

**AGENDA MEMO****CITY COUNCIL MEETING DATE: MARCH 3, 2010****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: VAC-37100- APPLICANT: J & N DEVELOPMENT - OWNER: ISIAH 54:17, LLC**

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

Staff recommends APPROVAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to conditions:

1. This Petition of Vacation shall be defined as the south side of Rome Boulevard from the centerline of Juliano Road extending westward to the 215 Beltway boundary; and the east side of Juliano Road from the south boundary of Rome Boulevard to the northern boundary of the 215 Beltway boundary, excluding those portions of right-of-way necessary to complete the proposed cul-de-sac bulb.
2. Dedicate or obtain dedication prior to or concurrent with the Order of Vacation for the remainder of the proposed cul-de-sac bulb adjacent to the current Assessor Parcel Number 125-20-802-003.
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 drainage easements shall be reserved if recommended by the approved Drainage Plan/Study. The drainage study required by SDR-36953 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.
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 right

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of way 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 petition to vacate a portion of the south side of Rome Boulevard between Juliano Road and Durango Drive and a portion of the east side of Juliano Road between Rome Boulevard and Darling Road. Both segments are limited by the existing Las Vegas Beltway (CC 215) right-of-way. Approval of the vacation would allow the applicant to develop parking on the north and east sides of the adjacent Assessor Parcel Number 125-20-801-005 in conjunction with a 6,126 square-foot Auto Repair Garage (Minor). Staff recommends approval, as the existing rights-of-way are not needed and the request does not conflict with any existing city requirements. If denied, no parking or structures would be allowed to be developed within the existing rights-of-way adjacent to the proposed Auto Repair Garage (Minor) site.

**ISSUES**

- A related Variance (VAR-36954) would allow 25 parking spaces where 36 are required in conjunction with the proposed 6,126 square-foot Auto Repair Garage (Minor) on the adjacent site; twenty-one of the 25 parking spaces are proposed to be located within the existing Rome Boulevard and Juliano Road rights-of-way.

**BACKGROUND INFORMATION**

| <i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i> |                                                                                                                                                                                                                                                                                                                  |
|--------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 07/03/96                                                           | The City Council approved the Annexation (A-0002-96) of approximately 115.72 acres generally located south of Deer Springs Way between El Capitan Way and Durango Drive, including current APN 125-20-801-005. The Planning Commission and staff recommended approval. The annexation became effective 07/12/96. |
| 02/05/03                                                           | The City Council approved the Annexation (A-0038-02) of approximately 495 acres, including current APN 125-20-802-003. The Planning Commission and staff recommended approval. The annexation became effective 02/14/03.                                                                                         |
| 06/10/09                                                           | A deed was recorded indicating change of ownership of the property.                                                                                                                                                                                                                                              |
| 01/28/10                                                           | The Planning Commission recommended approval of companion items MOD-36955, ZON-36949, VAR-36954, VAR-37101, SUP-36950 and SDR-36953 concurrently with this application.<br><br>The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #18/ss.                                                   |

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***Related Building Permits/Business Licenses***

There are no building permits or business licenses associated with the subject site.

***Pre-Application Meeting***

|          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| 11/17/09 | <p>A pre-application meeting was held to discuss development of the subject site, with the following topics addressed:</p> <ul style="list-style-type: none"> <li>• Rezoning to T-C (Town Center) is required.</li> <li>• A Modification (MOD) of the Town Center Land Use Plan from UC-TC (Urban Center Mixed Use – Town Center) to SC-TC (Service Commercial – Town Center) or GC-TC (General Commercial – Town Center) or EC-TC (Employment Center Mixed Use – Town Center) is required.</li> <li>• A Special Use Permit is required for an Auto Repair Garage (Minor) because the proposed use does not meet Condition B: Openings to the service bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion into adjoining properties.</li> <li>• A Variance will be required for building setbacks; the proposed structure does not meet the required 20-foot rear setback.</li> <li>• Waivers are required for building placement (build-to-line standards), which require 80% of the building façade to abut the build-to-line on the side of the building facing the street.</li> <li>• The development must comply with Town Center and Title 19 landscaping requirements, or a waiver will be required.</li> <li>• A Waiver is required for the 20% open space requirement.</li> <li>• A Vacation of portions of adjacent public right-of-way in conflict with the development is required.</li> <li>• Minimum 24-foot drive aisles are required.</li> </ul> |
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***Neighborhood Meeting***

A neighborhood meeting was neither required nor held.

***Field Check***

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| 12/22/09 | <p>During a routine site visit, it was noted that the site was undeveloped. Completed half-street improvements and a perimeter wall exist along Rome Boulevard, with weeds growing adjacent.</p> |
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| <i><b>Special Districts/Zones</b></i>             | <i><b>Yes</b></i> | <i><b>No</b></i> | <i><b>Compliance</b></i> |
|---------------------------------------------------|-------------------|------------------|--------------------------|
| <b>Special Area Plan</b>                          |                   |                  |                          |
| T-C Town Center District                          | X                 |                  | N                        |
| <i><b>Special Districts/Zones</b></i>             | <i><b>Yes</b></i> | <i><b>No</b></i> | <i><b>Compliance</b></i> |
| <b>Special Purpose and Overlay Districts</b>      |                   |                  |                          |
| T-C Town Center District                          | X                 |                  | N                        |
| <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                      |

## **LEGAL DESCRIPTION**

The subject property is legally described as the South Half (S½) of Rome Boulevard, thirty feet (30') wide, commencing at the centerline of Juliano Road, extending westerly approximately two hundred twenty-five feet (225') to the right-of-way boundary of Clark County Route 215; and the East Half (E½) of Juliano Road, thirty feet (30') wide, commencing at the south right-of-way boundary of Rome Boulevard, extending southerly approximately one hundred sixty-nine feet (169') to the right-of-way boundary of Clark County Route 215, excepting area to be dedicated for a cul-de-sac bulb at Rome Boulevard; said property being a portion of the Southwest Quarter (SW¼) of the Southeast Quarter (SE¼) Of Section 20, Township 19 South, Range 60 East, M.D.M.

## **ANALYSIS**

The vacation of right-of-way is proposed in relation to a Site Development Plan Review (SDR-36953) for development of a parking lot associated with a proposed 6,216 square-foot Auto Repair Garage (Minor) on Assessor Parcel Number 125-20-801-005. Access to the site would be from Rome Boulevard upon completion of the south half of the existing cul-de-sac bulb. The request would not block access to any other parcels, as the applicant owns the properties adjacent to the Rome Boulevard and Juliano Road rights-of-way. The two existing rights-of-way have not been improved, nor are they planned for future improvement. The request does not conflict with any other existing city requirements. Therefore, staff recommends approval.

The Department of Public Works presents the following information concerning this request to vacate certain public street rights-of-way:

- A.Does this vacation request result in uniform or non-uniform right-of-way widths? *Neither, as the rights-of-way will be completely eliminated.*
- B.From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability? *No, since the right-of-way requested to be vacated is unimproved.*

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- C.Does it appear that the vacation request involves only excess right-of-way? No, it is to eliminate right-of-way to be incorporated into an adjacent development.
- D.Does this vacation request coincide with development plans of the adjacent parcels? *Yes, Site Development Plan Review SDR-36953.*
- 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**

14

**NOTICES MAILED**

6 (By City Clerk)

**APPROVALS**

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**PROTESTS**

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