



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: AUGUST 9, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: CITY OF LAS VEGAS

**** STAFF RECOMMENDATION(S) ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAC-42250	Staff recommends APPROVAL, subject to conditions:	N/A

**** CONDITIONS ****

VAC-42250 CONDITIONS

1. The limits of this Petition of Vacation shall be defined as those portions of Bureau of Land Management (BLM) right-of-way grant serial number N-77772 running generally northeasterly/southwesterly lying between Grand Teton Drive and Moccasin Road that are outside of the rights-of-way to be granted with the Kyle Canyon Development Parent Final Map.
2. This Order of Vacation shall not record until after the Kyle Canyon Development Agreement Parent Final Map has recorded.
3. 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 Relinquishment.
4. 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.
5. All development shall be in conformance with code requirements and design standards of all City Departments.

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6. 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.
7. If the Order of Vacation is not recorded within ten (10) years 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 50.13 acres of the Sheep Mountain Parkway right-of-way grant located between Grand Teton Drive and Fort Apache Road. These portions of the right-of-way grant are not needed under the proposed modifications to the Kyle Canyon Development Agreement. Staff recommends approval, as the proposed amended Development Agreement will stipulate conditions that the applicant must meet prior to the recordation of an Order of Vacation. If denied, the southern alignment of the Sheep Mountain Parkway would remain in its current configuration.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
12/01/04	The City Council approved a Resolution (R-176-2004) adopting guidelines for development within the Kyle Canyon Gateway area.
11/16/05	The City Council approved a request (GPA-9458) to amend the Land Use Element of the Las Vegas 2020 Master Plan to add the Traditional Neighborhood Development (TND) land use designation. The Planning Commission and staff recommended approval.
01/18/06	The City Council approved a request (GPA-9167) to amend a portion of the Centennial Hills Sector Plan of the General Plan to change land use designations from PCD (Planned Community Development), SC (Service Commercial) and PF (Public Facilities) to TND (Traditional Neighborhood Development) on 1,712 acres generally located north of Grand Teton Drive, between Puli Road and Fort Apache Road. The Planning Commission and staff recommended approval.
05/16/07	The City Council approved a request to amend the Master Plan of Streets and Highways (MSH-21013) to select the Northern Alternative Freeway/Expressway Alignment for Sheep Mountain Parkway and to remove the Southern Alternative Freeway/Expressway Alignment from the Master Plan of Streets and Highways. The Planning Commission and staff recommended approval.

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05/16/07	The City Council approved a Development Agreement (DIR-21605) between Kyle Acquisition Group, LLC and the city of Las Vegas on 1,712 acres at the southwest corner of Fort Apache Road and Moccasin Road for the development of the Kyle Canyon Master Plan. The Planning Commission and staff recommended approval. In a related item, the City Council voted to approve a Parks Agreement between Kyle Acquisition Group, LLC and the city of Las Vegas. Staff recommended approval.
	The City Council approved a request for a Rezoning (ZON-20543) from U (Undeveloped) [TND (Traditional Neighborhood Development) General Plan Designation] and R-E (Residence Estates) to T-D (Traditional Development) on 1,712 acres at the southwest corner of Fort Apache Road and Moccasin Road. The Kyle Canyon Development Standards and Design Guidelines were approved as part of this action. The Planning Commission and staff recommended approval.
06/20/07	The City Council adopted Ordinance No. 5910, thereby adopting the Development Agreement between Kyle Acquisition Group, LLC and the city of Las Vegas.
08/08/07	The Development Agreement between Kyle Acquisition Group, LLC and the city of Las Vegas was recorded in the Office of the County Recorder. The approved Parks Agreement was recorded together with the Development Agreement. This is the Effective Date of the Development Agreement.
08/15/07	The City Council approved a Major Modification (MOD-22589) of the Kyle Canyon Development Standards and Design Guidelines to realign Iron Mountain Road between Hualapai and Grand Canyon Drive, and to add street cross sections. The Planning Commission and staff recommended approval.
02/06/08	The City Council approved a request (MSH-25695) to amend the Master Plan of Streets and Highways to rename Horse Drive west of Grand Canyon Drive to Kyle Heights Parkway; to realign a portion of the Iron Mountain Road alignment between Horse Drive and the Northern Beltway; to reclassify various streets as identified by the special design designations adopted as part of the Kyle Canyon Development Standards and Design Guidelines; and to add or remove various roadway segments. The Planning Commission and staff recommended approval.
	The City Council approved a Major Modification (MOD-25875) of the Kyle Canyon Development Standards and Design Guidelines to amend various street names and to clarify street cross section drawings within the Community. A subsequent Street Name Change application would be required prior to issuance of the first residential permit in the Community. The Planning Commission and staff recommended approval.

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02/06/08	The City Council tabled a Petition to Vacate a BLM right-of-way grant generally located north of Grand Teton Drive, south of Moccasin Road, between Puli Road and Fort Apache Road (VAC-23811). The area to be vacated was the original alignment of Sheep Mountain Parkway. The Planning Commission and staff had recommended approval. The Petition cannot record until "Section 1 Land," "Providence Land," and "On-Property Land" are dedicated to the city for creation of the right-of-way for the northern alignment of Sheep Mountain Parkway, pursuant to Subsection 7.05(a)(v) of the Development Agreement.
09/17/08	The owner of property within the Kyle Canyon Master Plan area became noncompliant with the terms of the Kyle Canyon Development Agreement for failure to commence construction of Indian Hills Park prior to 09/13/08.
09/23/08	Wachovia Bank, National Association, acting as the managing creditor of 41 distinct creditors, foreclosed on the Kyle Canyon property. A new entity called KAG Property, LLC was formed to assume ownership of the Kyle Canyon property.
07/12/11	The Planning Commission abeyed a request for a General Plan Amendment (GPA-41958) to Amend the Master Plan of Streets and Highways to realign Sheep Mountain Parkway between Grand Drive and Fort Apache Road and delete master planned roadways within the Kyle Canyon Master Plan Area to the 08/09/11 Planning Commission meeting at the applicant's request.
08/09/11	The Planning Commission will hear a request for Director's Business (DIR-42266) regarding the amendment of the Development Agreement for the Kyle Canyon Development on approximately 1,662 acres at the southwest corner of Fort Apache Road and Moccasin Road.

<i>Most Recent Change of Ownership</i>	
09/25/08	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>
There are no building permits or business licenses related to this request.

<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.

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Field Check	
06/30/11	During a field check staff observed multiple undeveloped parcels.

Details of Application Request	
Site Area	
Gross Acres	50.13

Master Plan Areas	Yes	No	Compliance
Master Plan Area			
Kyle Canyon Master Plan	X		Y
Special Purpose and Overlay Districts	Yes	No	Compliance
Special Purpose and Overlay Districts			
G-O (Gaming Enterprise Overlay) District	X		Y
T-D (Traditional Development) District	X		Y
Trails		X	N/A
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:

This land describes a portion of a BLM right-of-way grant running generally northeasterly / southwesterly lying between Grand Teton Drive and Moccasin Road for Vacation purposes.

Vacations of portions of BLM right-of-way grant serial number 77772

Being those portions of BLM right-of-way grant N-77772 recorded August 9, 2005 in Book 20050809 Instrument number 0004146 of Clark County, Nevada official records, lying within Section 12, Township 19 South, Range 59 East, and Section 6, Township 19 South, Range 60 East, M.D.M., City of Las Vegas, Clark County Nevada;

Excepting there from those areas of public right-of-way dedication as shown on the "Sheep Mountain Parkway Draft right-of-way exhibit" dated March 16, 2011, being more particularly delineated and offered for dedication on that subdivision plat on file in the Office of the County Recorder, Clark County Nevada in Book ____ of plats, at Page ____.

Further excepting therefrom any and all areas formerly offered for dedication as public right-of-way by separate document.

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Note: Only those portions of BLM right-of-way grant serial number N 77772 described herein are to be vacated. No portion of public right-of-way coincident with said BLM right-of-way grant which has been formally offered for dedication and accepted by the governing body either by parcel map, plat book or separate document is included.

A draft right-of-way exhibit is based on the "Sheep Mountain Parkway draft right-of-way exhibit" dated March 16, 2011, incorporated as exhibit ____ of the first amendment and restatement to the development agreement between the City of Las Vegas and KAG Properties, LLC (Kyle Canyon Development Agreement), depicting a nominal minimum dedication width of 350 feet and additional dedication area at interchanges. The final planned areas to be vacated are subject to minor adjustment based on the final Sheep Mountain Parkway design; however the areas to be vacated in this vacation shall remain in substantial conformance with said draft right-of-way exhibit.

ANALYSIS

Portions of the right-of-way grant for Sheep Mountain Parkway will not be needed under the proposed Kyle Canyon Development Agreement. This request, if approved, would vacate those unused portions. Staff recommends approval, as the proposed Development Agreement will stipulate conditions that the applicant must meet prior to recordation.

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? *It will result in a uniform right-of-way width.*
- B. From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability? *No, since the Sheep Mountain Parkway does not currently exist.*
- C. Does it appear that the vacation request involves only excess right-of-way? *No. It has been determined that the existing footprint of the Sheep Mountain Parkway could be modified provided KAG Properties commit to certain obligations prior to recordation of this Petition of Vacation.*
- D. Does this vacation request coincide with development plans of the adjacent parcels? *Yes, the Kyle Canyon Development Agreement.*
- E. Does this vacation request eliminate public street access to any abutting parcel? *No.*

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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.*

NOTICES MAILED 3

APPROVALS 0

PROTESTS 0