10/07/26 BCC AGENDA SHEET

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
WS-26-0525-BADI, LLC ET AL & ROOHANI KHUSROW FAMILY TRUST:

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce setback; and **2)** waive full off-site improvements.
DESIGN REVIEW for a proposed single-family residential development on 2.05 acres in an RS20 (Residential Single-Family 20) Zone within the Neighborhood Protection (RNP) Overlay.

Generally located south of Eldorado Lane and east of Arville Street within Enterprise. MN/ji/kh (For possible action)

RELATED INFORMATION:

APN:
177-07-601-001

WAIVERS OF DEVELOPMENT STANDARDS:
1. a. Reduce the front setback for Lot 4 to 10 feet where 40 feet is required per Section 30.02.04 (a 75% reduction).
   b. Reduce the front setback for Lot 1 to 10 feet where 40 feet is required per Section 30.02.04 (a 75% reduction).
   c. Reduce the front setback for Lot 3 to 15 feet where 40 feet is required per Section 30.02.04 (a 63% reduction).
2. Waive full off-site improvements (sidewalk, curb, gutter, streetlights, and paving) along Eldorado Lane where required per Section 30.04.08C.

LAND USE PLAN:
ENTERPRISE - RANCH ESTATE NEIGHBORHOOD (UP TO 2 DU/AC)

BACKGROUND:
Project Description
General Summary
- Site Acreage: 2.05
- Project Type: Single-family residential development
- Number of Lots: 4
- Density (du/ac): 1.95
- Minimum/Maximum Lot Size (square feet): 20,079/26,933 (gross) 19,494/26,933 (net)
- Number of Stories: 1 & 2 story (proposed single-family residences)/1 (proposed detached RV garage)
- Building Height (feet): 20 feet 2 inches to 30 feet 5 inches (proposed single-family residences)/ 20 feet 8 inches (proposed detached RV garage)

- Square Feet: 3,488 to 4,266 (proposed single-story single-family residences)/4,807 to 4,938 (proposed two-story single-family residences)/1,020 (proposed RV garage)

Site Plans
The plans depict a proposed 4 lot single-family residential subdivision on 2.05 acres, resulting in a density of 1.95 dwelling units per acre. Access to Lot 3 is provided from Arville Street to the west, which is a collector street, while access to Lots 1, 2, and 4 is provided from Eldorado Lane to the north, which is a local street. The reductions to the required 40 foot front setback are being requested for multiple lots, specifically proposing a 10 foot front setback for Lots 1 and 4, and a 15foot front setback for Lot 3, which require waivers. A 5 foot wide detached sidewalk is shown along Arville Street, where off-site improvements are proposed to be waived along Eldorado Lane.

Landscaping
The plan depicts street landscaping along Eldorado Lane and Arville Street will be in accordance with Title 30 landscaping requirements.

Elevations
The plans show single-family detached homes comprising three different 1 story models and two 2 story models. The 2 story models are 30 feet 5 inches in height, while the 1 story models range from 20 feet 2 inches in height to 30 feet 5 inches in height. Each model includes 3 different elevations. Each façade provides at least 2 architectural features that may include covered entry, covered patio, variable roofline, and varied building materials.

Floor Plans
The plans depict 1 and 2 story single-family residences. The 2 story models offer livable space between 3,488 and 4,266 square feet. The 1 story model features livable space between 4,807 square feet and 4,938 square feet. The optional detached RV garage is 1,020 square feet.

Applicant's Justification
The applicant states the proposed rural design places, garages and livable areas at distances, that would remain consistent with surrounding development, even if curb and sidewalk improvements were added in the future. They note that nearby subdivisions are built to rural standards without curb, gutter, detached sidewalks, or streetlights, and request to maintain the same frontage condition along Eldorado Lane for compatibility with the area. The applicant also states that allowing Lot 3 to access Arville Street is appropriate, as other existing homes in the vicinity currently take access from this collector roadway.

Prior Land Use Requests

Application Number	**Request**	**Action**	**Date**
ZC-05-1026	Zone change from R-E to R-E (RNP-I) Zone	Approved by BCC	October 2005

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North, South, & East	Ranch Estate Neighborhood (up to 2 du/ac)	RS20 (NPO-RNP)	Undeveloped
West	Public Use	RS20 (NPO-RNP)	Undeveloped

Related Applications

Application Number	Request
VS-26-0526	A vacation and abandonment for a right-of-way and easements 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
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.

Waiver of Development Standards #1
The intent of building setbacks is to prevent excessive building massing, provide adequate buffering between structures, maintain a consistent development pattern, and minimize impacts on neighboring properties. The significant reduction in the front setbacks for three of the proposed four lots would conflict with these objectives and results in a design that is incompatible with the development code. Furthermore, this parcel is in the Neighborhood Protection Overlay. This overlay seeks to preserve the required setbacks for primary structures per Section 30.02.26. Staff finds that these requests represent a self-imposed hardship; therefore, cannot support these requests.

Design Review
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.

Staff finds that the architectural design of the proposed model homes complies with the development code and incorporates features that enhance the exterior appearance. The building design includes at least 2 architectural features on each side of the home including covered entries, covered patios, variable rooflines, and window trim. However, the applicant elected to configure the 4 lot subdivision where lot #3 is facing a collector street, rather than pursuing other lot designs that would meet Title 30. This configuration does not comply with Title 30 standards dictating single-family residential access to an arterial or collector street in not permissible; therefore, staff cannot support this 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. Therefore, staff cannot support the Waiver of Development Standards for full off-site improvements.

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 30.02.26B.3(ii) 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
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:

- Certificate of Occupancy and/or business license shall not be issued without approval of a Certificate of Compliance.
- Applicant is advised within 2 years from the approval date the application must commence or the application will expire unless extended with approval of an extension of time; 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;
- Traffic study and compliance;
- Full off-site improvements on Arville Street;
- Execute a Restrictive Covenant Agreement (deed restrictions);
- The installation of detached sidewalks will require the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control devices;
- Applicant to construct a 5 foot asphalt path along Eldorado Lane.

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 30.02.26B 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. The Determination of No Hazard must not be expired.
- 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 and 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 at landuse@lasairport.com 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

- 503.2.1.3 Use group R-3 flag lot street widths. The drive aisle leading to one use group R-3 structure shall be an all-weather (paved) surface that is a minimum of 20 feet (6096 mm) in width and of unlimited length.

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 #0083-2027 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - approval of waiver of development standards #2; denial of waiver of development standards #1c and the design review.
APPROVALS:
PROTESTS:

APPLICANT: P N II, INC.
CONTACT: KRISTIN ANTILL, GCW ENGINEERING, 1555 S. RAINBOW BOULEVARD, LAS VEGAS, NV 89146