



AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 16, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAC-26687 - APPLICANT: SOUTHWEST ENGINEERING -
OWNER: DECATUR 215 OF NEVADA, LLC

**** CONDITIONS ****

The Planning Commission (6-0-1/rt 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. The limits of this vacation shall be defined as the public sewer, drainage and access easements and portions of Decatur Boulevard right-of-way that are located on the northwest corner of Decatur Boulevard and Tropical Parkway within the future Decatur and Tropical commercial subdivision.
4. Prior to recordation of the Order of Vacation, construction drawings for the Decatur Boulevard half street adjacent to this site shall be approved and shall show surveyed existing right-of-way lines and proposed street improvement boundaries. The vacation of right-of-way shall be limited to those areas beyond the back of curb.
5. The Order of Vacation shall record concurrently with the Final Map for the Decatur and Tropical commercial subdivision.
6. 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 Vacation 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 SDR22582 may be used to satisfy this requirement provided that it addresses the area to be vacated.
7. 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 Vacation.

8. 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.
9. 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 is a petition to Vacate portions of Decatur Boulevard, a 30-foot access, drainage and public sewer easement, a 43-foot public drainage, access, public sewer easement and a 56-foot public drainage easement on 36.43 acres located at the northwest corner of Decatur Boulevard and Tropical Parkway.

This Vacation will facilitate the development of an already approved 458,053 square-foot commercial shopping center (SDR-22582), as it is a required condition of approval. Staff recommends approval of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
08/07/85	The City Council approved the Community Profiles of the City of Las Vegas General Plan by Resolution. On this plan, the subject properties were designated for Rural Density Residential land uses (if residential) with a maximum density of two dwelling units per acre.
03/12/92	The Planning Commission approved the three Land Use Sector Maps of the General Plan. The site was designated for M (Medium Density Residential) and SC (Service Commercial) land uses.
12/08/97	The City Council approved a General Plan Amendment (GPA-0058-97) from ML (Medium-Low Density Residential) to SC (Service Commercial), and approved a Rezoning (Z-0109-97) from R-E (Residence Estates) and R-E (Residence Estates) under Resolution of Intent to R-PD8 (Residential Planned Development - 8 Units Per Acre) to C-1 (Limited Commercial) on the site. The City Council also approved a Rezoning (Z-0110-97) from R-E (Residence Estates) under Resolution of Intent to R-PD8 (Residential Planned Development - 8 Units Per Acre) to R-PD15 (Residential Planned Development - 15 Units Per Acre) on the western portion of the site. The Planning Commission and staff recommended approval.
05/24/99	The City Council approved the Centennial Hills Sector Map (GPA-0001-99) of the city of Las Vegas General Plan, which replaced the Northwest Sector Map. The Planning Commission and staff recommended approval of this request.
09/06/00	The City Council approved the Las Vegas 2020 Master Plan. This site is within the Centennial Hills Area as described in the Plan.

06/06/01	The City Council approved a General Plan Amendment (GPA-0008-01) from M (Medium Density Residential) to SC (Service Commercial) and a Rezoning (Z0018-01) from a Resolution of Intent to RPD15 (Residential Planned Development - 15 Units Per Acre) to C-1 (Limited Commercial) on this site. The Planning Commission and staff recommended approval of both items.
07/05/01	The City Council approved a Site Development Plan Review [(Z-0018-01(1), Z0109-97(1), Z-0110-97(2))] which allowed a proposed 262,640 square foot retail commercial development, which included this parcel. The Planning Commission and staff recommended approval.
07/24/03	The City Council approved Extensions of Time (EOT-2504 and EOT-2502) of an approved Rezoning (Z-0018-01) to C-1 (Limited Commercial) and a Site Development Plan Review [(Z-0018-01(1), Z0109-97(1), Z-0110-97(2))] for a proposed commercial development on this site, subject to expire on 07/05/05. The Planning Commission and staff recommended approval.
08/20/03	The City Council granted an Extension of Time (EOT-2493) of an approved Site Development Plan Review [Z-0110-97(1)] for a proposed 140-unit multi-family residential development on 9.35 acres immediately to the west of the subject property. The Planning Commission and staff recommended approval. This extension will expire 06/29/05.
08/12/04	The Planning Commission approved a Tentative Map (TMP-3624) for a two-lot commercial subdivision (Decatur III) on 27.38 acres adjacent to the northwest corner of Decatur Boulevard and Tropical Parkway. Staff recommended approval. A Final Map for this site has not been submitted.
07/06/05	The City Council approved Extensions of Time (EOT 6798 and EOT-6799) of an approved Rezoning (Z-0018-01) and an approved Site Development Plan Review [(Z-0018-01(1), Z-0109-97(1), Z-0110-97(2))] for a proposed commercial development on this site. Staff recommended approval of these requests.
10/18/06	The City Council tabled a General Plan Amendment (GPA-14118), Rezoning (ZON-14120), Variance (VAR-14122) and Site Development Plan Review (SDR-14114) that would have created a PCD designation with a PD zoning district to create a residential and commercial master development.
06/06/07	The City Council approved an Extension of Time (EOT-20771) for an approved Rezoning (Z-0018-01). This request extends the Resolution of Intent to C-1 (Limited Commercial) on 3.6 acres of the project site. Staff recommended approval.

07/26/07	The City Council approved a Rezoning (ZON-22583) from: R-E (Residence Estates) under Resolution of Intent to R-PD15 (Residential Planned Development 15 units per acre) to: C-1 (Limited Commercial). The Planning Commission and staff recommended approval of this request. The City council approved a Site Development Plan Review (SDR -22582) for a 458,053 square-foot retail center. The Planning Commission recommended approval whereas staff recommended denial of this request
11/29/07	The Planning Commission approved a Tentative Map (TMP-25055) for a one-lot commercial subdivision on 36.43 acres. Staff recommended approval of this request.
02/20/08	The City Council approved a Master Sign Plan (MSP-25930) for a 458,053 square foot retail development. The Planning Commission and staff recommend approval of this request.
03/13/08	The Planning Commission voted 6-0-1/rt to recommend APPROVAL (PC Agenda Item #39/ed).
<i>Related Building Permits/Business Licenses</i>	
There are no active or pending building permits or business licenses for this site.	
<i>Pre-Application Meeting</i>	
A Pre-Application Meeting is not required for this application, nor was one held.	

<i>Field Check</i>	
02/04/08	The Department of Planning and Development conducted a site visit that found that the site was an undeveloped site.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	36.43

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Vacant Land	SC (Service Commercial)	C-1 (Limited Commercial) and R-E (Residential Estates) Under resolution of Intent to C-1 (Limited Commercial)
North	Right-of-way (I-215)	Right-of-way (I-215)	Right-of-way (I-215)
South	Single Family Residences	ML (Medium Low Density Residential) and M (Medium Density Residential)	R-1 (Single Family Residences) and R-PD8 (Residential Planned Development 8 units an acre)

East	Commercial	CC (Community Commercial City of North Las Vegas) and MXU (Mixed Use Commercial - City of North Las Vegas)	C-1 Neighborhood (Commercial) City of North Las Vegas and C-2 (General Commercial) City of North Las Vegas
West	Single Family Residences	ML (Medium Low Density Residential)	R-PD6 (Residential Planed Development 6 units an acre) and R-CL (Single Family Compact Lot)

<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		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

LEGAL DESCRIPTION:

A request has been received from Southwest Engineering on behalf of Decatur 215 of Nevada, LLC to vacate portions of Decatur Boulevard, a 30-foot access, drainage and public sewer easement, a 43-foot public drainage, access, public sewer easement and a 56-foot public drainage easement generally located at northwest corner of Decatur Boulevard and Tropical Parkway.

The above property is legally described as:

A portion of the Northeast Quarter (NE ¼) of the northeast quarter (NE ¼) of Section 25, Township 19 South, Range 60 East, M.D.M. and

A portion of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section 25, Township 19 South, Range 60 East, M.D.M.

ANALYSIS

A) Planning discussion

This is a petition to Vacate portions of Decatur Boulevard, a 30-foot access, drainage and public sewer easement, a 43-foot public drainage, access, public sewer easement and a 56-foot public drainage easement on 36.43 acres located at the northwest corner of Decatur Boulevard and Tropical Parkway. The Vacation of these easements and right-of-way will facilitate in the development of an already approved 458,053 square-foot shopping center, as it is a required condition of approval. As these easements and right-of-way are no longer needed, staff recommends approval of this 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? *It will result in uniform widths as the right-of-way line along Decatur Boulevard will follow the back of the curb.*
- B. From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability? *No.*
- C. Does it appear that the vacation request involves only excess right-of-way? *No, however vacating the small portions of Decatur Boulevard will accommodate the proposed meandering sidewalk abutting the proposed commercial center and establish the right-of-way line as the back of curb location.*
- D. Does this vacation request coincide with development plans of the adjacent parcels? *Yes, Site Development Plan Review SDR-22582 for the Decatur and Tropical commercial 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 6

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 17 by City Clerk

APPROVALS 1

PROTESTS 0