

- III. Approval of Minutes for August 29, 2023. (For possible action)
- IV. Approval of the Agenda for September 12, 2023 and Hold, Combine, or Delete any Items. (For possible action)
- V. Informational Items
 - 1. Announcements of upcoming neighborhood meetings and County or community meetings and events. (For discussion only)

VI. Planning and Zoning

- 1. **UC-23-0502-TAKACH ROBERT & CAYME:**
USE PERMIT to allow alternative design standards for an accessory structure.
WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce side street setback; and **2)** allow alternative driveway geometrics on 0.5 acres in an R-E (Rural Estates Residential) (RNP-I) Zone. Generally located on the west side of Tenaya Way, approximately 200 feet south of Darby Avenue within Spring Valley. JJ/tpd/syp (For possible action) **10/03/23 PC**
- 2. **UC-23-0509-WINNER PROPERTIES, LLC:**
USE PERMITS for the following: **1)** eliminate the requirement for the primary means of access to be through the interior of the restaurant; and **2)** eliminate pedestrian access for outside dining and drinking in conjunction with an existing restaurant on a portion of 7.8 acres in a C-2 (General Commercial) Zone. Generally located on the south side of Sahara Avenue and the west side of Miller Lane within Spring Valley. JJ/mh/syp (For possible action) **10/03/23 PC**
- 3. **UC-23-0524-POLIS BROTHERS, LLC:**
USE PERMIT for proposed alcohol sales, liquor-packaged only as a principal use.
WAIVER OF DEVELOPMENT STANDARDS for reduced parking.
DESIGN REVIEW for a parking lot within an existing commercial complex on 1.8 acres in a C-1 (Local Business) Zone. Generally located on the north side of Flamingo Road and the east side of Red Rock Street within Spring Valley. JJ/tpd/syp (For possible action) **10/03/23 PC**
- 4. **UC-23-0529-MOJAVE EDUCATIONAL FOUNDATION INC:**
USE PERMITS for the following: **1)** school; and **2)** daycare.
WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** eliminate landscaping; **2)** reduce throat depths; **3)** waive commercial curb return requirements; and **4)** reduce drive aisle width.
DESIGN REVIEW for a proposed school (elementary) and daycare on 0.6 acres in a CRT (Commercial Residential Transitional) Zone in the Desert Inn Road Transition Corridor Overlay District. Generally located on the north side of Desert Inn Road, 271 feet east of Torrey Pines Drive within Spring Valley. JJ/rr/syp (For possible action) **10/03/23 PC**

5. **VS-23-0536-SUNSET INTERCHANGE, LLC:**
VACATE AND ABANDON easements of interest to Clark County located between Martin Avenue and Sunset Road, and between Quarterhorse Lane and Dapple Gray Road, and a portion of right-of-way being Quarterhorse Lane between Sunset Road and Martin Avenue; and a portion of right-of-way being Dapple Gray Road between Sunset Road and Martin Avenue within Spring Valley (description on file). JJ/rp/syp (For possible action) **10/03/23 PC**

6. **WS-23-0526-QIAN YONGHONG & WANG LIWEI:**
WAIVER OF DEVELOPMENT STANDARDS to reduce setbacks for an existing building addition in conjunction with an existing single family residence on 0.1 acres in an R-2 (Medium Density Residential) Zone. Generally located on the north side of Fame Avenue, 180 feet west of Acclaim Way within Spring Valley. MN/rp/syp (For possible action) **10/03/23 PC**

7. **VS-23-0521-DECATUR POST, LLC:**
VACATE AND ABANDON easements of interest to Clark County located between Post Road and Teco Avenue (alignment) and between Decatur Boulevard and Hauck Street (alignment); a portion of right-of-way being Decatur Boulevard located between Post Road and Teco Avenue (alignment); and a portion of right-of-way being Post Road between Decatur Boulevard and Hauck Street (alignment) within Spring Valley (description on file). MN/hw/syp (For possible action) **10/04/23 BCC**

8. **WS-23-0520-DECATUR POST, LLC:**
WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** alternative street landscaping; **2)** reduce drive-thru landscaping; **3)** access from a local street; **4)** overhead doors; **5)** complex architectural compatibility; **6)** allow non-subdued exterior building tones; **7)** site orientation; and **8)** driveway geometrics.
DESIGN REVIEWS for the following: **1)** alternative parking lot landscaping; and **2)** a proposed retail complex with restaurants, retail, vehicle maintenance, convenience store, and gasoline station uses on 2.9 acres in a C-2 (General Commercial) (AE-65) Zone in the CMA Design Overlay District. Generally located on the east side of Decatur Boulevard and the south side of Post Road within Spring Valley. MN/hw/syp (For possible action) **10/04/23 BCC**

9. **TM-23-500110-DECATUR POST, LLC:**
TENTATIVE MAP consisting of 1 commercial lot on 2.9 acres in a C-2 (General Commercial) (AE-65) Zone in the CMA Design Overlay District. Generally located on the east side of Decatur Boulevard and the south side of Post Road within Spring Valley. MN/hw/syp (For possible action) **10/04/23 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: September 26, 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>

ACCESSORY STRUCTURE
(TITLE 30)

TENAYA WAY/DARBY AVE

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
UC-23-0502-TAKACH ROBERT & CAYME:

USE PERMIT to allow alternative design standards for an accessory structure.
WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) reduce side street setback; and 2) allow alternative driveway geometrics on 0.5 acres in an R-E (Rural Estates Residential) (RNP-I) Zone.

Generally located on the west side of Tenaya Way, approximately 200 feet south of Darby Avenue within Spring Valley. JJ/tpd/syp (For possible action)

RELATED INFORMATION:

APN:
163-10-416-008

USE PERMIT:
Allow an accessory structure with a metal roof which is not architecturally compatible with the principal residence where required Table 30.56-2A.

- WAIVERS OF DEVELOPMENT STANDARDS:**
1. Allow a 2 foot side street setback where 10 feet is required per Section 30.56.040 and Table 30.40-1 (an 80% reduction).
 2. a. Allow an on-site residential driveway without a curb cut where a driveway with a curb cut per Uniform Standard Drawing 223 is required.
b. Reduce the distance from the back of curb radius to a residential driveway to 5 feet where a minimum of 12 feet is required per Uniform Standard Drawing 223 (a 58% reduction).

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

BACKGROUND:
Project Description
General Summary

- Site Address: 3245 S. Tenaya Way
- Site Acreage: 0.5
- Project Type: Detached accessory structure
- Number of Stories: 1

- Building Height (feet): 13
- Square Feet: 555

Site Plan

The site plan depicts a proposed accessory carport for use as a platform to house solar panels on the roof, located on the north side of an existing 3,625 square foot home. The carport is shown 2 feet from the northern private street (Tenaya Way) and 44 feet from the east property line along Tenaya Way public right-of-way. The carport is 6 feet from the residence. The applicant proposes access to the carport via Tenaya Way, the public right-of-way on the east side of the site. The public right-of-way currently has vertical curb along the east property line. The proposed driveway access requires the owner to remove and replace the vertical curb with rolled curb. The owner is requesting to keep the vertical curb at the east property line. The Tenaya Estates Plat shows a landscape easement at the corner of both streets.

Landscaping

No new landscaping is proposed.

Elevations

The elevations depict a 13 foot high carport with metal posts and roof with an opening on the east side facing Tenaya Way. The proposed post will be 13 feet in elevation and located directly adjacent to the existing wall on the north side of the parcel.

Floor Plan

The floor plan for the carport shows a 555 square foot area that is 37 feet by 15 feet with an open floor area. There is an existing septic tank that will be located underneath the proposed accessory structure.

Signage

Signage is not a part of this request.

Applicant's Justification

The owner is proposing a new carport to provide a platform for renewable energy (solar panels). The owner does not want to alter the appearance of the front of the home with a new access driveway and prefers to have access taken from the Tenaya Way to the east of the garage, since this driveway is not proposed for vehicle parking and only intended to be used for boat storage. The applicant does not want to create a curb cut from the public street access at Tenaya Way. The applicant obtained signed approval of several neighbors for the proposed carport.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-20-0125	Use permits and waivers of development standards for a detached garage	Denied by BCC	July 2020

Surrounding Land Use

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

STANDARDS FOR APPROVAL:

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

Analysis

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 proposed accessory structure is not compatible with the architecture of the principal residence; and therefore, is not compatible with the surrounding buildings that are largely painted stucco with tile roof materials. It is for these findings that staff can not support the use permit 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.

Waivers of Development Standards #1

Allowing an accessory structure less than 10 feet from a private street will not be in harmony with the streetscape required for neighborhood aesthetics and may cause safety conflicts for vehicular traffic. The proposed accessory structure may be in conflict with the existing infrastructure (fire hydrant) or potential easements located in this area. It is for these findings that staff can not support the request.

Public Works - Development Review

Waiver of Development Standards #2a

Staff finds that there is no justification to allow a residential driveway without a curb cut. The residential driveway curb cut is a standard with the intent to help access property without damaging the right-of-way infrastructure. The applicant will have to block the right-of-way while taking extra time to drive over the curb to access the residential driveway. Staff cannot support this request.

Waiver of Development Standards #2b

The request to reduce the distance from the back of curb radius to the residential driveway is excessive since the width of the driveway exceeds the maximum requirement per Uniform Standard Drawing 222. This self-imposed hardship creates a safety hazard for the traffic entering or exiting the subdivision with the sight visibility zone potentially being blocked.

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:

- Applicant is advised that the County has adopted a rewrite to Title 30 effective January 1, 2024, 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

- Execute a License and Maintenance Agreement to cover the cost of damage to the public infrastructure.
- Applicant is advised that signs, structures, and landscaping shall not encroach into public right-of-way, easements, or sight-visibility zones; and that off-site permits may be required.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: ROBERT TAKACH

CONTACT: ROBERT TAKACH, 3245 S. TENAYA WAY, LAS VEGAS, NV 89117



LAND USE APPLICATION

DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

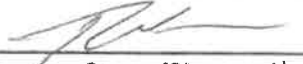
APPLICATION TYPE <input type="checkbox"/> TEXT AMENDMENT (TA) <input type="checkbox"/> ZONE CHANGE (ZC) <input checked="" type="checkbox"/> USE PERMIT (UC) <input type="checkbox"/> VARIANCE (VC) <input checked="" type="checkbox"/> WAIVER OF DEVELOPMENT STANDARDS (WS) <input type="checkbox"/> DESIGN REVIEW (DR) <input type="checkbox"/> ADMINISTRATIVE DESIGN REVIEW (ADR) <input type="checkbox"/> STREET NAME / NUMBERING CHANGE (SC) <input type="checkbox"/> WAIVER OF CONDITIONS (WC) (ORIGINAL APPLICATION #) <input type="checkbox"/> ANNEXATION REQUEST (ANX) <input type="checkbox"/> EXTENSION OF TIME (ET) (ORIGINAL APPLICATION #) <input type="checkbox"/> APPLICATION REVIEW (AR) (ORIGINAL APPLICATION #)	STAFF APP. NUMBER: <u>UC/WS-23-0502</u> DATE FILED: <u>08/01/2023</u> PLANNER ASSIGNED: <u>DD</u> TAB/CAC: <u>Spring Valley</u> TAB/CAC DATE: <u>09/12/2023</u> PC MEETING DATE: <u>10/03/2023</u> BCC MEETING DATE: _____ FEE: <u>\$ 975</u>
	PROPERTY OWNER NAME: <u>ROBERT TAKACH</u> ADDRESS: <u>3245 S. TENAYA WAY</u> CITY: <u>LAS VEGAS</u> STATE: <u>NV</u> ZIP: <u>89117</u> TELEPHONE: _____ CELL: <u>702 281-9190</u> E-MAIL: <u>BOBBYTMINT@GMAIL.COM</u>
	APPLICANT NAME: _____ ADDRESS: <u>SAME</u> CITY: _____ STATE: _____ ZIP: _____ TELEPHONE: _____ CELL: _____ E-MAIL: _____ REF CONTACT ID #: _____
CORRESPONDENT NAME: <u>SAME</u> ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____ TELEPHONE: _____ CELL: _____ E-MAIL: _____ REF CONTACT ID #: _____	

ASSESSOR'S PARCEL NUMBER(S): 163-10-416-008

PROPERTY ADDRESS and/or CROSS STREETS: Tenaya Way & Darby Ave.

PROJECT DESCRIPTION: waiver for street setbacks & use permit for architectural compatibility


(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.


ROBERT TAKACH
 Property Owner (Signature)* Property Owner (Print)

STATE OF Nevada
 COUNTY OF Clark

SUBSCRIBED AND SWORN BEFORE ME ON 3-9-23 (DATE)
 By Robert Takach

NOTARY PUBLIC: Diane Scarelli



Diane Scarelli
 Notary Public
 State of Nevada
 My Commission Expires: 09/15/2026
 Certificate No: 22-0495-01

*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.

June 27, 2003

UC-23-0502

Robert J. Takach
3245 S. Tenaya Way
Las Vegas, NV 89117

To Whom It May Concern:

Please accept this as my letter of proposal to construct a metal structure at above stated address for a future platform for renewable energy (solar panels) and shade. The structure will be 15' x 37' x 11' tall.

The proposed structure will be constructed conforming to Code IBC 2018 with intended dimensions as stated above and will be 555 sq ft. The color of the structure will be tan with brown trim to match existing house. All neighbors in view are in acceptance of this structure. See attached signatures of acceptance.

I will need approval due to the fact that the structure will be more than 2' higher than existing wall.
Table 30.44-1 Note 1

Please allow an on-site residential driveway without a curb cut due to the fact that this driveway will be a part-time driveway, which will seldom be used and is not the primary driveway of the residence.

The distance from the back of the curb radius (BCR) has been increased from zero feet to 5 feet, where the minimum requirement is 12 feet per Uniform Standard Drawing 222.

Thank you for your consideration in this matter.

Robert J. Takach



**PLANNER
COPY**

10/03/23 PC AGENDA SHEET

OUTSIDE DINING AND DRINKING AREA
(TITLE 30)

MILLER LN/SAHARA AVE

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
UC-23-0509-WINNER PROPERTIES, LLC:

USE PERMITS for the following: **1) eliminate the requirement for the primary means of access to be through the interior of the restaurant; and 2) eliminate pedestrian access for outside dining and drinking in conjunction with an existing restaurant on a portion of 7.8 acres in a C-2 (General Commercial) Zone.**

Generally located on the south side of Sahara Avenue and the west side of Miller Lane within Spring Valley. JJ/mh/syp (For possible action)

RELATED INFORMATION:

APN:
163-09-513-001 ptn

USE PERMITS:

1. Eliminate the requirement for the primary means of access to be through the interior of the restaurant for outside dining and drinking.
2. Eliminate the required minimum 48 inch wide pedestrian access around the perimeter of an outside dining and drinking area in conjunction with an existing restaurant.

LAND USE PLAN:
SPRING VALLEY - NEIGHBORHOOD COMMERCIAL

BACKGROUND:
Project Description

General Summary

- Site Address: 7905 W Sahara Avenue, Suite 102
- Site Acreage: 7.8 (portion)
- Project Type: Outside dining and drinking area
- Number of Stories: 1
- Building Height (feet): 19
- Square Feet: 480 (outside dining area)
- Parking Required/Provided: 407/427

Site Plans

The site is located on the northeast corner within an existing office and commercial complex on an approximately 7.8 acre parcel which is located on the south side of Sahara Avenue and on the west side of Miller Lane. The plans show an existing restaurant (Chill Bar & Grill) which occupies the corner suite in a building that features suites with other businesses. The outside dining and drinking area is located on the far east side of the building, which is currently used as a walkway along a portion of the front side and the west side of the restaurant. The pad site is higher than the parking lot; therefore, the walkway is elevated from the parking lot. The plans show this walkway being converted into an outside dining area, which has an existing protective barrier featuring concrete block on the bottom with metal rail fencing on top. There is also a shade structure attached to the building, which covers the outside dining area and the main entrance into the restaurant. Patrons walk up a few steps from the parking lot to the walkway, and enter the building or the outside dining area.

Landscaping

There are no proposed or required changes to existing landscape areas with this request.

Elevations

There are no proposed changes to the elevations of the building with this request.

Floor Plans

The plans show an 8 foot wide outside dining area that extends approximately 60 feet in length. There are 10 dining tables, with seating for up to 20 customers within the approximately 480 square foot dining area. The outside dining area is primarily accessed from the side of the front entrance into the restaurant, with a secondary access point from the kitchen being exclusively for restaurant staff. The interior of the restaurant will not be changed or affected. Title 30 requires a minimum 48 inch wide pedestrian access around the perimeter of an outside dining area, which is not provided.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant indicates that the project does not propose any changes to the existing building, parking, or landscaping. Since no structural changes are being made to the site, use permits are necessary to waive the condition of a 48 inch wide pedestrian access area and the condition that the primary means of access be through the interior of the restaurant. The applicant adds that outside dining is preferred by many diners during the Spring and Fall seasons and that the outside dining will provide seating for up to 20 additional guests, which will support the success and profitability of the business.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-19-0472	Personal services (beauty salon) and permanent make-up establishment	Approved by PC	August 2019

Prior Land Use Requests

Application Number	Request	Action	Date
UC-18-0760	Personal services (skin care) establishment	Approved by PC	November 2018
ZC-1235-00	Reclassified a portion of the project site to C-1 zoning for a pad site immediately adjacent to Miller Lane	Approved by BCC	October 2000
VC-0673-99	On-premises consumption of alcohol (supper club)	Approved by PC	June 1999
ZC-1709-96	Reclassified the project site from R-E to C-P, C-1 and C-2 zoning for a commercial complex	Approved by BCC	February 1997

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	City of Las Vegas	C-1	Office & commercial complex
South	Ranch Estate Neighborhood (up to 2 du/ac)	C-1, C-P & R-E (RNP-I)	Commercial development within the same complex & single family residential
East	Neighborhood Commercial	C-P & C-2	Office & commercial complex
West	Neighborhood Commercial	R-4	Multiple family residential

STANDARDS FOR APPROVAL:

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

Analysis

Comprehensive Planning

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

The applicant indicates that outside dining is preferred by many customers and will support the business operations by providing additional seating for customers. The proposed outside dining and drinking area will not incorporate a pedestrian sidewalk around the outside where required, nor will the primary means of access be through the interior of the restaurant. However, it should not have an adverse impact on the site or reduce pedestrian safety, as the area is secured by a protective barrier that will provide safety for patrons. The proposed outside dining and drinking area is harmonious with the existing restaurant and the immediate area of the commercial complex. Therefore, staff can support this request.

Staff Recommendation

Approval.

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

PRELIMINARY STAFF CONDITIONS:

Comprehensive Planning

- Applicant is advised that the County has adopted a rewrite to Title 30 effective January 1, 2024, 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.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that CCWRD does not provide sanitary sewer service in this portion of the unincorporated county; and that for any sanitary sewer needs, to contact the City of Las Vegas to see if the City has any gravity sanitary sewer lines located in the vicinity of the applicant's parcel.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: DOG BITES BACK, LLC

CONTACT: COOK & KELESIS, LTD, 517 S. 9TH STREET, LAS VEGAS, NV 89101



LAND USE APPLICATION

DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

APPLICATION TYPE <input type="checkbox"/> TEXT AMENDMENT (TA) <input type="checkbox"/> ZONE CHANGE (ZC) <input checked="" type="checkbox"/> USE PERMIT (UC) <input type="checkbox"/> VARIANCE (VC) <input type="checkbox"/> WAIVER OF DEVELOPMENT STANDARDS (WS) <input type="checkbox"/> DESIGN REVIEW (DR) <input type="checkbox"/> ADMINISTRATIVE DESIGN REVIEW (ADR) <input type="checkbox"/> STREET NAME / NUMBERING CHANGE (SC) <input type="checkbox"/> WAIVER OF CONDITIONS (WC) (ORIGINAL APPLICATION #) <input type="checkbox"/> ANNEXATION REQUEST (ANX) <input type="checkbox"/> EXTENSION OF TIME (ET) (ORIGINAL APPLICATION #) <input type="checkbox"/> APPLICATION REVIEW (AR) (ORIGINAL APPLICATION #)	STAFF APP. NUMBER: <u>UC-23-0509</u> DATE FILED: <u>8/2/23</u> PLANNER ASSIGNED: _____ TAB/CAC: <u>Spring Valley</u> TAB/CAC DATE: <u>9/12/23</u> PC MEETING DATE: <u>10/3/23</u> BCC MEETING DATE: <u>N/A</u> FEE: <u>1875</u>
	PROPERTY OWNER NAME: <u>Winner Properties, LLC (Antonio Accornero)</u> ADDRESS: <u>6425 W. Sahara Avenue</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89146</u> TELEPHONE: <u>(702) 242-2002</u> CELL: <u>(626) 533-4300 (Antonio)</u> E-MAIL: <u>acco1959@gmail.com</u>
	APPLICANT NAME: <u>Dog Bites Back, LLC (Antonio Accornero & Giancarlo Bomparola)</u> ADDRESS: <u>6425 W. Sahara Avenue</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89146</u> TELEPHONE: <u>(702) 360-3358</u> CELL: <u>(702) 353-0728 (Giancarlo)</u> E-MAIL: <u>gbomparola@gmail.com</u> REF CONTACT ID #: _____
	CORRESPONDENT NAME: <u>George P. Kelesis</u> ADDRESS: <u>517 S 9th Street</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89101</u> TELEPHONE: <u>(702) 737-7702</u> CELL: _____ E-MAIL: <u>gkelesis@bcklid.com & agrotheer@bcklid.com</u> REF CONTACT ID #: _____

ASSESSOR'S PARCEL NUMBER(S): 163-09-513-001

PROPERTY ADDRESS and/or CROSS STREETS: 7905 W. Sahara, Suite 103, Las Vegas, NV 89146

PROJECT DESCRIPTION: Special User Permit for Patio Dining; Waiver of minimum 48" width pedestrian access requirement.

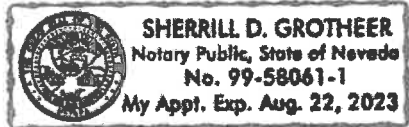
(I, We) the undersigned swear and say that (I am, We are) the owner(s) of record on the Tax Rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Clark County Code, that the information on the attached legal description, all plans, and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

STATE OF Nevada
 COUNTY OF Clark

SUBSCRIBED AND SWORN BEFORE ME ON July 5, 2023 (DATE)

By Antonio Maria Accornero
 NOTARY PUBLIC: Sherrill D. Grotheer



*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.

My App. Exp. And. 23, 2023
No. 99-28061-1
Notary Public, State of Nevada
SHERILL D. GROTHERR



COOK & KELESIS
— LTD —
LAWYERS
517 South 9th Street
Las Vegas, Nevada 89101

Telephone: (702) 737-7702
Facsimile: (702) 737-7712
E-mail: law@bckltdcom

July 27, 2023

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

Re: Application for Special Use Permit
CHILL Bar & Grill

Dear Sir/Madam:


The undersigned represents Dog Bites Back, LLC dba CHILL Bar & Grill with respect to the process of obtaining permits and licenses required for the operating of its restaurant operations.

To that end, we are submitting this application for a Special Use Permit to obtain a business license to allow outside dining on an existing patio. A SUP is necessary to waive (1) the 48 inch pedestrian access requirement; and (2) the primary means of access requirement as further reflected on the enclosed site and floor plans. The proposed project will require no changes to the existing building elevations, structures, parking, or landscaping.

Outdoor seating is preferred by many diners during the spring and fall. Further, the addition of patio dining will provide seating for up to 20 additional guests, thereby helping to ensure the success and profitability of the business operation.

Please feel free to contact the undersigned should you require additional information or have any questions.

Sincerely,
COOK & KELESIS, LTD.


GEORGE P. KELESIS

GPK/sdg

10/03/23 PC AGENDA SHEET

ALCOHOL SALES
(TITLE 30)

FLAMINGO RD/RED ROCK ST

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-23-0524-POLIS BROTHERS, LLC:

USE PERMIT for proposed alcohol sales, liquor-packaged only as a principal use.

WAIVER OF DEVELOPMENT STANDARDS for reduced parking.

DESIGN REVIEW for a parking lot within an existing commercial complex on 1.8 acres in a C-1 (Local Business) Zone.

Generally located on the north side of Flamingo Road and the east side of Red Rock Street within Spring Valley. JJ/tpd/syp (For possible action)

RELATED INFORMATION:

APN:

163-13-404-002

USE PERMIT:

Allow alcohol sales, liquor-packaged only as a principal use per Table 30.44-1.

WAIVER OF DEVELOPMENT STANDARDS:

Reduce parking to 81 spaces where 110 spaces are required per Table 30.60-1 (a 27% reduction).

LAND USE PLAN:

SPRING VALLEY - NEIGHBORHOOD COMMERCIAL

BACKGROUND:

Project Description

General Summary

- Site Address: 5940 W. Flamingo Road
- Site Acreage: 1.8
- Number of Lots: 1
- Project Type: Alcohol sales
- Number of Stories: 1
- Square Feet: 3,892
- Parking Required/Provided: 110/81

Site Plan

The plan depicts an existing commercial complex with 3 buildings. An existing dispensary is located on the southwest corner of the subject site, approximately 20 feet east of the west

property line; and an existing restaurant is located on the southeast corner of the subject site, approximately 54 feet west of the east property line. The 2 business (units 1-2) are separated by approximately 70 feet of parking spaces, landscaping, and drive aisle. The building for this specific request is located on the north side of the site, approximately 65 feet north of the dispensary and 70 feet north of the restaurant, as well as being approximately 50 feet west of the east property line and 60 feet east the west property line. The property is accessible via 2 drive aisles on the south (Flamingo Road) and west (Red Rock Street) property lines. The existing north side building has 7 units that are leased by various businesses. Units 7 and 8 are for this request.

Landscaping

The suites for this request are in an existing commercial complex. The applicant is not proposing any changes to the existing landscaping.

Elevations

The existing building is a single story structure that has a white stucco finish with tempered glass windows and doors. There is an existing patio area on the west side of the building that is used for an existing restaurant. There is a single blue-colored, wood shingle awning that extends the entire length of the building from east to west. The roofline is completely flat from east to west along the entire length of the structure.

Floor Plans

The plan depicts an open design with 2 restrooms, 1 on the east side of the suites and 1 on the west side. There is a walk-in cooler on the west side of the suites adjacent to the restroom. A storage area is located between the restrooms on the north side of the suites. A sales area is located on the east side, directly adjacent to the restroom. A merchandise area is located on the south side, directly adjacent to the entrance/exit.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant would like to offer their customers the choice of alcoholic beverages in conjunction with the merchandise they already sell at their business. The reason that a reduction in parking should be allowed is because of the different operating hours of the existing businesses within this complex. Furthermore, it is stated that these different operating hours will provide ample parking for all businesses without compromising accessibility. It is mentioned that all employees will receive the proper training for the sale of alcohol and that strict rules will be enforced to avoid the sale of alcohol to minors or visibly intoxicated individuals.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-21-0006	Cannabis establishment within an existing commercial complex	Approved by BCC	March 2021

Prior Land Use Requests

Application Number	Request	Action	Date
UC-1217-07	Supper club and reduced separation from a residential use for on-premises consumption of alcohol - expired	Approved by PC	November 2007
UC-0734-06	Outside dining in conjunction with a restaurant within an existing commercial complex	Approved by PC	July 2006
UC-0355-06	Massage establishment as a principal use within an existing commercial complex - expired	Approved by PC	May 2006
UC-0850-05	Service bar in conjunction with a restaurant within a commercial complex	Approved by PC	July 2005
VC-1553-94	Allowed 92 parking spaces where a minimum of 101 spaces are required - expired	Approved by PC	November 1994

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-E	Undeveloped & single family residential
South	Corridor Mixed-Use	C-2	Vehicle repair, vehicle wash, & mini warehouse
East	Neighborhood Commercial	C-1	Office facility
West	Corridor Mixed-Use	C-2	Commercial complex

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 applicant is permitted to sell packaged beer and wine within this commercial complex with approval of a special use permit per Title 30.44-1. The request to sell packaged liquor in conjunction with a retail store is harmonious to what is already existing and should not have a negative impact on the surrounding area. For these reasons, staff can support the use permit request.

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.

Waiver of Development Standards & Design Review

Retail sales do not seem to impact this complex as no complaints have been filed regarding parking, and aerial photos throughout the recent years show there is adequate parking. Staff is concerned that a reduction in parking may affect future businesses that accommodate a more intense use, such as restaurants. It is advised that future tenants provide a parking calculation prior to business licenses or tenant improvements to confirm the requirements are met at the time of application, as an additional waiver for required parking may be needed for future businesses. Staff can support the current request for a retail use with a waiver to reduce the required parking.

Staff Recommendation

Approval.

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

PRELIMINARY STAFF CONDITIONS:

Comprehensive Planning

- Applicant is advised that 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; the County has adopted a rewrite to Title 30 effective January 1, 2024, 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.

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: HAILE ARAYA

CONTACT: HAILE ARAYA, 6570 W. CAMERO AVE, LAS VEGAS, NV 89139

DRAFT



LAND USE APPLICATION

DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

3

<p>APPLICATION TYPE</p> <p><input type="checkbox"/> TEXT AMENDMENT (TA)</p> <p><input type="checkbox"/> ZONE CHANGE (ZC)</p> <p><input checked="" type="checkbox"/> USE PERMIT (UC)</p> <p><input type="checkbox"/> VARIANCE (VC)</p> <p><input checked="" type="checkbox"/> WAIVER OF DEVELOPMENT STANDARDS (WS)</p> <p><input checked="" type="checkbox"/> DESIGN REVIEW (DR)</p> <p><input type="checkbox"/> ADMINISTRATIVE DESIGN REVIEW (ADR)</p> <p><input type="checkbox"/> STREET NAME / NUMBERING CHANGE (SC)</p> <p><input type="checkbox"/> WAIVER OF CONDITIONS (WC)</p> <p>(ORIGINAL APPLICATION #)</p> <p><input type="checkbox"/> ANNEXATION REQUEST (ANX)</p> <p><input type="checkbox"/> EXTENSION OF TIME (ET)</p> <p>(ORIGINAL APPLICATION #)</p> <p><input type="checkbox"/> APPLICATION REVIEW (AR)</p> <p>(ORIGINAL APPLICATION #)</p>	STAFF	<p>APP. NUMBER: <u>UC-23-0524</u> DATE FILED: <u>2/7/2023</u></p> <p>PLANNER ASSIGNED: _____</p> <p>TAB/CAC: <u>SPRING VALLEY</u> TAB/CAC DATE: <u>9/12/2023</u></p> <p>PC MEETING DATE: <u>10/31/2023</u></p> <p>BCC MEETING DATE: _____</p> <p>FEE: <u>\$1650.00</u></p>
	PROPERTY OWNER	<p>NAME: <u>BASIL POLIS</u></p> <p>ADDRESS: <u>P.O. BOX 500447</u></p> <p>CITY: <u>SAN DIEGO</u> STATE: <u>CA</u> ZIP: <u>92150</u></p> <p>TELEPHONE: <u>858-531-3333</u> CELL: <u>858-531-3333</u></p> <p>E-MAIL: <u>SUNSET INC @ AOL.COM</u></p>
	APPLICANT	<p>NAME: <u>HAILE G. ARAYA</u></p> <p>ADDRESS: <u>6570 W. CAMERO AVE</u></p> <p>CITY: <u>LAS VEGAS</u> STATE: <u>NV</u> ZIP: <u>89139</u></p> <p>TELEPHONE: <u>702-580-3789</u> CELL: <u>702-222-0222</u></p> <p>E-MAIL: <u>HAILE.702 @ GMAIL.COM</u> REF CONTACT ID #: _____</p>
	CORRESPONDENT	<p>NAME: <u>HAILE G. ARAYA</u></p> <p>ADDRESS: <u>6570 W. CAMERO AVE</u></p> <p>CITY: <u>LAS VEGAS</u> STATE: <u>NV</u> ZIP: <u>89139</u></p> <p>TELEPHONE: <u>702-580-3789</u> CELL: <u>702-222-0222</u></p> <p>E-MAIL: <u>HAILE.702 @ GMAIL.COM</u> REF CONTACT ID #: _____</p>

ASSESSOR'S PARCEL NUMBER(S): 16313404002

PROPERTY ADDRESS and/or CROSS STREETS: 5920 W. FLAMINGO RD # 7 & 8

PROJECT DESCRIPTION: PACKAGE OF LIQUOR SALES + REDUCE PARKING

(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): Basil Polis

STATE OF _____
 COUNTY OF _____

SUBSCRIBED AND SWORN BEFORE ME ON _____ (DATE)

By _____

SEE ATTACHED
FOR NOTARY CERTIFICATE

NOTARY PUBLIC: _____

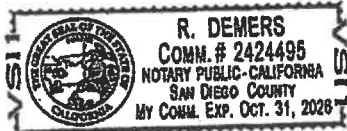
*NOTE: Corporate Declaration of authority (or equivalent) power of attorney or signature documentation is required if the applicant and/or property owner is a corporation, partnership, trust, or provides signature in a representative capacity.

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

State of California
County of San Diego

Subscribed and sworn to (or affirmed) before me on this 15
day of July, 2025, by Basil Kouhana P.O.S

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.



(Seal)

Signature [Handwritten Signature]

To:
Clark County Comprehensive Planning
500 S. Grand Central Parkway
Las Vegas NV 89155-1741
Date: 08/05/2023

Subject: Special Use Permit for Alcohol Sales, Liquor - Packaged only in C-1 zone not in conjunctions with a grocery store. And a waiver to reduce parking and design review of the site.

I am writing this letter to request a Special Use Permit for the sale of packaged liquor with beer and wine at 5920 W. Flamingo Rd. Suite 7 & 8, Las Vegas, NV, 89103. The suite has 1,960 square feet and we have leased the space for 15 years. We would like to offer our customers a liquor store to purchase alcoholic beverages while shopping at our commercial complex.

Our proposed liquor store will be located within the existing commercial complex and will not require any changes to the exterior of the building or the existing landscaping.

Even though there will not be any changes to the exterior of the building, we are requesting a waiver of developmental standard for a reduced number of parking from 104 to 81 a 22% reduction according to the shared parking analysis.

We believe that the reduction in parking should be allowed because given the operational hours of the surrounding businesses there would be ample parking for the majority of the day. The findings of this analysis indicate that the proposed reduction in parking spaces is justified without compromising the functionality or accessibility of the building.

Additionally, we have taken measures to ensure that the sale of alcohol is done responsibly and in accordance with all applicable laws and regulations. Our staff will undergo training on the responsible sale of alcohol, and we will implement strict policies to prevent the sale of alcohol to minors and individuals who are visibly intoxicated.

The hours of operation for the liquor store is 24hours, 7days a week and we will be hiring between 4 to 7 employees.

We understand the importance of responsible land use planning and will ensure that our proposed liquor store complies with all applicable zoning regulations and guidelines. We appreciate your consideration of our request for a Special Use Permit and look forward to the opportunity to enhance the shopping experience for our customers.

Thank you for your time and consideration.

Sincerely,



Haile Araya
Royal Beer Wine Liquor Market LLC
5920 W. Flamingo Rd. Suite 7 & 8
Las Vegas, NV, 89103
702 - 580 - 3789

10/03/23 PC AGENDA SHEET

SCHOOL AND DAYCARE
(TITLE 30)

TORREY PINES DR/DESERT INN RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-23-0529-MOJAVE EDUCATIONAL FOUNDATION INC:

USE PERMITS for the following: 1) school; and 2) daycare.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) eliminate landscaping; 2) reduce throat depths; 3) waive commercial curb return requirements; and 4) reduce drive aisle width.

DESIGN REVIEW for a proposed school (elementary) and daycare on 0.6 acres in a CRT (Commercial Residential Transitional) Zone in the Desert Inn Road Transition Corridor Overlay District.

Generally located on the north side of Desert Inn Road, 271 feet east of Torrey Pines Drive within Spring Valley. JJ/rt/syp (For possible action)

RELATED INFORMATION:

APN:

163-11-805-032

WAIVERS OF DEVELOPMENT STANDARDS:

1. a. Eliminate parking lot landscaping where required per Figure 30.64-14.
- b. Eliminate landscaping adjacent to a less intense use where required per Figure 30.64-11.
2. Reduce throat depths for 2 driveways along Desert Inn Road to 13 feet and 17 feet where 25 feet is required per Uniform Standard Drawing 222.1 (a 48% and a 32% reduction, respectively).
3. Waive commercial curb return requirements where required per Uniform Standard Drawing 225.
4. Reduce drive aisle width to 22 feet where 24 feet is required per Table 30.60-4 (an 8% reduction).

LAND USE PLAN:

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

BACKGROUND:

Project Description

General Summary

- Site Address: 6440 W. Desert Inn Road
- Site Acreage: 0.6

- Project Type: School (elementary) and daycare
- Number of Stories: 1
- Building Height (feet): 15 (Building 1)/16 (Building 2)
- Square Feet: 1,040 (Building 1)/1,390 (Building 2)
- Parking Required/Provided: 10/13

History and Request

The site was originally reclassified from R-E to CRT for an office building conversion in June 2013 via ZC-0204-13. In April 2019 the Board of County Commissioners (BCC) approved ZC-19-0223 which reclassified the zoning of a parcel to the north of the subject site, APN 163-11-805-033, from R-E to CRT. That application included a use permit for a school on the subject site as well as on the parcel to the north along with a design review and requests for waivers. The design review included a new 2 story building on the property to the north. The zoning was approved with no resolution of intent (ROI). However, the notice of final action required a 1 year administrative review which did not occur, therefore the project expired. The applicant is seeking a new use permit for a school and daycare, Mojave Springs School, on the subject property only (APN 163-11-805-032) in 2 existing buildings indicated on the plans as Buildings 1 and 2. The use has commenced and is in operation and no new construction is proposed. There are additional classrooms in an existing office building, depicted as Building 3, on APN 163-11-805-025 to the west which is currently being utilized by the school for its operations. A separate use permit, UC-21-0270, for a school was approved by the Planning Commission (PC) in July 2021 on that site which is not a subject of the current application and is shown on the plans for informational purposes only.

Site Plan

The site plan depicts 2 existing buildings on the subject property as Buildings 1 and 2. The site is accessed from 2 existing driveways on Desert Inn Road. The eastern driveway provides ingress only to the site while the western driveway is for egress only. The eastern driveway has a throat depth of approximately 17 feet, while the western driveway has a throat depth of approximately 13 feet. This is a subject of a waiver request. Existing parking areas with paved surfacing are located along the east side of Building 1 and along the south side of Building 2. To the north of both buildings are 2 shade structures and playground areas. There are existing concrete block walls with pedestrian gates along the north portion of the site and along the east and west property lines. Block walls are also located in front of Building 2, and from the north side of Building 1 to the north property line. A pedestrian gate is also shown between the subject site and the parcel to the west which was a condition of approval for UC-21-0270.

Landscaping

The plan shows the existing landscaping on the site. Landscaping consists of trees located primarily along the western side of the property and along the south side of Building 2. There are existing trees and hedges that screen the parking area from Desert Inn Road as required by the overlay district as well as along the frontage of Buildings 1 and 2. There is no landscape buffer along the eastern side of the property or within the adjoining parking areas which are both the subject of a waiver request. No changes to the landscaping are proposed.

Elevations

Photos of the existing buildings were provided by the applicant. The photos show Buildings 1 and 2 on the subject property along with Building 3 on APN 163-11-805-025 to the west which is provided for reference only. The buildings are single story and feature colored stucco exteriors, wood trim, and tile roofs. Concrete walls are also shown with painted metal gates. No changes to the exterior elevations are proposed.

Floor Plans

Floor plans depict Building 1, which is 1,040 square feet, with a 406 square foot classroom, 2 restrooms, a 280 square foot multi-purpose room, and a 161 square foot kitchen. Building 2, which is 1,390 square feet, has 3 classrooms and 2 restrooms. Each classroom is slightly more than 400 square feet. Building 3 is depicted with 2 classrooms in a portion of the building for reference only.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant is seeking a new use permit for a private school and daycare on the subject site. The school will comprise childcare and grade school operations with 50 to 56 students ranging from early childhood education up to grade 4. The applicant states that there have been no code enforcement complaints or concerns raised regarding increased traffic due to school operations. The school operates from 8:30 a.m. to 3:00 p.m. and uses a staggered drop-off system between 8:00 a.m. and 8:30 a.m. based on the children's ages. The school provides signage to distinguish between the entrance and exit driveways and reminds parents of this through regular e-mails. The intent is to reduce traffic conflicts and prevent queuing that could cause traffic to back-up on Desert Inn Road.

Prior Land Use Requests

Application Number	Request	Action	Date
DR-19-0510	Signage at a future school	Approved by BCC	August 2019
ZC-19-0223	Reclassified APN 163-11-805-033 (parcel to the north) from R-E to CRT zoning, with a use permit (included the subject site) and design review for the school, waivers for parking lot landscaping, increased building height, reduced drive aisle width, and reduced height setback ratio - expired	Approved by BCC	April 2019
ZC-0204-13	Reclassified APN 163-11-805-032 from R-E to CRT zoning for an office building conversion	Approved by BCC	June 2013
AC-0707-11	Zoning compliance for a 10 bed community residence - expired	Approved by ZA	July 2011

Prior Land Use Requests

Application Number	Request	Action	Date
DR-0414-07 (ET-0066-10)	Second extension of time of a design review to commence residential conversion into an office building - expired	Approved by BCC	June 2010
ZC-1863-04 (ET-0049-09)	Second extension of time of a zone change to reclassify 1.1 acres from R-E to CRT zoning for a conversion of an existing single family residence into an office building - expired	Approved by BCC	April 2009
DR-0414-07 (ET-0050-09)	First extension of time of a design review to commence residential conversion into an office building - expired	Approved by BCC	April 2009
ZC-1863-04 (ADET-0117-09)	Administrative extension of time to reclassify 1.1 acres from R-E to CRT zoning for a conversion of an existing single family residence into an office building - expired	Approved by ZA	February 2009
DR-0414-07	Office buildings (4 total) - expired	Approved by BCC	August 2007
WS-0796-05	Modified landscaping and design review for an office building	Denied by BCC	September 2005
ZC-1863-04	Reclassified 1.1 acres from R-E to CRT zoning for a conversion of an existing single family residence into an office building - expired	Approved by BCC	November 2004
ZC-0736-96	Reclassified from R-E to C-P zoning to convert an existing residence to a professional office with future development	Withdrawn by BCC	July 1996

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Ranch Estate Neighborhood (up to 2 du/ac)	CRT	Undeveloped
South	Low-Intensity Suburban Neighborhood (up to 5 du/ac)	R-D	Single family residential
East	Ranch Estate Neighborhood (up to 2 du/ac)	R-E	Undeveloped
West	Ranch Estate Neighborhood (up to 2 du/ac)	CRT	School (elementary)

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 requested use permits are for a school (elementary) and a daycare in 2 existing buildings, which were previously approved. Staff finds that the proposed uses are appropriate at this location and complies with on-site parking requirements. The primary concerns with these types of uses are the compatibility with existing and planned surrounding land uses and the adequacy of on-site parking. The applicant has described a plan for ingress and egress of the site for parents in vehicles dropping-off and picking-up children which takes into consideration the potential traffic impacts on Desert Inn Road. As such, staff can support the use permits for the school and daycare.

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

Landscaping promotes a visual image desired by the community by using low water, climate adaptable plants while reducing dust, noise, glare, and heat, assist in wind control and minimize water runoff onto surrounding streets. Parking lot landscaping would normally be required by Figure 30.64-14 in the form of landscape finger islands for every 6 parking spaces and at the end of the parking row. However, in this case, the parking lot on the east side of the property is already in existence without any landscape islands. Additionally, a landscape buffer required by Figure 30-64-11 would normally be required between the school and the less intensive use to the east. In this case that would be the undeveloped R-E zoned property to the east. Waivers for parking lot landscaping were previously approved with ZC-19-0223, however, the waivers expired. With the parking lot already in place there is no room for any landscaping between the wall and parking area. The landscaping on the remainder of the site, however, appears to be adequate for the site; therefore, staff has no objection to this request.

Waiver of Development Standards #4

The existing parking area on the east side of Building 1 features a drive aisle which is 22 feet wide. The minimum requirement is 24 feet where the parking angle is at 90 degrees in accordance with Table 30.60-4. The applicant has requested a waiver from this standard. The drive aisle is existing and has been used without any issues according to the applicant. Due to the small student body and low numbers of on-site employees, the 2 foot reduction should not negatively impact the site; therefore, staff has no objection to this request.

Design Review

The site is subject to the site development standards of Chapter 30.56 and the Desert Inn Road Transition Corridor Overlay District in Section 30.48.480. The existing buildings and the site appear to meet the requirements of both sections as they appear to be harmonious with the surrounding residential neighborhood. The buildings uphold the residential characteristics of the area in terms of scale, color palette, materials, and landscaping.

Public Works - Development Review

Waivers of Development Standards #2 & #3

Staff has no objection to allowing the existing pan driveways with reduced throat depth to remain on Desert Inn Road. The applicant has provided additional space on site to help vehicle access the site without stacking in the right-of-way.

Staff Recommendation

Approval.

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

PRELIMINARY STAFF CONDITIONS:

Comprehensive Planning

- Applicant is advised that the County has adopted a rewrite to Title 30 effective January 1, 2024, and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 2 years of approval date or it will expire.

Public Works - Development Review

- Traffic study update and compliance;
- Coordinate with Public Works for the installation of school zone/pedestrian flashers on Desert Inn Road.

Fire Prevention Bureau

- Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features.
- Applicant is advised that fire/emergency access must comply with the Fire Code as amended.

TAB/CAC:
APPROVALS:
PROTESTS:

APPLICANT: MOJAVE EDUCATIONAL FOUNDATION INC
CONTACT: LINDSAY KAEMPFER, KAEMPFER CROWELL, 1980 FESTIVAL PLAZA
DRIVE, SUITE 650, LAS VEGAS, NV 89135

DRAFT



LAND USE APPLICATION

DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

4

APPLICATION TYPE <input type="checkbox"/> TEXT AMENDMENT (TA) <input type="checkbox"/> ZONE CHANGE <input type="checkbox"/> CONFORMING (ZC) <input type="checkbox"/> NONCONFORMING (NZC) <input checked="" type="checkbox"/> USE PERMIT (UC) <input type="checkbox"/> VARIANCE (VC) <input checked="" type="checkbox"/> WAIVER OF DEVELOPMENT STANDARDS (WS) <input checked="" type="checkbox"/> DESIGN REVIEW (DR) <input type="checkbox"/> PUBLIC HEARING <input type="checkbox"/> ADMINISTRATIVE DESIGN REVIEW (ADR) <input type="checkbox"/> STREET NAME / NUMBERING CHANGE (SC) <input type="checkbox"/> WAIVER OF CONDITIONS (WC) (ORIGINAL APPLICATION #) <input type="checkbox"/> ANNEXATION REQUEST (ANX) <input type="checkbox"/> EXTENSION OF TIME (ET) (ORIGINAL APPLICATION #) <input type="checkbox"/> APPLICATION REVIEW (AR) (ORIGINAL APPLICATION #)	STAFF APP. NUMBER: <u>UC-23-0529</u> DATE FILED: <u>8-8-23</u> PLANNER ASSIGNED: <u>RR</u> TAB/CAC: <u>SPRING VALLEY</u> TAB/CAC DATE: <u>9-12-23</u> PC MEETING DATE: <u>10-3-23</u> BCC MEETING DATE: _____ FEE: <u>\$1825.00</u>
	PROPERTY OWNER NAME: <u>Mojave Educational Foundation, Inc.</u> ADDRESS: <u>6440 W Desert Inn Rd.</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89146</u> TELEPHONE: _____ CELL: _____ E-MAIL: <u>info@mojavespringsschool.org</u>
	APPLICANT NAME: <u>Mojave Educational Foundation, Inc.</u> ADDRESS: <u>6440 W Desert Inn Rd.</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89146</u> TELEPHONE: _____ CELL: _____ E-MAIL: _____ REF CONTACT ID #: _____
CORRESPONDENT NAME: <u>Bob Gronauer - Kaempfer Crowell</u> ADDRESS: <u>1980 Festival Plaza Drive, Suite 650</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89135</u> TELEPHONE: <u>702-792-7000</u> CELL: _____ E-MAIL: <u>rjg@kcnvlaw.com</u> REF CONTACT ID #: _____	

ASSESSOR'S PARCEL NUMBER(S): 163-11-805-032

PROPERTY ADDRESS and/or CROSS STREETS: 6440 West Desert Inn

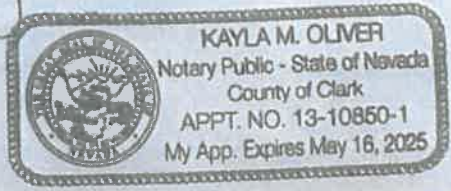
PROJECT DESCRIPTION: SUP, DR and WS to reestablish school

(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.

PLANNER COPY

[Signature] Property Owner (Signature)* Jakke Farley Property Owner (Print)

STATE OF Nevada
 COUNTY OF Clark
 SUBSCRIBED AND SWORN BEFORE ME ON July 19th, 2022 (DATE)
 By Jakke Leigh Farley
 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.

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

KAEMPFER

CROWELL

LEXA D. GREEN
lgreen@kcnvlaw.com
 D: 702.792.7000

July 28, 2023

VIA ONLINE SUBMITTAL

PLANNER COPY

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

***Re: Justification Letter – Special Use Permit, Design Review and Waiver of
 Development Standards
 APN: 163-11-805-032***

To Whom It May Concern:

Please be advised our office represents Mojave Educational Foundation, Inc. (the “Applicant”) in the above-referenced matter. The property (the “Site”) is located at 6440 West Desert Inn Rd., Las Vegas, Nevada 89146, more particularly described as Assessor’s Parcel Number 163-11-805-032. The Site makes up 0.64 acres and consists of two existing buildings. The Applicant is requesting Design Review; a Special Use Permit for child care and grade school operations; and Waivers of Development Standards to allow for: (1) Reduced Parking Lot Landscaping, (2) Reduced Throat Depth Measurements, (3) Waive Commercial Curb Return Requirements, and (4) Reduce Drive Aisle Width.

By way of background, the Site was previously approved for a zone change to CRT, a special use permit, a design review to allow a school in the existing buildings, and related waivers of development standards via application ZC-19-0223. The application was approved with a condition for a one-year administrative review. Unfortunately, this condition was inadvertently missed and the special use permit, design review and waivers expired. The Applicant is now resubmitting the needed applications to ensure compliance with operation of the school.

Design Review:

The Applicant is proposing to use two existing buildings for four (4) classrooms of approximately 400 square feet per classroom, one office of approximately 300 square feet, and one kitchen of approximately 175 square feet. The building running north to south is the Office and Classroom building, and it consists of one classroom, one kitchen and an office. The building running east to west is the Classroom building, and it consists of three (3) classrooms. In the schoolyard, there are two (2) shade structures, a patio area that consists of pavers immediately outside of the classroom doors, four raised-bed gardens, and a play area covered with wood chips. The landscaping includes fig, peach and apricot trees, as well as various flowering desert shrubs. There are 13 available parking spaces on site, which is compliant with code.

The overall intent of the site design is to provide a safe, unique, hands-on learning environment that allows children to learn and thrive in an environment filled with nature, art, small classroom sizes, and a home-like environment. The Site is currently zoned CRT. This project will preserve the existing single family residential buildings for childcare and grade school operations, and will remain aesthetically harmonious and compatible with neighboring areas.

Special Use Permit to Allow Child Care and Grade School Operations:

The Applicant is requesting a Special Use Permit for child care and grade school operations. The previous application included plans to develop Assessor's Parcel 163-11-805-033, which is the adjacent parcel located north of the Site. The present application does not include the new development or building that was previously approved for Assessor's Parcel 163-11-805-033. The parcel adjacent to the west, more particularly described as Assessor's Parcel 163-11-805-025 was approved for a Special Use Permit for child care and grade school operations on July 20, 2021. The Applicant currently uses that site for its school operations. The present application does not include Assessor's Parcel 163-11-805-025.

As described above, the current and proposed use on the Site will comprise of child care and grade school operations. Mojave Springs School is projecting to have 50 to 56 students enrolled by fall, ranging from Early Childhood Education, up to Grade 4. The Applicant currently holds licenses for Child Care Licensing and Exempt Private School Licensing in Clark County. Since the prior approval for the school, there have been no code enforcement complaints filed with the County, nor have there been any concerns raised regarding increased traffic as a result of the school operations. The Applicant understands the importance of being a good neighbor due to the location of the Site being adjacent to residential and strives to operate the school as a community partner.

The school operates from 8:30 a.m. to 3:00 p.m. and has successful measures in place to mitigate traffic concerns during pick-up and drop-off. Mojave Springs School uses a staggered drop-off, where the older students are dropped off between 8:00 and 8:15 a.m. and the younger students are dropped off between 8:15 and 8:30 a.m. The school provides adequate signage to distinguish the entrance and exit driveway, and sends regular email reminders to parents. The eastern driveway is limited to vehicles entering the site, with the western driveway being used for exiting vehicles only. This helps in preventing traffic conflicts for those parents entering and exiting the site, as well as preventing queuing lines that result in traffic backing up onto West Desert Inn Road.

Waiver of Development Standards

The Applicant is requesting to eliminate the required parking lot landscaping and to reduce the landscape buffer along the eastern property line. Parking lot landscaping would normally be required within the proposed parking stalls adjacent to the proposed school building. Along the eastern property line, adjacent to a residential use, a 5.5-foot landscape strip, with 24-inch box trees planted every 20 feet is required as landscape buffer. However, due to adequate landscaping throughout Assessor's Parcel 163-11-805-032, the Applicant is requesting to eliminate both the

parking lot landscaping and landscape buffer requirements. The property offers adequate landscaping through its fig, peach and apricot trees, as well as the flowering desert shrubs. This request was previously approved as part of application ZC-19-0223. Additionally, the existing 22-foot-wide drive aisle needs to be kept as wide as possible for vehicular use. Compliance with landscape requirements would result in a drive aisle that is 16.5 feet in width, where 24 feet is required.

The Applicant is requesting a waiver of commercial curb returns and a reduction in throat depths for both driveways. The Applicant is proposing two (2) driveways and 13 parking spaces. With that, each driveway is required to provide a 25-foot throat depth. The Applicant requests a throat depth waiver for 13 feet for the western driveway and 17 feet for the eastern driveway. Both driveways are existing and have been used without issue.

The Applicant is requesting a reduction in the width of the drive aisle to 22 feet where 24 feet is required. This drive aisle is located to the east of building 1 and runs along the eastern property line. The 22-foot-wide drive aisle is existing and has been used by the school without issue. The Applicant is not proposing any changes to this drive aisle. Due to the smaller student body and lower number of on-site employees, the 2-foot reduction will not negatively impact the use of this site.

The Applicant previously requested two additional waivers that applied to the parcel directly to the north. At this time, the Applicant is submitting for entitlements on the southern parcel only. Should future development of the parcel to the north be required, all appropriate applications will be submitted for review and consideration.

Thank you in advance for your time and consideration regarding this application. Please feel free to contact me should you have any questions or concerns.

Sincerely,

KAEMPFER CROWELL



Lexa D. Green

10/03/23 PC AGENDA SHEET

EASEMENTS
(TITLE 30)

QUARTERHORSE LANE/SUNSET ROAD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

VS-23-0536-SUNSET INTERCHANGE, LLC:

VACATE AND ABANDON easements of interest to Clark County located between Martin Avenue and Sunset Road, and between Quarterhorse Lane and Dapple Gray Road, and a portion of right-of-way being Quarterhorse Lane between Sunset Road and Martin Avenue; and a portion of right-of-way being Dapple Gray Road between Sunset Road and Martin Avenue within Spring Valley (description on file). JJ/rp/syp (For possible action)

RELATED INFORMATION:

APN:

176-05-101-003; 176-05-101-004; 176-05-101-014 through 176-05-101-015

LAND USE PLAN:

SPRING VALLEY - MID-INTENSITY SUBURBAN NEIGHBORHOOD & CORRIDOR
MIXED USE (UP TO 8 DU/AC)

BACKGROUND:

Project Description

The plans depict the vacation and abandonment of 33 foot wide patent easements along the north, south, and west sides of APNs 176-05-101-015, 176-05-101-014, and 5 feet of the right-of-way along the west side of APN 176-05-101-003 (Dapple Gray Road) and the east side of 176-05-101-004 (Quarterhorse Lane). The applicant indicates that the purpose of the request is to provide for detached sidewalks along both rights-of-way and for a seamless streetscape between the final off-site improvements and proposed street landscaping.

Prior Land Use Requests

Application Number	Request	Action	Date
TM-21-500201	47 residential lot and common lots	Approved by BCC	March 2022
ZC-21-0721	Reclassified from R-E to RUD zoning with waivers to reduce street intersection off-set and allow modified driveway design standard.	Approved by BCC	March 2022
NZC-21-0727	Reclassified a portion from C-1 and C-2 to R-2 zoning for a single-family residential development	Approved by BCC	March 2022

Prior Land Use Requests

Application Number	Request	Action	Date
VS-21-0644	Vacated and abandoned easements of interest to Clark County	Approved by PC	December 2021
VS-18-0536	Vacated and abandoned easements of interest to Clark County	Approved by PC	September 2018
UC-08-0917	Assisted living facility	Approved by BCC	November 2008
DR-04-1166	Medical office complex	Approved by BCC	April 2005
NZC-04-0092	Reclassified from R-E to C-2 zoning	Approved by BCC	February 2004
NZC-04-0185	Reclassified from R-E to C-P zoning	Approved by BCC	August 2004
NZC-02-1549	Reclassified from R-E to C-2 zoning	Approved by BCC	December 2002
PA-18-700003	Amended the existing land use categories from RS (Residential Suburban) and CG (Commercial General) to RUC (Residential Urban Center)	Approved by BCC	April 2019

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Public Use	C-2 & C-1	Medical facility
South	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-2	Single family residential
East	Urban Neighborhood (greater than 18 du/ac) & Mid-Intensity Suburban (up to 8 du/ac)	R-3 & R-4	Undeveloped & multiple family residential
West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac) & Corridor Mixed Use (allows less than 18 du/ac)	R-2 & C-2	Single family residential & commercial complex

STANDARDS FOR APPROVAL:

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

Analysis

Public Works - Development Review

Staff has no objection to the vacation of patent easements that are not needed for site, drainage, or roadway development and 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 has adopted a rewrite to Title 30 effective January 1, 2024, and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that the recording of the order of vacation in the Office of the County Recorder must be completed within 2 years of the approval date or the application will expire.

Public Works - Development Review

- Vacation to be recordable prior to building permit issuance or applicable map submittal;
- Revise legal description, if necessary, prior to recording.
- 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; and that VS-21-0644 and VS-21-0722 must remain current.

Clark County Water Reclamation District (CCWRD)

- No objection.

TAB/CAC:
APPROVALS:
PROTESTS:

APPLICANT: SUNSET INTERCHANGE, LLC
CONTACT: DIOMICIO GORDILLO, 204 BELLE ISLE CT, HENDERSON, NV 89012

5



VACATION APPLICATION

DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

APPLICATION TYPE <input type="checkbox"/> VACATION & ABANDONMENT (vs) <input type="checkbox"/> EASEMENT(S) <input checked="" type="checkbox"/> RIGHT(S)-OF-WAY <input type="checkbox"/> EXTENSION OF TIME (ET) (ORIGINAL APPLICATION #): _____	DEPARTMENT USE	APP. NUMBER: <u>VS-23-0596</u>	DATE FILED: <u>8/8/23</u>
		PLANNER ASSIGNED: _____ TAB/CAC: <u>Spring Valley</u> PC MEETING DATE: <u>10/3/23</u> BCC MEETING DATE: <u>N/A</u> FEE: <u>\$675</u>	TAB/CAC DATE: <u>9/12/23</u>

PROPERTY OWNER	NAME: <u>Sunset Interchange, LLC</u>		
	ADDRESS: <u>9500 Hillwood Drive, Suite 201</u>		
	CITY: <u>Las Vegas</u>	STATE: <u>NV</u>	ZIP: <u>89134</u>
	TELEPHONE: <u>(702) 823-2300</u>	CELL: <u>(702) 823-2300</u>	
	E-MAIL: <u>kroohani@gmail.com</u>		

APPLICANT	NAME: <u>Sunset Interchange, LLC</u>		
	ADDRESS: <u>9500 Hillwood Drive, Suite 201</u>		
	CITY: <u>Las Vegas</u>	STATE: <u>NV</u>	ZIP: <u>89134</u>
	TELEPHONE: <u>(702) 823-2300</u>	CELL: <u>(702) 823-2300</u>	
	E-MAIL: <u>kroohani@gmail.com</u>	REF CONTACT ID #: _____	

CORRESPONDENT	NAME: <u>DG Consultants, Dionicio Gordillo</u>		
	ADDRESS: <u>204 Belle Isle Ct</u>		
	CITY: <u>Henderson</u>	STATE: <u>NV</u>	ZIP: <u>89012</u>
	TELEPHONE: <u>702-379-6601</u>	CELL: <u>702-379-6601</u>	
	E-MAIL: <u>dgordillo@cox.net</u>	REF CONTACT ID #: <u>191488</u>	

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

PROPERTY ADDRESS and/or CROSS STREETS: Sunset Road and Quarterhouse Lane

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.

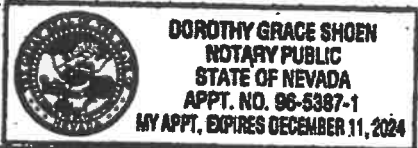
[Signature]
Property Owner (Signature)*

KHUSROW ROOHANI
Property Owner (Print)

STATE OF NEVADA
COUNTY OF CLARK

SUBSCRIBED AND SWORN BEFORE ME ON 6-26-2023 (DATE)

By Khusrow Roohani
NOTARY PUBLIC: Dorothy Grace Shoen



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

D G Consultants

July 21, 2023

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

RE: Vacations of Patent Easements & Right-of-Way
(Quarterhorse Ln. and Dapple Gray Road)

APN: 176-05-101-003, -004, -014 and -015

On behalf of the property owners, we are requesting a vacation of patent easements and a portion of public ROW for future development. The request is to vacate patent easements that are no longer needed for development and vacate and abandon five feet of right-of way along west side of Quarterhorse Lane and the east side of Dapple Gray Road.

The purpose of the request is to provide for detached sidewalks along both rights-of-way and for a seamless streetscape between the final off-site improvements and proposed street landscaping. Additionally, this request will facilitate the much needed full off-site improvements which will also facilitate pedestrian and vehicular movements and provide for a seamless, improved streetscape.

Thank you for your consideration.

Sincerely,

Dominic Smith

5



VACATION APPLICATION DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

APPLICATION TYPE: VACATION & ABANDONMENT (vs)
APP. NUMBER: VE 23-0536
DATE FILED: 8/8/23
PLANNER ASSIGNED:
TAB/CAC: Spring Valley
TAB/CAC DATE: 9/12/23
PC MEETING DATE: 10/13/23
BCC MEETING DATE: N/A
FEE: 1975

PROPERTY OWNER: NAME: Khusrow Roohani Family Trust
ADDRESS: 9500 Hillwood Dr., Suite 201
CITY: Las Vegas STATE: NV ZIP: 89135
TELEPHONE: CELL:
E-MAIL:

APPLICANT: NAME: KB Home Las Vegas, Inc.
ADDRESS: 5795 W. Badura Ave., Suite 180
CITY: Las Vegas STATE: NV ZIP: 89118
TELEPHONE: 702-266-8466 CELL: 702-449-5131
E-MAIL: cbilbrey@kbhome.com REF CONTACT ID #:

CORRESPONDENT: NAME: DG Consultants, Dionicio Gordillo
ADDRESS: 204 Belle Isle Ct
CITY: Henderson STATE: NV ZIP: 89012
TELEPHONE: 702-379-6601 CELL: 702-379-6601
E-MAIL: dgordillo@cox.net REF CONTACT ID #:

ASSESSOR'S PARCEL NUMBER(S): 176-05-101-015
PROPERTY ADDRESS and/or CROSS STREETS: Sunset / Quarterhorse

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.

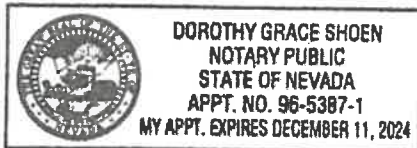
[Signature of Khusrow Roohani]

Khusrow Roohani, Trustee

Property Owner (Signature)*

Property Owner (Print)

STATE OF NEVADA COUNTY OF Clark



SUBSCRIBED AND SWORN BEFORE ME ON 7-21-2023 (DATE)

By Khusrow Roohani - Trustee
NOTARY PUBLIC: Dorothy Grace Shoen

*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.



VACATION APPLICATION

DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

APPLICATION TYPE	DEPARTMENT USE	APP. NUMBER: <u>VS-230596</u>	DATE FILED: <u>8/8/23</u>
<input type="checkbox"/> VACATION & ABANDONMENT (vs) <input type="checkbox"/> EASEMENT(S) <input checked="" type="checkbox"/> RIGHT(S)-OF-WAY <input type="checkbox"/> EXTENSION OF TIME (ET) (ORIGINAL APPLICATION #): _____		PLANNER ASSIGNED: _____	TAB/CAC DATE: <u>9/12/23</u>
		TAB/CAC: <u>Spring Valley</u>	
		PC MEETING DATE: <u>10/3/23</u>	
		BCC MEETING DATE: <u>N/A</u>	
		FEE: <u>\$875</u>	

PROPERTY OWNER	NAME: <u>Sunset Interchange, LLC</u> ADDRESS: <u>9500 Hillwood Drive, Suite 201</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89134</u> TELEPHONE: <u>(702) 823-2300</u> CELL: <u>(702) 823-2300</u> E-MAIL: <u>kroohani@gmail.com</u>
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APPLICANT	NAME: <u>Sunset Interchange, LLC</u> ADDRESS: <u>9500 Hillwood Drive, Suite 201</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89134</u> TELEPHONE: <u>(702) 823-2300</u> CELL: <u>(702) 823-2300</u> E-MAIL: <u>kroohani@gmail.com</u> REF CONTACT ID #: _____
------------------	--

CORRESPONDENT	NAME: <u>DG Consultants, Dionicio Gordillo</u> ADDRESS: <u>204 Belle Isle Ct</u> CITY: <u>Henderson</u> STATE: <u>NV</u> ZIP: <u>89012</u> TELEPHONE: <u>702-379-6601</u> CELL: <u>702-379-6601</u> E-MAIL: <u>dgordillo@cox.net</u> REF CONTACT ID #: <u>191488</u>
----------------------	--

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

PROPERTY ADDRESS and/or CROSS STREETS: Sunset Road and Quarterhouse Lane

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)*

KHUSROW ROOHANI

Property Owner (Print)

STATE OF NEVADA
COUNTY OF CLARK

SUBSCRIBED AND SWORN BEFORE ME ON 6-26-2023 (DATE)

By Khusrow Roohani
NOTARY PUBLIC: Dorothy Grace Shoen



DOROTHY GRACE SHOEN
NOTARY PUBLIC
STATE OF NEVADA
APPT. NO. 96-5397-1
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.

10/03/23 PC AGENDA SHEET

SETBACKS
(TITLE 30)

ACCLAIM WAY/FAME AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-23-0526-QIAN YONGHONG & WANG LIWEI:

WAIVER OF DEVELOPMENT STANDARDS to reduce setbacks for an existing building addition in conjunction with an existing single family residence on 0.1 acres in an R-2 (Medium Density Residential) Zone.

Generally located on the north side of Fame Avenue, 180 feet west of Acclaim Way within Spring Valley. MN/rp/syp (For possible action)

RELATED INFORMATION:

APN:

163-21-110-005

WAIVER OF DEVELOPMENT STANDARDS:

1. a. Reduce the rear setback for a building addition to 8 feet where 15 feet is required per Table 30.40-2 (a 44% reduction).
- b. Reduce the setback from the street for a building addition to 8 feet where 10 feet is required per Section 30.56.040 (a 20% reduction).

LAND USE PLAN:

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

BACKGROUND:

Project Description

General Summary

- Site Address: 8292 Fame Avenue
- Site Acreage: 0.1
- Project Type: Setbacks
- Number of Stories: 2 (residence)/1 (addition)
- Square Feet: 1,861 (residence)/420 (addition)

Site Plan

The site plan depicts a .1 acre property with a 1,861 square foot, 2 story single family residence with an attached 2 bedroom addition located on the rear portion of the home. The addition is set back 8 feet 4 inches from the rear property line.

Landscaping

The applicant is not proposing to add any new trees or shrubs.

Elevations

The applicant provided photos of the 1 story, two bedroom addition showing wooden paneling painted light beige to match the existing house.

Floor Plans

The 2 bedroom addition is 420 square feet with a hallway between the bedrooms.

Signage

Signage is not a part of this request.

Applicant's Justification

Per the justification letter, the applicant is requesting to reduce the 15 foot setback requirement from the rear property lines. The applicant indicates that the 2 bedroom addition was constructed many years prior to the applicant's purchase of the residence in 2020. The applicant applied for a building permit (BD22-55993) however, applicant was not meeting the 15 foot setback requirement.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-95-0056	103, four thousand square foot minimum compact lots in an R-2 zone	Approved PC	February 1995

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Compact Neighborhood	R-3	Multiple family residential
South, East & West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-2	Single family residential

Clark County Public Response Office (CCPRO)

CE-22-25270 are active zoning violations on the subject parcel for trash/debris and for building without a permit.

STANDARDS FOR APPROVAL:

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

Analysis

Comprehensive Planning

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.

Aerial photographs from 2003 depict the existing 2 bedroom addition on the rear portion of the single family residence. The 2 bedroom addition was constructed prior to the applicant's purchase of the residence in 2020. Some landscaping is provided on the north property line. Staff believes landscaping can be added to the existing planters to further buffer the addition. With this condition, staff recommends approval of the request.

Staff Recommendation

Approval.

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

PRELIMINARY STAFF CONDITIONS:

Comprehensive Planning

- 1 year to complete the building permit and inspection process;
- Plant 1 small tree (as recommended on the Southern Nevada Regional Plant List) along the north property line.
- Applicant is advised that the County has adopted a rewrite to Title 30 effective January 1, 2024, and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

Public Works - Development Review

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: YONG HONG QIAN

CONTACT: YONG HONG QIAN, 8725 W. FLAMINGO RD, APT 130, LAS VEGAS, NV 89147



LAND USE APPLICATION

22-101561

DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

APPLICATION TYPE <input type="checkbox"/> TEXT AMENDMENT (TA) <input type="checkbox"/> ZONE CHANGE (ZC) <input type="checkbox"/> USE PERMIT (UC) <input type="checkbox"/> VARIANCE (VC) <input checked="" type="checkbox"/> WAIVER OF DEVELOPMENT STANDARDS (WS) <input type="checkbox"/> DESIGN REVIEW (DR) <input type="checkbox"/> ADMINISTRATIVE DESIGN REVIEW (ADR) <input type="checkbox"/> STREET NAME / NUMBERING CHANGE (SC) <input type="checkbox"/> WAIVER OF CONDITIONS (WC) (ORIGINAL APPLICATION #) <input type="checkbox"/> ANNEXATION REQUEST (ANX) <input type="checkbox"/> EXTENSION OF TIME (ET) (ORIGINAL APPLICATION #) <input type="checkbox"/> APPLICATION REVIEW (AR) (ORIGINAL APPLICATION #)	STAFF APP. NUMBER: <u>WS-23-0526</u> DATE FILED: <u>8-7-2023</u> PLANNER ASSIGNED: <u>BAB</u> TAB/CAC: <u>Spring Valley</u> TAB/CAC DATE: <u>9-12-2023</u> PC MEETING DATE: <u>10-3-2023</u> BCC MEETING DATE: _____ FEE: <u>\$775</u> <u>CE22-25270</u>
	PROPERTY OWNER NAME: <u>YONG Hong Qian</u> ADDRESS: <u>8292 FAME AVE</u> CITY: <u>LAS Vegas</u> STATE: <u>NV</u> ZIP: <u>89147</u> TELEPHONE: <u>626-47-4691</u> CELL: <u>SAR.</u> E-MAIL: <u>YQian019@gmail.com</u>
	APPLICANT NAME: <u>ZHI WEI YUAN</u> ADDRESS: <u>8725 W Flamingo Blvd Apt 130</u> CITY: <u>LAS Vegas</u> STATE: <u>NV</u> ZIP: <u>89147</u> TELEPHONE: _____ CELL: <u>909-305-3166</u> E-MAIL: <u>YQian019@gmail.com</u> REF CONTACT ID #: _____
CORRESPONDENT NAME: <u>Yong Hong Qian</u> ADDRESS: <u>8292 FAME AVE</u> CITY: <u>LAS Vegas</u> STATE: <u>NV</u> ZIP: <u>89147</u> TELEPHONE: _____ CELL: <u>626-47-4691</u> E-MAIL: <u>YQian019@gmail.com</u> REF CONTACT ID #: _____	

ASSESSOR'S PARCEL NUMBER(S): 163-21-110-005
 PROPERTY ADDRESS and/or CROSS STREETS: 8292 Fame Ave LAS Vegas NV 89147
 PROJECT DESCRIPTION: _____

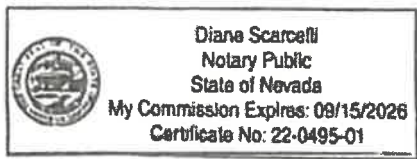
(I We) the undersigned swear and say that (I am We are) the owner(s) of record on the Tax Rolls of the property involved in this application or (am are) otherwise qualified to initiate this application under Clark County Code that the information on the attached legal description all plans, and drawings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

Yong Hong Qian Yong Hong Qian
 Property Owner (Signature)* Property Owner (Print)

STATE OF NEVADA
 COUNTY OF CLARK County

SUBSCRIBED AND SWORN BEFORE ME ON Dec. 7, 2022 (DATE)

By ZHI WEI YUAN
 NOTARY PUBLIC: Diane Scarcelli



*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

Application for waive setback stander from 15 feet to 8 feet

Feb.20 2023

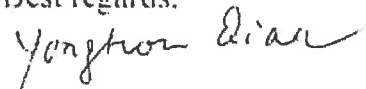
Dear Clark County Planing Department Officer:

I am the property owner of 8292 Fame Ave.,Las Vegas,NV 89147 and I am applying for A waiver base district requirements 30.40-6. I must apply waiver and needs to be approved. When I bought the property two years ago,the house previous owner had builtd two Bedrooms in the patio at the back yard. This is my first time to buy a house.

I received a letter from building department enforcement division officer Oct. After I went to Recorder division of the building department with the notice letter, I just knew the patio with two bedrooms hasn't permit. So we follow the new application procedure to start patio with two bedrooms application. The new application permit number is BD22-55993. According to our application and all documents which we presented, the planing zone division requested enroaching into setbacks from 15 feet to 8 feet.

Thank you very much.

Best regards.



Yonghong Qian

PLANNER
COPY

7

10/04/23 BCC AGENDA SHEET

EASEMENTS/RIGHTS-OF-WAY
(TITLE 30)

DECTAUR BLVD/POST RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
VS-23-0521-DECATUR POST, LLC:

VACATE AND ABANDON easements of interest to Clark County located between Post Road and Teco Avenue (alignment) and between Decatur Boulevard and Hauck Street (alignment); a portion of right-of-way being Decatur Boulevard located between Post Road and Teco Avenue (alignment); and a portion of right-of-way being Post Road between Decatur Boulevard and Hauck Street (alignment) within Spring Valley (description on file), MN/hw/syp (For possible action)

RELATED INFORMATION:

APN:

163-36-801-008; 163-36-801-014

LAND USE PLAN:

SPRING VALLEY - CORRIDOR MIXED-USE

BACKGROUND:

Project Description

The plans depict the vacation and abandonment of a 33 foot wide patent easement that runs along the northern and west boundary of APN 163-36-801-014 located in the southern portion of the subject site. The plans also depict the vacation and abandonment of a portion of right-of-way described as Post Road, a 60 foot right-of-way, and Decatur Boulevard, a 120 foot right-of-way. Five feet is proposed to be vacated from both Post Road and Decatur Boulevard. Along Post Road, a 222 foot portion will be vacated for a total area of 1,110 square feet, and along Decatur Boulevard, a 442 foot portion is to be vacated for a total area of 2,210 square feet. The applicant states that the vacation of the patent easement is needed to allow for the development of the site, and that the patent easements are no longer needed for any roads or utilities. The applicant also states that the vacation of the rights-of-way are needed in order to provide detached sidewalks for the proposed development.

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-22-0648	Reclassified the site from C-2 and R-E zoning to C-2 zoning for future commercial uses	Approved by BCC	February 2023
PA-22-700006	Redesignated the land use for the site to Corridor Mixed-Use from Business Employment	Adopted by BCC	February 2023

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-0814-05	Reclassified the site from R-E to C-2 zoning for a future commercial development	Approved by BCC	July 2005
ZC-1469-00	Reclassified the site from R-E and M-D zoning to C-2 and M-1 zoning for a convenience store, gas station, shopping center, taxing staging, and maintenance facility	Approved by BCC	November 2000

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Business Employment	C-2	Motorcycle sales
South	Corridor Mixed-Use	C-2	Undeveloped & restaurant
East	Business Employment	C-2 & R-E	Undeveloped
West	Business Employment	M-1	Freight terminal

Related Applications

Application Number	Request
WS-23-0520	A waiver of development standards for a shopping center with retail, vehicle maintenance, restaurant, convenience store with gasoline station, and future uses is a companion item on this agenda.
TM-23-500110	A tentative map for a 1 lot commercial subdivision is companion item on this agenda.

STANDARDS FOR APPROVAL:

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

Analysis**Public Works - Development Review**

Staff has no objection to the vacation of patent easements that are not needed for site, drainage, or roadway development and 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 has adopted a rewrite to Title 30 effective January 1, 2024, and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that the recording of the order of vacation in the Office of the County Recorder must be completed within 2 years of the approval date or the application will expire.

Public Works - Development Review

- Right-of-way dedication to include a radius or chord in the northeast corner of APN 163-36-801-008 to encompass traffic components;
- Dedicate a 3 foot wide streetlight and traffic control easement in addition to the above condition, concentric with the radius or parallel to the chord;
- If required by the Regional Transportation Commission (RTC), dedicate and construct right-of-way for a bus turnout including passenger loading/shelter areas on Decatur Boulevard in accordance with RTC standards;
- 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.

Clark County Water Reclamation District (CCWRD)

- No objection.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: DECATUR POST, LLC

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



VACATION APPLICATION

DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

APPLICATION TYPE

- VACATION & ABANDONMENT (vs)
- EASEMENT(S)
- RIGHT(S)-OF-WAY
- EXTENSION OF TIME (ET)
(ORIGINAL APPLICATION #):

DEPARTMENT USE

APP. NUMBER: VS-23-0521

DATE FILED: 8/7/23

PLANNER ASSIGNED: HW

TAB/CAC: Spring Valley

TAB/CAC DATE: 9/12/23

PC MEETING DATE: _____

BOC MEETING DATE: 10/4/23

FEE: \$875

PROPERTY OWNER

NAME: Decatur Post, LLC

ADDRESS: 3 Mohansic Road

CITY: Henderson

STATE: NV

ZIP: 89052

TELEPHONE: n/a

CELL: n/a

E-MAIL: n/a

APPLICANT

NAME: Decatur Post, LLC

ADDRESS: 3 Mohansic Road

CITY: Henderson

STATE: NV

ZIP: 89052

TELEPHONE: n/a

CELL: n/a

E-MAIL: n/a

REF CONTACT ID #: n/a

CORRESPONDENT

NAME: Kaempfer Crowell - Tony Celeste

ADDRESS: 1980 Festival Plaza Dr. Ste 650

CITY: Las Vegas

STATE: NV

ZIP: 89135

TELEPHONE: 702-792-7000

CELL: 702-792-7048

E-MAIL: apierce@kcnvlaw.com

REF CONTACT ID #: _____

ASSESSOR'S PARCEL NUMBER(S): 163-36-801-008 & 014

PROPERTY ADDRESS and/or CROSS STREETS: Decatur and Post

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.

Jason Gerber
Property Owner (Signature)*

Jason Gerber
Property Owner (Print)

STATE OF NEVADA
COUNTY OF Clark County

SUBSCRIBED AND SWORN BEFORE ME ON March 13, 2023 (DATE)

By Jason Gerber
NOTARY PUBLIC: Tassia Walczak



*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.

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

KAEMPFER

CROWELL

ANTHONY J. CELESTE
aceleste@kcnvlaw.com
D: 702.693.4215

May 12, 2023

VIA UPLOAD

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

PLANNER
COPY

VS-23-0521

**Re: *Justification Letter – Decatur Post, LLC
Vacation and Abandonment of Portions of the Post Road and Decatur
Boulevard ROWs and Patent Easement
APN: 163-36-801-008 & 014***

To Whom It May Concern:

Please be advised our office represents Decatur Post, LLC (the “Applicant”) in the above-referenced matter. The Applicant is requesting to vacate and abandon easements no longer necessary for the development of property located at the southwest corner of Decatur Boulevard and Post Road, more particularly described as APNs: 163-36-801-008 & 014 (collectively the “Site”).

The Applicant is requesting to vacate and abandon a 5-foot wide portion of the Post Road and Decatur Boulevard rights-of-way to accommodate a detached sidewalk. The development standards require a detached sidewalk, and, therefore, to comply with the development standards the vacation and abandonment of this portion of right-of-way is required.

The Applicant is also requesting to vacate and abandon a 33-foot wide patent easement on the Site. With the established network of roadways, the patent easement is no longer required. Additionally, to provide a cohesive development, the patent easement needs to be vacated.

We thank you in advance for your time and consideration of this matter. Should you have any questions or concerns, please feel free to contact me.

Sincerely,

KAEMPFER CROWELL



Anthony J. Celeste

AJC/jmd

RETAIL COMPLEX
(TITLE 30)

DECATUR BLVD/POST RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-23-0520-DECATUR POST, LLC:

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) alternative street landscaping; 2) reduce drive-thru landscaping; 3) access from a local street; 4) overhead doors; 5) complex architectural compatibility; 6) allow non-subdued exterior building tones; 7) site orientation; and 8) driveway geometrics.

DESIGN REVIEWS for the following: 1) alternative parking lot landscaping; and 2) a proposed retail complex with restaurants, retail, vehicle maintenance, convenience store, and gasoline station uses on 2.9 acres in a C-2 (General Commercial) (AE-65) Zone in the CMA Design Overlay District.

Generally located on the east side of Decatur Boulevard and the south side of Post Road within Spring Valley. MN/hw/syp (For possible action)

RELATED INFORMATION:

APN:

163-36-801-008; 163-36-801-014

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce the number of street landscaping trees along Post Road to 8 medium sized trees where 9 medium sized trees are required per Figure 30.64-17 (an 11% reduction).
2. Reduce landscape buffering adjacent to drive-thru lanes visible from a public right-of-way to include shrubs only where an intense landscape buffer per Figure 30.64-12 is required per Section 30.48.660.
3. Allow the site to access a local street (Post Road) where not permitted per Table 30.56-2.
4. Allow reduced screening of overhead doors visible from a public right-of-way where overhead doors must be completely and visually obscured from view per Section 30.48.660.
5. Allow a pad site building and accessory structure (gasoline canopy) to not be architecturally compatible with the overall retail complex where required per Section 30.48.650.
6. Allow a non-subdued red color as an exterior building tone where the colors of buildings and façade surfaces shall consist of predominately subdued intensity of tones of the surrounding landscape per Section 30.48.650.
7. Reduce the percentage of total primary street frontage occupied by buildings at the building setback line to 4 percent where a minimum of 10 percent is required per Section 30.48.640 (a 60% reduction).

8. a. Reduce the approach distance for the Post Road driveway to the Decatur Boulevard and Post Road intersection to 145 feet where 150 feet is the standard per Uniform Standard Drawing 222.1 (a 3% reduction).
- b. Reduce the departure distance for the Decatur Boulevard driveway to the Decatur Boulevard and Post Road intersection to 150 feet where 190 feet is the standard per Uniform Standard Drawing 222.1 (a 21% reduction).

DESIGN REVIEWS:

1. Allow alternative parking lot landscaping where parking lot landscaping per Figure 30.64-14 is required per Table 30.64-2.
2. Retail complex with restaurants, retail, vehicle maintenance, convenience store, and gasoline station uses.

LAND USE PLAN:

SPRING VALLEY - CORRIDOR MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 2.9
- Project Type: Retail complex
- Number of Stories: 1
- Building Height (feet): 23
- Square Feet: 10,130
- Parking Required/Provided: 58/60

Site Plan

The plan depicts a proposed retail complex located at the southwest corner of Decatur Boulevard and Post Road. The plans show 3 proposed retail and service buildings and an area for future development. A combined 3,000 square foot convenience store and 1,200 square foot fast food service restaurant is proposed in the northwest portion of the site with a proposed gasoline station canopy located 50 feet to the east of the convenience store building. The convenience store building is set back 44.5 feet from the western property line, 76.5 feet from the northern property line, and 143.5 feet from Decatur Boulevard. This building contains a 1 lane drive-thru that winds along the back and sides of the building with the ability to stack 10 cars. The gasoline canopy is shown to be set back an additional 50 feet from Decatur Boulevard. To the southeast of the convenience store building and in the east-central portion of the site is a 1,130 square foot restaurant building with an accompanying 800 square foot outside dining area and 2 lane drive-thrus. This restaurant building is set back 39 feet from Decatur Boulevard and the drive-thru lanes can stack 12 cars combined and will be accessed through the central portion of the site. The outside dining area is located to the south of the restaurant building with a protective barrier located along the perimeter of the dining area. In the southwestern portion of the site is a 5 bay, 4,800 square foot vehicle maintenance facility. The vehicle maintenance bays face Decatur Boulevard and is set back 6.5 feet from the western property line. A future retail pad area is

shown in the southern portion of the site. Parking is provided interspersed amongst the 3 buildings in separated lots with a total of 60 parking spaces provided where 58 parking spaces are required. Access is provided by 2 commercial driveways. One driveway will access Post Road, a local street, in the northwest corner of the site and another driveway will access Decatur Boulevard in the east-central portion of the site.

Landscaping

The plans show that a variety of landscaping is provided along the street, the perimeter, and within the parking lot. Along Decatur Boulevard, 21 Desert Museum Palo Verde (*Parkinsonia x Desert Museum*) trees have been provided in 2 rows, where possible, in 5 foot and 10 foot landscaping strips with 1 row on each side of a 5 foot detached sidewalk. In some places, particularly in the southern portion of the landscape strip, trees have been spaced every 10 feet to screen the vehicle maintenance bays and drive-thru lanes, otherwise, trees are spaced every 20 feet on center. Adjacent to both drive-thru lanes, a 2.5 foot to 3 foot landscaping planter is provided with various 5 gallon shrub species with no trees provided. Along Post Road, 8 Desert Museum Palo Verde trees are provided where 9 medium trees are required. The trees are mostly provided in a single row 20 feet on center in the 5 foot landscaping strip on the south side of a 5 foot detached sidewalk, due to sight visibility zones. One tree is placed on the northern side of the 5 foot detached sidewalk within a 5 foot landscaping strip. Within the parking lot, 17 Willow Acacia (*Acacia Salicina*) trees are provided within the terminal landscape island or landscaping strip and an additional 4 Willow Acacia trees provided in various landscape strips throughout the parking lot. A total of 21 trees are required, but due to a 3 landscape island reduction, a waiver of development standards is required. Along the western property various shrubs are provided along with sporadic Willow Acacia trees in a 6 foot landscaping strip.

Elevations

The plans depict the convenience store and restaurant building to be 27 feet tall to parapet wall, the gasoline canopy is shown to be 19.5 feet tall, the restaurant building is 17 feet tall, and the vehicle repair facility is shown to be 29 feet tall. The exterior materials of the convenience store, gasoline canopy, and vehicle maintenance vehicle are all similar in nature with painted stucco throughout. The vehicle maintenance facility is shown to have 101 foot long façade by a roof pop-out and is provided on the northern portion of the building. The pop-out portion of the vehicle maintenance facility is shown to be primarily brown stucco, with a window door system on the east and north elevations. On the east elevation, 5 brown painted roll-up doors are shown with the area around the doors shown to be sand colored stucco. The convenience store building is shown to be mainly beige with grey and sand colored accents. Two commercial window door systems are provided on the northern and southern portions of the east façade and with additional windows provided on the eastern portion of the northern and south facades. Roof articulation and pop-outs are provided surrounding the access points to the building. The gasoline canopy has a metal awning and supports with grey painted stucco bases. The steel columns are painted sand and the metal awning is beige. The pad restaurant building is shown to have a stainless steel and black metal awning running the length of the eastern façade. The building has a front pop-out and articulation which contain walk-up windows. The eastern façade contains black and white tile with a red stucco roof wall. The remainder of the building is stucco painted with a mix of white and black.

Floor Plans

General plans have been provided for the convenience store and restaurant building with the convenience store shown to take up the northern 55 feet of the 76.5 foot wide building and the restaurant taking up the southern 21.5 feet with the drive-thru window shown on the southern portion of the building. The floor plans for the pad restaurant show a commercial kitchen taking up 75% of the eastern portion of the building with the rear of the building containing restrooms, an office, and a refrigerator/freezer. The plans for the vehicle maintenance facility show a 16.5 feet wide office and reception spaces in the northern portion of the building which contains a waiting area, bathrooms, and offices. The remainder of the space is dedicated to the vehicle bays and parts storage.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant states that the site has been previously rezoned, and that this application is to start the development and construction on the site. They state that sufficient parking and landscaping has been provided and that the provided buildings are well sited. The applicant also states that landscaping has been placed to screen unsightly uses on the site and that any non-subdued colors and access to local streets should not pose any undue burdens on surrounding property owners.

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-22-0648	Reclassified the site from C-2 and R-E zoning to C-2 zoning for future commercial uses	Approved by BCC	February 2023
PA-22-700006	Redesignated the land use for the site to Corridor Mixed-Use from Business Employment	Adopted by BCC	February 2023
ZC-0814-05	Reclassified the site from R-E to C-2 zoning for a future commercial development	Approved by BCC	July 2005
ZC-1469-00	Reclassified the site from R-E and M-D zoning to C-2 and M-1 zoning for a convenience store, gas station, shopping center, taxing staging, and maintenance facility	Approved by BCC	November 2000

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Business Employment	C-2	Motorcycle sales
South	Corridor Mixed-Use	C-2	Undeveloped & restaurant
East	Business Employment	C-2 & R-E	Undeveloped
West	Business Employment	M-1	Freight terminal

Related Applications

Application Number	Request
VS-23-0521	A vacation and abandonment of a government patent easement and 5 feet of Decatur Boulevard and Post Road for detached sidewalks is a companion item on this agenda.
TM-23-500110	A tentative map for a 1 lot commercial subdivision is 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 Review #1

The purpose of both parking lot and street landscaping is to soften the appearance of the buildings from the street, but to also provide relief from the heat caused by large expanses of pavement. Staff finds that while a significant number of trees has been provided along Decatur Boulevard, Post Road is lacking in the number of trees needed. With that said more trees have been planted along Decatur Boulevard than is necessary helping to soften the streetscape along Decatur Boulevard that is more needed. In addition, the placement of the trees in a single row is no issue given that the trees are still spaced accordingly and are placed in an appropriately sized landscaping strip. Staff, however, finds that while a parking reduction is also not a preferable option, this is a currently undeveloped site and the placement of parking lot landscaping per Figure 30.64-14 should be possible with minor adjustments to the design of the site. Staff does appreciate that more landscaping than is necessary is provided along the western boundary and along Decatur Boulevard, but the missing landscape islands and their associated trees cannot be made-up with this additional landscaping. For this reason, staff could support this waiver, but is not able to support design review #1. Since staff cannot support the other waivers of development standards and design review #1, staff cannot support these requests.

Waivers of Development Standards #2 & #4

Requiring the screening of both overhead doors and drive-thru lanes is to reduce the visual burden and possible distraction that open overhead doors and packed drive-thru lanes can cause. Staff finds that an intense landscape buffer has been provided along the drive-thru lane along Decatur Boulevard and the drive-thru lane associated with the convenience store is screened by the building. In addition, staff finds that the street landscaping in front of the overhead doors of

the vehicle maintenance facility is sufficient screening to screen the doors due to the significant setback from the right-of-way. For these reasons, staff can support these requests, as the provided alternative are like other retail complexes in the area and should achieve the desired screening goal. With that said, since staff cannot support the other waivers of development standards and design review #1, staff cannot support these requests.

Waiver of Development Standards #3

The purpose of limiting access of commercial and industrial sites to local streets, is to prevent high volumes of traffic on roads that may be unable to handle such volumes and to prevent undue impacts on streets that may also contain residential uses. Staff finds that the design of the site is such that most users of the site will opt to use the more southern access to Decatur Boulevard and the additional access to Post Road can provide minor egress and ingress to the site. In addition, the portion of Post Road that the site will access contains only industrial type uses. Overall, staff finds that the removal of the Post Road access would over burden the access along Decatur Boulevard and may lead to more back-up of traffic both on the site and on Decatur Boulevard. Additionally, the portion of Post Road being used should already be used to the industrial traffic to the sites to the west and the addition of minor amounts of commercial traffic should not pose a burden to the neighboring areas. For these reasons, staff could support this waiver; however, since staff cannot support the other waivers of development standards and design review #1, staff cannot support this request.

Waivers of Development Standards #5 & #6

In general, the purpose of architectural compatibility and subdued tones is to assure visually attractive commercial complexes that do not appear cluttered and cause undue visual disturbances to the surrounding area. Staff finds that the proposed building, except for the pad building, are architecturally compatibility in terms of colors, architectural design, and building materials. Regarding the pad restaurant, while the restaurant building is noticeably different, it contains similar architecture features (pop-out and roof articulation), and building materials to the other buildings within the commercial complex. In addition, many of the colors (white and black) are like those of the other buildings or are subdued in nature. Additionally, the portions that are not similar or are not subdued helped to make the complex more interesting and such differences are not uncommon for pad buildings. For these reasons, staff does anticipate the addition of an unsubdued red color nor slight variations between the pad restaurant and the rest of the complex to cause undue burdens to the surrounding area. As a result, staff could support this waiver, but due to staff being unable to support the other waivers and design review #1, staff cannot support these requests.

Waiver of Development Standards #7

Overall, the purpose of siting a certain percentage of commercial complex buildings along street frontages is to the reduce visual impact of parking lots and to make more interesting streetscapes. Staff finds that the siting of the building on the site makes for interesting streetscape with each building at varying setbacks from the primary frontage of Decatur Boulevard. In addition, the buildings are sited as to break large swathes of the parking lot into smaller areas. Lastly, sufficient street landscaping has been provided along Decatur Boulevard, as well as to screen unsightly drive-thru and parking lot sections from the right-of-way. As a result, staff feels that the alternative presented is sufficient to support waiver of development standards #7 but is

unable to support it due to staff not supporting the other waivers of development standards and design review #1.

Design Review #2

Staff finds that the design of the site itself is well sited for the uses being proposed with restaurant uses closer to the street and vehicle maintenance uses closer to existing industrial uses in the rear. In addition, the site is set-up to break-up the parking lot and is adequately screened from the street. The uses being proposed are similar to other uses in the area and should not cause any undue burdens. The landscaping along the street is sufficient. The design of the building is attractive and provides for an interesting aesthetic with the unsubdued red complementing the desert tones of the rest of the site. Lastly, the site maintains a mostly uniform design that is like other new commercial complexes within the Las Vegas Valley. While staff does feel the site is relatively well designed, staff cannot overlook the issues with regard to the self-imposed hardship of the parking lot and screening landscaping; therefore, cannot support this design review.

Public Works - Development Review

Waiver of Development Standards #8a

Staff has no objection to the reduction in the approach distance for the Post Road commercial driveway. The applicant has placed the driveway as far west as the site will allow. However, since Planning is recommending denial of the application, staff cannot support this waiver.

Waiver of Development Standards #8b

Staff has no objection to the reduction in the departure distance for the Decatur Boulevard commercial driveway. Although the departure distance does not comply with the minimum standards, staff finds the location allows vehicles to safely access the site. However, since Planning is recommending denial of the application, staff cannot support this waiver.

Department of Aviation

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

The property lies within the AE-65 (65-70 DNL) noise contour for 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 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, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Comprehensive Planning

If approved:

- Design review as a public hearing for final plans of future pad site;
- Landscaping per plans;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised approval of this application does not constitute or imply approval of any other County issued permit, license or approval; the installation and use of cooling systems that consumptively use water will be prohibited; the County has adopted a rewrite to Title 30 effective January 1, 2024, and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 4 years of approval date or it will expire.

Public Works - Development Review

- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements;
- If required by the Regional Transportation Commission (RTC), dedicate and construct right-of-way for a bus turnout including passenger loading/shelter areas on Decatur Boulevard in accordance with RTC standards;
- Right-of-way dedication to include a radius or chord in the northeast corner of APN 163-36-801-008 to encompass traffic components;
- Dedicate a 3 foot wide streetlight and traffic control easement in addition to the above condition, concentric with the radius or parallel to the chord;
- No additional driveway will be granted for this site.
- Applicant is advised that the installation of detached sidewalks will require the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way.

Department of Aviation

- Applicant is required to file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, in accordance with 14 CFR Part 77, or submit to the Director of Aviation a "Property Owner's Shielding Determination Statement" and request written concurrence from the Department of Aviation;
- If applicant does not obtain written concurrence to a "Property Owner's Shielding Determination Statement," then applicant must also receive either a Permit from the Director of Aviation or a Variance from the Airport Hazard Areas Board of Adjustment (AHABA) prior to construction as required by Section 30.48 Part B of the Clark County

Unified Development Code; applicant is advised that many factors may be considered before the issuance of a permit or variance, including, but not limited to, lighting, glare, graphics, etc.;

- No building permits should be issued until applicant provides evidence that a "Determination of No Hazard to Air Navigation" has been issued by the FAA or a "Property Owner's Shielding Determination Statement" has been issued by the Department of Aviation;
- Incorporate exterior to interior noise level reduction into the building construction as required by Code for use.
- Applicant is advised that the FAA's determination is advisory in nature and does not guarantee that a Director's Permit or an AHABA Variance will be approved; that FAA's airspace determinations (the outcome of filing the FAA Form 7460-1) are dependent on petitions by any interested party and the height that will not present a hazard as determined by the FAA may change based on these comments; that the FAA's airspace determinations include expiration dates; and that separate airspace determinations will be needed for construction cranes or other temporary equipment; that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations, which was constructed after October 1, 1998; and that funds will not be available in the future should the owners wish to have their buildings purchased or soundproofed.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0058-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

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

**APPLICANT: DECATUR POST, 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

8

<p>APPLICATION TYPE</p> <p><input type="checkbox"/> TEXT AMENDMENT (TA)</p> <p><input type="checkbox"/> ZONE CHANGE (ZC)</p> <p><input type="checkbox"/> USE PERMIT (UC)</p> <p><input type="checkbox"/> VARIANCE (VC)</p> <p><input checked="" type="checkbox"/> WAIVER OF DEVELOPMENT STANDARDS (WS)</p> <p><input checked="" type="checkbox"/> DESIGN REVIEW (DR)</p> <p><input type="checkbox"/> ADMINISTRATIVE DESIGN REVIEW (ADR)</p> <p><input type="checkbox"/> STREET NAME / NUMBERING CHANGE (SC)</p> <p><input type="checkbox"/> WAIVER OF CONDITIONS (WC)</p> <p>_____ (ORIGINAL APPLICATION #)</p> <p><input type="checkbox"/> ANNEXATION REQUEST (ANX)</p> <p><input type="checkbox"/> EXTENSION OF TIME (ET)</p> <p>_____ (ORIGINAL APPLICATION #)</p> <p><input type="checkbox"/> APPLICATION REVIEW (AR)</p> <p>_____ (ORIGINAL APPLICATION #)</p>	STAFF	<p>APP. NUMBER: <u>WS-23-0520</u> DATE FILED: <u>8/7/23</u></p> <p>PLANNER ASSIGNED: <u>AW</u></p> <p>TAB/CAC: <u>Spring Valley</u> TAB/CAC DATE: <u>9/12/23</u></p> <p>PC MEETING DATE: _____</p> <p>BCC MEETING DATE: <u>10/4/23</u></p> <p>FEE: <u>\$1,150</u></p>
	PROPERTY OWNER	<p>NAME: <u>Decatur Post, LLC</u></p> <p>ADDRESS: <u>3 Mohansic Road</u></p> <p>CITY: <u>Henderson</u> STATE: <u>NV</u> ZIP: <u>89052</u></p> <p>TELEPHONE: <u>n/a</u> CELL: <u>n/a</u></p> <p>E-MAIL: <u>n/a</u></p>
	APPLICANT	<p>NAME: <u>Decatur Post, LLC</u></p> <p>ADDRESS: <u>3 Mohansic Road</u></p> <p>CITY: <u>Henderson</u> STATE: <u>NV</u> ZIP: <u>89052</u></p> <p>TELEPHONE: <u>n/a</u> CELL: <u>n/a</u></p> <p>E-MAIL: <u>n/a</u> REF CONTACT ID #: <u>n/a</u></p>
	CORRESPONDENT	<p>NAME: <u>Kaempfer Crowell - Tony Celeste</u></p> <p>ADDRESS: <u>1980 Festival Plaza Dr. Ste 650</u></p> <p>CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89135</u></p> <p>TELEPHONE: <u>702-792-7000</u> CELL: <u>702-792-7048</u></p> <p>E-MAIL: <u>apierce@kcnvlaw.com</u> REF CONTACT ID #: _____</p>

ASSESSOR'S PARCEL NUMBER(S): 163-36-801-008 & 014

PROPERTY ADDRESS and/or CROSS STREETS: Decatur and Post

PROJECT DESCRIPTION: Commercial retail center

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

Jason Gerber
Property Owner (Signature)*

Jason Gerber
Property Owner (Print)

STATE OF Nevada
COUNTY OF Clark County

SUBSCRIBED AND SWORN BEFORE ME ON March 13, 2023 (DATE)

By Jason Gerber
NOTARY PUBLIC: Tassia Walczak



*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.

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

KAEMPFER

CROWELL

ANTHONY J. CELESTE
aceleste@kcnvlaw.com
D: 702.693.4215

August 2, 2023

VIA UPLOAD

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

PLANNER
COPY
WOS - 23 - 0520

**Re: *Justification Letter – Decatur Post, LLC
Design Reviews for (1) Commercial Retail Center & (2) Alternative Parking
Lot Landscaping; Waiver of Development Standards to (1) Reduce Approach
Distance, (2) Reduce Departure Distance, (3) No Landscaping in the Site
Visibility Zone, (4) Allow Bay Doors to Face ROW, (5) Reduce Primary
Building’s Frontage, (6) Allow Access to a Local Street (Post Road) and (7)
Allow Non-Subdued Accent Colors;
and Tentative Map
APN: 163-36-801-008 & 014***

To Whom It May Concern:

Please be advised our office represents Decatur Post, LLC (the “Applicant”) in the above-referenced matter. The Applicant is proposing to develop approximately 10,130 square feet of commercial and retail on property located at the southwest corner of Decatur Boulevard and Post Road, more particularly described as APNs: 163-36-801-008 & 014 (collectively the “Site”). By way of background, on February 22, 2023 the BCC approved PA-22-700006 amending the master plan to Corridor Mixed-Use (CM) and ZC-22-0648 rezoning the Site to C-2. The Applicant is now requesting the design review and related waivers along with a tentative map to develop the commercial retail center as now contemplated by the recent master plan amendment and zone change, respectively.

Design Review for Commercial/Retail Center

The Applicant is proposing to develop three buildings consisting of two retail pads and a convenience store with gas pumps, each addressed separately below:

- Retail 2 – Retail 2 will be located in the middle of the Site along Decatur Boulevard. Retail 2 will be approximately 1,130 square feet. Retail 2 will offer two drive-thrus. The first drive-thru is your typical drive thru and will be located along the southern elevation of the building. The second drive thru, located on the north elevation of the building, is to accommodate the every growing and popular e-commerce online orders; i.e. grub hub, etc.

- Retail 3 – Retail 3 is a proposed auto shop and is approximately 4,800 square feet. Retail 3 will be located at the southwest corner of the Site. The auto shop will have 5-bays all facing east towards the parking lot.
- Convenience Store – The convenience store building will be located at the northwest corner of the Site. The convenience store building will be approximately 4,200 square feet comprised of 3,000 square feet for the convenience store and 1,200 square feet for a quick service restaurant. There will be a drive thru for the quick service restaurant with the drive thru wrapping around the buildings north, west, and south elevation. Additionally, there will be a fuel island canopy with gas pumps located immediately east of the building.
- The southern portion of the Site is reserved for a future development a Retail 1 pad.

The Site will have two access points: one from Decatur Boulevard and another from Post Road. The Applicant is providing 60 parking spaces where 58 parking spaces are required. Since the Site will have two access points with 60 parking spaces, the required throat depth is 25-feet. The throat depths at both the Post Road and Decatur Boulevard entrance are a minimum of 25-feet, and therefore, meet the required distance. Additionally, the egress from the Site to Decatur Boulevard is over 114-feet. With a deep egress setback, the Decatur entrance will not have on-site conflicting traffic south of the entrance.

DESIGN REVIEW FOR ALTERNATIVE PARKING LOT LANDSCAPING

The Applicant is requesting a design review to allow for alternative parking lot landscaping. The standard is to provide landscaping islands for every six parking spaces, and, in this case, the total number of trees required is 19. Adding the parking lot landscaping islands will cause the Site to be parking deficient. Instead, the Applicant will provide additional landscaping along the perimeter and exceed the required number of trees by providing 15 where 10 are required.

WAIVER OF DEVELOPMENT STANDARDS

- **Reduce Driveway Approach Distance for Post Road Driveway**

The Applicant is requesting to reduce the approach distance for the Post Road driveway to the Decatur/Post intersection to 145-feet where 150-feet is required. The Applicant has located the Post Road driveway as far west on the Site as possible. Additionally, a second access point to the Site from Post Road will help alleviate traffic from the Decatur Boulevard entrance.

- **Reduce Driveway Departure Distance for Decatur Boulevard**

The Applicant is requesting to reduce the departure distance for the Decatur Boulevard driveway to the Decatur/Post intersection to 150-feet where 190-feet is required. The Applicant has located the driveway in the middle of the Site to provide for the best balance between the intersection and the potential driveway entrance for the property owner to the south.

- **Provide No Landscaping in Site Visibility Zone**

In order to maintain the site visibility zone, the Applicant is requesting to reduce landscaping along Decatur Boulevard between the drive way and the Decatur/Post intersection.

- **Allow Door Bays to Face ROW**

The proposed auto shop is located on the southwest portion of the Site which is the farthest point away from both rights-of-way – Decatur Boulevard and Post Road. Additionally, the proposed auto use is adjacent to property zoned M-1 with large warehouses and loading bays for 18-wheelers. Therefore, the proposed use is located in the ideal area on the Site. Finally, while the door bays will face towards Decatur Boulevard, the door bays will be partially shielded by the parking lot, retail buildings 1 and 2, and landscaping.

- **Reduce Primary Building's Frontage**

Due to the nature of the convenience store and gas canopy uses, the design dictates that the canopy face out towards the rights-of-way with convenience store located behind the canopy. This is the standard design throughout the Las Vegas valley, primarily for safety reasons allowing the store clerks to view the entire Site instead of viewing the back side of the Site. As such, the waiver is reasonable as the design helps enhance the safety for the convenience store operator.

- **Allow Access to Post Road**

The Applicant is requesting a secondary access to point to the Site from Post Road. Access to and from Post Road is appropriate for the following reasons: (1) it will provide relief from and an alternative entrance from the busy arterial road that is Decatur Boulevard, (2) the commercial development immediately to the north accesses Post Road, (3) the properties immediately to west, which are zoned M-1 and M-D, access Post Road, (4) there are no residential homes that access Post Road, and (5) finally, Post Road terminates just west of the Site at the drainage culvert.

- **Allow Non-Subdued Accent Color/Tones for Retail Building 2**

Retail Building 2 is a proposed Checkers quick service restaurant. Adhering to their established branding, the proposed Checkers elevation shows red accent colors. Most of building is predominately subdued colors matching the rest of the proposed commercial and retail center. Therefore, proposed red color is only an accent color and, therefore, the predominate colors of the building are subdued and in compliance with the CMA overlay.

TENTATIVE MAP

The Site is composed of two separate parcels. In order to provide one cohesive development, the Applicant is requesting to consolidate the two parcels. The proposed tentative map matches the proposed design review.

We thank you in advance for your time and consideration of this matter. Should you have any questions or concerns, please feel free to contact me.

Sincerely,

KAEMPFER CROWELL



Anthony J. Celeste

AJC/jmd

10/04/23 BCC AGENDA SHEET

DECATUR-POST
(TITLE 30)

DECATUR BLVD/POST RD

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
TM-23-500110-DECATUR POST, LLC:

TENTATIVE MAP consisting of 1 commercial lot on 2.9 acres in a C-2 (General Commercial) (AE-65) Zone in the CMA Design Overlay District.

Generally located on the east side of Decatur Boulevard and the south side of Post Road within Spring Valley. MN/hw/syp (For possible action)

RELATED INFORMATION:

APN:
163-36-801-008; 163-36-801-014

LAND USE PLAN:
SPRING VALLEY - CORRIDOR MIXED-USE

BACKGROUND:
Project Description

General Summary

- Site Address: N/A
- Site Acreage: 2.9 (gross and net)
- Number of Lots/Units: 1
- Project Type: Commercial subdivision

The map depicts a 1 lot commercial subdivision on a currently undeveloped site located at the southwest corner of Decatur Boulevard and Post Road. The lot is shown to be 2.9 acres (gross and net). The map shows the undeveloped lot with existing fencing to be removed and a 33 foot government patent easement located in south-central and southwestern portion of the site that will be vacated. The applicant is proposing this tentative map to complete a 3 building retail complex with an area for a future development. A combined 3,000 square foot convenience store and 1,200 square foot fast food service restaurant is proposed in the northwest portion of the site with a proposed gasoline station canopy located 50 feet to the east of the convenience store building. The convenience store/restaurant building will contain a 1 lane drive-thru that winds along the back and sides of the building with the ability to stack 10 cars. To the southeast of the convenience store building and in the east-central portion of the site is a 1,130 square foot restaurant building with an accompanying 800 square foot outside dining area and 2 lane drive-thrus. This restaurant building is set back 39 feet from Decatur Boulevard and the drive-thru lanes can stack 12 cars combined and will be accessed through the central portion of the site.

The outside dining area is located to the south of the restaurant building. In the southwestern portion of the site is a 5 bay, 4,800 square foot vehicle maintenance facility. The vehicle maintenance bays face Decatur Boulevard and is set back 6.5 feet from the western property line. A future retail pad area is shown in the southern portion of the site. Parking is provided interspersed amongst the 3 buildings in separated lots with a total of 60 parking spaces provided where 58 parking spaces are required. Access is provided by 2 commercial driveways. One driveway will access Post Road, a local street, in the northwest corner of the site and another driveway will access Decatur Boulevard in the east-central portion of the site.

Landscaping

The plans show that a variety of landscaping is provided along the street, the perimeter, and within the parking lot. Along Decatur Boulevard, 21 Desert Museum Palo Verde (Parkinsonia x Desert Museum) trees have been provided in 2 rows, where possible, in 5 foot and 10 foot landscaping strips with 1 row on each side of a 5 foot detached sidewalk. In some places, particularly in the southern portion of the landscape strip, trees have been spaced every 10 feet to screen the vehicle maintenance bays and drive-thru lanes, otherwise, trees are spaced every 20 feet on center. Along Post Road, 8 Desert Museum Palo Verde trees are provided where 9 medium trees are required. The trees are mostly provided in a single row 20 feet on center in the 5 foot landscaping strip on the south side of a 5 foot detached sidewalk, due to sight visibility zones. One tree is placed on the northern side of the 5 foot detached sidewalk within a 5 foot landscaping strip. Within the parking lot, 17 Willow Acacia (Acacia Salicina) trees are provided within the terminal landscape island or landscaping strip and an additional 4 Willow Acacia trees provided in various landscape strips throughout the parking lot.

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-22-0648	Reclassified the site from C-2 and R-E zoning to C-2 zoning for future commercial uses	Approved by BCC	February 2023
PA-22-700006	Redesignated the land use for the site to Corridor Mixed-Use from Business Employment	Adopted by BCC	February 2023
ZC-0814-05	Reclassified the site from R-E to C-2 zoning for a future commercial development	Approved by BCC	July 2005
ZC-1469-00	Reclassified the site from R-E and M-D zoning to C-2 and M-1 zoning for a convenience store, gas station, shopping center, taxing staging, and maintenance facility	Approved by BCC	November 2000

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Business Employment	C-2	Motorcycle sales
South	Corridor Mixed-Use	C-2	Undeveloped & restaurant
East	Business Employment	C-2 & R-E	Undeveloped
West	Business Employment	M-1	Freight terminal

Related Applications

Application Number	Request
WS-23-0520	A waiver of development standards for a shopping center with retail, vehicle maintenance, restaurant, convenience store with gasoline station, and future uses is a companion item on this agenda.
VS-23-0521	A vacation and abandonment of a government patent easement and 5 feet of Decatur Boulevard and Post Road for detached sidewalks 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 proposed tentative map is consistent with the requests of the proposed land use applications, and the request meets the tentative map requirements as outlined in Title 30. Therefore, staff can support this request.

Staff Recommendation

Approval.

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

PRELIMINARY STAFF CONDITIONS:

Comprehensive Planning

- Applicant is advised that the County has adopted a rewrite to Title 30 effective January 1, 2024, 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;
- Traffic study and compliance;
- Full off-site improvements;
- If required by the Regional Transportation Commission (RTC), dedicate and construct right-of-way for a bus turnout including passenger loading/shelter areas on Decatur Boulevard in accordance with RTC standards;
- Right-of-way dedication to include a radius or chord in the northeast corner of APN 163-36-801-008 to encompass traffic components;

- Dedicate a 3 foot wide streetlight and traffic control easement in addition to the above condition, concentric with the radius or parallel to the chord;
- No additional driveway will be granted for this site.
- Applicant is advised that the installation of detached sidewalks will require the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way.

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 #0058-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC:
APPROVALS:
PROTESTS:

APPLICANT: DECATUR POST, LLC
CONTACT: KAEMPFER CROWELL, 1980 FESTIVAL PLAZA DRIVE, SUITE 650, LAS VEGAS, NV 89135



TENTATIVE MAP APPLICATION

DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

9

APPLICATION TYPE

TENTATIVE MAP (TM)

DEPARTMENT USE

APP. NUMBER: TM-23-500110

DATE FILED: 8/7/23

PLANNER ASSIGNED: HW

TAB/CAC: Spring Valley

TAB/CAC DATE: 9/12/23

PC MEETING DATE: _____

BCC MEETING DATE: 10/4/23

FEE: \$ 750

PROPERTY OWNER

NAME: Decatur Post, LLC

ADDRESS: 3 Mohansic Road

CITY: Henderson

STATE: NV ZIP: 89052

TELEPHONE: n/a

CELL: n/a

E-MAIL: n/a

APPLICANT

NAME: Decatur Post, LLC

ADDRESS: 3 Mohansic Road

CITY: Henderson

STATE: NV ZIP: 89052

TELEPHONE: n/a

CELL: n/a

E-MAIL: n/a

REF CONTACT ID #: n/a

CORRESPONDENT

NAME: Kaempfer Crowell - Tony Celeste

ADDRESS: 1980 Festival Plaza Dr. Ste 650

CITY: Las Vegas

STATE: NV ZIP: 89195

TELEPHONE: 702-792-7000

CELL: 702-792-7048

E-MAIL: apierce@kcnvlaw.com

REF CONTACT ID #: _____

ASSESSOR'S PARCEL NUMBER(S): 163-36-801-008 & 014

PROPERTY ADDRESS and/or CROSS STREETS: Decatur and Post

TENTATIVE MAP NAME: Decatur Post Tentative Map

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

Jason Gerber
Property Owner (Signature)*

Jason Gerber
Property Owner (Print)

STATE OF Nevada
COUNTY OF Clark County

SUBSCRIBED AND SWORN BEFORE ME ON March 13, 2023 (DATE)
By Jason Gerber

NOTARY PUBLIC: Tassia Walczak



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

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KAEMPFER

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ANTHONY J. CELESTE
aceleste@kcnvlaw.com
D: 702.693.4215

March 24, 2023

VIA UPLOAD

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

PLANNER
COPY

TM-23-500110

Re: *Tentative Map Hold Letter – Decatur Post, LLC*
APN: 163-36-801-008 & 014

To Whom It May Concern:

Please be advised our office represents the Applicant in the above-referenced matter. The Applicant is requesting to hold the tentative map application so that it can run concurrently with the companion applications associated with the proposed commercial project.

We thank you in advance for your time and consideration of this matter. Should you have any questions or concerns, please feel free to contact me.

Sincerely,

KAEMPFER CROWELL



Anthony J. Celeste

AJC/amp

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