) Residential Adjacency Standards

The proposed development is in compliance with Residential Adjacency requirements. The two-story element of this development is setback 70 feet from the rear property line and fits under the required 3:1 slope; as designed.

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
Residential Two Bedroom	36	1.75 spaces/unit	63	0	105	5
Guest		1 space/6 units	6	0	6	1
Total	36		69		111	

The proposed development exceeds the requirements of Title 19.10.

A4) Landscape and Open Space Standards

Pursuant to Title 19.12, the following Landscape Standards apply:

Standards	Required		Provided
	Ratio	Trees	
Buffer:			
• Min. Trees	1 Trees/20 Linear Feet	79 Trees	79 Trees
• Min. Zone Width	10 Feet (ROW)		15 Feet
	6 Feet (Interior)		5 Feet

The applicant is providing the proper number of trees spaced at 20 feet on center around the perimeter of the development. The landscape buffer adjacent to the right-of-way exceeds requirements. The landscape buffer narrows to five feet in the rear yard area where six feet is the minimum required. The applicant has requested a waiver to permit this deviation from standards. Staff does not support this waiver as there would be adequate room to shift the center of the development forward by one-foot to meet requirements.

A multi-use transportation trail is required along Rainbow Boulevard. The applicant has not provided for this and will be required to submit a revised landscape plan showing this trail. The trail requires a five-foot transition strip in the right-of-way, a ten-foot public transportation path, and a five-foot private landscaped corridor made up of shrubs, benches, and other amenities.

B) General Analysis and Discussion

•Zoning

The subject property is currently zoned R-E (Residence Estates). The purpose of the R-E (Residence Estates) District is to provide for low density residential units located on large lots and conveying a rural environment. These Districts are consistent with the policies of the Desert Rural Density Residential category of the General Plan.

The applicant is proposing a zone change (ZON-14308) to the R-2 (Medium-Low Density Residential) District. The purpose of the R-2 District is to establish lots primarily for medium to low density single-family detached units and duplex units. The R-2 District is consistent with the policies of the Medium-Low Density and Medium-Low Attached Density Residential categories of the General Plan. The proposed development consists of eight residential buildings plus a clubhouse. The proposed development would be in conformance to the R-2 (Medium-Low Density Residential) District with approval of all associated applications. It is noted the denial of the Rezoning request is recommended as the R-2 (Medium-Low Density Residential) District is out of character with the area.

- Site Plan

The site plan for the proposed development shows, (4) four-unit buildings, (2) eight-unit buildings, (2) two-unit buildings, and a clubhouse. Parking is around the perimeter and a portion of it will be covered. The development will have a pool and clubhouse. Trash enclosures are located throughout the site. There shall be no covered parking in the rear yard as the covered parking structure does not meet setback requirements.

- Waivers

The applicant has requested a waiver of perimeter landscape buffer width requirements. This is in the rear and side yard areas. The proposed landscape buffer is five feet in width where six feet is the minimum required. This waiver is not supported as the applicant has the space to accommodate the landscape buffer.

- Landscape Plan

Landscaping for the proposed development is provided primarily around the perimeter. The front buffer is fifteen feet in width; the entry also features a landscaped median. The perimeter is landscaped with the required 24-inch box trees spaced at 20 feet on center. The buffer width is one foot less than required in the rear and side yards. A waiver has been requested to permit this deviation from standards and is not supported. The interior of the development is landscaped primarily with small shrubs.

A multi-use transportation trail is required along Rainbow Boulevard. The applicant has not provided for this and will be required to submit a revised landscape plan showing this trail. The trail requires a five-foot transition strip in the right-of-way, a ten-foot public transportation path, and a five-foot private landscaped corridor made up of shrubs, benches, and other amenities.

- Elevation

Elevations show two-story buildings with a maximum height of approximately 28 feet for the eight-unit buildings. The design is typical of development of this type.

- Floor Plan

Floor plans for the proposed project show layouts featuring two-bedroom apartments.

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 condominium complex is located in a Rural Preservation Overlay District or (RPOD). The RPOD permits a maximum of two dwelling units per acre. While the portion of the development closest to Rainbow Boulevard is exempt from these requirements, as it is within 330 feet of a right-of-way greater than 100 feet in width, the rear half of the development is not and should be required to meet the two units per acre maximum requirement. Additionally, the immediate area is single-family homes and this development would be out of character with the neighborhood. As this development does not meet the intent of the RPOD and is out of character with the neighborhood denial of this application is recommended.

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 waiver from landscape buffer width requirements in the rear and side yards have been requested. The project would also require a General Plan Amendment (GPA-14304) and a Rezoning (ZON-14308) to comply with the General Plan. The proposal is not consistent with landscaping requirements in Title 19. The project would only be consistent with the General Plan with approval of the related General Plan Amendment and Rezoning. The categories requested are not compatible with the neighborhood. Due to the landscape deviations and incompatibility with the area denial of this project is recommended.

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

The site would gain access from Rainbow Boulevard, a 100-foot Primary Arterial. The gated community would permit adequate stacking area. Site access and circulation would be adequate.

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

Building materials are standard for the area, in this case stucco and tile. The landscape materials meet requirements. Both are appropriate for the area and the City of Las Vegas.

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 features and design characteristics, while basic, are harmonious and compatible with the area.

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

The proposed development would not endanger the public health or general welfare, but is incompatible with surrounding land-use patterns.

PLANNING COMMISSION ACTION

The Planning Commission added conditions.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 9

ASSEMBLY DISTRICT 1

SENATE DISTRICT 6

NOTICES MAILED 547 by Planning Department

APPROVALS 0

PROTESTS 108