



V. Informational Items

1. Announcements of upcoming neighborhood meetings and County or community meetings and events.  
(for discussion)

VI. Planning & Zoning

1. **ET-18-400233 (UC-0670-16)-LEGACY KIMBERLY, LLC:**  
**USE PERMIT FIRST EXTENSION OF TIME** for a congregate care facility with accessory commercial uses.  
**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** permit a congregate care facility to be adjacent to and accessed from local streets; and **2)** reduce setbacks.  
**DESIGN REVIEW** for a congregate care facility on 4.8 acres in an M-D (Designed Manufacturing) Zone. Generally located on the south side of Kimberly Avenue and the west side of Broadbent Boulevard within Whitney. JG/tk/ja (For possible action) **PC 12/18/18**
2. **TA-18-0845-HUNTINGTON GEM LAB:**  
**TEXT AMENDMENT** to amend Chapter 30.44, Table 30.44-1 to allow Secondhand Sales within the C-P (Office and Professional) zoning district. (For possible action) **PC 12/18/18**

VII. General Business  
None

VIII. Comments by the General Public - A period devoted to comments by the general public about matters relevant to the Board's/Council's jurisdiction will be held. No vote may be taken on a matter not listed on the posted agenda. Comments will be limited to three minutes. Please step up to the speaker's podium, if applicable, clearly state your name and address and please spell your last name for the record. If any member of the Board/Council wishes to extend the length of a presentation, this will be done by the Chair or the Board/Council by majority vote.

IX. Next Meeting Date: December 13, 2018

X. Adjournment

**POSTING LOCATIONS:** This meeting was legally noticed and posted at the following locations:

NAME OF LOCATION

This meeting was legally noticed and posted at the following locations:

Whitney Library, Whitney Senior Center, Jack-in-the-box @Boulder Highway/Russell, CVS @ Tropicana/Boulder Highway

<https://notice.nv.gov/>

BOARD OF COUNTY COMMISSIONERS  
STEVEN SISOLAK, CHAIR - CHRIS GIUNCHIGLIANI, Vice-Chair  
SUSAN BRAGER - LARRY BROWN - JAMES GIBSON - MARILYN KIRKPATRICK - LAWRENCE WEEKLY  
YOLANDA KING, County Manager

12/18/18 PC AGENDA SHEET

CONGREGATE CARE FACILITY  
(TITLE 30)

KIMBERLY AVE/BROADBENT BLVD

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST  
ET-18-400233 (UC-0670-16)-LEGACY KIMBERLY, LLC:

USE PERMIT FIRST EXTENSION OF TIME for a congregate care facility with accessory commercial uses.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** permit a congregate care facility to be adjacent to and accessed from local streets; and **2)** reduce setbacks.

DESIGN REVIEW for a congregate care facility on 4.8 acres in an M-D (Designed Manufacturing) Zone.

Generally located on the south side of Kimberly Avenue and the west side of Broadbent Boulevard within Whitney. JG/tk/ja (For possible action)

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**RELATED INFORMATION:**

**APN:**

161-27-510-014

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Permit a congregate care facility to be adjacent to and accessed from local streets where congregate care facilities are to be adjacent to and accessed from a collector or arterial street.
2.
  - a. Reduce the rear (south) setback for a storage building to 6 feet where a minimum of 20 feet is required (a 70% reduction).
  - b. Reduce the side (west) setback for a storage building to 7 feet where a minimum of 20 feet is required (a 65% reduction).
  - d. Reduce the setback for a trash enclosure to 10 feet where a minimum of 20 feet is required (a 50% reduction).

**LAND USE PLAN:**

WHITNEY - COMMERCIAL GENERAL

**BACKGROUND:**

**Project Description**

**General Summary**

- Site Address: N/A
- Site Acreage: 4.8
- Project Type: Congregate care facility
- Number of Beds: 143
- Number of Stories: 1

- Building Height (feet): 34
- Square Feet: 65,446
- Parking Required/Provided: 59/83

### Site Plans

The approved plans depict a congregate care facility consisting of 1 building located in the central portion of the parcel. Parking for the facility is located along the north, south, east, and west sides of the building. Access to the site is provided by 2 driveways; 1 from Kimberly Avenue to the north and 1 from Greyhound Lane to the south. The building is set back approximately 55 feet from the east property line, 35 feet from the west property line, and a minimum of 74 feet from the streets. The building is constructed around 6 courtyard areas. The plans also depict a small storage structure located on the southwest corner of the site that is set back approximately 7 feet from the west property line and 6 feet from the south property line.

### Landscaping

The approved plans depict attached sidewalks adjacent to the streets with minimum 6 foot wide landscape areas adjacent to the sidewalks. The landscape areas adjacent to the streets will consist of trees, shrubs, and groundcover. The landscape area along the east property line is 6 feet wide and will consist of a single row of large evergreen trees. The landscape area along the west property line is 10 feet in width and will consist of 2 off-set rows of large evergreen trees. The additional landscape areas consisting of trees, shrubs, and groundcover are located adjacent to the building and within the courtyard areas.

Trees are no longer provided along the east property line due to an existing utility easement. The approved modified plans depict alternative landscape areas along the street. On the northeast and southeast corners of the site an additional sidewalk area is being added, which results in a reduction in landscape area on these 2 corners. The modified plans also depict a landscape area along the north property line adjacent to Kimberly Avenue consisting of shrubs and groundcover. The landscape area adjacent to Greyhound Lane consists of trees, shrubs, and groundcover. The landscape area along the west property line is 10 feet in width and will consist of 2 off-set rows of large evergreen trees. The additional landscape areas consisting of trees, shrubs, and groundcover are located adjacent to the building and within the courtyard areas.

### Elevations

The building is 1 story with a maximum building height of 34 feet. The building has a pitched roof with clay tile roofing material and the roof line varies in height from approximately 22 feet to 34 feet. The exterior of the building has a stucco finish painted in earth tone colors. The main entrance of the facility faces to the east and is located in the center of the building elevation.

### Floor Plans

The approved plans depicted a 65,446 square foot congregate care facility consisting of 143 beds. The plans depict 84 rooms for the residents, dining facilities, therapy areas, administrative office, storage, support, and common areas for the residents. The facility will also provide a 224 square foot beauty shop (accessory commercial use) for the residents of the facility.

Previous Conditions of Approval

Listed below are the approved conditions for UC-0670-16:

Current Planning

- Reduced rear (south) setback for a storage building to be 10 feet;
- Design review as a public hearing for significant changes to the plans;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 2 years of approval date or it will expire.

Public Works – Development Review

- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 10 additional feet for Kimberly Avenue, 10 additional feet for Greyhound Lane and associated spandrels.

Building/Fire Prevention

- Applicant is advised that the turning radii within the site drive aisles are to have an inside radius of at least 28 feet and outside radius of at least 52 feet.

WAIVER OF DEVELOPMENT STANDARDS #2C WAS WITHDRAWN.

Applicant's Justification

The applicant is requesting to extend this original use permit due to the fact they have submitted and are awaiting approvals from civil and architectural plan reviews. The applicant has similar projects planned in the area, they are diligently working towards commencing this project and are respectfully requesting an additional 3 years.

Prior Land Use Requests

Application Number	Request	Action	Date
WS-0350-17	Waived standards for landscaping and driveway geometrics and a design review for modifications for approved congregate care facility	Approved by PC	June 2017
UC-0670-16	Congregate care facility	Approved by PC	November 2016
TM-0144-14	39 single family residential lots – expired	Approved by PC	October 2014
WS-0704-14	Increased block wall height and a waiver of conditions for the original non-conforming zone boundary amendment – expired	Approved by PC	October 2014

**Prior Land Use Requests**

Application Number	Request	Action	Date
TM-0238-13	41 single family residential lots – expired	Approved by PC	February 2014
NZC-0196-13	Amended R-2 zoning for a single family residential development – expired	Approved by BCC	July 2013
TM-0456-05	48 lot single family residential planned unit development (PUD) – expired	Approved by PC	September 2005
NZC-1447-04	Reclassified the property from M-D to RUD zoning with a use permit to establish a single family PUD – expired	Approved by BCC	December 2004
ZC-1602-98	Reclassified the site from R-E to M-D zoning for an office/warehouse complex	Approved by BCC	November 1998

**Surrounding Land Use**

	Planned Land Use Category	Zoning District	Existing Land Use
North	Residential Medium (3 du/ac to 14 du/ac)	RUD & R-E	Undeveloped
South & West	Residential Suburban (up to 8 du/ac)	R-2	Single family residential
East	Commercial General	C-2	Retail center

**STANDARDS FOR APPROVAL:**

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

**Analysis**

**Current Planning**

Title 30 standards of approval on an extension of time application state that such an application may be denied or have additional conditions imposed if it is found that circumstances have substantially changed. A substantial change may include, without limitation, a change to the subject property, a change in the areas surrounding the subject property, or a change in the laws or policies affecting the subject property. Since approval of the original use permit UC-0670-16 the applicant has submitted plans for review, is close to being approved, and is in compliance with the original approved conditions; therefore, staff can support an additional 2 years.

**Staff Recommendation**

Approval.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

**PRELIMINARY STAFF CONDITIONS:**

**Current Planning**

- Until November 15, 2020 to commence;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that a substantial change in circumstances, or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

**Public Works - Development Review**

- Compliance with previous conditions.

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

- No comment.

**TAB/CAC:**

**APPROVALS:**

**PROTEST:**

**APPLICANT: LEGACY KIMBERLY, LLC**

**CONTACT: GREG BORDEL, 300 S. 4TH STREET, SUITE 1400, LAS VEGAS, NV 89101**

**DRAFT**

SECONDHAND SALES  
(TITLE 30)

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST  
TA-18-0845-HUNTINGTON GEM LAB:

TEXT AMENDMENT to amend Chapter 30.44, Table 30.44-1 to allow Secondhand Sales within the C-P (Office and Professional) zoning district. (For possible action)

RELATED INFORMATION:

**BACKGROUND:**

**Project Description**

The applicant is requesting that Title 30 be amended to allow Secondhand Sales within the C-P (Office and Professional) zoning district.

Title 30 defines a Secondhand Sales as the sale of previously owned and/or used goods, as further defined by Chapters 6.28 & 7.16. Per Chapter 6.28 a "secondhand dealer" is defined to mean any person, firm or corporation other than a licensed pawnbroker having a place of business in the county, outside the incorporated cities and towns both within and without the unincorporated cities, for purchasing, trading or dealing in any secondhand article whatsoever.

Exempted from this definition are the following:

- (a) The buying, or selling by a licensed business of articles which were acquired as a trade-in or a credit upon the purchase of a new article of the same general kind through an arm's length transaction; or
- (b) The buying, selling or trading of coins, gold or silver, which are not a part of any jewelry;
- (c) The selling of used articles in garage sales or other similar sales on the property of the owner of the articles which do not occur more often than four days or portion thereof each calendar half year;
- (d) The buying, selling or trading of used books, newspapers and periodicals; or
- (e) The buying, selling or trading by a licensed retail business of used video games, videotapes, cassettes, digital video discs, compact discs or sound recordings that have been purchased, or received as trade-ins, from its retail customers, so long as credit only has been given as consideration for the purchases or trade-ins, which credit then can only be used by its retail customers for the rental or purchase of new or used items referenced in this paragraph (e) at any of its licensed business premises.

In Chapter 30.44, Table 30.44-1, Secondhand Sales are a permitted use in C-2 and U-V subject to being part of a mixed-use development) zoning districts and is allowed with the issuance of Special Use Permit in C-1, M-D, M-1, H-2 and H-1 zoning districts. Historically, jewelry stores have served as one of the primary locations for the sale of used jewelry, hence the allowance in



retail zoning districts. This retail zoning may not be appropriate for an independent jewelry appraiser which would also require a secondhand sales license. Appraisers work on an appointment basis, and as such locating in an area where walk-in or drop in traffic is not necessary; making it more appropriate in a C-P zoning district. The applicant states that allowing Secondhand Sales in the C-P zoning district will improve the ability to serve a changing customer base.

**STANDARDS FOR APPROVAL:**

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

**Analysis**

**Current Planning**

Several other uses listed within Table 30.44-1 are allowed conditionally within the C-P zoning district: Medical/Dental Laboratory, Photographic Studio, Recording Studio and Watch/Small Clock Repair. These uses are similar in terms of customer makeup. None of the uses rely on walk in traffic, but rather requires an appointment. Staff agrees with allowing less intensive retail uses in the C-P zoning district and finds that Secondhand Sales, or Jewelry Sales – Including Secondhand Sales which is a less intensive use than a typical Secondhand Sales retail establishment, may be an appropriate change to Title 30.

**Staff Recommendation**

Approval.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

**PRELIMINARY STAFF CONDITIONS:**

**Public Works - Development Review**

- No comment.

**Building Department - Fire Prevention**

- No comment.

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

- No comment.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT: HUNTINGTON GEMLAB**

**CONTACT: RICHARD HUNTINGTON, 787 PORTO MIO WAY, LAS VEGAS, NV 89138**