

## AGENDA MEMO

**CITY COUNCIL MEETING DATE: APRIL 16, 2008**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SDR-26163 - APPLICANT/OWNER: IGLESIAS ANER TRUST  
1997**

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### **\*\* CONDITIONS \*\***

The Planning Commission (7-0 vote) and staff recommend DENIAL.

#### **Planning and Development**

1. This approval shall be void two years from the date of final approval, unless a Final Map has been submitted and approved. An Extension of Time may be filed for consideration by the City of Las Vegas.
2. 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.
3. 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.
4. All new on-site and off-site minor utilities except switch boxes, transformer boxes and cap banks across property frontage shall be underground.
5. 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.
6. 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.
7. 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.

8. 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.
9. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 12/21/2007, except as amended by conditions herein.
10. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

11. 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.
12. Meet with the Traffic Engineering Representative in Land Development for assistance in the redesign of the existing driveway access to meet the intent of Standard Drawing #222a prior to the submittal of any construction plans, the issuance of any permits or the submittal of a map for this site, whichever may occur first.
13. 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.
14. A Homeowners Association shall be established to maintain all private roadways, landscaping and common areas created with this development. All landscaping and private improvements 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.
15. 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.

16. 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.

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

**PROJECT DESCRIPTION**

This request is for a Site Development Review for the conversion of a 110-unit apartment complex to a condominium development on 4.43 acres at 2850 S. Decatur Boulevard. The applicant states the existing development is 30 years old and does not meet the current code requirements for parking and landscaping, although improvements have been made to the units and the site over the past year. Plans are also being made to remove the storage units central to the site and build a clubhouse for residents of the condominiums.

The aged complex is not able to meet current code requirements, therefore, staff recommends denial of this application.

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
08/13/76	The Planning Commission approved of an Architectural Review (AR-0012-76) for apartments in lieu of condominiums on property located on the north east corner of Pennwood Avenue and Decatur Boulevard. There is no landscaping plan, but staff felt a picture with some shrubbery/trees around the outside perimeter of the building was adequate.
04/24/02	Planning staff approved a request for an Administrative Site Development Plan Review (SD-0018-02) for 64 proposed storage units in conjunction with an existing apartment complex on 4.42 acres located at 2850 South Decatur Boulevard.
02/14/08	The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #52/lhm).
<b><i>Related Building Permits/Business Licenses</i></b>	
1977	Construction of apartment complex.
	Code Enforcement
09/25/03 to 09/29/03	#4775 - Vehicles for sale on street in front of this address (Closed).
04/07/04 to 04/12/04	#12332 - Old motor home van type stored on street, someone living out of it.091PGJ NV (Closed).
8/2/06 to 8/18/06	#45111 - Dumpsters are overflowing, water sprinklers are broke; when lawn company comes out they blow the grass clippings all over; laundry room smells like urine; wash machines don't work; garbage all over premises, i.e. bottles and etc. (Closed).
08/25/06 to 09/01/07	#45786 - Trash & debris all over property again (Closed).
11/13/07 to 12/10/07	#59731 - Apt 6, A/C broken, roaches, mold, water damage, stove burner not working (Closed).

<b>Pre-Application Meeting</b>	
12/12/07	Existing apartment complex built in 1977. Four two-story buildings consisting of 110 units. Established this parcel is a legally non-conforming property. Site Development Plan Review required to convert to Condos; landscape waivers not needed; variance not needed (parking impaired). Storage building in center of complex is to be replaced with a club house. Project of Regional Significance. Buildings have been rehabbed. Detailed parking analysis to be submitted (Required: 197 spaces; Provided: 159; Deficient: 38). Handicap spaces and access aisles must be added to parking area.
<b>Neighborhood Meeting</b>	
A neighborhood meeting is not required for this application, nor was one held.	
<b>Field Check</b>	
01/09/08	A field check of the property revealed an older two story apartment complex. Storage units surrounded by a chain link fence in center of site. In front of the storage area is a swimming pool. Plant material has been added to existing landscape areas. Several large pine trees throughout complex

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	4.41

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Apartment Complex	M (Medium Density Residential)	R-3 (Medium Density Residential)
North	Apartment Complex	M (Medium Density Residential)	R-3 (Medium Density Residential)
South	Apartments	Apartment Complex	R-3 (Medium Density Residential)
East	Single Family Residences	L (Low Density Residential)	R-1 (Single Family Residential)
West	Apartments / Clark County	Clark County	Clark County

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	N/A
Special Districts/Zones	Yes	No	Compliance
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		Y

**Project of Regional Significance**

Pursuant to Ordinance #5477, the proposed Special Use Permit request has been deemed a Project of Regional Significance, as it concerns property located within 500 feet of the city boundary with Clark County. A questionnaire describing the impacts of the project to the area was submitted to various regional agencies for review. As of 01/24/08, no comments have been received.

**DEVELOPMENT STANDARDS**

Applicable code section Title 19.12.

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Parking Area	1 Trees/ 6 Space	27 Trees	21 Trees	N
Buffer: Min. Trees	1 Trees / 30 Linear Feet	60 Trees	40 Trees	N
TOTAL		87 Trees	61 Trees	N
Min. Zone Width	Right-of-Way 10 Feet		Decatur Blvd Right-of-Way 22- Feet Pennwood Avenue - South Right of Way 5 Feet	N
	Interior lot line 6 Feet / Adjacent to single family on east 15 feet		Interior Lot Lines North and East 0 Feet	N

Much of the landscaping indicated on the site plan is existing on the site. The submitted landscape plan does not meet the requirements for perimeter landscaping on the north, south and east property lines. A five-foot wide planter area is shown along the Pennwood Avenue right-of-way where Title 19.12.010 requires a 10-foot wide landscape planter along a street frontage. A drive aisle for the apartment complex borders the north and east boundaries of the site, perimeter landscape buffers are not provided.

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Parking Ratio	Required		Provided		Compliance
			Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Multi-Family Residential	31 - One Bedroom Units	1.25 Spaces per Unit	39				
	79 - Two Bedroom Units	1.75 Spaces per Unit	134				
	1 Guest Space for Every 6 Units		18				
SubTotal			191	6	156	3	
TOTAL (including handicap)			197		159		N*

**\*Parking Impaired Development Title 19.10**

A land use or building which is existing on the effective date of this Title and which complied with applicable parking standards at the time the use or building was established, but which does not comply with the requirements of this Section, shall not be considered a nonconforming use or nonconforming building; but rather, it shall be considered a parking-impaired development.

**ANALYSIS**

The subject property is designated as M (Medium Density Residential) and allows for a variety of multi-family units such as plexes, townhouses and low-density apartments. This category allows up to 25.49 units per acre. Zoning of the property is R-3 (Medium Density Residential and Apartment District) and provides for the development of a variety of multi-family units such as duplexes, townhouses and medium density apartments. The R-3 District is consistent with the policies of the Medium Density Residential categories of the General Plan. The existing development has a density of 24.94 units per acre.

- **Site Plan**

Located within an older and established area of the city, the existing apartment complex is located on 4.43 acres on the northeast corner of Decatur Boulevard and Pennwood Avenue. Built in 1977, the complex consists of four two-story apartment buildings. The four buildings contains a total of 110 units consisting of 31 one-bedroom units and 79 two-bedroom units. Central to the site is a fenced area of storage units, a basketball court and a swimming pool. Access is provided by one driveway entrance on Decatur Boulevard and a drive onto Pennwood Avenue. Site improvements including landscaping and unit remodeling has occurred in the past year. The storage area in the center of the complex will be demolished and replaced with a club house for the residents of the condominium community.

Parking spaces are located along the north and south property lines, on the east side of each building and on three sides of the storage / pool area in the center of the property. Provided are 159 parking spaces where 197 are required. Parking is deficient by 38 spaces, thus, the 30-year old development is considered parking impaired. Reconfiguration of the parking areas has added two parking spaces and three handicap spaces, including a van accessible handicap space. A cross access agreement with the apartment site to the north allows access to the drive aisles and entrance/exit drives.

- **Landscape Plan**

Much of the existing landscape is mature and includes several large trees. Additional landscaping is being installed in an attempt to comply with current code requirements. Shrubs and a rock mulch has been added throughout the complex around the existing pine trees.

## **FINDINGS**

The following findings must be made for an SDR:

- 1. The proposed development is compatible with adjacent development and development in the area;**

Much of the surrounding area is currently developed as medium-low to medium density residential development that is compatible with the proposed conversion.

- 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 development does not meet Title 19 requirements for parking or landscaping. The 30-year old apartment complex is does not meet parking standards and is considered parking impaired. An adequate number of spaces for residents and guests are calculated at current standards requiring 197 parking spaces. There are a maximum of 159 provided on site. Additionally six handicap spaces with access aisles are required but only three are being provided. Interior landscape buffers along the north and east perimeter cannot be provided as the drive aisle circumventing the complex is in the perimeter areas.

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

The subject site has access directly to Decatur Boulevard, designated as 100-foot Primary Arterial by the Master Plan of Streets and Highways. This street is currently adequate to meet the requirements of the existing development as apartments.

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

The building and landscape materials are appropriate for this area, which contain a blend of low and medium density residential uses with a similar scale, appearance and design.

**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;**

Located in an older city neighborhood the existing buildings were built in 1977 and are similar in design to adjacent properties built at that time. Although efforts have been made to upgrade the property, city records indicate there have been several complaints stemming from conditions on this property requiring action by code enforcement. Although efforts have been made to upgrade the property there are issues with regard to upkeep of the subject property.

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

The proposed development will be subject to the Uniform Building Code, and therefore the development will not compromise the public health, safety or welfare.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

7

**ASSEMBLY DISTRICT** 42

**SENATE DISTRICT** 11

**NOTICES MAILED** 303 by City Clerk

**APPROVALS** 1

**PROTESTS** 1