

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-24-0767-ABC HAVEN WEST INC:**

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** allow alternative yards; **2)** reduce street landscaping; **3)** increase wall height; and **4)** modify residential adjacency standards.

**DESIGN REVIEW** for a single-family detached residential development on 10.16 acres in an RS3.3 (Residential Single-Family 3.3) Zone.

Generally located on the west and east sides of Haven Street, 280 feet north of Windmill Lane within Enterprise. MN/rg/kh (For possible action)

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RELATED INFORMATION:

**APN:**

177-09-401-009; 177-09-401-012; 177-09-401-017; 177-09-402-002; 177-09-402-004 through 177-09-402-005; 177-09-403-014

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Allow alternative yards for Lots 1 through 8 where yards are established per Section 30.04.09.
2. Reduce street landscaping along Haven Street to one, 5 foot landscape strip where 2 landscape strips, 5 feet on each side of a 5 foot wide detached sidewalk, shall be provided per Section 30.04.01D (a 33.4% reduction).
3. Increase the height of retaining wall to 10 feet where a maximum of 3 feet is permitted per Section 30.04.03C (a 233% increase).
4.
  - a. Increase fill height to 8 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 167% increase).
  - b. Increase fill height to 10 feet where a maximum of 6 feet is allowed to be placed within 20 feet of a shared residential property line per Section 30.04.06F (a 67% increase).
  - c. Increase fill height to 10 feet 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 11% increase).
  - d. Allow lot sizes less than 10,000 square feet (as small as 4,261 square feet) where residential development within abutting or adjacent to a Neighborhood Protection (RNP) Overlay shall transition along RNP boundaries by providing lot sizes 10,000 square feet or greater per Section 30.04.06G.
  - e. Allow side interior setbacks of 5 feet where development shall comply with the side zoning district setbacks of the adjacent NPO-RNP lot along any shared lot lines per Section 30.04.06G.

- f. Allow rear setbacks of 15 feet where development shall comply with the rear zoning district setbacks of the adjacent NPO-RNP lot along any shared lot lines per Section 30.04.06G.

**PROPOSED LAND USE PLAN:**

ENTERPRISE - MID-INTENSITY SUBURBAN NEIGHBORHOOD (UP TO 8 DU/AC)

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 8075 Haven Avenue, 8021 Haven Avenue, 87 E. Mesa Verde Lane
- Site Acreage: 10.16
- Project Type: Single-family detached residential development
- Number of Lots: 63
- Density (du/ac): 6.20
- Minimum/Maximum Lot Size (square feet): 4,261/10,119
- Number of Stories: 2
- Building Height (feet): 26 to 29
- Square Feet: 3,000 to 3,335

Site Plan

The plans depict a single-family residential development consisting of 63 lots on 10.16 acres with a density of 6.20 dwelling units per acre. The minimum and maximum lot sizes are 4,261 square feet and 10,119 square feet, respectively. The development is divided in 2 parts, the west and east sides of Haven Street. The western portion depicts 48 lots and the eastern portion development depicts 15 lots. The development is accessed via Haven Street and Mesa Verde Lane for the western portion of the development and from Haven Street for the eastern development. The interior street network consists of private streets measuring 43 feet in width. The north/south streets, A and D, terminate in a cul-de-sac. The east/west street, Street B, terminates at an intersection with Haven Street. Street C, an east/west street, serves as an access point for the east development from Haven Street and terminates as a stub street on the east end. Five foot wide sidewalks are located on 1 side of all internal streets. Due to the design of Lots 1 through 8 along the western property line, a waiver of development standards is requested for alternative yards to allow the southern and northern property lines to be used for the front yard. This will allow a tract home to be developed on the site while allowing the future homeowners to add fences, walls, and accessory structures without additional waivers. An existing 15 foot wide private access easement is provided along the north side of Lot 47, to allow APN 177-09-401-016 have access to Haven Street.

Landscaping

Detached sidewalks are being provided along Haven Street and Mesa Verde Lane. However, the applicant is proposing only one, 5 foot wide landscape strip between the sidewalk and the curb along the west side of Haven Street; the second 5 foot wide landscape strip behind the sidewalk is not being provided where the lots front Haven Street which is the subject of the waiver request. Mesa Verde Lane, and the east side of Haven Street where lots do not directly front, will have two, 5 foot wide landscape strips on each side for the detached sidewalk.

### Elevations

The plans depict three, 2 story model type homes that measures up 28 feet in height. The elevations on all 4 sides have a combination of stucco, concrete roof tile with variable rooflines, wall offset, foam trim, stone veneer on some elevation option, and a variety of garage door patterns.

### Floor Plans

The plans depict single-family residences with 5 bedrooms, 3 to 4.5 bathrooms and a variety of living spaces. Each home will have a 2 car garage.

### Applicant's Justification

The applicant states that the 2.5 acre portion of the proposed east development naturally slopes from Haven Street to the east for vertical differential of 5 feet. The centerline of Haven Street will need to be raised approximately 12 inches to adequately slope back to Haven Street by creating the necessary fill exceeding the minimum fill requirement of the 3, 6 and 9 feet within the 5, 20 and 50 feet of the eastern, northeastern and southeastern property lines, respectively. The additional fill is not being requested to artificially raise the site for views; instead, the fill is required for the development on the east portion of the development. The applicant requests to allow for minimum lot sizes less than 10,000 feet located along the east and north property lines of the east development. In addition, the applicant is requesting to waive the side and rear setbacks for those lots adjacent to the RNP which will not have an impact to the adjacent properties. The request for a waiver for alternative orientation is necessary for Lots 1 through 8 to be "side loaded" as shown on the site plan. Each home will maintain all setback requirements per RS3.3 standards. A reduction of the street landscaping is being requested along Haven Street, where a 5 foot detached sidewalk is being proposed with a 5 foot wide landscape strip located between the sidewalk and curb only. Proposed Lots 28 through 48 are fronting and accessed directly from Haven Street. According to the applicant the 5 foot wide landscape strip behind the sidewalk will not be necessary as the area will be occupied by the front yard of these lots and the front yard landscaping will be installed by the developer.

### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ET-19-400049 (VS-0062-17)	First extension of time for the vacation and abandonment of patent easements and portions of right-of-way being Santoli Avenue and Giles Street - expired	Approved by BCC	June 2019
VS-0062-17	Vacation and abandonment for patent easements and portions of right-of-way being Santoli Avenue and Giles Street - expired	Approved by BCC	April 2017
WS-0053-10	Waiver of development standards to allow no off-site improvements on Eldorado Street, from Rancho Destino Road to Placid Street; Haven Street from Eldorado Street to Mesa Verde Lane, and Mesa Verde Lane from Haven Street to Las Vegas Boulevard	Approved by BCC	March 2010
VS-0318-08	Vacation and abandonment for a portion of right-of-way being Geonry Avenue - expired	Approved by PC	July 2008

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ZC-0970-07	Reclassified APN 177-09-401-017 and adjacent parcels to the south from R-E to C-P zoning for office buildings	Approved by BCC	March 2008
VS-1632-05	Vacation and abandonment for patent easements and a portion of right-of-way being Geonry Avenue - expired	Approved by PC	January 2006
ZC-1026-05	Established the RNP-I overlay in Enterprise including APN 177-09-403-014	Approved by BCC	October 2005

**Surrounding Land Use (Parcels West of Haven Street)**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North	Neighborhood Commercial	RS20	Single-family residential development
South	Neighborhood Commercial & Corridor Mixed-Use	RS20 & CP	Single-family residential development
East	Ranch Estate Neighborhood (up to 2 du/ac) & Neighborhood Commercial	RS20 (NPO-RNP) & CP	Single-family residential development & undeveloped
West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac) & Corridor Mixed-Use	RS20 & CR	Single-family residential development & undeveloped

**Surrounding Land Use (Parcel East of Haven Street – APN 177-09-403-014)**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North	Ranch Estate Neighborhood (up to 2 du/ac)	RS20 (NPO-RNP)	Single-family residential development
South	Neighborhood Commercial	CP	Undeveloped
East	Ranch Estate Neighborhood (up to 2 du/ac)	RS20 (NPO-RNP)	Single-family residential development
West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS20	Undeveloped

**Related Applications**

<b>Application Number</b>	<b>Request</b>
PA-24-700042	A plan amendment to redesignate APN 177-09-401-017 from Neighborhood Commercial (NC) to Mid-Intensity Suburban Neighborhood (MN) and APN 177-09-403-014 from Ranch Estate Neighborhood (RN) to Mid-Intensity Suburban Neighborhood (MN) is a companion item on this agenda.
ZC-24-0765	A zone change from RS20 and CP to RS3.3, and to eliminate the NPO-RNP Overlay, is a companion item on this agenda.
TM-24-500166	A 63 lot single-family residential subdivision map is a companion item on this agenda.

## Related Applications

Application Number	Request
VS-24-0766	A vacation and abandonment for easements and a portions of rights-of-way being Santoli Avenue and Haven Street 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 allowing 8 lots to have alternative yard orientation should not create any impacts on the proposed subdivision or the surrounding area. Alternative orientations are used throughout the County in subdivisions with atypical lots.

##### Waiver of Development Standards #2

Street landscaping is necessary to reduce the urban heat island effect and to buffer uses from streets. Reducing the width of the required street landscaping is a self-imposed hardship that can be rectified by adding a second landscape strip behind the detached sidewalk. Therefore, staff cannot support this request.

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

The intent of limiting the amount of fill and height of retaining walls is to minimize and mitigate the impact of an increased grade on the adjacent property owners. The applicant indicates on APN 177-09-403-014, the fill height is necessary due to the vertical differential being higher from Haven Street and sloping lower towards the east property line. The parcel is surrounded on 2 sides by an existing adjacent RNP neighborhood to the north and east boundaries. Staff recognizes there may be design constraints for the project site however, increasing the fill height and retaining wall height along the shared residential property lines to the east and north may potentially impact the existing single-family residences and character of the RNP area. Title 30 allows an increase in retaining wall height when tiered, however, the applicant is requesting to use tiered wall heights along the north and east boundaries of 5.3 feet where a maximum of 3 feet is allowed; total tiered retaining wall height ranges from 8.6 feet to 11.8 feet and the retaining walls will be topped with a 6 foot high wall. Additionally, the applicant is requesting a 10 foot high retaining wall along the southern boundary. This request is a self-imposed hardship that can be rectified with a reduction of lots and a wall redesign.

The applicant is also requesting to waive residential adjacency requirements associated with property that is abutting or adjacent to parcels within the NPO-RNP. This includes the requirement to provide 10,000 square foot or greater lots to transition to the RNP boundaries, and compliance with the minimum interior side yard and rear yard setback requirements of the adjacent RS20 zoned properties. The NPO-RNP area is located to the east side of Haven Street, and on the north and east sides of the eastern portion of the subdivision. Lots 54 through 63 adjacent to the NPO-RNP measure between 4,261 square feet to 5,400 square feet and Lots 28 through 41 abutting the RNP measure between 4,705 and 5,250 square feet. The lot sizes adjacent to the RNP also do not allow for compliance with the RNP setbacks. The intent of the residential adjacency standards is to promote compatible transitions from the RNP area. For these reasons, 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 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 development is divided into 2 parts by Haven Street. The layout and internal street of the proposed subdivision is functional. In accordance with Section 30.04.09, driveways constructed across common property lines shall require the creation of easements or agreements for common ingress/egress with the adjacent property. The architectural features provided on all 4 sides of the homes meet the minimum design standards required per Code. Therefore, staff could recommend approval of the design review, however since staff is not supporting the waivers of development standards for retaining wall height and residential adjacency, staff cannot support this request.

#### **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**

Approval of waiver of development standards #1; denial of waiver of development standards #2 through #4 and the design review. This item has been forwarded to the Board of County Commissioners for final action.

If this request is adopted, 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.

**PLANNING COMMISSION ACTION:** February 18, 2025 – APPROVED – Vote: Aye: Frasier, Gibson, Mujica, Roitman, Stone, Kirk Nay: Kilarski

**Comprehensive Planning**

- Driveway constructed across common property line may require the creation of easements or agreements for common ingress/egress with the adjacent property APN 177-09-401-016 to allow access to Haven Street;
- 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 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 25 feet to the back of curb for Mesa Verde Lane, 25 feet to the back of curb for Haven Street, and associated spandrels;
- The installation of detached sidewalks will require dedication to back of curb, 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 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](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**

- Applicant is advised that fire/emergency access must comply with the Fire Code as amended; and to show fire hydrant locations on-site and within 750 feet.

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

- Applicant is advised that there are active septic permits on APN 177-09-401-009 and APN 177-09-401-017; 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](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0357-

2024 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

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

**APPROVALS:**

**PROTESTS:** 6 cards

**APPLICANT:** LENNAR

**CONTACT:** ACTUS, 3283 E. WARM SPRINGS ROAD, SUITE 300, LAS VEGAS, NV 89120