

PLANNED UNIT DEVELOPMENT  
(TITLE 30)

**UPDATE**  
JONES BLVD/ELDORADO LN

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST  
**NZC-20-0566-COLONNA, VINCENT A. & JUDITH A.:**

**HOLDOVER ZONE CHANGE** to reclassify 2.4 acres from R-E (Rural Estates Residential) Zone to RUD (Residential Urban Density) Zone.

**USE PERMIT** for an attached (townhouse) planned unit development (PUD).

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** reduce the area of a PUD; **2)** reduce setbacks; **3)** reduce parking; **4)** reduce height/setback ratio adjacent to a single family residential use; **5)** allow alternative landscaping adjacent to a less intensive (single family) use; **6)** reduce street intersection off-set; **7)** reduce width of private streets; **8)** modify private street sections; **9)** reduce back of curb radius; and **10)** allow modified driveway design standards.

**DESIGN REVIEWS** for the following: **1)** an attached single family residential planned unit development; and **2)** increased finished grade.

Generally located on the north side of Eldorado Lane and 295 feet east of Jones Boulevard within Enterprise (description on file). MN/md/jd (For possible action)

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RELATED INFORMATION:

**APN:**

176-12-101-016

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Reduce the area of a PUD to 2.4 acres where a minimum of 5 acres is required per Section 30.24.020 (a 52% reduction).
2.
  - a. Eliminate the setback from any street, drive aisle, sidewalk, or curb within a PUD to zero feet where a minimum of 10 feet is required per Section 30.24.080 (a 100% reduction).
  - b. Reduce the perimeter setback for a PUD to 6 feet where a minimum of 10 feet is required per Section 30.24.060 (a 40% reduction).
3. Reduce parking to 82 parking spaces where a minimum of 95 parking spaces are required per Section 30.24.080 (a 13.7% reduction).
4. Reduce the height/setback ratio requirement adjacent to a single family residential use to 6 feet where a minimum of 60 feet is required (a 90% reduction).
5. Allow alternative landscaping adjacent to a less intensive (single family) use where required per Figure 30.64-11.
6. Reduce street intersection off-set to 75 feet where a minimum of 125 feet is required per Chapter 30.52 (a 40% reduction).

7. Reduce the width of private streets to 30 feet where a minimum width of 37 feet with 36 feet of drivable surface is required per Chapter 30.52 (an 18.9% reduction).
8. Allow an inverted crown on private streets where compliance is required per Uniform Standard Drawing 210.S1.
9. Reduce back of curb radius to 3 feet where a minimum radius of 20 feet is required per Uniform Standard Drawing 201 (an 85% reduction).
10. Reduce the driveway distance to the property line to 2 feet where a minimum distance of 6 feet is required per Uniform Standard Drawing 222 (a 66.7% reduction).

**DESIGN REVIEWS:**

1. Attached single family residential planned unit development.
2. Increase finished grade to 60 inches where a maximum of 18 inches is the standard per Section 30.32.040 (a 234% increase).

**LAND USE PLAN:**

ENTERPRISE - RESIDENTIAL SUBURBAN (UP TO 8 DU/AC)

**BACKGROUND:****Project Description****General Summary**

- Site Address: N/A
- Site Acreage: 2.4
- Number of Lots: 36 plus 8 common elements
- Density (du/ac): 15.1
- Minimum/Maximum Lot Size (square feet): 1,192 (gross and net)/1,241 (gross and net)
- Project Type: Attached (townhouse) planned unit development
- Number of Stories: 2
- Building Height (feet): 26
- Square Feet: 1,308 to 1,405
- Open Space Required/Provided: 9,056/14,550
- Parking Required/Provided: 95/82

**Neighborhood Meeting Summary**

This request is for a nonconforming zone change to reclassify approximately 2.4 acres from R-E to an RUD zoning district for an attached (townhouse) planned unit development. The applicant conducted a neighborhood meeting on September 16, 2020, as required by the nonconforming zone boundary amendment process. No members of the public attended the meeting regarding the development proposal.

**Site Plans**

The plans depict an attached single family residential development situated on a 2.4 acre site consisting of 36 residential lots with a density of 15.1 dwelling units per acre. The project site is less than 5 acres, necessitating the waiver of development standards to the minimum area required for development of the site. The development consists of townhouse, residential dwellings under separate ownership that are attached to 1 or more dwellings on opposite sides of

the structure. The proposed development features a total of 11 buildings, each containing 3 to 4 units that are adjacent to 30 foot wide private streets. The north/south private streets do not feature a sidewalk; however, 5 foot wide sidewalks are provided along the east/west private streets. Additional 4 foot wide sidewalks are provided along the east and west perimeter of the project site. The proposed development requires 9,056 square feet of open space where 14,550 square feet of open space is provided. Open space areas consisting of 4,073 square feet (common element A) and 3,210 square feet (common element G) are located at the southern portion of the project site, adjacent to Eldorado Lane and private street "A". Additional open space consists of common element H, measuring 5,997 square feet in area. Common element H features a 4 foot wide north/south and east/west sidewalk that connects to 5 foot wide sidewalks adjacent to private streets "B" and "E". The open space area features amenities such as picnic tables and benches. The remaining open space areas, common elements "E" (640 square feet) and "C" (630 square feet), feature 4 foot wide sidewalks connecting to the east and west property lines of the project site. Parking will consist of garage parking for residents and surface parking for visitors. The driveways associated with each unit are a minimum of 5 feet in length. The total visitor parking provided for the development is 10 parking spaces where 8 parking spaces are required. On-site parking spaces are immediately adjacent to private street "B". A waiver of development standards is requested to reduce the required number of parking spaces from 95 parking spaces to 82 parking spaces. The waiver request is necessary as the residential development does not include an additional 1 parking space for every 5 enclosed parking spaces. Each lot has a minimum total area of 1,308 square feet. The minimum setbacks for each townhouse unit are as follows:

Rear loaded models\*

- Lot area - 1,192 to 1,241 square feet
- Front - zero feet (except for lots along Eldorado Lane)
- Rear - 5 feet
- Interior side - zero feet
- Side street (corner) - zero feet
- Perimeter - 6 feet
- Driveway length - 5 feet

\*All models are rear loaded

There are not any front loaded models associated with the proposed development. The rear loaded models are accessed on the opposite side of the garage and are equitably distributed throughout the interior of the development. A minimum building setback of 6 feet is provided around the perimeter of the site. The proposed building setback requires a waiver of development standards to reduce the height/setback ratio requirement of 60 feet for lots 7 through lots 13 along the west property line and lots 27 through lots 32 along the east property line, which are adjacent to existing single family residential developments. The minimum setback distance the townhouse units will maintain from the adjacent private streets, drive aisles, sidewalks, and curbs is zero feet. The zero foot setback is established to conservatively account for the building setbacks from adjacent sidewalks, but the actual setback distances vary across the site. The typical setback is 5 feet to match the proposed driveway length on all units. A 4 foot wide sidewalk is located on both sides of private street "A", that serves as the entrance to

the development, and connects to Eldorado Lane. The front doors for lots 1 through lots 6 and lots 33 through lots 36 are oriented towards Eldorado Lane, that will be developed with a 5 foot wide sidewalk. Four foot wide pedestrian walkways connect the front doors for lots 1 through lots 6 and lots 33 through lots 36 to the 5 foot wide attached sidewalk along Eldorado Lane. The aforementioned residential lots are set back a minimum of 13 feet from Eldorado Lane, along the south property line of the project site. The general location where the increase in finished grade will occur are in the existing washes that run through lots 7 through lots 29.

### Landscaping

The plans depict a 13 foot wide landscape area, with a 5 foot wide attached sidewalk located along Eldorado Lane and private street "A". Twenty-four inch box trees planted 40 feet on center, including shrubs and groundcover, are located within the aforementioned landscape areas. A landscape area measuring between 5 feet to 11 feet in width is located along the southeastern perimeter of the site, adjacent to lots 32, 33, and the easterly terminating point of private street "B". A landscape area measuring between 5 feet to 11 feet in width is located at the southwestern perimeter of the site, adjacent to lots 6, 7, and the westerly terminating point of private street "B". The landscape areas located at the southeast and southwest perimeters of the site are adjacent to a single family residential development. Italian Cypress trees, with a minimum height of 8 feet, will be planted within these landscape areas adjacent to the single family residences. Medium, 24 inch box trees are planted 20 feet on center in a 10 foot wide landscape area along the north property line, adjacent to the existing residential development. The northeast and northwest portions of the project site do not include any landscaping adjacent to the existing single family residential development, due to the 4 foot wide internal sidewalk. The configuration of medium and large trees around a portion of the east, west, and north property lines necessitate a waiver of development standards for landscaping adjacent to a less intensive use, where large 24 inch box evergreen trees would be required. Small, medium, and large 24 inch box trees are equitably distributed throughout the interior of the project site, adjacent to sidewalks and private streets.

### Elevations

The plans depict 3 plex and 4 plex residential units with 3 elevations. The buildings have a maximum height of 26 feet and feature pitched, concrete tile roofs. All units feature consistent and unified architecture throughout the exterior design of the buildings. The exterior building materials generally consist of stucco with horizontal and vertical articulation depicted on all elevations, including pop-outs. Decorative window variations and trimming are also featured on all elevations. Color variations have been incorporated into the overall design of the garage doors, facing the private streets. The residential buildings consist of neutral, earth tone colors.

### Floor Plans

The plans depict 2 story homes with floor plans ranging between 1,308 square feet to 1,405 square feet. The floor plans feature 3 bedrooms, kitchen, living room, dining room, closets, laundry room, and 2 bathrooms. Each unit features a 2 car garage consisting of 421 square feet.

### Applicant's Justification

The project site does not meet the minimum developable area for a PUD; therefore, a waiver is requested to reduce the developable acreage. The PUD provides a minimum 6 foot building

setback from the project perimeters. The building setback is set at 6 feet to provide adequate width on the eastern and western perimeters for a 4 foot wide sidewalk and drainage conveyance measures.

The applicant states the minimum setback is zero feet to conservatively account for the setback of residential units from adjacent sidewalks. More often, the setback is 5 feet to match the proposed driveway length on all units. The 5 foot driveway length is suitable for the low speed limit and reduced width of private streets.

The proposed roadway is the minimum width that the utility agencies are willing to accept maintenance authority over. In addition, the private roadways have sufficient width and depth to convey the impacting stormwater flow while maintaining flood protection of the residential structures.

The on-site private streets serve as the primary storm run-off conveyance system for the proposed development. As such, the inverted crown allows for an increase in the roadway drainage capacity while providing adequate utility cover.

The provided intersection off-set along private street "A", between Eldorado Lane and private street "B", is 75 feet. No queueing issues are anticipated with the reduction. Additionally, surrounding residential developments have similar existing off-set configurations.

Along the lots on the central island, 28 foot radius back of curbs are proposed and combined with 5 foot radius curves. Three foot radii are proposed on the parking islands adjacent to lots 7 and lots 32 near the corners of the site. In general, the smaller back of curb radii encourages lower vehicular speed within the development, which promotes pedestrian safety.

The current design of the project site promotes greater pedestrian connectivity to the internal streets servicing the development. The parking reduction is requested as an additional 13 parking spaces throughout the development that will promote an increase in vehicular traffic at the expense of pedestrian safety.

The proposed driveway setback from the side property line is 2.5 feet. Due to the compact design of the attached housing product, as it includes side entry paths and open space elements, it is not feasible to design the driveways to incorporate a 6 foot minimum setback from the side property line due to a decrease in open space provided within the site, which will diminish the community's visual appeal and amenities.

The general locations where the increased fill will occur are in the existing washes that run through lots 7 through lots 29. This request for fill heights will remain consistent with the currently allowed retaining wall height maximums outlined in Title 30. The increase in-fill is necessary to direct storm run-off around habitable structures, provide adequate flood protection, and provide sufficient fall across the site for sewer connection into Eldorado Lane.

The proposed development is compatible with adjacent uses in terms of scale, site design, and operating characteristics. The subdivision will provide workforce housing, which fulfills the

County's goal of providing in-fill development near existing infrastructure. The development also fully improves the last remaining undeveloped stretch of Eldorado Lane in the area. No significant adverse impacts to the existing natural environment or adjacent residential developments are anticipated.

#### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North & West	Residential High (8 du/ac to 18 du/ac)	R-3	Single family residential
South	Residential High (8 du/ac to 18 du/ac)	R-3	Multiple family residential
East	Residential Suburban (up to 8 du/ac)	R-2	Single family residential

This site and the surrounding area are located in the Public Facilities Needs Assessment (PFNA) area.

#### **Related Applications**

<b>Application Number</b>	<b>Request</b>
VS-20-0567	A vacation and abandonment of patent easements is a companion item on this application.
TM-20-500198	A tentative map consisting of 36 attached single family residential lots on 2.4 acres 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**

##### Zone Change

The applicant shall provide Compelling Justification that approval of the nonconforming zoning boundary amendment is appropriate. A Compelling Justification means the satisfaction of the following criteria as listed below:

- 1. A change in law, policies, trends, or facts after the adoption, readoption or amendment of the land use plan that have substantially changed the character or condition of the area, or the circumstances surrounding the property, which makes the proposed nonconforming zone boundary amendment appropriate.*

The applicant indicates this site was a part of the Enterprise Land Use Update that was in progress until cancelled on July 7, 2020. The site was considered for a land use change to Residential High (RH) as part of the Enterprise Land Use Update, which would have made this request a conforming zone change. Due to Enterprise's previous desire to amend the land use of the subject parcel, the proposed zone boundary amendment is appropriate.

To the north and west of the project site is an existing single family residential development zoned R-3 with a planned land use of Residential High. The residences within this development were constructed in 2006. To the east of the site is an existing single family residential development zoned R-2, with a planned land use of Residential Suburban. The residences in this development were constructed in 2004. To the south of the subject property, across Eldorado Lane, is an existing multiple family development zoned R-3. The multiple family development was constructed in 2005. Although there are R-3 zoning districts within the immediate vicinity of the project site which allows for a density of up to 18 dwelling units per acre, the proposed RUD zoning with 14 dwelling units to the acre may be compatible with the surrounding area even though there is not a recent trend within the surrounding area. However, since there has been no demonstrated change in the area which makes this request appropriate and because staff does not support the overall design of the project, staff does not support the zoning request.

2. *The density and intensity of the uses allowed by the nonconforming zoning is compatible with the existing and planned land uses in the surrounding area.*

The applicant states the existing adjacent land uses are compliant with the project's proposed RUD (up to 16 du/ac in PUD) zoning density. With the developments to the north, south, and west having land uses of Residential High (8 to 18 du/ac) and development to the east having a land use of Residential Suburban (up to 8 du/ac), the density proposed by the project site serves as a median between the 2 land uses and conforms with the surrounding area.

Immediately to the north and west of the project site is an existing single family residential development zoned R-3 at 9.7 dwelling units per acre. To the east of the site is an existing single family residential development zoned R-2 at 7.3 dwelling units per acre. To the south of the project site, across Eldorado Lane, is an existing multiple family development zoned R-3 at 17.9 dwelling units per acre. While the proposed density for the PUD of 15.1 dwelling units per acre is consistent with the density for the multiple family development to the south, staff finds the density is not consistent with the developments to the east, west, and north of the project site.

3. *There will not be a substantial adverse effect on public facilities and services, such as roads, access, schools, parks, fire and police facilities, and stormwater and drainage facilities, as a result of the uses allowed by the nonconforming zoning.*

The applicant states no substantial adverse effects are anticipated for any of the criterion's mentioned facilities. Because of the in-fill nature of the subject site, the proposed development would improve vehicular and pedestrian connectivity with the surrounding area by eliminating the existing sawtooth. Additionally, the drainage conveyance measures provided by the site would improve the conditions currently experienced by the parcel. When compared to the larger surrounding subdivisions, the parcel area and lot count for the subject site has negligible impact on the surrounding public facilities.

There has been no indication from service providers that this request will have an adverse or substantial effect on public facilities and services. The school district has indicated that this development would generate 7 additional elementary school, 4 middle school, and 5 high school

students. The school district indicates Mathis Elementary School, Canarelli Middle School, and Desert Oasis High School are under capacity by 113, 74, and 603 students, respectively.

4. *The proposed nonconforming zoning conforms to other applicable adopted plans, goals, and policies.*

According to the applicant, the nonconforming zone boundary amendment protects and promotes the health, safety, morals, and general welfare of the public. While improving the infrastructure to provide greater safety, the proposed development also provides middle income and workforce housing opportunities to an increasing number of cost burdened households. Additionally, the proposed subdivision enhances the connectivity within the neighborhood to other public facilities. The previous intent for Enterprise to change the land use to a higher density conducive to single family attached development signals the County's desire to provide more affordable housing.

## **Summary**

### Zone Change

Staff finds there has been no change in law, policies, and trends that make this request appropriate for the area. Single family residential developments, with planned land uses of Residential High and Residential Suburban, are located immediately to the west, north, and east of the project site. The reclassification of this site to RUD zoning could allow the proposed residential development within a zoning district that may be compatible with the adjacent existing residential densities; however, staff finds that the proposed request does not satisfy all of the requirements of a compelling justification to warrant approval of the nonconforming zone boundary amendment to RUD zoning and staff is not supporting the use permit, waivers of development standards, and design reviews; therefore, staff recommends denial.

### Use Permit

A use permit is a discretionary land use application that is considered on a case by case basis in consideration of Title 30 and the Comprehensive Master Plan. One of several criteria the applicant must establish is that the use is appropriate at the proposed location and demonstrate the use shall not result in a substantial or undue adverse effect on adjacent properties.

A planned unit development (PUD) is intended to maximize flexibility and innovation in residential development by utilizing area sensitive site planning and design to achieve a desirable mixture of compatible land use patterns that include efficient pedestrian and vehicular traffic systems, streetscapes, and enhance residential amenities. The design of the project is not a typical single family residential development; however, the standards for planned unit developments allow flexibility in design to provide for innovative and unique development options. Staff is particularly concerned with the proposed density, reduction to the minimum acreage required for the development of a PUD, the alternative landscaping adjacent to a less intensive use, and the significant reduction to the height/setback ratio requirement. Due to the totality of the waiver requests, and the potential impact these requests may have on the adjacent single family residential development, staff cannot support the use permit request. Staff finds the project site is being overbuilt and is not an appropriate development between the existing single family residential developments to the west, north, and east; therefore, recommends denial.



### 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 request to reduce the overall area of the PUD, in conjunction with waiver requests 1 through 5, are for specific requirements for PUD projects per Section 30.24 of the Code. As stated above, staff finds that this site is not an appropriate location for a PUD project and is not supporting the use permit portion of the application. Therefore, since staff is not supporting the use permit to allow the site to be developed as a PUD, staff cannot support the request to waive this specific requirement for the project.

### Waiver of Development Standards #2a & #2b

The intent of the perimeter setback is to ensure a minimum distance and buffer is maintained between a planned unit development and adjacent parcels to mitigate any potential impact. The waiver requests to the required setbacks are a self-imposed burden as this site is being overbuilt due to the lack of developable area. The building setback and driveway length adjacent to the private streets, consisting of 5 feet, may result in additional vehicles parking along the internal streets. Therefore, staff recommends denial.

### Waiver of Development Standards #3

The design of the project incorporates the required number of residential and visitor parking spaces into the residential development. However, due to the Code requirement to provide an additional 1 parking space for every 5 enclosed parking spaces, a waiver request is necessitated to reduce the required parking for the development by 38 parking spaces. Staff is concerned the visitor parking spaces are not centrally located within the site and may lead to vehicles parking along the private streets. Staff is not supporting the use permit, waivers of development standards, and design reviews; therefore, staff recommends denial of the parking reduction.

### Waivers of Development Standards #4 & #5

The intent of the height/setback ratio requirement is to address how setbacks and building placement affect adjacent, less intensive uses - particularly single family residential uses. Based on the height/setback ratio calculation, as provided for within Code, a setback of 60 feet is required for the townhouse units adjacent to the east and west property lines. However, a setback reduction of 6 feet is being proposed for the buildings, along the east and west property lines. The required rear yard setback for single family residences within the R-2 and R-3 zoning districts is 15 feet. Staff is concerned with the impact the drastic reduction to the height/setback ratio may have on the adjacent single family residential uses; therefore, staff cannot support this request.

The intent of providing landscaping adjacent to a less intensive use is to properly mitigate the impacts a more intense use may potentially have, in this instance, on the adjacent single family

uses. The absence of landscaping along the majority of the east and west property lines of the project site, adjacent to the single family residential development, is a result of the site being overbuilt. Staff finds this request is a self-imposed burden and cannot support the waiver.

#### Design Review #1

Urban Specific Policy 7 of the Comprehensive Master Plan states land uses that are complementary and are of similar scale and intensity should provide appropriate connectivity and not be segregated. The proposed development complies with the aforementioned policy as multiple points of connection are proposed from the interior of the development to the adjacent public and private streets, including Eldorado Lane. Staff finds a variety of design elements are utilized on all sides of the residential buildings, including articulating building facades. The design of the proposed elevations incorporate varying rooflines, exterior building materials, such as stucco and decorative window trimming. However, since staff is not supporting the use permit, and waivers of development standards, staff cannot support this request and recommends denial.

#### **Public Works - Development Review**

##### Waiver of Development Standards #6

Staff has no objection to the reduction in the street intersection offset between Eldorado Lane and Street "B". With the additional common elements adjacent to Street "A", which connects the streets above, visibility will be improved for those entering the site. However, since Planning is recommending denial of the application, staff cannot support this waiver.

##### Waiver of Development Standards #7

Staff has no objection to the request to reduce the width of the private streets provided that Fire Prevention approves the request. However, since Planning is recommending denial of the application, staff cannot support this waiver.

##### Waiver of Development Standards #8

Staff has no objection to allowing an inverted crown on the private streets within the proposed subdivision. The applicant must demonstrate with the technical studies that this request will not detrimental to the subdivision. However, since Planning is recommending denial of the application, staff cannot support this waiver.

##### Waiver of Development Standards #9

Staff has no objection to the request to reduce the back of curb radius on the private streets provided that Fire Prevention approves the request. However, since Planning is recommending denial of the application, staff cannot support this waiver.

##### Waiver of Development Standards #10

Staff has no objection to the reduction in the distance from the driveway to the property line as this is a standard design for townhouse developments. However, since Planning is recommending denial of the application, staff cannot support this waiver.

### Design Review #2

This design review represents the maximum grade difference along 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 is recommending denial of the application, staff cannot support the design review.

### **Department of Aviation**

The development will penetrate the 100:1 notification airspace surface for McCarran International Airport. Therefore, as required by 14 CFR Part 77, and Section 30.48.120 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 McCarran 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 McCarran International Airport facilities to meet future air traffic demand.

### **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 Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

### **PLANNING COMMISSION ACTION:** February 2, 2021 – APPROVED – Vote: Unanimous **Current Planning**

- Resolution of Intent to complete in 4 years;
- 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;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that a new application for a nonconforming zone boundary amendment may be required in the event the building program and/or conditions of the subject application are proposed to be modified in the future; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that 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.

### **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 Eldorado Lane.
- 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.

#### **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 30.48 Part B of the Clark County Unified Development Code;
- 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.
- 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 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.

#### **Clark County Water Reclamation District (CCWRD)**

- Applicant is advised that a Point of Connection (POC) request has been initiated for this project; to email [sewerlocation@cleanwaterteam.com](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0165-2020 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require a new POC analysis.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS: 6 cards, 2 letters**

**COUNTY COMMISSION ACTION:** March 3, 2021 – HELD – To 03/17/21 – per the applicant.

**COUNTY COMMISSION ACTION:** March 17, 2021 – HELD – To 04/07/21 – per the applicant.

**COUNTY COMMISSION ACTION:** April 7, 2021 – HELD – To 04/21/21 – per the applicant.

**APPLICANT:** STRIVE ENGINEERING

**CONTACT:** STRIVE ENGINEERING, 8912 SPANISH RIDGE AVE., STE 200, LAS VEGAS, NV 89148