

**NORTH LAS VEGAS CITY COUNCIL
AGENDA ITEM**

Number: **4**

SUBJECT:

VAC-02-08 (Cashman Retail Center), an application submitted by Cashman Equipment on behalf of JR TL LTD., property owner, to vacate an existing portion of Donovan Way commencing at Craig Road and proceeding south approximately 1,650 feet.

REQUESTED BY:

Cashman Equipment on behalf of JR TL LTD., property owner

RECOMMENDATION OR RECOMMENDED MOTION:

It is recommended that on April 2, 2008, Council set a public hearing date for VAC-02-08 for May 7, 2007. Following the public hearing, it is recommended that Council approve VAC-02-08.

FISCAL IMPACT:

Amount: \$
Explanation:

ACCOUNT NUMBER:

STAFF COMMENTS AND BACKGROUND INFORMATION:

At the meeting of March 12, 2008, the Planning Commission unanimously recommended approval (7-0 vote) of VAC-02-08. Commissioner Dean Leavitt made the motion and Commissioner Harry Shull seconded the motion. The request is to vacate a portion of a 50-foot public right-of-way to facilitate an expansion of the existing business on the site. Donovan way will be realigned per exhibit submitted with this application (see attached Staff Report).

None of the reviewing departments object to the vacation and five (5) conditions of approval have been recommended by reviewing departments (see attached Staff Report for the recommended conditions). Condition No. 4 was amended at the Planning Commission meeting as follows:

"The developer shall not place any structure within thirty (30) feet of the existing water main prior to the water main being abandoned and relocated, or as otherwise approved by the Director of Utilities."

Attachments:

Staff Report with Attachments
Excerpt of the Planning Commission Meeting
Location and Zoning Map

LIST CITY COUNCIL GOAL(S):

Well-Planned Quality Growth, Quality Municipal Services

PREPARED BY:


Frank Fiori, AICP
Acting Planning and Zoning Director

**RESPECTFULLY
SUBMITTED:**


Gregory E. Rose
City Manager

**CITY COUNCIL
MEETING DATE:**

April 2, 2008
May 7, 2008

**#7) VAC-02-08
CASHMAN RETAIL CENTER
VACATION REQUEST
PUBLIC HEARING**

STAFF REPORT

To: Planning Commission
Item: VAC-02-08

Meeting date: March 12, 2008
Prepared by: Paul Yadro

GENERAL INFORMATION

Applicant: Cashman Equipment

Owner(s): JRTL LTD.

Requested Action: To vacate a portion of Donovan Way.

Location: South of Craig Road, west of Interstate 15, and east of the Union Pacific Rail Road.

Parcel(s): 139-01-702-004 & 139-01-304-002

Comprehensive Plan: Heavy Industrial

Existing land use and zoning: Existing industrial development; M-2, General Industrial District

Surrounding land use and zoning:

<u>North:</u>	Industrial development; M-2, General Industrial District.
<u>East:</u>	Industrial development and Interstate 15; M-2, General Industrial District.
<u>South:</u>	Industrial development; M-2, General Industrial District.
<u>West:</u>	Industrial development and the Union Pacific Rail Road; M-2, General Industrial District.

BACKGROUND INFORMATION

The applicant is requesting to vacate a portion of Donovan Way, which is located south of Craig Road, east of the Union Pacific Rail Road, and west of Interstate 15. As stated in the applicant's letter of intent, the vacation of the above mentioned street will facilitate

an expansion on the existing industrial site (new construction) and a realignment of Donovan Way. The applicant submitted a detailed site plan, floor plan, and elevations for Task Force review with regards to a proposed expansion of the existing industrial site. Task Force comments included that Donovan Way will need to be vacated and realigned in order for the property owner to pursue the proposed development as submitted to Task Force.

DEPARTMENTAL COMMENTS

Public Works Department: See attached memorandum.

Fire Department: See attached memorandum.

Utilities Department: See attached memorandum.

ANALYSIS

The subject properties adjoin M-2, General Industrial District to the south, Craig Road to the north, M-2, General Industrial District to the east, and the Union Pacific Rail Road to the to the west. With the completion of the proposed right-of-way vacation, Donovan Way would be realigned and its remnants would be incorporated into the surrounding parcels owned by JR TL LTD. and Donovan Investments.

The Public Works Department, Fire Department and Planning and Zoning Department do not have any objections to the proposed vacation of Donovan Way.

RECOMMENDATION:

The Planning and Zoning Department recommends that VAC-02-08 be approved subject to the following conditions:

1. A public utility easement shall be reserved over the entire area to be vacated.
2. Order of vacation may not record until the City of North Las Vegas has accepted the re-aligned Donovan Way for maintenance.
3. Should the Order of vacation not record within two (2) years of the approval date, the vacation shall be null and void.
4. The developer shall not place any structure within thirty (30) feet of the existing water main.

5. The vacation shall record concurrent with the dedication of Donovan Way and the public utility easement as identified in Condition No. 1.

ATTACHMENTS

Public Works Department Memorandum
Fire Department Memorandum
Utilities Department Memorandum
Letter of Intent
Boundary Map/Vacation Exhibit
Location & Zoning Map

CITY OF NORTH LAS VEGAS
INTEROFFICE MEMORANDUM

To: Frank Fiori, Acting Director of Planning and Zoning Department
From: Tracy Somers, Land Development Project Leader, Department of Public Works
Subject: VAC-02-08 Cashman Equipment Vacate portion of Donovan Way
commencing @ Craig Road & proceeding south approximately 1,650 feet
Date: February 14, 2008

The Department of Public Works recommends the following conditions of approval:

1. Order of Vacation may not record until the City of North Las Vegas has accepted the re-aligned Donovan Way for maintenance.
2. A public utility easement is require to be reserved over entire area to be vacated.
3. Should the Order of Vacation not record within two years of the approval date, the vacation shall be deemed null and void.

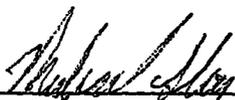

Tracy Somers, Land Development Project Leader
Department of Public Works

CITY OF NORTH LAS VEGAS
INTEROFFICE MEMORANDUM

To: Planning Commission
From: Michael Steele, Fire Protection Specialist
Subject: VAC -02-08
Date: December 27, 2007

The Fire Department is not opposed to this application. However, due to emergency response considerations, the new portion of Donovan must be built prior to vacating the existing portion. If the Planning Commission chooses to approve this application, the Fire Department wishes to condition such approval as follows:

- 1) The vacation shall not record until such time the City of North Las Vegas accepts the new portion of Donovan Way for maintenance.



Michael Steele, Fire Protection Specialist

CITY OF NORTH LAS VEGAS

INTEROFFICE MEMORANDUM

To: Robert Eastman, AICP, Principal Planner, Planning & Development
Department
Cc: Paul Yardo, Planner
From: Carolyn A. Keller, E.I., Engineering Assistant, Utilities Department
Subject: VAC-02-08 Cashman Retail Center
Date: February 5, 2008

The Utilities Department recommends the following conditions of approval:

1. The area proposed to be vacated shall be reserved as a public utility easement.
2. The developer shall not place any structure within thirty feet (30') of the existing water main.
3. The vacation shall record concurrent with the dedication of Donovan Way and the public utility easement as identified in condition one.



January 29, 2008

City of North Las Vegas
Planning Department
2266 Civic Center Drive
North Las Vegas, NV 89030

Re: Donovan Way Vacation (139-01-702-004)

Ladies and Gentlemen:

We respectfully request your review and approval of the attached Vacation application for Donovan Way through the existing Cashman Retail Center. Cashman Retail Center is at the Southeast corner of Craig Road and Donovan Way. The vacation area is split into two separate areas. Area 1 is approximately 51,264 square feet and Area 2 is approximately 13,570 square feet. Please refer to the enclosed site plan for the proposed vacation areas.

Donovan Way is currently being redesigned with the Craig Road grade separation construction. Once the new alignment of Donovan Way is finished the existing alignment will no longer be required. The adjacent developer, Cashman Equipment, would like to utilize this vacated area as a future building site. Access to the proposed development will be from the new Donovan Way alignment.

Should you have any questions, please feel free to contact our office at (702) 216-2800.

Sincerely,

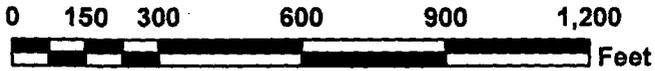
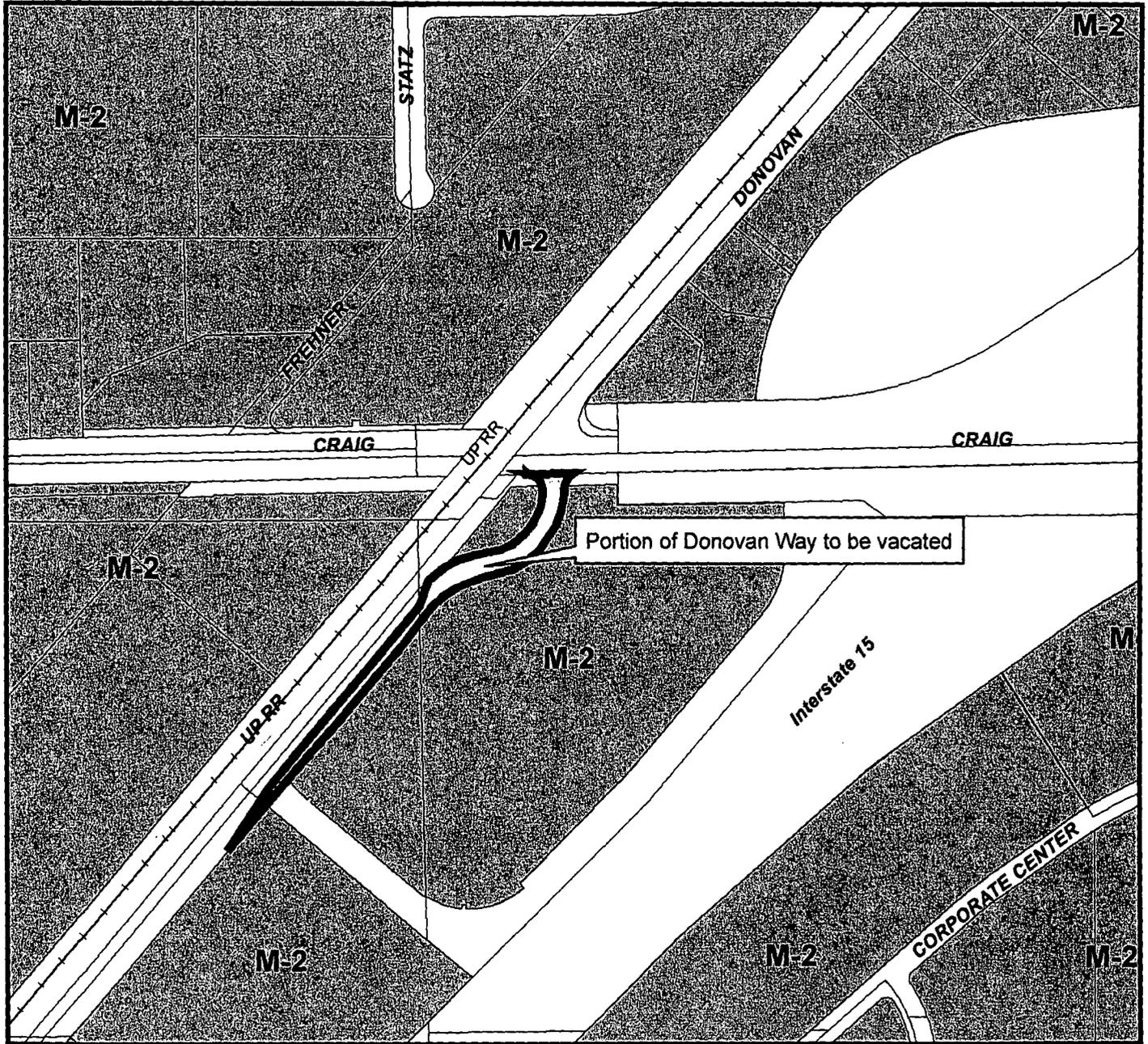
A handwritten signature in cursive script that reads "Stacey Medina".

Stacey Medina
Project Coordinator



THE CITY OF NORTH LAS VEGAS

Location & Zoning Map



Applicant: Cashman Equipment
Application Type: Vacation
Request: Vacate a Portion of Donovan Way
Project Info: Portion of Donovan Way commencing at Craig Road and proceeding south approx. 1650 ft.
Case Number: VAC-02-08



CITY OF NORTH LAS VEGAS - PUBLIC HEARING NOTICE

NOTICE IS HEREBY GIVEN that the City Council of the City of North Las Vegas will conduct a Public Hearing concerning:

VAC-02-08 (34201) CASHMAN RETAIL CENTER

AN APPLICATION SUBMITTED BY CASHMAN EQUIPMENT ON BEHALF OF JRTL LTD., PROPERTY OWNER, TO VACATE AN EXISTING PORTION OF DONOVAN WAY COMMENCING AT CRAIG ROAD AND PROCEEDING SOUTH APPROXIMATELY 1,650 FEET.

TIME: At or about 6:15 P.M.
DATE: May 7, 2008
PLACE: Council Chambers
City Hall
2200 Civic Center Drive
North Las Vegas, Nevada

The public is invited and encouraged to attend and submit written or oral comments.

The North Las Vegas City Council Chamber is accessible to all persons. Members of the public who require special assistance or accommodations at the meetings are requested to notify the City ADA Coordinator at (702) 633-1510 or TDD (800) 326-6868 at least seventy-two (72) hours in advance of the meeting.

PUBLISH: Las Vegas Review-Journal
DATE: Saturday, April 26, 2008

CIUDAD DE NORTH LAS VEGAS - AVISO DE AUDIENCIA PÚBLICA

EL AVISO AQUÍ PRESENTE por el cual el Concejo Municipal de la Ciudad de North Las Vegas llevará a cabo una Audiencia Pública con respecto a:

VAC-02-08 (34201) CASHMAN RETAIL CENTER

UNA SOLICITUD PRESENTADA POR CASHMAN EQUIPMENT EN NOMBRE DE JRTL LTD., DUEÑO DE PROPIEDAD, PARA DESOCUPAR UNA PORCIÓN EXISTENTE DE DONOVAN WAY COMENZANDO EN CRAIG ROAD Y PROCEDIENDO AL SUR APROXIMADAMENTE 1,650 PIES.

HORA: A las 6:15 P.M. o
alrededor de esa hora
FECHA: 7 de mayo del 2008
LUGAR: Council Chambers
(Despacho del Concejo)
City Hall (Ayuntamiento)
2200 Civic Center Drive
North Las Vegas, Nevada

Se le invita y anima al público para que asista y presente sus comentarios orales o por escrito.

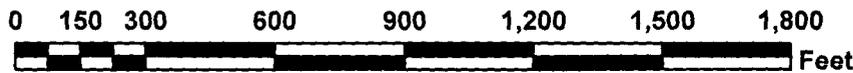
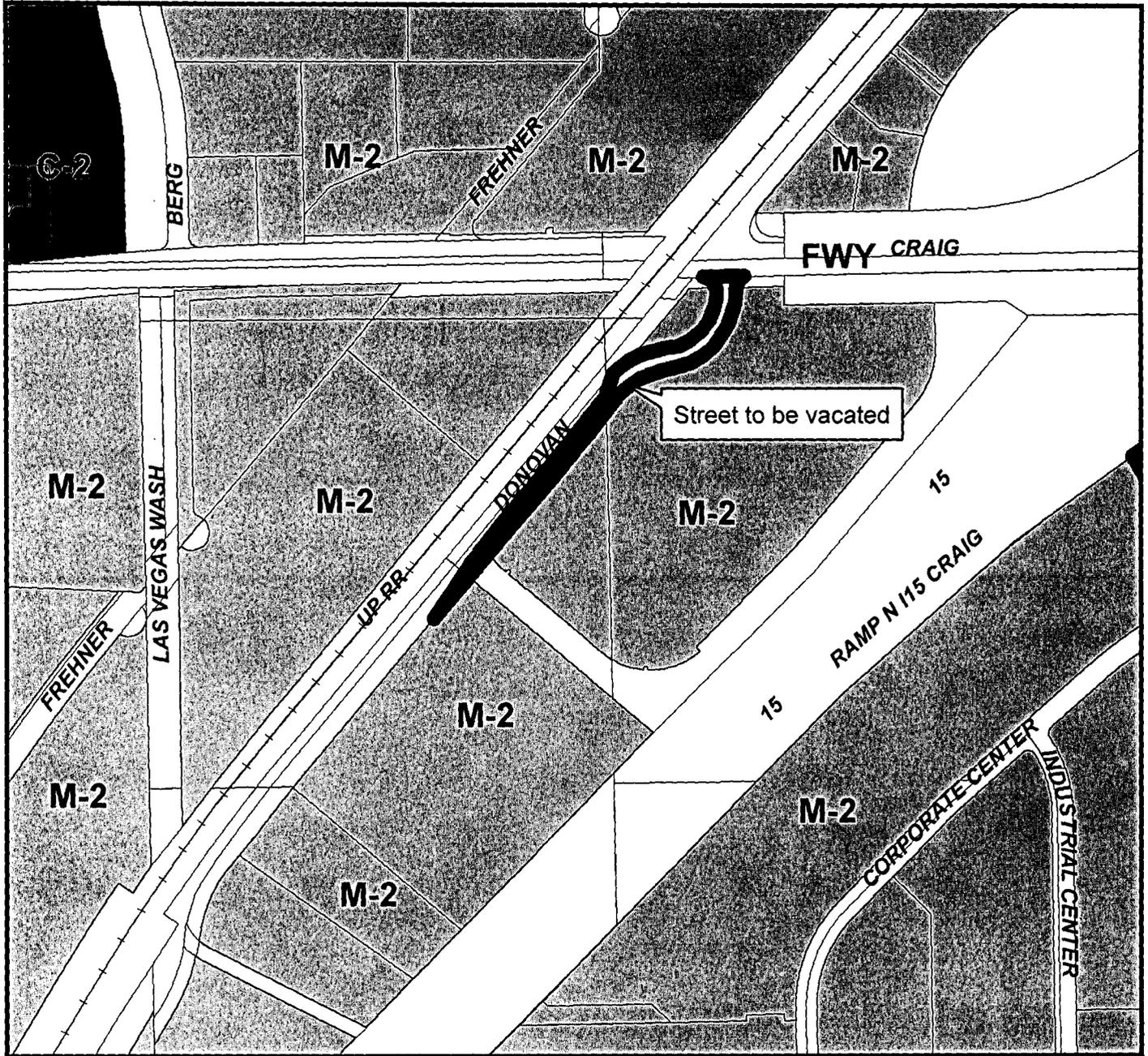
El Despacho del Concejo Municipal de North Las Vegas está accesible para todas las personas. Se les pide a los miembros del público que requieren asistencia especial o acomodaciones para las juntas que notifiquen al Coordinador para cubrir las necesidades de personas con discapacidades (ADA) y llamen al (702) 633-1510, o para los de deficiencias auditivas (TTY) llamen al (800) 326-6868 al menos setenta y dos (72) horas antes de la junta.


Karen L. Storms, CMC, City Clerk



THE CITY OF NORTH LAS VEGAS

Location & Zoning Map



Applicant: Cashman Equipment
 Application Type: Vacation
 Request: To vacate a portion of Donovan Way commencing at Craig Road and proceeding south approx. 1650 feet
 Project Info: Portions of Donovan Way
 Case Number: VAC-02-08



7. **VAC-02-08 (34201) CASHMAN RETAIL CENTER (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CASHMAN EQUIPMENT ON BEHALF OF JR TL LTD, PROPERTY OWNER, TO VACATE A PORTION OF DONOVAN WAY COMMENCING AT CRAIG ROAD AND PROCEEDING SOUTH APPROXIMATELY 1,650 FEET. THE ASSESSOR'S PARCEL NUMBERS ARE 139-01-702-004 AND 139-01-304-002.**

DRAFT

The application was presented by Naveen Potti, Planner who explained the vacation would facilitate realigning Donovan Way and add additional property to the existing property. Staff was recommending that VAC-02-08 be approved with Condition No. 4 amended to read: "The developer shall not place any structure within thirty (30) feet of the existing water main prior to the water main being abandoned and relocated, or otherwise approved by the Director of Utilities." The original recommended conditions are as follows:

1. A public utility easement shall be reserved over the entire area to be vacated.
2. Order of vacation may not record until the City of North Las Vegas has accepted the re-aligned Donovan Way for maintenance.
3. Should the Order of vacation not record within two (2) years of the approval date, the vacation shall be null and void.
4. The developer shall not place any structure within thirty (30) feet of the existing water main.
5. The vacation shall record concurrent with the dedication of Donovan Way and the public utility easement as identified in Condition No. 1.

Stacey Medina, Per4mance Consulting & Engineering, 1170 Center Point Drive, Henderson, NV 89074 appeared on behalf of the applicant indicating she concurred with Staff recommendation.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH
CONDITION NO. 4 AMENDED TO READ:

4. THE DEVELOPER SHALL NOT PLACE ANY STRUCTURE WITHIN
THIRTY (30) FEET OF THE EXISTING WATER MAIN PRIOR TO
THE WATER MAIN BEING ABANDONED AND RELOCATED, OR
OTHERWISE APPROVED BY THE DIRECTOR OF UTILITIES.

DRAFT

FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Leavitt
SECOND: Commissioner Shull
AYES: Chairman Brown, Vice-Chairman Trivedi, Commissioners Leavitt, Aston,
Shull, Cato, and Thomas
NAYS: None
ABSTAIN: None