



# Paradise Town Advisory Board

Paradise Community Center

4775 McLeod Drive

Las Vegas, NV. 89121

August 30, 2022

7:00pm

## 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 Maureen Helm at 702-606-0747.
  - 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/ParadiseTAB>

Board/Council Members: John Williams, Chairperson  
 Susan Philipp, Vice Chairperson  
 Jon Wardlaw  
 Katlyn Cunningham  
 Roger Haywood

Secretary: Maureen Helm, 702-606-0747, [mhelmtab@gmail.com](mailto:mhelmtab@gmail.com)  
 Business Address: Clark County Department of Administrative Services, 500 S. Grand Central Parkway, 6th Floor, Las Vegas, Nevada 89155

County Liaison(s): Blanca Vazquez, 702-455-8531, [BVA@ClarkCountyNV.gov](mailto:BVA@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, Roll Call, and County Staff Introductions
- 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 August 9, 2022. (For possible action)
- IV. Approval of the Agenda for August 30, 2022 and Hold, Combine, or Delete any Items. (For possible action)
- V. Informational Items
- VI. Planning and Zoning

- 1. **UC-22-0405-REBEL LAND & DEVELOPMENT, LLC:**  
**USE PERMITS** for the following: 1) gasoline station; 2) convenience store; 3) alcohol sales, beer and wine packaged; 4) restaurant; and 5) office uses.  
**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) reduce throat depth; 2) reduced departure distance; 3) reduce landscaping; 4) reduce parking; 5) eliminate cross access; and 6) eliminate loading zones.  
**DESIGN REVIEWS** for the following: 1) alternative parking lot landscaping; 2) gasoline station (fuel canopy); 3) commercial building (restaurant and drive-thru; convenience store; office); and 4) lighting on 1.1 acres in an H-1 (Limited Resort and Apartment) (AE-60) Zone. Generally located on the south side of Flamingo Road and the west side of Paradise Road within Paradise. JG/bb/jo (For possible action) **PC 9/6/22**
- 2. **VS-22-0430-CHURCH LDS PRESIDING BISHOP:**  
**VACATE AND ABANDON** easements of interest to Clark County located between Tropicana Avenue and Reno Avenue, and between Burnham Avenue and Spencer Street within Paradise (description on file). JG/jud/syp (For possible action) **PC 9/20/22**
- 3. **WS-22-0449-SPIRIT INVESTMENTS, LLC:**  
**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) street landscaping; 2) reduce access gate setback; 3) eliminate curb returns; and 4) reduce throat depth.  
**DESIGN REVIEW** for an outdoor storage facility on 0.5 acres in an M-1 (Light Manufacturing) Zone. Generally located on the south side of Cannoli Circle, 240 feet west of Wynn Road within Paradise. MN/jad/syp (For possible action) **PC 9/20/22**
- 4. **AR-22-400094 (UC-0849-14 (WC-0174-16))-MGM GRAND PROPCO LLC:**  
**WAIVER OF CONDITIONS FIFTH APPLICATION FOR REVIEW** of a use permit for live entertainment limited to daytime hours (6:00 a.m. to 10:00 p.m.) for a recreational facility (golf driving range) with accessory retail, eating and drinking facilities, live entertainment, and other accessory uses, and structures in conjunction with a resort hotel (MGM Grand) on a portion of 102.7 acres in an H-1 (Limited Resort and Apartment) (AE-60) Zone. Generally located on the southwest corner of Harmon Avenue and Koval Lane within Paradise. JG/jud/syp (For possible action) **BCC 9/21/22**

5. **UC-22-0426-DIAMOND CREEK HOLDINGS LLC SERIES 8:**  
**USE PERMIT** for a school in conjunction with an existing office and retail shopping center on 0.8 acres in a C-2 (General Commercial) Zone and a C-P (Office and Professional) Zone. Generally located on the west side of Eastern Avenue and the north side of Ford Avenue within Paradise. MN/hw/syp (For possible action) **BCC 9/21/22**

6. **ZC-22-0427-OCEAN SHOWBOAT INC:**  
**ZONE CHANGE** to reclassify 9.4 acres from an M-1 (Light Manufacturing) Zone to an R-5 (Apartment Residential) Zone.  
**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) increased building height; 2) waive Asian Design Overlay District standards; 3) reduce landscaping; and 4) allow modified driveway design standards.  
**DESIGN REVIEWS** for the following: 1) proposed multiple family residential development; 2) alternative parking lot landscaping; and 3) finished grade in the Asian Design Overlay District. Generally located on the south side of Pioneer Avenue and the west side of Valley View Boulevard within Paradise (description on file). JJ/rk/syp (For possible action) **BCC 9/21/22**

VII. General Business (For possible action)

VIII. Comments by the General Public- A period devoted to comments by the general public about matters relevant to the Board/Council's jurisdiction will be held. No vote may be taken on a matter not listed on the posted agenda. Comments will be limited to three (3) minutes. Please step up to the speaker's podium, if applicable, clearly state your name and address and please **spell** your last name for the record. If any member of the Board/Council wishes to extend the length of a presentation, this will be done by the Chairperson or the Board/Council by majority vote.

IX. Next Meeting Date: September 12, 2022.

X. Adjournment.

**POSTING LOCATIONS:** This meeting was legally noticed and posted at the following locations:  
Paradise Community Center- 4775 McLeod Dr.  
<https://notice.nv.gov>



## Paradise Town Advisory Board

August 9, 2022

### MINUTES

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Board Members: : John Williams –Chair-**PRESENT**  
Susan Philipp - Vice Chair- **PRESENT**  
Jon Wardlaw- **EXCUSED**  
Katlyn Cunningham – **PRESENT**  
Roger Haywood- **PRESENT**

Secretary: Maureen Helm 702-606-0747 mhelmtab@gmail.com

Town Liaison: Blanca Vazquez 702-455-8531 bva@clarkcountynv.gov

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- I. Call to Order, Pledge of Allegiance, Roll Call(see above), County Staff Introductions
- Rob Kaminski; Planning, Blanca Vazquez Community Liaison; Vivian Kilarski;  
Planning Commissioner
- Meeting was called to order by Chair Williams, at 7:00 p.m.
- II. Public Comment:  
**None**
- III. Approval of July 26, 2022 Minutes
- Moved by: Cunningham**  
**Action: Approve as submitted**  
**Vote: 4-0 Unanimous**
- Approval of Agenda for August 9, 2022
- Moved by: Philipp**  
**Action: Approve as submitted**  
**Vote: 4 -0 Unanimous**
- IV. Informational Items (For Discussion only)  
**None**

V. Planning & Zoning

1. **VS-22-0411-S G VEGAS OWNER, LLC:**  
**VACATE AND ABANDON** easements of interest to Clark County located between Las Vegas Boulevard South and Audrie Street (alignment), and between Harmon Avenue and Tropicana Avenue within Paradise (description on file). JG/lm/jo (For possible action)

**MOVED BY-Philipp**  
**APPROVE-Subject to staff conditions**  
**VOTE: 4-0 Unanimous**

2. **UC-22-0410-S G VEGAS OWNER, LLC:**  
**USE PERMITS** for the following: 1) retail; 2) restaurants; 3) on-premises consumption of alcohol (supper club and service bar); and 4) live entertainment.  
**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) reduce setback; 2) alternative landscaping; 3) non-standard improvements; and 4) reduced parking.  
**DESIGN REVIEWS** for the following: 1) retail shopping center; and 2) alternative parking lot landscaping on 10.6 acres in an H-1 (Limited Resort and Apartment) Zone. Generally located on the east side of Las Vegas Boulevard South and 330 feet south of Harmon Avenue within Paradise. JG/lm/jo (For possible action)

**MOVED BY-Philipp**  
**APPROVE-Subject to staff conditions**  
**VOTE: 4-0 Unanimous**

3. **TM-22-500143-S G VEGAS OWNER, LLC:**  
**TENTATIVE MAP** consisting of 1 commercial lot on 10.6 acres in an H-1 (Limited Resort and Apartment) Zone. Generally located on the east side of Las Vegas Boulevard South and 330 feet south of Harmon Avenue within Paradise. JG/lm/jo (For possible action)

**MOVED BY-Philipp**  
**APPROVE-Subject to staff conditions**  
**VOTE: 4-0 Unanimous**

4. **UC-22-0205-TYEB LLC:**  
**AMENDED HOLDOVER USE PERMITS** for the following: 1) supper club; and 2) hookah lounge.  
**WAIVERS OF DEVELOPMENT STANDARDS** to 1) reduce parking, 2) waive parking lot design standards (not previously noticed), and 3) waive parking lot landscaping (not previously noticed).  
**DESIGN REVIEW** for modifications to a parking lot (not previously noticed) in conjunction with an existing industrial complex on 2.5 acres in an M-1 (Light Manufacturing) Zone. Generally located on the northwest corner of Sammy Davis Jr. Drive and Mel Torme Way within Paradise. TS/sr/syp (For possible action)

**MOVED BY-Williams**  
**APPROVE-Subject to staff conditions**  
**ADDED condition**  
• 1 year review as public hearing  
**VOTE: 3-0**  
**Philipp against**

5. **UC-22-0390-POINTE FLAMINGO HOLDINGS LLC:**  
**USE PERMIT** to allow a major training facility within an existing office/retail complex on 2.2 acres in a C-2 (General Commercial) Zone. Generally located on the north side of Flamingo Road and the east side of Eastern Avenue within Paradise. TS/hw/syp (For possible action)

**MOVED BY-Williams**

**APPROVE-Subject to staff conditions**

**VOTE: 3-0 Unanimous**

**Philipp abstained from comment and vote**

6. **UC-22-0393-ROHANI PARVEZ:**  
**USE PERMIT** for on-premises consumption of alcohol (supper club).  
**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) reduce parking; 2) throat depth; and 3) departure distance.  
**DESIGN REVIEW** for a supper club on 1.0 acres in an H-1 (Limited Resort and Apartment) Zone. Generally located on the northeast corner of Spring Mountain Road and Polaris Avenue within Paradise. JJ/sd/syp (For possible action)

**MOVED BY-Philipp**

**APPROVE-Subject to staff conditions**

**VOTE: 4-0 Unanimous**

7. **UC-22-0404-DAIGAKU REALTY TRUST & VENDITTO MICHAEL J TRS:**  
**USE PERMIT** for a pawn shop in conjunction with an existing shopping center on 0.5 acres in a C-2 (General Commercial) Zone. Generally located on the east side of Decatur Boulevard, 200 feet north of Flamingo Road within Paradise. JJ/md/syp (For possible action)

**MOVED BY-Philipp**

**APPROVE-Subject to staff conditions**

**VOTE: 4-0 Unanimous**

8. **UC-22-0405-REBEL LAND & DEVELOPMENT, LLC:**  
**USE PERMITS** for the following: 1) gasoline station; 2) convenience store; 3) alcohol sales, beer and wine packaged; 4) restaurant; and 5) office uses.  
**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) reduce throat depth; 2) reduced departure distance; 3) reduce landscaping; 4) reduce parking; 5) eliminate cross access; and 6) eliminate loading zones.  
**DESIGN REVIEWS** for the following: 1) alternative parking lot landscaping; 2) gasoline station (fuel canopy); 3) commercial building (restaurant and drive-through; convenience store; office); and 4) lighting on 1.1 acres in an H-1 (Limited Resort and Apartment) (AE-60) Zone. Generally located on the south side of Flamingo Road and the west side of Paradise Road within Paradise. JG/bb/jo (For possible action)

**Held per applicant. Return to the August 30, 2022 Paradise TAB meeting**

9. **VS-22-0422-JAMIESON JARRETT & TARA:**  
**VACATE AND ABANDON** easements of interest to Clark County located between McLeod Drive and Topaz Street, and between Russell Road and Quail Avenue within Paradise (description on file). JG/sd/syp (For possible action)

**MOVED BY-Cunningham**  
**APPROVE-Subject to staff conditions**  
**VOTE: 4-0 Unanimous**

10. **WS-22-0421-BRINKER 1980 TRUST & BRINKER CHARLES & PHYLLIS CO-TRS:**  
**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) permit lots to front a collector street; and 2) permit attached sidewalks.  
**DESIGN REVIEW** for a single family residential development on 1.3 acres in an R-1 (Single Family Residential) (RNP-III) Zone. Generally located on the south side of Twain Avenue and the west side of McLeod Drive within Paradise. TS/md/jo (For possible action)

**MOVED BY-Haywood**  
**APPROVE-Subject to staff conditions**  
**VOTE: 4-0 Unanimous**

11. **TM-22-500146-BRINKER 1980 TRUST & BRINKER CHARLES & PHYLLIS CO-TRS:**  
**TENTATIVE MAP** consisting of 5 lots and common lots on 1.3 acres in an R-1 (Single Family Residential) (RNP-III) Zone. Generally located on the south side of Twain Avenue and the west side of McLeod Drive within Paradise. TS/md/jo (For possible action)

**MOVED BY-Williams**  
**APPROVE-Subject to staff conditions**  
**VOTE: 4-0 Unanimous**

12. **UC-22-0415-OBJECT DASH, LLC:**  
**USE PERMIT** for temporary construction storage.  
**DESIGN REVIEW** for a temporary construction storage yard on 2.2 acres in an H-1 (Limited Resort and Apartment) (AE-65) Zone. Generally located on the east side of Las Vegas Boulevard South, 250 feet south of Dewey Drive within Paradise. JG/gc/syp (For possible action)

**MOVED BY-Williams**  
**APPROVE-Subject to staff conditions**  
**VOTE: 4-0 Unanimous**

13. **DR-22-0412-OBJECT DASH, LLC:**  
**DESIGN REVIEW** for an additional station on a previously approved monorail line (Vegas Loop) on 2.2 acres in an H-1 (Limited Resort and Apartment) (AE-65) Zone. Generally located on the east side of Las Vegas Boulevard South, 250 feet south of Dewey Drive within Paradise. JG/gc/syp (For possible action)

**MOVED BY-Williams**  
**APPROVE-Subject to staff conditions**  
**VOTE: 4-0 Unanimous**

14. **WS-22-0416-FASHION SHOW MALL, LLC:**  
**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) reduced parking; 2) increase the number of animated message/video unit signs; and 3) allow additional roof signs.  
**DESIGN REVIEWS** for the following: 1) building additions to an existing restaurant; 2) increased animated sign area; and 3) modifications to an approved comprehensive sign package in conjunction with an existing shopping center (Fashion Show Mall) on 42.8 acres in an H-1

(Limited Resort and Apartment) Zone. Generally located on the northwest corner of Las Vegas Boulevard South and Spring Mountain Road within Paradise. TS/gc/syp (For possible action)

**MOVED BY-Philipp**

**APPROVE-Subject to staff conditions**

**VOTE: 4-0 Unanimous**

15. **ZC-22-0413-SLETTEN CONSTRUCTION COMPANY:**

**ZONE CHANGE** to reclassify 2.1 acres from an M-1 (Light Manufacturing) (AE-60) Zone to an H-1 (Limited Resort and Apartment) (AE-60) Zone.

**USE PERMIT** to allow outside dining and drinking.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) increase building height; 2) encroachment into airspace; 3) reduced parking; 4) reduced throat depth; and 5) reduced departure distance.

**DESIGN REVIEWS** for the following: 1) alternative parking lot landscaping; and 2) hotel. Generally located on the southwest corner of Quail Avenue and Polaris Avenue within Paradise. MN/sd/jo (For possible action)

**MOVED BY-Philipp**

**APPROVE-Subject to IF approved staff conditions**

**VOTE: 4-0 Unanimous**

VI. General Business (for possible action)

**None**

VII. Public Comment

**None**

VIII. Next Meeting Date

**The next regular meeting will be August 30, 2022**

IX. Adjournment

**The meeting was adjourned at 8:10 p.m.**

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

Paradise Community Center- 4775 McLeod Dr.

<https://notice.nv.gov>



GASOLINE STATION  
(TITLE 30)

FLAMINGO RD/PARADISE RD

**PUBLIC HEARING**

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-22-0405-REBEL LAND & DEVELOPMENT, LLC:**

**USE PERMITS** for the following: 1) gasoline station; 2) convenience store; 3) alcohol sales, beer and wine packaged; 4) restaurant; and 5) office uses.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) reduce throat depth; 2) reduced departure distance; 3) reduce landscaping; 4) reduce parking; 5) eliminate cross access; and 6) eliminate loading zones.

**DESIGN REVIEWS** for the following: 1) alternative parking lot landscaping; 2) gasoline station (fuel canopy); 3) commercial building (restaurant and drive-thru; convenience store; office); and 4) lighting on 1.1 acres in an H-1 (Limited Resort and Apartment) (AE-60) Zone.

Generally located on the south side of Flamingo Road and the west side of Paradise Road within Paradise. JG/bb/jo (For possible action)

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**RELATED INFORMATION:**

**APN:**

162-22-103-001

**USE PERMITS:**

1. Gasoline station (fuel canopy).
2. Commercial building including convenience store.
3. Alcohol sales, beer and wine packaged.
4. Restaurant (drive-thru)
5. Office uses.

**WAIVERS OF DEVELOPMENT STANDARDS:**

1.
  - a. Reduce throat depth on Flamingo Road to 3 feet where 25 feet is required per Uniform Standard Drawing 222.1 (an 88% decrease).
  - b. Reduce throat depth on Paradise Road to 10 feet where 25 feet is required per Uniform Standard Drawing 222.1 (a 60% reduction).
2. Reduce driveway departure distance from the Paradise Road intersection to 88 feet where 190 feet is required per Uniform Standard Drawing 222.1 (a 54% decrease).
3.
  - a. Allow landscape finger island width of 3 feet where 6 feet is required per Figure 30.64-14 (a 50% reduction).
  - b. Reduce landscaping adjacent to Flamingo Road to 8 feet where 15 feet is required per Section 30.64.030 (a 47% decrease).

- c. Reduce landscaping adjacent to Paradise Road to 5 feet where 15 feet is required per Section 30.64.030 (a 66% decrease).
4. Reduce the required parking to 35 spaces where 40 spaces are required per Table 30.60-1 (a 12.5% reduction).
5. Eliminate cross-access where required per Table 30.56-2 (a 100% reduction).
6. Eliminate loading zones where 1 loading zone is required per Section 30.60.070 (a 100% reduction).

**DESIGN REVIEWS:**

1. Allow 1 landscape finger island per 13 parking spaces where 1 landscape finger island per 6 parking spaces is the standard per Figure 30.64-14.
2. Gasoline station (fuel canopy).
3. Commercial building including convenience store, restaurant and drive-thru, and office.
4. Lighting.

**LAND USE PLAN:**

WINCHESTER/PARADISE - ENTERTAINMENT MIXED-USE

**BACKGROUND:**

**Project Description**

**General Summary**

- Site Address: 4111 Paradise Road
- Site Acreage: 1
- Project Type: Gasoline station/convenience store/restaurant/office
- Number of Stories: 3
- Building Height (feet): 34
- Square Feet: 5,304 building/2,720 canopy
- Parking Required/Provided: 40/35

Site Plan

This property has been used for retail (gasoline station) since before 1993. The existing building will be removed and replaced with a new gasoline station and will lose any nonconforming use status. The site plan depicts a 5,304 square foot retail building to be used as a gasoline station, convenience store, restaurant, and office (meeting space) as primary use on 1.1 acres at the southwest corner of Flamingo Road and Paradise Road. The parking is shown on the north side of the building and west side of the lot with parallel parking along the northeast portion of the site, behind the street landscaping. Access is proposed from an existing driveway on Paradise Road at the southeast corner of the lot. The other 3 existing driveways will be closed in exchange for a new driveway at the northwest corner of the property to access Flamingo Road. The canopy will be located on the north side of the proposed building and will meet setback requirements. Twenty foot tall shielded down light posts are shown on the plan to illuminate parking lot and pedestrian areas and will meet code requirements at the time of construction. Wall mounted lighting will be provided along the perimeter of the building to illuminate walkways around the building and provide adequate interior views for emergency services.

Landscaping

There are existing sidewalks along Flamingo Road and Paradise Road, requiring 15 feet of landscaping behind both sidewalks. The applicant is proposing 8 feet to 9 feet of landscaping along Flamingo Road and 5 feet to 6 feet along Paradise Road, which requires landscaping waivers. Parking lot landscaping is not provided along the west property line or on the north side of the retail building, requiring another waiver; however the required number of trees are provided on site, including within a landscaped area between the drive-thru and entrance off of Paradise Road.

Elevations

The elevations depict a modern façade with an angled roof, ground to roof windows, storefront windows and entrance and decorative vertical metal fascia. A drive-thru pickup window is located on the east side elevation. The gas canopy is 21 feet high and oriented from east to west with 6 pump islands depicted on the site plan and landscape plan. A menu board is located at the beginning of the drive-thru aisle on the south and west corner of the building.

Floor Plans

The floor plans depict a first story footprint of 5,304 square feet, including a 4,082 square foot convenience store, 844 square foot restaurant, 378 square foot lobby entrance to the second story office, meeting room, and third story roof deck. The remaining areas include refrigeration space, beverage area, and a small seating area for the restaurant that has 12 seats. The second floor office space is located on the east side of the building with 1,790 square feet. A 1,108 square foot roof top deck space is located on the third level at the east end of the building, above the office space. The total interior floor area is 8,202 square feet. The drive through window is located on the west side of the building at the end of the drive-thru aisle.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant is proposing to demolish an existing building and replace it with a Rebel convenience store and gas station that will create employment opportunities in this area of the County. Existing driveways closest to the corner of Flamingo Road and Paradise Road will be removed to enhance safe ingress and egress on this site. Lighting will include 20 foot tall shielded down light poles and wall lighting to meet code requirements.

Surrounding Land Use

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Entertainment Mixed-Use	H-1	Restaurant
South	Entertainment Mixed-Use	H-1	Retail commercial
East	Entertainment Mixed-Use	H-1	Hotel casino
West	Entertainment Mixed-Use	H-1	Undeveloped

**STANDARDS FOR APPROVAL:**

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

## **Analysis**

### **Current 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. This site cannot accommodate the proposed size of the building in combination with the gas canopy and required parking associated with all the proposed uses. The combination of the gasoline canopy and restaurant and proposed size of the building, make the site unable to accommodate Code requirements. Staff believes a combination restaurant and convenience store without gasoline sales and a canopy could potentially fit on this site and meet most requirements. A gasoline station with canopy and convenience store, but not a restaurant, could also potentially fit on this site and meet most code requirements. The combination of a gasoline station, 6 pump canopy, and drive through restaurant are not compatible with similar size properties in the area and may create problems at the Flamingo Road entrance with too many vehicles trying to access Flamingo Road directly. Master Plan Policy 4.2.5 encourages increased traffic safety and enhanced livability of the community. A lack of parking in relationship to the increased number of proposed uses may create a chaotic situation at the entrances and exits on this property. The combination of all 5 proposed uses leads staff to recommend denial in this situation.

#### 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 #3 through #6

The requested waivers are required due to the size of the proposed building in combination with the number of uses. This is a self-imposed hardship by the applicant and creates the need for waivers from the development Code. The waivers are not in harmony with the safe and efficient use of the property. Staff cannot support the proposed waivers and recommends denial.

#### Design Reviews

The previous convenience store and gas station building was 3,350 square feet. The proposed 5,304 square foot building footprint is a 58% increase over the previous building. This increase, combined with the gas canopy and proposed drive-thru restaurant, are what lead to this site not being able to accommodate the proposed uses under the current codes. The proposed development does not have cross-access, and the location of the parallel parking spaces negatively impact the site access and circulation which may negatively impact adjacent roadways and on-site movement of vehicles. Staff cannot support the design review requests.

**Public Works - Development Review**

Waiver of Development Standards #1a

Drivers using the driveway on Flamingo Road will face immediate conflicts with parking spaces on the west side of the site and the fuel pumps southeast of the driveway. Due to the high volume of traffic on Flamingo Road, staff finds that it is imperative that the minimum standards be met or exceeded for this project. Therefore, staff cannot support this request.

Waiver of Development Standards #1b

Although drivers using the driveway on Paradise Road will not encounter immediate on-site conflicts, once farther into the site they will have to negotiate parallel parking spaces on the east side of the site, fuel pumps, and a drive-thru exit slightly northwest of the driveway. Due to the high volume of traffic on Paradise Road, staff finds that it is imperative that the minimum standards be met or exceeded for this project. Therefore, staff cannot support this request.

Waiver of Development Standards #2

Staff has no objection to the reduction in the departure distance for the Paradise Road commercial driveway. Although the departure distance does not comply with the minimum standards, the applicant placed the driveway as far south as the site will allow. However, since staff is not supporting the rest of the application, staff cannot support this request.

**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:**

**Current 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 2 years of approval date or it will expire.

**Public Works - Development Review**

- Drainage study and compliance;
- Traffic study and compliance;
- Right-of-way dedication to include an additional 4 feet on Paradise Road and associated spandrel;

- Grant necessary easements including, but not limited to, temporary construction easements, permanent easements, and utility easements;
- 30 days to coordinate with Public Works - Kaizad Yazdani to dedicate the above-mentioned right-of-way and easement and any other necessary right-of-way and easements for the Paradise Road improvement project;
- Reconstruct any unused driveways with full off-site improvements.
- Applicant is advised that off-site improvement permits may be required; and that right-of-way widths show on the plans are incorrect.

**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 #0273-2022 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT: ANABI OIL**

**CONTACT: SHELDON COLEN, SCA DESIGN, 2525 W. HORIZON RIDGE PARKWAY,  
SUITE 230, HENDERSON, NV 89052**

09/20/22 PC AGENDA SHEET

EASEMENTS  
(TITLE 30)

TROPICANA AVE/BURNHAM AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**VS-22-0430-CHURCH LDS PRESIDING BISHOP:**

**VACATE AND ABANDON** easements of interest to Clark County located between Tropicana Avenue and Reno Avenue, and between Burnham Avenue and Spencer Street within Paradise (description on file). JG/jud/syp (For possible action)

RELATED INFORMATION:

**APN:**

162-26-502-001

**LAND USE PLAN:**

WINCHESTER/PARADISE - PUBLIC USE

**BACKGROUND:**

**Project Description**

The plans depict the vacation and abandonment of 33 foot wide patent easements located on the south and west of the site and a 3 foot wide patent easement located on the east of the site. The applicant indicates that the existing place of worship has an existing recreation area on the southern end of the property with trees and lawn area. The area is enclosed with a chain-link fence to the north and east of the existing CMU 6 foot high wall at the south and west of the property. A pavilion has been recently approved for the recreation area and does not encroach on or over the current patent easements.

**Prior Land Use Requests**

Application Number	Request	Action	Date
ADR-22-900167	Accessory structure (pavilion) in conjunction with an existing place of worship	Approved by ZA	July 2022

**Surrounding Land Use**

	Planned Land Use Category	Zoning District	Existing Land Use
North	Urban Neighborhood (greater than 1/8 du/ac)	R-4	Multiple family residential
South	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-2	Single family residential

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
East	Corridor Mixed Use & Urban Neighborhood (greater than 18 du/ac)	C-1 & R-E	Commercial development & single family residential
West	Corridor Mixed Use & Urban Neighborhood (greater than 18 du/ac)	C-2 & R-4	Commercial development & multiple family residential

**STANDARDS FOR APPROVAL:**

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

**Analysis**

**Public Works - Development Review**

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

**Staff Recommendation**

Approval.

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

**PRELIMINARY STAFF CONDITIONS:**

**Current Planning**

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

**Public Works - Development Review**

- 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:** KEVIN REISCH

**CONTACT:** KEVIN REISCH, ARK STUDIO, 1771 E. FLAMINGO ROAD, SUITE 218-B,  
LAS VEGAS, NV 89119

DRAFT



# VACATION APPLICATION

## DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

<b>APPLICATION TYPE</b>	<b>DEPARTMENT USE</b>	APP. NUMBER: <u>VS-22-0430</u>	DATE FILED: <u>07/26/2022</u>
<input checked="" type="checkbox"/> VACATION & ABANDONMENT (vs) <input type="checkbox"/> EASEMENT(S) <input type="checkbox"/> RIGHT(S)-OF-WAY <input type="checkbox"/> EXTENSION OF TIME (ET) (ORIGINAL APPLICATION #): _____		PLANNER ASSIGNED: <u>JUD</u>	TAB/CAC DATE: <u>08/30/2022</u>
		TAB/CAC: <u>Paradise</u>	@ 7pm
		PC MEETING DATE: <u>09/20/2022 @ 7pm</u>	@ 7pm
		BCC MEETING DATE: _____	
		FEE: <u>\$875<sup>00</sup></u>	

<b>PROPERTY OWNER</b>	NAME: <u>LDS Church</u>
	ADDRESS: <u>50 E. North Temple St 22nd Floor</u>
	CITY: <u>Salt Lake City</u> STATE: <u>UT</u> ZIP: <u>84150</u>
	TELEPHONE: <u>850-307-2675</u> CELL: _____
	E-MAIL: <u>david.wells@churchofjesuschrist.org</u>

<b>APPLICANT</b>	NAME: <u>David Wells; Project manager- AZ project management office -LDS Church</u>
	ADDRESS: <u>9642 Irwin Ave.</u>
	CITY: <u>Mesa</u> STATE: <u>AZ</u> ZIP: <u>85209</u>
	TELEPHONE: _____ CELL: _____
	E-MAIL: <u>david.wells@churchofjesuschrist.org</u>
	REF CONTACT ID #: _____

<b>CORRESPONDENT</b>	NAME: <u>Kevin Reisch, aRKstudio</u>
	ADDRESS: <u>1771 E Flamingo Road, 218B</u>
	CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89119</u>
	TELEPHONE: <u>702-478-8802 ext 111</u> CELL: <u>7023265177</u>
	E-MAIL: <u>kreisch@arketeks.com</u>
	REF CONTACT ID #: _____

ASSESSOR'S PARCEL NUMBER(S): 162-26-502-001

PROPERTY ADDRESS and/or CROSS STREETS: 2275 E. Tropicana Ave.

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.

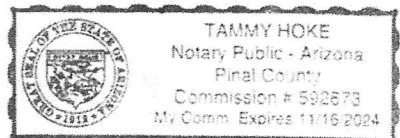
[Signature]  
Property Owner (Signature)\*

DAVID V. WELLS  
Property Owner (Print)

STATE OF ARIZONA  
COUNTY OF Maricopa

SUBSCRIBED AND SWORN BEFORE ME ON April 28 2022 (DATE)

By David Wells  
NOTARY PUBLIC: Tammy Hoke



\*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.

2

July 8, 2022

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

VS-22-0430

Regarding: Justification Letter  
Paradise Pavilion  
2275 E Tropicana, Ave  
Las Vegas, NV 89119  
APN: 162-26-502-001

**PLANNER  
COPY**

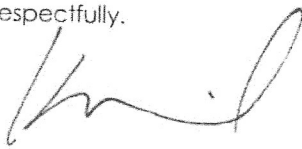
As the Applicant representing the Property Owner, the LDS church (The Presiding Bishopric of the church of Jesus Christ of Latter-day Saints, a Utah Corporation Sole) we are requesting approval of the request for a vacation of the patent easement on the existing south and east property lines.

The existing patent easement Described in exhibit B as:  
*"THE SOUTH 33.00 FEET AND THE WEST 33.00 AND THE WEST 3.00' OF THE EAST 33.00' FEET OF GOVERNMENT LOT 5, IN SAID SECTION 26"*

The current Meetinghouse/House of worship has an existing recreation area at the southern end of the property with Trees and Lawn area enclosed with a Chain Link Fence on North and East boundary and an existing 6' CMU Fence at South and West property lines. The proposed Pavilion does not encroach on or over the current patent easements.

Thank you in advance for your consideration of this application. Please contact me if you have any questions or require additional information.

Respectfully,



A Reisch Kompany, PLLC dba aRKstudio  
By: Kevin Reisch, Architect, NCARB, AIA  
NV Reg no. 7921  
Its: Manager

OUTSIDE STORAGE  
(TITLE 30)

CANNOLI CIR/WYNN RD

PUBLIC HEARING  
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST  
**WS-22-0449-SPIRIT INVESTMENTS, LLC:**

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) street landscaping; 2) reduce access gate setback; 3) eliminate curb returns; and 4) reduce throat depth.  
**DESIGN REVIEW** for an outdoor storage facility on 0.5 acres in an M-1 (Light Manufacturing) Zone.

Generally located on the south side of Cannoli Circle, 240 feet west of Wynn Road within Paradise. MN/jad/syp (For possible action)

---

RELATED INFORMATION:

**APN:**  
162-19-810-006

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Eliminate street landscaping where required per Table 30.64-2 and Figure 30.64-13.
2. Reduce the access gate setback to 10 feet where a minimum of 50 feet is required per Section 30.64.020 (an 80% reduction).
3. Eliminate curb returns where required per Uniform Standard Drawing 222.1.
4. Reduce throat depth to 15 feet where 25 feet is required per Uniform Standard Drawing 222.1 (a 40% reduction).

**LAND USE PLAN:**  
WINCHESTER/PARADISE - BUSINESS EMPLOYMENT

**BACKGROUND:**

**Project Description**

**General Summary**

- Site Address: 4171 Cannoli Circle
- Site Acreage: 0.5
- Project Type: Outside storage facility
- Parking Required/Provided: 3/3

**Site Plans**

The plans show a 0.5 acre parcel with a 6 foot high chain-link fence along the eastern, western, and southern property lines with a 6 foot CMU block wall with decorative wrought iron gate along the front/northern portion of the property. The front wall and gate are shown set back 10

feet from the right-of-way. The plans indicate that the site will be used to store stacks of pallets. No structures are proposed with this application, except a 6 foot high decorative CMU trash enclosure that is shown at the southern end of the site. The parcel is accessed from Cannoli Circle through a 40 foot access driveway off of the Cannoli Circle cul-de-sac. Three parking spaces are provided along the northwestern corner of the site.

Landscaping

No landscaping is shown on the plans. The applicant is seeking to eliminate required landscaping for the site with this application.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant indicates that the site will be used as a pallet storage yard with no additional structures on the property. They further state the use will be compatible with the surrounding area, traffic to the site will be low, the elimination of landscaping at the site will help with water conservation, and that the site will not be viewable from the street, so the aesthetics of the area will not be impacted as a result of the proposal.

**Prior Land Use Requests**

Application Number	Request	Action	Date
DR-0611-07	New office/warehouse building - expired	Approved by PC	July 2007

**Surrounding Land Use**

	Planned Land Use Category	Zoning District	Existing Land Use
North, East, & West	Business Employment	M-1	Office/warehouse, outside storage, & industrial development
South	Entertainment Mixed-Use	M-1	Office/warehouse, outside storage, & industrial development

**STANDARDS FOR APPROVAL:**

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

**Analysis**

**Current Planning**

Waivers of Development Standards

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

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

#### Waiver of Development Standards #1

Policies 1.4.1 and 6.2.1 of the Master Plan encourage context sensitive design of neighborhoods and to encourage development that enhances neighborhoods. With these policies in mind, staff does not find that the elimination of street landscaping would meet the intent of these policies, as several other properties in the surrounding neighborhood have provided some form of landscaping along the street frontage, and even in an industrial neighborhood some street landscaping can enhance the visual aspects of the neighborhood.

#### Waiver of Development Standards #2

While the shape and size of the subject site greatly impact the location and setback depth of access gates to the property, the total requested reduction seems excessive. Furthermore, the reduction to 10 feet would still likely mean large commercial vehicles entering the site would be sticking out and impeding the right-of-way while the gate opens, which may impact adjacent businesses on the cul-de-sac. For these reasons, staff cannot support this waiver.

#### Design Review

Overall, staff does not object to the use of the site as an outdoor storage facility, as such a use would be consistent with the surrounding area. It appears the storage on the site would be screened from view, and will otherwise activate the space helping to reduce potential issues related to crime.

With that said, the design of site relies on the complete elimination of landscaping, which is not consistent with the surrounding neighborhood and would contribute to environmental issues that will negatively impact the surrounding area. In addition, the placement of the access gate would create impacts, albeit minor impacts, to access to other businesses while vehicles are waiting for the gate to open. Staff finds that there are design alternatives that could be considered to either eliminate these issues or to make the design more in compliance with Title 30 regulations. Given this, staff cannot support the design review as currently proposed.

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

##### Waivers of Development Standards #3 & #4

Staff has no objection to the reduced throat depth and pan driveway for the commercial driveway on the private street, Cannoli Circle, since it sees a low volume of traffic.

#### **Staff Recommendation**

Approval of waivers of development standards #3 and #4; denial of waivers of development standards #1 and #2, and the design review.

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

**PRELIMINARY STAFF CONDITIONS:**

**Current Planning**

If approved:

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

**Public Works - Development Review**

- Drainage study and compliance.

**Fire Prevention Bureau**

- No comment.

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

- No comment.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT: LEOPOLDO MONTOYA RIVERA**

**CONTACT: LEOPOLDO MONTOYA RIVERA, OLYMPIC PALLETS INC., PO BOX 2713,  
CHINO HILLS, CA 91709**

# LAND USE APPLICATION

## 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</p> <p><input type="checkbox"/> CONFORMING (ZC)</p> <p><input type="checkbox"/> NONCONFORMING (NZC)</p> <p><input type="checkbox"/> USE PERMIT (UC)</p> <p><input type="checkbox"/> VARIANCE (VC)</p> <p><input checked="" type="checkbox"/> WAIVER OF DEVELOPMENT STANDARDS (WS)</p> <p><input checked="" type="checkbox"/> DESIGN REVIEW (DR)</p> <p><input type="checkbox"/> ADMINISTRATIVE DESIGN REVIEW (ADR)</p> <p><input type="checkbox"/> STREET NAME / NUMBERING CHANGE (SC)</p> <p><input type="checkbox"/> WAIVER OF CONDITIONS (WC)</p> <p><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>WS-22-0449</u>      DATE FILED: <u>07/27/2022</u></p> <p>PLANNER ASSIGNED: <u>JAD</u></p> <p>TAB/CAC: <u>Paradise</u>      TAB/CAC DATE: <u>08/30/2022</u></p> <p>PC MEETING DATE: <u>09/20/2022 @ 7pm</u>      @ 7pm</p> <p>BCC MEETING DATE: _____</p> <p>FEE: <u>\$1150.00</u></p>
	<b>PROPERTY OWNER</b>	<p>NAME: <u>Spirit Investments LLC</u></p> <p>ADDRESS: <u>PO BOX 82335</u></p> <p>CITY: <u>Las Vegas</u>      STATE: <u>NV</u>      ZIP: <u>89180</u></p> <p>TELEPHONE: <u>(702) 225-4234</u>      CELL: _____</p> <p>E-MAIL: _____</p>
	<b>APPLICANT</b>	<p>NAME: <u>Leopoldo Montoya Rivera</u></p> <p>ADDRESS: <u>PO BOX 2713</u></p> <p>CITY: <u>Chino Hills</u>      STATE: <u>CA</u>      ZIP: <u>91709</u></p> <p>TELEPHONE: <u>(909) 225-4234</u>      CELL: _____</p> <p>E-MAIL: <u>pallets@chumpalletsinc.com</u>      REF CONTACT ID #: _____</p>
	<b>COMPONENT</b>	<p>NAME: <u>Leopoldo Montoya Rivera</u></p> <p>ADDRESS: <u>PO BOX 2713</u></p> <p>CITY: <u>Chino Hills</u>      STATE: <u>CA</u>      ZIP: <u>91709</u></p> <p>TELEPHONE: <u>(909) 225-4234</u>      CELL: _____</p> <p>E-MAIL: <u>pallets@chumpalletsinc.com</u>      REF CONTACT ID #: _____</p>

ASSESSOR'S PARCEL NUMBER(S): 162-19-810-006

PROPERTY ADDRESS and/or CROSS STREETS: 4171 Cannoli Circle Las Vegas NV 89103

PROJECT DESCRIPTION: use permit for outdoor storage of pallets

(I, We) the undersigned owner 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 oswears 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.

Licet Montoya  
Property Owner (Signature)

Licet Montoya  
Property Owner (Print)

STATE OF California  
COUNTY OF Los Angeles

SUBSCRIBED AND SWORN BEFORE ME ON 4/27/2022 (DATE)

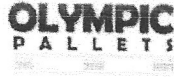
By Licet Montoya

NOTARY PUBLIC: [Signature]

MARISOL AMAVIZCA  
COMM. #2321487  
Notary Public - California  
Los Angeles County  
My Comm. Expires Feb. 14, 2024

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





PO BOX 2713 Chino hills CA, 91709  
Office:(909)497-8383

PLANNER  
COPY

July 19, 2022

Subject: APR 22-100554 – Pallet Storage Yard  
Use Permit and Waiver of Standards

To Whom it may Concern:

We are requesting a Use Permit and Waiver of Standards for a pallet storage yard on a .47 acre vacant site located at 4171 Cannoli Circle Las Vegas NV 89103, APN #162-19-810-006.

**Use Permit:**

This vacant site would be used solely for storage of pallets. The site will be paved, but existing grades on site will not be disturbed. The site will be enclosed with 6' high chain link fence, with a 6' high CM screen wall along Cannoli Circle. There will be 6' high wrought iron gates at the entrance.

Justification for Use Permit: The proposed use of this site is consistent with other businesses in the area, and is consistent with current zoning and land use.

**Waiver of Standards:**

1) We request a waiver for compliance with RTC Standard Drawing 222.1 for curb returns.

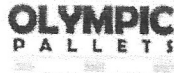
Justification: The existing site and surrounding neighboring sites have a rolled curb at the ROW line which functions properly for the use of this site and maintains storm flow as well as a commercial driveway, therefore, the curb returns are not necessary.

2) We request a waiver for compliance with RTC Standard Drawing 222.1 for minimum throat depth of 15' where 25' is required.

Justification: For this use and density, a minimum throat depth of 25' is required. We propose a 15' deep space beyond the gate which will function similar to throat depth. The proposed use of this site, which is storage only, generates very low traffic volumes. The site is not normally occupied by any vehicles. Also, due to the access to the site being from a cul-de-sac, back up of a vehicle accessing the site and blocking traffic in the ROW is not possible because of the ROW width at the site. In addition, the access gates when open will prevent premature turning similar to a curbed throat depth.

3) We request a waiver of standards for compliance with 30.64.020(7) Access Gates which require gates to be set back 50 feet where the site is not open during business hours.

Justification: We propose a gate setback of 10'. The proposed use of this site, which is storage only, generates very low traffic volumes. The site is not normally occupied by any vehicles. Also, due to the access to the site being from a cul-de-sac, back up of a vehicle accessing the site and blocking traffic in the ROW is not possible because of the ROW width at the site.



PO BOX 2713 Chino hills CA, 91709  
Office:(909)497-8383

4) We request a waiver of standards for elimination of parking lot landscaping

Justification: The water usage to maintain the landscaping can be conserved for other uses. The property is not in the general public view so aesthetically it does not impact the area conditions.

5) We request a waiver of standards for elimination of street landscaping

Justification: The property is not in the general public view so aesthetically it does not impact the area conditions. The area is heavy industrial and most of the other business do not have any landscaping on their properties so we can maintain the same aesthetics.

Page 2

APR 22-100554 – Pallet Storage Yard

Use Permit and Waiver of Standards

Thank you for your time and should you have any questions or need any further information, please feel free to reach me at (909)519-4533 or via email at [francisco@olympicpalletsinc.com](mailto:francisco@olympicpalletsinc.com)

Best,

*Francisco Orozco*

Francisco Orozco

(909)519-4533

[francisco@olympicpallets.com](mailto:francisco@olympicpallets.com)

3

09/21/22 BCC AGENDA SHEET

RECREATIONAL FACILITY  
(TITLE 30)

HARMON AVE/KOVAL LN

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**AR-22-400094 (UC-0849-14 (WC-0174-16))-MGM GRAND PROPCO LLC:**

**WAIVER OF CONDITIONS FIFTH APPLICATION FOR REVIEW** of a use permit for live entertainment limited to daytime hours (6:00 a.m. to 10:00 p.m.) for a recreational facility (golf driving range) with accessory retail, eating and drinking facilities, live entertainment, and other accessory uses, and structures in conjunction with a resort hotel (MGM Grand) on a portion of 102.7 acres in an H-1 (Limited Resort and Apartment) (AE-60) Zone.

Generally located on the southwest corner of Harmon Avenue and Koval Lane within Paradise. JG/jud/syp (For possible action)

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RELATED INFORMATION:

**APN:**

162-21-414-001 ptn

**LAND USE PLAN:**

WINCHESTER/PARADISE - ENTERTAINMENT MIXED-USE

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 3799 Las Vegas Boulevard South
- Site Acreage: 102.7 (total resort hotel site)/8.5 (recreational facility)
- Project Type: Review of live entertainment

Site History

UC-0849-14 for a recreational facility (golf driving range) was approved with the condition limiting live entertainment to daytime hours (6:00 a.m. to 10:00 p.m.). A request to waive a condition of approval for UC-0849-14 limiting the hours allowed for live entertainment was approved in December 2016. The request was approved for a maximum of 3 nights per month for live entertainment events permitted including legal holidays (Memorial Day, New Years, Labor Day, 4<sup>th</sup> of July, and Presidents Day) with events ending at 12:00 a.m., for all remaining days, live entertainment events permitted only until 10:00 p.m.; and no live entertainment before 8:00 a.m.

### Site Plan

The originally approved recreational facility is on the northeast corner of the MGM Grand Resort Hotel site adjacent to the corner of Koval Lane and Harmon Avenue. Existing access is provided to the resort hotel and the recreational facility site from Las Vegas Boulevard South, Tropicana Avenue, Koval Lane, and Harmon Avenue. The recreational facility occupies the northeastern 8.5 acres of the resort hotel site. The facility consists of a single building located on the southern portion of the site. The northern approximately 640 feet, is an open field for the golf driving range. At various distances within the open field are targets for golfers. A 180 foot high mesh safety fence is located along the north, east, and west sides of the driving range to prevent golf balls from going into abutting properties or within the adjacent rights-of-way.

### Previous Conditions of Approval

Listed below are the approved conditions for AR-20-400089 (UC-0849-14):

#### Current Planning

- Until July 30, 2021 to review as a public hearing;
- Maximum of 3 nights per month for live entertainment events permitted including legal holidays (Memorial Day, New Years, Labor Day, 4th of July, and Presidents Day) with events ending at 12:00 a.m., for all remaining days, live entertainment events permitted only until 10:00 p.m.;
- No live entertainment before 8:00 a.m.;
- Applicant to continue to analyze the height and design of safety mesh to determine if it is adequate;
- Point of contact for complaints to be provided to adjacent residential property owners;
- Applicant to continue to coordinate with residents of Marie Antoinette Condominiums;
- Applicant to continue to review emerging technologies for sound mitigation opportunities;
- Applicant to monitor decibel measurements for Marie Antoinette Condominium units during events;
- Residents of the abutting residential developments and County staff to be notified a minimum of 30 days prior to each event planned to end past 10:00 p.m.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and application for review; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

Listed below are the approved conditions for AR-19-400066 (UC-0849-14):

#### Current Planning

- Until July 30, 2020 to review as a public hearing;
- Maximum of 3 nights per month for live entertainment events permitted including legal holidays (Memorial Day, New Years, Labor Day, 4th of July, and Presidents Day) with events ending at 12:00 a.m., for all remaining days, live entertainment events permitted only until 10:00 p.m.;
- No live entertainment before 8:00 a.m.;

- Applicant to continue to analyze the height and design of safety mesh to determine if it is adequate;
- Point of contact for complaints to be provided to adjacent residential property owners;
- Applicant to continue to coordinate with residents of Marie Antoinette Condominiums;
- Applicant to continue to review emerging technologies for sound mitigation opportunities;
- Applicant to monitor decibel measurements for Marie Antoinette Condominium units during events;
- Residents of the abutting residential developments and County staff to be notified a minimum of 30 days prior to each event planned to end past 10:00 p.m.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and application for review; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

Listed below are the approved conditions for AR-18-400135 (UC-0849-14):

#### Current Planning

- Until May 25, 2019 to review as a public hearing;
- Maximum of 3 nights per month for live entertainment events permitted including legal holidays (Memorial Day, New Years, Labor Day, 4<sup>th</sup> of July, and Presidents Day) with events ending at 12:00 a.m., for all remaining days, live entertainment events permitted only until 10:00 p.m.;
- No live entertainment before 8:00 a.m.;
- Applicant to continue to analyze the height and design of safety mesh to determine if it is adequate;
- Point of contact for complaints to be provided to adjacent residential property owners;
- Applicant to continue to coordinate with residents of Marie Antoinette Condominiums;
- Applicant to continue to review emerging technologies for sound mitigation opportunities;
- Applicant to monitor decibel measurements for Marie Antoinette units during events;
- Residents of the abutting residential developments and County staff to be notified a minimum of 30 days prior to each event planned to end past 10:00 p.m.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and application for review; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

Listed below are the approved conditions for UC-0849-14 (AR-0023-17):

#### Current Planning

- 1 year for review;
- Maximum of 3 nights per month for events permitted including legal holidays (Memorial Day, New Years, Labor Day, 4<sup>th</sup> of July, and Presidents Day) with events ending at 12:00

a.m., for all remaining days, events permitted only during daylight hours (to end at 10:00 p.m.);

- Applicant to analyze the height of safety mesh to determine if it is adequate;
- Point of contact for complaints to be provided to adjacent residential property owners;
- Applicant to continue to coordinate with residents of Marie Antoinette Condominiums;
- Applicant to continue to review emerging technologies for sound mitigation opportunities;
- Applicant to monitor decibel measurements for Marie Antoinette units during events;
- Temporary Commercial Event applications to be submitted for each event;
- Residents of the abutting residential developments to be notified a minimum of 30 days prior to each event with documentation of the notification to be submitted to staff with the Temporary Commercial Event application.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and application for review; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

Listed below are the approved conditions for UC-0849-14 (WC-0174-16)

#### Current Planning

- 2 months to review;
- Live entertainment limited to 12:00 a.m. on Friday, December 30, 2016 and until 1:00 a.m. for New Year's Eve 2016.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and application to review; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

Listed below are the approved conditions for UC-0849-14:

#### Current Planning

- Raise mesh fence height to 180 feet;
- Parking lot and driving range area not to be used for outdoor live entertainment;
- Design review as a public hearing on lighting and signage;
- Live entertainment limited to daytime hours (6:00 a.m. to 10:00 p.m.);
- Mesh safety fence to be constructed of a non-transparent material;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that any change in circumstances or regulations may be justification for the denial of an extension of time; 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; and that this application must commence within 2 years of approval date or it will expire.

#### Public Works – Development Review

- Drainage study and compliance;

- Traffic study and compliance.

#### Department of Aviation

- Applicant is required to file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, in accordance with 14 CFR Part 77, or submit to the Director of Aviation a "Property Owner's Shielding Determination Statement" and request written concurrence from the Department of Aviation;
- If applicant does not obtain written concurrence to a "Property Owner's Shielding Determination Statement," then applicant must also receive either a Permit from the Director of Aviation or a Variance from the Airport Hazard Areas Board of Adjustment (AHABA) prior to construction as required by Section 30.48 Part B of the Clark County Unified Development Code.
- Applicant is advised that the FAA's determination is advisory in nature and does not guarantee that a Director's Permit or an AHABA Variance will be approved; FAA's airspace determinations (the outcome of filing the FAA Form 7460-1) are dependent on petitions by any interested party and the height that will not present a hazard as determined by the FAA may change based on these comments; the FAA's airspace determinations include expiration dates; and that the separate airspace determinations will be needed for construction cranes or other temporary equipment.

#### Building/Fire Prevention

- Applicant is advised that fire/emergency access must comply with the Fire Code as amended; permits may be required for this facility; and to please contact Fire Prevention for further information at (702) 455-7316.

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

- Applicant is advised that property is already connected to the CCWRD sewer system; additional capacity and connection fees will need to be addressed; and that at the time of construction, submit civil improvement plans for review and approval along with wastewater flows to determine sewer point of connection.

#### Las Vegas Valley Water District (LVVWD)

- Applicant is advised that water and fire flow review are needed; and to please submit plans to LVVWD.

#### Signage

Signage is not a part of this request.

#### Applicant's Justification

This request has had 4 previous reviews since 2016. The applicant states this business continues to run without incident and works very hard to maintain a good working relationship with its neighbors, particularly Marie Antoinette Condominiums. Therefore, the applicant respectfully requests to forego the year review process and is requesting the application reviews to continue on a 3 year basis.

### Prior Land Use Requests

Application Number	Request	Action	Date
AR-20-400089 (UC-0849-14)	Fourth application for review for waiver of condition limiting the hours for live entertainment to daytime hours for an interactive golf with driving range, club and pool (Topgolf)	Approved by BCC	October 2020
AR-19-400066 (UC-0849-14)	Third application for review for waiver of condition limiting the hours for live entertainment to daytime hours for an interactive golf with driving range, club and pool (Topgolf)	Approved by BCC	July 2019
DR-18-0649	Façade change	Approved by BCC	October 2018
AR-18-400135 (UC-0849-14)	Second application for review for waiver of condition limiting the hours for live entertainment to daytime hours for an interactive golf with driving range, club and pool (Topgolf)	Approved by BCC	July 2018
DR-18-0081	Monorail Extension	Approved by BCC	March 2018
UC-0849-14 (AR-0023-17)	First application for review for waiver of condition limiting the hours for live entertainment to daytime hours for an interactive golf with driving range, club and pool (Topgolf)	Approved by BCC	May 2017
DR-0695-17	Sign Modification	Approved by BCC	November 2017
UC-0285-17	Outdoor Sales Booth	Approved by BCC	June 2017
DR-0168-17	Convention center expansion	Approved by BCC	April 2017
UC-0849-14 (WC-0174-16)	Waived conditions of a use permit to allow extended hours of operation for live entertainment in conjunction with a recreational facility (golf driving range)	Approved by BCC	December 2016
UC-0373-10 (AR-0135-16)	Second application for review to allow a temporary event for more than 10 days per event and allow membrane structures (tents)	Approved by BCC	December 2016
DR-0347-15 (AR-0088-16)	First application for review for lighting, animated signage (video display units), and mesh safety fence for a recreational facility (golf driving range) - approved with no further reviews required	Approved by BCC	August 2016
DR-0347-15	Lighting and an amendment to a comprehensive sign package to permit additional freestanding signs, wall signs, animated signs, and directional signs for a recreational facility (golf driving range) with waivers of conditions of a use permit (UC-0849-14)	Approved by BCC	July 2015



**Prior Land Use Requests**

Application Number	Request	Action	Date
UC-0849-14	Interactive golf with driving range, club and pool (Topgolf)	Approved by BCC	December 2014
UC-0848-14	Use Permit for a recreational facility	Denied by BCC	December 2014
VS-0530-14	Vacated a pedestrian easement along Tropicana Avenue	Approved by PC	April 2014
UC-0103-14	VIP drop off area in conjunction with the MGM Grand Resort Hotel	Approved by BCC	April 2014
DR-0103-12	Expansion & interior modification to the MGM Grand Resort Hotel	Approved by BCC	April 2012
DR-0165-11	Six, 28,980 square foot wall signs	Approved by BCC	June 2011
UC-0373-10	Allow a temporary event for more than 10 days per event and allow membrane structures (tents)	Approved by BCC	October 2010
UC-0103-08	Manmade decorative water features	Approved by BCC	March 2008
DR-0447-04	Relocate a freestanding sign	Approved by BCC	April 2004

**Surrounding Land Use**

	Planned Land Use Category	Zoning District	Existing Land Use
North	Entertainment Mixed-Use	H-1	Portions of Showcase Mall, commercial businesses, & undeveloped
South	Entertainment Mixed-Use	H-1, R-T, & C-2	Tropicana & OYO Resort Hotels, commercial businesses, motels, & undeveloped
East	Entertainment Mixed-Use	H-1, R-T, R-4, R-5, & C-2	Marie Antoinette Condominiums, Wyndham Resort condominiums, apartments, commercial uses, & undeveloped
West	Entertainment Mixed-Use	H-1 & R-5	The Grand Chateau Time Share Hotel, The Carriage House, MGM Signature Towers, portions of the Showcase Mall, Polo Towers, retail shops, restaurants, New York-New York Resort Hotel, & Park MGM Resort Hotel

**STANDARDS FOR APPROVAL:**

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

## **Analysis**

### **Current Planning**

Title 30 standards of approval for an application for review state that such an application may be denied or have additional conditions imposed if it is found that circumstances have substantially changed. A substantial change may include, without limitation, a change to the subject property, a change in the areas surrounding the subject property, or a change in the laws or policies affecting the subject property. Using the criteria set forth in Title 30, changes have occurred since the original approval and are identified during each application review. Since the approval of the original application and subsequent reviews there has been no changes to the condition of the subject property and surrounding area. Staff finds the current use of the property will continue to need periodic reviews due to the proximity of the residential use to evaluate neighborhood compatibility. Therefore, staff can support an additional 2 year review to assess if additional or modified conditions are necessary due to a change of circumstance in the future.

### **Staff Recommendation**

Approval.

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

### **PRELIMINARY STAFF CONDITIONS:**

#### **Current Planning**

- Until July 30, 2024 to review as a public hearing;
- Maximum of 3 nights per month for live entertainment events permitted including legal holidays (Memorial Day, New Years, Labor Day, 4th of July, and Presidents Day) with events ending at 12:00 a.m., for all remaining days, live entertainment events permitted only until 10:00 p.m.;
- No live entertainment before 8:00 a.m.;
- Applicant to continue to analyze the height and design of safety mesh to determine if it is adequate;
- Point of contact for complaints to be provided to adjacent residential property owners;
- Applicant to continue to coordinate with residents of Marie Antoinette Condominiums;
- Applicant to continue to review emerging technologies for sound mitigation opportunities;
- Applicant to monitor decibel measurements for Marie Antoinette Condominium units during events;
- Residents of the abutting residential developments and County staff to be notified a minimum of 30 days prior to each event planned to end past 10:00 p.m.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and application for review; and that the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified.

**Public Works - Development Review**

- Right-of-way dedication to include between 8.5 feet and 22 feet for Koval Lane;
- 30 days to coordinate with Public Works - Design Division to dedicate right-of -way and easements for the Koval Lane improvement project.

**Fire Prevention Bureau**

- No comment.

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

- No comment.

**TAB/CAC:**

**APPROVALS:**

**PROTEST:**

**APPLICANT:** TOPGOLF USA LAS VEGAS, LLC

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

DRRAFT



# LAND USE APPLICATION

## CLARK COUNTY COMPREHENSIVE PLANNING DEPARTMENT

SEE SUBMITTAL REQUIREMENTS FORM FOR MORE INFORMATION

<input type="checkbox"/> TEXT AMENDMENT (TA) <input type="checkbox"/> ZONE CHANGE <input type="checkbox"/> CONFORMING (ZC) <input type="checkbox"/> NONCONFORMING (NZC) <input type="checkbox"/> USE PERMIT (UC) <input type="checkbox"/> VARIANCE (VC) <input type="checkbox"/> WAIVER OF DEVELOPMENT STANDARDS (WS) <input type="checkbox"/> DESIGN REVIEW (DR) <input type="checkbox"/> PUBLIC HEARING <input type="checkbox"/> ADMINISTRATIVE DESIGN REVIEW (ADR) <input type="checkbox"/> STREET NAME / NUMBERING CHANGE (SC) <input type="checkbox"/> WAIVER OF CONDITIONS (WC)  _____ (ORIGINAL APPLICATION #) <input type="checkbox"/> ANNEXATION REQUEST (ANX) <input type="checkbox"/> EXTENSION OF TIME (ET)  _____ (ORIGINAL APPLICATION #) <input checked="" type="checkbox"/> APPLICATION REVIEW (AR) <u>WC-0114-16 (UC-0849-14)</u> (ORIGINAL APPLICATION #) <input type="checkbox"/> DEVELOPMENT AGREEMENT (DA)	<b>STAFF</b>	DATE FILED: <u>07/28/2022</u> APP. NUMBER: <u>AR-22-400094</u> PLANNER ASSIGNED: <u>JUD</u> TAB/CAC: <u>Paradise</u> ACCEPTED BY: <u>JUD</u> TAB/CAC MTG DATE: <u>08/30/22</u> TIME: <u>7pm</u> FEE: <u>\$4750</u> PC MEETING DATE: _____ CHECK #: _____      BCC MEETING DATE: <u>09/21/22 9am</u> COMMISSIONER: <u>JG</u> ZONE / AE / RNP: <u>H-1 AE-60</u> OVERLAY(S)? _____      PLANNED LAND USE: <u>EM</u> PUBLIC HEARING? <input checked="" type="checkbox"/> Y / <input type="checkbox"/> N      NOTIFICATION RADIUS: <u>500</u> SIGN? <input checked="" type="checkbox"/> Y / <input type="checkbox"/> N TRAILS? <input type="checkbox"/> Y / <input checked="" type="checkbox"/> N      PFNA? <input type="checkbox"/> Y / <input checked="" type="checkbox"/> N      LETTER DUE DATE: _____ APPROVAL/DENIAL BY: _____      COMMENCE/COMPLETE: _____
<b>PROPERTY OWNER</b>	NAME: <u>MGM Grand Propco, LLC c/o Tax Department</u> ADDRESS: <u>3950 Las Vegas Boulevard S</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89119</u> TELEPHONE: <u>n/a</u> FAX: <u>n/a</u> CELL: <u>n/a</u> E-MAIL: <u>n/a</u>	
<b>APPLICANT</b>	NAME: <u>Topgolf USA Las Vegas, LLC</u> ADDRESS: <u>4627 Koval Lane</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89109</u> TELEPHONE: <u>n/a</u> FAX: <u>n/a</u> CELL: <u>n/a</u> E-MAIL: <u>n/a</u>	
<b>CORRESPONDENT</b>	NAME: <u>Chris Kaempfer - Kaempfer Crowell</u> ADDRESS: <u>1980 Festival Plaza Drive, Suite 650</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89135</u> TELEPHONE: <u>702-792-7000</u> FAX: <u>702-796-7181</u> CELL: <u>n/a</u> E-MAIL: <u>clk@kcnvlaw.com</u>	

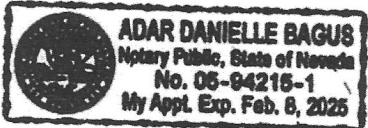
ASSESSOR'S PARCEL NUMBER(s): a portion of 162-21-414-001  
 PROPERTY ADDRESS and/or CROSS STREETS: Koval and Harmon  
 PROJECT DESCRIPTION: Review re: WC-0114-16 (UC-0849-14)

(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.

Mark Jarvis      Mark Jarvis  
 Property Owner (Signature)\*      Property Owner (Print)

STATE OF Nevada  
 COUNTY OF Clark  
 SUBSCRIBED AND SWORN BEFORE ME ON March 4<sup>th</sup> 2022 (DATE)  
 By Mark Jarvis

NOTARY PUBLIC: Adar Danielle Bagus



\*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

**ANTHONY J. CELESTE**  
[aceleste@kcnvlaw.com](mailto:aceleste@kcnvlaw.com)  
702.693.4215

**PLANNER  
COPY**

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

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

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

June 7, 2022

**VIA UPLOAD**

CLARK COUNTY COMPREHENSIVE PLANNING  
500 S. Grand Central Parkway  
First Floor  
Las Vegas, NV 89155

**Re: Design Review for TopGolf USA Las Vegas, LLC  
Fifth Review for Use Permit re: AR-20-400089 (UC-0849-14)  
APN: 162-21-414-001**

To Whom It May Concern:

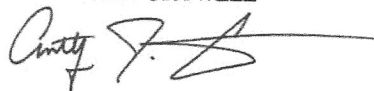
Please be advised that our office represents the applicant in the above-referenced matter for property located on the southwest corner of Koval Lane and Harmon Avenue, more particularly known as APN 162-21-414-001 ("Property"). This property is the TopGolf entertainment venue located behind the MGM Grand Las Vegas.

In 2014 the recreational facility (golf driving range) with live entertainment and on-premises consumption of alcohol was approved under UC-0849-14. A waiver of condition was approved under WC-0174-16 waiving the limitation of Live Entertainment to daytime hours. This application is a review of that waiver of condition. The first application for review was approved in 2017 under AR-40023-17, the second application for review was approved in 2018 under AR-18-400135, the third application for review was approved under AR-19-400066, and the fourth application for review was approved under AR-20-400089 on October 7, 2020. The TopGolf facility is a great addition to the nearby Las Vegas strip and is a very popular gathering place for locals and visitors alike. The business continues to run without incident and works very hard to maintain a good working relationship with its neighbors, particularly the Marie Antoinette Condominiums. Therefore, we are respectfully requesting to forego the yearly review process and are requesting the application reviews to continue on a three (3) year basis.

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

Sincerely,

KAEMPFER CROWELL



Anthony J. Celeste

AJC

4

09/21/22 BCC AGENDA SHEET

SCHOOL  
(TITLE 30)

EASTERN AVE/FORD AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-22-0426-DIAMOND CREEK HOLDINGS LLC SERIES 8:**

**USE PERMIT** for a school in conjunction with an existing office and retail shopping center on 0.8 acres in a C-2 (General Commercial) Zone and a C-P (Office and Professional) Zone.

Generally located on the west side of Eastern Avenue and the north side of Ford Avenue within Paradise. MN/hw/syp (For possible action)

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RELATED INFORMATION:

**APNs:**

177-14-710-003; 177-14-710-008; 177-14-710-012; 177-14-710-014; 177-14-710-018; 177-14-710-025; 177-14-710-027; 177-14-710-028; 177-14-710-030; 177-14-710-035; 177-14-710-036; 177-14-710-039; 177-14-710-040; 177-14-710-042 through 177-14-710-047; 177-14-710-049 through 177-14-710-053

**LAND USE PLAN:**

WINCHESTER/PARADISE - CORRIDOR MIXED-USE

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 8645 S. Eastern Ave
- Site Acreage: 0.8
- Project Type: School
- Number of Stories: 2
- Building Height (feet): 30
- Square Feet: 30,000
- Parking Required/Provided: 802/807

Site Plans & Request

The applicant is requesting a special use permit to operate a school within an existing retail and office shopping center. Given the location of the subject site being 464 feet from the city limits of the City of Henderson, Nevada, this application is considered a Project of Regional Significance.

The plans depict a 200,330 square foot existing office and retail shopping center consisting of 19 buildings spread across 17.5 acres. Access to the center is through 1 driveway along Ford

Avenue, 3 driveways along Eastern Avenue, and 3 driveways along Wigwam Avenue. Parking is shown throughout the site with parking stalls surrounding most of the buildings, and is also provided in a central lot towards the middle of the center. The location of the school that is the subject of this request is located in the southwestern portion of the center in the south half of the building labeled "2 story Office G."

The plans provided also indicate the flow of traffic for the drop-off of students with traffic flowing in a south to north direction through the retail center. The plans show that drop-off traffic will enter the center from the driveway on Ford Avenue, then proceed west and then north along the existing drive aisles before then going west then north again to reach a drive aisle that runs behind the set of buildings along the western extent of the center. Children will be dropped off at the back of the building and traffic will continue north along this back drive aisle before exiting onto Wigwam Avenue using the western most drive aisle.

#### Landscaping

Existing landscaping will remain unchanged with street landscaping located along Wigwam Avenue and Eastern Avenue. Landscaping has also been provided along the western property line that is adjacent to existing residential development and along the base of the buildings and through parking lot fingers and islands.

#### Elevations

The plans show the subject location of the school is a 2 story office building that includes painted stucco walls with portions of the wall projecting outwards creating archways. Foam cornice treatments are provided along the top of parapet walls along the roofline. Triple frame office windows are provided throughout and a typical retail double door system is also provided at the entrance. No changes to the exterior are proposed.

#### Floor Plans

The suite that will be utilized for the school is a total of 30,000 square feet split between two floors. The total space dedicated to classrooms, which are located on both floors, is approximately 14,000 square feet with the remaining 16,000 square feet being dedicated to offices, conference rooms, restrooms, nurse's office, breakroom, and utility and building support rooms.

#### Signage

Signage is not a part of this request.

#### Applicant's Justification

According to the applicant, they are looking to locate a proposed public charter school that will use a blended campus model, where students will be taught on-line by state certified teachers, while students who require additional help or are failing a class can attend in person 1 day a week for additional support. The school is looking to serve both middle and high school level students. Students that attend in person will be assigned to come to the site 1 day a week for 3 hours Tuesday through Thursday with each grade level assigned a particular time. High schoolers would attend between 9:00 a.m. and 12:00 p.m. with middle schoolers attending between 12:30 p.m. and 3:30 p.m. The maximum number of students that would attend at any 1

time would be 100 students. The subject site will accommodate 40 administrative staff during the week along with 6 to 7 teachers Tuesday through Thursday. The applicant further indicates that the school is compatible with the existing office uses nearby and would not significantly impact the neighboring residential uses. They also state the proposed drop-off/pick-up plan reduces on-site conflicts as this traffic would only occur at certain times and they will utilize an electronic program that will allow students to be dismissed as parents arrive speeding up the process.

**Prior Land Use Requests**

Application Number	Request	Action	Date
UC-0419-14	Medical marijuana establishment in conjunction with an existing shopping center - denied without prejudice	Denied by BCC	December 2014
ADR-0772-05	Minor expansion to an existing shopping center	Approved by ZA	July 2005
VS-1564-04	Vacated and abandoned the Jeffery Street right-of-way between Ford Avenue and Wigwam Avenue	Approved by PC	October 2004
DR-1349-04	Revised plans for an approved shopping center	Approved by BCC	September 2004
DR-0196-04	Restaurant in conjunction with an approved shopping center	Approved by BCC	March 2004
DR-1643-03	Financial services in conjunction with an approved shopping center	Approved by BCC	November 2003
ZC-1326-00 (ET-0164-03)	First extension of time for a zone change that reclassified the site from R-E to C-2 and C-P zoning for a shopping center	Approved by BCC	August 2003
ZC-1326-00 (WC-0341-02)	Waived the conditions of ZC-1326-00 requiring single story buildings only and no buildings permitted in the C-P zoned portion of the proposed shopping center	Approved by BCC	December 2002
VS-0467-01	Vacated and abandoned patent and other easements for a shopping center	Approved by PC	June 2001
ZC-1326-00	Reclassified the site from R-E to C-2 and C-P zoning for a shopping center	Approved by BCC	November 2000

**Surrounding Land Use**

	Planned Land Use Category	Zoning District	Existing Land Use
North	Neighborhood Commercial & Low-Intensity Suburban Neighborhood (up to 5 du/ac)	C-P & R-E	Retail and single family residential
South	Corridor Mixed-Use	C-2	Retail nursery



**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
East	City of Henderson; Neighborhood Commercial & Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	CN, C-P, & R-1	Retail, office, and single family residential
West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-2	Single family residential

**STANDARDS FOR APPROVAL:**

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

**Analysis**

**Current Planning**

A use permit is a discretionary land use application that is considered on a case-by-case basis in consideration of Title 30 and the 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, the actual use of the site for the proposed school and its administrative functions does not concern staff, as the current shopping center contains other office uses along with restaurants and retail that would be conducive to such a use. In addition, parking for the site overall appears sufficient, the single family residential uses in the area may benefit with such a school nearby, and the school would be accessed by Eastern Avenue, an arterial street, and Wigwam Avenue, a collector street.

Staff, however, is concerned that the proposed pick-up/drop-off plan may cause undue conflicts with the existing traffic patterns on the site, thereby impacting the other offices and business on the site. Staff is concerned that the south to north trajectory of the plan may lead to stacking that may increase traffic conflicts and block access to surrounding businesses. In addition, the location of the trajectory along the western property line may impact the adjacent single family homes due to an increase in noise and exhaust from passing cars dropping-off and picking-up students. Therefore, as proposed, staff cannot support the use permit.

**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:**

**Current Planning**

If approved:

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

**Public Works - Development Review**

- No comment.

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

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

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT: NEVADA VIRTUAL ACADEMY**

**CONTACT: G. C. GARCIA, INC C/O MELISSA EURE, 1055 WHITNEY RANCH DRIVE,  
SUITE 210, LAS VEGAS, NV 89014**



# LAND USE APPLICATION

## 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 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-22-0426</u> DATE FILED: <u>7/25/22</u> PLANNER ASSIGNED: <u>HW</u> TAB/CAC: <u>Paradise</u> TAB/CAC DATE: <u>8/30/22</u> PC MEETING DATE: _____ BCC MEETING DATE: <u>9/21/22</u> FEE: <u>\$450</u>
	<b>PROPERTY OWNER</b>  NAME: <u>Diamond Creek Holdings LLC Series 8</u> ADDRESS: <u>2764 Lake Sahara Dr #115</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89117</u> TELEPHONE: <u>(702) 795 8100</u> CELL: <u>(951) 712 8389</u> E-MAIL: <u>CLEM2 @ THECREEKCOMPANIES.COM</u>
	<b>APPLICANT</b>  NAME: <u>Nevada Virtual Academy</u> ADDRESS: <u>4801 S Sandhill Rd</u> CITY: <u>Las Vegas</u> STATE: <u>NV</u> ZIP: <u>89121</u> TELEPHONE: <u>702-407-1825</u> CELL: _____ E-MAIL: <u>yhamilton@nvacademy.org</u> REF CONTACT ID #: _____
	<b>CORRESPONDENT</b>  NAME: <u>G.C. Garcia, inc c/o Melissa Eure</u> ADDRESS: <u>1055 Whitney Ranch Dr., Suite 210</u> CITY: <u>Henderson</u> STATE: <u>NV</u> ZIP: <u>89014</u> TELEPHONE: <u>702-435-9909</u> CELL: _____ E-MAIL: <u>acole@gcgarciainc.cm</u> REF CONTACT ID #: _____

ASSESSOR'S PARCEL NUMBER(S): 177-14-710-050

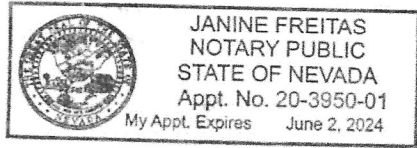
PROPERTY ADDRESS and/or CROSS STREETS: Eastern & Ford NWC (8645 S Eastern Ave, Suite 100)

PROJECT DESCRIPTION: Special Use Permit for a School

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

[Signature]  
 Property Owner (Signature)\*  
Clement Zirdi, Jr.  
 Property Owner (Print)

STATE OF Nevada  
 COUNTY OF Clark  
 SUBSCRIBED AND SWORN BEFORE ME ON May 19, 2022 (DATE)  
 By Janine Freitas  
 NOTARY PUBLIC: [Signature]



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\*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.



GCGARCIA

May 31, 2022

Nancy Amundsen, Director  
Clark County Current Planning  
500 S. Grand Central Pkwy  
Las Vegas, NV 89155

PLANNER

COPY

UL-22-0426

RE: Justification Letter: Eastern & Ford, NWC  
Request for Special Use Permit for a School  
Address: 8645 S. Eastern Ave, Suite 100  
APN#: 177-14-710-050

Dear Nancy:

On behalf of the applicant, Nevada Virtual Academy, please accept this letter and attached as materials for a Special Use Permit for a School, on approximately 0.73± acres within a developed commercial center for a proposed blended learning school. The proposed project is located within a completed building near the NWC of Eastern Avenue and Ford Avenue at 8645 S Eastern Ave, Suite 100. The use will occupy approximately 30,000 SF of the southern portion of the existing two-story building (Building G). Currently there is no plan to make changes to the site or modify the existing elevations.

The parcels are split zoned with General Commercial (C-2) on a little over half of the eastern portion of the site and Commercial Professional (C-P) for the remaining western portion of the site. The Planned Land Use is Corridor Mixed- Use (C-M). The abutting properties to the north, are a mix of C-2, C-1 and C-P zonings within the same commercial center. The parcels to the south and west are zoned General Commercial (C-2) & Commercial Professional (C-P). To the east is an existing single-family home development zoned R-2.

The proposed school will be comprised of approximately 14,000 SF of classroom space with the remaining 16,000 SF made up of offices, storage, breakroom, and meeting spaces. The proposed public charter school uses a blended campus involving both remote and in-classroom instruction for middle school and high school students. All students are taught virtually in classes with state certified teachers. Some students who are credit deficient or failing a class(es) are required to come on campus for additional in-person support in core subject areas one day a week. Students that require this support are assigned one day a week for three hours to receive in-person instruction. These assigned days are typically Tuesday through Thursday with high school students being assigned hours from 9:00am - 12:00pm and middle school students assigned from 12:30pm -3:30pm. In addition to separate instruction times the students are also broken up by grade so for example 6<sup>th</sup> graders would come in on Tuesday afternoon, 7<sup>th</sup> grade on Wednesday afternoon, etc. The maximum number of students that can be on campus at any time is 100 students.

The school does have 40 administrative staff members that are onsite during the week in addition to the teachers. Teachers are assigned one day a week to be on-site for in-person instruction. There is typically 6-7 teachers onsite Tuesday through Thursday.

The building is located near the southwest corner of an existing commercial center that is comprised of an inline building and multiple pad buildings. The center has six access drives: one on Ford Avenue, three on Wigwam Avenue and three on Eastern Avenue, one of which is the primary drive.



GCGARCIA

A Planning & Development Services Corporation

1055 Whitney Ranch Dr., Suite 210, Henderson, NV 89014  
Telephone: (702) 435-9909 Facsimile: (702) 435-0457 E-Mail: ggarcia@gcgarciainc.com

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The school will utilize a queuing plan for the days students are on campus for both drop off and pickup. Parents would be required to use the drive on Ford Avenue to enter the commercial center. From there they would drive to the back of the school building so that they are between the inline buildings and the back wall of the property where there would be the least interference with site traffic. They would pick up/ drop off the students at the back of the building and from there they would continue behind the other inline buildings and the property wall before looping around the north end of the buildings and exiting out of the center using the westernmost driveway on Wigwam Avenue. Drop off time for high school students would be between 8:45am-9:00am and pick would be from 12:00pm-12:15pm. Drop off for middle school students would be from 12:15pm-12:30pm and pickup would be from 3:30pm-3:45pm. Staff is present for both drop off/pick-up times and an electronic program will be used that allows students to be dismissed as their parents enter the queue for pick-up to make the process as swift and efficient as possible.

The existing shopping center has a total of approximately 206,214 SF. The required parking for the center is 825 spaces. The parking provided is 870 spaces, which provides ample parking for the center.

#### **Special Use Permit**

Title 30.16 requires a Special Use Permit is required for a School use to be established in a C-2 or C-P Zoning District.

#### **Special Use Permit Approval Criteria 30.16-4**

A Special Use Permit is required for this project. Special Use Permits are required for a School in a C-2 or C-P zoning district and is not subject to any specific requirements.

For a Special Use Permit, the applicant shall establish that the use is appropriate at the proposed location by showing the following:

1. The proposed use shall be in harmony with the purpose, goals, objectives and standards of the Plan and of this Title;

**The proposed School Use is in harmony with the purpose, goals, objectives and standards of the Plan and Title 30; the use will be located within an existing commercial center with C-2 and C-P zoning and Corridor Mixed-Use (C-M) land use.**

2. The proposed use shall not result in a substantial or undue adverse effect on adjacent properties, character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety, and general welfare; and

**The proposed use will be within an existing building in an existing commercial center and the proposed queuing plan mitigates to the maximum extent possible any impact on traffic within the center. The proposed use will not result in a substantial or unduly adverse effect on the adjacent properties nor impact the character of the area in regard to traffic, parking, public improvements, public rights-of way or the public health, safety, and general welfare.**

3. The proposed use will be adequately served by public improvements, facilities, and services and will not impose an undue burden

**The site is built with the necessary infrastructure to serve this use so it will be adequately served by the existing public improvements, facilities and services located within and adjacent to the site.**

**Summary**

The proposed public charter school is consistent with the surrounding land use pattern and will not be detrimental to the surrounding properties; it will not overwhelm infrastructure and services; and will not negatively affect the public health, safety and welfare. We respectfully request your favorable consideration of this request.

Please do not hesitate to contact us if you have any questions or need additional information.

Sincerely,



Melissa Eure,  
President

MULTIPLE FAMILY DEVELOPMENT  
(TITLE 30)

VALLEY VIEW BLVD/PIONEER AVE

**PUBLIC HEARING**

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**ZC-22-0427-OCEAN SHOWBOAT INC:**

**ZONE CHANGE** to reclassify 9.4 acres from an M-1 (Light Manufacturing) Zone to an R-5 (Apartment Residential) Zone.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following; **1)** increased building height; **2)** waive Asian Design Overlay District standards; **3)** reduce landscaping; and **4)** allow modified driveway design standards.

**DESIGN REVIEWS** for the following: **1)** proposed multiple family residential development; **2)** alternative parking lot landscaping; and **3)** finished grade in the Asian Design Overlay District.

Generally located on the south side of Pioneer Avenue and the west side of Valley View Boulevard within Paradise (description on file). JJ/rk/syp (For possible action)

---

**RELATED INFORMATION:**

**APN:**

162-18-506-001; 162-18-506-008; 162-18-506-011

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Increase building height to 59 feet where a maximum of 50 feet is permitted per Table 30.40-3 (an 18% increase).
2. Waive the Asian Design Overlay District standards where required per Section 30.48.800.
3. Reduce existing street landscaping along Pioneer Avenue and Wynn Road to 5 feet where 10 feet of landscaping per Figure 30.64-9 is required (a 50% reduction).
4. Reduce throat depth for the driveway along Pioneer Avenue to a minimum of 27 feet where 150 feet is the standard per Uniform Standard Drawing 222.1 (an 82% reduction).

**DESIGN REVIEWS:**

1. A proposed multiple family residential development.
2. Alternative parking lot landscaping on portions of the site where landscaping fingers are required per Figure 30.64-14.
3. Increase finished grade to 54 inches (4.5 feet) where a maximum of 36 inches (3 feet) is the standard per Section 30.32.040 (a 50% increase).

**LAND USE PLAN:**

WINCHESTER/PARADISE - ENTERTAINMENT MIXED-USE

## **BACKGROUND:**

### **Project Description**

#### General Summary

- Site Address: N/A
- Site Acreage: 9.4
- Number of Units: 352
- Density (du/ac): 37.3
- Project Type: Multiple family residential development
- Number of Stories: 4
- Building Height (feet): Up to 59
- Square Feet: 303,537
- Open Space Required/Provided: 35,200/118,000
- Parking Required/Provided: 578/578

#### Site Plans

This is a request for a conforming zone change to reclassify the project site from an M-1 zone to an R-5 zone for a multiple family apartment complex. The site has frontage along the south side of Pioneer Avenue, between Wynn Road and Valley View Boulevard. A 1.2 acre portion of the site (APN 162-18-506-008) is located 300 feet east of Wynn Road along Spring Mountain Road. The plans depict a gated multiple family residential apartment complex consisting of 352 dwelling units distributed within three, 4 story buildings. Two buildings are on the northern portion of the site, and the third building is on APN 162-18-506-008. The site is 9.4 acres with a density of 37.3 dwelling units per acre. The complex will provide 1, 2, and 3 bedroom units. Open space and landscaping are equitably distributed throughout the development and consist of active and passive open space areas which include a swimming pool, cabanas, and a clubhouse with a fitness room, club room, and leasing office located in the center of the site. There will be 1 access point to the development from Pioneer Avenue to the north. Internal circulation within the project consists of 24 foot wide drive aisles. Parking will consist of covered and surface parking spaces for both residents and visitors, which are distributed throughout the development

#### Landscaping

The street landscaping consists of a 15 foot wide landscape area with a detached sidewalk along Valley View Boulevard and Spring Mountain Road. An existing 10 foot wide landscape area with an attached sidewalk is shown along Pioneer Avenue and Wynn Road. However, the applicant would like to utilize an existing block wall in this area which is set back 5 feet from the property line. Therefore, the applicant is requesting to have only 5 feet of landscaping outside the wall, with the other half of the landscaping provided internal to the site. The remaining perimeter of the site shows 10 foot wide landscape areas with trees spaced 20 feet apart. Internal to the project, open space and landscaping are equitably distributed throughout the development and consist of active and passive open space areas, which includes a centrally located recreational area with a swimming pool and deck. The amount of open space is depicted at 118,000 square feet where 35,200 square feet is required.



Elevations

The buildings will range in height from 50 feet to 59 feet, at its highest point. Exterior materials include a cement plaster finish, decorative metal awnings, and balcony railings. The mass of the buildings are reduced by off-set surface planes and parapet walls along the roofline at varying heights. The clubhouse will be 1 story and the design of the buildings will match the architecture and color palate of the multiple family complex.

Floor Plans

The plans show a mix of 1, 2, and 3 bedroom units consisting of 227 one bedroom units, 108 two bedroom units, and 17 three bedroom units. The clubhouse is shown at 8,960 square feet and includes a fitness room, club room, business center, and leasing office. Additionally, 2 of the multiple family buildings show a 2,400 square foot patio sky lounge at level 4.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant indicates the requested R-5 zoning is an allowable zoning designation under the Master Plan for Employment Mixed-Use. Additional residential along this corridor will act as a supporting use to the existing retail in the immediate area, and the "Strip", which is just over a mile from the site. The Master Plan also encourages the redevelopment of obsolete commercial and industrial areas where high frequency transit exists or is planned. Lastly, the applicant contends that R-5 zoning is the appropriate zoning district for this site as it is near a recently approved mixed-use project which is located to the south.

**Prior Land Use Requests**

Application Number	Request	Action	Date
DR-0213-12	Truck wash and covered parking structure in conjunction with a freight terminal	Approved by BCC	June 2012
NZC-0233-11	Reclassified this property to M- 1 zoning for a freight terminal	Approved by BCC	August 2011

**Surrounding Land Use**

	Planned Land Use Category	Zoning District	Existing Land Use
North	Entertainment Mixed-Use	M-1 & C-2	Office/warehouse, undeveloped, & broadcast television building
South	Entertainment Mixed-Use	M-1, H-1, & U-V	Office/warehouse and retail complex, resort hotel, mixed-use
East	Entertainment Mixed-Use	H-1	Commercial building & multiple family residential
West	Entertainment Mixed-Use	M-1	Warehouse building

## **STANDARDS FOR APPROVAL:**

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

### **Analysis**

#### **Current Planning**

##### Zone Change

The conforming zone boundary amendment to R-5 zoning is within the range of residential densities and non-residential intensities anticipated for the site by the Master Plan and the Development Code. Staff finds that this area has developed toward higher density residential uses, in particular the mixed-use project to the south. This parcel has been zoned industrial for several years and has not been developed; therefore, multiple family development may be more appropriate rather than industrial development.

##### Waivers of Development Standards

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

##### Waiver of Development Standards #1

Staff does not have an objection to the increased building height as it should have minimal to no impact on the surrounding land uses. The increased building height is necessary to accommodate and screen mechanical equipment and is not for habitable area. The building elevations are substantially enhanced with architectural detailing and treatments that make for a more interesting streetscape; therefore, staff does not anticipate any adverse impacts from the increased height and can support this portion of the request.

##### Waiver of Development Standards #2

The intent of the Asian Design Overlay District is to protect and maintain the Asian character and cultural heritage of existing and proposed developments within the designated overlay area by implementing additional design standards that unify appropriate physical and architectural elements. The Asian Design Overlay District was established to ensure architectural unity through a comprehensive design review process and implementation of the Cultural Heritage Program. The applicant is proposing to waive these required design standards in the form of contemporary architecture; therefore, since the applicant has not incorporated the Overlay design criteria, staff cannot support this portion of the request.

##### Waiver of Development Standards #3

There is an existing block wall which is set back 5 feet from the property line along portions of Pioneer Avenue and Wynn Road. Therefore, the applicant is requesting to have only 5 feet of landscaping outside the wall, with the other half of the landscaping provided internal to the site. Staff finds that the waiver request will not adversely affect the immediate area since the

landscape material provided along the public roads has an adequate amount of plant material to meet the intent of Code.

#### Design Review #1

Except for the Asian design criteria, staff finds the residential buildings are designed with various pop-outs, recesses, and varying roof heights on all sides of the buildings, to break-up the vertical and horizontal lines of the buildings. The project also provides several amenities such as usable open space, swimming pool, fitness center, and clubhouse; therefore, staff can support this portion of the request.

#### Design Review #2

Along portions of the site near the buildings there are no landscape fingers shown on the plans. The elimination of the trees within the landscape fingers will alternatively be provided on other portions of the project. Therefore, since the plant material will be distributed throughout the site, particularly within the common areas, courtyards, and the perimeters of the site, staff can support this alternative parking lot design.

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

##### Waiver of Development Standards #4

Staff cannot support the reduction of the throat depth on Pioneer Avenue. Drivers entering the site will be in conflict with resident egress on the west side, guest parking on the east side, and parking in the queueing area that accesses the resident ingress gate. Considering those movements, staff finds that there is a probability of vehicles stacking into the right-of-way, increasing the chance for collisions.

#### Design Review #3

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

#### General

Staff cannot support the driveway on Spring Mountain Road. Spring Mountain Road sees high traffic volumes, which is dangerous considering the numerous existing driveways. If the egress only gate is approved, staff requests a condition of approval that requires the extension of the median on Spring Mountain Road to eliminate conflicting left turn movements from the subject site and from the western driveway on the site to the east.

#### **Staff Recommendation**

Approval of the zone change, waivers of development standards #1 and #3, and the design reviews; denial of waivers of development standards #2 and #4.

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

## **PRELIMINARY STAFF CONDITIONS:**

### **Current Planning**

If approved:

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that the waiver of development standards, and design reviews must commence within 2 years of approval date or they will expire.

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

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- Full off-site improvements;
- 30 days to coordinate with Public Works - Design Division and to dedicate any necessary right-of-way and easements for the Spring Mountain Road improvement project;
- Extend the median on Spring Mountain Road from the west, east to a minimum of 50 feet east of the eastside of the western driveway on the parcel to the east APN 162-18-511-001.
- Applicant is advised that there is a 10 foot roadway easement on Valley View Boulevard and any landscaping and improvements installed in that easement will be removed when Valley View Boulevard is widened; and 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.

### **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 #0445-2021; to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** GREYSTAR DEVELOPMENT WEST, LLC

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

DRAFT



# LAND USE APPLICATION

## DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

### APPLICATION TYPE

- TEXT AMENDMENT (TA)
- ZONE CHANGE
  - CONFORMING (ZC)
  - NONCONFORMING (NZC)
- 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 #)

### STAFF

APP. NUMBER: ZC.22.0427 DATE FILED: 7-25-22  
 PLANNER ASSIGNED: RK  
 TAB/CAC: Paradise TAB/CAC DATE: 8-30-22  
 PC MEETING DATE: 9-21-22 M-1 to R-S  
 BCC MEETING DATE: 9 Entertainment Mixed Use  
 FEE: \$2,200.00 JJ

### PROPERTY OWNER

NAME: OS HOLDCO, LLC  
 ADDRESS: One Caesars Palace Drive  
 CITY: Las Vegas STATE: NV ZIP: 89109  
 TELEPHONE: 702-407-6337 CELL: 702-407-6337  
 E-MAIL: tbrown3@caesars.com

### APPLICANT

NAME: Greystar Development West, LLC  
 ADDRESS: 3200 E. Camelback Road, Ste 255  
 CITY: Phoenix STATE: AZ ZIP: 85018  
 TELEPHONE: 000-000-0000 CELL: 000-000-0000  
 E-MAIL: n/a REF CONTACT ID #: n/a

### CORRESPONDENT

NAME: Kaempfer Crowell - Bob Gronauer  
 ADDRESS: 1980 Festival Plaza Drive, Suite 650  
 CITY: Las Vegas STATE: NV ZIP: 89135  
 TELEPHONE: 702-792-7000 CELL: 702-792-7048  
 E-MAIL: apierce@kcnvlaw.com REF CONTACT ID #: 164674

ASSESSOR'S PARCEL NUMBER(S): 162-18-506-001; 162-18-506-008 and 162-18-506-011  
 PROPERTY ADDRESS and/or CROSS STREETS: Valley View and Pioneer Avenue  
 PROJECT DESCRIPTION: Conforming zone change for a multi-family development

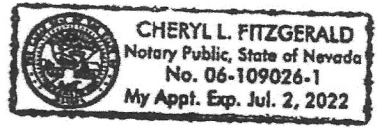
(I, We) the undersigned swear and say that I (am, We are) the owner(s) of record on the Tax Rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Clark County Code; that the information on the attached legal description, all plans, and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

Property Owner (Signature) [Signature]

Gary Bogan (Authorized Signatory of CEOC LLC)  
 Property Owner (Print)

STATE OF Nevada  
 COUNTY OF Clark  
 SUBSCRIBED AND SWORN BEFORE ME ON Feb 22, 2022 (DATE)

By [Signature]  
 NOTARY PUBLIC: [Signature]



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

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**KAEMPFER**

**CROWELL**

**KAEMPFER CROWELL RENSHAW  
GRONAUER & FIORENTINO**

ATTORNEYS AT LAW  
LAS VEGAS OFFICE

ELISABETH E. OLSON  
[eeo@kcnvlaw.com](mailto:eeo@kcnvlaw.com)  
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July 13, 2022

ZC-22-0427

**VIA ONLINE SUBMITTAL**

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

**Re: *Justification Letter – Conforming Zone Change, Design Review and Waiver of Development Standards for Multi-Family Development Greystar Development West, LLC***  
**APNs: 162-18-506-001, 008 and 011**

To Whom It May Concern:

Please be advised our office represents Greystar Development West, LLC (the "Applicant") in the above-referenced matter. The proposed project is located on approximately 9.43 acres near the northeast corner of Spring Mountain Road and Wynn Road. The property is more particularly described as Assessor's Parcel Numbers 162-18-506-001, 008 and 011 (the "Site"). The Applicant is requesting a conforming zone change from M-1 to R-5, a design review and waiver of development standards to allow for a 352 unit multi-family residential development.

**1. CONFORMING ZONE CHANGE**

The Site is master planned Entertainment Mixed Use (EM) and is located between Spring Mountain Road and Pioneer Avenue, with access from Pioneer Avenue. Spring Mountain Road is a heavily travelled residential and retail corridor which is trending toward additional urban, high density residential to support the growing demand for multi-family within the Las Vegas Valley. For example, APN 162-18-506-009, directly south of the Site, was recently approved for a 7-story, mixed-use development with a density of 79 units/acre. Directly to the east across Valley View Boulevard, is the existing Lotus multi-family residential development, which is currently at almost 100% occupancy.

Additional residential on the Site, rather than industrial, is far more compatible and harmonious for the area and will assist with supporting the existing residential along the Spring Mountain corridor and provide housing options the valley desperately needs.

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The requested R-5 zoning is an allowable zoning designation under the existing EM master plan. Under the newly adopted Clark County Master Plan, the EM land use designation allows for 18 or more residential dwelling units to the acre where "high density residential uses are encouraged as a supporting use..." Here, the Applicant is requesting a total of 352 units with an overall density of 37.3 units per acre. Additional residential along this corridor will act as a supporting use to the existing retail in the immediate area, and the Las Vegas Strip, which is just over a mile from the Site.

The Master Plan also encourages the redevelopment of obsolete commercial areas where high frequency transit exists or is planned. Here, the proposed project would redevelop an area with existing commercial industrial uses for a better overall planned development to bring life back into the area. Therefore, the Applicant respectfully requests consideration of the proposed conforming zone change.

### DESIGN REVIEW

The Applicant is proposing a 352 unit multi-family development dispersed among 3, 4-story buildings. The bedroom mix is as follows: 227 one bedroom units, 108 two bedroom units and 17 three bedroom units. The main entry is located along Pioneer Avenue through a gated access. The main access gate is for ingress only. An exit only gate is located along Spring Mountain. A resident only ingress/egress gate is located east of the clubhouse and will be accessed by clickers assigned to each resident. The gate to the west of the clubhouse is egress only.

The Site will provide outdoor amenities such as a pool/spa area and BBQ area; and indoor amenities with a recreation/clubhouse building consisting of meeting rooms and social gatherings areas, a gym and business center.

The building elevations have a maximum height of 59-feet where 50-feet is permitted in R-5 and provide enhanced architectural enhancements such as balconies, building articulation, a varying coloring scheme and architectural pop outs. The Applicant is providing 578 parking spaces where 578 are required. Landscaping will be provided along the entire perimeter of the Site to assist with buffering, as well as landscaping throughout the parking area to provide shade and visual relief. Additionally, the plans have been updated to provide detached sidewalks along Spring Mountain and Valley View to meet Code.

The Applicant is also requesting a design review for alternative landscaping per Figure 30.64-14 to not provide all of the required landscape fingers every 6 or 12 parking spaces. This applies to the parking directly up against the buildings only. All perimeter parking includes the required landscape fingers. However, as a compensating benefit, the Applicant is providing substantially more trees throughout the overall project to ensure adequate shade a visual relief are provided. As noted on the landscape plan, the Applicant is providing a total of 300 trees where only 281 are required.



The Applicant is also requesting a design review for increased grade up to 54-inches where 36-inches is permitted. Due to the topography of the area, the caliche on the site, and the appropriate leveling of the new building, the increased fill on the Site is necessary to allow the development of the project.

## **2. WAIVER OF DEVELOPMENT STANDARDS**

The Applicant is requesting a waiver from the Asian Design Overlay District standards. The project has been designed with modern design techniques to convey tranquility and stability. With changes in development, technology and ways of living, people no longer build the conventional Asian themed architecture. Rather, the Applicant has incorporated the key value of eastern aesthetics and abstraction of design elements from traditional Asian architecture. High contrast colors with low level of saturation are used to attain tranquility. The exterior of the building will consist of white and wood color tones in more areas with the use of blue and red on highlighted features. The overall massing of the building will be symmetric and divided into various vertical proportions to enhance the sense of stability.

The proposed building elevations are similar in design of those approved with the mixed-use development to the south, providing modern, flat roofs, pops of color, and large decorative windows. The Spring Mountain corridor is trending toward new, modern development, and away from the standard Asian designs. The building has been designed with varying parapet heights with the majority of the buildings not exceeding the 50-foot maximum for R-5 zoned districts and all rooftop equipment is screened per the requirements of Chapter 30.48.850(1)(A and B).

The Applicant is also meeting several specific building design standards required by Chapter 30.48.850(2), including the following: 1) calligraphy provided in prominent areas of the building 2) equal attention is provided to all sides of each building as it relates to architectural character, and 3) functional outdoor spaces are provided throughout the site in courtyards and overall exterior design. Finally, the project will comply with all on-site lighting requirements pursuant to Chapter 30.48.850(3).

The previously approved project directly south of the Site was approved for the same waiver with similar requests. Therefore, the proposed waiver and overall design of the project is compatible with the surrounding uses and intent of the Code.

The Applicant is requesting a waiver to allow for increased building height to 59-feet where 50-feet is permitted per R-5 standards. The underlying EM master plan allows for H-1 zoning which permits up to 100-feet in height for commercial uses. Therefore, the requested additional 9-feet is significantly lower than what could potentially be approved on the Site. Additionally, the height increase applies to the mechanical screening only. The majority of the building does not exceed the 50-foot maximum.

The Applicant is also requesting a waiver from 30.64.030 to provide 5-feet of landscaping outside the existing block wall along Wynn Road and Pioneer Avenue where 10-feet is required. The Applicant would like to utilize the existing block wall that surrounds the Site, if possible. The Applicant is providing the required 10-feet of landscaping overall, with half of the landscaping internal to the Site. The request is appropriate given the surrounding industrial uses to the north and west, most of which do not provide all or any of the required landscaping along the right of ways.

Finally, the Applicant is also requesting a waiver to reduce the throat depth to 27-feet 11-inches where 150-feet is required. This request is for the access drive along Pioneer Avenue only. Pioneer is not a heavily travelled right of way. Additionally, the call box and entry gate are both located more than 150-feet from the right of way, there is a turnaround provided at the call box for appropriate circulation, and the Applicant has revised the site plan per discussion with Public Works to restrict both gates along the northern drive aisle to exit only.

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

Sincerely,

KAEMPFER CROWELL RENSHAW  
GRONAUER & FIORENTINO



Elisabeth E. Olson