

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: JUNE 20, 2007**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: EOT-21137 - APPLICANT: JAMES E. STROH, ARCHITECT, INC. - OWNER: DECATUR III, LLC**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: APPROVAL**, subject to:

**Planning and Development**

1. This Rezoning (ZON-6327) shall expire on June 1<sup>st</sup>, 2009 unless another Extension of Time is approved.
2. This Rezoning (ZON-5827) shall be reinstated and shall expire on June 1<sup>st</sup>, 2009 unless another Extension of Time is approved.
3. Conformance to the Conditions of Approval for Rezoning (ZON-5827 and ZON-6327) and all other subsequent related cases and as required by the Planning and Development Department and Department of Public Works.



**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Reinstatement and Extension of Time of an approved Rezoning (ZON-5827) from U (Undeveloped) [O (Office) General Plan Designation] to R-PD10 (Residential Planned Development - 10 Units per Acre) and an Extension of Time of an approved Rezoning (ZON-6327) from U (Undeveloped) [MLA (Medium Low Attached Density Residential) and R-E (Residence Estates) Zone] to R-PD10 (Residential Planned Development - 10 Units per Acre) on 11.06 acres at 4705, 4723 and 4743 Balsam Street and on property adjacent to the southeast corner of Lone Mountain Road and Balsam Street.

This is a re-instatement and the first extension of time request on the subject property. This extension of time request concerns two separate but related applications. The first is Rezoning (ZON-5827). This application was originally approved on 03/02/05. The applicant is requesting to have this application re-instated and extended to coincide with the other related applications. The Rezoning expired on 03/02/07 as a final map has not recorded. Per Title 19.18.40 application for re-instatement and extension may be granted only if application is made no later than six months after the approval has expired. This application is within the allowable six-month time limit.

The second portion of the request is for an extension of time for Rezoning (ZON-6327). This application was approved on 06/01/05. This application added additional property to the proposed project and was accompanied by Site Development Plan Review (SDR-6332). An extension of time for SDR-6332 shall be heard concurrently with this request. Approval of this request is recommended.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
02/16/05	The City Council approved a Petition to Annex (ANX-5100) property generally located on the east side of U.S. 95, south of Lone Mountain Road (APN 138-03-510-001, 002 and 031), containing approximately 7.02 acres. The effective date of this annexation was 2/25/05. Planning Commission recommended approval on 12/16/04. Staff had recommended approval.

03/02/05 *	The City Council approved a General Plan Amendment (GPA-5823) to MLA (Medium-Low Attached Density Residential), Rezoning (ZON-5827), and a Site Development Plan Review (SDR-5826) application for a proposed 78-lot single-family attached residential development on 7.8 acres adjacent to the southwest corner of Balsam Street and Lone Mountain Road. The Planning Commission recommended denial on 01/27/05. Staff recommended denial.
05/18/05	The City Council approved an Annexation (ANX-6060) application to Petition for the annexing of land generally located on the west side of Balsam Street, 270 feet south of Lone Mountain Road, containing approximately 2.4 acres. The Planning Commission recommended approval on 03/24/05. The effective date of this application was 05/27/05.
06/01/05 *	The City Council approved a General Plan Amendment (GPA-6321) to MLA (Medium-Low Attached Density Residential), a Rezoning (ZON-6327) to R-PD10 (Residential Planned Development - 10 units per acre), and a Site Development Plan Review (SDR6332) application for a proposed 124-lot single-family attached residential development on 12.0 acres adjacent to the southeast corner of U.S. 95 and Lone Mountain Road. This request included the area previously approved through SDR-5826 for a 78-lot subdivision, and incorporated additional lands into the overall design on 3.26 acres at 4705, 4723 and 4743 Balsam Street and on property adjacent to the southeast corner of Lone Mountain Road and Balsam Street. The Planning Commission considered this request on 04/28/05, but failed to reach a super majority on its vote, which is tantamount to a recommendation for denial. Staff had recommended approval.
07/28/05	The Planning Commission approved a request for a Tentative Map for a 124-lot single-family attached residential subdivision on 12.0 acres adjacent to the southeast corner of Lone Mountain Road and U.S. Highway 95. Staff recommended approval.
05/24/07	The applicant has submitted for a Tentative Map (TMP-21144) that is pending the results of this Extension of Time request.

<b><i>Related Building Permits/Business Licenses</i></b>	
There are no permits or licenses related to this request.	
<b><i>Pre-Application Meeting</i></b>	
A pre-application meeting is not required, nor was one held.	
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required, nor was one held.	

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	12.0
Net Acres	11.06

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Undeveloped  Single Family Residential	MLA (Medium Low Attached Density Residential)	U (Undeveloped) Zone [MLA (Medium-Low Attached Density Residential) General Plan Designation] Under Resolution of Intent to R-PD10 (Residential Planned Development 10 units per acre)  R-E (Residence Estates) under Resolution of Intent to R-PD10 (Residential Planned Development 10 units per acre)
North	Hotel and Casino	GC (General Commercial)	C-2 (General Commercial)
South	Single Family Residential	O (Office)  PF-CC (Public Facility Clark County)	Clark County
East	Single Family Residential	O (Office)  PR/OS (Parks/Recreation/Open Space)	Clark County
West	US-95	ROW (Right of Way)	US-95

<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Area Plan</b>		X	N/A
<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>			
A-O Airport Overlay District (175-Foot and 200-Foot)	X		Y
<b>Trails</b>	X		Y
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## **ANALYSIS**

This extension of time request concerns two separate but related applications. The first is Rezoning (ZON-5827). This application was originally approved on 03/02/05. The applicant is requesting to have this application re-instated and extended to coincide with the other related applications. The Rezoning expired on 03/02/07 as a final map was not recorded. Per Title 19.18.40 application for re-instatement and extension may be granted only if application is made no later than six months after the approval has expired. This application is within the allowable six-month time limit.

The second portion of the request is for an extension of time for Rezoning (ZON-6327). This application was approved on 06/01/05. This application added additional property to the proposed project and was accompanied by Site Development Plan Review (SDR-6332). An extension of time for SDR-6332 shall be heard concurrently with this request.

The applicant states that the project was held up by threatened and actual litigation. This delay caused the original Tentative Map (TMP-7217) to expire and prevented the submittal of a Final Map. Thus the applicant is seeking the requested extensions of time and reinstatement. The applicant states that the issues are nearing resolution and has also submitted for a new Tentative Map (TMP-21144) in an effort to get the project moving forward. Approval of this request is recommended with a two year extension.

### **Conditions of approval from ZON-5827:**

1. A General Plan Amendment (GPA-5823) to an MLA (Medium Low Attached Density Residential) land use designation approved by the City Council.
2. A Site Development Plan Review (SDR-5826) approved by the Planning Commission or City Council prior to issuance of any permits, any site grading, and all development activity for the site.
3. Provide a multi-use trail to be constructed along the south right-of-way line of Lone Mountain Road, to meet the requirements of the Master Plan Transportation Trails Element, particularly with the specifications shown in Exhibit 1. Accordingly, a lighted trail with landscaping shall be provided along its entire length. Detailed construction drawings of the trail shall be submitted to and approved by the Planning and Development Department prior to the submittal of any development permits for this site.
4. A Resolution of Intent with a two-year time limit.
5. Dedicate appropriate right of way for a cul-de-sac at the terminus of Red Coach Avenue and an additional 15 feet of right-of-way for a total radius of 25 feet on the southwest corner of Balsam Street and Lone Mountain Road.

6. Submit a Petition of Vacation for the 20-foot alley in both the City and Clark County jurisdictions for all rights-of-way in conflict with the proposed site plan. Orders of Vacation for both the City and County properties shall record concurrently and must be recorded prior to recordation of a Final Map for this site, and the Final Map must show the Recorders numbers of the Vacations.
7. Construct half-street improvements, including appropriate overpaving, on Lone Mountain Road, Balsam Avenue and Red Coach Avenue (including the cul-de-sac termination) 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. 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).
8. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.
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 recordation 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.

**Conditions of approval from ZON-6327:**

1. A General Plan Amendment (GPA-6321) to an MLA (Medium-Low Attached Density Residential) land use designation approved by the City Council.
2. A Site Development Plan Review (SDR-6332) approved by the Planning Commission or City Council prior to issuance of any permits, any site grading, and all development activity for the site.

3. Provide a multi-use trail to be constructed along the south right-of-way line of Lone Mountain Road, to meet the requirements of the Master Plan Transportation Trails Element, particularly with the specifications shown in Exhibit 1. Accordingly, a lighted trail with landscaping shall be provided along its entire length. Detailed construction drawings of the trail shall be submitted to and approved by the Planning and Development Department prior to the submittal of any development permits for this site. Additionally, the trail is to be integrated into the Lone Mountain Road overpass to create a seamless flow of the trail path.
4. A Resolution of Intent with a two-year time limit.
5. Dedicate appropriate right-of-way for a complete cul-de-sac at the terminus of Balsam Street.
6. A Petition of Vacation for those portions of Balsam Street in conflict with the proposed site plan shall be recorded prior to the recordation of a Final Map abutting or overlying those portions of Balsam Street.
7. Construct half-street improvements including appropriate overpaving on Lone Mountain Road and Balsam Street (including the complete cul-de-sac termination) 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. 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).
8. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits as required by the Department of Public Works. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.
9. 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. 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.

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.

## **FINDINGS**

Approval of Rezoning (ZON-5827) was granted on 03/02/05. Approval of Rezoning (ZON-6327) was granted on 06/01/05. This request for an extension of time is deemed appropriate given the circumstances currently occurring on the subject property. Approval of this request is recommended.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**                      N/A

**ASSEMBLY DISTRICT**                      N/A

**SENATE DISTRICT**                      N/A

**NOTICES MAILED**                      N/A

**APPROVALS**                      0

**PROTESTS**                      0