

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-26-0224-COUNTY OF CLARK (AVIATION):**

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** reduce setback; **2)** eliminate Neighborhood Protection (RNP) Overlay standards; **3)** eliminate street landscaping; and **4)** waive full off-site improvements.

**DESIGN REVIEW** for a single-family residential development on 6.80 acres in an RS20 (Residential Single-Family 20) Zone within the Neighborhood Protection (RNP) Overlay.

Generally located east of Ullom Drive and south of Warm Springs Road within Enterprise. MN/lm/kh (For possible action)

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RELATED INFORMATION:

**APN:**

177-07-102-014

**WAIVERS OF DEVELOPMENT STANDARDS:**

1.
  - a. Reduce the front setback for accessory structures on private streets to 10 feet where a minimum of 20 feet is required per Section 30.02.04B (a 50% reduction).
  - b. Reduce the front setback for primary structures on public streets to 10 feet where a minimum of 40 feet is required per Section 30.02.04B (a 75% reduction).
  - c. Reduce the front setback for accessory structures on public streets to 10 feet where a minimum of 40 feet is required per Section 30.02.04B (a 75% reduction).
2. Allow the front setbacks for primary structures to not be in accordance with the RS20 district standards (within the RNP Overlay) and allowable exceptions where required per Section 30.02.26F.
3.
  - a. Eliminate street landscaping along Ullom Drive where a minimum 6 foot wide landscape strip is required per Section 30.04.01D.7.
  - b. Eliminate street landscaping along Mardon Avenue where a minimum 6 foot wide landscape strip is required per Section 30.04.01D.7.
  - c. Eliminate street landscaping along Cameron Street where a minimum 6 foot wide landscape strip is required per Section 30.04.01D.7.
4.
  - a. Waive full off-site improvements (curb, gutter, sidewalks, streetlights, and partial paving) along Ullom Drive where required per Section 30.04.08C.
  - b. Waive full off-site improvements (curb, gutter, sidewalks, streetlights, and partial paving) along Cameron Street where required per Section 30.04.08C.
  - c. Waive full off-site improvements (curb, gutter, sidewalks, streetlights, and partial paving) along Mardon Avenue where required per Section 30.04.08C.

**LAND USE PLAN:**

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

## **BACKGROUND:**

### **Project Description**

#### General Summary

- Site Address: N/A
- Site Acreage: 6.80
- Project Type: Single-family residential development
- Number of Lots/Units: 13
- Density (du/ac): 1.91
- Minimum/Maximum Lot Size (square feet): 20,057/26,898 (gross); 18,402/26,898 (net)
- Number of Stories: 1 & 2 (single-family residences)/1 (detached RV garage)
- Building Height (feet): 21 to 31 (1 story)/31 (2 story)/21 (detached RV garage)
- Square Feet: 3,488 to 4,266 (1 story)/4,807 to 4,938 (2 story)/1,000 (detached RV garage)

#### Site Plans

The plans depict a 13 lot single-family residential subdivision located between Ullom Drive and Cameron Street, on the south and north sides of Mardon Avenue. One lot fronts on Mardon Avenue, 4 lots front on Cameron Street, and the remaining 8 lots are accessed by 2 private streets that provide through access from Cameron Street to Mardon Avenue. No sidewalks or other off-site improvements are proposed along the public street frontages. Various models and accessory structures do not meet the front setback.

#### Landscaping

Required street landscaping is shown for lots that front on Cameron Street, with the exception of Lot 11, which is a flag lot with 24 feet of frontage. Lots 1, 4, 5, 6, and 8, have side yards or rear yards on public streets and a block wall is proposed on the property line with landscaping behind the wall, resulting in the request to eliminate street landscaping on Cameron Street, Mardon Avenue, and Ullom Drive. Lot 10, which is the only lot with frontage on Mardon Avenue, will have no street landscaping.

#### Elevations

The plans depict 1 to 2 story model homes with heights measuring from 21 feet to 31 feet. The proposed models consist of varying rooflines with a pitched concrete tile roof, stucco siding, decorative trim, and other architectural features including recessed windows, multiple offset front facades, stone veneer, scored stucco lines and window perimeter stucco wraps. The detached RV garage measures up to 21 feet in height and is designed with a pitched, concrete tile roof. The exterior of the RV garage includes recessed windows (side elevations), a stucco exterior, and stone veneer (front elevation).

#### Floor Plans

The proposed single-story floor plans measure between 3,488 square feet and 4,266 square feet, and consist of multiple bedrooms, game room, den, kitchen, foyer area, laundry room, and bathrooms with a 2 car garage and an attached 1 car garage (side-loaded). The single-story models also feature attached accessory living quarters, measuring between 247 square feet and 253 square feet in area. The models also feature a covered patio. The accessory living quarters are connected to the primary structure via a decorative wall/entryway and are considered part of the primary structure for the purpose of development standards. The proposed 2 story floor plans

measure between 4,807 square feet to 4,938 square feet, and feature multiple bedrooms, game room, den, kitchen, foyer area, laundry room, gathering room, owner’s suite, and bathrooms with a 2 car garage and an attached 1 car garage (side-loaded). The models also feature a covered patio. The single-story, detached RV garage measures 1,000 square feet in area and consists of an open floor plan.

Applicant’s Justification

The applicant states that the proposed single-family residential models consist of multiple offset front facades and roof masses, including hip and flat parapet walls. Scored stucco lines, window perimeter stucco wraps, and stone veneer on multiple front facades. The residential models consist of 5 different floor plans with 3 different elevations per plan. The setback reductions are necessary to accommodate the proposed models. The applicant also indicates that rural street standards, as requested by this application, are in keeping with surrounding existing development and new development within the area. The proposed landscaping will meet the intent of the Code and by planting the trees behind the property line walls will also be consistent with the surrounding parcels.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ZC-1026-05	Zone change from R-E to R-E (RNP-I) for several parcels within Enterprise	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, 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) & Open Lands	RS20 (NPO-RNP) & PF	Single-family residential & Western Trails Equestrian Park

**Related Applications**

<b>Application Number</b>	<b>Request</b>
VS-26-0223	A vacation and abandonment of easements and right-of-way is a companion item on this agenda.
TM-26-500059	A tentative map for a 13 lot single-family 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.

#### Waivers of Development Standards #1 & #2

Staff finds the request to reduce the front yard setback a self-imposed hardship. Several of the models take advantage of the Title 30 exception allowing up to an additional 12 foot reduction to the front setback for 50% of the primary structure width with enhanced decorative features provided. The 3 model homes associated with these waiver requests can be redesigned to meet the requirements of Title 30, thereby eliminating the waiver requests. These requirements are particularly important within the Neighborhood Protection Overlay (RNP) as front setbacks help preserve an open, rural character. Therefore, staff cannot support these waivers of development standards.

#### Waivers of Development Standards #3

The purpose of the landscaping requirement is to reduce the impacts of wind, dust, pollution, glare, and heat island effect on human health and comfort, and to provide an aesthetically pleasing streetscape. The proposed landscape design can be revised to implement screen walls behind the landscape strips along the public streets. Installing landscaping behind a screen wall does not meet Title 30 standards and the applicant did not provide sufficient justification to mitigate this request. Therefore, staff does not 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 the architecture and design of the proposed homes comply with Master Plan Policy EN-1.1 (Neighborhood Integrity) and Policy EN-1.2 (Ranch Estate Neighborhoods) that encourage preserving the integrity of uniform neighborhoods and compatible in-fill development. However, since staff is not supporting the associated waivers of development standards, staff cannot support the design review.

### **Public Works - Development Review**

#### Waiver of Development Standards #4

Historical events have demonstrated how important off-site improvements are for drainage control. Additionally, full width paving allows for better traffic flow and sidewalks on public

streets provide safer pathways for pedestrians and for children to walk to school. Therefore, staff cannot support the waiver of development standards for full off-site improvements.

### **Department of Aviation**

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.

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.

### **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:

- Provide an Equestrian Trail on the south side of the Mardon Avenue alignment per the Clark County Development Standards for Off-Street Trails, as amended;
- Certificate of Occupancy and/or business license shall not be issued without approval of a Certificate of Compliance, and payment of the tree fee-in-lieu is required for any required trees waived.
- 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;
- Applicant to construct a 5 foot asphalt path along Ullom Drive, Mardon Avenue and Cameron Street.

## **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. The Determination of No Hazard must not be expired.
- Applicant is advised 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; 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; 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.

## **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.
- The "pole" of each flag lot will have an all-weather paved surface that is a minimum of 20 foot wide, along the entire length of the "pole". This comes from amendment to the 2024 IFC Section 503.2.1.3.
- Please note that additional fire code requirements will apply once construction is proposed, such as meeting hydrant distance & home sprinkler requirements.

## **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 #0523-2026 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:** Enterprise - approval (waivers of development standards #1 and #2 limited to 50% of the lots; add Comprehensive Planning condition: single-story homes abutting to established single-story homes; change Public Works condition #3 to read: applicant to construct a 5 foot asphalt path along Ullom Drive and Cameron Street).

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** PN II, INC.

**CONTACT:** KRISTIN ESPOSITO, 1555 S. RAINBOW BOULEVARD, LAS VEGAS, NV 89146