

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: MARCH 26, 2009****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: ABEYANCE - SDR-33010 - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP**

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

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-33012) 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. [Submit a Reversionary Map or other acceptable mapping method which combines APNs 138-28-401-017 and 138-28-401-018 into a single parcel.](#)
4. All development shall be in conformance with the site plan, landscape plan date stamped 02/04/09, building elevations date stamped 01/13/09 and Residential Adjacency cross section date stamped 03/04/09, except as amended by conditions herein.
5. The minimum distance between buildings shall be 10 feet.
6. 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: A total of 33, 24-inch box trees shall be provided within the landscape buffer along the east perimeter; Provide four, five gallon shrubs for each required tree.
7. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.

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8. 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.
9. 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).
10. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
12. 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.
13. 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.
14. 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.
15. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

16. Contact the City Engineers Office at 229-6272 to coordinate the development of this project with the Summerlin Parkway Widening project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.

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17. 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.
18. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
19. All landscaping and private improvements installed with this project shall be situated and maintained so as not to create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
20. Comply with the requirements of Las Vegas Municipal Code Chapter 4.32 Traffic Signal Impact Fee prior to the issuance of permits for this site.
21. 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, or the submittal of any construction drawings, 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 Site Development Plan Review 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. There is an associated request for a Rezoning (ZON-32514) from U (Undeveloped) [M (Medium Density Residential) General Plan designation] to R-3 (Medium Density Residential) and a Variance (VAR-33012) to allow a 79-foot setback where Residential Adjacency Standards require 136 feet. This proposal is compatible with the scale and massing of the surrounding development, will not negatively impact the surrounding area and will further the goals of the General Plan by encouraging senior housing; therefore staff recommends approval of this 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

DEVELOPMENT STANDARDS

Pursuant to Title 19.08.050, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	6,500 SF	206,154 SF	Y
Min. Lot Width	N/A	222 Feet	N/A
Min. Setbacks			
• Front	20 Feet	78 Feet	Y
• Side (West)	5 Feet	5 Feet	Y
• Side (East)	5 Feet	79 Feet	N*
• Rear	20 Feet	79 Feet	Y
Min. Distance Between Buildings	10 Feet	41 Feet	Y
Max. Building Height	3 Stories or 40 Feet, whichever is less	3 Stories/33 Feet	Y**

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Trash Enclosure	Screened, Enclosed	Screened, Enclosed	Y
Mech. Equipment	Screened	Screened	Y

* The property to the east of the proposed development meets the Title 19.08.060 requirements for a protected property in the Residential Adjacency Standards. For any building proposed on the subject property greater than 15 feet in height, a 3:1 proximity slope must be met. The proposed building is 33 feet in height, thus requiring a 99-foot setback; however, due to the grade change of the subject property in relation to the protected property, this distance has been revised to a 136-foot setback. The applicant has submitted a Variance (VAR-33012) to allow a 79-foot setback where Residential Adjacency Standards require 136 feet.

** The main roof height of the three story building located on site is 33 feet. Staff notes that this building contains three tower elements, 12 feet by 12 feet in width, measuring 43 feet in height, which are setback a sufficient distance which do not impact the Residential Adjacency Variance request.

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	136 Feet	79 Feet	N*
Adjacent development matching setback	15 Feet	79 Feet	Y
Trash Enclosure	50 Feet	50 Feet	Y

* The applicant has submitted a Variance (VAR-33012) to allow a 79-foot setback where Residential Adjacency Standards require 136 feet. The proposed building is 33 feet in height, thus requiring a 99-foot setback; however, due to the grade change of the subject property in relation to the protected property, this distance has been revised to a 136-foot setback.

Pursuant to Title 19.12.040, the following landscape 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	21 Trees	24 Trees	Y
Buffer:				
Min. Trees				
(North)	1 Tree/30 Linear Feet	16 Trees	16 Trees	Y
(South)	1 Tree/20 Linear Feet	9 Trees	9 Trees	Y
(East)	1 Tree/20 Linear Feet	33 Trees	29 Trees	N*
(West)	1 Tree/20 Linear Feet	38 Trees	35 Trees	N**
TOTAL		117 Trees	113 Trees	N*

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Min. Zone Width (North)	6 Feet	8 Feet	Y
(South)	15 Feet	20 Feet	Y
(East)	5 Feet	15 Feet	Y
(West)	5 Feet	Zero Feet	N**
Wall Height	6-8 Feet	6 Feet	Y

* A condition has been added requiring the applicant to provide a total 33, 24-inch box trees within the east landscape buffer.

** The applicant has requested a Waiver to allow a zero-foot landscape buffer along the west perimeter where five feet is required. While requesting this Waiver, the applicant has provided 35 of the 38 required 24-inch box trees within planter areas adjacent to the west perimeter.

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Senior Citizen Apartments	120 Units	0.75 Spaces/ Unit	86	4	113	8	
TOTAL			90		121		Y

Waivers		
Request	Requirement	Staff Recommendation
To allow a zero-foot landscape buffer along the west perimeter	A six-foot landscape buffer	Approval

Exception		
Request	Requirement	Staff Recommendation
To allow 35, 24-inch box trees along the west perimeter	38, 24-inch box trees	Approval

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ANALYSIS

- **Land Use and Zoning**

The subject site is located in the Southwest Sector of the General Plan and has a current 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.

A companion item to Rezone (ZON-32514) the site from U (Undeveloped) [M (Medium Density Residential) General Plan designation] to R-3 (Medium Density Residential) has also been submitted by the applicant. The purpose of the R-3 (Medium Density Residential) 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) zoning district is consistent with the policies of the Medium Density Residential category of the General Plan.

Additionally, this 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.

With the approval of the proposed Rezoning (ZON-32514) to the R-3 (Medium Density Residential) zoning district, the proposed Senior Citizen Apartment development will be a permissible use on the subject property.

- **Site Plan**

The site is located adjacent to the north side of Silver Sky Drive, approximately 500 feet east of Roland Wiley Drive. The site is surrounded by an existing Assisted Living Facility to the west, condominiums to the east, Summerlin Parkway to the north and single-family residential to the south. The site plan indicates that two proposed buildings will be located on the subject property. Building one will be a two-story 40-unit building located on the southern half of the site containing both one and two bedroom Senior Citizen Apartments. Building two will be a three-story 80-unit building located on the northern half of the site containing only one bedroom Senior Citizen Apartments.

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Building two is a three-story, 33-foot high building which is setback approximately 79 feet from the east property line. The condominiums to the east of the subject site meet the qualifications of a protected use; therefore the subject site must comply with the Residential Adjacency requirements of Title 19.08.060. The applicant has submitted a Variance (VAR-33012) to allow Building two to be setback 79 feet where Residential Adjacency standards require 136 feet. While the proposed building is 33 feet in height, requiring a 99-foot setback, due to the grade change of the subject property in relation to the protected property, this distance has been revised to a 136-foot setback.

Access to the site is provided via one existing and one proposed driveway fronting Silver Sky Drive. A total of 121 parking spaces are provided where 90 are required, including eight handicapped accessible spaces. Internal site access flows in a horseshoe configuration, with parking provided along the east and north perimeters of the site. The west perimeter of the site consists of an existing driveway that is shared with the Assisted Living Facility to the west of the subject site. A cross access agreement is in place with the adjacent parcel, and a copy of that agreement has been placed in the Site Development Plan Review (SDR-33010) file.

- **Landscape Plan**

The landscape plan submitted depicts a 20-foot landscape buffer along the south perimeter where 15 feet is required, a 15-foot buffer along the east perimeter where six feet is required, and an eight-foot landscape buffer along the north perimeter where six feet is required. The applicant has requested a Waiver to allow a zero-foot landscape buffer along the west perimeter where six feet is required. The west perimeter of the subject property currently serves as an existing driveway and sidewalk for the Assisted Living Facility located to the west of the subject property, and much of the six-foot buffer lies within the existing driveway and sidewalk area. The applicant is proposing to retain the existing driveway and sidewalk in their current configuration, and provide the requisite landscape material behind the existing hardscape, portions of which are outside of the required six-foot buffer area. Staff can support this request as approval of this Waiver will allow the existing driveway to remain in its current configuration, while the proposed landscape adjacent to the existing driveway will appear to be in a buffer area while not physically on the property line.

The applicant is proposing a six-foot tall decorative block wall along the east perimeter. Staff notes that there the subject property slopes from south to east and has met with the applicant to determine if a wall greater than the heights permitted by code is necessary along the east perimeter. The applicant will construct a six-foot tall wall, and mitigate the slope of the subject property by utilizing the 15-foot landscape buffer adjacent to the east perimeter for any necessary site grade changes. The remaining north, south and west perimeters of the subject property will remain open without a decorative block wall.

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The landscape plan contains notations regarding five varieties of five-gallon shrubs proposed to be utilized throughout the development; however the quantity and locations of the shrubs are not provided on the plans. A condition has been added requiring the applicant to provide four, five-gallon shrubs for each required tree. The landscape plan also proposes a horseshoe pit and a pool and spa area to be located near the center of the site adjacent to the recreation center located in Building one. The patio area surrounding the pool and spa is lined with 11 palm trees while the area surrounding the horseshoe pit is devoid of plant material.

The remainder of the common areas surrounding Building one, two and the pool, spa and horseshoe pit are also devoid of trees and landscape material. The lack of landscape within these areas is in direct conflict with the recently adopted Urban Forestry Initiative. The City of Las Vegas adopted an Urban Forestry Initiative on May 7, 2008 guided by the Conservation Element of the 2020 Master Plan. The intent of this resolution is to contribute to the City's long-term sustainability, as trees clean the air, improve stormwater management, conserve energy, improve public health and increase property values. Additionally, the City has identified strategic priorities to create, integrate and manage orderly and sustainable development and growth in the community, to support and encourage sustainability, livability, and pride in the City's neighborhoods and to promote healthy lifestyles for all segments of the community. As the subject property will provide housing to senior citizens, staff finds that the long-term benefit of placing additional landscape around the buildings will encourage future residents to engage in outdoor activities, take walks, socialize, and act as a common element that will draw residents outside of their homes. By achieving this, the applicant will create a long lasting impact and give greater emphasis to the Urban Forestry Initiative.

- **Elevations**

The elevations submitted depict both buildings proposed for the site. Building one will be a two-story structure measuring 24 feet in height, located on the southern half of the subject property. Building two will be a three-story structure measuring 33 feet in height, located along the northern half of the property. This building will have three tower elements, measuring 12 feet by 12 feet in width and 43 feet in height; however, these tower elements will be setback a sufficient distance which will not impact the Variance request for Residential Adjacency. The architecture of both buildings will be Spanish Colonial, and each building will be similar to one another. The structures will feature fully round arch elements on some windows and entryways, decorative iron grille-work, enhanced window surrounds, tower elements, and concrete tile roofs. Additionally, each building will incorporate design elements that include varied roof lines consisting of both hip and gable roofs, relief changes in the vertical planes of the facades and decorative tower elements.

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Façade elements that are unique to Building one include patios for each apartment, a porte cochere with a decorative tower element, an architecturally enhanced chimney along the north elevation and a pergola at the northwest corner of the building. Unique façade elements on Building two include the use of smaller, square windows on the gable ends on the north and south elevations of the building and the use of decorative beams below selected third level window openings. The elevations submitted depict an architecturally pleasing façade with a variety of visual interest and subtle visual cues which will complement the surrounding environment.

- **Floor Plan**

The floor plans submitted depict the first floor of each building, with no plans provided for the second or third floors. Full floor plans will be required to be submitted at the time building permits are submitted for this project, if approved. The first floor plan for Building one depicts a large recreation center at the north end of the building. No details have been provided for this space. Details will be required to be provided at the time building permits are submitted for this project, if approved. The remainder of the building features a long, linear interior corridor with an elevator located at the far north end of the building and internal stairwells at each end of the corridor. A centrally located laundry room, storage room, and electrical room are accessed off of this corridor, along with each individual apartment unit. The apartments feature one or two bedrooms, contain a single bathroom, feature a large living/dining/kitchen area, and private patios with a storage room. A total of 16 two-bedroom units and 24 one-bedroom units will be located within this building.

The floor plans for Building two indicate that a main lobby will be centrally located within the first floor of this building. Surrounding the main lobby will be an elevator and associated mechanical room, laundry room and an electrical room. An internal corridor is accessed from the main lobby which provides access to the apartment units. All of the apartment units in this building will feature one bedroom, one bathroom and a large open kitchen/dining/living room. A total of 80 one-bedroom units will be housed within this building.

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 proposed Senior Citizen Apartment development is compatible with the three-story Assisted Living Facility to the west, the two-story condominiums to the west, and will provide a buffer between the Summerlin Parkway to the north and the single-family homes to the south.

- 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 existing General Plan designation of M (Medium Density Residential) and is a permissible use within the proposed R-3 (Medium Density Residential) zoning district.

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

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.

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

The proposed building materials are appropriate for the area and for the City. The landscape materials are drought-tolerant and typical of that found throughout the Las Vegas Valley. The sizes of the materials are adequate, and a condition has been added to ensure that trees and shrubs are provided in quantities to meet the minimum requirements of Title 19.12.

- 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 depict design and materials that will provide an aesthetically pleasing building and are compatible with the neighboring single-family and multi-family development.

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

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

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 34

SENATE DISTRICT 8

NOTICES MAILED 371

APPROVALS 3

PROTESTS 13