

08/06/24 PC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**VS-24-0280-SHANEIVAR MOHAMMAD KHAZRAI:**

**VACATE AND ABANDON** easements of interest to Clark County located between Whitly Bay Avenue and Shelbourne Avenue, and between Durango Drive and Fynn Valley Drive; a portion of right-of-way being Durango Drive located between Whitly Bay Avenue and Shelbourne Avenue; and a portion of right-of-way being Mistral Avenue located between Durango Drive and Sinfold Park Street within Enterprise (description on file). JJ/rg/syp (For possible action)

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RELATED INFORMATION:

**APN:**

176-17-501-005; 176-17-501-007 through 176-17-501-011; 176-17-501-016 through 176-17-501-017; 176-17-511-072

**PROPOSED LAND USE PLAN:**

ENTERPRISE - MID-INTENSITY SUBURBAN NEIGHBORHOOD (UP TO 8 DU/AC)

**BACKGROUND:**

**Project Description**

The applicant requests the vacation and abandonment of the 33 foot wide patent easements located on the north, west and south sides of APN 176-17-501-005; along portion of the west, east and north sides of APN 176-17-501-016; and the west side of APN 176-17-501-009 through 011. The applicant is also requesting to vacate and abandon an existing 8 foot wide patent easement along the south side of APN 176-17-501-011. The applicant is requesting to vacate the existing right-of-way being that Mistral Avenue measuring between 25 feet and 70 feet in width. Lastly, to vacate a 5 foot wide portion of the right-of-way along the west side of Durango Drive. These easements and right-of-way are no longer necessary for the development. The 5 foot wide portion of the right-of-way along Durango Drive being vacated is to accommodate the required detached sidewalk.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ZC-1772-03	Reclassified APN 176-17-501-011 from R-E to C-1 zoning for a future commercial development	Approved by BCC	December 2003
VS-0393-02	Vacated and abandoned a portion of right-of-way being Mistral Avenue	Approved by BCC	May 2002
ZC-1843-00	Reclassified APN 176-17-501-010 from R-E to C-1 zoning for a shopping center - expired	Approved by BCC	February 2001

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ZC-1643-00	Reclassified APN's 176-17-501-005, 176-17-501-007, 176-17-501-008, and 176-17-501-009 from R-E and C-P to C-1 zoning for a shopping center; APNs 176-17-501-016 and 176-17-501-017 were reclassified from R-E to C-P zoning as part of this application, but this portion later - expired	Approved by BCC	January 2001
ZC-0307-99	Reclassified APN 176-17-501-005 from R-E to CP zoning	Approved by BCC	March 1999

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North & West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS3.3	Single-family residential (Rhodes Ranch)
South	Open Lands	RS3.3	Single-family residential
East	Corridor Mixed-Use & Neighborhood Commercial	RS3.3	Single-family residential

The subject site is within the Public Facilities Needs Assessment (PFNA) area.

**Related Applications**

<b>Application Number</b>	<b>Request</b>
PA-24-700012	A plan amendment to redesignate the land use category of the site from Neighborhood Commercial (NC ) to Mid-Intensity Suburban Neighborhood (MN) is a companion item on this agenda.
ZC-24-0281	A zone change to reclassify the site from CG and RS20, to RS3.3 zoning is a companion item on this agenda.
WS-24-0282	A waiver of development standards to increase fill height, increase retaining wall height and eliminate a portion of street landscaping along Shelbourne Avenue and Durango Drive with design reviews for an alternative landscape plan and a single-family residential subdivision is a companion item on this agenda.
TM-24-500060	A tentative map for a 77 lot single-family residential 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 and right-of-way that are not necessary for site, drainage, or roadway development.

### **Staff Recommendation**

Approval. This item will be forwarded to the Board of County Commissioners' meeting for final action on September 4, 2024 at 9:00 a.m., unless otherwise announced.

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

## **PRELIMINARY STAFF CONDITIONS:**

### **Comprehensive Planning**

- Satisfy utility companies' requirements.
- Applicant is advised within 4 years from the approval date the order of vacation must be recorded in the Office of the County Recorder or the application will expire unless extended with approval of an extension of time; 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 the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

### **Public Works - Development Review**

- Vacation to be recordable prior to building permit issuance or applicable map submittal;
- Revise legal description, if necessary, prior to recording;
- Applicant to remove improvements from APN 176-17-599-009 and APN 176-17-599-006;
- Coordinate with Lot 40 APN 176-17-511-072 within the Astoria Homes at Rhodes Ranch for the reconstruction of the block wall.
- Applicant is advised that the installation of detached sidewalks will require the recordation of this vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

### **Fire Prevention Bureau**

- No comment.

### **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-24-0280.; CCWRD has no objection to the request for vacation as presented; however, CCWRD requires all existing rights granted to us within the rights-of-way to be reserved; it is understood that this vacation shall not reduce our rights to operate and maintain our facilities; CCWRD also requests that drivable access be able to handle H-20 loading and is maintained by fee owner; and that the CCWRD

requests no gates or fences are allowed to be installed across the subject parcel as a condition of the rights granted to the CCWRD.

**TAB/CAC:** Enterprise - approval.

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** RICHMOND AMERICAN HOMES

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