



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 21, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAC-27093 - APPLICANT/OWNER: NEVADA CARWASH ASSOCIATES II, LLC

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

1. The limits of this Petition of Vacation shall be the U.S. Government Patent Easements along the west and north property line of property located at 5550 West Charleston Boulevard (Assessor Parcel #138-36-408-006), excluding the west 10 feet of the west U.S. Government Patent Easement from Charleston Boulevard north approximately 150 feet overlying the existing Declaration of Utilization (962:772032), unless the applicant provides proof that the existing City electrical facilities have been relocated to the satisfaction of the City Engineer. Alternatively, the applicant may grant a specific easement to the City of Las Vegas for the existing electrical line and access thereto prior to the recordation of the Order of Vacation.
2. All 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 Relinquishment of Interest.
3. The Order of Relinquishment of Interest 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.
4. 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.
5. All development shall be in conformance with code requirements and design standards of all City Departments.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a Petition to Vacate (VAC-27093) a 33-foot wide U.S. Government Patent Easement generally located on the west boundary and three-feet on the north boundary of 5550 West Charleston Boulevard. As this portion of the site is no longer needed in the current configuration; staff recommends approval of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
3/02/66	The City Council approved a Rezoning (Z-0006-66) from R-1 (Single Family Residential) and R-4 (High Density Residential) to C-1 (Limited Commercial) of this site as part of a larger request.
10/19/94	The City Council denied an appeal for a Variance to allow an Auto Pawn which allows the outdoor storage of automobiles located at 5550 West Charleston Boulevard. The Board of Zoning Adjustment initially denied the request on 9/27/94.
11/29/07	The City Council approved a request for a Special Use Permit (SUP-24803) for a proposed car wash, full service on 0.84 acres at 5550 West Charleston Boulevard. Planning Commission recommended approval and staff recommended denial.
01/09/08	The City Council approved a Site Development Plan Review (SDR-24802) for a 4,326 square foot Car Wash, Full Service with a detached Accessory Structure on the subject site. The Planning Commission recommended approval and staff recommended denial.
04/24/08	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #13/lhm).
<i>Related Building Permits/Business Licenses</i>	
04/13/89	Business license #R09-00841 issued for Restaurant. NOTE: Although the establishment is closed this license is still active
03/01/90	Business license #L09-00062 issued for Beer/Wine/Cooler on-sale in relation with R09-00841. NOTE: Although the establishment is closed this license is still active
<i>Pre-Application Meeting</i>	
A meeting is not required, nor was one held.	
<i>Neighborhood Meeting</i>	
A meeting is not required, nor was one held.	
<i>Field Check</i>	

03/28/08	Existing building on site. Building boarded up with plywood.
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Details of Application Request			
Site Area			
Net Acres	0.85 acres		
Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)
North	Single Family Dwellings	L (Low Density Residential)	R-1 (Single Family Residential)
South	Used Car Lot/Undeveloped	SC (Service Commercial)/ML (Medium Density Residential)	C-2 (General Commercial)/ U (Undeveloped) under Resolution of Intent to R-PD8 (Residential-Planned Development 8 Units per Acre)
East	Office	SC (Service Commercial)	C-1 (Limited Commercial)
West	Retail Building	SC (Service Commercial)	C-1 (Limited Commercial)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
A-O Airport Overlay District 200 feet	X		N/A
Trails			NA
Rural Preservation Overlay District			NA
Development Impact Notification Assessment			NA
Project of Regional Significance			NA

THE ABOVE PROPERTY IS LEGALLY DESCRIBED AS FOLLOWS:

A request has been received from Walker Engineering, LLC on behalf of Nevada Car Wash Associates II, LLC, to Vacate U.S. Government Patent Easements at 5550 West Charleston Boulevard, Ward 1 (Tarkanian).

The west thirty-three feet (33') of the west half (W $\frac{1}{2}$) of the southwest quarter (SW $\frac{1}{4}$) of the southeast quarter (SE $\frac{1}{4}$) of the southeast quarter (SE $\frac{1}{4}$) of the southwest quarter (SW $\frac{1}{4}$) of Section 36, Township 20 South, Range 60 East, M.D.M.

ANALYSIS

This Petition is to Vacate an existing 33 foot patent easement and three feet of BLM right-of-way generally located at 5550 West Charleston Boulevard. The requested portions of right-of-way are the existing 33 feet along the west boundary and the remaining 3-feet along the north boundary of this parcel. The patent easement and the BLM right-of-way are no longer needed as Lindell Road dead ends at Charleston Boulevard.

PLANNING COMMISSION ACTION

Condition #1 was amended at the request of the Department of Public Works to which the applicant agreed.

ASSEMBLY DISTRICT 3

SENATE DISTRICT 11

NOTICES MAILED 6 by City Clerk

APPROVALS 0

PROTESTS 0