

Board of County Commissioners

CLARK COUNTY, NEVADA

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COMMISSION CHAMBERS, GOVERNMENT CENTER
500 SOUTH GRAND CENTRAL PARKWAY
LAS VEGAS, NEVADA 89106
WEDNESDAY, JANUARY 18, 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 18th day of January 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, Deputy Director, Comprehensive Planning
Antonio Papazian, Manager, Development Review
Jason Allswang, Senior Plan Checker
Tammy McMahan, Office Services Supervisor
Michelle Hinkson, Deputy Clerk
Robin Delaney, Deputy Clerk

ITEM NO. 1 Public Comment

JIM GIBSON

Good morning. Welcome you to our planning meeting this morning. The first order of business is public comment. We'd invite anyone who wishes to make comment on any item on our agenda to come forward, state your name, spell your last name, indicate to us which item you're speaking on, and please limit your comments to three minutes. Morning.

MARGARET ANN COLEMAN

Yes, good morning. My name is Margaret Ann Coleman C-O-L-E-M-A-N. As you know you have a lot – um - items on the agenda, but first of all I would like to – uh - correct a statement made yesterday by Mister – uh - Mister Jones that was out of contents of scraping, someone putting fear into me. As you know, I sleep in my car, and danger is all I live in – in – the – uh - place of residence. What is my point? Your point is a proper place to live and be pro - be productive.

I came here 43 years ago and beca - and I was a parent onto a gaming society. I won and is a city win or lose. I was entitled to – uh - have a standard of living here. I had two children to raise and have a relation - I had a relationship. Now it's blocking my way. 1316 Wizard was a proper place where it was chosen through the court order in which was written for me through a third party, myself, a deputy clerk, and also the defendant, to receive into this proper place.

Now I was injured to receive the money and go forward. Instead discrimination stood in the way. Such as you giving me every day, due to my color, sex origin, and now you have summons me here today to talk about corrections. That is, stop your threats on my life and my living arrangements. Me and my daughter are standing up for our equal rights. You have thrown us into the streets on a continuous basis of not complying with my leadership and my authority and to take my seat beside you as I gave the opportunity 2001 up until now and you still don't see my point.

I'm needing you to reach a decision and put me on the agenda to give me back my refund, my reimbursement. I have not received taxes, I have not received an abatement, but you have used it. You have taken my workman's comp and I am entitled. As I told you before, I'm upset because I didn't get a chance to go to a funeral because you didn't comply. And then I gave to you the leadership to make a decision of being, me as being as a partner or a accommodation in the state of Nevada as a residential.

Thank you very much. My name is Margaret Ann Coleman. I need you to reach a decision before this go to court and it should not be a threat on my life. I came here to live and also my family.

GIBSON

Good morning.

WALTER SCHERER

Good morning, sir. My name's Walter. Last name is Scherer. S-C-H-E-R-E-R. And I'm talking about – uh - Item Number 9 on the agenda today. It's talking about – uh - I received a plan of the site that's being built, suggested to be built behind my home and in that site there has been a change in the

SCHERER

variance that allows around a power line. I don't see anywhere where the power line, which runs directly down the middle of this development, you've - they're showing where they're allowing it to go from 25 feet to 15 feet. Now I'm sure you all built this barrier here in order to protect yourself as well as the audience. So therefore, I'm curious as to why you would change that from 25 feet to 15 feet that the State has established 25 feet to be the distance before you can build underneath a power line. So therefore, we have a situation. I can tell you from personal experience of having owned a business in Sanford, Florida at one time where we had aluminum building that was brand-new, newly built, and they ended up having to abandon that building because the city allowed a variance of moving the building closer to the power lines and that power area is designed to keep that force field that comes off these power lines from being absorbed into the buildings. And you guys are now looking to build an entire development where you've allowed every one of those homes p - now fall within that power line area, and I will tell you why they abandoned the building. When the city zoning came to inspect my business, to allow me to open for business, the fire marshal grabbed the side of the aluminum building, and it threw him across the parking lot because the energy that came off those power lines was being absorbed into these buildings. They actually had to tear the buildings back down and I had to move my business. You're now going to expose all these people to this very dangerous situation. I'm sure that it was established for a reason of safety, just like this barrier between us is established and you need to highly take that into consideration because right now those power li - that variance is now running, the edge of that variance, which is now 15 feet instead of 25, is right over the driveways, the front door of these homes that you want to build. So, if you'd gone to 25 feet like it was originally established, that variance is now inside those homes that are being built and I would hate to be a homeowner with all the new electronics that we put into homes today and expose them to this type of energy problem. Okay?

Number two, you're asking for a 12-foot wall to be built behind those homes. I currently have an 8-foot wall, you're asking for that wall that's gonna be put behind my wall to be four feet higher than what I currently have. That's because the developer is asking for that land to be built up. I'm not an engineer and I'm not a builder, but I can't see any reason why having looked at those lots why you need to build that land up three or four more feet higher than what is currently my piece of property. Thank you very much.

GIBSON

Thank you. Is there anyone else who wishes to speak on an agenda item this morning - uh - during the public comment period? There being no one the, we'll move on.

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

NANCY AMUNDSEN

The second item is the approval of the agenda after considering any additions or deletions of items.

Staff has the following requests. For applicants please be aware that additional renotification fees may be required if 85 days have passed since initial notification or there are modifications to the original application.

AMUNDSEN

Withdrawal without prejudice, Item Number 23 ET-21-400170 (UC-1223-07).

Hold to the February 8, 2023 BCC meeting, Item 24 ET-22-400115 (ZC-19-0766) for the applicant to return to the January 24, 2023 Winchester Town Board meeting.

Hold to the February 22, 2023 BCC meeting, Item Number 14 NZC-22-0592 and Item 15, VS-22-0593 and Item 29 ZC-22-0413.

Hold to the June 7, 2023 BCC meeting, Item 26, UC-22-0650, and Item 27 WC-22-400128 (ZC-1926-03).

The above public hearing items are going to be opened as a public hearing and immediately recessed until the dates as previously stated. With these deletions which are Items 14, 15, 23, 24, 26, 27, and 29, the agenda stands ready for your approval.

GIBSON

Thank you. Unless there are other changes to the agenda at the pleasure of the board, I'm prepared to accept a motion.

JUSTIN JONES

Move for approval.

GIBSON

There's a motion for approval by Commissioner Jones. Please cast your votes. The motion carries.

ACTION:

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

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

AMUNDSEN

The third item on the agenda is the approval of minutes. The minutes of the December 21, 2022 zoning meeting are ready for your approval.

JONES

(unintelligible)

GIBSON

There's a motion for approval of the minutes by Commissioner Jones, any discussion? Please cast your votes. The minutes are approved.

ACTION:

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

ROUTINE ACTION ITEMS (4-22):

AMUNDSEN

Next are the routine action items which consist of Items of 4 through 22 except items previously deleted. These items may be considered together in one motion and are subject to the conditions listed with each agenda item unless modified and staff has the following request: Item 11 ZC-22-0662 delete Current Planning Bullet Number 2.

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

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

JONES Mister Chair, I'd like to have Agenda Items 8 and 9 pulled from Consent – uh - to address the public comments made by Mister Scherer.

AMUNDSEN Can we pull 10 as well? That's the tentative map.

JONES Yep.

GIBSON Good, are there any other changes to the consent agenda? I'd entertain a motion.

JONES Move for approval.

GIBSON There's a motion for approval the consent agenda with the – uh - with the items noted being moved to the next item to be heard. Any discussion on the motion? Please cast your votes. 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 WC-22-400127 (ZC-1740-04)-WH PROPERTIES, LLC:

WAIVER OF CONDITIONS of a zone change requiring a design review as a public hearing to ensure the final mini-warehouse building complies with the CMA Overlay Standards and is consistent with architectural treatments shown on the office buildings and retail building with a previously approved zone change to reclassify 11.3 acres from an R-E (Rural Estates Residential) (AE-60) Zone to a C-2 (General Commercial) (AE-60) Zone for a retail and office center and mini-warehouse facility in the CMA Design Overlay District. Generally located on the east side of Rosanna Street and the north side of Patrick Lane 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.

ITEM NO. 5 WS-22-0646-WH PROPERTIES, LLC:

WAIVER OF DEVELOPMENT STANDARDS for modified street standards.

DESIGN REVIEWS for the following: 1) mini-warehouse facility; and 2) finished grade on 2.4 acres in a C-2 (General Commercial) (AE-60) Zone in the CMA Design Overlay District. Generally located on the east side of Rosanna Street and the north side of Patrick Lane 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

- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within two 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 a Point of Connection (POC) request has been initiated for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0189-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require a new POC analysis.

ITEM NO. 6 ZC-22-0538-SOUTHWEST AFFORDABLE RE, LLC:

ZONE CHANGE to reclassify 2.5 acres from an R-3 (Multiple Family Residential) Zone to an RUD (Residential Urban Density) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) reduce open space; 2) reduce setbacks; and 3) reduce landscaping.

DESIGN REVIEW for a single-family residential development. Generally located on the north side of Owens Avenue and the west side of Sandy Lane within Sunrise Manor (description on file). WM/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

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Plant 5 additional small trees within the landscape strip along Owens Avenue;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that the waivers of development standards and design review must commence within four years of approval date or they will expire.

Public Works - Development Review

- Comply with approved drainage study PW22-14127;
- Full off-site improvements;
- Right-of-way dedication to include 21 feet for Sandy Lane, and associated spandrel;
- Striping on Sandy Lane per the striping exhibit dated November 9, 2022;
- If required by the Regional Transportation Commission (RTC), dedicate and construct a standard 5 foot by 25-foot bus shelter pad easement behind the sidewalk on Owens Avenue west of Sandy Lane in accordance with RTC standards.

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. 7 TM-22-500181-SOUTHWEST AFFORDABLE RE, LLC:

TENTATIVE MAP consisting of 27 lots and common lots on 2.5 acres in the RUD (Residential Urban Density) Zone.

Generally located on the north side of Owens Avenue and the west side of Sandy Lane within Sunrise Manor. WM/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

- 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 four years or it will expire.

Public Works - Development Review

- Comply with approved drainage study PW22-14127;
- Full off-site improvements;
- Right-of-way dedication to include 21 feet for Sandy Lane, and associated spandrel;
- Striping on Sandy Lane per the striping exhibit dated November 9, 2022;
- If required by the Regional Transportation Commission (RTC), dedicate and construct a standard 5 foot by 25-foot bus shelter pad easement behind the sidewalk on Owens Avenue west of Sandy Lane in accordance with RTC standards.

Current Planning Division - Addressing

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

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that CCWRD does not provide sanitary sewer service in this portion of the unincorporated county; and that for any sanitary sewer needs, applicant is 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. 8 ZC-22-0651-PERALTA FAMILY LP:

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

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) increase wall height; and 2) alternative street design.

DESIGN REVIEWS for the following: 1) single family residential subdivision; 2) establish alternative yard; and 3) finished grade. Generally located on the east and west sides of Paradise Park Drive and the north side of Gomer Road within Enterprise (description on file). JJ/lm/syp (For possible action)

AMUNDSEN

Next are Items 8, 9, and 10 which can be heard together.

Item 8 ZC-22-0651, zone change to reclassify five acres from an RE Residential Zone to an R2 Medium Density Residential Zone. Waivers of development standards for the following: increase wall height, alternative street design. Design reviews for the following: a single-family residential subdivision, establish alternative yard, finished grade. These are generally located on the east and west sides of Paradise Park Drive and the north side

AMUNDSEN

of Gomer Road within Enterprise.

Item 9, VS-22-0652, vacate and abandon easements of interest to Clark County. Located between Gomer Road and Rothemburg – Ham – Rothemburg (Rotherham) Hills Avenue and between Grand Canyon Drive and Chieftain Street within Enterprise.

And Item 10, TM-22-500216, tentative map consisting of 29 lots and common lots on five acres in an R2 Medium Density Residential Zone.

GIBSON

Good Morning.

JENNIFER LAZOVICH

Good morning. Jennifer Lazovich, 1980 Festival Plaza Drive. Here today on behalf of the applicant Signature Homes.

This is a rather unusual design, but it is, as the gentleman talked about during public comment, there is a power line easement that runs right diagonally through the site. The only pole interestingly enough that sits within the area colored yellow here and colored yellow here, sits right there where it says NVE pole, but nonetheless through NV Energy we do have to have a 100-foot-wide easement. We are working with them to see if we could reduce that to 75 feet wide – um - there is some precedent on where that has been allowed in this area in the past, but nonetheless they - they have to be the ones to approve that.

We don't have any homes that actually sit within that easement – um - that easement right now does kind of take in some of our driveway and a little bit of the front yard but – um - that, it doesn't go into the home or anything like that. And so perhaps I'll stop there and see if I've answered the question adequately or if there's additional questions you want me to address.

GIBSON

Let's - let's do this then. Let's begin the – um - public hearing. We've heard from Mister Scherer. Are there others here who wish to speak on this item? Then the public hearing is closed. Commissioner Jones.

JONES

Thank you, Mister Chair. Thank you, Miss Lazovich, for addressing that issue. I know the – uh - with regards to the width of the – um - the right way, you're merely suggesting today that you're asking NV Energy – uh - for that accommodation but if they don't grant it, then you're stuck with the 100 foot, correct?

LAZOVICH

That's correct.

JONES

Okay and then with regards to the wall height – uh - I know Mister Scherer had mentioned 12 foot. I know when you and I talked, that there was some - some discussion of reducing that so can you address that issue too?

LAZOVICH

Sure. With that I'm - I do have a wall exhibit but I'm going to ask my engineer to come up and address that.

DAVID LOGSDON

Good morning. I'm David Logsdon. L-O-G-S-D-O-N. At 3283 East Warm

LOGSDON Springs Road. Um - and in terms of the wall, we do have – uh - the 12-foot section is – uh – along – uh - this eastern portion here – uh - which is divided by a – uh - drainage flume as well. Uh - this is the worst-case wall area that we're at – um - and I, you know, I think that – uh - as we progress along the northern side, it's - it's - it goes back down – uh - to a lower level.

JONES Alright so it's not that you – uh - are certain to build a 12-foot wall, it's that, it would up to 12 feet if that becomes necessary based on drainage et cetera.

LOGSDON Drainage and sewer, correct. Uh-hmm.

JONES Okay. Alright with that understanding, I appreciate – uh - you addressing those – uh - comments by Mister Scherer. I'll go ahead and move for approval of Agenda Items Number 8, 9, and 10 with the – uh - understanding that -

GIBSON Sir? Sir? You had your opportunity, and we only get one.

SCHERER But I only get one?

GIBSON Yeah.

SCHERER Even though I checked Number 9, right?

GIBSON Yes. We - we know that you're here on the item -

SCHERER Well, I have one other item that's on the agenda that I'd like to speak about but my time was up.

GIBSON Yeah, you got your three minutes, but very quickly you have fifteen seconds.

SCHERER You have a variance on this as well to turn the drive - the streets from 60 feet to 48 feet or 45 feet. Uh - having lived in the development that's right behind it, knowing most of the way that the driveways are built today, that I know in my development, the driveways are not long enough to take a lot of these extended trucks such as a 250 FX, so therefore they're parking on the street -

GIBSON Alright.

SCHERER So, if anybody buys a home there and they have an extended truck and they build the standard driveways, they're gonna have to park on the streets, that road being narrowed, how are the cars gonna get by?

GIBSON Thank you, sir. Miss Lazovich.

LAZOVICH Uh - Jennifer Lazovich, again for the record, 1980 Festival Plaza Drive. The request to reduce the street that's in your agenda is only for this street right here, Paradise Park Drive. And as you can see – um - the street is not very long; it terminates right here and then Street A going this way and this way will be the private 39 foot – uh - street. That street section because it is so

LAZOVICH short, because there's not a lot of – um - homes that face onto it, the only homes that would face onto that street are these five that sit right here. The homes that are over here face this way – uh - that is, I believe, the reason why, and I certainly don't want to speak for Antonio or Jason, but I think that's part of the reason why that was supported by Public Works.

JONES Antonio?

ANTONIO PAPAZIAN Thank you, Commissioner. Uh - I just want to point out that Fire approved streets to be 36 feet wide and the 39 accommodates the curb.

JONES Okay.

PAPAZIAN So, they meet the minimum with the Fire.

JONES Thank you. Um - with that clarification, I move for Agenda Items Number 8, 9, and 10 – uh - with – uh – Miss Lazovich as representation today that she understands that – um - there's no obligation on NV Energy's part, as represented here today – uh - to reduce the width of the – uh - right away for this – uh - for this agenda item.

GIBSON There's a motion for approval by Commissioner Jones as noted. Any discussion? Please cast your votes. Motion carries

LAZOVICH Thank you.

ACTION: It was moved by Commissioner Justin Jones, and carried by unanimous vote, that the applications for Item Nos. 8, 9, and 10 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;
- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that the waivers of development standards and the design reviews must commence within four years of approval date or they will expire.

Public Works - Development Review

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Full off-site improvements;
- Right-of-way dedication to include 35 feet to the back of curb for Gomer Road, 18 feet for Paradise Park Drive,

a portion of the cul-de-sac for Paradise Park Drive, and associated spandrel.

- Applicant is advised that the installation of detached sidewalks will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control; and that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been initiated for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0460-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require a new POC analysis.

ITEM NO. 9 VS-22-0652-PERALTA FAMILY LP:

VACATE AND ABANDON easements of interest to Clark County located between Gomer Road and Rotherham Hills Avenue, and between Grand Canyon Drive and Chieftain Street within Enterprise (description on file). JJ/lm/syp (For possible action)

ACTION: It was moved by Commissioner Justin Jones, and carried by unanimous vote, that the applications for Item Nos. 8, 9, and 10 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 two years of the approval date or the application will expire.

Public Works - Development Review

- Right-of-way dedication to include 35 feet to the back of curb for Gomer Road, 18 feet for Paradise Park Drive, a portion of the cul-de-sac for Paradise Park Drive, and associated spandrel;
- Vacation to be recordable prior to building permit issuance or applicable map submittal;
- Revise legal description, if necessary, prior to recording.

ITEM NO. 10 TM-22-500216-PERALTA FAMILY LP:

TENTATIVE MAP consisting of 29 lots and common lots on 5.0 acres in an R-2 (Medium Density Residential) Zone. Generally located on the east and west sides of Paradise Park Drive and the north side of Gomer Road within Enterprise. JJ/lm/syp (For possible action)

ACTION: It was moved by Commissioner Justin Jones, and carried by unanimous vote, that the applications for Item Nos. 8, 9, and 10 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 four years or it will expire.

Public Works - Development Review

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Full off-site improvements;
- Right-of-way dedication to include 35 feet to the back of curb for Gomer Road, 18 feet for Paradise Park Drive, a portion of the cul-de-sac for Paradise Park Drive, and associated spandrel.
- Applicant is advised that the installation of detached sidewalks will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control; and that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been initiated for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0460-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require a new POC analysis.

ITEM NO. 11 ZC-22-0662-RAINY DAY INVESTMENTS LLC & NEVADA TRUST COMPANY CUST FBO MCMENEMY RON S:

ZONE CHANGE to reclassify 1.9 acres from an R-E (Rural Estates Residential) (RNP-I) Zone to an R-1 (Single Family Residential) Zone.

WAIVER OF DEVELOPMENT STANDARDS to increase wall height.

DESIGN REVIEWS for the following: 1) single family residential subdivision; and 2) finished grade. Generally located on the south side of Verde Way and the west side of Durango Drive within Lone Mountain (description on file).

RM/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

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Certificate of Occupancy and/or business incense shall not be issued without final zoning inspection.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that the waiver of development standards and design reviews must commence within four years of approval date or they will expire.

Public Works - Development Review

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;

- Full off-site improvements.
- Applicant is advised that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals; and that the installation of detached sidewalks will require the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way.

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 VS-22-0663-RAINY DAY INVESTMENTS LLC & NEVADA TRUST COMPANY CUST FBO MCMENEMY RON S:

VACATE AND ABANDON a portion of right-of-way being Durango Drive located between Verde Way and Lone Mountain Road within Lone Mountain (description on file). RM/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 two years of the approval date or the application will expire.

Public Works - Development Review

- Vacation to be recordable prior to building permit issuance or applicable map submittal;
- Revise legal description, if necessary, prior to recording.
- Applicant is advised that the installation of detached sidewalks will require the recordation of this vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

ITEM NO. 13 TM-22-500219-RAINY DAY INVESTMENTS LLC & NEVADA TRUST COMPANY CUST FBO MCMENEMY RON S:

TENTATIVE MAP consisting of 6 lots and common lots on 1.9 acres in an R-1 (Single Family Residential) Zone. Generally located on the south side of Verde Way and the west side of Durango Drive within Lone Mountain. RM/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

- 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 four years or it will expire.

Public Works - Development Review

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Full off-site improvements.
- Applicant is advised that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals; and that the installation of detached sidewalks will require the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way.

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. 14 NZC-22-0592-4350 NELLIS BLVD, LLC:

AMENDED ZONE CHANGE to reclassify 20.0 acres from a C-2 (General Commercial) (AE-65 & AE-70) Zone to an M-D (Designed Manufacturing) (AE-65 & AE-70) Zone.

WAIVER OF DEVELOPMENT STANDARDS to allow a modified driveway design.

DESIGN REVIEWS for the following: 1) proposed distribution center; and 2) alternative parking lot landscaping.

Generally located on the east side of Nellis Boulevard and the south side of Craig Road within Sunrise Manor (description on file). MK/rk/syp (For possible action)

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

ITEM NO. 15 VS-22-0593-4350 NELLIS BLVD, LLC:

AMENDED VACATE AND ABANDON easements of interest to Clark County located between Craig Road and Las Vegas Boulevard North, and between Nellis Boulevard and Las Vegas Boulevard North within Sunrise Manor (description on file). MK/rk/syp (For possible action)

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

ITEM NO. 16 PA-22-700004-SAHARA PALM PLAZA, LLC:

PLAN AMENDMENT to redesignate the existing land use category from Neighborhood Commercial (NC) to Corridor Mixed-Use (CM) on 2.6 acres. Generally located on the south side of Sahara Avenue, 400 feet west of Buffalo Drive within Spring Valley. JJ/gtb (For possible action)

ACTION: It was moved by Commissioner Justin Jones, and carried by unanimous vote, that the recommendation (including the adoption of Resolution R-1-18-23-1) be approved.

ITEM NO. 17 ZC-22-0609-SAHARA PALM PLAZA, LLC:

ZONE CHANGE to reclassify 2.6 acres from a C-1 (Local Business) Zone to a C-2 (General Commercial) Zone for an existing shopping center.

WAIVER OF DEVELOPMENT STANDARDS to allow non-standard improvements in the right-of-way. Generally located on the south side of Sahara Avenue, 400 feet west of Buffalo Drive within Spring Valley (description on file).

JJ/gtb/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 –

Comprehensive 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 must commence within two years of approval date or it will expire.

Public Works - Development Review

- Execute a License and Maintenance Agreement for any non-standard improvements within the right-of-way.

Clark County Water Reclamation District (CCWRD)

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

ITEM NO. 18 ORD-22-900672: Conduct a public hearing on an ordinance to consider adoption of a Development Agreement with Durango Ridge LLC for a single-family development (Durango & Camero) on 2.5 acres, generally located south of Camero Avenue and west of Durango Drive within Enterprise. JJ/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. 5013) be approved.

ITEM NO. 19 ORD-22-900753: Conduct a public hearing on 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)

ACTION: It was moved by Commissioner Justin Jones, and carried by unanimous vote, that the recommendation (including the adoption of Ordinance No. 5014) be approved.

ITEM NO. 20 ORD-22-900754: Conduct a public hearing on 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)

ACTION: It was moved by Commissioner Justin Jones, and carried by unanimous vote, that the recommendation (including the adoption of Ordinance No. 5015) be approved.

ITEM NO. 21 ORD-22-900755: Conduct a public hearing on 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)

ACTION: It was moved by Commissioner Justin Jones, and carried by unanimous vote, that the recommendation (including the adoption of Ordinance No. 5016) be approved.

ITEM NO. 22 ORD-22-900781: Conduct a public hearing on 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)

ACTION: It was moved by Commissioner Justin Jones, and carried by unanimous vote, that the recommendation (including the adoption of Ordinance No. 5017) be approved.

ITEM NO. 23 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) (held from January 4, 2023)

ACTION: Deleted from the agenda (Withdrawn without prejudice).

ITEM NO. 24 ET-22-400115 (ZC-19-0766)-TOP EXPRESS INVESTMENTS, LLC:
HOLDOVER USE PERMIT FIRST EXTENSION OF TIME for a daycare.
WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) reduce landscaping; 2) trash enclosure; 3) reduce drive aisle width; and 4) allow non-standard driveway improvements.
DESIGN REVIEW for a daycare on 0.4 acres in a C-P (Office and Professional) Zone. Generally located on the west side of Eastern Avenue, 260 feet south of Golden Arrow Drive within Winchester (description on file). TS/hw/ja (For possible action) (held from December 4, 2022)

ACTION: Deleted from the agenda (held to February 8, 2023 per staff for the applicant to return to the Winchester Town Board).

ITEM NO. 25 UC-22-0459-1984 DEVELOPMENT LLC:
HOLDOVER USE PERMITS for the following: 1) a 230kV electric substation; 2) 230kV transmission lines; 3) increase the height of utility structures; and 4) waive trash enclosure.
WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) waive off-site improvements (curb, gutter,

sidewalk, streetlights, and partial paving); and 2) allow modified driveway design standards. DESIGN REVIEWS for the following: 1) a proposed 230kV substation with associated equipment; 2) proposed utility structures (200kV to 230kV transmission lines); and 3) finished grade on 9.0 acres in an M-D (Designed Manufacturing) Zone. Generally located on the south side of Maule Avenue and the west side of Redwood Street within Enterprise. MN/rk/syp (For possible action) (held from December 7, 2022)

AMUNDSEN

Next is Item 25 UC-22-0459, holdover use permits for the following: a 230kV electric substation, 230kV transmission lines, increase the height of utility structures, and waive trash enclosure. Waivers of development standards for the following: waive off-site improvements, curb, gutter, sidewalk, streetlights, and partial paving, allow modified driveway design standards. Design reviews for the following: a proposed 230kV substation with associated equipment, proposed utility structures, finished grade on nine acres in a MD Design Manufacturing zone, general located on the south side of Maule Avenue and the west side of Redwood Street within Enterprise.

GIBSON

Good morning.

DEVLIN BANESHFOUROUZ

Good morning.

ED GARCIA

Mister Chair and Commissioner. Ed Garcia here on behalf of Switch, 9555 Hillwood Drive. Uh - also with me is – uh - Devlin Daneshforouz with NV Energy – uh - here before you on this item.

So – uh - this is an application for – uh - as stated a power transmission line – um - primarily running along Maule – uh - Avenue. This line is an important upgrade to the system for the southwest part of the Valley and – uh - certainly think that it's going to help promote – uh - economic development in that – uh - part of the County.

So this item was originally – uh - scheduled to be heard in October – uh - so at - since that time, there's been a lot of changes to the actual submission – um - the - really dealing with the location of the lines and the type of infrastructure, so since that time, it's now, the – uh - revised plan show that were provided yesterday and are dated – um - January 17, were now that all overhead lines along Maule will be located either on Switch's property or NV Energy's property so it won't - the overhead lines won't be on anybody else's property. Uh - we have provided staff with those revised plans.

I'd like to thank staff for working with us through this process, I'd also like to thank Commissioner Naft for his patience as we - um, - made our time through these revisions – um - wanting to be respectful of your time – uh - I'll wrap up my comments, but I'm more than happy and Devlin is also up here if you have any specific comments about the revisions or the submission itself and we'd respectfully request your approval.

GIBSON

Thank you. This is a public hearing. Is there anyone here who wishes to speak on this item? Appearing that there is no one, the public hearing is closed. Commissioner Naft?

MICHAEL NAFT Thank you, Mister Chairman. Um – Miss Amundsen?

AMUNDSEN We did want to add an additional Public Works comment that Administrative De- Design Review would be required to address the location of each pole just to make sure that they are not encumbering roadways, sidewalks, entrances.

NAFT Is that understood?

GARCIA Yes, that's fine. Thank you.

NAFT Oh, no I thank you. Um - I thank Switch and NV Energy for working through – uh - so diligently this process with the neighbors who are keenly interested and aware of what was going on and – uh - thank you for the work that got to this point and move for approval of Item 25.

GIBSON There's a motion for approval by Commissioner Naft. Any discussion on the motion? Please cast your votes. Motion carries. Thank you.

GARCIA Thank you.

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

CONDITIONS OF APPROVAL –

Current Planning

- Per revised plans.
- 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 four years of approval date or they will expire.

Public Works - Development Review

- Construct full off-site improvements on Redwood Street by March of 2025;
- Comply with approved drainage study PW21-16235;
- Full off-site improvements on Badura Avenue and Maule Avenue;
- Right-of-way dedication to include 30 feet for Maule Avenue, 35 feet to the back of curb for Badura Avenue, and associated spandrel;
- Administrative Design Review required to address the location of each pole;
- Execute a Restrictive Covenant Agreement (deed restrictions).
- Applicant is advised that the installation of detached sidewalks will require the vacation of excess right-of-way and the dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

Department of Aviation

- Applicant is required to file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, in accordance with 14 CFR Part 77, or submit to the Director of Aviation a "Property Owner's Shielding

Determination Statement" and request written concurrence from the Department of Aviation;

- If applicant does not obtain written concurrence to a "Property Owner's Shielding Determination Statement," then applicant must also receive either a Permit from the Director of Aviation or a Variance from the Airport Hazard Areas Board of Adjustment (AHABA) prior to construction as required by Section 30.48 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 to submit plans for review and approval prior to installing any gates, speed humps (speed bumps not allowed), and any other Fire Apparatus Access Roadway obstructions; and that fire/emergency access must comply with the Fire Code as amended.

ITEM NO. 26 UC-22-0650-PALM BEACH RESORT CONDOS:

USE PERMITS for the following: 1) High Impact Project; and 2) multiple family residential development.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) reduce height/setback ratio; 2) reduce parking; and 3) reduce throat depth.

DESIGN REVIEW for a multiple family residential development on a 6.5-acre portion of 14.5 acres in an H-1 (Limited Resort and Apartment) Zone. Generally located on the south side of Serene Avenue, 1,000 feet west of Las Vegas Boulevard South within Enterprise. MN/hw/syp (For possible action)

ACTION: Deleted from the agenda (held to June 7, 2023, per the applicant.) Applicant is advised that re-notification fees are required prior to this item being placed on the agenda.

ITEM NO. 27 WC-22-400128 (ZC-1926-03)-PALM BEACH RESORT CONDOS:

WAIVERS OF CONDITIONS of a zone change requiring: 1) development be limited to "For Sale" condominiums rather than apartments or commercial; and 2) a 20-foot-wide intense landscape buffer be provided along the west and south property lines in conjunction with a multiple family residential development on a 6.5-acre portion of 15.4 acres in an H-1 (Limited Resort and Apartment) Zone. Generally located on the south side of Serene Avenue, 1,000 feet west of Las Vegas Boulevard South within Enterprise. MN/hw/syp (For possible action)

ACTION: Deleted from the agenda (held to June 7, 2023, per the applicant.) Applicant is advised that re-notification fees are required prior to this item being placed on the agenda.

ITEM NO. 28 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) (held from January 4, 2023)

AMUNDSEN

Next is Item 28, WS-22-0484, holdover waivers of development standards for the following: increase wall height, reduce net lot area, reduce setbacks, establish alternative yards. Design reviews for the following: a single-family residential subdivision, finished grade on 1.89 acres, and an RE Estates RNP-1 Zone. Generally located on the east side of Fort Apache Road and the south side of Hammer Lane within Lone Mountain.

GIBSON

Good morning.

BOB GRONAUER

Good morning, Mister Chairman, Commissioners. My name is Bob Gronauer, 1980 Festival Plaza Drive. In this matter I am representing Century Communities.

Um - if I could get your attention to the overhead, our site is highlighted in yellow. It's a little less than two acres net of – uh – property. Uh - Hammer is - Hammer Lane is to the north. To the west of our property adjacent to is – uh - Fort Apache. Uh - this is an application where we're looking to place – uh - three homes on the property. Uh - if anything if you take a look at this area, this is an RNP area, half acre lots are typically developed. Uh - one of the things I wanna be discussing is – uh - we have two of our lots that are, we are reducing the lot square footage net under 18,000 square feet but the reason why I have this highlighted in red, these are the existing lots that are already out there that are less than 18,000 square feet and matter of fact, you have three lots that is 15,600, 15,500, and 14,900 square feet that are gonna be much smaller than our half acre lots that we're going to be proposing in this area.

Uh - what I also have in this area here is highlighted in green is a project that was just recently approved in April of – uh – 2022 – uh - for four lot – uh – cul-da - cul-de-sac subdivision that had lots that were net also less than 18,000 square feet.

So, to give you a little bit of – uh - little bit background on the site plan of what we're requesting. As I mentioned we have three homes that are located in this – uh - cul-de-sac here that we're proposing. Uh - lots two and lots three would be the reduction of the square footage for net lots – uh - square footage and the reason is we have a five-foot drainage easement. We have some private street dedication, and landscape and other utility easements along those properties there that we do meet the gross square footage but because of the landscaping, utility drainage easements that we have here that reduces less than 18,000 square feet for both of these lots.

The next thing I want to get into is the inter-local agreement. Um - as you're familiar with it, the inter-local agreement was approved in 2016, back in December of 2016. Uh - there is a provision within the inter-local agreement that allows for a developer to do lots less than 18,000 square foot net if you work between the County and the City. How that works is if we have a piece of property in Clark County and we want to have some lots less net - less than 18,000 square feet in the inter-local area, we typically go to the City

Council persons – uh – ward – uh - there's two Council members that represent the northwest, to get their consent or approval to move forward with the application. Uh - likewise if we have a piece of property in the City of Las Vegas, what we have done in the past, we've gone to the County Commissioner's District and work with them to move forward with an application to be less than 18,000 square feet.

So, over the last several years since 2016, I'll just go quickly through this- uh, - but we have a list of properties that we have, already had approved – uh - with similar circumstances, and again the intent here is to keep a four lot, three lot cul-de-sac just like the whole northwest is and like all these applications that have been approved. Unfortunately, not every lot is built the same way or has the same constraints. Some like this cur - this current lot that I have before you today has extra private easements that need to be addressed for utility and landscape for reasons, but you still have the intent, a single story home, that's a large home within a four lot or three lot cul-de-sac.

So, this is a property that I just pointed out earlier that this was just approved less than a year ago for four lot cul-de-sac that had less than 18,000 net in that area. This is a property that we're discussing today.

Next property's on Jones and Brent. This was approved in February of 2021. This was – uh - another application that was approved for a net lot reduction.

This next item here is on Tropical and Eula. This was approved in June of 2020. This was also, this next one here, Item Number 4, was approved in June of – uh - 2019. Uh - this was Roseda and Park and then we also have another one, Brent and Lutz, which was approved in 2019. I have additional ones here that was also approved in the County for lot reductions.

Uh - on the other hand as I mentioned to you, in the City of Las Vegas, we've come through in and also had approvals for lot reductions as I'm showing you here. I have a list, I won't go through them all, but I have at least four that we've represented. The irony is from representing Century Communities, the D.R. Horton and Pinnacle homes, those are the major builders that build a lot out in the northwest – uh - we've had the privilege of representing them.

So, getting back to our application, again what we're asking for is nothing that's unusual, that is already existing in northwest, or that has been approved by this Board and has already been approved also in other areas in the City of Las Vegas's jurisdiction. Uh - we would like to do single story homes. These homes are going to be anywhere from 3,000 to 3,700 square foot. Uh - the prices are going to be somewhere in the low \$700s to start – uh - and again – uh - we believe that these lots that are going to be proposed entering ingress and off of Hammer are similar to the lots as you can see here highlighted in red, and it's already been approved in green in this area. So, with that being said, we'd ask you to approve our application as submitted, and I'm here to answer any other questions that you may have.

GIBSON

Thank you, sir. This is a public hearing. Is there any one here who wishes to speak on this item?

SUMMER GOLIA-PRITCHETT

Hi. Um - my name is Summer Golia-Pritchett and I reside at 9115 West Hammer Lane between – um - directly east of the application – um - so our parcel borders the development on the east side. Uh - we moved into the Rural Preservation in 1993 and we've witnessed all the changes over the years. I'm not here to stop development, I'm just here to ask that development standards stop being waived. It's rather upsetting and disgusting that we have to keep coming to these meetings to keep saying that we do not approve and reminding you that you were elected to represent us, our neighborhood, and our way of life, and that you have a job to do, and you're ultimately failing us. I am urging and asking again that you do not allow under any circumstances any more standards of development be waived for big developers whose sole purpose is to get in, get out, and move on to the next subdivision. We don't want ten-foot walls, we don't want towering homes, and we are here again to ask the Planning Commission stand on the side of the residents that live in the Rural Preservation.

Um - when we had the cell phone tower going on a few months ago, I canvassed the neighborhood with – uh - Christian Sellman, and we spoke with several neighbors - neighbors, and residents about their concerns. The Northwest Rural Preservation Association does not approve of any waiving of development standards. It used to be that when property was purchased in our area, it was developed by the people who intended on building their forever home, not by people who have no concern or any awareness of the impact of the surrounding neighborhood.

As for this particular application, it was voted down – um - by the initial meeting at the Lone Mountain Advisory Board. They were recommended to redesign their plans without it being a cul-de-sac and having driveways that extend to already existing streets and stay within the half acre – um - lot for the RNP. The - they have only three lots on this plan, but they do intend on developing a fourth one at a later date. It's just another way of to slip through the cracks and bend the rules to fit their purpose.

A second meeting was scheduled, and I planned on attending but upon arrival I found nobody, no one at the – um - designated meeting spot which is at on Durango at the YMCA. I spent around 15 minutes looking for this meeting with another person who turned out to be Jennifer Damico, Ross Miller's liaison. I couldn't believe these developers had the mee - nerve to show up at their own meeting - not to show up at their own meeting. I was told by Missus Damico at a later date that they had been there. The information desk hadn't even seen them, and they never checked in to let them know they were there. This tells me two things. The first, it's obvious the developers – um - consider these meetings just a waste of their time, they want no opposition, they want the rules to be rewritten to their benefit. The second thing it tells me is the Planning Commission is aware of this kind of unprofessionalism - un-professionalism and it seems as, find it acceptable.

Please do not approve or allow any more waivers of development standards.

GOLIA-PRITCHETT Please do what you promised to do, Mister Miller, protect the rule preservation at any cost, mainly because it's your neighborhood too. Thank you for your time.

GIBSON If you please, point out your home? Ma'am, ma'am, would you please point out your home on that map, that is -

GOLIA-PRITCHETT I'm to the right, directly, right here. Dapple Gray and Hammer.

GIBSON So, if you would touch - if you would, show us on the map that is - oh, this -

GOLIA-PRITCHETT Where he had it, I'm in between -

GIBSON I'm sorry. I - I-

GOLIA-PRITCHETT - the green and the yellow.

GIBSON (laughs)

GOLIA-PRITCHETT I'm directly in between, where he had the green -

GIBSON My mistake.

GOLIA-PRITCHETT - and the yellow.

GIBSON You can't show me.

GOLIA-PRITCHETT Yeah.

GIBSON But I get it. (laughs)

GOLIA-PRITCHETT So, on the map, where it was green -

GIBSON No, that's fine.

GOLIA-PRITCHETT - and yellow.

GIBSON I understand. (laughs).

GOLIA-PRITCHETT I'm in between the two. So -

GIBSON That's fine.

GOLIA-PRITCHETT And I was unaware of the one that got approved to the - uh - east of me.

GIBSON Thank you very much.

GOLIA-PRITCHETT Mm-hmm.

GIBSON Is there anyone else who wishes to speak on this item, this morning? There being no one, the public hearing is closed. Commissioner Miller.

ROSS MILLER Move for approval.

GIBSON (laughs)

JONES M – Mister Chair, can I just ask a quick question? Um – I - in our Title 30 re-write – um - are we addressing the - this is the kind of waiver that we don't want to ever hear, because it's exactly the type of thing that should be happening there? Are we addressing that, so we don't pass these waivers?

AMUNDSEN We are tightening up the rules a little bit, yes.

JONES Thank you.

GIBSON There's a motion for approval. Any discussion on the motion? Please cast your votes. And the motion carries.

GRONAUER Thank you.

GIBSON Thank you.

ACTION: It was moved by Commissioner Ross Miller, 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 two years of approval date or it will expire.

Public Works - Development Review

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Right-of-way dedication to include the spandrel in the northwest corner of the site;
- Execute a Restrictive Covenant Agreement (deed restrictions).
- 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 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. 29 ZC-22-0413-SLETTEN CONSTRUCTION COMPANY:

HOLDOVER ZONE CHANGE to reclassify 2.1 acres from an M-1 (Light Manufacturing) (AE-60) Zone to an H-1 (Limited Resort and Apartment) (AE-60) Zone.

USE PERMIT to allow outside dining and drinking.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) increase building height; 2) encroachment into airspace; 3) reduced parking; 4) reduced throat depth; and 5) reduced departure distance.

DESIGN REVIEWS for the following: 1) alternative parking lot landscaping; and 2) hotel. Generally located on the southwest corner of Quail Avenue and Polaris Avenue within Paradise (description on file). MN/sd/jo (For possible action) (held from December 21, 2022)

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

ITEM NO. 30 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) (held from January 4, 2023)

AMUNDSEN

Next, is Item 30, ZC-22-0450 holdover zone change reclassified .9 acres from RE Rural Estates Residential at AE-65 and APZ-2 Zone, to an MD Design Manufacturing, AE-65 and APZ-2 Zone. Waivers of development standards for the following: Reduce setback, reduce height setback ratio, building design standards allow modified driveway design. Design reviews for the following: Warehouse and fabrication shop, alternative parking lot landscaping. Generally located on the east side of Marion Drive, 150 feet North of Holt Avenue, within Sunrise Manor.

ROBERT MILK

Good morning, Commissioners. I'm Robert Milk – uh - 2140 Marion Drive. I'm here on behalf of Kenneth Stimson. Uh - we are applying for a zone change. Uh - the current land use for the area is business impro - or employment. And we are applying to re – uh - zone the property from – uh - RE to MD.

On our street, right here, we're the second lot in between – uh - Holt Avenue and Judson. And we're, basically, in the middle of the street. Um - currently, right here, the corner lot is already zoned – eh - MD. Everything else is residential, right here. Across the street, both parcels are MD.

Um - Commissioner Segerblom and I have been working on this for a little while and – uh - we are passed the point now, we're - we're willing to make the zone change. And – uh - the design standards he wants to go ahead and hold back and let us go through all that, with entitlements and everything, in – in – uh - pursuit of getting building permit to actually change.

We actually want to – uh - build a couple – uh - buildings on this site. We want to knock over the house and – uh - clean up the neighborhood, and make it look better – uh - and all. I'll close with that.

GIBSON

Thank you very much. Is there anyone here who wishes to speak? This is a public hearing. There being no one, the public hearing is closed.
Commissioner Segerblom.

TICK SEGERBLOM

Th - thank you, Mister Chair. And the applicant is correct. Um - I apologize first, on behalf of, not our staff, but I'm sure as many staffs a go. But this area of town is just the ultimate mish-mash, (laughs), of everything. Um - but the truth is, I looked everywhere – uh - possible to - to prequire residential there, and I just don't see how we can do it. So, I agree that it has to be rezoned to MD, that's the master plan. But I want to make sure that any development along that street – um - I am actively involved in that, and I, so I want you to come back – uh - later on, if you want to build something.

Um - so I would approve the zone change. Uh - I would deny, without prejudice, the waivers of the design review. And then, I'm gonna add a condition. The design review, it's gonna be public hearing for any future proposal. Though we don't – we want to - ideally, we can do the whole section there on Marion. It's - and, I'll maybe, go back out there and try to encourage people to do that, re-change - change their zoning, and maybe get some business – uh – from licenses, because a lot of these businesses are not even licensed. So – uh - you got your hands full, but I thank you for at least coming forward and wanting to improve that area. Does that make sense?

GIBSON

Thank you, Commissioner, it makes sense.

SEGERBLOM

I got a motion -

GIBSON

Is that a motion for approval?

SEGERBLOM

That's my motion.

GIBSON

There's a motion for approval. Any discussion on the motion? Please cast your votes. The motion carries. Thank you, sir.

AMUNDSEN

And - and just for clarification, it's a motion of approval for the zone change, only.

GIBSON

Yeah. The things that he indicated, yes.

AMUNDSEN

Thank you.

ACTION:

It was moved by Commissioner Tick Segerblom, and carried by unanimous vote, that the application for the zone change 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;
- Design review as a public hearing for any proposed development.

Public Works - Development Review

- Drainage study and compliance with future development;
- Full off-site improvements with future development;
- Right-of-way dedication to include 10 feet for Marion Drive.

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; and to show on-site fire lane, turning radius, and turnarounds.

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 #0337-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

WAIVERS OF DEVELOPMENT STANDARDS AND DESIGN REVIEWS WERE DENIED WITHOUT PREJUDICE.

ITEM NO. 31 ZC-22-0606-B-R OVATION LIMITED PARTNERSHIP:

ZONE CHANGE to reclassify 5.0 acres from an R-E (Rural Estates Residential) Zone to an H-1 (Limited Resort and Apartment) Zone.

USE PERMIT for a multiple family residential development (senior housing).

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) increase building height; 2) reduce parking lot landscaping; 3) reduce throat depth; 4) reduce setback for decorative fence; and 5) increase wall height.

DESIGN REVIEW for a multiple family residential development on 12.2 acres in an H-1 (Limited Resort and Apartment) Zone. Generally located on the north side of Bruner Avenue and the west side of Parvin Street (alignment) within Enterprise (description on file). MN/sd/syp (For possible action)

AMUNDSEN

Next, are Items 31 and 32, which can be heard together.

Item 31, ZC-22-0606, zone change re-classify five acres from the RE Rural Estate Residential Zone, to an H1 Limited Resort and Apartment Zone. Use permit for a multiple family residential development, senior housing. Waivers of development standards for the following: Increase building height, reduce parking lot landscaping, reduce the throat depth, reduce setback for decorative fence, increase wall height. Design review for a multiple family residential development on 12.2 acres, and an H1 Limited Resort and Apartment Zone, generally located on the North side of Bruner Avenue and the West side of Parvin Street alignment within Enterprise.

Item 32, VS-22-0612, vacant and abandon easements of interest to Clark County, located between Las Vegas Boulevard South and I-15, in between Jonathan Drive and Bruner Avenue, within Enterprise.

GIBSON

Miss Lazovich.

LAZOVICH

Good morning, again. Jennifer Lazovich, 1980 Festival Plaza Drive. Here today on behalf of Ovation. The site is before you. It's actually a combination of – uh - two applications that we brought together. The piece of property that's located closes to I-15, that has actually already been approved.

The piece of property, right here, which is where we would like to put a market rate Senior Project, is, uh, the new application that's before you. But we're gonna - when I show you the – um - site plan, we kinda combine them, with a combined driveway. So, we made some small adjustments to this site,

LAZOVICH

and of course we have the design review for this. So, we put them all together as one design review.

Uh - the current design looks like this. This is the - the two buildings that are right next to I-15. And then this E-shaped building, will be – uh - the Senior Project. And, as you can see, there's a private drive. That private drive, which comes off of Bruner, will be shared by both buildings. So – um - you will come in this private drive, and you will turn right, if you want to go the Senior Project, or you will turn left, if you want to go the regular – uh - multi-family project.

We did submit plans to withdraw the waiver of development standards number 2. Uh - that waiver required or asked to reduce – uh - parking lot landscaping, which were the landscaping finger islands and trees. So, we withdrew that waiver. Now, we comply. And – um - if you read the staff report, really, that waiver triggered a lot of other cascading denials or recommendations of denial, from staff. Um - so once we withdraw that waiver, I believe the application would be – uh - supported by staff, with the additional waivers that we asked for, as well as the design review and the use permit.

And again, those plans have been turned into our planner, Steve Demeritt – um – and Nancy if- a couple weeks ago, that he's had them. So, I'd be happy to answer any questions.

GIBSON

Thank you very much. This is a public hearing. Is there anyone here, who wishes to speak on Item 31 or 32? There being no one, the public hearing is closed. Commissioner Naft.

NAFT

Thank you, Mister Chairman. I move forward the approval of Item 31, with – uh - the waive - waiver of development standard 2, withdrawn, and Item 32.

GIBSON

There's a motion for approval -

PAPAZIAN

Commissioner, if I can, please?

NAFT

Please.

GIBSON

Yes.

PAPAZIAN

Uh - because of the re-alignment of Parvin Avenue – um - I'd like to add a condition. If - if we leave – uh - Jennifer, can you pull up - put up the Senior housing map, please?

LAZOVICH

Yes. Do you want the site plan or the aerial?

PAPAZIAN

Uh – site plan, please.

LAZOVICH

Okay.

PAPAZIAN So, with the re-alignment of Parvin Avenue, you could see south of Bruner, it kinda curves.

NAFT Mm-hmm.

PAPAZIAN Uh - I'd like to add a condition, what - what this does, is if I don't have this condition, it's gonna – uh - create a - a portion of Grand Mosaic to be no-man's land.

NAFT Mm-hmm.

PAPAZIAN Um - and until the southeast property comes in – uh - we're gonna leave it as-is but would like to add a condition to clear it up later in the future, so it's not no-man's land.

NAFT Thank you.

PAPAZIAN Uh -

NAFT Miss -

PAPAZIAN When required by Public Works Development Review, the applicant, or owner shall vacate a portion of Grand Mosaic Street, to accommodate the re-alignment of Parvin Street at Bruner Avenue, adjacent to the northeast portion of Las Vegas Boulevard, and Saint Rose Phase 1A Subdivision. Remove the improvements from the vacated area and work with Las Vegas Boulevard and Saint Rose Phase 1A Subdivision Homeowner's Association, to determine what private improvements said applicant or owners, will be required to install.

NAFT Thank you. The a - applicant is aware of and -

LAZOVICH We are aware of the condition.

NAFT - can work with that condition. Thank you. In that case, my motion stands with the additional – uh - Public Works condition.

GIBSON There's a Motion for approval by Commissioner Naft. Any discussion? Please cast your votes. The Motion carries. Thank you.

ACTION: It was moved by Commissioner Michael Naft, and carried by the following vote, that the applications for Item Nos. 31 and 32 be approved subject to staff and additional conditions.

VOTING AYE: Jim Gibson, Justin Jones, Marilyn K. Kirkpatrick, Ross Miller, Michael Naft, and Tick Segerblom

VOTING NAY: None

ABSENT: William McCurdy II

ABSTAIN: None

CONDITIONS OF APPROVAL –

Current Planning

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Expunge ZC-21-0193;
- 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 a lack of necessary public services in the area;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that the waivers of development standards and design review must commence within two years of approval date or they will expire.

Public Works - Development Review

- When required by Public Works - Development Review, the applicant or owner shall vacate a portion of Grand Mosaic Street to accommodate the realignment of Parvin Street at Bruner Avenue adjacent to the northeast portion of the Las Vegas Boulevard and Saint Rose Parkway Phase 1A subdivision, remove the improvements from the vacated area, and work with the Las Vegas Boulevard and Saint Rose Parkway Phase 1A subdivision Homeowners’ Association to determine what private improvements said applicant or owner will be required to install;
- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 30 feet to 60 feet for Parvin Street and associated spandrel.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been initiated for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0136-2020 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require a new POC analysis.

WAIVER OF DEVELOPMENT STANDARDS #2 WAS WITHDRAWN

ITEM NO. 32 VS-22-0612-B-R OVATION LIMITED PARTNERSHIP:

VACATE AND ABANDON easements of interest to Clark County located between Las Vegas Boulevard South and I-15 and between Jonathan Drive and Bruner Avenue within Enterprise (description on file). MN/sd/syp (For possible action)

ACTION:

It was moved by Commissioner Michael Naft, and carried by the following vote, that the applications for Item Nos. 31 and 32 be approved subject to staff and additional conditions.

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

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 two years of the approval date or the application will expire.

Public Works - Development Review

- When required by Public Works - Development Review, the applicant or owner shall vacate a portion of Grand Mosaic Street to accommodate the realignment of Parvin Street at Bruner Avenue adjacent to the northeast portion of the Las Vegas Boulevard and Saint Rose Parkway Phase 1A subdivision, remove the improvements from the vacated area, and work with the Las Vegas Boulevard and Saint Rose Parkway Phase 1A subdivision Homeowners' Association to determine what private improvements said applicant or owner will be required to install;
- Right-of-way dedication to include 30 feet to 60 feet for Parvin Street and associated spandrel;
- Vacation to be recordable prior to building permit issuance or applicable map submittal;
- Revise legal description, if necessary, prior to recording.

ITEM NO. 33 NZC-22-0254-VAN 86 HOLDINGS TRUST:

AMENDED HOLDOVER ZONE CHANGES for the following: 1) reclassify 2.4 acres from an R-E (Rural Estates Residential) Zone to an R-1 (Single Family Residential) Zone; and 2) reclassify 9.4 acres from an R-E (Rural Estates Residential) Zone to an R-2 (Medium Density Residential) Zone (previously notified as 19.4 acres from an R-E (Rural Estates Residential) Zone to an R-2 (Medium Density Residential) Zone).

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) increase wall height; 2) reduce street intersection off-set; and 3) alternative yard setbacks (previously not notified).

DESIGN REVIEWS for the following: 1) a single-family residential development; and 2) finished grade. Generally located on the northeast corner of Richmar Avenue and Hinson Street (alignment) within Enterprise (description on file). JJ/al/jo (For possible action) (held from December 21, 2022)

AMUNDSEN

Next, are Items 33, 34 and 35, which can be heard together.

Item 33 NZC-22-0254, amended holdover zone changes for cla - for the following: Reclassify 2.4 acres from an RE Rural Estate Residential Zone, to an R1 single-family Residential Zone, reclassify 9.4 acres from an RE Rural Estate Residential Zone, to an R2 Medium re - Density Residential Zone, previously notified as 19.4 acres, from an RE to an R2. Waiver of development standards for the following: Increase wall height, reduce street intersection offset, alternative yard setbacks. Design reviews for the following: a single-family residential development, finished grade, generally located on the Northeast corner of Richmar Avenue and Hinson Street alignment, within Enterprise.

Item 34, VS-22-0255, holdover, vacate and abandon easements of interest to Clark County, located between Hinson Street alignment and Valley View Boulevard, and between Richmar Avenue and Meranto Avenue alignment within Enterprise.

AMUNDSEN

Item 35, TM-22-500087, holdover amended tentative map consisting of 87 single-family residential lots and common lots, on 11.8 acres in an R1 single-family Residential Zone, in an R2 Medium Density Residential Zone.

GIBSON

Thank you. Good morning.

JOHN SULLIVAN

Good morning. John Sullivan, 1980 Festival Plaza Drive, on behalf of the applicant. Um - as we've had this matter in front of you before, I'll try to be brief with my initial presentation, and then I can respond to any questions from the - from the neighbors.

Uh - again, as mentioned, the site has been reduced. We sit on the - uh - corner of Richmar, and what will be Hinson Road. A lot of the initial discussion has been tied to the land use plan. As you can see, the majority of the property is in the medium intensity suburban neighborhood, with a portion of it in the low intensity. Uh - I show that, as I think that'll be part of the conversation, later. And the application is currently entirely conforming with the master plan. Uh - zoning across the area is - is all RE.

So, here's the, the revised site plan. Sits along the - the same property that we showed you. Uh, but the discussion with neighbors, at the last, was that there were safety issues with having any lots turn external to Meranto and Hinson, and that - uh - would we please turn the lots internal to the property.

Uh - the Commission agreed with that, made that request, and we've gone back. Uh - so at this point, all of the lots face internal to the property. Um - the site, otherwise, is - is very similar still. An 87-lot neighborhood still conforming with R2, where it's medium intensity, and R1, where it's low intensity suburban neighborhood - um - with amenities to the property.

So, the actual application in addition to the conforming zone change, has a design review for the neighborhood. Uh - an additional design review - uh - for the increased finished grade to 62, where 36 is allowed.

Again, the property slopes - uh - 11 feet, from east to west. Uh - this is - this is the natural need to increase the height of the property in certain areas, as well as, obviously, to increase some walls. Which is one of the - um - waivers of design review, is to increase wall height. All the way - wall heights are internal, except for the eastern - uh - border of the property.

Uh - the other two waivers of design review - uh - same as last time, is - um - a - a slight reduction in the 125 feet required on Hinson. It's a 100 - it's just under 121 feet - um - that this is currently designed at. Staff was supportive of that, at the last hearing. They continue to be supportive of that.

And then, one alternative lot, with the turning of the inside, we do have one lot that faces - uh - sideways. So therefore, to bring the garages in and all, requires an - uh - alternative yard. Um - which again, staff is supportive.

So, the entire application at this point, staff is supportive of. It now is met with the series of discussions we've had with Commissioner Jones' office,

SULLIVAN

and the neighbors, as far as the - the various requests that have been made. Um - and so, we would respectfully request your approval.

GIBSON

Thank you. This is a public hearing. I have a - a l - a bunch cards, so I know that there are a number of people that wish to speak. I ask you to spell your name, hel - your last name, for our clerk.

And then - um, as you go f - forward, if we - if you can avoid repeating all of the arguments that have been made by others. I don't know how many of you wish to speak, but I have about 15 cards here. Thank you very much.

PAM KAISER

Thank you. My name is Pam Kaiser. I reside at 3485 Vicki Avenue. I am one of the neighbors that it would be mostly affected by this. Personally, I'm - uh - c - a little confused, because we're having to justify why this man, s - pr - out-of-state property, is coming into our neighborhood, and asking for a zone change. This is RE. We are a neighborhood, as you can tell by - can everybody raise their hand, that's here.

This has been going on for almost a year. This is a very tight neighborhood. We are a neighborhood. We know each other. We help each other. They are coming in with something that is a commercial development, in my opinion. I'm sorry, but there is no way I can see it as a residential development. It's completely rental. There is no HOA. It's a management company from out of state. We were not allowed to participate in the land use, because of COVID. Now, we are being told that this guy can come in here into our neighborhood, which is going to de-value our homes. It's gonna disrupt our neighborhood. They do not have adequate parking. There's somebody else that will show pictures of that and speak of that.

If it were an apartment complex, I have a feeling they would be providing more adequate parking. They really have no green space in there. We have no parks in our area. These are three and four-bedroom apartment - or houses, that are going to be all rental. There is no way that you can convince me this is a residential area. This is a commercial development. Thank you.

GIBSON

Thank you.

BARRY YOST

Good morning. Barry Yost. 3760 West Richmar Avenue, just to the east of this development.

I just want to point out, that in the 10 months we've been dealing with this, we've had over a dozen meetings that, myself and my neighbors, have been scheduled to appear at. Uh - because although they've made many changes to this, it's still not - uh - compatible with the neighborhood.

And, I just have to point out again, that our neighbors give up their time, their - give up their work. It's a financial burden, and they still come here. And although our numbers might be a little lower today, we've had as many as 50 and 60 people come here against this. So - uh - we would just ask for you to take that into consideration, as you're looking at this. Thank you.

GIBSON

Thank you, sir.

SUZANNE VALENCIA

Good morning. Suzanne Valencia. V-A-L-E-N-C-I-A. I live at 9275 Polaris Ave., just east of this project. And I just want to – uh - kinda of back up, what Pam said.

So, this is what they pro - proposed, and because of the amount of people that will be in each of these apartments – um - I don't see a lot of space for parking. Now, there's another – um - project, a few blocks away, another development, I'm sorry, with 28 homes, and they - they're parking on the street. And so, let me just show you all the pictures. That's over on Pebble, and they're all parking down the street. And you can go by it anytime, during the day or night. Actually, at night, there's more, because everyone's home. Large RVs. And then also, down the street from this project, is a – um - a warehouse, with lots of semi-trucks.

My point being there's no place to park in there. Outside the - all of these streets inside, are gonna be filled with parking, and all of the area around it, is gonna be filled with parking. And I see no guest parking, at all, anywhere on their new map. So, that's basically it. Thank you.

GIBSON

Thank you.

SUMMER CHOU

Good morning, Commissioner – um - Summer Chou. C-H-O-U. I live – uh - at 9107 Dean Martin Drive.

Um - I wasn't actually going to speak here today. Uh - but I've been – uh - at every meetings, and it's just too hurtful to see our RE zones to be eaten, piece by piece, every day. Um - there are a lot of – um - our neighbors. They've been living in this RE zone, 20 years, 30 years, 40 years. Um - I think they deserve a little something. And not just every time, to be beaten by all the developers, or whoever might have - uh - stronger power than us. Uh - but anyway, it's just too hurtful, help. So, I decided to stand here and to say, I oppose this development, this project, strongly. Thank you.

GIBSON

Thank you.

ERROL CAMPBELL

Good morning, Commissioners. My name is Errol Campbell. I live at 3766 West Pebble Road. I bought my home in 2017, under the belief that I was moving into a neighborhood that I'd always wanted to live in.

I grew up in Las Vegas, Nevada. I'm second generation. That neighborhood that we lived in when I was a little boy, was called the Scatters. I couldn't wait to move there. When I moved into the neighborhood, I was helped by my neighbors to renovate my home. I had an electrician there help me. I had a concrete worker there to hel - help me.

The idea that our culture is being changed in our neighborhood, is infuriating to some of us. We like living in a rural area. We bought out there for a reason. I took all of my life savings, poured into a home, to live in a neighborhood that I wanted to live in.

CAMPBELL

Now, I see it changing this quickly. When I wake up in the morning and I go to the gym, right on Decatur and Pebble, I have to be careful, because there's cars parked all along the sides, and they're children trying to get off the bus. Doing that to more children.

We know who's gonna live in these homes. We know they're gonna have a lot of people living in their homes with them. They're trying to get ahead. We're looking for affordable housing, all over the country. People are trying to put in places, it's not convenient, though.

There is nowhere to park. People are gonna have their cars lined up, up and down the road. Their children are gonna be getting off school buses, with diesels parked on the side of the road, because there is nowhere to park. Our neighborhood wasn't designed for that. Our neighborhood was designed for horses. Our neighborhood was designed for livestock. I have a big well. I have the right to be able to have chickens and stuff like that, in my neighborhood, if I want to. And we're changing the face it.

And the people that are changing the face of it, don't care. They don't live here. They don't live in that environment. They live somewhere else. They rake up their money. They throw people in bad situations, and then they expect us to deal with it.

It's - it's your job, to make sure that doesn't happen to citizens. That's why I voted for you. That's why I support you. We need you guys to stick up for us in this situation. Thank you.

GIBSON

Thank you.

TOMMY LOPRESTI

Good morning, Commission. Tommy LoPresti, 3285 West Serene Avenue. Last name is – uh - L-O, capital P-R-E-S-T-I.

Um - again, it - this is an exhausting process. We're coming up on a year. Uh - the applicant, rightly called American Homes for Rent – uh - they've been reluctant and deceptive in making appropriate changes to this site plan. I mean, we asked, when we met with them in, back in March of last year, for the entire site to be turned internal. Uh - that was one of our first requests, and one of the first things we noticed with this development. Uh - and it took them being denied by the Town Advisory Board and Planning Commission, and - and waivers to get them to do that. I mean, if it had that been one – um - one thing that they did from the get-go, it might have shown a little bit more leniency on their – uh - development process.

Uh - it just seems like everything, that all their efforts have been – uh - disingenuous and undermining of the - the Car - the Clark County Master Plan. I mean, at one point, there was – uh - seven or eight more acres as part of this project. And rather than try to conform and make it – uh - a reasonable project, I - I don't know. Even that, that would have helped. But they just dropped off those seven or eight acres of residential low, that were on Valley View, just to make easier – uh - for them to pencil for their plan.

LOPRESTI

Um - I mean, at one point, I think it got so ridiculous, they were showing aerial pictures of the neighborhood - of the area, and other people's, whose driveways face the street, at the last meeting that we had. Um - that's how the kind of straws they were grasping at, to get this - uh - approved.

Um - we do ask that if - if it does get approved, that it be read in, some - some changes - uh - that will - that will be code, with the adoption of the new Title 30. Uh - that they'll be architectural enhancements on any elevation that face the public right of way. Uh - that the terrace and landscape, any direct - any decorative retaining wall over nine feet. And that we request a - a full traffic study for the neighborhood. I mean, as you can see, this is completely undeveloped. I don't think that something as simple as a mitigation letter and - uh - uh - electrical cord in the road, counting cars that go over, be sufficient. So, we - we cross the full traffic study for those intersections that'll be effective, which are Valley View and Meranto - um - Hinson Street and Meranto, and - uh - Hinson Street and Richmar. I think that's - uh - the least we can request for - uh - such high density in an area that has nothing similar around it. Thank you.

GIBSON

Thank you. Is there anyone else who wishes to speak on this item?

ADAM FULTON

Good morning, Commissioners. Attorney Adam Fulton, 2580 Sorrel Street. I represent - uh - Mister Michael Walsh. He and his family currently live at 4185 West Serene Avenue, Las Vegas, Nevada - uh - 89139.

Um - to date, Mister Walsh and approximately 50 homeowners in the surrounding community, some of whom are here today, vehemently oppose this development. Um - I'm not gonna restate the things that have already been stated today by the other neighbors. But I think it's important to note a couple things.

Number one is Clark County Development Code 30.40.060 states that rural estates, residential districts in Clark County are established for areas, particularly suited for low density residential use.

When you look at the plan, what they're trying to do here, is basically put in a multi-family complex, disguised as single-family residences. Make no mistake, this is a commercial development. They rent out the homes. It's one entity. It's an out-of-state entity that will have ownership of every home that they will rent out. This is a commercial complex. This is a multi-family development. And, based on that alone, and based on the code, we're requesting that you deny this application.

The single-family residences would not be made for the benefit of individual homeowners. And residential homeowners, typically form the backbone of any community here in our state. And I think you've heard today, the backbone of this particular community, is incredibly strong, vibrant, and works together to get things done. And, this proposal is contrary to the purpose, in which this neighborhood was developed, and for which these residents moved in.

FULTON

And that's the purpose of this Commission, is to protect our community and our citizens. Specifically, NRS 244.143, that the first matter of local concern, is any matter that primary effects or impacts areas located in the County, or persons who reside, work, visit, or otherwise present in areas located in the County.

Mister Walsh and his neighbors, the individuals who reside and work in Clark County, will face the most prejudiv - prejudice and negative impact flowing from the Commission's decision to change the zoning surrounding their homes, if this Commission passes that.

The neighbors of this community request that the Commission prioritize, a matter of local concern, instead of favoring a non-resident corporation that seeks to maximize its own profits, at the expense of residents living in this community.

I won't address the parking issue, because I think the neighbors have done a good job in raising those. But I think that's another issue that will extremely - negatively impact. But - but this Commission does have an obligation to the residents in the community, and that's what you're here for, to protect them.

We're requesting that you deny the application, based on everything that has been said today. Thank you.

GIBSON

Thank you. So, I have requests to speak – uh - from Karie Newton and Cheryl Wilson. Do you intend to speak? No. Alright. Is there anyone else who wishes to speak on this item? There being no one, then the public hearing is closed. Commissioner Jones.

JONES

Um - thank you, Mister Chairman. And - and thank you to all the neighbors who have come out to, here to, to speak today. I don't know, Mister – uh - Sullivan, if you wanted to address any of the – um - issues that have been raised by the neighbors?

SULLIVAN

Thank you, Commissioner. Again, John Sullivan, 1980 Festival Plaza Drive.

So, two things that were at least specifically mentioned. Um - I'm happy to answer any other questions that you have. Uh - but with regard to parking, and comparing it to an apartment, these are two-car garage homes. Their driveways are - are without waivers. So, also allow for cars to park in the driveway behind – um – ah -my - my home's a two-car garage, with the same set-up, and my neighborhood works just fine. So, I don't, you know, comparing it to a – uh - apartment, which are set up for having lots of parking, because they do not have unit by unit parking in the - in the same ways. Just to – it - it's not a - a comparison that fits with here.

Uh - the other mention, was calling this affordable housing. And these will all be in excess of \$2,000 a - a month rentals, and people paying twi - that, \$25,000 a year for the places that they - they live, are not affordable housing.

Um - I have children that have nice middle-class homes here in town, and

SULLIVAN

the one of them that's, you know, an owner, she pays less in that in rent, for a - for a home that fits, very much middle-class. Um - so I think that calling that affordable housing, again, is just - uh - inaccurate. These are - these are nice homes. Gonna be - gonna be occupied by people that live and work in - in Clark County, in Southern Nevada.

JONES

Thank you, Mister Sullivan. Um - a - a - again, I appreciate the - the concerns have been raised. Um - I - I've held this item two or three times now, and I have heard concerns about the fact that people have to keep coming down here. I - I do want to note that, even as of this morning, there were requests by Mister Walsh - uh - to hold this item again. So, it cuts both ways, right? I'm trying to be accommodating to you all as neighbors by providing additional time - um - and I think Mister Sullivan's client has - uh - done a lot over the last eight months, nine months, whatever it's been, in order to address the concerns that were raised.

Uh - removing whole portions of the development - uh - in order to create a much larger buffer - uh - to the residents who are located on the other side of Valley View, and closer to Dean Martin Drive, turning the - uh - the project internal. Um - so I - I - I - I appreciate the concerns, but I w - I did want to address - uh - a couple of them. The - the reference to this being RE, RE means that it is - uh - residential, and according to the master plan that has been in place for how long, Miss Amundsen, in this area?

AMUNDSEN

It's been a number of years, because it was about to be updated.

JONES

Right. So, the master plan for this area - um - is - is very clear that this area - uh - that is part of this project is - um - is a residential medium and residential low, and that this project is proposed as conforming with those - uh - those zoning categories. Um - and - and certainly, not to call out Mister Walsh, but those are the zoning categories that existed when he specifically bought his property.

Um- I - I do want to address the, (laughs), one statement, which was, "We know who are going to live in these homes," and this is the issue that I've raised on multiple occasions before. People who rent are entitled to the same rights in our community as those who own homes, and we're not permitted on this Zoning Board to distinguish between those who own their homes and those who rent their homes. And so, I appreciate that concern, however, it isn't one that this body has the ability to address during a zoning meeting. Um - with regard to the traffic study, Antonio, you want to address that?

PAPAZIAN

Thank you, Commissioner. The traffic study's gonna look at - uh - opposing traffic. We know there's no opposing traffic here, but if the neighborhood wants a full-blown traffic study, we'd be happy to excuse me - uh - make them do a full-blown traffic study.

JONES

Sounds good. Mister Sullivan, is that agreeable, full-blown traffic study?

SULLIVAN

I - is it necessary? I mean, it's obviously an additional cost being asked, when - when staff's saying it's not really necessary.

JONES Yes or no, Mister Sullivan?

SULLIVAN Uh – yes, we’ll accept that.

JONES Thank you. All right, here are the additional conditions that I have – uh - required on other – uh - proposed rental – uh - projects in order to address some of the concerns that have been – uh - raised by neighbors – uh - with regards to this project and with regards to other projects. Uh - no short-term rentals. The applicant is to provide notice to the County 90 days prior to intent to change the business model or to sell the project. Administrative Design Review to be submitted, or Administrative Review to be submitted to the Department of Comprehensive Planning that details lease terms, average number of units leased, and specific contact information for neighbor complaints – uh – one - one year after the first unit is rented, or within two years, whichever comes first. Did I say those correctly, Miss Amundsen?

Um - the idea being that, if there are any concerns with – uh - the look of this project, or noise complaints, or whatever – uh - that there is a single point of contact with the developer – um - to address any of those concerns. To be clear, there are no – uh - aside from the home that is across the street on Richmar – uh - a neighbor who has never, to my knowledge – uh - participated in - in any of these neighborhood meetings, there are no other neighbors – uh - uh, adjacent to this project. So I'm not sure how that would come up, but in the event that those do come up – uh - then there is a single point of contact – uh - for the development – um – to - to raise any of those concerns, which is something that we don't require for any other residential development, and certainly isn't a requirement for enti - any of the rental properties that exist throughout this entire valley.

So, with those additional – uh - conditions, I will move for approval of Agenda Items Number 33, 34, and 35.

GIBSON There's a motion for approval of Items 33, 34, 35 with additional conditions as noted. Is there any discussion on the motion? There being none - yes?

SULLIVAN Do you need the applicants to say okay to those conditions?

JONES Oh yes, I’m sorry.

SULLIVAN Uh - we do. We approve them.

GIBSON It's - that's good. That's probably better than assuming you're all right with it. Please cast your votes. The motion carries.

SULLIVAN Thank you and thank you to Commissioner Jones' office and staff for working through this entire process.

GIBSON Thank you, and thank you to the neighbors for coming out, and helping us understand their perspectives.

ACTION: It was moved by Commissioner Justin Jones, and carried by unanimous vote,

that applications for Item Nos. 33, 34, and 35 be approved subject to staff and additional conditions.

CONDITIONS OF APPROVAL –

Current Planning

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- No short-term rentals;
- Provide notice to County 90 days prior to intent to change business model or sell project;
- Administrative review to be submitted to the Department of Comprehensive Planning that details lease terms, average number of units leased, and specific contact for neighbor complaints one year after the first unit is rented or within two years, whichever comes first;
- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a new application for a nonconforming zone boundary amendment may be required in the event the building program and/or conditions of the subject application are proposed to be modified in the future; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that the waivers of development standards and design reviews must commence within four years of approval date or they will expire.

Public Works - Development Review

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Full traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 30 feet for Meranto Avenue, 30 feet for Hinson Street, 30 feet for Richmar Avenue, and associated spandrels.
- Applicant is advised that the installation of detached sidewalks will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control; and that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

Department of Aviation

- Applicant is advised that issuing a stand-alone noise disclosure statement to the purchaser or renter of each residential unit in the proposed development and to forward the completed and recorded noise disclosure statements to the Department of Aviation's Noise Office is strongly encouraged; that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations which was constructed after October 1, 1998; and that funds will not be available in the future should the residents wish to have their buildings purchased or soundproofed.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0411-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 34 VS-22-0255-VAN 86 HOLDINGS TRUST:

HOLDOVER VACATE AND ABANDON easements of interest to Clark County located between Hinson Street (alignment) and Valley View Boulevard, and between Richmar Avenue and Meranto Avenue (alignment) within Enterprise (description on file). JJ/al/jo (For possible action) (held from December 21, 2022)

ACTION: It was moved by Commissioner Justin Jones, and carried by unanimous vote, that applications for Item Nos. 33, 34, and 35 be approved subject to staff and additional 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 four years of the approval date or the application will expire.

Public Works - Development Review

- Right-of-way dedication to include 30 feet for Meranto Avenue, 30 feet for Hinson Street, 30 feet for Richmar Avenue, and associated spandrels;
- Vacation to be recordable prior to building permit issuance or applicable map submittal;
- Revise legal description, if necessary, prior to recording.
- Applicant is advised that the installation of detached sidewalks will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

ITEM NO. 35 TM-22-500087-VAN 86 HOLDINGS TRUST:

HOLDOVER AMENDED TENTATIVE MAP consisting of 87 single family residential lots and common lots on 11.8 acres in an R-1 (Single Family Residential) Zone and R-2 (Medium Density Residential) Zone (previously 155 single family residential lots and common lots on 19.4 acres in an R-2 (Medium Density Residential) Zone). Generally located on the northeast corner of Richmar Avenue and Hinson Street (alignment) within Enterprise. JJ/al/jo (For possible action) (held from December 21, 2022)

ACTION: It was moved by Commissioner Justin Jones, and carried by unanimous vote, that applications for Item Nos. 33, 34, and 35 be approved subject to staff and additional 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 four years or it will expire.

Public Works - Development Review

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Full traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 30 feet for Meranto Avenue, 30 feet for Hinson Street, 30 feet for Richmar Avenue, and associated spandrels.
- Applicant is advised that the installation of detached sidewalks will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control; and that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

Current Planning Division - Addressing

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

Department of Aviation

- Applicant is advised that issuing a stand-alone noise disclosure statement to the purchaser or renter of each residential unit in the proposed development and to forward the completed and recorded noise disclosure statements to the Department of Aviation's Noise Office is strongly encouraged; that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations which was constructed after October 1, 1998; and that funds will not be available in the future should the residents wish to have their buildings purchased or soundproofed.

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 #0411-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 36 NZC-22-0607-AVILA, JOSE:

ZONE CHANGE to reclassify 0.9 acres from an R-E (Rural Estates Residential) (RNP-I) Zone to an R-D (Suburban Estates Residential) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) landscaping; and 2) off-site improvements (curbs, gutters, streetlights, sidewalks, and partial paving).

DESIGN REVIEW for a single-family residential development. Generally located on southwest corner of Levi Avenue and Haven Street within Enterprise (description on file). MN/al/syp (For possible action)

AMUNDSEN

Next is Item 36, NZC-22-0607, zone change to reclassify .9 acres from an R-E, Rural Estates Residential, RNP-1 Zone to an R-D Suburban Estates Residential Zone. Waivers of development standards for the following: Landscaping, offsite improvements, curb, gutters, streetlights, sidewalks, and partial paving. Design review for a single-family residential development, generally located on the southwest corner of Levi Avenue and Haven Street within Enterprise.

GIBSON

Good morning.

DAVE TURNER

Good morning, Chairman, Commissioners, Dave Turner with Baughman & Turner, 1210 Henson Street, representing the applicant.

TURNER

Uh - what we're asking for here today is a non-conforming zone change from RE to RD for two single-family – um - lots. Both those lots more than meet the requirements of the RE zone, with the exception of the one-acre rule. Uh - the reason for that is that both of the – uh - adjacent streets have already been dedicated.

Um - a little brief history on this. We started this as a two-lot parcel map. We have an approved drainage study. Our plans were in the system. The parcel map was errantly allowed to expire. We went back to file the parcel map again, and we were told that we needed to file this non-conforming zone change. Um - in the course of events, we also need to extend the sewer from our site all the way down to Las Vegas Boulevard, which I think will be a benefit for this neighborhood.

Um - we're asking for a waiver of the offsite improvements. All the neighbors agree to that. They - they don't want any offsite improvements here, so we would ask for your approval to this application.

GIBSON

Thank you. This is a public hearing. Is there anyone here who wishes to speak on this item? This is Item 36.

VINCENT BALISTRERI

Vincent Balistreri, 10761 Haven. I'm like the neighbor - the second neighbor to the south – um - part of this development. So, I – I - I wrote everything down. Sorry, I'm not -

GIBSON

Oh, please speak right into that microphone.

BALISTRERI

- I wrote everything down. And so, when I seen the sign posted for the zoning change, I contacted Mister Naft's office and requested to speak to him. And I was told that I have to follow a protocol, which I did. I attended the meeting at – uh - town hall meeting, and Mister Turner told us that they were gonna subdivide the property to two lots, and build two homes, one 4,500 square feet, the other one 8,500 square feet for resale purpose. So, there was, like, some concern from the neighbors. I believe Mister Roberts show up, Mister Crumbler, and Mister Pace – uh - and when that occurred, sir, everybody expressed concern regarding that this was gonna have a trickle effect, because there's - there's other parcels close to us that, you know, are prime for development.

So - so anyway – uh - I called Tiffany, spoke to Tiffany a little bit. You know, she was very cooperative. I mean - I - I mean – I – uh - I'm not - she didn't tell a - everything that I necessarily wanted to hear, but, hey, that's the way it works, you know? After that, I showed up at the pl - at the Planning Commission meeting. When I show up – um - they told me that the item was off the agenda by Commissioner Lee due to the fact that she didn't have enough information on it. So – uh - I w - I was kinda a little puzzled, because the neighbors at the - at the meeting, at the town hall meeting expressed a lot of concerns. So – uh - I was assume - I was assuming that that information would be related to Commissioner Lee.

BALISTRERI

So – uh - after that, she called me back. She says, "The item is back in the agenda." So, you know, I know she's, you know, very busy, and there's a lot of stuff to do, because as - as a small business owner, I understand things happen, you know? So, after that, we attended a second meeting, and Mister Turner presented a different item – uh - a different square footage on the homes. So, it's (unintelligible) what the – the - the square footage has been reduced, and so forth.

So, my main concern, sir, is that the applicant hasn't been 100% truthful, because by approving the RZ zone - RD zone, allows them to put four lots in the property, because their, their square footage in RD is 10 - 10,000 square foot. I called the office, the zoning – uh - office to find out this information. So, you know, my concern is that we're gonna have tract homes next to a ranch estate development.

GIBSON

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

NAFT

Thank you, Mister Chairman. Uh - let's start with Mister Turner, if you wanna – um - respond to anything that was just raised.

TURNER

Yeah, I would just like to say that – uh - that meeting was – uh - was canceled, the, the first Planning Commission meeting, at the request of Commissioner Lee because of the holidays. Uh - that wasn't our doing. We did it out of respect. Um - we haven't changed this application from day one. These homes are actually the – uh - the developer is going to be living in this home here. Uh - it's a roughly 6000-square-foot home. The one on the corner is roughly 8000, under - under roof, so we haven't changed this application at all. Um - it's been pretty consistent. Uh - Town Board recommended approval. Planning Commission recommended approval, and we would ask for your approval.

NAFT

And you would – um - agree to, or you already have submitted a resolution of intent to only build two homes on these two parcels?

TURNER

I - I think that comes with the non-conforming zone change.

NAFT

Right, so just to, in response to the gentleman who raised the questions, there is no ability, with approvals today, there's no ability to build more than two homes.

BALISTRERI

Oh, I - I apologize, sir.

NAFT

No, no need to apologize. I just want to make sure that's crystal clear on the record. What - what -

TURNER

That is correct.

NAFT

- if my colleagues – uh – uh - agree with my motion to approve this item, it would be simply for the – the - the understanding would be, it's two homes on this lot.

TURNER

Absolutely.

NAFT

And I do wanna just also point out, because you mentioned it, but it bears repeating. This is a significant - by extending the - um - line to Las - from Las Vegas Boulevard for water, that is a huge pot - uh - that's a really big deal for that entire neighborhood - um - who might one day want to - um - want to connect. Um - so if there's nothing more, I'll move for approval of Item 36.

GIBSON

There's a motion for approval of Item 36. Any discussion on the motion? Please cast your votes. The motion carries. Thank you, sir.

TURNER

Thank you very much. Appreciate it.

GIBSON

Thank you for coming down, sir.

ACTION:

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

CONDITIONS OF APPROVAL –

Current Planning

- Resolution of Intent to complete in three years;
- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a new application for a Master Plan amendment and a zone boundary amendment may be required in the event the building program and/or conditions of the subject application are proposed to be modified in the future; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

Public Works - Development Review

- Comply with approved drainage study PW21-15006;
- Right-of-way dedication to include the spandrel in the northeast corner of the site;
- Execute a Restrictive Covenant Agreement (deed restrictions).

Department of Aviation

- Applicant is advised that issuing a stand-alone noise disclosure statement to the purchaser or renter of each residential unit in the proposed development and to forward the completed and recorded noise disclosure statements to the Department of Aviation's Noise Office is strongly encouraged; that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations which was constructed after October 1, 1998; and that funds will not be available in the future should the residents wish to have their homes purchased or soundproofed.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been initiated for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0145-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require a new POC analysis.

ITEM NO. 37 PA-22-700003-CANKIDS INVESTMENTS 2012:

HOLDOVER PLAN AMENDMENT to amend the adopted Clark County Trail Map - Las Vegas Valley in an R-E (Rural Estates Residential) (RNP-I) Zone. Generally located between Gagnier Boulevard and Cimarron Road, and between Cougar Avenue and Ford Avenue within Enterprise. JJ/mc (For possible action) (held from December 21, 2022)

AMUNDSEN

Next are Items 37 through 41, which can be heard together.

Item 37, PA-22-700003, holdover plan amendment to amend the adopted Clark County Trail Map, Las Vegas Valley, in an RE Rural Estates Residential RNP-1 Zone, generally located between Gagnier Boulevard and Cimarron Road in between Cougar Avenue and Ford Avenue within Enterprise.

Item 38, CP-22-900623, authorize the Chair to sign a resolution amending the Clark County Trail Map, Las Vegas Valley, of the Clark County Master Plan.

Item 39, VS-22-0457, holdover vacate and abandon easements of interest to Clark County located between Wigwam Avenue and Ford Avenue in between Cimarron Road and Gagnier Boulevard, a portion of the right-of-way being Tomsik Road, located between Cougar Avenue and Ford Avenue, and a portion of a right-of-way being Cougar Avenue, located between Tomsik Street and Gagnier Boulevard within Enterprise.

Item 40, WS-22-0456, holdover waivers of development standards for the following. Increased retaining wall height, full off-site improvements, curb gutters, sidewalks, streetlights, partial paving, design reviews for the following, a single-family residential subdivision, finished grade on 22.5 acres in an RE, rural estates residential RMP-1 zone.

Item 41, TM-22-500163, holdover tentative map consisting of 42 single-family residential lots and common lots on 22.5 acres in an RE Rural Estates Residential Zone.

In addition, Public Works requests that we add the following conditions to Items 40 and 41: Applicant to construct the equestrian trail or pay a contribution for local roadway drainage and trail-related improvements in District F in lieu of constructing the trail, as determined by Public Works.

GIBSON

Good morning.

TONY CELESTE

Good morning, Mister Chairman, Commissioners. My name is Tony Celeste, address 1980 Festival Plaza Drive, here on behalf of the applicant and property owner. Um - we were here before you about 60 days ago – uh - with respect to our proposed uh - development. Uh - first, let me just orient you again to the site, about 22-1/2 acres located on the southwest corner of Cimarron and Wigwam. We are in the RNP, and I just wanna reiterate, we are not seeking a zone change. We are developing to the – uh – RNP – uh - standards.

Um - really, what – uh - we were before you about 60 days, I think, were

CELESTE

three main issues – um - that we went back to address. Uh - those issues were with respect to vacation and abandonments of certain right-of-ways that we were seeking – uh - in particular Cougar, and probably most sensitive was Tomsik. Uh - the second thing was with respect to – uh - our request to increase wall heights, and really most sensitive along the perimeter of the site. And the third portion was – uh - we have with this a realignment of the horse trail.

So, I think those were the three big issues – uh - that were before you 60 days ago. We went back to take a look at those. Um - again, just to refresh your memory, here is the original site plan that we submitted as a 42-lot – uh - subdivision. Only access point was off of Cimarron. We were proposing gates there, could see no other connectivity. Uh - the Tomsik alignment ran, bisected the site going north-south, and the Cougar alignment bisected the – uh - development that runs east-west.

Um - so this was the 42-lot subdivision – um - that was originally submitted – uh - and before you 60 days ago. Since that time, we have had a couple of neighborhood meetings. Uh - we appreciate Missus Newton - the Newtons, Mister and Missus Newton, for hosting them at their house, and – um - as a result of those – uh - meetings, we have – uh - put forth a revised site plan, which we have submitted both to Planning and Public Works.

Here is our revised site plan. It has been reduced from 42 lots to 41 lots. Some of the major highlights on this are connectivity. You can see we now have three access points to the site. We have still the Cimarron access point, but most importantly, we have now connectivity along the Tomsik alignment here. We have one on the north, from Wigwam, and one from the south coming up from Ford on the Tomsik alignment.

What we've done is modified our request for a vacation and abandonment with respect to Tomsik. Tomsik will remain public right-of-way – um - between Ford to our property line now. We will be required to put a bulb on our site here, and even though we are doing the cul-de-sac bulb, it will continue north to Wigwam, between Wigwam and the cul-de-sac bulb that the Tomsik will transition from a public street to private street. But nonetheless, it'll allow connectivity from Wigwam down to Ford, which was very important for the neighbors here.

We are still asking, though, to vacate and abandon the Cougar alignment in this area. Um - there are a couple of conditions that I'll get into that we have agreed with our neighbors, but this right here, I think, is – uh - the result of a couple neighborhood meetings – uh - with our neighbors. And we appreciate – um – their - their review of this, and s – uh - I would say we don't have 100% support, but some of the neighbors that live to the south with respect to inclusion of the Tomsik – uh - alignment there.

Um - we still – uh - have a wall height – uh - waiver. We can agree that that - we had requested it to go up to 12 feet. Um - in certain areas, we think we can get it down to 10 feet, so we've agreed – um - that we can do no ma - no higher than 10 feet. In particular, it'll be these three lots, 22, 37, and 38,

CELESTE

where we still believe we need a four-foot retaining wall. Because, as – uh - you may remember, we do have to – um - get these sites a little bit elevated in order to drain back off of - not to drain into our – uh - neighbors to the south, but back into our site, so everything funnels over to Cimarron and releases back into its natural flow to the property to the east of us. So, these are the three lots that we think – um - are the – uh - lots at issue, where the 10-foot wall, uh, is still needed.

Um - we have the trail plan. Um - we did not make any changes to the trail plan. However – um - we w - do know about the additional condition – uh - that Antonio read into the record. We do agree with that – uh - condition. Uh - basically, right here, the yellow represents the existing trail, and then the red T is the existing trail over our property. We are seeking to have it go from blue to the blue with the U-shape, where it would go down Cimarron to Ford, Ford west to Gagnier, north on Gagnier, where it would reconnect to its original location up to Wigwam. Uh - that condition that we're agreeing to says we will either construct it, or we will pay a contribution to construct that, construct this trail, as determined by Public Works, and we are in agreement with that.

Um - there are a couple of conditions that I would like to – um – also – uh - state that we agree to. We've provided - um - a copy of those conditions to Planning. Um - essentially, the first condition is that, as you can see on our site plan, we are no longer proposing to gate the community. Um - we did have proposed gates on Cimarron when this did not have connectivity from Tomsik. So, we are removing the gate. We will not have any gates – um - at any three of the entrances, whether it's off Cimarron, or the two entrances from Tomsik, so no gates. Um - we agreed to that. Uh - the second – um - condition is that we would allow – uh - public access onto the private streets. So right here, as I mentioned, Tomsik will remain public to this cul-de-sac bulb, and then on our property, it will go from public to private to Wigwam. So, it was important to the neighbors that this not be closed off in the future, and that the public would have access to the private street. So, we do have a condition asking that it, private streets to allow – uh - public access.

Another condition – uh - we are showing and proposing single-story homes only. We can agree to a condition to provide only one-story homes. Um - we also, as noted initially, asked for a waiver to increase our wall height from - uh - the six-foot retaining, nine or - or total of nine feet of six-foot screen wall, three-foot retainer, to a total of 12 feet. We can reduce that, and we can agree to condition that our wall heights will not exceed 10 feet, being that a screen wall of six feet and retaining wall of four feet.

Um - the neighbors had also asked, a - this is in addition to what I just – uh – read – um - that we provide an opening to the Cou - from this private driveway – uh – Ca - Catarita to the - where the Cougar alignment – um - used to exist. Um - we are fine with that, if that is permissible by Planning or Public Works, to provide an open space between Lot 16 and 17. Um - we are fine with that. Um – also - there was – uh - we will work with our neighbors. Couple of neighbors either wanted to have a redundant wall, or wanted us to remove their wall, and we would build - rebuild the wall there.

CELESTE

So, the McCoys, who live – uh - right here, asked that we remove their wall, and when we come in to build our wall, we will just reestablish at that. Um - I don't know if that's a condition that's appropriate, but we're more than happy to at least stipulate here on the record that we will work with our neighbors anywhere in here who have walls – um - whether they want it to be – uh - torn down and just one wall, or – um - as the Wiszts, Miss Lynda Wiszt, who lives right here, has expressed, she does not want her wall to be torn down. She'd rather have a redundant wall. Of course, we will work with her on that.

Um - with that – uh - I believe that addressed a lot of the – uh - substantially most of the neighbors' concerns. Um - I do offer those conditions, and we do agree with Public Works. And I'm more than happy to answer any questions you may have.

GIBSON

Thank, excuse me, thank you. This is a public hearing. Anyone who wishes to speak on this item is invited to come forward.

KARIE NEWTON

Good morning. Karie Newton, 8320 West Ford Avenue. I just wanted to thank – um - everyone for – um - working on all this, and Commissioner Jones. And I think we came to the best resolution that we can – um - on this. I have – uh - for the staff, so that they can -

GIBSON

We - we'll get that from you.

NEWTON

- um - have those conditions, and – um - I'm - I'm agreeable – um - to what we've come – uh - to do on this. So – um - thank you very much.

GIBSON

Would you spell your last name for us? Spell your last name.

NEWTON

Newton, N-E-W-T-O-N.

GIBSON

Thank you.

LYNDA WISZT

Lynda Wiszt. It's not Weist. It's Wiszt – um - 8296 West Ford Avenue. I'm – um - one of the ones that's just below, by that – um - that bulb thing that they put on at the beginning of – uh - Tomsik. Um - the agreements we came to, I am generally okay with everything. Um - I'm not real happy. I'd still like to see the wall height come down. Um - my lot and the lot before are pretty much the same elevation. We have asked for elevation numbers, have never gotten them, but our lots – um - it would be their Lot Number 22 against my lot. It's pretty much the same elevation, and so, I don't really understand why it has to be four feet higher than my lot.

Um - I know it came late, but it's not my job to really redesign their stuff. We have been asking from day one, that nobody wants these ultra-high walls, and I had suggested - said something, and we just talked to them, as - the part where it's in – um - outlined is - is as it is right now. Uh - flipping it, same lot, same everything. It's just down – um - flipped, but that puts the – um - the cross - the east-west road at the bottom. That way, the lots that

WISZT

border my lot, and then at my two neighbors' lots, that they only have to be as high to dump the water onto the street, not having to shove it all the way back up, halfway up the project. Same amount of lots, they don't lose anything, same structures, same everything, but by putting that, that east-west road at the bottom, then they - there's a better flow - um - um - for - for the water to p - to work with it more naturally, instead of unnaturally having to shove it all the way up north.

If, if - uh - wall heights have to be adjusted up on the north, then it's no big deal, because it just borders Wigwam, and there's no other lots that, that it will impede. It's these three - um - existing lots that we're concerned, and we'd really like to see if they would work through.

And that's one thing we really want to see, is a drainage study done, so they can actually get maybe some actual numbers. Because we've never gotten any of the numbers of elevations. I took a - a phone app, and from Tomsik to Cimarron, there is a 20-foot elevation drop. It doesn't seem like it's that much when you're standing out there, but that's 20 feet. And so, by trying to pull up this corner - um - here, to make it go higher, to shove the water up - um - north, is, you know - that's just a - uh - uh - quite a bit of an elevation thing. So, we definitely want a drainage study, and maybe a - a rethinking of flipping that.

GIBSON

Thank you very much.

NICOLA JOHNSON

Good morning, everyone. My name is Nicola Johnson, and I'm speaking for myself, and my husband, Mark Ross-Johnson, 8655 South Cimarron Road. My neighbors across the road - I'm - we are this property on the southeast corner of the proposed development. My neighbors at 8652 South Cimarron, the Youngrens, also sent opposition - an opposition letter to Nancy. They were - they've been out of town.

I'd like to say how disappointed I am with my neighbors. I was just informed today that they met - two of them met with the developers on 1-11. None of the other neighbors were notified. They then came up with this six items that the developer proposed. However, we being on the - one of the two largest properties that this development is going to affect on the south end, we weren't invited, or we weren't - we never received an email about it - that.

Um - my husband is an architect. He works his own business. He has for 30 years in town. He comes to these meetings all the time, and I'd like to read his letter that he sent to Carrie and didn't get a response from. Um - "Concerning Item 40, we adamantly oppose a waiver of permitting a higher wall height. Tony Celeste did not include any of the site sections or grading plans for the project when he submitted a neighborhood email - uh - four emails. Um - he asked Carrie if she knew that they were willing to share this information with us, and Tony never got us any grading or site - uh - grading or s - grading plans or site sections for the project."

We are both very concerned about the possibility of now a 10-foot wall at

JOHNSON

the south end of the project, specifically against Lots 37 and 38, which are on our direct north side. Um – our - this area was completely ignored in the previous design that we were entitled to look at. It was discussed at the December neighborhood meeting. Um - I also would like to stipulate with the trail changes that the developer has proposed that the – um - construction begin at the south end of the entrance to the project on Cimarron Road, and continue on down to Ford to Gagnier, and that be specifically – um - indicated and stipulated, so that we know where the trail will begin, because right now, there is no indication.

Um - I still believe this developer is treating this whole process as if they were the builder. I do believe they ar - have presented this design in a sketchy manner. I think they're looking t - for the most bang for the buck, and I think it's affecting our neighborhood.

We're rural south-west, we have horses, we have people. We want it open. Thank you for your time.

GIBSON

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

JONES

Thank you, Mister Chair. Uh – an - and thank you to the applicant and at least some of the neighbors, I'm guess I'm hearing that not all the neighbors, but at least some of the neighbors for meeting and trying to come up with something that – um - everyone can live with, even if not everyone is excited about it. Um – Mister Celeste, can you address the last comment with regards to timeline for trail construction on Cimarron? So, or perhaps Antonio, whether you reckon I comment on that.

JONES

CELESTE

Uh - with respect to the timeline?

JONES

Yeah, th - that it would be constructed on Cimarron first -

CELESTE

Oh, yeah. So we could - so as part of – um - the way the condition - and I misspoke, Miss Amundsen actually read in the condition, but working with Antonio on that - um - the condition essentially states that either we the developer can construct not only Cimarron but I understand it – uh - the portions on our - our property on Cimarron but the entire trail itself going from Cimarron to – for - over to Gagnier and up, which is roughly about a half-mile or so. We could either construct the entire thing, or we can pair it - construct our portion only, and then the balance we would pay whatever that contribution is, that is determined py - by Public Works. So, we are comfortable with that condition, and we'll do - do that.

JONES

Okay.

CELESTE

Uh - I'm not sure which one we're gonna do but we are good with -

JONES

I'm listening.

CELESTE

- The condition of either constructing or contributing.

JONES Okay, and then – um - and Tony I just wanna make sure on 39 that I understand, with regards to the vacations that everyone understands exactly what has been withdrawn at this point. So, in terms of w - what exactly has been withdrawn in terms of vacations? Everything with regards to the Tomsik?

CELESTE I would s - so, let me start with Cougar. We're not withdrawing -

JONES Yep.

CELESTE - anything with Cougar, we -

JONES Right.

CELESTE - are proposing to vacate the entirety of Cougar from – uh - Cimarron to Gagnier. With respect to Tomsik – um – I - I will let Antonio clarify any technical terms but essentially, we are modifying our vacation to be from the northern tip of the proposed bulb to Wigwam, and in place of that we will have a private drive - a private street, that will allow public access. And then we are not - we are removing the vacation request basically from the bulb, south to the Ford – um – right-of-way.

JONES Right. Antonio.

PAPAZIAN Thank you, Commissioner. Mm-hmm, 'scuse me, that sounds right - uh I would like to though point out, on Cougar, even though Mister Celeste said from Cimarron to Cougar, we don't have right of way extending all the way to Cimarron. It's hits - it's hit and miss at best. Uh - we have two parcels that have right-of-way – uh - the rest of them – th - the rest of the parcels don't have right-of-way an - and that Tomsik is the same way. We have one - two parcels just north of Ford that we technically have right-of-way for, so - uh - we're not vacating the areas that've have already been dedicated.

JONES Understood. Okay, anything else we want to clarify Mister Celeste?

CELESTE Uh - no. I'm happy to answer any - any other questions you may have now.

JONES All right, then – uh - with those – uh - Nancy do you have - okay. Uh - with that I would go ahead and move for approval of Agenda Items Number 37, 38, 39, and 40, and 41 with the changes that've been - or the conditions that've been read in today by Mister Celeste, a copy of which has been provided to Planning and to Public Works.

GIBSON There's a motion for approval of those items. Any discussion on Commissioner Jones' motion? Please cast your votes. Motion carries, thank you.

CELESTE Thank you, I appreciate it.

ACTION: It was moved by Commissioner Justin Jones, and carried by unanimous vote, that the applications for Item Nos. 37, 38, 39, 40 be approved, subject to staff and additional conditions (including the adoption of Resolution No. R-1-18-23-2).

ITEM NO. 38 CP-22-900623 HOLDOVER: Authorize the Chair to sign a resolution amending the Clark County Trail Map - Las Vegas Valley of the Clark County Master Plan; and direct staff accordingly. (For possible action)

ACTION: It was moved by Commissioner Justin Jones, and carried by unanimous vote, that the applications for Item Nos. 37, 38, 39, 40 be approved subject to staff and additional conditions (including adoption of Resolution No. R-1-18-23-2).

ITEM NO. 39 VS-22-0457-CANKIDS INVESTMENTS 2012:
HOLDOVER VACATE AND ABANDON easements of interest to Clark County located between Wigwam Avenue and Ford Avenue, and between Cimarron Road and Gagnier Boulevard; a portion of a right-of-way being Tomsik Street located between Cougar Avenue and Ford Avenue; and a portion of a right-of-way being Cougar Avenue located between Tomsik Street and Gagnier Boulevard within Enterprise (description on file). JJ/lm/syp (For possible action) (held from December 21, 2022)

ACTION: It was moved by Commissioner Justin Jones, and carried by unanimous vote, that the applications for Item Nos. 37, 38, 39, 40, and 41 be approved subject to staff and additional conditions (including adoption of Resolution No. R-1-18-23-2).

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 two years of the approval date or the application will expire.

Public Works - Development Review

- Right-of-way dedication to include 40 feet for Cimarron Road, 40 feet for Wigwam Avenue, a cul-de-sac for Tomsik Street (north of Ford Avenue), and associated spandrel;
- Grant an access easement to APN 176-16-301-027 or have the owner of APN 176-16-301-029 grant an access easement to APN 176-16-301-027;
- 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 to submit plans for review and approval prior to installing any gates, speed humps (speed bumps not allowed), and any other Fire Apparatus Access Roadway obstructions; and that fire/emergency access

must comply with the Fire Code as amended.

ITEM NO. 40 WS-22-0456-LH VENTURES, LLC:

HOLDOVER WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) increase retaining wall height; and 2) full off-site improvements (curb, gutter, sidewalk, streetlights, and partial paving). DESIGN REVIEWS for the following: 1) single family residential subdivision; and 2) finished grade on 22.5 acres in an R-E (Rural Estates Residential) (RNP-I) Zone. Generally located on the south side of Wigwam Avenue and the west side of Cimarron Road within Enterprise. JJ/lm/syp (For possible action) (held from December 21, 2022)

ACTION:

It was moved by Commissioner Justin Jones, and carried by unanimous vote, that the applications for Item Nos. 37, 38, 39, 40, and 41 be approved subject to staff and additional conditions (including adoption of Resolution No. R-1-18-23-2).

CONDITIONS OF APPROVAL –

Current Planning

- One-story homes only;
- No gates on the entrances;
- All private streets to have public access which will be stipulated in the CC&R's;
- Combined wall (wall and retaining wall) heights to not exceed 10 feet for Lots 22, 37, and 38, applicant to coordinate wall construction with affected adjacent property owners;
- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area;
- Existing equestrian trail sign on Tomsik Street north of Ford Avenue, to be relocated to new trail location on Ford Avenue between Cimarron Road and Gagnier Boulevard, and coordinate with Clark County Public Works to meet installation requirements;
- 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 four years of approval date or it will expire.

Public Works - Development Review

- Applicant to construct the equestrian trail or pay a contribution for local roadway, drainage, or trail related improvements in District F in lieu of constructing the trail, as determined by Public Works;
- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- Right-of-way dedication to include 40 feet for Cimarron Road, 40 feet for Wigwam Avenue, a cul-de-sac for Tomsik Street (north of Ford Avenue), and associated spandrel;
- Applicant to pay a contribution for local roadway, drainage, or trail related improvements in lieu of constructing full off-site improvements.
- Applicant is advised that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

Fire Prevention Bureau

- Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features.
- Applicant is advised to submit plans for review and approval prior to installing any gates, speed humps (speed bumps not allowed), and any other Fire Apparatus Access Roadway obstructions; and that fire/emergency access must comply with the Fire Code as amended.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0099-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 41 TM-22-500163-CANKIDS INVESTMENTS 2012:

HOLDOVER TENTATIVE MAP consisting of 42 single family residential lots and common lots on 22.5 acres in an R-E (Rural Estates Residential) Zone. Generally located on the south side of Wigwam Avenue and the west side of Cimarron Road within Enterprise. JJ/lm/syp (For possible action) (held from December 21, 2022)

ACTION:

It was moved by Commissioner Justin Jones, and carried by unanimous vote, that the applications for Item Nos. 37, 38, 39, 40, and 41 be approved subject to staff and additional conditions (including adoption of Resolution No. R-1-18-23-2).

CONDITIONS OF APPROVAL –

Current Planning

- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area;
- Existing equestrian trail sign on Tomsik Street north of Ford Avenue, to be relocated to new trail location on Ford Avenue between Cimarron Road and Gagnier Boulevard, and coordinate with Clark County Public Works to meet installation 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 a final map for all, or a portion, of the property included under this application must be recorded within four years or it will expire.

Public Works - Development Review

- Applicant to construct the equestrian trail or pay a contribution for local roadway, drainage, or trail related improvements in District F in lieu of constructing the trail, as determined by Public Works;
- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- Right-of-way dedication to include 40 feet for Cimarron Road, 40 feet for Wigwam Avenue, a cul-de-sac for Tomsik Street (north of Ford Avenue), and associated spandrel;
- Applicant to pay a contribution for local roadway, drainage, or trail related improvements in lieu of constructing full off-site improvements.
- Applicant is advised that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

Current Planning Division - Addressing

- Streets shall have approved street names and suffixes;
- Approved street name list from the Combined Fire Communications Center shall be provided;
- Fleetwood Drive is previously recorded and shall be replaced with an approved street name;
- Cul-de-sac shown as Catera Avenue shall have the suffix of Court.

Fire Prevention Bureau

- Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features.
- Applicant is advised to submit plans for review and approval prior to installing any gates, speed humps (speed bumps not allowed), and any other Fire Apparatus Access Roadway obstructions; and that fire/emergency access must comply with the Fire Code as amended.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0099-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 42 AC-22-900788: Consider an appeal of the Director's Notice of Decision to deny a Request For Reasonable Zoning Accommodation at 7166 Soaring Hawk Court within Spring Valley, and direct staff accordingly. MN/sr (For possible action)

AMUNDSEN

Next is Item 42, which is an appeal. AC-22-900788 is a recommendation that the Board consider an appeal of a Director's Notice of Decision to deny a request for a reasonable zoning accommodation at 7166 Soaring Hawk Court within Spring Valley and direct staff accordingly.

Commissioners, the applicant had – um - requested accommodation for chickens and roosters. Four chickens and a rooster, and the Director, myself – um - denied it. This is an appeal of my decision.

GIBSON

Good morning. Please give us your name and spell your last name and then proceed.

GETACHEW GEBREMARIAM

Good morning. My name is Getachew Gebremariam. I'm actually originally from Africa - uh -

GIBSON

So, you need to put that microphone right up against your mouth, so that we can hear every word you're saying.

GEBREMARIAM

Good morning. My name is Getachew Gebremariam, I'm from Africa, originally from Ethiopia. Um - just – uh - apologize first for my English maybe, some say maybe you don't understand – um - but I try to my best.

Uh - so for this appeal, I just a denied to have a chicken and a rooster. Uh - but those chicken and rooster just I got them from – uh - pandemic time, and – uh - from the store called Tractor Factory. Three of them, I got them, three of them. But – uh - the time - pandemic time, two years - uh - time, they grow up like 15 or something, but – uh - I have 'em for these three years.

GEBREMARIAM

So, those - the beginning three of them was like I pay - my son - he got 'em from there. So, like I paid three of them. But like I say it was in 6 months - 1 year, they grow up like around 20, because - uh - in that place I got in permission any of them if I don't have ah - ah - ah - this - ah - what's it called - um - I don't know that but - uh - I can have - they - they told me there when I buy. So that's why I get them.

But now in November 24 I got received a complaint, and - uh - by December 8 they got decision to deny. But the thing is I respect and that complaint I just - all of them I just - uh - return of them. I return 'em back to donation place. But right now, I just put this appeal, I just - uh - if you guys gave me chance those - uh - beginning the three of them, they're my paid - uh - the - my kids paid. Really, just to get older, and then he - the care to. Just if you give me that opportunity I just - uh - I can have 'em until the end of their life. And I can - I bring some video if you ca - if can share them. Those really - they are my pet. But zero of them already I just return them to donation place. I donate them already last month.

GIBSON

Uh -

GEBREMARIAM

- and if you can check this really my pet. Uh - one rooster and there is only two chicken. So - I - I just - it's hard to them to return them back there, they need care, and also - uh - the rooster he's friend of my daughter - dog - you can see this, and you can judge. I have this video, if you -

GIBSON

Hey, we can - you can hand that to the clerk, and we'll make that video a part of our record. Does that complete your presentation? Is that everything you need to tell us?

GEBREMARIAM

Yes.

GIBSON

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

NAFT

Thank you, Mister Chairman, thank you for being here and for - um - explaining what brought you to this point, and while we're empathetic to what brought you here - um - the facts are pretty simple. Unfortunately, you do live in what's considered R2 zoning, and that zoning does not allow for this type of - um - these types of animals to be on your property, and because of that it's - it's both historically and again today my motion would be to deny your appeal simply - not because we don't think you're not taking good care of the animals or - certainly they're - I understand if they've become part of the family but our Code just does not allow for those types of animals to be on your property in R2 zoning.

Um - and maybe - uh - I'm not sure who to direct this to but I - I will - I guess for the Board's knowledge maybe I'll have a conversation with Business License to see if we can send a notification out to some of the stores who are repeatedly misleading some of our residents. Um - because this seems to become a pattern but - um - as far as your application's

NAFT considered my motion would be - uh - to move forward the denial of the appeal.

GIBSON Okay. There's a motion for denial of the appeal by Commissioner Naft, any discussion? Please cast your votes. The motion carries. So, what that means, sir is that we are not allowing the chickens and the rooster. You may not have them, and we have – that - that your appeal is denied.

GEBREMARIAM Mm.

GIBSON Thank you for coming.

GEBREMARIAM Thank you.

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

ITEM NO. 43 WS-22-0597-NORIEGA, CRISOL & MENDEZ, ISAI LUNA:
 APPEAL WAIVER OF DEVELOPMENT STANDARDS to reduce setbacks for an existing detached patio cover in conjunction with an existing single-family residence on 0.1 acre in an R-2 (Medium Density Residential) Zone. Generally located on the east side of Sabroso Street, 970 feet south of Carey Avenue within Sunrise Manor. MK/nm/syp (For possible action) (appealed by a neighbor)

AMUNDSEN Next is Item 43, WS-22-0597, appeal waiver of development standards to reduce setbacks for an existing detached patio cover, in conjunction with an existing single-family resident on 0.1 acre in an R2 Medium Density Residential Zone. Generally located on the east side of Sabroso Street, 970 feet south of Carey Avenue within Sunrise Manor.

This item was approved by the Planning Commission and has been appealed by a neighbor.

GIBSON Good morning.

MELISSA REYES Good morning, my name is Melissa Reyes, I live at 225 North Los Feliz St. Um - is it okay if my husband accomp – he – he - comes up here? I'm hearing impaired, so -

GIBSON Sure.

M. REYES Um - so I'm here to oppose – uh - this approval. Um - when I purchased - we purchased our property we did purchase – um - as advertised here, the property had a view of the city and mountain views. Um - and of course that the reason why we purchased the property, it wasn't beautiful, but it did have a nice view. And this is photos -

GIBSON Well, 'scuse, you know, excuse me one minute. So, it dawns on us that we're hearing the opponent. The - typically we start up - we're gonna get back to you, okay in just a moment, but is the applicant here? Is the individual who is the applicant here in the room? You really need to come up. And - and then you can respond.

M. REYES Oh, got it.

GIBSON Alright? So that -

M. REYES Okay.

GIBSON - we get this really clear.

M. REYES Okay, not a problem.

GIBSON Come on up. Tell us your name.

CRISOL NORIEGA Good morning. Thank you so much for having us here. Um - my name is Crisol Noriega and I am here - um - in regards to the patio cover. Uh - it's - um - free-standing patio cover that was built on the east side of our property. So, our backyard - um - the setbacks - so well - let me start over, it's not - my following statement, it's not an excuse for us. We did hire a licensed contractor, and he stated we didn't need a permit because it was not attached to the home. Um - so, we believed him. I should have done my research, like I said it's not - um - it's not an excuse. We should have researched it. Um - but we believed him, it was built. Um - Any questions?

I do have - uh - pictures of the patio cover, if you guys -

GIBSON If you want us to see them, you sh - should put 'em over there - right there.

NORIEGA Yeah (laugh) definitely, give me one second. So, this is the patio cover that was built, and then this is -

GIBSON Alright. Do you have anything else that you -

NORIEGA Um - yes. So - um - I know she - um - can I address her appeal?

GIBSON Of course.

NORIEGA Yeah, definitely.

GIBSON This is the time to do it.

NORIEGA Okay, perfect. So - um - she did mention about - um - her view - her mountain view. We do have a mountain view to the east side, so to the front of her property, but to the back to where my house is, my house covers her view of whatever is ov- you know, the lights and the Strip. There is no view from her - the back of her property. Um - I did - uh - find this picture - um - online. This is a couple years back when her home was being sold - ah - that is from the inside of her home, to the outside, which you see here, that is my home.

Um - now this is just - um - as an example. Um - and I chose this specific home because this home is on her street. Um - so they have built this - I dunno it has stairs on top of the roof, to be a better - actually have a view of

NORIEGA

the Strip, the lights - um - you know. The beautiful view, right? Um - so I - I - respect your concerns, I just don't think that, you know, that it - that I have obstructed her view of anything.

Um - so this is - this is one of the neighbors that has - they have built this. Um - this is another point of view that's right here.

Do you guys have any questions for me?

GIBSON

That covers the things you con - you're concerned for, and you've responded as best you can.

NORIEGA

I try.

GIBSON

If something else comes up, we'll let you respond again.

NORIEGA

Okay, thank you very much.

GIBSON

Now we'd invite you back.

M. REYES

Thank you.

GIBSON

And you can use either microphone, on either side, they both work the same.

M. REYES

Okay, so again, when we purchased the property that's listed here in Zillow, it does show that it - uh - the description of the property do come with a city and mountain view. Here, and this is what the house originally looked like, when we purchased it. So, it - whe - when you're sitting in our backyard for example, Fourth of July, New Year's Eve, you do get a view of the Strip, as far as the fireworks and everything, and that is going to be to the left side of this photograph. Um - right now that it's snowing, I dunno if you could see this I - if I were to sit in my backyard, I would get a view of the mountains and the snow.

So, this is previous to any renovations when we purchased. So, this would be from my sliding door. My sliding door, and then this is the view. This is gone. So, this is no longer there. So, this here is their property - sorry. This is our property. This patio cover runs along the whole wall of our back wall, and our back wall is on - at the time was only three feet high. There was never any need to - um - raise it, add any privacy screens, do anything because their property is below. So now, this is prior to us, we did have to add a privacy screen. I don't know if you could see that here.

Um - so this is now, this is when they just added the patio cover. So, if you see the design here on the wall, this is only three feet high, it does have these little - um - spaces here that we did have to add a privacy screen, because of - we do have dogs. So, when the neighbors are on their patio, you can see the top of their heads. So basically, we have no privacy anymore in our backyard. And they did add patio lights to the back as well. So, when those are turned on, you do see those.

M. REYES

Now we did have to pay and have someone come out and put a privacy screen and have those - uh - little - um - spaces sealed up because of the dog. My fear is because the dog, she can see who's there, and I don't want my dog to bite anyone or there be any issues where my dog has to be euthanized. So, - um - we did put in a privacy screen, now the back is five feet high. So, with this, it has taken away our view.

This is now my view when you walk to the - my backyard. So, not only is this patio cover very close to our back wall, this is our view. Uh - like I said, there is no privacy when they're on their patio, it echoes. It's like they're just in our backyard. Um - and this is how far it is now from our wall. This is their wall on their side. So, it's right there. We've lost our privacy; we lost our view which does decrease the value of our property. Um - so at this point we're asking to oppose this.

Do you have anything you'd like to say?

JOSHUA REYES

Also, we were made - we were -

GIBSON

We'd - tell us your name, too.

J. REYES

Sorry, my name is Joshua Reyes. R-E-Y-E-S. Uh - 2251 Los Feliz, and -uh - also we were told that if they were to of applied for a permit, it wouldn't have been approved because of the height, and how close it is to our property.

GIBSON

Alright. Thank you very much. I'm going to give the microphone now to Commissioner Kirkpatrick.

MARILYN KIRKPATRICK

Yeah, thank you - um - Mister Chairman. So, I have a couple things for you. So, crazy enough, we - we haven't spoke to either side, because we couldn't get a hold of either side. Um - and - um - but I - I do have a couple things for you. So, one, - um - I want you to leave us your number because thi -

NOREIGA

Definitely.

KIRKPATRICK

- this is why we need to go to the Contractor's Board...

NOREIGA

Yes.

KIRKPATRICK

Because here you are in a situation that you didn't create, and probably some expense added.

NOREIGA

Definitely, so -

KIRKPATRICK

So - so we have the ability to go to the Contractor's Board to go after that licensed contractor, or even if they weren't licensed, to go after them to kind of at least somewhat make amends.

NOREIGA

Yeah.

KIRKPATRICK What I'm not going to do is make you tear it down, because at the end of the day, it's been a long-standing fight in the courts that we can't protect anybody's view. As much as that – um - always comes up, we don't get to protect views because we'd be here all day not approving anything. Um – but I do – um - it's unfortunate that, if you say you did what you did, that we're gonna follow it through and I'm gonna help you, so -

NOREIGA Yeah.

KIRKPATRICK I hope that what you're telling me is true statement 'cause we're gonna go after them.

NOREIGA Yeah. Miss Kirkpatrick? Um - we did go through the Contractor's Board, I submitted that application - um - when I spoke to - I forgot what his position is called but he is in charge of the case, he says it can take months. For -

KIRKPATRICK Yeah well, we're gonna call him and it's gonna go a little faster just so you know.

NOREIGA (laughs) Okay, thank you.

KIRKPATRICK Mister Palmer is over there, who worked for Clark County for a very long time, so you and I are gonna call him together.

NOREIGA Okay (laughs) thank you.

KIRKPATRICK So, we're gonna try and address that.

NOREIGA Definitely.

KIRKPATRICK S – So, I guess I'm just trying to understand, from Miss Reyes point, 'cause you didn't come to the Town Board where we had somebody that was there trying to understand what the opposition was - is this just a board that you put up, or is this - so you need to come up and I need to understand what this is, 'cause this doesn't look like anything Nancy, that went through the Building Department either.

M. REYES Okay. So, I do work for the Clark County Water Reclamation District, and I did uh, speak to someone from Building. They did advise me on the back wall, um that we can go up, at least to five feet. So, we did add just two feet with the privacy screen. So, I didn't need a permit for that, I did get someone to come out and get that installed.

KIRKPATRICK But – but what is it?

M. REYES It's wood.

KIRKPATRICK That's what I thought. Okay. But - but so that can - that is your choice, your option, right?

M. REYES Well, like I said I have dogs. I have dogs in the back, and I wanna make sure

M. REYES that - you know, like I said, when there's on that, you can see people. So, my concern is my dogs.

KIRKPATRICK But that would happen with or without a patio cover, and I would just tell you – um - it's unfortunate that you didn't reach out to our office, 'cause we've tried to call, and tried to figure out who was the person that was opposing it -

M. REYES N – no one contacted me at all.

KIRKPATRICK But I mean a - at the - we have a number that -

M. REYES And I did, and I did contact -

KIRKPATRICK But you didn't contact us, either.

M. REYES I did contact the Clark County.

KIRKPATRICK Okay, well. She callin' you a liar and I have a problem with that. So, we're not going down this road because we've reached out twice, and I will tell you one thing about Will, he gets in trouble from me by going above and beyond trying to find people. He drives to their homes; he does all kinds of crazy stuff. So, we don't have any contact from you and holding this is not gonna solve the problem. But I'm happy to work with both neighbors. But understand this; one, I can't deny it based on the views. My attorney'll tell me that I'm crazy and I'm gonna put myself in a bigger situation. But maybe Rob, you could say that. Only because him and I have been down this road before.

ROBERT WARHOLA Right, there's no right to a view.

M. REYES Mm. Our privacy?

WARHOLA It's called an implied easement, and Nevada Supreme Court has found that they do not exist.

KIRKPATRICK Co r- correct. So, I can't deny it based on that. Happy to work with you two, but the problem is, in my own neighborhood, and I'll use my own house for an example. My side of the wall is four-foot, but on the other side it's an eight-foot drop, and it just happens when we're always trying to balance the drainage an - an- and everything else. So, m – I - I suggest that you give Will your phone number. Um - he's right there, and we're not done with this on either side. But at the end of the day there's - I can't deny it. Um - based on what you've – um - asked for. So, my motion would be for approval.

GIBSON There's a motion to approve the original request. And – uh - which would mean that the appeal would be denied, if that motion were to carry. Do you understand that?

M. REYES Mm-hmm.

GIBSON Okay. Any further discussion? Please cast your votes. And the motion carries.

M. REYES Okay, thank you.

KIRKPATRICK Mister Chairman, Will is right there so if both of you could give him your phone numbers.

GIBSON That's fine.

KIRKPATRICK And we happen to come visit you if you don't return our calls, so please make sure you give him the correct number.

GIBSON He's up in the back.

ACTION: It was moved by Commissioner Marilyn K. Kirkpatrick and carried by unanimous vote, that the appeal be denied.

CONDITIONS OF APPROVAL –

Current Planning

- One year to complete the building permit and inspection process, with any extension of time to be a public hearing.
- 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.

Clark County Water Reclamation District (CCWRD)

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

ITEM NO. 44 ORD-22-900802: Introduce an ordinance to consider adoption of a Development Agreement with Warm Springs Dev LLC for a commercial development (Jones & Arby) on 1.9 acres, generally located south of Arby Avenue and east of Jones Boulevard within Enterprise. MN/dd (For possible action)

AMUNDSEN Next are ordinances for introduction. Item 44, Ordinance 22-900802, introduce an ordinance to consider adoption of a Development Agreement with Warm Springs Dev LLC for commercial development Jones and Arby. We request this be set for public hearing for February 8, 2023, at 9:00 a.m.

GIBSON I'll introduce the ordinance, set the public hearing for February 8, 2023, at 9:00 a.m.

ACTION: There being no objections, Chair Gibson set the matter for public hearing on February 8, 2023, at 9:00 a.m.

ITEM NO. 45 ORD-22-900805: Introduce an ordinance to consider adoption of a Development Agreement with RMA Bicentennial, LLC for a commercial development (Cactus & Dean Martin) on 1.3 acres, generally located south of Cactus Avenue and west of Dean Martin Drive within Enterprise. JJ/dd (For possible action)

AMUNDSEN

Item 45, Ordinance 22-900-805, introduce an ordinance to consider adoption of a Development Agreement with RMA Bicentennial LLC for commercial development, Cactus and Dean Martin. We request this be set for public hearing for February 8, 2023, at 9:00 a.m.

GIBSON

I'll introduce the ordinance, and set the public hearing for February 8th at 9:00 a.m.

ACTION:

There being no objections, Chair Gibson set the matter for public hearing on February 8, 2023, at 9:00 a.m.

PUBLIC COMMENTS

AMUNDSEN

And last opportunity for public comments.

GIBSON

This is the final opportunity for public comment, is there anyone here who wishes to make a comment to us? You have three minutes, and we'd ask you to spell your last name if you come to the stand.

There being no one, the public hearing period is or excuse me, the public comment period is closed, and this meeting stands adjourned.

There being no further business to come before the Board at this time, at the hour of 10:57 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