

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-24-0739-WARD, BRANON P. & KIDD-WARD, JAMES C., ET AL:

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce rear setback; **2)** modify residential adjacency standards; and **3)** alternative driveway geometrics.

DESIGN REVIEW for a single-family residential subdivision on 12.80 acres in an RS3.3 (Residential Single-Family 3.3) Zone.

Generally located on the north side of Pebble Road and the west side of Rainbow Boulevard within Enterprise. JJ/jor/kh (For possible action)

RELATED INFORMATION:

APN:

176-15-801-012; 176-15-801-013; 176-15-801-023; 176-15-801-024; 176-15-801-034, 176-15-801-035

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce the rear yard setback for Lots 42, 43, 44, 45, and 46 to 12 feet, 6 inches where 15 feet is the minimum required per Section 30.02.07 (a 17% reduction).
2.
 - a. Allow lot sizes less than 10,000 square feet (as small as 3,325 square feet) where residential development within, abutting, or adjacent to a Neighborhood Protection (RNP) Overlay shall transition along RNP boundaries by providing lot sizes 10,000 square feet or greater per Section 30.04.06G (a 67% reduction).
 - b. Allow side interior setbacks of 5 feet where development shall comply with the side setbacks (10 feet) of the adjacent NPO-RNP lot along any shared lot lines per Section 30.04.06G (a 50% reduction) (no longer needed).
 - c. Allow rear setbacks of 12 feet, 6 inches where development shall comply with the side or rear setbacks (30 feet) of the adjacent NPO-RNP lot along any shared lot lines per Section 30.04.06G (a 59% reduction) (no longer needed).
3.
 - a. Reduce the setback from a back of curb radius to a driveway for Lot 65 and Lot 80 to 7 feet, 9 inches where 12 feet is the minimum required per Uniform Standard Drawing 222 (a 36% reduction).
 - b. Reduce the back of curb radius requirement for the internal private streets to 15 feet where 20 feet is the minimum required per Uniform Standard Drawing 201 (a 25% reduction).

LAND USE PLAN:

ENTERPRISE - MID-INTENSITY SUBURBAN NEIGHBORHOOD (UP TO 8 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 12.80
- Project Type: Single-family residential subdivision
- Number of Lots: 97
- Density (du/ac): 7.58
- Minimum/Maximum Lot Size (square feet): 3,323/5,045
- Number of Stories: 2
- Building Height (feet): 25
- Square Feet: 2,255 (minimum)/2,590 (maximum)

Site Plan & Request

The plan depicts 97 single-family residential lots on a total of 12.80 gross acres with a density of 7.58 dwelling units per acre. All 97 lots face internally towards private streets within the proposed subdivision and access to the subdivision is provided via 2 streets from Pebble Road. Rosanna Street currently runs north to south and bisects the subject parcels; however, there is a companion vacation and abandonment application to vacate this street in order for the project to be one cohesive subdivision. Six foot high CMU block walls are shown along the north, south, east, and west property lines.

The applicant is requesting to reduce the rear yard setback for Lots 42, 43, 44, 45, and 46 which is on the eastside of the subdivision, internal to the subdivision to 12 feet, 6 inches where 15 feet is the minimum required per Section 30.02.07. The applicant is requesting to modify residential adjacency standards related to the following: allowing lot sizes less than 10,000 square feet, allow an interior side setback of 5 feet; and allow a rear setback of minimum of 12 feet, 6 inches.

Lots 1 through 7 share a lot line with parcel 176-15-801-022 (adjacent to southwest corner of project), which is an existing RS20 zoned NPO-RNP parcel. These lots have an overall area below 10,000 square feet and these lots do not meet the interior side and rear setbacks for RS20 zoning. Lots 8 through 20 and Lots 75 through 89 are located on the northwest corner of the subdivision. These lots do not share a lot lines with any NPO-RNP parcels but are located within existing NPO-RNP parcels to the southwest and to the north. Title 30 requires these lots to be a part of a transition along NPO- RNP boundaries.

Landscaping

The landscape plan depicts detached sidewalks with street landscaping along Pebble Road (south), Rainbow Boulevard (east), and Torino Avenue (north). The applicant is proposing to plant large and medium trees with a variety of shrubs within the street landscape areas. The proposed trees include 31 Mulga Acacia, 36 Cathedral Live Oak, 20 Mastic Trees, and 31 African Sumac trees. Furthermore, the landscape plan depicts that the trees will be spaced every 20 feet on center. Over 500 shrubs will be planted in addition to 173 cacti/accent plants and a variety of groundcover.

Elevations

The elevations depict a 2 story home product with an overall height of 25 feet. The exterior features include stucco walls, stucco pop-outs, faux stone finishes, variable roof lines, recessed windows with an overhang, and concrete roof tiles. The color schemes include desert earth tones with accent colors of terracotta and various hues of blue, green, and grey.

Floor Plans

The applicant is proposing 3 floor plan options with a minimum of 2,255 square feet to a maximum of 2,590 square feet. The floor plans include a 2 car garage, foyer area, bedrooms, bathrooms, kitchen, living room area, laundry room, and den or loft area.

Applicant's Justification

The request to reduce the rear yard setback for Lots 42, 43, 44, 45, and 46 is due to the largest footprint for the proposed home design (60 feet in depth). If a proposed home design with a shorter depth was constructed on these 5 lots, the waiver of development standards would not be needed. Furthermore, these 5 lots are internal to the development and do not border a perimeter lot line.

The applicant is requesting to modify the residential adjacency standards when adjacent to the Neighborhood Protection (RNP) Overlay. This is due to the in-fill nature of the proposed subdivision which is located between an RS3.3 development to the north and to the south and a RS5.2 development to the west and to the northwest. The trend in this area is better suited for an RS3.3 neighborhood. Side loaded lots were intentionally placed on the northwest corner of the development next to a 60 foot wide street (Torino Avenue) which is abutting the existing RS20 (NPO-RNP) zoned residential lots located to the north. Furthermore, the applicant is providing a detached sidewalk along Torino Avenue, totaling a 75 foot distance from the existing residential lots to the sideloaded lots (Lot 15 and 16 along Torino Avenue). Regarding the undeveloped lot to the southwest (APN 176-15-801-022), the parcel is undeveloped and therefore, the residential adjacency should not apply since the trend in this area would be for that parcel to be developed as either RS3.3 or RS5.2 zone subdivisions.

The applicant is requesting waivers of development standards for alternative driveway geometrics. Lots 65 and 80 are internal to the subdivision and would have minimal conflicts if the back of curb radius was reduced to 7 feet, 9 inches since the speed limits for the interior streets are typically set at 15 miles per hour. The 2 access points to the subdivision (along Pebble Road) are where vehicles are traveling at higher speeds and the lots within that area meet the back of curb requirements per Uniform Standard Drawing 222. The applicant is also requesting to reduce the back of curb radius (BCR) dimensions within the internal streets to 15 feet where 20 is required per Uniform Standard Drawing 201 for street intersections of 60 feet in width or less. The reduction will allow for more distance from the BCR to the driveway. This will allow more visibility for drivers in regard to public safety.

Prior Land Use Requests for 176-15-801-023, 176-15-801-024, 176-15-801-012, & 176-15-801-013

Application Number	Request	Action	Date
WS-0764-15	Related to APN 176-15-801-023 only; reduced the front setback for an existing accessory structure (gazebo)	Approved by PC	January 2016
ZC-1026-05	Reclassified approximately 3,800 parcels from R-E zoning to R-E (RNP-I) zoning.	Approved by BCC	October 2005

Prior Land Use Requests for APN 176-15-801-034

Application Number	Request	Action	Date
VS-0714-09	A request to vacate patent easements - expired	Approved by PC	January 2010
ZC-0603-09	Reclassified 7.5 acres from R-E zoning to C-2 zoning, and a design review for a proposed shopping center - the design review expired.	Approved by BCC	November 2009

Prior Land Use Requests for APN 176-15-801-035

Application Number	Request	Action	Date
ET-400299-05 (ZC-1600-00)	Second extension of time to reclassify 2.2 acres from R-E zoning to C-2 zoning for a plant nursery and small equipment rental facility - expired	Approved by BCC	January 2006
ET-400301-03 (ZC-1600-00)	First extension of time to reclassify 2.2 acres from R-E zoning to C-2 zoning for a plant nursery and small equipment rental facility - expired	Approved by BCC	January 2004
ZC-1600-00	Reclassified 2.2 acres from R-E zoning to C-2 zoning for a plant nursery and small equipment rental facility - expired; site is hard zoned	Approved by BCC	December 2000

*Additional land use applications have been previously approved on the above mentioned subject parcels but are not related to this application.

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Ranch Estate Neighborhood (up to 2 du/ac) & Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS3.3 & RS20 (NPO-RNP)	Single-family residential
South	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS3.3	Single-family residential

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
East	Neighborhood Commercial	CG & CP	School, gas station with convenience store, & mini-warehouse facility
West	Ranch Estate Neighborhood (up to 2 du/ac)	RS5.2 & RS20 (NPO-RNP)	Undeveloped & single-family residential

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

Related Applications

Application Number	Request
PA-24-700041	A plan amendment from Corridor Mixed-Use (CM) and Ranch Estate Neighborhood (RN) to Mid-Intensity Suburban Neighborhood (MN) is a companion item on this agenda.
ZC-24-0741	A zone change from CG and RS20 to RS3.3 is a companion item on this agenda.
VS-24-0740	A vacation and abandonment for easements and right-of-way is a companion item on this agenda.
TM-24-500159	A tentative map for a 97 single family residential 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.

Waiver of Development Standards #1

Staff finds that while the request to reduce the rear yard setback for Lots 42, 43, 44, 45, and 46 appears to be minimal the lot depths of these lots are virtually identical to the other lots within the subdivision. Per the applicant, the request is due to a proposed model home plan that is longer in depth than the 2 other home plan options. While there lots are interior to the site and the reduced setbacks will not negatively impact the surrounding area, the reduced setback for new construction could negatively impact future residents at such time they propose enhancements to the site or structure. For these reasons, staff cannot support this request.

Waiver of Development Standards #2

The applicant has the ability to design the proposed subdivision to meet residential adjacency standards. Title 30 states that the purpose of residential adjacency is to promote compatible transitions between land use areas of differing intensities and to reduce potential negative impacts that may occur when higher-intensity development is located near residential zoning districts regardless of the timing of any proposed development. Staff cannot support this request since the NPO-RNP overlay to the southwest and northwest of development requires lots abutting these areas to be a minimum of 10,000 square feet.

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 east half of the proposed subdivision is compatible in terms of architecture and layout with the adjacent RS3.3 neighborhood to the north and south. The applicant also provided 4 sided architecture, detached sidewalks with street landscaping, and 2 points of ingress/egress for the subdivision. However, the southwest and northwest halves of the subdivision should have been designed to transition to the NPO-RNP overlay. Since staff does not support waivers of development standards #2 and #3, staff cannot support the design review.

Public Works - Development Review

Waiver of Development Standards #3a

Staff cannot support the request to reduce the distance from back of curb radius (BCR) to the driveway for Lots 65 and 80. The reduction increases the chance of vehicle collisions from motorists turning around a corner with limited visibility and reaction time as the driveways are too close to the spandrels.

Waiver of Development Standards #3b

Staff cannot support the request to reduce the back of curb radius (BCR) for the spandrels within the development. Combined with Waiver of Development Standards #3a, with smaller turning radii, motorists will need to make tighter turns around spandrels, increasing the chance of collisions with pedestrians or vehicles on the other side of the spandrels.

Staff Recommendation

Denial. This item has been forwarded to the Board of County Commissioners 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 Master Plan, Title 30, and/or the Nevada Revised Statutes.

PLANNING COMMISSION ACTION: February 4, 2025 – APPROVED – Vote: Unanimous
Comprehensive Planning

- Certificate of Occupancy and/or business license shall not be issued without approval of a Certificate of Compliance;
- 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.
- 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;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 45 feet to 50 feet to the back of curb for Pebble Road, 55 feet to the back of curb for Rainbow Boulevard, 25 feet to the back of curb for Torino Avenue and associated spandrels;
- 30 days to submit a Separate Document to the Map Team for the required right-of-way dedications and any corresponding easements for any collector street or larger;
- 90 days to record required right-of-way dedications and any corresponding easements for any collector street or larger;
- All other right-of-way and easement dedications to record with the subdivision map;
- 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.

Fire Prevention Bureau

- No comment.

Southern Nevada Health District (SNHD) - Engineering

- Applicant is advised that there are active septic permits on the APNs 176-15-801-012, 176-15-801-013, 176-15-801-023, and 176-15-801-024; to connect to municipal sewer and remove the septic system in accordance with Section 17 of the SNHD *Regulations Governing Individual Sewage Disposal Systems and Liquid Waste Management*; and to submit documentation to SNHD showing that the system has been properly removed.

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 #0178-2024 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - denial.

APPROVALS: 3 cards

PROTESTS: 5 cards, 1 letter

APPLICANT: HOLDEN DEVELOPMENT COMPANY, LLC

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