

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-24-0456-DBAC, LLC:**

**AMENDED HOLDOVER WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** increase fill height; **2)** increase retaining wall height; and **3)** reduce driveway setback.

**DESIGN REVIEW** for a single-family residential subdivision on 3.37 acres (previously notified as 3.11 acres) in an RS20 (Residential Single-Family 20) Zone within the Airport Environs (AE-60) and Neighborhood Protection (RNP) Overlays.

Generally located on the west side of Arville Street and the north side of Maule Avenue within Enterprise. MN/lm/syp (For possible action)

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RELATED INFORMATION:

**APN:**

177-06-201-027; 177-06-201-028

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. a. Increase fill height to 6.5 feet where a maximum of 3 feet is allowed to be placed within 5 feet of a shared residential property line per Section 30.04.06F (a 117% increase).
- b. Increase fill height to 6.5 feet where a maximum of 6 feet is allowed to be placed 5 feet to within 20 feet of a shared residential property line per Section 30.04.06F (a 9% increase).
2. a. Increase the height of a retaining wall along the west property line to 6.7 feet where 3 feet is the maximum allowed per Section 30.04.03C (a 124% increase).
- b. Increase the height of a retaining wall along Arville Street to 3.5 feet where 3 feet is the maximum allowed per Section 30.04.03C (a 17% increase).
3. Reduce driveway setback to 4.5 feet where 6 feet is required per Uniform Standard Drawing 222 (a 25% decrease).

**LAND USE PLAN:**

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

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 4414 W. Maule Avenue
- Site Acreage: **3.37**
- Project Type: Single-family residential
- Number of Lots: 6

- Density (du/ac): **1.78**
- Minimum/Maximum Lot Size (square feet): **21,148/28,753 (gross)/18,042/26,859 (net)**
- Number of Stories: 1
- Building Height (feet): 21 & 23 (maximum)
- Square Feet: 3,479 & 4,019

### Site Plans

The plans depict a single-family residential detached development with 6 lots on **3.37** acres located on the west side of Arville Street and the north side of Maule Avenue. The density of the overall development is shown at **1.78** dwelling units per acre. The lots range in size from a minimum gross acreage of **21,148** square feet up to **28,753** square feet with the net size ranging from **18,042** square feet up to **26,859** square feet. Three lots (Lots 4 through 6) face Maule Avenue and 3 lots (Lots 1 through 3) face Arville Street. Arville Street and Maule Avenue are both collector streets. Lot 1 is designed with a front property line width along Arville Street of 25 feet. The driveway as designed is 16 feet wide, which provides a 4.5 foot setback to side property lines where 6 feet is required. The cross sections show increased fill on all the lots within the subdivision. The design of Lot 6 includes a maximum 6.7 foot high retaining wall, the west property line adjacent to the detention basin, and 6.5 feet of fill. The retaining wall will be lower along the west property line for Lots 1 and 3 where the increase fill will range in depth from 1.9 feet to 2.5 feet. A 6 foot high screen wall is proposed on top of the retaining walls. There is a 30 foot wide drainage easement that separates Lots 1 and 2 from Lot 3 and is delineated as a common element with **9,186** square feet.

### Landscaping

Detached sidewalks are provided along both street frontages with shrubs provided on the outer side of landscaping adjacent to the curb. Trees and shrubs are provided on the east side of Lot 4 for the required street landscaping which includes trees planted every 30 feet on both sides of the detached sidewalk with shrubs. Landscape materials include Shoestring Acacia, Southern Live Oak, Pink Fairy Duster, Dwarf Bottle Brush, Red Yucca, and Texas Ranger.

### Elevations

Both proposed model homes are single story with a maximum height of 21 feet and 23 feet. Three elevations are provided for each residence which includes a variety of façade design elements which can include corbels at the eaves, stucco trim on all windows, arches, stone veneer, and garage door treatments. Architectural details are provided on the front and rear of the homes with windows, roofline variety, and façade treatments. The side elevations include the varied rooflines and window trim, with no other architectural details.

### Floor Plans

The 2 floor plans depict a variety of options, including floor plans ranging in total area from 3,479 square feet to 4,019 square feet. Residences include 3 car attached garages.

### Applicant's Justification

The applicant indicates that the 6 lot subdivision includes single story homes and adequate parking. Adding additional architectural details to the sides of the houses the materials will be mostly hidden behind screen walls and not provide any additional benefit to the neighboring

properties. The applicant also indicates that the increased fill and retaining walls are due to existing natural low spots on the west side of the property and adjacent to the detention basin. The proposed driveway width on Lot 1 is designed for a typical single family residence with 1 or 2 vehicles per Uniform Standard Drawing 222, which will allow a vehicle to travel into and out of the lot at the same time, thus reducing back-up of traffic on the public street.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
WS-1336-07	Waiver for full off-sites - expired	Approved by PC	January 2008
TM-0305-07	Tentative map with 6 lots - expired	Approved by PC	January 2008
ZC-1026-05	Reclassified the zoning of these parcels and the surrounding area to include 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	Ranch Estate Neighborhood (up to 2 du/ac)	RS20 (AE-60 & NPO-RNP)	Single-family residential
South	Ranch Estate Neighborhood (up to 2 du/ac)	RS20 (NPO-RNP)	Single-family residential
East	Public Use	RS20 (AE-60 & NPO-RNP)	Las Vegas Valley Water District site
West	Ranch Estate Neighborhood (up to 2 du/ac)	RS20 (AE-60 & NPO-RNP)	Detention basin

**Related Applications**

<b>Application Number</b>	<b>Request</b>
TM-24-500096	A tentative map for a 6 lot single-family residential subdivision is a companion item on this agenda.
VS-24-0457	A vacation and abandonment of patent easements and rights-of-way 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

Tiered retaining walls could be provided instead of 1 wall in the side yard area of Lot 6. The applicant chose to propose one, 6.7 foot high retaining wall. Tiering the retaining walls and the finished grade would result in compliance with the Code or perhaps a small increase over the maximum allowable standards. The result of these requests will be a nearly 13 foot high block wall. For these reasons, staff cannot support the proposed waivers.

#### 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 proposed development meets the required lot size and density per Section 30.02.04. The proposed residences provide multiple architectural features on the front and rear of the structure with the side elevations including minimal architectural features which could be enhanced in areas that are above the side yard walls, such as recessed windows with overhangs or shutters to shade glass. Additionally, since staff is unable to support the increased fill and retaining wall height, staff cannot support this request.

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

##### Waiver of Development Standards #3

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 partially within the AE-60 (60-65 DNL) noise contour for 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 Harry Reid International 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:

- 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;
- Circular driveway required for Lots 2 through 6 per Uniform Standard Drawing 222 or on-site turnaround.
- Applicant is advised that the installation of detached sidewalks will require the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way.

### **Department of Aviation**

- For that portion located in the AE-60 the applicant must record a stand-alone noise disclosure form against the land, and provide a copy of the recorded document to the Department of Aviation Noise Office at [landuse@lasairport.com](mailto:landuse@lasairport.com);
- For that portion located in the AE-60 the applicant must provide a copy of the recorded noise disclosure form to future buyers/renters, separate from other escrow documents, and provide a copy of the document to the Department of Aviation Noise Office at [landuse@lasairport.com](mailto:landuse@lasairport.com);
- For that portion located in the AE-60 the applicant must provide a map to future buyers/renters, as part of the noise disclosure notice, that highlights the project location and associated flight tracks, provided by the Department of Aviation Noise Office when property sales/leases commence;

- For that portion located in the AE-60 incorporate an exterior to interior noise level reduction of 30 decibels into the building construction for the habitable space that exceeds 35 feet in height or 25 decibels into the building construction for the habitable space that is less than 35 feet in height;
- 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 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 and that separate airspace determinations will be needed for construction cranes or other temporary equipment; 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**

- Applicant to show fire hydrant locations on-site and within 750 feet.
- Applicant is advised that fire/emergency access must comply with the Fire Code as amended.

#### **Southern Nevada Health District (SNHD) - Engineering**

- Applicant is advised that there is an active septic permit on APN 177-06-201-028; to connect to municipal sewer and remove the septic system in accordance with Section 17 of the SNHD *Regulations Governing Individual Sewage Disposal Systems and Liquid Waste Management*; and to submit documentation to SNHD showing that the system has been properly removed.

**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 #0136-2024 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require a new POC analysis.

**TAB/CAC:** Enterprise - approval (install non-urban road standards on Arville Street and Maule Avenue; install streetlights only at the intersection of Arville Street and Maule Avenue; install a 5 foot asphalt path along Arville Street and Maule Avenue; and delete Public Works bullet #3).

**APPROVALS:**

**PROTESTS:**

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

**COUNTY COMMISSION ACTION:** November 20, 2024 – HELD – To 12/18/24 – per the applicant.

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

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