

REDUCED LOT SIZE  
(TITLE 30)

LINDELL RD/TECO AVE

**PUBLIC HEARING**

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-21-0015-DNK DEVELOPMENT, LLC & MEGA INVESTMENTS, LLC:**

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** reduced lot sizes; **2)** waive full off-site improvements (partial paving, curb, gutter, sidewalk, and streetlights); and **3)** modified gate geometrics.

**DESIGN REVIEWS** for the following: **1)** finished grade; and **2)** a single family residential subdivision on 1.8 acres in an R-E (Rural Estates Residential) (AE-65) Zone.

Generally located on the west side of Lindell Road and the south side of Teco Avenue within Spring Valley. MN/bb/jd (For possible action)

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**RELATED INFORMATION:**

**APN:**

163-36-401-026

**WAIVERS OF DEVELOPMENT STANDARDS:**

1.
  - a. Reduce the minimum net lot area to 15,654 square feet where 16,200 square feet (adjacent to a collector street) is allowed per Table 30.40-1 (a 3% reduction).
  - b. Reduce the minimum net lot area to 15,703 square feet where 18,000 square feet is allowed per Table 30.40-1 (a 13 % reduction).
  - c. Reduce the minimum gross lot area to 19,577 square feet where 20,000 square feet is required per Table 30.40-1 (a 2% reduction).
2. Waive full off-site improvements (partial paving, curb, gutter, sidewalk, and streetlights) along Teco Avenue and Lindell Road where required per Section 30.52.050.
3. Reduce the throat depth to a gate call box to 38 feet where 50 feet is required per Uniform Standard Drawing 222.1 (a 24% reduction).

**DESIGN REVIEWS:**

1. Increase finished grade up to 4 feet (48 inches) where a maximum of 1.5 feet (18 inches) is the standard per Section 30.32.040 (a 167% increase).
2. Single family residential development.

**LAND USE PLAN:**

SPRING VALLEY - RURAL NEIGHBORHOOD PRESERVATION (UP TO 2 DU/AC)

## **BACKGROUND:**

### **Project Description**

#### **General Summary**

- Site Acreage: 1.8 (net)/2.3 (gross)
- Number of Lots/Units: 4
- Density (du/ac): 1.7 (gross)
- Minimum/Maximum Lot Size (square feet): 15,654 /17,974 (net)
- Project Type: Single family residential

#### Site Plan

The site plan depicts 4 proposed lots with cul-de-sac access from the north at Teco Avenue. The maximum increased fill depth will be located at the southeast corner of the property. The property and the existing homes located west of this site are on higher ground. This property will be elevated above the land to the south, north, and east with maximum 3 foot retaining walls. Currently 3 out of the 4 lots do not meet minimum net lot standards. No perimeter landscaping is proposed and rural street standards are depicted.

#### Elevations

The proposed homes will be custom built and match the materials and designs of the surrounding neighborhood.

#### Floor Plans

The proposed homes will be custom built with floor plans comparable to the surrounding neighborhood.

#### Signage

Signage is not a part of this request.

#### Applicant's Justification

The applicant is proposing to develop 4 new lots with custom homes matching the sizes, architecture and design style of the surrounding neighborhood. In order to develop the site with acceptable drainage patterns, the applicant is proposing to increase the amount of allowed fill by adding up to 30 inches in specific areas of the property. Per the parcel map determination #MSM-20-600046, the applicant is requesting a waiver of full off-site improvements, including partial paving, curb, gutter, sidewalk, and streetlights. Due to the property being located on a corner and the additional right-of-way dedication required, the applicant is requesting a waiver from minimum gross and net lot sizes, to accommodate 4 lots. The resulting lots and development of custom designed single family residential homes will match the existing development in the surrounding area.

#### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North, East, & West	Rural Neighborhood Preservation (up to 2 du/ac)	R-E	Single family residential
South	Office Professional	R-E	Undeveloped

## **STANDARDS FOR APPROVAL:**

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

### **Analysis**

#### **Current Planning**

##### 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 proposed lot size waiver does not comply with Title 30 minimum standards and will be detrimental to the surrounding area. The granting of such application will not be in harmony with the general purpose, goals, objectives, and standards of the Comprehensive Master Plan and Title 30 and is not consistent with existing development in the area. Staff finds that this is a self-imposed hardship and that the development could be adjusted to meet minimum lot sizes. Therefore, staff recommends denial.

##### Design Review #1

The proposed development is not compatible with adjacent development and development in the area. Staff finds that the reduction in lot size is a self-imposed hardship and that the development could be adjusted to meet minimum lot sizes. Since staff is not supporting the request to reduce lot size, staff cannot support the design review.

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

##### Waiver of Development Standards #2

Staff has no objection to not install full off-site improvements on Teco Avenue and Lindell Road. The parcels along Teco Avenue and Lindell Road are in the RNP-I overlay district, resulting in non-urban standards for the roadways. However, since Planning is recommending denial of the application, staff cannot support this request.

##### Waiver of Development Standards #3

Staff has no objection to the reduction in the throat depth distance to the call box. The proposed 4 lot subdivision should see a low volume of traffic because of the limited number of lots. However, since Planning is recommending denial of the application, staff cannot support this request.

##### 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 this 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 within the AE-65 (65 - 70 DNL) and the AE-60 (60 - 65 DNL) noise contours for 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 McCarran International 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 Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

### **PRELIMINARY STAFF CONDITIONS:**

#### **Current Planning**

If approved:

- Applicant is advised the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; 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; and that this application must commence within 2 years of approval date or it will expire.

#### **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;
- Execute a Restrictive Covenant Agreement (deed restrictions).
- 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 must record a stand-alone noise disclosure form against the land, and provide a copy of the recorded document to the Department of Aviation;
- Applicant must provide a copy of the recorded noise disclosure form to future buyers/renters, separate from other escrow documents, and provide a copy of the document to the Department of Aviation;
- Applicant must provide a map to future buyers/renters, as part of the noise disclosure notice, that highlights the project location and associated flight tracks, provided by the Department of Aviation when property sales/leases commence;
- For the portion located in the AE-65, incorporate an exterior to interior noise level reduction of 35 decibels into the building construction for the habitable space that exceeds 35 feet in height, for that portion located in the AE-60, incorporate an exterior to interior noise level reduction of 30 decibels into the building construction for the habitable space that exceeds 35 feet in height or 25 decibels into the building construction for the habitable space that is less than 35 feet in height.
- 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 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.

#### **Building Department - Fire Prevention**

- 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](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0361-2020 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:**  
**APPROVALS:**  
**PROTESTS:**

**APPLICANT:** DNK DEVELOPMENT, LLC AND MEGA INVESTMENTS, LLC  
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