



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 21, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: ABRAHAM SCHIFF

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAC-38252	Staff recommends APPROVAL, subject to conditions:	

** CONDITIONS **

VAC-38252 CONDITIONS

1. The limits of this Petition of Vacation shall be an eleven-foot wide by one hundred twenty foot long Public Drainage Easement generally located south of Fremont Street, east of Main Street.
2. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the recordation of this Order of Vacation. Appropriate drainage easements shall be granted as recommended by the approved Drainage Plan/Study including an easement along the east edge of Assessor's Parcel Number #139-34-111-038. The drainage study required by SDR-36936 may be used to satisfy this requirement provided that it addresses the area to be vacated.
3. All development shall be in conformance with code requirements and design standards of all City Departments.
4. 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 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.

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- 5.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 applicant proposes to vacate a drainage easement reserved through a previous vacation of public right-of-way. The area proposed to be vacated is adjacent to the south side of Fremont Street, approximately 300 feet east of Main Street. The proposal is made in conjunction with a development project for a 7,500 square-foot office and retail building on the subject parcel. Staff recommends approval, as a new drainage easement will be dedicated along the east side of the proposed development, which staff previously supported. If denied, the approved development could not move forward, as an Order of Vacation must be recorded prior to approval of construction plans or issuance of a building permit.

ISSUES

- Approval of the requested Petition of Vacation and subsequent recordation of an Order of Vacation is required in order for an approved 7,500 square-foot office and retail development (SDR-36936) to be built on the site.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
07/03/02	The City Council approved a request for a Special Use Permit (U-0036-02) to allow the sale of packaged liquor for off-sale consumption in conjunction with an existing 5,200 square-foot gift shop at 25 Fremont Street, with a City Council review required six months after date of approval of a liquor license. Planning Commission and staff recommended approval.
01/22/03	The City Council approved a Required Review (RQR-1476) for a Special Use Permit (U-0036-02) which allowed the sale of packaged liquor for off-premise consumption in conjunction with an existing 5,200 square-foot gift shop at 25 Fremont Street. Staff had no recommendation.
08/19/04	Code Enforcement processed a case (20475) regarding deteriorating signs at 25 Fremont Street. The case was closed by Code Enforcement on 09/13/04.
11/02/05	The City Council approved a Petition to Vacate (VAC-8589) a portion of First Street from Fremont Street to approximately 150 feet north of Carson Avenue. The Planning Commission and staff recommended approval. The subject drainage easement was reserved to the city of Las Vegas with the Order of Vacation, which was recorded 09/01/06.
05/14/06	Code Enforcement processed a case (41335) regarding trash and debris in the alley behind the building at 25 Fremont Street. The case was closed by Code Enforcement on 05/15/06.
02/19/08	Code Enforcement processed a case (62463) regarding construction of a structure on the east side of the building at 25 Fremont Street. The case was closed by Code Enforcement on 03/11/08.
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03/03/10	The City Council approved a request for a Site Development Plan Review (SDR-36936) for a proposed 7,500 square-foot office and general retail building on 0.25 acres at 25 Fremont Street. The Planning Commission and staff recommended approval.
06/24/10	The Planning Commission (7-0 vote) recommends APPROVAL (PC Agenda Item #16/ss).

Most Recent Change of Ownership

01/15/98	A deed was recorded for a change in ownership on the adjacent parcel 139-34-111-038.
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Related Building Permits/Business Licenses

c. 1940	The existing building adjacent to the existing drainage easement was constructed.
01/29/98	A business license (G04-03426) was issued for a gift and souvenir store at 25 Fremont Street. The license is still active.
03/12/98	A business license (C05-01864) was issued for tobacco sales at 25 Fremont Street. The license is still active.
08/04/08	A business license (G04-06833) was issued for a gift store and temporary tattoo shop at 25 Fremont Street. The license was marked out of business on 07/16/09.
05/15/02	Business services approved a change of location of a previously approved business license (L15-00007) for off-premise package liquor sales from 322 Fremont Street to 25 Fremont Street. The license was not approved at this location until 07/08/02. The license is still active.
08/08/08	A business license (T31-00042) was issued for a tour guide at 25 Fremont Street. The license was marked out of business on 12/30/09.
12/21/09	A business license (T22-00004) was issued for a timeshare project broker at 25 Fremont Street. The license is still active.
02/12/10	A business license application (I12-94215) for an internet café at 25 Fremont Street was submitted for review. A license has not yet been issued.
02/12/10	A business license application (C15-94213) for a convenience store at 25 Fremont Street was submitted for review. A license has not yet been issued.
03/04/10	A business license application (L15-94581) for off-premise package liquor sales at 25 Fremont Street was submitted for review. A license has not yet been issued.
03/10/10	A building permit application (158269) was submitted for a tenant improvement to install roll up doors at the entry to an existing general retail store at 25 Fremont Street. The permit has not yet been issued.

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Pre-Application Meeting

A pre-application meeting is not required for this application, nor was one held.

Neighborhood Meeting

A neighborhood meeting is not required, nor was one held.

Field Check

05/20/10	A field check of the site was performed, where the following items were noted: • The easement is currently used as a pedestrian walkway in front of a retail store and is paved with concrete. • A marquee sign extends into the easement area. • Merchandise racks are located in the easement area.
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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.04</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	General Retail Store	C (Commercial)	C-2 (General Commercial)
North	Casino and Tavern	C (Commercial)	C-2 (General Commercial)
South	Hotel and Casino	C (Commercial)	C-2 (General Commercial)
East	Hotel and Casino	C (Commercial)	C-2 (General Commercial)
West	Convenience Store	C (Commercial)	C-2 (General Commercial)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area			
Downtown Centennial Plan	X		Y
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Downtown Centennial Plan Overlay District (Central Casino Core District)	X		Y
A-O (Airport Overlay) District (200 Feet)	X		Y
Downtown Casino Overlay District	X		Y
Live/Work Overlay District	X		Y

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Trails (Tortoise Trail)	X		Y
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

LEGAL DESCRIPTION

The subject property is legally described as a 1,320 square-foot portion of public drainage easement bounded on the northeast by the southwesterly line of Fremont Street, eighty feet (80') wide, bounded on the southwest by the southeasterly projection of the southwesterly line of Lot 31 in Block 3 of Clark's Las Vegas Townsite, on file in Book 1 of Plats, Page 37 of Clark County, Nevada Records; bounded on the northwest by the southeasterly line of said Lot 31; and bounded on the southeast by a line parallel with and lying 11.00 feet southeasterly of the southeasterly line of said Lot 31.

ANALYSIS

A Condition of approval of Site Development Plan Review (SDR-36936) for a proposed 7,500 square-foot office and general retail development requires the vacation of the existing drainage easement that was reserved as part of the previous vacation of First Street (VAC-8589) adjacent to the existing building at 25 Fremont Street. The easement, which is recommended by the approved drainage study for the project, will be relocated to the east side of the existing parcel to accommodate the approved 7,500 square-foot office and general retail development for this site. Staff supports the office/retail development, and therefore has no objection to the requested petition to vacate the subject drainage easement.

This Vacation application proposes to vacate an existing 11-foot wide public drainage easement. As no right-of-way 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 easements are involved, any utility company interests will not be affected.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED 4 (By City Clerk)

APPROVALS 0

PROTESTS 0