

**AGENDA MEMO**

PLANNING COMMISSION MEETING: SEPTEMBER 25, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-29442 - APPLICANT/OWNER: INSPIRADO APARTMENTS, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-29748), Variance (VAR-26228) and Site Development Plan Review (SDR-25894) shall be required, 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 08/12/08 and site plans labeled Overall Site Plan and Data, Enlarged Site Plan Sheet A, floor plan labeled Floor Plan Clubhouse, and elevations labeled Elevations Clubhouse date stamped 08/29/08, except as amended by conditions herein.
4. The minimum distance between buildings shall be ten feet.
5. The setbacks for this development shall be a minimum of 20 feet to the front of the building, five feet on the side, five feet on the corner and 20 feet in the rear.
6. Provide a Multi-Use Transportation 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.
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: Revise specification of the Mexican Fan Palms to include a minimum height of 15 feet.

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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. The eastern perimeter shall have an eight-foot wall of which at least six feet shall be decorative block for security purposes.
11. 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).
12. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
13. 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.
14. 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.
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. A queuing analysis shall be submitted to and approved by the Transportation Planning Section of the Department of Public Works prior to the submittal of any construction drawings.

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18. Incorporate the appropriate portions of Vacation (VAC-8347) into this site plan to prevent any un-maintained no-mans land areas being produced by this action.
19. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits, submittal of any construction drawings or the submittal of a Final Map for this site, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study.
20. Site development to comply with all applicable conditions of approval for Site Development Plan Review (SDR25894) and all other subsequent site-related actions.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Major Amendment to an approved Site Development Plan Review for a 252-unit Apartment Complex to allow three-story buildings on 11.45 acres at the southeast corner of Lone Mountain Road and U.S. 95. A Site Development Plan Review (SDR-25894) for a 252-unit Apartment Complex consisting of two-story buildings was previously approved on the subject property. This new proposal seeks to reorient parking lot layout, building layout, add three-story 36-foot tall buildings, add interior garage buildings, revise building elevations and reorient the clubhouse/pool facilities. The approved number of residential units and parking spaces remain the same as previously approved.

In addition to this proposal, the applicant has filed a Variance (VAR-29748) to allow three-story buildings where two stories is the maximum permitted and to allow building heights of 36 feet where 35 feet is the maximum height permitted. The proposed Major Amendment to the approved Site Development Plan Review (SDR-25894) is not in compliance with Title 19 Standards as 36-foot tall three-story buildings are not permitted in an R-3 (Medium Density Residential) zoning district; therefore, staff recommends denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&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 (APNs 138-03-510-001, 002 and 031), containing approximately 7.02 acres. The effective date of this annexation was 2/25/05. The Planning Commission and staff recommended approval of this request.
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), a Rezoning (ZON-5827) from R-E (Residence Estates) and U (Undeveloped) [O (Office) General Plan designation] to R-PD10 (Residential Planned Development 10 Units per Acre), and a Site Development Plan Review (SDR-5826) 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 and staff recommended denial on of these requests.

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05/18/05	The City Council approved a Petition to Annex (ANX-6060) for property generally located on the west side of Balsam Street, 270 feet south of Lone Mountain Road, containing approximately 2.4 acres. The effective date of this annexation was 05/27/05. The Planning Commission and staff recommended approval of this request.
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), a Site Development Plan Review (SDR6332) for a proposed 124-lot single-family attached residential development, and Rezoning (ZON-6327) from U (Undeveloped) [PR-OS (Park/Recreation/Open Space) General Plan designation] and R-E (Residence Estates) to R-PD10 (Residential Planned Development - 10 Units per Acre) 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 and recommended approval of the Rezoning and Site Development Plan Review. Staff recommended approval of these requests.
10/05/05	The City Council approved a Petition to Vacate (VAC-8347) a portion of Balsam Street and unnamed rights-of-way located south of Lone Mountain Road and east of U.S. 95. The Planning Commission and staff recommended approval of this request.
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 of these requests.
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 of this request.
04/02/08	The City Council approved a General Plan Amendment (GPA-25892) to Amend a portion of the Centennial Hills Sector of the General Plan from MLA (Medium Low Attached Density Residential) to M (Medium Density Residential), a Rezoning (ZON-25893) from R-E (Residence Estates) and U (Undeveloped) [MLA (Medium Low Attached Density Residential) General Plan designation] to R-3 (Medium Density Residential), a Variance (VAR-26228) to allow a Residential Adjacency setback of 20 feet where 91 feet is required at the southeast property line, and a Site Development Plan Review (SDR-25894) for a 248-unit Apartment Complex on 11.45 acres at the southeast corner of Lone Mountain Road and U.S. 95. The Planning Commission recommended approval of these requests, staff recommended denial.

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07/02/08	The City Council approved a Review of Condition (ROC-28659) to remove Condition Number 3 of an approved Vacation (VAC-8347) which required the Vacation of the bridle paths along properties within Clark County jurisdiction to record concurrently on a portion of Balsam Street and unnamed rights-of-way located south of Lone Mountain Road and east of U.S. 95. Staff recommended approval of this request.
Related Building Permits/Business Licenses	
There are no related building permits or building licenses that pertain to this site.	
Pre-Application Meeting	
08/05/08	A pre-application meeting was held with the applicant where elements of submitting a Major Modification to an approved Site Development Plan Review and a Variance were discussed.
Neighborhood Meeting	
A neighborhood meeting was not held, nor was one required for this request.	

Field Check	
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.

Details of Application Request	
Site Area	
Net Acres	11.45

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	M (Medium Density Residential)	R-3 (Medium Density Residential)
North	Hotel and Casino	GC (General Commercial)	C-2 (General Commercial)
South	Single-Family Residential	O (Office)	R-E (Rural Estates Residential - Clark County)
East	Single-Family Residential	PR-OS (Parks/Recreation/Open Space), O (Office) and PF-CC (Public Facilities Clark County)	R-E (Residence Estates) and R-E (Rural Estates Residential) Clark County
West	U.S. 95	ROW (Right of Way)	ROW (Right of Way)

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (175 Feet)	X		Y*
Trails	X		Y**
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

* The subject property is located within the North Las Vegas Airport Overlay within the 175-foot height limitation contour. None of the buildings on the subject property extend beyond this limitation.

** A Multi-Use Non-Equestrian Trail is proposed along the southern alignment of Lone Mountain Road in conformance with the Master Plan Transportation Trails Element of the General Plan.

DEVELOPMENT STANDARDS

Per 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	474,376 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	3 stories, 36 Feet	N*
Trash Enclosure	50 feet from protected property	60 Feet	Y
Mech. Equipment	Screened	Screened	Y

* A Variance (VAR-29748) has been submitted to allow three-story buildings where two stories is the maximum permitted and to allow 36-foot tall buildings where 35 feet is the maximum permitted in an R-3 (Medium Density Residential) zone.

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	70 Feet*	71.25 Feet	Y
Trash Enclosure	50 Feet	60 Feet	Y

* A Variance (VAR-26228) was approved to allow a setback of 70 feet where 91 feet is required.

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Per Title 19.12, the following Landscape standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Parking Area	1 Tree/ 6 Uncovered Spaces	36 Trees	53 Trees	Y
Buffer: Min. Trees	1 Tree/20 Linear Feet (North)	34 Trees	43 Trees	Y
	1 Tree/20 Linear Feet (East)	57 Trees	75 Trees	Y
	1 Tree/20 Linear Feet (South)	30 Trees	30 Trees	Y
	1 Tree/30 Linear Feet (West)	40 Trees	40 Trees	Y
TOTAL		197 Trees	241 Trees	Y
Min. Zone Width	20 Feet		20 Feet	Y
Wall Height	8 Feet		8 Feet	Y

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required Parking Ratio	Required		Provided		Compliance
			Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Multi-Family Residential	116 One Bedroom Units	1.25 Spaces/ Unit	142	3	142	3	Y
	120 Two Bedroom Units	1.75 Spaces/ Unit	207	3	207	3	Y
	16 Three Bedroom Units	2 Spaces/ Unit	31	1	31	3	Y
	Guest Parking for 252 Units	1 Space/6 Units	40	2	41	3	Y
SubTotal			420	9	421	12	Y
TOTAL			429		433		Y

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<i>Standard</i>	<i>Previously Approved Through SDR-25894</i>	<i>Proposed Through SDR-29442</i>	<i>Deviation</i>
Building Standards			
• Proposed Units	252	252	0%
○ 1 Bedroom	126	116	-7.9%
○ 2 Bedroom	106	120	11.6%
○ 3 Bedroom	20	16	-20%
• Number of Buildings	18	12	-33%
• Building Floors	2	3	33%
• Building Height	31 Feet	36 Feet	14%
• Building Materials	Stucco/Stone Veneer	Stucco/Stone Veneer	N/A
Site Layout			
• Parking Spaces	427	433	1.4%
• Handicap Parking	10	12	16%
Landscape			
• Perimeter Trees	152	188	19%
• Parking Lot Trees	36	53	32%
• Trails	Multi-Use Trail Fronting Lone Mountain Road	Multi-Use Trail Fronting Lone Mountain Road	N/A

ANALYSIS

- **Land Use and Zoning**

The subject property is located within the Centennial Hills Sector of the General Plan with a land use designation of M (Medium Density Residential) and a zoning designation of R-3 (Medium Density Residential). The Medium Density Residential category includes a variety of multi-family units such as plexes, townhouses, and low-density apartments. Densities of up to 25.49 units per acre are allowed within this category. This development has a density of 23 units per acres and is in compliance with the General Plan.

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- **Site Plan**

The site plan depicts access to the site via a gated entrance at the northeast corner of the site fronting Lone Mountain Road, with an emergency crash gate at the southwest corner of the site having access to Red Coach Avenue. A total of 12 apartment buildings will be located along the perimeters of the site, with internal surface parking, covered parking, and garages centrally located near each building. Of the 433 parking spaces provided, 75 are garage spaces, 252 are covered and 106 spaces are uncovered.

The site plan also depicts a pool area, clubhouse and pool cabana area located near the northwest corner of the site. Five barbeque areas will be evenly disbursed throughout the development along with a childrens playground located near the southwest corner of the site. In addition, 10 trash enclosures will be provided placed at a minimum of 60 feet from nearby residential uses.

- **Landscape Plan**

The landscape plans submitted depict a Multi-Use Transportation Trail along the Lone Mountain Road frontage as required by the Master Plan Transportation Trails Element. Trees along the north, south and east perimeters are spaced at 20 feet on-center, while trees along U.S. 95 are spaced 30 feet on center. The applicant has provided 53 trees within the parking lot area where 36 are required.

The landscape materials will consist of Mondell Pine Trees and Phoenix Mesquite Trees, 24-inch box in size, Mexican Fan Palms, five gallon Red Tip Photinia and Chaparral Sage shrubs and decomposed granite spread to a two-inch depth. Landscape material will cover 27% of the site. The submitted plans indicate the Mexican Fan Palms will be used within the required landscape buffers as perimeter trees. The specifications for the trees indicate they will be 24-inch box in size, however due to the varying growth rate and heights of Mexican Fan Palms, a condition has been added requesting a revised site plan indicating the height of the Mexican Fan Palms to be a minimum of 15 feet, per Title 19 standards.

- **Elevations**

The elevations submitted depict the buildings to be between two and three stories in height measuring 30 and 36 feet in height, respectively. The primary finish material of the buildings will be smooth-finish stucco painted in six different color combinations utilizing tans, greens, grey and white. Stone veneer accents will be utilized on building pop-outs while clay barrel tiles will be utilized for the building roofs. Additional elevation detail will include faux wood pop-outs, similar in appearance to trellises, on the ends of each building, balconies with wrought iron railing, and pop-outs located above and below each window opening.

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- **Floor Plan**

The floor plans submitted indicate that the residential units range in size from 800 square feet to 1,201 square feet and are offered in one, two or three-bedroom options. Each unit offers a separate kitchen, dining, living room area and at least one bedroom and one bathroom. In addition, all units offer an outdoor patio with storage and indoor laundry facilities. Access to the units will be provided from internal breezeways and stairwells.

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 the existing residential development immediately adjacent to the south and east 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 proposed development is consistent with the General Plan, Landscape, Wall and Buffer Standards and the Design Standards Manual, but not Title 19, as three-story buildings measuring 36 feet in height are not permitted within the R-3 (Medium Density Residential) zoning district.

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 100-foot Primary Arterial. Site access and internal roadway capacity is adequate to meet the needs of the proposed development; however, it should be noted that the 252-unit development will provide one single access point for ingress/egress on Lone Mountain Road. This orientation will limit ingress and egress to the site and create a traffic pressure point at the Lone Mountain Road entrance. Providing only one means of ingress and egress to a development of this size is shortsighted to the needs of the future.

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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 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 building elevations, design characteristics and other architectural and aesthetic features are not unsightly or undesirable; however as three-story buildings are not permitted within the R-3 (Medium Density Residential) zoning district they will create an obnoxious appearance to the residents of the neighboring established single-family residential neighborhood and are not compatible with development in the area.

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

The proposed plan will not impact public health, safety or welfare since the development will be subject to the International Building Code and City inspections during construction of the buildings.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 10

ASSEMBLY DISTRICT 37

SENATE DISTRICT 4

NOTICES MAILED 391

APPROVALS 0

PROTESTS 5