

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 MARCH 22, 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 22nd day of March 2023 at the 9:00 a.m. The meeting was called to order at the appointed hour 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
Jewel Gooden, Assistant Clerk, BCC
Michelle Hinkson, Deputy Clerk

ITEM NO. 1 Public Comment

JIM GIBSON

Good morning. We welcome you to our meeting this morning. The meeting will come to order, and the first item of business is the public comment period. We'd invite anyone who wishes to make a comment on any particular item on our agenda to please give us your name, spell your last name, indicate to us which agenda item you want to address, and please keep your comments to three minutes. Good morning.

MARGARET ANN COLEMAN

Yes, good morning. My name is Margaret Ann Coleman, C-O-L-E-M-A-N. I'm here to discuss all the items concerning property, vacancies, and abandonment. I'm here to stop that on 1316 Wizard. I talked with... well, I had left information with Abigail Frierson to assist me, as being the assistant manager, concerning the misconduct of a deputy clerk that played the role of not entering information concerning case 204984, that was a court order issued for my accommodation, as what- where she took it in her hand to open up the HUD called The Hughes Canyon.

These records, memorandums, concerning 19 of 81, and concerning my court order 3-4, 19 of 82 issued by Robert G. Legates that affirm the court original order 10 14 of 81. Now this is noon protoon.

Can you put that on the scanner?

Now, the other day you didn't let me finish furthering the defendant motion to rehear and have come before the courts on December 17, 19 of 81, of having grant and set for a rehearing on this court order December 23, 19 of 81. And the defendant being neither present or represented by counsel say it motion is reversed and was denied. The court original order of October 14, 19 of 81 is affirmed. Whereas for the State of Nevada is to pay forthwith to the plaintiff that is me, Margaret Ann Coleman all sum properly due and owing as of October 14, 1981.

Whereas my public accommodation could have been assisted by my court order for workman's comp. And this order was issued March 4, 19 of 82. And given and hand down by Chief Robert G. Legates that, as I spoke to you concerning, that... gave you an oath taking your position.

And due to these people overthrowing the Deputy Shannon Mullhughes

GIBSON

Miss Coleman would you please wrap it up.

COLEMAN

Using my summons to overthrow and collect the money opening up, she used the judge used the john in to collect my three million dollars for my workman's comp, and I have not received a dime yet, and I would like her to come forward-

GIBSON

Thank you, Miss Coleman. Thank you. Is there anyone else who wishes to speak during the first public comment period?

JANIE WILDER

Hi, I'm speaking on WS-22-0147, Las Vegas Judson LP. My name is Janie

WILDER Wilder. I live at 4165. I have laid out a dilation of our neighborhood so you kind of see what the area really looks like. They've talked about all of the...

SEGERBLOM Could- I'm sorry, could you wait until the item is heard or do you-

GIBSON Well, let me ask this. This item is going to be heard. If you want to speak now, you may, but you may not speak when the item is heard. So, you can choose to speak now, or choose to speak when the item is heard, when everyone else is talking about it. Which do you choose?

WILDER Okay, I'll go later. Thank you.

GIBSON Okay. Is there anyone else who wants to come up and speak, and I promise I won't try to embarrass you. Then let's proceed. The next item is the agenda. Miss Amundsen?

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 request: for the audience's information, 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.

Withdraw without prejudiced Item 39, ZC-22-0560. Hold to the April 5th, 2023, BCC meeting, Item 24 NZC-22-0592 and Item 25 VS-22-0593. Hold to the May 17th, 2023, BCC meeting, Item 30-WS-23-0038.

The above public hearing items are going to be open as a public hearing and immediately recessed until the dates, as previously stated. With these deletions, which are Items 24, 25, 30 and 39, the agenda stands ready for your approval.

GIBSON If there are no other requests related to the agenda, I'll accept a motion.

JUSTIN JONES Motion to approve the agenda.

GIBSON There's a motion by Commissioner- yes?

MISHA RAY Good morning. Misha Ray. 1980 Festival Plaza Drive. I'm requesting Items 11 and 12 be pulled from consent?

GIBSON Okay we'll do that in just a minute. Okay?

RAY Thank you.

GIBSON Thank you. There's a motion for approval of the agenda by Commissioner Jones. Please cast your votes. (silence) 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)

GIBSON And the minutes. The approval of the minutes. February 8, and February 22.

AMUNDSEN Actually, February 8th, that was my error putting it in. It should just be February 22, 2023.

GIBSON Okay.

JONES (inaudible)

GIBSON There's a motion for approval of the minutes for February 22, 2023. Any discussion? Please cast your votes. The motion carries.

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

ROUTINE ACTION ITEMS (4-28):

AMUNDSEN Next are the Routine Action Items, which consist of Items 4 through 28, except those 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. Staff has the following requests: Item 8. ET-23-400014, NZC-18-0865 change current planning bullet number one to read "January 23, 2025." Item 10. UC-23-0031, for the board's information the FAA has updated the determination of no hazard to reflect the proposed 660 feet of building height. In addition, delete Public Works bullet number five, and add "execute a license and maintenance agreement for any non-standard improvements in the right-of-way." Item 22. WS-230029. Add a condition to read, "no illumination for the free-standing sign."

I understand that Items 11 and 12 want to be heard separately and if there no objections from the audience, the public hearing is now open, and the routine action portion of the agenda stands ready for your approval.

GIBSON Thank you.

SEGERBLOM Mister Chair? Can we pull Item 10, too?

GIBSON Yes, we can.

AMUNDSEN Okay.

GIBSON So, Items 10, 11, and 12 will be heard individually. Are there any other changes or any other things that you would remove from the consent agenda?

JONES (inaudible)

GIBSON There's a motion for approval of the Consent Agenda, understanding that 10, 11, and 12 will be heard separately. Any discussion? Please cast your votes. The motion carries.

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

ITEM NO. 4 DR-23-0041-CITY LIGHT CHURCH INC:

DESIGN REVIEW for finished grade in conjunction with an approved place of worship on 4.8 acres in a C-P (Office and Professional) (AE-60) Zone in the CMA Design Overlay District. Generally located on the north side of Sunset Road, 900 feet west of Lindell Road within Spring Valley. MN/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-

Comprehensive Planning

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

Public Works - Development Review

- Comply with approved drainage study PW22-18839;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site.
- Applicant is advised that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0155-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 5 ET-23-400009 (NZC-19-0886)-TROP GC APTS, LLC:

ZONE CHANGE FIRST EXTENSION OF TIME to reclassify 5.0 acres from an R-E (Rural Estates Residential) Zone to an R-5 (Apartment Residential) Zone.

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

DESIGN REVIEW for a multiple family residential development. Generally located on the south side of Tropicana Avenue, 300 feet east of Grand Canyon Drive within Spring Valley (description on file). JJ/tpd/syp (For possible action)

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

CONDITIONS OF APPROVAL –

Comprehensive Planning

- Until February 5, 2025, to complete.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time

of application; a new application for a Master Plan amendment and zone boundary amendment may be required, in the event that 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

- Compliance with previous conditions.

ITEM NO. 6 ET-23-400010 (ZC-20-0598)-RIVERVIEW LVB DEVELOPMENT, LLC:

USE PERMITS FIRST EXTENSION OF TIME for the following: 1) reduce the separation between on-premises consumption of alcohol establishments (taverns) to a residential use (multiple family); 2) reduce the separation between outside dining, drinking (taverns), and cooking to a residential use (multiple family); and 3) permit outside dining, drinking and cooking in conjunction with a tavern.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) alternative landscaping adjacent to a less intensive (multiple family) use; 2) eliminate street landscaping; 3) increase building height; 4) allow modified driveway design standards (no longer needed); and 5) allow non-standard improvements within the right-of-way (Las Vegas Boulevard South).

DESIGN REVIEWS for the following: 1) shopping center; and 2) finished grade on a 7.5 acre portion of 15.4 acres in a C-2 (General Commercial) Zone. Generally located on the west side of Las Vegas Boulevard South and the south side of Erie Avenue within Enterprise (description on file). MN/md/syp (For possible action)

ACTION:

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

CONDITIONS OF APPROVAL –

Comprehensive Planning

- Until February 17, 2025, to commence;
- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of a lack of necessary public service in the area.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

Public Works - Development Review

- Compliance with previous conditions.

ITEM NO. 7 ET-23-400011 (VS-20-0207)-DXD F1 GRAND TETON, LLC:

VACATE AND ABANDON FIRST EXTENSION OF TIME for a portion of a right-of-way being Tioga Way located between Grand Teton Drive and Ackerman Avenue within Lone Mountain (description on file). MK/tpd/syp (For possible action)

ACTION:

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

CONDITIONS OF APPROVAL –

Comprehensive Planning

- Until October 3, 2024, to record.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that reapproval by the utility companies is required.

Public Works - Development Review

- Compliance with previous conditions.

ITEM NO. 8 ET-23-400014 (NZC-18-0865)-LMG NEVADA LAND EXPANSION, LLC:

ZONE CHANGE FIRST EXTENSION OF TIME to reclassify 2.5 acres from an R-E (Rural Estates Residential) (AE-65) zone to an M-D (Designed Manufacturing) (AE-65) Zone.

DESIGN REVIEW for an office/warehouse building. Generally located on the northwest corner of Windy Street and Capovilla Avenue within Enterprise (description on file). MN/tpd/syp (For possible action)

ACTION:

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

CONDITIONS OF APPROVAL –

Comprehensive Planning

- Until January 23, 2025, to complete.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a new application for a Master Plan amendment and a zone boundary amendment may be required in the even 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

- Compliance with previous conditions.

ITEM NO. 9 UC-23-0007-USA:

HOLDOVER USE PERMITS for the following: 1) public utility structures; 2) landscaping and screening; and 3) trash enclosure.

DESIGN REVIEW for proposed public utility structures in conjunction with an existing electric generating station (solar photovoltaic facility) on a portion of 2,393.0 acres in an R-U (Rural Open Land) Zone. Generally located 2 miles north of the Nevada/California state line, 10,000 feet east of the Primm Boulevard terminus, 12,000 feet east of Interstate 15, and east of the Union Pacific Railroad within South County. MN/lm/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 required to continue working closely with the Clark County Department of Aviation to ensure that all planning, construction, and operation remains compatible with the airport projects and future airport operation.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 2 years of approval date or it will expire.

Public Works - Development Review

- Drainage study and compliance.

ITEM NO. 10 UC-23-0031-MGP LESSOR, LLC:

USE PERMITS for the following: 1) high impact project; 2) resort hotel; 3) public areas including but not limited to: casino, showrooms, theater, retail, restaurants, offices, pharmacy, personal services, art gallery, live entertainment, night clubs, indoor and outdoor dining and drinking, and alcohol sales (package liquor, beer and wine); 4) associated accessory and incidental commercial uses, buildings, and structures including retail areas, dining, theater, spa, fitness center and daycare; and 5) deviations as depicted per plans on file.

DEVIATIONS for the following: 1) increase building height; 2) reduce height/setback ratio; 3) encroachment into airspace; 4) reduced loading spaces; 5) allow primary access into portions of the building from the exterior of the resort hotel; 6) alternative landscaping and pedestrian realm; and 7) all other deviations as depicted per plans on file.

WAIVER OF DEVELOPMENT STANDARDS for modified driveway geometrics.

DESIGN REVIEWS for the following: 1) high impact project; 2) resort hotel with all associated and accessory uses, structures, and incidental buildings and structures; and 3) finished grade on 69.8 acres in an H-1 (Limited Resort and Apartment) Zone. Generally located on the west side of Las Vegas Boulevard South, 1,300 feet south of Spring Mountain Road within Paradise. TS/rk/syp (For possible action)

AMUNDSEN

Next is Item 10, UC-23-0031, use permits for the following: a high impact project, resort hotel, public areas included but not limited to a casino, showrooms, theater, retail, restaurants, offices, pharmacy, personal services, art gallery, live entertainment, nightclubs, indoor and outdoor dining, and drinking and alcohol sales, packaged liquor, beer and wine.

Associated accessory and incidental commercial uses buildings and structures including retail areas, dining, theaters, spa, fitness center, and daycare.
Deviations as depicted per plans on file.

Deviations for the following: increased building height, reduce height-setback-ratio, encroachment into airspace, reduce loading spaces, allow primary access into portions of the building from the exterior of the resort hotel, alternative landscaping in pedestrian realm. All other deviations as depicted per plans on file.

Waiver of developments standards for modified driveway geometrics, design reviews for the following: high impact project, resort hotel with associated and accessory uses, structures, and incidental buildings and structures, finished

AMUNDSEN

grade on 69.8 acres, and an H-1 limited resort and apartment zone, generally located on the west side of Las Vegas Boulevard South, 1300 feet south of Spring Mountain Road within Paradise.

As I noted previously, the FAA has updated the determination of no hazard to reflect the height that is being requested, which is 660 feet and Public Works would like to delete bullet number five and add a condition to read "execute a license and maintenance agreement for any non-standard improvements within the right-of-way."

GIBSON

Good morning, Miss Lazovich.

JENNIFER LAZOVICH

Good morning, Jennifer Lazovich, 1980 Festival Plaza Drive. Here this morning representing the Hard Rock on the aerial. (silence) Maybe? Thank you.

On the aerial, this is the former side of the Mirage Hotel and Casino. The proposed tower which I will show you a picture of shortly, will be built right where the existing volcano is and has been located right adjacent to Las Vegas Boulevard. Subsequent applications will modernize and theme the rest of the property to match the guitar tower which will look like this. It will have 600 suites and as Miss Amundsen read into the record, our height will be a height of 660 feet.

I do want to take a minute and thank Planning and Public Works and the Airport for working with us on some somewhat last-minute FAA changes in order to make all the FAA determination as well as the elevations consistent. So, I appreciate all of them working with us and to Public Works for working with us on some conditions. And I would be happy to answer any questions.

GIBSON

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

SEGERBLOM

Thank you. I know the Chair had a question - are the strings playable?

LAZOVICH

(laughs) No.

SEGERBLOM

(laughs)

LAZOVICH

(laughs)

SEGERBLOM

Alright. I know I've talked to them, to the tribe and the intentions are to maintain the current structure with the 3,000 rooms, they're not sure about how they're going to do that. But I know a lot of employees want to make sure that they aren't thrown out right away. And this won't even start for another year or so, right?

LAZOVICH

Yes, that's correct. Again the, the guitar tower will operate over in this area so the idea right now is um- that they believe the existing room towers will remain in operation while this goes. But I know they'll be talking to the employees.

SEGERBLOM I just want to say that this shows that the north end of the strip is on fire, so in case anyone was curious, things are, it's very exciting for me and, so Miss Amundsen, I forgot, were there some waivers we had to approve or not approve?

UNKNOWN (inaudible)

AMUNDSEN There are waivers. There's deviations, as go with all resort hotels. So, if you are fine with everything that's being proposed, you would just approve as per staff-

SEGERBLOM Per staff.

AMUNDSEN Recommendations.

SEGERBLOM Okay, I'd make a motion to approve per staff recommendations. And thank you.

LAZOVICH Thank you.

GIBSON Commissioner Miller, did you have a question?

MILLER No, I was just gonna thank the applicant. Jim Allen does the CEO of Seminal Gaming and the Chairman of Hard Rock International, which is a big company, I believe flew out and met with all of us personally to reinforce their commitment to the community and explain these plans. So, I think they did an outstanding effort, and this is an exciting project. I'm excited to support it.

LAZOVICH Thank you very much.

GIBSON Any other discussion on the motion? Please cast your votes. The motion carries.

LAZOVICH Thank you, have a good day.

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

CONDITIONS OF APPROVAL –

Comprehensive Planning

- Prior to the issuance of building permits, mitigate the impacts of the project including, but not limited to, issues identified by the technical reports and studies, and issues identified by the Board of County Commissioners or commit to mitigating the impacts of the project by entering into a Development Agreement with Clark County;
- Allow the following permits prior to the adoption of the Development Agreement: all grading, including excavation and underground utilities, construction below grade level, and structural first lift with initial foundation work;
- Prior to the issuance of building and grading permits, enter into a Performance Agreement with Clark County which includes a Decommissioning Plan specifying the actions to be taken by the Developer or County in the event construction of the project is stopped or abandoned;
- Bond or other form of financial security, acceptable to Clark County shall be provided with the Performance Agreement as security of the full and complete fulfillment of the decommissioning actions identified in the Decommissioning Plan;

- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that approval of this application does not constitute or imply approval of a liquor or gaming license or any other County issued permit, license or approval; water features must comply with Chapter 30.64; the installation and use of cooling systems that consumptively use water will be prohibited; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 2 years of approval date or it will expire.

Public Works - Development Review

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- Right-of-way dedication per RS-22-500123;
- Execute a License and Maintenance Agreement for any non-standard improvements within the right-of-way;
- 30 days to coordinate with Public Works - Design Division & Construction Management Division and to dedicate any necessary right-of-way and easements for the Las Vegas Boulevard South improvement project;
- Grant necessary easements including, but not limited to pedestrian access for sidewalks and bridges.
- Applicant is advised that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

Department of Aviation

- Applicant is required to file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, in accordance with 14 CFR Part 77;
- 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.
- Applicant is advised that the FAA's determination is advisory in nature and does not guarantee that a Director's Permit or an AHABA Variance will be approved; that FAA's airspace determinations (the outcome of filing the FAA Form 7460-1) are dependent on petitions by any interested party and the height that will not present a hazard as determined by the FAA may change based on these comments; and that the FAA's airspace determinations include expiration dates and that separate airspace determinations will be needed for construction cranes or other temporary equipment.

Fire Prevention Bureau

- Applicant is advised that fire protection may be required for this facility; that operational permits may be required for this facility; to contact Fire Prevention for further information at (702) 455-7316; and to please contact this office for pre-construction meetings.

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 #0246-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 11 VS-22-0709-TZORTZIS SURVIVOR’S TRUST A, ET AL:

HOLDOVER VACATE AND ABANDON easements of interest to Clark County located between Jonathan Drive and Bruner Avenue, and between Gabriel Street and Las Vegas Boulevard South; and a portion of right-of-way being Gabriel Street located between Jonathan Drive and Bruner Avenue within Enterprise (description on file). MN/gc/syp (For possible action)

AMUNDSEN

Next are Items 11 and 12 which will be heard together. Item 11 VS-22-0709, holdover vacate and abandoned easements of interests to Clark County located between Jonathan Drive and Bruner Avenue in between Gabriel Street and Las Vegas Boulevard South. And a portion of a right-of-way being Gabriel Street, located between Jonathan Drive and Bruner Avenue within Enterprise.

Item 12 WS-22-0708, holdover waivers of development standards for the following: allow non-standard improvements in the right-of-way, reduce the throat depth. Design reviews for the following: commercial center alternative parking lot landscaping and finish grade in conjunction with an existing tavern on 3.7 acres in a C-2 general commercial zone.

GIBSON

Good morning.

LEBENE OHENE

Good morning, Commissioners. Lebene Ohene, 520 South Fourth Street representing the applicant, and with me is one of the applicants, the owner's representative Stephen Fink.

The application, Number 11 is for the vacation of easements along the north and south portions of the property as well as a portion of a dedicated right-of-way to the west Gabriel Street and also right-of-way easements to the west. We request that the vacation to accommodate and facilitate the devolvment of the commercial center.

To orient you to the site the parcel is located west of Jonathan and 350 feet south to the west of Las Vegas Boulevard South and approximately 350 feet south of Jonathan. Now, when to facilitate the development, we were asked by Public Works on the vacation to approach the owners. The only owners we could find, and approach was the property owner to the north, who had dedicated a portion of Jonathan Street. They really didn't have any response, there's partial development on that property, and that 30 feet will go to them. So, they didn't really have any comments on the vacation.

To the west of us, there's a BLM parcel to the north and to the south, along Bruner, and then a parcel to our immediate west, which has access based on conversations with Public Works to Parvin Avenue, and that road, the easements are in place from BLM. So, that was the intended legal access for the parcels to our west.

The plan's, really to support the expansion of a commercial development on our site. There's an existing tavern on our site and this application is to allow for convenience store and gas station and retail, phase two of it, which is retail and, some restaurants.

Staff recommended approval. We went through Town Board, they

OHENE recommended approval as well, based on staff's recommendation. And we're asking for your recommendation of approval for both applications as well, being Item 11 and 12, which are companion items. Thank you.

GIBSON Thank you. This is a public hearing. Is there anyone here who wishes to speak on this item? If so, please come forward and give us your name, and please keep your comments to three minutes.

RAY Good morning, Misha Ray, 1980 Festival Plaza Drive, here on behalf of an adjacent property owner. Here you can see, and as mentioned by the applicants, this is the property owner we are representing, here outlined in blue. And here in the yellow, orange is the project, as proposed.

Primarily the issue that brings me here today is utility access along Gabriel with the vacation request that is pending. When you look at it from a high level, the vacation for this project does make sense. However, when you zoom in a little bit, the issue is the utility infrastructure that is located along Gabriel.

For this property, as the utilities are currently, if this vacation is approved, the next closest connector is about 660 feet away is what I'm told and would result in about hundreds of thousands of dollars in increased expense for locating at the other connector. So, if this vacation is approved, it would lead to some utility infrastructure access issues for this parcel here.

I'd really like to thank Commission Naft, Tiffany within Commissioner Naft's office, and Antonio from Public Works in working through trying to work through some of these issues with us for the last couple weeks while this item has been on hold, trying to come up with some creative solutions. And as this project moves forward with its development plans, we look forward to continuing to work together to try to find some creative solutions. Thank you.

GIBSON Thank you. Is there anyone else who wishes to speak during the public comment period on this particular public hearing period on this item? Then the public hearing is closed. Commissioner Naft.

MICHAEL NAFT Thank you, Chairman. Antonio, could you speak a little bit? We heard about some of the future plans for Parvin. It does seem like that would be where access would be taken. Could you speak to the County's scheduled plans for Parvin?

ANTONIO PAPAZIAN Thank you, Commissioner, absolutely. Just to back up a little bit, the Parvin alignment even though when you look at an aerial doesn't appear, it exists today, south of Bruner with the Touchstone product on the west, southwest corner the alignment has begun. We know, Parvin will be the frontage access to I-15, it's on the transportation element. It's going to be, I believe a busy road in the future. We do have some easements and some right-of-way that we've been working on attaining. Parvin will be the access all the way to Star. So, it will be a main access point.

NAFT Thank you. So, my motion's to move for approval of Items 11 and 12. For the applicant, I would just remind them, there is, while it's not a legal obligation, I

NAFT would strongly encourage them to work with the adjacent neighbor on whether it's a utility easement or being a good neighbor in the area, recognizing there is no development coming through our process right now to the west. One day there will be and, be awfully nice if you guys coordinated with them.

With nothing else, my motion is to approve Items 11 and 12.

GIBSON Is there any discussion on the motion? You understand the-

OHENE Yes sir. We're willing to work with the adjacent neighbor to the west.

GIBSON Thank you very much. There's a motion on the floor, please cast your votes. And the motion carries. (inaudible)

OHENE Thank you, Commissioners.

ACTION: It was moved by Commissioner Michael Naft, and carried by unanimous vote, that the applications for Item Nos. 11 and 12 be approved subject to staff conditions.

CONDITIONS OF APPROVAL –

Current Planning

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

Public Works - Development Review

- Drainage study and compliance;
- Dedication of Las Vegas Boulevard South per RS-22-500058;
- Vacation to be recordable prior to building permit issuance or applicable map submittal;
- Revise legal description, if necessary, prior to recording.

ITEM NO. 12 WS-22-0708-TZORTZIS SURVIVOR'S TRUST A, ET AL:

HOLDOVER WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) allow non-standard improvements in the right-of-way; and 2) reduce throat depth.

DESIGN REVIEWS for the following: 1) commercial center; 2) alternative parking lot landscaping; and 3) finished grade in conjunction with an existing tavern on 3.7 acres in a C-2 (General Commercial) Zone. Generally located on the west side of Las Vegas Boulevard South, 350 feet south of Jonathan Drive within Enterprise. MN/gc/syp (For possible action)

ACTION: It was moved by Commissioner Michael Naft, and carried by unanimous vote, that the applications for Item Nos. 11 and 12 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;
- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public service in the area.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 2 years of approval date or it will expire.

Public Works - Development Review

- Drainage study and compliance;
- Traffic study and compliance;
- Dedication of Las Vegas Boulevard South per RS-22-500058;
- Execute a License and Maintenance Agreement for any non-standard improvements within the right-of-way.
- Applicant is advised that off-site improvement permits may be required.

Southern Nevada Health District (SNHD) - Septic

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

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 #0190-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 13 VS-23-0021-CHURCH SOUTHERN HILLS BAPTIST:

VACATE AND ABANDON easements of interest to Clark County located between Pebble Road and Blue Diamond Road, and between Torrey Pines Drive and El Camino Road, and a portion of right-of-way being Pebble Road located between Torrey Pines Drive and El Camino Road, and a portion of right-of-way being Torrey Pines Drive located between Pebble Road and Blue Diamond Road 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 application be approved subject to staff conditions.

CONDITIONS OF APPROVAL –

Comprehensive Planning

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

application will expire.

Public Works - Development Review

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

ITEM NO. 14 UC-23-0020-CHURCH SOUTHERN HILLS BAPTIST:

USE PERMITS for the following: 1) expansion of a place of worship; and 2) reduce front setback.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) alternative street landscaping; 2) reduce parking; and 3) modified commercial driveway standards.

DESIGN REVIEWS for the following: 1) proposed building and expansion to parking area; 2) alternative parking lot landscaping; and 3) finished grade on 5.0 acres in an R-E (Rural Estates Residential) Zone. Generally located on the south side of Pebble Road and the east side of Torrey Pines Drive within Enterprise. JJ/lm/syp (For possible action)

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

CONDITIONS OF APPROVAL -

Comprehensive Planning

- Expunge UC-19-0920;
- Expunge UC-0078-15;
- Paint all buildings to match;
- Each phase shall not be occupied without final zoning inspection;
- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 2 years of approval date or it will expire.

Public Works - Development Review

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Full off-site improvements;
- Cross access to APN 176-23-501-021 shall remain open at all times per recorded document 20150724:0002336.
- 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.

Southern Nevada Health District (SNHD) - Septic

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

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 #0280-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 15 VS-23-0009-RA PLAZA, LLC:

VACATE AND ABANDON easements of interest to Clark County located between Cheyenne Avenue and Cecile Avenue, and between Lamb Boulevard and Abels Lane within Sunrise Manor (description on file). MK/al/syp (For possible action)

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

CONDITIONS OF APPROVAL –

Comprehensive Planning

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

Public Works - Development Review

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

Fire Prevention Bureau

- Applicant is advised to submit plans for review and approval prior to installing any gates, speed humps (speed bumps not allowed), and any other Fire Apparatus Access Roadway obstructions.

ITEM NO. 16 WS-23-0008-RA PLAZA, LLC:

WAIVER OF DEVELOPMENT STANDARDS to increase wall height.

DESIGN REVIEWS for the following: 1) a distribution and warehouse facility; 2) alternative parking lot landscaping; and 3) finished grade on 7.1 acres in an M-1 (Light Manufacturing) (AE-75, AE-80 & APZ-2) Zone. Generally located on the south side of Cheyenne Avenue and the east side of Lamb Boulevard within Sunrise Manor. MK/al/syp (For possible action)

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

CONDITIONS OF APPROVAL -

Comprehensive Planning

- Work with the Las Vegas Metropolitan Police Department for the installation and use of security cameras and surveillance operation;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 2 years of approval date or it will expire.

Public Works - Development Review

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance.
- Applicant is advised that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals; and that Nevada Department of Transportation (NDOT) permits may be required.

Fire Prevention Bureau

- Applicant is advised to submit plans for review and approval prior to installing any gates, speed humps (speed bumps not allowed), and any other Fire Apparatus Access Roadway obstructions.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0147-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 17 VS-23-0037-DESERT RV & BOAT STORAGE, LLC:

VACATE AND ABANDON easements of interest to Clark County located between Quail Avenue and Oquendo Road, and between Rainbow Boulevard and Santa Margarita Street (alignment) within Spring Valley (description on file). MN/gc/syp (For possible action)

ACTION:

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

CONDITIONS OF APPROVAL –

Comprehensive Planning

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

application will expire.

Public Works - Development Review

- Right-of-way dedication to include 25 feet to the back of curb for Quail Avenue, 25 feet to the back of curb for Santa Margarita Street, 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.

Fire Prevention Bureau

- Applicant is advised to submit plans for review and approval prior to installing any gates, speed humps (speed bumps not allowed), and any other Fire Apparatus Access Roadway obstructions.

ITEM NO. 18 UC-23-0036-DESERT RV & BOAT STORAGE, LLC:

USE PERMIT for a mini-warehouse facility.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) increase building height; and 2) reduce driveway approach distance.

DESIGN REVIEWS for the following: 1) mini-warehouse facility; 2) alternative parking lot landscaping; and 3) finished grade on 2.5 acres in a C-1 (Local Business) (AE-60) Zone in the CMA Design Overlay District. Generally located on the southwest corner of Quail Avenue and Santa Margarita Street (alignment) within Spring Valley.

MN/gc/syp (For possible action)

ACTION:

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

CONDITIONS OF APPROVAL –

Comprehensive Planning

- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 2 years of approval date or it will expire.

Public Works - Development Review

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- Right-of-way dedication to include 25 feet to the back of curb for Quail Avenue, 25 feet to the back of curb for Santa Margarita Street, and associated spandrels.
- 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 dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

Fire Prevention Bureau

- Applicant is advised to submit plans for review and approval prior to installing any gates, speed humps (speed bumps not allowed), and any other Fire Apparatus Access Roadway obstructions.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0048-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 19 WC-23-400013 (ZC-0118-02)-GSN FLAMINGO LP:

WAIVER OF CONDITIONS of a zone change requiring single story on all buildings, a maximum height of 30 feet in conjunction with a freestanding pharmacy and a proposed mini-warehouse facility on 3.5 acres in a C-1 (Local Business) Zone. Generally located on the south side of Flamingo Road and the west side of Mountain Vista Street within Paradise. TS/lm/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 –

Fire Prevention Bureau

- Applicant is advised to submit plans for review and approval prior to installing any gates, speed humps (speed bumps not allowed), and any other Fire Apparatus Access Roadway obstructions.

ITEM NO. 20 UC-23-0034-GSN FLAMINGO LP: USE PERMIT for a mini-warehouse facility.

WAIVER OF DEVELOPMENT STANDARDS for modified commercial driveway standards.

DESIGN REVIEW for a proposed mini-warehouse facility on 3.5 acres in a C-1 (Local Business) Zone. Generally located on the south side of Flamingo Road and the west side of Mountain Vista Street within Paradise. TS/lm/syp (For possible action)

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

CONDITIONS OF APPROVAL –

Comprehensive Planning

- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 2 years of approval date or it will expire.

Public Works - Development Review

- Drainage study and compliance;
- Traffic study and compliance.
- Applicant is advised that Nevada Department of Transportation (NDOT) permits may be required.

Fire Prevention Bureau

- Applicant is advised to submit plans for review and approval prior to installing any gates, speed humps (speed bumps not allowed), and any other Fire Apparatus Access Roadway obstructions.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0121-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 21 WS-23-0013-MORALLY JOHN P REVOCABLE TRUST & MORALLY JOHN P TRS:

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) landscaping; and 2) alternative driveway geometrics.

DESIGN REVIEWS for the following: 1) an additional office warehouse building; and 2) finished grade in conjunction with an existing office warehouse building on 1.9 acres in an M-1 (Light Manufacturing) Zone. Generally located on the west side of Polaris Avenue, 260 feet north of Cavaretta Court within Paradise. MN/al/syp (For possible action)

ACTION:

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

CONDITIONS OF APPROVAL –

Comprehensive Planning

- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 2 years of approval date or it will expire.

Public Works - Development Review

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Reconstruct driveways in accordance with Uniform Standard Drawing 224.
- Applicant is advised that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

Department of Aviation

- Applicant is required to file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, in accordance with 14 CFR Part 77, or submit to the Director of Aviation a "Property Owner's Shielding Determination Statement" and request written concurrence from the Department of Aviation;
- If applicant does not obtain written concurrence to a "Property Owner's Shielding Determination Statement," then applicant must also receive either a Permit from the Director of Aviation or a Variance from the Airport Hazard Areas Board of Adjustment (AHABA) prior to construction as required by Section 30.48 Part B of the Clark County Unified Development Code; 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.

ITEM NO. 22 WS-23-0029-S C GILESPIE:

WAIVER OF DEVELOPMENT STANDARDS to allow a wall sign to face a residential development.

DESIGN REVIEWS for the following: 1) lighting; and 2) signage in conjunction with a mini-warehouse facility on 3.8 acres in a C-1 (Local Business) Zone. Generally located on the west side of Giles pie Street, 75 feet north of Silverado Ranch Boulevard within Enterprise. MN/al/syp (For possible action)

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

CONDITIONS OF APPROVAL –

Comprehensive Planning

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

ITEM NO. 23 WS-23-0035-RG NELLIS NV, LLC:

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

DESIGN REVIEW for finished grade on 6.2 acres in conjunction with an approved distribution center in an M-D (Designed Manufacturing) (AE-65 & APZ-2) Zone. Generally located on the southwest corner of Nellis Boulevard and Carey Avenue within Sunrise Manor. TS/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 –

Comprehensive Planning

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

Public Works - Development Review

- Comply with approved drainage study PW22-17730;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site.

- Applicant is advised that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

ITEM NO. 24 NZC-22-0592-4350 NELLIS BLVD, LLC:

HOLDOVER 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 April 5, 2023 per Commissioner Kirkpatrick).

ITEM NO. 25 VS-22-0593-4350 NELLIS BLVD, LLC:

HOLDOVER 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 April 5, 2023 per Commissioner Kirkpatrick).

ITEM NO. 26 CP-23-900037 HOLDOVER: conduct a public hearing, adopt the Flood Control Master Plan Amendment, and authorize the Chair to sign a Resolution amending the Plan. (For possible action)

ACTION: It was moved by Commissioner Justin Jones, and carried by unanimous vote, that the application be approved (including the adoption of Resolution No. R-3-22-23-1).

ITEM NO. 27 ORD-22-900756: Conduct a public hearing on an ordinance to consider adoption of a Development Agreement with Lexiland LLC for a multiple family residential development (Rainbow & Warm Springs) on 13.7 acres, generally located north of Warm Springs Road and east of Rainbow Boulevard within Enterprise. MN/dd (For possible action)

ACTION: It was moved by Commissioner Justin Jones, and carried by unanimous vote, that the application be approved (including the adoption of Ordinance No. 5025).

ITEM NO. 28 ORD-23-900055: Conduct a public hearing on an ordinance to consider adoption of a Development Agreement with Majestic EJM Arroyo LLC for a distribution center (Warm Springs & Buffalo) on 41.5 acres, generally located north of Warm Springs Road and east of Buffalo Drive within Spring Valley. MN/dd (For possible action)

ACTION: It was moved by Commissioner Justin Jones, and carried by unanimous vote, that the application be approved (including the adoption of Ordinance No. 5026).

ITEM NO. 29 DR-23-0040-SDP DEVELOPMENT, LLC:

DESIGN REVIEWS for the following: 1) restaurant; and 2) parking lot landscaping in conjunction with a previously approved shopping center on 4.1 acres in a C-2 (General Commercial) Zone in the CMA Design Overlay District.

Generally located on the west side of Durango Drive and the north side of Sunset Road within Spring Valley. JJ/lm/syp (For possible action)

Next is Item 29. DR-23-0040, design reviews for the following: a restaurant, parking lot landscaping in conjunction with a previously approved shopping center around 4.1 acres and a C-2 general commercial zone in the CMA design overlay district. Generally located on the west side of Durango Drive and the north side of Sunset Road within Spring Valley.

Is there anyone here behalf of the applicant? What's your pleasure? Oh, Lebene? Okay. (laughs)

(inaudible)

Take your time. (silence)

Sorry about that.

That's alright.

Good morning again Commissioners. Lebene Ohene, 520 South Fourth Street, representing the applicant on this application. this application is located on the west side of Sunset and north side of Durango. it is basically a redesign of an existing shopping center.

One of the pads which we call "Pad F" was originally approved as a fast-food restaurant. Subsequent to the approval, the applicant decided to change it to one of the breakfast restaurants, so it's basically a redesign of the pad site and it also included some applications to redesign the parking lot to fit code, and also redesign the street frontage cause there's an NV Energy easement along there, that means you have to have different types of trees in that easement. And this is the reason for the application. And I think the only reason it was not on consent was because it had a related item that had to be held for some redesign. And with that, both staff and Town Board recommended approval and we will appreciate your recommendation of approval, and I'm here to answer any questions. Thank you.

Thank you. Is there anyone who wishes to speak on Item 29? Then I'm going to open the public hearing and close it. Commissioner Jones.

Thank you. Move approval of agenda Item Number 29.

There's a motion for approval, please cast your votes. Motion carries. Thank you.

Thank you, Commissioners, and have a good day.

You, too.

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

Clark County Board of Commissioners Zoning Minutes – 03/22/2023

Comprehensive 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;
- 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; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 2 years of approval date or it will expire.

Public Works - Development Review

- Traffic study and compliance.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0324-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 30 WS-23-0038-SDP DEVELOPMENT, LLC:

WAIVER OF DEVELOPMENT STANDARDS to increase freestanding sign height.

DESIGN REVIEW for proposed signage in conjunction with a retail center on 4.1 acres in a C-2 (General Commercial) Zone in the CMA Design Overlay District. Generally located on the west side of Durango Drive and the north side of Sunset Road within Spring Valley. JJ/lm/syp (For possible action)

ACTION:

Deleted from the agenda (held to May 17, 2023, per the applicant).

ITEM NO. 31 UC-23-0028-LEARY DUSTIN J:

USE PERMIT to increase the number of household pets (cats and dogs).

WAIVER OF DEVELOPMENT STANDARDS to increase the number of household pets in conjunction with an existing single-family dwelling on 0.2 acres in an R-2 (Medium Density Residential) Zone. Generally located on the east side of Keifer Valley Street and the west side of Cimarron Road within Enterprise. JJ/sd/syp (For possible action)

AMUNDSEN

Next is Item 31, UC-23-0028. A use permit to increase the number of household pets, cats and dogs, a waiver of development standards to increase the number of household pets in conjunction with an existing single-family dwelling on 0.2 acres, in an R-2 medium density residential zone. Generally located on the east side of Keifer Valley Street and the west side of Cimarron Road within Enterprise.

GIBSON

Good morning.

DEBBIE TAYLOR

Good morning.

GIBSON

Would you either hold the handheld microphone or speak into one of those?

TAYLOR

Right here? (silence)

GIBSON

Go ahead.

TAYLOR Hi. I'm Debbie Taylor, my daughter and I are the ones that have all the pets.

GIBSON Excuse me.

UNKNOWN (inaudible)

GIBSON Listen, listen to me. Stop interacting with one another and stop making a scene. Whoever is doing that. And if there is something that you need to talk about, you can take it outside, or you can talk to one of the security officers. But please don't do that from your chair. Thank you. Go ahead.

TAYLOR We just had too many pets. We did rescue in New Mexico and ended up with too many dogs and cats and would like to be able to keep them until they die of old age. And most of them, a couple of them are terminal already, and they're all seniors. So, unfortunately, it's not going to be long before those numbers are reduced a lot.

GIBSON So, you're here to- you're seeking approval to have more than what would normally be allowed.

TAYLOR Right.

GIBSON And how many cats do you have?

TAYLOR 16.

GIBSON 16. Okay. Is there anything more that you want to tell us that would be important for us to know?

TAYLOR They're very well taken care of. We don't have any issues with any of the neighbors. The two- we only have two neighbors, one on either side of us. And both of them keep stating that they don't have any problems. Our dogs make less noise than theirs do, honestly. I guess that's it.

GIBSON Alright. Thank you. This is a public hearing. Is there anyone here who is intending to come forward and speak on Item 31? (silence)
Please give us your name and keep your comments to three minutes.

KYLE TOWNSEND Hi, my name is Kyle Townsend. I'm the President of the Board of the Homeowner's Association of Collina.

So, we have concerns. The Enterprise Council had asked the petitioners to work with the homeowner's associations, both ourselves the and the Mastery Community. We've not heard and have not had any notice besides the fact that there was an ask for 25 pets, but no information from homeowner or anyone reaching out on this.

So, bear minimum we'd like at least more information, but we would like this denied. We're not a rural community. 0.2 acres is a small amount of land for 16 cats and 9 dogs. 177 homes, we're a pretty small community. So, we're not trying to have anything, and it's a burden for the other homeowners to track

TOWNSEND that. How are we going to know that pets are not replaced over time and that this is not something that's permanent and gonna stay in perpetuity for this home?

So, we have some concerns and just weren't given a lot of notice on this.

GIBSON Alright, thank you very much.

TAYLOR Can I take the opportunity to apologize to you (inaudible)

GIBSON It, excuse me.

TAYLOR (inaudible) totally-

GIBSON Excuse me, ma'am? So, everything that happens in this room should happen into a microphone.

TAYLOR Sorry.

GIBSON Need to identify the speaker because when we record it, we need to make sure we know who's talking.

TAYLOR Okay.

GIBSON So, if you have a comment, it needs to be publicly given. You've had an opportunity to present, and in all likelihood, you'll get an opportunity to rebut also. Okay? So, if you want to just wait just a moment, we'll hear if there are others who wish to speak. Are you, are you-

TOWNSEND I am...

GIBSON Is that everything you needed to say?

TOWNSEND Do you want me to sit down and wait or...

GIBSON Pardon me?

TOWNSEND Do I stay up here 'til the end, or do I sit down?

GIBSON No, you can have your seat now-

TOWNSEND Great.

GIBSON If you're finished?

TOWNSEND Yep, I am. Thank you.

GIBSON Alright. Thank you. Is there anyone else who came intending to speak on this item today, and if so, please come forward. (silence) So, there is no one else. So, the public hearing closed. And Commissioner Jones, this is your item.

JONES Thank you very much Mister Chair. And I really appreciate you for coming here today, and I appreciate what you're doing in order to care for these pets. Unfortunately, given the neighborhood and the lot size, we just can't accommodate that number of pets.

Miss Amundsen, can you comment on, I know we've got new standards with regards to number of household pets coming up fairly soon. Can you comment on that?

AMUNDSEN We are reworking our Code to allow additional household pets. Again, if you have a Pet Fancier's permit or you have other rescue type permits. However, it would not be this number.

JONES Okay. Alright, so I'm going to go ahead and deny the application, but also provide 60 days, when are we going to adopt Transform Clark County?

AMUNDSEN It won't be adopted until June, and probably won't go into effect until the end of the year.

JONES Okay.

AMUNDSEN So.

JONES So, if under transformed Clark County, a new code, she was allowed to have up to six animals, per se, than would she have to come back in or if I just say she can have... six animals now, then-

AMUNDSEN She would have to- I believe, I'll let Sami talk-

JONES Okay, sorry.

AMUNDSEN But I believe we're looking to have them work with Code Enforcement.

JONES Okay.

AMUNDSEN -to get additional permitting.

SAMI REAL So, Commissioner Jones, working with Animal Control, there are certain permits that one can get, to have an increase in animals. Those animals are usually show animals, breeder animals or for other purposes.

For just having increased household pets, I believe I don't remember or recall the specific rules of Animal Control, but they may be able to get a permit through Animal Control, to increase their number of pets if there is not that provision for just, altered we'll say, altered animals that aren't show, that aren't breeder, they may have to come back and get a use permit to increase the number above what Animal Control allows through their permitting process.

JONES Okay, alright, then I'm going to go ahead and deny the application, but also provide 90 days to comply, and so if during that time, you are able to apply for a permit that would allow you additional animals, up to that number. Then, you

JONES can keep those number of animals. But, in those 90 days, for any number of pets that exceed whatever you're permitted, with any additional permit that you obtain, you need to find a new home for them and certainly, our office can work with you and Animal Foundation or other rescues, to make that happen. Do you understand?

TAYLOR Yes.

JONES Okay.

TAYLOR Thank you.

JONES Alright. That's my motion.

GIBSON There's a motion? There's a motion to deny the application on Item 31. Any discussion? Please cast your votes. Thank you, ma'am.

TAYLOR Thank you.

ACTION: It was moved by Commissioner Justin Jones, and carried by unanimous vote, that the application be denied. (Applicant is advised they have 90 days to find homes for those animals that are over the allowable limit of any permitting pursuant to Chapter 10 of the Clark County Code for more than 3 animals)

ITEM NO. 32 VS-23-0033-GANESH SHIVA LLC:

VACATE AND ABANDON easements of interest to Clark County located between Quail Avenue and Russell Road, and between Mann Street and Torrey Pines Drive within Spring Valley (description on file). MN/rk/syp (For possible action)

AMUNDSEN Next, are Items 32 and 33, which can be heard together.

Item 32, VS-23-0033, vacate and abandon east of-, easements of interest to Clark County, located between Quail Avenue and Russell Road, and between Mann Street and Torrey Pines Drive, within Spring Valley.

Item 33, UC-23-0032, use permit for recreational tennis facility, waiver of development standard for the following:

Waive full off-site improvements, curb, gutter, driveway, sidewalk, streetlights and to allow modified driveway design. A design review for a proposed tennis complex on 2.5 acres in a RE rural estate residential desi-, AE-60 Zone, generally located on the west side of Mann Street and the north side of Quail Avenue, within Spring Valley.

GIBSON Good morning.

ELIZABETH SOROKAC Good morning. Liz Sorokac, 8965 South Eastern Avenue, Suite 382, Las Vegas, Nevada 89123, here on behalf of the applicant.

This is a, use permit, for an outdoor tennis facility, consisting of 6 outside courts. It is located... This is Russell Road, if I can direct you to the overhead. I

SOROKAC

put the land use plan, up here. Russell Road, we have Rainbow to the west and Jones to the east.

This particular parcel is located on the northwest corner of Mann and Quail. As you can see it is planned for commercial, and this is a commercial proposal for a tennis facility.

The area is developed with residential and undeveloped land, at this point. But the current and future planning for this area, is either commercial or public use. So, if you go out there and look at it right now, it looks residential or, kind of, open land. But I think it's important to keep in mind, that the current and future use for this property, as well for a lot of the property along Russell Road, is commercial.

The project itself, is for six, or outdoor tennis courts. It does also include a clubhouse that has some accessory uses that are typical for this type of use. A pro shop, there's a couple offices, a gym, restrooms and a coaches lounge. And it's about 3,000 square foot clubhouse.

This facility is intended to provide a structured program for children and adults. And then, in addition to that, it is a public facility, in the sense that you can call and reserve court time. Which is, a little bit different from other available tennis courts in the Southwest part of town, like a Spanish Trails or Southern Highlands, which are private clubs. Or you have a kind of smattering of one or two tennis courts that are available on a first come, first serve basis, like at the Nevada Trails Park, which is, not too far from here, but near, Rainbow and Warm Springs, kinda, behind the Sprouts that's along Rainbow. There, I think, are two courts, there.

So, this project is also intended to serve a need in the community. There's a lack of courts in the Southwest part of the valley. And the applicant is listed as, All in Tennis Academy, but it is the individuals behind that are Scott and Iren Schneider. They are longstanding and established members of the tennis community. Combined, they have approximately 30 years of tennis instruction and organizational experience in the tennis community. They currently run the tennis academy that's at the Spanish Trail, at their clubhouse in their tennis facility. So, they plan to run the program that's intended for this facility, in the similar fashion. And really, the intent of this whole facility, is to offer really organized programs for kids who are interested in competitive tennis.

I'd like to submit into the record, we have five support letters from those in the neighborhood, as well as the tennis community, and those at large. So, I have five support letters. And then, in addition to that, we have a petition, with more than 300 signatures. So, I'd like to submit that into the record. Thank you.

This project does meet the required parking, which I know they're... We do have at least of a couple of neighbors in the, the audience who have concerns and are in opposition to this. But we do meet the, the parking requirements and we do exceed them, for this project. 30 parking spots are required, and we are providing 37. We meet all the landscaping requirements, including the intense landscaping on the northern side of the project. To the north, you have two

SOROKAC

parcels, where there are existing homes, which are directly adjacent to this project. We have 40 feet of landscaping between their wall and the start of the tennis courts. And then, at least another 10 to 15 feet to the lighting, that's part of the tennis courts. And then with respect to the parking lot area, we have at least 35 feet between the wall and the closest parking.

And just a couple of notes on the lighting itself. Again, I know it's always a concern going into residential areas. How's the lighting and the light pollution, going to effect existing neighbors.

We have designed the lighting to be in conformance with the code, be downward facing, and then also be shielded and not really impact the existing neighbors to the north. You can see, this is part of the photometric lighting plan that was submitted. These are the neighbors, the, the homeowners to the north. Like I said, these are the closest poles, and you can see that the way that the light is designed, is to light the tennis courts and not, just the entire area.

The use of the lighting, also is, it's not going to be used all the time. The lights are not going to be left on all night. They're going to be utilized when the courts are in use, which is during dark hours. In the wintertime, they may get used a little bit longer, just because it gets dark earlier. But, typically, the facility is, done with play by 8:00 and we're proposing hours of operation, that would go until 9:00. So, once the courts are done being used, the lights are going to be turned off.

The application also includes, vacation of a patent easement, which goes around the edge of the property. With the development of this property, the patent easement would no longer be needed, because you would have access from right-of-way.

And, going back to the plan for just a moment, the design of the driveways, is intended to have the entrance off of Mann, with a one-way in, to this driveway. You could drive and park, or drive here, do a drop-off, and then drive out. So, they're intended to be one-way driveways to help with the circulation on the site and really provide the best for the facility and the community.

The support in the community has been really great. We have many here in the audience, who are in support. And I would just like to ask those who are here in support, to please raise your hands. (silence) And I was told before the meeting, that the number was, somewhere around 75. So, I don't know if we want to count, but we have had great support. We-

GIBSON

You can't raise both hands.

AUDIENCE

(laughs)

SOROKAC

(laughs) We... At any rate, we've had really great support. We have support of, not only all the people here today, but the immediate neighbor in the cul-de-sac to the south, is also in support and submitted a support letter. We have a couple... I think we have two or three speakers, who would like to also speak in support, during the public hearing.

SOROKAC

And we request your approval in support for this project, that's appropriately proposed on commercially planned land.

GIBSON

Thank you. This is a public hearing. Is, is, is there anyone who wishes to speak? And if so, please come forward. Give us your name. Spell your last name for our Clerk and please keep your comments to three minutes.

RYAN WOLFINGTON

How are you Commissioners? Ryan Wolfington, R-Y-A-N, W-O-L-F-I-N-G-T-O-N. I'm the Director for the United States Tennis Association and the Nevada Tennis Association. I've met many of you. Been there or 20 years. I don't think I- I've never come before the Commission, to ask for something for tennis facilities, or anything like that.

We put together a coalition of the top tennis directors, public and private, the county, the city, to create a petition, to build more courts in Las Vegas. We got, nearly 3,000 signatures. We are really struggling for courts. In the last three years, there's been 33% increase in tennis, nationwide. I think it's probably more, Nevada, because of the Sun.

We have 35,000 tennis players in Nevada. 9,000 of them play league. 70,000 people in our newsletter. So, people that grow out of tennis, but still love the game, are a part of it.

Thanks to MGM Grand. We have the two top tennis players in the world, that were gonna compete with us last week, until one got injured. But we still have the number one tennis team in the world history come. Our Vegas tennis tradition is strong. David Pate, Pancho Gonzales, Andre Agassi.

And, I can tell you, last week, Scott Schneider won our USTA Pro of the Year. I've seen him take these little children... A lot of the times, people want to play with the top pros, or adults, because that's where there's a lot of revenue. Scott has put heart and soul into making little 8-year-olds, 9-year-olds, 6-year-olds, 10-year-olds, 11-year-olds, the best in America.

I was on the phone, today, with somebody who's at University of Miami on scholarship, because of Scott. So, I highly recommend... When we speak of the lighting, it's not your old tennis court, from my generation. The lighting is directional. It's way down... The neighbors can't see it. I live at, Lake Las Vegas. I look out, the court's right across from me, I don't see any light. Because of the directional lighting.

So, I just want to thank all of you. I, definitely want to thank Commissioner Gibson, for what you've done with Sunset Park, that's gonna help our initiative. We need at least 40 new courts in Las Vegas. We, typically, resort to public entities, like yourselves, to spend this money to do that. I think this is the only time, that I can recall in 20 years, that a private individual is putting his own money, to build six courts for our community, and we appreciate it. Thank you.

GIBSON

Thank you. Are there others, who wish to speak? If so, please come up.

CRAIG LAKE

Hi. My name is Craig Lake. I've known Scott Schneider since I was 10 years

LAKE

old. I couldn't imagine a better person to lead a facility like this. As mentioned, he works with a lot of kids. I have been in lighting for, at least 20 years. I know on the top of the property, some of the parking fixtures are designed to have glare shields. So that will eliminate lighting going towards the residences.

And then, where you look, where the courts, they're 40 feet minimum away from the wall, and the wall is 8 foot high. And these are directional lights that are going down. So...And I know they're additionally, looking at other landscape options, to reduce the lighting. So, I just don't see... Like I said, I've been in lighting half my life. I don't see the lighting being an issue.

And, on the other side of this property, is Russell. And then, we're only one parcel away from Torrey Pines. So, this is an area that, I think would be suited for this type of project, so.

GIBSON

Thank you. Others? If you, if you want to speak, it might not be a bad idea, to kinda, make your way down. And they're a couple seats right here, on the front row, where you can position yourself, if you don't want to stand.

Good morning, Senator.

SENATOR MICHAEL
SCHNEIDER

Good morning, Mister Jim.

GIBSON

How you doing?

SCHNEIDER

I'm doing well this morning. Just blew in here, about half hour ago. And you know, I'd like to... Sometimes you approve things, and you don't know who the people you are, you're approving it for. And Scott Schneider, excuse me, is my, nephew. And Scott and his wife, Iren are here today. Scott was a big-time tennis player, here in the United States. And he traveled to the Australian Open, the U.S. Open in New York.

Anyhow, he started teaching kids, almost 20 years ago now, and he's done a marvelous job. And put so many into scholarships, to go to college.

And he met his wife here, through tennis. And if Scott and Iren could stand. You could see who they are. Iren is from Bulgaria. Iren was recruited by UNLV to come here and play tennis, and she did. And she did very well, until she blew a shoulder in her senior year, I believe. It was junior and senior year; she couldn't play singles because she'll only play doubles. Thankfully, UNLV covered the price of the operation.

But she came here... Why wouldn't a kid from Bulgaria, want to go Las Vegas, if she had multiple offers and she had seen Las Vegas on TV. So, she wanted to come here.

Anyhow, together, they have a very thriving business and they're going away from Spanish Trail, now, and going to build their own facility. And it won't cost them quite as much money. Also, Mister Chairman, I read last week, that Henderson is the third, happiest city in the nation, in a poll. Did you see that?

GIBSON

I was sorry to see that it had fallen a couple of places.

AUDIENCE

(laughs)

SCHNEIDER

Well, it's three. You and I have been here long enough, Mister Chairman and we remember when it was Hender-Tuckey and all the horrible things we called, Henderson, at the time. Hooterville.

Anyhow, through your leadership as Mayor, you re-zoned a lot of that. Areas like this, you brought in some really great facilities and made it a world-class city. And that's what this is, right here. This is coming into a new area to make this really a nice city.

And I represented this area, at one time. I was in the legislature through two redistricting. And so, I represented areas from Ann Road, all the way to Blue Diamond Road. And a lot of areas like this. And people are always very concerned about the change. But change is good, and Henderson is a good example of good change.

With that, thank you, Mister Chairman and, and Commissioners. I hope you approve this facility.

GIBSON

Thank you.

SCOTT OWCZARZAK

Hi. Good morning. My name is Scott Owczarzak, at 5740 Mann Street. I am one of the houses directly adjacent to and north of the site in question. Just this, the proposal of this facility has been profoundly disruptive to my life. I haven't slept well in months, specifically because of this proposal. One of the most important elements people hope to enjoy in their home, is a sense of peace and quiet. And this neighborhood is peaceful and quiet.

For many years we've enjoyed the fact that noise and lights will not disrupt our peaceful area at night or early in the morning. I'm sure you can agree, that when you are finished with work for the day, one of the things you like to do, is go home to a place where commercial level noise, lighting, and traffic, are at a minimum- so you can relax. This facility would eliminate that relative peace and relaxation from our lives.

The applicant has suggested that this tennis facil-, this tennis academy, will blend with the surrounding area and be a low-impact amenity. I see no evidence, whatsoever, that this is true. It in no way, blends with the surrounding area. It would stick out like a sore thumb. There are no tennis court facilities located smack-dab in the middle of residences anywhere in the Las Vegas valley, unless their found within a country club or a private community, in which case, those residents have chosen to live in that setting and- and have some control over the hours of operation.

They're, actually, no facilities like this, period, that are located outside of a park, a school, a country club, or an indoor commercial building. This is certainly due to the obvious incompatibility of such a development in a residential area.

S. OWCZARZAK

I'm a licensed broker/salesman and a certified residential appraiser. I have sold both houses and land in this neighborhood. On July 29, 2022, the applicant, Shiva Ganesh, LLC, sold their home at 6480 Russell Road, which is directly northwest of the property in question. Since they have sold, they no longer have a vested interest in this neighborhood. The proposed tennis facility operator, lives in Summerlin. So, they have no vested interest in this neighborhood. I point this out to show, that neither the facilitary operator nor the applicant, will have their home life impacted by this development. The property in question, is currently listed for about a million.

While I cannot know the contract price, if it was anywhere near the list price, it would be in line with the current price of vacant residential land in the area. Which means, that if they sold as residential property, for residential development, they would not, likely, lose money on the sale.

This area does not have a shortage of vacant land. There are dozens of vacant parcels within the area, that do not back or side, to residential property. Any of these, would certainly be more appropriate for this proposed commercial and public project.

So, neither the applicant nor the facilitator, facility operator, has a personal stake in the area, and so, would not have their life harmed by this commercial enterprise. The staff review, noted, that the instruction sessions, public and private court times and local tournaments could substantially impact the surrounding neighborhood with noise pollution, light pollution and increase traffic.

The applicant has not demonstrated that our homes would not be substantially influenced. The Spring Valley Town Board voted unanimously against this, and I will hope... I hope that you will do the same. Please, please protect our liveli-, our, our lives and our homes.

GIBSON

Thank you.

ROBERT OWCZARZAK

Robert Owczarzac. I also have 5740, which is the... It's, actually, this... Can you see this? My finger, (laugh)... I don't know. It's, actually, the one directly North of the project property, and it sides to Mann. It's in its own cul-de-sac, which is also Mann Street.

Now when this originally was proposed, I was, kinda concerned that the noise level would be out of hand. So, with your indulgence, I'm gonna give you an example here.

I'm not gonna hold this up to the microphone. This is one court being played. You can ignore the cheering and crowd noise, because it was recorded... Oh, boy. It was recorded at a court with a, a, great... Boy, oh boy. With a great number of...(laughs)... Oh, I guess it's not gonna work. But the serve and volley on one court, is one thing, but on six courts, it's something different. And like Scott said, when we searched the Clark County and Las Vegas area, on Google, for all multi-court facilities, in the Clark County, Las Vegas area, what we found was, everything was in a park, a school, or an enclosed building. It's Las

R. OWCZARZAK

Vegas Country Club, has an enclosed court. It effects one property. Spanish Trail has 1,200 houses, approximately, and the tennis courts effect, the sound from the tennis courts, effects three properties. And the courts that are used the most, are the ones that away from the three properties. This is not by accident.

When it went to staff, staff recognized that this is an incompatible property, or incompatible project to the surrounding properties. Even though there's an overlay, master plan, that says, neighborhood commercial...I guess I'm too slow.

GIBSON

Well, you can wrap up.

R. OWCZARZAK

Okay. I'm hoping... I appreciate the fact that all you Commissioners gave us our time and our attention, your attention, and we, hopefully, ask for your denial.

GIBSON

Thank you.

FRANKLIN LIU

Franklin Liu. L-I-U, my last name. I have 720 Mann Street. I live there. That's...

GIBSON

Would you please pull that microphone a little closer to your mouth, so that we can make sure we hear you?

LIU

Sorry, and yeah. I move into the neighborhood, almost, over 10 years. I live there and my kids live there. Probably, my grandson, grandchildren, will, live there, too. This neighborhood always is very quiet. And, not, almost, no, any traffic. This why, I still there and not move out.

But, if the proposed, or this project is go through, this neighborhood, no more quiet, much more traffic and much more noise. I don't know. What in the next. Thank you.

GIBSON

Thank you, sir.

SARAH COLLETTE

Hi, my name is Sarah Collette and I'm here with my friend, who owns the property that would be 5730, which is affected greatly, if this is approved.

I didn't plan on speaking today, but I just had to support her, because I hear they've got the lighting controlled, they've got... They're talking about... Of course, there's gonna be increased traffic. What I feel, is not being addressed, is the noise level, the noise pollution that would be caused by this development.

My friend, I've come to her house quite a bit. It is a very quiet neighborhood. I feel that everybody here, who is in support of it, would not be affected, at the level that she would, she does have an autistic son. I don't know if anybody here, is familiar. When you're autistic, the increased noise, et cetera, stimulation, is upsetting to that person and has to be controlled, for them to be, I guess, the word would be, calm.

So that's... I had to come here and say that, for her. She was not comfortable to say that. And this is her. (laughs).

KIM COCHRAN Hi, my name's Kim Cochran and I live at 5730 Mann.

GIBSON Speak right at-

COCHRAN And-

GIBSON Please speak right into that microphone.

COCHRAN Okay.

GIBSON Thank you.

COCHRAN So, yes. We moved there, because there was not many places from the hustle and bustle of Las Vegas. And it feels really quiet there, like you're not even in Vegas and, so my son can go outside and play. And there's not very many places he can go or has friends. So, the backyard is his sanctuary. So, this would affect us, greatly. So, that's all I have to say.

GIBSON Alright. Well, thank you very much.

COCHRAN Oh... Go ahead.

COLLETTE I'd also like to add, if you're not familiar with the neighborhood, it was stated, that this is commercial, there are only single-family homes in that part. And there are, down the road, further, there's multifamily residences, there's, et cetera.

This is right... There's only single-family homes. The closest, is Russell and Jones, and then you go down a city block, and that's where the development is, where these houses are, where my friend lives. And there's nothing. Those, those two empty lots, there's nothing commercial, there. Thank you.

GIBSON Thank you.

IRENE WAGNER Good morning. Ladies and gentlemen, Irene Wagner, live for 5710. This is residential place, not for tennis court. So, everybody can see, okay. Business is business. This is a residential. So, I vote for, no. Please side with my words. Thank you.

GIBSON Thank you.

MARC SAGGESE Hello.

GIBSON Your name?

SAGGESE Marc Saggese.

GIBSON I'm looking.

SAGGESE On behalf of the petitioners. Ross Miller, how are you? Good to see you. (laughs). It's been a long time. Some of my colleagues were, on this Board,

SAGGESE

here. I would like to speak on behalf of this tennis facility.

Sound is not an issue. Some of you may know, I know firsthand, houses, often, fine houses, are built around tennis courts. I know this because my house is built right next to a tennis court. Sound is not an issue. The balls are felt. They're soft.

Anyone, any tennis fans on the panel? Ultimately, a week ago, I was at Indian Springs, I'm sorry, Indian Wells, 16,000 people in the crowd, 16,000 people. You could hear a pin drop, every time someone was getting ready to serve. It is a respectful game. It is a game where people honor code.

Scott and I- Iren, teach the children to call their own balls, in and out. People are playing and provided with the opportunity to engage in this activity, follow the rules, as taught by Scott and his wife Iren.

Light, is not an issue. Red Rock Country Club, multi-million-dollar houses are built around the courts. Down the road, you have Summit, houses are huge. They're built, facing these courts.

I understand these people's, their concerns. I understand it, because they don't have the first-hand knowledge of living next to a tennis court and what that involves.

Let me shift gears. Our children need some reason to stop staring at their phones. They're constantly looking at screens, television screens, iPads and iPhones, and it's a shame.

This is an opportunity for non-tax dollars, to go towards a facility that the public could use, that would allow children to come away from their phones. Somewhere to go, to get sunshine on their face. Somewhere to go to get fresh air, and play a very structured, controlled, respectable, game. And that is what they are asking to do for this community. It's an opportunity for all of you and us to give back to the community without it costing taxpayers any money.

And in regard to the two individuals who are behind this project ... I mentioned their names, Scott and Iren, they are two of the most responsible individuals you could ask for. If there is an issue that arises after the fact, ultimately, they'll resolve it immediately. And on a final note, I have three daughters from four to 11. And for years, I've trusted both of them with my children, multiple days a week. And the outcome of what these kids have learned from tennis is invaluable, and we can give that to the community of the Southwest. Thank you.

GIBSON

Thank you.

S. OWCZARZAC

Can I speak on behalf of my neighbor? He's, he was not able to be here, but Sent me a- like a email.

GIBSON

So, typically, we don't do that. But go ahead. But please do it as quickly as you can.

S. OWCZARZAC

Okay. this is from Dr. Glen Cochran at 5730 Mann, "I'm highly disturbed by the proposed tennis court club. It's actually being considered. Firstly, we moved to the area because the peace and Because of the peace and quiet. My son is autistic. This peaceful neighborhood has been a blessing for him. This proposed tennis court facility will cause much distress for him.

My wife and I have spent tens of thousands on treatment out of our own pocket just the help manage his condition. This location has been a complete blessing. This proposal will destroy the calm environment, not only from the noise of the activity, which will run from 7:00 to 9:00, but also the continual in-and-out traffic along our peaceful street. I'm curious, what has been considered about security. As far as I know, nothing. Are we required to handle the potential increase of crime ourselves? LVMPD is stressed enough. How are we supposed to expect timely response to extra issues, that this facility will bring?

In addition, there's a new park at the corner Russell Road and Buffalo that has only been very minimally developed thus far.

I propose that a better alternative would be for the, the county to sell a portion, two and a half acres maybe, of that land to the facility, potential facility operator. They could then, put their facility at the park. And the county could also benefit from increased revenue to develop the park." Thank you.

GIBSON

Thank you. Is there anyone else who wishes to speak? Public hearing is closed. Commissioner Naft.

NAFT

Thank you. I'll invite the applicant back up if there's anything specific you wanna address from that.

SOROKAC

Yes. I'm just gonna respond on the noise concerns of the neighbors. In terms of the noise, as some of the other speakers have talked about, we're talking about tennis, which involves, the felt balls. And then I've also been told by my clients that the balls that are used for the children's instruction have varying levels of softness. And you really cannot hear them. In addition to that, it's going to be two to four players per court during this instructive time. They're gonna be supervised. These are not group lessons with 15 kids. I mean, it's either two kids playing singles or four kids playing doubles.

In terms of the, the tournaments, I just wanted to address that briefly. These are local tournaments. These are not going to be like some of the professional tournaments that you've heard about, that are held at other places here in the valley. This facility's not large enough for that type of tournament. And that's not, again, the intent of this facility.

These are mostly singles tournaments. So again, a maximum of 12 people there to play with the six courts. Maybe you have some overlap in terms of drop-off, pickup. There are no stands for spectators. There are going to be just two benches, one, you know, one essentially on each side of the court the players to put a bag and maybe mom or dad, or grandma and grandpa to watch them play. and then also, we have no amplified sound. There's no sound system associated with this facility. So, there's no announcements or music playing, or anything

SOROKAC like that. So, with that, I'm here to answer-

NAFT Thanks.

SOROKAC ... questions.

NAFT So, this is not an arena for hundreds or even dozens of people to come and watch their kids or professionals, or paraprofessionals play tennis?

SOROKAC Correct.

NAFT This-

SOROKAC No, no stands are proposed at all.

NAFT This is a place for six tennis games at most to be happening at the same time?

SOROKAC Correct.

NAFT Ok, could you talk through a little bit of ... There is a lot of history here for the neighbors who took part over the course of ... I think it's been a year at this point.

SOROKAC Yeah.

NAFT When this was initially proposed, we asked the applicant to do a voluntary neighborhood meeting. And at that time, they made a presentation. And there's been substantive changes since then, which in my view, accommodate at least some of the most impacted neighbors. I'm gonna ask the applicant to go over some of the buffering that they've put in place.

SOROKAC Yes. So, we did, we started this process, actually, I believe at this point, over a year ago, just putting plans together and bringing this application forward. We did have a voluntary neighborhood meeting last July. The plan that was presented at that neighborhood meeting was for seven courts. So, we've reduced that by one court. We also had ... The courts were pushed much more northern towards those northern property owners. There was only about a 10-foot buffer at that point between those neighbors and the, the courts or the parking area that was proposed.

So, we have reduced ... We have increased that distance from 10 feet to 40 feet and about 35 feet, respectively, to the things that would be immediately adjacent to those property owners to the north. And I'm gonna put this plan back up there just for a moment.

Originally, if you can imagine, this line kind of went straight across the top here with the courts and/or the parking.

NAFT So, the two most greatly impacted neighbors that are on this map, one of them has 40 feet of buffering with landscaping to the nearest edge of the tennis court. It's, I think it's a little bit further than that to the closest lighting. And the other

NAFT has about 35 feet with a drive aisle separating-

SOROKAC Correct.

NAFT ...them from the parking and-

SOROKAC Yes. Sorry Commissioner...

NAFT I don't know what that is. 100 feet from the tennis court?

SOROKAC Yes. Sorry. I did wanna put the prior plan up there. I'm sorry. I had to look for it.

NAFT Of course, thank you.

SOROKAC This was the prior plan. As you can see, the courts were pretty close to the existing neighbors. And then this part, the way the parking was originally designed, it was with parking spots coming in closer to the wall. So, that's the original plan that we brought forward. And then this is the one that we went forward with ultimately.

NAFT Okay.

SOROKAC So, we increased that distance a lot. And we moved the parking to make this just more a drive aisle as opposed to parking spots.

NAFT Okay. And then I just wanna point to a couple things. Today, this item's been agendized as a vacate-and-abandon and substantively a use permit. So, what that means is that there is not a zone change required. Right? We keep talking about today, how this is planned, master planned commercial, above Quail. And so that has had significant impact on how I have seen this application come through the process because this is not a nonconforming zone change. It's not a zone change. This is a use that is, with a permit allowed in this area. And so, some of the ascerta- ... some of the suggestions that were made, I can't force a private landowner to sell or buy, or move somewhere else, or push them away. There's personal private property rights here. And so, they own their property much like you own your home. And they're entitled to come in and ask for a...In this case, a use permit that has no significant zone change to it.

Now, I also am empathetic and understand that perhaps, there could be some impact on those of you who live in the immediate area. So, I have some conditions, some of which have been suggested, but I wanna condition the application, to really hold the applicant accountable to some of what they've offered today. So, those would include limiting ... We heard a lot about lighting. The lighting per our code will be shielded. They will have to follow the plan that they've submitted. There can't be spillover of lighting onto your property. So, I don't need, Miss Amundsen, to condition that any further. Clark County already looks out for you. And that's already in our code. But what I do wanna condition the applicant to is limiting the lighting by court when that court is being used. So, in other words, if they're only using two courts of the six at a time, they can't have lighting on all six. If the courts are not in use, the

NAFT

lighting cannot be on.

We heard it suggested that there be no amplification. Again, I wanna condition the applicant to that. So, there'll be no amplification either permanent or temporary. So, if there are ... You know, I don't wanna hear the applicant coming back in six months from now saying, "We have a special event coming up. We really wanna use a microphone." There won't be ... If I'm here, there won't be any consideration for that. No amplification on this site.

We heard a little bit about the sound a crowd might make. There is no crowd intended for this type of site. But I wanna condition that there be no stadium style seating or bleachers. You've indicated there'll be a, there'll be benches. That seems to make sense, but nothing more impactful than that.

And then by right, you would be entitled, I believe, to stay open 7:00 till 10:00 p.m. I'd like to condition it to 9:00 p.m. So, no playing, no operation after 9:00 p.m.

Is there ... Oh. And then something of concern to me ... This hadn't come up in the hearing here. But the intention of the circulation of the driveway is for one-way traffic. In speaking with Public Works, the width of the driveway is a little bit too big for that standard. It might make people think it's two-ways. Antonio, is there a condition that we should put in place to narrow those driveways.

PAPAZIAN

Thank you, Commissioner. As long as they work with fire. And we just don't want 'em any larger than what fire requires for one-way.

NAFT

Okay. And we can condition it that way? Okay. Then Mister Chairman, I don't have anything further. My conditions would be part of my motion for approval of Items 32 and 33.

GIBSON

There's a motion for approval with the conditions as noted. Is there anything-

R. OWCZARZAK

Excuse me. I have one last thing...

GIBSON

... more that members of the board have? S- sir-

R. OWCZARZAK

One-

GIBSON

Uh.

R. OWCZARZAK

One more thing to say. Minor, take 10 seconds.

GIBSON

Go.

R. OWCZARZAK

Fastest growing sport in America is pickleball. I would like a deed restriction that these courts cannot be changed to pickleball or amended to be used for pickleball because that's very loud.

GIBSON

Thank you, sir, (laughs). I'll leave to the maker of the motion.

NAFT (laughs). I don't think that's the intention. I don't think they're spending all this money for pickleball. I don't know if you wanna comment on it. I don't wanna ... I have found in my time here that we tend to put conditions on applications that cannot really legally be upheld. And so, I would hate to make a false promise. The conditions I've laid out are things that I'm confident that if I'm not here or if we have a new district attorney, or new staff here, that they can hold the applicant accountable. I have no idea if we can limit it. It's something I could say to make you feel good. I don't think it would actually be upheld. So, maybe you could put on the record that that's not the intention to do pickleball here or speak to that. But-

SOROKAC Correct. And again, as we've presented all along, this is intended to be a tennis facility. There's no intent to do pickleball.

NAFT Okay. Alright. Then my motion stands. Thank you.

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

AUDIENCE (applause)(cheers)

SOROKAC Thank you. (crosstalk)

ACTION: It was moved by Commissioner Michael Naft, and carried by unanimous vote, that the applications for Item Nos. 32 and 33 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 2 years of the approval date or the application will expire.

Public Works - Development Review

- Right-of-way dedication to include 30 feet for Quail Avenue, 30 feet for Mann 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 UC-23-0032-GANESH SHIVA LLC:

USE PERMIT for a recreational (tennis) facility.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) waive full off-site improvements (curb return driveway, gutter, sidewalk, and streetlights); and 2) to allow modified driveway design.

DESIGN REVIEW for a proposed tennis complex on 2.5 acres in an R-E (Rural Estates Residential) (AE-60) Zone. Generally located on the west side of Mann Street and the north side of Quail Avenue within Spring Valley. MN/rk/syp (For possible action)

ACTION:

It was moved by Commissioner Michael Naft, and carried by unanimous vote, that the applications for Item Nos. 32 and 33 be approved subject to staff and additional conditions.

CONDITIONS OF APPROVAL –**Comprehensive Planning**

- Signage to be approved as a public hearing;
- Lights will only be turned on for those courts in use;
- No amplified sound on the site;
- No bleachers or stadium style seating;
- Hours of operation limited to 7:00 a.m. to 9:00 p.m.;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that all landscaping material must be identified as recommended on the Southern Nevada Water Authority Regional Plant List; the installation and use of cooling systems that consumptively use water will be prohibited; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 2 years of approval date or it will expire.

Public Works - Development Review

- Driveways shall be no larger than what the Fire Department requires for one-way driveways;
- Drainage study and compliance;
- Right-of-way dedication to include 30 feet for Quail Avenue, 30 feet for Mann Street, and associated spandrel;
- Execute a Restrictive Covenant Agreement (deed restrictions).

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.

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 #0047-2023 to obtain your POC exhibit;

and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 34 WS-22-0147-LV JUDSON, LP:

AMENDED HOLDOVER WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) reduce throat depth; 2) reduce departure distance; and 3) off-site improvements (curb, gutter, sidewalk, streetlights, and partial paving). DESIGN REVIEWS for the following: 1) office/warehouse facility; and 2) finished grade on a 6.2 acre portion of a 9.3 acre site in an M-D (Design Manufacturing) (AE-65 & APZ-2) Zone. Generally located on the northwest corner of Lamb Boulevard and Judson Avenue within Sunrise Manor. TS/sd/jo (For possible action)

GIBSON

So, as this group moves out real quietly, let's hear the next item. (crosstalk)

AMUNDSEN

The next item is Item 34, WS-22-0147, amended holdover waivers of development standards for the following: reduce throat depth, reduce departure distance, off-site improvements, curb, gutter, sidewalks, streetlights and partial paving. Design reviews for the following: office warehouse facility, finished grade on 6.2 acre ... On a 6.2-acre portion of a 9.3 acre site in an M-D design manufacturing AE65 and APZ2 zone, generally located on the northwest corner of Lamb Boulevard and Judson Avenue within Sunrise Manor.

GIBSON

Good morning.

STEPHANIE ALLEN

Good, good morning, Mister Chairman, Commissioners. Stephanie Allen, 1980 Festival Plaza Drive, here on behalf of the applicant and owner of this property, Hopewell Development. With me today, I have Don Lark with Hopewell Development, who's up here at the podium with me. Also, the engineer of record, Mark ... Or Jesse Patchett is in the audience as well as the architect of record, Mark Sterns, if there's questions for them. We were before you, about four months ago on November 16th on this item where I made a long presentation. I presented you today with a binder that includes the minutes from that meeting. So, I will try not to regurgitate everything that I put on the record a couple of months ago. But just to quickly refresh your recollection, this property is located on the northwest corner of Judson and Lamb Boulevard. This site includes not only the yellow portion that's on your aerial, but it also includes this portion to the west, is the entire site. However, this property is unique, in that it is split zoned.

So, the portion that's before you today, is the portion in blue that's currently zoned M-D zoning. However, the property owner does own this RE property that's the west of it, that will act as a buffer to our proposed development. I did present a long presentation a couple of months ago on the legal arguments related to this application, most importantly the fact that this property is master planned and zoned for exactly the use that we're proposing today, which is an office warehouse property. The property's master planned business employment. And as you can see, the portion we're trying to develop is zoned M-D zoning. In addition to that, it's located within the APZ-2 zone, which is the accident potential zone that's in place, as a result of the proximity to Nellis Air Force Base. The accident potential zone, especially accident potential 2 zone, significantly limits what you can do this property. There is a limitation on residential. I know some of the residents in the area would like to see this residential. Other than two units to the acre, you cannot do residential on this property because of the accident potential zone. And I would argue that two

ALLEN

units to the acre would be completely inappropriate and incompatible along Lamb Boulevard. Additionally, you cannot do churches or schools on the property. You cannot do some forms of retail on the property. You cannot currently do office as a primary use. That would require either a zone change or a use permit to do office as a primary use. You cannot do ... I lost a page here. Oops, here we go. Medical on the property. So, I've heard a preference towards office. So, there's no ability to do medical on the property. So, just from a legal standpoint, there's a lot of limitations and constraints with respect to what can go here.

This particular property owner looked at the property, saw that it's planned and master planned and zoned for industrial. And they purchased the property in reliance on that. So, today, what's before you, is not necessarily the use. The use is a permitted use in an M-D zone. It's more specifically the design of the property. In your book, under tab six, is the last hearing where I presented before you. And this commission offered some very valuable guidance on what you all would prefer to see from a design perspective on this property. And on page 79, it specifically says ... Commissioner Segerblom said, that he would like to see it with the parking in front, the trucks in the back, two separate buildings, and a limitation on the height, and that he would accept that. In fact, he would support that.

What we have before you today is exactly that application. I have options. I have the prior plan that I'll show you. And I'll show you the plan that we have, revised today for you. But we stand unfortunately, in a worse position than we were four months ago, because we've, we followed this direction. Staff originally had recommended approval of the application. And Town Board had recommended approval of the application with the exception of the waiver for the rural off-sites along Moonlight. Today, I stand before you and staff is recommending denial of the application, and the Town Board is recommending denial of the application.

So, I plan to present options today. We're fine with the prior design. We're fine with the design that we revised at the direction of this commission. Or we're fine with something in between if this commission has some other indications. But we would like to use this property and be able to develop the property within the code.

So, let's get to the plans. Under tab two, you'll see this is the original plan that was before you four months ago. It was our preferred plan as well. The reason is it was designed such that the docks faced internal, which what your Clark County Code encourages. There were dog ears on either side of those docks. And the reason for those is to prevent visual...the ability to see those docks from Lamb Boulevard or from the residential. The buildings were pushed up against Lamb Boulevard. And the truck access was focused along Lamb Boulevard with two access points. We did have a ... We had no throat depth waiver for this center area. And we had a minor throat depth waiver up here on the north that your staff actually supported.

The waiver I mentioned before that they did not support was with respect to Moonlight. At our first neighborhood meeting, the neighbors had said they'd

ALLEN

like to keep it rural. We can withdraw that waiver without prejudice. It's up this commission. We only submitted that waiver because that was the request of the neighborhood. There's still an opposition. So, I'll defer to this commission. But, if necessary, we can certainly withdraw that without prejudice.

The plan that's before you today and that we resubmitted is this plan. And it's exactly what I just read into the record. We moved the parking along Lamb. We have two smaller buildings. We have the docks along the west. And we've limited access on Judson, which was also mentioned at the hearing, to vehicle access only with actually a median put there to encourage properties to make a right in or a left out along Judson. Both plans still have the buffer RE lots along the western edge and the conditions that we previously offered. The concern your staff has with this plan is there are, is a potential here for conflicts with the parking spaces as it relates to the throat depths. So, because Public Works had concerns with, with that design, their recommendation was changed from approval to denial with this particular site plan. Again, our preference is still design one. But we did design two at the direction of this commission.

We thought we'd be back before you in December. But the Commissioner asked us to meet with the neighbors again. We did that. We had a neighborhood meeting. We went to Town Board. We're back before you today. I wish I could stand here and say that we had an agreement with the neighbors. We've worked very closely with them over the last year and a half. Particularly, Norma has been the spokesperson for the neighborhood. I've probably had dozens of meetings with her and phone calls with her, as well as with Commissioner Segerblom in that neighborhood. This was the design I was told to do as a result of all of those meetings. I understand there's still concerns. When I had that neighborhood meeting, the last neighborhood meeting, some of the neighbors said, "We prefer the prior design 'cause we'd rather have the docks internal." I don't have a consensus. In fact, I don't think I have support from any of the neighbors at this point. And they're here. And they will certainly put that on the record for you all.

But I do think it's important to look at tab 10. So, tab 10 has an aerial as the second page that shows what's currently existing up and down Lamb Boulevard. If there were a spot for a warehouse, office warehouse, it's Lamb Boulevard. That is what it's planned for. That is what exists out there. And what we're proposing is a reduced height of a 31-foot office warehouse. This aerial shows you a mix of things up and down Lamb Boulevard. I can tell you B here is 35-foot three-story homes. So, that's higher than what we're proposing. E is an office warehouse that I believe is 43 feet in height. F is an office warehouse that is 36 feet in height. G, further to the north, does not have a height, but it's a 2 million square foot, massive industrial complex here. And it's certainly higher than 35 feet. And then H, further along Lamb, is also an industrial project that's 41-foot, foot in height. And the pictures are in the binder. But you can see that's what's planned. That's what's contemplated. And to be honest, that's what looks nice right now up and down Lamb Boulevard.

The things that don't look nice are some of the older properties that have significant homelessness problems. There's homeless encampments that have been on this property right here. Mister Lark has done a great job of responding

ALLEN

to the neighbors when they call and complain, to ensure that we get someone out there to clean up the property. But there is certainly a need for development. And, this will make that property look nice along Lamb Boulevard.

Just quickly on the application, I mentioned we would withdraw waiver number three. We also can withdraw waiver number two without prejudice, both of those. So, that leaves us with only the throat depth waivers for both projects. Your staff prefers version one. I was directed to do version two. We'll do either one. But we would certainly appreciate and ask for your approval of one of the two options or some version in between today. I'm happy to answer any questions.

GIBSON

Thank you, Miss Allen. This is a public hearing. I'd invite anyone who wishes to speak on this item to come forward. Clearly speak your name, so we can make sure we get it into our record. And please conform your ... Or confine yourself to three minutes in terms of your presentation.

TOM ANDERSON

Good morning. Don't know if I need (inaudible) the speaker. Good morning. My name is Tom Anderson. I live at 2265 Moonlight, which is directly across the street from this warehouse, on the back side in the rural area. I'm a homeowner and a taxpayer.

If you look at the, at the picture, what she had just said, all these warehouses, that's past Cheyenne, going north. It goes all the way to Craig Road and even past 215. So, that's where all those warehouses are. This is the only one that's in our neighborhood that they're trying to build. And it's sad because this homeowner ... Or this buyer bought this property after they expanded the back half of it. They told us that it was supposed to be ... We were supposed to get half acre lots. And they ended up tricking us, and they're half acre sideways lots. So, that they sold this, in regards to him wanting to build a warehouse. And my card says that they have to do a foundation of 72 inches. So, I'm 5'9". So, the foundation's gotta be this tall before they build this 35-foot building or whatever it is, you know, putting it about 40 feet.

Now, where that horseshoe was on both designs, the semi-trucks come in whether they park in the back or in the horseshoe. But it's directly in line of my property and my neighbor's property. We would see these truck lights come. And we both have two-story houses. So, there's really nothing we can do as far as blocking the lighting. They talked about a 10-foot fence. I don't think it's gonna do it.

The other thing is, is the, the warehouse is on the back with all the idling and the beep, beep, beep, beep backwards. And then they don't know which ... They have no idea if tenants are gonna be 24 hours or regular hours. So, that's my concern. But this map is to show you that all of these are homes, all around here. And they're building more homes, as we speak.

So, it's no place for that to be in our neighborhood. And, if you look at the neighbors next to it, these are three-quarter acre deep lots. So, see, they took away, by rezoning that. And it takes that much away from the neighbors as well. So, it's just an eyesight. It's not practical for the area. And our

ANDERSON

neighborhood's against it. So, think that's it on that. Do you guys have any questions for me that I could answer?

GIBSON

So, what we'll allow you to do is offer testimony. There may be questions. But, they'll be put to you when the Board...

ANDERSON

Well, the frustrating thing is, like I said, the, the current owner, I don't, I see what he bought. But I don't think he realized that, that the way it was designed in here, it wasn't originally designed. And we have been fighting this property for years. And you guys have the history of it, of when it first sold, when it was first changed to commercial. And it just kept getting more and more, and more until now where he can see where he could put something like this on. But it's in-cringing on the neighborhood. Thank you.

GIBSON

Thank you. Next speaker.

WILDER

Hi. My name's Janie Wilder. J- W-I-L-D-E-R. We have been at this for over a year and a half. To us, it has never been about a building or parking, except for one or two. The rest of us, it's been about the diesel fumes and the DPMs that these diesels would put in our neighborhood. The last neighborhood meeting hosted by the warehouse lawyer told us she can change the buildings, move the parts. But she cannot change the semis coming in, going in our neighborhood. I remind her, in a Zoning Meeting here, you asked your lawyers if you could deny this project. Your lawyers while we were all sat in here, said yes, but shouldn't. She then told us in the neighborhood meeting, they said shouldn't because they know they will sue 'em. Maybe that's, the threat of being sued has a big weight on your decision. I mean, most can be argued. Property values go up and down. People die of cancer and heart attacks all the time. But how can you sit up there, knowing a warehouse is a half block from an elementary school, when it's recommended, they should be 1,000 feet from a school and even a neighborhood when half of block is close to 50 feet, 250 feet? Kids from five to 10 years old that would be going there for five to six years. Over 600 out of 700 plus don't even live close enough for their health to be affected by this warehouse until they go to school. But five days a week, plus six plus hours a day, and nine months a year, they will be outside the school waiting to go in the building, recess, PE outside, and after school activities, while diesel fumes and pe- DPM's are flying in the air, unseen, cannot be smelled, are surrounding these kids.

As a child, their mouths are open more than closed. DPM's surrounding them are going down their throats and their noses. We now know that DPM's in the diesel soot, known as PM's, affects a child more because their lungs are not totally developed. Not only the risk of developing lung disease, asthma, allergies, heart, brain, well as brain and immune issues, but their overall health.

They have found they are more likely to have enlarged chambers on the left side of their heart, since the fine particles are so small, they are easily inhaled when they are quickly transported into the blood stream. Studies have found very little particles of soot are able to travel from the nose and lodge in the brain, which interferes with normal functions and transport.

WILDER A warehouse semis coming and going all day, not belong in the neighborhood regardless how tall they make the walls, because of it being so close to an elementary school. We welcome something to be built there, but not something that puts our kids going to school and people that live so close to the project in health danger. No walls can protect them. These DPM's and PM's fly in the air.

GIBSON Thank you. Thank you.

FRANCES SPENDLOVE My name is Frances Spendlove. I live at 2314 Moonlight Drive, which is directly to the north of this property. I've lived there for more than 50 years. My husband and our older son did much of the work on our home. This project does not belong in our neighborhood. Over the years, we were told that the property had been donated to the Catholic Church, and a church would be built there. Didn't happen.

We were also told that this area was in a rural preservation area and could not and would not be changed, but it was, though no one in our neighborhood recalls getting any kind of notification that, about the possibility of it being hard zoned. I mean, my husband and I have fought things in our neighborhood for over 50 years, and if we had seen something, we would have done something, at least tried to.

The project is asking for too many waivers. My neighbors and I have an investment in our property that precedes that of the developer. This project will lessen the value of our property. I will feel like I'm in jail if this project is approved. Thank you.

GIBSON Thank you.

WILDER I'm sorry. I also made packages for you guys with information I said. There's one for each of you.

GIBSON Thank you.

NORMA REICHENBACH Yeah. I'm the Norma she spoke about, that lady right there. (laughs) Okay. We've been working on this just this side of forever. Short story, this building does not belong in our neighborhood.

We're surrounded four sides by residential, and with the backup alarms, the trucks, the traffic, what comes down Moonlight, what goes up Carey to get back up in here due to the traffic that's on the corner of Lake Mead, and Carey and whatever, simply it just doesn't belong here.

That's the bottom line. We don't need a warehouse in the middle of a residential neighborhood. That's the short story. Thank you.

VAL HARDY Good morning, Commission. My name's Val Hardy. I live at 2334 Moonlight Drive. I'm three houses down, the second, third house from Miss Spendlove. I raised my family there. We've had a family of six for the last 33 years, and we have come to before of this Commission numerous times on different things.

HARDY But the last commission that I attended, they reversed the lot size of those properties, and they put a half-acre across, where it should have been deep in that aspect.

But the point is they've encroached on our neighborhood about 300 feet. If you look at the property lines where I live and also Miss Spendlove, they've encroached our, our neighborhood. And I have no problem with business, but I believe business should be in business, not in residential.

When I bought that, it was rural preservation, also nothing, you know, it was supposed to be rural. And I'd hope that you'd take your recommendation from your Town Advisory Board. They said no on the whole thing, but at the same time, I'd appreciate a no from you too, so thank you.

GIBSON Thank you. Is there anyone else who wishes to speak? Then the public hearing is closed. Commissioner Segerblom.

SEGERBLOM Thank you. First, just to clarify, Miss Amundsen, warehouse is not the only thing that can be built here. Is that correct?

AMUNDSEN I beg your pardon?

SEGERBLOM The only thing... They can build things other than warehouse in this piece of property?

AMUNDSEN They can, but we have to look at the AE, the air zone as well as the fact that it's runway or RPZ. So, there are things that can be built there, but there are constraints. Yes.

SEGERBLOM Right. But g- mini storage, quail park type, something like that. There's options. another thing is, can we put up on the screen, just a visual to show the zoning going up and down Lamb?

ALLEN Me? Sorry.

GIBSON Stephanie?

ALLEN Yes. Sorry.

GIBSON Okay.

ALLEN This is, sorry, this is my exhibit. Is this the exhibit you were talking about?

GIBSON That doesn't show the zoning.

AMUNDSEN No. They, the zoning, so the top one is the zoning.

SEGERBLOM Yeah.

AMUNDSEN And the bottom is the land use plan.

SEGERBLOM

So, the reason we're fighting over this is that you can see north of this property and south of this property on Lamb, the blocks are split in half. The zoning facing Lamb is one zoning. The zoning facing Moonlight is a different zoning.

Somehow or other in the past, half of the lot, facing Moonlight has been zoned commercial, but the reality is this is a unique piece of property because of that zoning. And so, we're trying to fit something that'll fit the zoning north and the south, into a property that should not have, you can see, should not be as big as it is.

So, the only place you could ever put this particular warehouse is this little piece of property right here. If you went north of it, you couldn't do it. If you went south of it, you couldn't do it. It's the only reason it's there, is because somehow or other, half of that property to the west was zoned commercial too.

So, what I've tried to do, when they came in originally, we had a big giant warehouse. I tried to figure out a way that we could make it more amenable to Lamb Boulevard and also to the neighbors. So, I asked 'em to go back, come back with two, split it in half and put the parking in the back. They've done that, but now the parking or the entrance requirements, according to Public Works, don't work. And so, they've asked for denial.

The reality is this is a unique piece of property, that should not be a warehouse. There's no way that they can fit their piece, what they need to have as far as square footage into the property and make it look like an office on Lamb and then accommodate the neighbors to the back.

So, the, the Public Works, asked for denial. The Town Board asked for denial. I look at this property just like my house. I'm right just south of University Hospital, Charleston, a major boulevard. If they came in and tried to put on Charleston a warehouse next to my neighborhood, I would throw a fit. My neighbors would throw a fit. These people live in great houses. This is their life, and to be faced with a warehouse that close to them that doesn't meet the code requirements, to me just is not acceptable. I know they've bent over backwards to try to work with me. I've tried to work with them. But at the end of the day, a warehouse does not belong there based upon the criteria that they've given us. And it's not like this is the only use for that property. They, they want to build a mini warehouse. They want to build a quail park type unit, something which would fit that, that large piece of property. But, but it just, as the neighbors said, it's just not appropriate for that area based upon the design they've given me. So, again, the current design that we're fighting over, the staff voted for denial. The Town Board voted for denial. And so, I would move for denial also.

GIBSON

There's a motion for denial. Any discussion by members of the Board?

ALLEN

Mister Chairman? I was-

GIBSON

Yes?

ALLEN

... if I could have an opportunity just to address a couple of the points the neighbors made. I know there's a motion on the floor.

GIBSON

I guess under the circumstances, I'll give you the opportunity to make the record complete.

ALLEN

I appreciate it. Thank you. I would like to just, I did say this at the last hearing, which I've asked to be incorporated into the record, but the property was zoned in 2006, and that's a part of the binders that you have before you.

Commissioner Collins was the commissioner for the area at the time. And staff recommended approval of that zone change, and it was approved back in 2006, so it's been almost 20 years that this property has been zoned this way.

The APZ zone came in, I believe, in 1998 after many of these homes were already built. So, the homes that are in the area, if they tried to develop today, would not be allowed, up and down Lamb, particularly on the east side of Lamb, because of, you can see the master plan. And actually, this map shows you, if I could direct your attention back to the overhead. This is the line for the APZ zone. So, none of this over here would be allowed today, because of that accident potential zone and the risk involved with its proximity to Nellis, which is why this property has the limitation it does have.

There are a list of conditions I failed to go over that I did want to offer, and I know there's a motion on the floor, but I do think it's important to put that on the record, because we've changed them slightly since the first hearing. I will continue to offer 'em if for some reason the motion that's on the floor fails. We certainly will abide by these conditions.

But it is to, essentially use this green strip of land as, as the buffer that it is, so, and require that those be a minimum half acre lots on that RE portion, with a maximum of four homes. The property owners agreed to take that a step further and deed restrict the property as well.

So, the good news is, he owns all of this property, and so he's willing to ensure that that buffer remain and be deed restricted. Also, single story homes on that RE portion, so there would be a deed restriction to that effect as well as the zoning restriction.

Originally, we had offered 24-inch box trees outside of the wall on this property line. The neighbors, or a couple of them had said they'd prefer not to have that, because there is a homelessness issue out there, and they are concerned that the homeless would be invited under those trees. So, I've stricken that original condition.

Vehicle access only on Judson, no traffic, no truck access. Provide signage to prohibit truck access on Judson. Provide signage if approved by Clark County stating no truck access on Judson and Moonlight. Provide up to a 10-foot wall along the north and the west sides of the property. So, along this northern property and along this western edge, we're happy to do up to 10 feet of a wall. Some of the neighbors have said they'd prefer less. That's why I put up to. We could work with them.

They wanted no windows on the second level facing west. It is not a two-story

ALLEN building, so I want to put that on the record. This building is a one-story building, but it does have clearance inside just like most warehouses do, so that you can stack things and store things within the warehouse. But they did not want windows facing west.

We'd agreed to do a max of 31 feet in building height, which is much lower than homes in this area. And the zoning district allows up to 50 feet. We're 19 feet below that and four feet below what's allowed in residential.

And then the building lighting, we'd do a maximum of 10 feet in height on the building. So, they wanted the light to be lower, not at that 31-foot level. So again, I know there's a motion on the floor but, should this commission think otherwise, we're willing to agree to these conditions, that they be imposed.

The waiver with respect to the off sites on Moonlight, we could withdraw that without prejudice, or we certainly can do it rural standard. Either way is fine. And then for waiver number two, we can withdraw that without prejudice. Happy to answer questions.

GIBSON Thank you. There's a motion on the floor.

HARDY Mister Chairman?

GIBSON I can't take any...

HARDY I feel like you, you gave her time. You need to give us time.

GIBSON And that's the way it's set up. It's like in a prosecution of a criminal case. The DA gets two cracks. Alright.

SEGERBLOM Mister Chairman, I would modify the motion to make it a denial without prejudice.

GIBSON Okay. So, there's a motion to deny the application in Item 34 without prejudice. Is there any discussion on that motion? Please cast your votes. And the motion carries.

ALLEN Thank you very much. I will-

GIBSON Thank you.

ALLEN ... I'll submit this binder for the record as well.

GIBSON Thank you. So, the item is denied today, so that you know. Okay?

AUDIENCE (applause) (cheers)

MARILYN K. KIRKPATRICK Mister Chairman, can I ask, though? Nancy, you and I had this discussion yesterday, and there are at least three of us that have the APZ zones in our district, and it makes it very hard to zone. Could we... And I'm happy to call the airport myself. We kind of need to maybe update those. And I understand the

KIRKPATRICK other side of it, because in my district, we tried doing that Lowe's, remember, then 7-Eleven, and then we did have a crash. So, it does happen. But I feel like we've got to figure out what we can update those APZ zones. They're from the 1970s, so-

GIBSON Oh, and that makes a lot of sense.

SEGERBLOM And I would agree with that. I think it is unworkable, and particularly given all the different stuff in there. So, I (inaudible) reach out to the airport, how we would do that.

AMUNDSEN So, I would request that this, I guess you could say, use the word bifurcate, which is not one of my favorite, this request, because the, the APZ and the AE zones, that relate to any of the airports under the Department of Aviation have been updated, and they were updated in 2008. I believe we went through a whole public process for that.

These zones are related to Nellis Air Force Base, and we have been trying over the years to work with them to get their noise contours modified to reflect the current, jets that are used, because you're correct. These have not been, the ones for Nellis have not been changed since they were initiated at the very beginning.

So, we would like to work with, twofold, work with Nellis to work on their contours and their runway protection zones and that sort of thing, and then also work with the airport on uses and, and what's allowed.

KIRKPATRICK Okay. And I'm happy to help coordinate with Nellis. I feel like we were so close, and then COVID happened. And maybe we just need to-

AMUNDSEN We had-

KIRKPATRICK ... bring that up.

AMUNDSEN ... we had new contours for Nellis, and that all fell to the wayside.

KIRKPATRICK And one of 'em, to give folks an example, I was trying to put a childcare facility, because I have a childcare desert, in an area just a block away. And it's not an allowable use, so we end up hurting ourselves. So that's why I'm asking.

GIBSON Thank you.

ACTION: It was moved by Commissioner Tick Segerblom, and carried by unanimous vote, that the application be denied without prejudice.

ITEM NO. 35 WS-23-0016-PN II INC:

WAIVER OF DEVELOPMENT STANDARDS for setbacks.

DESIGN REVIEW for finished grade on 21.0 acres in an R-1 (Single Family Residential) Zone and an R-D (Suburban Estates Residential) Zone. Generally located on the south side of Chartan Avenue, the north side of Starr Avenue, the east and south sides of Placid Street, and the east side of La Cienega Street within Enterprise. MN/bb/syp (For possible action)

AMUNDSEN

Next is Item 35, WS-23-0016, waiver of development standards for setbacks, design review for finished grade on 21 acres in an R-1 single family residential zone and RD suburban estates residential zone generally located on the south side of Chartan Avenue and the north side of Star Avenue, the east and south sides of Plaza Street, and the east side of La Cienega Street within Enterprise.

GIBSON

Mister Celeste, good morning.

TONY CELESTE

Good morning, Mister Chairman, Commissioners. Tony Celeste, address 1980 Festival Plaza Drive, here on behalf of the applicant, Pulte Homes. You can see we have the site highlighted here in yellow. It's about 22 and a half acres, located off Star and Bermuda.

Just by way of background, this was approved really in two different phases. We had the southern portion, 15 acres that came and was approved, and then, a few months later, additional 7.5 acres was annexed in. And I know this one, when it came through, had a lot of neighborhood input and opposition to it, but we appreciate Commissioner Naft working with us, working with the neighbors, and helping us guide us through this to bring forth, I think, a very, fine, nice development.

We are now coming in, basically this application has two major components to it, the first being a waiver for setbacks to allow RV parking. And then the second, on the southern portion, we missed a design review with respect to grade fill.

So first, let me address the waiver for the setback. You can see we have it not on all lots, primarily on the northern portion highlighted here in yellow. What this application is intended to do is to allow for the ability to have RV parking, on the side, so we need a minimum of 15 feet on one side.

And what that does is, we have to slide our housing product to the other side of the property, which could be reduced as much as five feet. In no case, though, are the two five-foot set, side yard setbacks adjacent to each other. At all times, it is a minimum of 20 feet.

We did meet with, since as I mentioned, this was a sensitive application, when it first came through, we did meet with our neighbor, Miss Outlaw, with respect to this design. She had concerns with respect to lot 68, 69, and 70, providing those, RV spaces there, so we, at Town Board, withdrew lots 68, 69, and 70.

In addition to that, when you look at staff's analysis, they had concerns about lots 75, 77, and 79, the way essentially the RV, proposed RV space is, not lined up with our driveway. We agreed with that analysis, so at Town Board, we also withdrew lots 75, 77, and 79.

So essentially, with the waiver before you now, is the balance of the lots, which are lots 32, 33, 43, 53, 54, 76, 78, and 80. That is what, Town Board recommended approval of. I believe that is now, it would be consistent with what staff would recommend as well. So, we appreciate Town Board's favorable, recommendation of approval on the waiver.

CELESTE Finally, the design review on the grade fill, as I mentioned, is really just for this southern 15 acres. This has been approved when this portion was annexed in. Really, it is right in here. We have a wishbone shaped ravine, that is nine feet deep at its lowest part, so we do need to provide nine feet of fill. But it is really the ravine.

I think what is most important to point out is that the highest point is going to be at 2346.7. The Star Road alignment is 2345. So essentially, we're just over a foot and a half, our finished grade, higher than Star Road. So, I think that's really important just demonstrating how deep the ravine is onsite, and that we're not really building up nine feet of house. At most, about a foot and a half. We appreciate also Town Board's recommendation of approval on that, and more than happy to answer any questions you may have.

GIBSON Thank you, Mister Celeste. This is a public hearing. Is there anyone here who wishes to speak on item 35? There being no one, the public hearing is closed. Commissioner Naft.

NAFT Thank you, Mister Chairman. Just want to make crystal clear, since Miss Outlaw worked with us for the better part of a, well, way more than a year on this, actually, and she's so impacted, that withdrawal of the lots that you indicated satisfies her concerns.

CELESTE Yes. She was at Town Board and did speak, actually, in support of the project once we had withdrawn those.

NAFT Right.

CELESTE She did speak in support of it.

NAFT Okay. Good enough for me. I move for approval of Item 35, noting that the applicant has withdrawn lots 68, 69, 70, 75, 77, and 79.

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

CELESTE Thank you.

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

CONDITIONS OF APPROVAL –

Comprehensive Planning

- Approved on lots depicted on site plan excluding Lots 68, 69, 70, 75, 77, and 79;
- Plant 1 additional medium size tree in the front yard on lots with a recreational vehicle pad site;
- Certificate of occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been

no substantial work towards completion within the time specified; and that this application must commence within 2 years of approval date or it will expire.

Public Works - Development Review

- Comply with approved drainage study PW21-18815.
- Applicant is advised that this site is located within a Special Flood Hazard Area (SFHA) as designated by the Federal Emergency Management Agency (FEMA).

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; and 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 funds will not be available in the future should the residents wish to have their homes purchased or soundproofed.

ITEM NO. 36 WS-23-0017-ADAMS 1979 TRUST & ADAMS JEFFREY K & DONNA K CO-TRS: WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) increase retaining wall height; and 2) eliminate landscaping in conjunction with a single family residential development on 3.6 acres in an R-E (Rural Estates Residential) (RNP-I) Zone. Generally located on the south side of Rosada Way, the west side of Kevin Way, and the north side of La Madre Way within Lone Mountain. RM/jud/syp (For possible action)

AMUNDSEN

Next is Item 36, WS-23-0017, waivers of development standards for the following: increase retaining wall height, eliminate landscaping in conjunction with a single family residential development on 3.6 acres in an R-E rural estates residential RNP-1 zone, generally located on the south side of Rosada Way and the west side of Kevin Way and the north side of La Madre Way within Lone Mountain.

GIBSON

Good morning.

KEITH NELMS

Morning. Thank you for your time this morning. My name is Keith Nelms That's N-E-L-M-S. 1555 South Rainbow Boulevard. On behalf of Jeff Adams Family Trust for the development that we're discussing today.

If you would allow me, I'll go do a quick review of what we're ask, what's being developed. So, this is land. Approximately 3.6 acres is going to be split into six lots for single story residential. This is for the family of Jeff Adams, his son Jared Adams, my main client, would be residing in lot one. That will be the first house to be built. And he's waiting for the permit to get it built at this time. Next-door would-be Jeff Adams, his father, who I'm representing, who will, build that house right, shortly afterwards. And then they're retaining the other four lots for other family members, cousins, when the time comes, that they could move in and build their own homes.

Jeff Adams has owned this property for 30 years. He originally built the Ralph Banner property right next door where they used to reside, and now wants to build next door on his property.

To accommodate this development, he's asked that, along Kevin Way, we have a 12-foot wall. That would be six foot retaining with a six-foot screen wall. If

NELMS

that is not approved, we would ask a condition that it be six foot retaining with a top three minimum being decorative fencing, such as iron, something that'd be attractive to the property.

The other waiver that we've asked for, we've placed the retaining walls right against the right-of-way. We understand that does not meet Clark County Code, and if that is not, if the landscape waiver is not approved at this day, we would ask for a condition that each lot have the landscape to accommodate Clark County Code, Title 30 as each home is developed.

Therefore, lot one would have his landscape installed six feet from back of right-of-way, with the retaining walls, brought in further six feet along Rosada Way and Kevin Way, followed by his father's property. That would complete the six-foot landscaping along Kevin Way. And then when the time came, whoever resided of the family in lot two and six would then finish their landscaping along the street. Thank you.

GIBSON

And that completes your presentation?

NELMS

I'm willing to answer any questions that the Commissioners have.

GIBSON

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

HEIDI PRIETO

Hi. Good morning. Heidi Prieto, P-R-I-E-T-O. In regard to the Adams property which we're speaking of, myself and others that were at the CAC community meeting, we have opposed that there be permitted a 12-foot block wall, as far as any 12-foot wall at all.

Many of us that were there, we have lived in the community for many, many years, and quickly, the rural preservation area is being diminished. People are buying up land. Although I know Mister Adams has owned it for a long time, he is in the building industry. He is well aware of the rules of the rural preservation. And big builders, residential, they're buying these lands and just assuming they can come in and waiver everything. And we're getting these cards. They're nonstop for waivers. You buy the property. You know what the rules are. Build by the rules and be done.

And unfortunately, I did provide some pictures, if... Can I sneak this on top there? So here is, take this. Here is an older community of rural preservation. You can see the block walls don't start until it reaches the back yard of the property, making a welcome environment of the rural preservation. It looks very community oriented and welcoming.

The next one... And that's on Craig and Riley, by the way. The next one, again, an older community, Riley and Verde Way, these ones have no fencing up in the front of the property, making it very welcoming and rural home, hometown area that we're used to in this area.

And then currently, this is what we're continuously getting, is these large intrusive walls, and all they do is throw lantana on the ground, and it doesn't

PRIETO

make the wall any prettier. You don't see the houses when you come in. It's not a welcoming environment. I don't know if anyone lives in a rural preservation area that's on the board, but where we are, off the 215 and Lone Mountain, we are very community oriented. We're very welcoming.

And we're constantly getting these communities coming in, and it's just, they're, they're subdivisions. That's all they are. In their little space. They're not a part of the rural preservation. And it's just getting really old.

I asked, so I met with Mister Adams at the CAC Board Meeting as well, as far as the walls. He did say at the very end, if you do remember, that if he was granted the 12-foot wall, it would be something such as opening and no mesh, so it would still look, have an open look and be, I guess you could say welcoming, as welcoming as a 12-foot wall could possibly be.

I don't agree with any denial for the landscaping, whether who's living there or not. If the walls go up, the landscaping needs to go all the way around. And like I said, the rural preservation is being diminished very, very rapidly, and it's very sad. I don't know why, but we just don't have that welcoming feeling anymore. But thank you.

GIBSON

Thank you. Is there anyone else who wishes to speak on, on this item, which is Item 36? Then the public hearing is closed. Commissioner Miller?

MILLER

As a proponent, I just learned this morning about the potential request for delaying the landscaping until the houses are built. What's the justification for that request?

NELMS

The justification is just, for the budget of the family, Jeff Adams, so that they can, pay for the installation of landscape, instead of all at once, to kind of spread it out just a little bit more.

MILLER

Okay. That's Miss Amundsen, or whoever's appropriate to, to reply to that. The, the staff report states that the concern is that, without the approved landscaping, it would create a canyon effect to the area, the mitigating elements in the belief that water conservation be achieved by planting appropriate landscaping without an eliminated... Would we create a canyon effect if we were to delay this?

AMUNDSEN

It would. If you were to... In your district, if you were to drive down Craig Road, you would see that they are beginning with the walls to put landscaping on the outside, and it does alleviate some of the canyon effect. The concern we have is, number one, if they delay it until the landscaping until the homes are built, it's very hard for us to track that. But we really would like them... We'd like to mitigate the effect of the higher wall with landscaping to create sort of a buffer for the neighborhood.

AMUNDSEN

MILLER

Okay. And the concern with the higher walls, it's pretty common in this area. It has to do with the, the grade and the slope. Is that correct?

AMUNDSEN

That is correct.

MILLER Okay.

AMUNDSEN That... Some of the parcels that are available in that area do have large slopes.

MILLER So, there's really no other way to address that. That's correct? Other than from, considering, as they propose some type of screening wall that would be decorative in nature, and not an eyesore, as was pointed out by the opponent.

AMUNDSEN That's correct. That, or some sort of, stepping back. But beyond that, in order to mitigate for the deep slope, you'd need higher retaining walls.

MILLER Okay. I'd be inclined to approve the request, Create a six-foot retaining wall with a six-foot block wall, with a three-foot decorative screen wall if that was acceptable to the applicant. On the other condition, I'm inclined to deny the landscaping request if that's acceptable. I'll make a motion for approval.

NELMS That is acceptable. Thank you.

MILLER Okay. Thank you. I will move to approve, the way it was outlined in the staff report. With the exception that the 12-foot wall, Six-foot retaining wall, and a six-foot block wall, three-foot decorative screen wall, and deny the request to eliminate the perimeter landscaping were required.

GIBSON Do you understand the conditions he just indicated?

NELMS I understand the conditions, and I will relay that to my client.

GIBSON Now, you said a six-foot retainer, a six-foot block wall, and three-foot screen wall. That's more-

NELMS That would be six-foot retaining, three-foot block screen wall with minimum of three-foot wrought iron.

GIBSON Is that what you...

MILLER Correct, sorry, yes.

NELMS Okay.

GIBSON Alright. Would clarify on the landscaping?

MILLER The landscaping will be required, no waivers with the landscaping.

GIBSON There's a motion. If there's no discussion on the motion, please cast your votes. The motion carries. Thank you.

NELMS Thank you for your time.

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

CONDITIONS OF APPROVAL –

Comprehensive Planning

- Wall limited to 6 feet retaining comprised of 3-foot screen wall and 3 foot view fence;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 2 years of approval date or it will expire.

WAIVER OF DEVELOPMENT STANDS #2 WAS DENIED.

ITEM NO. 37 WS-23-0022-MONTES JOSE ISABEL:

WAIVER OF DEVELOPMENT STANDARDS to increase wall height.

DESIGN REVIEW for finished grade in conjunction with a future single-family residence on 0.5 acres in an R-E (Rural Estates Residential) Zone. Generally located on the west side of Vista Valley Street, 210 feet south of Stewart Avenue within Sunrise Manor. TS/al/syp (For possible action)

AMUNDSEN

Next is Item is 37, WS-23-0022, waivers of development standards to increase wall height. Design review for finished grade in conjunction with this future single-family residence, residence on point five acres and an RE, rural estates residential zone, generally located on the west side of Vista Valley Street, 210 feet south of Stewart Avenue within Sunrise Manor.

JOSE MONTES

Hello.

GIBSON

Good morning.

MONTES

My name is Jose Montes. I'm the owner-

GIBSON

So, I'm going to need you to stand in front of microphone or hold the other microphone.

MONTES

Yeah, hello my name is Jose Montes. I'm the owner at 365 Vista Valley. We are trying to do a retaining wall in the back and on the side on the east, south and on the west side. And, and this is the home, and this is the walls that we're, want to build to get permitted for.

Right now, I was able to get Terry Montgomery to go ahead and do the, the engineer part. What we're going to do that my property is on a slope as we speak right now. So, what we're trying to do is grade it from equal to the back. It's only four-foot of, right now, it's four-foot. Three-foot is what it needed for us not to do the waiver. So, we only asked you one more foot for us to go ahead and do the, the retaining wall in the back. And from there, four feet is going to be down and then three feet from the equal, up will be three feet, expose the existing wall for the retaining walls in the back. And from there, if you have any questions, let me know what we can do.

GIBSON

We may have in just a minute but let's, let's see if anyone here from the public

GIBSON who wishes to speak on this item. This is Item 37. Is there anyone here who wishes to speak on Item 37? Public hearing is open for that. And the public hearing is closed. Commissioner Segerblom.

SEGERBLOM Thank you. This again is a really steep property. So, I think the retaining wall you're asking for is appropriate. The Town Board approved it, so I would move for approval.

GIBSON Did you have a comment, for Public Works comment?

PAPAZIAN I do. Thank you, Commissioner. If I may, I'd like to delete our first bullet. It just doesn't make sense. I think, it-

SEGERBLOM Anything you want, I give you.

PAPAZIAN Okay. Delete bullet number one, please.

GIBSON Okay. Thank you. Do you understand what Commissioner Segerblom is-

MONTES What bullet it was that were, I mean I don't...

GIBSON The first bullet.

MONTES Is there going to be more bullets down the road too? (laughs)

SEGERBLOM No, no more-

MONTES I've been through a lot of obstacles that I am starting to get the hang of this already. (laughs)

GIBSON I would have thought, I would have thought bullets would be more likely earlier when there's so many people here. Did you have a-

MONTES Oh yeah. That was-

GIBSON Did you have a... Would you explain what further (inaudible)?

PAPAZIAN Sure, so, the condition reads drainage study must demonstrate the proposed grade elevation difference. There's no drainage study. So, this bullet just doesn't make sense. Without that drainage study. We will evaluate the drainage when they submit to the building department. We'll see it through the building department.

MONTES And, and...

GIBSON Do you understand that?

MONTES I do understand it. We, I did talk to my neighbor, and we, we are putting the drain. So, we got, we met that road already. And we're going to take care of that as we go along with the permits at the building.

GIBSON All right.

SEGERBLOM And truthfully, you have the best view in the whole valley, so congratulations.

MONTES I appreciate that. Thank you.

GIBSON There's a motion for approval by Commissioner Segerblom. If there's no discussion, please cast your votes. And the motion carries. Thank you.

MONTES You guys have a good day, thank you.

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

CONDITIONS OF APPROVAL –

Comprehensive Planning

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

Public Works - Development Review

- 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 a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0049- 2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 38 WS-23-0044-RAWSON CASEY & KATIE:

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) full off-site improvements (curb, gutter, sidewalk, streetlights, and partial paving); 2) drainage study; 3) eliminate street landscaping, screening, and buffering on 1.9 acres in the R-T (Manufactured Home Residential) Zone in conjunction with a minor subdivision map in the Moapa Valley Overlay District. Generally located on the south side of Paul Avenue and the west side of Yamashita Street within Moapa Valley. MK/jud/syp (For possible action)

AMUNDSEN Next is Item 38, WS-23-0044 waivers of development standards for the following: full off-site improvements, curb, gutter, sidewalk, streetlights, and partial paving drainage study, eliminate street landscaping, screening and buffering on 1.9 acres and an R-T manufactured home residential zone in conjunction with a minor subdivision map in the Moapa Valley Overlay District, generally located on the south side of Paul Avenue, in the west side of Yamashita Street within Moapa Valley.

GIBSON Good morning.

CASEY RAWSON Good morning. My name is Casey Rawson, R-A-W-S-O-N. I am the owner of the property. I went in front of the Town Board. I'm no longer asking for the drainage study to be deferred. So, we're just asking for the lot to be subdivided, or the waivers of developmental standards. So, we're just wanting to split the lot so we, are able, me and my sister, able to build a house next to each other.

GIBSON And does that complete your presentation to us?

RAWSON Yes, so, if you look at the lot here, we have Yamashita runs right here. We have Paul right here. We're wanting to split the lot down the middle, equal lot size. None of the other properties along Yamashita or Paul any way around this area have development, sidewalks, curb gutter, light posts, anything like that. Across the street is the school. So that's public works once our lot developed for subdivision. So, we're just asking, we just plan on building two houses there and don't see a need for having all that development in the area.

GIBSON All right. Thank you. Do you know where Wes Yamashita lives?

RAWSON Yes, I do.

GIBSON Where?

RAWSON East, East Yamashita?

GIBSON It's Wes Yamashita.

RAWSON Oh, sorry, no.

GIBSON Does he live anywhere near here, or do you know him?

RAWSON No, I don't.

GIBSON Okay. I just happen to know Wes. This is a public hearing. Is there anyone here who wishes to speak on Item 38? There being no one, the public hearing is closed. Commissioner Kirkpatrick?

KIRKPATRICK Thank you, Mister Chairman. And unfortunately, I'm going to have to deliver some bad news. So, here's the thing. I'm not waving any of those things. And I'm going to... Let me explain why.

So, what happens to us in Clark County is we get the blame for everything out there, right? So, last Wednesday, Thursday, Friday, all day long, people were calling about the mud, about the flooding, they were calling about the roads not being paved, all of these improvements that everybody comes in and waives every single time. And so, as the media stood outside my door on Thursday for four hours while I was trying to help people, we, Clark County get the blame. I understand the rural components. I go out to every other meeting out there. And I tell the Town Board all the time, stop waiving this stuff, because there's a finite amount of dollars for road paving. There's a finite amount of dollars for flood. And ironically, tomorrow, the principal and a bunch of neighbors have demanded a meeting to talk about the lack of trails out there for kids to safely

KIRKPATRICK

walk across the street, so they want the sidewalks, getting to the school. So, as much as I try to help keep it rural, that's not really, people can't figure out what they want.

So, unfortunately, I'm no longer giving waivers out there because I can't win. So, in Vegas, you don't get that same luxury, but you also get the improvements that you need. So, we've spent many hours in the last four days, just trying to address the flooding. And if, yeah, and I'm talking to the principal tomorrow. He says it's the unsafest place to get across the street to that high school. I sat out there for six hours and didn't see more than 20 cars. But if I'm going to be on the hook for liability for not providing that, that's kind of where I'm at.

So, I apologize to you. But the town needs to figure out what they want. And until they do, this is where we're headed. So, I'm not granting any waivers. So, my motion would be to deny the application. Is that correct? Yes.

PAPAZIAN

Thank you, Commissioner.

KIRKPATRICK

I'm just being honest because I have been browbeat for the last 10 days-

PAPAZIAN

Since it sounds like-

KIRKPATRICK

... over waivers.

PAPAZIAN

Since it sounds like you're waiving the offsites, I'd like to, or the drainage study, I'd like to.

KIRKPATRICK

I'm not waiving anything.

PAPAZIAN

... deny, deny, sorry, de-

KIRKPATRICK

No waivers.

PAPAZIAN

We have to add a condition, drainage study and compliance.

GIBSON

So, this is a motion for denial, without prejudice.

KIRKPATRICK

I'm denying it because it's only one application for a waiver, right? And who knew, I just want to be clear, so it's only an application for waivers, and I'm denying all three waivers. Because we're never not doing a drainage study for one because you and I know that, and I am not waiving the landscape, or the off-site improvements, because that's part of, if you go down Ron's street, which is two blocks over, that's the guy that calls us every day, twice a day on the flooding. And I'm not waiving the sidewalks and the landscaping because that's the conversation that the principal is coming in tomorrow to discuss about how unsafe it is to get across the street there to that high school. So, we're not waiving them.

So, am I correct in my motion? Sorry, but the people around you see it differently and crazy enough, I'm building a park, \$15 million park and they don't want a parking lot because it's going to bring traffic, but they'd rather have

KIRKPATRICK people park in front of their house. So, it's craziness out there. So, that's my motion is for denial of all three waivers.

GIBSON There's a motion for denial of all three waivers any discussion? Please cast your votes. Thank you, sir.

RAWSON Thank you.

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

ITEM NO. 39 ZC-22-0560-SILVER CITY MHC, LLC:
 HOLDOVER ZONE CHANGE to reclassify 5.4 acres from an H-2 (General Highway Frontage) Zone and a C-2 (General Commercial) Zone to an R-4 (Multiple Family Residential) Zone.
 USE PERMIT for a manufactured home park.
 WAIVER OF DEVELOPMENT STANDARDS to allow tandem parking spaces.
 DESIGN REVIEWS for the following: 1) a manufactured home park; and 2) lighting plan. Generally located on the east side of Mojave Road and the north side of Fremont Street within Sunrise Manor (description on file). TS/bb/syp (For possible action)

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

ITEM NO. 40 NZC-22-0703-HANSEN, MARK O. & LINDA: ZONE CHANGE to reclassify 2.0 acres from an R-A (Residential Agricultural) (RNP-II) Zone to an R-E (Rural Estates Residential) (RNP-II) Zone. WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) eliminate street landscaping; 2) waive water connection; 3) waive sanitary sewer service connection; and 4) off-site improvements (curb, gutter, sidewalk, streetlights, and partial paving) in conjunction with a residential minor subdivision. Generally located on the east side of Bonita Vista Street and the south side of Log Cabin Way within Lone Mountain (description on file). MK/md/syp (For possible action)

AMUNDSEN Next is Item 40, NZC-22-0703 zone change to reclassify two acres from RA, residential agricultural, RNP two zone to an RE, rural estates residential RNP two zone. Waivers of development standards for the following: eliminate street landscaping, waive water connection, waive sanitary sewer service connection, off-site improvements, curb, gutter, sidewalk, streetlights, and partial paving in conjunction with the residential minor subdivision generally located on the east side of Bonita Vista Street in the south side of Log Cabin Way within Lone Mountain.

GIBSON Good morning.

MARK HANSEN Good morning. I'm Mark Hansen, 9870 North Bonita Vista Street, owner of the property and we're applying for a zone change to reclassify our lot, to enable us to subdivide it for a second single home residential lot. And we've requested the waivers as indicated and not much else that I have to describe about that?

KIRKPATRICK I'm gonna talk to ya, in a second.

GIBSON Well, so we understand you're eliminating street landscaping, waiving sanitary sewer offsite improvements, and we'll probably have some discussion about that in a few minutes. Does that complete your presentation, those are the things you're after?

HANSEN

Yes. so just to explain our, our goal here. We currently live on the opposite, yeah, on the half of the property that we're going to divide off. And we have a domestic well on that property also. We have a family member who plans to purchase the others, you know, the new lot. And our goal over time, our goal in developing this is to convert this well to a community well. They've purchased three water shares, in order to help accommodate that process. And the cost involved in connecting sewer and water to the nearest location is substantial, But we've also included in the waiver, connection to sewage, and water, community or sewage and water service.

We understand that's been denied by the Planning Commission. So, I, you know, we don't know the future of that plan. But we do have a desire to at least explore that.

There are no other, we, you know... Our plan is to again, not develop this beyond a single dwelling per lot which is greater than the 40,000-square foot requirement for even the existing zoning. We were within 0.02 acres of being able to maintain the current zoning.

But because of the previous changes in our easement, that was taken for widening of Log Cabin Way, it diminished, it reduced to a lot size to where we have to now do a zone change in order to divide the lot.

GIBSON

Thank you, very much.

HANSEN

If that's okay.

GIBSON

This is a public hearing. Is there anyone here who wishes to speak on Item 40? There being none. The public hearing is closed. Commissioner Kirkpatrick.

KIRKPATRICK

Thank you, Mister Chairman, and so Mister Hansen, so as the conversation that we had, so we can't waive sewer, we can't waive the water. But I told you how to do that is to go get the water rights, so then you're not subject to it. So, that is why the Planning Commission denied those two waivers because we just can't... You have to go one way or the other, right? You either got to have the water rights, or you got to connect. That is just service rules.

But it sounds like you were able to secure those water rights, so you're good to go with the State Engineer. So, that is why we want to deny waiver two and three, because it now takes it out of our court, and you work specifically with the State Engineer on how that comes together.

Unlike the last applicant, the area in this is very natural and rural and it is almost at the end of the street, out there. So, we don't mind waiving the landscaping because it's consistent with everything out there. And we don't mind leaving the off-sites. But I did tell you that in about five years, we'll review it, so that it may change, based on future development.

But we want to help walk you through this because it's a complicated process. And we want to make sure that you don't get caught or lost in our system.

KIRKPATRICK So, just to reiterate, you understand why we have to deny the waivers for the water connection and the sewer because they don't really apply because you're going in a different direction. And then I will allow for the waivers of the landscaping and for the off-sites, but, with a five-year review to make sure that the neighborhood hasn't changed because at some point, you may want to connect to the sewer based on where we're going or if your septic should fail, we want to make sure that we're keeping tabs on you.

HANSEN Understood.

KIRKPATRICK So, as long as you understand-

HANSEN Yes.

KIRKPATRICK ...and you agree, then you're-

HANSEN Yes, that, that-

KIRKPATRICK Okay.

HANSEN ...that would be very acceptable

KIRKPATRICK Okay, so my motion would be...ready, Antonio? Okay. My motion would be to approve this item, Item 40 but deny waivers number two, and waivers number three, and ask that waiver number four, that there'll be a five-year review on the offsite. Good?

JONES Can, can I just have a clarification on that?

KIRKPATRICK Uh-huh.

GIBSON Yes.

JONES With regards to the five-year, what does that look like? Because I might be interested in doing that on other projects myself, if that's something you-

KIRKPATRICK So, for us, we've been consistent for about five years having them come back because it's changing. It's a changing area to have them come back in five years and see what the bigger master plan is. And it's actually worked out pretty well for us where people have been able to either connect to sewer at that time, or there's some construction that we can do, some road projects. So, that's kind of how we've done it in more rural...

JONES And is that a condition that kind of ... I mean, let's say this gentleman sells his property in two years-

KIRKPATRICK It runs with the property.

JONES ... run the plan. Okay.

KIRKPATRICK Mm-hmm.

JONES

Okay, thank you.

KIRKPATRICK

And we've only had one person ever I think that didn't follow through. And then we worked with him to get him back on the agenda. So, alright, that's my motion.

GIBSON

Good. Any discussion? Any further discussion? Please cast your votes. The motion carries.

ACTION:

It was moved by Commissioner Marilyn K. Kirkpatrick, and carried by unanimous vote, that the application be approved subject to staff conditions and the denial of waiver of development standards #2 and #3.

CONDITIONS OF APPROVAL –

Current Planning

- Resolution of Intent to complete in 3 years;
- Development restricted to a maximum of 2 single family residential lots.
- Applicant is advised to obtain appropriate water rights and necessary permits from the Nevada Department of Resources for use of a private well; obtain approval from the Southern Nevada Health District for use of a private septic system; 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 application for review; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

Public Works - Development Review

- 5 years to review off-site improvements;
- Drainage study and compliance;
- Execute a Restrictive Covenant Agreement (deed restrictions).

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.

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

ITEM NO. 41 AG-23-900104: Discuss a planning process for temporary uses and structures related to major events, and direct staff accordingly. (For possible action)

AMUNDSEN

Commissioners, Item 41 is an agenda item to discuss the planning process for temporary uses and structures related to major events and direct staff accordingly.

Currently, we have a number of very large events that are coming in. And currently, if someone wants to come in for a temporary commercial, and they want to put any kind of structure up, they have a limited amount of time to construct and take down. And we would just like direction, we don't want to

AMUNDSEN change the code right now but just want direction on these major events. If we could give a little more lead time, again, all of these would be coming to your offices, they would be going through the temporary commercial. But that's what this discussion relates to. More time to put, put up whatever it is, whether it be a platform for Formula One and more time to take it down. They would still have to follow all but other processes and building permits.

GIBSON And, do you have a thought about what works or what would-

AMUNDSEN It was, it's probably going to be on a case-by-case basis because I would say, and I would request that you direct us to let them know that it's not going to be overnight. And if it's going to take a couple of... they're, they're going to have to give us a reason why they need a longer lead time. That way, it's not holistic, and everybody thinks that they can build whatever it is they want.

GIBSON Okay. So, we can, it's a bit subjective, but, at the end of the day, we would review on a case-by-case basis?

AMUNDSEN That's correct.

GIBSON Okay. Questions or thoughts?

NAFT I'm comfortable so long as our office still gets to, I know we don't sign off but- (inaudible)

AMUNDSEN You would, you would be able to review it. We would, as we always do, would send any of these temporary commercial applications up to the commissioner for the district.

NAFT And so, that would include the time of the extension.

AMUNDSEN Absolutely. Everything that we got, that we receive, and we will let them know, we will start letting them know now that they need to provide us with time frames and that sort of thing.

GIBSON Okay. I think that sounds like you've got some direction you asked for.

AMUNDSEN And I appreciate that. Thank you.

ACTION: Staff directed.

ITEM NO. 42 ORD-22-900371: Introduce an ordinance to consider adoption of a Development Agreement with DIAMOND TORINO LLC for a single-family residential development on 1.4 acres, generally located south of Blue Diamond Road and east of Decatur Boulevard within Enterprise. JJ/dd (For possible action)

AMUNDSEN Next, are ordinances for introduction. Ordinance 22-900371 is a recommendation that you introduced an ordinance to consider adoption of a development agreement with Diamond Tornino LLC for a single-family residential development on 1.4 acres. This we request to be set for pu- public hearing for April 5th, 2023, at 9:00 a.m.

GIBSON I'll introduce the ordinance and set the public hearing for April 5th, 2023, at 9:00 a.m.

ACTION: There being no objection, Chair Gibson set the matter for public hearing on April 5, 2023, at 9:00 a.m.

ITEM NO. 43 ORD-23-900030: Introduce an ordinance to consider adoption of a Development Agreement with Jones Boulevard Partners, LLC for the expansion of a distribution facility on 26.6 acres, generally located north of Wigwam Avenue and east of Jones Boulevard within Enterprise. JJ/dd (For possible action)

AMUNDSEN Item 43, Ordinance 23-900030 recommendation that you introduce an ordinance to consider adoption of a development agreement with Jones Boulevard Partners LLC for the expansion of a distribution center. We request this be set for public hearing for April 5th, 2023, at 9:00 a.m.

GIBSON I'll introduce the ordinance and set the public hearing for April 5th, 2023, at 9:00 a.m.

ACTION: There being no objection, Chair Gibson set the matter for public hearing on April 5, 2023, at 9:00 a.m.

ITEM NO. 44 ORD-23-900038: Introduce an ordinance to consider adoption of a Development Agreement with I20 LLC & I20 @ Rainbow LLC for an industrial complex on 15.0 acres, generally located south of Levi Avenue and east of Rainbow Boulevard within Enterprise. JJ/dd (For possible action)

AMUNDSEN Item 44 Ordinance 23-900038 is a recommendation that you introduced an ordinance to consider adoption of a development agreement with 120 LLC and 120 at Rainbow LLC for an industrial complex. We request this be set for public hearing for April 5th, 2023, at 9:00 a.m.

GIBSON I'll introduce the ordinance and set the public hearing for April 5th, 2023, at 9:00 a.m.

ACTION: There being no objection, Chair Gibson set the matter for public hearing on April 5, 2023, at 9:00 a.m.

ITEM NO. 45 ORD-23-900080: Introduce an ordinance to amend the official zoning map reclassifying certain properties as approved by the Board of County Commissioners through various zone change applications on December 7, 2022, December 21, 2022, January 4, 2023, and January 18, 2023. (For possible action)

AMUNDSEN Item 45, Ordinance 23-9000800 is a recommendation that you introduced an ordinance to amend the official Zoning Map for classifying certain properties as approved by the Board of County Commissioners through various zone change applications on December 7th, 2022, to December 21st, 2022, January 4th, 2023, and January 18th, 2023. We request this be set for public hearing for April 5th, 2023, at 9:00 a.m.

GIBSON I'll introduce the ordinance and set the public hearing for April 5th, 2023 at 9:00 a.m.

ACTION: There being no objection, Chair Gibson set the matter for public hearing on April 5, 2023, at 9:00 a.m.

PUBLIC COMMENT

AMUNDSEN

And this is the last opportunity for public comments.

GIBSON

This is the last opportunity for public comment. Is there anyone who wishes to make a comment? Please keep yourself to three minutes and state your name for us.

COLEMAN

Yes, good afternoon, you know, I'm a nervous wreck. I've been trying to get my paperwork together. My name is Margaret Ann Coleman, and I'm trying to get my mind on what I'm going to say. These people here has make my life a complete disaster. If you can put these people on the roster...

I'll pick that up. But anyway, these people here have caused me not to have 1316 Wizard. And also, I wanted to put Marilyn Kirkpatrick as being involved on the conspiracy with Ashanta Coleman, that calls herself... that's the accounting the employee at the head office during the time when I won my court order with Jenny Moore Hughs and what I'm trying to say is I was trying to get the DE to 1316 Wizard due to the fact that Marilyn is the one that opened the door as Melissa Incubus Stein. And also, she's now the closing of my door, merging with these people.

As you know, Edward Moody, Edward Moody, he was the one that took my \$10,000 out of my bank account. Now I do want to change my thinking, and use my money in another way. And that's to open up a bank branch with my money if I can get your assistance. And since you don't want to give it directly to me, maybe I can get me a house and maybe I can get me a new car by opening the branch.

Today, I wanted to put this out whereas, I gave the information about property deeds to be signed and given to me. And I know you're saying, "Oh, she can't talk." Well, all of them can talk up here.

Now, what I'm saying is I'm trying to protect my grandson, and they want him to be, Willis Coleman of the network different strokes and that's when Judge Lee Gates took a merging with all the rest of the constituents of the people that has overthrown me that I have shown you the pictures. There has been five judges that have overthrown me. I had wrote down a lot of information concerning the names and which have overthrown my equal rights to serve 24 hours at 1316 Wizard due to the conspiracy overthrow. I have David Simon. I have...

GIBSON

Okay, Miss Coleman. Miss Coleman. Thank you.

COLEMAN

(inaudible)

GIBSON

Okay. Okay, Miss Coleman, you can... Miss Coleman, I'm very sorry to interrupt you but you've gone beyond three minutes. I...

COLEMAN

(inaudible)

GIBSON

Okay. Thank you, Miss Coleman. That's all the time we have. Everyone is subject to the same time. Thank you very much. That is there... If there is no one else who wishes to speak during the public comment period, that period is closed, and this meeting stands adjourned. Thank you very much.

There being no further business to come before the Board at this time, at the hour of 11:38 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