

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: JANUARY 24, 2008****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SDR-25894 - APPLICANT/OWNER: SF INVESTMENTS, LLC**

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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-25892), Rezoning (ZON-25893) and Variance (VAR-26228), 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, landscape plan, and building elevations, date stamped 12/06/07.
4. Provide a multi-use trail to be constructed along the south right-of-way line of Lone Mountain Road, to meet the requirements of the Master Plan Transportation Trails Element, particularly with the specifications shown in Exhibit 1. Accordingly, a lighted trail with landscaping shall be provided along its entire length. Detailed construction drawings of the trail shall be submitted to and approved by the Planning and Development Department prior to the submittal of any development permits for this site.
5. The minimum distance between buildings shall be ten feet.
6. The setbacks for this development shall be a minimum of 20 feet to the front of the building, 5 feet on the side, 5 feet on the corner, and 20 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 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. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.

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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. 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).
11. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
12. Air conditioning units shall not be mounted on rooftops.
13. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
14. 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.
15. 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.
16. 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.
17. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

18. Coordinate with the City Surveyor to determine whether a Reversionary Map is necessary; comply with the recommendations of the City Surveyor.

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19. Submit and record a Petition of Vacation, such as VAC8347, for the 20-foot alley in both the City and Clark County jurisdictions and for all other rights-of-way in conflict with the proposed site plan. Orders of Vacation for both the City and County properties shall record concurrently and must be recorded prior to the issuance of any permits for this site unless otherwise allowed by the City Engineer.
20. Dedicate appropriate rights-of-way for cul-de-sacs meeting current City Standards at the terminus of Red Coach Avenue and Balsam Street (offset cul-de-sac) prior to the issuance of any permits.
21. Construct half-street improvements, including appropriate overpaving, on Lone Mountain Road, Balsam Street and Red Coach Avenue (including the cul-de-sac terminations) adjacent to this site concurrent with development of this site. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width 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).
22. All private improvements and landscaping installed with this project 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.
23. Gated access driveways shall be designed, located and constructed in accordance with Standard Drawing #222a.
24. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility.
25. Coordinate with the Collection System Planning Section of the Department of Public Works to determine an appropriate location for public sewer connection to this site, prior to the issuance of any permits. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits. 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.
26. Contact the City Engineers Office at 229-6272 to coordinate the development of this project with the Rancho Painted Desert Sewer Rehabilitation project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.

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27. 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 recordation 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.
28. 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 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 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.
29. Coordinate with the Nevada Department of Transportation to discuss any impacts to this site plan related to U.S. Highway 95. Provide documentation from NDOT to the City of Las Vegas Land Development Section that this condition has been satisfied prior to the approval of any construction drawings.

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

**PROJECT DESCRIPTION**

This is a request for a proposed 252 unit apartment complex on 11.45 acres at the southeast corner of Lone Mountain Road and U.S. 95.

In addition to the Site Development Plan Review, there are associated cases; a General Plan Amendment (GPA-25892) from MLA (Medium-Low Attached Density Residential) to M (Medium Density Residential), a Rezoning (ZON-25893) from R-E (Residence Estates) and U (Undeveloped) Zone under Resolution of Intent to R-PD10 (Residential Planned Development 10 Units per Acre) Zone to R-3 (Medium Density Residential) and a Variance (VAR-26228) to allow a residential adjacency setback of 20 feet where 90 feet is required.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
02/16/05	The City Council approved a Petition to Annex (ANX-5100) property generally located on the east side of U.S. 95, south of Lone Mountain Road (APN 138-03-510-001, 002 and 031), containing approximately 7.02 acres. The effective date of this annexation was 2/25/05. Planning Commission recommended approval on 12/16/04.
03/02/05	The City Council approved a General Plan Amendment (GPA-5823) application to amend a portion of the Centennial Hills Sector Plan) of the General Plan from O (Office) to MLA (Medium-Low Attached Density Residential) on 7.80 acres adjacent to the southwest corner of Balsam Street and Lone Mountain Road. The Planning Commission recommended denial on 01/27/05.
03/02/05	The City Council approved a Rezoning (ZON-5827) application to from R-E (Residence Estates) and U (Undeveloped) [O (Office) General Plan Designation] to R-PD10 (Residential Planned Development - 10 units per acre) on 7.80 acres adjacent to the southwest corner of Balsam Street and Lone Mountain Road. The Planning Commission recommended denial on 01/27/05.
03/02/05	The City Council approved a Site Development Plan Review (SDR-5826) application for a proposed 78-lot single-family attached residential development on 7.80 acres adjacent to the southwest corner of Balsam Street and Lone Mountain Road. The Planning Commission recommended denial on 01/27/05.

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06/01/05	The City Council approved a General Plan Amendment (GPA-6321) application to amend a portion of the Centennial Hills Sector Plan of the General Plan from PR-OS (Park/Recreation/Open Space) And O (Office) to MLA (Medium-Low Attached Density Residential) on 3.26 acres at 4705, 4723 and 4743 Balsam Street and on property adjacent to the southeast corner of Lone Mountain Road and Balsam Street. Staff recommended approval.
05/18/05	The City Council considered an Annexation (ANX-6060) application to Petition for the annexing of land generally located on the west side of Balsam Street, 270 feet south of Lone Mountain Road, containing approximately 2.4 acres. The Planning Commission recommended approval on 03/24/05. [The effective date is 05/27/05]
06/01/05	The City Council approved Site Development Plan Review (SDR6332), General Plan Amendment (GPA-6321), and Rezoning (ZON-6327) applications associated with a proposed 124 lot single-family attached residential development on 12.00 acres adjacent to the southeast corner of U.S. 95 and Lone Mountain Road and associated. The Planning Commission did not reach a super majority vote on the GPA request. The Planning Commission recommended approval of the Rezone and Site Development Plan Review.
10/05/05	The City Council approved a Petition to Vacate a portion of Balsam Street and unnamed rights-of-way located south of Lone Mountain Road and east of U.S. 95. Planning Commission and Staff recommended approval.
06/20/07	The City Council approved an Extension of Time (EOT-21136) of Site Development Plan Review (SDR-6332) and an Extension of Time (EOT-21137) an approved Rezoning (ZON-6327) from U (Undeveloped) [MLA (Medium Low Attached Density Residential) and R-E (Residence Estates) zone to R-PD10 (Residential Planned Development - 10 units per acre) on property adjacent to the southeast corner of Lone Mountain Road and Balsam Street. Staff recommended approval with a Two-year extension.
07/26/07	The Planning Commission accepted the applicants request for an abeyance to the 8/09/07 Planning Commission.
08/09/07	The Planning Commission approved a Tentative Map (TMP-21144) for a 124-lot single family residential subdivision on 12.0 acres adjacent to the southeast corner of Lone Mountain Road and U.S. Highway 95. Staff recommended approval.
<b><i>Related Building Permits/Business Licenses</i></b>	
The site is undeveloped; therefore, there are no related building permits or building licenses that pertain to this site.	
<b><i>Pre-Application Meeting</i></b>	
11/27/07	A pre-application meeting was held with the applicant. The applicant is proposing a 252 unit multi-family development for the parcel. The applicant was informed in detail the parking, landscaping and setback requirements for a multi-family development. Submittal requirements were then discussed.

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<b><i>Neighborhood Meeting</i></b>	
12/27/07	<p>A neighborhood meeting was held on Thursday, December 27, 2007 at 7:00 pm at the Mt. Crest Community Center located at 4701 N. Durango Drive, Las Vegas, NV. The following concerns were expressed at the meeting:</p> <ul style="list-style-type: none"> <li>• Residents did not express either approval or rejection of the proposed change in density.</li> <li>• Primary concern among residents were:               <ul style="list-style-type: none"> <li>• When were the three homes in the west side of Balsam annexed;</li> <li>• Whether the drainage study would be updated as has been requested of the currently approved project;</li> <li>• Whether the bridal path along the rear on the property east of Balsam would be maintained;</li> <li>• Whether the entry off of Lone Mountain would in fact be the only entry and what assurance they would have that an entry would not be opened onto Balsam.</li> <li>• Whether the maximum height was based off of existing grades or were there plans to further increase the height of the graded surface;</li> <li>• Whether the conditions that had been discussed for the previous project would be continued here (i.e.. a larger vacation of Balsam?);</li> <li>• Whether the utilities would be placed underground and how that would affect the current residences who use the existing overhead lines;</li> <li>• The applicant's representative indicated that he would follow up on the questions presented.</li> </ul> </li> </ul>

<b><i>Field Check</i></b>	
12/19/07	A site visit was conducted and the project parcels are undeveloped and are positioned south of Lone Mountain Road and the related overpass across the US 95 Freeway.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	11.45 acres

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<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Undeveloped	MLA (Medium Low Density Attached Residential)	R-E (Residence Estates) and U (Undeveloped) Zone under Resolution of Intent to R-PD10 (Residential Planned Development 10 units per acre) Zone.
North	Hotel and Casino	GC (General Commercial)	C-2 (General Commercial)
South	Single family Residential Clark County	O (Office) Clark County	R-E (Residence Estates) - Clark County
East	Single family Residential - Clark County	MLA (Medium Low Density Attached Residential) City of Las Vegas, and O (Office) Clark County	R-E (Residence Estates) City of Las Vegas and Clark County
West	US Interstate 95	ROW (Right of Way)	ROW (Right of Way)

<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		Y
<b>Rural Preservation Overlay District</b>		X	NA
<b>Development Impact Notification Assessment</b>		X	NA
<b>Project of Regional Significance</b>		X	NA

\* A Multi-Use Non-Equestrian Trail is proposed along the southern alignment of Lone Mountain Road.

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**DEVELOPMENT STANDARDS**

*Pursuant to Title 19.08, the following development standards apply:*

<b>Standard</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Min. Lot Size	6,500 SF	>6,500 SF	Y
Min. Setbacks			
• Front	20 Feet	20 Feet	Y
• Side	5 Feet	5 Feet	Y
• Corner	5 Feet	5 Feet	Y
• Rear	20 Feet	20 Feet	Y
Min. Distance Between Buildings	10 Feet	10 Feet	Y
Max. Building Height	2 stories/35 feet	2 stories, 30.33 Feet	Y
Trash Enclosure	50 Feet from protected property	>50 Feet	Y
Mech. Equipment	Screened	Screened	Y

<b>Residential Adjacency Standards</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
3:1 proximity slope	91 Feet	5 Feet	N*
Adjacent development matching setback	5 feet	5 Feet	Y
Trash Enclosure	50 Feet	>50 Feet	Y

\*A Variance has been requested by the applicant (VAR-26228), to be heard concurrently.

<b>Existing Zoning</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
R-E (Residence Estates) and U (Undeveloped) Zone under Resolution of Intent to R-PD10	10.59 du/ac	121 Units
<b>Proposed Zoning</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
R-3 (Medium Low Density Residential)	13-25 du/ac	286 Units
<b>General Plan</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
M (Medium Density Residential)	25.49 du/ac	291 Units

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*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	14 Trees	36 Trees	Y
Buffer: Min. Trees (residential)	1 Tree/20 Linear Feet	80 Trees	93 Trees	Y
Min. Trees (commercial)	1 Tree/30 Linear Feet	58 Trees	59 Trees	Y
<b>TOTAL</b>		152 Trees	188 Trees	Y
Min. Zone Width ROW	15 Feet		20 Feet	Y
Min. Zone Width Interior	5 Feet		5 Feet	Y
Wall Height	8 Feet		Not provided	Y

*Pursuant to Title 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>		
			Regular	Handi-capped	Regular	Handi-capped	
Apartments	126 (1) bedroom units	1.25 per unit	158				
	106 (2) bedroom units	1.75 per unit	186				
	20 (3) bedroom units	2.0 per unit	40				
	252 Guest Parking	1 per 6	42				
<b>SubTotal</b>			426	10	427	10	
<b>TOTAL</b> (including handicap)			426		427		

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<i>Comparison of the most recent approval versus current proposal:</i>		
	<b>Approved per SDR-6332</b>	<b>Proposed per SDR-25894</b>
Project Description	124-lot single-family attached residential development	252 unit apartment complex
Zoning	Proposed RPD-10 (ZON-5827)	Proposed R-3 (ZON-25893)
Density		
- Max. Allowed by Zoning	10.49 du/ac	25.49 du/ac
- Requested per the Project		
Typical Lot Size	1,375 SF	n/a
Floor Plan Square Footage	1,700 to 1,821 SF	840 to 1,550 SF
Building Heights		
- Elevation Height	35 Feet	30.33 Feet
- Number of Stories	2	2
Setbacks Allowed		
- Front	5 Feet	10 Feet
- Side	3.5 Feet	5 Feet
- Corner Side	3.5 Feet	5 Feet
- Rear	6 Feet	20 Feet

## ANALYSIS

### •Land Use/Zoning

The density and intensity proposed with this development is not compatible with the adjacent single-family residential. The request for a General Plan Amendment (GPA-25892) to M (Medium Density Residential) and Rezoning (ZON-25892) to R-3 (Medium Density Residential) in conjunction with this proposal is neither compatible nor harmonious with the surrounding single family residential.

### •Site Plan

The proposed plan includes eight 12 unit and ten 16 unit apartment buildings, recreational center, and two swimming pools. All of the dwelling unit buildings are two stories in height (between 30.17 and 30.33 feet). The applicant proposes to build on an undeveloped site. The proposed building configuration will require a Variance (VAR-21239) to deviate from required residential adjacency setbacks along the north and south sides of the property where the site abuts single family residences. Title 19.08 Residential Adjacency Standards requires a 91-foot setback where the applicant has proposed 20 feet. All other necessary setbacks are met, parking is compliant with code. The applicant has provided 427 parking spaces where 426 parking spaces are required by Title 19.10 Parking Standards.

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•**Landscape Plan**

All necessary landscaping is provided to a level that meets or exceeds city code. All landscape buffers meet or exceed code requirements.

•**Elevations and Residential Adjacency**

As there are existing single-family dwellings to north and south of this site, multi-family proposed development on this site is subject to comply with the proximity slope requirements of 19.08 Residential Adjacency Standards. When applied to the height of the buildings as currently proposed these standards require a setback of 91 feet from the north property line. The applicant has requested a Variance to allow a setback of twenty feet from the north and south property lines where 91 feet is the minimum setback required. Because the site plan could be redesigned to include a less-intense use which would allow compliance with the city's residential adjacency standards, staff is recommending denial of the Variance (VAR-26228), and this application.

•**Floor Plan**

The provided floor plans show eight 12 unit and ten 16 unit apartment buildings along with a recreational center and two swimming pools. The proposed residential units consist of one, two and three bedroom apartments outfitted with individual bathrooms and kitchens.

**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 is not compatible with residential development immediately to the east and south of this site.

- 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 project as designed is more intense than the existing residential development adjacent to the site, and requires a Variance to Title 19. As such, the project is not appropriate to its context, and staff recommends denial of this request.

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

The property is accessed from Lone Mountain Road, which is designated by the Master Plan of Streets and Highways as a Primary Arterial. Site access and roadway capacity is adequate to meet the needs of the proposed R-3 (Medium Density Residential) District.

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

The proposed building materials and landscape materials are appropriate for the immediate area and for the City, and are generally in compliance with the Title 19 standards.

**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 inability the site plan to comply with the residential adjacency standards indicates that the design characteristics of this proposal are too intense for this site.

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

The proposed development will be subject to regular inspections for permitting and licensing and will; therefore, not compromise the public health, safety, and welfare.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 37

**SENATE DISTRICT** 4

**NOTICES MAILED** 414

**APPROVALS** 2

**PROTESTS** 4