



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 11, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-21688 - APPLICANT/OWNER: HILLBILLY ACRES, LLC

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-21687) shall be required.
2. Conformance to the conditions for Rezoning (ZON-15371), and Site Development Plan Review (SDR-15375), except as amended herein.
3. 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.
4. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 05/01/07, except as amended by conditions herein.
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. 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.
12. 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.
13. 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.
14. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

15. Submit an application to the Land Development section of the Department of Public Works for a deviation from Standard Drawing #222a for the depth of the driveway accessing this site from Paniflow Street.
16. Site development to comply with all applicable conditions of approval for Site Development Plan Review SDR-15375 and all other applicable site-related actions.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for an amended Site Development Plan review 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-21687) will be considered concurrently.

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

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
11/15/06	The City Council approved a request for a Rezoning (ZON-15371) to R-3 (Medium Density Residential), Variance (VAR-15373) for setbacks, and Site Development Plan Review (SDR-15375) for a 36-unit multi-family residential project on this site. The Planning Commission and staff had recommended denial.
06/14/07	The Planning Commission recommended approval of companion item VAR-21687 concurrently with this application. The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #48/rts).
<i>Related Building Permits/Business Licenses</i>	
There are no building permits or business licenses related to this project approved or under review.	
<i>Pre-Application Meeting</i>	
04/18/07	A pre-application meeting was held and elements of this application were discussed. It was noted that the site development plan review application would be an amendment to the prior approval. Public Works talked about a waiver for throat depths being needed. Submittal requirements were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

<i>Field Check</i>	
05/11/07	The Department of Planning and Development conducted a site visit that found that this was an undeveloped site that appears to have had some grading in the past. There is a single family home located on a parcel that is not a part of this application in the middle of the western side of the project area.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	1.69

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	M (Medium Density Residential)	R-E (Residence Estate) under Resolution of Intent to R-3 (Medium Density Residential)
North	Single Family Dwellings	M (Medium Density Residential)	R-E (Residence Estate)
South	Undeveloped	M (Medium Density Residential)	R-E (Residence Estate) under Resolution of Intent to R-3 (Medium Density Residential)
East	Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)
West	Single Family Dwellings	L (Low Density Residential)	R-3 (Medium Density Residential)

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

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following development standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	6,500 SF	1.69 Acres	Y
Min. Lot Width	n/a	148 Feet	n/a

Min. Setbacks			
• Front	20 Feet	17 Feet	N *
• Side	5 Feet	5 Feet	Y **
• Corner	5 Feet	n/a	n/a
• Rear	20 Feet	16.5 Feet	N *
Min. Distance Between Buildings	10 Feet	10 Feet	Y
Max. Lot Coverage	n/a	47.3%	n/a
Max. Building Height	2 Stories / 35 Feet	2 Stories / 26.5 Feet	Y
Trash Enclosure	Gated and Screened	Gated and Screened	Y

* If approved, a companion Variance (VAR-21687) would allow a front and rear setback of 17 and 16.5 feet, respectively, where 20 feet would be required.

** The setback complies with R-3 (Medium Density Residential) district standards, but does not comply with Residential Adjacency setbacks.

Pursuant to Title 19.08.060, the following residential adjacency standards apply:

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	79.5 Feet	5 Feet	N *
Adjacent development matching setback	10 Feet	5 Feet	N *
Trash Enclosure	50 Feet	38 Feet	N **

* If approved, a companion Variance (VAR-21687) would allow a residential adjacency setback of 5 feet where 79.5 feet would be required.

** One of the trash enclosures on the site is 38 feet from an existing single family dwelling. A condition of approval has been added to this review which will require this enclosure to be moved to an appropriate distance.

Pursuant to Title 19.12, the following landscaping standards apply:

<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/6 Spaces	13 Trees	0 Trees	Y *
Buffer:				
Min. Trees	1 Tree/20 Linear Feet	58 Trees	37 Trees	Y *
TOTAL		71 Trees	37 Trees	Y *
Min. Zone Width	15 Feet @ ROW		5 Feet @ North 15 Feet @ South 4 Feet @ West	Y *
	10 @ Interior P/L		7 Feet @ East	Y *

* Perimeter and parking area landscape waivers were approved as a part of the original Site Development Plan Review (SDR-15375).

Pursuant to Title 19.04 and 19.10, the following parking standards apply:

<i>Parking Requirement</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Parking Ratio</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</i>
			<i>Parking</i>		<i>Parking</i>		
			<i>Regular</i>	<i>Handi-capped</i>	<i>Regular</i>	<i>Handi-capped</i>	
Multi-Family Residential (Apartments)	36 Units (3 Bedrooms)	2 Spaces / Unit	69 Spaces	3 Space	69 Spaces	3 Space	Y
	1 Guest Space / 6 Units		5 Spaces	1 Space	5 Spaces	1 Space	Y
SubTotal			74 Spaces	4 Spaces	74 Spaces	4 Spaces	Y
TOTAL (including handicap)			78 Spaces		78 Spaces		Y

ANALYSIS

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 Resolution of Intent zoning of R-3 (Medium Density Residential) is compatible with the land use designation.

The applicant proposes to amend the approved Site Development Plan Review (SDR-15375) by adjusting the location of one of the eight-unit buildings and the four-unit building to accommodate a property line adjustment. The building setbacks along the front (east) and rear (west) property lines remain non-compliant with the standards of the R-3 (Medium Density Residential) zoning district. Further, the buildings along the north and the building adjacent to the single-family residential property on the west do not comply with the Residential Adjacency Standards. A new Variance (VAR-21687) has been applied for to allow the proposed setbacks identified by the new site plan layout. 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; however, waivers were approved as a part of the original review.

The elevations depict two story structures at a height of 26.5 feet. All buildings will have a stucco exterior with a concrete tile roof.

- Site Plan

The proposed amendment shifts the four-unit building from the northwestern area of the site to just south of the partially surrounded single-family residential property on the western side of the project area. The eight-unit building that was also in the northwestern area has been moved closer to the sites northern perimeter. Other than these two adjustments and the subsequent residential adjacency changes the site plan is substantially the same as what was approved originally.

- Elevation

The proposed two-story buildings are 26.5 feet in height and are the same as what has previously been approved for this project. Because this is a proposed multi-family residential project and is adjacent to an R-E (Residence Estates) lot, Residential Adjacency requirements apply. An updated Variance (VAR-21687) request addresses the requested deviations of the Residential Adjacency standard to allow a five-foot setback where 79.5 feet are required.

FINDINGS

The following findings must be made for an SDR:

- 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, this Title, 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 area 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 10

ASSEMBLY DISTRICT 28

SENATE DISTRICT 2

NOTICES MAILED 75 by Planning Department

APPROVALS 0

PROTESTS 0