

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MARCH 13, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - ZON-25758 - APPLICANT: SOUTHWEST
DESERT EQUITIES, LLC - OWNER: K R LAND COMPANY, LLC ET AL.

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Rezoning from U (Undeveloped) [PCD (Planned Community Development)] to PD (Planned Development) on 23.62 acres at the southeast corner of Hualapai Way and Deer Springs Way.

The proposal does not meet the intent of the Planned Development (PD) District, which is to permit and encourage comprehensively planned developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or multi-use planned development. Therefore, staff recommends denial.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
02/16/07	Effective date of Annexation (ANX-12215) of 207.83 acres including the subject site.
06/06/07	City Council approved a request to Amend (GPA-20465) a portion of the Centennial Hills Sector Plan of the Master Plan from R (Rural Density Residential) to PCD (Planned Community Development) on 23.3 acres at the southeast corner of Hualapai Way and Deer Springs Way. Planning Commission and staff recommended denial.
01/10/08	Planning Commission approved an Abeyance request for a Site Development Plan Review for a proposed 200,300 square-foot retail development on 23.62 acres at the southeast corner of Hualapai Way and Deer Springs Way to the 02/14/08 Planning Commission.
02/14/08	Planning Commission approved an Abeyance request for a Site Development Plan Review for a proposed 200,300 square-foot retail development on 23.62 acres at the southeast corner of Hualapai Way and Deer Springs Way to the 03/13/08 Planning Commission. The item was re-notified as square footage and site design was modified.
<i>Related Building Permits/Business Licenses</i>	
There are no related building permits or business licenses that pertain to this site.	
<i>Pre-Application Meeting</i>	
11/14/07	A pre-application meeting was held with the applicant. The applicant proposed to a zone change to PD (Planned Development), a site development plan review for a 200,300 square foot commercial development and a vacation of patent easements. The applicant was informed that they would be required to dedicate right-of-ways and conduct drainage and traffic studies. Staff also mentioned that a 2.5 acre portion of the site was in the Interlocal Agreement, which would be an issue of concern. Submittal requirements were then explained in detail.

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Field Check	
11/30/07	A field check was made on site. The site is currently undeveloped with a population of desert shrubs and trees.

Neighborhood Meeting	
03/29/07	<p>The subsequent zoning, site development plan and vacation applications do not require a neighborhood meeting. However, a neighborhood meeting was held for the General Plan Amendment (GPA-20465) at Mountain Crest Community Center at 5:30 PM. Twenty-two members of the public attended, generally expressing opposition to the proposed General Plan Amendment. Concerns raised included:</p> <ul style="list-style-type: none"> * Concerns that apartments will be built at this site * Request for Single Family Homes only * Property values will be lowered * Request that the RNP not be changed * Construction will cause traffic issues in the area * Opposed to commercial or high density residential * Project will increase traffic in area * Opposed to change in land use and zoning

Details of Application Request	
Site Area	
Gross Acres	23.62

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	PCD (Planned Community Development)	U (Undeveloped)
North	Undeveloped, Clark County 215 Beltway	RNP (Rural Neighborhood Preservation Clark County)	Unincorporated Clark County R-E (Residential Estates)
South	Undeveloped	R (Rural Density Residential) and ROW (Right-of-Way)	Unincorporated Clark County R-E (Residential Estates) and Unincorporated Clark County Parcel Right-of-Way
East	Undeveloped	PCD (Planned Community Development)	PD (Planned Development)

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West	Undeveloped	R (Rural Density Residential) and PF-CC (Public Facility Clark County)	U (Undeveloped) and Unincorporated Clark County R-E (Residential Estates)
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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	NA
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
PCD Planned Community Development	X		N*
Trails		X	NA
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance	X		Y

*** PCD (Planned Community Development)**

The proposed development does not meet the minimum acreage requirements of the PCD (Planned Community Development) land use designation.

Project of Regional Significance

Staff has determined that the related proposed Rezoning and its companion items would meet the definition of a Project of Regional Significance as defined in the ordinance and has notified Clark County and other entities.

Comments were received by the Las Vegas Metropolitan Police Department, who replied that the proposed project has a potential to impact police services in the Northwest Area Command.

DEVELOPMENT STANDARDS

Pursuant to Title 19.06, development standards within a PD (Planned Development) zoning district are determined through a Master Development Plan and accompanying Development Standards. In this case, the development standards are provided through the Site Development Plans.

Existing Zoning	Permitted Density	Units Allowed
U (Undeveloped)	2 du/ac	46.6 Units
Proposed Zoning	Permitted Density	Units Allowed
PD (Planned Development)	N/A	N/A
General Plan	Permitted Density	Units Allowed
PCD (Planned Community Development)	8 du/ac	186 Units

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ANALYSIS

Interlocal Agreement

Of the 23-acre site, 2.5 acres are governed by the Interlocal Agreement. Per Section 3.F of the Clark County/City of Las Vegas Interlocal Agreement, which established a joint position on corporate boundaries, planning, public facilities, service provision and future annexations, *the areas identified as Excepted Areas on Exhibit A shall remain as rural neighborhood preservation areas for the life of the Interlocal Agreement. The City agrees that when a parcel of land within the Excepted Areas is annexed to the City, the City will maintain the same density allowed within the County by virtue of establishing a compatible City zoning district on the property, within the City, for the life of the Interlocal Agreement. The County agrees that those areas depicted as Excepted Areas on Exhibit A shall remain as rural neighborhood preservation areas for the life of the Interlocal Agreement.*

The entire site is in Expected Area of the Interlocal Agreement, which states in Section 1.A that Excepted Areas shall remain unincorporated for the term of this agreement, unless a petition for annexation is initiated by a private property owner for a particular property. On 02/16/07, this site was Annexed (ANX-12215) into the City of Las Vegas, including 207.83 acres. The site was designated U (Undeveloped) Zone [RNP (Rural Neighborhood Preservation) General Plan designation), which was recently Amended by City Council on 06/06/07 to PCD (Planned Community Development) General Plan designation. Although the City Council Amended the General Plan from RNP (Rural Neighborhood Preservation) to PCD (Planned Community Development) on a 2.5 acre portion of the site, the Interlocal Agreement states that areas depict as Excepted Areas on Exhibit A shall remain as rural neighborhood preservation areas for the life of the Interlocal Agreement.

Zoning

Per 19.06.050, the intent of the Planned Development (PD) District is to permit and encourage comprehensively planned developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or multi-use planned development. The rezoning of property to the PD District may be deemed appropriate if the development proposed for the District can accomplish one or more of the following goals:

- 1. Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community;*

As the site is adjacent to areas protected by the Interlocal Agreement between Clark County and the City of Las Vegas, which limit the density to 2.0 du/ac, the 205,000 square-foot retail development is not harmonious and beneficial to the community.

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2. *Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities;*

This proposal does not achieve nor integrate economic and redevelopment opportunities.

3. *Providing for flexibility in the distribution of land uses, in the density of development, and in other matters typically regulated in zoning districts;*

The site is all one uniform land use, retail and commercial uses.

4. *Providing for cultural, civic, educational, medical, religious or recreational facilities, or any combination thereof, in a planned or a unique setting and design;*

The proposal does not provide a cultural, civic, educational, medical, religious or recreational facilities, or any combination thereof, in a planned or a unique setting and design.

5. *Providing for the redevelopment of areas where depreciation of any type has occurred.*

This area is not designated as a redevelopment area; therefore, the proposal does not meet this goal.

6. *Providing for the revitalization of designated areas;*

This area is not designated as a revitalization area; therefore, the proposal does not meet this goal.

7. *Promoting or allowing development to occur in accordance with a uniform set of standards which reflect the specific circumstances of the site;*

The proposal has not developed standards that address the density and rural composition of the area adjacent to the site.

8. *Avoiding premature or inappropriate development that would result in incompatible uses or would create traffic and public service demands that exceed the capacity of existing or planned facilities;*

As a portion of the site is adjacent to areas protected by the Interlocal Agreement between Clark County and the City of Las Vegas, which limit the density to 2 du/ac, the proposal is deemed inappropriate and would result in incompatible uses which could create traffic and public service demands that exceed the capacity of existing or planned facilities.

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9. *Encouraging area-sensitive site planning and design; and*

The applicant is proposing a 205,000 square-foot retail development, which does not encourage area-sensitive site planning and design, within and adjacent to an area protected by the Interlocal Agreement between Clark County and the City of Las Vegas.

10. *Contributing to the health, safety and general welfare of the community and providing development which is compatible with the City's goals and objectives.*

The proposal for a 205,000 square-foot retail development is contrary to the City's goals and objectives protected by the Interlocal Agreement between Clark County and the City of Las Vegas.

The PD (Planned Development) zoning that would be allowed in the PCD designation would permit a density of up to eight units per acre. Staff finds a density of eight dwelling units per acre to be incompatible with the adjacent Rural Neighborhood Preservation district.

Development Agreement Providence Square

- **Land Use**

The Master Development Plan identifies the land use permitted within Providence Square. The Plan defines one land use for the one 23.6 acre parcel as Neighborhood Commercial, which shall be comprised of a mixture commercial uses.

- **Permissible Uses**

The Master Development Plan states that buildings, structures and land use for commercial purposes shall be developed and operated in accordance with the uses permitted in Permissible Use Schedule. The uses that are proposed are consistent with the C-1 (Limited Commercial) zoning district, which is intended to provide most retail shopping and personal services, and may be appropriate for mixed use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors.

- **Site Plan Guidelines**

The Master Development Plan contains comprehensive section on development standards, site elements, building standards, lighting, landscape standards, architectural style and signage. Development standards such as setbacks, lot coverage, and building height are consistent with the C-1 (Limited Commercial) zoning district.

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- Site elements discuss location and screening of service areas, site utilities and electrical equipment.
- Building standards illustrate building form and mass, building height, building materials and roof form.
- Acceptable building materials are painted stucco walls, split face CMU, hone CMU, concrete roof tile, slate, stone or brick accents, painted metal, glazing, glass, metal roof, metal canopies/trellis and concrete siding boards.
- Lighting will conform to the City of Las Vegas lighting codes, which apply to all public streets, parking lots or walkways thought the development to ensure a safety and illumination.
- Landscape standards shall conform to Title 19.12 Landscape Standards with all land covered by structures or developed as parking shall be landscaped with a minimum of 12 percent total landscape coverage of the site. A plant palette was included in the standards.
- Architectural style that is proposed are identified as American Traditional, which the applicant characterizes as four-sided architecture with flat concrete roof tiles or metal roofs, cupolas, use of brick or stone accents and trellises with traditional column or posts.
- Signage - the standards for free standing signs conform to the exhibits of the Master Development Plan. All non free standing signs shall be permitted in accordance with the standards of Title 19.14 of the Las Vegas Municipal Code and follow the standards for the C-1 Limited Commercial District with the following exceptions:
 - No exposed neon;
 - No animated signs
 - No roof-mounted signs
 - Wall and window signs shall be limited to 15% per building elevation. The area of the building elevation shall be the surface area of the elevation, measured from normal grade to the top of the wall, including windows, doors and other voids but not including the area of intervening portions of the elevation that face in another direction and that create offsets, articulations, entries or other architectural features.
 - Internal illumination shall be the only method of illumination permitted

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

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1. The proposal conforms to the General Plan.

The proposed rezoning would bring the zoning at this site into conformance with the PCD (Planned Community Development) designation as listed under the Centennial Hills Sector Plan of the General Plan. However, the proposal does not meet the intent of the Planned Development (PD) District, which is to permit and encourage comprehensively planned developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or multi-use planned development. Therefore, staff recommends denial.

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 PD (Planned Development) zoning that would be allowed in the PCD designation would permit a density of up to eight units per acre. Staff finds a density of eight dwelling units per acre to be incompatible with the adjacent Rural Neighborhood Preservation district.

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.

Adequate access to this site will be provided from Hualapai Way, a 100-foot wide Primary Arterial as designated by the Master Plan of Streets and Highways, and Deer Springs Way, an 80-foot wide Secondary Collector.

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ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 58

APPROVALS 0

PROTESTS 18