

AGENDA MEMO**PLANNING COMMISSION MEETING DATE: DECEMBER 17, 2009****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SDR-36576 - APPLICANT: NEVADA H.A.N.D., INC. - OWNER: THE CITY OF LAS VEGAS**

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

1. Conformance to the conditions for Rezoning (ZON-24442) and Site Development Plan Review (SDR-28121), except as amended herein.
2. Approval of and conformance to the Conditions of Approval for Variance (VAR-36577) shall be required, if approved.
3. 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.
4. All development shall be in conformance with the site plan, landscape plan, floor plan, and building elevations date stamped 11/03/09, except as amended by conditions herein.
5. An Exception from Title 19.12.040 is hereby approved, to allow 37 trees within the perimeter landscape buffers where 103 trees are required.
6. A revised landscape plan shall be submitted to and approved by the Planning and Development Department, prior to the time application is made for a building permit, to reflect 24-inch box trees along the north perimeter landscape buffer.
7. The minimum distance between buildings shall be 20 feet.
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. 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).

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10. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
11. Air conditioning units shall not be mounted on rooftops.
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. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

15. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. All existing public improvements adjacent to this site damaged during construction shall be repaired at the applicant's expense to the satisfaction of the City of Las Vegas Department of Public Works.
16. Site Visibility Restriction Zones (S.V.R.Z.) adjacent to public streets shall be indicated on civil improvement plans, not on Final Maps, and shall include the following note: "No walls, fences, trees, shrubs, utility appurtenances or any other object, other than traffic control devices and street light poles, may be constructed or installed within the Sight Visibility Restriction Zone (S.V.R.Z.) unless said object is maintained at less than 24 inches in height measured from adjacent top of curb, or where no curb exists, a height of 27 inches measured from the top of adjacent asphalt, gravel, or pavement street surface". Area shall be labeled as "Privately Maintained".
17. 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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The subject site consists of an undeveloped 4.86 acre lot at 15 West Owens Avenue. This is a request for a Major Amendment to an approved Site Development Plan Review (SDR-28121) for a proposed 144-unit, three story multi-family residential development where a 150-unit, three story multi-family residential development was previously approved. As proposed, the development will decrease to 144 units, with a subsequent reduction in required parking and site design. The applicant is requesting, as part of this review, an Exception of the Title 19 Landscape Standards. If this application is denied, site development must comply with the previously approved Site Development Plan Review (SDR-28121).

ISSUES

- Approval of a companion Variance (VAR-36577) to allow 170 parking spaces where 228 are required is necessary for this request to be approved.
- The applicant is requesting an Exception to allow 37 trees within the perimeter landscape buffers where 103 trees are required.
- A revised landscape plan shall be submitted to and approved by the Planning and Development Department, prior to the time application is made for a building permit, to reflect 24-inch box trees along the north perimeter landscape buffer.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
11/27/07	City Council approved a request to Amend a portion of the Southeast Sector Plan of the General Plan (GPA-24441) from M (Medium Density Residential) to H (High Density Residential) and a Rezoning (ZON-24442) from R-MHP (Residential Mobile/Manufactured Home Park) to R-5 (Apartment) on 4.86 acres on the south side of Owens Avenue, approximately 840 feet west of Main Street.
08/20/08	City Council approved a Site Development Plan Review (SDR-28121) for a 150-Unit Multi-Family residential development on 4.86 acres on the south side of Owens Avenue, approximately 850 feet west of Main Street. Planning Commission and staff recommended approval.
<i>Related Building Permits/Business Licenses</i>	
There are no building licenses or permits that pertain to this site.	
<i>Pre-Application Meeting</i>	
10/21/09	The Planning & Development Department met with the applicant and reviewed the requirements for a Major Amendment to a Site Development Plan Review and Variance.

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<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	4.86

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	H (High Density Residential)	R-5 (Apartments)
North	Offices	Downtown Business Area - North Las Vegas	R-2 (Two Family) – North Las Vegas
South	Las Vegas Indian Colony (Mobile Home Units)	ML (Medium Low Residential)	C-V (Civic)
East	Apartments	H (High Density Residential)	C-V (Civic)
West	Rescue Mission	M (Medium Density Residential)	M (Industrial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown North Land Use Plan	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District – 75 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 development standards are proposed:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	7,000 SF	211,702 SF	Y
Min. Lot Width	Unlimited	240 Feet	Y
Min. Setbacks			
• Front	10 Feet	11 Feet	Y
• Side	5 Feet	15 Feet	Y
• Rear	20 Feet	61 Feet	Y

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Min. Distance Between Buildings	10 Feet	20 Feet	Y
Max. Building Height	5 stories or 55 feet	3 stories, 35 feet	Y
Trash Enclosure	Screened, enclosed with a Roof or Trellis	Screened, enclosed with a Trellis	Y
Mech. Equipment	Screened	Screened	Y

Pursuant to Title 19.12, 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 (26 Uncovered Parking stalls)	5 Trees	6 Trees	Y
Buffer: Min. Trees	1 Tree/ 20 Linear Feet	103 Trees	37 Trees	N
TOTAL		108 Trees	43 Trees	N
Min. Zone Width (Adjacent to R.O.W)	10 Feet		15 Feet	Y
Min. Zone Width (Adjacent to Interior)	6 Feet		6 Feet	Y
Wall Height	6 Feet		6 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
Multi-Family	One-Bedroom Unit – 96	1.25 Space / Unit	120				
	Two Bedroom Unit – 48	1.75 Space / Unit	84				
Guest	144 Units	1 Space / 6 Units	24				
SubTotal			221	7	161	9	N
TOTAL			228		170		N

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	Previously Approved (SDR-28121)	Proposed
Total Units	150 Units	144 Units
One-Bedroom Units	96 Units	96 Units
Two Bedroom Units	36 Units	48 Units
Three Bedroom Units	18 Units	Zero Units
Parking	Required – 244 spaces Provided – 251 spaces	Required – 228 spaces Provided – 170 spaces
Height	3 stories, 35 Feet	3 stories, 35 Feet
Setbacks	Front - 10 Feet Side – 15 Feet Rear – 72 Feet	Front - 11 Feet Side – 15 Feet Rear – 61 Feet
Min. Distance Between Buildings	10 Feet	20 Feet
Perimeter Buffer Trees	Required – 103 Trees Provided - 70 Trees	Required – 103 Trees Provided - 37 Trees
Parking Lot Trees	Required – 43 Trees Provided – 43 Trees	Required – 5 Trees Provided – 6 Trees
Total Trees	Required - 143 Trees Provided - 184 Trees	Required - 108 Provided - 43

Exceptions		
Requirement	Request	Staff Recommendation
103 trees are required at 1 per 20 linear feet in the landscape buffer area	37 trees in the landscape buffer area	Denial

ANALYSIS

This request is for a Major Amendment to the original Site Development Plan Review (SDR-28121) that approved a 150-unit, three story multi-family residential developments. As proposed, the development will decrease to 144 units, with a subsequent reduction in required parking and site design.

The site complies with all Title 19 requirements with the exception of required parking and landscaping. The applicant is required to provide a total of 228 parking spaces per Title 19.10 Parking Standards for the proposed development. The site plan depicts 170 parking spaces, including nine handicap spaces, which is a 25% deviation from standard. A companion Variance (VAR-36577) has been submitted to address this issue.

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The landscape plan submitted depicts 37 trees within the perimeter landscape buffers where 103 trees are required. The applicant has requested an Exception of this requirement. The proposed trees are spaced fifty-five feet on center where 20 feet on center is required. Although the perimeter landscape buffers are deficient by a total of more than 60 trees, the applicant has attempted to alleviate the deficiency by providing 65 trees interior to the site. A total of 103 trees consisting of 24-inch box Chitalpa and 15-inch box Thornless Texas Honey Mesquite have been proposed throughout the site.

The landscape plan depicts 15-inch box trees along the north perimeter landscape buffer where 24-inch box trees are required. A condition has been added requiring the applicant to submit and obtain approval of a revised landscape plan depicting 24-inch box trees along the north perimeter landscape buffer prior to issuance of building permits.

The overall site is accessed by Owens Avenue, which is designated as a 100-foot Primary Arterial by the Master Plan of Streets and Highways. The site provides adequate access and circulation for pedestrians and vehicles. The materials and design of the building exteriors will match through-out the proposed multi-family residential development. Materials used include a complimentary color palette of desert neutrals. The buildings are three stories in height and use balconies and accent trims to accentuate the appearance of the building facades.

The site, as proposed, will not meet the minimum required parking of Title 19.04, and the elimination of required perimeter planting materials will not mitigate the adverse visual and noise impacts to adjacent properties; therefore, staff cannot support the requested Exception, or associated Variance for parking and is recommending denial.

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 site is not compatible with the adjacent social service providers to the west and apartments to the east of the proposal. This proposed development is deficient in required landscaping which will create adverse impacts to the adjacent properties.

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 site, as proposed, will not meet the minimum required parking of Title 19.04, and the elimination of required perimeter planting materials will not mitigate the adverse visual and noise impacts to adjacent properties.

December 17, 2009 - Planning Commission Meeting**3.Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

The site is accessed by Owens Avenue, 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. The applicant is requesting an Exception to allow 37 trees within the perimeter landscape buffers where 103 trees are required. The elimination of required perimeter planting materials will not mitigate the adverse visual and noise impacts to adjacent properties.

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 acceptable building and are compatible with the neighboring properties.

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 health, safety, and general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED

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APPROVALS

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PROTESTS

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