

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-24-400012 (NZC-21-0128)-PICERNE BERMUDA, LLC:

RECONSIDERATION OF A ZONE CHANGE FIRST EXTENSION OF TIME to reclassify 12.2 acres from a CG (Commercial General) Zone to an RM32 (Residential Multi-Family 32) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** increase building height; and **2)** alternative landscaping.

DESIGN REVIEWS for the following: **1)** a multiple family residential development; **2)** alternative parking lot landscaping; and **3)** finished grade.

Generally located on the southwest corner of Neal Avenue and Bermuda Road within Enterprise (description on file). MN/my/ng (For possible action)

RELATED INFORMATION:

APN:

191-04-602-012; 191-04-602-014; 191-04-602-017

WAIVERS OF DEVELOPMENT STANDARDS:

1. Increase building height to 38 feet where a maximum height of 35 feet is permitted per Table 30.40-3 (an 8.6% increase).
2. Permit alternative landscaping adjacent to Fairfield Avenue and a future private drive where landscaping per Figure 30.64-10 is required.

DESIGN REVIEWS:

1. A multiple family residential development.
2. Permit alternative parking lot landscaping where landscaping within parking lots is required per Figure 30.64-14.
3. Increase finished grade to 30 inches (2.5 feet) where a maximum of 18 inches (1.5 feet) is the standard per Section 30.32.040 (a 66.7% increase).

LAND USE PLAN:

ENTERPRISE - CORRIDOR MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 12.2
- Project Type: Multiple family residential development
- Number of Units: 271

- Density (du/ac): 22.2
- Number of Stories: 2 & 3
- Building Height (feet): 38
- Square Feet: 135,034
- Open Space Required/Provided: 27,100/41,782
- Parking Required/Provided: 483/489

Site Plan

The approved plan depicts a multiple family residential development consisting of 271 units on 12.2 acres with a density of 22.2 dwelling units per acre. The site has frontage along Bermuda Road, Neal Avenue, Fairfield Avenue, and a future private drive along the southeastern portion of the site. The development will be a gated community with access from Bermuda Road. The approved plan also depicts a gate onto Fairfield Avenue for emergency vehicles. No access is depicted from Neal Avenue or the future private drive. The 271 residential units will be divided between 17 buildings that are distributed throughout the site. A clubhouse and recreation area with a cabana are located in the central portion of the development. A maintenance building is attached to the east side of 1 of the residential buildings that is located on the southeastern corner of the site. The development is required to have 483 parking spaces and 489 parking spaces are provided which are distributed throughout the site. The approved plan indicates that there will be 46 garage spaces and 232 covered parking spaces. The approved plan also depicts the perimeter of the development will be enclosed by a 6 foot high decorative fence. The buildings will be set back a minimum of 20 feet from the public streets and a minimum of 10 feet from the future private drive.

Open Space & Landscaping

The project is required to have 27,100 square feet of open space where 41,782 square feet of open space is provided. The approved plans depict open space consisting of a recreational area in the central portion of the development which includes a pool, spa, fire pits, and barbeque areas. Other open space includes a dog park in the southeastern portion of the site and landscape areas throughout the development. Landscaping along Bermuda Road consists of a 15 foot wide landscape area along the street outside of the perimeter decorative fence with trees, shrubs, groundcover, and a detached sidewalk. Along Neal Avenue the approved plans depict an attached sidewalk along the street with a minimum 10 foot wide landscape area outside of the perimeter decorative fence consisting of trees, shrubs, and groundcover. An attached sidewalk is depicted along Fairfield Avenue with a minimum 5 foot wide landscape area outside of the perimeter decorative fence consisting of trees, shrubs, and groundcover. Per Figure 30.64-10 the landscaping along Fairfield Avenue is required to have an average width of 6 feet and the approved plans appear to show an average of approximately 5 feet. No landscaping is depicted along the future private drive outside of the decorative fence. The proposed perimeter decorative fence is designed so that landscaping within the fenced area will be visible from the streets. Within the parking areas the approved plan depicts the use of landscape diamonds rather than landscape islands; however, the required number of trees for the parking areas are provided and distributed throughout the project.

Elevations

The approved buildings for the residential units are 2 to 3 stories with heights of 24 feet for the 2 story buildings and 38 feet for the 3 story buildings. The residential buildings all have pitched roofs with concrete tile roofing material and the exterior of these buildings consists of a stucco finish painted in earth tone colors with stone veneer. The cabana building and maintenance buildings are both 1 story with a maximum height of approximately 17 feet. These buildings have pitched roofs with concrete tile roofing material and stucco exteriors painted in earth tone colors. The clubhouse building is 1 story with a maximum height of approximately 28 feet. The clubhouse building has a pitched roof with concrete tile roofing material and the exterior of the building consists of a stucco painted in earth tone colors and stone veneer.

Floor Plans

The approved development consists of a total of 135,034 square feet of building area, which is divided between 17 buildings for the 271 residential units, clubhouse, cabana, and a maintenance building. The residential units will consist of 120 one bedroom units, 139 two bedroom units, and 12 three bedroom units that are between 819 square feet to 1,331 square feet in area. The maintenance building has an area of approximately 433 square feet consisting of a restroom for maintenance staff, workspace, and storage areas. The cabana has an area of approximately 1,149 square feet and consists of restrooms, an outdoor covered patio, pool equipment areas, and storage area. The clubhouse has an area of approximately 6,562 square feet which consists of a fitness center, leasing offices, and multi-purpose rooms for the use of the residents.

Previous Conditions of Approval

Listed below are the approved conditions for NZC-21-0128:

Current Planning:

- Resolution of Intent to complete in 3 years;
- Relocate the 3 trash enclosures that are nearest to the existing single family homes to the eastern portion of the property;
- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- 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 new application for a nonconforming zone boundary amendment may be required in the event the building program and/or conditions of the subject application are proposed to be modified in the future; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that 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.

Public Works – Development Review

- Drainage study and compliance;

- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- Full off-site improvements.
- Applicant is advised that the installation of detached sidewalks will require the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or execute a License and Maintenance Agreement for non-standard improvements in the right of way; and that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

Department of Aviation

- Applicant is advised that issuing a stand-alone noise disclosure statement to the purchaser or renter of each residential unit in the proposed development and to forward the completed and recorded noise disclosure statements to the Department of Aviation's Noise Office is strongly encouraged; the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations which was constructed after October 1, 1998; and that funds will not be available in the future should the residents wish to have their homes purchased or soundproofed.

Building Department – Fire Prevention

- Applicant is advised to submit plans for review and approval prior to installing any gates, speed humps (speed bumps not allowed), and any other fire apparatus access roadway obstructions; and that fire/emergency access must comply with the Fire Code as amended (trash enclosure doors cannot impede access lane widths).

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0346-2020 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

Applicant's Justification

The applicant indicates that this is their first extension of time and that they are seeking 4 years as there have been no substantial changes to the area.

Prior Land Use Requests

| Application Number | Request | Action | Date |
|------------------------------|---|-----------------|-------------|
| ET-23-400081 (VS-21-0127) | Extension of time to vacate right-of-way | Approved by BCC | July 2023 |
| ZC-21-0128 | Reclassified from a C-2 to an R-4 zoning, with waivers for building standards, and design reviews for a multiple family development | Approved by BCC | June 2021 |
| VS-21-0127 | Vacated and abandoned right-of-way | Approved by BCC | June 2021 |

Prior Land Use Requests

| Application Number | Request | Action | Date |
|---------------------------|--|-----------------|---------------|
| VS-1049-08 | Vacated and abandoned government patent easements | Approved by PC | December 2008 |
| ZC-0683-08 | Reclassified the northern portion of the site to C-2 zoning for future commercial development | Approved by BCC | August 2008 |
| ZC-0018-95 | Reclassified the southern portion of the site to a C2 zoning for a wholesale/retail landscape materials business | Approved by BCC | April 2004 |

Surrounding Land Use

| | Planned Land Use Category | Zoning District (Overlay) | Existing Land Use |
|-------|---|----------------------------------|---|
| North | Compact Neighborhood (up to 18 du/ac) | RM18 | Multiple family residential |
| South | Corridor Mixed-Use | CG | Commercial uses |
| East | Corridor Mixed-Use & City of Henderson | CG & RM-16 | Tavern, single family residential, multiple family residential, & undeveloped |
| West | Mid-Intensity Suburban Neighborhood (up to 8 du/ac) | RS3.3 & RS5.2 | Single family residential |

The subject site is located within the Public Facilities Needs Assessment (PFNA) area.

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request is consistent with the Master Plan and is in compliance with Title 30.

Analysis**Current Planning**

Title 30 standards of approval for an extension of time state an application may be denied 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, regulations, or policies affecting the subject property. Additionally, the applicant must demonstrate the project is progressing through the applicable development permit or licensing process.

Staff finds that applicant has applied for building permits for grading which are under review. The applicant has approved drainage and traffic studies dating back to 2022. Although the applicant requested 4 years, staff can support the standard 2 years extension.

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.

COUNTY COMMISSION ACTION: March 20, 2024 – APPROVED – Vote: Unanimous
Comprehensive Planning

- Until June 2, 2026 to complete or the application will expire unless extended with approval of an extension of time.
- Applicant is advised 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 the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

Public Works - Development Review

- Compliance with previous conditions.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Enterprise - approval (Until June 2, 2027 to complete or the application will expire unless extended with approval of an extension of time).

APPROVALS:

PROTEST:

REQUEST FOR RECONSIDERATION: This item has been requested for reconsideration by Commissioner Naft.

COUNTY COMMISSION ACTION: April 17, 2024 – Request for Reconsideration (AG-24-900210) – APPROVED.

APPLICANT: PICERNE BERMUDA, LLC

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