



AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 15, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-22674 - APPLICANT/OWNERS: CARDINAL GLOBAL HOLDING CORP AND HR HERITAGE LLC

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Rezoning (ZON-22673) and Variance (VAR-22675), 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, landscape plan, and building elevations, date stamped 05/01/07, except as amended by conditions herein.
4. Revised elevations which reduce visual intrusion onto the adjacent property to the south shall be submitted to the Planning and Development Department prior to the City Council meeting.
5. The minimum distance between buildings shall be ten feet.
6. Recordation of a reversionary parcel map or administrative joining consolidating the parcels on the site prior to issuance of any building or grading permits.
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. The technical landscape plan shall include the following changes from the conceptual landscape plan: increase the parking area trees by one 24-inch box tree and all spacing requirements of LVMC Title 19.12.040 should be met; specifically, all perimeter trees planted a maximum of 20 feet on center, unless in conformance with an approved alternative.

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. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
10. Air conditioning units shall not be mounted on rooftops.
11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
12. 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.
13. 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.
14. A Comprehensive Construction Staging Plan shall be submitted to the Planning and Development Department for review and approval prior to the issuance of any building permits. The Construction Staging Plan shall include the following information: Design and location of construction trailer(s); design and location of construction fencing; all proposed temporary construction signage; location of materials staging area; and the location and design of parking for all construction workers.
15. 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.
16. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

17. Coordinate with the City Surveyor to determine whether a Reversionary Map or other map is necessary; comply with the recommendations of the City Surveyor.

18. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.
19. 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 Owens Avenue.
20. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility.
21. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the submittal of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This request is for a Site Development Plan Review to site a multi-family apartment complex on 1.97 acres on the south side of Owens Avenue, approximately 570 feet west of Nellis Boulevard. The applicant indicates this will be an apartment complex consisting of four buildings of eight units each.

The applicant indicates that the proposed multi-family apartment complex will be the first constructed in the area in 20 years and will improve the quality and look of the neighborhood. The General Plan Designation and other area multi-family development suggest that this will be an appropriate use at this site; 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.

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 Site Development Plan Review and its companion items.
07/12/07	The Planning Commission recommended approval of companion items ZON-22673 and VAR-22675 concurrently with this application. The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #40/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

<i>Surrounding Property</i>	<i>Existing Land Use</i>	<i>Planned Land Use</i>	<i>Existing Zoning</i>
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>
<i>Special Area Plan</i>		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	73,722 SF	Y
Min. Lot Width	n/a	246 Feet	n/a
Min. Setbacks <ul style="list-style-type: none"> • Front • Side • Corner • Rear 	20 Feet 5 Feet 5 Feet 20 Feet	> 20 Feet > 5 Feet n/a 22 Feet	Y Y n/a 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 / 25 Feet	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:

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
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.

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 this review 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	2 Space	54 Spaces	2 Space	Y
	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) General Plan designation, the requested rezoning request is appropriate for this site.

The site encompasses two parcels with proposed buildings built at or across the lot lines. Additionally, should the parcels in the future become separate sites the site will be placed out of conformance with development standards for the R-3 (Medium Density Residential) zoning district. For this reason a condition has been added that prior to the issuance of any building or grading permits that a reversionary parcel map or administrative joining consolidating the parcels be recorded.

- **Site Plan**

The site lies on the south side of Owens Avenue. The site is currently an underdeveloped parcel with two single family homes and is about 570 feet west of the intersection of Owens Avenue and Nellis Boulevard.

The proposed multi-family residential development requires 62 parking spaces. The submitted site plan indicates 62 spaces will be provided, including three handicap space depicted (one of which is van accessible). Carports are used to cover 32 of the spaces, providing one covered space per apartment.

There are no Minimum Separation Distance Requirements in the Zoning Code that apply to the proposed multi-family residential use. However, there are minimum building separation standards that apply to the R-3 (Medium Density Residential) zoning category

and the proposed site plan meets this development standard. The submitted site plan calls for building separations of greater than the required 10 feet.

The site is subject to the Residential Adjacency Standards due to the R-E (Residence Estates) designated property to the south of this property. The Proximity Slope uses a 3:1 calculation for determining what the distance from a protected property to a building on the subject site may be. The proposed buildings are two stories and approximately 25 feet in height. Per the 3:1 slope requirement this would necessitate a residential adjacency setback of 75 feet. The nearest proposed building is only 22 feet from the property line of the protected property; therefore, a Variance (VAR-22675) has been necessitated.

- **Landscape Plan**

The landscape plan depicts appropriate landscape buffers around the perimeter of this site. There is adequate buffering area along all of the property lines; however, there are portions of the buffer that do not meet the tree spacing requirement of a maximum of 20 feet on center separation. Included in the standard condition that requires a technical landscape plan is a requirement that the plan be revised to reflect the appropriate tree spacing within the buffer areas as per Title 19.12.040. Due to much of the parking being enclosed or covered parking there is limited parking lot landscaping.

- **Elevations/Floor Plan**

The materials and design of the building exteriors will match through out the proposed multi-family residential development. The buildings are two-stories (25-feet) that use balconies and accent trims to accentuate the appearance of the building facades. There is a one-story accessory building that complements the residential buildings and will house the mailboxes, laundry area, and a covered, community patio area. Due to the height of the residential buildings at the rear of the site and their proximity to the R-E (Residence Estates) zoned property a Variance (VAR-22675) to allow deviations of the residential adjacency standards has been requested.

The floor plans show that each residential unit will have approximately 1,129 square feet of interior living space with additional storage space available off of each units patio or balcony. There are two bedrooms and two bathrooms per unit with kitchen, dining and living room areas provided.

This site development plan review has been submitted in conjunction with a proposed Rezoning (ZON-21712) to go from an R-2 (Medium-Low Density Residential) zoning district to an R-3 (Medium Density Residential) district and a 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.

A multi-family residential development is appropriate for this area and would generally be compatible with the surrounding present and future land use designations. 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

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 generally compatible with adjacent development in the surrounding area; however, the properties to the south of the site are zoned R-E (Residence Estates) and the current project does not meet the residential adjacency standards related to these protected properties.

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;

This proposed site plan is in compliance with the general plan designation of M (Medium Density Residential) and proposed zoning of R-3 (Medium Density Residential) on the site. A deviation of residential adjacency standards is required to site the rear buildings for this proposed development.

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

The subject site is adjacent to Owens Avenue, a 100-foot wide primary arterial street that should be adequate to support the proposed use.

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

The building and landscape materials are appropriate for the area and the city. Plant selection is a mix of trees and shrubs that are approved, drought resistant species.

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 depict design and materials that will provide an aesthetically acceptable building and are compatible with the neighboring multi-family residential developments.

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

The multi-family residential development will be subject to regular building inspections and therefore will not compromise the public health, safety or welfare.

PLANNING COMMISSION ACTION

The Planning Commission added condition #4 as shown.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 0

ASSEMBLY DISTRICT 14

SENATE DISTRICT 2

NOTICES MAILED 134 by Planning Department

APPROVALS 0

PROTESTS 1