

12/08/21 BCC AGENDA SHEET

SINGLE FAMILY RESIDENTIAL DEVELOPMENT      CACTUS AVE/TORREY PINES DR  
(TITLE 30)

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WC-21-400158 (ZC-18-0774)-EPSTEIN DIANE LEE ROBERTSON FAMILY TRUST  
ETAL & EPSTEIN DIANE LEE ROBERTSON TRS:**

**WAIVER OF CONDITIONS** of a zone change requiring pedestrian connections between the 2 private streets and the detached sidewalk along Torrey Pines Drive in conjunction with an approved single family residential development on 6.5 acres in an RUD (Residential Urban Density) Zone.

Generally located on the northeast corner of Cactus Avenue and Torrey Pines Drive within Enterprise. JJ/al/jo (For possible action)

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RELATED INFORMATION:

**APN:**

176-26-801-003; 176-26-801-004

**LAND USE PLAN:**

ENTERPRISE - RESIDENTIAL HIGH (FROM 8 DU/AC TO 18 DU/AC)

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 6486 W. Cactus Avenue
- Site Acreage: 6.5
- Project Type: Detached single family residential development

**History & Request**

The site was reclassified to an RUD zone by ZC-18-0774 in December 2018. The plans approved with the zone change depicted a single family residential development consisting of 46 lots on 6.5 acres for a density of 7.2 dwelling units per acre. The majority of the lots had direct access to the internal street network consisting of 43 foot wide private streets with 4 foot wide sidewalks on 1 side of the street. Twelve lots fronted Rush Avenue which is a public street. The approved plans depicted 2 cul-de-sacs that terminated close to Torrey Pines Drive and the condition to require pedestrian access to Torrey Pines Drive was to provide the access from these cul-de-sacs. The applicant has submitted plans to redesign the subdivision. WS-21-0585 and TM-21-500161 are companion items on this agenda which address the changes to the development. The plans submitted for the companion items depict a single family residential development consisting of 49 lots with a density of 7.5 dwelling units per acres. These plans

also depict a subdivision with public streets and the 2 cul-de-sacs close to Torrey Pines Drive have been removed. A single cul-de-sac that terminates close to Cactus Avenue is being provided and the plans show pedestrian access to Cactus Avenue from this cul-de-sac.

#### Previous Conditions of Approval

Listed below are the approved conditions for ZC-18-0774:

##### Current Planning

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- 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;
- Pedestrian connections between the 2 private streets and the detached sidewalk along Torrey Pines Drive;
- Design review as a public hearing for significant changes to plans;
- 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 the waivers of development standards and design review must commence within 4 years of approval date or they 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;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 30 feet for Rush Avenue, 30 feet for Mann Street, and associated spandrels;
- Applicant to apply for BLM right-of-way grants for 30 feet for Rush Avenue, 40 feet for Torrey Pines Drive, and associated spandrels.
- 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; and that the installation of detached sidewalks will require the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way.

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

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email [sewerlocation@cleanwaterteam.com](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0366-2018 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

### Applicant's Justification

The applicant indicates that the previously approved site plan showed 2 stub streets that pointed toward Torrey Pines Drive and the condition was placed on that design to provide the pedestrian access to Torrey Pines Drive. WS-21-0585 is a related application on this agenda to change the design of the development. The site plan submitted for WS-21-0585 shows a cul-de-sac bulb that points towards Cactus Avenue and a pedestrian connection is being provided at the end of the cul-de-sac. The proposed design considers the amount of water that currently crosses the site and has provided a pedestrian access point so that there is ample pedestrian access across the site. Since the design of the project is being changed to no longer have cul-de-sacs facing Torrey Pines Drive, it is no longer practical to provide pedestrian access to this street.

### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ZC-18-0774	Reclassified the site to RUD zoning for a single family residential development	Approved by BCC	December 2018
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 & West	Public Facilities	R-E	Undeveloped
South	Residential High (from 8 to 18 du/ac)	RUD	Single family residential
East	Residential Suburban (up to 8 du/ac)	R-2	Single family residential & undeveloped

This site and the surrounding area are located in the Public Facilities Needs Assessment (PFNA) area.

### **Related Applications**

<b>Application Number</b>	<b>Request</b>
WS-21-0585	A waiver of development standards for a single family residential development is a companion item on this agenda.
VS-21-0586	A vacation and abandonment of easements and rights-of-way is a companion item on this agenda.
TM-21-500161	A tentative map for a single family residential subdivision is a companion item on this agenda.

### **STANDARDS FOR APPROVAL:**

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

## **Analysis**

### **Current Planning**

The applicant has submitted subsequent applications, which are companion items on this agenda, to change the layout of the development. The proposed changes make it no longer practical to provide pedestrian access to Torrey Pines Drive. However, the proposed layout depicted on the plans submitted for the companion items is depicting access to Cactus Avenue, which will allow the development to integrate with the surrounding community. Staff can support the proposed redesign of the development and finds that the intent of providing pedestrian access is still being complied with by the proposed revisions and can support waiving the condition to pedestrian access to Torrey Pines Drive, which was based on the prior design of the project and is no longer applicable to this site.

### **Staff Recommendation**

Approval.

Approval of the waiver of conditions request constitutes a finding by the Commission/Board that the condition will no longer fulfill its intended purpose.

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**

- Applicant is advised that this waiver of conditions only applies to WS-21-0585 and TM-21-500161, or any modifications thereto.

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

- No comment.

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

- Applicant is advised that fire/emergency access must comply with the Fire Code.

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

- No comment.

**TAB/CAC:**

**APPROVALS:**

**PROTEST:**

**APPLICANT:** AMH DEVELOPMENT, LLC

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