

03/04/26 BCC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-26-400002 (NZC-0914-17)-LOFTS PHASES 2 & 3, LLC:

ZONE CHANGE FOURTH EXTENSION OF TIME to reclassify 1.3 acres from an H-2 (General Highway Frontage) Zone to a CR (Commercial Resort) Zone.

USE PERMIT for a proposed residential condominium development.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce setbacks; and **2)** allow non-standard driveway geometrics per Clark County Improvement Standards.

DESIGN REVIEWS for the following: **1)** proposed residential condominium development; and **2)** finished grade.

Generally located west of Ensworth Street and south of Ford Avenue (alignment) within Enterprise. MN/rp/kh (For possible action)

RELATED INFORMATION:

APN:

177-17-801-003

USE PERMIT:

Allow 15 proposed residential condominium units.

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce rear setbacks to 10 feet where 20 feet is required per Table 30.40-3 (a 50% decrease).
2.
 - a. Allow non-standard driveway design standards with a 30 foot wide two-way driveway width where compliance with Uniform Standard Drawing 222.1 is required.
 - b. Allow non-standard driveway design standards by waiving the minimum 25 foot throat depth where compliance with Uniform Standard Drawing 222.1 is required.

DESIGN REVIEWS:

1. A proposed residential condominium development.
2. Increase the finished grade for a residential condominium development up to 4 feet (48 inches) where 36 inches is the standard per Section 30.32.040 (a 33% increase where 167% was previously approved).

LAND USE PLAN:

ENTERPRISE - BUSINESS EMPLOYMENT

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 1.3
- Number of Lots/Units: 15
- Density (du/ac): 12
- Project Type: Residential condominiums
- Number of Stories: 2 & 3
- Building Height (feet): 30 & 40.5 (2 building types)
- Square Feet: 1,812 & 2,313 (Building 1)/1,591 & 1,814 (Building 2)
- Open Space Required/Provided (square feet): 1,500/9,448
- Parking Required/Provided: 38/41

Site Plans

The previously approved plans depict 15 residential condominiums within 7 buildings at a density of 12.0 dwelling units per gross acre. The site is accessed from 2 private drives along Ensworth Street with the buildings arranged on the north and south sides of each private drive. Each unit will have open space areas at the rear with an open courtyard between buildings. Parking is provided in garages attached to each unit and 11 visitor parking spaces are provided throughout the site along the 25 foot wide private driveways. The provided parking complies with the requirement for additional visitor parking spaces for enclosed parking spaces. Driveways for each unit vary from 10 feet to 22 feet. The buildings are set back 10 feet to 20 feet from the private drives, 20 feet from Ensworth Street, and 10 feet from the rear property line, with 14 feet of separation between buildings. The plans depict a previously graded site with finished grade 4 feet (48 inches) above existing grade.

Landscaping

The approved plans show a 20 foot wide landscape strip located along Ensworth Street with a proposed detached sidewalk. Open space is provided along Ensworth Street and at the front and sides of each building for a total of 9,448 square feet where 1,500 square feet of open space is required. Within the right-of-way for I-15 there is an existing 15 foot high freeway sound wall.

Elevations

The approved plans show the buildings range in height from 2 stories at 30 feet to 3 stories at 40.5 feet. Design features incorporate covered front entries (porches) and attached garages, varying rooflines, fenestration, and building articulation. Exterior materials accentuate building articulation and fenestration on all elevations with the use of metal with painted stucco siding, metal guardrails, and standing seam metal roofing in a contemporary industrial style.

Floor Plans

The approved plans show Building 1 consists of 2 units that range in size between 1,812 square feet and 2,313 square feet with 2 stories and parallel parking spaces in the attached garages. Building 2 consists of 2 units that range in size between 1,591 square feet and 1,814 square feet with 3 stories and tandem parking spaces in the garage.

Previous Conditions of Approval

Listed below are the approved conditions for ET-23-400180 (NZC-0914-17):

Comprehensive Planning

- Until January 3, 2026 to complete.
- Applicant is advised that the County has adopted a rewrite to Title 30 effective January 1, 2024, 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 the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

Public Works - Development Review

- Compliance with previous conditions.

Listed below are the approved conditions for ET-21-400172 (NZC-0914-17):

Current Planning

- Until January 3, 2024 to complete.
- 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; 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

- Compliance with previous conditions.

Listed below are the approved conditions for ADET-20-900481 (NZC-0914-17):

Current Planning

- Until January 3, 2022 to complete.
- Applicant is advised that 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.

Listed below are the approved conditions for NZC-0914-17:

Current Planning

- A resolution of intent to complete construction in 3 years;
- Design review as a public hearing for significant changes to plans;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that any change in circumstances or regulations may be justification for the denial of an extension of time; and that this application must be completed within the time specified or it will expire.

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;
- Full off-site improvements;
- Right-of-way dedication to include 20.5 feet to back of curb for Ensworth Street together with the necessary right-of-way to complete the cul-de-sac;
- Dedicate an additional 9.5 feet along Ensworth Street as a road access easement as necessary to achieve a 30 foot wide half street.
- Applicant is advised that Ensworth Street is shown as a 60 foot wide collector street on the Transportation Element and Clark County plans to improve the road in the future; the installation of detached sidewalks will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control; 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; and that 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 buildings purchased or soundproofed.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a prior Point of Connection (POC) request has been completed for this project; email sewerlocation@cleanwaterteam.com and reference POC Tracking #0059-2017 to obtain your POC exhibit; and that if wastewater flow rates exceed CCWRD estimates, a new POC request may be required.

Applicant's Justification

The applicant states that Clark County Public Works has approved the offsite bond and that they recently submitted their plans for final review to CCWRD. The applicant intends to begin the signature process before the end of 2025; however, due to the turnaround time, the process will continue into the new year. Lastly, the applicant indicated that they are prepared to submit the map for technical review.

Prior Land Use Requests

Application Number	Request	Action	Date
ET-23-400180 (NZC-0914-17)	Third extension of time for a zone change, use permit, waiver of development standards, and design review for residential condominium development	Approved by BCC	February 2024

Prior Land Use Requests

Application Number	Request	Action	Date
ET-21-400173 (VS-0915-17)	Second extension of time to vacate and abandon	Approved by BCC	January 2022
ET-21-400172 (NVC-0914-17)	Second extension of time for a zone change, use permit for a residential condominium development, waiver for setbacks and non-standard driveway geometrics, and design review for a residential condominium development and finished grade	Approved by BCC	January 2022
ADET-20-900481 (NVC-0914-17)	First extension of time to reclassify the subject site to H-1 zoning for a residential condominium development, with waivers for reduced setbacks and allowed non-standard driveway geometrics	Approved by ZA	November 2021
ET-19-400165 (VS-0915-17)	Extension of time to vacate and abandon easements of interest	Approved by BCC	February 2020
WS-18-0945	Alternative trash enclosure	Approved by PC	January 2019
VS-0915-17	Vacation and abandonment of easements of interest	Approved by BCC	January 2018
NVC-0914-17	Reclassified the subject site to H-1 zoning for a residential condominium development, with waivers for reduced setbacks and allowed non-standard driveway geometrics	Approved by BCC	January 2018
TM-0175-17	15 condominium units	Approved by BCC	January 2018
UC-0111-89 (WC-0047-16)	Waived conditions of a use permit requiring the applicant to remove the billboard if the property develops	Approved by PC	June 2016
ADR-0512-14	Converted the south face of an existing off-premises sign (billboard) to a digital display	Approved by ZA	June 2014
ADR-0624-11	Increased the maximum height of an off-premises sign (billboard)	Approved by ZA	June 2011

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Business Employment	CR	Multi-family residential
South & East	Entertainment Mixed-Use	RM18	Multi-family residential
West*	Business Employment	IP	Undeveloped

*Immediately to the west is I-15

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

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 cannot support the request for an extension of time since there has been 8 years since the original approval of the project and only little progress has been made towards completion of the project. As previously mentioned on the previous extension of time request, staff would not be able to support any future extension of time request and a rewrite of Title 30 went into effect January 1, 2024. For these reasons, staff cannot support this request.

Public Works - Development Review

The applicant has complied with all of Public Works conditions. Therefore, staff has no objection to this extension of time.

Staff Recommendation

Denial.

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:

Comprehensive Planning

If approved:

- Until January 3, 2028 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; the County has adopted a rewrite to Title 30 effective January 1, 2024, 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; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

Public Works - Development Review

- No comment.

Fire Prevention Bureau

- No objection.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Enterprise - approval (Until January 3, 2027 to commence).

APPROVALS:

PROTEST:

APPLICANT: LOFTS PHASES 2 & 3, LLC

CONTACT: KAEMPFER CROWELL, 1980 FESTIVAL PLAZA DRIVE, SUITE 650, LAS VEGAS, NV 89135