



AGENDA MEMO

CITY COUNCIL MEETING DATE: DECEMBER 6, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: VAC-16642 - OWNER: KOBIE CREEK, LLC - APPLICANT:
BRAMBLE HOMES**

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

1. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress there from shall be provided if required.
2. All development shall be in conformance with code requirements and design standards of all City Departments.
3. If the Order of Vacation is not recorded within one (1) year after approval by the City of Las Vegas or an Extension of Time is not granted by the Planning Director, then approval will terminate and a new petition must be submitted.
4. The limits of this Petition of Vacation shall be defined as the triangular right-of-way area located on the north side of Gowan Road between Decatur Boulevard and Thom Boulevard.
5. All existing public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of the Order of Vacation.
6. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.

**** STAFF REPORT ****

APPLICATION REQUEST

The application is a petition to vacate a portion of the Gowan Road right-of-way generally located on the northwest corner of Gowan Road and Decatur Boulevard in Ward 6 (Ross).

EXECUTIVE SUMMARY

The applicant is requesting the vacation of a portion of right-of-way associated with the Final Map (FMP-1152) for the Kobie Creek Subdivision. The purpose of this action is to transfer ownership of land previously dedicated for the construction of Gowan Road, which was subsequently built off-alignment.

BACKGROUND INFORMATION

A) Related Actions

- 1/27/05 A refund was issued to the applicant for the Site Development Plan Review (SDR-5766) for a proposed 18-lot, single-family residential development on 5.10 acres. The applicant submitted revised plans changing the request for the proposed R-PD4 (Residential Planned Development 4 Units per Acre) to R-1 (Single Family Residential) therefore relinquishing the need for the Site Development Plan Review.
- 4/20/05 The City Council approved a Rezoning (ZON-5765) and a General Plan Amendment (GPA-5762). The Rezoning request was from R-E (Residence Estates) to R-1 (Single Family Residential). The General Plan Amendment request was to amend a portion of the Centennial Hills Sector Plan from DR (Desert Rural Density Residential) to L (Low Density Residential). Planning Commission and staff recommended denial.
- 7/14/05 The Planning Commission approved a Tentative Map (TMP-6878) for a 16-lot , single-family subdivision adjacent to the proposed vacation. Staff recommended approval.
- 11/02/06 The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #9/r1).

B) Pre-Application Meeting

A pre-application meeting is not required as part of this Vacation application request, nor was one held.

C) *Neighborhood Meetings*

A neighborhood meeting is not required as part of this application request, nor was one held.

DETAILS OF APPLICATION REQUEST

This land description describes two portions of the Gowan Road Right-of-Way between Decatur Boulevard and Thom Boulevard for Vacation Purposes. Being portions of the East Half (E ½) of the East Half (E ½) of Section 12, Township 20 South, Range 60 East M.D.M., Clark County Nevada, more particularly described as follows:

Parcel 1 Being that portion of the Gowan Road Right-of-Way lying North of a line lying 40 Feet North of and running parallel with the centerline of said Gowan Road, bounded on the West by the East line of that property conveyed by Book 803, Instrument 762610 of official records, recorded October 26, 1977, and bounded on the East by the Westerly Right-of-Way of Malner Lane;

Excepting therefrom that spandrel area located at the Northwest corner of Gowan Road and Malner Lane bounded as follows:

On the South by a line lying line lying 40 Feet North of and running parallel with the centerline of said Gowan Road, bounded on the East by the Westerly Right-of-Way line of said Malner Lane, and on the Northwest by the arc of a 20 Foot radius curve, concave Northwesterly, being tangent to said parallel line and tangent to said Westerly Right-of-Way line.

Parcel 2 Being that portion of the Gowan Road Right-of-Way lying north of a line lying 40 Feet North of and running parallel with the centerline of Gowan Road, bounded on the west by the Easterly Right-of-Way line of Malner Lane and bounded on the East by the Westerly Right-of-Way line of Decatur Boulevard;

Excepting therefrom that spandrel area located at the Northeast corner of Gowan Road and Malner Lane bounded as follows:

On the South by a line lying 40 Feet North of and running parallel with the centerline of said Gowan Road, on the West by the Easterly Right-of-Way line of said Malner Lane, and on the Northeast by the arc of a 20 Foot radius curve, concave Northeasterly, being tangent to said parallel line and tangent to said Easterly Right-of-Way line.

Further excepting therefrom that spandrel area located at the Northwest corner of said Gowan Road and said Decatur Boulevard bounded as follows:

On the South by a line lying 40 Feet North of and running parallel with the centerline of said Gowan Road, on the East by the Westerly Right-of-Way line of said Decatur Boulevard, and on the Northwest by the arc of a 20 Foot radius curve, concave Northwesterly, being tangent to said parallel line and tangent to said Westerly Right-of-Way line.

ANALYSIS

A) *Planning discussion*

The subject request is to vacate a portion of the Gowan Road right-of-way. The request is appropriate, as Gowan Road has been fully constructed on an altered alignment, and this portion of right-of-way is no longer necessary. Therefore, staff has no concerns with the Vacation request and supports the request.

B) *Public Works discussion*

The following information is presented concerning this request to vacate certain public street right of ways:

- A. Does this vacation request result in uniform or non-uniform right-of-way widths? *Uniform.*
- B. From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability? *No, as the Right-of-Way being vacated is outside of the constructed limits of Gowan Road.*
- C. Does it appear that the vacation request involves only excess right-of-way? *Yes. The City Surveyor has researched the area and has determined it to be excess right-of-way.*
- D. Does this vacation request coincide with development plans of the adjacent parcels? *Yes, the Kobie Creek residential subdivision.*
- E. Does this vacation request eliminate public street access to any abutting parcel? *No.*
- F. Does this vacation request result in a conflict with any existing City requirements? *No.*
- G. Does the Department of Public Works have an objection to this vacation request? *No.*

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 8

ASSEMBLY DISTRICT 1

SENATE DISTRICT 4

NOTICES MAILED 6 by City Clerk

APPROVALS 0

PROTESTS 1