



AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 19, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: DIR-35127 – APPLICANT/OWNER: MONTECITO COMPANIES

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL

**** STAFF REPORT ****

PROJECT DESCRIPTION

This request is for approval of a 24-month development report as required by Nevada Revised Statutes Chapter 278.0205 and Subsection 5.1 of the Development Agreement entered into between Montecito Town Center, LLC for the Montecito Town Center and the city of Las Vegas on April 3, 2002.

Planning and Development Department staff has reviewed the submitted development report and has determined that the Owner is currently in substantial compliance with the requirements of the Development Agreement for the area known as Montecito Town Center.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
01/17/01	The City Council approved an annexation (A-0003-99) of land generally located west of El Capitan Way and east of Hualapai Way between Grand Teton Drive and Rome Avenue, containing approximately 615 acres, including the subject site. The effective date of this annexation was January 26, 2001.
04/03/02	The City Council approved a Development Agreement (DA-0002-01) that allowed for up to 4,000,000 square feet of office, medical, retail and/or hotel; and up to 1,600 residential dwelling units.
07/16/03	The City Council approved a Major Modification (MOD-2315) to the Development Agreement to add 10.08 acres to the overall plan.
04/07/04	The City Council approved a Rezoning (ZON-3840) from U (Undeveloped) [TC (Town Center) General Plan Designation] to T-C (Town Center), a Site Development Plan Review (SDR-3764) for a 587,750 square-foot mixed-use commercial development, including the subject site, and a number of Special use Permits for Liquor Sales, Incidental Gaming and Drive-through Facilities on the subject site.
04/07/04	The City Council approved a Major Modification (MOD-3735) to the Development Agreement to add 10 acres to the overall plan.
04/07/04	The City Council approved a Major Modification (MOD-3763) to add 5 acres to the overall plan and to increase the commercial square footage to 4,311,688 square-feet and to increase the allowed residential dwelling units to 1,725.

The information below reflects the extent of compliance by the owner/developer as of July, 2009:

Table 1: RESIDENTIAL UNITS AND DENSITY				
CATEGORY	REFERENCE	PERFORMANCE REQUIREMENT	PROGRESS	STATUS
Number of residential units approved	DA 4.1(b) as amended	Maximum of 1,725 residential units	688 units approved	In compliance
Number of residential units built	N/A—data from Owner	N/A	662 units built	N/A
Overall density	N/A	N/A	18 units per acre	N/A

Table 2: LAND USE REQUIREMENTS						
CATEGORY	DESCRIPTION	DATE APPROVED	OWNER ACTION	CITY ACTION	REFERENCE	STATUS
Rezoning	Undeveloped (U) to Town Center (T-C)	04/07/04 CC	Submitted application for Rezoning of Project Area	Process in conformance with Title 19. Amend zoning map	DA (C)	Completed.
Building Height and Size of Structures	Per NRS 278.0201	04/03/02 CC	Submitted SDR application w/ no building higher than 500'	Approve development plans	DA 4.2	In Compliance

Table 3: INFRASTRUCTURE REQUIREMENTS					
FACILITY	OWNER ACTION	CITY ACTION	REFERENCE	PROGRESS	STATUS
Sanitary Sewer	Provide sanitary sewer facilities	None	DA 8.1	Built	Complete
Flood Control and Drainage	Submit master drainage plan and technical study prior to issuance of grading or building permits	Review master drainage plan and technical drainage study	DA 11.1	Drainage study approved 08/19/02.	Complete
Interim Flood Control Facilities	Construct interim flood control facilities necessary within Project Site to the 100-year flood event	Review and approve plans	DA 11.1	No interim flood control facilities	In compliance

Table 3: INFRASTRUCTURE REQUIREMENTS (cont)

FACILITY	OWNER ACTION	CITY ACTION	REFERENCE	PROGRESS	STATUS
Public Flood Control Facilities	Dedicate all facilities within ROW to city	Maintain facilities within ROW	DA 11.1	On-site facilities within all subdivisions have been completed and dedicated	Complete
Potable Water Facilities	Provide facilities for conveyance of potable water to and within Project Site	None	DA 7.1	All facilities complete, functional and accepted by LVVWD	Complete

Table 4: TRANSPORTATION IMPROVEMENT REQUIREMENTS

CATEGORY	OWNER ACTION	CITY ACTION	AGREEMENT REFERENCE	PROGRESS	NOTES	STATUS
Off-site Traffic Impacts	Pay for traffic signal impact fees	Install Traffic signals	DA 10.2(b)	Completed	N/A	Complete
Town Center Loop Road	Pay for full half street improvements adjacent to property	Build the street	DA 10.3	Completed	N/A	Complete
El Capitan Way Improvements	Pay their fair share of a Special Improvement District	Build the street	DA 10.4	Completed	N/A	Complete
Deer Springs Roadway Alignment	Pay for full half street improvements adjacent to property	Build the street	DA 10.7	Completed	N/A	Complete

ANALYSIS

In accordance with NRS Chapter 278 and Section 5.1 of the Development Agreement, the Owner is required to submit a development report every 24 months documenting compliance with the terms of the agreement during the preceding 24 months. Pursuant to Section 5.2 the City and the Owner shall be permitted an opportunity to be heard orally and/or in writing before the City Council regarding their performance under this Agreement.

This report (labeled “Exhibit I –Montecito Town Center Development Agreement 2-yr Status Report”) is the first formal report on record to track compliance with the Montecito Town Center Development Agreement. As a result, this Development Agreement has been in default for over five years.

Of the 217.5 acres of the Montecito Town Center, 176.36 acres (81.5%) have been developed. This leaves a little more than 41 acres as undeveloped. The majority of this undeveloped land has been zoned for the Great Mall of Las Vegas or nearly 35 acres.

There were two bonds issued for the public improvements for this project. The first, Montecito Town Center North has been completed and the bond released. The second, Montecito Town Center South is still active, although the final inspection took place on July 1st. This bond should be released shortly.

PROJECT	BOND STATUS (as of 07/09/09)
Montecito Town Center North	Released 05/09/08
Montecito Town Center South	Most recent inspection 07/01/09

There were discrepancies in the number of residential units and commercial square-footage allowed in the report submitted. The developer was under the belief that 1,807 residential units and up to 4,519,425 square-footage of commercial space had been approved by City Council via the original Development Agreement and the three Major Modifications that followed. However, staff confirmed that only 1,725 residential units and up to 4,311,688 square-footage of commercial space has indeed been approved via those documents.

A total of six associations have been formed to maintain the perimeter landscaping and maintenance of public areas of the development. They are Montecito Town Center North, West Durango Village, Montecito Lifestyle Center, Montecito Town Center South, Brookside by Richmond American Homes, and Deer Springs/Durango by Richmond American Homes.

FINDINGS

Planning and Development Department staff has reviewed the submitted development report and has determined that the Owner is currently in substantial compliance with the requirements of the Development Agreement for the area known as Montecito Town Center. As confirmed by the Department of Public Works, the only items remaining to be completed that were agreed upon are the release of bonds for the Montecito Town Center South obligation. Per Section 8.1 of the Agreement, pursuant to NRS 278.0205, the Owner shall provide another report in the next 24 months documenting compliance with the terms of the Agreement.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED N/A

APPROVALS N/A

PROTESTS N/A