



## ENTERPRISE TOWN ADVISORY BOARD

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

July 12, 2023

6:00pm

### AGENDA

**Note:**

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

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

Barris Kaiser, Vice Chair  
Chris Caluya

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

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

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

- II. Public Comment- This is a period devoted to comments by the general public about items on this agenda. No discussion, action, or vote may be taken on this agenda item. You will be afforded the opportunity to speak on individual Public Hearing Items at the time they are presented. If you wish to speak to the Board/Council about items within its jurisdiction but not appearing on this agenda, you must wait until the "Comments by the General Public" period listed at the end of this agenda. Comments will be limited to three (3) minutes. Please step up to the speaker's podium, if applicable, clearly state your name and address and please **spell** your last name for the record. If any member of the Board/Council wishes to extend the length of a presentation, this will be done by the Chairperson or the Board/Council by majority vote.

- III. Approval of Minutes for June 28, 2023. (For possible action)
- IV. Approval of the Agenda for July 12, 2023 and Hold, Combine, or Delete any Items. (For possible action)
- V. Informational Items
  - 1. Announcements of upcoming neighborhood meetings and County or community meetings and events. (For discussion only)
- VI. Planning and Zoning
  - 1. **PA-23-700018-DR HORTON INC:**  
**PLAN AMENDMENT** to redesignate the existing land use category from Compact Neighborhood (CN) to Neighborhood Commercial (NC) on 1.2 acres. Generally located on the east side of Decatur Boulevard, 330 feet north of Frias Avenue within Enterprise. JJ/gc (For possible action) **08/01/23 PC**
  - 2. **ZC-23-0326-DR HORTON INC:**  
**ZONE CHANGE** to reclassify 1.2 acres from an R-E (Rural Estates Residential) Zone and an R-3 (Multiple Family Residential) Zone to a C-1 (Local Business) Zone.  
**USE PERMIT** for a vehicle wash.  
**WAIVERS OF DEVELOPMENT STANDARDS** for the following 1) reduce separation to a residential use; and 2) increase wall height.  
**DESIGN REVIEWS** for the following: 1) vehicle wash; and 2) alternative parking lot landscaping. Generally located on the east side of Decatur Boulevard, 330 feet north of Frias Avenue within Enterprise (description on file). JJ/lm/syp (For possible action) **08/01/23 PC**
  - 3. **VS-23-0327-DR HORTON INC:**  
**VACATE AND ABANDON** a portion of a right-of-way being Decatur Boulevard located between Pyle Avenue and Frias Avenue within Enterprise (description on file). JJ/lm/syp (For possible action) **08/01/23 PC**
  - 4. **UC-23-0287-MATINATA RAUL:**  
**USE PERMIT** to allow accessory structures not architecturally compatible with the existing building.  
**WAIVER OF DEVELOPMENT STANDARDS** to increase the fence height in conjunction with an existing single family residence on 1.0 acre in an R-E (Rural Estates Residential) (RNP-I) Zone. Generally located on the west side of Rancho Destino Road, 250 feet north of Pebble Road within Enterprise. MN/sd/syp (For possible action) **08/01/23 PC**

5. **UC-23-0297-ELLEMAN JASON:**  
**USE PERMIT** for a second kitchen.  
**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) alternative yards; 2) setbacks; and 3) wall height in conjunction with an existing single family residence on 1.0 acre in an R-E (Rural Estates Residential) (RNP-I) Zone. Generally located on the west side of Polaris Avenue and the north side of Torino Avenue within Enterprise. JJ/hw/syp (For possible action) 08/01/23 PC
  
6. **UC-23-0298-LAND J & J TRUST & LAND JOHN I & JILL R TRS:**  
**USE PERMIT** to increase the area of an accessory structure in conjunction with a single family residence on 0.6 acres in an R-E (Rural Estates Residential) (RNP-I) Zone. Generally located on the northeast corner of Callington Way and Glenridding Street within Enterprise. MN/al/syp (For possible action) 08/01/23 PC
  
7. **UC-23-0305-MELDRUM BRADFORD & ROJAS CONNIE L:**  
**USE PERMIT** to allow an accessory structure prior to construction of a principal dwelling on 0.5 acres in an R-2 (Medium Density Residential) Zone. Generally located on the west side of Charismatic Court, 140 feet north of Levi Avenue within Enterprise. JJ/rr/syp (For possible action) 08/01/23 PC
  
8. **AR-23-400089 (UC-22-0204)-SOUTHERN NEVADA BEAGLE RESCUE FOUNDATION:**  
**USE PERMIT FIRST APPLICATION FOR REVIEW** to allow additional household pets (dogs) in conjunction with an existing single family residence on 1.1 acres in an R-E (Rural Estates Residential) (RNP-I) Zone. Generally located on the south side of Irvin Avenue, 150 feet west of Placid Street within Enterprise. MN/rp/syp (For possible action) 08/02/23 BCC
  
9. **ET-23-400084 (VS-21-0192)-B-R OVATION LIMITED PARTNERSHIP:**  
**VACATE AND ABANDON FIRST EXTENSION OF TIME** for easements of interest to Clark County located between Jonathan Drive (alignment) and Bruner Avenue, and between Ensworth Street (alignment) and I-15 within Enterprise (description on file). MN/nai/syp (For possible action) 08/02/23 BCC
  
10. **UC-23-0307-REMINGTON UTE, LLC:**  
**USE PERMITS** for the following: 1) convenience store; 2) gasoline station; 3) reduce the setback for a proposed convenience store to a residential use; and 4) reduce the setback for a proposed gasoline station to a residential use.  
**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) modified driveway geometrics; and 2) non-standard street improvement in the right-of-way.  
**DESIGN REVIEWS** for the following: 1) proposed commercial complex; 2) lighting plan; and 3) finished grade on 1.7 acres in a C-1 (Local Business) Zone. Generally located on the northwest corner of Starr Avenue and Bermuda Road within Enterprise. MN/jud/syp (For possible action) 08/02/23 BCC

11. **VS-23-0308-REMINGTON UTE, LLC:**  
**VACATE AND ABANDON** easements of interest to Clark County located between Fairfield Avenue (alignment) and Bermuda Road, and between Liberty Heights Avenue (alignment) and Starr Avenue within Enterprise (description on file). MN/jud/syp (For possible action) **08/02/23 BCC**
  
12. **TM-23-500073-REMINGTON UTE, LLC:**  
**TENTATIVE MAP** consisting of a 1 lot commercial subdivision on 1.7 acres in a C-1 (Local Business) Zone. Generally located on the northwest corner of Starr Avenue and Bermuda Road within Enterprise. MN/jud/syp (For possible action) **08/02/23 BCC**
  
13. **WC-23-400092 (ZC-18-0621)-VACCARO, LOUIS & LINDA REV TR & VACCARO, LOUIS C. & LINDA L. TRS:**  
**WAIVER OF CONDITIONS** of a zone change requiring to relocate the convenience store so it is a minimum of 100 feet from the existing residential development in conjunction with a retail center on 2.4 acres in a C-1 (Local Business) Zone. Generally located on the east side of Fort Apache Road and the south side of Blue Diamond Road within Enterprise. JJ/lm/syp (For possible action) **08/02/23 BCC**
  
14. **VS-23-0324-VACCARO, LOUIS & LINDA REV TR & VACCARO, LOUIS C. & LINDA L. TRS:**  
**VACATE AND ABANDON** easements of interest to Clark County located between Fort Apache Road and Quarterhorse Lane, and between Blue Diamond Road and Serene Avenue within Enterprise (description on file). JJ/lm/syp (For possible action) **08/02/23 BCC**
  
15. **UC-23-0323-VACCARO, LOUIS & LINDA REV TR & VACCARO, LOUIS C. & LINDA L. TRS:**  
**USE PERMITS** for the following: 1) convenience store; 2) gasoline station; 3) reduce separation from a convenience store to a residential use; and 4) reduce separation from a gasoline station to a residential use.  
**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) alternative landscaping; 2) alternative driveway geometrics; and 3) reduce driveway approach distance from the intersection.  
**DESIGN REVIEWS** for the following: 1) retail center; and 2) finished grade on 2.4 acres in a C-1 (Local Business) Zone. Generally located on the east side of Fort Apache Road and the south side of Blue Diamond Road within Enterprise. JJ/lm/syp (For possible action) **08/02/23 BCC**

VII. General Business

1. None.

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

BOARD OF COUNTY COMMISSIONERS

JAMES B. GIBSON, Chair

JUSTIN C. JONES- MARILYN KIRKPATRICK – WILLIAM MCCURDY II – ROSS MILLER – MICHAEL NAFT – TICK SEGERBLOM

KEVIN SCHILLER, County Manager

IX. Next Meeting Date: July 26, 2023.

X. Adjournment.

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

Windmill Library – 7060 W. Windmill Lane

Clark County Government Center – 500 S. Grand Central Pkwy

<https://notice.nv.gov>

BOARD OF COUNTY COMMISSIONERS

JAMES B. GIBSON, Chair

JUSTIN C. JONES- MARILYN KIRKPATRICK – WILLIAM MCCURDY II – ROSS MILLER – MICHAEL NAFT – TICK SEGERBLOM

KEVIN SCHILLER, County Manager





# Enterprise Town Advisory Board

June 28, 2023

## MINUTES

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

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

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

None, Current Planning

### II. Public Comment

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

- None

### III. Approval of Minutes for June 14, 2023 (For possible action)

Motion by Justin Maffett

Action: **APPROVE** Minutes as published for June 14, 2023.

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

### IV. Approval of Agenda for June 28, 2023 and Hold, Combine or Delete Any Items (For possible action)

Motion by Justin Maffett

Action: **APPROVE** as published.

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

### V. Informational Items

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

BOARD OF COUNTY COMMISSIONERS

JAMES B. GIBSON, Chair

JUSTIN C. JONES- MARILYN KIRKPATRICK – WILLIAM MCCURDY II – ROSS MILLER – MICHAEL NAFT – TICK SEGERBLOM  
KEVIN SCHILLER County Manager

- **Upcoming Public Meetings on Title 30, Transform Clark County is Nearing Completion!**

Transform Clark County has entered the final phase of a 3.5-year effort to rewrite the County's Master Plan and Development Code (Title 30). The Board of County Commissioners (Board) adopted the rewrite of the Master Plan in November 2021, and on August 2, 2023, the Board is scheduled to conduct a public hearing on the adoption of the rewritten Title 30.

During the course of this 3.5-year effort, the County has had extensive and comprehensive meetings to receive feedback. Feedback received during these meetings has resulted in a final document that not only provides a more modern and user-friendly code, but also provides a code that allows the County to grow and develop in a more sustainable, reasonable, and logical manner, with more attention to neighborhood protections, sustainable design, and quality development standards.

Please visit [www.transformclarkcounty.com](http://www.transformclarkcounty.com) to review the adoption version of Title 30, past presentations on changes and updates to the code throughout the process, and more.

This is notice the County will conduct 2 public meetings to collect feedback on the final document. Times and dates for the meetings will be as follows:

Monday, July 10th, from 6:00 p.m. – 8:00 p.m.

in the Presentation Room located at 4701 Russell Road, Las Vegas

Monday, July 17th from 6:00 p.m. – 8:00 p.m.

in the Commission Chambers located at 500 S. Grand Central Parkway, Las Vegas

Feedback received at these meetings will be collected and compiled, and prior to August 2, 2023, responses to the feedback will be made available for review. Responses will include the outcome of collected comments, which may consist of either an explanation of where the comment is addressed, an explanation of why it cannot be addressed, or a modification to Title 30. We look forward to your continued participation through the final phase of Transform Clark County.

## VI. Planning & Zoning

1. **WS-23-0241-AMH NV14 DEVELOPMENT, LLC:**  
**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) increase wall height; and 2) non-standard improvements.  
**DESIGN REVIEW** for finished grade on 5.5 acres in an R-2 (Medium Density Residential) Zone. Generally located on the east and west sides of Grand Canyon Drive and the south side of Ford Avenue within Enterprise and Spring Valley. JJ/sd/syp (For possible action) **06/21/23 BCC**

Motion by Barris Kaiser

Action: **DENY:** Waivers of Development Standards #1

**WITHDRAWN** by the applicant: Waivers of Development Standards #2

**APPROVE:** Design Review

**ADD** Comprehensive Planning condition:

- Terrace any combination of retaining and decorative wall over 9 ft.

Per staff if approved conditions

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

BOARD OF COUNTY COMMISSIONERS

JAMES B. GIBSON, Chair

JUSTIN C. JONES- MARILYN KIRKPATRICK - WILLIAM MCCURDY II - ROSS MILLER - MICHAEL NAFT - TICK SEGERBLOM

KEVIN SCHILLER, County Manager



2. **UC-23-0265-SURIAYA LLC:**  
**USE PERMIT** for a pawn shop in conjunction with an existing shopping center on a portion of 6.2 acres in a C-2 (General Commercial) Zone. Generally located on the southeast side of Blue Diamond Road and the east side of Cameron Street within Enterprise. JJ/hw/syp (For possible action) **07/18/23 PC**

Motion by Justin Maffett

Action: **APPROVE**

**ADD** Comprehensive Planning condition:

- Install bollards every 4-feet along the west and south elevations

Per staff conditions

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

3. **UC-23-0283-2012 EL CAPITAN WAY, LLC:**  
**USE PERMIT** for a day spa establishment in conjunction with an existing office complex on a 0.9 acre portion of 8.2 acres in a C-P (Office & Professional) Zone. Generally located on the south side of Warm Springs Road and the west side of Placid Street within Enterprise. MN/rr/syp (For possible action) **07/18/23 PC**

Motion by Justin Maffett

Action: **APPROVE** per staff conditions

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

4. **ET-23-400075 (NZC-0312-17)-TRAJAN HOLDINGS, LLC:**  
**ZONE CHANGE SECOND EXTENSION OF TIME** to reclassify a 6.5 acre portion of the parcel from an R-E (Rural Estates Residential) Zone to an M-1 (Light Manufacturing) Zone.  
**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** waive screening and buffering requirements; **2)** reduce setbacks for a proposed structure (security fence); **3)** reduce setbacks from rights-of-way for a proposed structure (security fence); and **4)** waive full off-site improvements (partial paving, curb, gutter, sidewalk, and streetlights).  
**DESIGN REVIEW** for a semi-truck and trailer parking facility with employee parking lot. Generally located on the west side of Redwood Street and the north side of Richmar Avenue within Enterprise (description on file). JJ/mh/syp (For possible action) **07/19/23 BCC**

Motion by Justin Maffett

Action: **APPROVE** per staff conditions

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

5. **ET-23-400078 (ZC-21-0119)-MACKOVSKI, ALEXANDER:**  
**WAIVERS OF DEVELOPMENT STANDARDS FIRST EXTENSION OF TIME** for the following: **1)** landscaping; **2)** non-standard off-site improvements (landscaping); and **3)** alternative driveway geometrics.  
**DESIGN REVIEWS** for the following: **1)** hotel; **2)** commercial building; **3)** lighting plan; **4)** alternative parking lot landscaping; and **5)** finished grade on 2.8 acres in a C-2 (General Commercial) Zone. Generally located on the east side of Las Vegas Boulevard South, 425 feet south of Cactus Avenue within Enterprise (description on file). MN/tpd/syp (For possible action) **07/19/23 BCC**

Motion by David Chestnut

Action: **APPROVE** per staff conditions

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

6. **ET-23-400081 (VS-21-0127)-PICERNE BERMUDA, LLC:**  
**VACATE AND ABANDON FIRST EXTENSION OF TIME** for a portion of right-of-way being Bermuda Road located between Neal Avenue and St. Rose Parkway within Enterprise (description on file). MN/tpd/syp (For possible action) **07/19/23 BCC**

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

7. **WC-23-400072 (UC-0789-16)-MFE, INC.:**  
**WAIVER OF CONDITIONS** of a use permit requiring vehicle wash hours limited to 7:00 a.m. to 7:00 p.m. on a 1.5 acre portion of a 3.8 acre site in a C-1 (Local Business) Zone. Generally located on the west side of Jones Boulevard and the south side of Cactus Avenue within Enterprise. JJ/nai/syp (For possible action) **07/19/23 BCC**

Motion by Barris Kaiser  
Action: **DENY**  
Motion **PASSED** (5-0) /Unanimous

8. **WS-23-0289-RICHMOND LIMITED PARTNERSHIP:**  
**WAIVER OF DEVELOPMENT STANDARDS** to increase the number of freestanding signs. **DESIGN REVIEW** for existing and proposed signage in an existing retail center on 7.2 acres in a C-2 (General Commercial) (AE-60) Zone. Generally located on the northwest corner of St. Rose Parkway and Maryland Parkway within Enterprise. MN/lm/syp (For possible action) **07/19/23 BCC**

Motion by David Chestnut  
Action: **APPROVE**  
**ADD** Comprehensive Planning condition:  
• No additional sign facing residential  
Per staff if approved conditions  
Motion **PASSED** (5-0) /Unanimous

VII. General Business:

1. None.

VIII. Public Comment:

A period devoted to comments by the general public about matters relevant to the Board's/Council's jurisdiction will be held. No vote may be taken on a matter not listed on the posted agenda. Comments will be limited to three minutes. Please step up to the speaker's podium, if applicable, clearly state your name and address and please spell your last name for the record. If any member of the Board/Council wishes to extend the length of a presentation, this will be done by the Chair or the Board/Council by majority vote.

- None.

IX. Next Meeting Date

The next regular meeting will be July 12, 2023 at 6:00 p.m. at the Windmill Library.

X. Adjournment:

Motion by Justin Maffett

Action: **ADJOURN** meeting at 7:28 p.m.

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



PLAN AMENDMENT  
(TITLE 30)

DECATUR BLVD/FRIAS AVE

PUBLIC HEARING  
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST  
**PA-23-700018-DR HORTON INC:**

**PLAN AMENDMENT** to redesignate the existing land use category from Compact Neighborhood (CN) to Neighborhood Commercial (NC) on 1.2 acres.

Generally located on the east side of Decatur Boulevard, 330 feet north of Frias Avenue within Enterprise. JJ/gc (For possible action)

RELATED INFORMATION:

**APN:**  
177-30-301-033

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

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

- Site Address: N/A
- Site Acreage: 1.2

Applicant's Justification

The applicant states that the request for Neighborhood Commercial (NC) would allow for a less intense land use designation that would be a transitional buffer from an arterial street to the west (Decatur Boulevard) to the residential subdivision to the east. The request will comply with Policy 1.3.3 of the Master Plan which encourages neighborhood services adjacent to new neighborhoods to minimize the need for longer vehicle trips.

**Prior Land Use Requests**

Application Number	Request	Action	Date
ET-23-400018 (VS-20-0514)	First extension of time to vacate and abandon portions of right-of-way being Pyle Avenue, Decatur Boulevard, and Haleh Avenue	Approved by BCC	April 2023

**Prior Land Use Requests**

Application Number	Request	Action	Date
VS-20-0514	Vacated and abandoned portions of right-of-way being Pyle Avenue, Decatur Boulevard, and Haleh Avenue	Approved by BCC	January 2021

**Surrounding Land Use**

	Planned Land Use Category	Zoning District	Existing Land Use
North	Compact Neighborhood (up to 18 du/ac)	RUD	Single family residential
South	Corridor Mixed-Use	C-2	Mini-warehouse facility
East	Compact Neighborhood (up to 18 du/ac)	R-3	Single family residential
West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-2	Single family residential

The subject site and surrounding properties are within the Public Facilities Needs Assessment (PFNA) area.

**Related Applications**

Application Number	Request
ZC-23-0326	Zone change to reclassify the site to C-1 zoning, with use permits, waiver of development standards, and design reviews is a companion item on this agenda.
VS-23-0327	A request to vacate excess right-of-way along Decatur Boulevard is a companion item on this agenda.

**STANDARDS FOR ADOPTION:**

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

**Analysis  
Comprehensive Planning**

The applicant requests a change from Compact Neighborhood (CN) to Neighborhood Commercial (NC). Intended primary land uses in the proposed Neighborhood Commercial land use designation include a mix of retail, restaurants, offices, service commercial, and other professional services. Supporting land uses include public uses such as parks, trails, open space, places of assembly, schools, libraries, and other complementary uses.

Staff finds the request for the Neighborhood Commercial (NC) land use designation inappropriate for this location. The establishment of a commercial land use at the subject site may adversely impact the adjacent and abutting single family residential developments to the north, east, and west. Although there are some commercial uses located along Decatur Boulevard in the area, the commercial uses are located at the intersection of 2 streets, which this site is not. Furthermore, given the size of the site at 1.2 acres, the establishment of a meaningful

commercial development for the area may be limited and result in conflicts between commercial land uses and the surrounding residential uses. Although the property to the south is developed with a mini-warehouse facility and is zoned C-2, there are no opportunities for cross access with that property to provide a transitional buffer. The request does not comply with Policy 6.2.1 of the Master Plan which promotes ensuring that the intensity of new development is compatible with established neighborhoods and uses.

**Staff Recommendation**

Denial. If approved, adopt and direct the Chair to sign a resolution adopting the amendment. This item will be forwarded to the Board of County Commissioners' meeting for final action on September 6, 2023 at 9:00 a.m., unless otherwise announced.

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

**STAFF ADVISORIES:**

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

- No comment.

**TAB/CAC:**

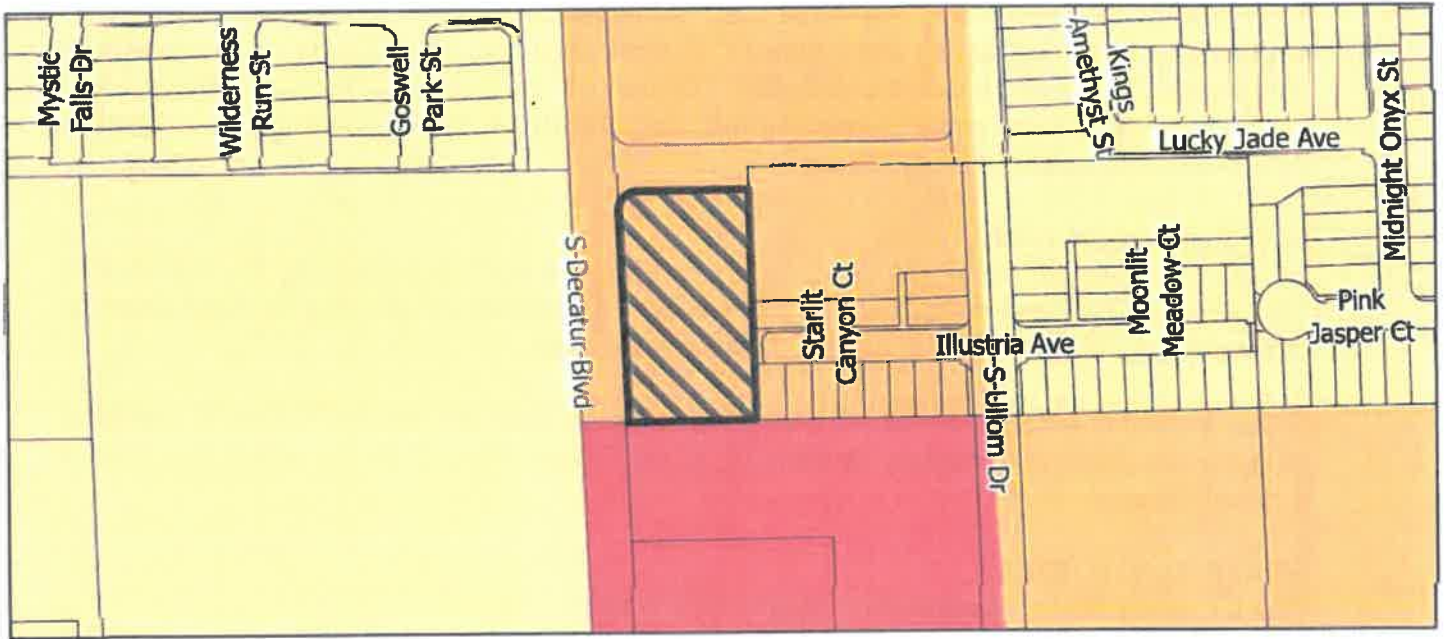
**APPROVALS:**

**PROTEST:**

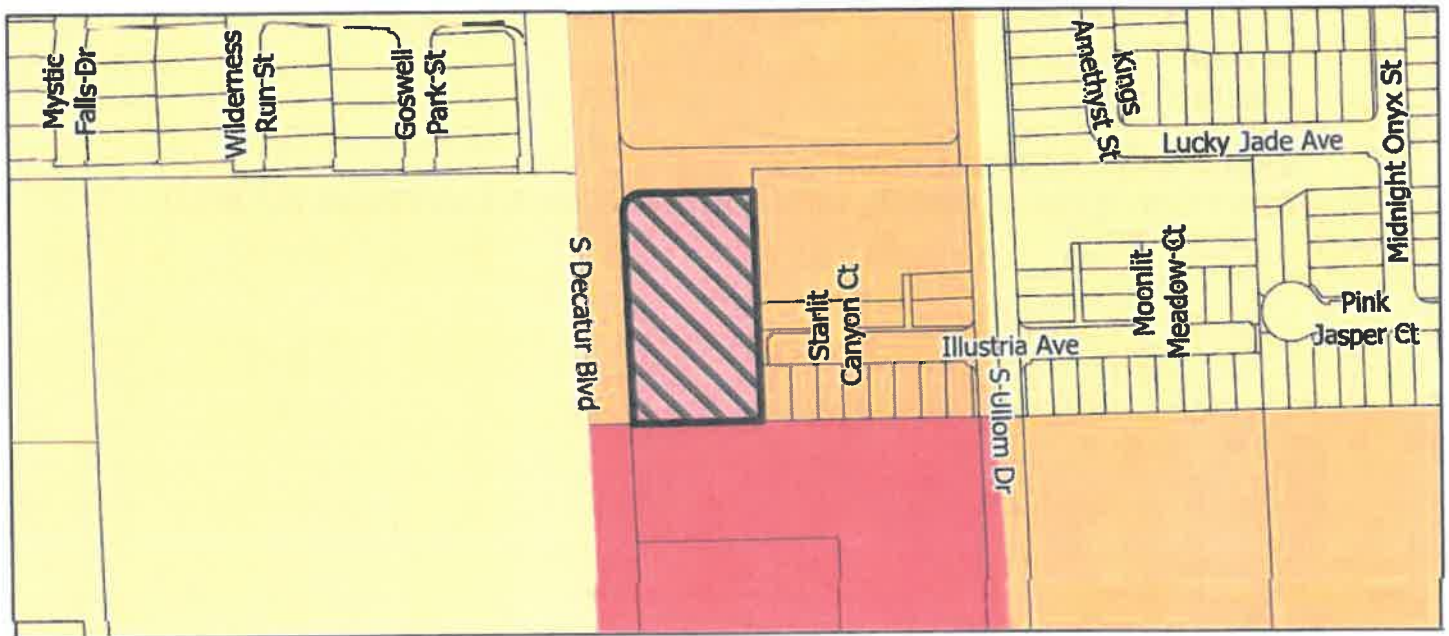
**APPLICANT: HENRY MORADI**

**CONTACT: LEBENE OHENE, 520 S. FOURTH STREET, LAS VEGAS, NV 89101**

# Planned Land Use Amendment PA-23-700018



**Current**



**Requested**

**DRAFT**

Enterprise  
Clark County, Nevada

**Neighborhoods**

- Outlying Neighborhood (ON)
- Edge Neighborhood (EN)
- Ranch Estate Neighborhood (RN)
- Low-Intensity Suburban Neighborhood (LN)
- Mid-Intensity Suburban Neighborhood (MN)
- Compact Neighborhood (CN)
- Urban Neighborhood (UN)

**Employment**

- Business Employment (BE)
- Industrial Employment (IE)

**Commercial and Mixed Use**

- Neighborhood Commercial (NC)
- Corridor Mixed-Use (CM)
- Entertainment Mixed-Use (EM)

**Other**

- Agriculture (AG)
- Open Lands (OL)
- Public Use (PU)
- Major Projects (MP)

Requested Area To Change

Planning Areas

*Note: Categories denoted in the legend may not apply to the presented area.*

**Map created on: June 06, 2023**

*This information is for display purposes only. No liability is assumed as to the accuracy of the data delineated hereon.*







**MASTER PLAN AMENDMENT APPLICATION**  
**DEPARTMENT OF COMPREHENSIVE PLANNING**  
 PROCESS AND SUBMITTAL REQUIREMENTS INCLUDED

**1A**

<b>APPLICATION TYPE</b>  <input checked="" type="checkbox"/> MASTER PLAN AMENDMENT (PA) <input type="checkbox"/> MAP <input type="checkbox"/> TEXT	<b>STAFF</b>	APP. NUMBER: <u>PA-23-700018</u>	DATE FILED: <u>6-5-23</u>
		PLANNER ASSIGNED: <u>GRC</u>	TAB/CAC MTG DATE: <u>7-12-23</u>
		TAB/CAC: <u>Enterprise</u>	
		PC MEETING DATE: <u>8-1-23</u>	
		BCC MEETING DATE: <u>9-6-23</u>	
		TRAILS? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
		FEE: <u>\$2,700</u>	

<b>PROPERTY OWNER</b>	NAME: <u>D.R. Horton, Inc</u>
	ADDRESS: <u>1081 Whitney Ranch Drive</u> CITY: <u>Henderson</u> STATE: <u>NV</u> ZIP: <u>89014</u>
	TELEPHONE: <u>N/A</u> CELL: <u>N/A</u>
	E-MAIL: <u>N/A</u> REF CONTACT ID #: <u>N/A</u>

<b>APPLICANT</b>	NAME: <u>Henry Moradi</u>
	ADDRESS: <u>14 Sugarberry Lane</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89135</u>
	TELEPHONE: <u>702-371-9645</u> CELL: <u>N/A</u>
	E-MAIL: <u>henry_advance@yahoo.com</u> REF CONTACT ID #: <u>N/A</u>

<b>CORRESPONDENT</b>	NAME: <u>Jay Brown/Lebene Ohene</u>
	ADDRESS: <u>520 South Fourth Street</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89101</u>
	TELEPHONE: <u>702-598-1429</u> CELL: <u>702-561-7070</u>
	E-MAIL: <u>Lohene@brownlawlv.com</u> REF CONTACT ID #: <u>173835</u>

ASSESSOR'S PARCEL NUMBER(S): 177-30-301-033

CURRENT LAND USE PLAN DESIGNATION: CN (Compact Neighborhood)

REQUESTED LAND USE PLAN DESIGNATION: NC (Neighborhood Commercial)

PROPERTY ADDRESS and/or CROSS STREETS: Decatur Blvd & Frias Avenue

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

*[Signature]* PHIL BAILEY  
 Property Owner (Signature)\* Property Owner (Print)

STATE OF Nevada  
 COUNTY OF Clark

SUBSCRIBED AND SWORN BEFORE ME ON October 27, 2022 (DATE)  
 By Phil Bailey

NOTARY PUBLIC: Christina Mummis



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

LAW OFFICE

*Brown, Brown & Premisirut*

JAY H. BROWN  
DAVID T. BROWN  
POOY K. PREMSIRUT

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

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

February 15, 2023

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

PA 23-700018

**RE: D R Horton Inc.**  
**Justification Letter: Decatur Boulevard & Frias Road (Revision 1)**  
**Master Plan Amendment from Compact Neighborhood (CN) to Neighborhood Commercial (NC)**  
**Assessor's Parcel Number: 177-30-301-033**

**To Whom It May Concern:**

On behalf of our client, we respectfully submit this application package for a proposed Master Plan Amendment from Compact Neighborhood (CN) to Neighborhood Commercial (NC). The proposed project is located on the east side of Decatur Boulevard and 330 feet north of Frias Avenue in the Enterprise Planning area on a 1.23 acre parcel. This request is to facilitate the development of neighborhood serving commercial use along Decatur Boulevard which is a major arterial street.

**The following Application is required for this project:**

**Master Amendment: from Compact Neighborhood (CN) to Neighborhood Commercial (NC):**

**Master Plan Amendment (PA) Justification:**

The proposed project is located within the Enterprise Planning area with the site on the east side of Decatur Boulevard. This application to amend the Master Plan is necessary to facilitate the zone change request to C-1 for the proposed use. The requested designation of NC is a less intense designation which will also allow a less intense land use as a transitional use and buffer between an approved residential subdivision and a major arterial street. Overall the requested designation for a site that is between an arterial and section line street and a developing medium density residential use is appropriate for and compatible with the area. The NC designation will ensure that a lower intensity use is proposed for the site to buffer the residences to the east.

This project complies with County wide Goal 1.3 and policy 1.3.3 which encourages neighborhood services adjacent to new/developing neighborhoods to minimize longer vehicle trips; policy 1.4.4 which encourages infill development; and policy 1.4.5 to standardize requirements for buffers and development transitions to mitigate the impact of higher intensity uses adjacent to planned and developing residential uses. Additionally, the project complies with

Policy EN-1.1 to maintain neighborhood integrity by proposing projects that buffer the residential uses while promoting projects that are less intense than the typical high intensity land uses typically planned and approved along arterial streets with high traffic volumes and speed limits. Therefore, as proposed and designed this project is an appropriate and compatible use in this area and is a buffer between the medium density residential development to the east and Decatur Boulevard. Additionally, the proposed NC designation will allow for less intense uses than is typical along an arterial such as Decatur Boulevard.

- 1) The proposed amendment is consistent with the overall intent of the Master Plan because the proposed Master Plan designation of NC will allow less intense commercial uses along an arterial street adjacent to a developing residential subdivision.
- 2) The proposed amendment is compatible and appropriate for the area and will create a low intensity, transition and buffer between the intense uses typically approved and allowed along Decatur Boulevard.
- 3) The proposed amendment to the Master Plan will not cause a detriment to the public health, safety, and general welfare of the people of Clark County.

This project complies with policies EN-6.5 and EN-6.6 which encourages contiguous and uniform development of an area. The amendment to an NC designation adjacent to the existing CN designations to the north and east, and the Mid-Intensity Suburban Neighborhood (MN) across Decatur Boulevard site will result in and promote the efficient use of public services and infrastructure in an area because the contiguous developments proposed and developed within similar time frames will encourage cost effective growth and maximize the services provided for an area.

The proposed application is appropriate and compatible with the existing designation in the area and complies with the general goals and policies outlined in the Master Plan for an NC designation adjacent parcels with CN designations to ensure the comprehensive development of an area.

We appreciate your consideration in the review and positive consideration of the amendments proposed to the Master Plan.

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

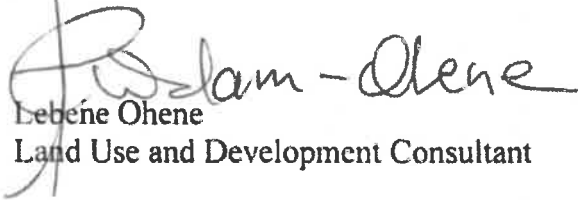
LAW OFFICE

*Brown, Brown & Premsrut*

AN ASSOCIATION OF PROFESSIONAL CORPORATIONS

Sincerely,

BROWN, BROWN & PREMSRIRUT



Lebeke Ohene  
Land Use and Development Consultant

VEHICLE WASH  
(TITLE 30)

DECATUR BLVD/FRIAS AVE

PUBLIC HEARING  
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST  
**ZC-23-0326-DR HORTON INC:**

**ZONE CHANGE** to reclassify 1.2 acres from an R-E (Rural Estates Residential) Zone and an R-3 (Multiple Family Residential) Zone to a C-1 (Local Business) Zone.

**USE PERMIT** for a vehicle wash.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following 1) reduce separation to a residential use; and 2) increase wall height.

**DESIGN REVIEWS** for the following: 1) vehicle wash; and 2) alternative parking lot landscaping.

Generally located on the east side of Decatur Boulevard, 330 feet north of Frias Avenue within Enterprise (description on file). JJ/lm/syp (For possible action)

**RELATED INFORMATION:**

**APN:**  
177-30-301-033

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Reduce separation of vehicle wash to residential use to 15 feet where 200 feet is required per Table 30.44-1 (a 93% reduction).
2. Increase wall height to 8 feet where a maximum of 6 feet is allowed per Figure 30.64-12 (a 33% increase).

**DESIGN REVIEWS:**

1. Vehicle wash.
2. Alternative parking lot landscaping where landscaping per figure 30.64-14 is required.

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

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

- Site Address: N/A
- Site Acreage: 1.2
- Project Type: Vehicle wash

- Number of Stories: 2
- Building Height (feet): 32
- Square Feet: 5,957
- Parking Required/Provided: 4/5

#### Site Plan

This request is for a conforming zone boundary amendment to a C-1 zoning district in conjunction with a Plan Amendment to Neighborhood Commercial for a proposed vehicle wash on 1.2 acres. The vehicle wash is located on the eastern portion of the parcel. The building features the following setbacks: 15 feet 6 inches from the east property line adjacent to a developing residential use; 113.5 feet from the north property line adjacent to a developing residential use; 92 feet from the west property line along Decatur Boulevard; and 80 feet from the south property line (Epic Storage, mini-warehouse). Two rows of covered vacuum spaces, separated by a 25.75 foot wide drive aisle, are located immediately west of the vehicle wash. A pay station canopy with 2 kiosks for the vehicle wash is located immediately east of the vacuum wash tunnel on the north end of the stacking lane. To the north of the tunnel is a drive aisle that extends off the stacking lane to allow vehicles to enter the vacuum spaces before entering the tunnel. The vacuum area can also be accessed from the southern drive aisle, west of the tunnel, without going through the tunnel. An 8 foot high CMU block screen wall is located along the east property line. Four parking spaces are required, with 2 parking spaces provided on the west side of the vehicle wash tunnel and 3 parking spaces provided on the north side of the wash tunnel emergency exit lane. There are 19 vacuum spaces distributed on either side of the western drive aisle. A loading space and trash enclosure are located at the northwest corner of the vehicle wash tunnel. Access to the site is granted via a single commercial driveway along Decatur Boulevard. The 2 way drive aisle, measuring 24 feet in width, begins at the southwest corner of the vehicle wash facility. The drive aisle transitions into a 2 lane stacking area along the east side of the site, approximately 10 feet from the residential use. The 2 lane stacking area transitions into a single drive aisle measuring 15 feet in width, located along the north portion of the site, where automobiles enter the vehicle wash and exit the facility at the southwest portion of the site. Vehicles then exit onto the shared 2 way drive aisle previously described.

#### Landscaping

The plans depict a 20 foot wide landscape area, including a 5 foot wide detached sidewalk, adjacent to Decatur Boulevard. The street landscape area consists of 24 inch box trees, shrubs, and groundcover. An 8 foot high decorative block wall, including a 10 foot wide intense landscape area with evergreen trees planted in 2 rows, 10 feet on center per Figure 30.64-12, is located along the east property line adjacent to the developing residential properties. Evergreen trees are located along the south property line 20 feet on center. Twenty-four inch box trees, shrubs, and groundcover are dispersed throughout a 37 foot to 60 foot wide landscape area along the north property line. In lieu of providing the required amount of landscape finger islands within the interior of the parking lot, the required trees have been distributed throughout the interior and boundary of the site. The development requires 4 trees within the interior of the parking lots, and 4 trees are distributed throughout the exterior of the site.

Elevations

The plans depict a vehicle wash with a height ranging from 12 feet to 32 feet to the top of the pitched roof. Contrasting building materials consisting of decorative metal, painted horizontal siding, stone veneer, spandrel glass, painted metal doors at the wash tunnel entrance and exit, and aluminum and glass storefront windows and doors are utilized on the exterior of the building. All rooftop mounted equipment will be screened from the right-of-way and public view. The vacuum canopies, located within the interior of the parking lot, measure 12 feet in height. The pay station canopy measures 12 feet in height and is constructed with support columns and a metal roof.

Floor Plans

The plans depict a vehicle wash measuring 4,493 square feet in area, consisting of a wash bay, an equipment room, restrooms, and an office. The 372 square foot second level consists of a restroom and an office.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant indicates that the proposed zoning is an appropriate buffer for the developing residential subdivision to the east. The request will result in a zoning district for the site to allow a use with less intensity than is typical along an arterial street. The applicant believes that the site is an appropriate buffer to the developing residential neighborhood, and the project complies with County goals and policies that encourage neighborhood services adjacent to new neighborhoods to minimize longer vehicle trips and provide in-fill development. Additionally, the proposed development buffers the residential uses to the east, and the project is less intense than the typical high-intensity land uses along arterial streets with higher traffic volumes.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
VS-20-0514 (ET-21-400168)	First extension of time to vacate and abandon a right-of-way being Pyle Avenue, a portion of right-of-way being Decatur Boulevard, and a portion of right-of-way on Haleh Avenue	Approved by BCC	December 2021
VS-19-0756 (ET-21-400167)	First extension of time to vacate and abandon easements	Approved by BCC	December 2021
VS-20-0514	Vacated and abandoned right-of-way being Pyle Avenue, a portion of right-of-way being Decatur Boulevard, and a portion of right-of-way on Haleh Avenue	Approved by BCC	January 2021
VS-19-0756	Vacated and abandoned easements	Approved by BCC	November 2019

**Prior Land Use Requests**

Application Number	Request	Action	Date
ZC-19-0741	Reclassified 2.5 acres from R-E to R-3 zoning, with waivers for alternative driveway geometrics, and design reviews for a single family residential development and permit streets to terminate with hammerhead cul-de-sacs	Approved by BCC	November 2019
TM-19-500193	53 single family residential lots and common lots on 5 acres	Approved by BCC	November 2019

**Surrounding Land Use**

	Planned Land Use Category	Zoning District	Existing Land Use
North	Compact neighborhood (up to 18 du/ac)	RUD	Single family residential
South	Corridor Mixed-use	C-2	Mini-warehouse facility
East	Compact neighborhood (up to 18 du/ac)	R-3	Single family residential
West	Mid-intensity Suburban Neighborhood (up to 8 du/ac)	R-2	Single family residential

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

**Related Applications**

Application Number	Request
PA-23-700018	A plan amendment to redesignate the existing land use category from Compact Neighborhood (CN) to Neighborhood Commercial (NC) is a companion item on this agenda.
VS-23-0327	A request to vacate excess right-of-way along Decatur 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**

**Comprehensive Planning**

Zone Change

There is a concurrent Plan Amendment application to re-designate the land use category from Compact Neighborhood (CN) to Neighborhood Commercial (NC). Staff is concerned about the potential impacts to residential development by reclassifying the zoning and planned land use to a commercial use.

The Neighborhood Commercial land use category and C-1 zoning allows a mix of retail, restaurants, offices, service commercial, and other professional services. The designated land use is intended to provide opportunities for compact nodes of low-intensity retail, services, and



offices that serve residents of the surrounding neighborhoods. Staff is concerned with the intensity of the zoning district and its proximity to the residential zoning districts to the north and east.

While there is commercial zoning to the south, the site is located on an intersection of 2 streets. In addition, a nonconforming zone change to R-4 was approved farther south for a multiple family residential development. The commercial node has developed at the intersection of Decatur Boulevard and Cactus Avenue, extending south along Decatur Boulevard and east along Cactus Avenue. Characteristics for potential uses in a C-1 zone could include pedestrian and bicycle friendly site layout with connections to adjacent uses are not provided with the proposed use. Any proposed development on the parcel would not have cross access to the commercial development to the south, as the existing mini-warehouse development is constructed along the entirety of the southern property line. Finally, the site is a remnant parcel created by the property owner rather than continuing the conforming residential subdivision west to Decatur Boulevard, which staff believes is more compatible; therefore, staff is unable to support the zone boundary amendment.

#### Use Permit

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

#### Waivers of Development Standards

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

#### Use Permit & Waiver of Development Standards #1

Staff finds that the proposed use is too intense for the residential development to the east and north. The parcel is less than 200 feet in width, and the location of the use has been sited too close to the residential development to the east, where vehicles will be queuing, stacking, and idling within close proximity to the residential development to the east. Furthermore, staff is concerned about the potential for the vehicle wash tunnel dryer and vacuum sounds to reverberate off the multiple story mini-warehouse building to the south during daily operations. The Master Plan encourages, in part, consideration of the intensity of a use, which should be mitigated where adjacent to existing neighborhoods to promote compatibility. Staff is unable to support the proposed use as the request is too intense for the site and the residential properties to the east and north. Staff recommends denial.

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

Staff finds the proposed alternative parking lot landscaping, including the distribution of the trees within the interior of the site, complies with the Master Plan by encouraging screened parking

areas and extensive landscaping. The vehicle wash requires a total of 4 trees within the interior of the parking lot, where 4 trees are provided. The required parking lot trees are located at the southwest corner of the vehicle wash and the northwest corner of the vacuum space area. Staff finds the request to permit alternative parking landscaping within the interior of the site reasonable. Additionally, the increased wall height may also provide some relief from the close proximity of the use to the residential development location. However, since staff does not support the zone change and use permit, staff recommends denial.

The proposed vehicle wash features varying rooflines up to 32 feet in height and contrasting building materials. However, staff is concerned with the layout of the proposed vehicle wash drive-thru lane and its proximity to the residential uses to the north and east. Therefore, staff recommends denial.

#### **Staff Recommendation**

Denial. This item will be forwarded to the Board of County Commissioners' meeting for final action on September 6, 2023 at 9:00 a.m., 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 Master Plan, Title 30, and/or the Nevada Revised Statutes.

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

##### **Comprehensive Planning**

If approved:

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area;
- Vehicle wash hours limited to 7:00 a.m. to 7:00 p.m.;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that the use permits, waivers of development standards, and design reviews must commence within 2 years of the approval date or they will expire.

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

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

- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Decatur Boulevard improvement project and Public Works - Construction Management for the Silverado Ranch Detention Basin improvement project.
- Applicant is advised that the installation of detached sidewalks will require the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way.

**Fire Prevention Bureau**

- No comment.

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

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email [sewerlocation@cleanwaterteam.com](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0215-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT: HENRY MORADI**

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





# LAND USE APPLICATION

## DEPARTMENT OF COMPREHENSIVE PLANNING 2A

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

<p><b>APPLICATION TYPE</b></p> <p><input type="checkbox"/> TEXT AMENDMENT (TA)</p> <p><input checked="" type="checkbox"/> ZONE CHANGE (ZC)</p> <p><input checked="" type="checkbox"/> USE PERMIT (UC)</p> <p><input type="checkbox"/> VARIANCE (VC)</p> <p><input checked="" type="checkbox"/> WAIVER OF DEVELOPMENT STANDARDS (WS)</p> <p><input checked="" type="checkbox"/> DESIGN REVIEW (DR)</p> <p><input type="checkbox"/> ADMINISTRATIVE DESIGN REVIEW (ADR)</p> <p><input type="checkbox"/> STREET NAME / NUMBERING CHANGE (SC)</p> <p><input type="checkbox"/> WAIVER OF CONDITIONS (WC)</p> <p>_____ (ORIGINAL APPLICATION #)</p> <p><input type="checkbox"/> ANNEXATION REQUEST (ANX)</p> <p><input type="checkbox"/> EXTENSION OF TIME (ET)</p> <p>_____ (ORIGINAL APPLICATION #)</p> <p><input type="checkbox"/> APPLICATION REVIEW (AR)</p> <p>_____ (ORIGINAL APPLICATION #)</p>	<b>STAFF</b>	<p>APP. NUMBER: <u>20-23-0326</u>      DATE FILED: <u>4/5/23</u></p> <p>PLANNER ASSIGNED: <u>LMN</u></p> <p>TAB/CAC: <u>ENTERPRISE</u>      TAB/CAC DATE: <u>7/12/23</u></p> <p>PC MEETING DATE: <u>8/11/23</u></p> <p>BCC MEETING DATE: <u>9/11/2023</u></p> <p>FEE: <u>\$2700.00</u></p>
	<b>PROPERTY OWNER</b>	<p>NAME: <u>D.R. Horton, Inc</u></p> <p>ADDRESS: <u>1081 Whitney Ranch Drive</u></p> <p>CITY: <u>Henderson</u>      STATE: <u>NV</u>      ZIP: <u>89104</u></p> <p>TELEPHONE: <u>N/A</u>      CELL: <u>N/A</u></p> <p>E-MAIL: <u>N/A</u></p>
	<b>APPLICANT</b>	<p>NAME: <u>Henry Moradi</u></p> <p>ADDRESS: <u>14 Sugarberry Lane</u></p> <p>CITY: <u>89135</u>      STATE: <u>NV</u>      ZIP: <u>89135</u></p> <p>TELEPHONE: <u>702-371-9645</u>      CELL: <u>N/A</u></p> <p>E-MAIL: <u>henry_advance@yahoo.com</u>      REF CONTACT ID #: <u>N/A</u></p>
	<b>CORRESPONDENT</b>	<p>NAME: <u>Jay Brown/Lebene Ohene</u></p> <p>ADDRESS: <u>520 South Fourth Street</u></p> <p>CITY: <u>Las Vegas</u>      STATE: <u>NV</u>      ZIP: <u>89101</u></p> <p>TELEPHONE: <u>702-598-1429</u>      CELL: <u>702-561-7070</u></p> <p>E-MAIL: <u>Lohene@brownlawlv.com</u>      REF CONTACT ID #: <u>N/A</u></p>

ASSESSOR'S PARCEL NUMBER(S): 177-30-301-033

PROPERTY ADDRESS and/or CROSS STREETS: Decatur Blvd & Frias Avenue

PROJECT DESCRIPTION: Proposed Vehicle/Car Wash

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

\_\_\_\_\_  
Property Owner (Signature)\*      PHIL BAILEY  
Property Owner (Print)

STATE OF Nevada  
COUNTY OF Clark

SUBSCRIBED AND SWORN BEFORE ME ON October 27, 2022 (DATE)

By Phil Bailey  
NOTARY PUBLIC: Christina Mims



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

LAW OFFICE

*Brown, Brown & Premsrut*

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

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

TELEPHONE: (702) 384-5563  
FACSIMILE: (702) 386-1023  
EMAIL: jbrown@brownlawlv.com

April 26, 2023

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

20-23-0326

**RE: D R Horton Inc.**  
**Justification Letter: Decatur Boulevard & Frias Road – Revision 3**  
**Reclassification/Zone Change from R-E (Rural Estates residential) to C-1 (Local Business).**  
**Special Use Permits for Vehicle (car) wash and reduce the separation from residential uses.**  
**Waiver of Standards to increase wall height.**  
**Design Review for a Vehicle (Car) Wash and alternative parking lot landscaping.**  
**Assessors' Parcel Number: 177-30-301-033**

**To Whom It May Concern:**

On behalf of our client, we respectfully submit this application package for a proposed Master Plan Amendment from Compact Neighborhood (CN) to Neighborhood Commercial (NC) and a Reclassification/Zone Change from Rural Estates Residential (RE) to Local Business (C-1) for a proposed Vehicle (car) Wash. The proposed project is located on the east side of Decatur Boulevard and 330 feet north of Frias Avenue in the Enterprise Planning area on a 1.23 acre parcel. This request is to facilitate the development of neighborhood serving commercial use along Decatur Boulevard which is a major arterial street.

**Project Description:**

The proposed Vehicle (car) Wash is a total of 5,957 square feet and is located on the southeastern portion of the 1.23 acre site. The carwash as defined is located a minimum of 11 feet from the east property line. The pay point is a minimum of 15.5 feet from the east property line with the wash building/tunnel located 36 feet 4 inches from the east property line. An eight foot wide block wall is proposed along the east property line. The carwash building/tunnel is oriented north and south and located on the east side of the parcel. The queueing for the carwash is from the south with one lane which splits into two lanes along the east side of the building. The pay point stations (covered structure), and queueing lanes are located on the eastern portion of the site and building. After the pay stations one car at a time is allowed into the wash building/tunnel in a north south direction. The cars exit the wash tunnel to the south and have an option to exit the site or turn north to use the vacuums located on the west side of the wash building/tunnel and along Decatur Boulevard. Access to the site is from one (1) on the southern portion of the site along Decatur Boulevard on the west property line. The use is setback a minimum of 11 feet from the east property line and 80 feet from the south property line. The use is located approximately 113.5 feet from the approved

residential subdivision to the north. A total of 5 parking spaces are provided for the use as required by Code. Nineteen (19) vacuum spaces are provided and are located on the west side of the building. The proposed hours of operation are daily from 7:00 am to 7:00 p.m.

**Landscaping:**

The proposed landscaping along Decatur Boulevard consists of a 20 foot wide minimum area with a five foot wide detached sidewalk. On the south property line is a minimum 25 foot landscape area adjacent to the commercial development to the south. Along the east property line adjacent to the residential development is a minimum of an 11 foot and up 15 foot wide intense landscape area with a proposed eight foot high block wall. The right-of-way on the north property line is vacated with landscaping provided up to 32 foot wide area along the northern portion of the site to provide additional enhancements.

**Elevation:**

The overall height of the proposed wash building/tunnel is up to 32 feet to the top of the parapet. The design of the façade consists of metal siding with soffit, a metal standing seam roofing for both the building and pay point structure. Stone veneer accents are depicted on the sides and bottoms of the building and columns with painted steel columns for the pay point structure. The heights of the covered pay station and the canopy over the vacuums are depicted on the elevation plans.

**The following are the Applications required for the project:**

**Reclassification/Zone Change: from R-E (Rural Estates) to C-1 (Local Business)**

**Reclassification/Zone Change Justification:**

This site is located on the east side of Decatur Boulevard and approximately 330 feet north of Frias Road. The C-1 zoning is an appropriate request to buffer the developing residential subdivision to the east. This request will result in a zoning district for the site to allow a use with less intensity than is typical along a section line arterial street. As designed the site is an appropriate buffer adjacent to a developing residential neighborhood. Additionally, this project complies with County wide Goal with policy 1.3.3 and 1.3.4 which encourages neighborhood services adjacent to new neighborhoods to minimize longer vehicle trips; policy 1.4.4 to encourage infill development and, 1.4.5 to encourage standardize requirements for buffering and development transitions to mitigate the impact of higher intensity uses adjacent to planned and developing residential uses. Additionally, the project complies policy EN-1.1 to maintain neighborhood integrity by proposing a project that buffers the residential uses to the east while proposing a project that is less intense than the typical high intensity land uses along arterial streets with high traffic volumes.

The proposed zone change is appropriate and compatible with the area to provide a transition and buffer for the less intense use to the east and results in a less intense use between the street and the residential use; as well as compliance with adopted plans, goals, and policies outlined in the Master Plan. This project complies with goals and policies including EN-1.1, EN-6.5 and EN-6.6 to preserve the integrity of the contiguous and uniform development of an area which is the current development trend in this area of the County, especially with the varied housing developments approved and under development to the north, east and west of the site.

**Special Use Permit:**

**1. A proposed Vehicle (car) Wash.**

**Justification:**

The proposed car is an appropriate and compatible use for the site which is adjacent to an area approved with a variety of medium density residential developments. Although a residential subdivision is approved to the east side of the site, no residences are constructed on the parcels at this time. The owner of the subject parcel is also the owner and Developer of the subdivision to the east. The proposed intense landscaping along the east property line will buffer the residences along the east property line. Additionally, the future purchasers of the residences along the proposed use will know that the use is either proposed or approved on the adjacent parcel and can make informed decisions when contracting to purchase a home along this shared property line.

**2a. Reduce the separation of the car wash from the approved residential development on the east property line to a minimum of 11 feet inches where a 200 foot separation is required.**

**Justification:**

The proposed reduction is mitigated by the proposed intense landscaping along the east property line. The design of the site will further mitigate any environmental concerns/issues because of the north south orientation of the vehicular entry into the wash building/tunnel, therefore, ensuring the noisiest portion of the use is directed to the south towards the commercial development. The pay point with the two stacking lanes for payment will allow for faster processing of payments to access the wash building/tunnel, therefore, reducing idling of vehicles and mitigating environmental concerns. Additionally, to mitigate environmental concerns the vacuums are located on the west side of the building, adjacent to Decatur Boulevard to ensure no impact to the residential development.

**2b. Reduce the separation of the car wash from an approved residential development to the north property line to a minimum of 113.5 feet where a 200 foot separation is required.**

**Justification:**

The proposed reduction is mitigated by the proposed intense landscaping along the north property line. Additionally, to mitigate any impacts the carwash building/tunnel is located 143 feet from the north property line with the vacuums located approximately 176 feet from the north property line



with landscaping that exceeds Code requirements along the north property line. The landscaping will buffer and screen the use from the residential use to the north and mitigate any impacts to the residential use.

**Waiver of Development Standard:**

Increase the height of the block wall (east property line) to eight (8) feet where six (6) feet is the standard.

**Justification:**

This request is to provide a higher wall along the east property line to increase the buffering and screening provided for the area. The increased wall height will also reduce and minimize any concerns about the impact of noise and environmental issues in the area. The eight foot high wall and the intense landscaping area together will help minimize any impacts to the residential use to the east.

**Design Reviews:**

**1. A proposed Vehicle (car) Wash.**

**Justification:**

The proposed vehicle (car) wash is an appropriate and compatible use for the site. The intense landscaping provided along the east property line will buffer and screen the residences along the east property line. Additionally, the future homeowners will know the uses approved on the adjacent site and can make informed decisions when contracting to purchase a home along the shared property line. The design of the wash building/tunnel includes enhancements along the east elevation of the building to ensure that the building has a finished and enhances façade and will not impact the area. The development of the site will not require more than 36 inches of fill for the finish grade of either the site, building and structures (pay point and vacuum canopies). The submitted cross sections indicate that the proposed finished grade is 1 foot 8 inches which is lower than the standard 36 inches (3 feet) allowed by Code.

**2. Permit alternative parking lot landscaping (required trees) adjacent to the accessible (ADA) parking (northwest side of the wash building/tunnel)**

**Justification:**

This request is specifically for the area adjacent to the accessible parking spaces on the west side of the wash building/tunnel. Placing a landscape finger in this area will impact the accessible path for the (ADA) parking spaces. The area is also adjacent to a covered vacuum space, therefore, providing a tree in this area will not serve the purpose and intent of providing parking lot landscaping as outlined in the Code. An additional tree is provided in the landscape area at the southwest side of the building where it will serve the intent of the Code. This alternative is not a reduction in the requirement but a relocation of a required tree to allow better circulation around the accessible spaces.

LAW OFFICE

*Brown, Brown & Premsrirut*

AN ASSOCIATION OF PROFESSIONAL CORPORATIONS

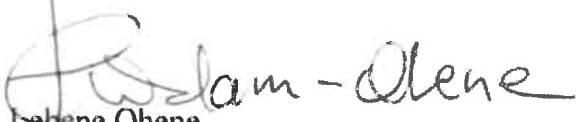
The proposed application is appropriate and compatible with the existing uses in the area and complies with the general goals and policies outlined in the Master Plan for a commercial use adjacent to medium density residential uses. The site is designed to enhance and complement the developing residential developments to the north, east and west sides of the site.

We appreciate your consideration in the review and positive consideration for the proposed place vehicle (car) wash application and required applications for the use.

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

Sincerely,

BROWN, BROWN & PREMSRIRUT

  
Lebene Ohene  
Land Use and Development Consultant

08/01/23 PC AGENDA SHEET

RIGHT-OF-WAY  
(TITLE 30)

DECATUR BLVD/FRIAS AVE

PUBLIC HEARING  
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST  
**VS-23-0327-DR HORTON INC:**

**VACATE AND ABANDON** a portion of a right-of-way being Decatur Boulevard located between Pyle Avenue and Frias Avenue within Enterprise (description on file). JJ/lm/syp (For possible action)

**RELATED INFORMATION:**

**APN:**  
177-30-301-033

**PROPOSED LAND USE PLAN:**  
ENTERPRISE – NEIGHBORHOOD COMMERCIAL

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

The plan depicts the vacation and abandonment of 5 feet of right-of-way (Decatur Boulevard) located on the west side of the proposed development. The applicant indicates that the request for the project site is to provide detached sidewalks along Decatur Boulevard.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ET-21-400168 (VS-20-0514)	First extension of time to vacate and abandon a right-of-way being Pyle Avenue and a portion of a right-of-way being Decatur Boulevard and a portion of right-of-way on Haleh Avenue	Approved by BCC	December 2021
ET-21-400167 (VS-19-0756)	First extension of time to vacate and abandon easements	Approved by BCC	December 2021
VS-20-0514	Vacated and abandoned a right-of-way being Pyle Avenue and a portion of right-of-way being Decatur Boulevard and a portion of right-of-way on Haleh Avenue	Approved by BCC	January 2021
VS-19-0756	Vacated and abandoned easements	Approved by BCC	November 2019

**Prior Land Use Requests**

Application Number	Request	Action	Date
ZC-19-0741	Reclassified 2.5 acres from R-E to R-3 zoning, with waivers for alternative driveway geometrics, and design review for a single family residential development, and permit streets to terminate with hammerhead cul-de-sacs	Approved by BCC	November 2019
TM-19-500193	53 single family residential lots and common lots on 5 acres	Approved by BCC	November 2019

**Surrounding Land Use**

	Planned Land Use Category	Zoning District	Existing Land Use
North	Compact neighborhood (up to 18 du/ac)	RUD	Single family residential
South	Corridor Mixed-use	C-2	Mini-warehouse facility
East	Compact neighborhood (up to 18 du/ac)	R-3	Single family residential
West	Mid-intensity Suburban Neighborhood (up to 8 du/ac)	R-2	Single family residential

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

**Related Applications**

Application Number	Request
PA-23-700018	A plan amendment to redesignate the existing land use category from Compact Neighborhood (CN) to Neighborhood Commercial (NC) is a companion item on this agenda.
ZC-23-0326	Zone change to reclassify 1.2 acres to a C-1 zone for a vehicle wash facility is a companion item on this agenda.

**STANDARDS FOR APPROVAL:**

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

**Analysis**

**Public Works - Development Review**

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

**Staff Recommendation**

Approval. This item will be forwarded to the Board of County Commissioners' meeting for final action on September 6, 2023 at 9:00 a.m., 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 Master Plan, Title 30, and/or the Nevada Revised Statutes.

**PRELIMINARY STAFF CONDITIONS:**

**Comprehensive Planning**

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

**Public Works - Development Review**

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

**Fire Prevention Bureau**

- No comment.

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

- No objection.

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

**APPLICANT: HENRY MORADI**

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





# VACATION APPLICATION

# 3A

## DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

<b>APPLICATION TYPE</b> <input checked="" type="checkbox"/> VACATION & ABANDONMENT (vs) <input type="checkbox"/> EASEMENT(S) <input checked="" type="checkbox"/> RIGHT(S)-OF-WAY <input type="checkbox"/> EXTENSION OF TIME (ET) (ORIGINAL APPLICATION #): _____	<b>DEPARTMENT USE</b>	<b>APP. NUMBER:</b> <u>VS-23-0327</u> <b>DATE FILED:</b> <u>6/5/23</u>
		<b>PLANNER ASSIGNED:</b> <u>LMN</u> <b>TAB/CAC:</b> <u>ENTERPRISE</u> <b>TAB/CAC DATE:</b> <u>7/12/23</u> <b>PC MEETING DATE:</b> <u>8/11/23</u> <b>BCC MEETING DATE:</b> <u>9/10/23</u> <b>FEE:</b> <u>\$ 875-</u>

<b>PROPERTY OWNER</b>	<b>NAME:</b> <u>D.R. Horton, Inc.</u>
	<b>ADDRESS:</b> <u>1081 Whitney Ranch Drive</u>
	<b>CITY:</b> <u>Henderson</u> <b>STATE:</b> <u>NV</u> <b>ZIP:</b> <u>89104</u>
	<b>TELEPHONE:</b> <u>N/A</u> <b>CELL:</b> <u>N/A</u>
	<b>E-MAIL:</b> <u>N/A</u>


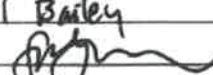
<b>APPLICANT</b>	<b>NAME:</b> <u>Henry Moradi</u>
	<b>ADDRESS:</b> <u>14 Sugarberry Lane</u>
	<b>CITY:</b> <u>Las Vegas</u> <b>STATE:</b> <u>NV</u> <b>ZIP:</b> <u>89135</u>
	<b>TELEPHONE:</b> <u>702-371-9645</u> <b>CELL:</b> <u>N/A</u>
	<b>E-MAIL:</b> <u>henry_advance@yahoo.com</u> <b>REF CONTACT ID #:</b> <u>N/A</u>

<b>CORRESPONDENT</b>	<b>NAME:</b> <u>Jay Brown/Lebene Ohene</u>
	<b>ADDRESS:</b> <u>520 South Fourth Street</u>
	<b>CITY:</b> <u>Las Vegas</u> <b>STATE:</b> <u>NV</u> <b>ZIP:</b> <u>89101</u>
	<b>TELEPHONE:</b> <u>702-598-1429</u> <b>CELL:</b> <u>702-561-7070</u>
	<b>E-MAIL:</b> <u>Lohene@brownlawlv.com</u> <b>REF CONTACT ID #:</b> <u>173835</u>

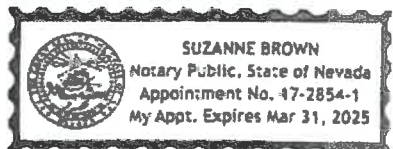
**ASSESSOR'S PARCEL NUMBER(S):** 177-30-301-033

**PROPERTY ADDRESS and/or CROSS STREETS:** Decatur Boulevard & Frias Avenue

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

  
 \_\_\_\_\_  
**Property Owner (Signature)\***  
 STATE OF NEVADA      Clark  
 COUNTY OF \_\_\_\_\_  
 SUBSCRIBED AND SWORN BEFORE ME ON March 10, 2023 (DATE)  
 By Phil Bailey  
 NOTARY PUBLIC: 

Phil Bailey  
 \_\_\_\_\_  
**Property Owner (Print)**



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

LAW OFFICE

*Brown, Brown & Premsrirut*

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

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

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

April 5, 2023

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

V5-23-0327

**RE: Justification Letter: Vacation of a portion of a public right-of-way  
Decatur Boulevard & Frias Road  
Assessors' Parcel Number: 177-30-301-033**

**To Whom It May Concern:**

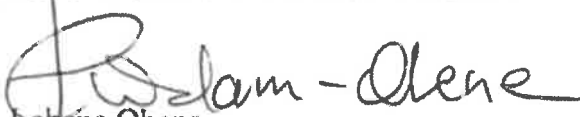
On behalf of our client, we respectfully submit this application package for a vacation of a portion of a right-of-way associated along the east property line of Decatur Boulevard.

We respectfully request the vacation of a five (5) foot wide portion of the right-of-way along Decatur Boulevard adjacent to the project site for a proposed detached sidewalk. Details of the vacation request is provided on the vacation site plan and Exhibit A.

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

Sincerely,

BROWN, BROWN & PREMSRIRUT

  
Lebene Ohene  
Land Use and Development Consultant



08/01/23 PC AGENDA SHEET

ACCESSORY STRUCTURES  
(TITLE 30)

RANCHO DESTINO RD/PEBBLE RD

PUBLIC HEARING  
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST  
UC-23-0287-MATINATA RAUL:

USE PERMIT to allow accessory structures not architecturally compatible with the existing building.

WAIVER OF DEVELOPMENT STANDARDS to increase the fence height in conjunction with an existing single family residence on 1.0 acre in an R-E (Rural Estates Residential) (RNP-1) Zone.

Generally located on the west side of Rancho Destino Road, 250 feet north of Pebble Road within Enterprise. MN/sd/syp (For possible action)

**RELATED INFORMATION:**

**APN:**  
177-16-405-008

**USE PERMIT:**

1. a. Allow metal accessory structures which are not architecturally compatible with the principal residence where architectural compatibility is required per Table 30.44-1.
- b. Allow non-decorative metal accessory structure where not permitted per Table 30.56-2A.

**WAIVER OF DEVELOPMENT STANDARDS:**

Increase the maximum height of a fence to 6 feet, 8 inches where a maximum of 6 feet is allowed per Section 30.64.020 (an 11% increase)

**LAND USE PLAN:**

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

**BACKGROUND:**

**Project Description**

**General Summary**

- Site Address: 8835 Rancho Destino Road
- Site Acreage: 1
- Number of Lots/Units: 1
- Project Type: Accessory structures
- Building Height (feet): 9

- Square Feet: 960 (accessory structures)/32 (canopy)/2,040 (residence)

Site Plans

The plans depict an existing single family residence in the RNP-I overlay district within Enterprise. The request is to allow for existing conex boxes to be approved for storage of the owner's personal belongings. Access is from Rancho Destino Road. The existing conex boxes are in the rear portion of the property behind the existing residence and are screened from the right-of-way. The accessory structures are set back 7 feet from the west (rear) property line, 15 feet from the northern property line, and 38 feet from the south (side) property line. The plans depict an existing 6 foot high chain-link fence along the southern property line, a 5 foot 4 inch high redwood fence along the western property line, and a 6 foot, 8 inch chain-link fence with windscreen along the northern property line.

Landscaping

Landscaping is not a part of this application.

Elevations & Floor Plans

The plans depict 3 existing conex boxes that are 9 feet in height, 8 feet in width, and 40 feet in length with double doors. The total square footage of each is 320 square feet with open floor plans and no windows. The exterior is vertical metal siding and incorporates a flat roofline. Each container is separated at least 12 feet from each other where the minimum separation of 6 feet is required per Code.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant states the containers will contain large ceramic pottery and crafting materials, as well as surplus furniture and electronics that the new home can't accommodate. Extra home goods, lighting, and tools are likely to make up the remaining space in the containers. The entire property is roughly 1 acre and the applicant believes this is the most practical solution overall as compared to new construction which would be prohibitively expensive.

**Prior Land Use Requests**

Application Number	Request	Action	Date
VC-1856-95	Permit a modular home during construction of a single family home	Approved by PC	January 1998

**Surrounding Land Use**

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

**Clark County Public Response Office (CCPRO)**

CE-22-27511 is an active violation for operating a business out of a private residence.

**STANDARDS FOR APPROVAL:**

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

**Analysis**

**Comprehensive Planning**

Use Permit

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

Staff reviews use permit requests to ensure compatibility with existing and planned development in the surrounding area. The plans show the conex boxes are located behind the main building and screened from the right-of-way. The accessory buildings will not have any detrimental effects to the surrounding neighborhood as they are located behind the single family residence. The accessory buildings on-site do not display vivid hues, and the existing color palette matches the principal structure. The conex boxes are like other approved accessory structures (conex boxes) in the immediate area, and staff does not anticipate any negative impacts; therefore, can support this request.

Waiver of Development Standards

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

Staff believes the fence should not impact the surrounding properties as the height increase being requested with this request is considered minimal (an 11% increase). The proposed fence in the rear yard should have minimal impacts on the surrounding properties; therefore, staff can support this request.

**Staff Recommendation:**

Approval

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

**PRELIMINARY STAFF CONDITIONS:**

**Comprehensive Planning**

- 1 year to complete the building permit and inspection process with any extension of time to be a public hearing;
- No outside storage of any materials on-site.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; 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.

**Fire Prevention Bureau**

- No comment.

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

- No comment.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT: MATISCAPE**

**CONTACT: MATISCAPE, 835 RANCHO DESTINO ROAD, LAS VEGAS, NV 89123**



# LAND USE APPLICATION

## DEPARTMENT OF COMPREHENSIVE PLANNING 4A

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

<b>APPLICATION TYPE</b>  TEXT AMENDMENT (TA)  ZONE CHANGE (ZC)  USE PERMIT (UC)  VARIANCE (VC)  WAIVER OF DEVELOPMENT STANDARDS (WS)  DESIGN REVIEW (DR)  ADMINISTRATIVE DESIGN REVIEW (ADR)  STREET NAME / NUMBERING CHANGE (SC)  WAIVER OF CONDITIONS (WC)  _____ (ORIGINAL APPLICATION #)  ANNEXATION REQUEST (ANX)  EXTENSION OF TIME (ET)  _____ (ORIGINAL APPLICATION #)  APPLICATION REVIEW (AR)  _____ (ORIGINAL APPLICATION #)	<b>STAFF</b>	APP. NUMBER: <u>UL-23-0287</u> DATE FILED: <u>5/31/23</u> PLANNER ASSIGNED: <u>HO</u> TAB/CAC: <u>Enterprise</u> TAB/CAC DATE: <u>7/12/23</u> PC MEETING DATE: <u>8/1/23</u> BCC MEETING DATE: _____ FEE: <u>\$1,950</u>
	<b>PROPERTY OWNER</b>	NAME: <u>RAUL MATINATA</u> ADDRESS: <u>8835 RANCHO DESTINO RD.</u> CITY: <u>L.V.</u> STATE: <u>NV</u> ZIP: <u>89123</u> TELEPHONE: <u>702-270-6289</u> CELL: <u>702-292-0631</u> E-MAIL: <u>RAUL@MATISCAPE.COM</u>
	<b>APPLICANT</b>	NAME: <u>RAUL MATINATA</u> ADDRESS: <u>8835 RANCHO DESTINO RD.</u> CITY: <u>L.V.</u> STATE: <u>NV</u> ZIP: <u>89123</u> TELEPHONE: <u>702-270-6289</u> CELL: <u>702-292-0631</u> E-MAIL: <u>RAUL@MATISCAPE.COM</u> REF CONTACT ID #: _____
	<b>CORRESPONDENT</b>	NAME: <u>RAUL MATINATA</u> ADDRESS: <u>8835 RANCHO DESTINO RD.</u> CITY: <u>L.V.</u> STATE: <u>NV</u> ZIP: <u>89123</u> TELEPHONE: <u>702-270-6289</u> CELL: <u>702-292-0631</u> E-MAIL: <u>RAUL@MATISCAPE.COM</u> REF CONTACT ID #: _____

LESSOR'S PARCEL NUMBER(S): 177-16-405-008

PROPERTY ADDRESS and/or CROSS STREETS: 8835 RANCHO DESTINO RD., L.V., NV 89123

PROJECT DESCRIPTION: INSTALL 3 CONNEX BOXES (PERSONAL STORAGE)

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

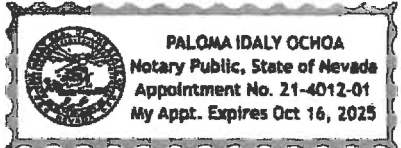
Property Owner (Signature) \* [Signature]      Property Owner (Print) RAUL MATINATA

STATE OF NEVADA

RECORDERED AND SWORN BEFORE ME ON MARCH 16, 2023 (DATE)

BY Paloma Idaly Ochoa

NOTARY PUBLIC: Paloma Idaly Ochoa



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

**PLANNER**

**COPY**

UL-23-0287

**JUSTIFICATION LETTER**

To all concerned: This justification letter is to clearly explain the reasoning behind our choice to utilize three (3) connex boxes on our residential property for personal storage. We opted to use these containers as we have substantially less garage storage and overall extra space in this new residence. The entire property is roughly one acre and this is the most practical solution for us, less involved overall compared to new construction which would be prohibitively expensive for us.

The applications we are applying for are: Use Permit for architectural compatibility as well as the Waiver of Development Standards for non-decorative metal exteriors. Please note we will comply with outside storage guidelines and are working to clean up the outside storage. The west property line fencing is now 5'4" in height after grading; the north property line fencing remains 6'8" in height.

The containers will contain large ceramic pottery we want to store, my spouse's crafting materials, as well as surplus furniture and electronics that this new home can't accommodate. Extra home goods, lighting and perhaps some tools are likely to make up the remaining space in the containers.

We really hope to be able to clear up our garage here at our residence with these containers so we can start using our garage spaces for our vehicles as intended. Thank you for your attention and consideration in this matter,

Best,

-Raul Matinata

Applicant and Property Owner

08/01/23 PC AGENDA SHEET

ADDITION/WALL/SETBACKS  
(TITLE 30)

POLARIS AVE/TORINO AVE

**PUBLIC HEARING**

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-23-0297-ELLEMAN JASON:**

**USE PERMIT** for a second kitchen.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) alternative yards; 2) setbacks; and 3) wall height in conjunction with an existing single family residence on 1.0 acre in an R-E (Rural Estates Residential) (RNP-I) Zone.

Generally located on the west side of Polaris Avenue and the north side of Torino Avenue within Enterprise. JJ/hw/syp (For possible action)

---

**RELATED INFORMATION:**

**APN:**

177-17-402-010

**USE PERMIT:**

Permit a second kitchen within a single family residence where only 1 kitchen is allowed by Table 30.44-1.

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Establish alternative yards for 1 proposed single family residential lot where yards are established per Section 30.56.040.
2. Reduce the rear yard setback to 10 feet where 30 feet is the standard per Table 30.40-1 (a 67% reduction).
3. Permit a 6 foot decorative wall within 15 feet of the front property line where a 6 foot decorative fence is permitted per Section 30.64.020 and Table 30.64-1.

**LAND USE PLAN:**

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

**BACKGROUND:**

**Project Description**

**General Summary**

- Site Address: 3420 W. Torino Avenue
- Site Acreage: 1
- Project Type: Building addition with second kitchen and reduced setbacks
- Number of Stories: 2
- Building Height (feet): 32.2

- Square Feet: 9,509 (total combined floor area)

### Site Plans & Request

The site plan depicts an existing single family residence with an existing addition located on a site at the northwest corner of Polaris Avenue and Torino Avenue. The residence (original dwelling, addition, garages, and porte-cochere) is located in the west central portion of the property. Currently, the residence fronts along Torino Avenue with the front yard being the area between the residence and the property line along Torino Avenue. The rear property line is the area between the northern property line and the residence, with the eastern and western property lines determining the side yards. The request is for the front yard to become the area between the residence and the eastern property line along Polaris Avenue, the rear yard is to correspond with the west property line, with the north and south property lines determining the side yards. The residence is set back 42.3 feet from the front property line, 30 feet from the north property line, 89.7 feet from the south property line, and 10 feet from the rear (west) property line. The plans show an existing triangular, 2 story, single family home with an existing rectangular shaped addition that extends northward from the existing residence. The total footprint of the combined residence is 6,337 square feet (9,509 total floor area).

The plans also show that the residence is provided with 2 garages that will both have access to Polaris Avenue and Torino Avenue through a 16 foot wide driveway network. The network of driveways will have 1 access point with Torino Avenue and will be secured with a 6 foot wrought iron gate. A circular driveway will connect the residence with Polaris Avenue at a northern driveway entrance and a southern driveway entrance. Both entrances will be secured with a 6 foot wrought iron gate. No setback is proposed for the gates. A porte-cochere is proposed in the front-center portion of the residence and all driveways are connected. The plans show that there is an existing 100 foot power line easement that runs from the northwest to the southwest through the southwestern portion of the property.

### Landscaping

The landscaping plans show that there is significant landscaping being proposed within the front and side yards of the residence. The plans show that large to medium sized trees will be dispersed within the yard, particularly Pinyon Pines, Oleander, and Ash trees. The trees will have various shrubs, such as Easter Egg Eremophila and Bougainvillea, interspersed between the trees. The perimeter of the property has an existing 6 foot high decorative (red stone block) wall that lies along the property line. The southern property line has an existing 3 foot wall that is proposed to be extended up to 6 feet tall and will also be decorative. The northern and western property lines have similar 6 foot tall decorative walls.

### Elevations

The elevations indicate the peak of the residence is found in the addition section at the top of a decorative rotunda/foyer structure. The maximum height is shown to be 32.2 feet. The elevations show that the exterior of both the addition and the original single family residence are a beige colored stucco material with brown/grey tile roof. Both the addition and the original residence also incorporate beige metal balcony rails. The overall structure contains several pop-outs and varying roofline elements. There is a significant amount of fenestration along the front/eastern elevation with typical residential windows, but also some picture and bay windows, as well.



Additional fenestration is found on the south and west sides of the building with typical residential windows. Garage doors are metal and match the color of the residence. Access to the residence is provided via a front door on the east side of the residence and secondary access doors on the side and in the rear of the building. A rooftop pool and deck are visible from the front elevation.

**Floor Plans**

The floor plans show the original residence, and the addition are both two stories and total 9,509 square feet. The addition and the original residence have internal access with both the original residence and addition containing a full kitchen. The first floor of the original residence contains typical living spaces, such as a kitchen, living room, and bathroom along with the original garage. The first floor of the addition contains an additional kitchen, 2 bedrooms, full bathrooms for the bedrooms, guest bathroom, home theater, and pantry and laundry spaces. The first floor of the addition also contains an attached garage for both cars and recreational vehicles. The first floor of the addition also contains a nearly 800 square foot indoor pool, but indoor pools are not usually subject to surface area restrictions. The second floor of the original residence contains 4 bedrooms with associated bathrooms. The second floor of the addition contains an additional bedroom and bathroom suite, a second home theater, and the master bedroom suite, along with 2 decks/balconies. The addition also contains a rooftop deck with grilling, entertainment, and a under 600 square foot outdoor pool.

**Applicant's Justification**

The applicant states that they are in the process of completing the addition portion of the single family residence. They state they intend to keep the residence single family in nature, and that given the orientation of the new addition the waivers being requested are needed.

**Prior Land Use Requests**

Application Number	Request	Action	Date
VS-0093-06	Vacated and abandoned government patent easements - recorded	Approved by PC	March 2006
ZC-1026-05	Reclassified the site from R-E to R-E (RNP-I) zoning	Approved by BCC	October 2005

**Surrounding Land Use**

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

**Clark County Public Response Office (CCPRO)**

CE20-17942 and CE22-08043 were previous violations for building a single family addition without a building permit.

## **STANDARDS FOR APPROVAL:**

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

### **Analysis**

#### **Comprehensive Planning**

##### Use Permit

A use permit is a discretionary land use application that is considered on a case-by-case basis in consideration of Title 30 and the Master Plan. One of several criteria the applicant must establish is that the use is appropriate at the proposed location and demonstrate the use shall not result in a substantial or undue adverse effect on adjacent properties. Overall, staff finds that while the presence of a second kitchen can indicate the possibility of multiple family use, the layout depicted on the floor plans seems to indicate this will not be the case due to the connectivity of the 2 structures. With that said, even if a portion of the overall residence is later converted to an accessory structure, the size of the overall dwelling and the additional garages and entrances should mitigate any appearance and effects of such a use. In addition, Policy 1.4.4 encourages the redevelopment of existing neighborhoods to create a variety of housing options. For these reasons, staff can support the use permit request.

##### Waivers of Development Standards

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

##### Waivers of Development Standards #1 & #2

Staff finds that the existing 100 foot power line easement on the property greatly limits the location of development on the property, so the extension of the addition northward on the property makes the most sense, since adding on to the eastern and southern portions of the existing residence would not be possible with the existing easement. Thus, the new orientation of the front of the overall dwelling to the east makes sense given the constraints and the building that was constructed; and therefore, can support waiver of development standards #1. With that said, given that there is sufficient room in the north half of the property, staff finds that the addition could have been constructed in a way that reduced the overall need for the setback reduction, as the additional portion of the residence is set significantly back from the new front property line, when the porte-cochere is excluded. For these reasons, staff finds that the requested setback reduction is the result of a self-imposed burden and cannot support waiver of development standards #2.

##### Waiver of Development Standards #3

The wall located along the eastern property line is currently considered a side wall and complies with Title 30 regulations for walls. With that said, with the proposed change in the site's yards, the wall along the eastern property line now lies within the first 15 feet of the front yard requiring this waiver. Staff finds that the wall is decorative and that the proposed gates are

wrought iron and would permit the ability to see into the front yard. Even though the wall is existing, since there are other proposed changes to the walls on the property, the wall in question could also be modified to meet the new standards imposed on it by Title 30. As a result, this request is a self-imposed burden, and staff is unable to support this request for waiver of development standards #3.

**Staff Recommendation**

Approval of use permit and waiver of development standards #1; denial of waivers of development standards #2 and #3.

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

**PRELIMINARY STAFF CONDITIONS:**

**Comprehensive Planning**

If approved:

- 1 year to complete the building permit and inspection process with any extension of time to be a public hearing;
- Must maintain single family dwelling uses and character;
- Walls along streets shall be decorative.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

**Public Works - Development Review**

- No comment.

**Fire Prevention Bureau**

- No comment.

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

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

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT: RAYDA BROOKS**

**CONTACT: RAYDA BROOKS, HH CONSULTING LLC, 2510 W. HORIZON RIDGE  
PKWY, STE 200, HENDERSON, NV 89052**

DRAFT



# LAND USE APPLICATION

## DEPARTMENT OF COMPREHENSIVE PLANNING 5A

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

<b>APPLICATION TYPE</b>  <input type="checkbox"/> TEXT AMENDMENT (TA) <input type="checkbox"/> ZONE CHANGE (ZC) <input checked="" type="checkbox"/> USE PERMIT (UC) <input type="checkbox"/> VARIANCE (VC) <input checked="" type="checkbox"/> WAIVER OF DEVELOPMENT STANDARDS (WS) <input type="checkbox"/> DESIGN REVIEW (DR) <input type="checkbox"/> ADMINISTRATIVE DESIGN REVIEW (ADR) <input type="checkbox"/> STREET NAME / NUMBERING CHANGE (SC) <input type="checkbox"/> WAIVER OF CONDITIONS (WC) (ORIGINAL APPLICATION #) <input type="checkbox"/> ANNEXATION REQUEST (ANX) <input type="checkbox"/> EXTENSION OF TIME (ET) (ORIGINAL APPLICATION #) <input type="checkbox"/> APPLICATION REVIEW (AR) (ORIGINAL APPLICATION #)	<b>STAFF</b>  APP. NUMBER: <u>UC-23-0297</u> DATE FILED: <u>5/31/23</u> PLANNER ASSIGNED: <u>HW</u> TAB/CAC: <u>Enterprise</u> TAB/CAC DATE: <u>7/12/23</u> PC MEETING DATE: <u>8/1/23</u> BCC MEETING DATE: _____ FEE: <u>\$1,950</u>
	<b>PROPERTY OWNER</b>  NAME: <u>JASON ELLEMAN</u> ADDRESS: <u>3913 JACOB LAKE CR</u> CITY: <u>LAS VEGAS</u> STATE: <u>NV</u> ZIP: <u>89118</u> TELEPHONE: <u>661-645-5722</u> CELL: _____ E-MAIL: <u>jasonelleman@yahoo.com</u>
	<b>APPLICANT</b>  NAME: <u>SAME AS ABOVE</u> ADDRESS: _____ CITY: _____      STATE: _____      ZIP: _____ TELEPHONE: _____      CELL: _____ E-MAIL: _____      REF CONTACT ID #: _____
<b>CORRESPONDENT</b>  NAME: <u>Same as above</u> ADDRESS: _____ CITY: _____      STATE: _____      ZIP: _____ TELEPHONE: _____      CELL: _____ E-MAIL: _____      REF CONTACT ID #: _____	

ASSESSOR'S PARCEL NUMBER(S): 177-17-402-010  
 PROPERTY ADDRESS and/or CROSS STREETS: 3420 W TORINO AVE, LAS VEGAS, NV 89139  
 PROJECT DESCRIPTION: Full home remodel (refer to permit 8D22-42749) waiver for ext wall, setbacks, 2nd driveway access; use permit for 2nd kitchen in attached apartment

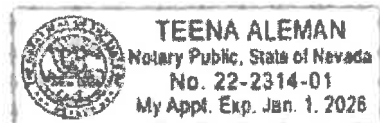
(I, We) the undersigned swear and say that (I am, We are) the owner(s) of record on the Tax Rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Clark County Code; that the information on the attached legal description, all plans, and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

Jason Elleman  
 Property Owner (Signature)\*      Jason Elleman  
 Property Owner (Print)

STATE OF Nevada  
 COUNTY OF Clark

SUBSCRIBED AND SWORN BEFORE ME ON Nov 3, 2022 (DATE)  
 By Jason Elleman

NOTARY PUBLIC: \_\_\_\_\_



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

**PLANNER  
COPY**

UC-23-0297

April 13, 2023

To: Clark County Building Department - Department of Comprehensive Planning  
Re: Permits BD22-42749 / APR 22-101474  
APN 177-17-402-010  
3420 W. Torino Ave., Las Vegas, NV 89139

Regarding Mr. Hunter White's comments received on March 23<sup>rd</sup>, 2023 (4<sup>th</sup> Review), in reference to the justification letter submitted, please see my replies below:

We are applying for the following:

- Use permit for a 2<sup>nd</sup> kitchen, as interior access between existing and proposed residences is provided. "Proposed residence" is an apartment (mother-in-law unit) converted from existing interior space. No square footage will be added.
- Waiver to reduce the rear setback from 30' to 10'.
- Waiver to allow 6' wall in the front yard.
- Waiver to allow secondary driveway access (circular driveway) to/from Polaris Ave. There will also be driveway access to/from Torino Ave., revised plans for this will be provided.

In reference to the questions posed in the 1<sup>st</sup> review:

- What is currently on the property – Existing home, refer to site plan
- What you are looking to add:
  - Swimming pool above garage, refer to plan
  - Square off property fence wall, refer to plan
  - Convert driveway to circular driveway with access to and from both Polaris Ave. and Torino Ave.
- Describe the size of the additions - There are no additions other than above mentioned items. Work is interior remodel.
- Changes to the fences – Raise property fence to 6'.

Thank you for your consideration.



Jason Elleman  
Homeowner

08/01/23 PC AGENDA SHEET

ACCESSORY BUILDING  
(TITLE 30)

CALLINGTON WAY/GLENRIDGING ST

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-23-0298-LAND J & J TRUST & LAND JOHN I & JILL R TRS:

**USE PERMIT** to increase the area of an accessory structure in conjunction with a single family residence on 0.6 acres in an R-E (Rural Estates Residential) (RNP-I) Zone.

Generally located on the northeast corner of Callington Way and Glenridding Street within Enterprise. MN/al/syp (For possible action)

**RELATED INFORMATION:**

**APN:**

177-33-611-032

**USE PERMIT:**

Increase the area of an accessory structure (detached garage) to 2,055 square feet where a maximum of 1,850 square feet (50% of the footprint of the principal dwelling – 3,700 square feet) is permitted per Table 30.44-1 (an 11.1% increase).

**LAND USE PLAN:**

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

**BACKGROUND:**

**Project Description**

**General Summary**

- Site Address: 10788 Callington Way
- Site Acreage: 0.6
- Project Type: Accessory structure (detached garage with casita)
- Number of Stories: 1
- Building Height (feet): 22
- Square Feet: 2,055 detached garage/303 casita/2,358 total

Site Plan

The site is a corner lot with access from Callington Way. The property is developed with a single family residence located in the central portion of the western half of the site. The applicant is proposing to construct an accessory building being a detached garage with casita on the northeastern portion of the site. The existing residence has a total area of 4,412 square feet which includes the living area, garage, porch, and patio. Per Table 30.44-1 the detached garage portion of the accessory building is not to exceed 50% of the principal dwelling minus porches

and patios, giving the residence an area of 3,700 square feet, which would allow a maximum area for the detached garage of 1,850 square feet. The casita portion of the accessory building is treated differently by Table 30.44-1 and is not counted toward the area of the accessory structure. There is an existing swimming pool located in the rear yard and access to the rear yard is provide by an existing driveway located along the northern boundary of the site. The applicant is proposing to construct a detached garage with casita on the northeast corner of the property north and east of the existing pool. The accessory structure will be set back 5 feet from the side (north) and rear (east) property lines and there will be a minimum 20 foot separation from the residence. There is an existing 6 foot high decorative block wall along the rear and side property lines. The site of the proposed detached garage is currently used to store an RV and trailer.

**Landscaping**

There are existing trees located along the north side of the residence and to the east of the residence in the rear yard which will be removed to allow for the construction of the detached garage and casita. No other changes are proposed or required to the existing landscaping on the property.

**Elevations**

The accessory building is 1 story and is divided into the detached garage and casita. The garage portion of the building has a maximum height of 22 feet and the casita 13 feet. The structure will have a pitched roof with concrete tile roofing material that matches the residence. The exterior of the structure will have a stucco finish with a color scheme to match the residence.

**Floor Plans**

The structure has a total area of 2,358 square feet. The majority of the building is the detached garage with an area of 2,055 square feet. The casita is a wing of the building located at the southeast corner of the structure with an area of 303 square feet consisting of a bathroom, closet, and large room.

**Applicant's Justification**

The applicant indicates that the proposed site of the structure is being used to park an RV and trailer. The CC&Rs for the development have verbiage that RVs be attractively screened. Recently the Homeowner's Association (HOA) has re-interpreted the CC&Rs to mean that an enclosed structure similar to the main residence is required for the storage of RVs. The proposed structure will allow for the storage of the RV and trailer. The HOA has reviewed and approved the plans for the structure and 6 of the abutting neighbors have submitted letters in approval of the structure. There are several properties in the development that have large accessory structures or multiple accessory structures, so the applicants proposed structure is appropriate.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ZC-1026-05	Established an RNP-I Overlay District for portions of the Enterprise Planning Area	Approved by BCC	October 2005



**Surrounding Land Use**

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

**STANDARDS FOR APPROVAL:**

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

**Analysis**

**Comprehensive Planning**

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

The applicant indicates the proposed accessory structure is needed to comply with a re-interpreted of the CC&Rs of the development by the HOA. The accessory structure is needed to store an RV and trailer. Aerial photographs of the community show several homes with large, attached garages and properties with multiple detached structures. The location of the existing residence does not allow for an addition of additional garage space to the residence within the required building setbacks. The applicant's proposal to building 1 larger building as opposed to 2 or more smaller buildings will allow a sizeable portion of the rear yard to remain for recreational use. Staff finds the proposed structure is compatible with the existing residence and will be compatible with the development abutting the site; therefore, staff finds the proposed structure is appropriate for the area and can support this request.

**Staff Recommendation**

Approval.

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

**PRELIMINARY STAFF CONDITIONS:**

**Comprehensive Planning**

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

**Public Works - Development Review**

- No comment.

**Fire Prevention Bureau**

- No comment.

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

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

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT: JOHN LAND**

**CONTACT: JOHN LAND, 10788 CALLINGTON WAY, LAS VEGAS, NV 89183**

DRAFT



PLANNER  
COPY  
UL-23-0298

May 23, 2023 (update 2)

Clark County Comprehensive Planning  
500 South Grand Center Parkway  
Las Vegas, Nevada 89155

RE: Special Use Permit - Land J&J Trust and Land John I & Jill R TRS  
Aka John and Jill Land – 10788 Callington Way

This letter is prepared in support of a request for a special use permit for a detached garage/casita at 10788 Callington Way Las Vegas, Nevada 89183 (APN 177-33-611-032) which is in the Dominion Phase 3 residential development. The entire Dominion development is commonly known as San Rafael which consists of 147 lots and is zoned Ranch Estate Neighborhood (R-E) with a RNP overlay.

Per Title 30 Table 30.44-1, accessory structures in a rural residential district are not allowed to exceed one-half (1/2) the square footage of the principal structure without the approval of a special use permit. The principal structure is 3,700 square feet (SF). We are asking for approval to construct a single accessory structure not to exceed 2,400 SF which is 65% of the principal structure. The structure will include a garage and casita that will be 2,358± SF total (2,055± SF garage and 303± SF casita). The total buildable lot area (not including the private street easements) is 20,322± SF. Total existing and proposed lot coverage (existing main residence with the covered porch/ patios and the proposed accessory structure) will be 6,770± SF or 33% of the lots buildable area.

We bought in San Rafael in 2004 because the community was marketed as RV lots and for many years, we have parked our RV and other vehicles/trailers in our backyard with no issue. Recently the Homeowners Association (HOA) has re-interpreted the CC&R's to determine that the verbiage that RV's be 'attractively screened' now means that an enclosed structure similar to the main residence is required. Over the years several residents in San Rafael have built single (or multiple) auxiliary structures on their lots with some of them (individually or combined) appearing to likely exceed the one-half size rule of the principal structure.

We kindly petition that the Clark County Planning Commission approve our request for the special use permit to construct the proposed garage/casita. The HOA Architectural Review Committee (ARC) and six out of seven adjacent neighbors have consented to the proposed accessory structure. The HOA ARC approval letter and neighbor consent forms are included with the submittal.

Should you have any questions regarding this application please contact me at [jjland@rcinevada.com](mailto:jjland@rcinevada.com) or 702-203-0045.

Sincerely,



John Land

08/01/23 PC AGENDA SHEET

ACCESSORY STRUCTURE  
(TITLE 30)

LEVI AVE/CHARISMATIC CT

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-23-0305-MELDRUM BRADFORD & ROJAS CONNIE L:**

**USE PERMIT** to allow an accessory structure prior to construction of a principal dwelling on 0.5 acres in an R-2 (Medium Density Residential) Zone.

Generally located on the west side of Charismatic Court, 140 feet north of Levi Avenue within Enterprise. JJ/rr/syp (For possible action)

**RELATED INFORMATION:**

**APN:**

176-35-510-002

**LAND USE PLAN:**

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

**BACKGROUND:**

**Project Description**

**General Summary**

- Site Address: 10663 Charismatic Court
- Site Acreage: 0.5
- Number of Stories: 1
- Building Height (feet): 11 feet 8 inches
- Square Feet: 120

**Site Plan**

The site plan indicates an accessory structure (work/utility shed) near the southwest corner of the property. The shed will be set back 5 feet from the rear property line and 10 feet from the interior side property line. The proposed setbacks are in conformance with the requirements of R-2 zoning. The site plan also depicts the footprint of a proposed principal dwelling on the same property.

**Landscaping**

Landscaping is not a part of this request; however, the site plan shows a future landscape feature in the front yard adjoining the proposed dwelling.

Elevations

Building plans submitted indicate a nearly 12 foot tall shed with barn-type doors on 1 side and a single door on the other side. Walls will feature a stucco finish to match the future residence. Roofing materials will consist of concrete tiles that are dark gray to match the future residence.

Floor Plans

The plans indicate a 10 foot by 12 foot shed with a concrete pad.

Signage

Signage is not a part of this request.

Applicant’s Justification

The applicant requests approval to allow the construction of a 10 foot by 12 foot accessory structure prior to construction of the principal structure, a single family dwelling, on the property. The accessory structure will serve as a contractor work shack during the construction process. The applicant expects to begin construction of the dwelling in August 2023 with an anticipated completion date of March 2024.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
WS-0620-10	Reduced setbacks for an 8 lot single family subdivision - expired	Held by PC	August 2011
ZC-1572-06 (ET-0351-09)	Extension of time to reclassify 1 acre from R-E to R-2 zoning	Approved by BCC	January 2010
ZC-1572-06	Reclassified 1 acre from R-E to R-2 zoning	Approved by BCC	December 2006
TM-0389-02	147 single family residential lots	Approved by PC	October 2002

**Surrounding Land Use**

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

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

**STANDARDS FOR APPROVAL:**

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

## **Analysis**

### **Comprehensive Planning**

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

Accessory structures and uses are subordinate to, and permitted with, a principal use or structure. The applicant in this case is asking to allow the construction of a work/utility shed prior to construction of a single family dwelling on the same property. The applicant has indicated an intent to begin construction on the residence shortly after the proposed accessory structure is in place and has received a permit for temporary power during construction. This structure is also intended to be architecturally compatible in terms of colors and exterior building materials with the future residence on the property; therefore, staff can support this request.

### **Staff Recommendation**

Approval.

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

### **PRELIMINARY STAFF CONDITIONS:**

#### **Comprehensive Planning**

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

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

- No comment.

#### **Fire Prevention Bureau**

- No comment.

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

- No comment.

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

**APPLICANT:** BRADFORD MELDRUM  
**CONTACT:** BRADFORD MELDRUM, 270 BLUE GROTTA ST, HENDERSON, NV, NV  
89015

DRAFT





# LAND USE APPLICATION 7A

## DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

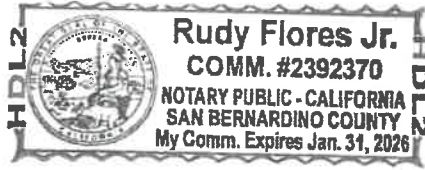
<b>APPLICATION TYPE</b>  <input type="checkbox"/> TEXT AMENDMENT (TA) <input type="checkbox"/> ZONE CHANGE (ZC) <input checked="" type="checkbox"/> USE PERMIT (UC) <input type="checkbox"/> VARIANCE (VC) <input type="checkbox"/> WAIVER OF DEVELOPMENT STANDARDS (WS) <input type="checkbox"/> DESIGN REVIEW (DR) <input type="checkbox"/> ADMINISTRATIVE DESIGN REVIEW (ADR) <input type="checkbox"/> STREET NAME / NUMBERING CHANGE (SC) <input type="checkbox"/> WAIVER OF CONDITIONS (WC)  (ORIGINAL APPLICATION #) <input type="checkbox"/> ANNEXATION REQUEST (ANX) <input type="checkbox"/> EXTENSION OF TIME (ET)  (ORIGINAL APPLICATION #) <input type="checkbox"/> APPLICATION REVIEW (AR)  (ORIGINAL APPLICATION #)	<b>STAFF</b>	APP. NUMBER: <u>UC-23-0305</u> DATE FILED: <u>5-30-23</u> PLANNER ASSIGNED: <u>RR</u> TAB/CAC: <u>ENTERPRISE</u> TAB/CAC DATE: <u>7-12-23</u> PC MEETING DATE: <u>8-1-23</u> BCC MEETING DATE: _____ FEE: <u>\$675.00</u>
<b>PROPERTY OWNER</b>	NAME: <u>Bradford Meldrum</u> ADDRESS: <u>270 Blue Grotto St</u> CITY: <u>Henderson</u> STATE: <u>NV</u> ZIP: <u>89015</u> TELEPHONE: <u>702-704-4780</u> CELL: <u>702-704-4780</u> E-MAIL: <u>brad@meldrum.net</u>	
<b>APPLICANT</b>	NAME: <u>Brad Meldrum</u> ADDRESS: <u>270 Blue Grotto St</u> CITY: <u>Henderson</u> STATE: <u>NV</u> ZIP: <u>89015</u> TELEPHONE: <u>702-704-4780</u> CELL: <u>702-704-4780</u> E-MAIL: <u>brad@meldrum.net</u> REF CONTACT ID #: <u>N?A</u>	
<b>CORRESPONDENT</b>	NAME: <u>Brad Meldrum</u> ADDRESS: <u>270 Blue Grotto St</u> CITY: <u>Henderson</u> STATE: <u>NV</u> ZIP: <u>89015</u> TELEPHONE: <u>702-704-4780</u> CELL: <u>702-704-4780</u> E-MAIL: <u>brad@meldrum.net</u> REF CONTACT ID #: <u>N/A</u>	

**ASSESSOR'S PARCEL NUMBER(S):** 176-35-510-002  
**PROPERTY ADDRESS and/or CROSS STREETS:** 10663 Charismatic Court  
**PROJECT DESCRIPTION:** Out building ~~and~~ -prior to const. of primary residence

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

Property Owner (Signature)\*  
 STATE OF California  
 COUNTY OF San Bernardino  
 SUBSCRIBED AND SWORN BEFORE ME ON March 22, 2023 (DATE)  
 By Bradford Meldrum  
 NOTARY PUBLIC:

Bradford Meldrum  
 Property Owner (Print)



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

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

May 22, 2024

Dear Sir/Madam:

Special Use Permit - 10663 Charismatic Court - Parcel #176-35-510-002 - APR23-100477

Please find attached our Land Use Application requesting approval of a Special Use Permit to allow for the construction of a 10' x 12' accessory structure on the SW corner of the above parcel prior to construction of the primary use, single family dwelling on the property. This structure will serve as a contractor work shack during the primary use construction process. We expect to begin construction of the primary use structure in early August 2023 with an anticipated completion date of March 1, 2024.

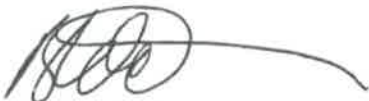
Please find attached the following:

1. Land Use Application
2. Disclosure Form
3. Assessor's Map
4. Plot Plan drawing identifying location of the proposed residence and accessory structure.
5. Garden Shed Plans detailing the scope of the utility shed project.

Please preview the attachments and advise any additional requirements.

Thank you for your help and assistance as we work through our construction project.

Warmest Regards,



Bradford Meldrum  
270 Blue Grotto St.,  
Henderson, NV 89015

Cell: 702-704-4780

PLANNER COPY

HOUSEHOLD PETS  
(TITLE 30)

IRVIN AVE/PLACID ST

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**AR-23-400089 (UC-22-0204)-SOUTHERN NEVADA BEAGLE RESCUE FOUNDATION:**

**USE PERMIT FIRST APPLICATION FOR REVIEW** to allow additional household pets (dogs) in conjunction with an existing single family residence on 1.1 acres in an R-E (Rural Estates Residential) (RNP-I) Zone.

Generally located on the south side of Irvin Avenue, 150 feet west of Placid Street within Enterprise. MN/rp/syp (For possible action)

**RELATED INFORMATION:**

**APN:**

177-33-601-008

**USE PERMIT:**

Increase the number of household pets (dogs) to 20 dogs where 3 are allowed and a maximum of 13 may be permitted based on lot area with a special use permit per Table 30.44-1.

**LAND USE PLAN:**

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

**BACKGROUND:**

**Project Description**

**General Summary**

- Site Address: 285 Irvin Avenue
- Site Acreage: 1.1
- Project Type: Household pets

Site Plan

The approved plan depicts an existing 1,414 square foot single family residence and a 6 foot high block wall that surrounds the property.

Landscaping

The photos show mature landscaping consisting of large trees, a garden in the front yard and ample mature landscaping in the rear yard.

Elevations

The photo depicts a single story house with light stucco exterior.

Signage

Signage is not a part of this request.

Previous Conditions of Approval

Listed below are the approved conditions for UC-22-0204:

Current Planning

- 1 year to review as a public hearing;
- No more than 20 dogs/pets allowed.
- Applicant is advised that proper permits must be obtained from Clark County Animal Control; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and application for review; 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.

Applicant's Justification

The applicant indicates there is a current crisis of animal intakes across the valley including the local shelters. According to the applicant, little has changed and their needs to care for the household pets is still the same if not greater. The applicant does not have more than 20 dogs at any given time.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-22-0204	Allowed additional household pets (dogs)	Approved by BCC	June 2022
ZC-1026-05	Reclassified from R-E to R-E (RNP-I) zoning	Approved by BCC	October 2005

Surrounding Land Use

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

**STANDARDS FOR APPROVAL:**

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

## **Analysis**

### **Comprehensive Planning**

Title 30 standards of approval 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 since the original approval.

Since approval, there has not been any active Code enforcement violations or any complaints that staff is aware of. The applicant has complied with the condition of not having more than 20 dogs at any given time. Therefore, staff recommends approval with removing the time limit.

### **Staff Recommendation**

Approval.

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

### **PRELIMINARY STAFF CONDITIONS:**

#### **Comprehensive Planning**

- Remove the time limit.

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

- No comment.

#### **Fire Prevention Bureau**

- No comment.

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

- No comment.

**TAB/CAC:**

**APPROVALS:**

**PROTEST:**

**APPLICANT:** SOUTHERN NEVADA BEAGLE RESCUE FOUNDATION

**CONTACT:** SOUTHERN NEVADA BEAGLE RESCUE FOUNDATION, 285 IRVIN AVENUE, LAS VEGAS, NV 89183





# LAND USE APPLICATION

## DEPARTMENT OF COMPREHENSIVE PLANNING

# 8A

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

### APPLICATION TYPE

- TEXT AMENDMENT (TA)
- ZONE CHANGE (ZC)
- USE PERMIT (UC)
- VARIANCE (VC)
- WAIVER OF DEVELOPMENT STANDARDS (WS)
- DESIGN REVIEW (DR)
- ADMINISTRATIVE DESIGN REVIEW (ADR)
- STREET NAME / NUMBERING CHANGE (SC)
- WAIVER OF CONDITIONS (WC)
- ANNEXATION REQUEST (ANX)
- EXTENSION OF TIME (ET)
- APPLICATION REVIEW (AR)  
(ORIGINAL APPLICATION #)  
100457 *RH*  
(ORIGINAL APPLICATION #)  
21-101615 *RH*  
22-020

STAFF

APP. NUMBER: 23-400089      DATE FILED: 5/31/23  
 PLANNER ASSIGNED: RP  
 TAB/CAC: Enterprise      TAB/CAC DAI: 7/12/23  
 PC MEETING DATE: \_\_\_\_\_  
 BCC MEETING DATE: 8/2/23  
 FEE: \$475

PROPERTY OWNER

NAME: Southern Nevada Beagle Rescue Foundation  
 ADDRESS: 285 Irwin Ave  
 CITY: Las Vegas      STATE: NV      ZIP: 89183  
 TELEPHONE: 702-493-9779      CELL: \_\_\_\_\_  
 E-MAIL: SNVbeagle Rescue@gmail.com

APPLICANT

NAME: Regina Harman  
 ADDRESS: 285 Irwin Ave  
 CITY: Las Vegas      STATE: NV      ZIP: 89183  
 TELEPHONE: 702-493-9779      CELL: \_\_\_\_\_  
 E-MAIL: SNVbeagle Rescue@gmail.com      REF CONTACT ID #: \_\_\_\_\_

CORRESPONDENT

NAME: Regina Harman  
 ADDRESS: 285 Irwin Ave  
 CITY: Las Vegas      STATE: NV      ZIP: 89183  
 TELEPHONE: 702-493-9779      CELL: \_\_\_\_\_  
 E-MAIL: SNVbeagle Rescue@gmail.com      REF CONTACT ID #: \_\_\_\_\_

ASSESSOR'S PARCEL NUMBER(S): 177-336-01-008  
 PROPERTY ADDRESS and/or CROSS STREETS: 285 Irwin Ave  
 PROJECT DESCRIPTION: Extension of time RA Application Review

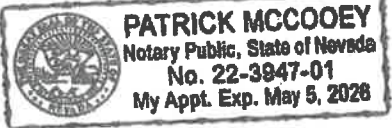
(I, We) the undersigned swear and say that (I am, We are) the owner(s) of record on the Tax Rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Clark County Code; that the information on the attached legal description, all plans, and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

Property Owner (Signature)\* \_\_\_\_\_ *Regina Harman*  
 Property Owner (Print) \_\_\_\_\_

STATE OF Nevada  
 COUNTY OF Clark

SUBSCRIBED AND SWORN BEFORE ME ON 3-29-23 (DATE)  
 By Regina Harman

NOTARY PUBLIC: \_\_\_\_\_



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

## Justification Letter

Last year the Southern Nevada Rescue Foundation requested a change in its land use permit for Clark County. A justification letter was submitted at that time and were approved with a one-year review. Little has changed since that time and our needs are still the same or even worse. There is a current crisis of animal intakes across the valley including the local shelters. As a breed specific rescue, we routinely pull beagles from shelters to help lighten their load. We also take many other smaller breeds if space permits, to lighten the shelters' load. We need increased capacity to help meet this pressing need.

We are now return at the specified time for the review of our land use permit change.



Regina Harman

Southern Nevada Beagle Rescue Foundation



EASEMENTS  
(TITLE 30)

BRUNER AVE/ENSWORTH ST

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**ET-23-400084 (VS-21-0192)-B-R OVATION LIMITED PARTNERSHIP:**

**VACATE AND ABANDON FIRST EXTENSION OF TIME** for easements of interest to Clark County located between Jonathan Drive (alignment) and Bruner Avenue, and between Ensworth Street (alignment) and I-15 within Enterprise (description on file). MN/nai/syp. (For possible action)

RELATED INFORMATION:

**APN:**

191-05-801-013; 191-05-801-014

**LAND USE PLAN:**

ENTERPRISE - ENTERTAINMENT MIXED-USE

**BACKGROUND:**

The approved plans depict the vacation and abandonment of government patent easements. On the northern parcel, the easements to be vacated include 33 foot wide easements along the north and south sides and 3 feet of the easement along the east side, adjacent to Ensworth Street. This will leave the 30 foot wide easement along the east property line for dedication for Ensworth Street.

On the southern parcel, the easements to be vacated include 33 feet along the north side and 3 feet along the east side, adjacent to Ensworth Street. Similar to the northern parcel, this will leave a 30 foot wide easement along the east property line for dedication for Ensworth Street. According to the applicant, the easements to be vacated are not needed for future roadways.

Previous Conditions of Approval

Listed below are the approved conditions for VS-21-0192:

Current Planning

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

recording of the order of vacation in the Office of the County Recorder must be completed within 2 years of the approval date or the application will expire.

**Public Works - Development Review**

- Right of way dedication to include 35 feet to the back of curb for Bruner Avenue with a County-approved turnaround.
- Vacation to be recordable prior to building permit issuance or applicable map submittal;
- Revise legal description, if necessary, prior to recording.
- Applicant is advised that the installation of detached sidewalks will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

Applicant's Justification

The applicant indicates that VS-21-0192 was approved by the Board of County Commissioners, on June 16, 2021. Since the approval in 2021, progress has been made with the Clark County Mapping Team and Public Works. However, the applicant has encountered delays; therefore, the applicant is requesting a 3 year extension.

**Prior Land Use Requests**

Application Number	Request	Action	Date
ADR-23-900157	Converted south face of an existing off-premises sign (billboard) to a digital face	Approved by ZA	May 2023
ZC-22-0606	Reclassified 5 acres from R-E to H-1 zoning, use permit for multiple family residential use, with waivers for landscaping, decorative fence, increased wall height and building height, alternative driveway geometrics, and design review for a multiple family residential on 12.2 acres	Approved by BCC	January 2023
ADR-22-900577	Converted north face of an existing off-premises sign (billboard) to a digital face	Approved by ZA	September 2022
ZC-21-0193	Reclassified 7.2 acres from H-2 and R-E to H-1 zoning, use permit for multiple family residential use, with waivers for landscaping, decorative fence, increased wall height, alternative driveway geometrics, and design review for a multiple family residential and finished grade - expunged	Approved by BCC	June 2021
VS-21-0192	Vacated and abandoned easements and right-of-way	Approved by BCC	June 2021
ZC-20-0053	Reclassified the site to R-5 zoning for a multiple family residential development	Withdrawn	July 2020
VS-20-0149	Vacated and abandoned easements and right-of-way	Withdrawn	May 2020

**Prior Land Use Requests**

Application Number	Request	Action	Date
UC-1132-94	Allowed two, 40 foot high, 672 square foot off-premises signs on the site	Approved by PC	September 1995

**Surrounding Land Use**

	Planned Land Use Category	Zoning District	Existing Land Use
North	Entertainment Mixed-Use	R-4	Undeveloped
South	Entertainment Mixed-Use	H-1	Multiple family residential
East	Entertainment Mixed-Use	R-4 & H-1	Undeveloped
West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac) & Compact Neighborhood (up to 18 du/ac)	H-1 & R-3	Multiple family residential (Southern Highlands) & undeveloped

I-15 is located along the western boundary of the site. The subject site is located in the Public Facilities Needs Assessment (PFNA) area.

**STANDARDS FOR APPROVAL:**

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

**Analysis**

**Comprehensive Planning**

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

Staff finds that the applicant has a map (22-600061) in process with the Clark County Mapping Team, and off-site permits in review by and a traffic study (PW22-12343) approved by Public Works Department. Although the applicant has experienced delays in progress, this is the first extension of time request, staff can support this application with the condition of another 2 years to record.

**Public Works - Development Review**

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

**Staff Recommendation**

Approval.

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

**PRELIMINARY STAFF CONDITIONS:**

**Comprehensive Planning**

- Until June 16, 2025 to record.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that re-approval by the utility companies is required.

**Public Works - Development Review**

- Compliance with previous conditions.

**Fire Prevention Bureau**

- No comment.

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

- No comment.

**TAB/CAC:**

**APPROVALS:**

**PROTEST:**

**APPLICANT:** OVATION CONTRACTING, INC.

**CONTACT:** OVATION CONTRACTING, INC., 6021 S. FORT APACHE ROAD #100, LAS VEGAS, NV 89148



# LAND USE APPLICATION 9A

## DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

<p><b>APPLICATION TYPE</b></p> <p><input type="checkbox"/> TEXT AMENDMENT (TA)</p> <p><input type="checkbox"/> ZONE CHANGE (ZC)</p> <p><input type="checkbox"/> USE PERMIT (UC)</p> <p><input type="checkbox"/> VARIANCE (VC)</p> <p><input type="checkbox"/> WAIVER OF DEVELOPMENT STANDARDS (WS)</p> <p><input type="checkbox"/> DESIGN REVIEW (DR)</p> <p><input type="checkbox"/> ADMINISTRATIVE DESIGN REVIEW (ADR)</p> <p><input type="checkbox"/> STREET NAME / NUMBERING CHANGE (SC)</p> <p><input type="checkbox"/> WAIVER OF CONDITIONS (WC)</p> <p>_____ (ORIGINAL APPLICATION #)</p> <p><input type="checkbox"/> ANNEXATION REQUEST (ANX)</p> <p><input checked="" type="checkbox"/> EXTENSION OF TIME (ET) VS-21-0192 _____ (ORIGINAL APPLICATION #)</p> <p><input type="checkbox"/> APPLICATION REVIEW (AR)</p> <p>_____ (ORIGINAL APPLICATION #)</p>	<b>STAFF</b>	<p>APP. NUMBER: <u>23-400084</u>      DATE FILED: <u>5/25/2023</u></p> <p>PLANNER ASSIGNED: _____</p> <p>TAB/CAC: <u>Enterprise</u>      TAB/CAC DATE: <u>7/12/2023</u></p> <p>PC MEETING DATE: _____</p> <p>BCC MEETING DATE: <u>8/2/2023</u></p> <p>FEE: <u>\$300.00</u></p>
	<b>PROPERTY OWNER</b>	<p>NAME: <u>B-R Ovation Limited Partnership</u></p> <p>ADDRESS: <u>6021 S. Fort Apache Road, #100</u></p> <p>CITY: <u>Las Vegas</u>      STATE: <u>NV</u>      ZIP: <u>89148</u></p> <p>TELEPHONE: <u>702-990-2325</u>      CELL: <u>702-580-9036</u></p> <p>E-MAIL: <u>jang@ovationdev.com</u></p>
	<b>APPLICANT</b>	<p>NAME: <u>Ovation Contracting, Inc. -- Jan Goyer</u></p> <p>ADDRESS: <u>6021 S. Fort Apache Road, #100</u></p> <p>CITY: <u>Las Vegas</u>      STATE: <u>NV</u>      ZIP: <u>89148</u></p> <p>TELEPHONE: <u>702-990-2325</u>      CELL: <u>702-580-9036</u></p> <p>E-MAIL: <u>jang@ovationdev.com</u>      REF CONTACT ID #: <u>208832</u></p>
	<b>CORRESPONDENT</b>	<p>NAME: <u>Ovation Contracting, Inc. -- Jan Goyer</u></p> <p>ADDRESS: <u>6021 S. Fort Apache Road, #100</u></p> <p>CITY: <u>Las Vegas</u>      STATE: <u>NV</u>      ZIP: <u>89148</u></p> <p>TELEPHONE: <u>702-990-2325</u>      CELL: <u>702-580-9036</u></p> <p>E-MAIL: <u>jang@ovationdev.com</u>      REF CONTACT ID #: <u>208832</u></p>

ASSESSOR'S PARCEL NUMBER(S): 191-05-801-013 and 191-05-801-014

PROPERTY ADDRESS and/or CROSS STREETS: W. Bruner Avenue & N I-15

PROJECT DESCRIPTION: Extension of Time for Vacation and Abandonment -- VS-21-0192 for three years

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

*[Signature]*      **Cherise Quimby**  
 Property Owner (Signature)\*      Property Owner (Print)

STATE OF Nevada  
 COUNTY OF Clark

SUBSCRIBED AND SWORN BEFORE ME ON May 2, 2023 (DATE)  
 By Cherise Quimby

NOTARY PUBLIC: Lisa Alexander



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



May 2, 2023

Clark County Comprehensive Planning  
500 S. Grand Central Parkway, 1<sup>st</sup> Floor  
Las Vegas, NV 89106

RE: Extension of Time for Bruner/I15 Apartments – VS-21-0192  
APN 191-05-801-013 and 191-05-801-014

To Whom It May Concern:

We respectfully request an extension of time for VS-21-0192 which will expire on June 16, 2023, for a three-year period.

On June 16, 2021, VS-21-0192 was approved in conjunction with ZC-21-0193 by the Clark County Board of Commissioners. This project is described as APN 191-05-801-013 and 191-05-801-014 and is located at 12015 and 12085 Ensworth Street.

While we are presently in the process of parcel mapping to combine the above-mentioned parcels, this project has been delayed in favor of moving forward with our senior affordable apartment projects, and therefore, we are requesting additional time to record the vacation and abandonment. There have been no substantial changes in the area, and as a result, the vacation and abandonment is still appropriate.

As mentioned above, the additional time allows us to focus on our affordable housing developments which are greatly needed in the Las Vegas Valley.

Therefore, a three-year extension of time would be beneficial.

In advance, we appreciate your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet Goyer".

Janet Goyer  
Forward Planner

CONVENIENCE STORE/GAS STATION  
/RETAIL BUILDING  
(TITLE 30)

STARR AVE/BERMUDA RD

PUBLIC HEARING  
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST  
**UC-23-0307-REMINGTON UTE, LLC:**

**USE PERMITS** for the following: 1) convenience store; 2) gasoline station; 3) reduce the setback for a proposed convenience store to a residential use; and 4) reduce the setback for a proposed gasoline station to a residential use.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) modified driveway geometrics; and 2) non-standard street improvement in the right-of-way.

**DESIGN REVIEWS** for the following: 1) proposed commercial complex; 2) lighting plan; and 3) finished grade on 1.7 acres in a C-1 (Local Business) Zone.

Generally located on the northwest corner of Starr Avenue and Bermuda Road within Enterprise. MN/jud/syp (For possible action)

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RELATED INFORMATION:

**APN:**  
177-33-801-016

**USE PERMITS:**

1. Convenience store.
2. Gasoline station.
3. Reduce the setback for a proposed convenience store to a residential use from the required 200 feet to 162 feet (a 19% reduction).
4. Reduce the setback for a proposed gasoline station to a residential use from the required 200 feet to 78 feet (a 61% reduction).

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Reduce commercial driveway departure distance to 174 feet where 190 feet is required per Uniform Standard Drawing 222-1 (an 8% reduction).
2. Allow non-standard street improvement (landscaping) within the right-of-way.

**DESIGN REVIEWS:**

1. A proposed commercial complex with convenience store and gasoline station, and retail building.
2. Lighting plan.
3. Increase finished grade to 6.5 feet where a maximum of 3 feet is the standard per Section 30.32.040 (a 117% increase).

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

**BACKGROUND:**

**Project Description**

**General Summary**

- Site Address: 11295 Bermuda Road
- Site Acreage: 1.7
- Project Type: Convenience store with gas pumps/retail building
- Number of Stories: 1
- Building Height (feet): 28.2 (retail)/25 (convenience store)/19.6 (gas canopies)
- Square Feet: 7,950 (retail)/4,300 (convenience store)/3,154 (gas canopies)
- Parking Required/Provided: 49/49

Site Plans

The plans depict a proposed retail center with access to Starr Avenue and Bermuda Road. The site consists of a retail building (7,950 square feet) located along the west side of the project site. The convenience store (4,300 square feet) is proposed along the south side of the property; meanwhile the gasoline canopies (3,154 square feet) are proposed in the central portion of the site. The site will be accessed by 2 main driveways, 1 on Starr Avenue and a second one on Bermuda Road. The site also provides intense landscaping along the north and west perimeters to provide a buffer to the adjacent homes.

The buildings are articulated to complement the surrounding area, to include painted stucco, stone veneer, and attractive metal accents. Two sets of 4 bicycle racks are located by each proposed building. The project site provides 49 parking spaces located throughout the site. There are 2 loading spaces centrally located on the site, with 2 trash enclosures provided along the south side of the retail building and the west side of the convenience store building, both trash enclosures are set back over 50 feet from the residential properties to the west.

This is a project of Regional Significance due to the proximity to the City of Henderson.

Landscaping & Lighting

The plan depicts a 15 foot wide detached sidewalk landscaping along Starr Avenue and Bermuda Road consisting of Desert Museum Palo Verde, Texas Mountain Laurel, and shrubbery. Portions of the street landscaping at the southeast corner of the project site are located within the right-of-way; therefore, a request for non-standard street improvements in the right-of-way is a part of this application.

Along the west and north property lines is a 10 foot wide intense landscape buffer per Figure 30.64-12 consisting of large Willow Acacia, 20 feet on center. Additionally, along the north property line, on the adjacent property, is an existing 5.2 feet wide drainage easement with concrete gutter. Parking lot landscaping includes a mix of trees and shrubbery utilizing similar materials described above.



The lighting plan shows exterior wall sconces, low-profile wall pack, and down-light posts shown throughout the site. Also, the 20 foot high light posts provide shielded down-light.

### Elevations

The plans show both proposed buildings (convenience store and retail buildings as well as gas canopies) ranging in height from 28.2 feet 8 inches to 19.6 feet to the top of the roof detail. A traditional storefront door and window system, including painted stucco, stone veneer, and attractive metal accents are featured on both buildings.

### Floor Plans

The plans depict 2 proposed buildings. The proposed building on the west side of the site consists of 7,950 square feet, with 6 proposed suites. All 6 main entrances of the retail building face east. The proposed building on the south side consists of 4,300 square feet of convenience store space, with entry on the north side of the building. The gas canopies are proposed to be located on the east-west direction (3,154 square feet).

### Signage

Signage is not a part of this request.

### Applicant's Justification

The applicant indicates that the proposed uses for the subject site are compatible with the surrounding community. The request for a waiver of development standards to reduce the separation from the fuel pumps to the residential uses is mitigated on the west side by parking, retail building, and intense landscaping. On the north side, the gasoline pumps are buffered from the residential use by parking, intense landscaping, and drainage easement. Additionally, perimeter screen walls, existing both north and west of the site, contribute to the buffering between uses.

Similarly, the applicant requests a separation waiver of development standards for the convenience store. Where 200 feet of separation from residential use is required, the applicant is proposing approximately 162 feet at the closest distance to residential. The convenience store is located at the southeast corner of the site, along the street frontage of the project. As with the fuel canopy, the convenience store is separated from residential to the west and north by parking, intense landscape buffer, and the proposed retail building.

Furthermore, the applicant is requesting a waiver of development standards to reduce the required departure distance of 190 feet to 174 feet after pushing the driveway as far west as possible. The applicant also states that the request for an additional waiver of development standards is for non-standard street improvements in the right-of-way since a portion of the perimeter landscaping encroaches into the existing right-of-way at the corner of Bermuda Road and Starr Avenue. This is pursuant to the filing of a License and Maintenance Agreement with Clark County Public Works.

**Prior Land Use Requests**

Application Number	Request	Action	Date
WS-0925-07	Shopping center - expired	Approved by BCC	September 2007
TM-0178-07	1 lot commercial subdivision - expired	Approved by PC	July 2007
UC-0262-04 (ET-0036-06)	First extension of time for a request for a convenience store	Approved by BCC	June 2006
UC-0262-04	Convenience store	Approved by BCC	March 2004
NZC-1212-03 (ET-0035-06)	First extension of time to reclassify the site from R-E to C-1 zoning	Approved by BCC	March 2006
NZC-1212-03	Reclassified the site from R-E to C-1 zoning	Approved by BCC	October 2003

**Surrounding Land Use**

	Planned Land Use Category	Zoning District	Existing Land Use
North & West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-2	Single family residential
South	Neighborhood Commercial	R-4	Multiple family residential
East	City of Henderson	RM-10	Residential

**Related Applications**

Application Number	Request
VS-23-0308	A vacation and abandonment of patent easements is a companion item on this agenda.
TM-23-500073	A tentative map for a 1 lot commercial subdivision is a companion item on this agenda.

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

**STANDARDS FOR APPROVAL:**

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

**Analysis**

**Comprehensive Planning**

**Use Permits**

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

The proposed retail building, convenience store, and gasoline station propose intense landscaping adjacent to the residential properties which could typically work as a buffer to the

commercial uses. Additionally, the detached sidewalk with the required street landscaping contribute to the pedestrian movement around the vicinity of the site integrating its designs to be compatible with adjacent land uses. The proposed retail building consists of varying rooflines with a building height of 28 feet 2 inches at its maximum height.

However, the request to reduce the separation from a convenience store and gasoline station to an existing residential development is substantial. The site is small in size, requiring reduction in separation from the existing residential development. The intent of the required 200 feet of separation distance from a convenience store and gasoline station to a residential use is to ensure an appropriate buffer is established between the uses to reduce any negative impacts on the residential use. Goal 3.1 of the Master Plan states the following: "Maintain air quality at a level that protects public health and improves visual clarity." Staff is concerned that reducing the distance between the convenience store and gasoline station to the existing residential development may have the following impacts: 1) a reduction in air quality through the release of vapors during vehicle fueling; and 2) noise during the evening hours. Therefore, staff cannot support these requests.

#### Waivers of Development Standards

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

#### Design Reviews #1 & #2

Staff finds that the request complies with Policy EN-1.1: Neighborhood Integrity that encourages compatible in-fill development and standards for transitioning from higher intensity uses. The proposed buildings are constructed with decorative materials and have parapet walls at varying heights to break-up the horizontal rooflines. The buildings will have architectural enhancements such as painted stucco, stone veneer, and attractive metal accents to enhance their visual appearance. The design of the subject site provides adequate landscaping throughout. Additionally, the proposed lighting plan depicts light fixtures designed to be shielded and down cast. This design will prevent lights from spilling onto adjacent properties, especially in locations that are not screened by buildings on-site. However, staff does not support the requested use permits. Therefore, staff recommends denial on the design review of the development as well as the lighting.

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

##### Waiver of Development Standards #1

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

### Waiver of Development Standards #2

The applicant is responsible for maintenance and up-keep of any non-standard improvement; the County will not maintain any landscaping placed in the right-of-way. Staff can support Waiver of Development Standards #2 but the applicant must execute and sign a License and Maintenance Agreement for any non-standard improvements within the right-of-way. However, since Planning is recommending denial of the application, staff cannot support this waiver.

### Design Review #3

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

### **Staff Recommendation**

Denial.

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

### **PRELIMINARY STAFF CONDITIONS:**

#### **Comprehensive Planning**

If approved:

- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 4 years of approval date or it will expire.

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

- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements;
- Execute a License and Maintenance Agreement for any non-standard improvements within the right-of-way;
- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Starr Avenue improvement project.
- Applicant is advised that the installation of detached sidewalks will require granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or

execute a License and Maintenance Agreement for non-standard improvements in the right-of-way.

**Fire Prevention Bureau**

- No comment.

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

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email [sewerlocation@cleanwaterteam.com](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0473-2019 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:**

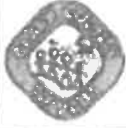
**APPROVALS:**

**PROTESTS:**

**APPLICANT:** REMINGTON UTE, LLC

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





# LAND USE APPLICATION 10A

## DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

<p><b>APPLICATION TYPE</b></p> <p><input type="checkbox"/> TEXT AMENDMENT (TA)</p> <p><input type="checkbox"/> ZONE CHANGE (ZC)</p> <p><input checked="" type="checkbox"/> USE PERMIT (UC)</p> <p><input type="checkbox"/> VARIANCE (VC)</p> <p><input checked="" type="checkbox"/> WAIVER OF DEVELOPMENT STANDARDS (WS)</p> <p><input checked="" type="checkbox"/> DESIGN REVIEW (DR)</p> <p><input type="checkbox"/> ADMINISTRATIVE DESIGN REVIEW (ADR)</p> <p><input type="checkbox"/> STREET NAME / NUMBERING CHANGE (SC)</p> <p><input type="checkbox"/> WAIVER OF CONDITIONS (WC)</p> <p><u>(ORIGINAL APPLICATION #)</u></p> <p><input type="checkbox"/> ANNEXATION REQUEST (ANX)</p> <p><input type="checkbox"/> EXTENSION OF TIME (ET)</p> <p><u>(ORIGINAL APPLICATION #)</u></p> <p><input type="checkbox"/> APPLICATION REVIEW (AR)</p> <p><u>(ORIGINAL APPLICATION #)</u></p>	<b>STAFF</b>	<p>APP. NUMBER: <u>UC-23-0307</u>      DATE FILED: <u>05/30/23</u></p> <p>PLANNER ASSIGNED: <u>JUD</u></p> <p>TAB/CAC: <u>Enterprise</u>      TAB/CAC DATE: <u>07/12/2023</u></p> <p>PC MEETING DATE: _____</p> <p>BCC MEETING DATE: <u>August 2, 2023</u></p> <p>FEE: <u>\$1375</u> (PRS)</p>
	<b>PROPERTY OWNER</b>	<p>NAME: <u>Remington Ute, LLC</u></p> <p>ADDRESS: <u>5920 S. Rainbow Blvd, Ste 11</u></p> <p>CITY: <u>Las Vegas</u>      STATE: <u>NV</u>      ZIP: <u>89118</u></p> <p>TELEPHONE: <u>000-000-0000</u>      CELL: <u>000-000-0000</u></p> <p>E-MAIL: <u>n/a</u></p>
	<b>APPLICANT</b>	<p>NAME: <u>Remington Ute, LLC</u></p> <p>ADDRESS: <u>5920 S. Rainbow Blvd, Ste 11</u></p> <p>CITY: <u>Las Vegas</u>      STATE: <u>NV</u>      ZIP: <u>89118</u></p> <p>TELEPHONE: <u>000-000-0000</u>      CELL: <u>000-000-0000</u></p> <p>E-MAIL: <u>n/a</u>      REF CONTACT ID #: <u>n/a</u></p>
	<b>CONSEQUENT</b>	<p>NAME: <u>Kempfer Crowell - Jennifer Lazovich</u></p> <p>ADDRESS: <u>1850 Festival Plaza Dr. #850</u></p> <p>CITY: <u>Las Vegas</u>      STATE: <u>NV</u>      ZIP: <u>89135</u></p> <p>TELEPHONE: <u>702-792-7000</u>      CELL: <u>702-792-7048</u></p> <p>E-MAIL: <u>apierce@kcnvlaw.com</u>      REF CONTACT ID #: <u>164574</u></p>

ASSESSOR'S PARCEL NUMBER(S): 177-33-801-016

PROPERTY ADDRESS and/or CROSS STREETS: Starr and Bermuda

PROJECT DESCRIPTION: Retail development with a convenience store with fuel pumps

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

Property Owner (Signature): *David DelZotto*      Property Owner (Print): David DelZotto

STATE OF Nevada  
 COUNTY OF Clark

SUBSCRIBED AND SWORN BEFORE ME ON October 10, 2022 (DATE)  
 by David DelZotto

NOTARY PUBLIC: *Rose F. Jaramillo*



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

**KAEMPFER**

**CROWELL**

ATTORNEYS AT LAW

LAS VEGAS OFFICE

**JENNIFER LAZOVICH**

[jlazovich@kenvlaw.com](mailto:jlazovich@kenvlaw.com)

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**CARSON CITY OFFICE**  
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Carson City, NV 89703  
Tel: 775.884.8300  
Fax: 775.882.0257

April 6, 2023

**VIA UPLOAD:**

UC-23-0307

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

**Re: *Revised Justification Letter –Design Review for: 1) Gas Station, Convenience Store and Retail Building, 2) Increased Grade Fill and 3) Lighting Plan; Special Use Permits for 1) Proposed Gas Station and Convenience Store, 2) Reduce Residential Separation from Fuel Pumps, and 3) Reduce Residential Separation from Convenience Store; Waiver for 1) Departure Distance and 2) Non-standard Improvements in the Right-of-Way; Tentative Map; and Vacation of Patent Easement  
Remington Ute LLC  
APN: 177-33-801-016***

To Whom It May Concern:

This firm represents Remington Ute LLC (the “Applicant”) in the above referenced matter. The proposed project is located on the northwest corner of East Starr Avenue and Bermuda Road (the “Site”). The Site is more particularly described as Assessor’s Parcel Number 177-33-801-016. The Applicant is requesting a design review, special use permits for proposed gas station and convenience store, reduced residential separation from fuel pumps and convenience store, a waiver for departure distance, as well as a tentative map and vacation of patent easements.

**Design Review**

The Applicant proposes a gas station, convenience store with off-premise packaged beer and wine sales and restricted gaming, as well as a retail building at the southeast corner of East Starr Avenue and Bermuda Road. The Site is approximately 1.72 acres, and is abutted by residential uses to the north, and west, as well as multifamily use to the south. Additionally, the project is one of regional significance, due to its proximity to the City of Henderson.

The history of this Site is relatively extensive, including an approved zone change to C-1 in 2003 (ZC-03-1212). As of October 22, 2006, the Site was zoned C-1 pursuant to ROI 1212-03. The residential developments to the north and west of the Site were approved and developed in 2017 after the Site was zoned C-1.



The Site as proposed here is accessed by two main driveways, one on East Starr Avenue (a 120-foot right-of-way), and a second on Bermuda Road (a 100-foot right-of-way). A proposed retail building sits at the northwest corner of the Site, providing 7,960 square feet of retail space, and a 4,300 square foot convenience store at the southeast corner of the Site. The proposed retail building will act as a partial buffer to homes on the west. The Site also provides intense landscaping along the north and west perimeter to provide an additional buffer to the adjacent homes. The buildings are highly articulated to complement the surrounding area, to include painted stucco, stone veneer, and attractive metal accents. Additionally, the Site is meeting the required parking per Title 30.

A traffic light has been installed at the East Starr Avenue and Bermuda Road intersection, and there is sufficient capacity at the intersection to support the proposed use. When fully built-out, the intersection could likely support over 5,000 vehicles per hour. Currently, Starr has approximately 1,500 vehicles per hour in its peak and Bermuda has approximately 800 vehicles per hour.

- **Lighting**

The Applicant proposes a lighting plan as part of the design review for this project. The Applicant proposes exterior wall sconces, low-profile wall pack, and down-light posts as shown throughout the Site. All proposed lighting is in compliance with Title 30, including the light posts which provide shielded down-light.

- **Increased Grade Fill**

Finally, the Applicant requests a design review for grade fill increase of up to 6.5 feet, where 36 inches is permitted. The Site presents significant sloping, therefore requiring an increased fill to bring the Site level with the surrounding structures and to meet flood control criteria of setting the finished floor elevations 18 inches minimum above the adjacent street centerlines.

### **Special Use Permits**

- **Gasoline Stations and Convenience Store**

In C-1 zoning, a special use permit is required for gasoline stations and convenience stores. The Applicant proposes six (6) fuel stations, with the fuel canopy. Additionally, the Applicant proposes a 4,300 square foot convenience store on the southeast corner of the Site, buffered by landscaping along the street frontage. Pursuant to Condition #5 for this use, the underground fuel tanks are not within 1,000 feet of any well used as a source of potable water, lake or major wash.

- **Residential Separation of Fuel Pumps**

The Applicant requests a separation waiver for the fuel pumps. Where 200 feet of separation from residential use is required, the Applicant is providing approximately 78 feet at the closest distance to residential to the north, and approximately 153 feet to the west. The fuel canopy is separated from residential to the north by parking and an intense landscape buffer. To the west, the fuel canopy is separated by parking, an intense landscape buffer, and a retail building, with perimeter screen walls existing both north and west of the Site, as well.

- **Residential Separation of Convenience Store**

The Applicant requests a separation waiver for the convenience store. Where 200 feet of separation from residential use is required, the Applicant is providing approximately 162 feet at the closest distance to residential. The convenience store is located at the southeast corner of the Site, along the street frontage of the project. As with the fuel canopy, the convenience store is separated from residential to the west and north by parking, intense landscape buffer, and the proposed retail building.

### **Waivers of Development Standards**

- **Minimum Driveway Departure Distance**

The Applicant requests a waiver for the required departure distance of 190 feet. The Applicant is providing 174 feet after pushing the driveway as far west as possible.

- **Non-Standard Improvements in the Right-of-Way**

The Applicant is proposing perimeter landscaping around the Site, which includes a portion of existing right-of-way on the corner of Bermuda Road and East Starr Avenue. As a result, the Applicant requests a waiver for non-standard improvements within the right-of-way, pursuant to a License and Maintenance Agreement.

### **Tentative Map**

The Applicant proposes a one lot subdivision for the project. A tentative map has been included with this submittal for review and consideration.

### **Vacation of Patent Easement**

The Applicant requests to vacate a 33 foot patent easement along the northern and western perimeter of the Site. These easements are no longer needed for right-of-way purposes.



April 6, 2023  
Page 4

The required vacation documents are included with this submittal.

Thank you in advance for your consideration of this project.

Sincerely,  
KAEMPFER CROWELL

Jennifer Lazovich

JJL/mkr



**EASEMENTS  
(TITLE 30)**

STARR AVE/BERMUDA RD

**PUBLIC HEARING  
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST  
VS-23-0308-REMINGTON UTE, LLC:**

**VACATE AND ABANDON** easements of interest to Clark County located between Fairfield Avenue (alignment) and Bermuda Road, and between Liberty Heights Avenue (alignment) and Starr Avenue within Enterprise (description on file). MN/jud/syp (For possible action)

**RELATED INFORMATION:**

**APN:**  
177-33-801-016

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

**BACKGROUND:  
Project Description**

The plans depict the vacation and abandonment of 33 foot wide patent easements located within the west and north perimeters of the subject site. The applicant indicates that these easements are no longer needed for right-of-way purposes.

**Prior Land Use Requests**

Application Number	Request	Action	Date
WS-0925-07	Shopping center - expired	Approved by BCC	September 2007
TM-0178-07	1 lot commercial subdivision - expired	Approved by PC	July 2007
UC-0262-04 (ET-0036-06)	First extension of time for a convenience store	Approved by BCC	June 2006
UC-0262-04	Convenience store	Approved by BCC	March 2004
NZC-1212-03 (ET-0035-06)	First extension of time to reclassify the site from R-E to C-1 zoning	Approved by BCC	March 2006
NZC-1212-03	Reclassified the site from R-E to C-1 zoning	Approved by BCC	October 2003

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North & West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-2	Single family residential
South	Neighborhood Commercial	R-4	Multiple family residential
East	City of Henderson	RM-10	Residential

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

**Related Applications**

<b>Application Number</b>	<b>Request</b>
TM-23-500073	A tentative map for a 1 lot commercial subdivision is a companion item on this agenda.
UC-23-0307	A use permit for a convenience store, gas station, and retail building is a companion item on this agenda.

**STANDARDS FOR APPROVAL:**

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

**Analysis**

**Public Works - Development Review**

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

**Staff Recommendation**

Approval.

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

**PRELIMINARY STAFF CONDITIONS:**

**Comprehensive Planning**

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

**Public Works - Development Review**

- Vacation to be recordable prior to building permit issuance or applicable map submittal;
- Revise legal description, if necessary, prior to recording;
- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Starr Avenue improvement project.
- Applicant is advised that the installation of detached sidewalks will require granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way.

**Fire Prevention Bureau**

- No comment.

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

- No objection.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** REMINGTON UTE, LLC

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







**VACATION APPLICATION** **11A**  
**DEPARTMENT OF COMPREHENSIVE PLANNING**  
 APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

<b>APPLICATION TYPE</b>	DEPARTMENT USE	APP. NUMBER: <u>VS-23-0308</u>	DATE FILED: <u>05/30/23</u>
<input type="checkbox"/> VACATION & ABANDONMENT (vs) <input checked="" type="checkbox"/> EASEMENT(S) <input type="checkbox"/> RIGHT(S)-OF-WAY <input type="checkbox"/> EXTENSION OF TIME (ET) (ORIGINAL APPLICATION #):		PLANNER ASSIGNED: <u>JUD</u>	TABCAC: <u>Enterprise</u>
		PC MEETING DATE: _____	BCC MEETING DATE: <u>August 2, 2023</u>
		FEE: <u>\$875<sup>00</sup></u>	

PROPERTY OWNER	NAME: <u>Remington Ute, LLC</u>
	ADDRESS: <u>5920 S. Rainbow Blvd., Ste. 11</u>
	CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89118</u>
	TELEPHONE: <u>000-000-0000</u> CELL: <u>000-000-0000</u>
	E-MAIL: _____

APPLICANT	NAME: <u>Remington Ute, LLC</u>
	ADDRESS: <u>5920 S. Rainbow Blvd., Ste. 11</u>
	CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89118</u>
	TELEPHONE: <u>000-000-0000</u> CELL: <u>000-000-0000</u>
	E-MAIL: <u>n/a</u> REF CONTACT ID #: <u>n/a</u>

CORRESPONDENT	NAME: <u>Kaempfer Crowell - Jennifer Lazovich</u>
	ADDRESS: <u>1980 Festival Plaza Dr. #650</u>
	CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89135</u>
	TELEPHONE: <u>702-792-7000</u> CELL: <u>702-792-7048</u>
	E-MAIL: <u>apierce@kcnvlaw.com</u> REF CONTACT ID #: <u>164674</u>

ASSESSOR'S PARCEL NUMBER(S): 177-33-801-016

PROPERTY ADDRESS and/or CROSS STREETS: Starr and Bermuda

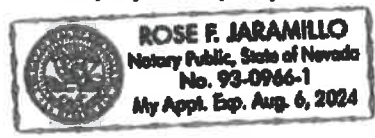
I, (We) the undersigned swear and say that I am, (We are) the owner(s) of record on the Tax Rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Clark County Code; that the information on the attached legal description, all plans, and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

\_\_\_\_\_  
 Property Owner (Signature)\*

\_\_\_\_\_  
 Property Owner (Print)

STATE OF NEVADA  
 COUNTY OF Clark

SUBSCRIBED AND SWORN BEFORE ME ON February 22, 2023 (DATE)  
 By David DelZotto  
 NOTARY PUBLIC:



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

KAEMPFER

CROWELL

ATTORNEYS AT LAW

LAS VEGAS OFFICE

JENNIFER LAZOVICH

[jlazovich@kcview.com](mailto:jlazovich@kcview.com)

702.792.7000

VS-23-0308

LAS VEGAS OFFICE  
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RENO OFFICE  
50 West Liberty Street  
Suite 700  
Reno, NV 89501  
Tel: 775.852.3900  
Fax: 775.327.2611

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

March 22, 2023

**VIA UPLOAD:**

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

***Re: Justification Letter –Design Review for: 1) Gas Station, Convenience Store and Retail Building, 2) Increased Grade Fill and 3) Lighting Plan; Special Use Permits for 1) Proposed Gas Station and Convenience Store, 2) Reduce Residential Separation from Fuel Pumps, and 3) Reduce Residential Separation from Convenience Store; Waiver for 1) Departure Distance and 2) Non-standard Improvements in the Right-of-Way; Tentative Map; and Vacation of Patent Easement  
Remington Ute LLC  
APN: 177-33-801-016***

To Whom It May Concern:

This firm represents Remington Ute LLC (the “Applicant”) in the above referenced matter. The proposed project is located on the northwest corner of East Starr Avenue and Bermuda Road (the “Site”). The Site is more particularly described as Assessor’s Parcel Number 177-33-801-016. The Applicant is requesting a design review, special use permits for proposed gas station and convenience store, reduced residential separation from fuel pumps and convenience store, a waiver for departure distance, as well as a tentative map and vacation of patent easements.

**Design Review**

The Applicant proposes a gas station, convenience store with off-premise packaged beer and wine sales and restricted gaming, as well as a retail building at the southeast corner of East Starr Avenue and Bermuda Road. The Site is approximately 1.72 acres, and is abutted by residential uses to the north, and west, as well as multifamily use to the south.

The history of this Site is relatively extensive, including an approved zone change to C-1 in 2003 (ZC-03-1212). As of October 22, 2006, the Site was zoned was zoned C-1 pursuant to ROI 1212-03. The residential developments to the north and west of the Site were approved and developed in 2017 after the Site was zoned C-1.

The Site as proposed here is accessed by two main driveways, one on East Starr Avenue (a 120-foot right-of-way), and a second on Bermuda Road (a 100-foot right-of-way). A proposed retail building sits at the northwest corner of the Site, providing 7,960 square feet of retail space, and a 4,300 square foot convenience store at the southeast corner of the Site. The proposed retail building will act as a partial buffer to homes on the west. The Site also provides intense landscaping along the north and west perimeter to provide an additional buffer to the adjacent homes. The buildings are highly articulated to complement the surrounding area, to include painted stucco, stone veneer, and attractive metal accents. Additionally, the Site is meeting the required parking per Title 30. The intersection

A traffic light has been installed at the East Starr Avenue and Bermuda Road intersection, and there is sufficient capacity at the intersection to support the proposed use. When fully built-out, the intersection could likely support over 5,000 vehicles per hour. Currently, Starr has approximately 1,500 vehicles per hour in its peak and Bermuda has approximately 800 vehicles per hour.

- **Lighting**

The Applicant proposes a lighting plan as part of the design review for this project. The Applicant proposes exterior wall sconces, low-profile wall pack, and down-light posts as shown throughout the Site. All proposed lighting is in compliance with Title 30, including the light posts which provide shielded down-light.

- **Increased Grade Fill**

Finally, the Applicant requests a design review for grade fill increase of up to 6.5 feet, where 36 inches is permitted. The Site presents significant sloping, therefore requiring an increased fill to bring the Site level with the surrounding structures and to meet flood control criteria of setting the finished floor elevations 18 inches minimum above the adjacent street centerlines.

### Special Use Permits

- **Gasoline Stations and Convenience Store**

In C-1 zoning, a special use permit is required for gasoline stations and convenience stores. The Applicant proposes six (6) fuel stations, with the fuel canopy. Additionally, the Applicant proposes a 4,300 square foot convenience store on the southeast corner of the Site, buffered by landscaping along the street frontage.

- **Residential Separation of Fuel Pumps**

The Applicant requests a separation waiver for the fuel pumps. Where 200 feet of separation from residential use is required, the Applicant is providing approximately 78 feet at the closest distance to residential to the north, and approximately 153 feet to the west. The fuel canopy is separated from residential to the north by parking and an intense landscape buffer. To the west, the fuel canopy is separated by parking, an intense landscape buffer, and a retail building, with perimeter screen walls existing both north and west of the Site, as well.

- **Residential Separation of Convenience Store**

The Applicant requests a separation waiver for the convenience store. Where 200 feet of separation from residential use is required, the Applicant is providing approximately 162 feet at the closest distance to residential. The convenience store is located at the southeast corner of the Site, along the street frontage of the project. As with the fuel canopy, the convenience store is separated from residential to the west and north by parking, intense landscape buffer, and the proposed retail building.

#### Waivers of Development Standards

- **Minimum Driveway Departure Distance**

The Applicant requests a waiver for the required departure distance of 190 feet. The Applicant is providing 174 feet after pushing the driveway as far west as possible.

- **Non-Standard Improvements in the Right-of-Way**

The Applicant is proposing perimeter landscaping around the Site, which includes a portion of existing right-of-way on the corner of Bermuda Road and East Starr Avenue. As a result, the Applicant requests a waiver for non-standard improvements within the right-of-way, pursuant to a License and Maintenance Agreement.

#### Tentative Map

The Applicant proposes a one lot subdivision for the project. A tentative map has been included with this submittal for review and consideration.

#### Vacation of Patent Easement

The Applicant requests to vacate a 33 foot patent easement along the northern and western perimeter of the Site. These easements are no longer needed for right-of-way purposes. The required vacation documents are included with this submittal.



March 22, 2023  
Page 4

Thank you in advance for your consideration of this project.

Sincerely,  
KAEMPFER CROWELL

Jennifer Lazovich

JJL/mkr



08/02/23 BCC AGENDA SHEET

BERMUDA & STARR  
(TITLE 30)

STARR AVE/BERMUDA RD

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST  
**TM-23-500073-REMINGTON UTE, LLC:**

**TENTATIVE MAP** consisting of a 1 lot commercial subdivision on 1.7 acres in a C-1 (Local Business) Zone.

Generally located on the northwest corner of Starr Avenue and Bermuda Road within Enterprise. MN/jud/syp (For possible action)

**RELATED INFORMATION:**

**APN:**  
177-33-801-016

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

**BACKGROUND:**

**Project Description**

**General Summary**

- Site Address: 11295 Bermuda Road
- Site Acreage: 1.7
- Number of Lots/Units: 1
- Project Type: Commercial subdivision

The plan depicts a proposed commercial subdivision on 1.7 acres located on the northwest corner of Starr Avenue and Bermuda Road. Access to the site is provided by a driveway located along the east property line adjacent to Bermuda Road and an additional driveway located along the south property line adjacent to Starr Avenue.

**Prior Land Use Requests**

Application Number	Request	Action	Date
WS-0925-07	Shopping center - expired	Approved by BCC	September 2007
TM-0178-07	1 lot commercial subdivision - expired	Approved by PC	July 2007
UC-0262-04 (ET-0036-06)	First extension of time for a convenience store	Approved by BCC	June 2006

**Prior Land Use Requests**

Application Number	Request	Action	Date
UC-0262-04	Convenience store	Approved by BCC	March 2004
NZC-1212-03 (ET-0035-06)	First extension of time to reclassify the site from R-E to C-1 zoning	Approved by BCC	March 2006
NZC-1212-03	Reclassified the site from R-E to C-1 zoning	Approved by BCC	October 2003

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

**Surrounding Land Use**

	Planned Land Use Category	Zoning District	Existing Land Use
North & West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-2	Single family residential
South	Neighborhood Commercial	R-4	Multiple family residential
East	City of Henderson	RM-10	Residential

**Related Applications**

Application Number	Request
VS-23-0308	A vacation and abandonment of patent easements is a companion item on this agenda.
UC-23-0307	A use permit for a convenience store, gas station, and retail building is a companion item on this agenda.

**STANDARDS FOR APPROVAL:**

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

**Analysis****Comprehensive Planning**

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

**Staff Recommendation**

Approval.

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

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

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



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

**Public Works - Development Review**

- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements;
- Execute a License and Maintenance Agreement for any non-standard improvements within the right-of-way;
- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Starr Avenue improvement project.
- Applicant is advised that the installation of detached sidewalks will require granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way.

**Comprehensive Planning - Addressing**

- No comment.

**Fire Prevention Bureau**

- No comment.

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

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email [sewerlocation@cleanwaterteam.com](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0473-2019 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

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

**APPLICANT:** REMINGTON UTE, LLC

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



08/02/23 BCC AGENDA SHEET

RETAIL CENTER  
(TITLE 30)

BLUE DIAMOND RD/FORT APACHE RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WC-23-400092 (ZC-18-0621)-VACCARO, LOUIS & LINDA REV TR & VACCARO, LOUIS C. & LINDA L. TRS:**

**WAIVER OF CONDITIONS** of a zone change requiring to relocate the convenience store so it is a minimum of 100 feet from the existing residential development in conjunction with a retail center on 2.4 acres in a C-1 (Local Business) Zone.

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

---

**RELATED INFORMATION:**

**APN:**

176-20-201-008

**LAND USE PLAN:**

ENTERPRISE - CORRIDOR MIXED-USE

**BACKGROUND:**

**Project Description**

**General Summary**

- Site Address: N/A
- Site Acreage: 2.4

**History & Request**

The subject parcel was originally reclassified to C-1 zoning (ZC-18-0621) for a retail center with a convenience store, gasoline station, and retail building. A revised site layout is proposed with 1 single story retail building located on the site. This application and its companion item are to establish the use and necessary site design standards.

**Site Plans**

The plans depict a retail center consisting of a convenience store with an attached retail suite and a gasoline station. The retail suite with convenience store building is located on the southern portion of the site, approximately 88.4 feet from the south property line and 72 feet from the east property line, and the gasoline service pumps and canopy are located on the northern portion of the site, approximately 207 feet from the south property line and 100 feet from the east property line. The retail portion of the building is located on the west side of the convenience store, 87 feet from the south property line. The building and canopy structure are located at least 52 feet

from the public streets to the north and 73 feet to the west. The site has access to Fort Apache Road and Blue Diamond Road.

#### Landscaping & Site Lighting

An 11 foot wide landscape area with a detached sidewalk is located along the north property line adjacent to the Blue Diamond Road right-of-way and a 28 foot wide landscape area with an attached sidewalk is located along the west property line adjacent to Fort Apache Road. The landscape areas adjacent to the south and east property lines adjacent to existing residential uses are a minimum of 15 feet with intense landscaping, per Figure 30.64-12. Interior parking lot trees are located adjacent to the convenience store and retail buildings. The landscape materials include trees, shrubs, and groundcover. Due to the future dedication of Fort Apache Road, the street landscape design includes trees set back behind the future right-of-way line so that if Blue Diamond Road is constructed at full width, a turning lane would be constructed on Fort Apache Road and mature trees would not be destroyed or relocated. Shielded light poles are located around the boundary of the site, with an overall height of 20 feet.

#### Elevations

The buildings have flat roofs with parapet walls and a varied roofline ranging in height from 20 feet to 29 feet. The building has a typical modern architectural façade that includes stucco siding with architectural features and enhancements such as architectural insets, reveals, stone and brick veneer, fenestration, pop-outs, and awnings. The proposed gasoline canopy has an overall height of 19 feet and includes painted columns and stone veneer to match the retail convenience store building.

#### Floor Plans

The plans depict a 3,735 square foot convenience store with a gasoline service canopy and an attached 1,222 square foot retail suite.

#### Previous Conditions of Approval

Listed below are the approved conditions for ZC-18-0621:

#### Current Planning

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Relocate the convenience store so it is a minimum of 100 feet from the existing residential development;
- Provide a 15 foot wide landscape area with landscaping per Figure 30.64-12 along the south and east property lines;
- 12 foot Evergreen trees to be planted on the south and east property lines;
- Mechanical equipment on roof to be screened;
- Color schemes shall be complementary to the adjacent residential properties;
- Design review as a public hearing for significant changes to the plans, including significant changes to the landscape plan;
- Design review as a public hearing for lighting and signage;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.

- Applicant is advised that approval of this application does not constitute or imply approval of a liquor or gaming license or any other County issued permit, license or approval; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that the use permits and design reviews must commence within 2 years of approval date or they will expire.

**Public Works - Development Review**

- Drainage study and compliance;
- Traffic study and compliance;
- Right-of-way dedication to include 45 feet to the back of curb for Fort Apache Road together with a right turn lane per the Uniform Standard Drawings;
- Full off-site improvements;
- Construction of the dedicated right turn lane to be coordinated with Public Works;
- If required by the Regional Transportation Commission (RTC), dedicate and construct right-of-way for bus turnout including passenger loading/shelter areas in accordance with RTC standards;
- Off-site improvements along Blue Diamond Road to be coordinated with Nevada Department of Transportation (NDOT), and applicant to provide an approved NDOT encroachment permit to Public Works-Development Review Division.
- Applicant is advised that driveways must be a minimum of 32 feet wide measured from the lip of gutter to the lip of gutter; that radii at the corners and driveways must comply with Uniform Standard Drawings 201, 222.1, and 225; and that the installation of detached sidewalks will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

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

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0496-2018 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant indicates that the reduction in the requirement for separation from the adjacent residential parcels is needed for the proposed development.

**Prior Land Use Requests**

Application Number	Request	Action	Date
ZC-18-0621	Reclassified 2.4 acres to C-1 zoning with convenience store, gasoline station, and vehicle wash in a retail center	Approved by BCC	December 2018

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Corridor Mixed-Use	H-2	Undeveloped
South & East	Mid-intensity Suburban Neighborhood (up to 8 du/ac)	RUD	Single family residential
West	Corridor Mixed-Use	C-2	Undeveloped

This site and the surrounding area are located within a Public Facilities Needs Assessment (PFNA) area.

**Related Applications**

<b>Application Number</b>	<b>Request</b>
UC-23-0323	A use permit for a convenience store, gasoline station, and vehicle wash in a retail center is a companion item on this agenda.
VS-23-0324	A request to vacate patent easements is a companion item on this agenda.

**STANDARDS FOR APPROVAL:**

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

**Analysis**

**Comprehensive Planning**

Staff cannot support the request to waive the condition for separation from the residential development. The request does not comply with Policy 6.2.1 of the Master Plan, which promotes ensuring that the design and intensity of new developments are compatible with established neighborhoods and uses; therefore, staff does not support this request.

**Staff Recommendation**

Denial.

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

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

**PRELIMINARY STAFF CONDITIONS:**

**Public Works / Development Review**

If approved:

- No comment.

**Fire Prevention Bureau**

- No comment.

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

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0216-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:**

**APPROVALS:**

**PROTEST:**

**APPLICANT: SPEEDEE MART**

**CONTACT: CIVIL 360 PLANNING & ENGINEERING, 6490 W. DESERT INN ROAD,  
LAS VEGAS, NV 89146**

DRAFT







# LAND USE APPLICATION 13A

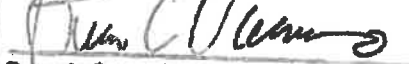

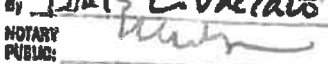
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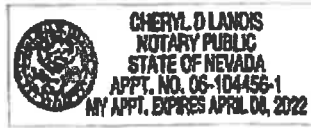
APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

<b>APPLICATION TYPE</b>  <input type="checkbox"/> TEXT AMENDMENT (TA) <input type="checkbox"/> ZONE CHANGE <input type="checkbox"/> CONFORMING (ZC) <input type="checkbox"/> NONCONFORMING (NZC) <input checked="" type="checkbox"/> USE PERMIT (UC) <input type="checkbox"/> VARIANCE (VC) <input type="checkbox"/> WAIVER OF DEVELOPMENT STANDARDS (WS) <input type="checkbox"/> DESIGN REVIEW (DR) <input type="checkbox"/> ADMINISTRATIVE DESIGN REVIEW (ADR) <input type="checkbox"/> STREET NAME / NUMBERING CHANGE (SC) <input checked="" type="checkbox"/> WAIVER OF CONDITIONS (WC) <u>21-18-0621</u> (ORIGINAL APPLICATION #) <input type="checkbox"/> ANNEXATION REQUEST (ANX) <input type="checkbox"/> EXTENSION OF TIME (ET) (ORIGINAL APPLICATION #) <input type="checkbox"/> APPLICATION REVIEW (AR) (ORIGINAL APPLICATION #)	<b>STAFF</b>  APP. NUMBER: <u>WC-23-400092</u> DATE FILED: <u>6/18/2023</u> PLANNER ASSIGNED: <u>LMN</u> TAB/CAC: <u>ENTERPRISE</u> TAB/CAC DATE: <u>7/12/2023</u> PC MEETING DATE: _____ BCC MEETING DATE: <u>8/2/2023</u> FEE: <u>\$ 650-</u>
	<b>PROPERTY OWNER</b>  NAME: <u>The Louis and Linda Vaccaro Revocable Trust</u> ADDRESS: <u>9433 Mountainak Ave</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89134</u> TELEPHONE: <u>702.485.1118</u> CELL: <u>702.701.1567</u> E-MAIL: <u>lvaccaro21@gmail.com</u>
	<b>APPLICANT</b>  NAME: <u>Bradley W Emory</u> ADDRESS: <u>1188 Wigwam Parkway</u> CITY: <u>Henderson</u> STATE: <u>NV</u> ZIP: <u>89074</u> TELEPHONE: <u>702-450-2726</u> CELL: _____ E-MAIL: <u>brademery17@hotmail.com</u> REF CONTACT ID #: _____
	<b>CORRESPONDENT</b>  NAME: <u>Civil 360 Planning &amp; Engineering - John Martinez</u> ADDRESS: <u>6490 W Desert Inn Road</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89146</u> TELEPHONE: <u>702-899-6068</u> CELL: <u>702-250-5744</u> E-MAIL: <u>jmartinez@civil36lv.com</u> REF CONTACT ID #: <u>197034</u>

ASSESSOR'S PARCEL NUMBER(S): 176-20-201-008  
 PROPERTY ADDRESS and/or CROSS STREETS: Blue Diamond Rd and Fort Apache Rd  
 PROJECT DESCRIPTION: Convenience Store with fueling station

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


  
 Property Owner (Signature) Property Owner (Print)  
 STATE OF Nevada  
 COUNTY OF Clark  
 SUBSCRIBED AND SWORN BEFORE ME ON March 29, 2022 (DATE)  
 BY Louis C. Vaccaro  
 NOTARY PUBLIC: 



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



May 1, 2023

Clark County Comprehensive Planning Department  
500 S. Grand Central Parkway  
P.O. Box 551744  
Las Vegas, NV 89155-1744

**RE: Speedee Mart @ SEC Blue Diamond & Fort Apache (APN: 176-20-201-008)**  
**Justification Letter - Design Review, Waiver of Development Standards, and Use Permits**  
**CIVIL 360 Project No. 14-2101**

To Whom It May Concern,

Please be advised that CIVIL 360 Planning & Engineering is representing the Applicant, Speedee Mart, on this Design Review, Use Permit, Waiver of Design Standards, and Waiver of Condition application for the parcel with APN 176-20-201-008, located at the southeast corner of Blue Diamond Road and Fort Apache Road.

There is a Patent Easement Vacation application which has also been submitted for this parcel/project; we respectfully request these applications be reviewed and considered together for this development.

This development includes land use applications for the following:

- Special Use Permit for convenience store in C-1 zone.
- Special Use Permit for gasoline station in C-1 zone.
- Special Use Permit for reduced separation from a convenience store to a residential use to 72 feet to the east and 88.49 feet to the south, where 200 feet is required.
- Special Use Permit for reduced separation from a gasoline station to a residential use to 100 feet to the east, where 200 feet is required.
- Waiver of Condition of ZC-18-0621 (Current Planning); relocate the convenience store so it is a minimum of 100 feet from the existing residential development.
- Waiver of Development Standards; allow alternative landscaping along an arterial street (Fort Apache) where Figure 30.64.17 is required; and a reduction in landscaping width to 8.4 feet where 15 feet is required for attached sidewalks per Section 30.64.030.
- Waiver of Development Standards; allow for a reduced throat depth (future build) at the driveway along Fort Apache; allow for a throat depth of 10.65' where 25.0' is required per USDCCA Dwg No. 222.1.
- Waiver of Development Standards: allow for a reduced driveway approach distance on Fort Apache to 53.6 feet where 150 feet is required per USD 222.1.



- Design Review for a proposed retail center with convenience store, gasoline station, and restaurant.
- Design Review to increase grade height to 70 inches where 36 inches is allowed per Section 30.32.040.
- Vacation and abandonment of patent easements.

### **DESIGN REVIEW**

On behalf of our client, CIVIL 360 is respectfully requesting the review and approval of a Design Review for the above-referenced undeveloped parcel.

#### **Design Review for a proposed retail center**

This proposed development is planning for a convenience store, gasoline station, and a small restaurant on approximately 103,925 SF (+/- 2.39 ac.) of land within Clark County.

The subject parcel is located at the southeast corner of Blue Diamond Road and Fort Apache Road on an undeveloped parcel of land. The site is bound by Fort Apache Road to the west, Blue Diamond Road to the north, and mid-intensity residential (8 du/ac) developments to the east and south; the subject site shares a common property line with the developed parcels to the east and south.

The main access will be from a driveway off Fort Apache Road and a driveway off Blue Diamond Road. The proposed site will exceed the required parking spaces per use. The 3,735 SF Convenience Store requires 15 parking spaces, and the 1,222 restaurant requires 13 parking spaces for a total of 28 parking spaces required for this development. The site plan provides for 35 parking spaces including (2) van accessible ADA spaces; therefore, the site has been designed for more than adequate parking.

This project provides for a 50-foot public right-of-way dedication along Fort Apache Road at the south property line to match the existing, then quickly transitions to a 65-foot right-of-way dedication with a 54-foot radius at the intersection with Blue Diamond Road. During an over-the-counter meeting with Public Works it was discussed that the only way the right-turn lane could be constructed is if Blue Diamond Road was widened, however all parties agree that the likelihood of that is extremely low and it is not something that would happen anytime in the foreseeable future; this right-of-way is being dedicated in the event of future build-out and to assure the county that the land is not a part of the developable area of the parcel.

The applicant is aware that Blue Diamond Road is within the Nevada Department of Transportation's (NDOT) jurisdiction therefore NDOT coordination, concurrence, and encroachment permits will be requested, as required, for all work being done within the Blue Diamond Road right-of-way. A traffic study has already been submitted to NDOT; NDOT has approved the study, including the proposed driveway along Blue Diamond Road.

We are requesting, as a part of this Design Review, an increase in the finished grade height over 36" per Title 30 Section 30.32.040. Based on existing grades at the site and a preliminary drainage and grading analysis, a design elevation of up to 34" over the 36" limit is being requested. This request is for a total



grade height of 70" (5.81') with this application. The request for additional fill height is due to the requirement to raise the finish floor elevation to protect from the heavy flows running through the site.

Signage for this project will be addressed as required per ZC-18-0621; any signage shown on the plans included with this application is for representation purposes only.

### **SPECIAL USE PERMIT**

#### **Special Use Permit for Convenience Store**

On behalf of our client, CIVIL 360 respectfully requests approval of a Special Use Permit to allow for construction of a 3,735 SF convenience store with reduced separation by use.

This request is for a reduction in the requirement for separation from any residential use on an adjacent property. For the convenience store under Title 30.44-1 Global Use Table, a 200-foot separation is required, and the proposed site plan provides a separation of 88.49 feet on the south and 72.19 feet on the east from the convenience store building to the nearest residential building; therefore, a separation reduction is being requested.

This proposal for a convenience store with reduced separation by use is a compatible use allowed within the C-1 zoning with a Special Use Permit. The area surrounding this project is a mix of commercial, corridor mixed-use, compact neighborhood (18 du/ac), and mid-intensity suburban neighborhood (8 du/ac). The developed area surrounding this parcel has limited access to other convenience stores or similar retailers, therefore we feel this project will not only be a welcomed new business but will provide a needed service to the commercial businesses and residents in the area.

#### **Special Use Permit for Gasoline Station (Fuel Pumps)**

On behalf of our client, CIVIL 360 respectfully requests approval of a Special Use Permit to allow the construction of a Gasoline Station with reduced separation by use.

Request for a reduction in the requirement for separation from any residential use on a separate property. For the Gasoline Station under Title 30.44-1 Global Use Table, a 200-foot separation is required. The proposed site plan provides a separation of more than 200 feet on the south and 100 feet on the east, from the fuel canopy to the nearest residential building; therefore, a separation reduction is being requested.

This proposal for a Gasoline Station with reduced separation by use, is a compatible use allowed within the C-1 zoning with a Special Use Permit. The area surrounding this project is a mix of commercial, corridor mixed-use, compact neighborhood (18 du/ac), and mid-intensity suburban neighborhood (8 du/ac). Any significant adverse impacts resulting from the use will be mitigated or offset to the maximum practical extent. This proposed development will comply with lighting standards and landscape buffering along the south and east sides of the site that are adjacent to residential use.

With respect to delivery trucks, large gasoline trucks will be able to access the site and park just past the underground tank at the front of the site, as far away from the residential use as possible. Due to the location of the underground tanks and landscape buffer along the south and east property lines, the views and noise emanating from any truck deliveries will be greatly reduced or eliminated.



Any significant adverse impacts on the natural environment will be mitigated to the maximum practical extent. The site is shielded with landscape buffers, there are interior landscaping islands, and future intervening buildings. As such, we feel that any impacts to the environment will be mitigated to the maximum extent practical for this development.

The immediate surrounding area surrounding this parcel has limited access to fueling stations, therefore we feel this project will not only be a welcomed new business but will provide a needed service to the commercial businesses and residents in the area.

**WAIVER OF CONDITION**

On behalf of our client, CIVIL 360 respectfully requests review and approval of the following Waiver of Conditions per ZC-18-0621, described as follows:

- 1. *Relocate the convenience store so it is a minimum of 100 feet from the existing residential development.*

This development is requesting, under a Special Use Permit, a request for a reduction in the requirement for separation from any residential use as the proposed site plan provides a separation of 88.49 feet on the south and 72.19 feet between the convenience store and the residential use. Therefore, this application includes a request for a Waiver of Condition to *1. relocate the convenience store so it is a minimum of 100 feet from the existing residential development*; this waiver of condition is needed for the proposed development.

**WAIVER OF DEVELOPMENT STANDARDS**

On behalf of our client, CIVIL 360 respectfully requests review and approval of Waiver of Development Standards, described as follows:

**Alternative Landscape Waiver**

Request to allow alternative landscaping along an arterial (Fort Apache and Blue Diamond) where Figure 30.64.17 is required. The proposed site plan shows attached sidewalk along Fort Apache, which matches and connects to the sidewalk immediately adjacent to the project parcel. Given the existing roadway improvements and existing sidewalk that exists in the area, and potential for future expansion of Fort Apache Road, the proposed attached sidewalk is the most suitable along this stretch of roadway. However, in the future developed conditions the 65-foot right-of-way provides room for 5-foot of landscape from the ROW (back of curb), 5-foot sidewalk, and another minimum 5' of landscaping at the back of sidewalk before any site improvements.

The landscaping along Fort Apache has been modified per the County's request such that if in the future the roadway is widened the existing landscape trees can remain, but the landscape width would be a minimum of 8.4 feet where 15 feet is required for attached sidewalks per Section 30.64.030.



Throat Depth Waiver

Request to allow for a reduced throat depth at the driveway along Fort Apache of 10.65' where 25.0' is required per USDCCA Dwg No. 222.1. The current proposed site plan does meet the throat depth required; however, this throat depth waiver will be required if the CCPW extends the roadway improvements to full right-of-way in the future as the proposed driveway throat depth will be reduced at that time. Currently, the proposed site plan does not require a throat depth waiver.

Driveway Approach Distance Waiver

Request to allow for a reduced driveway approach distance on Fort Apache to 53.6 feet where 150 feet is required per USDCCA Dwg No. 222.1. This throat depth waiver is what will be needed if the CCPW extends the roadway improvements to full right-of-way in the future.

We have worked with Public Works regarding the proposed site plan and the future build-out condition such that the proposed site plan "works" with the full build-out scenario should it ever be constructed.

Thank you in advance for your time and consideration of this new development project with application for a Design Review, Special Use Permits, Waiver of Development Standards, and Waiver of Conditions. We look forward to receiving the County's feedback regarding this application.

If you have any questions or require additional information, please contact me direct at (702) 940-6942 or via email [jescobedo@civil360lv.com](mailto:jescobedo@civil360lv.com).

Respectfully Submitted,

**CIVIL 360 LLC**

Jennifer L. Escobedo, P.E.  
Principal

**EASEMENTS  
(TITLE 30)**

FORT APACHE RD/BLUE DIAMOND RD

**PUBLIC HEARING**

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**VS-23-0324-VACCARO, LOUIS & LINDA REV TR & VACCARO, LOUIS C. & LINDA L. TRS:**

**VACATE AND ABANDON** easements of interest to Clark County located between Fort Apache Road and Quarterhorse Lane, and between Blue Diamond Road and Serene Avenue within Enterprise (description on file). JJ/lm/syp (For possible action)

**RELATED INFORMATION:**

**APN:**

176-20-201-008

**LAND USE PLAN:**

ENTERPRISE - CORRIDOR MIXED-USE

**BACKGROUND:**

**Project Description**

The plans depict the vacation of patent easements located along the north, south, and east property lines of the parcel. The north easement is 7 feet to 18 feet in width, and the south and east easement is 33 feet in width. The applicant indicates that the easements need to be vacated to develop the property.

**Prior Land Use Requests**

Application Number	Request	Action	Date
ZC-18-0621	Reclassified 2.4 acres to C-1 zoning with convenience store, gasoline station, and vehicle wash in a retail center	Approved by BCC	December 2018

**Surrounding Land Use**

	Planned Land Use Category	Zoning District	Existing Land Use
North	Corridor Mixed-Use	H-2	Undeveloped
South & East	Mid-intensity Suburban Neighborhood (up to 8 du/ac)	RUD	Single family residential
West	Corridor Mixed-Use	C-2	Undeveloped

This site and the surrounding area are located within a Public Facilities Needs Assessment (PFNA) area.

**Related Applications**

<b>Application Number</b>	<b>Request</b>
UC-23-0323	A use permit for a convenience store, gasoline station, and vehicle wash in a retail center is a companion item on this agenda.
WC-23-400092 (ZC-18-0621)	A waiver of conditions to relocate the convenience store so it is a minimum of 100 feet from the existing residential development is a companion item on this agenda.

**STANDARDS FOR APPROVAL:**

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

**Analysis**

**Public Works - Development Review**

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

**Staff Recommendation**

Approval.

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

**PRELIMINARY STAFF CONDITIONS:**

**Comprehensive Planning**

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

**Public Works - Development Review**

- Right-of-way dedication to include 50 feet for Fort Apache Road and associated spandrel, together with a right turn lane per the Uniform Standard Drawings;
- Vacation to be recordable prior to building permit issuance or applicable map submittal;
- Revise legal description, if necessary, prior to recording.

**Fire Prevention Bureau**

- No comment.



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

- No objection.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT: SPEEDEE MART**

**CONTACT: CIVIL 360 PLANNING & ENGINEERING, 6490 W. DESERT INN ROAD,  
LAS VEGAS, NV 89146**

DRAFT





# VACATION APPLICATION

# 14A

## DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

### APPLICATION TYPE

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

DEPARTMENT USE

APP. NUMBER: VS-23-0324  
 PLANNER ASSIGNED: LUN  
 TAB/CAC: ENTERPRISE  
 PC MEETING DATE:         
 BCC MEETING DATE: 8/2/2023  
 FEE: \$875-

DATE FILED: 6/5/23  
 TAB/CAC DATE: 7/2/23

PROPERTY OWNER

NAME: The Louis and Linda Vaccaro Revocable Trust  
 ADDRESS: 9433 Mountainair Ave  
 CITY: Las Vegas STATE: NV ZIP: 89134  
 TELEPHONE: 702.485.1118 CELL: 702.701.1567  
 E-MAIL: lvaccaro21@gmail.com

APPLICANT

NAME: Bradley W Emery  
 ADDRESS: 1188 Wigwam Parkway  
 CITY: Henderson STATE: NV ZIP: 89074  
 TELEPHONE: 702-450-2726 CELL:         
 E-MAIL: brademery17@hotmail.com REF CONTACT ID #:       

CORRESPONDENT

NAME: Civil 360 Planning and Engineering - John Martinez  
 ADDRESS: 6490 W Desert Inn Road  
 CITY: Las Vegas STATE: NV ZIP: 89146  
 TELEPHONE: 702-899-6068 CELL: 702-250-5744  
 E-MAIL: martinez@civil360lv.com REF CONTACT ID #: 197034

ASSESSOR'S PARCEL NUMBER(S): 176-20-201-008

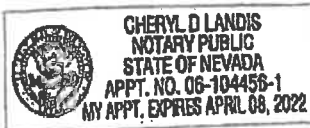
PROPERTY ADDRESS and/or CROSS STREETS: Blue Diamond Rd and Fort Apache Rd

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

[Signature]  
 Property Owner (Signature)\*

Louis C. Vaccaro  
 Property Owner (Print)

STATE OF NEVADA  
 COUNTY OF Clark  
 SUBSCRIBED AND SWORN BEFORE ME ON March 29, 2022 (DATE)  
 By Louis C. Vaccaro  
 NOTARY PUBLIC: [Signature]



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



August 9, 2022

Clark County Comprehensive Planning Department  
500 S. Grand Central Parkway  
P.O. Box 551744  
Las Vegas, NV 89155-1744

**RE: Speedee Mart @ Blue Diamond & Fort Apache (APN: 176-20-201-008)**  
**Justification Letter for a Patent Easement Vacation**  
**CIVIL 360 Project No. 14-2201**

To Whom It May Concern,

Please be advised that CIVIL 360 Planning & Engineering is representing the Applicant, Speedee Mart, on this Patent Easement Vacation application for parcel with APN 176-20-201-008, located at the southeast corner of Blue Diamond Road and Fort Apache Road.

We are requesting to vacate the existing patent easement (Per 184:149924) located around the perimeter of the parcel. Please see the attached vacation exhibit depicting the location of the existing patent easement to be vacated, and a certified legal description/exhibit describing the easement area to be vacated.

There is a Design Review application, which has also been submitted for this parcel/project; we respectfully request these applications are reviewed and considered together for this development

Thank you in advance for your time and consideration of this vacation request. We look forward to receiving the County's feedback regarding this application.

If you have any questions or require additional information, please contact me direct at (702) 940-6942 or via email [jescobedo@civil360lv.com](mailto:jescobedo@civil360lv.com).

Respectfully Submitted,

**CIVIL 360 LLC**

Jennifer L. Escobedo, P.E.  
Principal

CONVENIENCE STORE/GASOLINE STATION FORT APACHE RD/BLUE DIAMOND RD (TITLE 30)

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-23-0323-VACCARO, LOUIS & LINDA REV TR & VACCARO, LOUIS C. & LINDA L. TRS:

**USE PERMITS** for the following: 1) convenience store; 2) gasoline station; 3) reduce separation from a convenience store to a residential use; and 4) reduce separation from a gasoline station to a residential use.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) alternative landscaping; 2) alternative driveway geometrics; and 3) reduce driveway approach distance from the intersection.

**DESIGN REVIEWS** for the following: 1) retail center; and 2) finished grade on 2.4 acres in a C-1 (Local Business) Zone.

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

RELATED INFORMATION:

**APN:**

176-20-201-008

**USE PERMITS:**

1. Convenience store.
2. Gasoline station.
3. Reduce separation from a convenience store to a residential use to 72 feet where 200 feet is required per Table 30.44-1 (a 64% reduction).
4. Reduce separation from a gasoline station to a residential use to 100 feet where 200 feet where Table 30.44-1 is required (a 50% reduction).

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. a. Allow attached sidewalk and alternative landscaping along an arterial street (Fort Apache Road) where detached sidewalk and landscaping per Figure 30.64-17 is required.
- b. Allow alternative landscaping along an arterial street (Blue Diamond Road) where landscaping per Figure 30.64-18 is required.
2. Reduce driveway throat depth to 10 feet where 25 feet is required per Uniform Standard Drawing 222.1 (a 60% reduction).
3. Reduce driveway approach distance to 53 feet where 150 feet is required per Uniform Standard Drawing 222.1 (a 64% reduction).

## DESIGN REVIEWS:

1. Retail center with convenience store, gasoline station, and restaurant.
2. Increase finished grade to 6 feet where a maximum of 3 feet is allowed per Section 30.32.040 ( a 100% increase).

## LAND USE PLAN:

ENTERPRISE - CORRIDOR MIXED-USE

## BACKGROUND:

### Project Description

#### General Summary

- Site Address: N/A
- Site Acreage: 2.4
- Project Type: Retail center consisting of a convenience store, gasoline station, and restaurant
- Number of Stories: 1
- Building Height (feet): Up to 29
- Square Feet: 3,735 (convenience store)/1,222 (retail suite)
- Parking Required/Provided: 28/35

#### History & Request

The site was previously approved for a retail center with convenience store and gasoline station with several conditions of approval. The proposed project is a redesign of the site.

#### Site Plans

The plans depict a retail center consisting of a convenience store with an attached restaurant suite and a gasoline station. The restaurant suite with convenience store building is located on the southern portion of the site, approximately 88.4 feet from the south property line and 72 feet from the east property line, and the gasoline service pumps and canopy are located on the northern portion of the site, approximately 207 feet from the south property line and 100 feet from the east property line. The restaurant portion of the building is located on the west side of the convenience store, 87 feet from the south property line. The building and canopy structure are located at least 52 feet from the public streets to the north and 73 feet to the west. The site has access to Fort Apache Road and Blue Diamond Road.

#### Landscaping & Site Lighting

An 11 foot wide landscape area with a detached sidewalk is located along the north property line adjacent to the Blue Diamond Road right-of-way and a 28 foot wide landscape area with an attached sidewalk is located along the west property line adjacent to Fort Apache Road. The landscape areas adjacent to the south and east property lines adjacent to existing residential uses are a minimum of 15 feet with intense landscaping, per Figure 30.64-12. Interior parking lot trees are located adjacent to the convenience store and retail buildings. The landscape materials include trees, shrubs, and groundcover. Due to the future dedication of Fort Apache Road, the street landscape design includes trees set back behind the future right-of-way line so that if Blue Diamond Road is constructed at full width, a turning lane would be constructed on Fort Apache

Road and mature trees would not be destroyed or relocated. Shielded light poles are located around the boundary of the site, with an overall height of 20 feet.

Elevations

The buildings have flat roofs with parapet walls and a varied roofline ranging in height from 20 feet to 29 feet. The building has a typical modern architectural façade that includes stucco siding with architectural features and enhancements such as architectural insets, reveals, stone and brick veneer, fenestration, pop-outs, and awnings. The proposed gasoline canopy has an overall height of 19 feet and includes painted columns and stone veneer to match the retail convenience store and restaurant building. Exterior colors include varying shades of grey and desert brown to complement the color schemes of the adjacent residential properties.

Floor Plans

The plans depict a 3,735 square foot convenience store with a gasoline service canopy and an attached 1,222 square foot retail suite.

Signage

Signage is not a part of this request.

Applicant’s Justification

The applicant indicates the convenience store use is a compatible use allowed within the zoning district and will provide a needed service to the surrounding area. The previously requested use permits to reduce the separation from the existing residential uses are appropriate because of constraints caused by the adjacent public streets which are major arterial streets, and negative impacts will be mitigated by the extra landscaping provided along the south and east property lines.

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-18-0621	Reclassified 2.4 acres to C-1 zoning with convenience store, gasoline station, and vehicle wash in a retail center.	Approved by BCC	December 2018

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Corridor Mixed-Use	H-2	Undeveloped
South & East	Mid-intensity Suburban Neighborhood (up to 8 du/ac)	RUD	Single family residential
West	Corridor Mixed-Use	C-2	Undeveloped

This site and the surrounding area are located within a Public Facilities Needs Assessment (PFNA) area.

**Related Applications**

<b>Application Number</b>	<b>Request</b>
WC-23-400092 (ZC-18-0621)	A waiver of conditions to relocate the convenience store so it is a minimum of 100 feet from the existing residential development is a companion item on this agenda.
VS-23-0324	A request to vacate patent easements is a companion item on this agenda.

**STANDARDS FOR APPROVAL:**

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

**Analysis**

**Comprehensive Planning**

Use Permits

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

The applicant has redesigned the site when compared to the prior land use approval. The location of the buildings and uses has decreased, and there is no longer a restaurant component to the request. Although the applicant has improved the design by consolidating 2 buildings into 1 retail building located on the southern portion of the site between the gasoline service island and the residential development to the south while retaining the intense landscaping along the south and east property lines, staff still finds that a 50% to 60% reduction in separation between the requested convenience store and gasoline service island and the existing residential development to the south and east is still excessive. The intent of the required 200 feet of separation distance from a convenience store and gasoline station to a residential use is to ensure an appropriate buffer is established between the uses to reduce any negative impacts on the residential use. The reduced separation between the convenience store, tavern, and residential use is a result of the site being over built.

Goal 3.1 of the Master Plan states the following: "Maintain air quality at a level that protects public health and improves visual clarity." Staff is concerned that reducing the distance between the gasoline station and the existing residential development may have the following impacts: 1) a reduction in air quality through the release of vapors during vehicle fueling; and 2) noise during the evening hours. Additionally, more could be done to increase the separation from the residential uses, such as reorienting the convenience store building and redesigning the parking lots, so the convenience store and gasoline fuel island are farther away from the residential development or reducing the number of pumps. Therefore, staff cannot support these requests.

Waivers of Development Standards

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



substantially adverse manner. The intent and purpose of a waiver of development standards is to modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative.

#### Waiver of Development Standards #1

While the plans provide for materials to be placed east of the location where future off-site construction could occur along Fort Apache Road, staff finds that the sidewalk location along Fort Apache Road could be constructed at the final intended location at this time with the required landscaping widths. Additionally, the site has adequate room to provide the required landscaping widths and materials along Blue Diamond Road. Therefore, staff cannot support this request.

#### Design Review #1

The design of the proposed retail and convenience store building feature variations in building height contributing to breaking-up the mass of commercial buildings. While height, color, and material variations have been incorporated into the design of the building, staff finds the requested uses are not compatible with the residential uses adjacent to the site. Therefore, since staff does not support the use permits and waivers of development standards requests for this project, staff cannot support this request.

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

##### Waiver of Development Standards #2

Staff has no objection to the reduction of the future throat depth for the Fort Apache Road commercial driveway. The applicant has provided distance between the driveway and parking spaces to reduce conflicts. However, since Planning is recommending denial of the application, staff cannot support this waiver.

##### Waiver of Development Standards #3

Staff has no objection to the reduction in the approach distance for the Fort Apache Road commercial driveway. The construction of a median in Fort Apache Road will help mitigate the conflicts normally caused by the reduction in approach distance. However, since Planning is recommending denial of the application, staff cannot support this waiver.

##### Design Review #2

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

#### **Staff Recommendation**

Denial.

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

## **PRELIMINARY STAFF CONDITIONS:**

### **Comprehensive Planning**

If approved:

- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 2 years of approval date or it will expire.

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

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 50 feet for Fort Apache Road and associated spandrel, together with a right turn lane per the Uniform Standard Drawings;
- Construction of the dedicated right turn lane to be coordinated with Public Works;
- Coordinate with Public Works - Development Review for a median in Fort Apache Road.
- Applicant is advised that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals; and that Nevada Department of Transportation (NDOT) permits may be required.

### **Fire Prevention Bureau**

- No comment.

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

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email [sewerlocation@cleanwaterteam.com](mailto:sewerlocation@cleanwaterteam.com) and reference POC Tracking #0216-2023 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

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

**APPLICANT: SPEEDEE MART**

**CONTACT: CIVIL 360 PLANNING & ENGINEERING, 6490 W. DESERT INN ROAD,  
LAS VEGAS, NV 89146**

DRAFT





# LAND USE APPLICATION

# 15A

## DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE


<b>APPLICATION TYPE</b>  <input type="checkbox"/> TEXT AMENDMENT (TA) <input type="checkbox"/> ZONE CHANGE <input type="checkbox"/> CONFORMING (ZC) <input type="checkbox"/> NONCONFORMING (NZC) <input checked="" type="checkbox"/> USE PERMIT (UC) <input type="checkbox"/> VARIANCE (VC) <input type="checkbox"/> WAIVER OF DEVELOPMENT STANDARDS (WS) <input type="checkbox"/> DESIGN REVIEW (DR) <input type="checkbox"/> ADMINISTRATIVE DESIGN REVIEW (ADR) <input type="checkbox"/> STREET NAME / NUMBERING CHANGE (SC) <input checked="" type="checkbox"/> WAIVER OF CONDITIONS (WC) <u>20-18-0621</u> (ORIGINAL APPLICATION #) <input type="checkbox"/> ANNEXATION REQUEST (ANX) <input type="checkbox"/> EXTENSION OF TIME (ET) (ORIGINAL APPLICATION #) <input type="checkbox"/> APPLICATION REVIEW (AR) (ORIGINAL APPLICATION #)	<b>STAFF</b>  APP. NUMBER: <u>UC-23-1323</u> DATE FILED: <u>6/5/2023</u> PLANNER ASSIGNED: <u>LUN</u> TAB/CAC: <u>ENTERPRISE</u> TAB/CAC DATE: <u>7/12/23</u> PC MEETING DATE: _____ BCC MEETING DATE: <u>8/2/2023</u> FEE: <u>675 + 475 + 500 = 1650.</u>
	<b>PROPERTY OWNER</b>  NAME: <u>The Louis and Linda Vaccaro Revocable Trust</u> ADDRESS: <u>8433 Mountaink Ave</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89134</u> TELEPHONE: <u>702.485.1118</u> CELL: <u>702.701.1567</u> E-MAIL: <u>lvaccaro21@gmail.com</u>
	<b>APPLICANT</b>  NAME: <u>Bradley W Emery</u> ADDRESS: <u>1188 Wigwam Parkway</u> CITY: <u>Henderson</u> STATE: <u>NV</u> ZIP: <u>89074</u> TELEPHONE: <u>702-450-2726</u> CELL: _____ E-MAIL: <u>brademery17@hotmail.com</u> REF CONTACT ID #: _____
	<b>CORRESPONDENT</b>  NAME: <u>Civil 360 Planning &amp; Engineering - John Martinez</u> ADDRESS: <u>6490 W Desert Inn Road</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89146</u> TELEPHONE: <u>702-899-6068</u> CELL: <u>702-250-5744</u> E-MAIL: <u>jmartinez@civil360.com</u> REF CONTACT ID #: <u>197034</u>

ASSESSOR'S PARCEL NUMBER(S): 176-20-201-008

PROPERTY ADDRESS and/or CROSS STREETS: Blue Diamond Rd and Fort Apache Rd

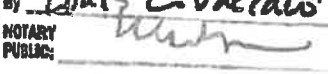
PROJECT DESCRIPTION: Convenience Store with fueling station

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

      LOUIS C. VACCARO  
 Property Owner (Signature)\*      Property Owner (Print)

STATE OF Nevada  
 COUNTY OF Clark

SUBSCRIBED AND SWORN BEFORE ME ON March 29, 2023 (DATE)  
 BY Louis C. Vaccaro

NOTARY PUBLIC: 

CHERYL D. LANDIS  
 NOTARY PUBLIC  
 STATE OF NEVADA  
 APPT. NO. 06-104456-1  
 MY APPT. EXPIRES APRIL 08, 2022

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



May 1, 2023

Clark County Comprehensive Planning Department  
500 S. Grand Central Parkway  
P.O. Box 551744  
Las Vegas, NV 89155-1744

**RE: Speedee Mart @ SEC Blue Diamond & Fort Apache (APN: 176-20-201-008)  
Justification Letter - Design Review, Waiver of Development Standards, and Use Permits  
CIVIL 360 Project No. 14-2101**

To Whom It May Concern,

Please be advised that CIVIL 360 Planning & Engineering is representing the Applicant, Speedee Mart, on this Design Review, Use Permit, Waiver of Design Standards, and Waiver of Condition application for the parcel with APN 176-20-201-008, located at the southeast corner of Blue Diamond Road and Fort Apache Road.

There is a Patent Easement Vacation application which has also been submitted for this parcel/project; we respectfully request these applications be reviewed and considered together for this development.

This development includes land use applications for the following:

- Special Use Permit for convenience store in C-1 zone.
- Special Use Permit for gasoline station in C-1 zone.
- Special Use Permit for reduced separation from a convenience store to a residential use to 72 feet to the east and 88.49 feet to the south, where 200 feet is required.
- Special Use Permit for reduced separation from a gasoline station to a residential use to 100 feet to the east, where 200 feet is required.
- Waiver of Condition of ZC-18-0621 (Current Planning); relocate the convenience store so it is a minimum of 100 feet from the existing residential development.
- Waiver of Development Standards; allow alternative landscaping along an arterial street (Fort Apache) where Figure 30.64.17 is required; and a reduction in landscaping width to 8.4 feet where 15 feet is required for attached sidewalks per Section 30.64.030.
- Waiver of Development Standards; allow for a reduced throat depth (future build) at the driveway along Fort Apache; allow for a throat depth of 10.65' where 25.0' is required per USDCCA Dwg No. 222.1.
- Waiver of Development Standards: allow for a reduced driveway approach distance on Fort Apache to 53.6 feet where 150 feet is required per USD 222.1.



- Design Review for a proposed retail center with convenience store, gasoline station, and restaurant.
- Design Review to increase grade height to 70 inches where 36 inches is allowed per Section 30.32.040.
- Vacation and abandonment of patent easements.

### **DESIGN REVIEW**

On behalf of our client, CIVIL 360 is respectfully requesting the review and approval of a Design Review for the above-referenced undeveloped parcel.

#### **Design Review for a proposed retail center**

This proposed development is planning for a convenience store, gasoline station, and a small restaurant on approximately 103,925 SF (+/- 2.39 ac.) of land within Clark County.

The subject parcel is located at the southeast corner of Blue Diamond Road and Fort Apache Road on an undeveloped parcel of land. The site is bound by Fort Apache Road to the west, Blue Diamond Road to the north, and mid-intensity residential (8 du/ac) developments to the east and south; the subject site shares a common property line with the developed parcels to the east and south.

The main access will be from a driveway off Fort Apache Road and a driveway off Blue Diamond Road. The proposed site will exceed the required parking spaces per use. The 3,735 SF Convenience Store requires 15 parking spaces, and the 1,222 restaurant requires 13 parking spaces for a total of 28 parking spaces required for this development. The site plan provides for 35 parking spaces including (2) van accessible ADA spaces; therefore, the site has been designed for more than adequate parking.

This project provides for a 50-foot public right-of-way dedication along Fort Apache Road at the south property line to match the existing, then quickly transitions to a 65-foot right-of-way dedication with a 54-foot radius at the intersection with Blue Diamond Road. During an over-the-counter meeting with Public Works it was discussed that the only way the right-turn lane could be constructed is if Blue Diamond Road was widened, however all parties agree that the likelihood of that is extremely low and it is not something that would happen anytime in the foreseeable future; this right-of-way is being dedicated in the event of future build-out and to assure the county that the land is not a part of the developable area of the parcel.

The applicant is aware that Blue Diamond Road is within the Nevada Department of Transportation's (NDOT) jurisdiction therefore NDOT coordination, concurrence, and encroachment permits will be requested, as required, for all work being done within the Blue Diamond Road right-of-way. A traffic study has already been submitted to NDOT; NDOT has approved the study, including the proposed driveway along Blue Diamond Road.

We are requesting, as a part of this Design Review, an increase in the finished grade height over 36" per Title 30 Section 30.32.040. Based on existing grades at the site and a preliminary drainage and grading analysis, a design elevation of up to 34" over the 36" limit is being requested. This request is for a total



grade height of 70" (5.81') with this application. The request for additional fill height is due to the requirement to raise the finish floor elevation to protect from the heavy flows running through the site.

Signage for this project will be addressed as required per ZC-18-0621; any signage shown on the plans included with this application is for representation purposes only.

### **SPECIAL USE PERMIT**

#### **Special Use Permit for Convenience Store**

On behalf of our client, CIVIL 360 respectfully requests approval of a Special Use Permit to allow for construction of a 3,735 SF convenience store with reduced separation by use.

This request is for a reduction in the requirement for separation from any residential use on an adjacent property. For the convenience store under Title 30.44-1 Global Use Table, a 200-foot separation is required, and the proposed site plan provides a separation of 88.49 feet on the south and 72.19 feet on the east from the convenience store building to the nearest residential building; therefore, a separation reduction is being requested.

This proposal for a convenience store with reduced separation by use is a compatible use allowed within the C-1 zoning with a Special Use Permit. The area surrounding this project is a mix of commercial, corridor mixed-use, compact neighborhood (18 du/ac), and mid-intensity suburban neighborhood (8 du/ac). The developed area surrounding this parcel has limited access to other convenience stores or similar retailers, therefore we feel this project will not only be a welcomed new business but will provide a needed service to the commercial businesses and residents in the area.

#### **Special Use Permit for Gasoline Station (Fuel Pumps)**

On behalf of our client, CIVIL 360 respectfully requests approval of a Special Use Permit to allow the construction of a Gasoline Station with reduced separation by use.

Request for a reduction in the requirement for separation from any residential use on a separate property. For the Gasoline Station under Title 30.44-1 Global Use Table, a 200-foot separation is required. The proposed site plan provides a separation of more than 200 feet on the south and 100 feet on the east, from the fuel canopy to the nearest residential building; therefore, a separation reduction is being requested.

This proposal for a Gasoline Station with reduced separation by use, is a compatible use allowed within the C-1 zoning with a Special Use Permit. The area surrounding this project is a mix of commercial, corridor mixed-use, compact neighborhood (18 du/ac), and mid-intensity suburban neighborhood (8 du/ac). Any significant adverse impacts resulting from the use will be mitigated or offset to the maximum practical extent. This proposed development will comply with lighting standards and landscape buffering along the south and east sides of the site that are adjacent to residential use.

With respect to delivery trucks, large gasoline trucks will be able to access the site and park just past the underground tank at the front of the site, as far away from the residential use as possible. Due to the location of the underground tanks and landscape buffer along the south and east property lines, the views and noise emanating from any truck deliveries will be greatly reduced or eliminated.





Any significant adverse impacts on the natural environment will be mitigated to the maximum practical extent. The site is shielded with landscape buffers, there are interior landscaping islands, and future intervening buildings. As such, we feel that any impacts to the environment will be mitigated to the maximum extent practical for this development.

The immediate surrounding area surrounding this parcel has limited access to fueling stations, therefore we feel this project will not only be a welcomed new business but will provide a needed service to the commercial businesses and residents in the area.

**WAIVER OF CONDITION**

On behalf of our client, CIVIL 360 respectfully requests review and approval of the following Waiver of Conditions per ZC-18-0621, described as follows:

1. *Relocate the convenience store so it is a minimum of 100 feet from the existing residential development.*

This development is requesting, under a Special Use Permit, a request for a reduction in the requirement for separation from any residential use as the proposed site plan provides a separation of 88.49 feet on the south and 72.19 feet between the convenience store and the residential use. Therefore, this application includes a request for a Waiver of Condition to *1. relocate the convenience store so it is a minimum of 100 feet from the existing residential development*; this waiver of condition is needed for the proposed development.

**WAIVER OF DEVELOPMENT STANDARDS**

On behalf of our client, CIVIL 360 respectfully requests review and approval of Waiver of Development Standards, described as follows:

**Alternative Landscape Waiver**

Request to allow alternative landscaping along an arterial (Fort Apache and Blue Diamond) where Figure 30.64.17 is required. The proposed site plan shows attached sidewalk along Fort Apache, which matches and connects to the sidewalk immediately adjacent to the project parcel. Given the existing roadway improvements and existing sidewalk that exists in the area, and potential for future expansion of Fort Apache Road, the proposed attached sidewalk is the most suitable along this stretch of roadway. However, in the future developed conditions the 65-foot right-of-way provides room for 5-foot of landscape from the ROW (back of curb), 5-foot sidewalk, and another minimum 5' of landscaping at the back of sidewalk before any site improvements.

The landscaping along Fort Apache has been modified per the County's request such that if in the future the roadway is widened the existing landscape trees can remain, but the landscape width would be a minimum of 8.4 feet where 15 feet is required for attached sidewalks per Section 30.64.030.



Throat Depth Waiver

Request to allow for a reduced throat depth at the driveway along Fort Apache of 10.65' where 25.0' is required per USDCCA Dwg No. 222.1. The current proposed site plan does meet the throat depth required; however, this throat depth waiver will be required if the CCPW extends the roadway improvements to full right-of-way in the future as the proposed driveway throat depth will be reduced at that time. Currently, the proposed site plan does not require a throat depth waiver.

Driveway Approach Distance Waiver

Request to allow for a reduced driveway approach distance on Fort Apache to 53.6 feet where 150 feet is required per USDCCA Dwg No. 222.1. This throat depth waiver is what will be needed if the CCPW extends the roadway improvements to full right-of-way in the future.

We have worked with Public Works regarding the proposed site plan and the future build-out condition such that the proposed site plan "works" with the full build-out scenario should it ever be constructed.

Thank you in advance for your time and consideration of this new development project with application for a Design Review, Special Use Permits, Waiver of Development Standards, and Waiver of Conditions. We look forward to receiving the County's feedback regarding this application.

If you have any questions or require additional information, please contact me direct at (702) 940-6942 or via email [jescobedo@civil360lv.com](mailto:jescobedo@civil360lv.com).

Respectfully Submitted,

**CIVIL 360 LLC**

Jennifer L. Escobedo, P.E.  
Principal