

05/20/25 PC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-25-0273-OMNI FAMILY LIMITED PARTNERSHIP:

WAIVER OF DEVELOPMENT STANDARDS for reduced front setbacks in conjunction with an approved single-family residential subdivision on 7.5 acres in an RS20 (Residential Single-Family 20) Zone within the Neighborhood Protection (RNP) Overlay.

Generally located on the east side of Valley View Boulevard and the south side of Arby Avenue within Enterprise. MN/dd/cv (For possible action)

RELATED INFORMATION:

APN:

177-05-401-001; 177-05-401-006

WAIVER OF DEVELOPMENT STANDARDS:

1. a. Reduce the front setbacks for Lots 1 through 5, Lot 8, and Lot 9 to a minimum of 16 feet where 40 feet is required per Section 30.02.04 (a 60% reduction).
- b. Reduce the front setbacks for Lots 11 through 13 to a minimum of 30 feet where 40 feet is required per Section 30.02.04 (a 25% reduction).

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
- Project Type: Front setbacks
- Number of Lots/Units: 13 (total)
- Density (du/ac): 1.74
- Minimum/Maximum Lot Size (square feet): 20,005/22,223 (gross)/14,142/21,984 (net)
- Number of Stories: 1
- Building Height (feet): 22
- Square Feet: 3,479/4,019

History

WS-24-0461, VS-24-0462, and TM-24-500099 were approved by the Board of County Commissioners in November of 2024 to subdivide and develop the 2 subject parcels into a 13 lot single-family residential subdivision. WS-24-0461 also approved a reduction in net lot area, driveway setbacks, and street landscaping, increased retaining wall and fill height, allowed for

alternative lot orientations for Lots 6 and 7, and eliminated off-site improvements. The applicant is now requesting a front setback waiver for 10 of the 13 originally approved lots.

Site Plans

The plans depict a previously approved single-family residential development consisting of 13 lots on 7.5 acres. The minimum and maximum gross lot sizes are 20,005 square feet and 22,223 square feet, and minimum and maximum net lot sizes are square 14,142 feet and 21,984 square feet. Lots 1 through 9 will be accessible via an internal right-of-way with access from Arby Avenue and Capovilla Avenue. Lots 10 through 13 will have direct access from Capovilla Avenue and Procyon Street. Lots 1 through 5, Lot 8, and Lot 9 will be set back a minimum of 16 feet from the edge of the right of way. Lots 11 through 13 are adjacent to detached sidewalks and will be set back 31 feet (Lots 11 and 12) and 30 feet (Lot 13) from a point 5 feet behind the curb, requiring the front setback to be reduced.

Landscaping

No changes are proposed to the previously approved landscaping.

Applicant's Justification

The applicant states that reducing the front setbacks for Lots 1 through 5, Lot 8, and Lot 9 would have little impact on the traffic in the areas surrounding the future development, and that doing so would not impact the character of the surrounding neighborhood because it would only affect internally facing lots. The speed limit within the development is to be set to 15 miles per hour, which would help to maintain safe road conditions on the internal street. Furthermore, Lots 11 through 13 are only requesting a 10 foot reduction, so the impact on Capovilla Avenue and Procyon Street should be minimal.

Prior Land Use Requests

Application Number	Request	Action	Date
TM-24-500099	13 lot single-family detached residential subdivision	Approved by BCC	November 2024
VS-24-0462	Vacated and abandoned patent easements	Approved by BCC	November 2024
WS-24-0461	Waiver of development standards to reduce net lot area, street landscaping, increase retaining wall height, alternative lots, off-site improvements, increase fill, and reduce driveway setbacks in conjunction with a 13 lot single-family residential subdivision	Approved by BCC	November 2024
TM-0020-16	12 lot single-family residential subdivision	Withdrawn per applicant	April 2016
DR-0097-16	Single-family residential subdivision with increased finished grade	Withdrawn per applicant	April 2016
VS-0096-16	Vacated and abandoned patent easements	Withdrawn per applicant	April 2016

Prior Land Use Requests

Application Number	Request	Action	Date
WS-409-07	Increased retaining wall height and finished grade - expired	Approved by BCC	July 2007
TM-0516-06	15 lot single-family residential subdivision - expired	Approved by PC	February 2007
VS-1766-06	Vacated and abandoned patent easements - expired	Approved by PC	February 2007
WS-1328-06	Single-family residential subdivision with reduced lot size and waivers for off-site improvements - expired	Approved by BCC	December 2006
ZC-1026-05	Reclassified the site from R-E to R-E (RNP-I) zoning	Approved by BCC	October 2005
UC-1509-03	Single-family residential PUD with waiver for off-site improvements - expired	Approved by PC	November 2003

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
South	Ranch Estate Neighborhood (up to 2 du/ac)	RS20 (NPO-RNP & AE-60)	Undeveloped
East	Ranch Estate Neighborhood (up to 2 du/ac)	RS20 (NPO-RNP & AE-60)	Single-family residential

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

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**

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.

Staff finds that the reduction of front setbacks is simply due to the footprint of the homes being too large for the proposed lots that were previously reduced in size; a modest reduction in square footage or the selection of a different model of home would eliminate the need for a waiver. Additionally, since the subdivision was approved in 2024 under the updated version of Title 30, which had already eliminated the exception that allowed lots to measure the front setback from

the property line, the expectation is that new developments proposed and approved under the rewritten code meet the standards set forth in the Code. The proposed reduction of setbacks also goes against NPO standards set forth in Title 30, Chapter 30.02.26(F), which state that setbacks for primary structures within NPO overlays shall be maintained in accordance with the applicable district standards, which is 40 feet for the front setback in the RS20 zoning district. Lots 1 through 5, Lot 8, and Lot 9 face internally and may not affect anyone outside of the neighborhood, but Lots 11 through 13 front directly onto Capovilla Avenue and Procyon Street, and even though their reduction is minor it still does not meet Code requirements. Front setbacks play a pivotal role in maintaining the aesthetic quality of a neighborhood over time as well as the character of the surrounding area. For these reasons, staff cannot support this request.

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:

- 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

- Full off-site improvements on Valley View Boulevard;

- Full off-site improvements except streetlights on Arby Avenue, Capovilla Avenue and Procyon Street with sidewalks consisting of asphalt instead of concrete;
- Right-of-way dedication to include 45 feet back of curb for Valley View Boulevard, 25 feet back of curb for Arby Avenue, 25 feet back of curb for Procyon Street, 25 feet back of curb for Capovilla Venue and associated spandrels;
- 30 days to submit a Separate Document to the Map Team for the required right-of-way dedications and any corresponding easements for any collector street or larger;
- 90 days to record required right-of-way dedications and any corresponding easements for any collector street or larger;
- The installation of detached sidewalks will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control devices.

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.
- 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; 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.

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 #0135-2024 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - approval (removal of the following Public Works condition: full off-site improvements except streetlights on Arby Avenue, Capovilla Avenue, and Procyon Street with sidewalks consisting of asphalt instead of concrete; along with the following added conditions: install nonurban road standards on Arby Avenue, Capovilla Avenue, and Procyon Street; install streetlights only at the intersections of Arby Avenue and Procyon Street and Capovilla Avenue and Procyon Street; and install 5 foot wide asphalt path along Arby Avenue, Capovilla Avenue, and Procyon Street).

APPROVALS:

PROTESTS:

APPLICANT: RICHMOND AMERICAN HOMES OF NEVADA, INC.

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