



AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 20, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAC-21173 - APPLICANT: REI NEON, LLC - OWNER: BLUE DAYDREAMS, LLC

**** CONDITIONS ****

The Planning Commission (5-0-1/rt vote) and staff recommend APPROVAL, subject to:

1. The limits of this Petition of Vacation shall be defined as the streets and alleys bounded on the north by Charleston Boulevard, on the east by Main Street, on the south by Wyoming Avenue, and on the west by the Union Pacific Railroad, excluding those portions of right-of-way for Industrial Road as depicted on the Master Plan of Streets and Highways.
2. Provide a plan for approval by the City Engineer showing how legal access to all legal parcels shall be preserved or such legal parcels eliminated or merged into larger parcels that have legal access. If private access rights are proposed then such rights shall be provided through separate documents acceptable to the Department of Public Works and shall record immediately subsequent to the recordation of the Order of Vacation. If all legal parcels are merged such as with a subdivision map, then the appropriate Map must record immediately subsequent to the recordation of the Order of Vacation.
3. A sanitary sewer relocation/abandonment plan must be approved by the Department of Public Works. If relocation is proposed, the relocated sewer lines must be constructed and active prior to the recordation of the Order of Vacation. Alternatively, public sewer easements shall be retained through this Petition of Vacation.
4. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the recordation of the Order of Vacation for this application. This application shall be amended, if necessary, to reflect the recommendations of the approved Traffic Impact Analysis. The Traffic Impact Analysis required by SDR-21175 may be used to satisfy this requirement provided that it addresses the area to be vacated.
5. 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 reserved if recommended by the approved Drainage Plan/Study. The drainage study required by SDR-21175 may be used to satisfy this requirement provided that it addresses the area to be vacated.
6. 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 the Order of Vacation.

7. 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.
8. All development shall be in conformance with code requirements and design standards of all City Departments.
9. 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 rightofway 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 rightofway or easement being vacated must be retained.
10. If the Order of Vacation is not recorded within two (2) years 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.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a Petition to Vacate the existing 80-foot rights-of-way of Commerce Street, Industrial Road, Utah Avenue, Imperial Street, Colorado Street, and California Street, the 60-foot right-of-way of Fairfield Avenue, a 25-foot right-of-way generally located between Fairfield Avenue and Commerce Street, and a 20-foot right-of-way generally located between Commerce Street and Main Street, all bounded by Main Street to the east, Charleston Boulevard to the north, the Union Pacific Railroad to the west and Wyoming Avenue to the south. Staff recommends approval of this request in conjunction with a proposed mixed-use project that will be located in the area covered by these public streets.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
03/06/86	The City Council adopted by Ordinance #3218 the Redevelopment Plan for the Downtown Las Vegas Redevelopment Area.
07/05/00	The City Council adopted by Ordinance #5238 the Downtown Centennial Plan.
05/17/06	The City Council adopted by #5830 the amended Redevelopment Plan for the Downtown Las Vegas Redevelopment Area.
01/03/07	The City Council adopted by Ordinance #5874 the amended Downtown Centennial Plan.
05/24/07	The Planning Commission recommended approval of companion items GPA-20227, ZON-21165, ZON-21166, SUP-21168, SUP-21169, SUP-21171, SUP-21172 and SDR-21175 concurrently with this application. The Planning Commission voted 5-0-1 to recommend APPROVAL (PC Agenda Item #23/jm).
<i>Pre-Application Meeting</i>	
04/05/07	A pre-application meeting was held with the applicant. The following items were discussed with the applicant: General Plan Amendment to MXU (Mixed Use) Rezoning from M (Industrial) and C-M (Commercial/Industrial) to C-2 (General Commercial) Downtown Centennial Plan Standards utilities underground, streetscape standards, setbacks, service areas, parking structures, architectural standards such as reflective material, articulated roofline, no blank expressionless walls, detail main entry from street, no reflective glass (22% max). Parking study required Traffic study required

<i>Neighborhood Meeting</i>	
4/24/07	<p>A neighborhood meeting will be held on Tuesday, April 24, 2007 at 5:30 p.m. at Artistic Iron Works, 105 W. Charleston Blvd. 38 members of the public attended the meeting.</p> <p>The following questions and concerns were raised by members of the public: Concern about traffic on Main Street, and whether or not Main Street would be widened. General questions were raised about other traffic mitigation measures that would be required because of the project. Concern about the height and appearance of the parking structures. Concern about how the project might change if the applicant isn't awarded the RFP for the arena. Concern about whether there would be any public art components associated with the project, and how the project will compliment the Arts District. Questions were raised about REI's financial issues, funding, and profits. Concern about whether the project will accommodate the gateway project planned for Charleston Boulevard. Concern about whether the arena would conflict with the Performing Arts Center. A resident expressed a desire that the businesses and buildings on the west side of Main Street be retained, and that the new development be limited to the west side of Commerce Street. Questions were raised about the construction timeframe for the project. A question was raised about whether there was a valid sales contract with every property owner. A question was asked as the whether the applicant would be "flipping" the property. The applicant was asked if they had the financing to complete the project.</p>

<i>Field Check</i>	
04/23/07	<p>The 73.5 acre area is an array of commercial and industrial uses such as offices, retail shops, auto body shops, used car sales, warehouses, motel, and a bus depot. The area is bordered by Charleston Boulevard to the north, Wyoming Avenue to the south, the Union Pacific Railroad to the west, and Main Street to the east.</p>

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	73.50

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Auto Body Shops, Bus Depot, Offices, Motel, Truck Storage, Retail Shops, Used Car Sales, Warehouses.	LI/R (Light Industrial), C (Commercial)	M (Industrial), C-M (Commercial/Industrial), C-2 (General Commercial)
North	Warehouses, Convenience Store	C (Commercial), LI/R (Light Industrial)	M (Industrial), C-M (Commercial/Industrial), C-2 (General Commercial)
South	Auto Body Shops, Shops, Open Storage, Parking Lot,	C (Commercial), LI/R (Light Industrial)	C-M (Commercial/Industrial), C-2 (General Commercial)
East	Auto Body Shops, Storage, Shops, Offices, Tavern, Restaurant	C (Commercial)	C-M (Commercial/Industrial), C-2 (General Commercial)
West	Shops, Offices, Warehouses, Service Station, Car Wash	C (Commercial), LI/R (Light Industrial), MXU (Mixed Use)	M (Industrial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown Centennial Plan	X		N ¹
Redevelopment Plan Area	X		Y
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
Downtown Overlay District (<i>Downtown South, Arts District</i>)	X		N
A-O (Airport Overlay) District (200 feet)	X		N ²
Trails³	X		Y
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment	X		Y
Project of Regional Significance	X		Y

1. A Waiver of Downtown Centennial Plan (Downtown South) Design Standards has been requested by the applicant.
2. A Special Use Permit (SUP-21175) has been requested for a proposed high rise mixed-use development in the Airport Overlay District.

3. Multi-Use Trail designated along railroad. In addition a pedestrian path is designated on Wyoming Avenue. Per Map 9 of the Downtown Centennial Plan, a Proposed Bus Rapid Transit Route is designated as proposed travel route on Main Street.

ANALYSIS

The subject vacation request would relinquish the City's interest in seven public streets bounded on the north by Charleston Boulevard, on the east by Main Street, on the south by Wyoming Avenue, and on the west by the Union Pacific Railroad, excluding those portions of right-of-way for Industrial Road as depicted on the Master Plan of Streets and Highways. Also proposed to be vacated are 20-foot wide alleys running parallel to Commerce Street between Wyoming Avenue and Charleston Boulevard and parallel to Charleston Boulevard between Commerce Street and Main Street, and a 25-foot wide alley south of Fairfield Avenue between Wyoming and Utah Avenues. A mixed-use project is proposed for this area and will be heard concurrently with this item. Planning supports this project and therefore supports the petition for vacation.

Although traffic handling capability of this area of downtown will be reduced as a result of vacation and subsequent redevelopment of the public rights-of-way, the Department of Public Works does not object to the proposed vacation subject to a condition requiring the applicant to show that legal access can be maintained by all existing legal parcels.

The Department of Public Works presents the following information concerning this request to vacate certain public street rights-of-way:

- A. Does this vacation request result in uniform or non-uniform right-of-way widths? *Uniform, as it will completely eliminate all rights-of-way bounded by East Charleston Boulevard and Wyoming Avenue and Main Street and the Union Pacific Railroad tracks.*
- B. From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability? *Yes, as this vacation will eliminate all public streets within the area thus redirecting traffic onto the neighboring streets.*
- C. Does it appear that the vacation request involves only excess right-of-way? *No, it is to eliminate rights-of-way to be incorporated into a planned mixed-use development.*
- D. Does this vacation request coincide with development plans of the adjacent parcels? *Yes, the The Pulse mixed use development, ZON-21165, ZON-21166, and SDR-21175.*
- E. Does this vacation request eliminate public street access to any abutting parcel? *Yes, however we have recommended a Condition of Approval that addresses this concern.*
- F. Does this vacation request result in a conflict with any existing City requirements? *No.*

- G. Does the Department of Public Works have an objection to this vacation request? *No, provided the The Pulse project proceeds as planned.*

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 19

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 86 by City Clerk

APPROVALS 0

PROTESTS 0