



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MARCH 13, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - VAC-25759 - APPLICANT: SOUTHWEST
DESERT EQUITIES, LLC - OWNER: K R LAND COMPANY, LLC ET AL.

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

1. This Vacation Application may record in phases; The Order of Relinquishment of Interest for those portions of Echelon Point Drive shall not record until dedication or easement rights for the full-width of the proposed roadway have been demonstrated to exist.
2. Prior to the recordation of the Order of Relinquishment of Interest, dedicate a minimum 40 feet of right-of-way for Deer Springs Way, a 20-foot radius corner at the southwest corner of Deer Springs Way and Conquistador Street, 25 feet of right-of-way for Conquistador Street including the area needed for a cul-de-sac meeting current City Standards and either the full width or half street width necessary for Echelon Point Drive including the area needed for a cul-de-sac meeting current City Standards. Alternatively, the requirement to dedicate Echelon Point Drive may be eliminated if the applicant provides a signed and notarized affidavit from the owner of Assessors Parcel No. 125-19-301-010 that states he is in support of the proposed Providence Square site plan AND a copy of a recorded perpetual, irrevocable access easement in favor of this parcel to the Development Coordination Section of the Department of Public Works prior to the issuance of any permits, submittal of any construction drawings or the submittal of a Map subdividing this site, whichever may occur first.
3. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the recordation of the Order of Relinquishment of Interest for this application. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study. The drainage study required by Site Development Plan Review SDR25760 may be used to satisfy this requirement provided that it addresses the area to be vacated.
4. All 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.
5. The Order of Relinquishment of Interest shall not be recorded until all of the conditions of approval have been met provided, however, the 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

JM

VAC-25759 - Conditions Page Two
March 13, 2008 - Planning Commission Meeting

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 being vacated must be retained.

6. All development shall be in conformance with code requirements and design standards of all City Departments.
7. If the Order of Relinquishment of Interest 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.

VAC-25759 - Staff Report Page One
March 13, 2008 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a Petition to Vacate portions of U.S. Government Patent Easements generally located east of Hualapai Way and south of Deer Springs Way. These easements are no longer needed in their current configuration; staff recommends approval of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
02/07/07	The City Council approved an Annexation (ANX-12215) of approximately 207.83 acres of property, generally located north of Centennial Parkway, between Shaumber Road and Fort Apache Road. The Planning Commission and staff recommended approval of this request.
06/06/07	The City Council approved a General Plan Amendment (GPA-20465) to Amend a portion of the Centennial Hills Sector Plan of the Master Plan from: R (Rural Density Residential) to: PCD (Planned Community Development) on 23.3 acres at the southeast corner of Hualapai Way and Deer Springs Way. The Planning Commission and staff recommended denial of this request.
11/27/07	A Rezoning (ZON-25758) application was submitted requesting a rezoning from: U (Undeveloped [PCD (Planned Community Development) Zone] to: PD (Planned Development). A related Site Development Plan Review (SDR-25760) was submitted for a proposed 200,300 square-foot retail development on 23.62 acres at the southeast corner of Hualapai Way and Deer Springs Way.
01/10/08	Planning Commission approved an Abeyance request for a Site Development Plan Review for a proposed 200,300 square-foot retail development on 23.62 acres at the southeast corner of Hualapai Way and Deer Springs Way to the 02/14/08 Planning Commission.
02/14/08	Planning Commission approved an Abeyance request for a Site Development Plan Review for a proposed 200,300 square-foot retail development on 23.62 acres at the southeast corner of Hualapai Way and Deer Springs Way to the 03/13/08 Planning Commission. The item was re-notified as square footage and site design was modified.
<i>Related Building Permits/Business Licenses</i>	
There are no Building Permits or Business Licenses related to this request.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	23.62

**VAC-25759 - Staff Report Page Two
March 13, 2008 - Planning Commission Meeting**

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	PCD (Planned Community Development)	U (Undeveloped)
North	Undeveloped, Clark County 215 Beltway	RNP (Rural Neighborhood Preservation Clark County)	Unincorporated Clark County R-E (Residence Estates)
South	Undeveloped	R (Rural Density Residential) and ROW (Right-of-Way)	Unincorporated Clark County R-E (Residence Estates) and Unincorporated Clark County Parcel Right-of-Way
East	Undeveloped	PCD (Planned Community Development)	PD (Planned Development)
West	Undeveloped	R (Rural Density Residential) and PF-CC (Public Facility Clark County)	U (Undeveloped) and Unincorporated Clark County R-E (Residence Estates)

<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			
PD Planned Development District	X		Yes
Trails	X		Yes
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DESCRIPTION:

A request has been received from the K R Land Company, LLC et al to U.S. Government Patent Easements generally located east of Hualapai Way and south of Deer Springs Way, Ward 6 (Ross).

VAC-25759 - Staff Report Page Three
March 13, 2008 - Planning Commission Meeting

A portion of the above properties is legally described as a thirty-three foot (33) wide portion of a patent easement.

Said property being the East and South thirty-three feet (33) of the Northwest Quarter (NW $\frac{1}{4}$) of the West Half (W $\frac{1}{2}$) of the North Half (N $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 19, Township 19 South, Range 60 East, M.D.M.

Excepting therefrom the West forty-five feet (45) and North thirty-three feet (35) of said property; and

Said Property being the South, East, and West thirty-three feet (33) of the Northeast Quarter (NE $\frac{1}{4}$) of West Half (W $\frac{1}{2}$) of the North Half (N $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 19, Township 19 South, Range 60 East, M.D.M.;

Excepting therefrom the North thirty-five feet (35) and South eighteen and one half feet (18.5) of said property; and

Said property being the North, South, East, and West thirty-three feet (33) of the East Half (E $\frac{1}{2}$) of the Northwest Quarter (NE $\frac{1}{4}$) of West Half (W $\frac{1}{2}$) of the North Half (N $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 19, Township 19 South, Range 60 East, M.D.M.;

Excepting therefrom the North thirty-five feet (35), East twenty-five feet (25) and South eighteen and one half feet (18.5) of said property; and

Said property being the North, West, and East thirty-three feet (33) of the East Half (E $\frac{1}{2}$) of the Southeast Quarter (NE $\frac{1}{4}$) of the West Half (W $\frac{1}{2}$) of the North Half (N $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 19, Township 19 South, Range 60 East, M.D.M.;

Excepting therefrom the North eighteen and one half feet (18.5) and East twenty-five feet (25). Further excepting therefrom that portion as conveyed to the County of Clark; and a portion of the above property is legally described as a thirty foot (30) wide portion of a patent easement.

Said property being the east thirty feet (30) of the Northeast Quarter (NE $\frac{1}{4}$) of the West Half (W $\frac{1}{2}$) of the North Half (N $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 19, Township 19 South, Range 60 East, M.D.M.;

ANALYSIS

A) Planning discussion

This is a Petition to Vacate portions of U.S. Government Patent Easements generally located east of Hualapai Way and south of Deer Springs Way. The Abandonment of these easements will facilitate future development of this location. These easements are no longer needed in their current configuration; staff recommends approval of this request.

VAC-25759 - Staff Report Page Four
March 13, 2008 - Planning Commission Meeting

B) Public Works discussion

The Public Works Department has no objection to the vacation application request to vacate U.S. Government Patent Reservations generally located east of Hualapai Way and south of Deer Springs Way, however dedication of right-of-way will be necessary prior to relinquishment to ensure legal parcel access is maintained.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 3

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 8

APPROVALS 0

PROTESTS 0