

Board of County Commissioners

CLARK COUNTY, NEVADA

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MICHAEL NAFT

COMMISSION CHAMBERS, GOVERNMENT CENTER
500 SOUTH GRAND CENTRAL PARKWAY
LAS VEGAS, NEVADA 89106
WEDNESDAY, SEPTEMBER 20, 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 20th day of September 2023, at the hour of 9:00 a.m. The meeting was called to order at 9:01 a.m. by Chair Gibson, and on roll call, the following members were present, constituting all the members:

CALL TO ORDER

CHAIR AND COMMISSIONERS:

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

Absent:

None

Also Present:

Robert Warhola, Deputy District Attorney
Sami Real, Director, Comprehensive Planning
Antonio Papazian, Manager, Development Review
JaWaan Dodson, Senior Plan Checker
Tammy McMahan, Deputy Clerk
Michelle Hinkson, Deputy Clerk

ITEM NO. 1 Public Comments

GIBSON

Good morning. I'll call the zoning meeting to order. The first item on this agenda is public comment. Is there anyone here who wishes to make a comment on anything that is on our agenda, understanding that you get one crack at it. You can make the comment now or you can make the comment when the item is pulled. There are a number of items that will not be heard. They are on the consent agenda. So I ... and with all of that, I invite anyone who wishes to make a comment during this period of public comment to come forward.

And it appears that there is no one to do so – so we will move on to Item 2.

ACTION:

No action was taken by the Board.

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

SAMI REAL

Good morning Commissioners. The second item on the agenda is the approval of the agenda after considering any additions or deletions of items. Staff has the following requests, which may require additional renotification fees if 85 days have passed since initial notification, or there are modifications to the application.

Hold no date: Item 46, PA-23-700020. Item 47, ZC-23-0397. Item 48, VS-23-0398.

Hold to the October 4, 2023 Zoning Meeting: Item 12, UC-23-0401. Item 37, VS-23-0192. Item 38, UC-23-0191. Item 39, WC-23-400092. For you ... For ZC-18-0621. Item 40, VS-23-0324 and Item 41, UC-23-0323.

Hold to the October 18, 2023 Zoning Meeting: Item 7, UC-23-0424. Item 27, PA-23-700019. Item 28, ZC-23-0357. Item 52, ZC-23-0409 and Item 53, VS-23-0410.

And then hold to the December 20, 2023 Zoning Meeting: Item 31, ET-21-400175 for UC-0492-12. Item 32, ET-21-400176 for UC-0045-16. And then Item 33, ET-22-400017 for UC-1721-06.

The above public hearing items are gonna be recessed as a public hearing, and immediately recessed until the dates as previously stated. With these deletions which are Items 7, 12, 27, 28, 31, 32, 33, 37, 38, 39, 40, 41, 46, 47, 48, 52, and 53, the zoning agenda stands ready for your approval.

GIBSON

So we're okay?

REAL

Yeah, the zoning, yeah.

GIBSON

Alright.

REAL

It's ready for your approval.

GIBSON

Are there any changes to the agenda at the pleasure of the Board?

TICK SEGERBLOM

If there's anything left in the agenda I'll move for approval.

GIBSON Commissioner Segerblom has moved for approval of what's left on the agenda. If there's no discussion please cast your votes. So we all voted?

MARILYN KIRKPATRICK Yes sir, sorry.

GIBSON (laughs). The motion carries.

KIRKPATRICK I'm trying to figure out what we have going.

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

**Correction: Item 12 mistakenly read into the record with the application number for Item 6; neither Item Number 6 or 12 should be held; and both applications are approved with their appropriate companion items.*

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

REAL The third item on the agenda is the approval of the minutes. The minutes of the August 16, 2023 Zoning Meeting are ready for your approval.

SEGERBLOM Move for approval.

GIBSON There is a motion for approval of the minutes by Commissioner Segerblom. If there is no discussion, please cast your votes. The motion carries.

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

ROUTINE ACTION ITEMS (4-30):

REAL Next are the routine action items, which consist of Items 4-30, except those items previously deleted and Items 8 and 10 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: Item 19, WS-23-0484, add a Current Planning condition to read: "Off premises advertising is not permitted."

And then Item 21, UC-23-0492, add a Public Works condition to read: "Driveway access to Badura Avenue to remain in perpetuity as shown on the plans dated July 10, 2023."

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.

GIBSON Thank you. Are there any other – is there anything else that we want to pull from the routine action portion of the agenda? There being nothing, there is a motion for approval of the routine action portion of the agenda. Please cast your votes.

KIRKPATRICK Is the approval (inaudible)?

GIBSON

We're pulling 8 and 10. So 8 and 10 are not included in this motion. Then the motion carries. Thank you.

ACTION:

It was moved by Commissioner Tick Segerblom, and carried by unanimous vote, that the Routine Action Items be approved.

ITEM NO. 4 DR-23-0442-ACE A PROPCO:

DESIGN REVIEWS for the following: 1) modifications to a comprehensive sign plan; 2) increase animated sign area; 3) increase the number of animated signs; 4) increase projecting sign area; 5) increase the number of projecting signs; 6) increase wall sign area; and 7) increase the number of hanging signs in conjunction with a resort hotel (CityCenter) on a portion of 61.4 acres in an H-1 (Limited Resort and Apartment) (AE-60) Zone. Generally located on the south side of Harmon Avenue and the west side of Las Vegas Boulevard South within Paradise. JG/al/syp (For possible action)

ACTION:

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

CONDITIONS OF APPROVAL -

Comprehensive Planning

- Applicant is advised that the County has adopted a rewrite to Title 30 effective January 1, 2024, and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 2 years of approval date or it will expire.

ITEM NO. 5 DR-23-0507-ZMZS FAMILY TRUST & MALIK, UMER Z. TRS:

DESIGN REVIEW for a lighting plan in conjunction with an approved retail center on 1.9 acres in a C-1 (Local Business) Zone. Generally located on the west side of Rainbow Boulevard and the north side of Meranto Avenue within Enterprise. JJ/sd/syp (For possible action)

ACTION:

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

CONDITIONS OF APPROVAL -

Comprehensive Planning

- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; the County has adopted a rewrite to Title 30 effective January 1, 2024, and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 2 years of approval date or it will expire.

ITEM NO. 6 UC-23-0401-USA:

HOLDOVER USE PERMITS for the following: 1) electric generating station (solar photovoltaic facility); 2) electrical substation; 3) generation intertie transmission line; 4) allow public utility structures with all accessory/ancillary structures; 5) eliminate landscaping and screening requirements; 6) eliminate trash enclosure; 7) increase the height of utility structures; 8) noise limits; and 9) allow signage.

DESIGN REVIEWS for the following: 1) electric generating station (solar photovoltaic facility); 2) electrical substation; 3) generation intertie transmission line; 4) public utility structures with all accessory/ancillary structures; 5) maintenance building and all ancillary structures and facilities; and 6) finished grade in conjunction with a proposed electric generation station, substation, and intertie transmission line on 2,400 acres in an R-U (Rural Open Land) Zone. Generally located on the south side of SR 160 and south of Trout Canyon Road within the Northwest County Planning Area. JJ/jor/syp (For possible action)

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

**See Item Number 2 for correction to the record and approval of the application*

CONDITIONS OF APPROVAL -

Comprehensive Planning

- Prior to the issuance of building and grading permits, or subdivision mapping, mitigate the impacts of the project including, but not limited to, issues identified by the technical reports and studies, and issues identified by the Board of County Commissioners or commit to mitigating the impacts of the project by entering into a Development Agreement with Clark County;
- Prior to the issuance of building and grading permits, enter into a Performance Agreement with Clark County or provide evidence of an agreement with the Bureau of Land Management which includes a Decommissioning Plan specifying the actions to be taken by the Developer or County in the event construction of the project is stopped or abandoned;
- Bond or other form of financial security, acceptable to Clark County or the Bureau of Land Management, shall be provided with the Performance Agreement as security of the full and complete fulfillment of the decommissioning actions identified in the Decommissioning Plan;
- Signage permitted as it relates to the project only.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; that off-premise signage is not permitted; compliance with all air quality rules and regulations required by the Department of Environment and Sustainability; the County has adopted a rewrite to Title 30 effective January 1, 2024, and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; 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 approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals; and that Nevada Department of Transportation (NDOT) permits may be required.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that there are no public sanitary sewer facilities available in the vicinity of the parcel and none are planned within the next 5 years.

ITEM NO. 7 UC-23-0424-USA:

HOLDOVER USE PERMITS for the following: 1) electric generating station (solar photovoltaic facility); 2) electric substation; 3) overhead power transmission line; 4) increase the height of utility structures; 5) public utility structures with all accessory structures; 6) waive landscaping and screening requirements; 7) eliminate trash enclosure; 8) waive noise standards; and 9) allow signage in conjunction with the electric generating station and electrical substation.

WAIVER OF DEVELOPMENT STANDARDS for off-site improvements (curb, gutter, sidewalk, streetlights, and paving).

DESIGN REVIEWS for the following: 1) electric generating station (solar photovoltaic facility) 2) electrical substation; 3) overhead power transmission line; 4) maintenance and operations building; 5) public utility structures with all accessory/ancillary structures and uses; 6) final grading for a hillside development (slopes greater than 12%); and 7) finished grade on a 4,457 acre portion of a 9,487.7 acre site in an R-U (Rural Open Land) Zone. Generally located 2,800 feet southwest of SR 160 and the north side of Tecopa Springs Road (alignment) within the Northwest County Planning Area. JJ/md/syp (For possible action)

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

ITEM NO. 8 UC-23-0438-SAIA, GABRIEL GOMES JR. REV LIV TR & SAIA, GABRIEL GOMES JR. TRS:

USE PERMIT for a cannabis establishment (consumption lounge) in conjunction with an existing cannabis establishment within an existing office/warehouse complex.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) reduce separation from a non-restricted gaming property; and 2) reduce parking on 14.0 acres in an M-1 (Light Manufacturing) Zone. Generally located on the north side of Desert Inn Road and the east side of Highland Drive within Winchester. TS/rr/syp (For possible action)

REAL Next on the agenda is Item 8, UC-23-0438, use permit for a cannabis establishment (consumption lounge) in conjunction with an existing cannabis establishment within an existing office warehouse complex. Waivers of the development standards for the following: Reduce separation from a non-restricted gaming property and reduce parking on 14 acres in an M-1 (Light Manufacturing) Zone. Generally located on the north side of Desert Inn Road and the east side of Highland Drive within Winchester.

GIBSON This is Item 8. Morning, Miss Stewart.

LUCY STEWART Morning. Lucy Stewart 1930 Village Center Circle, representing Planet 13. Sorry?

SEGERBLOM I think you're -

REAL Planet 13 is Item #8.

SEGERBLOM Oh, 8, sorry.

GIBSON Go ahead.

STEWART Oh, okay. This is just an opportunity for Planet 13 to have, and I apologize, I thought I had a set of plans with me but I guess I don't. They're asking to have a lounge that's located within the dispensary, or it's actually an entertainment facility. So you have to go into the main ... Like, you go through, get a desk, go through the desk, you get a pass, you go into the dispensary and then from there you actually go into the lounge, which is located up by the production facility.

STEWART We do have a temporary parking waiver because we are doing parking underneath the DI overpass, but it's been tied up in permitting. But for the most part, everybody either walks because we're so close to the strip, or they're dropped off by ride share or a taxi or limousine. So with that I'm happy to answer any questions you may have.

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. Commissioner Segerblom ...

SEGERBLOM Yes, Commissioner Kirkpatrick, did you wanna?

KIRKPATRICK I've got nothing to say.

SEGERBLOM Oh, okay (laughs). You gave us all a heart attack here.

GIBSON Ross ...

SEGERBLOM Oh, Ross.

GIBSON Commissioner Miller?

ROSS MILLER Just to clarify one point. It says the existing cannabis establishment was in operation prior to the establishment of Resorts World. This is one of the licenses that was awarded during the original medical round, is that correct?

STEWART Yes. Well actually, this license was originally approved over at Sunset and Decatur, and then when it was granted we tell them it moved over to this location. And then they were granted an additional one and they moved back to their - they added that one to Sunset and Decatur, to that location, and that's more of a medical one.

MILLER Was that the application for this license originally -

STEWART Was approved prior to Resorts World -

MILLER ... correct?

STEWART Right.

MILLER Yeah, thank you.

GIBSON Commissioner ...

SEGERBLOM And just for the record Planet 13 has been there a long time. There's no questions about that. And so, I would move for approval.

GIBSON There is a motion for approval by Commissioner Segerblom. Any discussion on the motion? Please cast your votes.

SEGERBLOM And also for the record, this has been approved by the State.

STEWART Right. The CCB has granted them their license, pending this.

GIBSON Please cast your votes. The motion carries.

STEWART Thank you very much.

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

VOTING AYE: Jim Gibson, Tick Segerblom, Justin Jones, Michael Naft, Ross Miller, and William McCurdy II

VOTING NAY: Marilyn Kirkpatrick

ABSENT: None

ABSTAIN: None

CONDITIONS OF APPROVAL -

Comprehensive Planning

- A valid Clark County business license must be issued for this establishment within 2 years of approval, or the application will expire;
- To prevent odor nuisances, an odor control plan must be submitted to the Clark County Department of Air Quality.
- Applicant is advised that this application is contingent upon obtaining a license from the State of Nevada and Clark County Business License Department; failure to abide by and faithfully comply with the conditions of approval, Clark County Code, and the provisions of the Nevada Revised Statutes or Nevada Administrative Code may result in revocation of this application; approval of this application does not constitute or imply approval of any other County issued permit, license or approval; the County has adopted a rewrite to Title 30 effective January 1, 2024, and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; 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 UC-23-0468-DURANGO 215 RESIDENTIAL, LLC:

USE PERMIT to allow a multiple family development.

VARIANCE for increase in wall height.

WAIVER to allow modified driveway design standards.

DESIGN REVIEW for a multiple family development on 13.0 acres in an H-1 (Limited Resort and Apartment) Zone within a P-C (Planned Community) Overlay District in the Rhodes Ranch Master Planned Community. Generally located on the south side of Roy Horn Way, 1,500 feet west of Durango Drive within Spring Valley. JJ/rk/ja (For possible action)

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

- 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 a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 2 years of approval date or it will expire.

Public Works - Development Review

- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements;
- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Beltway, Frontage Road improvement project.

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 #0267-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 10 UC-23-0487-2975 SAMMY DAVIS JR. DRIVE, LLC:

USE PERMIT for a cannabis establishment (consumption lounge).

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) reduce the separation from a non-restricted gaming property; and 2) driveway geometrics.

DESIGN REVIEW for a proposed cannabis establishment (consumption lounge) in conjunction with an existing retail cannabis store on 0.9 acres in a C-2 (General Commercial) Zone. Generally located on the west side of Sammy Davis Jr. Drive, 130 feet south of Resorts World Drive within Winchester. TS/jor/ja (For possible action)

REAL

Next is Item 10, UC-23-0487, use permit for a cannabis establishment consumption lounge. Waiver of development standards for the following: Reduce the separation from a non-restricted gaming property and driveway geometrics. Design review for a proposed cannabis establishment (consumption lounge) in conjunction with an existing retail cannabis store on 0.9 acres in a C-2 (General Commercial) Zone generally located on the west side of Sammy Davis Junior Drive, 130 feet south of Resorts World Drive within Winchester.

GIBSON

Good morning. You're here on behalf of the applicant?

AMANDA CONNER

Good morning. Yes, Amanda Conner on behalf of the applicant. CPCM, or well, Tryon Medical RD263. This is a application for a consumption lounge adjacent to an existing operating cannabis retail store. The store license was granted in 2018. There has been a special use permit in existence prior to Resorts World and similar to the previous item, this license has been granted. A conditional license to the Cannabis Compliance Board subject to obtaining use permit and building out construction.

GIBSON

Does that complete your presentation?

CONNER

Yes.

GIBSON

This is a public hearing. Is there anyone here who wishes to speak on this item this morning, this is Item Number 10? There being no one, the public hearing is closed. Commissioner Segerblom.

GIBSON Commissioner Miller, did you have comment on 10?

MILLER Just confirming that unlike the last applicant we just saw that was awarded the license in the medical round. This was in fact awarded in the 2017 application process, correct?

CONNER Correct. This was one of the retail only that I believe it was actually 2018, but yes, it was not in the medical 2014 licensing round, it was the subsequent one.

MILLER Okay. I guess ... They've only - we've only had two rounds of applications for cannabis, so, then I'll, my opinion that the medical round and then the ultimate retail round that was applied for in 2017. These distance requirements were clearly meant to ban establishments that were awarded licenses in the 2017 process. I know I've made a lengthy record about the tortured history with this application, in my opinion, about being given a business license when it still only had three walls and no roof. So I think my objections to this establishment and the company use are well known.

GIBSON Thank you. Commissioner Segerblom.

SEGERBLOM Yes. Again, this is one that has been tentatively granted a license by the State, subject to our approval of these permits. So I move for approval.

GIBSON There is a motion for approval by Commissioner Segerblom. Any discussion on the motion? Please cast your votes. The motion carries. Thank you.

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

VOTING AYE: Tick Segerblom, Justin Jones, Michael Naft, and William McCurdy II

VOTING NAY: Jim Gibson, Marilyn Kirkpatrick, and Ross Miller

ABSENT: None

ABSTAIN: None

CONDITIONS OF APPROVAL -

Comprehensive Planning

- A valid Clark County business license must be issued for this cannabis consumption lounge within 2 years of approval, or the application will expire;
- To prevent odor nuisances, an odor control plan must be submitted to the Clark County Department of Air Quality;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that this application is contingent upon obtaining a license from the State of Nevada and Clark County Business License Department; failure to abide by and faithfully comply with the conditions of approval, Clark County Code, and the provisions of the Nevada Revised Statutes or Nevada Administrative Code may result in revocation of this application; any additional landscaping to comply with the Southern Nevada Water Authority Regional Plant List; approval of this application does not constitute or imply approval of any other County issued permit, license or approval; the installation and use of cooling systems that consumptively use water will be prohibited; the County has adopted a rewrite to Title 30 effective January 1, 2024, and future land use applications, including applications for extensions of time, will be reviewed for conformance with the

regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; 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

- Reconstruct the southern driveway as a commercial pan driveway per Uniform Standard Drawings 222.1 and 224 or provide a 5 foot wide concrete sidewalk behind the existing driveway for compliance with the Americans with Disabilities Act (ADA);
- Reconstruct the northern driveway with full off-site improvements;
- 30 days to coordinate with Public Works - Construction Management Division and to dedicate any necessary right-of-way and easements for the Sammy Davis Jr. improvement project.
- Applicant is advised that off-site improvement permits may be required.

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. 11 VS-23-0349-LONE MOUNTAIN PROPERTIES, LLC:

HOLDOVER VACATE AND ABANDON easements of interest to Clark County located between Lone Mountain Road and Red Coach Avenue (alignment), and between Hualapai Way (alignment) and Eula Street within Lone Mountain (description on file). RM/hw/syp (For possible action)

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

- Satisfy utility companies' requirements.
- Applicant is advised that the County has adopted a rewrite to Title 30 effective January 1, 2024, and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; 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 a cul-de-sac at the end of Hualapai Way;
- Vacation to be recordable prior to building permit issuance or applicable map submittal;
- Revise legal description, if necessary, prior to recording.

Fire Prevention Bureau

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

ITEM NO. 12 WS-23-0348-LONE MOUNTAIN PROPERTIES, LLC:

HOLDOVER WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) landscaping; 2) access gates; 3) off-sites; 4) driveway geometrics (sidewalks and streetlights); and 5) street geometrics.

DESIGN REVIEWS for the following: 1) finished grade; and 2) a single family detached residential subdivision on 5.4 acres in an R-E (Rural Estates Residential) Zone. Generally located on the east side of Hualapai Way (alignment), 615

feet south of Lone Mountain Road within Lone Mountain. RM/hw/syp (For possible action)

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

**See Item Number 2 for correction to the record and approval of the application*

CONDITIONS OF APPROVAL -

Comprehensive Planning

- All perimeter walls shall be decorative;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the County has adopted a rewrite to Title 30 effective January 1, 2024, and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; approval of this application does not constitute or imply approval of any other County issued permit, license or approval; 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 a cul-de-sac at the end of Hualapai Way;
- Clark County Fire Prevention approval of the street elbow.
- Applicant is advised that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

Fire Prevention Bureau

- 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 CCWRD does not provide sanitary sewer service in this portion of the unincorporated county; for any sanitary sewer needs, to contact the City of Las Vegas to see if the City has any gravity sanitary sewer lines located in the vicinity of the applicant's parcel; and that an interlocal agreement with City of Las Vegas will also be required.

ITEM NO. 13 TM-23-500076-LONE MOUNTAIN PROPERTIES, LLC:

HOLDOVER TENTATIVE MAP consisting of 7 single family residential lots on 5.4 acres in an R-E (Rural Estates Residential) Zone. Generally located on the east side of Hualapai Way (alignment), 615 feet south of Lone Mountain Road within Lone Mountain. RM/hw/syp (For possible action)

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

CONDITIONS OF APPROVAL -

Comprehensive Planning

- Applicant is advised that the County has adopted a rewrite to Title 30 effective January 1, 2024, and future land

use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; 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 a cul-de-sac at the end of Hualapai Way;
- Clark County Fire Prevention approval of the street elbow.
- Applicant is advised that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

Fire Prevention Bureau

- 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 CCWRD does not provide sanitary sewer service in this portion of the unincorporated county; for any sanitary sewer needs, to contact the City of Las Vegas to see if the City has any gravity sanitary sewer lines located in the vicinity of the applicant's parcel; and that an interlocal agreement with City of Las Vegas will also be required.

ITEM NO. 14 VS-23-0448-RODRIGUEZ, MANUEL & ELVA:

VACATE AND ABANDON easements of interest to Clark County located between Al Carrison Street and Tomsik Street, and between Helena Avenue and Craig Road within Lone Mountain (description on file). RM/al/syp (For possible action)

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

- Satisfy utility companies' requirements.
- Applicant is advised that the County has adopted a rewrite to Title 30 effective January 1, 2024, and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; 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 spandrels;
- Vacation to be recordable prior to building permit issuance or applicable map submittal;
- Revise legal description, if necessary, prior to recording.

Fire Prevention Bureau

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

ITEM NO. 15 WS-23-0447-RODRIGUEZ, MANUEL & ELVA:

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) eliminate sidewalk and allow alternative landscaping; and 2) street width.

DESIGN REVIEWS for the following: 1) a single-family residential development; and 2) finished grade on 4.1 acres in an R-E (Rural Estates Residential) (RNP-I) Zone. Generally located on the northeast corner of Helena Avenue and Al Carrison Steet within Lone Mountain. RM/al/syp (For possible action)

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

CONDITIONS OF APPROVAL -

Comprehensive Planning

- Applicant is advised that the County has adopted a rewrite to Title 30 effective January 1, 2024, and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; 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;
- Traffic study and compliance;
- Right-of-way dedication to include 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.

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

ITEM NO. 16 TM-23-500093-RODRIGUEZ, MANUEL & ELVA:

TENTATIVE MAP consisting of 8 single family residential lots and common lots on 4.1 acres in an R-E (Rural Estates Residential) (RNP-I) Zone. Generally located on the northeast corner of Helena Avenue and Al Carrison Steet within Lone Mountain. RM/al/syp (For possible action)

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

CONDITIONS OF APPROVAL -

Comprehensive Planning

- Applicant is advised that the County has adopted a rewrite to Title 30 effective January 1, 2024, and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; 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;
- Traffic study and compliance;
- Right-of-way dedication to include 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.

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

ITEM NO. 17 VS-23-0453-USA:

VACATE AND ABANDON easements of interest to Clark County located between Lindell Road and Jones Boulevard and between Le Baron Avenue and Jo Rae Avenue within Enterprise (description on file). JJ/nai/syp (For possible action)

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

- Satisfy utility companies' requirements.
- Applicant is advised that the County has adopted a rewrite to Title 30 effective January 1, 2024, and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; 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, if necessary, prior to recording.

ITEM NO. 18 VS-23-0460-LV DIAMOND PROPERTY I, LLC:

VACATE AND ABANDON easements of interest to Clark County located between Koval Lane and Paradise Road, and between Flamingo Road and Harmon Avenue; a portion of right-of-way being Koval Lane located between Rochelle Avenue and Harmon Avenue; portions of right-of-way being Rochelle Avenue located between Koval Lane and Paradise Road; and a portion of right-of-way being Harmon Avenue located between Koval Lane and Paradise Road within Paradise (description on file). JG/jgh/syp (For possible action)

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

- Satisfy utility companies' requirements.
- Applicant is advised that the County has adopted a rewrite to Title 30 effective January 1, 2024, and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; 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.

ITEM NO. 19 WS-23-0484-LV DIAMOND PROPERTY I, LLC:

WAIVER OF DEVELOPMENT STANDARDS to allow roof signs.

DESIGN REVIEWS for the following: 1) amend a previously approved comprehensive sign package; and 2) increase building height in conjunction with a previously approved racetrack, recreational facility, and fairground with accessory uses on 37.6 acres in an H-1 (Limited Resort and Apartment) (AE-60) Zone. Generally located on the east side of Koval Lane and the north side of Harmon Avenue within Paradise. JG/md/syp (For possible action)

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

- Off-premises advertising is not permitted.
- Applicant is advised that the County has adopted a rewrite to Title 30 effective January 1, 2024, and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; 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.

ITEM NO. 20 VS-23-0493-COUNTY OF CLARK (AVIATION):

VACATE AND ABANDON a portion of right-of-way being Buffalo Drive located between Roy Horn Way and Badura Avenue, a portion of right-of-way being Roy Horn Way located between Buffalo Drive and Tenaya Way, a portion of right-of-way being Badura Avenue located between Buffalo Drive and Tenaya Way, a portion of right-of-way being Tenaya Way located between Roy Horn Way and Badura Avenue, and a portion of an un-named right-of-way (south of Roy Horn Way) located between Buffalo Drive and Tenaya Way within Spring Valley (description on file). MN/jor/syp (For possible action)

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

- Satisfy utility companies' requirements.
- Applicant is advised that the County has adopted a rewrite to Title 30 effective January 1, 2024, 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 10 feet on Buffalo Drive as required by Public Works - Development Review;
- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Maule Avenue/Badura Avenue and Beltway Frontage Road improvement projects;
- Vacation to be recordable prior to building permit issuance or applicable map submittal;
- Revise legal description, if necessary, prior to recording.

ITEM NO. 21 UC-23-0492-COUNTY OF CLARK (AVIATION):

USE PERMITS for the following: 1) High Impact Project; and 2) tire sales and installation.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) light fixture height; and 2) driveway throat depth.

DESIGN REVIEWS for the following: 1) retail building with a gasoline station; 2) signage; 3) lighting; and 4) finished grade on a 23.0 acre portion of 60.0 acres in a C-2 (General Commercial) (AE-60) Zone in the CMA Design Overlay

District. Generally located on the northeast corner of Buffalo Drive and Badura Avenue within Spring Valley. MN/jor/syp
(For possible action)

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

CONDITIONS OF APPROVAL -

Comprehensive Planning

- Prior to the issuance of building and grading permits, or subdivision mapping, mitigate the impacts of the project including, but not limited to, issues identified by the technical reports and studies, and issues identified by the Board of County Commissioners or commit to mitigating the impacts of the project by entering into a Development Agreement with Clark County;
- 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; approval of this application does not constitute or imply approval of any other County issued permit, license or approval; the County has adopted a rewrite to Title 30 effective January 1, 2024, and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 2 years of approval date or it will expire.

Public Works - Development Review

- Driveway access to Badura Avenue to remain in perpetuity as shown on plans dated July 10, 2023;
- 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 - Design Division and to dedicate any necessary right-of-way and easements for the Maule Avenue/Badura Avenue and Beltway Frontage Road improvement projects;
- Right-of-way dedication to include 10 feet on Buffalo Drive as required by Public Works - Development Review.
- Applicant is advised that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals; and that the installation of detached sidewalks will require the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0268-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 22 WC-23-400113 (ZC-1946-98)-CORNERSTONE LAND, LLC:

WAIVER OF CONDITIONS for a zone change for a warehouse requiring B-2 landscaping along the street frontage and A-1 landscaping along the west property line in conjunction with a warehouse on 4.7 acres in an M-D (Designed Manufacturing) (AE-65 & APZ-2) Zone. Generally located on the west side of Marion Drive, 200 feet north of Judson Avenue within Sunrise Manor. TS/jud/ja (For possible action)

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 -

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 #0264-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 23 WS-23-0464-CORNERSTONE LAND, LLC:

WAIVER OF DEVELOPMENT STANDARDS to reduce driveway throat depth.

DESIGN REVIEW for a warehouse in conjunction with an existing warehouse complex on 4.7 acres in an M-D (Designed Manufacturing) (AE-65 & APZ-2) Zone. Generally located on the west side of Marion Drive, 200 feet north of Judson Avenue within Sunrise Manor. TS/jud/ja (For possible action)

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

- 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 has adopted a rewrite to Title 30 effective January 1, 2024, and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; 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.

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 #0264-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 24 WS-23-0443-DEAN MARTIN DR, LLC:

WAIVER OF DEVELOPMENT STANDARDS to allow ground mounted up-lighting.

DESIGN REVIEWS for the following: 1) lighting; and 2) signage in conjunction with a previously approved office/warehouse center on 15.8 acres in an M-D (Designed Manufacturing) (AE-60 & AE-65) Zone. Generally located on the north side of Robindale Road and the west side of Dean Martin Drive within Enterprise. MN/lm/syp (For possible action)

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

CONDITIONS OF APPROVAL -

Comprehensive Planning

- Applicant is advised that the County has adopted a rewrite to Title 30 effective January 1, 2024, and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 2 years of approval date or it will expire.

ITEM NO. 25 WS-23-0470-BBP PROPERTIES, LLC:

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) alternative driveway geometrics; and 2) loading area with roll-up doors not adequately screened from view.

DESIGN REVIEWS for the following: 1) warehouse; and 2) finished grade in conjunction with a warehouse building on 2.4 acres in an M-D (Designed Manufacturing) Zone in the CMA Design Overlay District. Generally located on the south side of Badura Avenue (alignment), 885 feet east of Jones Boulevard within Enterprise. MN/bb/ja (For possible action)

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

- Add 1 large tree to the landscape area along the west property line, south of the cul-de-sac;
- 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 has adopted a rewrite to Title 30 effective January 1, 2024, and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 2 years of approval date or it will expire.

Public Works - Development Review

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

Department of Aviation

- Applicant is required to file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, in accordance with 14 CFR Part 77, or submit to the Director of Aviation a "Property Owner's Shielding Determination Statement" and request written concurrence from the Department of Aviation;
- If applicant does not obtain written concurrence to a "Property Owner's Shielding Determination Statement,"

then applicant must also receive either a Permit from the Director of Aviation or a Variance from the Airport Hazard Areas Board of Adjustment (AHABA) prior to construction as required by Section 30.48 Part B of the Clark County Unified Development Code; applicant is advised that many factors may be considered before the issuance of a permit or variance, including, but not limited to, lighting, glare, graphics, etc.;

- No building permits should be issued until applicant provides evidence that a "Determination of No Hazard to Air Navigation" has been issued by the FAA or a "Property Owner's Shielding Determination Statement" has been issued by the Department of Aviation.
- Applicant is advised that the FAA's determination is advisory in nature and does not guarantee that a Director's Permit or an AHABA Variance will be approved; that FAA's airspace determinations (the outcome of filing the FAA Form 7460-1) are dependent on petitions by any interested party and the height that will not present a hazard as determined by the FAA may change based on these comments; that the FAA's airspace determinations include expiration dates; and that separate airspace determinations will be needed for construction cranes or other temporary equipment.

Fire Prevention Bureau

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

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 #0253-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 26 WS-23-0475-IMI MIRACLE MALL, LLC:

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) reduce setbacks; and 2) reduce height setback. DESIGN REVIEWS for the following: 1) modifications to a restaurant with outside dining and drinking; 2) update the exterior façade; and 3) modifications to an approved comprehensive sign plan in conjunction with an existing resort hotel, resort condominium, and shopping center development (Planet Hollywood/Elara/Miracle Mile Shops) on 41.3 acres in an H-1 (Limited Resort and Apartment) Zone. Generally located on the east side of Las Vegas Boulevard South and the north side of Harmon Avenue within Paradise. JG/lm/syp (For possible action)

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

CONDITIONS OF APPROVAL -

Comprehensive Planning

- Applicant is advised that the County has adopted a rewrite to Title 30 effective January 1, 2024, and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 2 years of approval date or it will expire.

ITEM NO. 27 PA-23-700019-SCHLAF WILLIAM M 1986 TRUST & SCHLAF WILLIAM M TRS:

PLAN AMENDMENT to redesignate the existing land use category from Corridor Mixed-Use (CM) to Entertainment Mixed-Use (EM) on 9.0 acres. Generally located on the north side of Moapa Valley Boulevard, 350 feet west of Whitmore Street (alignment) within Moapa Valley. MK/gc (For possible action)

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

ITEM NO. 28 ZC-23-0357-SCHLAF WILLIAM M 1986 TRUST & SCHLAF WILLIAM M TRS:
ZONE CHANGE to reclassify 9.0 acres from an R-U (Rural Open Land) Zone, an R-E (Rural Estates Residential) Zone, a C-1 (Local Business) Zone, and a C-2 (General Commercial) Zone to an R-V-P (Recreational Vehicle Park) Zone. USE PERMIT for accessory commercial uses (retail merchandise) in conjunction with a recreational vehicle park. WAIVER OF DEVELOPMENT STANDARDS for alternative landscaping adjacent to a less intensive use. DESIGN REVIEWS for the following: 1) lighting; 2) signage; and 3) a recreational vehicle park in the Moapa Valley Overlay District. Generally located on the north side of Moapa Valley Boulevard, 350 feet west of Whitmore Street (alignment) within Moapa Valley (description on file). MK/md/syp (For possible action)

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

ITEM NO. 29 ZC-23-0478-S4A003, LLC:
ZONE CHANGE to reclassify 1.4 acres from an M-1 (Light Manufacturing) Zone to a C-2 (General Commercial) Zone. Generally located on the west side of Sammy Davis Jr. Drive, 750 feet south of Circus Circus Drive within Winchester (description on file). TS/sd/syp (For possible action)

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

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning.
- Applicant is advised that this is an approval of the zone change only and not the uses; parking will be reviewed for the site based on the uses of the future tenants, and a waiver for parking may be required upon review of each new use; the County has adopted a rewrite to Title 30 effective January 1, 2024, and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 2 years of approval date or it will expire.

Public Works - Development Review

- 30 days to coordinate with Public Works - Construction Management Division and to dedicate any necessary right-of-way and easements for the Sammy Davis Jr. Drive improvement project.

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. 30 CP-23-900364: Conduct a public hearing, adopt the Flood Control Master Plan Amendment, and authorize the Chair to sign a Resolution amending the Plan. (For possible action)

ACTION: It was moved by Commissioner Tick Segerblom, and carried by unanimous vote, that the resolution (No. R-9-20-23-1) be approved.

ITEM NO. 31 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 December 20, 2023 per the applicant).

ITEM NO. 32 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 December 20, 2023 per the applicant).

ITEM NO. 33 ET-22-400017 (UC-1721-06)-PALAZZO CONDO TOWER, LLC:

HOLDOVER USE PERMITS SIXTH EXTENSION OF TIME to commence the following: 1) resort condominiums in conjunction with an existing resort hotel (The Venetian); 2) increase building height; 3) associated accessory and incidental commercial uses, buildings, and structures; and 4) deviations from development standards.

DEVIATIONS for the following: 1) reduce on-site parking requirements; 2) reduce the height setback ratio from an arterial street; 3) encroachment into airspace; and 4) all other deviations as shown on plans in file.

DESIGN REVIEWS for the following: 1) a 632 foot high, high-rise resort condominium tower including kitchens in rooms; 2) all associated accessory uses, retail areas, and amenity areas (The Venetian/Palazzo); and 3) revisions to an already approved retail component associated with the Venetian/Palazzo (Walgreens) on a portion of 63.0 acres in an H-1 (Limited Resort and Apartment) Zone. Generally located on the east side of Las Vegas Boulevard South and the south side of Sands Avenue within paradise. TS/jor/syp (For possible action)

ACTION: Deleted from the agenda (held to December 20, 2023 per the applicant).

ITEM NO. 34 UC-23-0313-PEPPER LANE HOLDINGS, LLC:

HOLDOVER USE PERMIT to allow a cannabis establishment (cultivation) in conjunction with an existing office/warehouse building on a portion of 4.3 acres in an M-D (Designed Manufacturing) (AE-60) Zone. Generally located on the south side of Pepper Lane, 461 feet west of Pecos Road within Paradise. JG/hw/syp (For possible action)

REAL Next is Item 34, UC-23-0313, holdover use permit to allow a candidate - cannabis establishment (cultivation) in conjunction with an existing office/warehouse building on a portion of 4.3 acres in an M-D (Design Manufacturing) (AE-60) Zone. Generally located on the south side of Pepper Lane, 461 feet west of Pecos Road within Paradise.

GIBSON Morning.

RUSTY GRAF

Good morning Commissioner. Rusty Graf of Black and Wadhams, appearing on behalf of Pepper Lane. This is a conditionally licensed cultivation and production facility. It is moving its location from Sandy Valley to the location on Pecos and Russell. This is a bill, this is a matter that had come on last year and was denied without prejudice. Since then we've done a considerable amount of work in meeting with the Commissioners and meeting with the various individuals involved in this case.

In particular we've had engineering studies done and we would like to make that a part of the record. And I'll submit it to the clerk when I get done. I have a copy for her. And we previously met with Commissioner Gibson and we've given him a copy of that report. And in response to that report it's my understanding that there was an email prepared by - should be Paul of the Air Quality Department in response to that. And we would like to talk about that here this morning.

This building was purchased for the specific purpose of conducting a cultivation facility. It's a 20 thousand, almost 21 thousand square foot, 3 story building. It has been over-designed and super-designed in terms of the air quality and the air conditioning that's conducted at this building. It is engineered to a standard that doesn't exist in any other cultivation facility in the County. And because of that, we wanted to talk about some of those aspects.

And some of the aspects of that building include that there's only one ingress and egress to that building, for purpose of public employees and/or vendors to come and go. All of the other exits are gonna be alarmed and will not allow access. There are going to be only deliveries and employees' access through that front door. It is also in a foyer that is gonna have an air containment exit. Every room in this facility has its own cleaning and carbon filter system. So whether it's the grow room, whether it's the mother room, whether it's the drying room, it's gonna have its own system and that air is gonna be cleaned before it's exhausted. Most importantly, no air from this building is going to be exhausted into the airspace.

In addition to that engineering report we had a report prepared as to the wind studies performed by DRI, Desert Research Institute at UNLV. That study then found that there was only two days in the last three years that there was wind that would travel to the high school which is Del Sol High School. At the last meeting there was some objection that was voiced. There was a correspondence that we were given by Commissioner Gibson as to that issue. And we believe that this application is the Cadillac of applications and the Cadillac of design of buildings, especially as to air quality.

The email response from the County attempts to enforce a standard that doesn't exist. The County has not enacted any type of air quality standards regarding marijuana. There is no standard. There are other jurisdictions that do a threshold, excuse me, a dilution threshold or an odor, excuse me unit threshold. The DT or an OU. And those jurisdictions usually put it at a 7. This jurisdiction and this design actually has in fact that the engineers opine that it will be less than a 2. That's less than any standard in the country.

If in fact we believe that this design overachieves that goal. In addition, each and every one of these rooms are double insulated. So it's a brick constructed

GRAF

building, three stories. In the interior of those buildings, in every single wall there is an additional wall that was built out of steel framing and oversized drywall. So it's not 1/2 inch drywall, it's gonna be 3/4 inch drywall.

Every room on the interior has a wall that extends 6 feet above the ceiling height to the next level. That's another issue to stop the odor and to stop odor advance. Every room is sealed in terms of the ducts. The ducts themselves are contained within each room as opposed to the ducts being in the travel space in between the floors or in the roof structure of this building.

So excuse me. The HVAC system itself is using carbon filters. Carbon filters are not used by any other facility in the County. The carbon filters have been structured to be replaced on a regular basis and the applicant has agreed that if the County wants to impose an additional restriction than the time allotted by the manufacturers to change those carbon filters. We'll do that.

There is a Dyson HEPA filter that's attached to each of the HVAC systems in the facility. And there is an ozone generator and an air purifier system that is there. This building, it is owned by and being developed by an individual who constructs casinos in this town. And we've all been in those casinos. Those casinos, you walk in and you don't smell smoke anymore. What you smell is either vanilla ice cream or cookies or something along those lines. That's the type of system that they're willing to design and install into this building, to affect that type of outcome.

So the facility and the design is so that one cubic foot per minute of air will be treated per square foot of space, and that allows for 6 air changes an hour. The normal air conditioning or HVAC system does not allow for that, it only allows about 2. So ours is 3 times the optimization. The opinion from the Environmental Permitting Specialist by an engineer, who works for other municipalities, who has developed these type of odor standards across the country has opined that it will be 2DT or less. And they are doing that, and the opinion specifically says that there are no nuisance odors that will migrate beyond the property.

And that was the concern. When we met with members of the Commission, when we met with other people. And I appreciate Commissioner Gibson having several sessions with us and his staff. Blanca Vasquez going out of their way to talk to us about this issue and to discuss this issue. The concern has always been that there would be a smell that was present in the area already. That's an existing problem, that's not the application that's currently before this Commission.

The application that's currently before this Commission is by an applicant that's spent the money to buy this building, hold this building, and basically promise to spend anywhere from \$300-\$500 thousand dollars to then upgrade the building and its HVAC and air quality systems to a specification that doesn't exist.

The email that came from Air Quality, Mister Shibi Paul, says that there would be no 100% air quality standard. That doesn't exist anywhere, it doesn't exist in the ordinance or the rules of this County. And it certainly doesn't exist in any other municipality in the country. To subscribe a 100% odor control system is simply an arbitrary amount. And here's the thing, when you look at the email from Shibi

GRAF

Paul, that email doesn't talk about standards. It doesn't talk about DTs, it doesn't talk about OUs. What it talks about is a 100% odor control that doesn't exist.

When you walk into a casino, when you walk into a grocery store, when you walk past a grocery store, when you walk past anything in the country there's going to be a smell. It's just a matter of whether or not that smell is a nuisance. And we have said that we would tell this county and work for this county - with this county, to control that smell and to make sure that it wasn't something that was offensive to the neighbors. And we have pledged to do that.

And on that basis we submit the application. Thank you for the indulgence Chairman Gibson.

GIBSON

So that completes your presentation then?

GRAF

It is, your Honor.

GIBSON

Okay. Thank you. This is a public hearing, is there anyone who wishes to speak on this item, which is Item 34? There being no one, the public hearing is closed.

No doubt this applicant is a really solid member of this community and has all the credibility that any of us could ever hope to have. This is not about that. The concern that I have is that there is already, and there continues to be issues with the scent and the odor of marijuana at Del Sol Academy of the Performing Arts. There are 2,300 students there. They continue to complain. We received a letter recently from the new principal, Nadia Steiger, who is interim principal of the academy.

I have approved marijuana establishments around in my district. But because there is already something there, I feel that the intensity is something that needs to be of concern and any incremental increase in the release of the odor is something that this area can't tolerate. I recognize what your wind studies say. I can't figure it out, I know this. We've personally experienced the odor. We've driven around the area that you're discussing here today, the subject of this application. And we smell marijuana. We smell marijuana on Pecos Road when there is cultivation happening. It isn't your fault because you're not operating there. But to allow any incremental release of anything in that area is not something I'm willing to do. So for that reason, I'm going to move denial for Item 34.

Now I will say this, there are the report that you saw, sir, indicated that there may well be some additional technology that is available that could help. Airtight doors and that kind of thing. I mean, there may be other things, I don't know. So I would move for denial without prejudice to come back. If you come back with something that locks it up. But at this point I just can't –

GRAF

Mister G -

GIBSON

... I've met with the principal, I've met with parents. I've talked to faculty and staff. This is something that is too important, and so for that reason I move for denial. Any discussion on the motion? Please cast your votes.

- SEGERBLOM Could I ... I just want to say something Mister Chair. I do think that this is acceptable. But as I've stated since I first was in the legislature, that this should be up to the local jurisdiction, in this case in your district. So if you think it's inappropriate, I will support that.
- GRAF And Commissioner, do I ... have the opportunity to address your remarks?
- GIBSON No, no. You had your opportunity.
- MILLER Can - just a point in clarification.
- GIBSON Do you have any ...
- MILLER So a- a "yea" vote would move to approve your motion to deny?
- GIBSON That's right.
- MILLER Okay. Thank you.
- GIBSON Please cast your votes. And the motion carries. Thank you.

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

ITEM NO. 35 UC-23-0446-PHTB SUMMERLIN, LLC:

USE PERMIT to modify the previously approved development plan for Summerlin South Village 17A in conjunction with an approved single family residential development on 216.4 acres in an R-2 (Medium Density Residential) Zone within a P-C (Planned Community) Overlay District in the Summerlin Master Planned Community. Generally located on the west side of Town Center Drive and the north side of Rolling Foothills Drive within Summerlin South. JJ/nai/ja (For possible action)

REAL Next is Item 35, UC-23-0446, use permit to modify the previously approved development plan for Summerlin South Village 17A in conjunction with an approved single-family residential development on 216.4 acres in an R-2 (Medium Density Residential) Zone within a P-C (Planned Community) Overlay District in the Summerlin Master Planned Community. Generally located on the west side of Town Center Drive and the north side of Rolling Foothills Drive, within Summerlin South.

GIBSON Good morning.

BOB GRONAUER Good morning, Mister Chairman and Commissioners. My name is Bob Gronauer, 1980 Festival Plaza Drive. I'm here representing the developers, Pulte Homes and Toll Brothers. You've seen me up here over the last year and a half, plus or minus, representing this property.

Just to remind you again, this is approximately 216 acres in the Summerlin Master Planned Community. We call it Village 17A. It's in Summerlin South. Just to the north of us in this area is the Summit that I'm showing you on the overhead. To the south and southeast of us in this area here is Mesa Ridge, and this is the property that's over 200 plus or minus acres from the development.

GRONAUER

Within the development itself, we are proposing several different subdivisions of approximately 24 home models. We are asking to do a modification to the development standards for some of the front yard setbacks and a side yard setback or corner yard setback, excuse me, on four of the 24 lots within the subdivisions that we're proposing in here.

We also have a modification within our street section. One of the things that we have in this area, which is, I believe, Rolling Foothills the main street that's going to go into the subdivision here. And then the street is - as you can see on the overhead, a cul-de-sac that ends up here. This will be for the future development, as I'm showing you on the overhead, which we call the back bowl property. This will be developed for more of a high-end, exclusive - another exclusive - residential subdivision from the Summit in this area here. So, that will be where the access is.

This area is where the Detention Basin is, and Clark County owns some property in this area for trails, and there's gonna be a trail head that's gonna be constructed. Howard Hughes is the master developer who's been working closely with the Commissioner's Office, Real Property Management, Public Works, on the design of the trail head in this area.

So, we would ask that the modification to the street section, and the modification for the setback requests be approved in this area. And the modification of the street section here is similar to what you see in Mesa Ridge and this area here for street section, and a little bit similar to the Summit, when you enter into the Summit subdivision there. That being said, I can answer any other questions that you may have.

GIBSON

That completes your presentation?

GRONAUER

Yes, Mister Chair.

GIBSON

This is a public hearing. This is a public hearing, which is now open. So, we're getting some feedback on this. Let me open the public hearing and anyone who wishes to speak is walking down. Someone up there will fix the system.

So anyone who wishes to speak during this public hearing, this is as to Item 35. There being no one, the public hearing is closed. Let's pause for a moment and see if we can get the booth to do something about the sound. I thought it was just your microphone.

GIBSON

It's mine, it's all my fault. I'll take the blame.

GRONAUER

GIBSON

Well, I'll acknowledge that. I just don't know how you messed up my microphone. While we're waiting, this is in Commissioner Jones' district. (unintelligible) Let's see if we can make our way through this. We can't wait all day.

Yeah, it might not be a bad idea just to turn it off and turn it on again.

GRONAUER

Check, yeah. My mic - my mic is working.

GIBSON It's working -

GRONAUER Yes.

GIBSON ... and have it - we had the same problem with it we have with mine.

GRONAUER Here, I'll turn this -

GIBSON No, your microphone is working, but there's something about the sound that is coming out. No, you can't turn that off, but I'm saying they could turn the system off.

GRONAUER Well, I could translate for you if you want.

GIBSON And do you know American Sign Language?

GRONAUER You said, "do you know American Sign Language?" I don't, but I could speak with - I can hear what you're saying.

GIBSON Commissioner Jones, let's try and muddle our way through this, while the technicians work on the system.

JUSTIN JONES Very good.

GRONAUER (laughs).

JONES Thank you for your presentation. I know there are ongoing discussions between the County, Howard Hughes - with regards to access – along this street to a potential future trail head. I'm not gonna condition this application on that; however, as you're aware, we're having those ongoing discussions. And so, with that, I'll go ahead and move for approval of agenda Item Number 35.

GIBSON There's a motion for approval by Commissioner Jones on Item 35. Is there any discussion on that motion? Please cast your votes. The motion carries.

GRONAUER Thank you very much. And good luck with your microphones.

GIBSON Thank you.

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

CONDITIONS OF APPROVAL -

Comprehensive Planning

- Until November 16, 2033 to complete to coincide with the Summerlin Development Agreement.
- Applicant is advised that 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.

ITEM NO. 36 UC-23-0467-NP DURANGO, LLC:

USE PERMIT to allow a multiple family development.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) increase building height; 2) increase wall height; 3) allow alternative landscaping and attached sidewalk; and 4) allow modified driveway design standards.

DESIGN REVIEWS for the following: 1) multiple family residential development; and 2) finished grade on 8.1 acres in an H-1 (Limited Resort and Apartment) Zone. Generally located on the north side of Maule Avenue, 1,525 feet west of Durango Drive within Spring Valley. JJ/rk/syp (For possible action)

REAL

Commissioners, next is Item 36, UC-23-0467, use permit to allow a multiple family development. Waivers of development standards for the following: increased building height, increased wall height, allow alternative landscaping and attached sidewalk, and allow modified driveway design standards.

Design reviews for the following, a multiple family residential development and finished grade on 8.1 acres in an H-1 (Limited Resort and Apartment) Zone. Generally located on the north side of Maule Avenue, 1,525 feet west of Durango Drive within Spring Valley.

UNIDENTIFIED SPEAKER

I'll try this. Thank you.

GIBSON

Oh, that microphone up there works.

UNIDENTIFIED SPEAKER

Oh, that one works?

JENNIFER LAZOVICH

Jennifer La- yep, it works just fine.

GIBSON

We have the same problem with that microphone too.

UNIDENTIFIED SPEAKER

It's doing that. Yeah.

GIBSON

And this -

LAZOVICH

I think mine's working okay.

GIBSON

So, are we having the same problem with this microphone? Okay. Well, so you're here, Miss Lazovitch, on behalf of the applicant.

LAZOVICH

Yes. Jennifer Lazovitch, 1980 Festival Plaza Drive, here today on behalf of Ovation Development.

This aerial shows you the location of the site. We are here in yellow, site number two. This right in front of us is Durango Station...

UNIDENTIFIED SPEAKER

Check, check.

GIBSON

Let's try again, Miss Lazovich.

LAZOVICH

Should I start over?

GIBSON

Probably would be a good idea - it would probably be a good idea to do that.

LAZOVICH

Okay, okay. Jennifer Lazovich, 1980 Festival Plaza Drive, here today on behalf of Ovation Development.

Ovation Development is proposing to do a multifamily project located near Durango and Maule. This right here is the new Durango Stations. As I was indicating earlier, the project is part of the Rhodes Ranch Development Agreement, which allows for 1,000 residential units to be built on this site.

I wanna thank staff for recommending approval of a majority of the application. The portion of the application that they could not support is our waiver request to do an attached sidewalk right along Maule Avenue. The reason why we have asked for that waiver request - this particular application is coming in under Title 30. In your current Title 30 code, it does require detached sidewalks on certain streets.

The reason why Ovation is asking for that waiver is because, as I indicated before, this whole development is part of Rhodes Ranch Development Agreement, which has a Title 29 code that applies to it. And so, as part of the construction of Durango Station, Stations is putting in the sidewalk, and it will be an attached sidewalk all the way from Durango, along Maule, and then past our site.

So, when the site is turned over to us from an offsite improvement standpoint, all the offsites have already been put in. We will just be doing the onsite work for the multifamily project. So, again, the reason for our waiver of offsites is because, on the improvement plans for this whole project, but along Maule Avenue, it already shows an attached sidewalk, and that's why we had to ask for the waiver.

So, I would respectfully request your approval for the application as submitted. Thank you.

GIBSON

Thank you. This is a public hearing. Is there anyone here who wishes to speak on Item 36? There being no one, the public hearing is closed, and Commissioner Jones, this item is in your district.

JONES

Thank you, Mister Chair. Thank you for the presentation. It is unfortunate that, when it came to the larger development from the Durango Casino, that we did not require them to put in the detached sidewalks. Unfortunately, it just went unnoticed because it was under Title 29.

JONES

But under the circumstances it is understandable why the detached sidewalks are not required on this piece of property. So, I will go ahead and move for approval of agenda Item Number 36.

LAZOVICH

Commissioner Jones, I'm sorry, I forgot to mention one more thing. We did have a neighbor request, that we relocate our northern trash enclosure to the north side of our building, which we are pleased to do. If you wanna condition us to do that, we're happy to do it, but it's the northern trash enclosure will be moved to the north side of our building.

JONES

Alright. Then we'll have the additional condition of moving the northern trash

JONES enclosure to the northern side of the site.

LAZOVICH Thank you.

GIBSON There is a motion for approval, as indicated. Any discussion? Please cast your votes. The motion carries.

LAZOVICH Thank you.

GIBSON Thank you.

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

CONDITIONS OF APPROVAL -

Comprehensive Planning

- Move northern trash enclosure to north side of building;
- 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 has adopted a rewrite to Title 30 effective January 1, 2024, and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; 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;
- Full off-site improvements;
- Coordinate with Public Works - Development Review to pay a cost contribution for pedestrian flashers;
- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Maule Avenue/ Badura Avenue improvement project.
- Applicant is advised that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

Fire Prevention Bureau

- Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features.
- Applicant is advised that dead-end streets/cul-de-sacs in excess of 500 feet must have an approved Fire Department turn-around provided; that fire/emergency access must comply with the Fire Code as amended; to submit plans for review and approval prior to installing any gates, speed humps (speed bumps not allowed), and any other Fire Apparatus Access Roadway obstructions; and to show on-site fire lane, turning radius, and turnarounds.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0266-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 37 VS-23-0192-LV-PCPS, LLC & LV-AM, LLC:

HOLDOVER VACATE AND ABANDON a portion of right-of-way being Paradise Road located between Sahara Avenue and Karen Avenue (alignment) within Winchester (description on file). TS/gc/syp (For possible action)

ACTION: Deleted from the agenda (held to October 4, 2023 per Commissioner Segerblom).

ITEM NO. 38 UC-23-0191-LV-PCPS, LLC & LV-AM, LLC:

HOLDOVER USE PERMIT for deviations as shown per plans on file.

DEVIATIONS for the following: 1) alternative street landscaping; 2) increase wall height; 3) reduce gate setback; and 4) all other deviations as depicted per plans on file.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) reduce the setback from a street; and 2) allow alternative driveway geometrics.

DESIGN REVIEW for modifications (landscaping, screening, and driveways) to an existing resort hotel (Sahara) on 17.5 acres in an H-1 (Limited Resort and Apartment) Zone. Generally located on the southwest corner of Sahara Avenue and Paradise Road within Winchester. TS/gc/syp (For possible action)

ACTION: Deleted from the agenda (held to October 4, 2023 per Commissioner Segerblom).

ITEM NO. 39 WC-23-400092 (ZC-18-0621)-VACCARO, LOUIS & LINDA REV TR & VACCARO, LOUIS C. & LINDA L. TRS:

HOLDOVER WAIVER OF CONDITIONS of a zone change requiring to relocate the convenience store so it is a minimum of 100 feet from the existing residential development in conjunction with a retail center on 2.4 acres in a C-1 (Local Business) Zone. Generally located on the east side of Fort Apache Road and the south side of Blue Diamond Road within Enterprise. JJ/lm/syp (For possible action)

ACTION: Deleted from the agenda (held to October 4, 2023 per the applicant).

ITEM NO. 40 VS-23-0324-VACCARO, LOUIS & LINDA REV TR & VACCARO, LOUIS C. & LINDA L. TRS:

HOLDOVER VACATE AND ABANDON easements of interest to Clark County located between Fort Apache Road and Quarterhorse Lane, and between Blue Diamond Road and Serene Avenue (alignment) within Enterprise (description on file). JJ/lm/syp (For possible action)

ACTION: Deleted from the agenda (held to October 4, 2023 per the applicant).

ITEM NO. 41 UC-23-0323-VACCARO, LOUIS & LINDA REV TR & VACCARO, LOUIS C. & LINDA L. TRS:

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

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) alternative landscaping; 2) alternative driveway geometrics; and 3) reduce driveway approach distance from the intersection.

DESIGN REVIEWS for the following: 1) retail center; and 2) finished grade on 2.4 acres in a C-1 (Local Business) Zone. Generally located on the east side of Fort Apache Road and the south side of Blue Diamond Road within Enterprise.

JJ/lm/syp (For possible action)

ACTION: Deleted from the agenda (held to October 4, 2023 per the applicant).

ITEM NO. 42 WS-23-0439-PREMIER PROPERTY PRESERVATION, LLC:

HOLDOVER WAIVER OF DEVELOPMENT STANDARDS to eliminate sidewalk and street landscaping.

DESIGN REVIEW to increase finished grade in conjunction with a single family residential development on 2.5 acres in an R-E (Rural Estates Residential) (RNP-I) (AE-60) Zone in the CMA Design Overlay District. Generally located on the northwest corner of Ponderosa Way and Duneville Street within Spring Valley. MN/jud/syp (For possible action)

REAL Next ... next is Item 42, WS-23-0439, holdover waiver of development standards to eliminate sidewalk and street landscaping. Design review to increase finished grade in conjunction with the single-family residential development on 2.5 acres in an R-E (Rural Estates Residential) (RNP-I) (AE-60) Zone in the CMA Design Overlay District. Generally located on the northwest corner of Ponderosa Way and Duneville Street within Spring Valley.

GIBSON Good morning.

JOE HAUN Good morning to you, Commissioners, staff. My name is Joe Haun Hauntec Civil Engineering on 800 North Rainbow Boulevard, Suite 146. And?

BEN TORRELLA My name is Ben Torrella with DesignLand, and I'm at ... I live at 712 Maxley Court, Las Vegas Nevada 89145.

HAUN We're here to represent the client. What staff has – reviewed our request – as you can see in the overhead, the neighborhood that completely surrounds the particular project site is only paved services, no sidewalks, no other improvements.

We seek to be similar to what's around the neighborhood. And also, there is a requirement for excess fill, because there's an old wash that's no longer carrying any flow from the west. And that affects the north two properties, and that's why we're requesting the excess fill for those two properties to cover over the wash.

So, with that we're open for any discussion or any questions.

GIBSON And that completes your presentation?

HAUN Yes, it does, Commissioner.

GIBSON This is a public hearing. Is there anyone here who wishes to speak on Item 42? There being no one, the public hearing is closed. Commissioner Naft.

MICHAEL NAFT Thank you, Mister Chairman. I see that there's nobody here to speak, but I did receive quite a few inquiries on this item particularly as it relates to Duneville. So, I just wanted to ask Mister Papazian to address some of those concerns that we received in writing regarding the potential to vacate and why that's not quite as simple as it might seem.

ANTONIO PAPA ZIAN Thank you, Commissioner. Duneville is in our grid system for streets to be dedicated as one of our alignments, it's the 16th since vacations must be vacated from intersection to intersection, we do have some hurdles in front of us. At this time it'd be difficult to vacate Duneville as three of the four dedications have already happened with this being the last piece, and the project in front of us today takes access off of Duneville.

PAPAZIAN

The first hurdle would be just east of this property, if the area of Duneville is vacated, the 30 feet will go back to that private property. They already have their walls constructed, and that 30 feet typically becomes no man's land.

Our next hurdle would be north of the development. The parcel just northeast of this development takes access off of Duneville. So, Fire may require a County-approved turnaround to ensure ingress- an egress for their trucks which means we would be additional right-of-way to accommodate that cul-de-sac. And since the existing house east of Duneville ...

NAFT

And that additional right-of-way would come from that property owner?

PAPAZIAN

It would come from that property owner. However, since they have nothing in front of us, it would be very difficult to attain that additional right-of-way for that cul-de-sac. Even if we did get that additional right-of-way for that cul-de-sac, the next question, the next hurdle would be, who is to construct those improvements to define that cul-de-sac?

NAFT

Thank you. So, it's for those reasons that I can take the movement to vacate Duneville, but I do support the application and appreciate you putting in a four-lot cul-de-sac in a neighborhood that that is very appropriate for. Move for approval of Item 42.

GIBSON

There's a motion for approval of Item 42 with Commissioner Naft. Any discussion on the motion? Please cast your votes. And the motion carries, thank you.

HAUN

Thank you, Commissioners and staff.

GIBSON

Thank you very much. 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

- Provide 1 medium tree every 20 feet inside the walls along Ponderosa Way and Duneville Street;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the County has adopted a rewrite to Title 30 effective January 1, 2024, and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; 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;
- Right-of-way dedication to include 30 feet for Duneville Street, 30 feet for Ponderosa Way and associated

spandrel.

- 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 must record a stand-alone noise disclosure form against the land, and provide a copy of the recorded document to the Department of Aviation Noise Office at landuse@lasairport.com;
- Applicant must provide a copy of the recorded noise disclosure form to future buyers/renters, separate from other escrow documents, and provide a copy of the document to the Department of Aviation Noise Office at landuse@lasairport.com;
- Applicant must provide a map to future buyers/renters, as part of the noise disclosure notice, that highlights the project location and associated flight tracks, provided by the Department of Aviation Noise Office when property sales/leases commence;
- Incorporate an exterior to interior noise level reduction of 30 decibels into the building construction for the habitable space that exceeds 35 feet in height or 25 decibels into the building construction for the habitable space that is less than 35 feet in height.
- 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 residents wish to have their buildings purchased or soundproofed.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0341-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 43 PA-23-700018-DR HORTON, INC.:

PLAN AMENDMENT to redesignate the existing land use category from Compact Neighborhood (CN) to Neighborhood Commercial (NC) on 1.2 acres. Generally located on the east side of Decatur Boulevard, 330 feet north of Frias Avenue within Enterprise. JJ/gc (For possible action)

REAL

Commissioners, next are Items 43, 44 and 45, which will be heard together.

43 is PA-23-700018, plan amendment to re-designate the existing land use category from Compact Neighborhood to Commercial Neighborhood on 1.2 acres. Generally located on the east side of Decatur Boulevard, 330 feet north of Frias Avenue, within Enterprise.

Item 44 is ZC-23-0326, zone change to reclassify 1.2 acres from an R-E (Rural Estates Residential) Zone and an R-3 (Multiple Family Residential) Zone to a C-1 (Local Business) Zone. Use permit for a vehicle wash. Waivers of development standards for the following: reduce separation to a residential use and increased wall height. Design reviews for the following: vehicle wash, alternative parking lot landscaping. Generally located on the east side of Decatur Boulevard, 330 feet north of Frias Avenue within Enterprise. Commissioners, on this item, staff recommends, or requests, that we delete Current Planning condition number three, which requires the applicant to work with the developer to the east, to ask that developer to inform their future residents that there will be noise from the car wash. So, because that condition is outside the applicant's control, staff is requesting that that added condition from the Planning Commission not be included in the final motion.

REAL

And then Item 45, VS-23-0327, vacate and abandon a portion of right-of-way being Decatur Boulevard, located between Pyle Avenue and Frias Avenue within Enterprise.

GIBSON

Good morning, Miss Ohene.

LEBENE OHENE

Good morning, Commissioner Gibson and Commissioners. Lebene Ohene, 520 South 4th Street, representing the applicant on the three companion applications.

To orient you to the site, this parcel, it's 1.2 acres and it's located east of Decatur Boulevard, and approximately 330 feet north of Frias Avenue. This parcel as it's shown, is basically one of several parcels in the area that was airport property that was sold. This parcel is only 200 feet wide. And based on all the parcels that were sold, it's basically left a 1.2 acre parcel that only has access from Decatur and is not wide enough for residential development.

The three requests that were ... The three applications consist of the PA, which is Item 43. It's to go from R-E with a small portion in the R-3 zone that was a bleed over from the R-3 to the east, to C-1, and the PA is from C-N to ... N-C to facilitate the C-1 zoning.

The request is for a vehicle wash which requires a special use permit. We're also requesting waivers to reduce the separation from the residential uses to the north, east and west. To the south is a commercial development.

We tried to design the site in such a way to minimize noise from the east and the north by curving out the road and moving the buildings north and south. DR Horton currently owns this property. They understand and we've talked to them about the mitigation, and we've also talked to Richmond American to our east and they understand and they know that based on the conditions that Miss Real read into the record, that was placed by Planning Commission, is outside our control and their control as well.

There was another waiver, which required alternative landscaping. The only reason we asked for that waiver is we do have ADA requirements and planting a tree in between that will actually impact the ADA access. So, we just remove that tree and put it somewhere else on the site, which means that we are totally meeting the requirement for landscaping on the site.

The building ... Actually, going to the landscaping, to the east, is 15 feet of intense landscaping to buffer, and additional landscaping to help with the noise to the east, as well as to the north. The building is up to 32 feet high and it's set back in such a way not to impact the residential use to the east.

The third application is to vacate easements along Decatur Boulevard to allow for the detached sidewalk. This application we believe complies with infill development requirements, and also the fact that the CN is a neighborhood serving use. When we did our neighborhood meetings throughout, the neighbors that came to the meeting were in support of the application.

With that said, we will appreciate the Commissioner's recommendation of

OHENE approval of the application as stated in the agenda, except for bullet number three, which was the noise disclosure. With that we thank you and appreciate your recommendation of approval for the project. Thank you.

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

JONES Thank you, Mister Chair, and thank you for your presentation. Can you tell me who from the developer to the east that you had the conversations with? I did get a call from Richmond representatives saying that they had some concerns, so I'm just trying to understand.

OHENE Laura from our office spoke to Amanda, who's head of Planning. Sorry. Amanda from Richmond, she used to be with DR Horton, so Laura from our office who had presented the application in my absence at Planning Commission meeting, she spoke to her, and they said they had no concern with the application.

Additionally, we did the neighborhood meeting, and through Town Board and Planning Commission we did not hear from Richmond at all. We approached them directly and discussed it with them.

JONES Okay. Based on that representation, I'm going to go ahead and move for approval of agenda Items 43, 44, and 45.

GIBSON There's a motion for approval on the items in front of us, 43, 44, and 45. Any discussion on the motion?

REAL Commissioner, may I ask, does that include with the deletion of the -

JONES Yes. It does.

REAL ... bullet number three?

JONES Yeah.

REAL Thank you.

GIBSON With that clarification, please cast your votes. The motion carries. Thank you.

OHENE Thank you, Commissioners.

ACTION: It was moved by Commissioner Justin Jones, and carried by unanimous vote, that the resolution (No. R-9-20-23-2) for Item No. 43 and applications for Item Nos. 44 and 45 be approved subject to staff conditions.

ITEM NO. 44 ZC-23-0326-DR HORTON INC:

ZONE CHANGE to reclassify 1.2 acres from an R-E (Rural Estates Residential) Zone and an R-3 (Multiple Family Residential) Zone to a C-1 (Local Business) Zone.

USE PERMIT for a vehicle wash.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) reduce separation to a residential use; and 2)

increase wall height.

DESIGN REVIEWS for the following: 1) vehicle wash; and 2) alternative parking lot landscaping. Generally located on the east side of Decatur Boulevard, 330 feet north of Frias Avenue within Enterprise (description on file). JJ/lm/syp (For possible action)

ACTION: It was moved by Commissioner Justin Jones, and carried by unanimous vote, that the resolution (No. R-9-20-23-2) for Item No. 43 and applications for Item Nos. 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;
- 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;
- Vehicle wash hours limited to 7:00 a.m. to 7:00 p.m.;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that the use permit, waivers of development standards, and design reviews must commence within 2 years of the approval date or they will expire.

Public Works - Development Review

- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements;
- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Decatur Boulevard improvement project and Public Works - Construction Management for the Silverado Ranch Detention Basin 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.

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 #0215-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 45 VS-23-0327-DR HORTON, INC:

VACATE AND ABANDON a portion of right-of-way being Decatur Boulevard located between Pyle Avenue and Frias Avenue within Enterprise (description on file). JJ/lm/syp (For possible action)

ACTION: It was moved by Commissioner Justin Jones, and carried by unanimous vote, that the resolution (No. R-9-20-23-2) for Item No. 43 and applications for Item Nos. 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

- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Decatur Boulevard improvement project and Public Works - Construction Management for the Silverado Ranch Detention Basin 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.

ITEM NO. 46 PA-23-700020-RRP, LLC; ET AL:

PLAN AMENDMENT to redesignate the existing land use category from Neighborhood Commercial (NC) to Urban Neighborhood (UN) on 7.2 acres. Generally located on the southwest corner of Edna Avenue and Red Rock Street within Spring Valley. JJ/gc (For possible action)

ACTION: Deleted from the agenda (held to no date certain per the applicant).

ITEM NO. 47 ZC-23-0397-RRP, LLC:

ZONE CHANGE to reclassify 7.3 acres from a CRT (Commercial Residential Transition) Zone to an R-4 (Multiple Family Residential - High Density) Zone.

USE PERMIT for senior housing.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) increase wall and fence height; 2) reduce the height/setback ratio requirement adjacent to a single family residential use; 3) alternative landscaping adjacent to a residential use; 4) alternative street landscaping; 5) allow access to a local street; and 6) allow modified driveway design standards.

DESIGN REVIEWS for the following: 1) alternative parking lot landscaping; 2) senior housing (multiple family development); and 3) finished grade. Generally located on the south side of Edna Avenue and the west side of Red Rock Street within Spring Valley (description on file). JJ/md/syp (For possible action)

ACTION: Deleted from the agenda (held to no date certain per the applicant).

ITEM NO. 48 VS-23-0398-RRP, LLC:

VACATE AND ABANDON a portion of a right-of-way being Red Rock Street located between Coley Avenue and Palmyra Avenue within Spring Valley (description on file). JJ/md/syp (For possible action)

ACTION: Deleted from the agenda (held to no date certain per the applicant).

ITEM NO. 49 ZC-23-0334-FRIAS, PHYLLIS M. CHARITABLE TRUST ETAL & MOWBRAY, JOHN H. TRS: HOLDOVER ZONE CHANGE to reclassify 4.6 acres in an R-E (Rural Estates Residential) Zone to an R-1 (Single Family Residential) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) increase screen wall height; 2) off-site improvements; and 3) street configuration.

DESIGN REVIEWS for the following: 1) single family residential development; and 2) finished grade. Generally located on the west side of Polaris Avenue and the north side of Frias Avenue within Enterprise (description on file). JJ/tr/syp (For possible action)

REAL

Commissioners, next is Item 49, ZC-23-0334, holdover zone change to reclassify 4.6 acres in an R-E (Rural Estates Residential) Zone to an R-1 (Single Family Residential) Zone. Waivers of development standards for the following: increased screen wall height, offsite improvements, and street configuration. Design reviews for the following: single family residential development and finished grade. Generally located on the west side of Polaris Avenue and the north side of Frias Avenue within Enterprise.

And then, sorry, 50 and 51 are companion items. VS-23-0335 holdover vacate and abandon easements of interest to Clark County located between Haleh Avenue and Frias Avenue between Valley View Boulevard and Polaris Avenue within Enterprise.

And then 51, TM-23-500074, holdover tentative map consisting of 21 residential lots and two common lots on 4.6 acres in an R-1 (Single Family Residential) Zone. Generally located on the west side of Polaris Avenue and the north side of Frias Avenue within Enterprise.

GIBSON

Before we go any further, Commissioner Jones has got... we've seen some people come in.

JONES

Sure. So I just, on agenda Items 46, 47, and 48, which was the proposed development that Nevada Hand was working on, I know some of you came in after the beginning of the meeting. That item was held with no date certain, which means that until or unless the developer decides that they want to move forward with the application, then it won't be heard.

So you're welcome to stick around until the final public comment – period, and so you could make your comments at that time if you chose. But I didn't want you to have to sit around here if you choose not to.

GIBSON

Alright. So we're back on Items 49, 50, and 51. Mister Celeste?

TONY CELESTE

Thank you, Mister Chairman. Good morning, 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, the site is highlighted in yellow. It's about 4.6 acres located on the northwest corner of Polaris and Frias. This application consists of two main components, first being a conforming zone change, and the second being a design review for a single-family residential development.

CELESTE

First with respect to the zone change, it is conforming. The land use plan, as you can see, is low neighborhood intensity. We are requesting a zone change to R-1. R-1 is a zoning district that is contemplated within the LN master plan.

In addition to that, you can see from the zoning just to the east of us is R-D. To the west and north is R-2. We have RUD to the south so R-1 is compatible with the existing zoning districts in there. So we appreciate staff's favorable recommendation of the zone change as well as Town Board's.

As mentioned, we do have a design review as part of this. We are proposing a 21-lot subdivision with access off of Polaris here. You can see the density works out to about 4.6 units to the acre, which is well within the R-1 design standards.

We do have a waiver of development standards. That is with respect to the offsite improvements on Polaris. However, we are gonna be providing detached sidewalks, meaning we will have our five feet of landscaping, five feet of sidewalk, and then five feet of additional landscaping.

What we're asking to waive is the curb and gutter requirements. However, we have agreed with our neighbor for an additional condition that we would provide the streetlights along Polaris per the County design standards.

In addition to that, there are conditions of approval with respect to limiting the height or limiting the number of stories on various lots. In particular, it's condition three. We have worked with our neighbors and want to slightly modify that per the agreement we've reached with our neighbor. On lot one, we have agreed that that will be one story only. On lots two, three, four, and five, and lot 21, we have agreed to no three-story homes on that.

So with those additional conditions we respectfully request your approval. More than happy to answer any questions you may have.

GIBSON

Thank you. This is a public hearing as to Items 49, 50, and 51. Is there anyone here who wishes to speak on these items? The public hearing is closed, there being no one to offer comment. And this is in Commissioner Jones' district. Commissioner Jones.

JONES

Thank you, Mister Chair. Thank you, Mister Celeste. I know you had several meetings with the neighbors there, and I appreciate that you and the client have really done your best to try and accommodate somewhat conflicting requests.

And so I think this is a good compromise, so I'll go ahead and move for approval of agenda Items 49, 50, and 51 with the additional conditions that have been stated with regards to one and less than three-story homes on specific lots and with regards to the detached sidewalks and streetlight.

CELESTE

Yes. Thank you.

GIBSON

There's a motion for approval of Items 49, 50, and 51 with the additional conditions as noted by Commissioner Jones. Any discussion? Please cast your votes. The motion carries. Thank you.

CELESTE

Thank you.

ACTION:

It was moved by Commissioner Justin Jones, and carried by unanimous vote, that the applications for Item Nos. 49, 50, and 51 be approved subject to staff and additional conditions.

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;
- 1 story home only on Lot 1;
- No 3 story homes on Lots 2, 3, 4, 5, and 21;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the County has adopted a rewrite to Title 30 effective January 1, 2024, and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that the waivers of development standards and design reviews must commence within 4 years of approval date or they will expire.

Public Works - Development Review

- Streetlight design to be included on Polaris Avenue in compliance with Clark County design standards;
- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- Right-of-way dedication to include 25 feet to the back of curb for Polaris Avenue, 25 feet to the back of curb for Frias Avenue, and associated spandrel;
- Applicant to pay a contribution for local roadway, drainage, or trail related improvements in District F in lieu of constructing full off-site improvements, as determined by Public Works.
- Applicant is advised that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals; and that the installation of detached sidewalks will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

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 #0226-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis

ITEM NO. 50 VS-23-0335-FRIAS, PHYLLIS M. CHARITABLE TRUST ETAL & MOWBRAY, JOHN H. TRS: HOLDOVER VACATE AND ABANDON easements of interest to Clark County located between Haleh Avenue and Frias Avenue, and between Valley View Boulevard and Polaris Avenue within Enterprise (description on file). JJ/rr/syp (For possible action)

ACTION:

It was moved by Commissioner Justin Jones, and carried by unanimous vote, that the applications for Item Nos. 49, 50, and 51 be approved subject to staff and

additional conditions.

CONDITIONS OF APPROVAL -

Comprehensive Planning

- Satisfy utility companies' requirements.
- Applicant is advised that the County has adopted a rewrite to Title 30 effective January 1, 2024, and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; 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 Polaris Avenue, 25 feet to the back of curb for Frias Avenue, and associated spandrel;
- Vacation to be recordable prior to building permit issuance or applicable map submittal;
- Revise legal description, if necessary, prior to recording.
- Applicant is advised that the installation of detached sidewalks will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

ITEM NO. 51 TM-23-500074-FRIAS, PHYLLIS M. CHARITABLE TRUST ETAL & MOWBRAY, JOHN H. TRS: HOLDOVER TENTATIVE MAP consisting of 21 residential lots and 2 common lots on 4.6 acres in an R-1 (Single Family Residential) Zone. Generally located on the west side of Polaris Avenue and the north side of Frias Avenue within Enterprise. JJ/r/r/syp (For possible action)

ACTION: It was moved by Commissioner Justin Jones, and carried by unanimous vote, that the applications for Item Nos. 49, 50, and 51 be approved subject to staff and additional conditions.

CONDITIONS OF APPROVAL -

Comprehensive Planning

- Applicant is advised that the County has adopted a rewrite to Title 30 effective January 1, 2024, and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; 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

- Streetlight design to be included on Polaris Avenue in compliance with Clark County design standards;
- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- Right-of-way dedication to include 25 feet to the back of curb for Polaris Avenue, 25 feet to the back of curb for Frias Avenue, and associated spandrel;
- Applicant to pay a contribution for local roadway, drainage, or trail related improvements in District F in lieu of

constructing full off-site improvements, as determined by Public Works.

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

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 #0226-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 52 ZC-23-0409-PSI OQUENDO, LLC:

HOLDOVER ZONE CHANGE to reclassify 4.2 acres from a C-1 (Local Business) Zone and a C-2 (General Commercial) Zone to an R-3 (Multiple Family Residential) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) increase building height; 2) reduce driveway throat depth for a call box; and 3) reduce driveway distance from an intersection.

DESIGN REVIEWS for the following: 1) for a multiple family residential development; and 2) finished grade. Generally located on the west side of Fort Apache Road and the north side of Oquendo Road within Spring Valley (description on file). JJ/rk/syp (For possible action)

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

ITEM NO. 53 VS-23-0410-PSI OQUENDO, LLC:

HOLDOVER VACATE AND ABANDON easements of interest to Clark County located between Fort Apache Road and Farmland Street, and between Oquendo Road and Russell Road and portion of a right-of-way being Fort Apache Road located between Oquendo Road and Russell Road; and portion of a right-of-way being Oquendo Road located between Fort Apache Road and Farmland Street within Spring Valley (description on file). JJ/rk/syp (For possible action)

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

ITEM NO. 54 ZC-23-0429-CIMARRON SPRING DEUX, LLC:

ZONE CHANGE to reclassify 1.3 acres from an R-E (Rural Estates Residential) Zone to an R-2 (Medium Density Residential) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) establish alternative yards for a residential lot; and 2) allow modified driveway design standards.

DESIGN REVIEWS for the following: 1) single family residential development; and 2) finished grade. Generally located 995 feet east of Arville Street and the south side of Richmar Avenue within Enterprise (description on file). JJ/md/syp (For possible action)

REAL Next are Items 54, 55, and 56 which will be heard together.

Item 54, zone change, ZC-23-0429. You've got it. So Item 54 ZC-23-0429, zone change to reclassify 1.3 acres from an R-E (Rural Estates Residential) Zone to an R-2 (Medium Density Residential) Zone. Waivers of development standards for the following: establish alternative yards for a residential lot and allow modified driveway design standards. Design reviews for the following: single-family residential development and finished grade. Generally located 995 feet east of Arville Street and on the south side of Richmar Avenue within Enterprise.

Item 55, which is VS-23-0430, vacate and abandon easements of interest to Clark County located between Richmar Avenue and Gary Avenue alignment and

REAL

between Arville Street and Hinson Street in Enterprise.

And then 56 TM-23-500089, tentative map consisting of nine residential lots and common lots on 1.3 acres in an R-2 (Medium Density Residential) Zone. Generally located 995 feet east of Arville Street and the south side of Richmar Avenue within Enterprise.

SUSAN FLORIAN

Good morning, Commissioners. My name's Susan Florian from Taney Engineering, 630 South Jones Boulevard here on behalf of the client. The subject site is 1.27 acres. It's located south of Richmar Avenue and approximately a 1,000 feet east of Arville Street.

The subject parcel is currently zoned R-E, Rural Estates Residential District, with a hard rural neighborhood preservation overlay. The land planned use is M-N, sorry, M-N, which is Mid-Intensity Suburban Neighborhood. We are requesting a modification to the current zoning from R-E to R-2 to the medium density residential district.

We are requesting to allow for a development of a nine lot, single family residential subdivision with a density of 7.09 dwellings per acre. The lots range from 3,423 square feet to 4,465 square feet with an average lot of 3,735 square feet.

Richmar will receive full offsite improvements including: curb, gutter, sidewalk, streetlights, and all lots will be accessed through a 39-foot private street with 30-inch modified rural curb and gutter. A 10-foot landscape will be... a buffer will be provided with trees planted every 20 feet - sorry, with detached five-foot sidewalks that will be along Richmar Avenue.

We are requesting a vacation, a zone change along waivers and a design review. We ... Sorry. We're requesting to vacate 33 feet along the parcel.

Going back to the zoning we are requesting a zone boundary amendment going from R-E to R-2, Medium Density Residential. Staff recommended approval because they found that the zoning classification was consistent and compatible with the surrounding land uses in that area.

The first waiver of development standards is a non-standard orientation or alternative yard or orientation. This waiver is to allow a non-standard orientation on lot number nine. The proposed home will be situated in a non-standard orientation parallel to the street rather than perpendicular.

Staff recommended approval because the alternative setbacks would meet the setbacks of a normal lot configuration, and it would not have a negative impact on the subdivision or the undeveloped adjacent property to the east.

We also have a design review for the architecture. This request is for a two-floor plan in elevation. The two-story detached single-family homes are 1,565 square feet and 1,724 square feet with exterior elevations reflect a mid-century and western contemporary designs and finishes. There will also be a two-car garage for each home in addition to a full-length driveway that can park a minimum of

FLORIAN

two vehicles.

The next design review is for excess fill on lot number eight. We are requesting for an excess fill of four feet where three-foot maximum is allowed per section 30, 32 - 49. The excess fill is needed for lot eight to ensure adequate drainage – um - of the site. As the property adjacent to the proposed four feet is currently undeveloped, we expect there to be no negative impacts.

I am grateful for staff's recommendation of approval but they did have a denial for waiver number two. We are asking for a minimum of 10-foot separation from the driveway and curb return where 12 minimum is required. To accommodate for the proposed lot number one we are requesting lot one to have a separation of 10 feet. This reduction does represent a deviation of 18%. Minor reductions of this nature have been approved throughout Clark County and I don't believe that it poses a safety or functionality concern with the development for traffic on Richmar Avenue.

We are asking for 10, but we do have 10 point 67. During the Town Board they also added a condition to CC-23-0429 requiring some sort of community amenities included in the open space. And with that, I respectfully ask for you to approve this item and happy to answer any questions that you may have.

GIBSON

Thank you very much. This is a public hearing as to Items 54, 55, and 56. Is there anyone here who wishes to speak on these items? There being no one, the public hearing is closed. Commissioner Jones.

JONES

Thank you, Mister Chair. Is there a reason why you're only developing a 1.3 acre parcel as opposed to working with the other adjacent landowners in order to aggregate to build a different project?

FLORIAN

Yes. So the projects north of us have actually been entitled with the same density. There being, well, they've already been entitled. Also to the northeast have also had the same density.

JONES

I understand, but to your west and to your east, is there a reason why you're not working with them to do a larger project?

FLORIAN

A larger project?

JONES

Yeah. Something bigger than (laughs) 1.3 acres.

FLORIAN

No. (laughs)

JONES

Okay. I understand when there are lots that are 1.3 acres that are infill, and there really isn't an opportunity to work with other landowners to build a more comprehensive project that it is what it is. This is not one of those, so here's what I'm gonna say.

I'm gonna go ahead and move for approval of this project, but I would strongly encourage the landowner to work with other landowners that are adjacent on the west, east, and south side of the property to put together a better, different project

JONES out there, rather than just be an island. Does that make sense?

FLORIAN Yeah. That makes sense.

JONES Okay. Alright. Then I'll go ahead and move for approval of agenda Items 54, 55, and 56.

GIBSON There's a motion for approval of these items by Commissioner Jones. If there's no discussion on the motion, please cast your votes. The motion carries.

FLORIAN Thank you so much, Commissioners.

GIBSON Thank you.

ACTION: It was moved by Commissioner Justin Jones, and carried by unanimous vote, that the applications for Item Nos. 54, 55, and 56 be approved subject to staff and additional conditions.

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 County has adopted a rewrite to Title 30 effective January 1, 2024, and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that the waivers of development standards and design reviews must commence within 4 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 25 feet to the back of curb for Richmar Avenue.
- Applicant is advised that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals; and that the installation of detached sidewalks will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

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 at landuse@lasairport.com is strongly encouraged; that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible

development impacted by aircraft operations which was constructed after October 1, 1998; and that funds will not be available in the future should the residents wish to have their buildings purchased or soundproofed.

Fire Prevention Bureau

- Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features.
- Applicant is advised to show on-site fire lane, turning radius, and turnarounds.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0167-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 55 VS-23-0430-CIMARRON SPRING DEUX, LLC:

VACATE AND ABANDON easements of interest to Clark County located between Richmar Avenue and Gary Avenue (alignment), and between Arville Street and Hinson Street within Enterprise (description on file). JJ/md/syp (For possible action)

ACTION: It was moved by Commissioner Justin Jones, and carried by unanimous vote, that the applications for Item Nos. 54, 55, and 56 be approved subject to staff and additional conditions.

CONDITIONS OF APPROVAL -

Comprehensive Planning

- Satisfy utility companies' requirements.
- Applicant is advised that the County has adopted a rewrite to Title 30 effective January 1, 2024, and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; 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 Richmar Avenue;
- Vacation to be recordable prior to building permit issuance or applicable map submittal;
- Revise legal description, if necessary, prior to recording.

Fire Prevention Bureau

- Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features.
- Applicant is advised to show on-site fire lane, turning radius, and turnarounds.

ITEM NO. 56 TM-23-500089-CIMARRON SPRING DEUX, LLC:

TENTATIVE MAP consisting of 9 residential lots and common lots on 1.3 acres in an R-2 (Medium Density Residential) Zone. Generally located on 995 feet east of Arville Street and the south side of Richmar Avenue within Enterprise. JJ/md/syp (For possible action)

ACTION: It was moved by Commissioner Justin Jones, and carried by unanimous vote, that the applications for Item Nos. 54, 55, and 56 be approved subject to staff and

additional conditions.

CONDITIONS OF APPROVAL -

Comprehensive Planning

- Applicant is advised that the County has adopted a rewrite to Title 30 effective January 1, 2024, and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; 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;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 25 feet to the back of curb for Richmar Avenue.
- Applicant is advised that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals; and that the installation of detached sidewalks will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

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 at landuse@lasairport.com is strongly encouraged; that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations which was constructed after October 1, 1998; and that funds will not be available in the future should the residents wish to have their buildings purchased or soundproofed.

Fire Prevention Bureau

- Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features.
- Applicant is advised to show on-site fire lane, turning radius, and turnarounds.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0167-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 57 ZC-23-0489-BELTWAY BUSINESS PARK, LLC:

ZONE CHANGE to reclassify 6.2 acres from a C-2 (General Commercial) Zone and an M-1 (Light Manufacturing) Zone to an M-D (Designed Manufacturing) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) modifications to CMA Design Overlay District standards; 2) allow modified driveway design standards; and 3) allow reduced street landscaping and attached sidewalks.

DESIGN REVIEWS for the following: 1) industrial center; and 2) finished grade on 6.7 acres in the CMA Design Overlay District. Generally located on the east side of Edmond Street and the south side of Capovilla Avenue within Enterprise (description on file). MN/rr/ja (For possible action)

REAL

Next are Items 57 and 58 which will be heard together. Item 57, ZC-23-0489, zone change to reclassify 6.2 acres from a C-2 (General Commercial) Zone and an M-1 (Light Manufacturing) Zone to an M-D (Design Manufacturing) Zone. Waivers of development standards for the following: modifications to CMA Design s- District Standards, allow modified driveway design standards, and allow reduced street landscaping and attached sidewalks. Design reviews for the following: industrial center and finished grade on 6.7 acres in the CMA Design Overlay District. Generally located on the east side of Edmond Street and the south side of Capovilla Avenue within Enterprise.

And then Item 58, which is VS-23-0490, vacate and abandon easements of interest to Clark County located between Decatur Boulevard and Edmond Street and between Warm Springs Road and Capovilla Avenue and a portion of right-of-way being Hauck Street located between Warm Springs Road and Capovilla Avenue within Enterprise.

JOHN VORNSAND

Good morning, Mister Chairman – Commissioners. John Vornsand, 62 Swan Circle in Henderson, representing the Beltway Business Park properties and Majestic Realty.

This is basically an infill project on the north side of Warm Springs Road, directly east of Edmond Street. It's actually the last of about a 350-acre master plan that Beltway Business Park has developed within this area. All these Xs basically are previous developments of Beltway Business Park.

The property itself to our north and to our west and our northwest are Switch facilities. There is a Switch facility on the northeast corner of Edmond and Warm Springs. Basically it's a storage yard and mobile office uses.

Edmond Street actually dead ends into a T intersection. Capovilla exists to the west of that, but it terminates in a cul-de-sac, and that accesses a Switch facility, a small parking lot for Switch. We will be developing Capovilla to the east. It will terminate in a cul-de-sac in this area basically, and we will be developing that in that area.

Warm Springs Road immediately starts descending downhill going under the Union Pacific Railroad underpass in this area. Our property is substantially above Warm Springs Road in this area.

Just give you an idea a little bit about the area, this is the northeast corner, the Switch yard at that location of Edmond and Warm Springs. This is looking north on Edmond Street. This would be the Switch facility with a 12-foot wall. We will be developing the east side of Edmond in this area.

This is looking northeast from the corner of Edmond and Capovilla. Again, a 12-foot wall. That is the facility to our north. And again, that's a Switch facility. This is looking east on Capovilla. We will be developing Capovilla. This 12-foot wall is actually right on that property line. We are of course requesting attached sidewalks along Capovilla, and the existing sidewalk on Edmond Street is already attached on both sides of that street.

VORNSAND

This is looking to the southwest, again, the intersection of Capovilla and Edmond Street and the Switch facility in that location. This is looking to the east to the Switch facility and the parking lot. This would be Capovilla. You're looking to the east here.

Kind of a large site plan, but on our site plan itself, we're providing landscaping – uh - along Warm Springs Road in the depth of 17 to 31 feet. It will also have trees. Probably the only thing you're gonna be able to see when you're driving down Warm Springs Road is gonna be the tops of those trees because of the elevation difference. Also, the building itself is set back from 65 to 77 feet from Warm Springs Road. The building itself, maybe you'll be able to see a little bit of the top of that building.

We are proposing six feet of landscaping along Edmond Street. We do have 26 feet of landscaping in this area, enhanced landscaping also, approximately 78 feet in this area.

One of the waivers we're asking for is with the overhead doors. As you're traveling north down Edmond Street, you may be able to glance over and see those overhead doors or the only other people to be able to see 'em are the people driving into our property.

And so far as the elevations of the building are concerned, the elevations are consistent and compatible with all the other Beltway Business Park properties within this area. The roof lines are enhanced in that area.

However, staff feels we do need a - a waiver. But again, this is in keeping with all the other developments within the area and it'd be typical of the, if I can find the right photo, (laughs) typical of the elevation appearance of... There. Yeah. Sorry. Anyway, it'll be typical (laughs) of the elevations, of the other buildings. Also, again, it will probably not be visible down the Warm Springs Road because of the elevation difference.

Again, we are asking for reduced landscaping along Edmond Street. We're asking for attached sidewalks along Capovilla. We are providing 24 feet of landscaping along Capovilla.

We are providing 24-inch box trees within this area. In fact, this will be 26 trees, as I understand, in the entire project. However, those trees are not 40 foot on center alternating rows. The only public that will see this at all will be the truck drivers going down through this area or the employees.

With that, that concludes my presentation. We agree with all of staff's, if approved, recommendations. Glad to answer any questions you may have.

GIBSON

Thank you, Mister Vornsand. This is a public hearing as to Items 57 and 58. Is there anyone here who wishes to speak on these items? There being no one, the public hearing is closed. Commissioner Naft.

NAFT

Thank you, Chairman. Judging by Antonio's eye contact, I think he has some comments. Am I reading that right?

PAPAZIAN

I do. Thank you, Commissioner. I just wanted to clarify, because the plans... So Clark County Public Works owns the parcel just east of this. We do not have access from Warm Springs, as the grade is too high, so we have to take direct access through their site, which they were okay with.

The placement of the gates just adjacent to the ramp may not work, so I do have a condition. It's already part of the conditions, to work with us to move the gates if we need it to be moved. I just want to make sure that even though the plan is being approved, shown where it is, that we may need to move those gates north.

NAFT

Is the applicant aware of that condition?

VORNSAND

We are aware of it now, and we have no objection to that condition. We'll work with Public Works, and if we need to slide that further to the north, no problem.

NAFT

And I'm obviously comfortable with that so long as it doesn't slow the project down any further. I would like them to move forward.

VORNSAND

Thank you, sir.

NAFT

And just for the record, there's quite a few waivers here that I would typically never support. This is a pretty unique case in that it is locked in there. It is infill and it's surrounded by either your client's properties or very similar property types. So I move for approval of Item 57 and 58.

GIBSON

There's a motion for approval by Commissioner Naft of Items 57, 58. Any discussion on this motion? Please cast your votes. The motion carries.

VORNSAND

Thank you very much.

ACTION:

It was moved by Commissioner Michael Naft, and carried by unanimous vote, that the applications for Item Nos. 57 and 58 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;
- 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;
- Provide cross access to APN 176-01-801-023;
- 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 has adopted a rewrite to Title 30 effective January 1, 2024, and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; 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;
- Full off-site improvements;
- Right-of-way dedication to include a portion of the cul-de-sac for Capovilla Avenue;
- Grant easements to Clark County for access to APN 176-01-801-023, as approved by Public Works - Development Review;
- Provide utility stubs to APN 176-01-801-023, as approved by Public Works – Development Review;
- Coordinate with Public Works - Development Review for Public Works approval of the location of access to APN 176-01-801-023.
- Applicant is advised that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

Department of Aviation

- Applicant is required to file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, in accordance with 14 CFR Part 77, or submit to the Director of Aviation a "Property Owner's Shielding Determination Statement" and request written concurrence from the Department of Aviation;
- If applicant does not obtain written concurrence to a "Property Owner's Shielding Determination Statement," then applicant must also receive either a Permit from the Director of Aviation or a Variance from the Airport Hazard Areas Board of Adjustment (AHABA) prior to construction as required by Section 30.48 Part B of the Clark County Unified Development Code; applicant is advised that many factors may be considered before the issuance of a permit or variance, including, but not limited to, lighting, glare, graphics, etc.;
- No building permits should be issued until applicant provides evidence that a "Determination of No Hazard to Air Navigation" has been issued by the FAA or a "Property Owner's Shielding Determination Statement" has been issued by the Department of Aviation.
- Applicant is advised that the FAA's determination is advisory in nature and does not guarantee that a Director's Permit or an AHABA Variance will be approved; that FAA's airspace determinations (the outcome of filing the FAA Form 7460-1) are dependent on petitions by any interested party and the height that will not present a hazard as determined by the FAA may change based on these comments; that the FAA's airspace determinations include expiration dates; and that separate airspace determinations will be needed for construction cranes or other temporary equipment.

Fire Prevention Bureau

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

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0254-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

ITEM NO. 58 VS-23-0490-BELTWAY BUSINESS PARK, LLC:

VACATE AND ABANDON easements of interest to Clark County located between Decatur Boulevard and Edmond Street, and between Warm Springs Road and Capovilla Avenue and a portion of right-of-way being Hauck Street located between Warm Springs Road and Capovilla Avenue within Enterprise (description on file). MN/rr/ja (For possible action)

ACTION:

It was moved by Commissioner Michael Naft, and carried by unanimous vote, that the applications for Item Nos. 57 and 58 be approved subject to staff

conditions.

CONDITIONS OF APPROVAL -

Comprehensive Planning

- Satisfy utility companies' requirements.
- Applicant is advised that the County has adopted a rewrite to Title 30 effective January 1, 2024, and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that the recording of the order of vacation in the Office of the County Recorder must be completed within 2 years of the approval date or the application will expire.

Public Works - Development Review

- Grant easements to Clark County for access to APN 176-01-801-023, as approved by Public Works - Development Review;
- Provide utility stubs to APN 176-01-801-023, as approved by Public Works – Development Review;
- Coordinate with Public Works - Development Review for Public Works approval of the location of access to APN 176-01-801-023;
- Right-of-way dedication to include a portion of the cul-de-sac for Capovilla Avenue;
- Vacation to be recordable prior to building permit issuance or applicable map submittal;
- Revise legal description, if necessary, prior to recording.

Fire Prevention Bureau

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

ITEM NO. 59 VS-22-0690-CREIGH FAMILY PROTECTION TRUST & CREIGH, CHARLES T. JR. & CM TRS: APPEAL VACATE AND ABANDON easements of interest to Clark County located between Pine Street and Tomiyasu Lane, and between La Mirada Avenue and Maule Avenue within Paradise (description on file). JG/bb/ja (For possible action)

REAL

Commissioners, next are Items 59 and 60, which will be heard together. These are appeal items.

VS-22-0690 appeal, vacate and abandon easements of interest to Clark County located between Pine Street and Tomiyasu Lane, and between La Mirada Avenue and Maule Avenue, within Paradise.

Item 60, VS-22 W... or, sorry, WS-22-0689, appeal waiver of development standards for increased wall height and gate height. Design review for an access gate, in conjunction with a single-family residence on 0.6 acres in an R-E (Rural Estates Residential) Zone. Generally located on the north side of La Mirada Avenue, and the west side of Pine Street within Paradise.

Commissioners, these two items were appealed from the Planning Commission's recommendation to approve, and they were appealed by neighbors within the community.

GIBSON

Thank you. Good morning.

JASON FACKRELL

Good morning. Jason Fackrell 5901 Shining Moon Court, Las Vegas, Nevada, here representing Charles Creigh on this.

As we started this process a while ago, we have met with you, Commissioner Gibbs - Gibbons, on a vacation of drainage easement and also the waiver of height of the wall.

This is the piece of little property right here that we're talking about, and then these are the walls that we're asking for the waiver. As you can see, this has been in place like this for many years. Here's a photo of 1998, the client and his little boy, now, that's, like, 30-plus years old, you can see that the walls are already here at the height exceeds the normal six feet of height in wall.

As we were digging through all the research on this area and the drainage, 'cause I know that there has been concerns about some of the drainage and different things, in 1993, Clark County did a drainage study out here, and they designed the channel that goes down Pine Street. It's a box culvert, 12-by-4 box culvert.

Is that me? Oh. Okay.

And as we... okay. As we started investigating the box culvert and the channel, this is Pine Street coming down, this detail right here shows what was being built and constructed at the end, right here, where Mister Creigh - Mister Creigh's property is right over here. And as you can see, clearly, right here, there was an existing block wall in 1993 already there with the stem wall that the County probably put in with the channel improvement.

So, the height from here to here is approximately 10 feet. I have a little detail blown up right here. Approximately 10 feet. And this... so, this was sometime in 1993, I don't know the exact date 'cause these plans are from 1993.

In 1997 my client went to their Board and asked for permission to be able to close off that... this piece of the prop - let me grab that paper, asked to close off this piece of property. And on June 11th, 1997, the Board gave permission to do so. This is his exhibit that he presented to the Board at that time in 1997. As you can see, there was already an existing wall right here from the wash and the wash. He was asked to... he was wanting to build this wall. So, he went ahead and constructed the wall and put it up to the same height as the wall that was already here from the channel.

So, where does the waiver co - of height come in play is somebody called - uh - the, I don't know who called, but they called Code Enforcement out there and said he built walls without permits. And as you can see, a lot of these walls were already there from 1993 to 1998, sometime in that frame, they were all built in there.

So, my client has - um - gone out and hired a structural engineer to make sure that these walls are structurally sound so they can meet the - the code. The reason that we're asking for the height the waiver of the wall is, as you can see, even the

FACKRELL

old existing wall is seven-foot six-inches right here, he put this bigger gate in to hide his trailer... you know, he's got a little trailer that goes in behind there. And so, he had approval for... from the Board to do all that here this last year. And so, now the current height of the wall, this is how it looks today, is eight-foot 10, and then over here, you got seven-foot 10.

Now, I know that on the appeal, I was reading through there, and – um - they were worried about some of the drainage coming down Pine Street. As you can see, there is a valley gutter that has been designed in the middle of Pine Street so everything flows from the property lines here down to the center of Pine Street, and it - and it runs down the valley gutter, which then goes out into this box culvert.

Pine Street only captures the drainage from the subdivision. All the major flow is going down the box culvert. Now, staff has given us approval with conditions and one of the conditions is a drainage study. And Mister Creigh has hired Kleinfelder to come up with that drainage study, and we will submit that when it's ready to the staff and have their approval on it. And as we do so, we know that this area that we've been talking about, the drainage area, will be able to come out of the easement, and that's why we're here. I think I got it all.

GIBSON

Alright. You're finished with your presentation?

FACKRELL

I think so, yes.

GIBSON

Okay. This is a public hearing. Is there anyone here who wishes to speak on this item? If so, you're invited to come forward. There being no one, the public hearing is closed.

This item is in my district. The fence apparently, some of what was built was not built with approval of Clark County was not inspected. That's the reason why the item is appropriately before us and has been with the County for some period of time now.

I'm prepared at this time to approve the vacation and abandonment that was recommended for approval or was approved by the Planning Commission. I think, though, it is... I want... I don't want to do anything about the wall height at this time. I think it stays where it is until after we have determined a few things.

So, we need to see the drainage study as a part of the application process. We need to see the Building Department. We'll need to see the design of the wall. We'll need to be assured that the wall was constructed according to whatever the design is. And those items are going to be really important. I... there's been a question raised by neighbors as to whether or not there are utilities in or under the street there, and if there's any effect on those utilities or anything running underneath the wall or anything that has been built by Mister Creigh. I'm sure that that is something that can be determined, must be determined, in order to make sure that we don't have other issues.

FACKRELL

Okay.

GIBSON So do you understand the things that I just mentioned?

FACKRELL Yes.

GIBSON Okay. So, at this time, I'm going to move approval of Item 59 and note that there was a requirement that... there will always be a requirement, that there is a flood study to ensure that the flood system there will accommodate the waters with this construction.

And additionally, while I know the Building Department would require - there's a requirement that you submit the plans for the wall and whatever evidence you have that the wall has been built according to those plans.

FACKRELL Okay.

GIBSON Okay? Antonio, is there anything more that we need to do on that portion of it?

PAPAZIAN Thank you, Commissioner. I just wanted to clarify that if the drainage study that's submitted indicates that the easement is necessary, that they will, at their expense, have to move or relocate that block wall. So, even if it doesn't come back that this area is needed for an easement, we do have that 12-by-4 box under Pine Street, and we do need some room if we need to maintain that box. Most likely that block wall will need to move because we do need the added room to maintain that box, should we need to maintain it.

GIBSON Do you understand what he's saying? If there's a problem that is developed when you study the flows over there, and the box culvert is not adequate for some reason - in that case, we need a couple of feet on either side of the box culvert to be able to excavate and do whatever is required there.

FACKRELL Right. Now, with that being said, we will work with staff on all of that. As you can see right here, the wall was already existing when they did the original channel. So, we'll work with staff and with the report and everything like that to make sure that these existing walls that were here in 1993 don't impact that drainage study.

GIBSON Well, they're his now, right? They're Mister Creigh's walls.

FACKRELL Mister Creigh, he only built...

GIBSON No, I know what he built -

FACKRELL Right.

GIBSON ... but the problem is that he takes responsibility now -

FACKRELL Right.

GIBSON ... for all of this.

FACKRELL Right.

GIBSON So, that's the reason why we're making certain that they're... that you understand and your client understands that if there is any kind of maintenance, or repair, or enlargement that has to happen, there is adequate access to the box culvert. That may not be the case, but we need to see the study.

FACKRELL Right. And we'll have the study and we'll work with staff on that and Mister Creigh's -

GIBSON Okay. Then my motion is to approve Item 59, subject to the studies and investigation that I have discussed -

FACKRELL Of the wall.

GIBSON ... but to deny without prejudice Item 60.

FACKRELL Okay.

GIBSON Okay?

REAL Sorry, Commissioner, can I interject?

GIBSON Please.

REAL So the plans that the gentleman just showed showed wall heights up to seven, seven-and-a-half feet. The code only allows wall heights up to six feet. So, I would recommend that Item 60 be approved but with a condition saying that no increase beyond what is already existing, and I can -

GIBSON I'm willing to do that.

REAL Okay.

GIBSON The reality is, if the fence is not constructed properly, it comes down anyway -

FACKRELL Right.

GIBSON ... and you'll be back in front of us. So, I'm willing to amend my motion, that the... as to Item 60, you can... I'll approve the increased wall height to where it sits today, but not any further.

FACKRELL Okay.

GIBSON And I would allow you to come back and argue that point in the future. So, I suppose I would say, I move to approve it, but to the extent that I'm denying your motion, or your application, it would be without prejudice to bring that aspect of the item back before us.

FACKRELL Okay.

GIBSON Very convoluted motion. I'm not gonna say it again, so, I hope that my colleagues understand it well enough to vote. Please vote. Motion carries. Thank you.

FACKRELL

Thank you.

ACTION:

It was moved, as amended, by Commissioner Jim Gibson, and carried by unanimous vote, that the applications for Item Nos. 59 and 60 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

- Drainage study and compliance;
- Vacation to be recordable prior to building permit issuance or applicable map submittal;
- Revise legal description, if necessary, prior to recording.

ITEM NO. 60 WS-22-0689-CREIGH FAMILY PROTECTION TRUST & CREIGH, CHARLES T. JR. & CM TRS: APPEAL WAIVER OF DEVELOPMENT STANDARDS for increased wall and gate height.

DESIGN REVIEW for an access gate in conjunction with a single family residence on 0.6 acres in an R-E (Rural Estates Residential) Zone. Generally located on the north side of La Mirada Avenue and the west side of Pine Street within Paradise. JG/bb/ja (For possible action)

ACTION:

It was moved, as amended, by Commissioner Jim Gibson, and carried by unanimous vote, that the applications for Item Nos. 59 and 60 be approved subject to staff and additional conditions.

CONDITIONS OF APPROVAL -

Comprehensive Planning

- 1 year to complete the permit and inspection process;
- Wall and gate height limited to existing heights per plans presented at the meeting.
- 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

- Drainage study and compliance.

Southern Nevada Health District (SNHD) - Septic

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

ITEM NO. 61 ORD-23-900339: Introduce an ordinance to consider adoption of a Development Agreement with Mak Zak LLC (a Nevada Limited Liability Company), Khusrow Roohani Family Trust, Jones Ford Lindell LLC (a Nevada Limited Liability Company), and ZSKSMAZ Township Family Trust for a single family residential development on 16.9 acres, generally located north of Silverado Ranch Boulevard and east of Arville Street within Enterprise. JJ/jm (For possible action)

REAL Next are ordinances for introduction.

Item 61, ORD-23-900339, introduce an ordinance to consider adoption of a development agreement with Mak Zak LLC, a Nevada Limited Liability Company, Khusrow Roohani Family Trust, Jones Ford Lindell, LLC, a Nevada Limited Liability Company, and ZSKM - ZSKSMAZ, Township Family Trust, for a single-family residential development on 16.9 acres, generally located north of Silverado Ranch Boulevard and east of Arville Street within Enterprise. Staff requests that the Board set a public hearing for October 4th, 2023.

GIBSON I'll introduce the ordinance and set the public hearing for October 4th, 2023, at 9:00 a.m.

ACTION: There being no objections, Chair Jim Gibson set the matter for public hearing on October 4, 2023 at 9:00 a.m.

ITEM NO. 62 ORD-23-900409: Introduce an ordinance to consider adoption of a Development Agreement with Cactus Commons LLC for a commercial development on 0.6 acres, generally located south of Cactus Avenue and west of Dean Martin Drive within Enterprise. JJ/jm (For possible action)

REAL Item 62, ORD-23-900409, introduce an ordinance to consider adoption of a Development Agreement with Cactus Commons, LLC, for a commercial development on 0.6 acres, generally located south of Cactus Avenue and west of Dean Martin Drive within Enterprise. Staff recommends the Board set a public hearing for October 4th, 2023.

GIBSON I'll introduce the ordinance and set the public hearing for October 4th, 2023, at 9:00 a.m.

ACTION: There being no objections, Chair Jim Gibson set the matter for public hearing on October 4, 2023 at 9:00 a.m.

ITEM NO. 63 ORD-23-900424: Introduce an ordinance to consider adoption of a Development Agreement with Ft. Apache Dev LLC for a commercial center on 1.0 acre, generally located north of Huntington Cove Parkway and west of Fort Apache Road within Enterprise. JJ/jm (For possible action)

REAL Last ordinance is Item 63, ORD-23-900424, introduce an ordinance to consider adoption of a Development Agreement with Fort Apache Development, LLC for a commercial center on one acre, generally located north of Huntington Cove Parkway and west of Fort Apache Road within Enterprise. Staff recommends the Board set a public hearing for October 4th, 2023.

GIBSON I'll introduce the ordinance and set the public hearing for October 4th, 2023, at 9:00 a.m. I think -

ACTION: There being no objections, Chair Jim Gibson set the matter for public hearing on October 4, 2023 at 9:00 a.m.

PUBLIC COMMENTS

REAL The last item is the last public comments.

GIBSON That concludes the items on our agenda. This is public comment period. We invite anyone who wishes to make public comment during this time to step forward, state your name, spell your last name for our clerk, and please keep your comments to three minutes.

BEVERLY OZMUN One side better than another? Or-

GIBSON They both work.

OZMUN Okay. My name is Beverly Ozmun, O-Z-M-U-N, Equestrian Estates. There was an accident on I-15 and I was prevented to getting here in time for the Creigh matter, so, I know you've already decided it, but I was one of the appellants and did have comments to make. And I'm not... I just wanted to at least make sure that I'm here on the record. Do you have any... am I allowed to speak? Or is it just too late -

GIBSON Do... no, you're free to do... you're free to put on the record whatever you wish to provide.

OZMUN Okay. But the decision has been made? There's no altering it?

GIBSON Would you move that microphone? Yeah, so that you're speaking right into it.

OZMUN But the decision and motions have been made? There's no altering these? There's no effect on what has occurred so far, correct?

GIBSON That's right, but we'll allow this to be a part of the record of the hearing.

OZMUN Okay. Terrific. Where do I put the...

GIBSON You can put anything you want us to see -

OZMUN Here?

GIBSON ... right in the middle of... yes, right there.

OZMUN Okay. And is that... oh, there, it's right-side-up. So my comments were this, that - did you feel comfortable -

GIBSON The appeal, this is -

OZMUN ... that you have been... and, again, I apologize for being late -

GIBSON You're here on the appeal, is that right?

OZMUN

I was one of the appellants, yes.

GIBSON

Alright. Thank you.

OZMUN

And do you – and - I wanted to ask if you felt comfortable that you had been provided all complete information, accurate facts and information to make decisions on those two. Because at 8:30 last night, the emails that went around by... from Miss Vasquez with the advice of your map department appeared to me to have inaccuracies and also was not a legal opinion. And also, we received the email that the County Attorney said we couldn't bring up title or taxes, but you yourselves have the tax issue and the title issue on the agendas previously.

I came out of a successful family multi-generation (laughs) business, and I know that, you know, wonderful, valuable employees down the line who we value sometimes make - give us information that isn't correct or try and solve problems down the line. And they... but they end up on our desk.

So, I wanna ask you again if you felt comfortable, that you had everything, because the inaccuracy appears to me to be... one of them, out of many, appears to be... they keep saying that the Creighs had paid the taxes, that there were no taxes assessing. But the issue is down here at the bottom of the tax statement. It says that the last payment made was in 2004, and it was made by the Equestrian Estates HOA. That parcel was a street. We did pay the taxes with our HOA dues. And 2004 was the year before the legislature instructed you, the County, to remove the taxes and apply them to the homeowners.

So, I believe there's still a case to be made that the County should represent to the homeowners how or if this will affect our taxes and if you have to recalculate them or advise the mortgage companies. This is a very good trail that we did own it and that the law changed at that exact point in time.

Also we want you to know that because this has become so big, because our neighbor has spent tens of thousands of dollars... oh, time up? Okay. Well, thank you.

GIBSON

Just a few more moments. If you, you know, you can finish, just in a couple of sentences, or -

OZMUN

I sure can. Our community manager stated that this has been a mangled mess, and I'm concerned for all of us that we may be relying on confusing information that may not be solid. But also, since our neighbor has spent many tens of thousands and brought in Poggemeyer-Kleinfeld, notorious commercial developers, big attorneys, none of us anymore believe this is about adding to the backyard or a picnic table on a piece of backyard, and a simple encroachment. It doesn't make sense. We ask for your help. Again, down in the County, if there are people who know more about this, the marks that we don't understand on the flood maps, if there are developers looking at changing the face of our neighborhood, we would ask you to help us and inform us. Thank you.

GIBSON Thank you. I'm gonna ask Rob, our lawyer, to speak with you for a moment. We're just about finished in this meeting and he'll talk with you about the item that you raised.

Is there anyone else who wishes to speak during the public comment period?

MELINDA GUTIERREZ Can I use this microphone?

GIBSON Yes, you can use that mic.

GUTIERREZ Melinda Gutierrez. G-U-T-I-E-R-R-E-Z. What else did I need to...

GIBSON Excuse me?

GUTIERREZ What else did I need to share to add to the -

GIBSON Just your name and – uh - and then tell us what your thoughts are -

GUTIERREZ Okay.

GIBSON ... and what item you're referring to -

GUTIERREZ I'd prefer -

GIBSON ... if you're really talking about an item that's been on this agenda.

GUTIERREZ Yes. So, it's 4- I think it's 45 through 48? Is that right, Commissioner Jones? I just wanted to put on the public record to thank you, Mister.... Commissioner Jones, for your time the other day. It was very nice to be able to meet with you and recognize that our voices were heard. And we appreciate your time.

And I just wanted to ask for help in understanding the process. I understand that those motions have been withdrawn but without a return date. So, can you help clarify what that entails or what that means.

JONES I can't do it right now, but I'll come talk to you right after.

GUTIERREZ Okay. And then also just verify that we will receive any notice as a neighbor... the neighborhood will receive any notice if... as a change happens. Is that true, also?

GIBSON We -

GUTIERREZ Okay.

GIBSON ... we can make that clarification -

GUTIERREZ Perfect.

GIBSON ... for you in a minute.

GUTIERREZ

And then how much time we'll have of that notice. Also, my intention also in coming was to submit... we have a petition that we sent around the neighborhood and so, I wanted to make sure that got submitted in the official record. We did email it the other day, but we've added signatures. So –

GIBSON

Yes, we'll receive that from you.

GUTIERREZ

Thank you. So, I'll have that there. So, there's 162. Finally, I just am, again, thankful that you listen to us and also wanted to put in the record that we continue to seek your help in protecting this land. We recognize that a vacant piece of property in Las Vegas is kind of a rarity, but we also recognize the code that's so clear about the purpose of CRT and the current zoning, and we ask that you can simply continue to follow that master plan and allow that zoning to stay the way it is, as it's so beautifully described in the code.

I think that would be it. Yeah. That's it.

GIBSON

Thank you.

GUTIERREZ

I guess I'll talk to you after. Thank you again for your time.

GIBSON

Is there anyone else who wishes to speak during the public comment period?

CHARLES PARKIN

Good morning. My name is Charles Parkin, P-A-R-K-I-N, and I'm coming to you today about section 10, points 08, point 132, which deals with the sterilization of dogs. In subsection B you state that the spay/neuter requirement set forth in subsection A shall not apply to dogs used by any federal, state, or local law enforcement.

A few years ago, that section was changed. It used to exempt guide dogs and service dogs because the dogs need to develop fully like mine's for mobility, and he needs the testosterone and stuff to build the muscles to perform his job. And I'm asking that you put that section back into the code, exempting guide dogs and service dogs. Thank you.

GIBSON

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

UNIDENTIFIED SPEAKER

Good morning, Commissioners. Thank you for what you do. I've lived in a rural residential estate community for more than 25 years. I've attended many Town Board meetings, Planning meetings, Commission meetings over those years that have had a compounding effect on the preservation of our rural communities. The individual votes that you guys give, approval on individual projects, seem meaningless. But the compounding effect year, after year, after year of zoning changes and approvals for higher-density projects in rural estate areas has had major impacts. And I ask: when will this Board and the others say no? To what extent do we continue to allow this? What is going to happen to our rural neighborhoods? There's supposedly a preservation. It's not happening. I just ask you guys to personally, each of you, think of that the next time you vote. Thank you.

GIBSON

Thank you. Is there anyone else who wishes to speak this morning? There being no one, this meeting is adjourned.

There being no further business to come before the Board at this time, at the hour of 10:40 a.m., the meeting was adjourned.

APPROVED:

/s/ James B. Gibson
JAMES B. GIBSON, CHAIR

ATTEST:

/s/ Lynn Marie Goya
LYNN MARIE GOYA, COUNTY CLERK