



AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 18, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAC-32645 APPLICANT/OWNER: W. DOUGLAS HITT FAMILY TRUST

**** CONDITIONS ****

The Planning Commission (6-0-1/rt vote) and staff recommend APPROVAL, subject to:

1. The limits of this Petition of Vacation shall be the U.S. Government Patent Easements located on Assessor Parcel Numbers 125-20-201-016 and 125-20-201-025 excluding the northern 30 feet of Hitt Family Court and the southern 40 feet of Deer Springs Drive.
2. 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.
3. 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 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.
4. 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 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 request to Vacate U.S. government patent easements generally located adjacent to the northwest corner of Deer Springs Way and Durango Drive. The Vacation of these easements will facilitate the development of an approved 45,895 square-foot Retail and Office Development (SDR-30027). As these U.S. Government Patent 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>	
01/17/01	The City Council approved a petition to Annex [A-0003-99(A)] property generally located west of El Capitan Way and east of Hualapai Way between Grand Teton Drive and Rome Boulevard, containing approximately 615 acres. The Planning Commission and staff recommended approval of this request. The Annexation was effective on 01/26/01.
03/19/03	The City Council approved a Rezoning (ZON-1620) of the subject property from U (Undeveloped) zone [UC-TC (Urban Center Mixed-Use - Town Center) General Plan designation] to T-C (Town Center), a Special Use Permit (SUP-1569) for a 6,622 square-foot Tavern on a portion of the subject property, and a Site Development Plan Review (SDR-1741) for a proposed 6,622 square-foot Tavern on a portion of the subject site. The Planning Commission recommended approval whereas staff recommended denial of these requests.
04/06/05	The City Council approved a request for an Extension of Time (EOT-6162) of an approved Special Use Permit (SUP-1569) for a Tavern on a portion of 5.0 acres adjacent to the northwest corner of Durango Drive and Deer Springs Way. Staff recommended approval of this request.
06/15/05	The City Council approved a request for a Site Development Plan Review (SDR-6317) for a proposed Mixed-Use Development consisting of two 24-story towers containing 474 residential units and 144,200 square feet of commercial space of which 102,744 square feet is office space, and Special Use Permits (SUP-6323, SUP-6326, and SUP-6330) for a proposed 5,200 square-foot Tavern, a proposed 7,256 square-foot Supper Club and a proposed Mixed-Use development in excess of 12 stories, respectively, on 5.21 acres adjacent to the northwest corner of Deer Springs Way and Durango Drive. The Planning Commission and staff recommended approval of these requests.
01/30/07	A Code Enforcement case (#49914) was processed for a non-permitted subdivision sign. The case was closed on 04/04/07.
01/30/07	A Code Enforcement case (#49915) was processed for a non-permitted subdivision sign. The case was closed on 03/21/07.

01/30/07	A Code Enforcement case (#49916) was processed for a non-permitted subdivision sign. The case was closed on 03/23/07.
01/30/07	A Code Enforcement case (#49917) was processed for a non-permitted subdivision sign. The case was closed on 03/21/07.
01/30/07	A Code Enforcement case (#49918) was processed for a non-permitted subdivision sign. The case was closed on 03/07/07.
01/30/07	A Code Enforcement case (#49919) was processed for a non-permitted subdivision sign. The case was closed on 03/07/07.
01/30/07	A Code Enforcement case (#49920) was processed for a non-permitted subdivision sign. The case was closed on 03/07/07.
01/30/07	A Code Enforcement case (#49922) was processed for a non-permitted subdivision sign. The case was closed on 03/21/07.
01/30/07	A Code Enforcement case (#49923) was processed for a non-permitted subdivision sign. The case was closed on 04/30/07.
07/11/07	The City Council denied Extension of Time (EOT-22312, EOT-22313, EOT-22314, EOT-22315) requests for Site Development Plan Review (SDR-6317) for a proposed Mixed-Use Development consisting of two 24-story towers containing 474 residential units and 144,200 square feet of commercial space of which 102,744 square feet is office space, and Special Use Permits (SUP-6323, SUP-6326, and SUP-6330) for a proposed 5,200 square-foot Tavern, a proposed 7,256 square-foot Supper Club, and a proposed Mixed-Use development in excess of 12 stories, respectively, on 5.21 acres adjacent to the northwest corner of Deer Springs Way and Durango Drive. Staff recommended approval of these requests.
06/04/08	The City Council approved a Request for a Major Modification (MOD-27044) of the Town Center Land Use Plan from UC-TC (Urban Center Mixed Use Town Center) to GC-TC (General Commercial Town Center) Special Land Use designation, a Special Use Permit (SUP-27046) for a proposed 5,376 square-foot Liquor Establishment Tavern, a Special Use Permit (SUP-27047) for a proposed 3,200 square-foot Restaurant with Drive-Through, a Special Use Permit (SUP-27049) for a proposed Beer/Wine/Cooler Off-Sale Establishment in conjunction with a Convenience Store, and a Site Development Plan Review (SDR-27051) for a 41,741 square-foot Retail and Office development with Waivers to allow an eight-foot landscape buffer where a 15-foot buffer is required on Durango Drive, a 15-foot setback where a 20-foot setback is required for a Gas Station, and Town Center landscape finger requirements within the parking area on 5.1 acres at the northwest corner of Durango Drive and Deer Springs Way. The Planning Commission recommended approval of these items, whereas staff recommended denial. Additionally, the City Council accepted a Withdrawal Without Prejudice of a request for a Special Use Permit (SUP-27048) for a proposed 3,275 square-foot Convenience Store with Fuel Pumps at the northwest corner of Durango Drive and Deer Springs Way. The Planning Commission recommended approval of this request, whereas staff recommended denial.

11/06/08	The Planning and Development Department administratively approved a request for a Minor Amendment (SDR-30027) to an approved Site Development Plan Review (SDR-27051) for a 45,895 square-foot Retail and Office development where 41,741 square feet was previously approved on 5.1 acres at the northwest corner of Durango Drive and Deer Springs Way.
02/12/09	The Planning Commission voted 6-0-1/rt to recommend APPROVAL (PC Agenda Item #11/dc).
<i>Related Building Permits/Business Licenses</i>	
There are no related building permits or business licenses for this site.	
<i>Pre-Application Meeting</i>	
A pre-application meeting is not required for a Vacation application.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	
<i>Field Check</i>	
01/15/09	Staff performed a routine field check where an undeveloped lot with several non-permitted subdivision signs was observed.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	5.1

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped [Proposed Office and Retail Development (SDR -30027)]	TC (Town Center)	T-C (Town Center District) [GC-TC (General Commercial Town Center) Special Land Use designation]
North	Condominiums	TC (Town Center)	T-C (Town Center District) [UC-TC (Urban Center Mixed Use Town Center) Special Land Use designation]
South	Undeveloped	TC (Town Center)	T-C (Town Center District) [UC-TC (Urban Center Mixed Use Town Center) Special Land Use designation]
East	Hospital	TC (Town Center)	T-C (Town Center District) [UC-TC (Urban Center Mixed Use Town Center) Special Land Use designation]

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West	Undeveloped	TC (Town Center)	T-C (Town Center District) [UC-TC (Urban Center Mixed Use Town Center) Special Land Use designation]
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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
T-C Town Center District	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
T-C Town Center District	X		Y*
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

* Site Development Plan Review (SDR-27051) was approved with Waivers of the Town Center Development Standards.

LEGAL DESCRIPTION

A request has been received from the W. Douglas Hitt Family Trust to Vacate U.S. government patent easements generally located adjacent to the northwest corner of Deer Springs Way and Durango Drive.

The above property is legally described as:

Parcel (1)

The east half (E1/2) of the northwest quarter (NW1/4) of the southeast quarter (SE1/4) of the southeast quarter (SE1/4) of the northwest of Section 20, Township 19 South, Range 60 East, M.D.B. & M., Clark County, Nevada.

Excepting therefrom the north thirty (30) feet for the road and incidental purposed (as conveyed to Clark County by deed recorded October 7, 1976 in Book 667 as document no. 626130).

Parcel (2)

The east half (E1/2) of the southeast quarter (SE1/4) of the southeast quarter (SE1/4) of the northwest quarter (NW1/4) of Section 20, Township 19 South, Range 60 East, M.D.B. & M., Clark County, Nevada.

Excepting therefrom those portions conveyed by Grant Deeds to the City of Las Vegas recorded January 29, 2003 in Book 20030129, Instrument no. 00470 and also recorded May 1, 2003 in Book 20030501, Instrument no. 02763 of official records, Clark County, Nevada.

ANALYSIS

- **Planning Discussion**

This is a request to Vacate U.S. government patent easements generally located adjacent to the northwest corner of Deer Springs Way and Durango Drive. The Vacation of these easements will facilitate the development of an approved 45,895 square-foot Retail and Office Development (SDR-30027). As these U.S. Government Patent Easements are no longer needed in their current configuration, staff recommends approval of this request.

- **Public Works Discussion**

The Public Works Department has no objection to the Vacation application request to vacate U.S. Government Patent Reservations generally located northwest of the intersection of Deer Springs Way and Durango Drive.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 0

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 3 by City Clerk

APPROVALS 1

PROTESTS 0