



**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: AUGUST 28, 2008**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: TMP-29018 - DECATUR VILLAGE CONDOMINIUM**  
**(CONVERSION) APPLICANT/OWNER: TAWK DEVELOPMENT, LLC**

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

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

**Planning and Development**

1. Approval of the Tentative Map shall be for no more than two (2) years. If a Final Map is not recorded on all or a portion of the area embraced by the Tentative Map within two (2) years of the approval of the Tentative Map, this action is void.
2. All development shall conform to the Conditions of Approval for Site Development Plan Review (SDR-12316), if approved.
3. Street names must be provided in accordance with the City's Street Naming Regulations.
4. In conjunction with creation, declaration and recordation of the subject common-interest community, and prior to recordation of the Covenants, Codes and Restrictions (CC&R), or conveyance of any unit within the community, the Developer is required to record a Declaration of Private Maintenance Requirements (DPMR) as a covenant on all associated properties, and on behalf of all current and future property owners. The DPMR is to include a listing of all privately owned and/or maintained infrastructure improvements, along with assignment of maintenance responsibility for each to the common interest community or the respective individual property owners, and is to provide a brief description of the required level of maintenance for privately maintained components. The DPMR must be reviewed and approved by the City of Las Vegas Department of Field Operations prior to recordation, and must include a statement that all properties within the community are subject to assessment for all associated costs should private maintenance obligations not be met, and the City of Las Vegas be required to provide for said maintenance. Also, the CC&R are to include a statement of obligation of compliance with the DPMR. Following recordation, the Developer is to submit copies of the recorded DPMR and CC&R documents to the City of Las Vegas Department of Field Operations.
5. All development is subject to the conditions of City Departments and State Subdivision Statutes.

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**Public Works**

6. This site shall be responsible for sewer connection fees in accordance with condominium requirements per Title 14 Chapter 14.04.020 Equivalent Residential Unit (ERU) Schedule. If some or all of these units have already paid fees based upon apartment requirements, the difference between condominium and apartment fees for those units shall be paid to Building and Safety prior to the recordation of a Final Map for this site. Submit copies of the receipts to the Collection Systems Planning Section of the Department of Public Works with Final Map mylar submittal.
7. A Homeowners Association shall be established to maintain all private roadways, landscaping and common areas created with this development. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
9. The Final Map for this site shall include a note stating All areas not occupied by a building are a Public Drainage Easement to be Privately Maintained by the Homeowners Association.
10. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for this site prior to submittal of a map or any construction drawings, whichever may occur first.
11. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits, submittal of any construction drawings or the submittal of a Final Map for this site, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study.
12. Site development to comply with all applicable conditions of approval for ZON-12312, SDR12316, approved civil improvement plans (107V4783), and all other subsequent site-related actions.
13. The approval of all Public Works related improvements shown on this Tentative Map is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to approval of the construction plans by the City. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the recordation of a Final Map or the approval of subdivisionrelated construction plans, whichever may occur first. Approval of this Tentative Map does not constitute approval of any deviations. If such approval cannot be obtained, a revised Tentative Map must be submitted showing elimination of such deviations

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

**PROJECT DESCRIPTION**

This is a request for a Tentative Map for a 198-unit Condominium Complex on 10.18 acres at 5067 Madre Mesa Drive. A previous Site Development Plan Review (SDR-12316) was approved permitting a 198-unit apartment complex with Waivers to allow a one-foot perimeter landscape buffer where six feet is required and to allow a ten-foot landscape buffer where 15 feet is required. This apartment complex is currently under construction and this Tentative Map request will allow these units to be sold as condominiums. As this Tentative Map satisfies the minimum requirements of Title 19, staff recommends approval of this request.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
03/20/95	The Board of County Commissioners approved a request for a Rezoning (ZC-567-95) from R-E (Rural Estates Residential) and H-2 (General Highway Frontage) to R-3 (Multiple Family Residential) and C-1 (Local Business) for a portion of this site. The approval was in conjunction with a proposed 72-unit apartment complex, a 19,200 square-foot shopping center, and a 103,000 square-foot mini-warehouse complex. The development component of this approval was for three years.
07/17/96	The Board of County Commissioners approved a request for a Rezoning (ZC-798-96) to R-3 (Multiple Family Residential) for a proposed 20-unit apartment addition to the previously approved 72-unit apartment development on a portion of the subject site. The approval expired 07/07/98.
03/10/97	The City Council approved an Annexation (A-0013-95) on a portion of the subject site under Resolution of Intent to R-3 (Limited Multiple Residence) and C-1 (Local Business), containing approximately 11.10 acres. The Planning Commission and staff recommended approval.
06/08/98	The City Council approved an Extension of Time [ZC-567-95(1)] of an approved Rezoning to R-3 (Medium Density Residential) and C-1 (Limited Commercial) for a portion of the site. The Planning Commission and staff recommended approval. The Resolution of Intent was extended indefinitely.
06/28/99	The City Council approved a City-initiated General Plan Amendment (GPA-0011-99) to change the land use designation of a portion of the subject property from R (Rural Density Residential) and SC (Service Commercial) to M (Medium Density Residential) and SC (Service Commercial). This property included what is now a U.S. Post Office at the southwest corner of Decatur Boulevard and Madre Mesa Drive. The Planning Commission and staff recommended approval.

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06/07/00	The City Council approved a General Plan Amendment (GPA-0005-00) to change the land use designation from M (Medium Density Residential) and SC (Service Commercial) to M (Medium Density Residential) and SC (Service Commercial) on 4.1 acres at the southwest corner of Decatur Boulevard and Madre Mesa Drive. The City Council also approved a Rezoning (Z-0013-00) to C-1 (Limited Commercial) and R-3 (Medium Density Residential) on approximately 6.9 acres at the southwest corner of Decatur Boulevard and Madre Mesa Drive in conjunction with a proposed U.S. Post Office and 72-unit apartment development. All previous Resolutions of Intent were expunged. The Planning Commission and staff recommended approval.
09/05/01	The City Council approved a Site Development Plan Review (SD-0025-01) for a proposed 85-lot single-family residential development on 13.02 acres adjacent to the south side of Madre Mesa Drive, approximately 840 feet east of Michael Way. The Planning Commission and staff recommended approval.
11/21/01	The City Council approved an Annexation (A-0030-01) of approximately 2.21 acres located on the south side of Madre Mesa Drive, approximately 700 feet west of Decatur Boulevard. The Planning Commission and staff recommended approval. The effective date was 11/30/01.
01/02/02	The City Council approved a General Plan Amendment (GPA-0024-01) to change the land use designation on the newly annexed property from R (Rural Density Residential) and ROW (Right-of-Way) to M (Medium Density Residential). The City Council also approved a Rezoning (Z-0051-01) from U (Undeveloped) [R (Rural Density Residential) Master Plan designation] to R-3 (Medium Density Residential) on the same 2.21-acre portion of the subject site. The Planning Commission and staff recommended approval.
01/16/02	The City Council approved a Site Development Plan Review [Z-0051-01(1), Z-0013-00(1) and ZC-567-95(1)] for a proposed 118-unit apartment development and a 59,180 square foot mini-warehouse facility on approximately 7.53 acres of the subject site (all but 2.5 acres of the current site). The Planning Commission and staff recommended approval. The City Council also approved a Variance (V-0086-01) to allow zero foot side and rear yard setbacks where 10 feet is the minimum side yard setback required and 20 feet is the minimum rear yard setback required on the multi-family portion of the project. The Planning Commission recommended approval. Staff recommended denial.
03/15/06	The City Council approved the Annexation (ANX-10266) of approximately 2.5 acres located at 4584 Madre Mesa Drive, which is part of the subject site. The Planning Commission and staff recommended approval.

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04/05/06	The City Council introduced a bill (Bill No. 2006-21) to amend Ordinance No. 5819 relating to an approved Annexation (ANX-10266) that would amend the legal description and change the appropriate City zoning classification from U (Undeveloped) [R (Rural Density Residential) Master Plan designation] to R-E (Residence Estates) on the property at 4584 Madre Mesa Drive. The bill will be assigned to the Recommending Committee meeting on 04/18/06.
07/12/06	The City Council approved a General Plan Amendment (GPA-12310) to change the Master Plan Land Use on a 5.4-acre portion of the subject site from R (Rural Density Residential) and SC (Service Commercial) to M (Medium Density Residential), a Rezoning (ZON-12312) from U (Undeveloped) [R (Rural Density Residential) and M (Medium Density Residential) Master Plan designations], U (Undeveloped) [SC (Service Commercial) Master Plan designation] under Resolution of Intent to C-1 (Limited Commercial), and R-E (Residence Estates) to R-3 (Medium Density Residential) on the subject site, a petition to Vacate (VAC-13244) two 20-foot wide drainage easements, and a Variance (VAR-12318) to allow a 20-foot setback from protected properties where Residential Adjacency Standards require a 105-foot setback on the subject site and to allow three-story buildings where a maximum of two stories is allowed. The Planning Commission recommended approval, whereas staff recommended denial of these requests.
08/06/06	The City Council approved a Site Development Plan Review (SDR-12316) for a proposed 198-unit apartment project and a Waiver to allow a one-foot perimeter landscape buffer where six feet is required and to allow a ten-foot landscape buffer where 15 feet is required. The Planning Commission recommended approval, whereas staff recommended denial.
01/16/07	The Building Department approved a Reversionary Parcel Map of four parcels. This request satisfies Condition #4 of an approved Site Development Plan Review (SDR-12316).
<b><i>Related Building Permits/Business Licenses</i></b>	
09/24/07	Building permits (#7002754, #7002747, #7002748, #7002749, #7002750, #7002761, #7002751, #7002752, #7002753) were issued for the recreation building and buildings #2 through 9 at 5067 Madre Mesa. These buildings are currently under construction and await a final inspection upon completion.
10/31/07	Building permits (#7003053, 7003058, 7003059, 7003060, 7003057, 7003047, 7003048, 7003056, 7003045, 7003049, 7003050, 7003052, 7003051, 7003046, 7003054, 7003055) were issued for buildings #10-26 at 5067 Madre Mesa. These buildings are currently under construction and await a final inspection upon completion.

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<b><i>Pre-Application Meeting</i></b>	
04/30/08	A pre-application meeting was conducted to discuss the requirements of converting an under construction apartment complex to a condominium development.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting was not required, nor was one held.	

<b><i>Field Check</i></b>	
04/03/08	A field check was conducted and it was found that this development is currently an apartment complex which is under construction. It is also noted several shrubs along the perimeter of this project have died due to inadequate maintenance. These plants will have to be replaced before this project is finalized.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	11.26
Net Acres	10.53

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Undeveloped (Apartments currently under construction)	M (Medium Density Residential)	R-E [Residence Estates under Resolution of Intent to R-3 (Medium Density Residential)] and U (Undeveloped) under Resolution of Intent to R-3 (Medium Density Residential)
North	Single-Family Residential	MLA (Medium Low Attached Density Residential)	R-PD12 (Residential Planned Development 12 Units Per Acre)
	Residential Apartments	M (Medium Density Residential)	R-PD12 (Residential Planned Development 12 Units Per Acre)
East	Post Office	SC (Service Commercial)	C-1 (Limited Commercial)
	Residential Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)



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	Undeveloped Land Proposed 535 unit condo development (SDR-20523)	M (Medium Density Residential)	C-M [Commercial/Industrial with ROI to R-PD16 (Residential Planned Development 16 Units per Acre)
South	Single-Family Residential	R (Rural Density Residential)	R-E (Rural Estates Residential 2 Units Per Acre Clark County)
	Residential Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)
	Single-Family Residential	R (Rural Density Residential)	R-E (Residence Estates)
West	Single-Family Residential	R (Rural Density Residential)	R-PD6 (Residential Planned Development 6 Units per Acre)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>			
A-O Airport Overlay District 35 feet	X		Y*
<b>Trails</b>		X	N/A
<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

\* A-O Airport Overlay District - The subject parcel is in the North Las Vegas Airport Overlay within the 35-foot height limitation contour. The subject proposal has a maximum height of 35 feet and is in conformance with the policies and requirements of this overlay district.

**DEVELOPMENT STANDARDS**

*Pursuant to Title 19.08, the following development standards apply:*

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	6,500 SF	458,687 SF	Y
Min. Lot Width	N/A	67 Feet	Y

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Min. Setbacks			
• Front	20 Feet	20 Feet	Y
• Side	5 Feet	5 Feet	Y
• Rear	20 Feet	20 Feet	Y
Min. Distance Between Buildings	10 Feet	10 Feet	Y
Max. Building Height	3 Stories /35 Feet	3 Stories/35 Feet	Y*
Trash Enclosure	Walled, gated, roofed, 50 feet from residential property	Walled, gated, roofed, 60 feet from residential property	Y
Mech. Equipment	Screened	Screened	Y

\* A Variance (VAR-12318) was approved to allow an increase of building height from 2 stories/35 feet to 3 stories/35 feet.

**ANALYSIS**

This is a request for a Tentative Map for a 198-unit Condominium Complex on 10.18 acres at 5067 Madre Mesa Drive. A previous Site Development Plan Review (SDR-12316) was approved permitting a 198-unit apartment complex with Waivers to allow a one-foot perimeter landscape buffer where six feet is required and to allow a ten-foot landscape buffer where 15 feet is required. This apartment complex is currently under construction and this Tentative Map request will allow these units to be sold as condominiums. As this Tentative Map satisfies the minimum requirements of Title 19, staff recommends approval of this request.

**FINDINGS**

**•General information (Residential/Commercial)**

The site is currently zoned R-E (Residence Estates) under Resolution of Intent to R-3 (Medium Density Residential) and U (Undeveloped) [M (Medium Density Residential) Master Plan Designation] under Resolution of Intent to R-3 (Medium Density Residential). The subject sites current Resolution of Intent to R-3 (Medium Density Residential) zoning district is consistent with the M (Medium Density Residential) General Plan designation; The R-3 (Medium Density Residential) under Resolution of Intent and M (Medium Density Residential) General Plan Designation are consistent with this request of a Tentative Map for condominiums.

**•Cross Section**

This development is a conversion of an under-construction apartment development to a condominium development. The perimeter walls are already constructed, with a maximum height of 9 feet including the screening and retaining wall. Photographs have been supplied which demonstrate that these walls are a combination of concrete block and decorative wrought-iron. These walls satisfy the minimum requirements of Title 19.12.075, including contrasting material and height. The cross sections show a six-foot typical perimeter wall and a two-foot typical interior retaining wall. In addition, photographs have been provided and do not show any changes to the existing walls.

**•Trails**

There are no applicable trails near the subject site.

**•Special Conditions of Approval (SDR-12316)**

Condition #3

All development shall be in conformance with the site plan and elevations date stamped 03/13/06 and landscape plan date stamped 04/04/06, except as amended by conditions herein.

Condition #5

A Waiver from 19.12.040.A is hereby approved, to allow a one-foot wide landscape buffer where a six-foot wide buffer is required along the private drive adjacent to the existing post office, and to allow a 10-foot wide landscape buffer where 15 feet is required along Madre Mesa Drive.

Condition #8

A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. The technical landscape plan shall include the following changes from the conceptual landscape plan:

- One 24-inch box shade tree shall be added within each landscape island within the parking area;
- Additional screening trees meeting Title 19.12 spacing requirements shall be added within the landscape buffer areas along the western perimeter of the site, the east buffer area, and the south side of the private drive connecting the site to Decatur Boulevard.

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- The revised plan shall show that the amount of turf does not exceed 15 percent of the total landscaped area.

**•Landscaping**

A required condition of the original Site Development Plan Review (SDR-12316) was not satisfied. Condition #8, required a revised landscaping plan in conformance to Title 19.12 standards, but the revised landscaping plan did not resolve the perimeter landscaping issues. The current landscaping plan is 58 trees deficient from Title 19.12 standards. A condition has been added requiring conformance to the conditions of approval for Site Development Plan Review (SDR-12316), which includes the landscaping requirements.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 3

**NOTICES MAILED** N/A

**APPROVALS** 0

**PROTESTS** 0