

05/22/24 BCC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ZC-24-0128-SOUTH DECATUR HOLDING CO, LLC:

ZONE CHANGE to reclassify 2.6 acres from an RS3.3 (Residential Single-Family 3.3) Zone and an RS20 (Residential Single-Family 20) Zone to a CG (Commercial General) Zone.

Generally located on the south side of Moberly Avenue (alignment) and the east side of Decatur Boulevard within Enterprise (description on file). MN/hw/ng (For possible action)

RELATED INFORMATION:

APN:

177-07-301-016; 177-07-301-036

LAND USE PLAN:

ENTERPRISE - NEIGHBORHOOD COMMERCIAL

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 2.6
- Existing Land Use: Undeveloped & single family residential dwelling

Applicant's Justification

The applicant states that the proposed zone change is to rezone the site from RS20 and RS3.3 to CG. The applicant also states that the proposed zone change to CG is conforming given the site's plan designation of Neighborhood Commercial. The zone change to CG is not only supported by the plan designation, but also the fact that there are similar zoned parcels approximately 1,000 feet to the south along Decatur Boulevard.

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-0116-09*	Reclassified the site from R-E to C-P for an office building - expired	Approved by BCC	April 2009
TM-0277-05**	16 lot single family residential subdivision.	Withdrawn	June 2005
ZC-1592-99**	Reclassified the site from R-E to R-2 for a single family residential subdivision with compact lots - expired	Approved by BCC	December 1999

*For South Parcel APN 177-07-301-036 **For North Parcel APN 177-07-301-016

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Neighborhood Commercial	RS20	Single family detached residential
East & South	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS3.3	Single family detached residential
West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS20 & RS3.3	Single family detached residential

The subject site is within the Public Facilities Needs Assessment (PFNA) area.

Related Applications

Application Number	Request
UC-24-0129	A 2 building 23-unit RV storage and mini-warehouse facility is a companion item on this agenda.
VS-24-0130	A request to vacate and abandon easements is a companion item on this agenda.

STANDARDS FOR APPROVAL:

The applicant shall demonstrate the proposed request is consistent with the Master Plan and is in compliance with Title 30.

Analysis**Comprehensive Planning**

In addition to the standards for approval, the applicant must demonstrate the zoning district is compatible with the surrounding area. Staff finds that the proposed zone change is located within a Neighborhood Commercial planned land use area. This plan designation extends from the subject site north along Decatur Boulevard up to Warm Springs Road. Based on this, staff finds that there is a desire for a lower intensity commercial corridor to be created along the eastern side of Decatur Boulevard. While no commercial zoning currently exists within the indicated stretch, there is a history of commercial zoning along the Decatur Boulevard, particularly at its intersections with major streets. In addition, given the large number of residential developments that have been built in the surrounding area, there is reason to believe that there is a need for neighborhood serving commercial development within the area. Since the subject site is not located at a major intersection and the requested zoning district is the most intense within the range of districts for Neighborhood Commercial, staff finds that the request for Commercial General zoning is not appropriate for this location.

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.

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:

Department of Aviation

If approved:

- 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.
- 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; and that the FAA's airspace determinations include expiration dates and that separate airspace determinations will be needed for construction cranes or other temporary equipment.

Fire Prevention Bureau

- Applicant is advised that fire/emergency access must comply with the Fire Code as amended; and to submit plans for review and approval prior to installing any gates, speed humps (speed bumps not allowed), and any other Fire Apparatus Access Roadway obstructions.

Southern Nevada Health District (SNHD) - Engineering

- For the APN 177-07-301-036, the applicant is advised to contact the SNHD Environmental Health Division at septics@snhd.org or (702) 759-0660 to obtain written approval for a Tenant Improvement, so that SNHD may review the impact of the proposed use on the existing Individual Sewage Disposal (Septic) System.

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 and reference POC Tracking #0163-2024 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - denial.

APPROVALS:

PROTESTS:

APPLICANT: SOUTH DECATUR HOLDING CO, LLC

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