

EASEMENTS  
(TITLE 30)

RAINBOW BLVD/CAPOVILLA AVE

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**ET-21-400132 (VS-19-0490)-SACKLEY FAMILY TRUST & SACKLEY STUART TRS:**

**VACATE AND ABANDON FIRST EXTENSION OF TIME** easements of interest to Clark County located between Arby Avenue and Capovilla Avenue and between Rainbow Boulevard and Redwood Street within Enterprise (description on file). MN/sd/jo (For possible action)

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RELATED INFORMATION:

**APN:**

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

**LAND USE PLAN:**

ENTERPRISE - COMMERCIAL GENERAL

**BACKGROUND:**

**Project Description**

The plans show a previously approved vacation and abandonment of patent easements. The request includes a 33 foot wide easement on the east side and 3 foot wide easements on the north and south sides of APN 176-02-401-001. In addition, the request includes 33 foot wide easements on the east and west sides and 3 foot easements on the north and south sides of APN 176-02-401-002. The applicant indicates that these easements are not needed for roadway or development purposes.

Previous Conditions of Approval

Listed below are the approved conditions for VS-19-0490:

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 Capovilla Avenue, 30 feet for Arby Avenue, the necessary portion of the cul-de-sac for Capovilla Avenue, 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's Justification

The applicant states that due to unexpected setbacks they were delayed in getting final signatures on the final map, and are therefore requesting an extension of time on the approved vacation application. The project's related off-site improvement plans were permitted by Clark County Public Works (PW 19-14708), and the off-sites are almost complete. The project's related on-site civil improvements have been permitted through BD 19-18228 and are also under construction at this time.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
TM-21-500085	Commercial subdivision	Approved by BCC	July 2021
ET-21-400095 (WS-19-0185)	First extension of time to allow alternative landscaping adjacent to a drive-thru lane along a public right-of-way, modified street standards; and design review for modifications to shopping center	Approved by BCC	July 2021
ET-19-400147 (VS-0133-17)	First extension of time to vacate and abandon patent easements	Approved by BCC	January 2020
VS-19-0490	Vacated and abandoned patent easements	Approved by PC	August 2019
WS-19-0185	Waived landscaping and design review for modifications to shopping center	Approved by BCC	May 2019
ZC-0132-17	Reclassified the west half of the site from R-E to C-2 zoning and increased wall height with a design review for a shopping center and increased finished grade	Approved by BCC	April 2017
TM-0025-17	1 lot commercial subdivision	Approved by BCC	April 2017
VS-0133-17	Vacated and abandoned a 5 foot wide portion of right-of-way being Rainbow Boulevard	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**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Business and Design/Research Park	C-2 & R-E	Shopping center & undeveloped
South	Commercial General	C-2	Commercial center & undeveloped
East	Commercial General	C-2	Undeveloped
West	Business and Design/Research Park	C-2	Commercial buildings & fast-food restaurants

## **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.

Staff can support the applicant's request for an extension of time. The applicant has been making progress in permitting, including off-site improvement plans (PW 19-14708) that were submitted to Public Works for review. Related on-site civil improvements have been submitted and permitted through Building Permit #19-18228.

#### **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 August 20, 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**

- Coordinate with Public Works - Design Division for the Rainbow Boulevard improvement project;
- Compliance with previous conditions.

**Clark County Water Reclamation District (CCWRD)**

- No comment.

**TAB/CAC:**

**APPROVALS:**

**PROTEST:**

**APPLICANT:** SACKLEY FAMILY TRUST & SACKLEY STUART TRS

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