

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-26-400021 (ZC-21-0396)-DIAMOND TORINO, LLC:

WAIVER OF DEVELOPMENT STANDARDS SECOND EXTENSION OF TIME to allow modified driveway design standards.

DESIGN REVIEWS for the following: **1)** single-family residential development; **2)** hammerhead street design; and **3)** finished grade on 1.4 acres in an RS2 (Residential Single-Family 2) Zone.

Generally located east of Decatur Boulevard and south of Ford Avenue within Enterprise. JJ/md/cv (For possible action)

RELATED INFORMATION:

APN:

177-18-401-010

WAIVER OF DEVELOPMENT STANDARDS:

1. a. Reduce the driveway distance to a spandrel to 7 feet where a minimum distance of 12 feet is required per Uniform Standard Drawing 222 (a 41.7% reduction).
- b. Reduce the width of residential driveways to 9 feet where a minimum driveway width of 12 feet is required per Uniform Standard Drawing 222 (a 25% reduction).

DESIGN REVIEWS:

1. Single-family residential development.
2. Allow a street terminating in a hammerhead design where a radius cul-de-sac per Uniform Standard Drawing is preferred per Section 30.56.080.
3. Increase finished grade to 42 inches where a maximum of 36 inches (previously 18 inches) is the standard per Section 30.32.040 (a 17% increase where 133% was previously approved).

LAND USE PLAN:

ENTERPRISE - MID-INTENSITY SUBURBAN NEIGHBORHOOD (UP TO 8 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 1.4
- Number of Lots: 18
- Density (du/ac): 13.6

- Minimum/Maximum Lot Size (square feet): 2,001 (gross and net)/2,239 (gross and net)
- Project Type: Single-family residential development
- Number of Stories: 3
- Building Height (feet): 35
- Square Feet: 1,798 to 1,892
- Open Space Required/Provided: 3,600/3,739

Site Plan

The previously approved plans depict a single-family residential development consisting of 18 lots on 1.4 acres with a density of 13.6 dwelling units per acre. The minimum and maximum lot sizes are 2,001 square feet and 2,239 square feet, respectively. The primary ingress and egress to the proposed development is via a private street, which connects to the Torino Avenue alignment. The increase to finished grade will predominantly occur along the west portion of the development, with the maximum grade increase occurring at Lot 10 situated at the northwest portion of the site.

Landscaping

The previously approved plans depict a landscape area measuring 6 feet in width is located behind a proposed 5 foot wide attached sidewalk along Torino Avenue. Twenty-four inch box trees are planted 15 feet on center within the landscape area in addition to shrubs and groundcover. Open space, consisting of 3,739 square feet, is located along the north portion of the site, immediately adjacent to the hammerhead cul-de-sac. Approximately 3,600 square feet of open space is required where 3,739 square feet of open space is provided.

Elevations

The previously approved plans depict 3 story model homes with 2 different floor plans ranging in size from 1,798 square feet to 1,892 square feet. The model consisting of 1,798 square feet features a tandem 2 car garage on the first floor, a dining room, kitchen, powder room, kitchen, and a balcony on the second floor, and 3 bedrooms and 2 bathrooms on the third floor. The model consisting of 1,892 square feet includes a 2 car garage, family room, and bathroom on the first floor, a great room, dining room, kitchen, bathroom, and a balcony on the second floor, and 3 bedrooms and 2 bathrooms on the third floor.

Floor Plans

The previously approved plans depict 3 story model homes with 2 different floor plans ranging in size from 1,798 square feet to 1,892 square feet. The model consisting of 1,798 square feet features a tandem 2 car garage on the first floor, a dining room, kitchen, powder room, kitchen, and a balcony on the second floor, and 3 bedrooms and 2 bathrooms on the third floor. The model consisting of 1,892 square feet includes a 2 car garage, family room, and bathroom on the first floor, a great room, dining room, kitchen, bathroom, and a balcony on the second floor, and 3 bedrooms and 2 bathrooms on the third floor.

Signage

Signage is not a part of this request.

Previous Conditions of Approval

Listed below are the approved conditions for ET-23-400140 (ZC-21-0396):

Comprehensive Planning

- Until April 19, 2026 to commence.
- Applicant is advised that the County has adopted a rewrite to Title 30, effective January 1, 2024, 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 substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; 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

- Compliance with previous conditions.

Listed below are the approved conditions for ZC-21-0396:

Current Planning

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Design review as a public hearing for significant changes to plans;
- 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;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- 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 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; and that the waivers of development standards and design reviews must commence within 2 years of approval date or they will expire.

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;
- Full off-site improvements;
- Right-of-way dedication to include 30 feet for Torino Avenue;
- Provide paved legal access;
- Applicant shall apply for a Bureau of Land Management (BLM) grant for Torino Avenue.
- 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.

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 30.48 Part B of the Clark County Unified Development Code;
- 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 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; that the FAA's airspace determinations include expiration dates; that separate airspace determinations will be needed for construction cranes or other temporary equipment; 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 is strongly encouraged; that the FAA 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.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that the property is already connected to the CCWRD sewer system; and that if any existing plumbing fixtures are modified in the future, then additional capacity and connection fees will need to be addressed.

Applicant's Justification

The Bureau of Land Management grant process is taking longer than anticipated; therefore, a second extension of time request is requested.

Prior Land Use Requests

Application Number	Request	Action	Date
ET-23-400140 (ZC-21-0396)	First extension of time on a zone change with waivers of development standards and design reviews for a single-family residential development	Approved by BCC	November 2023
TM-22-500049	Tentative map for 18 residential lots - expired	Approved by PC	April 2022

Prior Land Use Requests

Application Number	Request	Action	Date
VS-21-0397	Vacated and abandoned easements of interest to Clark County between Decatur Boulevard and Arville Street, and between Ford Avenue and Torino Avenue	Approved by BCC	October 2021
ZC-21-0396	Zone change from RE to RUD, waivers of development standards, and design reviews for a single-family residential development	Approved by BCC	October 2021

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS3.3	Single-family residential
South & West	Compact Neighborhood (up to 18 du/ac)	RM32	Undeveloped
East	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS20	Undeveloped

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

Title 30 standards of approval for an extension of time state an application may be denied if it is found that circumstances have substantially changed. A substantial change may include, without limitation, a change to the subject property, a change in the areas surrounding the subject property, or a change in the laws, regulations, or policies affecting the subject property. Additionally, the applicant must demonstrate the project is progressing through the applicable development permit or licensing process.

Staff finds the applicant has provided evidence and justification to warrant a second extension of time for the previously approved project. A drainage study (PW22-12388) has been approved in addition to an administrative extension of time (ADET-25-900740) for the previously approved vacation and abandonment. Furthermore, a standard development agreement was adopted in April 2023. Circumstances within the surrounding area have not substantially changed; therefore, staff recommends approval for this second extension of time request. However, the applicant is advised this is the last extension of time staff will support unless further compelling justification is provided for a third extension of time.

Public Works - Development Review

Staff has no objection to this extension of time. Because the parcel was previously landlocked, the grant was necessary to provide legal access to the site. The applicant has since obtained the grant from the Bureau of Land Management (BLM), allowing the project to move forward with development.

Staff Recommendation

Approval.

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

- Until April 19, 2028 to commence or the application will expire unless extended with approval of an extension of time;
- Certificate of Occupancy and/or business license shall not be issued without approval of a Certificate of Compliance.
- Applicant is advised a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; applicant is advised this is the last extension of time staff will support; 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; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

Public Works - Development Review

- Compliance with previous conditions.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Enterprise - approval.

APPROVALS:

PROTEST:

APPLICANT: DIAMOND TORINO, LLC

CONTACT: DC PETERSEN PROFESSIONAL CONSULTING, 5052 S. JONES BOULEVARD, SUITE 165, LAS VEGAS, NV 89118