

06/21/23 BCC AGENDA SHEET

EASEMENTS AND RIGHTS-OF-WAY
(TITLE 30)

STARR AVE/FAIRFIELD AVE

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-23-400059 (VS-18-1029)-P N II, INC:

VACATE AND ABANDON SECOND EXTENSION OF TIME for easements of interest to Clark County located between Starr Avenue and Terrill Avenue and between La Cienega Street and Fairfield Avenue (alignment), and portions of rights-of-way being Terrill Avenue located between La Cienega Street and Fairfield Avenue (alignment) and Fairfield Avenue located between Terrill Avenue and Starr Avenue within Enterprise (description on file). MN/rp/syp (For possible action)

RELATED INFORMATION:

APN:

177-33-801-011; 177-33-801-012; 177-33-801-019

LAND USE PLAN:

ENTERPRISE - LOW-INTENSITY SUBURBAN NEIGHBORHOOD (UP TO 5 DU/AC)

BACKGROUND:

Project Description

The property was previously approved as a single family residential development. The approved request is to vacate easements and rights-of-way that the applicant indicates are not necessary for the development of the area and conflict with the design of the proposed residential development. All necessary easements and rights-of-way will be provided with the future recording of the subdivision map.

Previous Conditions of Approval

Listed below are the approved conditions for ET-21-400060 (VS-18-1029):

Current Planning

- Until April 17, 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 utility companies is required.

Public Works - Development Review

- Compliance with previous conditions.

Listed below are the approved conditions for VS-18-1029:

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;
- Right-of-way dedication to include 55 feet to the back of curb for Starr Avenue and all portions of the cul-de-sac that are necessary to provide a complete County approved turnaround on Placid Street;
- Prior to the approval of off-site improvement plans, the applicant shall provide a written, notarized letter from the owner of APN 177-33-801-012 approving the proposed access to his or her property;
- The applicant shall grant a perpetual access easement to the owner of APN 177-33-801-012 and his or her successors and assigns to allow unobstructed access to said parcel;
- 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 this site is located within a Special Flood Hazard Area (SFHA) as designated by the Federal Emergency Management Agency (FEMA); and that the installation of detached sidewalks will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

Applicant's Justification

The applicant indicates the approval of the site north of this project will complement the approved tentative map and design review for the Silverado Court VIII development, and the developer intends to develop both projects together. An extension of time was previously approved June 14, 2021. The project experienced several setbacks and additional land use needs for the plan approval. The applicant is seeking a 2 year extension of time to allow enough time for the vacation to record concurrently with the Final Map.

Prior Land Use Requests

Application Number	Request	Action	Date
WS-23-0016	Waivers for setback and design review for finished grade on 21 acres in an R-1 and an R-D zone	Approved by BCC	March 2023

Prior Land Use Requests

Application Number	Request	Action	Date
ET-22-400075 (NZC-18-1028)	First extension for a zone change to reclassified the site to R-2 zoning for a single family residential development	Approved by BCC	July 2022
ET-21-400060 (VS-18-1029)	First extension of time to vacate and abandon easement and rights-of-way	Approved by BCC	June 2021
WS-20-0012	Increased street length and design review for a single-family residential development	Approved by BCC	March 2020
TM-20-500002	61 single family residential lots	Approved by BCC	March 2020
NZC-18-1028	Reclassified the site to R-1 and R-D zoning for a single family residential development	Approved by BCC	April 2019
TM-18-500243	75 single family residential lots	Denied by BCC	April 2019
VS-18-1029	Vacated and abandoned easements and rights-of-way	Approved by BCC	April 2019
NZC-18-0055	Reclassified the site to R-2 zoning for a single family residential development	Withdrawn at BCC	June 2018
VS-18-0056	Vacated and abandoned easements and rights-of-way	Withdrawn at BCC	June 2018
TM-18-500009	Single family residential subdivision	Withdrawn at BCC	June 2018

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Ranch Estate Neighborhood (up to 2 du/ac)	R-E (RNP-I) & R-D	Single family residential & undeveloped
South	Mid-Intensity Suburban Neighborhood (up to 8 du/ac); Low-Intensity Suburban Neighborhood (up to 5 du/ac); & Public Use	R-2 & P-F	Schorr Elementary School, single family residential, & undeveloped
East	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-2	Single family residential
West	Ranch Estate Neighborhood (up to 2 du/ac) & Low-Intensity Suburban Neighborhood (up to 5 du/ac)	R-E (RNP-I)	Undeveloped

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.

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 April 17, 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 utility companies is required.

Public Works - Development Review

- Compliance with previous conditions.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC:

APPROVALS:

PROTEST:

APPLICANT: CFT LANDS, LLC

CONTACT: WESTWOOD PROFESSIONAL SERVICE, 5725 W. BADURA AVENUE,
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