



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: FEBRUARY 28, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - SDR-26214 APPLICANT/OWNER: TOWNE TERRACE APARTMENTS, LLC

** CONDITIONS **

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. 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.
2. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 12/26/2007, except as amended by conditions herein.
3. 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.
4. 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.
5. 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).
6. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
7. Air conditioning units shall not be mounted on rooftops.
8. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.

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9. 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.
10. 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.
11. All units, as well as the common ownership facilities, shall be brought into compliance with all applicable state and local building, housing, mechanical and fire codes adopted for use by the city at the time of original construction.
12. Each dwelling unit shall be served by gas and/or electric services completely within the lot lines or ownership space of each separate unit. Easements for gas and/or electric lines shall be provided in the common ownership area where lateral service connections shall take place. Each dwelling unit shall be separately metered for gas and/or electricity. A plan for equitable sharing of communal water metering, where required, shall be included in the covenants, conditions and restrictions.
13. All new on-site and off-site minor utilities except switch boxes, transformer boxes and cap banks across property frontage shall be underground.
14. The applicant shall provide a building and grounds condition report prepared by a licensed civil engineer or licensed architect to the Planning and Development Department for review and approval upon application for Tentative Map approval. This report shall contain an evaluation of the structural condition of each building in the project, and an evaluation of the condition of all site features such as parking areas, accessory buildings, landscaped areas, driveways, sidewalks, carports, any amenities, fences and utility systems. A copy of the report shall be provided to all prospective buyers.
15. Upon application for a Tentative Map, the applicant shall provide proof that a notice of intent to convert has been delivered to each tenant as required by Nevada Revised Statutes. The applicant is further responsible for providing each tenant with notice of any and all future public hearings held regarding the conversion or mapping process.
16. Any remodeling or construction work in conjunction with the conversion of the apartments shall require permits from the Department of Building and Safety, with the exception of painting, carpeting, or other similar finish work. The conversion from apartments to condominiums shall require the payment of additional sewer connection fees. The additional fees shall be paid prior to the recordation of the Final Map. Proof of payment shall be required upon submittal of the Final Map.

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17. As required by Title 19.10, three handicap parking spaces shall be provided for this proposed development.
18. All accessory structures shall be located a minimum distance of three feet from the side and rear property lines per Title 19.08.
19. The applicant shall repair all damage to perimeter walls, covered parking, trash enclosures, and chipped metal railing on the site prior to time an application is made for a Tentative Map.
20. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

21. The Final Map for this site shall be labeled as a "Merger and Resubdivision".
22. 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.
23. This site shall be responsible for sewer connection fees in accordance with condominium requirements per Title 14 Chapter 14.04.020 Equivalent Residential Unit (ERU) Schedule. If some or all of these units have already paid fees based upon apartment requirements, the difference between condominium and apartment fees for those units shall be paid to Building and Safety prior to the recordation of a Final Map for this site. Submit copies of the receipts to the Collection Systems Planning Section of the Department of Public Works with Final Map mylar submittal.
24. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map for this site. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
25. Landscape and maintain all unimproved rights-of-way, if any, on Chef Andre Rochat Place and 7th Street adjacent to this site.
26. Submit an Encroachment Agreement for all landscaping, if any, located in the public rights-of-way adjacent to this site prior to occupancy of this site.

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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 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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for the conversion of a 50-unit apartment complex to a condominium development. There are 39 one bedroom units and 11 two bedroom units. The site has been operating as a multi-family rental community since 1985 and does not meet applicable parking standards for this type of multi-family development. The site plan depicts 50 parking spaces where 69 parking spaces are required. By current standards, this is a 38 percent parking deficiency. In addition, no handicap accessible spaces are being provided where seven are required. The site is deficient with respect to the number and spacing of trees and shrubs planted in the parking lot and perimeter planter areas. Staff cannot recommend this proposal as parking and landscaping are seriously deficient.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
5/8/79	The City Council Approved R-6 (High Rise Apartment) Zoning at 322 South 7 th Street (Z-54-79).
9/27/80	The Board of Zoning Adjustment approved a Plot Plan (V-72-80) and Variance (V-57-80) to allow 98% building coverage where a maximum of 31% is allowed, and a zero foot Front and Side Yard setback where 12 feet was required, and a 60 foot building height where a maximum 55 foot high building is allowed.
<i>Pre-Application Meeting</i>	
Applicant was informed of what requirements they would need to meet to submit a Site Development Plan review request.	
<i>Neighborhood Meeting</i>	
No meeting was required, nor was a meeting held.	
<i>Field Check</i>	
1/30/08 A field check was performed, it was noted that the dumpsters currently in the alley are not screened. The exterior of the building appears to have been recently painted, and most of the original landscaping appears well maintained. No significant deviations from the original site plan were noted.	
<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	.83

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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Apartment	C (Commercial)	R-5 (Apartment)
North	Parking lot	C (Commercial)	C-1 (limited commercial)
South	Office	C (Commercial)	R-3 (Medium Density Residential), Under Resolution of Intent to C-1 (Limited Commercial)
East	Las Vegas High School	PF (Public Facility)	C-V (Civic)
West	Office	C (Commercial)	C-1 (Limited Commercial)

Special Districts/Zones	Yes	No	Compliance
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 parking standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	7000 SF	21,000 SF	Y
Min. Lot Width	100 Feet	140 Feet	Y
Min. Setbacks			
• Front	10 Feet	>5 Feet	Y*
• Side	20 Feet	4 Feet	Y*
• Corner	5 Feet	11 Feet	Y*
• Rear	5 Feet	15 Feet	Y*
Min. Distance Between Buildings	N/A	N/A	N/A
Max. Lot Coverage	50%	98%	Y*
Max. Building Height	N/A	N/A	N/A
Trash Enclosure	Screened	N/A	N/A
Mech. Equipment	Screened	N/A	N/A

**Per V-72-80 and V-57-80; a zero foot side and front setback is permitted, and 98% lot coverage is allowed.*

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Pursuant to Title 19.12, the following parking 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*	N/A	N/A	N/A	N/A
Buffer: Min. Trees	1 Tree per 20 Linear Feet	13 Trees	16	YES
TOTAL		13	16	YES
Min. Zone Width	N/A		N/A	N/A
Wall Height	N/A		N/A	N/A

- Parking is subterranean, therefore parking area landscaping is not required.

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	
	39, one bedroom units	1.25	49	3	50	0	
	11, two bedroom units	1.75	20	--	--	0	
SubTotal				3			
TOTAL (including handicap)			60		50		NO
Loading Spaces					3		
Percent Deviation (VAR only)					38%		

ANALYSIS

•Zoning

The subject proposal is located in an R-5 (Apartment) zone. Though the General Plan and the Zoning are in conflict, the use is going to remain multi-family and the intensity will not change. Therefore a General Plan Amendment is not required.

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•**Site Plan**

This request is for the conversion of an existing 50-unit apartment project to a condominium development on .83 acres. The site receives access from Chef Andre Rochat Place, a 60-foot residential collector street, 7th Street, a 80 foot local street and a paved public alleyway on the western portion of the site. The development is a single building, five stories in height (60 feet) in excess of 75,000 square feet, with a subterranean parking structure. The current and proposed development consists of 39 one-bedroom and 11 two-bedroom units.

The complex was constructed in 1985 and provides 50 parking spaces where 69 spaces are required. The site does not meet current Title 19 requirements. If held to current standards, the site would deficient by a total of 19 parking spaces (16 regular and 3 handicapped). This would constitute a 38% reduction of required parking. It should be noted that all 50 parking spaces are located in a subterranean parking garage.

•**Waivers**

As the project has already been built, a waiver for the parking deficiency noted above (handicap accessible parking spaces and overall number of parking spaces) will not be required. However, conditions of approval are being placed on the proposal to insure that if approved the project must comply with Title 19 standards when the conversion to condominiums is completed.

•**Landscape Plan**

The site meets current landscaping requirements with the number of trees and shrubs planted in the perimeter planter areas; however staff has requested an updated landscape plan to be resubmitted.

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 site has been operating as a multi-family rental community since 1989, and the conversion of the complex to condominium units will not significantly impact the area. Although the proposed development is compatible with surrounding development, staff cannot recommend this development as the site is parking deficient.

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- 2. The proposed development is consistent with the General Plan, Title 19, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;**

The existing site was in compliance with all applicable development standards at the time of its construction. City policy dictates that all proposed condominium conversions meet Title 19 minimum landscape requirements. The proposed development is deficient in perimeter landscaping.

The subject proposal does not meet applicable parking standards for this type of multi-family development. The site plan depicts 50 parking spaces where 69 parking spaces are required. In addition, no indicated handicap accessible spaces are being provided where three are required. Therefore, staff cannot recommend this request.

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

The site has access from 7th Street and Chef Andre Rochat Place, both streets are designated 60-foot Local Streets by the City of Las Vegas Streets and Highway Master Plan. The conversion of the existing apartments to condominiums will not impact the traffic generated by the site. As such, adjacent roadways will not be negatively impacted by approval of this project.

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

The type of materials used for both building and landscaping are appropriate.

- 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 existing development is harmonious and compatible with other developments in the area, this multifamily residential complex has been part of this area since 1985.

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

The public health, safety, and general welfare will not be compromise by approval of this project.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 16

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 105

APPROVALS 0

PROTESTS 0