



# Spring Valley Town Advisory Board

Desert Breeze Community Center

8275 W. Spring Mountain Rd

Las Vegas, NV 89117

May 30, 2023

6:00pm

## AGENDA

### Note:

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

Board/Council Members: John Getter, Chair  
 Dale Devitt  
 Randy Okamura

Brian A. Morris, Vice Chair  
 Dr. Juana Leia Jordan

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

County Liaison(s): Mike Shannon (702)-455-8338 [mds@clarkcountynv.gov](mailto: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.

- III. Approval of Minutes for May 9, 2023. (For possible action)
- IV. Approval of the Agenda for May 30, 2023 and Hold, Combine, or Delete any Items. (For possible action)
- V. Informational Items
1. Announcements of upcoming neighborhood meetings and County or community meetings and events. (For discussion only)
    - Metropolitan Police Department First Tuesday Meeting at Desert Breeze Community Center, 8275 Spring Mountain Road, June 6, 2023 at 5:30pm.
- VI. Planning and Zoning
1. **UC-23-0165-BRUCE-ROCHELLE APARTMENT, LLC:**  
**USE PERMIT** for a swap meet (outdoor).  
**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) reduce parking; and 2) landscaping.  
**DESIGN REVIEW** for a swap meet in conjunction with a vehicle repair facility on 0.9 acres in a C-2 (General Commercial) Zone. Generally located on the south side of Spring Mountain Road, 290 feet east of Duneville Street within Spring Valley. JJ/al/syp (For possible action) **06/06/23 PC**
  2. **UC-23-0182-WOW BUILD CO. ONE, L C:**  
**USE PERMITS** for the following: 1) reduce setbacks from a residential use; and 2) allow a service bay door facing a street without screening.  
**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) allow non-standard improvements (landscaping) in the right-of-way; and 2) reduce landscaping.  
**DESIGN REVIEW** for a vehicle (automobile) wash facility on 1.2 acres in a C-2 (General Commercial) Zone. Generally located on the north side of Desert Inn Road and the east side of Durango Drive within Spring Valley. RM/bb/syp (For possible action) **06/07/23 BCC**
  3. **ET-23-400045 (VS-21-0644)-SUNSET INTERCHANGE, LLC:**  
**VACATE AND ABANDON FIRST EXTENSION OF TIME** for easements of interest to Clark County located between Sunset Road and Wagon Trail Avenue, and between Quarterhorse Lane and Dapple Gray Road, a portion of a right-of-way being Sunset Road located between Quarterhorse Lane and Dapple Gray Road, and a portion of Wagon Trail Avenue between Quarterhorse Lane and Dapple Gray Road within Spring Valley (description on file). JJ/mh/syp (For possible action) **06/20/23 PC**
  4. **UC-23-0156-EVROTAS INVESTMENTS LLC ETAL & 12 KP FAMILY TRUST EXEMPTION TRUST:**  
**USE PERMIT** to allow a minor training facility in conjunction with an existing office building on 1.9 acres in a C-P (Office and Professional) Zone. Generally located on the west side of Jones Boulevard and the north side of Eldora Avenue within Spring Valley. JJ/hw/syp (For possible action) **06/20/23 PC**

5. **UC-23-0201-ZIV, LLC:**  
**USE PERMITS** for the following: 1) place of worship; and 2) school (pre-school).  
**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) landscaping; and 2) signage.  
**DESIGN REVIEWS** for the following: 1) a place of worship with daycare and pre-school facilities; and 2) a comprehensive sign plan on 0.3 acres in a C-1 (Local Business) Zone. Generally located 200 feet west of Grand Canyon Drive, 500 feet north of Russell Road within Spring Valley. JJ/al/syp (For possible action) **06/20/23 PC**
  
6. **UC-23-0216-DIGITAL DESERT B P C1, LLC:**  
**USE PERMIT** for outdoor live entertainment.  
**WAIVER OF DEVELOPMENT STANDARDS** to reduce the minimum separation from a residential use to outdoor live entertainment in conjunction with a mixed-use development on a 5.1 acre portion of a 42.4 acre site within a C-2 (Commercial General) Zone in the CMA Design Overlay District. Generally located on the west side of Buffalo Drive between Patrick Lane and Post Road within Spring Valley. MN/sd/syp (For possible action) **06/20/23 PC**
  
7. **VC-23-0175-HWARREN FAMILY TRUST ETAL:**  
**VARIANCE** to reduce a proposed patio cover setback in conjunction with an existing single family residence on 0.1 acres in an R-2 (Medium Density Residential) P-C (Planned Community Overlay District) Zone. Generally located on the south side of Myrtle Springs Court, approximately 125 feet east of Foster Springs Road within the Rhodes Ranch Master Planned Community. JJ/jor/syp (For possible action) **06/20/23 PC**
  
8. **ET-23-400042 (ZC-21-0095)-COLLABORATION CENTER FOUNDATION, INC:**  
**ZONE CHANGE SECOND EXTENSION OF TIME** to reclassify 4.7 acres from an R-E (Rural Estates Residential) Zone to a C-P (Office and Professional) Zone.  
**USE PERMITS** for the following: 1) major training facility; 2) recreational facility with temporary commercial outdoor events; and 3) live entertainment.  
**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) reduce parking; 2) reduce separation from a temporary commercial outdoor event to a residential use; 3) reduce separation from outdoor live entertainment to a residential use; and 4) allow modified driveway design standards.  
**DESIGN REVIEW** for a major training facility, office uses, and recreational facility in conjunction with a non-profit disability service provider in the CMA Design Overlay District. Generally located on the north side of Windmill Lane and the east side of Gagnier Boulevard (alignment) within Spring Valley (description on file). MN/tpd/syp (For possible action) **06/21/23 BCC**

9. **ZC-23-0204-PN II, INC:**  
**ZONE CHANGE** to reclassify 3.2 acres from a P-F (Public Facility) Zone to an R-2 (Medium Density Residential) Zone.  
**WAIVER OF DEVELOPMENT STANDARDS** to reduce street intersection off-set.  
**DESIGN REVIEWS** for the following: 1) a single family residential development; and 2) finished grade within the CMA Design Overlay District. Generally located on the northwest corner of Oquendo Road and Cimarron Road within Spring Valley (description on file). MN/al/syp (For possible action) 06/21/23 BCC
  
10. **VS-23-0205-PN II, INC:**  
**VACATE AND ABANDON** a portion of a right-of-way being Cimarron Road located between Quail Avenue and Oquendo Road and a portion of a right-of-way being Oquendo Road located between Cimarron Road and Tomsik Street (alignment) within Spring Valley (description on file). MN/al/syp (For possible action) 06/21/23 BCC
  
11. **TM-23-500058-PN II, INC:**  
**TENTATIVE MAP** consisting of 24 single family residential lots and common lots on 3.2 acres in an R-2 (Medium Density Residential) Zone within the CMA Design Overlay District. Generally located on the northwest corner of Oquendo Road and Cimarron Road within Spring Valley. MN/al/syp (For possible action) 06/21/23 BCC
  
12. **WC-23-400053 (ZC-1333-02)-MCM TOWER, LLC:**  
**WAIVER OF CONDITIONS** of a zone change not allowing the required parking behind buildings in conjunction with an office building and parking garage with restaurants on 4.2 acres in a C-2 (General Commercial) Zone in the CMA Design Overlay District. Generally located on the north side of Sunset Road and the east side of Riley Street within Spring Valley. JJ/md/syp (For possible action) 06/21/23 BCC
  
13. **WS-23-0211-MCM TOWER, LLC:**  
**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) increase building height; 2) increase the height of exterior fixtures (luminaries) mounted on buildings; and 3) allow modified driveway design standards.  
**DESIGN REVIEWS** for the following: 1) office building; 2) parking garage with restaurants; and 3) finished grade on 4.2 acres in a C-2 (General Commercial) Zone in the CMA Design Overlay District. Generally located on the north side of Sunset Road and the east side of Riley Street within Spring Valley. JJ/md/syp (For possible action) 06/21/23 BCC

VII. General Business

1. None.

VIII. Comments by the General Public- A period devoted to comments by the general public about matters relevant to the Board/Council's jurisdiction will be held. No discussion, action, or vote may be taken on this agenda item. Comments will be limited to three (3) minutes. Please step up to the speaker's podium, if applicable, clearly state your name and address and please **spell** your last name for the record. If any member of the Board/Council wishes to extend the length of a presentation, this will be done by the Chairperson or the Board/Council by majority vote.

IX. Next Meeting Date: June 13, 2023.

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>





# Spring Valley Town Advisory Board

May 9, 2023

## MINUTES

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|                |  |  |
|----------------|--|--|
| Board Members: | John Getter, Chair <b>PRESENT</b><br>Dale Devitt <b>PRESENT</b><br>Randal Okamura <b>PRESENT</b> | Brian A. Morris, Vice Chair <b>PRESENT</b><br>Juana Leia Jordan <b>PRESENT</b> |
|----------------|--|--|

|            |   |
|------------|---|
| Secretary: | Carmen Hayes, 702 371-7991, <a href="mailto:chayes70@yahoo.com">chayes70@yahoo.com</a> <b>PRESENT</b> |
|------------|---|

|                 |   |
|-----------------|---|
| County Liaison: | Mike Shannon 702-455-8338 <a href="mailto:mds@clarkcountynv.gov">mds@clarkcountynv.gov</a> <b>PRESENT</b> |
|-----------------|---|

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

No Planner Present, Current Planning

### II. Public Comment

This is a period devoted to comments by the general public about items on this agenda. No discussion, action, or vote may be taken on this agenda item. You will be afforded the opportunity to speak on individual Public Hearing Items at the time they are presented. If you wish to speak to the Board/Council about items within its jurisdiction but not appearing on this agenda, you must wait until the "Comments by the General Public" period listed at the end of this agenda. Comments will be limited to three minutes. Please step up to the speaker's podium, if applicable, clearly state your name and address and please spell your last name for the record. If any member of the Board/Council wishes to extend the length of a presentation, this will be done by the Chair or the Board/Council by majority vote.

- **None**

### III. Approval of **April 25, 2023** Minutes (For possible action)

Motion by: **Brian Morris**

Action: **APPROVE** as published

Vote: 5-0/Unanimous

### IV. Approval of Agenda for **May 9, 2023** and Hold, Combine or Delete Any Items (For possible action)

Motion by: **Randy Okamura**

Action: **APPROVE after noting Item 5 would be held.**

Vote: 5-0/Unanimous

### V. Informational Items

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

- **None**

VI. Planning & Zoning

1. **TM-23-500042-BADURA ARBY 008, LLC:**

**TENTATIVE MAP** consisting of 1 commercial lot on 4.2 acres in an M-D (Designed Manufacturing) (AE-60) Zone in the CMA Design Overlay District. Generally located on the south side of Badura Avenue and the west side of Pioneer Way within Spring Valley. MN/md/syp (For possible action) **05/16/23 PC**

Motion by: **Brian Morris**

Action: **APPROVE** subject to staff conditions

Vote: 5-0/Unanimous

2. **UC-23-0165-BRUCE-ROCHELLE APARTMENT, LLC:**

**USE PERMIT** for a swap meet (outdoor).

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

**DESIGN REVIEW** for a swap meet in conjunction with a vehicle repair facility on 0.9 acres in a C-2 (General Commercial) Zone. Generally located on the south side of Spring Mountain Road, 290 feet east of Duneville Street within Spring Valley. JJ/al/syp (For possible action) **06/06/23 PC**

Motion by: **Randy Okamura**

Action: Applicant requested **HOLD** to Spring Valley TAB Meeting on May 30, 2023.

Vote: 4-0 with Dale Devitt abstaining

3. **VS-23-0170-UNLV RESEARCH FOUNDATION:**

**VACATE AND ABANDON** easements of interest to Clark County located between Cimarron Road and Jim Rogers Way, and between Sunset Road and Patrick Lane within Spring Valley (description on file). MN/jgh/syp (For possible action) **06/06/23 PC**

Motion by: **Dr. Juana Leia Jordan**

Action: **APPROVE** per staff conditions

Vote: 5-0/Unanimous

4. **WS-23-0158-AMH NV4 DEVELOPMENT, LLC:**

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) reduce setbacks; and 2) non-standard improvements in the right of way on 8.7 acres in an R-2 (Medium Density Residential) Zone in the CMA Design Overlay District. Generally located on the south side of Peace Way, 636 feet west of Lone Mesa Drive within Spring Valley. JJ/jud/syp (For possible action) **06/06/23 PC**

Motion by: **Dr. Juana Leia Jordan**

Action: **APPROVE** per staff conditions

Vote: 5-0/Unanimous



5. **UC-23-0182-WOW BUILD CO. ONE, L C:**  
**USE PERMITS** for the following: 1) reduce setbacks from a residential use; and 2) allow a service bay door facing a street without screening.  
**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) allow non-standard improvements (landscaping) in the right-of-way; and 2) reduce landscaping.  
**DESIGN REVIEW** for a vehicle wash facility (automobile) on 1.2 acres in a C-2 (General Commercial) Zone. Generally located on the north side of Desert Inn Road and the east side of Durango Drive within Spring Valley. RM/bb/syp (For possible action) **06/07/23 BCC**

**Held (5-0) at request of the applicant**

6. **ZC-23-0171-KKAZ, LLC:**  
**ZONE CHANGE** to reclassify 5.1 acres from an R-E (Rural Estates Residential) Zone to a C-1 (Local Business) Zone.  
**USE PERMIT** for a vehicle (automobile) wash.  
**WAIVER OF DEVELOPMENT STANDARDS** to allow alternative screening adjacent to a vehicle stacking lane.  
**DESIGN REVIEWS** for the following: 1) alternative parking lot landscaping; 2) vehicle wash; and 3) finished grade in the CMA Design Overlay District. Generally located on the east side of Durango Drive, 810 feet north of Robindale Road within Spring Valley. MN/md/syp (For possible action) **06/07/23 BCC**

Motion by: **Randy Okamura**

Action: **APPROVE** subject to staff conditions

Vote: 5-0/Unanimous

7. **VS-23-0172-KKAZ, LLC:**  
**VACATE AND ABANDON** easements of interest to Clark County located between Durango Drive and Cimarron Road, and between Robindale Road and Eldorado Lane (alignment) within Spring Valley (description on file). MN/md/syp (For possible action) **06/07/23 BCC**

Motion by: **Randy Okamura**

Action: **APPROVE** subject to staff conditions

Vote: 5-0/Unanimous

8. **TM-23-500046-KKAZ, LLC:**  
**TENTATIVE MAP** consisting of 1 commercial lot on 5.1 acres in a C-1 (Local Business) Zone in the CMA Design Overlay District. Generally located on the east side of Durango Drive, 810 feet north of Robindale Road within Spring Valley. MN/md/syp (For possible action) **06/07/23 BCC**

Motion by: **Randy Okamura**

Action: **APPROVE** subject to staff conditions

Vote: 5-0/Unanimous

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.

- **Dale Devitt commented that Planning and Zoning items should require a Traffic Study before an item is referred to the Town Advisory Board.**

IX. Next Meeting Date **May 30, 2023**

X Adjourment

Motion by **John Getter**

Action: **ADJOURN** meeting at 7:09 p.m.

Vote: 5-0 /Unanimous

DRAFT

SWAP MEET  
(TITLE 30)

SPRING MOUNTAIN RD/DUNEVILLE ST

**PUBLIC HEARING**

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-23-0165-BRUCE-ROCHELLE APARTMENT, LLC:**

**USE PERMIT** for a swap meet (outdoor).

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

**DESIGN REVIEW** for a swap meet in conjunction with a vehicle repair facility on 0.9 acres in a C-2 (General Commercial) Zone.

Generally located on the south side of Spring Mountain Road, 290 feet east of Duneville Street within Spring Valley. JJ/al/syp (For possible action)

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**RELATED INFORMATION:**

**APN:**

163-13-203-003

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Reduce parking to 38 spaces where a total of 54 spaces are required for a swap meet per Table 30.60.1 (a 29.6% reduction).
2. a. Waive parking lot landscaping where required per Figure 30.64-14 (a 100% reduction).  
b. Waive landscaping along a street where a minimum 15 foot wide landscape area is required behind an existing attached sidewalk per Section 30.64.030 (a 100% reduction).  
c. Waive landscaping adjacent to a less intense use where landscaping per Figure 30.64-11 is required (a 100% reduction).

**LAND USE PLAN:**

SPRING VALLEY - CORRIDOR MIXED-USE

**BACKGROUND:**

**Project Description**

**General Summary**

- Site Address: 5701 Spring Mountain Road
- Site Acreage: 0.9
- Project Type: Outdoor swap meet in conjunction with an existing vehicle repair facility
- Number of Stories: 1
- Building Height (feet): 17 (vehicle repair facility)/9 (swap meet booths)

- Square Feet: 6,888 (vehicle repair facility)/3,800 (swap meet)
- Parking Required/Provided: 54/38

### Site Plans

The site is developed as a vehicle repair facility that records indicate was originally constructed in 1971. Access to the site is provided by a driveway located on the northwestern portion of the site. The building for the repair facility is located on the northeastern portion of the site. Parking is located along the western property line, along the west side of the northern portion of the building adjacent to the office area, and to the south of the building. The southern portion of the building is the service bays for the repair facility, which are accessed by 2 roll-up doors on the west side of the building. The proposed swap meet will consist of 38 booths located along the west side of the service/repair portion of the building and to the south of the building. The plans show that 7 booths will block access to the service and repair area. The repair facility requires 38 parking spaces and the swap meet generates the need for an additional 16 spaces for a total of 54 spaces. The plan depicts a total of 38 spaces on the site when the swap meet is operating. To mitigate the reduced parking, the applicant states the swap meet will only operate on weekends and holidays when the repair facility is closed.

### Landscaping

Over time landscaping on the site has died out and/or been removed to the point that the site is not in compliance with current requirements for landscaping; therefore, the applicant is requesting to waive the landscaping requirements. The plan is depicting a landscape area on the northwestern portion of the site consisting of groundcover and artificial (metal) Saguaro Cacti. There is an existing landscape area located along the west side of the northern portion of the building adjacent to the office area consisting of shrubs and groundcover.

### Elevations

The existing building is 1 story with a maximum height of 17 feet. The building has a flat roof behind a parapet wall. The northern portion of the building (office area) is painted yellow, and the repair area is painted blue. The booths will consist of a 9 foot high fabric canopy supported by 4 posts with tables setup under the canopies. These booths will be set-up for the days the swap meet is in operation and removed at the end of each weekend/holiday operation.

### Floor Plans

The existing building has an area of 6,888 square feet consisting of office area, repair bays, and storage areas. The booths for the swap meet will each have an area of 100 square feet and the plans depict 38 booths for a total of 3,800 square feet.

### Signage

Signage is not a part of this request.

### Applicant's Justification

The applicant owns and operates the existing vehicle repair facility on the property and would like to use the site for a swap meet on weekends and holidays when the repair business is closed. The proposed swap meet will provide vendors a safe and secure location to sell goods, which will provide residents in the area with an additional retail service. The swap meet and repair

facility will not be in operation at the same time so the site will have adequate parking for each use. This is an older developed site, and it would be very costly to bring the property up to current Code standards for landscaping.

**Prior Land Use Requests**

| Application Number | Request   | Action         | Date         |
|--------------------|---|----------------|--------------|
| UC-0210-13         | Vehicle repair and tire sales and installation in conjunction with vehicles sales | Approved by PC | July 2013    |
| UC-1086-06         | Tire sales and installation in conjunction with a minor auto body shop - expired  | Approved by PC | October 2006 |
| UC-0719-06         | Minor auto body shop - expired  | Approved by PC | June 2006    |

**Surrounding Land Use**

|              | Planned land Use Category                           | Zoning District | Existing Land Use         |
|--------------|---|-----------------|---------------------------|
| North & West | Corridor Mixed-Use                                  | C-2             | Commercial center         |
| South        | Mid-Intensity Suburban Neighborhood (up to 8 du/ac) | R-1             | Single family residential |
| East         | Corridor Mixed-Use                                  | C-1             | Commercial center         |

**STANDARDS FOR APPROVAL:**

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

**Analysis  
Comprehensive Planning  
Use Permit**

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

The site is located along a portion of Spring Mountain Road that is a busy commercial corridor. There is an existing single family residential development to the south of this site; however, the impacts of the proposed swap meet to the residential development can be mitigated by restricting the hours of operation for the swap meet. Staff finds the proposed use is compatible with existing uses in the area and that the location is appropriate for the use.

**Waivers of Development Standards**

According to Title 30, the applicant shall have the burden of proof to establish that the proposed request is appropriate for its existing location by showing that the uses of the area adjacent to the property included in the waiver of development standards request will not be affected in a substantially adverse manner. The intent and purpose of a waiver of development standards is to

modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative.

#### Waiver of Development Standards #1

The applicant is proposing to establish a swap meet on this property on weekends and holidays when the existing vehicle repair business is closed. Code requires that parking be provided for all uses on the property as if all of the uses are in operation at the same time. Based on this standard the site would require an additional 16 parking spaces, which is the reason for the request to reduce parking for the property by 29.6%. With the 2 uses operating at different times, the site will have adequate parking for each use. Therefore, staff can support the request for a parking reduction with a condition that the uses not be in operation at the same time.

#### Waiver of Development Standards #2 and Design Review

Over time landscaping on the site has died out and/or been removed to the point that the site is not in compliance with Code for landscaping. Since the repair facility was approved, Code standards have been changed to require additional landscaping along streets and in parking areas. Because existing landscaping has been removed creating a noncompliance issue for the property, the site is required to be brought into conformance with current Code standards for landscaping and it is the request for the swap meet that has brought this situation to the attention of staff. The applicant is not proposing to provide additional landscaping with this project. Staff understands that it would be a costly endeavor to bring the site up to current Code standards, and that there are other existing commercial developments abutting this site that do not comply with the most current development standards for landscaping and screening. However, this site is located in an area that is at midlevel heat vulnerability and landscaping was removed and not replaced on the site. Staff could support a waiver request to provide some landscaping as an alternative to bringing the site up to current development standards. A review of the site plan and aerial photographs indicates that there are locations on the site where landscaping could be provided that would not interfere with the proposed site layout for the swap meet. Landscape areas for trees could be provided on the northwest, southwest, and southeast corners of the site. Additionally, landscaping areas could be provided along the east property line south of the building and to the north of the building along the street. Providing landscaping in these areas would help to improve the heat vulnerability of the area. Additionally, the adjacent developments to the east, west, and across the street to the north have provided landscaping along the street. Providing landscaping along the street would give the area a more uniform streetscape, which would improve the appearance of this site and the community. Therefore, staff does not support these waivers and since staff is not supporting these waivers staff cannot support the design review for the swap meet.

#### **Staff Recommendation**

Approval of the use permit and waiver of development standards #1; denial of waiver of development standards #2 and the design review.

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

## **PRELIMINARY STAFF CONDITIONS:**

### **Comprehensive Planning**

If approved:

- The swap meet and repair facility are not to operate at the same times;
- Hours of operation for the swap meet are limited to weekends and holidays from 8:00 a.m. to 7:00 p.m.;
- No outside storage of the booths and related goods when the swap meet is not operating;
- Plant a minimum of 5, fifteen gallon medium trees per the Southern Nevada Regional Planning Coalition Regional Plant List on the northwestern portion of the site.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a 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**

- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Spring Mountain Road improvement project.
- Applicant is advised that off-site improvement permits may be required.

### **Fire Prevention Bureau**

- No comment.

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

- Applicant is advised to contact the SNHD Environmental Health Division at [epitics@snhd.org](mailto:epitics@snhd.org) or (702) 759-0660 to obtain written approval for a Tenant Improvement, so that SNHD may review the impact of the proposed use on the existing Individual Sewage Disposal (Septic) System.

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

- No comment.

**TAB/CAC:** Spring Valley - approval.

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** MIN KIM

**CONTACT:** MIN KIM, LEE AUTO, 5701 SPRING MOUNTAIN ROAD, LAS VEGAS, NV 89146





06/07/23 BCC AGENDA SHEET

VEHICLE WASH  
(TITLE 30)

DURANGO DR/DESERT INN RD

PUBLIC HEARING  
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST  
UC-23-0182-WOW BUILD CO. ONE, L C:

USE PERMITS for the following: 1) reduce setbacks from a residential use, and 2) allow a service bay door facing a street without screening.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) allow non-standard improvements (landscaping) in the right-of-way; and 2) reduce landscaping.

DESIGN REVIEW for a vehicle (automobile) wash facility on 1.2 acres in a C-2 (General Commercial) Zone.

Generally located on the north side of Desert Inn Road and the east side of Durango Drive within Spring Valley. RM/bb/syp (For possible action)

RELATED INFORMATION:

**APN:**  
163-09-412-006

**USE PERMITS:**

1. Reduce the setback of a vehicle (automobile) wash from a residential use to 137 feet where a minimum of 200 feet is required per Table 30.44-1 (a 32% reduction).
2. Allow a service bay door facing a street without screening where screening is required per Table 30.44-1.

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Allow non-standard improvements (existing landscaping) within the right-of-way (Durango Drive).
2. Reduce the required number of trees within street landscaping where the number of trees is required per Section 30.64.030.

**LAND USE PLAN:**  
SPRING VALLEY - CORRIDOR MIXED-USE

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

- Site Address: 8580 W. Desert Inn Road
- Site Acreage: 1.2

- Project Type: Vehicle wash
- Number of Stories: 1
- Building Height (feet): 31
- Square Feet: 4,814 (building)/4,129 (vacuum canopy)/1,293 (pay canopy)
- Parking Required/Provided: 1,004/1,414 (entire shopping center); 5/6 (pad site)

### Site Plan

The plan depicts a vehicle wash on 1.2 acres that will replace an existing bank building at the corner of Durango Drive and Desert Inn Road in Spring Valley. The proposed vehicle wash is located on the west portion of the pad site, adjacent to the street landscaping. A vacuum canopy is located on the east side of the building, and a pay canopy is located on the east side of the vacuum canopy. There are 17 dedicated vacuum spaces and 6 parking spaces, including a van accessible space between the building and the queuing lanes. Vehicle entry is from the north and the 3 queuing lanes travel south to the pay station. The 3 entry lanes converge into a single lane parallel to Desert Inn Road and extend to the entrance to the vehicle wash at the southwest corner of the property. Vehicles exit the wash at the northwest corner of the property then move east and south to enter the vacuum canopy area and 30 foot wide drive aisle. Access to the site is from Durango Drive, following a 115 foot long area of curb and landscaping separating the drive aisle and the pad site, to the on-site driveway entrance at the northeast corner of the property. There is an existing driveway from Desert Inn Road, just east of the vehicle wash.

### Landscaping

The plans depict existing attached sidewalks adjacent to Durango Drive and Desert Inn Road with 17 feet of landscaping adjacent to Durango Drive and 15 feet of landscaping adjacent to Desert Inn Road. Two trees are provided on Durango Drive where 8 large trees are required. Five trees are provided on Desert Inn Road where 7 trees are required. The trees along Desert Inn Road are not located in front of the entrance of the service bay, which necessitates the waiver for screening the service bay from the street. The plans indicate a screen wall will be placed within the landscaping area along Desert Inn Road, in order to screen the entrance.

### Elevations

The plans depict a 31 foot high structure for the vehicle wash, composed of EIFS siding, decorative metal accents, and pacific clay thin lined brick façade treatments. Mechanical units are roof mounted with screening behind a parapet wall at 23 feet in height. Aluminum glazed storefront and entry are located at the southeast corner of the vehicle wash building. The vacuum canopy is 11 feet high and projects 10 feet inward to the interior access drive from both sides. The pay canopy is designed to cover the pay stations from direct sunlight.

### Floor Plan

The plan depicts a vehicle wash tunnel, restroom, office, vending area, equipment room and electrical room. The customer service entrance area is located on the southeast corner of the building.

### Signage

Signage is not a part of this request.

### Applicant's Justification

The applicant is proposing a water efficient and environmentally friendly vehicle wash at the northeast corner of Durango Drive and Desert Inn Road. The vehicle wash will not increase the traffic flow in the area and an adequate queuing lane is provided for vehicles entering the vehicle wash area. The facility has internal space for more than 30 vehicles to wait in-line for a wash or vacuum. Existing landscaping is kept along Durango Drive and Desert Inn Road, with new landscaping added along the east property line. A 3 foot wall is proposed as screening at the south end of the service bay door. The design of the building and site is similar to other WOW style car washes in the City and County. There is adequate parking proposed for employees and 17 vacuum spaces provided.

### **Prior Land Use Requests**

| <b>Application Number</b> | <b>Request</b>  | <b>Action</b>   | <b>Date</b>   |
|---------------------------|---|-----------------|---------------|
| UC-0388-13                | Reduced the separation from an on-premises consumption of alcohol establishment (supper club and brew pub) to a residential use - expired | Approved by PC  | August 2013   |
| DR-0510-11                | New bank building   | Approved by PC  | December 2011 |
| DR-1490-98 (ET-0354-00)   | Second extension of time for a shopping center subject to 2 additional years to commence  | Approved by PC  | October 2000  |
| DR-1490-98 (ET-0393-99)   | First extension of time for a shopping center subject to 1 additional year to commence  | Approved by PC  | November 1999 |
| DR-1490-98                | Shopping center   | Approved by PC  | October 1998  |
| ZC-1270-97                | Reclassified the site from R-E to C-2 zoning  | Approved by BCC | August 1997   |

### **Surrounding Land Use**

|              | <b>Planned Land Use Category</b> | <b>Zoning District</b> | <b>Existing Land Use</b>   |
|--------------|----------------------------------|------------------------|--|
| North & East | Corridor Mixed-Use               | C-2                    | Commercial buildings within portions of the same shopping center |
| South        | Open Lands                       | P-F                    | Desert Breeze Park soccer fields                                 |
| West         | City of Las Vegas                | R-CL                   | Single family residential  |

### **STANDARDS FOR APPROVAL:**

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

### **Analysis**

#### **Comprehensive Planning**

#### **Use Permits**

A use permit is a discretionary land use application that is considered on a case by case basis in consideration of Title 30 and the Master Plan. One of several criteria the applicant must establish

is that the use is appropriate at the proposed location and demonstrate the use shall not result in a substantial or undue adverse effect on adjacent properties.

#### Waivers of Development Standards

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

#### Use Permit #1

Durango Drive is located within the separation distance between the single family residential development and the vehicle wash building. The 100 foot arterial street will provide an adequate buffer so that the vehicle wash will not negatively impact the residential use to the west. Staff can support this request.

#### Use Permit #2 & Waiver of Development Standards #2

Master Plan Policy 1.4.5 buffers and transitions supports standardized requirements for buffers and development transitions to mitigate the impacts of higher intensity uses. The vehicle wash is a higher intensity use than the previous bank and should meet minimum buffering standards, including the correct number of trees and screening. The wall is 3 feet high, and the street is higher than the finished grade of the vehicle wash which provides screening. While staff could support the waiver for screening the service bay, the applicant has not indicated why additional trees cannot be provided along the street frontages. The trees will help screen the vacuum areas from Desert Inn Road, provide an aesthetically pleasing streetscape and reduce the heat island effect. Staff cannot support these requests.

#### Design Review

Staff agrees the vehicle wash is an appropriate use at this location and does accommodate appropriate space for access and on-site vacuum facilities. Staff can support the design review, provided appropriate landscaping is planted along the street frontages.

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

##### Waiver of Development Standards #1

The applicant is responsible for maintenance and up-keep of any non-standard improvement; the County will not maintain any landscaping placed in the right-of-way. Staff can support waiver of development standards #1 but the applicant must execute and sign a License and Maintenance Agreement for any non-standard improvements within the right-of-way.

#### **Staff Recommendation**

Approval of use permit #1, waiver of development standards #1, and design review; denial of use permit #2 and waiver of development standards #2.

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

**PRELIMINARY STAFF CONDITIONS:**

**Comprehensive Planning**

If approved:

- Shrubs shall be maintained on the street side of the screen wall within the landscaped area along Desert Inn Road;
- A decorative finish shall be applied to the screen wall along Desert Inn Road and shall be decorative and consist of colors to match the shopping center;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 2 years of approval date or it will expire.

**Public Works - Development Review**

- Drainage study and compliance;
- Traffic study and compliance;
- Execute a License and Maintenance Agreement for any non-standard improvements within the right-of-way.

**Fire Prevention Bureau**

- No comment.

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

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email [sewerlocation@cleanwaterteam.com](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0143-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:** Spring Valley - approval.

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** WOW BUILD CO. ONE, LLC

**CONTACT:** PARKER SIECK, 1980 FESTIVAL PLAZA DRIVE, SUITE 650, LAS VEGAS, NV 89135



RIGHT-OF-WAY/EASEMENTS  
(TITLE 30)

SUNSET RD/QUARTERHORSE LN

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST  
**ET-23-400045 (VS-21-0644)-SUNSET INTERCHANGE, LLC:**

**VACATE AND ABANDON FIRST EXTENSION OF TIME** for easements of interest to Clark County located between Sunset Road and Wagon Trail Avenue, and between Quarterhorse Lane and Dapple Gray Road, a portion of a right-of-way being Sunset Road located between Quarterhorse Lane and Dapple Gray Road, and a portion of Wagon Trail Avenue between Quarterhorse Lane and Dapple Gray Road within Spring Valley (description on file). JJ/mh/syp (For possible action)

RELATED INFORMATION:

**APN:**  
176-05-101-003; 176-05-101-004

**LAND USE PLAN:**  
SPRING VALLEY - CORRIDOR MIXED-USE

**BACKGROUND:**

**Project Description**

VS-21-0644 was approved to vacate and abandon a 5 foot wide portion of right-of-way being Sunset Road from the intersection of Dapple Gray Road and Sunset Road in an easterly direction approximately 284 feet. In addition, the previous request included a 30 foot wide portion of Wagon Trail Avenue starting at the intersection of Quarterhorse Lane and Wagon Trail Avenue and extending approximately 300 feet in a westerly direction and terminating in a radius cul-de-sac. A 20 foot wide easement (BLM right-of-way grant) located along the northern portion of APN 176-05-101-004 was also a part of VS-21-0644. The applicant states that due to surrounding development, these easements and right-of-way are no longer needed.

**Previous Conditions of Approval**

Listed below are the approved conditions for VS-21-0644:

**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**

- Drainage study and compliance;
- Right-of-way dedication to include 55 feet to back of curb for Sunset Road and associated spandrel;
- Coordinate with Public Works - Traffic Management Division - Anthony Ramos;
- Dedicate any required right-of-way and easements for the Traffic Signal improvement project;
- Coordinate with Public Works - Design Division for the Sunset Road improvement project;
- Dedicate any right-of-way and easements necessary for the Sunset Road improvement project;
- 30 days to submit a Separate Document to the Map Team for the required right-of-way dedications and any corresponding easements for any collector street or larger and for the above mentioned projects;
- 90 days to record required right-of-way dedications and any corresponding easements for any collector street or larger and for the above mentioned projects;
- Vacation to be recordable prior to building permit issuance or applicable map submittal;
- Revise legal description, if necessary, prior to recording.
- Applicant is advised that the installation of detached sidewalks will require the recordation of this vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

Applicant's Justification

The prior approval was to vacate 5 feet on Sunset Road APN 176-05-101-003 to comply with detached sidewalk requirements. Also, there is a 20 foot BLM right-of-way grant APN 176-05-101-004 that needs to be vacated. In addition, SD-21-990026 has been filed and recorded. This request to vacate the portion of right-of-way and the easement were requested by the Clark County Map Team under MSM-21-600033. This vacation and abandonment request needs to remain active in order for the parcel map to be approved and recorded.

**Prior Land Use Requests**

| Application Number | Request  | Action          | Date       |
|--------------------|--|-----------------|------------|
| NZC-21-0727        | Reclassified 4.8 acres from C-1 and C-2 to R-2 zoning with a design review for single family residential development   | Approved by BCC | March 2022 |
| TM-21-500204       | 38 residential lots on 4.8 acres in R-2 zoning   | Approved by BCC | March 2022 |
| VS-21-0722         | Vacated and abandoned portions of right-of-way being Wagon Trail Avenue between Quarterhorse Lane and Dapple Gray Road | Approved by BCC | March 2022 |



**Prior Land Use Requests**

| Application Number | Request  | Action          | Date           |
|--------------------|--|-----------------|----------------|
| VS-21-0644         | Vacated and abandoned portions of right-of-way being Sunset Road and easements | Approved by PC  | December 2021  |
| VS-18-0536         | Vacated and abandoned easements and right of way - expired                     | Approved by PC  | September 2018 |
| UC-0917-08         | Assisted living facility - expired   | Approved by BCC | November 2008  |
| ZC-1549-02         | Reclassified 5 acres from R-E to C-2 zoning for a future retail complex        | Approved by BCC | December 2002  |

**Surrounding Land Use**

|       | Planned Land Use Category                           | Zoning District | Existing Land Use                       |
|-------|---|-----------------|---|
| North | Public Use  | C-1 & C-2       | Southern Hills Hospital                 |
| South | Mid-Intensity Suburban Neighborhood (up to 8 du/ac) | R-2             | Single family residential & undeveloped |
| East  | Mid-Intensity Suburban Neighborhood (up to 8 du/ac) | R-4             | Multiple family residential             |
| West  | Corridor Mixed-Use                                  | C-2             | Shopping center                         |

**STANDARDS FOR APPROVAL:**

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

**Analysis**

**Comprehensive Planning**

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

**Public Works - Development Review**

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

**Staff Recommendation**

Approval,

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

**PRELIMINARY STAFF CONDITIONS:**

**Comprehensive Planning**

- Until December 21, 2025 to record.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that re-approval by the utility companies is required.

**Public Works - Development Review**

- Compliance with previous conditions.

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

- No comment.

**TAB/CAC:**

**APPROVALS:**

**PROTEST:**

**APPLICANT:** SUNSET INTERCHANGE, LLC

**CONTACT:** REITZ CONSULTING INC, 3203 E. WARM SPRINGS RD, STE 400, LAS VEGAS, NV 89120



# VACATION APPLICATION

## DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

|  |                       |   |                                 |
|--|-----------------------|---|---------------------------------|
| <b>APPLICATION TYPE</b>  | <b>DEPARTMENT USE</b> | APP. NUMBER: <u>ET-23-400045</u>  | DATE FILED: <u>04/12/2023</u>   |
| <input type="checkbox"/> VACATION & ABANDONMENT (vs)<br><input type="checkbox"/> EASEMENT(S)<br><input type="checkbox"/> RIGHT(S)-OF-WAY<br><input checked="" type="checkbox"/> EXTENSION OF TIME (ET)<br>(ORIGINAL APPLICATION #):<br><br><u>VS-21-0644</u> |                       | PLANNER ASSIGNED: <u>MH</u><br>TAB/CAC: <u>Spring Valley</u><br>PC MEETING DATE: <u>06/20/2023</u><br>BCC MEETING DATE: _____<br>FEE: <u>\$ 300</u> | TAB/CAC DATE: <u>05/30/2023</u> |

|                       |   |
|-----------------------|---|
| <b>PROPERTY OWNER</b> | NAME: <u>SUNSET INTERCHANGE LLC</u>   |
|                       | ADDRESS: <u>9500 HILLWOOD DRIVE #201</u><br>CITY: <u>LAS VEGAS</u> STATE: <u>NV</u> ZIP: <u>89134</u><br>TELEPHONE: <u>702.823.2300</u> CELL: <u>N/A</u><br>E-MAIL: <u>KROOHANI@GMAIL.COM</u> |

|                  |  |
|------------------|--|
| <b>APPLICANT</b> | NAME: <u>SUNSET INTERCHANGE LLC</u>  |
|                  | ADDRESS: <u>9500 HILLWOOD DRIVE #201</u><br>CITY: <u>LAS VEGAS</u> STATE: <u>NV</u> ZIP: <u>89134</u><br>TELEPHONE: <u>702.823.2300</u> CELL: _____<br>E-MAIL: <u>KROOHANI@GMAIL.COM</u> REF CONTACT ID #: <u>178612</u> |

|                      |  |
|----------------------|--|
| <b>CORRESPONDENT</b> | NAME: <u>REITZ CONSULTING, INC. - ERIC REITZ</u>   |
|                      | ADDRESS: <u>3203 E. WARM SPRINGS ROAD #400</u><br>CITY: <u>LAS VEGAS</u> STATE: <u>NV</u> ZIP: <u>89120</u><br>TELEPHONE: <u>702.521.3355</u> CELL: _____<br>E-MAIL: <u>eric.rietz@rietzconsulting.com</u> REF CONTACT ID #: <u>136579</u> |

ASSESSOR'S PARCEL NUMBER(S): 176-05-101-003 & 004

PROPERTY ADDRESS and/or CROSS STREETS: QUARTERHORSE LANE / SUNSET ROAD

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 herelo, 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.

SEE ATTACHED

Property Owner (Signature)\*

Property Owner (Print)

STATE OF NEVADA  
COUNTY OF \_\_\_\_\_

SUBSCRIBED AND SWORN BEFORE ME ON \_\_\_\_\_ (DATE)

By \_\_\_\_\_

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.





# LAND USE APPLICATION

## DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

|  |                       |   |
|--|-----------------------|---|
| <b>APPLICATION TYPE</b><br><br><input type="checkbox"/> TEXT AMENDMENT (TA)<br><input type="checkbox"/> ZONE CHANGE<br><input type="checkbox"/> CONFORMING (ZC)<br><input type="checkbox"/> NONCONFORMING (Nzc)<br><input type="checkbox"/> USE PERMIT (UC)<br><input type="checkbox"/> VARIANCE (VC)<br><input type="checkbox"/> WAIVER OF DEVELOPMENT STANDARDS (WS)<br><input type="checkbox"/> DESIGN REVIEW (DR)<br><input type="checkbox"/> ADMINISTRATIVE DESIGN REVIEW (ADR)<br><input type="checkbox"/> STREET NAME / NUMBERING CHANGE (SC)<br><input type="checkbox"/> WAIVER OF CONDITIONS (WC)<br><br>_____<br>(ORIGINAL APPLICATION #)<br><br><input type="checkbox"/> ANNEXATION REQUEST (ANX)<br><input checked="" type="checkbox"/> EXTENSION OF TIME (ET)<br>VS-21-0644<br>_____<br>(ORIGINAL APPLICATION #)<br><br><input type="checkbox"/> APPLICATION REVIEW (AR)<br><br>_____<br>(ORIGINAL APPLICATION #) | <b>STAFF</b>          | APP. NUMBER: _____ DATE FILED: _____<br>PLANNER ASSIGNED: _____<br>TAB/CAC: _____ TAB/CAC DATE: _____<br>PC MEETING DATE: _____<br>BCC MEETING DATE: _____<br>FEE: _____  |
|  | <b>PROPERTY OWNER</b> | NAME: <u>SUNSET INTERCHANGE LLC</u><br>ADDRESS: <u>9500 HILLWOOD DRIVE #201</u><br>CITY: <u>LAS VEGAS</u> STATE: <u>NV</u> ZIP: <u>89134</u><br>TELEPHONE: <u>702.823.2300</u> CELL: <u>N/A</u><br>E-MAIL: <u>KROOHANI@GMAIL.COM</u>  |
|  | <b>APPLICANT</b>      | NAME: <u>SUNSET INTERCHANGE LLC</u><br>ADDRESS: <u>9500 HILLWOOD DRIVE #201</u><br>CITY: <u>LAS VEGAS</u> STATE: <u>NV</u> ZIP: <u>89134</u><br>TELEPHONE: <u>702.823.2300</u> CELL: <u>N/A</u><br>E-MAIL: <u>KROOHANI@GMAIL.COM</u> REF CONTACT ID #: _____                            |
|  | <b>CORRESPONDENT</b>  | NAME: <u>RIETZ CONSULTING, INC. - ERIC RIETZ</u><br>ADDRESS: <u>3203 E. WARM SPRINGS ROAD #400</u><br>CITY: <u>LAS VEGAS</u> STATE: <u>NV</u> ZIP: <u>89120</u><br>TELEPHONE: <u>702.521.3355</u> CELL: <u>N/A</u><br>E-MAIL: <u>KROOHANI@GMAIL.COM</u> REF CONTACT ID #: <u>136579</u> |

ASSESSOR'S PARCEL NUMBER(S): 176-05-101-003 & 004

PROPERTY ADDRESS and/or CROSS STREETS: QUARTERHORSE LANE / SUNSET ROAD

PROJECT DESCRIPTION: COMMERCIAL

(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.

|  |   |
|--|---|
| <br>_____<br>Property Owner (Signature)*<br>STATE OF <u>NEVADA</u><br>COUNTY OF <u>CLARK</u><br>SUBSCRIBED AND SWORN BEFORE ME ON <u>APRIL 5, 2023</u> (DATE)<br>By <u>KHUSROW ROOHANI</u> <u>MANAGER</u><br>NOTARY PUBLIC: <u>Dorothy Grace Shoen</u> | <u>KHUSROW ROOHANI, MGR</u><br>Property Owner (Print) |
| <br><b>DOROTHY GRACE SHOEN</b><br>NOTARY PUBLIC<br>STATE OF NEVADA<br>APPT. NO. 96-5387-1<br>MY APPT. EXPIRES DECEMBER 11, 2024  |   |

\*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.





April 11, 2023

ET-23-400045

Clark County Development Services  
Comprehensive Planning Department  
500 Grand Central Parkway  
Las Vegas, NV 89155

RE: Quarterhorse and Sunset APN # 176-05-101-003 & 004 Vacation of BLM Right-of-Way Grant and Public Right-of-Way.

Dear County Planning Staff,

Please accept this application for an EOT (Extension of Time) that is due to expire on December 21, 2023.

The prior approval was on December 30, 2021 to vacate 5 feet on Sunset Road on parcel: 176-05-101-003 to comply with detached sidewalk requirements. Also, there is a 20-foot BLM Right-of-Way Grant on parcel: 176-05-101-004 that needs to be vacated. In addition, an SD-21-990026 has been filed and recorded

Both of these vacations were comments from Clark County Map Team, Right of Way under MSM-21-600033. Furthermore, we feel that this current vacation will soon expire before we can get the parcel map approved and recorded. Therefore, we are respectfully requesting an extension of time.

If you have any questions, please give me a call at 702-521-3355 or email at [eric.rietz@rietzconsulting.com](mailto:eric.rietz@rietzconsulting.com)

Thank you,

A handwritten signature in black ink, appearing to read 'Eric Rietz', written over a light blue horizontal line.

Eric Rietz, PE, PLS

Rietz Consulting Inc., 3203 E. Warm Springs Road #400, Las Vegas, NV 89120





MINOR TRAINING FACILITY  
(TITLE 30)

JONES BLVD/ELDORA AVE

**PUBLIC HEARING**

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-23-0156-EVROTAS INVESTMENTS LLC ETAL & 12 KP FAMILY TRUST  
EXEMPTION TRUST:**

**USE PERMIT** to allow a minor training facility in conjunction with an existing office building on 1.9 acres in a C-P (Office and Professional) Zone.

Generally located on the west side of Jones Boulevard and the north side of Eldora Avenue within Spring Valley. JJ/hw/syp (For possible action)

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**RELATED INFORMATION:**

**APN:**

163-11-507-015

**LAND USE PLAN:**

SPRING VALLEY - NEIGHBORHOOD COMMERCIAL

**BACKGROUND:**

**Project Description**

**General Summary**

- Site Address: 2675 S. Jones Boulevard
- Site Acreage: 1.9
- Project Type: Minor training facility (driving school)
- Building Height (feet): 35
- Square Feet: 1,176
- Parking Required/Provided: 94/100

**Site Plan**

The provided site plan shows a 2 story, 31,700 square foot office building located in the central portion of the site. The site is located at the northwest corner of Jones Boulevard and Eldora Avenue with the office building originally approved via ZC-1906-94 and DR-0584-96, and subsequent modifications to site landscaping and covered carports added with DR-1684-97. The proposed minor training facility will be located in a suite on the first floor in the rear central portion of the building. The plans show that parking is located to the east of the building with additional covered and uncovered parking located to the north and northwest of the office building. Overall, 94 parking spaces are required with 90 spaces required for the offices per the original Title 29 requirements for the building and 4 spaces required for the minor training facility based on today's Title 30 requirements. There are 100 parking spaces provided

throughout the site. To the west of the existing office building is a single family residence located on the same property that has been the subject of several attempts to convert the structure into another office building, most recently through ZC-1395-99. Access to the site is provided through a commercial driveway along Jones Boulevard and another commercial driveway along Eldora Avenue.

#### Landscaping

No changes to the existing landscaping are proposed with this request. The landscape plans provided show the existing landscaping to consist of street landscaping along Jones Boulevard and Eldora Avenue. The landscape strip along Jones Boulevard appears to be 10 feet wide and consists of small palms and shrubs with several small boulders for decoration. Along Eldora Avenue, the landscaping strip appears to be 20 feet wide with several small and large palms with a mesquite tree. Parking lot landscaping is primarily provided through planters along the front of the office building, which contain several shrubs and tall palms.

#### Elevations

The elevations provided show a 35 foot, 2 story office building. The exterior of the building consists primarily of white colored painted stucco. Beige colored stucco pop-outs are provided along the story separation line. The roofline varies with cornices, pop-outs, and parapets that extend upward. The first story of the building contains typical commercial window/door systems for entry into the building, while regular commercial windows and lighting fixtures are provided around the building on the second story.

#### Floor Plans

The provided floor plans show a typical 1,176 square foot office lease space. The overall area is dominated by a 544 square foot training area located in the eastern portion of the suite that will be used for classroom space. The remainder of the area is dedicated to 4 office spaces in the northern and western portion of the suite that range in size from 98 square feet up to 157 square feet. A 148 square foot reception area is located at the entrance to the suite.

#### Signage

Signage is not a part of this request.

#### Applicant's Justification

The applicant states that they have been operating for 31 years and are in the process of moving their operation to the subject site. The proposed minor training facility will be used to aid teen drivers in obtaining the 30 hours of training required by the Nevada Department of Motor Vehicles in order to earn their drivers' license. They state that a maximum of 12 students will be on-site per class. Classes will be held on weekends during the school year from 9:00 a.m. to 5:00 p.m. and from 9:00 a.m. to 3:30 p.m. when school is not in session during the summer months. The applicant also states that behind-the-wheel training is also offered every day to teens and adults, but no cars or students associated with this particular training will take place at the subject site. All students will be dropped off and there is sufficient parking and stacking space on-site.

### Prior Land Use Requests

| Application Number         | Request  | Action            | Date           |
|----------------------------|--|-------------------|----------------|
| ZC-1906-94<br>(WC-0018-01) | Waive the conditions of a zone change requiring opaque second story windows and increased wall height on the north and west property lines | Denied by BCC     | February 2000  |
| ZC-1395-99                 | Reclassified the portion of the site with the residence from an R-E zone to a C-P zone for an office building – expired                    | Held Indefinitely | May 2000       |
| DR-1684-97                 | New landscaping and covered carport in conjunction with an existing office building  | Approved by BCC   | January 1998   |
| UC-1451-97                 | Employment agency in an existing office building – expired   | Approved by PC    | September 1997 |
| SC-0273-97                 | Changed the name of Eldora Street to Eldora Avenue   | Approved by BCC   | April 1997     |
| VC-0921-96                 | Reduce minimum lot size in R-E and allow parking lot in an R-E zone  | Denied by BCC     | August 1996    |
| DR-0584-96                 | Multiple story office building complex   | Approved by PC    | May 1996       |
| ZC-1906-94                 | Reclassified the site from R-E to C-P zoning for an office building complex with setback reductions  | Approved by BCC   | February 1995  |
| VS-0591-94                 | Vacated and abandoned government patent easements – recorded   | Approved by BCC   | July 1994      |

### Surrounding Land Use

|              | Planned Land Use Category                    | Zoning District | Existing Land Use                                |
|--------------|--|-----------------|--|
| North & West | Ranch Estate Neighborhood<br>(up to 2 du/ac) | R-E (RNP-I)     | Single family residential                        |
| South        | Neighborhood Commercial                      | C-P & R-E       | Retail/office center & single family residential |
| East         | Neighborhood Commercial                      | C-P             | Retail/office center                             |

### STANDARDS FOR APPROVAL:

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

#### Analysis

#### Comprehensive Planning

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

While staff finds that any proposed training facility has the potential to create a noise problem and nuisance to the surrounding area, given that the nature of the training occurring at the site is

classroom and test based, staff does not foresee any major issues with the use at this location, as the use of the location as a classroom should not create any additional noise or nuisances beyond that typical of the other offices on the site. In addition, the site appears to have sufficient parking, since many of the classes will occur on the weekends when the other offices are closed, the classes do coincide with the other offices being open, and the number of students on-site should not pose a significant burden on parking as the nature of the training requires many of the students to be picked-up and dropped-off. Staff does have some concerns regarding possible stacking in the drive aisles but given the set-up of the parking lot there should be plenty of space for minor stacking since most people arriving to the site will be those related to the minor training facility and should not impact the other users of the site. The other issue staff has is the potential for the surrounding area being used for test driving and behind-the-wheel lessons, as staff finds that given the high number of RNP residential properties in the area surrounding the training facility, such use of the local residential roads in those neighborhoods would not be compatible with the goals of the RNP neighborhoods. As a result, staff can only support this request, so long as such behind-the-wheel training does not occur in these neighborhoods. With that said, overall, staff finds that the use is in harmony with the surrounding area and uses, and the applicant seems to have addressed possible traffic and circulation issues on the site; therefore, staff can support this use permit.

### **Staff Recommendation**

Approval.

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

### **PRELIMINARY STAFF CONDITIONS:**

#### **Comprehensive Planning**

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

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

- No comment.

#### **Fire Prevention Bureau**

- No comment.

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

- Applicant is advised to contact the SNHD Environmental Health Division at [septics@snhd.org](mailto:septics@snhd.org) or (702) 759-0660 to obtain written approval for a Tenant Improvement, so that SNHD may review the impact of the proposed use on the existing Individual Sewage Disposal (Septic) System.

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

- Applicant is advised that the property appears to have an existing septic system; and to please contact the Southern Nevada Health District when modifying existing plumbing fixtures.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** CLEMOS KELLY

**CONTACT:** CLEMOS KELLY, A SAFEWAY DRIVING SCHOOL, 2675 S. JONES BLVD., SUITE 107, LAS VEGAS, NV 89146



PLACE OF WORSHIP  
(TITLE 30)

GRAND CANYON DR/RUSSELL RD

PUBLIC HEARING  
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST  
UC-23-0201-ZIV, LLC:

USE PERMITS for the following: 1) place of worship; and 2) school (pre-school).  
WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) landscaping; and 2) signage.  
DESIGN REVIEWS for the following: 1) a place of worship with daycare and pre-school facilities; and 2) a comprehensive sign plan on 0.3 acres in a C-1 (Local Business) Zone.

Generally located 200 feet west of Grand Canyon Drive, 500 feet north of Russell Road within Spring Valley. JJ/al/syp (For possible action)

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RELATED INFORMATION:

APN:  
163-30-418-006

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. a. Waive requirements for a landscape buffer adjacent to a less intense use (west property line) for Phase 1 of the development where landscaping per Figure 30.64-11 is required.
- b. Permit an alternative design for a landscape buffer adjacent to a less intense use (west property line) for Phase 2 of the development where landscaping per Figure 30.64-11 (use of large deciduous trees instead of large Evergreen trees) is required.
2. a. Permit temporary signs affixed to the sides of the building for Phase 1 of the development where not permitted per Chapter 30.72.
- b. Permit a roof sign for Phase 2 of the development where not permitted per Chapter 30.72.

**LAND USE PLAN:**  
SPRING VALLEY - CORRIDOR MIXED-USE

**BACKGROUND:**

**Project Description**  
General Summary

- Site Address: N/A
- Site Acreage: 0.3
- Project Type: Place of worship with daycare and pre-school constructed in 2 phases

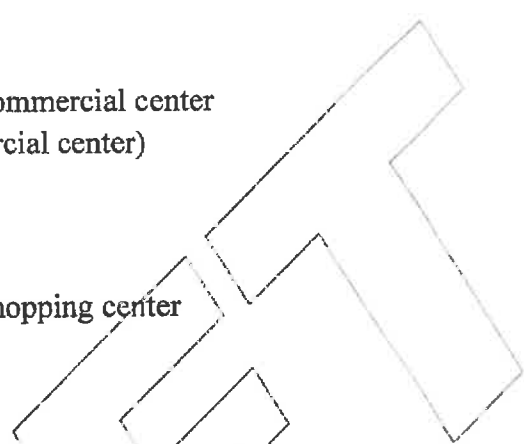
### Phase 1

- Number of Stories: 1
- Building Height (feet): 12
- Square Feet: 1,289 place of worship/23,076 commercial center
- Parking Required/Provided: 153/172 (commercial center)

### Phase 2

- Number of Stories: 1
- Building Height (feet): 22
- Square Feet: 6,954 place of worship/28,741 shopping center
- Parking Required/Provided: 159/171

### Site Plan



The proposed project is located on a pad site on the northwest corner of an existing commercial center. The commercial center is on approximately 4.5 acres at the northwest corner of Grand Canyon Drive and Russell Road with access to the commercial center provided by existing driveways on the 2 streets. The applicant is proposing to develop the project in 2 phases over a period of 3 years. Phase 1 will consist of the installation of a modular building for the use of the place of worship located on the southern portion of the parcel. The modular building will be set back 16 feet from the west property line, 12 feet from the south property line, 32 feet from the east property line, and 110 feet from the north property line. Additional area for the drive aisle will be constructed abutting the existing drive aisle to the south. This will leave the majority of the parcel vacant to allow of the construction of a new building for Phase 2. The Phase 2 building will be located 10 feet from the west property line, 11 feet from the north property line, 10 feet from the east property line, and 39 feet from the south property line. The modular building will be removed with the completion of the Phase 2 building and 7 parking spaces, including 2 handicapped spaces, will be located to the south of the Phase 2 building, and the new drive aisle will remain as constructed in Phase 1. The Phase 2 building will consist of a place of worship with a daycare and pre-school facility. With the completion of the Phase 2 building the commercial center will meet the definition of a shopping center per Chapter 30.08 which changes the parking requirements for each individual use per Table 30.60-1 to 5.5 spaces per 1,000 square feet for all uses within the shopping center. An outdoor recreation area/playground is provided for the children on the northwest corner of the parcel.

### Landscaping

The Phase 1 landscaping plan depicts large trees planted adjacent to the building with no additional landscaping to be provided. The installation of this building now requires installation of the landscape buffer along the western property line that is adjacent to a single family residential development, a less intense use. The applicant is requesting to not provide the required landscaping with this Phase and indicates it will be provided with Phase 2.

The Phase 2 landscape plan depicts an intense landscape buffer adjacent to the west side of the building to buffer this project from the adjacent residential development and to comply with the height/setback requirements. Along the west property line to the north and south of this intense landscape buffer adjacent to the building the plan depicts the use of large deciduous trees where



large Evergreen trees are required per Figure 30.64-11 (landscaping adjacent to a less intense use). The plan depicts 3 large trees to the south of the building within a new parking area, 5 large trees along the northern property line adjacent to a flood channel, and shrubs and groundcover in planter areas adjacent to the south side of the building.

### Elevations

The Phase 1 building is 1 story with a maximum height of 12 feet. The structure is a modular building with a flat roof with standing seam metal for roofing material. The exterior of the building will have a stucco finish painted in earth tone colors.

The Phase 2 building is 1 story with a maximum height of 22 feet with flat roofs behind parapet walls. The building has variations in roof height between 12 feet and 22 feet to break-up the structure. In addition to the variations in roof height, the exterior of the building will have pop-outs and recesses to break-up the vertical and horizontal surfaces to give the building more architectural articulation. The exterior of the building will consist of stucco painted in earth tone colors, stone veneer, and decorative metal panels.

### Floor Plans

The Phase 1 building has an area of 1,289 square feet which will consist of restroom, a break area, which are approximately a third of the building area, and the main room, which is the remainder of the building to be used for worship services.

The Phase 2 building has an area of 6,954 square feet. The plans indicate that 1,700 square feet of the building will be used for the place of worship and 5,254 square feet of the building will be used for the daycare and pre-school. The plan depicts classrooms, offices, multipurpose room, and areas for worship services.

### Signage

The signage for the Phase 1 building will consist of 2 banners. These banners will be affixed to the south and east sides of the building and will act as wall signs on the temporary building. The banner of the south side of the building will have an area of 12 square feet and will be located on the southwest corner of the building. The banner on the east side of the building will have an area of 24 square feet and will be located above a window in the central portion of the building elevation.

The signage for the Phase 2 building will consist of 3 signs being 2 wall signs and a roof sign. The roof sign has an area of 88 square feet consisting of brushed aluminum letter with up lighting used at night to create a halo effect. This sign is located on top of a canopy located at the entrance of the building, which makes it a roof sign. The second sign is a wall sign with an area of 57 square feet and is located on the south side of the building consisting of reverse pan channel letters that are illuminated to create a halo effect. The third sign is a wall sign located to the east side of the building with an area of 45 square feet and is a reverse pan channel graphic in the shape of a menorah that is also illuminated to create a halo effect.

Applicant's Justification

The applicant indicates that the place of worship is needed in this area to serve members of the congregation who live in this part of the community and who will walk to the facility for worship services. The pre-school and daycare are a needed service for the residents of the community. The proposed facility is located within an existing commercial center and will not impact existing adjacent developments. The temporary signs will act as wall signs for the Phase 1 building until the permanent building is constructed for Phase 2. These signs will be maintained in good condition and be replaced periodically to ensure that the signs remain in good conditions. The signage for the Phase 2 building is minimal and will serve to identify the facility. These signs are designed to ensure there is no impact on the adjacent residential development to the west or other surrounding development.

**Prior Land Use Requests**

| Application Number | Request  | Action          | Date          |
|--------------------|--|-----------------|---------------|
| UC-0313-12         | An 80 foot high stealth mono-palm communication tower within a shopping center                   | Approved by PC  | August 2013   |
| ADR-9000467-10     | An 80 foot high stealth mono-palm communication tower within a shopping center – expired         | Approved by ZA  | May 2010      |
| UC-0009-09         | Outside dining and drinking patio in conjunction with an existing restaurant                     | Approved by PC  | February 2009 |
| UC-1936-05         | Veterinary clinic with an outside dog run  | Approved by PC  | January 2006  |
| UC-0349-05         | Car wash in conjunction with a convenience store within a proposed shopping center               | Approved by BCC | April 2005    |
| UC-1899-00         | Convenience store with gas pumps in conjunction with a redesigned shopping center                | Approved by PC  | February 2001 |
| ZC-0551-00         | Reclassified 5 acres, including this site, to C-1 zoning for a shopping center with a restaurant | Approved by BCC | June 2000     |

**Surrounding Land Use**

|       | Planned land Use Category                           | Zoning District | Existing Land Use                        |
|-------|---|-----------------|--|
| North | Mid-Intensity Suburban Neighborhood (up to 8 du/ac) | R-2             | Flood channel & single family residences |
| South | Corridor Mixed-Use                                  | C-1             | In-line retail building                  |
| East  | Corridor Mixed-Use                                  | C-1             | Veterinarian office                      |
| West  | Corridor Mixed-Use                                  | R-2             | Single family residential                |

**STANDARDS FOR APPROVAL:**

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

## **Analysis**

### **Comprehensive Planning**

#### Use Permits

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

The parcel is a pad site within an existing commercial center and will be served by existing infrastructure in the area. Places of worship and pre-school facilities have been found to be compatible uses within commercial centers in other locations in the County and daycare facilities are an allowed use within the C-1 zoning district. The uses will not have an adverse effect on the adjacent properties and will provide services to the people who live in this area. Staff finds the place of worship and pre-school are appropriate at this location and supports the request.

#### Waivers of Development Standards

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

#### Waiver of Development Standards #1a

The applicant is proposing to develop the site in 2 phases and this request is to waive landscaping along the west property line with Phase 1 of the development. The plans indicate that landscaping will be provided with Phase 2, which will be the permanent building. Providing the landscaping along the western property line with Phase 1 would create obstacles with the construction of Phase 2. Since this request is a postponement for the installation of landscaping, staff can support the waiver.

#### Waiver of Development Standards #1b

The site is adjacent to a single family residential development, a less intense use. Per the Master Plan a landscape buffer consisting of large Evergreen trees planted every 20 feet is required along the west property line (the minimum required without the height/setback requirement). In order to comply with the required height/setback the applicant is planting an intense landscape buffer consisting of 2 off-set rows of large Evergreen trees adjacent to the building. The plan depicts the use of large deciduous trees along the remainder of the western property line to the north and south of the intense landscape buffer. The landscaping proposed by the applicant will provide plant diversity for the project and the applicant is proposing more landscaping along the western property line than has been provided by with other buildings within the commercial center. When the commercial center was approved in 2000 the property to the west of the site was undeveloped and master planned for commercial uses. When construction of the buildings within the commercial center started in 2008 the parcel to the west was still undeveloped and planned for commercial uses. The residential development to the west was approved by a nonconforming zone change application in 2013 and the homes within this development were

constructed in 2015. Given the history of how this commercial center and adjacent residential subdivision were developed, and the landscaping adjacent to building meets the Master Plan, staff does not object to the proposed alternative landscape buffer.

#### Waiver of Development Standards #2 & Design Review #2

The proposed signage for the facility will help to identify the facility and not have an adverse impact on the adjacent residential development. The roof sign is attached to the top of a canopy; however, it will not extend above the roofline of the building, which limits the visual impact of the sign. The temporary signs will be for the Phase 1 portion of the project and will be removed when the Phase 2 portion is complete. These signs are within the complex and will have limited impacts on the adjacent developments and are proposed as a temporary low cost alternative for signage for the development until the permanent building is completed. Staff finds the proposed signage is appropriate and can support these requests.

#### Design Review #1

The proposed uses are consistent and compatible with the existing land uses in this area. The design of the building is architecturally compatible with the existing buildings within the commercial center; therefore, staff can support the design review.

#### **Staff Recommendation**

Approval.

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

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

##### **Comprehensive Planning**

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

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

- Drainage study and compliance;
- Traffic study and compliance.

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

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email [sewerlocation@cleanwaterteam.com](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0159-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** LEVI WILHELM

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

DRAFT





# LAND USE APPLICATION

## DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

|  |   |
|--|---|
| <b>APPLICATION TYPE</b><br><br><input type="checkbox"/> TEXT AMENDMENT (TA)<br><input type="checkbox"/> ZONE CHANGE (ZC)<br><input checked="" type="checkbox"/> USE PERMIT (UC)<br><input type="checkbox"/> VARIANCE (VC) <u>675<sup>cc</sup></u><br><input checked="" type="checkbox"/> WAIVER OF DEVELOPMENT STANDARDS (WS) <u>475<sup>cc</sup></u><br><input checked="" type="checkbox"/> DESIGN REVIEW (DR) <u>675<sup>cc</sup></u><br><input type="checkbox"/> ADMINISTRATIVE DESIGN REVIEW (ADR)<br><input type="checkbox"/> STREET NAME / NUMBERING CHANGE (SC)<br><input type="checkbox"/> WAIVER OF CONDITIONS (WC)<br><br>(ORIGINAL APPLICATION #)<br><input type="checkbox"/> ANNEXATION REQUEST (ANX)<br><br><input type="checkbox"/> EXTENSION OF TIME (ET)<br><br>(ORIGINAL APPLICATION #)<br><input type="checkbox"/> APPLICATION REVIEW (AR)<br><br>(ORIGINAL APPLICATION #) | <b>STAFF</b><br><br>APP. NUMBER: <u>UC-23-0201</u> DATE FILED: <u>4-18-2023</u><br>PLANNER ASSIGNED: <u>AI</u><br>TAB/CAC: <u>Spring Valley</u> TAB/CAC DATE: <u>5-20-2023</u><br>PC MEETING DATE: <u>6-20-2023</u><br>BCC MEETING DATE: <u>-</u><br>FEE: <u>\$1,825</u>                                    |
|  | <b>PROPERTY OWNER</b><br><br>NAME: <u>Levi Wilhelm - ZIV LLC</u><br>ADDRESS: <u>5651 South Grand Canyon Drive, Suite 110</u><br>CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89148</u><br>TELEPHONE: <u>N/A</u> CELL: <u>N/A</u><br>E-MAIL: <u>N/A</u>   |
|  | <b>APPLICANT</b><br><br>NAME: <u>Rabbi Levi Wilhelm</u><br>ADDRESS: <u>5651 South Grand Canyon Drive, Suite 110</u><br>CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89148</u><br>TELEPHONE: <u>N/A</u> CELL: <u>N/A</u><br>E-MAIL: <u>leviywilhelm@gmail.com</u> REF CONTACT ID #: <u>N/A</u>            |
|  | <b>CORRESPONDENT</b><br><br>NAME: <u>Jay Brown/Lebene Ohene</u><br>ADDRESS: <u>520 South Fourth Street</u><br>CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89101</u><br>TELEPHONE: <u>702-598-1429</u> CELL: <u>702-561-7070</u><br>E-MAIL: <u>Lohene@brownlawlv.com</u> REF CONTACT ID #: <u>173835</u> |

ASSESSOR'S PARCEL NUMBER(S): 163-30-418-006

PROPERTY ADDRESS and/or CROSS STREETS: S. Grand Canyon Drive & Russell Road

PROJECT DESCRIPTION: Place of Worship (Chabad/Synagogue)

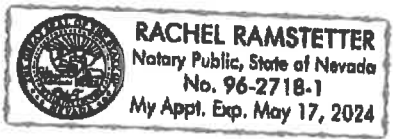
(I, We) the undersigned swear and say that (I am, We are) the owner(s) of record on the Tax Rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Clark County Code; that the information on the attached legal description, all plans, and 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.

Levi Wilhelm      Levi Wilhelm  
Property Owner (Signature)\*      Property Owner (Print)

STATE OF Nevada  
COUNTY OF Clark

SUBSCRIBED AND SWORN BEFORE ME ON November 10, 2022 (DATE)

By Rachel Ramstetter  
NOTARY PUBLIC: Rachel Ramstetter



\*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.

APR-22-101510





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

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

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

January 25, 2023

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

**RE: Chabad/Synagogue of the Southwest  
Justification Letter: Revision 1  
Special Use Permits for a Place of Worship (Chabad/Synagogue) and Daycare/Pre-School; Waiver of Development Standards; and Design Reviews for  
Assessor's Parcel Number: - 163-30-418-006**

**To Whom It May Concern:**

On behalf of the Applicant, Chabad of the Southwest, we respectfully submit this application package for special use permits, a waiver of development standards and design reviews for a place of worship and a daycare and pre-school. The site is zoned C-1 and is an undeveloped parcel (pad-site) within an existing commercial center. The parcel is 0.34 acre parcel within the commercial center with four parcels. The commercial center is a total of 4.35 and located on the east side the northwest corner of Russell Road and Grand Canyon Drive. The subject parcel is located on the northwestern portion of the site with the Rawhide Channel (drainage channel) located along the northern portion of the parcel and center.

**Project Description:**

The Chabad as proposed is planned in two (2) phases. The plans submitted depict both phases of the proposed place of worship.

Phase I is a proposed 1,289 square foot modular, 12 foot high, building shown on the southern portion of the subject parcel and south of the proposed Phase II portion of the Chabad which is a permanent building. Parking for Phase I of the project requires 153 parking spaces including the parking for the existing uses within the commercial center. A total 171 parking spaces are provided for the commercial center and will accommodate the modular building for the temporary Chabad. A total of six (6) bicycle spaces are required and provided for the site.

Phase II consists of a 6,954 square foot, 22 foot high, building proposed on the northern side of the temporary Chabad. This phase of the place of worship will include a daycare/pre-school with up to 30 children. This building will replace the modular building which will be removed when the permanent Chabad is completed. The location of the modular building when removed will be



replaced with parking which will be included in the total parking for the commercial center. The addition of the permanent Chabad building to the site increases the total square footage of the commercial center to 28,741.4 square feet which meets the definition of a shopping center. Parking is then calculated based on all uses in the center including the Chabad which is a total 144 parking spaces where a total of 171 spaces including the required accessible spaces are provided. The information on the Site Data shows that a total of 171 parking spaces are provided as required by Code which is the requirement when each use is calculated separately. Both calculations show that the site exceeds parking requirements for both Phase I & II. A total of six (6) bicycle spaces are provided as required by Code and is provided for the subject phase. The trash enclosure and loading area are located on the northeastern portion of the site adjacent to the existing building to the east.

The hours of operation of the Chabad & Day/pre-school are shown below:

**Chabad and Administrative Hours of Operation:**

Monday through Friday Morning: Services 6:45 a.m. until 7:45 a.m.

Sunday Morning Services 7:30 a.m. until 8:30 a.m.

Friday Evening Services 6:30 p.m. until 7:30 p.m.

Saturday Morning Services 10:00 a.m. until 1:00 p.m.

Note: Friday Evening and Saturday Services: Congregants walk to the Chabad/Synagogue and do not drive on Fridays and Saturdays.

Daycare/Preschool: Hours of Operation: Opening: 8:00 a.m. to 8:30 a.m.; Closing: 3:30 p.m. to 4:00 p.m.

**Landscaping:**

The landscape plans depict an existing five (5) foot wide meandering sidewalk with an existing five (5) foot or more landscaping on both sides of the sidewalk which complies with Code along Russell Road along the southern portion of the shopping center. Grand Canyon Drive is along the east property line of the site which depicts an existing five (5) foot wide attached sidewalk with landscaping exceeding 15 feet in some area. An existing six (6) foot high wall is along the west property line adjacent to the residential development to the west. A ten (10) foot wide minimum landscape buffer is depicted along the west property line. Along the north property line is the existing Rawhide Channel. No landscaping is proposed along the channel with the placement of the temporary modular building (Phase I).



**Floor Plan:**

The proposed floor plan for Phase I (modular building) is 1,289 square feet comprising of a main room, breakroom, two bathrooms and a janitorial space. The proposed floor plans for Phase II is 6,594 square feet comprising of the Chabad and required ancillary areas, multi-purpose room, offices, break room, bathrooms, and storage/janitorial areas.

**Elevation:**

Phase I: The proposed height of the modular building is 12 feet to the highest point of the roof. The proposed building material for this phase includes painted stucco finishes in three complementary shades, standing seam metal roofing, vinyl glass windows with wooden shutters painted to contrast and match the stucco colors and a metal door. The color schemes and design features, and enhancements also blend in with the adjacent neighbor, the existing portions of the shopping center.

Phase II: The proposed height for the permanent Chabad building is up to 22 feet. The proposed building materials for this phase includes painted stucco finishes four (4) complementary colors, stone veneer accents, metal accents and with painted store front and windows. The color schemes and design features, and enhancements also blend in with the adjacent neighborhood and the existing portions of the shopping center.

**The Following are the required applications:**

**1. Special Use Permits:**

A proposed Place of Worship (Chabad/Synagogue) both Phase I and Phase II.

**Justification:**

This request is to allow a place of worship which is required in this portion of the Las Vegas Valley to serve the community and neighborhood. The location of the use within an existing commercial center will not impact the site or area. The requested use is neighborhood servicing especially since congregants will need will live in the neighborhood and close enough to walk to the Chabad as required on specific days.

**2. A proposed Daycare/Pre-School**

**Justification:**

This request is to allow a daycare and pre-school to be operated in conjunction with the requested place of worship. This use is required in this portion of the Las Vegas Valley to serve congregants in the community and neighborhood. The request is to allow the uses for up to 30 children/students. The location of the use within an existing commercial center will not impact the site or area. The requested use is neighborhood servicing especially



since congregants will need a location that is located in their neighbors to serve the community.

**Waiver of Development Standards:**

1. Allow two (2), proposed temporary (banner) on the south (12 square feet) and east (24 square feet) elevations of the modular building) for Phase I of the Chabad for a period of up to three years until the permanent Chabad (Phase II) is constructed where not allowed by Code.

**Justification:**

The proposed banner signs will be attached to the east and south facades of the modular building which is Phase 1 of the Chabad. These signs will act as the wall signs for the Chabad until the permanent building is constructed. These banner signs will be maintained in good condition and replaced periodically to ensure that the signs remain in good condition.

**Design Reviews:**

1. **A proposed Place of Worship including a Daycare/Pre-school.**

**Justification:**

The proposed Place of Worship is an appropriate and compatible use for the site, neighborhood, and area. Both Phase I and II are designed to match and complement the architectural materials, colors, enhancements of the shopping center and other design elements in the area. The plans comply with design elements as outlined in Title 30 and complements the adjacent neighborhood and area. The use and design are appropriate, complement and enhance the immediate area.

2. **Signage:**

Three signs (a roof sign and two wall signs) are proposed for Phase II of the Chabad. The proposed signs are located on the south and east facades of the building. The two (2) signs on the south faces include an 88 square foot roof sign located on top of a metal canopy over the entry to the Chabad. This sign consists of brushed non-illuminated aluminum letters. LED up-lighting is used at night to illuminate the letters to create a halo effect. The other sign on the south face is a 57 square foot wall sign. The sign on the east façade of the building is 45 square feet. The two (2) wall signs project up to three feet from the wall as allowed by Code. Two (2) proposed temporary (banner) signs are located on the south (12 square feet) and east (24 square feet) elevations of the modular building. The banner signs are temporary for a period of up to three years until the permanent building (Phase II) is constructed.

**Justification:**





The signage requested is minimal and will serve to identify both the Chabad and its location. The signs are designed to ensure there is no impact on the adjacent residential development to the west or the surrounding area.

This application is appropriate and compatible with the existing uses in the area and complies with the general goals and policies outlined in the Master Plan for special uses in a Planning area such as Spring Valley. The existing commercial center has two undeveloped pad sites. This request complies with SV-1 and its polies SV-1.1 to preserve neighborhood integrity and encourage compatible infill development and SV-1.5 by providing a neighborhood serving use.

We appreciate your consideration in the review and positive consideration for the proposed place of worship, daycare, and pre-school.

Please contact me at 702-598-1429, if you have any questions or need additional information.

Sincerely,

BROWN, BROWN & PREMSRIRUT



Lebene Ohene  
Land Use and Development Consultant



06/20/23 PC AGENDA SHEET

LIVE ENTERTAINMENT  
(TITLE 30)

PATRICK LN/BUFFALO DR

PUBLIC HEARING  
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST  
UC-23-0216-DIGITAL DESERT B P C1, LLC:

USE PERMIT for outdoor live entertainment.  
WAIVER OF DEVELOPMENT STANDARDS to reduce the minimum separation from a residential use to outdoor live entertainment in conjunction with a mixed-use development on a 5.1 acre portion of a 42.4 acre site within a C-2 (Commercial General) Zone in the CMA Design Overlay District.

Generally located on the west side of Buffalo Drive between Patrick Lane and Post Road within Spring Valley. MN/sd/syp (For possible action)

---

RELATED INFORMATION:

**APN:**  
163-33-715-009

**WAIVER OF DEVELOPMENT STANDARDS:**  
Reduce the minimum separation from a residential use to live entertainment conducted outdoors to 116 feet where 300 feet is the minimum per Table 30.44-1 (a 77% reduction).

**LAND USE PLAN:**  
SPRING VALLEY - CORRIDOR MIXED-USE

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

- Site Address: N/A
- Site Acreage: 5.1 (site)/42.4 (overall site)
- Project Type: Live entertainment
- Number of Stories: 5 (residential buildings)/2 & 3 (commercial buildings)
- Parking Required/Provided: 801/2,059 (overall site)

Site Plan

The site plan depicts a proposed outdoor stage located on the northeast corner of the subject site at Buffalo Drive and Patrick Lane. The plans depict a mixed-use development consisting of 1,343 residential units on 42.4 gross acres with a density of 31.7 dwelling units per acre. The project consists of 14 buildings, which include 4 buildings for commercial uses, 9 buildings for residential units, and a clubhouse. The commercial buildings are located on the northeastern

portion of the site. Access to the project is provided by 6 proposed driveways from Patrick Lane, Buffalo Drive, and Post Road that will provide ingress and egress to the site. An exit only driveway is also located on the southwestern portion of the site for the residential component. The plans indicate the residential portion of the development will be gated. The approved plans also depict the project will be constructed in 4 phases.

The applicant is seeking approval to operate live entertainment as part of this development. As part of the overall site plan approved for the project in 2018, a public outdoor pavilion was added as a public amenity for both residents and the public. The applicant is requesting a use permit to allow for live outdoor musical entertainment. A waiver of development standards is part of this application due to the fact the proposed stage for live entertainment is within 500 feet from existing residential uses to the north. The proposed residential separation is 116 feet from the edge of the stage to the property lines of residential uses to the north of Patrick Lane and approximately 138 feet west of the vacant adjacent parcel.

#### Landscaping

The plans depict 11.7 acres of open space which includes passive and active areas. The open space includes a 1.5 acre plaza in the commercial portion of the site, pedestrian realms, common areas and courtyards are located throughout the site. The pedestrian realms are a minimum of 15 feet in width, and where adjacent to buildings with heights of 55 feet the pedestrian realms are a minimum of 20 feet in width.

#### Elevations

The plans depict a canopy for the stage area and is up to 18 feet in height. The materials include brick masonry, and cement plaster with aluminum fascia.

#### Signage

Signage is not a part of this request.

#### Applicant's Justification

The applicant states that the proposed use of live entertainment is a compatible use with the surrounding area. The applicant believes there will be no adverse impacts and will be a benefit to the local community. The residential separation is within 500 feet of residential uses to the north and is separated by Patrick Lane, an 80 foot wide street. The entertainment provided is planned to be soft jazz and other forms of low intensity music to patrons of the pavilion area. In addition, any amplified music will be oriented away from Patrick Lane towards the south and interior of the project to minimize impacts.

#### **Prior Land Use Requests**

| <b>Application Number</b> | <b>Request</b>  | <b>Action</b>   | <b>Date</b>    |
|---------------------------|---|-----------------|----------------|
| VS-19-0512                | Vacated and abandoned patent easement and right-of-way              | Approved by BCC | September 2019 |
| TM-19-500130              | Mixed-use project consisting of commercial lots and common elements | Approved by BCC | September 2019 |

**Prior Land Use Requests**

| Application Number | Request   | Action          | Date          |
|--------------------|---|-----------------|---------------|
| ZC-18-0507         | Reclassified 42.4 acres from R-E to C-2 zoning; use permit for high impact project, mixed-use project, increase residential density, building height and parking reduction; and design review for mixed-use project | Approved by BCC | December 2018 |

**Surrounding Land Use**

|       | Planned Land Use Category   | Zoning District | Existing Land Use                              |
|-------|---|-----------------|--|
| North | Neighborhood Commercial/Mid-Intensity Suburban Neighborhood (up to 8 du/ac) | R-1 & R-2       | Single family residential                      |
| South | Corridor Mixed-Use  | C-2             | Office building & an office/warehouse facility |
| East  | Business Employment/Corridor Mixed-Use                                      | R-E & R-2       | Single family residential & undeveloped        |
| West  | Compact Neighborhood (up to 18 du/ac)                                       | R-2 & R-3       | Single family residential & undeveloped        |

**STANDARDS FOR APPROVAL:**

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

**Analysis**

**Comprehensive Planning Use Permit**

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

**Waiver of Development Standards**

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

**Use Permit & Waiver of Development Standards**

Staff's primary concerns with these types of uses are to ensure compatibility with existing and planned surrounding uses and that there is adequate on-site parking to serve the uses. The proposed use will not result in a substantial adverse effect to the adjacent residential neighborhood to the north and considering the edge of the stage is approximately 116 feet from

the adjacent residential property lines across Patrick Lane. Review of the plans and from the applicant narrative the stage will face towards the interior of the development and any amplified sounds will be directed away from those residential uses.

### **Staff Recommendation**

Approval.

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

### **PRELIMINARY STAFF CONDITIONS:**

#### **Comprehensive Planning**

- 2 years to review as a public hearing;
- Outdoor live entertainment or amplified sounds limited to 8:00 p.m. weekdays and 10:00 p.m. on weekends.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a new application for a nonconforming zone boundary amendment may be required in the event the building program and/or conditions of the subject application are proposed to be modified in the future; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and application for review; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 2 years of approval date or it will expire.

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

- No comment.

#### **Fire Prevention Bureau**

- No comment.

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

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

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** DIGITAL DESERT BPC1 LLC

**CONTACT:** ED GARCIA, ED GARCIA PLLC, 11700 W. CHARLESTION #170-595, LAS VEGAS, NV 89135



# LAND USE APPLICATION

## DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

|   |  |
|---|--|
| <b>APPLICATION TYPE</b><br><br><input type="checkbox"/> TEXT AMENDMENT (TA)<br><input type="checkbox"/> ZONE CHANGE (ZC)<br><input checked="" type="checkbox"/> USE PERMIT (UC)<br><input type="checkbox"/> VARIANCE (VC)<br><input checked="" type="checkbox"/> WAIVER OF DEVELOPMENT STANDARDS (WS)<br><input type="checkbox"/> DESIGN REVIEW (DR)<br><input type="checkbox"/> ADMINISTRATIVE DESIGN REVIEW (ADR)<br><input type="checkbox"/> STREET NAME / NUMBERING CHANGE (SC)<br><input type="checkbox"/> WAIVER OF CONDITIONS (WC)<br><br>(ORIGINAL APPLICATION #)<br><br><input type="checkbox"/> ANNEXATION REQUEST (ANX)<br><br><input type="checkbox"/> EXTENSION OF TIME (ET)<br><br>(ORIGINAL APPLICATION #)<br><br><input type="checkbox"/> APPLICATION REVIEW (AR)<br><br>(ORIGINAL APPLICATION #) | <b>STAFF</b><br><br>APP. NUMBER: <u>UC-23 0216</u> DATE FILED: <u>4/20/23</u><br>PLANNER ASSIGNED: <u>SUD</u><br>TAB/CAC: <u>Spring Valley</u> TAB/CAC DATE: <u>5/30/23</u><br>PC MEETING DATE: <u>6/20/23</u><br>BCC MEETING DATE: _____<br>FEE: <u>\$1,150</u>   |
|   | <b>PROPERTY OWNER</b><br><br>NAME: <u>Digital Desert BPC1 LLC</u><br>ADDRESS: <u>PO Box 11480</u><br>CITY: <u>Jackson</u> STATE: <u>WY</u> ZIP: <u>83002</u><br>TELEPHONE: <u>307-739-8990</u> CELL: <u>307-413-8922</u><br>E-MAIL: <u>Joe.Sorge@decisivedx.com</u>  |
|   | <b>APPLICANT</b><br><br>NAME: <u>Digital Desert BPC1 LLC</u><br>ADDRESS: <u>PO Box 11480</u><br>CITY: <u>Jackson</u> STATE: <u>WY</u> ZIP: <u>83002</u><br>TELEPHONE: <u>307-739-8990</u> CELL: <u>702-413-8922</u><br>E-MAIL: <u>Joe.Sorge@decisivedx.com</u> REF. CONTACT ID #: _____                    |
|   | <b>CORRESPONDENT</b><br><br>NAME: <u>Edward Garcia</u><br>ADDRESS: <u>11700 West Charleston Blvd., #170-595</u><br>CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89135</u><br>TELEPHONE: <u>702-595-8618</u> CELL: <u>702-595-8618</u><br>E-MAIL: <u>egarcia@edgarciala.com</u> REF. CONTACT ID #: _____ |

ASSESSOR'S PARCEL NUMBER(S): 163-33-715-009

PROPERTY ADDRESS and/or CROSS STREETS: 6111 S. Buffalo

PROJECT DESCRIPTION: Outdoor Entertainment

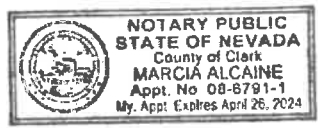
(I, We) the undersigned swear and say that (I am, We are) the owner(s) of record on the Tax Rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Clark County Code; that the information on the attached legal description, all plans, and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

Joseph Sorge  
 Property Owner (Signature)\*      Property Owner (Print)

STATE OF Nevada  
 COUNTY OF Clark

SUBSCRIBED AND SWORN BEFORE ME ON 11.14.2022 (DATE)  
 By Joseph Sorge

NOTARY PUBLIC: Marcia Alcaine



\*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.





January 9, 2023

VIA HAND DELIVERY  
Clark County Planning Department  
500 S. Grand Central Parkway  
Las Vegas, NV 89155

UC-23-0016

**Re: APN 163-33-715-009 (6111 S. Buffalo Drive) Justification Letter for Use Permit and Waiver Application for Outside Entertainment**

Dear Department of Planning:

Please accept this letter as justification for a Use Permit and Waiver Application for outside entertainment for the mixed-use development, Evora located at 6111 S. Buffalo Drive.

The location is a large mixed-use project which currently has commercial businesses recently opened to the public. Multiple residential buildings are currently under construction and are expected to open by mid-2023. The Applicant is seeking approval of a use permit to allow for outside entertainment at the outdoor public pavilion.

The overall project was approved in December of 2018 as a mixed-use development to include commercial, residential and office uses. As part of the overall site plan approved for the project in 2018, a public outdoor pavilion was contemplated as an amenity for the residents and the general public. The Applicant intends to provide outdoor musical entertainment for pavilion visitors.

The Waiver Application is required because the pavilion is located within 500 feet of a residential building. While the pavilion may be located within 500 feet of a residential building, the closest residential buildings are across Patrick Lane (an arterial at least 75' in width). The entertainment provided is planned to be soft jazz and other forms of low intensity music for the enjoyment of patrons of the commercial buildings as well as residents. Additionally, any amplification will be directed toward the interior of the project so any ambient sound that could be heard by the closest residents should be minimized.

The proposed use is compatible with the surrounding area. The Applicant believes there will be no adverse effects on the surrounding area. The proposed use will benefit the community and is in conformance with all goals and policies of the Clark County Code.

Very Truly Yours,



Edward Garcia



7

SETBACK  
(TITLE 29)

FOSTER SPRINGS RD/MYRTLE SPRINGS CT

PUBLIC HEARING  
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST  
**VC-23-0175-HWARREN FAMILY TRUST ETAL:**

**VARIANCE** to reduce a proposed patio cover setback in conjunction with an existing single family residence on 0.1 acres in an R-2 (Medium Density Residential) P-C (Planned Community Overlay District) Zone.

Generally located on the south side of Myrtle Springs Court, approximately 125 feet east of Foster Springs Road within the Rhodes Ranch Master Planned Community. JJ/jor/syp (For possible action)

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**RELATED INFORMATION:**

**APN:**  
176-08-815-009

**VARIANCE:**  
Reduce the rear setback of a proposed patio cover to 5 feet where 7.5 feet is allowed per UC-1518-97 (a 33% reduction).

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

**BACKGROUND:**

**Project Description**

**General Summary**

- Site Address: 79 Myrtle Springs Court
- Site Acreage: 0.1
- Project Type: Patio cover setback reduction
- Patio Cover Height (feet): 8
- Stories: 2 (existing single family residence)
- Square Feet: 207 (proposed patio cover)

**Site Plan**

The site plan depicts an existing single family residence located within the Rhodes Ranch Master Planned Community. The applicant is proposing to construct an attached patio cover on the rear facing elevation of the residence. The patio cover has an overall area of 207 square feet. The plans show that the patio cover will be set back 10 feet from the west property line, 9 feet from the east property line, and 5 feet from the south property line. The applicant is requesting to

reduce the rear setback to 5 feet where 7.5 feet is allowed per the Rhodes Ranch Modified Development Standards (UC-1518-97).

Landscaping

Landscaping is neither required nor a part of this request. However, submitted photos show a small garden bed and plants are growing adjacent to the rear CMU block wall.

Elevations

The proposed patio cover has an overall height of 8 feet. The existing residence is a 2 story home.

Applicant's Justification

Per the applicant, the proposed patio cover is necessary because the applicant needs a shaded area in the rear yard in order to exercise and do daily activities such as Tai Chi. The patio cover will also reduce the sunlight and heat into the residence which will help reduce the costs of the applicant's energy bill. The rear yard is 14 feet wide from the house to the rear wall. The rear yard is enclosed by three existing CMU block walls. The patio cover will not affect the views of the neighbors and the patio cover will not be visible from any public areas. Lastly, the Rhodes Ranch Home Owner's Association approved the applicant's plans.

**Prior Land Use Requests**

| Application Number | Request   | Action         | Date          |
|--------------------|---|----------------|---------------|
| VC-1441-05         | Reduced side setback and increased block wall height for residences with an 83 acre residential subdivision within Rhodes Ranch | Approved by PC | November 2005 |
| VC-0702-05         | Reduced the rear yard setback for 4 lots only within the first phase of this subdivision  | Approved by PC | June 2005     |
| VC-0876-04         | Reduced the setback of a structure from the right-of-way and reduced rear and side separation to 15 feet                        | Approved by PC | October 2004  |

\*Additional land use applications were approved within this subdivision.

**Surrounding Land Use**

|                            | Planned Land Use Category                           | Zoning District | Existing Land Use         |
|----------------------------|---|-----------------|---------------------------|
| North, South, East, & West | Mid-Intensity Suburban Neighborhood (up to 8 du/ac) | R-2             | Single family residential |

**STANDARDS FOR APPROVAL:**

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 29.

**Analysis**

**Current Planning**

Staff does not typically support reduced setbacks; however, staff finds that due to the size limitation of the applicant's rear yard, reducing the setback to 5 feet does not negatively impact

the site. The proposed patio cover is compatible to the existing residence and does not make a visual or physical impact to the surrounding residences. Staff can support this request.

**Staff Recommendation**  
Approval.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Master Plan, Title 29, and/or the Nevada Revised Statutes.

**PRELIMINARY STAFF CONDITIONS:**

**Comprehensive Planning**

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

**Public Works - Development Review**

- No comment.

**Fire Prevention Bureau**

- No comment.

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

- No comment.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT: DARREN CHAO**

**CONTACT: DARREN CHAO, 79 MYRTLE SPRINGS CT, LAS VEGAS, NV 89148**



8

MAJOR TRAINING FACILITY  
(TITLE 30)

WINMDILL LN/GAGNIER BLVD

**PUBLIC HEARING**

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**ET-23-400042 (ZC-21-0095)-COLLABORATION CENTER FOUNDATION, INC:**

**ZONE CHANGE SECOND EXTENSION OF TIME** to reclassify 4.7 acres from an R-E (Rural Estates Residential) Zone to a C-P (Office and Professional) Zone.

**USE PERMITS** for the following: 1) major training facility; 2) recreational facility with temporary commercial outdoor events; and 3) live entertainment.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) reduce parking; 2) reduce separation from a temporary commercial outdoor event to a residential use; 3) reduce separation from outdoor live entertainment to a residential use; and 4) allow modified driveway design standards.

**DESIGN REVIEW** for a major training facility, office uses, and recreational facility in conjunction with a non-profit disability service provider in the CMA Design Overlay District.

Generally located on the north side of Windmill Lane and the east side of Gagnier Boulevard (alignment) within Spring Valley (description on file). MN/tpd/syp (For possible action)

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**RELATED INFORMATION:**

**APN:**

176-09-401-005

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Reduce parking to 168 spaces where 172 spaces are required per Table 30.60-1 (a 2% reduction).
2. Reduce the required setback from a temporary commercial outdoor event (e.g. corporate fundraising events; Autism Awareness Month) to a residential use to 10 feet where 200 feet is the standard per Table 30.44-1 (a 95% reduction).
3. Reduce the required separation from live entertainment (e.g. pool parties; movie nights; live music) to a residential use to 10 feet where 500 feet is the standard per Table 30.44-1 (a 98% reduction).
4. Reduce throat depth for a driveway to 6 feet on Windmill Lane where 150 feet is the standard per Uniform Standard Drawing 222.1 (a 96% reduction).

**LAND USE PLAN:**

SPRING VALLEY - NEIGHBORHOOD COMMERCIAL

## **BACKGROUND:**

### **Project Description**

#### **General Summary**

- Site Address: 8390 W. Windmill Lane
- Site Acreage: 4.7
- Project Type: Non-profit disability service provider
- Number of Stories: 1 & 2
- Building Height (feet): 17 up to 26
- Square Feet: 1,575 to 23,245
- Parking Required/Provided: 172/168

#### Request & Site Plan

The application was previously approved for a training facility for young people with special needs such as Autism and Down Syndrome, to provide educational support and integrate children with special needs and young adults with disabilities through training, therapy, learning, and recreational opportunities. The building will also include professional office space which may be rented to other tenants. There will be indoor and outdoor amenities to provide a therapeutic environment along with medical offices for doctors and therapists assisting the students at the facility and other patients. The facility will not provide 24 hour accommodations or medical care of patients. This application is an extension of time, not a review since the applicant has not completed the requirements of the Resolution of Intent.

#### Site Plan

This site is developed as a horse riding/rental stable facility in conjunction with an existing single family residence. The approved plans depict a total of 4 existing buildings which will stay on-site, and no new buildings are proposed. The existing residence is located on the southeast portion of the property and a guest house is located on the southwest portion of the property. North of the residence near the center of the property is a converted agricultural building, and a covered riding arena is located along the rear portion of the property. The applicant is proposing a comprehensive campus where providers, agencies, and non-profits alike are able to utilize the existing buildings on-site. The recreational facility use includes several outdoor amenities including a garden, pool, putting green course, outdoor entertainment area, and multi-purpose sports courts under the covered recreational arena. There are 2, one-way ingress and egress points off Windmill Lane. Parking spaces are located throughout the site with the majority of parking spaces shown along the north, south, and west perimeters of the parcel.

#### Landscaping & Screening

Mature trees, shrubs, and groundcover are located throughout the entire property. The approved project will also provide an intense landscape buffer (double row of off-set trees spaced 10 feet apart) along developed single family residences to the east. Street landscaping consists of 15 feet of landscaping behind a proposed attached sidewalk along Windmill Lane. The entire facility will be enclosed by a 6 foot high decorative fence and/or wall.



### Elevations

The property is currently developed as a ranch-style residential estate, which consists of 2 residential structures, stables, paddocks, covered riding area and an accessory storage building. The approved plans converted the residential structures and stables into classrooms and office space for the major training facility use and the covered riding area into a recreational facility use. On the exterior, the applicant will remove the outdoor paddocks to install a garden and construct a playground and putting green adjacent to the stables. The applicant will not significantly alter the elevations or exterior design of any of the structures. As such, the property's current rural character will remain consistent with the adjacent residential neighborhoods in the area. The buildings are 1 to 2 stories in height with the highest building to be 26 feet.

### Floor Plan

The 4 buildings that will remain on-site total 46,750 square feet and generally consist of training rooms, offices, and recreational uses. More specifically, the approved plans depict Building 1 will have 4,267 square feet of training rooms and 4,268 square feet of office uses, Building 2 will have 1,575 square feet of office uses, Building 3 will have 6,697 square feet of training rooms and 6,698 square feet of office uses, and Building 4 will have 23,245 square feet of recreational multi-purpose sports courts. The outdoor recreational entertainment area and putting green course is 9,006 square feet.

### Previous Conditions of Approval

Listed below are the approved conditions for ET-22-400031 (ZC-21-0095):

#### Current Planning

- Until April 21, 2023 to complete and review as a public hearing;
- 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.

Listed below are the approved conditions for ZC-21-0095:

#### Current Planning

- Resolution of Intent to complete in 1 year;
- 1 year to review as a public hearing;
- Limit of 2 outdoor events a month;
- Recreational and special events limited from 7:00 a.m. to 10:00 p.m.;
- No live entertainment past 9:00 p.m.;

- Design review as a public hearing on any significant changes.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a new application for a nonconforming zone boundary amendment may be required in the event the building program and/or conditions of the subject application are proposed to be modified in the future; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and 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**

- Traffic study and compliance;
- Full off-site improvements.
- Applicant is advised that the proposed driveways must be elevated for flood protection in accordance with drainage criteria; and that the installation of detached sidewalks will require the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way.

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

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

Signage

Signage is not a part of this request.

Applicant's Justification

The final phase of the construction process will continue once funds are acquired. Rising inflation costs for building materials have caused the initial plan to be put on hold. The applicant is in the middle of a capital campaign to ensure the acquisition of appropriate funds. The delay is only for phase four, all other phases of this project are set to be completed by April of 2023.

**Prior Land Use Requests**

| Application Number           | Request  | Action          | Date         |
|------------------------------|--|-----------------|--------------|
| ET-22-400031<br>(ZC-21-0095) | First extension of time for zone change, use permits, waivers and design review for a recreational facility                | Approved by BCC | April 2022   |
| ZC-21-0095                   | Reclassified this site to C-P zoning for a major training facility, recreational facility, and live entertainment          | Approved by BCC | April 2021   |
| UC-0730-16                   | Recreational facility (wedding venue and private events) in conjunction with an existing single family residence - expired | Approved by BCC | January 2017 |
| VS-0729-16                   | Vacated and abandoned a portion of right-of-way being Gagnier Boulevard  | Approved by BCC | January 2017 |

### Prior Land Use Requests

| Application Number | Request  | Action         | Date          |
|--------------------|--|----------------|---------------|
| UC-0863-13         | Horse riding/rental stable and reduced lot area for a horse riding/rental stable in conjunction with an existing single family residence | Approved by PC | February 2014 |
| UC-1775-06         | Guest house and accessory structure/uses   | Approved by PC | June 2007     |

### Surrounding Land Use

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

##### Comprehensive Planning

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

Staff believes the applicant has taken steps to complete the development of this parcel as outlined with the approval of ET-22-400031 (ZC-21-0095). The applicant had been issued a building remodel permit and received a certificate of occupancy, as well as a commercial fence permit. It is for these reasons that staff can support the extension of time request for this parcel. However, the applicant must submit and receive approval of a landscaping inspection to finalize the zoning for the parcel.

##### Public Works - Development Review

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

##### Staff Recommendation

Approval.

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

**PRELIMINARY STAFF CONDITIONS:**

**Comprehensive Planning**

- Until April 21, 2025 to complete;
- Until April 21, 2025 to review the use permits as a public hearing.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; 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: COLLABORATION CENTER FOUNDATION**

**CONTACT: COLLABORATION CENTER FOUNDATION, 8390 W. WINDMILL LN., LAS VEGAS, NV 89113**

06/21/23 BCC AGENDA SHEET

SINGLE FAMILY RESIDENTIAL DEVELOPMENT  
(TITLE 30)

OQUENDO RD/CIMARRON RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ZC-23-0204-PN II, INC:

**ZONE CHANGE** to reclassify 3.2 acres from a P-F (Public Facility) Zone to an R-2 (Medium Density Residential) Zone.

**WAIVER OF DEVELOPMENT STANDARDS** to reduce street intersection off-set.

**DESIGN REVIEWS** for the following: 1) a single family residential development; and 2) finished grade within the CMA Design Overlay District.

Generally located on the northwest corner of Oquendo Road and Cimarron Road within Spring Valley (description on file). MN/al/syp (For possible action)

RELATED INFORMATION:

**APN:**

163-33-101-014

**WAIVER OF DEVELOPMENT STANDARDS:**

Reduce the street intersection off-set to 91 feet where a minimum of 125 feet is required per Section 30.52.052 (a 27.2% reduction).

**DESIGN REVIEWS:**

1. A detached single family residential development.
2. Increase finished grade by 96 inches where an increase of 36 inches is the standard per Section 30.32.040 (a 166.7% increase).

**LAND USE PLAN:**

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

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: N/A
- Site Acreage: 3.2
- Number of Lots: 24 (residential)/4 (common elements)
- Density (du/ac): 7.5
- Minimum/Maximum Lot Size (square feet): 3,367/4,067
- Project Type: Single family residential development

- Number of Stories: 3
- Building Height (feet): 35
- Square Feet: 2,708 to 3,023

#### Site Plan

The plan depicts a single family residential development consisting of 24 lots with a density of 7.5 dwelling units per acre. Access to the development is provided by a 42 foot wide private street that intersects with Oquendo Road along the southern boundary of the site. The private street terminates in a radius bulb cul-de-sac at the northern boundary of the site and has a 4 foot wide sidewalk along the east side of the street. There are 4 common element lots within the development, with 2 located along the north side of Oquendo Road on the east and west sides of the entrance to the development, and 2 on the east and west sides of the cul-de-sac on the northern portion of the site. There are 12 residential lots on each side of the private street and the plans do not depict direct access to the adjacent public streets. The applicant has also submitted a request to vacate and abandon 5 feet of Oquendo Road and Cimarron Road adjacent to this site in order to provide a 15 foot wide landscape area with detached sidewalks along these streets.

#### Landscaping

The plans depict 4 common lots with a combined area of approximately 16,117 square feet. The landscape areas along Oquendo Road will be located within 2 of the common lots and will consist of trees, shrubs, and groundcover with a detached sidewalk per Figure 30.64-17. A 15 foot wide landscape easement will be located in the rear of the lots along Cimarron Road consisting of trees, shrubs, and groundcover with a detached sidewalk per Figure 30.64-17. The 2 remaining common lots are located on the northern portion of the site on each side of the private street. These common lots will consist of trees, shrubs, and groundcover and will provide useable open space for the residents of the development.

#### Elevations

Plans were submitted for 3 residential home models with 3 different elevations for each model. The homes are all 3 stories with a maximum building height of 35 feet. Each home will have a pitched roof with concrete tile roofing material. The exterior of the homes will have a stucco finish painted in earth tone colors. Architectural elements such as window fenestrations, decorative bands, pop-outs and recesses, and variations in roof height will break-up the vertical and horizontal surfaces of the homes.

#### Floor Plans

The plans depict single family homes between 2,708 square feet to 3,023 square feet in area. Each home will have a 2 car garage and options for 3 to 6 bedrooms.

#### Applicant's Justification

The applicant indicates that the proposed development is in conformance to the Master Plan. The proposed use is consistent and compatible with existing and planned land uses in the area. The site is constrained by existing roadways on 2 of the 4 sides of the property. In order to provide positive drainage, the site will have areas that will require the increase in finished grade due to these existing site constraints. Access to the site is provided from Oquendo Road and the

property to the south does not provide access to Oquendo Road, so there will be no conflicting left turns at this entry.

**Surrounding Land Use**

|       | <b>Planned land Use Category</b>                    | <b>Zoning District</b> | <b>Existing Land Use</b>                  |
|-------|---|------------------------|---|
| North | Public Use  | P-F                    | Undeveloped                               |
| South | Mid-Intensity Suburban Neighborhood (up to 8 du/ac) | R-E                    | Undeveloped                               |
| East  | Mid-Intensity Suburban Neighborhood (up to 8 du/ac) | R-2                    | Undeveloped                               |
| West  | Mid-Intensity Suburban Neighborhood (up to 8 du/ac) | R-2                    | Flood channel & single family residential |

**Related Applications**

| <b>Application Number</b> | <b>Request</b>  |
|---------------------------|---|
| VS-23-0205                | A vacation and abandonment of portions of rights-of-way is a companion item on this agenda.     |
| TM-23-500058              | A tentative map for a single family residential development is a companion item on this agenda. |

**STANDARDS FOR APPROVAL:**

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

**Analysis**

**Comprehensive Planning  
Zone Change**

The proposed zone change is in conformance to the Master Plan. The proposed development is consistent and compatible with existing and planned land uses in the area. This request is in conformance with Goal 1.1 of the Master Plan to provide opportunities for diverse housing options to meet the needs of residents of all ages, income levels, and abilities. Therefore, staff can support the zone change.

**Waiver of Development Standards**

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

**Design Review #1**

The density and intensity of the proposed development is consistent and compatible with the existing residential developments abutting this site. The exterior materials to be used in the construction of the proposed homes is architecturally compatible with existing homes abutting

the site. However, Public Works is not supporting the request for the waiver of development standards to reduce the street intersection off-set. The approval of this waiver is necessary to allow for the proposed layout of the development. Since Public Works does not support the needed waiver, staff cannot support this design review for the development.

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

#### Waiver of Development Standards

Staff cannot support the reduction to the intersection off-set from Cimarron Road to Street "A". Cimarron Road ends north of Oquendo Road causing Oquendo Road to be the main access road for the residential developments in the area; the increasing traffic will cause potential collisions.

#### Design Review #2

This design review represents the maximum grade difference within the boundary of this application. This information is based on preliminary data to get the worst case scenario. Staff will continue to evaluate the site through the technical studies required for this application. Approval of this application will not prevent staff from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approval. However, since staff cannot support the application in its entirety, staff cannot support this design review.

### **Department of Aviation**

The property lies just outside the AE-60 (60-65 DNL) noise contour for the Harry Reid International Airport and is subject to continuing aircraft noise and over-flights. Future demand for air travel and airport operations is expected to increase significantly. Clark County intends to continue to upgrade the Harry Reid International Airport facilities to meet future air traffic demand.

### **Staff Recommendation**

Approval of the zone change; denial of waiver of development standards and design reviews.

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

### **PRELIMINARY STAFF CONDITIONS:**

#### **Comprehensive Planning**

If approved:

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the 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



waiver of development standards and design reviews must commence within 2 years of approval date or they will expire.

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

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

#### **Department of Aviation**

- Applicant is 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.

#### **Fire Prevention Bureau**

- Applicant is advised that dead-end streets/cul-de-sacs in excess of 500 feet must have an approved Fire Department turn-around provided.

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

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email [sewerlocation@cleanwaterteam.com](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0131-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** PN II, INC.

**CONTACT:** JENNIFER VERAS, GCW ENGINEERING, 1555 S. RAINBOW BOULEVARD, LAS VEGAS, NV 89146





# LAND USE APPLICATION

## DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

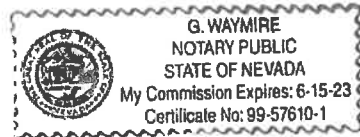
|  |  |
|--|--|
| <b>APPLICATION TYPE</b><br><br><input type="checkbox"/> TEXT AMENDMENT (TA)<br><input checked="" type="checkbox"/> ZONE CHANGE <u>\$10504</u><br><input checked="" type="checkbox"/> CONFORMING (ZC)<br><input type="checkbox"/> NONCONFORMING (NZC)<br><br><input type="checkbox"/> USE PERMIT (UC)<br><br><input type="checkbox"/> VARIANCE (VC)<br><input checked="" type="checkbox"/> WAIVER OF DEVELOPMENT STANDARDS (WS) <u>\$475*</u><br><input checked="" type="checkbox"/> DESIGN REVIEW (DR) <u>675*</u><br><br><input type="checkbox"/> ADMINISTRATIVE DESIGN REVIEW (ADR)<br><br><input type="checkbox"/> STREET NAME / NUMBERING CHANGE (SC)<br><br><input type="checkbox"/> WAIVER OF CONDITIONS (WC)<br><br><u>(ORIGINAL APPLICATION #)</u><br><br><input type="checkbox"/> ANNEXATION REQUEST (ANX)<br><br><input type="checkbox"/> EXTENSION OF TIME (ET)<br><br><u>(ORIGINAL APPLICATION #)</u><br><br><input type="checkbox"/> APPLICATION REVIEW (AR)<br><br><u>(ORIGINAL APPLICATION #)</u> | <b>STAFF</b><br><br>APP. NUMBER: <u>ZC-23-0204</u> DATE FILED: <u>4-18-2023</u><br>PLANNER ASSIGNED: <u>AI</u><br>TAB/CAC: <u>Spring Valley</u> TAB/CAC DATE: <u>5-30-2023</u><br>PC MEETING DATE: _____<br>BCC MEETING DATE: <u>6-21-2023</u><br>FEE: <u>\$2,200**</u>    |
|  | <b>PROPERTY OWNER</b><br><br>NAME: <u>PN II, Inc.</u><br>ADDRESS: <u>7255 S Tenaya Way, Suite 200</u><br>CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89113</u><br>TELEPHONE: _____      CELL: _____<br>E-MAIL: <u>kendra.saffle@pultegroup.com</u>                     |
|  | <b>APPLICANT</b><br><br>NAME: <u>PN II, Inc.</u><br>ADDRESS: <u>7255 S Tenaya Way, Suite 200</u><br>CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89113</u><br>TELEPHONE: _____      CELL: _____<br>E-MAIL: <u>kendra.saffle@pultegroup.com</u> REF CONTACT ID #: _____  |
|  | <b>CORRESPONDENT</b><br><br>NAME: <u>GCW / Jennifer Veras</u><br>ADDRESS: <u>1555 S Rainbow Blvd</u><br>CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89146</u><br>TELEPHONE: _____      CELL: _____<br>E-MAIL: <u>jveras@gcwengineering.com</u> REF CONTACT ID #: _____ |

ASSESSOR'S PARCEL NUMBER(S): 163-33-101-014  
 PROPERTY ADDRESS and/or CROSS STREETS: Cimmaron and Patrick Phase 1  
 PROJECT DESCRIPTION: Residential Subdivision

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

[Signature]  
 Property Owner (Signature)\*      BRENIN ANDERSON  
 Property Owner (Print)

STATE OF Nevada  
 COUNTY OF CLARK  
 SUBSCRIBED AND SWORN BEFORE ME ON 7-1-22 (DATE)  
 By [Signature]  
 NOTARY PUBLIC: [Signature]



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



764-A231

March 28, 2023

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

20-23-0204

**RE: Cimarron and Patrick Phase 1 APN's 163-33-101-014  
Approximately 3.16 +/- Gross Acres  
Request for Design Review, Waivers, Zone Change, and Vacation**

To whom it may concern:

On behalf of our client, Pulte Group, Inc., GCW. Inc. (GCW) is respectfully applying for the above land use items.

**Project Description:**

The project is located on an undeveloped site with approved zoning of P-F (Public Facility). The property is located on the north side of Oquendo Road, the west side of Cimarron Road, east of a future Clark County Regional Flood Control District Facility, and south of undeveloped land with a zoning of P-F (Public Facility).

**Zone Change**

Currently, the site is zoned P-F with a Land Use of Mid-Intensity Suburban Neighborhood, which allows up to 8 du/acre. We are proposing to change the zoning to R-2, which is conforming to the current land use, and the proposed density is 7.62 du/acre.

**Design Review:**

The Design Review is being requested to increase the finished grade over the maximum 36" per Clark County Title 30.32.40.a.9.b. The current site is a parcel from the July DOA auction and is constrained by existing roadways on 2 of the 4 sides, and in order to provide positive drainage the site will have areas that require a maximum fill depth of 8'.

The proposed site will consist of 24 single-family residential lots on 3.16 gross acres for a density of 7.62 dwelling units per gross acre. There will be a landscape easement between the property/right of way line that will comply to 30.64 requirements. The site will offer 3 different plans with 3 different elevations per plan: the livable square foot range will be from 2,708-3,023 sqft. There will be no models at this community, the homesites will be sold remotely at a sales office. Minimum Lot Size is 3,367 sqft and maximum lot size will be 4,067 sqft. The site will conform to Title 30.40-2 R-2 Setbacks.



**Waivers:**

**1. Title 30.52.052.a.1 — Street Configuration for Single-Family Residential Subdivisions – Intersections**

Standard: 125' Right of Way to Right of Way

Requested Waiver: Allow 91' intersection offset.

Justification: Street A provides access from Oquendo Drive into the proposed subdivision. The proposed parcel to the south of Oquendo Drive does not provide access to Oquendo Drive. There will be no conflicting left turns at this entry.

**Tentative Map and Vacation:**

We are also submitting the Tentative Map proposing the 24 single-family units along with a Vacation application package. The vacation is for the north 5' along Oquendo Road, 5' Along Cimarron Road, and a blanket drainage right-of-way that covers the entire site.

If you have any questions or clarifications, please call me at (702) 804-2153.

Cordially,

  
Wesley T. Petty, PE  
Senior Vice President





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06/21/23 BCC AGENDA SHEET

RIGHTS-OF-WAY  
(TITLE 30)

OQUENDO RD/CIMARRON RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

VS-23-0205-PN II, INC.:

**VACATE AND ABANDON** a portion of a right-of-way being Cimarron Road located between Quail Avenue and Oquendo Road and a portion of a right-of-way being Oquendo Road located between Cimarron Road and Tomsik Street (alignment) within Spring Valley (description on file). MN/al/syp (For possible action)

RELATED INFORMATION:

**APN:**

163-33-101-014; 163-33-201-009; 163-33-501-011

**LAND USE PLAN:**

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

**BACKGROUND:**

**Project Description**

The applicant is proposing to develop the 3.2 acres on the northwest corner of Oquendo Road and Cimarron Road as a single family residential development. This request is to vacate the western 5 feet of Cimarron Road and the northern 5 feet of Oquendo Road adjacent to the site to allow for landscape areas with detached sidewalks as required by Code.

**Surrounding Land Use**

|       | Planned land Use Category                           | Zoning District | Existing Land Use                         |
|-------|---|-----------------|---|
| North | Public Use  | P-F             | Undeveloped                               |
| South | Mid-Intensity Suburban Neighborhood (up to 8 du/ac) | R-E             | Undeveloped                               |
| East  | Mid-Intensity Suburban Neighborhood (up to 8 du/ac) | R-2             | Undeveloped                               |
| West  | Mid-Intensity Suburban Neighborhood (up to 8 du/ac) | R-2             | Flood channel & single family residential |

## Related Applications

| Application Number | Request   |
|--------------------|---|
| ZC-23-0204         | A request to reclassify the site to an R-2 zone for a single family residential development is a companion item on this agenda. |
| TM-23-500058       | A tentative map for a single family residential development is a companion item on this agenda.                                 |

### STANDARDS FOR APPROVAL:

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

#### Analysis

##### Public Works - Development Review

Staff has no objection to the vacation of right-of-way for detached sidewalks.

#### Staff Recommendation

Approval.

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

### PRELIMINARY STAFF CONDITIONS:

#### Comprehensive Planning

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

#### Public Works - Development Review

- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Flamingo Wash Cimarron Branch improvement project.
- Vacation to be recordable prior to building permit issuance or applicable map submittal;
- Revise legal description, if necessary, prior to recording.
- Applicant is advised that the installation of detached sidewalks will require the recordation of this vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

**Fire Prevention Bureau**

- Applicant is advised that dead-end streets/cul-de-sacs in excess of 500 feet must have an approved Fire Department turn-around provided.

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

- No objection.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** PN II, INC.

**CONTACT:** JENNIFER VERAS, GCW ENGINEERING, 1555 S. RAINBOW BOULEVARD,  
LAS VEGAS, NV 89146

DRAFT





# VACATION APPLICATION

## DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

|   |                       |                                    |                                |
|---|-----------------------|------------------------------------|--------------------------------|
| <b>APPLICATION TYPE</b><br><input checked="" type="checkbox"/> VACATION & ABANDONMENT (vs)<br><input type="checkbox"/> EASEMENT(S)<br><input checked="" type="checkbox"/> RIGHT(S)-OF-WAY<br><input type="checkbox"/> EXTENSION OF TIME (ET)<br>(ORIGINAL APPLICATION #): | <b>DEPARTMENT USE</b> | APP. NUMBER: <u>V6 23. 0205</u>    | DATE FILED: <u>4-18-2023</u>   |
|   |                       | PLANNER ASSIGNED: <u>AI</u>        | TAB/CAC DATE: <u>5-30-2023</u> |
|   |                       | TAB/CAC: <u>Spring Valley</u>      |                                |
|   |                       | PC MEETING DATE: _____             |                                |
|   |                       | BCC MEETING DATE: <u>6-21-2023</u> |                                |
|   |                       | FEE: <u>\$ 875<sup>00</sup></u>    |                                |

|                       |   |
|-----------------------|---|
| <b>PROPERTY OWNER</b> | NAME: <u>PN II, Inc.</u>                                  |
|                       | ADDRESS: <u>7255 S Tenaya Way, Suite 200</u>              |
|                       | CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89113</u> |
|                       | TELEPHONE: _____ CELL: _____                              |
|                       | E-MAIL: <u>kendra.saffle@pultegroup.com</u>               |

|                  |   |
|------------------|---|
| <b>APPLICANT</b> | NAME: <u>PN II, Inc.</u>                                  |
|                  | ADDRESS: <u>7255 S Tenaya Way, Suite 200</u>              |
|                  | CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89113</u> |
|                  | TELEPHONE: _____ CELL: _____                              |
|                  | E-MAIL: <u>kendra.saffle@pultegroup.com</u>               |
|                  | REF CONTACT ID #: _____                                   |

|                      |   |
|----------------------|---|
| <b>CORRESPONDENT</b> | NAME: <u>GCW / Jennifer Veras</u>                         |
|                      | ADDRESS: <u>1555 S Rainbow Blvd</u>                       |
|                      | CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89146</u> |
|                      | TELEPHONE: <u>702-804-2096</u> CELL: _____                |
|                      | E-MAIL: <u>jveras@gcwengineering.com</u>                  |
|                      | REF CONTACT ID #: _____                                   |

ASSESSOR'S PARCEL NUMBER(S): 163-33-101-014 ; 163.33.201.009 ; 163.33.501-011

PROPERTY ADDRESS and/or CROSS STREETS: Cimmaron and Patrick Phase 1

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)\*

[Signature]  
 Property Owner (Print)

STATE OF NEVADA  
 COUNTY OF Clark

SUBSCRIBED AND SWORN BEFORE ME ON 4-1-23 (DATE)  
 By G. Waymire

NOTARY PUBLIC: G. Waymire

G. WAYMIRE  
 NOTARY PUBLIC  
 STATE OF NEVADA  
 My Commission Expires: 6-15-23  
 Certificate No: 99-57610-1

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

APR. 22. 101404



764-A231

March 28, 2023

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

VS-23-0205

**RE: Cimarron and Patrick Phase 1 APN's 163-33-101-014, Approximately 3.16 +/- Gross Acres 3 APN's 163-33-201-018, Approximately 9.17 +/- Gross Acres  
Request for Vacation**

To whom it may concern:

On behalf of our client, Pulte Group, Inc., GCW. Inc. (GCW) is respectfully applying for the above land use items.

**Project Description:**

The project is located on an undeveloped site with approved zoning of P-F (Public Facility) The property is located on the north side of Oquendo Road, the west side of Cimarron Road, east of a future Clark County Regional Flood Control District Facility, and south of undeveloped land with a zoning of P-F (Public Facility).

**Vacation:**

The proposed vacation is for the following:

- North 5' along Oquendo Road – This vacation of right-of-way along Oquendo Road is being requested to permit the required detached sidewalk along the north side of Oquendo Lane.
- West 5' along Cimarron Road – This vacation of right-of-way along Cimarron Road is being requested to permit the required detached sidewalk along the south side of Cimarron Road.

If you have any questions or clarifications, please call me at (702) 804-2153.

Cordially,



Wesley T. Petty, PE  
Vice President





CIMARRON AND PATRICK PHASE 1  
(TITLE 30)

OQUENDO RD/CIMARRON RD

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST  
**TM-23-500058-PN II, INC:**

**TENTATIVE MAP** consisting of 24 single family residential lots and common lots on 3.2 acres in an R-2 (Medium Density Residential) Zone within the CMA Design Overlay District.

Generally located on the northwest corner of Oquendo Road and Cimarron Road within Spring Valley. MN/al/syp (For possible action)

---

**RELATED INFORMATION:**

**APN:**  
163-33-101-014

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

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

- Site Address: N/A
- Site Acreage: 3.2
- Number of Lots: 24 (residential)/4 (common elements)
- Density (du/ac): 7.5
- Minimum/Maximum Lot Size (square feet): 3,367/4,067
- Project Type: Single family residential development

The plan depicts a single family residential development consisting of 24 lots with a density of 7.5 dwelling units per acre. Access to the development is provided by a 42 foot wide private street that intersects with Oquendo Road along the southern boundary of the site. The private street terminates in a radius bulb cul-de-sac at the northern boundary of the site and has a 4 foot wide sidewalk along the east side of the street. There are 4 common element lots within the development, with 2 located along the north side of Oquendo Road on the east and west sides of the entrance to the development, and 2 on the east and west sides of the cul-de-sac on the northern portion of the site. There are 12 residential lots on each side of the private street and the plans do not depict direct access to the adjacent public streets. The applicant has also submitted a request to vacate and abandon 5 feet of Oquendo Road and Cimarron Road adjacent to this site in order to provide a 15 foot wide landscape area with detached sidewalks along these streets.

### Surrounding Land Use

|       | Planned land Use Category                           | Zoning District | Existing Land Use                         |
|-------|---|-----------------|---|
| North | Public Use  | P-F             | Undeveloped                               |
| South | Mid-Intensity Suburban Neighborhood (up to 8 du/ac) | R-E             | Undeveloped                               |
| East  | Mid-Intensity Suburban Neighborhood (up to 8 du/ac) | R-2             | Undeveloped                               |
| West  | Mid-Intensity Suburban Neighborhood (up to 8 du/ac) | R-2             | Flood channel & single family residential |

### Related Applications

| Application Number | Request   |
|--------------------|---|
| ZC-23-0204         | A request to reclassify the site to an R-2 zone for a single family residential development is a companion item on this agenda. |
| VS-23-0205         | A vacation and abandonment of portions of rights-of-way is a companion item on this agenda.                                     |

### STANDARDS FOR APPROVAL:

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

#### Analysis

##### Comprehensive Planning

This request meets the tentative map requirements as outlined in Title 30; however, staff is not supporting the design review portion of ZC-23-0204 and; therefore, cannot support this request.

##### Department of Aviation

The property lies just outside the AE-60 (60-65 DNL) noise contour for the Harry Reid International Airport and is subject to continuing aircraft noise and over-flights. Future demand for air travel and airport operations is expected to increase significantly. Clark County intends to continue to upgrade the Harry Reid International Airport facilities to meet future air traffic demand.

##### Staff Recommendation

Denial.

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

### PRELIMINARY STAFF CONDITIONS:

#### Comprehensive Planning

If approved:

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

in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that a final map for all, or a portion, of the property included under this application must be recorded within 4 years or it will expire.

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

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

#### **Comprehensive Planning - Addressing**

- Streets shall have approved street names and suffixes.

#### **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.

#### **Fire Prevention Bureau**

- Applicant is advised that dead-end streets/cul-de-sacs in excess of 500 feet must have an approved Fire Department turn-around provided.

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

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0131-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

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

**APPLICANT:** PN II, INC.

**CONTACT:** JENNIFER VERAS, GCW ENGINEERING, 1555 S. RAINBOW BOULEVARD,  
LAS VEGAS, NV 89146

DRAFT



# TENTATIVE MAP APPLICATION

## DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

|  |                       |  |
|--|-----------------------|--|
| <b>APPLICATION TYPE</b>                                | <b>DEPARTMENT USE</b> | APP. NUMBER: <u>TM 23-500 058</u> DATE FILED: <u>4-18-2023</u>   |
| <input checked="" type="checkbox"/> TENTATIVE MAP (TM) |                       | PLANNER ASSIGNED: <u>AI</u><br>TAB/CAC: <u>Spring Valley</u> TAB/CAC DATE: <u>5-30-2023</u><br>PC MEETING DATE: _____<br>BCC MEETING DATE: <u>6-21-2023</u><br>FEE: <u>\$ 750<sup>02</sup></u> |

|                       |   |
|-----------------------|---|
| <b>PROPERTY OWNER</b> | NAME: <u>PN II, Inc.</u><br>ADDRESS: <u>7255 S Tenaya Way, Suite 200</u><br>CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89113</u><br>TELEPHONE: _____      CELL: _____<br>E-MAIL: <u>kendra.saffle@pultegroup.com</u> |
|-----------------------|---|

|                  |   |
|------------------|---|
| <b>APPLICANT</b> | NAME: <u>PN II, Inc.</u><br>ADDRESS: <u>7255 S Tenaya Way, Suite 200</u><br>CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89113</u><br>TELEPHONE: _____      CELL: _____<br>E-MAIL: <u>kendra.saffle@pultegroup.com</u> REF CONTACT ID #: _____ |
|------------------|---|

|                      |   |
|----------------------|---|
| <b>CORRESPONDENT</b> | NAME: <u>GCW / Jennifer Veras</u><br>ADDRESS: <u>1555 S Rainbow Blvd</u><br>CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89146</u><br>TELEPHONE: <u>702-804-2096</u> CELL: _____<br>E-MAIL: <u>jveras@gcwengineering.com</u> REF CONTACT ID #: _____ |
|----------------------|---|

ASSESSOR'S PARCEL NUMBER(S): 163-33-101-014

PROPERTY ADDRESS and/or CROSS STREETS: Cimarron and Patrick Phase 1

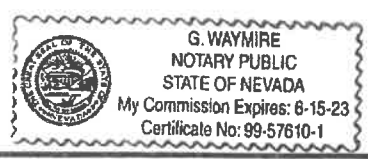
TENTATIVE MAP NAME: Tentative Map for Cimarron and Patrick Phase 1

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)\*
BRENDA ANDERSON  
Property Owner (Print)

STATE OF Nevada  
COUNTY OF Clark

SUBSCRIBED AND SWORN BEFORE ME ON 4/18/23 (DATE)  
By [Signature]  
NOTARY PUBLIC: [Signature]



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



12

06/21/23 BCC AGENDA SHEET

OFFICE BUILDING & PARKING GARAGE  
RESTAURANTS  
(TITLE 30)

RILEY ST/SUNSET RD

PUBLIC HEARING  
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST  
**WC-23-400053 (ZC-1333-02)-MCM TOWER, LLC:**

**WAIVER OF CONDITIONS** of a zone change not allowing the required parking behind buildings in conjunction with an office building and parking garage with restaurants on 4.2 acres in a C-2 (General Commercial) Zone in the CMA Design Overlay District.

Generally located on the north side of Sunset Road and the east side of Riley Street within Spring Valley. JJ/md/syp (For possible action)

---

RELATED INFORMATION:

**APN:**  
163-32-801-011

**LAND USE PLAN:**  
SPRING VALLEY - CORRIDOR MIXED-USE

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

- Site Address: N/A
- Site Acreage: 4.2
- Project Type: Office building & parking garage with restaurants
- Number of Stories: 9 (office building)/6 parking garage
- Building Height (feet): 133 (office building)/92 (parking garage)
- Square Feet: 209,577 (office building)/660,176 (parking garage)/19,547 (restaurants)
- Parking Required/Provided: 1,104/1,150

**History & Request**

The C-2 zoning for the subject property was approved via ZC-1333-02 by the Board of County Commissioners (BCC) in November 2002 for a retail building, convenience store with gasoline station (fuel pumps), and 2 future restaurant pad sites. The commercial development that was approved with the zone change was never constructed. The applicant is now proposing an office building and a parking garage with restaurants at the top level. A condition of ZC-1333-02 prohibits required parking to be behind buildings. This is a request to waive that condition.

### Site Plans

The plans depict a 9 story office building located on the south portion of the project site with the following setbacks: 1) 78 feet from the south property line adjacent to Sunset Road; 2) 26 feet from the east property line; 3) 17 feet from the west property line along Riley Street, and 4) 389 feet from the north property line. A detached, 6 story parking garage, with restaurants on the top level, is located immediately to the rear (north) of the office building and features the following setbacks: 1) 12.5 feet from the north property line; 2) 21 feet from the west property line adjacent to Riley Street; 3) 1.5 feet from the east property line; and 4) 261 feet from the south property line along Sunset Road. Access to the site is granted via a commercial driveway along Sunset Road and a driveway along Riley Street. A waiver of development standards is required to reduce the throat depth for the driveways along Sunset Road and Riley Street. Surface level parking is located immediately to the south of the office building, consisting of a row of parking spaces adjacent to Sunset Road. A single row of surface level parking spaces are located between the north side of the office building and the south side of the parking garage. A total of 1,104 parking spaces are required where 1,150 parking spaces are provided. Cross-access is provided to the commercial development to the east of the project site. Five foot wide detached sidewalks are located along Riley Street and Sunset Road, with enhanced paving at the driveway entrances per a condition of ZC-1333-02. A design review to increase finished grade is also a part of this request. The increase in finished grade occurs on the site's topography from south to north.

### Landscaping

The plans depict 15 foot wide landscape areas, with 5 foot wide detached sidewalks, located along Sunset Road and Riley Street. The street landscaping consists of trees, shrubs, and groundcover. A 3 foot high, decorative, split-face block wall is located within the street landscape areas for flood control/drainage purposes. Interior parking lot landscaping is located immediately to the south of the office building, along Sunset Road, and between the north side of the office building and the south side of the parking garage. Site amenities are provided throughout the site which include enhanced paving at pedestrian crossings, benches, ornamental trash receptacles, and light fixtures per a condition of ZC-1333-02.

### Elevations

The plans depict a 9 story office building with varying rooflines measuring 133 feet in height. The exterior of the office building consists of decorative metal panel systems, stone tile exterior clad, and an aluminum storefront window system. The colors of the office building consist of varying shades of gray with white and orange accents. All rooftop mounted equipment will be screened from public view and the right-of-way by parapet walls.

The plans also depict a 6 story parking garage, measuring between 65.5 to 92 feet in height, with varying rooflines. The exterior of the parking garage will consist of stucco and stone tile exterior clad. The top level of the garage features the 3 restaurant tenant spaces, which consist of a stucco exterior and an aluminum storefront window system. Decorative metal clad canopies, painted with an orange accent, are located above the outside dining areas. The color of the garage features varying shades of gray. A waiver of development standards is required to increase the building height for both the office building and parking garage.



### Floor Plans

The plans depict an office building consisting of 8 floors with open shell space measuring 209,577 square feet in area. Outdoor patios, measuring 8,404 square feet in area, are located around the first floor perimeter of the office building. The parking garage consists of 5 levels with a roof deck at the top level. Three restaurant spaces are located on the fifth level of the garage, with an area measuring 19,547 square feet. An outdoor dining area measuring 8,568 square feet is centrally located between the restaurant tenant spaces.

### Previous Conditions of Approval

Listed below are the approved conditions for ZC-1333-02:

#### Current Planning:

- Subject to no resolution of intent and staff preparing an ordinance to adopt the zoning; design review on the northerly restaurant site, and design review as a public hearing on the restaurant site located adjacent to Sunset Road;
- Providing a 15 foot wide landscape buffer along Sunset Road with medium trees, 24 inch box in size, with shrubs to cover 50% of the landscape area;
- No turf within the 15 foot landscape buffer area;
- A detached sidewalk along Sunset Road;
- Providing consistent architecture and landscaping throughout;
- To minimize the visual dominance of such a large gasoline canopy, canopy to have a pitched roof, consistent with convenience store, with architectural features to match the building;
- All sides of buildings to be finished to be consistent with the front of buildings;
- Store fronts to face streets;
- Trash enclosure to be stucco to match buildings;
- Providing cross access, ingress/egress and parking agreements;
- No required parking behind buildings;
- Enhanced paving at vehicular entrances and pedestrian crossings; and
- Site amenities such as benches, ornamental trash receptacles, light fixtures, or fountains.

#### Public Works – Development Review

- Right-of-way dedication to include 30 feet for Riley Street with related spandrel with Sunset Road;
- Full off-site improvements to include paved legal access;
- If the public sidewalk does not abut the back of curb and/or is meandering in design, applicant to either 1) dedicate the aforementioned rights-of-way, grant necessary pedestrian access easements and sign a License and Maintenance agreement for non-standard improvements located within the right-of-way, or 2) dedicate rights-of-way to back of curb, grant necessary pedestrian access and utility easements, and if applicable, vacate any previously dedicated excess rights-of-way to back of curb;
- Drainage and traffic studies and compliance;
- And all applicable standard conditions for this application type.

**Applicant's Justification**

The applicant is proposing parking along the west Sunset Road frontage, as well as parking along the back of the building, in addition to the parking garage. This 2002 condition appears to be related to a previously planned commercial retail center, with the condition intending to encourage a shared parking policy for each proposed building. The condition does not apply to the use as proposed here.

**Prior Land Use Requests**

| Application Number           | Request   | Action          | Date          |
|------------------------------|---|-----------------|---------------|
| ET-19-400139<br>(DR-0083-17) | First extension of time for the redesign of a previously approved commercial center with office uses - expired  | Approved by BCC | December 2019 |
| WS-19-0372                   | Increase the height of a freestanding sign - expired  | Approved by PC  | July 2019     |
| ET-18-400140<br>(VS-0068-16) | First extension of time to vacate portions of right-of-way being Sunset Road - recorded   | Approved by BCC | July 2018     |
| ET-18-400141<br>(UC-0067-16) | First extension of time to increase building height for a commercial center with waivers for increased lot coverage and alternative landscaping in conjunction with a commercial center consisting of offices, restaurants, and retail uses - expired | Approved by BCC | July 2018     |
| VS-0947-17                   | Vacated and abandoned easements - recorded  | Approved by PC  | December 2017 |
| DR-0083-17                   | Redesign of a previously approved commercial center with office uses - expired  | Approved by BCC | March 2017    |
| VS-0068-16                   | Vacated portions of right-of-way being Sunset Road - recorded   | Approved by BCC | March 2016    |
| UC-0067-16                   | Commercial center with waivers for increased lot coverage and alternative landscaping in conjunction with a commercial center consisting of offices, restaurants, and retail uses - expired   | Approved by BCC | March 2016    |
| VS-0192-06                   | Vacated easements and portions of right-of-way being Riley Street, Post Road, and Teco Avenue - recorded  | Approved by PC  | March 2006    |
| ZC-1333-02                   | Reclassified the project site to C-2 zoning for a shopping center consisting of a retail building, convenience store, gasoline station, and 2 restaurant pad sites  | Approved by BCC | November 2002 |

**Surrounding Land Use**

|       | Planned Land Use Category | Zoning District | Existing Land Use                          |
|-------|---------------------------|-----------------|--|
| North | Corridor Mixed-Use        | U-V             | Mixed-use development with multiple family |
| South | Entertainment Mixed-Use   | C-2             | Commercial development (Ikea)              |

### Surrounding Land Use

|      | Planned Land Use Category | Zoning District | Existing Land Use  |
|------|---------------------------|-----------------|--|
| East | Corridor Mixed-Use        | C-2             | Recreational facility (pickle ball), restaurants, retail, offices, & a parking garage currently under construction |
| West | Corridor Mixed-Use        | C-2             | Office buildings & undeveloped   |

### Related Applications

| Application Number | Request  |
|--------------------|--|
| WS-23-0211         | A waiver of development standards for increased building height, light fixtures heights, and modified driveway design standards in conjunction with an office building and parking garage with restaurants is a companion item on this agenda. |

### STANDARDS FOR APPROVAL:

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

### Analysis

#### Comprehensive Planning

The intent of the previously approved condition was to ensure the required parking spaces for the commercial development were located in front of the buildings, in addition to the parking spaces being accessible for the entire complex and future development to the east. ZC-1333-02 was approved by the Board of County Commissioners in November 2002 for a zone change to reclassify the project site to C-2 zoning for a retail building, convenience store with gasoline station (fuel pumps), and 2 future restaurant pad sites. However, the commercial development that was approved with the zone change was never constructed and the applicant is now proposing an office building with a parking garage. Staff ordinarily does not support waiving conditions previously imposed by the Board of County Commissioners. Staff does not object to the required parking spaces for the development being located behind the office building. However, since staff is not supporting the requested waivers of development standards and design reviews associated with the development, staff recommends denial of this request.

#### Staff Recommendation

Denial.

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

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

**PRELIMINARY STAFF CONDITIONS:**

**Public Works - Development Review**

If approved:

- 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 #0160-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

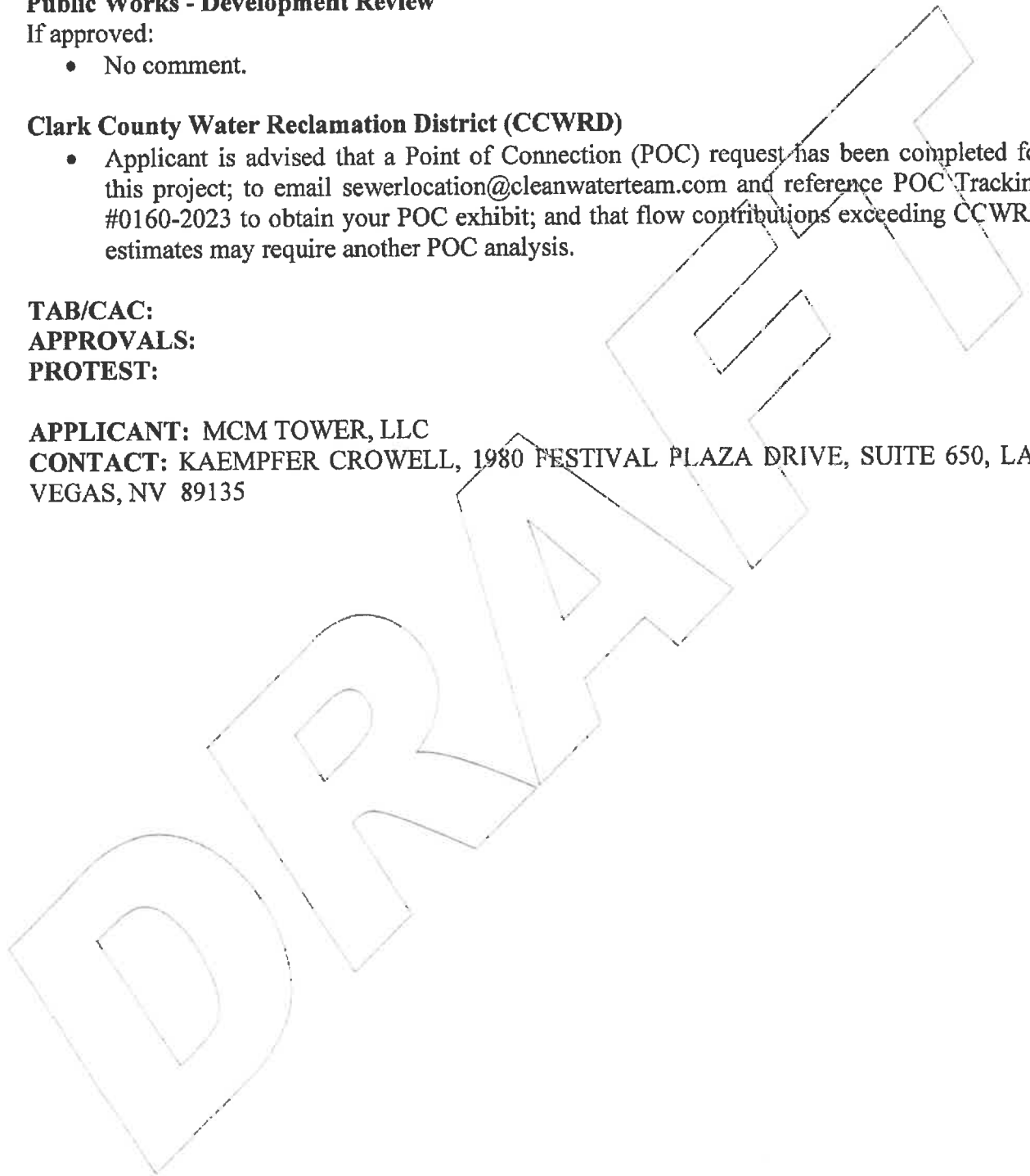
**TAB/CAC:**

**APPROVALS:**

**PROTEST:**

**APPLICANT: MCM TOWER, LLC**

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





# LAND USE APPLICATION

## DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

|   |  |
|---|--|
| <b>APPLICATION TYPE</b><br><br><input type="checkbox"/> TEXT AMENDMENT (TA)<br><input type="checkbox"/> ZONE CHANGE (ZC)<br><input type="checkbox"/> USE PERMIT (UC)<br><input type="checkbox"/> VARIANCE (VC)<br><input type="checkbox"/> WAIVER OF DEVELOPMENT STANDARDS (WS)<br><input checked="" type="checkbox"/> DESIGN REVIEW (DR)<br><input type="checkbox"/> ADMINISTRATIVE DESIGN REVIEW (ADR)<br><input type="checkbox"/> STREET NAME / NUMBERING CHANGE (SC)<br><input checked="" type="checkbox"/> WAIVER OF CONDITIONS (WC)<br><u>ZC 133302</u><br>(ORIGINAL APPLICATION #)<br><input type="checkbox"/> ANNEXATION REQUEST (ANX)<br><input type="checkbox"/> EXTENSION OF TIME (ET)<br>(ORIGINAL APPLICATION #)<br><input type="checkbox"/> APPLICATION REVIEW (AR)<br>(ORIGINAL APPLICATION #) | <b>STAFF</b><br><br>APP. NUMBER: <u>WC-23-400053</u> DATE FILED: <u>4/19/23</u><br>PLANNER ASSIGNED: <u>MPO</u><br>TAB/CAC: <u>SPRING VALLEY</u> TAB/CAC DATE: <u>5/30/23</u><br>PC MEETING DATE: <u>-</u> e 6:00 p.m.<br>BCC MEETING DATE: <u>6/21/23 e 9:00 A.M.</u><br>FEE: <u>500</u>    |
|   | <b>PROPERTY OWNER</b><br><br>NAME: <u>MCM TOWER LLC</u><br>ADDRESS: <u>9275 W. Russell Road Suite 235</u><br>CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89148</u><br>TELEPHONE: <u>702-832-4700</u> CELL:<br>E-MAIL: <u>Ofir@moonwatercapital.com</u>                                   |
|   | <b>APPLICANT</b><br><br>NAME: <u>Moonwater Capital Management Inc</u><br>ADDRESS: <u>9275 West Russell Road Suite 235</u><br>CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89148</u><br>TELEPHONE: <u>702-844-1117</u> CELL:<br>E-MAIL: <u>ofir@moonwatercapital.com</u> REF CONTACT ID #: |
| <b>CORRESPONDENT</b><br><br>NAME: <u>Kaempfer Crowell - Bob Gronauer</u><br>ADDRESS: <u>1980 Festival Plaza Dr #420</u><br>CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89135</u><br>TELEPHONE: <u>702-792-7000</u> CELL: <u>702-792-7048</u><br>E-MAIL: <u>a.pierce@kcovlaw.com</u> REF CONTACT ID #: <u>164674</u>   |  |

ASSESSOR'S PARCEL NUMBER(S): 163-32-801-011

PROPERTY ADDRESS and/or CROSS STREETS: Riley St. & Sunset Rd.

PROJECT DESCRIPTION: Office Building & Parking Garage

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

Property Owner (Signature)\* [Signature]      Property Owner (Print) Ofir Hagay

STATE OF Nevada  
 COUNTY OF Clark

SUBSCRIBED AND SWORN BEFORE ME ON November 17, 2022 (DATE)  
 By [Signature]

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.



building is highly articulated to complement the surrounding area, to include stone tile, metal panels, glass and concrete.

- **Grade Fill**

The Applicant is requesting a design review for a grade fill increase of up to 8 feet, where 36 inches is permitted. A significant slope occurs on the Site's topography from south to north, therefore requiring an increased fill to accommodate this existing topography and for drainage purposes.

### Waivers of Development Standards

The Applicant requests the following waivers of development standards for the Site:

- **Throat Depth on S. Riley Street and W. Sunset Road**

The Applicant is requesting waivers for throat depths. The Applicant has two (2) driveways and 1,150 parking spaces. With that, each driveway is required to have a throat depth measurement of 150 feet. The Applicant requests a throat depth waiver for 19 feet for the south side of the Riley Street driveway. The north side of the Riley Street driveway has a 111-foot throat depth, where 150 feet is required. Additionally, the Riley Street driveway is protected from on-site cross traffic.

The Applicant also requests a throat depth waiver for 18 feet for the west side of the Sunset Road driveway, where 150 feet is required. The east side of the Sunset Road driveway has a throat depth of 93 feet, where 150 feet is required. When entering from the Sunset Road driveway, the Site design allows cars to turn left, continue straight or veer right toward the adjacent commercial development to the east of the Site. This design allows adequate space for cars to avoid those making the immediate left-hand turn. This will allow sufficient on-site circulation, and prevent cars from backing up onto W. Sunset Road.

- **Allow Exterior Light Fixtures (Luminaries) Mounted on Building Higher than 14 feet**

The Applicant is requesting a waiver to allow exterior light fixtures to be mounted on the building to be higher than 14 feet. As depicted on the site plans, the mounted wall sconces are proposed at a height of approximately 17 feet above the finished floor, approximately the height of the first level. Because the mounted wall sconces align with the height of the first level, the Applicant requests the waiver for the height increase of the lights.

- **Increase Building Height**

Lastly, the Applicant is requesting a waiver to increase the overall building height to 133 feet where 50 feet is permitted within C-2. Buildings over 50-feet in height are not unusual within the surrounding area. Across the I-215 to the west, less than a mile away, is the Southern Hills Hospital and Medical Center that is over 50-feet high. Additionally, across the I-215 to the southeast, less than a mile away, is the Durango Casino and Resort that is currently under development. The Durango Casino and Resort is also over 100-feet. Therefore, the increased height request will not negatively impact the area.





**Waiver of Condition**

The Applicant requests a waiver of condition from a 2002 approval on the Site from application ZC-1333-02. Specifically, the Applicant requests to waive the condition that states "no required parking behind buildings." Here, the Applicant is proposing parking along the W. Sunset Road frontage, as well as parking along the back of the building, in addition to the parking garage. This 2002 condition appears to be related to a previously-planned commercial retail center, with the condition intending to encourage a shared parking policy for each proposed building. The condition does not apply to the use as proposed here. Therefore, the Applicant respectfully requests a waiver of condition.

Thank you for your consideration of this request. Please let me know if you have any questions

Sincerely,

KAEMPFER CROWELL



Lexa D. Green

LDG/mkr



06/21/23 BCC AGENDA SHEET

OFFICE BUILDING & PARKING GARAGE  
RESTAURANTS  
(TITLE 30)

RILEY ST/SUNSET RD

PUBLIC HEARING  
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST  
WS-23-0211-MCM TOWER, LLC:

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) increase building height; 2) increase the height of exterior fixtures (luminaries) mounted on buildings; and 3) allow modified driveway design standards.

**DESIGN REVIEWS** for the following: 1) office building; 2) parking garage with restaurants; and 3) finished grade on 4.2 acres in a C-2 (General Commercial) Zone in the CMA Design Overlay District.

Generally located on the north side of Sunset Road and the east side of Riley Street within Spring Valley. JJ/md/syp (For possible action)

RELATED INFORMATION:

APN:  
163-32-801-011

**WAIVERS OF DEVELOPMENT STANDARDS:**

1.
  - a. Increase building (office) height to 133 feet where a maximum building height of 50 feet is permitted per Table 30.40-4 (a 166% increase).
  - b. Increase building (parking garage with restaurants) to 92 feet where a maximum building height of 50 feet is permitted per Table 30.40-4 (an 84% increase).
2. Increase the height of exterior fixtures (luminaries) mounted on buildings to 17 feet where a maximum height of 14 feet is permitted above finished grade per Section 30.48.670 (a 21.5% increase).
3.
  - a. Reduce throat depth (Riley Street) to 19 feet where a minimum of 150 feet is required per Uniform Standard Drawing 222.1 (an 87.3% reduction).
  - b. Reduce throat depth (Sunset Road) to 18 feet where a minimum of 150 feet is required per Uniform Standard Drawing 222.1 (an 88% reduction).

**DESIGN REVIEWS:**

1. Office building.
2. Parking garage with restaurants.
3. Increase finished grade to 96 inches where a maximum of 36 inches is the standard per Section 30.32.040 (a 166.7% increase).

**LAND USE PLAN:  
SPRING VALLEY - CORRIDOR MIXED-USE**

**BACKGROUND:**

**Project Description**

**General Summary**

- Site Address: N/A
- Site Acreage: 4.2
- Project Type: Office building & parking garage with restaurants
- Number of Stories: 9 (office building)/6 (parking garage)
- Building Height (feet): 133 (office building)/92 (parking garage with restaurants)
- Square Feet: 209,577 (office building)/660,176 (parking garage)/19,547 (restaurants)
- Parking Required/Provided: 1,104/1,150

History & Request

The C-2 zoning for the subject property was approved via ZC-1333-02 by the Board of County Commissioners in November 2002 for a retail building, convenience store with gasoline station (fuel pumps), and 2 future restaurant pad sites. The commercial development that was approved with the zone change was never constructed. The applicant is now proposing an office building and a parking garage with restaurants at the top level. A condition of ZC-1333-02 prohibits required parking to be behind buildings. WC-23-400053(ZC-1333-02) is a companion to this development proposal with a request to waive the previously imposed parking condition.

Site Plan

The plans depict a 9 story office building located on the south portion of the project site with the following setbacks: 1) 78 feet from the south property line adjacent to Sunset Road; 2) 26 feet from the east property line; 3) 17 feet from the west property line along Riley Street; and 4) 389 feet from the north property line. A detached, 6 story parking garage, with restaurants on the top level, is located immediately to the rear (north) of the office building and features the following setbacks: 1) 12.5 feet from the north property line; 2) 21 feet from the west property line adjacent to Riley Street; 3) 1.5 feet from the east property line; and 4) 261 feet from the south property line along Sunset Road. Access to the site is granted via a commercial driveway along Sunset Road and a driveway along Riley Street. A waiver of development standards is required to reduce the throat depth for the driveways along Sunset Road and Riley Street. Surface level parking is located immediately to the south of the office building, consisting of a row of parking spaces adjacent to Sunset Road. A single row of surface level parking spaces are located between the north side of the office building and the south side of the parking garage. A total of 1,104 parking spaces are required where 1,150 parking spaces are provided. Cross-access is provided to the commercial development to the east of the project site. Five foot wide detached sidewalks are located along Riley Street and Sunset Road, with enhanced paving at the driveway entrances per a condition of ZC-1333-02. A design review to increase finished grade is also a part of this request. The increase in finished grade occurs on the site's topography from south to north.

### Landscaping

The plans depict 15 foot wide landscape areas, with 5 foot wide detached sidewalks, located along Sunset Road and Riley Street. The street landscaping consists of trees, shrubs, and groundcover. A 3 foot high, decorative, split-face block wall is located within the street landscape areas for flood control/drainage purposes. Interior parking lot landscaping is located immediately to the south of the office building, along Sunset Road, and between the north side of the office building and the south side of the parking garage. Site amenities are provided throughout the site which include enhanced paving at pedestrian crossings, benches, ornamental trash receptacles, and light fixtures per a condition of ZC-1333-02.

### Elevations

The plans depict a 9 story office building with varying rooflines measuring 133 feet in height. The exterior of the office building consists of decorative metal panel systems, stone tile exterior clad, and an aluminum storefront window system. The colors of the office building consist of varying shades of gray with white and orange accents. All rooftop mounted equipment will be screened from public view and the right-of-way by parapet walls.

The plans also depict a 6 story parking garage, measuring between 65.5 to 92 feet in height, with varying rooflines. The exterior of the parking garage will consist of stucco and stone tile exterior clad. The top level of the garage features the 3 restaurant tenant spaces, which consist of a stucco exterior and an aluminum storefront window system. Decorative metal clad canopies, painted with an orange accent, are located above the outside dining areas. The color of the garage features varying shades of gray. A waiver of development standards is required to increase the building height for both the office building and parking garage.

### Floor Plans

The plans depict an office building consisting of 8 floors with open shell space measuring 209,577 square feet in area. Outdoor patios, measuring 8,404 square feet in area, are located around the first floor perimeter of the office building. The parking garage consists of 5 levels with a roof deck at the top level. Three restaurant spaces are located on the fifth level of the garage, with an area measuring 19,547 square feet. An outdoor dining area measuring 8,568 square feet is centrally located between the restaurant tenant spaces.

### Signage

Signage is not a part of this request.

### Applicant's Justification

Buildings over 50 feet in height are not unusual within the surrounding area. Across the I-215 to the west, less than a mile away, is the Southern Hills Hospital and Medical Center that is over 50 feet high. Additionally, across the I-215 to the southeast, less than a mile away, is the Durango Casino and Resort that is currently under development. The Durango Casino and Resort is also over 100 feet. Therefore, the increased height request will not negatively impact the area. As depicted on the site plans, the mounted wall sconces are proposed at a height of approximately 17 feet above the finished floor, approximately the height of the first level. Because the mounted wall sconces align with the height of the first level, a waiver is required for the height increase of the lights. The north side of the Riley Street driveway has a 111 foot throat depth, where 150

feet is required. Additionally, the Riley Street driveway is protected from on-site cross traffic. The east side of the Sunset Road driveway has a throat depth of 93 feet, where 150 feet is required. When entering from the Sunset Road driveway, the Site design allows cars to turn left, continue straight or veer right toward the adjacent commercial development to the east of the Site. This design allows adequate space for cars to avoid those making the immediate left hand turn. This will allow sufficient on-site circulation, and prevent cars from backing-up onto Sunset Road. A significant slope occurs on the Site's topography from south to north; therefore, requiring an increased fill to accommodate this existing topography and for drainage purposes.

#### Prior Land Use Requests

| Application Number           | Request  | Action          | Date          |
|------------------------------|--|-----------------|---------------|
| ET-19-400139<br>(DR-0083-17) | First extension of time for the redesign of a previously approved commercial center with office uses - expired   | Approved by BCC | December 2019 |
| WS-19-0372                   | Increase the height of a freestanding sign - expired   | Approved by PC  | July 2019     |
| ET-18-400140<br>(VS-0068-16) | First extension of time to vacate portions of right-of-way being Sunset Road - recorded  | Approved by BCC | July 2018     |
| ET-18-400141<br>(UC-0067-16) | First extension of time to increase building height for a commercial center with waivers for increased lot coverage and alternative landscaping, in conjunction with a commercial center consisting of offices, restaurants, and retail uses - expired | Approved by BCC | July 2018     |
| VS-0947-17                   | Vacated and abandoned easements - recorded   | Approved by PC  | December 2017 |
| DR-0083-17                   | Redesign of a previously approved commercial center with office uses - expired   | Approved by BCC | March 2017    |
| VS-0068-16                   | Vacated portions of right-of-way being Sunset Road - recorded  | Approved by BCC | March 2016    |
| UC-0067-16                   | Commercial center with waivers for increased lot coverage and alternative landscaping in conjunction with a commercial center consisting of offices, restaurants, and retail uses - expired  | Approved by BCC | March 2016    |
| VS-0192-06                   | Vacated easements and portions of right-of-way being Riley Street, Post Road, and Teco Avenue - recorded   | Approved by PC  | March 2006    |
| ZC-1333-02                   | Reclassified the project site to C-2 zoning for a shopping center consisting of a retail building, convenience store, gasoline station, and 2 restaurant pad sites   | Approved by BCC | November 2002 |

#### Surrounding Land Use

|       | Planned Land Use Category | Zoning District | Existing Land Use                          |
|-------|---------------------------|-----------------|--|
| North | Corridor Mixed-Use        | U-V             | Mixed-use development with multiple family |

### Surrounding Land Use

|       | Planned Land Use Category | Zoning District | Existing Land Use  |
|-------|---------------------------|-----------------|--|
| South | Entertainment Mixed-Use   | C-2             | Commercial development (Ikea)  |
| East  | Corridor Mixed-Use        | C-2             | Recreational facility (pickle ball), restaurants, retail, offices, & a parking garage currently under construction |
| West  | Corridor Mixed-Use        | C-2             | Office buildings & undeveloped   |

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

### Related Applications

| Application Number           | Request  |
|------------------------------|--|
| WC-23-400053<br>(ZC-1333-02) | A waiver of conditions of a zone change not allowing required parking to be behind buildings is a companion item on this agenda. |

### STANDARDS FOR APPROVAL:

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

### Analysis

#### Comprehensive Planning

##### Waivers of Development Standards

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

##### Waiver of Development Standards #1 & Design Reviews #1 & #2

Staff recognizes that Durango Station was approved for a height increase up to a maximum height of 216 feet. However, the previously approved resort hotel is located approximately 1,715 feet to the south of the project site, across both Sunset Road and the 215 Beltway. The proposed height of the office building and parking garage is not compatible with the height of the existing office buildings to the west (27 to 48 feet in height), the multiple family developments to the northwest, north and northeast (27 to 55 feet in height), and the commercial development to the east (up to 59 feet in height). Staff finds a variety of design elements, including articulating building facades, and varying rooflines are utilized on all sides of the office building and parking garage. Staff is not supporting waiver of development standards #2 and #3; therefore, staff cannot support waiver of development standards #1 and the design reviews and recommends denial.

##### Waiver of Development Standards #2

Staff finds the request to increase the height of the exterior fixtures (luminaries) mounted to the exterior of the office building and parking garage is minimal and should not have an impact on

the surrounding land uses and properties. However, since staff is not supporting waiver of development standards #1 and #3 and the associated design reviews, staff cannot support this request.

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

#### Waiver of Development Standards #3a

Staff cannot support the reduction in throat depth for the Riley Street driveway. Vehicles coming off of Riley Street will come to an immediate conflict with parking stalls just south of the driveway, causing stacking in the right-of-way.

#### Waiver of Development Standards #3b

Staff cannot support the reduction in throat depth for the Sunset Road driveway. With the volume of traffic on Sunset Road and the proximity to the 215 Beltway, the reduction in the throat depth may cause stacking in the right-of-way, increasing the potential for collisions.

#### Design Review #3

This design review represents the maximum grade difference within the boundary of this application. This information is based on preliminary data to set the worst case scenario. Staff will continue to evaluate the site through the technical studies required for this application. Approval of this application will not prevent staff from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approval. However, since staff cannot support this application in its entirety, staff cannot support this design review.

### **Staff Recommendation**

Denial.

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

### **PRELIMINARY STAFF CONDITIONS:**

#### **Comprehensive Planning**

If approved:

- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised the installation and use of cooling systems that consumptively use water will be prohibited; approval of this application does not constitute or imply approval of a liquor or gaming license or any other County issued permit, license or approval; that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension



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

**Public Works - Development Review**

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

**Fire Prevention Bureau**

- Applicant is advised that fire/emergency access must comply with the Fire Code as amended.

**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 #0160-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT: MCM TOWER, LLC**

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





# LAND USE APPLICATION

## DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

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| <b>APPLICATION TYPE</b><br><br><input type="checkbox"/> TEXT AMENDMENT (TA)<br><input type="checkbox"/> ZONE CHANGE (ZC)<br><input type="checkbox"/> USE PERMIT (UC)<br><input type="checkbox"/> VARIANCE (VC)<br><input checked="" type="checkbox"/> WAIVER OF DEVELOPMENT STANDARDS (WS)<br><input checked="" type="checkbox"/> DESIGN REVIEW (DR)<br><input type="checkbox"/> ADMINISTRATIVE DESIGN REVIEW (ADR)<br><input type="checkbox"/> STREET NAME / NUMBERING CHANGE (SC)<br><input type="checkbox"/> WAIVER OF CONDITIONS (WC)<br><br>(ORIGINAL APPLICATION #)<br><br><input type="checkbox"/> ANNEXATION REQUEST (ANX)<br><br><input type="checkbox"/> EXTENSION OF TIME (ET)<br>(ORIGINAL APPLICATION #)<br><br><input type="checkbox"/> APPLICATION REVIEW (AR)<br>(ORIGINAL APPLICATION #) | <b>STAFF</b><br><br>APP. NUMBER: <u>WC-23-0211</u> DATE FILED: <u>4/19/23</u><br>PLANNER ASSIGNED: <u>MMD</u><br>TAB/CAC: <u>SPRING VALLEY</u> TAB/CAC DATE: <u>5/30/23</u><br>PC MEETING DATE: _____ @ <u>6:00 P.M.</u><br>BCC MEETING DATE: <u>6/21/23 @ 9:00 A.M.</u><br>FEE: <u>\$1,150.<sup>00</sup></u>         |
|   | <b>PROPERTY OWNER</b><br><br>NAME: <u>MCM TOWER LLC</u><br>ADDRESS: <u>8275 W. Russell Road Suite 235</u><br>CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89148</u><br>TELEPHONE: <u>702-832-4700</u> CELL: _____<br>E-MAIL: <u>Ofir@moonwatercapital.com</u>  |
|   | <b>APPLICANT</b><br><br>NAME: <u>Moonwater Capital Management Inc</u><br>ADDRESS: <u>8275 West Russell Road Suite 235</u><br>CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89148</u><br>TELEPHONE: <u>702-644-1117</u> CELL: _____<br>E-MAIL: <u>ofir@moonwatercapital.com</u> REF CONTACT ID #: _____              |
|   | <b>CORRESPONDENT</b><br><br>NAME: <u>Kaempfer Crowell - Bob Gronauer</u><br>ADDRESS: <u>1980 Festival Plaza Dr #450</u><br>CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89135</u><br>TELEPHONE: <u>702-792-7000</u> CELL: <u>702-792-7048</u><br>E-MAIL: <u>apierce@kcnlaw.com</u> REF CONTACT ID #: <u>164674</u> |

ASSESSOR'S PARCEL NUMBER(S): 163-32-801-011

PROPERTY ADDRESS and/or CROSS STREETS: Riley St. & Sunset Rd.

PROJECT DESCRIPTION: Office Building & Parking Garage

(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)\*

Property Owner (Print)

STATE OF Nevada  
COUNTY OF Clark

SUBSCRIBED AND SWORN BEFORE ME ON November 17, 2022 (DATE)

By Ofir Hagan  
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.



KAEMPFER

CROWELL

ATTORNEYS AT LAW  
LAS VEGAS OFFICE

LEXA D. GREEN  
Lgreen@kcwlvlaw.com  
702.792-7000

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

RENO OFFICE  
50 West Liberty Street  
Suite 700  
Reno, NV 89501  
Tel: 775.852.3900  
Fax: 775.327.2011

CARSON CITY OFFICE  
510 West Fourth Street  
Carson City, NV 89703  
Tel: 775.884.8300  
Fax: 775.882.0257

March 21, 2023

WC-23-0211

**VIA UPLOAD**

CLARK COUNTY COMPREHENSIVE PLANNING  
500 S. Grand Central Parkway, 1<sup>st</sup> Floor  
Las Vegas, NV 89106

***Re: Justification Letter – Design Review for 1) Office Development and Parking Garage and 2) Increased Grade Fill; Waivers of Development Standards for 1) Reduce Throat Depths, 2) Allow Luminaries Mounted on Building Higher Than 14 feet and 3) Increase Building Height; and Waiver of Condition  
MCM Tower, LLC – Office Development  
APN: 163-32-801-011***

To Whom It May Concern:

Please be advised this office represents the MCM Tower, LLC (the “Applicant”) in the above-referenced matter. The proposed project is located on approximately 4.18 acres and is generally located on the northeast corner of Sunset Road and Riley Street. The property is more particularly described as a portion of APN: 163-32-801-011 (the “Site”). The Site is zoned General Commercial (C-2) and planned Corridor Mixed-Use (CM). The Applicant is requesting a design review and related waivers for the proposed office development and parking garage.

**Design Reviews for Site and Grade Fill**

• **Site**

The Applicant proposes a commercial office development and parking garage with restaurant uses at the northeast corner of W. Sunset Road and S. Riley Street. The Site is abutted by a multi-family use to the north and commercial uses to the south, east and west. The Site is accessed by two main driveways. One on Riley Street, and a second on Sunset Road. The Site also has cross access with the commercial development to the east. The Applicant is proposing an eight (8) story office that will sit on the southern portion of the Site, providing a total of 209,557 square-feet of office space and will be 133 feet in height. The Applicant is also proposing a five-level parking garage on the northern portion of the Site, with 19,547 square feet of proposed restaurant uses on the top parking garage level. The speed ramp up to the top levels of the parking garage is intended for restaurant customers, while the lower levels are intended for office tenants.

The project is required to have 1,104 parking spaces and is providing 1,150 parking spaces. On grade parking will be located along the southern property line and between the office development and parking garage. The Applicant is providing three 10 foot by 25 foot loading zones on the Site. Finally, the



building is highly articulated to complement the surrounding area, to include stone tile, metal panels, glass and concrete.

- **Grade Fill**

The Applicant is requesting a design review for a grade fill increase of up to 8 feet, where 36 inches is permitted. A significant slope occurs on the Site's topography from south to north, therefore requiring an increased fill to accommodate this existing topography and for drainage purposes.

**Waivers of Development Standards**

The Applicant requests the following waivers of development standards for the Site:

- **Throat Depth on S. Riley Street and W. Sunset Road**

The Applicant is requesting waivers for throat depths. The Applicant has two (2) driveways and 1,150 parking spaces. With that, each driveway is required to have a throat depth measurement of 150 feet. The Applicant requests a throat depth waiver for 19 feet for the south side of the Riley Street driveway. The north side of the Riley Street driveway has a 111-foot throat depth, where 150 feet is required. Additionally, the Riley Street driveway is protected from on-site cross traffic.

The Applicant also requests a throat depth waiver for 18 feet for the west side of the Sunset Road driveway, where 150 feet is required. The east side of the Sunset Road driveway has a throat depth of 93 feet, where 150 feet is required. When entering from the Sunset Road driveway, the Site design allows cars to turn left, continue straight or veer right toward the adjacent commercial development to the east of the Site. This design allows adequate space for cars to avoid those making the immediate left-hand turn. This will allow sufficient on-site circulation, and prevent cars from backing up onto W. Sunset Road.

- **Allow Exterior Light Fixtures (Luminaries) Mounted on Building Higher than 14 feet**

The Applicant is requesting a waiver to allow exterior light fixtures to be mounted on the building to be higher than 14 feet. As depicted on the site plans, the mounted wall sconces are proposed at a height of approximately 17 feet above the finished floor, approximately the height of the first level. Because the mounted wall sconces align with the height of the first level, the Applicant requests the waiver for the height increase of the lights.

- **Increase Building Height**

Lastly, the Applicant is requesting a waiver to increase the overall building height to 133 feet where 50 feet is permitted within C-2. Buildings over 50-feet in height are not unusual within the surrounding area. Across the I-215 to the west, less than a mile away, is the Southern Hills Hospital and Medical Center that is over 50-feet high. Additionally, across the I-215 to the southeast, less than a mile away, is the Durango Casino and Resort that is currently under development. The Durango Casino and Resort is also over 100-feet. Therefore, the increased height request will not negatively impact the area.





**Waiver of Condition**

The Applicant requests a waiver of condition from a 2002 approval on the Site from application ZC-1333-02. Specifically, the Applicant requests to waive the condition that states “no required parking behind buildings.” Here, the Applicant is proposing parking along the W. Sunset Road frontage, as well as parking along the back of the building, in addition to the parking garage. This 2002 condition appears to be related to a previously-planned commercial retail center, with the condition intending to encourage a shared parking policy for each proposed building. The condition does not apply to the use as proposed here. Therefore, the Applicant respectfully requests a waiver of condition.

Thank you for your consideration of this request. Please let me know if you have any questions

Sincerely,

KAEMPFER CROWELL



Lexa D. Green

LDG/mkr

