



# ENTERPRISE TOWN ADVISORY BOARD

Windmill Library  
7060 W. Windmill Lane  
Las Vegas, NV 89113

May 31, 2023

6:00pm

## AGENDA

### Note:

- Items on the agenda may be taken out of order.
- The Board/Council may combine two (2) or more agenda items for consideration.
- The Board/Council may remove an item from the agenda or delay discussion relating to an item at any time.
- No action may be taken on any matter not listed on the posted agenda.
- All planning and zoning matters heard at this meeting are forwarded to the Board of County Commissioners' Zoning Commission (BCC) or the Clark County Planning Commission (PC) for final action.
- Please turn off or mute all cell phones and other electronic devices.
- Please take all private conversations outside the room.
- With a forty-eight (48) hour advance request, a sign language interpreter or other reasonable efforts to assist and accommodate persons with physical disabilities, may be made available by calling (702) 455-3530, TDD at (702) 385-7486, or Relay Nevada toll-free at (800) 326-6868, TD/TDD.
- Supporting material provided to Board/Council members for this meeting may be requested from Carmen Hayes at (702) 371-7991 or [chayes70@yahoo.com](mailto:chayes70@yahoo.com).
  - Supporting material is/will also available at the Clark County Department of Administrative Services, 500 S. Grand Central Parkway, 6th Floor, Las Vegas, Nevada 89155.
  - Supporting material is/will be available on the County's website at <https://clarkcountynv.gov/EnterpriseTAB>.

Board/Council Members: Justin Maffett, Chair  
David Chestnut  
Kaushal Shah

Barris Kaiser, Vice Chair  
Chris Caluya

Secretary: Carmen Hayes (702) 371-7991 [chayes70@yahoo.com](mailto:chayes70@yahoo.com)  
Business Address: Clark County Department of Administrative Services, 500 S. Grand Central Parkway, 6th Floor, Las Vegas, Nevada 89155

County Liaison(s): Tiffany Hesser (702) 455-7388 [TLH@clarkcountynv.gov](mailto:TLH@clarkcountynv.gov)  
Business Address: Clark County Department of Administrative Services, 500 S. Grand Central Parkway, 6th Floor, Las Vegas, Nevada 89155

### I. Call to Order, Pledge of Allegiance, and Roll Call

II. Public Comment- This is a period devoted to comments by the general public about items on this agenda. No discussion, action, or vote may be taken on this agenda item. You will be afforded the opportunity to speak on individual Public Hearing Items at the time they are presented. If you wish to speak to the Board/Council about items within its jurisdiction but not appearing on this agenda, you must wait until the "Comments by the General Public" period listed at the end of this agenda. Comments will be limited to three (3) 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 Chairperson or the Board/Council by majority vote.

- III. Approval of Minutes for May 10, 2023. (For possible action)
- IV. Approval of the Agenda for May 31, 2023 and Hold, Combine, or Delete any Items. (For possible action)
- V. Informational Items
  - 1. Announcements of upcoming neighborhood meetings and County or community meetings and events. (For discussion only)
- VI. Planning and Zoning
  - 1. **ET-23-400041 (UC-0341-17)-NVNAP6, LLC:**  
**USE PERMIT SECOND EXTENSION OF TIME** for a temporary construction storage site on 1.9 acres in an M-1 (Light Manufacturing) Zone in the CMA Design Overlay District. Generally located on the northeast corner of Warm Springs Road and Edmond Street within Enterprise. MN/tpd/syp (For possible action) **06/20/23 PC**
  - 2. **UC-23-0184-WESTERN SKIES HOLDINGS, LLC:**  
**USE PERMIT** for a museum (fantasy games) on 2.2 acres in a C-2 (General Commercial) Zone. Generally located on the east side of Dean Martin Drive, 600 feet south of Starr Avenue within Enterprise. JJ/bb/syp (For possible action) **06/20/23 PC**
  - 3. **VS-23-0194-TAURUS TRUST & BATISTA SUSAN TRS:**  
**VACATE AND ABANDON** easements of interest to Clark County located between Cougar Avenue (alignment) and Ford Avenue, and between Tomsik Street and Cimarron Road within Enterprise (description on file). JJ/jud/syp (For possible action) **06/20/23 PC**
  - 4. **WS-23-0212-BD-WESTWIND, LLC:**  
**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) freestanding sign separation distance; 2) gas canopy roof sign; and 3) wall signs facing a residential property. **DESIGN REVIEWS** for the following: 1) signage; and 2) lighting plan on 3.9 acres in C-1 (Local Business) Zone and an H-2 (General Highway Frontage) Zone. Generally located on the south side of Blue Diamond Road and the east side of Westwind Road within Enterprise. JJ/bb/syp (For possible action) **06/20/23 PC**
  - 5. **ET-23-400035 (VS-20-0575)-D.R. HORTON, INC:**  
**VACATION AND ABANDONMENT FIRST EXTENSION OF TIME** for easements of interest to Clark County located between Dean Martin Drive and Valley View Boulevard, and between Frias Avenue and Cactus Avenue within Enterprise (description on file). JJ/tpd/syp (For possible action) **06/21/23 BCC**

6. **ET-23-400047 (NZC-0601-15)-ROBINDALE & ASSOCIATES, LLC:**  
**ZONE CHANGE THIRD EXTENSION OF TIME** to reclassify 3.1 acres from an R-E (Rural Estates Residential) Zone to an M-D (Designed Manufacturing) Zone.  
**DESIGN REVIEWS** for the following: 1) a mini-warehouse facility; and 2) recreational vehicle and boat storage. Generally located on the north side of Robindale Road, 1,250 feet west of Decatur Boulevard within Enterprise (description on file). MN/nai/syp (For possible action) 06/21/23 BCC
  
7. **ET-23-400049 (UC-20-0049)-DESERTXPRESS ENTERPRISES, LLC:**  
**USE PERMITS SECOND EXTENSION OF TIME** for the following: 1) a passenger terminal (train station); 2) retail sales; 3) restaurants; and 4) outside dining and drinking.  
**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) elimination of freeway buffer; and 2) encroachment into airspace.  
**DESIGN REVIEWS** for the following: 1) passenger terminal (train station) and parking garage (no longer needed for parking garage); and 2) alternative landscaping in conjunction with a passenger terminal and parking garage (no longer needed for parking garage) on 110.7 acres in an H-1 (Limited Resort and Apartments) (AE-60 & AE-65) Zone. Generally located on the west side of Las Vegas Boulevard South and the north side of Blue Diamond Road within Enterprise. MN/tpd/syp (For possible action) 06/21/23 BCC
  
8. **ET-23-400054 (VS-19-0063)-MOTOR HOLDINGS, LLC:**  
**VACATE AND ABANDON SECOND EXTENSION OF TIME** for easements of interest to Clark County located between Warm Springs Road and Capovilla Avenue, and between Windy Street and I-15 within Enterprise (description on file). MN/tpd/syp (For possible action) 06/21/23 BCC
  
9. **ET-23-400055 (UC-19-0076)-MOTOR HOLDINGS, LLC:**  
**USE PERMIT SECOND EXTENSION OF TIME** to review a cannabis establishment (production facility) in conjunction with a proposed office/warehouse building on a 1.0 acre portion of a 2.1 acre parcel in an M-D (Designed Manufacturing) (AE-65) Zone. Generally located on the north side of Warm Springs Road, 145 feet west of Windy Street within Enterprise. MN/tpd/syp (For possible action) 06/21/23 BCC
  
10. **WC-23-400051 (UC-0563-14)-TOP SHELF DEVELOPMENT, LLC:**  
**WAIVER OF CONDITIONS** of a use permit to remove the proposed drive-thru as shown on Future Pad #1 in conjunction with an approved retail center on 2.0 acres in a C-2 (General Commercial) Zone. Generally located on the west side of Fort Apache Road and north side of Huntington Cove Parkway within Enterprise. JJ/jor/syp (For possible action) 06/21/23 BCC
  
11. **WS-23-0203-TOP SHELF DEVELOPMENT, LLC:**  
**WAIVER OF DEVELOPMENT STANDARDS** to reduce the building height setback ratio.  
**DESIGN REVIEWS** for the following: 1) a commercial center with a retail building and fast food restaurant with a drive-thru; and 2) alternative parking lot landscaping on 2.0 acres in a C-2 (General Commercial) Zone. Generally located on the northwest corner of Fort Apache Road and Huntington Cove Parkway within Enterprise. JJ/jor/syp (For possible action) 06/21/23 BCC

12. **WS-23-0193-NV LAS NAP 14-16, LLC:**  
**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) outside storage; 2) alternative building design standards; 3) lighting; 4) alternative trash enclosures; and 5) eliminate parking lot landscaping.  
**DESIGN REVIEWS** for the following: 1) signage; and 2) data center warehouses in conjunction with an existing data center complex on 51.5 acres in an M-D (Designed Manufacturing) Zone and an M-D (Designed Manufacturing) (AE-60) Zone in the CMA Design Overlay District. Generally located on the north side of Badura Avenue, the east side of Jones Boulevard, the west side of Lindell Road, and the south side of the CC 215 Beltway within Enterprise. MN/hw/syp (For possible action) **06/21/23 BCC**
13. **TM-23-500055-NV LAS NAP 14-16, LLC:**  
**TENTATIVE MAP** consisting of 1 industrial lot on 51.5 acres in an M-D (Designed Manufacturing) Zone and an M-D (Designed Manufacturing) (AE-60) Zone in the CMA Design Overlay District. Generally located on the north side of Badura Avenue, the east side of Jones Boulevard, the west side of Lindell Road, and the south side of the CC 215 Beltway within Enterprise. MN/hw/syp (For possible action) **06/21/23 BCC**
14. **WT-23-0197-SHS 1, LLC:**  
**WAIVERS** for the following: 1) reduce street width; and 2) allow non-standard improvements (landscaping and off-sites) in the right-of-way in conjunction with an approved single family residential subdivision on 10.0 acres in an R-2 (Medium-Density Residential) Zone. Generally located on the north and south sides of Chartan Avenue and the westside of Star Lily Street within Enterprise. JJ/hw/syp (For possible action) **06/21/23 BCC**
15. **ZC-23-0207-WINDMILL & PLACID, LLC:**  
**ZONE CHANGE** to reclassify 4.0 acres from a CRT (Commercial Residential Transition) Zone to a C-1 (Local Business) Zone.  
**USE PERMITS** for the following: 1) convenience store; 2) reduce separation from a convenience store to a residential use; 3) gasoline station; 4) reduce setback from a gasoline station to a residential use; and 5) allow alcohol sales, liquor - packaged only where not in conjunction with a grocery store.  
**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) landscaping; 2) allow a drive-thru talk box to face residential development; 3) allow modified street standards; and 4) allow modified driveway design standards.  
**DESIGN REVIEWS** for the following: 1) convenience store; 2) gasoline station; 3) restaurants with drive-thru and outside dining; 4) retail building; and 5) lighting. Generally located on the north side of Windmill Lane and the east side of Placid Street within Enterprise (description on file). MN/md/syp (For possible action) **06/21/23 BCC**
16. **VS-23-0208-WINDMILL & PLACID, LLC:**  
**VACATE AND ABANDON** easements of interest to Clark County located between Placid Street and Fairfield Avenue, and between Windmill Lane and Santoli Avenue (alignment) within Enterprise (description on file). MN/md/syp (For possible action) **06/21/23 BCC**

VII. General Business

1. None.

VIII. Comments by the General Public- A period devoted to comments by the general public about matters relevant to the Board/Council's jurisdiction will be held. No discussion, action, or vote may be taken on this agenda item. Comments will be limited to three (3) 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 Chairperson or the Board/Council by majority vote.

IX. Next Meeting Date: June 14, 2023.

X. Adjournment.

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

Windmill Library – 7060 W. Windmill Lane

<https://notice.nv.gov>





# Enterprise Town Advisory Board

May 10, 2023

## MINUTES

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Board Members	Justin Maffett, Chair <b>PRESENT</b> David Chestnut <b>PRESENT</b> Kaushal Shah <b>PRESENT</b>	Barris Kaiser, Vice Chair <b>PRESENT</b> Chris Caluya <b>PRESENT</b>
Secretary:	Carmen Hayes 702-371-7991 <a href="mailto:chaves70@yahoo.com">chaves70@yahoo.com</a> <b>PRESENT</b>	
County Liaison:	Tiffany Hesser 702-455-7388 <a href="mailto:TLH@clarkcountynv.com">TLH@clarkcountynv.com</a> <b>PRESENT</b>	

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### I. Call to Order, Pledge of Allegiance, Roll Call, County Staff Introductions (see above)

The meeting was called to order at 6:00 p.m.

Lorna Phegley, Current Planning

### II. Public Comment

This is a period devoted to comments by the general public about items on this agenda. No discussion, action, or vote may be taken on this agenda item. You will be afforded the opportunity to speak on individual Public Hearing Items at the time they are presented. If you wish to speak to the Board/Council about items within its jurisdiction but not appearing on this agenda, you must wait until the "Comments by the General Public" period listed at the end of this 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.

- None

### III. Approval of Minutes for April 26, 2023 (For possible action)

Motion by Justin Maffett

Action: **APPROVE** Minutes as posted for April 26, 2023.

Motion **PASSED** (5-0)/ Unanimous

### IV. Approval of Agenda for May 10, 2023 and Hold, Combine or Delete Any Items (For possible action)

Motion by Justin Maffett

Action: **APPROVE** as amended

Motion **PASSED** (5-0) /Unanimous

#### **Related applications:**

1. PA-23-700007-OLETA JONES 2.50, LLC:
2. ZC-23-0149-OLETA JONES 2.50, LLC:
3. VS-23-0150-OLETA JONES 2.50, LLC:

10. ZC-23-0163-JAT PEBBLE, LLC & JAT PEBBLE 3, LLC:
11. VS-23-0164-JAT PEBBLE, LLC & JAT PEBBLE 3, LLC:
12. TM-23-500044-JAT PEBBLE, LLC & JAT PEBBLE 3, LLC:

**Hold Request:**

5. WS-23-0121-LAGOON INVESTMENTS, LLC: Applicant has requested **HOLD** to date not certain.

V. Informational Items

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

- **Commissioner Michael Naft invites you to Sneak Peek**  
SAMPLE SOME OF WHAT YOUR NEW COMMUNITY CENTER WILL OFFER.  
Cooking Demonstrations • Dance • Sports Skills and Drills  
Football, Basketball, and Volleyball • Town Services •  
Arts + Crafts • Teen Activities • Live Music • Martial Arts  
May 20, 2023, 10am-12pm  
Silverado Ranch Park  
9855 Gilespeie St., Las Vegas 89183  
For More Information: Call 702-455-6514

- **Notice of Road Construction**  
Traffic Signal Improvements at Various Locations  
Initial Notices for Windmill Lane & Gilespeie Street

The project also includes construction of fully operational Traffic Signal Systems at Gilespeie St & Windmill Ln intersection in Clark County, NV. The locations shall active be from 7:00 a.m. to 3:30 p.m., Monday morning through Friday afternoon.

Please drive safely in the work zone areas and be advised of the following:

- Some Streets will be restricted or reduced at various times for the duration of the project.
- Message boards will be placed to provide advance notifications for major traffic control changes.
- Business access will remain open during construction.

We thank you in advance for your cooperation.

For immediate construction concerns please contact:

LVP, Superintendent - Chris Webster (702) 353-4431

LVP, Project Manager – Jade Thomson (702) 556-9639

VI. Planning & Zoning

1. **PA-23-700007-OLETA JONES 2.50, LLC:**  
**PLAN AMENDMENT** to redesignate the existing land use category from Business Employment (BE) to Industrial Employment (IE) on 2.3 acres. Generally located on the south side of Oleta Avenue, 300 feet west of Jones Boulevard within Enterprise. JJ/gc (For possible action) **05/16/23 PC**

Motion by Justin Maffett

Action: **APPROVE**

Motion **PASSED** (5-0) /Unanimous



2. **ZC-23-0149-OLETA JONES 2.50, LLC:**  
**ZONE CHANGE** to reclassify 2.3 acres from an R-E (Rural Estates Residential) Zone to an M-1 (Light Manufacturing) Zone. **USE PERMIT** to allow offices as a principal use.  
**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) landscaping; and 2) alternative driveway geometrics.  
**DESIGN REVIEWS** for the following: 1) office building; and 2) warehouse building with outside storage yard. Generally located on the south side of Oleta Avenue, 300 feet west of Jones Boulevard within Enterprise (description on file). JJ/al/syp (For possible action) **05/16/23 PC**

Motion by Justin Maffett  
Action: **APPROVE** per staff conditions  
Motion **PASSED** (5-0) /Unanimous

3. **VS-23-0150-OLETA JONES 2.50, LLC:**  
**VACATE AND ABANDON** easements of interest to Clark County located between Oleta Avenue and Serene Avenue (alignment), and between Jones Boulevard and El Camino Road within Enterprise (description on file). JJ/al/syp (For possible action) **05/16/23 PC**

Motion by Justin Maffett  
Action: **APPROVE** per staff conditions  
Motion **PASSED** (5-0) /Unanimous

4. **UC-23-0159-SRMF TOWN SQUARE OWNER, LLC:**  
**USE PERMIT** for a recreational facility.  
**WAIVER OF DEVELOPMENT STANDARDS** to encroach into air space.  
**DESIGN REVIEW** for a recreational facility (professionally designed putting course) with a restaurant, bar, and outside playground area in conjunction with an existing shopping center on a portion of 94.4 acres in an H-1 (Limited Resort and Apartment) (AE-65 & AE-70) Zone. Generally located on the west side of Las Vegas Boulevard South and the south side of Sunset Road within Enterprise. MN/rk/syp (For possible action) **06/06/23 PC**

Motion by David Chestnut  
Action: **APPROVE** per staff conditions  
Motion **PASSED** (5-0) /Unanimous

5. **WS-23-0121-LAGOON INVESTMENTS, LLC:**  
**WAIVER OF DEVELOPMENT STANDARDS** to reduce parking.  
**DESIGN REVIEW** for a restaurant building with drive-thru services and retail building on a pad site within a shopping center on a 0.7 acre portion of a 5.5 acre shopping center in a C-2 (General Commercial) Zone. Generally located on the west side of Rainbow Boulevard, 320 feet north of Cactus Avenue within Enterprise. JJ/al/syp (For possible action) **06/06/23 PC**

Applicant has requested **HOLD** to No Date Certain.

6. **WS-23-0155- AMH NV 14 DEVELOPMENT, LLC:**  
**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) reduce setbacks; and 2) non-standard improvements in the right-of-way on 6.5 acres in an R-2 (Medium Density Residential) Zone. Generally located on the north side of Cactus Avenue and the west side of Mann Street within Enterprise. JJ/jud/syp (For possible action) **06/06/23 PC**

Motion by David Chestnut  
Action: **APPROVE** per staff conditions  
Motion **PASSED** (5-0) /Unanimous

7. **DR-23-0169-BLUE DIAMOND M-E, LLC:**  
**DESIGN REVIEWS** for the following: 1) drive-thru restaurant; and 2) finished grade on 1.2 acres in a C-2 (General Commercial) Zone. Generally located on the south side of Blue Diamond Road between Cimarron Road and Buffalo Drive within Enterprise. JJ/sd/syp (For possible action) **06/07/23 BCC**

Motion by David Chestnut  
Action: **APPROVE** Design Review #1 **APPROVE** Design Review #2 with increase finished grade to 65 inches maximum where a maximum of 36 inches is the standard per Section 30.32.040  
Per staff conditions  
Motion **PASSED** (5-0) /Unanimous

8. **ET-23-400032 (NZC-19-0903)-LMG LAS VEGAS, LLC:**  
**WAIVERS OF DEVELOPMENT STANDARDS FIRST EXTENSION OF TIME** for the following: 1) reduce parking; 2) alternative driveway geometrics; and 3) reduce the setback for a proposed gate.  
**DESIGN REVIEW** for a proposed outside storage yard in conjunction with an existing distribution center on 4.6 acres in an M-D (Designed Manufacturing) (AE-65) Zone. Generally located on the east and west side of Windy Street and the north side of Arby Avenue within Enterprise (description on file). MN/tpd/syp (For possible action) **06/07/23 BCC**

Motion by Justin Maffett  
Action: **APPROVE** per staff conditions  
Motion **PASSED** (5-0) /Unanimous

9. **ET-23-400037 (ZC-19-0949)-USA:**  
**WAIVER OF DEVELOPMENT STANDARDS SECOND EXTENSION OF TIME** to reduce the width of right-of-way dedication.  
**DESIGN REVIEW** for a public park with signage and lighting on 9.0 acres of a 22.5 acre site in a P-F (Public Facility) Zone. Generally located on the west side of Lindell Road and the south side of Le Baron Avenue within Enterprise (description on file). JJ/tpd/syp (For possible action) **06/07/23 BCC**

Motion by Justin Maffett  
Action: **APPROVE** per staff conditions  
Motion **PASSED** (5-0) /Unanimous

10. **ZC-23-0163-JAT PEBBLE, LLC & JAT PEBBLE 3, LLC:**  
**ZONE CHANGE** to reclassify 6.9 acres from an H-1 (Limited Resort and Apartment) Zone to a C-2 (General Commercial) Zone.  
**USE PERMITS** for the following: 1) High Impact Project; 2) multiple family development; and 3) reduce the separation from on-premises consumption of alcohol establishments to a residential use (multiple family).  
**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) increase building height; 2) reduce the required number of loading spaces; 3) eliminate cross access; 4) alternative landscaping adjacent to a less intensive (multiple family) use; 5) eliminate street landscaping; 6) allow modified driveway design standards; and 7) allow non-standard improvements within the right-of-way (Las Vegas Boulevard South).  
**DESIGN REVIEWS** for the following: 1) alternative parking lot landscaping; 2) mini-warehouse; 3) pharmacy; 4) restaurants with drive-thru; 5) multiple family development; and 6) finished grade on 28.1 acres in a C-2 (General Commercial) Zone and an H-1 (Limited Resort and Apartment) Zone. Generally located on the west side of Las Vegas Boulevard South and the south side of Pebble Road within Enterprise (description on file). MN/md/syp (For possible action) **06/07/23 BCC**

Motion by David Chestnut

Action:

**APPROVE:** Zone Change;

**APPROVE:** Use Permits;

**APPROVE:** Waivers of Development Standards #s 1 and 2

**APPROVE:** Waivers of Development Standards # 3 for the north commercial property only

**APPROVE:** Waivers of Development Standards #s 4, 5, 6, and 7;

**APPROVE:** Design Reviews:

**ADD** Current Planning Conditions:

- Design review as a public hearing for lighting and signage.
- Design review as a public hearing for significant changes to plans.
- Provide cross access for the C-2 lot to the south if compatible uses are developed.

Per staff conditions

Motion **PASSED** (4-1) / Kaiser-Nay

11. **VS-23-0164-JAT PEBBLE, LLC & JAT PEBBLE 3, LLC:**  
**VACATE AND ABANDON** a portion of a right-of-way being Pebble Road located between Las Vegas Boulevard South and Parvin Street (alignment) within Enterprise (description on file). MN/md/syp (For possible action) **06/07/23 BCC**

Motion by David Chestnut

Action: **APPROVE** per staff conditions

Motion **PASSED** (5-0) /Unanimous

12. **TM-23-500044-JAT PEBBLE, LLC & JAT PEBBLE 3, LLC:**  
**TENTATIVE MAP** for a mixed-use project consisting of 1 commercial lot and 1 residential lot on 28.1 acres in a C-2 (General Commercial) Zone and an H-1 (Limited Resort and Apartment) Zone for a High Impact Project. Generally located on the west side of Las Vegas Boulevard South and the south side of Pebble Road within Enterprise. MN/md/syp (For possible action) **06/07/23 BCC**

Motion by David Chestnut

Action: **APPROVE** per staff conditions

Motion **PASSED** (5-0) /Unanimous

13. **WS-23-0181-SOUTHWEST MARKETPLACE STA, LLC:**  
**WAIVER OF DEVELOPMENT STANDARDS** to reduce throat depth.  
**DESIGN REVIEWS** for the following: 1) health club; and 2) finished grade within an existing shopping center on a portion of 16.2 acres in a C-2 (General Commercial) Zone. Generally located on the east side of Rainbow Boulevard and the south side of Mesa Verde Lane within Enterprise. MN/rr/syp (For possible action) **06/07/23 BCC**

Motion by David Chestnut

Action: **APPROVE**

**ADD** Current Planning Conditions:

- Design review as a public hearing for lighting and signage.

Per staff conditions.

Motion **PASSED** (5-0) /Unanimous

VII. General Business:

1. Review tips for making a motion. (For discussion only)

The following Information was discussed:

- When approval and denial is in a single application follow the item order in the application
- The requirements when adding a condition
- The Board may discuss the motion until a vote is taken
- Reasons for denial should be clearly stated
- The motion must be enforceable by Clark County
- A motion should not include recommendations which require a new application.
- Example conditions

VIII. Public Comment:

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.

- None.

IX. Next Meeting Date

The next regular meeting will be May 31, 2023 at 6:00 p.m. at the Windmill Library.

X. Adjournment:

Motion by Justin Maffett

Action: **ADJOURN** meeting at 7:48 p.m.

Motion **PASSED** (5-0) /Unanimous

06/20/23 PC AGENDA SHEET

TEMPORARY CONSTRUCTION SITE  
(TITLE 30)

WARM SPRINGS RD/EDMOND ST

**PUBLIC HEARING**

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**ET-23-400041 (UC-0341-17)-NVNAP6, LLC:**

**USE PERMIT SECOND EXTENSION OF TIME** for a temporary construction storage site on 1.9 acres in an M-1 (Light Manufacturing) Zone in the CMA Design Overlay District.

Generally located on the northeast corner of Warm Springs Road and Edmond Street within Enterprise. MN/tpd/syp (For possible action)

**RELATED INFORMATION:**

**APN:**

176-01-801-021

**LAND USE PLAN:**

ENTERPRISE - BUSINESS EMPLOYMENT

**BACKGROUND:**

**Project Description**

**General Summary**

- Site Address: N/A
- Site Acreage: 1.9
- Project Type: Temporary construction storage site

**Site Plans**

The approved plans depict an existing construction storage site which continues to be used to store construction equipment and materials for the Switch Data Center expansion. Access to the site is from Edmond Street which is paved. A portion of the construction site (northwest corner) is paved and there is a temporary 6 foot high chain-link fence with a green screen fabric attached around the boundary of the construction site. Temporary 6 foot high gates are shown at the entrance on the northwest portion of the site. Title 30 exempts temporary construction storage sites from the required trash enclosure, screening, on-site paving, including parking and drive aisles, provided that all Clark County Department of Environment and Sustainability regulations are met.

Previous Conditions of Approval

Listed below are the approved conditions for ET-20-400027 (UC-0341-17):

**Current Planning**

- Until June 20, 2023 with any extension of time to be a public hearing.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

**Public Works - Development Review**

- Compliance with previous conditions.

Listed below are the approved conditions for UC-0341-17:

**Current Planning**

- Time limit of 3 years with any extension of time to be a public hearing;
- Construction materials and temporary fence and gates to be moved from the compound at end of time limit.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

**Public Works – Development Review**

- Construct a commercial driveway per Clark County standards.

**Building/Fire Prevention**

- Applicant is advised that fire/emergency access must comply with the Fire Code as amended; to show on-site fire lane, turning radius, and turnarounds; and to show fire hydrant locations both on-site and within 750 feet.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant owns the subject parcel as well as APN 176-01-201-020. A data center is being constructed on the latter parcel and the applicant is using this vacant property to store their construction equipment. Development of the data center has not been completed and the applicant requests an extension of time to allow for continued use on APN 176-01-801-021.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ET-20-400027 (UC-0341-17)	First extension of time for a temporary construction storage site	Approved by BCC	April 2020
UC-17-0341	Temporary construction storage site	Approved by PC	June 2017

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North & East	Business Employment	M-1	Undeveloped
South	Public Use	M-1	Nevada Power Company
West	Business Employment	M-D	Switch Data Center

**STANDARDS FOR APPROVAL:**

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

**Analysis****Comprehensive 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. Using the criteria set forth in Title 30, no substantial changes have occurred at the subject site since the original approval.

Staff believes the applicant has taken steps to work towards completion of development for APN 176-01-201-020. However, if this request is approved it will have been 9 years since the original use permit was approved. Staff can support this extension of time request; however, this will be the last extension staff can support.

**Public Works - Development Review**

There have been no significant changes in this area. Staff has no objection to this extension of time.

**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 Master Plan, Title 30, and/or the Nevada Revised Statutes.

**PRELIMINARY STAFF CONDITIONS:****Comprehensive Planning**

- Until June 20, 2026 to review.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and application for review; and that the extension of time may be denied if the

project has not commenced or there has been no substantial work towards completion within the time specified.

**Public Works - Development Review**

- Compliance with previous conditions.

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

- No comment.

**TAB/CAC:**

**APPROVALS:**

**PROTEST:**

**APPLICANT:** STEPHAN ATKIN

**CONTACT:** STEPHAN ATKIN, SWITCH, 5725 W. BADURA AVE., SUITE 100, LAS VEGAS, NV 89118





# LAND USE APPLICATION

# 1A

## DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

<b>APPLICATION TYPE</b>  <input type="checkbox"/> TEXT AMENDMENT (TA) <input type="checkbox"/> ZONE CHANGE (ZC) <input type="checkbox"/> USE PERMIT (UC) <input type="checkbox"/> VARIANCE (VC) <input type="checkbox"/> WAIVER OF DEVELOPMENT STANDARDS (WS) <input type="checkbox"/> DESIGN REVIEW (DR) <input type="checkbox"/> ADMINISTRATIVE DESIGN REVIEW (ADR) <input type="checkbox"/> STREET NAME / NUMBERING CHANGE (SC) <input type="checkbox"/> WAIVER OF CONDITIONS (WC)  (ORIGINAL APPLICATION #)  <input type="checkbox"/> ANNEXATION REQUEST (ANX)  <input checked="" type="checkbox"/> EXTENSION OF TIME (ET) UC-0341-17 (ET-20-400027) (ORIGINAL APPLICATION #)  <input type="checkbox"/> APPLICATION REVIEW (AR)  (ORIGINAL APPLICATION #)	<b>STAFF</b>  APP. NUMBER: <u>23-40041</u> DATE FILED: <u>4/10/23</u> PLANNER ASSIGNED: <u>Tylee</u> TAB/CAC: <u>Enterprise</u> TAB/CAC DATE: <u>5/31/23</u> PC MEETING DATE: _____ BCC MEETING DATE: <u>6/21/23</u> FEE: <u>\$475</u>
	<b>PROPERTY OWNER</b>  NAME: <u>NV NAP 6 LLC c/o Joshua Ewing</u> ADDRESS: <u>7135 S. Decatur Boulevard</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89118</u> TELEPHONE: <u>702-522-5426</u> CELL: _____ E-MAIL: <u>joshua@switch.com</u>
	<b>APPLICANT</b>  NAME: <u>Stephan Atkin</u> ADDRESS: <u>7135 S. Decatur Boulevard</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89118</u> TELEPHONE: <u>702-333-6573</u> CELL: _____ E-MAIL: <u>satkin@switch.com</u> REF CONTACT ID #: _____
	<b>CORRESPONDENT</b>  NAME: <u>Valeria Colon</u> ADDRESS: <u>7135 S. Decatur Boulevard</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89118</u> TELEPHONE: <u>702-333-6573</u> CELL: _____ E-MAIL: <u>vacolon@switch.com</u> REF CONTACT ID #: _____

**PLANNER COPY**

ASSESSOR'S PARCEL NUMBER(S): 176-01-801-021

PROPERTY ADDRESS and/or CROSS STREETS: Edmond Street and W. Warm Springs Road

PROJECT DESCRIPTION: Temporary Construction Storage Site

(I, We) the undersigned swear and say that (I am, We are) the owner(s) of record on the Tax Rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Clark County Code; that the information on the attached legal description, all plans, and drawings attached hereto, and all the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the Clark County Comprehensive Planning Department, or its designee, to enter the premises and to install any required signs on said property for the purpose of advising the public of the proposed application.

Property Owner (Signature)\* [Signature]      Joshua Ewing  
 Property Owner (Print)

STATE OF Nevada  
 COUNTY OF Clark  
 SUBSCRIBED AND SWORN BEFORE ME ON 02/28/23 (DATE)

By Joshua Ewing  
 NOTARY PUBLIC: [Signature]



\*NOTE: Corporate declaration of authority (or equivalent), power of attorney, or signature documentation is required if the applicant and/or property owner is a corporation, partnership, trust, or provides signature in a representative capacity.

23-400041

March 1, 2023

Clark County Comprehensive Planning  
Current Planning Division  
500 South Grand Central Parkway  
P.O. Box 551714  
Las Vegas, NV 89155-1714

**RE: Justification Letter for ET-20-400027, NV NAP 6 LLC, Extension of Time**

To whom it may concern:

Please accept this justification letter for the extension of time for the use of the vacant property on the NE corner of Warm Springs and Edmond. The property is being used for support of Data Center building/Substation construction on APN 176-01-201-020.

**Justification**

We request a time limit of four (4) years from date of approval to support construction on parcel 176-01-201-020.

Thank you for the opportunity to submit this application for your review. Please contact me at (702) 219-4787 if you have any questions regarding this application.

Sincerely,



Michael Andersen AIA

Michael S. Andersen AIA Architect LLC

06/20/23 PC AGENDA SHEET

MUSEUM  
(TITLE 30)

DEAN MARTIN DR/STARR AVE

PUBLIC HEARING  
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST  
**UC-23-0184-WESTERN SKIES HOLDINGS, LLC:**

**USE PERMIT** for a museum (fantasy games) on 2.2 acres in a C-2 (General Commercial) Zone.

Generally located on the east side of Dean Martin Drive, 600 feet south of Starr Avenue within Enterprise. JJ/bb/syp (For possible action)

---

RELATED INFORMATION:

**APN:**  
191-05-119-003

**LAND USE PLAN:**  
ENTERPRISE - ENTERTAINMENT MIXED-USE

**BACKGROUND:**  
**Project Description**  
General Summary

- Site Address: 11402 Dean Martin Drive
- Site Acreage: 2.2
- Project Type: Museum
- Number of Stories: 2
- Square Feet: 19,725 (2 story building)/ 5,147 (1 story building)
- Parking Required/Provided: 92/101

Site Plan

The site plan depicts 2 existing unoccupied commercial buildings located on 2.2 acres between Dean Martin Drive and I-15. The museum is proposed in the eastern building. There are 101 existing parking spaces that were calculated using 4 spaces per 1,000 square feet. The proposed museum use requires 3.3 spaces per 1,000 square feet, so the site will be overparked for any other general commercial uses. The existing access drive is located at the southwest corner of the property at Dean Martin Drive. The 1 story building is located on the west side of the lot and the 2 story building is located on the east side of the lot. A loading zone is located along the north property line and the existing trash enclosures are located in the north and central part of the lot, and on the east side of the parking lot, next to the 2 story building. A billboard is located on the east side of the lot.

Landscaping

The site has existing landscaping with no additional landscaping proposed with this application.

Elevations

The elevations show 2 existing buildings, a 1 story building on the west side of the lot and a 2 story building on the east side of the lot. The main entrances for both buildings are oriented towards Dean Martin Drive, with multiple windows on the façade and stucco siding with stone veneer treatments.

Floor Plans

The floor plans depict a 991 square foot game room, 1,640 square foot retail area, 1,745 square foot lobby and ticketing space, 2 classrooms, restrooms, and a 2,918 square foot open exhibit space on the first floor. The second floor has a 651 square foot theater space, 8,024 square foot open exhibit space, restrooms, and a storage room.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant is proposing a museum for fantasy games and characters, including miniature models. The miniature museum will host an accessory retail store and exhibit spaces. The proposed museum will be a good addition to Clark County, with the only other similar facility being located in Nottingham, United Kingdom at War Hammer World.

**Prior Land Use Requests**

Application Number	Request	Action	Date
VS-18-0861	Vacated drainage easements	Approved by PC	December 2018
DR-0049-07	Retail center	Approved by BCC	March 2007
ZC-1166-02	Reclassified from R-E to C-2 zoning for a commercial center	Approved by BCC	October 2002

**Surrounding Land Use**

	Planned Land Use Category	Zoning District	Existing Land Use
North	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	C-2	Mini-storage
South	Corridor Mixed Use	R-2	Single family residential
East	Entertainment Mixed-Use	R-E	I-15 & undeveloped
West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-3	Single family residential

**STANDARDS FOR APPROVAL:**

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

## **Analysis**

### **Comprehensive Planning**

A use permit is a discretionary land use application that is considered on a case by case basis in consideration of Title 30 and the Master Plan. One of several criteria the applicant must establish is that the use is appropriate at the proposed location and demonstrate the use shall not result in a substantial or undue adverse effect on adjacent properties. This property is developed with existing landscaping, access, parking, and office buildings. The museum should not have a negative impact to the surrounding neighborhood. Master Plan Policy 6.1.6 encourages adaptive reuse of vacant or underutilized buildings. Staff recommends approval of the requested use permit.

### **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 Master Plan, Title 30, and/or the Nevada Revised Statutes.

### **PRELIMINARY STAFF CONDITIONS:**

#### **Comprehensive Planning**

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

#### **Public Works - Development Review**

- No comment.

#### **Fire Prevention Bureau**

- No comment.

#### **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.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT: GARY SPARKS**

**CONTACT: IZ DESIGN STUDIO, 7229 W. SAHARA AVE., SUITE 120, LAS VEGAS, NV  
89117**

DRAFT



# LAND USE APPLICATION 2A

## DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

<b>APPLICATION TYPE</b>  <input type="checkbox"/> TEXT AMENDMENT (TA) <input type="checkbox"/> ZONE CHANGE <input type="checkbox"/> CONFORMING (ZC) <input type="checkbox"/> NONCONFORMING (NZC) <input checked="" type="checkbox"/> USE PERMIT (UC) <input type="checkbox"/> VARIANCE (VC) <input type="checkbox"/> WAIVER OF DEVELOPMENT STANDARDS (WS) <input type="checkbox"/> DESIGN REVIEW (DR) <input type="checkbox"/> ADMINISTRATIVE DESIGN REVIEW (ADR) <input type="checkbox"/> STREET NAME / NUMBERING CHANGE (SC) <input type="checkbox"/> WAIVER OF CONDITIONS (WC) (ORIGINAL APPLICATION #) <input type="checkbox"/> ANNEXATION REQUEST (ANX) <input type="checkbox"/> EXTENSION OF TIME (ET) (ORIGINAL APPLICATION #) <input type="checkbox"/> APPLICATION REVIEW (AR) (ORIGINAL APPLICATION #)	<b>STAFF</b>  APP. NUMBER: <u>UC-23-0184</u> DATE FILED: <u>1-9-2023</u> PLANNER ASSIGNED: <u>SKA</u> TAB/CAC: <u>Interim</u> TAB/CAC DATE: <u>5-31-2022</u> PC MEETING DATE: <u>6-20-2023</u> BCC MEETING DATE: _____ FEE: <u>\$ 675</u>
	<b>PROPERTY OWNER</b>  NAME: <u>Gary &amp; Elizabeth Sparks</u> ADDRESS: <u>51 Olympia Hills Cir</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89141</u> TELEPHONE: <u>415-250-8907</u> CELL: <u>415-250-8907</u> E-MAIL: <u>simknight@mac.com</u>
	<b>APPLICANT</b>  NAME: <u>Gary Sparks</u> ADDRESS: <u>51 Olympia Hills Cir</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89141</u> TELEPHONE: <u>415-250-8907</u> CELL: <u>415-2508907</u> E-MAIL: <u>simknight@mac.com</u> REF CONTACT ID #: _____
	<b>CORRESPONDENT</b>  NAME: <u>Zach Broyles</u> ADDRESS: <u>7229 W Sahara Ave #120</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89117</u> TELEPHONE: <u>702-441-0026</u> CELL: _____ E-MAIL: <u>zach@izdesignstudio.com</u> REF CONTACT ID #: _____

ASSESSOR'S PARCEL NUMBER(S): 191-05-119-003

PROPERTY ADDRESS and/or CROSS STREETS: 11402 Dean Martin Dr

PROJECT DESCRIPTION: Miniature Museum

(I, We) the undersigned swear and say that (I am, We are) the owner(s) of record on the Tax Rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Clark County Code; that the information on the attached legal description, all plans, and drawings attached hereto, and all the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the Clark County Comprehensive Planning Department, or its designee, to enter the premises and to install any required signs on said property for the purpose of advising the public of the proposed application.

Elizabeth Sparks      Gary & Elizabeth Sparks  
 Property Owner (Signature)\*      Property Owner (Print)

STATE OF Nevada  
 COUNTY OF Clark  
 SUBSCRIBED AND SWORN BEFORE ME ON 02/14/2023 (DATE)  
 By Gary Sparks and Elizabeth Sparks  
 NOTARY PUBLIC: [Signature]



\*NOTE: Corporate declaration of authority (or equivalent), power of attorney, or signature documentation is required if the applicant and/or property owner is a corporation, partnership, trust, or provides signature in a representative capacity.

**February 20, 2023**

Attn: Planner, Clark County Planning  
Re: Las Vegas Miniature Museum Use Permit, APN: 191-05-119-003

To Whom It May Concern:

The owner of parcel number 191-05-119-003, located at 11410 S Dean Martin Drive would like to develop a museum for fantasy miniature models. We are submitting the attached drawings and application for a use permit related to the use on this parcel.

The Miniature Museum will host a retail store, exhibit space, a game room, and two figure painting classrooms on the first floor and will have exhibit space on the second floor. The proposed museum is an exciting addition to Las Vegas and the United States with the closest equivalent being WarHammer World, located in Nottingham, UK.

We are not proposing any exterior changes to the existing buildings or landscape on the site. Although the site has not been occupied since it's original development, both the buildings and the landscape have been maintained and are in excellent condition.

Existing zoning is C-2, General Commercial, and our proposed Museum use is a Special Use within all zoning districts.

We are requesting a Special Use Permit and feel this is an appropriate use for this site. The site meets all zoning requirements including required parking and screening and we are not requesting any waivers.

Thank you for your time in reviewing our proposed application. Please reach out to me via email: [zach@izdesignstudio.com](mailto:zach@izdesignstudio.com) or phone: 702-441-0026, if there are any questions or concerns regarding our application.

Sincerely,

Zach Broyles, Principal, IZ design studio

**PLANNER  
COPY**  
UC-23-0184



06/20/23 PC AGENDA SHEET

EASEMENTS  
(TITLE 30)

FORD AVE/CIMARRON RD

PUBLIC HEARING  
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST  
**VS-23-0194-TAURUS TRUST & BATISTA SUSAN TRS:**

**VACATE AND ABANDON** easements of interest to Clark County located between Cougar Avenue (alignment) and Ford Avenue, and between Tomsik Street and Cimarron Road within Enterprise (description on file). JJ/jud/syp (For possible action)

RELATED INFORMATION:

**APN:**  
176-16-301-025

**LAND USE PLAN:**  
ENTERPRISE - RANCH ESTATE NEIGHBORHOOD (UP TO 2 DU/AC)

**BACKGROUND:**

**Project Description**

The plans depict the vacation and abandonment of 3 foot wide and 33 foot wide government patent easements. The north and east patent easements are 33 feet wide and the south patent easement is 3 feet wide. The applicant states that these easements are no longer needed for right-of-way.

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North, South, East, & West	Ranch Estate Neighborhood (up to 2 du/ac)	R-E (RNP-I)	Single family residential

**STANDARDS FOR APPROVAL:**

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

**Analysis**

**Public Works / Development Review**

Staff has no objection to the vacation of patent easements that are not necessary for site, drainage, or roadway development.

**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 Master Plan, Title 30, and/or the Nevada Revised Statutes.

**PRELIMINARY STAFF CONDITIONS:**

**Comprehensive Planning**

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

**Public Works - Development Review**

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

**Fire Prevention Bureau**

- No comment.

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

- No objection.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** SUSAN BATISTA

**CONTACT:** NELSON SURVEYING, P.O. BOX 365109, NORTH LAS VEGAS, NV 89115



# VACATION APPLICATION DEPARTMENT OF COMPREHENSIVE PLANNING

# 3A

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

<b>APPLICATION TYPE</b> <input type="checkbox"/> VACATION & ABANDONMENT (vs) <input checked="" type="checkbox"/> EASEMENT(S) <input type="checkbox"/> RIGHT(S)-OF-WAY <input type="checkbox"/> EXTENSION OF TIME (ET) (ORIGINAL APPLICATION #):	<b>DEPARTMENT USE</b>	APP. NUMBER: <u>VS-23-0194</u> DATE FILED: <u>04/17/2023</u>
		PLANNER ASSIGNED: <u>JUD</u> TAB/CAC: <u>Enterprise</u> TAB/CAC DATE: <u>05/31/23</u> PC MEETING DATE: <u>06/20/2023 @ 7pm</u> @ 6pm BCC MEETING DATE: <u>-</u> FEE: <u>\$875<sup>00</sup></u>

<b>PROPERTY OWNER</b>	NAME: <u>Susan Batista, Trustee of the Taurus Trust</u>
	ADDRESS: <u>9629 Twin Rivers Crt</u>
	CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89139</u>
	TELEPHONE: _____      CELL: _____
	E-MAIL: <u>Susanhamou2@hotmail.com</u>



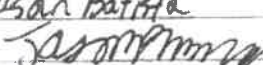
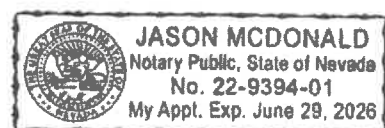
<b>APPLICANT</b>	NAME: <u>Susan Batista, Trustee of the Taurus Trust</u>
	ADDRESS: <u>9629 Twin Rivers Crt</u>
	CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89139</u>
	TELEPHONE: _____      CELL: _____
	E-MAIL: <u>Susanhamou2@hotmail.com</u> REF CONTACT ID #: _____

<b>CORRESPONDENT</b>	NAME: <u>Nelson Surveying LLC</u>
	ADDRESS: <u>P.O. Box 365109</u>
	CITY: <u>North Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89036</u>
	TELEPHONE: _____      CELL: <u>702-595-9418</u>
	E-MAIL: <u>Nelsonsurveying@yahoo.com</u> REF CONTACT ID #: _____

ASSESSOR'S PARCEL NUMBER(S): 176-16-301-025

PROPERTY ADDRESS and/or CROSS STREETS: West Ford Avenue and South Tomsik Street

I, (We) the undersigned swear and say that (I am, We are) the owner(s) of record on the Tax Rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Clark County Code; that the information on the attached legal description, all plans, and drawings attached hereto, and all the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted.

 _____ Property Owner (Signature)*	 _____ Property Owner (Print)
STATE OF NEVADA COUNTY OF <u>Clark</u> SUBSCRIBED AND SWORN BEFORE ME ON <u>November 28th, 2022</u> (DATE) By <u>Susan Batista</u> NOTARY PUBLIC: 	 <b>JASON MCDONALD</b> Notary Public, State of Nevada No. 22-9394-01 My Appt. Exp. June 29, 2026

\*NOTE: Corporate declaration of authority (or equivalent), power of attorney, or signature documentation is required if the applicant and/or property owner is a corporation, partnership, trust, or provides signature in a representative capacity.

VS-23-0194

10 January 2023

Department of Comprehensive Planning  
500 S. Grand Central Parkway,  
Las Vegas, NV 89155

**Justification Letter**

To Whom it May Concern:

This is a letter of justification stating the purpose of vacating the 33' Government Patent Easement, Patent Number 1198080, that is located on APN: 176-16-301-025. Vacating this easement would allow the property owner to utilize the area that the easement is located on, there is no need for Right-of-Way on the North and East part of the property, and it would remove the remaining 3' of the Government Patent Easement from the South portion of the property running along the North of the 30' Right-of-Way of Ford Avenue.

SIGNS  
(TITLE 30)

BLUE DIAMOND RD/WESTWIND RD

PUBLIC HEARING  
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST  
WS-23-0212-BD-WESTWIND, LLC:

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) freestanding sign separation distance; 2) gas canopy roof sign; and 3) wall signs facing a residential property.  
**DESIGN REVIEWS** for the following: 1) signage; and 2) lighting plan on 3.9 acres in C-1 (Local Business) Zone and an H-2 (General Highway Frontage) Zone.

Generally located on the south side of Blue Diamond Road and the east side of Westwind Road within Enterprise. JJ/bb/syp (For possible action)

---

RELATED INFORMATION:

**APN:**  
176-24-101-003; 176-24-101-006; 176-24-101-024

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Allow more than 1 freestanding sign per street frontage with a separation distance of 491 feet where over 1,000 feet is required per Table 30.72-1 (a 51% reduction).
2. Allow a gas canopy wall sign to extend 12 inches over the roof where not allowed to extend above the top of wall per Table 30.72-1.
3. Allow a south facing wall sign to face a residential property where not allowed per Table 30.72-1.

**DESIGN REVIEWS:**

1. Signage.
2. Lighting plan.

**LAND USE PLAN:**

ENTERPRISE - LOW-INTENSITY SUBURBAN NEIGHBORHOOD (UP TO 5 DU/AC)  
ENTERPRISE - NEIGHBORHOOD COMMERCIAL

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 8990 Westwind Road
- Site Acreage: 3.9
- Project Type: Signage

- Sign Height (feet): 35
- Sign Area (square feet): 345
- Building Height (feet): previously approved 24 (convenience store)/21 (canopy)/25 (retail & restaurant)/32 (secondhand sales)

#### Site Plan

The site is located on the southeast corner of Blue Diamond Road and Westwind Road. The plans depict a retail center with 2 points of access from Westwind Road. Nevada Department of Transportation has indicated that access to Blue Diamond Road is not permitted. A convenience store with covered gasoline pumps is located at the northwest corner of the site. The convenience store (Pad B) is located 40 feet south of the northern property line, 15 feet from Westwind Road to the west and 106 feet from the residential development on the west side of Westwind Road. The convenience store is oriented towards the center of the site, with parking along the east side of the building. The gasoline station is to the east of the convenience store and set back 58 feet from the north property line and 131 feet from the residential use to the southeast. A retail/restaurant pad site (Pad C) is located at the northeast corner of the site, 10 feet from the northern property line. Lastly, a pad site with a secondhand sales building (Pad A), Goodwill Donation Center, is located to the south of the convenience store and gasoline pumps, 24 feet from the east property line which is adjacent to residential development and 73 feet from the south property line which is adjacent to residential development. A loading dock is on the west side of the building. Parking is located throughout the site and cross access is provided to the commercial site to the east.

#### Landscaping

No changes are proposed to the previously approved landscape plan.

#### Elevations

Per the plans, the convenience store (Pad B) is 24 feet high and the retail/restaurant building (Pad C) is 25 feet high, both with a flat roof behind a varied parapet wall. The exterior finish of both buildings includes stucco walls painted with earth tones, with decorative metal accent bands. Aluminum storefront window and door systems are provided on the front elevations.

The gasoline canopy is 21 feet high with stucco covered columns.

The secondhand sales building (Goodwill Donation Center, Pad A) is a total of 32 feet to the top of the highest parapet wall with varied parapet walls 25 feet to 27 feet high. The color scheme is the same as the other buildings within the development with additional stone veneer accents. The loading dock contains a metal roll-up door on the west elevation and aluminum storefront windows/doors are located at the entrance on the northwest portion of the building.

#### Signage

A 345 square foot, 35 foot high freestanding sign is proposed between Pad B and Pad C adjacent to Blue Diamond Road. An existing 142 square foot freestanding sign is located in the northeast portion of the commercial center (827 square feet of freestanding signage is permitted on site). The proposed sign requires a waiver of development standards since there will be 2 freestanding signs for the commercial center with less than 1,000 feet of street. Three single face wall signs

will be mounted flush to the gasoline canopy. A waiver is required for 1 of the signs to extend 1 foot (12 inches) above the canopy edge. Tenant wall signs are shown on all buildings with the allowed maximum 6 foot letter height and are within square foot maximum areas. A 72 square foot wall sign is proposed on the southern elevation of Pad A, facing single family residential development, necessitating a waiver of development standards. The freestanding sign will be compatible with the architecture of the commercial center. The applicant has provided a sign table for quick reference.

Lighting

The site includes standard lighting for parking lot and commercial retail buildings that meet Section 30.56.135. The site includes 20 foot down shielded light poles for parking areas, under gas station canopy lighting, and entry door down shielded lighting.

Applicant's Justification

The applicant is requesting a canopy sign waiver, freestanding sign waiver, wall sign facing residential property waiver, commercial sign plan design review, and a lighting plan design review. The lighting plan will meet Title 30 requirements when building permits are obtained. A lighting plan has been submitted that shows standard levels of lighting on the property. The freestanding sign is needed on the west side of the retail building to advertise the location of the Goodwill store that is set back nearly 300 feet from Blue Diamond Road, as well as other retail uses. The number and area of wall signs requested will meet Title 30 requirements.

**Prior Land Use Requests**

Application Number	Request	Action	Date
UC-22-0313	Convenience store, gas station, secondhand sales, and shopping center	Approved by BCC	July 2022
WC-22-400074 (NZC-1563-04)	A waiver of conditions of a zone change requiring a 15 foot wide landscape strip along Blue Diamond Road and Westwind Road	Approved by BCC	July 2022
VS-22-0329	A vacation and abandonment for patent easements	Approved by BCC	July 2022
NZC-1889-03	Reclassified to C-1 zoning for a mini-warehouse on the southern parcel - expired	Approved by BCC	April 2004
ZC-1563-04	Reclassified to C-1 zoning for a convenience store and car wash on the northern parcel	Approved by BCC	February 2005

**Surrounding Land Use**

	Planned Land Use Category	Zoning District	Existing Land Use
North	Business Employment	M-D	Blue Diamond Road & industrial park
South	Low-Intensity Suburban Neighborhood (up to 5 du/ac)	R-1 & R-E	Single family residential

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
East	Ranch Estate Neighborhood (up to 2 du/ac) & Low-Intensity Suburban Neighborhood (up to 5 du/ac)	H-2, R-E (RNP-1), & R-E	Commercial building & single family residential
West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	H-2 & R-2	Single family residential

**STANDARDS FOR APPROVAL:**

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

**Analysis**

**Comprehensive Planning**

Waivers of Development Standards

According to Title 30, the applicant shall have the burden of proof to establish that the proposed request is appropriate for its existing location by showing that the uses of the area adjacent to the property included in the waiver of development standards request will not be affected in a substantially adverse manner. The intent and purpose of a waiver of development standards is to modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative.

Waivers of Development Standards #1, #2, & Design Review #1

The 35 foot high freestanding sign is located adjacent to Blue Diamond Road, and is separated by the 25 foot high retail/restaurant building from direct view of the other existing sign located at the southwest corner of Blue Diamond Road and Lindell Road. The location of the retail building between the 2 signs, disrupts the impact of having 2 freestanding signs in clear view of each other, along a major highway. Master Plan Policy 6.1.2 supports a balanced mix of uses, and the proposed development has a variety of density and intensity with only 3 buildings, and a canopy on nearly 4 acres. With such a small lot coverage and associated limited amount of signage, this site will not be over saturated with signs. The gas canopy wall sign that extends above the plane of the roof, only impacts a small fraction of 1 side of the canopy and will not create a significant visual impact to the surrounding area. Staff recommends approval of these requests.

Waiver of Development Standards #3

There is no need for anything other than a loading zone identification sign and employee entrance sign on the south side of the building. The south side of the building is for warehouse and employee access. Advertising the business on the south facing wall would serve no purpose with regard to attracting business and will be a nuisance to the neighbors to the south. Therefore, staff recommends denial of waiver of development standard #3.



Design Review # 2

The photometric plans indicate all lighting will be directed downward and not shine directly on adjacent property, including residential development to the south and east. Staff recommends approval.

**Staff Recommendation**

Approval of waivers of development standards #1, #2, and the design reviews; denial of waiver of development standards #3.

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

**PRELIMINARY STAFF CONDITIONS:**

**Comprehensive Planning**

If approved:

- 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**

- No comment.

**Fire Prevention Bureau**

- No comment.

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

- No comment.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** ALYN REEVES

**CONTACT:** MARK WHITEHOUSE, HIGH IMPACT SIGN AND DESIGN, 820 S. WIGWAM PARKWAY #100, HENDERSON, NV 89014





# LAND USE APPLICATION 4A

## DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

<p><b>APPLICATION TYPE</b></p> <p><input type="checkbox"/> TEXT AMENDMENT (TA)</p> <p><input type="checkbox"/> ZONE CHANGE</p> <p style="padding-left: 20px;"><input type="checkbox"/> CONFORMING (ZC)</p> <p style="padding-left: 20px;"><input type="checkbox"/> NONCONFORMING (NZC)</p> <p><input type="checkbox"/> USE PERMIT (UC)</p> <p><input type="checkbox"/> VARIANCE (VC)</p> <p><input type="checkbox"/> WAIVER OF DEVELOPMENT STANDARDS (WS)</p> <p><input type="checkbox"/> DESIGN REVIEW (DR)</p> <p style="padding-left: 20px;"><input type="checkbox"/> PUBLIC HEARING</p> <p><input type="checkbox"/> ADMINISTRATIVE DESIGN REVIEW (ADR)</p> <p><input type="checkbox"/> STREET NAME / NUMBERING CHANGE (SC)</p> <p><input type="checkbox"/> WAIVER OF CONDITIONS (WC)</p> <p><small>(ORIGINAL APPLICATION #)</small></p> <p><input type="checkbox"/> ANNEXATION REQUEST (ANX)</p> <p><input type="checkbox"/> EXTENSION OF TIME (ET)</p> <p><small>(ORIGINAL APPLICATION #)</small></p> <p><input type="checkbox"/> APPLICATION REVIEW (AR)</p> <p><small>(ORIGINAL APPLICATION #)</small></p>	<b>STAFF</b>	<p>APP. NUMBER: <u>WS/DR-23-0212</u>      DATE FILED: <u>4-19-2023</u></p> <p>PLANNER ASSIGNED: <u>B98</u></p> <p>TAB/CAC: <u>Interim</u>      TAB/CAC DATE: <u>5-31-2023</u></p> <p>PC MEETING DATE: <u>6-20-2023</u></p> <p>BCC MEETING DATE: _____</p> <p>FEE: <u>1150</u></p>
	<b>PROPERTY OWNER</b>	<p>NAME: <u>BD-Westwind LLC</u></p> <p>ADDRESS: <u>6725 S Eastern Ave Unit 2</u></p> <p>CITY: <u>Las Vegas</u>      STATE: <u>NV</u>      ZIP: <u>89119</u></p> <p>TELEPHONE: <u>702-868-7870</u>      CELL: <u>702-612-5500</u></p> <p>E-MAIL: <u>asif@activecre.com</u></p>
	<b>APPLICANT</b>	<p>NAME: <u>Active Commercial</u></p> <p>ADDRESS: <u>6725 S Eastern Ave Unit 2</u></p> <p>CITY: <u>as Vegas</u>      STATE: <u>NV</u>      ZIP: <u>89119</u></p> <p>TELEPHONE: <u>702-868-7870</u>      CELL: <u>702-612-5500</u></p> <p>E-MAIL: <u>asif@activecre.com</u>      REF CONTACT ID #: _____</p>
	<b>CORRESPONDENT</b>	<p>NAME: <u>Mark Whitehouse</u></p> <p>ADDRESS: <u>820 S. Wigwam Parkway # 100</u></p> <p>CITY: <u>Henderson</u>      STATE: <u>NV</u>      ZIP: <u>89014</u></p> <p>TELEPHONE: <u>702-336-3336</u>      CELL: <u>702-336-3336</u></p> <p>E-MAIL: <u>mwhitehouse@highimpact</u>      REF CONTACT ID #: _____</p>

ASSESSOR'S PARCEL NUMBER(S): 176-24-101-006, 176-24-101-024      DD

PROPERTY ADDRESS and/or CROSS STREETS: NEC Westwind and Blue Diamond

PROJECT DESCRIPTION: Shopping Center

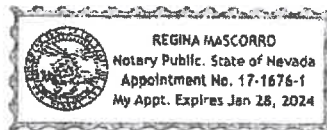
(I, We) the undersigned swear and say that (I am, We are) the owner(s) of record on the Tax Rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Clark County Code; that the information on the attached legal description, all plans, and drawings attached hereto, and all the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the Clark County Comprehensive Planning Department, or its designee, to enter the premises and to install any required signs on said property for the purpose of advising the public of the proposed application.

[Signature]      Abdus Asif  
 Property Owner (Signature)\*      Property Owner (Print)

STATE OF Nevada  
 COUNTY OF Clark

SUBSCRIBED AND SWORN BEFORE ME ON 7/21/23 (DATE)  
 By Abdus Asif

NOTARY PUBLIC: [Signature]



\*NOTE: Corporate declaration of authority (or equivalent), power of attorney, or signature documentation is required if the applicant and/or property owner is a corporation, partnership, trust, or provides signature in a representative capacity.



# LAND USE APPLICATION

## DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

<b>APPLICATION TYPE</b>  <input type="checkbox"/> TEXT AMENDMENT (TA) <input type="checkbox"/> ZONE CHANGE <input type="checkbox"/> CONFORMING (ZC) <input type="checkbox"/> NONCONFORMING (NZC) <input type="checkbox"/> USE PERMIT (UC) <input type="checkbox"/> VARIANCE (VC) <input type="checkbox"/> WAIVER OF DEVELOPMENT STANDARDS (WS) <input type="checkbox"/> DESIGN REVIEW (DR) <input type="checkbox"/> PUBLIC HEARING <input type="checkbox"/> ADMINISTRATIVE DESIGN REVIEW (ADR) <input type="checkbox"/> STREET NAME / NUMBERING CHANGE (SC) <input type="checkbox"/> WAIVER OF CONDITIONS (WC)  (ORIGINAL APPLICATION #)  <input type="checkbox"/> ANNEXATION REQUEST (ANX) <input type="checkbox"/> EXTENSION OF TIME (ET)  (ORIGINAL APPLICATION #)  <input type="checkbox"/> APPLICATION REVIEW (AR)  (ORIGINAL APPLICATION #)	<b>STAFF</b>  APP. NUMBER: _____ DATE FILED: _____ PLANNER ASSIGNED: _____ TAB/CAC: _____ TAB/CAC DATE: _____ PC MEETING DATE: _____ BCC MEETING DATE: _____ FEE: _____
	<b>PROPERTY OWNER</b>  NAME: <u>BD-Westwind LLC</u> ADDRESS: <u>6725 S Eastern Ave Unit 2</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89119</u> TELEPHONE: <u>702-868-7870</u> CELL: <u>702-612-5500</u> E-MAIL: <u>asif@activecre.com</u>
	<b>APPLICANT</b>  NAME: <u>Active Commercial</u> ADDRESS: <u>6725 S Eastern Ave Unit 2</u> CITY: <u>as Vegas</u> STATE: <u>NV</u> ZIP: <u>89119</u> TELEPHONE: <u>702-868-7870</u> CELL: <u>702-612-5500</u> E-MAIL: <u>asif@activecre.com</u> REF CONTACT ID #: _____
	<b>CORRESPONDENT</b>  NAME: <u>Mark Whitehouse</u> ADDRESS: <u>820 S. Wigwam Parkway # 100</u> CITY: <u>Henderson</u> STATE: <u>NV</u> ZIP: <u>89014</u> TELEPHONE: <u>702-336-3336</u> CELL: <u>702-336-3336</u> E-MAIL: <u>mwhitehouse@highimpact</u> REF CONTACT ID #: _____

ASSESSOR'S PARCEL NUMBER(S): 176-24-101-006, 176-24-101-024  
 PROPERTY ADDRESS and/or CROSS STREETS: NEC Westwind and Blue Diamond  
 PROJECT DESCRIPTION: Shopping Center

(I, We) the undersigned swear and say that (I am, We are) the owner(s) of record on the Tax Rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Clark County Code; that the information on the attached legal description, all plans, and drawings attached hereto, and all the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the Clark County Comprehensive Planning Department, or its designee, to enter the premises and to install any required signs on said property for the purpose of advising the public of the proposed application.

[Signature]  
 Property Owner (Signature)\*  
Abdus Asif  
 Property Owner (Print)

STATE OF Nevada  
 COUNTY OF Clark  
 SUBSCRIBED AND SWORN BEFORE ME ON 7/26/22 (DATE)  
 By Abdus Asif  
 NOTARY PUBLIC: \_\_\_\_\_



\*NOTE: Corporate declaration of authority (or equivalent), power of attorney, or signature documentation is required if the applicant and/or property owner is a corporation, partnership, trust, or provides signature in a representative capacity.



PLANNER  
COPY

To: Clark County Comprehensive Planning Dept.  
500 Grand Central Pkwy  
Las Vegas NV  
89155

From: Mark Whitehouse  
High Impact Sign and Design  
820 S. Wigwam #100  
Henderson, NV 89014  
(702) 336-3336

March 8, 2023

Re: Lighting & Signage Design Review with waivers for Public Hearing – Blue Diamond & Westwind Retail Center  
Comprehensive Planning,

We request a Signage Design and Lighting Review an already approved retail center located at Blue Diamond Road in Las Vegas NV.

Enclosed please find the Sign Plan Exhibit, Sign Calculations Table and Justification Letter.

The project will have the following signage which is compliant with Clark County Title 30.72 Sign Code and there are no waivers being requested.

- Sign A – Freestanding sign, this sign is being requested at a height of 35' where 35' is the maximum. The sign will be 345 square feet where 443 square feet is the maximum which is a reduction of 25% of allowed freestanding signage square footage.
  - o Waiver Required, to allow two (2) Freestanding signs on a commercial complex with less than the required 1000 linear feet of frontage.
    - We justify this request due to the required cross access agreement making this site one commercial complex which will now require us to file this waiver. The sites were approved and developed at different times so when the SDMI was constructed it was a stand-alone site with its own Freestanding Sign now that the access has been granted it is one site. This new portion of the commercial complex requires signage for its own identification and tenants.
- Canopy Wall Signage – Three (3) single face wall signs mounted flush to the gasoline canopy. The signs will exceed the height of the canopy by 12".
  - o Waiver Required, to allow a wall sign to exceed over a canopy roof by 12".
    - We justify this request due to the required Conoco APEX brand image which does require the signage to go above the canopy. The APEX sites off more amenities and unique branding standards. It is our hope that we are allowed to maintain brand standard for the Conoco APEX image.
- Tenant Wall Signage – Standard Pan Channel letter signage is being required for the tenants at this site. The combined gross acreage for this site now that the cross access is in place exceeds five (5) gross acres therefore the factor of 6 was used multiplied by the building's elevations in order to find the maximum allowable wall signage square footage. The calculation used has been shown on the exhibits.

All signs shall comply with the following, except those signs located within the Las Vegas Boulevard Gaming Corridor, as defined in NRS 463.3076: A. Signs shall not increase lighting levels by more than 0.3-foot candles over ambient levels as measured using a foot candle meter as per the pre-set distances noted in 30.7204D #13, signs shall not interfere with any traffic control devices, ambient light monitors are required that enable sign brightness to adjust to outside conditions and sign display must immobilize in the event of a screen malfunction.

Regarding the Lighting Review there are not any special lighting request on lighting and all exhibits for Lighting Review and included with this submittal.

In closing, this freestanding sign will be compatible in materials with the building's architecture, colors, and finishes. The sign will not negatively impact the surrounding neighborhood and we are not requesting any waivers.

Should you have any questions or require additional information, please feel free to contact our office.  
Thank you.

Regards,  
Mark Whitehouse

820 Wigwam Parkway, Ste 100  
Henderson, NV 89014  
(702) 736-7446 office  
(702) 644-0678 fax  
www.highimpactsign.com



EASEMENTS  
(TITLE 30)

DEAN MARTIN DR/FRIAS AVE

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST  
ET-23-400035 (VS-20-0575)-D.R. HORTON, INC:

**VACATION AND ABANDONMENT FIRST EXTENSION OF TIME** for easements of interest to Clark County located between Dean Martin Drive and Valley View Boulevard, and between Frias Avenue and Cactus Avenue within Enterprise (description on file). JJ/tpd/syp (For possible action)

RELATED INFORMATION:

**APN:**

177-29-403-001; 177-29-406-003; 177-29-406-004

**LAND USE PLAN:**

ENTERPRISE - MID-INTENSITY SUBURBAN NEIGHBORHOOD (UP TO 8 DU/AC)

**BACKGROUND:**

**Project Description**

The approved plans show the vacation and abandonment of patent easements and BLM grants ranging in size from 3 feet wide to 50 feet wide which traverse the 22.5 acre site, excepting out dedication for public right-of-way. The applicant indicates that the easements are no longer needed, and approval of this application will allow the residential development of these parcels.

Previous Conditions of Approval

Listed below are the approved conditions for VS-20-0575:

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 35 feet to the back of curb for Dean Martin Drive, 30 feet for Frias Avenue, 30 feet for Rush Avenue, 30 feet for Polaris Avenue with a portion

of a knuckle at the intersection of Rush Avenue and Polaris Avenue, and associated spandrel;

- Vacation to be recordable prior to building permit issuance or applicable map submittal;
- Revise legal description, if necessary, prior to recording.
- Applicant is advised that the installation of detached sidewalks will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

**Applicant's Justification**

The applicant is currently in the process of acquiring the required permits and approvals to develop the aforementioned parcels. The approval of this request will give the developer enough time to acquire full entitlements.

**Prior Land Use Requests**

Application Number	Request	Action	Date
WS-22-0194	Waivers for reduced setbacks in conjunction with a single family residential development	Approved by PC	June 2022
TM-20-500199	209 single family residential lots on 22.5 acres in an RUD zone	Approved by BCC	March 2021
VS-20-0575	Vacated and abandoned easements of interest to Clark County located between Dean Martin Drive and Valley View Boulevard	Approved by BCC	March 2021
ZC-20-0574	Zone change, waiver, and design reviews for a single family residential development	Approved by BCC	March 2021
PA-18-700020	Redesignated the land use category of this site to RM (Residential Medium) for the undeveloped parcels south of Frias Avenue	Approved by BCC	March 2019
NZC-0340-13	Reclassified a portion of this site to R-1 zoning for a single family residential subdivision - expired	Approved by BCC	November 2013

**Surrounding Land Use**

	Planned Land Use Category	Zoning District	Existing Land Use
North	Low-Intensity Suburban Neighborhood (up to 5 du/ac)	R-E & R-D	Undeveloped & single family residential
South	Neighborhood Commercial; Mid-Intensity Suburban Neighborhood; (up to 8 du/ac) & Corridor Mixed-Use	C-1, R-E, & C-2	Undeveloped, single family residential, convenience store with gas station, & shopping center
East	Mid-Intensity Suburban Neighborhood (up to 8 du/ac) & Corridor Mixed-Use	R-E & C-2	Undeveloped
West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac) & Neighborhood Commercial	R-E & C-2	Undeveloped



**STANDARDS FOR APPROVAL:**

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

**Analysis**

**Comprehensive 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. Using the criteria set forth in Title 30, no substantial changes have occurred at the subject site since the original approval.

Records show that there have been subsequent land use applications approved for this project (WS-22-0194). Also, the applicant has been approved for an early grading permit and a drainage study, which shows the applicant is taking steps towards development of the site. It is for these reasons that staff can support the extension of time request.

**Public Works - Development Review**

There have been no significant changes in this area. Staff has no objection to this extension of time.

**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 Master Plan, Title 30, and/or the Nevada Revised Statutes.

**PRELIMINARY STAFF CONDITIONS:**

**Comprehensive Planning**

- Until March 3, 2025 to record.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that re-approval by the utility companies will be required.

**Public Works - Development Review**

- Compliance with previous conditions.

**Fire Prevention Bureau**

- No comment.

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

- No comment.

**TAB/CAC:**

**APPROVALS:**

**PROTEST:**

**APPLICANT: D.R. HORTON, INC.**

**CONTACT: VTN-NEVADA, 2727 S. RAINBOW BOULEVARD, LAS VEGAS, NV 89146**

DRAFT



# LAND USE APPLICATION 5A

## DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

<b>APPLICATION TYPE</b>  <input type="checkbox"/> TEXT AMENDMENT (TA) <input type="checkbox"/> ZONE CHANGE (ZC) <input type="checkbox"/> USE PERMIT (UC) <input type="checkbox"/> VARIANCE (VC) <input type="checkbox"/> WAIVER OF DEVELOPMENT STANDARDS (WS) <input type="checkbox"/> DESIGN REVIEW (DR) <input type="checkbox"/> ADMINISTRATIVE DESIGN REVIEW (ADR) <input type="checkbox"/> STREET NAME / NUMBERING CHANGE (SC) <input type="checkbox"/> WAIVER OF CONDITIONS (WC)  (ORIGINAL APPLICATION #)  <input type="checkbox"/> ANNEXATION REQUEST (ANX) <input checked="" type="checkbox"/> EXTENSION OF TIME (ET) VS-20-0575 (ORIGINAL APPLICATION #)  <input type="checkbox"/> APPLICATION REVIEW (AR)  (ORIGINAL APPLICATION #)	<b>STAFF</b>  APP. NUMBER: <u>BT- 23-400035</u> DATE FILED: <u>3/30/23</u> PLANNER ASSIGNED: <u>Tyler</u> TAB/CAC: <u>Enterprise</u> TAB/CAC DATE: <u>5-31-23</u> PC MEETING DATE: _____ BCC MEETING DATE: <u>6-21-23</u> FEE: <u>\$ 300</u>
	<b>PROPERTY OWNER</b>  NAME: <u>DR HORTON INC</u> ADDRESS: <u>1081 WHITNEY RANCH ROAD, SUITE # 141</u> CITY: <u>HENDERSON</u> STATE: <u>NV</u> ZIP: <u>89014</u> TELEPHONE: <u>(702)635-3600</u> CELL: _____ E-MAIL: <u>ALWilliams@drhorton.com</u>
	<b>APPLICANT</b>  NAME: <u>DR HORTON INC</u> ADDRESS: <u>1081 WHITNEY RANCH ROAD, SUITE # 141</u> CITY: <u>HENDERSON</u> STATE: <u>NV</u> ZIP: <u>89014</u> TELEPHONE: <u>(702)635-3600</u> CELL: _____ E-MAIL: <u>ALWilliams@drhorton.com</u> REF CONTACT ID #: _____
	<b>CORRESPONDENT</b>  NAME: <u>VTN-NEVADA c/o: Jeffrey Armstrong</u> ADDRESS: <u>2727 SOUTH RAINBOW BOULEVARD</u> CITY: <u>LAS VEGAS</u> STATE: <u>NV</u> ZIP: <u>89146</u> TELEPHONE: <u>(702)873-7550</u> CELL: _____ E-MAIL: <u>jeffreya@vtnv.com</u> REF CONTACT ID #: _____

PLANNER COPY

ASSESSOR'S PARCEL NUMBER(S): 177-29-406-003 and 004  
 PROPERTY ADDRESS and/or CROSS STREETS: DEAN MARTIN DRIVE and FRIAS AVENUE  
 PROJECT DESCRIPTION: A 206 LOT RESIDENTIAL DEVELOPMENT

(I, We) the undersigned swear and say that (I am, We are) the owner(s) of record on the Tax Rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Clark County Code; that the information on the attached legal description, all plans, and drawings attached hereto, and all the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the Clark County Comprehensive Planning Department, or its designee, to enter the premises and to install any required signs on said property for the purpose of advising the public of the proposed application.

Property Owner (Signature)\* Chris Foley      Property Owner (Print) Chris Foley

STATE OF Nevada  
 COUNTY OF Clark

SUBSCRIBED AND SWORN BEFORE ME ON February 27, 2023 (DATE)

By Chris Foley  
 NOTARY PUBLIC: [Signature]



\*NOTE: Corporate declaration of authority (or equivalent), power of attorney, or signature documentation is required if the applicant and/or property owner is a corporation, partnership, trust, or provides signature in a representative capacity.

23-400035



February 27, 2023

**Clark County  
Planning Department**  
550 Grand Central Parkway  
Las Vegas, Nevada 89155

Attention: Planning Department.

RE: APN 177-29-406-003 and 004

Subject: 1. Extension of Time Request – VS-20-0575

Planning Department:

On behalf of our client DR Horton Inc, VTN Nevada is submitting this request for approval of an Extension of Time for the following Land Use Case:

**1. VS-20-0575**

The subject property was approved by the Clark County Board of County Commissioners on March 3,2021.

The developer is currently in the process of securing the necessary permits and approvals to develop the subject property as previously approved. The approval of this Extension of Time will allow the developer adequate time to complete this development process. The applicant is requesting a 1-year extension for the application.

We thank you in advance for your time and consideration. If you have any questions or comment, please do not hesitate to contact me at (702)873-7550.

Sincerely,

*Jeffrey Armstrong*

Jeffrey Armstrong  
Planning Manager

cc: Amanda Williams, DR Horton Inc  
Dave Edwards, VTN Nevada

MINI-WAREHOUSE  
(TITLE 30)

ROBINDALE RD/DECATUR BLVD

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST  
**ET-23-400047 (NZC-0601-15)-ROBINDALE & ASSOCIATES, LLC:**

**ZONE CHANGE THIRD EXTENSION OF TIME** to reclassify 3.1 acres from an R-E (Rural Estates Residential) Zone to an M-D (Designed Manufacturing) Zone.

**DESIGN REVIEWS** for the following: **1)** a mini-warehouse facility; and **2)** recreational vehicle and boat storage.

Generally located on the north side of Robindale Road, 1,250 feet west of Decatur Boulevard within Enterprise (description on file). MN/nai/syp (For possible action)

---

RELATED INFORMATION:

**APN:**  
176-12-601-048

**LAND USE PLAN:**  
ENTERPRISE - MID-INTENSITY SUBURBAN NEIGHBORHOOD (UP TO 8 DU/AC)

**BACKGROUND:**  
**Project Description**

**General Summary**

- Site Address: 5310 Robindale Road
- Site Acreage: 3.1
- Project Type: Mini-warehouse facility with RV and boat storage
- Number of Stories: 1 & 3
- Building Height (feet): 18 to 45
- Square Feet: 38,005
- Parking Required/Provided: 13/41

Site Plans

The approved plans depict an irregular shaped 3.1 acre parcel. The Union Pacific Railroad right-of-way abuts the western property line and an overhead power line easement runs along the eastern property line adjacent to a single family residential development. The railroad easement extends into this site 100 feet along the west side, and when combined with the additional overhead power line easement that is 100 feet wide along the east side, there is approximately 20,000 square feet of this 3.1 acre site that could support a structure and site improvements. The approved storage facility is a 1 and 3 story high building that is 38,201 square feet and centrally located on the site, and is bounded by the railroad easement on the west and the overhead power

easement on the east. The approved project will consist of a 29,877 square feet mini-storage facility, which also includes a manager's unit, with 8,324 square feet of covered boat and RV storage (garage) adjacent to the main building. In addition, the approved project includes 30 uncovered, oversized parking spaces along the east side of the property.

Thirteen off-street parking spaces are provided with 1 parking space designated for handicap parking. The parking is adjacent to the main office and manager's quarters as required by Title 30 and outside the site's security gates. The site will have 1 access point from Robindale Road and is located towards the east side of the parcel. The drive aisle within the facility is a minimum of 27 feet, which is the standard for a mini-warehouse facility, although the site plan depicts a drive aisle that is slightly wider.

#### Landscaping

The approved plans depict 25 feet of street landscaping that incorporates an existing attached sidewalk that currently exists on a portion of the site frontage along Robindale Road. Additionally, since the site is a nonconforming development to the land uses in the area and the Land Use Plan, the plans depict a 10 foot wide intense landscaping per Figure 30.64-12 along the east property line adjacent to an existing residential development. The approved parking lot landscaping is equitably distributed throughout the site.

#### Elevations

The approved plans depict a 1 and 3 story building with stucco textured siding, stone veneer, windows, faux windows, decorative metal roof, with tiled parapet, and CMU block that is painted to match the rest of the building. The 1 story portion of the building is 18 feet high and the 3 story portion is 35 feet to 45 feet in height. The 1 story portion of the building will have overhead roll-up doors along the east side of the building.

A rental office, business office, and manager's quarters are shown on the plans at the entry to the facility along the southeast portion of the building. The main entrance is defined with double entry doors and windows with external decorative features on the facade such as a stone accent.

#### Floor Plans

The approved plans depict the following on the first floor: 1) 927 square foot office; 2) 8,880 square foot storage unit area; and 3) 8,324 square foot storage garage area for RV and boat storage. The second floor consists of the following: 1) 1,013 square foot manager's apartment; and 2) 8,880 square foot storage unit area. The third floor consists of 9,981 square foot storage unit area.

#### Previous Conditions of Approval

Listed below are the approved conditions for ET-21-400014 (NZA-0601-15):

#### Current Planning

- Until November 18, 2022 to complete.
- Applicant is advised that the County is currently reviewing 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 the 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.

Listed below are the approved conditions for ET-18-400251 (NZE-0601-15):

Current Planning

- Until November 18, 2020 to complete.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

Public Works - Development Review

- Compliance with previous conditions.

Listed below are the approved conditions for NZC-0601-15:

Current Planning

- A resolution of intent to complete construction in 3 years;
- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area;
- Project to be developed as a mini-warehouse development with RV and boat storage only;
- Architectural enhancements and detailing on south and east elevations per plans;
- Design review as a public hearing for any significant changes to plans;
- Design review as a public hearing for signage and lighting;
- Facility to operate only during daytime hours as specified in Title 30;
- Block wall along the east property line to be decorative and all walls to be a minimum of 8 feet high, but the wall will not be required along the east property line if grade can be maintained along the east property line;
- To maintain continuity along Robindale Road with adjacent or contiguous developments, street landscaping to be in accordance with Figure 30.64-17 including a detached sidewalk;
- Intense landscape buffer per Figure 30.64-12, as depicted on plans, along the east property line;
- 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; 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;
- Full off-site improvements;
- Detached sidewalk will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

#### Department of Aviation

- Applicant is required to file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, in accordance with 14 CFR Part 77, or submit to the Director of Aviation a "Property Owner's Shielding Determination Statement" and request written concurrence from the Department of Aviation;
- If applicant does not obtain written concurrence to a "Property Owner's Shielding Determination Statement," then applicant must also receive either a Permit from the Director of Aviation or a Variance from the Airport Hazard Areas Board of Adjustment (AHABA) prior to construction as required by Section 30.48 Part B of the Clark County Unified Development Code.
- Applicant is advised that the FAA's determination is advisory in nature and does not guarantee that a Director's Permit or an AHABA Variance will be approved; 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; and that the FAA's airspace determinations include expiration dates and that the separate airspace determinations will be needed for construction cranes or other temporary equipment.

#### Building/Fire Prevention

- Applicant is advised that fire/emergency access must comply with the Fire Code as amended; and to provide adequate fire lanes and access measuring 24 feet throughout site on all drawings with compliance to 28 foot interior by 52 foot exterior turning radius.

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

- Applicant is advised that existing sewer is located within 400 feet of the parcel; and that at the time of development and if connecting to public sanitary sewer, CCWRD requires submittal of civil improvement plans and estimated wastewater flow rates to determine sewer point of connection.

#### Applicant's Justification

Per the applicant's justification letter, work has commenced on the site at the end of 2021 and continued through October 2022. Today, the project has reached final approvals with agencies such as the Las Vegas Valley Water District (LVVWD), Clark County Building Department, and Clark County Fire Department. The applicant indicates that an additional 9 months is required to complete the storage facility.



**Prior Land Use Requests**

Application Number	Request	Action	Date
ET-21-400014 (Nzc-0601-15)	Second extension of time to reclassify 3.1 acres from R-E to M-D zoning for a mini warehouse facility and a recreational vehicle and boat storage	Approved by BCC	May 2021
ET-18-400251 (Nzc-0601-15)	First extension of time to reclassify 3.1 acres from R-E to M-D zoning for a mini warehouse facility and a recreational vehicle and boat storage	Approved by BCC	January 2019
Nzc-0601-15	Reclassified 3.1 acres from R-E to M-D zoning for a mini-warehouse facility and a recreational vehicle and boat storage	Approved by BCC	November 2015
Nzc-0227-08	Reclassified 3.1 acres from R-E to M-D zoning for a mini-warehouse facility and a recreational vehicle and boat storage -expired	Approved by BCC	June 2008

**Surrounding Land Use**

	Planned Land Use Category	Zoning District	Existing Land Use
North	Business Employment & Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-2	Single family residential & Union Pacific Railroad
South	Open Lands	R-E & M-1	Drainage basin
East	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-2	Single family residential
West	Business Employment	M-1 & RUD	Manufacturing, single family residential, & Union Pacific Railroad

The subject site is within the Public Facilities Needs Assessment (PFNA) area.

**STANDARDS FOR APPROVAL:**

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

**Analysis**

**Comprehensive 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. Using the criteria set forth in Title 30, no substantial changes have occurred at the subject site since the original approval.

Staff finds that the applicant has active bonds (PW17-24486-PBND), off-site permits (PW17-24486-P600) have been issued, a separate document (SD-17-990159) was recorded with the

Clark County Mapping Team, and the following Clark County Building Department permits have been issued (BD-22-15714, BD22-15714-E, BD22-15714-M, BD22-15714-P, and BD-23-03590). Although the applicant has experienced delays in completing the project due to re-approval of plans and permits, and this is the third extension of time request, staff can support this application since records show the applicant has active and issued permits from various Clark County Departments.

**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 Master Plan, Title 30, and/or the Nevada Revised Statutes.

**PRELIMINARY STAFF CONDITIONS:**

**Comprehensive Planning**

- Until November 18, 2024 to complete.
- 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 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:** ROBINDALE & ASSOCIATES, LLC

**CONTACT:** JEFFREY ENGLEHART, 1700 HORIZON RIDGE PKWY #102, HENDERSON, NV 89012



# LAND USE APPLICATION

# 6A

## DEPARTMENT OF COMPREHENSIVE PLANNING

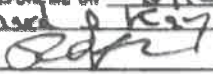
APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

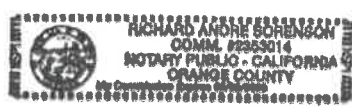
<b>APPLICATION TYPE</b>  <input type="checkbox"/> TEXT AMENDMENT (TA) <input type="checkbox"/> ZONE CHANGE <input type="checkbox"/> CONFORMING (ZC) <input type="checkbox"/> NONCONFORMING (NZC)  <input type="checkbox"/> USE PERMIT (UC)  <input type="checkbox"/> VARIANCE (VC)  <input type="checkbox"/> WAIVER OF DEVELOPMENT STANDARDS (WS) <input type="checkbox"/> DESIGN REVIEW (DR) <input type="checkbox"/> ADMINISTRATIVE DESIGN REVIEW (ADR)  <input type="checkbox"/> STREET NAME / NUMBERING CHANGE (SC) <input type="checkbox"/> WAIVER OF CONDITIONS (WC)  (ORIGINAL APPLICATION #)  <input type="checkbox"/> ANNEXATION REQUEST (ANX)  <input checked="" type="checkbox"/> EXTENSION OF TIME (ET) ET-21-400014 (N20-0601-15) (ORIGINAL APPLICATION #)  <input type="checkbox"/> APPLICATION REVIEW (AR)  (ORIGINAL APPLICATION #)	<b>STAFF</b>  APP. NUMBER: <u>ET-23-400047</u> DATE FILED: <u>04/17/2023</u> PLANNER ASSIGNED: <u>NAI</u> TAB/CAC: <u>Enterprise</u> TAB/CAC DATE: <u>05/31/2023</u> PC MEETING DATE: _____ BCC MEETING DATE: <u>06/21/2023</u> FEE: <u>\$600</u>
	<b>PROPERTY OWNER</b>  NAME: <u>Robindale &amp; Associates LLC</u> ADDRESS: <u>1291 Puerta del Sol</u> CITY: <u>San Clemente</u> STATE: <u>CA</u> ZIP: <u>92673</u> TELEPHONE: <u>(949) 488-2922</u> CELL: <u>(714) 337-0377</u> E-MAIL: <u>Richarddkey@gmail.com</u>
	<b>APPLICANT</b>  NAME: <u>JEFF ENGLEHART</u> ADDRESS: <u>1700 HORIZON RIDGE PKWY #102</u> CITY: <u>HENDERSON</u> STATE: <u>NV</u> ZIP: <u>89012</u> TELEPHONE: _____      CELL: <u>(702) 501-5107</u> E-MAIL: <u>Jeff_Englehart@hotmail.com</u> REF CONTACT ID #: _____
	<b>CORRESPONDENT</b>  NAME: <u>BROWN BROWN &amp; PREMIER</u> ADDRESS: <u>520 S. 4TH ST.</u> CITY: <u>LAS VEGAS</u> STATE: <u>NV</u> ZIP: <u>89101</u> TELEPHONE: <u>702 598-1484</u> CELL: _____ E-MAIL: <u>LORA@brownlawlv.com</u> REF CONTACT ID #: _____

ASSESSOR'S PARCEL NUMBER(S): 176-12-601-048  
 PROPERTY ADDRESS and/or CROSS STREETS: ROBINDALE rd & CANYON RAIN  
 PROJECT DESCRIPTION: SELF STORAGE

(I, We) the undersigned swear and say that (I am, We are) the owner(s) of record on the Tax Rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Clark County Code; that the information on the attached legal description, all plans, and drawings attached hereto, and all the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the Clark County Comprehensive Planning Department, or its designee, to enter the premises and to install any required signs on said property for the purpose of advising the public of the proposed application.

  
 Property Owner (Signature)  
 RICHARD D. KAY / (ROBINDALE & ASS Managing Member)  
 Property Owner (Print)

STATE OF California  
 COUNTY OF Orange  
 SUBSCRIBED AND SWORN BEFORE ME ON 10/12/2023 (DATE)  
 By Richard D. Kay  
 NOTARY PUBLIC: 



**\*NOTE:** Corporate declaration of authority (or equivalent), power of attorney, or signature documentation is required if the applicant and/or property owner is a corporation, partnership, trust, or provides signature in a representative capacity.

**Justification Letter ( Extension of Time )**

<b>Project Name:</b> Robindale Self Storage	<b>Date:</b> 08 October 2022	<b>Project #</b>
<b>Location:</b> 5300 W. Robindale Rd.	<b>Pages:</b> 1 of 2	<b>Arch. Phase:</b> Complete

*ET - 23 - 400047*

**Property Identification Number:**

176-12-601-048

**The Request:**

An Extension of time ( 30.16.200 ), to start and complete construction of a Self Storage facility.  
Respectfully requesting a 9 Month Extension of time.

**Project Name:**

Robindale Self Storage

**Project Location**

The project will be located just 99 feet to the West of intersection of W. Robindale Rd. & Canyon Rain St.

**Project Description:**

Gated facility is a 3 Story / 29,902 sqft with an Office on 1<sup>st</sup> level, at Southeast corner of main building. In addition, there will be 8,506 sqft of Boat / RV Garages, and lastly there will be 30 open Parking places. The main Building shall be neutral and/or earth tone colored stucco finish with decorative accents, as illustrated in the elevation drawings. The architectural style shall be residential in appearance to better blend with surrounding residential properties. Set-backs, driveway throat depths, parking lot coverage, and landscaping shall meet code. Trash enclosure shall be away from residences and will not be visible from the public right of way.

**Project Justification:**

The Owner has conducted very extensive amount of professional service work done, in order to be re-approved and eligible for a Building Permit. This process started upon BCC approval of the NOFA "Extension of Time" in late May 2021; following this approval work commenced immediately during the last half of 2021 and has continued until October 2022 . However, project has just now reached final approval, due to the complexity of the various departments having to re-approve all facets of project due to Code and Agreement expirations ( ie. LVWWD Water re-approval ). Moreover, other parts of the project also needed to be re-approved through the Public Works process. These include but are not limited to, Utilities, Civil Engineering ( Half Street), Architectural, Fire, Landscaping, FAA obstruction evaluation, Structural Engineering, MP & E Engineering. Therefore, project is just now reached its final approvals despite diligent and consistent efforts procure Permit and various utility approval as fast as possible. Thus, project is just now eligible to obtain a Permit, to commence On and Offsite construction.

**First**, "Robindale Self Storage" will not have any adverse effect on surrounding public services. Moreover, it will actually make neighborhood community more secure, in that this facility will serve as a secure passive vault type of project that will have night lighting, controlled code access to the facility in conjunction with video monitoring 24 hours a day. A state-of-the-art security system will be active, all year round and this shall contribute to safety and general welfare of area residents in this neighborhood

**Second**, This facility will serve as a transition, from the railroad travel corridor to the residential neighborhood within this developing area. This type of facility will have minimal impact on the public facilities, services, access roads, and traffic. It should be noted that our trip generation is significantly lower than the majority of all other types of Industrial and Commercial uses currently allowed under Enterprise Land use Plan.

**Third**, Upon project completion it will feature extensive planting of Evergreen box Trees ( ie. Xylosma ) along the East Property-line, adjacent to neighbors. Once these trees are fully grown, they will not only block the direct view of the facility, for the adjacent neighbors but will also provide shade, privacy and buffer noise, if any. In addition, planned improvements along the road will also be enhanced by trees, shrubs, and ground cover, which will add an improved aesthetic or character, to existing neighborhood.

**Fourth**, A Self Storage project, is within allowed parameters for ( MD ) Light Industrial, under Title 30. This 3-story building and garages along with landscape buffers will serve as a built-in audio-visual barrier for trains, roadway noise and vehicle headlights.

In conclusion, it is our intent to create harmonious development with existing residents and businesses in the immediate area. Moreover, this new business will contribute Tax revenue and increase commerce within the trade area. Lastly, Site development will be consistent with Clark County standards in Title 30



06/21/23 BCC AGENDA SHEET

PASSENGER TERMINAL  
(TITLE 30)

LAS VEGAS BLVD S/BUE DIAMOND RD

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-23-400049 (UC-20-0049)-DESERTXPRESS ENTERPRISES, LLC:

**USE PERMITS SECOND EXTENSION OF TIME** for the following: 1) a passenger terminal (train station); 2) retail sales; 3) restaurants; and 4) outside dining and drinking.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) elimination of freeway buffer; and 2) encroachment into airspace.

**DESIGN REVIEWS** for the following: 1) passenger terminal (train station) and parking garage (no longer needed for parking garage); and 2) alternative landscaping in conjunction with a passenger terminal and parking garage (no longer needed for parking garage) on 110.7 acres in an H-1 (Limited Resort and Apartments) (AE-60 & AE-65) Zone.

Generally located on the west side of Las Vegas Boulevard South and the north side of Blue Diamond Road within Enterprise. MN/tpd/syp (For possible action)

**RELATED INFORMATION:**

**APN:**

177-08-601-001 through 177-08-601-006; 177-08-601-008; 177-08-701-001 through 177-08-701-004; 177-08-701-008; 177-08-701-011; 177-08-701-012; 177-08-701-014; 177-08-799-009; 177-08-799-010

**LAND USE PLAN:**

ENTERPRISE - ENTERTAINMENT MIXED-USE

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Waive 6 foot high freeway buffer wall as required per Figure 30.64-4 (a 100% reduction).
2. Permit encroachment into airspace for a passenger terminal (train station) and parking garage (no longer needed for parking garage) per Section 30.48.160.

**DESIGN REVIEWS:**

1. Passenger terminal (train station) and parking garage (no longer needed for parking garage).
2. Alternative site landscaping per plans.

**LAND USE PLAN:**

ENTERPRISE - COMMERCIAL TOURIST

## **BACKGROUND:**

### **Project Description**

#### **General Summary**

- Site Address: N/A
- Site Acreage: 110.7
- Project Type: Transportation service terminal
- Number of Stories: 3 (train station)/7 (parking garage) (no longer needed for parking garage)
- Building Height (feet): 60 (train station)/88 (parking garage) (no longer needed for parking garage)
- Square Feet: 159,198 (train station)/114,000 (parking garage) (no longer needed for parking garage)
- Parking Provided: 2,680

#### Site Plan

The conceptual plan shows a 2 story passenger terminal (train station) with a basement, a 7 story parking garage was initially proposed but has been removed from the application, a train platform area, and improvements to Robindale Road, Eldorado Lane, and Frank Sinatra Drive. A fire lane is depicted on the southern and the eastern edges of the passenger terminal building. The passenger terminal building extends over the length of Frank Sinatra Drive and provides pedestrian access to the train platforms. The parking garage was proposed to connect to the passenger terminal building by way of a 138 foot long covered pedestrian walkway which bisects the curbside arrival and departure area, but as mentioned above, the parking garage is no longer a part. Three driveways from Eldorado Lane are shown on the revised plans. The western driveway is an entrance to the site, which splits into 3 drive aisles leading to the terminal. A central driveway is an exit from the terminal. The third, easternmost driveway is for both ingress and egress. A valet parking lot is located between the central and eastern driveways. An additional passenger pick-up/drop-off area is located on the south side of the terminal and a surface parking lot is located on the south side of Robindale Road. There are 4 existing billboards along the western side of the site along I-15. Access to the site will be from Las Vegas Boulevard South from either Robindale Road or Eldorado Lane.

#### Landscaping

The plan shows perimeter landscaping on the north side of Robindale Road extending north along Las Vegas Boulevard South, the south side of Robindale Road adjacent to the parking lot, and on the south side of Eldorado Lane. Internally, landscaping will be on both sides of the main divided access road from Eldorado Lane and in the median. The median area of the curbside arrival and departure area will be landscaped. A landscape strip extends on the west side of Frank Sinatra Drive between the roadway and the train platform.

#### Elevations

The conceptual plans show a 60 foot high, 2 story passenger terminal building with an insulated glass exterior with aluminum and metal accents. The passenger terminal building is about 700 feet long and crosses over the entire length of Frank Sinatra Drive and extends over a portion of the train platform.



### Floor Plans

The first floor of the passenger terminal building includes a self-ticketing area, departure lobby, baggage claim, retail space, outdoor dining area, restrooms, office areas, and escalators/stairs. The second floor of the passenger terminal includes retail space, restrooms, passenger waiting areas (lounges), security, and access to the escalators/stairs to the train platform.

### Previous Conditions of Approval

Listed below are the approved conditions for ADET-22-900161 (UC-20-0049):

#### Current Planning

- Until March 04, 2023 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.

Listed below are the approved conditions for UC-20-0049:

#### Current Planning

- Per revised plans.
- 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;
- Full off-site improvements;
- Traffic study and compliance;
- Right-of-way dedication and/or grant easements for Las Vegas Boulevard South to accommodate a proportionate share of a 200 foot wide right-of-way;
- Right-of-way dedication and roadway easements to include 80 feet for Robindale Road, 60 feet for the frontage road, 30 feet for Eldorado Lane, and associated spandrels, as determined by Public Works - Map Team;
- If required by the Regional Transportation Commission (RTC), construct a standard bus stop with a 5 foot by 25 foot bus shelter pad easement behind the sidewalk on the west side of Las Vegas Boulevard South, just south of and as close to practical to both the Eldorado Lane and Robindale Road alignments.
- Applicant is advised that the plans do not contain enough detail to determine compliance with the Uniform Standard Drawings; that additional land use applications may be needed to address the Uniform Standard Drawings; and that the installation of detached sidewalks will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

Department of Aviation

- Applicant is 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;
- Incorporate exterior to interior noise level reduction into the building construction as required by Code for use.
- Applicant is advised that the FAA's determination is advisory in nature and does not guarantee that a Director's Permit or an AHABA Variance will be approved; that FAA's airspace determinations (the outcome of filing the FAA Form 7460-1) are dependent on petitions by any interested party and the height that will not present a hazard as determined by the FAA may change based on these comments; that the FAA's airspace determinations include expiration dates; and that separate airspace determinations will be needed for construction cranes or other temporary equipment; 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.

Signage

Signage is not a part of this request.

Applicant's Justification

The development of the High Speed Train has various requirements, all needing to be addressed to produce a cohesive project. The train station will begin construction as soon as these moving parts are aligned. Required rights for full entitlements have been acquired and financing is being obtained. The applicant is requesting an extension of time to allow for these development stages to settle.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ADET-22-900161 (UC-20-0049)	First extension of time for a passenger terminal for a train station	Approved by ZA	March 2022
ET-21-400070 (VS-19-0401)	First extension of time for a vacation of easements and rights-of-way	Approved by PC	June 2021

**Prior Land Use Requests**

Application Number	Request	Action	Date
UC-20-0049	Passenger terminal for a train station	Approved by BCC	March 2020
TM-19-500108	1 lot commercial subdivision	Approved by PC	July 2019
VS-19-0401	Vacated and abandoned patent easements and rights-of-way including Robindale Road (alignment), Moberly Avenue, a cul-de-sac bulb and attached right-of-way on Ensworth Street (alignment) south of Eldorado Lane	Approved by PC	July 2019
WS-19-0400	Non-standard improvements in the right-of-way	Approved by PC	July 2019
ZC-0620-11 (ET-0034-17)	First extension of time allowed future development, expanded Gaming Enterprise District, allowed a High Impact Project, and other commercial uses; waivers and deviations for reduced parking and encroachment into airspace, and design reviews for all applicable uses on-site - expired	Approved by BCC	May 2017
ZC-0620-11 (WC-0156-12)	Waived the dedication of frontage road per the Transportation Element and replaced it with the reservation of frontage road per the Transportation Element	Approved by BCC	March 2013
TM-0071-12	1 lot commercial subdivision - expired	Approved by PC	September 2012
ZC-0620-11	Reclassified 110 acres from R-E, C-1, M-D, H-1, and H-2 zoning to H-1 (AE-60 & AE-65) zoning; use permits to allow an expansion of the Gaming Enterprise District (eastern portion), allowed a High Impact Project, with deviations/waivers for reduced on-site parking and encroachment into airspace; design reviews for a resort hotel, high rise towers and hotel condominiums, convention center, and mid/low-rise buildings; zoning is permanent, all other applications-expired	Approved by BCC	April 2012
UC-0967-98	Off-premises signs	Approved by PC	August 1998

**Surrounding Land Use**

	Planned Land Use Category	Zoning District	Existing Land Use
North	Entertainment Mixed-Use	H-1	Undeveloped
South	Entertainment Mixed-Use	H-1 & R-E	Undeveloped
East	Entertainment Mixed-Use	H-1	Commercial use
West	Entertainment Mixed-Use	M-D	I-15

**STANDARDS FOR APPROVAL:**

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

**Analysis**

**Comprehensive 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. Using the criteria set forth in Title 30, no substantial changes have occurred at the subject site since the original approval.

Staff believes the applicant has taken steps to commence with the development as previously approved. The applicant has been working with various national and State entities to acquire the rights and land needed for this project to commence. The California Department of Transportation has reached an agreement with the applicant to use part of the Interstate 15 corridor for routes to surrounding cities. The proposed Environmental Assessment for this project has been circulated for public comment and is awaiting approval. An acquisition of additional grant funding is in process with collaboration between the applicant and the Nevada Department of Transportation. It is for these reasons that staff can support the extension of time request.

**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 Master Plan, Title 30, and/or the Nevada Revised Statutes.

**PRELIMINARY STAFF CONDITIONS:**

**Comprehensive Planning**

- Until March 4, 2025 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.

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

- No comment.

**TAB/CAC:**

**APPROVALS:**

**PROTEST:**

**APPLICANT:** DESERTXPRESS ENTERPRISES, LLC

**CONTACT:** LINDSAY KAEMPFER, KAEMPFER CROWELL, 1980 FESTIVAL PLAZA  
DRIVE, SUITE 650, LAS VEGAS, NV 89135

DRAFT





# LAND USE APPLICATION

## DEPARTMENT OF COMPREHENSIVE PLANNING 7A

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

<p><b>APPLICATION TYPE</b></p> <p><input type="checkbox"/> TEXT AMENDMENT (TA)</p> <p><input type="checkbox"/> ZONE CHANGE (ZC)</p> <p><input type="checkbox"/> USE PERMIT (UC)</p> <p><input type="checkbox"/> VARIANCE (VC)</p> <p><input type="checkbox"/> WAIVER OF DEVELOPMENT STANDARDS (WS)</p> <p><input type="checkbox"/> DESIGN REVIEW (DR)</p> <p><input type="checkbox"/> ADMINISTRATIVE DESIGN REVIEW (ADR)</p> <p><input type="checkbox"/> STREET NAME / NUMBERING CHANGE (SC)</p> <p><input type="checkbox"/> WAIVER OF CONDITIONS (WC)</p> <p>_____ (ORIGINAL APPLICATION #)</p> <p><input type="checkbox"/> ANNEXATION REQUEST (ANX)</p> <p><input checked="" type="checkbox"/> EXTENSION OF TIME (ET) UC-20-0049 (ADET-22-900161) _____ (ORIGINAL APPLICATION #)</p> <p><input type="checkbox"/> APPLICATION REVIEW (AR)</p> <p>_____ (ORIGINAL APPLICATION #)</p>	<b>STAFF</b>	<p>APP. NUMBER: <u>ET. 23-400049</u>      DATE FILED: <u>4/17/23</u></p> <p>PLANNER ASSIGNED: <u>Tyler</u></p> <p>TAB/CAC: <u>Enterprise</u>      TAB/CAC DATE: <u>5/31/23</u></p> <p>PC MEETING DATE: _____</p> <p>BCC MEETING DATE: <u>6/21/23</u></p> <p>FEE: <u>\$900</u></p> <p style="text-align: right; color: magenta; font-weight: bold; font-size: 1.5em;">PLANNER COPY</p>
	<b>PROPERTY OWNER</b>	<p>NAME: <u>Desertxpress Enterprises, LLC</u></p> <p>ADDRESS: <u>3920 W Hacienda Avenue</u></p> <p>CITY: <u>Las Vegas</u>      STATE: <u>NV</u>      ZIP: <u>89118</u></p> <p>TELEPHONE: _____      CELL: _____</p> <p>E-MAIL: <u>Kolleen.Cobb@feci.com</u></p>
	<b>APPLICANT</b>	<p>NAME: <u>DesertXpress Enterprises, LLC</u></p> <p>ADDRESS: <u>3920 W Hacienda Avenue</u></p> <p>CITY: <u>Las Vegas</u>      STATE: <u>NV</u>      ZIP: <u>89118</u></p> <p>TELEPHONE: _____      CELL: _____</p> <p>E-MAIL: <u>Kolleen.Cobb@feci.com</u>      REF CONTACT ID #: _____</p>
	<b>CORRESPONDENT</b>	<p>NAME: <u>Chris Kaempfer - Kaempfer Crowell</u></p> <p>ADDRESS: <u>1980 Festival Plaza Drive, Suite 650</u></p> <p>CITY: <u>Las Vegas</u>      STATE: <u>NV</u>      ZIP: <u>89135</u></p> <p>TELEPHONE: <u>702-792-7000</u>      CELL: _____</p> <p>E-MAIL: <u>ckaempfer@kcnvlaw.com</u>      REF CONTACT ID #: _____</p>

**ASSESSOR'S PARCEL NUMBER(S):** 177-08-801-001 through 006, 177-08-801-008, 177-08-701-001 through 004, 177-08-701-008, 177-08-701-011 and 012, 177-08-701-014, and 177-08-789-008

**PROPERTY ADDRESS and/or CROSS STREETS:** Las Vegas Blvd / Blue Diamond

**PROJECT DESCRIPTION:** ET for ADET-22-900161 (UC-20-0049)

(I, We) the undersigned swear and say that (I am, We are) the owner(s) of record on the Tax Rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Clark County Code; that the information on the attached legal description, all plans, and drawings attached hereto, and all the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the Clark County Comprehensive Planning Department, or its designee, to enter the premises and to install any required signs on said property for the purpose of advising the public of the proposed application.

Desertxpress Enterprises LLC  
By [Signature]  
Property Owner (Signature)\*

Desert Xpress Enterprises LLC  
Property Owner (Print)

STATE OF Florida  
COUNTY OF Miami-Dade

SUBSCRIBED AND SWORN BEFORE ME ON 2-15-2023 (DATE)  
By Kolleen Cobb, VP of Desertxpress Enterprises LLC

NOTARY PUBLIC: [Signature]



\*NOTE: Corporate declaration of authority (or equivalent), power of attorney, or signature documentation is required if the applicant and/or property owner is a corporation, partnership, trust, or provides signature in a representative capacity.

ET-23-400049

LAS VEGAS OFFICE  
1980 Festival Plaza Drive, Suite 650  
Las Vegas, NV 89135  
T: 702.792.7000  
F: 702.796.7181

KAEMPFER

CROWELL

CHRISTOPHER L. KAEMPFER  
[ckempfer@kcwlv.com](mailto:ckempfer@kcwlv.com)  
D: 702.792.7054

February 24, 2023

**VIA HAND DELIVERY**

DEPARTMENT OF COMPREHENSIVE PLANNING  
500 S. Grand Central Parkway, 1<sup>st</sup> Floor  
Las Vegas, Nevada 89106

**Re: *Justification Letter regarding extension of time for Brightline West  
NOAD-22-900161 (UC-20-0049)***

To Whom It May Concern:

This office represents the owner and applicant with regard to the above referenced matter. This letter is offered in justification for an extension of time of the previously approved applications referenced above and herein. On March 4, 2020 the Clark County Commission approved applications for Use Permits, Waivers and Design Reviews, being application number UC-20-0049. These applications were for a passenger terminal (train station); retail sales, restaurants, outside dining and drinking, elimination of freeway buffer, encroachment into airspace, parking garage, and approval of alternative landscaping. The original Planning Department condition was that work must "commence" within 2 years of approval (that is, by March 4, 2022) or the approvals would expire. On March 22, 2022, an administrative approval per NOAD-22-900161 was given which extended the commencement date by another year, to March 4, 2023. A further extension of time is required and is hereby respectfully being requested.

Since receiving the current extension, Brightline West ("Brightline") has continued to work diligently toward development of the high-speed rail system. In October 2022, Brightline executed an agreement with the City of Rancho Cucamonga, California and the San Bernardino County Transportation Authority (SBCTA) that will provide Brightline with control of the property it requires for the final mile of its alignment connecting from Interstate 15 to the Brightline station in Rancho Cucamonga as well as Brightline's Rancho Cucamonga station site. Earlier in the year, Brightline and SBCTA executed a lease for additional property needed along that final mile of the system. The California Department of Transportation ("Caltrans") and Brightline have previously executed an agreement for Brightline to use a portion of the Interstate 15 corridor from the state line to Victor Valley for the high-speed rail line. Caltrans and Brightline have prepared a similar lease agreement to connect the Victor Valley station with Rancho Cucamonga that will shortly go through a public notice process in advance of execution. The proposed Environmental Assessment for the Victor Valley/Rancho Cucamonga project has been circulated for public comment and the remaining environmental permitting for the system is expected to be completed within a short time. Of particular relevance for financing, Brightline has been working with the Nevada Department of Transportation ("NDOT") to explore applying for a significant federal grant through the 2021 Infrastructure Investment and Jobs Act.

LAS VEGAS • RENO • CARSON CITY

[www.dgen21ofv3.com](http://www.dgen21ofv3.com)



ET-23-400049

Department of Comprehensive Planning  
February 24, 2023

K'AEMPFER

CROWELL

Page 2

Brightline is working diligently to assist NDOT with preparing an application to meet the April 21, 2023 deadline for the grant application.

With regard to the project site, itself, the applicant has advised this office of the following: "We have a drainage study and complete plans approved by FEMA and Clark County. Included storm water for on site and any pre-existing water coming onto the site from I-15 or under I-15. It includes mass grading design for entire acreage.... There was a traffic study done as part of our National Environmental Policy Act ("NEPA") approvals with mitigations determined for train station trips only. Also in 2020, we did a study for the benefit of discussions with NDOT. We have completed Schematic design of the station and part of the design development phase. The construction drawings phase follows."

All of these ongoing efforts evidence that the project is, in fact, moving forward just as quickly as possible. The construction of the High Speed Train has many components, all of which must be addressed and coordinated so that they can properly work together. The train station and its related elements (as noted above) will be commenced and completed just as soon as possible. There is no doubt of that. The fact is that now that the rail line is being finalized, needed rights of way has been secured and financing is being obtained, commencement of construction will begin as soon as possible. For this reason, it is respectfully requested that an extension of time be approved that allows until March of 2025 to commence construction on application number UC-20-0049.

Thank you very much for your consideration of this important matter. Please do not hesitate to contact the undersigned or Ms. Lindsay Kaempfer at [lkaempfer@kcnvlaw.com](mailto:lkaempfer@kcnvlaw.com) should you have any questions or comments.

Sincerely,

**KAEMPFER CROWELL**



Christopher L. Kaempfer

CLK/lak



06/21/23 BCC AGENDA SHEET

EASEMENTS  
(TITLE 30)

WARM SPRINGS RD/WINDY ST

PUBLIC HEARING  
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST  
**ET-23-400054 (VS-19-0063)-MOTOR HOLDINGS, LLC:**

**VACATE AND ABANDON SECOND EXTENSION OF TIME** for easements of interest to Clark County located between Warm Springs Road and Capovilla Avenue, and between Windy Street and I-15 within Enterprise (description on file). MN/tpd/syp (For possible action)

---

RELATED INFORMATION:

**APN:**  
177-05-801-030

**LAND USE PLAN:**  
ENTERPRISE - ENTERTAINMENT MIXED-USE

**BACKGROUND:**  
**Project Description**

The previously approved plans depict the vacation of 33 foot wide government patent easements along the northern and western boundary, and a 3 foot wide portion of the government patent easement along the eastern boundary of the parcel.

Previous Conditions of Approval

Listed below are the approved conditions for ET-21-400053 (VS-19-0063):

Current Planning

- Until April 3, 2023 to record.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that re-approval by the utility companies is required.

Public Works - Development Review

- Compliance with previous conditions.

Listed below are the approved conditions for VS-19-0063:

**Current Planning**

- Satisfy utility companies' requirements.
- 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 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 Windy Street;
- Vacation to be recordable prior to building permit issuance or applicable map submittal;
- Revise legal description, if necessary, prior to recording.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant has experienced a decline in legal cannabis sales with the occurrence of illegal operations throughout Nevada. Considering this setback, the applicant has had to rethink their business strategies. They are requesting an extension of time to obtain full entitlements to the development.

**Prior Land Use Requests**

Application Number	Request	Action	Date
ET-21-400032 (UC-19-0061)	First extension of time for use permit for a cannabis establishment (cultivation) - expired	Approved by BCC	June 2021
ET-21-400053 (VS-19-0063)	First extension of time to vacate and abandoned easements between Warm Springs Road and Capovilla Avenue	Approved by BCC	June 2021
ET-21-400054 (UC-19-0076)	First extension of time for a use permit for a cannabis establishment (production)	Approved by BCC	June 2021
UC-20-0047	Cannabis establishment (dispensary) in conjunction with an office/warehouse building	Approved by BCC	October 2020
UC-20-0048	Cannabis establishment (retail store) in conjunction with an office/warehouse building	Approved by BCC	October 2020
TM-19-500017	1 lot industrial/commercial subdivision map	Approved by BCC	April 2019
UC-19-0076	Cannabis establishment (production facility) in conjunction with an office/warehouse building	Approved by BCC	April 2019
NZC-19-0060	Reclassified the site from R-E to C-2 and M-D zoning for a warehouse/retail building	Approved by BCC	April 2019

**Prior Land Use Requests**

Application Number	Request	Action	Date
UC-19-0061	Cannabis establishment (cultivation facility) in conjunction with a proposed office/warehouse building - expired	Approved by BCC	April 2019
VS-19-0063	Vacated and abandoned easements between Warm Springs Road and Capovilla Avenue	Approved by BCC	April 2019

**Surrounding Land Use**

	Planned Land Use Category	Zoning District	Existing Land Use
North	Entertainment Mixed-Use	R-E	Undeveloped
South	Entertainment Mixed-Use	H-1	Undeveloped
East	Entertainment Mixed-Use	C-2	Vehicle sales & offices
West	Entertainment Mixed-Use	M-D	Distribution center & manufacturing facility

**Related Applications**

Application Number	Request
ET-23-400055 (UC-19-0076)	An extension of time for a use permit for a cannabis establishment (production facility) is a related item on this agenda.

**STANDARDS FOR APPROVAL:**

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

**Analysis****Comprehensive 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. Using the criteria set forth in Title 30, no substantial changes have occurred at the subject site since the original approval.

No new steps have been accomplished since the last extension of time request for this parcel. Staff recognizes the complexities of competing with various cannabis establishments. However, this does not negate the fact that no improvements in the development process have been reached for 2 years. Staff can support this extension of time request but believes it should be the last one approved unless progress is made with the other Clark County Departments regarding site development.

**Public Works - Development Review**

There have been no significant changes in this area. Staff has no objection to this extension of time.

**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 Master Plan, Title 30, and/or the Nevada Revised Statutes.

**PRELIMINARY STAFF CONDITIONS:**

**Comprehensive Planning**

- Until April 3, 2025 to record.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that re-approval by the utility companies is required.

**Public Works - Development Review**

- Compliance with previous conditions.

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

- No comment.

**TAB/CAC:**

**APPROVALS:**

**PROTEST:**

**APPLICANT:** CATHERINE MIZZI

**CONTACT:** CATHERINE MIZZI, PISOS, 4110 S. MARYLAND PARKWAY, LAS VEGAS, NV 89119



# LAND USE APPLICATION 8A

## DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

<b>APPLICATION TYPE</b>  <input type="checkbox"/> TEXT AMENDMENT (TA) <input type="checkbox"/> ZONE CHANGE (ZC) <input type="checkbox"/> USE PERMIT (UC) <input type="checkbox"/> VARIANCE (VC) <input type="checkbox"/> WAIVER OF DEVELOPMENT STANDARDS (WS) <input type="checkbox"/> DESIGN REVIEW (DR) <input type="checkbox"/> ADMINISTRATIVE DESIGN REVIEW (ADR) <input type="checkbox"/> STREET NAME / NUMBERING CHANGE (SC) <input type="checkbox"/> WAIVER OF CONDITIONS (WC)  (ORIGINAL APPLICATION #)  <input type="checkbox"/> ANNEXATION REQUEST (ANX)  <input checked="" type="checkbox"/> EXTENSION OF TIME (ET) VS-19-0063 (ORIGINAL APPLICATION #)  <input type="checkbox"/> APPLICATION REVIEW (AR)  (ORIGINAL APPLICATION #)	<b>STAFF</b>  APP. NUMBER: <u>ET-23-400054</u> DATE FILED: <u>4/19/23</u> PLANNER ASSIGNED: <u>Tyler</u> TAB/CAC: <u>Enterprise</u> TAB/CAC DATE: <u>5/31/23</u> PC MEETING DATE: _____ BCC MEETING DATE: <u>6/21/23</u> FEE: <u>\$300</u>
	<b>PROPERTY OWNER</b>  NAME: <u>Daniel H.C. Brasov</u> ADDRESS: <u>3750 LAS VEGAS BLVD., SO., STE. 3508</u> CITY: <u>LAS VEGAS</u> STATE: <u>NV</u> ZIP: <u>89158</u> TELEPHONE: <u>702-283-3974</u> CELL: _____ E-MAIL: _____
	<b>APPLICANT</b>  NAME: <u>DANIEL H.C. BRASOV</u> ADDRESS: <u>3750 LAS VEGAS BLVD., SO., STE. 3508</u> CITY: <u>LAS VEGAS</u> STATE: <u>NV</u> ZIP: <u>89158</u> TELEPHONE: <u>702-283-3974</u> CELL: _____ E-MAIL: <u>CATHERINE@PISOSLV.COM</u> REF CONTACT ID #: _____
	<b>CORRESPONDENT</b>  NAME: <u>CATHERINE MIZZI</u> ADDRESS: <u>4110 S. MARYLAND PKWY., STE. 1</u> CITY: <u>LAS VEGAS</u> STATE: <u>NV</u> ZIP: <u>89119</u> TELEPHONE: <u>702-283-3974</u> CELL: _____ E-MAIL: <u>CATHERINE@PISOSLV.COM</u> REF CONTACT ID #: <u>246272</u>

PLANNER COPY

ASSESSOR'S PARCEL NUMBER(S): 177-05-801-030

PROPERTY ADDRESS and/or CROSS STREETS: WARM SPRINGS RD., AND WINDY ST.

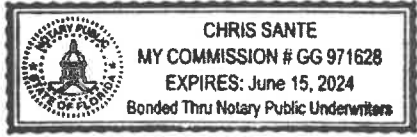
PROJECT DESCRIPTION: PRODUCTION & CULTIVATION

I (We) the undersigned swear and say that (I am, We are) the owner(s) of record on the Tax Rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Clark County Code; that the information on the attached legal description, all plans and drawings attached hereto, and all the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the Clark County Comprehensive Planning Department, or its designee, to enter the premises and to install any required signs on said property for the purpose of advising the public of the proposed application.

Property Owner (Signature)\* [Signature]      DANIEL H.C. BRASOV  
 Property Owner (Print)

STATE OF Florida  
 COUNTY OF Meeker

SUBSCRIBED AND SWORN BEFORE ME ON 2-24-23 (DATE)  
 By Chris Sante  
 NOTARY PUBLIC: [Signature]



\*NOTE: Corporate declaration of authority (or equivalent), power of attorney or signature documentation is required if the applicant and/or property owner is a corporation, partnership, trust, or provides signature in a representative capacity. **Page 1 of 2**

23-400054

February 13, 2023

Department of Comprehensive Planning  
500 S. Grand Central Parkway  
Las Vegas, NV 89155

To Whom It May Concern:

Re: Extension of Time for Warm Springs & Windy St./ permit VS-19-0063

By way of this letter, Fidelis Holdings, LLC., is requesting a development extension for our property, parcel number 177-05-801-030 (on the corner of Warm Springs and Windy St., in Clark County).

We, along with our industry counterparts, are experiencing the decline in LEGAL cannabis sales, associated with the proliferation of the "black market in Nevada." Further, in light of this downturn, we find that this has put us in the position of having to rethink some of our business strategies for this year. It is with this in mind, that we are requesting the above referenced extension.

Our Company is very much looking forward to developing our vision for this property. We are confident that in the coming year, as we continue to work with law enforcement, the state and local governments will curb the pervasive sale of illegal cannabis in Nevada, and better protect public health.

Most Sincerely,

  
Daniel H.C. Brasov



06/21/23 BCC AGENDA SHEET

CANNABIS ESTABLISHMENT  
(TITLE 30)

WARM SPRINGS RD/WINDY ST

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**ET-23-400055 (UC-19-0076)-MOTOR HOLDINGS, LLC:**

**USE PERMIT SECOND EXTENSION OF TIME** to review a cannabis establishment (production facility) in conjunction with a proposed office/warehouse building on a 1.0 acre portion of a 2.1 acre parcel in an M-D (Designed Manufacturing) (AE-65) Zone.

Generally located on the north side of Warm Springs Road, 145 feet west of Windy Street within Enterprise. MN/tpd/syp (For possible action)

**RELATED INFORMATION:**

**APN:**

177-05-801-030

**LAND USE PLAN:**

ENTERPRISE - ENTERTAINMENT MIXED-USE

**BACKGROUND:**

**Project Description**

**General Summary**

- Site Address: N/A
- Site Acreage: 2.1 (total)/1 (M-D Zone)/1.1 (C-2 Zone) (portion)
- Number of Lots: 1
- Project Type: Relocate an approved cannabis establishment (production facility)
- Number of Stories: 3
- Building Height (feet): 50
- Square Feet: 16,560 (office/warehouse)/13,800 (cultivation facility - expired )/2,760 (production facility)
- Parking Required/Provided: 66/104

History

UC-19-0076 was approved with a condition requiring a review in 2 years. Additionally, the application was granted 4 years to obtain a valid Clark County business license for the establishment. The applicant was granted another two years to review with the approval of ET-21-400054 (WC-19-0076).

### Site Plans

The previously approved plans depict a proposed 16,560 square foot office/warehouse building located on the southern portion of the western 1 acre within the M-D zoned portion of the site and a proposed 7,746 square foot retail building located on the southern portion of the eastern 1.1 acre within the C-2 zoned portion of the site. Parking is located to the north of the buildings. The site will have access to Warm Springs Road and Windy Street via a driveway located on the southwest corner of the site and another driveway located on the northeast corner of the site.

### Landscaping

The previously approved plans depict a 15 foot wide landscape area adjacent to an existing attached sidewalk along Warm Springs Road and a 10 foot wide landscape area adjacent to a proposed attached sidewalk along Windy Street. A 10 foot wide landscape area is located along the western property line and a 6 foot wide landscape area is located along the northern property line. Interior parking lot trees are distributed throughout the site in accordance with Figure 30.64-14. Landscape materials include trees, shrubs, and groundcover.

### Elevations

The previously approved plans depict an office/warehouse building that is 50 feet high when measured from the top of the parapet walls. The retail building is 37 feet high with a flat roof and parapet wall. Both buildings have a similar facade consisting of plaster finish, sheet metal, cementitious panels, metal panels, and decorative metal railing painted in earth tone colors.

### Floor Plans

The previously approved plans depict an office/warehouse building that is 3 stories and 16,560 square feet consisting of the following:

- Production room
- Packaging area
- Office space
- Restrooms

### Previous Conditions of Approval

Listed below are the approved conditions for ET-21-400054 (UC-19-0076):

#### Current Planning

- Until April 3, 2023 to review.
- Applicant is advised that a valid Clark County business license must be issued for this establishment by April 3, 2023 or the application will expire; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and application for review; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

#### Public Works - Development Review

- Compliance with previous conditions.

Listed below are the approved conditions for UC-19-0076:

#### Current Planning

- 2 years to review;
- A valid Clark County business license must be issued for this establishment within 4 years of approval or the application will expire;
- To prevent odor nuisances, an odor control plan must be submitted to the Clark County Business License Department.
- Applicant is advised that this application is contingent upon obtaining a license from the State of Nevada and Clark County Business License Department; failure to abide by and faithfully comply with the conditions of approval, Clark County Code, and the provisions of the Nevada Revised Statutes or Nevada Administrative Code may result in revocation of this application; approval of this application does not constitute or imply approval of any other County issued permit, license or approval; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and application for review; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

#### Public Works - Development Review

- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 30 feet for Windy Street;
- If required by the Regional Transportation Commission (RTC), provide a combination bus turnout/right turn lane on the north side of Warm Springs Road, as close as practical to Windy Street and include provisions for a 5 foot by 25 foot bus shelter pad easement behind the sidewalk;
- Nevada Department of Transportation approval.
- Applicant is advised the driveways must be a minimum of 32 feet wide, measured from the lip of gutter to the lip of gutter.

#### 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;
- Incorporate exterior to interior noise level reduction into the building construction as required by Code for use.

- Applicant is advised that the FAA's determination is advisory in nature and does not guarantee that a Director's Permit or an AHABA Variance will be approved; that FAA's airspace determinations (the outcome of filing the FAA Form 7460-1) are dependent on petitions by any interested party and the height that will not present a hazard as determined by the FAA may change based on these comments; that the FAA's airspace determinations include expiration dates; that separate airspace determinations will be needed for construction cranes or other temporary equipment; that the FAA will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations, which was constructed after October 1, 1998; and that funds will not be available in the future should the owners wish to have their buildings purchased or soundproofed.

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

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0024-2019 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

Signage

Signage is not a part of this request

Applicant's Justification

The applicant has experienced a decline in legal cannabis sales with the occurrence of illegal operations throughout Nevada. Considering this setback, the applicant has had to rethink their business strategies. They are requesting an extension of time to obtain full entitlements to the development.

**Prior Land Use Requests**

Application Number	Request	Action	Date
ET-21-400032 (UC-19-0061)	First extension of time for use permit for a cannabis establishment (cultivation) - expired	Approved by BCC	June 2021
ET-21-400053 (VS-19-0063)	First extension of time to vacate and abandon easements between Warm Springs Road and Capovilla Avenue	Approved by BCC	June 2021
ET-21-400054 (UC-19-0076)	First extension of time for a use permit for a cannabis establishment (production)	Approved by BCC	June 2021
UC-20-0047	Cannabis establishment (dispensary) in conjunction with an office/warehouse building - expired	Approved by BCC	October 2020
UC-20-0048	Cannabis establishment (cannabis retail store) in conjunction with an office/warehouse building - expired	Approved by BCC	October 2020
TM-19-500017	1 lot industrial/commercial subdivision map	Approved by BCC	April 2019
UC-19-0076	Cannabis establishment (production facility) in conjunction with an office/warehouse building	Approved by BCC	April 2019

**Prior Land Use Requests**

Application Number	Request	Action	Date
NZC-19-0060	Reclassified the site from R-E to C-2 and M-D zoning for a warehouse/retail building	Approved by BCC	April 2019
UC-19-0061	Cannabis establishment (cultivation facility) in conjunction with a proposed office/warehouse building - expired	Approved by BCC	April 2019
VS-19-0063	Vacated and abandoned easements between Warm Springs Road and Capovilla Avenue	Approved by BCC	April 2019

**Surrounding Land Use**

	Planned Land Use Category	Zoning District	Existing Land Use
North	Entertainment Mixed-Use	R-E	Undeveloped
South	Entertainment Mixed-Use	H-1	Undeveloped
East	Entertainment Mixed-Use	C-2	Vehicle sales & offices
West	Entertainment Mixed-Use	M-D	Distribution center & manufacturing facility

**Related Applications**

Application Number	Request
ET-23-400054 (VS-19-0063)	An extension of time for a vacation of easements is a companion item on this agenda.

**STANDARDS FOR APPROVAL:**

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

**Analysis**

**Comprehensive 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. Using the criteria set forth in Title 30, no substantial changes have occurred at the subject site since the original approval.

No new steps have been accomplished since the last extension of time request for this parcel. Staff recognizes the complexities of competing with various cannabis establishments. However, this does not negate the fact that no improvements in the development process have been reached for two years. In addition, staff is concerned with the proximity to the Las Vegas Boulevard Gaming Corridor. Staff recommends denial.

**Staff Recommendation**

Denial

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

**PRELIMINARY STAFF CONDITIONS:**

**Comprehensive Planning**

If approved:

- Until April 3, 2025 to obtain a valid Clark County business license for this establishment;
- Until April 3, 2025 to review.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and application for review; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

**Public Works - Development Review**

- Compliance with previous conditions.

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

- No comment.

**TAB/CAC:**

**APPROVALS:**

**PROTEST:**

**APPLICANT: CATHERINE MIZZI**

**CONTACT: CATHERINE MIZZI, PISOS, 4110 S. MARYLAND PARKWAY, LAS VEGAS, NV 89119**



# LAND USE APPLICATION

## DEPARTMENT OF COMPREHENSIVE PLANNING 9A

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

<b>APPLICATION TYPE</b>  <input type="checkbox"/> TEXT AMENDMENT (TA) <input type="checkbox"/> ZONE CHANGE (ZC) <input type="checkbox"/> USE PERMIT (UC) <input type="checkbox"/> VARIANCE (VC) <input type="checkbox"/> WAIVER OF DEVELOPMENT STANDARDS (WS) <input type="checkbox"/> DESIGN REVIEW (DR) <input type="checkbox"/> ADMINISTRATIVE DESIGN REVIEW (ADR) <input type="checkbox"/> STREET NAME / NUMBERING CHANGE (SC) <input type="checkbox"/> WAIVER OF CONDITIONS (WC)  (ORIGINAL APPLICATION #)  <input checked="" type="checkbox"/> EXTENSION OF TIME (ET) <u>UC-19-0076</u> (ORIGINAL APPLICATION #)  <input type="checkbox"/> APPLICATION REVIEW (AR)  (ORIGINAL APPLICATION #)	<b>STAFF</b>  APP. NUMBER: <u>ET-23-400055</u> DATE FILED: <u>4/19/23</u> PLANNER ASSIGNED: <u>Tyler</u> TAB/CAC: <u>Enterprise</u> TAB/CAC DATE: <u>5/31/23</u> PC MEETING DATE: _____ BCC MEETING DATE: <u>6/21/23</u> FEE: <u>\$2500</u>
	<b>PROPERTY OWNER</b>  NAME: <u>Daniel H.C. Brasov</u> ADDRESS: <u>3750 LAS VEGAS BLVD., SO., STE. 3508</u> CITY: <u>LAS VEGAS</u> STATE: <u>NV</u> ZIP: <u>89158</u> TELEPHONE: <u>702-283-3974</u> CELL: _____ E-MAIL: _____
	<b>APPLICANT</b>  NAME: <u>DANIEL H.C. BRASOV</u> ADDRESS: <u>3750 LAS VEGAS BLVD., SO., STE. 3508</u> CITY: <u>LAS VEGAS</u> STATE: <u>NV</u> ZIP: <u>89158</u> TELEPHONE: <u>702-283-3974</u> CELL: _____ E-MAIL: <u>CATHERINE@PISOSLV.COM</u> REF CONTACT ID #: _____
	<b>CORRESPONDENT</b>  NAME: <u>CATHERINE MIZZI</u> ADDRESS: <u>4110 S. MARYLAND PKWY., STE. 1</u> CITY: <u>LAS VEGAS</u> STATE: <u>NV</u> ZIP: <u>89119</u> TELEPHONE: <u>702-283-3974</u> CELL: _____ E-MAIL: <u>CATHERINE@PISOSLV.COM</u> REF CONTACT ID #: _____

**PLANNER COPY**

ASSESSOR'S PARCEL NUMBER(S): 177-05-801-030

PROPERTY ADDRESS and/or CROSS STREETS: WARM SPRINGS RD., AND WINDY ST.

PROJECT DESCRIPTION: PRODUCTION & CULTIVATION

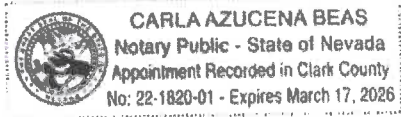
(I, We) the undersigned swear and say that (I am, We are) the owner(s) of record on the Tax Rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Clark County Code, that the information on the attached legal description, all plans, and drawings attached hereto, and all the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the Clark County Comprehensive Planning Department, or its designee, to enter the premises and to install any required signs on said property for the purpose of advising the public of the proposed application.

Property Owner (Signature)\* [Signature]      DANIEL H.C. BRASOV  
 Property Owner (Print)

STATE OF Nevada  
 COUNTY OF Clark

SUBSCRIBED AND SWORN BEFORE ME ON March 27, 2023 (DATE)  
 By Daniel Horen Constantin Brasov

NOTARY PUBLIC: [Signature]



\*NOTE: Corporate declaration of authority (or equivalent), power of attorney, or signature documentation is required if the applicant and/or property owner is a corporation, partnership, trust, or provides signature in a representative capacity.

23-400055

February 13, 2023

Department of Comprehensive Planning  
500 S. Grand Central Parkway  
Las Vegas, NV 89155

To Whom It May Concern:

Re: Extension of Time for Warm Springs & Windy St./ permit UC-19-0076

By way of this letter, Fidelis Holdings, LLC., is requesting a development extension for our property, parcel number 177-05-801-030 (on the corner of Warm Springs and Windy St., in Clark County).

We, along with our industry counterparts, are experiencing the decline in LEGAL cannabis sales, associated with the proliferation of the "black market in Nevada." Further, in light of this downturn, we find that this has put us in the position of having to rethink some of our business strategies for this year. It is with this in mind, that we are requesting the above referenced extension.

Our Company is very much looking forward to developing our vision for this property. We are confident that in the coming year, as we continue to work with law enforcement, the state and local governments will curb the pervasive sale of illegal cannabis in Nevada, and better protect public health.

Most Sincerely,

  
Daniel H.C. Brasov



06/21/23 BCC AGENDA SHEET

COMMERCIAL CENTER  
(TITLE 30)

FORT APACHE RD/HUNTINGTON COVE PKWY

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WC-23-400051 (UC-0563-14)-TOP SHELF DEVELOPMENT, LLC;

**WAIVER OF CONDITIONS** of a use permit to remove the proposed drive-thru as shown on Future Pad #1 in conjunction with an approved retail center on 2.0 acres in a C-2 (General Commercial) Zone.

Generally located on the west side of Fort Apache Road and north side of Huntington Cove Parkway within Enterprise. JJ/jor/syp (For possible action)

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RELATED INFORMATION:

**APN:**

176-18-518-001

**LAND USE PLAN:**

ENTERPRISE - CORRIDOR MIXED-USE

**BACKGROUND:**

**Project Description**

**General Summary**

- Site Address: 8275 S. Fort Apache Road
- Site Acreage: 2
- Project Type: Commercial center expansion with a proposed retail building and fast food restaurant with a drive-thru
- Number of Stories: 1
- Building Height (feet): 22 (maximum)
- Square Feet: 5,366 (existing tavern building)/6,000 (proposed retail building)/1,990 (restaurant building for fast food with a drive-thru)
- Parking Required/Provided: 98/99

**History & Request**

In 2014, UC-0563-14 was approved with plans that depicted a retail building along the west portion of the site, a tavern on the northeast corner, and a future pad site with a drive-thru on the southeast corner. During the public hearing process for UC-0563-14, concerns were brought forward by neighbors about the proposed drive-thru lane located on the future pad site. The Board of County Commissioners approved the application with the condition that the drive-thru lane be removed. Furthermore, WS-18-0794 was approved for modifications to the approved

retail center, which includes a drive-thru service in conjunction with a fast food restaurant building on the southeast corner was approved. A companion item to WS-18-0794 was WC-18-400224 (UC-0563-14) and this waiver of conditions was approved to remove the drive-thru lane for Future Pad #1 (southeast corner). The Notice of Final Action (NOFA) for WS-18-0794 stated that approval of this application was contingent upon approval of WC-18-400224 (UC-0563-14); however, both applications expired. Today, the applicant is proposing the same design that was previously approved with WS-18-0794.

#### Site Plan

The plan depicts access to the site via 1 existing commercial driveway along the east property line adjacent to Fort Apache Road. There is an existing tavern (PT's) located on the northeast corner of the site. The applicant is proposing a 6,000 square foot in-line retail building on the west half of the site. The proposed fast food restaurant building is located on the southeast corner of the site, and the proposed drive-thru lane is south of the fast food restaurant building, along the south property line. Existing parking is located on the northwest corner of the site, and in the middle of the commercial center adjacent to the 3 buildings.

#### Landscaping

The plan depicts existing and proposed landscaping. The north property line includes existing shrubs and trees adjacent to an existing 4 foot high CMU block wall. There is an existing 10 foot wide landscape buffer with existing Evergreen trees along the west property line. However, the plan shows that the applicant will upgrade this landscape buffer with a double row of 24 inch box trees, and the existing 10 foot high CMU block wall will remain. The applicant is proposing a 6 foot wide landscape strip along the south property line with 1 row of 24 inch box trees spaced every 20 feet. In addition, there is an existing 8 foot high CMU block wall along the south property line. The 18 foot wide landscape strip on the southeast corner of the site will include new trees and shrubs to finally complete the street landscaping adjacent to Fort Apache Road.

#### Elevations

Both the proposed fast food restaurant building and the retail building have an overall height of 22 feet and are 1-story. The buildings have flat roofs behind parapet walls and the exterior of the buildings have a combination of a light sand plaster finish and stone veneer. Horizontal decorative V-grooves will be added to the exterior walls.

#### Floor Plan

The proposed retail center will have a total area of 13,356 square feet; the existing tavern has an area of 5,366 square feet. The in-line retail building has an area of 6,000 square feet and the restaurant has an area of 1,990 square feet consisting of dining area, kitchen, office, and restrooms.

#### Previous Conditions of Approval

Listed below are the approved conditions for WC-18-400224 (UC-0563-14):

#### Current Planning

- 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.

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

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

Listed below are the approved conditions for WS-18-0794:

**Current Planning**

- Approval of portions of this request are contingent upon approval of WC-18-400224 (UC-0563-14);
- Design review as a public hearing for lighting and signage.
- 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**

- Traffic study and compliance;
- Compliance with the approved drainage study, or submit a new drainage study.

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

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

Listed below are the approved conditions for DR-0595-16 with WC-18-400224 (UC-0563-14):

**Current Planning**

- 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 right turn lane on Fort Apache Road.

Listed below are the approved conditions for UC-0563-14:

#### Current Planning

- Retail center to be single story only;
- Landscaping per revised plans on file with intense landscaping pursuant to Title 30 to be provided on westernmost property line;
- Delivery times along the westernmost drive aisle of in-line shops will be limited to 10:00 a.m. to 3:00 p.m., Monday to Saturday, no deliveries on Sunday;
- Hours of operation for in-line shops limited to 5:00 a.m. to 10:00 p.m.;
- Right turn only onto Fort Apache Road;
- Remove the proposed drive-thru as shown on Future Pad #1;
- Separate design review as a public hearing for signage;
- Work with property owner to the north and if it can be coordinated, provide cross access and record perpetual cross access, ingress/egress, and parking agreement;
- Additional architectural detailing and stone veneer on the south elevation of tavern pad site;
- Design review for future pad site;
- Lighting along west portions of the development to be low level with any light source to be shielded with "full cut-off" fixtures (light lens not visible), floodlights, spotlights, or other similar lighting shall not be permitted to illuminate buildings;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that any change in circumstances or regulations may be justification for the denial of an extension of time; approval of this application does not constitute or imply approval of a liquor or gaming license or any other County issued permit, license, or approval; 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 additional right-of-way for right turn lane into the development;
- Detached sidewalk will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control which may require a vacation of excess right-of-way or execute a license and maintenance agreement for non-standard improvements in the right-of-way.

#### Building/Fire Prevention

- Applicant is advised that fire/emergency access must comply with the Fire Code as amended; fire protection may be required for this facility and please contact Fire Prevention for further information at (702) 455-7316.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that existing sewer is located within 400 feet of the parcel; and that at the time of development, CCWRD requires submittal of civil improvement plans and estimated wastewater flow rates to determine sewer point of connection.

Signage

Signage is not a part of this request.

Applicant's Justification

Per the applicant's justification letter, this waiver of conditions was previously approved WC-18-400224 (UC-0563-14), but the application expired along with its companion item WS-18-0794. The applicant is proposing the same exact design that was previously approved.

**Prior Land Use Requests**

Application Number	Request	Action	Date
WS-18-0794	Retail center to include a retail building to the west, maintain existing tavern to the northeast pad site, and proposed fast food restaurant building on the southeast corner pad site with a proposed drive-thru lane, waivers include reduced height setback ratio, alternative landscaping, and a design review for alternative parking, lot landscaping and for the entire retail center - expired	Approved by BCC	February 2019
WC-18-400224 (UC-0563-14)	Waiver of conditions of a use permit to remove the proposed drive-thru as shown on future Pad #1 - expired	Approved by BCC	February 2019
TM-0109-17	Commercial subdivision	Approved by PC	August 2017
UC-0563-14 (ET-0182-16)	First extension of time for a retail center with a tavern including reduced parking, setback for a trash enclosure, and landscaping	Approved by BCC	February 2017
TM-0109-17	Commercial subdivision	Approved by PC	August 2017
UC-0563-14 (ET-0182-16)	First extension of time for a retail center with a tavern including reduced parking, setback for a trash enclosure, and landscaping	Approved by BCC	February 2017
DR-0595-16	Modifications to an approved tavern (northeast corner) and a waiver of conditions of UC-0563-14 requiring landscaping per revised plans on file with intense landscaping on the westernmost property line	Approved by BCC	October 2016
UC-0563-14	Retail center with a proposed tavern (southeast corner) including reduced parking, setback for a trash enclosure, and landscaping	Approved by BCC	December 2014

**Prior Land Use Requests**

Application Number	Request	Action	Date
UC-0578-07 (ET-0166-08)	Extension of time to commence the reduction in separation between an on-premises consumption of alcohol establishment (tavern) and a residential development on a separate property this includes a design review for a tavern	Approved by BCC	August 2008
WS-1757-06 (ET-0165-08)	First extension of time to commence waivers related to landscaping and reduced trash enclosure setback and design review for a retail center	Approved by BCC	August 2008
UC-0578-07	Reduced the separation between an on-premises consumption of alcohol establishment (tavern) and residential development - expired	Approved by BCC	July 2007
WS-1757-06	Reduced landscaping requirements and reduced setback for a trash enclosure for a proposed retail center - expired	Approved by BCC	February 2007
ZC-1276-04	Reclassified this site and 2 other parcels to C-2 zoning for future commercial development	Approved by BCC	September 2004

**Surrounding Land Use**

	Planned Land Use Category	Zoning District	Existing Land Use
North	Corridor Mixed-Use	C-2	Convenience store with gasoline sales, vehicle wash, & fast food restaurant with drive-thru service
South, East, & West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac) & Major Development Project (Rhodes Ranch)	R-2	Single family residential

The subject site is within the Public Facilities Needs Assessment (PFNA) area.

**Related Applications**

Application Number	Request
WS-23-0203	A waiver of development standards and a design review for a commercial center is a companion application on this agenda.

**STANDARDS FOR APPROVAL:**

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

## **Analysis**

### **Comprehensive 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. Using the criteria set forth in Title 30, no substantial changes have occurred at the subject site since the original approval.

Staff finds that the applicant's request is appropriate since a fast food restaurant building on this site mirrors the same drive-thru lane for a fast food restaurant building to the north (C-2 zoned commercial center with a Jack-in-the-Box). The proposed fast food restaurant building on the subject parcel will be buffered by the proposed retail building to the west, and a 10 foot wide intense landscape buffer along the west property line. Currently, the northern commercial center includes a convenience store, gasoline station, fast food restaurant, and car wash and these businesses are also adjacent to the same residential development to the west. The on-site traffic and circulation of the development to the north is more intense than the applicant's site, in addition, the same waiver of conditions was previously approved in 2019. Staff can support this request.

### **Staff Recommendation**

Approval.

Approval of the waiver of conditions request constitutes a finding by the Commission/Board that the conditions will no longer fulfill its intended purpose.

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

### **PRELIMINARY STAFF CONDITIONS:**

#### **Public Works - Development Review**

- No comment.

#### **Fire Prevention Bureau**

- No comment.

#### **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 #0153-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:**  
**APPROVALS:**  
**PROTEST:**

**APPLICANT:** ACTIVE COMMERCIAL, LLC  
**CONTACT:** DIONICIO GORDILLO, 204 BELLE ISLE CT. HENDERSON, NV 89012

DRAFT





# LAND USE APPLICATION

## DEPARTMENT OF COMPREHENSIVE PLANNING

# 10A

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

PLANNED  
CORNER

<p><b>APPLICATION TYPE</b></p> <p><input type="checkbox"/> TEXT AMENDMENT (TA)</p> <p><input type="checkbox"/> ZONE CHANGE (ZC)</p> <p><input type="checkbox"/> USE PERMIT (UC)</p> <p><input type="checkbox"/> VARIANCE (VC)</p> <p><input type="checkbox"/> WAIVER OF DEVELOPMENT STANDARDS (WS)</p> <p><input type="checkbox"/> DESIGN REVIEW (DR)</p> <p><input type="checkbox"/> ADMINISTRATIVE DESIGN REVIEW (ADR)</p> <p><input type="checkbox"/> STREET NAME / NUMBERING CHANGE (SC)</p> <p><input checked="" type="checkbox"/> WAIVER OF CONDITIONS (WC) UC-0563 14 (ORIGINAL APPLICATION #)</p> <p><input type="checkbox"/> ANNEXATION REQUEST (ANX)</p> <p><input type="checkbox"/> EXTENSION OF TIME (ET) (ORIGINAL APPLICATION #)</p> <p><input type="checkbox"/> APPLICATION REVIEW (AR) (ORIGINAL APPLICATION #)</p>	<b>STAFF</b>	<p>APP. NUMBER: <u>WC-23-400051</u>      DATE FILED: <u>4/18/23</u></p> <p>PLANNER ASSIGNED: <u>JOK</u></p> <p>TAB/CAC: <u>Enterprise</u>      TAB/CAC DATE: <u>5/31/23</u></p> <p>PC MEETING DATE: _____</p> <p>BCC MEETING DATE: <u>6/21/23</u></p> <p>FEE: <u>\$475</u></p>
	<b>PROPERTY OWNER</b>	<p>NAME: <u>Top Shelf Development, LLC</u></p> <p>ADDRESS: <u>3755 Breakthrough Way, Suite 250</u></p> <p>CITY: <u>Las Vegas</u>      STATE: <u>NV</u>      ZIP: <u>89135</u></p> <p>TELEPHONE: <u>(702) 868-7870</u>      CELL: <u>(702) 612-5500</u></p> <p>E-MAIL: <u>asif@activecre.com</u></p>
	<b>APPLICANT</b>	<p>NAME: <u>Active Commercial</u></p> <p>ADDRESS: <u>6725 S. Eastern Avenue, Unit 2</u></p> <p>CITY: <u>Las Vegas</u>      STATE: <u>NV</u>      ZIP: <u>89119</u></p> <p>TELEPHONE: <u>(702) 868-7870</u>      CELL: <u>(702) 612-5500</u></p> <p>E-MAIL: <u>asif@activecre.com</u>      REF CONTACT ID #: <u>N/A</u></p>
	<b>CORRESPONDENT</b>	<p>NAME: <u>Dionicio Gordillo, DG Consultants</u></p> <p>ADDRESS: <u>204 Belle Isle Ct.</u></p> <p>CITY: <u>Henderson</u>      STATE: <u>NV</u>      ZIP: <u>89012</u></p> <p>TELEPHONE: <u>(702) 379-6601</u>      CELL: <u>(702) 379-6601</u></p> <p>E-MAIL: <u>dgordillo@cox.net</u>      REF CONTACT ID #: <u>191488</u></p>

ASSESSOR'S PARCEL NUMBER(S): 176-18-518-001

PROPERTY ADDRESS and/or CROSS STREETS: 8275 S. Fort Apache Road

PROJECT DESCRIPTION: Fast food restaurant with drive-thru

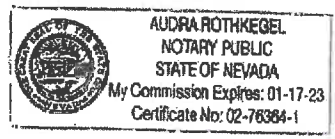
(I, We) the undersigned swear and say that (I am, We are) the owner(s) of record on the Tax Rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Clark County Code; that the information on the attached legal description, all plans, and drawings attached hereto, and all the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the Clark County Comprehensive Planning Department or its designee, to enter the premises and to install any required signs on said property for the purpose of advising the public of the proposed application.

Joseph Kennedy      MANAGER      Joseph Kennedy  
 Property Owner (Signature)\*      TOP Shelf, LLC      Property Owner (Print)

STATE OF Nevada  
 COUNTY OF Clark

SUBSCRIBED AND SWORN BEFORE ME ON January 4, 2023 (DATE)

By Audra Rothkegel  
 NOTARY PUBLIC: Audra Rothkegel



\*NOTE: Corporate declaration of authority (or equivalent), power of attorney, or signature documentation is required if the applicant and/or property owner is a corporation, partnership, trust, or provides signature in a representative capacity.

February 1, 2023

Clark County Department of Comprehensive Planning  
500 S. Grand Central Parkway  
Las Vegas, NV 89155

APN: 176-18-518-001  
COPY

**RE: Waivers of Conditions – Drive-Thru Restaurant (APN: 176-18-518-001)**

On behalf of Active Commercial, LLC, we are requesting a proposed retail and drive-thru restaurant which triggers a waiver of conditions of a prior land use approval. The subject site is 2.1 acres, zoned C-2, and located on the west side of Fort Apache Road, 50 feet north of Huntington Cove Parkway. By way of background, the same request was approved with WC-18-400224 but subsequently expired since the use did not commence.

The request is entirely consistent with the intent of the C-2 zoning district and Corridor Mixed-Use (CM) planned land use designation and in compliance with several Goals and Policies contained within the Clark County Master Plan. The C-2 zoning district is intended to accommodate, in part, a full range of commercial uses, or mixed commercial uses, in a manner that can be located to serve the needs of the entire community yet be buffered from having adverse impacts on any adjacent residential neighborhoods.

**Waiver of Conditions**

The applicant is requesting a waiver of conditions for UC-0563-14. The condition requested to be waived reads as follows: **Remove the proposed drive-thru as shown on Future Pad #1.** During the public hearing for UC-0563-14, concerns were brought forward by neighbors about the proposed drive-thru restaurant and the impacts this would have on the area. The applicant at that time agreed to the imposition of the condition. However, the application did have a tavern which was subsequently developed on the north portion of the overall site. A tavern is a much more intense use than a small scale drive-thru restaurant. Since the consideration of UC-0563-14, a drive-thru restaurant was developed on the parcel directly to the north. Since the original application, a new applicant finds that the use is entirely appropriate on the site. A drive-thru restaurant is entirely compatible, consistent, and harmonious with the proposed retail center and existing tavern. Additionally, with approval of the prior WC-18-400224, the Board of County Commissioners made a finding that the condition no longer fulfilled its intended purpose. Therefore, through the above referenced factors, the condition will no longer fulfill its intended purpose.

Therefore, the proposed uses and site location achieve the following: **a)** the proposed use is in harmony with the purpose, goals, objectives and standards of the Clark County Master Plan and Title 30; **b)** the proposed uses will not have substantial or undue adverse effects on adjacent properties, character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety, and general welfare; and **c)** the proposed use will be adequately served by public improvements, facilities, and services and will not impose an undue burden.

Thank you for the consideration.

Sincerely,



06/21/23 BCC AGENDA SHEET

COMMERCIAL CENTER  
(TITLE 30)

FORT APACHE RD/HUNTINGTON COVE PKWY

PUBLIC HEARING  
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST  
**WS-23-0203-TOP SHELF DEVELOPMENT, LLC:**

**WAIVER OF DEVELOPMENT STANDARDS** to reduce the building height setback ratio.  
**DESIGN REVIEWS** for the following: 1) a commercial center with a retail building and fast food restaurant with a drive-thru; and 2) alternative parking lot landscaping on 2.0 acres in a C-2 (General Commercial) Zone.

Generally located on the northwest corner of Fort Apache Road and Huntington Cove Parkway within Enterprise. JJ/jor/syp (For possible action)

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**RELATED INFORMATION:**

**APN:**  
176-18-518-001

**WAIVER OF DEVELOPMENT STANDARDS:**  
Reduce the building height setback ratio to 19 feet where a minimum of 48 feet is required per Figure 30.56-10 (a 60% decrease).

**DESIGN REVIEWS:**

1. A commercial center to include a retail building and a fast food restaurant building with a drive-thru.
2. Alternative parking lot landscaping where parking lot landscaping is required per Figure 30.64-14.

**LAND USE PLAN:**  
ENTERPRISE - CORRIDOR MIXED-USE

**BACKGROUND:**  
**Project Description**  
General Summary

- Site Address: 8275 S. Fort Apache Road
- Site Acreage: 2
- Project Type: Commercial center with a proposed retail building and fast food restaurant with a drive-thru
- Number of Stories: 1
- Building Height (feet): 22 (maximum)

- Square Feet: 5,366 (existing tavern building)/6,000 (proposed retail building)/1,990 (restaurant building for fast food with a drive-thru)
- Parking Required/Provided: 98/99

### History Summary

Application ZC-1276-04 reclassified 3 parcels located south of Warm Springs Road, North of Wigwam Avenue, and on the east and west sides of Fort Apache Road (10 acres total) from R-E and C-P zoning to C-2 zoning for future commercial development. WS-1757-06 was approved for a proposed shopping center on the subject parcel and included waivers for an intense landscape buffer and reduced setback for a trash enclosure. This application (WS-1757-06) proposed an in-line retail building only, located on the west portion of the subject parcel, with future pad sites on the northeast and southeast corner of the site; however, this application expired. In addition, UC-0578-07 was approved for a proposed tavern (Putter's) on the southeast corner of the parcel, and this application also expired.

Furthermore, UC-0563-14 was also approved for a similarly designed retail center on the site which included 1 in-line retail building along the west portion of the site, a tavern on the northeast corner, and a future pad site with a drive-thru lane on the southeast corner of the subject parcel. On October 2016, DR-0595-16 was approved for a tavern on the northeast corner of the site and a waiver of conditions of a use permit UC-0563-14 for landscaping per revised plans was included. Today, there is a tavern on the northeast corner of the site including existing parking spaces on the northwest corner, and centrally located parking spaces south of the tavern building. On February 2019, WS-18-0794 and WC-18-400224 (UC-0563-14) was approved to complete the retail center. Plans show a 6,000 square foot retail building on the west half of the site and a fast food restaurant building with a drive-thru on the southeast corner of the site. WC-18-400224 (UC-0563-14) eliminated the condition of approval from UC-0563-14 which removed the drive-thru lane per plans associated with UC-0563-14. Since WS-18-0794 and WC-18-400224 (UC-0563-14) expired, the applicant is now proposing the same building and layout design to complete the commercial center development.

### Site Plan

The plan depicts access to the site via 1 existing commercial driveway along the east property line adjacent to Fort Apache Road. There is an existing tavern (PT's) located on the northeast corner of the site. The applicant is proposing a 6,000 square foot in-line retail building on the west half of the site. The proposed fast food restaurant building is located on the southeast corner of the site, and the proposed drive-thru lane is south of the fast food restaurant building, along the south property line. Existing parking is located on the northwest corner of the site, and in the middle of the commercial center adjacent to the 3 buildings.

The applicant is requesting a waiver of development standards to reduce the building height setback ratio of the fast food restaurant building from the parcel to the south (landscape area maintained by a Home Owner's Association) since this area is zoned R-2 and has a Planned Land Use of Mid-Intensity Suburban Neighborhood. Code requires a minimum of 48 foot height setback ratio per Figure 30.56-10. The application also includes a design review for the expansion of this commercial center to include a retail building and a fast food restaurant building with a drive-thru and alternative parking lot landscaping.

### Landscaping

The plan depicts existing and proposed landscaping. The north property line includes existing shrubs and trees adjacent to an existing 4 foot high CMU block wall. There is an existing 10 foot wide landscape buffer with existing Evergreen trees along the west property line. However, the landscape plan shows that the applicant will upgrade this landscape buffer with a double row of 24 inch box, large Evergreen trees, and the existing 10 foot high CMU block wall will remain. The applicant is proposing a 6 foot wide landscape strip along the south property line with 1 row of 24 inch box trees spaced every 20 feet. In addition, there is an existing 8 foot high CMU block wall along the south property line. The 18 foot wide undeveloped landscape strip on the southeast corner of the site will now include new trees and shrubs to finally complete the streetscape and landscaping adjacent to Fort Apache Road. Lastly, the site has existing parking lot landscaping; however, the proposed parking spaces east of the retail building, and west/north of the fast food restaurant building do not include landscape finger islands after every 6 parking spaces as required per Code. Since the applicant is including additional trees to the site, a design review for alternative parking lot landscaping is a part of this application.

### Elevations

Both the proposed fast food restaurant building and the retail building have an overall height of 22 feet and are 1 story. The buildings have flat roofs behind parapet walls and the exterior of the buildings have a combination of a light sand plaster finish and stone veneer. Horizontal decorative V-grooves will be added to the exterior walls.

### Floor Plan

The proposed retail center will have a total area of 13,356 square feet; the existing tavern has an area of 5,366 square feet. The in-line retail building has an area of 6,000 square feet and the restaurant has an area of 1,990 square feet consisting of dining area, kitchen, office, and restrooms.

### Signage

Signage is not a part of this request.

### Applicant's Justification

Per the applicant's letter, the proposed design is consistent with the intent of the C-2 zoning district and Corridor Mixed-Use planned land use designation. The C-2 zoning district is intended to accommodate, in part, a full range of commercial uses, and completing the overall design of the commercial center is appropriate for the neighborhood. Additionally, the proposed retail building and fast food restaurant with a drive-thru are permitted uses by right in a C-2 zoning district. Furthermore, the same request was approved with WS-18-0794 and WC-18 400224 (UC-0563-14) but both subsequently expired since the uses did not commence. The proposed uses are in harmony with the purpose, goals, objectives and standards of the Master Plan and Title 30 and the proposed uses will be adequately served by public improvements, facilities, and services and will not impose an undue burden.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
WS-18-0794	Retail center to include a retail building to the west, maintain existing tavern to the northeast pad site, and proposed fast food restaurant building on the southeast corner pad site with a proposed drive-thru lane, waivers include reduced height setback ratio, alternative landscaping, and a design review for alternative parking lot landscaping and for the entire retail center - expired	Approved by BCC	February 2019
WC-18-400224 (UC-0563-14)	Waiver of conditions of a use permit to remove the proposed drive-thru as shown on future Pad #1 - expired	Approved by BCC	February 2019
TM-0109-17	Commercial subdivision	Approved by PC	August 2017
UC-0563-14 (ET-0182-16)	First extension of time for a retail center with a tavern including reduced parking, setback for a trash enclosure, and landscaping	Approved by BCC	February 2017
DR-0595-16	Modifications to an approved tavern (northeast corner) and a waiver of conditions of UC-0563-14 requiring landscaping per revised plans on file with intense landscaping on the westernmost property line	Approved by BCC	October 2016
UC-0563-14	Retail center with a proposed tavern (southeast corner) including reduced parking, setback for a trash enclosure, and landscaping	Approved by BCC	December 2014
UC-0578-07 (ET-0166-08)	First extension of time to commence the reduction in separation between an on-premises consumption of alcohol establishment (tavern) and a residential development on a separate property this includes a design review for a tavern	Approved by BCC	August 2008
WS-1757-06 (ET-0165-08)	First extension of time to commence waivers related to landscaping and reduced trash enclosure setback, and design review for a retail center	Approved by BCC	August 2008
UC-0578-07	Reduced the separation between an on-premises consumption of alcohol establishment (tavern) and residential development - expired	Approved by BCC	July 2007
WS-1757-06	Reduced landscaping requirements and reduced setback for a trash enclosure for a proposed retail center - expired	Approved by BCC	February 2007
ZC-1276-04	Reclassified this site and 2 other parcels to C-2 zoning for future commercial development	Approved by BCC	September 2004

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Corridor Mixed-Use	C-2	Convenience store with gasoline sales, vehicle wash, & fast food restaurant with drive-thru service
South, East, & West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac) & Major Development Project (Rhodes Ranch)	R-2	Single family residential

The subject site is within the Public Facilities Needs Assessment (PFNA) area.

**Related Applications**

<b>Application Number</b>	<b>Request</b>
WC-23-400051 (UC-0563-14)	A waiver of conditions of a use permit to eliminate the drive-thru lane related to previously approved plan is a companion item on this agenda.

**STANDARDS FOR APPROVAL:**

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

**Analysis**

**Comprehensive Planning**

Waiver of Development Standards

According to Title 30, the applicant shall have the burden of proof to establish that the proposed request is appropriate for its existing location by showing that the uses of the area adjacent to the property included in the waiver of development standards request will not be affected in a substantially adverse manner. The intent and purpose of a waiver of development standards is to modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative.

Currently, the subject parcel is adjacent to a residential use to the west and to the south. The parcel to the south is a landscape area (common element within a residential subdivision) with a walking path that is maintained by a Home Owner's Association. Since this is considered a less intense use and zoned R-2, the applicant must request a waiver of development standards to reduce the building height setback ratio to 19 feet where a minimum of 48 feet is required per Figure 30.56-10 (a 60% decrease). Staff determines that this request is reasonable since there are no residences to the south. The applicant also upgraded previously approved plans for landscaping along the south property line, the applicant will install a 6 foot wide landscape strip and a single row of 24 inch box trees spaced every 20 feet, which matches Figure 30.64-11. This buffer helps mitigate the reduced height setback ratio request. Staff supports this request.

Design Reviews

Staff finds that the applicant is proposing a mirrored design of what was previously approved in 2019. Completing the development of the commercial center will further enhances the streetscape, provides economic opportunities for the immediate area, and the site will offer the

neighborhood additional retail and restaurant amenities. Furthermore, the applicant proposes an adequate amount of landscaping throughout the site; therefore, staff can support the alternative parking lot landscaping. Staff supports these requests.

**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 Master Plan, Title 30, and/or the Nevada Revised Statutes.

**PRELIMINARY STAFF CONDITIONS:**

**Comprehensive Planning**

- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; the County 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

**Fire Prevention Bureau**

- No comment.

**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 #0153-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT: ACTIVE COMMERCIAL, LLC**

**CONTACT: DIONICIO GORDILLO, 204 BELLE ISLE CT., HENDERSON, NV 89012**





# LAND USE APPLICATION

## DEPARTMENT OF COMPREHENSIVE PLANNING

# 11A

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

<p><b>APPLICATION TYPE</b></p> <p><input type="checkbox"/> TEXT AMENDMENT (TA)</p> <p><input type="checkbox"/> ZONE CHANGE (ZC)</p> <p><input type="checkbox"/> USE PERMIT (UC)</p> <p><input type="checkbox"/> VARIANCE (VC)</p> <p><input checked="" type="checkbox"/> WAIVER OF DEVELOPMENT STANDARDS (WS)</p> <p><input checked="" type="checkbox"/> DESIGN REVIEW (DR)</p> <p><input type="checkbox"/> ADMINISTRATIVE DESIGN REVIEW (ADR)</p> <p><input type="checkbox"/> STREET NAME / NUMBERING CHANGE (SC)</p> <p><input type="checkbox"/> WAIVER OF CONDITIONS (WC)</p> <p>(ORIGINAL APPLICATION #)</p> <p><input type="checkbox"/> ANNEXATION REQUEST (ANX)</p> <p><input type="checkbox"/> EXTENSION OF TIME (ET)</p> <p>(ORIGINAL APPLICATION #)</p> <p><input type="checkbox"/> APPLICATION REVIEW (AR)</p> <p>(ORIGINAL APPLICATION #)</p>	<b>STAFF</b>	<p>APP. NUMBER: <u>WS-23-0203</u>      DATE FILED: <u>4/18/23</u></p> <p>PLANNER ASSIGNED: <u>JOR</u></p> <p>TAB/CAC: <u>Enterprise</u>      TAB/CAC DATE: <u>5/31/23</u></p> <p>PC MEETING DATE: _____</p> <p>BCC MEETING DATE: <u>6/21/23</u></p> <p>FEE: <u>\$1,150</u></p>
	<b>PROPERTY OWNER</b>	<p>NAME: <u>Top Shelf Development, LLC</u></p> <p>ADDRESS: <u>3755 Breakthrough Way, Suite 250</u></p> <p>CITY: <u>Las Vegas</u>      STATE: <u>NV</u>      ZIP: <u>89135</u></p> <p>TELEPHONE: <u>(702) 868-7870</u>      CELL: <u>(702) 612-5500</u></p> <p>E-MAIL: <u>asif@activecre.com</u></p>
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	<b>CORRESPONDENT</b>	<p>NAME: <u>Dionicio Gordillo, DG Consultants</u></p> <p>ADDRESS: <u>204 Belle Isle Ct.</u></p> <p>CITY: <u>Henderson</u>      STATE: <u>NV</u>      ZIP: <u>89012</u></p> <p>TELEPHONE: <u>(702) 379-6601</u>      CELL: <u>(702) 379-6601</u></p> <p>E-MAIL: <u>dgordillo@cox.net</u>      REF CONTACT ID #: <u>191488</u></p>

ASSESSOR'S PARCEL NUMBER(S): 176-18-518001

PROPERTY ADDRESS and/or CROSS STREETS: 8275 S. Fort Apache Road

PROJECT DESCRIPTION: retail center and restaurant

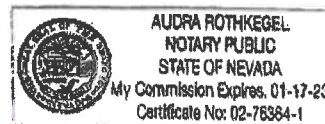
(I, We) the undersigned swear and say that (I am, We are) the owner(s) of record on the Tax Rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Clark County Code; that the information on the attached legal description, all plans, and drawings attached hereto, and all the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the Clark County Comprehensive Planning Department, or its designee, to enter the premises and to install any required signs on said property for the purpose of advising the public of the proposed application.

Joseph A. Kennedy      Joseph A. Kennedy  
 Property Owner (Signature)\* Top Shelf, LLC      Property Owner (Print)

STATE OF Nevada  
 COUNTY OF Clark County

SUBSCRIBED AND SWORN BEFORE ME ON January 4th, 2023 (DATE)  
 By Audra Rothkegel

NOTARY PUBLIC: Audra Rothkegel



\*NOTE: Corporate declaration of authority (or equivalent), power of attorney, or signature documentation is required if the applicant and/or property owner is a corporation, partnership, trust, or provides signature in a representative capacity.

February 1, 2023

Clark County Department of Comprehensive Planning  
500 S. Grand Central Parkway  
Las Vegas, NV 89155

WS-23-0203

**RE: Waivers of development Standards, and Design Reviews – Retail Building and Drive-Thru Restaurant (APN: 176-18-518-001)**

On behalf of Active Commercial, LLC, we are requesting waivers of development standards and design reviews for a proposed retail center and drive-thru restaurant. The subject site is 2.1 acres, zoned C-2, and located on the west side of Fort Apache Road, 50 feet north of Huntington Cove Parkway. By way of background, the same request was approved with WS-18-0794 and WC-18-400224 but both subsequently expired since the uses did not commence.

The request is entirely consistent with the intent of the C-2 zoning district and Corridor Mixed-Use (CM) planned land use designation and in compliance with several Goals and Policies contained within the Clark County Master Plan. The C-2 zoning district is intended to accommodate, in part, a full range of commercial uses, or mixed commercial uses, in a manner that can be located to serve the needs of the entire community yet be buffered from having adverse impacts on any adjacent residential neighborhoods. Additionally, the proposed retail center and drive-thru restaurant uses are permitted uses by right in a C-2 zoning district.

**Waivers of Development Standards**

While the proposed alternatives do not comply with required provisions, it is recognized that individual sites may present unique characteristics, the operation and location of site uses that could be best developed through the application of alternative site development standards which depart from the requirements of Title 30. The intent and purpose of a waiver of development standards is to modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative.

The first waiver of standards request is to reduce the building height setback ratio for a proposed drive-thru restaurant to a residential use to 19 feet where a minimum of 48 feet is required per Figure 30.56-10.

The second waiver of standards request is for alternative landscaping along the south property line adjacent to a less intense use.

The setback and landscape waivers are required along the south property line since the property is zoned residential but in fact is a common lot/landscape area. Therefore, there will not be any adverse impacts associated with the requests.

**Design Reviews**

The applicant is requesting a design review for the following: **1)** site and building design as referenced per plans to include a retail building, drive-thru restaurant; and **2)** alternative parking lot landscaping.

The first design review with the submitted site plan depicts an effective layout of the buildings, parking areas, circulation, and sensitivity to the nearby residential uses to the west. The elevations for the proposed buildings consist of flat roofs with parapet walls, multiple surface plane variations to give both

vertical and horizontal articulation along with various elements such as stucco siding, accent bands, reveal lines, stone veneer, and other unique and modern materials and features. The architectural detailing is provided on all sides consistent with the primary/front elevation. Access to the site is provided by a single driveway from Fort Apache Road. The retail center is a one story, 22 foot high, 6,000 square foot building while the drive-thru restaurant is one story, 22 foot high, 1,900 square foot building.

The second design review is for alternative parking lot landscaping per Figure 30.64-14. The majority of the parking spaces and lot currently exist with the tavern. Those spaces are not required to bring the current landscaping in accordance with current development regulations for parking lot landscaping. A total of 29 additional parking spaces are provided for the retail building and drive-thru restaurant. The landscaping within the proposed parking areas does not comply with Figure 30.64-14; however, the required numbers of trees are being provided at other locations on the southern portion of the site, which is permitted as an alternative landscape design with the approval of a design review. Therefore, the alternative meets the intent of the required number of trees.

Therefore, the proposed uses and site location achieve the following: a) the proposed uses are in harmony with the purpose, goals, objectives and standards of the Clark County Master Plan and Title 30; b) the proposed uses will not have substantial or undue adverse effects on adjacent properties, character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety, and general welfare; and c) the proposed use will be adequately served by public improvements, facilities, and services and will not impose an undue burden.

Thank you for the consideration.

Sincerely,

*Dionisio Smith*

*WS-24-0203*



06/21/23 BCC AGENDA SHEET

DATA CENTER  
(TITLE 30)

JONES BLVD/BADURA AVE

PUBLIC HEARING  
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST  
WS-23-0193-NV LAS NAP 14-16, LLC:

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) outside storage; 2) alternative building design standards; 3) lighting; 4) alternative trash enclosures; and 5) eliminate parking lot landscaping.

**DESIGN REVIEWS** for the following: 1) signage; and 2) data center warehouses in conjunction with an existing data center complex on 51.5 acres in an M-D (Designed Manufacturing) Zone and an M-D (Designed Manufacturing) (AE-60) Zone in the CMA Design Overlay District.

Generally located on the north side of Badura Avenue, the east side of Jones Boulevard, the west side of Lindell Road, and the south side of the CC 215 Beltway within Enterprise. MN/hw/syp (For possible action)

---

**RELATED INFORMATION:**

**APN:**  
176-01-201-004 through 176-01-201-008; 176-01-201-020

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Allow an outside storage area adjacent to a public right-of-way where otherwise not permitted per Section 30.48.640.
2.
  - a. Allow a red accent color where the colors of buildings and façade surfaces shall consist of the predominately subdued intensity of tones of the surrounding landscape per Section 30.48.650.
  - b. Allow a 173 foot horizontal roofline without architectural articulation where 100 feet is the maximum per Section 30.48.650 (a 73% increase).
  - c. Allow a 173 foot building façade where 100 feet is the maximum per Section 30.48.650 (a 73% increase).
3. Allow exterior luminaries to be mounted 24 feet above finished grade where the maximum height is 14 feet per Section 30.48.670 (a 71% increase).
4. Allow a trash enclosure with a wrought iron fence enclosure where trash enclosure walls are required to be constructed of masonry or concrete block per Section 30.56.120.
5. Eliminate all parking lot landscaping where landscaping per Figure 30.64-14 is required (a 100% reduction).

## DESIGN REVIEWS:

1. Signage.
2. Data center complex with 2 new data center warehouse buildings.

## LAND USE PLAN:

ENTERPRISE - BUSINESS EMPLOYMENT

## BACKGROUND:

### Project Description

#### General Summary

- Site Address: 5660 W. Badura Avenue
- Site Acreage: 49.1
- Project Type: Data center
- Building Height (feet): 49.3
- Square Feet: 660,781 (214,086/232,609/214,086)
- Parking Required/Provided: 348/593

#### Site Plans

The plans provided depict an existing 232,609 square foot data center warehouse located in the southwest portion of the site, previously approved through ZC-19-0571. The plans additionally show 2 proposed 214,086 square foot data center warehouses located in the northwestern and northeastern portions of the property along the northern property line with the CC 215 Beltway. Generator and utility distribution yards are located on both the north and south sides of the existing and proposed warehouses. A communication tower is located on the north side of the southernmost warehouse and a pump house is located on the east side of the southern warehouse. Parking and drive aisles are distributed throughout the site surrounding the data center warehouses in specific clusters along the northern property line, along the property line with Badura Avenue, and between the 2 warehouses located in the western portion of the site. Three commercial driveways provide access to the site, which include driveways from Badura Avenue, Lindell Road, and a driveway for emergency access from Maule Avenue. All 3 driveways contain 21 foot wide and 12 foot high metal rolling gates. The Maule Avenue driveway was previously approved at the intersection of Corporate Plaza Drive and Maule Avenue with ZC-19-0571 but was redesigned with WS-20-0318 to what is shown on the plans.

#### Landscaping

The plans show that there will be no changes to the existing perimeter landscaping, which includes a 9 foot 5 inch strip adjacent to the CC 215 on-ramp, a 15 foot wide landscape strip with a detached sidewalk adjacent to Roy Horn Way, a 16 foot wide to 19 foot wide landscape strip along Lindell Road with a detached sidewalk, a 20 foot wide landscape strip with a detached sidewalk along Badura Avenue, a 15 foot wide landscape strip behind an attached sidewalk on Corporate Plaza Drive, and 15 foot wide landscape strips behind existing attached sidewalks on Maule Avenue and Jones Boulevard.

Waivers of development standards have been approved to eliminate trees from the landscaping plan and provide shrubs as the perimeter street landscaping with ZC-19-0571. Another waiver of development standards was approved which further reduced the number of shrubs (1 row of

shrubs instead of 2 rows) from the perimeter landscaping through WS-20-0318. The reduction in shrubs was approved along Lindell Road and along Roy Horn Way.

No parking lot landscaping has been shown and a waiver of development standards is being purposed to waive all parking lot landscaping for the portions of the site now being developed.

#### Elevations

The proposed new data center warehouses are 49 feet 4 inches tall and constructed with concrete exterior walls painted in an alternating white and grey pattern, metal wall louvers, metal fascia below the roofline, and a standing seam metal roof. Wall mounted light luminaries are shown to be placed across the building at equal intervals and mounted 24 feet high. Waivers are necessary to allow non-subdued red accent colors and to allow a 173 foot long roofline without architectural enhancements. Access to the warehouses is provided via awning covered commercial doorways on the north side of the buildings. Access is also provided through roll-up doors along the southern face of the building.

Surrounding the entire property is an existing perimeter wall that includes both gray split-face CMU walls and cast concrete walls. Both walls have pilasters evenly spaced and include a 3 foot high metal security piking on top. The pilasters will be painted a bright red color that is typical of the color scheme for this development.

Trash enclosures are shown with 8 foot high wrought iron fence enclosures, which requires a waiver of development standards, as trash enclosure walls are required to be 6 feet high and constructed of masonry or concrete block.

#### Floor Plans

The plans for the proposed 214,086 square foot data center warehouses will predominately consist of 3 large spaces that will house various servers and data centers. The server/data center areas will be supported with 3 power rooms. The secondary spaces will be dedicated to shipping/receiving and staging areas, and a 2-story office space.

#### Signage

The provided plans show a total of 4 proposed wall signs mounted on the upper central portions of the east and west facades of the proposed data center warehouses. Each building will contain 2 wall signs with 1 wall sign on each indicated façade. The signs provided are red and white combined word mark and logo signs. Each sign is 9 feet high and 18 feet wide for a total of 162 square feet, which is under the allowed square footage of 298 square feet for the east and west facades. The average letter height for these signs is approximately 4.2 feet high. The bottom end of the sign is at a height of 24 feet with a maximum height of 33 feet.

#### Applicant's Justification

The applicant indicates that this application is necessary to expand the overall data center campus and storage capacity for the company. They also state that many of the waivers being requested have already been approved previously through ZC-19-0571 and also in the surrounding area. They state that any outside storage and trash enclosure will be sufficiently screened from the surrounding area and rights-of-way, and the existing color patterns and

roofline have worked well with the previously approved data center warehouse currently on the property. They also state that any parking lot landscaping would directly hinder the necessary security requirements for this type of facility and that lighting on the site will be directed down and will not glare onto surrounding properties. In addition, the applicant states that the proposed signage is compatible with the existing architecture of the site.

#### Prior Land Use Requests

Application Number	Request	Action	Date
UC-22-0459	230 kV electrical substation with transmission lines and increased height with waivers for trash enclosures, off-site improvement, and driveway geometrics for the area west of Redwood Street	Approved by BCC	January 2023
UC-22-0549	230 kV electric substation with associated equipment and utility structures with increased height	Approved by PC	November 2022
WS-20-0318	Increased area for a project identification sign, reduced landscaping, and reduced throat depth and approach distance	Approved by BCC	September 2020
VS-19-0572	Vacated and abandoned 33 foot government patent easements and 5 feet of Lindell Road and Badura Avenue for detached sidewalks - recorded	Approved by BCC	September 2019
ZC-19-0571	Reclassified the site from R-E, R-E (AE-60), C-2, and C-2 (AE-60) to M-D and M-D (AE-60) zoning for a communication tower, data center, and signage with waivers	Approved by BCC	September 2019
WS-0906-07	Signage in conjunction with an industrial, office, and retail development - expired	Approved by BCC	September 2007
ZC-0089-06	Reclassified the site from R-E, M-D, and M-1 zoning to M-D zoning for an industrial, office, and retail development with waivers - design review expunged	Approved by BCC	May 2006
ZC-0851-04	Reclassified 32.7 acres to M-D zoning for an industrial/retail center - expired	Approved by BCC	August 2004
UC-0639-02	Off-premises sign	Approved by PC	June 2002
UC-0638-02	Off-premises sign	Approved by PC	June 2002
ZC-0193-02	Reclassified 2.5 acres to C-2 zoning for an office building - expired	Approved by BCC	March 2002
ZC-1661-01	Reclassified 2.5 acres to C-2 zoning for an office building - expired	Approved by BCC	February 2002
ZC-1214-01	Reclassified 53.4 acres to M-D zoning for a distribution center - expired	Approved by BCC	November 2001
ZC-0514-99	Reclassified the site from R-E to C-2 zoning for a proposed retail store - expired	Approved by BCC	May 1999
ZC-2110-96	Reclassified the site from R-E to C-1 (AE-65) zoning for a proposed mini-warehouse complex - expired	Approved by BCC	March 1997



**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North*	Business Employment	M-D & C-2	Distribution center, office/warehouse & undeveloped
East	Business Employment	M-D & C-2	Office/warehouse & distribution center
South	Business Employment	M-D	Office warehouse complex & distribution center
West	Business Employment	M-D	Distribution center & undeveloped

The subject site and surrounding parcels are in the Public Facilities Needs Assessment (PFNA) area. \*Directly north is the CC 215 Beltway and Roy Horn Way.

**Related Applications**

<b>Application Number</b>	<b>Request</b>
TM-23-500055	A 1 lot industrial subdivision is a related item on this agenda.

**STANDARDS FOR APPROVAL:**

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

**Analysis**

**Comprehensive Planning**

**Waivers of Development Standards**

According to Title 30, the applicant shall have the burden of proof to establish that the proposed request is appropriate for its existing location by showing that the uses of the area adjacent to the property included in the waiver of development standards request will not be affected in a substantially adverse manner. The intent and purpose of a waiver of development standards is to modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative.

Staff finds that all of the requested waivers of development standards are consistent with previous requests that were approved for similar data centers in the area and at the subject site. As a result, the proposed project is consistent with Policy 1.3.1 in the Master Plan, which in part, encourages site designs to be compatible with adjacent land uses and encourages architectural styles and signage which create a unique neighborhood identity. The height of the existing perimeter wall should effectively screen the interior of the site, obstructing visibility of the extended flat roofline longer than 100 feet in length, the lack of interior landscaping, any outside storage, and will help screen any effects caused by the increased height of the lighting and signs. The non-subdued accent color (red) is consistent with the other data center warehouse built on the subject site and other data centers in the area. In conclusion, the project is similar to other approved and existing development projects in the area and on the subject site, and staff does not anticipate any negative impacts and can support these requests.

### Design Reviews

Policy 5.1.3, in part, promotes employment opportunities/development, and per the Enterprise Land Use Plan, data processing centers are an appropriate use in the Business Employment Land Use category. The design of the new data center warehouses is consistent with approved and developed data centers in the area and on the subject site. Access will be provided on multiple sides of the development, and adequate parking is provided on-site. Finally, the size and design of the proposed wall signage is compatible in scale and theme to the existing data center warehouse on the site and similar to other signage in the area and along the CC 215 Beltway. As a result, the development will provide a critical service to the community, and the design is consistent with policies in the Master Plan. For these reasons, staff can support these requests.

### **Department of Aviation**

The development will penetrate the 100:1 notification airspace surface for Harry Reid International Airport. Therefore, as required by 14 CFR Part 77, and Section 30.48.120 of the Clark County Unified Development Code, the Federal Aviation Administration (FAA) must be notified of the proposed construction or alteration.

### **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 Master Plan, Title 30, and/or the Nevada Revised Statutes.

### **PRELIMINARY STAFF CONDITIONS:**

#### **Comprehensive Planning**

- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area.
- 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 4 years of approval date or it will expire.

#### **Public Works - Development Review**

- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Beltway, Frontage Road improvement project.

#### **Department of Aviation**

- Applicant is required to file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, in accordance with 14 CFR Part 77, or submit to the

Director of Aviation a "Property Owner's Shielding Determination Statement" and request written concurrence from the Department of Aviation;

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

#### **Fire Prevention Bureau**

- 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](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0084-2020 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:  
APPROVALS:  
PROTESTS:**

**APPLICANT:** STEPHAN ATKIN

**CONTACT:** STEPHAN ATKIN, SWITCH, 5725 W. BADURA AVENUE, SUITE 100, LAS VEGAS, NV 89148





# LAND USE APPLICATION

# 12A

## DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

<b>APPLICATION TYPE</b>  <input type="checkbox"/> TEXT AMENDMENT (TA) <input type="checkbox"/> ZONE CHANGE (ZC) <input checked="" type="checkbox"/> USE PERMIT (UC) <input type="checkbox"/> VARIANCE (VC) <input checked="" type="checkbox"/> WAIVER OF DEVELOPMENT STANDARDS (WS) <input checked="" type="checkbox"/> DESIGN REVIEW (DR) <input type="checkbox"/> ADMINISTRATIVE DESIGN REVIEW (ADR) <input type="checkbox"/> STREET NAME / NUMBERING CHANGE (SC) <input type="checkbox"/> WAIVER OF CONDITIONS (WC)  (ORIGINAL APPLICATION #)  <input type="checkbox"/> ANNEXATION REQUEST (ANX)  <input type="checkbox"/> EXTENSION OF TIME (ET)  (ORIGINAL APPLICATION #)  <input type="checkbox"/> APPLICATION REVIEW (AR)  (ORIGINAL APPLICATION #)	<b>STAFF</b>  APP. NUMBER: <u>WS-23-0193</u> DATE FILED: <u>4/19/23</u> PLANNER ASSIGNED: <u>HWS</u> TAB/CAC: <u>Enterprise</u> TAB/CAC DATE: <u>5/31/23</u> PC MEETING DATE: _____ BCC MEETING DATE: <u>6/21/23</u> FEE: <u>\$1,150</u>
	<b>PROPERTY OWNER</b>  NAME: <u>NV LAS NAP 14-16 LLC and NV LAS DEC LLC c/o Joshua Ewing</u> ADDRESS: <u>7135 S. Decatur Blvd.</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89118</u> TELEPHONE: <u>702-522-5426</u> CELL: <u>n/a</u> E-MAIL: <u>joshua@switch.com</u>
	<b>APPLICANT</b>  NAME: <u>NV LAS NAP 14-16 LLC and NV LAS DEC LLC c/o Joshua Ewing</u> ADDRESS: <u>7135 S. Decatur Blvd.</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89118</u> TELEPHONE: <u>702-522-5426</u> CELL: <u>n/a</u> E-MAIL: <u>joshua@switch.com</u> REF CONTACT ID #: _____
	<b>CORRESPONDENT</b>  NAME: <u>Michael S. Andersen AIA Architect LLC</u> ADDRESS: <u>2714 Timber Crossing Ct.</u> CITY: <u>Henderson</u> STATE: <u>NV</u> ZIP: <u>89074</u> TELEPHONE: <u>702-219-4787</u> CELL: _____ E-MAIL: <u>mike@michaelsandersen.com</u> REF CONTACT ID #: _____

ASSESSOR'S PARCEL NUMBER(S): 176-01-201-004, 005, 006, 007, 008, and 020

PROPERTY ADDRESS and/or CROSS STREETS: Lindell Road and Roy Horn Way

PROJECT DESCRIPTION: Data Center Buildings

(I, We) the undersigned swear and say that (I am, We are) the owner(s) of record on the Tax Rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Clark County Code; that the information on the attached legal description, all plans, and drawings attached hereto, and all the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the Clark County Comprehensive Planning Department, or its designee, to enter the premises and to install any required signs on said property for the purpose of advising the public of the proposed application.

Property Owner (Signature)\* [Signature]      Property Owner (Print) Josh Ewing

STATE OF Nevada  
COUNTY OF Clark  
SUBSCRIBED AND SWORN BEFORE ME ON January 6th, 2023 (DATE)  
By Joshua Ewing  
NOTARY PUBLIC: [Signature]



\*NOTE: Corporate declaration of authority (or equivalent), power of attorney, or other documentation is required if the applicant and/or property owner is a corporation, partnership, trust, or provides signature in a representative capacity.

# PLANNER COPY

WS-23-0193

April 4, 2023

Current Planning Division  
500 South Grand Central Parkway  
Las Vegas, NV 89155-4000

**RE: Switch LASNAP14 and 16  
Justification Letter for Waiver of Development Standards and Design Review**

To whom it may concern:

Michael S. Andersen AIA Architect LLC, on behalf of our client, Switch, respectfully submits this justification application for a Waiver of Development Standards and Use Permit.

**Project Description:** The project site associated with the subject is approximately 49.13± gross acres and covers APN 176-01-201-004, 005, 006, 007, 008, and 176-01-201-020.

The proposed project is two Data Center buildings.

## List of Development and Zoning Items

- a. **Design Review** – Shall include Site and Floor Plans, colored Exterior Elevations, Colored Landscaping Plan (existing) and Perimeter Wall Elevations (existing).
- b. **Signage on Building** – 30.72 – See item 7. below. Signage size and height is shown on the architectural building elevation sheets.
- e. **Lot Coverage** – 30.40-5 - 80% max. See Site Plan for coverage for all buildings.
- f. **Building Height** – 30.40-5 - 50' max. See Building Elevation sheets. Maximum height is 49'-3" for all buildings.
- g. **Construction Trailer Locations** – Per Table 30.44-1, this is an Accessory Use to the overall project.
- h. **Construction Storage, Temporary** – Per Table 30.44-1, a Special Use Permit is required.
- i. **Exterior Building Light Height** – Per Section 30.56, PART F Lighting Standards see item 8 below and building elevation sheets.
- k. **One Lot Industrial Subdivision** – Part of the associated Tentative Map Application
- l. **Parking Lot Landscaping** – Per Section 30.64.030 Landscaping, Parking Lot.

**Waiver of Standards**

The project is being processed as a data center development in accordance with Title 30. This request is to define waivers of Title 30 and CCAUSD for the project needed to develop the site and anticipated product.

**1. Section 30.48.640 – Site Design and Development Standards, b. Site Design and Orientation.**

Waiver: Items 3 and 4, Outside Storage.

Request: Allow outside storage of equipment essential to the operation of the building to remain outside the physical building.

Justification: Perimeter walls will screen the majority of equipment and roll up doors shall be installed on all oversized loading dock locations.

**2. Section 30.48.650 – Architectural Standards and Guidelines**

Waiver: Item 1, colors of building.

Request: Allow the Switch white, grey and charcoal building exterior colors with red accent color to be used in lieu of tones of surrounding landscape.

Justification: The proposed color selections have worked well for other Switch building locations adjacent to the site.

**3. Section 30.48.650 – Architectural Standards and Guidelines**

Waiver: Item 6, shall minimize the visual impacts of large, uninterrupted austere facades.

Request: Allow for the modular Switch Building to exceed 100 feet in length without providing articulation referenced in Table 30,56-2.

Justification: The proposed North South exterior elevations incorporate color patterns and roof overhangs to add variations within the elevation. The building will have a defined entrance featuring an attached canopy structure supported by columns.

**4. Section 30.48.650 – Architectural Standards and Guidelines**

Waiver: Item 7 Roofline variations shall incorporated to provide architectural character for all non-residential developments.

Request: Allow for modular Switch Roof to exceed 100 feet in length without providing articulation referenced in Table 30.56-2 (2).

Justification: The proposed North and South exterior elevation incorporates a roof overhang and all exterior elevations incorporate color patterns to add variations within the elevation.

**5. Section 30.56.120 – Trash Enclosures**

Waiver: Per b., 1., Unless trash enclosures are otherwise screened by buildings, or other existing walls, trash enclosure walls shall be 6 feet high, constructed of masonry or concrete block and shall have screened gates.

Request: Allow for an 8 foot high wrought iron fence enclosure with solid sheet metal painted screened walls and gates.

Justification: The proposed construction completely screens the trash container from public view, additionally the proposed increased height perimeter wall also screens this area from public view.

**6. Section 30.64.030 – Landscaping Parking Lot**

Waiver: Per Table 30.64-2, Non-Single Family Residential Screening and Landscape Buffer Requirements, Parking Lot Landscaping requires landscaping per Figure 30.64-14.

Request: Allow for a deletion of all trees and shrubs.

Justification: Parking lot landscaping would impair intense security requirements by obstructing view lines for security cameras and personnel. Parking lot is not visible to the public.

**7. Section 30.72 – Signs Exterior Building Walls**

Waiver: Building Wall Signage – Two locations, East and West Exterior Walls of both buildings.

Request: Allow for two proposed lighted Building Wall signage locations. Signage shall be located on each West and East building exterior elevation. Each sign will have lighted "Switch" logo and lettering. Overall signage dimension would be approximately 18'-0" wide x 9'-0" in height with locations. Lettering request to exceed the 6'-0" maximum and signage mounting height to exceed the 20'-0" maximum per CMA.

Justification: Proposed lighted signage will identify the major tenant within this parcel.

**8. CMA Section 30.48.670 b. 3. – Lighting Design**

Waiver: Building Mounted Lighting – Multiple locations all exterior wall elevations

Request: Allow for a 24'-0" above finish floor mounting height for all exterior building lighting where the maximum mounting height is 14'-0".

Justification: The lighting is directed to the ground at all locations and should not glare to adjacent properties.



**9. Section 30.64.030 Landscaping, Parking Lot.**

Waiver: Per Table 30.64-2, Non-Single Family Residential Screening and Landscape Buffer Requirements, Parking Lot Landscaping requires landscaping per Figure 30.64-14.

Request: Allow for a deletion of all trees and shrubs.

Justification: Parking lot landscaping would impair intense security requirements by obstructing view lines for security cameras and personnel. Parking lot is not visible to the public.

Thank you for the opportunity to submit this application for your review. Please contact me at (702) 219-4787 if you have any questions regarding this application.

Sincerely,



**Michael Andersen**  
**Michael S. Andersen AIA Architect LLC**



06/21/23 BCC AGENDA SHEET

BADURA NAP 14, 15, 16  
(TITLE 30)

JONES BLVD/BADURA AVE

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST  
TM-23-500055-NV LAS NAP 14-16, LLC:

TENTATIVE MAP consisting of 1 industrial lot on 51.5 acres in an M-D (Designed Manufacturing) Zone and an M-D (Designed Manufacturing) (AE-60) Zone in the CMA Design Overlay District.

Generally located on the north side of Badura Avenue, the east side of Jones Boulevard, the west side of Lindell Road, and the south side of the CC 215 Beltway within Enterprise. MN/hw/syp (For possible action)

---

**RELATED INFORMATION:**

**APN:**

176-01-201-004 through 176-01-201-008; 176-01-201-020

**LAND USE PLAN:**

ENTERPRISE - BUSINESS EMPLOYMENT

**BACKGROUND:**

**Project Description**

**General Summary**

- Site Address: 5660 W. Badura Avenue
- Site Acreage: 51.5 (gross) / 48.3 (net)
- Number of Lots/Units: 1
- Project Type: Industrial Subdivision

The plan depicts a 1 lot industrial subdivision on the site of an existing data center warehouse complex. The lot is shown to be 51.5 acres gross and 48.3 acres net. The map shows an existing 232,609 square foot data center warehouse located in the southwest portion of the site, previously approved through ZC-19-0571. The map additionally shows 2 proposed 214,086 square foot data center warehouses located in the northwestern and northeastern portions of the property along the northern property line with the CC 215 Beltway. Generator and utility distribution yards are located on both the north and south sides of the existing and proposed warehouses. A communication tower is located on the north side of the southernmost warehouse and a pump house is located on the east side of the southern warehouse. Paved parking and drive aisles are distributed throughout the site surrounding the data center warehouses in specific clusters along the northern property line, along the property line with Badura Avenue, and between the 2 warehouses located in the western portion of the site. Three commercial driveways provide access to the site, which include driveways from Badura Avenue, Lindell Road, and a driveway for emergency access from Maule Avenue. All 3 driveways contain 21 foot wide and 12 foot high metal rolling gates.

### Landscaping

The plans show that there will be no changes to the existing perimeter landscaping, which includes a 9 foot 5 inch strip adjacent to the CC 215 on-ramp, a 15 foot wide landscape strip with a detached sidewalk adjacent to Roy Horn Way, a 16 foot wide to 19 foot wide landscape strip along Lindell Road with a detached sidewalk, a 20 foot wide landscape strip with a detached sidewalk along Badura Avenue, a 15 foot wide landscape strip behind an attached sidewalk on Corporate Plaza Drive, and 15 foot wide landscape strips behind existing attached sidewalks on Maule Avenue and Jones Boulevard.

Waivers of development standards have been approved to eliminate trees from the landscaping plan and provide shrubs as the perimeter street landscaping with ZC-19-0571. Another waiver of development standards was approved which further reduced the number of shrubs (1 row of shrubs instead of 2 rows) from the perimeter landscaping through WS-20-0318. The reduction in shrubs was approved along Lindell Road and along Roy Horn Way.

No parking lot landscaping has been shown and a waiver of development standards is being proposed to waive all parking lot landscaping for the portions of the site now being developed.

### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
UC-22-0459	230 kV electrical substation with transmission lines and increased height with waiver for trash enclosures, off-site improvement, and driveway geometrics for the area west of Redwood Street	Approved by BCC	January 2023
UC-22-0549	230 kV electric substation with associated equipment and utility structures with increased height	Approved by PC	November 2022
WS-20-0318	Increased area for a project identification sign, reduced landscaping, and reduced throat depth and approach distance	Approved by BCC	September 2020
VS-19-0572	Vacated and abandoned 33 foot government patent easements and 5 feet of Lindell Road and Badura Avenue for detached sidewalks - recorded	Approved by BCC	September 2019
ZC-19-0571	Reclassified the site from R-E, R-E (AE-60), C-2, and C-2 (AE-60) to M-D and M-D (AE-60) zoning for a communication tower, data center, and signage with waivers	Approved by BCC	September 2019
WS-0906-07	Signage in conjunction with an industrial, office, and retail development - expired	Approved by BCC	September 2007
ZC-0089-06	Reclassified the site from R-E, M-D, and M-1 zoning to M-D zoning for an industrial, office, and retail development with waivers - design review expunged	Approved by BCC	May 2006
ZC-0851-04	Reclassified 32.7 acres to M-D zoning for an industrial/retail center - expired	Approved by BCC	August 2004
UC-0639-02	Off-premises sign	Approved by PC	June 2002

**Prior Land Use Requests**

Application Number	Request	Action	Date
UC-0638-02	Off-premises sign	Approved by PC	June 2002
ZC-0193-02	Reclassified 2.5 acres to C-2 zoning for an office building - expired	Approved by BCC	March 2002
ZC-1661-01	Reclassified 2.5 acres to C-2 zoning for an office building - expired	Approved by BCC	February 2002
ZC-1214-01	Reclassified 53.4 acres to M-D zoning for a distribution center - expired	Approved by BCC	November 2001
ZC-0514-99	Reclassified the site from R-E to C-2 zoning for a proposed retail store - expired	Approved by BCC	May 1999
ZC-2110-96	Reclassified the site from R-E to C-1 (AE-65) zoning for a proposed mini-warehouse complex - expired	Approved by BCC	March 1997

**Surrounding Land Use**

	Planned Land Use Category	Zoning District	Existing Land Use
North*	Business Employment	M-D & C-2	Distribution center, office/warehouse, & undeveloped
East	Business Employment	M-D & C-2	Office/warehouse & distribution center
South	Business Employment	M-D	Office warehouse complex & distribution center
West	Business Employment	M-D	Distribution center & undeveloped

The subject site and surrounding parcels are in the Public Facilities Needs Assessment (PFNA) area. \*Directly north is the CC-215 Las Vegas Beltway and Roy Horn Way.

**Related Applications**

Application Number	Request
WS-23-0193	A waiver of development standards for signage and trash enclosures for 2 new data center warehouse buildings is a related item on this agenda.

**STANDARDS FOR APPROVAL:**

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

**Analysis**

**Comprehensive Planning**

The proposed tentative map is consistent with the requests and requirements of previous and proposed land use applications, and the request meets the tentative map requirements as outlined in Title 30. Therefore, staff can support this request.

**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 Master Plan, and/or the Nevada Revised Statutes.

**PRELIMINARY STAFF CONDITIONS:**

**Comprehensive Planning**

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

**Public Works - Development Review**

- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Beltway, Frontage Road improvement project.

**Comprehensive Planning - Addressing**

- No comment.

**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.

**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 #0084-2020 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** STEPHAN ATKIN

**CONTACT:** STEPHAN ATKIN, SWITCH, 5725 W. BADURA AVENUE, SUITE 100, LAS VEGAS, NV 89118



# TENTATIVE MAP APPLICATION 13A

## DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

<b>APPLICATION TYPE</b>	<b>DEPARTMENT USE</b>	APP. NUMBER: <u>TM-23-50005 S</u>	DATE FILED: <u>4/19/23</u>
<input checked="" type="checkbox"/> TENTATIVE MAP (TM)		PLANNER ASSIGNED: <u>HW</u>	TAB/CAC DATE: <u>5/31/23</u>
		TAB/CAC: <u>Enterprise</u>	
		PC MEETING DATE: _____	
		BCC MEETING DATE: <u>6/21/23</u>	
		FEE: <u>\$750</u>	

<b>PROPERTY OWNER</b>	NAME: <u>NV LAS NAP 14-16 LLC &amp; NV LAS DEC LLC c/o Joshua Ewing</u>
	ADDRESS: <u>7135 S. Decatur Blvd.</u>
	CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89118</u>
	TELEPHONE: <u>702-522-5426</u> CELL: _____
	E-MAIL: <u>joshua@switch.com</u>

<b>APPLICANT</b>	NAME: <u>NV LAS NAP 14-16 LLC &amp; NV LAS DEC LLC c/o Joshua Ewing</u>
	ADDRESS: <u>7135 S. Decatur Blvd.</u>
	CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89118</u>
	TELEPHONE: <u>702-522-5426</u> CELL: _____
	E-MAIL: <u>joshua@switch.com</u> REF CONTACT ID #: _____

<b>CORRESPONDENT</b>	NAME: <u>Michael S. Andersen AIA Architect LLC</u>
	ADDRESS: <u>2714 Timber Crossing Ct.</u>
	CITY: <u>Henderson</u> STATE: <u>NV</u> ZIP: <u>89074</u>
	TELEPHONE: <u>702-219-4787</u> CELL: _____
	E-MAIL: <u>mike@michaelsandersen.com</u> REF CONTACT ID #: _____

ASSESSOR'S PARCEL NUMBER(S): 176-01-201-004, 005, 006, 007, 008 & 020

PROPERTY ADDRESS and/or CROSS STREETS: Lindell Road and Roy Horn Way

TENTATIVE MAP NAME: BADURA NAP 14, 15, 16

I, (We) the undersigned swear and say that (I am, We are) the owner(s) of record on the Tax Rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Clark County Code; that the information on the attached legal description, all plans, and drawings attached hereto, and all the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the Clark County Comprehensive Planning Department, or its designee, to enter the premises and to install any required signs on said property for the purpose of advising the public of the proposed application.

Joshua Ewing  
 Property Owner (Signature) Property Owner (Print)

STATE OF Nevada  
 COUNTY OF Clark  
 SUBSCRIBED AND SWORN BEFORE ME ON March 10th 2023 (DATE)

By Joshua Ewing  
 NOTARY PUBLIC: Michelle Lee Ruiz



\*NOTE: Corporate declaration of authority (or equivalent), power of attorney, or signature documentation is required if the applicant and/or property owner is a corporation, partnership, trust, or provides signature in a representative capacity.





**STREET WIDTH/  
NON-STANDARD IMPROVEMENTS  
(TITLE 27)**

CHARTAN AVE/STAR LILY ST

**PUBLIC HEARING  
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST  
WT-23-0197-SHS 1, LLC:**

**WAIVERS** for the following: **1)** reduce street width; and **2)** allow non-standard improvements (landscaping and off-sites) in the right-of-way in conjunction with an approved single family residential subdivision on 10.0 acres in an R-2 (Medium-Density Residential) Zone.

Generally located on the north and south sides of Chartan Avenue and the westside of Star Lily Street within Enterprise. JJ/hw/syp (For possible action)

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**RELATED INFORMATION:**

**APN:**  
176-36-722-002; 176-36-797-002; 176-36-897-011; 176-36-897-012

- WAIVERS:**
1. Reduce the width of a public residential street within a single family residential subdivision to 37 feet where 48 feet is the standard per Section 27.20.020 (a 23% reduction).
  2. Allow non-standard improvements (landscaping and off-sites) within the right-of-way (Chartan Avenue) where not permitted per Section 27.10.011.

**LAND USE PLAN:**  
ENTERPRISE - MID-INTENSITY SUBURBAN NEIGHBORHOOD (UP TO 8 DU/AC)

**BACKGROUND:**  
**Project Description**

**General Summary**

- Site Address: N/A
- Site Acreage: 10
- Project Type: Street width reduction & landscaping and off-sites within the right-of-way

**Site Plan**

The plan depicts a 510 foot stretch of Chartan Avenue beginning at the intersection of Chartan Avenue and Star Lily Street in the east and ending in the west at a public turnaround within the Seneca Chartan Subdivision, that was previously approved through ZC-20-0454 and TM-20-500154. The Chartan Avenue right-of-way is shown as 60 feet wide. On the southern half of the right-of-way, there is an existing 15 foot landscaping strip followed by a 5 foot attached

sidewalk. South of the Chartan Avenue centerline, the full 25 feet of paving is being provided, and north of the centerline, the plans show only 12 feet of paving being provided, resulting in an overall paved area of 37 feet, including L-curbs. North of the paved area, there is 23 foot landscape area which consists of a 13 foot landscaped area along the paved portion of the right-of-way, followed by a 5 foot detached sidewalk, and followed by another 5 foot landscaped area. The plans indicate this landscaping area will be maintained by the subdivision HOA through a license and maintenance agreement. Over the easterly 40 feet of the subject area, the paved area tappers up from the provided 37 feet to the full 50 foot paved width of the Chartan Avenue right-of-way. The plans also depict streetlights being provided within the northern most landscaping strip evenly distributed within the subject area.

#### Landscaping

The plans show that the southern 15 foot landscaping strip will remain as is. The trees in the existing landscape strip consist mainly of Purple Plum, Pine, and Mesquite trees general set between 14 feet and 28 feet on center with shrubs and decorative boulders/rocks filling in the gaps between trees. On the south side of Chartan Avenue, a 5 foot attached sidewalk has been provided.

On the northern side of Chartan Avenue, 2 landscaping strips are being provided with a variety of 24 inch medium and large trees being planted in these strips. The landscaping strip directly along Chartan Avenue will be 13 feet wide and separated from a northern 5 foot wide landscaping strip by the existing 5 foot sidewalk. The 13 foot landscaping strip will contain a variety of new trees such as Desert Willow (*Chilopsis linearis*), "Desert Museum" Palo Verde (*Parkinsonia x 'desert museum'*), and Honey Mesquite (*Prosopis glandulosa*), all 24 inch box in size. The trees in the 13 foot landscaping strip will, in general, be set apart between 15 feet and 34.5 feet on center. The 5 foot landscaping strip to the north of the existing sidewalk will consist of a mix of existing pine trees and new Shoe-String Acacia (*Acacia stenophylla*) trees. These trees will vary in size, but will mainly be 24 inch box, and will be off-set between 21 feet and 34.5 feet on center.

The plans show that the spaces between the trees will be filled with varying species of 1 and 5 gallon shrubs with 2 inch to 4 inch rock mulch for substrate and varying sizes of boulders for decoration. The entire northern 23 foot landscaping strip is located within the Chartan Avenue right-of-way, and the southern 18 feet of this landscaping strip will be maintained by the appropriate Homeowners Association. The plans also show that there will be 2 streetlights located within the northern most 5 foot landscaping strip.

#### Applicant's Justification

The applicant indicates that the proposed reduction in width is needed in order to better connect Chartan Avenue with the approved Seneca Chartan subdivision. The applicant states that the proposed narrowing will help to reduce heat island causing pavement, and will slow traffic into the development. They state there should be no issues with this pavement reduction, as Chartan Avenue will dead end into the Seneca Chartan subdivision, so the only traffic using the reduced portion of Chartan Avenue will be the residents of this community meaning that there would little impact on traffic patterns. In addition, they state that the waiver for the non-standard improvements is needed in order to accommodate the landscaping and streetlights that will be

placed in the portion of the right-of-way that will not be paved. They state that this landscaping will help to beautify the area, while providing additional shading.

**Prior Land Use Requests\***

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
WS-22-0394	Increased hillside disturbance area, reduced street side setbacks, and review of final grading plans	Approved by BCC	September 2022
AV-22-900342	Reduced side and rear setbacks for certain lots within the approved subdivision	Approved by ZA	May 2022
VS-20-0453	Vacated and abandoned 33 foot government patent easement along the boundaries of the site	Approved by BCC	February 2021
TM-20-500154	50 lot attached single family residential subdivision with common lots	Approved by BCC	February 2021
ZC-20-0454	Reclassified the site from an R-E to R-2 zoning for an attached single family residential development within a hillside development area with waivers	Approved by BCC	February 2021
TM-0018-15	34 lot single family residential subdivision with common lots - expired	Approved by PC	March 2015
ZC-0075-14	Reclassified the site from R-E to R-2 zoning for a single family residential subdivision with modified street standard within a hillside development area - expired	Approved by BCC	November 2014
TM-0439-06	74 lot single family residential subdivision - expired	Approved by BCC	December 2006
ZC-1469-06	Reclassified the site from R-E to R-2 zoning for a single family residential subdivision in a hillside development area - expired	Approved by BCC	November 2006
WS-0323-06	Allowed increased disturbance and a 15 lot single family residential subdivision within a hillside development area	Withdrawn by Applicant	May 2006
VS-0253-06	Vacated and abandoned 33 foot patent easement along the north, east, south, and west property lines - expired	Approved by BCC	May 2006
TM-0087-06	15 lot single family residential subdivision with landscaped common lot	Withdrawn by Applicant	May 2006
ZC-1512-05	Reclassified the site from R-E to R-2 zoning for a future single family residential subdivision - expired	Approved by BCC	November 2005

\*Prior requests are for the associated subdivision on the previous APNs 176-36-701-008 and 176-36-801-003.

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North & South	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-2	Single family residential
East	Mid-Intensity Suburban Neighborhood (up to 8 du/ac) & Open Lands	R-2 & P-F	Single family residential & Stuckey Elementary School
West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-2	Single family attached residential

**STANDARDS FOR APPROVAL:**

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 27.

**Analysis**

**Public Works - Development Review**

Waiver of Title #1

Staff has no objection to reducing the width of paving to 37 feet for Chartan Avenue. Chartan Avenue ends to the west and should see minimal traffic.

Waiver of Title #2

The applicant is responsible for maintenance and up-keep of any non-standard improvement; the County will not maintain any curb, gutter and sidewalks placed in the right-of-way. Staff can support waiver of title #2 but the applicant must execute and sign a License and Maintenance Agreement for any non-standard improvements within the right-of-way.

**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 Master Plan, Title 27, and/or the Nevada Revised Statutes.

**PRELIMINARY STAFF CONDITIONS:**

**Comprehensive Planning**

- Landscaping shall be provided per revised plans.
- 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**

- Execute a License and Maintenance Agreement for any non-standard improvements within the right-of-way.

**Fire Prevention Bureau**

- No comment.

**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 #0247-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** SHS 1, LLC

**CONTACT:** WESTWOOD PROFESSIONAL SERVICES, 5725 W. BADURA AVE., SUITE 100, LAS VEGAS, NV 89118

DRAFT





# WAIVER OF TITLE 27/28 APPLICATION

## DEPARTMENT OF COMPREHENSIVE PLANNING

### MAJOR PROJECTS

# 14A

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

<b>APPLICATION TYPE</b>		APP NUMBER: <u>WT-23-0197</u> DATE FILED: <u>4/19/23</u> PLANNER ASSIGNED: <u>HW</u> TAB/CAC: <u>Enterprise</u> TAB/CACDATE: <u>5/31/23</u> PC MEETING DATE: _____ BCC MEETING DATE: <u>6/21/23</u> FEE: <u>\$475</u>
<input type="checkbox"/> TITLE 27 WAIVER  SECTION # _____  <input checked="" type="checkbox"/> TITLE 28 WAIVER 28.28 SECTION # _____  <input type="checkbox"/> EXTENSION OF TIME  ORIGINAL APPLICATION # _____	STAFF	
	PROPERTY OWNER	NAME: <u>SH S 1, LLC</u> ADDRESS: <u>648 Falcon Summit Court</u> CITY: <u>Henderson</u> STATE: <u>NV</u> ZIP: <u>89012</u> TELEPHONE: <u>702-360-3200</u> CELL: _____ E-MAIL: <u>chris@christopherhomes.com</u>

APPLICANT	NAME: <u>SH S 1, LLC</u> ADDRESS: <u>648 Falcon Summit Court</u> CITY: <u>Henderson</u> STATE: <u>NV</u> ZIP: <u>89012</u> TELEPHONE: <u>702-360-3200</u> CELL: _____ E-MAIL: <u>mstuhmer@christopherhomes.com</u> REF CONTACT ID #: _____
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CORRESPONDENT	NAME: <u>Westwood Professional Services - Roxanne Leigh</u> ADDRESS: <u>5725 W. Badura Ave., Suite 100</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89118</u> TELEPHONE: <u>702-264-5300</u> CELL: _____ E-MAIL: <u>lvproc@westwoodps.com</u> REF CONTACT ID #: _____
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ASSESSOR'S PARCEL NUMBER(S): 176-36-722-002 (176-36-799-016 & 176-36-899-008)

PROPERTY ADDRESS and/or CROSS STREETS: Chartan/Star Lily

PROJECT NAME: Chartan Star Lily

PROJECT DESCRIPTION: Residential Subdivision

(I, We) the undersigned swear and say that (I am, We are) the owner(s) of record on the Tax Rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Clark County Code; that the information on the attached legal description, all plans, and drawings attached hereto, and all the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the Clark County Comprehensive Planning Department, or its designee, to enter the premises and to install any required signs on said property for the purpose of advising the public of the proposed application.

Michael Stuhmer  
 Property Owner (Signature)\*      Property Owner (Print)

STATE OF Nevada  
 COUNTY OF Clark

SUBSCRIBED AND SWORN BEFORE ME ON April 18, 2023 (DATE)  
 By Michael Stuhmer

NOTARY PUBLIC: Juan Wang



**\*NOTE:** Corporate declaration of authority (or equivalent), power of attorney, or signature documentation is required if the applicant and/or property owner is a corporation, partnership, trust, or provides signature in a representative capacity.

CHR2001

April 18, 2023

Clark County Comprehensive Planning  
500 South Grand Central Parkway  
Las Vegas, NV 89155-4000

**RE: Justification Letter for Waiver of Title for the Seneca Chartan Development**

Westwood Professional Services, on behalf of the applicant Christopher Homes, respectfully submits this justification letter in support of a Waiver of Title (WT) for the subject development.

**Project Description**

The subject development is comprised of 9.95 gross acres and is located approximately 500ft west of the Chartan Avenue & Star Lily Street intersection. The community improvements can be found under PW21-15749, NFM-21-500118 and NFM-22-500130.

**Waiver of Title**

A waiver of title application is being submitted to request the following:

**1. *Dedication of Right – of – Way***

- Standard: Local streets (public), including 16 and 64 section lines; minimum 60 feet in width.
- Request: Allow Chartan Avenue to transition from a 60 foot right of way to a 37-foot-wide street (back of curb to back of curb) west of the Chartan & Star Lily intersection. The existing curb on the south of Chartan Avenue will remain in its original location with attached sidewalk, while the north curb will be reconstructed to provide a total of 37 feet from back of curb to back of curb. The current 60-ft right of way will remain as currently dedicated.
- Justification: The proposed reduction of Chartan dead ends into the ‘Seneca Chartan’ subdivision owned by the applicant and would typically only be accessed by those accessing the Seneca Chartan community. The purpose of the narrowing of Chartan Avenue is twofold. The reduction in roadway width will reduce pavement and slow the entering traffic. Additionally, the resulting increase in the landscaping on the north side of the street will provide a softened and enhanced entry experience for the residents as well as the neighboring communities. A meeting with Antonio Papazian (Clark County Public Works – Development Review) was held on 1/11/2023 to discuss the proposed changes, and the recap email has been included with this submittal. Additionally, the roadway change was discussed with Rob Kaminski in Planning to determine the entitlement action required, which is the waiver application contained herein.



# Westwood

## 2. Improvement Requirements

- Standard: Curb, gutter and sidewalk within Public Right of Way
- Request: Allow landscaping within Public Right of Way in addition to curb, gutter and sidewalk.
- Justification: The reduction of right of way mentioned in item 1 of this justification letter also requires a waiver for non-standards improvements within right of way. The landscaping within the proposed right of way will be maintained by the Homeowners Association of the 'Seneca Chartan' community through the execution of a License and Maintenance agreement.

Thank you for considering this waiver application. Please contact me at (702) 284-5300 if you have any questions regarding this application.

Sincerely,  
WESTWOOD PROFESSIONAL SERVICES



Todd Steadham, PE  
Director, Land

CC:  
Michael Stuhmer, Christopher Homes  
Jamie Saxton, Christopher Homes



06/21/23 BCC AGENDA SHEET

RETAIL/RESTAURANT DEVELOPMENT  
(TITLE 30)

WINDMILL LN/PLACID ST

**PUBLIC HEARING**

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**ZC-23-0207-WINDMILL & PLACID, LLC:**

**ZONE CHANGE** to reclassify 4.0 acres from a CRT (Commercial Residential Transition) Zone to a C-1 (Local Business) Zone.

**USE PERMITS** for the following: 1) convenience store; 2) reduce separation from a convenience store to a residential use; 3) gasoline station; 4) reduce setback from a gasoline station to a residential use; and 5) allow alcohol sales, liquor - packaged only where not in conjunction with a grocery store.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) landscaping; 2) allow a drive-thru talk box to face residential development; 3) allow modified street standards; and 4) allow modified driveway design standards.

**DESIGN REVIEWS** for the following: 1) convenience store; 2) gasoline station; 3) restaurants with drive-thru and outside dining; 4) retail building; and 5) lighting.

Generally located on the north side of Windmill Lane and the east side of Placid Street within Enterprise (description on file). MN/md/syp (For possible action)

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**RELATED INFORMATION:**

**APN:**

177-09-810-001

**USE PERMITS:**

1. Convenience store.
2. Reduce the separation from a convenience store to a residential use to 95 feet where a minimum of 200 feet is required per Table 30.44-1 (a 52.5% reduction).
3. Gasoline station.
4. Reduce the setback from a gasoline station (fueling canopy) to a residential use to 112 feet where a minimum of 200 feet is required per Table 30.44-1 (a 44% reduction).
5. Allow alcohol sales, liquor - packaged only when required to be in conjunction with a grocery store per Table 30.44-1.

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Reduce street landscaping to 10 feet along Placid Street and Fairfield Avenue where 15 feet of landscaping is required behind an existing attached sidewalk per Section 30.64.030 (a 33.3% reduction).

2. Allow a drive-thru talk box to face residential development where talk boxes shall be set back behind the building or face to minimize noise away from adjacent homes per Table 30.56-2.
3.
  - a. Reduce the approach distance to the intersection of Placid Street and Windmill Lane to 88 feet where a minimum of 150 feet is required per Uniform Standard Drawing 222.1 (a 41.4% reduction).
  - b. Reduce the departure distance from the intersection of Fairfield Avenue and Windmill Lane to 92 feet where a minimum of 190 feet is required per Uniform Standard Drawing 222.1 (a 51.2% reduction).
4. Reduce throat depth to 27 feet where a minimum of 75 feet is required per Uniform Standard Drawing 222.1 (a 64% reduction).

**LAND USE PLAN:**  
 ENTERPRISE - NEIGHBORHOOD COMMERCIAL

**BACKGROUND:**  
**Project Description**

**General Summary**

- Site Address: 300 E. Windmill Lane
- Site Acreage: 4
- Project Type: Retail/restaurant development
- Number of Stories: 1
- Building Height (feet): 31 (Building A)/29 (Building B)/29 (Building C)/22 (Building D)/24 (Building E)/19 (fuel canopy)
- Square Feet: 10,010 (Building A)/3,300/1,224 (Building B)/2,508 (Building C)/907 (Building D)/1,900 (Building E)/1,000 (outside dining)
- Parking Required/Provided: 126/133

Site Plan

This request is for a conforming zone change to reclassify 4 acres from a CRT zone to a C-1 zone to permit a commercial development consisting of a convenience store, gasoline station, retail building, and 4 restaurants with drive-thru lanes. The proposed retail building is located at the northeast portion of the site, while 3 of the 4 restaurants are located along the south portion of the site, along Windmill Lane. The fourth restaurant is attached to the proposed convenience store, centrally located within the west portion of the project site. The gasoline station (fuel canopy) is located at the southwest corner of the development, in proximity to the Windmill Lane and Placid Street intersection. A use permit is required to reduce the separation between the convenience store and residential use (single family) to the north. A second use permit is required to reduce the setback from the gasoline station (single family) and the residential use to the west, across Placid Street.

Below is a table reflecting the commercial building setbacks from the north, south, east, and west property lines of the site:

<b>Building Setback from Property Lines (in feet)</b>				
<b>Building:</b>	<b>Property Line</b>			
	<b>North</b>	<b>East</b>	<b>South</b>	<b>West</b>
Building A - (Dollar Tree)	20	140	193	315
Building B - (convenience store with fast-food)	95	430	138	92
Building C - (restaurant)	220	314	33	221
Building D - (coffee shop)	202	335	46	217
Building E - (drive-thru restaurant)	188	22	40	529
Gasoline station - (fuel canopy)	200	478	40	35

All buildings within the commercial development are connected through north/south and east/west cross access drive aisles. Access to the site is granted via 2 proposed commercial driveways along Windmill Lane. A waiver of development standards is requested to reduce the approach and departure distances from the Placid Street/Windmill Lane and Fairfield Avenue/Windmill Lane intersections, respectively. A second waiver is required to reduce the throat depth to 27 feet for the commercial driveway located at the southwest corner of the development. The commercial development requires 126 parking spaces where 133 parking spaces are provided. Existing, 5 foot wide attached sidewalks are located adjacent to Placid Street, Fairfield Avenue, and Windmill Lane.

Landscaping

The plans depict a 15 foot wide landscape area adjacent to Windmill Lane and 10 foot wide landscape areas along both Fairfield Avenue and Placid Street. All street landscape areas are located behind existing, 5 foot wide attached sidewalks. The street landscape areas consist of trees, shrubs, and groundcover. Parking lot landscaping is equitably distributed throughout the interior of the site. A 10 foot wide landscape area is located along the north property line of the project site, adjacent to the existing single family residential development. The landscape area consists of large, 24 inch box Evergreen trees. Furthermore, a landscape buffer measuring 20 feet in width, featuring a double row of large, 24 inch box Evergreen trees is located between Building A and the single family residential development. An existing 6 foot high block wall is located along the northeast property line and a new, 6 foot high block wall will be constructed along the northwest property line. A 14 foot wide landscape median with large trees, in conjunction with a 6 foot high CMU screen wall, provides an additional buffer between the drive-thru lane serving Building B (convenience store with fast food) and the single family residential development to the north.

Elevations

The plans depict a 1 story retail Building A measuring between 24 feet to 31 feet in height to the top of the parapet wall. The exterior of the building consists of a stucco exterior with an aluminum storefront window system located on the front (south) elevation. Decorative metal canopies are located above the storefront window system. The exterior of the building will be painted with neutral, earth tone colors with green accents reflecting the brand of the retail store.

Building B, convenience store with fast food, features varying rooflines measuring between 24 feet to 29 feet in height to the top of the parapet wall. The exterior of the building consists of a stucco exterior with an aluminum storefront window system located on the front (south) elevation. Building C, restaurant, ranges between 24 feet to 29 feet in height to the top of the parapet wall. The exterior of the building consists of a stucco exterior with an aluminum storefront window system located on the front (north) elevation and portions of the east and south elevations. Building D, coffee shop, features varying rooflines measuring between 13 feet to 22 feet in height to the top of the parapet wall. The exterior of the building consists of stucco with decorative accent metal. Building E, drive-thru restaurant, measures between 16.5 feet to 24 feet in height with varying rooflines. The exterior of the building consists of a stucco exterior with an aluminum storefront window system located on the front (south) elevation. The gasoline station (fuel canopy) consists of a metal canopy with a flat roof measuring 19 feet in height. All buildings, including the fuel canopy, will be painted with neutral, earth tone colors. Furthermore, all rooftop mounted equipment will be screened from public view and the right-of-way by parapet walls.

Floor Plans

The plans for each building consists of shell space. Below is a table reflecting the area of Buildings A through F:

<b>Building Information</b>	
<b>Building Area</b>	<b>(In square feet)</b>
Building A - (Dollar Tree)	10,010
Building B - (convenience store with fast-food)	3,300/1,224
Building C - (restaurant)	2,508
Building D - (coffee shop)	907
Building E - (drive-thru restaurant)	1,900
<b>Total Building Area</b>	<b>19,849</b>

Outside dining areas measuring 750 square feet and 250 square feet in area are located to the east and northwest of Buildings C and D, respectively. The outside dining areas are set back a minimum of 200 feet from the single family residential development to the north.

Lighting

The plans depict a photometric plan for the commercial development with corresponding details on light fixtures. The lighting plan has the following elements: 1) wall pack LED fixtures at either 10 feet or 15 feet from grade on the various buildings; 2) 15 foot high LED parking lot light poles nearest the north property line; 3) 20 foot high LED parking lot light poles throughout the remaining areas of the site; and 4) recessed LED light fixtures at 16 feet from grade within the gasoline canopy. All light fixtures comply with Code requirements and are downcast to minimize or eliminate any light pollution. The photometric plan depicts values of near zero throughout the 12 foot wide landscape buffer adjacent to the single family residential use to the north. The lighting values do not take into account the screening and buffering that will be provided by the landscape buffer, which includes a 6 foot high decorative wall. Therefore, there will not be any light intrusion to the adjacent residential development.

### Signage

Signage is not a part of this request.

### Applicant's Justification

The applicant states the requested zone change to C-1 is entirely consistent with the intent of the Neighborhood Commercial (NC) planned land use designation and in compliance with several goals and policies contained within the Master Plan. The C-1 zoning district is intended to provide for the development of retail business uses or personal services and to serve as a convenience to neighborhoods and limited local markets typically on a site less than 10 acres. The applicant indicates the convenience store is designed in such a manner on the site to function as a buffer to the residential use to the north. With a combination of enhanced landscaping and transitional space, the proposed use will not have any adverse impact on the immediate area. While the convenience store does not meet the standard separation, it is recognized that individual sites may present unique characteristics, the operation and location of site uses that could be best developed through the application of alternative site development standards which depart from Code requirements. The orientation of the building functions as a buffer for the nearest residential use. Other site and building design elements that will ameliorate and mitigate possible negative impacts include the following: 1) the building will have full cut-off, shielded, low level lighting on the façade that faces west and north; 2) there is a drive aisle that functions as a transitional space; 3) low level, shielded LED parking lot lights will be provided; and 4) the applicant has provided a 12 foot wide intense landscape buffer along the north property line. If the applicant designed a site where the minimum separations complied with Title 30, the use would face the residential use and all the parking would be nearest to the residential use rather than buffered as currently designed.

The proposed gasoline station is buffered by the convenience store and enhanced landscaping and oriented away from any residential use. As with the convenience store, with a combination of enhanced landscaping and transitional space, the proposed use will not have any adverse impact on the immediate area. The gasoline station setback reduction is to a residential use on the west side of Placid Street. In this particular instance, the applicant designed the use on the site in a manner that not only buffers the use from the residential use but minimizes any potential impacts. Other site and building design elements that will ameliorate and mitigate possible negative impacts include the following: 1) the building will have full cut-off, shielded, low level lighting on the canopy; 2) there are parking areas and drive aisles that function as a transitional space; 3) low level, shielded LED parking lot lights will be provided; and 4) the gasoline station is separated by Placid Street and street landscaping. The sale of packaged liquor is an ancillary use to the convenience store.

The applicant indicates the proposed street landscaping along Placid Street and Fairfield Avenue is consistent and compatible with the surrounding area. The drive-thru talk box will be screened by a 6 foot high CMU block wall adjacent to the drive-thru lane, in addition to landscaping adjacent to the wall. A 10 foot wide landscape area with a 6 foot high block wall will also be provided along the north property line. The proposed throat depth is consistent with other driveway geometrics in the immediate area, either west or east along the Windmill Lane corridor, with no known adverse impacts. The proposed throat depths are on the egress side of the driveways and; therefore, will not have any adverse impact on vehicles that could queue in the

right-of-way. The ingress sides of both driveways are 66 feet and 81 feet, respectively, which will preclude any vehicular conflicts when entering the site. The applicant states the proposed throat depth will provide for minimal site conflicts that will result in no stacking of vehicles within the right-of-way. The intent of the departure distance standard is to minimize any potential vehicular conflicts between vehicles turning west on Fairfield Avenue and vehicles entering or exiting the eastern driveway along Windmill Lane. The applicant indicates the proposed departure distance will provide for minimal site conflicts that will result in no stacking of vehicles within the right-of-way. As with the reduced departure distance, the intent of the approach distance standard is to minimize any potential vehicular conflicts between vehicles exiting the site, turning west on Windmill Lane and queueing of vehicles that are at the intersect of Windmill Lane and Placid Street. The applicant states the proposed approach distance will provide for minimal site conflicts that will result in no stacking of vehicles within the right-of-way. The proposed site plan depicts an effective layout of the buildings, parking areas, circulation, and sensitivity to the heavily traveled street corridor of Windmill Lane and no access to either of the adjacent local streets. The scale and intensity of the development, at this location, is appropriate and compatible with existing and planned land uses in the area. All light fixtures are in compliance with Title 30 and downcast to minimize or eliminate any light pollution. Therefore, there will not be any light intrusion to the adjacent residential development.

#### Prior Land Use Requests

Application Number	Request	Action	Date
WS-0011-17	Appealed the administrative denial of an off-site improvement bond extension of time in conjunction with a previously approved office complex	Denied by BCC	May 2017
ADET-0856-16	Twelfth extension of time for off-site bond	Denied by ZA	April 2016
ADET-0397-09	First extension of time for off-site bond	Approved by ZA	April 2009
VS-0163-06	Vacated and abandoned driveway easements - recorded	Approved by PC	April 2006
TM-0378-05	1 lot commercial subdivision - expired	Approved by PC	November 2006
WS-1940-05	Reduced parking and design review for an office complex - expired	Approved by BCC	January 2006
ZC-0135-04	Reclassified subject property from R-E to CRT zoning	Approved by BCC	April 2004

#### Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Ranch Estate Neighborhood (up to 2 du/ac)	R-E (RNP-I)	Single family residential
West	Neighborhood Commercial	R-E	Single family residential & undeveloped
South	Neighborhood Commercial	CRT & R-E	Place of worship & undeveloped



**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
East	Neighborhood Commercial	CRT	Office complex

**Related Applications**

<b>Application Number</b>	<b>Request</b>
VS-23-0208	A request to vacate and abandon government patent easements is a companion item on this agenda.

**STANDARDS FOR APPROVAL:**

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

**Analysis**

**Comprehensive Planning**

Zone Change

The intent of the C-1 zoning district is to provide for the development of retail business uses or personal services and to serve as a convenience to neighborhoods and limited local markets. The intent of the district is for sites which are typically on a site less than 10 acres except for mixed-use development which shall require a site of 10 acres or more. Furthermore, the Neighborhood Commercial land use designation encourages a mix of retail, restaurants, offices, service commercial, and other professional services. There are undeveloped parcels immediately to the west and south of the project site also planned for Neighborhood Commercial. The proposed zoning is consistent and compatible with the existing and approved land uses in the area; therefore, staff recommends approval.

Use Permits

A use permit is a discretionary land use application that is considered on a case by case basis in consideration of Title 30 and the Master Plan. One of several criteria the applicant must establish is that the use is appropriate at the proposed location and demonstrate the use shall not result in a substantial or undue adverse effect on adjacent properties.

Use Permits #1 & #2

Staff finds the convenience store is compatible with the additional retail and restaurant buildings proposed with the development. The convenience store should not have an adverse or negative impact on the surrounding land uses and properties; therefore, staff recommends approval.

The intent of the required 200 feet of separation distance from a convenience store to a residential use is to ensure an appropriate buffer is established between the uses to reduce any negative impacts on the residential use. Although the reduction in separation distance between the convenience store and residential use to the north exceeds 50 percent, the applicant has provided an additional landscape buffer to mitigate any impact. Immediately to the north of the drive-thru lane, which is adjacent to the convenience store and restaurant, is a 14 foot wide landscape planter with large trees and a 6 foot high CMU screen wall. Located 43 feet to the north of the planter is a secondary landscape area measuring 12 feet in width with large

Evergreen trees that will be planted 20 feet on center. Staff finds the proposed landscaping should mitigate any impact the reduced separation may have on the residential development; therefore, recommends approval.

#### Use Permits #3 & #4 & Design Review #2

The intent of the required 200 feet of separation distance from a gasoline station to a residential use is to ensure an appropriate buffer is established between the uses to reduce any negative impacts on the residential use. The reduced separation between the gasoline station and residential use is a self-imposed burden. Goal 3.1 of the Master Plan states the following: "Maintain air quality at a level that protects public health and improves visual clarity." Staff is concerned that reducing the distance between the gasoline station and the existing single family residences may have the following impacts: 1) a reduction in air quality through the release of vapors during vehicle fueling; and 2) noise during the evening hours. Therefore, staff recommends denial of these requests.

#### Use Permit #5

The sale of packaged liquor is an ancillary use typically associated with convenience stores. Staff finds the sale of packaged liquor should have minimal to no impact on the surround area; therefore, recommends approval.

#### Waivers of Development Standards

According to Title 30, the applicant shall have the burden of proof to establish that the proposed request is appropriate for its existing location by showing that the uses of the area adjacent to the property included in the waiver of development standards request will not be affected in a substantially adverse manner. The intent and purpose of a waiver of development standards is to modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative.

#### Waiver of Development Standards #1

Staff typically does not support requests to reduce the required street landscaping along public streets. However, recent aerial photographs reveal existing street landscaping measuring 10 feet, to the east of the project site, across Fairfield Avenue. Staff finds the proposed street landscaping, consisting of trees, shrubs, and groundcover, along Fairfield Avenue and Placid Street is consistent with the existing landscaping within the surrounding area. Therefore, staff recommends approval.

#### Waiver of Development Standards #2

Staff finds the drive-thru talk box, which is set back 82 feet from the north property line, should not impact the adjacent single family residences. An appropriate buffer has been provided between the talk box and residential development consisting of the following: 1) a 10 foot wide landscape area is located along the north property line, consisting of large, 24 inch box Evergreen trees and a new 6 foot high block wall; and 2) a 14 foot wide landscape median with large trees, in conjunction with a 6 foot high CMU screen wall, located immediately adjacent to the drive-thru lane serving Building B (convenience store with fast food). Therefore, staff recommends approval.

#### Design Reviews #1, #3, & #4

The design of the proposed restaurants, convenience store, and retail building feature variations in building height contributing to breaking-up the mass of the commercial buildings. Staff finds the commercial buildings comply with the Master Plan, which encourages varying building heights and breaking-up the mass of the buildings. The proposed landscaping also complies with the Master Plan, which encourages perimeter and interior parking lot trees for shade and visual relief. Height, color, and material variations have been incorporated into the design of the buildings, and the proposed development is compatible with the surrounding land uses and single family residential development within the area. The layout of the parking lot is functional and provides immediate cross access between the commercial uses. Furthermore, the project site is a cohesive and unified development that provides internal pedestrian access throughout the site and pedestrian walkways connecting to Windmill Lane. Therefore, staff recommends approval.

#### Design Review #5

The plans indicate that all of the lighting fixtures will be shielded and/or directed away from the adjacent single family residential development to the north and west. The photometric calculations submitted for the lighting indicate the on-site lighting should not have a negative impact on the surrounding development. Therefore, staff recommends approval.

#### **Public Works - Development Review**

##### Waiver of Development Standards #3

Staff can support the reduction of the departure and approach distances along Windmill Lane. The applicant has provided adequate spacing for vehicles to have safe movements on site and within the rights-of-way.

##### Waiver of Development Standards #4

Staff can support the request to reduce the throat depth for the western driveway on Windmill Lane. The applicant has provided a safe distance between the driveways and parking spaces to reduce conflicts normally caused by the reduction. Additionally, the eastern driveway meets standards and should see equal use, further mitigating potential impacts from the reduced throat depths.

#### **Staff Recommendation**

Approval of the zone change, use permits #1, #2, and #5, waivers of development standards, and design reviews #1, #3, #4 and #5; denial of use permits #3 and #4, and design review #2

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

#### **PRELIMINARY STAFF CONDITIONS:**

##### **Comprehensive Planning**

If approved:

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

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

**Public Works - Development Review**

- Drainage study and compliance;
- Traffic study and compliance;
- Applicant to install a median in Windmill Lane.
- Applicant is advised that off-site improvement permits may be required.

**Fire Prevention Bureau**

- No comment.

**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 #0154-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT: WINDMILL AND PLACID, LLC**

**CONTACT: DIONICIO GORDILLO, 204 BELLE ISLE COURT, HENDERSON, NV 89012**



# LAND USE APPLICATION

## DEPARTMENT OF COMPREHENSIVE PLANNING

# 15A

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

<p><b>APPLICATION TYPE</b></p> <p><input type="checkbox"/> TEXT AMENDMENT (TA)</p> <p><input checked="" type="checkbox"/> ZONE CHANGE</p> <p><input checked="" type="checkbox"/> CONFORMING (ZC)</p> <p><input type="checkbox"/> NONCONFORMING (NZC)</p> <p><input checked="" type="checkbox"/> USE PERMIT (UC)</p> <p><input type="checkbox"/> VARIANCE (VC)</p> <p><input checked="" type="checkbox"/> WAIVER OF DEVELOPMENT STANDARDS (WS)</p> <p><input checked="" type="checkbox"/> DESIGN REVIEW (DR)</p> <p><input type="checkbox"/> ADMINISTRATIVE DESIGN REVIEW (ADR)</p> <p><input type="checkbox"/> STREET NAME / NUMBERING CHANGE (SC)</p> <p><input type="checkbox"/> WAIVER OF CONDITIONS (WC)</p> <p>_____ (ORIGINAL APPLICATION #)</p> <p><input type="checkbox"/> ANNEXATION REQUEST (ANX)</p> <p><input type="checkbox"/> EXTENSION OF TIME (ET)</p> <p>_____ (ORIGINAL APPLICATION #)</p> <p><input type="checkbox"/> APPLICATION REVIEW (AR)</p> <p>_____ (ORIGINAL APPLICATION #)</p>	<b>STAFF</b>	<p>APP. NUMBER: <u>20-23-0207</u>      DATE FILED: <u>4/18/23</u></p> <p>PLANNER ASSIGNED: <u>MND</u></p> <p>TAB/CAC: <u>ENTERPRISE</u>      TAB/CAC DATE: <u>5/31/23</u></p> <p>PC MEETING DATE: <u>-</u>      @ <u>6:00</u></p> <p>BCC MEETING DATE: <u>6/21/23 @ 9:00 A.M.</u></p> <p>FEE: <u>\$2,875</u></p>
	<b>PROPERTY OWNER</b>	<p>NAME: <u>Windmill and Placid, LLC</u></p> <p>ADDRESS: <u>9005 W Sahara Ave.</u></p> <p>CITY: <u>Las Vegas</u>      STATE: <u>NV</u>      ZIP: <u>89117</u></p> <p>TELEPHONE: <u>N/A</u>      CELL: <u>N/A</u></p> <p>E-MAIL: <u>N/A</u></p>
	<b>APPLICANT</b>	<p>NAME: <u>Windmill and Placid, LLC</u></p> <p>ADDRESS: <u>9005 W Sahara Ave.</u></p> <p>CITY: <u>Las Vegas</u>      STATE: <u>NV</u>      ZIP: <u>89117</u></p> <p>TELEPHONE: <u>(702) 812-2914</u>      CELL: <u>(702) 812-2914</u></p> <p>E-MAIL: <u>ken@pitsloplv.com</u>      REF CONTACT ID #: <u>N/A</u></p>
	<b>CORRESPONDENT</b>	<p>NAME: <u>Dionicio Gordillo, DG Consultants</u></p> <p>ADDRESS: <u>204 Belle Isle Ct.</u></p> <p>CITY: <u>Henderson</u>      STATE: <u>NV</u>      ZIP: <u>89012</u></p> <p>TELEPHONE: <u>(702) 379-6601</u>      CELL: <u>(702) 379-6601</u></p> <p>E-MAIL: <u>dgordillo@cox.net</u>      REF CONTACT ID #: <u>191488</u></p>

ASSESSOR'S PARCEL NUMBER(S): 177-09-810-001

PROPERTY ADDRESS and/or CROSS STREETS: 300 East Windmill Lane (NWC Windmill Lane & Fairfield Avenue)

PROJECT DESCRIPTION: Conforming zone change to C-1 zoning for a commercial development consisting of a C store with gasoline station, restaurants, and retail uses.

(I, We) the undersigned swear and say that (I am, We are) the owner(s) of record on the Tax Rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Clark County Code, that the information on the attached legal description, all plans, and drawings attached hereto, and all the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the Clark County Comprehensive Planning Department or its designee to enter the premises and to install any required signs on said property for the purpose of advising the public of the proposed application.

\_\_\_\_\_  
Property Owner (Signature)\*      Ken Brazil  
Property Owner (Print)

STATE OF Nevada  
COUNTY OF Clark

SUBSCRIBED AND SWORN BEFORE ME ON 7/6/22 (DATE)

By Kenneth Eugene Brazil

NOTARY PUBLIC Regina Mascorro



\*NOTE: Corporate declaration of authority (or equivalent), power of attorney, or signature documentation is required if the applicant and/or property owner is a corporation, partnership, trust, or provides signature in a representative capacity

February 15, 2023

Clark County Department of Comprehensive Planning  
500 S. Grand Central Parkway  
Las Vegas, NV 89155

CC-23-0207

**RE: REVISED - Zone boundary amendment, Special Use Permits, Waivers of Development Standards, and Design Reviews – Commercial Center with convenience store, gasoline station, restaurants, and retail uses (APN: 177-09-810-001)**

On behalf of Windmill and Placid, LLC, we are requesting a zone boundary amendment (zone change) to C-1 zone, special use permits, waivers of development standards, and design reviews for a proposed 19,700 square foot commercial center consisting of a convenience store, gasoline station, restaurants with outside dining areas, and retail uses. The subject site is 3.9 acres, zoned CRT, and located on the north side of Windmill Lane between Placid Street and Fairfield Avenue. By way of background, the existing CRT zoning was approved as part of a 51,500 square foot office complex in April 2004.

The proposed uses are special uses, conditional, or permitted by right in a C-1 zoning district. Based on the attached site plan with corresponding setbacks, required parking, and screening/buffering, the uses are entirely consistent with the intent of the C-1 zoning district, especially since the entire center will be fully integrated, cohesive, and seamless. The project is in full compliance with several Goals and Policies contained within the Clark County Master Plan regarding opportunities for additional commercial developments which are integrated and serve residential areas.

### **Conforming Zone Boundary Amendment**

Windmill Lane (100 foot right-of-way) is a principal arterial street and is planned and developed with commercial uses. The requested C-1 zone conforms to the Clark County Master Plan and is consistent and compatible with existing and proposed land uses in the area.

The request is entirely consistent with the intent of the C-1 zoning district and Neighborhood Commercial (NC) planned land use designation and in compliance with several Goals and Policies contained within the Clark County Master Plan. The C-1 zoning district is intended to provide for the development of retail business uses or personal services and to serve as a convenience to neighborhoods and limited local markets typically on a site less than 10 acres. The NC category lists primary land uses, in part, as a mix of retail, restaurants, offices, service commercial, and other professional services. Characteristics of the NC category are listed as providing opportunities for compact nodes of low-intensity retail, services, and offices that serve residents of the immediate neighborhoods and scale and intensity of uses should be mitigated where centers are adjacent to existing or planned neighborhoods to promote compatibility

PLANNER  
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## Special Use Permits

Certain prescribed uses are only permitted with a special use permit and not permitted by right due to a special characteristic of its operation or installation. The use may be permitted with discretion in a district subject to review by the Commission or the Board to ensure compatibility with existing or planned surrounding uses and characteristics of development.

The first use permit is for a convenience store in a C-1 zoning district. The proposed facility is designed in such a manner on the site to function as a buffer to the residential use to the north. With a combination of enhanced landscaping and transitional space, the proposed use will not have any adverse impact on the immediate area.

The second use permit is to reduce the separation of the convenience store from a residential use on a separate property. The proposed convenience store is approximately 95 feet from the nearest residential use where 200 feet is the standard. While the proposed use does not meet the standard separation, it is recognized that individual sites may present unique characteristics, the operation and location of site uses that could be best developed through the application of alternative site development standards which depart from the requirements of Title 30.

In certain circumstances such alternative standards may be considered beneficial by the Board as a tool to achieve the land development policies of the County. In this particular instance, the applicant designed the use on the site in a manner that not only buffers the use from the residential use but minimizes any potential impacts. The orientation of the building functions as a buffer for the nearest residential use. Other site and building design elements that will ameliorate and mitigate possible negative impacts include the following: **1)** the building will have full cut off, shielded, low level lighting on the façade that faces west and north; **2)** there is a drive aisle that functions as a transitional space; **3)** low level, shielded LED parking lot lights will be provided; and **4)** the applicant has provided a 12 foot wide intense landscape buffer along the north property line. If the applicant designed a site where the minimum separations complied with Title 30, the use would face the residential use and all the parking would be nearest to the residential use rather than buffered as currently designed.

The third use permit is for a gasoline station in a C-1 zoning district. The proposed facility is buffered by the convenience store and enhanced landscaping and oriented away from any residential use. As with the convenience store, with a combination of enhanced landscaping and transitional space, the proposed use will not have any adverse impact on the immediate area.

The fourth use permit is to reduce the set back of the gasoline station from a residential use on a separate property. The proposed gasoline station is approximately 112 feet from the nearest residential use where 200 feet is the standard. The set back reduction is to a residential use on the west side of Placid Street. As with the convenience store, while the proposed use does not meet the standard separation, it is recognized that individual sites may present unique characteristics, the operation and location of site uses that could be best developed through the application of alternative site development standards which depart from the requirements of Title 30. In certain circumstances such alternative standards may be considered beneficial by the Board as a tool to achieve the land development policies of the County. In this particular instance, the applicant designed the use on the site in a manner that not only buffers the use from the residential use but minimizes any potential impacts. Other site and building design elements that will ameliorate and mitigate possible negative impacts include the following: **1)** the building will have full cut off, shielded, low level lighting on the canopy; **2)** there are parking areas and drive aisles that

function as a transitional space; **3)** low level, shielded LED parking lot lights will be provided; and **4)** the gasoline station is separated by Placid Street and street landscaping.

The fifth use permit is for alcohol sales, beer and wine – packaged only. This use is interior and ancillary to the convenience store and considered a typical use that is associated with a convenience store.

The sixth use permit is for alcohol sales, liquor – packaged only. This use is interior and ancillary to the convenience store and considered a typical use that is associated with a convenience store.

For the special use permit requests, the **applicant has designed a facility on the site in a manner that not only buffers the use from the residential use but eliminates any potential impacts.** The buildings are oriented so that they face away from the residential use. Other existing, site, building design, and operational elements that will mitigate possible negative impacts include the following: **1)** the proposed buildings are not immediately adjacent to residential uses but rather separated with landscape buffering and drive aisles; **2)** the proposed facilities will include screening and buffering walls on the perimeter with enhanced landscaping; and **3)** portions of the proposed buildings will also function as screening. Therefore, the combination of the above referenced elements provides for a mitigation of the required separation or building buffer and provides for a proposed project that is a compatible use that can harmoniously coexist abutting the residential use with minimal impacts.

Therefore, the current site design with design elements intended to mitigate possible negative impacts achieve the following: **1)** result in a development which is as or more compatible with adjacent development than anticipated by the requirements of Title 30; **2)** encourage a development trend similar to that anticipated by the requirements of Title 30; and **3)** result in a development which meets or exceeds all other requirements of the Clark County Development Code.

### **Waivers of Development Standards**

While the proposed alternatives do not comply with required provisions, it is recognized that individual sites may present unique characteristics, the operation and location of site uses that could be best developed through the application of alternative site development standards which depart from the requirements of Title 30. The intent and purpose of a waiver of development standards is to modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative.

The first waiver of standards request is for alternative driveway geometrics for a reduced throat depth of 27 feet for the western driveway and 80 feet for the eastern driveway along Windmill Lane. The required throat depth per Uniform Standard Drawing 222.1 is 75 feet. The proposed throat depth is consistent with other driveway geometrics in the immediate area, either west or east along the Windmill Lane corridor, with no known adverse impacts. The proposed throat depths are on the egress side of the driveways and therefore will not have any adverse impact on vehicles that could queue in the right-of-way. The ingress sides of both driveways are 66 and 81 feet, respectively, which will preclude any vehicular conflicts when entering the site. Therefore, we believe the alternative standard we are proposing, will provide for minimal site conflicts that will result in no stacking of vehicles within the right-of-way.

The second waiver of standards request is for alternative driveway geometrics for a reduced departure distance for the eastern driveway. The required departure distance per Uniform Standard Drawing 222.1



is 190 feet and our site plan proposes 92 feet. The intent of the standard is to minimize any potential vehicular conflicts between vehicles turning west on Fairfield Avenue and vehicles entering or exiting the eastern driveway along Windmill Lane. We believe the alternative standard we are proposing, will provide for minimal site conflicts that will result in no stacking of vehicles within the right-of-way.

The third waiver of standards request is for alternative driveway geometrics for a reduced approach distance for the western driveway. The required approach distance per Uniform Standard Drawing 222.1 is 150 feet and our site plan proposes 88 feet. As with the reduced departure distance, the intent of the standard is to minimize any potential vehicular conflicts between vehicles exiting the site, turning west on Windmill Lane and queueing of vehicles that are at the intersect of Windmill Lane and Placid Street. The alternative standard we are proposing will provide for minimal site conflicts that will result in no stacking of vehicles within the right-of-way.

## Design Reviews

The applicant is requesting a design review for the following: **1)** site and building design as referenced above; and **2)** site and building lighting.

The first design review with the submitted site plan depicts an effective layout of the buildings, parking areas, circulation, cross access and shared parking, and sensitivity to the single family residential use to the north. In fact, a modified intense landscape buffer per Figure 30.64-12 is provided along the property line with a width of 20 feet. The applicant is requesting a design review for the site and building design as referenced per plans. The submitted site plan depicts an effective layout of the buildings, parking areas, circulation, and sensitivity to the heavily traveled street corridor of Windmill Lane and no access to either of the adjacent local streets. The scale and intensity of the development, at this location, is appropriate and compatible with existing and planned land uses in the area. The project is well designed and functionally and aesthetically integrated with the surrounding development and land uses through the site design, and landscape elements.

The elevations for the proposed building consist of multiple surface plane variations to give both vertical and horizontal articulation along with various elements such as stucco siding, accent bands and reveal lines. **The architectural detailing is provided on all sides consistent with the primary/front elevation.**

For the second design review, we are submitting a photometric plan with corresponding details on light fixtures. The lighting plan has the following elements: **1)** wall pack LED fixtures at either 10 or 15 feet from grade on the various buildings; **2)** 15 foot high LED parking lot light poles nearest the north property line; **3)** 20 foot high LED parking lot light poles throughout the remaining areas of the site; and **4)** recessed LED light fixtures at 16 feet from grade within the gasoline canopy. All light fixtures are in compliance with Title 30 and downcast to minimize or eliminate any light pollution. The photometric plan depicts values of near zero throughout the 12 foot wide landscape buffer adjacent to the single family residential use to the north. The lighting values do not take into account the screening and buffering that will be provided by the intense buffer which includes a 6 foot high decorative wall. Therefore, there will not be any light intrusion to the adjacent residential development.

Therefore, the proposed use and site location achieve the following: **a)** the proposed uses are in harmony with the purpose, goals, objectives and standards of the Clark County Master Plan and Title 30; **b)** the proposed uses will not have substantial or undue adverse effects on adjacent properties, character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other

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matters affecting the public health, safety, and general welfare; and c) the proposed use will be adequately served by public improvements, facilities, and services and will not impose an undue burden.

Thank you for the consideration.

Sincerely,

Dominic Smith

06/21/23 BCC AGENDA SHEET

EASEMENTS  
(TITLE 30)

WINDMILL LN/PLACID ST

PUBLIC HEARING  
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST  
**VS-23-0208-WINDMILL & PLACID, LLC:**

**VACATE AND ABANDON** easements of interest to Clark County located between Placid Street and Fairfield Avenue, and between Windmill Lane and Santoli Avenue (alignment) within Enterprise (description on file). MN/md/syp (For possible action)

**RELATED INFORMATION:**

**APN:**  
177-09-810-001

**LAND USE PLAN:**  
ENTERPRISE - NEIGHBORHOOD COMMERCIAL

**BACKGROUND:**  
**Project Description**

The plans depict the vacation and abandonment of 33 foot wide government patent easements located along the north and central portions of the project site. The patent easements are no longer necessary for right-of-way or utility purposes. The vacation of the easements are necessary to facilitate the development of the project site.

**Prior Land Use Requests**

Application Number	Request	Action	Date
WS-001T-17	Appealed the administrative denial of an off-site improvement bond extension of time in conjunction with a previously approved office complex	Denied by BCC	May 2017
ADET-0856-16	Twelfth extension of time for off-site bond	Denied by ZA	April 2016
ADET-0397-09	First extension of time for off-site bond	Approved by ZA	April 2009
VS-0163-06	Vacated and abandoned driveway easements - recorded	Approved by PC	April 2006
TM-0378-05	1 lot commercial subdivision - expired	Approved by PC	November 2006
WS-1940-05	Reduced parking and design review for an office complex - expired	Approved by BCC	January 2006

**Prior Land Use Requests**

Application Number	Request	Action	Date
ZC-0135-04	Reclassified subject property from R-E to CRT zoning	Approved by BCC	April 2004

**Surrounding Land Use**

	Planned Land Use Category	Zoning District	Existing Land Use
North	Ranch Estate Neighborhood (up to 2 du/ac)	R-E (RNP-I)	Single family residential
West	Neighborhood Commercial	R-E	Single family residential & undeveloped
South	Neighborhood Commercial	CRT & R-E	Place of worship & undeveloped
East	Neighborhood Commercial	CRT	Office complex

**Related Applications**

Application Number	Request
ZC-23-0207	A conforming zone change to C-1 zoning, use permits, waivers of development standards and a design review is a companion item on this agenda.

**STANDARDS FOR APPROVAL:**

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

**Analysis****Public Works - Development Review**

Staff has no objection to the vacation of ~~patent~~ easements that are not necessary for site, drainage, or roadway development.

**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 Master Plan, Title 30, and/or the Nevada Revised Statutes.

**PRELIMINARY STAFF CONDITIONS:****Comprehensive Planning**

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

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

**Public Works - Development Review**

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

**Fire Prevention Bureau**

- No comment.

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

- No objection.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT: WINDMILL AND PLACID, LLC**

**CONTACT: DIONICIO GORDILLO, 204 BELLE ISLE COURT, HENDERSON, NV 89012**





# VACATION APPLICATION

# 16A

## DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

### APPLICATION TYPE

- VACATION & ABANDONMENT (vs)
- EASEMENT(S)
- RIGHT(S)-OF-WAY
- EXTENSION OF TIME (ET)  
(ORIGINAL APPLICATION #):

DEPARTMENT USE

APP. NUMBER: VS-23-0208      DATE FILED: 4/10/23  
 PLANNER ASSIGNED: MNO  
 TAB/CAC: ENTERPRISE      TAB/CAC DATE: 5/31/23  
 PC MEETING DATE: -      e 6:00  
 BCC MEETING DATE: 6/21/23 e 9:00 A.M.  
 FEE: \$875

PROPERTY OWNER

NAME: Windmill & Placid, LLC  
 ADDRESS: 9005 W. Sahara Avenue  
 CITY: Las Vegas      STATE: NV      ZIP: 89117  
 TELEPHONE: (702) 379-6601      CELL: (702) 379-6601  
 E-MAIL: dgordillo@cox.net

APPLICANT

NAME: Windmill & Placid, LLC  
 ADDRESS: 9005 W. Sahara Avenue  
 CITY: Las Vegas      STATE: NV      ZIP: 89117  
 TELEPHONE: (702) 379-6601      CELL: (702) 379-6601  
 E-MAIL: dgordillo@cox.net      REF CONTACT ID #: N/A

CORRESPONDENT

NAME: Dionicio Gordillo, DG Consultants  
 ADDRESS: 204 Belle Isle Ct.  
 CITY: Henderson      STATE: NV      ZIP: 89012  
 TELEPHONE: (702) 379-6601      CELL: (702) 379-6601  
 E-MAIL: dgordillo@cox.net      REF CONTACT ID #: 191488

ASSESSOR'S PARCEL NUMBER(S): 177-09-810-001

PROPERTY ADDRESS and/or CROSS STREETS: 300 East Windmill Lane (NWC Windmill Ln and Fairfield Ave)

I, (We) the undersigned swear and say that (I am, We are) the owner(s) of record on the Tax Rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Clark County Code; that the information on the attached legal description, all plans, and drawings attached hereto, and all the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted.

Property Owner (Signature)\*

STATE OF NEVADA      Clark  
COUNTY OF

SUBSCRIBED AND SWORN BEFORE ME ON Feb 7, 2023 (DATE)

By Ken Brazil

NOTARY PUBLIC: J. D'Amico

KEN BRAZIL

Property Owner (Print)



J. D'AMICO  
 NOTARY PUBLIC  
 STATE OF NEVADA  
 My Commission Expires: 10-30-24  
 Certificate No: 08-8224-1

\*NOTE: Corporate declaration of authority (or equivalent), power of attorney, or signature documentation is required if the applicant and/or property owner is a corporation, partnership, trust, or provides signature in a representative capacity.

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April 3, 2023

Clark County Department of Comprehensive Planning  
500 S. Grand Central Parkway  
Las Vegas, NV 89155

**RE: Vacation and Abandonment of Patent Easements – (APN: 177-09-810-001)**

On behalf of Windmill and Placid, LLC, we are requesting a vacation and abandonment of patent easements for a proposed development consisting of a commercial center with convenience store, gasoline station, restaurants with outside dining areas, and retail uses. The patent easements are located on the north and center of the overall development site. The subject site is 3.9 acres and located on the north side of Windmill Lane between Placid Street and Fairfield Avenue.

The request is to vacate and abandon 33 feet wide patent easements along the north and center section of the development site. The easements are no longer needed for road and/or easements purposes. This request will facilitate the development of the subject site.

Thank you for your consideration.

Sincerely,

*Dionisio Smith*

PLANNER  
COPY