



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: SEPTEMBER 7, 2016
DEPARTMENT: PLANNING
ITEM DESCRIPTION: APPLICANT: LAURICH PROPERTIES - OWNER:
PROVIDENCE PLAZA, LLC, ET AL

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
GPA-64811	Staff recommends APPROVAL.	
ZON-64812	Staff recommends APPROVAL.	GPA-64811
TMP-64814	Staff recommends APPROVAL, subject to conditions:	GPA-64811 ZON-64812

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 33

NOTICES MAILED 86 - GPA-64811 and ZON-64812 (By City Clerk)
 86 - TMP-64814 (By City Clerk)

APPROVALS 1 - GPA-64811 and ZON-64812
 2 - TMP-64814

PROTESTS 4 - GPA-64811 and ZON-64812
 4 - TMP-64814

**** CONDITIONS ****

TMP-64814 CONDITIONS

Planning

1. Approval of a Site Development Plan Review prior to commercial development of this site.
2. Approval of a General Plan Amendment (GPA-64811) and Rezoning (ZON-64812) shall be required, if approved.
3. Approval of the Tentative Map shall be for no more than four (4) years. If a Final Map is not recorded on all or a portion of the area embraced by the Tentative Map within four (4) years of the approval of the Tentative Map, this action is void.
4. The Final Map shall contain a note granting perpetual common access and parking across the entire subdivision.
5. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
6. All development is subject to the conditions of City Departments and State Subdivision Statutes.

Public Works

7. Dedicate 40-feet of right-of-way adjacent to this site for those portions of Deer Springs Way not previously dedicated and appropriate right-of-way for the north half of Inyo Avenue and the northern half of the Inyo Avenue cul-de-sac on the Final Map for this site. Additionally, dedicate a 35 foot radius with a Traffic Signal Chord Easement at the southeast corner of Hualapai Way and Deer Springs Way. Also dedicate additional right-of way per Standard Drawing #201.1 on Hualapai Way and Deer Springs Way including an exclusive right turn lane on Hualapai Way concurrent with the recordation of the Final Map for this site.
8. Grant pedestrian access easements for all public sidewalks located outside of the public right-of-way.

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9. Construct all half-street improvements on Hualapai Way and Deer Springs Way per current City Standards and matching improvements to the east on Deer Springs including traffic signal underground infrastructure at the southeast corner of Hualapai Way and Deer Springs Way adjacent to this site. All existing off-site improvements damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site. The design of improvements on Hualapai Way must meet the approval of the City Traffic Engineer. Improvements on Inyo Avenue, including the construction of a public sewer line in Inyo Avenue, may be deferred to be concurrent with onsite development activities.
10. Prior to the recordation of a Final Map for this site, submit all required documentation and support materials to the Right-of-Way Section of the Department of Public Works for a Bureau of Land Management (BLM) Grant application to obtain a grant for the south side of Inyo Avenue on Assessor's Parcel #125-19-301-012. This Final Map may record without the grant being authorized; however, no construction on Assessor's Parcel #125-19-301-012 may occur until the grant is authorized by BLM and recorded by the Right of Way section of the Department of Public Works. The developer must submit the BLM application to the City for review prior to submitting to BLM for authorization. If the BLM Grant application is submitted, but no activity has occurred toward obtaining the grant within one year of the submittal of the BLM application, the City will make best efforts to contact the applicant and request a project status report; however, if a project status cannot be determined, the City may withdraw the grant application. If the City withdraws the application, a brand new grant application will be required when it is determined that efforts are being made toward obtaining the grant. Additionally, the applicant must accept responsibility for all stipulations required by the BLM in the offer of the grant made to the City. The off-site improvement agreement must include a section addressing the acceptance of the BLM grant stipulations prior to the City's acceptance of the BLM grant.
11. Per Title 19.16.060.W.1, provide a note on the Final Map that states "All parcels created through this map shall have perpetual unobstructed access to all driveways servicing the overall subdivision unless incompatible uses can be demonstrated to the satisfaction of the City Engineer."
12. The onsite sewer shall be private and per Title 19.16.060.W.2, sewer service for this commercial subdivision shall be shown in accordance with one of the following alternatives, and the appropriate note shall appear on the face of the recorded Final Map:
 - I. The on-site sewer system is a common element of the commercial subdivision which is privately owned and which is maintained in accordance with the covenants, conditions and restrictions that govern the subdivision.
 - II. The on-site sewer system is a common element of the commercial subdivision which is privately owned and which is maintained in accordance with a joint use agreement applicable to the subdivision.

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13. Per Title 19.16.060.W.3, provide a note on the Final Map that states “All subdivided lots within this Final Map shall provide perpetual inter-lot drainage rights across all existing and future parcel limits.”
14. Add the following note to the Final Map: “Lot 1 and Lot 2 shall each have their own independent connection to the public sewer system. Public sewer must service Lot 1 without crossing Lot 2.”
15. Submit an Encroachment Agreement to the City of Las Vegas for all landscaping and private improvements in the Hualapai Way and Deer Springs Way public rights-of way adjacent to this site. The applicant must carry an insurance policy for the term of the Encroachment Agreement and add the City of Las Vegas as an additionally insured entity on this insurance policy. If requested by the City, the applicant shall remove property encroaching in the public right-of-way at the applicant's expense pursuant to the terms of the City's Encroachment Agreement. The installation and maintenance of all private improvements in the public right of way shall be the responsibility of the applicant and any successors in interest to the property and assigns pursuant to the terms of the Encroachment Agreement. Coordinate all requirements for the Encroachment Agreement with the Land Development Section of the Department of Building and Safety (702-229-4836).
16. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, or submittal of any construction drawings, or the recordation of a map, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site.
17. Prior to the recordation of this Final Map, all requirements must be complied with or such future compliance must be guaranteed by an approved performance security method(s) in accordance with Unified Development Code sections 19.02.130.C and 19.02.130.E.
18. 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 additional 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 subdivision related 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

The applicant requests a Tentative Map for a two-lot commercial subdivision on three undeveloped parcels at the southeast corner of Deer Springs Way and Hualapai Way. The site was formerly an approved master planned commercial center (Providence Square) that was not constructed. A single-family residential subdivision had subsequently been proposed but also did not move forward. In order to create lots with a single unified land use and zoning designation, the zoning and underlying General Plan land use designation must be changed on the westernmost parcel (APN 125-19-301-001) to match the other two parcels. Rezoning would effectively remove this parcel from the Providence Square Master Plan.

ISSUES

- A General Plan Amendment is required to change the land use designation from PCD (Planned Community Development) to SC (Service Commercial) on APN 125-19-301-001.
- A Rezoning is required from PD (Planned Development) to C-1 (Limited Commercial) on APN 125-19-301-001. With final approval of rezoning, this parcel would no longer be part of the Providence Square Master Plan area.
- No Site Development Plan Review accompanies these requests. A condition of approval states that offsite improvements along the north half of Inyo Avenue may be deferred until onsite development activities commence. The applicant has provided a written statement agreeing with this condition.

ANALYSIS

The three parcels composing this site were part of a master planned commercial center (Providence Square) at the southeast corner of Hualapai Way and Deer Springs Way. The entitlements for this development have expired except for the zoning to which the master plan was tied. Since this master plan was approved in 2008, portions of the master plan area have been removed from the Plan area and rezoned for single-family residential and commercial uses. The current request would remove the last remaining parcel (Assessor's Parcel Number 125-19-301-001) from the Providence Square Master Plan Area and the plan would no longer be in effect.

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A Site Development Plan Review will be required for development of the site. Building setbacks and perimeter landscape requirements will apply around each new lot. Each lot must have separate utilities; they cannot cross lot lines. Shared access and parking must be allowed across each lot and optionally across the two new lots. A condition of approval addresses this. As no site development review has been submitted at this time, required half-street improvements on Inyo Avenue will be deferred until such time as development activities commence, at which time they will be reviewed. The provided cross section shows that a 47-foot wide public street is planned in order to provide access to the adjacent parcel.

The site slopes down from west to east at a grade of more than 2%. An existing wall is located along the east perimeter consisting of four feet of retaining wall, two feet of flood wall and two feet of screening in conformance with Title 19 requirements. The north/south cross section shows an average slope of less than 2%.

As the site was previously approved for commercial uses, staff has no objection to removal of APN 125-19-301-001 from the Providence Square Master Plan area and the proposed amendment of the General Plan and Rezoning of this parcel to allow for limited commercial uses.

FINDINGS (GPA-64811)

Section 19.16.030(I) of the Las Vegas Zoning Code requires that the following conditions be met in order to justify a General Plan Amendment:

1. The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations,

The proposed SC (Service Commercial) land use designation is compatible with the SC designation on parcels to the east. The site is bounded on the south side by public right-of-way that contains an existing flood channel and a freeway (Clark County 215).

2. The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,

Approval of an amendment to the SC (Service Commercial) designation would allow for C-1 (Limited Commercial) zoning, which is consistent with the adjacent undeveloped parcels to the east of the subject site. Parcels to the north in Clark County are undeveloped and across a Major Collector street.

3. There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and

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The site will have access to Hualapai Way and Deer Springs Way. Land will be dedicated to bring the east half of Hualapai Way up to Major Arterial standards and the south half of Deer Springs Way up to Major Collector standards, which will benefit commercial uses on this site. Utilities are available for the site; however, utilities must remain separate for every new lot created on this site.

4. The proposed amendment conforms to other applicable adopted plans and policies that include approved neighborhood plans.

The site is part of the Providence Square Master Development Plan area, which called for a proposed 205,000 square-foot commercial center as part of a larger development. Amendment of the General Plan to SC (Service Commercial) would allow similar uses, not according to a master plan but to Title 19 requirements. There are no other master plans or overlays in this area.

FINDINGS (ZON-64812)

In order to approve a Rezoning application, pursuant to Title 19.16.090(L), the Planning Commission or City Council must affirm the following:

1. The proposal conforms to the General Plan.

With approval of the related General Plan Amendment (GPA-64811) to change the land use designation of APN 125-19-301-001 to SC (Service Commercial), the proposed Rezoning to C-1 (Limited Commercial) will conform to the General Plan.

2. The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.

The commercial uses that would be allowed through approval of a Rezoning to C-1 (Limited Commercial) would be compatible with the potential commercial uses on the adjacent parcels to the east of this site. Parcels to the north in Clark County zoned for low density residential uses are currently undeveloped and across a Major Collector street.

3. Growth and development factors in the community indicate the need for or appropriateness of the rezoning.

A commercial center is planned for the southeast corner of Deer Springs Way and Hualapai Way. Most of the parcels that made up the Providence Square Master Plan have already been rezoned to allow commercial uses to develop according to Title 19. Rezoning of this parcel would make this site consistent with the designations and intent to develop the adjacent parcels.

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4. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.

Conditions of approval address the need to dedicate portions of the property to expand Deer Springs Way and Hualapai Way to meet requirements for Major Collector and Major Arterial street standards, respectively. Once fully improved as required, these rights-of-way will be adequate in size to serve the commercial uses that this Rezoning would allow.

FINDINGS (TMP-64814)

The map as proposed is in conformance with Title 19 and NRS requirements for tentative maps. Staff recommends approval, contingent on approval of the related General Plan Amendment and Rezoning requests. A Site Development Plan Review is required prior to issuance of permits for development of the site. At that time, half-street improvements on Inyo Avenue will be required as conditioned.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
02/07/07	The City Council approved a Petition to Annex (ANX-12215) 207.83 acres generally located north of Centennial Parkway between Shaumber Road and Fort Apache Road. The Planning Commission and staff recommended approval. The annexation became effective 02/16/07.
06/06/07	The City Council approved a General Plan Amendment (GPA-20465) from R (Rural Density Residential) to PCD (Planned Community Development) on 23.30 acres south of Deer Springs Way, east of Hualapai Way. The Planning Commission and staff recommended denial.
04/16/08	The City Council approved a Rezoning (ZON-25758) from U (Undeveloped) [PCD (Planned Community Development) General Plan designation] to PD (Planned Development) on 23.62 acres south of Deer Springs Way, east of Hualapai Way, which included the Providence Square Master Development Plan and Design Standards. The Planning Commission recommended approval; staff recommended denial.
	The City Council approved a Petition to Vacate (VAC-25759) U.S. Government Patent Easements generally located east of Hualapai Way, south of Deer Springs Way. The Planning Commission and staff recommended approval. The approval expired 04/16/11.
	The City Council approved a Site Development Plan Review (SDR-25760) for a proposed 205,000 square-foot commercial development on 23.62 acres at the southeast corner of Deer Springs Way and Hualapai Way. The Planning Commission recommended approval; staff recommended denial. The approval expired 04/16/12.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
08/06/08	The City Council approved a Petition to Vacate (VAC-28087) U.S. Government Patent Easements east of Hualapai Way, south of Deer Springs Way. The Planning Commission and staff recommended approval. The approval expired 08/07/11.
09/18/13	The City Council approved a General Plan Amendment (GPA-49489) from PCD (Planned Community Development) to ML (Medium Low Density Residential) on 7.97 acres on the south side of Deer Springs Way, approximately 960 feet east of Hualapai Way. The Planning Commission recommended approval; staff recommended denial.
	The City Council approved a Rezoning (ZON-49494) from PD (Planned Development) to R-CL (Single Family Compact-Lot) on 7.97 acres on the south side of Deer Springs Way, approximately 960 feet east of Hualapai Way. The Planning Commission recommended approval; staff recommended denial.
03/18/15	The City Council approved a General Plan Amendment (GPA-57033) from PCD (Planned Community Development) to ML (Medium Low Density Residential) on 10.42 acres on the south side of Deer Springs Way, approximately 285 feet east of Hualapai Way. Planning Commission and staff recommended approval.
05/20/15	The City Council approved a Rezoning request from PD (Planned Development) to R-CL (Single Family Compact-Lot) on 10.42 acres on the south side of Deer Springs Way, approximately 285 feet east of Hualapai Way. The Planning Commission and staff recommended approval.
07/14/15	The Planning Commission voted to withdraw without prejudice a Tentative Map (TMP-58507) for a 58-lot single family residential subdivision on 10.42 acres on the south side of Deer Springs Way, approximately 285 feet east of Hualapai Way at the applicant's request. Staff had recommended approval.
10/13/15	The Planning Commission approved a Petition to Vacate (VAC-60834) U.S. Government Patent Easements generally located south of Deer Springs Way, east of Hualapai Way. An Order of Relinquishment of Interest has not been recorded and the approval will expire 10/13/16 unless recorded or an extension of time has been filed before expiration.
11/18/15	The City Council approved a General Plan Amendment (GPA-60635) from ML (Medium Low Density Residential) to SC (Service Commercial) [amended from the original request of GC (General Commercial)] on 10.42 acres on the south side of Deer Springs Way, approximately 285 feet east of Hualapai Way. The Planning Commission recommended approval of the SC designation; staff recommended denial.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
11/18/15	The City Council approved a Rezoning (ZON-60636) from R-CL (Single Family Compact-Lot) to C-1 (Service Commercial) [amended from the original request of C-2 (General Commercial)] on 10.42 acres on the south side of Deer Springs Way, approximately 285 feet east of Hualapai Way. The Planning Commission recommended approval of the C-1 designation; staff recommended denial.
07/12/16	Due to a notification error this item was not acted upon as a part of the 07/12/16 Planning Commission meeting and has been scheduled for a Special Planning Commission meeting date.
08/02/16	The Planning Commission unanimously voted to recommend APPROVAL on requests for a General Plan Amendment (GPA-64811) FROM: PCD (PLANNED COMMUNITY DEVELOPMENT) TO: SC (SERVICE COMMERCIAL), a Rezoning (ZON-64812) FROM: PD (PLANNED DEVELOPMENT) TO: C-1 (LIMITED COMMERCIAL), and Tentative Map (TMP-64814) FOR A TWO-LOT COMMERCIAL SUBDIVISION on 14.27 acres at the southeast corner of Deer Springs Way and Hualapai Way (APNs 125-19-301-001 through 003), PD (Planned Development) and C-1 (Limited Commercial) Zones [PROPOSED: C-1 (Limited Commercial)], Ward 6 (Ross) [PRJ-64596].

<i>Most Recent Change of Ownership</i>	
11/06/12	A deed was recorded for a change in ownership on APN 125-19-301-003.
06/26/15	A deed was recorded for a change in ownership on APN 125-19-301-002.
10/05/15	A deed was recorded for a change in ownership on APN 125-19-301-001.

<i>Related Building Permits/Business Licenses</i>	
There are no related business licenses or building permits for development on the subject site.	

<i>Pre-Application Meeting</i>	
05/09/16	Submittal requirements for a tentative map application were discussed. The applicant was informed that the General Plan designation and zoning on the westernmost parcel would have to be changed to both remove it from the Providence Square Master Plan and make it uniform with the other two parcels in the proposed subdivision. The applicant was also made aware that setback and perimeter landscape requirements would apply for each newly created lot in the subdivision and that parking and access would have to be shared at least on each lot.

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<i>Neighborhood Meeting</i>	
06/27/16	<p>A neighborhood meeting was held at the Centennial Hills YMCA, 6601 North Buffalo Drive, Las Vegas. One member of the developer’s team was present, as were one member of the Ward 6 Council Office and one member of Planning staff. There were 20 members of the public in attendance. The meeting started at 6:10 p.m. and concluded at 6:45 p.m.</p> <p>The developer’s representative explained that only the westernmost parcel was under consideration for a General Plan and Rezoning change and that the requested actions would allow all three parcels in the proposed commercial area to be under the same designations. This would also allow the site to be subdivided as proposed. The representative also explained that there are currently no formal development plans at this time, and therefore the Variance that had been noticed to the public would not be needed, as staff would allow for the deferral of offsite improvements on Inyo Avenue until such time as those development plans were submitted.</p> <p>Members of the public had questions concerning the amount of traffic on Deer Springs Way, the timing of the proposed project, whether the site could be graded to reduce views from homes north of Deer Springs Way, and whether left turns would be allowed from Deer Springs Way into the site. Those in attendance were generally supportive of the proposal, although they would like to see the development plans when they become available. The representative stated that he would send copies of the submitted map to those who signed in for the meeting.</p>

<i>Field Check</i>	
06/02/16	The site is undeveloped. The east side of the site abuts a single-family residential development with two-story homes and a retaining wall along the property line.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	14.27

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<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	PCD (Planned Community Development)	PD (Planned Development)
		SC (Service Commercial)	C-1 (Limited Commercial)
North	Undeveloped	R (Rural Density Residential)	R-E (Residence Estates)
		RL (Residential Low) – Clark County Designation	R-E (Rural Estates Residential) – Clark County Designation
South	CC 215 Beltway	ROW (Right-of-Way)	ROW (Right-of-Way)
East	Single Family, Detached	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
West	Undeveloped	PCD (Planned Community Development)	PD (Planned Development)

<i>Master Plan Areas</i>	<i>Compliance</i>
Providence Square Master Plan	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
PD (Planned Development) District	N
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails (Beltway Trail)	Y
Las Vegas Redevelopment Plan Area	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	199,937 SF	N/A
Min. Lot Width	100 Feet	330 Feet	Y
Min. Setbacks			
• Front	10 Feet	N/A	N/A
• Side	10 Feet		
• Corner	10 Feet		
• Rear	20 Feet		
Max. Lot Coverage	50 %	N/A	N/A

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<i>Existing Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
PD (Planned Development)	N/A	N/A
C-1 (Limited Commercial)	N/A	N/A
<i>Proposed Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
C-1 (Limited Commercial)	N/A	N/A
<i>Existing General Plan</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
PCD (Planned Community Development)	8.00 du/ac	114
SC (Service Commercial)	N/A	N/A
<i>Proposed General Plan</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
SC (Service Commercial)	N/A	N/A

Pursuant to Title 19.04 and 19.08, the following standards apply:

<i>Landscaping and Open Space Standards</i>			
LANDSCAPE BUFFER WIDTHS			
<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
Min. Zone Width			
• North	15 Feet	10 Feet	N*
• South	8 Feet	0 Feet	N*
• East	8 Feet	0 Feet	N*
• West	15 Feet	10 Feet	N*
Wall Height	6 to 8 Feet Adjacent to Residential	8 feet along east PL	Y

*As no Site Development Plan Review for commercial development of this site has been submitted, actual buffer widths are not known at this time; however, if future buildings are built to the allowed Deer Springs Way and Hualapai Way setbacks of 10 feet, a 10-foot perimeter landscape buffer is permitted per Title 19.08. In addition, eight-foot perimeter landscape buffers will be required along the interior lot line within the subdivision.

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Actual Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Deer Springs Way	Major Collector	Master Plan of Streets and Highways	30	N
Hualapai Way	Local Street	N/A	50	N/A