

10/19/21 PC AGENDA SHEET

SETBACKS  
(TITLE 30)

WARM SPRINGS RD/CIMARRON RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-21-0445-DM APARTMENTS LP & DURANGO WARM SPRINGS III, LLC:**

**WAIVER OF DEVELOPMENT STANDARDS** to reduce setbacks in conjunction with a previously approved multiple family residential development on 6.4 acres in an R-5 (Apartment Residential) Zone in the CMA Design Overlay District.

Generally located on the south side of Warm Springs Road and the west side of Cimarron Road within Spring Valley. MN/jt/jo (For possible action)

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RELATED INFORMATION:

**APN:**

176-09-110-020; 176-09-110-021

**WAIVER OF DEVELOPMENT STANDARDS:**

Eliminate the rear setback for a portion of a multiple family residential development where 20 feet is the minimum per Table 30.40-3 and 5 feet was previously approved.

**LAND USE PLAN:**

SPRING VALLEY - COMMERCIAL GENERAL

SPRING VALLEY - OFFICE PROFESSIONAL

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: N/A
- Site Acreage: 6.4
- Number of Units: 320
- Density (du/ac): 50
- Project Type: Multiple family residential
- Number of Stories: 4
- Building Height (feet): 52
- Square Feet: 292,801
- Open Space Required/Provided (square feet): 3,200/69,394

Parking

- Approved Multiple Family Development (required/provided): 544/472
- Existing Shopping Center (required/provided): 1,040/1,752

- Combined Total (required/provided): 1,584/2,224

#### Overview

The multiple family residential development was previously approved with a 5 foot rear setback where 20 feet is the minimum. After approval, it was discovered that a 60 foot portion of the multiple family residential development has a zero foot setback where 5 feet was approved in the southwest portion of the site. This setback is measured to the boundary of an internal pad site, and the actual setback to the southern property line of the shopping center is over 50 feet.

#### Site Plan

The site plan depicts a multiple family development approved on a vacant pad site within an existing shopping center. Access to the shopping center is from Durango Drive on the west, Warm Springs Road on the north, and Cimarron Road on the east. No new curb cuts are proposed, and the multiple family development will maintain cross-access with the existing shopping center.

Three adjacent multiple family buildings are proposed in the southeast portion of the shopping center. Approximate setbacks to the overall boundary of the shopping center include 240 feet to the north along Warm Springs Road, 240 feet to the east along Cimarron Road, and 50 feet to the south property line. This application is a request to eliminate the rear setback for the southwest portion of the multiple family development to the southern property line of the pad site. Overall setback to south property line of the shopping center remains at over 50 feet.

A portion of the site improvements for the multiple family residential development now also extend onto the shopping center parcel (176-09-110-020) in the southwest portion of the site where the rear setback is eliminated. These improvements include a concrete sidewalk and areas for swinging gates to open onto the adjacent parcel.

#### Applicant's Justification

According to the applicant, the multiple family residential project remains substantially consistent with the previously approved plans. Although the rear setback to the pad site is being eliminated for a small portion of the development, the overall setback to the southern boundary of the shopping center remains at over 50 feet, which includes a drive aisle and parking spaces.

#### **Prior Land Use Requests\***

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
NZC-19-0672	Reclassified the site to R-5 zoning for a multiple family residential development	Approved by BCC	November 2019
UC-1801-04	Design review of the shopping center and office complex with waivers of conditions of ZC-0274-03	Approved by BCC	December 2004
ZC-0274-03	Reclassified the site to C-2 and C-P zoning	Approved by BCC	March 2003

\*Several other applications were submitted for the adjacent shopping center, however the applications listed in this chart are the most relevant to this project.

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Commercial General & Office Professional	C-2 & C-P	Portions of the existing shopping center including a vehicle fueling station, a vacant pad site, a medical office building, & parking spaces
South	Commercial General & Office Professional	C-2 & C-P	Portions of the existing shopping center including a drive aisle & parking spaces
East	Office Professional	C-P	Portions of the existing shopping center including a medical office building & parking spaces
West	Commercial General	C-2	Portions of the existing shopping center including retail buildings & parking spaces

The subject site and surrounding properties are in the Public Facilities Needs Assessment (PFNA) area.

**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.

Eliminating the rear setback for a portion of the multiple family residential development does not create any negative impacts. The reduction is measured to the south boundary of the pad site, and the overall setback to the south boundary of the shopping center is over 50 feet. A drive aisle and parking spaces separate the development from the Southwest Regional Sports Complex to the south. As a result, staff can support the request with a time limit to complete consistent with NZC-19-0672 since this application is reliant upon that previous approval.

**Staff Recommendation**

Approval.

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**

- Until November 20, 2022 to complete.
- 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; and that 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.

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

- No comment.

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

- No comment.

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

- No comment.

**TAB/CAC:** Spring Valley - approval.

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** DM APARTMENTS, LP

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