

06/02/26 PC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**ET-26-400034 (UC-23-0891)-GARNER GEORGE W. & T 2000 LIV TR & MAGEL LAWRENCE W TRS:**

**AMENDED USE PERMIT FIRST EXTENSION OF TIME** for a congregate care facility.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** permit encroachment into air space (no longer needed); **2)** eliminate cross access; and **3)** allow access to a local street where access from a collector or arterial street is required.

**DESIGN REVIEWS** for the following: **1)** congregate care facility; and **2)** lighting plan on 2.5 acres in a CP (Commercial Professional) Zone within the Airport Environs (AE-60) Overlay.

Generally located south of Eldorado Lane and west of Dean Martin Drive within Enterprise. MN/bb/kh (For possible action)

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RELATED INFORMATION:

**APN:**

177-08-202-005

**LAND USE PLAN:**

ENTERPRISE - NEIGHBORHOOD COMMERCIAL

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: N/A
- Site Acreage: 2.5 (90,618 square feet net)
- Project Type: Congregate care
- Number of Stories: 1
- Building Height (feet): 22
- Square Feet: 31,204
- Parking Required/Provided: 33/45

History

This site was reclassified to a CP zone by ZC-0659-03 in August for six, 35 foot high office buildings. The zone change was conforming to the land use plan and was approved subject to no resolution of intent and an ordinance was adopted to change the zoning map. The previous development plan showed office buildings on 15 acres, including this property. None of the office buildings were constructed. Since this is a new project, the conditions of the previous zone change from 2003 are not applicable to this site, and a waiver to those conditions is not required.

In addition, when UC-23-0891 was approved, the waiver of development standards for encroachment into airspace was withdrawn without prejudice.

### Site Plan

The previously approved site plan depicts a congregate care facility on a 2.5 acre property with a net area of 2 acres after development and dedication of rights-of-way for Eldorado Lane and Polaris Avenue (on the east side of the street). Access is provided from Eldorado Lane at the northwest corner of the property and Polaris Avenue at the southeast corner of the property. There are 45 parking spaces provided along the west and south sides of the proposed congregate care building with the drive aisle connecting Eldorado Lane with Polaris Avenue. A loading zone is located at the south side of the building with bicycle parking located near the entrance. The building covers 35% of the lot.

### Landscaping

The approved landscape plan depicts 15 feet of landscaping along the west property line that will meet Figure 30.64-11 as a buffer adjacent to a less intensive use. Detached sidewalks with 5 feet of landscaping on either side is shown along Eldorado Lane and Polaris Avenue. Landscape fingers with trees are shown in all areas of the parking lot, exceeding the requirements in areas along the west and south property lines. Additional planters are shown immediately adjacent to the building with 5 additional trees located in a communal courtyard space located in the middle of the building.

### Elevations

The approved elevations depict a 22 foot high building with a combination of painted stucco siding, decorative honed block façade treatments, concrete tile roof materials, and a covered entrance on the west side of the building. The exterior of the building is designed with a residential appearance that includes a combination of hip roof and flat roof styles.

### Floor Plans

The approved floor plans depict a 31,204 square foot building with a central courtyard, kitchen, dining room, office space, reception with lobby, laundry room, storage spaces, and 38 rooms (76 beds).

### Previous Conditions of Approval

Listed below are the approved conditions for UC-23-0891:

#### Comprehensive Planning

- Certificate of Occupancy and/or business license shall not be issued without approval of an application for a zoning inspection.
- Applicant is advised within 2 years from the approval date the application must commence or the application will expire unless extended with approval of an extension of time; the County adopted a rewrite to Title 30 effective January 1, 2024, 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; changes to the approved project will require a new land use application; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

#### Public Works - Development Review

- Drainage study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 25 feet to the back of curb for Eldorado Lane, 25 feet to the back of curb for Polaris Avenue and associated spandrel.
- 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.

#### Department of Aviation

- Applicant is required to file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, in accordance with 14 CFR Part 77, or submit to the Director of Aviation a "Property Owner's Shielding Determination Statement" and request written concurrence from the Department of Aviation;
- If applicant does not obtain written concurrence to a "Property Owner's Shielding Determination Statement," then applicant must also receive either a Permit from the Director of Aviation or a Variance from the Airport Hazard Areas Board of Adjustment (AHABA) prior to construction as required by Section 30.02.26B of the Clark County Unified Development Code. Applicant is advised that many factors may be considered before the issuance of a permit or variance, including, but not limited to, lighting, glare, graphics, etc.;
- No building permits should be issued until applicant provides evidence that a "Determination of No Hazard to Air Navigation" has been issued by the FAA or a "Property Owner's Shielding Determination Statement" has been issued by the Department of Aviation.
- Applicant is advised that the FAA's determination is advisory in nature and does not guarantee that a Director's Permit or an AHABA Variance will be approved; that FAA's airspace determinations (the outcome of filing the FAA Form 7460-1) are dependent on petitions by any interested party and the height that will not present a hazard as determined by the FAA may change based on these comments; and that the FAA's airspace determinations include expiration dates and that separate airspace determinations will be needed for construction cranes or other temporary equipment.

#### Fire Prevention Bureau

- 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 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

#0013-2024 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

Waiver of Development Standards #1 was withdrawn without prejudice.

Applicant’s Justification

The applicant is requesting the extension of time due to extensive market adjustments related to the timing of development and financing delays, and to have adequate time to complete the project. No changes are proposed to the previously approved development.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
UC-23-0891	Use permit, waivers of development standards, and design reviews for a congregate care facility	Approved by PC	February 2024
VS-23-0892	Vacation and abandonment for easements	Approved by PC	February 2024
ZC-0659-03	Zone change from R-E to C-P	Approved by BCC	August 2003

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North	Industrial Park	IP (AE-60 & AE-65)	Office/warehouse
South	Neighborhood Commercial	CP (AE-60)	Undeveloped
East	Public Use	RS20 & PF (AE-60 & AE-65)	Undeveloped & fire station
West	Ranch Estate Neighborhood (up to 2 du/ac)	RS20 (NPO-RNP & AE-60)	Single-family residential

**STANDARDS FOR APPROVAL:**

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

**Analysis**

**Comprehensive Planning**

Title 30 standards of approval for an extension of time state an application may be denied if it is found that circumstances have substantially changed. A substantial change may include, without limitation, a change to the subject property, a change in the areas surrounding the subject property, or a change in the laws, regulations, or policies affecting the subject property. Additionally, the applicant must demonstrate the project is progressing through the applicable development permit or licensing process.

Staff finds that the congregate care facility has no active permits with the Building Department or Public Works. The general expectation is that progress is made prior to extension of time requests; however, since this is the first extension of time, staff can support this request.

## **Staff Recommendation**

Approval.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Master Plan, Title 30, and/or the Nevada Revised Statutes.

## **PRELIMINARY STAFF CONDITIONS:**

### **Comprehensive Planning**

- Until February 20, 2028 to commence or the application will expire unless extended with approval of an extension of time.
- Applicant is advised 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 the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

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

- Compliance with previous conditions.

### **Fire Prevention Bureau**

- No comment.

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

- No comment.

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

**APPROVALS:**

**PROTEST:**

**APPLICANT:** DANIEL LOERA JR

**CONTACT:** DANIEL LOERA JR, IMPACT DEVELOPMENT LLC, 3275 S. JONES BOULEVARD, SUITE 105, LAS VEGAS, NV 89146