

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-26-0121-COUNTY OF CLARK (AVIATION):

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce setbacks; and **2)** waive full off-site improvements.

DESIGN REVIEW for a proposed single-family residential subdivision on 4.02 acres in an RS20 (Residential Single-Family 20) Zone within the Neighborhood Protection (RNP) Overlay.

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

RELATED INFORMATION:

APN:

177-06-405-005

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce the front setback to 10 feet where 40 feet is the minimum setback required per Section 30.02.04B (a 75% reduction).
2.
 - a. Waive off-site improvements (streetlights) along Arville Street and Capovilla Avenue where required per Section 30.04.08C.
 - b. Waive full off-site improvements (curb, gutter, sidewalks, streetlights, and partial paving) along Warm Springs Road 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: 4.02
- Project Type: Single-family residential
- Number of Lots/Units: 8
- Density (du/ac): 1.99
- Minimum/Maximum Lot Size (square feet): 20,012/24,420 (gross)/17,055/24,060 (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-family residence)/21 (proposed detached RV garage)

- Square Feet: 3,488 to 4,266 (proposed single-story residence)/4,807 to 4,938 (proposed 2 story residence)/1,000 (proposed detached RV garage)/247 to 253 (proposed attached accessory living quarters)

Site Plan

The proposed subdivision layout consists of 2 lots (Lots 7 and 8) facing north toward Capovilla Avenue. Lots 2, 3, and 6 are flag lots and are located along the west property line of the subdivision and have access from Arville Street to the east. Lots 1, 4, and 5 also face east towards Arville Street.

Per the applicant, depending on the chosen model home and upgrades/options, some lots will have a minimum front setback of 10 feet where 40 feet is required per Code, thus necessitating a waiver of development standards. No off-site improvements are proposed along Warm Springs Road since there is a Clark County Capital Improvement Project (L-2289) to construct the full off-sites. Along Arville Street and Capovilla Avenue the applicant is proposing to construct off-site improvements except for streetlights, which is a part of the waiver request.

Landscaping

Along Warm Springs Road, the planned capital improvement project will install a varying width landscape strip and a 7 foot wide detached sidewalk. To accommodate this design, the applicant proposes a 10 foot wide on-site landscape easement located between the detached sidewalk and the proposed 6 foot tall screen wall. The plans depict street landscape areas including two, 5 foot wide landscape strips provided on each side of the detached sidewalk along the frontage of Lot 7 and 8 adjacent to Capovilla Avenue and along the frontage of Lots 1, 4, and 5 adjacent to Arville Street. All of the street landscaping on-site is comprised of large trees spaced 30 feet on center with a mix of shrubs and groundcover.

Elevations

The 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. The 1 story and 2 story models are a maximum height of 30.5 feet, and the detached garage is a maximum height of 21 feet. All potential designs feature off-set 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 square feet to 4,266 square feet, while the 2 story homes range in size from 4,807 square feet 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) garage.

Applicant's Justification

The applicant states the setback reduction in front setbacks is consistent with other developments in the area. The site is in the rural neighborhood preservation, and they are waiving the off-site improvements on Warm Springs Road as there is a planned Capital Improvement Project proposing to construct these facilities already. Finally, the applicant is requesting to waive streetlights along Arville Street and Capovilla Avenue to match and remain consistent with the surrounding area.

Surrounding Land Use

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

Related Applications

Application Number	Request
VS-26-0120	A vacation and abandonment of easements and rights-of-way is a companion item on this agenda.
TM-26-500030	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 or the selection of a different model of home would eliminate the need for a waiver. Additionally, the proposed reduction of the front setback does not comply with the Neighborhood Protection Overlay per Chapter 30.02.26F, which states

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.

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 is consistent with other subdivisions in the surrounding area. Additionally, the homes are being developed with 4 sided architecture. However, staff is concerned with the reduction of the front setback; this is a new subdivision, and the front setback requirements could be met if the applicants reduced the square footage of the model homes. Furthermore, allowing lots to take direct access to a collector street (Arville Street) creates potential hazards due to higher amounts of traffic, faster speeds, and the possibility for the proposed lots to back out onto Arville Street. For these reasons, staff cannot support this request.

Public Works - Development Review

Waiver of Development Standards #2a

Staff cannot support the request to not install streetlights on Capovilla Avenue and Arville Street. Streetlights not only provide safety for motorists, but they also assist in improving security. Additionally, staff finds that with new technology, the light pollution from the streetlights can be mitigated so that the light does not impede into the adjacent parcels.

Waiver of Development Standards #2b

Staff has no objection to the request to not install full off-site improvements on Warm Springs Road as there is an existing improvements project for Warm Springs Road. However, since staff cannot support the application in its entirety, staff cannot support this request.

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.
- 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;
- Off-sites to include conduit and pull boxes for streetlights for Arville Street and Capovilla Avenue;
- Applicant to coordinate a contribution with Public Works - Development Review for improvements on Warm Springs Road;
- Applicant to construct circular driveways for Lots, 1, 4 and 5;
- If required by the Regional Transportation Commission (RTC), dedicate and construct right-of-way for a 5 feet by 25 feet bus turnout including passenger loading/shelter areas in accordance with RTC standards along Warm Springs Road;
- 30 days to coordinate with Public Works - Construction Division and submit separate document if required, for dedication of any necessary right-of-way and easements for the Warm Springs Road improvement project;
- Said dedication must occur prior to issuance of building permits, concurrent with the recording of a subdivision map, OR within 30 calendar days from a request for dedication by the County.

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; 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 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

- 503.2.1.3 use group R-3 flag lot street widths; the drive aisle leading to 1 use group R-3 structure shall be an all-weather (paved) surface that is a minimum of 20 feet (6,096 mm) in width and of unlimited length.

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 #0456-2026 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - approval (waiver of development standards #1 (limited to 50% of the lots; single-story homes adjacent to established single-story homes; change Public Works condition #3 to: off-sites to include a conduit and pull box for streetlights on Arville Street; add Public Works condition for Capovilla Avenue to be developed to non-urban/rural standards; provide a 5 foot asphalt path along Capovilla Avenue; and execute restrictive covenant agreement deed restrictions).

APPROVALS:

PROTESTS:

APPLICANT: PN II, INC.

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89146