

Clark County Planning Commission
CLARK COUNTY, NEVADA

NELSON STONE
Chair
STEVE KIRK
Vice-Chair
DUY NGUYEN
EDWARD FRASIER III
LIANE LEE
TIMOTHY CASTELLO
VIVIAN KILARSKI

NANCY A. AMUNDSEN
Executive Secretary

OPENING CEREMONIES

CALL TO ORDER

The regular meeting of the Clark County Planning Commission was called to order by Chair Nelson Stone on Tuesday, August 2, 2022, at 7:01 p.m. in the Commission Chambers, Clark County Government Center, 500 South Grand Central Parkway, Las Vegas, Nevada. On roll call, the following members were present, constituting a quorum of the members thereof:

CHAIR AND COMMISSIONERS:

Nelson Stone
Steve Kirk
Timothy Castello
Edward Frasier III
Vivian Kilarski
Duy Nguyen
Liane Lee

Also present:

Robert Warhola, Deputy District Attorney
Sami Real, Planning Manager
Jennifer Ammerman, Assistant Planning Manager
James McFarland, Administrative Secretary
Jason Allswang, Senior Plan Checker, Public Works – Development Review
Sarah Mabry-Padovese, Plan Checker I, Public Works – Development Review

PLEDGE OF ALLEGIANCE

1. Public Comments.

At this time Chair Nelson Stone asked if there were any persons in the audience wishing to be heard on any items on the agenda as posted.

SPEAKER(S): 2

One person requested that item 22 be held for 30 days so he could meet with his consultant. Chair Stone advised that this was not the proper time to make this request and that it should be made during the public hearing portion for that item.

Angel DeFazio, P.O. Box 29194, Las Vegas, NV 89126 requested under NRS 241.035 Subsection B that the substance of her remarks be made a part of the minutes. Concerning items on the agenda for cell and 5G towers, it's apparent to myself and many others that these installations have not been proven safe, as prior ones seem to be rubber stamped, especially those on County property, where some revenue was generated from said leases. The telecom industry relies upon an FCC ruling from 1996, which on August 13, 2021, the U.S. Court of Appeals for the District of Columbia issued a ruling in EHT v. the FCC and USA, Case # 20-1025, the court found that the FCC violated their legal responsibility under the Administrative Procedures Act, effectually ignoring the massive body of science relevant to evaluating harmful effects of exposure to 5G cell tower, cell phones, and wireless technology. Along with the FCC 2019 decision not to update it's 1996 exposure limits, failed to address the impact of long term wireless exposure, failed to address unique impacts to children, failed to address the testimony of people injured by wireless. As the FCC to retain it's 1996 safety limits for human exposure to wireless radiation was arbitrary and capricious. The International Association of Firefighters in 2004 adopted resolution citing "while no one disagrees that serious health hazards occur when living cells in the body are heated, as happens with high intensity RFNW exposure, just like in the microwave, scientist are currently investigating the health hazards of low intensity RFNW exposure". At this time, Chair Nelson Stone advised Ms. DeFazio that she had exceeded her 3 minute time allotment for general public comments, and that he would give her an additional 15 seconds to summarize her comments. Ms. DeFazio added that additionally, the NIEA panel designated these as possible human carcinogens, and in March of 2002, so did the WHO. Chair Nelson Stone then suggested to Ms. DeFazio that if she wanted to expand on her comments to please email them to the County.

There being no other persons present in the audience wishing to be heard on any items on the agenda as posted, Chair Nelson Stone closed the public comments.

2. Approval of the Agenda After Considering Requests to Add, Hold, or Delete Items. (For possible action)

ACTION: It was moved by Vice-Chair Steve Kirk and carried unanimously that the Agenda for August 2, 2022 be approved with the following changes:

Item #6 - UC-22-0341 - Held to 09/06/22 per staff to rewrite and re-notify.

Item #19 - NZC-22-0331 - Held until 08/16/22 per the applicant.

Item #20 - VS-22-0332 - Held until 08/16/22 per the applicant.

Item #21 - TM-22-500110 - Held until 08/16/22 per the applicant.

VOTING AYE: Nelson Stone, Steve Kirk, Timothy Castello, Edward Frasier III, Vivian Kilarski, Duy Nguyen, and Liane Lee

VOTING NAY: None

ABSENT: None

ABSTAIN: None

3. Approval of minutes. (For possible action)

ACTION: NONE.

ROUTINE ACTION ITEMS

Mrs. Jennifer Ammerman, Assistant Planning Manager, presented the Routine Action Items and stated items 4 through 12 will be taken in one vote, except item 6 was held and item 9 was heard separately.

ACTION: It was moved by Vice-Chair Steve Kirk and carried unanimously that the Routine Action Items be Approved, incorporating the staff recommendations and the added conditions for each application type (specific vote and conditions are outlined under each agenda item).

4. TM-22-500124-BELTWAY BUSINESS PARK LLC & SWITCH COMM GROUP LLC-LEASE: TENTATIVE MAP consisting of 1 commercial lot on approximately 48.0 acres in an M-D (Designed Manufacturing) Zone. Generally located on the southwest corner of Badura Avenue and Decatur Boulevard within Enterprise. MN/sd/ja (For possible action)

ACTION: It was moved by Vice-Chair Steve Kirk that the application be Approved, subject to the conditions as listed below, by the following vote:

VOTING AYE: Nelson Stone, Steve Kirk, Timothy Castello, Edward Frasier III, Vivian Kilarski, Duy Nguyen, and Liane Lee

VOTING NAY: None

ABSENT: None

ABSTAIN: None

**CONDITIONS OF APPROVAL -
Current Planning**

- Parcel Map shall record prior to recordation of subject Tentative Map.
- 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.

Fire Prevention Bureau

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

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that the 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.

TOWNBOARD RECOMMENDATION: Approval

SUPPORT RECEIVED: NA

OPPOSITION RECEIVED: NA

5. UC-22-0337-GATEWAY BUSINESS CENTER, LLC:
USE PERMIT to allow a health club within an office/warehouse complex on a 2.9 acre portion of 6.0 acres in an M-D (Designed Manufacturing) (AE-70 & AE-65) Zone. Generally located on the east side of Pecos Road, approximately 400 feet north of Sunset Road within Paradise. JG/nr/syp (For possible action)

ACTION: It was moved by Vice-Chair Steve Kirk that the application be Approved, subject to the conditions as listed below, by the following vote:

VOTING AYE: Nelson Stone, Steve Kirk, Timothy Castello, Edward Frasier III, Vivian Kilarski, Duy Nguyen, and Liane Lee

VOTING NAY: None

ABSENT: None

ABSTAIN: None

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.

Department of Aviation

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

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.

TOWNBOARD RECOMMENDATION: Approval

SUPPORT RECEIVED: 3 cards

OPPOSITION RECEIVED: NA

6. UC-22-0341-USA:

USE PERMITS for the following: 1) a communication tower; and 2) alternative screening.

DESIGN REVIEW for a 140 foot high communication tower on a portion of 44.4 acres in an R-U (Rural Open Land) Zone. Generally located on the east side of I-15 and the west side of Las Vegas Boulevard South, approximately 3.5 miles north of SR 161 within Jean. MN/nr/syp (For possible action)

ACTION: It was moved by Vice-Chair Steve Kirk that the application be Held until September 6, 2022, by the following vote:

VOTING AYE: Nelson Stone, Steve Kirk, Timothy Castello, Edward Frasier III, Vivian Kilarski, Duy Nguyen, and Liane Lee

VOTING NAY: None

ABSENT: None

ABSTAIN: None

NOTE: This item was Held during the approval of the agenda.

7. UC-22-0346-CHINA TOWN RETAIL, LLC:

USE PERMITS for the following: 1) retail sales; and 2) restaurant within an existing shopping center on a portion of 2.8 acres in an H-1 (Limited Resort and Apartment) Zone within the Asian Design Overlay District. Generally located on the north side of Spring Mountain Road, 600 feet west of Valley View Boulevard within Paradise. JJ/sd/syp (For possible action)

ACTION: It was moved by Vice-Chair Steve Kirk that the application be Approved, subject to the conditions as listed below, by the following vote:

VOTING AYE: Nelson Stone, Steve Kirk, Timothy Castello, Edward Frasier III, Vivian Kilarski, Duy Nguyen, and Liane Lee

VOTING NAY: None

ABSENT: None

ABSTAIN: None

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.

TOWNBOARD RECOMMENDATION: Approval

SUPPORT RECEIVED: NA

OPPOSITION RECEIVED: NA

8. **UC-22-0356-BERMUDA ROAD PROPERTIES, LLC:**

USE PERMIT to allow a daycare facility.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) reduce parking; and 2) eliminate parking lot landscaping.

DESIGN REVIEW for a daycare facility and restriped parking spaces within an existing office/warehouse facility on a portion of 6.0 acres in an M-1 (Light Manufacturing) (AE-65) Zone. Generally located on the east side of Bermuda Road, 365 feet south of Sunset Road within Paradise. MN/jor/tk (For possible action)

ACTION: It was moved by Vice-Chair Steve Kirk that the application be Approved, subject to the conditions as listed below, by the following vote:

VOTING AYE: Nelson Stone, Steve Kirk, Timothy Castello, Edward Frasier III, Vivian Kilarski, Duy Nguyen, and Liane Lee

VOTING NAY: None

ABSENT: None

ABSTAIN: None

CONDITIONS OF APPROVAL -

Current Planning

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

Department of Aviation

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

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.

TOWNBOARD RECOMMENDATION: Approval

SUPPORT RECEIVED: NA

OPPOSITION RECEIVED: NA

NOTE: Staff clarified the hours of operation for the daycare are 6:00 a.m. to 6:00 p.m.

9. UC-22-0357-SOUTHWEST MARKETPLACE STATION LLC:
USE PERMIT to reduce the setback for an existing communication tower to a residential development. DESIGN REVIEWS for the following: 1) increase height of an existing communication tower; and 2) modifications to an existing communication tower and associated equipment within an existing shopping center on a portion of 16.2 acres in a C-2 (General Commercial) Zone. Generally located on the northeast corner of Rainbow Boulevard and Windmill Lane within Enterprise. MN/md/tk (For possible action)

STAFF RECOMMENDATION: Jennifer Ammerman, Assistant Planning Manager, presented the application and stated the conditions are as listed on the agenda. The applicant's representative requested the item be held until the next Planning Commission meeting, and there was 1 speaker (Angel DeFazio) in opposition. Rob Warhola, Deputy District Attorney, stated that federal law prohibits us from considering the environmental effects of radio transmission emissions as they are regulated by federal law. We consider only zoning and land use to avoid tainting our decision. Ms. DeFazio advised Mr. Warhola to review the cited lawsuit in its entirety as it is an issue being addressed.

ACTION: It was moved by Commissioner Liane Lee that the recommendation be Held until August 16, 2022, by the following vote:

VOTING AYE: Nelson Stone, Steve Kirk, Timothy Castello, Edward Frasier III, Vivian Kilarski, Duy Nguyen, and Liane Lee

VOTING NAY: None

ABSENT: None

ABSTAIN: None

TOWNBOARD RECOMMENDATION: Approval

SUPPORT RECEIVED: 1 card

OPPOSITION RECEIVED: NA

NOTE: This item was heard separately from the Routine Action Agenda.

10. UC-22-0360-BRE/HC LAS VEGAS PPTY HOLDING:
USE PERMIT for vehicle rental in conjunction with a commercial building on 3.2 acres in an H-1 (Limited Resort and Apartment) (AE-60) Zone. Generally located on the northeast corner of Howard Hughes Parkway and Flamingo Road within Paradise. JG/md/tk (For possible action)

ACTION: It was moved by Vice-Chair Steve Kirk that the application be Approved, subject to the conditions as listed below, by the following vote:

VOTING AYE: Nelson Stone, Steve Kirk, Timothy Castello, Edward Frasier III, Vivian Kilarski, Duy Nguyen, and Liane Lee

VOTING NAY: None

ABSENT: None

ABSTAIN: None

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.

TOWNBOARD RECOMMENDATION: Approval

SUPPORT RECEIVED: NA

OPPOSITION RECEIVED: 7 cards

11. WS-22-0323-HORTON, TONIA & MARK L.:
HOLDOVER WAIVER OF DEVELOPMENT STANDARDS to reduce the setback of a proposed patio cover in conjunction with an existing single family residence on 0.5 acres in an R-E (Rural Estates Residential) (RNP-I) Zone. Generally located on the northeast corner of Warbonnet Way and Cougar Avenue within Enterprise. JJ/jor/syp (For possible action)

ACTION: It was moved by Vice-Chair Steve Kirk that the application be Approved, subject to the conditions as listed below, by the following vote:

VOTING AYE: Nelson Stone, Steve Kirk, Timothy Castello, Edward Frasier III, Vivian Kilarski, Duy Nguyen, and Liane Lee

VOTING NAY: None

ABSENT: None

ABSTAIN: None

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.

TOWNBOARD RECOMMENDATION: Approval

SUPPORT RECEIVED: 3 cards

OPPOSITION RECEIVED: NA

12. WS-22-0340-MOSHTAGHI SHAHROKH:

WAIVER OF DEVELOPMENT STANDARDS to reduce the required separation between the principal dwelling and an accessory structure on 0.3 acres in an R-1 (Single Family Residential) Zone. Generally located on the east side of Pearl Street, approximately 75 feet north of Casey Drive within Paradise. JG/jvm/syp (For possible action)

ACTION: It was moved by Vice-Chair Steve Kirk that the application be Approved, subject to the conditions as listed below, by the following vote:

VOTING AYE: Nelson Stone, Steve Kirk, Timothy Castello, Edward Frasier III, Vivian Kilarski, Duy Nguyen, and Liane Lee

VOTING NAY: None

ABSENT: None

ABSTAIN: None

CONDITIONS OF APPROVAL -

Current Planning

- 1 year to complete the building permit and inspection process;
- Paint the accessory structure to match the residence.
- 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

- Applicant is advised that there is a 10 foot wide private drainage easement on the rear property line; and that they need to consult a drainage engineer to determine if anything can be done that would allow a structure in that easement.

TOWNBOARD RECOMMENDATION: Approval

SUPPORT RECEIVED: 1 card

OPPOSITION RECEIVED: 3 cards

NON-ROUTINE ACTION ITEMS

13. DR-22-0383-CHIPOTLE MEXICAN GRILL INC:
DESIGN REVIEW for a drive-thru addition in conjunction with an existing restaurant on 0.7 acres in an H-1 (Limited Resort and Apartment) (AE-60) Zone. Generally located on the east side of Las Vegas Boulevard South, approximately 200 feet south of Warm Springs Road within Enterprise. MN/hw/ja (For possible action)

STAFF RECOMMENDATION: Jennifer Ammerman, Assistant Planning Manager, presented the application and stated the conditions are as listed on the agenda. The applicant spoke on the matter, and there where no other speakers.

ACTION: It was moved by Commissioner Liane Lee that the application be Denied without prejudice, and carried by the following vote:

VOTING AYE: Nelson Stone, Steve Kirk, Timothy Castello, Edward Frasier III, Vivian Kilarski, Duy Nguyen, and Liane Lee

VOTING NAY: None

ABSENT: None

ABSTAIN: None

TOWNBOARD RECOMMENDATION: Denial

SUPPORT RECEIVED: 1 card

OPPOSITION RECEIVED: NA

14. UC-22-0312-DIAMOND WINDMILL, LLC:
USE PERMIT to increase the maximum combined area of all manager's units.
WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) reduce setbacks; 2) reduce landscaping; and 3) alternative driveway geometrics.
DESIGN REVIEWS for the following: 1) office complex with a non-residential design; 2) balconies and clear windows above the first story; and 3) lighting on 1.0 acre in a C-P (Office and Professional) Zone. Generally located on the southwest corner of Windmill Lane and Gilespe Street within Enterprise. MN/jt/jo (For possible action)

STAFF RECOMMENDATION: Jennifer Ammerman, Assistant Planning Manager, presented the application and stated the conditions are as listed on the agenda. The applicant spoke on the matter, and there where no other speakers.

ACTION: It was moved by Commissioner Liane Lee that the application be Approved, subject to the conditions as listed below, by the following vote:

VOTING AYE: Nelson Stone, Steve Kirk, Timothy Castello, Edward Frasier III, Vivian Kilarski, Duy Nguyen, and Liane Lee

VOTING NAY: None

ABSENT: None

ABSTAIN: None

CONDITIONS OF APPROVAL -

Current Planning

- Per revised plans;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection;
- Deck lights shall be designed, shielded, and oriented to keep illumination on the decks;
- Light poles shall not exceed 20 feet in height.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; landscape planting shall comply with the Southern Nevada Regional Planning Coalition and SNWA water smart plant list; 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;
- Full off-site improvements;
- Right-of-way dedication to include a 54 foot property line radius;
- Reconstruct unused driveways;
- Vacate any unnecessary rights-of-way and easements;
- 30 days to coordinate with Public Works - Traffic Division and to dedicate any necessary right-of-way and easements for the Windmill Lane/Gilespie Street traffic signal improvement project;
- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Duck Creek/Bermuda Road to Las Vegas Boulevard improvement project.
- Applicant is advised that the installation of detached sidewalks will require the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way; that landscaping is not permitted in the right-of-way; and that nothing over 24 inches in height is permitted in sight visibility zones.

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 #0209-2019 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

WAIVER OF DEVELOPMENT STANDARDS #2 WAS WITHDRAWN WITHOUT PREJUDICE.

TOWNBOARD RECOMMENDATION: Approval

SUPPORT RECEIVED: NA

OPPOSITION RECEIVED: 3 cards

15. VS-22-0348-SANCHEZ FAMILY TRUST & SANCHEZ MARGARET W TRS:
VACATE AND ABANDON easements of interest to Clark County located between Cameron Street and Arville Street, and between Nevso Drive and Harmon Avenue within Paradise (description on file).
MN/nr/jo (For possible action)

STAFF RECOMMENDATION: Jennifer Ammerman, Assistant Planning Manager, presented the application and stated the conditions are as listed on the agenda. The applicant spoke on the matter, and there was 1 speaker with concerns.

ACTION: It was moved by Commissioner Liane Lee that the application be Approved, subject to the conditions as listed below, by the following vote:

VOTING AYE: Nelson Stone, Steve Kirk, Timothy Castello, Edward Frasier III, Vivian Kilarski, Duy Nguyen, and Liane Lee

VOTING NAY: None

ABSENT: None

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

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

Fire Prevention Bureau

- Applicant is advised that fire/emergency access must comply with the Fire Code as amended; to 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; and that a cross-access agreement may be needed through the neighboring property.

TOWNBOARD RECOMMENDATION: Approval

SUPPORT RECEIVED: 1 card

OPPOSITION RECEIVED: 3 cards

NOTE: Items #15 & #16 were heard together in one motion and vote.

16. WS-22-0347-SANCHEZ FAMILY TRUST & SANCHEZ MARGARET W TRS:
WAIVER OF DEVELOPMENT STANDARDS to eliminate parking lot landscaping.

DESIGN REVIEW for an office/warehouse on 2.5 acres in an M-1 (Light Manufacturing) Zone. Generally located 319 feet east of Cameron Street, approximately 630 feet south of Nevso Drive within Paradise. MN/nr/jo (For possible action)

STAFF RECOMMENDATION: Jennifer Ammerman, Assistant Planning Manager, presented the application and stated the conditions are as listed on the agenda. The applicant spoke on the matter, and there was 1 speaker with concerns.

ACTION: It was moved by Commissioner Liane Lee that the application be Approved, subject to the conditions as listed below, by the following vote:

VOTING AYE: Nelson Stone, Steve Kirk, Timothy Castello, Edward Frasier III, Vivian Kilarski, Duy Nguyen, and Liane Lee

VOTING NAY: None

ABSENT: None

ABSTAIN: None

CONDITIONS OF APPROVAL -

Current Planning

- Per revised plans removing the landscape strip from the eastern property line;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that existing development and uses on the site are not legally permitted and shall either be removed or brought into conformance with all County codes, regulations, and ordinances; 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.

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.

Fire Prevention Bureau

- Applicant is advised that fire/emergency access must comply with the Fire Code as amended; to 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; and that a cross-access agreement may be needed through neighboring property.

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 #0236-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TOWNBOARD RECOMMENDATION: Approval
SUPPORT RECEIVED: 1 card
OPPOSITION RECEIVED: 3 cards, 1 letter of concern

NOTE: Items #15 & #16 were heard together in one motion and vote.

17. WS-22-0191-SW CORPORATE CAMPUS OWNER LLC:
WAIVER OF DEVELOPMENT STANDARDS for alternative driveway geometrics.
DESIGN REVIEW for a parking lot on 0.8 acres in a C-2 (General Commercial) Zone. Generally located on the east side of Warbonnet Way, approximately 518 feet north of Sunset Road within Spring Valley. MN/nr/ja (For possible action)

STAFF RECOMMENDATION: Jennifer Ammerman, Assistant Planning Manager, presented the application and stated the conditions are as listed on the agenda. The applicant spoke on the matter, and there were no other speakers.

ACTION: It was moved by Commissioner Liane Lee that the application be Approved, subject to the conditions as listed below, by the following vote:

VOTING AYE: Nelson Stone, Steve Kirk, Timothy Castello, Edward Frasier III, Vivian Kilarski, Duy Nguyen, and Liane Lee

VOTING NAY: None

ABSENT: None

ABSTAIN: None

CONDITIONS OF APPROVAL -
Current Planning

- Provide pedestrian striping from the parking lot northeast to the landscape island adjacent to the existing building.
- Applicant is advised that cross access may be required to the property to the south; 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

- Applicant is advised that dead-end streets/cul-de-sacs in excess of 500 feet must have an approved Fire Department turn-around provided; applicant to show on-site fire lane, turning radius, and turnarounds; and to 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.

TOWNBOARD RECOMMENDATION: Approval
SUPPORT RECEIVED: NA
OPPOSITION RECEIVED: 1 card

18. WS-22-0342-JM LEASING, LLC:
WAIVER OF DEVELOPMENT STANDARDS for setbacks in conjunction with a single family residence on 0.5 acres in an R-E (Rural Estates Residential) (RNP-I) Zone. Generally located on the south side of Ford Avenue, 288 feet west of Miller Lane within Enterprise. JJ/lm/syp (For possible action)

STAFF RECOMMENDATION: Jennifer Ammerman, Assistant Planning Manager, presented the application and stated the conditions are as listed on the agenda. The applicant spoke on the matter, and there was 1 speaker opposition.

ACTION: It was moved by Commissioner Duy Nguyen that the application be Approved, subject to the conditions as listed below, by the following vote:

VOTING AYE: Nelson Stone, Steve Kirk, Timothy Castello, Edward Frasier III, Vivian Kilarski, Duy Nguyen, and Liane Lee

VOTING NAY: None

ABSENT: None

ABSTAIN: None

CONDITIONS OF APPROVAL -

Current Planning

- **1 year to complete the building permit and inspection process;**
- **Limited to a 5 foot setback reduction;**
- **Attached garage may not be converted to habitable space, due to the existing casita at the front of the residence.**
- **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

- **Applicant is advised that the grading plans approved under PW14-36196 show a 5 foot wide private drainage easement with a valley gutter along the southern and eastern property lines; and that the applicant must provide plans to Public Works - Development Review that show positive drainage through the site and calculations that demonstrate finished floor meet freeboard criteria.**

TOWNBOARD RECOMMENDATION: Denial

SUPPORT RECEIVED: 1 card

OPPOSITION RECEIVED: 7 cards, 2 letters

19. **NZC-22-0331-ROARING 20'S LLC:**

ZONE CHANGE to reclassify 5.1 acres from an R-E (Rural Estates Residential) Zone to an R-1 (Single Family Residential) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) combination wall height; 2) off-site improvements; and 3) street intersection off-set.

DESIGN REVIEWS for the following: 1) single family residential; and 2) finished grade. Generally located on the south side of Centennial Parkway, approximately 320 feet west of Campbell Road within Lone Mountain (description on file). RM/jvm/jo (For possible action)

ACTION: It was moved by Vice-Chair Steve Kirk that the application be Held until August 16, 2022, by the following vote:

VOTING AYE: Nelson Stone, Steve Kirk, Timothy Castello, Edward Frasier III, Vivian Kilarski, Duy Nguyen, and Liane Lee

VOTING NAY: None

ABSENT: None

ABSTAIN: None

NOTE: This item was Held during the approval of the agenda.

20. VS-22-0332-ROARING 20'S LLC:
VACATE AND ABANDON easements of interest to Clark County located between Centennial Parkway and Regena Avenue and between Dapple Gray Road (alignment) and Campbell Road within Lone Mountain (description on file). RM/jvm/jo (For possible action)
ACTION: It was moved by Vice-Chair Steve Kirk that the application be Held until August 16, 2022, by the following vote:
VOTING AYE: Nelson Stone, Steve Kirk, Timothy Castello, Edward Frasier III, Vivian Kilarski, Duy Nguyen, and Liane Lee
VOTING NAY: None
ABSENT: None
ABSTAIN: None
NOTE: This item was Held during the approval of the agenda.
21. TM-22-500110-ROARING 20'S LLC:
TENTATIVE MAP consisting of 16 single family residential lots and common lots on 5.1 acres in an R-1 (Single Family Residential) Zone. Generally located on the south side of Centennial Parkway, approximately 320 feet west of Campbell Road within Lone Mountain. RM/jvm/jo (For possible action)
ACTION: It was moved by Vice-Chair Steve Kirk that the application be Held until August 16, 2022, by the following vote:
VOTING AYE: Nelson Stone, Steve Kirk, Timothy Castello, Edward Frasier III, Vivian Kilarski, Duy Nguyen, and Liane Lee
VOTING NAY: None
ABSENT: None
ABSTAIN: None
NOTE: This item was Held during the approval of the agenda.
22. NZC-22-0351-DANE LELAND R & MARIE:
ZONE CHANGE to reclassify 10.1 acres from an R-A (Residential Agricultural) Zone to an R-1 (Single Family Residential) Zone.
WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) reduce setbacks; 2) off-site improvements; and 3) waive knuckles on interior streets.
DESIGN REVIEW for a single family residential development. Generally located on the south side of Boulder Lane, 400 feet east of Harnedy Road within Indian Springs (description on file). RM/al/jo (For possible action)

STAFF RECOMMENDATION: Jennifer Ammerman, Assistant Planning Manager, presented the application and stated the conditions are as listed on the agenda. The applicant spoke on the matter, and there was 1 speaker in opposition.
ACTION: It was moved by Commissioner Timothy Castello that the application be Approved, subject to the conditions as listed below, by the following vote:
VOTING AYE: Nelson Stone, Steve Kirk, Timothy Castello, Edward Frasier III, Vivian Kilarski, Duy Nguyen, and Liane Lee
VOTING NAY: None
ABSENT: None
ABSTAIN: None

CONDITIONS OF APPROVAL - FORWARDED TO THE 09/07/22 BCC MEETING.

Current Planning

- Resolution of Intent to complete in 3 years;
- Applicant to pay \$1,000 at issuance of each residential building permit to be used toward a community benefit in Indian Springs;
- The front of each house shall have 2 coach lights;
- Sidewalk will be provided on 1 side of each internal street;
- Stand alone disclosure statement to all buyers notifying them that there is property in the surrounding area that is allowed to have livestock and other animals which may cause noise and odor;
- 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

- Low level street lighting to be installed at the entrances into the project;
- Drainage study and compliance;
- Traffic study and compliance;
- Right-of-way dedication to include 30 feet for Boulder Lane and 30 feet for Greta Lane;
- Execute a Restrictive Covenant Agreement (deed restrictions).
- Applicant is advised that off-site improvement permits may be required.

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 #0235-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TOWNBOARD RECOMMENDATION: Approval

SUPPORT RECEIVED: NA

OPPOSITION RECEIVED: 12 cards, 3 letters

PUBLIC COMMENTS

At this time Chair Nelson Stone asked if there were any persons in the audience wishing to be heard on any items on the agenda as posted.

SPEAKER(S): 2

The applicant for item #12 questioned what the approval means to them and what the next step in the process will be. Chair Nelson Stone advised for them to speak to staff who would clarify the process for them.

Angel DeFazio stated that she sent numerous requests that were received by Dan Kulin, and they spoke on July 28th as he wanted clarification of what she was requesting, and that she found it extremely disconcerting that these poles are being installed and when the stats are requested, there seems to be no record of them except in the hands of the contractor, or even submitted with new applications to the Planning Department or Commission. What assurance does the public have that said applications that have no stats or even the frequency wave length or types of waves that are emanating from this clustering(?) tower are within the stages banned(?) nor the range of frequency prior to them starting to drop. With the addition of other carriers on poles, what additional frequency waves etcetera are being installed. Now multiple carriers on poles can potentially have a synergistic effect, so what checks and balances are being addressed by the County? When asked what testing is or was being done and by who, Dan responded that the FCC or the FTC does that which is not factual. With any modification or new application these tests should be required in the proposal, in the true spirit of open and transparency. On a closing note, the 117th congress bill HR 4914 Havana Syndrome Attacks Response Act was signed into law in 2021, the State Department is to provide six figure payments to personnel and their families suffering from brain injury from these electronic emission exposures, which is one of our major concerns regarding these installations. So health impacts are being recognized and addressed by the government.

There being no other persons present in the audience wishing to be heard on any items on the agenda as posted, Chair Nelson Stone closed the public comments.

There being no further business to come before the Board at this time, at the hour of 9:12 p.m., the meeting was adjourned.

ATTEST:

/s/ Nancy A. Amundsen
NANCY A. AMUNDSEN
Executive Secretary to the
Planning Commission