

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-23-0859-DIAMOND STARR HILLS, LLC:

AMENDED HOLDOVER USE PERMIT for a temporary gravel pit.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** hillside design standards; **2)** increase wall height and allow alternative hillside wall standards; **3)** allow attached sidewalk and alternative street landscaping; and **4)** landscaping adjacent to a less intensive use.

DESIGN REVIEWS for the following: **1)** temporary gravel pit on a 6.0 acre portion of 25.0 acres in an R-E (Rural Estates Residential) Zone; **2)** allow modified driveway standards (no longer needed); **3)** reduce street dedication width; **4)** preliminary grading plan in conjunction with a hillside development (slopes greater than 12%); **5)** finished grade; and **6)** a single-family residential development on 5.0 acres in an R-2 (Medium Density Residential) Zone.

Generally located on the north side of Starr Hills Avenue, 110 feet west of Dalia Grove Street within Enterprise. JJ/lm/syp (For possible action)

RELATED INFORMATION:

APN:

176-36-801-008; 176-36-801-016

USE PERMIT:

Allow a temporary gravel pit in conjunction with a specified temporary construction project on a site other than the construction site in an R-E zone per Table 30.44-1.

WAIVERS OF DEVELOPMENT STANDARDS:

1.
 - a. Increase the maximum allowed site disturbance area for slopes **between 12% and 25%** in a hillside development to 100% where 50% is permitted per Table 30.56 1.
 - b. Increase the maximum allowed site disturbance area for slopes exceeding 25% in a hillside development to **70%** (previously 100%) where a maximum of 35% is permitted per Table 30.56-1.
 - c. Waive the required fence or barrier abutting construction areas where required per Section 30.56.100.
 - d. Allow alternative height of required hillside cuts and walls where required per Sections 30.56.100 and 30.64.020, and Figure 30.64-1.
 - e. Waive site re-vegetation within 90 days of completion of work where required per Section 30.56.100.
2.
 - a. Allow a **15 foot wall (9 foot retaining with a 6 foot screen wall)** (previously 16 foot high wall (10 foot retaining with a 6 foot screen wall) between lots where walls up to 9 feet of vertical height must have a 6 foot horizontal off-set and where anything over 9 feet high must be a decorative fence per Section 30.64.020.

- b. Allow a **9** (previously 10.7) foot high wall **4.9** (previously 4.7) foot retaining with a 6 foot screen wall) along a street (Starr Hills Avenue) where walls up to 9 feet of vertical height must have a 6 foot horizontal off-set and where anything over 9 feet high must be a decorative fence per Section 30.64.020.
- c. Allow an 11 foot high wall (5 foot retaining with a 6 foot screen wall) along a project boundary (west, north, and east) where walls up to 9 feet of vertical height must have a 6 foot horizontal off-set and where anything over 9 feet high must be a decorative fence per Section 30.64.020 (**no longer needed**).
3. Allow an attached sidewalk and alternative street landscaping along Starr Hills Avenue where landscaping and detached sidewalk are required per Figure 30.64-17.
4. Waive landscaping adjacent to a less intensive use where 1 tree per 30 feet per Table 30.64-1 and Figure 30.64-11 is required.

DESIGN REVIEWS:

1. Temporary gravel pit.
2.
 - a. Reduce driveway location to 5.5 feet from property line where 6 feet is required per Uniform Standard Drawing 222 (an 8.3% reduction) (**no longer needed**).
 - b. Reduce single car driveway width to 10.5 feet where 12 feet is required per Uniform Standard Drawing 222 (a 12.5% reduction) (**no longer needed**).
3. Reduce street dedication width to 30 feet (half street) where 50 feet (half street) is required per Section 30.52.030.
4. Preliminary grading plan for a single-family residential development within a Hillside Area (slopes greater than 12%).
5. Increase finished grade up to 72 inches (6 feet) where 36 inches (3 feet) is the standard per Section 30.32.040 (a 100% increase).
6. A proposed single-family residential development.

LAND USE PLAN:

ENTERPRISE - MID-INTENSITY SUBURBAN NEIGHBORHOOD (UP TO 8 DU/AC)

ENTERPRISE - OPEN LAND (OPEN SPACE/GRAZING/VACANT LAND; RESIDENTIAL UP TO 1 DU/10 AC)

BACKGROUND:

Project Description

- General Summary
- Site Address: N/A
- Site Acreage: 5 (single-family residential)/6 (portion of 25) (temporary gravel pit)
- Project Type: Single-family residential
- Number of Lots: 30 (previously 40)
- Density (du/ac):6 (previously 8)
- Minimum/Maximum Lot Size (square feet): 4,019/8,129 (previously 3,720/3,302)
- Number of Stories: 1 & 2
- Building Height (feet): 17 (minimum)/27 (maximum)
- Square Feet: 2,108 (minimum)/2,640 (maximum)
- Open Space Required/Provided: 0/12,187

Site Plan & History

The site was previously approved for an 18 lot single-family residential subdivision within Hillside Development (ZC-1578-06), which included waiver for modified street landscape buffer and modified street improvements, including attached sidewalk and 10 foot wide street landscaping. The zoning remains for the site; however, the design approvals have since expired.

The proposed plan depicts a **30** lot residential subdivision within the Hillside Development area with a density of **6** dwelling units per acre and lots ranging in size from **4,019** square feet to **8,129** square feet. Access to the subdivision is from a **49** foot wide gated entry street from Starr Hills Avenue. Street landscaping is provided along Starr Hills Avenue with 15 feet of landscaping behind an attached sidewalk. The plans depict common elements located along Starr Hills Avenue. All lots within the subdivision are accessed from **33 or 37** foot wide private stub streets.

Grading & Retaining

Twelve of the lots are shown on the southern end of the property where the proposed slope is between 0% and 12%, the remaining site to the north includes **18** lots with slopes between lots from 12% up to 100%. The entire **5 acre subdivision** site will be disturbed for grading and development. Along the **central** portion of the site, up to 72 inches of fill will be provided on Lots **13** through **18**. **A 4.9 foot retaining wall with a 6 foot wall on top is proposed along Starr Hills Avenue and internal to the subdivision. 9 foot retaining walls with 6 foot screen walls are proposed on some internal lots and along portions of the perimeter of the subdivision. A wall system consisting of a 9 foot retaining wall, a 6 foot wide setback with a 9 foot retaining wall and 6 foot decorative fence on top is shown between Lots 7 through 12 and Lots 13 through 18 and along the west side of the subdivision. Six foot high standard block walls are located between the lots. Finally, 6 foot decorative fences are provided along the northern lots.**

Landscaping & Screening

The plans depict a 15 foot wide landscape area at the back of an attached sidewalk along Starr Hills Avenue which includes ten, 24 inch box trees spaced 40 feet apart with shrubbery and an up to 4.9 foot retaining wall with 6 foot screen wall. There are no natural areas retained within the boundary of the 5 acre-residential subdivision. The area encompassing the temporary gravel pit on the Bureau of Land Management (BLM) site will meet the BLM standards for extraction, slope, and remediation standards.

Elevations

The plans depict 1 and 2 story residences with a minimum height of **17** feet and a maximum height of **27** feet. There are 2 models that have an interior elevation change which integrates the site grade increase across some of the proposed lots. Each residence will have a pitched roof with concrete tile for roofing material. The exterior of the residences provides a combination of stucco painted in earth tone colors with stone or brick veneer. The designs include pop-outs, recesses, window fenestrations and other architectural features to break-up the vertical and horizontal surfaces of the buildings to enhance residences.

Floor Plans

The plans depict **3** models for single-family residences that are between **2,108** square feet to **2,640** square feet in area. Each residence will have either a 2 or 1 car garage.

Applicant's Justification

The applicant indicates that the proposed temporary gravel pit will be development in conjunction with the residential development. Due to the existing grades and slopes of the proposed residential development, to be able to accommodate the necessary grades and not have a steep high vertical wall on the north side of the residences, the applicant has worked with the Bureau of Land Management (BLM) to allow for grading of a portion of the 25 acre parcel to the north. The area approved for grading on the BLM parcel will be limited to an overall area of 6 acres which will allow the applicant to extract the gravel from the hillside to provide appropriate drainage protection of the residential development. The grading of the site and temporary gravel pit site will be accomplished by mechanical extraction (no blasting or drilling). There will be no batch plant on the site. The temporary gravel pit will occur in conjunction with the BLM Sales of Mineral Materials contract (N-101749) which will combine the purchase of Federal minerals on both private and public lands to comply with federal regulations. The proposed slopes will not exceed 33% and will meet all BLM standards. Process of materials will occur off-site. The applicant also indicates that proposed earthwork removal will occur Monday through Saturday between 7:00 a.m. to 6:00 p.m. and anticipate the time frame for earthwork removal will be less than 24 months.

The applicant believes that the proposed residential subdivision is compatible with the existing residential developments to the west and east.

Prior Land Use Requests

| Application Number | Request | Action | Date |
|---------------------------|--|-----------------|---------------|
| ZC-1578-06 | Reclassified the site to R-2 zoning for a single-family residential hillside development | Approved by BCC | December 2006 |
| TM-0469-06 | 18 lot single-family residential subdivision - expired | Approved by BCC | December 2006 |

Surrounding Land Use

| | Planned Land Use Category | Zoning District (Overlay) | Existing Land Use |
|---------------------|---|----------------------------------|---------------------------|
| North, West, & East | Mid-intensity Suburban Neighborhood (up to 8 du/ac) | R-2 | Single-family residential |
| South | Open Lands | PF | Undeveloped |

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

Related Applications

| Application Number | Request |
|--------------------|--|
| VS-23-0860 | A request to vacate patent easements is a companion item on this agenda. |
| TM-23-500181 | A tentative map for a 40 lot single-family residential subdivision 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

Use Permit

A special use permit is considered on a case by case basis in consideration of the standards for approval. Additionally, the use shall not result in a substantial or undue adverse effect on adjacent properties, character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare; and will be adequately served by public improvements, facilities, and services, and will not impose an undue burden.

The proposed temporary gravel pit is located on the southerly 6 acre portion of the 25 acre BLM parcel north of the requested single-family residential subdivision. The site has been reserved by Clark County for a future trail area. The land use category requires adequate buffering from existing residential uses which are located to the east, southeast, and southwest of the identified gravel pit area as determined by the Commission or Board. The applicant has indicated that the temporary gravel pit removal of material should not take longer than 24 months. Staff is concerned that more than 2 years will be needed to extract material due to the drainage and permit approval process. While the access to the gravel pit area will be through the southerly 5 acres that will be developed residential, staff is concerned with the proposed grades and impact to any trail design in the future that may connect the common elements that surround the knoll that will be partially removed with this proposed use. Staff recommends denial.

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.

Design Reviews

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.

Waivers of Development Standards #1, #2, & #4 & Design Reviews #1 & #4

The purpose of the hillside development standards is among other items listed in Title 30, designed to minimize grading and site disturbance on hillsides to maximize compatibility with the natural terrain, encourage the reasonable, safe and aesthetic use of the steep and inconsistent topography of the natural hillsides, establish a transition zone between hillside development and more intensive development, and ensure conservation of these area as a visual resource.

A healthy and sustainable natural and built environment encourages land development that minimizes alteration of the natural landform. In addition, the requested additional area of disturbance and wall heights and type exceeds the previously approved request on the site, and greatly exceeded the Hillside Development Regulations. This request does not comply with Goal EN 3.2 which encourages protecting distinctive topographic features for parks and open space or Goal EN 3.3 which encourages new development to provide and maintain access to public lands through access easements and trail connections. While several developments within the immediate area have been partially graded to accommodate residential developments, these developments were subject to the Hillside Development Regulations contained within Title 30 and provided natural areas adjacent to the BLM parcel. The development to the east provided lots that ranged in size from 4,000 square feet to 11,758 square feet with a 36,075 square foot common area open along the north portion of the development that provides a natural area within the subdivision. Those natural areas were provided along the boundary of the BLM parcel where with this request, the proposed temporary gravel pit, is situated. The proposed design does not accommodate the natural area and exceeds the existing wall heights on the adjoining existing residential developments. Additionally, the proposed temporary gravel pit is not designed to provide a usable trail and only for the removal of materials to provide an area to benefit the development of the site versus the community or adjoining residential properties and become a scarp on the landscape. In addition to the increased area of disturbance the proposed development exceeds the recommended density, and no natural area is provided as was previously approved on the site and for the developments to the east and west. Lastly, the zoning designation does not guarantee density for a site. For these reasons, staff cannot support these requests as designed.

Waiver of Development Standards #3

Staff finds that the existing residential properties adjacent to the site have attached sidewalks, however, staff is unable to support the request as detached sidewalks provide an opportunity for pedestrian safety to be provided with the street design. Additionally, trees planted along a detached sidewalk allow for an opportunity on the north side of a right-of-way to provide some shade relief for pedestrian traffic. Therefore, staff cannot support the request.

Design Review #6

The proposed design does not take into consideration the development standards for property located within the Hillside Development areas. The design does not take into consideration a natural boundary that will complement the existing adjoining residential subdivisions site designs that accommodate pedestrian access the natural boundary created by the existing terrain.

Staff finds that a reduction in the number of lots, would provide for greater opportunity to develop the site with the consideration to the established development standards approved for the adjoining properties. Therefore, staff cannot support the residential development design.

If this request is approved, staff recommends that there be no rock crushing or blasting on-site and that the construction hours are limited to 6:00 a.m. to 6:00 p.m. as was previously approved for the site.

Public Works - Development Review

Design Review #2a

No longer needed.

Design Review #2b

No longer needed.

Design Review #3

Staff has no objection to the request to reduce the width of Starr Hills Avenue. The 30 foot dedication matches what has been approved in this area. However, since Planning cannot support the application in its entirety, staff cannot support this request.

Design Review #5

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 Planning cannot support the application in its entirety, staff cannot support this request.

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:

- 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;
- No rock crusher or blasting on-site;
- Construction hours 6:00 a.m. to 6:00 p.m.;
- Certificate of Occupancy and/or business license shall not be issued without approval of an application for a zoning inspection.

- Applicant is advised within 4 years from the approval date (or the time required to complete the construction project, whichever comes first for the temporary gravel pit site) the application must commence or the application will expire unless extended with approval of an extension of time; design review as a public hearing for final grading plan; 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;
- 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;
- Full off-site improvements;
- Right-of-way dedication to include 30 feet for Starr Hills Avenue.

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 #0022-2024 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - denial.

APPROVALS: 2 letters

PROTESTS: 54 cards, 231 letters

COUNTY COMMISSION ACTION: August 21, 2024 – HELD – To 09/18/24 – per the applicant.

COUNTY COMMISSION ACTION: September 18, 2024 – HELD – To 12/18/24 – per the applicant.

COUNTY COMMISSION ACTION: December 18, 2024 – HELD – To 02/05/25 – per the applicant.

APPLICANT: DC PETERSEN PROFESSIONAL CONSULTANTS, LLC

CONTACT: DC PETERSEN PROFESSIONAL CONSULTANTS, LLC, 5052 S. JONES BOULEVARD, SUITE 110, LAS VEGAS, NV 89118