

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ZC-24-0307-MOUNTAIN VIEW DRS, LLC:

HOLDOVER ZONE CHANGE to reclassify 2.06 acres from an RS20 (Residential Single-Family) Zone to an IP (Industrial Park) Zone within the Airport Environs (AE-65 & AE-70) Overlay.

Generally located on the south side of Sunset Road and the west side of Ullom Drive within Enterprise (description on file). MN/bb (For possible action)

RELATED INFORMATION:

APN:

177-06-101-002

LAND USE PLAN:

ENTERPRISE - BUSINESS EMPLOYMENT

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 2.06
- Existing Land Use: Business Employment

Applicant's Justification

The request for Industrial Park (IP) zoning is for the development of a 57,971 square foot 114 room transient and non-transient hotel on the site. There is existing CG and IP surrounding the area and therefore this development is suitable for this area. The proposed IP zoning is compatible with the business employment designation and surrounding development.

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Business Employment	CG (AE-65)	Shopping center
South	Business Employment	IP (AE-60)	Hotel & commercial
East	Business Employment	PF (AE-60 & AE-65)	NDOT facility
West	Business Employment	CG (AE-60)	Shopping center

Related Applications

Application Number	Request
UC-24-0308	A use permit and waivers for a hotel in the IP Zone is a companion item on this agenda.
VS-24-0309	A vacation of patent 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

Zone Change

In addition to the standards for approval, the applicant must demonstrate the zoning district is compatible with the surrounding area.

The existing land use category in the Master Plan for the subject site is Business Employment (BE). This land use category is primarily intended for offices, distribution centers, warehouse/flex space, technology, and light-industry. Supporting uses include small scale commercial services, such as restaurants, hotels, athletic clubs, service-commercial, and other similar uses. The IP (Industrial Park) Zone is established to accommodate low-intensity industry, processing, wholesale, research and development, and supporting offices. The IP zone is considered a conforming zone within the BE land use category as is the proposed zone with this reclassification request. The surrounding areas to the north, south, west, and east are a mix of CG and IP zoning with a mix of retail, hotel, and shopping centers. Rezoning the subject property to IP will be consistent with the intent of Master Plan Policy WP-3.3 which encourages a mix of employment uses in existing employment areas near Sunset Road and Decatur Boulevard. For these reasons, staff finds the request for the IP Zone is 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.

More importantly, the development will penetrate the Part 77 airspace surface (Airport Airspace Overlay District), as defined by Section 30.02.26B.2(i) of the Clark County Unified Development Code. Therefore, as required by Section 30.06.03D.7(iv) of the Clark County Unified Development Code, final action cannot occur until the FAA has issued an airspace Determination of No Hazard and the Department of Aviation has reviewed the determination. (Note that section 30.06.03D.7(iv) requires that the FAA Determination of No Hazard shall be submitted two weeks prior to final approval for any proposed structure that intrudes into Airport Airspace Overlay District [see chapter 30.02.26B].)

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

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:

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.
- 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;
- 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;
- 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; 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; 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.

TAB/CAC: Enterprise - approval.

APPROVALS: 1 card

PROTESTS: 3 cards

COUNTY COMMISSION ACTION: August 7, 2024 – HELD – To 09/04/24 – per the applicant.

APPLICANT: TIM DETERS

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