

**AGENDA MEMO**

PLANNING COMMISSION MEETING DATE: AUGUST 14, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAC-28540 - APPLICANT: RAPINDER CHIMA - OWNER:
PICHAT AND SAMAN POJANSOMBOON, ET AL

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

1. Provide proof that the Nevada Department of Transportation (NDOT) has determined that the existing rightofway is no longer needed to support the US95 access ramps, and has relinquished all access rights thereto.
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 SDR28535 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 the Town Center Development Standards.
5. 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

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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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a Petition to Vacate a portion of Durango Drive and a portion of Farm Road generally located on the southeast corner of Durango Drive and Farm Road.

Planning cannot support this Vacation as it is part of a proposed development that is not compatible and harmonious with surrounding development.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/07/98	The City Council approved a Rezoning (Z-0076-98) to T-C (Town Center) on the subject property as part of a larger request.
01/04/05	Code Enforcement cited (#24873) a vacant lot with trash and debris left from temporary Christmas tree sales. The case was closed on 01/20/05.
02/22/05	Code Enforcement cited (#26291) an illegal sign on the property. The case was closed on 02/24/05.
11/14/06	Code Enforcement cited (#47958) a vacant lot with trash and debris left from temporary pumpkin sales for Halloween. The case was closed on 11/21/06.
<i>Related Building Permits/Business Licenses</i>	
09/23/05	A Temporary Commercial Permit (#4597) was issued for a pumpkin sales lot at the southwest corner of Farm Road and Durango Drive.
11/14/05	A Temporary Commercial Permit (#10307) was issued for a Christmas tree sales lot at the southwest corner of Farm Road and Durango Drive.
09/25/06	A Temporary Commercial Permit (#17097) was issued for a Christmas tree sales lot at the southwest corner of Farm Road and Durango Drive.
09/17/07	A Temporary Commercial Permit (#24612) was issued for a Christmas tree sales lot at the southwest corner of Farm Road and Durango Drive.
<i>Pre-Application Meeting</i>	
03/20/08	A pre-application meeting was held and elements of this application were discussed. In addition to this application, a Major Modification and several Special Use Permit applications were discussed. A list was provided detailing the Waivers from Town Center Development Standards that the applicant needed to request. Submittal requirements were discussed.

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<i>Neighborhood Meeting</i>	
07/01/08	<p>A neighborhood meeting was held on Tuesday, July 1, 2008 at 5:30 p.m. at the YMCA Club in the CLV Community Resource Room located at 6601 North Buffalo Drive. There were 29 members of the public, seven representatives of the applicant and two city staff were present.</p> <p>The applicant and one of the proposed tenants offered a presentation on the proposed development. Members of the public raised the following questions and concerns:</p> <ul style="list-style-type: none"> * Concerns were raised regarding the height of the hotel building (the applicant explained that the building would be approximately 55 to 60 feet in height). Some members of the public requested that the height be reduced to three stories, and stated that five-story buildings were inappropriate in that area (the east side of the freeway). * Several concerns were expressed regarding traffic flow and the amount of traffic generated by the development. The applicant noted that the traffic study for the project had already been completed, and was being reviewed by city staff. Specific concerns were raised about northbound traffic coming out of the development onto Farm Road, potential increases in traffic on Tule Springs, construction traffic on eastbound Farm Road, and whether or not a traffic light could be installed at the entrance to the development. * One member of the public stated that the hotel use was inappropriate for the site; others questioned the viability of the hotel based on the proximity of the Santa Fe Hotel/Casino and the new hotel/casino at the Kyle Canyon development. * Questions were raised relative to the other tenants proposed for the site and the ability of the developer to lease the retail space based on current market conditions. * Concerns were raised regarding the carwash and any buffers that would be provided to screen the use, and whether the use was necessary. * Questions were raised regarding impacts to the homes that are proposed abutting the site in the Village of Centennial Springs development. * Concerns were raised relative to the signage proposed for the site; the applicant stated that they would comply with the Town Center requirements.
<i>Field Check</i>	
07/01/08	<p>A field check was made on site. The site is currently an undeveloped property that is juxtaposed between two major streets. To the south of this property is a mixed-use development that is under construction and across Farm Road to the north is a large shopping center.</p>

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<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	7.97

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	TC (Town Center)	T-C (Town Center) [SC -TC (Service Commercial Town Center)] Special Land Use Designation
North	Shopping Center	TC (Town Center)	T-C (Town Center) [SC -TC (Service Commercial Town Center)] Special Land Use Designation
South	Single Family Residential, Retail, Condominiums, Mixed Use	TC (Town Center)	T-C (Town Center) [SX-TC (Suburban Mixed Use Town Center)] Special Land Use Designation
East	Shopping Center	TC (Town Center)	T-C (Town Center) [SC -TC (Service Commercial Town Center)] Special Land Use Designation
West	Undeveloped	TC (Town Center)	T-C (Town Center) [SC -TC (Service Commercial Town Center)] Special Land Use Designation

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
T-C Town Center District	X		N*
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Trails	X		Y**
Rural Preservation Overlay District		X	Y
Development Impact Notification Assessment		X	Y
Project of Regional Significance		X	Y

**Multiple Waivers of the Town Center Development Standards have been requested as part of the companion Site Development Plan Review (SDR-28535).*

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***A Multi-Use Transportation Trail is required adjacent to this site on Farm Road. The proposal adheres to Exhibit 1 of the Transportation Trails Element of The Las Vegas 2020 Master Plan.*

DESCRIPTION

This is a request to Vacate a portion of Durango Drive and a portion of Farm Road generally located on the southeast corner of Durango Drive and Farm Road.

The above property is legally described as a portion of right-of-way; said property being a portion of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4) of Section 17, Township 19 south, Range 60 east, M.D.M.

The subject site is currently zoned T-C (Town Center) with a SC-TC (Service Commercial Town Center) Special Land Use designation. The applicant is proposing a Major Modification (MOD-28538) of the Town Center Land Use Plan to GC-TC (General Commercial Town Center). The General Commercial District allows all types of retail, service, office and other general business uses of a more intense commercial character. These uses will normally require a Special Use Permit and will commonly include limited outdoor display of product and lights or other characteristics not generally compatible with the adjoining residential areas without significant transition. Examples include new and used car sales, highway commercial uses such as hotels and motels, and tourist commercial uses such as resorts and recreational facilities.

In addition to this application, the applicant has requested a Variance (VAR-28540) to allow a 60-foot setback where Residential Adjacency Standards require 185 feet for a proposed Hotel; a Special Use Permit (SUP-28542) for a proposed 7,900 square-foot Liquor Establishment (Tavern) and an associated Gaming Establishment, Restricted License Special Use Permit (SUP-28712); a Special Use Permit (SUP-28544) for a proposed 5,100 square-foot Convenience Store with Fuel Pumps with a Waiver to allow a zero-foot distance separation from a single-family detached dwelling where 330 feet is required, an associate Gaming Establishment, Restricted License (SUP-28713), and Special Use Permit (SUP-28868) for Accessory Package Liquor Off-Sale; a Special Use Permit (SUP-28546) for a proposed Hotel with a Waiver to allow a zero-foot separation from a single-family detached dwelling where 330 feet is required; Petition to Vacate (VAC-28548) a portion of Durango Drive and a portion of Farm Road generally located on the southeast corner of Durango Drive and Farm Road; and a Site Development Plan Review (SDR-28535) for a 139-room five-story Hotel and a 64,700 square-foot retail development with Waivers to allow a five-story building where two stories is the maximum height permitted and a 14-foot setback where a 20-foot setback is required for retail buildings on 7.97 acres at the southwest corner of Durango Drive and Farm Road.

ANALYSIS

A) Planning discussion

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Planning cannot support this Vacation as it is part of a proposed development that is not compatible and harmonious with surrounding development.

B) Public Works discussion

- 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 Durango Drive and Farm Road will follow the existing constructed width.*
- B. From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability? *No, since the existing roadway adjacent to this vacation request is constructed to full width.*
- C. Does it appear that the vacation request involves only excess right-of-way? *Yes.*
- D. Does this vacation request coincide with development plans of the adjacent parcels? *Yes, SDR28535 for the adjacent hotel property.*
- 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 24

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 3

APPROVALS 0

PROTESTS 0