



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: DECEMBER 11, 2018

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: BEAZER HOMES HOLDINGS, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
VAC-74824	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

17

NOTICES MAILED

1

PROTESTS

0

APPROVALS

0

**** CONDITIONS ****

VAC-74824 CONDITIONS

1. The limits of this Petition of Vacation shall be the portion of the pedestrian access, streetlight and traffic control device easement granted by the Skye Canyon II Phase 2 plat in Book 153, Page 24 which is no longer required and is in conflict with the proposed Skye Canyon Parcel 2.21B subdivision.
2. All 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 an Order of Vacation.
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. All development shall be in conformance with code requirements and design standards of all City Departments.
5. If the Order of Vacation (or Order of Relinquishment of Interest if a Patent Reservation) 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 is a request to Vacate a portion of a pedestrian access, streetlight and traffic control easement located on the northeast corner of Grand Teton Drive and Shaumber Road.

ANALYSIS

This applicant proposes to vacate a portion of a pedestrian access, streetlight and traffic control device easement, which was granted per the “Skye Canyon II Phase 2” subdivision as recorded in Book 153, Page 24 of plats generally located at the northeast corner of Grand Teton Drive and Shaumber Road. Per the submitted justification letter, the reason for the vacation of the easement is that it encroaches on the Skye Canyon Parcel 2.21B subdivision and this particular portion is no longer required. 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.

FINDINGS (VAC-74824)

Staff has no objection to the proposed vacation of a portion of the subject easement as it is no longer needed; therefore, staff recommends approval with conditions.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/16/07	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.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/16/07	The City Council adopted Ordinance No. 5910, thereby adopting the Development Agreement between Kyle Acquisition Group, LLC and the City of Las Vegas.
06/20/07	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.
08/08/07	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.
09/05/07	The City Council approved a Petition to Annex (ANX-21949) 15.56 acres generally located on the south side of Kyle Canyon Road, approximately 1,030 feet east of Shaumber Road and a Petition to Annex (ANX-21950) 5.15 acres generally located on the south side of Kyle Canyon Road, east of Alpine Ridge Way. The Planning Commission and staff recommended approval. The effective date of the annexations was 09/14/07.
05/16/07	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.
05/16/07	The City Council adopted Ordinance No. 5910, thereby adopting the Development Agreement between Kyle Acquisition Group, LLC and the City of Las Vegas.
06/20/07	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.
07/18/07	The City Council approved a request for a Review of Condition (ROC-22954) to remove all conditions of an approved Rezoning (ZON-20543) on 1,712 acres at the southwest corner of Fort Apache Road and Moccasin Road.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
08/08/07	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.
09/05/07	The City Council approved a Petition to Annex (ANX-21949) 15.56 acres generally located on the south side of Kyle Canyon Road, approximately 1,030 feet east of Shaumber Road; and a Petition to Annex (ANX-21950) 5.15 acres generally located on the south side of Kyle Canyon Road, east of Alpine Ridge Way. The Planning Commission and staff recommended approval. The effective date of the annexations was 09/14/07.
09/19/07	The City Council approved a request (GPA-20469) to amend the Centennial Hills Sector Plan of the General Plan to change land use designations from PCD (Planned Community Development) and SC (Service Commercial) to TND (Traditional Neighborhood Development) on 7.27 acres on the west side of Oso Blanca Road, approximately 2,190 feet south of Kyle Canyon Road. The City Council also approved a Rezoning (ZON-22351) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation], C-1 (Limited Commercial) and C-2 (General Commercial) to TD (Traditional Development) on the same 7.27 acres. This action also updated the Kyle Canyon Development Standards and Design Guidelines. The Planning Commission and staff recommended approval.
10/23/07	Staff completed the first Final Map Technical Review for the Kyle Canyon Gateway Parent Final Map (FMP-24541) and conducted a workshop pursuant to Subsection 3.05(c)(ii) of the Development Agreement to discuss comments with the Master Developer. The Final Map was deemed not to be in substantial compliance with the approved Tentative Map (TMP- 22586). Staff and the Master Developer agreed to retain the Final Map and have the Master Developer submit a new Tentative Map that matched the Final Map. The Final Map would be subject to a subsequent review once the Tentative Map was approved.
01/31/08	Planning and Development and Public Works Department staff conditionally approved a Final Map Technical Review for the Kyle Canyon Gateway Final Map (FMP-24541).

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
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 will be required prior to issuance of the first residential permit in the Community. The Planning Commission and staff recommended approval.
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.
08/06/08	The City Council approved a required review (DIR-28767) of a development report pursuant to Subsection 9.01 of the Kyle Canyon Development Agreement. Staff recommended approval. A condition of approval required a follow-up review on 10/01/08.
09/23/08	Wachovia Bank, National Association, acting as the managing creditor of 41 creditors, foreclosed on the Kyle Canyon property. A new entity called KAG Property, LLC was formed to assume ownership of the Kyle Canyon property.
12/03/08	The City Council approved a follow-up required review (DIR-29916) of a development report pursuant to Subsection 9.01 of the Kyle Canyon Development Agreement between the city of Las Vegas and Kyle Acquisition Group, LLC. Staff recommended approval.
02/02/09	Notice of Noncompliance and Opportunity to Cure was sent to KAG Property, LLC for failure to commence construction of Indian Hills Park prior to 09/13/08.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
08/05/09	The City Council approved the required review (DIR-34955) of a development report pursuant to Subsection 9.01 of the Kyle Canyon Development Agreement. Staff recommended approval.
10/02/09	The Master Developer presented to the city a summary report from Hart Howerton Strategic Planning Consultants outlining a strategic plan and recommendations for development of the Kyle Canyon property.
08/04/10	The City Council approved a required review (DIR-38680) of a development report pursuant to Subsection 9.01 of the Kyle Canyon Development Agreement. Staff recommended approval.
08/17/11	The City Council approved a request or possible action on a request for required review (DIR-42369) of a development report as required by Subsection 9.01 of that certain Development Agreement between the city of Las Vegas and Kyle Acquisition Group, LLC dated August 8, 2007. Staff recommended approval.
11/16/11	The City Council approved a request to Amend the Master Plan of Streets and Highways (GPA-41958) to realign Sheep Mountain Parkway between Grand Teton Drive and Fort Apache Road and delete master planned roadways within the Kyle Canyon master plan area. Planning Commission and staff recommended approval.
11/16/11	The City Council approved a request for a Petition to Vacate (VAC-42250) portions of the Sheep Mountain Parkway right-of-way grant. The Planning Commission and staff recommended approval.
11/16/11	The City Council approved a request regarding the amending of the Development Agreement (DIR-42266) for the Kyle Canyon Development on approximately 1,662 acres at the southwest corner of Fort Apache Road and Moccasin Road. Planning Commission and staff recommended approval. The Development Agreement (Doc. #201206260000001) was recorded on 06/26/12.
04/08/14	The Planning Commission approved a Tentative Map (TMP-53058) for a 45-lot subdivision on 1,661.8 acres approximately 1,800 feet north of Horse Drive on the west side of Oso Blanca Road. Staff recommended approval.
08/06/14	The City Council approved a request or possible action on a request for required review (DIR-54776) of a development report as required by Subsection 9.01 of that certain Development Agreement between the city of Las Vegas and Kyle Acquisition Group, LLC dated August 8, 2007. Staff recommended approval.
09/18/14	The Final Map (FMP-53700) for a proposed four-pod residential subdivision (Skye Canyon Phase 1) on 163.65 acres at the northwest corner of Grand Teton Drive and Grand Canyon Drive was recorded.

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
01/21/15	The City Council approved a Variance (VAR-55892) to allow deviations from the Street Naming Guidelines and Street Naming Configuration sections of the City of Las Vegas Street Naming and Addressing Assignment Regulations, 2009 Edition on Horse Drive between the US 95 and Iron Mountain Road, Fort Apache Road between the US 95 and Moccasin Road, as well as on Hualapai Way from Grand Teton Drive to Moccasin Road, respectively. The Planning Commission and staff recommended approval.
01/21/15	The City Council approved a request a Street Name Change (SNC-55060) from Horse Drive to: Skye Canyon Park Drive (between the US 95 and Iron Mountain Road); from Fort Apache Road to North Skye Canyon Park Drive (between the US 95 and Moccasin Road); and from Hualapai Way to Skye Village Road (between Grand Teton Drive and Moccasin Road). The Planning Commission and staff recommended approval.
04/15/15	The City Council approved a Directors Business Item (DIR-57816) for the 2nd amendment to the Kyle Canyon Development agreement. The Planning Commission and Staff recommended approval on 03/10/15.
05/04/15	Department of Planning staff approved an administrative site plan (SDR -58930) for a conceptual review of Skye Canyon parks 1.5, 1.6, and 2.13.
07/15/15	The City Council approved a Director's Business Item (DIR-59826) regarding the adoption of a parks agreement accompanying the 2nd amendment to the Sky Canyon development agreement. The Planning Commission and staff recommend approval.
07/20/16	The City Council approved a Directors Business Item (DIR-63962) for the 3rd amendment to the Kyle Canyon Development agreement. The Planning Commission and staff recommended approval on 06/14/16.
07/20/16	The City Council approved a Director's Business Item (DIR-65021) regarding the adoption of a parks agreement accompanying the 3rd amendment to the Sky Canyon development agreement. Staff recommended approval.
01/13/17	The Final Map (FMP-61563) for a 13-POD residential/park subdivision on 214.68 acres at the northwest corner of Grand Teton Drive and Skye Village Road was recorded.
06/12/18	The Planning Commission approved Tentative Map (TMP-73326) for a proposed 120-lot Single-Family Residential Subdivision on 16.01 acres on the northeast corner of Grand Teton Drive and Shaumber Road. Staff recommended approval.

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Related Relevant City Actions by P&D, Fire, Bldg., etc.	
07/18/18	The City Council approved Major Modification (MOD-73325) request to modify the Kyle Canyon Development standards to amend the minimum setbacks for the Kyle R-CL (Single Family Compact Lot), Kyle R-TH (Single Family Attached), and Kyle R-2 (Medium-Low Density Residential) Districts. Staff recommended approval.

Most Recent Change of Ownership	
10/04/18	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
There are no related building permits or business licenses associated with the subject site.	

Pre-Application Meeting	
10/18/18	Staff conducted a pre-application meeting with the applicant where the submittal requirements and deadlines were reviewed for a proposed Vacation.

Neighborhood Meeting	
A Neighborhood meeting was not required, nor was one held.	

Field Check	
11/01/18	Staff conducted a routine field check and found an undeveloped lot. No issues were noted.

Details of Application Request	
Site Area	
Net Acres	16.01

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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Undeveloped	TND (Traditional Neighborhood Development)	T-D (Traditional Development)
North	Undeveloped	TND (Traditional Neighborhood Development)	T-D (Traditional Development)
South	Single Family, Detached	PCD (Planned Community Development)	PD (Planned Development)
East	Undeveloped	TND (Traditional Neighborhood Development)	T-D (Traditional Development)
West	Undeveloped	TND (Traditional Neighborhood Development)	T-D (Traditional Development)

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Skye Canyon Master Plan Area	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
T-D (Traditional Development) District	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails – Pedestrian Path (Grand Teton)	Y
Las Vegas Redevelopment Plan Area	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Actual Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Grand Teton Drive	Primary Arterial	Master Plan of Streets and Highways	95	Y
Shaumber Road	Arterial Street	Kyle Canyon Development Standards	90	Y