City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 15, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-32638 - APPLICANT: METROPOLITAN HOMES - OWNER: ISANI RAZIA AND SARIHAN GUNAY

** CONDITIONS **

Staff recommends DENIAL. The Planning Commission (5-1/vq-1/ke vote) recommends APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (Z-0050-97), Variances (VAR-32640 and VAR-33015) and Special Use Permit (SUP-32639) 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 and landscape plan, date stamped 02/02/09, and building elevations and floor plans, date stamped 01/13/09, except as amended by conditions herein.

4. An Exception from Title 19.12.040 is hereby approved, to allow ground cover only (no trees or shrubs) in a required landscape buffer along the north perimeter.

5. The western perimeter wall shall be eight (8) feet in height and the decorative block wall shall be stucco, or otherwise designed to discourage graffiti, subject to the approval of the Planning and Development staff.

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: 24-inch box size trees shall be planted in the east perimeter landscape buffer at 20 feet on-center, with four, five-gallon shrubs planted for each required tree.

7. 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.

8. 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).

9. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

10. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.

11. 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.

12. 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.

13. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

14. Construct half-street improvements on Fairhaven and extend pavement northward and southward to tie into existing paving, if legally able, on Fairhaven Street adjacent to this site concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rightofway, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).

15. Remove all substandard public street improvements and unused driveway cuts on Decatur Boulevard 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.

16. Meet with the Collection System Planning section of the Department of Public Works to discuss extending public sewer to the western edge of this site at a size, depth and acceptable location. 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.

17. 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.

18. 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.

19. Submit an application to the Land Development section of the Department of Public Works for a deviation from Standard Drawing #222a for the driveway accessing this site from Decatur Boulevard prior to the submittal of construction drawings. Coordinate with the Traffic Engineering Department regarding the possible modification of existing medians on Decatur Boulevard

20 A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the submittal of a Map subdividing this site, whichever may occur first. Provide and improve all drainage ways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Site Development Plan Review for a proposed three-story, 44-foot tall, 151-unit Senior Citizen Apartment Complex with 5,460 square feet of commercial space on 2.16 acres adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. As part of the Site Development Plan Review, the applicant is requesting an Exception to allow ground cover only (no trees or shrubs) in a required landscape buffer along the north perimeter. The applicant has also submitted applications for a Variance (VAR-32640) to allow 119 parking spaces where 146 are required; a Variance (VAR-33015) to allow a 10-foot setback where Residential Adjacency standards require 132 feet, and to allow a lot coverage of 82% where 50% is the maximum permitted; and a Special Use Permit (SUP-32639) for a proposed three-story, 44-foot tall, 151-unit Senior Citizen Apartment Complex with a Waiver to allow apartments on the ground floor where none are permitted. Staff is recommending denial of the request as the number of Variances, Waivers and Exceptions required for the proposed development indicates that the site is to be overbuilt.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
12/08/97	The City Council approved a request for Rezoning (Z-0050-97) from U (Undeveloped) [SC (Service Commercial) General Plan designation] to C-1 (Limited Commercial) on 2.16 acres located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard.
02/18/04	The City Council approved requests for a Site Development Plan Review (SDR -3496) for a Senior Housing Complex with a Waiver of the perimeter landscaping requirements, and a Special Use Permit (SUP-3491) for a Senior Apartment Complex on 2.16 acres located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The Planning Commission recommended approval. These entitlements expired 02/18/06 as no Extension of Time was submitted.
11/15/04	A Code Enforcement complaint (#23727) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 01/12/05.
10/10/05	A Code Enforcement complaint (#35225) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 10/12/05.

03/20/06	A Code Enforcement complaint (#39426) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 04/26/06.
02/15/07	A Code Enforcement complaint (#50556) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 04/16/07.
04/18/08	A Code Enforcement complaint (#64758) was processed for trash and debris on property located adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. The complaint was resolved on 05/19/08.
03/12/09	The Planning Commission recommended approval of companion items VAR-32640, VAR-33015 and SUP-32639 concurrently with this application. The Planning Commission voted 5-1/vq-1/ke to recommend APPROVAL (PC Agenda Item #18/sg).

Related Building Permits/Business Licenses
There are no related building permits or business licenses associated with the site.

Pre-Application Meeting	
01/07/09	A pre-application meeting was held to discuss the requirements for applications for a Site Development Plan Review, a Special Use Permit and two Variances. Issues discussed included the minimum requirements for a Senior Apartment use, parking requirements and development standards.
Neighborhood Meeting	
A neighborhood meeting was neither required nor held for this application.	

Field Check	
01/21/09	A field check was conducted by staff. The subject site is a vacant, undeveloped lot with an unpermitted chain link fence at the east perimeter and a portion of the north perimeter, which is topped with barb wire. There was assorted trash and debris at the site.

Details of Application Request	
Site Area	
Gross Acres	2.16 Acres

Surrounding Property	**Existing Land Use**	**Planned Land Use**	**Existing Zoning**
Subject Property	Undeveloped	SC (Service Commercial)	U (Undeveloped) Zone [SC (Service Commercial) General Plan designation] Under Resolution of Intent to C-1 (Limited Commercial)
North	Mini-Storage Facility	SC (Service Commercial)	C-1 (Limited Commercial)
	Wireless Communications Facility	RN (Rural Neighborhood) [Clark County]	C-1 (Local Business) [Clark County]
South	Apartments	SC (Service Commercial)	R-3 (Medium Density Residential)
	Undeveloped	RN (Rural Neighborhood) [Clark County]	R-E (Rural Estates Residential) [Clark County]
East	Condominiums	M (Medium Density Residential)	R-3 (Medium Density Residential)
West	Undeveloped	RN (Rural Neighborhood) [Clark County]	R-E (Rural Estates Residential) [Clark County]

Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Area Plan		X	N/A
Special Districts/Zones	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (70 Feet)	X		Y
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, the following standards apply:

Standard	*Required/Allowed*	*Provided*	*Compliance*
Min. Lot Size	N/A	93,226 SF	Y
Min. Lot Width	100 Feet	162 Feet	Y
Min. Setbacks			
• Front	20 Feet	20 Feet	Y
• Side	10 Feet	10 Feet	Y
• Corner	15 Feet	N/A	Y
• Rear	20 Feet	20 Feet	Y
Max. Lot Coverage	50%	82%	N*
Max. Building Height	N/A	44 Feet	Y
Trash Enclosure	Screened, Roofed	Interior	Y
Mech. Equipment	Screened	Not Indicated	N**

** The applicant has submitted a request for a Variance (VAR-33015) to allow lot coverage of 82% where 50% is the maximum allowed.*
***A condition has been added to require screening of any mechanical equipment to comply with the minimum requirements of Title 19.08.*

Residential Adjacency Standards	*Required/Allowed*	*Provided*	*Compliance*
3:1 proximity slope	132 feet	10 Feet	N*
Adjacent development matching setback	20 Feet	20 Feet	Y
Trash Enclosure	50 Feet	54 Feet	Y

**The applicant has submitted a request for a Variance (VAR-33015) to allow a 10-foot setback where Residential Adjacency standards require 132 feet.*

Pursuant to Title 19.12, the following standards apply:

Landscaping and Open Space Standards				
Standards	*Required*		*Provided*	*Compliance*
	Ratio	*Trees*		
Parking Area	1 Tree / 6 Uncovered Spaces	Zero Trees	Zero Trees	Y
Buffer				
Min. Trees:				
North	1 Tree / 30 Lineal Feet	27 Trees	Zero Trees	N*
South	1 Tree / 20 Linear Feet	27 Trees	34 Trees	Y
East	1 Tree / 20 Linear Feet	7 Trees	5 Trees	N**
West	1 Tree / 20 Linear Feet	7 Trees	7 Trees	Y
TOTAL		68 Trees	46 Trees	N*

Min. Zone Width	15 Feet (East and West) 8 Feet (North and South)	15 Feet 8 Feet	Y Y
Wall Height	Minimum 6 Feet, Maximum 8 Feet (South Perimeter, Adjacent to Residential)	Not Indicated	N***

**The applicant is requesting an Exception to the Title 19.12.040 Landscape Buffer Planting Standards to allow ground cover only (no trees or shrubs) in the required landscape buffer along the north perimeter, to allow for utility (sewer) access easements.*
***A condition has been added to require landscaping in the east perimeter landscape buffer to comply with the minimum planting requirements of Title 19.12.040.*
****A condition has been added to require a solid screen wall at least six feet in height and complying with all requirements of Title 19.12.075 along the south perimeter, adjacent to residentially zoned properties.*

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
	Gross Floor Area or Number of Units	***Required***			***Provided***		***Compliance***
			Parking		*Parking*		
Use		***Parking Ratio***	Regular	Handi-capped	Regular	Handi-capped	
Senior Apartments	151 Units	0.75 / Unit	114				
General Retail	5460 SF	1 / 175	32				
SubTotal			146				
TOTAL			141	5	114	5	N*
Loading Spaces		1 / Less Than 10,000 SF	1		1		Y
Percent Deviation					19%		

**The applicant has submitted a request for a Variance (VAR-32640) to allow 119 parking spaces where 146 are required, a 19% deviation.*

Exceptions		
Request	**Requirement**	**Staff Recommendation**
To allow ground cover only (no trees or shrubs) in a required landscape buffer along the north perimeter.	One 24-inch box size tree for every 30 lineal feet, plus four, 5-gallon shrubs for every required tree.	Denial

ANALYSIS

This is a request for a Site Development Plan Review for a proposed three-story, 44-foot tall, 151-unit Senior Citizen Apartment Complex with 5,460 square feet of commercial space on 2.16 acres adjacent to the west side of Decatur Boulevard, approximately 1,000 feet south of Lake Mead Boulevard. As part of the Site Development Plan Review, the applicant is requesting an Exception to allow ground cover only (no trees or shrubs) in a required landscape buffer along the north perimeter. The applicant has also submitted applications for a Variance (VAR-32640) to allow 119 parking spaces where 146 are required; a Variance (VAR-33015) to allow a 10-foot setback where Residential Adjacency standards require 132 feet, and to allow a lot coverage of 82% where 50% is the maximum permitted and a Special Use Permit (SUP-32639) for a proposed three-story, 44-foot tall, 151-unit Senior Citizen Apartment Complex with a Waiver to allow apartments on the ground floor where none are permitted. Staff is recommending denial of the request as the number of Variances, Waivers and Exceptions required for the development indicates that the site, as proposed, is to be overbuilt.

- **Zoning**

  The subject site is located within the Southeast Sector Plan of the General Plan and has a land use designation of SC (Service Commercial), which allows low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons, and that do not include more intense general commercial characteristics. Examples include neighborhood shopping centers, theaters, and other places of public assembly and public and semi-public uses. This category also includes offices either singly or grouped as office centers with professional and business services. The Service Commercial category may also allow mixed-use development with a residential component where appropriate.

  The subject site is currently zoned U (Undeveloped) [SC (Service Commercial) General Plan Designation] Under Resolution of Intent to the C-1 (Limited Commercial) district, which is intended to provide most retail shopping and personal services, and may be appropriate for mixed-use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-l (Limited Commercial) district is consistent with the Service Commercial, and the Neighborhood Center categories of the General Plan.

- **Site Plan**

  The site plan shows a large, single structure that occupies the entire lot, with the exception of required building setback areas and a driveway area, resulting in the need for an associated Variance (VAR-33015) to allow a lot coverage of 82% where 50% is allowed. At the front (east) of the site is approximately 5,460 square feet of commercial space, with a driveway providing access from Decatur Boulevard to the parking garage under the apartment complex. There are a total of 119 parking spaces provided, including five handicap accessible spaces. One of the handicap accessible spaces is van accessible. There is a crash

gate located at the northwest corner of the site to provide emergency access from Fairhaven Street. There is an enclosed courtyard area in the garage level between proposed apartments along the south perimeter and parking spaces along the north perimeter.

- **Landscape Plan**

  The landscape plan depicts the use of 24-inch box size Aleppo and Mondel Pine trees in the required landscape buffers along the south, east and west perimeters. Shrubs, including five-gallon size Texas Ranger, Desert Broom and Indian Hawthorne, are also provided in these areas. The size and quantities shown are adequate, except along the east perimeter where five trees are indicated, but seven are required. A condition has been added to require the correct number of trees and corresponding shrubs in the planting area.

  The applicant has requested an Exception to allow ground cover only (no trees or shrubs) in the required landscape buffer along the north perimeter to allow for an access easement to accommodate a sewer line extension. Staff recommends denial of the request as an alternative design could have been used to accommodate utilities without compromising the requirement for landscaping to buffer the apartments from the commercial development to the north.

- **Elevations**

  The elevations depict a three-story apartment complex with a maximum height of 44 feet. The east (front) façade is two stories, with commercial on the ground floor, a recreation area on the second floor and a third floor deck above, which allows the building to step back before the additional height of the third floor apartments is apparent. At the rear of the building, step backs occur for second and third floor deck areas, prior to the full height of the third floor apartments. The primary façade material is stucco, with aluminum framed windows, small, railed balconies and a concrete tile roof. The commercial storefront is a stone veneer. The materials are appropriate for the area and typical of commercial and apartment complexes.

- **Floor Plan**

  The floor plans depict a first floor consisting of 5,460 square feet of commercial space at the east end of the site, parking garage, an enclosed courtyard, a managers office and 19 apartment units. The second floor consists of 66 apartment units, outside deck area at the west end and recreation room at the east end. The third floor consists of 66 apartment units and outside deck areas at both the east and west ends. The apartment units are centered around the interior courtyard, providing natural light for the interior apartments and the garage below. There are both one bedroom and two bedroom apartments depicted.

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 monolithic in scale and is not compatible with development in the area. A smaller building or multiple buildings would be more appropriate.

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, but is not consistent with Title 19 as the applicant is requesting numerous Variances, Waivers and an Exception to the development standards, indicating that the site, as proposed, will be overbuilt.

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

   The primary access to the site is a proposed driveway onto Decatur Boulevard, a 100-foot Primary Arterial, with a second driveway for emergency access via a crash gate on to Fairhaven Street, which is a 60-foot Local street, as designated by the Master Plan of Streets and Highways. These streets will provide adequate site access, and adjacent roadways and neighborhood traffic will not be negatively impacted. Site circulation is adequate, with the only exception being the dead end drive aisle necessary to access parking between the commercial area and the apartment complex; the lack of a turn-around will necessitate that any vehicle pulling into the area will have to back out, if no parking spaces are available.

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

   Building materials are appropriate for the area and the city. The landscape materials are appropriate in size. A condition has been added for additional trees and shrubs along the east perimeter to meet the minimum requirements of Title 19.12. Staff is recommending denial of the request for an Exception to allow no trees or shrubs in the buffer area along the north perimeter.

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 elevations are not unsightly or obnoxious, but are monolithic in scale and will not be compatible with surrounding development. A smaller building or multiple buildings would be more appropriate.

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.

PLANNING COMMISSION ACTION

Condition #5 was added at the Planning Commission meeting to which the applicant agreed.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 390 by City Clerk

APPROVALS 1

PROTESTS 1