

11/20/24 BCC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-24-0527-COUNTY OF CLARK (AVIATION):

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce setbacks; **2)** increase wall height; **3)** increase fill height; **4)** eliminate off-site improvements (curb, gutter, sidewalks, and streetlights); and **5)** reduce the street intersection off-set.

DESIGN REVIEW for single-family detached residences on 4.92 acres in an RS20 (Residential Single-Family 20) Zone within the Neighborhood Protection (RNP) Overlay.

Generally located on the northwest corner of Valadez Street and Shelbourne Avenue within Enterprise. JJ/jud/kh (For possible action)

RELATED INFORMATION:

APN:

176-16-501-012

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce the front setback for 10 proposed single-family residences (Lots 1 through 10) to 20 feet where 40 feet is required per Section 30.02.04B (a 50% reduction).
2. Increase retaining wall height to 11 feet where 3 feet is the maximum height allowed per Section 30.04.03C (a 266.7% increase).
3.
 - a. Increase the fill height to 11.5 feet on the east property boundary where a 3 foot maximum is allowed to be placed within 5 feet from the shared residential property line per Section 30.04.06F (a 283.4% increase).
 - b. Increase the fill height to 10 feet on the east property boundary line where a 6 foot maximum is allowed to be placed between 5 feet and 20 feet from the shared residential property line per Section 30.04.06F (a 66.7% increase).
 - c. Increase fill height to 10 feet on the east property boundary where a 9 foot maximum is allowed to be placed between 20 feet and 50 feet from the shared residential property line per Section 30.04.06F (a 11.2% increase).
4. Eliminate full off-site improvements (curb, gutter, sidewalks, and streetlights) where full off-site improvements are required per Section 30.04.08C.
5. Reduce street intersection off-set to 96 feet where a minimum of 125 feet is required per Section 30.04.08F (a 23.2% reduction).

LAND USE PLAN:

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

BACKGROUND:

Project Description

General Summary

- Site Acreage: 4.92
- Project Type: Single family residential
- Number of Lots: 10
- Density (du/ac): 2.03
- Minimum/Maximum Gross Lot Size (square feet): 20,285/23,564
- Minimum/Maximum Net Lot Size (square feet): 18,002/19,027
- Number of Stories: 1
- Building Height (feet): 23
- Square Feet: 3,658 to 4,731

Site Plans

The plans depict a proposed single-family residential development consisting of 10 lots on 4.92 acres with a density of 2.03 dwelling units per acre. All proposed lots within the subdivision will be served by a 37 foot wide private street with 24 inch "L" curb and gutter. Access to the subdivision is granted via Valadez Street, terminating in a cul-de-sac. The front setback is shown at 20 feet from the property line of all 10 lots, necessitating a waiver of development standards to reduce the front setback. A waiver of development standards is requested to increase a retaining wall height to a maximum of 11 feet along the central and south portions of the east portion of the site adjacent to a 5 foot public drainage easement and existing residences.

This application also includes a waiver of development standards to allow an excess fill of 7.5 feet on the north, 11.5 feet on the east, 5.5 feet on the south, and 4 feet on the west property boundaries where a 3 foot maximum is allowed 5 feet from the shared property line. The excess fill is needed for Lots 2, 3, 6, and 10. Additionally, a waiver of development standards to allow for an excess fill of 7.5 feet on the north and 10 feet on the east property boundary line where a 6 foot maximum is allowed between 5 feet and 20 feet from the shared property line. The excess fill is needed for Lots 6 and 10. Lastly, a waiver of development standards to allow for an excess fill of 10 feet on the east property boundary where a 9 foot maximum is allowed between 20 feet and 50 feet from the shared property line needed for Lot 10.

Landscaping

A 10 foot wide street landscape area is proposed along Valadez Street. The proposed landscaping consists of 8 large evergreen trees, Shoestring Acacia and Indian Rosewood, and the required shrubs and groundcover.

Elevations

The plans depict 10, single story models up to 23 feet high. Each model will have variable rooflines, window trims, stone veneer, covered entry, covered patios, and stucco. The models present contemporary, modern farmhouse, mid-century, modern and prairie designs and finishes.

Floor Plans

The models range in size from 3,658 square feet to 4,731 square feet with options that include multiple bedrooms and 2 to 4 car garages.

Applicant's Justification

The applicant indicates that the proposed single-family residential development is consistent in lot size and density with the surrounding properties. Also, the front setback reduction would ensure consistency with the surrounding area, which features setbacks of 20 feet from the back-of-curb, which aligns with the established standards of the neighborhood. The neighborhood to the south is constructed with residences setback 13 feet to 26 feet from back-of-curb. The increase fill height and retaining walls are required to meet the drainage criteria. The surrounding area features setbacks of 20 feet from the back-of-curb, which aligns with the established standards of the neighborhood. The neighborhood to the south is constructed with residences set back 13 feet to 26 feet from back-of-curb. This standard ensures consistency and maintains the aesthetic integrity of the area, which we believe contributes positively to the community without causing any adverse effects.

Furthermore, the applicant states that the waiver for full off-site improvements is to maintain the character of the neighborhood and match the existing development, we are proposing no curb, gutter, sidewalks, or streetlights. The request to waive street intersection standards is needed since the proposed development is situated in a region where most of the construction has already been completed, and it serves as the sole entrance to the residential subdivision. The site is in an area with low traffic flow, the applicant does not anticipate any negative impact to the area.

Prior Land Use Requests

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

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS3.3	Single family residential
South, East, & West	Ranch Estate Neighborhood (up to 2 du/ac)	RS20 (NPO-RNP)	Single family residential

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

Related Applications

Application Number	Request
TM-24-500114	A tentative map for a 10 lot single family subdivision on 4.92 acres 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

Setbacks are particularly important in the Neighborhood Protection Overlay as they help maintain a rural appearance with abundant open space around the residential properties. Staff finds that some residential developments in the surrounding area feature front setbacks that are less than what is now required under current Title 30, however, this is a new development that is subject to current Code requirements. Staff finds there are alternatives available with appropriate design considerations that would allow for the reduction of the front setback, however this is an in-fill development and the reduction to the front setback will be consistent with character of the area.

Waivers of Development Standards #2 & #3

The proposed fill increase throughout Lots 2, 3, 6, and 10 will not meet the intent of Title 30 for limiting the impacts to adjacent residential property. The applicant is also requesting an 11 foot high retaining wall along the east property line which exceeds the maximum allowable retaining wall height of 3 feet. The proposed wall will be adjacent to a drainage easement along the east side of the property. However, there are existing residences on the east side of the site and the wall height would create a towering effect. Additionally, Title 30 allows for the use of tiered retaining walls without a waiver when seeking to go higher than 3 feet, which would be a much better design considering the residential adjacency. The proposed wall is located within 5 feet of the residential property line and does not meet the intent of Master Plan Policy EN-1.1 Neighborhood Integrity related to contiguous and uniform neighborhood development. Therefore, staff cannot support these requests.

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.

Staff finds that the proposed residential development is similar in character to other developments within the area. There are residential developments to the east, west, and south of the site with similar sized lots and design. In addition, the proposed development will also help to activate a long unused area and act as an in-fill development in the area. In terms of the design of the proposed residential development, staff finds that the proposed architecture and garage styles are like the surrounding residential developments and are consistent with newer development designs.

In addition, the proposed building designs and architectural features are not unsightly or undesirable.

However, staff is concerned that some design choices, such as the large retaining walls and fill along shared residential property lines, could lead to increased impacts on surrounding properties without any additional mitigation provided. Staff finds that the proposed subdivision supports Master Plan Policies 1.3.1, 1.4.4, and 1.5.1 and Enterprise Specific Policies EN-1.1 and EN-1.2, which all support the development of compatible and continuous Rural Estate developments within in-fill areas of existing Ranch Estate Neighborhoods and Rural Neighborhood Protection areas. However, the proposed development is inconsistent with the Master Plan Policies 1.3.5 and 1.5.3, which emphasize the development of neighborhoods which protect the traditional rural activities within the RNP and Ranch Estate Neighborhood areas and which foster the development of neighborhood features that support the livability of the area. For these reasons, staff is unable to support this request.

Public Works - Development Review

Waiver of Development Standards #4

Staff has no objection for the request to not install full off-site improvements along Shelbourne Avenue and Valadez Street. This request will allow the new subdivision to develop while leaving the existing non-urban standards. However, since Planning is recommending denial of the application, staff cannot support this waiver.

Waiver of Development Standards #5

Staff has no objection to the reduction in the street intersection offset between Valadez Street and Shelbourne Avenue. The proposed 10 lot subdivision should see a low volume of traffic because of the limited number of lots. However, since Planning is recommending denial of the application, staff cannot support this waiver.

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.
- 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

- Comply with approved drainage study PW24-17122;
- Execute a Restrictive Covenant Agreement (deed restrictions).

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been initiated for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0113-2024 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require a new POC analysis.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: PINNACLE HOMES

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