

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-25-0820-ST ANTHONY NV TRUST & FOUTZ JEFFREY D TRS:

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce setbacks; **2)** increase retaining wall height; **3)** increase fill height; **4)** eliminate street landscaping; **5)** waive full off-site improvements; **6)** increase driveway width in conjunction with proposed single-family residences on 2.13 acres in an RS20 (Residential Single-Family 20) Zone within the Neighborhood Protection (RNP) Overlay.

Generally located north of Bright Angel Way and east of Michelli Crest Way within Lone Mountain. AB/jam/cv (For possible action)

RELATED INFORMATION:

APN:

126-25-601-002

WAIVERS OF DEVELOPMENT STANDARDS:

1.
 - a. Reduce the side interior setback to 5 feet where 10 feet is required per Section 30.02.04B (a 50% reduction).
 - b. Reduce the side street setback to 10 feet where 15 feet is required per Section 30.02.04B (a 33% reduction).
2. Increase the retaining wall height up to 4 feet along the north and east property lines where a maximum of 3 feet is allowed per Section 30.04.03C (a 33% increase).
3.
 - a. Increase fill height to 3.5 feet along the east property line of the north lot 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 17% increase).
 - b. Increase fill height to 9.5 feet along the north property line of the north lot where a maximum of 9 feet is allowed to be placed within 50 feet of a shared residential property line per Section 30.04.06F (a 6% increase).
4.
 - a. Eliminate street landscaping along Bright Angel Way where 10 feet of landscaping shall be provided per Section 30.04.01D.7.
 - b. Eliminate street landscaping along Michelli Crest Way where 10 feet of landscaping shall be provided per Section 30.04.01D.7.
5.
 - a. Waive full off-site improvements (curb, gutter, detached sidewalk, streetlights, and partial paving) along Bright Angel Way where required per Section 30.04.08C.
 - b. Waive full off-site improvements (curb, gutter, detached sidewalk, streetlights, and partial paving) along Michelli Crest Way where required per Section 30.04.08C.

6. Increase the width of the single-family residential driveway for Lot 1 to 32 feet where 28 feet is the minimum required per Uniform Standard Drawing 222 and Section 30.04.08C (a 14% increase).

LAND USE PLAN:

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

BACKGROUND:

Project Description

General Summary

- Site Acreage: 2.13
- Project Type: Single-family residential
- Number of Lots: 2
- Lot Size (square feet): 49,658 (north)/43,124 (south)

Site Plans

The plans depict 2 future lots for 2 proposed single-family residences. The northerly lot (Lot 1) will consist of 49,658 square feet with access to Michelli Crest Way. The southerly lot (Lot 2) will consist of 43,124 square feet with access also to Michelli Crest Way. These lots are currently under review via an active parcel map MSM-25-600036.

The plan shows both proposed residences will be constructed on the west half of the lots, and proposed accessory structures will be constructed on the east half of the site within the rear yard. The applicant is requesting to reduce the side interior setback of the proposed residence on Lot 1 to 5 feet where 10 feet is the minimum required per Title 30. Furthermore, the applicant is also requesting to reduce the side street setback of the proposed accessory structure on Lot 2 to 10 feet where 15 feet is the minimum required per Title 30.

In addition, the applicant is requesting to increase the proposed retaining wall height up to 4 feet along the north and east property lines where 3 feet is the maximum allowed per Section 30.04.03C.

The plans also depict increase for fill height to 3.5 feet along the northeast property line of Lot 1 (northern lot) 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. Furthermore, the applicant is also requesting to increase the fill height to 9.5 feet along the north property line of Lot 1 where a maximum of 9 feet is allowed to be placed within 50 feet of a shared residential property line per Section 30.04.06F.

Lastly, the applicant is requesting to eliminate off-site improvements along Michelli Crest Way and Bright Angel Way. The applicant is also requesting to increase the proposed driveway width for Lot 1 to 32 feet where 28 feet is the minimum required.

Landscaping

No landscaping is proposed along Michelli Crest Way and Bright Angel Way, therefore a waiver of development standards is requested by the applicant.

Floor Plans and Elevations

The anticipated residential footprints are provided for site access purposes and have not yet been fully designed. Future elevations plans were not provided at this time.

Applicant's Justification

The applicant states that the waivers for off-site improvements and street landscaping allow the site to remain consistent with the surrounding neighborhood and help preserve the rural aesthetic of the Rural Neighborhood Preservation designated area. The applicant will provide a tree fee-in-lieu consistent with County standards. The increased driveway width waiver is necessary to provide safe and efficient vehicle access. Additionally, the applicant states that the increased fill and retaining walls are a result of drainage and site grading constraints but will not negatively impact surrounding properties. The interior side setback waiver is due to a 10 foot drainage easement and 14 foot driveway adjacent to the north property line of the north lot which shifts the proposed residence to 5 feet from the future interior lot line between the north and south lot. Lastly, the street side setback waiver is needed to accommodate the detached garage while maintaining compliance with all other applicable codes.

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North & South	Ranch Estate Neighborhood (up to 2 du/ac)	RS20 (NPO-RNP)	Single-family residential
East & West	City of Las Vegas	U (RNP)	Undeveloped

Related Applications

Application Number	Request
VS-25-0819	A vacation of abandonment of government patent easements 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 building setbacks is to prevent the massing of buildings, provide an adequate buffer between structures, maintain a uniform development pattern, and minimize impacts to neighboring properties. The requested setback reductions are a self-imposed hardship that could be mitigated with alternate designs. Staff does not typically support requests to reduce setbacks for new construction and therefore, staff cannot support this request.

Waiver of Development Standards #2

The purpose of reviewing increased retaining wall height is to assure that there are no negative impacts on the surrounding properties and all attempts have been made to minimize the increase in wall height. APNs 126-25-601-001 and 126-25-501-006 are the only adjacent lots being affected by the retaining wall height increase and at a maximum increase of .75 feet above allowable standards. Staff finds that the proposed retaining walls are the result of necessary modifications to the site due to the drainage needs of the proposed development. Additionally, staff finds the modest increase of the retaining wall height does not negatively impact the adjacent lots. For these reasons, staff can support this request.

Waiver of Development Standards #3

Staff has no objection to the proposed increases to fill, as the unique and natural topography of the subject site results in the rear areas that are set at a lower grade than the adjacent street and due to the drainage requirements. Staff finds that the increased fill will have minimal impact and are unlikely to have any adverse effects on the adjacent properties or the surrounding area. Therefore, staff can support this request.

Waiver of Development Standards #4

The purpose of street landscaping is to provide shade for streets (and sidewalks where installed) to mitigate the urban heat island effect. The lack of street landscaping will contribute to increased heat island impacts, therefore, staff cannot support this request.

Public Works - Development Review

Waiver of Development Standards #5

Historical events have demonstrated how important off-site improvements are for drainage control. Additionally, full width paving allows for better traffic flow and sidewalks on public streets provide safer pathways for pedestrians and for children to walk to school. Therefore, staff cannot support the waiver of development standards for full off-site improvements.

Waiver of Development Standards #6

The site is located within the Neighborhood Protection (RNP) Overlay, and the applicant intends to maintain non-urban development standards for the property. In addition, the residential driveways meet all other minimum requirements in Uniform Standard Drawing 222. Therefore, staff has no objection to the increased driveway widths.

Staff Recommendation

Approval of waivers of development standards #2, #3, and #6; denial of waivers of development standards #1, #4, and #5.

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, and payment of the tree fee-in-lieu is required for any required trees waived.
- Applicant is advised within 2 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;
- Execute a Restrictive Covenant Agreement (deed restrictions);
- Applicant to construct a 5 foot asphalt detached path along Michelli Crest Way and Bright Angel Way.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that CCWRD does not provide sanitary sewer service in this portion of the unincorporated county; for any sanitary sewer needs, applicant is advised to contact the City of Las Vegas to see if the City has any gravity sanitary sewer lines located in the vicinity of the applicant's parcel.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: ST ANTHONY NV TRUST & FOUTZ JEFFREY D TRS

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