

Board of County Commissioners

CLARK COUNTY, NEVADA

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COMMISSION CHAMBERS, GOVERNMENT CENTER
500 SOUTH GRAND CENTRAL PARKWAY
LAS VEGAS, NEVADA 89106
WEDNESDAY SEPTEMBER 6, 2023

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 6th day of September 2023, at the hour of 9:00 a.m. The meeting was called to order at 9:01 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
Tick Segerblom
Justin Jones
Marilyn K. Kirkpatrick
William McCurdy II
Ross Miller
Michael Naft

Absent:

None

Also Present:

Robert Warhola, Deputy District Attorney
Sami Real, Director, Comprehensive Planning
Antonio Papazian, Manager, Development Review
JaWaan Dodson, Senior Plan Checker
Jewel Gooden, Assistant Clerk, BCC
Michelle Hinkson, Deputy Clerk

ITEM NO. 1 Public Comment

JIM GIBSON

Good morning. We welcome you to our Zoning Meeting this morning. The first item on our agenda is public comment. We'd invite anyone who has a comment on any specific item that is on our agenda to please step forward. We'd need for you to tell us which item you're commenting upon. Please limit your comments to three minutes.

Is there anyone who wishes to make public comment on a specific agenda item? Come forward please. And you'll need to come forward and speak into the microphone.

ROY CORDERO

I'm sorry, I just need a clarification. So, we already signed a sign-up card, is that the same?

GIBSON

You signed a card that -

CORDERO

Yeah.

GIBSON

... indicates you want to speak on an item?

CORDERO

Yes, that's -

GIBSON

Yeah, you'll have the opportunity if the item is heard. Now, there are gonna be a couple of items that are not going to be heard today, that are on our agenda.

CORDERO

Okay.

GIBSON

I know that Items 58 and 59 are not going to be heard today.

CORDERO

Oh, it's not?

GIBSON

They're not.

CORDERO

Okay. So, then, can I just make a comment on it, though?

GIBSON

So, you may make a comment on something if it isn't going to be heard, yeah.

CORDERO

Okay, let me explain it. My name is Roy Cordero, I live at 10135 Prattville Avenue.

GIBSON

Please spell your last name for us.

CORDERO

Oh, C-O-R-D-E-R-O.

GIBSON

Okay.

CORDERO

Also, I represent Southern Terrace Homeowners Association. We have 908 single-family homes. The property we're talking about is adjacent to our property. This went before the Spring Valley Town Board Advisory, and they denied the develop request on all their items. We support that. We would like to see this stay as it is, or if it's changed, that they consider, you consider the density of the

CORDERO

project. They're asking for 60 units, which is a small parcel.

There's a parcel located between Patrick and Hualapai, and down to Sunset, which is having 60 units, which is three times the size of this. And you, in comparison, this property is really dense. I mean, it would be dense, it would, they're also requesting a height of 38 feet, which would then have a privacy issue to our neighbors. We've had problems with the site in terms of erosion into our neighborhoods, so that would have to be taken care of. These are the things that need to be considered when a developer comes before us. There's a traffic issue there also on Oquendo. I think the developer's asking to limit the turn there, and that would be hazard, because there is no right turn, from Oquendo ... excuse me. There's no left turn from Oquendo to Fort Apache, there's only a right turn.

So, all this has got to be mitigated and I think the Advisory Board saw that and decided not to allow any request from the developer, and we're asking the same. Okay. That's my comment. Thank you very much.

GIBSON

Thank you. Are there others who wish to make comment? Please come forward. Please state your name and spell your last name for us.

DAVID HUNTER

Hey, I'm David Hunter, H-U-N-T-E-R. I live at 5814 Field Breeze, also in the same development that Roy. I'm also a Board member with the HOA. Besides the zoning request, that we're opposed to. We are concerned, Roy mentioned about the height requirement. And the developer when he came to the Spring Valley Town Advisory Board, he mentioned that this property is graded five feet below ours. That's currently not the case. As a matter of fact, the northwest corner actually sits above our property, which causes issues with flooding as the normal flows goes from northwest to southeast. That's number one.

The developer also decides the height requirement and the privacy issues. He also proposed a dog park in the northwest corner, and a playground in the southwest corner, directly abutting our property, and we're opposed to that, for noise and smell and all kinds of issues.

When Roy mentioned Oquendo, the developer is looking for a variance in terms of the curb cut for that entrance to be closer to Fort Apache. And as Roy mentioned, you're gonna have issues with people turning off of... Fort Apache's very busy, immediately, to that, or it's an exit only to this development.

When people have to turn right, and go westbound on Oquendo, Oquendo runs through the middle of our property. And it dead ends at Grand Canyon. That's a very dangerous intersection. Commissioner Jones is helping us out already, addressing those issues with funding and plans for a revised walkway, a pedestrian walkway. So, we're very concerned about that. We think it's too dense and we'd rather see it stay commercial, but if it does revert to single-family or residential, that the privacy issues be addressed. Yeah, thank you.

GIBSON

Alright, thank you. Anyone else who wishes to speak during the public comment period?

JAYNE TUCCI

J-A-Y-N-E, Jayne Tucci, T-U-C-C-I. 5940 Poplar Tree Street. I am also on the

TUCCI

Board of Directors for the Southern Terrace HOA.

I need to get out of my complex using Oquendo, and there is a school bus that uses Oquendo to pick up and drop off children at Oquendo and Sweet Jasmine. The bus comes onto Oquendo from Fort Apache. So, he would need to make either a left or a right and go right past where that gate is proposed. That to me is very hazardous, and we have a bus full of children and the bus driver. I also agree with what Dave and Roy had to say as far as all the issues that they have concern.

I have something for Justin Jones that one of our homeowners put together, if you'd be willing to read it, can I just leave it here?

GIBSON

Just hand it over. Just hand it over the screen there -

TUCCI

Oh, there you go.

GIBSON

... or under the screen.

TUCCI

Oh. (laughs)

GIBSON

(laughs)

TUCCI

Thank you. Thank you very much.

GIBSON

Thank you. Any others, please come up.

MARK BARRIER

Mark Barrier. B-A-R-R-I-E-R. I live at 5990 Loud Colors Street. There, I am not on the HOA Board or nothing, (laughs) I'm just a home member and homeowner in there, and I basically agree with everything they say. The traffic over there, the density that you guys are trying to put in there is just ... it's crazy. We'd rather see that it stay commercial maybe a doctor's office in there, medical building or something in there and stuff, because like they're saying, there's school bus stops on Oquendo, and the cars exiting in and stuff outta there, it's just gonna be a nightmare, guys.

It's ... We appreciate, just everything you guys do and stuff, we just hope ... Keep it commercial or something, guys. Just do it. We already have too many apartments and stuff around that area. That's all I gotta say, thank you.

GIBSON

Thank you. Any others? Then, we'll close the public comment period, and we'll move onto Item Two.

ACTION:

No action was taken by the Board.

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

SAMI REAL

Good morning, Commissioners, the second item is the approval of the agenda after considering any additions or deletions of items.

Staff has the following requests which may require additional renotification fees if 85 days has passed since the initial notification or there are modifications to the

REAL

application.

Withdraw without prejudice, Item 33, ZC-23-0389.

Hold no date Item 6, AR-23-400095, for UC-0210-17.

Hold to September 20, 2023, Zoning Meeting: Item 12, UC-23-0401, Item 13, UC-23-0424, Item 14, VS-23-0349, Item 15, WS-23-0348, Item 16, TM-23-500076, Item 55, WS-23-0439. Item 58, ZC-23-0409, Item 59, VS-23-0410.

And then hold to the October 4, 2023, Zoning Meeting, Item 53, WS-23-0340.

The above public hearing items are gonna be opened as a public hearing and immediately recessed until the date as previously stated. With these deletions, which are Items 6, 12, 13, 14, 15, 16, 33, 53, 55, 58 and 59, the Zoning Agenda stands ready for your approval.

GIBSON

Thank you. Are there changes to the agenda at the pleasure of the Board? Commissioner?

TICK SEGERBLOM

Move to approve the agenda.

GIBSON

Okay. Commissioner Naft, did you have a comment? No.

There's a motion to approve the agenda. Any discussion on that motion? Please cast your votes. And the motion carries.

ACTION:

It was moved by Commissioner Segerblom, and carried by unanimous vote, that the agenda be approved.

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

REAL

The third item on the agenda is the approval of the minutes. The minutes of the August 2, 2023, Zoning Meeting are ready for approval.

GIBSON

And are there any additions or corrections to the minutes?

SEGERBLOM

Move for approval.

GIBSON

There's a motion for approval, please cast your votes. And the motion carries.

ACTION:

It was moved by Commissioner Tick Segerblom, and carried by unanimous vote, that the minutes be approved.

ROUTINE ACTION ITEMS (4 - 47)

REAL

Next are the Routine Action Items, which consist of Items 4 through 47, except any items previously deleted, and Item Number 32, which will be heard separately. These items, which may be considered together in one motion and are subject to the conditions listed with each agenda unless modified.

If there are no objections from the audience, the public hearing is now open, and

REAL the routine action portion of the agenda stands ready for your approval.

GIBSON Thank you. Commissioner Kirkpatrick.

MARILYN KIRKPATRICK Thank you, Mister Chairman. Sorry. I support the Routine Action Items; however, I would like the record to note that I'll be voting "no" on Number 11.

GIBSON I just need a motion.

SEGERBLOM Motion to approve.

GIBSON There's a motion to approve the Routine Action Items. Any comments or discussion? We note the "no" vote on Item 11. And, please cast your votes. The motion carries.

ACTION: It was moved by Commissioner Tick Segerblom, and carried by unanimous vote, that the Routine Action Items be approved; excluding Item No. 11 by Commissioner Marilyn K. Kirkpatrick.

ITEM NO. 4 DR-23-0379-WEIST, ANDREW J.:

DESIGN REVIEW for finished grade in conjunction with a proposed single family residential development on 2.1 acres in an R-E (Rural Estates Residential) (RNP-I) Zone. Generally located on the west side of Jensen Street and the north side of Verde Way within Lone Mountain. RM/jgh/syp (For possible action)

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

CONDITIONS OF APPROVAL -

Comprehensive 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.
- 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 this property is currently serviced by a septic system with regard to sewage disposal; this system falls under the jurisdiction of the Southern Nevada Health District; this property is greater than 400 feet of City of Las Vegas public sanitary sewer; and for any sanitary sewer needs, to contact the City of Las Vegas.

ITEM NO. 5 DR-23-0413-KINDRED LAKES HOSPITALITY, LLC:

DESIGN REVIEWS for the following: 1) expansion to an existing hotel; and 2) finished grade on 2.3 acres in a C-2 (General Commercial) (AE-65 & AE-70) Zone. Generally located on the east side of Nellis Boulevard, 150 feet northwest of Las Vegas Boulevard North within Sunrise Manor. MK/rk/syp (For possible action)

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

CONDITIONS OF APPROVAL -

Comprehensive Planning

- Applicant is advised that the installation and use of cooling systems that consumptively use water may be prohibited the County; 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.
- 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 #0344-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 6 AR-23-400095 (UC-0210-17)-SL FAMILY TRUST ETAL & BOYADZHAN, GEORGE TRS:

HOLDOVER USE PERMIT FIRST APPLICATION FOR REVIEW for a proposed congregate care facility.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) allow access to a residential local street; and 2) modified street standards.

DESIGN REVIEW for a proposed congregate care facility on 5.0 acres in an R-E (Rural Estates Residential) (RNP-I) Zone. Generally located on the southwest corner of Fort Apache Road and Tropical Parkway within Lone Mountain. RM/dd/syp (For possible action)

ACTION: Deleted from the agenda (held to no date certain, per Commissioner Miller).

ITEM NO. 7 AR-23-400102 (UC-22-0190)-CIRCUS CIRCUS LV LLC:

USE PERMITS FIRST APPLICATION FOR REVIEW for the following: 1) recreational facility (concerts/events); 2) live entertainment; 3) fairground; and 4) on-premises consumption of alcohol with accessory uses including food, beverage, and retail sales.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) reduce separation from live entertainment to a residential use; 2) reduce parking; 3) reduce setback from the future right-of-way (Las Vegas Boulevard South); 4) allow alternative street landscaping and screening; 5) allow landscaping and structures within the future right-of-way (Las Vegas Boulevard South); and 6) allow non-standard improvements (landscaping and fences) within the right-of-way (Las Vegas Boulevard South).

Vegas Boulevard South).

DESIGN REVIEW for a recreational facility (concert/event/fairground/live entertainment facility) and all accessory buildings and structures on a portion of 77.4 acres in an H-1 (Limited Resort and Apartment) Zone. Generally located on the south side of Sahara Avenue, west side of Las Vegas Boulevard South, north side of Circus Circus Drive, and the east side of Sammy Davis Jr. Drive within Winchester. TS/dd/syp (For possible action)

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

CONDITIONS OF APPROVAL -

Comprehensive Planning

- Until June 22, 2024, to review as a public hearing.
- Applicant is advised that they (owner) are responsible to ensure the conditions of approval of UC-22-0190 and all associated applications, including the location of the structures, are met and conveyed to the event promoters before each Temporary Commercial Event application is submitted to Current Planning; 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

- 30 days to coordinate and execute the Authorization to Enter Property with the City of Las Vegas for the Las Vegas Boulevard South/Sahara Avenue pedestrian bridge improvement project;
- Compliance with previous conditions.

ITEM NO. 8 AR-23-400106 (UC-20-0104)-MGP LESSOR, LLC:

USE PERMIT SECOND APPLICATION FOR REVIEW to waive conditions for temporary outdoor events (tailgating). DESIGN REVIEW for a temporary outdoor commercial event with temporary structures, eating and drinking areas including on-premises consumption of alcohol, retail sales, and live entertainment in conjunction with a resort hotel (Luxor Resort Hotel) on 62.8 acres in an H-1 (Limited Resort and Apartment) (AE-60) Zone. Generally located on the west side of Las Vegas Boulevard South and the north and south sides of Mandalay Bay Road within Paradise. MN/mh/syp (For possible action)

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

CONDITIONS OF APPROVAL -

Comprehensive Planning

- Remove the time limit.

Public Works - Development Review

- Compliance with previous conditions.

ITEM NO. 9 ET-23-400112 (ZC-20-0311)-BULL RUSH, LLC:

USE PERMIT SECOND EXTENSION OF TIME for off-highway vehicle, recreational vehicle, and watercraft storage. WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) eliminate landscaping; and 2) allow second story clear windows.

DESIGN REVIEWS for the following: 1) indoor off-highway vehicle, recreational vehicle, and watercraft storage

buildings; and 2) finished grade on 2.5 acres in a C-2 (General Commercial) Zone. Generally located on the west side of Cameron Street (alignment), 300 feet north of Cactus Avenue within Enterprise (description on file). JJ/tpd/syp (For possible action)

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

CONDITIONS OF APPROVAL -

Comprehensive Planning

- Until August 19, 2025, to commence;
- Enter into a Development Agreement with Clark County to mitigate impacts of the project including, but not limited to, issues identified by the technical reports and studies, and issues identified by the Board of County Commissioners.
- 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; 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.
- Applicant is advised that application VS-20-0367 is expired.

ITEM NO. 10 UC-23-0367-HARSCH INVEST PPTYS-NV II, LLC:

USE PERMIT for a personal services business (beauty salon) within an existing industrial/commercial complex on a portion of 28.3 acres within an M-1 (Light Manufacturing) Zone. Generally located on the west side of Valley View Boulevard and the north side of Desert Inn Road within Winchester. JJ/hw/syp (For possible action)

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

CONDITIONS OF APPROVAL -

Comprehensive Planning

- Applicant is advised approval of this application does not constitute or imply approval of any other County issued permit, license or approval; 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 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. 11 UC-23-0376-4380 BOULDER, LLC:

USE PERMIT for a cannabis establishment (consumption lounge) in conjunction with an existing dispensary.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) reduce separation from a school; and 2) reduce separation from a non-restricted gaming property on 4.8 acres in an M-D (Designed Manufacturing) Zone. Generally located on the south side of Boulder Highway, 775 feet north of Twain Avenue within Paradise. TS/rr/syp (For possible action)

ACTION:

It was moved by Commissioner Tick Segerblom, and carried by the following vote, that the application be approved subject to staff conditions.

VOTING AYE:	Jim Gibson, Tick Segerblom, Justin Jones, Michael Naft, Ross Miller, and William McCurdy II
VOTING NAY:	Marilyn Kirkpatrick
ABSENT:	None
ABSTAIN:	None

CONDITIONS OF APPROVAL -

Comprehensive Planning

- A valid Clark County business license must be issued for this cannabis consumption lounge establishment within 2 years of approval, or the application will expire;
- To prevent odor nuisances, an odor control plan must be submitted to the Clark County Department of Air Quality.
- Applicant is advised that this application is contingent upon obtaining a license from the State of Nevada and Clark County Business License Department; failure to abide by and faithfully comply with the conditions of approval, Clark County Code, and the provisions of the Nevada Revised Statutes or Nevada Administrative Code may result in revocation of this application; approval of this application does not constitute or imply approval of any other County issued permit, license or approval; 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.

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. 12 UC-23-0401-USA:

USE PERMITS for the following: 1) electric generating station (solar photovoltaic facility); 2) electrical substation; 3) generation intertie transmission line; 4) allow public utility structures with all accessory/ancillary structures; 5) eliminate landscaping and screening requirements; 6) eliminate trash enclosure; 7) increase the height of utility structures; 8) noise limits; and 9) allow signage.

DESIGN REVIEWS for the following: 1) electric generating station (solar photovoltaic facility); 2) electrical substation; 3) generation intertie transmission line; 4) public utility structures with all accessory/ancillary structures; 5) maintenance building and all ancillary structures and facilities; and 6) finished grade in conjunction with a proposed electric generation station, substation, and intertie transmission line on 2,400 acres in an R-U (Rural Open Land) Zone. Generally located on the south side of SR 160 and south of Trout Canyon Road within the Northwest County Planning Area. JJ/jor/syp (For possible action)

ACTION:

Deleted from the agenda (held to September 20, 2023, per Commissioner Jones).

ITEM NO. 13 UC-23-0424-USA:

USE PERMITS for the following: 1) electric generating station (solar photovoltaic facility); 2) electric substation; 3) overhead power transmission line; 4) increase the height of utility structures; 5) public utility structures with all accessory structures; 6) waive landscaping and screening requirements; 7) eliminate trash enclosure; 8) waive noise standards; and 9) allow signage in conjunction with the electric generating station and electrical substation.

WAIVER OF DEVELOPMENT STANDARDS for off-site improvements (curb, gutter, sidewalk, streetlights, and paving).

DESIGN REVIEWS for the following: 1) electric generating station (solar photovoltaic facility) 2) electrical substation; 3) overhead power transmission line; 4) maintenance and operations building; 5) public utility structures with all accessory/ancillary structures and uses; 6) final grading for a hillside development (slopes greater than 12%); and 7) finished grade on a 4,457 acre portion of a 9,487.7 acre site in an R-U (Rural Open Land) Zone. Generally located 2,800 feet southwest of SR 160 and the north side of Tecopa Springs Road (alignment) within the Northwest County Planning Area. JJ/md/syp (For possible action)

ACTION: Deleted from the agenda (held to September 20, 2023, per Commissioner Jones).

ITEM NO. 14 VS-23-0349-LONE MOUNTAIN PROPERTIES, LLC:

HOLDOVER VACATE AND ABANDON easements of interest to Clark County located between Lone Mountain Road and Red Coach Avenue (alignment), and between Hualapai Way (alignment) and Eula Street within Lone Mountain (description on file). RM/hw/syp (For possible action)

ACTION: Deleted from the agenda (held to September 20, 2023, per Commissioner Miller).

ITEM NO. 15 WS-23-0348-LONE MOUNTAIN PROPERTIES, LLC:

HOLDOVER WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) landscaping; 2) access gates; 3) off-sites; 4) driveway geometrics (sidewalks and streetlights); and 5) street geometrics.

DESIGN REVIEWS for the following: 1) finished grade; and 2) a single family detached residential subdivision on 5.4 acres in an R-E (Rural Estates Residential) Zone. Generally located on the east side of Hualapai Way (alignment), 615 feet south of Lone Mountain Road within Lone Mountain. RM/hw/syp (For possible action)

ACTION: Deleted from the agenda (held to September 20, 2023, per Commissioner Miller).

ITEM NO. 16 TM-23-500076-LONE MOUNTAIN PROPERTIES, LLC:

HOLDOVER TENTATIVE MAP consisting of 7 single family residential lots on 5.4 acres in an R-E (Rural Estates Residential) Zone. Generally located on the east side of Hualapai Way (alignment), 615 feet south of Lone Mountain Road within Lone Mountain. RM/hw/syp (For possible action)

ACTION: Deleted from the agenda (held to September 20, 2023, per Commissioner Miller).

ITEM NO. 17 VS-23-0355-BROWN, PONGSRI & BUSADEE, HATAIRAT:

VACATE AND ABANDON easements of interest to Clark County located between Kyle Canyon Road and Grand Teton Drive, and between Buena Vida Street and Reymore Street (alignment) within Lower Kyle Canyon (description on file). RM/jgh/ja (For possible action)

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

CONDITIONS OF APPROVAL -

Comprehensive 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 50 feet for Grand Teton Drive;
- Vacation to be recordable prior to building permit issuance or applicable map submittal;
- Revise legal description, if necessary, prior to recording.

ITEM NO. 18 WS-23-0356-BROWN, PONGSRI & BUSADEE, HATAIRAT:

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) right-of-way dedication; and 2) access to an arterial street.

DESIGN REVIEW for finished grade for a proposed single family residential development on 5.1 acres in an R-U (Rural Open Land) Zone. Generally located on the south side of Kyle Canyon Road, 330 feet west of Buena Vida Street within Lower Kyle Canyon. RM/jgh/ja (For possible action)

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

CONDITIONS OF APPROVAL -

Comprehensive 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;
- Execute a Restrictive Covenant Agreement (deed restrictions);
- Right-of-way dedication to include 50 feet for Grand Teton Drive.
- Applicant is advised that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals; and that Nevada Department of Transportation (NDOT) permits may be required.

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 advised to contact the Southern Nevada Health District concerning the use of an individual disposal system.

ITEM NO. 19 VS-23-0381-ARJUN HUALAPAI, LLC:

VACATE AND ABANDON easements of interest to Clark County located between Emerald Avenue (alignment) and

Russell Road, and between Boulder Highway and Hollywood Boulevard, and a portion of right-of-way being Russell Road located between Boulder Highway and Hollywood Boulevard within Whitney (description on file). JG/gc/syp (For possible action)

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

CONDITIONS OF APPROVAL -

Comprehensive 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

- Vacation to be recordable prior to building permit issuance or applicable map submittal;
- Revise legal description, if necessary, prior to recording.

Fire Prevention Bureau

- 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.

ITEM NO. 20 UC-23-0380-ARJUN HUALAPAI, LLC:

USE PERMIT for off-highway vehicle, recreational vehicle, and watercraft storage.

DESIGN REVIEWS for the following: 1) mini-warehouse facility with off-highway vehicle, recreational vehicle, and watercraft storage; 2) modifications to a previously approved commercial center; and 3) finished grade on 5.3 acres in a C-2 (General Commercial) Zone. Generally located on the northeast corner of Russell Road and Boulder Highway within Whitney. JG/gc/syp (For possible action)

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

CONDITIONS OF APPROVAL -

Comprehensive Planning

- Work with the Las Vegas Metropolitan Police Department for the installation of security cameras and surveillance operation;
- 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 this application must commence within 4 years of approval date or it will expire.

Public Works - Development Review

- Comply with approved drainage study PW22-17274;
- 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.
- Applicant is advised that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals; and that Nevada Department of Transportation (NDOT) permits may be required.

Fire Prevention Bureau

- 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 a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0424-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 21 TM-23-500082-ARJUN HUALAPAI, LLC:

TENTATIVE MAP for a 1 lot commercial subdivision on 5.3 acres in a C-2 (General Commercial) Zone. Generally located on the northeast corner of Russell Road and Boulder Highway within Whitney. JG/gc/syp (For possible action)

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

CONDITIONS OF APPROVAL -

Comprehensive 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

- Comply with approved drainage study PW22-17274;
- 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.
- Applicant is advised that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals; and that Nevada Department of Transportation (NDOT) permits may be required.

Fire Prevention Bureau

- 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 a Point of Connection (POC) request has been completed for this project; to email

sewerlocation@cleanwaterteam.com and reference POC Tracking #0424-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 22 VS-23-0387-WH PROPERTIES, LLC:

VACATE AND ABANDON a portion of right-of-way being Rosanna Street located between Oquendo Road and Patrick Lane within Spring Valley (description on file). MN/hw/syp (For possible action)

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

CONDITIONS OF APPROVAL -

Comprehensive 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

- 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 recordation of this vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

ITEM NO. 23 UC-23-0386-WH PROPERTIES, LLC:

USE PERMIT to allow kitchens within hotel guestrooms.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) architectural compatibility; 2) roof style; and 3) local street access.

DESIGN REVIEWS for the following: 1) alternative parking lot landscaping; 2) finished grade; 3) signage; and 4) a hotel in conjunction with an existing office/retail complex on a portion of 8.9 acres in a C-2 (General Commercial) (AE-60) Zone in the CMA Design Overlay District. Generally located on the east side of Rosanna Street, 215 feet south of Oquendo Road within Spring Valley. MN/hw/syp (For possible action)

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

CONDITIONS OF APPROVAL -

Comprehensive Planning

- Hotel is limited to transient guest occupancy only;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that approval of this application does not constitute or imply approval of any other County issued permit, license or approval; 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 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;
- Reconstruct any unused driveways with full 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; and that the installation of detached sidewalks will require the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way.

Department of Aviation

- Compliance with airport-related deed restrictions for APNs 163-34-601-042, 163-34-601-043, 163-34-601-044, and 163-34-601-045 which will not be removed since the parcel is located within the AE-60;
- Property to not allow stays of over 30 days, which would include customers checking out and checking back in within a 24-hour period;
- Advertisements for this location, including, but not limited to, company website(s), online travel websites, billboards, television, radio, etc., must include verbiage that this location does not allow stays over 30 days;
- Signage must be conspicuously posted at the front desk/check in counter stating, "This location does not allow stays of over 30 days." Verbiage must be legible for a customer with average, uncorrected eyesight, standing at the front desk/check in counter.

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 #0061-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 24 WC-23-400108 (WS-21-0013)-3950, LLC:

WAIVER OF CONDITIONS of a waiver of development standards requiring a drainage study and compliance in conjunction with an approved cannabis establishment (cultivation & production facility) on a portion of 4.9 acres in an M-1 (Light Manufacturing) Zone. Generally located on the north side of Tompkins Avenue, 300 feet east of Wynn Road within Paradise. MN/dd/syp (For possible action)

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

CONDITIONS OF APPROVAL -

Public Works - Development Review

- Drainage study shall be required with future development as determined by Public Works – Development Review.

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. 25 WC-23-400109 (UC-21-0011)-3950, LLC:

WAIVER OF CONDITIONS of a use permit condition requiring a drainage study and compliance in conjunction with an approved cannabis establishment (cultivation facility) on a portion of 4.9 acres in an M-1 (Light Manufacturing) Zone. Generally located on the north side of Tompkins Avenue, 300 feet east of Wynn Road within Paradise. MN/dd/syp (For possible action)

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

CONDITIONS OF APPROVAL -

Public Works - Development Review

- Drainage study shall be required with future development as determined by Public Works – Development Review.

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. 26 WC-23-400110 (UC-21-0012)-3950, LLC:

WAIVER OF CONDITIONS of a use permit requiring a drainage study and compliance in conjunction with an approved cannabis establishment (production facility) on a portion of 4.9 acres in an M-1 (Light Manufacturing) Zone. Generally located on the north side of Tompkins Avenue, 300 feet east of Wynn Road within Paradise. MN/dd/syp (For possible action)

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

CONDITIONS OF APPROVAL -

Public Works - Development Review

- Drainage study shall be required with future development as determined by Public Works – Development Review.

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. 27 WS-23-0394-BARTSAS MARY 8, LLC:

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) increase wall height; and 2) reduce driveway throat depth.

DESIGN REVIEW for a proposed mini-warehouse on 1.0 acre in conjunction with a previously approved mixed-use development in a C-2 (General Commercial) Zone. Generally located on the south side of Tropicana Avenue, 245 feet west of Nellis Boulevard within Paradise. JG/jor/syp (For possible action)

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

CONDITIONS OF APPROVAL -

Comprehensive Planning

- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised 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 this application must commence within 2 years of approval date or it will expire.

Public Works - Development Review

- Comply with approved drainage study PW23-13804.
- Applicant is advised that Nevada Department of Transportation (NDOT) permits may be required.

Fire Prevention Bureau

- 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 a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0238-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 28 WS-23-0396-MACKOVSKI, ALEXANDER:

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) landscaping; and 2) off-site improvements in conjunction with a previously approved hotel and retail development on 2.8 acres in a C-2 (General Commercial) Zone. Generally located on the east side of Las Vegas Boulevard South, 430 feet south of Cactus Avenue within Enterprise. MN/hw/syp (For possible action)

ACTION:

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

CONDITIONS OF APPROVAL -

Comprehensive Planning

- Until May 5, 2025 to commence, to correspond with ET-23-400078 (ZC-21-0119).
- Applicant is advised approval of this application does not constitute or imply approval of any other County issued permit, license or approval; 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

- Execute a Restrictive Covenant Agreement (deed restrictions).

ITEM NO. 29 WS-23-0408-RAINBOW & BLUE DIAMOND SOUTHEAST, LLC:

AMENDED WAIVER OF DEVELOPMENT STANDARDS for alternative street landscaping (previously notified as eliminating street landscaping).

DESIGN REVIEWS for the following: 1) restaurant; and 2) finished grade in conjunction with a previously approved shopping center on a portion of 8.1 acres in a C-2 (General Commercial) Zone. Generally located on the east side of Rainbow Boulevard and the south side of Blue Diamond Road within Enterprise. JJ/jud/syp (For possible action)

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

CONDITIONS OF APPROVAL -

Comprehensive Planning

- 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 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.
- 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. 30 A-23-700017-WINTERWOOD LAND DEVELOPMENT CORP:

PLAN AMENDMENT to redesignate the existing land use category from Corridor Mixed-Use (CM) to Urban Neighborhood (UN) on 1.5 acres. Generally located on the east side of Nellis Boulevard, 1,000 feet south of Charleston Boulevard within Sunrise Manor. TS/gc (For possible action)

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

ITEM NO. 31 ZC-23-0309-WINTERWOOD LAND DEVELOPMENT, CORP:

ZONE CHANGE to reclassify 1.5 acres from an R-1 (Single Family Residential) Zone to an R-4 (Multiple Family Residential - High Density) Zone.

USE PERMIT for supportive housing.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) increase building height; 2) reduce parking; and 3) allow a modified driveway design.

DESIGN REVIEWS for the following: 1) supportive housing development; and 2) allow alternative parking lot landscaping. Generally located on the east side of Nellis Boulevard, 1,000 feet south of Charleston Boulevard within Sunrise Manor (description on file). TS/rk/syp (For possible action)

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

CONDITIONS OF APPROVAL -

Comprehensive Planning

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Install an 8 foot decorative block wall or 6 foot tall decorative block wall with 2 feet of wrought iron at top for 8 feet in height along the north boundary;
- Install an 8 foot tall wrought iron fence on the south and east boundaries;
- Incorporate Pyracantha or other defensive bushes within the landscape area;
- Install parking lot lighting with a minimum pole height of 15 feet;
- Employee on-site 24 hours, 7 days a week;
- Work with the Las Vegas Metropolitan Police Department for the installation of external security cameras and surveillance operation;
- 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 use permit, 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;
- Traffic study and compliance;
- Coordinate with Public Works - Roads Division for access to the channel.
- Applicant is advised that off-site improvement permits may be required; and that Nevada Department of Transportation (NDOT) permits may be required.

Fire Prevention Bureau

- Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features.
- Applicant is advised to show on-site fire lane, turning radius, and turnarounds; and that fire/emergency access must comply with the Fire Code as amended.

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 #0031-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 32 ZC-23-0378-VLV1, LLC ETAL & VLV2, LLC:

ZONE CHANGE to reclassify 40.1 acres from an R-T (Manufactured Home Residential) Zone to an H-1 (Limited Resort and Apartment) Zone.

USE PERMITS for the following: 1) High Impact Project; 2) multiple family development; and 3) allow all commercial uses listed on file.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) building height; 2) parking; 3) setbacks; 4) building separation; 5) street landscaping; 6) landscaping adjacent to a less intensive use; 7) allow modified driveway design standards; and 8) allow non-standard improvements within the right-of-way.

DESIGN REVIEWS for the following: 1) multiple family development (apartments); 2) commercial uses and services; and 3) alternative parking lot landscaping on 48.2 acres in an H-1 (Limited Resort and Apartment) Zone. Generally located on the west side of Las Vegas Boulevard South and the north side of Richmar Avenue within Enterprise (description on file). MN/rk/syp (For possible action)

REAL

The next item on the agenda is Item 32, ZC-23-0378. Zone change to reclassify 40.1 acres from an R-T Manufactured Home Residential Zone to an H-1 Limited Resort and Apartment Zone. Use permits for the following: high impact project,

REAL

multiple family development, and allow all commercial uses listed on file.

Waivers of development standards for the following: building height, parking setbacks, building separation, street landscaping, landscaping adjacent to a less intensive use, allow modified driveway standards and allow non-standard improvements within the right-of-way.

Design reviews for the following: multifamily development apartments, commercial uses and services; and alternative parking lot landscaping on 48.2 acres in an H-1 Limited Resort and Apartment Zone generally located on the west side of Las Vegas Boulevard South, and the north side of Richmar Avenue within Enterprise.

GIBSON

Good morning.

LUCY STEWART

Good morning. Lucy Stewart, 1930 Village Center Circle, representing the item. And with me, in the audience, is Mister Mike Ochoa, who is building this project. And this is 48 acres located at the southwest corner of Serene and Las Vegas Boulevard. And if you can see here, this is the drainage channel that sorta separates it from the Boca Raton development, and then it runs through out to I-15.

The total number of residential units is 1,156. However, there are five different product types, and that's what these colors represent. This area here that's the blank color though is the sports clubhouse for the entire project. (crosstalk) It's 18,000 square feet, and it contains amenities like a gym, indoor sport court, spa, sauna, steam, video gaming, a movie theater social event bar and event party room, a shared kitchen, golf simulator, and they'll probably end up programming additional items. Adjacent to Las Vegas Boulevard are four buildings. There's retail on the first floor and then four levels above them of residential.

This is the, it's they, call it low to mid-rise, what we would've called mixed use before, but that's no longer existing. So, the retail's anticipated to be typical uses that would be found in a shopping center, such as restaurants, a tavern, a health club, and small retail like grocery or convenience store. Parking is provided on the first floor in a podium for the tenants of the apartments. And then there's surface parking around the front for the retail visitors.

We also have multi-family type that's a cottage style along this area. And it's designed as small, attached homes with one bedroom, one bath, up to three bedrooms and two baths. They have a private yard and a private attached garage, and they're separated from another unit by a yard.

Here, this area here is the multifamily bungalow style. They're a little bit larger units. There's 126 of them. They're two bedroom, two bathroom, and we go up to four bedrooms in that. And then we have this sort of orangy gold color, this would be your standard walk-up apartments that you'd see anywhere. And then along the west is a row attached, look like townhouses. There's a garage on the first floor and then two levels above is the living area.

And, to be brief, the one thing that I think though is really interesting and great

STEWART

about this, this area outside of what would be the mixed-use area, is gated. That's for security for the tenants. Of course, there's gated to get into the garages, so there's protection for those, but of course that has to be open because we do have retail in that area.

But the one thing I think is very unique about this project, is that if I live over here in the townhouse and I wanna come and use the pool or the amenities in the, mid-rise, I can. And if I'm in the mid-rise and I wanna come and do a barbecue here in the walk-up apartments, I can. So, there's ability to go back and forth between all of the product types and use all the amenities. So, even though there's different product types, it's all designed to be one community. So, you could start out here if you're single and then you get married and have kids, and move to the bungalow or the cottages, and you could stay here and be in this area if this is the area that you wanna be, and this type of product. So, that's sort of my CliffsNotes version of it, and I'm happy to answer any questions.

GIBSON

Thank you. Is there one-anyone here who wishes to speak on Item 32? This is a public hearing. The public hearing is closed. Commissioner Naft.

MICHAEL NAFT

Thank you, Mister Chairman. I guess just first of all, it's a huge credit to the team who's bringing this, that there isn't anybody here because this project has been one that we've been working on for probably 18 months to two years and had some impacts that you all have managed really well. So, Mister Ochoa, that's credit to you, and I thank you for that.

The reason that I had asked this item to be pulled from the routine action agenda is because I understand that you've worked with our Director of Affordable Housing on a couple of conditions. I'll read the conditions into the record and let me know if there's any comment you have on any of them.

There'll be a deed restriction splitting the income and rent limits for 20 affordable units, in that those units shall be restricted for 30 years beyond the first year the rental income is collected on the units. The AMI of 10 of the units will be 40% and 10 of the units at 60%. They will be a mix between product types.

Affordable units shall be comparable quality and construction to the rest of the units in the development and mixed throughout the development. AMI and associated rents are determined by HUD. The property management will work with a local nonprofit or Clark County to identify potential tenants and screen income, but resident income should be verified annually. If the income of an affordable unit tenant increases above the allowed level, the property management shall give the tenant 120 day notice to vacate and should do their best to assist the tenant find an alternative unit where monthly rent is 30% of their new income level.

And finally, we will work with our affordable housing office, throughout this process, throughout the development agreement process, if needed.

MICHAEL OCHOA

I agree, Commissioner Naft. Michael Ochoa-

NAFT

Thank you.

OCHOA ...901 North Green Valley Parkway.

NAFT Thank you very much. Thank you for offering that up and for working with us on it. And, with that, I move for approval of Item 32.

GIBSON Thank you. There's a motion for approval of Item 32 with the added conditions that have been read into the record this morning. Any discussion on the motion? Please cast your votes. And that motion carries.

STEWART Thank you.

GIBSON Thank you very much.

OCHOA Thank you.

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

CONDITIONS OF APPROVAL -

Comprehensive Planning

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Deed restriction stipulating the income and rent limits for the 20 affordable units and that those units shall be restricted for 30 years beyond the first year that rental income is collected on the units;
- The Area Median Income (AMI) of 10 of the units will be 40% and 10 of the units will be 60%;
- There will be a mix between product types;
- Affordable units shall be comparable quality and construction to the rest of the units in the development, and mixed in throughout the development;
- AMI and associated rents are determined by HUD;
- Property management will work with a local non-profit or the County to identify potential tenants and screen income, but resident income should be verified annually;
- If the income of an affordable unit tenant increases above the allowed level, the property management shall give the tenant 120 day notice to vacate and should do their best to assist the tenant find an alternative unit where monthly rent is 30% of their new income level;
- Prior to the issuance of building and grading permits, or subdivision mapping, mitigate the impacts of the project including, but not limited to, issues identified by the technical reports and studies, and issues identified by the Board of County Commissioners or commit to mitigating the impacts of the project by entering into a Development Agreement with Clark County;
- Design review as a public hearing for lighting and signage;
- Developer to provide open areas with playground equipment/structures for children;
- Developer to provide noise disclosure to future residents;
- Developer to provide parking equipped for electric vehicles where appropriate;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the project must be compliant with NRS 118b; that approval of this application does not constitute or imply approval of a liquor or gaming license or any other County issued permit, license or approval; 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 use permits, 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;
- Traffic study and compliance;
- Full off-site improvements;
- Execute a License and Maintenance Agreement for any non-standard improvements within the right-of-way.
- 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 non-standard improvements in the right-of-way.

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 at landuse@lasairport.com 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.

Fire Prevention Bureau

- Applicant to Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features.
- 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; and that fire/emergency access must comply with the Fire Code as amended.

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 #0126-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 33 ZC-23-0389-SORIANO, IGNACIO ALMANZA:

ZONE CHANGE to reclassify 0.4 acres from an R-2 (Medium Density Residential) Zone to a C-1 (Local Business) Zone for a future commercial development. Generally located on the east side of Philmar Avenue, 150 feet south of Tropicana Avenue within Paradise (description on file). JG/gc/syp (For possible action)

ACTION: Deleted from the agenda (withdrawn without prejudice)

ITEM NO. 34 ZC-23-0415-GWEDA HOLDING LIMITED PARTNERSHIP:

ZONE CHANGE to reclassify 4.0 acres from an R-E (Rural Estates Residential) Zone to a C-1 (Local Business) Zone. WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) increase wall height; 2) driveway departure distance; and 3) driveway throat depth.

DESIGN REVIEWS for the following: 1) alternative parking lot landscaping; and 2) a shopping center. Generally located on the southwest corner of Rainbow Boulevard and Shelbourne Avenue within Enterprise (description on file). JJ/jor/syp (For possible action)

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

CONDITIONS OF APPROVAL -

Comprehensive Planning

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area;
- 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;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 25 feet to the back of curb for Shelbourne Avenue, 25 feet to the back of curb for Camero Avenue and associated spandrels;
- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements 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.

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 #0239-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 35 VS-23-0416-GWEDA HOLDING LIMITED PARTNERSHIP:

VACATE AND ABANDON easements of interest to Clark County located between Shelbourne Avenue and Camero Avenue (alignment) and between Rainbow Boulevard and Montessori Street and a portion of a right-of-way being Rainbow Boulevard located between Shelbourne Avenue and Camero Avenue (alignment) within Enterprise (description on file). JJ/jor/syp (For possible action)

ACTION:

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

CONDITIONS OF APPROVAL -

Comprehensive 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 25 feet to the back of curb for Shelbourne Avenue, 25 feet to the back of curb for Camero Avenue and associated spandrels;
- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Rainbow Boulevard improvement project;
- Coordinate with Public Works - Development Review Division regarding the purchase of the vacated right-of-way;
- 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 back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

ITEM NO. 36 ZC-23-0421-VENTO GAIL ETAL & GAGLIARDI LIVING TRUST:

ZONE CHANGE to reclassify 5.0 acres from an R-E (Rural Estates Residential) Zone to an R-2 (Medium Density Residential) Zone.

DESIGN REVIEW for a single family residential development. Generally located on the south side of Windmill Lane, 300 feet east of Cimarron Road within Enterprise (description on file). JJ/rr/syp (For possible action)

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

CONDITIONS OF APPROVAL -

Comprehensive Planning

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Single story homes only on lots adjacent to the R-E (RNP-I) zoned parcels to the south;
- 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;
- 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 design review must commence within 4 years of approval date or it will expire.

Public Works - Development Review

- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 45 feet to the back of curb for Windmill Lane.
- 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.

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 #0237-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 37 VS-23-0422-VENTO GAIL ETAL & GAGLIARDI LIVING TRUST:

VACATE AND ABANDON easements of interest to Clark County located between Windmill Lane and Camero Avenue, and between Cimarron Road and Warbonnet Way within Enterprise (description on file). JJ/r/syp (For possible action)

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

CONDITIONS OF APPROVAL -

Comprehensive 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 Windmill Lane;
- 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 back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

ITEM NO. 38 TM-23-500088-VENTO GAIL ETAL & GAGLIARDI LIVING TRUST:

TENTATIVE MAP consisting of 36 residential lots and 4 common lots on 5.0 acres in an R-2 (Medium Density Residential) Zone. Generally located on the south side of Windmill Lane, 300 feet east of Cimarron Road within Enterprise. JJ/r/syp (For possible action)

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

CONDITIONS OF APPROVAL -

Comprehensive 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;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 45 feet to the back of curb for Windmill Lane.
- 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.

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 #0237-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 39 ZC-23-0435-IHC HEALTH SERVICES, INC.:

ZONE CHANGE to reclassify 9.3 acres from an R-E (Rural Estates Residential) Zone to a C-P (Office and Professional) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) increase building height; 2) allow zero percent of the total property frontage be occupied by buildings; and 3) reduce driveway throat depth.

DESIGN REVIEW for an office building in the CMA Design Overlay District. Generally located on the northeast corner of Badura Avenue and Gagnier Boulevard within Spring Valley (description on file). MN/gc/syp (For possible action)

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

CONDITIONS OF APPROVAL -

Comprehensive Planning

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Future development on the site shall have at least one building located within 100 feet of the front property line;
- 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;
- 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 review must commence within 2 years of approval date or they will expire.

Public Works - Development Review

- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 35 feet to the back of curb for Badura Avenue, 25 feet to the back of curb for Agilysys Way, 25 feet to the back of curb for Maule Avenue and associated spandrels;
- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Maule Avenue/Badura Avenue improvement project.
- Applicant is advised that the installation of detached sidewalks will require dedication to back of curb, the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

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 #0241-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 40 VS-23-0436-IHC HEALTH SERVICES, INC.:

VACATE AND ABANDON easements of interest to Clark County located between Maule Avenue and Badura Avenue, and between Agilysys Way and Gagnier Boulevard; a portion of right-of-way being Gagnier Boulevard located between Maule Avenue and Badura Avenue; and a portion of right-of-way being Badura Avenue located between Agilysys Way and Gagnier Boulevard within Spring Valley (description on file). MN/gc/syp (For possible action)

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

CONDITIONS OF APPROVAL -

Comprehensive 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 Badura Avenue, 25 feet to the back of curb for Agilysys Way, 25 feet to the back of curb for Maule Avenue and associated spandrels;
- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Maule Avenue/Badura Avenue improvement project;
- 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 recordation of this vacation of excess right-of-way, the dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

ITEM NO. 41 ORD-23-900319: Conduct a public hearing on an ordinance to consider adoption of a Development Agreement with Khusrow Roohani Family Trust Et Al, Roohani Khusrow TRS, and Mak Zak, LLC for a single family residential development on 5.0 acres, generally located north of Frias Avenue and west of Cameron Street within Enterprise. JJ/jm (For possible action)

ACTION: It was moved by Commissioner Tick Segerblom, and carried by unanimous vote, that the recommendation (including the adoption of Ordinance No. 5066) be approved.

ITEM NO. 42 ORD-23-900329: Conduct a public hearing on an ordinance to consider adoption of a Development Agreement with South Paw Resort Center, LLC for a kennel with retail on 0.9 acres, generally located north of Pyle Avenue and east of Ullom Drive within Enterprise. JJ/jm (For possible action)

ACTION: It was moved by Commissioner Tick Segerblom, and carried by unanimous vote, that the recommendation (including the adoption of Ordinance No. 5067) be approved.

ITEM NO. 43 ORD-23-900338: Conduct a public hearing on an ordinance to consider adoption of a Development Agreement with NV LAS DEC, LLC for a data center with electric substation on 30.0 acres, generally located north of Maule Avenue and west of Jones Boulevard within Enterprise. MN/dd (For possible action)

ACTION: It was moved by Commissioner Tick Segerblom, and carried by unanimous vote, that the recommendation (including the adoption of Ordinance No. 5068) be approved.

ITEM NO. 44 ORD-23-900340: Conduct a public hearing on an ordinance to consider adoption of a Development Agreement with KB Home Las Vegas, Inc. for a single family residential development on 15.3 acres, generally located north of Martin Avenue and east of Quarterhorse Lane within Spring Valley. JJ/dd (For possible action)

ACTION: It was moved by Commissioner Tick Segerblom, and carried by unanimous vote, that the recommendation (including the adoption of Ordinance No. 5069) be approved.

ITEM NO. 45 ORD-23-900352: Conduct a public hearing on an ordinance to consider adoption of a Development Agreement with NV LAS NAP 14-16 LLC and NV LAS DEC, LLC for a data center complex on 51.5 acres, generally located north of Badura Avenue and east of Jones Boulevard within Enterprise. MN/jm (For possible action)

ACTION: It was moved by Commissioner Tick Segerblom, and carried by unanimous vote, that the recommendation (including the adoption of Ordinance No. 5070) be approved.

ITEM NO. 46 ORD-23-900358: Conduct a public hearing on an ordinance to consider adoption of a Development Agreement with LV Tee Pee Road One LLC for a single family residential development on 2.5 acres, generally located north of Meranto Avenue and east of Newbattle Street within Enterprise. JJ/jm (For possible action)

ACTION: It was moved by Commissioner Tick Segerblom, and carried by unanimous vote, that the recommendation (including the adoption of Ordinance No. 5071) be approved.

ITEM NO. 47 ORD-23-900365: Conduct a public hearing on an ordinance to consider adoption of a Development Agreement with AMH NV15 Development LLC for a single family residential development on 1.9 acres, generally located north of Chartan Avenue and east of Buffalo Drive within Enterprise. JJ/jm (For possible action)

ACTION: It was moved by Commissioner Tick Segerblom, and carried by unanimous vote, that the recommendation (including the adoption of Ordinance No. 5072) be approved.

ITEM NO. 48 VS-23-0359-RODRIGUEZ, MANUEL & ELVA:
VACATE AND ABANDON easements of interest to Clark County located between Fort Apache Road and Dapple Gray Road (alignment), and between Stange Avenue and Craig Road within Lone Mountain (description on file). RM/al/syp (For possible action)

REAL Commissioners, next on the agenda is Item 48, VS-23-0359, vacate and abandon easements of interest to Clark County located between Fort Apache Road and Dapple Gray Road alignment, and between Stange Avenue and Craig Road within Loan Mountain.

Item 49, WS-23-0358, waiver of development standards for the following: landscaping, wall height, street intersection off-site, street width and off-site improvements. Design reviews for the following: single-family residential development and finished grade on five acres in an R-E Rural Estates Residential RNP-1 zone, generally located on the northeast corner of Fort Apache Road and

REAL Craig Road within Lone Mountain.

And then last, TM, Item 50, TM-23-500079, tentative map consisting of eight single-family residential lots, and common lots on five acres, in an R-E Rural Estates Residential RNP-1 zone, generally located on the northeast corner of Fort Apache Road and Craig Road, within Lone Mountain.

SUSAN FLORIAN Good morning, County Commissioners, my name is-

GIBSON Excuse me one minute.

FLORIAN Sorry.

GIBSON Just one minute while we confer.

REAL These were previously requested to be held and then were not held, so we're hearing them.

GIBSON Okay, so the record needs to reflect that the agenda was approved without the hold being approved for 48, 49 and 50.

REAL Correct.

GIBSON Okay. Alright. Good morning.

REAL We did not read in 48, 49 and 50 into list of holds.

GIBSON Alright. Good morning.

FLORIAN Good morning. My name is Susan Florian from Taney Engineering, 630 South Jones Boulevard, here on behalf of the applicant.

So, the subject parcel that we have here is 5.10 acres. It is north of Craig Ranch Road, and east of South Fort Apache Road.

We are requesting to allow for a development of an eight lot gated, single-family residential subdivision. The density is 1.5 lots per acre. The lots range from 20,000 square feet to 23,177 square feet, with an average lot of 21,403 square feet. All lots will be accessed through Dapple Gray Road via a 39 foot private street which terminates in a cul-de-sac. The homes will be custom built but not yet have been designed.

The adjacent properties to the northeast, south and west are zoned R-E, rural estates residential. These properties are also within the RNP 1, the hard rural neighborhood preservation. They also have a planned use of RN, ranch estate neighborhood.

So, we are requesting the following waivers. The first waiver is for detached sidewalks along Craig Road and Dapple Gray. This is just to preserve the rural standards that it currently holds. There have been capital improvements done on Fort Apache Road. The second waiver is for alternative landscaping. This will

FLORIAN

have a six foot buffer along all sides of Fort Apache, Craig Road and Dapple Gray. And then, the third waiver is to allow a 39 foot street instead of a 40 to have 30 inch modified roll curbs.

The fourth waiver is for a wall height. This is to request a total of the 11 foot screen wall and five foot maximum retaining, along the north property line. This is for adequate drainage. And then, for the design review, we're asking for an excess fill of five feet, where three maximum is allowed. The excess fill will be needed for lots five, seven and eight, to ensure adequate drainage for the site.

We appreciate staff's recommendation for approval on these for waivers, however staff did recommend denial on the development standards number five, which is the off-site improvements. This request was to waive off-site improvements along Craig Road.

This is for it to maintain in its rural standards. At Town Board, we did agree to add a landscape, 20 feet on center, along Fort Apache, Craig Road and Dapple Gray in- instead of 40. I am grateful that they recommended approval, and respectfully ask that you approve this item. And with that, I am happy to answer any questions that you may have.

GIBSON

Thank you. This is a public hearing, is there anyone here who wishes to speak on these items which are Items 48, 49 and 50? There being no one, the public hearing is closed. Commissioner Miller.

ROSS MILLER

Thank you. You noted that on waiver number five, regarding the offsite improvements that there was a recommendation from staff for denial. Are you willing to work with Public Works on a possible contribution to offset the potential requirement?

FLORIAN

Yes, yeah. These off-site improvements were just to keep the rural standards of the road by not adding, like, curbside walk and gutter. But yes, I would be happy to work with Public Works.

MILLER

Okay, okay. That said, I move for approval of Agenda Items Number 48 and 50, with the modification for waiver of development standard number five on agenda Item Number 49. Noting that the applicants should work with Public Works on making a contribution to offset the requirements for the waiver of the offsite improvements.

GIBSON

There's a motion for approval, on Items 48, 49 and 50, as noted by Commissioner Miller in his motion. Any discussion on that motion? Please cast your votes. The motion carries. Thank you.

FLORIAN

Thank you so much, Commissioners.

ACTION:

It was moved by Commissioner Ross Miller, and carried by unanimous vote, that applications for Item Nos. 48, 49 and 50 be approved, subject to staff and additional conditions.

CONDITIONS OF APPROVAL -

Comprehensive 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 50 feet for Fort Apache Road, 40 feet for Craig Road, 30 feet for Dapple Gray Road and associated spandrels;
- Vacation to be recordable prior to building permit issuance or applicable map submittal;
- Revise legal description, if necessary, prior to recording.

Fire Prevention Bureau

- 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.

ITEM NO. 49 WS-23-0358-RODRIGUEZ, MANUEL & ELVA:

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) landscaping; 2) wall height; 3) street intersection off-set; 4) street width; and 5) off-site improvements.

DESIGN REVIEWS for the following: 1) single family residential development; and 2) finished grade on 5.0 acres in an R-E (Rural Estates Residential) (RNP-I) Zone. Generally located on the northeast corner of Fort Apache Road and Craig Road within Lone Mountain. RM/al/syp (For possible action)

ACTION:

It was moved by Commissioner Ross Miller, and carried by unanimous vote, that applications for Item Nos. 48, 49 and 50 be approved, subject to staff and additional conditions.

CONDITIONS OF APPROVAL –

Comprehensive Planning

- 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 this application must commence within 4 years of approval date or it will expire.

Public Works - Development Review

- Applicant to pay a contribution for local roadway, drainage, or trail related improvements in District C in lieu of constructing full off-site improvements as determined by Public Works;
- 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;
- Right-of-way dedication to include 50 feet for Fort Apache Road, 40 feet for Craig Road, 30 feet for Dapple Gray Road and associated spandrels;
- Clark County Fire Prevention approval of reduced street width.
- 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.

Fire Prevention Bureau

- 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 CCWRD does not provide sanitary sewer service in this portion of the unincorporated county; and 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. 50 TM-23-500079-RODRIGUEZ, MANUEL & ELVA:

TENTATIVE MAP consisting of 8 single family residential lots and common lots on 5.0 acres in an R-E (Rural Estates Residential) (RNP-I) Zone. Generally located on the northeast corner of Fort Apache Road and Craig Road within Lone Mountain. RM/al/syp (For possible action)

ACTION:

It was moved by Commissioner Ross Miller, and carried by unanimous vote, that applications for Item Nos. 48, 49 and 50 be approved, subject to staff and additional conditions.

CONDITIONS OF APPROVAL -

Comprehensive 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

- Applicant to pay a contribution for local roadway, drainage, or trail related improvements in District C in lieu of constructing full off-site improvements as determined by Public Works;
- 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;
- Right-of-way dedication to include 50 feet for Fort Apache Road, 40 feet for Craig Road, 30 feet for Dapple Gray Road and associated spandrels;
- Clark County Fire Prevention approval of reduced street width.
- 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.

Fire Prevention Bureau

- 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 CCWRD does not provide sanitary sewer service in this portion of the unincorporated county; and 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. 51 WC-23-400103 (ZC-0008-98)-FEDEX FREIGHT, INC.:

WAIVER OF CONDITIONS of a zone change requiring a B-2 landscaping buffer along Lamb Boulevard across from existing M-D and M-1 zoned property in conjunction with an existing freight terminal on a portion of 19.7 acres in an M-D (Designed Manufacturing) and an M-1 (Light Manufacturing) Zone. Generally located on the east side of Lamb Boulevard, 773 feet north of Craig Road within Sunrise Manor. MK/hw/syp (For possible action)

REAL

Next are Items 51 and 52. Item 51, WC-23-400103, waiver of conditions of a zone change requiring a B-2 landscaping buffer along Lamb Boulevard across from existing M-D and M-1 zoned property, in conjunction with an existing freight terminal on a portion of 19.7 acres in an MD design manufacturing and an M-1 light manufacturing zone, generally located on the east side of Lamb, 773 feet north of Craig Road, within Sunrise Manor.

Item 52, WS-23-0390, waivers of development standards for the following: landscaping and driveway geometrics. Design reviews for the following: finished grade in parking lot, in a parking lot in conjunction with an existing freight terminal on a portion of 19.7 acres in an M-D designed manufacturing zone, and an M-1 light manufacturing zone, generally located on the east side of Lamb Boulevard, 773 feet north of Craig Road, within Sunrise Manor.

GIBSON

Good morning.

LEIF VAN ACKER

Good morning. Leif Van Acker with Kimley-Horn. 6671 Las Vegas Boulevard South, representing FedEx. This project is an addition to a parking lot for an existing FedEx rate facility. The existing facility's on the north here. And we're proposing additional employee parking on the west side, and additional trailer and truck parking and van parking in this area to the east. We're requesting design reviews for the addition of the parking lot as well as approval to increase the finished grade over the required 36 inches.

We're also requesting waiver of development standards for reduced parking lot landscaping in the truck court and alternative street landscaping as well as a throat depth reduction, which has been worked through with Clark County Public Works. And then there is also a waiver of conditions for the condition for 20 feet of street landscaping along North Lamb Boulevard that was approved with the zone change previously.

The Town Board moved to approve this with conditions, and then, last week, with a discussion with Marilyn Kirkpatrick, we discussed adding additional landscaping adjacent to the truck courts, to aid with the heat island effect.

GIBSON

Does that complete your presentation?

VAN ACKER

Yes.

GIBSON Thank you. This is a public hearing on Items 51 and 52, is there anyone who is here who wishes to address or speak on these items in this meeting? There being no one, the public hearing is closed. Commissioner Kirkpatrick.

KIRKPATRICK Thank you, Mister Chairman, and thank you for meeting with me and hearing my concerns about the heat island. 'cause we we're trying to, especially on the east side, make sure that we don't increase that. So, if Public Works truly is okay with throat depth, 'cause I've never waived them (laughs), then I'll go ahead and make a motion. You're good?

Okay. So, with that, I'm gonna make a motion for approval with the following conditions: One, that you must submit an alternative landscaping plan. That the mesh must be maintained. You know how I feel about that mesh over there. That there be a minimum of 10 foot strip of landscaping, and allow for a minimum of shrubs in, wherever you wanna put it, on the back wall, so that we have the screening ability. And that you put cameras and that are met with Metro's, wherever they tell you to put them. Is that clear for staff?

And the reason why I say an alternative landscaping plan, because we wanna look at it to see. What I will tell you, if you look where all this truck parking is, you're likely gonna have trailers, so that will cover the asphalt. But I don't want the employees to walk into 150 degree asphalt to park. And so, you'll have that landscaping. But for others, they're asking for a waiver on the front, but they're really setting it back outside of the NDOT. So, we're not waiving the landscaping, we're just allowing them to submit an alternative plan. So, is that clear, Jennifer, Sami?

REAL Yeah, so the rear on this would be the south, the north?

KIRKPATRICK It would be the northeastern area.

REAL Northeastern?

KIRKPATRICK Because we want something on the back wall, because one, for safety. We don't want people hopping the fence and breaking into their trucks. But at the same time, we wanna make sure that as the sun rises, that there's some cover over there.

REAL Okay. And then 10 foot along Lamb, is that what you wanted or...

KIRKPATRICK A minimum 10 foot, mm-hmm.

REAL Okay, minimum 10 foot.

VAN ACKER Yeah, and we propose 15 at this time.

REAL Okay.

KIRKPATRICK We like them to have more, but not less than 10 feet. (laughs) So, 15 is a good compromise.

REAL Alright, thank you.

KIRKPATRICK Okay, that's my motion, Mister Chair.

GIBSON You understand all of that?

VAN ACKER Yes, sir.

GIBSON There's a motion with conditions as noted by Commissioner Kirkpatrick. If there's no discussion, please cast your votes. The motion carries.

VAN ACKER Thank you.

GIBSON Thank you.

ACTION: It was moved by Commissioner Marilyn K. Kirkpatrick, and carried by unanimous vote, that applications for Item Nos. 51 and 52 be approved, subject to staff and additional conditions.

ITEM NO. 52 WS-23-0390-FEDEX FREIGHT, INC.:

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) landscaping; and 2) driveway geometrics. DESIGN REVIEWS for the following: 1) finished grade; and 2) a parking lot in conjunction with an existing freight terminal on a portion of 19.7 acres in an M-D (Designed Manufacturing) Zone and an M-1 (Light Manufacturing) Zone. Generally located on the east side of Lamb Boulevard, 773 feet north of Craig Road within Sunrise Manor. MK/hw/syp (For possible action)

ACTION: It was moved by Commissioner Marilyn K. Kirkpatrick, and carried by unanimous vote, that applications for Item Nos. 51 and 52 be approved, subject to staff and additional conditions.

CONDITIONS OF APPROVAL -

Comprehensive Planning

- No outside storage of vehicles permitted within the M-D zoned portion of APN 140-05-201-003;
- Provide landscaping along the eastern, southern, and western edges of the southern truck parking area per Figure 30.64-11;
- Submit an alternative landscaping plan for employee parking lot, landscaping along Lamb Boulevard, and to demonstrate compliance with conditions of approval;
- Minimum 10 foot strips of landscaping along Lamb Boulevard;
- Plant required minimum of shrubs;
- Mesh must be maintained;
- Work with the Las Vegas Metropolitan Police Department for the installation of security cameras and surveillance operation;
- 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 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.
- Applicant is advised that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals; and that Nevada Department of Transportation (NDOT) permits may be required.

ITEM NO. 53 WS-23-0340-HALLEWELL, MICHAEL H. & NANCY L.:

HOLDOVER WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) increase wall height; 2) reduce setback; 3) allow alternative yards; and 4) allow an attached sidewalk and alternative landscaping.

DESIGN REVIEWS for the following: 1) single family residential development; and 2) finished grade on 4.6 acres in an R-1 (Single Family Residential) Zone. Generally located on the west side of Phyllis Street, 125 feet north of Orange Tree Avenue within Sunrise Manor. TS/jud/syp (For possible action)

ACTION: Deleted from the agenda (held to October 4, 2023, per the applicant).

ITEM NO. 54 WS-23-0426-MAKUTA, MARZENA & BOWN, KEN:

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) eliminate street landscaping; 2) waive water connection; 3) waive sanitary sewer service connection; and 4) off-site improvements in conjunction with a residential minor subdivision on 0.5 acres in an R-1 (Single Family Residential) (RNP-III) Zone. Generally located on the west side of Pacific Street, 185 feet north of Viking Road within Paradise. TS/md/syp (For possible action)

REAL Next on the agenda is Item 54, WS-23-0426, waivers of development standards for the following: eliminate street landscaping, waive water connection, waive sanitary sewer service connection, and off-site improvements, in conjunction with the residential minor subdivision on 0.5 acres and an R-1 Single-Family Residential, RNP-3 Zone, generally located on the west side of Pacific Street, 185 feet north of Viking Road, within Paradise.

GIBSON Is the applicant here?

KEN BOWN Yes.

GIBSON Please come forward.

BOWN (inaudible). Good morning.

GIBSON If you'll, pardon me?

BOWN My name is Ken Bown.

GIBSON We need you to speak into handheld or the other mics. Either one.

BOWN That good?

GIBSON Yes, speak right into it though.

BOWN My name is Ken Bown. I live at 3869 Pacific Street in Las Vegas, and I'm here to ask for a waiver of what you just said. I was looking for a place to put these-

GIBSON Yes. So, you, you've kinda put all of your papers right where you need to put something if you want us to see it.

BOWN Okay. So, in 2019 we purchased two parcels, a small parcel and a large parcel, which were sold together. In 2021, we moved into a house that we built on the south end of the lot, and what we asked for, very recently was to move the lot line on the larger lot to create a conforming lot that doesn't currently exist on the smaller parcel.

The parcel does exist, it's an existing lot. So, the minute we did that, the mapping team deemed that we were subdividing the property. And so, as I said, we're asking for a variance on this.

Can you see this, or?

GIBSON Yes. You'll need to ... if you look in ... do you see the screen there?

BOWN I do now.

GIBSON Yeah.

BOWN Hang on one second

GIBSON Okay.

BOWN Okay, so the whole thing. The existing lot was about 14 feet on the north end of the lot right here.

GIBSON You're going to need to hold that microphone up-

BOWN I'm sorry.

GIBSON ...so, we can hear you.

BOWN So, the existing property has a lot line on the north end of it, as I said, about 14 feet wide. So, by moving that lot line south, that lot becomes the same with almost as the lot the house sits on. So, this is what it looks like. That's the existing house.

We're not developers. My wife and I are just a retired couple, and this dividing of the lot, sorry, moving the lot line is part of our retirement, because we wanna sell it when we're done. What I'm showing here is that the rocks in front of our driveway are now County property. When we applied for the building permit, the County demanded that we seed, or give it an allowance for curbs and sidewalks and streets re-expansion. We understand that Title 30 is trying to harmonize what's going on in the County, but in this case, we don't think it works.

This picture shows, this circle here is a stake that shows where now the County property ends, and our lot begins. And as you can see the neighbors next door already have a fence and everything's set up on that side.

BOWN

I understand ... this is how the street looks, and I understand that the property to, that I just showed you, to our south has no easement, and the other properties down the street don't have easement. Not all of them, but I think only one of them does down the street. So, what I did was I drew in what I think a requirement for a sidewalk would look like in running across this lot. It would be the only sidewalk on the entire south, west side, sorry, of Pacific Street. Here's another version of, of that. You can see again, from this now County property, there is no sidewalks whatsoever.

Now, before I moved to Vegas, I was a contractor in Seattle. And one of the reasons we think it's superfluous to be doing this, or to installing utilities, is that before you know what house is going on the lot, it's very difficult to figure out where the sewer, water should be. For example, in our own lot, as I showed you in the beginning, we have a house that has two very distinct sides. The right side is all bedrooms and bathrooms, the left side is living. So, in our case, the water shut off is on the left, the sewer line is on the right. So, until you know what house is being built, it's really, we don't know where to put the sewer line. And if we were to have to install a sidewalk, anybody that's building on the lot is gonna be driving heavy trucks over it, it's probably gonna end up being damaged completely.

And also, in regard to which, or where to put the water and sewer, when we, were deciding which house to build, or, or designing our house, we actually had the house flipped. Had, had I put the water and sewer line in, in the beginning, they would've been in the wrong spot. And we had to flip it because when we had to see this land for what road and sidewalks we had and, we didn't have enough room to build a pool in the backyard, and we could only accomplish that by flipping the house.

So, we went in front of the Paradise Advisory Board and asked for the waiver, and they frankly agreed with us. They completely waived the idea of sidewalks, because they thought it would be out of place. And what they actually did, was say that anybody that's gonna take out a building permit, they're gonna have to put in sewer and water anyways, and that should be their responsibility. So as a condition of issuing the building permit, they require water and sewer to be installed by the builder or the developer.

So, that's why we're asking for the, for a waiver of Title 30. And we hope you agree with us.

GIBSON

Does that complete your presentation?

BOWN

Yes, sir.

GIBSON

Thank you very much. This is a public hearing as to Item 54. Is there anyone here who wishes to speak on this Item? Then the public hearing is closed. 54 is in Commissioner Segerblom's District.

SEGERBLOM

Thank you, Mister Chair. With respect to the sidewalk, obviously we can waive that, right? What about the permits, or the water and sewer, can we put in there that it won't happen ... that he has to put it in but not until it's actually, pulls a

SEGERBLOM building permit?

ANTONIO PAPAZIAN Thank you, Commissioner. Utilities are not really in our purview, however, typically what's done is they stub the utilities right inside private property where-right outside, where the sidewalk would be.

SEGERBLOM But I guess-

PAPAZIAN Then they take it on site.

SEGERBLOM ... the point was he didn't know which way it was gonna ... which part of the house it was gonna ... I'm sorry

REAL So, what the applicant is requesting is they're requesting a two-lot subdivision, and as part of the subdivision, my understanding is they're required to connect the lot to services, sewer and water, in order to record the subdivision. If the application is waived, they'll be creating, what we would call a non-buildable lot-

SEGERBLOM Yeah.

REAL ...and that lot will-

SEGERBLOM We don't wanna waive it, I was just wondering, if when you do it, today we'd have to say the sewer's gonna be on this side, and the water's gonna be on this side, or-

REAL So, what would happen is in order for them to be able to develop the lot with a residence, they would have to get water and sewer connections. So, they would have to work with the, both with the Water District and with Water Rec in order to get those services to the house, and they would be installed at that time.

SEGERBLOM Okay, so we don't have to make that decision today. So-

REAL That's correct.

SEGERBLOM ... so, here's what I'm prepared to do, just as always, I will grant the waiver, number one, with respect to the offsites, but everything else, you'll be required to do. You don't have to make a decision today as to which, where the sewer line's gonna be, where the water line's gonna be, but as you go forward you would have to do it when you do the building permit.

KIRKPATRICK Mister Chairman, may I ask a clarification of Commissioner Segerblom? So, the number one waiver is to allow the waiver of the landscaping, which is consistent with what we do in the rural things, but isn't number four the waiver for the sidewalk? It seems like two and three are the water and the septic. So, wouldn't you, based on what your conversation was, I'm asking, wouldn't you be approving waivers one and four?

SEGERBLOM I didn't want to approve waiver four. Can-

KIRKPATRICK Oh, you don't.

SEGERBLOM ... can somebody explain waiver four?

PAPAZIAN Commissioner, waiver four is for the offsite improvements, curb, gutter, sidewalk.

SEGERBLOM Alright. So, I did want to waive that, just look at that road. I don't ... sir, is that- did you object to that?

KIRKPATRICK Just getting clarification. I-

SEGERBLOM (laughs)

KIRKPATRICK ... I don't care either way, I'm just, as long as you don't waive two and three, I'm good with you. (laughs)

REAL Right, and then in order for them to record a map without having to, I believe, connect these services, you would have to approve the waivers of the water and sewer connections.

GIBSON Because the condition of recording the map-

REAL That is correct.

GIBSON ... is that there be connection for-

REAL The- correct.

GIBSON Yeah.

PAPAZIAN Commissioner, if I can as well, I just wanna clarify that everything that's being waived will be passed on to the purchaser of that lot.

SEGERBLOM So, they would still have to do it then? Well, we don't wanna waive, we can't waive water and sewer.

KIRKPATRICK Well here's what I'm saying no, since we've been in this boat before, no sense to send it to the Health District 'cause that's exactly where it will end up, or the Water District where they'll be asking for a waiver and then the conversation will be oh, but if the County Commission did it ... we've been in that boat, so I mean, it's just, it's easier to deny it because the truth is everybody has to bring it in at this point. There's no, and it would just.. I'd make sure you're at the Health District that day because-

SEGERBLOM (laughs)

KIRKPATRICK ... it's controversial. So, I just, as the Chair of the Health District, and the Chair of the Water District, I in good graces could not support kicking the can down the road, because it's just a no. That's why we have service rules, that's why we've taken hard stances. So, I understand it's a cost, but I mean, for me, Mister Chairman I wouldn't be, I would not be able to support Commissioner Segerblom if I had to just kick it down the road and make it my problem at my Board. (laughs) So, not willing to do that for you.

SEGERBLOM I-

KIRKPATRICK I understand the cost. But the cost is getting cheaper. The sewer line, we don't even know how close it is. This doesn't even tell us anything, it would just be-

BOWN May I speak?

KIRKPATRICK ... be a bad place to start.

BOWN Can I comment on the, on the sewer and water line?

GIBSON Yup, yup, in just a moment. So, Commissioner Segerblom?

SEGERBLOM Alright, well, here's the play. I wanna waive one and four. Just looking at that street, I don't see why those would be required at this point, is that correct?

GIBSON Yup, that'll work.

REAL That's correct, one and four basically gives you (inaudible)

SEGERBLOM Okay. Alright. I wanna make sure that water and sewer are connected at some point. If we have to do it today ... but, did you wanna make a comment?

BOWN Yes sir. The water and the sewer line, for example, runs about five feet, maybe less than...from, into the roadway. The problem in our case is the road slopes one way and the sewer line slopes the other. It's 15 feet deep, and it's a \$15,000 bill, or it was when we put our house in just, just to connect the sewer line or stub it out to the lot. So, that's one of the reasons why we don't, really don't wanna do this at this time. The water is, obviously, in the street. We've got houses on either side of, of the cul-de-sac, and again, to bring the water to the lot line, or to the lot and stub it out is \$12,000.

SEGERBLOM Can I-

BOWN \$27,000 bill that, is required if you do it this way.

SEGERBLOM And you just want to sell the lot, right?

BOWN Yeah, we're not, we're not planning on developing-

SEGERBLOM Alright.

BOWN ...at all.

SEGERBLOM There's no way that Marilyn could condition this based upon the new purchaser has to-

KIRKPATRICK No. Because, well, here's what I'm gonna tell you. The new purchaser won't read the documents that are signed, and then they'll come, and we'll start all over with this. And it's just, look, I just am not gonna support it. That's fine. But I'm just telling you that this is the problem, why nobody wants to connect to sewer and

KIRKPATRICK water, because we keep kicking the can down the road (laughs) so now instead of having 7,200, we have 7,201 that we gotta pay for. So, I'm just saying that it's his design ... if he's just selling the lot, then deny those, because then the next person can come in and try. But they know buying the lot that there's no waivers for that stuff.

SEGERBLOM Okay, so-

KIRKPATRICK I'm just telling you, I, in good conscience I can't do it.

SEGERBLOM No, I think we're saying that-

KIRKPATRICK And he just said he has sewer close to his house, so that means it's even closer than 99% of the people we're trying to help.

SEGERBLOM I think we agree. The point is that next buyer has to do it. The question is who pays the \$20,000. I don't want him to have to pay \$20,000 just to get this approved.

GIBSON Well, the difficulty is that he can't, we can't. I mean, I guess we can do anything-

SEGERBLOM (laughs)

GIBSON ... but we create a much bigger mess for ourselves and the precedent that we set if we waive this and it's not something that I recall having waived at all. I haven't, I don't remember ever seeing one.

BOWN With all due respect, sir, nobody can build a house on the lot without having water and sewer.

GIBSON I understand that, and the difficulty is that you're talking about selling an unbuildable lot to somebody who wants to own an unbuildable lot? Buildable lot? So, I-

BOWN Well-

GIBSON ... I think the, the remedy is to make the lot buildable. And the way you do that is by providing these services to the lot, and then you can increase the sale price of your lot, and the person who buys it now has a connection. I think that that's probably the only way we can do this is, it sounds terrible, because you are wishing to unload a lot that was effectively, buildable except for these lot line adjustments that we're talking about. I mean, it seems to me that everything was in order. But if we're going to do the lot line adjustment, then we've got a whole different problem. That parcel has never been adjudicated in this way. So, you can have ... if you want it all, if you want that lot line adjustment, it feels like you need to be able to provide those services to that new lot.

BOWN Yeah, but you just basically are telling us that we must spend \$30,000. It's actually gonna be at least \$30,000 in order to get a lot line adjustment, which I think is patently unfair.

GIBSON I didn't say that I would like to be in your shoes. I would not. But it's the problem we have is that we start making really tiny exceptions. We have a whole lot of people, thousands of people, who are going to be required to connect to sewer. That's a very, very large bill that all of the rest of us are gonna have to figure out how to pay.

BOWN I'm sorry, I, I don't-

GIBSON This is-

BOWN ... I don't understand.

GIBSON ... this is, this is a situation where if we waive on this lot, if we waive it, then that's another one if somebody wants to build, they're gonna come in and ask us to put sewer and water in.

BOWN I guess I d-

GIBSON That's another one that we would be putting onto the backs of the taxpayer.

BOWN I'm sorry, I guess I don't understand. I wouldn't ... we bought this land without any water and sewer. It was originally on water, on well and septic. We weren't required to put it in, or the seller wasn't required to put it in before we bought it. I don't know how anybody would buy the lot and expect you guys to put, to foot the bill for water and sewer. It doesn't make any sense.

SEGERBLOM Well, the reality is I'm going to make a motion to approve waivers one and four, deny two and three. Hopefully if you wanna work with us we can figure out a solution, so you don't have to spend \$30,000. But that's the motion. And that's what we're gonna do today.

BOWN Yeah, I appreciate that. I don't know what you mean by work with you. If you're approving one and denying the other, that means we have to install the sewer and water line?

SEGERBLOM Yes.

BOWN Okay.

GIBSON There's a motion by Commissioner Segerblom as noted on, and that would approve items, excuse me, waivers one and four, deny the others. Please cast your votes. And the motion carries.

BOWN Thank you.

GIBSON Thank you.

ACTION: It was moved by Commissioner Tick Segerblom, and carried by unanimous vote, that application be approved, with the denial of waivers two and three; and subject to staff and additional conditions.

CONDITIONS OF APPROVAL -

Comprehensive 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

- Right-of-way dedication to include 30 feet for Pacific Street;
- Execute a Restrictive Covenant Agreement (deed restrictions).

WAIVERS OF DEVELOPMENT STANDARDS #2 AND #3 WERE DENIED.

ITEM NO. 55 WS-23-0439-PREMIER PROPERTY PRESERVATION, LLC:

WAIVER OF DEVELOPMENT STANDARDS to eliminate sidewalk and street landscaping.

DESIGN REVIEW to increase finished grade in conjunction with a single family residential development on 2.5 acres in an R-E (Rural Estates Residential) (RNP-I) (AE-60) Zone in the CMA Design Overlay District. Generally located on the northwest corner of Ponderosa Way and Duneville Street within Spring Valley. MN/jud/syp (For possible action)

ACTION: Deleted from the agenda (held to September 20, 2023, per Commissioner Naft).

ITEM NO. 56 ZC-23-0220-EHRLICH INVESTMENT TRUST 1979:

AMENDED HOLDOVER ZONE CHANGE to reclassify 5.0 acres from an R-E (Rural Estates Residential) Zone to an R-2 (Medium Density Residential) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) to allow alternative landscaping and attached sidewalk; and 2) reduce setbacks (previously not notified).

DESIGN REVIEW for a single family residential development. Generally located on the south side of Russell Road and the west side of Conquistador Street within Spring Valley (description on file). JJ/rk/syp (For possible action)

REAL

Next are Items 56 and 57, which will be heard together. (crosstalk) Item 56 ZC-23-00220, amended holdover zone change to reclassify five acres from an R-E Rural Estates Residential Zone to an R-2 Medium Density Residential Zone. Waivers and development standards for the following: allow alternative landscaping, and attach sidewalk, and reduce setbacks previously not notified; design review for a single-family residential development generally located on the south side of Russell Road and the west side of Conquistador Street within Spring Valley.

Item 57, TM-23-500061, holdover tentative map consisting of 37 single family residential lots and common lots on five acres in an R-2 Medium Density Residential Zone generally located on the south side of Russell Road and the west side of Conquistador street within Spring Valley.

GIBSON

Good morning, Mister Gronauer.

BOB GRONAUER

Good morning, Mister Chairman and Commissioners. My name's Bob Gronauer, 1980 Festival Plaza Drive. I'm here representing the applicant in this matter. As I

GRONAUER

can orient to you to the overhead, we have approximately five acres of property. This is an infill piece of property. This is Russell Road, which is properties to the south. We are bounded by Conquistador and Quail Avenue, down to the south of our property, located here. You have an apartment project approved, an existing. We have an RUD development to the north of us on the other side of Russell that's existing, and we have an R2 development just to the west of us here.

This is an R2 conforming zone change for approximately 37 homes. The reason why we ended up holding this is we made some changes and revisions to the site plan in working with the Commissioner. Initially we had attached sidewalks on Conquistador. We made that revision to be detached along Quail even though there all are attached sidewalks along Quail, we made an alternative to have detached there on Quail. So, this will be the only development that will be detached in that area, but it's an alternative standard that we have.

So, we made those two changes. Because those two changes, we have a waiver, rear yard waiver for lots along Conquistador in here for some of our models that we are gonna be proposing. This is a gated community, 37 homes that we're requesting. So, with that being said, I can answer any questions that you have. Item 57 is the tentative map for the 37 homes with revisions that I mentioned.

GIBSON

Thank you. This is a public hearing. Are there, is there anyone here who wishes to speak on Items 56 and 57? There being no one, the public hearing is closed. To Commissioner Jones.

JONES

Thank you, Mister Chair. Thank you, Mister Gronauer for listening and for your client for making modifications to the design to allow for the priorities that we have afford for detached sidewalks.

Are you withdrawing any of the waivers? Or because there is still a small difference between what the standard is and what we asked for, the waivers stand.

GRONAUER

Correct, they, they stand. That's why we have the alternative that's mentioned in there. I think that was re-noticed that way.

JUSTIN

Okay. Antonio? Any further comments?

PAPAZIAN

Commissioner, thank you. Although it's just an advisory, I just wanna clarify because we do have an advisory that says they need to vacate five feet for right of way for Russell Road for detached sidewalks. It appears we only purchased 45 feet. So, again, it's just an advisory but I just wanted to clarify that that, would not need to happen.

JONES

Okay. Understood, Mister Gronauer?

GONAUER

Noted, thank you.

JONES

Okay. Then I will go ahead and move for approval of Agenda Items 56 and 57, per the latest plans.

GIBSON

There's a motion for approval by Commissioner Jones, as noted. Any discussion

GIBSON on the motion? Please cast your votes. The motion carries, thank you.

GRONAUER Thank you and have a good day.

GIBSON You, too.

ACTION: It was moved by Commissioner Justin Jones, and carried by unanimous vote, that applications for Item Nos. 56 and 57 be approved, subject to staff and additional conditions.

CONDITIONS OF APPROVAL -

Comprehensive Planning

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area;
- 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 waivers of development standard and design review must commence within 4 years of approval date or they will expire.

Public Works - Development Review

- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 25 feet to the back of curb for Conquistador Street, 25 feet to the back of curb for Quail Avenue and associated spandrels;
- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Russell Road improvement project.
- Applicant is advised that a vacation of 5 feet of right-of-way of Russell Road will be required for detached sidewalks; that the vacated right-of-way will need to be purchased from Clark County, and 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.

Fire Prevention Bureau

- 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 a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0218-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 57 TM-23-500061-EHRLICH INVESTMENT TRUST 1979:

HOLDOVER TENTATIVE MAP consisting of 37 single family residential lots and common lots on 5.0 acres in an R-2 (Medium Density Residential) Zone. Generally located on the south side of Russell Road and the west side of Conquistador Street within Spring Valley. JJ/rk/syp (For possible action)

ACTION:

It was moved by Commissioner Justin Jones, and carried by unanimous vote, that applications for Item Nos. 56 and 57 be approved, subject to staff and additional conditions.

CONDITIONS OF APPROVAL -

Comprehensive 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;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 25 feet to the back of curb for Conquistador Street, 25 feet to the back of curb for Quail Avenue and associated spandrels;
- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Russell Road improvement project.
- Applicant is advised that a vacation of 5 feet of right-of-way of Russell Road will be required for detached sidewalks; that the vacated right-of-way will need to be purchased from Clark County; and 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.

Fire Prevention Bureau

- 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 a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0218-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 58 ZC-23-0409-PSI OQUENDO, LLC:

ZONE CHANGE to reclassify 4.2 acres from a C-1 (Local Business) Zone and a C-2 (General Commercial) Zone to an R-3 (Multiple Family Residential) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) increase building height; 2) reduce driveway throat depth for a call box; and 3) reduce driveway distance from an intersection.

DESIGN REVIEWS for the following: 1) for a multiple family residential development; and 2) finished grade. Generally located on the west side of Fort Apache Road and the north side of Oquendo Road within Spring Valley (description on file). JJ/rk/syp (For possible action)

ACTION:

Deleted from the agenda (held to September 20, 2023, per the applicant).

ITEM NO. 59 VS-23-0410-PSI OQUENDO, LLC:

VACATE AND ABANDON easements of interest to Clark County located between Fort Apache Road and Farmland Street, and between Oquendo Road and Russell Road and portion of a right-of-way being Fort Apache Road located between Oquendo Road and Russell Road; and portion of a right-of-way being Oquendo Road located between Fort

Apache Road and Farmland Street within Spring Valley (description on file). JJ/rk/syp (For possible action)

ACTION: Deleted from the agenda (held to September 20, 2023, per the applicant).

ITEM NO. 60 ZC-23-0431-SDMI RAINBOW, LLC:

ZONE CHANGE to reclassify 2.8 acres from an R-E (Rural Estates Residential) Zone to a C-P (Office and Professional) Zone.

USE PERMITS for the following: 1) retail as primary use; and 2) restaurant as primary use.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) permit access to a local street (Palmyra Avenue); 2) landscaping; 3) modified driveway design standards; and 4) increase wall height.

DESIGN REVIEW for a commercial center. Generally located on the northwest corner of Rainbow Boulevard and Palmyra Avenue within Spring Valley (description on file). JJ/bb/syp (For possible action)

REAL Commissioners, next are companion Items 60, 61, and 62.

So, Item 60 ZC-23-0431, zone change to reclassify 2.8 acres from an R-E Rural Estates Residential Zone to a C-P Office and Professional Zone. Use permits for the following: retail as primary use and restaurant as primary use. Waivers to development standards for the following: permit access to a local street, Palmyra Avenue; landscaping, modified driveway design standards, and increased wall height; design review for a commercial center generally located on the northwest corner of Rainbow Boulevard and Palmyra Avenue within Spring Valley.

Item 61 VS-23-0432, vacate and abandon easements of interest to Clark County located between Rainbow Boulevard and Rosanna Street, and between Coley Avenue and Palmyra Avenue within Spring Valley.

And then last, 62 TM-23-500090, tentative map consisting of a one-lot commercial subdivision on 2.8 acres in a C-P Office and Professional Zone generally located on the northwest side of Rainbow Boulevard and Palmyra Avenue within Spring Valley.

LEBENE OHENE Good morning, Commissioner Gibson, and Commissioners, Lebene Ohene, 520 South 4th Street representing the applications before you which consist of a conforming zone change.

To orient you to the area, the parcel is located on the north side of Palmyra Avenue, and the west side of Rainbow Boulevard, and is one of the few remaining parcels along Rainbow Boulevard between Spring Valley and Edna Avenue that are still undeveloped.

Parcel is currently zoned R-E and is designated in the master plan as N-C for neighborhood commercial uses, which could allow up to C-1 zoning. We initially started the request with C-1 zoning and, in working with staff dropped it to C-P zoning. To the north of the parcel is existing C-P and also farther north of it. To the south is an existing place of worship zoned R-E. To our west is RNP developed properties, and also to our east along the east side of Rainbow. There are other existing office complexes all along this length of Rainbow.

And as shown by the master plan, all of the C-P zones property, and one C-1 zone property are master planned as N-C as well for commercial neighborhood

developments.

The request for the zoning is C-P. And then the additional request on the zone change application is to allow a special use permit for one of the buildings. So, the commercial center consists of two buildings. The northern building is a medical building and offices, which is adjacent to another medical office. The southern building is the retail and proposed restaurant with drive-thru.

Being cognizant that this is adjacent to RNP and residential, we made sure that we have the buffer. There's one waiver we're going to withdraw today. The architect used the wrong tree type, which was a medium tree. He just picked the wrong species, so we'll withdraw waiver number 2E. The intent is, was always to create an intense landscape buffer, but because he picked a wrong tree that resulted in the waiver. So, we will accept a condition for intense landscaping buffer on the east side.

In addressing the special use permits, since this is C-1 zoning, sorry, C-P zoning with a special use permit we've asked for some special uses to allow for building B, which is the southern building. The proposed restaurant actually is along Rainbow Boulevard. There are six waivers that accompany this as six special use permits, which is to allow for the building, to allow the retail and restaurant uses, to allow signage for them, and also to increase the allowable typically as accessory, but the code allows you to submit special use permits to ask for alternatives.

Now, on the waivers, along the parcel lines south and east are existing Nevada Power easements. Therefore, there's no way we can meet code as far as the number of trees in those easements. So, these are medium trees along these areas, because Nevada Power will not allow the larger trees in those areas. Along Palmyra, we've provided 10 to 13 feet of landscaping, which exceeds landscaping along this area except if there's a single family that fronts Palmyra.

One of the main waivers is allowing access to Palmyra. The place of worship to the south has two driveways, so this driveway is set as far west as possible. There are a number of reasons for requesting. This waiver to allow access to Palmyra. First of all is safety, and also to improve on site circulation. The safety being that Rainbow Boulevard is 120 feet wide with a median. So, anyone who lives to the west coming east along Palmyra, even if we didn't ask for the use permit for this building, any development that is built here, anyone coming from west or east would have to go south to D.I. (Desert Inn), make a U-turn, go on Rainbow, and make other U-turns on Rainbow, from Coley or Edna to come back. So, any commercial development, for circulation and for safety because of the width of Rainbow would need to do that, so this is not specific to the project.

Additionally, Rainbow has high volumes, especially at peak periods. So, allowing circulation which would allow people to safely go to Palmyra and actually come east and make a south turn is safe, and if they are making a west turn that is also safe. So these are some of the reasons why Public Works, in working with Public Works based on circulation and location of the driveway, because of all the curb cuts in Rainbow, supported all the waivers number three, because this design works. Additionally, there were concerns about splitting the building, but this was

OHENE

because of the location of the driveway on Rainbow to make sure it's far south enough from the existing driveway for their project to the north of us.

As additional buffer to our neighbors, there's a waiver to increase the block wall height. There is an existing block wall to our west, however, we're proposing an eight foot high block wall as additional screening. And just to even things out, even though there's an existing block wall to the north, we're gonna propose another eight foot high block wall so it all works.

I know that staff recommended denial for some of the, especially the landscape waivers. But if there are easement existing, Nevada Power will not allow the higher trees. We did the larger trees we had to kind of offset it in a way that we were making sure that we went in the easement. So, it is 15 feet as the code allows along Rainbow, except we had to reduce the number of trees. That's why there's a waiver of the number of trees, and we had to do the same along Palmyra. But we are the landscaping typically is 15, but it is more landscaping than the place of worship and actually along Rainbow.

And the reason we kept the sidewalk as attached as well is Rainbow for miles, it's one of the major arterials, has attached sidewalks. So, especially in this area, at least for three to four miles it's attached, and that's why, to keep for consistency on both sides of the street that is why it is attached.

So, as stated in the landscaping, we are withdrawing waiver 2E, so its intense landscape buffer. Additionally, knowing that we have to buffer our neighbors, we will accept a condition for lighting and signage as a public hearing so we can work with our neighbors on lighting and signage. The buildings are ... building A is 28 feet, building B, which is the restaurant and retail are 25 feet high. We comply with all height setback ratio requirements. We didn't request any waivers. The additional applications are for an easement, the vacation, an existing easement along Palmyra. We worked with staff and were requesting a vacation and abandonment for that easement.

And finally, we have the tentative map for the project. With that said, we would appreciate approval of the application as submitted except for the changes I read into the record. And I'm here to answer any of your questions. Thank you, Commissioners.

GIBSON

Thank you. This is a public hearing now on Items 60, 61 and 62. And, if you wish to speak, we invite you to come forward. Please state your name, spell your last name. Please limit your comments to three minutes. Quite a number of people who submitted cards.

LISA SKUROW

Do I speak here?

GIBSON

Yeah.

SKUROW

Okay. My name is Lisa Skurow, 6245 Edna Avenue, Las Vegas, 89146. I'm here to ask that a portion of this be denied with the ingress and egress on Palmyra. And as part of the condition the C-P use only allows for retail, commercial use permitted within a totally enclosed building that does not include a drive-thru.

SKUROW

That would a barber shop, beauty shop, confectionary store, a florist, retail gift shop, restaurants, tearooms, coffee shops that are inside without a drive-thru. The drive-thru would cause disturbance to the Rural Estates residential directly to the west. It doesn't matter how much of a buffer you put. That the property sits a little bit lower. So, it's amplified up to the Rural Preservation Estates properties just west of the property. So, it doesn't matter if it's an eight-foot tall wall, a 10-foot tall wall. And then I'm not sure what's in the... What is that? The southwest corner of the property. That looks like where the trash disposal and the trash containers would be.

So, that would be right up against the property line, which would also disturb the residential, the Rural Preservation Estates neighbors. We also have... It's my understanding that there was a proposed drive-thru Starbucks or a coffee shop. And we have a McDonald's at Sahara and Rainbow that has a drive-thru coffee. Desert Inn and Rainbow is a Dutch Brothers, which is a nightmare to get in and out of. Flamingo and Rainbow, there's a Starbucks. Spring Mountain and Rainbow, there's a Burger King drive-thru. There's a Coffee Café, which is enclosed. There's no drive-thru. At Rainbow and Desert Inn, which is the Strip View Café, that's enclosed in C-P zoning. Rainbow and Oakey has a drive-thru Starbucks. Decatur and D.I. has a drive-thru Starbucks. Sahara and Buffalo has two mom-and-pop coffee shops, Serendipity and Desert Wind Coffee. And then at Desert Inn and Durango, there's a drive-thru coffee shop, Madhouse Coffee.

I think we are caffeinated enough. And at Palmyra and Rainbow, it would be a disaster to have a drive-thru there. People would fly from 45 miles an hour on Rainbow. They would head west. If they exited on Palmyra to go west, that's a 25 mile an hour street. We already have fatalities along Rainbow and Edna, and Palmyra. Thank you for your time.

GIBSON

Thank you.

SKUROW

I oppose.

MARY LISTER

Okay, good morning. I'm Mary Lister, L-I-S-T-E-R. I live at 3060 Montessori Street. And I'm basically in the impact area of this 'cause I live right off of Palmyra, two blocks to the west. And I oppose the waivers and special use permits for retail restaurant, strip mall, all that. Basically, a strictly commercial professional project would be appropriate here. The restaurant retail component is problematic and incompatible for many reasons. I went to the Spring Valley Town Board meeting where this was discussed. And Board members voted denial. And I actually quote the members as saying, "Anytime you have this many waivers and so on, you got a problem." And another member commented, "I think they need to reassess their approach, as far redevelopment of the land. And it's just a real concern to have a retail and restaurant directly adjacent to residences. And drive-thru access off of Palmyra, it would really make Palmyra unsafe and unusable for neighborhood traffic.

And we already have kind of a similar project at Rainbow and Darby, which is commercial with restaurant and retail. And that does not have local street access. It's exclusively on Rainbow. And yeah, basically a zoning change to conforming for commercial professional only with retail and restaurant would be great. But

LISTER retail restaurant we have to oppose. It would just be inconsistent, incompatible, not good for our area. So, thank you. Thank you for your time.

GIBSON Thank you. Sir?

KIM LEASON Good morning. My name is Kim, K-I-M, Leason, L-E-A-S-O-N. I'm a homeowner at 6990 O'Bannon. The reason I'm here today is I oppose this motion of using private residential streets to operate a business. It's not a lemonade stand (laughs). That's crazy.

The other thing I wanna call your attention to, respectfully, is O'Bannon Street. This is the Gateway to Rainbow Park. There are no, none, traffic controls whatsoever. There's a speed limit sign, 25 miles an hour, back at, off Rainbow. From, all the way from Rainbow to Tenaya, not a single warning of what the speed limit is. There are kids, people, pedestrians walking down that street, it is ripe for a lawsuit because there's no warning signs. There's more parking signs than there are speed limit signs. Could we possibly get some, you know, interim solutions, a stop sign, maybe a traffic, you know, warning sign? Because it's just wrong.

I live on O'Bannon. I'm proud of that neighborhood. And it just seems like it's ripe for a lawsuit against the County, because there's no safety measures, reasonable conditions in place besides a stop sign at Rainbow. The next one's at Tenaya. The speed limit's 25. That's not what they're doing. Thank you.

GIBSON Thank you.

JENNIFER HARDMAN Hello. My name is Jennifer Hardman, H-A-R-D-M-A-N.

GIBSON You can pull that down so that you're right in there. Thank you.

HARDMAN I live at 7325 Palmyra Avenue. The average Starbucks has over 700 customers a day. This would negatively impact our neighborhood streets with direct access to the drive-thru to and from Buffalo, Rainbow, Buffalo, Rainbow, Buffalo, Rainbow. It happens right now as it is to Monaco Estates. Cut-through speeding occurs every day. It's not safe for walkers. You can't walk your dog. You have to get onto sidewalks, easements, whatever as they fly past you, 60 miles an hour. Children can't bike or play in this neighborhood. I grew up in this neighborhood. I played in the streets. This didn't affect me at that time. You, you can't have basketball in the streets. You can't play in the streets 'cause you will get hit by a car. This will negatively affect our quality of life and our property values. Not having a Starbucks will not negatively affect anyone. They can just walk one block to get Dutch Brothers, the café, Burger King. It, there's no need for this. I'm completely opposed. Thank you very much.

GIBSON Thank you.

RET. JUDGE MICHAEL DOUGLAS Chair Gibson, Commissioners, good morning. My name is Michael Douglas. I live at 3275 Rosanna Street. I am the first block east ... Well, it's west of Rainbow. And that's used, that corner ... And I live second house on the corner, as an extra right-hand turn during traffic hours as it is. And it backs up. So, I can

RET. JUDGE DOUGLAS

barely get in. If we put this development in, they're talking about, it's only going to increase the traffic coming 'cause it's two blocks down this proposed epicenter. Additionally, the trash, I already get trash because of the development on DI and Rainbow as it is. And my neighbors, I support what they're saying. This drive-thru ... And we've talked ... I've been at the meetings. They want 24 hour access for a fast food development. This was R-E. We don't really oppose. We understand they have a right to develop. Professional office would be great. But these other developments and waivers really are going to take down the property value and our quiet enjoyment of our neighborhood. And I'll stop there, because I support the comments that have been made and will be made. Thank you.

GIBSON

Thank you.

JULIE WIGNALL

Julie Wignall, 7265 Coley Avenue. Our neighborhood has made it continually clear with this project that we are more than comfortable with professional office and medical space use on this property. Our problem is the plan for Steinberg Diagnostic to incorporate the commercial uses that are not compatible with the neighborhood.

As we look to the future, it's really important to pay attention to decisions that are being made today. A fast food restaurant with a drive-thru and undisclosed retail with an entrance onto a neighborhood street just does not align with existing RNP homes. Drive-thrus are now recognized as problematic by every single knowledgeable and educated community across the United States. There are well documented dangers to pedestrians, to public health, obesity and traffic congestion. Drive-thrus are dangerous, local traffic generators. And they're hotspots for air pollution. Idling vehicles waiting in lines wastes gas. They harm the air quality. And they increase greenhouse emissions. Even the National Weather Service has recommended avoiding drive-thrus to reduce the effects of ground level ozone, an issue that continues to worsen in the Las Vegas valley.

Adding any kind of retail facility only adds to the negative impact of nearby communities, increasing litter, light pollution, noise pollution, traffic congestion, and accidents. I find it incredibly hypocritical to incorporate two facilities that are so detrimental to human health and safety into a complex that is supposedly dedicated to human welfare and wellbeing. I find the choice the behind you today, in front of you, is simple. You can vote in favor of one man's desire to build and make money. Or you can vote in favor of your constituents and community who want to live in a healthy and safe environment. I ask that you please deny this request. Thank you.

GIBSON

Thank you.

JIM LAVELLE

Good morning. My name is Jim Lavelle, L-A-V-E-L-L-E. And my address is 6970 Palmyra Avenue. I can switch. As you can... Is this on? Hello? As you can see, my home is two feet away from this project. I'm on the other side of that west wall. And it's unfortunate my next door neighbor is not here. But my comments are gonna be very personal because when I look at this project and I pose a rhetorical question to all of you, "Would you like to wake up to this activity every morning in your home?" I suggest to you that the answer is no. Why? Constant noise, constant light. I believe there's a health hazard when you consolidate

LAVELLE vehicles and their emissions in an area that's on the other side of this wall. There's been a comment about property values. There's no way I can hide ... I can't put a wall high enough to block the fact that this exists.

If I ever decide to sell my home, which is not probable, but I wanna have the option, this is just a bad idea for this this property. Our neighborhood is a good, good neighborhood. We're good people. We work hard. A lot of us are retired. And I simply wanna enjoy my property and not have imposed on me, having to shut windows and doors to block out the air, to block out the noise, and pull the drapes or pull down the blinds to block out the light. This is unnecessary in this neighborhood. And I ask that you reject the request for the zone change.

GIBSON Thank you. Is there anyone else here who wishes to speak on this item? There being no one, Commissioner Jones.

JONES Thank you, Mister Chair. Miss Ohene, can you address one, one or two questions that have come up? With regards to the southwest corner Miss Skurow had questioned whether that was trash enclosure versus some other use. I believe the trash enclosures are in the middle of the project, as I understand it. And so, in the southwest corner, that is just landscaping? Is that accurate?

OHENE That's correct, Commissioner. This is landscaping (inaudible).

GIBSON Lebene, if you'd speak into a microphone.

OHENE Sorry, Commissioners. On this southwest corner, you're correct, it is landscaping, which is bumped out to match the length of the parking stalls to help with the throat depth. The trash enclosure and loading areas are located about feet from the west wall. And knowing that we have residences, we put in ... We doubled up on the walls. So, we buffered it with six foot high walls for both the loading and the trash enclosure with landscaping. Those landscape, additional landscaping to the west is also an additional buffer. And then, just to explain on the drive-thru and also to help with circulation and throat depth, which is 97 feet. There's another landscape island around the drive-thru. And the callbox is located about 168 feet towards the west. And the service window is along Rainbow on the east side of the building. And it's buffered by the length of the building, the two rows of landscaping. Thank you.

JONES Thank you. With regards to the landscaping, I appreciate the offer of withdrawal of waiver 2E. Can you tell me ... Since we're trying to obviously maintain as many trees as we can-

OHENE Yes, sir.

JONES ...is the net number of trees on this parcel the same as it would be without the waiver? I totally understand NV Energy has its regulations. You can't put trees underneath power lines. But is the net number of trees that is required equivalent to what it would be without the waivers? Are you putting the trees somewhere else on the lot, my point is?

OHENE We've put as many along the two street frontages we had to redo. So, if you're

OHENE looking at the gross number of trees, we wouldn't meet it. But if you look at the net and include the onsite parking lot landscaping and the additional buffers, yes, we will meet it.

JONES Okay. Alright. I have concerns. I've raised these with you before, with regards to the use permit for a drive-thru. I agree with many of the comments that have been made and that were made at the Town Board. That is not consistent with this neighborhood. And so, I am going to deny the use permit for a drive-thru at that location. Antonio, can you answer the question whether this is a C-P or a restaurant, or something else. Is it necessary to have access on Palmyra? Or can you have a single entrance and exit off of Rainbow, or two entrances and exits off of Rainbow?

PAPAZIAN Commissioner, thank you. We do prefer the ingress, egress off Palmyra. It's safer for the traveling public to exit and enter off of a minor street and make way to a major street like Rainbow rather than exiting on Rainbow, when cars are in this area or...

JONES Safer for the drivers who are going there or safer for the residents who live around there?

PAPAZIAN Both. (laughs). Safer for the drivers going there.

JONES Okay, alright. Okay, alright. With that, I am going to go ahead and move for approval of agenda Items Number 60 and 61. I'm going to deny the request for waiver number one, for access on Palmyra. Waiver number 2E for landscaping has been withdrawn. So, there will be intense landscaping on the west side of the parcel. There has been an offer of a design review for lighting and signage. So, that will be an additional consideration. And ... Do you understand, Lebene?

OHENE So, you're denying access to-

JONES Yes.

OHENE Palmyra?

JONES And so that will require a redesign of the site. So, you tell me whether you want to go forward as is and submit new plans or hold this item and bring it back another date with a different design.

OHENE Will take the approval today, and then work with staff, both Public Works and Planning to re- redesign to eliminate the access on Palmyra. And then make-

JONES And the drive through.

OHENE And the drive-thru.

JONES Okay. Sami?

REAL Commissioner Jones-

OHENE Okay.

REAL I just wanna clarify. The use permit number two is just for a restaurant. So, if you don't want a drive-thru, what I would recommend is adding a condition that no drive-thrus will be allowed.

JONES Okay. Then I will add a condition of, "No drive-thrus will be permitted." Understood?

OHENE Yes, sir.

JONES Okay. Everyone good? Everyone understand the conditions? Antonio?

PAPAZIAN Thank you, Commissioner. Just to clarify, since we're closing, closing up the access on Palmyra, would we like to see the design that incorporates two driveways at Rainbow? Or we looking just at one driveway at Rainbow?

JONES If you're comfortable with two driveways, then I would definitely think that would be the better option.

PAPAZIAN I agree. Thank you.

JONES Okay. Understood?

OHENE Yes, sir. So, we, we will create it with two driveways on Rainbow.

JONES Okay.

OHENE And-

JONES So, that is my motions. But- yep, Lebene.

OHENE Just to clarify, because of the distances with the two driveways on Rainbow ... So, we don't have to come back and try to do waivers if there are issues.

JONES So, an intersection waiver. So, Antonio, you understand that there would be a deviation from the distance separation?

PAPAZIAN I do.

JONES Very good.

OHENE Thank you, Commissioner.

JONES That's my motion. But before we go on, there was a comment with regards to signage, traffic around Rainbow Park. That's not necessarily related specifically to this agenda item. But we will work on our side of the boundary in Clark County, with Public Works to make sure there's appropriate signage, but City needs to do the same on their side, for signage. That's my motion.

GIBSON Okay. There's a motion on the floor. There are some conditions that are being

GIBSON recommended for approval, waivers others not. So-

JONES Correct.

GIBSON ...might not be a bad idea, Miss Real, if you kind of summarize what we think we have in front of us.

REAL You got it. So, I have approval of all the use permits. I have a denial of waiver of development standards number one. And then they were withdrawing waiver development standards 2E. I would recommend that ... Just to be clean on the recommendation, that we also recommend denial of the waiver of development standards relating to the throat depths along Palmyra. So, that would be 3C, D, and E, if I have that correctly, and then approval of the rest. And then we have an added condition for lighting and signage as a public hearing. We have, "No drive-thrus will be permitted." And then we have a condition for two driveways on Rainbow.

GIBSON Alright.

JONES Thank you.

GIBSON Yes. Judge.

RET. JUDGE DOUGLAS For the record, Michael Douglas, 3275 Rosanna Street. Was that going to approve the store opposed to a commercial office? Was that allowing that? Because-

JONES Yes. They would still allow to be used for restaurants, but no drive-thrus.

RET. JUDGE DOUGLAS So, the second building could have a restaurant and can have a store without time limits, lighting-

JONES Yeah.

RET. JUDGE DOUGLAS ... 24 hours. Those are the things that we have said we do not want and affect everyone's quiet enjoyment of their neighborhood. So, please understand that.

JONES Understood.

RET. JUDGE DOUGLAS We already got hit and hurt when the, the corner of D.I. and Rainbow was developed. We were told one thing. They gave a partial in. Two years later, everything we didn't want came in. So, is this gonna happen again? That's my concern.

GIBSON So wha-

JONES That's my motion.

GIBSON What we've got under our rules is a motion that is pending. And there are some things that we've heard that are operating issues that will likely be subject to additional conditions if they come up. And we can deal with those things in due course. But what we have in front of us is what is the basis for the motion. So,

- 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

- Vacation to be recordable prior to building permit issuance or applicable map submittal;
- Revise legal description, if necessary, prior to recording to ensure that the right-of-way line is at the back of sidewalk.

ITEM NO. 62 TM-23-500090-SDMI RAINBOW, LLC: TENTATIVE MAP consisting of a 1 lot commercial subdivision on 2.8 acres in a C-P (Office and Professional) Zone. Generally located on the northwest side of Rainbow Boulevard and Palmyra Avenue within Spring Valley. JJ/bb/syp (For possible action)

ACTION: It was moved by Commissioner Justin Jones, and carried by unanimous vote, that applications for Item Nos. 60, 61 and 62 be approved, with the withdrawal of waiver of development standards 2E, denial of waiver of development standards 1 and 3C through 3E; and subject to staff and additional conditions.

CONDITIONS OF APPROVAL -

Comprehensive 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

- Up to 2 driveways shall be provided along Rainbow Boulevard;
- Drainage study and compliance;
- Traffic study and compliance.

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 #0162-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 63 AR-23-400036 (UC-22-0124)-ALVAREZ LAURENCIO:

HOLDOVER APPEAL USE PERMITS FIRST APPLICATION FOR REVIEW for the following: 1) allow agricultural - livestock, large not in Community District 5; 2) allow a non-decorative roof; and 3) increase the square footage of accessory buildings in conjunction with a principal structure.

DESIGN REVIEW for an accessory agricultural building on 0.7 acres in an R-T (Manufactured Home Residential) Zone. Generally located on the east side of Gateway Road, approximately 130 feet south of Tonopah Avenue within Sunrise Manor. TS/jgh/syp (For possible action)

REAL

Commissioners, next item is Item 63, AR-23-400036 for UC-22-0124, holdover

REAL appeal, use permit's first application for review for the following: allow agricultural livestock, large, not in Community District Five, allow a non-decorative roof, and increase the square footage of accessory buildings in conjunction with a principal structure, design review for an accessory building on 0.7 acres in a R-T Manufactured Residential Zone, generally located on the east side of Gateway Road-

GIBSON This one is yours, Segerblom.

REAL ... approximately 130 feet of Tonopah Avenue within Sunrise Manor.

GIBSON Good morning.

GEORGE ROGERS Good morning, Mister Chairman and Commissioners. My name is George Rogers, architect representing the applicant and the owner of this project. It was a use permit to allow four horses on this property on Gateway between Owens and Lake Mead. And it was approved in May of last year. There were conditions of approval. We've met all the conditions of that approval. Some of those conditions included additional trees being planted here to buffer the neighbor to the east. It also included flytraps and and certainly to get the primary main residence permitted and approved. And, and since then, all of that's been done. And we came back for an application review. And that's what this appeal is for, a review of that use permit. And we appreciate staff looking at it. I personally have visited the site and observed the horses in the stalls, the cleanliness of the stalls, the location of the dumpster that holds the horse manure, which is on the west side of the property, as well as all of the flytraps. And I guess we're pretty good. Staff agrees with us. I agree with us (laughs). And we met all of Commissioner Kolarsky's requirements from May of last year. So, we ask for your approval. We're, we're here answer any questions you or anybody else may have.

GIBSON Thank you. This is a public hearing. This appeal is a public hearing. Is there anyone here who wishes to speak on the item? There being no one, Commissioner Segerblom.

SEGERBLOM Thank you. Just the record, the appeal is from the Planning Commission's approval of your application, correct?

ROGERS Absolutely correct-

SEGERBLOM So-

ROGERS ...Commissioner.

SEGERBLOM If we want to deny the appeal, that would support your application.

ROGERS Yes.

SEGERBLOM Okay. There's a one-year review of this. I've told the neighbors if they see a fly, take a picture of it, swat it. Whatever it is, I'll come out and look at it. We're gonna watch this place like a hawk. So, don't think you're gonna get away with anything. But I visited the site myself. I do think that this is compatible as long as

SEGERBLOM they can keep the horses under control. Other animals are prohibited, I think. And, and at the end of the day, we cannot allow flies. So, just, this place needs to stay spotless.

ROGERS We understand, Commissioner. And we'll abide by it.

SEGERBLOM All right. But having said...And again, neighbors, if you see something, say something. But having said that, I move for denial of the appeal.

GIBSON Okay. And the effect of denial of the appeal is that the review is approved.

ROBERT WARHOLA Correct.

GIBSON Please cast your votes. And that motion carries. Thank you.

ROGERS Thank you.

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

CONDITIONS OF APPROVAL -

Comprehensive Planning

- Until July 17, 2024 to complete the building permit and inspection process with any extension of time to be a public hearing;
- Until July 17, 2024 to review as a public hearing;
- Increase the number of fly traps to 12 with a majority to be placed along the east wall.
- 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. 64 UC-23-0316-SMITH, KIMBERLY:

APPEAL USE PERMITS for the following: 1) allow clients to a home occupation (equine therapy) where not permitted; 2) allow non-family members as employees in conjunction with a home occupation; and 3) allow a home occupation to be conducted outside where not permitted in conjunction with an existing single family residence on 0.7 acres in an R-E (Rural Estates Residential) (RNP-I) Zone. Generally located 460 feet south of Farm Road, 170 feet east of Sisk Road within Lone Mountain. MK/md/syp (For possible action)

REAL Commissioners, Item 64 is a second appeal. So, Item 64 for UC-23-0316, appeal use permits for the following: allow clients to a home occupation equine therapy where not permitted, allow non-family members as employees in conjunction with the home occupation, and allow a home occupation to be conducted outside where not permitted in conjunction with the sing- existing single family residence on 0.7 acres in a R-E rural estates residential RNP-1 zone, generally located 460 feet south of Farm Road, 170 feet east of Sisk Road within Lone Mountain.

GIBSON Good morning.

KIMBERLY SMITH Good morning.

GIBSON Tell us who you are.

SMITH I'm Kimberly Smith, 7530 Sisk Road.

GIBSON Okay. And you are here because someone has appealed an approval that you secured. Is that correct?

SMITH Correct.

GIBSON What can you tell us about what you're after?

SMITH So, I'm a marriage and family therapist, substance abuse counselor, have been a therapist in our community for 25-ish years. And I'm offering a different type of therapy that has been proven to be effective. It cuts down on the time that people are actually in therapy and has longer lasting effects. It is very beneficial to our veterans, our trauma victims, our neuro-divergent community. And so, I am trying to offer equine facilitated therapy.

This happens outside in the arena on my property. There was concern about parking. There is plenty of parking in my front yard. It's all graveled. And the way the house sits, you can fit easily 10 vehicles there. I don't plan on having 10 cars there at any one time. As far as the traffic, the person that talked about the traffic isn't even on Sisk road. So, they wouldn't be affected by it.

GIBSON Okay. And is there anything about this application that you want us to know?

SMITH I'm not sure.

GIBSON Okay. Well, if we have some questions, if we-

SMITH Okay.

GIBSON ... hear something different, S we'll invite you to respond.

This is a public hearing. Is there anyone here who wishes to speak on this item? If so, please come forward.

KELLY PATRICK Good morning. My name is Kelly Patrick, P-A-T-R-I-C-K, 7533 North Torrey Pines. And I appreciate your time today. I'm here today to oppose Miss Smith's request to have an equestrian business on her property. As far as the traffic goes, she is correct. My property is not currently on Sisk Road. However, Sisk is a cul-de-sac. And we already have one farm on there. And there is neighboring homes there. And Lennar is also building on the opposite side of Sisk.

In order to get to her property, she has to have folks go on the neighboring property. There's a small road that goes to her property. She has a gate in front of

PATRICK

her property. And she may have parking spaces for customers. I don't know. I've never actually been on her property. However, the neighbor next door to her, that driveway is actually their property. It's not her property. So, in order to obtain access to her property, you have to go onto someone else's property.

We're also on a well too. I don't know if anybody is aware of that. Our property's on a well. We're a very small community. I've owned that home since 2009. And the well ... We're constantly getting notices from the City asking us to stop our usage for the water because we use a lot of water. So, if we're on City water, it's going to be a further expense to us. We've been on a well for years. Having additional people using water and also, additional animals, especially thousand-pound animals that utilize more resources is a concern. I know that water usage is gonna be a big deal for us because we are on the well.

Also, equine experts say that you should have one to two acres of land for a horse and an additional acre for each additional horse and she does not have that piece of property. My understanding is she has less than an acre. So, I don't know if how many horses, if that has been discussed yet or what have you, but I don't know if she has the appropriate land, for that many horses. It is less than an acre. Also, the flies and everything, I know that is a concern for horse properties and all of that. We do have flies with that.

And my understanding as well is that she's been running this business out of her home illegally for a few years. So, I don't know exactly what's come upon that, and I'm not sure if any of my neighbors are here today. But this has been an ongoing issue with the City and the County because they have had many complaints.

GIBSON

Thank you. Is there anyone else who wishes to speak on this item? There being no one, the public hearing is closed. Commissioner Kirkpatrick, this is your appeal.

KIRKPATRICK

Yeah, unfortunately, it is mine. So, listen, I think both ladies misspoke on a couple of things and I wanna clear up the record first and foremost. So, one, Kim, you don't have enough for 10 cars. I've been to your house myself. There is no way (laughs) that you have enough room for 10 cars. Even your driveway would not allow for that because at the end of the day, I need to make sure that people can get out in the event.

And understand that you have a residential easement, which was meant for you to be able to drive across someone else's property to be able to use yours, not a commercial and not for tons of traffic. So, it wasn't built for that. On the horses. Look, this Board knows, I go out of my way to try and protect the rural lifestyle which includes horses, chickens, goats, all of it, because those folks were out there first, and we've encroached upon them. And so, for Lennar, they won't have an HOA, they will do monument lighting, they will allow for animals, because that's what it's intended for. But we do have codes that say how many animals that you can have, you have to have certain turnout requirements, those are all of that. But I'm not gonna promise you there's not gonna be any flies. There's flies today, there's flies across the street, there's flies a mile away, and that comes with animals as a whole. So, I can't not do that.

KIRKPATRICK But there are a couple of things that I'm concerned about. So, and there's conflicting information your own, right? So, Kim, I need to understand, what is it? How many patients are you looking at to see a day and what does that time frame look like?

SMITH So, per day, no more than six because, again it's not just about the clients, it's about the horse's welfare as well. And they take on a lot of client emotions, and we need to make sure that they're taken care of as well. So, we would like to do three sessions in the morning and three later in the day.

KIRKPATRICK Okay, but your application says something totally different. So, okay, that's one. So, two, what are your hours of operation?

SMITH I'm sorry, what?

KIRKPATRICK What would the hours of operation be?

SMITH That was in my letter. It depends on-

KIRKPATRICK Well, I mean, quite frankly, the application isn't consistent with what I've heard at any of the meetings from the Town Board to the Planning Commission to this. So, I know I sound a little cranky today, but this is ridiculous. You and I have been round and round about the Lennar homes and how you didn't want the traffic, how you didn't want all these things, and yet you're doing it to the very same neighbor (laughs), so it perplexes me. So, what are the hours that you wanna be running?

SMITH Right. So, in the winter, we're looking more like 9:00 a.m. to 3:00 p.m. Again, it's when it's warmer out, whereas in the summer, more 8:00 a.m. to 7:00 a.m. Again, not in the middle of the day due to the heat.

KIRKPATRICK Okay, and then so let me... Well, and so let me address the well issue. So, I'm the Chair of the Water District, which you probably heard when you were here earlier for the other conversation. We are not asking people to convert to city water for well owners for sure. And AB-220 did not do that whatsoever. So, I promise you, we're not asking because we have a lot of other folks we gotta try and work with first. So, we're not asking you to get rid of your well.

We're not even calling. So, if someone's calling you to tell you that you're using too much water in your well, that's a first for me. So, I'd like to know who that is so I can pay him a visit. Because when you have a well, you're allotted a certain amount of water, and if truth be told, unless you have a water meter on there, we don't go out on enforcement. So, I'd like to clarify that because... And the reason I say that is because it's such a hot topic in the Northwest about wells that I don't want misinformation put out there whatsoever, because we are not doing that at the Water District. We've never done that. I served in the Legislature. We tell you that if you have to convert because your well failed and you can't repair it, that's a whole different story. But I do not want the misinformation out there about that, because we do not micromanage people's wells. And what I will tell you, even, for... And I'm sorry, to the Board, to have to do this to you, but I'm trying to clean up the record because it's so messy between all these meetings that

KIRKPATRICK

we've had.

We even manage... we have an idea about how much water that horses used, so we have factored that into when we put our water stuff in, so we even know about how many gallons that they use. So currently how many animals do you have? How many horses do you have on the site?

SMITH

Three.

KIRKPATRICK

Okay. And so, with the size of your arena, I believe that that makes the turnout requirements, but we'd have to verify that with maybe Code Enforcement.

But here's the thing, Kim, we have had complaints about the lighting. We've had complaints about the disregard for the neighborhood. And I've done nothing but try to protect the rural components, but within reason. It's not meant for businesses. It's not meant... We have a place, Horses for Heroes, that does exactly what you're trying to do.

But so, I'm willing to do this on a temporary basis to see how it works because I have my doubts on whether it can work, because you've got to be a good neighbor because Code Enforcement violations, people love that if they think that you're not being a good neighbor and you don't have room for 10 cars and we're never letting 10 cars. So, you're gonna have to start at a smaller spot to even see that it works, which is ironically what you told me that I had to do with Green Gales and all these other things.

So, you just have to remember that your comments that you make are... I'm consistent in that area, very consistent. So, whether you love me or hate me, which I don't care, we are consistent. We try to protect the rural component and that's what we want. We don't want commercial. You drive three miles to get to a gas station 'cause that's not what we want. So, we're not trying to make it commercial, and we don't want this to be commercial.

I get an ancillary component because in today's environment there is so much need for mental health and all those other pieces. But I also wanna know, your license says that you're for adults, but the testimony at the Planning Commission says it's for pediatrics. Who- who's gonna be there? Who are your patients?

SMITH

I'm, What said it was for adults?

KIRKPATRICK

Who are your patients?

SMITH

Anyone from the ages of 5 to 95.

KIRKPATRICK

And, and that is stated on your license, correct, with the State?

SMITH

My State Business License as a marriage and family counselor.

KIRKPATRICK

Well, you got to have a Board approved.

SMITH

My marriage and family license?

KIRKPATRICK Yes.

SMITH Yes.

KIRKPATRICK Okay.

SMITH Yes. Yes. Yes. Yes.

KIRKPATRICK Well, I'm just trying to clear up the record-

SMITH Yeah. Yeah. No.

KIRKPATRICK ... because, as I said, this has been a ridiculous thing that we've had to go through.

So, I'm gonna make a motion for approval, but there's gonna be some conditions. One, I want a six-month administrative review so that I can look at any... so Sami, so I can look at any code violations, I can look at any nuisances.

Two, I'm not gonna change the hours, because... so the hours are gonna be consistent whether it's the winter or the summer because at the end of the day, 8:30 a.m. to 3:00 p.m. is sufficient because kids will be in school and so those are things that you can be doing, and I don't wanna have to get caught in the crosshairs of when summer starts, when winter doesn't, and it's just ridiculous.

What I don't want is five patients on site at one time. That's not what you said that you're doing. So, you're saying one patient per hour. So, my condition would be a maximum of five patients per day.

SMITH Okay.

KIRKPATRICK So, however you make that work out. And then two, here's what I'm gonna tell you. I am also gonna put on the record when... Rob, you might kill me for this, but just hear me out and see if I could do it. But I mean, there just has to be some acknowledgement that that is a residential easement for access to her home so that nobody would be liable, if there were something that happened. How do you do that?

WARHOLA Yeah, we can't really condition that here (inaudible)-

KIRKPATRICK (laughs) I knew I'd try it, though.

WARHOLA I think it just depends on who's responsible... if there's an accident or something happens. It just comes back to like a case by case basis, so.

KIRKPATRICK So, then my condition, so you understand what I'm saying, Kim, because if you wouldn't wanna be liable either, and I know that from dealing with you on the Lennar stuff and all these other things, so my condition is gonna be not more than three cars that don't live at that home on that property at one time.

Do you understand why I'm saying that? Well, if you're not gonna have more than five patients, you really don't need more than three cars.

SMITH I need staff.

KIRKPATRICK Huh?

SMITH I have staff that will be there.

KIRKPATRICK Okay, so how many is that? Because you're... See, this is why I'd really like to deny this application, but I'm trying to work with you. Because you said early on that you are doing one patient per hour, you're not gonna have more than five, so how many staff could you possibly have?

SMITH Two, additional to me. So, there would be two non-residential.

KIRKPATRICK So, again, if you're gonna have two staff and you're gonna have one client at a time, that's three cars.

SMITH Okay.

KIRKPATRICK So, what is the issue?

SMITH Okay. I just wanted to be clear.

KIRKPATRICK Oh, well, I'm crystal clear, to be honest.

SMITH That's why... I appreciate. Yeah.

KIRKPATRICK But I'm, I'm saying-

SMITH Okay.

KIRKPATRICK ... that's why I said three-

SMITH Yes.

KIRKPATRICK ... because it's for staff. And then I know that you have a couple of big trucks and a couple of cars, so those will have to be on your driveway.

SMITH A lot of them have been removed, but yes.

KIRKPATRICK Well, I'm just saying-

SMITH We just have a couple.

KIRKPATRICK ... you've got to use your driveway.

SMITH Yes.

KIRKPATRICK No one's easement and no one's gravel.

SMITH Correct.

KIRKPATRICK Okay. And then, Sami, I'd also like to do a one-year public hearing. The administrative is just so that we can revoke it if it's out of control, and then the public hearing is to give the residents a time to come back.

So, are you fine with those conditions, Miss Smith?

SMITH Oh, absolutely.

KIRKPATRICK Alright. So, with that, that's my motion, Mister Chair.

GIBSON Alright. So, we have a motion to approve, subject to the conditions you've noted, which include a six-month administrator review, a one-year public hearing review, the five patients per day, maximum three cars, representing the folks who would be parking in the gravel area, which would include your staff.

KIRKPATRICK No, on the-

GIBSON What-

KIRKPATRICK ... on the asphalt. She has a -

GIBSON On the asphalt?

KIRKPATRICK Yeah.

GIBSON Okay.

KIRKPATRICK In her parking area. She lives on a cul-de-sac, so her driveway is kind of like a V.

GIBSON Alright, so then with that clarification, two staff and a patient, so that's three additional people. I don't know if I've missed anything. And reconfirming or reaffirming that this is a residential-

GIBSON

KIRKPATRICK No more than three horses.

GIBSON ... easement as opposed to a commercial easement.

REAL Alright, so no more than three horses is added.

KIRKPATRICK Mm-hmm.

REAL And then the hours again?

KIRKPATRICK Is 8:30 a.m. to 3:00 p.m.

GIBSON 8:30 a.m. to 3:00 p.m. Alright. That's a motion. Please cast your votes. And that motion carries.

ACTION: It was moved by Commissioner Marilyn K. Kirkpatrick, and carried by unanimous vote, that application be approved subject to staff and additional conditions.

CONDITIONS OF APPROVAL -

Comprehensive Planning

- 6 month administrative review through the Commissioner's office with a copy to Comprehensive Planning;
- 1 year to review as a public hearing;
- Limit hours to 8:30 a.m. to 3:00 p.m.;
- Maximum 5 patients per day;
- Limited to a maximum of 3 horses;
- Vehicles not registered to the residence are limited to a maximum of 3 at any one time;
- Parking of vehicles for employees and patients is limited to on-site only and only on areas with asphalt pavement.
- 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.

Southern Nevada Health District (SNHD) - Engineering

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

ITEM NO. 65 AG-23-900404: Discuss the new naming conventions for zoning districts resulting from the adoption of the rewrite of Title 30 on August 2, 2023, and direct staff accordingly. (For possible action)

REAL

Alright, Commissioners. Next item is Item 65. It's AG 9... AG-23-900404. Discuss the new naming conventions for zoning districts resulting from the adoption of the rewrite of Title 30 on August 2nd, 2023, and direct staff accordingly.

If you remember, day one since drafting the rewrite of Title 30 and then all of the drafts there too. We have proposed a naming convention that differed from the current naming convention that we have today for our zoning districts.

And so, this agenda item is a request that the Board, officially, I guess, or not officially 'cause the, the zoning ordinance was already adopted, but to direct staff to prepare an ordinance to officially change the zoning districts. And those zoning districts would change for those projects that either elect to be processed under the rewrite of Title 30, or after January 1st, 2024, to align with the code that was recently adopted.

We do have some special considerations, for instance, the H-2 general highway frontage zoning district. We do not have a one-to-one conversion for that district because it exists throughout unincorporated Clark County in various areas that wouldn't be appropriate for one designation or another. So, we propose to handle that conversion on a case-by-case basis at such time that an applicant comes in either for their business license, building permit, land use application. Once that request is received, staff will take a look at it, determine the appropriate zoning district. If they agree, we'll process the, the zone change for them on their behalf. And if they don't, if they're asking for a more intense zoning district, then they'll be responsible for processing it.

JONES Mister Chair?

GIBSON Yes.

JONES If I could just jump in on the H-2. I know, Miss Real, we've had this discussion with regards to the H-2 and certain areas where there's a concentration. So, with regards to H-2 properties that are along Blue Diamond Road 160 that are west of Hualapai, if you could take a look at all those parcels and make recommendations for what the appropriate zoning would be and then we can contact the owners and get them to consent or non-consent to our designation.

REAL You want it done with this?

JONES No, that can be separate.

REAL Okay. Perfect.

JONES Separate.

REAL Okay. Then the other different that are... Not different, but the other unique situation that we have is Recreational Vehicle Park Zoning District, so that's RVP. So, we have that zoning district in both the valley and outside the valley, so what we're proposing is inside the valley, it go to our commercial general, which is our... the new C-G zoning district, and then outside the valley, it go to RS80, which is the R-U equivalent recreational vehicle parks are allowed in those two zones in the new zoning ordinance.

So, there will be no impacts to their operations. Those that are existing can continue to exist and then those that haven't been developed yet can still pursue a recreational vehicle park in those zoning districts. So, if the Board agrees staff can come forward with an ordinance to officially change the zoning districts for those zone districts that we have here with the exception of the H-2.

GIBSON Is there anyone who wishes... believes that is not a productive thing to do?

KIRKPATRICK I just wanna voice my concern, but I've been assured by Sami that when you open up the zoning code, that rural will stick out in a big way so that folks know. I just don't want people to believe that we took away the rural designations. And I've advocated this entire time that it be rural something or another. But my understanding is when the document is completed, it will say rule with the characteristics and all of those pieces in it. So, I just wanna be clear about that.

REAL Clear.

GIBSON So, your thoughts are clear on the record.

KIRKPATRICK And then the second question I wanna ask, so you know Rob, we're... and I'm sorry I didn't ask you ahead of time, but we're doing all this food vending stuff. Where within the code would that come up or is that another designation that we're gonna have to look at at some point?

WARHOLA I would think that's a use permit, probably.

KIRKPATRICK (inaudible)

WARHOLA And it depends on which zoning district.

REAL I guess, it depends. Are we talking about street vendors or are we talking about mobile food vendors?

KIRKPATRICK We're talking about the mobile food vendors. So-

REAL Mobile food vendors?

KIRKPATRICK Mm-hmm.

REAL So, we have in the, in the rewrite of Title 30, we have mobile food vending, and we allow mobile food vending on commercially zoned properties so long as they have the permission of the property owners. Otherwise, mobile food vending, just as we, we don't regulate mobile car washes, mobile...I would say medical services, but we can continue to work through your office (inaudible).

KIRKPATRICK Well, I'm just saying, as we go through this process, I'm curious if we're gonna have to. I don't wanna forget that step if it's necessary 'cause we promised a pathway to getting license and license legally, so I wanna make sure that there's no hiccups. So that's all I have, Mister Chairman.

GIBSON So, your concern is also then street vendors not... Yeah. Okay.

KIRKPATRICK They're... I think they're listed as mobile street vendors. At least that's how the Health District has them.

GIBSON Okay.

REAL And then I have one more clarification. For those projects, or for those parcels that are still subject to an active development agreement for a major project, we weren't proposing to change the zoning for those major projects at this time. They have locked-in codes, and so we want to continue to honor those zoning districts and those locked-in codes at such time as either the development agreement is completed or expired or terminated by both parties or with agreement by both parties, that's when we would change the zoning districts. If at any such time as, we'll just say the operator, the owner that we entered into the development agreement with wants to change the zoning, then we could go through that exercise.

GIBSON Then it sounds to me like you should craft what you're recommending and bring it back. Thank you.

REAL You got it.

ACTION: Staff directed.

ITEM NO. 66 AG-23-900405: Discuss the Tree Fund Policy resulting from the adoption of the rewrite of Title 30 on August 2, 2023, and direct staff accordingly. (For possible action)

REAL

You got it. Next item is Item 66 AG-23-900405. Discuss the tree fund policy resulting from the adoption of the rewrite of Title 30, on August 2nd, 2023, and direct staff accordingly. So as previously discussed when we had drafted the rewrite of Title 30, we introduced an in-lieu fee process for when projects are not proposing to install the required number of trees.

And the, the trees that we would want this policy to apply to would be the trees that we require for purposes of combating heat island impacts, and those would be street trees and parking lot trees. Those are the two types of trees that we have in, in the rewrite of Title 30 where we require them for that purpose.

So, we're proposing an in lieu... not an in lieu fee, but we're proposing the outline of the tree fund policy that will establish the per tree fee, which is proposed to be \$915. And that is done with consultation from Real Property Management. And then we propose a maximum adjustment of CPI based on CPI of 5% either up or down, but that would be an annual adjustment. We would ask that the Department of Real Property be the administrator of the tree fund, but the funds would be available to the Department of Real Property or Public Works or any other... I would say, project where the fees could be used for supplementing or I guess, enhancing the number of trees. So, not to meet the required number of trees, but to exceed the required number of trees.

And this would be applied when an application comes forward and is requesting to reduce the number of required trees and that we would like the fees to stay within the corresponding park district of where that project was, where that fee was collected. And those are our recommendations. And if you have any other input, I'd be happy to hear that. And then, if the Commission agrees on the per tree fee, then what we will do is we'll bring back an ordinance to add that fee into our fee code.

GIBSON

Alright. Commissioner Segerblom.

SEGERBLOM

Yeah, I have two concerns. First, I'm not sure having Real Property Management manage the money, it seems like that, that would slow down the process. I don't see why Jessica just couldn't have a fund where it's accessible. But, the more, more important thing is I'm concerned about the tree waivers are probably gonna be in Justin's District, which to his credit, but, the heat islands are in my District. And so, with the, with the limited development of my district, I would like to have some process where we could maybe overemphasize trees in my District.

GIBSON

Alright. Commissioner Jones.

JONES

Thank you, Mister Chair. I would respectfully disagree with my colleague that most of the waivers are in (laughs) my District. They're usually actually the industrial projects that are gonna be requesting the waivers. But policy-wise, just using today's application as an example, if for example an applicant comes in and requests a waiver of trees because NV Energy has a utility easement across that. Can they satisfy the requirement by placing trees somewhere else on site? 'Cause

JONES at the end of the day, we wanna deny as many of these waivers as possible and have them actually put in the trees rather than paying us.

REAL That is a clarification that we can add. That I agree, I think that having that exception, so, but there's an exception today and there's the exception going forward that if there is any conflicts with utilities, that those trees are not required. But what we can do is say, "Well, even though they're not required, we want you to put them somewhere else on site so that there's no net loss of trees." and so, we can add that.

JONES Thanks.

GIBSON Commissioner Naft .

NAFT Well, just so the record's clear, I equally respectfully disagree with my colleague to the left, and I think it has to stay in the park fund because that's... those are the communities that are most impacted. Obviously, this is a regional problem. We have to all solve it together, but these potential waivers are impacting people who live in specific areas very directly.

And I think we're just setting ourselves up for future in the long term so that the southwest will have some of the challenges that we're facing on the east side right now. So happy to work to solve that problem, but I think for this specific, in lieu of fee, it has to stay within the park fund. And I think, by the way, the park fund's a really generous way of doing it rather than probably benefits broadly communities better if you look at the geographic boundaries of park districts.

GIBSON Anything further Do you have clarity? Good,

REAL I do, thank you.

GIBSON Good. Alright. So that concludes.

KIRKPATRICK Mister Chairman.

GIBSON Yeah.

KIRKPATRICK Before you go to public comment, can I ask that an item be brought up? So, sorry. So today we approved a consumption lounge with waivers on the consent agenda. I have a recollection that we had a spirited conversation on how those would get done in the future, so can we at least maybe revisit that to see what it is? I'm never voting for them, (laughs) so if you guys just want me to say no and mind my business and do whatever. But I just think that it's got to be a public conversation, especially if they're getting waivers on distance requirements and stuff. So, I don't know what the rest of the Board, (laughs) and I don't know is this appropriate or not, but I just would rather see it. I think we got to remind ourselves the conversation.

WARHOLA It's appropriate to raise it now, but we can't really have discussion or deliberate on it.

GIBSON Yeah. Well, I think that there's value in the staff hearing that comment, and it may well be you'll come back with something that suggests a different approach.

NAFT Mister Chairman, can I also make a comment?

GIBSON Please.

NAFT Unrelated to the prior comment, I would just say I think if we're gonna look at the way items are placed on routine or not, it should be a holistic discussion perhaps rather than just specifically targeting one industry, which there's nothing wrong with that. But if we wanna come up with another way for items to be pulled rather than commissioner or public, we should probably also look at things like high impact project and how those schedules happen.

KIRKPATRICK I'm good with, I'm good with that, but I'm just saying so that there's some clarity going forward.

REAL We can bring it back for discussion with some suggestions.

GIBSON Yeah. We'll, we'll do that.

REAL Okay.

ACTION: Staff directed.

PUBLIC COMMENTS:

GIBSON That concludes the items that are posted on our agenda. This is the final period of public comment. Is there anyone here who wishes to make comment to this board? If so, please come forward, state your name, spell your last name, and please hold your comments to three minutes.

JENNIFER LUTHY Hello, I'm Jennifer Luthy, L-U-T-H-Y. I live at 7080 West Patrick Lane. I think I did this at the wrong time. So, I had a question regarding number 22 and 23. I guess, my question would be, I don't understand why that's in that first part when I thought it would have been in like the second part, like where you ask the public if they have problems or issues with the item. So, number 22 and 23, I guess, it's really number 23. I live at 7080 West Patrick Lane and to the... Rosanna Street is there and right behind it is this property which has been a vacant lot and now they wanna build a hotel on there. So, this is what my backyard would look into. So, I don't know to put that there. So that would look-

GIBSON Yeah, that's what I'm gonna suggest.

LUTHY That hotel would look directly into my backyard.

GIBSON Could we do this?

LUTHY Uh-huh.

GIBSON Those items were in Commissioner Naft's District. He'd be perfectly-

LUTHY Okay.

GIBSON ... happy to sit down with you and talk you through the concerns. Yeah.

LUTHY Okay. So, I just didn't understand how come like it wasn't in like the second part? Like did I. Like, do you understand my question? Like, you know, where you ask like, "Oh, can the general public come on"?

GIBSON Yeah. What happened is there, there are items that are on our consent agenda.

LUTHY Mm-hmm.

GIBSON So, they don't... if people want to comment, they can make a comment on them.

LUTHY Uh-huh.

GIBSON But we don't do a specific public hearing on-

LUTHY Oh, every... Okay.

GIBSON ... items that are not. So, this one, that's the way that this one came to us.

LUTHY Okay... so I understand. So, okay.

GIBSON Yeah.

LUTHY Alright, I just... it's noted, I oppose a hotel there, so. Alright.

GIBSON Thank you.

LUTHY Thank you.

GIBSON Is there anyone else who wishes to speak during the public comment period? There being no one, this meeting is adjourned. Thank you.

There being no further business to come before the Board at this time, at the hour of 11:12 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