

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: AUGUST 28, 2008****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SDR-29026 - APPLICANT/OWNER: HARMONY 2, LLC, ET AL**

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

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-4368) and Vacation (VAC-4420) 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. Site Development Plan Review (SDR-4370) shall be expunged, if approved.
4. All development shall be in conformance with the site plan and landscape plan date stamped 07/15/08 and building elevations date stamped 08/06/08, except as amended by conditions herein.
5. The standards for this development shall include a minimum lot size of 3,312 square feet and building height shall not exceed two stories or 35 feet, whichever is less.
6. The setbacks for this development shall be a minimum of 18 feet to the front of the garage as measured from back of sidewalk or from back of curb if no sidewalk is provided, five feet on the side, 10 feet on the corner side, and five feet in the rear excluding rear lots backing Farm Road and lots backing residential to the west, which shall be 10 feet.
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
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. Air conditioning units shall not be mounted on rooftops.
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. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

16. Submit an Amended Final Map for this site or coordinate with the City Surveyor to determine an acceptable mapping method; comply with the recommendations of the City Surveyor.
17. Dimensions and information presented on the submitted civil improvement plans shall match the future Amended Final Map. Revise drawings as necessary.
18. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities. All existing public improvements adjacent to this site damaged during construction shall be repaired at the applicants expense.

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19. A Homeowner's Association shall be established to maintain all perimeter walls, 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.
20. Landscape and maintain all unimproved rights-of-way on Hualapai Way and Farm Road adjacent to this site.
21. Submit an Encroachment Agreement for all landscaping and private improvements located in the Hualapai Way and Farm Road public rights-of-way adjacent to this site prior to occupancy of this site.
22. 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.
23. 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.
24. Site development to comply with all applicable conditions of approval for ZON-4368 and all other subsequent site-related actions.
25. 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. We note that non-standard private drive/private street intersections are proposed within in this development.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for Site Development Plan Review for a 70-lot residential subdivision on a 10.52 acre site on the east side of Tonkinese Avenue and Hualapai Way

On 09/15/04, the City Council approved a Rezoning (ZON-4368) to R-PD7 (Residential Planned Development 7 Units per Acre) and a Site Development Plan Review (SDR-4370) for 69-lot single family development on this site. On 08/04/06, a Final Map (FMP-10106) was recorded for a 68-lot single-family residential subdivision on 10.52 acres adjacent to the northwest corner of Farm Road and Hualapai Way. The applicant is reducing the amount of common area, adding approximately 414 square feet to each lot and an additional two residential lots to the site.

In the interior of the site, the applicant has reduced the amount of common area and open space provided in comparison to the previously approved Site Development Plan Review (SDR-4370). This reduction has caused the proposal to not be in conformance to the open space requirements of an R-PD (Residential Planned Development) zoning district. Therefore, the applicant has requested a companion Variance (VAR-29028) to this application to allow 43,996 square feet of open space where 50,094 square feet are required for a 70-lot residential subdivision on a 10.52 acre site.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
08/08/02	Petition to Annex (A-0035-02) parcels of land generally located adjacent to the southeast corner of Grand Teton Drive and Puli Road, containing approximately 1,187 acres
09/15/04	The City Council approved a Rezoning (ZON-4368) to R-PD7 (Residential Planned Development 7 Units per Acre), a Site Development Plan Review (SDR-4370) for a 68-lot single-family development and a Vacation (VAC-4420) of U. S. Government Patent Easements and the Donald Nelson Avenue Right of Way, generally located west of Hualapai Way, north of Farm Road on this site. The Planning Commission and staff recommended approval on 07/22/04. An approved condition was added modifying the lot number to 69.
11/07/04	The Planning Commission approved the Request for a Tentative Map (TMP-4920) for a 69-lot single-family residential subdivision on 10.52 acres adjacent to the northwest corner of Farm Road and Hualapai Way.

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11/19/04	City Council approved a Review of Condition (ROC-5445) Number 5 of an approved Site Development Plan Review (SDR-4370) to allow a 5-foot side yard setback where 10 feet is the minimum setback required for lots that have a side property line adjacent to Hualapai Way (Lots 3, 4, 9, 10, 15 and 16 on the approved site plan) for an approved 68-lot single-family development on 10.52 acres adjacent to the northwest corner of Farm Road and Hualapai Way. Planning Commission and staff recommended approval.
11/03/05	Staff administratively approved an Extension of Time (EOT-9361) of an approved Vacation (VAC-4420) of U. S. Government Patent Easements and the Donald Nelson Avenue Right of Way, generally located west of Hualapai Way, north of Farm Road
08/04/06	A Final Map (FMP-10106) was recorded for a 68-lot single-family residential subdivision on 10.00 acres adjacent to the northwest corner of Farm Road and Hualapai Way.
<i>Related Building Permits/Business Licenses</i>	
07/25/08	A business license (#C11-10826) was issued for a contractor at 7651 Anatolian Street.
<i>Pre-Application Meeting</i>	
07/02/08	A pre-application meeting was held with the applicant. The applicant proposed modifying the existing Site Development Plan Review, reducing the common area and adding two more lots to the site. Staff indicated that this would require a new Site Development Plan Review and a Variance for Open Space. Submittal requirements were then discussed in detail.

<i>Field Check</i>	
08/08/08	A field check was made on site showing significant grading, interior paved streets, exterior walls and a 20-foot wide Multi-Use Trail along Hualapai Way. There are two model homes on the site with a parking lot. The exterior walls provided do not meet Title 19.12.075(G) Wall Standards requiring a wall to be composed of a minimum of twenty percent contrasting material.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	10.52

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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	PCD (Planned Community Development)	R-PD7 (Residential Planned Development 7 Units per Acre)
North	Single-Family Residential, Undeveloped	PCD (Planned Community Development)	PD (Planned Development) [ML (Medium Low Density Residential) Cliffs Edge Special Land Use Designation]
South	Single-Family Residential, Undeveloped	PCD (Planned Community Development)	PD (Planned Development) [RSL (Residential Small Lot) Cliffs Edge Special Land Use Designation]
East	Single-Family Residential, Park	PCD (Planned Community Development) and PR-OS (Parks/Recreation/Open Space)	PD (Planned Development) [ML (Medium Low Density Residential) Cliffs Edge Special Land Use Designation] and C-V (Civic)
West	Single-Family Residential, Undeveloped	PCD (Planned Community Development)	PD (Planned Development) [ML (Medium Low Density Residential) Cliffs Edge Special Land Use Designation]

<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		X	N/A
Trails	X		Y*
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

*A Multi-use Transportation Trail exists along the west side of Hualapai Way.

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following development standards apply:

Standard	Proposed *
Min. Lot Size	3,312 Square Feet
Min. Lot Width	46 Feet
Min. Setbacks <ul style="list-style-type: none"> • Front (to Garage) • Side • Corner • Rear • Rear (lots backing Farm Road) • Rear (lots backing residential to the west) 	18 Feet 5 Feet 10 Feet 5 Feet 10 Feet 10 Feet
Max. Lot Coverage	N/A
Max. Building Height	2 Stories/35 Feet

**Pursuant to Title 19.08.040 (C)(4), the development standards for a project shall be established by the approval of an R-PD District and the approved Site Development Plan as described in Subchapter 19.18.050. Development standards shall include minimum front, side and rear setbacks, maximum building heights, wall and fence design and heights, parking standards, landscaping and other design and development criteria. Any future development will require review for determination of appropriate development standards.*

Pursuant to Title 19.12, the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Buffer: Min. Trees (Farm Road)	1 Tree/30 Linear Feet	9 Trees	20 Trees	Y*
Buffer: Min. Trees (Hualapai Way)	1 Tree/30 Linear Feet	32 Trees	70 Trees	Y**
TOTAL		41 Trees	90 Trees	Y*
Min. Zone Width	N/A (6 feet only required along streets classified Collector or larger)		25 feet	Y*
Wall Height	8 feet		8 feet	Y#

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**A six-foot wide landscape buffer is required of all residential developments adjacent to streets classified as a collector or larger. The applicant has provided a 25-foot landscape buffer along Farm, which is classified as an 80-foot wide Secondary Collector by the Master Plan Streets and Highways.*

***A Multi-Use Transportation Trail is required adjacent to this site on Hualapai Way. The proposal adheres to Exhibit 1 of the Transportation Trails Element of the Las Vegas 2020 Master Plan.*

The existing exterior walls provided do not meet Title 19.12.075(G) Wall Standards requiring a wall to be composed of a minimum of twenty percent contrasting material.

Pursuant to Title 19.06.040 (G), the following open space standards apply:

Open Space						
Total Acreage	Density	Required		Provided		Compliance
		Percent	Area	Percent	Area	
10.52 acres	6.65 du/ac	10.9%	50,094 SF	9.6%	43,996 SF	N*

**A Variance (29028) for Open Space has been submitted in conjunction with this application.*

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	
Single-Family Detached	70 Units	2 Spaces/Dwelling	140	N/A	140	N/A	Y
TOTAL			140		140		Y

ANALYSIS

- **Case History**

On 09/15/04, the City Council approved a Rezoning (ZON-4368) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] to R-PD7 (Residential Planned Development 7 Units per Acre) and a Site Development Plan Review (SDR-4370) for 69-lot single-family development on this site. On 08/04/06, a Final Map (FMP-10106) was recorded for a 68-lot single-family residential subdivision on 10.52 acres adjacent to the northwest corner of Farm Road and Hualapai Way. The applicant is reducing the amount of common area, adding approximately 414 square feet to each lot and an additional two residential lots to the site.

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Standards	SDR-4370	SDR-29026
Lots	68	70
Lot Size	2,898 SF	3,312 SF
Front Setback	20 feet to garage	18 feet to garage
Open Space required	49,658 SF	50,094 SF
Open Space provided	52,614 SF	43,996 SF

- **Land Use and Zoning**

The subject properties are located within the boundaries of the Centennial Hills Sector Map of the General Plan. The land use is designated PCD (Planned Community Development) in the Las Vegas 2020 Master Plan. The Planned Community Development category allows for a mix of residential uses that maintains an average overall density ranging from two to eight dwelling units per gross acre, depending upon compatibility with adjacent uses (e.g. a density of two units per acre will be required when adjacent to DR designated property). In addition, commercial, public facilities and office projects may be used as buffers (depending on compatibility issues) within the PCD. Residential streets shall be designed to discourage through traffic, provide maximum privacy, and avoid the appearance of lot conformity. In order to protect existing lifestyles, adjacency standards and conditions may be required for new development.

The site is in the R-PD7 (Residential Planned Development 7 Units per Acre) zoning district, which is intended to provide maximum flexibility to permit imaginative and innovative residential design and to utilize land for the development of residential communities which are planned and developed with appropriate amenities to establish a clear sense of community. It is intended to promote the enhancement of residential amenities by means of an efficient consolidation and utilization of open space, separation of pedestrian and vehicular traffic and homogeneity of use patterns. Portions of an R-PD (Residential Planned Development) development may have a higher or lower density than permitted by the General Plan if the overall density for the entire development is in compliance with the General Plan. The maximum density permitted in an R-PD (Residential Planned Development) district is a function of the location and land use designation. The density of this proposed residential subdivision is 6.65 dwelling units per acre, thus it has been designated an R-PD7 (Residential Planned Development Seven Units per Acre) development. The proposed 70-lot residential subdivision is permissible in an R-PD7 (Residential Planned Development 7 Units per Acre) zoning district which is compatible with the PCD (Planned Community Development) land use designation, which allows eight dwellings units per acre.

- **Site Plan**

The site is located on the northwest corner of Farm Road and Hualapai Way. This site consists of 80 undeveloped residential parcels.

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The site plan illustrates 70 lots with 31 lots consisting of a minimum lot size of 3,312 square feet and 39 consisting of a minimum lot size of 3,404 square feet. There is one entry point to the proposed development, a 58-foot wide gated driveway off of Hualapai Way. The proposed lot sizes, setbacks, and lot widths, if developed as proposed, are generally compatible with the developments to the north, south, and west.

- **Landscape Plan**

The site visit indicated that the landscaping for the site has been planted on the perimeter buffer areas and the entry way. A Multi-Use Transportation Trail has been implemented adjacent to this site on Hualapai Way, which adheres to Exhibit 1 of the Transportation Trails Element of the Las Vegas 2020 Master Plan. Other than the perimeter of the site, the proposed landscape plan only provides a few 24-inch box Chitalpa, Swan Hill Olive and African Sumac in the interior common areas.

In the interior of the site, the applicant has reduced the amount of common area from 52,614 square feet provided in the previously approved Site Development Plan Review (SDR-4370) to 43,996 square feet in this new proposal. This reduction has caused the proposal to not be in conformance to the open space requirements of an R-PD (Residential Planned Development) zoning district. Therefore, the applicant has requested a companion Variance (VAR-29028) to this application to allow 43,996 square feet of open space where 50,094 square feet are required for a 70-lot residential subdivision on a 10.52 acre site.

- **Elevations and Floor Plans**

The elevations depict two model types, both two story in height with two car garages. All dwellings are proposed to have stucco exteriors with earth tones, and concrete tile roofs. All of the models will have two car garages 18 feet from the private street. Building design characteristics are not unsightly and will be harmonious and compatible with development in the area.

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;**

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The 70-lot single-family residential development is compatible with the surrounding residential area. However, the primary issue with the proposed modification to the previously approved site plan is the lack of the required open space. The alternative for allowing greater density is the provision of an imaginative layout and design, in which an intrinsic component is the provision of open space. Clearly, this applicant wishes to have the density advantage offered by R-PD zoning without providing any offsetting benefit to the community at large; therefore, staff recommends denial.

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;

Open space is an integral part of the R-PD zone, as the developer receives flexibility in design and density for the provision of amenities, such as open space. When open space is not provided, in effect, the project does not meet the standards for the zoning district in which it is located; therefore, staff recommends denial.

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

The subject site is bordered by Hualapai Way in east and Farm Road to the south. Both of the streets are both 80-foot wide Secondary Collectors as designated in the Master Plan Streets and Highways. The proposed site plan indicates that access to the site will be solely from Hualapai Way, by a gated private entry.

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

Building and landscape materials are appropriate for the area and the City of Las Vegas.

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;

Building design characteristics are not unsightly and will be harmonious and compatible with development in the area.

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

The proposed development would not endanger the public health or general welfare.

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ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 210

APPROVALS 2

PROTESTS 0