

EASEMENTS
(TITLE 30)

ERIE AVE/BERMUDA RD

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-21-400061 (VS-0059-17)-LEGACY BERMUDA, LLC:

VACATE AND ABANDON SECOND EXTENSION OF TIME for easements of interest to Clark County located between Erie Avenue and Siddall Avenue (alignment), and between Fairfield Avenue and Bermuda Road within Enterprise (description on file). MN/sd/jo (For possible action)

RELATED INFORMATION:

APN:

177-33-703-004

LAND USE PLAN:

ENTERPRISE - RURAL NEIGHBORHOOD PRESERVATION (UP TO 2 DU/AC)

BACKGROUND:

Project Description

The original application was a request to vacate and abandon 33 foot wide patent easements on the south and east property lines, and the east 3 feet of the west 33 feet of APN 177-33-703-004.

Previous Conditions of Approval

Listed below are the approved conditions for ET-19-400170 (VS-0059-17):

Current Planning

- Until March 17, 2021 to record.
- Applicant is advised that 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 and that re-approval by the utility companies is required.

Public Works - Development Review

- Compliance with previous conditions.

Listed below are the approved conditions for VS-0059-17:

Current Planning

- Satisfy utility companies' requirements.
- Applicant is advised that 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

- Drainage study and compliance;
- Right-of-way dedication to include 35 feet to back of curb for Erie Avenue, 45 feet to back of curb for Bermuda Road, 30 feet for Fairfield Avenue and associated spandrels;
- If required by Regional Transportation Commission, dedicate and construct right-of-way for bus turnouts including passenger loading/shelter areas in accordance with Regional Transportation Commission standards;
- Vacation to be recordable prior to building permit issuance or applicable map submittal;
- Revise legal description, if necessary, prior to recording.

Applicant’s Justification

The applicant indicates that issues due to COVID-19 have delayed the project as well as the need to replace the original design team.

Prior Land Use Requests

| Application Number | Request | Action | Date |
|------------------------------|---|-----------------|---------------|
| ET-19-400160 (UC-0669-16) | First extension of time for a congregate care facility with accessory commercial uses | Approved by BCC | March 2020 |
| ET-19-400170 (VS-0059-17) | First extension of time for easements of interest to Clark County | Approved by BCC | March 2020 |
| VS-0059-17 | Vacated and abandoned patent easements | Approved by PC | March 2017 |
| UC-0669-16 | Congregate care facility with accessory commercial uses | Approved by BCC | November 2017 |
| WS-0321-13 (ET-0069-15) | First extension of time to waive off-site improvements along Erie Avenue and Bermuda Road | Denied by BCC | October 2015 |
| VS-0047-15 | Vacated and abandoned easements of interest to Clark County - expired | Approved by PC | March 2015 |
| WS-0321-13 | Off-site improvements along Erie Avenue and Bermuda Road | Approved by BCC | August 2013 |
| TM-0078-13 | Single family residential development | Approved by BCC | August 2013 |
| UC-0109-04 | Place of worship - expired | Approved by PC | March 2004 |

Surrounding Land Use

| | Planned Land Use Category | Zoning District | Existing Land Use |
|---------------------|--|------------------------|--|
| North, South & West | Rural Neighborhood Preservation (up to 2 du/ac) | R-E (RNP-I) | Single family residential |
| East | City of Henderson & Residential Suburban (up to 8 du/ac) | RS-6 (City) & R-E | Single family residential & place of worship |

STANDARDS FOR APPROVAL:

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

Analysis

Current Planning

Title 30 standards of approval on an extension of time application state that such an application may be denied or have additional conditions imposed if it is found that circumstances have substantially changed. A substantial change may include, without limitation, a change to the subject property, a change in the areas surrounding the subject property, or a change in the laws or policies affecting the subject property. Using the criteria set forth in Title 30, no substantial changes have occurred at the subject site since the original approval.

The applicant stated they have been encountering issues with delays and that they are in the process of hiring a new design team. In addition, UC-16-0669 for a congregate care facility related to this application, remains active. Staff can support this request with a time limit to record consistent with the use permit for a congregate care facility.

Public Works - Development Review

There have been no significant changes in this area. Staff has no objection to this extension of time.

Staff Recommendation

Approval.

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.

PRELIMINARY STAFF CONDITIONS:

Current Planning

- Until November 21, 2021 to record.
- 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 re-approval by the utility companies is required.

Public Works - Development Review

- Compliance with previous conditions.

Building Department - Fire Prevention

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Enterprise - approval.

APPROVALS:

PROTEST:

APPLICANT: NEVADA SKILLED NURSING DEVELOPMENT

CONTACT: NEVADA SKILLED NURSING DEVELOPMENT, 6877 EASTERN AVE, LAS VEGAS, NV 89122