

UPDATE

SETBACKS
(TITLE 30)

BLUE DIAMOND RD/HUALAPAI WAY

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-21-0648-AMH NV8 DEVELOPMENT, LLC:

HOLDOVER WAIVER OF DEVELOPMENT STANDARDS for reduced setbacks in conjunction with a single family residential development on 0.2 acres in an R-2 (Medium Density Residential) Zone.

Generally located approximately 100 feet north of Oleta Avenue and 175 feet east of Hualapai Way within Enterprise. JJ/nr/jo (For possible action)

RELATED INFORMATION:

APN:

176-19-216-026; 176-19-216-047 and 176-19-216-048

WAIVER OF DEVELOPMENT STANDARDS:

1. a. Reduce the rear setbacks for lots 26 and 48 to 8 feet where 15 feet is required per Table 30.40-2 (a 46.7% decrease).
- b. Reduce the rear setback for lot 47 to 11.2 feet where 15 feet is required per Table 30.40-2 (a 25.3% decrease).

LAND USE PLAN:

ENTERPRISE - PUBLIC FACILITIES

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

BACKGROUND:

Project Description

General Summary

- Site Address: 9176 Ribbon Meadow Court, 9174 & 9180 Liberty Cap Court
- Site Acreage: 0.2 (all 3 lots)
- Minimum/Maximum Lot Size (square feet): 3,310.6 to 3,659
- Project Type: Setbacks
- Number of Stories: 2
- Building Height (feet): 24.2 to 26.5
- Square Feet: 1,851 (all 4 models)

Site Plans

The plans depict a recently approved subdivision of Hualapai/Oleta which consists of 109 lots. This application is for 3 parcels within the single family development. The 3 parcels, lots 26, 47, and 48, have proposed setback reductions. All 3 lots are along the bulb of 2 cul-de-sacs extending south from Cathedral Spires Avenue. The plans show a reduced setback for the rear portion of the parcels ranging from an 8 foot wide rear yard (lots 26 & 48) to 11.2 foot wide rear yard (lot 47). The side setbacks of 5 feet are maintained and exceeded on the north side of each parcel. Each parcel is depicted with a reduced front setback of 18 feet per Table 30.40-2. Access to the subject parcels will be from Hualapai Way and private internal streets to the developing subdivision.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant indicates the proposed rear setback reductions are requested by the developer because the developer does not want to offer a smaller home within the development. In addition, the lots are internal to the subdivision and shall not impact the surrounding area. The applicant states lots 26, 47, and 48 will be prohibited from having a patio cover on the site due to the proposed reduced setbacks.

Prior Land Use Requests

Application Number	Request	Action	Date
ET-21-400066 (Nzc-0872-16)	Second extension of time to reclassify 15.2 acres from H-2 & R-E to R-2 zoning for a single family residential subdivision	Approved by BCC	June 2021
TM-21-500046	109 lot single family residential subdivision	Approved by BCC	June 2021
WS-21-0189	Increased wall heights in conjunction with a single family development	Approved by BCC	June 2021
ADET-20-900155 (Nzc-0872-16)	First extension of time to reclassify 15.2 acres from H-2 & R-E to R-2 zoning for a single family residential subdivision	Approved by ZA	March 2020
DA-19-900116	Standard development agreement	Approved by BCC	May 2019
VS-18-0424	Vacated and abandoned easements	Approved by PC	July 2018
VS-0919-17	Vacated and abandoned easement	Approved by PC	December 2017
TM-0175-16	120 single family residential lots - expired	Approved by BCC	March 2017
Nzc-0872-16	Reclassified 15.2 acres from H-2 & R-E to R-2 zoning for a single family residential subdivision	Approved by BCC	March 2017

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North, South, & West	Public Facilities	R-2	Undeveloped
East	Residential Suburban	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

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.

Staff reviews waivers of development standards to ensure compatibility with existing and planned development in the surrounding area. Setbacks and separations help to preserve the appeal and integrity of an area and help to moderate visual impacts and possible safety issues. Only 3 parcels within the 109 lot subdivision are proposed to have setback reductions. The subdivision offers 4 models of homes, each model with the same square footage and similar features within the homes. Thoughtful design and minor modifications to an offered model or 2 could provide the opportunity to meet the setbacks on all of the parcels.

In addition, the R-2 zoning district has setback allowances for patio covers that include a 3 foot setback from an interior side and a 3 foot setback from the rear property line. Per the floor plans provided in the application, the other 106 lots will be developed with a 10.3 foot by 12 foot patio cover. The parcels included in this application are prohibited from having patio covers by the applicant, although the code could allow for a patio cover within the side or rear yards based on Table 30.40-2.

The size of the parcels included in the application do not vary from the neighboring parcels within the development and the lots conform to the R-2 size requirements; however, reducing the setbacks to fit a larger sized model on the lot is not in keeping with the surrounding development within the subdivision, and staff cannot support the request. Staff finds that the proposed reduction is a self-imposed hardship and will ultimately affect the future home buyer with the inability to use their outdoor space like the other 106 lots within the developing subdivision.

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:

- Patio covers within the side or rear yard to meet Table 30.40-2 allowances.
- 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

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Enterprise - denial.

APPROVALS:

PROTESTS: 1 card

PLANNING COMMISSION ACTION: January 4, 2022 – HELD – To 01/18/22 – per the applicant.

APPLICANT: AMH NV8 DEVELOPMENT, LLC

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