



## AGENDA MEMO - PLANNING

**PLANNING COMMISSION MEETING DATE: JUNE 11, 2013**

**DEPARTMENT: PLANNING**

**ITEM DESCRIPTION: APPLICANT/OWNER: SH NORTHEAST LAND COMPANY, LLC**

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### \*\* STAFF RECOMMENDATION(S) \*\*

| <i>CASE<br/>NUMBER</i> | <i>RECOMMENDATION</i>                             | <i>REQUIRED FOR<br/>APPROVAL</i> |
|------------------------|---------------------------------------------------|----------------------------------|
| VAC-49335              | Staff recommends APPROVAL, subject to conditions: |                                  |

### \*\* CONDITIONS \*\*

## VAC-49335 CONDITIONS

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1. The limits of this Petition of Vacation shall be the 20-foot public drainage easement granted per File 105, Page 53 of Parcel Maps and the easterly three feet of the northerly 103 feet of the public sewer easement granted by Document #960082:01543, as depicted on the revised Exhibit "B" date stamped May 23, 2013, and generally located north of Sahara Avenue, east of Hualapai Way.
2. Grant a three-foot Public Sewer Easement adjacent to the western boundary of the existing sewer easement to maintain a 20-foot wide Public Sewer Easement prior to the recordation of this Order of Vacation.
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 or granted if recommended by the approved Drainage Plan/Study prior to the recordation of this Order of Vacation. The Drainage Study required by Site Development Plan Review SDR-48469 may be used to satisfy this condition.
4. All development shall be in conformance with code requirements and design standards of all City Departments.

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5. 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.
6. 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 applicant is petitioning to vacate two public utility easements on an 18.11-acre site near the northeast corner of Sahara Avenue and Hualapai Way. The site has been approved for a Shopping Center, and vacation of the subject easements will allow for unencumbered development according to the approved site plan. A 20-foot wide drainage easement running east and west across the site would be vacated, as well as a three-foot portion of the existing 20-foot wide sewer easement running north and south along the east property line. The existing sewer line will be retained; therefore, the applicant will dedicate a three-foot easement adjacent to the western edge of the existing easement to maintain the required 20-foot width. Staff has no objection to the request and recommends approval with conditions. If denied, the associated Shopping Center development could not be constructed as previously approved.

**ISSUES**

- Vacation of the subject easements is a condition of approval of Site Development Plan Review (SDR-48469).

**BACKGROUND INFORMATION**

| <i><b>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc</b></i> |                                                                                                                                                                                                                                                                                                                                                                                                         |
|--------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 02/15/89                                                                 | The City Council approved the Peccole Ranch Master Plan. The subject site is included in Phase 2 of the Master Plan and is designated for neighborhood commercial uses.                                                                                                                                                                                                                                 |
| 04/04/90                                                                 | The City Council approved a Rezoning (Z-0017-90) from N-U (Non-Urban) to C-1 (Limited Commercial) on this site as part of a larger request. The Planning Commission and staff recommended approval.                                                                                                                                                                                                     |
| 09/04/03                                                                 | A two-lot Parcel Map (PMP-1902) on 19.22 acres at the northeast corner of Hualapai Way and Sahara Avenue was recorded.                                                                                                                                                                                                                                                                                  |
| 04/09/13                                                                 | The Planning Commission approved a Master Sign Plan for a proposed 219,100 square-foot Shopping Center on 18.11 acres adjacent to the north side of Sahara Avenue, approximately 220 feet east of Hualapai Way. Staff recommended approval.                                                                                                                                                             |
|                                                                          | The Planning Commission approved a Site Development Plan Review for a proposed 219,100 square-foot Shopping Center with a waiver to allow a zero-foot perimeter landscape buffer along a portion of the west and south property lines where eight feet is required on 18.11 acres adjacent to the north side of Sahara Avenue, approximately 220 feet east of Hualapai Way. Staff recommended approval. |

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| <b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc</i></b> |                                                                                                                                                                                                                         |
|--------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 07/09/13                                                                 | A request for a Tentative Map (TMP-49515) on 18.11 acres adjacent to the north side of Sahara Avenue, approximately 220 feet east of Hualapai Way, will be heard by the Planning Commission. Staff recommends approval. |

| <b><i>Most Recent Change of Ownership</i></b> |                                                |
|-----------------------------------------------|------------------------------------------------|
| 11/13/12                                      | A deed was recorded for a change in ownership. |

| <b><i>Related Building Permits/Business Licenses</i></b>                                  |  |
|-------------------------------------------------------------------------------------------|--|
| There are no issued business licenses or building permits related to the subject request. |  |

| <b><i>Pre-Application Meeting</i></b> |                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|---------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 02/11/13                              | A pre-application meeting was held with the applicant to discuss submittal requirements and issues concerning a Site Development Plan Review for a proposed shopping center on the subject site. At this meeting it was noted that vacation of existing easements in conflict with the development would need to be recorded prior to the issuance of permits or recordation of a subdivision map for the site, whichever occurred first. |

| <b><i>Neighborhood Meeting</i></b>                        |  |
|-----------------------------------------------------------|--|
| A neighborhood meeting is not required, nor was one held. |  |

| <b><i>Field Check</i></b> |                                                                                                                                                                                                                                                                           |
|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 02/28/13                  | The site is undeveloped, consisting of gently sloping rocky soil with no vegetation. Paved access to the existing sewer line along the east property line is provided. Existing perimeter walls separate the property from residential development to the north and east. |

| <b><i>Master Plan Areas</i></b>                                            | <b><i>Compliance</i></b> |
|----------------------------------------------------------------------------|--------------------------|
| Peccole Ranch Master Plan (Phase 2)                                        | N/A                      |
| <b><i>Special Purpose and Overlay Districts</i></b>                        | <b><i>Compliance</i></b> |
| No Applicable Special Purpose or Overlay Districts                         | N/A                      |
| <b><i>Other Plans or Special Requirements</i></b>                          | <b><i>Compliance</i></b> |
| Trails                                                                     | N/A                      |
| Las Vegas Redevelopment Plan Area                                          | N/A                      |
| Project of Significant Impact (Development Impact Notification Assessment) | N/A                      |
| Project of Regional Significance                                           | N/A                      |

**Staff Report Page Three**  
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**LEGAL DESCRIPTION**

The applicant proposes to vacate two public utility easements legally described as follows:

All of a twenty-foot (20') wide privately maintained Public Drainage Easement as dedicated on Parcel 1 as shown on File 105, Page 53 Of Parcel Maps, on file in the Office Of The County Recorder, Clark County, Nevada, lying within the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼) of Section 6, Township 21 South, Range 60 East, M.D.M., in the City of Las Vegas, Nevada.

The northerly one hundred three feet (103') of the easterly three feet (3') of a twenty-foot (20') wide City of Las Vegas Sewer Easement as shown in that certain document recorded August 22, 1996 in Book 960822, Instrument Number 01543 on file in the Office Of The County Recorder, Clark County, Nevada, lying within the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼) of Section 6, Township 21 South, Range 60 East, M.D.M., in the City of Las Vegas, Nevada.

**ANALYSIS**

The public drainage easement was dedicated through a previously recorded Parcel Map (PMP-1902) for drainage of the subject site and the adjacent lot currently developed with a Convenience Store. The easement is in conflict with the proposed Shopping Center development and is not needed in the current configuration, as the site will be graded to remove surface water from the site.

The existing sewer easement was dedicated in 1996 to serve adjacent development and is still necessary. The applicant is proposing to rededicate the easement to the west of the existing easement to allow for site grading, landscaping and retaining walls along the east property line. Paved access to manholes will be retained.

This Vacation application proposes to vacate public sewer and drainage easements generally located north of Sahara Avenue, east of Hualapai Way. As no right-of-way is proposed to be vacated, and thus no franchise rights are involved, it is not necessary to send this Vacation request to the utility companies and franchise holders, nor wait for their responses. Since only City easements are involved, any utility company interests will need to be addressed with each respective utility company and will not be affected by the City vacating its interest. Furthermore, the Department of Public Works recommends that this item be declared final action at Planning Commission.

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**FINDINGS (VAC-49335)**

The existing easements are in conflict with the proposed Shopping Center development and are not needed in their current configurations. Onsite drainage will be provided through site development, and space is available to relocate the existing sewer line. Staff therefore recommends approval of the requested Petition to Vacate.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

7

**NOTICES MAILED**

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**APPROVALS**

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**PROTESTS**

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