

06/22/22 BCC AGENDA SHEET

SINGLE FAMILY RESIDENTIAL DEVELOPMENT
(TITLE 30)

EDMOND ST/AGATE AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-22-0264-CHAUDHRY, SOHAIL & HUMA S.:

WAIVER OF DEVELOPMENT STANDARDS for reduced setbacks.

DESIGN REVIEWS for the following: **1)** single family residential development; and **2)** finished grade on 2.5 acres in an R-E (Rural Estates Residential) (RNP-I) Zone.

Generally located on the east side of Edmond Street and the north side of Agate Avenue within Enterprise. JJ/md/jo (For possible action)

RELATED INFORMATION:

APN:

176-24-501-057

WAIVER OF DEVELOPMENT STANDARDS:

1. a. Reduce the rear yard setback for a principal structure (single family residence) to 21 feet where a minimum setback of 30 feet is required per Table 30.40-1 (a 30% reduction).
- b. Reduce the rear yard setback for a patio cover to 6 feet where a minimum setback of 17 feet is required per Table 30.40-1 (a 64.7% reduction).

DESIGN REVIEWS:

1. Single family residential development.
2. Increase finished grade to 72 inches where a maximum of 36 inches is the standard per Section 30.32.040 (a 100% increase).

LAND USE PLAN:

ENTERPRISE - RANCH ESTATE NEIGHBORHOOD (UP TO 2 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 2.5
- Number of Lots/Units: 3
- Density (du/ac): 1.2
- Minimum/Maximum Lot Size (square feet): 20,151/49,352 (gross)/19,530/49,352 (net)
- Project Type: Single family residential development

- Number of Stories: 1
- Building Height (feet): 18.5
- Square Feet: 4,428

Site Plans

The plans depict a single family residential development consisting of 3 lots on 2.5 acres with a density of 1.2 dwelling units per acre. The minimum and maximum gross lot sizes are 20,151 square feet and 49,532 square feet, respectively. The minimum and maximum net lot sizes are 19,530 square feet and 49,532 square feet respectively. Lot 1 is accessed from Edmond Street, while Lot 2 and Lot 3 are accessed from Agate Avenue. The public streets adjacent to the site, Edmond Street and Agate Avenue, will be developed to the non-urban street standards in compliance with air quality regulations; however, since the streets are local residential streets within a Rural Neighborhood Preservation (RNP) area, no waiver of off-site improvements is required. A waiver of development standards is being requested to reduce the rear yard setback to 21 feet for the single family residences proposed for Lot 2 and Lot 3. A second waiver of development standards is also requested to reduce the rear yard patio cover setback for Lot 2 and Lot 3 to 6 feet. The increase in finished grade will occur across the entirety of the residential development.

Landscaping

No landscaping is required or proposed with this single family residential development.

Elevations

The plans depict a single story residential model measuring up to 18.5 feet in height. The residence consists of a flat roof with varying horizontal planes. The residence features a contemporary design with a combination of exterior building materials including decorative stone, stucco, and large windows. The color palette of the residences consists of neutral, earth tone colors.

Floor Plan

The floor plan depicts single story residences measuring 4,428 square feet featuring 4 bedrooms, bathrooms, living/family room, kitchen, closets, and a 3 car garage.

Applicant's Justification

According to the applicant, only 464 square feet or 10 percent of the 4,468 total square footage of the proposed homes will encroach upon the required rear setback. The applicant states the rear property line is shared with another lot in this subdivision, and the property owner has expressed support for this reduction. Approximately half or 180 square feet of each rear patio will encroach upon the required setback. Due to this, it is believed these waiver requests are minor in nature and will not have an adverse impact to any adjacent residential properties or this development. The applicant states the difference in elevation between the proposed and existing grade is 6 feet (72 inches) of maximum fill above the existing elevations on the site is due to the existing natural wash from west to east. The impact to the adjacent properties should be minimal. The adjacent property to the east is currently undeveloped. Adjacent properties to the north, south, and west are similarly developed so there should be little to no impact to the existing homes.

Prior Land Use Requests

Application Number	Request	Action	Date
DR-21-0162	Increased finished grade for future a single family residential development	Approved by BCC	June 2021
VS-21-0161	Vacated and abandoned government patent easements	Approved by BCC	June 2021
ZC-1026-05	Reclassified approximately 3,800 parcels from R-E to R-E (RNP-I) zoning	Approved by BCC	October 2005

This site is located within the Public Facilities Needs Assessment Area.

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North, West, & South	Ranch Estate Neighborhood (up to 2 du/ac)	R-E (RNP-I)	Single family residential
East	Ranch Estate Neighborhood (up to 2 du/ac)	R-E (RNP-I)	Undeveloped

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 & Design Review #1

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.

All of the residential lots within the proposed development exceed the minimum gross and net lot areas required by Code. Lot 2 and Lot 3, depicted in a “square configuration”, are not irregularly shaped, and do not feature unique or exceptional topographic conditions. Staff finds the waiver requests are a self-imposed burden and the proposed residences can be redesigned to meet the required rear yard setbacks. There are no unique or special characteristics associated with these lots that warrant the setback reductions, and the applicant has not provided sufficient justification for the waiver requests. Therefore, staff recommends denial of these requests.

Public Works - Development ReviewDesign Review #2

This design review represents the maximum grade difference within 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 not supporting the rest of the application, staff cannot support this request.

Department of Aviation

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

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

PRELIMINARY STAFF CONDITIONS:

Current Planning

If approved:

- Expunge DR-21-0162;
- 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 that 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;
- Right-of-way dedication to include 30 feet for Edmond Street, 30 feet for Agate Avenue, and associated spandrel;
- 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 advised 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.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Enterprise - denial.

APPROVALS:

PROTESTS:

APPLICANT: SOHAIL CHAUDHRY

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