

01/18/23 BCC AGENDA SHEET

SINGLE FAMILY RESIDENTIAL  
(TITLE 30)

**UPDATE**  
WIGWAM AVE/CIMARRON RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-22-0456-LH VENTURES, LLC:**

**HOLDOVER WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** increase retaining wall height; and **2)** full off-site improvements (curb, gutter, sidewalk, streetlights, and partial paving).

**DESIGN REVIEWS** for the following: **1)** single family residential subdivision; and **2)** finished grade on 22.5 acres in an R-E (Rural Estates Residential) (RNP-I) Zone.

Generally located on the south side of Wigwam Avenue and the west side of Cimarron Road within Enterprise. JJ/lm/syp (For possible action)

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RELATED INFORMATION:

**APN:**

176-16-301-015; 176-16-301-017; 176-16-301-018; 176-16-301-031; 176-16-301-037; 176-16-301-038

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Increase combined wall and retaining wall height to 12 feet (6 foot retaining wall and 6 foot screen wall) where a maximum of 9 feet is permitted per Section 30.64.050 (a 33.4% increase).
2. Waive full off-site improvements including streetlights, curb, gutter, sidewalk, and partial paving along Wigwam Avenue and Cimarron Road where required per Chapter 30.52.050.

**DESIGN REVIEWS:**

1. Single family residential development.
2. Increase finished grade to 6 feet where a maximum of 3 feet 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: 22.5

- Number of Lots: 42
- Density (du/ac): 1.87
- Minimum/Maximum Lot Size (square feet): 16,388/29,166
- Project Type: Single family residential subdivision
- Number of Stories: 2
- Building Height (feet): 20.5
- Square Feet: 3,479

Site Plans

The plans depict a single family residential subdivision consisting of 42 lots on 22.5 acres with a density of 1.87 dwelling units per acre. Access to the gated subdivision is from Cimarron Road with internal 39 foot wide private streets ending in 4 radius cul-de-sacs and 1 stub street. A 5 foot wide relocated equestrian trail is located along the southerly portion of Cimarron Road with improvements per rural standards along Cimarron Road and Wigwam Avenue which are both 80 feet wide.

Landscaping

The plans depict a 10 foot wide landscape strip adjacent to Cimarron Road and Wigwam Avenue with a 6 foot wide landscape strip along 1 side of some internal streets. The retaining wall height increase is located along the south and east sides of the development. The requested retaining wall is up to 6 feet high where 3 feet is allowed with a 6 foot screen wall for an overall height of 12 feet located adjacent to the residential properties to the south and east along Cimarron Road.

Elevations

The proposed plans depict a single residence design that offers 4 different elevations. The proposed residence is 20.5 feet in height with exterior material options including tile roofing, painted stucco, stone veneer, or thin brick with pop-outs around windows and entrances.

Floor Plan

A single 3,479 square foot floor plan is provided that includes multiple options to extend or expand outdoor living and loggia areas.

Applicant’s Justification

The applicant indicates that the topography of the property falls from the west to east and the use of retaining walls is needed along the south and east property lines with a 10 foot landscape area. The applicant also indicates that the proposed development conforms to current rural street standards in the area.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ZC-1026-05	Reclassified numerous parcels in Enterprise to establish the R-E (RNP-I) zoning	Approved by BCC	October 2005

### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North, South, & West	Rural Estate Residential (up to 2 du/ac)	R-E (RNP-I)	Single family residential & undeveloped
East	Rural Estate Residential (up to 2 du/ac) & Open Lands	R-E (RNP-I)	Single family residential & undeveloped

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

### **Related Applications**

<b>Application Number</b>	<b>Request</b>
VS-22-0457	A vacation and abandonment of easements and right-of-way (portions of Cougar Avenue and Tomsik Road) is a companion item on this agenda.
TM-22-500163	A tentative map for a 42 lot single family residential subdivision is a companion item on this agenda.
PA-22-700003	Master Plan Amendment for a trail realignment is a companion item on this agenda.
CP-22-900623	Resolution for Master Plan Amendment for a trail realignment 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**

##### 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 #1

The increased retaining wall height is located at the southeast portion of the development along the south and east property lines, which is adjacent to an existing single family residence. The primary reasoning for the over height walls is the land slopes from the west to the east, resulting in the need for an over height retaining wall at the rear of some of the lots. However, the impact of the retaining walls may have some impact on the adjacent residence. Staff is unable to support the proposed request.

##### Design Review #1

The layout of the proposed residential subdivision is typical for the area. However, since the overall residential subdivision design cannot function independent of the waivers, which staff is not supporting, staff cannot support this portion of the request.

## **Public Works - Development Review**

### Waiver of Development Standards #2

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

### 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. However, since staff is not supporting the rest of the application, staff cannot support this request.

## **Staff Recommendation**

Denial. This item has been forwarded to the Board of County Commissioners' meeting for final action.

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.

**PLANNING COMMISSION ACTION:** October 18, 2022 – APPROVED – Vote: Unanimous Absent: Castello

## **Current Planning**

- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area;
- Existing equestrian trail sign on Tomsik Street north of Ford Avenue, to be relocated to new trail location on Ford Avenue between Cimarron Road and Gagnier Boulevard, and coordinate with Clark County Public Works to meet installation requirements;
- 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;
- Traffic study and compliance;

- Right-of-way dedication to include 40 feet for Cimarron Road, 40 feet for Wigwam Avenue, **a cul-de-sac for Tomsik Street (north of Ford Avenue)**, and associated spandrel;
- Applicant to pay a contribution for local roadway, drainage, or trail related improvements in lieu of constructing 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.

**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.
- Applicant is advised to submit plans for review and approval prior to installing any gates, speed humps (speed bumps not allowed), and any other Fire Apparatus Access Roadway obstructions; and that fire/emergency access must comply with the Fire Code as amended.

**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 and reference POC Tracking #0099-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:** Enterprise - denial.

**APPROVALS:**

**PROTESTS:** 8 cards, 1 letter

**PLANNING COMMISSION ACTION:** October 4, 2022 – HELD – To 10/18/22 – per the applicant.

**COUNTY COMMISSION ACTION:** November 16, 2022 – HELD – To 12/21/22 – per the Board of County Commissioners.

**COUNTY COMMISSION ACTION:** December 21, 2022 – HELD – To 01/18/23 – per the applicant.

**APPLICANT:** BRUIN CAPITAL PARTNERS

**CONTACT:** WESTWOOD PROFESSIONAL SERVICES, 175 BERKELEY ST., BOSTON, MA 02116