

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MARCH 13, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - VAC-26443 - APPLICANT: STUDIO WEST -

OWNER: CORESTONE, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

1. All development shall be in conformance with code requirements and design standards of all City Departments.
2. The limits of this vacation shall be defined as those portions of Boulder Avenue between the southern extension of the eastern boundary of First Street and the westerly boundary of the Citys Casino Center/3rd Street Realignment project, the 20-foot wide alley located at the northwest corner of Casino Center Boulevard and Boulder Avenue, and a portion of the west side of Casino Center Boulevard located between Coolidge Avenue and Boulder Avenue that has been determined to no longer be needed as a part of the Citys Casino Center/3rd Street Realignment Project or any other City projects as determined by the City Engineer.
3. 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.
4. A Waiver of Title 18.12.130 to allow a public street to terminate other than with a circular cul-de-sac, such as (WVR-26441), shall be approved prior to recordation of the Order of Vacation. If such a waiver is not approved, additional right-of-way for a cul-de-sac shall be dedicated prior to recordation of the Order of Vacation. Provide an engineering plan for approval by the City Engineer, or his designee, that depicts the public street improvements for the termination of 1st Street. The approved termination design for 1st Street shall be constructed prior to the recordation of the Order of Vacation.
5. 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 retained, this Vacation may record in phases, to allow for future elimination of easements at the discretion of the City Engineer.
6. 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 public drainage easements shall be reserved if recommended by the approved Drainage Plan/Study. If easements are retained, this Vacation may record in phases, to allow for future elimination of easements at the discretion of the City Engineer.

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7. The Order of Vacation shall retain emergency access easements unless written approval is provided from the Fire Prevention Division prior to recordation of the Order of Vacation.
8. 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. All new improvements shall conform to City of Las Vegas Downtown Centennial Plan standards.
9. If the Order of Vacation is not recorded within one (1) year after approval by the City of Las Vegas of an Extension of Time is not granted by the Planning Director, then approval will terminate and a new petition must be submitted.
10. 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 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 V acation 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.
11. Prior to recordation of an Order of Vacation, provide a plan acceptable to the City Engineer 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 no un-maintained no-mans land areas are produced by this action, and all affected parties are aware of the final disposition of the property to be vacated. 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.
12. Prior to recordation of the Order of Vacation, submit a Site Development Plan Review for review and approval by the City Council for the entire area of Boulder Avenue requested for vacation with this application.

**** STAFF REPORT ****

PROJECT DESCRIPTION

A request has been made by an adjacent property owner to Vacate Boulder Avenue between First Street and Casino Center Boulevard, a 20-foot wide alley generally located at the northwest corner of Casino Center Boulevard and Boulder Avenue, a portion of the west side of Casino Center Boulevard and Boulder Avenue, and a portion of the west side of Casino Center Boulevard located between Coolidge Avenue and Boulder Avenue. The property owner has made this request based on future development plans, and due to the planned reconfiguration of Casino Center Boulevard.

The Citys approved Boulder Park Plaza project converts Boulder Avenue between Main Street and 1st Street to a sculpture park that does not accommodate vehicular traffic. This application will vacate rights-of-way to the east of the sculpture park in order to accommodate development at the northwest corner of Charleston Boulevard and Casino Center Boulevard.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/16/64	The City Council approved a Rezoning (Z-0100-64) to reclassify property, including the subject parcel, in the area generally bounded by Main Street, Bonanza Road, Las Vegas Boulevard and Charleston Boulevard from R-1 (Single Family Residential), R-4 (High Density Residential), C-1 (Limited Commercial) and C-V (Civic) to C-2 (General Commercial).
02/16/05	The City Council approved a Site Development Plan Review (SDR-5660) for a 20 story mixed use development to include 98 residential units and 5,300 square feet of commercial space on a property at the northeast corner of Charleston Boulevard and Casino Center. The Planning Commission recommended, and staff recommended approval. (1/13/05)
01/04/06	The City Council approved a request for a Special Use Permit (SUP-9886) for a Mixed Use Development. The development is a 540-foot tall, 47 story mixed use development with 280 residential units and 5,540 square feet of retail with waivers of upper floor step back requirements, the building placement requirement, and the Downtown Centennial Plan streetscape standards at the northwest corner of Charleston Boulevard and Casino Center. The Planning Commission recommended, and staff recommended approval. 12/01/05
01/04/06	The City Council approved a request for a Special Use Permit (SUP-9886) for a 540 foot tall building in the Airport Overlay District. The Planning Commission, and staff recommended approval. 12/01/05

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01/04/06	The City Council Approved a Site Development Plan Review for a proposed 540 foot tall, 47 story mixed use development with 280 residential units and 5,540 square feet of retail with waivers of upper floor step back requirements, the building placement requirement, and the Downtown Centennial Plan streetscape standards at the northwest corner of Charleston Boulevard and Casino Center Boulevard. The Planning Commission, and staff recommended approval. 12/01/05
11/07/07	The City Council approved a request for a Site Development Plan Review (SDR-23931) for a proposed public park and parking lot within the Boulder Avenue Right-of-Way between First Street and Main Street. The Planning Commission and staff recommended approval on 09/27/07.

Field Check	
02/01/07	There were no significant impediments to the Vacation request observed during the field check related to this Vacation request.

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	R.O.W (Right-of - Way)	R.O.W (Right-of - Way)	ROW (Right of Way)
North	Office, Parking	MXU (Mixed Use)	C-M (Commercial/Industrial)
South	Commercial Center, Shops	C (Commercial)	C-2 (General Commercial)
East	Shops and Apartments	MXU (Mixed-Use)	R-4 (High Density Residential) Under Resolution of Intent for C-1 (limited Commercial) and C-2 (General Commercial)
West	Shops, Auto Repair, Storage	C (Commercial)	C-M (Commercial/Industrial)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan			
Downtown Centennial Plan	X		Y
Redevelopment Plan Area	X		Y

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
PD (Planned Development) District	X		
Downtown Casino Overlay District	X		
Live/Work Overlay District	X		
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

LEGAL DESCRIPTION

A request has been submitted by Studio West to Vacate Boulder Avenue between First Street and Casino Center Boulevard, a 20' wide alley generally located at the northwest corner of Casino Center Boulevard and Boulder Avenue and a portion of the west side of Casino Center Boulevard located between Coolidge Avenue and Boulder Avenue.

The above property is legally described as being a portions of right-of-way granted for First Street, Boulder Avenue, Casino Center boulevard, and public alleys by book 1, page 51 of plats and documents 528:0424875 and 586:0471468 of Clark County official records.

ANALYSIS

A request has been made by an adjacent property owner to Vacate Boulder Avenue between First Street and Casino Center Boulevard, a 20-foot wide alley generally located at the northwest corner of Casino Center Boulevard and Boulder Avenue, a portion of the west side of Casino Center Boulevard and Boulder Avenue, and a portion of the west side of Casino Center Boulevard located between Coolidge Avenue and Boulder Avenue. The property owner has made this request based on future development plans and in reaction to the reconfiguration of Casino Center Boulevard.

Staff supports the request, as the portions of right-of-way to be vacated are not currently part of any existing or planned roadway, and there are no property access conflicts.

FINDINGS

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? *It will result in uniform widths.*

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- B. From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability? *Very slight, as Boulder Avenue currently has only 2 travel lanes and contains angled parking within the right-of-way. In addition the City's approved Boulder Park Plaza project converts Boulder Avenue between Main Street and 1st Street to a sculpture park that does not accommodate vehicular traffic.*
- C. Does it appear that the vacation request involves only excess right-of-way? *No, it is to accommodate the proposed expansion of an existing restaurant and will allow for cohesive development on the north side of Boulder Avenue.*
- D. Does this vacation request coincide with development plans of the adjacent parcels? *Yes, the expansion of an adjacent restaurant and the Boulder Park Plaza project.*
- 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? *Yes, it will create a public street termination (1st Street) that does not comply with City code. Therefore, there is a Condition of Approval requiring the submittal and approval of a Waiver to Title 18.12.130 (WVR-26441) that is a companion item to this vacation application.*
- G. Does the Department of Public Works have an objection to this vacation request? *No.*

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 16

ASSEMBLY DISTRICT 6

SENATE DISTRICT 3

NOTICES MAILED 9

APPROVALS 1

PROTESTS 2