

10/15/24 PC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-24-0487-ROOHANI KHUSROW FAMILY TRUST:**

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** increase fill height; and **2)** increase retaining wall height.

**DESIGN REVIEW** for a single-family detached residential development on 9.77 acres in an RS5.2 (Residential Single-Family 5.2) Zone and an RS3.3 (Residential Single-Family 3.3) Zone.

Generally located on the south side of Wigwam Avenue and on the east and west sides of Edmond Street within Enterprise. JJ/rg/kh (For possible action)

---

RELATED INFORMATION:

**APN:**

176-13-701-003; 176-13-701-016; 176-13-701-026

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Increase fill height to 6 feet where a maximum of 3 feet is allowed to be placed within 5 feet of a shared residential property line per Section 30.04.06F (a 100% increase).
2. Increase the height of a retaining wall to 6 feet where the maximum of 3 feet is permitted per Section 30.04.03C (a 100% increase).

**PROPOSED LAND USE PLAN:**

ENTERPRISE - LOW-INTENSITY SUBURBAN NEIGHBORHOOD (UP TO 5 DU/AC)  
(WESTSIDE OF EDMOND STREET)

ENTERPRISE - MID-INTENSITY SUBURBAN NEIGHBORHOOD (UP TO 8 DU/AC)  
(EASTSIDE OF EDMOND STREET)

**CURRENT LAND USE PLAN:**

ENTERPRISE - RANCH ESTATE NEIGHBORHOOD (UP TO 2 DU/AC) (WESTSIDE OF EDMOND STREET)

ENTERPRISE - MID-INTENSITY SUBURBAN NEIGHBORHOOD (UP TO 8 DU/AC)  
(EASTSIDE OF EDMOND STREET)

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: N/A
- Site Acreage: 5.00 (west half/proposed RS5.2)/4.77 (east half/ proposed RS3.3)
- Project Type: Single-family detached residential
- Number of Lots: 16 (west half/RS5.2)/38 (east half/RS3.3)/54 (overall)
- Density (du/ac): 3.20 (west half/RS5.2)/4.77 (east half/RS3.3)

- Minimum/Maximum Lot Size (square feet): 7,015 to 15,234 (west half/RS5.2)/3,300 to 4,459 (east half/RS3.3)
- Number of Stories: 1 (Lots 1-6) & 2 (Lots 7-16) (west half/RS5.2)/2 (east half/RS3.3)
- Building Height (feet): 22 (Lots 1-6) & 28 (Lots 7-16) (west half/RS5.2)/28 (east half/RS3.3)
- Square Feet: 1,988 to 2,606 (Lots 1-6) & 1,632 to 2,011 (Lots 7-16)/1,632 to 2011 (east half/RS3.3)

### Site Plans

The plans depict a proposed single-family residential subdivision that is divided into 2 parts by Edmond Street, consisting of 54 lots on 9.77 acres total. There are 16 lots shown for the proposed project on the west side of Edmond Street (west half), which is requested to be rezoned to RS5.2 and 38 lots are shown for the project on the east side of Edmond Street (east half) which is requested to be rezoned to RS3.3.

The access to the west half of the development is from a 43 foot wide private north/south street; Street A via Wigwam Avenue, which terminates as a stub street with a hammerhead. Sixteen lots will take direct access from Street A. A 4 foot wide attached sidewalk is located along the east side of Street A, with detached sidewalks provided on the public streets, Wigwam Avenue, Edmond Street, and Cougar Avenue. The lot sizes in this part of the residential development ranges from 7,015 square foot to 15,234 square foot lots. Lots 2 through 6, adjacent to existing residential to the west are over 10,000 square feet. Lot 1 is over 15,000 square feet.

The access to the eastern half of the development is from a private east/west street; Street B via Edmond Street. Street B connects to a private street network terminating with 2 east/west stub streets, north and south of Street B. This half of the subdivision then terminates at stub streets. A 4 foot wide attached sidewalk is provided on one side of the internal streets. A 5 foot wide detached sidewalk is shown on Edmond Street.

The increase in-fill and retaining wall height of 6 feet are located along the northern, southern and eastern boundaries of the eastern half of the residential development. A maximum of 4.5 foot high retaining wall are being proposed along the perimeter of the western half of the residential development.

### Landscaping

A 15 foot wide landscape area, including a 5 foot wide detached sidewalks is provided along Cougar Avenue, Edmond Street and Wigwam Avenue. The planting material consists of medium trees, shrubs, and groundcover. The applicant is requesting medium trees and shrubs provided for every 20 linear feet of street frontage (Cougar Avenue, east side of Edmond Street and Wigwam Avenue). There is a 30 foot wide NV Energy easement along the west side of Edmond Street and landscaping over 8 feet in height is prohibited within that easement. Therefore, only shrubs have been provided along the west side of Edmond Street.

### Elevations

The plans depict 5, 1 and 2 story detached dwellings, with 3 to 4 elevation types. Single story houses (up to 22 feet high) will be built on Lots 1 through 6 (adjacent to residential to the west)

and 2 story houses (up to 28 feet high) will be built on Lots 7 through 16 within the RS5.2 development. Within the RS3.3 development, 2 story homes (up to 28 feet high) are proposed. All 4 sides have a combination of textures, paints, stone veneer, accent colors, coach lighting, soffit elements, fascia returns, overhangs, faux shutters, off-set roof lines, garage door pattern variety, window casings, lap siding elements and other architectural features including an optional patio cover. All garages are front loaded access and face private streets.

Floor Plans

The plans depict detached dwellings with 3 to 6 bedrooms, 2.5 to 4.5 bathrooms, and a variety of living spaces. Each home will have a 2 car garage. The floor area of the proposed detached dwellings ranges from 1,632 square feet to 3,004 square feet.

Applicant’s Justification

The applicant states the increase in-fill and retaining wall heights are necessary due to the existing terrain. The site features an existing wash traversing the east half from west to east to an existing drainage easement along the western perimeter of the Sunset Pass Unit 2 subdivision. The discharge location for the off-site and on-site storm water occurs at this location. To maintain existing drainage patterns the proposed development needs to be graded to slope toward the midsection of the property. This causes the on-site streets to be sloped upward from the midsection of the property toward the north and south boundaries of the property, resulting in a portion of the lot pads to be elevated more than 3 feet above the existing grade where there is residential adjacency. In addition, the only viable sewer connection available is shallow relative to the site, and after meeting the CCWRD to discuss this issue, it was determined that the only option was to raise the eastern parcel to be able to meet minimum cover requirements.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
PA-23-700045	Redesignate 5.0 acres from Ranch Estate Neighborhood (RN) to Low-Intensity Suburban Neighborhood (LN) - withdrawn without prejudice	Withdrawn at BCC	June 2024
ZC-23-0823	Zone change to reclassify 5 acres of a 7.5 acre site from R-E (RNP-1) to R-1 for a future single family residential development - withdrawn without prejudice	Withdrawn at BCC	June 2024
ZC-05-1026	Reclassified approximately 3,800 parcels of land from an R-E to R-E (RNP-I) zoning	Approved by BCC	October 2005
UC-0480-99	Overhead electrical power transmission line with 110 foot high transmission line poles	Approved by PC	May 1999

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North	Open Lands & Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS20 (NPO-RNP) & RS2	Undeveloped & single-family residential development

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
South	Ranch Estate Neighborhood (up to 2 du/ac) & Mid-Intensity Suburban Neighborhood (up to 8du/ac)	RS20 (NPO-RNP) & RS3.3	Single-family residential development
East	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS2	Single-family residential development

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
West	Ranch Estate Neighborhood (up to 2 du/ac)	RS20 (NPO-RNP) & H-2	Single-family residential development

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

**Related Applications**

<b>Application Number</b>	<b>Request</b>
PA-24-700020	A plan amendment to redesignate the land use category of the western 5.00 acres (APNs 176-13-701-026 and 176-13-701-003) from RN to LN is a companion item on this agenda.
ZC-24-0485	A zone change to reclassify the west portion of APN 176-13-701-026 and APN 176-13-701-003 from RS20 to RS5.2 and reclassify the east portion of APN 176-13-701-026 and APN 176-13-701-016 from RS20 and H-2 to RS3.3 is a companion item on this agenda.
VS-24-0486	A vacation and abandonment for patent easements and portions of right-of-way is a companion item on this agenda.
TM-24-500101	A tentative map for a 54 lot single-family detached residential subdivision 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 uses 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.

The intent of limiting the amount of fill in proximity to residential development is to minimize and mitigate the impact of an increased grade on the adjacent property owners. The applicant indicates the increase fill height is necessary due to the terrain on portion of APN 176-13-701-026 and APN 176-13-701-016; and are surrounded 2 sides by an existing adjacent neighborhood to the north and east boundaries. Staff recognizes there may be design constraints for the project site; however, increasing the fill height up to 6 feet with 6 foot retaining wall height within 5 feet from the shared residential property line to the south, may potentially impact the existing single-family residences. In addition, the west half of the development has a maximum retaining wall height of 4.5 feet along Wigwam Avenue, Edmond Street and Cougar Avenue. In accordance with Title 30, only tiered retaining walls may be used with a landscaped 3 foot horizontal offset provided between each 3 feet of vertical height. Retaining walls may be increased to 6 feet if the fence located on top of the retaining wall is 85% open. Subdivision retaining walls along a residential local or private street shall provide a minimum of 6 foot landscape strip between the wall and any sidewalk or street. This request is a self-imposed hardship that can be rectified with a redesign of the subdivision. Also, staff does not support the plan amendment and zone change of the west portion of the project. For these reasons, staff recommends denial of 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.

The development is divided into 2 parts by Edmond Street. The layout and internal street of the proposed subdivision is functional. A minimum of 2 architectural features are included on each façade of the single-family residences that include varying rooflines, varying building materials, and optional patios and balconies on the rear elevations. The applicant has proposed an alternative landscape plan due to the presence of a Nevada Energy easement for an overhead power line along a portion of Edmond Street with the provided concurrence letter from Nevada Energy. Therefore, the applicant proposes a modified planting plan to ensure compliance and avoid any conflicts with the existing overhead transmission lines within the easement. Staff does not have any issue with the proposed landscape plan. However, since staff is not supporting the waiver requests, plan amendment, and zone change of the west portion of the project, staff recommends denial of 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. This item will be forwarded to the Board of County Commissioners' meeting for final action on November 20, 2024 at 9:00 a.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:

- 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 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;
- Full off-site improvements;
- Right-of-way dedication to include 25 feet to the back of curb for Cougar Avenue, 35 feet to 60 feet to the back of curb for Edmond Street, 35 feet to the back of curb for Wigwam Avenue 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;
- All other right-of-way and easement dedications to record with the subdivision map.
- Applicant is advised that the installation of detached sidewalks will require dedication to back of curb, the vacation of excess right-of-way, and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

## **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; 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](mailto: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 - denial.

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** RICHMOND AMERICAN HOMES NEVADA, INC.

**CONTACT:** KIMLEY HORN, 6671 LAS VEGAS BOULEVARD SOUTH, SUITE 320, LAS VEGAS, NV 89119