



AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 19, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: DIR-35251 APPLICANT/OWNER: CLIFFS EDGE, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL

** STAFF REPORT **

APPLICATION REQUEST

This request is for approval of a one-year development report as required by Nevada Revised Statutes Chapter 278 and Section 5.1 of the Cliffs Edge Development Agreement entered into between Cliffs Edge, LLC (Owner) and the city of Las Vegas on March 21, 2004.

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 Cliffs Edge Development Agreement. Staff recommends approval of the one-year development report.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
03/19/03	The City Council approved a Rezoning (ZON-1520) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) on approximately 317.5 acres covering 68 separate parcels in the Cliff's Edge area, and approved the related Cliff's Edge Master Development Plan to regulate development and the provision of infrastructure in the area. The Planning Commission and staff recommended approval.
07/16/03	The City Council approved a Rezoning (ZON-2184) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) on approximately 704 acres covering 21 separate parcels in the Cliff's Edge area, and approved text modifications to the related Cliff's Edge Master Development Plan to address conditions of approval of ZON-1520. The Planning Commission and staff recommended approval.
02/18/04	The City Council approved a Rezoning (ZON-3241) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) on approximately 90 acres covering 20 separate parcels in the Cliffs Edge area. The Planning Commission and staff recommended approval.
02/18/04	The City Council approved the Cliffs Edge Development Agreement (DIR-3451). The Planning Commission and staff recommended approval.
03/11/04	The Planning Commission approved the Cliffs Edge Parent Tentative Map (TMP-3798) for a 35-lot mixed-use subdivision on 922.96 acres generally located adjacent to the south side of Grand Teton Drive, between Hualapai Way and Puli Road. Staff recommended approval.

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03/17/04	The City Council adopted Ordinance No. 5676, thereby adopting the Cliffs Edge Development Agreement. This is also the effective date of the Agreement.
05/19/04	The City Council approved a Rezoning (ZON-4013) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) on 2.5 acres located adjacent to the northeast corner of Bath Drive and Michelli Crest Way. The Planning Commission and staff recommended approval.
05/19/04	The City Council approved a request to amend a portion of Map 11 of the Centennial Hills Sector Plan (GPA-4044) to realign power line corridors within the Cliffs Edge Master Plan area. The Planning Commission and staff recommended approval.
05/19/04	The City Council adopted Ordinance No. 5697, thereby establishing Special Improvement District 607 for the Providence Master Planned Community.
06/16/04	The City Council approved a request to amend the Master Plan of Streets and Highways (MSH-4197) for the addition of major roads within the Cliffs Edge Master Plan. The Planning Commission and staff recommended approval.
07/07/04	The City Council approved a Rezoning (ZON-4241) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) on 20 acres south of Grand Teton Drive, between Hualapai Way and Puli Road. The Planning Commission and staff recommended approval.
08/18/04	The City Council approved a Rezoning (ZON-4483) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) on 5.00 acres located adjacent to the south side of Grand Teton Drive, approximately 660 feet east of Puli Road. The Planning Commission and staff recommended approval.
08/19/04	The Cliffs Edge Parent Final Map (FMP-4358) was recorded.
11/16/05	The City Council approved a request (GPA-9137) to amend portions of the Land Use Plan of the Cliffs Edge Master Development Plan from PR-OS (Parks/Recreation/Open Space) and PF (Public Facilities) to PCD (Planned Community Development) generally located between Puli Road and Hualapai Way, north of I-215 and south of Grand Teton Drive. The Planning Commission and staff recommended approval.
04/04/06	The first residential subdivision (FMP-6540) in the Planned Community was recorded on Pod 114, on 2.60 acres located on Egan Crest Drive between Farm Road and Elkhorn Road.
09/19/07	The City Council approved the first required review (DIR-23599) of the annual development report as required by Section 5.1 of the Cliffs Edge Development Agreement. Staff recommended approval.
06/18/08	The City Council approved the second required review (DIR-28358) of the annual development report as required by Section 5.1 of the Cliffs Edge Development Agreement. Staff recommended approval.

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The information below reflects the extent of compliance by the owner/developer as of July 1, 2009:

REVIEW AND DEFAULT REQUIREMENTS				
CATEGORY	REFERENCE	PERFORMANCE REQUIREMENT	PROGRESS	STATUS
Number of residential units approved	DA 5.1; MDP 2.2	Maximum of 9,064 possible residential units*	6,736 units approved through TMP or SDR	In compliance
Number of residential units built	DA 5.1	N/A	2,221 residential permits issued	In compliance
Overall density	DA 5.1; MP Land Use Elmt	8.0 dwelling units/acre maximum	7.55 units per acre as currently entitled	In compliance
Anticipated Phases of development for the next calendar year	DA 5.1; MDP 2.4.1	Develop per Master Development Plan Phasing Plan	▪ Mapping of residential Pods 208, 307 expected ▪ Multi-use trail will be completed	In compliance

*Last revised September 19, 2007 (MOD-22968)

PARK AND TRAIL REQUIREMENTS					
FACILITY	PERFORMANCE REQUIREMENT	OWNER ACTION	CITY ACTION	AGREEMENT REFERENCE	STATUS
Pod 111 Park	Owner shall design, construct and dedicate park to City with some or all of amenities listed in Agreement	Complete park prior to issuance of 6,000th residential permit and/or 12/31/10	Ensure construction has commenced prior to issuance of the 2,500th residential permit	6.2	Trigger for commencement of construction not reached
Pod 302 Park	Owner shall design, construct and dedicate park to City with some or all of amenities listed in Agreement	Complete park prior to issuance of 7,200th residential permit and/or 12/31/10	Ensure construction has commenced prior to issuance of the 6,000th residential permit	6.2	Trigger for commencement of construction not reached
Multi-Use Transportation Trail	Owner shall construct and dedicate trail to City	Complete trail prior to 12/31/08	Ensure construction has commenced prior to 01/31/06 and is completed by 12/31/08	6.3	Not Complete. Construction has been suspended by the Builder of POD. Approximately 90% completed.

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PARK AND TRAIL REQUIREMENTS (cont)					
FACILITY	PERFORMANCE REQUIREMENT	OWNER ACTION	CITY ACTION	AGREEMENT REFERENCE	STATUS
Thematic Parkway Loop	Owner shall construct and dedicate trail and open space to City with some or all amenities listed in Agreement	Complete construction of the parkway loop	Ensure construction occurs concurrently with adjacent roadway	6.4	Completed
Park Facilities within Flood Control Facilities	Such facilities must comply with minimum standards of City and CCRFCD	None	None	6.5	No park facilities within flood control facilities
Residential Construction Tax	Owner entitled to tax credit pursuant to LVMC 4.24	Post bond for 100% of estimated construction cost of facilities, then provide copies of all transactions	Issue full credit to Owner after facilities constructed and dedicated to City	6.6	Ongoing

INFRASTRUCTURE REQUIREMENTS				
CATEGORY	REFERENCE	PERFORMANCE REQUIREMENT	PROGRESS	STATUS
Sanitary Sewer	DA 8.1	Detailed sewer plan, including infrastructure networks, depth requirements, rights-of-way/easements proposed, and phasing plan	100 percent of the sewer improvements have been installed	Completed
Flood Control and Drainage	DA 10.1	Prepare master drainage study. Construct flood control facilities as identified in the study, and dedicate all rights-of-way and easements for such facilities	Drainage study approved 4/15/05; 100 percent of improvements required by the study have been completed	In compliance
Special Improvement District	DA 11.1; NRS 271.325	Form Special Improvement District pursuant to Applicable Rules	SID 607 created 05/19/04 (Ord. 5697); as of 06/30/07, all parcels in district are current	In compliance

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TRANSPORTATION IMPROVEMENT REQUIREMENTS				
CATEGORY	REFERENCE	PERFORMANCE REQUIREMENT	PROGRESS	STATUS
Traffic Study	DA 9.1	Prepare and submit a Master Traffic Study	Master traffic Study completed	Completed 04/14/05 (T2883)
Transportation Improvements	DA 9.2	Construct projects called for in Master Traffic Study	Ongoing	Not Complete
Traffic Signal Improvements	DA 9.3	Pay traffic signal impact fee on each permit issued in the Planned Community	Ongoing	In compliance

OTHER AGREED REQUIREMENTS					
CATEGORY	PERFORMANCE REQUIREMENT	OWNER ACTION	CITY ACTION	AGREEMENT REFERENCE	STATUS
Community Directional Signage	Owner shall submit a master signage plan for temporary and directional signage within the Planned Community	Submit signage plan prior to the issuance of permits	Review and take action within 30 days of submittal	4.12	Completed. Signage plan (MOD-19114) approved by City Council 04/04/07
Public and Common Areas - Maintenance	City shall maintain all improvements within public rights -of-way except landscaping	Maintain landscaping within public rights-of-way within and adjacent to the Planned Community	Maintain roadways, curbs and streetlights within public rights-of-way within and adjacent to the Planned Community	4.6(a)	In compliance
Public and Common Areas Owners Associations	Owner shall create master associations for maintenance of common areas within separately mapped areas	Form property owners associations prior to recordation of final maps	None	4.6(b)	In compliance

The Multi-Use Transportation Trail was supposed to be completed by December 31, 2008. However, it is only approximately 90% complete. The remaining 10% has been suspended as the builder who was responsible for its completion has gone bankrupt.

There are four roadway projects called for in the Master Traffic Study that have not had the necessary bonds posted as required. These are all part of a Special Improvement District. The roadways are Centennial Parkway, Elkhorn Paseo, Puli Road and Shaumber Road.

ANALYSIS

In accordance with NRS Chapter 278 and Section 5.1 of the Cliffs Edge Development Agreement, the Owner is required to submit a development report at least once per year documenting compliance with the terms of the agreement during the preceding two years. The report is subject to review and consideration by the City Council.

This is the third such report for the Cliffs Edge Master Planned Community, which has since been renamed Providence. Although it must show compliance with the Cliffs Edge Development Agreement during the last two years, the report covers compliance activities back to the effective date of the Agreement, which was 03/17/04.

The above tables show the extent of compliance with the terms of the Agreement. The only area not in full compliance is the completion of the Multi-Use Transportation Trail. The trail is 90% completed but the remaining 10% has been suspended due to the economic situation facing the builder of the remaining POD.

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 Cliffs Edge Development Agreement while in non-compliance of:

1. The Multi-Use Transportation Trail is not completed; and
2. Four bonds have not been posted for required transportation improvements.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0