

**AGENDA MEMO - PLANNING**

CITY COUNCIL MEETING DATE: OCTOBER 19, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: KYLE 95 INVESTMENTS, LLC, ET AL - OWNER:
WACHOVIA BANK, ET AL

**** STAFF RECOMMENDATION(S) ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
EOT-43127	Staff recommends APPROVAL, subject to conditions:	None

**** CONDITIONS ****

EOT-43127 CONDITIONS

Planning

- 1.This Special Use Permit (SUP-20478) shall expire on September 19, 2014 unless another Extension of Time is approved by the City Council.
- 2.Conformance to the conditions of approval of the Special Use Permit (SUP-20478) and all other site related actions as required by the Department of Planning and Department of Public Works.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The subject site is currently undeveloped land with previous approval for a Non-Restricted Gaming Facility to be located at the southwest corner of Oso Blanca Road and Hualapai Way. No plans have been submitted for review, nor have any building permits been issued for the proposed project. The applicant is requesting an Extension of Time due to the poor economic climate in the area to support the operation of the facility. As the surrounding areas have not experienced any significant changes in land use or new development, staff is recommending approval with a three-year time limit.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
05/16/07	The City Council approved a request for Rezoning (ZON-20543) from R-E (Residence Estates) and U (Undeveloped) [TND (Traditional Neighborhood Development) General Plan Designation] to TD (Traditional Development) on 1,712 acres at the southwest corner of Fort Apache Road and Moccasin Road. The Planning Commission and staff recommended approval.
07/18/07	The City Council approved a request for a Review of Condition (ROC-22954) to remove all conditions of an approved Rezoning (ZON-20543) which rezoned property from R-E (Residence Estates) and U (Undeveloped) [TND (Traditional Neighborhood Development) General Plan Designation] to TD (Traditional Development) on 1,712 acres at the southwest corner of Fort Apache Road and Moccasin Road. Staff recommended approval.
07/30/07	The Planning and Development Department approved a request for a technical review of a Parcel Map (PMP-22508) for a merger and re-subdivision of two lots on 80.48 acres on the east side of US-95 approximately 2,700 feet south of Kyle Canyon Road. The map was sent for recordation on 07/30/07, but no recorded date is noted.
08/15/07	The City Council approved a request for a Major Modification (MOD-22589) to the Kyle Canyon Development Standards and Design Guidelines to realign Iron Mountain Road between Hualapai Way and Grand Canyon Drive and to add street cross sections. The Planning Commission and staff recommended approval.
	The City Council approved a request for a Tentative Map (TMP-22586) for a 210-lot mixed-use subdivision on 1,712 acres generally located north of Grand Teton Drive, south of the Moccasin Road Alignment between Shaumber Road on the west and Fort Apache Road on the east.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
09/19/07	The City Council approved a request to amend a portion of the Centennial Hills Sector Plan of the General Plan (GPA-20469) from PCD (Planned Community Development) and SC (Service Commercial) to TND (Traditional Neighborhood Development) on 7.27 acres on the west side of Oso Blanca Road, approximately 2,190 feet south of Kyle Canyon Road. The Planning Commission and staff recommended approval.
	The City Council approved a related request for Rezoning (ZON-20475) to establish a G-O (Gaming Enterprise Overlay) District on 51.38 acres at the southeast corner of Oso Blanca Road and the Hualapai Way alignment.
	The City Council approved a related request for Rezoning (ZON-22351) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation], C-1 (Limited Commercial), and C-2 (General Commercial) to T-D (Traditional Development).
	The City Council approved a related request for a Special Use Permit (SUP-20478) for a proposed Non-Restricted Gaming Facility.
12/20/07	The Planning Commission approved a request for a Tentative Map (TMP-25492) for a 105-lot mixed-use subdivision on 1,711.97 acres at the southwest corner of Fort Apache Road and Moccasin Road. Staff recommended approval.
01/31/08	The Planning and Development Department approved a request for a Final Map Technical Review (FMP-24541) for Kyle Canyon Gateway. The map was not recorded.
02/06/08	The City Council approved a request for a Major Modification (MOD-25875) to the Kyle Canyon Development Standards and Design Guidelines to amend various street names and clarify certain street cross section diagrams. The Planning Commission and staff recommended approval.
	The City Council approved a related request to amend the Master Streets and Highways to designate Horse Drive as Kyle Heights Parkway west of Grand Canyon Drive; reclassify Oso Blanca Road, Sky Pointe Drive, Hualapai Way, and Kyle Height Parkway as identified by the special design designations adopted as a part of the Kyle Canyon Development Standards and Design Guidelines; to realign a portion of the Iron Mountain Road-Grand Canyon Drive alignment between Horse Drive and the northern Beltway; to remove a portion of Hualapai Way between Kyle Canyon Road and Moccasin Road and a portion of Moccasin Road between Hualapai Way and Fort Apache Road; to add new segments to Log Cabin Way, Iron Mountain Road, Hualapai Way, Egan Crest Drive and Shaumber Road; and to add Brighton Peak Lane, Tee Pee Lane, Mountain Rain Road, and Kyle Village Avenue.

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02/20/08	The City Council approved a request to modify Map Number 7 (Existing and Proposed Trail Alignments) of the centennial Hills Sector Plan (GPA-25383) to remove alignments of a proposed Multi-Use Non-Equestrian Trail along the Hualapai Way alignment between Grand Teton Drive and Kyle Canyon Road and along Log Cabin Way between Fort Apache Road and a point approximately 4,080 feet in a westerly direction. The Planning Commission and staff recommended approval.
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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
08/06/08	The City Council approved a request for a Required Review (DIR-28767) of a development report as required by Subsection 9.01 of the development Agreement between the City of Las Vegas and Kyle Acquisition Group, LLC on approximately 1,712 acres generally located at the southwest corner of Fort Apache Road and Moccasin Road. Staff recommended approval.
12/03/08	The City Council approved a request for a Required Review (DIR-29916) of a development report pursuant to Subsection 9.01 of the development Agreement between the City of Las Vegas and Kyle Acquisition Group, LLC, on approximately 1,712 acres generally located at the southwest corner of Fort Apache Road and Moccasin Road. Staff recommended approval.
08/05/09	The City Council approved request for a Required Review (DIR-34955) of a development report pursuant to Subsection 9.01 of the development Agreement between the City of Las Vegas and Kyle Acquisition Group, LLC, on approximately 1,712 acres generally located at the southwest corner of Fort Apache Road and Moccasin Road. Staff recommended approval.
09/02/09	The City Council approved a request for an Extension of Time (EOT-35315) of a previously approved Special Use Permit (SUP-20478) for a proposed Non-Restricted Gaming Facility at the southwest corner of Oso Blanca Road and Hualapai Way. Staff recommended approval.
08/04/10	The City Council approved a request for a Required Review (DIR-38680) of a development report pursuant to Subsection 9.01 of the development Agreement between the City of Las Vegas and Kyle Acquisition Group, LLC, on approximately 1,712 acres generally located at the southwest corner of Fort Apache Road and Moccasin Road. Staff recommended approval.
08/17/11	The City Council approved a request for a Required Review (DIR-42369) of a development report pursuant to Subsection 9.01 of the development Agreement between the City of Las Vegas and Kyle Acquisition Group, LLC, on approximately 1,712 acres generally located at the southwest corner of Fort Apache Road and Moccasin Road. Staff recommended approval.
10/11/11	The Planning Commission is scheduled to hear a request regarding an amendment to the Development Agreement for the Kyle Canyon Development (DIR-42266) on approximately 1,662 acres at the southwest corner of Fort Apache Road and Moccasin Road.

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<i>Most Recent Change of Ownership</i>	
09/25/08	A deed was recorded for a change in ownership for 125-07-101-005.
09/25/08	A deed was recorded for a change in ownership for 125-06-401-005.
12/14/09	A deed was recorded for a change in ownership for 125-06-401-004.
04/19/10	A deed was recorded for a change in ownership for 125-06-401-003.
06/08/11	A deed was recorded for a change in ownership for 125-06-401-001.

<i>Related Building Permits/Business Licenses</i>
There have not been any plans submitted for review nor have there been any building permits issued for the proposed project.

<i>Pre-Application Meeting</i>
A pre-application meeting was not required, nor was one held.

<i>Neighborhood Meeting</i>
A neighborhood meeting was not required, nor was one held.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	61.51

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Undeveloped Land-Proposed Non-Restricted Gaming Facility	TND (Traditional Neighborhood Development)	T-D (Traditional Development)
North	ROW (Right-of-Way)	ROW (Right-of-Way)	ROW (Right-of-Way)
South	Undeveloped Land	TND (Traditional Neighborhood Development)	T-D (Traditional Development)
East	ROW (Right-of-Way)	ROW (Right-of-Way)	ROW (Right-of-Way)
West	Undeveloped Land	SC (Service Commercial) and PCD (Planned Community Development)	U (Undeveloped) [PCD (Planned Community Development) General Plan Designation]

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<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area			
Kyle Canyon Master Plan	X		Y
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
G-O (Gaming Enterprise Overlay) District	X		Y
T-D (Traditional Development) District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This is the second request for an Extension of Time of a previously approved Special Use Permit (SUP-20478) for a proposed Non-Restricted Gaming Facility to be located at the southwest corner of Oso Blanca Road and Hualapai Way. No plans have been submitted for review, nor have any building permits been issued for the proposed project.

Title 19.16.110 deems a Special Use Permit exercised upon the issuance of a building permit for new construction.

FINDINGS

The Special Use Permit (SUP-20478) has not been exercised in accordance with the requirements of Title 19.16.110 as no building permits have been issued for the proposed project. The applicant is requesting an Extension of Time due to the poor economic climate in the area to support the operation of the facility. As the surrounding areas have not experienced any significant changes in land use or new development, staff is recommending approval with a three-year time limit.

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0