

10/04/23 BCC AGENDA SHEET

SINGLE FAMILY RESIDENTIAL
(TITLE 30)

HINSON ST/MAULE AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-23-0534-DBAC, LLC:

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** eliminate sidewalks and allow reduced street landscaping; **2)** allow access to a collector street; and **3)** full off-site improvements.

DESIGN REVIEWS for the following: **1)** single family residential subdivision; and **2)** finished grade on 1.9 acres in an R-E (Rural Estates Residential) (RNP-I) Zone.

Generally located on the southeast corner of Hinson Street and Maule Avenue within Enterprise. MN/mh/syp (For possible action)

RELATED INFORMATION:

APN:

177-06-703-001

WAIVERS OF DEVELOPMENT STANDARDS:

1. a. Eliminate the detached sidewalks and allow alternative landscaping along Hinson Street where a minimum 15 foot wide landscape area and a detached sidewalk is required per Figure 30.64-17.
- b. Eliminate the detached sidewalks and landscaping along Maule Avenue where a minimum 15 foot wide landscape area and a detached sidewalk is required per Figure 30.64-17.
2. Allow 2 proposed single family residential lots to have access to a collector street (Maule Avenue) where not permitted per Section 30.56.080.
3. Waive full off-site improvements (partial paving, curb, gutter, sidewalk, and streetlights) along Maule Avenue where required per Section 30.52.040.

DESIGN REVIEWS:

1. Single family residential subdivision.
2. Increase finished grade to 42 inches where a maximum of 36 inches is the standard per Section 30.32.040 (a 17% increase).

LAND USE PLAN:

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

BACKGROUND:

Project Description

General Summary

- Site Address: 4147 W. Maule Avenue
- Site Acreage: 1.9
- Number of Lots/Units: 3
- Density (du/ac): 1.51
- Minimum/Maximum Gross Lot Size (square feet): 22,930/42,080
- Minimum/Maximum Net Lot Size (square feet): 22,139/42,080
- Project Type: Single family residential subdivision

Site Plan

The plan depicts a 3 lot residential subdivision, with Lot 3 having frontage along Hinson Street to the west and Lots 1 and 2 having frontage along Maule Avenue to the north. The lots range in size from 22,139 square feet to 42,080 square feet. Maule Avenue is a collector street, and a waiver of development standards is required to allow access to this street. Additionally, Maule Avenue will be constructed to non-urban street standards with 32 feet of pavement instead of the full pavement, and without curb, gutter, sidewalk, and streetlights normally required for a collector street. The plan also shows a finished grade of 42 inches on Lot 2 of the proposed subdivision, where Code permits up to 36 inches. The single family residences are proposed to be custom homes; therefore, there are no elevations or floor plans submitted with this request.

Landscaping

The plan depicts a 6 foot wall that has been set back 6 feet for the street landscaping on the west side of Lot 2 along Hinson Street. The landscaping consists of 5, 24 inch box trees that are 20 feet apart, and shrubs located between the trees and on the northwest corner of Lot 2. There is no proposed landscaping along Maule Avenue or to the west of Lot 3 along Hinson Street. The proposed retaining walls meet the requirements of Code.

Applicant's Justification

The applicant indicates that the reduced landscaping will maintain the existing rural character of the area, while the front yards will comply with the landscaping standards listed in Table 30.64-1. Rural street standards without detached sidewalks are consistent with the surrounding area and what has previously been approved. The applicant also states that access to a collector street is necessary since it is infeasible for the site to be designed around a cul-de-sac. Accessing Lots 1 and 2 from Maule Avenue will also provide better drainage for both lots, and the request will not have an adverse effect on traffic or public safety. Lastly, the applicant notes that waiving off-site improvements will maintain the rural character of the neighborhood and match existing developments.

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-1026-05	Reclassified 3,800 parcels of land from R-E to R-E (RNP-I) zoning	Approved by BCC	October 2005

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North, South, East, & West	Ranch Estate Neighborhood	R-E (RNP-I)	Single family residential

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis**Comprehensive Planning**Waivers of Development Standards

According to Title 30, the applicant shall have the burden of proof to establish that the proposed request is appropriate for its existing location by showing that the uses of the area adjacent to the property included in the waiver of development standards request will not be affected in a substantially adverse manner. The intent and purpose of a waiver of development standards is to modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative.

Waiver of Development Standards #1

Code requires detached sidewalks with a landscape buffer to be provided along streets in residential areas to ensure safety and aesthetic standards in neighborhoods. The proposed landscaping along Hinson Street is consistent with existing landscape areas on abutting properties in this area and provides a harmonious streetscape. However, the request to eliminate required landscaping and detached sidewalks along Maule Avenue is inconsistent with the surrounding development in the area as other properties along Maule Avenue to the east feature landscaping. Staff finds that the elimination of detached sidewalks and street landscaping along Maule Avenue will have adverse impacts on the proposed subdivision and the adjacent properties. Therefore, staff cannot support this request.

Waiver of Development Standards #2 & Design Review #1

Staff has concerns with the development of a walled subdivision that does not provide aesthetic improvements along the collector street frontage, especially when the sole access to 2 of the lots will be from a collector street. The access from a collector street is inconsistent with the surrounding neighborhood, which features cul-de-sacs and properties with access from local streets. Staff finds that as the surrounding area develops, traffic will increase, possibly requiring Maule Avenue to be developed to its full width. With an increased volume of traffic, safety issues may arise with vehicles entering and exiting the residential lots. Staff finds that the requested waiver of development standards and design review may create public safety and traffic issues, and that the proposed request is a self-imposed hardship due to the overall configuration of the subdivision. Therefore, staff is unable to support these requests.

Public Works - Development ReviewWaiver of Development Standards #3

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.

Design Review #2

This design review represents the maximum grade difference within the boundary of this application. This information is based on preliminary data to set the worst case scenario. Staff will continue to evaluate the site through the technical studies required for this application. Approval of this application will not prevent staff from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approval. However, since staff cannot support this application in its entirety, staff cannot support this design review.

Department of Aviation

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 final zoning inspection.
- Applicant is advised that access to Maule Avenue shall include a circular driveway design or on-site turnarounds to preclude the backing of vehicles onto the street; the County has adopted a rewrite to Title 30 effective January 1, 2024, and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; 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; and that this application must commence within 2 years of approval date or it will expire.

Public Works - Development Review

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Execute a Restrictive Covenant Agreement (deed restrictions).

- Applicant is advised that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

Department of Aviation

- Applicant is advised 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.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Enterprise - approval (provide 15 feet of landscaping along Hinson Street and Maule Avenue).

APPROVALS:

PROTESTS:

APPLICANT: DBAC, LLC

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