

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-24-0282-SHANEIVAR MOHAMMAD KHAZRAI:**

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** increase fill height; **2)** increase wall height; and **3)** street landscaping.

**DESIGN REVIEWS** for the following: **1)** alternative landscape plan; and **2)** single-family residential development on 11.21 acres in an RS3.3 (Single-Family Residential 3.3) Zone.

Generally located on the northwest corner of Durango Drive and Shelbourne Avenue within Enterprise. JJ/rg/syp (For possible action)

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RELATED INFORMATION:

**APN:**

176-17-501-005; 176-17-501-007 through 176-17-501-011; 176-17-501-016 through 176-17-501-017

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Increase fill height to 6 feet where a maximum of 3 feet is allowed to be placed a minimum of 5 feet from a shared residential property line per Section 30.04.06F (a 100% increase).
2. Increase the height of a retaining wall to 6 feet where a maximum height of 3 feet is permitted per Section 30.04.03.C (a 100% increase).
3. Eliminate a portion of street landscaping along Durango Drive where 1 large tree and 3 shrubs shall be provided every 30 linear feet of street frontage per Section 30.04.01D.

**DESIGN REVIEWS:**

1. Allow an alternative landscape plan consisting of medium trees provided for every 20 linear feet of street frontage (Durango Drive and Shelbourne Avenue) where 1 large tree and 3 shrubs shall be provided every 30 linear feet of street frontage per Section 30.04.01D.
2. Single-family residential development.

**PROPOSED LAND USE PLAN:**

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

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 8625, 8645, 8685 W. Mistral Avenue, & 8275 S. Durango Drive
- Site Acreage: 11.21
- Project Type: Single-family detached residential

- Number of Lots: 77
- Density (du/ac): 6.87
- Minimum/Maximum Lot Size (square feet): 3,776/6,570 (gross/net)
- Number of Stories: 2
- Building Height (feet): 27
- Square Feet: 2,321 to 2,783

### Site Plan

The plan depicts a 11.21 acre property with 77 lots with a density of 6.87 dwelling units per gross acre. Private street access is located on the west side of Durango Drive only. A 32 foot wide emergency access easement is provided along Shelbourne Avenue. Private streets are depicted on the site plan that measure 43 feet in width with a 4 foot wide sidewalk on one side. An easement measuring 32 feet in width that will be dedicated for an emergency and utility access purposes is located immediately south of Penguin Street, adjacent to Shelbourne Avenue. A north/south private street, Shark Street, measuring 43 feet in width, terminates as a stub street between Lots 40 and 47. The other north/south private street, Penguin Street, terminates as a stub street to the north between Lots 14 and 29, and terminates as a cul-de-sac street on the south end between Lots 54 and 63. Four foot wide sidewalks are located along the east side of Penguin Street and Shark Street on the east side, and Dolphin Avenue on the north side.

### Landscaping

A 15 foot wide landscape area, including 5 foot wide detached sidewalk, is provided along portions of Durango Drive and Shelbourne Avenue. The street landscape area consists of medium trees, shrubs and groundcover. The applicant is requesting an alternative landscape plan consisting of medium trees provided for every 20 linear feet of street frontage (Durango Drive and Shelbourne Avenue) where 1 large tree and 3 shrubs shall be provided every 30 linear feet of street frontage. The landscape plan depicts a detached sidewalk with 5 feet of landscaping on each side along Durango Drive. Waivers of development standards along the south portion of the site are requested to eliminate a 160 foot long portion of the required street landscaping along Durango Drive between the detached sidewalk and Durango Drive to accommodate a drainage and utility easement.

### Elevations

The plans depict 3, 2 story home plans each with 4 elevations. The elevations on all 4 sides have a combination of textures, paints, stone veneer, accent colors, coach lighting, soffit elements, fascia returns, overhangs, faux shutters, cantilevers, off-set roof lines, garage door pattern variety, window casings, lap siding elements and other architectural features including an optional patio cover. All garages are front loaded access and face private streets.

### Floor Plans

The plans depict 3 to 5 bedrooms, 2.5 to 3 bathrooms, and a variety of living spaces. Each home will have a 2 car garage.

### Applicant's Justification

The applicant states the increase in retaining wall height is necessary due to site development constraints, such as existing roadway and adjacent neighborhoods. Retaining walls up to 6 feet are needed to allow the project to meet minimum interior street slopes and maintain drainage patterns. The increased heights will fluctuate from a screen wall with no retaining wall to a screen wall with 6 feet of retaining wall around the perimeter of the site as needed. Parcels 176-17-501-016 and 176-17-501-017 are surrounded on 3 sides by an existing neighborhood. The elevation of the existing neighborhood as well as the onsite design needs to meet minimum street slopes, minimum sewer design criteria, and drainage patterns cause a need for certain portions of the site to require up to 6 feet of fill at the shared property line. The site is not being artificially raised for enhanced views. In addition, on the northeast corner of the site, there is an existing drainage easement. Landscaping is not permitted to be within these easements. Also, a 32 foot wide driveway for emergency and utility access easement is provided along Shelbourne Avenue. The applicant is requesting alternate landscaping standards to allow medium trees to be provided for every 20 linear feet of street frontage.

### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ZC-1772-03	Reclassified APN 176-17-501-011 from R-E to C-1 zoning for a future commercial development	Approved by BCC	December 2003
VS-0393-02	Vacated and abandoned a portion of right-of-way being Mistral Avenue	Approved by BCC	May 2002
ZC-1843-00	Reclassified APN 176-17-501-010 from R-E to C-1 zoning for a shopping center - expired	Approved by BCC	February 2001
ZC-1643-00	Reclassified APN's 176-17-501-005, 176-17-501-007, 176-17-501-008, and 176-17-501-009 from R-E and C-P to C-1 zoning for a shopping center; APN 176-17-501-016 and 176-17-501-017 were reclassified from R-E to C-P zoning as part of this application, but this portion later - expired	Approved by BCC	January 2001
ZC-0307-99	Reclassified APN 176-17-501-005 from R-E to CP zoning	Approved by BCC	March 1999

### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North & West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS3.3	Single-family residential
South	Open Lands	RS3.3	Single-family residential
East	Corridor Mixed-Use & Neighborhood Commercial	RS3.3	Single-family residential

The subject site is within the Public Facilities Needs Assessment (PFNA) area.

### **Related Applications**

<b>Application Number</b>	<b>Request</b>
PA-24-700012	A plan amendment to redesignate the land use category of the site from Neighborhood Commercial (NC) to Mid-Intensity Suburban (MN) is a companion item on this agenda.
ZC-24-0281	A zone change to reclassify the site from CG and RS20 to RS3.3 zoning is a companion item on this agenda.
VS-24-0280	A vacation and abandonment for patent easements and portions of right-of-way being Mistral Avenue and Durango Drive is a companion item on this agenda.
TM-24-500060	A tentative map for a 77 lot single-family residential development 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

The intent of limiting the amount of fill in proximity to residential development is to minimize and mitigate the impact of an increased grade may have on the adjacent property owners. The applicant indicates the increase fill height is necessary due to the unique shape of the proposed project site. Parcels 176-17-501-016 and 176-17-501-017 are surrounded on 3 sides by an existing adjacent neighborhood. Staff recognizes there may be design constraints for the project site; however, increasing the fill height up to 6 feet within 5 feet from the shared residential property line to the south, may potentially impact the existing single-family residences. Therefore, staff recommends denial of this request.

##### Waiver of Development Standards #2

Staff recognizes the increase to the retaining wall height is necessary to accommodate the request to increase fill within the boundaries of the project site. However, since staff is not supporting the waiver of development standards #1, staff recommends denial of this request.

### Waiver of Development Standards #3

The landscape plan depicts a drainage easement located along the northeast property line of the development, adjacent to Durango Drive. Staff finds this request should have minimal to no impact on the surrounding land uses and properties. However, since staff is not supporting the waivers of development standards and design reviews related to increased fill, staff recommends denial of this request.

### Design Reviews

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.

#### Design Review #1

An alternative landscape plan may be approved when the proposed landscape design does not meet the Code requirements, but proposes innovative, high-quality alternatives that enhance the physical environment of the site and the surrounding area. The applicant is proposing 1 medium tree and 3 shrubs for every 20 linear feet of street frontage, in lieu of 1 large tree and 3 shrubs for every 30 linear feet of street frontage. Staff has no objection to the proposed alternative landscape plan as it should not impact the surrounding land uses or properties and provides an adequate canopy for shade. However, since staff is not supporting the waivers of development standards and design reviews related to increased fill, staff recommends denial of this request.

#### Design Review #2

The layout and internal street network of the proposed subdivision is functional. A minimum of 2 architectural features are included on each façade of the single-family residences that include the following: 1) varying rooflines; 2) varying building materials; and 3) optional patios and balconies on the rear elevations. However, since staff is not supporting the waivers of development standards and design review related to increased fill, staff recommends denial of this request.

### **Staff Recommendation**

Denial. This item will be forwarded to the Board of County Commissioners' meeting for final action on September 4, 2024 at 9:00 a.m., unless otherwise announced.

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:

- 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 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;
- Applicant to remove improvements from APN 176-17-599-009 and APN 176-17-599-006;
- Coordinate with Lot 40 APN 176-17-511-072 within the Astoria Homes at Rhodes Ranch for the reconstruction of the block wall.
- 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.

### **Fire Prevention Bureau**

- No comment.

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

- Applicant is advised that there are active septic permits on APNs 176-17-501-010 and 176-17-501-016; 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 completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0050-2024 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:** Enterprise - approval (terrace retaining wall and decorative wall along Durango Drive).

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** RICHMOND AMERICAN HOMES

**CONTACT:** WESTWOOD PROFESSIONAL SERVICES, 5725 W. BADURA AVENUE,  
SUITE 100, LAS VEGAS, NV 89118