

06/17/26 BCC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WC-26-40039 (ZC-1425-03)-HUDSON CAPITAL DEVELOPMENTS, LLC SERIES 1:

WAIVERS OF CONDITIONS of a zone change requiring the following: **1)** recording perpetual cross access, ingress/egress, and parking easements with the adjacent parcels to the east and west if they develop as commercial uses; and **2)** a 10 foot wide intense landscape area along the west and south property lines adjacent to existing residential development for a previously approved commercial development on 0.98 acres in a CP (Commercial Professional) Zone.

Generally located south of Windmill Lane and west of Bermuda Road within Enterprise.
MN/jud/cv (For possible action)

RELATED INFORMATION:

APN:

177-16-501-051

LAND USE PLAN:

ENTERPRISE - NEIGHBORHOOD COMMERCIAL

BACKGROUND:

Project Description

General Summary

- Site Address: 365 E. Windmill Lane
- Site Acreage: 0.98
- Project Type: Commercial development
- Number of Stories: 1
- Shade Structure Height (feet): 14
- Square Feet: 3,200

History, Site Plan, & Request

In March 2004, ZC-1425-03 was approved to reclassify the subject site from R-E to CRT (currently CP) for an office building. The approved plans depicted a single-story, 12,085 square foot office building along the east side of the site. The proposed parking for the development was located on the western and southern portions of the site. A 5 foot wide landscape area was shown along the west and south property lines. The landscape area along Windmill Lane was 15 feet wide.

The applicant is proposing changes to the existing site conditions, including a request to waive and modify buffering and screening requirements adjacent to less intensive uses along the south

property line and a waiver to reduce the required rear setback zoning district setback of the adjacent RNP-NPO lot along any shared lot lines.

Currently, the applicant is requesting to waive the previously approved conditions with ZC-1425-03 requiring the recordation of perpetual cross access, ingress/egress, and parking casements with the adjacent parcels to the west if they develop as commercial uses; and a 10 foot wide intense landscape area along the south property lines adjacent to existing residential development. The property to the east is planned for public use; therefore, there is no need to waive the condition for cross access along the east. Additionally, the landscape buffer along the west was previously installed; hence, there is no need to waive this condition of approval.

Previous Conditions of Approval

Listed below are the approved conditions for ZC-1425-03:

Conditions

- Subject to a reduction to CRT zoning;
- No resolution of Intent and staff preparing an ordinance to adopt the zoning;
- Recording perpetual cross access, ingress/egress, and parking casements with the adjacent parcels to the east and west if they develop as commercial uses;
- Providing a 15 foot wide landscape buffer along Windmill Lane and with medium trees, 24 Inch box in size, with shrubs to cover 50% of the landscape area;
- No turf within the 15 foot landscape buffer area;
- 10 foot wide intense landscape area along the west and south property lines adjacent to existing residential development;
- Drainage study and compliance;
- Applicable beneficiaries relinquishing their rights and interests in the cul-de-sac bulb located within the boundaries of this parcel prior to maps or permits;
- Combining parcels to prevent landlocking;
- Any applicable vacations to the recordable prior to building permit issuance or applicable map submittal;
- All applicable standard conditions for this application type.

Applicant's Justification

The applicant states the condition requiring cross-access to the west is not applicable as the west properties are currently zoned residential and are not developed for commercial use. There is no existing or anticipated need for vehicular connectivity between the subject site and the adjacent residential properties to the west. The subject site functions with adequate access, circulation, and parking independently, and no circulation issues have been identified under long-term site operation. Additionally, the condition requiring installation of a 10-foot intensive landscape buffer along the south property line adjacent to residential uses is not necessary as the existing site conditions include a significant natural drainage channel (wash) located between the commercial property and the residential properties to the south. The wash provides substantial physical separation, grade change, and distance between uses. The drainage channel is characterized by steep depth and loose, unconsolidated soil conditions, which limits the

feasibility of additional planting or structural improvements within this area. The installation of an intensive landscape buffer would be impractical and unlikely to be sustainable over time.

Prior Land Use Requests

Application Number	Request	Action	Date
WS-16-0760	Waiver of development standards to increase the area of a wall sign	Denied by BCC	February 2017
ZC-1425-03	Zone change from R-E to CRT zoning for an office building	Approved by BCC	March 2004
VS-1427-03	Vacation and abandonment of patent easements	Approved by BCC	October 2003

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Neighborhood Commercial	CP	Commercial development
South	Ranch Estate Neighborhood (up to 2 du/ac)	RS20 (NPO-RNP)	Single-family residential
East	Public Use	RS20	Undeveloped
West	Neighborhood Commercial	RS20	Undeveloped

Related Applications

Application Number	Request
WS-26-0239	A waiver of development standards and design review for modifications to an existing commercial development is a companion item on this agenda.

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

Waiver of Conditions

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

Waiver of Conditions #1

Staff finds the request to waive conditions of approval is not conducive to a well-connected commercial development. Even though the subject site and proposed parcels to the west do not reflect a present-day need for cross access, in the future if the western neighboring parcels develop as commercial uses it will be beneficial to have cross access as well as parking easements. The Clark County Master Plan Enterprise-Specific Policy EN-6.5 encourages contiguous development to promote the efficient use of public services and facilities and to

reduce curb cuts where possible. Having cross access will reinforce the Master Plan policy previously mentioned. Therefore, staff cannot support this request.

Waiver of Conditions #2

Similarly, the request to waive the condition of approval requiring an intense landscape buffer along the south property cannot be supported by staff. Present and prior versions of Title 30 Development Code require landscaping buffer between less intensive uses. Staff finds the natural separation between the parcels is large. However, the subject site has sufficient physical space to install the required landscape buffer north of the natural wash. Consequently, meeting the code requirements and the prior condition of approval.

Staff Recommendation

Denial.

Approval of the waiver of conditions request constitutes a finding by the Commission/Board that the conditions 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)

- No comment.

TAB/CAC: Enterprise - approval (add Comprehensive Planning condition: provide cross access to lots east and west if compatible uses are developed).

APPROVALS:

PROTEST:

APPLICANT: ASHLEY PATTERSON

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