

AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 16, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-20771 - APPLICANT: JAMES E. STROH, ARCHITECT, INC. - OWNER: DECATUR III, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. This Rezoning (Z-0018-01) shall expire on June 6, 2008 unless another Extension of Time is approved.
2. Conformance to the Conditions of Approval for Rezoning (Z-0018-01) and all other subsequent related cases and as required by the Planning and Development Department and Department of Public Works.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for an Extension of Time of an approved Rezoning (Z-0018-01) from R-E (Residence Estates) to C-1 (Limited Commercial) on 3.6 acres at the northwest corner of Decatur Boulevard and Tropical Parkway.

This is the third extension of time request on the subject property. Since the original approval in 2001 the applicant has had an approved Tentative Map (TMP-3624), which has now expired. Additionally, in 2006 a new project was proposed on the subject property that included applications for a General Plan Amendment, Rezoning, Site Development Plan Review, and a Variance. These applications were tabled and never approved. The applicant is now seeking to revert back to the original approvals. As it has been approximately six years since this project was first approved; therefore, a one year extension is deemed appropriate and approval is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/08/97	The City Council approved a General Plan Amendment (GPA-0058-97) from ML (Medium-Low Density Residential) to SC (Service Commercial), and approved a Rezoning (Z-0109-97) from R-E (Residence Estates) and R-E (Residence Estates) under Resolution of Intent to R-PD8 (Residential Planned Development - 8 Units Per Acre) to C-1 (Limited Commercial) on the site. The City Council also approved a Rezoning (Z-0110-97) from R-E (Residence Estates) under Resolution of Intent to R-PD8 (Residential Planned Development - 8 Units Per Acre) to R-PD15 (Residential Planned Development - 15 Units Per Acre) on the western portion of the site. The Planning Commission and staff recommended approval.

06/06/01 *	The City Council approved a General Plan Amendment (GPA-0008-01) from M (Medium Density Residential) to SC (Service Commercial) and a Rezoning (Z0018-01) from a Resolution of Intent to RPD15 (Residential Planned Development - 15 Units Per Acre) to C-1 (Limited Commercial) on this site. The Planning Commission and staff recommended approval of both items.
07/05/01	The City Council approved a Site Development Plan Review [(Z-0018-01(1), Z0109-97(1), Z-0110-97(2)] which allowed a proposed 262,640 square foot retail commercial development, which included this parcel. The Planning Commission and staff recommended approval.
07/24/03	The City Council approved Extensions of Time (EOT-2504 and EOT-2502) of an approved Rezoning (Z-0018-01) to C-1 (Limited Commercial) and a Site Development Plan Review [(Z-0018-01(1), Z0109-97(1), Z-0110-97(2)] for a proposed commercial development on this site, subject to expire on 07/05/05. The Planning Commission and staff recommended approval.
08/20/03	The City Council granted an Extension of Time (EOT-2493) of an approved Site Development Plan Review [Z-0110-97(1)] for a proposed 140-unit multi-family residential development on 9.35 acres immediately to the west of the subject property. The Planning Commission and staff recommended approval. This extension will expire 06/29/05.
08/12/04	The Planning Commission approved a Tentative Map (TMP-3624) for a two-lot commercial subdivision (Decatur III) on 27.38 acres adjacent to the northwest corner of Decatur Boulevard and Tropical Parkway. Staff recommended approval. A Final Map for this site has not been submitted.
07/06/05	The City Council approved Extensions of Time (EOT 6798 and EOT-6799) of an approved Rezoning (Z-0018-01) an approved Site Development Plan Review [(Z-0018-01(1), Z-0109-97(1), Z-0110-97(2)] for a proposed commercial development on this site.

<i>Related Building Permits/Business Licenses</i>	
There are no permits or licenses related to this request.	
<i>Pre-Application Meeting</i>	
A pre-application meeting is not required, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	3.6

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	SC (Service Commercial)	R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial)
North	215 Right of Way	215 Right of Way	215 Right of Way

South	Undeveloped	SC (Service Commercial)	R-E (Residence Estates) under Resolution of Intent to C-1 (Limited Commercial)
East	Undeveloped	North Las Vegas	North Las Vegas
West	Undeveloped	M (Medium Density Residential)	R-E (Residence Estates) under Resolution of Intent to R-PD15 (Residential Planned Development 15 Units per Acre)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This is the third extension of time request for the proposed project. In 2004 the applicant received an approved Tentative Map (TMP-3624) for the proposed project, which has now expired. In 2006 a different project was proposed on the subject property that included applications for a General Plan Amendment, Rezoning, Site Development Plan Review and a Variance; however, this project was ultimately tabled and was never approved. Now the applicant is reverting back to the original approved project. As it has been nearly six years from the original approval date, progress needs to be made soon on the subject property. A one year extension of time is deemed appropriate for the applicant to show progress on the proposed project.

Conditions of approval from Z-0018-01:

1. A Resolution of Intent with a two-year time limit.
2. A Site Development Plan Review application shall be approved by the Planning Commission or City Council prior to issuance of any permits, any site grading, and all development activity for the site.
3. Submit an appropriate Parcel Map to establish parcel boundaries between this site and the site adjacent to the west; such map shall record prior to development of this site.

4. Grant an access easement to extend the existing 60-foot access easement across this site to the westerly portion of APN#125-25-501-009, as created by the parcel map. Unless an alternate access is submitted to and approved by the City. Any such easement shall be granted on the required Parcel Map.
5. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits. All required public sewer easements necessary to connect this site and the site to the west to the existing public sewer system shall be provided to the City prior to City approval of sewer construction plans, such easements shall be granted on the required Parcel Map.

FINDINGS

Approval of the original Rezoning (Z-0018-01) was granted on 06/06/01. This request for an extension of time with a one year limit is deemed appropriate given the circumstances currently occurring on the subject property. Approval of this request is recommended.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0