

AGENDA MEMO

CITY COUNCIL MEETING DATE: FEBRUARY 6, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ROC-26396 - APPLICANTS: FAIRFIELD HUALAPAI, LLC AND GREENSTREET PROPERTIES - OWNERS: PROVIDENCE VILLAGE, LLC AND FAIRFIELD HUALAPAI, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: **DENIAL.** If Approved, subject to:

Planning and Development

1. Condition 5 shall be amended to read: Building permits for Buildings 1, 2, and 3, retail shall be obtained before the request for final certificates of occupancy on all residential units.
2. Conformance to all other conditions of approval for Site Development Plan Review (SDR-18301) and all other site related actions.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Review of Condition to modify Condition number five of an approved Site Development Plan Review (SDR-18031) which reads as follows:

- 5.A certificate of occupancy for the shell of Buildings 1 and 2, retail, shall be obtained before the request for final certificates of occupancy on any of the residential units.

The applicant is proposing to remove condition number five. The applicant could accept a proposed revision to read as follows:

5. Building permits for Buildings 1, 2, and 3, retail shall be obtained before the request for final certificates of occupancy on all residential units.

The applicant states that condition number five, as written, has made it difficult in securing the separate financing for the residential component. Although the applicant has stated that the development of the retail portion of the approved Mixed-Use Development is in progress, there have been no building permits or plan checks issued as of 1/22/06.

Therefore, denial of this request is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
2/05/03	The City Council approved a petition (A-0035-02) to annex parcels of land generally located adjacent to the southeast corner of Grand Teton Drive and Puli Road, including this site, containing approximately 1,187 acres. The effective date was 02/14/03.
4/16/03	The City Council approved a request for a Rezoning (ZON-1520) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) Zone on 297.50 acres and to establish a Master Plan for the Cliff's Edge development adjacent to the south side of Grand Teton Drive, between Hualapai Way and Puli Road. The Planning Commission and staff recommended approval.
7/12/05	The Planning and Development staff approved an administrative Site Development Plan Review (SDR-6879) for a 1,582 square foot Temporary Sales Trailer adjacent to the southwest corner of Elkhorn Road and Hualapai Way. No timetable for removal was required.

11/16/05	City Council approved a request for a Major Modification (MOD-9174) to the Cliff's Edge Master Development Plan and Design Guidelines to establish standards for rear loaded residential small lot housing products and to add section 3.2.5b to the design guidelines on 1,156 acres generally located adjacent to the south side of Grand Teton Drive, between Hualapai Way and Puli Road. The Planning Commission and staff recommended approval.
5/16/07	The City Council approved a request for a Variance (VAR-18090) of the Cliff's Edge Master Development Plan and Design Guidelines Section 3.2.1 to allow a balcony-to-balcony separation of 24 feet where 30 feet is required and to allow a setback of two feet from a living area, porch, stoop, and sidewalk where ten feet is required; and a Site Development Plan Review (SDR-18031) for a mixed-use development consisting of 218 proposed condominium units and a three-building, 32,400 square-foot retail development on 15.69 acres at the southwest corner of Hualapai Way and Elkhorn Road. The Planning Commission recommended approval. Staff recommended denial of both applications.
6/14/07	A Tentative Map (TMP-21653) was recommended for approval by the Planning Commission for a Mixed-Use subdivision consisting of 218 Multi-Family Residential units and one Commercial lot on 15.69 acres adjacent to the southwest corner of Elkhorn Road and Hualapai Way.
9/27/07	A Final Map (FMP-24853) -LIBERTY SQUARE @ PROVIDENCE CONDOMINIUMS- was submitted for Technical Review for a 218 unit residential condominium subdivision on 9.56 acres adjacent to the southwest corner of Elkhorn Road and Hualapai Way. This Final Map has not recorded yet.
10/25/07	A Final Map (FMP-23121) -LIBERTY SQUARE @ PROVIDENCE (COMMERCIAL SUBDIVISION)- was approved and released for recordation for a for a one-lot Commercial Subdivision on 3.42 acres adjacent to the southwest corner of Elkhorn Road and Hualapai Way.
11/13/07	L-Civil #24001: civil improvement plans for a mixed-use subdivision of 218 residential condos and one commercial lot received final approval. NOTE: This civil plan covers APN 126-24-510-011. This approval expires 10/17/09.
11/16/07	L-Civil #25622: civil improvement plans were submitted for technical review of a commercial project under Greenstreet @ POD 122 Phase 1 L-Civil #25624: civil improvement plans were submitted for technical review of a commercial project under Greenstreet @ POD 122 Phase 2 NOTE: Both civil plans cover APN 126-24-517-001 and are still under review. No permits have been issued

<i>Related Building Permits/Business Licenses</i>	
2/22/06	Plan Check #C-0292-05: Building Permit #06001379 issued for an information/sales trailer at 7051 North Hualapai Way. This project was completed on 8/17/06.
6/04/07	Plan Check #L-1680-07: Building Permit #07001836 issued for corner trellises and signage walls. This permit expired 12/01/07.
12/26/07	Plan Check #22926: Approved and issued for 27 condominium buildings, one recreation building, and nine trash enclosures. NOTE: This project consists of the residential component of the mixed-use development only. The commercial buildings approved under SDR-18031 are not included within Plan Check #22929.
<i>Pre-Application Meeting</i>	
1/11/08	A pre-application meeting was held to discuss the process for submitting a Review to Condition number five of the approved Site Development Plan Review SDR-18031.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	15.69
Net Acres	12.30

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Temporary Sales Trailer	PCD (Planned Community Development)	PD (Planned Development) Zone [VC (Village Commercial) Cliffs Edge Special Land Use Designation]
North	Single Family Residential	PCD (Planned Community Development)	PD (Planned Development) Zone [L (Low Density Residential) Cliffs Edge Special Land Use Designation]
South	Multi-Family Residential	PCD (Planned Community Development)	PD (Planned Development) Zone [M (Medium Density Residential) Cliffs Edge Special Land Use Designation]

East	Undeveloped (Clark County)	Clark County	Clark County Zoning R -E (Rural Estates Residential) [2 Units Per Acre]
West	Single Family Residential	PCD (Planned Community Development)	PD (Planned Development) Zone [L (Low Density Residential) Cliffs Edge Special Land Use Designation]

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Cliffs Edge	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
PD (Planned Development) District	X		Y
Cliffs Edge	X		Y*
Special Purpose and Overlay Districts		X	NA
Trails	X		Y
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

* A Variance (VAR-18090) of the Cliff's Edge Master Development Plan and Design Guidelines Section 3.2.1 was approved by City Council on 5/16/07.

ANALYSIS

The subject site is located within the Cliffs Edge Master Development Plan Area and maintains the VC (Village Commercial) land use category. The VC (Village Commercial) land use category specifically allows the Medium Residential Use (up to 25 dwelling units per acre) when incorporated with a horizontally or vertically mixed-use project. If the approved mixed-use project were to seek completion with only the residential component, a Major Modification to the Cliffs Edge Master Development Plan would need to be approved to allow only residential use.

In order to ensure that that this project remains developed as a Mixed-Use Development, staff included condition number five to Site Development Plan (SDR-18031) which requires that the Certificates of Occupancy for the commercial buildings be issued before the Certificates of Occupancy are requested on the residential units. The intent of this condition is to ensure that the commercial use is in place concurrent with to the residential use.

With the proposed revision to condition number five requiring that only building permits are issued prior to Certificates of Occupancy for the residential units there will be no assurance that the commercial component of the approved Mixed-Use Development will be completed before, at the same time, or even after the residential development. A building permit does not entail any physical work on the property; the suggested revision of condition number five could result in the proposed Mixed-Use Development being finished with only residential units.

FINDINGS

Planning and Development has worked with the Department of Building and Safety and recommends that a 120 Final Framing Inspection be completed by the Department of Building and Safety for Retail Buildings 1, 2, and 3. These inspections serve as a construction point-of-no-return and would demonstrate compliance to the agreement to construct the required commercial component of the Mixed-Use Development, without requiring Certificates of Occupancy.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED 86

APPROVALS 0

PROTESTS 0