

07/17/24 BCC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WC-24-40060 (NZN-22-0028)-AMH NV10 DEVELOPMENT, LLC:**

**WAIVER OF CONDITIONS** of a nonconforming zone change requiring no certificate of occupancy can be issued for any structure within this project unless and until a certificate of occupancy has been issued for the clubhouse (adjacent project to the north) for a previously approved single family residential development on 4.90 acres in an RS2 (Residential Single-Family 2) Zone.

Generally located on the northwest corner of Oleta Avenue and Conquistador Street within Enterprise. JJ/rg/ng (For possible action)

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RELATED INFORMATION:

**APN:**

176-19-201-004; 176-19-201-005

**LAND USE PLAN:**

ENTERPRISE - MID-INTENSITY SUBURBAN NEIGHBORHOOD (UP TO 8 DU/AC)

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: N/A
- Site Acreage: 4.90
- Project Type: Single-family residential development
- Number of Lots: 43 residential/2 common elements
- Density (du/ac): 8.8
- Minimum/Maximum Lot Size (square feet): 3,323/5,301
- Number of Stories: 2
- Building Height (feet): 26
- Square Feet: 2,150 to 2,300
- Open Space Required/Provided: 8,600/650

**History & Request**

The subject property was approved for RUD (Residential Urban Density) zoning (now RS2) via NZC-22-0028 for a single-family residential subdivision by the Board of County Commissioners in April 2022. The application included a waiver to reduce the required open space to 650 square feet where 8,600 square feet was required. As a result, a condition of NZC-22-0028 was added which states “No certificate of occupancy can be issued for any structure within this

project unless and until a certificate of occupancy has been issued for the clubhouse (adjacent project to the north)”. This is a request to waive that condition.

### Site Plans

The approved plans depict a single-family residential development consisting of 43 lots with a density of 8.8 dwelling units per acre. The site has frontage along Oleta Avenue on the south side of the site and Conquistador Street along the east side. The plans show 7 lots will get access from Oleta Avenue and 8 lots from Conquistador Street. The remaining 28 lots will take access from 2 proposed public streets which will intersect with Oleta Avenue and terminate in cul-de-sacs. The proposed public streets within the development will be 48 feet wide with 5 foot wide sidewalks on each side of the streets. The plans depict 2 common element lots that are located at the northern end of the proposed cul-de-sacs within the development. These common elements will be a total of 650 square feet and will be used for drainage and utility easements. The proposed rear yard setback reduction is for 8 lots on the southern portion of the site located along Oleta Avenue (Lot 15 through Lot 21 & Lot 35).

### Landscaping

A landscape plan was not submitted for the previously approved development. The development was designed in a way that does not require any additional landscaping per Chapter 30.64 along the streets, and landscaping was not required along the boundaries of the adjacent developments. The future homeowners will be responsible to provide and maintain landscaping within their properties.

### Elevations

The approved plans depict 3 home models that are all 2 stories with a maximum building height of approximately 26 feet. All of the homes have pitched roofs with concrete tile roofing materials. The exterior of the homes will consist of combinations of a stucco finish painted in earth tone colors, stone veneer, various window treatments, and architectural enhancements.

### Floor Plans

The approved plans depict homes ranging between 2,150 square feet to 2,300 square feet in area. Each home will have 3 to 4 bedrooms and a 2 car garage.

### Previous Conditions of Approval

Listed below are the approved conditions for NZC-22-0028:

#### Current Planning

- Resolution of Intent to complete in 4 years;
- Pedestrian access to be provided through the cul-de-sacs to the adjacent project to the north;
- No short-term rentals;
- Provide notice to County 90 days prior to intent to change business model or sell project;
- Administrative review to be submitted to the Department of Comprehensive Planning that details lease terms, average number of units leased, and specific contact for neighbor complaints 1 year after the first unit is rented or within 2 years whichever comes first;

- No certificate of occupancy can be issued for any structure within this project unless and until a certificate of occupancy has been issued for the clubhouse (adjacent project to the north);
- 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.
- 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 application for review; 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;
- Right-of-way dedication to include 30 feet for Oleta Avenue and associated spandrel.
- Applicant is advised 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.

**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 #0302-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**Applicant’s Justification**

The applicant is requesting a waiver of condition to build the clubhouse and the approved development simultaneously. The applicant states that the clubhouse will be developed as part of the existing single family residential development to the north and west of the property. The applicant states that the adjacent residential development and the subject sites are under the same ownership with incorporated connectivity designs to provide all residents with access to the open space, pool, and clubhouse.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ADET-24-900184	Extension of time for VS-22-0029 to vacate the government patent easement	Approved by PW	April 2024

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
NZC-22-0028	Reclassified the subject property from an H2 and R-E to RUD zoning, with waivers for reduced setbacks and open space; design reviews for a single-family residential development and finished grade	Approved by BCC	April 2022
VS-22-0029	Vacated government patent easements	Approved by BCC	April 2022
TM-22-500016	43 lot single-family residential development	Approved by BCC	April 2022

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North	Public Use & Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS3.3	Single-family residential
South	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS3.3 & RS20	Single-family residential
East	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS3.3	Single-family residential
West	Public Use	RS3.3	Single-family residential

**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**

**Comprehensive Planning**

A waiver of conditions may be approved upon a finding that the condition will no longer fulfill its intended purpose.

The intent of the previously imposed condition is to meet the open space requirement of for the single-family residential subdivision by linking this development with the proposed clubhouse to be built in the neighboring subdivision to the north and west of the subject site. The condition of approval was explicit requiring issuance of the Certificate of Occupancy for the clubhouse prior to certificates of occupancy being issued for any structures within the boundaries of the project site, including single-family residences. A building permit for the clubhouse is currently under review by the Building Department and a final map for the subject development has yet to be recorded. Staff finds the applicant has not provide compelling justification for this request; therefore, recommends denial.

**Staff Recommendation**

Denial.

Approval of the waiver of conditions request constitutes a finding by the Commission/Board that the condition will no longer fulfill its intended purpose.

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:****Public Works - Development Review**

If approved:

- No comment.

**Fire Prevention Bureau**

- No comment.

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

- Applicant is advised that a Point of Connection (POC) request has been initiated for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0481-2022 to obtain your POC exhibit; and that wastewater flow rates that exceed CCWRD estimates may require another POC analysis.

**TAB/CAC:** Enterprise - denial.

**APPROVALS:**

**PROTEST:**

**APPLICANT:** AMH NV10 DEVELOPMENT LLC

**CONTACT:** LEXA GREEN, KAEMPFER CROWELL, 1980 FESTIVAL PLAZA DRIVE, STE. 650, LAS VEGAS, NV 89135