

**ATTACHMENT A  
PARADISE TOWN ADVISORY BOARD  
ZONING AGENDA  
TUESDAY, 7:00 P.M., FEBRUARY 14, 2017**

03/07/17 PC

1. **WS-0400-15 (ET-0005-17) – 4950 S VALLEY VIEW, LLC:**  
**WAIVERS OF DEVELOPMENT STANDARDS FIRST EXTENSION OF TIME** to complete the following: 1) landscaping; 2) increased wall/fence height; 3) reduced setbacks; and 4) reduced access gate setback in conjunction with a transportation service.  
**DESIGN REVIEWS** for the following: 1) an existing storage building; and 2) wall height additions on 1.4 acres in a C-1 (Local Business) Zone and an M-1 (Light Manufacturing) Zone in the MUD-1 Overlay District. Generally located on the east side of Valley View Boulevard and the south side of Tropicana Avenue within Paradise. SS/co/ml (For possible action)
2. **NZC-0043-17 – PECOS 206 TRUST, ET AL:**  
**ZONE CHANGE** to reclassify 2.7 acres from C-P (Office & Professional) Zone to R-4 (Multiple Family Residential - High Density) Zone.  
**USE PERMIT** for a proposed supportive housing development.  
**DESIGN REVIEW** for a proposed multiple family residential (supportive housing) development. Generally located on the southwest side of the Pecos-McLeod Interconnect and the east side of Mojave Road within Paradise (description on file). CG/dg/ml (For possible action)
3. **TM-0009-17 - 3883 FLAMINGO, LLC:**  
**TENTATIVE MAP** for a project consisting of a commercial lot and a residential lot with a total of 290 multiple family residential units on 8.6 acres in an H-1 (Limited Resort and Apartment) Zone in an MUD-1 Overlay District. Generally located on the southwest corner of Flamingo Road and Valley View Boulevard within Paradise. SS/pb/mcb (For possible action)
4. **UC-0030-17 – B P I EASTERN, LLC:**  
**USE PERMIT** for a proposed experimental laboratory (tissue processing) on a 1.2 acre portion of 5.8 acre existing business complex in an M-D (Designed Manufacturing) (AE-65) Zone. Generally located 420 feet west of Eastern Avenue and 700 feet south of Sunset Road within Paradise. MBS/lm/ma (For possible action)
5. **UC-0041-17 – MACKOVSKI, ALEXANDER R. & PHILLIP:**  
**USE PERMIT** for a minor training facility within an existing office complex on 2.1 acres in a C-P (Office & Professional) Zone. Generally located on the southwest corner of Windmill Lane and Rodeo Drive within Paradise. SS/lm/ma (For possible action)
6. **VS-0009-17 – STEPHANIE PROPERTIES, LLC:**  
**VACATE AND ABANDON** a portion of a right-of-way being Capovilla Avenue located between Bermuda Road and Amigo Street and a portion of a right-of-way being Warm Springs Road located between Bermuda Road and Amigo Street and a portion of a right-of-way being Amigo Street located between Capovilla Avenue and Warm Springs Road within Paradise (description on file). SS/co/ma (For possible action)

7. **VS-0020-17 – MCCULLOCH HALL PROPERTIES, LLC:**  
**VACATE AND ABANDON** a portion of a right-of-way being an un-named drainage channel located between Desert Inn Road and Emerson Avenue (alignment) within Paradise (description on file). CG/co/ma (For possible action)
8. **VS-0024-17 – BARTSAS MARY 15, LLC:**  
**VACATE AND ABANDON** a portion of a right-of-way being San Anselmo Street located between Tropicana Avenue and San Rafael Avenue and a portion of a right-of-way being San Rafael Avenue located between San Anselmo Street and Nellis Boulevard within Paradise (description on file). MBS/co/ma (For possible action)
9. **VS-0054-17 – 3883 FLAMINGO, LLC:**  
**VACATE AND ABANDON** a portion of a right-of-way being Valley View Boulevard located between Flamingo Road and Nevso Drive within Paradise (description on file). SS/pb/mcb (For possible action)
10. **VS-0057-17 – AG PROPERTY DEVELOPMENT, LLC:**  
**VACATE AND ABANDON** a portion of a right-of-way being Maryland Parkway located between Gary Avenue and Silverado Ranch Boulevard and a portion of a right-of-way being Silverado Ranch Boulevard located between Maryland Parkway and Mission Front Drive within Paradise (description on file). SS/co/ma (For possible action)

03/08/17 BCC

11. **UC-0729-06 (AR-0004-17) – R & G HOLDINGS, LLC:**  
**USE PERMIT EIGHTH APPLICATION FOR REVIEW** of a massage business in conjunction with an existing shopping center on 0.6 acres in a C-2 (General Commercial) Zone in the Asian Design and MUD-2 Overlay Districts. Generally located 275 feet north of Spring Mountain Road and 215 feet east of Arville Street within Paradise. SB/co/ml (For possible action)
12. **UC-0676-14 (AR-0006-17) – PFIILP – EASTERN RUSSELL 70, LLC:**  
**USE PERMITS FIRST APPLICATION FOR REVIEW** of the following: 1) convention facility; 2) banquet facility; 3) outside dining/drinking area; and 4) outdoor live entertainment.  
**DESIGN REVIEW** for an equipment sales/rental, convention, and banquet facility on 5.4 acres in an M-D (Design Manufacturing) (AE-60) (AE-65) Zone with a portion being in the Russell Road transition Corridor. Generally located on the west side of Euclid Street and the south side of Russell Road within Paradise. MBS/co/ml (For possible action)
13. **DR-0021-17 – FLAMINGO LAS VEGAS OPERATING COMPANY, LLC:**  
**DESIGN REVIEWS** for the following: 1) proposed modifications to an approved comprehensive sign package; and 2) proposed increase to overall wall sign area in conjunction with an existing resort hotel (Flamingo) on 19.4 acres in an H-1 (Limited Resort and Apartment) Zone in the MUD-1 Overlay District. Generally located on the east side of Las Vegas Boulevard South, 200 feet north of Flamingo Road within Paradise. CG/gc/ma (For possible action)

14. **UC-1584-06 (ET-0009-17) – HARKO, LLC:**  
**USE PERMITS FOURTH EXTENSION OF TIME** to commence the following: 1) an expansion of the Gaming Enterprise District; 2) permit a High Impact Project; 3) a 450 foot high, 1,054 room resort hotel; 4) residential condominiums; 5) resort condominiums; 6) increase building height; 7) modifications to a previously approved mixed use development; 8) public areas including casino areas, shopping/retail, meeting areas, showrooms/lounges, theaters, recreational uses, restaurants, outside dining areas, live entertainment, and meeting room areas; 9) all associated back-of-house areas, incidental, and accessory uses; and 10) deviations from development standards.  
**DEVIATIONS** for the following: 1) encroachment into airspace; and 2) all other deviations as shown per plans on file on 24.0 acres in an H-1 (Limited Resort and Apartment) (AE-60) Zone in the MUD-1 Overlay District. Generally located on the north side of Harmon Avenue, 850 feet west of Paradise Road within Paradise. MBS/jt/ml (For possible action)
15. **UC-0813-02 (ET-0010-17) – HARKO, LLC:**  
**USE PERMITS FIFTH EXTENSION OF TIME** to commence the following: 1) a resort hotel; and 2) permit deviations to development standards.  
**DEVIATIONS** for the following: 1) increased building height; 2) permit intrusion into the airspace; 3) permit alternative landscaping; and 4) all other deviations per plans on file on 36.8 acres in an H-1 (Limited Resort and Apartment) (AE-60) Zone in the MUD-1 Overlay District. Generally located on the north side of Harmon Avenue, and the east side of Koval Lane within Paradise. MBS/jt/ml (For possible action)
16. **UC-1100-08 (ET-0011-17) - HARKO, LLC:**  
**USE PERMITS THIRD EXTENSION OF TIME** to commence the following: 1) a High Impact Project; 2) a resort hotel consisting of 6,745 hotel rooms; 3) public areas including all casino, retail, restaurant, bar/lounge, live entertainment, indoor and outdoor dining, spa/health club, showrooms, convention facility, back-of-house areas, and a subterranean parking garage; 4) increase the height of the high-rise towers; 5) shopping center; 6) associated accessory/incidental commercial uses, buildings, and structures; and 7) deviations from development standards.  
**DEVIATIONS** for the following: 1) reduce on-site parking and loading spaces for the resort hotel; 2) encroachment into airspace; and 3) all other deviations as shown per plans on file.  
**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) reduce on-site parking for the hotel and shopping center; and 2) permit encroachment into airspace on 60.0 acres in an H-1 (Limited Resort and Apartment) (AE-60) Zone in the MUD-1 Overlay District. Generally located on the north side of Harmon Avenue, and the east side of Koval Lane within Paradise. MBS/jt/ml (For possible action)
17. **UC-0014-17 – RASHID, JAMAL:**  
**USE PERMIT** for exotic animals (1 capuchin monkey, 1 serval cat, 1 African Caracal, and 1 Albino python) in conjunction with a single family residence on 2.7 acres in an R-E (Rural Estates Residential) Zone. Generally located on the south side of Oquendo Road, 620 feet east of Lamb Boulevard within Paradise. MBS/pb/ma (For possible action)

18. **UC-0026-17 – KABOLI, RAMON S.:**

**USE PERMIT** for a proposed place of worship.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** alternative landscaping; **2)** waive trash enclosure requirements; **3)** allow existing pan driveways to remain; and **4)** reduce the separation between driveways and intersections.

**DESIGN REVIEW** for a parking lot in conjunction with place of worship on 0.5 acres in an R-1 (Single Family Residential) Zone. Generally located on the east side of Sandhill Road and the south side of Twain Avenue within Paradise. CG/pb/ml (For possible action)

STORAGE BUILDING &  
INCREASED WALL HEIGHT  
(TITLE 30)

TROPICANA AVE/VALLEY VIEW BLVD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-0400-15 (ET-0005-17) – 4950 S VALLEY VIEW, LLC:**

**WAIVERS OF DEVELOPMENT STANDARDS FIRST EXTENSION OF TIME** to complete the following: 1) landscaping; 2) increased wall/fence height; 3) reduced setbacks; and 4) reduced access gate setback in conjunction with a transportation service.

**DESIGN REVIEWS** for the following: 1) an existing storage building, and 2) wall height additions on 1.4 acres in a C-1 (Local Business) Zone and an M-1 (Light Manufacturing) Zone in the MUD-1 Overlay District.

Generally located on the east side of Valley View Boulevard and the south side of Tropicana Avenue within Paradise. SS/co/ml (For possible action)

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RELATED INFORMATION:

**APN:**

162-29-101-034 & 040

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Waive landscaping along Tropicana Avenue where landscaping per Figure 30.64-17 is the standard.
2.
  - a. Increase decorative fence/wall height to a maximum of 9 feet within the front setback (Valley View Boulevard) where a maximum height of 3 feet is permitted (a 200% increase).
  - b. Increase wall height to a maximum of 12 feet where a maximum height of 6 feet is permitted within the rear and side yard areas (a 100% increase).
3.
  - a. Reduce the side street (corner) setback (Tropicana Avenue) to an existing storage shed to zero feet where a minimum of 20 feet is required (a 100% reduction).
  - b. Reduce the setback from a storage shed to a right-of-way (Tropicana Avenue) to zero feet where a minimum of 10 feet is required (a 100% reduction).
4. Reduce the setback for existing access gates from Valley View Boulevard to 5 feet where 50 feet is the standard for gates that are closed during business hours (a 90% reduction) and 18 feet is the standard for gates that are open during business hours (a 72.2% reduction).

**LAND USE PLAN:  
WINCHESTER/PARADISE - COMMERCIAL TOURIST**

**BACKGROUND:**

**Project Description**

**General Summary**

- Site Address: 3779 W. Tropicana Avenue and 4950 S. Valley View Boulevard
- Site Acreage: 1.4
- Project Type: Increase wall height and reduce setbacks for a storage building
- Number of Stories: 1
- Building Height: 11 feet (storage building)
- Wall Height: 12 feet (maximum)
- Square Feet: 940 (storage building)
- Parking Required/Provided: 12/122

Site Plan

The site consists of 2 parcels which resemble a backwards capital "L." Access to the site is provided by 2 existing driveways from Valley View Boulevard with cross access between the northern and southern parcels. The northern parcel is a parking lot with an existing carport along the eastern property line and an existing storage building along the northern property line, which is adjacent to Tropicana Avenue. The carport will be removed from the site. The southern parcel consists of an office building located on the western half of the parcel with parking located north and east of the building. There are existing perimeter walls along the north, east, and west property lines of the site.

Request

The storage structure was constructed without building permits, and the existing block wall along the perimeter of the site has been increased in height without permits. The property owner would like to remove the existing carport but is unable to get a demolition permit for this structure until the issues of the storage shed and block wall are corrected. There is an existing decorative fence and block wall within the front yard setback along Valley View Boulevard. Access control gates were also installed with the decorative fence. The gates, fence, and wall were approved by a prior land use application (WS-0239-10); however, conditions of approval for that application were not met and the application expired.

Landscaping

There is an approximate 5 foot wide landscape area along Valley View Boulevard consisting of trees, shrubs, and groundcover. This was an alternative design that was approved with ZC-0983-01 when the southern parcel was reclassified to a C-1 zone. Parking lot landscaping for the southern parcel was also waived with ZC-0983-01. There is no landscaping within the northern parcel. When the north parcel was approved for a parking lot, Code at that time did not require landscaping within parking lots. However, a minimum 6 foot wide landscape area would have been required along Tropicana Avenue.

Elevations

The decorative fence and access gates are approximately 5 feet in height and constructed of metal. The block walls are constructed of concrete block painted tan and range in height from 8 feet to a maximum of 12 feet. The existing storage building is approximately 11 feet in height

and constructed of similar concrete blocks as used for the block walls. This structure has a flat roof and a single door on the south elevation of the building.

Floor Plans

The storage building has an area of 940 square feet.

Signage

Signage was not part of the original application and is not a part of this extension of time.

Previous Conditions of Approval

Listed below are the approved conditions for WS-0400-15:

**Current Planning**

- 1 year to complete with any extension of time to be a public hearing;
- Waiver of development standards #3b approved to remove shed and wall to remain.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

**Public Works – Development Review**

- North gate for emergency access which may remain closed;
- South gate to remain open during business hours.

**Building/Fire Prevention**

- Applicant is advised that the proposal has been reviewed and it does not conflict with Fire Code requirements.

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

- Applicant is advised that the property is already connected to the CCWRD sewer system.

Applicant's Justification

The applicant states that the construction covered by the original application is complete and was complete when the initial application was approved, but no verification of building permitting was available. The applicant was advised a building permit was needed, even though construction was complete, and thereafter obtained the necessary permit; however, inspections and finalization of the permit could not be carried out until structural requirements were verified. Before structural issues and inspections were done, the building permit reached its expiration date and the applicant was advised no extension of the building permit could be granted until the land use entitlement (WS-0400-15) was applied for or re-instated. The applicant has requested a 1 year extension.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
WS-0400-15	Waived landscaping, increased wall/fence height, reduced setbacks, and reduced access gate setback with design reviews for an existing storage building and wall height additions	Approved by PC	August 2015

Application Number	Request	Action	Date
WS-0239-10	Increased fence/wall height and reduced access gate setback for an office building on APN 162-29-101-034 – expired	Approved by BCC	July 2010
ZC-0983-01	Reclassified 1.9 acres which included APN 162-29-101-034 to C-1 zoning to convert an existing fire station to an office building and waived requirements for landscaping	Approved by BCC	September 2001
DR-0436-99	Design review for a 50 space parking lot on APN 162-29-101-040	Approved by PC	May 1999
ZC-029-82	Reclassified APN 162-29-101-034 to a P-F zone for the development of a fire station	Approved by BCC	April 1982

### Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Commercial Tourist	C-2 & M-1	Convenience store with gasoline service station & retail center
South	Commercial Tourist	C-1	Parking lot
East	Commercial Tourist	M-D	Motel
West	Commercial Tourist	M-1 & P-F	Southern Nevada Water Authority facility, convenience store with gasoline service station, & a motel

### Clark County Public Response Office (CCPRO)

CMPC-2911-15 is a complaint on file for APN-162-29-101-034 for increasing the height of the wall along the north property line. CMPC-2464-15 is a complaint of file for APN-162-29-101-040 for construction of a structure without permits. Both of these complaints are pending this application.

### STANDARDS FOR APPROVAL:

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

### Analysis

#### Current Planning

Title 30 standards of approval on an extension of time application state that such an application may be denied or have additional conditions imposed if it is found that circumstances have substantially changed. A substantial change may include, without limitation, a change to the subject property, a change in the areas surrounding the subject property, or a change in the laws or policies affecting the subject property. Since approval of the original application in August 2015 a permit for demolition of the carport 15-43588, was issued and the carport removed. A permit for demolition of a billboard 16-34388, was issued and the billboard was removed. A building permit for a fence 16-53634 is currently going through review. Since the applicant has begun the process of complying with conditions approved with the original application staff can support a 1 year extension of time to allow the applicant time to comply with all conditions.

**Public Works – Development Review**

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

**Staff Recommendation**

Approval.

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

**PRELIMINARY STAFF CONDITIONS:**

**Current Planning**

- Until August 18, 2018 to complete with any extension of time to be a public hearing.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

**Public Works – Development Review**

- Compliance with previous conditions.

**Building/Fire Prevention**

- Applicant is advised that the proposal has been reviewed and it does not conflict with Fire Code requirements.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** Union Cab, LLC

**CONTACT:** Bonet Allosada, Union Cab, LLC, Las Vegas, NV 89118

SUPPORTIVE HOUSING  
(TITLE 30)

PECOS-MCLEOD INT/MOJAVE RD

**PUBLIC HEARING**

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**NZC-0043-17 – PECOS 206 TRUST, ET AL:**

**ZONE CHANGE** to reclassify 2.7 acres from C-P (Office & Professional) Zone to R-4 (Multiple Family Residential - High Density) Zone.

**USE PERMIT** for a proposed supportive housing development.

**DESIGN REVIEW** for a proposed multiple family residential (supportive housing) development.

Generally located on the southwest side of the Pecos-McLeod Interconnect and the east side of Mojave Road within Paradise (description on file). CG/dg/ml (For possible action)

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**RELATED INFORMATION:**

**APN:**

162-13-708-001

**LAND USE PLAN:**

WINCHESTER/PARADISE - OFFICE PROFESSIONAL

**BACKGROUND:**

**Project Description**

**General Summary**

- Site Address: 3777 Pecos-McLeod Interconnect
- Site Acreage: 2.7
- Number of Units: 50
- Density (du/ac): 18.5 du/ac
- Project Type: Multiple family residential (supportive housing) development
- Number of Stories: 2
- Building Height: 32 feet
- Square Feet: 46,231
- Open Space Required/Provided: 5,000 square feet/35,400 square feet
- Parking Required/Provided: 50/50

**Neighborhood Meeting Summary**

The applicant conducted a neighborhood meeting in December 2016, as required by the nonconforming amendment process, prior to formal filing of this application. All owners within 1,500 feet of the project site were notified about the meeting. There were approximately 22 individuals in attendance. There were a number of issues and concerns expressed that ranged from this proposed use not being compatible with the area to restricting the tenants to disabled

veterans only. Generally, most of the attendees expressed that the proposal was a good and necessary project but proposed in the wrong location. The applicant has fulfilled all provisions of Title 30 regarding pre-submittal and submittal of a nonconforming zone boundary amendment.

### Project Scope & Site Plans

The plans depict a proposed 50 unit supportive housing apartment project designed for U.S. military veterans including veterans with disabilities. A supportive housing development is typically a multiple family building that provides accessible living quarters for physically disabled adults capable of independent living which satisfies HUD standards for specified disabilities. Density for the project is 18.5 dwelling units per acre, which is below the allowed maximum density of 39 units per acre for supportive housing in an R-4 zone. Since maximum density for supportive housing cannot be increased or waived, the applicant was required to request R-4 zoning to meet the minimum density required to comply with the Nevada Housing Division criteria for financing approval. The applicant has submitted the necessary written verification that the project complies with all applicable HUD requirements for supportive housing. Additionally, the applicant has indicated the project will comply with all provisions of Title 30 for a supportive housing development.

The plans depict an "L" shaped building located on the southeast portion of the property set back 20 feet from the east, south, and west property lines. The area within the 20 foot setback will consist of enhanced landscaping with other functional open space areas. The 50 parking spaces are shown to the north and west of the building. Access to the site is provided by 1 vehicular access driveway on Mojave Road which is a collector street.

### Screening, Buffering (Landscaping), & Open Space

The spatial distribution of trees and shrubs within the landscape buffering along the east and south property lines is consistent with an intense landscape buffer per Figure 30.64-12. The plans reference over 35,400 square feet of landscape and open space area. Outdoor amenities include an outdoor patio area located in the southeast corner of the building and a walking path with pedestrian amenities for passive recreational opportunities. Most of the landscaping trees consist of 36 inch box trees with a smaller distribution of 24 inch box trees.

The streetscape along Pecos-McLeod Interconnect and Mojave Road consists of a detached sidewalk within the required 15 feet of street landscaping area. A 6 foot high decorative wrought iron fence is proposed along the street landscaping and set back 15 feet from the property lines. Parking lot landscaping complies with Title 30 and is also distributed throughout the site.

### Elevations

The elevations depict a 2 story, "L" shaped, 32 foot high building. The maximum height of 32 feet is to the ridge of the roof line. No windows will be above 20 feet. The building is a wood frame construction with a Mediterranean-style architecture that includes a mix of natural stone veneer, stucco with decorative shutters, and architectural pop-outs. The plans depict a concrete tile roof system.

### Floor Plans

The building will include 48, one bedroom, one bath (approximately 592 square feet) units, and 2, two bedroom, one bath (approximately 893 square feet) units.

The building will include a mix of fully accessible units for very low-income veterans with physical disabilities. Common areas will include a dining room with warming kitchen, community rooms for meetings and social gatherings, a library/lounge, a computer lab, an exercise room, an indoor therapeutic spa, and offices for management and supportive service staff. One of the units will serve as a caretaker's residence. All units will be accessed from within the building.

Signage

Signage is not a part of this request.

Applicant's Justification

ASI Veterans Supportive Housing is a proposed 50 unit (including 1 manager unit) Low Income Housing Tax Credit (LIHTC) financed, accessible, affordable, and supportive apartment community for U.S. military veterans including veterans with disabilities. The financing for the development is made possible through a competitive application to the Nevada Housing Division for its 2015 LIHTC QAP special veterans set aside for a minimum sized 50 unit veterans development in Nevada.

The building will include a mix of fully accessible units for very low-income veterans with physical disabilities. The development will be EnergyStar rated, LEED certified, and designed for certification with the Enterprise Green Communities program.

The applicant states that the proposed zoning conforms to other plans and policies found throughout the Las Vegas Valley, with a specialized design and location that was selected to fully serve the needs of the anticipated residents while integrating well with the existing neighborhood.

**Prior Land Use Requests**

Application Number	Request	Action	Date
ZC-0733-00	Reclassified the parcel to C-P zoning for a proposed 33,000 square foot office building	Approved by BCC	July 2000

**Surrounding Land Use**

	Planned Land Use Category	Zoning District	Existing Land Use
North & East	Office Professional	C-P	Office buildings
South	Residential Suburban (up to 8 du/ac)	R-1 (RNP-III)	Undeveloped
West	Residential Suburban (up to 8 du/ac) and Office Professional	R-1 & C-P	Single family attached residential development & office building

**STANDARDS FOR APPROVAL:**

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

## Analysis

### Current Planning

This request does not conform to the Winchester/Paradise Land Use Plan. Nonconforming zone boundary amendments must provide compelling justification that approval of the nonconforming zoning is appropriate. A compelling justification means the satisfaction of the following criteria as listed below for proposed non-conforming zone boundary amendments:

1. *A change in law, policies, trends, or facts after the adoption of the land use plan that have substantially changed the character or condition of the area, or the circumstances surrounding the property, which makes the proposed nonconforming zone boundary amendment appropriate.*

The nonconforming zone boundary amendment process allows for identification of land use trends or changes in a particular area that may not be consistent with the planned land use designations. The properties adjacent to this site consist of planned commercial and residential uses. There are existing office uses to the north, east, and southeast of this site. Additionally, the site is bounded by an arterial street (Pecos-McLeod Interconnect) and a collector street (Mojave Road). Therefore, the proposed multiple family residential zoning district with corresponding supportive housing development is appropriate for the existing and planned land use pattern in the area. No substantial or negative impacts have been associated with this specific type of residential development for supportive housing in other Clark County areas.

2. *The density and intensity of the uses allowed by the nonconforming zoning is compatible with the existing and planned land uses in the surrounding area.*

This development is adjacent to an arterial and collector street. The request is for a supportive housing development and generally considered less intense than the existing C-P zoning in terms of traffic and other factors. Therefore, the land use and density for this application is consistent and compatible with the existing and approved nearby land use designations.

3. *There will not be a substantial adverse effect on public facilities and services, such as roads, access, schools, parks, fire and police facilities, and stormwater and drainage facilities, as a result of the uses allowed by the nonconforming zoning.*

Based on the information submitted by the applicant and comments received by service providers, the project is not anticipated to have substantial adverse effects on services and facilities. Additionally, the project has fully integrated on-site amenities and will not burden Clark County recreational facilities. Finally, initial traffic information submitted by the applicant indicates that the expected ADT's (Average Daily Trips) for this development will be 172 vehicles per day. The project is expected to generate less than 10 trips per peak hour threshold. This development will not create the amount of traffic typically associated with this type of density. The quantitative values provided by the applicant are substantially less than the previously approved office use that could be developed with the existing C-P zoning. Since this is a supportive housing development, and not a traditional market rate multiple family development, it will not have the typical impact on schools.

4. *The proposed nonconforming zoning conforms to other applicable adopted plans, goals, and policies.*

The project complies with all applicable urban land use policies contained within the Clark County Comprehensive Plan. Overall, the applicable goal and policies for multiple family developments encourage the following: 1) multiple family uses to be compatible with adjoining uses; 2) be located near commercial developments; and 3) have access from an arterial or collector street and road networks to accommodate higher residential density. Therefore, the site meets the goal and policies set forth in the Winchester/Paradise Land Use Plan for multiple family developments.

### **Summary**

#### **Zone Change**

The plans depict a project with a use, design, and geographic location that are compliant with applicable goals and policies contained within the land use plan and Clark County Comprehensive Plan. The intent of a balanced land use plan is to encourage an orderly development pattern with an appropriate spatial distribution of land uses that complement each other. This request for a multiple family residential development will complement the number of existing and planned commercial and residential developments in the area. The site is adjacent to a major roadway and commercial uses.

This request is being processed through the nonconforming amendment process which allows more public review of this site and ensures a predictable consideration of the project with corresponding impacts and a cohesive and uniform land use pattern in the surrounding area. The applicant has met and satisfied the criteria for compelling justification as required by Title 30.

#### **Use Permit**

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

This project helps fulfill HUD requirements in the Clark County Comprehensive Plan to provide an accessible, affordable, and suitable living environment, and expand economic opportunities for physically disabled residents with preference given to qualifying veteran households. The project is located in Community District 2 which is designated as an urban growth area and contains existing roads, infrastructure, and a commensurate level of public services and facilities. Development at this location will help minimize costs of service extension and maintenance paid by the service provider and the County.

While a supportive housing facility is not a traditional form of housing, it will function as a special combination of housing and supportive services where the emphasis of the facility remains residential. This type of facility is a specialized form of housing that has been developed in lieu of the traditional single family home or apartment development. The proposed use is considered a substantially less intense use than a comparable multiple family development since the corresponding impacts to services and facilities, schools, noise, and traffic are generally accepted to be a fraction of the impacts associated with a traditional multiple family project. Staff finds the request is compatible with the immediate area and consistent with the R-4 zoning district. The project complies with Housing Policies 2, 3, and 5 which encourage, in part, the promotion of a mix of housing types that meet the diverse needs of the community, promote

housing, including affordable housing, along transit corridors and in proximity to transit stops and the pursuit of public, private, and non-profit partnerships in carrying out the housing policies for Clark County.

Since the proposed use will occupy an undeveloped site within a mostly developed urban area, the use is considered an in-fill development and complies with all applicable urban land use policies regarding infill development. These policies encourage infill and redevelopment in existing urbanized areas which are accessible to public transportation and encourage infill development to be compatible with existing adjacent development. Since the use is another form of housing, the request will comply with Policy 1 of the Economics Element of the Comprehensive Plan which encourages development of a diversified economic base and provides for the provision of an additional housing option within the community.

The specific use will have no adverse effect on schools and based on the anticipated traffic generation for this type of facility, impact on the local street network will be minimal. The commensurate level of traffic generation for this type of facility, based on Average Daily Trips (ADT's) per dwelling unit, which is the average trips made by vehicles or persons in a 24-hour period and based on a transportation engineering industry standard calculation, is approximately 75% less of an equivalent building area for professional office uses.

#### Design Review

The plans depict a development that is compliant with all applicable policies contained within the Comprehensive Plan regarding the design of multiple family residential developments. The buildings and overall project scale are sensitive to planned and approved land uses with regard to scale, use of materials, and bulk. All building elevations contain substantial amounts of articulation and fenestration. These elements break-up the surface planes along all walls and intend to minimize the bulk and massing of the development. Finally, the open space and recreation areas are compliant with policies which encourage these areas to be located away from arterial and collector streets.

However, staff is concerned with the access to the proposed development from Mojave Road which although is a collector street, the primary function of the right-of-way is to provide primary access to existing single family residential developments. Therefore, with a condition requiring the primary access from Pecos-McLeod Interconnect, staff can support the overall site design.

Staff finds that the applicant has established that the plans satisfy the following criteria for a design review: 1) the proposed development is compatible with adjacent development; 2) the proposed development is consistent with the applicable land use plan and Title 30; 3) building elevations, design characteristics, and other architectural and aesthetic features are not unsightly or undesirable in appearance; and 4) are harmonious and compatible with development in the area.

#### **Staff Recommendation**

Approval. This item will be forwarded to the Board of County Commissioners' meeting of April 5, 2017 at 9:00 a.m. for final action, unless otherwise announced.

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

### **PRELIMINARY STAFF CONDITIONS:**

#### **Current Planning**

- A resolution of intent to complete in 3 years;
- Design review as a public hearing for signage and lighting;
- Maximum of 50 units;
- Supportive housing development only;
- Primary access from Pecos-McLeod Interconnect with no access to Mojave Road;
- An intense landscape buffer with the decorative wrought iron fence along Mojave Road;
- Landscaping per plans along the east and south property lines,
- Monument signage only;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that any change in circumstances or regulations may be justification for the denial of an extension of time; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

#### **Public Works – Development Review**

- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements.

#### **Building/Fire Prevention**

- Applicant is advised that the proposal has been reviewed and it does not conflict with Fire Code requirements.

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

- Applicant is advised that the CCWRD has completed a Point of Connection Request (POC) for this project; and to request the POC exhibit at [sewerlocation@cleanwaterteam.com](mailto:sewerlocation@cleanwaterteam.com) and reference Tracking #000679-2016 in the subject line.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** Accessible Space, Inc.

**CONTACT:** Accessible Space, Inc., Dan Billmark, 2550 University Avenue, Suite 330N, Saint Paul, MN 55114

3883 FLAMINGO LLC  
(TITLE 30)

FLAMINGO RD/VALLEY VIEW BLVD

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**TM-0009-17 - 3883 FLAMINGO, LLC:**

**TENTATIVE MAP** for a project consisting of a commercial lot and a residential lot with a total of 290 multiple family residential units on 8.6 acres in an H-1 (Limited Resort and Apartment) Zone in an MUD-1 Overlay District.

Generally located on the southwest corner of Flamingo Road and Valley View Boulevard within Paradise. SS/pb/mcb (For possible action)

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RELATED INFORMATION:

**APN:**

162-19-502-002

**LAND USE PLAN:**

WINCHESTER/PARADISE - COMMERCIAL TOURIST

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 3883 W. Flamingo Road
- Site Acreage: 8.6
- Number of Lots/Units: 1 commercial lots/1 residential lot with a total of 290 units
- Density: 72.5 du/ac
- Project Type: Multiple family residential development/shopping center/hotel

Site Plan

The site has a total area of 8.6 acres and the approved plans depict 3 separate uses on the property; a shopping center, a hotel, and a multiple family residential development. The site has frontage along Flamingo Road (north), Nevso Drive (south), Valley View Boulevard (east), and Hugh Hefner Drive (west), and the plans depict access from each of these streets. The commercial lot is for the shopping center located on the north half of the property and the hotel on the southeast corner. The multiple family residential uses are located on the southwestern portion of the site. The approved shopping center has 5 buildings consisting of 3 fast food restaurants with drive-thru service, a bank, and a drug store (pharmacy or grocery store). The residential development consists of 290 units on 4.0 acres with a density of 72.5 dwelling units per acre.

**Prior Land Use Requests**

Application Number	Request	Action	Date
UC-0703-16	Multiple family residential development/shopping center/hotel	Approved by BCC	January 2017
UC-0314-08	Resort hotel and expansion of the Gaming Enterprise District – expired	Approved by BCC	August 2008
UC-1253-05	Shopping center – expired	Approved by BCC	October 2005
UC-0884-04	Planned unit development consisting of 542 residential units – expired	Approved by BCC	August 2004
ZC-1404-94	Reclassified the subject site to H-1 zoning	Approved by BCC	September 1994

Other applications have been approved on this site, which have all expired.

**Surrounding Land Use**

	Planned Land Use Category	Zoning District	Existing Land Use
North	Commercial Tourist	H-1	Gold Coast Resort Hotel
South	Commercial Tourist	M-1	Parking lot & warehouse facilities
East	Commercial Tourist and Institutional	M-1	Undeveloped parcels & an electrical substation
West	Commercial Tourist	H-1	Palms Resort Hotel

**Related Applications**

Application Number	Request
VS-0054-17	A vacation and abandonment of a portion of a right-of-way being Valley View Boulevard is a companion item on this agenda.

**STANDARDS FOR APPROVAL:**

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

**Analysis  
Current Planning**

This request meets the tentative map requirements as outlined in Title 30.

**Staff Recommendation  
Approval.**

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

## **PRELIMINARY STAFF CONDITIONS:**

### **Current Planning**

- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that 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 Regional Transportation Commission, dedicate and construct right-of-way for bus turnouts including passenger loading/shelter areas in accordance with Regional Transportation Commission standards;
- Right-of-way dedication to include 30 feet Nevso Drive and associated spandrels.
- Applicant is advised that the installation of detached sidewalks will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

### **Building Department – Geotechnical**

- The site is located within a 2000-foot seismic buffer. New foundations that require a Geotechnical Investigation per Section 1803.2 of the Southern Nevada Building Code Amendments (SNBCA) will require an evaluation to address the potential for surface fault rupture per Appendix P of SNBCA. The evaluation could potentially result in additional setback distances (no build zones) per SNBCA 1808.10 if faults are identified onsite.
- The applicant is advised that compliance with NRS 278.325(4) is required if further subdividing of the property results in creating a boundary or line within a building; and that any additional boundary lines created within 30 feet of any building will result in a reduction of allowable openings and may require fire-resistant-rated construction for the exterior walls.

### **Building/Fire Prevention**

- Applicant is advised that the proposal has been reviewed and it does not conflict with Fire Code requirements.

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

- Applicant is advised that prior Point of Connection (POC) request has been completed for this project, POC Tracking #0038-2017.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** 3883 Flamingo, LLC

**CONTACT:** Kent Barry, CAI Development, 9325 W. Sahara Avenue, Las Vegas, NV 89117

**DRAFT**

EXPERIMENTAL LABORATORY  
(TITLE 30)

EASTERN AVE/SUNSET RD

**PUBLIC HEARING**

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-0030-17 – B P I EASTERN, LLC:**

**USE PERMIT** for a proposed experimental laboratory (tissue processing) on a 1.2 acre portion of 5.8 acre existing business complex in an M-D (Designed Manufacturing) (AE-65) Zone.

Generally located 420 feet west of Eastern Avenue and 700 feet south of Sunset Road within Paradise. MBS/lm/ma (For possible action)

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**RELATED INFORMATION:**

**APN:**

177-02-511-006 ptn

**LAND USE PLAN:**

WINCHESTER/PARADISE - BUSINESS AND DESIGN/RESEARCH PARK

**BACKGROUND:**

**Project Description**

**General Summary**

- Site Address: 6635 S. Eastern Avenue
- Site Acreage: 1.2 portion (laboratory)/5.8 (business park)
- Project Type: Experimental laboratory
- Number of Stories: 1
- Square Feet: 21,614 (laboratory building)

Request

The laboratory is for advanced human allograft processing through the use of manufacturing practices to provide orthopedic products that restore biological and mechanical functionality due to degenerative disease and/or trauma related incidents that will be conducted indoors.

Site Plan

The plan depicts a 21,614 square foot existing building with outside storage area within a business park with 5 buildings for an experimental laboratory. The laboratory building is located on the northwest corner of the business park. Access to the site is from 2 driveway entrances along Eastern Avenue.

Landscaping

No changes are proposed or required to the existing landscaping.

Elevations

The photos depict an existing single story office warehouse building with painted concrete tilt-up panels, flat roof, storefront entries, and roll-up doors.

Floor Plans

The interior of the 21,614 square foot building includes receiving area, materials management, clean rooms, storage, offices, restrooms, locker rooms, breakroom, conference rooms, and distribution room.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant indicates that the user is an advanced allograft processor (human tissue) and no cadavers will be brought to this location. All bone and tissue will be harvested off-site and brought to the facility to be processed. Currently, all allograft processing is conducted out of state, and allowing this facility is beneficial to the community. Additionally, the use is non-polluting and produces no emissions or noise, and is compatible to the uses within the complex.

**Prior Land Use Requests**

Application Number	Request	Action	Date
TM-0178-03	1 lot commercial subdivision	Approved by PC	June 2003
DR-0692-03	Office and industrial complex	Approved by PC	June 2003
ZC-0862-01	Reclassify from R-E to M-D (AE-63) zone for an office complex with 5 buildings	Approved by BCC	August 2001

**Surrounding Land Use**

	Planned Land Use Category	Zoning District	Existing Land Use
North & West	Business and Design/Research Park	R-4	Developed multi-family
South & East	Business and Design/Research Park	M-D	Office warehouse buildings within the same business park

**STANDARDS FOR APPROVAL:**

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

**Analysis**

**Current 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 Comprehensive 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 existing uses within the business include a copy center, medical/dental office, contract labor services, miscellaneous office uses, and computer data processing center. Staff finds that the use is compatible and will not negatively impact adjoining uses within the business park as encouraged by Urban Land Use Policy 99 of the Comprehensive Plan; therefore, staff can support 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 Comprehensive Plan, Title 30, and/or the Nevada Revised Statutes.

### **PRELIMINARY STAFF CONDITIONS:**

#### **Current Planning**

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

#### **Public Works – Development Review**

- No comment.

#### **Building/Fire Prevention**

- Applicant is advised that the proposal has been reviewed and it does not conflict with Fire Code requirements.

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

- Applicant is advised that the property is already connected to the CCWRD sewer system; for any disposal other than domestic waste, applicant shall follow current CCWRD Pretreatment resolutions and any applicable portions of 40 CFR for any waters that may enter the sanitary 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:** Tissue Life, LLC, Keith Simon

**CONTACT:** John Vornsand, AICP, 62 Swan Circle, Henderson, NV 89074

MINOR TRAINING FACILITY  
(TITLE 30)

WINDMILL LN/RODEO DR

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-0041-17 – MACKOVSKI, ALEXANDER R. & PHILLIP:**

**USE PERMIT** for a minor training facility within an existing office complex on 2.1 acres in a C-P (Office & Professional) Zone.

Generally located on the southwest corner of Windmill Lane and Rodeo Drive within Paradise. SS/lm/ma (For possible action)

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RELATED INFORMATION:

**APN:**

177-14-501-044

**LAND USE PLAN:**

WINCHESTER/PARADISE - OFFICE PROFESSIONAL

**BACKGROUND:**

**Project Description**

**General Summary**

- Site Address: 2055 E. Windmill Lane
- Site Acreage: 2.1
- Project Type: Minor training facility
- Number of Stories: 1
- Building Height: 23 feet
- Square Feet: 30,537 (the center)/2,240 (lease space)
- Parking Required/Provided: 123/123

**Site Plans**

The plans show an existing office complex consisting of 2 buildings along the north property line and 1 building along the east property line. The proposed business is located within a lease area in Building A, located on the northwest corner of the site. Access to the site is from a driveway between the 2 northern buildings off Windmill Lane that leads to a parking area behind the buildings. The minor training facility will consist of instruction in cross-fit instruction known as "Branded Fitness".

**Landscaping**

No changes are proposed or required to the existing landscaping. A 10 foot wide intense landscape buffer with 2 rows of off-set trees exists along the south property line.

Elevations

The plans show an existing 1 story, 23 foot high building. The exterior of the building is of a southwestern design and appearance. This includes stucco finish, parapet roof design, combined with curvilinear elements, concrete roof tiles, and multi-color slate tile columns and accents.

Floor Plans

The lease space has an area of approximately 2,240 square feet and will consist of a workout room, restrooms, break room, shower room, utility room, and an office.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant indicates that the proposed business will complement the other businesses located within the complex. The business will offer cross-fit led instruction with specified class times. Clientele is anticipated to be from customers from the center and the local area. Hours of operation will complement the center Monday through Friday 7:00 a.m. to 8:00 p.m., and Saturday from 10:00 a.m. to 2:00 p.m.

**Prior Land Use Requests**

Application Number	Request	Action	Date
UC-0515-16	Health club with minor training facility and personal services (skin care/beauty parlor/day spa) in Building A	Approved by PC	September 2016
UC-0622-14	Personal Services (tailoring/alterations) in Building B	Approved by PC	September 2014
UC-0728-13	Personal services (beauty/eyelash salon) in Building A	Approved by PC	December 2013
ZC-1473-06 (ET-0036-11)	Second extension of time for C-P zoning – until June 30, 2013 to complete	Approved by BCC	May 2011
WS-0080-11	Increased the number of wall signs	Approved by PC	May 2011
UC-0567-10	Personal services (beauty salon) in Building B	Approved by PC	January 2011
ZC-1473-06 (ET-0324-09)	First extension of time for C-P zoning – until June 30, 2011 to complete	Approved by BCC	January 2010
ZC-1473-06	Reclassified the site from R-E & R-D to C-P zoning with a design review for a 31,600 square foot office complex with 3 buildings	Approved by BCC	December 2006

**Surrounding Land Use**

	Planned Land Use Category	Zoning District	Existing Land Use
North	Rural Neighborhood Preservation (up to 2 du/ac)	R-E	Single family residences
South	Residential Suburban (up to 8 du/ac)	R-1 & R-D	Single family residences

## Surrounding Land Use

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
East	Office Professional & Commercial General	C-1 & C-2	Shopping center
West	Office Professional	CRT & R-E	Office uses & single family residence

### STANDARDS FOR APPROVAL:

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

### Analysis

#### Current 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 Comprehensive Plan. One of several criteria the applicant must establish is 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.

Other non-office professional uses have been approved on this site without any issues; therefore, staff finds that the proposed use is compatible with the existing zoning and the office complex on this site. The proposed use is also compatible with the retail development to the east and proposed office use to the west. There should not be any negative impacts on the residential development to the south or north. The building is over 190 feet from the single family residential development to the south and an intense landscape buffer exists along the south property line. Furthermore, the residential development to the north is separated from the site by Windmill Lane which is an arterial street. The request is consistent with Goal 7 of the Winchester/Paradise Land Use Plan which encourages opportunities for appropriate commercial development.

#### Staff Recommendation

Approval.

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

### PRELIMINARY STAFF CONDITIONS:

#### Current Planning

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

#### Public Works – Development Review

- No comment.

**Building/Fire Prevention**

- Applicant is advised that the proposal has been reviewed and it does not conflict with Fire Code requirements.

**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:** Alexander Mackovski

**CONTACT:** Alexander Mackovski, 1594 Villa Rica Drive, Henderson, NV 89052

**DRAFT**

RIGHTS-OF-WAY  
(TITLE 30)

WARM SPRINGS RD/AMIGO ST

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**VS-0009-17 – STEPHANIE PROPERTIES, LLC:**

**VACATE AND ABANDON** a portion of a right-of-way being Capovilla Avenue located between Bermuda Road and Amigo Street and a portion of a right-of-way being Warm Springs Road located between Bermuda Road and Amigo Street and a portion of a right-of-way being Amigo Street located between Capovilla Avenue and Warm Springs Road within Paradise (description on file). SS/co/ma (For possible action)

RELATED INFORMATION:

**APN:**

177-03-411-006; 007; & 008

**LAND USE PLAN:**

WINCHESTER/PARADISE - BUSINESS AND DESIGN/RESEARCH PARK

**BACKGROUND:**

**Project Description**

This application is a request to vacate and abandon 5 driveway rights-of-way as dedicated to Clark County on a commercial subdivision as recorded in Book 72, Page 39 in February 1996. Two of the driveway areas are located along the north line of Lot 1, 2 driveways are located along the south line of Lot 1, and 1 driveway is located along the east line of Lot 1.

The applicant states that the Vacation application was submitted at the request of Clark County Public Works.

**Prior Land Use Requests**

Application Number	Request	Action	Date
UC-0383-09	Convenience store with waivers of development standards to reduce the separation between a convenience store and residential development with a waiver of conditions of a zone change which required no bars, taverns, or convenience stores along Warm Springs Road	Approved by BCC	August 2009
UC-1365-05	Allowed retail as a principal use in M-D zone with a design review for a retail center	Approved by PC	November 2005

### Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Commercial General	C-2	Undeveloped
South	Commercial General	R-E & C-2	Undeveloped
East	Commercial General	C-2	Undeveloped
West	Rural Neighborhood Preservation (up to 2 du/ac)	R-E (RNP-I)	Undeveloped

### STANDARDS FOR APPROVAL:

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

#### Analysis

##### Public Works – Development Review

Staff has no objection to the vacation of right-of-way that is not necessary for site, drainage, or roadway development.

##### Staff Recommendation:

Approval.

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

### PRELIMINARY STAFF CONDITIONS:

#### Current Planning

- Satisfy utility companies' requirements.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that the recording of the order of vacation in the Office of the County Recorder must be completed within 2 years of the approval date or the application will expire.

#### Public Works – Development Review

- Dedicate a new pedestrian access easement per new driveway requirements;
- Vacation to be recordable prior to building permit issuance or applicable map submittal;
- Revise legal description, if necessary, prior to recording.

#### Building/Fire Prevention

- Applicant is advised that the proposal has been reviewed and it does not conflict with Fire Code requirements.

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

- No objection.

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

**APPLICANT:** Stephanie Properties, LLC

**CONTACT:** Jessica Tuoczy, 2441 Horizon Ridge Parkway, Suiet 124, Henderson, NV 89052

**DRAFT**

RIGHT-OF-WAY  
(TITLE 30)

DESERT INN RD/PECOS-MCLEOD INT

**PUBLIC HEARING**

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**VS-0020-17 – MCCULLOCH HALL PROPERTIES, LLC:**

**VACATE AND ABANDON** a portion of a right-of-way being an un-named drainage channel located between Desert Inn Road and Emerson Avenue (alignment) within Paradise (description on file). CG/co/ma (For possible action)

**RELATED INFORMATION:**

**APN:**

162-13-503-006

**LAND USE PLAN:**

WINCHESTER/PARADISE - RESIDENTIAL HIGH (FROM 8 TO 18 DU/AC)

**BACKGROUND:**

**Project Description**

This application is a request to vacate and abandon a portion of the Flamingo Wash Flood Control Channel as dedicated to Clark County in August 1974 under document number 0452:0411131. The section of the channel being vacated runs along the west property line of parcel number 162-13-503-006.

The applicant states that the request for vacation and abandonment is being made because the right-of-way is no longer needed.

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Commercial General	R-1, C-1 & C-2	Developed commercial centers
South	Residential Suburban (up to 8 du/ac)	R-1	Developed residential
East	Commercial Neighborhood & Institutional	R-1 & C-1	Developed commercial & place of worship
West	Commercial General	C-2	Developed Commercial

**STANDARDS FOR APPROVAL:**

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

**Analysis**

**Public Works – Development Review**

Staff has no objection to the vacation of right-of-way that is not necessary for site, drainage, or roadway development.

**Staff Recommendation:**

Approval.

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

**PRELIMINARY STAFF CONDITIONS:**

**Current Planning**

- Satisfy utility companies' requirements.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that the recording of the order of vacation in the Office of the County Recorder must be completed within 2 years of the approval date or the application will expire.

**Public Works – Development Review**

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

**Building/Fire Prevention**

- Applicant is advised that the proposal has been reviewed and it does not conflict with Fire Code requirements.

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

- No objection.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** Clark County Public Works

**CONTACT:** Trish Gonsalves, Clark County Public Works, Las Vegas, NV 89155-4000

RIGHTS-OF-WAY  
(TITLE 30)

TROPICANA AVE/NELLIS BLVD

**PUBLIC HEARING**

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**VS-0024-17 – BARTSAS MARY 15, LLC:**

**VACATE AND ABANDON** a portion of a right-of-way being San Anselmo Street located between Tropicana Avenue and San Rafael Avenue and a portion of a right-of-way being San Rafael Avenue located between San Anselmo Street and Nellis Boulevard within Paradise (description on file). MBS/co/ma (For possible action)

**RELATED INFORMATION:**

**APN:**

161-29-503-006

**LAND USE PLAN:**

WINCHESTER/PARADISE - COMMERCIAL GENERAL

**BACKGROUND:**

**Project Description**

This application is a request to vacate and abandon portions of rights-of-way associated with a mixed-use development. The application includes a request to vacate a 5 foot wide approximately 413 foot long section of San Anselmo Street running along the west property line of parcel number 161-29-503-006, and a 5 foot wide approximately 600 foot long section of San Rafael Avenue running along the south property line of parcel number 161-29-503-006.

The applicant states that the Vacations are being requested to accommodate a detached sidewalk in association with an approved mixed-use project.

**Prior Land Use Requests**

Application Number	Request	Action	Date
UC-0400-16	Use permit and design review for a proposed mixed use development	Approved by BCC	August 2016
WS-0626-15	Full off-site improvements	Withdrawn	November 2015
TM-0171-15	Commercial subdivision on 6.8 acres for a portion of the site	Approved by BCC	November 2015
WS-0339-11	Waived design standards and a design review for 96,600 square foot shopping center – expired	Approved by BCC	October 2011
ZC-1042-00	Reclassified this site to C-2 zoning for a 90,000 square foot multi-tenant shopping center	Approved by BCC	August 2000

### Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Commercial General	C-2	Retail uses, undeveloped property
South & West	Residential Suburban	R-1	Single family residences
East	Commercial General and Residential Suburban	C-2 & R-1	Retail uses & single family residences

### Related Applications

Application Number	Request
TM-0013-17	A tentative map for a mixed use development is a companion item on this agenda.

### STANDARDS FOR APPROVAL:

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

#### Analysis

##### Public Works – Development Review

Staff has no objection to the vacation of right-of-way that is not necessary for site, drainage, or roadway development.

##### Staff Recommendation:

Approval.

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

### PRELIMINARY STAFF CONDITIONS:

#### Current Planning

- Satisfy utility companies' requirements.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that the recording of the order of vacation in the Office of the County Recorder must be completed within 2 years of the approval date or the application will expire.

#### Public Works – Development Review

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

**Building/Fire Prevention**

- Applicant is advised that the proposal has been reviewed and it does not conflict with Fire Code requirements.

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

- No objection.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** 5.25 Acres @ Nellis, LLC

**CONTACT:** HMH Surveying Inc./Jeremy C, 4945 W. Patrick Lane, Las Vegas, NV 89118

**DRAFT**

03/07/17 PC AGENDA SHEET

RIGHT-OF-WAY  
(TITLE 30)

FLAMINGO RD/VALLEY VIEW BLVD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**VS-0054-17 – 3883 FLAMINGO, LLC:**

**VACATE AND ABANDON** a portion of a right-of-way being Valley View Boulevard located between Flamingo Road and Nevso Drive within Paradise (description on file). SS/pb/mcb (For possible action)

RELATED INFORMATION:

**APN:**

162-19-502-002

**LAND USE PLAN:**

WINCHESTER/PARADISE - COMMERCIAL TOURIST

**BACKGROUND:**

**Project Description**

The plans depict the vacation and abandonment of a portion of a right-of-way being Valley View Boulevard. The portion of the right-of-way is 5 feet wide and approximately 512 feet long along the eastern boundary of the parcel. The Vacation of portion of this street will allow for the development of the site.

**Prior Land Use Requests**

Application Number	Request	Action	Date
UC-0703-16	Multiple family residential development/shopping center/hotel	Approved by BCC	January 2017
UC-0314-08	Resort hotel and expansion of the Gaming Enterprise District – expired	Approved by BCC	August 2008
UC-1253-05	Shopping center – expired	Approved by BCC	October 2005
UC-0884-04	Planned unit development consisting of 542 residential units – expired	Approved by BCC	August 2004
ZC-1404-94	Reclassified the subject site to H-1 zoning	Approved by BCC	September 1994

**Surrounding Land Use**

	Planned Land Use Category	Zoning District	Existing Land Use
North	Commercial Tourist	H-1	Gold Coast Resort Hotel
South	Commercial Tourist	M-1	Parking lot & warehouse facilities

### Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
East	Commercial Tourist and Institutional	M-1	Undeveloped parcels & an electrical substation
West	Commercial Tourist	H-1	The Palms Resort Hotel

### Related Applications

Application Number	Request
TM-0009-17	A tentative map consisting of 1 commercial and 1 residential lot is a companion item on this agenda.

### STANDARDS FOR APPROVAL:

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

#### Analysis

##### Public Works – Development Review

Staff has no objection to the vacation of right-of-way that is not necessary for site, drainage, or roadway development.

##### Staff Recommendation:

Approval.

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

### PRELIMINARY STAFF CONDITIONS:

#### Current Planning

- Satisfy utility companies' requirements.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that the recording of the order of vacation in the Office of the County Recorder must be completed within 2 years of the approval date or the application will expire.

#### Public Works – Development Review

- Drainage study and compliance;
- If required by Regional Transportation Commission, dedicate and construct right-of-way for bus turnouts including passenger loading/shelter areas in accordance with Regional Transportation Commission standards;
- Vacation to be recordable prior to building permit issuance or applicable map submittal;
- Revise legal description, if necessary, prior to recording;
- Right-of-way dedication to include 30 feet Nevso Drive and associated spandrels.

- Applicant is advised that the installation of detached sidewalks will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

**Building/Fire Prevention**

- Applicant is advised that the proposal has been reviewed and it does not conflict with Fire Code requirements.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** 3883 Flamingo, LLC

**CONTACT:** Kent Barry, CAI Development, 9325 W. Sahara Avenue, Las Vegas, NV 89117

**DRAFT**

RIGHTS-OF-WAY  
(TITLE 30)

SILVERADO RANCH BLVD/MARYLAND PKWY

**PUBLIC HEARING**

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**VS-0057-17 – AG PROPERTY DEVELOPMENT, LLC:**

**VACATE AND ABANDON** a portion of a right-of-way being Maryland Parkway located between Gary Avenue and Silverado Ranch Boulevard and a portion of a right-of-way being Silverado Ranch Boulevard located between Maryland Parkway and Mission Front Drive within Paradise (description on file). SS/co/ma (For possible action)

**RELATED INFORMATION:**

**APN:**

177-22-814-001 thru 147

**LAND USE PLAN:**

WINCHESTER/PARADISE - COMMERCIAL GENERAL

**BACKGROUND:**

**Project Description**

This application is a request to vacate and abandon 2 driveway rights-of-way dedicated to Clark County on NFM-0500-05 as recorded in Book 131, Page 74 in June 2006. One driveway is approximately 494 square feet and runs along the west right-of-way line of Maryland Parkway, the second driveway is approximately 711 square feet and runs along the north right-of-way line of Silverado Ranch Boulevard.

The applicant states that the driveway right-of-way that was dedicated is in excess of what Clark County currently requires for commercial driveways in that it included portions of the on-site asphalt paving. The vacation request is being made so the remaining driveway right-of-way area is consistent with current Clark County standards.

**Prior Land Use Requests**

Application Number	Request	Action	Date
DR-0485-16	Shopping center with waivers of conditions of a zone change	Approved by BCC	September 2016
NZC-0020-15	Reclassify the site from C-2 to R-3 zoning for a multiple family residential development	Withdrawn without prejudice	July 2015
UC-1631-04	A planned unit development for a condominium complex with various waivers of conditions of a zone change (ZC-0443-98) – expired	Approved by BCC	October 2004

Application Number	Request	Action	Date
ZC-0443-98	Reclassified the site from R-E to C-2 zoning for a shopping center	Approved by BCC	October 1998

**Surrounding Land Use**

	Planned Land Use Category	Zoning District	Existing Land Use
North	Public Facility	P-F	Gehring Elementary School
South	Commercial General	C-2	Shopping center
East	Commercial Neighborhood	R-E	Undeveloped
West	Residential Suburban (up to 8 du/ac)	R-2	Single family residential

**STANDARDS FOR APPROVAL:**

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

**Analysis**

**Public Works – Development Review**

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

**Staff Recommendation:**

Approval.

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

**PRELIMINARY STAFF CONDITIONS:**

**Current Planning**

- Satisfy utility companies' requirements.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that the recording of the order of vacation in the Office of the County Recorder must be completed within 2 years of the approval date or the application will expire.

**Public Works – Development Review**

- Dedicate a pedestrian access easement per new driveway requirements;
- Vacation to be recordable prior to building permit issuance or applicable map submittal;
- Revise legal description, if necessary, prior to recording.

**Building/Fire Prevention**

- Applicant is advised that the proposal has been reviewed and it does not conflict with Fire Code requirements.

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

- No objection.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** AG Property Development, LLC

**CONTACT:** Julia Lzzolo, 6345 S. Jones Boulevard, Suite. 100, Las Vegas, NV 89118

**DRAFT**

MESSAGE  
(TITLE 30)

SPRING MOUNTAIN RD/ARVILLE ST

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST  
**UC-0729-06 (AR-0004-17) – R & G HOLDINGS, LLC:**

**USE PERMIT EIGHTH APPLICATION FOR REVIEW** of a massage business in conjunction with an existing shopping center on 0.6 acres in a C-2 (General Commercial) Zone in the Asian Design and MUD-2 Overlay Districts.

Generally located 275 feet north of Spring Mountain Road and 215 feet east of Arville Street within Paradise. SB/co/ml (For possible action)

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RELATED INFORMATION:

**APN:**  
162-18-510-002

**LAND USE PLAN:**  
WINCHESTER/PARADISE – COMMERCIAL GENERAL

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 4350 Spring Mountain Road
- Site Acreage: 0.6
- Project Type: Massage establishment
- Square Feet: 2,193 (lease space)

Site Plan/History

The original plans depict a 2,193 square foot massage therapy establishment located within a lease space in the northwest corner of an existing shopping center (Arville Square). In-line retail buildings are located along the east and north sides of the shopping center, and a larger 22,150 square foot retail building is located on the west side of the shopping center. Several smaller buildings are located on pad sites with cross access. Vehicular access to the shopping center is provided by driveways on both Spring Mountain Road and Arville Street.

The original use permit for a massage establishment was approved as a 24 hour operation; however, restricted hours of 8:00 a.m. to 9:00 p.m. were added with the second extension of time as a result of confirmed criminal activity at the location reported by the Las Vegas Metropolitan Police Department (LVMPD). Following the second extension of time, a waiver of conditions to allow the business to operate from 11:00 a.m. to 12:00 a.m. was denied at the April 19, 2011 Planning Commission (PC) meeting. The applicant applied for a third extension of time with a request to change the existing 13 hours of operation from 8:00 a.m. to 9:00 p.m. to a later opening and closing time of 10:00 a.m. to 11:00 p.m. The third extension of time was approved

by the PC on August 16, 2011 subject to a review period and new hours of operation from 10:00 a.m. to 11:00 p.m. as requested by the applicant. A fourth extension of time was denied by the PC but approved on appeal by the Board of County Commissioners (BCC) in September 2012 with no change to the hours of operation. The fifth extension of time was approved by the BCC in March 2013 with a review period until January 5, 2014. In January 2014, the BCC approved a sixth extension of time with a review date of January 5, 2015. At the same meeting a companion item UC-0729-06 (WC-0120-13) was approved to allow hours of operation from 10:00 a.m. to 1:30 a.m. In February 2015 the BCC approved the seventh extension of time for the massage establishment. At the same meeting a companion item UC-0729-06 (WC-0156-14) was approved to allow hours of operation from 10:00 a.m. to 3:00 a.m.

#### Floor Plans

The lobby area is located next to the main entrance to the suite, with an office area adjacent to the lobby. A circular hallway provides access to 7 separate massage rooms and a break room, kitchen, shower room, and restroom.

#### Previous Conditions of Approval

Listed below are the approved conditions from UC-0729-06 (WC-0156-14):

##### Current Planning

- Hours of operation from 10:00 a.m. to 3:00 a.m.

##### Building/Fire Prevention

- Applicant is advised that the proposal has been reviewed and it does not conflict with Fire Code requirements.

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

- Applicant is advised that the property is already connected to the CCWRD sewer system.

Listed below are the approved conditions from UC-0729-06 (ET-0155-14):

##### Current Planning

- Until February 18, 2017 to review;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that any change in circumstances or regulations may be justification for the denial of an extension of time.

##### Building/Fire Prevention

- Applicant is advised that the proposal has been reviewed and it does not conflict with Fire Code requirements.

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

- Applicant is advised that the property is already connected to the CCWRD sewer system.

Listed below are the approved conditions from UC-0729-06 (WC-0120-13):

##### Current Planning

- Until January 5, 2015 to review;
- Hours of operations from 10:00 a.m. to 1:30 a.m.

- Applicant is advised that any change in circumstances or regulations may be justification for the denial of an extension of time.

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.

Listed below are the approved conditions from UC-0729-06 (ET-0119-13):

Current Planning

- Until January 5, 2015 to review.
- Applicant is advised that any change in circumstances or regulations may be justification for the denial of an extension of time.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that the property is already connected to the CCWRD sewer system.

Listed below are the approved conditions from UC-0729-06 (ET-0002-13):

Current Planning

- Until January 5, 2014 to review.
- Applicant is advised that any change in circumstances or regulations may be justification for the denial of an extension of time.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that the property is already connected to the CCWRD sewer system; and that upon approval of change in use of the property, applicant to update CCWRD Customer Service account for change in existing plumbing fixtures use codes, as well as for any needed additional capacity and/or connection fees that need to be addressed.

Listed below are the approved conditions from UC-0729-06 (ET-0083-12):

Current Planning

- Until January 5, 2013 to review;
- All applicable standard conditions for this application type.
- Applicant is advised that all non-permitted signage including but not limited to banners must be removed; and that any change in circumstances or regulations may be justification for the denial of an extension of time.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that the property is already connected to the CCWRD sewer system; and that additional capacity and connection fees will need to be addressed.

Listed below are the approved conditions from UC-0729-06 (ET-0057-11):

Current Planning

- Until July 5, 2012 to review;
- Hours of operations from 10:00 a.m. to 11:00 p.m.;
- All applicable standard conditions for this application type.

- Applicant is advised that any change in circumstances or regulations may be justification for the denial of an extension of time.

Listed below are the approved conditions from UC-0729-06 (WC-0008-11):

Denial.

Listed below are the approved conditions from UC-0729-06 (ET-0096-10):

Current Planning

- Until July 5, 2011 to review with the Planning Commission retaining the discretion to allow the business to return to 24 hour operation based on information presented at the future hearing;
- Hours of operations shall be limited to 8:00 a.m. to 9:00 p.m.;
- All applicable standard conditions for this application type.
- Applicant is advised that any change in circumstances or regulations may be justification for the denial of an extension of time.

Listed below are the approved conditions from UC-0729-06 (ET-0159-08):

Current Planning

- Until July 5, 2010 to review;
- All applicable standard conditions for this application type.
- Applicant is advised that any change in circumstances or regulations may be justification for the denial of an extension of time.

Listed below are the approved conditions from UC-0729-06:

Current Planning

- 2 years for review;
- All applicable standard conditions for this application type.
- Applicant is advised that any change in circumstances or regulations may be justification for the denial of an extension of time.

Applicant's Justification

The applicant states that there have been no issues identified since the last review. The use permit allows the establishment to compete with other like businesses in the area.

**Prior Land Use Requests**

Application Number	Request	Action	Date
UC-0729-06 (ET-0155-14)	Seventh extension of time to review a massage establishment in conjunction with an existing shopping center	Approved by BCC	February 2015
UC-0729-06 (WC-0156-14)	Waiver of conditions of a use permit requiring hours of operation from 10:00 a.m. to 1:30 a.m. for a massage establishment	Approved by BCC	February 2015

Application Number	Request	Action	Date
UC-0729-06 (WC-0120-13)	Waiver of conditions of a use permit for hours of operation for the massage establishment - from 10:00 a.m. to 1:30 a.m.	Approved by BCC	January 2014
UC-0729-06 (ET-0119-13)	Sixth extension of time to review a massage establishment in conjunction with an existing shopping center	Approved by BCC	January 2014
UC-0729-06 (ET-0002-13)	Fifth extension of time to review a massage establishment in conjunction with an existing shopping center	Approved by BCC	March 2013
UC-0729-06 (ET-0083-12)	Fourth extension of time to review a massage establishment in conjunction with an existing shopping center	Approved on appeal by BCC	September 2012
UC-0729-06 (ET-0057-11)	Third extension of time to review a massage establishment in conjunction with an existing shopping center subject to hours of operation from 8:00 a.m. to 9:00 p.m.	Approved by PC	August 2011
UC-0729-06 (WC-0008-11)	Waiver of conditions to a use permit requiring hours of operation be limited to 8:00 a.m. to 9:00 a.m. for the massage establishment	Denied by PC	April 2011
UC-0729-06 (ET-0096-10)	Second extension of time to review a massage establishment in conjunction with an existing shopping center - hours limited to 8:00 a.m. to 9:00 p.m.	Approved by PC	October 2010
UC-0729-06 (ET-0159-08)	First extension of time to review a massage establishment in conjunction with an existing shopping center	Approved by PC	July 2008
UC-0729-06	Original application for a massage establishment in conjunction with an existing shopping center	Approved by PC	July 2006

#### Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Commercial General	R-E	Undeveloped
East	Commercial General	M-1	Office/warehouse
South & West	Commercial General	C-2	Retail

#### STANDARDS FOR APPROVAL:

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

#### Analysis

##### Current Planning

Title 30 standards of approval for an application for review state that such an application may be denied or have additional conditions imposed if it is found that circumstances have substantially changed. A substantial change may include, without limitation, a change to the subject property, a change in the areas surrounding the subject property, or a change in the laws or policies

affecting the subject property. Using the criteria set forth in Title 30, no substantial changes have occurred at the subject site since the original approval. No violations from the Clark County Public Response Office have been reported regarding the existing massage business. A response to a request for violations was sent from LVMPD on January 23, 2017 with no new violations reported. Therefore, staff recommends another review in 2 years.

**Staff Recommendation**

Approval.

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

**PRELIMINARY STAFF CONDITIONS:**

**Current Planning**

- Until January 22, 2019 to review.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and application for review; 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.

**Building/Fire Prevention**

- Applicant is advised that the proposal has been reviewed and it does not conflict with Fire Code requirements.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** Brisk Ocean Properties

**CONTACT:** Steve Ewaniuk, 3373 Wynn Road, Suite C, Las Vegas, NV 89102

CORPORATE MEETING CENTER  
(TITLE 30)

EUCLID ST/RUSSELL RD

**PUBLIC HEARING**

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-0676-14 (AR-0006-17) – PFIILP – EASTERN RUSSELL 70, LLC:**

**USE PERMITS FIRST APPLICATION FOR REVIEW** of the following: 1) convention facility; 2) banquet facility; 3) outside dining/drinking area; and 4) outdoor live entertainment.

**DESIGN REVIEW** for an equipment sales/rental, convention, and banquet facility on 5.4 acres in an M-D (Design Manufacturing) (AE-60) (AE-65) Zone with a portion being in the Russell Road transition Corridor.

Generally located on the west side of Euclid Street and the south side of Russell Road within Paradise. MBS/co/ml (For possible action)

**RELATED INFORMATION:**

**APN:**

162-36-110-013

**LAND USE PLAN:**

WINCHESTER/PARADISE – BUSINESS AND DESIGN/RESEARCH PARK

**BACKGROUND:**

**Project Description**

**General Summary**

- Site Address: 5810 South Eastern Avenue
- Site Acreage: 5.4
- Project Type: An equipment sales/rental, convention and banquet facility with outside dining/drinking areas and live entertainment
- Number of Stories: 3
- Building Height: Up to 50 feet
- Square Feet: 76,500
- Parking Required/Provided: 284/310

**Site Plans**

The original plans showed a 76,500 square foot building located on the southern portion of the site. The northern portion of the site is a parking lot with additional parking on the west and south sides of the building. Loading areas are located on the east side of the building. An outdoor live entertainment area is located in a covered courtyard located on the west side of the building. Another outside live entertainment area is located on the roof of the southwestern portion of the building. All outdoor live entertainment areas are more than 500 feet from any existing residential uses. Access to the site is via 1 driveway onto Euclid Street and a shared driveway onto Russell Road.

### Landscaping

The original plans depicted a 15 foot wide landscape area with a detached sidewalk adjacent to Russell Road and a 6 foot wide landscape area adjacent to an attached sidewalk along Euclid Street. Interior parking lot landscaping is provided per Title 30 standards. Additional landscaping is provided adjacent to the building.

### Elevations

The original plans showed a 3 story building with a varied roof line ranging in height from 25 feet to 50 feet. The façade consists of concrete brick tilt-up walls with metal panels, curtain wall glazing system, steel canopies, flat roofs with parapet walls, and a standing seam metal roof on a portion of the building. Roll-up doors are located on the north and east sides of the building.

### Floor Plans

The original plans depicted a 76,500 square foot building with 2 banquet and 2 catering areas on the first floor totaling 46,000 square feet, 11,000 square feet of warehouse space on the first floor, and 19,500 square feet of office space on the first and second floors. An 8,500 square foot outdoor live entertainment area is located in a covered courtyard on the ground floor on the east side of the building that is the main entrance to the building. A 9,250 square foot outdoor live entertainment area is located on the third floor roof deck on the southwestern portion of the building. The roof deck is covered by a tensile canopy. Restrooms, an elevator area, and a storage room are also located on the third floor.

### Signage

Signage was not a part of the original application or this extension of time application.

### Previous Conditions of Approval

Listed below are the approved conditions from UC-0676-14:

#### Current Planning

- 1 year to commence;
- Until January 18, 2017 to review as a public hearing;
- Outdoor music in Valet Plaza only, music to be played through a speaker, no live bands, DJ's, or live music to be played outdoors;
- Applicant to monitor and measure noise decibel level on the property with a maximum of 55 decibels;
- Install signage on Russell Road indicating no access to development on Euclid Street;
- Hours of operation limited to 8:00 a.m. to 12:00 a.m. Friday and Saturday, and 8:00 a.m. to 10:00 p.m. Sunday through Thursday;
- No alcohol to be served prior to 4:00 p.m. daily;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that any change in circumstances or regulations may be justification for the denial of an extension of time.

Public Works – Development Review

- No access to Euclid Street unless required by Clark County, and if access is required, then limited to a crash gate with all traffic to be directed to Russell Road and Eastern Avenue;
- Drainage study and compliance;
- Traffic study and compliance, project may qualify for an exception to the traffic analysis with Public Works Development Review Division approval;
- Full off-site improvements.

**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 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.

**Building/Fire Prevention**

- Applicant is advised that permits and fire protection may be required for this facility and to contact Fire Prevention for further information at (702) 455-7316.

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

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

**Applicant's Justification**

The applicant states that the project has experienced significant unforeseen construction delays due to permitting and site challenges and construction design delays. The applicant is currently working through temporary certificate of occupancy checklists; hence no certificate of occupancy has been issued. Because the building is not yet finished and occupied an extension of time is being requested to allow the building to be completed and the facility to begin operation.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
UC-0676-14	Convention facility, banquet facility, outside dining/drinking area and outdoor entertainment with design review for an equipment sales/rental, convention, and banquet facility	Approved by PC	January 2015
TM-0050-97	1 lot commercial subdivision recorded by FM-0049-97	Approved by PC	March 1997
ZC-0851-96	Reclassified this site and the adjacent land to the west from C-C to M-D zoning to allow an office/warehouse complex	Approved by BCC	June 1996

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Office Professional	C-P	Office & daycare facilities

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
South	Business and Design/Research Park	C-2	Training facility
East	Public Facilities	P-F	Junior high school
West	Business and Design/Research Park	M-D	Office buildings & training facilities

**STANDARDS FOR APPROVAL:**

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

**Analysis****Current Planning**

Title 30 standards of approval for an application for review state that such an application may be denied or have additional conditions imposed if it is found that circumstances have substantially changed. A substantial change may include, without limitation, a change to the subject property, a change in the areas surrounding the subject property, or a change in the laws or policies affecting the subject property. Since approval of the original use permit in January 2015 a building permit, 15-50763, was issued for the project. Construction has commenced and inspections have continued through January 2017. Since construction of the project has commenced and all inspections are current, staff can support an extension on this application with a 1 year review as a public hearing on operation of the convention/banquet facility.

**Staff Recommendation**

Approval.

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

**PRELIMINARY STAFF CONDITIONS:****Current Planning**

- Until January 18, 2018 to review as a public hearing.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and application for review; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

**Public Works – Development Review**

- Compliance with previous conditions.

**Building/Fire Prevention**

- Applicant is advised that the proposal has been reviewed and it does not conflict with Fire Code requirements.

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

**APPLICANT:** Michael Argier

**CONTACT:** Michael Argier, 3773 Howard Hughes Parkway, Suite 140, Las Vegas, NV  
89169

**DRAFT**

SIGNAGE  
(TITLE 30)

LAS VEGAS BLVD S/FLAMINGO RD

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**DR-0021-17 – FLAMINGO LAS VEGAS OPERATING COMPANY, LLC:**

**DESIGN REVIEWS** for the following: 1) proposed modifications to an approved comprehensive sign package; and 2) proposed increase to overall wall sign area in conjunction with an existing resort hotel (Flamingo) on 19.4 acres in an H-1 (Limited Resort and Apartment) Zone in the MUD-1 Overlay District.

Generally located on the east side of Las Vegas Boulevard South, 200 feet north of Flamingo Road within Paradise. CG/gc/ma (For possible action)

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**RELATED INFORMATION:**

**APN:**

162-16-412-004

**DESIGN REVIEWS:**

1. Modifications to an approved comprehensive sign package in conjunction with an existing resort hotel (Flamingo).
2. Increase overall wall sign area to 81,589 square feet where 81,297 square feet was previously approved and a maximum of 12,550 square feet is permitted per Table 30.72-1 (a 550% increase).

**LAND USE PLAN:**

WINCHESTER/PARADISE - COMMERCIAL TOURIST

**BACKGROUND:**

**Project Description**

**General Summary**

- Site Address: 3555 S. Las Vegas Boulevard
- Site Acreage: 19.4
- Project Type: Comprehensive sign package and wall signs

Site Plans

The plans show an existing resort hotel (Flamingo) on the site. Access to the site is from Las Vegas Boulevard South and Linq Lane.

Signage

The plans depict 3 proposed wall signs located along Las Vegas Boulevard South within the Margaritaville Casino portion of the Flamingo Resort Hotel. Two of the proposed wall signs are window wraps that are 6.25 square feet in area each. The other proposed wall sign is a wall wrap that is 279.5 square feet in area.

Other existing signs are part of the overall comprehensive sign package and were previously approved. Some of the more significant signs include a 52,500 square foot building wrap facing Las Vegas Boulevard South; a 13,235 square foot, neon, animated "Flamingo identity and plume" sign on the southwest corner; and a 1,400 square foot "Margaritaville" wall sign on the northwest corner.

The following table is a summary for signage:

Type of sign	Existing (sq ft)	Proposed (sq ft)	Total (sq ft)	Allowed per Title 30 (sq ft)	Percent increase	# of existing signs	# of proposed signs	Total # of signs
Freestanding	297	0	297	7,590	n/a	5	0	5
Wall*	81,297	292	81,589	12,550	550	56	3	59
Overall Total	81,594	292	81,886	20,140	307	61	3	64

\*The wall signs also contain animation. The details for animated signs are listed below:

Type of sign	Existing (sq ft)	Proposed (sq ft)	Total (sq ft)	Allowed per Title 30 (sq ft)	Percent increase	# of existing signs	# of proposed signs	Total # of signs
Animated	18,700	0	18,700	300	6,133	4	0	4

#### Applicant's Justification

The applicant states that in addition to wall signs requested, the purpose of this application is to establish a comprehensive sign package for the Flamingo Resort Hotel so it stands on its own. Previously approved sign packages included the signage for the Flamingo Resort Hotel with other adjacent resort hotel properties.

#### Prior Land Use Requests

Application Number	Request	Action	Date
DR-0369-16	Modification to an existing outside dining and drinking area (Margaritaville)	Approved by BCC	July 2016
UC-0294-15	Box office and shade structures in conjunction with a commercial/retail/dining and entertainment center (LINQ) in conjunction with existing resort hotels (Flamingo, The Quad, and Harrah's)	Approved by BCC	June 2015
UC-0244-15	Use permits for deviations for the following: roof sign, increase the allowed projection for projecting signs, and design review for modifications to a previously approved comprehensive sign package in conjunction with a commercial/retail/dining and entertainment center (LINQ) in conjunction with existing resort hotels (Flamingo, The Quad, and Harrah's)	Approved by BCC	June 2015

Application Number	Request	Action	Date
UC-0153-12	Use permits for deviations for the following: roof sign, increased height for a freestanding sign, reduced setbacks, and design review for modifications to a previously approved comprehensive sign package in conjunction with a commercial/retail/dining and entertainment center (LINQ) in conjunction with existing resort hotels (Flamingo, The Quad, and Harrah's)	Approved by BCC	July 2012
UC-0087-12	Modifications to a comprehensive sign package for the Flamingo Resort Hotel	Approved by BCC	April 2012
UC-0200-11	Relocation of a bus stop and establishment of a new patio/outside dining area (Margaritaville)	Approved by PC	July 2011
DR-0135-11	Modifications to a comprehensive sign package for a restaurant (Margaritaville) at the Flamingo Resort Hotel	Approved by BCC	May 2011

Various other applications have been approved on the site.

#### Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Commercial Tourist	H-1	LINQ Promenade & LINQ Resort Hotel
South	Commercial Tourist	H-1	Cromwell Resort Hotel, Bally's Resort Hotel, and Grand Bazaar Shops
East	Commercial Tourist	H-1	Hilton Grand Vacation Timeshare, LINQ parking lot, & a commercial center
West	Commercial Tourist	H-1	Caesars Palace Resort Hotel

#### STANDARDS FOR APPROVAL:

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

#### Analysis

##### Current Planning

Code allows alternative sign standards within the Resort Corridor that can be approved if the signs result in the development having a visual character which is compatible with adjacent development. The proposed signs are compatible with other signs in the area and are in harmony with the unique nature of signage along Las Vegas Boulevard South and within the Resort Corridor. Staff finds that the proposed signs are compatible with the existing developments along Las Vegas Boulevard South, and complies with Urban Specific Policy 20 of the Comprehensive Plan which states that all signage should be compatible with building styles on-site and also with surrounding development. Las Vegas Boulevard South is also designated and recognized as a National Scenic Byway; therefore, the signs further promote this designation and are appropriate and compatible with the surrounding uses and area. Additionally, similar

requests to increase the area of wall signs for other developments along Las Vegas Boulevard South have been approved.

**Staff Recommendation**  
Approval.

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

**PRELIMINARY STAFF CONDITIONS:**

**Current Planning**

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

**Public Works – Development Review**

- Signs not to encroach into right-of-way, easements, or sight visibility zone.

**Building/Fire Prevention**

- Applicant is advised that the proposal has been reviewed and it does not conflict with Fire Code requirements.

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

- Applicant is advised that CCWRD has completed a Point of Connection (POC) request for this project; to please contact CCWRD at [sewerlocation@cleanwaterteam.com](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #000574-2016; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

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

**APPLICANT:** Flamingo Las Vegas Operating Company, LLC

**CONTACT:** Jennifer Lazovich, Kaempfer Crowell, 1980 Festival Plaza Drive, Suite 650, Las Vegas, NV 89135

RESORT HOTEL/MIXED USE DEVELOPMENT  
(TITLE 30)

HARMON AVE/PARADISE RD

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST  
**UC-1584-06 (ET-0009-17) – HARKO, LLC:**

**USE PERMITS FOURTH EXTENSION OF TIME** to commence the following: **1)** an expansion of the Gaming Enterprise District; **2)** permit a High Impact Project; **3)** a 450 foot high, 1,054 room resort hotel; **4)** residential condominiums; **5)** resort condominiums; **6)** increase building height; **7)** modifications to a previously approved mixed use development; **8)** public areas including casino areas, shopping/retail, meeting areas, showrooms/lounges, theaters, recreational uses, restaurants, outside dining areas, live entertainment, and meeting room areas; **9)** all associated back-of-house areas, incidental, and accessory uses; and **10)** deviations from development standards.

**DEVIATIONS** for the following: **1)** encroachment into airspace; and **2)** all other deviations as shown per plans on file on 24.0 acres in an H-1 (Limited Resort and Apartment) (AE-60) Zone in the MUD-1 Overlay District.

Generally located on the north side of Harmon Avenue, 850 feet west of Paradise Road within Paradise. MBS/jt/ml (For possible action)

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**RELATED INFORMATION:**

**APN:**

162-21-510-038 thru 040; 162-21-602-001; 162-21-613-001 thru 011

**USE PERMITS:**

1. Allow the expansion of the Gaming Enterprise District.
2. Permit a High Impact Project.
3. Permit a 450 foot high, 1,054 room resort hotel.
4. Permit 2,434 residential condominiums that will include 1, 2, and 3 bedroom units.
5. Allow 1,442 studio and 1 bedroom resort condominiums.
6. Increase building height to 450 feet where 100 feet is the standard (a 350% increase).
7. Allow modifications to a previously approved mixed use development.
8. All public areas including casino areas, shopping/retail, showrooms/lounges, theaters, recreational uses, restaurants, outside dining areas, live entertainment, and meeting room areas.
9. Allow all associated back-of-house areas, incidental, and accessory uses.
10. Permit deviations from development standards.

**DEVIATIONS:**

1. Permit encroachment into airspace.
2. Permit all other deviations as shown per plans on file.

**LAND USE PLAN:  
WINCHESTER/PARADISE – COMMERCIAL TOURIST**

**BACKGROUND:**

**Project Description**

**General Summary**

- Site Address: List on file
- Project Type: Expanded Gaming Enterprise District (GED) & resort hotel/mixed use
- Site Acreage: 24
- Number of Lots/Units: 2,434 residential condominiums/1,442 resort condominiums
- Density: 101.4 for residential condominiums
- Building Height: Up to 450 feet
- Parking Required/Provided: 7,843/7,936

Summary

This application is a fourth extension of time for an expansion to the GED, an approved high impact project consisting of a resort hotel, mixed-use development, and shopping center. However, this application is only to extend the use permits and deviations. The applicant is not extending the design reviews since a new design will be submitted at a later time. Extensions of time for UC-0813-02 and UC-1100-08 are companion applications that are also being extended. UC-0813-02 expanded the GED for the western portion of the site, and UC-1584-06 (the subject application) expanded the GED for eastern portion of the site associated with UC-1100-08.

Site Plans

The original approval was for an expansion of the GED for a resort hotel "Edge Las Vegas" with modifications to a previously approved mixed use development. The project included resort hotel components on both the north and south sides of the project with the mixed use development components located at the center of the project site. A total of 7,843 parking spaces are required for this project, and 7,936 spaces are provided in a number of parking structures distributed throughout the site. However, with this extension of time, the applicant is not extending the design reviews which were part of the original application and the first 3 extensions of time. Instead, this application expands the GED and supports a larger proposed development associated with UC-0813-02 and UC-1100-08.

Elevations

The elevation plans approved with the original application depicted up to 450 foot high buildings with facades constructed primarily of concrete and steel panels with stucco finishes and glass curtain wall systems with balconies on some elevations. A new design review will be submitted at a later date.

Floor Plans

Floor plans approved with the original application include a total of 1,054 hotel rooms, 2,434 residential condominium units, 1,442 resort condominium units, and 198,405 square feet of commercial space including casino areas. The floor plan information is provided as reference only since the design reviews associated with this application are not being extended.

### Landscaping

As previously approved, the pedestrian realm included enhanced landscaping, sidewalks, and amenity zones provided along the Harmon Avenue frontage and the interior private streets. A total of 16.9 acres of open space is provided in this project where Title 30 requires 12.8 acres. The open space is provided in pedestrian realm areas, and common and recreational open space areas are provided on amenity decks that include pools and other amenities for residents and guests of the resort. The landscaping information is provided as reference only since the design reviews associated with this application are not being extended.

### Previous Conditions of Approval

Listed below are the approved conditions from UC-1584-06 (ET-0008-14):

#### Current Planning

- Until February 4, 2017 to commence.
- Applicant is advised that that a Development Agreement was a condition of approval on the original application to address and mitigate impacts of the project; all non-permitted signage must be removed or the applicant must obtain land use approval and any necessary building permits; and that any change in circumstances or regulations may be justification for the denial of an extension of time.

#### Public Works – Development Review

- Compliance with previous conditions.
- Clark County Water Reclamation District (CCWRD)
- Applicant is advised that CCWRD has no exception to the requested time extension.

Listed below are the approved conditions from UC-1584-06 (ET-0004-12):

#### Current Planning

- Until January 17, 2014 to commence;
- All applicable standard conditions for this application type.
- Applicant is advised that that a Development Agreement was a condition of approval on the original application to address and mitigate impacts of the project; and that any change in circumstances or regulations may be justification for the denial of an extension of time.

#### Public Works – Development Review

- Compliance with previous conditions.

#### 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 must record a stand-alone noise disclosure form against the land, and provide a copy of the recorded document to the Clark County Department of Aviation;

- Applicant must provide a copy of the recorded noise disclosure form to future buyers/renters, separate from other escrow documents, and provide a copy of the document to the Clark County Department of Aviation;
- Applicant must provide a map to future buyers/renters, as part of the noise disclosure notice, that highlights the project location and associated flight tracks, provided by the Department of Aviation when property sales/leases commence;
- Incorporate an exterior to interior noise level reduction of 30 decibels into the building construction for the habitable space that exceeds 35 feet in height or 25 decibels into the building construction for the habitable space that is less than 35 feet in height.
- 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; the 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; the FAA's airspace determinations include expiration dates and that the separate airspace determinations will be needed for construction cranes or other temporary equipment; the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations which was constructed after October 1, 1998; and that funds will not be available in the future should the residents wish to have their buildings purchased or soundproofed.

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

- Applicant is advised that at time of development CCWRD requires submittal of civil improvement plans and estimated wastewater flow rates from all phases of the proposed project at build-out before sewer point-of-connection can be approved for the new additions; active odor control treatment of wastewater liquid and vapor will be required as part of this project; there are existing public sanitary sewer lines on the property, including some where existing structures have been demolished that previously used these public lines; as part of the applicant's project, at the time of development CCWRD will require vacation and abandonment of on-site public sewers that are no longer being actively used as part of the existing or proposed development; and that CCWRD has no objection to the extension of time.

Listed below are the approved conditions from UC-1584-06 (ET-0014-09):

#### Current Planning

- Until January 17, 2012 to commence;
- All applicable standard conditions for this application type.
- Applicant is advised that any change in circumstances or regulations may be justification for the denial of an extension of time; and that this application is subject to a Development Agreement.

#### Civil Engineering

- Compliance with previous conditions.

Listed below are the approved conditions from UC-1584-06:

#### Current Planning

- Landscaping and pedestrian realm as depicted per plans on file;

- Design review as a public hearing on significant changes to plans;
- Each phase of the development shall contain the same ratio of residential to commercial components as the overall project or the applicant shall submit a construction phasing plan to be approved by staff;
- A Development Agreement as agreed upon by the applicant to mitigate and address issues identified by the Technical Reports and Studies;
- Developer will negotiate with County in good faith to route Howard Hughes Parkway through the subject property connecting generally in the northwest corner of the property to Lamar Street on the south end of the property following a route to be determined by developer and otherwise on terms and conditions acceptable to both County and developer;
- All applicable standard conditions for this application type;
- 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; any change in circumstances or regulations may be justification for the denial of an extension of time; and that this application must commence within 2 years of approval date or it will expire.

#### Civil Engineering

- Compliance with UC-0494-05 and UC-1378-05;
- VS-0924-05 to record prior to building permit issuance;

#### Department of Aviation

- No building permits shall be released for the project prior to the Department of Aviation notifying Zoning Plan Check that the applicant has received all necessary airspace approvals;
- Applicant is required to file a valid Federal Aviation Administration (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 30.48.120 of the Clark County Unified Development Code.
- Applicant must record a stand-alone noise disclosure form against the land, and provide a copy of the recorded document to the Clark County Department of Aviation;
- Applicant must provide a copy of the recorded noise disclosure form to future buyers/renters, separate from other escrow documents, and provide a copy of the document to the Clark County Department of Aviation;
- Applicant must provide a map to future buyers/renters, as part of the noise disclosure notice, that highlights the project location and associated flight tracks, provided by the Department of Aviation when property sales/leases commence;
- Incorporate an exterior to interior noise level reduction of 30 decibels into the building construction;
- Passive activity areas, designed for the quiet and peaceful enjoyment by the residents, must be enclosed.

- Applicant is advised that the FAA's determination is advisory in nature and does not guarantee the Director's permit or an AHABA variance will be approved; the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations which was constructed after October 1, 1998; and that funds will not be available in the future should the residents wish to have their buildings purchased or soundproofed.

Applicant's Justification

The applicant states that a comprehensive clean-up of the site took place in January and included removing all unattached debris, rubbish, and weeds, trimming back all weeds grown through the pavement, repairing any fence breaches, and painting any discolored walls. In addition to this application, 2 other land use applications, UC-1100-08 and UC-0813-02, are necessary for any future development. The applicant states that discussions with potential development partners are on-going and is requesting a 3 year extension of time to commence the project.

**Prior Land Use Requests**

Application Number	Request	Action	Date
TM-0132-15	1 lot commercial subdivision	Withdrawn by the applicant	August 2015
UC-1584-06 (ET-0008-14)	Third extension of time to expand the GED for a resort hotel with a mixed use component (Edge Las Vegas)	Approved by BCC	March 2014
VS-0377-08 (ET-0011-13)	Second extension of time to vacate-rights-of-way in conjunction with a resort hotel - expired	Approved by BCC	March 2013
UC-1100-08 (ET-0010-13)	Second extension of time for a resort hotel (Imperia) with a freestanding hotel tower and a shopping center	Approved by BCC	March 2013
WS-0516-08 (ADET-0075-12)	Administrative extension of time to waive right-of-way dedications - expired	Approved administratively	February 2012
UC-1584-06 (ET-0004-12)	Second extension of time to expand the GED for a resort hotel with a mixed use component (Edge Las Vegas)	Approved by BCC	March 2012
VS-0377-08 (ET-0013-11)	First extension of time to vacate-rights-of-way in conjunction with a resort hotel - expired	Approved by BCC	March 2011
UC-1100-08 (ET-0012-11)	First extension of time for a resort hotel (Imperia) with a freestanding hotel tower and a shopping center - subject to maintaining the site free of trash and weeds	Approved by BCC	March 2011
UC-1378-05 (ET-0211-09)	Second extension of time to expand the GED for a resort hotel (Harbor Island), and modifications to a previously approved mixed use development - expired	Approved by BCC	September 2009

Application Number	Request	Action	Date
UC-1584-06 (ET-0014-09)	First extension of time to expand the GED for a resort hotel with a mixed use component (Edge Las Vegas)	Approved by BCC	February 2009
UC-1100-08	A resort hotel (Imperia) with a freestanding hotel tower and a shopping center	Approved by BCC	February 2009
WS-0516-08	Waive right-of-way dedications	Approved by BCC	February 2009
VS-0377-08	Vacate and abandon rights-of-way adjacent to the north property line - expired	Approved by BCC	February 2009
UC-1378-05 (ET-0328-07)	First extension of time to expand the GED for a resort hotel (Harbor Island), and modifications to a previously approved mixed use development - expired	Approved by BCC	November 2007
UC-1584-06	Original application to expand the GED for a resort hotel with a mixed use component (Edge Las Vegas)	Approved by BCC	January 2007
UC-1378-05	Expand the GED for a resort hotel with residential and resort condominiums (Harbor Island) and modifications to a previously approved mixed use development - expired	Approved by BCC	November 2005
UC-0494-05	Mixed use development consisting of a total of 2,768 residential units at a density of 105.2 dwelling units per acre - expired	Approved by BCC	June 2005

#### Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Commercial Tourist	H-1	Tuscany Resort Hotel & undeveloped
South	Commercial Tourist	H-1	Condominiums, apartments, & a non-gaming hotel (Alexis Park)
East	Commercial Tourist	H-1	Hard Rock Resort Hotel & undeveloped
West	Commercial Tourist	H-1	Undeveloped

#### Related Applications

Application Number	Request
UC-0813-02 (ET-0010-17)	An extension of time on a use permit that expanded the GED for the western portion of the site is a companion item on this agenda.
UC-1100-08 (ET-0011-17)	An extension of time on a use permit for a resort hotel with a freestanding hotel tower and a shopping center is a companion item on this agenda.

## **STANDARDS FOR APPROVAL:**

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

### **Analysis**

#### **Current Planning**

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

Since this application was approved in 2007, the Developer has not negotiated a development agreement with the County, has not pursued construction, and no technical studies or building permits have been submitted for the site. Although the developer has made a substantial investment to ensure that the property is clean and well maintained, there is no progress in the development of the property. Since 2007, substantial changes have included Code amendments and changes to development standards, changes to the surrounding area, and improvement in the economic environment. In addition, the companion applications were originally approved in 2002 and 2009, and there has been no progress on the site. As a result, staff cannot support any additional extensions of time, and staff recommends that a new comprehensive land use application be submitted in the future at the time the owners/developers are ready to develop the site.

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

### **PRELIMINARY STAFF CONDITIONS:**

#### **Current Planning**

If approved:

- Until February 4, 2020 to commence.
- Applicant is advised that that a Development Agreement was a condition of approval on the original application to address and mitigate impacts of the project; all non-permitted signage must be removed or the applicant must obtain land use approval and any necessary building permits; that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

#### **Public Works – Development Review**

- Compliance with previous conditions.

**Building/Fire Prevention**

- Applicant is advised that the proposal has been reviewed and it does not conflict with Fire Code requirements.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** Harko, LLC

**CONTACT:** Harko, LLC, 901 Main Street, Suite 6215 Dallas, TX 75202

**DRAFT**

RESORT HOTEL  
(TITLE 30)

HARMON AVE/KOVAL LN

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST  
**UC-0813-02 (ET-0010-17) – HARKO, LLC:**

**USE PERMITS FIFTH EXTENSION OF TIME** to commence the following: **1)** a resort hotel; and **2)** permit deviations to development standards.

**DEVIATIONS** for the following: **1)** increased building height; **2)** permit intrusion into the airspace; **3)** permit alternative landscaping; and **4)** all other deviations per plans on file on 36.8 acres in an H-1 (Limited Resort and Apartment) (AE-60) Zone in the MUD-1 Overlay District.

Generally located on the north side of Harmon Avenue, and the east side of Koval Lane within Paradise. MBS/jt/ml (For possible action)

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**RELATED INFORMATION:**

**APN:**

162-21-601-005 & 007

**USE PERMITS:**

1. Permit a 40 story, 2.8 million square foot resort hotel with 2,402 guest rooms, a 3 story parking garage, and other facilities including a casino, retail shops, showroom, restaurants, sports book, administrative offices, outdoor pool, indoor and outdoor water features, poolside villa guest rooms, central plant, warehouse, back-of-house areas, and other accessory uses.
2. Permit deviations to development standards.

**DEVIATIONS:**

1. Increase the height of the hotel tower to 480 feet where 100 feet is permitted (a 380% increase).
2. Encroachment into airspace.
3. Permit an alternative landscape design as shown per plans on file.
4. Permit all other deviations shown per plans on file.

**LAND USE PLAN:**

WINCHESTER/PARADISE – COMMERCIAL TOURIST

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: N/A
- Site Acreage: 36.8
- Project Type: Expanded Gaming Enterprise District (GED) & resort hotel
- Building Height: 480 feet

- Parking Required/Provided: 2,762/3,179

### Summary

This application is the fifth extension of time to expand the GED on the western 36 acres of the site associated with UC-1100-08. A companion application, UC-1584-06, expanded the GED for the eastern portion of the site associate with UC-1100-08.

### Site Plans

The original plans depicted a 2,719,811 square foot resort hotel with associated accessory structures and incidental uses. A parking garage is located on the northern portion of the site with a surface parking lot on the southern portion.

### Landscaping

The original plans show existing attached sidewalks along Harmon Avenue, Koval Lane, and Rochelle Avenue. Landscape areas range in width from 11 feet to 35 feet behind the attached sidewalk and include groundcover with plantings consisting of strawberry trees, Chilean Mesquite, Evergreen Elm, and California Fan Palms.

### Elevations

The original plans show a 40 story resort hotel with varying heights up to 480 feet and a 124 foot high parking garage.

### Floor Plans

The original plans consist of a 2.8 million square foot resort hotel with 2,402 guest rooms. The resort consists of various levels including a basement, a main level area with a casino, lounges, restaurants, retail areas, a mezzanine level with restaurants, and back-of-house areas.

### Previous Conditions of Approval

Listed below are the approved conditions from DC-0813-02 (ET-0079-13):

#### Current Planning

- Until February 4, 2017 to commence.
- Applicant is advised that any change in circumstances or regulations may be justification for the denial of an extension of time.

#### Public Works – Development Review

- Compliance with previous conditions.

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

- Applicant is advised that at the time of development the developer is required to meet with CCWRD; CCWRD needs peak wastewater flows at build-out to determine sewer point of connection; bioxide feed and odor scrubber required for on-site odor control; CCWRD has multiple existing public sewers with no flow located on the developer's site that need to be abandoned; CCWRD has existing public sewers that have existing flow going across the developer's site; and that the developer shall relocate this flow to a different connection point into an existing downstream public sanitary sewer in Harmon Avenue.

Listed below are the approved conditions from UC-0813-02 (ET-0084-11):

Current Planning

- Until August 21, 2013 to commence;
- Design review on final plans;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection;
- All applicable standard conditions for this application type.
- Applicant is advised that a Development Agreement was a condition of approval on the second extension of time to address and mitigate impacts of the project; any change in circumstances or regulations may be justification for the denial of an extension of time; and that this is the last extension of time staff will support.

Public Works – Development Review

- Compliance with previous conditions.

Clark County Water Reclamation District

- Applicant is advised that at time of development the applicant is required to meet with CCWRD and submit civil improvement plans that will require full engineering review and evaluation to both relocate and abandon existing public sewers and associated public easements; CCWRD will not concur to the vacation of existing utility easements until all rerouted, replacement, abandonment sewers have been constructed, inspected, and accepted by CCWRD; continuous sanitary sewer service must be maintained to all CCWRD customers; all on-site sewers shall be private; public sewers shall only be allowed in the public streets; and that rerouted sewers must have capacity at least equal to the existing sewer plus any net additional flows resulting from any proposed applicant project(s).

Listed below are the approved conditions from UC-0813-02 (ET-0215-08):

Current Planning

- Until August 21, 2011 to commence;
- A Development Agreement as agreed upon by the applicant to mitigate impacts of the project including but not limited to issues identified by the technical reports and studies, and issues identified by the Board of County Commissioners;
- All applicable standard conditions for this application type.
- Applicant is advised that any change in circumstances or regulations may be justification for the denial of an extension of time.

Civil Engineering

- Compliance with previous conditions.

Listed below are the approved conditions from UC-0813-02 (ET-0204-03):

Subject to August 21, 2008 for commencement; any other extensions of time to be a public hearing; applicant to work with current tenants on the property in assisting them with finding alternative housing when they displaced during future construction; compliance with previous conditions; and all applicable standard conditions for this application type. Applicant is advised that any change in circumstances or regulations may be justification for denial of an extension of time; and that applicant is to work with any neighbors in opposition to this project.

Listed below are the approved conditions from UC-0813-02:

Subject to replacing the Texas Umbrella tree as listed in the Plant List with another tree type; building materials are to be made of non-glare material; full off-site improvements; dedicate right-of-way for Harmon Avenue along the project's entire frontage on that street so that a third through lane in the westbound direction can be constructed on Harmon Avenue, the width of dedication will be determined by the County in conjunction with its improvement project on this street, but will not exceed 15 feet; additionally, dedicate the right-of-way and construct the following improvements: a) an exclusive right turn lane on the public street to accommodate ingressing traffic for each driveway that will provide public access, b) an exclusive right turn lane on the south leg of the intersection of Koval Lane and Rochelle Avenue, c) bus turnouts on Harmon Avenue and Koval Lane per Regional Transportation Commission and Public Works; Rochelle Avenue along the project's frontage, and the intersection of Koval Lane and Rochelle Avenue may both need to be widened to accommodate project generated traffic; the need for these widenings is to be addressed in the traffic study; provide rights-of-way or easements and/or construct improvements as required by the accepted traffic study; participate in the overall construction project costs of a future possible pedestrian grade separation system at or near the intersection of Las Vegas Boulevard South and Harmon Avenue, amount of participation to be determined in the traffic study based on the incremental impact of the proposed development; the streetlight systems along the project's frontages on Rochelle Avenue and Harmon Avenue shall be constructed to meet current County standards or an acceptable equivalent; traffic study and comply; traffic study to include: a) evaluation of traffic control needs and the determination of contributory shares of future traffic control devices, costs, and measures, b) evaluation of access and circulation patterns proposed, c) evaluation of roadway capacities present and future with compliance, d) pedestrian safety needs, e) determination of lane configuration at proposed project access points necessary to accommodate projected traffic volumes, f) determine the required width of all public access walkway segments so that a minimum Level of Service "C" is achieved under peak pedestrian volumes, g) impacts to regional air quality due to traffic generated by this development, h) identification and implementation of Traffic Demand Management (TDM) and Transportation System Management (TSM) measures, with a follow-up study and presentation to the Board of County Commission within one year of opening to the public; i) a turnover analysis for the proposed porte-cochere, if the porte-cochere is projected to lack adequate capacity to accommodate the expected demand, mitigation measures, and/or redesign of the facility must be proposed; traffic study to include traffic impact mitigation plan to be reviewed by the staffs of Nevada Department of Transportation and Clark County Traffic Management Division and to be approved by the Board of County Commissioners; physical improvements identified in the traffic study needed to accommodate vehicular and pedestrian volumes generated by the project may require right-of-way dedication to the County; drainage study and compliance; file Federal Aviation Administration (FAA) Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, and as required by Section 30.48.120 of the Clark County Unified Development Code, receive either a permit from the Director of Aviation or a variance from the Airport Hazard Areas Board of Adjustment (AHABA) prior to construction; alternatively, the applicant may submit to the Director of Aviation a "Property Owner's Shielding Determination Statement" and request written concurrence from the Department of Aviation; no building permits will be released for the project prior to the Department of Aviation notifying Zoning Plan Check that the applicant has received all necessary airspace approvals; and all applicable standard conditions for this application type. Applicant is advised that any change in circumstances or regulations may be justification for the

denial of an extension of time; Nevada Revised Statutes Chapter 463 requires that expansions of the Gaming Enterprise District approved as an exception is required to have an unlimited gaming license prior to December 31, 2002; and that signage is not a part of this application and future land use applications may be required; that the FAA's determination is advisory in nature and does not guarantee the Director's permit or an AHABA variance will be approved; and that a standard condition of approval for a Director's permit or an AHABA variance is the granting of an aviation easement; and that since this application does not include the corner parcel located at the intersection of Harmon Avenue and Koval Lane, the traffic study may require mitigation such as a reduction in curb-cuts, a reduction in trip generation requiring the reduction in the number of rooms, the addition or modification of turn lanes, traffic signal modifications, and additional right-of-way dedication.

Applicant's Justification

The applicant states that a comprehensive clean-up of the site took place in January and included removing all unattached debris, rubbish, and weeds, trimming back all weeds grown through the pavement, repairing any fence breaches, and painting any discolored walls. In addition to this application, 2 other land use applications, UC-1584-06 and UC-1100-08, are necessary for any future development. The applicant states that discussions with potential development partners are on-going and is requesting a 3 year extension of time to commence the project.

**Prior Land Use Requests**

Application Number	Request	Action	Date
UC-0813-02 (ET-0079-13)	Fourth extension of time for the resort hotel with associated deviations	Approved by BCC	October 2013
UC-0813-02 (ET-0084-11)	Third extension of time for the resort hotel with associated deviations – applicant advised that this was the last extension of staff would support	Approved by BCC	November 2011
UC-1100-08 (ET-0010-13)	Second extension of time for a high impact project (resort hotel)	Approved by BCC	March 2013
UC-1100-08 (ET-0012-11)	First extension of time for a high impact project (resort hotel) – subject to maintaining the site free of trash and weeds	Approved by BCC	March 2011
UC-1100-08	High impact project (resort hotel) with a waiver of conditions of a use permit (UC-0207-06), a waiver of development standards to reduce parking, and design review	Approved by BCC	February 2009
UC-0813-02 (ET-0215-08)	Second extension of time for the resort hotel with associated deviations	Approved by BCC	September 2008
UC-0813-02 (ET-0204-03)	First extension of time for the resort hotel with associated deviations – subject to any future extension of times to be a public hearing	Approved by BCC	October 2003
UC-0813-02	Original application for a resort hotel with associated deviations	Approved by BCC	August 2002

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Commercial Tourist	H-1	Tuscany Las Vegas Resort Hotel & Ellis Island Casino & Brewery
South	Commercial Tourist	R-5 & H-1	Residential condominium development (Marie Antoinette), Wyndham Vacation Resort, a hotel timeshare, & Lake Tropicana condominium complex
East	Commercial Tourist	H-1	Harbor Island Apartments & Hard Rock Resort Hotel
West	Commercial Tourist	H-1	Undeveloped parcels

**Related Applications**

<b>Application Number</b>	<b>Request</b>
UC-1584-06 (ET-0009-17)	An extension of time on a use permit that expanded the GED for the eastern portion of the site is a companion item on this agenda.
UC-1100-08 (ET-0011-17)	An extension of time on a use permit for a resort hotel with a freestanding hotel tower and a shopping center is a companion item on this agenda.

**STANDARDS FOR APPROVAL:**

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

**Analysis**

**Current Planning**

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

Since this application was approved in 2002, the Developer has not negotiated a development agreement with the County, has not pursued construction, and no technical studies or building permits have been submitted for the site. Although the developer has made a substantial investment to ensure that the property is clean and well maintained, there is no progress in the development of the property. Since 2002, substantial changes have included Code amendments and changes to development standards, changes to the surrounding area, and improvement in the economic environment. In addition, the companion applications were originally approved in 2007 and 2009, and there has been no progress on the site. As a result, staff cannot support any additional extensions of time, and staff recommends that a new comprehensive land use application be submitted in the future at the time the owners/developers are ready to develop the site.

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

**PRELIMINARY STAFF CONDITIONS:**

**Current Planning**

If approved:

- Until February 4, 2020 to commence.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

**Public Works – Development Review**

- Compliance with previous conditions.

**Building/Fire Prevention**

- Applicant is advised that the proposal has been reviewed, and it does not conflict with Fire Code requirements.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** Harko, LLC

**CONTACT:** JBW Consulting, LLC, 901 Main Street, Suite 6215, Dallas, TX 75202

RESORT HOTEL/HOTEL  
(TITLE 30)

HARMON AVE/KOVAL LN

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST  
**UC-1100-08 (ET-0011-17) - HARKO, LLC:**

**USE PERMITS THIRD EXTENSION OF TIME** to commence the following: 1) a High Impact Project; 2) a resort hotel consisting of 6,745 hotel rooms; 3) public areas including all casino, retail, restaurant, bar/lounge, live entertainment, indoor and outdoor dining, spa/health club, showrooms, convention facility, back-of-house areas, and a subterranean parking garage; 4) increase the height of the high-rise towers; 5) shopping center; 6) associated accessory/incidental commercial uses, buildings, and structures; and 7) deviations from development standards.

**DEVIATIONS** for the following: 1) reduce on-site parking and loading spaces for the resort hotel; 2) encroachment into airspace; and 3) all other deviations as shown per plans on file.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) reduce on-site parking for the hotel and shopping center; and 2) permit encroachment into airspace on 60.0 acres in an H-1 (Limited Resort and Apartment) (AE-60) Zone in the MUD-1 Overlay District.

Generally located on the north side of Harmon Avenue, and the east side of Koval Lane within Paradise. MBS/jt/ml (For possible action)

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**RELATED INFORMATION:**

**APN:**

162-21-510-038 thru 040; 162-21-601-001, 005, & 007; 162-21-602-001; 162-21-613-001 thru 011

**USE PERMITS:**

1. Permit a High Impact Project.
2. Permit a resort hotel consisting of 6,745 hotel rooms.
3. Permit public areas including all casino, retail, restaurant, bar/lounge, live entertainment, indoor and outdoor dining, spa/health club, showrooms, convention facility, back-of-house areas, and a subterranean parking garage.
4. Increase the height of the high-rise towers to a maximum of 520 feet where 100 feet is the standard (a 420% increase).
5. Permit a shopping center in conjunction with a hotel.
6. Permit associated accessory/incidental commercial uses, buildings, and structures.
7. Permit deviations to development standards.

**DEVIATIONS:**

1. a. Reduce on-site parking for the resort hotel to 9,558 spaces where 13,654 spaces are required (a 30% reduction).  
b. Reduce loading spaces for the resort hotel to 11 spaces where 59 spaces are required (an 81% reduction).
2. Permit encroachment into airspace.

3. Permit all other deviations as depicted per plans on file.

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Reduce on-site parking for the hotel and shopping center to 357 spaces where 510 spaces are required (a 30% reduction).
2. Permit encroachment into airspace.

**LAND USE PLAN:**

WINCHESTER/PARADISE – COMMERCIAL TOURIST

**BACKGROUND:**

**Project Description**

**General Summary**

- Site Address: N/A
- Site Acreage: 60
- Project Type: 6,745 room resort hotel/hotel
- Building Height: 520 feet
- Parking Required/Provided: 14,164/9,915

Summary

This application is a third extension of time for an approved high impact project consisting of a resort hotel and shopping center. However, this application is only to extend the use permits, deviations, and waivers of development standards. The applicant is not extending the design reviews since a new design will be submitted at a later time. Extensions of time for UC-1584-06 and UC-0813-02 are companion applications that are also being extended. These 2 applications expanded the Gaming Enterprise District (GED), which support and are necessary for the subject application, UC-1100-08.

Site Plans

Although the design review is not being extended, a description of the previously approved project is provided for reference as a basis for the use permits, deviations, and waivers of development standards. The previous plans depicted a resort hotel and a freestanding hotel with a shopping center on a 60 acre site. The approved plans depicted a freestanding hotel located on the southwest corner of the site and not in GED due to its proximity to a residential development (Marie Antoinette). The remainder of the site is located within the GED, which was established by UC-0813-02 for the western portion and UC-1584-06 for the eastern portion of the site. Also, a 5 level subterranean parking garage was shown on the plans, which will be utilized by the resort hotel and the hotel/shopping center. The parking requirement for the resort hotel is 13,654 spaces, while the requirement for the hotel/shopping center is 510 spaces. A 30% reduction in minimum parking for both developments was approved with the original application, which resulted in a total of 9,915 spaces provided for the development. The original application also included waivers of conditions of a previous use permit application requiring the following: 1) a maximum height of 480 feet; and 2) coordinate the dedication and construction of Kishner Drive with the project adjacent to the site and Clark County Public Works, both of which were permanently approved.

### Landscaping

The previous plans showed pedestrian realms along all public and private streets with a minimum width ranging from 15 feet to 25 feet, which includes 3 feet to 10 feet of landscaping. Also shown on plans was landscaping within open space and pool areas. A series of swimming pools were depicted with 46,763 square feet of total surface area. In addition, a 28,576 square foot manmade decorative water feature was proposed at the resort hotel's main swimming pool complex. However, the design reviews are not being extended.

### Elevations

The following are the height approvals for the various buildings: the tower on the west side (Tower 1) is 525 feet high; the tower in the center of the site (Tower 2) is 480 feet high; and the tower to the east (Tower 4) is 450 feet high. The hotel (Tower 3) is located on the southwest corner of the site and 235 feet in height. Existing use permits, deviations, and waivers of development standards were approved for the increases in height; however, a new design review must be submitted for any future development, and the height of any future project will be evaluated at that time.

The exterior materials of the previously approved resort towers consist of a curtain-wall system with tinted glass of low reflectivity. The hotel tower is a U-shaped building and incorporates similar exterior materials as the resort towers. The lower levels consist of accent colored EIFS, non-reflective glazing, and ceramic barrel vault tiles acting as decorative rooftops.

### Floor Plans

The previously approved plans showed a total square footage of 8,156,772 for the entire project, including the resort hotel, the freestanding hotel, and the parking garage. The resort hotel consists of 6,745 hotel rooms, 328,538 square feet of casino space, 808,636 square feet of restaurant, retail, and bar/lounge area, 82,119 square feet of spa/health club, 668,637 square feet of convention space, 81,125 square feet of theater space, and 587,679 square feet of back-of-house areas. The freestanding hotel consists of 255 hotel rooms, 63,766 square feet of retail and restaurant space, and 80,503 square feet of supporting back-of-house areas. The subterranean parking garage for the entire project is a total of 4,432,115 square feet. A new design review will be required for any future development.

### Signage

Signs were not a part of the original application.

### Previous Conditions of Approval

Listed below are the approved conditions from UC-1100-08 (ET-0010-13):

#### Current Planning

- Until February 4, 2017 to commence.
- Applicant is advised that the application is subject to a Development Agreement and conditions of approval of the original application (UC-1100-08); and that any change in circumstances or regulations may be justification for the denial of an extension of time.

#### Public Works – Development Review

- Compliance with previous conditions.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that at time of development the developer is required to meet with CCWRD; CCWRD needs peak wastewater flows at build-out to determine sewer point of connection; bioxide feed and odor scrubber is required for on-site odor control; CCWRD has multiple existing public sewers with no flow located on the developer's site that need to be abandoned; CCWRD has existing public sewers that have existing flow going across the developer's site; and that the developer needs to relocate this flow to a different connection point into an existing downstream public sanitary sewer in Harmon Avenue.

Listed below are the approved conditions from UC-1100-08 (ET-0012-11):

#### Current Planning

- Until February 4, 2013 to commence;
- Site must be maintained free of trash and weeds;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection;
- All applicable standard conditions for this application type;
- Applicant is advised that the application is subject to a Development Agreement and conditions of approval of the original application (UC-1100-08); and that any change in circumstances or regulations may be justification for the denial of an extension of time.

#### Public Works – Development Review

- Compliance with previous conditions.

Listed below are the approved conditions from UC-1100-08:

#### Current Planning

- A Development Agreement as agreed upon by the applicant to mitigate impacts of the project including but not limited to issues identified by the technical reports and studies, and issues identified by the Board of County Commissioners;
- The Developer will negotiate with Clark County in good faith to extend Rochelle Avenue from the intersection of Lamar Circle/Howard Hughes Parkway extension to the easternmost boundary of the development following a route to be determined by the Developer and otherwise on terms and conditions acceptable to both Clark County and the Developer;
- Design review as a public hearing on significant changes to the plans;
- All applicable standard conditions for this application type.
- 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; approval of this use permit only approves any relaxed standards that depart from the development and improvement standards required by Title 30 provided such relaxed standards completely comply with the approved plans on file; any change in circumstances or regulations may be justification for the denial of an extension of time; and that this application must commence within 2 years of approval date or it will expire.

#### Civil Engineering

- Compliance with the Development Agreement with the County;
- Right-of-way dedication of an additional 10 feet for Koval Lane, Rochelle Lane, and Harmon Avenue together with any additional rights-of-way and/or easements as required by the traffic study;

- Applicant to grant easements to Clark County for the proposed Howard Hughes Parkway alignment between Rochelle Avenue and Harmon Avenue;
- Construct full off-sites;
- Detached sidewalk will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control, which may require a vacation of excess right-of-way or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way;
- Applicant to coordinate the alignment, design, and location of the proposed Howard Hughes Parkway extension with Clark County Public Works and the property owners to the north and south from Flamingo Road to Tropicana Avenue;
- Coordinate the design and construction of the continuation of Rochelle Avenue from the public road to the private road with the property owner to the east;
- Drainage study and compliance;
- Traffic study and compliance;
- Traffic study to also address: a) maintenance of the required width of all public access walk way segments so that a minimum Level of Service "C" is achieved under peak pedestrian volumes with a minimum effective sidewalk width being 10 feet, b) evaluation of traffic control needs and the determination of the contributory share of future traffic control devise, costs, and measures, c) evaluation of access and circulation patterns, d) evaluation of roadway capacities, e) determination of lane configuration at proposed access points necessary to accommodate projected traffic volumes, f) turnover analysis for all the porte-cocheres and recommendation of mitigation measures as applicable, g) applicant's cost participation in the pedestrian bridges, h) identification and implementation of Transportation Demand Management (TDM) measures, i) dedication and construction of bus turnouts/combination turn lanes including passenger loading/shelter areas in accordance with Regional Transportation Commission standards, and j) on-site circulation;
- Traffic impact mitigation plan to be reviewed by the staff of the Regional Transportation Commission, Freeway and Arterial System of Transportation (FAST), Clark County Traffic Management Division, and Clark County Civil Engineering Division;
- Exclusive right turn lanes at all project access points and/or as determined in an approved traffic study;
- Driveway widths and locations to meet current Clark County standards and be approved by Development Services Traffic Engineers;
- Reconstruct all unused driveways with full off-sites;
- Adjacent property owners to be notified of proposed improvements along Harmon Avenue and its potential impact to existing accesses per notification requirements in Title 30;
- Vacate any unnecessary rights-of-way and/or easements;
- Any applicable vacations to be recordable prior to building permit issuance or applicable map submittal.

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

Applicant's Justification

The applicant states that a comprehensive clean-up of the site took place in January and included removing all unattached debris, rubbish, and weeds, trimming back all weeds grown through the pavement, repairing any fence breaches, and painting any discolored walls. In addition to this application, 2 other land use applications, UC-1584-06 and UC-0813-02, are necessary for any future development. The applicant states that discussions with potential development partners are on-going and is requesting a 3 year extension of time to commence the project.

**Prior Land Use Requests**

Application Number	Request	Action	Date
TM-0132-15	1 lot commercial subdivision	Withdrawn by the applicant	August 2015
UC-1584-06 (ET-0008-14)	Third extension of time for a resort hotel and mixed use development	Approved by BCC	March 2014
VS-0377-08 (ET-0011-13)	Second extension of time to vacate-rights-of-way in conjunction with a resort hotel - expired	Approved by BCC	March 2013
UC-1100-08 (ET-0010-13)	Second extension of time for a high impact project (resort hotel)	Approved by BCC	March 2013
WS-0516-08 (ADET-0075-12)	Administrative extension of time for waivers of development standards for right-of-way dedications - expired	Approved administratively	February 2012
UC-1584-06 (ET-0004-12)	Second extension of time for a resort hotel and mixed use development	Approved by BCC	March 2012
UC-0813-02 (ET-0084-11)	Third extension of time to redesign the resort hotel on the western portion of the site	Approved by BCC	November 2011

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
UC-0207-06 (ET-0040-11)	Second extension of time for a resort hotel and resort condominiums - expired	Approved by BCC	June 2011
VS-0377-08 (ET-0013-11)	First extension of time to vacate-rights-of-way in conjunction with a resort hotel - expired	Approved by BCC	March 2011
UC-1100-08 (ET-0012-11)	First extension of time for a high impact project (resort hotel) - subject to maintaining the site free of trash and weeds	Approved by BCC	March 2011
UC-1378-05 (ET-0211-09)	Second extension of time for a gaming overlay expansion and a resort hotel - expired	Approved by BCC	September 2009
MSM-0019-09	Minor subdivision map to create 1 lot	In process	N/A
UC-1584-06 (ET-0014-09)	First extension of time for a resort hotel and mixed use development	Approved by BCC	February 2009
UC-1100-08	Original application with a waiver of conditions of a use permit (UC-0207-06), a waiver of development standards to reduce parking, and design review	Approved by BCC	February 2009
TM-0087-08	1 lot commercial subdivision - expired	Approved by BCC	February 2009
VS-0377-08	Vacate and abandon rights-of-way adjacent to the north property line - expired	Approved by BCC	February 2009
WS-0516-08	Waive right-of-way dedications in conjunction with the tentative map - expired	Approved by BCC	February 2009
HIP-0055-08	Pre-application conference for the subject project	Conducted by staff	October 2008
UC-0813-02 (ET-0215-08)	Second extension of time to redesign the resort hotel on the western portion of the site	Approved by BCC	September 2008
UC-0207-06 (ET-0108-08)	First extension of time for a resort hotel and resort condominiums - expired	Approved by BCC	May 2008
UC-1378-05 (ET-0328-07)	First extension of time for a gaming overlay expansion and a resort hotel - expired	Approved by BCC	November 2007
VS-0924-05 (ET-0129-07)	First extension of time to vacate rights-of-way and alleyways that were created by a previous residential subdivision - expired	Approved by PC	June 2007
UC-1584-06	Expansion of the GED and a resort hotel with deviations and a design review	Approved by BCC	January 2007
UC-0207-06	Resort hotel and resort condominiums on the southwest portion of the site - expired	Approved by BCC	April 2006

Application Number	Request	Action	Date
UC-1378-05	Gaming overlay expansion and a resort hotel - expired	Approved by BCC	November 2005
VS-0924-05	Vacate rights-of-way and alleyways that were created by a previous residential subdivision - expired	Approved by PC	July 2005
UC-0494-05	Mixed use development - expired	Approved by BCC	June 2005
UC-0813-02 (ET-0204-03)	First extension of time to redesign the resort hotel on the western portion of the site	Approved by BCC	October 2003
UC-0813-02	Redesigned the resort hotel on the western portion of the site	Approved by BCC	August 2002
UC-0645-98	2,500 room resort hotel and an expansion of the GED for the western portion of the site - expired	Approved by BCC	July 1998

#### Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Commercial Tourist	H-1	Tuscany Las Vegas Resort Hotel & Ellis Isle Hotel
South	Commercial Tourist	R-5 & H-1	Residential condominium developments (Marie Antoinette and Lake Tropicana) & a hotel timeshare (Wyndham Vacation Resort)
East	Commercial Tourist	H-1	Harbor Island Apartments & Hard Rock Resort Hotel
West	Commercial Tourist	H-1	Undeveloped parcels

#### Related Applications

Application Number	Request
UC-0813-02 (ET-0010-17)	An extension of time on a use permit that expanded the GED for the western portion of the site is a companion item on this agenda.
UC-1584-06 (ET-0009-17)	An extension of time on a use permit that expanded the GED for the eastern portion of the site is a companion item on this agenda.

#### STANDARDS FOR APPROVAL:

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

#### Analysis

##### Current Planning

Title 30 standards of approval on an extension of time application state that such an application may be denied or have additional conditions imposed if it is found that circumstances have

substantially changed. A substantial change may include, without limitation, a change to the subject property, a change in the areas surrounding the subject property, or a change in the laws or policies affecting the subject property. Using the criteria set forth in Title 30, no substantial changes have occurred at the subject site since the original approval.

Since this application was approved in 2009, the Developer has not negotiated a development agreement with the County, has not pursued construction, and no technical studies or building permits have been submitted for the site. Although the developer has made a substantial investment to ensure that the property is clean and well maintained, there is no progress in the development of the property. Since 2008, substantial changes have included Code amendments and changes to development standards, changes to the surrounding area, and improvement in the economic environment. In addition, the companion applications were originally approved in 2002 and 2007, and there has been no progress on the site. As a result, staff cannot support any additional extensions of time because staff is also not supporting the extension of time applications that expanded gaming enterprise district (UC-0813-02 and UC-1584-06). Therefore, staff recommends that a new comprehensive land use application be submitted in the future at the time the owners/developers are ready to develop the site.

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

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

##### **Current Planning**

If approved:

- Until February 4, 2020 to commence.
- Applicant is advised that the application is subject to a Development Agreement and conditions of approval of the original application (UC-1100-08); a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

##### **Public Works – Development Review**

- Compliance with previous conditions.

##### **Building/Fire Prevention**

- Applicant is advised that the proposal has been reviewed and it does not conflict with Fire Code requirements.

**APPLICANT:** Harko, LLC

**CONTACT:** Harko, LLC, 901 Main Street, Suite 6215, Dallas, TX 75202

EXOTIC ANIMALS  
(TITLE 30)

OQUENDO RD/LAMB BLVD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-0014-17 – RASHID, JAMAL:**

**USE PERMIT** for exotic animals (1 capuchin monkey, 1 serval cat, 1 African Caracal, and 1 Albino python) in conjunction with a single family residence on 2.7 acres in an R-E (Rural Estates Residential) Zone.

Generally located on the south side of Oquendo Road, 620 feet east of Lamb Boulevard within Paradise. MBS/pb/ma (For possible action)

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RELATED INFORMATION:

**APN:**

161-32-201-005

**LAND USE PLAN:**

WINCHESTER/PARADISE - RURAL NEIGHBORHOOD PRESERVATION (UP TO 2 DU/AC)

**BACKGROUND:**

**Project Description**

**General Summary**

- Site Address: 4311 East Oquendo Road
- Site Acreage: 2.7
- Project Type: Exotic animals (1 capuchin monkey, 1 serval cat, 1 African Caracal cat, and 1 Albino python)

**History**

This is the fifth application for exotic animals on this site in 9 years. The previous applications (UC-0102-15, UC-0111-13, UC-0326-11, and UC-1116-08 and described below) were the result of zoning violations with the Clark County Public Response Office. The 2008 and 2011 special use permits were approved subject to several conditions including 6 months to complete and review as a public hearing. Since no review was done, both permits expired. In 2013, a new use permit was submitted and approved for 2 exotic animals (1 serval and 1 Capuchin monkey). This application also had a 6 month review with a subsequent extension of time for the review. In early 2014, the extension of time on UC-0111-13 (ET-0113-13) was approved by the Board of County Commissioners subject to removing the time limit with no further reviews.

**Site Plan**

The plans show an existing 8,204 square foot single family residence, horse arena, and barn. Access to the property is via 2 gated driveways from Oquendo Road.

### Floor Plan

The plans depict a bedroom in the residence as the main area for the African Caracal cat and an enclosure for the Capuchin monkey. The plans also depict the enclosure for the Albino python within the garage that is centrally located within the site. The serval cat will be located in a bedroom within the existing guest house portion of the barn located on the southern portion of the site.

### Applicant's Justification

The applicant would like approval to house the animals on site. The applicant states that the caracal cat has been raised in a domesticated environment since it was young. The other animals are within secure enclosures and the entire property is gated. The applicant also indicates the animals have been micro-chipped and all have GPS collars. The python has the GPS collar next to the enclosure since it will not stay on the animal. The applicant also states there are 3 pit bulls on the site.

### Prior Land Use Requests

Application Number	Request	Action	Date
UC-0102-15	Allowed 3 exotic animals (2 African Caracals and 1 Albino python) in conjunction with a single family residence - expired	Approved by BCC	July 2015
UC-0111-13 (ET-0113-13)	First extension of time to complete and review the original use permit for 2 exotic animals (1 serval and 1 Capuchin monkey) - expired	Approved by BCC	January 2014
UC-0111-13	Allowed 2 exotic animals (1 serval and 1 Capuchin monkey) - expired	Approved by BCC	May 2013
UC-0326-11	Allowed exotic animals (1 serval and 1 spider monkey) - subject to 6 months to commence and review as public hearing and other conditions - expired	Approved by PC	October 2011
UC-1116-08	Allowed exotic animals (2 servals and 1 spider monkey) - subject to 6 months to commence and review as public hearing and other conditions - expired	Approved by PC	January 2009

### Surrounding Land Use

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

### Clark County Public Response Office (CCPRO)

ZV-13286-16 is an active zoning violation for having additional exotic animals without an approved use permit. The violation is pending action on this request. F4-7371-16 is an active damage assessment -SFR for fire damage to the existing single family residence.

ZV-11958-14 was also a zoning violation for having additional exotic animals without an approved use permit. ZV-13962-12 was a zoning violation for keeping exotic animals on the property without a permit which was closed upon approval of UC-0111-13. ZV-6599-11 was a violation for keeping exotic animals which was closed upon approval of UC-0326-11. ZV-

26757-08 was the original violation for keeping exotic animals which was closed upon approval of UC-1116-08.

### **STANDARDS FOR APPROVAL:**

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

#### **Analysis**

##### **Current 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 Comprehensive Plan. One of several criteria the applicant must establish is 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.

There is an active zoning violation for having additional exotic animals without an approved use permit. This is the fifth zoning violation for the same offence and the fifth land use application submitted to address these violations. All of the previous applications were approved subject to review periods and all of them were allowed to expire. Furthermore, the number and specific types of animals have changed over the years without the applicant applying for additional use permits to address the new animals until having a new complaint filed with the Clark County Public Response Office. Staff is concerned about the applicant's repeated disregard for County Codes and regulations and cannot support this request. If approved, conditions similar to the most recent 2015 special use permit are appropriate and prudent to ensure the additional animals are not a danger to the immediate area. One of the conditions will include a short review period to ensure that the public health, safety, and welfare are not compromised.

##### **Animal Control**

The applicant has failed to show that he can meet the standards imposed by the County for keeping his land use applications active. Animals have been transported from the home in violation of previous conditions of approval and without necessary paperwork being submitted to the State. If this application is approved the applicant will be subject to an exotic or wild animal permit from Animal Control which may be denied or may contain additional conditions.

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

### **PRELIMINARY STAFF CONDITIONS:**

#### **Current Planning**

If approved:

- 6 months to commence and review as a public hearing;
- Provide 24 hour supervision;
- Limited to 1 Capuchin monkey, 1 serval cat, 1 African Caracal cat, and 1 Albino python;
- Animals to be kept inside the buildings at all times;

- Permanently install GPS collars on the African Caracal and serval cats;
- Notify Las Vegas Metropolitan Police Department and Clark County School District Police immediately, if any animal escapes.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and application for review; 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.

**Building/Fire Prevention**

- Applicant is advised that the proposal has been reviewed and it does not conflict with Fire Code requirements.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** Jamal Rashid

**CONTACT:** Jamal Rashid, 2764 N. Green Valley Parkway, Suite 400, Henderson, NV 89014

**DRAFT**

PLACE OF WORSHIP  
(TITLE 30)

SANDHILL RD/TWAIN AVE

**PUBLIC HEARING**

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-0026-17 – KABOLI, RAMON S.:**

**USE PERMIT** for a proposed place of worship.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) alternative landscaping; 2) waive trash enclosure requirements; 3) allow existing pan driveways to remain; and 4) reduce the separation between driveways and intersections.

**DESIGN REVIEW** for a parking lot in conjunction with place of worship on 0.5 acres in an R-1 (Single Family Residential) Zone.

Generally located on the east side of Sandhill Road and the south side of Twain Avenue within Paradise. CG/pb/ml (For possible action)

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**RELATED INFORMATION:**

**APN:**

161-18-710-001

**WAIVERS OF DEVELOPMENT STANDARDS:**

1.
  - a. Eliminate landscaping adjacent to a residential use along the eastern property line where landscaping and screening per Figure 30.64-11 are required.
  - b. Allow 3 existing trees adjacent to a residential use along the southern property line where landscaping and screening per Figure 30.64-11 are required.
2. Waive trash enclosure requirements.
3. Allow existing pan driveways to remain when commercial curb return driveways are required.
4.
  - a. Waiver to reduce the approach distance from the driveway to the intersection from the required 150 feet to 40 feet (a 73.3 % reduction).
  - b. Waiver to reduce the departure distance from the intersection to the driveway from the required 190 feet to 15 feet (a 92.1% reduction).

**LAND USE PLAN:**

WINCHESTER/PARADISE – PUBLIC FACILITIES

**BACKGROUND:**

**Project Description**

**General Summary**

- Site Address: 3710 S. Sandhill Road
- Site Acreage: 0.5
- Project Type: Place of worship
- Number of Stories: 1

- Square Feet: 1,701 place of worship/1,173 pastor's residence/2,874 total
- Parking Required/Provided: 19/27

History

County records indicate that the commercial building was constructed in 1975 and used as a day care center/school (Mary Moppets Day Care Schools was listed as the owner). In 2013 the property was purchased by the Blessed Mother Theresa Church, and subsequently sold to the current owner in 2014. There are no records indicating any prior land use applications were processed or approved for this site prior to 2016. The current applicant applied for a use permit (UC-0575-16) for a training facility on this site which was denied in January 2017.

Site Plans

The plans depict an existing commercial building proposed as a place of worship. The building is located on the southern portion of the site. Parking spaces are located on the western and the northeastern portions of the site. The site has access to Sandhill Road and Twain Avenue via existing driveways.

Landscaping

The plans show existing landscaping along Sandhill Road and Twain Avenue. The landscape materials include trees, shrubs, and groundcover. No additional landscaping is proposed along the eastern and southern property lines adjacent to residential uses.

Elevations

The plans depict an existing 1 story, commercial building constructed of stucco with asphalt shingle roofing.

Floor Plans

The plans depict a 2,874 square foot building consisting of a 1,701 square foot worship area and a 1,173 square foot pastor's residence. The worship area consists of an auditorium, music room, and restrooms. The residence consists of a bedroom, living room, office, bathroom, and kitchen.

Signage

Signage is not a part of this application.

Applicant's Justification

The applicant indicates that the One Nation Fellowship-Community Center request to use the site as a place of worship and pastor's residence. Services will be conducted on Sunday from 10:00 a.m. to 2:00 p.m., Wednesday from 7:00 p.m. to 9:00 p.m., and Friday from 7:00 p.m. to 9:00 p.m. The parking area has been expanded so that all required parking will be on site. The site has been used as a school/place of worship in the past.

**Prior Land Use Requests**

Application Number	Request	Action	Date
UC-0575-16	Minor training facility with 2 accessory structures (metal storage containers)	Denied by BCC	January 2017

### Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Public Facilities	P-F	Public school
South	Residential Suburban (up to 8 du/ac)	R-2	Undeveloped
East	Residential Suburban (up to 8 du/ac)	R-1	Single family residential
West	Residential Suburban (up to 8 du/ac)	R-2	Single family residential

### Clark County Public Response Office (CCPRO)

ZV-6346-16 is a complaint on file with CCPRO for a place of worship and storage containers without a permit.

### STANDARDS FOR APPROVAL:

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

### Analysis

#### Current 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 Comprehensive Plan. One of several criteria the applicant must establish is the use is appropriate at the proposed location and demonstrate that the use shall not result in a substantial or undue adverse effect on adjacent properties.

Staff finds the use is appropriate at this location since the site has access to Sandhill Road and Twain Avenue which are collector streets. The proposed use is similar to the previous use which records indicate was a school/day care center. Furthermore, there is an existing public school to the north of this site which makes the use compatible with the surrounding area. The proposed place of worship conforms to the Winchester/Paradise Land Use Plan which designates this site for Public Facilities. For these reasons, staff finds this request compatible with the surrounding development.

#### 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 and value of the area adjacent to the property included in the waiver of development standards request will not be affected in a substantially adverse manner. The intent and purpose of a waiver of development standards is to modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative.

#### Waiver of Development Standards #1

Staff can support the request to permit alternative landscaping along the southern property line; however, staff is concerned about eliminating all landscaping adjacent to the eastern property line. The total lack of landscaping along the eastern property line conflicts with Urban Specific Policy 10 of the Comprehensive Plan which encourages site designs to be compatible with adjacent land uses and off-site circulation patterns, especially when the adjacent land use is a lower density or intensity. Staff finds that there is adequate room on the site to provide the required parking and landscaping along the eastern property line. Therefore, staff cannot support this portion of the request.

### Waiver of Development Standards #2

Staff cannot support waiver of development standards #2 to waive trash enclosure requirements. A trash enclosure will help screen unsightly garbage cans and/or dumpsters, and also aid in containing trash within an enclosed area that will help prevent trash from blowing away. There is adequate area on the property for the construction of a trash enclosure.

### Design Review

Staff finds the modifications to the parking area bring the site into compliance with Title 30 requirements for parking and improve the overall site design. Staff can support this portion of the request.

### **Public Works – Development Review**

#### Waiver of Development Standards #3

The existing pan driveways are not wide enough to allow a smooth vehicle transition from the roadway into the site and they both are located very close to the intersection. Staff cannot support this waiver.

#### Waiver of Development Standards #4a & #4b

The approach and departure distance to and from the intersection were established to provide safer traffic movements at an intersection especially for site located adjacent to arterial or collector streets. This site dimensions does not allow for the full compliance of the required distances. Staff cannot support this waiver if applicant is not willing to relocate the driveways as far possible from the intersection.

### **Staff Recommendation**

Approval of the use permit, waiver of development standards #1b, and the design review; and denial of waivers of development standards #1a, #2, #3, and #4.

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

### **PRELIMINARY STAFF CONDITIONS:**

#### **Current Planning**

If approved:

- 1 year to complete with any extension of time to be a public hearing;
- Existing landscaping adjacent to public streets and the south property line to remain;
- Design review as a public hearing on any significant change to the plans and future phases;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

**Building/Fire Prevention**

- Applicant is advised that the proposal may require a change of use approval from the Clark County Building Department (702) 455-3000.

**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:** Robert Clemons

**CONTACT:** Robert Clemons, 3710 S. Sandhill Road, Las Vegas, NV 89121

**DRAFT**