

**AGENDA MEMO****PLANNING COMMISSION DATE: OCTOBER 23, 2008****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SDR-29912 - APPLICANT/OWNER: LAS VEGAS VENTURE, LLC AND SOUTHERN TRACE HOLDINGS, LLC**

**** CONDITIONS ******STAFF RECOMMENDATION: APPROVAL**, subject to:***Planning and Development***

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-3672), Special Use Permit (SUP-13431), Variances (VAR-13429 and VAR-30312), Waiver (WVR-13432) and Site Development Plan Review (SDR-13428) 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 09/10/08, except as amended by conditions herein.
4. 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: four 5-gallon shrubs shall be provided for each required tree in all buffer areas, in compliance with Title 19.12.040.
5. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
6. 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.

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7. 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).
8. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
9. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
10. 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.
11. 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.
12. 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.
13. A reversionary map shall be submitted to remove parcel lines that bisect the interior of the site.
14. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

15. A Petition of Vacation, such as VAC13433, to vacate existing right-of-way in conflict with this site plan shall be recorded prior to the issuance of any permits for this site.
16. Coordinate with the City Surveyor to determine the appropriate mapping required to establish the proposed property boundaries for this site prior to the issuance of any permits; comply with the recommendations of the City Surveyor.

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17. Construct half-street improvements, including appropriate overpaving, on Effinger Lane 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. 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).
18. 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. 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.
19. Extend public sewer to the north edge of this site in Effinger Lane, to a depth and location acceptable to the Collection System Planning Section of the Department of Public Works, concurrent with development of this site. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits as required by the Department of Public Works. 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.
20. Gated access driveways, if proposed, shall be designed, located and constructed in accordance with Standard Drawing #222a.
21. Provide a copy of a recorded Joint Access Agreement between this site and the adjoining parcels to the south (Assessors Parcel Numbers 139-25-410-027 and 037 and 139-25-407-005) prior to the issuance of any permits.
22. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of any construction plans or the issuance of any permits. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
23. Landscape and maintain all unimproved right-of-way, if any, on Effinger Lane adjacent to this site. 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.
24. Submit an Encroachment Agreement for all landscaping and private improvements, if any, located in the Effinger Lane public right-of-way adjacent to this site prior to occupancy of this site.

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25. 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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Major Amendment to an approved Site Development Plan Review (SDR-13428) to include three additional units on an approved 99-unit expansion to an existing 110-unit Senior Citizen Apartment development located adjacent to the west side of Effinger Street, approximately 300 feet south of Harris Avenue. A companion Variance has been submitted to allow a front yard setback of 15 feet where 20 feet is required along the east perimeter.

The proposed Senior Citizen Apartment development is consistent with Objective 2.2 and Policy 2.2.2 of the Las Vegas 2020 Master Plan; therefore, Staff is recommending approval of the requests.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
07/21/04	The City Council approved a General Plan Amendment (GPA-3670) from L (Low Density Residential) to M (Medium Density Residential), a Rezoning (ZON-3672) from R-E (Residence Estates) to R-3 (Medium Density Residential), and a Site Development Plan Review (SDR-3958) with a reduction in the amount of required perimeter landscaping for a proposed 50-unit multi-family residential development on 2.09 acres adjacent to the west side of Effinger Street, approximately 300 feet south of Harris Avenue. The Planning Commission recommended approval. Staff recommended denial.
08/16/06	The City Council approved a Special Use Permit (SUP-13431) and a Site Development Plan Review (SDR-13428) for a Senior Citizen Apartment Development on 2.14 acres adjacent to the west side of Effinger Street, approximately 300 feet south of Harris Avenue. Two companion Variances (VAR-13429 and VAR-13430) were approved to allow a Residential Adjacency setback of 15 feet where 142 feet was required, and to allow 10-foot perimeter walls where eight feet was the maximum height allowed. Planning Commission recommended approval of all requests.
08/16/08	The City Council approved a Waiver (WVR-13432) to allow a non-circular cul-de-sac at the intersection of Effinger Street and Poppy Lane. Planning Commission recommended approval.
08/16/06	The City Council approved a Vacation (VAC-13433) for a portion of Poppy Lane between Effinger Street and McKnight Street. Planning Commission recommended approval.

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08/16/06	The City Council approved an Extension of Time (EOT-15006) for a Rezoning (ZON-3672) from R-E (Residence Estates) to R-3 (Medium Density Residential) on 2.14 acres adjacent to the west side of Effinger Street, approximately 300 feet south of Harris Avenue. Staff recommended approval.
08/14/07	Staff administratively approved an Extension of Time (EOT-23381) for an approved Vacation (VAC-13433) of a portion of Poppy Lane between Effinger Street and McKnight Street.
06/13/08	Staff administratively approved an Extension of Time (EOT-28605) for an approved Vacation (VAC-13433) of a portion of Poppy Lane between Effinger Street and McKnight Street.
08/06/08	The City Council approved Extensions of Time (EOT-28599, EOT-28600, EOT-28601, EOT-28602, EOT-28603 and EOT-28604, respectively) for a Rezoning (ZON-3672) from R-E (Residence Estates) to R-3 (Medium Density Residential), Site Development Plan Review (SDR-13428) for a Senior Citizen Apartment Development, Variance (VAR-13429) to allow a Residential Adjacency setback of 15 feet where 142 feet was required, Variance (VAR-13430) to allow 10-foot perimeter walls where eight feet was the maximum height allowed, Waiver (WVR-13432) to allow a non-circular cul-de-sac at the intersection of Effinger Street and Poppy Lane, and Special Use Permit (SUP-13431) for a Senior Citizen Apartment Development on 2.14 acres adjacent to the west side of Effinger Street, approximately 300 feet south of Harris Avenue. Staff recommended approval.
<i>Related Building Permits/Business Licenses</i>	
There are no building permits or business licenses associated with the subject site.	
<i>Pre-Application Meeting</i>	
09/04/08	A pre-application meeting was held to discuss the proposed modifications to an approved Site Development Plan (SDR-13428).

<i>Field Check</i>	
09/16/08	A field check of the subject site was performed by staff. The site is noted to be undeveloped and vacant, with a chain link fence topped by barbed wire surrounding it. The fence is in poor condition and has not been permitted. There is graffiti on a block wall along the south side of the site.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	2.14

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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped (Proposed 99-unit Senior Citizen Apartment DevelopmentSDR- 13428)	M (Medium Density Residential)	R-E (Residence Estates) under Resolution of Intent to R-3 (Medium Density Residential)
North	Vacant Land	L (Low Density Residential)	R-E (Residence Estates)
South	Senior Citizen Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)
East	Single-Family Residences and Vacant Land	L (Low Density Residential)	R-E (Residence Estates)
West	Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)

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

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	6,500 SF	2.14 Acres	Y
Min. Lot Width	N/A	N/A	N/A
Min. Setbacks			
Front	20 Feet	15 Feet	N*
Side	15 Feet**	15 Feet	Y
Corner	5 Feet	N/A	N/A
Rear	20 Feet	20 Feet	Y
Min. Distance Between Buildings	10 Feet	10 Feet	Y
Max. Lot Coverage	N/A	N/A	N/A
Max. Building Height	2 Stories or 35 feet, whichever is less	4 Stories	Y***

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Trash Enclosure	Screened, Roofed	Not Indicated	N/A
Mech. Equipment	Screened	Not Indicated	N/A

** The applicant has requested a Variance (VAR-30312) to allow a 15-foot front yard setback where 20 feet is required.*

Development Plan Review (SDR-13428).

***A 15-foot side yard setback is required along the north perimeter to match the minimum setback requirement for the adjacent R-E (Residence Estates) zone, per Title 19.08.060 Residential Adjacency Standards.*

****A Special Use Permit (SUP-13431) was approved to allow a four-story Senior Citizen Apartment development.*

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	142 Feet	15 Feet	Y*
Adjacent development matching setback	50 Feet	15 Feet	Y*
Trash Enclosure	50 Feet	120 Feet	Y

**A Variance (VAR-13429) was approved to allow a 15-foot setback where Residential Adjacency Standards require 142 feet.*

<i>Existing Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
R-E (Residence Estates) under Resolution of Intent to R-3 (Medium Density Residential)	13-25 Units per Acre	224
<i>Proposed Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
R-3 (Medium Density Residential)	13-25 Units per Acre	224
<i>General Plan</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
M (Medium Density Residential)	12.1-25 Units per Acre	224

Pursuant to Title 19.10 and 19.12, the following parking standards and landscape buffer 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	1 Tree	9 Trees	Y*
Buffer: Min. Trees	1 Tree / 20 Linear Feet	58 Trees	59 Trees	Y

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TOTAL		59 Trees	68 Trees	Y
Min. Zone Width		15 Feet	5 Feet	Y**
Wall Height		8 Feet	10 Feet	Y***

**The applicant has proposed covered parking for all but six spaces; therefore, only one parking lot tree is required.*

***A Waiver was approved as part of the previous Site Development Plan Review (SDR-13428).*

****A Variance (VAR-13430) was approved to allow a 10-foot high perimeter wall where eight feet is the maximum allowed.*

ANALYSIS

- **Zoning**

The subject site is zoned R-E (Residence Estates) under Resolution of Intent to R-3 (Medium Density Residential) and has a General Plan designation of M (Medium Density Residential). The R-3 zone is intended to provide 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 category of the General Plan.

The development is consistent with Objective 2.2 and Policy 2.2.2 of the General Plan:

Objective 2.2: To ensure that low density residential land uses within mature neighborhoods can exist in close proximity to higher density residential, mixed-use or non-residential land uses by mitigating adverse impacts where feasible.

Policy 2.2.2: That senior citizens and assisted living housing be encouraged to develop, both to meet the needs of community residents who wish to age in place in their neighborhoods, and as a means of increasing residential densities in these areas.

- **Site Plan**

The site is located approximately 300 feet south of Harris Avenue, on the west side of Effinger Street. The proposed site plan layout is almost identical to the previously approved Site Development Plan Review (SDR-13428) in that the units are located along the south, west and north property lines, with parking on the east side of the apartment buildings. Additional parking and landscaping will be provided in a vacated section of Poppy Lane. The site plan proposes to add two Senior Citizen apartment units and a manager unit to the approved plan.

At the northeast corner of the site, the plan indicates that the building will be set back only 15 feet from the Effinger Street right-of-way, where it was previously approved at 24 feet, due to a requirement to provide a minimum of 10 feet of separation between buildings. This has necessitated the request for a companion Variance (VAR-30312) to allow a 15-foot front yard setback where 20 feet is required.

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- **Landscape Plan**

The landscape plan indicates the use of a variety of perimeter trees, including Fan-Tex Ash, Rio Grande Ash, Blue Palo Verde and Mondel Pine. A number of accent trees are also located throughout the site, including Mexican Fan Palms, Purple Robe Locusts, Purple Leaf Plum and Date Palms. Shrub types are not indicated, but a condition has been added to require shrubs in compliance with Title 19.12.

- **Elevations**

The elevations show three four-story apartment buildings. Finish materials include stucco and concrete tile roofing. Breezeways connect the buildings, making a cohesive transition between them.

- **Floor Plans**

The floor plan indicates that there will be 101 two-bedroom, one-bathroom Senior Citizen apartment units. Also included in the buildings is a managers unit, a kitchen and dining area, pool, spa, and health and fitness rooms.

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 similar to a previously approved Site Development Plan Review (SDR-13428). It is compatible with adjacent development and other development in the area.

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 compatible with the General Plan and Title 19. In particular, the proposed development is consistent with Objective 2.2 and Policy 2.2.2 of the General Plan.

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

Neighborhood traffic will not be greatly affected as access to the proposed addition will be from the existing development, with the only access to Effinger Street being two crash gates for emergency purposes. Furthermore, senior housing developments tend to generate fewer average daily trips than a standard housing development of the same type and design.

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

Building and landscape materials are appropriate for the area and meet the requirements of Title 19, with the exception of required shrubs in buffer areas. A condition has been added to require shrubs in compliance with Title 19.12.040.

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 proposed building elevations depict appropriate design and architectural features that are consistent with the area and the requirements of Title 19.

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

The proposed development is subject to permit review and inspection; therefore, appropriate measures will be taken to protect the health, safety and general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 9

ASSEMBLY DISTRICT 28

SENATE DISTRICT 2

NOTICES MAILED 98

APPROVALS 0

PROTESTS 0