

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: SEPTEMBER 24, 2009****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SDR-35554 - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: SILVER SKY TWO, LP**

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

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-35557) 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 08/26/09, except as amended by conditions herein.
4. Site Development Plan Review (SDR-33010) and Variance (VAR-33012) shall be expunged.
5. A perpetual, irrevocable easement to allow vehicular and pedestrian access to both proposed parcels, acceptable to City staff, shall be recorded on the parcel map submitted for subdivision of the existing site.
6. A Waiver from Title 19.12.40 Landscape and Buffer Standards and is hereby approved, to allow zero-foot landscape buffer along the a portion of the north, east and west buffer and a zero-foot landscape buffer along the south buffer where 15 feet is the minimum required.
7. An Exception from Title 19.10 Parking Loading and Traffic Standards is hereby approved, to allow three trees where five are the minimum required for parking fingers.
8. An Exception from 19.12 Landscape and Buffer Standards is hereby approved, to allow six trees where 71 perimeter buffer trees are the minimum required.
9. The standards for this development shall include a Minimum lot size of 6,500 square feet and Building height shall not exceed two stories or 35 feet, whichever is less.
10. The minimum distance between buildings shall be 10 feet.

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11. 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.
12. 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.
13. 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).
14. Air conditioning units shall not be mounted on rooftops.
15. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
16. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaires. 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.
17. 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.
18. 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.
19. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.
20. Sign and record a deed restriction with language determined to be satisfactory by the City Attorney which restricts the use of the site to an age-restricted community for those persons 55 years of age or older, to the full extent of the law.

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Public Works

21. 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.
22. 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.
23. 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.
24. 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.
25. 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.
26. 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-story, 40-unit Senior Citizen Apartment development and a 4,520 square-foot recreation building, with a Waiver to allow a zero-foot landscape buffer along the north, west and east perimeter buffer where six feet is the minimum required and a zero-foot landscape buffer along the south perimeter buffer where 15 feet is the minimum required on 4.72 acres adjacent to the north side of Silver Sky Drive, approximately 500 feet east of Roland Wiley Drive.

The proposed development was originally approved as a part of Site Development Plan Review (SDR-33010), which included the same site plan, elevations, floor plans and associated landscaping as currently submitted, but showed two buildings on the subject site. The subject Site Development Plan Review is for the site labeled Building 1 on the submitted site plan only, as the applicant has indicated that the project will be re-mapped to separate the buildings for financial reasons.

The applicant is proposing a project that fails to comply with several Title 19.12 landscape and buffer standards, making it incompatible with adjacent residential developments; therefore, denial of the request is recommended. If denied, the proposed Senior Citizen Apartment and associated buildings could not be built on the subject site and the site would remain as an undeveloped parcel until a subsequent application is submitted for development.

ISSUES

- Approval of the related Variance (VAR-35557) is required to approve the subject Site Development Plan Review.
- If approved, a condition of approval has been added to expunge the previous Site Development Plan Review (SDR-33010) and Variance (VAR-33012).

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales</i>	
05/15/02	The City Council approved a General Plan Amendment (GPA-0003-02) from R.O.W. (Right-of-Way) and PR-OS (Parks/Recreation/Open Space) to PR-OS (Parks/Recreation/Open Space) on approximately 156 acres located adjacent to the south side of Washington Avenue between Buffalo Drive and Durango Drive and adjacent to the west side of Durango Drive between Summerlin Parkway and Vegas Drive. The Planning Commission and staff recommended approval of the request.

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06/05/02	The City Council approved a Site Development Plan Review [Z-0017-02(1)] for a City Park on approximately 156 acres located adjacent to the south side of Washington Avenue between Buffalo Drive and Durango Drive and adjacent to the west side of Durango Drive between Summerlin Parkway and Vegas Drive. The Planning Commission and staff recommended approval of the request.
12/01/03	A Code Enforcement complaint (#7201) was processed for vehicle code violations at the subject property. The case was resolved on 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.
03/16/05	A deed was recorded for a change of ownership.
03/31/09	Planning and Development Department staff administratively approved a Reversionary Parcel Map (PMP-33933) to revert two lots to acreage on 4.71 acres adjacent to the north side of Silver Sky Drive, approximately 450 feet east of Roland Wiley Road. The map was recorded on 06/03/09.
05/06/09	The City Council approved a Site Development Plan Review (SDR-33010) for a 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 the minimum required, a Variance (VAR-33012) to allow a 79-foot setback where residential adjacency standards require 136 feet, and a Rezoning (ZON-32514) 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 Road. The Planning Commission and staff recommended approval of the request.
08/19/09	A Parcel Map (PMP-35685) was submitted for technical review for two lots on 4.71 acres adjacent to the north side of Silver Sky Drive, approximately 450 feet east of Roland Wiley Road. Planning and Development staff review is pending action on VAR-35557 and SDR-35554 and related cases VAR-35555 and SDR-35552.
09/24/09	The Planning Commission will consider a related Variance (VAR-35557) to allow a 10-foot front yard setback where 20 feet is required and to allow a five-foot rear yard setback where 20 feet is required for a proposed 40-unit Senior Citizen Apartment development on 4.72 acres adjacent to the north side of Silver Sky Drive, approximately 500 feet east of Roland Wiley Road.

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<i>Related Building Permits/Business Licenses</i>	
There are no related business licenses associated with this property.	
07/22/09	Civil Improvement Plans (#35314) have been submitted and are currently under review.

<i>Pre-Application Meeting</i>	
07/30/09	A pre-application meeting was held on the indicated date. The following items were noted: • Re-mapping of subject site into two parcels. • Expunging of previous approvals. • A new Site Development Plan Review and Variance would be required for both new parcels.
<i>Neighborhood Meeting</i>	
09/22/09	A neighborhood meeting is scheduled to be held at Silver Sky Assisted Living, located at 8220 Silver Sky Dr. Las Vegas, Nevada 89145.

<i>Field Check</i>	
08/20/09	Staff conducted a field check of the subject site with the following observations: • The location of existing single-family homes to the east of the subject site. • The subject site is undeveloped. • There is an existing Assisted Living Facility located west of the subject site.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	4.72 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	M (Medium Density Residential)	R-3 (Medium Density Residential)
North	R.O.W. (Right-of-Way) 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)

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<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	205,603 SF	Y
Min. Setbacks			
• Front (south property line)	20 Feet	10 Feet	N
• Side (west property line)	5 Feet	5 Feet	Y
• Side (east property line)	5 Feet	5 Feet	Y
• Rear (north property line)	20 Feet	5 Feet	N
Min. Distance Between Buildings	10 Feet	24 Feet	Y
Max. Building Height	2 stories or 35 feet, whichever is less	2 stories or 31.2 feet	Y
Max. Building Height	2 stories or 35 feet, whichever is less	1 story or 21.2 Feet	Y
Trash Enclosure	Screened	Screened	By Condition
Mech. Equipment	Screened	Screened	By Condition

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	5 Trees	3 Trees	N
Buffer:				
Min. Trees				
South property line	1 Trees/20 Linear Feet	9 Trees	Zero Trees	N
West property line	1 Tree/20 Linear Feet	29 Trees	4 Trees	N
East property line	1 Tree/20 Linear Feet	25 Trees	2 Trees	N
North property line	1 Tree/30 Linear Feet	8 Trees	Zero Trees	N
TOTAL		71 Trees	6 Trees	N

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Min. Zone Width			
South property line	15 Feet	10 Feet	N
West property line	6 Feet	Zero Feet	N
East property line	6 Feet	Zero Feet	N
North property line	6 Feet	Zero Feet	N
Wall Height	6-8 Feet	6 Feet	Y

Pursuant to Title 19.10, the following parking standards apply:

<i>Parking Requirement</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</i>	
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Senior Citizen Apartments	40 Units	0.75 Spaces/ Unit	28	2	25	5	
TOTAL			30		30		Y

Waivers		
Requirement	Provided	Staff Recommendation
6-foot and 15-foot landscape buffers	A Waiver from Title 19.12.40 Landscape and Buffer Standards to allow a zero-foot landscape buffer along a portion of the north, west and east perimeter where six feet is required and a zero-foot buffer along a portion of the south perimeter where 15 is required	Denial
Exceptions		
Requirement	Provided	Staff Recommendation
One tree and landscape finger for every six parking spaces	An Exception from Title 19.10 Parking Loading and Traffic Standards to allow three trees where five are the minimum required for parking fingers.	Denial

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71 trees are required in the landscape perimeter buffers	An Exception from 19.12 Landscape and Buffer Standards to allow six trees where 71 perimeter buffer trees are the minimum required.	Denial
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ANALYSIS

The subject site was approved by City Council on 05/06/09, which included approvals for a Site Development Plan Review (SDR-33010) for a 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 the minimum required, a Variance (VAR-33012) to allow a 79-foot setback where residential adjacency standards require 136 feet and a Rezoning (ZON-32514) from U (Undeveloped) [M (Medium Density Residential) General Plan Designation] to R-3 (Medium Density Residential).

The applicant has since re-submitted two separate Site Development Plan Review applications for each of the buildings on the subject site. The subject Site Development Plan Review is for the site labeled Building 1 on the submitted site plan only, as the applicant has indicated that the project will be re-mapped to separate the buildings for financial reasons.

With respect to Building 1, the square-footage, height, parking and the unit count remain the same as for the previous approval. The noticeable change is the reduced setbacks and landscaping, including buffer width and overall tree count. A condition of approval has been added that requires the original Site Development Plan Review (SDR-33010) and Variance (VAR-33012) to be expunged, as both applications applied to an overall site that consisted of two buildings. The applicant is proposing a project that fails to comply with several Title 19.12 landscape and buffer standards, making it incompatible with adjacent residential developments; therefore, denial of the request is recommended.

- **Site Plan**

Building 1 is indicated as a two-story, 24-foot high building. The building fails to meet Title 19.08 Development Standards for both front and rear yard setbacks, as a result of proposed lot lines that will subdivide the current lot into two parcels. The applicant has submitted a Variance (VAR-35557) to allow a 10-foot front yard setback where 20 feet is required and to allow a five-foot rear yard setback where 20 feet is required. A 4,520 square foot recreation building with accompanying pool is located to the north of the residential building.

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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. Access to the site is provided via one existing and one proposed driveway fronting Silver Sky Drive. A total of 30 parking spaces is provided where 30 are required, including five 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 is located in the file.

- **Landscape Plan**

The landscape plan submitted depicts a zero-foot landscape buffer along a portion of the north, west and east perimeter where six feet is required and a zero-foot buffer along a portion of the south perimeter where 15 feet is required. The applicant has requested Waivers of all of these requirements. The Waivers are not appropriate and have not been properly mitigated. The overall site is deficient by a total of more than 60 trees.

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.

- **Elevations**

Building 1 is indicated as a two-story structure measuring 24 feet in height, located along the middle section of the overall site. The building will incorporate design elements that include varied roof lines consisting of a hip and gable roof, relief changes in the vertical planes of the facades and decorative tower elements, and depict an architecturally pleasing façade with a variety of visual interest and subtle visual cues that will complement the surrounding environment.

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 development is inconsistent with both Title 19.08.050 Development Standards and Title 19.12 Landscape and Buffer Standards. The applicant has failed to comply with minimum front and rear yard setbacks and fails to meet minimum landscape buffer standards.

- 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 inconsistent with both Title 19.08.050 Development Standards and Title 19.12 Landscape and Buffer Standards, which are requested as a part of the subject application.

- 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. 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 landscape materials are inappropriate for the area and for the City. The applicant has failed to provide adequate perimeter landscaping and trees on the subject site. The applicant is deficient by more than 60 trees on the subject site.

- 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.**

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.

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