

03/19/25 BCC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-25-0063-KGS INVESTMENTS, LLC:

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** eliminate street landscaping; **2)** reduce street landscaping; and **3)** waive full off-site improvements in conjunction with a proposed single-family residential development on 2.48 acres in an RS20 (Residential Single-Family 20) Zone within the Airport Environs (AE-60) Overlay.

Generally located on the west side of El Camino Road and the north side of Ponderosa Way within Spring Valley. MN/tpd/kh (For possible action)

RELATED INFORMATION:

APN:

163-35-601-008

WAIVERS OF DEVELOPMENT STANDARDS:

1. Eliminate street landscaping along El Camino Road as required per Section 30.04.01D.
2. Reduce street landscaping along a portion of Ponderosa Way where required per Section 30.04.01D.
3.
 - a. Waive full off-site improvements (curb, gutter, streetlights, sidewalks, and partial paving) along El Camino Road where required per Section 30.04.08.
 - b. Waive full off-site improvements (curb, gutter, streetlights, sidewalks, and partial paving) along Ponderosa Way where required per Section 30.04.08.

LAND USE PLAN:

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

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 2.48
- Density: 1.61
- Project Type: Single-family residential development
- Number of Lots: 4
- Minimum/Maximum Lot Size (square feet): 20,038/26,797

Site Plan & Request

The plan depicts a proposed 4 lot single-family residential subdivision. There are no dwellings being proposed with this application. The applicant is requesting to waive full off-site

improvements along El Camino Road and Ponderosa Way and subdivide the lot into 4 separate parcels. Proposed lot 1 will be 26,797 gross square feet and 24,876 net square feet. Proposed lot 2 will be 21,294 gross square feet and 20,254 net square feet. Proposed lot 3 will be 20,038 gross square feet and 20,038 net square feet. Proposed lot 4 will be 21,027 gross square feet and 21,027 net square feet. Access to Lot 1 will be provided via Ponderosa Way, while Lots 2 through 4 will be accessed via El Camino Road. The applicant provided cross section plans with proposed walls that will be built when the primary dwellings are constructed.

Landscaping

The plans depict a 10 foot wide street landscape area along the south property line of Lot 4 (side yard) adjacent to Ponderosa Way. Furthermore, the landscape plan shows that the applicant will plant trees within the front yards of Lots 1 through 4; however, these trees will not be within the required 6 foot wide street landscaping area along El Camino Road and the western portion of Ponderosa way (in front of Lot 1). Per the applicant, the trees will be planted within the front yards only and maintained by the future homeowners. The applicant is requesting to eliminate street landscaping along El Camino Road and not provide a dedicated street landscaping easement. Lastly the applicant is requesting to reduce street landscaping along Ponderosa Way in front of Lot 1.

Applicant's Justification

The applicant states they would like to subdivide a parcel into 4 lots for a residential subdivision. The subdivision will be designed so that all lots front a local street. The waiver of development standards is for the applicant to not install off-site improvements along Ponderosa Way and El Camino Road. The proposed subdivision is situated in an area where rural street standards have been previously accepted. The adjacent residential communities lack off-site improvements, which established a precedent for the current development. With regards to street landscaping, the applicant intends to plant trees within the front yard, and not provide a dedicated street landscaping area. Per the applicant, they will comply with the correct number of trees along El Camino Road and Ponderosa Way.

Prior Land Use Requests

Application Number	Request	Action	Date
WS-19-0843	Waiver of development standards to reduce net lot area for Lots 1 and 2 for a proposed 4 lot single-family residential subdivision - expired	Approved by BCC	December 2019
VS-0877-17	Vacated and abandoned easements between Ponderosa Way and Oquendo Road, and between El Camino Road and Mann Street - expired	Approved by PC	December 2017

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North, South, East, & West	Open Lands	RS20 (AE-60)	Undeveloped

Related Applications

Application Number	Request
VS-25-0064	A vacation and abandonment for patent easements 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**Current 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.

Waivers of Development Standards #1 & #2

Staff finds that the requests to eliminate street landscaping and allow reduced street landscaping could have a negative impact to the surrounding area. The requests violate Policy 3.6.1 of the Master Plan, which seeks to mitigate the urban heat island effect in new development. Although the applicant indicates the required number of trees will be planted on each proposed lot, no guarantee can be made that the applicant will comply with street landscaping requirements during the time of development. Therefore, staff cannot support these requests.

Public Works - Development ReviewWaiver of Development Standards #3

Historical events have demonstrated how important off-site improvements are for drainage control. Additionally, full width paving allows for better traffic flow and sidewalks on public streets provide safer pathways for pedestrians and for children to walk to school. Therefore, staff cannot support the waiver of development standards for full off-site improvements.

Department of Aviation

The property lies within the AE-60 (60-65 DNL) noise contour for 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 Harry Reid International facilities to meet future air traffic demand.

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.

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;
- Execute a Restrictive Covenant Agreement (deed restrictions);
- Right-of-way dedication to include 30 feet for Ponderosa Way, 30 feet for El Camino Road, and associated spandrel;
- Applicant to construct a 5 foot wide concrete walking path along Ponderosa Way and El Camino Road.

Department of Aviation

- Applicant must record a stand-alone noise disclosure form against the land, and provide a copy of the recorded document to the Department of Aviation Noise Office at landuse@lasairport.com;
- Applicant must provide a copy of the recorded noise disclosure form to future buyers/renters, separate from other escrow documents, and provide a copy of the document to the Department of Aviation Noise Office at landuse@lasairport.com;
- Applicant must provide a map to future buyers/renters, as part of the noise disclosure notice, that highlights the project location and associated flight tracks, provided by the Department of Aviation Noise Office when property sales/leases commence;
- Incorporate an exterior to interior noise level reduction of 30 decibels into the building construction for the habitable space that exceeds 35 feet in height or 25 decibels into the building construction for the habitable space that is less than 35 feet in height;
- 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 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 #0510-2024 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Spring Valley - approval (any street improvements will be to non-urban street standards with a 5 foot wide asphalt pedestrian pathway on 1 side of the street for pedestrian safety).

APPROVALS:

PROTESTS:

APPLICANT: RJJR INVESTMENTS TWO, LLC

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