

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-24-0493-GILESPIE ERIE, LLC:**

**HOLDOVER WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** reduce net lot areas; **2)** reduce front setbacks; and **3)** increase retaining wall height.

**DESIGN REVIEW** for a single-family detached residential subdivision on 26.9 acres in an RS20 (Residential Single-Family 20) Zone within the Neighborhood Protection (RNP) Overlay.

Generally located on the south side of Erie Avenue and the east side of Gillespie Street within Enterprise. MN/bb/kh (For possible action)

RELATED INFORMATION:

**APN:**

177-33-701-001; 177-33-701-002; 177-33-701-004; 177-33-701-006 through 177-33-701-008; 177-33-801-024

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. a. Reduce net lot area to 13,189 square feet where a minimum of 16,200 square feet is required adjacent to a collector street per Section 30.02.25 (a 19% reduction).
- b. Reduce net lot area to 14,774 square feet where a minimum of 18,000 square feet is required per Section 30.02.04 (a 18% reduction).
2. Reduce the front setback to 20 feet where 40 feet is the minimum setback per Section 30.02.04 (a 50% reduction).
3. Increase the height of a retaining wall to 6 feet where 3 feet is the maximum per Section 30.04.03C (a 100% increase).

**LAND USE PLAN:**

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

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: N/A
- Site Acreage: 26.9
- Project Type: Single-family detached residential
- Number of Lots: 50
- Density (du/ac): 1.86
- Minimum/Maximum Lot Size (square feet): 13,189 net/26,002 net/20,003 gross/27,835 gross
- Number of Stories: 1
- Building Height (feet): 23

- Square Feet: 3,479 to 4,019
- Parking Required/Provided: 110/250

### Site Plan

The applicant is proposing a 50 lot single-family detached residential subdivision on 26.9 acres located at the southeast corner of Giles pie Street and Erie Avenue, both are collector streets. The density is 1.86 gross dwelling units per acre. A private street accesses Erie Avenue approximately 600 feet east of Giles pie Street. Two private streets access Giles pie Street, the first is approximately 400 feet north of Chartan Avenue (hammerhead) and the second is another east/west street approximately 450 feet south of Erie Avenue. La Cienega Street provides access to 8 lots and terminates as a cul-de-sac on the east central portion of the property. Chartan Avenue divides the subdivision on the south side and provides public street access to 9 lots. Internal private streets will be 39 feet wide. Chartan Avenue and La Cienega Street are local public streets.

The minimum gross lot area is 20,003 square feet, with a maximum gross lot size of 27,835 square feet, and an average lot area of 20,802 square feet. The minimum net lot size is 13,189 square feet and the maximum net lot size is 20,003 square feet. Seven lots are located adjacent to collector streets and are less than the minimum 16,200 square foot net allowed area. Twelve lots are less than the 18,000 square foot net area allowed for internal subdivision lots. No common lots are proposed.

All driveways are shown to be at least 20 feet long and are at least 6 feet from the property lines. Cross sections show that a significant amount of grade variation exists from the south property line at lot 50 to the north property line at lot 3, with approximately 23 feet of total drop. The maximum fill is centrally located in the development between lot 32 and lot 26 with a 6 foot retaining wall and 6 foot block wall on top where an open fence is permitted without a waiver request. The east-west cross section shows that fill along this section is 3 feet or less.

### Landscaping

The plan shows that 5 foot wide detached sidewalks are provided along all exterior public street frontages. Large trees will be planted around the perimeter of the development adjacent to the detached sidewalks. Within the landscaping strips are staggered rows of Indian Rosewood (*Dalbergia sissoo*) trees generally spaced every 30 feet on center. Shrubs will also be planted in between the trees in all locations. In areas where lots have direct access to public streets, landscaping will be limited to the areas available outside the driveway locations. One area between Chartan Avenue and private Street A will have 1 tree less than the required number of street trees. Other areas will have a total of 9 more street trees than required along street frontages in this development.

### Elevations

The elevations provided show a total of 6 different elevation options for the exterior design of the homes to 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 23 feet. All residences are shown to consist of painted stucco, hip and gabled concrete tile 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.

Floor Plans

Each home consists of a 3 car garage, 4 bedrooms, kitchen, dining, gathering room, den, covered patio, den, foyer, and game room. The models are 3,479 square feet up and 4,019 square feet, including patio, courtyard, and garage space, spread across 1 floor.

Applicant’s Justification

The applicant states that the proposed development will have 50 lots with a combination of private and public street access. This subdivision will not have gated access. A dead-end hammerhead private street termination is shown with access to Gilespie Street. Nine lots will have driveway access directly to Chartan Avenue and 5 lots accessing La Cienega Street. Landscaping is provided along public streets in areas that are not used for driveways. The maximum fill will not encroach on surrounding residential property. Homes will not exceed 23 feet in height and will have 4 sided architecture and façade treatments that meet Title 30 standards. The waiver to decrease net lot sizes is needed to provide adequate street width, and provide a 15 foot wide pedestrian access easement adjacent to public streets. The lot size will still comply with the neighborhood protection overlay areas due to the density being less than 2 dwelling units per acre. The front setback waiver will allow the homes to be constructed with setbacks measured to the back-of-curb.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
UC-0305-16	Establish a private school and waiver for increased building height, alternative landscaping, and off-site improvements (curb, gutter, sidewalks, street lights, and partial paving) for APN 177-33-701-001 and a portion of 177-33-701-004 - expired	Held at BCC	June 2016
UC-0159-09	Establish a place of worship, waiver for full off-sites, allow access to a local street, design review for the overall design for APN 177-33-704-002 (portion) - withdrawn without prejudice	Withdrawn by applicant	July 2015
ZC-1026-05	Reclassified 3,800 parceling from R-E zoning to R-E RNP-I zoning	Approved by BCC	October 2005

**Surrounding Land Use**

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

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

## Related Applications

Application Number	Request
VS-24-0492	A vacation and abandonment for patent easements and rights-of-way is a companion item on this agenda.
TM-24-500103	A tentative map for a 50 lot single-family residential 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

#### 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.

#### Waivers of Development Standards #1a & #1b

Staff finds that the purpose of requiring a specific minimum net lot size is to assure that each lot has ample buildable area and open space. Clark County Master Plan Policy EN-1.1 encourages preservation of the integrity of neighborhoods with compatible infill development and standards. The design of this subdivision does not allow for compatible development with surrounding property. For these reasons, staff is unable to support this request.

#### Waiver of Development Standards #2

Staff finds that the proposed reduction in the front setbacks is the result of lot layout and subdivision design and is a self-imposed hardship. Staff cannot support this request.

#### Waiver of Development Standards #3

Staff finds that the requested retaining walls are the result of necessary modifications to the site due to the step-down design of the proposed subdivisions. Lot 32 has sufficient depth to allow for a 3 foot by 3 foot tiered retaining wall that would allow for a 6 foot CMU wall on top. For these reasons, staff cannot support this requests.

#### 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.

The floor plans and elevations are compatible with adjacent homes and the surrounding area. The elevations and aesthetic features are not unsightly or undesirable in appearance. The majority of landscaping is compatible with the surrounding area, with the exception of 1 missing tree in one frontage area.

The proposed subdivision supports Enterprise Specific Policies EN-1.1 for continuous rural estate developments within in-fill areas of existing ranch estate neighborhoods and Rural Neighborhood Protection Areas; however, the proposed development does not comply with the Master Plan Policies 1.4.4 1.5.2, which emphasize the development of neighborhoods that are compatible within the RNP and rural estate neighborhood areas and which foster neighborhood densities and intensities that support the surrounding areas. For these reasons, staff cannot support this request.

### **Department of Aviation**

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

### **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:

- 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**

- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements;

- Right-of-way dedication to include 35 feet to the back-of-curb for Erie Avenue, 35 feet to the back-of-curb for Gillespie Street, between 25 feet and 50 feet to the back-of-curb for Chartan Avenue, 25 feet to the back-of-curb and cul-de-sac for La Cienega Street and associated spandrels;
- 30 days to submit a Separate Document to the Map Team for the required right-of-way dedications and any corresponding easements for any collector street or larger;
- 90 days to record required right-of-way dedications and any corresponding easements for any collector street or larger;
- All other right-of-way and easement dedications to record with the subdivision map;
- The installation of detached sidewalks will require the vacation of excess right-of-way, dedication to the back-of-curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control devices.

### **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](mailto:landuse@lasairport.com) 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 funds will not be available in the future should the residents wish to have their homes purchased or soundproofed.

### **Fire Prevention Bureau**

- 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.
- Applicant is advised that fire/emergency access must comply with the Fire Code as amended.

### **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](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0128-2024 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

### **TAB/CAC:**

**APPROVALS: 2 cards**

**PROTESTS: 14 cards, 3 letters**

**PLANNING COMMISSION ACTION:** November 5, 2024 – HELD – To 11/19/24 – per the applicant.

**APPLICANT:** RICHMOND AMERICAN HOMES OF NEVADA, INC.

**CONTACT:** KIMLEY HORN, 6671 LAS VEGAS BOULEVARD SOUTH, SUITE 320, LAS VEGAS, NV 89119