



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MARCH 26, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: ABEYANCE - ZON-32514 - APPLICANT: NEVADA H.A.N.D.,
INC. - OWNER: SILVER SKY TWO, LP**

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Rezoning of property from U (Undeveloped) [M (Medium Density Residential) General Plan designation] to R-3 (Medium Density Residential) on 4.71 acres adjacent to the north side of Silver Sky Drive, approximately 500 feet east of Roland Wiley Drive. There is an associated request for a Site Development Plan Review (SDR-33010) for a proposed two and three-story 120-unit Senior Citizen Apartment development with a Waiver to allow a zero-foot landscape buffer along the west perimeter where six feet is required and a Variance (VAR-33012) to allow a 79-foot setback where Residential Adjacency Standards require 136 feet. The proposed R-3 (Medium Density Residential) zone will be consistent with the existing M (Medium Density Residential) General Plan designation, as well as bring the proposed use into conformance with Title 19 and the General Plan; therefore, staff is recommending approval of the Rezoning request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/01/03	A Code Enforcement complaint (#7201) was processed for vehicle code violations at the subject property. The case was resolved 12/10/03.
09/15/04	The City Council approved a General Plan Amendment (GPA-4528) to amend a portion of the Southwest Sector Plan of the General Plan from MLA (Medium Low Attached Density Residential) to M (Medium Density Residential) on 10.00 acres adjacent to the northeast corner of Roland Wiley Road and Silver Sky Drive. The Planning Commission recommended denial of this request, whereas staff recommended approval.
12/28/04	A Code Enforcement complaint (#24798) was processed for vehicle code violations at the subject property. The case was resolved 12/30/04.
02/01/05	The Planning and Development Department administratively approved a three-lot Parcel Map (PMP-5277) on property located on the southwest corner of Summerlin Parkway and Cimarron Road. The map was recorded on 02/22/05.

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02/26/09	The Planning Commission held in abeyance a request for a Rezoning (ZON-32514) from U (Undeveloped) [M (Medium Density Residential) General Plan designation] to R-3 (Medium Density Residential), a Variance (VAR-33012) to allow a 79-foot setback where Residential Adjacency Standards require 99 feet and a Site Development Plan Review (SDR-33010) for a proposed two and three-story 120-unit Senior Citizen Apartment development with a Waiver to allow a zero-foot landscape buffer along the west perimeter where six feet is required on 4.71 acres adjacent to the north side of Silver Sky Drive, approximately 500 feet east of Roland Wiley Drive. The abeyance was granted in order to allow the applicant to work with staff regarding the conditions placed on the property, as well as the correct setback distance associated with Variance (VAR-33012).
<i>Related Building Permits/Business Licenses</i>	
There are no related building permits associated with this property.	
<i>Pre-Application Meeting</i>	
11/25/08	A pre-application meeting was held with the applicant where the requirements for a Rezoning, Site Development Plan Review and Variance submittal were discussed.
<i>Neighborhood Meeting</i>	
02/09/09	A neighborhood meeting was held on Monday February 9, 2009 at 6:00 pm at the Silver Sky Assisted Living Residence located at 8220 Silver Sky Drive, Las Vegas, Nevada 89145. Four members of the general public, three representatives of the development team and one member of the Planning and Development staff were present. Questions were raised concerning the height of the building, site drainage, parking, noise, traffic and landscape. The four members of the public were generally in support of the proposed development.

<i>Field Check</i>	
01/21/09	A field check was performed by staff at the subject property. The site was noted as undeveloped and ungraded, sloping down from west to east, with some weeds and debris. Several earth mounds were noted at the north end of the site, and offsite improvements consisting of a fully improved right-of-way and sidewalk were noted along Silver Sky Drive.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	4.71

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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	M (Medium Density Residential)	U (Undeveloped) [M (Medium Density Residential) General Plan designation]
North	Summerlin Parkway	R.O.W. (Right-of-Way)	R.O.W. (Right-of-Way)
South	Single-Family Residences	MLA (Medium Low Attached Density Residential)	R-PD8 (Residential Planned Development 8 Units per Acre)
East	Condominiums	MLA (Medium Low Attached Density Residential)	R-PD11 (Residential Planned Development 11 Units per Acre)
West	Senior Citizen Apartments	M (Medium Density Residential)	R-PD17 (Residential Planned Development 17 Units per Acre)

<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	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

The subject site has a current General Plan designation of M (Medium Density Residential). The Medium Density Residential category includes a variety of multi-family units such as plexes, townhouses, and low-density apartments. This category allow up to 25.49 units per acre.

This is a request to Rezone the site from U (Undeveloped) [M (Medium Density Residential) General Plan designation] to R-3 (Medium Density Residential). The purpose of the proposed R-3 (Medium Density Residential) zoning district is to provide for the development of a variety of multi-family units such as duplexes, townhouses and medium density apartments. The R-3 (Medium Density Residential) district is consistent with the policies of the Medium Density Residential category of the General Plan, and the proposed Senior Citizen Apartment development is a permissible use within the R-3 (Medium Density Residential) zoning district; therefore, staff is recommending approval of the Rezoning request.

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FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. The proposal conforms to the General Plan.

The proposed R-3 (Medium Density Residential) is consistent with the existing M (Medium Density Residential) General Plan designation.

2. The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.

This Rezoning, if approved, would permit multi-family residential uses that are compatible with the existing General Plan designation and the surrounding multi-family residential developments.

3. Growth and development factors in the community indicate the need for or appropriateness of the rezoning.

The proposed R-3 (Medium Density Residential) zoning district is appropriate for the proposed Senior Citizen Apartment Development, and will be consistent with the existing M (Medium Density Residential) General Plan designation.

4. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.

The site is accessed via one existing and one proposed driveway onto Silver Sky Drive which in turn accesses Roland Wiley Road, both designated as 60-foot wide Local Streets by the Master Plan of Streets and Highways. Roland Wiley Road provides direct access to Westcliff Drive, a 100-foot Primary arterial as designated by the Master Plan of Streets and Highways. All three roadways will provide adequate access to the site and will not negatively impact adjacent roadways or neighborhood traffic.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 34

SENATE DISTRICT 8

NOTICES MAILED 371

APPROVALS 2

PROTESTS 14