10/06/26 PC AGENDA SHEET

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
WS-26-0540-USA:

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** increase retaining wall height; **2)** modify residential adjacency standards; and **3)** waive full off-site improvements.
DESIGN REVIEW for a proposed single-family residential development on a 2.50 acre portion of a 45.0 acre site in an RS5.2 (Residential Single-Family 5.2) Zone.

Generally located north of Wigwam Avenue and east of Hauck Street within Enterprise. JJ/rr/kh (For possible action)

RELATED INFORMATION:

APN:
176-13-601-032 ptn

WAIVERS OF DEVELOPMENT STANDARDS:
1. a. Increase retaining wall height along the north property line to 6 feet where 3 feet is the maximum height allowed per Section 30.04.03C (a 100% increase).
   b. Increase retaining wall height along the eastern property line to 6.5 feet where 3 feet is the maximum height allowed per Section 30.04.03C (a 116.7% increase).
2. a. Increase fill to 6 feet within 5 feet of a shared property line (north property line) where 3 feet of fill within 5 feet of a shared property line is the maximum height allowed per Section 30.04.06F (a 20% increase).
   b. Increase fill to 6.5 feet within 5 feet of a shared property line (east property line) where 3 feet of fill within 5 feet of a shared property line is the maximum height allowed per Section 30.04.06F (a 30% increase).
   c. Allow Lots 1 through 4 to be less than 10,000 square feet where a minimum of 10,000 square feet is required when abutting or adjacent to an NPO-RNP per Section 30.04.06G.
3. Waive full off-site improvements (curb, gutter, detached sidewalks, streetlights, and partial paving) along Hauck Street where required per Section 30.04.08C.

LAND USE PLAN:
ENTERPRISE - LOW-INTENSITY SUBURBAN NEIGHBORHOOD (UP TO 5 DU/AC)

BACKGROUND:
Project Description
General Summary
- Site Address: N/A
- Site Acreage: 2.50 (portion)/45.0 (overall)
- Project Type: Single-family residential subdivision

- Number of Lots: 10
- Density (du/ac): 5
- Minimum/Maximum Lot Size (square feet): 5,526/10,881
- Number of Stories: 1
- Building Height (feet): 20
- Square Feet: 2,029 (minimum)/2,300 (maximum)

Site Plans

The proposed plans depict a 10 lot single-family residential subdivision with all lots on both sides of a 44 foot wide private cul-de-sac street which is accessed from Wigwam Avenue. The site is abutting the NPO-RNP overlay to the north and west. Lots 1 through 4 along the west side of the subdivision are less than 10,000 square feet which is not in compliance with the residential adjacency standards requiring 10,000 square feet lots and is the subject of a waiver request. Additionally, fill heights exceed 3 feet within 5 feet of a shared property line. Retaining walls are proposed along portions of the north and east property lines of Lots 5 through 10, with wall heights up to 6 feet behind Lots 5 and 6 and wall heights up to 6.5 feet along the east side of Lot 6. The fill and wall heights are also the subject of waiver requests. The site plan also indicates that full off-street improvements will be provided along Wigwam Avenue, but not along Hauck Street which is the subject of a waiver request.

Landscaping

The plan depicts two 5 foot wide landscape strips separated by a detached sidewalk along Wigwam Avenue, providing a total of 10 feet of landscaping. A 6 foot wide landscape strip is provided along Hauck Street where a sidewalk is not provided. Planting materials will be provided in the landscape areas in compliance with Title 30 requirements.

Elevations

The plans show single-family detached homes comprising six different single-story models. The exteriors on all 4 sides of all models consist of stucco finish, stucco trim, varied rooflines, wall off-sets, and stone veneer accents.

Floor Plans

The plans depict single story single-family residences with 2 floor plans ranging from 2,029 square feet to 2,300 square feet. Each floor plan features 3 bedrooms, great room, a covered outdoor patio, and a 2 car garage.

Applicant's Justification

The applicant proposes to allow lots abutting the NPO-RNP to the west to be under 10,000 square feet, noting that the property to the west is undeveloped and separated from the subject property by Hauck Street. The lots adjacent to the NPO-RNP to the north are proposed to be 10,000 square feet. Up to 6 feet of fill and 6 foot retaining walls are proposed along the north property line, while up to 6.5 feet of fill and 6.5 foot retaining walls are proposed along portions of the east property line. This is requested to address existing grade changes and to direct drainage. A waiver is also requested to waiver full off-site improvements along Hauck Street to maintain consistency with the abutting NPO-RNP areas. The applicant states that the project is compatible with surrounding development patterns, provides appropriately sized lots for the

requested zoning, maintains adequate separation from NPO-RNP areas, and integrates high-quality single-story homes with diverse architectural styles. The waivers are justified and support functional site design, drainage needs, and established rural street character along Hauck Street. The project is expected to blend cohesively into the surrounding neighborhood without adverse impacts.

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-1026-05	Zone change to add the RNP-I overlay to the site and surrounding area and reclassified the site 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)	Single-family residential
South	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS2	Compact single-family residential
East	Neighborhood Commercial	RS20	Single-family residential
West	Ranch Estate Neighborhood (up to 2 du/ac)	RS20 (NPO-RNP)	Undeveloped

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

Related Applications

Application Number	Request
PA-26-700039	A plan amendment from Ranch Estate Neighborhood (RN) to Low-Intensity Suburban Neighborhood (LN) is companion item on this agenda.
ZC-26-0538	A zone change from RS20 to RS5.2 and remove the Neighborhood Protection (RNP) Overlay is a companion item on this agenda.
VS-26-0539	A vacation and abandonment of rights-of-way is a companion item on this agenda.
TM-26-500124	A tentative map for 10 single-family residential lots and common lots 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.

Waivers of Development Standards #1a, #1b, #2a & #2b

The proposed fill and retaining walls are intended to establish proper grading so this portion of the site can drain toward the private street and ultimately to Wigwam Avenue. Staff finds, however, that the retaining walls do not incorporate any of the design elements or mitigation measures required for increased wall height. This would result in a visually prominent, non-tiered condition that conflicts with the intent of the retaining wall standards which are intended to reduce massing and conform to site topography. The applicant has not demonstrated a site-specific constraint or hardship that necessitates exceeding the permitted fill and wall heights. The site may be redesigned with alternatives such as tiering of the fill and walls to meet the standards. For these reasons, staff cannot support these requests.

Waiver of Development Standards #2c

Lots 5 and 6, which are adjacent to the developed NPO-RNP properties to the north, are appropriately designed to be over 10,000 square feet. In the case of Lots 1 through 4, Hauck Street provides a 60 foot wide buffer between the subject site and the NPO-RNP to the west which is also presently undeveloped. Based on development patterns and trends in the area, the property to the west is likely to be developed in the future with residential lots similar in size as the subject property. Given these conditions, this waiver is unlikely to negatively affect adjacent properties. Therefore, staff can support this 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 development incorporates a variety of home designs and sizes that help avoid a monotonous streetscape. The project also aligns with Master Plan Policy 1.4.4 by providing compatible infill development within an established neighborhood. The proposed single-story homes are generally consistent with those in the adjacent RS20 area to the north and provides an appropriate transition to the RS3.3 area with 2-story homes to the south of Wigwam Avenue. Staff finds that the proposal supports Master Plan Policies 1.5.1 and 1.5.2 and Enterprise Specific Policies EN-1.1 and EN-1.2 which encourage compatible infill development near ranch estate neighborhoods and Rural Neighborhood Protection areas; therefore, staff can support this request.

Public Works - Development Review

Waiver of Development Standards #3

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.

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

Approval of waiver of development Standards #2c and the design review; denial of waivers of development standards #1a, #1b, #2a, #2b, and #3.

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 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;
- Certificate of Occupancy and/or business license shall not be issued without approval of a Certificate of Compliance.
- Applicant is advised within 4 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;
- Full off-site improvements on Wigwam Avenue;
- Right-of-way dedication to include 35 feet to the back of curb for Wigwam Avenue, 30 feet for Huack Street and associated spandrel;
- Execute a Restrictive Covenant Agreement (deed restrictions);
- The installation of detached sidewalks will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control devices.

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 #0076-2027 to obtain your POC exhibit; and the flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC:
APPROVALS:
PROTESTS:

APPLICANT: CIMARRON SPRING DEUX, LLC
CONTACT: CIMARRON SPRING DEUX, LLC, 11452 OPAL SPRINGS WAY, LAS VEGAS, NV 89135