



**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: JUNE 18, 2008**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: VAC-27239 - APPLICANT: SIEGEL GROUP NEVADA, INC -**  
**OWNER: GOLD SPIKE HOLDINGS, LLC**

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***THIS ITEM WAS HELD IN ABEYANCE FROM THE MAY 21, 2008 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.***

**\*\* CONDITIONS \*\***

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

1. All development shall be in conformance with code requirements and design standards of all City Departments.
2. 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.
3. 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.
4. The limits of this Petition of Vacation shall be defined as the entire width of the public alley north of Ogden Avenue, between 4<sup>th</sup> Street and Las Vegas Boulevard.
5. Prior to the recordation of an Order of Vacation, provide an Access Easement acceptable to the City Engineer in favor of the owner of APN 139-34-510-045 in order to provide continuity of vehicular access.
6. 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.
7. A sanitary sewer relocation/abandonment plan must be approved by the Department of Public Works. 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.

8. 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. Alternatively, in lieu of a drainage study, a public drainage easement may be retained over the entire area to be vacated.
9. 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.
10. 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.
11. 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 right-of-way or easement being vacated must be retained.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a Petition to Vacate a portion of a 20-foot wide public alley between the city of Las Vegas parking structure on Stewart Avenue and Ogden Street, approximately 140 feet northwest of Las Vegas Boulevard. Privatization of the alley will allow for the approved future development of the adjacent parcels (SDR-24794).

As this request would not eliminate public street access to any abutting parcel, will not result in a reduced traffic handling capability, and does not conflict with any existing city requirements, corresponds to the completion of an approved development, and will result in overhead utility lines being placed underground. Staff recommends approval.

**BACKGROUND INFORMATION**

| <b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>     |  |
|---|--|
| 12/16/64  | The City Council approved a Rezoning (Z-0100-64) to C-2 (General Commercial) on this property as part of a larger request.   |
| 12/05/07  | The City Council approved a Site Development Plan Review (SDR-24794) for a single story Hotel and Lounge Bar with Waivers of the Downtown Build to Line Standards on 0.64 acres at the northwest corner of Ogden Avenue and Las Vegas Boulevard. The Planning Commission and staff recommended approval. |
| 12/05/07  | The City Council approved a Special Use Permit (SUP-24798) request for a Special Use Permit for a Hotel Lounge Bar at the northwest corner of Ogden Avenue and Las Vegas Boulevard. The Planning Commission and staff recommended approval.  |
| 04/24/08  | The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #15/leh).  |
| <b><i>Field Check</i></b>   |  |
| 03/20/08  | A field check was made on site. There are unscreened trash containers in the ally, and overhead utility lines are presently running through the alleyway.  |
| <b><i>Related Building Permits/Business Licenses</i></b>                      |  |
| There are no building permits or business licenses that pertain to this site. |  |
| <b><i>Pre-Application Meeting</i></b>   |  |
| A meeting was not required, nor was one held.                                 |  |
| <b><i>Neighborhood Meeting</i></b>  |  |
| A meeting was not required, nor was one held.                                 |  |

| Surrounding Property | Existing Land Use                                   | Planned Land Use | Existing Zoning          |
|----------------------|---|------------------|--------------------------|
| Subject Property     | Public Alleyway                                     | C (Commercial)   | C-2 (General Commercial) |
| North                | City of Las Vegas Parking Structure and KCLV Studio | Public Facility  | C-2 (General Commercial) |
| South                | Shopping Plaza                                      | C (Commercial)   | C-2 (General Commercial) |
| East                 | Undeveloped   | C (Commercial)   | C-2 (General Commercial) |
| West                 | Hotel Casino  | C (Commercial)   | C-2 (General Commercial) |

| <i>Special Districts/Zones</i>                    | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
|---|------------|-----------|-------------------|
| <b>Special Area Plan</b>                          |            |           |                   |
| Downtown Centennial Plan (Las Vegas)              | X          |           | Y                 |
| Redevelopment Plan Area                           | X          |           | Y                 |
| <i>Special Districts/Zones</i>                    | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
| <b>Special Purpose and Overlay Districts</b>      |            |           |                   |
| Downtown Overlay District                         | X          |           | Y                 |
| A-O Airport Overlay District (200 Feet)           | X          |           | Y                 |
| Downtown Casino Overlay District                  | X          |           | Y                 |
| Las Vegas Boulevard Scenic Byway Overlay District | X          |           | Y                 |
| <b>Trails</b>                                     |            | X         | N/A               |
| <b>Rural Preservation Overlay District</b>        |            | X         | N/A               |
| <b>Development Impact Notification Assessment</b> |            | X         | N/A               |
| <b>Project of Regional Significance</b>           |            | X         | N/A               |

| <b>Adjacent Parcel Ownership</b> |                         |                       |
|----------------------------------|-------------------------|-----------------------|
| 13934510045                      | The City of Las Vegas   | The City of Las Vegas |
| 13934510043                      | PLUG IT IN II LLC       | Applicant             |
| 13934510042                      | GOLD SPIKE HOLDINGS LLC | Applicant             |
| 13934510035                      | GOLD SPIKE HOLDINGS LLC | Applicant             |
| 13934510034                      | PLUG IT IN II LLC       | Applicant             |
| 13934510033                      | GOLD SPIKE HOLDINGS LLC | Applicant             |
| 13934510032                      | GOLD SPIKE HOLDINGS LLC | Applicant             |

## DEVELOPMENT STANDARDS

The above property is legally described as a portion of a public alley, twenty-feet (20) wide, said property being a portion of the Southeast Quarter (SE¼) of the northwest quarter (NW¼) of the northeast quarter (NE¼) of Section 34, Township 20, Range 61 East, M.D.M

## ANALYSIS

This is a Petition to Vacate a portion of a 20-foot wide public alley between the city of Las Vegas parking structure on Stewart Avenue and Ogden Street, approximately 140 feet northwest of Las Vegas Boulevard. Privatization of the alley will allow for the approved future development of the adjacent parcels (SDR-24794). With the exception of the two city of Las Vegas parcels adjacent to the alleyway the applicant owns all abutting parcels and will be the only impacted property owner. The applicant also desires to place the existing utilities in the alleyway underground, which would be in compliance with the Downtown Centennial Plan design standards pertaining to utilities.

As this request would not eliminate public street access to any abutting parcel, will not result in a reduced traffic handling capability, and does not conflict with any existing city requirements, and corresponds to the completion of an approved development, staff recommends approval.

## FINDINGS

Planning staff has no objection to the vacation request. No adverse affects to site access would result with the proposed vacation.

### Public Works

- A. Does this vacation request result in uniform or non-uniform right-of-way widths? *N/A, since it will eliminate the entire width of a public alley that will be incorporated into the adjacent properties.*
- B. From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability? *No, since the alley is only used by the adjacent properties.*
- C. Does it appear that the vacation request involves only excess right-of-way? *Yes, an alleyway that is no longer needed by the City of Las Vegas.*
- D. Does this vacation request coincide with development plans of the adjacent parcels? *Yes, SDR24794 for the adjacent hotel property.*
- 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.*

**PLANNING COMMISSION ACTION**

The Planning Commission amended condition #8 to which the applicant agreed.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

**ASSEMBLY DISTRICT**      9

**SENATE DISTRICT**      3

**NOTICES MAILED**      5 by City Clerk

**APPROVALS**      1

**PROTESTS**      0