



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 6, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: ZON-14356 - APPLICANT: DEVELOPMENT FUNDING GROUP
- OWNER: COHEN 1969 TRUST, PHILLIP JOSEPH COHEN, TRUSTEE**

**** CONDITIONS ****

The Planning Commission (4-1/ds vote) and staff recommend DENIAL.

Planning and Development

1. A General Plan Amendment (GPA-14354) to a M (Medium Density Residential) land use designation approved by the City Council.
2. A Resolution of Intent with a two-year time limit is hereby granted.
3. A Site Development Plan Review (SDR-14352) application, approved by the City of Las Vegas, is required prior to issuance of any permits, any site grading, and all development activity for the site.

Public Works

4. Dedicate appropriate rightofway for a standard knuckle at the southwest corner of Rowland Street and Haley Avenue.
5. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.
6. Construct all incomplete half-street improvements on Rowland Avenue 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.
7. 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.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Rezoning from U (Undeveloped) [SC (Service Commercial) Master Plan Designation] under Resolution of Intent to C-1 (Limited Commercial) to R-PD25 (Residential Planned Development 25 Units per Acre) on 7.1 acres at 3132 North Jones Boulevard.

EXECUTIVE SUMMARY

The proposed R-PD25 (Residential Planned Development 25 Units Per Acre) zoning is consistent with the proposed M (Medium Density Residential) land use designation that is the subject of the associated General Plan Amendment (GPA-14354) application. While the proposed Rezoning to an R-PD25 (Residential Planned Development 25 Units Per Acre) District is compatible with the surrounding area in terms of density, lot size, and housing type, there are other areas of concern. The site plan does not conform to the open space requirements of an R-PD (Residential Planned Development) zoning district. Therefore, this Rezoning is deemed inappropriate as designed.

BACKGROUND INFORMATION

A) Related Actions

- | | |
|----------|---|
| 6/14/94 | The City Council approved a Rezoning from N-U (Non-Urban) to C-1 (Limited Commercial). |
| 10/27/97 | The City Council approved a Rezoning from U (Underdeveloped) Zone [SC (Service Commercial) General Plan Designation] to C-1 (Limited Commercial). |
| 07/27/06 | The Planning Commission recommended denial of companion items GPA-14354, VAR-14880 and SDR-14352 concurrently with this application. |
| 07/27/06 | The Planning Commission voted 4-1/ds to recommend DENIAL (PC Agenda Item #55/jm). |

B) Pre-Application Meeting

- | | |
|---------|---|
| 5/26/06 | The applicant attended a pre-application meeting to discuss the project and the necessary applications. The applicant was provided guidance on the development process. |
|---------|---|

C) Neighborhood Meetings

- | | |
|---------|--|
| 6/27/06 | A neighborhood meeting was held by the applicant at Calvary Community Church, 2900 Torrey Pines. There were ten members of the public in attendance. |
|---------|--|

The following summary identifies the concerns raised by members of the public at the meeting

- Dont want lighting to spill on existing properties
- Wall should match existing
- Eliminate sidewalk along Rowland
- No Streetlights on Rowland
- Dont want two stories, prefer ranch style homes

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 7.36
Net Acres: 6.31

B) Existing Land Use

Subject Property: Vacant
North: Shopping Plaza
South: Vacant
East: Vacant - Clark County
West: Vacant

C) Planned Land Use

Subject Property: SC (Service Commercial)
North: SC (Service Commercial)
South: M (Medium Density Residential)
East: Clark County
West: SC (Service Commercial)

D) Existing Zoning

Subject Property: U (Underdeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial)
North: C-1 (Limited Commercial)
South: U (Underdeveloped) Zone [M (Medium Density Residential) General Plan Designation] under Resolution of Intent to R-3 (Medium Density Residential)
East: County
West: U (Underdeveloped) Zone [SC (Service Commercial) General Plan Designation]

E) General Plan Compliance

The subject property is located within the Southwest Sector of the General Plan. The R-PD25 (Residential Planned Development 25 Units Per Acre) zoning request is consistent with the related General Plan Amendment (GPA-14354) request that has been submitted to change the land use designation to M (Medium Density Residential), which would allow a density of up to 25.49 units per acre.

While the density of the proposed development meets the requirements of the M (Medium Density Residential) Land Use Designation, the lack of open space for the development fails to meet the requirements of the Residential Planned Development category; and therefore, is not considered to meet the intent of the General Plan.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Rural Preservation Overlay District		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

The project is not subject to any Special Area Plans or Overlay Districts.

F) Density

EXISTING ZONING	PERMITTED DENSITY	PROPOSED ZONING	PERMITTED DENSITY	GENERAL PLAN	PERMITTED DENSITY
ROI (C-1)	NA	R-PD25	25 du/ac	M	25.49

The R-PD25 allows 25 units per acre. The related General Plan Amendment (GPA-14354) to M (Medium Density Residential) land use designation limits the density for the subject site to 25.49 units per acre. The provided site plan depicts a proposed density of 21.87 units per acre.

A) Zoning Code Compliance

A1) Development Standards

Development standards for a R-PD (Residential Planned Development) are determined during the Site Development Plan Review process. The Planning Commission and City Council will establish development standards through the consideration of the Site Development Plan Review (SDR-14352), a companion item.

Pursuant to Title 19.06, the following Open Space Standards apply to the subject proposal:

Total Acreage	Density	Required			Provided	
		Ratio	Percent	Area	Percent	Area
7.361	21.87	1.65	36 %	115,717 SF	19.5%	62,531 SF

The site plan does not conform to the open space requirements of an R-PD (Residential Planned Development) zoning district. As indicated above, a total of 115,717 square feet of open space is required; the deviation from the standard is 54%.

B) General Analysis and Discussion

The applicant is requesting a Rezoning from U (Undeveloped) [SC (Service Commercial) Master Plan Designation] under Resolution of Intent to C-1 (Limited Commercial) to R-PD25 (Residential Planned Development 25 Units per Acre). The proposed development would have a density of 21.87 units per acre, with a total of 161-units on 7.01 acres.

The current zoning designation is under Resolution of Intent to C-1 (Limited Commercial). The site is located just southeast of Jones Boulevard and Cheyenne Avenue intersection. The land use along this portion of Jones Boulevard is primarily service commercial. The parcel to the south of the proposed condominium project is under Resolution of Intent to R-3 (Medium Residential Density). West, across Jones Boulevard is U (Undeveloped), carries a Land Use Designation of SC (Service Commercial). The proposed use as a condominium development with a density of 21.87 units per acre is suited for development of this type and density.

The primary issue with the development is the lack of the required open space. Open space is an integral part of the R-PD zone, as the developer receives flexibility in design and density for the provision of amenities, such as open space. When open space is not provided, the project does not meet the standards for the zoning district in which it is located.

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

- 1. The proposal conforms to the General Plan.**

The proposed R-PD25 (Residential Planned Development 25 Units Per Acre) zoning is consistent with the proposed M (Medium Density Residential) land use designation that is the subject of the associated General Plan Amendment (GPA-14354) application.

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.

The 161 unit condominium development that would be permitted on the site would be compatible with the surrounding area. The primary issue with the development is the lack of the required open space. Open space is an integral part of the R-PD zone, as the developer receives flexibility in design and density for the provision of amenities, such as open space. When open space is not provided, the project does not meet the standards for the zoning district in which it is located.

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

The subject property abuts Jones Boulevard, a primary arterial street that carries a substantial volume of vehicular traffic. There is commercial development to the north, and west.

The R-PD District is intended to provide for flexibility and innovation in residential development, with emphasis on enhanced residential amenities, efficient utilization of open space, the separation of pedestrian and vehicular traffic, and homogeneity of land use patterns. This development does meet the open space standards set forth in Title 19.06.040; therefore, the rezoning request is not appropriate for this location.

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.

Jones Boulevard is designated by the Master Plan of Streets and Highways as a 100-foot Primary corridor and will provide adequate access to the site.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

7

ASSEMBLY DISTRICT 1

SENATE DISTRICT 3

<u>NOTICES MAILED</u>	287 by Planning Department
------------------------------	----------------------------

<u>APPROVALS</u>	0
-------------------------	---

<u>PROTESTS</u>	0
------------------------	---