

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-24-0770-COUNTY OF CLARK (AVIATION):

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

DESIGN REVIEW for a single-family residential development on 14.39 acres in an RS20 (Residential Single-Family 20) Zone within the Neighborhood Protection (RNP) Overlay.

Generally located on the southside of Warm Springs Road and on the east and west sides of Hinson Street within Enterprise. MN/rg/kh (For possible action)

RELATED INFORMATION:

APN:

177-07-502-005; 177-07-502-006

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce the front yard setback to 20 feet where 40 feet is required per Section 30.02.04 (a 50% reduction).
2.
 - a. Eliminate street landscaping along Hinson Street to zero feet where 6 feet is required per Section 30.04.01D.7 (a 100% reduction).
 - b. Eliminate street landscaping along Mardon Avenue to zero feet where 6 feet is required per Section 30.04.01D.7 (a 100% reduction).
 - c. Eliminate street landscaping along Schuster Street to zero feet where 6 feet is required per Section 30.04.01D.7 (a 100% reduction).
 - d. Eliminate street landscaping along Warm Springs Road to zero feet where 6 feet is required per Section 30.04.01D.7 (a 100% reduction) (no longer needed).
3. Allow the front setbacks for principal buildings not in accordance with the RS20 district where required per Section 30.02.26F.
4.
 - a. Waive full off-site improvements (curb, gutter, sidewalk, streetlights, and partial paving) along Warm Springs Road where off-site improvements are required per Section 30.04.08C.
 - b. Waive full off-site improvements (curb, gutter, sidewalk, streetlights, and partial paving) along Hinson Street where off-site improvements are required per Section 30.04.08C.
 - c. Waive full off-site improvements (curb, gutter, sidewalk, streetlights, and partial paving) along Mardon Avenue where off-site improvements are required per Section 30.04.08C.
 - d. Waive full off-site improvements (curb, gutter, sidewalk, streetlights, and partial paving) along Schuster Street where off-site improvements are 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: 14.39
- Project Type: Single-family residential development
- Number of Lots: 28
- Density (du/ac): 1.95
- Minimum/Maximum Lot Size (square feet): 20,880/24,839 (gross)/16,836/23,896 (net)
- Number of Stories: 2
- Building Height (feet): 28 to 33
- Square Feet: 4,807 to 4,952

Site Plans

The plans depict a proposed single-family residential development consisting of 28 lots on 14.39 acres with a density of 1.95 dwelling units per acre. The subdivision is bisected by Hinson Street. There are 12 lots located west of Hinson Street, and 16 lots are located east of Hinson Street. The entire project will be developed to the RS20 standards per Title 30.

West portion of development (Lots 1 through 12):

On the northwest portion of the subdivision, Lots 1 through 4 face internally toward a private street which is accessed from Hinson Street. South of Lots 1 through 4, the plan shows that Lots 5 through 12 also face internally toward a second private street which is also accessed from Hinson Street.

East portion of development (Lots 13 through 28):

On the northeast portion of the development, Lots 13 through 20 face internally toward a private street which is accessed from Schuster Street to the east. Access to the remaining lots (Lots 21 through 28) are from a private street which is also accessed from Schuster Street .

The applicant is requesting a waiver of development standards to reduce the front setback to 20 feet where 40 feet is required per Code.

Landscaping

Title 30 requires a 6 foot landscape area where curb, gutter, and sidewalks will not be constructed. The landscape plan depicts a 10 foot wide landscape area along Warm Springs Road to the north. Furthermore, the plan also shows landscaping to be planted behind the perimeter screen walls for the following lots:

- Lots 4, 5, 12, 16, 17, 24, and 25 along Hinson Street
- Lots 9, 10, 12, 22, 25, 26, 27, and 28 along Mardon Avenue
- Lots 13, 20, 21, and 28 along Schuster Street

The plan depicts large trees planted every 30 feet on center. A waiver of development standards is a part of this application to eliminate the landscape strip along Hinson Street, Mardon Avenue, and Schuster Street since the landscaping will be installed behind perimeter walls.

Elevations

The plans depict 6 elevations with the residential models measuring between 28 feet to 33 feet in height. Two of the 6 models feature a pitched concrete tile roof with the front elevations consisting predominantly of stone veneer with stucco accents. The remaining 4 front elevations will consist either of a flat roof or a combination of a flat roof/pitched concrete tile roof. All side and rear elevations of each model will consist of stucco siding with enhanced window fenestration.

Floor Plans

The plans depict 2 different floor plans measuring between 4,807 square feet to 4,952 square feet. Multiple bedrooms, a dining room, living room, kitchen, closets, bathrooms, and an owner's suite are included with the floor plans. All plans also include a 3 car garage in addition to a recreational vehicle (RV) parking.

Applicant's Justification

The applicant states the request for reduced setbacks aligns with the established standards of the neighborhood, ensures consistency with the surrounding property. The applicant states that the site is in the rural neighborhood preservation and to be consistent with the surrounding properties, the landscaping will be located behind the property line walls. The applicant further states the proposed site is surrounded by existing subdivisions with public rights-of-way frontage built to rural standards without sidewalks, curb and gutter, or streetlights and requests to maintain that standard along Warm Springs Road, Mardon Avenue, Hinson Street, and Schuster Street.

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-1026-05	Reclassified 3,800 parcels from R-E to R-E (RNP-I) zoning	Approved by BCC	October 2005

Surrounding Land Use

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

Related Applications

Application Number	Request
TM-24-500168	A tentative map for 28 single-family residential lots 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 & #3

The applicant states the surrounding area features 20 foot setbacks from the back-of-curb and that this request will have minimal impacts to the surrounding neighbors. Staff finds that other residences in the area that front private streets were built before the Code update, allowing the setbacks to be measured from the centerline of a private street. Increasing the size of the lots to meet the minimum required lot size and providing architectural enhancements and redesigning the homes to meet Code requirements could remove the need for this waiver. Additionally, Section 30.02.26F.4., which provides the development standards for properties in the NPO-RNP, states that setbacks for primary structures shall be maintained in accordance with the applicable district standards and any allowable exceptions. Therefore, staff does not support this request.

Waiver of Development Standards #2

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. The proposed landscape design can be revised to implement screen walls behind the landscape strip along Warm Springs, Hinson Street, Mardon Avenue, and Schuster Street. The landscape area as defined per Section 30.07.02J is an open area consisting of landscaping which includes groundcover and/or live planted material served with an irrigation system. 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 development is consistent with the planned and existing uses in the immediate area. The development is compliant with Policy EN-1.1 (Neighborhood Integrity) and Policy EN-1.2 (Ranch Estate Neighborhood) of the Master Plan that encourage preserving the integrity of uniform neighborhoods and compatible in-fill development. However, staff finds that the applicant has the

opportunity to design the subdivision and/or introduce a home model to meet the front setback requirements. Additionally, the street landscaping could be provided in accordance with the requirements of Title 30. Since staff does not support the 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. Additionally, there is a Warm Springs Road improvement project that will require off-site improvements and it is important to continue the off-sites throughout the area. Therefore, staff cannot support the Waiver of Development Standards for full off-site improvements.

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.

More importantly, the development will penetrate the Part 77 airspace surface (Airport Airspace Overlay District), as defined by Section 30.02.26B.2(i) of the Clark County Unified Development Code. Therefore, as required by Section 30.06.03D.7(iv) of the Clark County Unified Development Code, final action cannot occur until the FAA has issued an airspace Determination of No Hazard and the Department of Aviation has reviewed the determination. (Note that section 30.06.03D.7(iv) requires that the FAA Determination of No Hazard shall be submitted two weeks prior to final approval for any proposed structure that intrudes into Airport Airspace Overlay District [see chapter 30.02.26B]).

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 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;
- 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 for the Warm Springs Road improvement project;
- 30 days upon conveyance of the land to record said separate document for the Warm Springs Road improvement project;
- Applicant shall enter into a cost participation agreement for future Warm Springs Road improvements.

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; 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

- 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 #0011-2025 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - approval (Comprehensive Planning: provide a 5 foot asphalt path along Hinson Street, Mardon Avenue, and Schuster Street; Public Works: Hinson Street, Mardon Avenue, and Schuster Street to be developed to non-urban rural road standards; execute a Restrictive Covenant Agreement (deed restrictions)).

APPROVALS:

PROTESTS:

APPLICANT: PN II, INC.

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