

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: SEPTEMBER 25, 2008****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: ABEYANCE - VAC-29235 - APPLICANT BARNET LIBERMAN
- OWNER: LV LAND PARTNERS**

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

1. The limits of this Petition of Vacation shall be defined as the alley and public access easement located east of 3rd Street, south of Charleston Boulevard.
2. Provide a plan showing how the right-of-way proposed to be vacated will be incorporated into the abutting properties, including those properties not controlled by the applicant, so that an un-maintained "no-man's land" area is not produced by this action. 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. The plan shall also show how drivable access will continue to be provided to Assessors Parcel Number 162-03-110-002; the Order of Vacation shall not record until all issues regarding parcel access have been resolved. Such plan shall be approved by the City Engineer prior to the recordation of the Order of Vacation or the submittal of any construction drawings adjacent to or overlying the area requested for vacation, whichever may occur first.
3. 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 required, this Vacation may record in phases, to allow for future elimination of easements at the discretion of the City Engineer.
4. 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 drainage easements shall be reserved if recommended by the approved Drainage Plan/Study. The drainage study required by ZON-20507 may be used to satisfy this requirement provided that it addresses the area to be vacated.
5. 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.

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6. 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.
7. All development shall be in conformance with code requirements and design standards of all City Departments.
8. The Order of Vacation shall not be recorded until all of the above conditions have been met provided, however, that modifications to 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 being vacated must be retained.
9. 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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The subject Vacation was previously approved by the City Council on 05/16/07. The previous Vacation has since expired, which has necessitated the need for the new Vacation. There are no proposed revisions from the previously approved Vacation. This application is a request for a Vacation of a 20-foot wide public alleyway and access easement generally located east of South 3rd Street commencing approximately 137 feet south of the southeast corner of South 3rd Street and East Charleston Boulevard. This application is being submitted to provide the necessary area for the siting of a proposed mixed use development on this site.

The applicant is proposing to vacate approximately 138 linear feet of the public alleyway that run to the south of the western of the two parcels that make up the project site. Further, the applicant is proposing to vacate approximately 294 linear feet of the public access easement that runs east from the end of the public alleyway and then runs north through the eastern of the two parcels that make up the project site. Approval of this request is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/18/95	The City Council approved a Rezoning (Z-0037-94) from R-1 (Single Family Residence) to C-1 (Limited Commercial) on a portion of the subject site. The Planning Commission recommended approval.
12/20/95	The City Council approved a Rezoning (Z-0093-95) from R-4 (High Density Residential) to C-1 (Limited Commercial) on a portion of the subject site. The Planning Commission recommended approval.
04/03/96	The City Council granted the appeal of a Board of Zoning Adjustment denial thereby approving a Special Use Permit (U-0008-96) for a 14-foot by 24-foot OffPremise Advertising (Billboard) Sign on the subject property.
10/01/03	The City Council Approved a Site Development Plan Review (SDR-2784) 12,103 square-foot office building on a portion of 2.18 acres adjacent to the southwest corner of Charleston Boulevard and 4th Street. The Planning Commission and staff recommended approval.

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<p>05/16/07</p>	<p>The City Council approved a Rezoning (ZON-20507) from P-R (Professional Office and Parking), C-1 (Limited Commercial), and C-2 (General Commercial) to C-1 (Limited Commercial) on 2.67 acres at the southwest corner of Charleston Boulevard at Fourth Street; Site Development Plan Review (SDR-20502) for a 12-story mixed use development including 58,000 square feet of commercial space and 1,100 residential condominium units; and Special Use Permit (SUP-20519) for a 12-story Mixed-Use development including 58,000 square feet of commercial space and 1,100 residential condominium units on 2.67 acres at the southwest corner of Charleston Boulevard and Fourth Street. Vacation (VAC-20522) petition to Vacate a 20-foot service alley and access easement generally located east of 3rd Street commencing approximately 137 feet south of the southeast corner of 3rd Street and Charleston Boulevard. Site Development Plan Review (SDR-20492) for a 120-foot high 1,500 space parking structure with 12,000 square feet of ground floor commercial on 0.63 acres at the northeast corner of Casino Center Boulevard and Coolidge Avenue. The Planning Commission and staff recommended approval on 04/26/07.</p>
<p><i>Related Building Permits/Business Licenses</i></p>	
<p>06/01/86</p>	<p>A Business License (#Q13-00709) was issued for a Law Firm or Law Office at 320 E. Charleston Boulevard, Suite 202.</p>
<p>10/02/91</p>	<p>A Business License (#I04-03034) was issued for an Insurance Agent at 330 E. Charleston Boulevard.</p>
<p>03/23/95</p>	<p>A Business License (#I04-03035) was issued for an Insurance Agent at 330 E. Charleston Boulevard.</p>
<p>05/25/95</p>	<p>A Business License (#M01-05281) was issued for Maintenance Services Janitorial at 330 E. Charleston Boulevard, Suite 201.</p>
<p>01/15/97</p>	<p>A Business License (#T07-00541) was issued for a Travel & Ticket Agency at 320 E. Charleston Boulevard, Suite 204.</p>
<p>12/19/97</p>	<p>A Business License (#M18-01877) was issued for Management or Marketing Service at 330 E. Charleston Boulevard, Suite 201.</p>
<p>02/23/01</p>	<p>A Business License (#T12-00022) was issued for Answering Message Service at 320 E. Charleston Boulevard, Suite 204.</p>
<p>05/22/03</p>	<p>A Business License (#A23-01994) was issued for a Bookkeeper at 320 E. Charleston Boulevard, Suite 205.</p>
<p>06/13/03</p>	<p>A Business License (#M21-00682) was issued for a Merchandise Broker at 320 E. Charleston Boulevard, Suite 205.</p>
<p>01/05/05</p>	<p>A Business License (#F11-00113) was issued for a Specialty Food Store at 320 E. Charleston Boulevard, Suite 101.</p>
<p>04/18/05</p>	<p>A Business License (#B20-00916) was issued for a Law Firm or Law Office at 330 E. Charleston Boulevard, Suite 201.</p>
<p>09/19/05</p>	<p>A Business License (#P27-00309) was issued for Personal Services at 330 E. Charleston Boulevard.</p>

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08/25/06	A Business License (#P27-00381) was issued for Personal Services and (#Q20-00056) for Interpreter/Translator at 330 E. Charleston Boulevard, Suite 201.
10/23/06	A Business License (#Q13-00972) was issued for Law Firm or Law Office at 330 E. Charleston Boulevard, Suite 203
09/11/08	The Planning Commission held this item in abeyance to the September 25, 2008 Planning Commission meeting.
Pre-Application Meeting	
07/16/08	A pre-application meeting was held and the elements of a Vacation application were discussed.
Neighborhood Meeting	
A neighborhood meeting is not required for this application, nor was one held.	
Field Check	
08/7/08	Staff conducted a site visit that found that the site was developed with multiple buildings on-site. It was also noted that there is an Off-Premise (Billboard) Sign on the subject site that would be removed if the approved Site Development Plan Review (SDR-20502) is constructed. It was noted that the alley that is proposed to be vacated, is the only vehicular entrance to the subject site.

Details of Application Request	
Site Area	
Net Acres	2.67

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Office, Other than Listed/General Retail, Other than Listed	C (Commercial)	C-2 (General Commercial)/C-1 (Limited Commercial)/P-R (Professional Office and Parking)
North	Service Station (without Automotive Repair)	C (Commercial)	C-2 (General Commercial)
South	Multi-Family Residential/Undeveloped	C (Commercial)	C-1 (Limited Commercial)
East	Service Station (without Automotive Repair)/Mini-Storage Facility/Hotel, Motel or Hotel Suites	C (Commercial)	C-2 (General Commercial)/C-1 (Limited Commercial)

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West	General Retail, Other than Listed/Multi-Family Residential	C (Commercial)/MXU (Mixed Use)	C-2 (General Commercial)/C-1 (Limited Commercial)/R-4 (High Density Residential)
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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown Centennial Plan (18b The Las Vegas Arts District)	X		Y*
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Live/Work Overlay District	X		Y**
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

Redevelopment Plan Area The subject site is located within the boundaries of the Las Vegas Redevelopment Plan District. The proposed uses are in conformance with Redevelopment Plan goals and policies that encourage innovative, mixed use projects in this area of the City.

***Downtown Centennial Plan (18b The Las Vegas Arts District)** - The subject site is within the Las Vegas Arts District. This district is intended to accommodate a wide variety of commercial and residential uses within a dense, urban environment with its own unique design standards. The proposed project is consistent with the goals and objectives of the Downtown Centennial Plan.

****Live/Work Overlay** - This site is within the Live/Work Overlay district. The mixed-use nature of the proposed development will offer employment and housing options on-site; however, the project does not include any live/work units as outlined in Title 19.06.130.

DETAILS OF THE APPLICATION REQUEST

The property is legally described as a 20-foot wide public service alley and public access easement generally located east of South 3rd Street commencing approximately 137 feet south of the southeast corner of South 3rd Street and East Charleston Boulevard.

Said property being a portion of the North Half (N½) of the Northeast Quarter (NE¼) of the Northeast Quarter (NW¼) of Section 3, Township 21 South, Range 61 East, M.D.M.

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ANALYSIS

A) Planning discussion

The subject Vacation was previously approved by the City Council on 05/16/07. The previous Vacation has since expired, which has necessitated the need for the new Vacation. There are no proposed revisions from the previously approved Vacation. Site Development Plan Review (SDR-20502) was approved by the City Council on 05/16/07. The approval of the Site Development Plan Review (SDR-20502) requires the subject Vacation, if approved be recorded in order to develop the subject site. If the subject Vacation is not approved by the City Council, the site plan must be revised to conform to the right-of-way and access easement and re-submit to the Planning and Development Department.

B) Public Works discussion

The following information is presented concerning this request to vacate certain public street right of ways:

- A. Does this vacation request result in uniform or non-uniform right-of-way widths?
Uniform, as it will eliminate an alley and public access easement that will be incorporated into a proposed project.
- B. From a traffic-handling viewpoint will this vacation request result in a reduced traffic handling capability? *No, since the entire width of the public access easement and alley will be eliminated.*
- C. Does it appear that the vacation request involves only excess right-of-way? *No, however the entire area to be vacated will be incorporated into a proposed project.*
- D. Does this vacation request coincide with development plans of the adjacent parcels? *Yes, it will be incorporated into a proposed mixed-use project, Rezoning (ZON-20507) and Site Development Plan Review (SDR-20502).*
- E. Does this vacation request eliminate public street access to any abutting parcel? *No, however it eliminates the only drivable access to Assessors Parcel Number 162-03-110-002. A condition of approval has been added to address this issue.*
- 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.*

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 18

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 2

APPROVALS 0

PROTESTS 1