



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: APRIL 11, 2023

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: KYLE CANYON NEXT & LAST FRONTIER

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0091-VAC1	Staff recommends APPROVAL, subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 1

NOTICES MAILED 4

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

23-0091-VAC1 CONDITIONS

1. The limits of this Petition of Vacation shall be the U.S. Government Patent Easements located south of Kyle Canyon Road and west of Oso Blanca Road on Assessor Parcel Numbers 126-01-702-007 and 126-01-702-008.
2. This Order of Relinquishment of Interest shall record immediately prior to and concurrent with a mapping action for this site, such as Final Map (100301-FMP). Alternatively, the patent easements must be shown on Final Map (100301-FMP).
3. 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 Relinquishment.
4. 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 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 being vacated must be retained.
5. All development shall be in conformance with code requirements and design standards of all City Departments.
6. If the 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.

Staff Report Page One
April 11, 2023 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a petition to vacate the U.S. Government Patent Easements generally located at the southwest corner of Kyle Canyon Road and Oso Blanca Road.

ANALYSIS

On January 15, 2020 the City Council approved Site Development Plan Review (SDR-77630) to allow a proposed commercial development consisting of a Restaurant, Restaurant with Drive Through and Convenience Store with fuel pumps. In addition, a Tentative Map (TMP-77631) was also approved for a one-lot commercial subdivision on the subject site. On January 12, 2021 the City Council approved a Major Amendment (20-0281-SDR1) to a previously approved Site Development Plan Review (SDR-77630) to reorient buildings and reconfigure parking on the subject site.

On April 12, 2022 the Planning Commission approved a Major Amendment (22-0106-SDR1) to a previously approved Site Development Plan Review (20-0281-SDR1) to reorient buildings and reconfigure parking on the subject site again. On August 17, 2022 the Department of Community Development - Planning Division administratively approved a Minor Amendment (22-0320-SUP1) of a previously approved Special Use Permit (22-0106-SUP1) for a proposed 1,500 square-foot addition to an approved 5,000 square-foot Liquor Establishment (Tavern) and a Minor Amendment (22-0320-SDR1) of a previously approved Site Development Plan Review (22-0106-SDR1) for proposed reorientation of buildings and parking lot for a commercial development.

The applicant requests that the City of Las Vegas relinquish its interest in the U.S. Government Patent Easements generally located at the southwest corner of Kyle Canyon Road and Oso Blanca Road. The easements are no longer needed due to the proposed commercial development on the subject site. This Vacation request should be sent to all the utilities; however, as no right of way is proposed to be vacated, and thus no franchise rights are involved, it is not necessary to wait for responses from any of the public utilities or other parties interested in preserving a right in this patent easement. Since only City interests are involved; any utility company's interests will need to be addressed with each respective utility company and will not be affected by the City relinquishing its interest.

Staff Report Page Two
April 11, 2023 - Planning Commission Meeting

FINDINGS (23-0091-VAC1)

Staff has no objection to the vacation of the U.S. Government Patent Easements, as this site will be part of the proposed future development associated with Site Development Plan Review (22-0320-SDR1); therefore, staff recommends approval with conditions.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Code Enforcement, etc.</i>	
11/07/07	The City Council approved a Special Use Permit (SUP-9664) for a proposed Service Station on 2.48 acres at the southwest corner of Oso Blanca Road and Kyle Canyon Road. The Planning Commission and staff recommended approval.
	The City Council approved a Special Use Permit (SUP-9665) for a proposed Liquor Establishment (Tavern) on 2.48 acres at the southwest corner of Oso Blanca Road and Kyle Canyon Road. The Planning Commission and staff recommended approval.
	The City Council approved a related request for a Site Development Plan Review (SDR-9666) for a proposed 3,710 square-foot Service Station without incidental auto repair with an accessory Car Wash, a proposed 5,504 square-foot Tavern, and a 3,600 square-foot Retail Element on 2.48 acres at the southwest corner of Oso Blanca Road and Kyle Canyon Road. The Planning Commission and staff recommended approval.
12/16/09	The City Council approved an Extension of Time (EOT-36622) of a previously approved Special Use Permit (SUP-9664) for a proposed Service Station at the southwest corner of Oso Blanca Road and Kyle Canyon Road. Staff recommended approval.
	The City Council approved an Extension of Time (EOT-36618) of a previously approved Special Use Permit (SUP-9665) for a proposed Liquor Establishment (Tavern) on 2.48 acres at the southwest corner of Oso Blanca Road and Kyle Canyon Road. Staff recommended approval.
	The City Council approved an Extension of Time (EOT-36623) of a previously approved Site Development Plan Review (SDR-9666) for a proposed 3,710 square-foot Service Station without incidental auto repair with an accessory Car Wash, a proposed 5,504 square-foot Tavern, and a 3,600 square-foot Retail Element on 2.48 acres at the southwest corner of Oso Blanca Road and Kyle Canyon Road. Staff recommended approval.

Staff Report Page Three
April 11, 2023 - Planning Commission Meeting

<i>Related Relevant City Actions by Planning, Fire, Code Enforcement, etc.</i>	
12/07/11	The City Council approved an Extension of Time (EOT-43606) of a previously approved Special Use Permit (SUP-9664) for a proposed Service Station at the southwest corner of Oso Blanca Road and Kyle Canyon Road. Staff recommended approval.
	The City Council approved an Extension of Time (EOT-43605) of a previously approved Special Use Permit (SUP-9665) for a proposed Liquor Establishment (Tavern) on 2.48 acres at the southwest corner of Oso Blanca Road and Kyle Canyon Road. Staff recommended approval.
	The City Council approved a related request for an Extension of Time (EOT-43603) of a previously approved Site Development Plan Review (SDR-9666) for a proposed 3,710 square-foot Service Station without incidental auto repair with an accessory Car Wash, a proposed 5,504 square-foot Tavern, and a 3,600 square-foot Retail Element on 2.48 acres at the southwest corner of Oso Blanca Road and Kyle Canyon Road. Staff recommended approval.
11/20/13	The City Council denied an Extension of Time (EOT-51498) of a previously approved Special Use Permit (SUP-9664) for a proposed Service Station at the southwest corner of Oso Blanca Road and Kyle Canyon Road. Staff recommended denial.
	The City Council denied an Extension of Time (EOT-43605) of a previously approved Special Use Permit (SUP-9665) for a proposed Liquor Establishment (Tavern) on 2.48 acres at the southwest corner of Oso Blanca Road and Kyle Canyon Road. Staff recommended denial.
	The City Council denied a related request for an Extension of Time (EOT-51500) of a previously approved Site Development Plan Review (SDR-9666) for a proposed 3,710 square-foot Service Station without incidental auto repair with an accessory Car Wash, a proposed 5,504 square-foot Tavern, and a 3,600 square-foot Retail Element on 2.48 acres at the southwest corner of Oso Blanca Road and Kyle Canyon Road. Staff recommended denial.
02/03/16	The City Council approved an Annexation (ANX-61705) 0.13 acres on the west side of Oso Blanca Road, approximately 300 feet south of Kyle Canyon Road. Staff recommended approval.
01/15/20	The City Council approved a Rezoning (ZON-77627) from U (Undeveloped) [SC (Service Commercial) General Plan Designation] to C-1 (Limited Commercial) on 0.13 acres at the southwest corner of Kyle Canyon Drive and Oso Blanco Drive.
	The City Council tabled a request for a Special Use Permit (SUP-77628) for a 5,100 square-foot Liquor Establishment (Tavern) use at the southwest corner of Kyle Canyon Road and Oso Blanca Road.

Staff Report Page Four
April 11, 2023 - Planning Commission Meeting

<i>Related Relevant City Actions by Planning, Fire, Code Enforcement, etc.</i>	
01/15/20	The City Council approved a request for a Special Use Permit (SUP-77629) for a proposed 3,000 square-foot Beer/Wine/Cooler Off-Sale Establishment use at the southwest corner of Kyle Canyon Road and Oso Blanca Road.
	The City Council approved a request for a Site Development Plan Review (SDR-77630) for a proposed commercial development consisting of a 3,000 square-foot Restaurant with Drive Through; a 3,000 square-foot Convenience Store with fuel pumps and canopy; and a 5,500 square-foot Liquor Establishment (Tavern) with waivers of the perimeter landscape buffer requirements and to not orient the building to the corner and street frontage where such is required at the southwest corner of Kyle Canyon Road and Oso Blanca Road.
	The City Council approved a request for a Tentative Map (TMP-77631) for a one-lot commercial subdivision on 2.61 acres at the southwest corner of Kyle Canyon Road and Oso Blanca Road.
01/12/21	The Planning Commission approved a request for a Variance (20-0281-VAR1) to allow 109 parking spaces where 121 are required at the southwest corner of Kyle Canyon Road and Oso Blanca Road.
	The Planning Commission approved a request for a Special Use Permit (20-0281-SUP1) for a proposed 1,000 square-foot addition to an approved 3,000 square-foot Beer/Wine/Cooler Off-Sale Establishment at the southwest corner of Kyle Canyon Road and Oso Blanca Road.
	The Planning Commission approved a request for a Major Amendment (20-0281-SDR1) of a previously approved Site Development Plan Review (SDR-77630) for a proposed commercial development consisting of a 3,800 square-foot restaurant with drive through; a 4,000 square-foot convenience store with fuel pumps and canopy; and a 5,400 square-foot restaurant with waivers of the perimeter landscape buffer requirements on 2.61 acres at the southwest corner of Kyle Canyon Road and Oso Blanca Road.
04/12/22	The Planning Commission approved a request for a Special Use Permit (22-0106-SUP1) for a proposed 5,000 square-foot Liquor Establishment (Tavern) use with a waiver to allow a 969-foot separation from an existing liquor establishment tavern where 1,500 feet is required at the southwest corner of Kyle Canyon Road and Oso Blanca Road. Staff recommended approval of the request.
	The Planning Commission approved a request for a Major Amendment (22-0106-SDR1) of a previously approved Site Development Plan Review (20-0281-SDR1) for a proposed commercial development consisting of a 2,176 square-foot restaurant with drive through; a 4,000 square-foot convenience store with fuel pumps and canopy; and a 6,200 square-foot commercial building with waivers of the perimeter landscape buffer requirements at the southwest corner of Kyle Canyon Road and Oso Blanca Road. Staff recommended approval of the request.

Staff Report Page Five
April 11, 2023 - Planning Commission Meeting

<i>Related Relevant City Actions by Planning, Fire, Code Enforcement, etc.</i>	
05/10/22	The Planning Commission approved a request for a Tentative map (22-0102-TMP1) for a proposed one-lot commercial subdivision on 2.61 acres at the southwest corner of Kyle Canyon Road and Oso Blanca Road. Staff recommended approval of the request.
08/17/22	The Department of Community Development - Planning Division administratively approved a minor amendment (22-0320-SUP1) of a previously approved special use permit (22-0106-SUP1) for a proposed 1,500 square-foot addition to an approved 5,000 square-foot liquor establishment (tavern) establishment use and to re-locate the use at the southwest corner of Kyle Canyon Road and Oso Blanca Road.
	The Department of Community Development - Planning Division administratively approved a minor amendment (22-0320-SDR1) of a previously approved Site Development Plan Review (22-0106-SDR1) for proposed re-orientation of buildings and parking lot for a commercial development consisting of a 2,176 square-foot restaurant with drive through; a 4,000 square-foot convenience store with fuel pumps and canopy; and a 6,500 square-foot tavern at the southwest corner of Kyle Canyon Road and Oso Blanca Road.

<i>Most Recent Change of Ownership</i>	
12/07/21	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
10/10/22	A building permit (#PRC22-00134) for a wood framed shell building for future tavern (Wildfire Tavern Shell Building) at 9685 Oso Blanca Road. The permit has not been issued.
	A building permit (#PRC22-00135) for a new A&W restaurant at 9565 Oso Blanca Road. The permit has not been issued.
12/27/22	A building permit (#C22-04978) for a building shell "A" wood framed shell building for future tavern at 9685 Oso Blanca Road. The permit has not been issued.
	A building permit (#C22-04979) for a on sites and one trash enclosure for a building shell "A" wood framed shell building for future tavern at 9601 Oso Blanca Road. The permit has not been issued.
12/28/22	A building permit (#C22-05000) for a new 2,176 square-foot restaurant (A&W). The permit has not been issued.

Staff Report Page Six
April 11, 2023 - Planning Commission Meeting

Related Building Permits/Business Licenses	
12/28/22	A building permit (#C22-05001) for on sites: (30) Light Poles, (1) Trash Enclosure, DCP, State Water Planning, Hardscape, and Water/Sewer. The permit has not been issued.
02/07/23	A building permit (#L23-00339) for civil improvement plans for the commercial subdivision at Kyle Canyon Rd and Oso Blanca Rd at 10051 Oso Blanca Road. The permit has not been issued.

Pre-Application Meeting	
02/14/23	A pre-application conference was held with the applicant to discuss the Petition of Vacation of US Government Patent Easements submittal requirements.

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

Field Check	
02/23/23	During a routine site visit staff observed an undeveloped site with natural desert vegetation.

Details of Application Request	
Site Area	
Gross Acres	2.61

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Undeveloped	SC (Service Commercial)	C-1 (Limited Commercial)
North	Undeveloped	SC (Service Commercial)	U (Undeveloped) [SC (Service Commercial) General Plan Designation]

Staff Report Page Seven
 April 11, 2023 - Planning Commission Meeting

<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>
South	Undeveloped	SC (Service Commercial)	U (Undeveloped) [SC (Service Commercial) General Plan Designation]
East	Undeveloped	SC (Service Commercial)	U (Undeveloped) [SC (Service Commercial) General Plan Designation]
West	Undeveloped	PCD (Planned Community Development)	U (Undeveloped) [PCD (Planned Community Development) General Plan Designation]

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: Kyle Canyon	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
No Applicable Special Area or Overlay Districts	N/A
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails (name and location)	N/A
Las Vegas Redevelopment Plan	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

Staff Report Page Eight
April 11, 2023 - Planning Commission Meeting

DEVELOPMENT STANDARDS

<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>
Oso Blanca	Primary Collector	Master Plan of Streets and Highways	30	Y*
Kyle Canyon	Primary Arterial	Master Plan of Streets and Highways	27	Y*
Unnamed (Ruffian Road alignment)	Local	Title 13	Zero	Y*

*Half-street improvement are required pursuant to approved Site Development Plan Reviews (20-0281-SDR1 and 22-0106-SDR1).