

RIGHT-OF-WAY & EASEMENTS
(TITLE 30)

UPDATE
ARBY AVE/REDWOOD ST

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

VS-21-0292-RAINBOW ARBY APTS, LLC:

VACATE AND ABANDON easements of interest to Clark County located between Arby Avenue and Warm Springs Road, and between Rainbow Boulevard and Redwood Street; a portion of a right-of-way being Redwood Street located between Arby Avenue and Warm Springs Road; and a portion of a right-of-way being Arby Avenue located between Rainbow Boulevard and Redwood Street within Enterprise (description on file). MN/md/jd (For possible action)

RELATED INFORMATION:

APN:

176-02-401-003 through 176-02-401-007

LAND USE PLAN:

ENTERPRISE - BUSINESS AND DESIGN/RESEARCH PARK
ENTERPRISE COMMERCIAL GENERAL

BACKGROUND:

Project Description

The plans depict the vacation and abandonment of 3 foot wide and 33 foot wide patent easements located around the perimeter and within the interior of the project site. The patent easements are no longer required for roadway or utility purposes and must be vacated to develop the site. The plans also depict the vacation and abandonment of a 5 foot wide portion of right-of-way being Arby Avenue, located at the northeast portion of the project site, and a 5 foot wide portion of right-of-way being Redwood Street, located along the east boundary of the site. The vacation of the right-of-way is necessary to accommodate the detached sidewalks along Arby Avenue and Redwood Street.

Prior Land Use Requests

Application Number	Request	Action	Date
VS-18-0775	Vacated and abandoned patent easements - expired	Approved by PC	November 2018
ZC-18-0555	Reclassified the project site from C-2 and M-1 to U-V zoning	Approved by BCC	October 2018

Prior Land Use Requests

Application Number	Request	Action	Date
NZC-0844-13	Reclassified 25.3 acres from R-E, C-2, and M-1 to R-2 zoning for a single family residential development	Denied by BCC	October 2014
VS-1559-03	Vacated and abandoned a portion of right-of-way being Capovilla Avenue - recorded	Approved by PC	December 2003
ZC-1126-03	Reclassified a 5 acre portion of the project site from R-E to C-2 zoning	Approved by BCC	August 2003
ZC-0548-99	Reclassified a 4.1 acre portion of the project site from R-E to M-1 zoning	Approved by BCC	May 1999

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Business and Design/Research Park	C-2	Undeveloped
South	Business and Design/Research Park & Commercial General	C-2	Undeveloped
East	Residential High (8 du/ac to 18 du/ac)	R-3	Multiple family residential
West	Commercial General	C-2	Undeveloped

Related Applications

Application Number	Request
NZC-21-0291	A nonconforming zone change to reclassify 9.4 acres from a C-2 zone and an M-1 zone to an R-5 zone for a proposed multiple family development is a companion item on this agenda.

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis

Public Works - Development Review

Staff has no objection to the vacation of patent easements that are not necessary for site, drainage, or roadway development and the portions of right-of-way for Arby Avenue and Redwood Street to accommodate detached sidewalks.

Staff Recommendation

Approval. This item has been forwarded to the Board of County Commissioners for final action.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

**PLANNING COMMISSION ACTION: August 3, 2021 – APPROVED – Vote: Unanimous
Current Planning**

- Satisfy utility companies' requirements.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that the recording of the order of vacation in the Office of the County Recorder must be completed within 2 years of the approval date or the application will expire.

Public Works - Development Review

- Right-of-way dedication to include 25 feet to the back of curb for Arby Avenue and a portion of a cul-de-sac for Capovilla Avenue;
- 30 days to submit a Separate Document to the Map Team for the required right-of-way dedications and any corresponding easements;
- 90 days to record required right-of-way dedications and any corresponding easements;
- Vacation to be recordable prior to building permit issuance or applicable map submittal;
- Revise legal description, if necessary, prior to recording.
- Applicant is advised that the installation of detached sidewalks will require the recordation of this vacation of excess right-of-way in some areas and the dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

TAB/CAC: Enterprise - approval.

APPROVALS:

PROTESTS:

APPLICANT: OVATION DEVELOPMENT CORPORATION

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