



AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 15, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAC-19669 - APPLICANT/OWNER: CLOUDBREAK LAS VEGAS, LLC

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, subject to:

1. The limits of this Petition of Vacation shall be defined as the entire width of the southern 101 feet of Encanto Drive, south of Wilson Avenue, retaining and dedicating all rights-of-way necessary to terminate Encanto Drive in a cul-de-sac meeting current City Standards, unless a Waiver, such as WVR-19668, is approved to allow the termination of a public street in a manner other than a cul-de-sac. If a Waiver is not approved, or approved with conditions that require additional right-of-way, said right-of-way shall be dedicated concurrent with the Order of Vacation.
2. Provide a plan showing how the right-of-way proposed to be vacated will be incorporated into the abutting properties, including the property not controlled by the applicant, so that an un-maintained no-mans land area is not produced by this action. The required plan shall identify exactly who is responsible to reclaim each portion of right-of-way and exactly how the right-of-way will be reclaimed, and shall provide a schedule of when such reclamation will occur. Such plan shall be approved by the City Engineer prior to the recordation of the Order of Vacation or the submittal of any construction drawings adjacent to or overlying the area requested for vacation, whichever may occur first.
3. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths for this site prior to submittal of construction plans, the issuance of any building or grading permits, or the submittal of a map for this site, whichever may occur first. Provide and improve all drainage ways as recommended.
4. 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 Vacation.
5. 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.
6. All development shall be in conformance with code requirements and design standards of all City Departments.

7. 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 rightofway 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 rightofway or easement being vacated must be retained.

8. 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.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request to Vacate a portion of a public right-of-way generally located approximately 97 feet south of the intersection of Encanto Drive and East Wilson Avenue. This application is being submitted to provide the necessary site area for the siting of a proposed additional building at 525 East Bonanza Road.

The applicant is proposing to vacate approximately 101 linear feet of the public right-of-way at the southern terminus of Encanto Drive. Staff can not make a finding for approval of the companion Rezoning (ZON-21991) or Site Development Plan Review (SDR-19659) and is therefore recommending denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
10/19/83	The City Council approved a Rezoning (Z-0076-83) to C-2 (General Commercial) on a portion of the subject site for a proposed hotel. The Planning Commission recommended approval.
08/21/02	The City Council approved a Special Use Permit (U-0077-02) and a Site Development Plan Review [Z-0076-83(2)] for a 216-unit single room occupancy residence, and a Variance (V-0042-02) to allow for reduced parking on a portion of the subject site. The Planning Commission and staff recommended approval.
10/01/03	The City Council approved an Extension of Time (EOT-2778) for the approved Variance (V-0042-02) to allow for a reduction in parking for the 216-unit single room occupancy residence on a portion of the subject site, with an expiration date of August 21, 2004. The Planning Commission and staff recommended approval.
08/18/04	The City Council approved an Extension of Time (EOT-4779) for the approved Variance (V-0042-02) to allow for a reduction in parking and an Extension of Time (EOT-4778) for the approved Site Development Plan Review [Z-0076-83(1)] for the 216-unit single room occupancy residence on a portion of the subject site, with an expiration date of August 21, 2006. Staff recommended approval.
04/26/07	The Planning Commission held this item in abeyance at the applicants request.

07/12/07	<p>The Planning Commission recommended approval of companion items ZON-21991, WVR-19668, VAR-19665, VAR-19666, SUP-19661, SUP-20052, SUP-20822 and SDR-19659 concurrently with this application.</p> <p>The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #29/rts).</p>
<i>Related Building Permits/Business Licenses</i>	
09/11/91	<p>A business license, H05-01011, for a Hotel - 199 rooms or less category license was re-classified from an A07 (Apartment House) category license by the Department of Finance and Business Services. Due to a change of name and ownership this license was re-issued on 07/24/00. *</p>
03/16/06	<p>A business license, N41-94602, for a NP Social Services category license was processed in by the Department of Finance and Business Services. This license was denied by the Planning and Development Department on 02/06/07, pending approval of a Special Use Permit (SUP-20052) for a Social Service Provider use. This license has not been issued as of 04/09/07.</p>
03/19/07	<p>A business license, N42-91916, for a NP Intermediary Housing category license was processed in by the Department of Finance and Business Services. This license was denied by the Planning and Development Department on 04/04/07, pending approval of a Special Use Permit (SUP-19661) for a Single Room Occupancy Residence use. This license has not been issued as of 04/09/07.</p>
<i>Pre-Application Meeting</i>	
03/13/07	<p>A pre-application meeting was held and elements of this application were discussed. At this meeting the GPA and changes to the zoning request were suggested. Submittal requirements were discussed.</p>
<i>Neighborhood Meeting</i>	
3/29/07	<p>A neighborhood meeting was held at US. Veteran's Initiative 525 E. Bonanza Road. Seven members of the public attended. The applicant gave a thorough description of the proposed expansion plan and described the services that would be offered. No member of the public had questions or comments about the project. NOTE: This meeting was held prior to the present entitlement application configuration and was based on the C-V (Civic) zoning package.</p>

* This license was issued with no apparent Planning and Development Department review.

Field Check	
03/14/07	The Department of Planning and Development conducted a site visit that found that the site was in operation as a multi-family residential/single room occupancy residence establishment. The social service provider use, United States Veterans Initiative Program, was active and utilizing both this principle site and the neighboring site (610 North Las Vegas Boulevard). The director gave a tour of the facilities used by the program and explained the process for residents to meet the qualifications for admittance.

Details of Application Request	
Site Area	
Gross Acres	2.77
Net Acres	2.30

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Multi-Family Residential/Single Room Occupancy Residence	MXU (Mixed Use)	C-2 (General Commercial)
	Single Family, Detached	MXU (Mixed Use)	R-1 (Single-Family Residential) [Proposed: C-2 (General Commercial)]
North	Office, Other Than Listed	MXU (Mixed Use)	C-2 (General Commercial)
	Government Facility	PF (Public Facility)	C-V (Civic)
	Single Family, Detached	MXU (Mixed Use)	R-1 (Single-Family Residential)
South	Multi-Family Residential	MXU (Mixed Use)	C-2 (General Commercial)
	Undeveloped	MXU (Mixed Use)	R-4 (High Density Residential) under Resolution of Intent to C-1 (Limited Commercial)
East	Government Facility	PF (Public Facilities)	C-V (Civic)
West	General Retail, Other Than Listed	MXU (Mixed Use)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown North Land Use Plan	X		Y
Redevelopment Plan Area	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District	X		Y
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

The property is legally described as a 50-foot wide public right-of-way beginning approximately 97 feet south of the intersection of Encanto Drive and East Wilson Avenue and extending approximately 101 feet south to the terminus of Encanto Drive.

Said property being a portion of the Southwest Quarter (SW¹/₄) of the East Half (E¹/₂) of the South Half (S¹/₂) of the Southeast Quarter (SE¹/₄) of Section 27, Township 20 South, Range 61 East, M.D.M.

ANALYSIS

- **Planning and Development**

A Site Development Plan Review (SDR-19659) if approved would require that this vacation be approved and recorded in order to develop the site as reviewed. If the vacation is not approved by the City Council, then the site plan must be revised to conform to the existing right-of-way and resubmitted to the Planning and Development Department.

Planning staff is recommending denial of the companion Rezoning (ZON-21991) and Site Development Plan Review (SDR-19659) which if followed makes this vacation request unnecessary but otherwise has no objection to the vacation request. No adverse affects to traffic circulation or site access would result with the proposed vacation.

- **Public Works**

We present the following information concerning this request to vacate certain public street ROW:

- A. Does this vacation request result in uniform or non-uniform right-of-way widths? *It will result in a uniform right-of-way width as it will completely eliminate the full width of a portion of Encanto Drive, south of Wilson Avenue.*
- B. From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability? *No, since Encanto Drive currently ends as a dead end street.*
- C. Does it appear that the vacation request involves only excess right-of-way? *No, however if approved the vacated portion of Encanto Drive will be incorporated into the proposed adjacent site development.*
- D. Does this vacation request coincide with development plans of the adjacent parcels? *Yes, Zoning Reclassification ZON19662 and a Site Development Plan Review SDR-19659.*
- 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? *Yes, the termination of a public street without an appropriate culdesac terminus.*
- G. Does the Department of Public Works have an objection to this vacation request? *Yes, the vacation request will result in Encanto Drive, a 50-foot public right-of-way, to terminate in a dead end configuration. However, in conjunction with SDR-19659, there is a request for a Waiver of Title 18.12.130 to allow Encanto Drive to dead end. Public Works recommends denial of this Waiver request.*

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 10

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 6 by City Clerk

APPROVALS 3

PROTESTS 0