



**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: SEPTEMBER 17, 2008**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: VAC-28278 - APPLICANT/OWNER: PATRICIA F. JACOBS, ET AL**

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***THIS ITEM WAS HELD IN ABEYANCE FROM THE AUGUST 20, 2008 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN BARLOW.***

**\*\* CONDITIONS \*\***

The Planning Commission (5-0 vote) and staff recommend APPROVAL, subject to:

1. The limits of this Petition of Vacation shall be the entire width of Comstock Drive between Vegas Drive and Goldhill Avenue.
2. This Petition of Vacation shall be modified to retain a 24-foot wide emergency vehicle access easement to be maintained by the adjacent homeowners, unless otherwise allowed by the Fire Protection Engineering Section of the Department of Fire Services. The emergency access road shall consist of an all weather drivable surface and shall remain open and clear at all times. No walls or permanent structures shall be constructed within this easement.
3. Retain a Public Drainage Easement over the entire area to be vacated. Alternatively, 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. No walls or permanent structures shall be constructed within any required easement.
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 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.
9. Provide a plan showing how the right-of-way proposed to be vacated will be incorporated into the abutting properties, including those properties 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 include methods to identify area vacated as private so not publicly maintained 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.

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

**PROJECT DESCRIPTION**

This application is a request for a Vacation of a portion of Comstock Drive, between Vegas Drive and Goldhill Avenue. Access to this portion of Comstock Drive from Vegas Drive has been closed for several years with the exception of an installed crash gate for emergency vehicles. This emergency access will remain unobstructed through this proposed Vacation by requiring a 24-foot wide aisle for emergency vehicles. As this right-of-way is no longer needed in its current configuration and emergency access is not obstructed, staff recommends approval of this request.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
07/10/08	The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #9/ed).
<b><i>Related Building Permits/Business Licenses</i></b>	
1950	An existing house was constructed at 1500 Comstock Drive.
1962	An existing house was constructed at 1561 Comstock Drive.
08/18/98	A building permit (#98016773) was issued for replacing a Heating, Venting and Air Conditioning (HVAC) system. This project was completed 06/09/99.
11/19/99	A building permit (#99022414) was issued for a reframing a door at 1561 Comstock Avenue at 1561 Comstock Avenue. This project was completed 03/31/00.
08/10/01	A building permit (#01014529) was issued for a block wall at 1561 Comstock Avenue.
01/06/04	A building permit (#04000169) was issued for a new patio addition to an existing single family home at 1561 Comstock Avenue. This project was completed 11/09/04.
03/22/04	A building permit (#04006380) was issued for a water line attachment to a swamp cooler at 1561 Comstock Avenue. This project was completed on 09/24/04.
09/19/05	A building permit (#05006601) was issued for a detached gazebo at 1561 Comstock Avenue. This project was completed on 12/21/05.
<b><i>Pre-Application Meeting</i></b>	
A pre-application meeting was not required, nor was one held.	
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required, nor was one held.	

<i>Field Check</i>	
06/04/08	A field check was conducted at the subject Vacation site. This portion of Comstock Avenue has no ingress/egress to Vegas Drive. No homes/driveways fronted this portion of Comstock Avenue.

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single-Family Residence	R (Rural Density Residential)	R-E (Residence Estates)
North	Single-Family Residence	ML (Medium Low Density Residential)	R-1 (Single Family Residential)
North	Commercial	LI/R (Light Industry/Research)	C-PB (Planned Business Park)
South	Single-Family Residence	R (Rural Density Residential)	R-E (Residence Estates)
East	Single-Family Residence	R (Rural Density Residential)	R-E (Residence Estates)
West	Single-Family Residence	R (Rural Density Residential)	R-E (Residence Estates)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>			
West Las Vegas Plan	X		Y
<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>	X		
A-O Airport Overlay District (105 Feet)	X		Y*
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>	X		Y**
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

\* The subject site is located in the A-O (Airport Overlay District) within the 105 feet height limitation contour. As the existing houses are below this height limitation, the requirements of this overlay district are satisfied.

\*\* The Rural Preservation Overlay District is intended to preserve the rural character found within this district. As this request will not change the rural character established in this neighborhood, the intent of this Overlay District is satisfied.

**PLANNING LEGAL DESCRIPTION**

A request has been received from Patricia F. Jacobs, ET AL to Vacate a portion of Comstock Drive between Vegas Drive and Goldhill Avenue.

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The above property is legally described:

The total width of Comstock Drive, excepting the middle twenty-four feet (24'), commencing at the north half of Comstock Drive and Goldhill Avenue, extending northerly approximately two hundred and three feet (203'); said property being a portion of the North Half (N ½) of the Northwest Quarter (NW ¼) of Section 28, Township 20 South, Range 61 East, M.D.M.

## ANALYSIS

### *A) Planning discussion*

This application is a request for a Vacation of a portion of Comstock Drive, between Vegas Drive and Goldhill Avenue. Access to this portion of Comstock Drive from Vegas Drive has been closed for several years with the exception of an installed crash gate for emergency vehicles. This emergency access will remain unobstructed through this proposed Vacation by requiring a 24-foot wide aisle for emergency vehicles. As this right-of-way is no longer needed in its current configuration and emergency access is not obstructed, 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 completely vacate a little used public street however; the City of Las Vegas will retain a 24-foot wide easement, solely used for emergency access vehicles through the existing crash gate and the abutting property owners for access to their homes.

- B. From a traffic-handling viewpoint will this vacation request result in a reduced traffic handling capability?

No, since this portion of Comstock Drive has already been blocked from public access through the use of a prior vacation and an existing crash gate.

- C. Does it appear that the vacation request involves only excess right-of-way?

No, it is to allow the expansion of the lots of the adjacent homeowners.

- D. Does this vacation request coincide with development plans of the adjacent parcels?

Only the adjacent two parcels so that they may expand their 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**

**ASSEMBLY DISTRICT**      **6**

**SENATE DISTRICT**      **4**

**NOTICES MAILED**      3 by City Clerk

**APPROVALS**      **0**

**PROTESTS**      **0**