City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 4, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAC-19032 - OWNER/APPLICANT: PICERNE PROVIDENCE, LLC

** 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. A public sewer easement acceptable to the Collection System Planning Section of the Department of Public Works shall record concurrent with the recordation of the Order of Vacation.

4. An addendum to the previously approved Drainage Plan and Technical Drainage Study for the parcels associated with this Vacation Application must be submitted to and approved by the Department of Public Works prior to the recordation of the Order of Relinquishment of Interest and Order of Vacation for this application. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study.

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 an Order of Relinquishment of Interest and Order of Vacation.

6. The Order of Vacation and the Order of Relinquishment of Interest shall not be recorded until all of the conditions of approval have been met. 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 street light 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 being vacated must be retained.

7. If the Order of Vacation and Order of Relinquishment of Interest are 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.

** STAFF REPORT **

PROJECT DESCRIPTION

This application is a request to Vacate a portion of a BLM Right-of-Way Grant along the north side of Deer Springs Way alignment commencing approximately 340 feet from the northwest corner of Hualapai Way and Deer Springs Way and a 33-foot wide portion of an U.S. Government Patent Easement generally located west of Hualapai Way and north of Deer Springs Way. The applicant is submitting this application in part to comply with Condition 12 of the approved Site Development Plan Review (SDR-17128).

The applicant is proposing to vacate approximately 304 linear feet of a BLM right-of-way grant along the north side of the Deer Springs Way alignment with an approximate width of 40 feet. Additionally, the applicant wishes to vacate a 33-foot wide portion of an U.S. Government Patent Easement that runs along the northern, western, and southern portion of the eastern half of the site.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
01/08/03	The City Council approved an annexation (A-0030-02) of five acres in the northern portion of the Master Plan area, south of Grand Teton Drive. While these lands form part of the Master Plan area, they are not part of this Rezoning request. The Planning Commission recommended approval on 10/10/02. The effective date of this annexation was 01/17/03.
02/05/03	The City Council approved an annexation (A-0035-02) of over 1,056 acres in the area bounded by Hualapai Way to the east, Grand Teton Drive to the north, Puli Road to the west and Centennial Parkway and the Beltway alignment to the south, including the subject sites of this Rezoning request. The Planning Commission recommended approval on 09/26/02. The effective date of this annexation was 02/14/03.
03/19/03	The City Council approved a Rezoning (ZON-1520) from U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) Zone on approximately 317.5 acres covering 68 separate parcels in the Cliffs Edge area, and approved the related Cliffs 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) Zone [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) Zone on approximately 704 acres covering 21 separate parcels in the Cliffs Edge area, and approved text modifications to the related Cliffs Edge Master Development Plan to address conditions of approval of ZON1520. The Planning Commission and staff recommended approval.
05/05/04	The City Council approved a request for a Major Modification to the Cliff's Edge Master Development Plan (MOD-3955) to change land use designations from Village Commercial to Medium Low Density Residential and Medium Density Residential; from Medium Density Residential to Residential Small Lot; and from Medium Low Density Residential to Pump & Reservoir; to modify Section 6.2.3 regarding retaining walls; and to modify Table 1 (Section 2.2) to reflect changes to the land use categories on 40 acres generally located adjacent to the south side of Grand Teton Drive, between Hualapai Way and Puli Road. The Planning Commission recommended approval.
01/19/05	The City Council approved a request for a Site Development Plan Review (SDR-4730) for a proposed 392-unit multi-family residential development and a Waiver of Cliffs Edge Master Development Plan and Design Guidelines to allow 10-foot setback on the western property line for three-story buildings and a zero-foot setback from the eastern and western property line for one and two-story buildings, on 15.69 acres adjacent to the southwest corner of Dorrell Lane and Hualapai Way. In addition, a request for a Variance (VAR-5547) to allow a 30-foot setback where residential adjacency standards require a minimum of 126 feet was approved by City Council. Staff recommended denial and Planning Commission recommended approval.
08/17/05	The City Council approved a request for a Rezoning (ZON-6774) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) on 5.0 acres adjacent to the northwest corner of Hualapai Way and Deer Springs Way.
11/16/05	The City Council approved a request for a Major Modification (MOD-9174) to the Cliff's Edge Master Development Plan and Design Guidelines to establish standards for rear-loaded residential small-lot housing products and to add Section 3.2.5B to the Design Guidelines on 1,146 acres generally located adjacent to the south side of Grand Teton Drive, between Hualapai Way and Puli Road.
01/17/07	The City Council approved a request for a Site Development Plan Review (SDR-17128) to site an additional 124 units for an approved 392 unit multi-family residential development and a Variance (VAR-17127) to allow 926 parking spaces where 973 spaces are required. Planning Commission recommended approval and staff recommended denial on both items.
02/22/07	The Planning Commission held this item in abeyance to allow the applicant and staff to review the legal language associated with the BLM Right-of-Way Grants as might pertain to the access for the property to the south of the subject site.

03/08/07	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #3/rts).
Related Building Permits/Business Licenses	
09/28/05	A building permit application, plan check C-250-05, was submitted. The permit was issued 06/05/06. The Planning and Development Department review began 10/19/05 and recorded approval on 05/01/06. There have been multiple revisions and reviews added to this plan check with the latest being for architectural revisions that was completed on 11/29/06.
Pre-Application Meeting	
A pre-application meeting was not held nor is one required for this type of request.	
Neighborhood Meeting	
A neighborhood meeting is not required nor was one held.	

Details of Application Request	
Site Area	
Gross Acres	18.76

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	PCD (Planned Community Development)	U (Undeveloped) PCD (Planned Community Development) under Resolution of Intent to PD (Planned Development) [Medium Density Residential Cliff's Edge Special Land Use Designation]
	Undeveloped	PCD (Planned Community Development)	PD (Planned Development)
North	Undeveloped	PCD (Planned Community Development)	PD (Planned Development)
South	Undeveloped	PCD (Planned Community Development)	PD (Planned Development)
	Undeveloped	PCD (Planned Community Development)	U(PCD) Undeveloped (Planned Community Development)
East	Undeveloped	R (Rural Density Residential)	Clark County Zoning

West	Undeveloped	PCD (Planned Community Development)	PD (Planned Development)

Special Districts/Zones	*Yes*	*No*	*Compliance*
Special Area Plan			
PD (Planned Development) District Cliffs Edge Master Plan	X		Y
Special Districts/Zones	*Yes*	*No*	*Compliance*
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

DETAILS OF APPLICATION REQUEST

BLM Right-of-Way Grant:

The property is legally described as a 40-foot wide right-of-way grant beginning 340 feet west of the northwest corner of Deer Springs Way and Hualapai Way and extending approximately 340 feet west along Deer Springs Way.

Said property being a portion of the West Half (W½) of the Southeast Quarter (SE¼) of the Southeast Quarter (SE¼) of the Northeast Quarter (NE¼) of Section 24, Township 19 South, Range 59 East, M.D.M.

U.S. Patent Easement:

The property is legally described as a thirty-three foot (33) wide portion of a patent easement.

Said property being the north, west, and south thirty-three feet (33) of the East half (E½) of the southeast quarter (SE¼) of the southeast quarter (SE¼) of the northeast quarter (NE ¼) of section 24, township 19 south, range 59 east, M.D.M.;

Excepting therefrom the east fifty feet (50) of said north and south thirty-three feet (33).

ANALYSIS

- **Planning**

  A Site Development Plan Review (SDR-17128) requires that the applicant submit a Petition of Vacation for a BLM Right-of-Way Grant that exists within the Deer Springs Way alignment. The applicant has further requested that a portion of the U.S. Patent Easement on the site be vacated as well.

  Planning staff has no objection to the vacation request. No adverse affects to traffic circulation or site access would result with the proposed vacation.

- **Public Works**

  Public Works has no objection to the Vacation Application request for a BLM RightofWay Grant and U.S. Government Patent Reservations generally located on the north side of Deer Springs Way, west of Hualapai Way.

PLANNING COMMISSION ACTION

There was one speaker at the Planning Commission meeting who had a concern regarding BLM negotiations. The applicant agreed to all conditions.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 5

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 5 by City Clerk

APPROVALS 0

PROTESTS 0