

# **Board of County Commissioners**

CLARK COUNTY, NEVADA

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Vice Chair  
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WILLIAM MCCURDY II  
ROSS MILLER  
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TICK SEGERBLOM

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COMMISSION CHAMBERS, GOVERNMENT CENTER  
500 SOUTH GRAND CENTRAL PARKWAY  
LAS VEGAS, NEVADA 89106  
WEDNESDAY JUNE 22, 2022

The Board of County Commissioners of Clark County, Nevada met in recessed regular session in full conformity with law and bylaws of said Board at the regular place of meeting in the Commission Chambers, Government Center, Las Vegas, Clark County, Nevada on Wednesday, the 22nd day of June 2022 at the hour of 9:00 a.m. The meeting was called to order at 9:01 a.m. by Chair Gibson and on roll call, the following members were present, constituting all the members:

## **CALL TO ORDER**

### **CHAIR AND COMMISSIONERS:**

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

### **Absent:**

None

### **Also Present:**

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

Commissioner McCurdy II participated via telephone.

**ITEM NO. 1 Public Comment**

JIM GIBSON Good morning. This is our Board of County Commission Zoning Meeting. The meeting will come to order. We welcome you today. Commissioner McCurdy is traveling and – um - I believe has tried to arrange a telephone participation in this meeting, if that works. Are you there Commissioner?

WILLIAM MCCURDY II Yes, I'm here, Mister Chairman.

GIBSON It worked. Uh - the first order of business is public comment. This is - there are two public comments during our meetings. The first is related exclusively to items on the agenda. We'd invite anyone who wishes to speak during the first public comment period to come forward and state your name, spell your last name for our Clerk so that we get it right in our record. And tell us what number - what item number you want to address. Good morning.

MARGARET ANN COLEMAN Good morning. My name is Margaret Ann Coleman and I'm addressing public comment that is number one, and I didn't look at the other agenda. First of all -

GIBSON Excuse me.

COLEMAN - my name is Margaret Ann -

GIBSON Excuse me.

COLEMAN - Coleman and I have -

GIBSON Excuse me.

COLEMAN - one line -

GIBSON Excuse me, Miss Coleman. Excuse me. So, you say that the item on the agenda that you're addressing is the one that enables you to speak?

COLEMAN Yes.

GIBSON The public comment? Okay.

COLEMAN Yes.

GIBSON It will be interesting to see what issues you have pub - making public comment. Please go forward.

COLEMAN

My name is Margaret Ann Coleman, one mind, one life, one chance. I was thrown back into the streets concerning the rights and the correction concerning CHAP program of paying \$18,000 dollars. That was a conspiracy overthrow to – uh - of committing a manipulation concerning my one chance family life living arrangements that I'm entitled to stay here and live here as a residential recipient. Mister Clinton and his wife was the first to close the door at 1316 Wizard that gave me no opportunity but created this one pill called stay awake. And to that, I thank him. We only have one planet. Once it lock you out and who do you, and where do you go when there's no one listening? And this what's going on in my life. My daughter was ran over, torn up, apart, trying to get back. She can't. And it's a disgrace because you all are not helping me. I'm thrown outside and the police department need to create a Black - create a unity for all Black people to – uh - go to their race to help them because the white race is not helping the Blacks.

And the – uh - Mexican is not helping the Blacks. I'm thrown out and I can't go to anybody to stand up. I stood up for 30 - for \$3,000 dollars, I stood up for one percent of three billion, and I still have not received a dime. I'm a receiver concerning a workman's compensation and a pension of being injured on a job. I am entitled and so are my family to have a decent living arrangement. I'm living in my car again after paying \$18,000 dollars and manipulated by the Board, the Kingston Suite, of selling my property while I'm in court. That is a violation I do not appreciate. I need your help. 702-934-84 is my number, 702-934-8487. All you guys are concentrating on is murdering me and my family. Someone stuck needles in my neck.

GIBSON

Is there anyone else who wishes to speak during public comment this morning? Then we'll proceed to the agenda with the first item of business. That next item of business is the approval of the agenda.

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

NANCY AMUNDSEN

The second item is the approval of the agenda. After considering any additions or deletions of items staff has the following requests. Hold to the July 20th, 2022 BCC meeting, Item 48 WS-22-0147, Item 50 WS-22-0179, Item 52 WS-22-0264, Item 68 NZC-22-0149. Hold to the August 3rd, 2022 BCC meeting, Item 33 ZC-22-0298, Item 46 ET-22-400071 (UC 20-0154). And withdraw Item 47 UC-22-0040. The above public hearing items are gonna open - be opened as a public hearing and immediately recessed until the date as previously stated and with these deletions, which are Items 33, 46, 47, 48, 50, 52, and 68, the agenda stands ready for your approval.

GIBSON Thank you. Are there any other changes to the agenda at the pleasure of the Board? If not, I'll entertain a motion.

TICK SEGERBLOM I - I apologize. We - are we gonna continue 74? Did you mention 74? Or was I -

AMUNDSEN 70, um -

SEGERBLOM Oh, wait a minute. I'm sorry. Wh - what was the jettison on?

AMUNDSEN It was 40 -

SEGERBLOM Okay, all right. You - was that one of the ones you mentioned?

AMUNDSEN It was 46.

SEGERBLOM And you mentioned that -

AMUNDSEN And that Item 46 - uh -

GIBSON You said it's held to August 3rd?

AMUNDSEN No -

SEGERBLOM Yes.

GIBSON Yeah.

SEGERBLOM Okay, great.

GIBSON Item -

AMUNDSEN Item 48 is held until July 20th.

GIBSON No, Item 46.

SEGERBLOM Yeah. That needs to go to – to – um -

GIBSON August.

SEGERBLOM - August. That would be -

AMUNDSEN Okay, so Item 48 - I'm sorry, not the pink box, but the warehouse, which is Item 48, you want that to go to August 3rd?

SEGERBLOM Right.

AMUNDSEN Okay.

SEGERBLOM Yeah. Thank you.

AMUNDSEN And with that change -

GIBSON Okay. I'll entertain a motion on the agenda.

JUSTIN JONES Motion to approve the agenda. Subject to the changes read by Miss Amundsen.

GIBSON And, are - is there any discussion on Commissioner Jones motion for approval? Please cast your votes.

MCCURDY II Aye.

GIBSON The motion carries.

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

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

AMUNDSEN The third item on the agenda is approval of minutes. The minutes of the May 18th, 2022 zoning meeting are ready for your approval.

JONES More approval.

GIBSON Motion for approval of the minutes by Commissioner Jones. Any discussion? Please cast your votes.

MCCURDY II Aye.

GIBSON The motion carries.

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

**ROUTINE ACTION ITEMS (4 – 44):**

AMUNDSEN Next are the routine action items which consist of Items 4 through 44, except those items previously deleted, and Items 16, 31, and 32, 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.

In addition, we have the following amendments: Item 9 AR-22-400073 (UC-21-0072) modify Current Planning bullet point Number 1 to read: "remove the time limit."

Item 15 UC-22-0190 modify and - and add Current Planning conditions as follows: bullet point 1 - change time to commence to one year; bullet point 4 - change hours for live entertainment to 11:00 a.m. to 11:59 p.m. Add the following conditions: consult a noise consultant before each event and provide an update to Commissioner or designee unless waived by the Commissioner; review after each event to address the issues that arise during each event, including but not limited to parking, pedestrian/vehi - vehicular conflicts, additional pedestrian containment, pedestrian analysis, noise, safety, and security; provide notices to surrounding residents 30 days before each event such as the Turnberry Towers, Sky, Allure, and other residential areas to be determined, to include the time and date of the events, expected attendees, the hours of staging (load-in/load-out), traffic notices of road closures or change in traffic patterns, any special items like fireworks and contact person for each event; apply for all applicable business license permits for each event.

Item 18 UC-22-0285, Commissioner Kirkpatrick requests to add a Public Works condition to read: "five years to review Waiver of Development Standards # 2."

Item 22 UC-22-0280, add the Current Planning conditions: outdoor live entertainment per plans with the performance stage and amplified sound to be directed to the north; a two-year review to reasonably assess and mitigate if there are any negative noise impacts that may result from the outdoor live entertainment.

Item 27 WS-22-0252, add a Current Planning condition to read: "Applicant to work with staff on a decorative perimeter block wall on the exterior north and west property lines."

Item 30 ZC-22-0260, add Current Planning advisory to read: "Any on site business shall be in compliance with Title 30 regulations for Home Occupation."

Item 35 NZC-22-0176, add a cu - add the following to Current Planning bullet point # 2: Applicant has the option of installing an eight-foot-tall perimeter block wall around the remainder of the site.

If there are no objections, the public hearing is now open and the routine action portion of the agenda stands ready for your approval.

GIBSON Thank you. Is there anything – uh - from the Board on the routine action items other than those things that have been indicated by -

SEGERBLOM And I - my pleasure, Mister Chairman. On Item 15, did it say that the direction of the stage would be southwest? Was that -

AMUNDSEN I believe that was in the original – um - conditions.

SEGERBLOM Okay. Great, thank -

AMUNDSEN Yes.

SEGERBLOM - you so much.

GIBSON Nothing more? And is there anything that – uh - anyone here would wish to remove from the consent agenda and hear it separately? And appearing there is not anything, I'll entertain a motion.

JONES Motion to approve, the consent agenda will be conditions stated by Miss Amundsen.

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

MCCURDY II Aye.

GIBSON The motion carries.

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

**ITEM NO. 4 DR-22-0248-NV DD LIVING TRUST & MADRIGAL, MANNY & ROSA TRS:**  
 DESIGN REVIEWS for the following: 1) additional single family residential model; and 2) finished grade for a previously approved single family residential development on 8.9 acres in an R-2 (Medium Density Residential) (APZ-2) Zone and an R-T (Manufactured Home Residential) (APZ-2) Zone. Generally located on the south side of Lake Mead Boulevard, the north side of Kell Lane, and 470 feet west of Marion Drive within Sunrise Manor. TS/lm/jo (For possible action):

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

**CONDITIONS OF APPROVAL -**  
 Current Planning

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

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

#### Public Works - Development Review

- 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.

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

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email [sewerlocation@cleanwaterteam.com](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0367-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

#### **ITEM NO. 5 DR-22-0277-APACHE HACIENDA LP:**

DESIGN REVIEW for a drive-thru restaurant in conjunction with an existing mixed-use development on a portion of 2.8 acres in a U-V (Urban Village - Mixed-Use) Zone. Generally located on the northwest corner of Fort Apache Road and Hacienda Avenue within Spring Valley. JJ/jt/jo (For possible action):

#### **ACTION:**

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

#### CONDITIONS OF APPROVAL -

##### Current Planning

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

#### Public Works - Development Review

- Traffic study and compliance.

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

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email [sewerlocation@cleanwaterteam.com](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0195-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

#### **ITEM NO. 6 DR-22-0297-AMH NV9 DEVELOPMENT, LLC:**

DESIGN REVIEW for finished grade in conjunction with an approved single family residential development on 4.9 acres in an R-2 (Medium Density Residential) Zone. Generally located on the south side of Cactus



Avenue (alignment), 650 feet west of Buffalo Drive within Enterprise. JJ/rk/jo (For possible action):

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

**CONDITIONS OF APPROVAL -**

**Current Planning**

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

**Public Works - Development Review**

- 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.

**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 #0412-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**ITEM NO. 7 AR-22-400069 (WS-0701-16)-CHURCH BAPTIST CHARLESTON HGTS:**

**WAIVERS OF DEVELOPMENT STANDARDS FIRST APPLICATION FOR REVIEW** for the following:

1) permit existing access to a local street; 2) reduce setback for an existing trash enclosure; 3) alternative landscaping and screening; 4) eliminate landscaping adjacent to a residential use; 5) allow modified driveway design standards; and 6) off-site improvements (curbs, gutters, sidewalks, streetlights, and partial paving along streets) for a proposed expansion to an existing place of worship on 2.6 acres in an R-E (Rural Estates Residential) (RNP-I) Zone. Generally located on the north side of Craig Road and the east side of Valadez Street within Lone Mountain. RM/md/syp (For possible action):

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

**CONDITIONS OF APPROVAL -**

**Current Planning**

- Remove the time limit.

**Public Works - Development Review**

- Compliance with previous conditions

**ITEM NO. 8 AR-22-400070 (UC-18-0151)-EGG WORKS HOLDING CO., LLC:**

USE PERMITS APPLICATION FOR REVIEW for the following: 1) banquet facility; and 2) live entertainment.

DESIGN REVIEW for exterior modifications to an existing office/warehouse building within an existing office/warehouse complex on 1.2 acres in an M-1 (Light Manufacturing) Zone. Generally located on the southwest corner of Cameron Street and Hacienda Avenue within Paradise. MN/sd/syp (For possible action):

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

**CONDITIONS OF APPROVAL -**

Current Planning

- Remove the time limit.

Clark County Water Reclamation District (CCWRD)

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

**ITEM NO. 9 AR-22-400073 (UC-21-0072)-BOY SCOUTS AMER LV AREA COUNCIL:**

USE PERMITS FIRST APPLICATION FOR REVIEW for the following: 1) recreational facility (off-roading experience); and 2) live entertainment.

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

DESIGN REVIEW for a recreational facility (off-roading experience) on a portion of 1,137 acres in an R-U (Rural Open Land) Zone. Generally located on the south side of Mount Potosi Canyon Road, 1,550 feet southwest of SR 160 within Mountain Springs. JJ/hw/syp (For possible action):

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

**CONDITIONS OF APPROVAL -**

Current Planning

- Remove the time limit.

Clark County Water Reclamation District (CCWRD)

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

**ITEM NO. 10 ET-22-400052 (ZC 18-0891)-VANTASNER GAMING MERIDIAN, LLC:**

ZONE CHANGE FIRST EXTENSION OF TIME to reclassify 0.5 acres from an R-E (Rural Estates Residential) Zone to a C-1 (Local Business) Zone.

USE PERMIT for on-premises consumption of alcohol (service bar).

DESIGN REVIEWS for the following: 1) a restaurant building; and 2) alternative parking lot landscaping. Generally located on the northeast corner of Charleston Boulevard and Fogg Street within Sunrise Manor (description on file). TS/jgh/syp (For possible action):

**ACTION:**

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

**CONDITIONS OF APPROVAL -**

**Current Planning**

- Until December 19, 2024 to complete.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a 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 there has been no substantial work towards completion within the time specified.

**Public Works - Development Review**

- Compliance with previous conditions.

**ITEM NO. 11 ET-22-400053 (UC-19-0862)-VANTASNER GAMING MERIDIAN, LLC:**

USE PERMIT FIRST EXTENSION OF TIME to allow on-premises consumption of alcohol (supper club). WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) reduce the separation from a residential use; 2) alternative screening and buffering; 3) reduce building setback; 4) alternative driveway geometrics; and 5) reduce throat depth on 0.5 acres in a C-1 (Local Business) Zone. Generally located on the northeast corner of Charleston Boulevard and Fogg Street within Sunrise Manor. TS/jgh/syp (For possible action):

**ACTION:**

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

**CONDITIONS OF APPROVAL -**

**Current Planning**

- Until December 19, 2024 to commence.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

**Public Works - Development Review**

- Compliance with previous conditions.

**ITEM NO. 12 ET-22-400063 (WS-18-0789)-CAI LAS VEGAS HOTEL PARTNERS, LLC:**

WAIVERS OF DEVELOPMENT STANDARDS SECOND EXTENSION OF TIME for the following: 1) increase building height; 2) reduce the height setback to an arterial street for a proposed hotel; 3) reduce parking; 4) increase the number of tandem spaces; 5) alternative parking layout; and 6) alternative driveway geometrics and design.

DESIGN REVIEW for modifications to an approved hotel on 4.8 acres in an H-1 (Limited Resort and Apartment) Zone. Generally located on the northwest corner of Nevso Drive and Valley View Boulevard within Paradise. MN/jgh/syp (For possible action):

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

**CONDITIONS OF APPROVAL -**

Current Planning

- Until December 19, 2023 to commence.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

Public Works - Development Review

- Compliance with previous conditions.

**ITEM NO. 13** ET-22-400067 (UC-20-0220)-USA:

USE PERMIT FIRST EXTENSION OF TIME for senior housing.

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

DESIGN REVIEWS for the following: 1) senior housing facility; and 2) alternative parking lot landscaping on 5.0 acres in an R-4 (Multiple Family Residential - High Density) Zone. Generally located on the northeast corner of Pebble Road and Jeffreys Street within Paradise. MN/bb/syp (For possible action):

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

**CONDITIONS OF APPROVAL -**

Current Planning

- Until July 8, 2024 to commence.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

Public Works - Development Review

- Compliance with previous conditions

**ITEM NO. 14** TM-22-500102-COYOTE SPRINGS NEVADA, LLC:

TENTATIVE MAP consisting of 8 large lots and common lots on approximately 748.9 acres in an R-U (Rural Open Land) Zone, an R-2 (Medium Density Residential) Zone, a C-2 (General Commercial) Zone, an

H-1 (Limited Resort and Apartment) Zone, and a P-C (Planned Community) Zone in the Coyote Springs Master Planned Community. Generally located at the northeast corner of SR 168 and U.S. Highway 93 within the Northeast County. MK/rk/ja (For possible action):

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

#### CONDITIONS OF APPROVAL -

##### Current Planning

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

##### Public Works - Development Review

- Drainage study and compliance;
- Traffic study and compliance;
- Traffic study to also address circulation needs of this site and applicant to be aware that any additional applicable development of the Coyote Springs site will require master traffic study to address right-of-way needs and roadway design;
- Full off-site improvements.

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

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

#### **ITEM NO. 15 UC-22-0190-FESTIVAL GROUND OWNER, LLC:**

HOLDOVER USE PERMITS for the following: 1) recreational facility (concerts/events); 2) live entertainment; 3) fairground; and 4) on-premises consumption of alcohol with accessory uses including food, beverage, and retail sales.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) reduce separation from live entertainment to a residential use; 2) reduce parking; 3) reduce setback from the future right-of-way (Las Vegas Boulevard South); 4) allow alternative street landscaping and screening; 5) allow landscaping and structures within the future right-of-way (Las Vegas Boulevard South); and 6) allow non-standard improvements (landscaping and fences) within the right-of-way (Las Vegas Boulevard South).

DESIGN REVIEW for a recreational facility (concert/event/fairground/live entertainment facility) and all accessory buildings and structures on a portion of 77.4 acres in an H-1 (Limited Resort and Apartment) Zone. Generally located on the south side of Sahara Avenue, west side of Las Vegas Boulevard South, north side of Circus Circus Drive, and the east side of Sammy Davis Jr. Drive within Winchester. TS/jt/ja (For possible action):

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

## CONDITIONS OF APPROVAL -

### Current Planning

- 1 year to commence and review as a public hearing;
- 2 years to review analysis for pedestrian bridges (pedestrian grade separation systems) as depicted in the easement areas on the plan;
- Apply for all applicable business license permits for each event;
- No soundchecks before 8:00 a.m.;
- Live entertainment limited from 11:00 a.m. to 11:59 p.m. for music to stop;
- Stages to be set back 350 feet from the property line of the residential development (Allure) on the north side of Sahara Avenue;
- Main stage to be oriented to the west and southwest of the site;
- Submit a Temporary Commercial Event (TC) application for all events;
- A maximum of 12 events per year;
- On-site sales of tickets only at Gate #1 (main entry chute);
- Provide bicycle racks or other alternatives for patrons close to entry Gate #1;
- No vehicular access onto Las Vegas Boulevard South except for emergency vehicles and emergencies only;
- All lights shall be shielded;
- Provide “No Event Parking” signs on adjacent residential streets during events;
- Access to be maintained for all adjacent properties;
- Provide signage to direct pedestrians to, from, and around the site;
- Provide security for each event to ensure that street performers, vendors, advertisers, and related crowds do not impede pedestrian movement on private property subject to pedestrian access easement and public sidewalks designated as “No Obstructive Use Zones” or on private walkways;
- Consult a noise consultant before each event and provide an update to Commissioner or designee unless waived by the Commissioner, review after each event to address the issues that arise during each event including, but not limited to parking, pedestrian/vehicular conflicts, additional pedestrian containment, pedestrian analysis, noise, safety, and security;
- Provide notices to surrounding residents 30 days before each event such as the Turnberry Towers, Sky, Allure, and other residential areas to be determined that include the time and date of the events, expected attendees, the hours of staging (load-in/load-out), traffic notices of road closures or change in traffic patterns, any special items like fireworks and contact person for each event.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and application for review; and 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

- Traffic study and compliance;
- Traffic study to include pedestrian analysis and flows;
- Execute a License and Maintenance Agreement for any non-standard improvements within the right-of-way;
- If required, applicant to submit an Event Traffic Management Plan to Public Works;
- If required, applicant to obtain Special Event permits from the Las Vegas Metropolitan Police Department;
- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and

- easements for the Las Vegas Boulevard South/Sahara Avenue pedestrian bridge improvement project;
- Coordinate with the City of Las Vegas for the Las Vegas Boulevard South/Sahara Avenue pedestrian bridge improvement project;
  - Staging shall be prohibited within the right-of-way;
  - No advertising within the right-of-way;
  - Owner acknowledges that the proposed non-standard improvements (landscaping and fencing) are within a portion of the area planned for a 200 foot wide right-of-way per Title 30 and the Clark County Transportation Element;
  - Future applications, whether individually or cumulatively (including this application), that are demonstrated to have a sufficient traffic impact upon Las Vegas Boulevard South may require the owner, or its successors, to dedicate its proportionate share of all or portions of the planned right-of-way for Las Vegas Boulevard South adjacent to its property according to the requirements of the Clark County Transportation Element and Title 30;
  - Owners or its successors shall remove any non-standard improvements (fences and landscaping) related to this application or any future applications within the planned right-of-way at its own expense, in the event dedication of the planned right-of-way is required;
  - Maintain the required width of all public access walkway segments so that a minimum Level of Service "C" is achieved under peak pedestrian volumes.

#### 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. 16 UC-22-0258-LVBRETAIL, LLC:**

USE PERMIT for on-premises consumption of alcohol (supper club).

DESIGN REVIEW for an accessory structure (firewood enclosure) in conjunction with a restaurant on a portion of 4.2 acres in an H-1 (Limited Resort and Apartment) Zone. Generally located on the north side of Robindale Road and the east side of Las Vegas Boulevard South within Enterprise. MN/lm/syp (For possible action):

AMUNDSEN

Next is Item 16 UC-22-0258, use permit for on premise consumption of alcohol, a supper club. Design review for an accessory structure, firewood enclosure in conjunction with the restaurant on a portion of 4.2 acres in an H-1 (Limited Resort and Apartment) Zone. Generally located on the north side of Robindale Road and the east side of Las Vegas Boulevard South within Enterprise.

BRIAN WOLF

Good morning, Brian Wolf – uh - 65 -

GIBSON

You're gonna need to -

WOLF

Oh, sorry.

GIBSON

There - There should be a handheld microphone there -

WOLF Oh.

GIBSON - if you don't wanna stand in front of the other one.

WOLF I think this will be fine, thank you. Uh - good morning, everybody. Uh - Brian Wolf – uh - 6585 Escondido Street, Las Vegas – uh - representing the applicant. Um - this is a project that is a – uh – restaurant – uh - with a bar. So, we're asking for approval for the special use permit for alcohol and the design review would be for a -uh - enclosure for wood storage because this is a barbecue – uh - facility. So, if you have any questions, I'd be happy to answer.

GIBSON Does that complete your presentation then?

WOLF Yes.

GIBSON Thank you. Uh - this is a public hearing. Is there anyone here who wishes to speak on this item? There being no one, I would invite Commissioner Naft now to weigh in.

MICHAEL NAFT Thank you, Mister Chairman. Mister Wolf, thank you for being here. Um – I – I - I'm gonna follow staff's direction on this and move for approval. I would just ask your point of contact on this project, I believe was Mister Taylor – um - I've made several attempts to reach him, he was told to reach me. Um -

WOLF Mm-hmm.

NAFT - if you could maybe carry that message to him -

WOLF Absolutely.

NAFT - um - I appreciate it. Uh - there's nothing more - I move for approval of Item 16.

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

MCCURDY II Aye.

GIBSON The motion carries, thank you.

WOLF Thank you very much.

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



## CONDITIONS OF APPROVAL -

### Current Planning

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

### 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. 17 UC-22-0267-WESTWYNN, LLC:**

USE PERMIT for temporary construction storage.

DESIGN REVIEW for a temporary construction storage yard on 34.6 acres in an H-1 (Limited Resort and Apartment) Zone. Generally located on the west side of Las Vegas Boulevard South and the south side of Wilbur Clark DI East Road within Winchester and Paradise. TS/md/syp (For possible action):

### **ACTION:**

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

## CONDITIONS OF APPROVAL -

### Current Planning

- Until June 22, 2023 to cease operations of the temporary construction storage yard with any extension of time to be a public hearing.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; applicant must comply with Air Quality regulations including required dust control measures and obtain any necessary permits; 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. 18 UC-22-0285-LV TROPICAL INDUSTRIAL LP:**

USE PERMIT for a distribution center.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) allow an attached sidewalk; and 2) allow a modified driveway design.

DESIGN REVIEWS for the following: 1) a proposed distribution center; and 2) finished grade on 4.6 acres in an M-2 (Industrial) (AE-70) Zone. Generally located on the east side of Shatz Street and the south side of Tropical Parkway within Sunrise Manor. MK/rk/syp (For possible action):

### **ACTION:**

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

## CONDITIONS OF APPROVAL -

### Current Planning

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

### Public Works - Development Review

- 5 years to review waiver of development standards #2;
- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Full off-site improvements.
- Applicant is advised that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

### 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 #0402-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

## **ITEM NO. 19 VS-22-0246-DIAMOND FORD, LLC:**

VACATE AND ABANDON easements of interest to Clark County located between Ford Avenue and Torino Avenue (alignment), and between Jones Boulevard and the Union Pacific Railroad within Enterprise (description on file). JJ/rk/jo (For possible action):

### **ACTION:**

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

## CONDITIONS OF APPROVAL -

### Current Planning

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

### Public Works - Development Review

- Applicant shall coordinate with Public Works - Development Review to apply for a Bureau of Land Management (BLM) right-of-way grant for 30 feet and an off-set cul-de-sac for Ford Avenue and a separate 20 foot wide grant along the south boundary of the BLM parcel for maintenance access to the drainage channel;
- Right-of-way dedication to include 30 feet for Ford Avenue and a portion of the off-site cul-de-sac;
- 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; that dead-end streets/cul-de-sacs in excess of 500 feet must have an approved Fire Department turn-around provided; and to submit plans for review and approval prior to installing any gates, speed humps (speed bumps not allowed), and any other fire apparatus access roadway obstructions.

#### **ITEM NO. 20** WS-22-0245-DIAMOND FORD, LLC:

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) increase wall height; 2) modified driveway design standards; and 3) reduce back of curb radii.

DESIGN REVIEWS for the following: 1) proposed office/warehouse building with an outside storage yard; 2) alternative parking lot landscaping; and 3) finished grade on a 1.2 acre portion of a 2.5 acre site in an M-1 (Light Manufacturing) Zone and an R-E (Rural Estates Residential) Zone. Generally located on the south side of Ford Avenue, 280 feet east of Jones Boulevard within Enterprise. JJ/rk/jo (For possible action):

#### **ACTION:**

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

#### CONDITIONS OF APPROVAL -

##### Current Planning

- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 2 years of approval date or it will expire.

##### Public Works - Development Review

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Full off-site improvements;
- Applicant shall coordinate with Public Works - Development Review to apply for a Bureau of Land Management (BLM) right-of-way grant for 30 feet and an off-set cul-de-sac for Ford Avenue and a separate

20 foot wide grant along the south boundary of the BLM parcel for maintenance access to the drainage channel;

- Right-of-way dedication to include 30 feet for Ford Avenue and a portion of the off-site cul-de-sac.
- 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 fire/emergency access must comply with the Fire Code as amended; and 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. 21** VS-22-0281-PARBALL NEWCO, LLC:

VACATE AND ABANDON easements of interest to Clark County located between Las Vegas Boulevard South and Koval Lane, and between Flamingo Road and Bellagio Drive (alignment) within Paradise (description on file). JG/lm/syp (For possible action):

#### **ACTION:**

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

#### CONDITIONS OF APPROVAL -

##### Current Planning

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

##### Public Works - Development Review

- Grant a new pedestrian access easement and any other required easements;
- Vacation to be recordable prior to building permit issuance or applicable map submittal;
- Revise legal description, if necessary, prior to recording.

#### **ITEM NO. 22** UC-22-0280-PARBALL NEWCO, LLC:

USE PERMITS for the following: 1) allow primary means of access to accessory buildings from the exterior of the resort; and 2) deviations as shown per plans on file.

DEVIATIONS for the following: 1) allow alternative landscaping and pedestrian realm; and 2) all other deviations as depicted per plans on file.

WAIVER OF DEVELOPMENT STANDARDS to reduce setback.

DESIGN REVIEW for accessory buildings (tavern/restaurant/retail) for a resort hotel (Horseshoe) on 30.0 acres in an H-1 (Limited Resort and Apartment) Zone. Generally located on the east side of Las Vegas

Boulevard South and the south side of Flamingo Road within Paradise. JG/lm/syp (For possible action):

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

#### CONDITIONS OF APPROVAL -

##### Current Planning

- 2 year review to reasonably assess and mitigate if there are any negative noise impacts that may result from the outdoor live entertainment;
- Outdoor live entertainment per plans with the performance stage and amplified sound to be directed to the north;
- The surface area of the sidewalk/pedestrian access easement to consist of colors, patterns, texture, and/or material different from the adjacent private walkways and plaza area with final design to be approved by staff;
- Pedestrian access easement must be kept clear of any obstructions, including all customer queuing;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and application for review; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 2 years of approval date or it will expire.

##### Public Works - Development Review

- If the pedestrian bridge is being attached directly to the building, an agreement with Public Works is required for said attachment.

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

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0196-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**ITEM NO. 23 VS-22-0299-RREEF CPIF 6550 TROPICAL PARKWAY, LLC:**

VACATE AND ABANDON a portion of a right-of-way being Tropical Parkway located between Shatz Street and Hollywood Boulevard within Sunrise Manor (description on file). MK/bb/jo (For possible action):

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

**CONDITIONS OF APPROVAL -**

**Current Planning**

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

**Public Works - Development Review**

- 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. 24 WC-22-400072 (ZC-1252-99)-WARMSPRINGS DEV, LLC:**

WAIVERS OF CONDITIONS of a zone change for the following: 1) B-1 landscaping (tree/shrub combination) along street frontages; and 2) recording a reciprocal, perpetual cross access, ingress/egress, and parking agreements with adjacent properties if and when they develop as commercial or industrial to comply with Policy E8.5g of the Land Use Plan in conjunction with a proposed commercial center on 1.9 acres in a C-2 (General Commercial) Zone in the CMA Design Overlay District. Generally located on the southeast corner of Jones Boulevard and Arby Avenue within Enterprise. MN/jor/syp (For possible action):

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

**ITEM NO. 25 VS-22-0293-WARMSPRINGS DEV, LLC:**

VACATE AND ABANDON a portion of a right-of-way being Jones Boulevard located between Arby Avenue and Warm Spring Road within Enterprise (description on file). MN/jor/syp (For possible action):

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

vote that the application be approved, subject to staff conditions.

**CONDITIONS OF APPROVAL -**

**Current Planning**

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

**Public Works - Development Review**

- 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. 26 UC-22-0292-WARMSPRINGS DEV, LLC:**

USE PERMIT to reduce the setback of a proposed gasoline station.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) reduced driveway throat depth; and 2) reduced driveway departure distance.

DESIGN REVIEWS for the following: 1) commercial center; 2) alternative parking lot landscaping; and 3) finished grade on 1.9 acres in a C-2 (General Commercial) Zone in the CMA Design Overlay District.

Generally located on the southeast corner of Jones Boulevard and Arby Avenue within Enterprise.

MN/jor/syp (For possible action):

**ACTION:**

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

**CONDITIONS OF APPROVAL -**

**Current Planning**

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

**Public Works - Development Review**

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

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

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

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email [sewerlocation@cleanwaterteam.com](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0197-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

#### **ITEM NO. 27 WS-22-0252-MUKHTAR SHAHID:**

WAIVER OF DEVELOPMENT STANDARDS to allow modified driveway width.

DESIGN REVIEW for an additional single family residential model for a previously approved single family residential development on 8.1 acres in an R-E (Rural Estates Residential) (RNP-I) Zone. Generally located on the west side of Torrey Pines Drive, 625 feet south of Farm Road within Lone Mountain. MK/lm/syp (For possible action):

#### **ACTION:**

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

#### CONDITIONS OF APPROVAL -

Current Planning



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

#### 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.
- All proposed single family residential submittals will comply with Code requirements for residential streets; 503.2.1.1 parallel parking permitted on both sides, where parallel parking is permitted on both sides of the fire apparatus access road, the minimum clear width of the fire apparatus road shall be 36 feet (10,972 mm), measuring 37 feet (11,277 mm) from back of curb to back of curb for L-curbs, 38 feet (11,852 mm) from back of curb to back of curb for R-curbs, and 39 feet (11,887 mm) from back of curb to back of curbs for roll curbs; the prohibition of parallel parking on both sides for the purpose of narrowing the roadway width is not permitted for fire apparatus roads serving 1 and 2 family dwellings.
- Applicant is advised that fire/emergency access must comply with the Fire Code as amended and to show on-site fire lane, turning radius, and turnarounds.

#### Southern Nevada Health District (SNHD) – Septic

- Applicant is advised to contact the SNHD Environmental Health Division at [septics@snhd.org](mailto: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. 28** WS-22-0289-BLUE DIAMOND PB HOLDINGS, LLC:

WAIVER OF DEVELOPMENT STANDARDS to reduce the setback.

DESIGN REVIEWS for the following: 1) a restaurant with a drive-thru; and 2) finished grade on 0.9 acres in a C-2 (General Commercial) (AE-60) Zone. Generally located on the south side of Blue Diamond Road and the west side of Schirlls Street (alignment) within Enterprise. JJ/jor/jo (For possible action):

#### **ACTION:**

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

#### CONDITIONS OF APPROVAL -

##### Current Planning

- Expunge the design review portion of ZC-18-0961;
- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of

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

#### Public Works - Development Review

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- Full off-site improvements;
- Coordinate with Real Property Management and the Department of Aviation to dedicate Schirlls Street.
- 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.

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

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

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email [sewerlocation@cleanwaterteam.com](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0185-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

#### **ITEM NO. 29 ZC-22-0189-AUTUM SPRING, LLC & SLOAN 20, LLC:**

ZONE CHANGE to reclassify 3.5 acres from an R-U (Rural Open Land) Zone and an H-2 (General Highway Frontage) Zone to an M-D (Designed Manufacturing) Zone.

DESIGN REVIEW for an office/warehouse complex. Generally located on the east side of Arville Street (alignment), 2,500 feet south of Sloan Road and west of I-15 within South County (description on file).

JJ/jt/jo (For possible action):

**ACTION:**

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

**CONDITIONS OF APPROVAL -**

**Current Planning**

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Replace the Japanese Blueberry tree with a tree recommended by The Southern Nevada Water Authority/Southern Nevada Regional Planning Coalition Regional Plant List;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that any outside storage must be accessory to an indoor principal use; 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 design review application must commence within 2 years of approval date or it will expire.

**Public Works - Development Review**

- Drainage study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include portions of a knuckle for Arville Street;
- Provide paved legal access;
- Applicant shall coordinate with Public Works - Development Review to apply for a Bureau of Land Management (BLM) right-of-way grants.

**Fire Prevention Bureau**

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

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

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email [sewerlocation@cleanwaterteam.com](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0183-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**ITEM NO. 30 ZC-22-0260-MARTINEZ-VILLEGAS REVOCABLE LIVING TRUST ETAL & MARTINEZ-SANDOVAL, OTONIEL TRS:**

ZONE CHANGE to reclassify approximately 0.5 acres of a 0.7 acre site from a C-1 (Local Business) Zone to an R-E (Rural Estates Residential) Zone. Generally located on the west side of Christy Lane, 230 feet south of Meikle Lane within Sunrise Manor (description on file). MK/sd/syp (For possible action):

**ACTION:**

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

## CONDITIONS OF APPROVAL -

### Current Planning

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning.
- Applicant is advised that any on-site business shall be in compliance with Title 30 regulations for a home occupation; and that the County is currently rewriting Title 30 and future land use applications, will be reviewed for conformance with the regulations in place at the time of application.

### 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. 31** ZC-22-0294-COUNTY OF CLARK (AVIATION) & MAJESTIC EJM ARROYO, LLC LEASE:

ZONE CHANGE to reclassify 41.1 acres from a C-2 (General Commercial) Zone and a C-2 (General Commercial) (AE-60) Zone to an M-D (Designed Manufacturing) Zone and an M-D (Designed Manufacturing) (AE-60) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) allow an attached sidewalk; 2) allow a modified driveway design; and 3) waive street dedication.

DESIGN REVIEWS for the following: 1) proposed distribution center; 2) alternative parking lot landscaping; and 3) finished grade in the CMA Design Overlay District. Generally located on the north side of Warm Springs Road and the east side of Buffalo Drive within Spring Valley (description on file). MN/rk/jo (For possible action):

AMUNDSEN

Next are Items 31 and 32, which can be heard together. Item 31 ZC-22-0294, zone change, reclassify 41.1 acres from a C-2 (General Commercial) Zone and a C-2 (General Commercial) (AE-60) Zone to an M-D (Design Manufacturing) Zone and M-D (Design Manufacturing) (AE-60) Zone. Waivers of development standards for the following: allow an attached sidewalk, allow a modified driveway design, waive street dedication. Design reviews for the following: propose distribution cen- center, alternative parking lot landscaping, finish grade in a CMA Design Overlay District. Generally located on the north side of Warm Springs Road and the east side of Buffalo Drive within Spring Valley.

Item 32 VS-22-0295, vacate and abandon easements of interest to Clark County, located between Warm Springs Road and Badura Avenue in between Buffalo Drive and Pioneer Way (alignment); and a portion of a right away being Warm Springs Road located between Buffalo Drive and Pioneer Way (alignment); a portion of a right away being Badura Avenue located between Buffalo Drive and Pioneer Way (alignment); and a portion of right away being Buffalo Drive located between Warm Springs Road and Badura Avenue within Spring Valley.

GIBSON

Good morning.

JOHN VORNSAND

Morning, Mister Chairman, Commissioners. John Vornsand, 62 Swan Circle in Henderson, representing the application. We are – uh - requesting a conforming zone change to M-D for a 764,000 square foot – uh - distribution center in four buildings. In addition to the zone change, we are requesting – uh - some waivers of development standards. Uh - we're asking for modified driveway designs in all our driveways. We've been – uh - working diligently with Public Works – uh - on those driveway designs – uh - and now we understand those are designed to the satisfaction of Public Works. Uh – secondarily – uh - we're asking to – uh - allow an attached sidewalk – uh - between the northernmost driveway on Buffalo going around the corner over onto Badura.

The reason for that was the requirement for a dedicated right turn lane on Buffalo, also a double left lane – uh - turn lane – uh - from Badura onto Buffalo. Um - it did create some drainage issues on top of that. However, we have – uh - spoken with our engineer. Uh - we feel we can come up with a plan with the detached sidewalks. Um - and, I guess with that – uh - we will – uh - be glad to answer any questions you may have.

GIBSON

Thank you, Mister Vornsand. 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 Naft?

NAFT

Thank you, Mister Chairman. Thank you for your presentation and – uh - for acknowledging the – um - my issues with the attached sidewalk. Um - my intent here is to – uh - approve with the denial of waiver of development standards Number 1, that's the attached sidewalk. Um - but, I - I just wanna make sure that we do it in a way that's not gonna set the project back too dramatically. So, noting – um - I guess for staff, if there are – uh – pro - it'll probably be landscaping issues that are impacted by detaching the sidewalk. Can we - can the motion state that I would allow any revisions needed for landscaping, spe - specifically to that section -

GIBSON

It'd be handled administratively -

NAFT

- Badura and Buffalo?

GIBSON

- then, is that what you're saying, to be handled administratively?

NAFT

Correct.

AMUNDSEN

Yes, it can. Um - I would just note that if we're denying the – um - alternative design, maybe make a – um - condition that landscaping shall be provided as – um – pra - you know – prac - practical or, you know, something to that effect so that we can make sure that they do put in

AMUNDSEN landscaping, but understand that it may be less than is required.

NAFT Thank you. And just for the record, that would just be the corner that's impacted by this detached sidewalk or Badura and Buffalo.

VORNSAND That's correct. The- the remainder of the project is all detached sidewalk.

NAFT Okay. And then, this might be a public works question, but the motion would be to revise the legal description to include all of Buffalo and Badura?

JASON ALLSWANG That's correct. Any changes they need to make to that legal description they can just – uh - add those into the vacation since those streets were already notified as part of the vacation.

GIBSON Okay. So -

NAFT Okay.

JONES But-

GIBSON That's acceptable, yes.

NAFT Thank you. In that case, my motion is – uh - for approval of Item 31 – uh - approval of Item 32 with the denial of waiver of develop - development standards 1 – uh - leaving the flexibility for – um – uh - landscaping to be impacted. Uh - however, we want it where practical – uh - and that'll be worked through with staff in an administrative function.

VORNSAND Very good.

NAFT Um – and - we will revise the legal description to include all of Buffalo and Badura.

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

MCCURDY II Aye.

GIBSON The motion carries.

VORNSAND Okay. Thank you very much.

GIBSON Thank you, Mister Vornsand.

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

vote that the applications for Item Nos. 31 and 32 be approved with the denial of waiver of development standards Number 1, subject to staff conditions.

#### CONDITIONS OF APPROVAL -

##### Current Planning

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Modification to required landscaping near the intersection of Buffalo Drive and Badura Avenue to accommodate detached sidewalks shall be administratively approved;
- Remove palm trees from the plant list and replace with a drought tolerant tree type on the Southern Nevada Regional Plant List;
- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that the waivers of development standards and design reviews must commence within 2 years of approval date or they will expire.

##### Public Works - Development Review

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- Full off-site improvements;
- 30 days to coordinate with Public Works Design Division and to dedicate any necessary right-of-way and easements for the Badura Avenue/Buffalo Drive traffic signal project and the Maule Avenue/Badura Avenue project;
- The installation of detached sidewalks will require the vacation of excess right-of-way together with a subdivision map granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or the execution of a License and Maintenance Agreement for non-standard improvements in the right-of-way.
- Applicant is advised that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

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

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email [sewerlocation@cleanwaterteam.com](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0148-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**WAIVER OF DEVELOPMENT STANDARDS #1 WAS DENIED.**

**ITEM NO. 32** VS-22-0295-COUNTY OF CLARK (AVIATION) & MAJESTIC EJM ARROYO, LLC  
LEASE:

VACATE AND ABANDON easements of interest to Clark County located between Warm Springs Road and Badura Avenue, and between Buffalo Drive and Pioneer Way (alignment); and a portion of a right-of-way being Warm Springs Road located between Buffalo Drive and Pioneer Way (alignment); a portion of right-of-way being Badura Avenue located between Buffalo Drive and Pioneer Way (alignment); and a portion of right-of-way being Buffalo Drive located between Warm Springs Road and Badura Avenue within Spring Valley (description on file). MN/rk/jo (For possible action):

**ACTION:** Approved, subject to staff conditions as noted below (see Item No. 31 for discussion, motion, and vote).

**CONDITIONS OF APPROVAL -**

**Current Planning**

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

**Public Works - Development Review**

- Revise legal descriptions as necessary for detached sidewalks on all of Buffalo Drive and Badura Avenue;
- The installation of detached sidewalks will require the vacation of excess right-of-way together with a subdivision map granting necessary easements for utilities, pedestrian access, streetlights, and traffic control;
- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Badura Avenue/Buffalo Drive traffic signal project and the Maule Avenue/Badura Avenue project;
- Vacation to be recordable prior to building permit issuance or applicable map submittal;
- Revise legal description, if necessary, prior to recording.

**ITEM NO. 33** ZC-22-0298-PACK, TRAVIS & EMILY:

ZONE CHANGE to reclassify 4.9 acres from an R-U (Rural Open Land) Zone to an R-E (Rural Estates Residential) Zone.

DESIGN REVIEW for a single-family residential development within the Moapa Valley Design Overlay District. Generally located on the south side of Wittwer Avenue, 640 feet east of Rice Street within Moapa Valley (description on file). MK/al/jo (For possible action):

**ACTION:** Deleted from the agenda (held to August 3, 2022 per the applicant).

**ITEM NO. 34** ZC-22-0300-DEAN, JERRY & DEANNA FAMILY TRUST-EXEMPTION TR ETAL & DEAN, DEANNA S. TRS:

ZONE CHANGE to reclassify 12.5 acres from an R-E (Rural Estates Residential) Zone to an M-D (Designed Manufacturing) Zone for a future industrial development. Generally located on the east side of Rainbow



Boulevard and the south side of Richmar Avenue 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 application be approved, subject to staff conditions.

#### CONDITIONS OF APPROVAL -

##### Current Planning

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Design review as a public hearing for future plans.
- Applicant is advised that a standard development agreement will be required with future development 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; and that the County is currently rewriting Title 30 and future land use applications will be reviewed for conformance with the regulations in place at the time of application.

##### Public Works - Development Review

- Drainage study shall be required with future development as determined by Public Works - Development Review;
- Traffic study shall be required with future development as determined by Public Works - Development Review;
- Full off-site improvements shall be required with future development as determined by Public Works - Development Review;
- Right-of-way dedication to include 60 feet for Rainbow Boulevard, 30 feet for Richmar Avenue, 30 feet for Gary Avenue, and associated spandrels;
- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Rainbow Boulevard improvement project;
- Execute a Restrictive Covenant Agreement (deed restrictions);
- 30 days to submit a Separate Document to the Map Team for the required right-of-way dedications and any corresponding easements for any collector street or larger;
- 90 days to record required right-of-way dedications and any corresponding easements for any collector street or larger;
- Vacate any unnecessary rights-of-way and/or easements.

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

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email [sewerlocation@cleanwaterteam.com](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0341-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

#### **ITEM NO. 35** NZC-22-0176-MOSER, INEZ E.:

ZONE CHANGE to reclassify 5.4 acres from an R-2 (Medium Density Residential) Zone and a C-2 (General Commercial) Zone to an R-2 (Medium Density Residential) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) reduced landscaping; and 2) reduce street intersection off-set.

DESIGN REVIEW for a proposed single family residential development. Generally located on the east side of Boulder Highway and the north side of Whitney Avenue within Whitney (description on file). JG/rk/jo

(For possible action):

**ACTION:**

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

**CONDITIONS OF APPROVAL -**

**Current Planning**

- Resolution of Intent to complete in 4 years;
- Install a retaining and screen wall adjacent to Whitney Avenue totaling a minimum height of 8 feet as measured externally from Whitney Avenue, applicant has the option of installing an 8 foot tall perimeter block wall around the remainder of the site.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a new application for a nonconforming zone boundary amendment may be required in the event the building program and/or conditions of the subject application are proposed to be modified in the future; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; 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;
- Traffic study and compliance;
- Full off-site improvements.
- Applicant is advised that Nevada Department of Transportation (NDOT) permits may be required.

**Fire Prevention Bureau**

- All homes are required to have fire sprinklers installed and compliant with NFPA 13# or similar Code;
- 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](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0435-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**ITEM NO. 36 TM-22-500063-MOSER, INEZ E.:**

TENTATIVE MAP consisting of 42 single family residential lots and common lots on 5.4 acres in an R-2 (Medium Density Residential) Zone. Generally located on the east side of Boulder Highway and the north side of Whitney Avenue within Whitney. JG/rk/jo (For possible action):

**ACTION:**

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

**CONDITIONS OF APPROVAL -**

**Current Planning**

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

#### Public Works - Development Review

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

#### 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 #0435-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

#### **ITEM NO. 37** PA-22-700002-LGI HOMES-NEVADA, LLC:

PLAN AMENDMENT to amend Northeast (Las Vegas) Valley Transportation Map of the Clark County Master Plan by reducing the right-of-way width from 100 feet to 80 feet for Hollywood Boulevard. Generally located on Hollywood Boulevard between Alto Avenue and Lake Mead Boulevard within Sunrise Manor. MK/gt (For possible action):

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

#### **ITEM NO. 38** VS-22-0158-LGI HOMES-NEVADA, LLC:

VACATE AND ABANDON a portion of a right-of-way being Hollywood Boulevard located between Alto Avenue and Carey Avenue within Sunrise Manor (description on file). MK/rk/jo (For possible action):

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

#### CONDITIONS OF APPROVAL -

##### Current Planning

- Satisfy utility companies' requirements.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or

there has been no substantial work towards completion within the time specified; and that the recording of the order of vacation in the Office of the County Recorder must be completed within 2 years of the approval date or the application will expire.

Public Works - Development Review

- Revise legal description, if necessary, prior to recording

**ITEM NO. 39** CP-22-900356: Authorize the Chair to sign a resolution amending the Clark County Master Plan (Northeast Las Vegas Valley Transportation Map) and direct staff accordingly. (For possible action):

**ACTION:** It was moved by Commissioner Justin Jones and carried by unanimous vote that the resolution (No. R-6-22-22-1) be approved.

**ITEM NO. 40** CP-22-900384: Conduct a public hearing, adopt the Flood Control Master Plan Amendment, and authorize the Chair to sign a Resolution amending the Plan. (For possible action):

**ACTION:** It was moved by Commissioner Justin Jones and carried by unanimous vote that the resolution (No. R-6-22-22-2) be approved.

**ITEM NO. 41** ORD-21-900733: Conduct a public hearing on an ordinance to consider adoption of a Development Agreement with Picerne Quarterhorse LLC for a multiple family development (Quarterhorse Apartments) on 16.4 acres, generally located east of Quarterhorse Lane and south of Sunset Road within Spring Valley. JJ/dd (For possible action):

**ACTION:** It was moved by Commissioner Justin Jones and carried by unanimous vote that the recommendation (including the adoption of Ordinance No. 4961) be approved.

**ITEM NO. 42** ORD-22-900006: Conduct a public hearing on an ordinance to consider adoption of a Development Agreement with Pebble Ridge 19, LLC for a residential subdivision (Pebble - Fort Apache) on 2.5 acres, generally located south of Pebble Road and west of Fort Apache Road within Enterprise. JJ/dd (For possible action):

**ACTION:** It was moved by Commissioner Justin Jones and carried by unanimous vote that the recommendation (including the adoption of Ordinance No. 4962) be approved.

**ITEM NO. 43** ORD-22-900343: Conduct a public hearing on an ordinance to consider adoption of a Development Agreement with D.R. Horton for a single-family residential development (Serene and Fort Apache) on 7.6 acres, generally located west of Fort Apache Road and south of Serene Avenue within Enterprise. JJ/dd (For possible action):

**ACTION:** It was moved by Commissioner Justin Jones and carried by unanimous vote that the recommendation (including the adoption of Ordinance No. 4963) be approved.

**ITEM NO. 44** ORD-22-900358: Conduct a public hearing on an ordinance to amend the official zoning map reclassifying certain properties as approved by the Board of County Commissioners through various zone change applications on April 6, 2022, April 20, 2022, May 4, 2022 and in Assessor's Books 162, 163, 176, 177, 189, and 191. (For possible action):

**ACTION:** It was moved by Commissioner Justin Jones and carried by unanimous vote that the recommendation (including the adoption of Ordinance No. 4964) be approved.

**ITEM NO. 45** DR-22-0301-FORT APACHE PROFESSIONAL PARK, LLC:

DESIGN REVIEWS for the following: 1) an existing monument sign; 2) permit wall signs to face an adjacent residential development; 3) increase the number of wall signs; 4) increase the maximum area of wall signs; and 5) a comprehensive sign plan on 4.5 acres in a C-P (Office and Professional) Zone in conjunction with an existing office complex. Generally located on the east side of Fort Apache Road and the south side of Martin Avenue within Spring Valley. JJ/md/jo (For possible action)

AMUNDSEN Next is Item 45 DR-22-0301, design reviews for the following: an existing monument sign, permit wall signs to face an adjacent residential development, increase the number of wall signs, increase the maximum area of wall signs, a comprehensive sign plan on 4.5 acres, in a C-P (Office and Professional) Zone in conjunction with an existing office complex. Generally located on the east side of Fort Apache Road and the south side of Martin Avenue within Spring Valley.

BOBBY PUCCI Thank you. Good morning. Bobby Pucci, Vision Sign Company, 6630 Arroyo Springs, here on behalf of the applicant as we ask for your approval on the proposed comprehensive sign plan. This sign plan consists of four major parts. One is – uh - to incorporate an existing – uh - freestanding, non-illuminated monument sign. Second item would be to allow tenant building signage on the east elevations facing residential. And then, the third – um - would be to increase the allowed number of – uh - signage or signs per elevation from one to three. And in conjunction with that, we would also – uh - request the allowed square footage to increase from 50 to 150 per elevation. I'm here to answer any questions you may have. Thank you.

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

JONES Thank you, Mister Chair. Uh - thank you for your presentation. I didn't have a chance to speak with you on this. Um - it's my – uh - intent to follow staff recommendations and the Town Board recommendations given that the increase in wall signage, particularly on the backside of the property – um - is a pretty substantial increase. If you'd like, I'm happy to hold the item and - and meet with you to understand more the justification. Um - or we can move forward today – uh - with staff

JONES recommendations.

PUCCI Would the option – um - can we discuss the reduction of allowing the square footage from 50 maybe a 40 square foot?

JONES I don't - (laughs) Miss Amundsen, I don't - I don't know if we can design from the podium right now.

AMUNDSEN I would – um -

PUCCI Yeah, right.

AMUNDSEN - recommend that we hold it.

JONES Yeah.

PUCCI Okay.

JONES All right. Then – then – uh -

PUCCI Understood.

JONES - it would be my recommendation to hold it. Do you accept that?

PUCCI Yes.

JONES All right. My motion would be to hold agenda Item Number 45 – um - and send it to the -

AMUNDSEN Second meeting in July.

JONES - second meeting in July, or the only meeting in July. (laughs)

PUCCI Thank you.

JONES All right. Thank you.

GIBSON There's a - there's a motion by Commissioner Jones to hold the item. Any discussion on the motion? Please cast your votes.

MCCURDY II Aye.

GIBSON The motion carries.

**ACTION:** It was moved by Commissioner Justin Jones and carried by unanimous vote that the application be held to July 20, 2022.

**ITEM NO. 46** ET-22-400071 (UC-20-0154)-PARADISE & TWAIN HOLDINGS, LLC:  
USE PERMIT FIRST EXTENSION OF TIME for a restaurant with a drive-thru.  
WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) allow vivid hues (no longer needed);  
2) alternative landscaping; and 3) alternative driveway geometrics.  
DESIGN REVIEW for a restaurant on 0.6 acres in an H-1 (Limited Resort and Apartment) Zone and a C-1  
(Local Business) Zone. Generally located on the southeast corner of Paradise Road and Twain Avenue within  
Paradise. TS/jud/syp (For possible action):

**ACTION:** Deleted from the agenda (held to August 3, 2022 per Commissioner  
Segerblom).

**ITEM NO. 47** UC-22-0040-ATHARI REZA & FATANEH FAMILY TR & ATHARI G. REZA &  
FATANEH TRS:  
HOLDOVER USE PERMIT to allow a cannabis establishment (cultivation).  
DESIGN REVIEW for an addition to an existing office/warehouse building on 0.7 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/sd/jo (For possible action):

**ACTION:** Deleted from the agenda (withdrawn).

**ITEM NO. 48** WS-22-0147-LV JUDSON, LP:  
HOLDOVER WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) reduce throat depth; 2)  
reduce departure distance; and 3) off-site improvements (curb, gutter, sidewalk, streetlights, and partial  
paving).  
DESIGN REVIEWS for the following: 1) office/warehouse facility; and 2) finished grade on a 6.2 acre  
portion of a 9.3 acre site in an M-D (Design Manufacturing) (AE-65) (APZ-2) Zone. Generally located on the  
northwest corner of Lamb Boulevard and Judson Avenue within Sunrise Manor. TS/sd/jo (For possible  
action):

**ACTION:** Deleted from the agenda (held to August 3, 2022 per Commissioner  
Segerblom).

**ITEM NO. 49** WS-22-0160-BRIGGS, ROD & MICKI:  
HOLDOVER WAIVER OF DEVELOPMENT STANDARDS to waive requirements for paving on Willow  
Avenue in conjunction with a minor subdivision map to subdivide an existing parcel on 10.0 acres in an R-U  
(Rural Open Land) Zone within the Moapa Valley Design Overlay District. Generally located on the south  
side of Willow Avenue, 1,040 feet east of Swapp Drive within Moapa Valley. MK/al/ja (For possible action):

AMUNDSEN  
Next is Item 49 WS-22-0160, holdover waiver of development standards  
to waive requirements for paving on Willow Avenue in conjunction with  
the minor subdivision map to subdivide an existing parcel on 10 acres in  
an R-U (Rural Open Land) Zone within the Moapa Valley Design  
Overlay District. Generally located on the south side of Willow Avenue,  
1,040 feet east of Swapp Drive within Moapa Valley.

GIBSON	Good morning.
SAMANTHA EMPEY	Good morning. My name is Samantha Empey, E-M-P-E-Y. I live at 1200 West Cottonwood Avenue. I'm here with my mom, Mickey Briggs.
MICKEY BRIGGS	B-R-I-G-G-S.
EMPEY	<p>She is the applicant and the owner. Um - we're requesting a waiver because – um - so here - here are couple - Hang on a second. There are a couple pictures of Willow. Um - I don't know if any of you are familiar with Willow Avenue or if, with that area in particular. But, Willow's main use is for irrigation purposes currently. Um - and with that, we decided to talk to Scott Millington who is the General Manager of Muddy Valley Irrigation to see what his – um - thoughts would be on the - on the matter. Sorry. Um - and he said that there is a pipeline running under Willow Avenue, an irrigation pipeline that would have to be moved in the case of paving. So, that would be very costly for us.</p> <p>Um - also, I, in my research, I found out that half of Willow is not even dedicated yet. Um - and so, there are, it's a - it's a really narrow road. It's not big enough to pave right now, obviously, and we would have to go to those property owners and get them to dedicate it. Um - so that would be kind of a hassle. Um - and then, sorry, let me put this back. So, as it shows in our plans, we have a flag lot design that we're requesting, so there is access to the – uh - north parcel from Cottonwood Avenue. So, we would not, or my parents would not, be using – um - Willow at all for access to the north parcel and there is an easement for the power company, as shown right there.</p> <p>So, I mean, that kinda concludes my presentation if there's any questions.</p>
GIBSON	All right, thank you. 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 Kirkpatrick.
MARILYN KIRKPATRICK	Uh - thank you, Mister Chairman. And I just need to get a couple things on the record because – um - out there we have issues -
EMPEY	Okay.
KIRKPATRICK	- on a regular basis on paving, you know. People are on us -
EMPEY	Sure.
KIRKPATRICK	- all the time about paving, especially after it floods.



Yeah.

Um, we did talk to – uh - Mister Millington and we're going to work with him because we don't ever really see where the - his easements are, so we're gonna try and get a better grasp of it.

Okay.

But I just wanna make sure that you put on the record that you realize that we won't be maintaining that road.

Okay.

We won't - So if there's a flood, if there's crazy windstorm, can't call me -

Right. (laughs)

- 'cause I can't help you. (laughs) So -

Yeah. I mean, I -

- you gotta call the gravel truck. (laughs)

- I've lived on that road for my whole life and it's been the same my whole life, so -

No, you - you get it. But, uh -

Yeah.

- we, that is the most popular call that we get in our office.

Yeah.

We get at least five a day of why the road isn't paved and I'm like, 'cause you moved to the rural area and you didn't want it. (laughs)

E – E - Exactly, yeah.

So -

And - and, I didn't say in my presentation, there is no addresses off of Willow Avenue in it's entirety from Swapp to Moapa Valley Boulevard. So, there's - there's really none that would benefit from that portion of a paved road and if we're not going to be using it to - to - for access to that

EMPEY parcel - then there's really no benefit for us either.

KIRKPATRICK A - and the other thing, though, just so you know though, we did approve a project off of Swapp -

EMPEY Okay.

KIRKPATRICK - and Cottonwood and we made them pave that corner because we need it - Because it's all on how the water flows -

EMPEY Yeah.

KIRKPATRICK - is one of the main reasons why we do curb and gutter. So, I - I support ya, but I want you to tell your children, grandchildren, and great grandchildren that we're never paving that road.

EMPEY Okay (laughs).

KIRKPATRICK So (laughs) -

EMPEY No problem.

KIRKPATRICK All right. Uh - with that, Mister Chair, I will make a motion to approve Item Number 49.

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

MCCURDY II Aye.

GIBSON The motion carries. Thank you very much.

EMPEY Thank you so much.

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

#### CONDITIONS OF APPROVAL - Current Planning

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

Public Works - Development Review

- Execute a Restrictive Covenant Agreement (deed restrictions);
- Grant any necessary easements.

**ITEM NO. 50** WS-22-0179-ISU, INC:

HOLDOVER WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) reduce setbacks; 2) access to a local street; 3) landscaping; and 4) alternative driveway geometrics.

DESIGN REVIEW for a multiple family residential development on 0.8 acres in an R-3 (Multiple Family Residential) Zone. Generally located between Lake Mead Boulevard and Meikle Lane, 135 feet west of Linn Lane within Sunrise Manor. MK/al/syp (For possible action):

**ACTION:** Deleted from the agenda (held to July 20, 2022 per the applicant).

**ITEM NO. 51** WS-22-0244-DR HORTON, INC:

WAIVER OF DEVELOPMENT STANDARDS to remove streetlights on a portion of a previously approved subdivision on 0.8 acres in an R-2 (Medium Density Residential) Zone. Generally located on the east side of Park Street and the north side of Raven Avenue within Enterprise. JJ/lm/syp (For possible action):

AMUNDSEN

Next is Item 51, WS-22-0244 waiver of development standards to remove streetlights on a portion of a previously approved subdivision on 0.8 acres in an R-2 (Medium Density Residential) Zone. Generally located on the east side of Park Street and the north side of Raven Avenue within Enterprise.

STEPHANIE ALLEN

Good morning, Mister Chairman and Commissioners. Stephanie Allen, 1980 Festival Plaza Drive. Here with me this morning is one of our summer law clerks. Cobi Burnett – um - is a Boyd School of Law – um - law student and he's gonna do the presentation this morning on behalf of D. R. Horton. So, go ahead.

GIBSON

Good morning, Mister Burnett.

COBI BURNETT

Uh - good morning, Mister Chairman and Commissioners. Uh - like Stephanie mentioned, my name is Cobi Burnett. I'm a summer law clerk with the firm, Kaempfer, Crowell, 1980 Festival Plaza Drive – um - and we're here on behalf of D. R. Horton. Uh - this is a waiver of development standards for streetlights along South Park Street. So, if I can bring your attention to the site map under the projector. This right here, South Park Street – um – D. R. Horton initially provided – uh - buffer lots adjacent to these larger lots to the west of South Park Street. Um – initially - there was discussion of a waiver – uh - for streetlights, but this was, unfortunately, overlooked. So, now we are just here to do what we promised to the neighbors and to request that waiver for – uh - streetlights now. So, thank you, and I'm happy to answer any questions.

GIBSON And that completes your presentation?

BURNETT Yes.

GIBSON Thank you. This is a public hearing, which is now open. Is there anyone who wishes to speak on this item? There being no one, the public hearing is closed. Commissioner Jones.

JONES Thank you, Mister Chair. Uh - you're a natural, Mister Burnett. It's clear that you're going to do well. Um - this is merely a correction and something the neighbors had wanted, so I'll go ahead and move for approval agenda Item Number 51.

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

MCCURDY II Aye.

JONES You're one for one. So, 100%.

BURNETT Thank you.

JONES Good job.

GIBSON An - and the motion carries.

JONES Thank you, again.

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 -

##### Current Planning

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

##### Public Works - Development Review

- If the County has accepted the streetlights and service pedestal for maintenance, then coordinate with Public Works - Traffic Management to return any County assets to Public Works;
- The conduit and pull boxes shall remain in place.

**ITEM NO. 52** WS-22-0264-CHAUDHRY, SOHAIL & HUMA S.:

WAIVER OF DEVELOPMENT STANDARDS for reduced setbacks.

DESIGN REVIEWS for the following: 1) single family residential development; and 2) finished grade on 2.5 acres in an R-E (Rural Estates Residential) (RNP-I) Zone. Generally located on the east side of Edmond Street and the north side of Agate Avenue within Enterprise. JJ/md/jo (For possible action):

**ACTION:** Deleted from the agenda (held to July 20, 2022 per the applicant).

**ITEM NO. 53** ZC-22-0198-BEN 200270 VENTURES, LLC:

ZONE CHANGE to reclassify 1.8 acres from an R-E (Rural Estates Residential) Zone to an M-D (Designed Manufacturing) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) parking lot landscaping; 2) parking; and 3) driveway geometrics.

DESIGN REVIEWS for the following: 1) warehouse development; and 2) finished grade. Generally located on the east side of McLeod Drive and the south side of Oquendo Road (alignment) within Paradise (description on file). JG/nr/jo (For possible action):

AMUNDSEN

Next is Item 53, ZC-22-0198, zone change to reclassify 1.8 acres from R-E (Rural Estates Residential) Zone to an M-D (Design Manufacturing zone, waiver of development standards for the following: parking lot landscaping, parking and driveway geometrics. Design reviews for the following, warehouse development, finished grade generally located on the east side of McLeod Drive and the south side of Oquendo Road (alignment) within Paradise.

BOB GRONAUER

Good morning, Mister Chairman and Commissioners. Bob Gronauer, 1980 Festival Plaza Drive. Uh - with me is Chris Richardson, the architect on the project in case if you have any – uh - additional questions after my presentation that he may need to answer. I also have in the audience Mister – uh - Terry and Mike Manley, the – uh - developers for the industrial development that we are proposing. Um - as you can see on the overhead here – uh - where it's located at site – uh - we have approximately two acres of property, which is off of Oquendo and McLeod. Uh - it's a - it's a conforming zone change. As you can see here – uh - on the overhead, it's in the blue area for business employment – uh - and the rest of this area's planned for commercial and industrial in this area – uh – as you can see on the map itself.

Uh - with respect to the – uh - waivers of development standards – um - the first one that I want to point out here is on McLeod. Uh - we did work with your Public Works Department with respect to the throat depth in this area. Because of the increased landscape in here, along with removing any type of parking spaces in this area, Public Works was fine with the – uh - location and the design of the throat depth there. Although, they recommended denial because of the staff's report was

GRONAUER

recommending denial because of the landscape – uh - waivers and the parking waiver, but I'll get into that in one second, which is – uh - we are asking for a landscape waiver because along the – uh - east property of the building itself, we don't have a landscape island. What we did is we put the additional landscaping up on Oquendo in the landscaped area there. We do meet the landscape – uh - requirements for interior to the project itself.

Uh - the Town Board saw this and they heard the presentation and they recommended unanimous approval. With respect to the parking reduction, it's very negligible. It's four parking spaces. Uh - we could fix that if needed. If we did, if we reduced the building size a little bit in this area, all that would do is increase the paving in this area and we believe that the four parking spaces are not needed with the type of use that we're proposing. Uh - the Town Board also reviewed this and also recommended unanimous recommendation for approval of the project itself. So, we would ask you to follow the staff's recommendation for approval of the entire project as is submitted – um - and I'm here and Chris Richardson's here also to answer any questions that you may have with the project.

GIBSON

Thank you. 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. Um - so, in - in the context of the - for parking spaces, how many parking spaces all together are provided?

GRONAUER

Uh - we're - we're down four and it's - I'm sorry, I've got different numbers in my head. 50 is required, 46 is being – uh - provided.

GIBSON

I - I don't have a - an issue with - with that and I - I think under the circumstances it may be best to approve this subject to the site plan, as opposed to staff recommendations, right? Because this site plan - I did the public hearing, yeah.

AMUNDSEN

Okay (laughs). Yes, per the staff -

GIBSON

Coun - Counsel, I did the public hearing.

AMUNDSEN

(laughs). Yes. Per the – um - per site - the site plan. Yes.

GIBSON

Okay. So, my - my motion would be to approve this item per and subject to the site plan as it indicates all of the things that we're discussing here. Is there anything on this motion? Then please cast your votes.

MCCURDY II

Aye.

GIBSON	And the motion carries.
GRONAUER	Thank you.
GIBSON	Good morning, Mister Manley.
TERRY MANLEY	Thanks, Mister Chairman.

#### CONDITIONS OF APPROVAL -

##### Current Planning

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

##### Public Works - Development Review

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 5 additional feet for McLeod Drive from APN 162-36-601-007;
- Vacate any unnecessary rights-of-way.
- Applicant is advised that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals; and that the installation of detached sidewalks will require the recordation of this vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

##### Fire Prevention Bureau

- Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features.
- 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](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0434-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**ITEM NO. 54** ZC-22-0262-FUSCO, ROMOLO RAMO FAMILY TRUST & FUSCO, ELIZABETH:  
ZONE CHANGE to reclassify 1.9 acres from an R-E (Rural Estates Residential) Zone to an R-2 (Medium

Density Residential) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) increase wall height; 2) street intersection off-set; and 3) alternative residential driveway geometrics.

DESIGN REVIEWS for the following: 1) a single- family residential development; and 2) finished grade. Generally located on the northeast corner of Buffa-lo Drive and Chartan Avenue within Enterprise (description on file). JJ/al/jo (For possible action):

AMUNDSEN

Next are Items 44, 45 - I'm sorry. 54, 55 and 56. I'm being dyslexic today. Um - they can be heard together. Item 54 is EC-22-0262 zone change to reclassify 1.9 acres for an R-E (Rural Estates Residential) Zone to an R-2 (Medium Density Residential) Zone. Waivers of development standards for the following: increased wall height, street intersection offset al - alternative residential driveway geometrics. Design reviews for the following: single family residential development, finished grade, generally located on the northeast corner of Buffalo Drive and Chartan Avenue within Enterprise.

Item 55, VS-22-0263, vacate and abandon easements of interest to Clark County, located between Buffalo Drive and Kane Springs Street (alignment) in between Chartan Avenue and Wolf Wood Court and a portion of a right of way, being Buffalo Drive, located between Chartan Avenue and Wolf Wood Court.

Item 56, TM-22-500089 tentative map consisting of 15 single family residential lots and common lots on 1.9 acres in an R-2 (Medium Density Residential) Zone.

GIBSON

Good morning.

LIZ OLSON

Good morning. Liz Olson, 1980 Festival Plaza Drive. Here with me is Miss Emily Espinoza, she's our other law clerk for the summer. So, I am going to hand it over to her to make this presentation.

EMILY ESPINOZA

Uh - good morning, Mister Chairman and Commissioners. Uh - as Liz said, my name is Emily Espinoza and I'm a summer law clerk with the firm Kaempfer Crowell, located at 1980 Festival Plaza Drive. Um - this site is a 1.89 acre – uh - lot located on the northeast corner of Buffalo Drive and Chartan Avenue. Um - it is currently – uh – s - it sits adjacent to R-2 – uh – R-2 developments – um - located in Mountains Edge, yet the site itself is not a part of Mountains Edge. Uh - we are requesting a conforming zone change from R-E to R-2 to accommodate a 15 lot single family subdivision. Um - the site plan itself is - again, a 15 lot single family subdivision. Uh – the properties are going to be – uh – two story -uh - two story developments ranging in size from 2,000 feet to 2,300 feet with varying elevations.



ESPINOZA

Um - entrance into the development would come from Chartan Avenue – uh - and would require – um - landscaping along Buffalo Drive and Chartan Avenue. We are requesting a waiver – uh - specifically for the driveway on lot 15. Uh - the driveway itself would be four to five feet from the property line – uh - as opposed to the typical 12 feet required. Uh - we aren't anticipating any – uh - traffic concerns with this – uh - due to the small size of the lot itself. Um - being only a 15 lot subdivision, we're not expecting any uptick in massive – uh – um - traffic in or out of the development at any particular time. And – uh - notably, other driveways in the area off of Chartan turn out directly onto Chartan Avenue, and given no – uh - no current disputes over traffic in the area at this time, we aren't anticipating any to arise gi - in the event that this – uh - that waiver is granted.

Um - and Blackhurst Elementary, located – uh - to the southeast of the site – um - would also not be ant - impacted with any – uh - increased traffic – uh - given the other accessible streets surrounding the property. Um - thank you, again, so much for your time and I'll be happy to answer any questions.

GIBSON

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

JONES

Thank you for your presentation, Miss Espinoza. Uh - my only – uh - question is with regards to all properties that are adjacent to the existing mas – uh - Mountains Edge Master – uh - Master Plan, I've – uh - requested or conditioned the approval upon – uh - the language that Miss Amundsen knows – uh - it's required design standards and – uh – a - and participation in the Master – uh - Association. So, are those conditions acceptable?

ESPINOZA

Yes, they are.

JONES

Okay. Great. Then I'll go ahead and move for approval of agenda Items Number 54, 55 and 56 subject to the – uh - updated plans and subject to the condition with regards to – um - incorporation into the Master - Mountains Edge Master Association.

GIBSON

There's a motion for approval of Items 54, 55 and 56 by Commissioner Jones. Any discussion? Please cast your votes.

MCCURDY II

Aye.

GIBSON

And the motion carries. Thank you very much, Miss Espinoza.

JONES

There you go, you're also batting 100%.

**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 conditions.

**CONDITIONS OF APPROVAL -**

**Current Planning**

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Annex into the Mountains Edge Homeowner's Association;
- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a 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;
- Crosswalk to be installed across Chartan Avenue parallel to Kane Springs Street.
- Applicant is advised that the installation of detached sidewalks will require the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way; and that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use 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 #0184-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**ITEM NO. 55 VS-22-0263-FUSCO ROMOLO RAMO FAMILY TRUST & FUSCO ELIZABETH:**  
VACATE AND ABANDON easements of interest to Clark County located between Buffalo Drive and Kane Springs Street (alignment), and between Chartan Avenue and Wolf Wood Court and a portion of a right-of-way being Buffalo Drive located between Chartan Avenue and Wolf Wood Court (alignment) within enterprise (description on file). JJ/al/jo (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.

**CONDITIONS OF APPROVAL -**

**Current Planning**

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

**Public Works - Development Review**

- 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. 56** TM-22-500089-FUSCO ROMOLO RAMO FAMILY TRUST & FUSCO ELIZABETH: TENTATIVE MAP consisting of 15 single family residential lots and common lots on 1.9 acres in an R-2 (Medium Density Residential) Zone. Generally located on the northeast corner of Buffalo Drive and Chartan Avenue within Enterprise. JJ/al/jo (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.

**CONDITIONS OF APPROVAL -**

**Current Planning**

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

**Public Works - Development Review**

- Drainage study and compliance;
- 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;
- Crosswalk to be installed across Chartan Avenue parallel to Kane Springs Street.
- Applicant is advised that the installation of detached sidewalks will require the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or

execute a License and Maintenance Agreement for non-standard improvements in the right-of-way; and that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approval.

Current Planning Division - Addressing

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

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email [sewerlocation@cleanwaterteam.com](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0184-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**ITEM NO. 57 ZC-22-0240-PY PROPERTIES, LLC & MTG LIVING TRUST:**

ZONE CHANGE to reclassify 5.7 acres from an R-E (Rural Estates Residential) Zone to an M-D (Designed Manufacturing) Zone. Generally located on the east side of Dean Martin Drive and the north side of Agate Avenue (alignment) within Enterprise (description on file). JJ/md/ja (For possible action):

AMUNDSEN

Commissioners, the next items are Items 57 through 60. I'm going to ask my district attorney, are we going to hear them all together?

ROBERT WARHOLA

Yes.

AMUNDSEN

Item 57, ZC-22-0240, zone change to reclassify 5.7 acres from a R-E (Rural Estates Residential) Zone to an M-D (Design Manufacturing) Zone. Generally located on the east side of Dean Martin Drive and the north side of Agate Avenue alignment within Enterprise.

Item 58, NZC-22-0229, zone change to reclassify 8.6 acres from an R-E (Rural Estates Residential) Zone to an R-2 (Medium Density Residential) Zone. Waivers of development standards of the following: increased wall height, waive full off-site improvements, curb, gutter, sidewalk, streetlights and partial paving, alternating landscaping along Dean Martin Drive, illuminate landscaping along - against the freeway. Design reviews for the following: single family residential, finished grade, generally located on the east side of Dean Martin Drive, approximately 215 feet south of Raven Avenue within Enterprise.

Item 59, VS-22-0233, vacate and abandon easements of interest at Clark County, located between Dean Martin Drive and the I-15 in between Raven Avenue and Vicki Avenue.

Item 60, TM-22-500079 tentative map consisting of 46 single family residential lots and common lots on 8.6 acres in an R-2 medium density residential zone.

GIBSON

Good morning, Mister Gronauer.

GRONAUER

Thank you, Mister Chairmans – uh - Mister Chairman and Commissioners. Good morning. Bob Gronauer, 1980 Festival Plaza Drive. Uh - in this matter I'm representing – uh - KB Home. Uh - this is one of these unique applications that – um - we have some neighbors that are here in support of the application itself – uh - but I am sure your district attorney – uh - Rob Warhola will be – uh - answering some questions with respect to this application. Just to give you a little bit of background. This is a, as I said, a unique application because we have two zone changes on the same agenda here on the property itself. The first item is for a conforming zone change to M-D – uh - which is part of a – uh – settlement – um – agreement – uh – through – uh - court action between the property owner and the County itself. Uh - and this is why the application's set up this way.

The next application, which is Item 58, is a non-conforming zone change for R-2 – uh - residential development, which Item 59 and 60 are – um - are along with the application, which is I - Item 58. Um - so, with that, giving you a little bit of context of getting into the application, I'll explain a little bit more. Uh - the red area here that you see where it says approve phase one – uh - a few months ago, I stood up here, I explained to you, and hopefully I can jog your memory, I mentioned to you at that point in time that KB Home was working with the neighbors who live in this area who are very active and – uh - for about two and a half years, they worked on multiple site plans, I believe it was, like, 20 something site plans – uh - before they came up with the - an agreement in phase one for a non-conforming zone change for an R-2 development that had a handful of waiver of development standards on that application.

And as I stood up here a few months ago, I told you that there is a potential deal for KB Home to come in, which now as I'm highlighting in here is phase two in this area for a potential deal where KB Home would have an extension of a non-conforming zone change application that's before you, because at that time a few months ago, the property owner, who was in litigation with the County, was also in negotiations with a potential settlement on this property here. And so, that's where we are today and the reason why we have a conforming zone change on the first item and then a non-conforming zone change that's right after that for the residential development.

The - my understanding is the deal is - is this - this will hopefully be resolved as soon as we could get the approvals we need and KB Home for the residential development and with resi - and if KB Home then closes on the property, that will remove the ugly litigation that's been going on for many, many years on this property. The neighbors in this

area has had many, many fights over the years on the zoning entitlements on the – uh - on the property as I'm – uh - pointing out in the yellow there. So, hopefully today, if we get the approval for the residential non-conforming zone change – um - we can then move forward to the next step, which then KB would be able to go ahead and their next step would be to close on the property and then, hopefully then that litigation is resolved and everybody's happy.

It's a win-win situation. Property owner sells a property – uh - my client comes in as developing the property and the neighbors in this area don't have to fight the fight anymore, and more importantly, they have helped establish a precedent for single family residential homes in this area. Uh - the one o - The other things I want to point out, and I've said this all along, as you know, it's easy for a neighbor to come down in opposition, to express opposition and show up at night at the Planning Commission, show up in the morning to the Board of County Commission, but it's more difficult for somebody who's in support of a project to show up in person.

Uh - I know the ladies and the gentleman that are here that will speak in support of the application. Miss Wilson, I didn't see her, has been a big advocate. They've been at Town Board hearings at night, they've been at Planning Commission meetings at night, neighborhood meetings at night, Board of County Commissioners in the daytime to ensure that this application can move forward for an approval. So, that being said – uh - the other parts of the application, the waiver of development standards, are similar to the same stuff that we got approved here with respect to the wall heights, the waiver of off sites. One of the key components on Dean Martin, the neighbors wanted us to not do the full improvements on Dean Martin today and have a bunch of (unintelligible) type of development on there.

Uh - so, as we did with the project in the red in phase one, we'll do our contributions and my understanding is at some point in time, that is all gonna be built out as one, that's part of the neighbors' wishes on Dean Martin. Uh - so, that's one of the things I wanted to make sure I clarify again 'cause I used the same – uh – sa - same story – uh - a few months ago when we got the phase one approved with those waiver of development standards. Um - so, there's a lot there. Um - we could go on and on and discuss everything, but I think I'm gonna end my presentation. I know there's neighbors here in support. I know the Board or the neighbors will have a – um – some - some questions.

I know one of the questions I could tee up is – uh – th - they're concerned that something could go wrong here with respect to the industrial getting approved for the site and industrial potential getting built here if KB

GRONAUER

Homes does not close on the property. So, I wanted to at least tee that up a little bit outside of me giving some form of counsel, I wanted to make sure that it's on the public record and the guy that knows it, Mister Warhola, and he could explain that way better than me and anybody in this room. Uh - but with that being said, I would ask you to approve our applications for the residential development for KB Home and we could then move forward with that as we submitted our plans.

GIBSON

All right. Thank you. This is a public hearing – uh - as to Items 57, 58, 59 and 60. I have cards from Pam Kaiser and Heidi McGee. Would you two come forward and – uh - gentleman, if you wish to testify also, you're invited.

TOMMY LOPRESTI

Morning, Commissioners. I did have a card in there, by the way. It must have got lost in the mix. Tommy Lopresti, 3285 West Serene Avenue. Um - unlike the previous gentleman that spoke, I'm not a law clerk. I'm - I'm a – uh - a bartender. But – uh - I live catty-corner from this project and it's been a - it's been a great two years working with KB and watching this development come unfold. I'm strictly here to voice hopefully most of the Dean Martin rural neighborhood preserve's opinion on – on – uh - requesting denial on Item 57, which is the - the zone change – uh - to - or the zone change to M-D for that - the area that – uh - Mister Gronauer was talking about.

Again, we've – uh - worked endlessly with KB. They've been phenomenal on the current phase one and all the requests that we asked for and we're looking forward to adding the f - additional 46 homes on phase two. So, by denying 57, I think – uh - 58, 59 and 60, if I'm not mistaken, will fall into place. Um - again, there was issues with - uh - There was talk about only industrial or commercial should be in this area because of the freeway, which I think we've squashed over time, especially with KB and again, as neighbors, we're looking forward to the sound buffer of the - of the houses they're gonna put along the 15 and like he mentioned before, setting precedent for this corridor for hopefully residential in the future. So, thank you for your time.

GIBSON

Thank you, sir.

HEIDI MCGEE

Heidi McGee, 3280 West Richmar Avenue. Good morning, Commissioners. We are - I am delighted to welcome KB Homes into our neighborhood. Oh, gosh. Oh, shoot. Um - this has been a long battle and four Commissioners later, please approve this project. Thank you so much.

PAM KAISER

Hi, my name is Pam Kaiser. 3485 Vicki Avenue. Um - and I wanna thank Commissioner Jones because this has been a very long haul for

KAISER him as well as us. I have some major concerns about the Item 57 because the way it reads, if KB Homes pulls out, then she gets M-D. But there's nothing that's been addressed about her pulling out, does she still get M-D? You know, this is - this is a very big concern. So – um - you guys are the only ones that can answer it if - if you read the settlement. Can you give any insight on that, Commissioner Jones?

GIBSON Maybe what we could do is ask our lawyer to -

KAISER Okay.

GIBSON - offer up his view. Why don't you do that now?

WARHOLA Okay. I'll just give you the history of the case real quick. About four years ago, the Board denied a zone change, an M-D zoning on this property and there was a lawsuit. The County prevailed in the lawsuit, so there was an appeal. Uh - it went - it was a mandatory Supreme Court settlement conference, and so we came up with this - this agreement. And the agreement is - is that there'll be two resolutions of atenna approved at the same time. If KB Homes goes forward with the purchase of the property within a two-and-a-half-year timeframe, then it'll be hard zoned residential, and the M-D resolution of intent will expire. On the other hand, if KB, it's at KB's option, according to the settlement agreement, if KB doesn't go through with the purchase for some reason, then it will be hard zoned M-D and the residential intent for the – uh - residential will expire.

Um - in the - And it's up to KB, they have two and a half years to go through this deal. So, th - the way the settlement agreement is written, s - it depends on whether or not s – uh - KB Homes goes forward with the project or not. Now – uh - assuming that th - KB doesn't go home – uh - doesn't go forward and it's – uh - hard zone MD, the a - the owner of the property will still have to come before the Board for a design review and then th - the Board will consider a design review for some kind of project in the M-D zoning district. But the way the settlement agreement is written is it depends on whether or not M-D - I mean, KB Homes goes forward or not wi - with the project.

So, and th - the Board approved the settlement agreement I think in January or of February this year. Now, i - if you don't a - You don't have to approve both. It's within your discretion. You don't have to approve both zone changes. You can approve one or the other. If you don't, then we just go forward with the – uh – the - the appeal. So, that's how it works.

GIBSON Miss Kaiser, do understand what the - what our lawyer just told us? Is



GIBSON that clear to you?

KAISER Not totally, because what I'm understanding, and, and, you know, I'm not a lawyer by any means, but what I'm understanding is that k - and I'm not worried about KB going forward. I will be honest. They've been very good with working with us and Commissioner Jones has too, but it's not specifying if she pulls out, is that gonna be hard zoned M-D? Because there - there doesn't seem to be any in the - which he just read to me, any repercussions for her if she pulls out of the agreement with m- with KB Homes. So -

GIBSON She obligated under the settlement agreement too.

WARHOLA Well, the settlement agreement says if KB fails to complete the purchase, that's the terms of the settlement agreement (unintelligible).

GIBSON So for any reason, whether it's -

WARHOLA Yeah, for whatever reason, if they fail to complete the purchase. Right.

KAISER But that doesn't mean her. Right? Am I correct on my assumption on that? That if she pulls out, there's no repercussions on her that it could go hard zone M-D?

WARHOLA Well, the way I - the way I interpret the agreement, the way it's written, my interpretation of it is KB has the option. If KB pulls out, then - uh - then it'd be hard zone M-D. If they don't go forward, then it's not.

GIBSON The settlement is, blows up if she pulls out, it, it sounds to me like the settlement goes away.

WARHOLA Right within that two-and-a-half-year period. There's a, there's a two-and-a-half-year period where if KB goes forward with the purchase, then it'll be hard zone R. If they don't, then - uh - if she pulls out for some reason, then it wouldn't be k - it would - it would not be KB Homes failing to go forward with the purchase of the property.

GIBSON Okay.

UNIDENTIFIED SPEAKER What (unintelligible)?

SEGERBLOM But if she pulls out, what would it be zoned to?

WARHOLA Well, then I guess we go back to square one. We go back to the RE unit.

UNIDENTIFIED SPEAKER That's the point.

GIBSON Well, so maybe it hinges upon what our colleague does today. So let, let's see if we can't address that. Do you have other concerns Miss Kaiser? We're gonna see if we can address the issue that you're raising.

KAISER To be honest with you, that's my only concern because both - I, like I said, Commissioner Jones and - and Gronauer here has been more than helpful for us. But when I read that, I was like, there's a loophole here. And it kind of worried me 'cause it's been a 15 year project here for us (laughs).

GIBSON All right.

KAISER So thank you.

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

JONES Um - thank you. Mister Gronauer, did you have a comment?

GRONAUER Yeah, I was just gonna mention is – uh - our understanding and talking with KB confirming again, we lead and control this deal. There is a contract with – uh – uh - the property owner. The property owner i - has a contract or is obligated with the legal document with the court to follow through with the sale of the property. So the only way is if KB does not close on the property, does this – uh - unwind itself. KB is - has obligated the - the close, where they have the approval from their corporate office. There is one last step that we need. Um - we meaning KB Home, which is a LOMAR. There is a flood – uh - flood zone going through there. So we've been working with your County staff and then we gotta deal with the federal – uh - part of this. So we are looking, it could be four months or eight months-ish in that range before we could officially close on the property, but the intent has always been the close on the property itself and it gets back to, we control, we KB Home, of whether or not to close on the deal.

JONES Thank you. Um - Mister Warhola, I just wanna make sure that it's clear for the record. If the owner of the property does not go forward, it breaches the settlement agreement. Then the resolution of intent on agenda Item Number 57 is terminates, and it is, goes back to the existing R-E zone.

WARHOLA Let's add that as a condition to Item 57, if it's approved.

JONES Okay. All right. Uh -

WARHOLA Wi - within the two-and-a-half-year period, 'cause they - there's a two-and-a-half-year period for KB Homes to close under the settlement agreement.

JONES Okay. I -

GIBSON So le - if co - Commissioner, it might not be a bad idea to explain that in a little more detail, just so Miss Kaiser understands.

JONES Sure. So – um – ju - I want to go back to one other concern though. Um – a - and this is for Mister Allswang. There - there was discussion of offsite improvements and I just wanna make sure that it's clear on the record that – uh - there'll be a contribution given that the neighborhood is not interested in – uh - full offsites at this time, that there'll be a contribution -

JASON ALLSWANG Yes.

JONES - for future development of Dean Martin.

ALLSWANG Correct. With the – if - with the waiver of offsites being approved, we have a condition for the contribution.

JONES Okay. All right. Um – uh - Miss Kaiser, did you wanna - d - do you have further questions if I have? Okay. All right, then I'm gonna go ahead and make a – uh - motion to approve agenda Items Number 57, 58, 59 and 60 with the additional condition with regards to – uh - contribution to offsite improvements. Uh - and with regards to agenda Item Number 57 – uh - the clarification that in the event that the current owner of the property – um - fails to – uh - abide by the settlement agreement and close within the two-and-a-half-year term that is stated in the settlement agreement, then the letter of intent terminates and returns to the existing R-E zoning.

WARHOLA Yeah, that's fine. Right.

(UNIDENTIFIED SPEAKER) That's good.

JONES Okay. All right. That's my motion.

(UNIDENTIFIED SPEAKER) [inaudible 00:55:50]. Those are good.

GIBSON So the resolution then would -

WARHOLA Yes, the resolution of intent, just to explain.

GIBSON Okay.

WARHOLA Uh - if the – uh - owner of the property in 57 – uh - does not act in good faith and – uh - pulls out of the agreement within this two-and-a-half-year period – uh - then the re - the resolution of intent on Number 57 will expire and it will not be hard zoned M-D.

GIBSON There's a motion on the floor by Commissioner Jones. Uh - any discussion on the motion? Please cast your votes.

JONES My screen wasn't working, so I'm gonna say aye.

MCCURDY II Aye.

GIBSON The motion carries.

GRONAUER Thank you Commissioners. I also want to thank the neighbors for working with us over the last co - two and a half years on this project itself. Thank you.

JONES Yes. I - I wanted to say, I know a – as - as you stated, four Commissioners – um – have - have been involved in this and – uh - I got in on the – uh - tail end of that. Uh - but it has been – uh – i - it's been a - it's been a journey and I appreciate all you guys working with KB Homes and I appreciate KB Homes, which I don't know if I would've had as much patience as KB Homes (laughs) has had on this, but I do appreciate it.

**ACTION:** It was moved by Commissioner Justin Jones and carried by unanimous vote that the applications for Item Nos. 57, 58, 59, and 60 be approved, subject to staff conditions.

#### CONDITIONS OF APPROVAL -

##### Current Planning

- Resolution of Intent to complete in 3 years;
- Design review as a public hearing on final plans;
- Resolution of Intent for M-D zoning shall automatically expire and the approval of this application shall be considered null and void in the event owner fails to act in good faith under the Settlement Agreement by acting or failing to act in a manner that prevents the sale of the property to KB Homes within 2.5 years of the approval of this application.
- Applicant is advised that a standard development agreement will be required with future development 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; the installation and use of cooling systems that consumptively use water will be prohibited; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed

for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

#### Public Works - Development Review

- Drainage study shall be required with future development as determined by Public Works - Development Review;
- Traffic study shall be required with future development as determined by Public Works - Development Review;
- Full off-site improvements shall be required with future development as determined by Public Works - Development Review.

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

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email [sewerlocation@cleanwaterteam.com](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0239-2018 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

#### **ITEM NO. 58** NZC-22-0229-PY PROPERTIES LLC & MTG LIVING TRUST:

ZONE CHANGE to reclassify 8.6 acres from an R-E (Rural Estates Residential) Zone to an R-2 (Medium Density Residential) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) increase wall height; 2) waive full off-site improvements (curb, gutter, sidewalk, streetlights, and partial paving); 3) alternative landscaping along Dean Martin Drive; and 4) eliminate landscaping against a freeway.

DESIGN REVIEWS for the following: 1) single family residential; and 2) finished grade. Generally located on the east side of Dean Martin Drive, approximately 215 feet south of Raven Avenue within Enterprise (description on file). JJ/jvm/jo (For possible action):

#### **ACTION:**

It was moved by Commissioner Justin Jones and carried by unanimous vote that the applications for Item Nos. 57, 58, 59, and 60 be approved.

#### CONDITIONS OF APPROVAL -

##### Current Planning

- Resolution of Intent to complete in 4 years;
- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a new application for a nonconforming zone boundary amendment may be required in the event the building program and/or conditions of the subject application are proposed to be modified in the future; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

#### Public Works - Development Review

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- Applicant to coordinate a contribution with Public Works for improvements on Dean Martin Drive.
- 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 this site is located within a Special Flood Hazard Area (SFHA) as designated by the Federal Emergency Management Agency (FEMA).

#### Department of Aviation

- Applicant is advised that issuing a stand-alone noise disclosure statement to the purchaser or renter of each residential unit in the proposed development and to forward the completed and recorded noise disclosure statements to the Department of Aviation's Noise Office is strongly encouraged; 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.

#### Southern Nevada Health District (SNHD) - Septic

- Applicant is advised that there are active septic permits on APN 177-20-104-012 and APN 177-20-104-013; to connect to municipal sewer and remove the septic systems in accordance with Section 17 of the SNHD Regulations Governing Individual Sewage Disposal Systems and Liquid Waste Management; and to submit documentation to SNHD showing that the systems have been properly removed.

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

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email [sewerlocation@cleanwaterteam.com](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0653-2019 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

#### **ITEM NO. 59 VS-22-0233-PY PROPERTIES LLC & MTG LIVING TRUST:**

VACATE AND ABANDON easements of interest to Clark County located between Dean Martin Drive and I-15 and between Raven Avenue and the Vicki Avenue (alignment) within Enterprise (description on file). JJ/jvm/jo (For possible action):

#### **ACTION:**

It was moved by Commissioner Justin Jones and carried by unanimous vote that the applications for Item Nos. 57, 58, 59, and 60 be approved.

#### **CONDITIONS OF APPROVAL -**

##### Current Planning

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

order of vacation in the Office of the County Recorder must be completed within 2 years of the approval date or the application will expire.

Public Works - Development Review

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

**ITEM NO. 60** TM-22-500079-PY PROPERTIES LLC & MTG LIVING TRUST:

TENTATIVE MAP consisting of 46 single family residential lots and common lots on 8.6 acres in an R2 (Medium Density Residential) Zone. Generally located on the east side of Dean Martin Drive approximately 215 feet south of Raven Avenue within Enterprise (description on file). JJ/jvm/jo (For possible action):

**ACTION:** It was moved by Commissioner Justin Jones and carried by unanimous vote that the applications for Item Nos. 57, 58, 59, and 60 be approved.

CONDITIONS OF APPROVAL -

Current Planning

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

Public Works - Development Review

- Drainage study and compliance;
- 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 to coordinate a contribution with Public Works for improvements on Dean Martin Drive.
- 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 this site is located within a Special Flood Hazard Area (SFHA) as designated by the Federal Emergency Management Agency (FEMA).

Current Planning Division - Addressing

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

Department of Aviation

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

available in the future should the residents wish to have their buildings purchased or soundproofed.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0653-2019 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**ITEM NO. 61 ZC-22-0272-COUNTY OF CLARK (AVIATION):**

ZONE CHANGE to reclassify 9.4 acres from an R-E (Rural Estates Residential) Zone to an R-2 (Medium Density Residential) Zone.

USE PERMITS for the following: 1) a detached residential planned unit development; and 2) reduce the building setback from project perimeters.

WAIVER OF DEVELOPMENT STANDARDS for street dedication.

DESIGN REVIEW for a proposed detached single family residential planned unit development. Generally located on the north side of Russell Road, 300 feet west of Tenaya Way within Spring Valley (description on file). MN/rk/jo (For possible action):

AMUNDSEN

Next are Items 61, 62 and 63. Item 61, ZC-22-0272 zone change to reclassify 9.4 acres from an R-E (Rural Estates Residential) Zone to an R-2 (Medium Density Residential) Zone. Use permits for the following: deta- a detached residential planned unit development, reduce the building setback from project perimeters, waiver of development standards for street dedication, design review for proposed detached single family residential plan unit development generally located on the north side of Russell Road 300 feet west of Tenaya, Tenaya Way within Spring Valley. Item 62 VS-22-273, vacate and abandon a portion of a right away being Russell Road located between Tenaya Way and Scottyboy Drive within Spring Valley. And Item 63, TM-22-500092 tentative map consisting of 80 single family residential lots and common lots on 9.4 acres.

GIBSON

G - good morning, Mister Celeste.

TONY CELESTE

Good morning, Mister Chairman and Commissioners. My name is Tony Celeste, address 1980 Festival Plaza Drive here on behalf of the applicant, the PulteGroup. Um - as you can see from the aerial, the h - site is highlighted in yellow. It is about 9.4 acres located – uh - on the north side of Russell in between Tenaya and Buffalo. You can see just west of it is its sister property there that was approved two weeks ago also just over nine acres and about 80 homes there. Um - these are both former – uh - County Aviation parcels that Pulte did win in the – uh - Aviation auction and bid. Um - we are coming in with a conforming zone change. Uh - the site is currently planned mid intensity neighborhood or suburban neighborhood. Uh - we are asking for an R-2 zoning with a special use permit to allow for a P-U-D. As you can see from the zoning map, we are surrounded by a sea of R-2. Additionally,



CELESTE

the approved site just two weeks ago was R-2 with the P-U-D. So we appreciate staff's recommendation – um - with respect to the zone change portion of it.

We do have a design review. We are asking to come in with 80 homes on the 9.4 acres. Again, this is Russell Road to the south here and Dewey is to the north. We have existing residents that front Dewey that are just to the north of us. We are having our residents homes align with those. Access to the site will be internal to, and then circulating through. This is a prior rendition of a site plan. Uh - there was comments with respect to concerns about the way – uh - the layout of the open space. Um - we have subsequently gone back to the drawing board and submitted a revised plan. I don't know if you can see both of them so we can - can just zoom out a little bit so you can see some of the changes that I'm gonna go through. You can see right now, we've still kept the lots fronting Dewey still coming in off this way, but you can see we've enlarged the open space central area here. Gets to about 72 feet at its maximum width to provide for a larger programmable open space.

We've also been able to add a little S-curve here, as you can see in the site plan. What that allowed us to do is withdraw – uh - Item Number 2. We did have a request to reduce the setback from 5 feet – uh - from 10 feet to 5 feet. Based on this minor change, we are now able to meet all the setbacks, so we would withdraw without prejudice Item Number 2. Um - I know there was some discussion with respect to – uh - providing - well, let me first show you. We are providing pedestrian access and connectivity to Russell Road. We can go ahead and add pedestrian gates there, as well as adding pedestrian gates internal to our open space to ensure that our residents use it. Also, there was some comments about security in the area. So with respect to addressing that, we can go ahead and add a view fence or wrought iron fence on the lots that touch the open space.

We do have companion items with respect to this – uh - one of 'em being the vacation abandonment. It is for five feet along Russell Road, so that we can provide detached sidewalks. And then finally, we do have a tentative map match - matching our site plan here. Uh - we do agree with all the conditions of approval. In particular, there was to limit the Western property line to two stories. Um - we do have a mixture of two and three story product, and we do agree that on the Western property line – uh - for two stories, which has already been incorporated, but I do wanna highlight that we agree with all those conditions, including that one. With that, I'm more than happy to answer any questions you may have.

GIBSON

Thank you, Mister Celeste. This is a public hearing as to Items 61, 62,

GIBSON and 63. Is there anyone who wishes – uh - to speak on this - these items? There being no one, the public hearing is closed. Commissioner Naft.

NAFT Thank you, Mister Chairman. Thank you Mister Celeste. Uh - I, no doubt this has come a long way. I - I think it certainly still doesn't meet all of the expectations of our Planning staff, but I think with a couple conditions at least gets me comfortable. Um - you mentioned, I think all of them, but just to summarize – uh - and this is really – uh - out of a conversation that I had with the Captain of the Area Command. And I believe that you all have had with – um - Metro as well. Um - because of that paseo there and the nature of it, no block walls on either side, that'll be all view fence only and you conditioned it that way?

CELESTE Agree, yeah. Yes. We agree to that condition.

NAFT Um - you mentioned the two pedestrian gates – uh - yep, there and there. Um - so those will be - have a pedestrian gate -

CELESTE Correct.

NAFT - access.

CELESTE That is correct.

NAFT And then I - I'm gonna - we had some conversation about pedestrian gates on either end of the paseo I'm gonna let ... I'm not gonna condition it that way, but I - I would ask that you check in again with Metro. I don't know that they have a s - strong position on it, but if you could just check in again with them, if they do follow their recommendation – um - but I'm not gonna condition it that way.

CELESTE Tha - absolutely, understood. We will.

NAFT And then I will condition because it. The intention is for it to be active, open space. Uh - we had discussed a tot lot with shade structure. Um – I - I would like to add that as a condition.

CELESTE Okay. Understood.

NAFT And I believe that's it, but if you could just put up the first map, 'cause I think it's relevant to ongoing conversations. The f - the first -

CELESTE Oh, the aerial yes.

NAFT - aerial you showed. I just want to point out here because of all the activity going on in the area while they're not - while they are

NAFT independent projects of each other, this visual just demonstrates perfectly with echo trails parked there on our left, the - the need in that area. We have a lot of rooftops going in. We just, after many, many years opened five acres of a 30-acre park. Uh - at a million dollars an acre for the County, it's - it will be four Commissioners from now, before we get the rest of that park built out.

CELESTE (laughs).

NAFT Um - so I just think this is very relevant to conversations we're having about high impact. Um - I know your client in this case has been very willing to have that conversation, but I - I thought it was valuable to put up this demonstration again. And with that out of the way, I'll move for approval of Items 61, 62, and 63 – uh - per plans presented on this date – um - and the conditions regarding the view fence – uh - pedestrian gates, and tot lot with shade structure.

GIBSON There's a motion for approval on these items. Any discussion on the motion, please cast your votes.

MCCURDY II Aye.

GIBSON The motion carries.

CELESTE Thank you.

GIBSON Thank you.

**ACTION:** It was moved by Commissioner Michael Naft that the applications for Item Nos. 61, 62, and 63 be approved, subject to staff conditions.

#### CONDITIONS OF APPROVAL -

##### Current Planning

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Per revised plans;
- Provide pedestrian gates on Russell Road;
- View fence on lots that are adjacent to open space;
- Tot lot with shade structures to be provided in the open space;
- 2 story single family residences only for lots along the west property line.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that the use permits, waiver of development standards, and design review must commence within 4 years of approval date or they will expire.

#### Public Works - Development Review

- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 30 feet for Dewey Drive.
- Applicant is advised that the installation of detached sidewalks will require the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way.

#### Department of Aviation

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

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

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email [sewerlocation@cleanwaterteam.com](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0159-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

USE PERMIT #2 WAS WITHDRAWN.

#### **ITEM NO. 62 VS-22-0273-COUNTY OF CLARK (AVIATION):**

VACATE AND ABANDON a portion of right-of-way being Russell Road located between Tenaya Way and Scottyboy Drive within Spring Valley (description on file). MN/rk/syp (For possible action):

#### **ACTION:**

It was moved by Commissioner Michael Naft and carried by unanimous vote that the applications for Item Nos. 61, 62, and 63 be approved.

#### CONDITIONS OF APPROVAL -

##### Current Planning

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

#### Public Works - Development Review

- Right-of-way dedication to include 30 feet for Dewey Drive;
- The installation of detached sidewalks will require the recordation of this vacation of excess right-of-way

together with a subdivision map granting necessary easements for utilities, pedestrian access, streetlights, and traffic control;

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

**ITEM NO. 63** TM-22-500092-COUNTY OF CLARK (AVIATION):

TENTATIVE MAP consisting of 80 single family residential lots and common lots on 9.4 acres in an R2 (Medium Density Residential) Zone. Generally located on the north side of Russell Road, 300 feet west of Tenaya Way within Spring Valley. MN/rk/jo (For possible action):

**ACTION:**

It was moved by Commissioner Michael Naft and carried by unanimous vote that the applications for Item Nos. 61, 62, and 63 be approved.

**CONDITIONS OF APPROVAL -**

**Current Planning**

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

**Public Works - Development Review**

- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 30 feet for Dewey Drive.
- 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.

**Current Planning Division - Addressing**

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

**Department of Aviation**

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

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

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0159-2022 to obtain your POC exhibit;

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

**ITEM NO. 64** ZC-22-0284-DEAN, JERRY & DEANNA FAMILY TRUST-SURVIVOR'S TRUST & DEAN, DEANNA S. TRS:

ZONE CHANGE to reclassify 1.2 acres from an R-E (Rural Estates Residential) Zone to an R-D (Suburban Estates Residential) Zone.

WAIVER OF DEVELOPMENT STANDARDS for modified driveway design.

DESIGN REVIEW for finished grade in conjunction with a single-family development in the CMA Design Overlay District. Generally located on the southeast corner of Diablo Drive and Mann Street within Spring Valley (description on file). MN/nr/jo (For possible action):

AMUNDSEN

Next are Items 64 and 65, which can be heard together. Item 64, ZC-22-0284. Zone change to reclassify 1.2 acres from an R-E (Real Estates Residential) Zone to an R-D (Suburban Estates Residential) Zone; waiver of development standards for modified driveway design, design review for finished grade in conjunction with the single-family development in the CMA Design Overlay District. Generally located on the Southeast corner of Diablo Drive and Mann Street within Spring Valley. Item 65 VS-22-0283, vacate and abandon easements of interest of Clark County located between Mann Street and El Camino Road in between Mesa Vista Avenue and Dewey Drive (alignment) within Spring Valley.

GIBSON

Good morning.

CLAYTON NEILSEN

Morning. Clayton Neilsen – uh - 6765 West Russell Road here – uh - representing the – uh - property owner.

GIBSON

Would you spell your last name?

NEILSEN

N-E-I-L-S-E-N.

GIBSON

Thank you.

NEILSEN

Okay. So anyhow, this is a, kind of a unique shaped parcel and - uh - the Dean family wanted to be able to give a piece of p - piece to each one of their children. So they looked at dividing this up into three lots. Uh - so in order to do that because of the acreage in that, we needed to rezone it to R-D. So - so we're here requesting that zone change. Um - there's other parcels in - in right here in this area too, that are R-D and as well, staff recommended approval on that item.

GIBSON

Okay. Does that complete your presentation?

NEILSEN

No. And then also too, then there was – uh - some waivers that came up, one of 'em being on their driveway. And that – uh - so what we did is we

NEILSEN

kind of took a look here and come up with two options where we could address that issue. 'Cause what ends up happening. You only have about 14 feet for each – each – uh - drive into the property for the - for each piece and which then required us to get a waiver of no - no setback on that. 'Cause - uh - per County standards, you have to have six feet each side of the property line for the driveway. So - so what we did was – was – uh - in regards to that issue – uh - we came up with this and we're just requesting that we can work with staff when we move on to the parcel map and the improvement plans. And I have two options here. This one's the first is with a hammerhead into the property to give 'em and that's what you see here. And then second one, we came up was - this with a kind of a cul-de-sac.

So we're confident both work, it's just working with staff. So we request that. And then the - the last item was a - a there was a design review for fill, which we don't have. It's just 'cause there's a draining ah- channel next to us. And so we have to, you know, raise our site to drain out to the street, not - not to - not to the drain, to the - to the – uh - channel. And then the last item is a – uh – vacation - that's the other item on here was the vacation of the drainage easement. There was a 40-foot drainage easement that was on the property prior to the County building this channel and it's no longer needed. So that's my presentation. I'm here for any questions or -

GIBSON

All right. Thank you.

NEILSEN

Yeah.

GIBSON

This is a public hearing on Items 64 and 65. Is there anyone here who wishes to speak on these items, please come forward. State your name, spell your last name.

OLGA LYLES

Morning Commissioners. My name is Olga Lyles, L-Y-L-E-S, 5491 Ukiah Circle. I am also a board member of - of the homeowner's association Hacienda Heights HOA. We are two cul-de-sacs: Ukiah Circle and Manteca Circle and Mann Street runs - divides our two cul-de-sacs. We are R-E zoned each on half acre lots. Um - at the Town Board meeting, we became aware that this proposal was three homes rezoning to R-D. Uh - if you look at this site, the opening to access the site is at a dead end of Mann Street and Diablo. Very small opening, and we were told - I'm not sure if that's the - I think that's - I have it straight, that – uh - these three homes would be accessed by one driveway.

It seems a little odd, a little unusual, but it is an unusual parcel. So that's our concern about the zone change. The biggest concern that we have is that corner is hazardous. Half of Diablo Street is paved from that dead

LYLES end all the way up to Mount Diablo. The other half is gravel. So in order for someone traveling east on Diablo, they would have to travel through the gravel in order to make a safe turn onto Mann Street there at that dead end, likewise on Mann Street going west making that turn a similar issue. We were advised that the County is probably going to approve the R-D zoning. So at this point, our biggest concern is if that gets approved, that that street gets paved completely. So it's a full street, not half a street. Thank you.

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

NAFT Thank you, Mister Chair. Um - I would agree with the sentiment that this is one of the more bizarre designs I've seen and I'm not really sure I've understood it to this point the justification for it other than I understand it's an unusually shaped parcel, but perhaps – uh - Public Works can opine a little bit from their professional opinion on why.

ALLSWANG Yeah, so we haven't seen these, the two new plans. So I - I really can't comment on those, but – uh - with the original proposal, it would've essentially been – um - you know, three driveways with potentially a wall between them to differentiate – uh - whose driveway was whose – um - or it would've just been a huge driveway, just a sea of concrete. Um - so we - we do suggest that they come up with something different where they can have an internal street to access. Uh - I just don't know if - if these two designs are gonna work.

NAFT And I - Mister Nielsen I - I agree. Um - I don't see how I could support this as it is today. Um - you were right about the - the zoning piece is one thing, but – um – I - I don't see the justification to approve either of these two items at this point. So I - I don't know if you have anything to clear any of that up. It's also highly unusual that you just referenced a couple plans that we've never seen. I've never seen any of this. Um - so I, for those reasons, I'm not inclined to approve anything today.

NEILSEN Okay.

NAFT I - is there anything you wanna -

NEILSEN No, I just, we came up with these designs based on the driveway issue -

NAFT Okay.

NEILSEN - which - which was recommended for denial. You know, so I just put 'em together and just wanted the opportunity to work with staff to resolve that issue.



NAFT So - so what I'll suggest in that case is I'm gonna deny both applications, but I'll deny them without prejudice and encourage you if you wanna come back and work with my office and then we can work together with staff to s - have something -

NEILSEN Sure, sure.

NAFT Uh - okay. Uh - my motion is the denial of Items 64 and 65 without prejudice.

GIBSON There's a motion for denial by Commissioner Naft -

NAFT (unintelligible), sorry.

GIBSON - without prejudice. Correct?

NAFT Correct.

GIBSON As to Item 64 and 65. Any discussion on the motion? Please cast your votes.

MCCURDY II Aye.

GIBSON And the motion carries.

NAFT Mister Neilsen, if you just wanna introduce yourself to – uh - Miss Hesser over there.

NEILSEN Yep.

NAFT Thank you.

**ACTION:** It was moved by Commissioner Michael Naft that the applications for Item Nos. 64 and 65 be denied without prejudice.

**ITEM NO. 65** VS-22-0283-DEAN, JERRY & DEANNA FAMILY TRUST-SURVIVOR'S TRUST & DEAN, DEANNA S. TRS:

VACATE AND ABANDON easements of interest to Clark County located between Mann Street and El Camino Road and between Mesa Vista Avenue and Dewey Drive (alignment) within Spring Valley (description on file). MN/nr/jo (For possible action):

**ACTION:** It was moved by Commissioner Michael Naft that the applications for Item Nos. 64 and 65 be denied without prejudice.

**ITEM NO. 66** NZC-22-0060-CHURCH ROMAN CATHOLIC LAS VEGAS:

ZONE CHANGES for the following: 1) reclassify 3.9 acres from an R-1 (Single Family Residential) Zone and a U-V (Urban Village - Mixed Use) Zone to an R-4 (Multiple Family Residential – High Density) Zone; and 2) reclassify 1.4 acres from a U-V (Urban Village - Mixed Use) Zone to a C-2 (General Commercial) Zone.

USE PERMITS for the following: 1) reduce the setback for a convenience store from a residential use; and 2) reduce the setback for a gasoline station from a residential use.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) increase building height; 2) eliminate landscaping; and 3) alternative driveway geometrics.

DESIGN REVIEWS for the following: 1) multiple family residential development; 2) convenience store with gasoline station; 3) alternative parking lot landscaping; and 4) finished grade. Generally located on the west side of Eastern Avenue, the south side of Rochelle Avenue, and the east side of Channel 10 Drive within Paradise (description on file). TS/jt/jo (For possible action):

AMUNDSEN

Next is Item 66, NZC-22-0060 zone change for the following: reclassify 3.9 acres from an R-1 (Single Family Residential) Zone and a U-V (Urban Village - Mixed Use) Zone to an R-4 (Multiple Family Residential - High Density) Zone; and to reclassify 1.4 acres from a U-V (Urban Village - Mixed Use) Zone to a C-2 (General Commercial) Zone. Use permits for the following: reduce the setback for a convenience store with a residential use, reduce the setback for a gasoline station from a residential use. Waiver of development standards for the following: increase building height, eliminate landscaping, alternative driveway geometrics. Design reviews for the following: multiple family residential development, convenience store with gas station, alternative parking lot landscaping, finished grade. Generally located on the west side of Eastern Avenue, the south side of Rochelle Avenue and the east side of Channel 10 Drive within Paradise.

GIBSON

Good morning.

LUCY STEWART

Good morning. Lucy Stewart, S-T-E-W-A-R-T 1930 Village Center Circle, and with me is Mister Stan Wasserkrug – um - who's the - the developer - on the site. And we do appreciate staff's recommendation for approval on the multifamily portion, and I think the only question is the - the convenience store. And this is sort of an interesting intersection and the fact that this is at Flami - or it's just south of Flamingo and Eastern, and there's not a gas station at that intersection. And in fact, when you look at - I did a little Google map search, and it looks like the nearest one is like a mile and a half away. Um - there's an awful lot of multifamily along Rochelle that don't have access to convenience store or gas pumps – um - and that's sort of critical to this development. Um - this is sort of a - an application that's a long time in the making. We applied two years ago, and then COVID came.

We initially had shown commercial on this entire parcel, but as you know, with com - with COVID, then offices, people aren't working in

STEWART office buildings anymore. They're really working from home. Um - and so we went back to the drawing board and came back with multifamily and the convenience store. The convenience store's always been shown at the corner. So – um - we did have two neighborhood meetings, one for the commercial development. That was actually – um - a virtual one because it was in the middle of COVID. And then we had one – um - at the library last year, which was well attended, and it seemed like the neighbors just really want something built on this site. They're - they're happy to have it. They wanna be able to walk their dogs and we're gonna build sidewalks and we agreed to build some waste stations for them so they can put their pet waste. Um - so with that, we're happy to answer any questions that you have.

GIBSON Thank you. This is as to Item 66, this is the public hearing. Is there anyone here who wishes to speak on this item? There being no one, the public hearing is closed. Uh - Commissioner Segerblom.

TICK SEGERBLOM Thank you, Mister Chairman. Um - I too – um - a- agree with staff as far as I hate to have a gas station next to all this residential, but I also want to fill in the property. So – um - is it po - is it - if they - we approve this, can they build the gas station then turn around and not build the apartments or are they gonna have to do it all at one time?

AMUNDSEN If it's approved, then it would - they could build whichever one was approved. Eventually the approval of let's say the apartments, if it was never built, would expire, but you can require that something comes before the other.

GIBSON All right.

SEGERBLOM Could we ask that or at least to simultaneously, so I don't - I don't want to end up with a gas station and then more vacant land, 'cause I really would li - like the apartments.

STAN WASSERKRUG Uh - Stan Wasserkrug group 11145 South Eastern Avenue, Henderson, Nevada. Uh - to make it - uh - we don't have any problem with the condition that one can't be built without the other. The intent is that the apartments essentially are gonna come first because all of the site improvement work that benefits the hard corner for the C store is going to be done with the apartment. So it's, that has to be built first, essentially, then the – uh - C store second.

SEGERBLOM S - so can we condition that?

AMUNDSEN Um - I see my district attorney.

SEGERBLOM (laughs).

WARHOLA Yeah. We could tie it to a Certificate of Occupancy for the apartments, if - if that's -

SEGERBLOM Is that - is that acceptable?

WASSERKRUG Um - a Certificate of Occupants for the - the apartments, assuming that the C store doesn't get built?

SEGERBLOM Just – just - I wanted to make sure the apartments are built before or make sure that - that you don't just build the gas station and leave the - and not do the apartments 'cause we need the apartments. The gas station, I'm not so sure about.

AMUNDSEN So if the – um - how about we tie - we - the condition read that the permit for the construction of the C store will not be issued until co-construction of the apartment complex has commenced.

WASSERKRUG Yes.

SEGERBLOM Is that - is that acceptable?

WASSERKRUG I - I agree with that.

SEGERBLOM All right, great. With that – uh - I would move for approval.

GIBSON All right. There's a motion for approval. Sir, would you spell your last name for our clerk?

WASSERKRUG W-A-S-S-E-R-K-R-U-G.

GIBSON Thank you.

WASSERKRUG Mm-hmm.

GIBSON There's a motion for approval, and – um - you understand the negotiation that happened here?

STEWART Absolutely.

GIBSON All right. Um - any discussion on the motion? There being none, please cast your votes.

MCCURDY II Aye.

GIBSON And the motion carries. Thank you very much.

STEWART Thank you very much.

WASSERKRUG Thank you very much.

SEGERBLOM Thank you so much.

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

#### CONDITIONS OF APPROVAL -

##### Current Planning

- Resolution of Intent to complete in 3 years;
- Permit for the commercial component of this application will not be issued until vertical construction of the residential portion has commenced;
- Record cross access agreement with APN 162-23-604-009;
- 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 new application for a nonconforming zone boundary amendment may be required in the event the building program and/or conditions of the subject application are proposed to be modified in the future; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

##### Public Works - Development Review

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- Reconstruct unused driveways with full off-site improvements;
- Install "No Parking" signs on all street frontages;
- Extend the median on Eastern Avenue south to a point that is 50 feet south of the point of curve on the south side of the driveway, or as otherwise required by Public Works - Development Review.
- Applicant is advised that off-site improvement permits may be required; that driveways must be located in areas where there will be no conflicts with sight visibility zones; and that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

##### Department of Aviation

- Applicant is advised that issuing a stand-alone noise disclosure statement to the purchaser or renter of each residential unit in the proposed development and to forward the completed and recorded noise disclosure statements to the Department of Aviation's Noise Office is strongly encouraged; that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development

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

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0074-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require a new POC analysis.

**ITEM NO. 67 NZC-22-0121-DOGWOOD HICKORY, LLC:**

ZONE CHANGE to reclassify 9.6 acres from an R-E (Rural Estates Residential) Zone to an R-D (Suburban Estates Residential) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) reduce landscaping; 2) increase wall height; 3) allow nonstandard improvements in the right-of-way; 4) waive street dedication; and 5) waive off-site improvements (curb, gutter, sidewalk, streetlights, and partial paving).

DESIGN REVIEWS for the following: 1) single family residential development; 2) allow hammerhead turnarounds; and 3) finished grade. Generally located on the southeast corner of Cactus Avenue and Quarterhorse Lane within Enterprise (description on file). JJ/jt/jo (For possible action):

AMUNDSEN

Next is Item 67 NZC-22-0121 zone change to reclassify 9.6 acres from an R-E (Rural Estates Residential) Zone to an R-D (Suburban Estates Residential) Zone. Waivers of development standards for the following: reduced landscaping, increased wall height, allow non-standard improvements in the right of way, waive street dedication, waive offsite improvements (curb, gutter, sidewalk, streetlights and partial paving). Design reviews for the following: single family residential development, allow hammerhead turnarounds, finished grade. This is all generally located on the southeast corner of Cactus Avenue and Quarterhorse Lane within Enterprise.

GIBSON

Good morning.

STEPHANIE ALLEN

Good morning, Mister Chairman, Commissioners. Stephanie Allen, 1980 Festival Plaza Drive here on behalf of the applicant and the property owners for – um - these two pieces of property. They are on the south side of Cactus – um - west of El Capitan. To the north of this is Mountain's Edge and to the south is – um - mostly open lands and BLM property with some individually owned properties, but you can see everything to the north is already zoned R-2 and everything to the south is – um – R-E. This particular parcel you can see in the staff backup has a lot of history of developers trying to come and do something with this land that unfortunately have been unsuccessful. Um - the neighbors in this area feel very strongly about keeping everything south of Cactus rural. And so – um - what we did is on behalf of the property owners, instead of an actual developer, is decided to work with those residents directly to see if we could come up with something before bringing a developer on board that they could live with, and that would be

compatible and - and appropriate for the area.

And that's what we did. So we've been working on this for probably about 18 months. Um - we've met with the neighbors a couple of times, a couple of Zoom meetings during COVID, a - a breakfast meeting. Laurel Grantham has worked very closely with us, and I understand she's at work this morning, but I know she's watching the hearing. Um - and I think we've come up with a plan that is – um - as close to and hopefully meets – um - most, if not all of their requests that they had with respect to this property. What we have before you is a nonconforming zone change to R-D. Um - so all of these lots are 10,000 square foot lots minimum, they're all one story homes. Um - it was important to the neighborhood that on quarter horse that this remained rural. So we have asked for a waiver to allow rural standards on Quarterhorse. That's the one waiver that is not supported by staff, but we have worked closely with Jason on – um - what that would look like. And we appreciate them working with us.

Um - overall staff, Town Board, and the Planning Commission have all unanimously approved this application. Um - again, we very much appreciate the neighbors working with us. The last request that they had was with respect to, as I mentioned, the equestrian trail on - on Quarterhorse. Um - Laurel provided this exhibit at the Planning Commission meeting, where they were requesting some type of barrier on the west side of the equestrian trail. This is an exhibit I believe, outta San Diego. So it's just for illustration purposes, but this was what she presented at Planning Commission and I told her I would - I would show it today. We have talked to Public Works and – um - we are willing to do some kind of landscape barrier on the west side instead of a fence because it would be in the right-of-way.

Um - so I did draft and send over a condition that states: work with Public Works on a landscape barrier on the west side of the equestrian trail on Quarterhorse. And the reason for that request of the neighbors was because there is a charter school I understand – um - located here that parks on this property. They're really trying to deter people from parking on Quarterhorse and they're hoping if we put a landscape barrier on that west side of the equestrian trail that may deter folks from - from parking on - on Quarterhorse.

Um - the other condition that I didn't see that we would like to add is single story homes only. Um - we've explained to the residents that this is a map that runs with the nonconforming zone change, so nothing can change with respect to this layout when a developer does come on board. So I wanna make sure that the condition that it be single story homes is included as well as that added condition that I just read in with respect to

ALLEN the barrier on Quarterhorse. Um - so with that said, I'm happy to answer any questions. We very much appreciate the neighbors working with us for this 18 month timeframe. I'm happy that we're at this point. Um - and again, I appreciate your staff and – um - all the - the Town Board and Planning Commission's recommendation of approval. And we'd ask that you follow them.

GIBSON Thank you. This is a public hearing on Item 67, which is now open. Is there anyone here who wishes to speak on this item? There being no one, the public hearing is closed. Commissioner Jones.

JONES And thank you, Mister Chair and thank you Miss Allen, not only for your presentation, but for the 18 months plus that you have personally worked on this with the neighbors over there. I think this is - there have been two or three different developments that have been proposed here before that were – um - adamantly opposed by the neighbors to the west. And I think it was – uh – w - well thought out by the owner of the land to go this direction. So – um – I - I would accept the conditions or - or impose the conditions with regards to single story homes. Um - and the condition that you've worked out with – uh - Public Works with regards to landscape buffer to the west of the equestrian trail along Quarter Horse Lane. Um - and just wanna make sure it's very clear on the record. I know there are people listening – um - that if there is any deviation from this site plan, that they would have to go through the process again.

ALLEN Correct.

JONES Understood?

ALLEN Yes.

JONES All right. Well with that, then I will – uh - move for approval of agenda Item Number 67 – uh - with the conditions that have been stated here today.

GIBSON There's a motion for approval by Commissioner Jones on Item Number 67. Any discussion on that motion? Please cast your votes.

MCCURDY II Aye.

GIBSON The motion carries. Thank you.

ALLEN Thank you very much. Appreciate it.

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



**VOTING AYE:**

Jim Gibson, Justin Jones, Michael Naft, Marilyn Kirkpatrick, Ross Miller, and William McCurdy II

**VOTING NAY:**

None

**ABSENT:**

Tick Segerblom

**ABSTAIN:**

None

**CONDITIONS OF APPROVAL -**

**Current Planning**

- Resolution of Intent to complete in 3 years;
- Single story homes only;
- Design review as a public hearing for any deviation from approved site plans;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection;
- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a new application for a nonconforming zone boundary amendment may be required in the event the building program and/or conditions of the subject application are proposed to be modified in the future; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; 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**

- Coordinate with Public Works on a landscape barrier on the west side of the equestrian trail along Quarterhorse Lane;
- Install "No Parking" signs on Quarterhorse Lane;
- 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;
- Execute a License and Maintenance Agreement for any non-standard improvements within the right-of-way;
- Right-of-way dedication to include 50 feet for Cactus Avenue and associated spandrel;
- Execute a Restrictive Covenant Agreement (deed restrictions);
- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Cactus Avenue improvement project;
- Off-sites on Cactus Avenue to be installed in accordance with the approved plans for the Cactus Avenue improvement project;
- Applicant to coordinate a contribution with Public Works for improvements on Cactus Avenue;
- Vacate any unnecessary rights-of-way and/or easements;
- 30 days to submit a Separate Document to the Map Team for the required right-of-way dedications and any corresponding easements for any collector street or larger;
- 90 days to record required right-of-way dedications and any corresponding easements for any collector street or larger.

- 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 a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0007-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**ITEM NO. 68 NZC-22-0149-DAF HOLDING, LLC:**

HOLDOVER ZONE CHANGE to reclassify 3.3 acres from an R-3 (Multiple Family Residential) Zone to an R-5 (Apartment Residential) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) reduce parking; 2) alternative street landscaping; 3) reduce throat depth; and 4) allow non-standard improvements within the right-of-way.

DESIGN REVIEWS for the following: 1) multiple family development; and 2) alternative parking lot landscaping on 3.5 acres in an R-5 (Apartment Residential) Zone and H-1 (Limited Resort and Apartment) P-C (Planned Community Overlay District) Zone. Generally located on the east side of Southern Highlands Parkway, 645 feet north of Bruner Avenue (alignment) within Enterprise (description on file). JJ/md/jo (For possible action):

**ACTION:** Deleted from the agenda (held to July 20, 2022 per the applicant).

**ITEM NO. 69 NZC-22-0200-HUALAPAI 215 APTS LLC:**

ZONE CHANGE to reclassify 2.6 acres from a C-2 (General Commercial) Zone to an R-5 (Apartment Residential) Zone.

USE PERMIT for a senior housing project.

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

DESIGN REVIEWS for the following: 1) senior housing project with associated structures and uses; and 2) alternative parking lot landscaping. Generally located on the north side of Milagro Court, 260 feet east of Hualapai Way within Spring Valley (description on file). JJ/rk/jo (For possible action):

**AMUNDSEN**

Next are Items 69 and 70, which can be heard together. Item 69, NZC-22-0200 zone change to reclassify 2.6 acres from a C-2 (General Commercial) Zone to an R-5 (Apartment Residential) Zone; use permit for senior housing project; waivers of development standards for the following: increased building height, reduced setback, modified wall requirements, modified driveway design standards; design reviews for the following: senior housing project with associated structures and uses, alternative parking lot landscaping. Generally located on the north side of Milagro Court, 260 feet east of Hualapai Way within Spring Valley. Item 70 VS-22-0201 vacate and abandon easements of interest to Clark County located between Milagro Court and s - Clark County 215 and

AMUNDSEN

between Hualapai Way and Eula Street (alignment) within Spring Valley.

GIBSON

Mister Celeste.

CELESTE

Good morning again – uh - Mister Chairman and Commissioners. My name is Tony Celeste, address 1980 Festival Plaza Drive here on behalf of the applicant Ovation Development. First, as you can see from our overhead, this site is about 2.6 acres. We are on the south side of the 215 east of Hualapai. Flamingo is to the south. This is the Albertsons Shopping Center directly to the south of us. We are at the end of the cul-de-sac here. We basically have two portions of this application before you, the first being our nonconforming zone change – uh - and then the second being the design review. So first let me get into the zone change application. You can see the site – um - and surrounding area is master planned commercial, and it is also zoned – uh – C-2. We are asking to go from C-2 to R-5 zoning. Um - as you can see, there are some multi-family developments in the area, including R-3 across - across the freeway there. We are located along 215 and Flamingo and near an intense commercial center.

Um - so a - asking for a multi-f - asking for a multi-family zoning or R-5, we do think it's compatible. Um - in fact, I believe the staff report – uh - says it best with respect to our zone change. They say the proposed scale intensity and location of this project should not have any adverse effects on the adjacent properties. The density is consistent with the nearby R-4, R-5 and U zone projects to the south of Flamingo Road. This project satisfy - satisfies countywide policies and goals. Um - so I think with that – uh - we, you know, we've demonstrated that the zone change to R-5 for this area is appropriate, and we appreciate staff's positive feedback on that.

Uh - the second component of this, as I mentioned, is our design review. We are requesting – um - a senior multifamily development. It is 125 units. Again, this is the cul-de-sac, Albertsons would be just to the south of us, 215th and north Hualapai over here. We had a waiver of - of development standards with respect to the throat depth – uh - which it - our initial plan was at about 28 feet. We also had comments from Public Works' concern with respect to the driveway location. Um - the driveway location is difficult for us because in order to put it more in the middle as well as comply with the throat depth would essentially eat up most of the property and make - make the site e - essentially undevelopable. So what we've done is work on our throat depth at the current location of access. You can see right here, might be hard to read, but can see initially we had about a 28-foot throat depth. We've increased it to about 48 feet.

CELESTE

What we've done is remove three parking spaces at this entryway to open up this side and replace them. We had landscaping over here, replace those parking spaces over here so that we can still comply with the parking requirements. Um - so with that, I know it does not address everything from Public Works, but we do think that is an added benefit and makes the site more maneuverable with the increase in throat depth there.

We do have – uh - use permits for, or I - I guess, a waiver to increase the building height. We are at about 70 feet in height – uh – f - where 50 is allowed in the R-5 zoning district. You can see this as an interior product, corridor product – um - for Ovation. Uh - can see high end – uh - architectural amenities and features here. Uh - essentially the floor plates highest point is about 56 feet. So only about six feet difference from, with a 50-foot height. The rest is really just architectural enhancements. Um - the heights are – uh - pretty consistent with the area – um - and we do sit quite a bit above the 215, so I don't think there's gonna be a lot of visual impairment there. We – uh - do come forward with you with full support from the Town Board and Planning Commission. We agree to all the conditions – um - and I'm more than happy to answer any questions you may have.

GIBSON

Thank you. This is a public hearing – uh - on Items 69 and 70. Is there anyone here who wishes to speak on these Items? There being no one, the public hearing is closed – uh - Commissioner Jones.

JONES

Thank you, Mister – uh - Chair. And thank you, Mister Celeste for your presentation and - and working with Public Works to address their concerns as much as possible. I know it's still not perfect, but – um - I think that is as good as possible in order to allow the project to move forward. We're desperately in need of senior housing here in Southern Nevada, and I think this will continue to provide – um - more options for - for seniors. And so with that - I'll go ahead and move for approval of agenda Items Number 60 n – uh - agenda Item Number 69 and 70 – uh - subject to the plans presented. Um - yeah.

GIBSON

There's a motion for approval of Items 69 and 70. Any discussion on the motion? Please cast your votes.

MCCURDY II

Aye.

GIBSON

The motion carries. Thank you, Mister Celeste.

CELESTE

Thank you.

**ACTION:**

It was moved by Commissioner Justin Jones that the applications for

Item Nos. 69 and 70 be approved, subject to staff conditions.

**VOTING AYE:**

Jim Gibson, Justin Jones, Michael Naft, Marilyn Kirkpatrick, Ross Miller, and William McCurdy II

**VOTING NAY:**

None

**ABSENT:**

Tick Segerblom

**ABSTAIN:**

None

**CONDITIONS OF APPROVAL -**

**Current Planning**

- Resolution of Intent to complete in 3 years;
- Per revised plans.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a new application for a nonconforming zone boundary amendment may be required in the event the building program and/or conditions of the subject application are proposed to be modified in the future; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; 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;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 30 feet and a portion of the cul-de-sac for Milagro Court.

**Fire Prevention Bureau**

- Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features;
- All proposed single family residential submittals will comply with Code requirements for residential streets;
- Per 503.2.1.1 (parallel parking permitted on both sides) where parallel parking is permitted on both sides of the fire apparatus access road, the minimum clear width of the fire apparatus road shall be 36 feet (10,972 mm), measuring 37 feet (11,277 mm) from back of curb to back of curb for L-curbs, 38 feet (11,852 mm) from back of curb to back of curb for R-curbs, and 39 feet (11,887 mm) from back of curb to back of curb for roll curbs;
- The prohibition of parallel parking on both sides for the purpose of narrowing the roadway width is not permitted for fire apparatus roads serving 1 and 2 family dwellings.

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

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email [sewerlocation@cleanwaterteam.com](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0019-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**ITEM NO. 70 VS-22-0201-HUALAPAI 215 APTS LLC:**

VACATE AND ABANDON easements of interest to Clark County located between Milagro Court and CC

215, and between Hualapai Way and Eula Street (alignment) within Spring Valley (description on file).  
JJ/rk/jo (For possible action):

**ACTION:** It was moved by Commissioner Justin Jones that the applications for Item Nos. 69 and 70 be approved, subject to staff conditions.

**VOTING AYE:** Jim Gibson, Justin Jones, Michael Naft, Marilyn Kirkpatrick, Ross Miller, and William McCurdy II

**VOTING NAY:** None

**ABSENT:** Tick Segerblom

**ABSTAIN:** None

#### CONDITIONS OF APPROVAL -

##### Current Planning

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

##### Public Works - Development Review

- Right-of-way dedication to include 30 feet and a portion of cul-de-sac for Milagro Court;
- 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;
- All proposed single family residential submittals will comply with Code requirements for residential streets;
- Per 503.2.1.1 (parallel parking permitted on both sides) where parallel parking is permitted on both sides of the fire apparatus access road, the minimum clear width of the fire apparatus road shall be 36 feet (10,972 mm), measuring 37 feet (11,277 mm) from back of curb to back of curb for L-curbs, 38 feet (11,852 mm) from back of curb to back of curb for R-curbs, and 39 feet (11,887 mm) from back of curb to back of curb for roll curbs;
- The prohibition of parallel parking on both sides for the purpose of narrowing the roadway width is not permitted for fire apparatus roads serving 1 and 2 family dwellings.

**ITEM NO. 71** ORD-22-900357: Conduct a public hearing on an ordinance to amend Title 30 to modify the definition of High Impact Project, revise detached sidewalk regulations, make corrections and clarifications as appropriate, and direct staff accordingly. (For possible action):

AMUNDSEN

Next is Item 71, an ordinance for public hearing. Ordinance 22-900357

AMUNDSEN

is a recommendation that you conduct a public hearing on an ordinance to amend Title 30, to modify the definition of high impact project revised detached sidewalk regulations, make corrections and clarifications as appropriate, and direct staff accordingly. Commissioners, at this point - at this time, we'd like to delete section one, which is the reference - reference to the high impact projects. We're gonna step back and - um - have further discussions on that.

Um - in addition, we'd like to add the following sentence to the end of section eight of the ordinance: "Additionally, an owner or applicant who has an active application pre-review with the County on or before the effective date of this ordinance shall be exempt from this ordinance, if the project is diligently pursued." So that means if someone has submitted something that does not have - um - detached sidewalks on a 60 foot right-of-way, but it's working its way through the process, we're not gonna penalize them with the change in code. So - um - again, for summary, this ordinance is now just related to the - to the - um - requirement for detached sidewalks on the 60 foot right of ways. And with that -

GIBSON

All right. Co - Commissioner Naft.

NAFT

Thank you, Mister Chairman. Uh - th - this was summarized very well. Um - but I just wanna be perfectly clear. Well, my hope is that we'll move forward the item on the detached sidewalks. This is not - um - should not be seen in any way that the other two items, both the high impact and the affordability issue are going away. As far as I'm concerned, I want to bring them back on the July 20th meeting for hopefully some more concrete steps. Uh - but I'm acknowledging that this is a - a fairly significant change, particularly the affordability piece. I think the high impact piece is probably not as significant as - um - it might be perceived, but I - I wanna be able to afford everybody the opportunity to fully flush out their concerns and - and more importantly than that, get their questions answered.

So I will continue. I've met with few dozen people in the last two weeks on this. Open invitation. Anybody who is concerned or wants to be involved in the development of this ordinance - um - reach out and I'll do the same. Um - but Commissioners, it's my intention to bring those two items back in a month's time and ask for the support - uh - to - uh - to amend the ordinance to reflect the same rules that are on 80 plus arterials on 60 plus arterials.

GIBSON

And the - I - I think that we're all - well, I don't know about everyone else, but I think some of us are also getting calls and - um - a further discussion I think is warranted, but w - it has to be understood that we

GIBSON need the - the clarity that we're striving for here. And – uh - a couple of weeks isn't gonna kill us, but we need people to understand that these are issues that are serious. Uh - they'll continue to be even more serious over time. Um - so the m - motion that would - are you then making a motion?

NAFT Yeah, my motion would be – uh - that we approve the recommendation read into the record that – um - 60 foot arterials are required to have a detached sidewalk – um - and that it will be reflective of those applications that are not currently in pre-review status.

AMUNDSEN So it – it - it's the 60 foot locals, but what I would recommend that – um - the Board, the discussion be related to the - what I - what I re - took away -

NAFT Mm-hmm.

AMUNDSEN - section one for the public hearing – um - section one is going to be eliminated and we're going to add the caveat that if somebody has something in the system, s -

GIBSON All right. Then w - I'll open the public hearing. Uh - is there anyone who wishes to comment on this item? You've actually heard it all now. The public hearing is closed. There's a motion on the floor. Please cast your votes.

MCCURDY II Aye.

GIBSON Motion carries.

**ACTION:** It was moved by Commissioner Justin Jones that the ordinance (No. 4965) be adopted, with the following vote:

<b>VOTING AYE:</b>	Jim Gibson, Justin Jones, Michael Naft, Marilyn Kirkpatrick, Ross Miller, and William McCurdy II
<b>VOTING NAY:</b>	None
<b>ABSENT:</b>	Tick Segerblom
<b>ABSTAIN:</b>	None

**ITEM NO. 72** ORD-22-900377: Introduce an ordinance to consider adoption of a Development Agreement with KB Home Las Vegas for a single-family residential development (Agate & Cimmaron) on 12.3 acres, generally located south of Agate Avenue and east of Cimmaron Road within Enterprise. JJ/dd (For possible action):

AMUNDSEN And Item 72 is an ordinance for introduction. Ordinance 22-900377 is a



AMUNDSEN recommendation that you introduce an ordinance to consider adoption of a Development Agreement with KB Home Las Vegas for a single family residential development (Agate & Cimmaron). We request this to be set for public hearing for July 20th, 2022 at 9:00 a.m.

GIPSON I'll introduce the ordinance and set the public hearing for July 20th, 2022 at 9:00 a.m.

**ACTION:** There being no objections, Chair Gibson set the matter for public hearing on July 20, 2022 at 9:00 a.m.

**PUBLIC COMMENTS:**

AMUNDSEN And now is the last opportunity for public comment.

GIBSON Is there anyone who wishes to make public comment? Please come forward. State your name, spell your last name.

MIKE AUSTIN Good morning, Austin. Mike Austin, last name A-U-S-T-I-N. Uh - I got here a little late. I just was seeing what the cast vote was for 21 and tw - I'm sorry, 20 and 21. Is there a way to see that?

GIBSON Well, you – you - you can surely speak on them now. The items were -

AUSTIN Can you? Okay.

GIBSON - approved.

AUSTIN Okay.

GIBSON Um -

AUSTIN Actually, I'm sorry. It's 21, 22. I'm sorry.

GIBSON 21 and 22?

AUSTIN Yes.

GIBSON Is this the old red?

AUSTIN Yes.

GIBSON What, go ahead and comment if you wish.

AUSTIN Oh no, I have no comment. I just see if - if there was full approval.

GIBSON

They were approved.

AUSTIN

Okay. Thank you very much. Have a good day.

GIBSON

Thank you. Anybody else wish to speak? Then the public h - the public comment period is closed and this meeting's adjourned. Thank you.

There being no further business to come before the Board at this time, at the hour of 10:39 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