

05/21/24 PC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-24-0096-DAF HOLDING, LLC ETAL & JGF LIVING TRUST:

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** allow alternative yards; **2)** increase fill height; and **3)** increase wall height.

DESIGN REVIEW for a single family residential development on 3.5 acres in an RS3.3 (Residential Single-Family 3.3) Zone.

Generally located on the south side of Warm Springs Road, 300 feet east of Topaz Street within Paradise. JG/md/ng (For possible action)

RELATED INFORMATION:

APN:

177-12-102-014

WAIVERS OF DEVELOPMENT STANDARDS:

1. Allow alternative yards where yards are established per Section 30.04.09.
2. Increase fill height to 4 feet where a maximum of 3 feet of fill is allowed to be placed within 5 feet from a shared residential property line per Section 30.04.06F (a 33.4% increase).
3.
 - a. Increase the height of a wall to 8 feet where a maximum height of 6 feet is permitted within the side and rear setbacks in residential zoning districts per Section 30.04.03B (a 33.4% increase).
 - b. Increase the height of a retaining wall to 4 feet where a maximum height of 3 feet is permitted per Section 30.04.03C (a 33.4% increase).

PROPOSED LAND USE PLAN:

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

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 3.5
- Project Type: Single family residential development
- Number of Lots: 20
- Density (du/ac): 5.8
- Minimum/Maximum Lot Size (square feet): 4,284/9,963
- Number of Stories: 1 & 2
- Building Height (feet): 23 to 28.5

- Square Feet: 1,892 to 3,190

Site Plans

The plans depict a single family residential development consisting of 20 lots on 3.5 acres with a density of 5.8 dwelling units per gross acre. The minimum and maximum lot sizes are 4,284 square feet and 9,963 square feet, respectively. Access to the site is granted via a 38 foot wide, north/south private street (Widley Street) that connects to Warm Springs Road. Widley Street provides direct access to Lots 13 through 18, and terminates into a stub street. A second 38 foot wide, east/west private street (Mariana Court) within the development provides access to Lots 1 through 12, 19, and 20. Mariana Court terminates into a stub street and cul-de-sac bulb at the west and east portions of the subdivision, respectively. An existing 5 foot wide attached sidewalk is located adjacent to Warm Springs Road. Four foot wide sidewalks are proposed within the interior of the development at the following locations: 1) the west side of Widley Street adjacent to Lots 16 through 18; 2) the east side of Widley Street adjacent to Lot 1; and 3) the north side of Mariana Court adjacent to Lots 1 through 8, 19, and 20.

A waiver of development standards is required to allow alternative yards for Lots 9 and 12, located on the north and south sides of Mariana Court, respectively. Lot 9 maintains the following setbacks: 1) front and garage (typical side) - 20 feet from the west property line; 2) rear (typical corner) - 15 feet from the east property line; 3) side street (typical front) - 10 feet from the south property line adjacent to Mariana Court; and 4) interior side (typical rear) - 5 feet from the southeast property line.

Lot 12 maintains the following setbacks: 1) front and garage (typical side) - 20 feet from the northeast property line adjacent to Mariana Court; 2) rear (typical corner) - 15 feet from the west property line; 3) side street - 10 feet from the northwest property line adjacent to Mariana Court; and 4) interior side (typical rear) - 5 feet from the south property line.

A second waiver request is necessary to increase the combined retaining wall/screen wall height up to a maximum of 12 feet (4 foot retaining wall/8 foot screen wall) along the south and east boundaries of the project site, adjacent to Lots 10, 11, 15, and 16.

The third waiver of development standards request is to allow a maximum of 4 feet of fill within 5 feet of a shared property line along the northeast and east property line of Lot 10. All single family residences will have EV charging capabilities. The single family residences located adjacent to the Union Pacific Railroad line will be constructed with a minimum of 25 dB of noise attenuation.

Landscaping

The plans depict a 10 foot wide landscape area located behind an existing 5 foot wide attached sidewalk adjacent to Warm Springs Road. The street landscape area consists of large trees, shrubs, and groundcover. A 5 foot wide landscape area is provided along the east and west sides of Lots 20 and 1, respectively. Trees, shrubs, and groundcover are provided within this landscape area.

Elevations

The plans depict 1 to 2 story model homes with a maximum height ranging between 23 feet to 28.5 feet. The proposed models consist of a pitched, concrete tile roof featuring stucco siding, decorative foam for trim, and accents. Some of the models also include decorative stone veneer and optional patio covers on the rear elevation. The side elevations of the model homes include a single architectural feature being a varying roofline.

Floor Plans

The plans depict 1 to 2 story model homes with multiple floor plans ranging from 1,892 square feet to 3,190 square feet. The models feature multiple bedrooms, bathrooms, kitchen, great room, and living room. All models feature 2 car garages.

Applicant's Justification

The applicant states the increase in retaining wall height is necessary so that the site maintains adequate drainage, while the increased screen wall height is requested at the request of the neighbors to the south to provide additional privacy between their homes and the future development. As the property to the east of the proposed retaining wall is a railroad right-of-way, the expected impact is negligible. The proposed screen wall will be comprised of CMU split-face blocks as a decorative material. The excess fill is needed for Lot 10 to ensure adequate drainage of the lot. As the property adjacent to the proposed excess fill is an existing railway right-of-way, the expected impact is negligible. The irregular shape of Lots 9 and 12 necessitate a request for non-standard/alternative yard orientation for the proposed homes, which are parallel to the street rather than perpendicular. The elevations do not meet the requirement of detached single-family homes having at least 2 architectural features on each façade of the structure. The proposed homes will comply with the Code required side setbacks with most homes being 10 feet apart. The spacing between the homes restricts visibility of additional architectural enhancements on the sides, making strict compliance with the 2 feature requirement impractical. The homes adjacent to the existing railway right-of-way will be constructed with a minimum of 25 dB of noise attenuation. Each home will have a 2 car garage with EV charging capabilities, in addition to a full-length driveway that can park a minimum of 2 vehicles.

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-19-0493	Reclassified this site to C-P zoning for a medical complex consisting of two buildings	Approved by BCC	August 2019
CP-0509-17	Changed the land use plan designation for a portion of the site from RNP to OP	Approved by BCC	April 2018
CP-0807-07	Changed the land use plan designation for a portion of the site from RNP to OP	Approved by BCC	June 2008

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Ranch Estate Neighborhood (up to 2 du/ac) & Public Use	RS20	Union Pacific Railroad, undeveloped, & single family residential
South	Ranch Estate Neighborhood (up to 2 du/ac)	RS20	Single family residential
East	Neighborhood Commercial	CP	Union Pacific Railroad, undeveloped, & office complex
West	Neighborhood Commercial	RS20	Single family residential

Related Applications

Application Number	Request
PA-24-700003	A plan amendment to redesignate the land use from Neighborhood Commercial to Mid-Intensity Suburban Neighborhood is a companion item on this agenda.
ZC-24-0095	A zone change to reclassify this site to RS3.3 zoning for a single family residential development at 5.8 dwelling units per acre is a companion item of this agenda.
TM-24-500025	A tentative map for a 20 lot single family residential development on 3.5 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

Staff finds the request to allow alternative yard setbacks for Lots 9 and 12 is due to the irregular shape of the subject parcel. However, since staff cannot support the companion items and design review, staff cannot support this request.

Waivers of Development Standards #2 & #3

The intent of limiting the amount of fill in proximity to residential development is to minimize and mitigate the impact increased finished grade may have on adjacent property owners. The increase to the fill height predominantly occurs at the southeast corner of the site, within the boundaries of Lot 10. More specifically, the increase in fill occurs along the northeast and east property lines of Lot 10, adjacent to the railroad line and an existing single family residence. The applicant indicates the increase in fill is necessary to ensure adequate stormwater drainage of the lot. However, since staff is not supporting the companion items and design review, staff cannot support this request.

The request to increase the retaining wall height is necessary to accommodate the increase to finished grade. However, since staff is not supporting the companion items and design review, staff cannot 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 layout and internal street network of the proposed subdivision is functional. However, the proposed design of the single family residential development does not comply with Policy 1.4.4 which encourages in-fill development and redevelopment in established neighborhoods while promoting compatibility with the scale and intensity of the surrounding area. Lots 10 (7,823 square feet), 11 (9,963 square feet), 15 (5,650 square feet), and 16 (5,689 square feet) are located along the south boundary of the subdivision, immediately adjacent to 5 single family residential lots of which 4 lots are developed. The 5 single family residential lots to the south of the development measure between 0.93 to 1.14 acres. Staff finds the proposed single family residential development, consisting of 20 lots measuring between 4,284 square feet to 9,963 square feet, is not compatible with the scale and intensity of the residential development within the surrounding area. Furthermore, the elevations do not meet the requirement of detached single family homes having at least 2 architectural features on each façade of the structure. More specifically, some of the rear elevations and all of the side elevations include only 1 architectural feature being a varying roofline. Therefore, staff recommends denial of the design review.

Department of Aviation

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. This item will be forwarded to the Board of County Commissioners' meeting for final action on June 18, 2024 at 1:00 p.m., unless otherwise announced.

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

- Drainage study and compliance;
- Traffic study and compliance.
- Applicant is advised that off-site improvement permits may be required.

Department of Aviation

- 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

- Applicant is advised that fire/emergency access must comply with the Fire Code as amended.

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 #0302-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Paradise - denial.

APPROVALS:

PROTESTS:

APPLICANT: SUMMIT HOMES OF NEVADA

CONTACT: TANEY ENGINEERING, 6030 S. JONES BOULEVARD, LAS VEGAS, NV
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