

AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 5, 2005
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAC-5477 - APPLICANT: CW GROUP - OWNER: FORT APACHE/CHEYENNE HOLDINGS LLC

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

1. 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 Relinquishment of Interest for this application. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study. The Drainage Study required with Zoning Reclassification ZON-2576 may be used to satisfy this requirement, provided that the area requested for vacation is addressed within the study.
2. 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 an Order of Relinquishment of Interest.
3. All development shall be in conformance with code requirements and design standards of all City Departments.
4. The Order of Relinquishment of Interest 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.
5. If the Order of Relinquishment of Interest is not recorded within one (1) year after approval by the City Council and the Planning and Development Director does not grant an Extension of Time, then approval will terminate and a new petition must be submitted.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request to vacate U.S. Government Patent Easements generally located west of Fort Apache Road and north of Cheyenne Avenue.

B) Applicant's Justification

The applicant justifies this request by stating that the subject vacation is needed to develop the parcel for landscaping, parking, and structures associated with a proposed office development.

BACKGROUND INFORMATION

A) Previous Actions

- 02/05/03 The City Council approved an annexation (A-0038-02) for the subject property. The Planning Commission and staff recommended approval. The effective date was 02/14/03.
- 08/20/03 The City Council approved a General Plan Amendment (GPA-2575) to change the General Plan from ML (Medium-Low Density Residential) to O (Office) and a Rezoning (ZON-2576) from U (Undeveloped) [ML (Medium-Low Density Residential) General Plan Designation] to O (Office) for this site. The Planning Commission and staff recommended denial.
- 05/19/04 The City Council approved requests for a General Plan Amendment (GPA-4042) from ML (Medium-Low Density Residential) to O (Office); a Rezoning (ZON-4043) from U (Undeveloped) [ML (Medium-Low Density Residential) General Plan Designation] to O (Office); a Special Use Permit (SUP-4045) for a Financial Institution with Drive-Through on property adjacent to residential uses and without separation from residential properties by an intervening building; and a Site Development Plan Review (SDR-4060) and a Waiver of parking lot landscaping standards for a proposed Financial Institution, General with Drive-Through on 3.00 acres adjacent to the northwest corner of Cheyenne Avenue and Fort Apache Road. The Planning Commission and staff recommended approval of all items.
- 10/06/04 The City Council approved the Site Development Plan Review (SDR-4827) for an office development and a Waiver of the foundation landscaping requirements on the subject site. The Planning Commission and staff recommended approval.
- 10/06/04 The City Council approved a the Vacation (VAC-4956) of U. S. Government Patent Easements generally located north of Cheyenne Avenue, west of Fort Apache Road, and to the south of the subject property. The Planning Commission and staff recommended approval.

- 11/18/04 The Planning Commission approved a Tentative Map (TMP-5188) for a one-lot commercial subdivision (Tamarindo Professional Parc) on the subject site. Staff recommended approval.
- 12/02/04 The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #24/ss).

DETAILS OF APPLICATION REQUEST

The subject Vacation proposes to vacate U. S. Government Patent Reservations located in the north and west thirty-three feet (33'), excepting the east fifty feet (50') of the north two hundred sixty-four feet (264') of the East Half (E½) of the Southeast Quarter (SE¼) of the Southeast Quarter (SE¼) of the Southeast Quarter (SE¼) of Section 7, Township 20 South, Range 60 East, M.D.M.

ANALYSIS

A) Planning discussion

The applicant intends to vacate the existing U. S. Government Patent Reservation because it is no longer needed in its current configuration. This will allow the development of a 19,200 square-foot office complex on the subject parcel. The specific area to be vacated will contain portions of two proposed buildings, required landscaping and parking spaces for this development. The request is appropriate, as the subject easement is not needed and will not result in reduced access or traffic handling capability for the area.

B) Public Works discussion

The Department of Public Works has no objection to the vacation application request for U.S. Government Patent Reservations generally located west of Fort Apache Road and north of Cheyenne Avenue.

NOTICES MAILED 120 by City Clerk

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAC-5477 APN: 138-07-801-010

Name of Property Owner: FORT APACHE/CHEYENNE HOLDINGS

Name of Applicant: CW GROUP

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

 Yes X No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

APN: _____

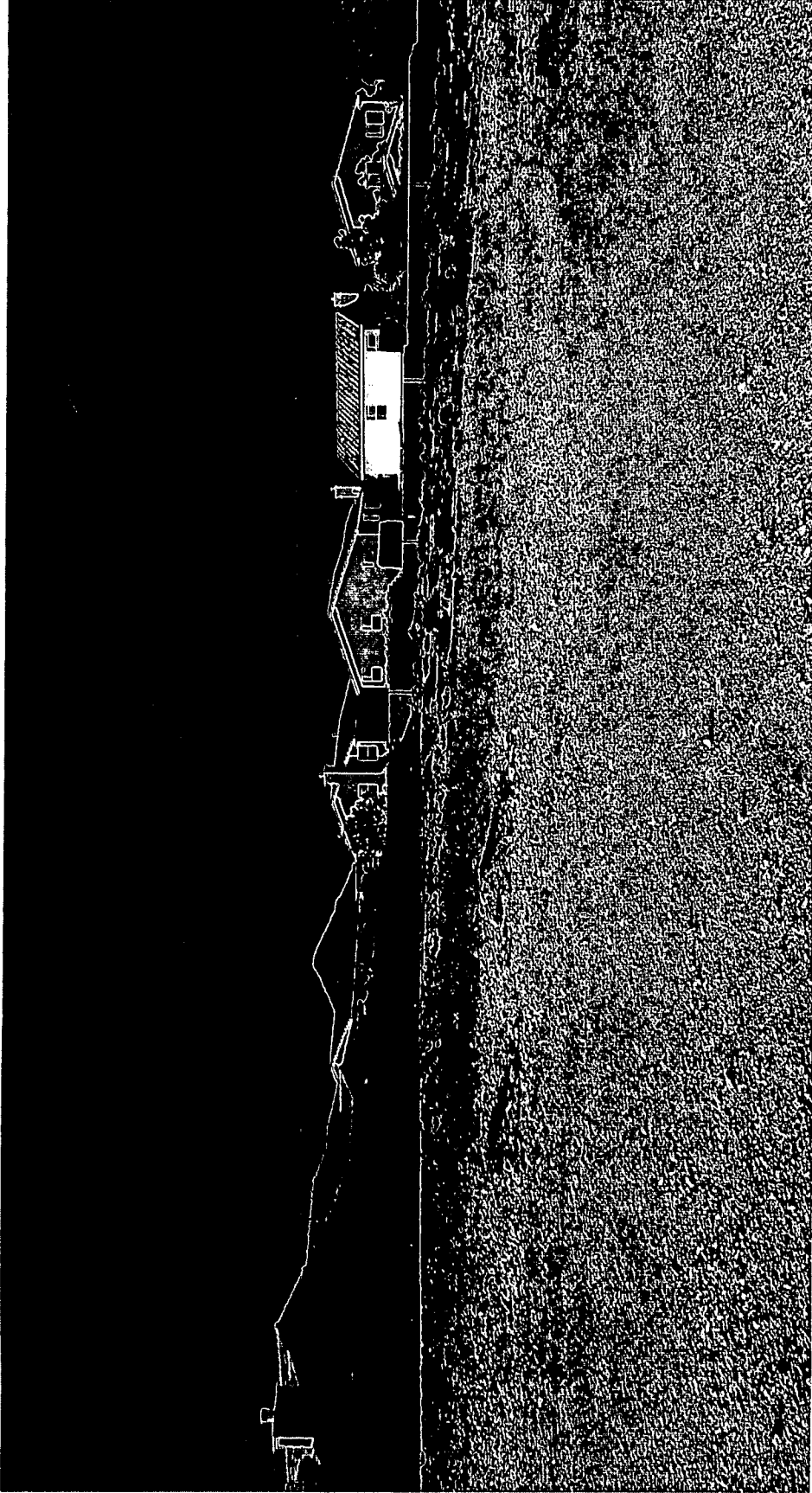
Signature of Property Owner/Authorized Agent: [Handwritten Signature]

Print Name: JAMES CHILDS (AGENT)

Subscribed and sworn before me

This 19th day of October, 2004
Diana L. Brady
Notary Public in and for said County and State





VAC-5477 - VACATION - PUBLIC HEARING - APPLICANT: CW GROUP - OWNER: FORT APACHE/CHEYENNE HOLDINGS LLC
GENERALLY LOCATED WEST OF FORT APACHE ROAD AND NORTH OF CHEYENNE AVENUE
DECEMBER 2 2004 PLANNING COMMISSION

11/05/04