

**AGENDA MEMO - COMMUNITY DEVELOPMENT****CITY COUNCIL MEETING DATE: NOVEMBER 15, 2023****DEPARTMENT: COMMUNITY DEVELOPMENT****ITEM DESCRIPTION: APPLICANT/OWNER: DAPPER DEVELOPMENT**

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0431-VAC1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ******NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 25**NOTICES MAILED** 5 (BY CITY CLERK)**PROTESTS** 0**APPROVALS** 0

**** CONDITIONS ****

23-0431-VAC1 CONDITIONS

1. The limits of this Petition of Vacation shall be the unused public right-of-way and U.S. Government Patent Easements located on the east side of Kevin Way, approximately 400 feet north of Centennial Parkway and Kevin Way, on Assessor Parcel Number 125-20-402-015 and 125-20-402-17.
2. The Order of Vacation and the Order of Relinquishment of Interest shall record immediately prior to and concurrent with a mapping action for this site (100355-FMP).
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 granted if recommended by the approved Drainage Plan/Study. The new Drainage Easement document must record consecutively after the vacation records. The Drainage Study required by 22-0615-TMP1 may be used to satisfy this condition.
4. 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.
5. 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.
6. All development shall be in conformance with code requirements and design standards of all City Departments.
7. The Order of Vacation and the Order of Relinquishment of Interest shall not be recorded until all of the conditions of approval have been met provided, however, the conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with Title 19. 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

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8. If the Order of Vacation (and/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 Director of Community Development, then approval will terminate and a new petition must be submitted.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting to vacate patent easements and a portion of right-of-way generally located on the east side of Kevin Way, approximately 400 feet north of Centennial Parkway.

ANALYSIS

On December 21, 2022, the City Council approved a Tentative Map (22-0615-TMP1) for a proposed one-lot commercial subdivision on the subject site. The Final Map Technical Review (100355-FMP) for Centennial Parkway & Durango Dr (Commercial Subdivision) is still under review pending the results of this Vacation (23-0431-VAC1) application. The applicant has indicated that the patent easements and portion of right-of-way (Kevin Way) are no longer needed for site development, prompting this vacation request.

FINDINGS

The Department of Public Works has no objection to the Vacation application request to relinquish the City's interests in U.S. Government Patent Reservations and request to vacate a portion of right-of-way (Kevin Way) generally located on the east side of Kevin Way, approximately 400 feet north of Centennial Parkway. The Department of Public Works also presents the following information to justify its recommendation of approval:

A. Does this vacation request result in uniform or non-uniform right-of-way widths?	Uniform
B. From a traffic handling viewpoint will this vacation request result in reduced traffic handling capability?	No
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
E. Does this vacation request eliminate public street access to any abutting parcel?	No
F. Does this vacation request 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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The request to vacate public right-of-way results in uniform right-of-way and the patent easements are no longer necessary for the approved entitlement. Therefore, staff is recommending approval, subject to conditions.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
12/01/05	The Planning Commission approved a request for a Site Development Plan Review (SDR-9825) for a proposed 18,000 square-foot Retail Development and Waivers of the Town Center Development Standards for building placement and the parking lot and perimeter landscaping requirements on 1.92 acres adjacent to the northwest corner of Centennial Parkway and Durango Drive. Staff recommended approval.
01/08/06	The City Council approved a request for a Rezoning (ZON-9871) from U (Undeveloped) [TC (Town Center) General Plan Designation] to T-C (Town Center) [SC-TC (Service Commercial – Town Center) Town Center Special Land Use Designation] on 1.31 acres on the east side of Kevin Way, approximately 286 feet north of Centennial Parkway. The Planning Commission and staff recommended approval.
	The City Council approved a request for a Site Development Plan Review (SDR-9872) for a proposed 10,191 square-foot retail development with Waivers of the perimeter, parking lot, and foundation landscaping requirements; and a Waiver to allow 15 percent open space where 20 percent is required on 1.31 acres on the east side of Kevin Way, approximately 286 feet north of Centennial Parkway. The Planning Commission and staff recommended denial.
06/07/06	The City Council approved a request for a Petition to Vacate (VAC-12542) a U.S. Government Patent Easement generally located at the northwest corner of Durango Drive and Centennial Parkway. The Planning Commission and staff recommended approval.
11/21/07	The City Council approved a request for a Variance (VAR-24502) to allow 102 parking spaces where 128 is the minimum required on 1.97 acres at the northwest corner of Centennial Parkway and Durango Drive). The Planning Commission recommended approval, staff recommended denial.

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<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
11/21/07	The City Council approved a request for a Special Use Permit (SUP23086) for a proposed 313 square-foot Massage Establishment within a 4,062 square-foot Day Spa with a Waiver to allow a distance separation of 350 feet to a residentially zoned property where 400 feet is required at 6461 North Durango Drive, Suite #'s 110 through 140. The Planning Commission recommended approval, staff recommended denial.
01/02/08	The Centennial Hills Architectural Review Committee (CHARC-TC) approved a request for a Master Sign Plan (ARC-26110) and Waiver of Town Center Development Standards Manual to allow wall signage on south elevation on building "B" to face residentially zoned property outside of Town Center boundary where no signage is allowed at 6401, 6441, and 6461 North Durango Drive. Staff recommended denial.
11/06/08	The Planning Commission approved a request for a for a Major Amendment (MSP-29350) to Master Sign Plan (ARC-26110) for a 12-foot Monument Sign and Waivers from the Town Center Development Standards to allow a 12-foot Monument Sign where eight feet is the maximum height allowed, and to allow a two-foot sign setback where five feet is the minimum setback required on 2.03 acres at 6403 North Durango Drive. Staff recommended denial.
09/10/13	The Planning Commission approved a request for a Special Use Permit (SUP-50450) for a proposed 2,052 square-foot Financial Institution, Specified use with a Waiver to allow a 50-foot distance separation from a residential use where 200 feet is required at 6401 North Durango Drive, Suites #110 and #120. Staff recommended denial.
11/26/19	The Planning Commission approved a request for a Variance (VAR77689) to allow 100 parking spaces where 133 spaces are required at the northwest corner of Centennial Parkway and Durango Drive. Staff recommended denial.
	The Planning Commission approved a request for a Special Use Permit (SUP-77690) for a proposed Auto Smog Check use on a portion of 1.97 acres at the northwest corner of Centennial Parkway and Durango Drive. Staff recommended denial.
	The Planning Commission approved a request for a Site Development Plan Review (SDR-77691) for a Major Amendment of a previously approved Site Development Plan Review (SDR-9825) for a proposed 81 square-foot Auto Smog Check building on a portion of 1.97 acres at the northwest corner of Centennial Parkway and Durango Drive. Staff recommended denial.

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<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
11/18/20	The City Council approved a request for a Special Use Permit (20-0139-SUP1) for a proposed 4,880 square-foot Liquor Establishment (Tavern) use with 1,700 square feet of outdoor seating area with a Waiver to allow said use within the Service Commercial District on 1.12 acres where a minimum of 50 acres is required. The Planning Commission and staff recommended approval.
	The City Council approved a request for a Special Use Permit (20-0139SUP2) for a proposed 3,625 square-foot Restaurant with Alcohol use with 1,690 square feet of outdoor seating area. The Planning Commission and staff recommended approval.
	The City Council approved a request for a Special Use Permit (20-0139-SUP3) for a proposed 4,880 square-foot Gaming Establishment, Restricted License use with a Waiver to allow a 31-foot distance separation from a single-family detached dwelling where 330 feet is required. The Planning Commission and staff recommended approval.
	The City Council approved a request for a Special Use Permit (20-0139-SUP3) for a proposed 4,880 square-foot Gaming Establishment, Restricted License use with a Waiver to allow a 31-foot distance separation from a single-family detached dwelling where 330 feet is required. The Planning Commission and staff recommended approval.
10/19/22	The City Council approved a request for a Petition to Annex (22-0239-ANX1) 1.13 acres of property located north of Centennial Parkway at the terminus of Kevin Way. [Bill No. 2022-25]
11/15/22	The Planning Commission approved a Rezoning (22-0615-ZON1) from R-E (Residence Estates) to: T-C (Town Center) on 6.33 acres at the northwest corner of Centennial Parkway and Durango Drive.
	The Planning Commission approved a Major Modification (22-0615-MOD1) to SC-TC (Service Commercial – Town Center) Special Town Center Land Use Designation on 6.33 acres at the northwest corner of Centennial Parkway and Durango Drive.
	The Planning Commission approved a Special Use Permit (22-0615-SUP1) for a proposed 4,000 square-foot Alcohol, On-Premise Full use [Restaurant] with a 2,098 square-foot patio area and a Waiver to allow such use on a parcel consisting of 6.33 acres where 50 acres is required for the Service Commercial Special Town Center Land Use Designation.
	The Planning Commission approved a Special Use Permit (22-0615-SUP2) for a proposed 3,000 square-foot Alcohol, On-Premise Full use [Restaurant] with a 1,430 square-foot patio area and a Waiver to allow such use on a parcel consisting of 6.33 acres where 50 acres is required for the Service Commercial Special Town Center Land Use Designation.

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<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
11/15/22	The Planning Commission approved a Special Use Permit (22-0615-SUP3) for a proposed 2,450 square-foot Alcohol, On-Premise Full use [Restaurant] with a 975 square-foot patio area and a Waiver to allow such use on a parcel consisting of 6.33 acres where 50 acres is required for the Service Commercial Special Town Center Land Use Designation.
	The Planning Commission approved a Special Use Permit (22-0615-SUP4) for a proposed 1,600 square-foot Alcohol, On-Premise Beer/Wine Use.
	The Planning Commission approved a Site Development Plan Review (22-0615-SDR1) for a proposed 21,753 square-foot addition to an existing shopping center with Waivers of the Town Center Development Standards.
	The Planning Commission approved a Tentative Map (22-0615-TMP1) for Centennial Parkway and Durango Dr. – For a one-lot commercial subdivision.
12/21/22	The City Council approved a Rezoning (22-0615-ZON1) from R-E (Residence Estates) to: T-C (Town Center) on 6.33 acres at the northwest corner of Centennial Parkway and Durango Drive.
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	The City Council approved a Special Use Permit (22-0615-SUP4) for a proposed 1,600 square-foot Alcohol, On-Premise Beer/Wine Use.

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Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.	
12/21/22	The City Council approved a Site Development Plan Review (22-0615-SDR1) for a proposed 21,753 square-foot addition to an existing shopping center with Waivers of the Town Center Development Standards.
	The City Council approved a Tentative Map (22-0615-TMP1) for Centennial Pkwy and Durango Dr. – For a one-lot commercial subdivision.
07/27/23	A Final Map (100355-FMP) has been submitted for Centennial Pkwy and Durango Dr (Commercial Subdivision). The Final Map has not been recorded pending the results of this vacation application.
10/10/23	The Planning Commission voted (6-0) to recommend APPROVAL on a Land Use Entitlement project request for a Petition to Vacate U.S. Government Patent Easements and a portion of public right-of-way (Kevin Way) generally located on the east side of Kevin Way, approximately 400 feet north of Centennial Parkway and Kevin Way, Ward 4 (Allen-Palenkse).

Most Recent Change of Ownership	
03/2022	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
05/02/08	A Master Package (PRC21-00114) was issued for two shell buildings and onsite improvements. The permit was final on 05/23/22.

Pre-Application Meeting	
08/14/23	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Vacation. No issues were raised.

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

Field Check	
08/30/23	Staff conducted a routine field check of the subject site and observed an under-construction lot. Nothing of concern was noted.

Details of Application Request	
Site Area	
Gross Acres	1.12

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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	TC-SC (Town Center – Service Commercial)	T-C (Town Center)
North	Clark County 215	Clark County 215	Clark County 215
South	Undeveloped	RS (Residential Suburban – Clark County)	R-E (Rural Estates Residential District – Clark County)
	Mini-Storage Facility	TC-SC (Town Center – Service Commercial)	T-C (Town Center)
East	Shopping Center	TC-SC (Town Center – Service Commercial)	T-C (Town Center)
	Mini-Storage Facility	TC -SC(Town Center – Service Commercial)	R-2 (Medium Density Residential District – Clark County)
West	Single Family, Detached	RS (Residential Suburban – Clark County)	

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: Centennial Hills	Y
Town Center	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
T-C (Town Center) District	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
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