

## AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 16, 2007  
DEPARTMENT: PLANNING AND DEVELOPMENT  
ITEM DESCRIPTION: SDR-18031 - APPLICANT/OWNER: FAIRFIELD HUALAPAI, LLC

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### \*\* CONDITIONS \*\*

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to:

#### Planning and Development

1. Conformance to the Conditions of Approval for Rezoning ZON-1520 and ZON-2184 shall be required.
2. Approval of and conformance to the Conditions of Approval for VAR-18090 shall be required.
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, date stamped 03/19/07, building elevations, date stamped 01/09/07, and the revised elevations submitted to the City Clerk on 4/12/07, except as amended by conditions herein.
5. A certificate of occupancy for the shell of Buildings 1, 2 and 3, retail, shall be obtained before the request for final certificates of occupancy on any of the residential units.
6. A revised site plan shall be submitted to and approved by the Planning and Development Department, prior to the time application is made for a tentative map or a building permit, indicating that all trash enclosures will be located at least 50 feet from existing residential property.
7. Conformance to the trail plan, date stamped 04/05/07, depicting a Multi-Use Transportation Trail.
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 or at the same time as Final Map submittal. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.

9. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
10. 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.
11. 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).
12. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
13. Air conditioning units shall not be mounted on rooftops within the residential portion of this proposal unless the air conditioning units are not visible from the street level.
14. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
15. 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.
16. 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.
17. 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.
18. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

*Public Works*

19. The Special Improvement District section of the Department of Public Works must be contacted and appropriate written agreements (if necessary) must be executed by the property owner(s) of record prior to the recordation of the Final Map or the issuance of any building permits, whichever may occur first. The written agreements (if applicable) will allow the recalculation and/or the redistribution of all assessments of record on this site.
20. If not already constructed by the Master Developer, construct half-street improvements, including appropriate over paving, on Hualapai Way and Elkhorn Road adjacent to this site concurrent with development of this site. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. In addition, a minimum of two lanes of paved, legal access to the nearest constructed public street shall be in place prior to final inspection of any units within this site.
21. If not constructed at the time of development by the Master Developer, landscape and maintain all unimproved right-of-way (if any) adjacent to this site concurrent with development of this site.
22. If not obtained at the time of development by the Master Developer, submit an Encroachment Agreement for all landscaping and private improvements (if any) in the public rights-of-way adjacent to this site.
23. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222a. The driveway accessing Dorrell Lane shall be a crash gate only.
24. This site plan proposes shared access between the residential and commercial portions of this project on a private loop road. The first map that includes the loop road shall provide the full length and width. Upon subdivision, perpetual common access rights between the various parcels/owners within this Mixed Use development shall be preserved.
25. A Homeowners Association or Landscape Maintenance Association shall be established to maintain all private roadways, landscaping and common areas created with this development. All landscaping and private improvements 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.
26. Show and dimension the common lots and adjacent right-of-way on the Tentative Map for this site as recorded by the Cliffs Edge parent map and include the recorders information (subdivision name, book and page number).

27. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Final Map for this site. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
28. 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.
29. Site development to comply with all applicable conditions of approval for previous zoning actions, Master Drainage Studies, Cliffs Edge Parent Map, Cliffs Edge Development Standards, Design Guidelines and Development Agreement and all other applicable site-related actions.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Site Development Plan Review for a mixed-use development consisting of a proposed 218 townhouse units and a three building, 32,400 square-foot retail developments on 15.69 acres at the southwest corner of Hualapai Way and Elkhorn Road.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
04/16/03	City Council approved a request for a Rezoning (ZON-1520) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) Zone on 297.50 acres and to Establish a Master Plan for the Cliff's Edge Development adjacent to the south side of Grand Teton Drive, between Hualapai Way and Puli Road. The Planning Commission and staff recommended approval.
07/16/03	City Council approved a request for a Rezoning (ZON-2184) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) on 704 acres adjacent to the south side of Grand Teton Drive, between Hualapai Way and Puli Road. The Planning Commission and staff recommended approval.
11/16/05	City Council approved a request for a Major Modification (MOD-9174) to the Cliff's Edge Master Development Plan and Design Guidelines to establish standards for rear loaded residential small lot housing products and to add section 3.2.5b to the design guidelines on 1,156 acres generally located adjacent to the south side of Grand Teton Drive, between Hualapai Way and Puli Road. The Planning Commission and staff recommended approval.
02/22/07	The Planning Commission voted to hold this item in abeyance in an effort to allow the applicant an opportunity to work with the surrounding property owners and to prepare a site plan which is more reflective of a mixed-use development.
04/12/07	The Planning Commission recommended approval of companion item VAR-18090 concurrently with this application.  The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #33/ar).
<b><i>Pre-Application Meeting</i></b>	
10/09/06	The Cliffs Edge Design Standards were discussed. Staff indicated that a trail would be required along Hualapai Way.

<b>Neighborhood Meeting</b>	
03/12/07	A neighborhood meeting was held at 5:30 PM at Mountain Crest Community Center, 4701 N. Durango. Six members of the public, five representatives of the applicant, one Clark County liaison, and one City of Las Vegas liaison attended. The issues discussed were walk ability of the site, location of delivery loading zones, concern over density, traffic issues; the lack of mixed use in the site plan and insufficient parking.

<b>Details of Application Request</b>			
<b>Site Area</b>			
Net Acres	11.85		
<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Undeveloped	PCD (Planned Community Development)	PD (Planned Development) Zone [VC (Village Commercial) Cliffs Edge Special Land Use Designation]
North	Single Family Residential	PCD (Planned Community Development)	PD (Planned Development) Zone [L (Low Density Residential) Cliffs Edge Special Land Use Designation]
South	Multi-Family Residential	PCD (Planned Community Development)	PD (Planned Development) Zone [M (Medium Density Residential) Cliffs Edge Special Land Use Designation]
East	Undeveloped (County)	County	Clark County Zoning [Rural Estates Residential [2 Units Per Acre](R-E)]
West	Single Family Residential	PCD (Planned Community Development)	PD (Planned Development) Zone [L (Low Density Residential) Cliffs Edge Special Land Use Designation]

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>			
Cliffs Edge	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>			
PD (Planned Development) District	X		Y
Cliffs Edge	X		Y
<b>Special Purpose and Overlay Districts</b>		X	Y
<b>Trails</b>	X		Y
<b>Rural Preservation Overlay District</b>		X	Y
<b>Development Impact Notification Assessment</b>		X	Y
<b>Project of Regional Significance</b>		X	Y

**DEVELOPMENT STANDARDS**

*RESIDENTIAL PORTION:*

<i>Standard (Cliffs Edge)</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Setbacks Principle Buildings and Accessory Structures from the Property Line <ul style="list-style-type: none"> <li>• Single Story Structures</li> <li>• Two Story Structures</li> <li>• Three Story Structures</li> </ul>	10 Feet N/A 30 Feet	10 Feet N/A 30 Feet	Y
Principle Buildings and Accessory Structures Adjacent to Street R.O.W. at Parcel Perimeter <ul style="list-style-type: none"> <li>• Single Story Structure</li> <li>• Two Story Structure</li> <li>• Three Story Structure</li> </ul>	10 Feet 20 Feet 25 Feet	N/A N/A 25 Feet	Y
Principle Buildings and Accessory Structures Adjacent to Parks, Open Space, Landscaped Areas Adjacent to Perimeter Streets, or Paseo Pl <ul style="list-style-type: none"> <li>• Single Story Structures</li> <li>• Two Story Structures</li> <li>• Three Story Structures</li> </ul>	10 Feet 10 Feet 10 Feet	N/A N/A 23 Feet	Y

Living Area or Porch from Private Street or Parking	10 Feet	2 Feet	N*
Garage Face Setback from Private Street	Less than 5 Feet or 18 Feet plus	N/A	Y
Building Separation <ul style="list-style-type: none"> <li>• Balcony to Balcony</li> <li>• Balcony to Non-Balcony</li> <li>• Non-Balcony to Non-Balcony</li> <li>• Between Main Building &amp; Accessory Structure</li> </ul>	30 Feet 20 Feet 15 Feet 10 Feet	24 Feet N/A 20.5 Feet N/A	N* N/A Y N/A
Maximum Bldg Height <ul style="list-style-type: none"> <li>• Principle Building and Accessory Structures</li> </ul>	50 Feet Subject to Setback Criteria Above	40.3 Feet	Y
Trash Enclosure	Yes	4	Y
Mech. Equipment	Screened	Yes	Y

\*These issues have been addressed in related Variance VAR-18090.

*COMMERCIAL AREA*

<i>Standard (Cliffs Edge)</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
From Master Plan Arterial (Hualapai Way) to Building	20 feet	76 feet	Y
From Master Plan Collector (Elkhorn Road) to Building	15 feet	136 feet	Y
From Adjacent Parcel PL to Building	15 feet	21 feet at closest point	Y
From Master Plan Arterial (Hualapai Way) to Parking	10 feet	26 feet	Y
From Master Plan Collector (Elkhorn Road) to Parking	6 feet	30 feet	
From Adjacent Parcel PL to Parking	6 feet	20 feet	Y
Maximum building coverage on a commercial parcel	50%	21.7%	Y

<b>Landscaping and Open Space Standards</b>				
<b>Standards</b>	<b>Required</b>		<b>Provided</b>	<b>Compliance</b>
	<b>Ratio</b>	<b>Trees</b>		
Parking Area	1 Tree/ 10 Spaces	22 Trees	Trees	Y
Buffer: Min. Trees	1 Tree/ 20 Linear Feet	Trees	Trees	Y
<b>TOTAL</b>		Trees	Trees	Y
Min. Zone Width Hualapai Way	20 Feet		20 Feet	Y
Landscape area within commercial area	20%		27.6 %	Y

<b>Open Space Standards per 3.1.3 Cliffs Edge Master Development Plan</b>					
<b>Total Acreage</b>	<b>Density</b>	<b>Required</b>	<b>Provided</b>		<b>Compliance</b>
11.85	18.4	100 Sq. Ft/Unit	21,800 Sq. Ft.	35,900 Sq. Ft.	Y

Pursuant to Title 19.10, the following parking standards apply:

<b>Parking Requirement</b>							
<b>Use</b>	<b>Gross Floor Area or Number of Units</b>	<b>Parking Ratio</b>	<b>Required</b>		<b>Provided</b>		<b>Compliance</b>
			<b>Parking</b>		<b>Parking</b>		
			Regular	Handi-capped	Regular	Handi-capped	
One bedroom unit	124 Units	1 per 1.25	155				
Two Bedroom units	94	1 per 1.75	165				
Visitor parking	1 per 5 units	1 per 0.2	44				
Retail Shopping center	32,400	1 per 250 sq ft	130	5		8	Y
<b>TOTAL</b>			494	5*	541	8	Y

\* Handicap parking only required for commercial use portion.

Per Title 19.08.060, the following standards apply:

<b>Residential Adjacency Standards</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
3:1 proximity slope	121 Feet	218 Feet	Y
Adjacent development matching setback	10 Feet	30 Feet	Y
Trash Enclosure	50 Feet	10 Feet	N*

\*This issue has been addressed under condition number six of staffs recommendation.

## ANALYSIS

This site is undeveloped and designated for VC (Village Commercial) Cliffs Edge Special Land Use Designation]. Medium Density Residential uses (up to 25 units per acre) are permitted within that designation when developed as part of a mixed use project.

The submitted site plan depicts three retail buildings totaling 32,400 square feet of commercial space in the northeast corner of the site and a 218 unit condominium development in the remainder of the site. Access is provided by shared driveways located on Elkhorn Road and Hualapai Way.

Development in the commercial portion of the site consists of three buildings with a maximum height of 40 feet three inches. Landscape buffers of sufficient width to comply with city standards and containing 36 and 24 inch box trees, shrubs and ground cover are shown along the street frontages. Landscape buffers are depicted along the south and west sides of the commercial buildings. Planter islands with trees are shown in the parking lot.

The elevations depict stucco exteriors with a concrete tile roof. Decorative brick accents are shown along the building exterior.

The residential portion of this project consists of three story condominium units which are separated from the commercial development by a 40 foot wide drive aisle. Staff notes that this separation discourages pedestrian traffic between the residential and commercial portions of this project. The elevations depict a stucco exterior with decorative lapsed and window shutters shown along the exteriors. Landscape areas which contain 24 inch box trees are shown along all the access drives.

Four trash enclosures are shown on the site plan that are less than 50 feet from the existing single family residential use to the west. Staff has addressed this issue in condition number six of staffs recommendation.

The Cliffs Edge Design Standards requires that living area or porch of Medium Density Residential structures maintain a setback of 10 feet from a private street or parking. A setback of two feet is indicated. These standards also require a balcony to balcony separation of 30 feet, and 24 feet in indicated on the plans. The applicant has requested a Variance to address these issues (VAR-18090) which is being considered concurrently. Staff is recommending denial of this variance because this is new construction and there is no hardship associated with the site. The applicant has also submitted a Major Modification to the Cliffs Edge Design Standards which would allow the proposed setbacks. Staff finds that the changes proposed under the Modification would allow development that is too intense and is recommending denial of that submittal.

Staff finds that this proposal is not a true mixed use. The 40 foot wide drive that separates the residential and commercial portions of this site discourages pedestrian traffic between the uses. It appears that the applicant intends to develop the commercial and residential areas separately. In order to ensure that that this project is developed as a mixed use, staff has included a condition of approval which requires that the commercial buildings be constructed in conjunction with the residential uses.

## **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;
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;
3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;
4. Building and landscape materials are appropriate for the area and for the 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;
6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.

### **In regard to 1:**

The proposed three story condominiums are 40 feet in height and are not compatible with the single family residential uses that are proposed to the west of this site.

The Cliffs Edge Design Standards requires that living area or porch of Medium Density Residential structures maintain a setback of 10 feet from a private street or parking. A setback of two feet is indicated. These standards also require a balcony to balcony separation of 30 feet, and 24 feet in indicated on the plans. Staff finds that these setback reductions would allow development that is too intense and not compatible with the adjacent single family uses.

**In regard to 2:**

The 40 foot wide drive that separates the residential and commercial portions of this site discourages pedestrian traffic between the uses and does not comply with Objective 3.1 of the 2020 Master Plan, which seeks to ensure that new residential subdivisions are developed into walk able communities.

**In regard to 3:**

Staff finds that this proposal is not a true mixed use. The commercial and residential areas could be developed separately. Additionally, pedestrian access into the commercial area of the site is not encouraged.

**In regard to 4:**

The building and landscape materials are typical for development within the Cliffs Edge Plan Area.

**In regard to 5:**

As stated above, the proposed three story condominiums are 40 feet in height and are not compatible with the adjacent single family residential uses. The requested setback reductions would allow development that is out of character with the adjacent single family uses.

**In regard to 6:**

The proposed development will be subject to regular inspections for permitting and licensing and will; therefore, not compromise the public health, safety, and welfare.

**PLANNING COMMISSION ACTION**

The Planning Commission changed condition #5 with the agreement of the applicant.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

1

**ASSEMBLY DISTRICT** 13

**SENATE DISTRICT**            9

**NOTICES MAILED**            35 by Planning Department

**APPROVALS**                 0

**PROTESTS**                 3