

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: JANUARY 28, 2010****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: VAC-36929 - APPLICANT/OWNER: PARDEE HOMES OF NEVADA**

**** CONDITIONS ******STAFF RECOMMENDATION: APPROVAL**, subject to:

1. The limits of this Petition of Vacation shall be defined as the public rights-of-way and all unused City of Las Vegas easements as dedicated and granted by the Town Center 44/50 No. 1 Final Map, Book 136, Page 48.
2. This Petition of Vacation shall be modified to retain Public Sewer Easements over the existing sewer lines located within the streets proposed to be vacated and all within the easements identified by the Town Center 44/50 No. 1 Final Map, Book 136, Page 48. Alternatively, the existing sewer may be abandoned or removed with the approval of the Collection Systems Planning Section of the Department of Public Works.
3. This Petition of Vacation shall be modified to retain the Public Multi-use trail easement.
4. Prior to or concurrent with the recordation of the Order of Vacation, a Reversionary Map, such as FMP-36932, or other mapping mechanism shall be recorded to eliminate existing legal parcels that would otherwise be left without legal access by this Petition of Vacation.
5. Prior to the recordation of the Order of Vacation, provide a Document of Record of what is constructed and what is not.
6. An update to the previously approved 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.
7. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress therefrom shall be provided if required.
8. All existing public improvements, if any, adjacent to and in conflict with this Vacation application shall be modified, as necessary, at the applicant's expense prior to the recordation of the Order of Vacation.
9. All development shall be in conformance with code requirements and design standards of all City Departments.

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10. 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 rights-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.
11. 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 to Vacate public rights-of-way and City of Las Vegas sewer and drainage easements associated with Forest Meadows Avenue, Apollo Heights Avenue, Blue Granite Street and Spencer Springs Street, generally located at the southwest corner of Elkhorn Road and Fort Apache Road. The applicant is proposing the vacation to revert the undeveloped recorded subdivision back to acreage. Staff recommends approval, as the rights-of-way and easements have not been used and may be remapped into a different configuration.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales</i>	
01/17/01	A portion of the subject property was annexed (A-0003-99) into the city of Las Vegas as part of a larger request. The Planning Commission recommended approval. The effective date was 01/26/01.
02/05/03	A portion of the subject property was annexed (A-0038-02) into the city of Las Vegas as part of a larger request. The Planning Commission recommended approval. The effective date was 02/14/03.
08/06/03	The City Council approved a Rezoning (ZON-2423) for the reclassification of property from U (Undeveloped) [L-TC (Low Density Residential - Town Center) General Plan Designation] to T-C (Town Center) on 5.03 acres adjacent to the southeast corner of Elkhorn Road and Tee Pee Lane. The Planning Commission and staff recommended approval.
05/17/06	The City Council approved a Rezoning (ZON-12098) for the reclassification of property from U (Undeveloped) Zone [L (Low Density Residential) - Town Center Land Use Designation] to TC (Town Center) zone, on 15.91 acres adjacent to the southwest corner of Elkhorn Road and Fort Apache Road. The Planning Commission and staff recommended approval.
05/17/06	The City Council approved a Petition to Vacate (VAC-12105) U.S. Government Patent easements and a public right of way generally located at the southwest corner of Elkhorn Road and Fort Apache Road. The Planning Commission and staff recommended approval.

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05/17/06	The City Council approved a Site Development Plan Review (SDR-12103) with a Waiver of Town Center Street Design Standards for a proposed 116 unit residential subdivision on 20.14 acres adjacent to the southwest corner of Elkhorn Road and Fort Apache Road. The Planning Commission recommended approval. Staff recommended denial.
07/16/06	The City Council approved a Review of Condition (ROC-14278) of Condition Number 9 of an approved Site Development Plan Review (SDR-12103) to amend condition number 9 to allow an 18 foot front setback to the front of the garage as measured from the back of the sidewalk where a 22 foot front setback to the front of the garage as measured from the back of the pedestrian access easement was approved for a proposed subdivision on 20.14 acres adjacent to the southwest corner of Elkhorn Road and Fort Apache Road. The Planning Commission and staff recommended approval.
07/27/06	The Planning Commission approved a Tentative Map (TMP-14326) for a 116-lot single family residential subdivision on 20.14 acres at the southwest corner of Elkhorn Road and Fort Apache Road. Staff recommended approval.
04/20/07	A Final Map (FMP-17208) was recorded on 4/20/07 for Town Center 44/50 No.1. This map consisted of 116 residential lots and 12 common element lots.
12/15/09	A Reversionary Final Map (FMP-36932) of Town Center 44/50 No. 1, for reversion to acreage of approximately 16.65 acres at the Southwest corner of Elkhorn Road and Fort Apache Road was submitted 12/15/09. The Planning Department approved (FMP-36932) on 12/23/09, fire and traffic have not completed their reviews.
<i>Related Building Permits/Business Licenses</i>	
There are no related building permits or business licenses associated with the subject site.	
<i>Pre-Application Meeting</i>	
A pre-application meeting is not required, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this application, nor was one held.	

<i>Field Check</i>	
12/22/09	A field check was conducted by staff. The site is vacant and undeveloped, with an unpermitted chain link fence around the perimeter. It has been partially graded for the residential pads.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	20.14

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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	[L-TC (Low Density Residential – Town Center) – Special Land Use Designation]	T-C (Town Center)
North	Single-Family Residences	[L-TC (Low Density Residential – Town Center) – Special Land Use Designation]	T-C (Town Center)
South	Single-Family Residences	[L-TC (Low Density Residential – Town Center) – Special Land Use Designation]	T-C (Town Center)
East	Single-Family Residences	[ML-TC (Medium Low Density Residential – Town Center) – Special Land Use Designation]	T-C (Town Center)
West	Single-Family Residences	L (Low Density Residential)	R-PD3 (Residential Planned development – 3 Units Per Acre)

<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 (Town Center Collector 12 foot)	X		Y
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

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LEGAL DESCRIPTION

The subject property is legally described as a portion of The Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of Section 19, Township 19 South, Range 60 east, M.D.M.

ANALYSIS

The applicant has indicated that the Vacation is necessary to process a Reversionary Map (FMP-36932) to convert the mapped lots within Book 136 of Plats, Page 48 back to acreage. The request is appropriate, since the rights-of-way and public easements have not been used and will be remapped into a different configuration.

There are no trails adjacent to rights-of-way proposed to be vacated.

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 subdivision was never constructed.*

C.Does it appear that the vacation request involves only excess right-of-way? *No. It is to eliminate the dedicated rights-of-way by the Town Center 44/50 No. 1 Final Map which is now being reverted to acreage.*

D.Does this vacation request coincide with development plans of the adjacent parcels? *No.*

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. Condition #5 requires a Reversionary Map to be recorded which eliminates the conflict.*

G. Does the Department of Public Works have an objection to this vacation request? *No.*

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 19

NOTICES MAILED 1

APPROVALS 0

PROTESTS 0