



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: MARCH 16, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: CITY OF LAS VEGAS

**** STAFF RECOMMENDATION(S) ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAC-40649	Staff recommends APPROVAL, subject to conditions:	

**** CONDITIONS ****

VAC-40649

1. The limits of this Petition of Vacation shall be the entire width of Seventh Street and the entire width of the alley between Seventh Street and Sixth Street bounded by the projection of the northerly right of way line of Stewart Avenue and the projection of the southerly right of way line of Mesquite Avenue.
2. A Public Sewer Easement shall be retained over the entire area of the alley between Mesquite Avenue and Stewart Avenue through this Petition of Vacation. Alternatively, a sanitary sewer relocation/abandonment plan must be submitted to and 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.
3. A Public Drainage Easement shall be retained over the entire area to be vacated over Seventh Street between Mesquite Avenue and Stewart Avenue through this Petition of Vacation. Alternatively, 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.
4. 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.
5. 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.

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6. All development shall be in conformance with code requirements and design standards of all city Departments.
7. 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.
8. 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 the portion of Seventh Street between Stewart Avenue and Mesquite Avenue and a 20-foot wide public alley located between Stewart Avenue, Sixth Street, Mesquite Avenue and Seventh Street. The properties in this area are being assembled for a large future redevelopment site. Vacation of the existing public rights-of-way will further the redevelopment goals of the city of Las Vegas by providing additional land for development. As the existing rights-of-way are not needed in their current configuration, staff recommends approval with conditions. If denied, the rights-of-way will remain dedicated for public use and maintenance.

ISSUES

- A Multi-Use Non-Equestrian Trail has been previously approved for both sides of Seventh Street between U.S. 95 and Bonneville Avenue, including the area proposed to be vacated. Future development of the site shall incorporate the required trail, or the trail alignment shall be moved through a General Plan Amendment.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
07/11/06	A one-lot Parcel Map (PMP-12980) on 0.63 acres at the northwest corner of Seventh Street and Stewart Avenue was recorded as PM 112-41.
04/01/09	The City Council approved a Rezoning (ZON-32974) of city-owned parcels from R-4 (High Density Residential) and R-4 (High Density Residential) and C-2 (General Commercial) (multi-zoned) to C-2 (General Commercial) on 5.01 acres generally located between Las Vegas Boulevard and Eighth Street and between Stewart Avenue and U.S. 95. The Planning Commission and staff recommended approval.
02/08/11	The Planning Commission voted (7-0) to recommend APPROVAL (PC Agenda Item 12/ss).

<i>Most Recent Change of Ownership</i>	
05/16/88	A deed was recorded for a change in ownership on adjacent Assessor's Parcel Number 139-34-512-026.
12/12/05	A deed was recorded for a change in ownership on adjacent Assessor's Parcel Numbers 139-34-512-021, 022, 023, 035, 036 and 051.

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12/08/06	A deed was recorded for a change in ownership on adjacent Assessor's Parcel Numbers 139-34-512-019, 024 and 025.
03/19/07	A deed was recorded for a change in ownership on adjacent Assessor's Parcel Number 139-34-512-050.
05/17/07	A deed was recorded for a change in ownership on adjacent Assessor's Parcel Number 139-34-501-011.
07/18/07	A deed was recorded for a change in ownership on adjacent Assessor's Parcel Numbers 139-34-512-099 and 100.
09/24/07	A deed was recorded for a change in ownership on adjacent Assessor's Parcel Numbers 139-34-512-055 and 056.
01/08/08	A deed was recorded for a change in ownership on adjacent Assessor's Parcel Numbers 139-34-512-034, 052 and 053.

<i>Related Building Permits/Business Licenses</i>	
09/22/88	A building permit (#88005558) was issued for a mechanical plant at 301 North Sixth Street for the adjacent hotel casino. A final inspection was approved on 08/17/89.

<i>Pre-Application Meeting</i>
A pre-application meeting is not required for this application, nor was one held.

<i>Neighborhood Meeting</i>
A neighborhood meeting is not required, nor was one held.

<i>Field Check</i>	
01/13/11	A field check was conducted on the subject site. A portion of the alley has been graded and is blocked from public access. Seventh Street is usable by the public. It contains five-foot sidewalks and approximately 10 feet of unpaved amenity zone on each side that contains some sparse landscaping and utility poles.

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area			
Downtown Centennial Plan	X		Y

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<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 (Downtown Gateway District)	X		Y
A-O (Airport Overlay) District (N/A-200 Feet)	X		N/A
Live/Work Overlay District	X		N/A
Trails (Multi-Use Non-Equestrian)	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 the following:

A portion of Seventh Street, 80 feet wide, as shown on the plat of Buck's Subdivision of Las Vegas, on file in Book 1 of Plats, Page 15, of Clark County, Nevada records, bounded on the north by the south line of Mesquite Avenue and bounded on the south by the north line of Stewart Avenue.

A portion of that 20-foot wide northeasterly-southwesterly alley lying within Block 5 of said Buck's Subdivision of Las Vegas plat.

Said property being a portion of the Northeast Quarter (NE¼) of the Northeast Quarter (NE¼) of Section 34, Township 20 South, Range 61 East, M.D.M., in the city of Las Vegas, County of Clark, State of Nevada.

ANALYSIS

Vacation of the proposed rights of way would allow for future redevelopment of the adjacent parcels. A future General Plan Amendment to realign the required multi-use non-equestrian trail along both sides of Seventh Street will be required if the developer of the adjacent site does not incorporate the approved trail alignment within the boundaries of the development. A Site Development Plan Review for any specific development on the adjacent site has not yet been submitted.

Vacation of the existing rights of way would reduce traffic handling capability in the area, but would not eliminate public access to adjacent parcels. As no conflicts with any city requirements would be created by vacation, staff recommends approval of the Petition to Vacate, with conditions.

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The Department of Public Works presents the following information concerning this request to vacate certain public street rights-of-way:

- A. Does this vacation request result in uniform or non-uniform right-of-way widths? *Uniform.*
- B. From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability? *Yes. It will eliminate north and south access via Seventh Street and the alley west of Seventh Street between Mesquite Avenue and Stewart Avenue.*
- C. Does it appear that the vacation request involves only excess right-of-way? *No, it is to vacate right-of-way that will be used to further future downtown redevelopment.*
- D. Does this vacation request coincide with development plans of the adjacent parcels? *Yes.*
- 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.*

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

34

NOTICES MAILED

8 (By City Clerk)

APPROVALS

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PROTESTS

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