

LANDSCAPE/RETAINING WALL/FINISHED GRADE
(TITLE 30)

PYLE AVE/POLARIS AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-23-0638-CFT LANDS, LLC:

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

DESIGN REVIEW for finished grade in conjunction with a previously approved residential subdivision on 9.3 acres in an R-2 (Medium Density Residential) Zone.

Generally located on the southwest corner of Pyle Avenue and Polaris Avenue within Enterprise. JJ/jud/syp (For possible action)

RELATED INFORMATION:

APN:

177-29-301-002; 177-29-301-033; 177-29-301-036

WAIVERS OF DEVELOPMENT STANDARDS:

1. Increase combination of screen and retaining wall height to 13.4 feet (7.4 feet retaining wall and 6 feet screen wall) where a maximum of 9 feet (3 foot retaining and 6 foot screen wall) is permitted per Section 30.64.050 (a 49% increase).
2. Allow 10 feet of landscaping along Pyle Avenue where 15 feet of landscaping is required per Section 30.64.030 (a 33% reduction).

DESIGN REVIEW:

Increase finished grade to 7 feet where 4 feet was previously approved (a 75% increase) and 3 feet is the standard per Section 30.32.040 (a 133% increase).

LAND USE PLAN:

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

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 9.3
- Number of Lots/Units: 57
- Project Type: Landscape, retaining wall, and finished grade

History & Request

The originally approved plans depicted a single family residential subdivision with common lots on approximately 21 acres. Off-site improvements (except partial paving) were waived via ZC-21-0371. The project is surrounded by existing rights-of-way and developments that currently conform to rural standards. Access to the subdivision is shown from Haleh Avenue and Pyle Avenue and connect to various private streets. The southern lots are fronting and take access from Haleh Drive.

The present plans depict Phase 2 of the previously approved development on 9.3 acres, which include 57 single family residential lots and 2 Common Elements (Common Element A and Common Element B). The plans depict a retaining wall ranging from 3 feet to a maximum height of 7.4 feet high along the south boundary line of Lots 1, 40, and 41, as well as an increase in finished grade up to 7 feet. Lots 1, 40, and 41 are adjacent to an undeveloped site to the south.

Landscaping

The plans depict landscaping in areas within the subdivision and common elements. Common Element A shows a 10 foot wide landscape strip along Pyle Avenue, where a 15 foot wide landscape strip was previously approved, with 2 large trees, rock mulch, and groundcover. Landscaping is also shown along Polaris Avenue, and along the entrances to the subdivision for each private street.

Elevations

The plans show a retaining wall up to 7.4 feet in height with a 6 foot screen wall on top, for a total of 13.4 feet of overall height.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant states the proposed project has an approved drainage study under PW21-18759. The approved drainage study utilized a permission to grade letter from the owner of APN 177-29-301-011 (to the south and west of the site) to allow grading along the north and east limits of their parcel. This was requested to provide positive drainage based on the existing patterns of the topography. Permission to grade on APN 177-29-301-011 will not be received; therefore, Lots 1 through 6 in the enclosed site plan have been shifted 5 feet north to allow for a 5 foot drainage easement to be proposed along the side of Lots 1, 40, and 41. To accomplish this update with minimal impact on what has already been approved, a 10 foot landscape area is proposed on Pyle Avenue adjacent to Lot 6. The future curb location will not be impacted in the event Clark County Public Works develops full off-site improvements along Pyle Avenue. The future improvements would ultimately comply with requirements stated in Title 30 and CCAUSD No. 205.1.S1, which requires a 5 foot right-of-way vacation and a 15 foot landscape area with a detached sidewalk. Additional cross sections are included with this submittal showing the future condition along this portion of Pyle Avenue.

Similarly, to provide positive drainage, the proposed drainage easement adjacent to Lots 1, 40, and 41 is required to be lower than the existing ground to successfully take on the flows from

APN 177-29-301-011. Within the subdivision, Lindwall Street is graded at the minimum allowable slope. To accommodate the worst-case grade difference on each side of the wall at Lot 40, an increase in grade to 7 feet, and a 7 foot 4 inch retaining wall is needed. An increase in grade to 4 foot 7 inches was approved by ZC-21-0371.

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-21-0371	Reclassified 21 acres from R-E to R-2 zoning	Approved by BCC	October 2021
TM-21-500115	109 single family lots and common lots	Approved by BCC	October 2021
VS-21-0372	Vacated and abandoned patent easements	Approved by BCC	October 2021
NZC-0340-13	Reclassified a portion of 80 acres from R-E to R-1 zoning and R-2 zoning, waiver for alternative landscaping, street intersection off-set, private street without County approved turnaround and off-site improvements, and design review for a single family residential development - expired	Approved by BCC	November 2013

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Open Lands	R-E	Undeveloped
South	Mid-Intensity Suburban (up to 8 du/ac)	R-1, R-2, & R-E	Undeveloped & single family residential
East	Mid-Intensity Suburban (up to 8 du/ac)	R-1 & R-D	Single family residential
West	Mid-Intensity Suburban (up to 8 du/ac)	R-E	Undeveloped

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

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.

The applicant indicates the increased retaining wall height is necessary due to existing topography and drainage patterns. The existing topography of the site and engineering constraints can be a unique circumstance for this site, which makes it necessary to increase retaining wall heights to retain fill. Staff finds the request for the retaining wall height increase to be agreeable given that the 13.4 foot wall will not be visible from any street and the maximum proposed increase is only along the south side of Lot 40. The property to the south of the site is undeveloped. Since there is no street running along the south of this site, there will not be any canyon effect created by the proposed wall height. Additionally, the request to reduce the landscaping width along Pyle Avenue to 10 feet is only for the 1 lot on the west side of the private drive from Pyle Avenue and should not impact the aesthetics of the streetscape. Therefore, staff can support these requests.

Public Works - Development Review

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.

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

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 has adopted a rewrite to Title 30 effective January 1, 2024, 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.
- 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.

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.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Enterprise - approval.

APPROVALS:

PROTESTS:

APPLICANT: PN II, INC.

CONTACT: WESTWOOD PROFESSIONAL SERVICES, 5725 W. BADURA AVENUE, SUITE 100, LAS VEGAS, NV 89118