

Board of County Commissioners

CLARK COUNTY, NEVADA

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WILLIAM MCCURDY II
ROSS MILLER
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TICK SEGERBLOM

COMMISSION CHAMBERS, GOVERNMENT CENTER
500 SOUTH GRAND CENTRAL PARKWAY
LAS VEGAS, NEVADA 89106
WEDNESDAY JANUARY 4, 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 4th day of January 4, 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
Justin Jones
Marilyn K. Kirkpatrick
William McCurdy II
Ross Miller
Michael Naft
Tick Segerblom

Absent:

None

Also Present:

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

Commissioner Ross Miller participated via telephone

ITEM NO. 1 Public Comment

JIM GIBSON

Good morning. Want to welcome you to our Zoning Meeting this morning. We'll, excuse Commissioner Miller this morning. Uh- he may dial in and if he does, he can let us know that he's on.

Um- the first order of business this morning, uh- is public comment. We'd invite anyone who wishes to comment on any item that is on our agenda to step forward. Tell us the item number that you're commenting upon, and, uh- state your name, spell your last name, and please confine your comments to three minutes under our rules. Good morning.

MARGARET COLEMAN

Yes, good morning, Commissioners. My name is Margaret Coleman. C-O-L-E-M-A-N. I'm to address you upon public comments and also concerning, um- what, um- happened yesterday, um- concerning what Marilyn Kirkpatrick said. We all want to live, number one. And she made a statement concerning and spoke up on overdose about two people successfully overdosing. That's not the kind of conversation we need Marilyn, that's an error. I and my daughter need, uh- the Board to, uh- take our living arrangements, uh- on improvement.

The place in which we are at is not giving me the opportunity to take care of her, and I'm only getting, I can't even get a room up on my own space to do my work because they want me to be a caretaker for my daughter in order to get assistance. As you know, you, you use my money, sold the house, and I'm outdoors. I'm sleeping in my car because I can't, you- you all want to open up a brain center. That's one reason why weed existing, drugs, psychotic. And that was open, uh- 2001 or 2005, and I don't feel as though it's necessary. And today everybody want to be a psychiatrist. We have too many medical people and all they want to do is help people with, yes, we all need the medication of care, but these psychotic drugs, you only want to open up that brain center.

My daughter's in a state of needing attention from me, uh- uh- that, needing to control, but she's play hating me on a level of something's in her brain. Uh- somebody puts something in, in her ear and she's doing a double three talk. I can't stand that. I don't like this lesbian world and this punk world. It's one reason why I'm outside, because they play hating straight people. I would like to have a man and I like to have a family. I like to go and to my sister's funeral and I still haven't gotten your assistance. I have to get in the middle of the street and beg for money. My money in which you give me, social security is not enough. I need a check. I need it today. Please.

You know, you used the money and haven't went to the Treasurer and, the State Treasurer took all my unclaimed property and sold it, and he's over here with, uh- over here at the roadway where my daughter and I- I am at. And the, the facility there is just not living arrangements. I haven't taken a bath because I can't go in, I fear for my safety. Over at Rita's, they were destroying my car, sabotaging that. Please understand, I need improvement. Thank you.

GIBSON

Is there anyone else who wishes to speak during the public comment period this morning at the beginning of our meeting, which is confined to those items on the agenda? Appearing there is no one, the next item.

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

NANCY AMUNDSEN

The next item is the approval of the agenda. After considering any additions or deletions of items, staff has the following request. Um- for the audience and applicant's information, an additional re-notification fees may be required if 85 days have passed since initial notification or there have been modifications to the original application.

Hold to the January 18, 2023, BCC meeting, Item 21 ET-21-400170 (UC-1223-07), Item 26 WS-22-0484, Item 27 ZC-22-0450. Hold to the February 8, 2023, BCC meeting, Item 25 WS-22-0147. Hold to the February 22, 2023, BCC meeting, Item 17 ET-21-400175 (UC-0492-15). And Item 18 ET-21-400176 (UC-0045-16). The above public hearing items are going to be open as a public hearing and immediately recessed until the dates as previously stated. With these deletions, which are Items 17, 18, 21, 25, 26, 27, the agenda stands ready for your approval.

GIBSON

And let me just note that, um- I have cards for people who wish to speak, uh- on Item, uh- 25 and Item 26, both of which are going to be continued. Item 25 until February 8th and Item 26 until January 18th. So, you know who you are. I think it's, uh- Eric Sar- Sardoras, and Summer Pritchett on Item 26, Norma Reichenbach and Janie Wilder on Item 25. Those items will not be heard today. Are there other changes to the agenda at the pleasure of the Board?

JUSTIN JONES

Motion for approval.

GIBSON

There's a motion for approval by Commissioner Jones. Any discussion on the motion? Please cast your votes. And Commissioner, uh- Miller, he notified me that he is on. The- the motion carries.

ACTION:

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

VOTING AYE:

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

VOTING NAY:

None

ABSENT:

Ross Miller

ABSTAIN:

None

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

AMUNDSEN

The third item on the agendas, the approval of minutes. The minutes of the December 7, 2022, Zoning Meeting are ready for approval.

JONES

(inaudible)

GIBSON

There's a motion for approval over the minutes by Commissioner Jones. Any discussion on the motion? Please cast your votes.

ROSS MILLER

Yes.

GIBSON And the motion carries.

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

ROUTINE ACTION ITEMS (4-16)

AMUNDSEN Next are the Routine Action Items, which consist of Items 4 through 16. These items may be considered together in one motion and are subject to the conditions listed with each agenda item. If there are no objections from the audience, the public hearing is now open for the Routine Action Items and the routine action portion of the agenda stands ready for approval.

GIBSON Any discussion on those items? And then we... I'll take a motion.

JONES (inaudible)

GIBSON There's a motion for approval of the routine action items by Commissioner Jones. Any discussion? Please cast your votes.

MILLER Yes.

GIBSON And the motion carries.

ACTION: It was moved by Commissioner Justin Jones, and carried by unanimous vote, that the routine action items be approved.

ITEM NO. 4 DR-22-0634-AMH NV15 DEVELOPMENT, LLC:

DESIGN REVIEW for finished grade in conjunction with an approved single family residential development on 1.9 acres in an R-2 (Medium Density Residential) Zone. Generally located on the north side of Chartan Avenue and the east side of Buffalo Drive within Enterprise. JJ/rk/syp (For possible action)

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

CONDITIONS OF APPROVAL-

Current Planning

- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application, a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 2 years of approval date or it will expire.

Public Works - Development Review

- Comply with approved drainage study PW22-17034;
- 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 a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0184-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 5 AR-22-400123 (UC-0381-15)-VEGAS DEVELOPMENT LANDOWNER, LLC:

USE PERMITS SECOND APPLICATION FOR REVIEW of the following: 1) a motion picture production studio as a primary use; 2) permit a motion picture production studio within a membrane structure (tent) where required to be within an enclosed building; and 3) permit eating and drinking area with on-premises consumption of alcohol in conjunction with a motion picture production studio.

DESIGN REVIEW for a temporary membrane structure (tent) with alternative external building materials for a motion picture production studio within an approved parking lot on 7.1 acres in an H-1 (Limited Resort and Apartment) Zone. Generally located on the southwest corner of Flamingo Road and Koval Lane within Paradise. JG/jgh/syp (For possible action)

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

CONDITIONS OF APPROVAL-

Current Planning

- Until August 5, 2027 to review as a public hearing.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including 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.

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. 6 ET-22-400122 (ZC-19-0892)-LTF REAL ESTATE COMPANY INC:

WAIVERS OF DEVELOPMENT STANDARDS SECOND EXTENSION OF TIME for the following: 1) increase building height; 2) increase height of exterior fixtures (luminaries) mounted on a building; 3) reduce landscaping; and 4) alternative driveway geometrics.

DESIGN REVIEWS for the following: 1) alternative parking lot landscaping; and 2) health club with accessory commercial uses on 15.2 acres in a C-2 (General Commercial) Zone in the CMA Design Overlay District. Generally located on the east side of Durango Drive and the north side of Rafael Rivera Way within Spring Valley (description on file). MN/dd/syp (For possible action)

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

CONDITIONS OF APPROVAL-

Current Planning

- Until January 8, 2025 to commence;
- 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 service in the area.
- Applicant is advised that the installation and use of cooling systems that consumptively use water are 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

- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Beltway, Frontage Road improvement project;
- Applicant to coordinate a contribution with Public Works for improvements Rafael Rivera Way;
- Compliance with previous conditions.

ITEM NO. 7 ET-22-400124 (ZC-0387-08)-INDIAN SPRINGS INVESTMENTS, LLC:

ZONE CHANGE FIFTH EXTENSION OF TIME to reclassify 15.8 acres from an R-T (Manufactured Home Residential) Zone to an R-3 (Multiple Family Residential) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) reduced driveways; and 2) trash enclosures.

DESIGN REVIEW for an apartment complex. Generally located on the south side of Boulder Lane and the east side of Jet Street (alignment) within Indian Springs (description on file). RM/al/syp (For possible action)

ACTION:

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

CONDITIONS OF APPROVAL-

Current Planning

- Staff to prepare an ordinance to adopt the zoning;
- Until November 2, 2024 to commence the waivers of development standards and the design review.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and 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. 8 UC-22-0619-RSS BNK2019-BNK21-NV 2HT LLC: USE PERMIT to allow a major training facility.

DESIGN REVIEW for the modification of the façade of an existing shopping center on 4.3 acres in a C-2 (General Commercial) Zone. Generally located on the north side of Tropicana Avenue, 770 feet east of US-95 within Paradise. TS/hw/syp (For possible action)

ACTION:

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

CONDITIONS OF APPROVAL-

Current Planning

- Applicant is advised that the installation and use of cooling systems that consumptively use water are 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

- Traffic study and compliance.

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. 9 UC-22-0638-PARBALL NEWCO LLC:

USE PERMIT for deviations as shown per plans on file in conjunction with a resort hotel (Horseshoe).

DEVIATIONS for the following: 1) increase the number of directional signs; 2) increase the area of directional signs; and 3) deviations as shown per plans on file.

DESIGN REVIEW for a comprehensive sign package in conjunction with a resort hotel (Horseshoe) on 30.0 acres in an H-1 (Limited Resort and Apartment) Zone. Generally located on the east side of Las Vegas Boulevard South and the south side of Flamingo Road within Paradise. JG/md/ja (For possible action)

ACTION:

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

CONDITIONS OF APPROVAL-

Current Planning

- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 2 years of approval date or it will expire.

Public Works - Development Review

- Coordinate with Public Works - Construction Management - Johnathan Morales.
- Applicant is advised that signs, structures, and landscaping shall not encroach into public right-of-way, easements, or sight-visibility zones.

ITEM NO. 10 VS-22-0605-OBJECT DASH LLC:

VACATE AND ABANDON easements of interest to Clark County located between Haven Street (alignment) and Las Vegas Boulevard South, and between Four Seasons Drive and Russell Road (alignment) within Paradise (description on file). JG/bb/syp (For possible action)

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

CONDITIONS OF APPROVAL-

Current Planning

- Satisfy utility companies' requirements.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that the recording of the order of vacation in the Office of the County Recorder must be completed within 2 years of the approval date or the application will expire.

Public Works - Development Review

- Right-of-way dedication to include 43 feet for Las Vegas Boulevard South for APN 162-28-402-002.
- Revise legal description, if necessary, prior to recording.

ITEM NO. 11 WS-22-0636-HORIZONTE HOME LLC:

WAIVER OF DEVELOPMENT STANDARDS for increased wall height.

DESIGN REVIEW for finished grade on 5.0 acres in an R-E (Rural Estates Residential) (RNP-I) Zone. Generally located on the southwest corner of Red Coach Avenue and Park Street within Lone Mountain. RM/sd/syp (For possible action)

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

CONDITIONS OF APPROVAL-

Current Planning

- 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 2 years of approval date or it will expire.

Public Works - Development Review

- Comply with approved drainage study PW22-14545;
- 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 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 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. 12 ZC-22-0589-CORTES, J YNEZ OROZCO:

ZONE CHANGE to reclassify 0.7 acres from an R-4 (Multiple Family Residential – High Density) Zone to an R-E (Rural Estates Residential) Zone. Generally located on the west side of Ringe Lane, 130 feet south of Owens Avenue within Sunrise Manor (description on file). TS/mc/syp (For possible action)

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

CONDITIONS OF APPROVAL-

Comprehensive Planning

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning.

Public Works - Development Review

- Execute a Restrictive Covenant Agreement (deed restrictions);
- Drainage study shall be required with future development as determined by Public Works- Development Review.
- Applicant is advised that off-site improvement permits may be required.

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 #0447-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 13 ZC-22-0628-MEERKAT HOLDINGS, LLC:

ZONE CHANGE to reclassify 2.2 acres from an R-E (Rural Estates Residential) (AE-60) Zone to a C-1 (Local Business) (AE-60) Zone.

WAIVER OF DEVELOPMENT STANDARDS to allow modified street standards.

DESIGN REVIEW for 2 restaurants with drive-thru in the CMA Design Overlay District. Generally located on the north side of Quail Avenue and the east side of Jones Boulevard within Spring Valley (description on file). MN/md/syp (For possible action)

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

CONDITIONS OF APPROVAL-

Current Planning

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the 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 waiver of development standards and design review applications 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 Quail Avenue and associated spandrel;
- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Jones Boulevard improvement project;
- Quail Avenue driveway shall be exit only.
- 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 required to file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, in accordance with 14 CFR Part 77, or submit to the Director of Aviation a "Property Owner's Shielding Determination Statement" and request written concurrence from the Department of Aviation;
- If applicant does not obtain written concurrence to a "Property Owner's Shielding Determination Statement," then applicant must also receive either a Permit from the Director of Aviation or a Variance from the Airport Hazard Areas Board of Adjustment (AHABA) prior to construction as required by Section 30.48 Part B of the Clark County Unified Development Code; 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; 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; to show on-site fire lane, turning radius, and turnarounds; and that fire access lanes must be a minimum of 24 feet.

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 #0308-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 14 VS-22-0629-MEERKAT HOLDINGS, LLC:

VACATE AND ABANDON easements of interest to Clark County located between Jones Boulevard and Red Rock Street, and between Russell Road and Quail Avenue within Spring Valley (description on file). MN/md/syp (For possible action)

ACTION:

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

CONDITIONS OF APPROVAL-

Current Planning

- Satisfy utility companies' requirements.

- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that the recording of the order of vacation in the Office of the County Recorder must be completed within 2 years of the approval date or the application will expire.

Public Works - Development Review

- Right-of-way dedication to include 25 feet to the back of curb for Quail Avenue and associated spandrel;
- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Jones Boulevard improvement project;
- Vacation to be recordable prior to building permit issuance or applicable map submittal;
- Revise legal description, if necessary, prior to recording.

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; to show on-site fire lane, turning radius, and turnarounds; and that fire access lanes must be a minimum of 24 feet.

ITEM NO. 15 TM-22-500207-MEERKAT HOLDINGS, LLC:

TENTATIVE MAP consisting of 1 commercial lot on 2.2 acres in a C-1 (Local Business) (AE-60) Zone in the CMA Design Overlay District. Generally located on the north side of Quail Avenue and the east side of Jones Boulevard within Spring Valley. MN/md/syp (For possible action)

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

CONDITIONS OF APPROVAL-

Current Planning

- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that a final map for all, or a portion, of the property included under this application must be recorded within 4 years or it will expire.

Public Works - Development Review

- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 25 feet to the back of curb for Quail Avenue and associated spandrel;
- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Jones Boulevard improvement project;
- Quail Avenue driveway shall be exit only.
- 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.

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 #0308-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 16 ORD-22-900690: Conduct a public hearing to consider adoption of a Development Agreement with Eldorado Lane LLC for an office/warehouse (Buffalo & Eldorado) on 1.0 acre, generally located north of Eldorado Lane and west of Buffalo Drive within Spring Valley. MN/dd (For possible action)

ACTION: It was moved by Commissioner Justin Jones, and carried by unanimous vote, that the recommendation (including the adoption of Ordinance No. 5012) be approved.

ITEM NO. 17 ET-21-400175 (UC-0492-15)-WESTWYNN, LLC:

AMENDED HOLDOVER USE PERMITS SECOND EXTENSION OF TIME for the following: 1) High Impact Project; 2) resort hotel; 3) public areas including the casino, showrooms, live entertainment, retail center, indoor and outdoor dining, entertainment, offices, convention, back-of-house, and parking structures; 4) increase the height of high-rise towers; 5) associated accessory and incidental commercial uses, buildings, and structures; and 6) deviations from development standards.

DEVIATIONS for the following: 1) reduce on-site parking requirements; 2) allow primary access to outside dining and drinking areas, restaurants, retail buildings and uses from the exterior of a resort hotel; 3) encroachment into airspace; 4) alternative landscaping; and 5) all other deviations as shown per plans on file.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) reduced setbacks; and 2) non-standard improvements (landscaping and fencing) within the right-of-way.

DESIGN REVIEWS for the following: 1) High Impact Project; 2) resort hotel and all associated and accessory uses; 3) hotel towers and associated low-rise and mid-rise buildings and structures; 4) low-rise and mid-rise buildings including retail, restaurants, public, and back-of-house areas; 5) water features (man-made lake and decorative water fountains); and 6) all other accessory and incidental buildings and structures on 34.6 acres in an H-1 (Limited Resort and Apartment) Zone. Generally located on the northwest corner of Las Vegas Boulevard South and Fashion Show Drive within Winchester and Paradise. TS/sd/jo (For possible action)

ACTION: Deleted from the agenda (held to February 22, 2023, per the applicant)

ITEM NO. 18 ET-21-400176 (UC-0045-16)-WESTWYNN, LLC:

AMENDED HOLDOVER USE PERMIT SECOND EXTENSION OF TIME to expand/enlarge the Gaming Enterprise District by approximately 2.5 acres in conjunction with an approved resort hotel (Alon) on 34.6 acres in an H-1 (Limited Resort and Apartment) Zone. Generally located between Sammy Davis Jr. Drive and Las Vegas Boulevard South and between Fashion Show Drive and Wilbur Clark Desert Inn Road within Winchester and Paradise. TS/sd/jo (For possible action)

ACTION: Deleted from the agenda (held to February 22, 2023, per the applicant)

ITEM NO. 19 ET-22-400125 (UC-17-0762)-GRACE PRESBYTERIAN CHURCH:

USE PERMIT THIRD EXTENSION OF TIME to increase the height of an ornamental spire.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) increase block wall height; 2) eliminate cross access; 3) reduce parking; and 4) parking lot landscaping.

DESIGN REVIEWS for the following: 1) a proposed place of worship; and 2) a proposed outdoor water feature on 4.2 acres in a C-2 (General Commercial) Zone within the CMA Design Overlay District.

WAIVERS OF CONDITIONS of a zone change (ZC-1744-03) for the following: 1) landscaping widths and detached sidewalk as depicted per plans along Oquendo Road and Durango Drive with medium trees, 24 inch box in size, with shrubs to cover 50% of the landscape area, as shown on plans; 2) ten foot wide landscape area along the west property

line with an intense buffer per Figure 30.64-12; 3) redesigning the site to eliminate and relocate two-way drive and parking directly west of in-line retail Building "E" to make the parking more useable and reduce any noise impacts that may affect future residential development to the west; 4) recording perpetual cross access, ingress/egress, and parking easements with the property to the north; 5) repositioning the proposed Building "G" to the south of Building "F" (mirror image) so that the proposed roll-up doors will not face the north property line and the roll-up doors facing the west property line will be screened by Building "E"; 6) all proposed roll-up overhead doors to be painted a light, warm color consistent with the color palette used on all buildings; 7) all building elevations visible from a public right-of-way to have a landscape area or raised sidewalk along the base of the buildings to separate buildings and parking areas (no pavement intended for parking adjacent to buildings) with exception permitted for drive-thru lanes; 8) providing consistent architecture with enhanced architectural elements that unify the site, such as the roof elements, stucco pop-outs, and cornice details, as depicted per plans, and consistent landscaping throughout with enhanced paving at vehicular entrances and pedestrian crossings; 9) rear elevation on Building "E" (facade facing future residential development to the west) to have stucco pop-outs and other creative enhancements to further articulate that elevation and ensure consistency with primary elevation; 10) design review as a public hearing on all future buildings to ensure compliance and consistency with these conditions; and 11) Buildings "A" and "C" may require additional land use applications and any architectural elements, including roof element for gasoline canopy to be consistent with all buildings on-site. Generally located on the northwest corner of Durango Drive and Oquendo Road within Spring Valley. JJ/dd/syp (For possible action)

AMUNDSEN

Then we go to Item 19 ET-22-400125, use permit third extension of time to increase the height of an ornamental spire, waivers of development standards for the following: increased block wall height, eliminate cross access, reduce parking, reduce lot, parking lot landscaping.

Design reviews for the following: a proposed place of worship, a proposed outdoor water feature on 4.2 acres and a C2 general commercial zone within, within the CMA Design Overlay District. Waiver of conditions of a zone change ZC-17-4403 for the following. Landscape widths and detached sidewalks as depicted per plans along Oquendo and Durango Drive and medium trees, 24-inch box in size with shrubs- shrubs to cover 50% of the landscape area as shown on the plans. 10-foot-wide landscape area along the west property line with an intense buffer. Redesigning the site to eliminate and relocate two-way drive and parking directly west of an inline retail building E to make the parking more usable and reduce any noise impacts that may affect future residential development to the west. Recording perpetual cross access, ingress egress and parking easements with the property to the north. Repositioning the proposed building G to the south and building F mirror image so that the proposed roll-up doors will not face the north property line and the roll-up doors facing the west property line will be screened by building E. All proposed roll-up overhead doors to be painted a light warm color consistent with the color pallet used on all buildings. All building elevations visible from a public right of way to have a landscape area or raised sidewalk along the base of the buildings to separate buildings and parking areas. No pavement intended for parking adjacent to the buildings with the exception permitted for drive through lanes. Providing consistent architectural with enhanced architectural elements that unify the sites such as the roof elements, stucco, pop outs, and cornice details as proposed per plans and consistent landscaping throughout the enhanced paving of, at vehicle entrance and pedestrian crossings. Rear elevation on building E facade facing future residential development to the west to have a stucco pop outs and other creative enhancements to further articulate that elevation and ensure consistency with primary elevation.

AMUNDSEN

Design review as a public hearing for all future buildings to ensure compliance and consistency with these conditions. Buildings A and C may require additional land use applications and any architectural elements, including roof element for gasoline canopy to be constructed with all buildings on site, generally located on the northwest corner of Durango Drive and Oquendo Road within Spring Valley. For your information, all of those waivers of conditions were from a previous application that was not for the church, but they had to ask to have those waived.

TONY CELESTE

Good morning, Mister Chairman, Commissioners. My name is Tony Celeste. Along with me is, uh- Misha Ray. Our address is 1980 Festival Plaza Drive. Uh- we are here on behalf of the applicant, Grace Presbyterian. Um- at this point I'll turn it over to Misha to get into the details of the request for this application.

GIBSON

Thank you.

MISHA RAY

Good morning, Mister Chair, Members of the Commission. Thank you for your time today. What is before you today is an extension for Grace Church. Uh- they have lived downtown for decades and years ago when Project Neon commenced, there was, the nature of the construction led to some access issues for the church. So, they engaged in some long-term litigation that has now concluded. Though at the time of the last extension in this matter, which was October of 2020, uh- if you'll recall, the courts were inundated with COVID delays and were favoring criminal trials over civil. So at that time, civil trial in this matter had not yet been set. It was later set from May of 2021. Uh- the week before the matter was set to go to trial, they did receive a settlement offer, uh- from NDOT, which was accepted, and then they went through the protracted process of getting that settlement approved.

Uh- it has since been approved and when they had the money in hand, the church immediately began doing the internal design work for their new location, including things like the chapels and those things that are unique to a church, as well as moving their organ and those kinds of things. So they worked on the internal designs, um- and they have, uh- now got all those things figured out. They've also initiated and completed their grassroots funding campaign to finalize all of the budget for this project, which they do believe they now have the entire budget for the project. Um- the, also a part of the settlement was they have a certain amount of time to get out of their current downtown location and move into their new location.

So, they are very motivated to get into this new location. Um- and the new location on Durango and Oquendo is an ideal place for a church use like this. Uh- it's a nice high traffic corridor meant for use like this rather than churches moving into things like the RNP overlays and other rural areas. So for those reasons, we request your approval today and we're here for any questions.

GIBSON

Thank you, Miss Ray. This is a public hearing, is there anyone here who wishes to speak on this item? There being no one, the public hearing is closed. Commiss...

JONES

Thank you, Mister Chair. And, uh- thank you for presentation. Um- I did have just one question that I neglected to ask when we met the other day. On the, um-

JONES the, uh- water feature, can you just, obviously water is of utmost importance to, to this Board right now. Can you w- walk us through that?

RAY Correct. The applicant withdrew the water feature, um- at Town Board and had previously believed that they had also withdrawn it. However, we have formally withdrawn that.

JONES Okay. All right then, uh- I'll go ahead and move for approval of agenda Item 19. Uh- noting that the, um- water feature request for a waiver has been withdrawn.

GIBSON There's a motion for... there's a motion for approval of the item, Item 19 by Commissioner Jones. Any discussion on the motion? Please cast your votes.

MILLER Yes.

GIBSON And the motion carries

CELESTE Thank you.

GIBSON Thank you, very much.

RAY Thank you.

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

CONDITIONS OF APPROVAL-

Current Planning

- Until October 17, 2023 to commence;
- 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 service in the area.
- Applicant is advised that the installation and use of colling systems that consumptively use water are 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.

DESIGN REVIEW #2 WAS WITHDRAWN.

ITEM NO. 20 UC-22-0564-MRC 1 FUNDING CORPORATION:

USE PERMITS for the following: 1) expand the Gaming Enterprise District; 2) high impact project; 3) resort hotel; 4) resort condominiums; 5) public areas including all casino areas, showrooms, live entertainment, shopping center, indoor and outdoor dining, offices, meeting/convention space, back-of-house areas, and parking structures; 6) associated accessory and incidental commercial uses, buildings, and structures; 7) kitchens within guest rooms; and 8) deviations as

depicted per plans on file.

DEVIATIONS for the following: 1) increased building height; 2) reduce height/setback ratio; 3) encroachment into airspace; and 4) all other deviations as shown per plans on file.

DESIGN REVIEWS for the following: 1) a resort hotel with a high-rise tower and kitchens in rooms; and 2) all other accessory and incidental buildings and structures on 14.5 acres in an H-1 (Limited Resort and Apartment) Zone.

Generally located on the northwest corner of Desert Inn Road and Paradise Road within Winchester. TS/gc/syp (For possible action)

AMUNDSEN

Next is Item 20 UC-2205-64. Use permits for the following, expand the Gaming Enterprise District, high impact project, resort hotel, resort condominiums, public areas including all casino areas, showrooms, live entertainment, shopping center, indoor and outdoor dining offices, meeting convention space, backup house areas and parking structures. Associated accessory and incidental commercial uses buildings and structures, kitchens within guestrooms, deviations as depicted per plans on file, deviations for the following. Increased building height, reduced height, setback ratio, encroachment into airspace. All other deviations as shown per plans on file. Design reviews for the following, a resort hotel with a high-rise tower and kitchen in-room- kitchens in rooms. All other accessory and incidental buildings and structures on 14.5 acres in an H-1 limited resort and apartment zone. Generally located on the northwest corner of Desert Inn Road and Paradise Road within Winchester.

GIBSON

Good morning, Miss Lazovich.

JENNIFER LAZOVICH

Good morning. Jennifer Lazovich, 1980 Festival Plaza Drive. Here today on behalf of the applicant. Uh- as Miss Amundsen read into the record and the staff report indicates we are here today to establish a use permit for a Gaming Enterprise District, um- as required by NRS 463.3086. We do have a court reporter here and I do have to put a number of things on the record, uh- in, uh- compliance with that state law provision.

Uh- each of you now has a binder. It'll be the same binder that I am going through, um- on the, on the overhead so that you can, uh- follow along if you want in your binder or watch. We've also provided a copy for Planning as well as for the Clerk.

Uh- so to start, um- just wanna point out where the site is located. It is located on Convention Center and Paradise Road, just south of the new Convention Center, uh- expansion that was built north of consent, the Convention Center Drive. The master plan location for this, uh- designates this property as entertainment mixed use and the zoning, the existing zoning for the property is H-1.

Under tab two, um- we have the components, uh- of the design review, which is also part of the application. Um- I won't spend a lot of time going through this other than to point out perhaps one very important thing on this particular plan, which is that there's this hashed line that runs right here. And the reason why that line is significant is because as we all know, there is a church that sits on Las Vegas Boulevard. And uh- we had to, the, uh- Gaming Enterprise District, uh- that's not within 1500 feet of Las Vegas Boulevard and is being established has to be a minimum distance from a religious facility. This dashed line represents that 1500-foot distance. So, we don't have any of our required, uh- gaming activities,

LAZOVICH

parking, hotel rooms, things that are required by code, none of that sits, uh- to the west of that line. Uh- all of our required activity for this, uh- plan sits east of that line. Now we can have additional, uh- items that are not required by code and still part of this overall project. That's why you see the Convention Center sitting here. Uh- but again, that's to be in compliance with that distance separation from the church that sits on Las Vegas Boulevard.

Tab number three- tab number three. This is the radius map, which ties into what I just, uh- mentioned. Uh- this radius map identifies the Roman Catholic Church right here in this location. And again, as we indicated, it needed to be 1500 feet away. So, you can see that that dashed line right there corresponds to the site plan that I just showed you. The other thing with this radius map, it does identify that there are no other protected uses, such as single-family residential homes, uh- schools or other religious, uh- facilities or institutions within the radius. So, this, uh- radius map is in compliance with what state law requires.

Tab number four, without going through, um- each of the pages, um- essentially this tab is for the RISE reports. And the RISE reports, uh- go through to ensure that there is access to water, sanitation, utilities, and related services and that those services are adequate for the project. The RISE report demonstrates that, and that is another component of state law that, um- there are adequate services to the site. Obviously, we're sitting on two major, uh- roads with it being Convention Center and Paradise Road. There is some existing development there as well today utilizing some services. Any future project, uh- would come in with additional studies, but there would be adequate services in the area for any type of future project.

Tab number five. Uh- the applicant commissioned applied analysis for an economic impact analysis. Uh- this goes through any type of construction jobs, uh- permanent jobs, indirect and direct. And it's noted that, um- in both cases there would be a significant amount of, uh- employment opportunities, both in construction and then also in terms of permanent jobs once the project is completed.

The, uh- final tab that I have is, this is our FAA approval. We cannot be before you today unless we have that FAA approval in hand. Uh- just of note, um- we did meet with the Airport on this as well because with the current, uh- flight pattern, some of the height of the previously approved project needed to be lowered in order to comply with current, uh- FAA requirements, which we have done. And so now we have the FAA approval in hand and that height matches what is indicated in your, uh- staff report in terms of the height that we are asking for.

So, with that, I just wanna also thank, uh- staff for working with us on this project. They did recommend approval, also Town Board and Planning Commission recommended approval and I would be happy to answer any questions.

GIBSON

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

TICK SEGERBLOM

Thank you, Mister Chair. Um- from my perspective, this obviously is- is- a- a

SEGERBLOM gaming site. There's, uh- so I don't see any reason to ob- to, uh- object to this. Um- also this I think is the second time this has come before me. So is there a way to extend the time for like five years? Um- 'cause I don't think that it's, it's ever gonna, I mean, it, it's hopefully the Marriott's gonna build something in my lifetime.

AMUNDSEN If you would like to, um- have it approved with five years to commence, that is at your discretion.

SEGERBLOM Alright. Is the Marriott-

LAZOVICH Thank you, very-

SEGERBLOM ...uh-approved of that?

LAZOVICH That would be very helpful. Thank you very much.

SEGERBLOM Alright, Mister Chair. I'd make a motion to approve it, uh-with the, changing it to five years.

JONES Mister Chair?

GIBSON Yes. Commissioner Jones?

JONES Thank you, Mister Chair. Um- the existing site has a lot of non-functional turf on it. Do you know what the owner's current plans are for removal of the non-functional turf?

LAZOVICH Let me go back to the aerial. I will find out. Um- you know, as, as you've probably driven the site today, it's one of those Marriott Courtyard, um- low, you know, um- low rise properties where they have hotel rooms. So, I will ask them that question and see, um- what they're thinking about doing with the turf, uh- for now for water conservation purposes while some other future project is on the books.

JONES Okay, that'd be great. Water's important to our Board.

LAZOVICH Yes.

GIBSON Is there anything more? Please cast your votes.

MILLER Yes.

GIBSON The motion carries.

LAZOVICH Thank you, very much.

GIBSON Thank you.

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

CONDITIONS OF APPROVAL-

Current Planning

- Expunge UC-1223-07;
- Prior to the issuance of building permits, 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;
- Allow the following permits prior to the adoption of the Development Agreement: all grading, including excavation and underground utilities, construction below grade level, and structural first lift with initial foundation work and structures above grade;
- Prior to the issuance of building and grading permits, enter into a Performance Agreement with Clark County which includes a Decommissioning Plan specifying the actions to be taken by the Developer or County in the event construction of the project is stopped or abandoned;
- Bond or other form of financial security, acceptable to Clark County shall be provided with the Performance Agreement as security of the full and complete fulfillment of the decommissioning actions identified in the Decommissioning Plan;
- A 50 foot minimum setback from right-of-way at the intersection of Convention Center Drive and Paradise Road to create an open plaza area at this intersection;
- Determination of No Hazards and a finding of no significant impact on aircraft activity at Harry Reid International Airport for all constructions cranes (as recommended by the FAA in paragraph 7 in Aeronautical Study Numbers: 2022-AWP-1041-OE through 2022-AWP-1046-OE dated 9/7/2022 on page 7);
- Applicant is required to have an approved FAA Form 7460-2 prior to the issuance of building permits;
- Applicant is advised the “Determination of No Hazard to Air Navigation (Correction)” for Aeronautical Study Numbers 2022-AWP-1041-OE through 2022-AWP-1046-OE expires on March 7, 2024 unless:
 - The construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office;
 - Extended, revised, or terminated by the issuing office;
 - The construction is subject to the licensing authority of the Federal
 - Communications Commission (FCC) and an application for a construction Permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the project will not officially be within the Gaming Enterprise District until a nonrestricted gaming license is issued; 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 Liquor and Gaming Board does not allow kitchens in conjunction with an unrestricted gaming license; 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 5 years of approval date or it will expire.

Public Works - Development Review

- Drainage study and compliance;
- Traffic study and compliance.
- Applicant is advised that the development must comply with the Uniform Standards Drawings and Title 30.

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;
- Applicant must also receive either a Permit from the Director of Aviation or a Variance from the Airport Hazard Areas Board of Adjustment (AHABA) prior to construction as required by Section 30.48 PART B of the Clark County Unified Development Code; 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;
- Due to the FAA's Determination of Hazard for any heights exceeding the points specified within the ASN's, all cranes and temporary equipment will require separate FAA airspace determinations that provide "Determinations of No Hazard to Air Navigation." A Crane/Temporary Equipment plan that includes the separate FAA airspace determinations must be submitted and approved by the Department of Aviation before any building permits are issued.
- 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 the FAA's airspace determinations include expiration dates; issuing a stand-alone noise disclosure statement to the purchaser or renter of each residential unit in the proposed development and to forward the completed and recorded noise disclosure statements to the Department of Aviation's Noise Office is strongly encouraged; that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible Development impacted by aircraft operations which was constructed after October 1, 1998; and that funds will not be available in the future should the residents wish to have their buildings purchased or soundproofed.

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 requests for suppression resources will be forthcoming from the Fire Chief in addition to the access requirements; that fire/emergency access must comply with the Fire Code as amended; that permits, operational permits, fire protection may be required for this facility; and to contact Fire Prevention for further information at (702)455-7316.

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 #0125-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 21 ET-21-400170 (UC-1223-07)-MRC I FUNDING CORPORATION:

HOLDOVER USE PERMITS SIXTH EXTENSION OF TIME for the following: 1) a High Impact Project; 2) an expansion of the Gaming Enterprise District; 3) a resort hotel consisting of 3,250 hotel rooms; 4) 250 resort condominiums; 5) public areas including all casino areas, showrooms, live entertainment, shopping center, indoor and outdoor dining, offices, meeting/convention, back-of-house areas, and parking structures; 6) increase the height of the high-rise towers and structures; 7) associated accessory and incidental commercial uses, buildings, and structures; and 8) deviations from development standards.

DEVIATIONS for the following: 1) reduce on-site parking; 2) reduce the height setback ratios; 3) encroachment into airspace; and 4) all other deviations as shown per plans on file.

DESIGN REVIEWS for the following: 1) a resort hotel/casino with high-rise towers including kitchens in rooms; and 2) all other accessory and incidental buildings and structures on 15.0 acres in an H-1 (Limited Resort and Apartment) Zone. Generally located on the south side of Convention Center Drive and the west side of Paradise Road within Winchester.

TS/nr/jo (For possible action)

ACTION: Deleted from the agenda (held to January 18, 2023, per the applicant)

ITEM NO. 22 UC-22-0610-LANDALE US HOLDINGS LP & CROWN REAL ESTATE LP:

HOLDOVER USE PERMIT for a cannabis establishment (distributor) within an existing warehouse building on 1.3 acres in an M-D (Designed Manufacturing) Zone. Generally located on the south side of Gobi Sands Avenue and the west side of Arctic Spring Avenue within Sunrise Manor. MK/md/syp (For possible action)

AMUNDSEN

Next are item- Items 22 and 23, which can be heard together. Item 22 UC-22-0610, holdover use permit for a cannabis establishment distributor within an existing warehouse building on 1.3 acres in an MD design manufacturing zone. Generally located on the south side of Gobi Sands Avenue and the west side of Arctic Spring Avenue within Sunrise Manor.

Item 23 UC-22-0611, holdover use permit for a cannabis establishment production facility. Waiver of development standards to reduce the separation between a residential use and a cannabis establish- establishment. A production facility within an existing warehouse building on 1.3 acres in an MD design manufacturing zone.

GIBSON

Good morning, Mister Brown.

DAVID BROWN

Good morning. David Brown. 520 South 4th Street on behalf of the applicant. As you just heard, this is, uh- two applications for use permits for cannabis establishments, one for a distribution center and one for a production facility. Uh- we are asking for one waiver in regards to the production facility for distance separation from residential. It's 435 feet, where 660 feet is required. Uh- this is strictly a, a production facility, so we don't believe odor will be an issue. Uh- as you know, most of the odor that emits from the cannabis plant is during cultivation. Uh- the applicant is going to take all measures possible to make sure they're compliant with any odor requirements of the county and happy to answer any questions if you have any today.

GIBSON

Thank you. This is a public hearing, is there anyone here who wishes to speak on this item? (silence) Then the public hearing is closed, there being no one. Commissioner Kirkpatrick.

MARILYN KIRKPATRICK

Uh- thank you, Mister Chairman. Um- thank you, Mister Brown and Mister Slinger for a meeting with me yesterday and, um- I think we had a good discussion. And so, I, uh- production facility allows anything from a raw material to an end result and then you have to have a way to get it out. So, I'm okay with this, um- as it is and I'm okay with the waiver because it's in an industrial area where we have other, uh- manufacturing and production stuff. So, I'm okay with that. Um- but I do, as I said yesterday, would put on the record that at no time would, uh- this office support consumption lounge or dispensary or any of that. Production, we're all about it. So, um- with that I'd make a motion for approval, um- with the waiver.

GIBSON

There's a motion by Commissioner Kirkpatrick. Any discussion on the motion? Please cast your votes.

MILLER

Yes.

GIBSON

Motion carries. Thank you.

ACTION:

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

CONDITIONS OF APPROVAL-

Current Planning

- A valid Clark County business license must be issued for this cannabis distributor use within 2 years of approval or the application will expire;
- Work with the Las Vegas Metropolitan Police Department for the installation and use of security cameras and surveillance operation.
- 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 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.

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. 23 UC-22-0611-LANDALE US HOLDINGS LP & CROWN REAL ESTATE L P:

HOLDOVER USE PERMIT for a cannabis establishment (production facility).

WAIVER OF DEVELOPMENT STANDARDS to reduce the separation between a residential use and a cannabis establishment (production facility) within an existing warehouse building on 1.3 acres in an M-D (Designed Manufacturing) Zone. Generally located on the south side of Gobi Sands Avenue and the west side of Arctic Spring Avenue within Sunrise Manor. MK/md/syp (For possible action)

ACTION:

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

CONDITIONS OF APPROVAL-

Current Planning

- A valid Clark County business license must be issued for this cannabis production facility use within 2 years of approval or this application will expire;
- To prevent odor nuisances, an odor control plan must be submitted to the Clark County Business License Department;
- Work with the Las Vegas Metropolitan Police Department for the installation and use of security cameras and surveillance operation.
- 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 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.

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. 24 UC-22-0637-CV FLAMINGO, LLC:

USE PERMIT to modify pedestrian realm.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) allow drive-thru talk boxes to face residential development; and 2) reduce landscape buffer.

DESIGN REVIEW for a restaurant with a drive-thru on a portion of 2.5 acres in a C-2 (General Commercial) (AE-65) Zone within the Midtown Maryland Parkway District. Generally located on the north side of Flamingo Road, approximately 183 feet east of University Center Drive within Paradise. TS/sd/syp (For possible action)

AMUNDSEN

Next is Item 24 UC-22-0637. Use permit to modify pedestrian realm waivers of development standards for the following. Allow drive-through talk boxes to face residential development, reduced landscape buffer. Design review for a restaurant with a drive-through on a portion of 2.5 acres in a C2 general commercial AE 65 zone within the Midtown Maryland Parkway District. Generally located on the north side of Flamingo Road, approximately 183 feet east of University Center Drive within Paradise.

GIBSON

Good morning.

BRANDON EPPERSON

Good morning. Uh- my name's Brandon Epperson. I am the real estate manager for Salad and Go. I'm representing the tenant that's gonna be leasing this property. Um- as mentioned, the two, um- waivers that we are looking for are one, the speaker boxes that are facing a residential property and second, a landscape waiver. I'm gonna speak to the second first as that's, um- a fairly easy one. It's our... on the south side of the property there are overhanging power lines that make it so that we are not able to add in the trees of the specified height, um- for this part of (crosstalk) the landscaping. And so, um- the waiver for that is purely to, uh- accommodate the power lines that are overhead that, um- do not permit us to put in the required landscaping.

And um- the second portion is regarding the residential property, um- to the north of our property. Um- as you can see, there are two residential, um- buildings that are both to either side of a parking garage. Um- the parking garage is directly located behind our, um- re- where our speaker boxes are. Um- am I able to show you on our site plan? (crosstalk)

GIBSON What's that? Pardon me? So, I'm not sure what we're seeing what you're trying...

EPPERSON Yeah.

GIBSON ...to show us. Would- up in the box, there you go. Thank you.

EPPERSON Perfect. Perfect. So, our speaker boxes are right here and here respectively. We have a two-lane drive through to accommodate, um- all cars during peak hours so that there's no leaking out into, um- any flow of traffic. And so those two speaker boxes are located right about here. As you can see, this right here is a parking garage. Um- the closest residential is about 80 feet to the northwest. Um- our speaker boxes are set to a 60-decibel limit. Um- that's about the conversation level. Um- speaking one-on-one with a person, 90 is a hair dryer, if that gives you some context.

These are, um- designed to drop off, uh- very heavily after two to five feet. And behind us, um- you can see there is a concrete wall that is eight feet tall. Along with we will be implementing a rather intense landscape buffer, um- between our drive through and the wall, which should mitigate a lot of that sound, um- pollution. And, uh- we don't, um- think there's going to be any if very minimal, um- sound that will be heard to the residential as it does face, like I said, the parking garage. Are there any questions?

GIBSON Does that complete your presentation?

EPPERSON Yes.

GIBSON This is a public hearing, is there anyone here who wishes to speak in this item? There being no one, the public hearing is closed. Commissioner Segerblom?

TICK SEGERBLOM Could you explain the landscape waiver you're asking for?

EPPERSON Yes, the landscape waiver is, there needs to be a detached landscape buffer, um- or a detached, um- sidewalk with a landscape buffer here. Um- because you can see these power lines one's located right here, they're overhanging. Um- there's also trees that are supposed to be planted along that landscape buffer that, um- do not... the height limit on those trees would prevent us from, the height of those power lines prevent us from planting those trees. So, we have implemented a landscape buffer. Um- it's just not as tall or large as um- is required by code, but we have worked with the Planning Department to make it the best we can.

SEGERBLOM Alright. And- and Nancy, that- that landscape buffer meets our...

AMUNDSEN The, um- landscape buffer meets the intent. We can't, um- require trees underneath NV Energy, high tension li- lines.

SEGERBLOM Alright. And obviously I- it'd be low water use or cactus type?

AMUNDSEN That's correct.

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buildings purchased or soundproofed.

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.

ITEM NO. 25 WS-22-0147-LV JUDSON, LP:

HOLDOVER WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) reduce throat depth; 2) reduce departure distance; and 3) off-site improvements (curb, gutter, sidewalk, streetlights, and partial paving).

DESIGN REVIEWS for the following: 1) office/warehouse facility; and 2) finished grade on a 6.2-acre portion of a 9.3-acre site in an M-D (Design Manufacturing) (AE-65 & APZ-2) Zone. Generally located on the northwest corner of Lamb Boulevard and Judson Avenue within Sunrise Manor. TS/sd/jo (For possible action)

ACTION: Deleted from the agenda (held to February 8, 2023, per Commissioner Tick Segerblom).

ITEM NO. 26 WS-22-0484-CENTURY COMMUNITIES NEVADA, LLC:

HOLDOVER WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) increase wall height; 2) reduce net lot area; 3) reduce setbacks; and 4) establish alternative yards.

DESIGN REVIEWS for the following: 1) single family residential subdivision; and 2) finished grade on 1.89 acres in an R-E (Rural Estates Residential) (RNP-I) Zone. Generally located on the east side of Fort Apache Road and the south side of Hammer Lane within Lone Mountain. RM/sd/syp (For possible action)

ACTION: Deleted from the agenda (held to January 18, 2023, per Commissioner Ross Miller).

ITEM NO. 27 ZC-22-0450-STIMPSON KENNETH O:

HOLDOVER ZONE CHANGE to reclassify 0.9 acres from an R-E (Rural Estates Residential) (AE-65 & APZ-2) Zone to an M-D (Designed Manufacturing) (AE-65 & APZ-2) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) reduce setback; 2) reduce height/setback ratio; 3) building design standards; and 4) allow modified driveway design.

DESIGN REVIEWS for the following: 1) warehouse and fabrication shop; and 2) alternative parking lot landscaping. Generally located on the east side of Marion Drive, 155 feet north of Holt Avenue within Sunrise Manor (description on file). TS/rk/syp (For possible action)

ACTION: Deleted from the agenda (held to January 18, 2023, per Commissioner Tick Segerblom).

ITEM NO. 28 AC-22-900761: Consider an appeal of the Director's Notice of Decision to deny a Request For Reasonable Zoning Accommodation at 11839 Dorothy Gale Court within Enterprise, and direct staff accordingly. MN/mb (For possible action)

AMUNDSEN

Next is Item 28, AC-22-900761, is an appeal to consider an appeal of the Director's Notice of Decision to deny a Request For Reasonable Zoning Accommodation at 11839 Dorothy Gale Court within Enterprise. Commissioners, the, um- property owner had requested to me to allow them to have chickens on this R-2 piece of property. And based on a lot of things which our attorney will go over, we- my recommendation was to deny it and they have the right to appeal, and this is the appeal.

GIBSON

Mister Warhola, before we get into anything more on this, do you have any comment that you need to make to us?

ROBERT WARHOLA

Right. Under the, uh- ADA and the Fair Housing Act, an accommodation is not considered reasonable if, uh- it would require an alteration to the Zoning District Rules or it creates a health and safety risk. And the zoning in this property is R-2, so chickens are not allowed in the R-2 Zoning District. So, allowing chickens would require an alteration of the Zoning District Rules. And the other thing is the backyard in this property is very small. There's not enough room for chickens or a chicken coop. So, in our view, it presents the health and safety risk to neighbors, which, so the denial of them is appropriate for those two reasons.

GIBSON

Alright. Good morning, tell us who you are.

MICHAEL NUGUID

Good morning, Mister Chairman.

GIBSON

You need to stand in front of the microphone there and speak into it, please.

M. NUGUID

Good morning, Mister Chairman and Members of the Board. My name is Michael Nuguid. This is my wife, Andi Nuguid. Um- we're here for property 11839 Dorothy Gale Court in regards to keeping our chickens, uh- under an emotional support ruling. Uh- we're hoping to get approval under that. I'll let my wife take it from here.

ANDI NUGUID

So where do I show-

M. NUGUID

Right here?

A. NUGUID

I mean, is it right here where you guys can see?

GIBSON

Yeah, there's a mark there. Just set those things face up on the mark.

A. NUGUID

So, this is my prescription actually.

GIBSON

You...Ma- ma'am, you need to have a microphone because we've got to hear everything, you're telling us.

A. NUGUID

Excuse me. Okay.

GIBSON

Thank you.

A. NUGUID

So that is my prescription for my emotional support animals. Um- I got it from a psychiatrist. I do, I have been dis- diagnosed with severe PTSD and this is a letter from her stating why she thinks that I do need them and why they're emotional supportive animals for me.

This is where I show that they are my an- cause you guys deny, one of the things that was said was that they, chickens can't be considered an emotional support animal. And I'm showing myself, holding my chickens, being with my chickens. They're in my home at- when they're babies. I raise them from babies, I take care of them, I get attached to them. They go through different stages. And the stages are enjoyable and fun to me and help me want to actually get up in the morning at times and live and enjoy life due to my PTSD.

A. NUGUID

This is what it actually looks like. Um- there is a way if you would like us to move the coop, we could move it. Um- this is how it is now. It is super clean. Um- we don't allow, there's nothing extra that goes on. Um- there's rock. It's maintained like really well, super well. Um- this is what it looks like. That's the chicken coop when we put it up, right? And it's got this fence so that this fence right here makes it so that it's blocked off from the rest of the backyard, right? So, there's only one area that the chickens can be in. Um- that's Phat girl. She's part of my prescription. I just thought I, she's gorgeous, she's beautiful. And P-H-A-T girl, thought you guys might wanna see her. This is them. They come in, they come in. Um- you can't just have one chicken. They need to have, um- two to three. You can't just have one because they get lonely.

Um- this is me showing how I take care of 'em. Like I'm well take care, like they're family to me. This is them getting their food that they get. This is my child playing in the backyard next to where the chicken coop supposedly is dangerous or could be salmonella or whatever the problems that- that they were stating was. I've had the coop there for four years. I have kids that play in the backyard. I have it clean. There's never been an issue. I have happy, healthy chickens and that produce a large amount of eggs because they're happy and they're healthy.

And then my last thing is, um- my home... Where's that one thing that I had? And the last thing is on my home, I could change it if he, if I, I don't know, um- his name. I'm sorry. If he, the problem really is about the neighbors and all that kind of stuff. I messed up when I was looking at this. So, this one's not our house and this one's not our house. This one's our house. The one that's circled, that's our house. Now, this is Gillespie Street behind us and there's a street directly in front of us. So, if you wanted me to, I could change my chicken coop to go behind here on this back wall. And then there would be no neighbors. Uh- it wouldn't be close to a house whatsoever. So that, so that kind of would alleviate that point.

Um- the main thing though is these chickens have really helped me. They're something that give me, um- they give me joy, they give me pleasure. Uh- I do have this. Um- when people think about chickens, they do not think emotional support animal. While I am unable to have a dog or a bunny due to my husband's allergies, the chickens are a perfect solution. I get a, I get to watch them from my kitchen window. I get to talk to them and pet them. I get to watch each personality of each chicken. I bring them in as babies and raise them every step. I have major PTSD and sometimes the chickens are what gets me out of bed. They're my home, they're in my home when young then go outside. The whole process gives me peace and something to do. I've had the girls for four years now with no problem.

GIBSON

Does that complete your presentation?

M. NUGUID

Uh- I think the last thing that I would like to add is, and we don't have a rooster, so we're adamant about not having a rooster. They are extremely quiet animals. Like she said, the area is extremely well groomed. They have, uh- dirt where they can do dirt baths in that we change out routinely. They have hay inside the chicken coop, which we change out routinely.

A. NUGUID

Rocks.

You saw the sunshade over the area. Like I said, it's a, it's an immaculate area.

Plus, we also have a, uh- a bug guy that comes every month to inspect the property, make sure that everything is maintained and taken care of so that there is no bug problem. No kind of- any kind of problem in that kind of aspect. I've had 'em, like I said, I've had 'em for four years and that we've never had an issue with anything.

Alright. Thank you.

Thank you.

This is a public hearing, is there anyone here who wishes to speak on this item this morning? There being no one then, Commissioner Naft.

Thank you, Mister Chairman. Thank you both for taking the time to explain that to us and, and to make the presentation. Um- the challenge we have here is that we, we, we have no doubt that you're caring well for the animals, uh- for the chickens, that they are probably a, a, a help to you and a comfort to you and your family. Um- but what's before us is, um- are they permissible in this use? And because you are in R-2 zoning, there isn't a ability for us to, even if you could relocate them to the other side of the property, it would still be in the R-2 zoning. And so simply for that reason, um- it'll be my recommendation to the Board that we uphold, um- uh- staff recommendation for denial of the- the use here today. And it's just simply for that, that reason. You're in an R-2 property. Um- the, uh- both staff and um- staff has determined that we've followed everything within ADA, um- and made reasonable accommodations. Um- and for that reason, I just have to recommend to the Board that we uphold, um- the denial. Um- so we've, uh- I guess, Rob, uh- just to be clear in my motion would be, uh- to uphold the denial.

That's clear.

Thank you.

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

Yes.

The motion carries. So-

No, we got, so we got denied you guys, right?

Yes.

Yes.

Oh, wait, I thought the motion by the, we got approved.

No.

NAFT No, because the item...uh- sorry, Mister Chairman (inaudible).

GIBSON Go ahead, Commissioner Naft.

NAFT Because the item had been denied, we are the Board today just reaffirmed the previous, um- directive.

A. NUGUID Oh. So, everybody else got denied as well.

M. NUGUID Yes. Understood

A. NUGUID Okay.

M. NUGUID Thank you for hearing us.

NAFT Thank you. Thank you for your time.

GIBSON Thank you.

ACTION: It was moved by Commissioner Michael Naft, and carried by unanimous vote, that the appeal be denied.

ITEM NO. 29 UC-22-0580-CAZAREZ, IRMA:

APPEAL USE PERMITS for the following: 1) increase the area of an existing accessory structure; 2) increase the cumulative area of all accessory structures; 3) allow accessory structures not architecturally compatible with the principal building; and 4) waive applicable design standards.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) eliminate setbacks; and 2) increase wall height in conjunction with an existing single-family residence on 0.5 acres in an R-E (Rural Estates Residential) (RNP-I) Zone. Generally located on the south side of Coley Avenue, 141 feet west of Westwind Road within Spring Valley. JJ/hw/syp (For possible action)

AMUNDSEN Next is Item 29, UC-22-0580. Appeal use permits for the following. Increase the area of an existing accessory structure. Increase the cul- cumulative area of all accessory structures. Allow accessory structures and architecturally com- to be not architecturally compatible with the principal building, wave applicable design standards.

Waiver of development standards for the following eliminate setbacks, increase wall height in conjunction with an existing single-family residence on 0.5 acres in an RE rural estates residential RNP-1 zone. Generally located on the south side of Coley Avenue. 141 feet west of Westwind Road within Spring Valley. The Planning Commission recommended denial.

GIBSON Good morning.

ANDREA ACUNA Hello? Good morning, Chairman and Commissioners. How are you today?

GIBSON Good.

ACUNA Um- my name is Andrea Acuna and I reside at 6154 North Darley Street, North Las Vegas, eight...

GIBSON Will you spell your last name for us?

ACUNA Yes. A-C-U-N-A, Acuna.

GIBSON Thank you.

ACUNA Um- we are here today to represent the owner, uh- on behalf of 3049 Westwind Road. Uh- today we are here requesting different use permits and waivers. This project consists of different patio covers that were built in the rear area of this property. This property is of 0.51 acres. So today in the site plan I have provided... Oh, sorry, can I get the overboard, so you guys can take a look?

GIBSON Yes, it's showing what your hand is on now.

ACUNA Okay, cool. Um- okay, as I was talking, uh- this is the site plan of the backyard of the home. Uh- this is the accessory structure number one I'm gonna be talking about today. And over here, as you can see, there's different patio covers in the backyard. Uh- this is, uh- barbecue patio cover number three that now has no shade cover and it will be left as a trellis. So, I'm gonna go ahead and talk a little bit about the waivers. The first use permit we are requesting today is that we would like to request an increase of an existing accessory structure number one. Again, as shown in the site plan, this is accessory structure number one of 26% increase where 50% of the footprint of the principal structure is required.

The second use permit, we would like to request an increase of all the cumulated, cumulative patio covers of 22% increase, where 50% of the footprint of the principal structure is required. So, the second use permit, we are talking about this different patio covers, patio cover number four, patio cover number two, and barbecue, uh- patio cover number three. And as you can see in the site plan, the structures have been spread out throughout the backyard so it doesn't look like too crowded or like overbearing. And since this lot is of, uh- .51 acres, then these structures create like a nice transition between them. Our third permit, our third use permit that we are requesting today is to allow metal and CMU block accessories where it is required to be arc- architecturally compatible with the principle building.

Today I have provided some images for you guys of the backyard of the home, so you guys can take a look at what I'm talking about. Uh- this is the backyard of the home. This is patio cover, and this is accessory structure number one. So, all the way, all the way through the accessory structure, number one, there's gonna be stucco added, um- in the same, uh- color finishes of the home, as well as throughout all the patio covers around the home. So, it looks, um- aesthetically pleasing, as you can see in these images. Again, this is, uh- one of the patio covers. As you can see, these brownish colors have been like spread out throughout the backyard. Uh- the owner added some tile over here, brownish tile.

This is another point of view where the pool is. Again, the brownish colors, like of the rock of the, of the fountain spread out throughout the whole backyard. And here's a closer look to the tile that the, uh- owner added. Um- so that way the backyard didn't look like not architecturally compatible. And again, some of these structures are like in process of being like added the same color and some stucco.

Some do have it, but some are still in process.

Okay, for the last is the waivers for accessory structure number one and barbecue patio cover number three. Going back to my site plan, this is the accessory structure number one, and right here, this is the barbecue, uh- patio cover number three I'm talking about. Number one, we are requesting to reduce side yard setback of accessory structure number one to zero feet, where five feet is the minimum required. The structure is behind a 10 feet alley that creates a buffer of separation or setback between the neighbors on the side. So this structure is not against any neighbor or any property line. This structure has been engineered to prevent any safety risk.

The second one is to reduce the side street setback to zero feet, where seven feet is required. Owner had agreed to eliminate the shade of this patio cover and will be left open as a trellis. This trellis has been already engineered and it is supported by itself, or it doesn't put any weight on the existing, on the existing masonry property fence. This trellis is facing towards the street, and it's not against any neighbor property line. Um- for the second waiver, this is the waiver we are referring to. This is the trellis that will be left with no shade. It's just gonna be left as a trellis. I have an image today. So, this is how it's gonna be left. It's just gonna be like no, uh- shade cover for barbecue patio cover number three. And also, today I have provided some engineer papers for these structures. We have soil report and, um- some structural general notes. And we also have a soil report that has been done on them to make sure that these structures do not pose any safety risk.

And then our third and last waiver is to increase of three feet of screen wall retaining by the accessory structure number one. This additional three feet screen is six inches lower than the neighbor in the, in the masonry wall in between the alley that he previously built. This additional screen was built for security issues since people were jumping into the owner's, uh- backyard in his home. (crosstalk) I have provided some images today. So, this is the easement between the owner's home, and this is the neighbor's home. This is a 10 feet easement that is in between them. As you can see, this accessory structure and the wall does not lean like directly against, um- the neighbor's, um- wall. Uh- here's another point of view of the home. As you can see, this is public street and none of these structures can be seen, uh- to the eye of the public. I just wanted to show this image of the neighbor that he has added, uh- four additional block. Again, this is the um- three feet that were added of corrugated panel and adjacent to it is the neighbor's wall and that he added four additional blocks. And right now, they're at the same height with the neighbors and the corrugated panel wall. And then lastly, I just wanted to sh- uh- share some pictures with you guys of some homes around in the neighborhood.

As you can see, a lot of these homes have added like a decorative like of like walls in their home, like this one right here. Um- this home right here added four feet additional of decorative wood fence. Another home added some metal, uh- additional decorative fence. And then this last home they added some metal fence and like super tall lights like out here. So, as you can see in this neighborhood, there's definitely like a safety concern. A lot of these homes have added like extra feet of like, some sort of protection, you know, from- keep people like entering

ACUNA

their homes. Like I, I guess this is one of the ones that really stood out to me. Like it's definitely not like aesthetically pleasing if I drive by, you know, but there seems to be like a safety concern going on around here. Um- and lastly, uh- we have an approval letter from NV Energy that they just state that, um- they have reviewed the existing structure plans at 3049 Westwind. And we are allowing the customer to keep the existing structure as it is within the 15 feet of easement. Any other improvements will need to be submitted for prior approval.

And lastly, we have provided today some support letters from some surrounding neighbors. Um- like one of them states, "None of the construction work that has been burdensome, bothersome are inconvenient. Irma and her family is a great addition, not just to our cul-de-sac, but the neighborhood at large. Irma and her family are great neighbors, always looking out for us and are willing to help. I support Irma Cazarez and approve of the construction work she's done at her home." And again, we have three of those support letters where the neighbors are just, um- supporting the owner.

And lastly, in the site plan, uh- this is the home and these are the surrounding neighbors that were able to give, um- some support today. Um- lastly, I just wanted to say that, um- you know, the owner made a mistake and he is aware of that. Um- and you know, she's trying her very best to make amends now and, you know, do everything the right way. And, um- that's the end of our presentation. Thank you so much for your time, and if you guys have any questions, we'd be happy to answer them.

GIBSON

Alright, thank you very much. This is a public hearing, is there anyone here who wishes to speak on this item this morning? There being no one, the public hearing is closed. Commissioner Jones.

JONES

Thank you, Mister Chair, and thank you for your presentation. Um- this is definitely, uh- a, uh- an example of asking for forgiveness rather than permission, which is what you've acknowledge should have happened on the, on the front end, um- by the- the applicant. Uh- with regards to the requests here today, um- I, I don't have a problem with, with the use permits. With regards to the waivers... Oops. With regards to the waivers, uh- I think you've already acknowledged with regards to the barbecue structure that it's not gonna be, uh- there will be no more patio covering on that. So to-

ACUNA

Correct.

JONES

... the extent that the waiver had requested that initially, that will be, uh- my recommendation of denial. With regards to building number one, uh- the only reason why I would not require you to simply tear that structure down, um- entirely since it is against the, the property line and up against the existing wall is because there is a, um- an easement and there is, uh- a gap between that and the adjoining neighbor. Uh- you have done the due diligence, you have talked to NV Energy, so I appreciate that. As we discussed, uh- on whenever we talked, the days are blending together these days.

Um- I- I will make a motion today. Uh- I know you have applications into the Building Department. Um- our application today doesn't mean that the Building

JONES Department will agree to your plans. This is merely zoning. And so if the Building Department determines that any of these structures don't meet their requirements, then they'll need to be t- torn down. Um-

ACUNA Okay.

JONES You can't use the exterior walls, uh- as support, um- unless the Building Department tells you that's allowable. I know you've done a lot of work after the fact, with in terms of engineering, and I appreciate that. But again, anything we do today is still subject to, uh- the Building Department signing off on, um- the retroactive plans that you have submitted. So, my motion... Uh- oh, and, and the last thing is, I know at the Planning Commission, uh- the, the recommendation was for denial and there was at least one neighbor that showed up. And one of the concerns that have been, been raised that is not strictly within the application today, but there is a, uh- a tall solar, uh- solar light that is on, um- the, the structure there. Uh- and I would ask that that be, uh- removed or lowered so that it is not visible to, to the neighbor.

ACUNA Okay. Is, uh- uh- these three solar lights?

JONES Yep.

ACUNA Okay.

JONES Right.

ACUNA To be completely removed?

JONES Uh-or made consistent with, with the neighborhood.

ACUNA Okay. Could they possibly be like lowered like the panel, like where it's-

JONES That-

ACUNA ... like not completely-

JONES That works for me.

ACUNA Okay.

JONES Okay.

ACUNA Thank you so much. We-

JONES I don't know how tall they are, so I can't tell you to...

ACUNA Yeah, okay.

JONES Exactly, but.

ACUNA Okay. Thank you so much. I appreciate that.

Alright. So, my motion will be, uh- to approve the... just a sec here. With regards to agenda Item Number 29, to approve the use permits with regards to the waivers of development standards, uh- 1A and 1B. Um- there will be the additional condition, uh- that there'll be no additional work to cover the barbecue structure, stru- uh- there. Um- and with regards to all of the structures, our, uh- approval here today does not mean that you don't have to, uh- comply with all Building, uh- Code requirements. And if the Building Department tells you that any of them are not structurally sound and need to be, uh- removed, then you are subject to, to those conditions. And then with regards to the lights on the exterior wall, that those would be lowered, let's say four feet. Fair?

Yep. Thank you so much.

Okay, then that is my motion.

There's a motion for approval subject to the conditions noted by Commissioner Jones. Any discussion on the motion?

Thank you for your time, Commissioners.

Please cast your votes.

Yes.

And the motion carries. Thank you. (crosstalk)

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

Current Planning

- 1 year to complete the building permit and inspection process with any extension of time to be a public hearing;
- If building permits cannot be obtained for any structure, removal is required;
- BBQ area to remain uncovered as depicted on the presentation;
- Solar lights on exterior wall to be reduced 4 feet in height.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

Next are ordinances for introduction. Item 30, Ordinance 22-900672 is a recommendation that you introduce an ordinance to consider adoption of a development agreement with Durango Ridge LLC for a single-family development Durango and Camara. We request this be set for public hearing for

AMUNDSEN January 18, 2023, at 9:00 a.m.

GIBSON I'll introduce the ordinance, set the public hearing for January 18, 2023, at 9:00 a.m.

ACTION: There being no objections, Chair Gibson set the matter for public hearing on January 18, 2023, at 9:00 a.m.

ITEM NO. 31 ORD-22-900753: Introduce an ordinance to consider adoption of a Development Agreement with Beazer Homes Holdings LLC for a single-family development (Fort Apache & Patrick) on 4.9 acres, generally located south of Patrick Lane and east of Fort Apache Road within Spring Valley. JJ/dd (For possible action)

AMUNDSEN Item 31, Ordinance 22-900753 is a recommendation that you introduce an ordinance to consider adoption of a development agreement with Beazer Homes Holdings LLC, for single family Development, Fort Apache and Patrick. We request this be set for public hearing for January 18, 2023, at 9:00 a.m.

GIBSON I'll introduce the ordinance and set the public hearing for January 18, 2023, at 9:00 a.m.

ACTION: There being no objections, Chair Gibson set the matter for public hearing on January 18, 2023, at 9:00 a.m.

ITEM NO. 32 ORD-22-900754: Introduce an ordinance to consider adoption of a Development Agreement with Beazer Homes Holdings LLC for a single-family development (Russell & Durango) on 5.0 acres, generally located north of Russell Road and west of Durango Drive within Spring Valley. JJ/dd (For possible action)

AMUNDSEN Item 32, Ordinance 22-900754 is a recommendation that you introduce an ordinance to consider adoption of a development agreement with Beazer Homes Holdings LLC, for a single-family development Russell and Durango. We request t- this be set for public hearing for January 18, 2023, at 9:00 a.m.

GIBSON I'll introduce the ordinance and set the public hearing for January 18, 2023, 9:00 a.m.

ACTION: There being no objections, Chair Gibson set the matter for public hearing on January 18, 2023, at 9:00 a.m.

ITEM NO. 33 ORD-22-900755: Introduce an ordinance to consider adoption of a Development Agreement with Beazer Homes Holdings LLC for a single-family development (Russell & Durango) on 4.6 acres, generally located south of Russell Road and west of Durango Drive within Spring Valley. JJ/dd (For possible action)

AMUNDSEN Item 33, Ordinance 22-90755 is a recommendation that you introduce an ordinance to consider adoption of development agreement with Beazer Homes Holdings LLC, for a single-family development, Russell and Durango on 4.6 acres, separate subdivision. We request this be separate public hearing for January 18, 2023.

GIBSON I'll introduce the ordinance and set the public hearing for January 18, 2023, at 9:00 a.m.

ACTION:

There being no objections, Chair Gibson set the matter for public hearing on January 18, 2023, at 9:00 a.m.

ITEM NO. 34 ORD-22-900781: Introduce an ordinance to amend the official zoning map reclassifying certain properties as approved by the Board of County Commissioners through various zone change applications on November 2, 2022, and November 16, 2022. (For possible action)

AMUNDSEN

And Item 34, Ordinance 22-90781 is a recommendation that you introduce an ordinance to amend the official zoning map for classifying certain properties as approved by the Board of County Commissioners through various zone change applications on November 2, 2022, and November 16, 2022. We request this, this be set for public hearing for January 18, 2023, at 9:00 a.m.

GIBSON

I'll introduce the ordinance and set the public hearing for January 18, 2023 at 9:00 a.m.

ACTION:

There being no objections, Chair Gibson set the matter for public hearing on January 18, 2023, at 9:00 a.m.

PUBLIC COMMENT:

GIBSON

And the final item on this agenda is public comment. Is there anyone here who wishes to speak this morning? There being no one, this meeting stands adjourned. Thank you.

There being no further business to come before the Board at this time, at the hour of 9:28 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