

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-26-0061-COUNTY OF CLARK (AVIATION):

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce setback; **2)** eliminate street landscaping; **3)** increase retaining wall height; **4)** increase fill height; and **5)** waive full off-site improvements.

DESIGN REVIEW for a proposed single-family residential development on 4.04 acres in an RS20 (Residential Single-Family 20) Zone within the Neighborhood Protection (RNP) Overlay.

Generally located south of Mardon Avenue and east of Arville Street within Enterprise. MN/jam/cv (For possible action)

RELATED INFORMATION:

APN:

177-07-505-008

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce the front setback to 10 feet where 40 feet is the minimum setback per Section 30.02.04B (a 75% reduction).
2.
 - a. Eliminate street landscaping along Arville Street where a minimum 6 foot wide landscaping strip is required per Section 30.04.01D.7
 - b. Eliminate street landscaping along Eldorado Lane where 6 feet of landscaping shall be provided per Section 30.04.01D.7
 - c. Eliminate street landscaping along Mardon Avenue where 6 feet of landscaping shall be provided per Section 30.04.01D.7
3. Increase retaining wall height to 4 feet where a maximum of 3 feet is allowed per Section 30.04.03C (a 33% increase).
4. Increase fill height to 5.5 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 83% increase).
5. Waive full off-site improvements (curb, gutter, sidewalks, streetlights, and partial paving) along Arville Street, Eldorado Lane, and 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: 4.04

- Project Type: Single-family residential
- Number of Lots/Units: 8
- Density (du/ac): 1.98
- Minimum/Maximum Lot Size (square feet): 21,400/22,735 (gross)/18,222/21,017 (net)
- Number of Stories: 1 & 2 (proposed single-family residences)/1 (proposed detached RV garage)
- Building Height (feet): 20.5 to 30.5 (proposed single story)/30.5 (proposed 2 story)/21 (proposed detached RV garage)
- Square Feet: 3,488 to 4,266 (proposed single story)/4,807 to 4,938 (proposed 2 story)/1,000 (proposed detached RV garage)/247 to 253 (proposed attached accessory living quarters)

Site Plan

The plans depict a proposed 8 lot single-family detached residential development located south of Mardon Avenue, east of Arville Street, and north of Eldorado Lane. All lots face internally to a proposed private street which terminates with a cul-de-sac bulb on the south end of the subdivision. Access is located along the north property line adjacent to Mardon Avenue.

The proposed residences on all of the lots will have a front setback of 10 feet depending on options selected, thus necessitating a waiver of development standards. No off-site improvements or landscaping are shown on Arville Street, Eldorado Lane, and Mardon Avenue, necessitating a waiver of development standards. Along the east property line of the proposed subdivision and along the south property line of lot 5 adjacent to Eldorado Lane there is a proposed 6 foot high CMU block wall with a 4 foot maximum height retaining wall requiring a waiver of development standards. Additionally, along the east property line of the subdivision, the plans show an increase in fill height up to 5.5 feet within the first 5 feet also requiring a waiver of development standards.

Landscaping

A 6 foot high CMU block wall is proposed along Arville Street, Eldorado Lane, and Mardon Lane along the property lines for Lots 1, 2, 3, 4, 5, and 8, with 10 feet of landscaping behind it, which necessitates a waiver of development standards. All of the landscaping located behind the proposed CMU wall, is comprised of large trees spaced 30 feet on center with a mix of shrubs and groundcover.

Elevations

The elevation plans depict the 1 story homes are offered in 3 different models and 3 different finishes, while the 2 story homes being offered in 2 different models and 3 different finishes, for a total of 15 potential designs. Both the 1-story models and 2 story models are a maximum height of 30.5 feet, and all potential designs feature offset front facades and roof masses, including hip and flat parapet walls. Decorative features of each design also feature scored stucco lines, window perimeter stucco wraps, and stone veneer on multiple front facades. All side and rear elevations of each model will consist of stucco siding with enhanced window fenestration.

Floor Plans

The 1 story homes range in size from 3,488 to 4,266 square feet, while the 2 story homes range in size from 4,807 to 4,938 square feet. Each of the proposed designs for the 1 story and 2 story homes feature multiple bedrooms, bathrooms, a custom kitchen, and several other amenities. All plans also include a 3 car garage in addition to an optional detached recreational vehicle (RV) parking. The 1 story homes have an optional accessory living quarters in lieu of the 1 car garage or as additional square footage in addition to the 1 car garage on models 7034-1 and 7034-2.

Applicant's Justification

The applicant states that the setback reduction in front setbacks is consistent with other developments in the area. The applicant also states the site is in the rural neighborhood preservation, and that waiving the off-site improvements on Arville Street, Eldorado Lane, and Mardon Avenue is to remain consistent with the surrounding area. Finally, the applicant states that the street landscaping is being located behind the wall along Arville Street, Eldorado Lane, and Mardon Avenue to again be consistent with the surrounding properties, and that the landscaping will meet Title 30 requirements for spacing and species.

Surrounding Land Use

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

Related Applications

Application Number	Request
TM-26-500012	A tentative map for an 8 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.

Waiver of Development Standards #1

Staff finds that the reduction of front setbacks is due to the footprint of the homes being too large for the proposed lots. A reduction in square footage, the relocation of the homes farther into the rear yards, or the selection of a different model of home would eliminate the need for a waiver. The proposed reduction of setbacks does not comply with the Neighborhood Protection Overlay standards set forth in Title 30, Chapter 30.02.26F, which state that setbacks for primary structures within NPO-RNP overlay shall be maintained in accordance with the applicable district standards. Front setbacks play a pivotal role in maintaining the aesthetic quality of a neighborhood as well as improving the character of the surrounding area. For these reasons, staff cannot support this request.

Waiver of Development Standards #2

Title 30 allows for alternatives in street landscaping. When curb, gutter, and sidewalks are not installed, a 6 foot wide landscaped area shall be provided on-site. Staff finds placing trees behind property line walls reduces the ability to ensure required street landscaping is maintained. Additionally, street trees are beneficial as it reduces the impacts of wind, dust, pollution, glare, and heat island effect on human health and comfort. Staff does not support this request.

Waiver of Development Standards #3

The request for increased retaining walls along the east and a portion of the south property lines will not meet the intent of Title 30 for limiting the impacts to adjacent residential property. The project is located within the NPO-RNP and 10 foot (6 foot CMU block wall with a 4 foot retaining wall) perimeter wall heights are not compatible with the character of the neighborhood. Additionally, all lots are over 120 feet in depth and width, which allows room for tiered retaining walls, the solid wall could be combined with a decorative fence to mitigate the impact of a 10 foot solid wall. These are self-imposed hardships that can be rectified with a redesign of the subdivision. The proposed retaining walls and increased finished grade do not meet the intent of Master Plan Policy LM-1.3, which encourages uniform neighborhood development. For these reasons, staff cannot support this request.

Waiver of Development Standards #4

Approximately 5.5 feet of increased finished grade along the east property line will not meet the intent of Title 30 for limiting the impacts to adjacent residential property. Tiered walls could be provided in the backyard area of Lots 5 through 8 per Section 30.04.03C, however the applicant is proposing one, 4 foot high retaining wall, along the east and a portion of the south property lines. The increased fill within 5 feet of the residential property line does not meet the intent of Master Plan Policy EN-1.1 Neighborhood Integrity related to contiguous and uniform neighborhood development. For these reasons, staff cannot 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.

The plans demonstrate that the density and layout of the proposed subdivision is consistent with other subdivisions in the surrounding area. Additionally, the homes are being developed with 4-sided architecture, which will make the subdivision better as a whole. However, staff is concerned with the elimination of street landscaping along Arville Street, Eldorado Lane, and Mardon Avenue; while the screen wall helps maintain privacy for the future homeowner, it could have been pushed into the site to make room for the required landscaping as stated above. Moreover, the front setback reduction could have been avoided by using different models or reducing their size. For these reasons, staff cannot support this request.

Public Works - Development Review

Waiver of Development Standards #5

Staff cannot support the request to not install full off-site improvements on Arville Street and Eldorado Lane when there are existing full improvements nearby the site. Arville Street is a collector street designed to handle high volumes of traffic. Off-site improvements will allow better traffic flows, while the detached sidewalk will provide a safer path for pedestrians.

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:

- 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 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 Arville Street, Eldorado Lane and Mardon Avenue;
- Execute a Restrictive Covenant Agreement (deed restrictions).

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.
- 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; and that funds will not be available in the future should the residents wish to have their buildings purchased or soundproofed.

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 #0394-2026 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - approval of waivers of development standards #1 (limited to 50% of the homes in the development) and #5, and the design review; denial of waivers of development standards #2 through #4 (only single-story homes to be built on lots adjacent to existing single-story homes).

APPROVALS:

PROTESTS:

APPLICANT: PN II, INC.

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