

06/21/23 BCC AGENDA SHEET

EASEMENTS
(TITLE 30)

WARM SPRINGS RD/WINDY ST

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-23-400054 (VS-19-0063)-MOTOR HOLDINGS, LLC:

VACATE AND ABANDON SECOND EXTENSION OF TIME for easements of interest to Clark County located between Warm Springs Road and Capovilla Avenue, and between Windy Street and I-15 within Enterprise (description on file). MN/tpd/syp (For possible action)

RELATED INFORMATION:

APN:

177-05-801-030

LAND USE PLAN:

ENTERPRISE - ENTERTAINMENT MIXED-USE

BACKGROUND:

Project Description

The previously approved plans depict the vacation of 33 foot wide government patent easements along the northern and western boundary, and a 3 foot wide portion of the government patent easement along the eastern boundary of the parcel.

Previous Conditions of Approval

Listed below are the approved conditions for ET-21-400053 (VS-19-0063):

Current Planning

- Until April 3, 2023 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.

Listed below are the approved conditions for VS-19-0063:

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

- Right-of-way dedication to include 30 feet for Windy Street;
- Vacation to be recordable prior to building permit issuance or applicable map submittal;
- Revise legal description, if necessary, prior to recording.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant has experienced a decline in legal cannabis sales with the occurrence of illegal operations throughout Nevada. Considering this setback, the applicant has had to rethink their business strategies. They are requesting an extension of time to obtain full entitlements to the development.

Prior Land Use Requests

Application Number	Request	Action	Date
ET-21-400032 (UC-19-0061)	First extension of time for a use permit for a cannabis establishment (cultivation) - expired	Approved by BCC	June 2021
ET-21-400053 (VS-19-0063)	First extension of time to vacate and abandon easements between Warm Springs Road and Capovilla Avenue	Approved by BCC	June 2021
ET-21-400054 (UC-19-0076)	First extension of time for a use permit for a cannabis establishment (production)	Approved by BCC	June 2021
UC-20-0047	Cannabis establishment (dispensary) in conjunction with an office/warehouse building	Approved by BCC	October 2020
UC-20-0048	Cannabis establishment (retail store) in conjunction with an office/warehouse building	Approved by BCC	October 2020
TM-19-500017	1 lot industrial/commercial subdivision map	Approved by BCC	April 2019
UC-19-0076	Cannabis establishment (production facility) in conjunction with an office/warehouse building	Approved by BCC	April 2019
NZC-19-0060	Reclassified the site from R-E to C-2 and M-D zoning for a warehouse/retail building	Approved by BCC	April 2019

Prior Land Use Requests

Application Number	Request	Action	Date
UC-19-0061	Cannabis establishment (cultivation facility) in conjunction with a proposed office/warehouse building - expired	Approved by BCC	April 2019
VS-19-0063	Vacated and abandoned easements between Warm Springs Road and Capovilla Avenue	Approved by BCC	April 2019

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Entertainment Mixed-Use	R-E	Undeveloped
South	Entertainment Mixed-Use	H-1	Undeveloped
East	Entertainment Mixed-Use	C-2	Vehicle sales & offices
West	Entertainment Mixed-Use	M-D	Distribution center & manufacturing facility

Related Applications

Application Number	Request
ET-23-400055 (UC-19-0076)	An extension of time for a use permit for a cannabis establishment (production facility) 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**Comprehensive 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.

No new steps have been accomplished since the last extension of time request for this parcel. Staff recognizes the complexities of competing with various cannabis establishments. However, this does not negate the fact that no improvements in the development process have been reached for 2 years. Staff can support this extension of time request but believes it should be the last one approved unless progress is made with the other Clark County Departments regarding site development.

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 Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:**Comprehensive Planning**

- Until April 3, 2025 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.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Enterprise - approval.

APPROVALS:

PROTEST:

APPLICANT: CATHERINE MIZZI

CONTACT: CATHERINE MIZZI, PISOS, 4110 S. MARYLAND PARKWAY, LAS VEGAS, NV 89119