

10/04/23 BCC AGENDA SHEET

SINGLE FAMILY SUBDIVISION
(TITLE 30)

VALLEY VIEW BLVD/ELDORADO LN

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-23-0543-DBAC, LLC:

WAIVER OF DEVELOPMENT STANDARDS to increase wall height.

DESIGN REVIEWS for the following: **1)** single family residential subdivision; **2)** finished grade; and **3)** hammerhead design cul-de-sacs on 7.1 acres in an R-E (Rural Estates Residential) (RNP-I) (AE-60) Zone.

Generally located on the east side of Valley View Boulevard and the north side of Eldorado Lane within Enterprise. MN/bb/syp (For possible action)

RELATED INFORMATION:

APN:

177-08-101-002

WAIVER OF DEVELOPMENT STANDARDS:

Increase the combined retaining and screen wall height to 12 feet (6 foot retaining wall and 6 foot screen wall) where a maximum of 9 feet (3 foot retaining wall and 6 foot screen wall) is permitted per Figure 30.64.050 (a 33% increase).

DESIGN REVIEWS:

1. Single family residential subdivision.
2. Increase finish grade height to 72 inches where a maximum of 36 inches is the standard per Section 30.32.040 (a 100% increase).
3. Allow streets terminating in hammerhead design where a radius cul-de-sac per Uniform Standard Drawing is preferred per Section 30.56.080.

LAND USE PLAN:

ENTERPRISE - BUSINESS EMPLOYMENT

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 7.1
- Number of Lots/Units: 12
- Density (du/ac): 1.7
- Gross Minimum/Maximum Lot Size Square Feet: 21,183/32,476

- Net Minimum/Maximum Lot Size Square Feet: 18,315/24,309
- Project Type: Single family residential subdivision
- Number of Stories: 2
- Building Height (feet): 26
- Square Feet: 3,803 to 6,384 (including garages)

Site Plan

This property was proposed for reclassification to M-D (Designed Manufacturing), with ZC-0656-09 being denied in 2010. This property was previously approved for a 14 lot subdivision in October 2018 (expired). The plans depict a proposed gated single family residential development consisting of 12 lots on 7.1 acres. The density of the residential development is 1.7 dwelling units per gross acre with a minimum net lot size of 18,315 square feet and a maximum net lot area of 24,309 square feet. The gross lot areas range from 21,183 square feet to 32,476 square feet. Access to the property is from Eldorado Lane through gates in a 60 foot wide private street that branches into 2 north south private streets dead-ending at hammerhead turn. Proposed lots will be served by two, 39 foot wide private streets with R-type curb. The internal private street intersection includes a fork design off the 60 foot wide primary entrance road with a median for the gated entrance. There are no internal sidewalks. Individual driveways and multi-car garages will accommodate several vehicle parking spaces per lot.

Landscaping

The plans show 24 inch box trees and shrubbery on the exterior of lots along Valley View Boulevard and Eldorado Lane with a screen wall behind the landscaping. The location of the increased retaining wall height is along the north and east property lines. The north property line retaining walls consist of a 6 foot high maximum retaining wall with a 6 foot screen wall. The east property line retaining walls consist of a 6 foot high maximum retaining wall adjacent to the existing 6 foot wall with retaining wall along the property line. Detached sidewalks with 5 feet of landscaping on both sides will be located along Eldorado Lane and Valley View Boulevard.

Elevations

The plans show 3 models of 2 story and 1 story contemporary model homes with multiple elevations for each plan. The buildings have parapet walls with varying rooflines and heights of up to 26 feet. All buildings have architectural elements such as light stucco, dark stucco, and stone veneer options.

Floor Plans

The proposed model homes range in size from 3,803 square feet to 6,384 square feet including garages. The 3 proposed models show 4 and 5 bedrooms, dining, living and kitchen areas, loft, storage, a laundry room, and bathrooms. All models have a 4 car garage.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant indicates that the proposed 12 lot single family residential development is consistent with the surrounding properties zoned R-E. The property was 8.2 gross acres prior to

road dedication with a gross density of 1.4 lots per acre, and a net density is 1.6 lots per acre. The additional fill on the site is needed to meet drainage criteria. There are existing retaining walls along the adjacent east and north property lines with existing mature landscaping. The previous request for WS-18-0658 expired in 2022, and the current requests are adjusted for the changes made to this development.

Prior Land Use Requests

Application Number	Request	Action	Date
ET-20-400113 (WS-18-0658)	Extension of time for subdivision design with waiver for wall height and design review for finished grade	Approved by BCC	November 2020
TM-18-500151	14 single family residential lots	Approved by BCC	October 2018
WS-18-0658	Waived off-sites, wall height, street design, and finished grade - expired	Approved by BCC	October 2018
ZC-0656-09	Reclassified the property from R-E to M-D zoning with waivers for alternative landscape buffer for an office warehouse facility	Denied by BCC	January 2010
UC-0718-06	Place of worship and modified development standards and a design review for a place of worship - expired	Approved by PC	June 2006
TM-0393-05	16 lot single family residential subdivision - expired	Approved by BCC	August 2005
WS-0886-05	Waiver to reduce lot sizes for a single family residential subdivision - expired	Approved by PC	July 2005
ZC-1026-05	Reclassified properties within Enterprise Land Use Plan to establish the RNP-I Overlay	Approved by BCC	October 2005

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North & West	Ranch Estate Neighborhood (up to 2 du/ac)	R-E (RNP-I)	Single family residential
South	Ranch Estate Neighborhood (up to 2 du/ac)	R-E (RNP-I)	Undeveloped
East	Business Employment	M-D	Office/warehouse

Related Applications

Application Number	Request
TM-23-500115	A tentative map for a 12 lot residential subdivision a companion item on this agenda.
VS-23-0546	A request to vacate a right-of-way for a detached sidewalk is a companion item on this agenda.

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis

Comprehensive Planning

Waiver of Development Standards

According to Title 30, the applicant shall have the burden of proof to establish that the proposed request is appropriate for its existing location by showing that the uses of the area adjacent to the property included in the waiver of development standards request will not be affected in a substantially adverse manner. The intent and purpose of a waiver of development standards is to modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative.

Staff typically does not support excessive increases in retaining wall heights, this site has had prior land use approvals along with approved improvement plans that appear to have allowed the site to be graded in 2006 (based on aerial evidence) which may have contributed to the previous design challenges. The off-set retaining wall on the east side of Lot 2 will assist in providing for drainage standards. Retaining walls on the north side of Lots 4, 5, 8, and 9 should be a maximum of 3 feet and staggered with setbacks for any additional walls required to meet drainage standards. This will greatly lessen the impact to the residential property north of this site. Therefore, staff cannot support this request.

Design Reviews #1 & #3

The purpose of the RNP Overlay District is to ensure that the character of the rural area is preserved. All proposed lots meet the net area per Code, which is 18,000 square feet, with the smallest net lot size being 18,315 square feet. The Code allows for an additional 10% reduction for lots that are adjacent to a collector or arterial street, and the lot sizes were increased since the approval of the previous tentative map. The existing RNP-I homes located immediately adjacent and north of this property, and on the west side of Valley View Boulevard, are between 3,164 square feet and 4,608 square feet, including garage space. The proposed homes with garages range from 3,803 square feet to 6,384 square feet. Therefore, the proposed project is consistent with the adjacent R-E zoned properties and complies with the purpose of the RNP-I Overlay District and Master Plan Policy 1.5.1 supporting the protection of existing Rural Neighborhood Preservation (RNP) areas. The hammerhead turnaround areas at the end of each street will only provide direct access to 2 lots each. The large lot size will allow for plenty of off-street parking with no impact to the hammerhead design or intended use for emergency services. Therefore, staff can support these requests.

Public Works - Development Review

Design Review #2

This design review represents the maximum grade difference within the boundary of this application. This information is based on preliminary data to set the worst case scenario. Staff will continue to evaluate the site through the technical studies required for this application. Approval of this application will not prevent staff from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approval.

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 30.48.120 of the Clark County Unified Development Code, the Federal Aviation Administration (FAA) must be notified of the proposed construction or alteration.

A portion of the property lies 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.

Staff Recommendation

Approval of the design reviews; denial of waiver of development standards.

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 final zoning inspection.
- 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; 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 this application must commence within 4 years of approval date or it 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;
- Traffic study and compliance;
- Full off-site improvements.
- 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; and 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

- 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; 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;
- For that portion in the AE-60, 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;
- For that portion in the AE-60, 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;
- For that portion in the AE-60, 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 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 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 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.

Fire Prevention Bureau

- Applicant is advised to submit plans for review and approval prior to installing any gates, speed humps (speed bumps not allowed), and any other Fire Apparatus Access Roadway obstructions.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Enterprise - approval.

APPROVALS:

PROTESTS:

APPLICANT: BLUE HERON DEVELOPMENT, LLC

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