10/07/26 BCC AGENDA SHEET

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
WS-26-0532-A & A REVOCABLE LIVING TRUST ETAL & MORADI HAMID TRS:

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** eliminate street landscaping; **2)** waive full off-site improvements; and **3)** alternate driveway geometrics.
DESIGN REVIEW for a proposed single-family residential development on 1.99 acres in an RS20 (Residential Single-Family 20) Zone within the Neighborhood Protection (RNP-NPO) Overlay.

Generally located south of Maule Avenue and east of Hinson Street within Enterprise. MN/jl/kh (For possible action)

RELATED INFORMATION:

APN:
177-06-703-001

WAIVERS OF DEVELOPMENT STANDARDS:
1. Eliminate the street landscaping where a 6 foot wide landscaped area is required when offsite improvements are not installed.
2. a. Waive full off-site improvements (curb, gutter, sidewalks, streetlights, and partial paving) along Maule Avenue where required per Section 30.04.08C.
   b. Waive full off-site improvements (curb, gutter, sidewalks, streetlights, and partial paving) along Hinson Street where required per Section 30.04.08C.
3. Increase the width of the driveway for Lot 1 to 40 feet where 28 feet is required per Uniform Standard Drawing 222 (a 43% increase)

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

BACKGROUND:
Project Description
General Summary
- Site Address: 4147 W. Maule Avenue
- Site Acreage: 1.99
- Project Type: Single-family residential development
- Number of Lots: 4
- Density (du/ac): 1.96
- Minimum/Maximum Lot Size (square feet): 20,000/27,777 gross & net
- Number of Stories: Up to 2
- Building Height (feet): Up to 28

Site Plan
The applicant plans to redevelop the site by demolishing the existing structures and subdividing the property into 4 single-family residential lots. The site plan shows proposed Lots 2 through 4 accessed via semi-circular driveways along Maule Avenue, a collector street, and proposed Lot 1 accessed via a 40 foot wide driveway from Hinson Street. The code restricts residential access along a collector street, and Uniform Standard Drawing 222 limits the driveway width for single-family lots to 28 feet. Therefore, the applicant requests to modify these standards.

Landscaping
Street landscaping is required for new development. The applicant requests to waive the required landscaping.

Elevations
The plans depict 1 and 2 story models with heights measuring 17 feet to 28 feet. Most of the proposed models comply with the requirement for 2 architectural design features on each elevation, however, the rear elevations on some models only have 1 feature.

Applicant's Justification
The applicant states that the orientation of the proposed residences will result in the rear elevations positioned away from public rights-of-way, therefore the lack of 2 architectural design features will not be impactful. They state that the overall design of the residences will be compatible with surrounding neighborhoods, and that their request to eliminate street landscaping and off-site improvements is justified as nearby properties lack these improvements. They add that the proposed lots will include landscaping, although separate from the street landscaping requirements, which will be partially visible from public streets. Although Maule Avenue is a collector street, they state that it primarily serves surrounding rural properties and the proposed driveway access to Maule Avenue will not create traffic issues. Their requested driveway width waiver is to accommodate a proposed 3 to 4 car garage on Lot 1.

Prior Land Use Requests

Application Number	**Request**	**Action**	**Date**
WS-23-0534	Design review and waivers of development standards for a 3 lot subdivision	Approved by BCC	October 2023
ZC-1026-05	Rezone from R-E to R-E (RNP-I)	Approved by BCC	October 2005

Surrounding Land Use

	Planned Land Use Category	**Zoning District (Overlay)**	**Existing Land Use**
North	Ranch Estate Neighborhood (up to 2 du/ac)	RS20 (NPO-RNP & AE-60)	Single-family residential
South, East, & West	Ranch Estate Neighborhood (up to 2 du/ac)	RS20 (NPO-RNP)	Single-family residential

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
Street landscaping enhances the perimeter of the project by providing shade, reducing heat island effect, reducing storm water run-off, and improving the appearance of the development. Street landscaping would soften the visual impact of the closely spaced driveway entrances along proposed Lots 2 through 4. Because it is a self-imposed hardship, staff cannot support the request.

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 proposed driveway access along Maule Avenue does not align with the intent of the code. Alternate subdivision design could be considered to reduce the number of entry and exit points onto a collector street, like a private street with a cul-de-sac. Additionally, the proposal could be easily amended to include 1 additional architectural feature to the elevations that do not meet the design standards. The request is a self-imposed hardship that staff cannot support.

Public Works - Development Review
Waiver of Development Standards #2
Staff cannot support this request to not install full off-site improvements when there are existing full improvements in the area. Additionally, full width paving, curb, and gutter allows for better traffic flow and drainage control, and sidewalks on public streets provide safer pathways for pedestrians.

Waiver of Development Standards #3
Staff cannot support the request to increase the residential driveway width for Lot 1 on Hinson Street. The wider driveway would exceed the maximum allowed width and could lead to additional conflicts between vehicles.

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
- Comply with approved drainage study;
- Traffic study and compliance;
- Execute a Restrictive Covenant Agreement (deed restrictions);
- Applicant to construct a 5-foot asphalt path along Maule Avenue and Hinson Street.

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

- 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 and reference POC Tracking #0318-2026 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 waivers of development standards #1 and #3 and the design review.
APPROVALS:
PROTESTS:

APPLICANT: DR HORTON
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