

# 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, MAY 17, 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 17th day of May 2023 at the hour of 9:00 a.m. The meeting was called to order at 9:05 a.m. by Chair Gibson and on roll call, the following members were present, constituting a quorum of 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  
Antonio Papazian, Manager, Development Review  
JaWaan Dodson, Asst. Manager, Development Review  
Jewel Gooden, Assistant Clerk, BCC  
Robin Delaney, Deputy Clerk

**ITEM NO. 1** Public Comment

JIM GIBSON

Good morning. We welcome you to our Zoning Meeting this morning. The first item of business is public comment. If there's anyone who wishes to make a comment on any particular item that is on our agenda, you're invited to come forward, give us your name, please spell your last name, indicate to us which agenda item you're commenting upon, and keep your comments to three minutes, if you will. Good morning.

MARGARET ANN COLEMAN

Good morning. Yes, good morning, Commissioners. How are you? (crosstalk) I came back due to the fact of it is, these are things that need to be said. Placed on my shoulder as normal, carrying the weight. My name is Margaret Ann Coleman, C-O-L-E-M-A-N. And as you know, today's date is May 17th. On the day of May 2007, I received this deed, and it's for me to present to you today. If you could put that on the scanner. This is concerning property that has been placed, gonna be, upon abandonment and vacancy due to the fact you will not release the truth or give me the opportunity and the respect to be of that ownership to take over and the power and the control of the illegal procedures. As you know, the court of order in which I won was under common law, in order for me to be a receiver of the state.

As you know... My papers are raggedy. I had to go to my storage area. Now, this is the opening of the control of my workman's compensation, and they denied and did not accept me the Gibson company, that was insured on the-insured... That was supposed to have been the protector for the employer, such as Steve Wynn.

Now, I'm up against a lot of illegal procedures, such as the illegal procedures of Social Security. They were not paying me properly. I'm up against the Secretary of the State, not taking and giving me my unclaimed property.

My name is Margaret Ann Coleman, and I'm the only one that's supposed to be as rich as you are. I'm getting denied the opportunity to give a 24 hours to squatters that you all are making judges illegal, such as in the North Las Vegas are giving me 1316 Wizard. Now, you all were my neighbors, okay? This is with Marilyn Kirk Pritchett (Kirkpatrick). We weren't your neighbors. Yes, you was and you attended my home. And without me being acknowledged to come down and view you.

Now, as you know, Tom Harper was the opening of my case of the Golden Nugget to receive my workman's comp and my pension money, period. You want me to pay rent, but you won't give me back my money.

GIBSON

Thank you, Miss Coleman. Are there others who wish to comment during the public comment period on an agenda item? Please come forward. You can use that microphone right there.

ROBERT GAUDET

Good morning, members of the Planning Commission. My name is Robert Gaudet, G-A-U-D-E-T. And for over 14 years, I have been a homeowner at 4200 South Valley View Boulevard. All I seek-

GIBSON Okay.

GAUDET ... is the quiet enjoyment of my property in a clean, safe-

GIBSON Mis-

GAUDET ... and secure environment.

GIBSON Mister Gaudet, we're going to pull this item from the Consent Agenda so that it can be heard, and you'll have an opportunity when you wouldn't have, the way the agenda's set up. But we're going to pull it so you can have an opportunity to speak when it's presented. Is that alright with you?

GAUDET Sir, that is just fine. Thank you very much.

GIBSON As long as that's alright. If... You can make your comment now or later, but-

GAUDET My comment was probably- would be probably better served at the time of the agenda item (inaudible).

GIBSON Okay, thank you.

GAUDET Thank you.

GIBSON Is there anyone else who wishes to speak on an agenda item this morning before we get going? Alright, then the public comment period is closed.

**ACTION:** No action taken by the Board.

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

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

Staff has the following requests. Hold to the June 21st, 2023, BCC Meeting, Item 24 ZC-21-0004, Item 38 VS-23-0136, Item 39 UC-23-0135. Hold to the July 19th, 2023, BCC Meeting, Item 35 ET-21-400175 and Item 36 ET-21-400176. For the applicants' and audience's information, please be aware that additional renotification fees may be required if 85 days have passed since initial notification, or there are modifications to the original application.

These 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, 35, 36, 37, and 38, the Zoning agenda stands ready for your approval.

GIBSON Thank you. Are there any additions or corrections or changes at the pleasure of the Board?

JONES (inaudible)

GIBSON If there are none... There's a motion by Commissioner Jones to approve the agenda. Please cast your votes. The motion carries. Thank you.

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

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

AMUNDSEN The third item on the agenda is the approval of minutes. The minutes of the April 19th, 2023, Zoning Meeting are ready for your approval.

JONES (inaudible)

GIBSON If there are no additions or corrections, there's a motion by Commissioner Jones to approve the minutes. Please cast your votes. And the motion carries.

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

**ROUTINE ACTION ITEMS (4-34):**

AMUNDSEN Next are the Routine Action Items, which consist of Items 4 through 34, except items previously deleted, and Items 14, 15, 16, 17, 18, 19, and 20, which will be heard separately. 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: For Item 7 AR-23-400023, delete current planning bullet number one and add two-year review as a public hearing.

Item 11 ET-23-400026, on current planning bullet number one, delete the words “until February 21st, 2025”, and replace with the words, “one year”.

Item 29 ZC-23-0067, add a condition to read: the project's three parcels must be fenced and posted within 60 days of BCC approval and remain fenced throughout construction. If at any time, the property fence is damaged or cut, owner to replace and repair immediately.

If there are no objections from the audience, the public hearing is now open, and the Routine Action portion of the agenda stands ready for your approval.

JONES (inaudible)

GIBSON There's a motion for approval of the Routine Action Items. If there's no discussion, please cast your votes. Go ahead.

**ACTION:** It was moved by Commissioner Justin Jones, and carried by unanimous vote, that the Routine Action Items be approved.

JEREMIAH JOHNSON (inaudible)

GIBSON We need the microphone at the podium there. Yes.

JOHNSON Apologies, Commissioners. I did have a modification to one of the conditions for Item 49, if I may. I didn't quite run down here fast enough.

GIBSON What would that be?

JOHNSON This is bullet point number five for Public Works Development Review Comment, concerning the bridge over the flood channel. We would just like the condition, to read instead that the bridge was changed to a box culvert. So, we're working with Public Works, the reviews on the redesign. So, we just want the condition to read that it will be the condition to read the bridge over the flood channel and trail must be high enough to provide unobstructed access for maintenance vehicles and pedestrians to travel on access roads to the trail. Oh, my apologies. I didn't have the written- the new written condition here.

So, we are working, like I said, through the reviews with Public Works on the design of the channel access, so we just want to put on record that this is no longer a bridge and that we will be working with them to ensure that adequate height is maintained, but that the current design will be changing.

ANTONIO PAPA ZIAN Thank you, Commissioner. We'd like the condition to remain as stated in our bullet point. We will continue to work with them if they decide that it's gonna be a box rather than a bridge. We just want to make sure that we have the ability to maintain and get under the bridge, should we go that route.

GIBSON So those comments will be incorporated into the record, so that if it turns out that you wish to make that change, which is not something that is currently reflected, you may do that and work with Public Works to accommodate whatever the construction requirements would be. Is that alright?

JOHNSON Yes, that's wonderful. Thank you.

GIBSON That takes care of it. So, there's a motion on the floor for approval of the Routine Action Items. Please cast your votes. Oh, did we vote already?

MARILYN KIRKPATRICK Yeah.

GIBSON Well, we must have passed it because I didn't hear anybody screaming about it.

TICK SEGERBLOM (inaudible)

KIRKPATRICK (laughs)

GIBSON Alright. If I can take your word on that, then we'll move forward.

**ITEM NO. 4 DR-23-0142-FUSARO FAMILY TRUST & FUSARO, MICHAEL S. & MARIA M. TRS:**  
DESIGN REVIEWS for the following: 1) proposed office/warehouse facility; and 2) finished grade on 1.5 acres in an M-D (Designed Manufacturing) (AE-65) Zone. Generally located on the east side of Annie Oakley Drive, 220 feet north of

Post Road within Paradise. JG/rk/syp (For possible action)

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

CONDITIONS OF APPROVAL –

Comprehensive Planning

- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that outside storage must be in conformance with the regulations within Table 30.44-1; the installation and use of cooling systems that consumptively use water will be prohibited; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 2 years of approval date or it will expire.

Public Works - Development Review

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site.
- Applicant is advised that off-site improvement permits may be required; that signs, structures, utility poles, and landscaping shall not encroach into public right-of-way, easements, or sight-visibility zones; and that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

Department of Aviation

- Incorporate exterior to interior noise level reduction into the building construction as required by Code for use.
- Applicant is advised that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations, which was constructed after October 1, 1998; and that funds will not be available in the future should the owners wish to have their buildings purchased or soundproofed.

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 #0011-2020 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**ITEM NO. 5 DR-23-0154-DIAMOND MOHAWK, LLC:**

DESIGN REVIEW for finished grade in conjunction with an approved office/warehouse facility on 2.5 acres in an M-D (Designed Manufacturing) (AE-65) Zone in the CMA Design Overlay District. Generally located on the east side of Mohawk Street, 300 feet south of Patrick Lane within Spring Valley. MN/rk/syp (For possible action)

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

## 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 PW22-16368;
- 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.

### 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;
- Incorporate exterior to interior noise level reduction into the building construction as required by Code for use.
- 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; that separate airspace determinations will be needed for construction cranes or other temporary equipment; that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations, which was constructed after October 1, 1998; and that funds will not be available in the future should the owners wish to have their buildings purchased or soundproofed.

### Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0392-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

### **ITEM NO. 6 DR-23-0160-WYNN LAS VEGAS, LLC:**

DESIGN REVIEWS for the following: 1) modifications to an approved comprehensive sign package for a resort hotel (Encore); 2) increase the area of an existing freestanding sign; and 3) increase the area of an existing animated sign in conjunction with resort hotel (Encore) on a 4.3-acre portion of a 207.2 acre site in an H-1 (Limited Resort and Apartment) Zone. Generally located on the east side of Las Vegas Boulevard South and the south side of Cathedral Way within

Winchester and Paradise. TS/md/syp (For possible action)

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

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.

**ITEM NO. 7** AR-23-400023 (UC-21-0657)-RENEGADES MINES PARTNERS, LLC:

HOLDOVER USE PERMIT FIRST APPLICATION FOR REVIEW for a heliport.

WAIVER OF DEVELOPMENT STANDARDS for landscaping and screening.

DESIGN REVIEWS for the following: 1) heliport; and 2) final grading plan for a Hillside Development on 10.7 acres in an R-U (Rural Open Land) Zone. Generally located 1.4 miles east of US Highway 95 and 1.7 miles north of Cottonwood Cove Road within Searchlight. MN/jgh/ja (For possible action)

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

CONDITIONS OF APPROVAL -

Comprehensive Planning

- 2 year review as a public hearing.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and 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.

**ITEM NO. 8** AR-23-400025 (WS-0104-17)-GVI SHLV OWNER, LLC:

WAIVER OF DEVELOPMENT STANDARDS SECOND APPLICATION FOR REVIEW for increased wall sign area.

DESIGN REVIEW for a wall sign in conjunction with an existing extended stay hotel (SpringHill Suites) on a portion of 1.7 acres in an H-1 (Limited Resort and Apartment) Zone. Generally located on the west side of Paradise Road, 300 feet south of Elvis Presley Boulevard within Winchester. TS/lm/syp (For possible action)

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

CONDITIONS OF APPROVAL -

Comprehensive Planning

- Until November 20, 2024 to review as a public hearing.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of



application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and 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.

**ITEM NO. 9** AR-23-400028 (WS-0528-12)-GVI SHLV OWNER, LLC:

WAIVER OF DEVELOPMENT STANDARDS FOURTH APPLICATION FOR REVIEW for an increase in the area of temporary wall signs.

DESIGN REVIEW for wall signs in conjunction with an existing extended stay hotel (SpringHill Suites) on a portion of 1.7 acres in an H-1 (Limited Resort and Apartment) Zone. Generally located on the west side of Paradise Road, 260 feet south of Elvis Presley Boulevard within Winchester. TS/jgh/syp (For possible action)

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

CONDITIONS OF APPROVAL -

Comprehensive Planning

- Until November 20, 2024 to review as a public hearing.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and 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.

**ITEM NO. 10** AR-23-400029 (WS-0724-17)-GVI SHLV OWNER, LLC:

WAIVER OF DEVELOPMENT STANDARDS SECOND APPLICATION FOR REVIEW for an increase in the area of temporary wall signs.

DESIGN REVIEW for wall signs in conjunction with an existing extended stay hotel (SpringHill Suites) on a portion of 1.7 acres in an H-1 (Limited Resort and Apartment) Zone. Generally located on the west side of Paradise Road, 300 feet south of Elvis Presley Boulevard within Winchester. TS/lm/syp (For possible action)

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

CONDITIONS OF APPROVAL -

Comprehensive Planning

- Until November 20, 2024, to review as a public hearing.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and 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.

**ITEM NO. 11** ET-23-400026 (UC-17-0480)-PLEASANT VIEW PARTNERS I, LLC:

USE PERMITS THIRD EXTENSION OF TIME for the following: 1) congregate care facility; and 2) assisted living facility.

WAIVER OF DEVELOPMENT STANDARDS to increase wall height.

DESIGN REVIEWS for the following: 1) congregate care facility; 2) assisted living facility; and 3) finished grade on 6.8 acres in an R-E (Rural Estates Residential) Zone. Generally located on the west side of Los Feliz Street and the north side of Washington Avenue within Sunrise Manor. TS/tpd/syp (For possible action)

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

CONDITIONS OF APPROVAL -

Comprehensive Planning

- 1 year to commence and review as a public hearing, with any extensions of time as a public hearing;
- A map is required for the entire site (Pleasant Valley) to merge or reconfigure the parcels (140-26-211-001 through 140-26-211-020) prior to building permits.
- 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 application for review; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

Public Works - Development Review

- Compliance with previous conditions.

**ITEM NO. 12** ET-23-400027 (VS-19-0100)-PLEASANT VIEW PARTNERS I, LLC:

VACATE AND ABANDON SECOND EXTENSION OF TIME easements of interest to Clark County located between Radwick Drive and Los Feliz Street, and between Monroe Avenue (alignment) and Washington Avenue, and a portion of a right-of-way being Los Feliz Street located between Monroe Avenue (alignment) and Washington Avenue within Sunrise Manor (description on file). TS/tpd/syp (For possible action)

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

CONDITIONS OF APPROVAL -

Comprehensive Planning

- Until February 21, 2025 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 re-approval by the utility companies is required.

Public Works - Development Review

- Compliance with previous conditions.

**ITEM NO. 13** ET-23-400034 (WS-18-0493)-PLEASANT VIEW PARTNERS I, LLC:

WAIVER OF DEVELOPMENT STANDARDS SECOND EXTENSION OF TIME to increase wall height. DESIGN REVIEW for finished grade in conjunction with a previously approved assisted living facility and congregate care facility on 6.8 acres in an R-E (Rural Estates Residential) Zone. Generally located on the west side of Los Feliz Street and the north side of Washington Avenue within Sunrise Manor. TS/tpd/syp (For possible action)

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

CONDITIONS OF APPROVAL -

Comprehensive Planning

- Until February 21, 2025 to commence with any extension of time as a public hearing.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

Public Works - Development Review

- Compliance with previous conditions.

**ITEM NO. 14 UC-23-0146-FLAMINGO PALMS VILLAS:**

USE PERMIT to allow a resort condominium in conjunction with an existing condominium complex on 14.1 acres in an H-1 (Limited Resort and Apartment) Zone. Generally located on the east side of Valley View Boulevard, 550 feet south of Flamingo Road within Paradise. MN/rk/syp (For possible action)

AMUNDSEN

Next is Item 14 UC-23-0146, use permit to allow a resort condominium in conjunction with an existing condominium complex on 14.1 acres in an H-1 limited resort and apartment zone, generally located on the east side of Valley View Boulevard, 550 feet south of Flamingo Road within Paradise.

DAVID EDELBLUTE

Good morning. My name is David Edelblute, E-D-E-L-B-L-U-T-E, on behalf of the applicant, Flamingo Palm Villas. What you have before you is a pretty standard special use permit application to have an existing condominium complex, be able to be a resort condominium. This is located in an H-1 zone and it is in an area of a resort corridor that has neighbors that have similar privileges and permits. Given that this is very straight forward, I'll keep it very brief, but I stand ready to answer any questions that the Commission may have.

GIBSON

And that completes your presentation?

EDELBLUTE

Yes, thank you.

GIBSON

This is a public hearing. Is there anyone here who wishes to speak on this item, which is Number 14?

GAUDET

Good morning. Members of the Commission, once again, my name is Robert Gaudet, G-A-U-D-E-T, and for over 14 years I have been a homeowner at 4200 South Valley View Boulevard. All I seek is the quiet enjoyment of my property in a clean, safe, and secure environment. I'm appearing to oppose the application brought forth to have this community designated as a resort condominium which in my opinion would compromise the quiet enjoyment of my property. I'm appearing here at my own expense and with concerns for my personal safety.

As a resort condominium designation is a permitted H-1- is permitted use in H-1 zone. However, under Title 30.04.075, developments must conform to the regulations in effect at the time the building permit was issued in

GAUDET

accordance with NRS 278.325, to provide assurance to developers and business owners preparing to risk tens and even hundreds of millions of dollars that rules will not change, putting their investments in jeopardy.

There are many instances throughout the valley where the principle known as “leave it as built,” or simply grandfathering, has been applied. Notably, RC Farms and over 30 mobile home parks. For Flamingo Palms, that time was 1988. The construction of an R-4/R-5 multi-family community in an area zoned M-1 required a special use permit. It will be zoned M-1, until such time as the community ceases to exist, it will be zoned M-1 and all the conditions of M-1 will continue to apply, including permitted uses.

Today, Flamingo Palms remains a multi-family residential community and any application to have that designation to allow a resort condominium, which is not a permitted use in zone M-1, would require a special use permit. Both those in favor of and in opposition acknowledge that this would require 100% of all homeowners to agree to a change under a special use permit.

Yesterday we submitted documentation detailing intentional actions by some homeowners and the owners promoting this application, who are primarily absentee landlords who want nothing more than to take as much money out of our community while contributing nothing in return, by offering short-term rentals at Flamingo Palms in direct violation of Clark County ordinances. The violations in this community alone have cost the residents, the citizens of Clark County, over \$2 million in revenue. Revenue that could be used to provide amenities that we all could enjoy.

In an analysis of a previous application to have Flamingo Palms, designated as a resort Condominium- Clark County Planning Staff provided the following, and I quote, "Allowing this conversion within an existing residential community development would impact any permanent and/or owners who purchased their units knowing that the project was a residential development, and will now have to deal with transient guests in the same building, same floor, and development." We could not agree more, and the conversion would negatively impact our ability to have quiet enjoyment of our property at Flamingo Palms in a clean, safe, and secure enforcement environment. We believe that this can be achieved through enforcement of the ordinance governing short-term rentals in Clark County. We strongly urge you reject UC-23-0146, as it fails to recognize that Flamingo Palms is not in zone H-1, but rather, in fact, is in zone M-1.

GIBSON

Thank you, sir.

GAUDET

Thank you for your consideration.

GIBSON

Is there anyone else who wishes to speak on this item? Do you want to submit that to us?

GAUDET

Well, yeah. I submitted this original yesterday, but I was told to submit it to the Clerk.

MICHAEL NAFT

I'd be glad to submit a copy for you to the Clerk.

GAUDET

And do you have good copies of the written presentation, or the verbal?

AMUNDSEN

The oral. The oral.

GIBSON

I mean if you could hand it to Mister Warhola or the Clerk. Thank you.

SHELLY TUPPER

Good morning. My name is Shelly Tupper, T-U-P-P-E-R. I reside at 4200 South Valley View Boulevard, unit 3209. So, this is under the same Item 14.

So, I just want to, Make a couple points clear. Over 40% of Flamingo Palms Condos are currently absentee landlords and illegally operate over 130 short-term rentals. In saying this, the Board of Directors, currently they personally operate over 100 of these illegal short-term rentals.

Civic licensing is not enforceable in Clark County. Doug Gold of your enforcement team is doing the best he can with the tools he has. This is evidenced by the many, many illegal rentals registered on rental platforms specific to Flamingo Palms. Totally, in the Valley, there's over 12,000 illegal rentals. This application will affect Clark County revenues as short-term owners will avoid registering all properties and not pay appropriate fees. Clark County does not have the administrative tools in place to enforce short-term bylaws.

There will be an increased cost to all owners, not limited to those who choose to get a license for maintenance such as pools, parking areas, security, and garbage removal. Other increased costs that'll burden Flamingo Palms owners who do not support transient lodging are bylaw changes, building infrastructure to meet zoning and civic bylaws. Things like safety, increased lighting, fire regulations, and sewer upgrades.

The HOA has no policies in place or security procedures in place for short-term rentals and zoning change will cause unwanted behavior, financial hardships, and safety issues. Flamingo Palms is in a high pedestrian traffic zone. There have been increased traffic safety issues exasperated by the proximity of sports and entertainment facilities, which are both approved and recently opened.

Important to me personally is the increased water usage. This is a detriment to both Clark County and Nevada. In the submitted documents that you've all received, you'll see examples where these hosts are offering their units for up to eight people, 12 people, willy-nilly. They're just packing them in like flies. Residential housing supports the economy and affordable housing of Clark County. Transient housing does not. Approving this application means we won't know our neighbors, as transient renters are not vested in community. This is one of the reasons that it was a recommended denial by the same planning commission in previous applications for this specific property.

Flamingo Palms re-zoning will increase homelessness, which is expensive

TUPPER for all levels of government, by promoting transient housing and taking away from residential housing inventory.

GIBSON Thank you.

TUPPER Thank you. For your time.

GIBSON Thank you. Is there anyone else who wishes to speak on this item? Please come forward.

STEVEN MANDEL The name's Steven Mandel, S-T-E-V-E-N, M-A-N-D-E-L. I live at 4200 South Valley View Drive, off and on. I bought the property about 10 years ago and, from what I understood when I bought the property, it was a resort property. It was H-1 back then, and even when I went down to the planning office here, they believed from right then that it was a resort property, that it wasn't an M-1 property, it was always an all... It was always a H-1 property. But it had some kinda different things about the short-term rentals and they were about to give me the license, and then Code Enforcement stopped it and made it come here.

But, as, you know... As this lady had just said, I see it a lot differently than she sees it, because, you know, I have a house here in Summerlin also, and I come to the place, and sometimes when I'm living at my house, then I rent the...I could rent that out and make money, of course. But, when I wasn't there and they had the... They didn't have the short-term rentals at the time. Nobody was doing that. And when I was there... When I wasn't there, my place was broken into. I had squatters come in there and sit in there, 'cause there was hardly anybody around the complex, and there was squatters in there. They stole my televisions. (laughs) They stole my paintings. You know, very expensive ones. I called the police. It took them a long time to get there, and the guy got... They let the guy... They let the guy... The security let the guy get away. There was very little security.

I just think that- that if you handle it right, and the new manager's really good... her name is Talia. The new manager's really good. If it's handled right, there won't be all these problems that these people are worried about. I only have one unit. There's some people that have 30, and I understand that that could be a problem, that one person. But, you know, I don't know why he's not here today to defend his own properties, but you know. So, when I'm not using it for a while, I'm out of town. I'm a filmmaker. I make movies all over and, won a lot of awards for making those. (laughs) But, yeah. But I just noticed it's... When there's very little people there, there's more people that were coming in. There was... There was maybe hundreds of people coming in from the canal right... I don't... The water... I don't know if it's- what you call it here. I guess it's the wash. Is that it? From the wash, they were come... They were coming in from the back where the trains were. They were coming in from all over, and it wasn't really... It wasn't really that great.

Now I don't... I haven't had any problems at all and we do the short-term rentals and we hold a certain amount of money back, like 280 bucks, so if

MANDEL anybody does any damage or does anything, we have money to collect to give- to collect. And if they do anything to the property, we... I guess. The people, the management, they take care of it, and they would fine somebody if they did something wrong.

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

NAFT Thank you, Mister Chairman. I'll invite Mister Edelblute to come back, to come forward. David, if you want to come back up, I've got a couple questions. And I want to thank particularly the residents who flew in for this hearing and put in a lot of effort leading up to this hearing, providing a lot of testimony and facts and background. A really significant issue that was raised that I need to kind of get a clear understanding of, Mister Warhola, is this notion that would require 100% of the homeowner's association to be in agreement for them to submit an application. What is our process and what is that threshold?

ROBERT WARHOLA Just, a majority. Whatever their restrictive covenants require for HOA approval. So, it could be simple majority. It could be supermajority. But I think we received a certification from the HOA that they approved it. It doesn't have to be 100% approval of the HOA board members.

NAFT So, for... As far as we are concerned from the County, it's a valid application because it has a... I believe it was a 60% threshold that the HOA requires in this case. Um- so we believe it to be a valid application.

WARHOLA Yes, that's correct.

NAFT And so, because of that, I'm very sympathetic to what's going on here, because this essentially amounts to an HOA takeover. It's pretty clear what this is. But the challenge I have is this is in the H-1 zoning. It is also surrounded by like uses And for those reasons, I feel obligated. It also approved, affirmative approval from the Paradise Town Advisory Board. So, my motion is for approval. But I'd like to talk through a couple added conditions, if I could.

One, I'd like to include the condition that the applicant works with the Metropolitan Police Department, on an analysis of the property and provide access to any surveillance cameras, at their request. And then I'd like to also ask, Rob, is it possible to attach a condition that there be a 24/7 hotline available? Because this is H-1, it won't be short-term rental. I mean, they've been operating illegally, but it won't be short-term rental anymore. But can we still apply some of those conditions, like a 24/7 hotline be available, for noise complaints, to either neighbors or other residents in the area?

WARHOLA Yes, we can do that.

NAFT Are there any other applicable conditions that we might want to put here?

WARHOLA I'd have to think about it for-

NAFT

Maybe I can... I know... I see Mister Queano in the back. I don't know if you're here on this item, but maybe you could just nod if this is possible. If one of the applicants in this community happens to have an outstanding balance owned to the County, would they be issued a business license? They would not. Okay. So, I just want to put that clearly on the record. That doesn't need to be an added condition, but we understand that if somebody in this community comes in and applies for a business license and is not in good standing with the County, they would not be issued that business license until they come into compliance.

Okay. Mister Edelblute, are those conditions understood by your client?

EDELBLUTE

They are, Commissioner Naft. Thank you.

NAFT

Okay, and then my motion is for approval of Item 14.

GIBSON

There's a motion for approval by Commissioner Naft on Item 14. Any discussion on the motion? Please cast your votes. Motion carries. Thank you.

**ACTION:**

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

**CONDITIONS OF APPROVAL -**

**Comprehensive Planning**

- 24 hour complaint hotline to be provided for owners/residents by the Homeowners Association;
- Coordinate with the Las Vegas Metro Police Department for the installation of security cameras and surveillance operations;
- Process a Certificate of Amendment to change from a residential condominium to a resort condominium with the Public Works - Map Team.
- Applicant is advised that a resort condominium is a commercial use, therefore, would need to complete a change of occupancy with the Building Department; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 2 years of approval date or it will expire.

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

- Applicant is advised that the property is already connected to the CCWRD sewer system; and that if any existing plumbing fixtures are modified in the future, then additional capacity and connection fees will need to be addressed.

**ITEM NO. 15 VS-23-0133-CHURCH WALK LAS VEGAS NV INC:**

VACATE AND ABANDON a portion of a right-of-way being Sur Este Avenue located between Spencer Street and Bruce Street within Paradise (description on file). MN/al/syp (For possible action)

AMUNDSEN

Next are Items 15, 16, and 17, which can be heard together.

Item 15 VS-23-0133, vacate and abandon a portion of a right-of-way, being Sur Este Avenue, located between Spencer Street and Bruce Street within Paradise.



AMUNDSEN

Item 16 ET-23-400024, use permits first extension of time for the following: place of worship, daycare facilities, school, preschool on 3.6 acres in RE rural estates residential zone, generally located on the east side of Spencer Street, 330 feet south of El Dorado Lane within Paradise.

Item 17 WS-23-0132, waivers of development standards for the following: landscaping to a less intense use, alternative landscaping adjacent to a collector street, permit a wall sign. Design reviews for the following: place of worship, daycare facility, preschool, alternative parking lot landscaping, lighting plan, comprehensive sign plan, finish grade on 3.6 acres in an RE rural estates residential zone.

GIBSON

Good morning.

LEBENE OHENE

Good morning, Commissioner. Lebene Ohene, 520 South Fourth Street, representing the applicant for vacations, design reviews, and extension of time for previously approval place of worship.

To orient you to the site, the parcel is located on the east side of Spencer Street and approximately 300 feet south of El Dorado. In 2021, a place of worship with a daycare and preschool was approved on the site with some of the applications denied with a condition by the Board to come back and redesign the site. The first application is basically an extent, sorry, a vacation requested by Public Works for the Sur Este alignment street, which is basically south of the parcel and dead ends into the wash. So, this street does not go west to Spencer. As part of that condition, we submitted the application, staff recommended approval, and we appreciate that recommendation of approval.

The second application, it's basically the extension of time of the previously approved church and includes that daycare and preschool. As part of that original approval, we were asked to remove the waivers and design reviews that were approved and added to the third application, which is number 17. The church was redesigned and reduced in size from almost 30,000 square feet to about 26,000 square feet with a second-story mezzanine level that is only, just short of 3,000 square feet. The height of the place of worship is 33 feet, and as part of the design and considering that there are drainage channels to the south and east and also a drainage easement to the north, that site was redesigned, but care was taking to ensure that the neighbors are not impacted. So, landscaping was placed adjacent to the north, and almost complies with a requirement for intense landscape buffer.

The previous waivers that included some modifications to the landscape islands within the parking lot, was used to redesign the site. There was a waiver previously approved for 10 feet of landscaping along Spencer with an attached sidewalk, because in the area to the west are attached sidewalks back to the north and south. There are no sidewalks existing with the application. Also, with the redesign, care was taken to ensure that the neighbors were not impacted. So, the previous finished grade, which was at 72 feet, was lowered to 60 feet and lower. A drainage study has been submitted. And we're just waiting for concurrence from Regional Flood

OHENE

Control.

Staff also recommended approval. And as part of the redesign signage, which is a wall sign which is a cross and also a monument sign that is about 46 square feet was included in the redesign to comprehensively look at everything. And with that, staff recommended approval, we exceed parking requirements. The requirement is 217 and 260 parking spaces are provided. And with that, staff also recommended approval for the redesign of the place of worship.

We appreciate staff's recommendation of approval of the entire application and accept the conditions of approval. And also, as part of the redesign, we made sure that we met all the conditions of approval to ensure that the neighbors would work with us. Through the process, the pastor met in small groups with the neighborhood groups and then we also had an overall neighborhood meeting last year. With that, we would appreciate your recommendation of approval as well and the additional condition we've worked out with our neighbor to ensure that he's not impacted by the development. Thank you.

GIBSON

Thank you. This is a public hearing. There are a couple of you who have submitted cards. I invite anyone who wishes to speak on these items to come forward. (silence) So, Carl is it, Genteel, who wish to speak and there's an Alan Shugarman who submitted a card, too. You can just be, seated there until he's finished.

CARL CURATOLA

I'm pretty nervous. I'm really not used to this. My name is Carl Curatola. Last name is C-U-R-A-T-O-L-A.

GIBSON

Okay.

CURATOLA

I just want to say that I'm 75. I've been around for a while. I just became a parishioner at this church maybe a year or so ago. And everybody in that church is loving, giving, and it would be a great piece for the community. I live about... I live on Yellow Wood, which is only a few blocks away. And I think this would be a great improvement to our neighborhood. They are really loving people and giving. Thank you very much.

GIBSON

Thank you.

DENNIS TODD

My name is Dennis Todd. I live at 7564 South Bruce Street for the last 21 years. My property is directly east of the Walk Church property with Duck Creek in between. In 1971, my home was built. In 1986, the Water District ran a water pipe, which ends in front, at that time, ends in front of the Walk Church. They installed a water meter and the homeowner at that time installed a little over 800 feet of pipe to get to the Bruce Street address. There's a temporary agreement which is gone on and on from the Water District, stating that because the pipes are under private land, if the private land ever is to be developed, my water meter has to be moved. (inaudible)

GIBSON

If you'll pick up that microphone, right next to your left hand.

TODD

My home is over here. This is the Walk Church property, this is my water meter, and no one, even the Water District, knows for certain where these pipes are. I believe this is the water pipe here. When they built Duck Creek, Public Works put a sleeve underneath it and ran my water pipe underneath that, and then it continued on to my home. The Water District says that when my water meter is moved, it will be moved over to approximately intersection of Bruce and Sur Este. I will then have to run a water pipe from that meter to my house, which is about 260 feet.

In addition, because I have a septic tank, the Water District is saying that I have to install sewer. So, from approximately the corner of Bruce Street and Sur Este, a sewer pipe will have to be installed to my home. Now, my estimate of the cost is \$30,000 or less, or more that I'm going to be subjected to if I pay all these expenses. So, I have requested and have been in negotiation with the church that they pay for this installation of the water meter, the water pipe, and the sewer pipe. So, the agreement has been reached and I hope that it will be read into the record somewhere along the line today. Thank you.

GIBSON

Thank you. Is there anyone else who wishes to speak on this, on these items 15 to 17?

ALAN SHUGARMAN

Good morning, Commissioners. Alan Shugarman, S-H-U-G-A-R-M-A-N, 2081 East Eldorado Lane. The church came about a year ago here and a lot of work has happened in between then with the community. We've had a number of meetings as Lebene said. I think they've worked in good faith to improve their proposal. I believe the community is in support of the church and I think it should be approved today.

I do have a few things I wanted to bring up for Public Works that I addressed with Commissioner Naft's office. We seem to be missing a bunch of speed signs along Eldorado, which will become a passageway for the church. So, I bring it up in, in the context of I'd like to make sure that those signs get replaced. I spoke to Tiffany about it. Furthermore, with regard to the traffic issue going northbound on Spencer, along, along...well, I'll try to give you my best guess here. So, going northbound from the property here, you have one lane, going southbound you have two lanes.

You have no stop light at Robindale and Spencer. So, the issue becomes traffic going in and out of the property, which was brought up previously during the last meeting that we were here. I still believe Public Works needs to evaluate that further, because going northbound towards Spencer and Warm Springs will become a real issue going, especially making a left-hand turn towards the freeway.

There's also an issue at Eldorado and Spencer. With the way that the street is sloped, there's a significant issue. In fact, someone crashed right through the Cox cable box, that's on the corner there. It's not really well-designed right now for the type of traffic we're going to have, so I would ask that Public Works evaluate this situation.

SHUGARMAN

Lastly, I wanted to make sure that the conditions that were put forth in the original application are maintained, for example, operating hours. The school and daycare, I believe was requested to be delayed. One of the community members asked me to bring this up. I believe it was asked to be delayed and reevaluated, but I don't remember the exact terms because it was a year ago. So, if that could be maintained as part of this approval, I believe the community is in support, and I know I've spoken with a number of them. So, thank you so much. Thank you to Walk Church. I think that Pastor Mike, Pastor Heiden... I don't know where they are. They're somewhere in here. I think they worked really well with the community, and I want to thank them. Thank you.

GIBSON

Thank you. Anyone else who wishes to speak on these items? The public hearing is closed. Commissioner Naft?

NAFT

Thank you, Mister (laughs) Shugarman. You got me speechless here. That was, it's good to see you again. I appreciate you working so closely with them. Just as a refresher, it was, I denied the move for denial on this Board, had affirmative vote to deny everything except the use last time they were here. They did come back and reduce the...

SHUGARMAN

I want to thank you as well.

NAFT

Oh, that's not necessary. Thank you. Reduce the size of the building primarily which allowed them to meet the parking requirements. A couple of things I want to address. We heard from Mister Todd about the concern about his meter. I'm going to read an added condition into the record, and I'll provide it to staff. The Walk Church of Las Vegas Incorporated agree to relocate the existing water meter adjacent to the church parcel on Spencer Street, per the requirements of the Las Vegas Valley Water District. If the Clark County Water Reclamation District requires the owners of parcel 177-11-601-009 to connect to the public sewer as a result of the church relocating the water meter, then the church also agrees to pay, up to \$30,000 to extend the water lines per the requirements of the Clark County Water Reclamation District to parcel 177-11-601-009.

This parcel is under the current ownership of Dennis, Todd and Travis Clifton Glaziner, trustees of the Heyday 2,000 Living Trust, dated 08/07/2019. This agreement has a condition made in conjunction with the approval construction and completion of the Walk Church of Las Vegas. If construction is not commenced and completed for the Walk Church, this agreement is void. And there's an attached diagram that will be submitted for the record as well. The only question I have on that condition, Rob, is would it not be our practice to put that condition on the land itself and not with the actual, and not with Mister Todd and his family?

GAUDET

Yes, it should run to not only the current owner, but the successors in interest also.

NAFT

Okay. Lebene, is there any reason why it would matter who the owner is if, if your client agrees to pay for the cost?

OHENE If I may, this is an agreement that you're doing for this neighbor, because they recognize that he has limited resources. If he does sell the property in the future and the church has already constructed, they would have met the obligations to him. And therefore, we don't think it should just run with the land forever, because they are trying to help him and it's tied to his trust today. And, and the intent to complete their church in about two to three years, And it's to help the specific neighbor. So, by the time he sells it and he's successful, we think that helps. That if he turns around and sells it, that means in perpetuity, he's... The church is expected to be helping everybody.

NAFT Well, it's not in perpetuity. It's until the job's done.

OHENE Yes.

NAFT It's, it's a finite job. There's a maximum listed here. If the church is prepared to pay it, it doesn't seem like it should be Mister Todd's obligation that he can't sell until that work is done or that it's an obligation on his property. So, I'll go with the recommendation from Counsel and add that, amend the condition to read that it lies with the property.

OHENE Thank you.

NAFT Okay.

OHENE We're fine with it. We'll go with it.

NAFT Okay, thank you. And then, there were some comments made about the traffic. This was my concern all along is that this is not an appropriate site for so many people to be put on. Spencer's just not equipped for that and I appreciate the neighbors' comments, but, I don't know that the County is prepared to do a whole lot to change that intersection. It's going to be a challenge over there. Mister Papazian, I'll turn to you if you have any thoughts. I know a minimum, I'd like to see a traffic management plan submitted for review.

PAPAZIAN Thank you, Commissioner. They do have a condition for a traffic study and, we will add an intersection to south of this parcel on the list for a traffic signal to be reviewed.

NAFT Okay. And per Mister Shugarman's comments, we can go out and repost the speed limit signs.

PAPAZIAN Yes, sir.

NAFT Okay, thank you. If there is nothing further, I will move for approval of Items 15, 16, and 17. I'm sorry, Mister Shugarman. Yes, all of the previously approved conditions will stick with this application. Thank you. My motion is for approval of Items 15, 16, 17, with the stated conditions.

GIBSON You've heard the motion by Commissioner Naft. If there's no discussion, please cast your votes. The motion carries.

AMUNDSEN

Thank you, Commissioners.

GIBSON

Thank you.

**ACTION:**

It was moved by Commissioner Michael Naft, and carried by unanimous vote, that the applications for Item No. 15, 16 and 17 be approved subject to staff and additional conditions.

CONDITIONS OF APPROVAL -

Comprehensive Planning

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

Public Works - Development Review

- Revise legal description to except the area needed for the drainage channel;
- Vacation to be recordable prior to building permit issuance or applicable map submittal;
- Revise legal description, if necessary, prior to recording.

**ITEM NO. 16** ET-23-400024 (UC-21-0139)-CHURCH WALK LAS VEGAS NV INC:

USE PERMITS FIRST EXTENSION OF TIME for the following: 1) place of worship; 2) daycare facility; and 3) school (pre-school) on 3.6 acres in an R-E (Rural Estates Residential) Zone. Generally located on the east side of Spencer Street, 330 feet south of Eldorado Lane within Paradise. MN/al/syp (For possible action)

**ACTION:**

It was moved by Commissioner Michael Naft, and carried by unanimous vote, that the applications for Item No. 15, 16 and 17 be approved subject to staff and additional conditions.

CONDITIONS OF APPROVAL -

Comprehensive Planning

- Until May 19, 2025 to commence;
- As a result of the construction of the Walk Church of Las Vegas, the property owner of APN 177-11-601-014 (Church Walk Las Vegas NV INC) agrees to relocate the existing water meter adjacent to the subject parcel onto Spencer Street to serve APN 177-11-601-009 per the requirements of the Las Vegas Valley Water District; if APN 177-11-601-009 is required to connect to public sewer as a result of the relocation of the water main, the owner of APN 177-11-601-014 agrees to pay up to \$30,000 (thirty thousand dollars) to extend the sewer lines per the requirements of the Clark County Water Reclamation District to APN 177-11-601-009; this agreement as a condition made in conjunction with the approval, construction, and completion of the Walk Church of Las Vegas; if construction is not commenced and completed for the Walk Church of Las Vegas, this agreement is void.
- 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. 17** WS-23-0132-CHURCH WALK LAS VEGAS NV INC:

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) landscaping to a less intensive use; 2) alternative landscaping adjacent to a collector street; and 3) permit a wall sign.

DESIGN REVIEWS for the following: 1) place of worship with a daycare facility and pre-school; 2) alternative parking lot landscaping; 3) lighting plan; 4) comprehensive sign plan; and 5) finished grade on 3.6 acres in an R-E (Rural Estates Residential) Zone. Generally located on the east side of Spencer Street, 330 feet south of Eldorado Lane within Paradise. MN/al/syp (For possible action)

**ACTION:**

It was moved by Commissioner Michael Naft, and carried by unanimous vote, that the applications for Item No. 15, 16 and 17 be approved subject to staff and additional conditions.

CONDITIONS OF APPROVAL -

Comprehensive Planning

- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection;
- As a result of the construction of the Walk Church of Las Vegas, the property owner of APN 177-11-601-014 (Church Walk Las Vegas NV INC) agrees to relocate the existing water meter adjacent to the subject parcel onto Spencer Street to serve APN 177-11-601-009 per the requirements of the Las Vegas Valley Water District; if APN 177-11-601-009 is required to connect to public sewer as a result of the relocation of the water main, the owner of APN 177-11-601-014 agrees to pay up to \$30,000 (thirty thousand dollars) to extend the sewer lines per the requirements of the Clark County Water Reclamation District to APN 177-11-601-009; this agreement as a condition made in conjunction with the approval, construction, and completion of the Walk Church of Las Vegas; if construction is not commenced and completed for the Walk Church of Las Vegas, this agreement is void.
- 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;
- "No Parking" signs to be installed along Spencer Street to prohibit on-street parking for this facility.
- Applicant is advised that off-site improvement permits may be required; and that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

**ITEM NO. 18** VS-23-0145- PN II, INC.:

VACATE AND ABANDON easements of interest to Clark County located between Arby Avenue and Warm Springs

Road, and between Rogers Street and Schirlls Street within Enterprise (description on file). MN/md/syp (For possible action)

AMUNDSEN

Next are Items 18, 19, and 20, which can be heard together.

Item 18 VS- 23-0145, vacate and abandon easements of interest to Clark County located between Arby Avenue and Warm Springs Road, and between Rogers Street and Schirlls Street within Enterprise.

Item 19 WS-23-0144, waivers of development standards for the following: alternative street landscaping allow non-standard improvements within the right-of-way. Design reviews for the following single family residential development, finished grade on 9.8 acres in RE rural estates residential RNP-1 zone. Generally located on the north side of Warm Springs Road and the west side of Schirlls Street within Enterprise.

And Item 20 TM-23-500033 tentative map consisting of 16 lots and common lots on 9.8 acres.

GIBSON

Good morning, Mister Celeste.

TONY CELESTE

Good morning, Mister Chairman and Commissioners. My name is Tony Celeste, address 1980 Festival Plaza Drive, here on behalf of the applicant Pulte Homes. As you can see from the aerial, our property is just shy of 10 acres located on the northwest corner of Warm Springs and Schirlls, to the north is Arby.

We are proposing a conforming, request here. We are asking to do 16 lots on, like I said, just shy of 10 acres. It is a planned rural neighborhood and in the RNP, so we are complying with those development standards.

Essentially, one of the biggest issues related to this is with respect to the increasing grade design review, and then the wall height. There was some concerns at Town Board that our wall height could be up to 18 feet. I want to assure you that is not the case, nor would Pulte ever want to build an 18-foot wall.

You can see right here our design. Here's the 16 lots coming in again, Warm Springs and Schirlls. I think this exhibit right here helps point out our, what's going on on the site with respect to grading. And we have a couple of conditions that we'd like to add in addition to help ensure that we are definitely not building a wall height that's even remotely close to that height. We can see here on our grading, um- the red numbers indicate actually where our site will be lower than the adjacent site. The blue does indicate where it will be slightly higher. Really, this is the area in question that, will require the greatest grade input. It'll be about four feet higher here than on the Schirlls side so you can see we actually have to dig down a little bit. Right here is going to be a drop inlet and that's why we need to raise this site so that it flows down in here.

With that being said, our wall height is not going to be any greater than 10



CELESTE

feet. And what we propose and I'll read conditions to that effect is right here. This will be the tallest portion where the wall we think, like we said, we're gonna have a four-foot grade increase, so that'll result in a four-foot retaining wall. On top of that, we're going to have a six-foot screen wall, and that screen wall will be four feet of CMU and then we've agreed to do two feet of rod irons. So, the maximum exposed CMU will be about eight feet as seen from Schirlls. We appreciate Town Board's recommendation of approval on this. We did, as I mentioned, we did provide a couple of additional conditions. I'd like to read those into the record. Did meet with the neighbors to explain this. I believe they are in agreement with these conditions, and then there's a third one they'd asked me to, to also put in.

So, the first one is any portion of a wall with exposed nine feet of CMU along a right-of-way to be terraced and landscaped. Again, we do not think any of our walls will be more than nine feet of exposed CMU wall, but if it is the case, that will have to be terraced. We think it'd be eight feet at the maximum right here. Then the second portion of this condition would be screen walls located along Schirlls and Arby, to be combination of four feet CMU with a two-foot wrought iron fence. So again, to help reduce that massing in this area. The third condition, which I did not provide to Planning, just me- meeting with the neighbors here was that we have these conditions incorporated into our HOA documents, and we're fine with that so that the wall height cannot be increased. That it's within our HOA, so we're, we're fine with that.

Again, appreciate staff's recommendation of approval and everything. We agree with all those conditions. Appreciate Town Board's recommendation of approval. There was one condition, an additional condition they did add that we cannot make work. They had suggested a walking path basically from Warm Springs to Arby along Schirlls. Again, we're developing this to rural standards. If we provided a walking path, our concern is that we would not be able to meet, meet ADA compliant, BADA compliant, and I believe the neighbors are actually supportive of our request not to place that pathway in. So, with that, I'm more than happy to answer any questions you may have.

GIBSON

Thank you. This is a public hearing. Is there anyone here who wishes to speak on these items? This item, 18, 19, 20.

DONNA KELLY

Hello, my name is Donna Kelly and I live at 7250 and 7230 Schirlls. My two houses are directly across from this development. I just want to say that we did work out our issues with the developer and we appreciate him listening to our concerns. We still don't want to look at eight foot of wall, but it seems like that's what we're going to have to live with the grade and all. Also, we support the issue about not having that asphalt walkway there. We feel because it is horse property that it's going to probably cause more problems than it is a solution to anything. So, we appreciate the changes in working with somebody that finally listens to us. Thank you very much.

GIBSON

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

NAFT Thank you, Mister Chair. I move for approval of Items 18, 19, and 20 with the additional conditions read into the record by Mister Celeste, including the HOA incorporation, and this would be per submitted plans.

GIBSON There's a motion for approval of, of 18, 19, and 20 by Commissioner Naft. Any discussion on his motion? Please cast your votes. The motion carries. Thank you.

NAFT Thank you.

**ACTION:** It was moved by Commissioner Michael Naft, and carried by unanimous vote, that the applications for Item No. 18, 19 and 20 be approved subject to staff and additional conditions.

#### CONDITIONS OF APPROVAL –

##### Comprehensive Planning

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

##### Public Works – Development Review

- Right-of-way dedication to include 30 feet for Schirlls Street, 30 feet for Arby Avenue, and associated spandrels;
- 30 days to coordinate with Public Works – Design Division and to dedicate any necessary right-of-way and easements for the Warm Springs Road improvement project;
- Vacation to be recordable prior to building permit issuance or applicable map submittal;
- Revise legal description, if necessary, prior to recording.

#### **ITEM NO. 19** WS-23-0144-PN II, INC.:

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) alternative street landscaping; and 2) allow non-standard improvements within the right-of-way.

DESIGN REVIEWS for the following: 1) single family residential development; and 2) finished grade on 9.8 acres in an R-E (Rural Estates Residential) (RNP-I) Zone. Generally located on the north side of Warm Springs Road and the west side of Schirlls Street within Enterprise. MN/md/syp (For possible action)

**ACTION:** It was moved by Commissioner Michael Naft, and carried by unanimous vote, that the applications for Item No. 18, 19 and 20 be approved subject to staff and additional conditions.

#### CONDITIONS OF APPROVAL -

##### Comprehensive Planning

- Per plans on file;
- Any portion of wall with exposed 9 feet of CMU along a right-of-way to be terraced and landscaped;
- Screen walls located along Schirlls Street and Arby Avenue to be a combination of 4 feet of CMU with 2 feet of

- wrought iron 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 4 years of approval date or it will expire.

#### Public Works - Development Review

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Right-of-way dedication to include 30 feet for Schirlls Street, 30 feet for Arby Avenue, and associated spandrels;
- Applicant to install full off-site improvements on Warm Springs Road or pay a contribution for the Warm Springs Road improvement project as determined by Public Works;
- Execute a Restrictive Covenant Agreement (deed restrictions);
- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Warm Springs Road improvement project;
- Execute a License and Maintenance Agreement for any non-standard improvements within the right-of-way.
- 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; that separate airspace determinations will be needed for construction cranes or other temporary equipment: that issuing a stand-alone noise disclosure statement to the purchaser or renter of each residential unit in the proposed development and to forward the completed and recorded noise disclosure statements to the Department of Aviation's Noise Office is strongly encouraged; that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations which was constructed after October 1, 1998; and that funds will not be available in the future should the residents wish to have their buildings purchased or soundproofed.

#### **ITEM NO. 20** TM-23-500033-PN II, INC.:

TENTATIVE MAP consisting of 16 lots and common lots on 9.8 acres in an R-E (Rural Estates Residential) (RNP-I) Zone. Generally located on the north side of Warm Springs Road and the west side of Schirlls Street within Enterprise.

MN/md/syp (For possible action)

**ACTION:** It was moved by Commissioner Michael Naft, and carried by unanimous vote, that the applications for Item No. 18, 19 and 20 be approved subject to staff and additional conditions.

**CONDITIONS OF APPROVAL -**

**Comprehensive Planning**

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

**Public Works - Development Review**

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Right-of-way dedication to include 30 feet for Schirlls Street, 30 feet for Arby Avenue, and associated spandrels;
- Applicant to install full off-site improvements on Warm Springs Road or pay a contribution for the Warm Springs Road improvement project as determined by Public Works;
- Execute a Restrictive Covenant Agreement (deed restrictions);
- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Warm Springs Road improvement project;
- Execute a License and Maintenance Agreement for any non-standard improvements within the right-of-way.
- 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 advised that issuing a stand-alone noise disclosure statement to the purchaser or renter of each residential unit in the proposed development and to forward the completed and recorded noise disclosure statements to the Department of Aviation's Noise Office is strongly encouraged; that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations which was constructed after October 1, 1998; and that funds will not be available in the future should the residents wish to have their buildings purchased or soundproofed.

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

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email [sewerlocation@cleanwaterteam.com](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0329-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**ITEM NO. 21 WS-23-0134-ROOHANI KHUSROW FAMILY TRUST & ROOHANI KHUSROW TRS:**

**WAIVER OF DEVELOPMENT STANDARDS** to allow roof signs.

**DESIGN REVIEW** for modifications to an approved comprehensive sign package in conjunction with an existing convenience store on 1.4 acres in a C-2 (General Commercial) Zone. Generally located on the east side of Las Vegas Boulevard South and the north side of Cactus Avenue within Enterprise. MN/hw/syp (For possible action)

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

that the application be approved.

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.

**ITEM NO. 22** WS-23-0153-MOSAIC SEVEN LLC:

WAIVER OF DEVELOPMENT STANDARDS to increase wall height.

DESIGN REVIEW for finished grade in conjunction with an approved single family residential subdivision on 7.5 acres in an R-E (Rural Estates Residential) (RNP-I) Zone. Generally located on the south side of Richmar Avenue, approximately 275 feet west of Rainbow Boulevard within Enterprise. JJ/hw/syp (For possible action)

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

CONDITIONS OF APPROVAL -

Comprehensive Planning

- Screen walls shall be decorative, and landscaping shall be provided adjacent to retaining/screen walls per plans;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 4 years of approval date or it will expire.

Public Works - Development Review

- Comply with approved drainage study PW19-17512;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Right-of-way dedication to include 30 feet for Richmar Avenue, 30 feet to 60 feet for Rosanna Street, 30 feet for Gary Avenue 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.

**ITEM NO. 23** TM-23-500036-MOSAIC SEVEN LLC:

TENTATIVE MAP consisting of 13 single family residential lots and 1 common lot on 7.5 acres in an R-E (Rural Estates Residential) (RNP-I) Zone. Generally located on the south side of Richmar Avenue, approximately 275 feet west of Rainbow Boulevard within Enterprise. JJ/hw/syp (For possible action)

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

CONDITIONS OF APPROVAL -

Comprehensive Planning

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

Public Works - Development Review

- Comply with approved drainage study PW19-17512;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Right-of-way dedication to include 30 feet for Richmar Avenue, 30 feet to 60 feet for Rosanna Street, 30 feet for Gary Avenue 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.

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 #0560-2019 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**ITEM NO. 24** ZC-21-0004-MOAPA PIONEERS 1919 TRUST:

AMENDED HOLDOVER ZONE CHANGE to reclassify 12.0 acres (previously notified as 19.5 acres) from an R-U (Rural Open Land) Zone to an R-E (Rural Estates Residential) Zone for a single-family residential development. Generally located on the south side of McKnight Avenue and the west side of Henrie Road within Moapa (description on file). MK/jor/ja (For possible action)

**ACTION:** Deleted from the agenda. (held to June 21, 2023, per the applicant).

**ITEM NO. 25** ZC-23-0151-NV LAS DEC, LLC:

ZONE CHANGE to reclassify 1.3 acres from an R-E (Rural Estates Residential) Zone and an R-E (Rural Estates Residential) (AE-60) Zone to an M-D (Designed Manufacturing) Zone and an M-D (Designed Manufacturing) (AE-60) Zone.

USE PERMITS for the following: 1) eliminate trash enclosure; and 2) electric substation.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) allow a non-subdued exterior accent color; 2) allow horizontal rooflines without architectural articulation; 3) increase wall height; 4) allow monotonous block walls; 5) allow ground mounted up-lighting; 6) allow alternative street landscaping (no trees); 7) signage; and 8) allow modified driveway design standards.

DESIGN REVIEWS for the following: 1) modifications to a previously approved data center that included a communications tower; 2) electric substation; 3) signage; and 4) finished grade on 30.0 acres in the CMA Design Overlay District. Generally located on the west side of Jones Boulevard and the north side of Maule 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.

CONDITIONS OF APPROVAL -

Comprehensive Planning

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

- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; an extension of time must be filed for ZC-19-0877 prior to January 22, 2024 to ensure the applicable use permit and waivers of development standards do not expire; and that the use permits, waivers of development standards, and design reviews must commence within 4 years of approval date or they will expire.

#### Public Works - Development Review

- Comply with approved drainage study PW21-16085;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 25 feet to the back of curb for Maule Avenue;
- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Beltway Frontage improvement project.
- Applicant is advised that the installation of detached sidewalks will require dedication to back of curb, and 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; and that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

#### Department of Aviation

- Applicant is 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 #0016-2021 to obtain your POC exhibit; that

flow contributions exceeding CCWRD estimates may require another POC analysis; that POC is contingent upon completion of CCWRD (#19105); and to see by others note in POC #0016-2021 for CCWRD (#19105) for plans submittal to CCWRD.

**ITEM NO. 26 VS-23-0152-NV LAS DEC, LLC:**

AMENDED VACATE AND ABANDON easements of interest to Clark County located between Jones Boulevard and Torrey Pines Drive, and between Maule Avenue and Roy Horn Way; a portion of a right-of-way being Bronco Street located between Maule Avenue and Roy Horn Way; a portion of right-of-way being Pama Lane located between Jones Boulevard and Torrey Pines Drive; and a portion of right-of-way being Maule Avenue located between Jones Boulevard and Torrey Pines Drive (previously not notified) 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.

**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 Maule Avenue;
- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Beltway Frontage improvement project;
- Vacation to be recordable prior to building permit issuance or applicable map submittal;
- Revise legal description, if necessary, prior to recording.
- Applicant is advised that the installation of detached sidewalks will require the recordation of this vacation of excess right-of-way, and dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

**ITEM NO. 27 TM-23-500035-NV LAS DEC, LLC:**

TENTATIVE MAP consisting of 1 industrial lot and common lots on 30.0 acres in an M-D (Designed Manufacturing) (AE-60) Zone and an M-D (Designed Manufacturing) Zone in the CMA Design Overlay District. Generally located on the west side of Jones Boulevard and the north side of Maule Avenue within Enterprise. MN/md/syp (For possible action)

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

**CONDITIONS OF APPROVAL –**

**Comprehensive Planning**

- Expunge TM-19-500232.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an



extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that a final map for all, or a portion, of the property included under this application must be recorded within 4 years or it will expire.

**Public Works - Development Review**

- Comply with approved drainage study PW21-16085;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 25 feet to the back of curb for Maule Avenue;
- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Beltway Frontage improvement project.
- Applicant is advised that the installation of detached sidewalks will require dedication to back of curb, and 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; and that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

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

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0016-2021 to obtain your POC exhibit; that flow contributions exceeding CCWRD estimates may require another POC analysis; that POC is contingent upon completion of CCWRD (#19105); and to see by others note in POC #0016-2021 for CCWRD (#19105) for plans submittal to CCWRD.

**ITEM NO. 28 PA-23-700005-ELEGANCE RUSSELL, LLC:**

PLAN AMENDMENT to redesignate the existing land use category from Corridor Mixed-Use (CM) to Urban Neighborhood (UN) on 11.2 acres. Generally located between Emerald Avenue and Russell Road, 400 feet west of Boulder Highway within Whitney. JG/gtb (For possible action)

**ACTION:** It was moved by Commissioner Justin Jones, and carried by unanimous vote, that the recommendation (including the adoption of Resolution No. R-5-17-23-1) be approved.

**ITEM NO. 29 ZC-23-0067-ELEGANCE RUSSELL, LLC:**

ZONE CHANGE to reclassify 11.2 acres from an R-2 (Medium Density Residential) Zone, a C-2 (General Commercial) Zone, and an M-1 (Light Manufacturing) Zone to an R-4 (Multiple Family Residential - High Density) Zone. USE PERMITS for the following: 1) senior housing; and 2) project of regional significance. WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) increase building height; 2) increase retaining wall height; 3) reduce throat depth; and 4) allow non-standard improvements in the right-of-way. DESIGN REVIEWS for the following: 1) senior housing development; and 2) finished grade. Generally located between Emerald Avenue and Russell Road, 400 feet west of Boulder Highway within Whitney (description on file). JG/lm/syp (For possible action)

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

**CONDITIONS OF APPROVAL –**

Comprehensive Planning

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- The projects 3 parcels must be fenced and posted within 60 days of BCC approval and remain fenced throughout construction, if at any time the property fence is damaged or cut, owner to replace or repair immediately;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that the use permits, waivers of development standards, and design reviews must commence within 2 years of approval date or they will expire.

#### Public Works - Development Review

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

#### Department of Aviation

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

#### 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 #0072-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

#### **ITEM NO. 30 VS-23-0068- ELEGANCE RUSSELL, LLC:**

VACATE AND ABANDON a portion of right-of-way being Russell Road located between Boulder Highway and Stephanie Street, and a portion of right-of-way being Emerald Avenue located between Boulder Highway and Duck Creek Flood Channel within Whitney (description on file). JG/lm/syp (For possible action)

#### **ACTION:**

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

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. 31** NZC-23-0076-LV WS CIMARRON, LLC:

ZONE CHANGE to reclassify 13.7 acres from an R-E (Rural Estates Residential) Zone and a C-1 (Local Business) Zone to an R-4 (Multiple Family Residential - High Density) Zone.

WAIVER OF DEVELOPMENT STANDARDS to increase building height.

DESIGN REVIEWS for the following: 1) alternative parking lot landscaping; 2) multiple family development; and 3) finished grade in the CMA Design Overlay District. Generally located on the south side of Warm Springs Road and the east side of Cimarron Road within Spring Valley (description on file). MN/md/syp (For possible action)

**ACTION:**

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

CONDITIONS OF APPROVAL -

Comprehensive Planning

- Resolution of Intent to complete in 3 years;
- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a new application for a Master Plan amendment and a zone boundary amendment may be required in the event the building program and/or conditions of the subject application are proposed to be modified in the future; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

Public Works - Development Review

- Drainage study and compliance;

- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- Full off-site improvements;
- 30 days to coordinate with Public Works - Traffic Division/Anthony Ramos and to dedicate any necessary right-of-way and easements for the traffic signal project at Warm Springs Road and Cimarron Road;
- If required by the Regional Transportation Commission (RTC), dedicate and construct right-of-way for bus turnout including passenger loading/shelter areas in accordance with RTC standards on Warm Springs Road.
- Applicant is advised that the installation of detached sidewalks will require the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way; and that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

#### Department of Aviation

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

#### 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.

#### 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 #0085-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

#### **ITEM NO. 32 VS-23-0077-LV WS CIMARRON, LLC :**

VACATE AND ABANDON a portion of right-of-way being Warm Springs Road located between Cimarron Road and Buffalo Drive, and a portion of right-of-way being Cimarron Road located between Warm Springs Road and Eldorado Lane within Spring Valley (description on file). MN/md/syp (For possible action)

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

#### 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

- 30 days to coordinate with Public Works - Traffic Division/Anthony Ramos and to dedicate any necessary right-of-way and easements for the traffic signal project at Warm Springs Road and Cimarron Road;
- 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.

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. 33** CP-23-900184: Direct staff to process an amendment to the Northeast – Las Vegas Valley Transportation Map of the Clark County Master Plan, and refer the amendment to the Planning Commission for a public hearing. (For possible action)

**ACTION:** Staff directed.

**ITEM NO. 34** ORD-23-900168: Conduct a public hearing to amend the official zoning map reclassifying certain properties as approved by the Board of County Commissioners through various zone change applications on February 8, 2023, February 22, 2023 and March 8, 2023. (For possible action)

**ACTION:** It was moved by Commissioner Justin Jones, and carried by unanimous vote, that the recommendation (including adoption of Ordinance No. 5020) be approved.

**ITEM NO. 35** ET-21-400175 (UC-0492-15)-WESTWYNN, LLC:

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

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

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

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

**ACTION:** Deleted from the agenda. (held to July 19, 2023, per the applicant).

**ITEM NO. 36** ET-21-400176 (UC-0045-16)-WESTWYNN, LLC: HOLDOVER USE PERMIT SECOND EXTENSION OF TIME to expand/enlarge the Gaming Enterprise District by approximately 2.5 acres in conjunction with an approved resort hotel (Alon) on 34.6 acres in an H-1 (Limited Resort and Apartment) Zone. Generally located between Sammy Davis Jr. Drive and Las Vegas Boulevard South and between Fashion Show Drive and Wilbur Clark Desert Inn Road within Winchester and Paradise. TS/sd/jo (For possible action)

**ACTION:**

Deleted from the agenda. (held to July 19, 2023, per the applicant)

**ITEM NO. 37 UC-23-0069-O'NEIL EDWARD J FAMILY TRUST & O'NEIL EDWARD J TRS:**

USE PERMIT for outdoor watercraft storage.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) landscaping; 2) gated access setback; 3) off-site improvements (curb, gutter, partial pavement); 4) alternative driveway geometrics; 5) parking; 6) eliminate trash enclosure; 7) paved parking; and 8) decorative fence.

DESIGN REVIEW for an outdoor watercraft storage on 0.4 acres in a C-2 (General Commercial) Zone. Generally located on the north side of Cottonwood Cove Road and the west side of Main Street within Searchlight. MN/bb/syp (For possible action)

AMUNDSEN

Next is Item 37 UC-23-0069, use permit for outdoor watercraft storage. Waivers of development standards for the following: landscaping gated access setback, off-site improvements, curb gutter partial pavement, alternative driveway geometrics parking, eliminate trash enclosure, paved parking and decorative fence. Design review for an outdoor watercraft storage on 0.4 acres in a C-2 general commercial zone generally located on the north side of Cottonwood Cove Road in the west side of Main Street within Searchlight.

GIBSON

Good morning.

CARL PALM

Good morning, Commissioners. My name is Carl Palm, P-A-L-M, also known as Doug Shane. I live at 3391 Ramona Lane, Pahrump, Nevada. She's given a full description of the property. First of all, I'd like to thank Commissioner Naft and his liaisons for the help in the project, as well as Jorge Horkozo in Public Works, Brady Bernhardt in Comprehensive Planning to help us along. I'm going to address the waivers of development standards for the following. You can ask me any questions when I finish and then I'll bring up one of the owners my son, Greg Feddance. In landscaping, we're going to put in some drought-tolerant plants. According to the Southern Nevada Water Authority regional plant list. Our gated access setback is designed to uniform standards DWG 22.1 Chapter 30.52 the county code. A commercial multifamily driveway geometrics, 50 foot would take up a little over a third, maybe a fourth, of our property. 50 foot for a locked gate, it's 18 foot for an unlocked gate during business hours. Our gate is only unlocked when we're there. This is a private parcel where the public is not invited. Only boat owners can view the property and see their boat with an appointment. Off-site improvements, Searchlight is a rural community, so we'd like to waive the off-site improvements. There is not much of that up there. Alternative driveway geometrics is designed to code with a 25-foot setback, and actually I was looking at the design. It there's another seven feet that takes it to back of curb which makes it 32 feet.

Parking, property is private admittance by appointment only. If required, I do have a redesigned for parking spaces by moving some boats and putting them in, but again, it's a private, private lot. They can't get in unless we take them in. Eliminate trash enclosure, we use a portable dump trailer for trash. We remove and police the property almost daily. Now, If viewed through the screening after I take a look at it after my conversation with Commissioner Naft, we will put up an enclosure for that dump trailer.

PALM

Paved parking. The paved has been waived via email from Anna Sutowska, air quality supervisor, Clark County Department of Environment and Sustainability, and that's dated July 13, 2022. As far as the decorative fence go, the fence screening... It's a Fence Screen Plus 200 Series from a fence screen company with a 90% blockage, anymore, the winds would be a problem up there.

I've been made aware of recent videos of unauthorized people on the property. My son will address that. In after hours, we don't work after hours. We did initially when we moved in, we do not now, and we've discussed it. We're going to put in a solar surveillance system, so we can see who is getting on the property because the gate is locked. And unless there's a red truck there, that's my son's truck, it's not him. So, I'd like to address that. Any questions of me... Once again, thank you. We'd like to have a one-year application for review. And any questions you'd like me, I'll introduce my son, he'll come up and give you his address and name.

GIBSON

Thank you. Is there anyone here who wishes to speak? This is a public hearing now. So, if there's anyone interested in this item, please come forward and speak.

EDWARD O'NEIL

Hello, Commissioners.

GIBSON

So, are, are you the applicant?

O'NEIL

I'm one of them, yes.

GIBSON

Okay. So let, let me just close the public hearing.

O'NEIL

Okay.

GIBSON

It sounds like there isn't much more in things that you need to say or can say Commissioner Naft can help you with. With there being no one who wishes to speak on this item, the public hearing is closed. Commissioner Naft?

NAFT

Thank you, Mister Chair. I think you came to the podium because I, I hadn't met you and I have significant challenges with this application, and I believe you wanted to address some of that yourself. The challenges result around, one, you all have... Just to be very clear, you guys have been operating illegally on that site for quite a long time now. I've gotten, every time I'm in Searchlight, they bring me... Not that they have to bring me since it's right in the middle of town, but I come out and I have to look at the site. Everybody complains to me about what an eyesore it is and what an incompatible use it is and how everybody's working so hard with the SBO to try and improve things there. And so most recently, I had the chance to sit down with your father, but since then, even though I was assured that there isn't anything going on in the public right-of-way anytime, let alone in the middle of the night, I've received three videos from different people in the area, pretty clearly indicating that there is activity on the property. So, when am, I mean, you telling me that do-

O'NEIL Well, we cle-

NAFT ... it's not you, doesn't really help me.

O'NEIL We've cleaned up the trailers that were on the side of the road. I did that the other day. So, I was there the other day moving those off the, off the east side of the property, which I was asked to remove. So, I did that. And we removed one boat from there that was, that has left.

NAFT But tha- ... So, even while the Town Advisory Board meeting was going on, you were operating illegally, while everybody in town was driving right by your property, watching a stalled vehicle in the right of way. So, you can understand how that just makes this such a challenge to approve your application.

O'NEIL Right.

NAFT You address- your father addressed some of the waivers, which most of which I don't have an issue with, the problem is the overall use is just not compatible with the area. Maybe our Planning Department could speak to why that is or the challenges with outdoor storage.

AMUNDSEN One of the issues with outdoor storage is monitoring, whatever condition you put on this property with the past, with them coming and going, there is no way that we're gonna be able to track everything short of having the residents of Searchlight always calling. The other concern that we have is the buffering, shall we say, the fence that they wanna put up, is not consistent with what would be allowed for this type of use in that area. So, those are two of the main ones.

NAFT Yeah.

AMUNDSEN We just had an overall concern that this was inconsistent and incompatible with that area, especially being on Cottonwood Cove Road.

NAFT Okay. And if the Town hadn't been working so hard to clean that area up, it might be a different story but that's not the case. I guess, is there ... My inclination right now is to deny it. I won't deny it with prejudice. I'll give you an opportunity if I can help you find another site, but the main street in Searchlight, that people are working so hard to try and improve, is just not the best use for outdoor storage. So, my motion's to deny where are we? Item 37.

GIBSON 37, yeah.

AMUNDSEN Without prejudice.

NAFT Without Prejudice.

GIBSON There's a motion for denial of Item 37 without prejudice. Any discussion on the motion? Please cast your votes.



NAFT And Mister Chair, if I could, if you, if you wanna get together and talk more about this and figure out a path from here, I'm happy to do that with you.

GIBSON So, the motion was to deny, and it is approved. The motion was approved. The item is denied.

**ACTION:** It was moved by Commissioner Michael Naft, and approved by unanimous vote, that the application be denied.

**ITEM NO. 38 VS-23-0136-RAINBOW 26 LLC:**

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

**ACTION:** Deleted from the agenda. (held to June 21, 2023, per the applicant). Applicant is advised that re-notification fees are required prior to this item being placed on the agenda.

**ITEM NO. 39 UC-23-0135-RAINBOW 26 LLC:**

USE PERMITS for the following: 1) convenience store; 2) gasoline station; and 3) vehicle maintenance. WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) alternative landscaping; 2) reduce parking; 3) reduce driveway approach and departure distances from the intersection; and 4) allow a modified driveway design. DESIGN REVIEWS for the following: 1) alternative parking lot landscaping; 2) a proposed shopping center; and 3) finished grade on 3.8 acres in a C-1 (Local Business) (AE-60) Zone in the CMA Design Overlay District. Generally located on the east side of Rainbow Boulevard and the north side of Oquendo Road within Spring Valley. MN/lm/syp (For possible action)

**ACTION:** Deleted from the agenda. (held to June 21, 2023, per the applicant). Applicant is advised that re-notification fees are required prior to this item being placed on the agenda.

**ITEM NO. 40 VS-23-0139-LV PETROLEUM LLC:**

VACATE AND ABANDON a portion of a right-of-way being Gateway Road located between Lake Mead Boulevard and Judson Avenue within Sunrise Manor (description on file). WM/rk/syp (For possible action)

AMUNDSEN Next are Items 40 and 41, which can be heard together.

Item 40 VS-23-0139, vacate and abandon a portion of right-of way being Gateway Road, located between Lake Mead Boulevard and Judson Ave within Sunrise Manor.

Item 41 UC-23-0138, use permits for the following: a convenience store, reduced separation from a convenience store to residential use, gasoline station, reduced separation from a gasoline station to a residential use. Waivers of development standards for the following: allow access to a local street, allow a modified driveway design, driveway distance from an intersection. Design reviews for the following: a convenience store with gasoline sales, restaurant with drive through on two acres, and a C-1 local business zone, generally located on the north side of Lake Mead Boulevard, and the west side of Gateway Road, within Sunrise Manor.

GIBSON

Good morning again.

OHENE

Good morning again, Commissioners, Lebene Ohene, 520 South 4th Street, representing the application for a vacation of five feet along Gateway for a detached sidewalk, as required by code. To orient you to the site, we're on the north side of Lake Mead, and the west side of Gateway Road. The parcel's already zoned C-1, and the request includes special use permits, and also waivers or reductions in separation, for some of the residential users, for both the convenience store and the gas station, to the north, to the east, and also to the south.

As part of working on this application, we conducted a neighborhood meeting with our neighbors, and there were some concerns raised with access to Gateway and also the use. Subsequent to that, at Town Board, the same neighbors had the same concerns. So, as part of all the concerns, we submitted revised plans to staff, removing the access. That was a waiver. So, there were three waivers in conjunction with the application. One to allow access, and two dealt with driveway geometrics. And with the redesign of the site, in removing the access to Gateway, it renders that the three waivers we requested are no longer necessary. So, we will withdraw those waivers, waivers one, two, three, without prejudice, 'cause it's no longer required for the application, since there's no access to the driveway.

The use as a convenience store, and also includes a 1,500 square foot restaurant. And with that redesign, knowing that the neighbors could still get to the site, we included a pathway from the detached sidewalk which is part of the vacation, to the restaurant and the convenience store to help the neighbors get in. As part of our discussions with the commissioner, and also trying to address consents of the neighbors to the north there is an existing five-foot-high block wall. We, with our revisions, have all said, a need for a high block wall on the north property line, to increase safety for the site. We also included a lighting plan, which ensures that the lighting adjacent to the north, portions of the west and the east at about 16-feet high, so it doesn't shine onto the neighbors. And so, with some of these revisions, including the intense landscape buffer to the north, this we believe has improved the site and will reduce the perceived impacts that the neighbors had with, having access to Gateway and bringing traffic to their neighborhood. So, there's only one driveway now on Lake Mead, which prevents people from cutting in onto, from Lake Mead to Judson.

As part of the redesign of the site, we've also agreed to a condition which is a typical condition in this area, for Metro to have access to their cameras. There's specific language for that, and we included that with our revisions, and we accept that condition. With all these revisions and other discussions we've had, we've also agreed to a condition to reduce the volume of the call box for the restaurant to 9:00 p.m. each day. So, the volume will be reduced so it doesn't impact. And with the reduction of the light posts, we believe we've worked the site to ensure no impact to the neighbors. And with that, we would appreciate the Commissioners' recommendation of approval for the project. Thank you.

GIBSON

Thank you.

WILLIAM MCCURDY II

Yes, thank you so much for working with our office on addressing many of the concerns that came forward as a result to the neighborhood meetings that you had, in addition to the Town Board meeting. You...

GIBSON

Commissioner, should we do the public hearing on this side?

MCCURDY

Oh, yes.

GIBSON

Th- this is a public hearing. I know I have at least one card. Is there anyone who wishes to make a presentation to us or speak to us, if so please come forward.

RAYMOND NOHAVA

Good morning, Commissioners, I appreciate you hearing from us. My name is Raymond Nohava, I reside at 2100 North Gateway Road. They have done a lot, obviously, on what they wanna revise. One of our biggest concerns though is having the reason for having a gas station located right there. We have three others that are within 800 feet located on Walnut, which is an actual major thoroughfare. One of our concerns is we're on wells. So, now we're adding increased for chance of leakage into our groundwater, into our systems, as well as the impact it's gonna have for trying to get off of Judson- or off of Gateway, onto Lake Mead, which is difficult anyways with Walnut only a block away.

So, that's really our main concerns on this, is how to work around that, you know? I understand that they're zoned for commercial property. Everybody's out to make money. But it doesn't bring any value to our area. It increases the chance of crime, it increases our traffic, just as a general ... in a general sense. And we wanna try to avoid that at all costs. We're a rural area, we have horses, and we don't have streetlights, we don't have any of that. We enjoy it that way, you know? This is gonna increase our noise, the noise pollution level, the light level, the traffic, and we're just trying to avoid all this. Thank you.

GIBSON

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

CARL KOSAK

Good morning. My name is Carol Kosak. I own the property at 2100 North Gateway. My family has owned and lived on that property since the mid 50's. We bought out there and built our homes out there because we wanted to have a rural area to grow up, have animals, run around, without the fear of everything that was going on in the cities. Our biggest ... and it's very good what they did. Well, this is the first that we're hearing that they have worked a lot of this stuff out. But our biggest concern now is the aquifer, and the fact that it is, every time they put another gas station in, it's endangering the aquifer that's under that area.

That's, if the aquifer ever has a problem for a gas station leak, and we all know that happens, it's poisoned the aquifer. Everybody out there that's on that aquifer is in danger at that point. So, we really do not want another gas station out there. Three is enough, we've got a great, big, Terrible Herbst on

KOSAK

Lamb and Lake Mead. It's not like it's lacking in gas stations. So, we would really like to not have that part of it. Everything else we can probably live with. People will still be able to ride their horses up and down the street, because we're not gonna have sidewalks and asphalt, and we're not gonna have traffic problems caused by what they were gonna put in, which was a median in the middle of our little street, so that people couldn't get across from the first neighbors on the corner couldn't get even across. They wouldn't even be able to go to Lake Mead, from their home. So, we're very appreciative of that. But we still are really dead set against another gas station. It's just too close. Thank you.

GIBSON

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

OCTAVIO CISNEROS

Yeah, my name is Octavius Cisneros, and I'm right here for Elizabeth Magana, who is the owner of the next-door property. It's 2041. And again, they do have horses, and they're gonna build right there, and they have horses right there. So, if, with the lights and everything, I don't think it's gonna be a good environment for the horses, because they do have. And then, the other thing is that I was..they have the same concern as the other neighbors. There is no need for another gasoline station right there. There is already three right there, pretty much next door. So, that's pretty much the concern.

And the other thing, the other issue was the wall, which she mentioned it that it was, it's gonna be, like, eight feet high on the next door. So, that's probably good, but but again, just the... just another gasoline station right there, I don't think it's gonna be a good, it's gonna be good for that neighborhood right there. Because I think three is enough. Thank you.

GIBSON

Thank you. If there's anyone else who wishes to speak, we've got two microphones, so you can come up and position yourself if you'd like to.

DAVID FRYE

Good morning.

GIBSON

Good morning.

FRYE

David Frye, F-R-Y-E. I own the property between the vacant lot and the AutoZone building and the center. I did send an email into Mister McCurdy.

GIBSON

You pull that microphone a little closer to yourself, please.

FRYE

Okay. I sent an email into Mister McCurdy, hopefully he read it. I'm in agreeance with the folks. I don't live there, but I do own property. Three gas stations is plenty, I'm all about if it could be small retail or... when I bought the AutoZone property, there was a plan from someone somewhere, that there was gonna be, like, an L shaped retail area on that corner. That's just about all I have to say. I just, I'm just against another gas station and convenience store. The noise, drive through, lighting. The same concerns these people have. Thank you.

GIBSON Thank you. It appears there's no one else who wishes to speak on the item. The public hearing is closed, and Commissioner McCurdy.

MCCURDY Thank you, Mister Chairman, I'd like to invite the applicant up to speak to some of the concerns that were mentioned, particularly around the aquifer and some of the concerns that were mentioned, about possible contamination to the water supply nearby.

OHENE Typically, with gas stations, the gas is in a tank that is buried, and if a gas station is abandoned, then that tank is removed, and testing is done for that area. I don't have any information on any existing aquifers in that area, but if it is, it is always mitigated, just like it would for any gas station that is approved in an area.

MCCURDY Alright, thank you for that, because we do appreciate the residents for coming forward, and speaking to the concerns that you have, being that you are directly impacted. I also like you to speak to the lighting for the gentleman who spoke on behalf of the property owner who has horses.

OHENE The property owners to the north came to both the neighborhood meeting and the Town Board meeting. And in considering their concerns, they don't have a house yet, they intend to build a house, and they have that five-and-a-half-foot high fence. So, we offer to include as a condition that we build the eight-foot-high wall, and also to address the concern that their horses, typically, the height of light posts are 25 feet. We offered to lower it, even though the County Code talks about shielding, sometimes when it's too high, even in, when you shield it, it bleeds over, so we offer to lower it to about 15 to 16 feet, and we did 16 feet. We can lower it some more along that north property line, and also the east property line, just so it doesn't bleed over at all. Thank you.

MCCURDY So, I would ask that we look at taking the light pole down just a little bit more. It also should be shaded, as we spoke about...

OHENE Yes, sir.

MCCURDY ... and right now, the item before us is for a gas station and convenience store. This is a property owner. I have spoken with the owner of the property and the representative about alternatives. And due to that conversation, I was notified that they intended to ask and request that we approve a convenience store.

I also recognize that we are on a main thoroughfare, which is Lake Mead, which is very busy. There are a lotta people going from the west to the east and east down to the west. And, quite frankly, we look forward to a day where we have freeway access, hopefully one day out there, so that we confer the connector residents, to easier travel methods. But I think that it's also worth noting that we did put provisions in place, conditions in place that we lower the sound. So, at 9:00 o'clock, the sound will be lowered at the drive through. So, I would also request that we have a six-month review after this. And I think I am ready to make a motion, because again, they're not

MCCURDY asking for something that is out of the usage of this parcel. This is in alignment with the current zoning. And we have also worked with the applicant who address the concerns around access from Gateway, which should mitigate travel onto that private road there. And we invite you to stay in contact with our office if you are seeing issues around safety, issues around sound, and impact to your quality of life.

But at this point, I'm willing to make a motion to move for approval, because again, what before is us something that is zoned for this parcel and the applicant is looking to improve the community, and we're gonna work with Metro as well, to make sure that the community remains safe. Metro will work with them, if there are any issues, they will have access to the cameras. But want you to know you're heard, and you're seen. But at this point we'll move for approval with the conditions that were read into the record, as particularly with some of the issues that you brought forward at this time.

AMUNDSEN Commissioner, can I ask something clarifying? You want a six-month review after their C of O. I was wondering if they know how long it's gonna take to get this built, and then we can have a date certain so that we're not tracking when they open.

MCCURDY Yes. So, I would-

AMUNDSEN So-

MCCURDY I would say six months after completion of the project.

AMUNDSEN After completion. So, Miss Ohene, do you have an idea of when they're-they hope to get this open?

OHENE We are looking at a year to 12 months through the building process. So, could it be six months after ... maybe 18 months from-

MCCURDY Oh, how does 18 months sound?

AMUNDSEN 18 months would work.

MCCURDY Okay

AMUNDSEN So, an 18-month review. So, year and a half. That would be a lot easier for us to track and for them to know what date to come in. And if they're not done, they can actually give you an update as to where they are.

MCCURDY Thank you.

OHENE Thank you, Miss Amundsen. Thank you, Commissioner.

MCCURDY Thank you.

GIBSON There's a motion for approval of Items 40 and 41 as indicated, Any discussion on the motion? Then please vote. The motion carries. Thank you,

folks, for coming out today.

**ACTION:**

It was moved by Commissioner Michael Naft, and carried by unanimous vote, that the applications for Item No. 40 and 41 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. 41 UC-23-0138-LV PETROLEUM LLC:**

USE PERMITS for the following: 1) convenience store; 2) reduced separation from a convenience store to a residential use; 3) gasoline station; and 4) reduced separation from a gasoline station to a residential use.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) allow access to a local street; 2) allow a modified driveway design; and 3) driveway distances from an intersection.

DESIGN REVIEWS for the following: 1) convenience store with gasoline sales; and 2) restaurant with drive-thru on 2.0 acres in a C-1 (Local Business) Zone. Generally located on the north side of Lake Mead Boulevard and the west side of Gateway Road within Sunrise Manor. WM/rk/syp (For possible action)

**ACTION:**

It was moved by Commissioner Michael Naft, and carried by unanimous vote, that the application for Item No. 40 and 41 be approved subject to staff conditions.

**CONDITIONS OF APPROVAL –**

**Comprehensive Planning**

- 18 months to review;
- Per revised plans;
- Height of light poles along north, east, and west property lines shall be less than 16 feet;
- Callbox volume to be reduced at 9:00 p.m. daily;
- Coordinate with the Las Vegas Metropolitan Police Department for the installation of security cameras and surveillance operations;
- 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 and application for review; 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; that off-site improvement permits may be required; and that the installation of detached sidewalks will require the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0125- 2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

WAIVERS OF DEVELOPMENT STANDARDS WERE WITHDRAWN WITHOUT PREJUDICE.

**ITEM NO. 42** WS-23-0038-SDP DEVELOPMENT, LLC:

HOLDOVER 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)

AMUNDSEN

Next is Item 42, WS-23-0038, hold over waiver of development standards to increase free standing sign height. A design review proposed signage in conjunction with the 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.

GIBSON

Miss Ohene?

OHENE

Sorry, Commissioners, you've seen me too much today. Good morning, Commissioners, Lebene Ohene, 520 South 4th Street, representing the applicant, for this application. This application originally started as, sorry, to orient you to the site, we are located on the northwest corner of Durango and Sunset. It is an approved and existing shopping center, with portions still under construction. This application originally started with a waiver, to increase the height of the freestanding site to 35 feet, which is not allowed in the CMA. However, since that, the sign has been redesigned, therefore we will withdraw the waiver application without prejudice. And the application is just now ending as a design review.

The height of the free-standing sign, and also the wall signs are part of this application, and it's 16 feet, inside of the 20 that it's permitted. And now falls within code. And with that, we would appreciate your recommendation of approval. Thank you.

GIBSON

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



JONES

Thank you, Mister Chair, with withdrawal of the waiver of development standards for the sign, I will move for approval of agenda Item Number 42.

GIBSON

There's a motion for approval by Commissioner Jones, any discussion? Please cast your vote. The motion carries.

**ACTION:**

It was moved by Commissioner Justin Jones, and carried by unanimous vote, that the recommendation (including the adoption of Resolution No. R-5-17-23-2) be approved.

**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.

**WAIVERS OF DEVELOPMENT STANDARDS WERE WITHDRAWN WITHOUT PREJUDICE.**

**ITEM NO. 43 PA-23-700006-DEAN MARTIN DR., LLC:**

PLAN AMENDMENT to redesignate the existing land use category from Ranch Estate Neighborhood (RN) to Business Employment (BE) on 4.1 acres. Generally located on the north side of Robindale Road and the east side of Procyon Street within Enterprise. MN/gtb (For possible action)

AMUNDSEN

Next are Items 43, 44 and 45, which can be heard together.

Item 43 PA-23-70006, plan amendment to redesignate the existing land use category from Ranch Estate Neighborhood, RN to Business Employment, BE on 4.1 acres. Generally located on the north side of Robindale Road and the east side of Procyon Street within Enterprise.

Item 44 NZC-23-0074 zone change, reclassify 4.1 acres, from an RE, Rural Estates Residential, RNP-1, AE-60 zone to an MD Design Manufacturing AE-60 zone. Waiver of development standards for alternative driveway geometrics, design reviews for the following: office warehouse center on 15.8 acres in an AE-60 and AE-65 Zone; finished grade. Generally located on the north side of Robindale Road and the west side of Dean Martin Drive within Enterprise.

And Item 45 VS-23-0075, vacate and abandon easements of interest to Clark County, located between Robindale Road and Maulding Avenue alignment between Dean Martin Drive and Procyon Street alignment, and a portion of right of way being Robindale Road, located between Procyon Street alignment and Dean Martin Drive, and a portion of a right of way being Procyon Street, located between Robindale Road and Maulding Avenue alignment within Enterprise.

GIBSON

Miss Ohene.

OHENE

(laughs) Good morning again, Commissioners. Lebene Ohene, 520 South 4th Street, representing the applicant with the three applications, which includes a plan amendment, a zone change, and a design review with vacations for a 15.7-acre site. The first application, which is the plan amendment from RA to BE, to amend and extend a previously approved MD zone industrial complex. That parcel is to the west of the other four parcels that were originally approved. The parcel currently is zoned RE and therefore with the plan amendment, together with the zone change, the request is for an MD zone site.

As part of the application as well, there's a design review to which encompasses all 15 acres for a design review for the entire industrial complex. The initial application, which was about 12.6 acres was previously approved. With this plan amendment, the one 4.1-acre parcel that is included with this application, will make the total site about 15 point something, 16 acres. As part of this request, the developers who do develop industrial complexes, offered to take about 2.7 acres of the western parcel and create a green belt for the neighbors, originally was intended as a park, which could not be accepted by the County.

So, we have a 2.7-acre green belt to buffer the residences to the north, to the west, and to the south, with that green belt. The site was also redesigned, where instead of the previous nine buildings on the 12.6 acres, there's now six buildings, and actually, the total square footage of the site is reduced. Additionally, the height of the buildings is 27 feet, when the MD is typically 35 to 50 feet. The green belt area is basically an area that it's created as a buffer. There is technically only one building in the new parcel that was added, which is a 4.1 and the driveway locations that were proposed are similar to what was approved with the initial application in 2001.

We had a neighborhood meeting for the project, to review the project. Although, staff recommended denial of the application. Town Board recommended approval, and so did Planning Commission, recognizing that with this design, this was probably the best hope of keeping the MD zoning from intruding or impacting the neighborhoods around, because the be-green belt is 2.7 acres, and if you calculate the distance from the building to the nearest house, you have more than 300 feet, including that green belt. All the original conditions of approval that were used for the original 12.6 acres are still active and were approved by the Planning Commission in conjunction with the application. And with Town Board and Planning Commission's approval of the application, we would appreciate your approval of the application, and I'm here to answer any questions you may have. Thank you.

GIBSON

Thank you. This is a public hearing on Items 43, 44, and 45. Is there anyone here who wishes to speak on these applications? There being no one, the public hearing is closed. Commissioner Naft.

NAFT

Thank you, Mister Chairman. I think this is a dramatic improvement over the design that I've approved two years ago and move for approval of Items 43, 44, and 45, per Town Advisory Board.

GIBSON

There's a motion for approval of 43, 4, and 5. Any discussion on the motion? Please cast your votes. The motion carries. Thank you.

OHENE

Thank you, Commissioners.

**ACTION:**

It was moved by Commissioner Michael Naft, and carried by unanimous vote, that the applications for Item No. 43, 44 and 45 be approved, subject to staff conditions.

**ITEM NO. 44 ZC-23-0074-DEAN MARTIN DR., LLC:**

ZONE CHANGE to reclassify 4.1 acres from an R-E (Rural Estates Residential) (RNP-I) (AE-60) Zone to an M-D (Designed Manufacturing) (AE-60) Zone.

WAIVER OF DEVELOPMENT STANDARDS for alternative driveway geometrics.

DESIGN REVIEWS for the following: 1) office/warehouse center on 15.8 acres in an (AE-60 & AE-65) Zone; and 2) finished grade. Generally located on the north side of Robindale Road and the west side of Dean Martin Drive within Enterprise (description on file). MN/rk/syp (For possible action)

**ACTION:**

It was moved by Commissioner Michael Naft, and carried by unanimous vote, that the applications for Item No. 43, 44 and 45 be approved subject to staff conditions.

**CONDITIONS OF APPROVAL -**

**Comprehensive Planning**

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Design review as a public hearing for lighting and signage;
- Design review as a public hearing for significant changes to plans;
- Green zone to use 4 inch to 6 inch rock for groundcover;
- 18 wheeler trucks prohibited on-site;
- Deliveries only to occur during daytime hours;
- Coordinate with the Las Vegas Metropolitan Police Department to evaluate on-site safety and security prior to construction;
- Work with the Las Vegas Metropolitan Police Department for the installation of security cameras and surveillance operation;
- Building height per plans;
- 36 inch box trees along the perimeter landscaping on the north and south;
- Street landscaping along Procyon Street per plans on file;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised the installation and use of cooling systems that consumptively use water will be prohibited; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that the waiver of development standards and design reviews must commence within 2 years of approval date or they will expire.

**Public Works - Development Review**

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

- Full off-site improvements;
- Right-of-way dedication to include 35 feet to the back of curb for Dean Martin Drive, 35 feet to the back of curb for Robindale Road, a portion of a cul-de-sac for Polaris Avenue and associated spandrel;
- 30 days to coordinate with Public Works - Construction Management Division and to dedicate any necessary right-of-way and easements for the Blue Diamond Wash improvement project.
- Applicant is advised that the installation of detached sidewalks will require the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way; 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 VS-21-0102 expires in June 2023.

#### 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;
- Incorporate exterior to interior noise level reduction into the building construction as required by Code for use.
- 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; that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations, which was constructed after October 1, 1998; and that funds will not be available in the future should the owners wish to have their buildings purchased or soundproofed.

#### Fire Prevention Bureau

- Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features.

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

- Applicant is advised that the CCWRD is unable to verify sewer capacity based on this zoning application; and may find instruction for submitting a Point of Connection (POC) request on the CCWRD's website; and that a CCWRD approved POC must be included when submitting civil improvement plans.

#### **ITEM NO. 45 VS-23-0075-DEAN MARTIN DR., LLC:**

VACATE AND ABANDON easements of interest to Clark County located between Robindale Road and Maulding Avenue (alignment), and between Dean Martin Drive and Procyon Street (alignment); and a portion of a right-of-way being Robindale Road located between Procyon Street (alignment) and Dean Martin Drive; and a portion of a right-of-way being Procyon Street located between Robindale Road and Maulding Avenue (alignment) within Enterprise (description on file). MN/rk/syp (For possible action)

**ACTION:** It was moved by Commissioner Michael Naft, and carried by unanimous

vote, that the applications for Item No. 43, 44 and 45 be approved subject to staff conditions.

CONDITIONS OF APPROVAL –

Comprehensive Planning

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

Public Works - Development Review

- Right-of-way dedication to include 35 feet to the back of curb for Dean Martin Drive, 35 feet to the back of curb for Robindale Road, a portion of a cul-de-sac for Polaris Avenue and associated spandrel;
- 30 days to coordinate with Public Works - Construction Management Division and to dedicate any necessary right-of-way and easements for the Blue Diamond Wash improvement project;
- Vacation to be recordable prior to building permit issuance or applicable map submittal;
- Revise legal description, if necessary, prior to recording.
- Applicant is advised that the installation of detached sidewalks will require the recordation of this vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control; and that VS-21-0102 expires in June 2023.

Fire Prevention Bureau

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

**ITEM NO. 46** NZC-23-0081-STEPHENS, JUSTIN:

ZONE CHANGE to reclassify 0.9 acres from an R-T (Manufactured Home Residential) (AE-65 & APZ-2) Zone to an M-1 (Light Manufacturing) (AE-65 & APZ-2) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) eliminate landscaping; 2) reduce wall/fence height; 3) reduce parking; 4) eliminate trash enclosure; 5) reduce gate setback; 6) off-site improvements (curb, gutter, sidewalk, streetlights, and partial paving); 7) reduce throat depth; and 8) reduce driveway width.

DESIGN REVIEW for an outside storage yard. Generally located on the south side of Judson Avenue, 400 feet east of Marion Drive within Sunrise Manor (description on file). TS/gc/syp (For possible action)

AMUNDSEN

Next is Item 46, NZC-23-0081: Zone change to re classified .9 acres from an RT manufactured home residential AE-65 and APZ-2 zone to an M-1 light manufacturing AE-65 and APZ-2 zone. Waivers of development standards for the following: eliminate landscaping reduced wall, fence height, reduce wall fence height, reduce parking, eliminate trash enclosure, reduce gate setback, off-site improvements, curb, gutter, sidewalk, streetlights, and partial paving, reduce throat depth, reduce driveway width. Design review for outside storage yard, generally located on the south side of Judson Avenue, 400 feet east of Marion Drive within Sunrise Manor.

GIBSON

Morning.

JOHNSON

Good morning. Good morning. Jeremiah Johnson, Taney Engineering, 6030 South Jones Boulevard., here on behalf of the applicant, Justin Stevens. So, the subject site is located approximately 500 feet east of Marion Avenue, and south of Judson Drive. The property is a little less than an acre. We're here requesting a outside storage yard, along with some waivers and a zone boundary amendment in support of that. The property owner has lived in the area since 1977. His family home is actually next door. His father owned both parcels and in 2016 when they sold the family home, Justin bought the, adjacent parcel to continue using it as a storage yard in support of his business, Beetle Barn, which has been operating here in Southern Nevada since the 1950s.

So, historically, the site, here we have it in 2006 and again in 1990. The site has not changed much since the 1970s. The intent of the applicant is to continue having the site operate as is, so the waivers are in support of allowing the site to continue in its current state. With the exception of two things. We will be moving the front wall and gate back six feet from the property line. Putting in a new 20-foot gate. As well as improving the fire access road in here, so that way emergency vehicles could get back there should the need arise. The long-term intent is to develop a site with a office and vehicle repair facility. However, at the time, the applicant isn't able to do so, due to long-term illness and the pandemic having put a strain on the business. But the intent is to construct something similar to what we have over here with Civil werks, with full landscaping and offsite improvements. However, there is no water, electricity or any services to the site at the moment. So, putting in some kind of landscaping would be a - wouldn't make sense in this current state. So, with the zone boundary amendment, we are requesting a change to M-1. And the area has slowly transitioned from a residential use to more primarily industrial use. The planned land use for the area majority is business employment.

So, we are just requesting a similar zoning that we have over here with another storage yard. And this section that's already a property here does have a ROI for an M-1 ... Or MD zoning as well. During the neighborhood meeting, we did not have any neighbors in protest. The neighbor behind is actually in support so long as Justin removed some of the over height structures on the property. There's some swim platforms in the rear, which will be taken down. And just to give you an idea as well of how the site currently looks, you can view the subject site right here. The neighboring home, another neighboring home. And you can see some of the stored vehicles. He does have some Conex boxes on there as well for more valuable parts, we could say.

The items that cannot be left out in the sun. So, the intent for those is to stay as well. We do agree with staff's conditions. The one condition we would need modified, however, is- or at least some time is the requirement to install security cameras on site. And as of now, the site does not have electricity, so the applicant is looking at options that are battery operated but longer term. Obviously, he doesn't want to be going out there and changing the battery every week. So, we're looking at some options right now and if we have to run electricity to the site to get something, we can. But I guess we just want

JOHNSON to note that with the resolution of intent to complete in three years, the goal is to get those cameras as soon as possible. However, we do need some time to work out a reasonable solution. So, with that, I'm here to answer any questions and would appreciate your approval.

GIBSON Thank you. This is a public hearing on Item 46. Is there anyone here who wishes to speak on this item? There being no one, Commissioner Segerblom.

SEGERBLOM Thank you, Mister Chairman. Nancy, can you go through the conditions that he just discussed, and also the condition about the cameras? Is there a way to give him some leeway on that?

AMUNDSEN So, the condition is to work with the Las Vegas Metropolitan Police Department for the installation of security cameras and surveillance operations. So, that's our main condition. There are some conditions Public Works needs to ... the research of covenant, that sort of thing. But he needs to have that done within three years for it to become hard zone. Because right now, it'd be under resolution of intent. I think that this area is one that we have consistently conditioned that they work with Metro for security cameras, so they need to come up with some solution to be able to put in security cameras because we do have an issue in this area with crime and with...

SEGERBLOM So, is that, is that a year three co-

AMUNDSEN He would have to have it done in order for the resolution of intent to not need an extension of time. And the same would go with Public Works, their restrictive covenant. And if this is approved, we need that to be taken care of sooner rather than later. And Antonio, would you want it to be three years, or would you want it to be a shorter timeframe?

PAPAZIAN Shorter for the restrictive covenant.

AMUNDSEN Okay.

PAPAZIAN Absolutely.

SEGERBLOM So, shorter being...

AMUNDSEN I would say within six months. Within six months for that.

SEGERBLOM Okay.

AMUNDSEN But his concern is that they would not be able to put up security cameras within the three years. My concern is if they don't.

SEGERBLOM Yeah. I mean, three years is a long time. So, you're going to have to do that. As far as Public Works, in the six months, can you do that?

JOHNSON Yes. And my apologies. I was not aware they would ... We have three years for the cameras as well. So, three years, is that ample time for the cameras

JOHNSON and we can get the restrictive covenant reported in six months.

SEGERBLOM Alright. Well, in all fairness and in full disclosure, I've taken my old Volkswagen to this gentleman for many years, so I understand that he's honest and reliable and loves old Volkswagens. So, with that being said, as long as you're willing to live within the conditions, I would move for approval.

AMUNDSEN So, we will change the ... We will add to Public Works condition that the restrictive covenant must be executed within six months so that we have a timeframe for that. And then, we will note that the work, the installation of security cameras must be within three years or sooner. But they will need to get a business license no matter what.

SEGERBLOM And the business license also.

JOHNSON That's alright.

SEGERBLOM With that, I'd move for approval.

AMUNDSEN Thank you.

GIBSON There's a motion for approval of Item 46 by Commissioner Segerblom. Any discussion on his motion? Please cast your votes. The motion carries.

JOHNSON Thank you.

GIBSON 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**

- Resolution of Intent to complete in 3 years;
- Work with the Las Vegas Metropolitan Police Department for the installation of security cameras and surveillance operations as soon as possible;
- Business License to be obtained within 6 months;
- No gathering of individuals in an area that would result in an average density of greater than 25 persons per acre per hour during a 24-hour period, not to exceed 50 persons per acre at any time.
- Applicant is advised that final zoning inspection is required prior to amending the official zoning map; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a new application for a Master Plan amendment and a zone boundary amendment may be required in the event the building program and/or conditions of the subject application are proposed to be modified in the future; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

**Public Works - Development Review**

- Execute a Restrictive Covenant Agreement (deed restrictions) within 6 months.



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.

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 #0086-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**ITEM NO 47 WS-23-0047-HERBST FAMILY LIMITED PARTNERSHIP II:**

APPEAL WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) increase building height; 2) increase wall sign area; 3) permit animated signage (video units) where not permitted; 4) increase animated sign area; 5) permit roof signs; 6) increase projecting sign area; and 7) allow a projecting sign to be animated.

DESIGN REVIEWS for the following: 1) modifications to an approved parking garage; and 2) a comprehensive sign plan for a parking garage, supper club, convenience store and gasoline station on 4.0 acres in an M-1 (Light Manufacturing) (AE-60) Zone. Generally located on the west side of Polaris Avenue between Dewey Drive and Russell Road within Paradise. MN/al/syp (For possible action)

AMUNDSEN

So, then, now that Miss Ohene has had a chance to sit down, she can get back up because Item 47 is an appeal. WS-23-0047, appeal waivers of development standards for the following: increase building height, increase wall sign area permit, animated signage, video units were not permitted. Increase animated sign area, permit roof signs, increase projecting sign area. Allow a projecting sign to be animated. Design reviews for the following: modifications to an approved parking garage, a comprehensive sign plan per parking garage, Supper Club convenience store and gasoline station on four acres and an M-1 light manufacturing AE-60 zone. Generally located on the west side of Polaris Avenue between Dewey Drive and Russell Road within Paradise. The Planning Commission approved this, except the waiver of development standards number three, which was denied.

GIBSON

Miss Ohene.

OHENE

Good morning again, Commissioners. Lebene Ohene, 520 South 4th Street, representing the applicant. The application is basically an appeal of the PC action based on the denial of waiver number three for the animated signage. To orient you to the site. The site is located west of Polaris, which is also west of the, southwest of the stadium and it's within the Stadium District. It's between Dewey and Russell Road. The original application that was approved for the site was a parking garage, with inserts to allow for Supper Club and two restaurants. The Supper Club is already approved. The two restaurants will be approved in a couple weeks. I went to Town Board already. And basically, this is one of the first developments in the Stadium District using the streetscape that's been approved for the Stadium District.

As part of the request, there was an increase requested for the height of the stadium to include the branding for the American flag, which Terrible Herbst uses. And then also, the architects did not include the elevator cap. So, we have to include the height of the building. As part of the building design, the façade of the garage, instead of it just looking like a garage, the wall signage was added and it was ... It is an increase in the wall signage and as part of

OHENE

that wall signage, animated sign was also requested as part of enhancing that area which is just west of the stadium. So, there will be restaurants. There is the streetscape. And the request is to allow 8,000-plus square feet of wall sign and animated signage as well as some projection, projecting signs to give the, you know, when you're entering the garage, so you know how many go in. So, it's basically a garage with uses in there including the Supper Club, two restaurants and a retail use.

Staff did recommend approval. This is the streetscape. We think our client is basically being the first one to spur development in that area and by including the wall signs and the animated sign, it will spur better development adjacent to the stadium. And with that, I would appreciate approval of the application as submitted. Thank you.

GIBSON

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

NAFT

Thank you, Mister Chairman. I agree. When we were contemplating the Stadium Overlay Design, this is the kind of use that we wanted there. It's... the sign doesn't meet the requirements for M-1, but in practice, this is a little bit more than M-1 right across the street from Allegiant Stadium.

I do just want to put on the record that it would be held to the standards of an H-1, if this application were approved. I know that was of concern, rightfully so, to the Planning Commission. What that would mean is that a minimum of two-and-a-half seconds minimum display for text messages and four second maximum for video or graphics, followed by a break in message and videos. Is that ... I assume that's understood by your client.

OHENE

Yes, that's understood

NAFT

Okay. And then, Nancy, could we talk for a minute about today's code versus planned code, um- having to do with offsite, onsite. What's the expectation under the current code with this application being approved today?

AMUNDSEN

Under today's code, if this application is approved, any display that would be on it would be, have to be on premise. There could be no off-premise advertising on the site. Under the proposed code, there was a thought that we would not have the off-premise, on-premise distinction. But I think that that's something you wanted to talk about.

NAFT

I think that is certainly appropriate for now and I don't... Mister Chairman, I don't know if this is the appropriate time to have that conversation.

GIBSON

I think it's a good time to have it. So, we've heard from folks about... Help us understand what we're hearing now, Nancy.

AMUNDSEN

We have had some that have had concerns that the way that the code, the sign code was written for the Transform Clark County, there was ... It was going to be content neutral. But we have had some folks saying that they really preferred the way it had been before where we did regulate on-premise, off-premise. The only places where off-premise advertising was allowed were the non-conforming signs as well as a resort hotel or a facility that was regulated by a commission or a board that was created through NRS. And anything else would have to advertise something that was sold or done on site. So, it'd have to be on-premise.

GIBSON

Is there anything about this district that would qualify it for an exemption from the offsite, onsite, offsite distinction?

AMUNDSEN

Not in the district, no. Not under today's code. The only... We were very clear when we made the on-premise, off-premise distinction, a number of years ago, was that the resort hotels were- were specially licensed and they were very unique to Clark County, to Southern Nevada. And then, the Stadium- LVCVA, those type of facilities are dictated by a board that is established through NRS. So, that's why they were given a little more leeway in the code.

GIBSON

I can see the utility in a situation like the one we have in front of us where it's approximate to the stadium and we're trying to do something to jazz that area up, if that's an appropriate way to describe it. Something that gives more color to it, more movement in the area. I think that makes sense. I do think, however, that there are good and sound reasons why the distinction, in other areas needs to be in place. What can we do to accommodate it here, but not generally, stick with what our current plan is?

AMUNDSEN

So, what I would recommend that the Board direct us to have the sign code in Transform Clark County reflect the on-premise, off-premise requirements. And we can do that very easily. And then after we get through that, we will have further discussion about any overlays or any areas such as the Stadium Overlay.

The Stadium Overlay is a design overlay, so we would have to have that discussion if we wanted to include those in that distinction. But for today, it might be better just to go back to the way that we are and then in the future have discussions about other areas.

NAFT

We're actually partially here because signage isn't even contemplated in the Stadium Overlay District. So that's why staff-

GIBSON

Yeah.

NAFT

...had denied the application initially.

GIBSON

Right. Well, would that work if we were to-

NAFT

I think so.

GIBSON ... deal with it as the Code is presently constituted, then figure out how we accommodate this district and particularly in this and other districts that may come along? I mean, it's critical to us that we have built in kind of ... The kind of success that we're hoping for in that stadium area, all of it. And this could be something that is a significant boost to that effort.

AMUNDSEN And that honestly, Commissioner, might be something that we look at, as I said, in the future, as that district starts developing and starts building out. We're trying to be very- very, I guess you could say, strong with projects that are coming in or parking lots that are coming in or anything that's coming in to try to have them comply with the Stadium District Overlay. But we're not seeing that so much right now. So, again, it'll be something that if the Board directs us, we will go back to the way we were with the on-premise, off-premise and then in the future look at the Stadium District as to how we can, we can actually have additional requirements or additional benefits.

GIBSON Well, as long as that'll accommodate this application, because I think this makes sense. And then, I know that there probably needs to be a broader conversation about on and off premise's signage. But that would accommodate it. So...

AMUNDSEN Okay. Thank you.

GIBSON Thank you.

AMUNDSEN I take that direction on that item and then I'll defer to Commissioner Naft.

NAFT The direction this item is to move for approval of the appeal on Item No. 47.

AMUNDSEN Approval of the-

GIBSON Application.

AMUNDSEN ... application.

GIBSON Application.

AMUNDSEN Thank you.

NAFT Thank you.

GIBSON Is there any discussion on Commissioner Naft's motion? Please cast your vote. The motion carries.

OHENE Thank you, Commissioners, and have a good day.

GIBSON 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

- Minimum 2.5 second display for text messages and 4 second maximum for video or graphics followed by a break in message/video;
- Reduce nits (brightness of the video unit) to 25% of maximum brightness at nighttime.
- Applicant is advised that off-premises advertising is not permitted at this location; 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.

### 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 #0122-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**ITEM NO. 48** ORD-23-900146: Introduce an ordinance to consider adoption of a Development Agreement with Diamond Ford LLC for an office/warehouse development on 2.5 acres, generally located south of Ford Avenue and east of Jones Boulevard within Enterprise. JJ/dd (For possible action)

AMUNDSEN

Next are ordinance for introduction. Ordinance 23-9000146 is a recommendation that you introduce an ordinance to consider adoption of a development agreement with Diamond Ford, LLC for an office warehouse development on 2.5 acres. Generally located south of Ford Avenue and east of Jones Boulevard within Enterprise. We request this be set for public hearing on June 7th, 2023, at 9:00 a.m.

GIBSON

I'll introduce the ordinance and set the public hearing for June 7th, 2023, at

GIBSON

9:00 a.m.

**ACTION:**

There being no objection, Chair Gibson set the matter for public hearing on June 7, 2023, at 9:00 a.m.

**ITEM NO. 49** ORD-23-900202: Introduce an ordinance to consider adoption of a Development Agreement with Diamond Arville LLC for an office/warehouse development on 1.3 acres, generally located south of Richmar Avenue (alignment) and west of Arville Street within Enterprise. JJ/dd (For possible action)

AMUNDSEN

Item 49, Ordinance 23-900202, introduce an ordinance to consider adoption of a development agreement with Diamond Arville, LLC for an office warehouse development on 1.3 acres. Generally located south of Richmar Avenue alignment and west of Arville Street within Enterprise. We request this be set for public hearing for June 7th, 2023.

GIBSON

I'll introduce the ordinance and set the public hearing for June 7th, uh, at 9:00 a.m. Thank you. That, uh, completes our agenda.

**ACTION:**

There being no objection, Chair Gibson set the matter for public hearing on June 7, 2023, at 9:00 a.m.

**PUBLIC COMMENT:**

GIBSON

So, the last item is public comment. Is there anyone here who wishes to comment?

COLEMAN

Yes, me, Margaret Ann Coleman. As you know, I spoke up on power and control. This is concerning. Who is that lady? And also concerning my property. Now, this is concerning emotional abuse, isolation, having me sit in my car, using my children, placing in facilities, getting abused and I can't reach their intelligence. As you know, I had gave you information concerning my property. Right here ... Excuse me. Right here is showing that I have unclaimed property that was stolen by Conine, Zach Conine. Also, the office of the assessing office caused confusion with me claiming 1316 Wizard with Kareem Jones that has no identity in my household.

That is that gentleman there. Going in and out of my house. He's threatened me with a gun, telling me not to come back. As you know, I got, I stopped at the last conversation I had with you concerning Tom Harper. He owes me as a claimant \$16 million. That is Steve Wolfson and he is Tom Harper. He was the one that was at my trial in order to set forth for me to go forward, the Golden Nugget, to receive my workman's comp. I have to approach you in this manner due to the fact I have so much investigation information. As you know, this lady right here, her face feature is Marilyn Kirkpatrick that is also under the name Melissa Imingston. That it should mean that they're in a agreement lease at the time of me taking over 1316 Wizard. Now, if I could come to your office, I wouldn't have all this. I would come to you direct because you would be knowing what I'm talking about. And see, I don't have enough time to jam everything down.

GIBSON

Thank you, Miss Coleman.

