

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-24-0354-USA:**

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** reduce lot area; **2)** reduce setbacks; **3)** increase fill height; **4)** reduce number of access drives; **5)** increase retaining wall height; and **6)** full off-site improvements (curb, gutter, sidewalk, streetlights, and partial paving).

**DESIGN REVIEW** for a single-family residential subdivision on 5.02 acres in an RS20 (Residential Single-Family 20) Zone within the Neighborhood Protection (RNP) Overlay.

Generally located on the south side of Azure Drive, the north side of Bright Angel Way, and the east side of Park Street (alignment) within Lone Mountain. RM/bb/syp (For possible action)

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RELATED INFORMATION:

**APN:**

125-30-601-024 ptn

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Reduce the net lot area to 16,200 square feet where 18,000 square feet is required per Section 30.02.04 (a 10% reduction).
2.
  - a. Reduce the rear setback of a primary structure to 20 feet for Lots 4, 5 and 6 where 30 feet is required per Section 30.02.04 (a 33% reduction).
  - b. Reduce the front setback of a primary structure to 18 feet for Lots 4 and 6 where 40 feet is required per Section 30.02.04 (a 55% reduction).
  - c. Reduce the front setback of a primary structure to 21 feet for Lots 1, 2, 3, 7, 8, and 9 where 40 feet is required per Section 30.02.04 (a 48% reduction).
3. Increase fill height to 5 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 67% increase).
4. Allow 1 access where a minimum of 2 through-access drives are required for a subdivision over 5 acres per Section 30.04.09 (a 50% reduction).
5. Increase the height of a retaining wall to 5 feet where 3 feet is the maximum allowed per Section 30.04.03C (a 66% increase).
6.
  - a. Waive full off-site improvements (curb, gutter, sidewalk, streetlights and partial paving) along Azure Drive where required per Section 30.04.08.
  - b. Waive full off-site improvements (curb, gutter, sidewalk, streetlights and partial paving) along Park Street where required per Section 30.04.08.
  - c. Waive full off-site improvements (curb, gutter, sidewalk, streetlights and partial paving) along Bright Angel Way where required per Section 30.04.08.

**LAND USE PLAN:**

LONE MOUNTAIN - RANCH ESTATE NEIGHBORHOOD (UP TO 2 DU/AC)

## **BACKGROUND:**

### **Project Description**

#### General Summary

- Site Address: N/A
- Site Acreage: 5.02
- Project Type: Single-family residential
- Number of Lots/Units: 9
- Density (du/ac): 1.8
- Minimum/Maximum Lot Size (square feet): 20,006/20,344 (gross)/16,217/18,023 (net)
- Number of Stories: 1
- Building Height (feet): 26
- Square Feet: 3,313 (minimum)/5,008 (maximum)

#### Site Plans

The plans depict a single-family residential detached development totaling 9 single-family lots on 5.02 acres located on the south side of Azure Drive, the east side of Park Street (alignment), and the north side of Bright Angel Way. The density of the overall development is shown at 1.8 dwelling units per acre. The lots range in size from a minimum gross acreage of 20,006 square feet up to 20,344 square feet with the net acreage ranging from 16,217 square feet up to 18,023 square feet. The development will have access from Bright Angel Way. The lots within the subdivision will be served by a 38 foot wide internal private street that runs through the center portion of the site from Bright Angel Way and will terminate in a cul-de-sac. The private street will have lots on each side of it and the private street will be incorporated into the adjacent lots. The grading plans show increased fill mostly located on the east half of the subdivision, including maximum 5 foot high retaining walls and 5 feet of fill within 5 feet from the east property line. Lot 3 will have the maximum fill of 5 feet and maximum 5 foot high retaining wall.

#### Landscaping

The applicant is requesting to waive full offsites, including sidewalks, with a 6 foot wide landscape easement and large trees spaced every 30 feet adjacent to Azure Drive, Park Street, and Bright Angel Way.

#### Elevations

All homes are single story with a maximum height of 26 feet. A variety of garage treatments, setbacks, façade design, and garage door treatments are provided. Four-sided architecture is provided with windows, roofline variety, and façade treatments.

#### Floor Plans

The 3 primary floor plans depict a variety of options, including floor plans with an attached recreation vehicle garage, ranging in total area from 3,313 square feet to 5,008 square feet. Each floor plan has garage, recreation vehicle garage, patio, bedroom, den, and courtyard options.

#### Applicant's Justification

The applicant is proposing to develop 9 lots on an RS20 zoned, 5.02 acre property acquired from the BLM. The property is located north of Bright Angel Way, south of Azure Drive, and east of

Park Street alignment that will be constructed with the development. Net lot size and rear yard setbacks are reduced due to the inclusion of half street improvements for Park Street. Due to the approximately 10 foot drop from west to east on this property, there is a need for 5 feet of fill within 5 feet of the east property line. A request to waive full offsites is proposed, with a 6 foot wide landscape strip adjacent to all streets included in the plan. The property is located within, and adjacent to, the Neighborhood Protection (RNP) Overlay on the north, west, and east sides. An existing elementary school is located south of this property. A tentative map for the 9 lot subdivision is a companion item on this agenda.

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North & East	Ranch Estate Neighborhood (up to 2 du/ac)	RS20 (NPO-RNP)	Single-family residential
South	Public Use & Ranch Estate Neighborhood (up to 2 du/ac)	PF, RS20 (NPO-RNP)	Marshall C. Darnell elementary school & undeveloped
West	Ranch Estate Neighborhood (up to 2 du/ac)	RS20 (NPO-RNP)	Undeveloped

**Related Applications**

<b>Application Number</b>	<b>Request</b>
TM-24-500069	A tentative map for 9 lot subdivision on 5.02 acres and 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

The lot reduction is due to the proposed private street easement and dedication of the Park Street right-of-way. The decrease in lot size is 9.9% less than the required 18,000 square foot lot size required in Title 30. The request to reduce lot size also conflicts with the Lone Mountain Interlocal Agreement that requires a minimum of 18,000 square feet net lot size, with a goal of at least 18,500 square feet. The smallest net lot size is 12% less than the goal of 18,500 square feet.

None of the lots are located adjacent to a collector or arterial street, with Lots 1 through 4 located adjacent to existing single family residential homes. The reduced lot sizes are impacting the ability to place the proposed models without corresponding waivers for setbacks. As a result, staff cannot support the waiver of development standards to reduce the lot area.

#### Waiver of Development Standards #2

The proposed reduction in the rear setback is 33% less than the required Title 30 setback with Lots 1 through 4 sharing a property line with an existing residential lots and homes. The proposed reduction in the front setback for Lots 1 through 3, and Lots 7 through 9 is a 48% reduction, while Lots 4 and 6 would be reduced by 55%. All lots appear to require the rear setback reduction and/or front setback reduction to be able to fit the 3 large home models. The reduction to the front setback for Lots 1, 2, 3, 7, 8, and 9 would be consistent with neighboring developments, however, the reductions for the rear yard setback and front yard setback for Lots 4 and 6, are a self-imposed hardship. For this reason, staff cannot support waivers #2a and #2b.

#### Waivers of Development Standards #3 & #5

Approximately 5 feet of increased finished grade along the east property line will not meet the intent of Title 30 for limiting the impacts to adjacent residential property. Tiered walls could be provided in the backyard area of Lots 1 through 4, the applicant chose to propose one 5 foot high retaining wall, 5 feet from the east property line. To meet Code, a 3 foot retaining wall would have been proposed, with an addition 2 foot wall stepped back to the west. These are self-imposed hardships that can be rectified with a redesign of the subdivision. The proposed wall within 5 feet of the residential property line does not meet the intent of Master Plan Policy EN-1.1 Neighborhood Integrity related to contiguous and uniform neighborhood development. For these reasons, staff cannot support waiver #3.

A 5 foot retaining wall where 3 feet is allowed within 5 feet of the east property line on Lots 3 and 4 and a portion of Lot 2. Lot 1 and most of lot 2 will have a retaining wall within 5 feet of the property line. If tiered walls were installed, a 5 foot retaining wall would not be required on this property. Staff cannot support waiver #5.

#### Waiver of Development Standards #4

Secondary access from a public street is required for subdivisions greater than 5 acres in area. Ingress and egress during an emergency are important to subdivision design and public safety. All 3 streets adjacent to this subdivision are local streets. This site exceeds 5 acres by a fraction of an acre and technically still requires the secondary access. 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 gross lot sizes are similar between Lots 1 through 4 of this subdivision and the existing developed lots to the east (Centennial and Tee Pee Unit 2). The net lot sizes of this subdivision

(Azure 9) are larger than the lots east of this property, due to this site having a private street that is 38 feet wide versus 44 feet wide for Centennial and Tee Pee Unit 2 to the east which was approved with reduced lot sizes as part of a larger Planned Unit Development. The largest footprints of the existing homes east of this development are 3,536 square feet and 3,751 square feet. Since staff cannot support the requested waivers and because the proposal is inconsistent with the Lone Mountain Interlocal Agreement, staff cannot support the design review.

### **Public Works - Development Review**

#### Waiver of Development Standards #6

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

### **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.
- 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;
- Right-of-way dedication to include 30 feet for Azure Drive, 30 feet for Bright Angel Way, 30 feet for Park Street, and associated spandrel(s);
- Execute a Restrictive Covenant Agreement (deed restrictions).

#### **Fire Prevention Bureau**

- Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features.

**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 for any sanitary sewer needs to contact the City of Las Vegas to see if the City has any gravity sanitary sewer lines located in the vicinity of the applicant's parcel.

**TAB/CAC:** Lone Mountain - denial.

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** JENNIFER VERAS

**CONTACT:** JENNIFER VERAS, GCW ENGINEERING, 1555 S. RAINBOW BOULEVARD,  
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