

08/07/24 BCC AGENDA SHEET

**PUBLIC HEARING**

**APP. NUMBER/OWNER/DESCRIPTION OF REQUEST**

**WS-24-0269-LEE PINHEIRO TEAM, LLC:**

**WAIVERS OF DEVELOPMENT STANDARDS** for the following **1)** off-site improvements (streetlights, curb, gutter, and sidewalk); **2)** increase fill height; and **3)** increase wall height on 2.06 acres in conjunction with a proposed single-family residential subdivision in an RS20 (Residential Single-Family 20) Zone within the Neighborhood Protection (RNP) Overlay.

Generally located on the south side of Verde Way and the east side of Bonita Vista Street within Lone Mountain. RM/tpd/syp (For possible action)

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**RELATED INFORMATION:**

**APN:**

125-32-804-001

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Waive off-site improvements (streetlights, curb, gutter, and sidewalk) where required per Section 30.04.08.
2. Increase fill height to 4 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 33% increase).
3. Increase retaining wall height along the east property line to 6 feet 6 inches where 3 feet is allowed per Section 30.04.03 (a 116% increase).

**LAND USE PLAN:**

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

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 4860 N. Bonita Vista Street
- Site Acreage: 2.06
- Project Type: Single-family residential subdivision
- Number of Lots: 4
- Density (du/ac): 2
- Minimum/Maximum Lot Size (square feet): 20,660/28,341 (gross)/ 19,888/26,953 (net)

Site Plan

The plan depicts a proposed 4 lot single-family subdivision with an existing home to remain on the southwest lot and accessed via Bonita Vista Street. The northwest, northeast, and southeast lots will be accessed via Verde Way.

### Landscaping

The plans depict Pistachia Chinensis and Acacia Salicenia to be planted along the north portion of Bonita Vista Street, and the entirety of Verde Way. The trees will be spaced 30 feet from each other with bushes planted in between on Verde Way, and 20 feet along Bonita Vista Street. Landscaping exists on the lot with the existing home.

### Applicant's Justification

The applicant states the existing home will remain on 1 of the proposed lots while custom homes will be constructed on the remaining lots at a later date. Furthermore, the request to waive full off-site improvements is justified because the subject parcel is in an area where rural street standards are established. The request for alternative landscaping, a 6 foot wide landscape buffer with 1 large tree planted every 30 feet, aligns with the buffers that are already established throughout the surrounding area. The excess fill and increased wall height is needed to allow for proper drainage of the 4-lot single-family residential subdivision.

### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ZC-0296-01	Reclassified from R-E to R-2 zoning to allow for a 35 lot subdivision - expired	Approved by BCC	May 2001

### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
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	Low-Intensity Suburban Neighborhood (up to 5 du/ac)	RS5.2	Undeveloped

### **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.

### Waivers of Development Standards #2 & #3

The request to increase grade for drainage cannot be supported by staff as designed. Section 30.04.06F of Code states that no more than 3 feet is allowed within 5 feet of the shared property line of a residential property. The applicant could reduce the increased grade to 3 feet within this area and still be able to provide the requested 1 foot increase beyond 5 feet of the property lines without the need of a waiver. In addition, maintaining a maximum retaining wall height of 3 feet would lessen impacts of an increased wall height to the adjacent properties. It is for these reasons staff cannot support the waivers of development standards #2 and #3.

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

#### Waiver of Development Standards #1

Staff has no objection to the request to not install full off-site improvements on Bonita Vista Street and Verde Way. The parcel is within an NPO-RNP and there are no existing off-site within the area.

### **Staff Recommendation**

Approval of waiver of development standards #1; denial of waivers of development standards #2 & #3.

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 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**

- Comply with approved drainage study PW23-19302;
- Execute a Restrictive Covenant Agreement (deed restrictions).

#### **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. (flag lot)

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

- Applicant is advised that there is an active septic permit on APN 125-32-804-001; 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 CCWRD does not provide sanitary sewer service in this portion of the unincorporated county; and that for any sanitary sewer needs, applicant should 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:** Lone Mountain - denial.

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** LEE PINHEIRO TEAM LLC

**CONTACT:** TANEY ENGINEERING, 6030 S. JONES BLVD, LAS VEGAS, NV 98118