

09/06/23 BCC AGENDA SHEET

SINGLE FAMILY RESIDENTIAL
(TITLE 30)

KYLE CANYON RD/BUENA VIDA ST
(LOWER KYLE CANYON)

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-23-0356-BROWN, PONGSRI & BUSADEE, HATAIRAT:

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** right-of-way dedication; and **2)** access to an arterial street.

DESIGN REVIEW for finished grade for a proposed single family residential development on 5.1 acres in an R-U (Rural Open Land) Zone.

Generally located on the south side of Kyle Canyon Road, 330 feet west of Buena Vida Street within Lower Kyle Canyon. RM/jgh/ja (For possible action)

RELATED INFORMATION:

APN:

126-08-802-005

WAIVERS OF DEVELOPMENT STANDARDS:

1. Waive the requirement for property owners to dedicate one half of the required right-of-way (30 feet) along Kyle Canyon Road and along the west property line (30 feet) per Section 30.52.030.
2. Allow access to the proposed single family residence from an arterial street (Grand Teton Drive) where not permitted per Section 30.56.080.

DESIGN REVIEW:

Increase finished grade to 168 inches where a maximum of 36 inches is the standard per Section 30.32.040 (a 367% increase).

LAND USE PLAN:

NORTHWEST COUNTY (LOWER KYLE CANYON) - OUTLYING NEIGHBORHOOD (UP TO 0.5 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 5.1
- Number of Lots: 1
- Project Type: Single family residential development

Site Plans

The plans depict a proposed 1 lot single family residential development that has access to Buena Vida Street. The applicant is requesting that access be granted from an arterial street (Grand Teton Drive). The proposed development will consist of 1 home. The plans also depict the finished grade of the site will be increased to 14 feet along portions of the site.

Applicant's Justification

The applicant indicates the dedication of right-of-way on the west side of the property should not be needed as this property and adjacent properties will have access through the patent easement on the south, which will be dedicated as Grand Teton Drive. The applicant also indicates a waiver of street requirements and design review for increased fill are needed to complete the project.

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North & East	Outlying Neighborhood (up to 0.5 du/ac)	R-U	Undeveloped & single family residential
South & West	Open Lands	R-U	Undeveloped

Related Applications

Application Number	Request
VS-23-0355	A request to vacate patent easements is a companion item on this agenda.

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis

Comprehensive Planning

Waivers of Development Standards

According to Title 30, the applicant shall have the burden of proof to establish that the proposed request is appropriate for its existing location by showing that the uses of the area adjacent to the property included in the waiver of development standards request will not be affected in a substantially adverse manner. The intent and purpose of a waiver of development standards is to modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative.

Waiver of Development Standards #2

By vacating the easements, an arterial street, Grand Teton Drive, would be the only means of access. Public Works has no objection to the applicant not dedicating the streets on the north and west sides of the site; therefore, staff has no additional concerns with this request.

Public Works - Development Review

Waiver of Development Standards #1

Staff has no objection to the applicant not dedicating the streets on the north and west sides of the site. A street on the north side would not provide any benefit to the public as the owner to the east did not dedicate the right-of-way and the right-of-way is not needed for access to any parcels. A street on the west side is not necessary as the parcel to the west, if ever sold by BLM, would take access off Grand Teton Drive.

Design Review

This design review represents the maximum grade difference within the boundary of this application. This information is based on preliminary data to set the worst-case scenario. Staff will continue to evaluate the site through the technical studies required for this application. Approval of this application will not prevent staff from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approval.

Staff Recommendation

Approval.

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

- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; 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; and that this application must commence within 2 years of approval date or it will expire.

Public Works - Development Review

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Execute a Restrictive Covenant Agreement (deed restrictions);
- Right-of-way dedication to include 50 feet for Grand Teton Drive.
- Applicant is advised that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals; and that Nevada Department of Transportation (NDOT) permits may be required.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that CCWRD does not provide sanitary sewer service in this portion of the unincorporated county; and that for any sanitary sewer needs, applicant is advised to contact the Southern Nevada Health District concerning the use of an individual disposal system.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: JASON BROWN

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