

03/17/21 BCC AGENDA SHEET

RIGHT-OF-WAY DEDICATION
(TITLE 30)

FRIAS AVE/LINDELL RD

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
WC-21-400008 (ZC-2178-04)-GAMEDAY LLC:

WAIVERS OF CONDITIONS of a zone change requiring the following: **1)** detached sidewalks in powerline easement areas; and **2)** right-of-way dedication of 40 feet to 80 feet for Lindell Road, 30 feet to 60 feet for Frias Avenue terminating in a County approved turn-around, 30 feet to 60 feet for Edmond Street, and 30 feet for Haleh Avenue in conjunction with a single family residential development on 20.1 acres in an R-2 (Medium Density Residential) Zone.

Generally located on the north side of Frias Avenue and the east side of Lindell Road within Enterprise. JJ/nr/jd (For possible action)

RELATED INFORMATION:

APN:

176-25-701-004; 176-25-701-007 through 176-25-701-009; 176-25-701-020; and 176-25-701-021

LAND USE PLAN:

ENTERPRISE - RESIDENTIAL SUBURBAN (UP TO 8 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 18.2 (developed)/20.1 (gross)
- Number of Lots/Units: 96
- Density (du/ac): 4.8
- Project Type: Single family residential

History & Request

The applicant has acquired the 20.1 acre site and plans to develop it as a single family residential development. In February 2005, the Board of County Commissioners (BCC) approved ZC-2178-04 to reclassify a total of 37.4 acres, which includes the 20.1 acres of this site, to an R-2 zone for a single family residential development. ZC-2178-04 was approved with several conditions of approval, including right-of-way dedication for Haleh Avenue and detached sidewalks within the powerline easement area, for which this application is requested. Haleh Avenue is an east/west street alignment that runs along the northern boundary of the site, and a 50 foot powerline easement exists on the eastern boundary along Edmund Street.

Previous Conditions of Approval

Listed below are the approved conditions for ZC-2178-04:

Current Planning

- Subject to no resolution of intent and staff preparing an ordinance to adopt the zoning;
- Entering into a development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area;
- Providing a 15 foot wide landscape buffer on Lindell Road with medium trees, 24 inch box in size, with shrubs to cover 50% of the landscape area; providing varying or articulated block wall faces along Lindell Road;
- Detached sidewalks in powerline easement areas;
- Providing detached sidewalks along Lindell Road;
- Providing sidewalks on one side of the interior private streets;
- Street network must comply with code or have approved modifications prior to map submittal.

Public Works – Development Review

- Right-of-way dedication of 40 to 80 feet for Lindell Road, 30 to 60 feet for Frias Avenue terminating in a County approved turn-around, 30 to 60 feet for Edmond Street, 30 feet for Haleh Avenue;
- Coordinate the dedication/vacation of Haleh Avenue with the project to the north;
- Prior to tentative map submittal, applicant to apply for and have approved waivers of street off-set or redesign site to eliminate off-sets and over-length cul-de-sacs;
- All over-length cul-de-sacs, public and private, to be approved by Clark County Fire Department and constructed to Clark County standards;
- If sidewalk is detached, dedicate right-of-way and grant easement in accordance with detached sidewalk requirements;
- Drainage and traffic studies and compliance;
- Traffic study to also address the dedication and construction of a bus turn-out including passenger loading/shelter area if required by Regional Transportation Commission;
- Full off-sites to include paved legal access;
- Off-site design to address power poles and American with Disabilities Act access;
- Private street widths to be a minimum of 36 feet of drivable surface width and 28 feet of drivable surface width on private streets less than 150 feet in length, posting “No Parking” signs on both sides of the street and accessing no more than 6 lots;
- All driveways to be 20 feet in length;
- All applicable vacations to be recordable prior to building permit issuance and/or applicable map submittal and all applicable standard conditions for this application type.

Applicant's Justification

The applicant indicates Haleh Avenue has already been vacated and terminated in a previous approved project to the north. Dedicating Haleh Avenue for this project will result in a conflict with the design of previously approved plans. The current development proposal shows attached sidewalks along Edmond Street, which is consistent with the development to the north; therefore, the conditions are not necessary.

Prior Land Use Requests

Application Number	Request	Action	Date
WS-1753-05	Increased wall heights in conjunction with a single family residential development - expired	Approved by PC	March 2006
TM-0314-05	237 single family residences - expired	Approved by PC	July 2005
ORD-0607-05	Standard Development Agreement - expired	Adopted by BCC	June 2005
VS-0206-05	Vacation of patent easements	Approved by PC	March 2005
WS-0207-05	Modification of street standards - expired	Approved by PC	April 2005
ZC-1517-03 (WC-0037-05)	Waived the condition for 30 feet to 60 feet right-of-way dedication of Haleh Avenue (north/west of proposed subdivision)	Approved by BCC	March 2005
ZC-2178-04	Reclassified 37.4 acres from R-E to R-2 zoning with reduced street widths	Approved by BCC	February 2005
UC-0497-01	Overhead power transmission line corridor that passes through a portion of this site	Approved by PC	June 2001

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Residential Suburban (up to 8 du/ac)	R-2	Undeveloped single family residential
South	Residential Suburban (up to 8 du/ac)	R-2	Single family residential
East & West	Residential Suburban (up to 8 du/ac)	R-2	Undeveloped

This site and the surrounding area are located in the Public Facilities Needs Assessment (PFNA) area.

Related Applications

Application Number	Request
VS-21-0026	Vacation of easements and rights-of-way is a companion item on this agenda.
WS-21-0025	Waiver of development standards for a single family development with increased finished grade and increased wall heights is a companion application on this agenda.
TM-21-500005	Tentative map for a 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**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.

Waiver of Conditions #1

Title 30 does not require detached sidewalks along roadways that are less than 70 feet wide. The development to the north was approved with attached sidewalks along Edmond Street. Staff has determined that the requirements for detached sidewalks along Edmond Street is not consistent with other approvals in the area; therefore, staff can support the attached sidewalks so the development in the area is consistent.

Public Works - Development Review**Waiver of Conditions #2**

Staff has no objection to not dedicate Haleh Avenue. In 2005 the subdivision to the north applied for a waiver of conditions application to not dedicate 30 feet to 60 feet for Haleh Avenue. That application was approved and the subdivision map recorded. Lindell Road, Frias Avenue, and Edmond Street have all been dedicated and will remain public right-of-way, adjacent to the subject parcels.

Staff Recommendation

Approval.

Approval of the waivers of conditions request constitutes a finding by the Commission/Board that the conditions 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:**Building Department - Fire Prevention**

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC:

APPROVALS:

PROTEST:

APPLICANT: GAMEDAY LLC

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