



## AGENDA MEMO

**CITY COUNCIL MEETING DATE: OCTOBER 4, 2006**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: ABEYANCE - ZON-14120 - APPLICANT: R & S**  
**INVESTMENT GROUP - OWNER: DECATUR III, LLC, ET AL**

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***THIS ITEM WAS HELD IN ABEYANCE FROM THE SEPTEMBER 6, 2006 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.***

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

Staff recommends DENIAL. The Planning Commission (4-1/sd vote) recommends APPROVAL, subject to:

#### **Planning and Development**

1. A General Plan Amendment (GPA-14118) to a PCD (Planned Community Development) 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-14114) 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.
4. The resolutions of intent for Z-109-97 and Z-110-97 are hereby expunged.

#### **Public Works**

5. Coordinate with the City Surveyor to determine the appropriate mapping method to eliminate the existing parcel lines within this site. Submit such map and a Petition of Vacation for the existing access easements, sewer and drainage easements that conflict with this site plan. A map for this site shall record prior to the recordation of the Order of Vacation.
6. Construct all incomplete half-street improvements on Decatur Boulevard, including appropriate overpaving (if legally able) and Tropical Parkway 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. 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 working sanitary sewer connection shall be in place prior to final inspection of any units within this development. Full permanent improvements on all major access streets, including all required landscaped areas between the perimeter wall and adjacent public street, shall be constructed and accepted by the City prior to issuance of any building permits beyond 50% of all units within this development. All off-site improvements

adjacent to this site, including all required landscaped areas between the perimeter walls and adjacent public streets, shall be constructed and accepted prior to issuance of building permits beyond 75%. The above thresholds notwithstanding, all required improvements shall be constructed within 24 months of approval of construction drawings. No partial bond releases will be allowed until all perimeter roadway improvements are in place.

8. 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, submittal of any construction drawings or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the 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 rightsofway 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 onsite development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rightsofway are not required and Traffic Control devices are or may be proposed at this site outside of the public rightofway, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. We note that a new traffic signal is proposed on Decatur Boulevard. The Public Works Department may support the proposed traffic signal provided that the intersection meets warrants and is approved by the City of North Las Vegas. 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.
9. 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 R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial) and R-PD15 (Residential Planned Development - 15 Units per Acre) to PD (Planned Development) on 36.43 acres at the northwest corner of Decatur Boulevard and Tropical Parkway

A related General Plan Amendment to PCD (Planned Community Development), Site Development Plan Review (SDR-14114), and a Variance to allow a parking reduction (VAR-14122) will be considered concurrently.

**EXECUTIVE SUMMARY**

The residential and commercial development associated with the PD (Planned Development) zoning district is compatible with the adjacent residential properties only if the Master Development Plan associated with the planned community conforms to the requirements of Title 19.

Because the Master Development Plan associated with this request does not comply with the parking requirements of the Zoning Code, staff is unable to support this application.

**BACKGROUND INFORMATION**

***A) Related Actions***

- 12/08/97      The City Council approved rezonings (Z-109-97 and Z-110-97) of this site from R-E (Residence Estates) and C-1 (Limited Commercial) to R-PD 15 (Residential Planned Development 15 Units Per Acre) and C-1 (Limited Commercial). The Planning Commission and Planning and Development Department staff had recommended approval.
- 07/27/06      The Planning Commission recommended approval of companion items GPA-14118, VAR-14122 and SDR-14114 concurrently with this application.
- 07/27/06      The Planning Commission voted 4-1/sd to recommend APPROVAL (PC Agenda Item #27/ar).

***B) Pre-Application Meeting***

- 04/07/06      Staff explained the requirements of the PD (Planned Community) zoning district.

**C) *Neighborhood Meetings***

On June 26, 2006 a neighborhood meeting sponsored by the applicant was held at the Los Prados Country Club, 5150 Los Prados Circle to discuss the development of this site. Twelve people attended and had the following concerns:

- \* Traffic - this project will compound current traffic problems
- \* School - student safety a concern with increased traffic
- \* Parking Garage - lighting, noise, exhaust, obstructed views a concern for adjacent homes
- \* Height of buildings/parking garage - will obstruct views, be unsightly from adjacent backyards
- \* 24 hour use - concern for 24 hour traffic, noise, congestion, crime
- \* Move or underground parking garage, build 10' perimeter walls

**DETAILS OF APPLICATION REQUEST**

Site Area: 36.43 Acres

**EXISTING LAND USE**

Subject Property	Undeveloped
North	CC 215 Right of Way
South	Single Family Dwellings
East	Undeveloped - city of North Las Vegas
West	Single Family Dwellings

**PLANNED LAND USE**

Subject Property	M (Medium Density Residential) SC (Service Commercial)
North	CC 215 Right of Way
South	ML (Medium-Low Density Residential)
East	city of North Las Vegas Regional commercial
West	M (Medium Density Residential)

**EXISTING ZONING**

Subject Property	R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial) and R-PD15 (Residential Planned Development - 15 Units Per Acre) to PD (Planned Development)
North	CC 215 Right of Way
South	R-1 (Single Family Residential)

East City of North Las Vegas C-1 (Neighborhood Commercial)  
 C-2 (General Commercial)  
 West R-PD8 (Residential Planned Development - 8 Units Per Acre)  
 R-PD6 (Residential Planned Development - 6 Units Per Acre)

<i><b>SPECIAL DISTRICTS/ZONES</b></i>	<b>YES</b>	<b>NO</b>
SPECIAL PLAN AREA		X
RURAL PRESERVATION NEIGHBORHOOD		X
RURAL PRESERVATION NEIGHBORHOOD BUFFER		X
PROJECT OF REGIONAL SIGNIFICANCE	X	

Staff has determined that the related proposed General Plan Amendment and its companion items would meet the definition of a Project of Regional Significance as defined in the ordinance, and has notified the applicant to prepare an impact report as required by the Ordinance for referral to the City of North Las Vegas.

***F) Density***

<i><b>EXISTING ZONING</b></i>	<i><b>PERMITTED DENSITY</b></i>	<i><b>PROPOSED ZONING</b></i>	<i><b>PERMITTED DENSITY</b></i>	<i><b>GENERAL PLAN</b></i>	<i><b>PERMITTED DENSITY</b></i>
Under resolution of intent to R-PD 15 (9.35 acres)	15.0 du/ac	PD 36.43 (acres)	8.0 du/ac	Proposed PCD	8.0 du/ac

The requested change will be in conformance with the proposed General Plan Amendment to PCD (Planned Community Development) as the applicant is proposing 186 apartment units on this 36.43 acre site, for a density of 5.11 dwelling units per acre.

**INTERAGENCY ISSUES**

Pursuant to Ordinance No. 5477, the proposed project is deemed to be a Project of Regional Significance for the following reasons:

- 1) Proximity to the City of North Las Vegas
- 2) A report generated by the applicant indicated that this project would generate a total of 21,310 vehicle trips per day.

As of the current date, no response has been received from the City of North Las Vegas.

**A) Zoning Code Compliance**

A1) Development Standards

Pursuant to Title 19.06.050, the applicant is required to submit the following in conjunction with a rezoning request to PD (Planned Development):

- a. A metes and bounds description of the proposed Planned Development District.
- b. A proposed master development plan for the entire site.
- c. Development standards that are proposed to be applied to the development. The development standards must include provisions regarding the installation of utility boxes and aboveground utilities that are at least as restrictive as those set forth in Section 19.12.050(D).
- d. Any proposed conditions, covenants and restrictions for the development, including easements and grants for public utility purposes.
- e. The location of primary and secondary thoroughfares proposed for the development, including right-of-way widths and the location of access points to abutting streets.
- f. Identification of all rights-of-way, easements, open spaces or other areas to be dedicated, deeded or otherwise transferred to the City.
- g. A plan for the extension of any necessary public services and facilities, including sewer facilities and facilities for flood control and drainage.
- h. Guidelines for the physical development of the property, including illustrations of proposed architectural, urban design, landscape, open space and signage concepts.
- i. The location and description of all buffering that is proposed between the development site and adjacent properties.

The applicant has provided documents and plans that address the specified requirements.

**B) General Analysis and Discussion**

The proposed density of development of 5.11 dwelling units per acre is compatible with adjacent properties. Additionally, all buildings will comply with the Residential Adjacency Standards. However, adequate on-site parking is not provided, and therefore staff finds that the master development plan and associated development standards prepared by the applicant are not appropriate for this location.

## **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.**

This request does not comply with Policy 3.5.2 of the 2020 Master Plan, which requires the developers of master planned communities to work with the City to ensure that the standards for these communities meet or exceed those for citywide development.

**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 proposed rezoning allows a maximum residential density of 8.0 dwelling units per acre and allows commercial and office development. The residential and commercial development associated with the PD (Planned Development) zoning district is compatible with the adjacent residential properties only if the Master Development Plan associated with the planned community conforms to the requirements of Title 19.

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

Because the Master Development Plan associated with this request does not comply with the parking requirements of Title 19, staff is unable to support this application.

**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.**

Adequate access to this site will be provided from Decatur Boulevard, a Primary Street as designated by the Master Plan of Streets and Highways, and Tropical Parkway, a Secondary Street.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 9

**ASSEMBLY DISTRICT** 13

**SENATE DISTRICT** 9

**NOTICES MAILED** 477 by Planning Department

**APPROVALS** 0

**PROTESTS** 0