

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: JULY 24, 2008****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: VAC-28393 - APPLICANT/OWNER: SCOTT ASHJIAN, ET AL**

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**\*\* CONDITIONS \*\*****STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:

1. The limits of this Petition of Vacation shall be the entire width of the southernmost 85 feet of Balsam Street, including the culdesac bulb.
2. Prior to recordation of an Order of Vacation, provide a plan acceptable to the City Engineer 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 (if applicable), so that no un-maintained no-mans land areas are produced by this action, and all affected parties are aware of the final disposition of the property to be vacated. 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.
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 Vacation for this application. Appropriate public drainage easements shall be reserved if recommended by the approved Drainage Plan/Study. If easements are retained, this Vacation may record in phases, to allow for future elimination of easements at the discretion of the City Engineer. The drainage study required by SDR28390 may be used to satisfy this requirement provided that it addresses the area to be vacated.
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 the Order of Vacation. All new improvements shall conform to current City standards.
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.

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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 right-of-way 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.

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**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Vacation (VAC-28393) to Vacate a 60-foot wide portion of Balsam Street located approximately 300 feet south of Red Coach Avenue.

In addition to this application, the applicant has submitted a General Plan Amendment (GPA-28388) to Amend a portion of the Northwest Sector of the Centennial Hills Master Plan from O (Office) to LI/R (Light Industrial/Research) and a request for a Rezoning (ZON-28389) from RE (Residence Estates) and U (Undeveloped) [O (Office) General Plan designation] to M (Industrial) and C-PB (Planned Business Park) on 5.62 acres at 4505 and 4515 Balsam Street, 4491 North Rainbow Boulevard and 2.39 acres 300 feet south of Red Coach Avenue on Balsam Street.

Additional companion items include a request for a Site Development Plan Review (SDR-28390) for a proposed 51,250 square-foot Warehouse Center with 18,100 square feet of Office with Waivers to allow a 10-foot landscape buffer on the eastern property line, where 15 feet is required and a zero-foot landscape buffer on the western and portions of the southern property line, where eight feet is required and a request for a Variance (VAR-28392) to allow a 4.62 acre C-PB (Planned Business Park) zoning district, where 20 acres is the minimum site area required and to allow a 10-foot side setback, where 50 feet is required for an M (Industrial) district located adjacent to a residential district and a request for the subject site.

The requests for the multiple Waivers and Variances are indications that the site is overbuilt and the proposed land use is inappropriate for the subject location. The proposed Vacation will not benefit the existing neighborhood and will create additional developable land for a proposed use that is incompatible with the existing residential neighborhood to the north; therefore staff recommends denial of this request.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
12/03/03	The City Council approved an Annexation (ANX-2874) of two parcels of land generally located on the west side of Rainbow Boulevard, 315 feet south of Red Coach Avenue, containing approximately 4.39 acres. The Planning Commission and staff recommend approval of this request.
01/20/05	A Code Enforcement complaint (#25305) was issued against the subject property (4491 North Rainbow Boulevard) for a vacant house with broken windows. The case was resolved 03/07/05.

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05/17/05	A Code Enforcement complaint (#30040) was issued against the subject property (4491 North Rainbow Boulevard) for overgrown vegetation. The case was resolved 06/28/05.
10/05/05	A Code Enforcement complaint (#35122) was issued against the subject property (4491 North Rainbow Boulevard) for a vacant home. The case was resolved 03/02/07.
04/09/07	A Code Enforcement complaint (#52045) was issued against the subject property (4491 North Rainbow Boulevard) for a vacant house, broken fencing, an abandoned travel trailer on site, trash, debris and dead vegetation. The case was resolved 05/04/07.
12/19/07	The City Council approved an Annexation (ANX-23635) of property at 4505 Balsam Street, containing approximately 0.62 acres and an Annexation (ANX-23639) of property at 4515 Balsam Street, containing approximately 0.61 acres. The Planning Commission and staff recommended approval of these requests.
02/27/08	A Code Enforcement complaint (#62799) was issued against the subject property (4615 Balsam Street) from a citizen complaint regarding business activity at this property (paving business), trucks being parked on property and people coming and going from an R-E (Residence Estates) zoned property. This case is still open pending resolution.
03/18/08	A Code Enforcement complaint (#63537) was issued against the subject property (4615 Balsam Street) for running a paving business out of a single family home. Commercial tractor/trailers were noted to be parked in the back of the home. The zoning on the property was noted as being R-E (Residence Estates). The case was resolved 03/27/08.
<b><i>Related Building Permits/Business Licenses</i></b>	
There are no building permits associated with the subject properties.	
<b><i>Pre-Application Meeting</i></b>	
05/28/08	A pre-application meeting was held with the applicant where elements of a General Plan Amendment, Rezoning, Site Development Plan Review, Variance and Vacation were discussed.
<b><i>Neighborhood Meeting</i></b>	
06/30/08	A neighborhood meeting was held at the Mountain Crest Community Center, 4701 North Durango Drive at 6:40 PM. The applicant, one Planning and Development staff member, one Clark County Commission Liaison and six area residents were present. The following was discussed: The representative for the applicant briefly described the proposed project. Members of the public raised the following questions and concerns: <ul style="list-style-type: none"> <li>• Residents were supportive of the plan to remove access from Balsam Avenue, so that all access would be from Rainbow.</li> <li>• Residents were supportive of the proposed perimeter wall around the property.</li> </ul> No issues were raised regarding the proposed 30' height of the structures.

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<b>Field Check</b>	
06/17/08	A field check was performed by staff at the subject properties. 4505 & 4515 Balsam Street were observed to contain existing homes which have been converted to commercial use; however no business licenses or building permits exist for these homes. The front yards were noted as paved with asphalt; screened, chain link fence with barbed wire was noted at the rear of the properties. The undeveloped lot on the east side of Balsam Street and at 4491 North Rainbow Boulevard was noted as being relatively flat, graded with some weeds/dead landscape, a vacant single-family home and a temporary chain link construction fence around the perimeters.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Gross Acres	5.62

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Undeveloped; Vacant Single-Family Residence and Contractors Plant, Shop & Storage Yard	O (Office)	R-E (Residence Estates) and U (Undeveloped) [O (Office) General Plan designation]
North	Church/House of Worship; Undeveloped, Single-Family Residence and Contractors Plant, Shop & Storage Yard	O (Office)	(Undeveloped) [O (Office) General Plan designation] and Clark County R-E (Rural Estates Residential)
South	Mini-Storage Facility and Office	SC (Service Commercial)	C-1 (Limited Commercial)
East	Single-Family Residential	M (Medium Density Residential)	R-CL (Single Family Compact-Lot)
West	U.S. 95	R.O.W. (Right of Way)	R.O.W. (Right of Way)

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>			
A-O (Airport Overlay) District (175 Feet)	X		Y*
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

\* The subject property is located within the North Las Vegas Airport Overlay within the 175-foot height limitation contour. None of the buildings on the subject property extend beyond this limitation.

**LEGAL DESCRIPTION**

A request has been submitted to Vacate a portion of Balsam Street with a proposed cul-de-sac located on Balsam Street approximately 300 feet south of Red Coach Avenue.

The above property is legally described as:

The South Half (S 1/2) of the South Half (S 1/2) of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of Section 3, Township 20 South, Range 60 East, M.D.M.

Excepting therefrom the East thirty feet (30.00') is conveyed to Clark County Nevada for road purposes by deed recorded January 21, 1971 in book 95, document number 75331.

Excepting therefrom the South 85 feet of the East 512 feet of the South Half (S 1/2) of the South Half (S 1/2) of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4) of Section 3, Township 20, South Range 60 East, M.D.M.

Excepting therefrom said portion is conveyed to the state of Nevada for highway purposes by deed recorded December 15, 1976 in book 688, document number 647362.

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**ANALYSIS**

- **Planning and Development**

This Vacation has been submitted in order to vacate a section of Balsam Street, approximately 300 feet south of Red Coach Avenue. The applicant is proposing this Vacation in order to accommodate a proposed Office and Warehouse development. The proposed development will exist on parcels located on both the east and west sides of the current Balsam Street alignment. If approved, this Vacation would allow the planned development to flow as one contiguous property between Rainbow Boulevard to the east and U.S. 95 to the west, eliminating any access from Balsam Street into the existing neighborhood. As the planned development consisting of proposed M (Industrial) and C-PB (Planned Business Park) zoning districts is not compatible with the surrounding single-family residential zoning districts, staff can not support this Vacation; therefore staff recommends denial of this request.

- **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 uniform widths as the existing culdesac will be relocated northward from the existing location.*
- B. From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability? *No, since the existing roadway adjacent terminates in a culdesac.*
- C. Does it appear that the vacation request involves only excess right-of-way? *No, it is to shorten a public street which terminates in a culdesac.*
- D. Does this vacation request coincide with development plans of the adjacent parcels? *Yes, SDR28390 for the adjacent warehouse complex.*
- E. Does this vacation request eliminate public street access to any abutting parcel? *No, as long as the adjacent parcels are reverted to a one lot configuration.*
- 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.*

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**ASSEMBLY DISTRICT**      13

**SENATE DISTRICT**      9

**NOTICES MAILED**      11

**APPROVALS**      1

**PROTESTS**      0