

**AGENDA MEMO****CITY COUNCIL MEETING DATE: FEBRUARY 7, 2007****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: ABEYANCE - ZON-16580 APPLICANT/OWNER: NEW VISTA RANCH, INC.**

THIS ITEM WAS HELD IN ABEYANCE FROM THE DECEMBER 20, 2006 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-0-1/sd vote) recommends APPROVAL, subject to:

Planning and Development

1. A General Plan Amendment (GPA-16578) to PCD (Planned Community Development) land use designation approved by the City Council.
2. A Site Development Plan Review (SDR-16581) 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.
3. The parking that is specified for the site be restricted to 100 spaces for daily use and the applicant must submit a design of the site plan that incorporates that.
4. The height of the parking lot lighting shall be restricted to 20 feet and that proper shrubs be incorporated into the design so as to eliminate any light pollution that might reach on the north side of Grand Teton Drive or on the east side of Rainbow Boulevard.
5. A revised landscape plan shall be submitted prior to the time application is made for a building permit depicting a 20-foot multi-use transportation trail consisting of a five foot landscaped corridor, a 10-foot sidewalk, and a 5-foot transition strip along Rainbow Boulevard and Grand Teton Drive.
6. There will be no retail uses on this site.
7. The City Attorney must review the Development Agreement.

Public Works

8. Dedicate an additional 10 feet of right-of-way for a total half-street width of 60 feet on Grand Teton Drive and the additional right-of-way necessary to maintain a 54-foot radius at the southwest corner of Grand Teton Drive and Rainbow Boulevard adjacent to this site prior to the issuance of any permits. In addition, dedicate all additional rights-of-way required for a bus turnout on Rainbow Boulevard prior to the issuance of any permits unless otherwise allowed by the City Traffic Engineer.
9. Construct all incomplete half-street improvements, including appropriate transition paving and overpaving (if legally able), on Grand Teton Drive and Rainbow Boulevard adjacent to this site concurrent with development of this site. Sidewalk improvements may be deferred at this time on Rainbow Boulevard, provided a Covenant Running with Land Agreement is recorded for all such improvements deferred. Streetlights on Rainbow Boulevard may also be deferred, provided the applicant provides such streetlights to the City for future installation, and constructs all needed underground infrastructure necessary for such future installation. Alternatively, monies in lieu of such streetlights may be contributed to the City if allowed by the City Engineer. 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. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).
10. 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.
11. All discussion regarding Summerlin style lighting refers to internal lighting only; not exterior street lighting. Lighting on Grand Teton Drive would match the City's current plan.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Rezoning from U (Undeveloped) [DR (Desert Rural Density Residential)] to PD (Planned Development).

The proposed rezoning is not considered appropriate for this location. Although the parcel meets the minimum size requirements for the proposed PD (Planned Development) District, the site does not meet with the intent of the implementation of a planned development. The proposed development is too intense for this location within a single-family residential area. The development will not act as a buffer between residential and more intense uses; rather it stands out as being drastically different than any other development in the vicinity. The proposed development will not enhance the area and would have a negative effect on the adjacent single-family neighborhoods. Due to these factors denial of this request is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
11/16/06	The Planning Commission recommended approval of companion items GPA-16578 and SDR-16581 concurrently with this application.
11/16/06	The Planning Commission voted 6-0-1/sd to recommend APPROVAL (PC Agenda Item #12/ng).
<i>Related Building Permits/Business Licenses</i>	
There is an active business license on the property for a homeless shelter/rescue mission.	
<i>Pre-Application Meeting</i>	
06/01/06	A pre-application meeting was held. It was noted that a drainage study, off-site improvements, and a neighborhood meeting would be required. Trails may be required.
<i>Neighborhood Meeting</i>	
09/26/06	A neighborhood meeting was held at Silverstone Golf Club, 8600 Cupp Drive, Las Vegas, Nevada. In attendance were five members of the applicants team, a Council liaison, one staff member, and 17 members of the public. The following concerns were raised: * There should be no retail or commercial uses on the site * The facilities should not be rented to the general public * Financial support for the facility (and whether they would need to add commercial uses to support the operating costs of the facilities) * The height of the structures are excessive and don't fit in with the rural neighborhood

	* Concerns about the number of driveways/traffic on Rainbow * Residents would prefer to see the number of parking spaces reduced * The parking lot shouldn't be paved - it should be left in a natural state so that it blends in with the rural character of the neighborhood * Concerns about drainage across the site and the existing drainage problems at Rainbow and Whispering Sands The applicant agreed to the following: * Only the gym will be 35' high; all other structures will be under 30' high * Buildings will have a residential appearance * Main access to the site will be from Grand Teton, with overflow access from Rainbow * The applicant will submit a Variance application for a 50% parking reduction * The trail feature along Rainbow will be increased to 25' in width to allow horse path per City approval * Parking lot light will be low-intensity, downward-directed fixtures with the height of the fixtures as low as the City will allow * The applicant will request that there be no street lighting (rural standards), subject to Public Works and City approval * The applicant will attempt to architecturally reduce the massing of the community center/recreation center * Any change in use will require a full public hearing/notification process
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<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	15.05
Net Acres	14.80

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped Homeless Shelter	DR (Desert Rural Density Residential)	U (Undeveloped) [DR (Desert Rural Density Residential) land use designation]
North	Single-Family Residential	PCD (Planned Community Development)	R-PD3 (Residential Planned Development 3 Units Per Acre)
South	Undeveloped	Clark County (RNP)	Clark County
East	Undeveloped	Clark County (RE) and (RNP)	Clark County
West	Orchard	Clark County (RE)	Clark County

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts	X		
PD Planned Development District	X		Y
Trails	X		Y
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Per Title 19.06 the following Development Standards are proposed:

<i>Standard</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	655,314 SF	Y
Min. Lot Width	993 Feet	Y
Min. Setbacks		
• Front	20 Feet	Y
• Side	56 Feet	Y
• Corner	53 Feet	Y
• Rear	N/A	N/A
Min. Distance Between Buildings	14 Feet	Y
Max. Lot Coverage	15.9 %	Y
Max. Building Height	35 Feet	Y
Trash Enclosure	Two	Y
Mech. Equipment	Screened	Y

<i>Existing Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>	<i>Proposed Zoning</i>	<i>Permitted Density</i>	<i>General Plan</i>	<i>Permitted Density</i>
U (Undeveloped) [DR (Desert Rural Density Residential) land use designation]	2.49 Units Per Acre	37 Units under the current designation	PD (Planned Development)	8 Units Per Acre	PCD (Planned Community Development)	8 Units Per Acre 120 units under the proposed designation

<i>Landscaping and Open Space Standards</i>		
<i>Standards</i>	<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	
Parking Area	42 Trees	N
Buffer:	59 Trees	N
Min. Trees	Zero Trees	N
TOTAL	101 Trees	N
Min. Zone Width	10 Feet	Y
	8 Feet	Y

Pursuant to Title 19.10, 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	
Assisted Living	56 Units	1 Space per 3 Residents	19				
Residence	4 Units	2 Spaces per Unit	8				
Community Recreational Facility and Additional Uses	83,681 SF	1:200	419				
Subtotal			446	9	533	9	Y
TOTAL			446		533		Y

ANALYSIS

The PD (Planned Development) District is intended to be a flexible district which may be applied to individual properties, larger planning areas or areas with multiple properties for redevelopment, economic development and cultural enrichment. The PD (Planned Development) District may be used for office, retail, entertainment or commercial uses or for mixed-use developments where commercial and residential uses are combined. The PD (Planned Development) District is further intended to buffer small infill tracts and adjacent uses, encourage the conservation of open space, promote creative site arrangements, preserve prominent natural features, provide for the efficient development of large tracts for multiple uses, and provide for development which enhances neighborhood areas. The minimum size of tract eligible for PD designation is five acres.

The proposed development does not meet many of these criteria. The project is out of character with the area due to its large scale and commercial nature. Despite not being open to the public, the proposed development will create an increased traffic flow that will be inconsistent with the surrounding neighborhood. The existing buildings on the site are small ranch style homes and are clustered in a similar manner to the surrounding development. The proposed structures are much larger, resembling a large apartment building and commercial center. The project is inappropriate for this location and will not enhance the surrounding single-family residential development.

The development standards within the development agreement mostly comply with Title 19 development standards for similar type development. However, the parking section allows non-paved surfaces to be used for the overflow parking lot. Staff cannot support this request as there are potential hazards such as dust that could result from the use of this material. It is noted that the applicant is intending to use this parking lot for overflow and special vent parking. The applicant has not stated what a special event would consist of or how often these events would occur.

It is noted that modifications are required to the development agreement in order to bring it into compliance with the submitted plans and elevations. Section 4.1 shall be modified to eliminate the sentence that states: Any portion of a building over 35 feet in height shall be setback an additional one-foot for each foot of height in excess of 35 feet. This is required as the applicant has agreed to a maximum building height of 35 feet and this language is not necessary and causes confusion. Also Section 5.3 shall be modified to eliminate #2 that states The Community/Recreation Building shall not exceed 55 feet in height Again the applicant has agreed to a maximum height off 35 feet and this is an incorrect statement. Elevations show building heights with a 35-foot maximum height.

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 PCD (Planned Community Development) land use designation is intended to be used primarily for residential development. This land use designation is also intended to be used for commercial, public facilities and office developments when the development is used as a buffer. The proposed development does not meet the intent of the PCD land use designation. The project is a large scale development located in a primarily single-family residential neighborhood. As the project does not meet the intent of the General Plan, denial of this request is recommended.

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.

As this is a Planned Development all uses must be called out in the Development Agreement. The proposed uses are listed in section 3.4 of the New Vista Community Master Development Plan and Development Standards. The surrounding neighborhood is primarily single-family residential development. The uses associated with the community recreational facility are commercial in nature, even though they are not open to the general public. The scale of the project is also out of character with the area. The proposed development is not considered compatible with the surrounding land uses and zoning districts.

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

Growth and development factors in the community do not indicate the need for or appropriateness of the rezoning. The development would be better located in an area that is not primarily single-family residential.

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.

The site gains access from Grand Teton Drive a 120-foot Parkway Arterial. This street will provide adequate access to and from the proposed development. A secondary point of ingress/egress is provided from Rainbow Boulevard. This access point is proposed to be gated and will only be used for special events.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 138 by Planning Department

APPROVALS 0

PROTESTS 0