

10/04/23 BCC AGENDA SHEET

FINISHED GRADE/RETAINING WALL  
(TITLE 30)

TEE PEE LN/BIG PARK AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-23-0532-AMH NV 15 DEVELOPMENT, LLC:**

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

**DESIGN REVIEW** for finished grade in conjunction with a previously approved single family residential development on 5.0 acres in an R-2 (Medium Density Residential) Zone.

Generally located on the southeast corner of Big Park Avenue and Tee Pee Lane within Enterprise. JJ/jud/syp (For possible action)

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RELATED INFORMATION:

**APN:**

176-19-701-013; 176-19-801-003

**WAIVER OF DEVELOPMENT STANDARDS:**

Increase the combined retaining and screening wall to 13 feet (7 foot retaining and 6 foot screening) where 9 feet (3 foot retaining and 6 foot screening) is the maximum per Section 30.64.050 (a 45% increase).

**DESIGN REVIEW:**

Increase finished grade to 7 feet 6 inches where 4 feet 2 inches was previously approved (an 80% increase) and a maximum of 3 feet is the standard per Section 30.32.040.

**LAND USE PLAN:**

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

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: N/A
- Site Acreage: 5
- Number of Lots/Units: 39
- Project Type: Increase finished grade and retaining wall height.

History, Site Plan, & Request

The previously approved development consists of a 39 lot detached single family development on 5 acres. The original submittal was approved with a design review to increase the fill for the

site up to 50 inches (4.2 feet) where 36 inches (3 feet) was allowed. Presently, there is an approved Technical Drainage Study (TDS) (PW22-16692) for the site. However, during the approval of the TDS, the grading of the site had to be changed to comply with an approved overall drainage study that altered the historical path of the water which cut through the southeast corner of the site. Along with this change the Clark County Water Reclamation District (CCWRD) changed the sewer point of connection to a sewer line that is not as deep as was originally planned for during the entitlements, thus requiring the north half of the site to be raised to meet this new criterion.

This application includes a request to further increase the finished grade from the previously approved land use entitlements (ZC-22-0052). The increase in finished grade is 7 feet 6 inches. Additionally, the applicant is requesting an increase in retaining wall height to 7 feet of retaining. The overall height of the wall is 13 feet, 6 feet of screen wall over 7 feet if the retaining wall along the north side of the development. From the interior of the project site, the overall wall height on the north will be 6 feet after the increase finished grade. The proposed wall is decorative with a combination of rough and smooth brown colored block.

#### Applicant's Justification

The applicant states the overall site from west to east has about 7 feet of elevation change and about 8 feet of elevation change from north to south. Adding to this requirement from Clark County Public Works (CCPW), CCWRD required the site to connect to a different sewer line that is closer to the site but also shallower. Therefore, requiring the increased fill and retaining wall height along the north side of the development to meet acceptable sewer minimums acceptable by CCWRD. The original design for the site would have worked with the original request for the increased fill and retaining wall height; however, based on the new sewer requirements from CCWRD and drainage requirements from CCPW, the overall design requirements for this parcel changed. Hence, the request to increase the fill to 90 inches (7.5 feet) and the increase in retaining wall height for the site.

#### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ZC-22-0052	Reclassified 5 acres from R-E to R-2 zoning for a single family development	Approved by BCC	April 2022
VS-22-0053	Vacated and abandoned government patent easements	Approved by BCC	April 2022
TM-22-500023	Single family residential subdivision	Approved by BCC	April 2022

#### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North & West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-E	Undeveloped

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
South & East	Open Lands	R-E	Undeveloped

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

**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.

Staff finds the request for the retaining wall height increase to be agreeable given the fact that a large portion of the 13 foot wall will not be visible from the subject site, the proposed increase is only along the north side of the property boundary, and its aesthetics are similar to others in the surrounding area. The property to the north of the site is undeveloped; since there is no street running along the north of the site, there will not be any canyon effect created by the proposed wall height. Additionally, the increase in the wall height is necessary due to a technical drainage and sewer study per CCWRD; therefore, staff can support this request.

**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**

- Applicant is advised that 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**

- Comply with approved drainage study PW22-16692;
- 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.
- 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.

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

- No comment.

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

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** AMH DEVELOPMENT, LLC

**CONTACT:** THE WLB GROUP, 3663 E. SUNSET ROAD, SUITE 204, LAS VEGAS, NV 89120