

Board of County Commissioners

CLARK COUNTY, NEVADA

JAMES B. GIBSON
Chair
JUSTIN JONES
Vice Chair
MARILYN K. KIRKPATRICK
WILLIAM MCCURDY II
ROSS MILLER
MICHAEL NAFT
TICK SEGERBLOM

COMMISSION CHAMBERS, GOVERNMENT CENTER
500 SOUTH GRAND CENTRAL PARKWAY
LAS VEGAS, NEVADA 89106
TUESDAY, JANUARY 5, 2022

The Board of County Commissioners of Clark County, Nevada met in recessed regular session in full conformity with law and bylaws of said Board at the regular place of meeting in the Commission Chambers, Government Center, Las Vegas, Clark County, Nevada on Wednesday, the 5th day of January 2022 at the hour of 9:00 a.m. The meeting was called to order at 9:02 a.m. by Chair Gibson and on roll call, the following members were present, constituting all the members:

CALL TO ORDER

CHAIR AND COMMISSIONERS:

Jim Gibson
Justin Jones
Marilyn K. Kirkpatrick
William McCurdy II
Ross Miller
Michael Naft
Tick Segerblom

Absent:

None

Also Present:

Robert Warhola, Deputy District Attorney
Nancy Amundsen, Director, Comprehensive Planning
Sami Real, Planning Manager
Antonio Papazian, Manager, Development Review
Jason Allswang, Senior Plan Checker
Jewel Gooden, Assistant Clerk, BCC
Robin Delaney, Deputy Clerk

JIM GIBSON

... our County Commission Zoning Meeting. The meeting will come to order. And Ms. Amundsen, would you take us through the items on the agenda?

ITEM NO. 1 Public Comment

NANCY AMUNDSEN

Good morning, Commissioners. The first item on the agenda is public comments on any item, um, on the agenda.

GIBSON

Is there anyone who wishes to address the Commission in its capacity for this meeting, understanding that the first portion of public comment is related to items that are actually on the agenda? If you would please give us the item number you're at the podium to address. And spell your last name for our clerk. Uh - and remember that you're limited to three minutes. Good morning.

MARGARET ANN COLEMAN

Thank you. First of all, I'm dealing with the item public comments, and it's concerning zoning. And I don't know if I'm on the agenda or not-

(laughs)

COLEMAN

... but this is concerning... Here's paperwork that I'd like to submit concerning zoning. Uh - first of all, my name is Margaret Ann Coleman. C-O-L-E-M-A-N. And I'd like to wish you a happy new year, as well as myself - um - due to the fact I don't have the right glasses; this is concerning the CHAP program giving me a check of ten thousand that was supposed to relocate me concerning zoning. As you know, the Fullers has a real estate called - uh - RealtyHop that placed me into Thirteen Sixteen Wizard being the president concerning my organization. And I have not, at this time, gotten the opportunity to move in after the Ten Thousand Dollars was paid. And I did speak to you about this - that - uh - I was supposed to move after you all refinanced it; and as I told you, Real Estate Hop by the Fullers was the controller and the one that refinanced it and - uh - correct the problem concerning the file due to their illegal procedures that they did of illegally evicting me in the first place after I paid the closing costs and the property costs from Two Thousand and Three up until Two Thousand and Seven. Whereas that placed me in control. As you can see, a rent to the owner. I was the owner after that, and I should have stayed there. This property in which I s-uh - gave to you is - if you can put it on the screen - Thirteen Sixteen Wizard. I'm tired, I'm ready to move forward, relocate, you pay CHAP. They want me to stay there and raise another billing. Now, I'm to go back to court and re-uh - put a case against the amount and the illegal procedures. They sold my property for two hundred twenty-nine thousand - two - two hundred - three oh five - uh - thousands of dollars. And I'm still not in there. They put a double - uh - NAACP in there. Then you all put this girl concerning - uh - selling records. I'm still placed into the streets after I cannot pay Owen Kingstones. So, I wish you guys get yourself in order and correct the problem.

GIBSON

Thank you, Ms. Coleman. Is there anyone else who wishes to speak during the public comment period? There being no one, Ms. Amundsen?

ITEM NO. 2 Approval of the Agenda After Considering Requests to Add, Hold, or Delete Items. (For possible action)

AMUNDSEN

The second item on is the approval of the agenda. After considering any additions or deletions of items, staff has the following requests, hold to the January Nineteenth, Twenty Twenty-Two BCC meeting, Item Nineteen, WS210545. Hold to the February Second Twenty Twenty-Two BCC meeting, Item Twelve ET21400175, UC49215, Item Thirteen, ET21400176, UC4516, Item Thirty-One, UC210631, Item Thirty-Seven, ZC210534. Hold to the February Sixteenth, Twenty Twenty-Two BCC meeting, Item Thirty-Two VS210414, Item Thirty-Three, WS210413. The above public hearing items are going to be open as a public hearing and immediately recessed until the dates is previously stated with these deletions, which are Items Twelve, Thirteen, Nineteen, Thirty-One, Thirty-Two, Thirty-Three, and Thirty-Seven. The agenda stands ready for your approval.

GIBSON

Thank you. There's a motion for approval, understanding that Items Twelve, Thirteen, Nineteen, Thirty-One, Thirty-Two, Thirty-Three, and Thirty-Seven will be held as indicated. Any discussion on the motion? Please cast your vote. The motion carries.

ACTION:

It was moved by Commissioner Justin Jones and carried by unanimous vote that the agenda be approved.

ITEM NO. 3 Approval of minutes. (For possible action)

AMUNDSEN

The third item on the agenda is approval of minutes. The minutes of the December Eighth, Twenty Twenty-One BC- BCC Zoning meeting are ready for your approval.

GIBSON

Do we have a motion? Any discussion on the motion? Please cast your votes. The motion carries.

ACTION:

It was moved by Commissioner Justin Jones and carried by unanimous vote that the minutes be approved.

ROUTINE ACTION ITEMS (4 – 30):

AMUNDSEN

Next to the routine action: items, which consist of Items Four through Thirty, except those items previously deleted, and Items Sixteen, Seventeen, and Eighteen, which will be heard separately. These items may be considered together in one motion and are subject with the conditions listed with each agenda item. In addition, we have the following amendment for Item Fifteen TM21500186. Staff requests the board to add a condition under Public Works Development Review to read, "Applicant to coordinate a contribution with Public Works for improvements on Rainbow Boulevard, adjacent to APN17634601006." If there are no objections, the public hearing is now open, and the routine portion of the agenda stands ready for your approval.

GIBSON

Are there any other items that anyone here would wish that we would pull

GIBSON from the – uh - consent agenda to hear?

BETTY CHEN I'd like to make some comments on Item Six.

GIBSON On Item 6. All right. It - we'll hear that in a moment.

CHEN I'm sorry?

GIBSON We'll hear that in a moment.

CHEN Oh, good. I'm just waiting for you

GIBSON Anything on behalf of the board? Anything - any other items to be removed? Then -

CHEN So, do I just wait for your call?

GIBSON Yes, just have a seat and we'll call that item in a minute.

CHEN All right, thank you.

JUSTIN JONES If nothing else, I'll move for approval of the consent agenda.

GIBSON Commissioner Jones has moved for approval of the consent agenda. There's no discussion. Please cast your votes. Has everyone voted? The motion carries.

ACTION: It was moved by Commissioner Justin Jones and carried by unanimous vote that the Consent Agenda be approved.

ITEM NO. 4 DR-21-0652-AVILA, JOSE: DESIGN REVIEW for finished grade in conjunction with a future single family residential development on 1.0 acre in an R-E (Rural Estates Residential) (RNP-I) Zone. Generally located on the south side of Levi Avenue and the west side of Haven Street within Enterprise. MN/nr/jd (For possible action)

ACTION: It was moved by Commissioner Justin Jones and carried by unanimous vote that application be approved, subject to staff conditions.

CONDITIONS OF APPROVAL –

Current 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

- 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;

- Right-of-way dedication to include the spandrel at the northeast corner of the site.
- 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.

Department of Aviation

- Applicant is advised that issuing a stand-alone noise disclosure statement to the purchaser or renter of each residential unit in the proposed development and to forward the completed and recorded noise disclosure statements to the Department of Aviation's Noise Office is strongly encouraged; 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 homes purchased or soundproofed.

ITEM NO. 5 DR-21-0659-USA & COUNTY OF CLARK (PK & COMM) LEASE: AMENDED DESIGN REVIEWS for the following: 1) expansion of an existing public park (Desert Breeze Park); and 2) finished grade (previously not notified) on a portion of 150.0 acres in a P-F (Public Facilities) Zone. Generally located on the west side of Cimarron Road and the south side of Spring Mountain Road within Spring Valley. JJ/nr/jo (For possible action)

ACTION: It was moved by Commissioner Justin Jones and carried by unanimous vote that application be approved, subject to staff conditions.

CONDITIONS OF APPROVAL -

Current 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

- 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;
- Full off-site improvements;
- Coordinate with Public Works Directors office for the off-site improvements.
- 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.

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 #0048- 2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 6 DR-21-0660-MAXIMIZER HOLDING, LLC: DESIGN REVIEWS for the following: 1) exterior remodel; and 2) freestanding sign in an existing shopping center on a portion of 2.8 acres in a C-2 (General Commercial) Zone in the Asian Design Overlay District. Generally located on the south side of Spring Mountain Road, 400 feet west of Stober Boulevard within Paradise. JJ/sd/jd (For possible action)

AMUNDSEN

All right. Next, we'll go back to Item 6, DR 210660, design reviews for the following: exterior remodel, freestanding sign, and existing shopping center on

a portion of two point eight acres and a C Two general commercial zone in the Asian Design Overlay District generally located on the south side of Spring Mountain Road, four hundred feet west of Stuber Boulevard within Paradise.

GIBSON

Is the applicant here and represented?

GEORGE ROGERS

Yes, Commissioner. George Rogers, Architect, Six Three Two Five South Jones representing the applicant.

GIBSON

Thank you. Would you spell your last name for our clerk, please?

ROGERS

R-O-G-E-R-S

GIBSON

Thank you.

ROGERS

So, the application is for design review for an existing building at Four Six Six One Spring Mountain Road. It's mostly the front facade of the building that exists. We're not changing parking, we're not changing any other of the other items of the site, just the front facade. This is the building in question, Commissioner. And a portion of this building that exists right now is being changed as well, just one material on the building. It's hardly changing a bit. The parking for the shopping center remains the same and the uses remain the same. No changes. There's also a sign that's part of the application. Staff has recommended approval, and we appreciate that.

GIBSON

Does that complete your presentation?

ROGERS

Yes, sir.

GIBSON

Thank you. Uh, this - in terms of - uh - this item – um - this is a public hearing. So, ma'am, you presented yourself. You wanna speak on Item Six?

CHEN

I'm sorry, I cannot hear you very well.

GIBSON

This is the time. Tell us who you are and spell your name for us.

CHEN

I'm sorry, I cannot hear you very well.

GIBSON

Would you spell your la - your name and, and then you can make your comments.

CHEN

Okay. My name is Betty Chen. I'm the adjacent owner of this building. This is where I am. Now, even though - um - Mr. Architect said they did not make any change, but apparently – they - they already make a change on the increase in acc- accuracy.

CHEN

Let's start from the beginning. The first they said – um - they only change the outside façade without making any other changes. Now, we have a CC&R in

CHEN

upper court subdivision. This is not a shopping center. There's no common area. Everybody - every parcel is individually owned. And out of the CC&R, there is a paragraph, which paragraph Three E. All my presentation has already been submitted to the board. So, the Three E specifically res - required no alteration of any part of the premises without prior written approval of the majority of all parcel owners. None of us have received any prior discussion, or notification, or consultation. So, they just go ahead and use planning department. They just use the planning department to go outside its jurisdiction, jurisdiction to override upper court CC&R. As such re - request, the application be denied or postponed until the applicant can get a - a written approval from all the other owners. So, this is the first one. So, the second one. So, this is the recorded parcel, uh, from the assessor's office. You can see the outlay of this parcel is very weird. They pretty much have no frontage. So, if they want to qualify for a - such a Two Hundred Seventy-Six square feet panel, they do not have frontage to qualify. But they're using the whole upper court area to support it. But in that case, do not work. Now, this is the map that is recorded with the CC&R. As you can see, they try to move the ingress - egress from the existing location, but I do not see what they have put up on the - uh - um, request for alteration. So, you can see it. Because the - the sign should be corresponding to the property line, but he's moving like at least a fifty feet away. So, this is one of the discrepancy they try to omit intentionally or unintentional. Can I still ca- carry on? That is a very important point that I need to address.

GIBSON

Wha – take - take thirty seconds, and wrap up.

CHEN

I'm sorry?

GIBSON

Thirty seconds.

CHEN

Okay. You can see I already point out - I think I want to show you a lifetime picture. All this picture is the sign of all the center. In the application, they don't show any other sign. They did not show the dimension. They did not show the distance. So, this particular sign is the sign which is only eight fe - eight feet from my sign. And I have a – uh - electronic sign. So, by Title Seventy- Title Thirty Seventy-Two point One, they have to be away three hundred feet from any existing sign and is only allowed one electronic sign for any (unintelligible). And also, if they have two signs, it has to be one thousand feet apart. So, this is mandato - mandatory. They cannot override.

GIBSON

All right. Thank you.

CHEN

So, this is my -

GIBSON

Good.

CHEN

- objection – our objections.

GIBSON

Thank you very -

CHEN (unintelligible)

GIBSON Tha - thank you very much, ma'am.

CHEN This guy owe thousands of dollars -

GIBSON Ma'am?

CHEN - from Water District.

GIBSON Thank you.

CHEN - for the five Springer line.

GIBSON All right. Thank you.

CHEN So they still owe the money. They could not get approval.

GIBSON Thank you very much.

CHEN ...before they clear the deficiency.

GIBSON Are there other people here who wish to make comment on this item?

CHEN (unintelligible)

GIBSON There being no one, then the public hearing is closed. Commissioner Jones, this matter is in your district.

JONES Thank you, Mr. Chair. Uh - Mr. Rogers, can you address the - uh - the concerns that are raised by Ms. Chen? I - I don't see anything in the application that relates to ingress or egress. Um - so if you could address that issue? And then, with regards to the signage - um - I - I mean, I - I've seen staff recommendations. I - I don't know that's really your issue to - to clarify. But if you can address the issue with regards to ingress and egress, and if that's something that actually has been modified.

ROGERS Yes, Commissioner. Um - we haven't touched ingress and egress. We haven't changed parking in Iota. Nothing has moved. The way it was constructed and developed originally, I think back in the Eighties and Nineties, is the way that exists today, and it remains the same. And the facade changes that we applied for in the design review don't affect the parking or the ingress or any egress a - at all, not at all. The sign exists. And it's in that location that we've asked for a design review on the new sign that was submitted with the application that staff reviewed. And that's - that's the end of the issue. There's no changes, there's no moves. There's no other things. I think that staff would agree that parking and ingress and egress is cr - a cross access issue among all the properties.

JONES

Thank you. And - and with regards to the concerns raised by Ms. Chen - uh - with regards to the CC&Rs, it's my understanding that those are private disputes between the members of the - uh - the - uh - the organization there. Mr. Warhola, can you address that issue?

ROBERT WARHOLA

Yes, that's correct. Zoning is separate from CC&Rs. Whatever we do today does not supersede any kind of obligations or requirements that the CC&R has imposed on the applicant.

JONES

Thank you, Mr. Warhola. Um - I - I appreciate your - your concerns, Ms. Chen, uh -

CHEN

(unintelligible)

JONES

with regards to the CC&Rs. That is something that - uh - you can raise - uh - with the - uh - entity that you have there. Um - but - uh - otherwise, given the limited nature of -

CHEN

(unintelligible)

JONES

M - Ms. Chen, you - you - your opportunity to speak is - is already over, okay? Um - with - with regards to this application - uh - I will move for approval of Agenda Item Number Six - uh - with the staff recommendations.

GIBSON

Is there any discussions on the motion? Please cast your votes.

CHEN

So how do I appeal? Can I appeal? So, no answer?

GIBSON

The motion carries and the item is approved.

ROGERS

Thank you.

GIBSON

Thank you very much.

ACTION:

It was moved by Commissioner Justin Jones and carried by unanimous vote that the application be approved, subject to staff conditions.

CONDITIONS OF APPROVAL -

Current Planning

- Applicant is advised that the animation sign is limited to static messages only; 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.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that the property is already connected to the CCWRD sewer system; and that if any existing plumbing fixtures are modified in the future, then additional capacity and connection fees will need to be addressed.

ITEM NO. 7 DR-21-0665-RIVERVIEW LVB DEVELOPMENT, LLC: DESIGN REVIEW for finished grade in conjunction with a previously approved shopping center on a 7.5 acre portion of a 15.4 acre site in a C-2 (General Commercial) Zone and an H-1 (Limited Resort and Apartment) Zone. Generally located on the west side of Las Vegas Boulevard South and the south side of Erie Avenue within Enterprise. MN/md/jd (For possible action)

ACTION: It was moved by Commissioner Justin Jones and carried by unanimous vote that the application be approved, subject to staff conditions.

CONDITIONS OF APPROVAL -

Current Planning

- 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.
- 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

- 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 a 54 foot radius property line spandrel at the northeast corner of the site;
- Coordinate with Public Works - Traffic Management Division;
- Owner acknowledges that the proposed non-standard improvements (buildings, structures, landscaping, and improvements) are within the Las Vegas Boulevard right-of-way;
- Owners or its successors shall remove any non-standard improvements (buildings, structures, landscaping, and improvements) related to this application or any future applications within the planned right-of-way at its own expense upon notification from Clark County;
- Execute a License and Maintenance Agreement for any non-standard improvements within the right-of-way.
- 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.

ITEM NO. 8 AR-21-400164 (UC-0561-13)-STEPHENS LIVING TRUST & STEPHENS PAUL D. TRS: HOLDOVER USE PERMIT THIRD APPLICATION FOR REVIEW for exotic animals (servals) in conjunction with a single family residence on 0.7 acres in an R-E (Rural Estates Residential) (RNP-I) Zone. Generally located on the south side of Laredo Street, 210 feet west of Rosanna Street within Spring Valley. JJ/nr/jo (For possible action) Held from December 22, 2021.

ACTION: It was moved by Commissioner Justin Jones and carried by unanimous vote that the application be approved, subject to staff conditions.

CONDITIONS OF APPROVAL -

Current Planning

- Remove the time limit

ITEM NO. 9 AR-21-400174 (UC-0813-14)-COUNTY OF CLARK(aviation): USE PERMITS SECOND APPLICATION FOR REVIEW of the following: 1) truck staging area; and 2) waive landscaping to an abutting residential use on 9.0 acres in a P-F (Public Facility) (AE-60 & AE-65) Zone. Generally located between Paradise Road and University Center Drive, 225 feet north of Hacienda Avenue within Paradise. JG/sd/jo (For possible action)

ACTION: It was moved by Commissioner Justin Jones and carried by unanimous vote that the application be approved, subject to staff conditions.

CONDITIONS OF APPROVAL -

Current Planning

- Until November 19, 2026 to review.
- 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 and application for review; and that 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.

Public Works - Development Review

- Compliance with previous conditions.

ITEM NO. 10 ET-21-400172 (NZC-0914-17)-PARAGON LOFTS, LLC: ZONE CHANGE SECOND EXTENSION OF TIME to reclassify 1.3 acres from an H-2 (General Highway Frontage) Zone to an H-1 (Limited Resort and Apartment) Zone. USE PERMIT for a proposed residential condominium development. WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) reduce setbacks; and 2) allow non-standard driveway geometrics per Clark County Improvement Standards. DESIGN REVIEWS for the following: 1) proposed residential condominium development; and 2) finished grade. Generally located on the west side of Ensworth Street, 350 feet south of Ford Avenue (alignment) within Enterprise (description on file). MN/jgh/jo (For possible action)

ACTION: It was moved by Commissioner Justin Jones and carried by unanimous vote that the application be approved, subject to staff conditions.

CONDITIONS OF APPROVAL -

Current Planning

- Until January 3, 2024 to complete.
- 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; and that 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.

Public Works - Development Review

- Compliance with previous conditions

ITEM NO. 11 ET-21-400173 (VS-0915-17)-PARAGON LOFTS, LLC: VACATE AND ABANDON SECOND EXTENSION OF TIME for easements of interest to Clark County located between Ensworth Street and I-15, and between Ford Avenue (alignment) and Pebble Road (alignment). Generally located on the west side of Ensworth Street, 350 feet south of Ford Avenue (alignment) within Enterprise (description on file). MN/jgh/jo (For possible action)

ACTION: It was moved by Commissioner Justin Jones and carried by unanimous vote that the application be approved, subject to staff conditions.

CONDITIONS OF APPROVAL -

Current Planning

- Until January 3, 2024 to record.
- 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 reapproval by the utility companies is required.

Public Works - Development Review

- Compliance with previous conditions.

ITEM NO. 12 ET-21-400175 (UC-0492-15)-WESTWYNN, LLC: USE PERMITS SECOND EXTENSION OF TIME for the following: 1) High Impact Project; 2) resort hotel; 3) public areas including the casino, showrooms, live entertainment, retail center, indoor and outdoor dining, entertainment, offices, convention, back-of-house, and parking structures; 4) increase the height of high-rise towers; 5) associated accessory and incidental commercial uses, buildings, and structures; and 6) deviations from development standards. DEVIATIONS for the following: 1) reduce on-site parking requirements; 2) allow primary access to outside dining and drinking areas, restaurants, retail buildings and uses from the exterior of a resort hotel; 3) encroachment into airspace; 4) alternative landscaping; and 5) all other deviations as shown per plans on file. WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) reduced setbacks; and 2) non-standard improvements (landscaping and fencing) within the right-of-way. DESIGN REVIEWS for the following: 1) High Impact Project; 2) resort hotel and all associated and accessory uses; 3) hotel towers and associated low-rise and mid-rise buildings and structures; 4) low-rise and mid-rise buildings including retail, restaurants, public and back-of-house areas; 5) water features (man-made lake and decorative water fountains); and 6) all other accessory and incidental buildings and structures on 34.6 acres in an H-1 (Limited Resort and Apartment) Zone in the MUD-1 Overlay District. Generally located on the northwest corner of Las Vegas Boulevard South and Fashion Show Drive within Winchester and Paradise. TS/sd/jo (For possible action)

ACTION:

Deleted from the agenda (held to February 2, 2022 per the applicant).

ITEM NO. 13 ET-21-400176 (UC-0045-16)-WESTWYNN, LLC: USE PERMIT SECOND EXTENSION OF TIME to expand/enlarge the Gaming Enterprise District by approximately 2.5 acres in conjunction with an approved resort hotel (Alon) on 34.6 acres in an H-1 (Limited Resort and Apartment) Zone in the MUD-1 Overlay District. Generally located between Sammy Davis Jr. Drive and Las Vegas Boulevard South and between Fashion Show Drive and Wilbur Clark Desert Inn Road within Winchester and Paradise. TS/sd/jo (For possible action)

ACTION:

Deleted from the agenda (held to February 2, 2022 per the applicant).

ITEM NO. 14 VS-21-0666-ME 52 PARTNERS, LLC: VACATE AND ABANDON easements of interest to Clark County located between Rainbow Boulevard and Montessouri Street (alignment), and between Erie Avenue and Levi Avenue within Enterprise (description on file). JJ/rk/jo (For possible action)

ACTION:

It was moved by Commissioner Justin Jones and carried by unanimous vote that the application be approved, subject to staff conditions.

CONDITIONS OF APPROVAL -

Current Planning

- Satisfy utility companies' requirements.
- 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 the recording of the order of vacation in the Office of the County Recorder must be completed within 2 years of the approval date or the application 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 55 feet to the back of curb for Rainbow Boulevard, 30 feet for Levi Avenue, and associated spandrels;
- 30 days to submit a Separate Document to the Map Team for the required right-of-way dedications and any corresponding easements for any collector street or larger and Rainbow Boulevard improvement project;
- 90 days to record required right-of-way dedications and any corresponding easements for any collector street or larger and Rainbow Boulevard improvement project;
- All other right-of-way and easement dedications to record with the subdivision map;
- Coordinate with Public Works - Design Division for the Rainbow Boulevard improvement project;
- Dedicate any right-of-way and easements necessary for the Rainbow Boulevard improvement project.
- Applicant is advised that the installation of detached sidewalks will require dedication to back of curb 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; and that meandering sidewalks are a non-standard improvement which the County will not maintain; and 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.

ITEM NO. 15 TM-21-500186-ME 52 PARTNERS, LLC: TENTATIVE MAP consisting of 106 single family residential lots and common lots on 8.6 acres in an RUD (Residential Urban Density) Zone and an RUD (Residential Urban Density) P-C (Planned Community Overlay District) Zone. Generally located on the west side of Rainbow Boulevard and the north side of Erie Avenue within Enterprise. JJ/rk/jo (For possible action)

ACTION: It was moved by Commissioner Justin Jones and carried by unanimous vote that the application be approved, subject to staff conditions.

CONDITIONS OF APPROVAL -

Current 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 a final map for all, or a portion, of the property included under this application must be recorded within 4 years or it 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;
- Applicant to coordinate a contribution with Public Works for improvements on Rainbow Boulevard adjacent to APN 176-34-601-006;

- Right-of-way dedication to include 55 feet to the back of curb for Rainbow Boulevard, 30 feet for Levi Avenue, and associated spandrels;
- 30 days to submit a Separate Document to the Map Team for the required right-of-way dedications and any corresponding easements for any collector street or larger and Rainbow Boulevard improvement project;
- 90 days to record required right-of-way dedications and any corresponding easements for any collector street or larger and Rainbow Boulevard improvement project;
- All other right-of-way and easement dedications to record with the subdivision map;
- Coordinate with Public Works - Design Division for the Rainbow Boulevard improvement project;
- Dedicate any right-of-way and easements necessary for the Rainbow Boulevard improvement project.
- Applicant is advised that the installation of detached sidewalks will require dedication to back of curb 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; and that meandering sidewalks are a non-standard improvement which the County will not maintain; and 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.

Current Planning Division - Addressing

- Private streets shall have approved street names and suffixes;
- Approved street name list from the Combined Fire Communications Center shall be provided.

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 #0057- 2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NOS. 16 VS-21-0672-MCLARRY, OTILIA C. 1998 TRUST & MCLARRY, OTILIA C. TRS: VACATE AND ABANDON a portion of a right-of-way being Elkhorn Road located between Sisk Road and Rebecca Road and a portion of right-of-way being Rainbow Boulevard between Elkhorn Road and Farm Road within Lone Mountain (description on file). MK/bb/jo (For possible action)

AMUNDSEN

Next are Items Sixteen, Seventeen, and Eighteen, which can be heard together. Item 16 VS210672, vacate and abandon a portion of a right of way being Elkhorn Road located between Sisk Road and Rebecca Road, and a portion of a right of way being Rainbow Boulevard between Elkhorn Road and Farm Road within Lone Mountain. Item 17, DR210668, design reviews for the following: finished grade, single family detached residential development on twenty-three point three acres in RE Rural Estates Residential RNP-1 Zone, generally located on the north side of Elkhorn Road between Rainbow Boulevard and Sisk Road within Lone Mountain. And Item 18, TM21500188, tentative map consisting of forty-three single family, residential lots and common lots on twenty-three point three acres.

GIBSON

Ms. Allen?

STEPHANIE ALLEN

Good morning, Mr. Chairman, Commissioner. Stephanie Allen, Nineteen Eighty Festival Plaza Drive, here on behalf of the applicant, Lennar Homes. Um - I'll just do a brief presentation, then I know the Commissioner and Public Works have some conditions that they I'd like to - to add to the application. Um - but if I could - uh - direct your attention to the overhead. This property is located near the Northeast corner of Rainbow and Elkhorn. Um - you can see this is a rural RNP - um - R-E designated area. And it's definitely - um - one

ALLEN

of the more rural areas that are still in the Northwest. We are proposing a conforming application for half acre lots. Um - the main access will be taken or the only access will be taken off of Sisk Road located here. There'll be an emergency access only off of Rainbow. Um - we have worked closely with your public works staff and the Commissioner - um - to make sure that there are rural standards on Rainbow and Sisk. And I do have some cross sections I'll share here for the record. There's also a county project along Elkhorn Road that we'll be contributing to that will also remain rural. With respect to the cross sections, this is the cross section for Rainbow that we have worked with the staff on. Um - the half street over here to the west is within the city of Las Vegas, but for our half street on the east side, we'll have fourteen feet of asphalt, a three-foot buffer, a five-foot bike lane, a twenty-three-foot equestrian trail, which will remain dirt. And then fifteen feet of landscaping - um - adjacent to the actual project. Along Sisk - um - we will have on our side of the road - this - this Western portion, sixteen feet of asphalt, fourteen feet of dirt again for the horse trail, and then a six-foot landscape buffer adjacent to the project. All of the homes are one-story homes. These are their large one-story product with garages from three to seven car garages. We do have, unfortunately, a subsequent waiver for the driveway widths that will be coming through. Um - you can see the driveways are - are wide. And so that does require to have a four-car garage a - a waiver. So unfortunately, that wasn't included with this application, but it will be coming through so that we can do these large one-story homes with some RV car garages, which are - um - very popular in RNP areas and consistent and compatible with those - um - with those areas. So, with that said - um - we very much appreciate staff and the Town Board's recommendations of approval for Item Sixteen. Because we've done the rural - um - standards instead, we no longer need Item Sixteen, so we can withdraw Sixteen without prejudice. That was the vacation application. But on Items Seventeen and Eighteen, we would very much appreciate your approval. And I know, as I mentioned, the Commissioner and Public Works have some additional conditions f- on those. Thank you.

GIBSON

And that completes your presentation?

ALLEN

Yes, sir.

GIBSON

Is there anyone here who wishes to speak on this item? And the public hearing is open. Please - uh - tell us your name and spell your name for us.

LISA GALATZ

Hi, I'm Lisa Galatz. G-A-L-A-T-Z. My family has owned forty acres where we raise - uh - and train Morgan horses since Nineteen Eighty-Four. Um - I just wanted to make public our concerns - nu - uh - they are threefold. Number one, preserving the equestrian thoroughfare on Rainbow. The more area you take either with sidewalk or landscaping, the closer you push the horses to the traffic. So - um - that's a concern of ours. The second, importantly, is drainage. During times of flooding - uh - there's a lot of water that flows down via Provenza that flows into that area. So, we just wanna make sure that we preserve drainage from the land to the north toward Elkhorn. And thirdly, and most importantly, that the residents who purchase land in this area are aware that they're moving into a rural area and will be surrounded on almost all sides

GALATZ

by horses. So, we approve of these changes otherwise – uh - but I appreciate making these – um - concerns public. Thank you.

GIBSON

Thank you very much. Is there anyone else who wishes to make comment on this item? The public hearing is closed, and I would turn the - the gavel to – uh - Commissioner Kirkpatrick.

MARILYN KIRKPATRICK

Uh - thank you, Mr. Chairman. Um – so – uh - first, I wanna thank Lennar Homes. You've been a pretty good partner out in the rural areas on being able to preserve what we have. And, you know, at the end of the day, no gates. And I know that's hard for people to swallow, but it works in our rural areas. So – um - they've come to live with that. So, I appreciate that. Um - so there are – um - some things. And so, for the residents, we heard your concerns early on, and that's why we looked at Elkhorn, Rainbow, and Sisk all at once so that we could have – um - a plan and not a hodgepodge and try- go back and try and fix it. So – um - Lennar will be contributing to the cost of Elkhorn, so that way, we can keep it consistent. Because what happens in rural areas is that when you start putting curb at you know, forty feet, then it creates drainage issues and then nothing naturally happens. So, this way, we could do it all at once. So – um - I do wanna read into the record all of the conditions. And, Antonio, make sure that I don't miss anything. So – um - we would withdraw Item Sixteen with – um - without prejudice, right? And then on – um - items... we would delete Public Works Condition Number Four for full offsite improvements. We would delete Bullet Number... uh - we would change Bullet Number Six to coordina - coordinate with Kaizad Traffic Management – um - Division for the design of Rainbow improvements so that – um - the submittal that you listed would be the expectation.

ALLEN

Correct.

KIRKPATRICK

Okay. Item number – uh - Bullet Number Seven, we would coordinate Public Works on the design and cost – um - contribution to Elkhorn in that improvement project. Um - then also, on Sisk Road, I want to – um - note that there'll be non-urban standards for the road, which means that there'll be thirty-two feet of asphalt, and then we could leave the dirt on each side. Um - that we'll coordinate with – um - Antonio on the Rainbow to make sure that that all flushes out. Um - and then the same for Elkhorn – uh - individual driveways, um, are gonna be permitted up to fifty-nine feet. That's kind of a standard with the way that you guys build. So, I - I just would rather get it off the table now, because what happens if you have to come back, then neighbors feel like we're doing a – um - hide and seek, and that's not how we do it. So, as long as Nancy, you're good, and Rob, with doing it, I'd rather just do it now so that we're clear to the neighbors. And - and you are correct, in rural areas, the larger garages make a difference for many, many of their toys that they have.

ALLEN

Thank you.

KIRKPATRICK

Um - so with there not being any gates, then that means that you'll have to have a landscape maintenance agreement so that you can maintain the

landscape on the outside and any improvements. Um - also, I wanna – um - condition you to putting only a monument sign in the front of the subdivision with low level lighting, which is what we talked about.

ALLEN

Yes.

KIRKPATRICK

And also, I would like Public Works to put up the rural signs, because going up Sisk Road, I need people to understand what they're moving into. Um - so we have a rural sign. I also know that we likely won't be able to maintain it, but I'm hopeful that it won't - that it'll be able to stay there. And Commissioner Miller, you have a lot of those brown signs in yours, so we're gonna start putting them closer so that people know. Um – also - there'll be a disclosure to the seller that – um - they know they're moving into a rural neighborhood, and we typically do not answer any code calls for peacocks, pigeons, horses, flies, insect, any of that (laughs). So, as long as you all disclose that, 'cause I will not return their call. Um – uh - the other thing is – um - make it clear there's no streetlights on Sisk and Rainbow, 'cause we wanna keep the dark skies cause it's – um - works there. No interior streetlights that will impact the rest of the community. And then – um - I think that we got all of the - all of the conditions. I'm hoping for the neighbors... You know, I've worked pretty hard to keep it rural in nature, but we do. If we don't allow development today, five years from now when everybody's doing something different, we'll have – um - high density, and I'm not trying to do that. I'm trying to keep what we have out there. So, did I miss anything, Antonio or Jason?

ANTONIO PAPAZIAN

Thank you, Commissioner. I think you – uh - touched on all of them. I just want to clarify though that we are deleting – uh - Bullet Number Four, Number Six, and Number Seven.

KIRKPATRICK

So, you want them deleted altogether, or...?

PAPAZIAN

We're gonna de - yeah, we're deleting. So, if - if I could just run through them just for clarification.

KIRKPATRICK

Uh-huh.

PAPAZIAN

Bullet Number Four, we're deleting because that was the full offsite improvements.

KIRKPATRICK

Right.

PAPAZIAN

We know we're - we have a horse trail on Rainbow. Uh - we're keeping Elkhorn – uh - to rural standards. We're keeping Sisk to rural standards where they're paving the minimum width to still allow four-fourteen feet of dirt for the horses. So that's why we'd like to delete the full offsite improvement condition. We'd also like to delete Number Six, which says coordinate with Kaizad – uh - with the Traffic Management Division for the design of Rainbow Boulevard improvements. We've been working with a - a client on, on the improvements on Rainbow – and - and that's gonna be the same where

PAPAZIAN

we have dirt on the one side for horses rather than full offsite improvements. So, Bullet Number Seven is, coordinate with Public Works Design Division for Elkhorn Road improvement project. Again, because they were showing full offsite improvements, our Public Works project is not putting in full offsite improvements. So, we, we will be at - we will be doing - Public Works will be doing those improvements, so we will not be requiring them to install the full offsites. They will just give us a cost contribution to do those offsites adjacent to Rainbow for them.

KIRKPATRICK

So, let me just be clear on this.

PAPAZIAN

Elkhorn. I'm sorry. I said Rainbow for Elkhorn.

KIRKPATRICK

Okay. So, let me just be clear on this. And, you know, I follow all my projects all the way to the bitter end until somebody moves in. Um - I just - If we delete those, then are we - I - I just need to make sure we're in the NOFA, that it's gonna say that they gotta do what they promised.

PAPAZIAN

Yes, ma'am. So - uh - we deleted those. And then if I can just go over - um - just for clarification, what we're adding so that they know what they have to, to do. So, on Sisk Road, we're adding these - uh - conditions. Sisk Road to be improved to non-standard - uh - to non-urban standards, which means they're - they don't have to do full offsites. They can do the minimum paving and still have an area for the horses - uh - to ride. Uh - Condition Number Two, it's gonna be coordinate with me, Antonio Papazian, in Development Review for the design of the Rainbow - uh - Boulevard improvements. And we've already had that figured out, as - uh - uh - Stephanie had shown us. Uh - Number Three, applicant to coordinate a contribution with Public Works for the improvements on Elkhorn. And uh - the last one is - uh - applicant to execute a license and maintenance agreement for any non-standard improvements - uh - in the right of way. So, because they've withdrawn that vacation application, if they decide they wanna put landscaping within that area - uh - they're allowed to do so with this condition - um - as long as they - uh - execute a license and maintenance agreement. And it sounds like - and I'll probably need Nancy's help. It sounds like you're okay with - uh - with allowing the wider driveways today so that they don't have to come back in the future for a waiver?

KIRKPATRICK

Mm-hmm. And then the other thing I wanna make sure that we get is the - the wall - And I apologize to the Commissioners. We've actually worked pretty hard on this for a while. Um - is that they're allowed to have the wall height waiver because the neighbors had asked - um - in those two lots in particular to... And, and we know the grade's gonna change that they could have up to the ten-foot wall. Correct?

ALLEN

I- I'm happy to read conditions that we can offer on the wall height, if that's okay, Mr-

KIRKPATRICK

Okay.

ALLEN

...Mr. Chairman. Um - so we did work with the neighbors on the wall height - um - specifically that the neighbors to the north wanted an eight-foot wall, screen wall, above any retaining. And so, we would offer a condition that says Eight-foot screen wall. In addition to the retaining wall along the Northern property line, adjacent to APN 125-14-401-005. And then also, these homeowners right here on Elkhorn would prefer an eight-foot screen wall as well, in addition to the retaining. So, we'd offer another condition that says, an eight-foot screen wall in addition to the retaining wall along the south property line only adjacent to the existing residence on Elkhorn, which are APNs 125-14-404, 004, 005, 006, and 009. So, we'd offer those as well. And then with respect to the driveway condition, we very much appreciate that. Um - I - I believe we worked with - um - your staff on a condition that would allow driveways up to fifty-nine feet in width, and that's great. Then we can withdraw the waiver of the driveway for a future application so that, hopefully, if staff's okay with that and Nancy's okay with that, we can have that approved today. So, thank you.

KIRKPATRICK

Okay. Um - and we do have all of this written down - um - for Planning and Public Works. So, we have a hard copy of everything that we talked about, but I just wanted to make sure that the neighbors knew we addressed every issue plus some, and I think that it's gonna be an amazing development. And it's probably gonna fit right into the neighborhood real well. So-

ALLEN

Thank you.

KIRKPATRICK

So, that - that would be my motion, Mr. Chair, (laughs) if - um... But I think everybody's clear. Is the Clerk clear and Rob's clear? Yeah? Okay.

AMUNDSEN

Okay.

GIBSON

Good. Then - uh - at least you are clear, right?

KIRKPATRICK

Yes (laughing).

AMUNDSEN

I might move over there because I think they're gonna be nice.

GIBSON

Very good. Thank you very much. There's a motion on the floor by Commissioner Kirkpatrick. There's no other discussion, please cast your votes. And the motion carries.

ALLEN

Thank you very much.

GIBSON

Thank you.

ALLEN

Thank you, Commissioner, and to the neighbors that worked with us. We appreciate it.

TICK SEGERBLOM

Mr. Chairman, could I just ask Ms. Galatz, if - if you grew up at Park Circle, you remember that?

GALATZ	Yeah.
SEGERBLOM	That's my house. So, it's a great house. Thank you so much.
ACTION:	It was moved by Commissioner Marilyn Kirkpatrick and carried by unanimous vote that the application for Item No. 16 be withdrawn without prejudice and the applications for Item Nos. 17 and 18 be approved, subject to staff conditions and additional conditions.
ITEM NO. 17 DR-21-0668-MCLARRY, OTILIA C. 1998 TRUST & MCLARRY, OTILIA C. TRS: DESIGN REVIEWS for the following: 1) finished grade; and 2) single family detached residential development on 23.3 acres in an R-E (Rural Estates Residential) (RNP-I) Zone. Generally located on the north side of Elkhorn Road between Rainbow Boulevard and Sisk Road within Lone Mountain. MK/bb/jo (For possible action)	
ACTION:	It was moved by Commissioner Marilyn Kirkpatrick and carried by unanimous vote that the application for Item No. 16 be withdrawn without prejudice and the applications for Item Nos. 17 and 18 be approved, subject to staff conditions and additional conditions.
CONDITIONS OF APPROVAL -	
Current Planning	<ul style="list-style-type: none"> • 8 foot screen wall in addition to retaining wall along the north property line adjacent to APN 125-14-401-005; • 8 foot screen wall in addition to retaining wall along the south property line adjacent to the existing residences on Elkhorn Road (APNS 125-14-404-004, 125-14-404-005, 125-14-404-006, and 125-14-404-009); • Provide a disclosure stating that future homebuyers acknowledge that there are horse properties in the area which might include (not limited to) the presence of animal noises, odors, dust, and insects; • No interior streetlights within the community except for an illuminated community monument entry sign and coach lighting on the homes. • 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 4 years of approval date or it will expire.
Public Works - Development Review	
	<ul style="list-style-type: none"> • Sisk Road to be improved to non-urban standards; • Coordinate with Antonio Papazian - Development Review Division for the design of the Rainbow Boulevard improvements; • Applicant to coordinate a contribution with Public Works for improvements on Elkhorn Road; • Applicant to execute a License and Maintenance Agreement for any non-standard improvements in the right-of-way; • No streetlights on Sisk Road or Rainbow Boulevard; • Provide rural signage acceptable to Clark County Public Works and Comprehensive Planning on Sisk Road, Elkhorn Road, and Rainbow Boulevard; • Individual residential driveways are permitted to be up to 59 feet in width; • 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; • All other right-of-way and easement dedications to record with the subdivision map; • Dedicate any right-of-way and easements necessary for the Elkhorn Road improvement project;

- 30 days to submit a Separate Document to the Map Team for the required right-of-way dedications and any corresponding easements for any collector street or larger and the above mention projects;
- 90 days to record required right-of-way dedications and any corresponding easements for any collector street or larger and the above mention projects.
- Applicant is advised 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; and 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.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that CCWRD does not provide sanitary sewer service in this portion of the unincorporated county; and that for any sanitary sewer needs, to contact the City of Las Vegas to see if the City has any gravity sanitary sewer lines located in the vicinity of the applicant's parcel.

ITEM NO. 18 TM-21-500188-MCLARRY, OTILIA C. 1998 TRUST & MCLARRY, OTILIA C. TRS: TENTATIVE MAP consisting of 43 single family residential lots and common lots on 23.3 acres in an R-E (Rural Estates Residential) (RNP-I) Zone. Generally located on the north side of Elkhorn Road between Rainbow Boulevard and Sisk Road within Lone Mountain. MK/jvm/jo (For possible action)

ACTION:

It was moved by Commissioner Marilyn Kirkpatrick and carried by unanimous vote that the application for Item No. 16 be withdrawn without prejudice and the applications for Item Nos. 17 and 18 be approved, subject to staff conditions and additional conditions.

CONDITIONS OF APPROVAL -

Current Planning

- 8 foot screen wall in addition to retaining wall along the north property line adjacent to APN 125-14-401-005;
- 8 foot screen wall in addition to retaining wall along the south property line adjacent to the existing residences on Elkhorn Road (APNS 125-14-404-004, 125-14-404-005, 125-14-404-006, and 125-14-404-009);
- Provide a disclosure stating that future homebuyers acknowledge that there are horse properties in the area which might include (not limited to) the presence of animal noises, odors, dust, and insects;
- No interior streetlights within the community except for an illuminated community monument entry sign and coach lighting on the homes.
- 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 a final map for all, or a portion, of the property included under this application must be recorded within 4 years or it will expire.

Public Works - Development Review

- Sisk Road to be improved to non-urban standards;
- Coordinate with Antonio Papazian - Development Review Division for the design of the Rainbow Boulevard improvements;
- Applicant to coordinate a contribution with Public Works for improvements on Elkhorn Road;
- Applicant to execute a License and Maintenance Agreement for any non-standard improvements in the right-of-way;
- No streetlights on Sisk Road or Rainbow Boulevard;
- Provide rural signage acceptable to Clark County Public Works and Comprehensive Planning on Sisk Road, Elkhorn Road, and Rainbow Boulevard;
- Individual residential driveways are permitted to be up to 59 feet in width;
- 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;
- All other right-of-way and easement dedications to record with the subdivision map;
- Dedicate any right-of-way and easements necessary for the Elkhorn Road improvement project;
- 30 days to submit a Separate Document to the Map Team for the required right-of-way dedications and any corresponding easements for any collector street or larger and the above mention projects;
- 90 days to record required right-of-way dedications and any corresponding easements for any collector street or larger and the above mention projects.
- Applicant is advised that the installation of detached sidewalks will require the vacating of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control; and 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.

Current Planning Division - Addressing

- Streets shall have approved street names and suffixes;
- Rainbow Road shall have the suffix of Boulevard;
- Approved street name list from the Combined Fire Communications Center shall be provided.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that CCWRD does not provide sanitary sewer service in this portion of the unincorporated county; and that for any sanitary sewer needs, to contact the City of Las Vegas to see if the City has any gravity sanitary sewer lines located in the vicinity of the applicant's parcel.

ITEM NO. 19 WS-21-0545-RAINBOW 26, LLC: HOLDOVER WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) establish an alternative parking requirement; 2) allow a modified driveway design; and 3) reduce driveway approach and departure distances from the intersection. DESIGN REVIEWS for the following: 1) alternative parking lot landscaping; 2) a proposed shopping center; and 3) finished grade on 3.8 acres in a C-1 (Local Business) (AE-60) Zone in the CMA Design Overlay District. Generally located on the east side of Rainbow Boulevard and the north side of Oquendo Road within Spring Valley. MN/rk/jo (For possible action) Held from November 17, 2021.

ACTION: Deleted from the agenda (held to January 19, 2022 per the applicant).

ITEM NO. 20 ZC-21-0632-DUCK CREEK APTS, LLC: ZONE CHANGES for the following: 1) reclassify 1.6 acres from a C-2 (General Commercial) Zone to an R-5 (Apartment Residential) Zone; and 2) reclassify 1.1 acres from an R-3 (Multiple Family Residential) Zone to an R-5 (Apartment Residential) Zone. WAIVER OF DEVELOPMENT STANDARDS to reduce the front setback. DESIGN REVIEWS for the following: 1) multiple family residential development on 1.6 acres in an R-5 (Apartment Residential) Zone; 2) multiple family residential development on 1.1 acres in an R-5 (Apartment Residential) Zone; 3) modifications to an existing multiple family residential development on 20.2 acres in an R-3 (Multiple Family Residential) Zone; and 4) finished grade on 2.7 acres in an R-5 (Apartment Residential) Zone. Generally located on the northeast side of Boulder Highway, 575 feet northwest of Russell Road within Whitney (description on file). JG/jt/jd (For possible action)

ACTION: It was moved by Commissioner Justin Jones and carried by unanimous vote that the application be approved, subject to staff conditions.

CONDITIONS OF APPROVAL -

Current Planning

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- 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 the waiver of development standards and design reviews must commence within 2 years of approval date or they will expire.

Advanced Planning - Trails

- Applicant is advised that there is an existing multi-use, non-equestrian trail adjacent to 161-27-801-020 within the wash.

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;
- Nevada Department of Transportation approval.
- Applicant is advised that off-site improvement permits may be required; and 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.

Department of Aviation

- Applicant is advised that issuing a stand-alone noise disclosure statement to the purchaser or renter of each residential unit in the proposed development and to forward the completed and recorded noise disclosure statements to the Department of Aviation's Noise Office is strongly encouraged; 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.

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 #0121-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 21 NZC-21-0587-G T REVOCABLE LIVING TRUST & TAM GEORGE S & IRENE Y TRS: ZONE CHANGE to reclassify 4.9 acres from an R-E (Rural Estates Residential) Zone to an R-2 (Medium Density Residential) Zone. **WAIVER OF DEVELOPMENT STANDARDS** for landscaping. **DESIGN REVIEWS** for the following: 1) a proposed single family residential development; and 2) finished grade. Generally located on the west side of Buffalo Drive and the south side of Chartan Avenue (alignment) within Enterprise (description on file). JJ/rk/jo (For possible action)

ACTION:

It was moved by Commissioner Justin Jones and carried by unanimous vote that the application be approved, subject to staff conditions.

CONDITIONS OF APPROVAL -

Current Planning

- Resolution of Intent to complete in 4 years;
- 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.
- 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 new application for a nonconforming zone boundary amendment may be required in the event the building program and/or conditions of the subject application are proposed to be modified in the future; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that 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.

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 45 feet to the back of curb for Buffalo Drive.
- Applicant is advised 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 nonstandard improvements in the right-of-way; and 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.

Building Department - Fire Prevention

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

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 #0010- 2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 22 VS-21-0588-G T REVOCABLE LIVING TRUST & TAM GEORGE S & IRENE Y TRS: VACATE AND ABANDON easements of interest to Clark County located between Buffalo Drive and Meadow Cove Street (alignment), and between Chartan Avenue (alignment) and Starr Avenue within Enterprise (description on file). JJ/rk/jo (For possible action)

ACTION:

It was moved by Commissioner Justin Jones and carried by unanimous vote that the application be approved, subject to staff conditions.

CONDITIONS OF APPROVAL -

Current Planning

- Satisfy utility companies' requirements.
- 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 the recording of the order of vacation in the Office of the County Recorder must be completed within 2 years of the approval date or the application will expire.

Public Works - Development Review

- Right-of-way dedication to include 45 feet to the back of curb for Buffalo Drive;
- 30 days to submit a Separate Document to the Map Team for the required right-of-way dedications and any corresponding easements for any collector street or larger;
- 90 days to record required right-of-way dedications and any corresponding easements for any collector street or larger;

- All other right-of-way and easement dedications to record with the subdivision map;
- Vacation to be recordable prior to building permit issuance or applicable map submittal;
- Revise legal description, if necessary, prior to recording.
- Applicant is advised that the installation of detached sidewalks will require the dedication of right-of-way to the back of curb 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; and 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.

Building Department - Fire Prevention

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

ITEM NO. 23 TM-21-500163-G T REVOCABLE LIVING TRUST & TAM GEORGE S & IRENE Y TRS:

TENTATIVE MAP consisting of 34 single family residential lots and common lots on 4.9 acres in an R-2 (Medium Density Residential) Zone. Generally located on the west side of Buffalo Drive and the south side of Chartan Avenue (alignment) within Enterprise. JJ/rk/jo (For possible action)

ACTION: It was moved by Commissioner Justin Jones and carried by unanimous vote that the application be approved, subject to staff conditions.

CONDITIONS OF APPROVAL -

Current 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 a final map for all, or a portion, of the property included under this application must be recorded within 4 years or it 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 45 feet to the back of curb for Buffalo Drive;
- 30 days to submit a Separate Document to the Map Team for the required right-of-way dedications and any corresponding easements for any collector street or larger;
- 90 days to record required right-of-way dedications and any corresponding easements for any collector street or larger;
- All other right-of-way and easement dedications to record with the subdivision map.
- Applicant is advised that the installation of detached sidewalks will require the dedication of right-of-way to the back of curb 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; and 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.

Current Planning Division - Addressing

- The streets shall have approved street names and suffixes;
- Approved street name list from the Combined Fire Communications Center shall be provided.

Building Department - Fire Prevention

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

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 #0010-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 24 NZC-21-0611-BARTSAS MARY 9, LLC: ZONE CHANGE to reclassify 2.5 acres from an R-E (Rural Estates Residential) Zone to an R-1 (Single Family Residential) Zone. DESIGN REVIEWS for the following: 1) a proposed single family residential development; and 2) finished grade. Generally located on the west side of Amigo Street and the south side of Robindale Road within Paradise (description on file). MN/rk/jd (For possible action)

ACTION: It was moved by Commissioner Justin Jones and carried by unanimous vote that the application be approved, subject to staff conditions.

CONDITIONS OF APPROVAL -

Current Planning

- Resolution of Intent to complete in 4 years;
- Maximum of 8 lots;
- Single story homes on Lots 5, 6, 7, and 8, adjacent to existing single story residences.
- 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 new application for a nonconforming zone boundary amendment may be required in the event the building program and/or conditions of the subject application are proposed to be modified in the future; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that 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.

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;
- Full off-site improvements;
- Right-of-way dedication to include 35 feet to the back of curb for Robindale Road, 30 feet for Amigo Street, and associated spandrel;
- 30 days to submit a Separate Document to the Map Team for the required right-of-way dedications and any corresponding easements for any collector street or larger;
- 90 days to record required right-of-way dedications and any corresponding easements for any collector street or larger;
- All other right-of-way and easement dedications to record with the subdivision map.
- Applicant is advised that the installation of detached sidewalks will require dedication to the back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control; and 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.

Department of Aviation

- Applicant is advised that issuing a stand-alone noise disclosure statement to the purchaser or renter of each residential unit in the proposed development and to forward the completed and recorded noise disclosure statements to the Department of Aviation's Noise Office is strongly encouraged; 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.

Building Department - Fire Prevention

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

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 #0466-2020 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 25 VS-21-0612-BARTSAS MARY 9, LLC: VACATE AND ABANDON easements of interest to Clark County located between Amigo Street and Battista Lane (alignment), and between Robindale Road (alignment) and Via Alhambra Court (alignment) within Paradise (description on file). MN/rk/jd (For possible action)

ACTION:

It was moved by Commissioner Justin Jones and carried by unanimous vote that the application be approved, subject to staff conditions.

CONDITIONS OF APPROVAL -

Current Planning

- Satisfy utility companies' requirements.
- 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 the recording of the order of vacation in the Office of the County Recorder must be completed within 2 years of the approval date or the application will expire.

Public Works - Development Review

- Right-of-way dedication to include 35 feet to the back of curb for Robindale Road, 30 feet for Amigo Street, and associated spandrel;
- 30 days to submit a Separate Document to the Map Team for the required right-of-way dedications and any corresponding easements for any collector street or larger;
- 90 days to record required right-of-way dedications and any corresponding easements for any collector street or larger;
- All other right-of-way and easement dedications to record with the subdivision map;
- Vacation to be recordable prior to building permit issuance or applicable map submittal;
- Revise legal description, if necessary, prior to recording.
- Applicant is advised that the installation of detached sidewalks will require dedication to the back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

ITEM NO. 26 TM-21-500173-BARTSAS MARY 9, LLC: TENTATIVE MAP consisting of 8 single family residential lots and common lots on 2.5 acres in an R-1 (Single Family Residential) Zone. Generally located on the west side of Amigo Street and the south side of Robindale Road within Paradise. MN/rk/jd (For possible action)

ACTION:

It was moved by Commissioner Justin Jones and carried by unanimous vote that the application be approved, subject to staff conditions.

CONDITIONS OF APPROVAL -

Current 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 a final map for all, or a portion, of the property included under this application must be recorded within 4 years or it 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;
- Full off-site improvements;
- Right-of-way dedication to include 35 feet to the back of curb for Robindale Road, 30 feet for Amigo Street, and associated spandrel;
- 30 days to submit a Separate Document to the Map Team for the required right-of-way dedications and any corresponding easements for any collector street or larger;
- 90 days to record required right-of-way dedications and any corresponding easements for any collector street or larger;
- All other right-of-way and easement dedications to record with the subdivision map.
- Applicant is advised that the installation of detached sidewalks will require dedication to the back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control; and 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.

Current Planning Division - Addressing

- Private streets shall have approved street names and suffixes;
- Approved street name list from the Combined Fire Communications Center shall be provided.

Department of Aviation

- Applicant is advised that issuing a stand-alone noise disclosure statement to the purchaser or renter of each residential unit in the proposed development and to forward the completed and recorded noise disclosure statements to the Department of Aviation's Noise Office is strongly encouraged; 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.

Building Department - Fire Prevention

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

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 #0466-2020 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 27 CP-21-900789: Direct staff to process an amendment to the Enterprise Land Use Plan map, and refer the amendment to the Planning Commission for a public hearing. (For possible action)

ACTION:

It was moved by Commissioner Justin Jones and carried by unanimous vote that staff be directed to process an amendment to the Enterprise Land Use Plan map.

ITEM NO. 28 AG-21-900707 HOLDOVER: Consider the approval of the Agreement Between Mountain's Edge Master Association and Clark County Regarding Helen Stewart Park; authorize the Chair to sign and for other matters properly related thereto. JJ/ab (For possible action)

ACTION: It was moved by Commissioner Justin Jones and carried by unanimous vote to authorize the Chair to sign the Agreement.

ITEM NO. 29 ORD-21-900651 HOLDOVER: Conduct a public hearing on an ordinance to consider the cancellation of the Mountain's Edge Development Agreement between Clark County and Mountain's Edge, LLC pursuant to NRS 278.0205(1). JJ/sr (For possible action)

ACTION: It was moved by Commissioner Justin Jones and carried by unanimous vote that the recommendation (including the adoption of Ordinance No. 4912) be approved.

ITEM NO. 30 ORD-21-900732: Conduct a public hearing on an ordinance to consider adoption of a Development Agreement with Durango Plaza Holdings Revocable Living Trust for a commercial center (Durango and Pebble) on 2.5 acres, generally located north of Pebble Road and east of Durango Drive within Enterprise. JJ/tk (For possible action)

ACTION: It was moved by Commissioner Justin Jones and carried by unanimous vote that the recommendation (including the adoption of Ordinance No. 4913) be approved.

ITEM NO. 31 UC-21-0631-MCCOMBS, NICHOLAS & SHORT, WHITNEY & BILL: HOLDOVER USE PERMIT for a minor training facility. WAIVER OF DEVELOPMENT STANDARDS to reduce the driveway departure distance from the intersection. DESIGN REVIEW for a proposed fitness training facility on 1.0 acre in a C-P (Office and Professional) (AE-60) Zone. Generally located on the north side of Patrick Lane, 490 feet east of Annie Oakley Drive within Paradise. JG/rk/jo (For possible action)

ACTION: Deleted from the agenda (held to February 2, 2022 per the applicant).

ITEM NO. 32 VS-21-0414-P S L V R E, LLC: HOLDOVER VACATE AND ABANDON easements of interest to Clark County located between Sunset Road and Rafael Rivera Way, and between Westwind Road and Jones Boulevard within Enterprise (description on file). MN/rk/jo (For possible action)

ACTION: Deleted from the agenda (held to February 16, 2022 per the applicant).

ITEM NO. 33 WS-21-0413-P S L V R E, LLC: HOLDOVER WAIVER OF DEVELOPMENT STANDARDS to allow modified driveway design standards. DESIGN REVIEWS for the following: 1) proposed office/warehouse building; and 2) finished grade on 2.1 acres in an M-D (Designed Manufacturing) (AE-60) Zone. Generally located on the south side of Sunset Road, 270 feet west of Westwind Road within Enterprise. MN/rk/jo (For possible action) Held from December 8, 2021

ACTION: Deleted from the agenda (held to February 16, 2022 per the applicant).

ITEM NOS. 34 VS-21-0651-B & F & SONS 1, LLP: VACATE AND ABANDON easements of interest to Clark County located between La Mancha Avenue and Ann Road and between Tee Pee Lane and Park Street within Lone Mountain (description on file). RM/jor/jo (For possible action)

AMUNDSEN

Next are Items Thirty-Four, Thirty-Five, and Thirty-Six, which can be heard

AMUNDSEN

together. Item Thirty-Four, VS210651, Vacate and abandon easements of interest to Clark County located between La Mancha Avenue and Ann Road in between Tee Pee Lane and Park Street within Lone Mountain. Item Thirty-Five, WS21650, waiver development standards for landscaping design reviews for the following: single family residential subdivision finished grade in conjunction with the proposed single family residential subdivision on four acres and an R-E Rural Estates Residential RNP-1 Zone. Item Fifty – um – sorry. Item Thirty-Six, TN21500181 tentative map consisting of eight single family residential lots and common lots on four acres.

GIBSON

Thank you. Would you identify yourself, please?

KENNETH ERLANGER

Uh - yes, sir. Uh - Kenneth Erlanger. E-R-L-A-N-G-E-R. Uh - representing the owners of the property. Um - my address is Forty-Two Twenty-Two East Pine Crest Circle, Las Vegas, Nevada. Um - basically, what we're – um - doing is developing this – um - property to match pretty much to the neighborhoods around here. Um - including all the lots that are already developed – uh - to the north, to the south, and to the west of us. The east lots were already split up in the past but have never been developed. Um - the plans here are – uh - typical two lots per acre. Um – the – uh – gross – uh - acreage of most of these lots is right around twenty-one thousand square feet. And the net is a little over eighteen thousand square feet per lot. Um - my understanding on a couple things. One is, for the offsites on La Mancha and Tee Pee, because this is a rural preservation area – um - there- we will not be doing any developing on that. Ann Road, they just completed – um - the full offsite development. So that is already built. Um- we are also gonna provide – um - per what's required by the County – um – to - to dedicate a three-foot wide street – uh - light and traffic control easement – um - just along Ann Road. Because – uh - Tee Pee and La Mancha being only sixty foot, right-of-way roads don't require that. Um – uh - the next – um - item is that we're looking at is there's still a portion of the original patent easement that went all the way around the property. That was thirty-three feet. Um - we're gonna vacate the excess three feet along Tee Pee, along La Mancha, and the thirty-three feet along the western portion of the property. Uh - thi- this is just standard per what is required by the County. Um - the plans here – uh - for the – uh - cul-de-sac is to come off La Mancha and then put a drainage easement to carry out to Tee Pee. Uh – because – uh - we understand with Ann Road being a major arterial road – um - nobody wants – um - an access - uh - from the cul-de-sac onto there. So, we're coming the other way. There is no plans to put gates in there. I know talking to some of the neighbors, and we did have a neighborhood meeting – uh - one of the things they really didn't want us to do was be all enclosed and keep away from the rest of the neighborhood. So, we're not gating this community. We also have talked to the owners of the four lots that are adjacent to us – um - on the west side. And we will work with them in regard to anything for infilling of the walls. There's some sections, like, where they have – um - their well, their own wells – um - that we're gonna infill and put a wall in there, and we'll work with each neighbor to make sure whatever's done on the wall works with them best. Um - because this is a private street, we will have – uh – CC&Rs for the - um, interior to take care of the roads and stuff like that. But also, when we met with the neighbors, we agreed to put in the standard six-foot landscaping along Ann

ERLANGER

Road, Tee Pee, and La Mancha. Uh - so within that, we'll have – um – uh - conditions for the upkeep and maintenance of the landscaping as part of the CC&Rs for the property. Um - I know that – uh - one of the things and a condition in here that's – um - unique to this area is... the typical is eighteen thousand square foot net. Um - but in this area, it's – um - I believe eighteen thousand five hundred square foot net – uh - is the requirement. But I also understand that because this is an arterial road along Ann, we can reduce that. Plus, one of the reasons that we agreed – uh - to go ahead and get rid of the request for waivers of landscaping is to work with the neighbors. And my understanding, they did not have an issue with us being at a little over eighteen thousand square feet, which matches all the property in this area. So, I'd like to answer any of your questions if possible.

GIBSON

Does that complete your presentation?

ERLANGER

Yes, sir.

GIBSON

Thank you. Uh - this is a public hearing. Anyone wishing to – uh - comment on this item should come forward and state your name. There being no one, the public hearing is closed. I turn the item over to Commissioner Miller.

ERLANGER

Thank you.

ROSS MILLER

Thank you for your work and meeting with the neighbors – uh - to resolve some of their concerns. Ju - just wanna confirm that you're okay with the denial of the - the request for the waiver of the - of landscaping standards.

ERLANGER

Oh, yes. We agreed – um - to that, that we are gonna go ahead and landscape all three sides.

MILLER

Okay. Thank you. Uh - that said, I would move for approval of agenda Item – uh - Number Thirty-Four, move with – uh - staff conditions, subject staff conditions, move for approval of Agenda Item Number Thirty-Five with respect to the design reviews – uh - but would move for denial of the request for the waiver of the development standards with respect to the landscaping. And then further move for approval of Agenda Item Number Thirty-Six – subject to staff conditions.

AMUNDSEN

Can I - can I jump in here? Can we – um - instead of denying the landscaping waiver... because the - they're meeting the - what we consider the rural standards, however, they're not meeting the - the code per se. So just say that they la- approved the landscaping subject to the plans they submitted.

MILLER

Okay. I'll amend my motion to...

AMUNDSEN

Okay. Thank you.

MILLER

...as stated by Nancy.

project;

- All other right-of-way and easement dedications to record with the subdivision map;
- Vacation to be recordable prior to building permit issuance or applicable map submittal;
- Revise legal description, if necessary, prior to recording.

ITEM NO. 35 WS-21-0650-B & F & SONS 1, LLP: WAIVER OF DEVELOPMENT STANDARDS for landscaping. DESIGN REVIEWS for the following: 1) single family residential subdivision; and 2) finished grade in conjunction with a proposed single family residential subdivision on 4.0 acres in an R-E (Rural Estates Residential) (RNP-I) Zone. Generally located on the northwest corner of Ann Road and Tee Pee Lane within Lone Mountain. RM/jor/jo (For possible action)

ACTION:

It was moved by Commissioner Ross Miller and carried by unanimous vote that the applications for Item Nos. 34, 35, and 36 be approved, subject to staff conditions.

CONDITIONS OF APPROVAL -

Current 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 4 years of approval date or it 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;
- Full off-site improvements for Ann Road;
- All other right-of-way and easement dedications to record with the subdivision map;
- Execute a Restrictive Covenant Agreement (deed restrictions);
- Coordinate with Public Works - Design Division for the Ann Road improvement project;
- Dedicate any right-of-way and easements necessary for the Ann Road improvement project;
- 30 days to submit a Separate Document to the Map Team for the required right-of-way dedications and any corresponding easements for the Ann Road improvement project;
- 90 days to record required right-of-way dedications and any corresponding easements for the Ann Road improvement project.
- 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.

Southern Nevada Health District (SNHD) - Septic

- Applicant is advised that there is an active septic permit on APN 125-30-806-009; to connect to municipal sewer and remove the septic system in accordance with Section 17 of the SNHD Regulations Governing Individual Sewage Disposal Systems and Liquid Waste Management; and to submit documentation to SNHD showing that the system has been properly removed.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that CCWRD does not provide sanitary sewer service in this portion of the unincorporated county; and that for any sanitary sewer needs, applicant is to contact the City of Las Vegas to see if the City has any gravity sanitary sewer lines located in the vicinity of the applicant's parcel.

ITEM NO. 36 TM-21-500181-B&F & SONS 1, LLP: TENTATIVE MAP consisting of 8 single family residential lots and common lots on 4.0 acres in an R-E (Rural Estates Residential) (RNP-I) Zone. Generally located on the northwest corner of Ann Road and Tee Pee Lane within Lone Mountain. RM/jor/jo (For possible action)

ACTION: It was moved by Commissioner Ross Miller and carried by unanimous vote that the applications for Item Nos. 34, 35, and 36 be approved, subject to staff conditions.

CONDITIONS OF APPROVAL -

Current 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 a final map for all, or a portion, of the property included under this application must be recorded within 4 years or it 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;
- Full off-site improvements for Ann Road;
- All other right-of-way and easement dedications to record with the subdivision map;
- Execute a Restrictive Covenant Agreement (deed restrictions);
- Coordinate with Public Works - Design Division for the Ann Road improvement project;
- Dedicate any right-of-way and easements necessary for the Ann Road improvement project;
- 30 days to submit a Separate Document to the Map Team for the required right-of-way dedications and any corresponding easements for the Ann Road improvement project;
- 90 days to record required right-of-way dedications and any corresponding easements for the Ann Road improvement project.
- 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.

Current Planning Division - Addressing

- Private streets shall have approved street names and suffixes;
- Approved street name list from the Combined Fire Communications Center shall be provided.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that CCWRD does not provide sanitary sewer service in this portion of the unincorporated county; and that for any sanitary sewer needs, applicant is to contact the City of Las Vegas to see if the City has any gravity sanitary sewer lines located in the vicinity of the applicant's parcel.

ITEM NO. 37 ZC-21-0534-DIAMOND ALTO, LLC: HOLDOVER ZONE CHANGE to reclassify 2.2 acres from an R-E (Rural Estates Residential) (AE-65 & AE-70) Zone to an M-D (Designed Manufacturing) (AE-65 & AE-70) Zone. USE PERMITS for the following: 1) vehicle paint/body shop; 2) reduce separation from a vehicle repair facility to a residential use; and 3) reduce the separation from a vehicle maintenance facility to a residential use. WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) allow vehicle paint/body shop not accessory to vehicle sales; 2) reduce separation from a vehicle paint/body shop to a residential use; 3) reduce setbacks; 4) reduce parking lot landscaping; and 5) alternative driveway geometrics. DESIGN REVIEW for office/warehouse buildings. Generally located on the east side of Pecos Road and the north side of Alto Avenue within Sunrise Manor (description on file). WM/jt/jd (For possible action)

ACTION: Deleted from the agenda (held to February 2, 2022 per the applicant).

ITEM NO. 38 ZC-21-0633-GK ACQUISITIONS, LLC & GKT ACQUISITIONS, LLC: HOLDOVER ZONE CHANGE to reclassify 5.0 acres from an R-U (Rural Open Land) to an M-D (Designed Manufacturing) Zone. WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) allow an attached sidewalk; and 2) reduced throat depth. DESIGN REVIEWS for the following: 1) alternative landscaping; 2) a distribution center; and 3) finished grade. Generally located on the east side of Arville Street, 787 feet south of Sloan Road (alignment) (description on file). JJ/jor/jo (For possible action) Held from December 22, 2021.

AMUNDSEN

Next is Item Thirty-Eight, CC210633, holdover zone change to reclassify five acres from R-U Rural Open Lands to MD Design Manufacturing Zone, waivers of development standards for the following and allow - allow and attach sidewalk and reduce throat depth. Design reviews for the following: alternative landscaping a distribution center, finished grade, generally located on the east side of Arville Street, seven hundred eighty-seven feet south of Sloan Road within the South Valley. Um - Commissioners, we have a new plan that was submitted, and it was submitted in time for staff to review it. Um - the Department of Comprehensive Planning has no issues with the new plan. And I believe Public Works, they have worked with them and they're fine with it as well. So just wanted to let you know that.

GIBSON

Thank you. On behalf of the applicant, Ms. Lazovich.

JENNIFER LAZOVICH

Good morning. Happy New Year. Jennifer Lazovich, Nineteen Eighty Festival Plaza Drive, here today on behalf of the applicant. Uh - as Ms. Amundsen read into the record, this is in Sloan near Arville Street. It's located in this area. We are asking for a conforming zone change to MD - uh - for a proposed distribution building, which we have here. I am showing this plan. Uh - this is the plan that was submitted, and which is in the file for both Public Works and Planning, which shows highlighted areas where we made the changes to address the waiver for the throat depth. Um - we really wanna - uh - just appreciate Public Works and Planning, reviewing these plans and these changes so quickly and - uh - indicating that they were fine with these changes so that we can move forward today. And so, I'd be happy to answer any questions.

GIBSON

Thank you. That completes your presentation?

LAZOVICH

Yes.

GIBSON

This is a public hearing. Is there anyone who wishes to comment on this item? There being no one, Commissioner Jones.

JONES

Thank you, Mr. Chair. Thank you, Mr. Chair. Um, Mr. - uh - (laughs) Allswang, you wanna comment on the - uh - new plan that was - uh - proposed with regard to throat depth?

JASON ALLSWANG

Yeah. So, they did work with us on the throat depth, and we're okay with what

ALLSWANG

they're showing now.

JONES

Great. Thank you. Um - with regards to the landscaping waiver - uh - because this is in Sloan and water is - um - a concern out there - uh - we - we did talk, in the last meeting, about waivers of - uh - of landscaping. And so, in the future, we don't have our - our - uh - program set up yet, but in the future, we will be - uh - requiring that there be a contribution to a tree fund - um - going forward.

LAZOVICH

Oh, in lieu of-

JONES

Yeah. Right.

LAZOVICH

Okay.

JONES

So - um - with that, I will - uh - move for approval of Agenda Item Number Thirty-Eight - uh - subject to the new design that was submitted on the third.

GIBSON

Be - before we - uh - before we vote, I had one question. Um - Ms. Lazovich, I mentioned to you the - this - uh - overarching concern that we have about water, mechanical cooling versus - uh - water cooling. I wonder if you - if you and your client have had an opportunity to discuss that and what you might tell us about that plan.

LAZOVICH

Um - so we have discussed it. Um - we've - we've tried to get the word out to a number of our clients about the discussions that this Board has been having as it relates to that. Um - I don't wanna specifically say the other options. I believe out here, there's no power.

UNIDENTIFIED

There's power.

LAZOVICH

Oh, there's power?

UNIDENTIFIED

There's power. There is no gas.

LAZOVICH

Oh, there's no gas. I'm sorry, I had to remember which one it was. Um - so we've been talking internally and with an engineer that specializes in that about alternatives other than evaporative cooling. And just preliminarily, there are some things you can do that don't involve evaporative cooling and - uh - kind of make some internal mitigation measures around where the roll up doors are so that the cool air isn't flowing out and it can stay in a little bit better. So, yeah, I can't tell you in this moment what the final outcome will be, but they are having internal discussions about alternate ways to do it.

GIBSON

That- that's fair. Thank you very much, sir. Any additional comment or questions? There's a motion on the floor by Commissioner Jones, please cast your votes. The motion carries. Thank you.

ACTION:

It was moved by Commissioner Justin Jones and carried by unanimous vote

that the application be approved, subject to staff conditions.

CONDITIONS OF APPROVAL -

Current Planning

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Per revised plans;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; 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 the waivers of development standards and design reviews must commence within 2 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;
- Full off-site improvements;
- Right-of-way dedication to include 40 feet for Arville Street;
- Provide paved legal access;
- Applicant shall coordinate with Public Works - Development Review to apply for a Bureau of Land Management (BLM) right-of-way grant to provide access to the parcels.

Building Department - Fire Prevention

- Applicant is advised 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.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that there are no public sanitary sewer facilities available in the vicinity of the parcel and none are planned within the next 5 years.

ITEM NO. 39 NZC-21-0606-BEDROSIAN FAMILY TRUST & BEDROSIAN EDMUND V. & AIDA TRS: ZONE CHANGE to reclassify 2.5 acres from an R-E (Rural Estates Residential) (AE-65) Zone to an M-D (Designed Manufacturing) (AE-65) Zone. WAIVER OF DEVELOPMENT STANDARDS to reduce throat depth. DESIGN REVIEWS for the following: 1) office/warehouse; 2) alternative landscaping; and 3) finished grade in the CMA Design Overlay District. Generally located on the east side of Mohawk Street and the north side of Sobb Avenue (alignment) within Spring Valley (description on file). MN/jvm/ja (For possible action)

AMUNDSEN

Next is Item Thirty-Nine, NZC210606, zone change to reclassify two point five acres from an R-E Rural Estates Residential AE-65 Zone to an MD Design Manufacturing AE-65 Zone. Waiver development - excuse me - standards to reduce throat depth. Design reviews to the following, an office warehouse, alternative landscaping, finished grade in the CMA Design Overlay District generally located on the east side of Mohawk Street and the north side of Sobb Avenue within Spring Valley.

LAZOVICH

Good morning again, Jennifer Lazovich, Nineteen Eighty Festival Plaza Drive on behalf of the applicant. If you could look at the overhead, please. You want

LAZOVICH

me ta -

GIBSON

Please show us the - uh... There you go.

LAZOVICH

Oh, there we go. Thank you. Uh - so this - this exhibit is - is fairly important to point out. Um - we are asking for a nonconforming zone change for this two-and-a-half-acre piece right here. We're just south of Patrick Lane and just east of Lindell Road. This is a flood cha - drainage channel that moves along in this area. This exhibit - um - is important for a couple of reasons. It shows some - some different things. One is that the piece of property immediately to south of us, it's master plan BDRP. Although it is zoned right now R-E, it is master planned BDRP, and it is zoned by the Clark County Department of Aviation. The AE-65 zone incorporates all of this property. Even moving over into this area where these existing homes are, it goes in an arc this way. So, in my conversations with the Department of Aviation, specifically about the property that they own, which is this piece, and I believe this piece, I asked if those properties would be eligible for any type of deed modification to allow some kind of residential, whether that was multi-family or single family. And because it's in the AE-65, the airport has taken the position that it's not eligible for a deed modification to allow residential. So, the piece of property immediate to the south of us, if you take that as a fact, it will not turn residential. It will either - uh... it's master planned BDRP. There's a very maybe decent chance that that will be designed to be some type of MD project with appropriate buffers to the homes that are located diagonally. We're located to the north of that, and we're located adjacent to an existing - uh... it's also a nonconforming zone change that - uh - was approved for MD. Uh - that particular application was recommended for approval and didn't have any neighbor opposition - uh - predominantly as the neighbors indicated because it had direct access off of Patrick Lane. But nonetheless - um - that piece of property immediately to the east of us is also a zoned MD. This exhibit gives you an idea of the amount of BDRP and MD that's - uh - really right near us. This is our site plan. One of the things when we did our neighborhood meeting, when we asked the neighbors about what they thought of the adjacent MD project, one of the things that they liked about it is that the building had the roll-up doors facing north. And remember, there's some residential for homes - like - kind of right down in this area. So, when we submitted this application, we flipped - uh - our design from what we showed at the neighborhood meeting to match what the design was to the east of us. And so, on the Southern edge of our building, it is the back of our building. There are no roll-up doors facing that direction. All of the roll-up doors face north towards future - uh - MD or - uh - office zoning. The other thing that we did before the Planning Commission meeting is we adjusted our plans and we've submitted those to staff to address the throat depth - uh - waiver. And so that's why we kind of have that landscape buffer that turns right there to go that direction so that we could get a deeper throat depth and address the concerns with - um - that waiver. This - while this doesn't show you the throat depth change, this is just a color version. Again, you can see that the garage doors are facing north, not along the south side of the building. Um - one thing, before I show you the next exhibit, is that while we're asking for a nonconforming zone change to go to MD, the advantage of an MD zone

LAZOVICH

change in this particular case is the fact that this project at thirty-seven thousand square feet would only require about fifty-six parking spaces. The property is master planned office professional. And so, what we did is a similar sized – uh - office professional building, roughly around... you could actually get forty thousand. You could get a little bit more square footage. If you did an office building here, it would be thirty-five feet, which would allow three stories. And what's interesting about that is that, with an office building, which is what its master planned for, it would then require over one hundred and fifty spaces. So, you would have a lot more traffic and a lot more, uh, cars coming up and down Mohawk Street with an office project than you would with the MD. Um - the other thing that I wanna point out is that as you travel on Mohawk off of Patrick Lane, Mohawk dead ends really... right now at dead ends and where - where is Post. But because of this flood channel, Mohawk doesn't have a lot of southbound traffic because right here, it cannot go any farther south. So, we believe that any truck traffic or – uh - just vehicle traffic coming in and out of our site will go north to Patrick Lane, east over to Decatur Boulevard. We don't see that there would be any need for – uh - southbound travel down Mohawk, over to Post, to Lindell to go back up to Patrick and over. Uh – we are happy to agree to a condition – um - coming out of our true driveways that says something like no left-hand turn. Again, that would be on our site and our properties. Or no left-hand turns for trucks. We're happy to put something like that as a condition just to ensure. But practically speaking, I don't see any reason why there would be a lot of traffic headed southbound when really where they need to get to is Patrick to get over to Decatur. So, for these reasons – uh - we would ask you to consider this nonconforming zone change to MD, and I would be happy to answer any questions.

GIBSON

Thank you. And that completes your presentation?

LAZOVICH

Yes.

GIBSON

Are there folks here who wish to comment on this item? Public hearing is open. And now it is closed. Commissioner Naft, welcome to the meeting.

MICHAEL NAFT

Thank you, Mr. Chair. Good to be here. Uh - may I - uh... can we assume that the conversation that was had on the prior item relating to evaporative cooling would apply to this as well?

LAZOVICH

Yes.

NAFT

Okay. Um – I - I support the item, particularly given the – um - restrictions on the adjacent land and the Department of Aviation land. I think it makes sense. I think it's better for the immediate area. Um - and I would – um – Ms. Amundsen add, if it's not already here would condition the no left-turn on Mohawk?

LAZOVICH

It's already on the agenda sheet

NAFT

Then we are ready to go. Move for approval of Item Thirty-Nine.

GIBSON There's a motion on the floor by Commissioner Naft. Any discussion? Please cast your votes. The motion carries.

LAZOVICH Thank you.

GIBSON Thank you.

ACTION: It was moved by Commissioner Naft and carried by unanimous vote that the application be approved, subject to staff conditions.

CONDITIONS OF APPROVAL -

Current Planning

- Resolution of Intent to complete in 3 years;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; 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 new application for a nonconforming zone boundary amendment may be required in the event the building program and/or conditions of the subject application are proposed to be modified in the future; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that 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.

Public Works - Development Review

- Post signage on-site indicating "right turn only" for vehicles exiting the site;
- 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;
- Full off-site improvements;
- Right-of-way dedication to include 30 feet for Mohawk Street;
- Provide paved legal access;
- Vacate any unnecessary easements.
- 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.

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 30.48 Part B of the Clark County Unified Development Code;
- 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;
- Incorporate exterior to interior noise level reduction into the building construction as required by Code for use.
- 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 owners wish to have their buildings purchased or soundproofed.

Building Department - Fire Prevention

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

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 #0392-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 40 TC-21-900766: Consider an appeal of the Zoning Administrator's decision which denied TC-21-900766 for seasonal sales, generally located on the east side of Rainbow Boulevard and the south side of Arby Avenue. MN/jvm (For possible action)

AMUNDSEN

Next is Item Forty, which is an appeal. TC21-900766 is a request to consider an appeal of the zoning administrator's decision, which denied TC21-900766 for seasonal sales, generally located on the east side of Rainbow Boulevard and the south side of Arby Avenue. Commissioners, when this applicant came in, we followed our normal procedures. However, we were – um – told that the applica - the use had commenced prior to even applying for the application. Therefore, based on some complaints that we had and based on the fact that the use had started before it was even applied for, we recommended denial and got concurrence from the Commissioner's office. The applicant has appealed that denial.

GIBSON

Thank you, Sir. Would you give us your name please and spell your last name for the clerk?

JOHN RUBBICO

My name is John Rubbico. R-U-B-B-I-C-O. I represent Holiday Sales.

GIBSON

Okay, tell us what's going on here.

RUBBICO

We had a bit of a few issues this year and – uh - I have to come here humbly ask... Uh - I never been... since Nineteen Ninety-Four, I've never been here to go t - in front of appeal before. So, this will be my first time in all the years that I've been here. We definitely had some issues – uh - that were difficult to overcome. So, I had no other knowledge of what to do. So, I put an appeal on this issue.

RUBBICO

All right. Tell us... give us a little bit more background about - about what's going on, and then we'll...

RUBBICO

We had a Christmas tree lot that was on the same exact lot that we had a pumpkin patch on the month before, but it was very late getting it signed by the landlord because they were moving dirt on the right half of the twenty acres. So, by the time that we got approval - the final approval from the

RUBBICO landlord and signed, we had already had our fence set up on the perimeter. We moved the pumpkin patch fence over to the Christmas tree side where we thought we may or may not be able to work. So that's what we did. We moved the fencing from the pumpkin patch to the Christmas tree side.

GIBSON All right. Does that complete your presentation? That tells us everything you want us to know?

RUBBICO Yes.

GIBSON All right. Thank you. This is a public hearing. Is there anyone who wishes to make comment on this I - item? Please come forward and tell us your name and spell your last name.

TOMMY WHITE

Tommy White, Laborers Local Seventy-Two. W-H-I-T-E. Um, for over fifteen years, the Laborers Union has been giving out trees and pumpkins to their members. And probably for- at least for the past ten, we have worked with Holiday Sales 'cause it just makes it a lot easier for my members to go to one place, um, instead of going down to where we used to have it on Bonanza and trees sitting there for days, or pumpkins sitting there for days. Um, we've worked with Holiday Sales for at least ten years. Our members enjoy going there. We even have some of our members that are out of work -uh - work either the pumpkin patch or the tree lot. And um - we think- we would hope that the County would actually work with him in the future on possibly getting an area maybe where we can have this maybe on a maybe a bigger - um - a bigger span for more, more members to go. Um - but we think this is very good for the community, and, and we don't wanna see this get taken away from my members or my ones that are outta work, or my retired members that go down there and - and pick up trees - uh - or pumpkins or bring their family or their grandkids. But - um - we're just here to support Holiday Sales because of the relationship that we have and because of what they do for our members. Thank you.

GIBSON Thank you. Is there anyone else who wishes to comment? The public hearing is closed. Commissioner Naft, I refer the matter to you.

NAFT Thank you, Mr. Chair. Um - I guess let me just ask for clarification. This is – uh – uh - for- to staff, this is essentially a moot point. This item, right? The time has passed.

AMUNDSEN A - actually, this - this is essentially a moot point. Um – the - the point also that I would like to make is that we don't generally deny these holiday sales. The issue - um... And Mr. Rubbico has gotten a lot of approvals for Holiday Sales. He did-

NAFT Mm-hmmm.

AMUNDSEN - throughout both the Halloween season and the Christmas season. He did get his approvals, but he has also moved on to sites without approval. He has

AMUNDSEN

graded properties that were not zoned appropriately. This one, we got complaints before we even got the application. So as a zoning administrator and - and coordinating with you-

NAFT

Mm-hmm. Yup.

AMUNDSEN

- we determined that this particular site was not appropriate. That being noted, Mr. Rubbico did get a lot of approvals to be able to do his Holiday Sales. So, this point is moot on this, but I do wanna make it clear to the Commissioners that we did not deny all of his applications. We just wanted to make sure that they were processed appropriately and that the application was put in prior to him commencing the use-

NAFT

Yup.

AMUNDSEN

- as every other holiday sale or temporary commercial use does do.

NAFT

And to your point, at the end of the day, the decision was mine. And a lot of that came from - um - what happened on the - on this particular site at the pumpkin patch encroaching on neighbors - um - some of what we saw on that specific site. But I think the applicant knows that - uh - there's been issues probably in every Commission district here in the County, certainly in the Southwest and in my district in particular. Um - but I don't think it's par - it's very fair to say that the County's not been a good partner. I think we're your best partner you have. We've been allowing you to do this all over town, all over the County for many, many years, even with problems almost on - on every site almost every single year. So - uh - the - the ACTION: here today has no bearings on your future. Uh - I have sat down with you on numerous occasions. The only thing I've asked is that you come early, you help explain what's going on, and then you follow through with what you say you're gonna do. Uh - and that extends - uh - that courtesy extends to our staff here. Uh - you can't come in at the last minute, even, even though we know when Christmas is every year, we know when Halloween is every year - uh - and expect staff to drop everything and - uh - move, move for your approvals. So, we'll continue to work with you. My motion would be to uphold the denial. Um - but I would be clear that that has no bearing on future applications. You can come in here. We expect you to come in here again early and often. And - uh - appreciate you doing business in the County, but - uh - know that you have to do it the right way. And that's certainly in my district, and I'm sure I can speak for everybody - um - here. So that would be my motion to - uh - uphold the denial - um - of Item Forty.

GIBSON

Okay. And Commissioner Jones, did you have a comment?

JONES

Yes. Uh - thank you, Mr. Chair. And I would just echo - uh - my colleague, Commissioner Naft's - uh - concerns. Again, Halloween doesn't come up - uh - out of - out of nowhere, Christmas doesn't come up outta nowhere. You know that - uh - in October - um - you asked me for help. And in fact, Mr. White (laughs) was there for it. Um - and without any approvals, went forward with

JONES

grading a property and putting up an entire carnival with lights shining into the neighbor's yards. Um – and – uh - it was a big problem. It was a big problem for me as a result of – uh - what you did. Um - and so, again, this is not a "you don't ever get a permit again," but you gotta do it the right way. We certainly understand people want pumpkins, people want Christmas trees, but you gotta do it the right way.

KIRKPATRICK

Mr. Chair, can I ask a question? So why wouldn't he offer to withdraw it and then it's kinda the same thing or, what - how does that work? I - I'm just wondering.

NAFT

You're asking why the applicant doesn't withdraw?

KIRKPATRICK

Uh-huh.

NAFT

Well, I don't - I was - I don't know why he is here, because Chris - Christmas has come and gone. I - I mean, that's- I suppose that's up to him, but...

RUBBICO

I believe that once you put the appeal and you had to show up. I'm not gonna put the appeal and not show up. It'll look worse on me.

NAFT

Sure.

RUBBICO

I'll tighten it up in Twenty Twenty-Two. Some of the things happened that I didn't want to happen this year. Yes, I made a couple mistakes. I'll be humble and admit it, but I wasn't trying to insult anybody or go over anybody's head – or - or it nicks anybody in any way, shape, or form. I'll tighten it up in Twenty Twenty-Two. I give the town a very good operation. My operations are good. I had some logistical issues this year that were... I was misguided and misjudged and made some- my own decisions that weren't good. So, I humbly apologize to everybody. In Twenty Twenty-Two, I'll get approvals as quick as I can. With developments going on and things going on, and this economy being so good, it- you get bounced around in my business.

NAFT

Yeah.

RUBBICO

And this year I got the big bounce around and, unfortunately, it ended up at the County shoulders. So, I'll admit all my faults, and I'll do better in Twenty Twenty-Two. I just want everybody to know my business is based on high school kids. And I hire as many high school kids as I can in this town, from artists to kids that ride motorcycles that do different things. I give them their very first job, and a lot of them. So, what I do for this town is very good. Maybe the - most people don't know what I do, but that's what I really do in this town. So, I'll tighten it up in Twenty Twenty-Two and try to give the County and Zoning more respect as early as I can.

NAFT

Mr. Warhola, can the applicant at this time withdraw?

WARHOLA

Yes, I mean, he can withdraw it, or you can -

RUBBICO I'd like to withdraw my application this time, please.

GIBSON So, you - he would withdraw his appeal? Because that's the only thing in front of us. You would withdraw your appeal, is that what you're saying?

RUBBICO Yes, Mr... Yes, Commissioner. Yes.

GIBSON All right.

RUBBICO I'd like to withdraw my appeal.

KIRKPATRICK And - and February is a good month to start planning for October. (laughing)

GIBSON All right. So, since the appeal is withdrawn, is there action to be taken? Do we have to consent to that?

WARHOLA No, no action's necessary.

GIBSON All right. Thank you very much, sir.

RUBBICO Thank you very much.

GIBSON Consider your hand slapped.

ITEM NO. 41 AG-21-900819: That the Board of County Commissioners discuss whether to initiate a zone boundary amendment for a portion of the Paradise Palms neighborhood to establish a Historic Neighborhood Overlay District; and direct staff accordingly. (For possible action)

AMUNDSEN Next is Item Forty-One, AG21900819 is recommendation that the Board of County Commissioners discuss whether to initiate a zone boundary amendment for a - for a portion of the Paradise Palms neighborhood to establish a historic neighborhood overlay district. Commissioners, this – um - this item is just asking for direction. If you would like us to move forward with including the rest of the Paradise Palms neighborhood in the Historic Overlay District, we will start that process, but we need direction from the board. And if Commissioner Segerblom has anything to add.

GIBSON All right. So, in - in terms of that direction, Commission Segerblom, thoughts?

SEGERBLOM Yes. Um - this is the Paradise Palms neighborhood behind the Boulevard Mall, which I think is our only historic district in the County. Um - this was being processed by the Historic Preservation Commission, Heidi Swank, and then she left to go to Minnesota. And so, they kind of dropped the ball. So, we're just gonna pick it up. But she's already gotten the votes from the neighborhood, so we're all set to go. So, we just would ask to allow our staff to follow up and go forward and improve the - the historic district.

GIBSON And that's clear?

PUBLIC COMMENT

AMUNDSEN And the last item is the last opportunity for public comments.

GIBSON Is there anyone who wishes to address the Board – uh - and public comment at this point? Please come forward, state - and state your name and spell your last

GIBSON

name. And please confine yourself to three minutes of comment.

MIKE WOLTHER

All right, you bet. My name is Mike Wolther. Uh-

GIBSON

And that's W-O-L-T-

WOLTHER

W-O-L-T-H-E-R. At – uh – Thirteen Twenty-Five Las Meadows Road – uh - Las Vegas. I'll begin. As a local homeowner, a neighborhood advocate and president of the Squire Village HOA Board for the last twelve years, I'm a little confused. The stated purpose of this TAB Board is, I quote, "To work as a liaison, providing information regarding needed public services to the County commissioners for the unincorporated areas of Clark County." We have been in contact with this Whitney TAB Board for two months and have requested their assistance in getting timely information to the Commissioners regarding our community's proposal for a much-needed community resource. Our proposal for a cornerstone multipurpose project, including safe Metro bus stop, a safe school bus stop for- with student pickup area, as well as twenty-six overflow parking spots for the busy weekend at the Wetlands Park. I have brought our proposal forward at four Commissioners meetings in the past three months. During that time, I've heard Commissioners mention to other groups how they have - how they say they have neighborhood support. They need to show the support. I have requested in person and in emails to our local TAB Board in person – uh - for our information to be considered and requested that each Board member personally go and reserve the location and compare the Duck Creek entrance as a model that could be used as the main entrance. The Metro bus loops would also go through the Du- Duck Creek location as well. Unfortunately, there has been no apparent effort by the citizen's TAB Board to relay our information and get a timely report to the Commissioners for any of the many homeowners in the communities that support this proposal. Now is the time that the TAB Board should and could make that report. There is a statement that if we not- a- are not on the agenda, we can- they can take no action, but it does not say they can't inform the Commissioners of a valid citizens group request to forward pertinent information from citizens. Please request from the TAB Board – uh – uh - an assessment of the merits and the real need for the proposals at this location. And if there is any way to forward as outlined in our win, win, win solution for all involved, to fulfill the citizen's proposal would be a true asset to the county's Wetland Park, the surrounding communities, and the LLC that is currently involved. Please ask for a timely re- report to the Commissioners for the citizens while there's still time to get negotiations fulfilled. Thank you for your consideration and, hopefully, your action on this topic.

GIBSON

Thank you, sir. I- I'm going to just make a comment to you.

WOLTHER

Please do.

GIBSON

I won't need anything back from you. But – uh - prior to the time that you first appeared before us, prior to that time, this is in my district, I had already begun a discussion along the lines that you are discussing with us.

WOLTHER Yes.

GIBSON So, we don't need the Town Board to send anything to us.

WOLTHER Hmmm.

GIBSON This item is something that is on our minds. I know that there are at least two other members of this Commission that are fully aware of and interested in what might come of the discussion. And so, just so you know, the Board is well aware. We understand the concern. We have concerns ourselves, and we will see where this goes. It is complicated. This is privately held property. There are contracts in place. So, that much, I would offer you so that you can at least report back to your membership. Thank you, sir.

WOLTHER I appreciate your comments back. Uh, you can understand our consideration that, uh, we live right next to that project. Uh, we're concerned about the, the-

GIBSON We – we understand all that.

WOLTHER Everything.

GIBSON Yeah.

WOLTHER Okay. Very good.

GIBSON Thank you.

WOLTHER Uh - thank you. I appreciate you taking a listen this morning. Uh – yesterday – one - one brief one. I brought this because I noticed that on topic yesterday, they did not have these out in the hall. They have changed the – the – the - the quarterly deal. I would like these - to leave these on hand for you people to see of what I was speaking yesterday. I usually don't speak on - on matters like this, but it was a little over pressing.

GIBSON Thank you. Just -

WOLTHER So, can I hand these to somebody?

GIBSON Yes, you could. Thank you very much.

WOLTHER Thank you very much. I appreciate it. Happy New Year, folks.

GIBSON Happy New Year to you too.

ED UEHLING Yes. Yes. My name is Ed Uehling. I – uh -

GIBSON Spell your lasy name for us, Mr. Uehling.

UEHLING U-E-H-L-I-N-G

GIBSON I love that. I love that.

UEHLING (Laughs).

GIBSON Thank you, sir.

UEHLING Okay. Uh - on Item Number Forty-One - uh - this scenario where I live, and I'm - uh, I see weird things happening in the district, like weird fences and weird - um - uh - additions to houses and so on. And I'm wondering, what is the process for - what does the County do - uh - once a historic area is - is declared? What -what happens then? Who -who is in charge of this?

GIBSON Well, obviously, you know the rules that confine us, but Commissioner Segerblom, I'm sure, would be happy to talk with you outside this meeting

UEHLING Okay.

GIBSON Is there anyone else who wishes to make comment during the public comment period? There being none, the public comment period is closed, and this meeting stands adjourned. Thank you very much.

There being no further business to come before the Board at this time, at the hour of 10:13 a.m., the meeting was adjourned.

APPROVED: /s/ James B. Gibson
JAMES B. GIBSON, CHAIR

ATTEST: /s/ Lynn Marie Goya
LYNN MARIE GOYA, COUNTY CLERK