

AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 17, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-17128 - APPLICANT/OWNER: PICERNE PROVIDENCE II, LLC

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (5-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Site Development Plan (SDR-4730), except where amended herein, and Variance (VAR-17127), if approved.
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 date stamped 12/12/06 and the landscape plan and building elevations date stamped 09/26/06, except as amended by conditions herein.
4. 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.
5. 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.
6. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
7. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

8. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
9. 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.
10. 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.
11. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

12. Submit a Petition of Vacation for the existing BLM Grant that exists within the Deer Springs Way alignment. The Order of Vacation shall record prior to the issuance of any permits for this site.
13. Dedicate 50 feet of right-of-way adjacent to this site for Hualapai and grant a 20-foot wide Multi-Use Transportation Trail Easement adjacent to the right-of-way dedication prior to the issuance of any permits for this site; the trail shall be privately maintained by the Homeowners Association for this site or the association created by the Master Developer.
14. The driveway to Hualapai Way shall be designed, located and constructed in accordance with Standard Drawing #222A and shall not be gated unless otherwise allowed by the City Traffic Engineer.
15. A Homeowners Association or Landscape Maintenance Association shall be established to maintain all private roadways, landscaping and common areas created with this development. All private improvements and landscaping 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.
16. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of any construction drawings for this site or the issuance of any permits, whichever may occur first. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
17. If not constructed at the time of development by the Master Developer, landscape and maintain all unimproved right-of-way adjacent to this site concurrent with development of this site.

18. If not obtained at the time of development by the Master Developer, obtain an Encroachment Agreement for all landscaping and private improvements in the public rights-of-way adjacent to this site.
19. Site development to comply with all applicable conditions of approval for Rezoning Classification ZON-6774, Cliffs Edge Parent Map, Cliffs Edge Development Standards, Design Guidelines and Development Agreement, MOD-3955 and all other applicable site-related actions.

**** STAFF REPORT ******PROJECT DESCRIPTION**

This is a request for a Site Development Plan Review for a proposed 124-unit addition to an approved apartment complex on 18.98 acres at 6851 North Hualapai Way. The applicant is requesting to add 124 multi-family units on the area designated as Phase 2. On the Phase 1 portion of the site, the applicant has removed the eight garages approved in SDR-4730 replacing them with two 3,096 square-foot lofts, access aisles and covered parking.

In addition, the applicant is requesting a Variance (VAR-17127) to allow 918 parking spaces where 937 parking spaces are the minimum required. No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship; therefore, staff recommends denial.

BACKGROUND INFORMATION

| <i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i> | |
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| 01/08/03 | The City Council approved an annexation (A-0030-02) of five acres in the northern portion of the Master Plan area, south of Grand Teton Drive. While these lands form part of the Master Plan area, they are not part of this Rezoning request. The Planning Commission recommended approval on 10/10/02. The effective date of this annexation is 01/17/03. |
| 02/05/03 | The City Council approved an annexation (A-0035-02) of over 1,056 acres in the area bounded by Hualapai Way to the east, Grand Teton Drive to the north, Puli Road to the west and Centennial Parkway and the Beltway alignment to the south, including the subject sites of this Rezoning request. The Planning Commission recommended approval on 09/26/02. The effective date of this annexation is 02/14/03. |
| 03/19/03 | The City Council approved a Rezoning (ZON-1520) from U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) Zone on approximately 317.5 acres covering 68 separate parcels in the Cliffs Edge area, and approved the related Cliffs Edge Master Development Plan to regulate development and the provision of infrastructure in the area. The Planning Commission and staff recommended approval on 02/13/03. |
| 07/16/03 | The City Council approved a Rezoning (ZON-2184) from U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) Zone on approximately 704 acres covering 21 separate parcels in the Cliffs Edge area, and approved text modifications to the related Cliffs Edge Master Development Plan to address conditions of approval of ZON1520. The Planning Commission and staff recommended approval on 06/12/03. |

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| 05/05/04 | The City Council approved a request for a Major Modification to the Cliff's Edge Master Development Plan (MOD-3955) to change land use designations from Village Commercial to Medium Low Density Residential and Medium Density Residential; from Medium Density Residential to Residential Small Lot; and from Medium Low Density Residential to Pump & Reservoir; to modify Section 6.2.3 regarding retaining walls; and to modify Table 1 (Section 2.2) to reflect changes to the land use categories on 40 acres generally located adjacent to the south side of Grand Teton Drive, between Hualapai Way and Puli Road. The Planning Commission recommended approval on 04/08/04. |
| 01/19/05 | The City Council approved a request for a Site Development Plan Review (SDR-4730) for a proposed 392-unit multi-family residential development and a Waiver of Cliffs Edge Master Development Plan and Design Guidelines to allow 10-foot setback on the western property line for three-story buildings and a zero-foot setback from the eastern and western property line for one and two-story buildings, on 15.69 acres adjacent to the southwest corner of Dorrell Lane and Hualapai Way. In addition, a request for a Variance (VAR-5547) to allow a 30-foot setback where residential adjacency standards require a minimum of 126 feet was approved by City Council. Staff recommended denial and Planning Commission recommended approval on 12/16/04. |
| 08/17/05 | The City Council approved a request for a Rezoning (ZON-6774) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) on 5.0 acres adjacent to the northwest corner of Hualapai Way and Deer Springs Way. |
| 11/16/05 | The City Council approved a request for a Major Modification (MOD-9174) to the Cliff's Edge Master Development Plan and Design Guidelines to establish standards for rear-loaded residential small-lot housing products and to add Section 3.2.5B to the Design Guidelines on 1,146 acres generally located adjacent to the south side of Grand Teton Drive, between Hualapai Way and Puli Road. |
| 12/21/06 | The Planning Commission recommended approval of companion item VAR-17127 concurrently with this application. The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #18/jm). |
| <i>Related Building Permits/Business Licenses</i> | |
| 04/06/06 | #11757 Civil Plans were pulled for the site |
| 04/13/06 | Building Permit C-250-05 (#6003879) |
| <i>Pre-Application Meeting</i> | |
| 07/20/06 | At the pre-application meeting, the applicant explained that this application would focus on the Phase II expansion of the site and there would be minor alterations around the existing site for access and parking. Staff explained that this proposal would require a letter from Cliffs Edge/Providence Design Review Committee (DRC). Staff then explained the submittal requirements for a Site Development Review and Variance (parking). |

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

| <i>Details of Application Request</i> | |
|---------------------------------------|-----------------------|
| <i>Site Area</i> | |
| Net Acres | 4.46 (Phase 2) |
| | 18.98 (Entire parcel) |

| Surrounding Property | Existing Land Use | Planned Land Use | Existing Zoning |
|----------------------|-------------------------|-------------------------------------|--|
| Subject Property | Apartments, Undeveloped | PCD (Planned Community Development) | PD (Planned Development) Zone and U (Undeveloped) Zone [PCD (Planned Community Development) Land Use Designation under Resolution of Intent to PD (Planned Development) Zone] [Medium Density Residential Cliff's Edge Special Land Use Designation] |
| North | Undeveloped | PCD (Planned Community Development) | PD (Planned Development) |
| South | Undeveloped | PCD (Planned Community Development) | PD (Planned Development) |
| East | Undeveloped | R (Rural Density Residential) | Clark County Zoning [Rural Estates Residential [2 Units Per Acre](R-E)] |
| West | Undeveloped | PR-OS (Parks Open Space) | PD (Planned Development) |

| <i>Special Districts/Zones</i> | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
|---|------------|-----------|-------------------|
| Special Area Plan | X | | Y |
| Cliffs Edge | X | | Y |
| Special Purpose and Overlay Districts | | X | Y |
| Trails | | X | Y |
| Rural Preservation Overlay District | | X | Y |
| Development Impact Notification Assessment | | X | Y |
| Project of Regional Significance | | X | Y |

DEVELOPMENT STANDARDS

| <i>Standard (Cliffs Edge)</i> | <i>Required/Allowed</i> | <i>Provided</i> | <i>Compliance</i> |
|---|----------------------------------|----------------------------|-------------------|
| Min. Setbacks Principle Buildings and Accessory Structures from the Property Line <ul style="list-style-type: none"> • Single Story Structures • Two Story Structures • Three Story Structures | 10 Feet 20 Feet 30 Feet | N/A 285 Feet 85 Feet | Y |
| Principle Buildings and Accessory Structures Adjacent to Street R.O.W. at Parcel Perimeter <ul style="list-style-type: none"> • Single Story Structure • Two Story Structure • Three Story Structure | 10 Feet 20 Feet 25 Feet | 100 Feet N/A N/A | Y |
| Principle Buildings and Accessory Structures Adjacent to Parks, Open Space, Landscaped Areas Adjacent to Perimeter Streets, or Paseo Pl <ul style="list-style-type: none"> • Single Story Structures • Two Story Structures • Three Story Structures | 10 Feet 10 Feet 10 Feet | N/A N/A N/A | Y |
| Living Area or Porch from Private Street or Parking | 10 Feet | 10 Feet | Y |
| Garage Face Setback from Private Street | Less than 5 Feet or 18 Feet plus | N/A | Y |

| | | | |
|--|---|--|---|
| Building Separation <ul style="list-style-type: none"> Balcony to Balcony Balcony to Non-Balcony Non-Balcony to Non-Balcony Between Main Building & Accessory Structure | 30 Feet 20 Feet 15 Feet 10 Feet | 60 Feet 21.5 Feet 16.1 Feet N/A | Y |
| Maximum Bldg Height <ul style="list-style-type: none"> Principle Building and Accessory Structures | 50 Feet Subject to Setback Criteria Above | 38 Feet | Y |
| Trash Enclosure | Yes | 4 | Y |
| Mech. Equipment | Screened | Yes | Y |

| <i>Landscaping and Open Space Standards</i> | | | | |
|---|------------------------|--------------|-----------------|-------------------|
| <i>Standards</i> | <i>Required</i> | | <i>Provided</i> | <i>Compliance</i> |
| | <i>Ratio</i> | <i>Trees</i> | | |
| Parking Area | 1 Tree/ 10 Spaces | 21 Trees | 29 Trees | Y |
| Buffer: Min. Trees | 1 Tree/ 30 Linear Feet | 32 Trees | 43 Trees | Y |
| TOTAL | | 53 Trees | 72 Trees | Y |
| Min. Zone Width Hualapai Way | 20 Feet | | 20 Feet | Y |
| Wall Height | 6 Feet | | N/A | Y |

| <i>Open Space Standards per 3.1.3 Cliffs Edge Master Development Plan</i> | | | | | |
|---|----------------|-----------------|-----------------|-----------------|-------------------|
| <i>Total Acreage</i> | <i>Density</i> | <i>Required</i> | <i>Provided</i> | | <i>Compliance</i> |
| 15.63 | 24.9 | 100 Sq. Ft/Unit | 39,200 Sq. Ft. | 145,087 Sq. Ft. | Y |

Pursuant to Title 19.10, the following parking standards apply:

| Parking Requirement | | | | | | | |
|--------------------------------|--|----------------------|----------------|--------------|-----------------|--------------|-------------------|
| Use | Gross Floor Area or Number of Units | Required | | | Provided | | Compliance |
| | | Parking Ratio | Parking | | Parking | | |
| | | | Regular | Handi-capped | Regular | Handi-capped | |
| One bedroom unit | 198 Units | 1 per 1.25 | 247 | | | | |
| Two Bedroom units | 282 | 1 per 1.75 | 493 | | | | |
| Units w/more than two bedrooms | 36 | 1 per 2.0 | 72 | | | | |
| Visitor parking | 1 per 5 units | 1 per 0.2 | 103 | | | | |
| Clubhouse | 6,487 S.F. | 1 per 300 | 22 | | | | |
| TOTAL | | | 937 | | 918 | | N |
| Percent Deviation | | | | | 2% | | N |

| Handicap Parking | Ratio | Required | Provided |
|-------------------------|-----------------------------|-----------------|-----------------|
| Regular | 2% of total required spaces | 16 | 16 |
| Van Accessible | 1/6 handicap spaces | 3 | 4 |
| Total | | 16 | 20 |

| Type | Provided |
|--------------|-----------------|
| Uncovered | 350 |
| Covered | 508 |
| Garage | 60 |
| Total | 918 |

ANALYSIS

- Zoning

The subject site is currently zoned PD (Planned Development). The site is located within the Cliffs Edge Master Plan with a special land use designation of M (Medium Density Residential). The proposed project is in conformance with both the zoning district and Cliffs Edge special land use designation.

- Site Plan

The Site Plan depicts a multi-family complex in two phases. The City Council approved Phase 1 (SDR-4730) a 392-unit multi-family development in 01/19/05. The applicant is requesting to add 124 multi-family units on the area designated as Phase 2. This application focuses on the Phase 2 portion of the site and a small portion of Phase 1 labeled (Site Plan A1.1).

The applicant is showing thirty-six (36) one bedroom units, seventy-six (76) two bedroom units and twelve (12) three bedroom units on the site.

On the Phase 1 portion of the site, the applicant has removed the eight garages approved in SDR-4730 replacing them with two 3,096 square-foot lofts, access aisles and covered parking. In addition, ten parking stalls were added where landscaping was approved.

The site plan indicates 918 parking spaces, 20 of which are handicap spaces, to be provided on-site. The site plan is deficient nineteen parking spaces, or a 2 percent deviation of standards. An associated Variance (VAR-17127) has been requested by the applicant. The parking to be provided will consist of both covered and uncovered parking spaces through the entire site.

- Landscape Plan

The Plan shows adequate interior landscaping within parking lots and within the exterior landscape buffers.

- Elevation

The proposed development consists of four different building types, including a loft option. The buildings range from two to three-stories and from 12 feet to approximately 38 feet in height. All of the buildings will have two toned stucco effect to differentiate between the lower levels and the upper floors. In addition, all of the buildings will have tile roofs and decorative metal railings and entry doors. The site plan proposes 3 of building type #2, 3 of building type #4, 41 of building type #15, and 4 of the loft.

- Floor Plan

Each of the four building types has associated floor plans, which range from one to three bedrooms. The applicant is showing thirty-six (36) one bedroom units, seventy six (76) two bedroom units and twelve (12) three bedroom units on the site.

- Trails and Open Space

A Multi-Use Transportation Trail is to be developed along the eastern property line of the proposed development. The trail and street frontage along Hualapai Way are to conform to the Cliffs Edge Parent Map as depicted in TMP-3798. The proposed project is providing 32,352 square feet of open space where 12,400 square feet is required which exceeds the amount of open space required for this development.

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 surrounding area, with the exception of single-family residences to the east, is undeveloped. The proposed use of the property is consistent with Cliffs Edge Master Planned Community special land use designation of M (Medium Density Residential). However, it is noted that the design of the project requires deviation from Title 19.10 Parking Standards and therefore; denial of this project 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;

The proposed development is not consistent with the Cliffs Edge Master Development Plan and Design Guidelines, Title 19, and the Las Vegas Urban Design Guidelines & Standards, as is evident by the parking Variance. No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship.

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

The site will have ingress and egress from Hualapai Way, a 90-foot right-of-way. As the site has been integrated to provide site access with the Phase one portion of the site, a secondary ingress and egress access toward Dorrell Lane, a 70-foot right-of-way, has been provided.

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

The proposed landscape and building materials are appropriate for the area and conform to such materials as direct by the Cliffs Edge Master Development Plan and Design Guidelines.

- 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 typical of multi-family residential apartment complexes and will be compatible with the Cliffs Edge Master Development Plan and Design Guidelines.

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

The proposed development will be subject to the Uniform Building Code, and therefore the development will not compromise the public health, safety or welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 1

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 41 by Planning and Development Dept

APPROVALS 0

PROTESTS 0