

07/21/21 BCC AGENDA SHEET

RIGHT-OF-WAY
(TITLE 30)

RAINBOW BLVD/CAPOVILLA AVE

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-21-400094 (VS-0133-17)-SACKLEY FAMILY TRUST & SACKLEY, STUART TRS:

VACATE AND ABANDON SECOND EXTENSION OF TIME for a portion of right-of-way being Rainbow Boulevard located between Capovilla Avenue and Arby Avenue (alignment) within Enterprise (description on file). MN/sd/jo (For possible action)

RELATED INFORMATION:

APN:

176-02-401-001; 176-02-401-002

LAND USE PLAN:

ENTERPRISE - COMMERCIAL GENERAL

BACKGROUND:

Project Description

The previously approved application (VS-0133-17) was a request to vacate and abandon a portion of right-of-way associated with a commercial development. The application included a request to vacate a 5 foot wide approximately 587 foot long section of Rainbow Boulevard running along the west property line. The applicant stated that the vacation is being requested to accommodate a detached sidewalk in association with a proposed commercial development.

Previous Conditions of Approval

Listed below are the approved conditions for ET-19-400147 (VS-0133-17):

Current Planning

- April 30, 2021 to record.
- 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 re-approval by the utility companies is required.

Public Works - Development Review

- Compliance with previous conditions.

Listed below are the approved conditions for VS-0133-17:

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 30 feet for Arby Avenue, 30 feet for Capovilla Avenue with a portion of a cul-de-sac at the propose east end and associated spandrels;
- 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 the installation of detached sidewalk will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

Applicant's Justification

Although this application was approved several years ago the applicant has been in the process of moving forward with the commercial/retail development. The project's related off-site improvement plans were permitted by Public Works (PW-19-14708) and are almost complete. The project's related on-site improvements have been permitted through the Building Department and are also under construction at this time.

Prior Land Use Requests

Application Number	Request	Action	Date
ET-19-400147 (VS-0133-17)	First extension of time for a portion of right-of-way being Rainbow Boulevard located between Capovilla Avenue and Arby Avenue (alignment)	Approved by BCC	January 2020
VS-19-0490	Vacated and abandoned easements	Approved by PC	August 2019
WS-19-0185	Waived alternative landscaping adjacent to a drive-thru lane, modified street standards, and design review to modify an approved shopping center	Approved by BCC	May 2019
ADET-19-900237 (ZC-0132-17)	Administrative extension of time for the zone change from R-E to C-2 zoning	Approved by ZA	May 2019
VS-0133-17	Vacated and abandoned right-of-way	Approved by BCC	April 2017
TM-0025-17	1 lot commercial subdivision - expired	Approved by BCC	April 2017

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-0132-17	Reclassified 4.2 acres from R-E to C-2 zoning for a retail center with a waiver for increased wall height and design review for a retail center with a grocery store and restaurant and increased finished grade	Approved by BCC	April 2017
ZC-0871-03	Reclassified the east half of the site from R-E to C-2 zoning for future development	Approved by BCC	July 2003

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Business and Design/Research Park	C-2	Shopping center & undeveloped
South	Commercial General	C-2	Commercial center & undeveloped
East	Commercial General	U-V	Undeveloped
West	Business and Design/Research Park	C-2	Office building

Related Applications

Application Number	Request
TM-21-500085	A tentative map for a 1 lot commercial subdivision is a companion item on this agenda.
ET-21-400095 (WS-19-0185)	An extension of time for a shopping center with waivers of development standards for alternative landscaping and modified street standards 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.

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 30, 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; 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: SACKLEY FAMILY TRUST & SACKLEY, STUART TRS

CONTACT: CIVIL 360 PLANNING & ENGINEERING, 6490 W. DESERT INN RD., LAS VEGAS, NV 89146