

07/07/26 PC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-26-0279-EAGLE NEST HENDERSON, LLC:

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** eliminate street landscaping; **2)** eliminate buffering and screening; **3)** increase retaining wall height; and **4)** increase fill.

DESIGN REVIEW for a proposed single-family residential development on 3.03 acres in an RS20 (Residential Single-Family 20) Zone within the Airport Environs (AE-60) and Neighborhood Protection (RNP) Overlays.

Generally located west of Valley View Boulevard and north of Maule Avenue within Enterprise.
MN/rr/kh (For possible action)

RELATED INFORMATION:

APN:

177-06-602-025; 177-06-602-029

WAIVERS OF DEVELOPMENT STANDARDS:

1. Eliminate street landscaping along Valley View Boulevard where required per Section 30.04.01D.
2. Eliminate buffering and screening adjacent to a freeway where a 15 foot landscape buffer with an 8 foot decorative screen wall is required by Section 30.04.02C.
3.
 - a. Increase retaining wall height along Valley View Boulevard to 5 feet where 3 feet is the maximum height allowed per Section 30.04.03C (a 67% increase).
 - b. Increase retaining wall height along Maule Avenue to 4 feet where 3 feet is the maximum height allowed per Section 30.04.03C (a 33% increase).
4. Increase fill to 4 feet within 5 feet of a shared property line (west property line) where 3 feet of fill within 5 feet of a shared property line is the maximum height allowed per Section 30.04.06F (a 33% increase).

LAND USE PLAN:

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

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 3.03
- Project Type: Single-family residential development
- Number of Lots: 6
- Density (du/ac): 1.98

- Minimum/Maximum Lot Size (square feet): 20,151/24,832 (gross)/16,611/18,000 (net)
- Number of Stories: 1 and 2
- Building Height (feet): Up to 28
- Square Feet: 4,425 to 4,650

Site Plan

The plans depict a 6 lot single-family residential subdivision located at the northwest corner of Maule Avenue and Valley View Boulevard. All lots will access from a private street which is proposed to be a 39 foot wide located along the western side of the lots. The private street connects to Maule Avenue located to the south. The private street is proposed to terminate in an L-shaped stub street on the north end of the subdivision. The applicant is proposing a detached sidewalk along Maule Avenue, and there is an existing attached sidewalk along Valley View Boulevard.

Landscaping

The plans depict street landscaping along Maule Avenue in compliance with Title 30 standards, including two, 5 foot wide landscape strips with medium trees and shrubs on each side of a detached sidewalk. Street landscaping is not proposed along Valley View Boulevard, which is the subject of a waiver request. Additionally, a landscape buffer and screen wall is not provided along the north side of Lot 6 adjacent to the 215 Beltway, which is also the subject of a waiver request.

Elevations

The plans show single-family detached homes comprising two different 2 story models and one 1 story model. The 2 story models range from 27 feet to 28 feet in height, while the 1 story model is 18 feet in height. Each model includes 3 different elevations. The concrete tile roofs consist of a pitched gable roof and a contemporary angled roof. The front facades include covered entries, stone veneer, and a variety of garage door styles as well as front and side-loading garages. The exteriors on all 4 sides of all models consist of stucco finish, variable rooflines, popouts, with 3 to 4 car garage on all homes.

Floor Plans

The plans depict 1 and 2 story single-family residences. The 2 story models feature a first floor plan with 1,867 square feet and a second floor with 2,558 square feet for a total of 4,425 square feet. The plans include 5 bedrooms, a loft, and a laundry room on the 2nd floor and a multi-gen suite with a bedroom, living room, kitchen and dining areas on the 1st floor. Each model has a 3 to 4 car garage and a rear covered patio. The 1 story floor plan is 4,650 square feet and features 4 bedrooms, a game room, great room, dining room, kitchen with a nook, covered outdoor patio, and two side loading garages with an auto court.

Applicant's Justification

The applicant is proposing 6 single family lots with two different 2-story plans and one single-story plan. The site drains from Maule Avenue north towards the 215 Beltway. The applicant is requesting a waiver to allow up to 3.5 feet of fill within 5 feet of a shared property line to the west which is justified by an existing retaining wall which is 5 feet higher than the subject site. The request to eliminate the landscape buffer and decorative screen wall along the north property

line of Lot 6 is justified by the fact that the lot is 50 feet away from the 215 Beltway and the site is higher also any noise generated by the 215 Beltway will be mitigated by an existing sound wall. The increase in retaining wall heights along Maule Avenue and Valley View Boulevard is requested due to topography and drainage needs.

Prior Land Use Requests

Application Number	Request	Action	Date
VS-1312-05	Vacation and abandonment of easements - recorded	Approved by PC	October 2005
ZC-1026-05	Zone change from R-E to R-E (RNP-I) zoning for 3,800 parcels	Approved by BCC	October 2005

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North*	Business Employment	IL (AE-60)	Public utility structure & commercial complex
South & West	Ranch Estate Neighborhood (up to 2 du/ac)	RS20 (NPO-RNP) (AE-60)	Single-family residences
East	Ranch Estate Neighborhood (up to 2 du/ac)	RS20 (NPO-RNP) (AE-60)	Undeveloped

* The CC 215 Beltway is directly north of the subject site

Related Applications

Application Number	Request
VS-26-0278	A vacation and abandonment of a portion of right-of-way and easements is a companion item on this agenda.
TM-26-500075	A tentative map for a 6 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 purpose of street landscaping is to provide shade for street and sidewalk infrastructure and to reduce wind, dust, pollution, glare, and heat-island impacts. Valley View Boulevard is elevated above the subject site as it approaches the freeway overpass to the north. As a result, there is a significant slope behind the attached sidewalk which is a part of the right-of-way. Since this is a new development, the proposed subdivision can be redesigned to accommodate the street landscaping along the east property line and outside of the right-of-way. The proposed street landscaping would be positioned at approximately the same elevation as the Valley View Boulevard overpass, ensuring it is not recessed below the roadway. Landscaping along the east property line would provide meaningful mitigation by reducing heat island effects and helping to minimize wind and dust impacts. Staff does not support eliminating the street landscaping along Valley View Boulevard.

Waiver of Development Standards #2

The intent of buffering and screening adjacent to a freeway corridor is to mitigate noise, air quality impacts, and other externalities generated by high-volume vehicular traffic, thereby ensuring the livability and compatibility of adjoining properties. In this case, the 215 Beltway is situated below the grade of the adjacent Lot 6, and an existing freeway noise wall is located approximately 50 feet north of the lot. The applicant is not providing the required 15 foot wide landscape buffer; however, a 6 foot block wall is proposed along the north property line of Lot 6; therefore, increasing the wall height to 8 feet could be accommodated. Staff finds that appropriate buffering and screening remain necessary to reduce noise and other adverse impacts on the residential uses adjacent to the 215 Beltway. Based on these considerations and the absence of the required landscape buffer, staff cannot support the request.

Waivers of Development Standards #3a & #4

The purpose of reviewing increased retaining wall height and fill is to assure that there are no negative impacts of these improvements on the surrounding properties. Staff finds that the requested fill along an existing retaining wall along the west side of the site is the result of necessary modifications to the site due to the drainage needs of the proposed subdivision. Portions of the subject site are lower than the property to the west, therefore, any impacts on the existing neighborhood should be minimal. The standards for the NPO-RNP state that waivers for increased retaining wall height are strongly discouraged. However, in the case of the retaining wall along Valley View Boulevard, a portion of the Valley View right-of-way is 35 to 70 feet wide, and creates a physical barrier between the subdivision and the actual roadway; thus, any impacts along Valley View Boulevard would be minimal. Therefore, staff can support these requests.

Waiver of Development Standards #3b

As mentioned above, standards for the NPO-RNP state that waivers for increased retaining wall height are strongly discouraged. The retaining wall along Maule Avenue will be higher than the street. This wall could be tiered so that the retaining wall height standards are met. Therefore, 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 other 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 elevation plans provided indicate that the development will consist of 1 and 2 story homes which is consistent with the existing single-family developments surrounding the site, which include both 1 and 2 story homes. 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. One model also includes side loading garages. The design supports Master Plan Policies 1.4.4, 1.5.2, and policies for the Enterprise area, including EN-1.1 and EN-1.2, which encourage compatible infill development within Ranch Estate Neighborhoods. Therefore, staff can support the design review.

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 within the AE 60 (60 - 65 DNL) noise contour for 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 Harry Reid International facilities to meet future air traffic demand.

Staff Recommendation

Approval of waivers of development standards #3a, #4, and the design review; denial of waivers of development standards #1, # 2, and #3b.

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 trees waived.
- 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;
- 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.

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 must record a stand-alone noise disclosure form against the land, and provide a copy of the recorded document to the Department of Aviation Noise Office at landuse@lasairport.com;
- Applicant must provide a copy of the recorded noise disclosure form to future buyers/renters, separate from other escrow documents, and provide a copy of the document to the Department of Aviation Noise Office at landuse@lasairport.com;
- Applicant must provide a map to future buyers/renters, as part of the noise disclosure notice, that highlights the project location and associated flight tracks, provided by the Department of Aviation Noise Office when property sales/leases commence;
- Incorporate an exterior to interior noise level reduction of 30 decibels into the building construction for the habitable space that exceeds 35 feet in height or 25 decibels into the building construction for the habitable space that is less than 35 feet in height.
- 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; and 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 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

- Ensure turnaround is minimum 70 feet end to end
- Applicant is advised that fire protection may be required for this facility and to contact Fire Prevention for further information at (702) 455-7316.

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 #0319-2026 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - approval of waivers of development standards #2, #3, and #4; denial of waiver of development standards #1 and the design review (any combination of retaining wall and decorative wall over 9 feet along a public right-of-way to be terraced, landscaped, or rockscaped).

APPROVALS:

PROTESTS:

APPLICANT: DHI ENGINEERING

CONTACT: DHI ENGINEERING, 1081 WHITNEY RANCH DRIVE, HENDERSON, NV 89014