

03/17/21 BCC AGENDA SHEET

RIGHT-OF-WAY
(TITLE 30)

GUBLER AVE/WHITMORE ST
(MOAPA VALLEY)

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-21-400009 (VS-18-0820)-THE MESA'S AT LOGANDALE, LLC:

VACATE AND ABANDON FIRST EXTENSION OF TIME portions of a right-of-way being Whitmore Street located between Gubler Avenue and Claridge Avenue and Ash Street located between Gubler Avenue and Claridge Avenue within Moapa Valley (description on file). MK/jgh/jd (For possible action)

RELATED INFORMATION:

APN:

041-36-101-002 through 041-36-101-004; 041-36-201-013; 041-36-201-014

LAND USE PLAN:

NORTHEAST COUNTY (MOAPA VALLEY) - RESIDENTIAL LOW (UP TO 3.5 DU/AC)

NORTHEAST COUNTY (MOAPA VALLEY) - RURAL NEIGHBORHOOD (UP TO 2 DU/AC)

BACKGROUND:

Project Description

The previously approved plans depict the vacation and abandonment of a 60 foot wide right-of-way being a portion of Whitmore Street and a 60 foot wide right-of-way being a portion of Ash Street located between Gubler Avenue and Claridge Avenue. The applicant indicates alternative access to other streets is available for other parcels in the area, and the subject rights-of-way are not improved.

Previous Conditions of Approval

Listed below are the approved conditions for VS-18-0820:

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;
- Vacation to be recordable prior to building permit issuance or applicable map submittal;

- Revise legal description, if necessary, prior to recording;
- Obtain approval in writing from Moapa Valley Water District prior to recordation of the vacation for Whitmore Street.

Applicants Justification

The applicant indicates that the primary reason for delays in finalizing the vacation and progressing on the project is due to the uncertainty in the pace of development progress and economic growth in North Las Vegas industrial areas that were anticipated to generate jobs and high demands for housing. In addition to this delay, the COVID-19 pandemic has caused this project to become economically delayed; therefore, the applicant is requesting additional time.

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-18-0819	Reclassified 79 acres from R-U to R-E Zoning with a design review for a proposed single family planned unit development	Approved by BCC	December 2018
VS-18-0820	Vacated and abandoned a 60 foot wide right-of-way being a portion of Whitmore Street located between Gubler Avenue and Claridge Avenue	Approved by BCC	December 2018
ZC-0183-17	Reclassified the eastern parcel and APN 041-36-201-013 from R-U to R-D zoning for a single family residential development, with a waiver for alternative landscaping along Gubler Avenue - expired	Held no date by BCC	September 2017
VS-0184-17	Vacated and abandoned a 60 foot wide right-of-way being a portion of Whitmore Street located between Gubler Avenue and Claridge Avenue - expired	Held no date by BCC	September 2017

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Rural Neighborhood (up to 2 du/ac) & Residential Agriculture (up to 1 du/ac)	R-U	Single family residential & undeveloped
South	Residential Agriculture (up to 1 du/ac) & Residential Low (up to 3.5 du/ac)	R-U	Single family residential & undeveloped
East	Residential Low (up to 3.5 du/ac)	R-U	Undeveloped
West	Rural Neighborhood (up to 2 du/ac)	R-U	Undeveloped

Related Applications

Application Number	Request
ET-21-400010 (ZC-18-0819)	An extension of time for a planned unit development for single family residential 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. To date, the applicant has made no progress towards commencing the application. However, since this is the first extension of time, staff has no objections to this request.

Applicant is advised that the County is currently in the process of rewriting the Clark County's Development Code (Title 30). Future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in effect at the time of application. Due to the future changes in regulations, this may be the last extension of time staff can support.

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 December 19, 2022 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 utility companies is required.

Public Works - Development Review

- Compliance with previous conditions.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC:

APPROVALS:

PROTEST:

APPLICANT: THE MESA'S AT LOGANDALE, LLC

CONTACT: THE MESA'S AT LOGANDALE, LLC, 1000 N. GREEN VALLEY
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