

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: MARCH 25, 2010****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: VAC-37359 - APPLICANT/OWNER: ERNESTO SAVINO**

**** CONDITIONS ****

Staff recommends APPROVAL, subject to conditions:

1. The limits of this Petition of Vacation shall be the entire width of Little Acorn Court, including the cul-de-sac bulb and the spandrel area as dedicated per Parcel Map (PMP-11826) on file in Book 113, Page 52 of Plats on file in the Clark County, Nevada, Recorder's Office.
2. This Petition of Vacation shall be revised to retain a minimum 20 foot wide public sewer easement centered over the proposed sewer line.
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. Alternatively, retain a drainage easement over the entire area to be vacated.
4. Concurrent with the recordation of this Petition of Vacation, record a Parcel Map to establish a private roadway such that the order of Vacation does not eliminate legal access to any of the parcels created by Parcel Map PMP-11826. A Homeowner's Association or other legal document that assigns maintenance responsibility of the new proposed private roadway shall be established prior to the recordation of this Order of Vacation. A Deviation From Standards may be required at the time of construction drawing submittal should the proposed design deviate from the Uniform Standard Drawings.
5. 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.
6. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress therefrom shall be provided if required.
7. All development shall be in conformance with code requirements and design standards of all City Departments.

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8. 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.
9. 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 application is a petition for a Vacation of Little Acorn Court generally located on the north side of Edgewood Avenue, approximately 430 feet east of Rancho Drive. This application is meant to privatize the entire 42-foot wide proposed roadway, extending approximately 388 feet north of Edgewood Avenue, including the cul-de-sac, and reduce the width to 24 feet.

ISSUES

- A condition of approval has been added requiring the applicant to submit and record a new Parcel Map or other mapping action, concurrently with this application, to eliminate the existing property lines and create new property lines such that each parcel absorbs portions of the old public right-of-way as it decreases in width and becomes a 24-foot wide private drive.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
06/19/02	The City Council approved a request for a General Plan Amendment (GPA-0047-01) to amend portions of the Southeast Sector map of the General Plan in the general vicinity of the Charleston Boulevard/Rancho Drive intersection from: SC (Service Commercial) to: O (Office); from: R (Rural Density Residential) to: DR (Desert Rural Density Residential); from: O (Office) to: DR (Desert Rural Density Residential) and; from: L (Low Density Residential) to: DR (Desert Rural Density Residential) in accordance with the recommendations of the Rancho Charleston Land Use Study and Strategic Plan. The Planning Commission was unable to obtain a supermajority vote and the application was forwarded to City Council. Staff recommended approval.
06/09/05	The Planning Commission denied a request for a Special Use Permit (SUP-6600) to allow private streets in conjunction with a proposed single family subdivision at 2122 Edgewood Avenue. Staff recommended approval.
02/23/07	A Parcel Map (PMP-11826) was recorded for four lots on 2.54 acres at 2122 Edgewood Avenue. Staff approved and released the mylar for recordation on 02/22/07.

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<i>Related Building Permits/Business Licenses</i>	
c.1954	The existing residential structure at 2122 Edgewood Avenue was built.
07/15/05	A building permit (46943) was issued to demo an existing horse barn and corral at 2122 Edgewood Avenue. The building permit was finalized on 07/26/05.
12/28/09	A building permit (153725) was issued to demo all fire and water damage at 2122 Edgewood Avenue. The building permit was finalized on 01/12/10.
<i>Pre-Application Meeting</i>	
02/23/10	A meeting was held with the applicant and owner to discuss the proposed petition to vacate. Representatives from the Public Works and Planning & Development Departments were present.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	
<i>Field Check</i>	
02/18/10	Staff conducted a field check on the indicated date and observed an existing single family residence with extensive fire damage. The remainder of the lot was well maintained.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	2.50

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single Family Residence	DR (Desert Rural Density Residential)	R-E (Residential Estate)
North	Office, Medical or Dental	O (Office)	C-1 (Limited Commercial)
South	Single Family Residence	DR (Desert Rural Density Residential)	R-E (Residential Estate)
East	Single Family Residence	DR (Desert Rural Density Residential)	R-E (Residential Estate)
West	Single Family Residence	DR (Desert Rural Density Residential)	R-E (Residential Estate)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O Airport Overlay District – 200 Feet	X		Y
Trails		X	N/A
Rural Preservation Overlay District	X		Y
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 NW ¼ of the NW ¼ of Section 4, Township 21 South, Range 61 East, M.D.M.

ANALYSIS

A) Planning discussion

Four parcels abut the right-of-way to be vacated. The three parcels to which the right-of-way provides access are held in common ownership. They contain an existing single family residence on one parcel and two undeveloped parcels. The intended future use of the two undeveloped lots will be for single family residences.

The applicant is proposing to Vacate the 42-foot wide public right-of-way and create a 24-foot private drive. The existing single family residence on the lot adjacent to the north side of Edgewood Drive does not meet the minimum side and rear yard setbacks required in the R-E (Residence Estates) zoning district. The proposed reduction in width will allow the lot to conform to the 10-foot side yard setback requirement. A condition of approval has been added requiring the applicant to submit and record a new Parcel Map or other mapping action to eliminate the existing property lines and create new property lines such that each parcel absorbs portions of the old public right-of-way as it decreases in width and becomes a 24-foot wide private drive. The applicant is not proposing to vacate the public drainage and sewer easements associated with the parcels. A Special Use Permit is not required, as the site is in conformance with the conditional use regulations for a Private Street use.

B) Public Works discussion

The following information is presented concerning this request to vacate certain public street right of ways:

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- A.Does this vacation request result in uniform or non-uniform right-of-way widths? *N/A as the request is to completely eliminate the right-of-way of a public cul-de-sac.*
- B.From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability? *No, since there are currently no homes adjacent to the interior of the cul-de-sac.*
- C.Does it appear that the vacation request involves only excess right-of-way? *No, it is to eliminate a public cul-de-sac.*
- D.Does this vacation request coincide with development plans of the adjacent parcels? *Yes, the developer wished to construct homes adjacent to Little Acorn Court.*
- E.Does this vacation request eliminate public street access to any abutting parcel? *It will, but the Department of Public Works will require a private drive in association with a new Parcel Map.*
- 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

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NOTICES MAILED 2

APPROVALS 0

PROTESTS 0