

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-24-0461-OMNI FAMILY LIMITED PARTNERSHIP:

HOLDOVER WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce net lot area; **2)** reduce street landscaping; **3)** increase retaining wall height; **4)** increase fill height; **5)** alternative lot orientation; **6)** off-site improvements (streetlights); and **7)** reduce driveway setbacks.

DESIGN REVIEW for a single-family residential subdivision on 7.5 acres in an RS20 (Residential Single-Family 20) Zone within the Neighborhood Protection (RNP) Overlay.

Generally located on the east side of Valley View Boulevard and the south side of Arby Avenue within Enterprise. MN/hw/kh (For possible action)

RELATED INFORMATION:**APN:**

177-05-401-001; 177-05-401-006

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce net lot area to 14,000 square feet where a minimum of 18,000 square feet is required per Section 30.02.04 (a 22% reduction).
2.
 - a. Reduce street landscaping (no street trees and second 5 foot landscaping strip) along Capovilla Avenue adjacent to Lots 10, 11, and 12 where street landscaping is required per Section 30.04.01D.
 - b. Reduce street landscaping (no street trees and second 5 foot landscaping strip) along Procyon Street adjacent to Lot 13 where street landscaping is required per Section 30.04.01D.
3. Increase the height of a retaining wall to **5.2** feet where 3 feet is the maximum per Section 30.04.03C (a 150% increase).
4. Increase fill height to 8.3 feet (100 inches) where a maximum of 3 feet (36 inches) is allowed to be placed within 5 feet of a shared residential property line per Section 30.04.06F (a 177% increase).
5.
 - a. Allow alternative lot orientation where the front yard of Lot 6 is located along the southern property line where the front yard would be required along the western property line per Section 30.04.09B.
 - b. Allow alternative lot orientation where the front yard of Lot 7 is located along the northern property line where the front yard would be required along the western property line per Section 30.04.09B.
6.
 - a. Waive the requirement for off-site streetlights along **Arby Avenue** where such off-site improvements are required per Section 30.04.08C.
 - b. Waive the requirement for off-site streetlights along Capovilla Avenue where such off-site improvements are required per Section 30.04.08C.

- c. Waive the requirement for off-site streetlights along Procyon Street where such off-site improvements are required per Section 30.04.08C.
- 7. Reduce the setback of a residential driveway to 4.5 feet from adjacent property lines for Lot 10 where 6 feet is the standard per Uniform Standard Drawing 222 (a 25% reduction).

LAND USE PLAN:

ENTERPRISE - RANCH ESTATE NEIGHBORHOOD (UP TO 2 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 7.5
- Project Type: Single-family residential detached subdivision
- Number of Lots: 13
- Density (du/ac): 1.74
- Minimum/Maximum Lot Size (square feet): 20,005/22,223 (gross)/14,142/21,984 (net)
- Number of Stories: 1
- Building Height (feet): 22
- Square Feet: 3,479/4,019

Site Plan & Cross Sections

The plans provided show that the proposed single-family detached subdivision will be located on a 7.5 acre, L-shaped lot located at the southeast corner of Valley View Boulevard and Arby Avenue. The plans show that the site will be divided into 13 lots with 9 of the lots located on the western side of the site and 4 of the lots on the eastern side of the site. The density for the site is shown to be 1.74 dwelling units per acre. On the western side of the site, the 9 lots will generally front and gain access from a 39 foot wide private street. Five of the lots will be on the west side of the private street along Valley View Boulevard and the other 4 lots will be located on the east side of the private street. Lots 6 and 7 will have a driveway which accesses the private street, but Lot 6 is proposed to have its front yard face south and Lot 7 is proposed to have its front yard face north towards Lot 6. The private street will access Arby Avenue to the north and Capovilla Avenue to the south to create a through street. Lots 10 through 13 are shown to be located on the east side of the site and will front and access the exterior streets. Lots 10, 11, and 12 will front and access from Capovilla Avenue, while Lot 13 will access and front from Procyon Street. Lot 10 is shown to be a flag lot with a 25 foot wide frontage along Capovilla Avenue. All lots are shown to have at least 20,000 square feet in gross lot area, but several of the lots shown lack the necessary 18,000 square feet of net lot area. Lots 1 through 5, which are those lots located between Valley View Boulevard and the private street, are shown to have net lot areas ranging between 14,142 square feet and 14,986 square feet. **Additionally**, Lots 6, 7, 9, and 12 are shown to have a net lot area that ranges between **15,889** square feet and **17,404** square feet. All driveways are shown to be at least 20 feet long. All driveways are at least 6 feet from a property line, except for Lot 10 where the driveway is 4.5 feet from the property lines on each side of the driveway. Cross sections show that a significant amount of grade adjustment is requested on the site. The east-west cross section shows that fill along this section ranges in height from about 1

foot along Valley View Boulevard up to 8.3 feet along the shared residential property line with the adjacent parcel to the east with the amount of fill needed generally increasing from west to east. The cross sections show that a maximum 5.2 foot tall retaining wall is located along Valley View Boulevard with a maximum 7.5 foot tall **tiered** retaining wall located along the shared residential property line with the adjacent parcel to the east. **This tiered retaining wall will consist of a 3 foot lower retaining wall separated from an upper 4.5 foot tall retaining by a 5 foot landscape strip.** The north-south cross sections show that fill along this section ranges in height from about 1 foot along Capovilla Avenue up to 6 feet along the shared residential property line to the north with the amount of fill requested generally increasing from south to north. The cross sections show that a maximum 5 foot tall **tiered** retaining wall is located along the shared residential property line to the east with a 3.7 foot maximum retaining wall between Lots 10 and 11. **The tired retaining wall will consist of a 3 foot lower retaining wall separated from an upper 2 foot tall retaining by a 5 foot landscape strip.**

Landscaping

The plan shows that 5 foot wide detached sidewalks are provided along all exterior street frontages. Along Valley View Boulevard and Arby Avenue, a 15 foot wide landscape strip is provided, which consists of a 5 foot wide landscape strip along the street followed by the 5 foot wide detached sidewalk and another 5 foot wide landscape strip. This landscape strip is also provided along Capovilla Avenue and Procyon Street, except where Lots 10, 11, and 13 front the street. Within the landscaping strips are staggered rows of Shoestring Acacia (*Acacia Stenophylla*), Southern Live Oak (*Quercus Virginiana*), and Common Hackberry (*Celtis Occidentalis*) trees generally spaced every 30 feet on center. Overall, a total of 37 large trees are required with 38 large trees provided throughout the site. Within the front yards of Lots 10, 11, and 13, a 5 foot wide landscape strip is provided between the 5 foot wide detached sidewalk and the street with various shrubs provided within the landscape strip. **The landscape plan also show a proposed 5 foot wide landscape easements along the eastern property line of Lots 6 through 8 and the northern property line of Lot 10.**

Elevations

The elevations provided show a total of 6 different options for the exterior design of the homes that can be constructed within the development. There are 2 different models overall with each having 3 elevation options. All options are 1 story tall and range in height from 20 feet to 22 feet. All residences are shown to consist of painted stucco, pitched and gabled asphalt shingle roofs, shutters, window pop-outs and recessing, variations in roofline, and building pop-outs. All models are shown with a covered entryway, stone veneer accents, and front courtyards. Each residence includes a 3 car garage with garage doors displaying a variety of styles, but no variation in location.

Floor Plans

The models shown range in size from 3,479 square feet up to 4,019 square feet, including patio, courtyard, and garage space, spread across 1 floor. Each model is shown to have 3 to 4 bedrooms with options that include additional bedrooms, bonus rooms, gourmet kitchens, and expanded and additional bathrooms.

Applicant's Justification

The applicant states that they are proposing a 13 lot single-family detached residential subdivision with 20,000 square foot lots. They state that the homes on the lots will range in size from 3,479 square feet up to 4,019 square feet and will be 1 story tall and will match the architecture of the surrounding area. The applicant indicates that a large amount of fill and large retaining walls are needed adjacent to the existing 4 lot subdivision along the northeast corner of the site due to that subdivision being developed at a lower grade than the existing ground level. The applicant further indicates that several of the lots will have reduced net area to accommodate detached sidewalks and landscaping, and Lots 6 and 7 will have alternative yard orientation to increase privacy for the surrounding development.

Prior Land Use Requests

Application Number	Request	Action	Date
TM-0020-16	12 lot single-family residential subdivision	Withdrawn per applicant	April 2016
DR-0097-16	Single-family residential subdivision with increased finished grade	Withdrawn per applicant	April 2016
VS-0096-16	Vacated and abandoned patent easements	Withdrawn per applicant	April 2016
WS-409-07	Increased retaining wall height and finished grade - expired	Approved by BCC	July 2007
TM-0516-06	15 lot single-family residential subdivision - expired	Approved by PC	February 2007
VS-1766-06	Vacated and abandoned patent easements - expired	Approved by PC	February 2007
WS-1328-06	Single-family residential subdivision with reduced lot size and waivers for off-site improvements - expired	Approved by BCC	December 2006
ZC-1026-05	Reclassified the site from R-E to R-E (RNP-I) zoning	Approved by BCC	October 2005
UC-1509-03	Single-family residential PUD with waiver for off-site improvements - expired	Approved by PC	November 2003

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North, South, & West	Ranch Estate Neighborhood (up to 2 du/ac)	RS20 (NPO-RNP)	Single-family residential
East	Ranch Estate Neighborhood (up to 2 du/ac)	RS20 (NPO-RNP & AE-60)	Single-family residential

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

Related Applications

Application Number	Request
VS-24-0462	A vacation and abandonment of patent easements is a companion item on this agenda.
TM-24-500099	A 13 lot single-family detached residential subdivision 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

Waivers of Development Standards

The applicant shall have the burden of proof to establish that the proposed request is appropriate for its proposed location by showing the following: 1) the use(s) of the area adjacent to the subject property will not be affected in a substantially adverse manner; 2) the proposal will not materially affect the health and safety of persons residing in, working in, or visiting the immediate vicinity, and will not be materially detrimental to the public welfare; and 3) the proposal will be adequately served by, and will not create an undue burden on, any public improvements, facilities, or services.

Waiver of Development Standards #1

The purpose of requiring a specific minimum net lot size is to assure that each lot created has ample buildable area on each lot. Staff finds that the lots being created all meet the minimum gross acreage, so the overall appearance and feel should be no different from the properties in the surrounding area. There are also subdivisions in the surrounding area that have been approved as planned unit developments which have smaller lot sizes than the proposed subdivision. With that said, planned unit developments are required to provide additional mitigating benefits to achieve those lot sizes, which are not being provided in the proposed subdivision. Ultimately, while staff does not find that the reduced net lot area is impacting the proposed subdivision in terms of density, building separation, massing, setbacks, or other design aspects at this time, staff finds that the sites with reduced net lot area could be impacted in the future when accessory structures or additions are constructed. Overall, staff finds that there is no real hardship requiring the reduced net lot sizes. For these reasons, staff is unable to support this request.

Waiver of Development Standards #2

The purpose of reviewing street landscaping in conjunction with residential subdivisions is to assure that shading is being provided along sidewalks and any mitigating factors are considered. Staff finds that besides the affected lots, street landscaping is being provided per Code and the lots where landscaping is being requested to be reduced are those lots where homes will front the exterior streets. While staff can appreciate that the addition of a second 5 foot landscaping strip would further reduce lot area on the affected lots, staff finds that the site is being developed from raw land and there are ways to mitigate the reduction by moving landscaping to other portions of

the site or even providing it per Code. For these reasons, staff finds that these requests are a self-imposed hardship and cannot support this request.

Waivers of Development Standards #3 & #4

The purpose of reviewing increased retaining wall height and fill is to assure that there are no negative impacts of these improvements on the surrounding properties. Staff finds that the requested fill and retaining walls are the result of necessary modifications to the site due to the lower elevation of the adjacent 4 lot subdivision and the drainage needs of the proposed subdivisions. **In addition, staff finds that the applicant has provided some mitigating factor with tiered retaining walls with landscaping adjacent to the existing 4 lot subdivision in the northeast corner of the site and the retaining wall along Valley View Boulevard will also have landscaping in front of the wall to reduce the visual burden of the wall. With that said, while** staff does appreciate the attempt to increase privacy for the adjacent residential properties through the alternative siting of the homes, on Lots 6 and 7, **and the tiered retaining walls** adjacent to the 4 lot subdivision, staff finds that more could be done to design this portion of the site to reduce the overall fill and height of the retaining walls. For these reasons, staff cannot support these requests.

Waiver of Development Standards #5

The purpose of reviewing non-standard yard orientations is to assure that the proposed orientations of the yards will not cause any undue burdens of the surrounding properties. Staff finds that, in this case, only 2 lots will have an alternative yard orientation and this alternative orientation is being applied to allow for increased privacy for existing residences to the east. While staff finds that there does not appear to be any issues with access, it is not the result of reduced net lot area and it appears all setbacks will be met. For these reasons, staff could support this request, however since staff is not supporting the design review, staff cannot support this request.

Design Review

Development of the subject property is reviewed to determine if 1) it is compatible with adjacent development and is harmonious and compatible with development in the area; 2) the elevations, design characteristics and others architectural and aesthetic features are not unsightly or undesirable in appearance; and 3) site access and circulation do not negatively impact adjacent roadways or neighborhood traffic.

Staff finds that the proposed residential development is similar in character to other developments within the area. There are residential developments to the west on the other side of Valley View Boulevard as well as to the north and south with similar sized lots and design. In addition, the proposed development will also help to activate a long unused area and act as an infill development in the area. In terms of the design of the proposed residential development, staff finds that the proposed architecture and garage styles are like the surrounding residential developments and are consistent with newer development designs. In addition, the proposed designs are attractive, modern, and fit the aesthetics of 1 story ranch homes that are typical within the ranch estate neighborhoods. Each lot is provided with sufficient access to the internal and external street systems with access to the I-15 and other portions of the Las Vegas Valley nearby, and on-site parking is well provided to avoid issues that can arise from on-site parking.

With that said, staff is concerned that some design choices, such as the large retaining walls and fill along shared residential property lines, could lead to increased impacts on surrounding properties. In addition, staff finds that the reduced net lot area could cause future undue burdens for those living in the subdivision and could inhibit the future use of these lots for the rural activities that are expected within the ranch estate neighborhoods. While staff finds that the proposed subdivision supports Master Plan Policies 1.3.1, 1.4.4, and 1.5.1 and Enterprise Specific Policies EN-1.1 and EN-1.2, which all support the development of compatible and continuous rural estate developments within in-fill areas of existing ranch estate neighborhoods and Rural Neighborhood Protection Areas; however, the proposed development is violating Master Plan Policies 1.3.5 and 1.5.3, which emphasize the development of neighborhoods which protect the traditional rural activities within the RNP and ranch estate neighborhood areas and which foster the development of neighborhood features that support the livability of the area. For these reasons, staff is unable to support this request.

Public Works - Development Review

Waiver of Development Standards #6

Staff cannot support the request to not install streetlights on Arby Avenue, Capovilla Avenue and Procyon Street. Streetlights not only provide safety for motorists, but they also assist in improving security. Additionally, staff finds that with new technology, the light pollution from the streetlights can be mitigated so that the light does not impede on to other property.

Waiver of Development Standards #7

Staff cannot support the request to reduce the distance from the driveway to the property line. The minimum required distance is intended to provide a safe transition to private property from public right-of-way while reducing the chance for accidents. In addition, traffic could face slowing or stop conditions due to the vehicles accessing the driveway.

Department of Aviation

The property lies just outside the AE-60 (60-65 DNL) noise contour for the Harry Reid International Airport and is subject to continuing aircraft noise and over-flights. Future demand for air travel and airport operations is expected to increase significantly. Clark County intends to continue to upgrade the Harry Reid International Airport facilities to meet future air traffic demand.

The development will penetrate the 100:1 notification airspace surface for Harry Reid International Airport. Therefore, as required by 14 CFR Part 77, and Section 30.02.26B.3(ii) of the Clark County Unified Development Code, the Federal Aviation Administration (FAA) must be notified of the proposed construction or alteration.

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:

- **At a minimum, 5 gallon shrubs shall be provided within the landscaping strip between the tiered retaining wall;**
- Certificate of Occupancy and/or business license shall not be issued without approval of a Certificate of Compliance.
- Applicant is advised within 4 years from the approval date the application must commence or the application will expire unless extended with approval of an extension of time; 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; changes to the approved project will require a new land use application; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

Public Works - Development Review

- **Full off-site improvement on Valley View Boulevard;**
- **Full off-site improvements except streetlights on Arby Avenue, Capovilla Avenue and Procyon Street;**
- **Install conduit and pull boxes for streetlights;**
- Drainage study and compliance;
- Right-of-way dedication to include 45 feet to the back-of-curb for Valley View Boulevard, 25 feet to the back-of-curb for Arby Avenue, 25 feet to the back of curb for Procyon Street, 25 feet to the back-of-curb for Capovilla Avenue and associated spandrels;
- 30 days to coordinate with Public Works - Design Division and submit separate document if required, for dedication of any necessary right-of-way and easements, 90 days to record said separate document for the Warm Springs storm drain improvement project.
- Applicant is advised that the installation of detached sidewalks will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

Department of Aviation

- Applicant is required to file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, in accordance with 14 CFR Part 77, or submit to the Director of Aviation a "Property Owner's Shielding Determination Statement" and request written concurrence from the Department of Aviation;
- If applicant does not obtain written concurrence to a "Property Owner's Shielding Determination Statement," then applicant must also receive either a Permit from the Director of Aviation or a Variance from the Airport Hazard Areas Board of Adjustment (AHABA) prior to construction as required by Section 30.02.26B of the Clark County Unified Development Code; applicant is advised that many factors may be considered before the issuance of a permit or variance, including, but not limited to, lighting, glare, graphics, etc.;

- No building permits should be issued until applicant provides evidence that a "Determination of No Hazard to Air Navigation" has been issued by the FAA or a "Property Owner's Shielding Determination Statement" has been issued by the 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 at landuse@lasairport.com is strongly encouraged; 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; that funds will not be available in the future should the residents wish to have their buildings purchased or soundproofed; that the FAA's determination is advisory in nature and does not guarantee that a Director's Permit or an AHABA Variance will be approved; that FAA's airspace determinations (the outcome of filing the FAA Form 7460-1) are dependent on petitions by any interested party and the height that will not present a hazard as determined by the FAA may change based on these comments; and that the FAA's airspace determinations include expiration dates and that separate airspace determinations will be needed for construction cranes or other temporary equipment.

Fire Prevention Bureau

- Applicant to show fire hydrant locations on-site and within 750 feet.
- Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features.

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 #0135-2024 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require a new POC analysis.

TAB/CAC: Enterprise - approval of waivers of development standards #4, #5, and #7; denial of waivers of development standards #1, #2, #3, #6, and the design review (install non-urban road standards on Arby Avenue, Capovilla Avenue, and Procyon Street; install streetlights only at the intersections of Arby Avenue and Valley View Boulevard, and Capovilla Avenue and Valley View Boulevard; and change Public Works bullet #2 to: full off-site improvements on Valley View Boulevard only).

APPROVALS:

PROTESTS: 10 cards

COUNTY COMMISSION ACTION: October 16, 2024 – HELD – To 11/20/24 – per the applicant.

APPLICANT: RICHMOND AMERICAN HOMES OF NEVADA, INC.

CONTACT: THE WLB GROUP, 3663 E. SUNSET ROAD, SUITE 204, LAS VEGAS, NV 89120