

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 1, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ROC-23231 - APPLICANT/OWNER: REI NEON, LLC

** CONDITIONS **

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to all other Conditions of Approval for Vacation (VAC-21173) and all other site related actions shall be required.

Public Works

2. 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. The Vacation shall record in phases: Phase 1 shall consist of vacation of the public rights-of-way subject to retaining public easements for drainage and sewer, and along Commerce Street, public roadway easements. Phase 2 shall consist of vacation of those remaining public easements upon construction of the required traffic mitigation improvements (to compensate for the elimination of Commerce Street), and the imminent issuance of building permits for Phase 1 of the Pulse project.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Review of Condition to modify Condition Number One of an approved Vacation (VAC-21173) which stated "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" to read "the vacation shall record in phases: phase 1 shall consist of vacation of the public rights-of-way subject to retaining public easements for drainage and sewer, and along commerce street, public roadway easements. phase 2 shall consist of vacation of those remaining public easements upon construction of the required traffic mitigation improvements (to compensate for the elimination of commerce street), and the imminent issuance of building permits for phase 1 of the pulse project" for 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.

The requested condition change will not adversely affect the subject property or the surrounding area. All of the required off-street improvements shall still be completed. The modification of condition number one of an approved Vacation (VAC-21173) is deemed appropriate by both the Department of Public Works and the Department of Planning and Development. Approval of this request is recommended.

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.

06/20/07	The City Council approved seven related cases in conjunction with a proposed mixed-use development at the southwest corner of Charleston Boulevard and Main Street: ZON-21165 and ZON-21166; SUP-21168, SUP-21169, SUP-21171 and SUP-21172; and SDR-21175. The Planning Commission and staff recommended approval.
<i>Related Building Permits/Business Licenses</i>	
There are no permits or licenses related to this request.	
<i>Pre-Application Meeting</i>	
The requirement of a pre-application meeting was waived.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

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
Redevelopment Plan Area	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
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

Trails³	X		Y
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment	X		Y
Project of Regional Significance	X		Y

ANALYSIS

The requested condition change will amend Condition Number One of the approved Vacation to allow Commerce Street to be reserved as a public roadway easement. In addition, the revised condition will allow the Vacation to record in phases. Phase 1 shall consist of vacation of the public rights-of-way subject to retaining public easements for drainage and sewer, and along Commerce Street, public roadway easements. Phase 2 shall consist of vacation of those remaining public easements upon construction of the required traffic mitigation improvements (to compensate for the elimination of Commerce Street), and the imminent issuance of building permits for Phase 1 of the Pulse project.

This provides two public benefits: the continued use of the Commerce Street north-south corridor by the public for both business access and through-traffic until such time as the Pulse project commences construction and preservation of the Commerce Street public roadway corridor in perpetuity in the event that the Pulse project fails to construct at all.

The Department of Public Works has no objection to the Request for a Review of Condition to modify Condition Number One of an approved Vacation to allow recordation in phases, as well as reserving Commerce Street as a public roadway easement until Phase 2 is imminent. The requested condition change will not adversely affect the subject property or the surrounding area. As the proposed change will not have a negative effect on the public safety or the surrounding area, the Planning and Development Department are able to support the Department of Public Works and recommend approval of this request.

FINDINGS

The modification of condition number one of an approved Vacation (VAC-21173) is deemed appropriate by both the Department of Public Works and the Department of Planning and Development. Approval of this request is recommended.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED 84

APPROVALS 0

PROTESTS 0