



AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 15, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ZON-22673 - APPLICANT/OWNERS: CARDINAL GLOBAL HOLDING CORP AND HR HERITAGE, LLC

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Rezoning to an R-3 (Medium Density Residential) District on 1.97 acres on the south side of Owens Avenue, approximately 570 feet west of Nellis Boulevard. The subject site currently consists of two parcels, each with a single-family home, that are zoned R-2 (Medium-Low Density Residential). The applicant indicates this will be an apartment complex consisting of four buildings of eight units each.

The proposed rezoning to the R-3 (Medium Density Residential) zoning district is consistent with the existing M (Medium Density Residential) Master Plan designation. While this project is generally consistent with the existing multi-family uses in the vicinity the need for a Variance (VAR-22675) indicates that the development may be too intense for the R-E (Residence Estates) lots to the south. Denial is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
07/02/86	The City Council approved a Rezoning (Z-0045-86) of one of the subject parcels to allow R-3 (Limited Multiple Residence) and a 20-unit apartment development. This approval received several extensions of time. The Planning Commission and staff recommended approval.
03/15/89	The City Council approved a Rezoning (Z-0002-89) of one of the subject parcels to allow R-3 (Limited Multiple Residence) and a 20-unit apartment development. The Planning Commission and staff recommended approval.
06/14/07	The Planning Commission held in abeyance a Rezoning (ZON-21711) and Site Development Plan Review (SDR-21712). Those cases will be stricken at the 07/12/07 Planning Commission meeting and replaced by this Rezoning and its companion items.
07/12/07	The Planning Commission recommended approval of companion items VAR-22675 and SDR-22674 concurrently with this application. The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #38/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>	
04/17/07	A pre-application meeting was held and elements of this application were discussed. It was noted that this project will require a reversionary map and consultation with fire regarding the circulation. Public Works talked about the need for a deviation for throat depth and no need for a traffic study. 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 a developed site where the older structure to the west is boarded up, while the structure to the east is occupied. The site is enclosed with chain link fencing and other than the two structures is unimproved.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	1.97
Net Acres	1.69

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single Family, Detached	M (Medium Density Residential)	R-2 (Medium Low Density Residential) [Proposed: R-3 (Medium Density Residential)]
North	Single Family, Detached	Clark County	Clark County: R-E (Rural Estates Residential)
	Multi-family Residential	Clark County	Clark County: R-3 (Multi-Family Residential)
South	Undeveloped	L (Low Density Residential)	R-E (Residence Estates)
East	Single Family, Detached	M (Medium Density Residential)	R-2 (Medium Low Density Residential)
West	Multi-Family Residential	M (Medium 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:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	6,500 SF	73,722 SF	Y
Min. Lot Width	n/a	246 Feet	n/a
Min. Setbacks			
• Front	20 Feet	> 20 Feet	Y
• Side	5 Feet	> 5 Feet	Y
• Corner	5 Feet	n/a	n/a
• Rear	20 Feet	22 Feet	Y *
Min. Distance Between Buildings	10 Feet	> 10 Feet	Y
Max. Lot Coverage	n/a	41.9%	n/a
Max. Building Height	2 Stories or 35 Feet	2 Stories	Y
Trash Enclosure	Screened and Gated	Screened and Gated	Y

* 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:

Residential Adjacency Standards	Required/Allowed	Provided	Compliance
3:1 proximity slope	75 Feet	22 Feet	N *
Adjacent development matching setback	35 Feet	22 Feet	N *
Trash Enclosure	50 Feet	107 Feet	Y

* If approved a Variance (VAR-22675) would allow a residential adjacency setback of 22 feet where 75 feet would be required to meet the 3:1 Proximity Slope standard and 35 feet would be required to meet the matching residential setback standard. This would grant relief from the city standards.

Existing Zoning	Permitted Density	Units Allowed
R-2 (Medium-Low Density Residential)	12 Units / Acre	20 Units @ 1.69 Net Acres
Proposed Zoning	Permitted Density	Units Allowed
R-3 (Medium Density Residential)	25 Units / Acre (Proposed: 18.9 Units / Acre)	42 Units @ 1.69 Net Acres (Proposed: 32 Units)
General Plan	Permitted Density	Units Allowed
M (Medium Density Residential)	12.1 to 25 Units / Acre	42 Units @ 1.69 Net Acres

Pursuant to Title 19.12, the following landscaping standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Parking Area	1 Tree / 6 Spaces	5 Trees *	4 Trees	N **
Buffer: Min. Trees	1 Tree / 20 Linear Feet	57 Trees	54 Trees	N **
TOTAL		62 Trees	58 Trees	N **
Min. Zone Width	10 Feet - ROW along northern P L		10 Feet	Y
	6 Feet Interior Lot Line along all other P L		6 Feet	Y
Wall Height	6 Feet		6 Feet	Y

* Parking is provided for 62 vehicles, but only 30 spaces are uncovered surface parking spaces. This calculation is based only on the open parking lot spaces.

** A condition has been added to the Site Development Plan Review (SDR-22674) that on the technical landscape plan submission, that the landscape plan be revised to reflect adequate spacing of the perimeter trees to comply with the spacing requirements and meet the minimum number of trees required.

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

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required Parking Ratio	Required Parking		Provided Parking		Compliance
			Regular	Handi-capped	Regular	Handi-capped	
			Multi-Family Residential	32 2 Bedroom Units	1.75 Spaces / Unit	54 Spaces	
	32 Units	1 Space / 6 Units	5 Spaces	1 Space	5 Spaces	1 Space	Y
SubTotal			59 Spaces	3 Spaces	59 Spaces	3 Spaces	Y
TOTAL (including handicap)			62 Spaces		62 Spaces		Y

Monument Signs: [Site Plan Keynote 1]	
Standards	Allowed
Maximum Number	1 / Street frontage 1 total
Maximum Area	60 SF /sign
Maximum Height	8 Feet
Minimum Setback	5 Feet
Illumination	Direct/Internal

ANALYSIS

The subject property is designated as M (Medium Density Residential) under the Southeast Sector Plan of the General Plan. This category includes a variety of multi-family units such as plexes, townhouses, and low-density apartments. This category allows up to 25 units per acre. The proposed development will have a density of 18.9 units per acre and is in compliance with the General Plan.

The proposed rezoning to the R-3 (Medium Density Residential) zoning district will allow a residential density of 25 units per acre. The site plan proposes 32 apartment units, which will result in a density of 18.9 units per acre. Given the existing M (Medium Density Residential) Master Plan designation, the requested rezoning request is appropriate for this site.

This rezoning has been submitted in conjunction with a proposed Variance (VAR-22675) to allow a residential adjacency setback of 22 feet where 75 feet is needed to meet the 3:1 Proximity Slope standard and 35 feet would be required to meet the matching residential setback standard and a Site Development Plan Review (SDR-22674) to site the 32 unit apartment facility.

The proposed rezoning to the R-3 (Medium Density Residential) zoning district is consistent with the existing M (Medium Density Residential) Master Plan designation. Further, it would also make it consistent with other neighboring land uses, which consist of multi-family developments to the north and west of the property. However, the need for the Variance (VAR-22675) indicates that the site as proposed is too intense for the area to the south of the project and therefore staff is recommending denial of this item.

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. The proposal conforms to the General Plan.

The proposed rezoning would bring the zoning at this site into conformance with the M (Medium Density Residential) designation as listed under the Southeast Sector Plan of the General Plan. The Medium Density Residential category includes a variety of multi-family units such as plexes, townhouses, and low-density apartments. This category allow up to 25.49 units per acre. The proposed multi-family development will have a density of 18.9 units per acre and is in compliance with the General Plan.

2. The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.

Currently, there is no use on the south side of the subject site; however, the properties are zoned R-E (Residence Estates) and the current project does not meet the residential adjacency standards related to these protected properties. To the east is a single family home on an R-2 (Medium-Low Density Residential) zoned parcel. The proposed rezoning would be compatible with the multi-family uses situated to the north and west of the site.

3. Growth and development factors in the community indicate the need for or appropriateness of the rezoning.

Growth and development factors indicate a need for multi-family development. Given the existing General Plan designation of M (Medium Density Residential) on the subject site, the rezoning to the R-3 (Medium Density Residential) zoning district is appropriate for the area.

4. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.

The site will receive access from Owens Avenue, which is adequate in size to meet the requirements of the proposed R-3 (Medium Density Residential) zoning district.

PLANNING COMMISSION ACTION

There was one speaker present at the Planning Commission Meeting with questions.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 0

ASSEMBLY DISTRICT 14

SENATE DISTRICT 2

NOTICES MAILED 134 by Planning Department

APPROVALS 0

PROTESTS 1