

05/18/21 PC AGENDA SHEET

EASEMENTS/RIGHT-OF-WAY
(TITLE 30)

BLUE DIAMOND RD/RAINBOW BLVD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WC-21-400049 (VS-17-0049)-LV RAINBOW, LLC:

WAIVER OF CONDITIONS of a vacation and abandonment requiring to rededicate 25 feet to the back of curb for Montessouri Street from Raven Avenue south to Agate Avenue, together with the associated spandrel at the intersection of Montessouri Street and Raven Avenue, and a radius at the intersection of Montessouri Street and Agate Avenue.

Generally located between Blue Diamond Road and Raven Avenue, 300 feet west of Rainbow Boulevard within Enterprise. JJ/jt/ja (For possible action)

RELATED INFORMATION:

APN:

176-22-501-012; 176-22-501-013; 176-22-501-016 through 176-22-501-017; 176-22-601-035

LAND USE PLAN:

ENTERPRISE - COMMERCIAL GENERAL

BACKGROUND:

Project Description

The original plans depicted the vacation and abandonment of easements along most property lines of the project development site which is comprised of 5 parcels. The easements proposed to be vacated range in width from 3 feet to 33 feet. The 3 foot wide easements occur along the public rights-of-way (Rosanna Street and Agate Avenue) where a 30 foot wide half street is proposed to be vacated and along Raven Avenue.

Previous Conditions of Approval

Listed below are the approved conditions for VS-17-0049:

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;
- Rededicate 25 feet to the back of curb for Montessori Street from Raven Avenue south to Agate Avenue, together with the associated spandrel at the intersection of Montessori Street and Raven Avenue, and a radius at the intersection of Montessori Street and Agate Avenue;
- 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 vacation of excess right-of-way for Raven Avenue, and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that CCWRD has existing or proposed assets within the area proposed to be vacated per VS-0049-17; CCWRD has no objection to the request for vacation as presented; however, CCWRD requests all existing rights granted to us within the easements/right-of-way are reserved; it is understood that this vacation shall not reduce our rights to operate and maintain our facilities; and that CCWRD also requests that drivable access be able to handle H-20 loading and is maintained by fee owner.

Applicant's Justification

During neighborhood meetings for the adjacent proposed single family residential development, the applicant indicated that neighbors expressed a desire to eliminate direct access from a higher density residential development to the R-E (RNP-I) zoned single family residences to the west. According to the applicant, this waiver of conditions for right-of-way dedication will align with the adjacent proposed single family subdivision, which is not proposing to develop these streets.

Prior Land Use Requests

Application Number	Request	Action	Date
ET-20-400094 (VS-17-0049)	First extension of time for a vacation and abandonment of easements and right-of-way including portions of Agate Avenue and Rosanna Street	Approved by BCC	October 2020
ZC-18-0853	Reclassified the site to C-2 zoning for a mixed-use development	Approved by BCC	December 2018
NZC-17-0048	Nonconforming zone boundary amendment to R-3 and C-2 zoning for a multiple family residential development and commercial development - expired	Held at BCC	June 2018
VS-17-0049	Vacated and abandoned easements and right-of-way including portions of Agate Avenue and Rosanna Street	Approved by BCC	December 2018

Prior Land Use Requests

Application Number	Request	Action	Date
VS-0694-14	Vacated and abandoned easements on Montessouri Street - recorded	Approved by PC	February 2015
ZC-1026-05	Reclassified 3,800 parcels, including 10 acres of the subject site to R-E (RNP-I) zoning	Approved by PC	October 2005

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Rural Neighborhood Preservation (up to 2 du/ac) & Commercial General	R-E (RNP-I) & R-E	Undeveloped
South	Commercial General & Major Development Project (Mountain's Edge General Commercial)	R-E, C-2, & H-2	Undeveloped, convenience store with gasoline station, retail store (Walmart) & single family residential
East	Commercial General	R-E & C-2	Undeveloped & convenience store with gasoline station
West	Commercial Neighborhood and Public Facilities	U-V, H-2, & R-E (RNP-I)	Undeveloped

The subject site and surrounding properties are in the Public Facilities Needs Assessment (PFNA) area.

Related Applications

Application Number	Request
ZC-20-0284	A zone change to reclassify a 14.6 acre portion of a parcel to the west of this site to P-F zone for a charter school is a related item that is scheduled for the September 22, 2021 BCC meeting.
VS-20-0285	A vacation and abandonment of easements on the parcel to the west of this site for the charter school is a related item that is scheduled for the September 22, 2021 BCC meeting.
AG-20-900314	An agenda item to re-route the equestrian trail alignment west on Raven Avenue and south on Tenaya Way for the charter school is a related item that is scheduled for the September 22, 2021 BCC meeting.
PA-21-700001	A plan amendment to change the equestrian trail alignment from Belcastro Street west on Pebble Road and south on Tenaya Way is a companion item on this agenda.
NZC-21-0137	A nonconforming zone change to reclassify the site to R-2 zoning for a single family residential subdivision is a companion item on this agenda.
TM-21-500034	A tentative map for a 305 lot single family residential subdivision is a companion item on this agenda.
VS-21-0138	A vacation and abandonment of right-of-way and easements (including the same easements that are part of VS-20-0285) is a companion item on this agenda.

Related Applications

Application Number	Request
VS-21-0136	A vacation and abandonment of right-of-way (including Raven Avenue) and easements within the Montessori Street and Agate Avenue alignments is a companion item on this agenda.
WC-21-400048 (ZC-18-0853)	A waiver of conditions requiring dedication for Montessori Street 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 cannot support the request to not dedicated Montessori Street and the spandrels since the overall street network for the surrounding area was based on the initial approval of the original vacation and zone change with subsequent discussions and agreements about the remainder of the street network worked out over the course of months with staff from various departments and a prior applicant. Eliminating the Montessori Street alignment will result in a closed off street network for the sole benefit of one developer.

Staff Recommendation

Denial. This item will be forwarded to the Board of County Commissioners' meeting for final action on June 16, 2021 at 9:00 a.m., unless otherwise announced.

Approval of the waiver of conditions request constitutes a finding by the Commission/Board that the condition will no longer fulfill its intended purpose.

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

If approved:

- Waiving this condition only applies to NZC-21-0137 if that project is approved and constructed, otherwise the condition of approval for street dedication remains in effect.

Public Works - Development Review

- Right-of-way dedication to include a portion of the cul-de-sac for Raven Avenue.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC:
APPROVALS:
PROTEST:

APPLICANT: LV RAINBOW, LLC

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