

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 20, 2006
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-15724 - APPLICANT/OWNER: A.O. BONANZA HOLDINGS, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. This Extension of Time will expire on November 20, 2008 unless another Extension of Time is approved by the City Council.
2. Conformance to the Conditions of Approval for Rezoning (Z-0046-02) and Extension of Time (EOT-5402) as required by the Planning and Development Department and Department of Public Works.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for an Extension of Time of an approved Rezoning (Z-0046-02) from R-2 (Medium-Low Density Residential) and C-M (Commercial/Industrial) to C-1 (Limited Commercial) on 2.87 acres adjacent to the northeast corner of Main Street and Bonanza Road.

EXECUTIVE SUMMARY

This is the second Extension of Time application for the subject Rezoning (Z-0046-02). The tentative map was approved by the Planning Commission on 08/24/06. The applicant indicates that the extension is needed to allow enough time for the final map to record. The final map has not been submitted and there is nothing in plan check. Therefore, staff is recommending approval of the extension due to the indicated reasons.

BACKGROUND INFORMATION

A) Related Actions

- 11/20/02 The City Council approved a Rezoning (Z-0046-02) to C-1 (Limited Commercial), a Special Use Permit (U-0114-02) for the multi family senior apartment complex and a Site Development Plan Review [Z-0046-02(1)] for the 256-unit multi-family senior apartment complex with 20,000 square feet of commercial development on this site. The Planning Commission and staff recommended approval on October 24, 2002.
- 11/17/04 The City Council approved an Extension of Time (EOT-5402) for an approved Rezoning (Z-0046-02) from R-2 (Medium Low Residential) and C-M (Commercial/Industrial) to C-1 (Limited Commercial), Extension of Time (EOT-5403) an approved Site Development Plan Review [Z-0046-02(1)] for a 326 unit multi-family senior apartment complex with 20,000 square feet of commercial development, and a Extension of Time (EOT-5404) of an approved Special Use Permit (U-0114-02) which allowed a multi-family senior apartment complex.
- 11/02/05 The City Council approved a Site Development Plan Review (SDR-8649) for a mixed-use development with 296 residential units and 34,700 square feet of commercial space and waiver of building placement; street and foundation landscape standards; front, corner, and rear yard setback requirements; and to allow a 241-foot residential adjacency setback where 249-feet from residential property is required, Special Use Permit (SUP-8814) for a mixed-use commercial and residential development, and a Variance (VAR-8651) to allow no step back where a 1:1 step back ratio is required above 35 feet. The Planning Commission and staff recommended approval on 10/06/05.

08/24/06 The Planning Commission approved a Tentative Parcel Map (TMP-15044) for a Mixed-Use subdivision consisting of 296 residential condominium units and one commercial lot. Staff recommended approval of the tentative map.

B) *Pre-Application Meeting*

A pre-application meeting is not required for an Extension of Time request.

C) *Neighborhood Meetings*

A neighborhood meeting is not required for an Extension of Time request, nor was one held.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Net Acres: 2.87

B) *Existing Land Use*

Subject Property: Undeveloped [Approved Site Development Plan Review (SDR-8649)]

North: Shops and Single Family Dwellings

South: Single-Family Dwellings and a Parking Lot

East: Single-Family Dwellings and an Office

West: Shops and Industrial Uses

C) *Planned Land Use*

Subject Property: MXU (Mixed Use)

North: MXU (Mixed Use) and C (Commercial)

South: MXU (Mixed Use) and C (Commercial)

East: MXU (Mixed Use)

West: C (Commercial)

D) *Existing Zoning*

Subject Property: R-2 (Medium Low Density Residential) and C-M (Commercial/Industrial) under Resolution of Intent to C-1 (Limited Commercial)

North: R-2 (Medium Low Density Residential) and C-M (Commercial/Industrial)

South: R-4 (High Density Residential) under Resolution of Intent to C-2 (General Commercial) and C-M (Commercial/Industrial)

East: R-1 (Single Family Residential) and P-R (Professional Office and Parking)

West: C-M (Commercial/Industrial) and M (Industrial)

E) General Plan Compliance

The subject site is located in the Southeast Sector of the General Plan. The site is designated MXU (Mixed Use) on the Redevelopment Plan area map of the General Plan. The proposed development is in compliance with the MXU (Mixed Use) designation.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan	X	
Redevelopment Plan Area	X	
Downtown North Land Use Plan Area	X	
Special Overlay District		X
Trails		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

This site is located within Redevelopment Plan and the Downtown North Land Use Plan areas, both plans of which encourage the continuing development of this vital part of the community with residential and commercial development.

ANALYSIS

A) General Analysis and Discussion

The previous Extension of Time (EOT-5402) was approved by the City Council on 11/17/04. Since the approval of the extension of time, the applicant has received approval for a Site Development Plan Review (SDR-8649) for a mixed-use development with 296 residential units and 34,700 square feet of commercial space and waiver of building placement; street and foundation landscape standards; front, corner, and rear yard setback requirements; and to allow a 241-foot residential adjacency setback where 249-feet from residential property is required, Special Use Permit (SUP-8814) for a mixed-use commercial and residential development, and a Variance (VAR-8651) to allow no step back where a 1:1 step back ratio is required above 35 feet. The Extension of Time on the subject site is appropriate as it will allow enough time for the final map to record. Therefore, staff is recommending approval of the extension of time as conditioned.

B) Previous Conditions of Approval from Extension of Time (EOT-5402) and Rezoning (Z-0046-02)

(EOT-5402)

1. This Extension of Time will expire on November 20, 2006 unless another Extension of Time is approved by the City Council.

2. Conformance to the Conditions of Approval for Rezoning Z-0046-02, Special Use Permit U-0114-02 and Site Development Plan Review Z-0046-02(1) and all other subsequent site related actions as required by the Planning and Development Department and Department of Public Works.

(Z-0046-02)

1. Resolution of Intent with a two-year time limit.
2. A Site Development Plan review application approved by the Planning Commission and City Council prior to issuance of any permits, any site grading and all development activity for the site.
3. Dedicate an additional 10 feet of right-of-way adjacent to this site for Bonanza Road, an additional 4 feet for Main Street, an additional 14 feet for a total radius of 54 feet on the northeast corner of Bonanza Road and Main Street, and a 25 foot radius on the northwest corner of Bonanza Road and 1st Street prior to the issuance of any permits. Additional public street dedications may be required if so determined in the approved Traffic Impact Analysis. Coordinate with the Right-of-way Section of the Department of Public Works for assistance in preparing the appropriate documents.
4. Construct all incomplete half-street improvements on 1st Street, Bonanza Road and Main Street, if any, adjacent to this site concurrent with development of this site. Also, 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.
5. Meet with the Traffic Engineering Representative in Land Development for assistance in the possible redesign of the proposed driveway access, on site circulation and parking lot layout prior to the submittal of any construction plans or the issuance of any permits, whichever may occur first. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222A, unless otherwise allowed by City Traffic Engineer. Also, any new driveways or modifications to existing driveways along Main Street and Bonanza Road shall receive approval from the Nevada Department of Transportation.
6. 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. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The City shall determine area traffic mitigation contribution requirements based upon information provided in the approved Traffic Impact Analysis; such monies shall be contributed prior to the issuance of any permits for this 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.

Alternatively, in lieu of a Traffic Impact Analysis, the applicant may participate in a reasonable alternative mutually acceptable to the applicant and the Department of Public Works.

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 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 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, whichever may occur first, if allowed by the City Engineer.
8. Landscape and maintain all unimproved right-of-way on 1st Street, Bonanza Road and Main Street adjacent to this site.
9. Submit an Encroachment Agreement or obtain an Occupancy Permit, as appropriate, for all private improvements located in the 1st Street, Bonanza Road and Main Street public rights-of-way adjacent to this site prior to occupancy of this site.

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 site is designated MXU (Mixed Use) on the Redevelopment Plan area map of the General Plan. The proposed development is in compliance with the MXU (Mixed Use) designation.

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 uses allowed by the C-1 (Limited Commercial) district are compatible with the established development pattern of this area of the City.

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

This project will help to revitalize this area of the City and will assist in redevelopment efforts.

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.

Bonanza Road and Main Street, both 100 foot right-of-way Primary Arterials are adequate to meet the needs of this development.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0