

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: JUNE 12, 2008****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: VAC-27995 - APPLICANT/OWNER: 220 NORTH 4TH STREET LV, LLC AND BLACKMAN ALFRED & I FAMILY TRUST ET AL**

**** CONDITIONS ******STAFF RECOMMENDATION: APPROVAL**, subject to:

1. The limits of this Petition of Vacation shall be the Public Sewer easement located west of 4th Street between Ogden Avenue and Stewart Avenue.
2. Provide a sewer relocation/abandonment plan acceptable to the Collection System Planning section of the Department of Public Works prior to recordation of the Order of the Vacation. If relocation is required, this vacation shall not record until civil improvement plans are approved by the City of Las Vegas and a temporary sewer easement is submitted overlying the vacation limits. This easement shall remain on file until relocated sewer is accepted for use by the City of Las Vegas or may be recorded if sewer relocation is not completed within one year of civil improvement plan approval.
3. 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 Vacation.
4. All development shall be in conformance with code requirements and design standards of all City Departments.
5. 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.

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6. 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 request for a Vacation of a public sewer easement generally located at the northwest corner of Odgen Avenue and 4th Street. This Vacation of this public sewer easement will facilitate the redevelopment of an existing casino. As this public sewer easement is no longer needed in its current configuration; staff recommends approval of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/26/62	The Board of City Commissioners approved Ordinance 1014, which reaffirmed the C-2 (General Commercial) Zone on the parcels that border to the east and west of the subject site.
10/04/89	The City Council approved a request for an Aesthetic Review (AR-0012-89) of a temporary tent structure located on the subject site. A condition of approval required the structure to be removed from the property no later than September 14, 1994.
01/02/91	The City Council approved a request for an Aesthetic Review (AR-0016-90) of a temporary trailer on the subject site. A condition of approval required the trailer to be removed from the property no later than September 14, 1994.
09/21/94	The City Council approved a Review of Condition [AR-0012-89(1) and AR-0016-90(1)] for the continued use of the temporary tent structure approved under (AR-0012-89) and the temporary trailer approved under (AR-0016-90). A condition of that approval required the use of both structures to be reviewed in five-years.
09/14/98	The City Council approved a Petition to Vacate 3rd Street between Stewart Avenue and Ogden Avenue (VAC-0030-98). The Planning Commission and staff recommended approval.
10/20/99	The City Council approved a Required Five-Year Review [AR-0012-89(2) and AR-0016-90(2)] to allow for the continued use of the temporary tent structure approved under (AR-0012-89) and the temporary trailer approved under (AR-0016-90). A condition of that approval required that both structures be removed by October 17, 2002.
01/05/00	The City Council approved a Site Development Plan Review (SD-0030-99) for a proposed pedestrian mall on Third Street between Stewart Avenue and Ogden Avenue. The Planning Commission and staff recommended approval of this request.
10/12/00	The Planning Commission approved a second Extension of Time on an approved Vacation [VAC-0030-98(2)] to vacate Third Street between Stewart Avenue and Ogden Avenue. Staff recommended approval.

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09/19/01	Planning and Development Department Staff administratively approved a third Extension of Time [VAC-0030-98(3)] to vacate 3rd Street between Stewart Avenue and Ogden Avenue. The expiration date was September 19, 2002.
10/17/01	The City Council approved a Review of Condition [AR-0012-89(3) and AR-0016-90(3)] for the continued use of the temporary tent structure approved under (AR-0012-89) and the temporary trailer approved under (AR-0016-90). A condition of that approval required the use of both structures to be removed by October 17, 2002. Staff recommended approval of this request.
12/06/01	The Planning Commission approved a Site Development Plan Review (SD-0071-01) for a proposed 14,765 square foot banquet hall and general site improvements on the subject site. Staff recommended approval of this request.
12/19/02	The City Council approved a Review of Condition (ROC-1073) of an approved Review of Condition [AR-0012-89(3) and AR-0016-90(3)] which required the temporary structures on the subject site to be removed by October 17, 2002. A condition of approval required the use of both structures to be removed by October 17, 2003. Staff recommended denial of this request.
11/19/03	The City Council approved a Review of Condition (ROC-3218) allowing an extension for the removal of the temporary structures on the site. A condition of approval required both structures to be removed by October 17, 2004. Staff recommended denial of this request.
05/05/04	The City Council approved a Vacation (VAC-3926) of the 3rd Street right-of-way between Stewart Avenue and Ogden Avenue, conditioned upon the approval of a Site Development Plan Review application for the vacated right-of-way. The Planning Commission and staff recommended approval of this request.
08/26/04	The Planning Commission approved a Site Development Plan Review (SDR-4835) for valet parking in the vacated 3rd Street right-of-way. Staff recommended approval of this request.
09/15/04	The City Council approved four Special Use Permit (SUP-4739, SUP-4741, SUP-4742, SUP-4743) applications for taverns on the west side of the vacated 3rd Street right-of-way. The Planning Commission and staff recommended approval of these requests.
12/15/04	The City Council approved a Review of Condition (ROC-5644), allowing an extension for the removal of the temporary structures on the site. A condition of approval requires both structures to be removed by October 17, 2006. Staff recommended denial of this request.
08/25/05	The Planning Commission approved a Tentative Map (TMP-8072) for a one-lot commercial subdivision on the subject property. Staff recommended approval of this request.

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02/15/06	The a City Council approved a Site Development Plan Review (SDR-10490) and Special Use Permit (SUP-10491) for an expansion of non-restricted gaming facilities on the subject property. The Planning Commission and staff recommended approval of these requests.
09/07/06	The Planning Commission heard a Site Development Plan Review (SDR-15380) for a proposed expansion for of an existing Non-Restricted Gaming Facility. The applicant requested this item to be tabled on 09/21/06.
<i>Related Building Permits/Business Licenses</i>	
There are no building permits or business licenses related to this request.	
<i>Pre-Application Meeting</i>	
A pre-application meeting is not required, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	
<i>Field Check</i>	
04/14/08	A field check was conducted and found that the subject site is currently not in use.

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Closed Casino	C (Commercial)	C-2 (General Commercial)
North	Museum and Frank Wright Plaza	PF (Public Facilities)	C-V (Civic)
South	Hotel and Casino & Parking Garage	C (Commercial)	C-2 (General Commercial)
East	Hotel and Casino, City of Las Vegas Parking Garage	C (Commercial) & PF (Public Facilities)	C-2 (General Commercial)
West	Parking Garage	C (Commercial)	C-2 (General Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown Centennial Plan	X		Y
<i>Special Districts/Zones</i>			
Special Purpose and Overlay Districts			
Downtown Overlay District	X		Y
A-O Airport Overlay District 200 Feet	X		Y
Downtown Entertainment Overlay District	X		Y
Live Work Overlay District	X		Y

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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 received from 220 North 4th Street LV, LLC and Blackman Alfred & I Family Trust, et al to Vacate a public sewer easement generally located at the northwest corner of Odgen Avenue and 4th Street, Ward 5 (barlow)

The above property is legally described as a tract of land being a portion of "lot 1" of that certain final map of "Lady Luck", recorded in book 131 of plats, page 25, official records of Clark County, Nevada, situated in the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of Section 34, Township 20 South, Range 61 East, M.D.M., city of Las Vegas, Clark county, Nevada, being more particularly described as follows:

That certain privately maintained public sewer easement as granted by that certain final map of "Lady Luck", recorded in book 131 of plats, page 25, office records of Clark County, Nevada.

ANALYSIS

A) Planning discussion

This application is a request for a Vacation of a public sewer easement generally located at the northwest corner of Odgen Avenue and 4th Street. This Vacation of this public sewer easement will facilitate the development of the casino. As this public sewer easement is no longer needed in its current configuration; staff recommends approval of this request.

B) Public Works discussion

This Vacation application proposes to vacate a portion of an existing public sewer easement. As no rightofway is proposed to be vacated, and thus no franchise rights are involved, it is not necessary to send this VAC request to the utility companies and franchise holders, nor wait for their responses. Since only City of Las Vegas easements are involved; any utility company interests will not be affected.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 15

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 3

APPROVALS 0

PROTESTS 0