



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: AUGUST 9, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: RANCHO PROPERTIES, LLC

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
GPA-41777	Staff recommends DENIAL.	
ZON-41778	Staff recommends DENIAL.	GPA-41777
SDR-41779	Staff recommends DENIAL, if approved subject to conditions:	GPA-41777 ZON-41778

** CONDITIONS **

SDR-41779 CONDITIONS

Planning

1. Approval of a General Plan Amendment (GPA-41777) and Rezoning (ZON-41778) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. 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 05/12/11, except as amended by conditions herein.
4. A Waiver from Title 19.06.110 is hereby approved, to allow no landscape buffer along portions of the north perimeter where six feet is required.
5. An Exception from Title 19.06.110 is hereby approved, to allow no trees in the parking lot where required due to a sewer easement and to have nine fewer additional parking lot trees than required.
6. An Exception from Title 19.06.110 is hereby approved, to allow 126 total perimeter trees for the project.

Conditions Page Two
August 9, 2011 - Planning Commission Meeting

7. Applicant is required to file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, in accordance with 14 CFR Part 77. No Building Permit or other construction permit shall be issued for any structure greater than 35 feet above the surface of land that, based upon the FAA's 7460 airspace determination (the outcome of filing the FAA Form 7460-1) would (a) constitute a hazard to air navigation, (b) would result in an increase to minimum flight altitudes during any phase of flight (unless approved by the Department of Aviation), or (c) would otherwise be determined to pose a significant adverse impact on airport or aircraft operations.
8. Any changes based upon right-of-way, traffic or drainage studies or street improvements required by the city or public utilities shall not reduce the widths of perimeter landscape buffers, height of walls or quantities of plant materials from that on submitted landscape plans date stamped 05/12/11. Any changes based upon subsequently submitted studies must be accommodated elsewhere on the site.
9. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
10. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
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. Installed landscaping shall not impede visibility of any traffic control device.
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 19.08.040.
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.

Conditions Page Three
August 9, 2011 - Planning Commission Meeting

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

Public Works

17. Construct all incomplete half-street improvements on Michael Way adjacent to this site 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.
18. Remove all substandard public street improvements adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.
19. 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.
20. No new permanent structures or landscaping taller than 3 feet shall be allowed within the existing 20-foot public sewer easement granted by Plat Book 95 Page 52.
21. 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 or the submittal of any construction drawings for 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 rights-of-way 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 on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, 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 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.

Staff Report Page Four

August 9, 2011 - Planning Commission Meeting

22. 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 or submittal of any construction drawings, 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.

Staff Report Page One
August 9, 2011 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant has requested to change the General Plan and Zoning on 9.92 undeveloped acres in order to construct a 136-unit apartment complex. The property is currently planned for use as LI/R (Light Industry/Research). The location near the end of the primary runway at North Las Vegas Airport and being in the final approach path for aircraft tends to support the current land use designation. The Clark County Department of Aviation has notified staff of its strong opposition to changing the use to allow a residential development. Staff supports the reasoning and recommends denial of the requests. If denied, the property would remain designated for LI/R (Light Industry/Research) development and no residential component could be built.

ISSUES

- A Waiver is required to allow a zero-foot landscape buffer along a portion of the north perimeter where six feet is required. Staff supports the request as it is adjacent to an alley.
- An Exception is required to allow no parking lot shade trees where required due to an existing sewer easement. Staff supports the request as the design of the project prohibits this requirement from being met.
- An Exception is required to allow 126 perimeter trees where 133 are required. Staff supports the request as the existing sewer easement prohibits this requirement from being met.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
1962	The City Council approved Annexation (A-0003-62), which included the property located at 3000 North Michael Way.
12/15/76	The Board of Adjustments approved Variance a(V-0091-76) to allow two horses per lot on property zoned R-D (Residential Development) at 3000 North Michael Way. Staff had no objection to the request.
03/20/91	The City Council approved Rezoning (Z-0009-91) from R-E (Residence Estates) and C-2 (General Commercial) to C-M (Commercial Industrial) for an office commercial park at 3000 North Michael Way. The Planning Commission and staff recommended approval. The 2-year Resolution of Intent expired without being exercised.

Staff Report Page Two
August 9, 2011 - Planning Commission Meeting

12/20/95	The City Council approved Rezoning (Z-0090-95) from R-E (Residence Estates) and C-2 (General Commercial) to C-M (Commercial Industrial) for an office commercial park and mini-storage facility at 3000 North Michael Way. The Planning Commission and staff recommended approval. The 1-year Resolution of Intent and several Extensions Of Time expired without being exercised.
08/11/97	The City Council approved Rezoning (Z-0036-97) from R-E (Residence Estates) to C-M (Commercial Industrial) for an office park at 3000 North Michael Way. Condition 7 prohibited all but emergency access off of Michael Way. The Planning Commission recommended denial and staff recommended approval.

Most Recent Change of Ownership

11/18/10	A deed was recorded for a change in ownership.
----------	--

Related Building Permits/Business Licenses

11/02/07	Code Enforcement issued a citation (#59473) for trash and illegal dumping at 3000 North Michael Way. The case was closed on 11/15/07.
07/09/08	Code Enforcement issued a citation (#67556) for a damaged utility box at 3000 North Michael Way. The case was closed on 07/10/08.
08/13/10	Code Enforcement issued a citation (#93631) for noise at 3000 North Michael Way. The case was closed on 08/17/10.
11/17/10	Code Enforcement issued a citation (#96307) for trash at 3000 North Michael Way. The case was closed on 11/18/10.

Pre-Application Meeting

04/06/11	Staff met with the applicant and reviewed the requirements for a General Plan Amendment, Rezoning and Site Development Plan Review application for a proposed apartment complex.
----------	--

Neighborhood Meeting

06/09/11	A neighborhood meeting was held. Four members of the public attended and were evenly split, two to two on the project. The two who were not in favor of the project expressed concerns regarding increased crime and traffic that generally come with higher density developments. They also felt that the existing zoning was an appropriate buffer for the area.
----------	--

Staff Report Page Three
August 9, 2011 - Planning Commission Meeting

Field Check	
06/02/11	Staff visited the site and found a fenced, clean undeveloped lot.

Details of Application Request	
Site Area	
Net Acres	9.92

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Undeveloped	LI/R (Light Industrial/Research)	O (Office)
		Proposed: M (Medium Density Residential)	C-M (Commercial/Industrial)
			Proposed: R-3 (Medium Density Residential)
North	Single Family Residential	M (Medium Density Residential)	R-3 (Medium Density Residential)
South	Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
East	Retail	LI/R (Light Industrial/Research)	C-M (Commercial/Industrial)
	Office		
West	Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)

Master Plan Areas	Yes	No	Compliance
Special Purpose and Overlay Districts	Yes	No	Compliance
Special Purpose and Overlay Districts	X		Y
A-O (Airport Overlay) District (35 Feet)	X		Y
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

Staff Report Page Four
August 9, 2011 - Planning Commission Meeting

DEVELOPMENT STANDARDS

Pursuant Title 19.06.110, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	6,500 SF	432,466 SF	Y
Dwelling Units per Acre	13-50 Units Per Acre	14 Units Per Acre	Y
Min. Setbacks			
• Front	10 Feet	23 Feet	Y
• Side	5 Feet	20 Feet	Y
• Rear	20 Feet	50 Feet	Y
Min. Distance Between Buildings	10 Feet	20 Feet	Y
Max. Lot Coverage	N/A	N/A	N/A
Max. Building Height	55 Feet	24 Feet	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, Gated and roofed	Y
Mech. Equipment	Screened	Screened	Y

Residential Adjacency Standards	Required/Allowed	Provided	Compliance
3:1 proximity slope	41.65 Feet	41.65 Feet	Y
Adjacent development matching setback	20 Feet	41 Feet	Y
Trash Enclosure	50 Feet	80 Feet	Y

Pursuant to Title 19.06.110, the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Buffer Trees:				
• North	1 Tree / 20 Linear Feet	30 Trees	26 Trees	N
• South	1 Tree / 20 Linear Feet	26 Trees	25 Trees	N
• East	1 Tree / 20 Linear Feet	40 Trees	39 Trees	N
• West	1 Tree / 20 Linear Feet	37 Trees	36 Trees	N
TOTAL PERIMETER TREES		133 Trees	126 Trees	N
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	38 Trees	20 Trees	N

Staff Report Page Five
August 9, 2011 - Planning Commission Meeting

LANDSCAPE BUFFER WIDTHS			
Min. Zone Width			
• North	6 Feet	0 Feet	N
• South	6 Feet	20 Feet	Y
• East	6 Feet	6 Feet	Y
• West	10 Feet	15 Feet	Y
Wall Height	6 to 8 Feet Adjacent to Residential	6 Feet	Y

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Actual Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Michael Way	Secondary Collector	Master Plan of Streets and Highways	80	Y

Pursuant to Title 19.08 and 19.12, 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	
2 Bedroom Apartments	80	1 per 1.75 du	140				
3 Bedroom Apartments	56	1 per 2.0 du	112				
Visitor	136	1 per six units	23				
TOTAL SPACES REQUIRED			275		409		Y
Regular and Handicap Spaces Required			1		1		Y

Waivers		
Requirement	Request	Staff Recommendation
To provide a six foot wide landscape buffer along the north perimeter.	To allow no landscape buffer along a portion of the north perimeter.	Approval

Staff Report Page Six
August 9, 2011 - Planning Commission Meeting

<i>Exceptions</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
To require 1 tree at the end of each parking lot row and 1 tree for each 6 uncovered parking spaces.	To allow no trees in the parking lot where required due to a sewer easement and to have 9 fewer additional parking lot trees.	Approval
To have 1 perimeter tree every 20 foot on center for a total of 133 perimeter trees.	To allow 126 total perimeter trees.	Approval

ANALYSIS

The applicant is requesting that the General Plan and Zoning be changed to allow a 136-unit multi-family residential project to be built where the General Plan and current Zoning allow only commercial and light industrial uses to be located. The Clark County Department of Aviation (CCDOA) has expressed concerns with the project and believes that commercial and light industrial uses would be the best suited for the parcel as currently permitted. Specifically, the CCDOA had the following comments:

“Federal Aviation Regulations (Title 14, Part 77) require that the Federal Aviation Administration (FAA) be notified before the construction or alteration of any building or structure greater than 200 feet in height (77.13(a)(1)) or that will exceed a slope of 100:1 for a distance of 20,000 feet from the nearest point of any airport runway greater than 3,200 feet in length (77.13(a)(2)(i)). Such notification allows the FAA to determine what impact, if any, the proposed development will have upon navigable airspace, and allows the FAA to determine where the development requires obstruction marking or lighting.

The proposed development will exceed the 100:1 notice requirement for the North Las Vegas Airport (VGT). Therefore, as required by 14 CFR Part 77, a condition has been added that the FAA must be notified of the proposed construction or alteration.

The CCDOA is also concerned about the proposed residential nature of the project. The project is located approximately one-half mile from, and directly adjacent to preferred flight patterns for VGT. The subject property is exposed to significant single-event aircraft over-flight noise, and many aircraft are at very low altitudes above it. Future demand for air travel and airport operations is expected to increase significantly. Clark County intends to continue to upgrade VGT to meet future air traffic demand. CCDOA stresses that the current zoning is appropriate for non-residential uses. The FAA will no longer provide remedial noise mitigation measures for

Staff Report Page Seven
August 9, 2011 - Planning Commission Meeting

incompatible development impacted by aircraft operations for projects constructed after October 1, 1998. A commercial project would be more compatible with existing and future airport operations. If the project is approved, CCDOA suggests that the owner provide a stand-alone noise disclosure statement to the renter of each unit, and that the completed and recorded noise disclosure statements be forwarded to the CCDOA office. Staff recommends denial of the project in support of the concerns raised by the CCDOA.

The project requires the approval of a Waiver of the north perimeter landscape buffer. This waiver is for the areas where the trash enclosures are located. Since this perimeter is adjacent to an alley and only a minimum amount of landscaping is involved with the request, staff supports the waiver.

The two Exceptions are needed due to an existing sewer easement that crosses the parcel. Since trees cannot be planted over this easement, staff supports the request.

There is a multi-family development north of the proposal that was constructed in 1983, before the North Las Vegas Airport became busy. That project is just to the north of the primary flight path of aircraft landing at the airport. There are also single family neighborhoods to the west and south of the proposed project. The homes are all single story structures.

The current land use and zoning designations provide an appropriate buffer between the airport and the residential neighborhoods. Low flying aircraft will have less of a negative impact on such uses than a residential project would experience. There have been several aircraft accidents in the past few years that had a direct impact on residential neighborhoods in the area. An additional residential neighborhood would not be prudent land use planning. As such, staff recommends denial of the applications.

FINDINGS (GPA-41777)

Section 19.16.030(I) of the Las Vegas Zoning Code requires that the following conditions be met in order to justify a General Plan Amendment:

1. The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations,

A residential project is not compatible with the industrial/research land use adjacent along the east perimeter. The fact that low flying aircraft will continue to be present and actually increase with the growth of the airport also makes residential uses incompatible for the site.

Staff Report Page Eight
August 9, 2011 - Planning Commission Meeting

2.The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,

A residential zoning designation is not compatible with the adjacent industrial use to the east.

3.There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and

This is an infill project surrounded by a completely built urban environment. The available infrastructure is adequate to accommodate the project.

4.The proposed amendment conforms to other applicable adopted plans and policies that include approved neighborhood plans.

There are no other applicable plans for this area.

FINDINGS (ZON-41778)

In order to approve a Rezoning application, pursuant to Title 19.16.090(L), the Planning Commission or City Council must affirm the following:

1.The proposal conforms to the General Plan.

This project does not conform to the General Plan and a subsequent General Plan Amendment accompanies this request.

2.The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.

A high density residential project is not compatible with the surrounding land uses, specifically the North Las Vegas Airport.

3.Growth and development factors in the community indicate the need for or appropriateness of the rezoning.

There is currently an abundance of vacant residential properties in the community and thus these conditions do not support the request at this time.

Staff Report Page Nine
August 9, 2011 - Planning Commission Meeting

4. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.

The project would be serviced by Michael Way, an 80-foot wide Secondary Collector.

FINDINGS (SDR-41779)

In order to approve a Site Development Plan application, per Title 19.16.100(E) 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;

A high density residential project is not compatible at this location, due to the low flying aircraft landing at the North Las Vegas Airport. In addition, a residential project is not compatible with adjacent industrial land uses to the east.

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 not consistent with Title 19.08 as is evidenced by the required waivers and exceptions.

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

Michael Way, an 80-foot wide Secondary Collector right-of-way, is adequate to handle the traffic generated by the proposed development.

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

The proposed drought-resistant landscape plants and building material are appropriate for the area.

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 design of the project is aesthetically appropriate for the area and will not be obnoxious in appearance.

Staff Report Page Ten
August 9, 2011 - Planning Commission Meeting

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

The project will require permits and inspections and thus the public health, safety and welfare will be protected. A condition has been added to notify the FAA via a Form 7460-1, which will allow the FAA to make a determination as to whether the proposed development will constitute a hazard to air navigation.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 11

NOTICES MAILED 340

APPROVALS 0

PROTESTS 13