

03/18/26 BCC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-26-0033-COUNTY OF CLARK (AVIATION):**

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** reduce setbacks; **2)** eliminate street landscaping; and **3)** waive full off-site improvements.

**DESIGN REVIEW** for a proposed single-family residential development on 3.89 acres in an RS20 (Residential Single-Family 20) Zone within the Neighborhood Protection (RNP) Overlay.

Generally located south of Warm Springs Road and west of Arville Street within Enterprise. MN/dd/cv (For possible action)

---

RELATED INFORMATION:

**APN:**

177-07-104-003

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Reduce the front setback to 10 feet where 40 feet is the minimum setback per Section 30.02.04B (a 75% reduction).
2. Eliminate a portion of street landscaping along Arville Street where a minimum 10 foot wide landscaping strip is required per Section 30.04.01D.
3. Waive full off-site improvements (curb, gutter, sidewalks, streetlights, and partial paving) along Arville Street and Mardon Avenue where required per Section 30.04.08C.

**LAND USE PLAN:**

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

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: N/A
- Site Acreage: 3.89
- Project Type: Single-family residential
- Number of Lots/Units: 7
- Density (du/ac): 1.80
- Minimum/Maximum Lot Size (square feet): 20,019/39,090 (gross)/19,307/36,309 (net)
- Number of Stories: 1 & 2 (proposed single-family residences)/1 (proposed detached RV garage)
- Building Height (feet): 20.5 to 30.5 (proposed single-story residence)/30.5 (proposed 2 story residence)/21 (proposed detached RV garage)

- Square Feet: 3,488 to 4,266 (proposed single-story residence)/4,807 to 4,938 (proposed 2-story residence)/1,000 (proposed detached RV garage)/247 to 253 (proposed attached accessory living quarters)

### Site Plan

The plans depict a proposed 7 lot single-family detached residential development located south of Warm Springs Road, west of Arville Street, and north of Mardon Avenue (alignment). The plans show the overall site is 3.89 acres with a density of 1.80 dwelling units per acre. Lots 1 and 2 have direct access from Mardon Avenue to the south. Lots 4, 5, and 7 have direct access from Arville Street to the east. Lots 6 and 7 are flag lots, located immediately west of Lots 4 and 5, and have direct access from Arville Street. The homes on Lots 1, 2, 4, 5, & 7 will have a minimum front setback of 10 feet, thus necessitating a waiver of development standards. No off-site improvements are proposed along Arville Street or along Mardon Avenue, with both streets require waivers of development standards.

### Landscaping

A 10 foot wide landscape strip is provided along Warm Springs Road, with the detached sidewalks and additional street landscaping to be provided as part of a capital improvement project. There are also 10 foot wide landscaping strips along Mardon Avenue to the south and along the east property lines of Lots 4, 5, and 7 adjacent to Arville Street. A 10 foot wide landscape area along the east property line of Lot 2 (the side yard) will be implemented behind a proposed CMU wall which necessitates a waiver of development standards. All of the street landscaping on site, including the landscaping located behind the proposed CMU wall, is comprised of large trees spaced 30 feet on center with a mix of shrubs and groundcover.

### Elevations

The elevation plans depict the 1 story homes are offered in 3 different models and 3 different finishes, while the 2 story homes being offered in 2 different models and 3 different finishes, for a total of 15 potential designs. The 1 story and 2 story models are both a maximum height of 30.5 feet, and the detached garage is a maximum height of 21 feet. All potential designs feature offset front facades and roof masses, including hip and flat parapet walls. Decorative features of each design also feature scored stucco lines, window perimeter stucco wraps, and stone veneer on multiple front facades. All side and rear elevations of each model will consist of stucco siding with enhanced window fenestration.

### Floor Plans

The 1 story homes range in size from 3,488 to 4,266 square feet, while the 2 story homes range in size from 4,807 to 4,938 square feet. Each of the proposed designs for the 1 story and 2 story homes feature multiple bedrooms, bathrooms, a custom kitchen, and several other amenities. All plans also include a 3 car garage in addition to an optional detached recreational vehicle (RV) parking.

### Applicant's Justification

The applicant states that the setback reduction in front setbacks is consistent with other developments in the area. The applicant also states the site is in the rural neighborhood preservation, and that they are waiving the off-site improvements on Arville Street and Mardon

Avenue to remain consistent with the surrounding area. Finally, the applicant states that only a small portion of the street landscaping is located behind the wall along Arville Street, and that the wall exists to provide privacy for the future homeowner's side yard.

**Surrounding Land Use**

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

The subject site is within the Public Facilities Needs Assessment (PFNA) area.

**Related Applications**

<b>Application Number</b>	<b>Request</b>
TM-26-500005	A tentative map for a 7 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 reduction of front setbacks is due to the footprint of the homes being too large for the proposed lots. A reduction in square footage or the selection of a different model of home would eliminate the need for a waiver. Additionally, the proposed reduction of the front setback does not comply with the Neighborhood Protection Overlay per Chapter 30.02.26F, which states that setbacks for primary structures within NPO-RNP overlay shall be maintained in accordance with the applicable district standards. Front setbacks play a pivotal role in maintaining the aesthetic quality of a neighborhood as well as improving the character of the surrounding area. For these reasons, staff cannot support this request.

### Waiver of Development Standards #2

Staff finds that the landscaping placed behind the wall along Arville Street is not a significant amount, and should not have a negative impact on the rest of the development or the surrounding neighborhood. However, staff also recognizes this as a self-imposed hardship, as the wall could have been relocated to create space for the required street landscaping strip while still maintaining the desired privacy for the future homeowner. For this reason, 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 plans demonstrate that the density and layout of the proposed subdivision is consistent with other subdivisions in the surrounding area. Additionally, the homes are being developed with 4-sided architecture. However, staff is concerned with the elimination of street landscaping along Arville Street and the front setback reduction; this is a new development, and the front setback requirements could have been met if the applicants reduced the homes in square footage or the selection of a different model of home as stated above. Furthermore, landscaping plays a pivotal role in reducing the urban heat island effect and greatly improves the aesthetic quality of a site. For these reasons, staff cannot support this request.

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

#### Waiver of Development Standards #3

Staff cannot support the request to not install full off-site improvements on Arville Street and Mardon Avenue when there are existing full improvements northeast of the site. Arville Street is a collector street designed to handle high volumes of traffic. Off-site improvements will allow better traffic flows, while the detached sidewalk will provide a safer path for pedestrians.

### **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 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 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;
- Applicant shall enter into a cost participation agreement for future Arville Street and Mardon Avenue improvements;
- Applicant to construct circular driveways for Lots, 1, 2, 4, 5 and 7;
- 30 days to coordinate with Public Works - Construction Division and submit separate document if required, for dedication of any necessary right-of-way and easements for the Warm Springs Road improvement project;
- Said dedication must occur prior to issuance of building permits, concurrent with the recording of a subdivision map, OR within 30 calendar days from a request for dedication by the County.

### **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 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.
- 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**

- All flag lots must comply with 503.2.1.3.

#### **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 #0396-2026 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 #1 (Lots 1 and 2 only) and #3; denial of waiver of development standards #2 and the design review (only single-story homes to be built on lots adjacent to existing single-story homes; Arville Street and Mardon Avenue to be developed to non-urban/rural road standards; add a 5 foot asphalt walking path along Arville Street and Mardon Avenue).

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** PN II, INC.

**CONTACT:** KRISTIN ESPOSITO, 1555 S. RAINBOW BOULEVARD, LAS VEGAS, NV 89146