

05/17/23 BCC AGENDA SHEET

WALL HEIGHT/FINISHED GRADE  
(TITLE 30)

RICHMAR AVE/RAINBOW BLVD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-23-0153-MOSAIC SEVEN LLC:**

**WAIVER OF DEVELOPMENT STANDARDS** to increase wall height.

**DESIGN REVIEW** for finished grade in conjunction with an approved single family residential subdivision on 7.5 acres in an R-E (Rural Estates Residential) (RNP-I) Zone.

Generally located on the south side of Richmar Avenue, approximately 275 feet west of Rainbow Boulevard within Enterprise. JJ/hw/syp (For possible action)

---

RELATED INFORMATION:

**APN:**

176-22-801-017

**WAIVER OF DEVELOPMENT STANDARDS:**

Increase the height of a combination retaining/screen wall to a maximum of 12 feet (6 foot retaining wall with a 6 foot screen wall) where a maximum height of 9 feet (3 foot retaining wall with a 6 foot screen wall) is allowed per Section 30.64.050 (a 33.3% increase).

**DESIGN REVIEW:**

Increase finished grade to 94 inches (7.8 feet) where 72 inches (6 feet) was previously approved (a 30.5% increase), and a maximum of 36 inches (3 feet) is the standard per Section 30.32.040 (a 161.1% increase).

**LAND USE PLAN:**

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

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: N/A
- Site Acreage: 7.5
- Number of Lots/Units: 13 (lots)/1 (common element)
- Density (du/ac): 1.73
- Minimum/Maximum Lot Size (square feet): 20,000/22,943 (gross)/18,851/21,642 (net)
- Project Type: Increased retaining wall and finished grade (single family residential subdivision)
- Wall Height (feet): 12

### History, Plans, & Request

The site was originally approved through a design review for a 13 lot single family residential subdivision by WS-17-0204. A design review was also approved to increase the finished grade to 72 inches where 36 inches is the standard. The plans depict 13 single family residential lots and 1 common element for a privately maintained drainage easement between Lot 1 and Lot 2. With an overall area of 7.5 acres, the density for the subdivision will be 1.73 dwelling units per acre with a maximum gross lot size of 22,943 square feet and a minimum gross lot size of 20,000 square feet. The maximum net lot size is 21,642 square feet with the minimum net lot size being 18,851 square feet. The subdivision will be accessed by 2 public streets, Richmar Avenue on the north and Gary Avenue on the south, with Rosanna Street (public street) bisecting the subdivision connecting these 2 streets. Lots 1 through Lot 4, located to the northwest of Rosanna Street, will have access provided via a 40 foot wide private street (Toto Avenue) that connects to Rosanna Street on the east and terminates in a cul-de-sac on the west. The remaining 9 lots are all located to the east of Rosanna Street with 6 of the lots directly accessing Rosanna Street, 1 lot accessing Richmar Avenue, and the remaining 2 lots accessing Gary Avenue with one of the lots being a flag shaped lot with a 24 foot frontage along Gary Avenue.

The applicant is requesting to increase the finished grade of the site to a maximum of 94 inches. The applicant submitted a north to south cross section which shows the maximum grade increase will occur in the central portion of the site between Lot 8 and Lot 9. In addition, the applicant is also requesting to increase the height of several combination retaining/screen walls to a maximum of 12 feet. The provided cross sections and site plan depict combination retaining/screen walls are provided throughout the site between several of the lots. Overall, there are 5 walls that exceed the height allowance for retaining/screen walls provided in Title 30. One of these walls is located along Lot 2 and Lot 3 between the site and a neighboring developed property. This wall has a maximum retaining wall height of 3.8 feet with a 6 foot screen wall. Another such wall is located in the central portion of the site, between Rosanna Street and Lot 3, where the wall has a retaining height of 3.5 feet with a 6 foot screen wall. Two retaining/screen walls with a 5 foot retaining wall and 6 foot screen wall are between Richmar Avenue and Lot 6, and between Lot 11 and Gary Avenue. Along the eastern border of the site is a 6 foot retaining wall with a 6 foot screen located between Lots 5 and Lot 13 and the adjacent mini-storage development to the east. All screen walls are described as decorative.

### Landscaping

Landscaping is provided per the original design review for the subdivision (WS-17-0204). A 6 foot wide landscaping strip/buffer is provided along Richmar Avenue along Lots 1, Lot 2, and Lot 6, and a similar landscaping buffer is also provided along Gary Avenue along Lot 11. Another 6 foot wide landscaping buffer is provided along Rosanna Street, near the intersection with Toto Avenue, along Lot 3 and Lot 4. These landscaping buffers are provided to comply with Section 30.64.050 regarding landscaping for retaining walls along local streets. The proposed landscaping buffers contain 2 species (*Acacia stenophylla* and *Prosopis Chilensis*) of 36 inch box trees, approximately 30 feet on center. The space between the trees is taken up by a variety of 1 gallon to 5-gallon shrubs. Landscaping has been removed where it conflicts with sight visibility zones. No detached sidewalks are proposed to be provided as all streets in the subdivision are to be developed to non-urban street standards, as the design review for the

subdivision (WS-17-0204) was approved prior to the ordinance requiring detached sidewalks along local streets was adopted.

Applicant’s Justification

The applicant states that the increase in finished grade and the increased height of the combination retaining/screen walls is due to the topographical features of the site and the need to funnel water away from the large lots to the streets. In addition, the applicant states the subject requests are also required in order to allow matching edge conditions, particularly along the areas of the site with adjacent existing development. The applicant states that all walls will be decorative and that the request as proposed should not create any adverse conditions or negative impacts to the surrounding area or development.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ET-22-400043 (WS-17-0204)	Second extension of time for increased finished grade and a single family residential subdivision	Approved by BCC	May 2022
ET-20-400035 (WS-17-0204)	First extension of time for increased finished grade and a single family residential subdivision	Approved by BCC	June 2020
TM-17-500041	13 lot single family residential subdivision - expired	Approved by BCC	February 2018
VS-17-0206	Vacated and abandoned a portion of Rosanna Street - expired	Approved by BCC	February 2018
WS-17-0204	Reduced lot area, increased finished grade, with a design review for a single family residential subdivision	Approved by BCC	February 2018
ZC-1026-05	Reclassified the area from R-E to R-E (RNP-I) zoning	Approved by BCC	October 2005

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Ranch Estate Neighborhood (up to 2 du/ac)	R-E (RNP-I)	Single family residential
South	Ranch Estate Neighborhood (up to 2 du/ac)	R-E (RNP-I)	Undeveloped & Union Pacific Railroad line
East	Neighborhood Commercial	C-1	Mini-warehouse building
West	Ranch Estate Neighborhood (up to 2 du/ac)	R-E (RNP-I)	Single family residential & undeveloped

## Related Applications

Application Number	Request
TM-23-500036	A 13 lot single family residential subdivision is a companion item on this agenda.

### STANDARDS FOR APPROVAL:

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

### Analysis

#### Comprehensive Planning

##### Waiver 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.

While staff finds that there may be other potential design solutions, such as terracing, that may reduce the required modifications being requested, staff finds that sufficient buffering has been provided along most of the proposed walls. In particular, those walls that border streets are provided with a 6 foot landscape buffer. In addition, the largest increase in wall height is found along the eastern boundary of the site where the wall is screened by another wall on the neighboring property and is buffered from the developed portion of the adjacent site by a drainage area. While no buffering is provided between the retaining/screen wall and the neighboring single family development to the south in the western portion of the site, staff finds that the increase being requested with this wall is minimal and additional buffering would provide little additional benefit. For these reasons, staff can support the requested waiver of development standards.

### Public Works - Development Review

#### Design Review

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.

### Staff Recommendation

Approval.

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**

- Screen walls shall be decorative, and landscaping shall be provided adjacent to retaining/screen walls per plans;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the County is currently rewriting Title 30 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 4 years of approval date or it will expire.

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

- Comply with approved drainage study PW19-17512;
- 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;
- Right-of-way dedication to include 30 feet for Richmar Avenue, 30 feet to 60 feet for Rosanna Street, 30 feet for Gary Avenue and associated spandrels.
- 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.

### **Fire Prevention Bureau**

- No comment.

### **Clark County Water Reclamation District (CCWRD)**

- No comment.

**TAB/CAC:** Enterprise - approval (terrace and landscape any combination of retaining and decorative wall over 9 feet adjacent to public right-of-way; Lot 3 southern boundary retaining and decorative wall not to exceed 9 feet).

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** VINCENT SCHETTLER

**CONTACT:** AMBER DOLCE, RCI ENGINEERING, 500 S. RANCHO DRIVE, SUITE 17,  
LAS VEGAS, NV 89106