

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: JANUARY 10, 2008****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: ABEYANCE - SDR-23377 - APPLICANT: NOELLE SORELL -****OWNER: ST THOMAS CATHOLIC CHURCH**

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**\*\* CONDITIONS \*\*****STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:**Planning and Development**

1. Approval of and conformance to the Conditions of Approval for General Plan Amendment (GPA-22587), Variance (VAR-23661), and Rezoning (ZON-23373) shall be required.
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 and landscape plan date stamped: 10/30/07, and building elevations and floor plans date stamped: 6/26/07, except as amended by conditions herein.
4. The standards for this development shall include a Minimum lot size of 4,930 square feet and Building height shall not exceed two stories or 26 feet, whichever is less.
5. The setbacks for this development shall be a minimum of 20 feet to the front of the house, 18 feet to the front of the garage as measured from back of sidewalk or from back of curb if no sidewalk is provided, 5 feet on the side, 10 feet on the corner side, and 20 feet in the rear, except as amended by conditions herein.
6. Lots 103 and 109, as shown on the provided site plan date stamped: 10/30/07, are Double Frontage lots and both property lines along the street front shall be deemed front lot lines, unless designated otherwise on a recorded Final Map. The following setbacks apply to Lots 103 and 109 only: 18 feet to the front and of the house, 18 feet to the front of the garage as measured from back of sidewalk or from back of curb if no sidewalk is provided, 10 feet on the side, 11 feet on the corner side, and 18 feet in the rear.
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 as Final Map submittal. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.

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8. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
9. 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.
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. 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. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

14. Dedicate 30 feet of right-of-way adjacent to this site for Roberta Lane and dedicate a 15-foot radius on the southeast corner of Roberta Lane and Apricot Lane.
15. Construct half-street improvements including appropriate over paving on Roberta Lane and Apricot Lane adjacent to this site concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).
16. A minimum of two lanes of asphalt pavement on the major access street (Roberta Lane) adjacent to this site, and a working sanitary sewer connection shall be in place prior to final inspection of any units within this development. All off-site improvements adjacent to this site, including all required landscaped areas between the perimeter walls and adjacent public streets, shall be constructed and accepted prior to issuance of building permits beyond 75%. The above thresholds notwithstanding, all required improvements shall be constructed within 24 months of approval of construction drawings. No partial bond releases will be allowed until all perimeter roadway improvements are in place.

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17. The onsite street shall be labeled as a private street, be designated as a common lot and shall be labeled as a private street, public utility easement (P.U.E.), public sewer easement and public drainage easement to be privately maintained by the Homeowners Association on the Final Map for this site.
18. The distance from the face of the garage door to the back of curb of the private street shall be a minimum distance of 18 feet or a maximum distance of 5 feet to prevent a vehicle in the driveway from encroaching into the vehicular or pedestrian travel corridor.
19. Extend public sewer in Apricot Lane from Roberta Lane to the southern edge of this site at a size, depth and location acceptable to the Collection System Planning section of the Department of Public Works. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits as required by the Department of Public Works. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.
20. A Homeowners Association shall be established to maintain all private roadways, landscaping and common areas created with this development. All landscaping and private improvements 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.
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.
22. 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 public 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 that affect a map for this site 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. We note that this site has been designed with non-standard knuckles.

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**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This application is a request for Site Development Plan Review (SDR-23377) for an 11-lot residential subdivision located at the southeast corner of Roberta Lane and Apricot Lane. This proposal is located on 2.49 acres and will require the approval of the associated Variance (VAR-23661) to allow a 2.49 acre Residential Planned Development where Title 19.06.040(A) requires a minimum five-acre parcel in order to process the related Rezoning (ZON-23373) request.

An associated General Plan Amendment (GPA-22587), Variance (VAR-23661), and Rezoning (ZON-23373) have been requested and are scheduled to be heard along with this request. Staff has recommended denial for the proposed development requests as it is too great in increase in density and requires a Variance based on a self-imposed hardship. Therefore, staff recommends denial for this Site Development Plan Review request as the R-PD4 (Residential Planned Development - 4 units per acre) is incompatible with the unincorporated Clark County properties adjacent to the east, west, and south.

**BACKGROUND INFORMATION**

| <b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>         |   |
|---|---|
| 4/14/06   | The City of Las Vegas annexed (ANX-10579) 2.5 acres generally located on the southeast corner of Roberta Lane and Apricot Lane.   |
| 12/07/06  | The Planning Commission accepted a request from the applicant to Withdraw without Prejudice an application for a Site Development Plan Review (SDR-16849) and related Special Use Permit (SUP-16850) for an 11,590 square foot church with Waivers of perimeter landscape buffers on a 2.5 acre site. |
| 7/26/07   | The Planning Commission accepted a request to abey this item until the 9/13/07 Planning Commission Meeting.   |
| 9/13/07   | The applicant requested to table this item until the 9/27/07 Planning Commission Meeting.   |
| 9/27/07   | The applicant requested to table this item until the 12/06/07 Planning Commission Meeting in order to meet with the neighbors regarding the design of the proposal.   |
| 12/06/07  | The applicant requested to table this item until the 1/10/08 Planning Commission Meeting in order to revise the renderings of the proposal.   |
| 12/12/07  | Planning and Development staff contacted the applicants representative and suggested revisions to the site plan. Staff also offered to meet with the applicant. As of this date, the applicant has not submitted revised plans or called to set up a meeting with staff.                              |
| <b><i>Related Building Permits/Business Licenses</i></b>                          |   |
| There are no Building Permits or Business Licenses associated with this property. |   |

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| <b><i>Pre-Application Meeting</i></b> |  |
|---------------------------------------|--|
| 4/16/07                               | A Pre-Application Meeting was held where Planning staff advised the applicant of the application requirements for a General Plan Amendment.  |
| <b><i>Neighborhood Meeting</i></b>    |  |
| 6/28/07                               | A neighborhood meeting was held by the applicant and was attended by 13 members of the public, Councilman Barlow (Ward 5), a representative from the Planning and Development Department, and two applicants. Project concerns were voiced by the public in regards to lot size, building height, site access, traffic impacts, and a request to age restrict any proposed future community development. |

| <b><i>Field Check</i></b> |   |
|---------------------------|---|
| 6/21/07                   | A site visit was conducted to the site and the property is an undeveloped dirt lot surrounded by low density residential to the south, east, and west, and medium low density residential to the north. |

| <b><i>Details of Application Request</i></b> |            |
|--|------------|
| <b><i>Site Area</i></b>                      |            |
| Gross Acres                                  | 2.49 acres |

| <b>Surrounding Property</b> | <b>Existing Land Use</b>         | <b>Planned Land Use</b>       | <b>Existing Zoning</b>                                   |
|-----------------------------|----------------------------------|-------------------------------|--|
| Subject Property            | Undeveloped                      | R (Rural Density Residential) | U (Undeveloped) [R (Rural Density Residential)]          |
| North                       | Single-family Residential        | R (Rural Density Residential) | R-PD6 (Residential Planned Development 6 units per acre) |
| South                       | Clark County - Rural residential | R (Rural Density Residential) | Unincorporated Clark County                              |
| East                        | Clark County - Rural residential | R (Rural Density Residential) | Unincorporated Clark County                              |
| West                        | Clark County - Rural residential | R (Rural Density Residential) | Unincorporated Clark County                              |

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

**DEVELOPMENT STANDARDS**

*Pursuant to Title 19.06.040, the following standards are established upon approval of the Rezoning and Site Plan Development Review:*

| <b>Standard</b>  | <b>Provided</b>                         |
|--|---|
| Min. Lot Size  | 4,930 square feet                       |
| Min. Setbacks <ul style="list-style-type: none"> <li>• Front*</li> <li>• Side</li> <li>• Corner</li> <li>• Rear</li> </ul> | 18 feet<br>5 feet<br>11 feet<br>30 feet |
| Min. Distance Between Buildings  | 10 feet                                 |
| Max. Lot Coverage  | 38 %                                    |
| Max. Building Height   | 2-stories/ 26 feet                      |

*\*Lots shown as 103 and 109 on the Site Plan date stamped: Sep 05, 2007 show setbacks as follows: 16-foot front yard setback, 11-foot corner yard setback, 10-foot side yard setback, and 30-foot rear yard setback.*

*Pursuant to Title 19.12, the following standards apply:*

| <b>Landscaping and Open Space Standards</b> |  |              |                 |                   |
|---|--|--------------|-----------------|-------------------|
| <b>Standards</b>                            | <b>Required</b>  |              | <b>Provided</b> | <b>Compliance</b> |
|   | <b>Ratio</b>   | <b>Trees</b> |                 |                   |
| Buffer:<br>Min. Trees                       | 1 Tree/30 Linear Feet  | NA           | 19 Trees        | Y*                |
| <b>TOTAL</b>                                |  | NA           | 31 Trees        | Y*                |
| Min. Zone Width                             | N/A<br>(6 feet only required along streets classified Collector or larger) |              | 6 feet          | Y*                |
| Wall Height                                 | 8 feet   |              | 8 feet          | Y                 |

*\*A six-foot wide landscape buffer is required of all residential developments adjacent to streets classified as collector or larger. The applicant has provided a six-foot landscape buffer along Roberta Road, which is classified as a Local Street. No landscape buffer is required along Apricot Lane as it is classified as a Local Street as well.*

| <b>Open Space R-PD only</b> |                     |   |
|-----------------------------|---------------------|---|
| <b>Total Acreage</b>        | <b>Density</b>      | <b>Provided</b>   |
| 2.49 acres*                 | 4.41 units per acre | 4,153 square feet of centrally located and landscaped open space.** |

*\*An accompanying Variance (VAR-23661) from the minimum five-acre site area eligible for rezoning to the R-PD (Residential Planned Development) Zoning District has been requested.*

*\*\*Per Title 19.16.040, Residential Planned Developments containing less than 12 dwelling units are not required to provide open space.*

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***Pursuant to Title 19.10, the following parking standards apply:***

| <b><i>Parking Requirement</i></b> |   |                             |                       |                            |                        |                            |                          |
|-----------------------------------|---|-----------------------------|-----------------------|----------------------------|------------------------|----------------------------|--------------------------|
| <b><i>Use</i></b>                 | <b><i>Gross Floor Area or Number of Units</i></b> | <b><i>Required</i></b>      |                       |                            | <b><i>Provided</i></b> |                            | <b><i>Compliance</i></b> |
|                                   |   | <b><i>Parking Ratio</i></b> | <b><i>Parking</i></b> |                            | <b><i>Parking</i></b>  |                            |                          |
|                                   |   |                             | <b><i>Regular</i></b> | <b><i>Handi-capped</i></b> | <b><i>Regular</i></b>  | <b><i>Handi-capped</i></b> |                          |
| Single Family, Detached           | 11 units  | 2 spaces/unit               | 22                    | NA                         | 22                     | NA                         |                          |
| <b>TOTAL</b>                      |   |                             | 22 spaces             |                            | 22 spaces              |                            | Y                        |

## **ANALYSIS**

### **•General Plan**

The project site is an undeveloped parcel surrounded by undeveloped and developed low density residential uses immediately south, east, and west (Clark County), and a developed residential planned district north of the subject site (City of Las Vegas). The proposal to re-designate the land use to ML (Medium-Low Density Residential) from R (Rural Density Residential) will allow for future development of up to 8.49 dwelling units per acre where as the rural land use permits 3.59 dwelling units per acre.

### **•Zoning**

The subject parcel is zoned U (Undeveloped) [R (Rural Density Residential)]; the property south, east, and west are all within Clark County Jurisdiction. An existing neighboring single-family subdivision zoned R-PD6 (Residential Planned Development 6 units per acre), north of the project site was Annexed (A-0036-99) on 5/12/2000. However the underlying zone for this subdivision does not conform to the General Plan land use designation of R (Rural Residential) for the site.

A companion Rezoning request (ZON-23373) would, if approved, rezone the subject property to R-PD4 (Residential Planned Development - 4 Units Per Acre) in order to allow the project to be developed as proposed. The density of this zoning district is compatible with the proposed L (Low Density Residential) General Plan designation for the site (GPA-22587), which would allow a density of up to 5.49 dwelling units per acre. However; the proposed new zoning and General Plan categories are incompatible with the adjacent low-density development, most of which is zoned and developed at two units per acre.

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**•Site Plan**

The site plan meets standards with respect to density if the companion General Plan Amendment and Rezoning applications are approved. The development proposed for this site is compatible with the established development pattern of lots surrounding. Adequate access to the site is provided and the applicant has provided good internal circulation around a central open space flanked by two double-frontage lots.

**•Variance**

A Variance (VAR-23661) to the Title 19.06.040 requirement to allow a 2.49-acre Residential Planned Development on less than five acres has been requested as part of this application. Staff has recommended denial of this request as it has been determined to be a self-imposed hardship. Denial of this Variance is one of the key reasons for the denial of this proposal in whole.

**•Landscape Plan**

The conceptual landscape plan indicates that a six-foot landscape buffer will be provided outside the perimeter wall along Roberta Drive, and that a variety of 24 box trees and shrubs will be planted in this area. A centrally-located 4,153 square-foot open space area will contain a square feet of rock mulch, accented by a variety of trees, shrubs and boulders.

It is important to note that the applicant is not required to provide any open space or landscape buffers. Per Title 19.06.040(G)1, any Residential Planned Development less than 12 lots is not required to provide open space. Additionally per 19.12.030(A)1, the minimum zone depth adjacent to right-of-way only applies to streets classified as Collector or larger. Both Roberta Road and Apricot Lane are classified as a less-intense Local street type. The amount of planting appears exceeds all the requirements of Title 19.12 and the Landscape, Wall, and Buffer Standards.

**•Elevations**

The proposed elevations depict three model homes that are best described as a Prairie-style or farm-style homes. All are two-story homes, with a building height limited to 26 feet. All models display front porches, balconies, and decks and have gabled roofs. The material finish is clapboard siding with three variations in color palettes consisting of light gray with blue trim, white with green-gray trim, and light tan with rusty brown trim.

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## **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 development provides a suitable buffer between the higher-density, two-story tract-homes to the north and the lower-density, single-story ranch-style homes adjacent to the east, west, and south of the subject property and provides a good range in model styles and color finishes.

However, the proposed increase in development density (GPA-22587) and the required Variance (VAR-23661) demonstrate that this proposal is not compatible with the adjacent development. Therefore, staff recommends denial.

**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;**

The proposed development is not consistent with the current R (Rural Density Residential) General Plan Land Use Designation; hence a companion General Plan Amendment (GPA-22587) has been requested. The associated Rezoning (ZON-23373) request also requires approval of an associated Variance (VAR-23661) to allow 2.49 acres where five acres is the minimum eligible area size for rezoning. As the proposal is not consistent with the General Plan or Title 19.06.040, staff recommends denial.

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

Access to the property will be available from Roberta Drive, designated as a Local (50-foot) Street on the Master Plan of Streets and Highways. This street is adequate to meet the traffic demands of this proposed single-family residential development.

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

The applicant has made good efforts to provide building and landscape materials that are in context with a rural type of development surrounding the east, west, and north edges of the site. The inclusion of front porches, clapboard siding, and the three Prairie-style models will allow the residential subdivision to appear more rural in context.

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- 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 proposed elevations depict two-story homes on approximately 0.125-acre lots, with provided mature trees provided along the north and west property lines. The proposed two-story model homes are setback 20 feet from the property lines of the two existing single-story ranch style homes lots adjacent to the southern property line of this proposed development. As there is existing mature landscaping between these properties and the proposed 26-foot max height is below the 35-foot maximum height maintained by comparable residential zoning districts, staff does not find issue with the proposed height.

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

The proposed development will be subject to the International Building Code (IBC 2006), and therefore the development will not compromise the public health, safety or welfare.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED 2**

**ASSEMBLY DISTRICT 1**

**SENATE DISTRICT 4**

**NOTICES MAILED 345**

**APPROVALS 32**

**PROTESTS 4**