

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-26-0060-COUNTY OF CLARK (AVIATION):

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

DESIGN REVIEW for a proposed single-family residential development on 2.02 acres in an RS20 (Residential Single-Family 20) Zone within the Neighborhood Protection (RNP) Overlay.

Generally located north of Eldorado Lane and west of Arville Street within Enterprise. MN/jud/cv (For possible action)

RELATED INFORMATION:

APN:

177-07-108-009

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce the front setback to 10 feet where 20 feet is required per Section 30.02.04 (a 50% reduction).
2.
 - a. Eliminate street landscaping along Eldorado Lane to zero feet where 6 feet is required per Section 30.04.01D.7 (a 100% reduction).
 - b. Eliminate street landscaping along Arville Street to zero feet where 6 feet is required per Section 30.04.01D.7 (a 100% reduction).
3.
 - a. Waive full off-site improvements (curb, gutter, sidewalk, streetlights, and partial paving) along Eldorado Lane where off-site improvements are required per Section 30.04.08C.
 - b. Waive full off-site improvements (curb, gutter, sidewalk, streetlights, and partial paving) along Arville Street where off-site improvements are required per Section 30.04.08C.

LAND USE PLAN:

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

BACKGROUND:

Project Description

General Summary

- Site Acreage: 2.02
- Project Type: Single family-residential
- Number of Lots: 4
- Density (du/ac): 1.98
- Minimum/Maximum Lot Size (square feet): 21,868/21,980 (gross)/18,436/20,688 (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)/30.5 (proposed 2 story)/21 (proposed detached RV garage)
- Square Feet: 3,488 to 4,266 (proposed single-story)/4,807 to 4,938 (proposed 2 story)/1,000 (proposed detached RV garage)/247 to 253 (proposed attached accessory living quarters)

Site Plans

The plans depict a proposed single-family residential development consisting of 4 lots on 2.02 acres with a density of 1.98 dwelling units per acre. Access to the site is via a private street running perpendicular to Arville Street on the east side of the site. All 4 lots face internally toward a private street with a cul-de-sac bulb at the end of the private street. The applicant is requesting a waiver of development standards to reduce the front setback to 10 feet where 20 feet is required per Code.

Landscaping

Title 30 requires a minimum 6 foot landscape if off-site improvements are not proposed. The landscape plan depicts a 10 foot wide landscape area along Eldorado Lane on the south and Arville Street on the east. The plan depicts large trees planted every 30 feet on center. A waiver of development standards is a part of this application to eliminate the landscape strip along Eldorado Lane and Arville Street since the landscaping will be installed behind perimeter walls.

Elevations

The plans depict 3 elevations with residential models measuring between 20.5 feet to 30.5 feet in height. The proposed models consist of multiple offset front facades and roof masses, including hip and flat parapet walls. 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 single-story homes will have an overall area between 3,488 to 4,266 square feet. The 2 story homes will have an overall area between 4,807 to 4,938 square feet. Multiple bedrooms, a dining room, living room, kitchen, closets, bathrooms, and an owner's suite are included with the floor plans. All plans also include a 3 car garage in addition to an optional detached recreational vehicle (RV) parking.

Applicant's Justification

The applicant states the site is in the rural neighborhood preservation and in order to be consistent with the surrounding properties, the landscaping will be installed behind the screen walls. The applicant further states the proposed site is adjacent areas built to rural standards without sidewalks, curb and gutter, or streetlights. Therefore, the requests to maintain that standard along Eldorado Lane and Arville Street.

Surrounding Land Use

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

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 the request to reduce the front yard setback a self-imposed burden. The proposed single-family residences already receive the benefit of a 20 foot front setback since the homes are adjacent to private streets. Several of the models take advantage of the Title 30 exception allowing an additional 12 foot reduction to the front setback for 50% of the primary structure width up if enhanced decorative features are provided, such as bay windows or stucco pop-outs. The other model homes associated with this waiver request can be redesigned to meet the requirements of Title 30, thereby eliminating the waiver request. Therefore, staff cannot support this request.

Waiver of Development Standards #2

The purpose of the landscaping requirement is to reduce the impacts of wind, dust, pollution, glare, and heat island effect on human health and comfort. The proposed landscape design can be revised to implement screen walls behind the landscape strip along Eldorado Lane and Arville Street. Installing landscaping behind a screen wall does not meet Title 30 standards and the applicant did not provide sufficient justification to mitigate this request. Therefore, staff does not 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 development conforms with Policy EN-1.1 (Neighborhood Integrity) and Policy EN-1.2 (Ranch Estate Neighborhood) of the Master Plan that encourages preserving the integrity of uniform neighborhoods and compatible in-fill development. However, staff finds that the applicant could design the subdivision and introduce model homes that meet the front setback requirements. Additionally, the required street landscaping could be provided in accordance with the requirements of Title 30. Therefore, staff cannot support the design review.

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 Eldorado Lane when there are existing full improvements nearby 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 required trees waived.
- Applicant is advised within 2 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 to construct a 5 foot asphalt path along Arville Street and Eldorado Lane;
- Execute a Restrictive Covenant Agreement (deed restrictions).

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 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

- No comment.

TAB/CAC: Enterprise - approval of waivers of development standards #1 (limited to 50% of the homes in the development) and #3, and the design review; denial of waiver of development standards #2 (only single-story homes to be built on lots adjacent to existing single-story homes; future buyers to be given an advisory that certain animals and animal uses are allowed in the area).

APPROVALS:

PROTESTS:

APPLICANT: PN II, INC.

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89146