

05/06/26 BCC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-26-0148-DBAC, LLC:**

**WAIVER OF DEVELOPMENT STANDARDS** to eliminate street landscaping.  
**DESIGN REVIEW** for a proposed single-family residential development 8.69 acres in an RS20 (Residential Single-Family 20) Zone within the Neighborhood Protection (RNP) and Airport Environs (AE-60) Overlays.

Generally located west of Hinson Street and north of Maule Avenue within Enterprise. MN/nai/kh (For possible action)

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RELATED INFORMATION:

**APN:**

177-06-612-003; 177-06-612-004; 177-06-613-001 through 177-06-613-011; 177-06-614-001 through 177-06-614-007

**WAIVER OF DEVELOPMENT STANDARDS:**

Eliminate street landscaping along Hinson Street where a minimum 6 foot wide strip is required per Section 30.04.01.

**LAND USE PLAN:**

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

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: N/A
- Site Acreage: 8.69
- Project Type: Single-family residential subdivision
- Number of Lots: 16
- Density (du/ac): 1.84
- Minimum/Maximum Lot Size (square feet): 20,213/33,856 (gross)/18,002/31,558 (net)

History & Site Plan

In March 2018, the Board of County Commissioners approved a TM-18-500020 for a single-family residential development consisting of 23 lots on approximately 12.4 acres. In April 2021, the Planning Commission approved WS-21-0074 for Lot 23, allowing a reduction in the minimum net lot area to 15,493 square feet. The subdivision has been recorded and single-family residences have been built on Lots 19 through 22.

The current request is to modify the previously subdivided lots, resulting in a reduction of 1 lot, among other changes. A cul-de-sac is proposed on Milos Road between Lots 3 and 19, which will create a stand-alone 8 lot development with access from Maule Avenue only and no connectivity to the lots to the North. Previously, a north/south through street provided access between all 23 lots. Access to the northern 13 lots will be from the private east/west Andros Road that will intersect with Hinson Street, where the prior subdivision showed no connection to Hinson Street. Six of the lots will be served by a north/south cul-de-sac from Andros Road and the remaining 7 lots will be served by a north/south street that terminates in a Fire Department approved turnaround. No landscaping is proposed along Hinson Street, which is the subject of the waiver.

Applicant’s Justification

The applicant states that the subject property is located within an established rural area where adjacent residential properties do not have landscaping along the streets. Granting this waiver will maintain consistency with the existing rural character and development pattern of the surrounding area.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
WS-21-0074	Waiver of development standards to reduce lot size	Approved by PC	April 2021
WS-18-0108	Waivers of development standards for a single-family residential development	Approved by BCC	March 2018
VS-18-0094	Vacation and abandonment of easements and portions of right-of-way	Approved by BCC	March 2018
TM-18-500020	Tentative map for a 23 lot single-family residential subdivision	Approved by BCC	March 2018
WS-0662-13	Waivers of development standards for a proposed single-family residential development	Withdrawn	February 2014
VS-0661-13	Vacation and abandonment of easements	Withdrawn	February 2014
TM-0179-13	Tentative map for a 23 lot single-family residential subdivision	Withdrawn	February 2014
VS-0397-13	Vacation and abandonment of easements	Withdrawn	September 2013
WS-0396-13	Waivers of development standards for a single-family residential development	Withdrawn	September 2013
TM-0100-13	Tentative map for a 23 lot single-family residential subdivision	Withdrawn	September 2013
WS-0541-12	Waivers of development standards for a single-family residential development	Withdrawn	October 2012
TM-0082-12	Tentative map for a 23 lot single-family residential subdivision	Withdrawn	October 2012

### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North	Business Employment	RS20 & IL (AE-60)	I-215 & industrial developments
South & East	Ranch Estate Neighborhood (up to 2 du/ac)	RS20 (NPO-RNP) & AE-60	Single-family residential & undeveloped
West	Public Use & Ranch Estate Neighborhood (up to 2 du/ac)	RS20 (NPO-RNP) & (AE-60)	Undeveloped & LVVWD facility

### **Related Applications**

<b>Application Number</b>	<b>Request</b>
TM-26-500038	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 is consistent with the Master Plan and is in compliance with Title 30.

### **Analysis**

#### **Comprehensive Planning**

##### Waiver of Development Standards

The applicant shall have the burden of proof to establish that the proposed request is appropriate for its proposed location by showing the following: 1) the use(s) of the area adjacent to the subject property will not be affected in a substantially adverse manner; 2) the proposal will not materially affect the health and safety of persons residing in, working in, or visiting the immediate vicinity, and will not be materially detrimental to the public welfare; and 3) the proposal will be adequately served by, and will not create an undue burden on, any public improvements, facilities, or services.

Street landscaping is required to enhance streetscapes, reduce the urban heat island effect, and create safe and enjoyable streets. The lack of street landscaping in the surrounding area makes it even more important that it is provided with this subdivision. Therefore, staff cannot support this request.

##### Design Review

Development of the subject property is reviewed to determine if 1) it is compatible with adjacent development and is harmonious and compatible with development in the area; 2) the elevations, design characteristics and others architectural and aesthetic features are not unsightly or undesirable in appearance; and 3) site access and circulation do not negatively impact adjacent roadways or neighborhood traffic.

The layout of the subdivision is not compliant with Section 30.04.09 as detailed in the report for TM-26-500038. Since staff cannot support the design of the tentative map, staff cannot support this request.

### **Department of Aviation**

The development will penetrate the 100:1 notification airspace surface for Harry Reid International Airport. Therefore, as required by 14 CFR Part 77, and Section 30.02.26B.3(ii) of the Clark County Unified Development Code, the Federal Aviation Administration (FAA) must be notified of the proposed construction or alteration.

The property lies within the AE 60 (60 - 65 DNL) noise contour for 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 Harry Reid International 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:**

#### **Comprehensive Planning**

If approved:

- Certificate of Occupancy and/or business license shall not be issued without approval of a Certificate of Compliance, and payment of the tree fee-in-lieu is required for any required trees waived..
- Applicant is advised within 4 years from the approval date the application must commence or the application will expire unless extended with approval of an extension of time; 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; changes to the approved project will require a new land use application; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

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

- Comply with drainage study PW25-17936;
- Traffic study and compliance.

#### **Department of Aviation**

- Applicant is required to file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, in accordance with 14 CFR Part 77, or submit to the Director of Aviation a "Property Owner's Shielding Determination Statement" and request written concurrence from the Department of Aviation;
- If applicant does not obtain written concurrence to a "Property Owner's Shielding Determination Statement," then applicant must also receive either a Permit from the Director of Aviation or a Variance from the Airport Hazard Areas Board of Adjustment

(AHABA) prior to construction as required by Section 30.02.26B of the Clark County Unified Development Code. Applicant is advised that many factors may be considered before the issuance of a permit or variance, including, but not limited to, lighting, glare, graphics, etc.;

- No building permits should be issued until applicant provides evidence that a "Determination of No Hazard to Air Navigation" has been issued by the FAA or a "Property Owner's Shielding Determination Statement" has been issued by the Department of Aviation. The Determination of No Hazard must not be expired.
- Applicant must record a stand-alone noise disclosure form against the land, and provide a copy of the recorded document to the Department of Aviation Noise Office at [landuse@lasairport.com](mailto:landuse@lasairport.com);
- Applicant must provide a copy of the recorded noise disclosure form to future buyers/renters, separate from other escrow documents, and provide a copy of the document to the Department of Aviation Noise Office at [landuse@lasairport.com](mailto:landuse@lasairport.com);
- Applicant must provide a map to future buyers/renters, as part of the noise disclosure notice, that highlights the project location and associated flight tracks, provided by the Department of Aviation Noise Office when property sales/leases commence;
- Incorporate an exterior to interior noise level reduction of 30 decibels into the building construction for the habitable space that exceeds 35 feet in height or 25 decibels into the building construction for the habitable space that is less than 35 feet in height.
- Applicant is advised that the FAA's determination is advisory in nature and does not guarantee that a Director's Permit or an AHABA Variance will be approved; that FAA's airspace determinations (the outcome of filing the FAA Form 7460-1) are dependent on petitions by any interested party and the height that will not present a hazard as determined by the FAA may change based on these comments; that the FAA's airspace determinations include expiration dates and that separate airspace determinations will be needed for construction cranes or other temporary equipment; 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**

- Applicant is advised that when installing streets using "L" type curbs, a minimum of 37 feet wide is required, back of curb to back of curb; and that if using rolled curbs, minimum 39 feet widths are required, from back of curb to back of curb; that streets with roll curbs must be a minimum of 39 feet back of curb to back of curb.

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

- Applicant is advised that a new Point of Connection (POC) is required, as the previously issued POC has either expired, the proposed flow has changed, or the property has been re-parceled; and instructions for submitting a POC request are available on the CCWRD's website.

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

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** DBAC, LLC

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