



AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 1, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAC-21240 - APPLICANT: SDA, INC - OWNER: POULOS FAMILY TRUST

THIS ITEM WAS HELD IN ABEYANCE FROM THE JULY 11, 2007 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (4-2/bg/sd vote) recommends APPROVAL, subject to:

1. The limits of this Vacation shall be the southerly portion of the public alley located north of Bridger Avenue, between 9th Street and 10th Street.
2. Submit an alternative alley access plan for approval by the City Engineer providing a legal through-access for this alley and an adequate turning radius. Such alley access shall be dedicated prior to or concurrent with the recordation of an Order of Vacation for this alleyway.
3. Provide a plan showing how the right-of-way proposed to be vacated will be incorporated into the abutting properties, including the property not controlled by the applicant (if applicable), so that an un-maintained no-mans land area is not produced by this action. The required plan shall identify exactly who is responsible to reclaim each portion of right-of-way and exactly how the right-of-way will be reclaimed, and shall provide a schedule of when such reclamation will occur. Such plan shall be approved by the City Engineer prior to the recordation of the Order of Vacation or the submittal of any construction drawings adjacent to or overlying the area requested for vacation, whichever may occur first.
4. 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. If easements are required, this Vacation may record in phases, to allow for future elimination of easements at the discretion of the City Engineer.
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 ZON-21234 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 an Order of Vacation.
7. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress thereto 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 one (1) year 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 application is a Petition to Vacate a 20-foot wide section of public right-of-way generally located north of Bridger Avenue, between Ninth Street and Tenth Street. The applicant seeks a vacation of a 225-foot long portion of the alley way beginning from Bridger Avenue and extending northwards. The applicant is proposing to construct a 300-unit, 6-story apartment building over the vacated alley, in addition to six other associated parcels.

A Site Development Plan Review (SDR-21236) proposes to replace the vacated portion of the alley with a new alley to be dedicated that will connect the remainder of the alley from its termination to 10th Street, at approximately the property line between the existing 216 10th Street and 226 10th Street.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
01/04/61	The Board of City Commissioners approved a Special Use Permit (U-0032-60) for an office at 227 South 9th Street.
10/01/03	The City Council approved a request to Amend the City of Las Vegas Downtown Development Plan Map (Map 9) of the Las Vegas Redevelopment Plan from Industrial to Commercial and from Industrial to Mixed Use for properties bounded by Charleston Boulevard to the north, Third Street to the east, Commerce Street to the west and Colorado Street to the south.
12/07/06	The Planning Commission approved the following requests: a Rezoning (ZON-17740) from R-4 (High Density Residential) to R-5 (Apartment); a Vacation (VAC-17744) of a portion of an existing alley generally located north of Bridger Avenue, 140 feet east of Tenth Street; a Variance (VAR-17741) to allow 150 parking spaces where 425 spaces are required ; a Variance (VAR-17742) to allow an eight-foot setback from the north property line where the residential adjacency standards require a setback of 198 feet and to allow trash enclosures to be 10 feet from residential property where a 50-foot minimum setback is required; a Variance (VAR-17743) to allow a zero-foot setbacks from the east, west, and south property lines where 20 feet, 10 feet, five feet are the minimum setbacks required to allow a building height of 66 feet where 55 feet is the maximum height allowed; and a Site Development Plan Review (SDR-17745) for a on 1.38 acres on the north side of Bridger Avenue between 9th Street and 10th Street. These items were withdrawn from the 2/07/07 City Council meeting.

06/14/07	<p>The Planning Commission recommended approval of companion items ZON-21234, VAR-21238, VAR-21239 and SDR-21236 concurrently with this application.</p> <p>The Planning Commission voted 4-2/bg/sd to recommend APPROVAL (PC Agenda Item #21/mh).</p>
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<i>Pre-Application Meeting</i>	
08/18/06	<p>The requirements for a rezoning application were reviewed. Issues regarding the specific changes stemming from the revisions to the previous five applications heard at the 12/07/06 Planning Commission meeting were discussed.</p>
<i>Neighborhood Meeting</i>	
<p>A neighborhood meeting was not required, nor was one held.</p>	
<i>Field Check</i>	
4/19/07	<p>A Field Check was made with the following observations: 1. The proposed vacation will cut off access from an actively used alley. However, the majority of that use stems from the apartments to be redeveloped. 2. The proposal is similar with an existing apartment building but is out of context regarding size and massing with the immediate surrounding neighborhood. 3. The site is within short distance of a similar project at 811 Bridger Avenue, which seems to be a functional apartment building with no observable issues from the street regarding off-site parking.</p>

ANALYSIS

A) Planning discussion

The applicant proposes to vacate a portion of the alley connecting Bridger Avenue and Carson Avenue between Ninth Street and Tenth Street in order to provide for cohesive development along Bridger Avenue between 9th Street and 10th Street. In order to mitigate the vacation of the alley, the applicant proposes to dedicate a replacement of that portion to the north of his proposed development, diverting the alley flow to Tenth Street. In addition, the submitted vacation indicates that the applicant will replace the necessary water and sewer infrastructure in order to accommodate the vacation as well as the proposed development. However, as staff is recommending denial on the proposed rezoning, site plan, and related variances, staff cannot recommend approval for this vacation.

B) Public Works discussion

The following information is presented concerning this request to vacate certain public street right of ways:

We present the following information concerning this request to vacate certain public street ROW:

- A. Does this vacation request result in uniform or non-uniform right-of-way widths? *Uniform, dedication for an alternative outlet for this public alley will be required through a Condition of Approval.*
- B. From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability? *No.*
- C. Does it appear that the vacation request involves only excess right-of-way? *No.*
- D. Does this vacation request coincide with development plans of the adjacent parcels? *Yes Zoning Reclassification ZON21234 and Site Development Plan Review SDR21236.*
- E. Does this vacation request eliminate public street access to any abutting parcel? *No.*
- 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.*

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 15

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 136 by City Clerk

APPROVALS 0

PROTESTS 0