

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-23-0865-MOSAIC LAND 1, LLC & BALELO 2012 IRREVOCABLE TRUST:**

**AMENDED WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** street landscaping (no longer needed); **2)** wall height; **3)** reduce lot area (no longer needed); **4)** reduce setbacks; **5)** increase fill; **6)** attached sidewalks; and **7)** driveway geometrics.

**DESIGN REVIEWS** for the following: **1)** alternative building design standards; and **2)** a detached single family residential subdivision on 1.9 acres in an RS3.3 (Residential Single-Family 3.3) Zone.

Generally located on the south side of Cactus Avenue, 300 feet east of Durango Drive within Enterprise. JJ/hw/syp (For possible action)

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RELATED INFORMATION:

**APN:**

176-33-101-001

**WAIVERS OF DEVELOPMENT STANDARDS:**

1.
  - a. Eliminate street landscaping along Lisa Lane where 10 foot of landscaping is required per Section 30.04.01D (no longer needed).
  - b. Reduce the number of large trees within the street landscaping area along Cactus Avenue to 10 large trees where 11 large trees are required per Section 30.04.01D (a 9% reduction) (no longer needed)
2.
  - a. Increase the height of a tiered retaining wall to 6.5 feet (3.5 foot lower tier retaining wall and 3.0 foot upper tier retaining wall) (previously 8.4 feet (5.2 foot lower retaining wall and 3.2 foot upper retaining wall)) where 3 feet is the maximum per Section 30.04.03C (a 116% increase).
  - b. Increase the height of an exterior retaining wall adjacent to an undeveloped property to 4.2 feet where 3 feet is the maximum per Section 30.04.03C (a 40% increase).
3. Reduce the minimum lot area for 11 proposed lots to 3,208 square feet where 3,300 square feet is the standard per Section 30.02.07B (a 3% reduction) (no longer needed).
4.
  - a. Reduce interior side setbacks for 14 proposed lots to a minimum of 4.5 feet where 5 feet is the standard per Section 30.02.07B (a 10% reduction) (no longer needed).
  - b. Reduce rear setbacks for 14 proposed lots to a minimum of 13.5 feet where 15 feet is the standard per Section 30.02.07B (a 10% reduction).
5.
  - a. Increase fill to 84.5 inches (7.1 feet) within 5 feet of a shared residential property line subject to residential adjacency where a maximum of 36 inches (3 feet) is permitted by Section 30.04.06G (a 135% increase).

- b. Increase fill to 84.5 inches (7.1 feet) within 20 feet of a shared residential property line subject to residential adjacency where a maximum of 72 inches (6 feet) is permitted by Section 30.04.06G (a 17% increase).
6. Permit an attached sidewalk along a local street where a detached sidewalk is required per Section 30.04.08C.
7.
  - a. Reduce the minimum width of a residential driveway to **10 feet** where a minimum of 12 feet is the standard per Uniform Standard Drawing 222 (a 23% reduction).
  - b. Reduce the setback of a driveway to the side property line to 4 feet where 6 feet is the standard per Uniform Standard Drawing 222 (a 33% reduction).

#### **DESIGN REVIEWS:**

1. Permit an alternative design for single family residential buildings where at least 2 architectural features are only provided on the front façade where such features are required on all facades per Section 30.04.05E.
2. A 19 lot detached single family residential development.

#### **PROPOSED LAND USE PLAN:**

ENTERPRISE - COMPACT NEIGHBORHOOD (UP TO 18 DU/AC)

#### **BACKGROUND:**

##### **Project Description**

##### General Summary

- Site Address: N/A
- Site Acreage: 1.9
- Number of Lots/Units: 19 lots and 2 common lots
- Density (du/ac): 10
- Minimum/Maximum Lot Size (square feet): 3,313/3,810 (gross and net)
- Project Type: Single family detached residential development
- Number of Stories: 1 & 2
- Building Height (feet): 14.9 (minimum)/26.2 (maximum)
- Square Feet: 1,472 (minimum)/2,249 (maximum)

##### Site Plans

The plans depict a single family residential detached development totaling 19 single family lots and 2 common area lots on 1.9 acres located on the south side of Cactus Avenue, approximately 300 feet east of Durango Drive. The density of the overall development is shown at 10 dwelling units per acre. The lots range in size from a minimum gross acreage of 3,313 square feet to a maximum gross acreage of 3,810 square feet. The development will have access from Cactus Avenue to the north, while Lots 13 through 19 will access directly from Lisa Lane, a 60 foot wide public right-of-way. The lots within the subdivision will be served by a 260 foot long, 42 foot wide internal private street with a 38 foot wide private stub street. The main private street will include a 4 foot wide sidewalk on the west side of the street and the stub street will extend to the west and contain no sidewalk. A 37 foot wide and 10.4 foot long private drainage easement is proposed at the southern tip of the proposed main private street. Parking within the development will be

provided by 1 and 2 car garages and driveways on each lot with 7 on-street visitor parking spaces within the private streets. The plans also depict that the finished grade of the site will be increased up to 7.1 feet within approximately 20 feet of the southern property line, which is subject to residential adjacency standards.

### Landscaping

A 15 foot wide landscape strip is provided along Cactus Avenue, which includes a 5 foot wide landscape strip, a 5 foot wide detached sidewalk, and a 5 foot wide landscape strip. The landscaping strip contains 11 Shoestring Acacia (*Acacia Stenophylla*) trees, spaced 30 feet apart in 1 row with several 5 gallon shrubs dispersed between the 2 landscape strips. Sight visibility zones prevent the trees being in 2 staggered rows. Two common lots are provided to contain the 15 foot landscaping strip with 1 common lot located on the west side of the entrance to the subdivision and a second common lot on the eastern side of the subdivision entrance. Along Lisa Lane to the east of the site is a sidewalk with 9 Shoestring Acacia trees provided. Overall, a total of 11 large trees have been provided along Cactus Avenue, where 11 large trees are required, and 9 large trees have been provided along Lisa Lane, where 9 trees are required.

Increased retaining wall heights are proposed on the western and southern sides of the subdivision. A 4.2 foot retaining wall with a 6 foot decorative screen wall is proposed on the west side of the site, along the southern portion of the western property line of Lot 5. Additionally, a tiered 6.5 foot tall retaining wall with a 6 foot high decorative screen wall is provided along the southern property line in the southern portion of Lot 6. The space provided between the wall tiers is approximately 3 feet; however, landscaping is not provided. The western and southern sides of the project are adjacent to undeveloped RS20 zoned unsubdivided lots.

### Elevations

The plans depict 2 proposed models for the development with each model having the option for 3 different architectural styles. Model "1X" is shown to be 1 story with all styles being 14.9 feet tall and Model "2" being 2 stories high with all styles being 26.2 feet tall. Both model types are shown to consist of painted stucco, pitched clay tile roofs, building pop-outs, and architectural enhancements to the windows and doors only on 1 facade. All models are shown with an entrance portico and contain stone veneer accents. Each residence includes a 1 or 2 car garage with Model "1X" having the main entrances to the building located on the left side of the residence.

### Floor Plan

Model "1X" is shown to be approximately 1,472 square feet spread across 1 floor with 2 bedrooms with options that include an office space and third bedroom. The first floor primarily contains the main living areas and kitchen in the rear of the structure with the bedrooms located toward the front of the building. Model "2" is shown to be approximately 2,249 square feet spread across 2 floors with 3 bedrooms with options that include a fourth bedroom. The first floor primarily contains the main living areas, kitchen, and garage with the second floor containing the bedroom spaces.

### Applicant's Justification

The applicant states the proposed request was previously approved but was allowed to expire due to delays because of off-site projects. The applicant states that the requested waivers for increased

fill and retaining walls are needed due to requirements for certain ground heights for flooding and sewer demands. The applicant states that the proposed setback reductions are minimal, and the driveway width reductions should have a minimal impact on the development. Additionally, the applicant indicates that the attached sidewalk is needed to take advantage of the smaller lots size and not necessitate a larger setback reduction.

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

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
WS-18-0694	Reduced the separation between residential driveways to the back of curb radius of street intersection - expired	Denied by PC	December 2018
TM-18-500153	19 single family residential lots - expired	Approved by BCC	October 2018
NZC-18-0565	Reclassified the site from R-E to R-2 zoning for a 19 lot single family detached residential subdivision - expired	Approved by BCC	October 2018
VS-18-0564	Vacated and abandoned patent easements and a portion of Cactus Avenue for detached sidewalks - expired	Approved by BCC	October 2018

#### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North	Open Lands	PF	Mountain's Edge Regional Park
South, East, & West	Open Lands	RS20	Undeveloped

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

#### **Related Applications**

<b>Application Number</b>	<b>Request</b>
PA-23-700050	A plan amendment to redesignate the existing land use category from Open Lands (OL) to Compact Neighborhood (CN) is a companion item on this agenda.
ZC-24-0014	A zone change to reclassify the site from RS20 to RS3.3 zoning is a companion item on this agenda.
VS-23-0866	A vacation and abandonment of a patent easement and a portion of Cactus Avenue is a companion item on this agenda.
TM-23-500183	A 19 lot detached single family residential subdivision map is a companion item on this agenda.

#### **STANDARDS FOR APPROVAL:**

The applicant shall demonstrate 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

No longer needed.

#### Waivers of Development Standards #2 & #5

In general, staff finds that the need for the proposed retaining walls and indicated grading is to aid in the drainage of the site and to prevent flooding, as well as to aid in the operation of sanitary sewers in the area. In addition, staff finds that the properties to the east and west are undeveloped Bureau of Land Management land and the parcel to the south is undeveloped as well. Staff finds that any future development will need to adapt to the surroundings at the time of development and will need to secure the necessary drainage and grading permits. Additionally, provided some landscaping is provided in the tier space and decorative materials are used for the retaining walls, staff can support these waivers of development standards.

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

No longer needed.

#### Waiver of Development Standards #4b

While staff does not normally support setback reduction, staff finds that the proposed 1.5 foot setback reduction is relatively minor and similar reductions have been approved for other small lot subdivisions. In addition, the surrounding area is mostly undeveloped land and building separations are still being met, so the reduced setback should not cause a substantial impact on the development and the surrounding area. For these reasons, staff can 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.

Overall, staff finds that the proposed homes are architecturally compatible with the surrounding developments in the area. The homes have contemporary appeal with several styles to choose from. In addition, the project incorporates various textures, varying rooflines, and alternative designs for the front of the home, along with the use of porticos to call out the entrances to the home. The lot sizes and density comply with the proposed zoning requirement and are comparable with those of the previously approved subdivision within the surrounding area. In addition, the development is

well landscaped and responsive to the site. Staff finds that the proposed single family residential subdivision supports Enterprise-specific Policy EN-1.1, which encourages compatible and uniform residential developments and appropriate in-fill development. For these reasons, staff can support this request.

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

#### Waiver of Development Standards #6

Staff has no objection to the installation of attached sidewalks on Lisa Lane where detached sidewalks are required. Since Lisa Lane only serves 6 lots and should see a low volume of traffic. Additionally, the parcel to the south is a Bureau of Land Management (BLM) parcel and is outside of the Disposal boundary.

#### Waiver of Development Standards #7a

Staff has no objection to the reduction of residential driveway widths. The extra space between each driveway should provide more visibility.

#### Waiver of Development Standards #7b

Staff has no objection to the reduced distance from the driveway to the property line for Lots 12 and 13 as this will provide adequate width to align with the garage door opening for these lots, providing easier navigation from the driveway.

### **Staff Recommendation**

Approval. This item has been forwarded to the Board of County Commissioners' meeting for final action.

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.

**PLANNING COMMISSION ACTION:** April 2, 2024 – APPROVED – Vote: Unanimous  
Absent: Castello, Kirk

### **Comprehensive Planning**

- Provide small shrubs within the tier space of the retaining walls;
- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- 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;
- Full off-site improvements;
- No additional drivable surfaces to be installed on each side of the driveways.
- Applicant is advised that the installation of detached sidewalks will require the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way.

**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 and reference POC Tracking #0483-2019 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 #2 through #7 and the design reviews; and waiver of development standards #1 was withdrawn per the applicant.

**APPROVALS:** 2 cards

**PROTESTS:** 7 cards

**PLANNING COMMISSION ACTION:** March 5, 2024 – HELD – To 04/02/24 – per Commissioner Mujica.

**APPLICANT:** VINCENT SCHETTLER

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