



Spring Valley Town Advisory Board

Desert Breeze Community Center

8275 W. Spring Mountain Rd

Las Vegas, NV 89117

April 26, 2022

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 chaves70@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/SpringValleyTAB>.

Board/Council Members: Yvette Williams, Chair Catherine Godges, Vice Chair
Rodney Bell John Getter
Brian A. Morris

Secretary: Carmen Hayes (702) 371-7991 chaves70@yahoo.com
Business Address: Clark County Department of Administrative Services, 500 S. Grand Central Parkway, 6th Floor, Las Vegas, Nevada 89155

County Liaison(s): Mike Shannon 702-455-8338 mds@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.

BOARD OF COUNTY COMMISSIONERS
JAMES B. GIBSON, Chair – JUSTIN C. JONES, Vice-Chair
MARILYN KIRKPATRICK – WILLIAM MCCURDY II – ROSS MILLER – MICHAEL NAFT – TICK SEGERBLOM
YOLANDA T. KING, County Manager

- III. Approval of Minutes for April 12, 2022. (For possible action)
- IV. Approval of the Agenda for April 26, 2022 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. **DR-22-0171-JAMD, LLC:**
DESIGN REVIEW for a retail and restaurant building on a 1.5 acre portion of a 13.6 acre site located in a C-1 (Local Business) Zone in the CMA Design Overlay District. Generally located on the south side of Arby Avenue and the east side of Cimarron Road within Spring Valley. MN/sd/syp (For possible action) **05/17/22 PC**

- 2. **VS-22-0155-DNK DEVELOPMENT, LLC & MEGA INVESTMENTS LLC:**
VACATE AND ABANDON easements of interest to Clark County located between Teco Avenue and Sunset Road, and between Lindell Road and Westwind Road within Spring Valley (description on file). MN/rk/jo (For possible action) **05/17/22 PC**

- 3. **ET-22-400039 (ZC-19-0343)-MATTER UNCOMMONS LLC, ET AL:**
ZONE CHANGE FIRST EXTENSION OF TIME to reclassify 32.5 acres from an R-E (Rural Estates Residential) Zone and a C-2 (General Commercial) Zone to a U-V (Urban Village - Mixed-Use) Zone in the CMA Design Overlay District.
USE PERMITS for the following: **1)** High Impact Project; **2)** modified pedestrian realm; **3)** reduce separation from alcohol, on-premises consumption to a residential use; **4)** childcare institution; **5)** college or university; **6)** farmer’s market; **7)** food cart/booth not within an enclosed building; **8)** kennel; **9)** live entertainment; **10)** outside dining, drinking, and cooking; **11)** public/quasi-public buildings and facilities; **12)** temporary outdoor commercial events; **13)** training facility (major); and **14)** training facility (minor).
WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce separation from outdoor live entertainment to a residential use; **2)** reduce setback to a right-of-way; **3)** reduce throat depths; and **4)** allow non-standard improvements in the right-of-way.
DESIGN REVIEWS for the following: **1)** a High Impact Project and mixed-use project; and **2)** finished grade. Generally located on the east side of Durango Drive and the south side of the CC 215 within Spring Valley (description on file). MN/hw/syp (For possible action) **05/18/22 BCC**

4. **ET-22-400040 (WS-20-0099)-MATTER UNCOMMONS LLC, ET AL:**
WAIVERS OF DEVELOPMENT STANDARDS FIRST EXTENSION OF TIME for the following: 1) landscaping; and 2) alternative parking lot design.
DESIGN REVIEW for a temporary parking lot in conjunction with an approved High Impact Project and Mixed-Use Project on 32.5 acres in a U-V (Urban Village - Mixed-Use) Zone in the CMA Design Overlay District. Generally located on the east side of Durango Drive and the south side of the CC 215 within Spring Valley. MN/hw/syp (For possible action) **05/18/22 BCC**

5. **ET-22-400041 (DR-20-0098)-MATTER UNCOMMONS LLC, ET AL:**
DESIGN REVIEWS FIRST EXTENTION OF TIME for the following: 1) outdoor theater; and 2) modifications to a previously approved High Impact Project and mixed-use Project on 32.5 acres in a U-V (Urban Village - Mixed-Use) Zone in the CMA Design Overlay District. Generally located on the east side of Durango Drive and the south side of the CC 215 within Spring Valley. MN/hw/syp (For possible action) **05/18/22 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 vote may be taken on a matter not listed on the posted 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.

IX. Next Meeting Date: May 10, 2022.

X. Adjournment.

POSTING LOCATIONS: This meeting was legally noticed and posted at the following locations:
Desert Breeze Community Center, 8275 W. Spring Mountain Rd.
<https://notice.nv.gov>

05/17/22 PC AGENDA SHEET

RETAIL BUILDING
(TITLE 30)

CIMARRON RD/ARBY AVE

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
DR-22-0171-JAMD, LLC:

DESIGN REVIEW for a retail and restaurant building on a 1.5 acre portion of a 13.6 acre site located in a C-1 (Local Business) Zone in the CMA Design Overlay District.

Generally located on the south side of Arby Avenue and the east side of Cimarron Road within Spring Valley. MN/sd/syp (For possible action)

RELATED INFORMATION:

APN:
176-04-810-002 ptn

LAND USE PLAN:
SPRING VALLEY - NEIGHBORHOOD COMMERCIAL

BACKGROUND:

Project Description

General Summary

- Site Address: 7150 Cimarron Road
- Site Acreage: 13.6 (portion)
- Project Type: Retail & restaurant building
- Number of Stories: 1
- Building Height (feet): 28
- Square Feet: 5,014
- Parking Required/Provided: 759/802

Site Plans & History

The overall complex is approximately 13.6 acres and consists of a 3 story office building, 2 retail buildings, a vacant pad building on Cimarron Road, and a pad building on Warm Springs Road. The original zoning request (ZC-0243-03) was for C-1 and C-2 zoning for a commercial complex; however, the zoning was approved to C-1 for the southern approximately 10 acres of the site, and C-P for the northern approximately 5 acres.

The plans submitted with this application are for a new retail and restaurant building with drive-thru services on an existing undeveloped pad site adjacent to Warm Springs Road and Cimarron Road. The overall complex is located at the corner of Warm Springs Road and Cimarron Road

with access from Warm Springs Road, Cimarron Road, and Arby Avenue. Parking is located around the building, abutting the building, and around the perimeter of the development. Cross-access is provided to the remainder of the office complex.

Landscaping

The plans submitted depict 15 feet of landscaping behind an attached sidewalk along Arby Avenue and a 15 foot wide landscape area, including a meandering sidewalk, located along Cimarron Road. An intense landscape buffer per Figure 30.64-12, including 2 rows of trees, is located along the eastern property line, adjacent to the residential development. Parking lot landscaping is provided per Code.

The plans submitted for this design review depict landscaping along the corner where the retail building is located to help screen the drive-thru from the public right-of-way and will include landscaping around the perimeter of the new building. No other changes are proposed within the whole complex or along the perimeter of the site.

Elevations

The plans depict a retail and restaurant building that is 1 story with a maximum height of 28 feet and will include architectural elements similar to other approved buildings of the site. The building will include parapet walls and enhanced EIFS (Exterior Insulation Finishing System) treatments along all walls, and will provide for roof lines with variations in the overall height. Also included are decorative stone accents with painted steel columns, and dual clear glazing for the storefront windows.

Floor Plans

The plans depict 4 separate lease spaces for both retail and a restaurant use within this building.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant states that the design review is for a new, 5,014 square foot retail and restaurant building with a drive-thru on an existing undeveloped pad site within the complex. The proposed building will incorporate architectural treatments similar to the existing buildings already on-site. The proposed use is appropriate within the immediate area and provides services typical of a shopping center.

Prior Land Use Requests

Application Number	Request	Action	Date
WS-21-0544	Waived alternative driveway geometrics, with a design review for an office building & increased grade	Approved by BCC	November 2021
NZC-1077-08	Reclassified 1 retail building to C-2 zoning for a tavern	Approved by BCC	February 2009

Prior Land Use Requests

Application Number	Request	Action	Date
WS-0385-08	Comprehensive sign plan	Approved by BCC	July 2008
DR-1160-07	Modifications to the office and retail commercial development, with a waiver for landscaping	Approved by BCC	November 2007
WS-1825-04	Increased height in conjunction with 2 office buildings, 3 retail buildings, and 2 future pad sites	Approved by BCC	November 2004
ZC-0243-03	Reclassified the site to C-P zoning for the northern 5 acres and C-1 zoning for the southern 10 acres	Approved by BCC	July 2003

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Neighborhood Commercial	C-P	Undeveloped/retail
South	Neighborhood Commercial	R-E & C-1	Retail portion of the complex
East	Business Employment	C-1	Undeveloped
West	Public Facilities	C-P	St. Rose Hospital

STANDARDS FOR APPROVAL:

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

Analysis**Current Planning**

Staff finds that the proposed use, in part, complies with the Countywide Goals and Policy 5.1.3: Economic Base, whereby to emphasize tourism, retail, and gaming as part of the region's economic pillars. In addition, the proposed design elements on the exterior facades will include enhanced architectural features like those already approved within the complex. The overall design and placement of the building is aesthetically pleasing, functional, and compatible with the existing commercial complex; therefore, staff supports 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, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:**Current Planning**

- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for

conformance with the regulations in place at the time of application; a 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 and reference POC Tracking #0375-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: JAMD, LLC

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



LAND USE APPLICATION

DEPARTMENT OF COMPREHENSIVE PLANNING

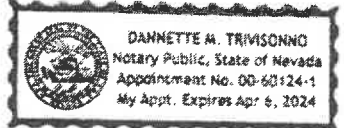
APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

APPLICATION TYPE <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 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 #)	STAFF APP. NUMBER: <u>DR-22-0171</u> DATE FILED: <u>3/22/22</u> PLANNER ASSIGNED: <u>SWD</u> TAB/CAC: <u>Spring Valley</u> TAB/CAC DATE: <u>4/26/22</u> PC MEETING DATE: <u>5/17/22</u> BCC MEETING DATE: _____ FEE: <u>\$675</u>
	PROPERTY OWNER NAME: <u>J.A.M.D. LLC</u> ADDRESS: <u>840 S. Rancho Dr. #4-433</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89106</u> TELEPHONE: _____ CELL: <u>702-324-8899</u> E-MAIL: <u>ching.johnathan@gmail.com</u>
	APPLICANT NAME: <u>J.A.M.D. LLC</u> ADDRESS: <u>840 S. Rancho Dr.</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89106</u> TELEPHONE: _____ CELL: <u>702-324-8899</u> E-MAIL: <u>ching.johnathan@gmail.com</u> REF CONTACT ID #: <u>N/A</u>
	CORRESPONDENT NAME: <u>Dionicio Gordillo, DG Consultants</u> ADDRESS: <u>204 Belle Isle Ct.</u> CITY: <u>Henderson</u> STATE: <u>NV</u> ZIP: <u>89102</u> TELEPHONE: <u>(702) 379-6601</u> CELL: <u>(702) 379-6601</u> E-MAIL: <u>dgordillo@cox.net</u> REF CONTACT ID #: <u>191488</u>

ASSESSOR'S PARCEL NUMBER(S): 170-04-810-002 A/B
 PROPERTY ADDRESS and/or CROSS STREETS: NEC Warm Springs Rd. and Cimarron Rd.
 PROJECT DESCRIPTION: retail and restaurant with drive-thru pad site within existing 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 submit 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 oaths 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.

Johnathan King Johnathan King
 Property Owner (Signature) Property Owner (Print)
 STATE OF Nevada
 COUNTY OF Clark
 SUBSCRIBED AND SWORN BEFORE ME ON 1-28-22 (DATE)
 By Dannette M. Trivisonno
 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.

D G Consultants

February 1, 2022

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

DR-22-0171

**RE: JUSTIFICATION LETTER – Design Review for a Retail and Restaurant with Drive-Thru Building
– APN: 176-04-810-002 ptn**

On behalf of JAMD, LLC, we are requesting a design review for a proposed 5,014 square foot retail and restaurant with drive-thru building on an undeveloped pad site within an existing shopping center. The subject parcel is zoned C-1 and located at the NE corner of Warm Springs Road and Cimarron Road. By way of background, the zoning was originally approved with ZC-0243-03 in July 2003, with multiple conditions of approval. Since the shopping center has been approved in phases, the proposed building has never been approved, although clearly depicted as a future 5,000 square foot building, through any of the following land use requests: 1) WS-21-0544; 2) DR-1825-04; and 3) DR-1160-07. The proposed site plan and building are in full compliance with all prior conditions of approval.

The proposed retail and restaurant with drive-thru building is entirely consistent with the intent of the C-1 zoning district and is a typical pad site development in conjunction with shopping centers within Clark County. Additionally, 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. The request complies with the intent of the Neighborhood Commercial (NC) planned land use designation and in compliance with several Goals and Policies contained within the Clark County Master Plan. 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.

Site Plan and Elevations

The site is located at the northeast corner of Warm Spring Road and Cimarron Road which are both major streets consisting of an arterial and collector street. The proposed development plan provides for cross access and shared parking with the existing shopping center. The off-site improvements, street landscaping, and driveways all exist and are not a part of this request and all in full compliance with prior conditions of approval. Additionally, the parking lot landscaping currently exists and since we are not substantially altering the existing parking and landscaping, we do not need to comply with current parking lot landscaping standards. The primary access to this pad site is from an existing driveway on Warm Springs Road and Cimarron Road. Since access to the site is from two major streets, there will be no negative impacts to the surrounding properties.

The proposed retail and restaurant with drive-thru is designed to minimize any potential vehicular conflicts by having sufficient queueing for the drive-thru. The building will have similar architectural elements with the shopping center that provide for a seamless development site and a contemporary style of urban architecture that is compatible with the surrounding area. The building is 23 to 32 feet high with parapet walls and enhanced EIFS system treatments along all walls and roof lines that provide for

D G Consultants

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

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,

Dionian Smith

2

05/17/22 PC AGENDA SHEET

EASEMENTS
(TITLE 30)

TECO AVE/LINDELL RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

VS-22-0155-DNK DEVELOPMENT, LLC & MEGA INVESTMENTS LLC:

VACATE AND ABANDON easements of interest to Clark County located between Teco Avenue and Sunset Road, and between Lindell Road and Westwind Road within Spring Valley (description on file). MN/rk/jo (For possible action)

RELATED INFORMATION:

APN:

163-36-401-026

LAND USE PLAN:

SPRING VALLEY - RANCH ESTATE NEIGHBORHOOD (UP TO 2 DU/AC)

BACKGROUND:

Project Description

This application is a request to vacate and abandon patent easements on this site. The plans depict the vacation and abandonment of 33 foot wide and 3 foot wide government patent easements along the north, south, and west perimeter of the parcel, excepting out the 30 feet for Teco Avenue which is needed for the dedication of a public right-of-way. The applicant indicates all necessary easements and rights-of-way will be provided with the future recording of the subdivision map.

Prior Land Use Requests

Application Number	Request	Action	Date
WS-21-0015	Four lot subdivision with reduced lot area, waived full off-sites, and modified gate geometrics	Approved by BCC	August 2021

Surrounding Land Use

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

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:

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

- Comply with approved drainage study PW20-20106;
- 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: LUXURY BUILDERS

CONTACT: JANNA FELIPE, TANEY ENGINEERING, 6030 S. JONES BOULEVARD,
LAS VEGAS, NV 89118

DRAFT



VACATION APPLICATION

DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

2

APPLICATION TYPE <input checked="" type="checkbox"/> VACATION & ABANDONMENT (vs) <input type="checkbox"/> EASEMENT(S) <input type="checkbox"/> RIGHT(S)-OF-WAY <input type="checkbox"/> EXTENSION OF TIME (ET) (ORIGINAL APPLICATION #):	DEPARTMENT USE	APP. NUMBER: <u>VS-22-0155</u> DATE FILED: <u>3-15-22</u> PLANNER ASSIGNED: <u>RR</u> TAB/CAC: <u>Spring Valley</u> TAB/CAC DATE: <u>4-26-22</u> PC MEETING DATE: <u>5-17-22</u> BCC MEETING DATE: <u>—</u> FEE: <u>\$ 875.00</u>	<u>R.E / AE-60</u> <u>Ranch Estates Neighborhood</u> <u>MN</u>

PROPERTY OWNER	NAME: <u>DNK Development LLC and Mega Investments LLC</u>
	ADDRESS: <u>1181 Calle De Luz</u>
	CITY: <u>Henderson</u> STATE: <u>NV</u> ZIP: <u>89012</u>
	TELEPHONE: <u>(702) 467-2616</u> CELL: _____
	E-MAIL: _____

APPLICANT	NAME: <u>Luxury Builders</u>
	ADDRESS: <u>6 Drifting Shadow Way</u>
	CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89135</u>
	TELEPHONE: <u>(702) 467-2616</u> CELL: _____
	E-MAIL: _____ REF CONTACT ID #: _____

CORRESPONDENT	NAME: <u>Taney Engineering, Attn: Janna Felipe</u>
	ADDRESS: <u>6030 S. Jones Blvd.</u>
	CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89118</u>
	TELEPHONE: <u>702-362-8844</u> CELL: _____
	E-MAIL: <u>jannaf@taneycorp.com</u> REF CONTACT ID #: <u>132565</u>

ASSESSOR'S PARCEL NUMBER(S): 163-36-401-026

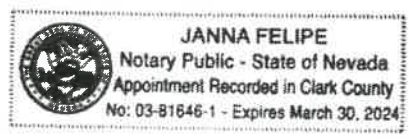
PROPERTY ADDRESS and/or CROSS STREETS: Teco & Lindell

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.

[Signature]
Property Owner (Signature)*

ANDREI MALANCA
Property Owner (Print)

STATE OF NEVADA
COUNTY OF Clark
SUBSCRIBED AND SWORN BEFORE ME ON February 17, 2022 (DATE)
By Andrei Malanca
NOTARY PUBLIC: Janna Felipe
Janna Felipe



*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.



TANEY ENGINEERING

6030 S. JONES BLVD. LAS VEGAS, NV 89118
PHONE: (702) 362-8844 | FAX: (702) 362-5233
TANEYCORP.COM

February 21, 2022

VS-22-0155

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

Re: Teco & Lindell – Justification Letter – Vacation (APN: 163-36-401-026)

To Whom It May Concern,

On behalf of our client, Luxury Builders LLC, Taney Engineering is respectfully submitting a justification letter for a Vacation application.

Patent Easement Vacation:

Purpose is to vacate a portion of a patent easement: Patent Number 1186046, Recorded February 3, 1960 in Book 230, Instrument Number 186992 of Clark County, Nevada, Official Records.

As the parcels are being developed, right-of-way will be dedicated to Clark County where necessary, making the patent easements no longer necessary. A legal description, exhibit, site plan and supporting documents have been provided with the application for review.

We are hopeful that this letter clearly describes the project and the intent of the proposed development. If you have any questions or require any additional information please call 702-362-8844.

Respectfully,

Janna Felipe
Project Coordinator

05/18/22 BCC AGENDA SHEET

MIXED-USE PROJECT
(TITLE 30)

DURANGO DR/CC 215

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
ET-22-400039 (ZC-19-0343)-MATTER UNCOMMONS LLC, ET AL:

ZONE CHANGE FIRST EXTENSION OF TIME to reclassify 32.5 acres from an R-E (Rural Estates Residential) Zone and a C-2 (General Commercial) Zone to a U-V (Urban Village - Mixed-Use) Zone in the CMA Design Overlay District.

USE PERMITS for the following: 1) High Impact Project; 2) modified pedestrian realm; 3) reduce separation from alcohol, on-premises consumption to a residential use; 4) childcare institution; 5) college or university; 6) farmer's market; 7) food cart/booth not within an enclosed building; 8) kennel; 9) live entertainment; 10) outside dining, drinking, and cooking; 11) public/quasi-public buildings and facilities; 12) temporary outdoor commercial events; 13) training facility (major); and 14) training facility (minor).

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) reduce separation from outdoor live entertainment to a residential use; 2) reduce setback to a right-of-way; 3) reduce throat depths; and 4) allow non-standard improvements in the right-of-way.

DESIGN REVIEWS for the following: 1) a High Impact Project and mixed-use project; and 2) finished grade.

Generally located on the east side of Durango Drive and the south side of the CC 215 within Spring Valley (description on file). MN/hw/syp (For possible action)

RELATED INFORMATION:

APN:
176-04-211-002 through 176-04-211-007; 176-04-211-009 through 176-04-211-015; 176-04-301-003; 176-04-301-004; 176-04-301-014

USE PERMITS:

1. High Impact Project.
2. Modify the pedestrian realm along Roy Horn Way.
3. Reduce separation from alcohol, on-premises consumption to a residential use (multiple family) to 80 feet where a minimum distance of 200 feet is required per Table 30.44-1 (a 60% reduction).
4. Childcare institution.
5. College or university.
6. Farmer's market.
7. Allow a food cart/booth not within an enclosed building where required to be located in an enclosed building per Table 30.44-1.
8. Kennel.
9. Live entertainment.

10.
 - a. Reduce the separation to 80 feet from an outside dining, drinking, and cooking area to a residential use (multiple family) where a minimum distance of 200 feet is required per Table 30.44-1 (a 60% reduction).
 - b. Waive the protective barrier where a protective barrier is required between the outside dining area and any sidewalk and parking areas per Table 30.44-1.
 - c. Waive the minimum 48 inch wide pedestrian access where required around the perimeter of an outside dining area per Table 30.44-1.
 - d. Allow on-premises consumption of alcohol (outside) without the primary means of access through the interior of the supper club, tourist club, mixed-use development, or restaurant where required per Table 30.44-1.
11. Public/quasi-public buildings and facilities.
12.
 - a. Allow up to three, 10 day temporary outdoor commercial events in a calendar month with no more than a total of 36 events per calendar year where one, 10 day event in a calendar month with no more than a total of 12 events per calendar year is permitted per Table 30.44-1 (a 200% increase).
 - b. Reduce the separation to 80 feet from a temporary outdoor commercial event to abutting existing residential development where a minimum distance of 200 feet is required per Table 30.44-1 (a 60% reduction).
 - c. Reduce the separation to 80 feet for live entertainment or any other sound amplified by an electronic means with an outdoor temporary commercial event to property lines abutting existing residential development where a minimum distance of 500 feet is required per Table 30.44-1 (a 60% reduction).
13. Training facility (major).
14. Training facility (minor).

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce separation from outdoor live entertainment to a residential use (multiple family) to 80 feet where a minimum distance of 500 feet is required per Table 30.44-1 (an 84% reduction).
2. Reduce the setback to a right-of-way (Roy Horn Way) to 3 feet where a minimum distance of 10 feet is required per Chapter 30.56 (a 70% reduction).
3. Reduce driveway throat depths to 40 feet where 150 feet is required per Chapter 30.52 (a 74% reduction).
4. Allow non-standard improvements, including landscaping, decorative fences, and water retention ponds, within rights-of-way and easements.

DESIGN REVIEWS:

1. High Impact and mixed-use project.
2. Increase finished grade to 36 inches where a maximum of 18 inches is the standard per Section 30.32.040 (a 100% increase).

LAND USE PLAN:

SPRING VALLEY - BUSINESS EMPLOYMENT
 SPRING VALLEY - CORRIDOR MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 32.5
- Number of Units: 838
- Density (du/ac): 24
- Project Type: High Impact, mixed-use project
- Number of Stories: Up to 5 stories
- Building Height (feet): Up to 75
- Square Feet (commercial component only): 588,600
- Open Space Required/Provided (square feet): 211,266/452,100
- Parking Required/Provided: 3,135/3,713

Site Plan

The previously approved site plan depicts a High Impact, mixed-use project consisting of office buildings, a movie theater, commercial buildings, residential buildings, and parking structures. Internal private streets with on-street parking create a grid network connecting the project with the surrounding public rights-of-way. Four office buildings were shown located along Roy Horn Way adjacent to the northern portion of the site. Commercial buildings with a market hall and parking structures provide a centralized gathering space within the overall complex. This centralized gathering space will include a farmer's market, outside dining, drinking, and cooking, live entertainment, food carts/booths, temporary commercial events, and weddings.

A theater building, parking structure, and office building were shown located along Durango Drive, west of the centralized commercial portion of the complex. A subsequent design review was approved to modify the theater and commercial area. East of the centralized gathering space an additional parking structure and residential buildings were shown. South of Maule Avenue are 2 additional residential complexes and associated amenities, such as swimming pools and accessory commercial uses. Use permits and a waiver of development standards were requested to reduce the separation for certain uses, such as on-premises consumption of alcohol, live entertainment, and outside dining, drinking, and cooking, from an adjacent approved multiple family development located to the south of Maule Avenue and west of Butler Street.

In addition, waivers of development standards were necessary for certain alternative off-site improvement standards. For example, the applicant requested a reduction in throat depth at various access driveways for Roy Horn Way, Gagnier Boulevard, Maule Avenue, and Badura Avenue to a minimum of 40 feet. The applicant also requested non-standard improvements in the right-of-way and easements along Roy Horn Way and Durango Drive consisting of landscaping, decorative fences, and water retention ponds. Lastly, a waiver of development standards was also necessary to reduce the setback for buildings along Roy Horn Way to 3 feet where 10 feet is the standard.

Landscaping

Pedestrian realms were shown located adjacent to all public and private streets, except Roy Horn Way. A use permit was requested to divert the pedestrian realm internally through the site rather than along Roy Horn Way due to the grade difference between the site and Roy Horn Way. Pedestrian realms ranged in width from a maximum of 73 feet to 15 feet, and consisted of an amenity zone, a sidewalk, and a supplemental zone. In addition, landscaping was provided throughout the site. Trees included were Catclaw Acacia, Netleaf Hackberry, Western Redbud, Desert Willow, Texas Ebony, Arizona Ash, Blue Palo Verde, Foothills Palo Verde, Sonoran Emerald Palo Verde, Texas Honey Mesquite, Screwbean Mesquite, Texas Mountain Laurel, and Chaste Tree.

Elevations

Office buildings were depicted up to 75 feet high and consisted of a contemporary, modern design with tilt-up concrete panels, steel trim, low-e glazing window systems, and ribbed aluminum parapet walls along the roofline to screen the mechanical equipment.

The movie theater was shown 46 feet tall and constructed of concrete tilt-up panels, zinc accent panels, and low-e glazing window systems. A subsequent design review approved a rooftop outdoor theater to the movie theater, 75 feet in height. Located east of the movie theater, the commercial buildings and market hall ranged in height from 35 feet to 40 feet, and included a variety of architectural elements such as metal, wood paneling, and large windows to create an active environment that blends interior and exterior spaces.

Several parking structures shown on the site included commercial components and residential components wrapped around a portion of the exterior. For example, a parking structure located near the center of the site, which included residential units wrapped around a portion of the structure, extended up to 46 feet high to the roof elements. Light poles on the top deck also extended up to 62 feet high above ground level. Exterior materials consisted of concrete tilt-up panels and perforated metal accent panels for the parking structure, while residential components were finished with warm gray plaster, painted corrugated metal accent panels, and low-e glazing window systems.

Residential complexes located on the southeast and southern portion of the site extended up to 40 feet in height to the roof elements and were finished with plaster, wood slat trim accents, plate steel handrails, and low-e glazing window systems. Parking structures located internal to these residential complexes included light poles on the top deck that extend up to 62 feet above ground level.

Floor Plans & Overview of Each Building

The following is a summary of the main structures depicted on the site. The office buildings were designed as shell spaces, and the individual floor plans were not yet established. A general layout of the floor plan for other buildings were provided; however, individual tenant spaces and details of the residential units will be established in the future.

Office Buildings

Office Building 1

- Square feet: 103,300
- Stories: 4
- Height (feet): 75
- Location: Western side of the project, adjacent to movie theater, Durango Drive, and Maule Avenue

Office Building 2

- Square feet: 77,500
- Stories: 4
- Height (feet): 75
- Location: Northwest portion of the site, adjacent to Roy Horn Way

Office Building 3

- Square feet: 94,800
- Stories: 4
- Height (feet): 75
- Location: Northern portion of the site, adjacent to Roy Horn Way

Office Building 4

- Square feet: 90,200
- Stories: 4
- Height (feet): 75
- Location: Northern portion of the site, adjacent to Roy Horn Way

Office Building 5

- Square feet: 124,000
- Stories: 4
- Height (feet): 75
- Location: Northeastern portion of site, adjacent to Roy Horn Way and Gagnier Street

Commercial Buildings

Retail Building 1

- Square feet: 15,600
- Stories: 2
- Height (feet): 35
- Location: Center, west portion of the site

Retail Building 2

- Square feet: 16,000
- Stories: 2
- Height (feet) 35
- Location: Center, west portion of the site

Coffee Building

- Square feet: 2,000
- Stories: 2

- Height (feet): 35
- Location: Center, west portion of site

Market Hall

- Square feet: 17,000
- Stories: 1
- Height (feet): 40
- Location: Center, west portion of site

Theater Building

- Square feet: 24,700 (56,000 total with a 32,500 addition subsequently approved)
- Height (feet): 46 (75 total per subsequent design review)
- Location: Western portion of the site, adjacent to Durango Drive

Residential Buildings

Residential Building 1

- Total square feet: 72,100
- Commercial component (square feet): 4,900
- Residential component (square feet): 67,200
- Units: 70 (15 studio/55 one bedroom)
- Stories: 4
- Height (feet): 49
- Location: Central, west portion of site; wrapped around the east and south sides of parking structure 2; adjacent to Maule Avenue

Residential Building 2

- Total square feet: 105,800
- Commercial component (square feet): 1,700
- Residential component (square feet): 102,000
- Units: 87 (17 studio/35 one bedroom/35 two bedroom)
- Stories: 4
- Height (feet): 49
- Location: Central portion of the site, adjacent to Maule Avenue

Residential Building 3

- Total square feet: 267,400
- Commercial component (square feet): 2,000
- Residential component (square feet): 265,400
- Units: 227 (43 studio/98 one bedroom/86 two bedroom)
- Stories: 4
- Height (feet): 49
- Location: Eastern portion of the site, adjacent to Gagnier Street

Residential Building 4

- Total square feet: 267,400
- Commercial component (square feet): 2,000
- Residential component (square feet): 265,400
- Units: 227 (43 studio/98 one bedroom/86 two bedroom)

- Stories: 4
- Height (feet): 49
- Location: Southern portion of the site, southeast corner of Butler Street and Maule Avenue

Residential Building 5

- Total square feet: 267,400
- Commercial component (square feet): 2,000
- Residential component (square feet): 265,400
- Units: 227 (43 studio/98 one bedroom/86 two bedroom)
- Stories: 4
- Height (feet): 49
- Location: Southern portion of the site, southwest corner of Gagnier Street and Maule Avenue

Parking Structures

Parking Structure 1

- Total square feet: 123,800
- Commercial component (square feet): 3,300
- Parking component (square feet): 120,500
- Parking spaces: 356
- Stories: 4
- Height: 49 feet, 6 inches
- Location: Northwest portion of the site, southwest corner of Durango Drive and Roy Horn Way

Parking Structure 2

- Total square feet: 277,000
- Commercial component (square feet): 7,600
- Parking component (square feet): 269,400
- Parking spaces: 795
- Stories: 5
- Height (feet): 64
- Location: Central, west portion of site

Parking Structure 3

- Total square feet: 248,480
- Parking spaces: 747
- Stories: 4
- Height: 49 feet, 6 inches
- Location: Central portion of site

Parking Structure 4

- Total square feet: 133,000
- Parking spaces: 499
- Stories: 4
- Height: 49 feet, 6 inches

- Location: Northeast portion of site, adjacent to Gagnier Street

Signage

Signage is not a part of this request.

Previous Conditions of Approval

Listed below are the approved conditions for ZC-19-0343:

Current Planning

- Resolution of Intent to complete in 3 years;
- Live entertainment limited to daytime hours when it is within 500 feet of existing abutting residential uses;
- Temporary outdoor commercial events located within 200 feet of existing abutting residential development and live entertainment associated with a temporary outdoor commercial event located within 500 feet of existing abutting residential development limited to daytime hours;
- Major training facilities limited to 50 people;
- Enter into a Development Agreement with Clark County to mitigate impacts of the project including, but not limited to, issues identified by the technical reports and studies, and issues identified by the Board of County Commissioners;
- As part of the Development Agreement or as a separate agreement, applicant shall enter into a Performance Agreement with Clark County, Performance Agreement to include a Decommissioning Plan, acceptable to the County, which specifies the actions to be taken by the Developer or County in the event construction of the project is stopped or abandoned with said plan to be submitted and approved prior to grading or building permits;
- Allow the following permits prior to the adoption of the Development Agreement and Performance Agreement: all grading, including excavation and underground utilities, construction below grade level, and structural first lift with initial foundation work and structures above grade;
- Bond or other form of security, acceptable to Clark County, shall be provided for the Performance Agreement and prior to approval of the grading permit;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that 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; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

Public Works - Development Review

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

- Right-of-way dedication to include 25 to 50 feet to back of curb for Maule Avenue, 25 feet to back of curb for Butler Street, 25 to 50 feet to back of curb for Gagnier Boulevard, 35 feet to the back of curb for Badura Avenue, and associated spandrels, and, if necessary, additional right-of-way for Roy Horn Way to accommodate 44 feet of right-of-way from the back of curb to the concrete barrier;
- If required by the Regional Transportation Commission, provide a bus turnout on the east side of Durango Drive and include provisions for a 5 foot by 50 foot bus shelter pad easement behind the sidewalk.
- Applicant is advised that compliance with the Uniform Standard Drawings, unless waived with this application, is required; that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals; and that the installation of detached sidewalks will require the dedication of right-of-way to the back of curb or the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way.

Department of Aviation

- Compliance with most recent recorded airport-related deed restrictions for APN's 176-04-201-004, 176-04-201-009, 176-04-301-012.
- Applicant is advised that issuing a stand-alone noise disclosure statement to the purchaser or renter of each residential unit in the proposed development and to forward the completed and recorded noise disclosure statements to the Department of Aviation's Noise Office is strongly encouraged; that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations which was constructed after October 1, 1998; and that funds will not be available in the future should the residents wish to have their buildings purchased or soundproofed.

Building Department - Fire Prevention

- Applicant is advised to provide Fire Apparatus Access Roads in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features; and that the current design cannot be supported.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been initiated for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0170-2019 to obtain your POC exhibit; and that wastewater flow rates that exceed CCWRD estimates may require another POC analysis.

Applicant's Justification

The applicant indicates that the owners of the property were unable to meet the original completion deadline, as the project is located on a large site and thus the project needed to be completed in phases. The applicant further indicates that the completion of earlier and current phases of the project were ultimately slowed due to the resulting slow down in construction and other external forces caused by the COVID-19 pandemic. The applicant has indicated that several parts of the project are either being constructed or have permits to be constructed indicating work towards completion.

Prior Land Use Requests

Application Number	Request	Action	Date
WS-20-0507	Comprehensive Sign Plan for the Matter Uncommons High Impact, mixed-use project	Approved by BCC	January 2021
DA-20-900425	Development Agreement for the Matter Uncommons High Impact, mixed-use project	Adopted by BCC	January 2021
AG-20-900426	Performance Agreement for the Matter Uncommons High Impact, mixed-use project	Adopted by BCC	January 2021
WS-20-0099	Temporary parking lots in conjunction with the previously approved High Impact, mixed-use project	Approved by ZA	March 2020
DR-20-0098	Outdoor theater and modifications to the previously approved High Impact, mixed-use project	Approved by ZA	March 2020
VS-20-0052	Vacated and abandoned government patent easement and rights-of-way being Butler Avenue, Maule Avenue, and Gagnier Boulevard	Approved by ZA	March 2020
TM-20-500013	Mixed-use subdivision project	Approved by ZA	March 2020
ZC-19-0343	Reclassified the site to U-V zoning for a High Impact, mixed-use project	Approved by BCC	June 2019
VS-19-0253	Vacated and abandoned government patent easements and a portion of right-of-way being Pamalyn Avenue	Approved by BCC	May 2019
VS-0794-16	Vacated and abandoned government patent easements and a portion of right-of-way being Butler Street	Approved by BCC	April 2017
UC-1202-02	Off-premises sign	Denied by BCC	February 2003
UC-1199-02	Off-premises sign	Denied by BCC	February 2003
VS-1518-02	Vacated and abandoned a portion of the Durango Flood Channel	Approved by PC	December 2002
ZC-1415-02	Reclassified a 12.2 acre portion of the site to C-2 zoning for a future development	Approved by BCC	November 2002
ZC-1107-02	Reclassified a 2 acre portion of the site to C-2 zoning for an office building	Approved by BCC	September 2002
ZC-1065-02	Reclassified a 2.5 acre portion of the site to C-2 zoning for a restaurant	Approved by BCC	September 2002

Surrounding Land Use*

	Planned Land Use Category	Zoning District	Existing Land Use
North**	Corridor Mixed-Use	R-E, C-1, & C-2	Undeveloped & office buildings
South	Urban Neighborhood (greater than 18 du/ac) & Business Employment	M-D, R-4, & C-2	Undeveloped, retail plaza & multiple family residential

Surrounding Land Use*

	Planned Land Use Category	Zoning District	Existing Land Use
East	Business Employment	R-E, C-2, & M-D	Undeveloped & office building
West	Entertainment Mixed-Use	H-1	Multiple family residential project & resort hotel/casino (Durango Station)

*Portions of the subject site and surrounding area are located in the CMA Design Overlay District and the Public Facilities Needs Assessment (PFNA) area.

**The CC 215 is located directly north of the site.

Related Applications

Application Number	Request
ET-22-400040 (WS-20-0099)	An extension of time for waivers of development standards for temporary parking lots in conjunction with an approved High Impact, mixed-use project is a companion item on this agenda.
ET-22-400041 (DR-20-0098)	An extension of time for design reviews for an outdoor theater and modifications to an approved High Impact, mixed-use project 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

Current Planning

Title 30 standards of approval on an extension of time application state that such an application may be denied or have additional conditions imposed if it is found that circumstances have substantially changed. A substantial change may include, without limitation, a change to the subject property, a change in the areas surrounding the subject property, or a change in the laws or policies affecting the subject property. Using the criteria set forth in Title 30, no substantial changes have occurred at the subject site since the original approval.

The owners appear to have made progress towards completing the overall project, as several buildings are currently under construction at the site. Permits for additional buildings and grading have also been submitted for future phases. The owners have also since entered into Development and Performance Agreements with the County that were adopted by the Board of County Commissioners on January 2021. Given the stated circumstances regarding the progress of the proposed project, staff can support an extension of time, as there is sufficient reason to believe that the applicant is making and will continue to make a good faith effort to complete the project as proposed within a timely manner. Staff can further support the applicant's request for a 3 year extension of time and to allow the accompanying extensions of time to have the same expiration dates, as this request would allow for ample time to complete the various phases of the project and the tracking of the related applications together would allow for easier processing of applications in the future for both the applicant and staff.

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:

Current Planning

- Until June 19, 2025 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 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: JIM STUART

CONTACT: CASSANDRA WORRELL, 520 S. FOURTH STREET, LAS VEGAS, NV 89101



LAND USE APPLICATION **COPY**

DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

<p>APPLICATION TYPE</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 style="padding-left: 20px;">(ORIGINAL APPLICATION #)</p> <p><input type="checkbox"/> ANNEXATION REQUEST (ANX)</p> <p><input checked="" type="checkbox"/> EXTENSION OF TIME (ET) ZC-19-0343 (ORIGINAL APPLICATION #)</p> <p><input type="checkbox"/> APPLICATION REVIEW (AR)</p> <p style="padding-left: 20px;">(ORIGINAL APPLICATION #)</p>	STAFF	<p>APP. NUMBER: <u>ET-22-400029</u> DATE FILED: <u>3/22/22</u></p> <p>PLANNER ASSIGNED: <u>HW</u></p> <p>TAB/CAC: <u>Spring Valley</u> TAB/CAC DATE: <u>04/26/22</u></p> <p>PC MEETING DATE: <u>---</u></p> <p>BCC MEETING DATE: <u>05/18/22</u></p> <p>FEE: <u>\$1200</u></p>
	PROPERTY OWNER	<p>NAME: <u>Matter UnCommons, LLC ET AL</u></p> <p>ADDRESS: <u>385 Pilot Road Suite D</u></p> <p>CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89119</u></p> <p>TELEPHONE: <u>702-401-8998</u> CELL: <u>702-401-8998</u></p> <p>E-MAIL: <u>kelly.lawson@matterrealestate.com</u></p>
	APPLICANT	<p>NAME: <u>Jim Stuart/ Kelly Lawson</u></p> <p>ADDRESS: <u>385 Pilot Road Suite D</u></p> <p>CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89119</u></p> <p>TELEPHONE: <u>702-401-8998</u> CELL: <u>702-401-8998</u></p> <p>E-MAIL: <u>kelly.lawson@matterrealestate.com</u> REF CONTACT ID #: <u>N/A</u></p>
	CORRESPONDENT	<p>NAME: <u>Jay Brown/Lebene Ohene</u></p> <p>ADDRESS: <u>520 South Fourth Street</u></p> <p>CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89101</u></p> <p>TELEPHONE: <u>702-598-1429</u> CELL: <u>702-561-7070</u></p> <p>E-MAIL: <u>Lohene@brownlawlv.com</u> REF CONTACT ID #: <u>173835</u></p>

ASSESSOR'S PARCEL NUMBER(S): 176-04-211-002 thru 007, 009 thur 015, 176-04-301-003, 004, & 176-04-301-014

PROPERTY ADDRESS and/or CROSS STREETS: Durango & 215

PROJECT DESCRIPTION: EoT for a Mixed Use Development Project (ZC-19-0343)

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.

James M. Stuart
 Property Owner (Signature)* Property Owner (Print)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF California
 COUNTY OF San Diego

SUBSCRIBED AND SWORN BEFORE ME ON February 23, 2022 (DATE)
 By James Stuart

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.

LAW OFFICE

Brown, Brown & Premsrirut

JAY H. BROWN
DAVID T. BROWN
PUOY K. PREMSRIRUT

AN ASSOCIATION OF PROFESSIONAL CORPORATIONS
520 SOUTH FOURTH STREET
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PLANNER

COPY

ET-22-400039

TELEPHONE: (702) 384-5563
FACSIMILE: (702) 385-1023
EMAIL: jbrown@brownlawiv.com

March 14, 2022

Clark County Comprehensive Planning
Current Planning Division
500 Grand Central Parkway
Las Vegas, Nevada 89155

ET - 22 - 4000 3 9

**Re: UnCommons Mixed Use Project (Matter)- Revision 1
Justification Letter – First Extension of Time
Application Number: ZC-19-0343
Assessor's Parcel Number: 176-04-211-002 thru 007, 009 thru 015, 176-04-301-003, 004, & 176-04-301-014**

To Whom It May Concern:

On behalf of our Client, Matter Uncommons LLC, Et Al, please accept this justification letter for a request for an extension of time for ZC-19-0343 which previously approved the mixed-use and High Impact Project consisting of commercial, residential, and open space elements. The project is on a total of 32.5 acres and is located on the southeast corner of Durango Drive & the 2-15 Beltway.

This zone change application was approved by the Board of County Commissioners (BCC) Planning for three (3) years on June 19, 2019. This request is for an additional three (3) year extension of time to allow for the completion of the entire project. This request includes two other companion applications (WS-20-0099) for landscaping and a temporary (floating) parking lot and (DR-20-0099) for an outdoor theater and modifications to the previously approved project. This letter is also a request that all three applications have a concurrent approval date tied to the approval date of this subject application approved by the BCC on June 19, 2019, with a resolution of intent of three years to complete being June 19, 2022. The three (3) year extension of time requested is until June 19, 2025, to complete to help track these three applications for the project and to allow for the completion of the project which is on 32.5 acres. **This development is a mixed-use and a**

High Impact Project (HIP) on 35 acres with a Development Agreement and Performance Agreement with the County. Additionally, the project is being constructed in phases as is typical for large complex projects. Attached is a list of the permits in process as well as the buildings completed indicating that the Developer is diligently pursuing construction.

Construction of the project commenced during the Pandemic, therefore, resulting in a slowdown due to the Pandemic as well as a slowdown of the County's review and the permitting processes. Overall, the construction of the project was delayed because of the Pandemic.

The project is currently under construction and four (4) of the building that are almost completed. Please see the attached for a list of building permits issued for the project.

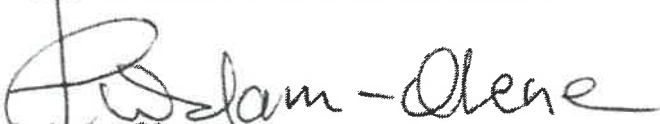
The information provided above demonstrates that the Applicant is diligently pursuing construction and completion of the project. The request for the three (3) year extension of time is to ensure that the project is completed as approved by the BCC.

We appreciate your review and approval of the application as requested.

Please contact me if you have questions or concerns with the application.

Sincerely,

BROWN, BROWN & PREMSRIRUT



Lebene Ohene

Land Use and Development Consultant

4

05/18/22 BCC AGENDA SHEET

TEMPORARY PARKING LOT
(TITLE 30)

DURANGO DR/CC 215

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
ET-22-400040 (WS-20-0099)-MATTER UNCOMMONS LLC, ET AL:

WAIVERS OF DEVELOPMENT STANDARDS FIRST EXTENSION OF TIME for the following: 1) landscaping; and 2) alternative parking lot design.

DESIGN REVIEW for a temporary parking lot in conjunction with an approved High Impact Project and Mixed-Use Project on 32.5 acres in a U-V (Urban Village - Mixed-Use) Zone in the CMA Design Overlay District.

Generally located on the east side of Durango Drive and the south side of the CC 215 within Spring Valley. MN/hw/syp (For possible action)

RELATED INFORMATION:

APN:

176-04-211-002 through 176-04-211-007; 176-04-211-009 through 176-04-211-015; 176-04-301-003; 176-04-301-004; 176-04-301-014

WAIVERS OF DEVELOPMENT STANDARDS:

1. a. Waive street landscaping adjacent to the temporary parking lot where landscaping is required per Table 30.64-2.
- b. Waive parking lot landscaping for the temporary parking lot where landscaping is required per Table 30.64-2.
2. a. Waive pedestrian walkways through the temporary parking lot where required per Section 30.60.050.
- b. Allow a temporary parking area of 100 spaces or more to not be designed in a series of smaller, connected parking courts where required per Section 30.48.660.

DESIGN REVIEW:

Temporary parking lot in conjunction with an approved High Impact and Mixed-Use Project.

LAND USE PLAN:

SPRING VALLEY - BUSINESS EMPLOYMENT
SPRING VALLEY - CORRIDOR MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 32.5

- Project Type: Temporary parking lot
- Parking Required/Provided (overall): 3,298/3,730

Overview

The previously approved application was for temporary parking lots that will be installed on the site in various locations as the overall High Impact, mixed-use project is constructed. Although the plans originally submitted with this application show the temporary parking lot in 1 location, the intent is for the parking lot to move around the site as demand for parking may exceed the structured parking provided with each phase. This application would allow for an extension of time to continue to allow these temporary parking lots as the previously approved High Impact mixed-use, project is still being constructed.

Site Plan

The previously approved site plan depicts an initial paved temporary parking lot located near the center of the overall project on the southeast corner of 2 internal private drives. The depicted temporary parking lot was shown abutting the east side of the centralized retail/restaurant/market hall area of the project and was located over 600 feet from the west property line along Durango Drive. The temporary parking lot was also located over 300 feet from Roy Horn Way to the north, Maule Avenue to the south, and Gagnier Boulevard to the east. Although the previous plans for this temporary parking lot depicted 174 parking spaces, future temporary parking lots may include more or fewer parking spaces.

Landscaping

The previously approved plans depicted painted fingers in the parking lot without any landscaping. Also, the applicant intends to install some street landscaping adjacent to the temporary parking lots; however, the street landscaping will not meet the requirements for final pedestrian realm landscaping.

Signage

Signage is not a part of this request.

Previous Conditions of Approval

Listed below are the approved conditions for WS-20-0099:

Current Planning

- 2 years to commence and review;
- Plans for each temporary parking lot to be reviewed by staff;
- Only 1 temporary parking lot permitted at a time.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and application for review; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

Public Works - Development Review

- Until June 19, 2021 for the applicant to obtain off-site permits as required by ZC-19-0343;
- Drainage study and compliance;

- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 25 feet to 50 feet to the back of curb for Maule Avenue, 25 feet to the back of curb for Butler Street, 25 feet to 50 to the back of curb for Gagnier Boulevard, 35 feet to the back of curb for Badura Avenue, and associated spandrels, and, if necessary, additional right-of-way for Roy Horn Way to accommodate 44 feet of right-of-way from the back of curb to the concrete barrier;
- If required by the Regional Transportation Commission, provide a bus turnout on the east side of Durango Drive north of and as close as practical to Maule Avenue and include provisions for a 5 foot by 50 foot bus shelter pad easement behind the sidewalk.
- Applicant is advised that compliance with the Uniform Standard Drawings is required; that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals; and that the installation of detached sidewalks will require the dedication of right-of-way to the back of curb or the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way.

Building Department - Fire Prevention

- 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 and reference POC Tracking #0170-2019 to obtain your POC exhibit; and that wastewater flow rates that exceed CCWRD estimates may require another POC analysis.

Applicant's Justification

The applicant indicates that the owners of the property were unable to meet the original completion deadline, as the project is located on a large site and thus needed to be completed in phases. The applicant further indicates that the completion of earlier and current phases of the project were ultimately slowed due to the resulting slowdown in construction and other external forces caused by the COVID-19 pandemic. The applicant has indicated that several parts of the project are either being constructed or have permits to be constructed. Since the overall project is not yet complete, there is a continuing need for the placement of the temporary parking lots to keep up with the potential demand for parking as the project progresses.

Prior Land Use Requests

Application Number	Request	Action	Date
WS-20-0507	Comprehensive sign plan for the Matter Uncommons High Impact, mixed-use project	Approved by BCC	January 2021
DA-20-900425	Development Agreement for the Matter Uncommons High Impact, mixed-use project	Adopted by BCC	January 2021
AG-20-900426	Performance Agreement for the Matter Uncommons High Impact, mixed-use project	Adopted by BCC	January 2021

Prior Land Use Requests

Application Number	Request	Action	Date
WS-20-0099	Temporary parking lots in conjunction with the previously approved High Impact, mixed-use project	Approved by ZA	March 2020
DR-20-0098	Outdoor theater and modifications to the previously approved High Impact, mixed-use project	Approved by ZA	March 2020
VS-20-0052	Vacated and abandoned government patent easement and rights-of-way being Butler Avenue, Maule Avenue, and Gagnier Boulevard	Approved by ZA	March 2020
TM-20-500013	Mixed-use subdivision project	Approved by ZA	March 2020
ZC-19-0343	Reclassified the site to U-V zoning for a High Impact, mixed-use project	Approved by BCC	June 2019
VS-19-0253	Vacated and abandoned government patent easements and a portion of right-of-way being Pamalyn Avenue	Approved by BCC	May 2019
VS-0794-16	Vacated and abandoned government patent easements and a portion of right-of-way being Butler Street	Approved by BCC	April 2017
UC-1202-02	Off-premises sign	Denied by BCC	February 2003
UC-1199-02	Off-premises sign	Denied by BCC	February 2003
VS-1518-02	Vacated and abandoned a portion of the Durango Flood Channel	Approved by PC	December 2002
ZC-1415-02	Reclassified a 12.2 acre portion of the site to C-2 zoning for a future development	Approved by BCC	November 2002
ZC-1107-02	Reclassified a 2 acre portion of the site to C-2 zoning for an office building	Approved by BCC	September 2002
ZC-1065-02	Reclassified a 2.5 acre portion of the site to C-2 zoning for a restaurant	Approved by BCC	September 2002

Surrounding Land Use*

	Planned Land Use Category	Zoning District	Existing Land Use
North**	Corridor Mixed-Use	R-E, C-1, & C-2	Undeveloped & office buildings
South	Urban Neighborhood (greater than 18 du/ac) & Business Employment	M-D, R-4, & C-2	Undeveloped, retail plaza, & multiple family residential
East	Business Employment	R-E, C-2, & M-D	Undeveloped & office building
West	Entertainment Mixed-Use	H-1	Multiple family residential & resort hotel/casino (Durango Station)

*Portions of the subject site and surrounding area are located in the CMA Design Overlay District and the Public Facilities Needs Assessment (PFNA) area.

**The CC 215 is located directly north of the site.

Related Applications

Application Number	Request
ET-22-400039 (ZC-19-0343)	An extension of time to reclassify the site to U-V zoning for a High Impact, mixed-use project is a companion item on this agenda.
ET-22-400041 (DR-20-0098)	An extension of time for design reviews for an outdoor theater and modifications to an approved High Impact, mixed-use project 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

Current Planning

Title 30 standards of approval on an extension of time application state that such an application may be denied or have additional conditions imposed if it is found that circumstances have substantially changed. A substantial change may include, without limitation, a change to the subject property, a change in the areas surrounding the subject property, or a change in the laws or policies affecting the subject property. Using the criteria set forth in Title 30, no substantial changes have occurred at the subject site since the original approval.

The owners appear to have made progress towards completing the overall project, as several buildings appear to be completed or are currently under construction at the site. Permits for additional buildings and grading have also been submitted for future phases. The owners have also since entered into Development and Performance Agreements with the County that were adopted by the Board of County Commissioners on January 2021. Given the stated circumstances regarding the progress of the proposed project, staff can support an extension of time, as the owners have shown sufficient proof towards completion of the project and that a continuing need for the proposed temporary parking areas still exists as the project proceeds. Staff can further support the applicant's request for a 3 year extension of time and to allow the accompanying extensions of time to have the same expiration dates, as this request would allow for ample time to complete the various phases of the project and the tracking of the related applications together would allow for easier processing of applications in the future for both the applicant and staff.

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:

Current Planning

- Until June 19, 2025 to review if parking lot is still in use;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a 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: JIM STUART

CONTACT: CASSANDRA WORRELL, 520 S. FOURTH STREET, LAS VEGAS, NV 89101



LAND USE APPLICATION DEPARTMENT OF COMPREHENSIVE PLANNING APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

APPLICATION TYPE <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 checked="" type="checkbox"/> EXTENSION OF TIME (ET) WS-20-0099 (ORIGINAL APPLICATION #) <input type="checkbox"/> APPLICATION REVIEW (AR) (ORIGINAL APPLICATION #)	STAFF APP. NUMBER: <u>ET-22-400040</u> DATE FILED: <u>3/22/22</u> PLANNER ASSIGNED: <u>HW</u> TAB/CAC: <u>Spring Valley</u> TAB/CAC DATE: <u>04/26/22</u> PC MEETING DATE: <u>-</u> BCC MEETING DATE: <u>03/18/22</u> FEE: <u>\$600</u>
	PROPERTY OWNER NAME: <u>Matter UnCommons, LLC ET AL</u> ADDRESS: <u>385 Pilot Road Suite D</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89119</u> TELEPHONE: <u>702-401-8998</u> CELL: <u>702-401-8998</u> E-MAIL: <u>kelly.lawson@matterrealestate.com</u>
	APPLICANT NAME: <u>Jim Stuart/ Kelly Lawson</u> ADDRESS: <u>385 Pilot Road Suite D</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89119</u> TELEPHONE: <u>702-401-8998</u> CELL: <u>702-401-8998</u> E-MAIL: <u>kelly.lawson@matterrealestate.com</u> REF CONTACT ID #: <u>N/A</u>
CORRESPONDENT NAME: <u>Jay Brown/Lebene Ohene</u> ADDRESS: <u>520 South Fourth Street</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89101</u> TELEPHONE: <u>702-598-1429</u> CELL: <u>702-561-7070</u> E-MAIL: <u>Lohena@brownlawlv.com</u> REF CONTACT ID #: <u>173835</u>	

ASSESSOR'S PARCEL NUMBER(S): 176-04-211-002 thru 007, 009 thru 015, 176-04-301-003, 004, & 176-04-301-014

PROPERTY ADDRESS and/or CROSS STREETS: Durango & 215

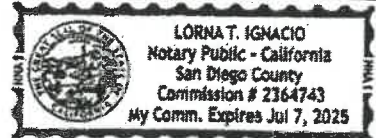
PROJECT DESCRIPTION: EoT for a Temporary Parking Lot with an approved High Impact Project (WS-20-0099)

(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)*
 STATE OF California
 COUNTY OF San Diego
 SUBSCRIBED AND SWORN BEFORE ME ON February 23, 2022 (DATE)
 By James Stuart
 NOTARY PUBLIC: [Signature]

James M. Stuart
 Property Owner (Print)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.



*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.

LAW OFFICE

Brown, Brown & Premsrirut

JAY H. BROWN
DAVID T. BROWN
PUOY K. PREMSRIRUT

AN ASSOCIATION OF PROFESSIONAL CORPORATIONS
520 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101

PLANNER

COPY

ET-22-400040
TELEPHONE: (702) 384-5563
FACSMILE: (702) 385-1023
EMAIL: jbrown@brownlawlv.com

March 14, 2022

Clark County Comprehensive Planning
Current Planning Division
500 Grand Central Parkway
Las Vegas, Nevada 89155

**Re: UnCommons Mixed Use Project (Matter)- Revision 1
Justification Letter – First Extension of Time
Application Number: WS-20-0099
Assessor's Parcel Number: 176-04-211-002 thru 007, 009 thru 015, 176-
04-301-003, 004, & 176-04-301-014**

To Whom It May Concern:

On behalf of our Client, Matter Uncommons LLC, Et Al, please accept this justification letter for a request for an extension of time for WS-20-0099 which approved landscaping and alternative parking lot design for a temporary (floating) parking lot for the previously approved mixed-use project and High Impact Project consisting of commercial, residential and open space elements. The project is on a total of 32.5 acres and is located on the southeast corner of Durango Drive & the 2-15 Beltway.

This application was approved administratively by the Director of Comprehensive Planning (Zoning Administrator) for two (2) years on March 25, 2020. This administrative approval was during the emergency declarations by the Governor of the State of Nevada on March 12, 2020, and the Clark County Manager on March 15, 2020, at the height of the Covid-19 Pandemic. This request is for a three (3) year for an extension of time to allow for the completion of the entire project. This request includes two other companion applications (ZC-19-0343) which originally approved the mixed-use project and (DR-20-0099) for an outdoor theater and modifications to the previously approved project. This letter is also a request that all three applications have a concurrent approval date tied to the approval date of the zone change application (ZC-19-0343) which was approved by the Board of County Commissioners (BCC) on June 19, 2019, with a resolution of intent of

three years to complete being June 19, 2022. The three (3) year extension of time requested is until June 19, 2025, to complete and to help track these three applications for the project and to allow for the completion of the project which is on 32.5 acres.

This development is a mixed-use and a High Impact Project (HIP) on 35 acres with a Development Agreement and Performance Agreement with the County. Additionally, the project is being constructed in phases as is typical for large complex projects. Attached is a list of the permits in process as well as the buildings completed indicating that the Developer is diligently pursuing construction.

Construction of the project commenced during the Pandemic, therefore, resulting in a slowdown due to the Pandemic as well as a slowdown of the County's review and the permitting processes. Overall, the construction of the project was delayed because of the Pandemic.

The project is currently under construction and four (4) of the building that are almost completed.

Please see the attached for a list of building permits issued for the project.

The information provided above demonstrates that the Applicant is diligently pursuing construction and completion of the project. The request for the three (3) year extension of time is to ensure that the project is completed as approved by the BCC.

We appreciate your review and approval of the application as requested.

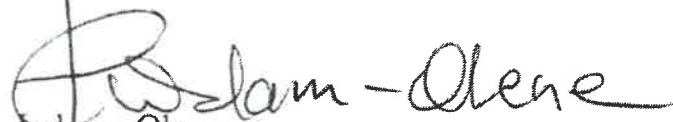
Please contact me if you have questions or concerns with the application.

LAW OFFICE
Brown, Brown & Premsrirut
AN ASSOCIATION OF PROFESSIONAL CORPORATIONS

PLANNER
COPY
ET-72-400040

Sincerely,

BROWN, BROWN & PREMSRIRUT


Lebene Ohene
Land Use and Development Consultant

5

05/18/22 BCC AGENDA SHEET

MIXED-USE PROJECT
(TITLE 30)

DURANGO DR/CC 215

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-22-400041 (DR-20-0098)-MATTER UNCOMMONS LLC, ET AL:

DESIGN REVIEWS FIRST EXTENTION OF TIME for the following: 1) outdoor theater; and 2) modifications to a previously approved High Impact Project and mixed-use Project on 32.5 acres in a U-V (Urban Village - Mixed-Use) Zone in the CMA Design Overlay District.

Generally located on the east side of Durango Drive and the south side of the CC 215 within Spring Valley. MN/hw/syp (For possible action)

RELATED INFORMATION:

APN:

176-04-211-002 through 176-04-211-007; 176-04-211-009 through 176-04-211-015; 176-04-301-003; 176-04-301-004; 176-04-301-014

DESIGN REVIEWS:

1. Outdoor theater.
2. Modifications to a High Impact, mixed-use project:

LAND USE PLAN:

SPRING VALLEY - BUSINESS EMPLOYMENT
SPRING VALLEY - CORRIDOR MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 32.5
- Number of Units: 838
- Density (du/ac): 24
- Project Type: Outdoor theater, retail buildings, & market hall
- Building Height (feet): 75 (outdoor theater)/20 (retail buildings)/45 (market hall)
- Square Feet: 56,000 (outdoor theater)/22,700 (retail buildings)/18,000 (market hall)
- Open Space Required/Provided (overall): 211,266/455,890
- Parking Required/Provided (overall): 3,298/3,730

Overview

The previous application approved the following changes to a previously approved High Impact, mixed-use project: 1) add a rooftop outdoor theater/concert venue to the second floor of a previously approved movie theater located on the central, western portion of the site; 2) redesign the layout and elevations of previously approved retail buildings and market hall located in the central portion of the site; and 3) other minor changes, including but not limited to, removing decorative fenestration on the north side of a previously approved parking garage located in the northwest portion of the site. The plans for the remainder of the project remained in substantial compliance with ZC-19-0343.

Outdoor live entertainment was previously approved with a use permit in conjunction with the original application (ZC-19-0343); therefore, the live entertainment entitlement applied to the outdoor theater/concert venue. However, live entertainment is limited to daytime hours per a condition of approval when it is within 500 feet of existing abutting residential uses.

This application is to allow an extension of time to the previous application to allow additional time for the completion of the outdoor theater and the other changes to the original mixed-use project application.

Site Plans

Overall, the original plans depicted a High Impact, mixed-use project consisting of office buildings, a movie theater, commercial buildings, residential buildings, and parking structures. Internal private streets with on-street parking created a grid network connecting the project with the surrounding public rights-of-way. Four office buildings were located along Roy Horn Way adjacent to the northern portion of the site. Commercial buildings with a market hall and parking structures provided a centralized gathering space within the overall complex. This centralized gathering space will include a farmer's market, outside dining, drinking, and cooking, live entertainment, food carts/booths, temporary commercial events, and weddings.

The approved plans for the revision to the approved mixed-use project depicted a rooftop, outdoor theater/concert venue added to the second floor of a previously approved movie theater. The movie theater and outdoor theater/concert venue were located approximately 100 feet from the west property line, adjacent to Durango Drive, approximately 280 feet from the north property line, adjacent to Roy Horn Way, and approximately 185 feet from the south property line of this portion of the project, adjacent to Maule Avenue and abutting approximately 9 acres zoned R-4 and planned for residential urban center uses.

Additional changes depicted on the revised plans included reconfiguring the retail, restaurant, and market hall buildings around the centralized gathering space. Instead of 3 larger buildings that were previously approved, this area included 6 smaller buildings creating more intimate walkways and courtyards between the buildings. The pedestrian realm/walkways through this area remained connected with the new configuration of buildings. This area was located approximately 300 feet from the west property line, adjacent to Durango Drive, 190 feet from the north property line, adjacent to Roy Horn Way, and 310 feet from the south property line of this portion of the project, adjacent to Maule Avenue.

Landscaping

Landscaping remained in compliance with the original application and Title 30 standards, although the applicant indicated that plant materials and locations may change as the design of the project is finalized. As depicted on the original plans, pedestrian realms throughout the site ranged in width from 73 feet to 15 feet, and consisted of an amenity zone, a sidewalk, and a supplemental zone.

Elevations

With the addition of the rooftop outdoor theater/concert venue, the movie theater building changed from 46 feet high to 75 feet high. The exterior of the building then consisted of blackened steel panels, metal mesh, vertical standing seam decorative metal panels, and glass windows to give an industrialized, modern aesthetic, which was compatible with the design of the overall project. The rooftop theater/concert venue included an angled overhang over the stage that extends up to 75 feet at the highest point.

The retail buildings and market hall remained at approximately 35 feet high, and included a variety of architectural elements such as metal, wood paneling, and large windows to create an active environment that blends interior and exterior spaces with abundant outside dining opportunities.

Lastly, a metal mesh, which was shown on the north side of a parking garage located in the northwest portion of the site was removed.

Floor Plans

The previously approved floor plans for the movie theater and outdoor theater/concert venue indicated an increase of 23,500 square feet from the previous approval from 32,500 square feet to 56,000 square feet. Also, the number of seats increased by 625 seats from 566 seats to 1,191 seats, and the outdoor theater/concert venue included multiple levels of tiered stadium style seating that extends upward on the roof, and the floor plan for the outdoor theater/concert venue included a stage, sound area, tiered seating, and VIP lounge, restrooms, and food prep areas located under the tiered seats. The previously approved floor plan for the movie theater included a lobby, bar, kitchen, restrooms, and movie theaters.

The area of the retail and restaurant area and market hall decreased in size by 740 square feet from 23,440 square feet to 22,700 square feet.

Signage

Signage is not a part of this request.

Previous Conditions of Approval

Listed below are the approved conditions for DR-20-0098:

Current Planning

- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.

- Applicant is advised that residential and commercial components of the project must be developed simultaneously; the development agreement and decommissioning plan must be updated based on changes to project; 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; 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

- Until June 19, 2021 for the applicant to obtain off-site permits as required by ZC-19-0343;
- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 25 feet to 50 feet to the back of curb for Maule Avenue, 25 feet to the back of curb for Butler Street, 25 feet to 50 to the back of curb for Gagnier Boulevard, 35 feet to the back of curb for Badura Avenue, and associated spandrels, and, if necessary, additional right-of-way for Roy Horn Way to accommodate 44 feet of right-of-way from the back of curb to the concrete barrier;
- If required by the Regional Transportation Commission, provide a bus turnout on the east side of Durango Drive north of and as close as practical to Maule Avenue and include provisions for a 5 foot by 50 foot bus shelter pad easement behind the sidewalk.
- Applicant is advised that compliance with the Uniform Standard Drawings is required; that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals; and that the installation of detached sidewalks will require the dedication of right-of-way to the back of curb or the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way.

Department of Aviation

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

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0170-2019 to obtain your POC exhibit; and that wastewater flow rates that exceed CCWRD estimates may require another POC analysis.

Applicant's Justification

The applicant indicates that the owners of the property were unable to meet the original completion deadline, as the project is located on a large site and thus needed to be completed in phases. The applicant further indicates that the completion of earlier and current phases of the project were ultimately slowed due to the resulting slowdown in construction and other external forces caused by the COVID-19 pandemic. The applicant has indicated that several parts of the project are either being constructed or have permits to be constructed indicating work toward completion.

Prior Land Use Requests

Application Number	Request	Action	Date
WS-20-0507	Comprehensive Sign Plan for the Matter Uncommons High Impact, mixed-use project	Approved by BCC	January 2021
DA-20-900425	Development Agreement for the Matter Uncommons High Impact, mixed-use project	Adopted by BCC	January 2021
AG-20-900426	Performance Agreement for the Matter Uncommons High Impact, mixed-use project	Adopted by BCC	January 2021
WS-20-0099	Temporary parking lots in conjunction with the previously approved High Impact, mixed-use project	Approved by ZA	March 2020
DR-20-0098	Outdoor theater and modifications to the previously approved High Impact, mixed-use project	Approved by ZA	March 2020
VS-20-0052	Vacated and abandoned government patent easement and rights-of-way being Butler Avenue, Maule Avenue, and Gagnier Boulevard	Approved by ZA	March 2020
TM-20-500013	Mixed-use subdivision project	Approved by ZA	March 2020
ZC-19-0343	Reclassified the site to U-V zoning for a High Impact, mixed-use project	Approved by BCC	June 2019
VS-19-0253	Vacated and abandoned government patent easements and a portion of right-of-way being Pamalyn Avenue	Approved by BCC	May 2019
VS-0794-16	Vacated and abandoned government patent easements and a portion of right-of-way being Butler Street	Approved by BCC	April 2017
UC-1202-02	Off-premises sign	Denied by BCC	February 2003
UC-1199-02	Off-premises sign	Denied by BCC	February 2003
VS-1518-02	Vacated and abandoned a portion of the Durango Flood Channel	Approved by PC	December 2002
ZC-1415-02	Reclassified a 12.2 acre portion of the site to C-2 zoning for a future development	Approved by BCC	November 2002
ZC-1107-02	Reclassified a 2 acre portion of the site to C-2 zoning for an office building	Approved by BCC	September 2002

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-1065-02	Reclassified a 2.5 acre portion of the site to C-2 zoning for a restaurant	Approved by BCC	September 2002

Surrounding Land Use*

	Planned Land Use Category	Zoning District	Existing Land Use
North**	Corridor Mixed-Use	R-E, C-1, & C-2	Undeveloped & office buildings
South	Urban Neighborhood (greater than 18 du/ac) & Business Employment	M-D, R-4, & C-2	Undeveloped, retail plaza & multiple family residential
East	Business Employment	R-E, C-2, & M-D	Undeveloped & office building
West	Entertainment Mixed-Use	H-1	Multiple family residential & resort/hotel/casino (Durango Station)

*Portions of the subject site and surrounding area are located in the CMA Design Overlay District and the Public Facilities Needs Assessment (PFNA) area.

**The CC 215 is located directly north of the site.

Related Applications

Application Number	Request
ET-22-400039 (ZC-19-0343)	An extension of time to reclassify the site to U-V zoning for a High Impact, mixed-use project is a companion item on this agenda.
ET-22-400040 (WS-20-0099)	An extension of for waivers of development standards for temporary parking lots in conjunction with an approved High Impact, mixed-use project 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

Current Planning

Title 30 standards of approval on an extension of time application state that such an application may be denied or have additional conditions imposed if it is found that circumstances have substantially changed. A substantial change may include, without limitation, a change to the subject property, a change in the areas surrounding the subject property, or a change in the laws or policies affecting the subject property. Using the criteria set forth in Title 30, no substantial changes have occurred at the subject site since the original approval.

The owners appear to have made progress towards completing the overall project, as several buildings are currently under construction at the site. Permits for additional buildings and grading have also been submitted for future phases. The owners have also since entered into Development and Performance Agreements with the County that were adopted by the Board of

County Commissioners on January 2021. Given the stated circumstances regarding the progress of the proposed project, staff can support an extension of time, as there is sufficient reason to believe that the applicant is making and will continue to make a good faith effort to complete the project as proposed within a timely manner. Staff can further support the applicant's request for a 3 year extension of time and to allow the accompanying extensions of time to have the same expiration dates, as this request would allow for ample time to complete the various phases of the project and the tracking of the related applications together would allow for easier processing of applications in the future for both the applicant and staff.

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:

Current Planning

- Until June 19, 2025 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 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.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC:

APPROVALS:

PROTEST:

APPLICANT: JIM STUART

**CONTACT: CASSANDRA WORRELL, 520 S. FOURTH STREET, LAS VEGAS, NV
89101**

DRAFT



LAND USE APPLICATION
DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

APPLICATION TYPE <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 checked="" type="checkbox"/> EXTENSION OF TIME (ET) DR-20-0098 (ORIGINAL APPLICATION #) <input type="checkbox"/> APPLICATION REVIEW (AR) (ORIGINAL APPLICATION #)	STAFF APP. NUMBER: <u>ET-22-400041</u> DATE FILED: <u>3/22/22</u> PLANNER ASSIGNED: <u>HW</u> TAB/CAC: <u>Spring Valley</u> TAB/CAC DATE: <u>04/26/22</u> PC MEETING DATE: _____ BCC MEETING DATE: <u>05/18/22</u> FEE: <u>\$300</u>
	PROPERTY OWNER NAME: <u>Matter UnCommons, LLC ET AL</u> ADDRESS: <u>385 Pilot Road Suite D</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89119</u> TELEPHONE: <u>702-401-8998</u> CELL: <u>702-401-8998</u> E-MAIL: <u>kelly.lawson@matterrealestate.com</u>
	APPLICANT NAME: <u>Jim Stuart/ Kelly Lawson</u> ADDRESS: <u>385 Pilot Road Suite D</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89119</u> TELEPHONE: <u>702-401-8998</u> CELL: <u>702-401-8998</u> E-MAIL: <u>kelly.lawson@matterrealestate.com</u> REF CONTACT ID #: <u>N/A</u>
	CORRESPONDENT NAME: <u>Jay Brown/Lebene Ohene</u> ADDRESS: <u>520 South Fourth Street</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89101</u> TELEPHONE: <u>702-598-1429</u> CELL: <u>702-561-7070</u> E-MAIL: <u>Lohene@brownlawlv.com</u> REF CONTACT ID #: <u>173835</u>

ASSESSOR'S PARCEL NUMBER(S): 176-04-211-002 thru 007, 009 thru 015, 176-04-301-003, 004, & 176-04-301-014

PROPERTY ADDRESS and/or CROSS STREETS: Durango & 215

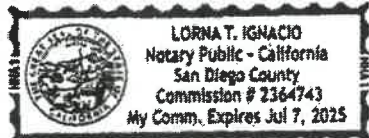
PROJECT DESCRIPTION: EoT for a Outdoor Theater and modifications to an approved project. (DR-20-0098)

(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)*
 STATE OF California
 COUNTY OF San Diego
 SUBSCRIBED AND SWORN BEFORE ME ON February 23, 2022 (DATE)
 By James Stuart
 NOTARY PUBLIC: 

James M. Stuart
 Property Owner (Print)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.



*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.

LAW OFFICE

Brown, Brown & Premsrirut

JAY H. BROWN
DAVID T. BROWN
PUOY K. PREMSRIRUT

AN ASSOCIATION OF PROFESSIONAL CORPORATIONS
520 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101

PLANNER

COPY

Et-22-400041

TELEPHONE: (702) 384-5563
FACSMILE: (702) 385-1023
EMAIL: jbrown@brownlawlv.com

March 14, 2022

Clark County Comprehensive Planning
Current Planning Division
500 Grand Central Parkway
Las Vegas, Nevada 89155

**Re: UnCommons Mixed-Use Project (Matter)- Revision 1
Justification Letter – First Extension of Time
Application Number: DR-20-0098
Assessor's Parcel Number: 176-04-211-002 thru 007, 009 thru 015, 176-04-301-003, 004, & 176-04-301-014**

To Whom It May Concern:

On behalf of our Client, Matter Uncommons LLC, Et Al, please accept this justification letter for a request for an extension of time for DR-20-0098 which approved an outdoor theater and modifications to the previously approved mixed-use and High Impact Project consisting of commercial, residential open space elements. The project is on a total of 32.5 acres and is located on the southeast corner of Durango Drive & the 2-15 Beltway.

This application was approved administratively by the Director of Comprehensive Planning (Zoning Administrator) for two (2) years on March 25, 2020. This administrative approval was during the emergency declarations by the Governor of the State of Nevada on March 12, 2020, and the Clark County Manager on March 15, 2020, at the height of the Covid-19 Pandemic. This request is for a three (3) year for an extension of time to allow for the completion of the entire project. This request includes two other companion applications (ZC-19-0343) which originally approved the mixed-use project and (WS-20-0099) for alternative landscaping and an alternative parking lot design. This letter is also a request that all three applications have a concurrent approval date tied to the approval date of the zone change application (ZC-19-0343) which was approved by the Board of County

Commissioners (BCC) on June 19, 2019, with a resolution of intent of three years to complete being June 19, 2022. The three (3) year extension of time requested is until June 19, 2025, to complete, help track these three applications for the project and to allow for the completion of the project which is on 32.5 acres.

This development is a mixed-use and a High Impact Project (HIP) on 35 acres with a Development Agreement and Performance Agreement with the County. Additionally, the project is being constructed in phases as is typical for large complex projects. Attached is a list of the permits in process as well as the buildings completed indicating that the Developer is diligently pursuing construction.

Construction of the project commenced during the Pandemic, therefore, resulting in a slowdown due to the Pandemic as well as a slowdown of the County's review and the permitting processes. Overall, the construction of the project was delayed because of the Pandemic.

The project is currently under construction and four (4) of the building that are almost completed.

Please see the attached for a list of building permits issued for the project.

The information provided above demonstrates that the Applicant is diligently pursuing construction and completion of the project. The request for the three (3) year extension of time is to ensure that the project is completed as approved by the BCC.

We appreciate your review and approval of the application as requested.


Please contact me if you have questions or concerns with the application.

LAW OFFICE
Brown, Brown & Premsrirut
AN ASSOCIATION OF PROFESSIONAL CORPORATIONS

PLANNER
COPY
ET-22400041

Sincerely,

BROWN, BROWN & PREMSRIRUT


Lebene Ohene
Land Use and Development Consultant

