



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: SEPTEMBER 11, 2018

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: MY DEVELOPMENT CORPORATION - OWNER:
SKY POINTE NINETY-FIVE, LLC

** STAFF RECOMMENDATION(S) **

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
VAR-72894	Staff recommends DENIAL, if approved subject to conditions:	
SDR-72896	Staff recommends DENIAL, if approved subject to conditions:	VAR-72894

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 30

NOTICES MAILED 556 - VAR-72894 and SDR-72896

PROTESTS 31 - VAR-72894 and SDR-72896

APPROVALS 1 - VAR-72894 and SDR-72896

**** CONDITIONS ****

VAR-72894 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-72896) 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 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.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SDR-72896 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-72894) 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 08/01/18, except as amended by conditions herein.

Conditions Page Two

September 11, 2018 - Planning Commission Meeting

4. All roof mounted equipment or other obtrusive features shall be screened from view on all sides by a parapet wall or architectural feature that goes around all sides of the building and from the top, painted to match the roof or parapet.
5. The following exterior materials are prohibited: mirrored glass; wood and asphalt shingles; corrugated fiberglass; exposed, unfinished tilt-up concrete; plastic laminate; and neon.
6. Perimeter and retaining walls shall be composed of 100 percent decorative material in accordance with the standards of the city of Las Vegas and shall include 20 percent contrasting material and color. Neither contrasting texture of the same material nor light to dark variations of the same color are permitted.
7. A Waiver from Town Center development standards is hereby approved, to allow three and four story buildings where two stories are the maximum allowed.
8. 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.
9. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
10. 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:
 - Trees shall be provided 20 feet on center in accordance with the Town Center Development Standards.
 - Four, five-gallon shrubs shall be planted for every required tree. The plant species shall be in compliance with the Town Center Development Standards.
 - Four types of trees shall be used in combination throughout Town Center perimeter landscape buffer areas:

- a. Palm Tree: Washingtonia Robusta Hybrid (Mexican Fan Palm), at least 25 feet in height at the time of installation.

Conditions Page Three

September 11, 2018 - Planning Commission Meeting

- b. Shade Tree: Fraxinus Velutina Rio Grande (Rio Grande Ash), at least 36 inch box or greater in size, with a minimum three inch caliper diameter at six inches above grade at time of installation.
 - c. Accent Tree: Chitalpa Tashkentensis (Chitalpa), at least 36 inch box or greater in size, with a minimum three inch caliper diameter at six inches above grade at time of installation.
 - d. Flowering Tree: Robinia Ambigua "Purple Robe" (Purple Robe Locust), at least 36 inch box or greater in size, with a minimum three inch caliper diameter at six inches above grade at time of installation.
11. 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.
 12. A revised site plan shall be submitted for approval by the City of Las Vegas prior to the issuance of a Certificate of Occupancy for any building on the site and prior to the issuance of any sign permits, which meets the requirements of IFC 503 regarding the proposed entry access gates.
 13. 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.
 14. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

15. Dedicate 80-feet of right-of-way adjacent to this site for Sky Pointe Drive and any additional right-of-way required to transition from the Town Center Frontage Road to the south and the Town Center Arterial to the north prior to the issuance of any permits. Additionally, grant a 20-foot Multi-Use Non-Equestrian Trail Easement along the north side of this site, prior to issuance of any permits.
16. Construct full street improvements per Title 19.04.120.B (streetlights without sidewalk on the west side) on Sky Pointe Drive as a transition from the Town Center Frontage Road to the south to the Town Center Arterial to the north concurrent with on-site development activities. Prior to the issuance of any permits, meet with Nevada Department of Transportation (NDOT) to coordinate the construction of Sky Point Drive. Unless otherwise directed by NDOT, construct full

Conditions Page Four**September 11, 2018 - Planning Commission Meeting**

street improvements on Sky Point Drive as required by this condition concurrent with the development of this site. Additionally, construct the Multi-Use Non Equestrian Trail per Trails Element Standards to be maintained by the property owner concurrent with the development of this site.

17. Unless otherwise allowed by the City Engineer, construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site. The connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network and shall be terminated on-site with a handicap ramp.
18. The gating shown on the site plan date stamped 08/01/2018 must conform to Standard Drawing 222.1 and be approved by Nevada Department of Transportation (NDOT). An alternative gating design may be allowed only if approved by both the City Traffic Engineer and NDOT. If a Traffic Impact Analysis (TIA) is required by NDOT, the applicant shall also submit a copy of the TIA to the Department of Public Works.
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. Obtain an Occupancy Permit from the Nevada Department of Transportation (NDOT) for all driveways or other private improvements in the Sky Pointe Drive public right-of-way adjacent to this site prior to constructing any improvements within NDOT jurisdiction.
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. Appropriate fire lanes and turning radii shall be provided at the rear of the structure.
22. Submit a License Agreement for landscaping and private improvements in the Sky Pointe Drive public right-of-way prior to this issuance of permits for these improvements. The applicant must carry an insurance policy for the term of the License 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 encroaching in the public right-of-way at the applicant's expense pursuant to the terms of the City's License 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

Conditions Page Five

September 11, 2018 - Planning Commission Meeting

the terms of the License Agreement. Coordinate all requirements for the License Agreement with the Land Development Section of the Department of Building and Safety (702-229-4836).

23. 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 ****

PROJECT DESCRIPTION

The applicant is proposing to construct a 82-unit apartment complex, consisting of two four-story buildings and one three story-building on approximately 3.78 acres located on the east side of Sky Pointe Drive, approximately 1,350 feet south of Elkhorn Road.

ISSUES

- The subject site currently has an SX-TC (Suburban Mixed Use – Town Center) special land use designation within the Centennial Hills Town Center land use plan.
- The Medium Residential (12.1–25 du/ac) use is permitted in the SX-TC (Suburban Mixed Use – Town Center) special land use designation.
- A Variance has been requested to allow 117 parking spaces where 136 spaces are required. Staff does not support this request.
- A Waiver from the Town Center Development Standards Manual has been requested to allow three and four story buildings where two stories are the maximum allowed. Staff does not support this request.

ANALYSIS

The subject site is located in Town Center, within the SX-TC (Suburban Mixed Use). The Suburban Mixed Use District can be characterized as being similar to the Service Commercial District with the addition of Medium Density Residential being a permitted use and is intended to enable development with imaginative adjacency standards. Building and site designs which reflect a mixture of compatible land uses having either a vertical or horizontal character will maximize employment and housing opportunities. This district also is more reflective of suburban development than the Urban Center Mixed Use category. Local supporting land uses such as parks, other public recreational facilities, some schools and churches are also allowed in this district.

The applicant has proposed to develop the subject site with an apartment complex containing 44 one-bedroom units and 38 two-bedroom units within three and four-story buildings. As proposed, the 82-unit development will have a density of 21.69 units per acre, which complies with Town Center Development Standards for Medium Residential (12.1 – 25 du/ac) development, a permitted use within the SX-TC district.

Staff Report Page Two

September 11, 2018 - Planning Commission Meeting

Within the Suburban Mixed-Use (SX-TC) district, developments shall be no more than two stories in height, except on parcels with an aggregate acreage of 25 acres or more. The applicant has proposed to construct three and four-story apartment buildings adjacent to the western and northeastern property lines. While the western property line fronts Sky Pointe Drive and height would not negatively affect private property, the northeastern corner of the subject site is catty-corner to a detached, single-family residential subdivision that is northeast of the subject site. While the Town Center Development Standards Manual does not address residential adjacency directly, the issue is still considered when evaluating a proposed development. In this instance, a 46-foot tall four-story building would be required to provide a three-to-one (3:1) proximity slope from the top of the four-story to the property line of the single family residence, or a 138-foot setback from the northeastern corner of the property to provide an adequate setback between a single-family residence and a four-story building. Due to the proposed project's three and four-story buildings exceeding that height limitation set forth for the Suburban Mixed-Use (SX-TC) district and the conflict the proposed height will cause with single-family residences in the immediate area, staff is recommending denial of the height Waiver request and Site Development Plan Review.

The subject site is triangular in shape with access to Sky Pointe Drive only. The buildings are proposed in two sections, one parallel to the Sky Pointe Drive frontage and the other grouping (including a single level parking garage and leasing office) is adjacent to the northern property line. The center portion of the site continuing to the eastern property line consists of covered parking spaces and a pool area for residents.

The submitted landscape plan depicts perimeter landscaping on all three sides of the triangular site within minimal internal landscaping as a result of the parking provided being either covered parking or located within garages. The width of the landscape buffer provided along the Sky Pointe Drive frontage is 15 feet as required for right-of-way adjacency. The landscape plan does not indicate the linear spacing between trees, and a condition of approval has been added requiring a revised landscape plan depicting conformance to both the Town Center Development Standards and Title 19.

The building materials proposed for the site are proposed to include stucco with wrought iron railing details. The materials and design are in conformance with the requirements of Town Center and are compatible with development in the area.

This project will add approximately 476 trips per day on Sky Pointe Drive and Cimarron Road. Currently, Sky Pointe Drive is at about 36 percent of capacity and Cimarron Road is at about eight percent of capacity. With this project, Sky Pointe Drive is expected to be at about 38 percent of capacity and Cimarron Road is expected to be at about nine percent of capacity. Based on Peak Hour use, this development will add into the area roughly 43 additional cars, or about three every four minutes.

Staff Report Page Three

September 11, 2018 - Planning Commission Meeting

The proposed development would add approximately 11 elementary, five middle school, and five high school students to the education system in the area. Rhodes Elementary, Ralph Cadwallader Middle School, and Arbor View High School are operating at 122, 100 and 120 percent capacity respectively at this time.

FINDINGS (VAR-72894)

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."

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing more housing units than they can provide parking for within the confines of the undeveloped site. Alternative building footprints or unit totals would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

FINDINGS (SDR-72896)

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;**

Staff Report Page Four

September 11, 2018 - Planning Commission Meeting

The SX-TC District limits heights to two stories due to proximity to lower intensity uses. The subject site is surrounded by sites developed with two story condominiums, single story dwellings, and a commercial shopping center. The proposed three and four story buildings are not compatible with the Town Center Development Standards or development in the area.

2.The proposed development is consistent with the General Plan, this Title, and other duly-adopted city plans, policies and standards;

The SX-TC District limits heights to two stories due to proximity to lower intensity uses. The subject site is surrounded by sites developed with two story condominiums, single story dwellings, and a commercial shopping center. The proposed three and four-story buildings are not compatible with the Town Center Development Standards or development in the area.

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

The applicant has proposed a second driveway for the proposed development and appropriate vehicle stacking lanes in conjunction with the proposed gated entry in order to provide sufficient site access and prevent vehicular traffic from stacking within the public right-of-way.

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

The building materials proposed for the site are proposed to include stucco with wrought iron railing details. The materials and design are in conformance with the requirements of Town Center and are compatible with development in 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 building elevations demonstrate three and four-story structures in an area that is surrounded by single and two-story structures as required for the Suburban Mixed-Use (SX-TC) district. The proposal of building heights that are significantly taller than the surrounding area will not create an orderly or aesthetically pleasing environment, and is not harmonious and compatible with development in the area.

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

If approved, the proposed development is subject to building permit review, and regular inspections during the construction phase thus protecting the public health, safety, and general welfare.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
05/06/64	The City Planning Commission approved a Petition to Annex (A-0003-64) approximately 5,000 acres located north of Lone Mountain Road and west of Decatur Boulevard.
12/07/98	The City Council approved Rezoning (Z-0076-98) on property located within the area designated Town Center on the northwest amendment to the General Plan from U (undeveloped), R-E (Residence Estates, R-PD7 (Residential Planned Development – 7 Units per Acre), R-PD11 (Residential Planned Development – 11 Units per Acre), R-PD13 (Residential Planned Development – 13 Units per Acre), R-PD18 (Residential Planned Development – 18 Units per Acre), R-CL (Single Family Compact-Lot), C-1 (Limited Commercial), C-2 (General Commercial), C-V (Civic) and PD (Planned Development) zones to T-C (Town Center) on 1,468 acres. The Planning Commission recommended approval of the request.
04/28/05	The applicant pulled a request for a Site Development Plan Review (SDR-6292) for a proposed 19,530 square-foot commercial development on 2.14 acres adjacent to the east side of Sky Pointe Drive, approximately 1,680 feet north of Cimarron Road and south of Dorrell Lane.
	The applicant pulled a request for a Special Use Permit (SUP-6299) for a proposed Supper Club adjacent to the east side of Sky Pointe Drive, approximately 1,680 feet north of Cimarron Road and south of Dorrell Lane.
	The applicant pulled a request for a Major Modification (MOD-6342) of the Town Center Land Use Plan of the Centennial Hills Sector Plan of the General Plan to change the special land use designation from: SX-TC (Suburban Mixed-Use - Town Center) to GC-TC (General Commercial - Town Center) on 2.14 acres adjacent to the east side of Sky Pointe Drive, approximately 1,680 feet north of Cimarron Road.
06/12/18	The Planning Commission voted (6-0) to hold VAR-72894 and SDR-72896 [PRJ-72672] in abeyance to the August 14, 2018 Planning Commission meeting.

Related Relevant City Actions by Planning, Fire, Bldg., etc.	
08/14/18	The Planning Commission voted (7-0) to hold VAR-72894 and SDR-72896 [PRJ-72672] in abeyance to the September 11, 2018 Planning Commission meeting.

Most Recent Change of Ownership	
08/16/17	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
There are no related building permits or business licenses associated with the subject site.	

Pre-Application Meeting	
02/06/18	Staff conducted a routine pre-application meeting where the submittal requirements for a multi-family development within Town Center were discussed.

Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	

Field Check	
05/03/18	Staff performed a routine field check where the subject undeveloped lot was observed. Nothing of concern was noted by staff.

Details of Application Request	
Site Area	
Net Acres	2.48

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Undeveloped	TC (Town Center)	T-C (Town Center)
North	Public or Private School, Secondary	TC (Town Center)	T-C (Town Center)

Staff Report Page Seven

September 11, 2018 - Planning Commission Meeting

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District	Sky Pointe Drive
				US 95
East		Multi-Family	TC (Town Center)	T-C (Town Center)
West		Sky Pointe Drive	Right-of-Way	
		US 95		

Master and Neighborhood Plan Areas	Compliance
TC (Town Center)	Y
Special Area and Overlay Districts	Compliance
T-C (Town Center) District	*N
Other Plans or Special Requirements	Compliance
Centennial Hills Sector Plan	Y
Northwest Open Space Plan	Y
Trails – Town Center Multi-Use Trail	Y
Las Vegas Redevelopment Plan Area	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

* The applicant has requested Waivers of Town Center Development Standards to allow three and four story buildings where two stories are allowed.

DEVELOPMENT STANDARDS

Pursuant to the Town Center Development Standards Manual, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Setbacks	15 Feet	15 Feet	Y
• Front	10 Feet	25 Feet	Y
• Side (north)	10 Feet	13 Feet	Y
• Side (east)	20 Feet	24 Feet	Y

NE

VAR-72894 AND SDR-72896 [PRJ-72672]

• Rear			
Max. Building Height	Two Stories	Four Stories	*N

Conditions Page Eight

September 11, 2018 - Planning Commission Meeting

Standard	Required/Allowed	Provided	Compliance
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened, Gated, w/ a Roof or Trellis	By Condition
Mech. Equipment	Screened	Screened	By Condition

**The applicant has requested a Waiver to allow three and four-story buildings where two stories are the maximum allowed.*

Pursuant to Town Center Development Standards, the following standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Buffer Trees:				
• North	1 Tree / 20 Linear Feet	Trail	Trail	Y*
• East	1 Tree / 20 Linear Feet	By Condition	By Condition	Y**
• West	1 Tree / 20 Linear Feet	By Condition	By Condition	Y**
TOTAL PERIMETER TREES		By Condition	By Condition	Y**
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	0 Trees (All spaces are covered)	0 Trees	Y
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	6 Feet		20 Feet	Y*
• East	6 Feet		6 Feet	Y
• West	15 Feet		15 Feet	Y
Wall Height	6 to 8 Feet Adjacent to Residential		6 Feet	Y

**The Town Center Multi-Use Trail is required adjacent to the north property line.*

***A Condition of Approval has been added requiring tree spacing and species to meet Town Center standards.*

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	
Medium Residential	38 Units (Two bedroom)	1.75 spaces/ unit	67				
	44 Units (One Bedroom)	1.25 spaces/ unit	55				
Guest Spaces	82 Units	1 space/ 6 units	14				
TOTAL SPACES REQUIRED			136				
Regular and Handicap Spaces Required			131	5	112	5	*N

*The applicant has requested a Variance (VAR-72894) to allow 117 parking spaces where 136 are required.

Las Vegas Valley Water District Comments:

APN 125-21-202-001	This parcel is not currently served by LVVWD. However, the proposed development would require two separate connections from the public water system, for reliability of fire flow. The existing water line adjacent to this parcel is a dead-end main and only provides one connection to the public water system. A second source of water is required to serve this development which means extending main from a different location. Recommend the applicant meet with LVVWD to discuss second connection options to serve this development.
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Waivers		
Requirement	Request	Staff Recommendation
Maximum height in the SX-TC district is two stories	To allow three and four story buildings	Denial