

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-24-0505-MAK ZAK, LLC:**

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** reduce setbacks; **2)** reduce lot sizes; **3)** alternative Neighborhood Protection (RNP) Overlay standards; **4)** increase retaining wall height; **5)** increase fill height; **6)** increase driveway width; and **7)** curb type.

**DESIGN REVIEW** for a single-family residential development on 5.0 acres in an RS20 (Residential Single-Family 20) Zone within the Neighborhood Protection (RNP) Overlay.

Generally located on the south side of Pebble Road, 300 feet west of Monte Cristo Way within Enterprise. JJ/rr/kh (For possible action)

RELATED INFORMATION:

**APN:**

176-22-101-004; 176-22-101-005

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Reduce the front setback for lots in the RS20 zone to 20 feet where 40 feet is required per Section 30.02.04B (a 50% reduction).
2.
  - a. Reduce the gross lot area to 15,840 square feet in the RS20 zone where 20,000 square feet is the minimum required per Section 30.02.04B (a 20.8% reduction).
  - b. Reduce net lot area to 14,273 square feet in the RS20 zone where 16,200 square feet is the minimum required for lots adjacent to an arterial street per Section 30.02.25C (a 11.9% reduction).
3. Allow Lots 4, 5, and 6 to not face residential local streets where required per Section 30.02.26F.
4. Increase retaining wall height to 7.6 feet where 3 feet is the maximum height allowed per Section 30.04.03C (a 153.3% increase).
5.
  - a. Increase fill height to 5.2 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 73.3% increase).
  - b. Increase fill height to 7.7 feet where a maximum of 6 feet is allowed to be placed within 20 feet of a shared residential property line per Section 30.04.06F (a 28.3% increase).
6. Allow residential driveway widths of up to 38.2 feet where 28 feet is the maximum width allowed per Uniform Standard Drawing 222 (a 36.4% increase).
7. Allow for L-curb with depressed driveways on all lots where rolled curb is the standard per Section 30.04.08C and Uniform Standard Drawing 217.

## **LAND USE PLAN:**

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

## **BACKGROUND:**

### **Project Description**

#### General Summary

- Site Address: N/A
- Site Acreage: 5
- Project Type: Single-family detached residential
- Number of Lots: 9
- Density (du/ac): 1.8
- Minimum/Maximum Lot Size (square feet): 15,840/21,170 (gross) and 14,273/19,512 (net)
- Number of Stories: 1
- Building Height (feet): 23 (maximum)
- Square Feet: 3,479/4,019

#### Site Plan

The plan depicts a single-family detached development totaling 9 single-family lots on 5 acres located on the south side of Pebble Road 300 feet west of Monte Cristo Way. The density of the overall development is shown at 1.8 dwelling units per acre. The gross lot size ranges from a minimum of 15,840 square feet to a maximum of 21,170 square feet. The net lot size ranges from 14,273 square feet to 19,512 square feet. Lots 1 through 3 and 7 through 9 are proposed to be accessed from one of two, 37 foot wide private hammerhead cul-de-sac streets which are connected to Pebble Road. The private streets do not connect with each other. Lots 4 through 6 are proposed to front on and have direct driveway access to Pebble Road, an arterial public street, rather than face into the local residential streets. Pebble Road is proposed to be improved with full off-sites including curb, gutter, a 5 foot wide detached sidewalk and streetlights. Additionally increased fill and an increased retaining wall height above 3 feet is proposed for Lot 8 in the southeast portion and for Lot 3 in the south-central portion of the site.

#### Landscaping

The plans show street landscaping along Pebble Road consisting of 5 foot wide landscape strips on each side of a 5 foot wide detached sidewalk. The landscape areas are proposed to consist of 18 large trees including Shoestring Acacia and Indian Rosewood. All shrubs are proposed to be 5 gallon size and include 6 different species. Spacing of the trees varies from 20 feet to 30 feet on center due to the sight visibility zones and driveways preventing the typical 30 foot on center spacing. However, the number of required trees will be met.

#### Elevations

The elevations provided indicate 1 story detached single-family homes including 2 models ranging from 20 feet 9 inches to 23 feet in height. The exterior of the residences consist of stucco finishes, stone veneer accents, pitched concrete tile roofs, window pop-outs, and decorative shutters on some models. Architectural features include covered entries, variable rooflines, and window trim.

### Floor Plans

Two floor plans are provided which range in size from 3,479 square feet to 4,019 square feet of livable space. Both plans feature 4 bedrooms, great room, kitchen, nook, dining area, study, laundry rooms, and 3 full bathrooms. A covered patio is provided at the rear of each plan. Each plan has an attached 3 car garage with EV charging capabilities.

### Applicant's Justification

The applicant states that the request for reduced setbacks aligns with the established standards of the neighborhood, ensures consistency and maintains the aesthetic integrity of the area. The applicant states that reduced lot sizes will not impact adjacent properties. The applicant further states that increased fill and retaining walls are necessary for drainage, and that increased driveway widths will allow traffic to enter Pebble Road going forward rather than backing into the street. Finally, the architectural design for the homes reflects modern designs and finishes.

### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
PA-23-700042	Plan amendment to redesignate the existing land use category from RN to LN	Withdrawn	August 2024
ZC-23-0809	Rezone to reclassify from R-E to R-D zoning for a single family development	Withdrawn	August 2024
ZC-1026-05	Reclassified these parcels and the surrounding 3,800 parcels from R-E to R-E (RNP-I) zoning	Approved by BCC	October 2005
MP-0466-02	Major Project for a neighborhood plan on 3,125 acres	Approved by BCC	August 2002

### **Surrounding Land Use**

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

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

### **Related Applications**

<b>Application Number</b>	<b>Request</b>
VS-24-0504	A vacation and abandonment of patent easements is a companion item on this agenda.
TM-24-500106	A tentative map for a 9 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

The applicant is requesting to allow 20 foot front setbacks for all proposed lots where 40 feet is normally required. The applicant states that the surrounding area features setbacks of 20 feet to 26 feet from the back-of-curb and that a setback reduction will have negligible impacts. Staff notes that other homes in the area that front private streets were built before the Code update, allowing their setbacks to be measured from the centerline of private street, as opposed to how they are measured today from back-of-curb per updated Title 30. The Code allows a front setback reduction of 12 feet for 50% of the primary structure width within RS20 zoned areas which provides more design flexibility on larger single-family lots. However, the proposed home designs do not qualify for the setback reduction as it would be for more than 50% of the structure width. Increasing the size of the lots to meet the minimum required lot size and providing architectural enhancements and redesigning the houses 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 applicant is requesting to reduce the minimum gross and net lot sizes for 3 lots. Specifically, Lots 4, 5, and 6 (center lots fronting Pebble Road) are proposed to have a gross square footages of 15,840, 18,997, and 19,126 respectively where the minimum size is 20,000 square feet. Additionally, Lots 4, 5, and 6 are proposed to have a net square footage of 14,273, 14,336, and 14,347 square feet respectively where the minimum net size is 16,200 square feet. Net lot size may be reduced by 10% for RS20 lots that are adjacent to an arterial or collector street. In this case all 3 lots are adjacent to an arterial street, Pebble Road. It appears this a self-created hardship in that the applicant is adding an extra lot along Pebble Road. These waivers would not be necessary if the total number of lots along Pebble Road was reduced by 1. Therefore, staff does support this request.

#### Waiver of Development Standards #3

Within the NPO-RNP, subdivisions proposing 5 or more lots shall be designed with lots fronting on residential local streets. The applicant is proposing that Lots 4, 5, and 6 front on and have direct access to Pebble Road, an arterial street. Lots 4 and 6 are corner lots with each 1 abutting a residential local cul-de-sac street. Therefore, these lots could be oriented toward these local streets. The only access available for Lot 5 would be Pebble Road, however, this proposed

design is a self-created hardship. As mentioned, this waiver could be avoided by increasing the lot sizes to comply with Code requirements and possibly reducing the number of lots by 1 along Pebble Road. Therefore, staff does not support this request.

#### Waivers of Development Standards #4 & #5

The applicant is requesting to allow a retaining wall along the south property boundary with a maximum height of 7.6 feet. This would allow for a maximum height of 13.6 feet for a combination of the retaining wall and a 6 foot high screen wall. In this same general area on Lots 3 and 8 the maximum fill is proposed to be greater than permissible. The applicant states that this design is necessary to ensure adequate drainage of the lots. The standards for the NPO-RNP state that waivers for increased retaining wall height are strongly discouraged. It may be possible to tier the fill areas so that fill height and retaining wall height standards are met. Therefore, staff does not support these requests.

#### 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 architectural design of the residences is consistent with the existing single-family homes in the area and the development is similar in density to the existing single-family development within the immediate area. The elevations provided indicate that the development will consist of 1 story homes which is consistent with the existing single-family developments surrounding the site. The building design includes at least 2 architectural features on each side of the home including covered entries, covered patios, variable rooflines, and window trim. However, since staff is not supporting the waivers, staff does not support this request.

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

##### Waiver of Development Standards #6

Staff cannot support the request for increased residential driveway widths for Lots 4 through 6. The increased driveway widths request will not provide enough room for an on-site turnaround, causing vehicles to back into an arterial street, creating the potential for collisions.

##### Waiver of Development Standards #7

Staff has no objection to request to install the "L" curb. The applicant is providing detached sidewalks which will allow the sidewalk to comply with the Americans with Disabilities Act (ADA). However, since staff cannot support this request in its entirety, staff cannot support this request.

#### **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:

- 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.
- 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;
- Right-of-way dedication to include 45 feet to the back-of-curb for Pebble Road and associated spandrels;
- 30 days to submit a Separate Document to the Map Team for the required right-of-way dedications and any corresponding easements for any collector street or larger;
- 90 days to record required right-of-way dedications and any corresponding easements for any collector street or larger;
- Circular driveways, or on-site turnarounds, must be provided for all lots along Pebble Road;
- 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 devices.

### **Fire Prevention Bureau**

- Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features.
- Applicant is advised that fire/emergency access must comply with the Fire Code as amended.

**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 #0215-2024 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** KHUSROW ROOHANI

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