

05/17/23 BCC AGENDA SHEET

SINGLE FAMILY RESIDENTIAL DEVELOPMENT WARM SPRNGS RD/SCHIRLLS ST
(TITLE 30)

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-23-0144-PN II, INC.:

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** alternative street landscaping; and **2)** allow non-standard improvements within the right-of-way.

DESIGN REVIEWS for the following: **1)** single family residential development; and **2)** finished grade on 9.8 acres in an R-E (Rural Estates Residential) (RNP-I) Zone.

Generally located on the north side of Warm Springs Road and the west side of Schirlls Street within Enterprise. MN/md/syp (For possible action)

RELATED INFORMATION:

APN:

177-06-801-004

WAIVERS OF DEVELOPMENT STANDARDS:

1. a. Allow alternative street landscaping along Warm Springs Road where landscaping per Table 30.64-1 and Figure 30.64-17 is required.
- b. Allow alternative street landscaping with no detached sidewalk along Schirlls Street and Arby Avenue where landscaping and a detached sidewalk are required per Table 30.64-1 and Figure 30.64-17.
2. Allow non-standard improvements within the right-of-way (landscaping) (Warm Springs Road) where not permitted per Chapter 30.52.

DESIGN REVIEWS:

1. Single family residential development.
2. Increase finished grade to 72 inches where a maximum of 36 inches is the standard per Section 30.32.040 (a 100% increase).

LAND USE PLAN:

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

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 9.8
- Number of Lots: 16

- Density (du/ac): 1.7
- Minimum/Maximum Lot Size (square feet): 20,673/32,571 (gross)/18,003/24,666 (net)
- Project Type: Single family residential development
- Number of Stories: 2
- Building Height (feet): 28.5 to 33
- Square Feet: 4,807 to 4,952

Site Plans

The plans depict a single family residential development consisting of 16 lots on 9.8 acres with a density of 1.7 dwelling units per acre. The minimum and maximum gross lot sizes are 20,673 square feet and 32,571 square feet, respectively. The minimum and maximum net lot sizes are 18,003 square feet and 24,666 square feet, respectively. The 16 residential lots take direct access from an internal 38 foot wide private street (Street A) that connects to Schirlls Street via a 59 foot wide private street (Avenue A). The private street (Street A) servicing the proposed development is oriented in a north/south direction and terminating in cul-de-sac bulbs located adjacent to Lots 3 through Lot 6 (north portion of development) and Lots 12 through Lot 14 (south portion of development). Avenue A, a private street, is oriented in an east/west direction and includes a 10 foot wide landscape median located within the center of the private right-of-way. Schirlls Street and Arby Avenue, located adjacent to the east and north sides of the site, respectively, will be developed to non-urban standards within the minimum paving (32 feet) for Environment and Sustainability regulations; however, since the streets are local residential streets within a Rural Neighborhood Preservation (RNP-I) Overlay District, no waiver for off-site improvements are required. The maximum increase in finished grade occurs predominantly on the east side of the development, adjacent to Schirlls Street.

Landscaping

The plans depict a 16 foot wide street landscape area, including 2 detached 5 foot wide asphalt sidewalks, that will be constructed within the right-of-way along Warm Springs Road. A 10 foot wide landscape area, consisting of large trees planted 40 feet on center, will be located behind the asphalt sidewalk within the boundaries of the development. The alternative street landscaping adjacent to Warm Springs Road requires a waiver of development standards. Furthermore, the future landscaping within the right-of-way along Warm Springs Road requires a waiver for non-standard improvements within the right-of-way. A 10 foot wide landscape area, consisting of large trees is located immediately adjacent to Schirlls Street and Arby Avenue, which also requires a waiver. A 12 foot high wall (6 foot retaining wall and 6 foot screen wall) is located along the east portion of the development, adjacent to Schirlls Street and the south portion of the development, adjacent to Warm Springs Road. Per Code, a 12 foot high wall (6 foot retaining wall and 6 foot screen wall) is permitted if a minimum landscape area of 6 feet is provided along the local street, Schirlls Street. Street landscape areas measuring 10 feet in width are located along the north side of Lot 16 and the south side of Lot 1, both of which are adjacent to Avenue A.

Elevations

The plans depict 6 elevations (3 different elevations per plans) with the residential models measuring between 28.5 to 33 feet in height. Two of the 6 models feature a pitched concrete tile roof with the front elevations consisting predominantly of stone veneer with stucco accents. The

remaining 4 front elevations will consist either of a flat roof or a combination of a flat roof/pitched concrete tile roof. All side and rear elevations of each model will consist of stucco siding with enhanced window fenestration.

Floor Plans

The plans depict 2 different floor plans measuring between 4,807 square feet to 4,952 square feet. Multiple bedrooms, a dining room, living room, kitchen, closets, bathrooms, and an owner’s suite are included with the floor plans. All plans also include a 3 car garage in addition to a recreational vehicle garage.

Applicant’s Justification

The applicant states the increase in finished grade is necessary to provide positive drainage for the development. The applicant is providing alternative street landscaping along Warm Springs Road, Schirlls Street, and Arby Avenue. The applicant has coordinated the proposed streetscape design along Warm Springs Road with Public Works. Furthermore, the applicant is requesting a waiver for non-standard improvements within the Warm Springs Road right-of-way, specifically for landscaping.

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-1026-05	Reclassified the project site from R-E to R-E (RNP-I) zoning	Approved by BCC	October 2005

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North, East, & West	Ranch Estate Neighborhood (up to 2 du/ac)	R-E (RNP-I)	Single family residential
South	Ranch Estate Neighborhood (up to 2 du/ac)	R-E (RNP-I)	Undeveloped

Related Applications

Application Number	Request
TM-23-500033	A tentative map for a 16 lot single family residential development is a companion item on this agenda.
VS-23-0145	A request to vacate and abandon 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 #1a

Staff finds the proposed landscaping along Warm Springs Road is an acceptable alternative to the 15 foot wide landscape requirement which includes a 5 foot wide detached sidewalk. A 16 foot wide landscape area, including 2 detached 5 foot wide asphalt sidewalks, will be constructed within the right-of-way along Warm Springs Road. A 10 foot wide landscape area consisting of large trees planted 40 feet on center will be located behind the asphalt sidewalk within the boundaries of the development. The alternative street landscaping, which includes locating the detached sidewalks within the right-of-way, should provide a safer and more aesthetically pleasing streetscape for both equestrians and pedestrians. Therefore, staff finds the alternative landscaping meets the intent of Code and recommends approval.

Waiver of Development Standards #1b

Staff typically does not support requests for alternative landscaping that includes eliminating the required detached sidewalk. However, the request for alternative landscaping along Schirlls Street and Arby Avenue, consisting of a 10 foot wide landscape area with large trees planted 40 feet on center, will allow the site to develop to rural street standards matching the existing developments within the existing area; therefore, staff can support this request.

Design Review #1

Per Section 30.48.170 of the Development Code, the purpose of the Residential Neighborhood Preservation (RNP-I) Overlay District is to ensure that the character of rural development is preserved. The RNP-I Overlay requires an area designated within any of the various adopted land use plans be maintained as low density residential development not to exceed an overall density of 2 dwelling units per acre. Staff finds the proposed density of this single family residential development is compatible and consistent with the planned and existing uses in the immediate area. This portion of the request is compliant with Policy EN-1.1 (Neighborhood Integrity) and Policy EN-1.2 (Ranch Estate Neighborhood) of the Master Plan that encourage preserving the integrity of uniform neighborhoods and compatible infill development; therefore, staff recommends approval.

Public Works - Development Review

Waiver of Development Standards #2

The applicant is responsible for maintenance and up-keep of any non-standard improvement; the County will not maintain any landscaping placed in the right-of-way. Staff can support Waiver of Development Standards #2 but the applicant must execute and sign a License and Maintenance Agreement for any non-standard improvements within the right-of-way.

Design Review #2

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 development will penetrate the 100:1 notification airspace surface for Harry Reid International Airport. Therefore, as required by 14 CFR Part 77, and Section 30.48.120 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

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

- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- 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 4 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;
- Right-of-way dedication to include 30 feet for Schirlls Street, 30 feet for Arby Avenue, and associated spandrels;

- Applicant to install full off-site improvements on Warm Springs Road or pay a contribution for the Warm Springs Road improvement project as determined by Public Works;
- Execute a Restrictive Covenant Agreement (deed restrictions);
- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Warm Springs Road improvement project;
- Execute a License and Maintenance Agreement for any non-standard improvements within the right-of-way.
- 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 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 30.48 Part B 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; 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 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.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Enterprise - approval.

APPROVALS:

PROTESTS:

APPLICANT: PN II, INC

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