

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-26-0138-SOUTH DECATUR HOLDING CO., LLC:**

**HOLDOVER WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** increase building height; **2)** eliminate and reduce setbacks; **3)** increase wall height; **4)** increase retaining wall height; **5)** reduce street width; and **6)** modified uniform standard drawings.

**DESIGN REVIEW** for an attached single-family residential development on 2.64 acres in an RS2 (Residential Single-Family 2) Zone.

Generally located east of Decatur Boulevard and south of Robindale Road within Enterprise. MN/rg/cv (For possible action)

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RELATED INFORMATION:

**APN:**

177-07-301-016; 177-07-301-036

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Increase the building height to 38 feet where 35 feet is the maximum permitted per Section 30.02.08B (a 9% increase).
2.
  - a. Reduce the rear setback to 3 feet where 15 feet is required per Section 30.02.08B (an 80% reduction).
  - b. Eliminate the rear setback for balconies where 12 feet is required per Table 30.02.
3.
  - a. Increase the wall height along the north property line to 8 feet where 6 feet is the maximum permitted per Section 30.04.03B (a 33% increase).
  - b. Increase the wall height along a portion of the east property line to 8 where 6 feet is the maximum permitted per Section 30.04.03B (a 33% increase).
4.
  - a. Increase the retaining wall height along a portion of the north property line to 6 feet where 3 feet is the maximum permitted per Section 30.04.03C (a 100% increase).
  - b. Increase the retaining wall height along a portion of the east property line to 6 feet where 3 feet is permitted per Section 30.04.03C (a 100% increase).
5. Reduce the width of the private street to 26 feet where 37 is required per Section 30.04.08E (a 30% reduction).
6.
  - a. Reduce the back of curb radius adjacent to Lot 1 to 2 feet where 15 feet is required per Uniform Standard Drawings 201 (an 87% reduction).
  - b. Reduce the back of curb radius adjacent to Lot 19 to 8 feet where 15 feet is required per Uniform Standard Drawings 201 (a 47% reduction).

**PROPOSED LAND USE PLAN:**

ENTERPRISE - COMPACT NEIGHBORHOOD (UP TO 18 DU/AC)

## **BACKGROUND:**

### **Project Description**

#### General Summary

- Site Address: N/A
- Site Acreage: 2.64
- Project Type: Attached Single-family residential development
- Number of Lots: 19
- Density (du/ac): 7.20
- Lot Size (square feet): 2,340
- Number of Stories: 2
- Building Height (feet): Up to 38
- Square Feet: 1,690 (1<sup>st</sup> floor garage)/1,690 (2<sup>nd</sup> floor living)
- Open Space Required/Provided: 3,800/4,635

#### Site Plan

The plan depicts a proposed attached single-family residential development consisting of 19 lots. All lots are accessed from Decatur Boulevard by way of a private street that extends east into the site from the east side of Decatur Boulevard before looping north, and west, in a reversed “C” configuration to provide internal circulation to all lots. Lots 1 through 10 are located south of Common Element “A,” and Lots 11 through 19 are located to the north. The front side of each attached single-family residence faces the private street, with individual driveways providing vehicular access to each unit from the east side. The west side of the units, facing Decatur Boulevard, functions as the rear of the homes, with sidewalk access provided along Decatur Boulevard. Guest parking is provided along the northeast corner of the site, consisting of 5 spaces including 1 ADA accessible space. The applicant is requesting waivers to increase the screen wall and retaining wall heights along the north property line and a portion of the east property line.

#### Landscaping

The plan depicts two, 5 foot wide landscaped strips separated by a detached sidewalk along Decatur Boulevard. Large trees and shrubs are provided in accordance with Title 30 requirements. The development provides 4,635 square feet of open space in 2 areas; one between the attached single-family residential buildings, which is a part of Common Element “A”; and one on the south side of the development, which is within Common Element “B”. Common Element “A” features picnic tables, and Common Element “B” contains a swimming pool.

#### Elevations

The plans depict building heights of up to approximately 38 feet. The elevations show attached dwelling units that are grouped together and give appearance of a single building. Buildings feature a similar exterior design, arranged in reverse orientation.

The building materials include stucco, corrugated metal siding, sheet metal trim, sheet metal shrouds, sheet metal finish, glass brick, copper mesh railing, glass, and a stucco parapet cap. The east elevation for each unit contains a balcony with copper mesh railing and includes the 2 car garage with a sectional garage door, while the west elevation features a balcony constructed with glass brick. Both the east and west elevations provide pedestrian access.

### Floor Plans

The plans show a 2 story attached dwelling unit with the first floor providing approximately 1,690 square feet of space for an oversized garage accommodating multiple vehicles, including recreational vehicles (RV). The second floor contains approximately 1,690 square feet of living area, including an open living room, dining area, and kitchen, along with 2 bedrooms, including a master suite. Balconies are provided on both the front and rear elevations on the second floor. Interior stairs provide access between the first and second floors and provide access to the roof top deck via a roof hatch.

### Applicant's Justification

The applicant proposes 2 attached single-family unit buildings. Each unit includes an RV garage on the first level with residential living space above. The buildings incorporate variations in materials, colors, and heights to create architectural interest. The applicant states that parking and landscaping meet applicable requirements, and detached sidewalks are proposed along Decatur Boulevard. The request includes several waivers of development standards, including a height increase described as an architectural enhancement, a rear setback reduction, retaining wall height, private street width, and internal curb radii, which the applicant attributes to site layout conditions and the need to maintain functional access within the development.

### **Prior Land Use Requests**

| <b>Application Number</b> | <b>Request</b>   | <b>Action</b>   | <b>Date</b>   |
|---------------------------|--|-----------------|---------------|
| ZC-24-0128                | Zone change from RS3.3 and RS20 to CG zoning for a mini-warehouse facility                                 | Approved by BCC | May 2024      |
| UC-24-0129                | Use permit, waiver of development standards, and design review for a mini-warehouse facility               | Approved by BCC | May 2024      |
| VS-24-0130                | Vacation and abandonment of patent easements and right-of-way for a mini-warehouse facility                | Approved by BCC | May 2024      |
| ZC-0116-09*               | Zone change from R-E to C-P zoning for an office building - expired  | Approved by BCC | April 2009    |
| TM-0277-05**              | Tentative map for a 16 lot single-family residential subdivision   | Withdrawn       | June 2005     |
| ZC-1592-99**              | Zone change from R-E to R-2 zoning for a single-family residential subdivision with compact lots - expired | Approved by BCC | December 1999 |

\*APN 177-07-301-036 only \*\* APN 177-07-301-016 only

### **Surrounding Land Use**

|       | <b>Planned Land Use Category</b> | <b>Zoning District (Overlay)</b> | <b>Existing Land Use</b>           |
|-------|----------------------------------|----------------------------------|------------------------------------|
| North | Neighborhood Commercial          | RS20                             | Single-family detached residential |

**Surrounding Land Use**

|              | <b>Planned Land Use Category</b>                    | <b>Zoning District (Overlay)</b> | <b>Existing Land Use</b>           |
|--------------|---|----------------------------------|------------------------------------|
| East & South | Mid-Intensity Suburban Neighborhood (up to 8 du/ac) | RS3.3                            | Single-family detached residential |
| West         | Mid-Intensity Suburban Neighborhood (up to 8 du/ac) | RS20 & RS3.3                     | Single-family detached residential |

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

**Related Applications**

| <b>Application Number</b> | <b>Request</b>  |
|---------------------------|---|
| PA-26-700010              | A plan amendment from NC to CN is companion item on this agenda.  |
| ZC-26-0137                | A zone change from CG to RS2 is a companion item on this agenda.  |
| TM-26-500033              | A tentative map for a 19 lot attached 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 has no objection to the request to increase the building height from 35 feet to 38 feet because the majority of the additional height is due to architectural enhancement, rather than habitable space or visually bulky building mass. These architectural elements are designed to improve the building’s visual quality and do not introduce substantial additional scale when viewed from adjacent properties or public right-of-way. As a result, the increased height does not create negative effects on surrounding developments. Therefore, staff can support the request.

Waiver of Development Standards #2

Staff finds the narrowness of this site poses constraints for the development. While staff does not typically support reduced setbacks, due to the shape of the site, as well as the townhome design, staff can support the request.

#### Waivers of Development Standards #3 & #4

The request to increase the wall height along the north property line and a portion of the east property line to 8 feet has not demonstrated compliance with the required waiver findings. The applicant did not provide justification showing why an 8 foot wall is necessary or how the deviation would avoid adverse impacts on adjacent properties or maintain compatibility with the surrounding development pattern. The wall can be constructed to meet the permitted 6 foot height standard, and no site constraints or conditions have been identified that would require additional height.

The proposed retaining wall height at 6 feet along portions of the north and east property lines exceeds the maximum height permitted under Title 30, which limits retaining walls to 3 feet unless designed as tiered walls with a 3 foot horizontal offset for each 3 feet of vertical height. The need for this deviation is a self-imposed hardship, as the applicant is proposing a retaining wall that exceeds the permitted height rather than designing a compliant tiered wall.

Overall, staff finds that the proposed 8 foot high wall screen wall on top of the proposed 6 foot high retaining wall, for an overall height of 14 feet as viewed from the adjacent residential properties, will create excessive massing and visual impact along the shared property lines. 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 proposed development incorporates 19 lot attached single-family dwelling units configured around a private street that loops through the site in a reversed “C” pattern. The overall site layout provides internal access to each unit and establishes a clear and organized circulation system. The arrangement of the homes creates cohesive streetscapes along the private street, with front elevations and individual driveways oriented toward the internal private street. The design provides sidewalk connectivity along Decatur Boulevard, allowing pedestrian access along the western edge of the site. Guest parking is located in the northeast corner, offering convenient supplemental parking. However, since staff does not support the reduction to the street width, staff does not support the design review.

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

##### Waiver of Development Standards #5

Staff cannot support the request to reduce the internal street width as the reduction will not provide sufficient maneuvering space for recreational vehicles and emergency service vehicles to safely access the site. Therefore, staff cannot support these reductions.

##### Waiver of Development Standards #6

Staff cannot support the request to reduce the back of curb radius. The reduced radius in combination with waiver #4 will not provide adequate space for vehicles to safely make turning

movements and would result in vehicles running over the curb and into landscaped areas. Therefore, 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**

Approval of waivers of development standards #1 and 2; denial of waivers of development standards #3 through #6 and the design review. This item will be forwarded to the Board of County Commissioners' meeting for final action on **June 3, 2026** 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:

- Expunge UC-24-0129;
- 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;

- Right-of-way dedication to include 55 feet to the back of curb for Decatur Boulevard;
- If required by the Regional Transportation Commission (RTC), dedicate and construct right-of-way for a 5 feet x 25 feet bus turnout including passenger loading/shelter areas in accordance with RTC standards along Decatur Boulevard;
- 30 days to coordinate with Public Works - Design Division and submit separate document if required, for dedication of any necessary right-of-way and easements for the Decatur Boulevard 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;
- The installation of detached sidewalks will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control devices.

### **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](mailto: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**

- 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.

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

- Applicant is advised that there is an active septic permit on APN 177-07-301-036; 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 #0453-2026 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:** Enterprise - denial.

**APPROVALS:** 1 card, 1 letter

**PROTESTS:** 6 cards, 2 letters

**PLANNING COMMISSION ACTION:** April 21, 2026 – HELD – To 05/05/26 – per the applicant.

**APPLICANT:** WIGMAR, LLC

**CONTACT:** SUZANA RUTAR ARCHITECT LTD., 1950 E. WARM SPRINGS ROAD, LAS VEGAS, NV 89119