

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: DECEMBER 3, 2009****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: ABEYANCE - SDR-35988 - APPLICANT/OWNER: EL CAPITAN MHP, LLC**

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

1. Conformance to the conditions for Rezoning (ZON-12127) and Site Development Plan Review (SDR-12128), except as amended herein.
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 floor plans and building elevations date stamped 09/11/09, the site plan, building 5 floor plan, and elevation plan date stamped 10/21/09, and the landscape plan date stamped 10/28/09 except as amended by conditions herein.
4. Waivers from Title 19.12.040 are hereby approved to allow a five-foot landscape buffer along the north perimeter where 10 feet is the minimum required, five-foot landscape buffers along the east and west perimeters where six feet is the minimum required, and a zero-foot landscape buffer along a portion of the south perimeter where six feet is the minimum required.
5. A Waiver from Title 19.12.040 is hereby approved to allow a zero-foot landscape buffer separating the sidewalk from the back of street curb along Bonanza Road where a five-foot landscape buffer is the minimum required.
6. Exceptions from Title 19.12.040 are hereby approved to allow 15 trees within the landscape buffer along the north perimeter where 25 trees are required, 31 trees within the landscape buffer along the west perimeter where 32 trees are required and nine trees within the landscape buffer along the south perimeter where 25 trees are required.
7. An Exception from Title 19.12.040 is hereby approved to allow 8 parking lot landscape trees where 22 trees are required and 15 parking lot landscape islands where 20 islands are required.

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8. 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.
9. 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.
10. 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).
11. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
12. Air conditioning units shall not be mounted on rooftops.
13. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
14. 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.
15. 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.
16. 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.
17. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

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Public Works

18. Remove all substandard public street improvements and unused driveway cuts on Bonanza Road adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.
19. Dedicate and construct a deceleration lane at the entrance of this site, unless otherwise directed in writing in the approved Traffic Impact Analysis.
20. Coordinate with the Collection Systems Planning Section of the Department of Public Works to connect the sewer for this site in Bonanza Road at Lillian Street 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. Alternatively, provide or obtain documentation showing private sewer access through a private sewer easement in favor of Parcel 14032502002 granted through Parcels 14032516000 and 14032517001 prior to the issuance of any permits. 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.
21. 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.
22. All private improvements and landscaping 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.
23. A Traffic Impact Analysis 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 recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rightsofway required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of onsite development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rightsofway are not required and Traffic Control devices are or may be proposed at this site outside of the public rightofway, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance

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will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

24. 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 drainageways 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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The subject site consists of an undeveloped 7.27-acre lot at 4901 East Bonanza Road. This is a request for a Major Amendment to an approved Site Development Plan Review (SDR-12128) for a proposed 315 unit, four story condominium development where a 348 unit, four story condominium development was previously approved. This request will decrease the number of units, building area, landscaping and required parking. The applicant is requesting, as part of this review, Waivers and Exceptions of the Title 19 Landscape Standards. Staff can support the requested landscape Waivers and Exceptions as they are minor in nature, and will have a minimal impact on the adjacent surrounding properties; therefore, staff is recommending approval of this application. If this application is denied, site development must comply with the previously approved Site Development Plan Review (SDR-12128).

ISSUES

- The applicant is requesting Waivers to allow a five-foot landscape buffer along the north perimeter where 10 feet is the minimum required, a zero-foot landscape buffer along a portion of the south perimeter where six feet is the minimum required, and five-foot landscape buffers along the east and west perimeters where six feet is required.
- The applicant is requesting an Exception to allow 8 parking lot landscape trees where 22 trees are required and 15 parking lot landscape islands where 20 islands are required.
- The applicant is requesting Exceptions to allow 15 trees within the landscape buffer along the north perimeter where 25 trees are required, 31 trees within the landscape buffer along the west perimeter where 32 trees are required and nine trees within the landscape buffer along the south perimeter where 25 trees are required.
- The proposed development is not consistent with Title 19.12.040, which requires any sidewalk along arterial streets one hundred feet and wider to be separated from the back of the street curb by a minimum five-foot wide landscape buffer. The applicant has requested a Waiver of this requirement, and staff can support the request as the existing sidewalk is located at the back of curb to match the location of the sidewalk on adjacent properties.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
02/17/06	A deed was recorded for a change in ownership at 4901 East Bonanza Road.
08/16/06	City Council approved a Rezoning (ZON-12127) to change the zoning at 4901 East Bonanza Road from R-MHP (Residential Mobile Home Park) to R-5 (Apartment). Planning Commission and staff recommended approval.

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08/16/06	City Council approved a Site Development Plan Review (SDR-12128) for a 348 unit, four story condominium development at 4901 East Bonanza Road. Planning Commission and staff recommended approval.
08/16/06	City Council approved a General Plan Amendment (GPA-12129) to change the general plan designation from ML (Medium Low Density Residential) to H (High Density Residential) at 4901 East Bonanza Road. Planning Commission and staff recommended approval.
07/02/08	City Council approved an Extension of Time (EOT-28196) of an approved rezoning (ZON-12127) at 4901 East Bonanza Road. Staff recommended approval.
07/02/08	City Council approved an Extension of Time (EOT-28347) of an approved Site Development Plan Review (SDR-12128) for a 348 unit, four story condominium development at 4901 East Bonanza Road. Staff recommended approval.
11/19/09	Planning Commission voted to abey, at the applicants request, Site Development Plan Review (SDR-35988) for a Major Amendment to an approved Site Development Plan Review (SDR-12128) to allow 315 units where 348 units were previously approved with waivers of the perimeter landscape buffer standards to allow buffer widths of five feet along the north perimeter where 10 feet is required, five feet along the east and west perimeters where six feet is required, zero feet along the south perimeter where six feet is required, and zero-feet between the sidewalk and back of curb along an arterial street (bonanza road) where five feet is required on 7.27 acres at 4901 East Bonanza Road.
<i>Related Building Permits/Business Licenses</i>	
06/24/04	A Code Enforcement case (46946) was opened for building and fire code infractions. The case was resolved on 06/01/06.
10/20/04	A Code Enforcement case (77308) was opened for illegal garage sales. The case was resolved on 11/17/04.
02/14/05	A Code Enforcement case (108158) was opened for an illegal shed, illegal wiring to the shed, and an inoperable vehicle. The case was resolved on 01/12/06.
05/12/08	A Code Enforcement case (665217) was opened for an old mobile home park that is now empty. Graffiti and trash was noted throughout the site. The case was resolved on 06/30/08.
<i>Pre-Application Meeting</i>	
08/24/09	The following items were discussed at the pre-application conference: • Reduction in the number of units from 348 to 315. • A change in the number and composition of bedrooms. • A Parking reduction of 17%. • Removal of the first level parking podium.

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<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	
<i>Field Check</i>	
10/01/09	Staff conducted a field inspection and noted a well maintained undeveloped lot. The site was enclosed by a chain link fence.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	7.27

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	H (High Density Residential)	R-5 (Apartment)
North	Office	SC (Service Commercial)	C-1 (Limited Commercial)
South	Condominiums	M (Medium Density Residential)	R-3 (Medium Density Residential)
East	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
West	Mini-Storage	SC (Service Commercial)	C-1 (Limited Commercial)

<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 development standards shall apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	7,000 S.F.	7.27 acres	Y
Min. Lot Width	N/A	500 Feet	Y
Min. Setbacks			
• Front	10 Feet	10 Feet	Y
• Side	5 Feet	45 Feet	Y
• Rear	20 Feet	40 Feet	Y

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Min. Distance Between Buildings	N/A	8 Feet	Y
Max. Building Height	4 Stories / 55 Feet	4 Stories / 49 Feet	Y
Trash Enclosure	Screened, Gated with a Roof or Trellis	Screened, Gated with a Trellis	Y
Mech. Equipment	Screened	Screened	Y

Pursuant to Title 19.08.060, the following standards shall apply:

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	147 Feet	270 Feet	Y
Trash Enclosure	50 Feet	298 Feet	Y

Pursuant to Title 19.12.040, the following landscape standards shall 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	22 Trees	8	N
Buffer: Min. Trees	1 Tree / 20 Linear Feet	114 Trees	87 Trees	N
TOTAL		136	95	N
Min. Zone Width				
• Front	15 Feet		5 Feet	N
• Sides	6 Feet		5 Feet	N
• Rear	6 Feet		Zero Feet	N
Wall Height	6-8 Feet		7 Feet	Y

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	
Condominium One Bedroom Unit	225 Units	1.25 spaces per unit	282				
Condominium Two Bedroom Unit	90 Units	1.75 spaces per unit	158				

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Condominium Guest Parking		1 space per 6 units	53				
Sub-Total			493	9	521	9	
TOTAL			502		521		Y

	Previously Approved (SDR-12128)	Proposed
Number of Buildings	11 Buildings	15 Buildings
Total Number of Units	348 Units	315 Units
Number of One Bedroom Units	120 Units	225 Units
Number of Two Bedroom Units	180 Units	90 Units
Number of Three Bedroom Units	48 Units	Zero Units
Parking Requirements	619 spaces required 624 spaces provided	502 spaces required 521 spaces provided
Parking Lot Landscape Islands	33 landscape islands required 33 landscape islands provided	20 landscape islands required 15 landscape islands provided
Elevations	4 stories Height - 53 Feet 6 Inches	4 stories Height - 49 Feet
Landscape Buffer Widths	North 10 Feet South 20 Feet East 5 Feet West 5 Feet	North 5 Feet South Zero Feet East 5 Feet West 5 Feet
Building Setbacks	Front 10 Feet Sides 5 Feet Rear 20 Feet	Front 10 Feet Sides 45 Feet Rear 40 Feet

Waivers		
Requirement	Request	Staff Recommendation
15 Feet	To allow a five foot landscape buffer along the north perimeter.	Approval
6 Feet	To allow a zero foot landscape buffer along the south perimeter.	Approval
6 Feet	To allow five foot landscape buffers along the east and west perimeter	Approval
5 Feet	To allow a zero foot landscape buffer area between the back of street curb and the sidewalk along Bonanza Road.	Approval

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Exceptions		
Requirement	Request	Staff Recommendation
25 Trees	15 Trees within the landscape buffer along the north perimeter.	Approval
32 Trees	31 trees within the landscape buffer along the west perimeter.	Approval
25 Trees	Nine trees within the landscape buffer along the south perimeter.	Approval
22 Trees	To allow 8 parking lot landscape trees.	Approval
20 Landscape Islands	To allow 15 parking lot landscape islands	Approval

ANALYSIS

This request is for a Major Amendment to the original Site Development Plan Review (SDR-12128) that approved a 348 unit, four story condominium development. As proposed, the condominium development will decrease to 315 units, with a subsequent reduction in required parking and site design.

The site complies with all Title 19 requirements with the exception of required landscaping. Per Title 19.12.040, a perimeter landscape buffer of ten feet must be provided adjacent to all street rights-of-way and a buffer of six feet must be provided along all interior property lines. The landscape plan depicts a five-foot landscape buffer along a street right-of-way, which is a five foot deviation from standard, a zero foot landscape buffer along a portion of the south property line, which is a six-foot deviation from standard and five-foot landscape buffers along the east and west perimeters which are one-foot deviations from standard.

Per Title 19.12.040, the Perimeter Landscape Buffer Standards require one tree for every 20 linear feet of perimeter buffer area. The applicant is requesting Exceptions to allow 15 trees within the landscape buffer along the north perimeter where 25 trees are required, 31 trees within the landscape buffer along the west perimeter where 32 trees are required and nine trees within the landscape buffer along the south perimeter where 25 trees are required. Staff can support the requested landscape Waivers and Exceptions as they are minor in nature, and the landscaping provided will be adequate for the development; therefore, staff is recommending approval of this application.

Per Title 19.12.040, the On-Site Parking Lot Landscaping standards require one parking lot landscape island for every six parking spaces and one 24-inch box tree for every landscape island. The applicant is requesting Exceptions to allow 15 parking lot landscape islands where 20 islands are required and eight parking lot landscape trees where 22 trees are required.

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Per Title 19.12.040, sidewalks along arterial streets 100 feet and wider shall be separated from the back of street curb by a minimum of five feet of landscape buffer area. The landscape plan depicts a zero-foot landscape buffer, which is a five-foot deviation from standard. The applicant has requested a Waiver to address this issue. Staff can support the requested Waiver, as the existing sidewalk is located at the back of curb to match the location of the sidewalk on adjacent properties.

FINDINGS

The following findings must be made for a Site Development Plan Review:

- 1. The proposed development is compatible with adjacent development and development in the area;**

The proposed development is compatible with adjacent development and 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 consistent with the General Plan and Title 19, with the exception of the requests for waivers and exceptions of the Title 19 landscape standards. These requests are minor in nature and will not negatively impact the surrounding land uses.

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

The site is accessed from Bonanza Road, designated as a 100-foot Primary Arterial by the Master Plan of Streets and Highways, and will provide adequate access to the site. Site access and circulation will not negatively impact adjacent roadways and neighborhood traffic.

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

The building materials are appropriate for the area and the city. Landscape materials are also appropriate for the area and city.

- 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;**

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The building elevations are not unsightly or obnoxious, and will be compatible with development in the area.

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

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NOTICES MAILED 258

APPROVALS 0

PROTESTS 0