



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: JUNE 15, 2016

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: ANDREW FRANK, ET AL

**** STAFF RECOMMENDATION(S) ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-63974	Staff recommends APPROVAL, subject to conditions:	
SDR-63975	Staff recommends APPROVAL, subject to conditions:	VAR-63974

**** CONDITIONS ****

VAR-63974 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-63975) shall be required, if approved.
2. Conformance to the approved conditions for Rezoning (Z-0034-69) and Rezoning (Z-0042-74).
3. 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.
4. 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.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SDR-63975 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-63974) shall be required, if approved.
2. Conformance to the approved conditions for Rezoning (Z-0034-69) and Rezoning (Z-0042-74).
3. 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.
4. All development shall be in conformance with the site plan and landscape plan date stamped 04/25/16 and building elevations date stamped 03/24/16, except as amended by conditions herein.
5. A Waiver from Title 19.06.110 is hereby approved, to allow a zero-foot perimeter landscape buffer along the Willow Trail frontage where 15 feet is required.
6. 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.
7. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
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. Installed landscaping shall not impede visibility of any traffic control device. The technical landscape plan shall include the following changes from the conceptual landscape plan:
 - A. Extend a minimum six-foot wide landscape buffer along the north property line westward from the end of the proposed buffer to the side yard setback line located five feet from the west property line. Provide one additional 24-inch box deciduous or evergreen tree and four five-gallon shrubs in the provided buffer area;

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- B. Provide three additional 24-inch box shade trees at the ends of parking rows in the proposed parking lot;
 - C. Provide three additional 24-inch box deciduous or evergreen trees within the perimeter landscape buffer along the east property line;
 - D. Provide a minimum of four five-gallon shrubs per required tree in required perimeter landscape buffers.
9. Prior to the submittal of a building permit application, the applicant shall meet with Department of Planning 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.
 10. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

11. Grant a Public Pedestrian Access Easement for the sidewalk located outside of the public right of way along Willow Trail prior to the issuance of permits for this site.
12. A deviation from standards for the non-standard street section design for Willow Trail is hereby approved as shown on the approved site plan. Any further deviations will require separate approval from the City Engineer.
13. Landscape and maintain all unimproved right-of-way adjacent to this site. 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.
14. Prior to the issuance of permits, sign a Covenant Running with Land agreement for the possible future installation of half-street improvements per City Standards (including curb and gutter, sidewalks, streetlighting, permanent paving and possibly fire hydrants and sewers) on Melody Lane adjacent to this site. The Covenant agreement must be recorded with the County Recorder and a copy of the recorded document must be provided to the City prior to the release of this parcel map for recordation.
15. Submit an Encroachment Agreement for landscaping and private improvements in the Melody Lane and Willow Trail public rights of way prior to this issuance of permits for these improvements. The applicant must carry an insurance policy for the term of the Encroachment Agreement and add the City of Las Vegas as an additionally insured entity on this insurance policy. If requested by the City, the applicant shall remove property

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encroaching in the public right-of-way at the applicant's expense pursuant to the terms of the City's Encroachment Agreement. The installation and maintenance of all private improvements in the public right of way shall be the responsibility of the applicant and any successors in interest to the property and assigns pursuant to the terms of the Encroachment Agreement. Coordinate all requirements for the Encroachment Agreement with the Land Development Section of the Department of Building and Safety (229-4836).

16. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths for this site prior to submittal of construction plans, the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainage ways as recommended.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is proposing to remodel an existing single-story apartment building and construct a new two-story apartment building where the parking lot currently exists. The existing single-family dwelling that is situated on the south portion of the property would be removed to provide a new parking lot. Additional parallel parking and curbing would be provided onsite along Willow Trail. The existing access from Willow Trail would then be removed. The apartment complex will accommodate a maximum of 18 one-bedroom units. The area has been developed for many years with no offsite improvements, and the aesthetics of the property would be improved by the proposal. The hardship related to the variance is warranted, and staff recommends approval. The addition will meet density allowances and will remain compatible with the neighborhood. Staff recommends approval of the Site Development Plan Review, subject to conditions. If denied, additional apartment units could not be constructed on the site.

ISSUES

- A similar request was approved by the Planning Commission in 2009 but was never built; the entitlement consequently expired in 2011.
- The site contains two frontages. It previously consisted of two parcels, one containing a single-family dwelling, the other a nine-unit apartment building; a metes and bounds legal description was recorded after 2009 to combine the parcels.
- A Variance is requested to allow no offsite improvements (sidewalk, amenity zone, streetlights) along Melody Lane where these are required. Staff recommends approval of the Variance.
- The applicant is proposing to construct a parking area with parallel spaces along Willow Trail, creating a nonstandard street section with landscaped areas in the right-of-way and curbs on the interior of the site. If approved, the Department of Public Works will approve a deviation to allow this nonstandard section.
- A Waiver is required to allow a zero-foot perimeter landscape buffer along the west property line (along Willow Trail) where 15 feet is required. Staff supports this Waiver.
- A Waiver to allow a zero-foot perimeter landscape buffer along a portion of the north property line is no longer needed, as the applicant will accept a condition of approval requiring the minimum buffer width to be installed along the entire north side.

- Staff does not support an exception to Title 19.06.040 that would allow 15 trees within perimeter landscape buffers where 19 trees are required. Per condition of approval, the additional trees must be provided on the technical landscape plan as required by the Unified Development Code.

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- Staff does not support an exception of Title 19.08.110 that would allow three shade trees in the parking lot where six trees are required. Per condition of approval, the additional trees must be provided on the technical landscape plan as required by the Unified Development Code.
- The proposed trash enclosure is situated in such a location as to require refuse trucks to remain on the street during pickups. The Department of Public Works does not object to trucks accessing the trash enclosure from a residential street.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
06/18/69	The Board of City Commissioners approved a Rezoning (Z-0034-69) from R-E (Residence Estates) and C-2 (General Commercial) to R-3 (Limited Multiple Residence) at the northeast corner of Melody Lane and Willow Trail. The Planning Commission recommended approval; staff had no recommendation. A Plot Plan was included for a proposed four-plex.
10/02/74	The Board of City Commissioners approved a Rezoning (Z-0042-74) from R-E (Residence Estates) and C-2 (General Commercial) to R-3 (Limited Multiple Residence) for property generally located on the east side of Willow Trail between Melody Lane and Spring Road. A Plot Plan was included for an addition of two units to an existing nine-unit apartment building. An administrative variance (AV-0016-74) was also approved by staff to allow a 10-foot rear yard setback where 20 feet was required. The existing setback was nonconforming, but the applicant was requesting to add onto the existing building, which would encroach into the setback.
08/06/75	The Board of City Commissioners approved a Revised Plot Plan Review (Z-0042-74) for a 12-unit apartment building on the east side of Willow Trail between Melody Lane and Spring Road. The Planning Commission and staff recommended approval.
08/27/09	The Planning Commission approved a Site Development Plan Review (SDR-34463) for the addition of a two-story, nine-unit apartment building with Waivers of the perimeter landscape buffer standards to allow a zero-foot buffer along the west perimeter where 10 feet is required and zero-foot buffers along portions of the north and east perimeters where six feet is required on 0.72 acres at 1774 Willow Trail and 3900 Melody Lane. Staff recommended approval. The approval expired 08/27/11.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/10/16	The Planning Commission unanimously voted to recommend APPROVAL of a Variance (VAR-63974) to allow no offsite improvements along Melody Lane on 0.72 acres at 3900 Melody Lane (APN 139-19-802-005), R-3 (Medium Density Residential) Zone, Ward 5 (Barlow) [PRJ-63952].
05/10/16	The Planning Commission unanimously voted to recommend APPROVAL of a request for a Site Development Plan Review (SDR-63975) for a proposed nine-unit addition and other site improvements to an existing nine-unit multi-family residential development and waivers to allow a zero-foot wide perimeter landscape buffer along a portion of the north property line where six feet is required and along the west property line where 15 feet is required on 0.72 acres at 3900 Melody Lane (APN 139-19-802-005), R-3 (Medium Density Residential) Zone, Ward 5 (Barlow) [PRJ-63952].

<i>Most Recent Change of Ownership</i>	
03/12/13	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
1961	Nine multi-family residential apartments located at 1774 Willow Trail were constructed.
1975	The single-family residence located at 3900 Melody Lane was constructed.

<i>Pre-Application Meeting</i>	
03/23/16	A meeting was held with the applicant to discuss submittal requirements for a Variance to allow no offsite improvements along Melody Lane and a Site Development Plan Review for the proposed addition. The Department of Public Works determined that Complete Streets along both Melody Lane and Willow Trail would not be required.

<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

<i>Field Check</i>	
03/31/16	An existing apartment building and single-family residence in good condition were observed.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.72

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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Multi-Family Residential (Apartments)	M (Medium Density Residential)	R-3 (Medium Density Residential)
	Single Family, Detached		
North	Two-Family Dwellings	GC (General Commercial)	C-2 (General Commercial)
South	Church/House of Worship	RN (Rural Neighborhood) – Clark County Designation	R-E (Rural Estates Residential) – Clark County Designation
			H-2 (General Highway Frontage) – Clark County Designation
	Single Family, Detached		R-E (Rural Estates Residential) – Clark County Designation
East	Two-Family Dwellings	M (Medium Density Residential)	R-3 (Medium Density Residential)
West	Single Family, Attached (Duplex)	M (Medium Density Residential)	R-3 (Medium Density Residential)
	Multi-Family Residential (Fourplex)		

<i>Master Plan Areas</i>	<i>Compliance</i>
No Applicable Master Plan Area	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) District (70 Feet)	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

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DEVELOPMENT STANDARDS

Pursuant to 19.06.110, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	6,500 SF	31,363 SF	Y
Min. Lot Width	N/A	89 Feet	N/A
Min. Setbacks			
• Front	10 Feet	112 Feet	Y
• Side	5 Feet	5 Feet	Y
• Rear	20 Feet	24 Feet	Y
Min. Distance Between Buildings	10 Feet	13 Feet	Y
Max. Lot Coverage	N/A	43 %	N/A
Max. Building Height	5 Stories/55 Feet	2 Stories/ 26 Feet	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, Gated, w/ a Roof or Trellis	Y
Mech. Equipment	Screened	Parapet screened	Y

Pursuant to Title 19.06.040, the following standards apply:

Residential Adjacency Standards	Required/Allowed	Provided	Compliance
3:1 proximity slope	78 Feet	170 Feet	Y
Adjacent development matching setback	20 Feet	170 Feet	Y
Trash Enclosure	50 Feet	160 Feet	Y

Pursuant to Title 19.06, the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Buffer Trees:				
• North	1 Tree / 20 Linear Feet	6 Trees	6 Trees	Y
• South	1 Tree / 20 Linear Feet	1 Trees	0 Trees	N
• East	1 Tree / 20 Linear Feet	12 Trees	9 Trees	N
• West	1 Tree / 20 Linear Feet	7 Trees	0 Trees	N*
TOTAL PERIMETER TREES		26 Trees	15 Trees	N
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	6 Trees	3 Trees	N

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Pursuant to Title 19.06, the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	6 Feet		0 Feet	N
• South	10 Feet		13 Feet	Y
• East	6 Feet		6 Feet	Y
• West	15 Feet		0 Feet	N
Wall Height	6 to 8 Feet Adjacent to Residential		6’ vinyl fence on all non-frontages	Y

*Trees along the west perimeter would not be required if associated buffer waiver is approved.

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Willow Trail	Local Street	Title 13.12	55	Y
Melody Lane	Minor Collector	Title 13.12	60	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	
Multi-Family Residential (1 BR units)	18 units	1.25 spaces per unit	23				
Guest Spaces	18 units	1 space per 6 units	3				
TOTAL SPACES REQUIRED			26		26		Y
Regular and Handicap Spaces Required			24	2	24	2	Y

Waivers		
Requirement	Request	Staff Recommendation
15-foot landscape buffer along right-of-way adjacent to single family use or zoning district (single family attached, in this case)	To allow a zero-foot landscape buffer along the west perimeter	Approval

SS

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<i>Exceptions</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
24" box shade trees at the ends of all parking rows (6 trees required)	To allow 3 parking lot trees	Denial
24" box trees within perimeter buffers (19 trees required)	To allow 15 perimeter buffer trees	Denial

ANALYSIS

The site is not part of any special area plan. The site is subject to the requirements of the Airport Overlay District; however, the proposed apartment building would be constructed well below the maximum 70-foot height restriction for this area.

The addition of nine new multi-family units would increase the density of the development from 12.5 dwelling units per acre to 25.0 dwelling units per acre. The R-3 (Medium Density Residential) District allows up to 50 dwelling units per acre, and the M (Medium Density Residential) General Plan designation caps density at 25.49 dwelling units per acre. Therefore, the addition would remain within current density limits and would not be out of character with the area.

The site carries a unique circumstance where the larger residential area has been developed out for many years without curbs, gutters, sidewalks and full streets. This area is therefore not likely to have these amenities installed for as long as the residential character of the neighborhood remains. Requiring half-street improvements that include these amenities would place an undue burden on the applicant. Staff recommends approval of the requested variance.

With demolition of the existing single-family dwelling and construction of a new parking lot, site access would shift from Willow Trail to Melody Lane. The Willow Trail right-of-way is currently 55 feet. Rather than adding a new sidewalk adjacent to the west property line, the applicant is proposing an onsite parking area with parallel spaces that has the appearance of on-street parking. A new five-foot sidewalk would be constructed east of the parking spaces. A portion of the parking row end landscape planters encroach five feet into the right-of-way. The landscape planters are located where the sidewalk normally would be; however, because there are no offsite improvements in the area and a curb and sidewalk are provided alongside the parking spaces, Public Works supports a deviation of the Willow Trail street section as shown on the submitted site plan and will require private maintenance of any landscaped areas within the right-of-way as a condition of approval. Complete Streets as required by the Unified Development Code have been waived adjacent to this site by Public Works pursuant to Title 19.04.010.

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Staff supports the landscape waiver request to eliminate the perimeter landscape buffer along Willow Trail, as an 11-foot buffer would still be provided onsite and it would allow for additional parking to meet the additional demand due to the proposed new residential units. The Unified Development Code requires a 15-foot buffer because this side of the property is located across the street from single-family attached and two-family dwellings. However, the total setback from the property line is 20 feet. The applicant has agreed to conditions of approval requiring the six-foot minimum landscape buffer along the north property line to be extended along the entire side (adjacent to the proposed trash enclosure) and the provision of additional trees within the perimeter buffers and parking lot where required. Therefore, the waiver to allow a zero-foot buffer on a portion of the north property line is no longer needed.

All structures are in conformance with Title 19 requirements. Carports (shade structures) will remain six feet from property lines, where at least a three-foot setback is required. The proposed trash enclosure is situated in such a location as to require refuse trucks to remain on the street during pickups. The Department of Public Works does not object to trucks accessing the trash enclosure from a residential street. The trash enclosure is not subject to residential adjacency standards, but does require provision of screening walls, a gate, a roof or trellis and odor control. Staff notes that residential adjacency only applies to this property insofar as it is located across from properties to the south in unincorporated Clark County and the R-E (Residence Estates) zoned property at 3956 Melody Lane. The proposed development conforms to all residential adjacency requirements.

This project will add approximately 60 trips per day on Melody Lane, Willow Trail, Primrose Path and Rancho Drive. Rancho Drive is currently at about 94 percent of capacity. With implementation of the submitted plans, the capacity of Rancho Drive is expected to be unchanged. Counts are not available for Melody Lane, Willow Trail or Primrose Path; however, they are believed to be under capacity. Based on “peak hour” use, this development will add into the area roughly six additional vehicles per hour, or one every 10 minutes.

The submitted elevations indicate earth tone painted stucco exteriors and flat roofs with cornices. The new two-story building will feature stone veneer popouts from roofline to floor and a parapet for utility screening. Units will feature patios and balconies. Access to individual units is from the interior with offset exterior doors to the complex. All new units contain one bedroom or a bedroom and den combination.

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FINDINGS (VAR-63974)

In accordance with the provisions of Title 19.16.140(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.16.140(L) states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

The surrounding neighborhood is entirely built out without offsite improvements such as detached sidewalks, curbs, gutters and streetlights. Requiring full offsite improvements along Melody Lane for this one property would constitute a hardship. The Variance request is therefore warranted, and staff recommends approval.

FINDINGS (SDR-63975)

In order to approve a Site Development Plan Review 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;

The addition and refacing of the existing apartment buildings and addition of a new two-story apartment building on the subject site is compatible with the adjacent residential properties, one of which contains a house of worship.

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;

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The lack of offsite street improvements requires a Variance, which staff supports due to unique circumstances. The requested landscape buffer waiver along Willow Trail is warranted, as a sidewalk, curb and buffer will still be provided onsite while allowing the development to meet parking requirements. The applicant will accept a condition of approval to provide an additional landscape buffer and plant materials. The project is otherwise consistent with the Unified Development Code.

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

Site access will be limited to Melody Lane, which is considered under capacity for traffic conveyance. Circulation is logical and will not cause traffic conflicts on site or in the area.

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

Stucco, stone veneer, metal and glass are appropriate materials for this area and will be compatible with existing development. The landscaping materials provided will provide shade for the uncovered portions of the parking area and additional screening from adjacent residential 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 submitted elevations incorporate required architectural elements, are aesthetically pleasing and are compatible with the existing apartment building and structures on surrounding properties.

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

Site Development is subject to permits, licensing and inspection, thereby safeguarding the public health, safety and general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED 125 (By City Clerk)

APPROVALS 0

PROTESTS 2