

SETBACKS/NON-STANDARD IMPROVEMENTS  
(TITLE 30)

CACTUS AVE/MANN ST

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-23-0155- AMH NV 14 DEVELOPMENT, LLC:**

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** reduce setbacks; and **2)** non-standard improvements in the right-of-way for a single family residential development on 6.5 acres in an R-2 (Medium Density Residential) Zone.

Generally located on the north side of Cactus Avenue and the west side of Mann Street within Enterprise. JJ/jud/syp (For possible action)

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RELATED INFORMATION:

**APN:**

176-26-813-001 through 176-26-813-051

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Reduce the rear setback for Lot 16 to 7.5 feet where 15 feet is required per Table 30.40-2 (a 50% reduction) and 10 feet was previously approved (a 25% reduction).
2. Allow non-standard improvements within the right-of-way where not permitted per Section 30.52.050.

**LAND USE PLAN:**

ENTERPRISE - COMPACT NEIGHBORHOOD

**BACKGROUND:**

**Project Description**

General Summary

- Site Acreage: 6.5
- Number of Lots/Units: 49 residential & 2 comment elements
- Density (du/ac): 7.5
- Minimum/Maximum Lot Size (square feet): 3,315/5,358
- Project Type: Rear setback reduction and non-standard improvements in the right-of-way

**History & Site Plans**

The plans depict a detached single family residential development consisting of 49 lots with a density of 7.5 dwelling units per acre. There is an existing public drainage easement that divides the northern portion of the site from the majority of the proposed development. The plans indicate the 42 foot wide drainage easement as one of the common elements of the subdivision.

The plans show that 16 lots with access from Rush Avenue are located to the north of the drainage easement. The remaining 33 lots to the south of the drainage easement will be accessed by 48 foot wide public streets. The entrance to this portion of the subdivision will be via Mann Street on the east side of the development. The plans show a pedestrian access to Cactus Avenue from this terminus of a proposed cul-de-sac within the development. The request for the rear yard setback is for 1 lot located at the northeast corner of the development. The plans show that the drainage easement curves to the north adjacent to lot 16 on the northeast corner of the site, causing the length of the lot to be reduced from the west to the east. In December 2021, this lot was approved for a rear setback reduction from 15 feet to 10 feet. However, the applicant is requesting to further reduce the rear setback to 7.5 feet. This additional reduction will only be needed for the southeast corner of the lot, where the remaining portion of the building will meet the minimum required setback.

Additionally, the applicant is requesting to allow non-standard improvements located within the public right-of-way, more specifically for an irrigation crossing at the entrance of a previously approved development from Mann Street. The proposed irrigation crossing will consist of two, 4 inch or one 6 inch schedule 40 PVC pipe. These pipes will be used to irrigate the perimeter landscaping.

#### Landscaping

The previously approved landscaping depicted a minimum 15 foot wide landscape area with detached sidewalks along Cactus Avenue and Torrey Pines Drive. A minimum 6 foot wide landscape area with an attached sidewalk located along Mann Street. Landscaping along the public streets consists of combinations of trees, shrubs, and groundcover. The common element located along the south side of the entrance of the development is approximately 15 feet wide and the plans depict a landscape area consisting of trees, shrubs, and groundcover.

#### Signage

Signage is not a part of this request.

#### Applicant's Justification

The applicant is requesting this further reduction of the rear setback for Lot 16 from 10 feet 3 inches to 7 feet 8 inches to allow for 1 additional house plan to fit on the lot. This rear yard setback reduction is due to the drainage easement that bisects the property and creates an odd shaped lot (Lot 16). The applicant indicates that to off-set this request, Lot 16 has been widened, this allows for a 16 foot wide side yard, which is over triple the required width. Furthermore, the applicant states that even though this is a self-imposed hardship, it is due to the design parameters of the drainage channel and affects only 1 lot of the subdivision.

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

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
WS-21-0585	Reduced setbacks with a design review for residential development & increase finish grade	Approved by BCC	December 2021
ZC-18-0774	Reclassified the site to R-2 zoning for a single family residential development	Approved by BCC	December 2018

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
VS-18-0772	Vacated and abandoned patent easements and portions of Cactus Avenue and Torrey Pines Drive to allow for detached sidewalks	Approved by BCC	December 2018
TM-18-500182	46 lot single family residential subdivision	Approved by BCC	December 2018

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Open Lands	R-E	Undeveloped
South	Compact Neighborhood (up to 18 du/ac)	RUD	Single family residential
East	Compact Neighborhood (up to 18 du/ac) & Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RUD & R-2	Single family residential & undeveloped
West	Open Lands	R-E	Undeveloped

**STANDARDS FOR APPROVAL:**

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

**Analysis****Comprehensive Planning**Waivers 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.

Waiver of Development Standards #1

The plans show the location of the drainage easement will reduce the length of a portion of Lot 16 which effects the rear yard setback for the southeast corner of the lot. Staff finds that the drainage easement is a special circumstance creating a unique situation for this proposed development and can support the proposed setback reduction.

**Public Works - Development Review**Waiver of Development Standards #2

The applicant is responsible for maintenance and up-keep of any non-standard improvement; the County will not maintain any irrigation crossing placed in the right-of-way. Staff can support waiver of development standards #2 but the applicant must execute and sign a License and Maintenance Agreement for any non-standard improvements within the right-of-way.

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

**PRELIMINARY STAFF CONDITIONS:****Comprehensive Planning**

- 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**

- Execute a License and Maintenance Agreement for any non-standard improvements within the right-of-way.

**Fire Prevention Bureau**

- No comment.

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

- No comment.

**TAB/CAC:** Enterprise - approval.

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** AMH DEVELOPMENT, LLC

**CONTACT:** THE WLB GROUP, 3663 EAST SUNSET ROAD, SUITE 204, LAS VEGAS, NV 89120