

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WC-25-400140 (NZC-22-0028)-AMH LANDCO BLUE VISTA SOUTH, 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 north of Oleta Avenue and west of Conquistador Street within Enterprise.
JJ/al/kh (For possible action)

RELATED INFORMATION:

APN:

176-19-218-001 through 176-19-218-043

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. The Planning Commission and Board of County Commissioners were concerned that a reduction in open space would limit outdoor activities for the residents of the subject community. The developer of this project was also the developer of

the project to the north and east and the applicant's representative proposed sharing the open space and clubhouse for that project with the subject development. 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 depicted 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 development has 7 lots taking access from Oleta Avenue and 8 lots from Conquistador Street. The remaining 28 lots take access from 2 public streets which will intersect with Oleta Avenue and terminate in cul-de-sacs. The public streets within the development are 48 feet wide with 5 foot wide sidewalks on each side of the streets. The development has 2 common element lots that are located at the northern end of the cul-de-sacs within the development. These common elements are a total of 650 square feet and will be used for drainage and utility easements.

Landscaping

A landscape plan was not submitted for the approved development. The development was designed in a way that did not require any additional landscaping along the streets per the development code in effect at that time, and landscaping was not required along the boundaries of the adjacent developments. The future homeowners will be responsible for providing and maintaining landscaping within their properties.

Elevations

The approved plans depicted 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 indicates that the clubhouse is currently under construction and the expected completion for the facility is in May 2026. The applicant also states that the first 15 homes within the subject development will be complete around May 2026. In light of the expected close completion dates of the homes and the clubhouse the applicant is requesting the condition be waived to permit the issuance of the certificates of occupancy or the first 15 homes prior to the completion of the clubhouse, which would allow the future homeowners to be able to move into the homes sooner.

Prior Land Use Requests

Application Number	Request	Action	Date
WC-24-400060 (NZC-22-0028)	Waive condition that 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) - expired	Held at BCC	February 2025
ADET-24-900184 (VS-22-0029)	Extension of time to vacate the patent easement	Approved by PW	April 2024
NZC-22-0028	Zone change from H2 and R-E to RUD zoning, with waivers for reduced setbacks and open space, and design reviews for a single-family residential development and finished grade	Approved by BCC	April 2022
VS-22-0029	Vacation and abandonment of patent easements	Approved by BCC	April 2022
TM-22-500016	43 lot single-family residential development	Approved by BCC	April 2022

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
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

The subject site is 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

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 imposed condition was to mitigate the reduced open space within the subject development and provide an area where the residents could participate in outdoor activities. This condition was intended to link the 2 developments together to meet the open space requirement for the single-family residential subdivision with the clubhouse 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 to ensure that the residence of the subject development would have an open space amenity that they could utilize when they moved into their homes. The clubhouse and first 15 homes within the subject development are currently under construction and based on indications by the applicant will be completed in the spring. This condition was specifically imposed by the Board due to concerns about the reduced open space within the subject development and the negative impacts it could have on future residents. Staff finds the applicant has not provided compelling justification for this request. Additionally, staff cannot support waiving a condition imposed by the Board during the public hearing process intended to mitigate negative impacts of the project on future residents; therefore, recommends denial.

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:

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 completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0019-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - denial.

APPROVALS:

PROTEST:

APPLICANT: AMH LANDCO BLUE VISTA SOUTH, LLC

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