

01/19/22 BCC AGENDA SHEET

RETAINING WALL HEIGHT &
INCREASE FINISHED GRADE
(TITLE 30)

PATRICK LN/JONES BLVD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-21-0674-LEGACY JONES, LLC:

WAIVER OF DEVELOPMENT STANDARDS for increased wall height.

DESIGN REVIEW for finished grade on 4.0 acres in an R-E (Rural Estates Residential) (AE-65) Zone in the CMA Design Overlay District.

Generally located on the east side of Jones Boulevard, 295 feet south of Patrick Lane within Spring Valley. MN/jor/jo (For possible action)

RELATED INFORMATION:

APN:

163-36-301-023

WAIVER OF DEVELOPMENT STANDARDS:

Increase the wall height to 13.3 feet (7.3 foot retaining/6 foot screen wall) where a 9 foot wall (3 foot retaining/6 foot screen wall) is the maximum allowed per Section 30.64.050.

DESIGN REVIEW:

Increase finished grade to 91.5 inches (7.6 feet) where a maximum of 18 inches (1.5 feet) is the standard per Section 30.32.040 (a 408% increase).

LAND USE PLAN:

SPRING VALLEY - COMMERCIAL NEIGHBORHOOD

BACKGROUND:

Project Description

General Summary

- Site Address: 6180 S. Jones Boulevard
- Site Acreage: 4
- Project Type: Proposed increased retaining wall height and increase finished grade

History, Site Plan, & Request

The site was approved for a congregate care facility via UC-0671-16. The previously approved plans depict a single story building centrally located on the parcel. The building is set back 34 feet from the east property line (rear), 60 feet from the west property line (front), and a minimum of 57 feet from the north and south property lines (interior sides). Parking spaces are located

along the north, east, and west sides of the building. Lastly, access to the site is provided by 2 driveways along the west property line adjacent to Jones Boulevard.

The applicant is proposing to construct retaining walls with screen walls on top along the north, south, and east property lines. The applicant is requesting to increase the retaining wall height along the east property line to a maximum of 7.3 feet where 3 feet is the maximum allowed per Title 30. The applicant submitted a north, south, east section wall plan which shows that the screen wall on top of the varying retaining wall heights will not exceed 6 feet (maximum per Title 30).

Lastly, the applicant is also requesting to increase the proposed finished grade at a maximum of 7.6 feet. The applicant submitted a south to north profile cross-section plan which depicts the proposed increase finished grade of 7.6 feet will be at the southernmost end of the congregate care building.

Landscaping

The previously approved plans depict a 15 foot wide landscape area with a detached sidewalk adjacent to Jones Boulevard consisting of trees, shrubs, and groundcover. The landscape areas along the north, south, and east property lines are 10 feet wide which consist of 2 off-set rows of trees. Additional landscape areas consisting of trees, shrubs, and groundcover are located adjacent to the building and within the courtyard areas.

Elevation

The previously approved plans depict a 1 story congregate care building with an overall height of 34 feet. The design of the building includes varying roofline heights from 22 feet to 34 feet. The exterior of the building includes a stucco finish with earth tone paint colors. The main entrance of the facility faces east.

Applicant's Justification

Per the submitted justification letter, the request to allow a retaining wall height greater than 3 feet stems from the existing topography of the site and the drainage requirements along Jones Boulevard. Furthermore, Jones Boulevard is in conjunction with a large stormwater flow that is approximately 15 inches deep in the 100 year storm event. The proposed building finished floor must be set at twice the depth of flow per the approved drainage study (PW16-55990). The natural topography of the site slopes east and the east property line is 4 feet lower than Jones Boulevard, thus, requiring retaining wall heights higher than 3 feet. Screen walls will not exceed 6 feet. Lastly, in order for the site to properly drain to Jones Boulevard, and avoid impacting neighboring properties the increase finished grade must be to a maximum of 7.6 feet since the existing grade along the east property line is 4 feet lower.

Prior Land Use Requests

Application Number	Request	Action	Date
ET-20-400149 (UC-0671-16)	Second extension of time for a congregate care facility	Approved by PC	January 2021

Prior Land Use Requests

Application Number	Request	Action	Date
VS-19-0960	Vacated and abandoned 33 foot wide government patent easements along the north, south, east, and west property lines - recorded	Approved by PC	February 2020
ET-18-400240 (UC-0671-16)	First extension of time for a congregate care facility	Approved by PC	January 2019
VS-0064-17	Vacated and abandoned patient easements - expired	Approved by PC	March 2017
UC-0671-16	Use permit and design review for a congregate care facility with accessory commercial uses	Approved by PC	November 2016

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Office Professional	R-E	Undeveloped
South	Office Professional	C-P	Undeveloped
East	Rural Neighborhood Preservation (up to 2 du/ac)	R-E (RNP-I)	Undeveloped
West	Public Facilities	R-E	Undeveloped

STANDARDS FOR APPROVAL:

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

Analysis

Current Planning

Waiver 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 cross-sections depict that increasing the retaining wall height may visually impact future residential uses to the north, east, and south. Staff is concerned that future neighbors may be subject to seeing a high perimeter wall (maximum of 13.3 feet) without a solution to help soften the visual impact. However, staff finds that the site is currently under construction. Although staff has concerns, staff can support the application if the applicant adds a painted stucco finish to the walls to match the congregate care facility.

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 development will penetrate the 100:1 notification airspace surface for LAS 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 within the AE-65 (65-70 DNL) noise contour for LAS 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 LAS 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:

Current Planning

- External face of the east wall to have a painted stucco finish to match the main building.
- 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

- Comply with approved study PW16-55990;
- 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 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;
- 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;
- Incorporate exterior to interior noise level reduction into the building construction as required by Code for use.
- 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 the FAA 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 owners wish to have their buildings purchased or soundproofed.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: NSND

CONTACT: GREG BORGEL, FCLAW, 300 S. 4TH STREET #1400, LAS VEGAS, NV 89101