

SINGLE FAMILY DEVELOPMENT  
(TITLE 30)

DIABLO DR/MANN ST

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**ZC-22-0284-DEAN, JERRY & DEANNA FAMILY TRUST-SURVIVOR'S TRUST & DEAN, DEANNA S. TRS:**

**ZONE CHANGE** to reclassify 1.2 acres from an R-E (Rural Estates Residential) Zone to an R-D (Suburban Estates Residential) Zone.

**WAIVER OF DEVELOPMENT STANDARDS** for modified driveway design.

**DESIGN REVIEW** for finished grade in conjunction with a single family development in the CMA Design Overlay District.

Generally located on the southeast corner of Diablo Drive and Mann Street within Spring Valley (description on file). MN/nr/jo (For possible action)

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RELATED INFORMATION:

**APN:**

163-26-801-039

**WAIVER OF DEVELOPMENT STANDARDS:**

Reduce the required setback from the property line to the driveway to zero feet where 6 feet is required per Uniform Standard Drawing 222.2 (a 100% reduction).

**DESIGN REVIEW:**

Increase finished grade up to 112.8 inches (9.4 feet) where a maximum of 36 inches (3 feet) is the standard per Section 30.32.040 (a 213% increase).

**LAND USE PLAN:**

SPRING VALLEY - LOW-INTENSITY SUBURBAN NEIGHBORHOOD (UP TO 5 DU/AC)

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: N/A
- Site Acreage: 1.2
- Number of Lots/Units: 3
- Density (du/ac): 2.5
- Minimum/Maximum Lot Size (square feet): 16,572/19,045
- Project Type: Single family residential

### Site Plans

The plans show a parcel for a future subdivision of 3 lots. The shared driveway is located at the intersection of Diablo Drive and Mann Street. The shared driveway would not accommodate the 6 foot setback from a driveway to a property line so a waiver of development standards is part of the request.

### Landscaping

Landscaping is not a part of this request.

### Signage

Signage is not a part of this request.

### Applicant's Justification

The applicant states that the current lot will be split into 3 lots for single family residences. Due to the shape of the lot, a waiver is requested for a shared driveway with setback encroachments and increase in finished grade to provide flood protection to the lots. The applicant requests approval of the zone change, waiver of development standards, and design review.

### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
WS-0350-10 (ET-0120-12)	First extension of time for non-standard off-site improvements	Approved by PC	November 2012
WS-0350-10	Non-standard off-site improvements	Approved by PC	September 2010
UC-0335-10	Accessory structure before primary - expired	Approved by PC	September 2010

### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North, South, & East	Low-Intensity Suburban Neighborhood (5 du/ac)	R-E	Single family residential
West	Low-Intensity Suburban Neighborhood (5 du/ac)	R-E & R-D	Single family residential

### **Related Applications**

<b>Application Number</b>	<b>Request</b>
VS-22-0283	A vacation and abandonment of a drainage easement 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**

### **Current Planning**

#### Zone Change

The zone change conforms to the planned land use designation of the Master Plan. The immediate vicinity is currently developed predominantly R-E zoned lots with R-D zoned lots to the southwest. Since the application is consistent with the Master Plan and the surrounding area, staff can support the zone change.

#### 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.

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

#### Waiver of Development Standards

Staff finds the request to reduce the required separation from the driveways to the property lines to be a self-imposed hardship. Based on the lot frontage, the applicant should build 1 home on the site or explore other options, such as a private street to serve the lots. As designed, staff cannot support the request.

#### 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 of the zone change and design review; denial of waiver of development standards.

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**

If approved:

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- 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 the waiver of development standards and design review must commence within 2 years of approval date or they 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;
- Full off-site improvements.
- 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 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)**

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email [sewerlocation@cleanwaterteam.com](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0198-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:**  
**APPROVALS:**  
**PROTESTS:**

**APPLICANT:** DEANNA DEAN

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