

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: FEBRUARY 11, 2010****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: VAC-36979 – APPLICANT/OWNER: CAROLINE'S COURT, L.L.C.**

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

1. The limits of this Petition of Vacation shall be the twenty-foot wide Public sewer Easement generally located at the northwest corner of El Capitan Way and Durango Drive as granted per document #20080814:00794 and as shown on "The Final Map of Caroline's Court" on file in Book 141, Page 98 of Plats on file in the Clark County, Nevada, Recorder's Office.
2. All development shall be in conformance with code requirements and design standards of all City Departments.
3. 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-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.
4. 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

The subject property is currently under construction, and is generally located at the northwest corner of El Capitan Way and Durango Drive. This request proposes to vacate a 20-foot wide public sewer easement on the property. The Vacation is necessary to facilitate construction of a commercial development. The easement will be relocated along with the associated sewer line, making this easement unnecessary. As the proposed Vacation will remain consistent with Condition of Approval Number 31 of a previously approved Site Development Plan Review (SDR-20496), which required public sewer easements for all public sewers not located within existing public street right-of-way, staff is recommending approval.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
05/12/64	The Board of City Commissioners approved an Annexation (A-0003-64) of approximately 5,000 acres generally located north of Lone Mountain Road and west of Decatur Boulevard. Staff recommended approval.
12/07/98	City Council approved a request for a Rezoning (Z-0076-98) to T-C (Town Center) on 1,468 acres located within the Northwest General Plan Amendment to the City of Las Vegas General Plan, including the subject site. Planning Commission and staff recommended approval.
05/27/05	A deed was recorded for a change in ownership.
04/26/07	Planning Commission accepted the applicant's request to withdraw without prejudice a request for a Special Use Permit (SUP-20500) for a Restaurant with Drive-Through use on the subject site. Staff had recommended approval.
07/11/07	City Council approved a request for Special Use Permits for Building and Landscape Material/Lumber Yard (SUP-20497), Outdoor Storage, Accessory (SUP-20498), and Restaurant with Drive-Through (SUP-20499) on the subject site. Planning Commission and staff recommended approval.
07/11/07	City Council approved a request for a Site Development Plan Review (SDR-20496) for a proposed 269,860 square foot commercial center and waivers of the Town Center Development Standards for landscape buffer requirements and fast food restaurant uses on the subject site. Planning Commission and staff recommended approval.
11/30/07	Planning and Development Department staff approved a Minor Site Development Plan Review of the overall shopping center site for reduction of floor area of the Fast Food 'A' building from 2,650 square feet to 2,407 square feet.

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07/22/08	Code Enforcement responded to a complaint regarding graffiti on the subject site. Code Enforcement resolved the case 07/25/08.
07/31/08	Planning and Development Department staff approved a Minor Site Development Plan Review of the overall shopping center site for revisions in the elevations for the Major 'A' building and Buildings A through G. There were no major changes in height or materials.
09/17/08	City Council approved a request for a Major Modification (MOD-28538) of the Town Center Land Use Plan to amend the land use designation from SC-TC (Service Commercial - Town Center) to GC-TC (General Commercial - Town Center) on 7.97 acres at the southwest corner of Durango Drive and Farm Road. Planning Commission recommended approval; staff recommended denial.
04/23/09	Planning Commission approved a Waiver (WVR-33758) of the Town Center Development Standards to allow no amenity zone along Durango Drive where a 2.5-foot amenity zone was required. Staff recommended denial.
06/19/09	A Final Map (FMP-27577) for a one-lot commercial subdivision (Caroline's Court) was recorded.
06/25/09	Planning Commission approved a request for a Master Sign Plan (MSP-34174) for a proposed commercial development on the subject site, with waivers of the Town Center Sign Standards to allow 2,609 square feet of freestanding signage where 1,506 square feet is allowed, a 100-foot pylon sign where 24 feet is allowed, three monument signs along the El Capitan Way street frontage where two are allowed, and to allow wall signs to face an existing residential development that is located outside of the city limits of the Centennial Hills Town Center where such is not permitted. Staff recommended denial.
07/15/09	City Council approved Extensions of Time for previously approved requests for Special Use Permits for Building and Landscape Material/Lumber Yard (EOT-34757), Outdoor Storage, Accessory (EOT-34759), and Restaurant with Drive-Through (EOT-34761) uses on the subject site. The approvals will expire 07/11/10 unless another Extension of Time is approved by the City Council. Staff recommended approval.
07/15/09	City Council approved an Extension of Time (EOT-34762) for a previously approved Site Development Plan Review (SDR-20496) for a proposed 269,860 square foot commercial center with waivers to deviate from Town Center Standards to allow a six foot wide landscape buffer on the south property line where eight feet is required; to allow zero feet of perimeter landscape buffer adjacent to the multi-use transportation trail along the north and west property lines where 15 feet is required; to allow zero feet of perimeter landscape buffer adjacent to a drive-through aisle where 10 additional feet are required; and to allow a drive-through aisle on three sides of a fast food building where only two sides are allowed on the subject site. Staff recommended approval.

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09/10/09	Code Enforcement responded to a complaint (#81718) regarding construction noise on the site beginning at 4:30 a.m. and parking lot lighting potentially shining into residences. Code Enforcement resolved the case on 10/01/09.
09/21/09	Planning and Development Department staff approved a Minor Site Development Plan Review on the overall shopping center site for reduction in overall floor area from 269,734 square feet to 269,212 square feet and to revise the landscape plan to incorporate a drainage channel.
10/07/09	Planning and Development Department staff approved a Minor Site Development Plan Review on the overall shopping center site for reduction in overall floor area from 269,212 square feet to 264,189 square feet and to remove the drainage channel along the east perimeter of the site.
12/02/09	City Council approved a Special Use Permit (SUP-36111) for a proposed 2,155 square-foot Restaurant with Drive-Through on the subject site. Planning Commission recommended approval. Staff recommended denial.
12/02/09	City Council approved a Major Amendment (SDR-36112) to a previously approved Site Development Plan Review (SDR-20496) for a proposed 2,155 square-foot Restaurant with Drive-Through on the subject site. Planning Commission and staff recommended denial.
12/02/09	City Council approved a Variance (VAR-36338) to allow zero loading zones where one is required on a portion of 25.03 acres at the northwest corner of El Capitan Way and Durango Drive. Planning Commission recommended approval. Staff recommended denial.
12/02/09	The City Council approved a Review of Condition (ROC-36456) to review Condition Number 21 of a Site Development Plan Review (SDR-20496) to amend restrictions on hours of operation on the site. Staff recommended denial.
<i>Related Building Permits/Business Licenses</i>	
12/27/07	An application for a building permit (#26225) for a certificate of occupancy for a retail building at 7751 North El Capitan Way was submitted. The permit has not yet been issued.
04/25/08	An application for a building permit (#27890) for a certificate of occupancy for a restaurant at 7741 North El Capitan Way was submitted. The permit has not yet been issued.
09/16/08	A building permit (#25179) was issued for the overall shopping center site buildings and clock tower at 7737 North El Capitan Way. A final inspection has not been completed.
10/02/08	Civil improvement Mylar plans (#28917) were approved for Fast Food 'A' pad at 7737 North El Capitan Way.
10/23/08	Building permits (#100093, 100094, 100096, 100097, 100098, 100100, 100103 and 100104) were issued for shells of Buildings A, B, C, D, E, F, G, and Major 'A' at 7703 North El Capitan Way. No final inspections have been completed to date.

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10/23/08	A building permit (#100105) was issued for a 39-foot tall clock tower at 7741 North El Capitan Way. A final inspection has not been completed.
10/23/08	A building permit (#124282) was issued for grading of the overall shopping center site at 7741 North El Capitan Way. A final inspection has not been completed.
09/02/09	A building permit (#138111) was issued for a water tank at 7779 North El Capitan Way. A final inspection has not been completed.
09/16/09	A Wall/Fence permit (#146507) was issued for perimeter and retaining walls at 7741 North El Capitan Way. A final inspection has not been completed.
09/18/09	A Wall/Fence permit (#147013) was issued for perimeter and retaining walls at 7741 North El Capitan Way. A final inspection has not been completed.
11/03/09	A building permit (#150594) was issued for a pylon sign and monument sign at 7757 El Capitan Way. A final inspection has not been completed.
12/01/09	A building permit (#152215) was issued for a wall sign at 7751 North El Capitan Way. A final inspection has not been completed.
<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, nor was one held.	
<i>Field Check</i>	
01/07/10	Staff conducted a field check and noted the site to be under construction.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	25.03

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	SC-TC (Service Commercial – Town Center)	T-C (Town Center)
North	Single Family, Detached	ML (Medium-Low Density Residential)	R-CL (Single Family Compact-Lot)
South	Undeveloped	SC-TC (Service Commercial – Town Center)	T-C (Town Center)
East	General Retail	SC-TC (Service Commercial – Town Center)	T-C (Town Center)
	Undeveloped	GC-TC (General Commercial – Town Center)	T-C (Town Center)
West	ROW (U.S. 95)	ROW (Right-of-Way)	ROW (Right-of-Way)

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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		Y
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

LEGAL DESCRIPTION

The above property is legally described as situated in the City of Las Vegas, Clark County, Nevada lying on a portion of the SW ¼ of the NE ¼ along the west line of the Northeast Quarter of Section 17, Township 19 South, Range 60 East, M.D.M., as shown on the Official Plat of Caroline's Court, in the Office of the Clark County Recorder in Book 141 of Plats on Page 98.

ANALYSIS

A) Planning discussion

This is a petition to Vacate a 20-foot wide public sewer easement generally located at the northwest corner of El Capitan Way and Durango Drive. The applicant previously dedicated a public sewer easement with the approval of a Civil Drawing Plan Review (#27341). This approval fulfilled Condition of Approval Number 31 of a previously approved Site Development Plan Review (SDR-20496), which required public sewer easements for all public sewers not located within existing public street right-of-way. The applicant is proposing to relocate the previously approved easement to another location on the site. As the proposed Vacation is consistent with the Conditions of Approval of Site Development Plan Review (SDR-20496), and the current easement is no longer needed in this location, staff recommends approval of the request.

B) Public Works discussion

This Vacation application proposes to vacate an existing public sewer easement. As no right-of-way is proposed to be vacated, and thus no franchise rights are involved, it is not necessary to send this VAC request to the utility companies and franchise holders, nor wait for their responses. Since only City easements are involved, any utility company interests will not be affected.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 38

NOTICES MAILED 28

APPROVALS 0

PROTESTS 0