

02/02/21 PC AGENDA SHEET

REDUCE SETBACKS  
(TITLE 30)

EL CAPITAN WAY/LA MANCHA AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-20-0536-PRIME BUILDING & DEVELOPMENT, LLC:**

**WAIVER OF DEVELOPMENT STANDARDS** for reduced rear setback.

**DESIGN REVIEW** for a single family residential development on 4.1 acres in an R-E (Rural Estates Residential) (RNP-I) Zone.

Generally located on the northwest corner of El Capitan Way and La Mancha Avenue within Lone Mountain. RM/ja/jd (For possible action)

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RELATED INFORMATION:

**APN:**

125-29-410-001 through 125-29-410-009

**WAIVER OF DEVELOPMENT STANDARDS:**

1. a. Reduce the rear setback for the principal structure to 17 feet where 30 feet is required per Table 30.40-1 (a 43% reduction).
- b. Reduce the rear setback for a patio cover (loggia) to 8 feet where 17 feet is required per Table 30.40-1 (a 53% reduction).

**LAND USE PLAN:**

LONE MOUNTAIN - RURAL NEIGHBORHOOD PRESERVATION (UP TO 2 DU/AC)

**BACKGROUND:**

**Project Description**

General Summary

- Site Acreage: 4.1
- Number of Lots/Units: 8 (6 for waiver of development standards)
- Density (du/ac): 1.6
- Minimum/Maximum Lot Size (square feet): 18,062 (net)/19,744 (net)
- Project Type: Single family residential
- Number of Stories: 1
- Building Height (feet): 20 to 29
- Square Feet: 4,088 to 4,360

### Site Plans

The plans depict a single family residential development consisting of 8 residential lots at a density of 1.6 dwelling units per acre. The lots are served by a 40 foot wide private cul-de-sac street with gated access from El Campo Grande Avenue. The northern 6 lots are the subject of the waiver of development standards request and range in size from a minimum of 18,062 square feet (net) to a maximum of 19,744 square feet (net).

The buildings front on to the private cul-de-sac. A 40 foot setback from the centerline of the street is maintained for most of the building. A sideloaded 2 car garage extends into the front yard by 8 feet and 2 trees are shown in the front yard to allow for the reduction. Some models also have a separate 2 car garage that faces the street, and exceeds the 20 foot minimum setback. RV garages are also an option for the models, and are set back per Code.

A loggia is designed in the rear elevation with an option to extend up to 8 feet from the wall of the principal building.

The setbacks for the principal building and loggia for the rear yards are as follows:

Lot	Principal building setback (feet)	Patio cover (loggia) setback (feet)
1	19	10
2	25	16
3	19	10
6	24	15
7	25	16
8	17	8 (less than 2 feet from perimeter wall)

### Landscaping

Approved street landscaping is shown on El Campo Grande Avenue and El Capitan Way. In addition, 2 large trees are provided in the front yards of lot 1 through lot 3 on the west side of the development and lot 6 through lot 8 on the east side of the development (the subject lots of this application). Per Code, a portion of the front setback may be reduced by 12 feet if 2 large trees are planted.

### Elevations

Three models are proposed, each with 3 elevation options. The models are 1 story, ranging from 20 feet to 29 feet high. The roofs are pitched and constructed with concrete tile with an option for standing seam metal. Exterior finishes consist of stucco with options for fiber cement lap siding. Decorative trim is shown around windows and doors of all elevations. Some models offer a courtyard in the front elevation.

### Floor Plans

The plans depict 3 models ranging from 4,088 square feet to 4,360 square feet and include kitchen, dining room, great room, 3 bedrooms and a master bedroom suite. Additional optional areas are shown for a flex room, den and sitting room. Three and 4 car garages, as well as an

optional RV garage are also included. The plans show a loggia (patio cover) in the rear of the house which in the standard model does not extend beyond the rear wall of the house. However, an option for a larger loggia is provided, which extends 8 feet from the rear of the building. The building depth ranges from 71 feet to 89 feet.

Signage

Signage is not a part of this request.

Applicant’s Justification

The applicant indicates that the 88.33 foot depth of the building requires an intrusion of approximately 12 feet into the setback. This is approximately 14 percent of the building depth. In addition, the setback reductions for the loggia area are less than 10 percent for 3 of the 6 lots in question. The applicant further states that the proposal complies with Urban Land Use Policy 4 of the Comprehensive Master Plan, which encourages preservation of existing residential neighborhoods by developing vacant lots of similar density.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
WS-18-0824	Waived full off-site improvements and modified street standards in conjunction with a single family residential development	Approved by BCC	January 2019
TM-18-500197	8 single family residential lots - recorded	Approved by BCC	January 2019
VS-18-0825	Vacated and abandoned government patent easements	Approved by BCC	January 2019
TM-0257-06	8 single family residential lots - expired	Approved by BCC	August 2006
WS-0737-04 (ET-0179-06)	First extension of time to waive full off-site improvements until June 2, 2008 to commence - expired	Approved by BCC	August 2006
WS-0737-04	Waived full off-site improvements - expired	Approved by BCC	June 2004
TM-0192-04	8 single family residential lots - expired	Approved by PC	May 2004
VS-0570-04	Vacated and abandoned government patent easements - expired	Approved by PC	May 2004

**Surrounding Land Use**

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

**STANDARDS FOR APPROVAL:**

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

## **Analysis**

### **Current Planning**

#### Waiver 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.

At the time of the tentative map approval, a waiver of off-site improvements was approved to waive curb, gutter, streetlights, sidewalks and partial paving along El Campo Grande Avenue and El Capitan Way. As a result, a 7 foot wide landscape easement is shown along El Campo Grande Avenue and El Capitan Way. While the property line for the lots extends to the right-of-way line of these streets, a block wall is shown behind the 7 foot landscape easement. Since the block wall is not constructed on the property line (for the 3 lots in question on the east side of the development), it creates a smaller space which is the perceived rear yard. The reduced setbacks are measured from the property line, not the block wall, which reduces the usable area in the rear yard even farther. In 1 case, Lot 8, the loggia may be less than 2 feet away from the wall. The setback reductions for the 3 lots on the west side of the development are adjacent to the existing residential development without any mitigation or adequate justification for the reduction. Without mitigation or an alternative standard to justify the waiver requests, staff does not support the reduction.

#### Design Review

Staff finds the proposed elevations are designed with architectural articulation and enhancements that meet the goals of the Comprehensive Master Plan. However, staff does not support the waiver of development standards for reduced setbacks; therefore, staff does not support the design review.

### **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:

- 2 large trees shall be planted in the rear yards of Lots 1, 2 and 3;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that 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**

- No comment.

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

- No comment.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** PRIME BUILDING & DEVELOPMENT

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