



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: MAY 10, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: 3D INVESTMENT, LLC - OWNER: NEVADA DEVELOPMENT ASSOCIATES, LP

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAC-41152	Staff recommends APPROVAL, subject to conditions:	N/A

** CONDITIONS **

VAC-41152 CONDITIONS

1. The limits of this Petition of Vacation shall be defined as that portion of Gilmore Avenue extending from Hualapai Way eastward to the detention basin, the U.S. Government Patent Easements along the north, east, and south sides of Assessor Parcel Numbers #138-07-201-001 and -002, and the unused easements over the old Logan Avenue alignment reserved with VAC-10222.
2. This Vacation shall record in two parts. Part one shall be the U.S. Government Patent Easements along the north, east, and south sides of Assessor Parcel Numbers #138-07-201-001 and -002 and part two shall be the Gilmore Avenue right-of-way from Hualapai Way eastward to the detention basin along with the unused easements reserved with VAC-10222 over the old Logan Avenue alignment.
3. Concurrent with the recordation of the Order of Vacation, grant a 50-foot wide Public Drainage Easement to be privately maintained centered on the existing Gilmore Avenue centerline.
4. All development shall be in conformance with code requirements and design standards of all City Departments.
5. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress therefrom shall be provided if required.

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6. 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 and Order of Relinquishment of Interest.
7. The Order of Vacation and Order of Relinquishment of Interest 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.
8. If the Order of Vacation and Order of Relinquishment of Interest are 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 applicant proposes to vacate a 30-foot wide portion of Gilmore Avenue Right-of-Way east of Hualapai Way and 33-foot wide U.S. Government Patent Easements located on the east side of Hualapai Way, approximately 675 feet north of Alexander Road. Both parcels have been graded and were entitled for a 136-unit Residential Condominium project, but the entitlements expired on 04/06/07. As the existing rights-of-way and patent easement are not needed in their current configuration, staff recommends approval with conditions. If denied, the rights-of-way and patent easement will remain dedicated for public use and maintenance.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
06/23/97	The City Council approved a request for Rezoning (Z-0033-97) from C-V (Civic) and N-U (Non Urban) under a Resolution of Intent to R-CL (Single-Family Compact Lot) and R-PD9 (Residential Planned Development - 9 Units per Acre) to PD (Planned Development) for the Lone Mountain Master Plan Area. The subject property is included in that area. The Planning Commission and staff recommended approval.
04/06/05	The City Council approved a request for a Site Development Plan Review (SDR-5579) for a 136-unit residential condominium project on the subject sites. The Planning Commission and staff recommended approval. The Site Development Plan Review (SDR-5579) expired on 04/06/07.
04/06/05	The City Council approved a request for a Modification to the Lone Mountain Master Development Plan to change the land use designations from Neighborhood Commercial and Park/School/Recreation/Open Space to Multi-Family Medium on 8.74 acres adjacent to the east side of Hualapai Way, north and south of Gilmore Avenue. The Planning Commission and staff recommended approval.
08/11/05	The Planning Commission approved a request for a Tentative Map (TMP-7667) for a 136-unit residential condominium project on 9.32 acres adjacent to the southeast corner of Hualapai Way and Alexander Road. The Tentative Map (TMP-7667) expired on 08/11/07.

<i>Most Recent Change of Ownership</i>	
09/29/10	A deed was recorded for a change in ownership for Assessor's parcels 138-07-201-001 and 002.

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<i>Related Building Permits/Business Licenses</i>	
No business license or building permits have been issued for Assessor's parcels 138-07-201-001 and 002.	

<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>	
03/31/11	A field check was conducted on the subject site. Both parcels have been graded.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	4.51

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area			
Lone Mountain	X		Y
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
PD (Planned Development) District	X		Y
Trails	X		Y
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

LEGAL DESCRIPTION

The subject property is legally described as the following:

A portion of Government Lot Sixteen (16) in the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4) of Section 7, Township 20 South, Range 60 East M.D.B. & M.

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ANALYSIS

A drainage channel occupies the Gilmore Avenue alignment west of Hualapai Way to Cliff Shadows Parkway and east to a detention basin next to Majestic Park. The channel goes underground on the west side of Hualapai Way, continues under the subject site, and discharges into the detention basin. The portion of Gilmore Avenue to be Vacated is located above this underground section of channel, and is not intended to be constructed. The U.S. Government Patent Easements are no longer needed, as all required street alignments and improvements for this area are in place. Additional drainage easements over the channel are required by condition for this Vacation to record. A Site Development Plan Review for any specific development on the adjacent site has not yet been submitted.

As no conflicts with any city requirements would be created by vacation, staff recommends approval of the Petition to Vacate, with conditions.

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? *Uniform, as it will eliminate an unused portion of Gilmore Avenue.*
- B. From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability? *No, the street being vacated is not constructed and therefore not used.*
- C. Does it appear that the vacation request involves only excess right-of-way? *Yes.*
- D. Does this vacation request coincide with development plans of the adjacent parcels? *Yes, for future development.*
- 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.*

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 15

NOTICES MAILED 2

APPROVALS 0

PROTESTS 0