The public may view the meeting live at the following link:

https://www.bcnv.org/191/City-Council-Meeting-Live-Stream-Video

ITEMS LISTED ON THE AGENDA MAY BE TAKEN OUT OF ORDER; TWO OR MORE AGENDA ITEMS FOR CONSIDERATION MAY BE COMBINED; AND ANY ITEM ON THE AGENDA MAY BE REMOVED OR RELATED DISCUSSION MAY BE DELAYED AT ANY TIME.

CALL TO ORDER

CONFIRMATION OF POSTING AND ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS ON THE AGENDA FOR ACTION. EACH PERSON HAS UP TO FIVE MINUTES TO SPEAK ON A SPECIFIC AGENDA ITEM. IF AN AGENDA ITEM IS ALSO LISTED AS A PUBLIC HEARING, PERSONS MAY WAIT TO SPEAK UNTIL THAT PARTICULAR ITEM.

MEMBERS OF THE PUBLIC MAY PARTICIPATE IN THE MEETING WITHOUT BEING PHYSICALLY PRESENT BY ONE OF THE FOLLOWING METHODS:

- Written comments may be submitted via the Public Comment Form (https://www.bcnv.org/FormCenter/Contact-Forms-3/City-Council-Comment-Form-111)
- To comment during the meeting, members of the public may call (702) 589–9629 when the public comment period is opened.

AGENDA

1. For possible action: Approval of the Minutes of the May 18, 2022 regular meeting

2. For possible action: CU-22-274 – Resolution No. 1212 – Catherine & Taylor Call – 443 Nevada Way: A public hearing on an application for a conditional use permit in the C2, General Commercial Zone for outdoor sales (food vendor trailer), pursuant to Section 11-11-4.J of the City Code
3. For possible action: Matters pertaining to 301 Ridge Road:
   
   A. Neighborhood meeting to explain a proposed Master Plan Amendment as per NRS 278.210.2
   
   B. **Public hearing** on a proposed Master Plan Amendment
   
   C. MPA-22-042 – Resolution No. 1213 – City of Boulder City for Damon Gubler: Adoption and recommendation to the City Council of a proposed amendment to the Master Plan Future Land Use Map to change the land use designation for Tract 351 from Open Lands to Low Density Residential
   
   D. V-22-658 – Damon Gubler: A **public hearing** on an application for a variance in the R1-8, Single-Family Residential Zone to permit a new house with a rear setback of 10’6”, whereas Section 11-3-5.B of the City Code requires a minimum rear setback of 20’
   
4. For possible action: Amendment to the 2022 Land Management Process List – Resolution No. 1214 – City of Boulder City: A **public hearing** and recommendation to the City Council on an amendment to the Land Management Process List for 2022, for two additional proposals:
   
   A. LMP #22-03: Proposal for approx. 74 acres west of Adams Blvd. and Veterans Memorial Drive for a possible RV park and cabin rental development
   
   B. LMP #22-04: Proposal for 16.3 acres southeast of Boulder City Pkwy. and Veterans Memorial Drive for a possible grocery store and associated retail development
   
5. Monthly Progress Report on Development Allotments
   
6. Public Comment

   *Each person has up to five minutes to speak at the discretion of the Chair. Comments made during the Public Comment period of the agenda may be on any subject. All remarks shall be addressed to the Planning Commission as a whole, not to any individual member of the Planning Commission, of the audience, or of the City staff. No person, other than members of the Planning Commission and the person who has the floor, shall be permitted to enter into any discussion, either directly or through a member of the Planning Commission without the permission of the Chair or Presiding Officer. No action may be taken on a matter raised under this item.*

All decisions for action items on this agenda are final by the Planning Commission, unless they are recommendations to the City Council, or appealed to the City Council. Appeals must be filed within seven (7) calendar days after the date of the decision in accordance with Chapter 11-34 of the Boulder City Code.

Supporting material is on file and available for public inspection at the City Clerk’s Office, 401 California Avenue, Boulder City, Nevada 89005 and the Boulder City
website at www.bcnv.org, as per NRS 241. To request supporting material, please contact the City Clerk Tami McKay at (702) 293-9208 or cityclerk@bcnv.org.

Notice to persons with disabilities: Members of the public who are disabled and require special assistance or accommodations at the meeting are requested to notify the City Clerk by telephoning (702) 293-9208 at least seventy-two hours in advance of the meeting.

This notice and agenda has been posted on or before 9 a.m. on the third working day before the meeting at the following locations:

Boulder City Hall, 401 California Avenue
www.bcnv.org
https://notice.nv.gov/
Item 1 - Minutes

SUBJECT:
For possible action: Approval of the Minutes of the May 18, 2022 regular meeting

ADDITIONAL INFORMATION:

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CALL TO ORDER

The regular meeting of the Boulder City Planning Commission, County of Clark, State of Nevada, was called to order at 5:00 P.M., Wednesday, May 18, 2022, in the Council Chamber, City Hall, by Chairman Paul Matuska in due compliance with law, the Charter, and the Agency’s Rules of Procedure.

CONFIRMATION OF POSTING AND ROLL CALL

Members present: Chairman Paul Matuska, Members Ernest Biacsi, Beth Bonnar, Matt Di Teresa, Nate Lasoff, Thomas Marvin and Steve Rudd (7)

Members absent: None (0)

Also present: Community Development Director Michael Mays, City Planner Susan Danielewicz and City Clerk Tami McKay

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Chairman Matuska opened the initial public comment period and indicated the number to call was 702-589-9629. In person comments were provided first.

Donald McGregor, 310 La Plata Place, said his property abuts Lot 11 on the plans. He said the height of the proposed walls appeared to be 18 feet high with some type of barrier above the walls. He said he would like the Planning Commission to consider requiring lower wall heights. He said he was also concerned about the dust and possible asbestos being kicked around. He said the amount of silt in his pool from the site had been significant. He said the property had a monolithic piece of granite to be developed and asked if it would be jackhammered or if dynamite would be used to level the granite. He said the granite runs under his property’s foundation and expressed concern. He said it appeared there would be a roadway at Arizona Street into the development. He said his home did not have a driveway, so he parked at the back of his home off the alley which was not designed for additional traffic. He asked that the Planning Commission require a bond be posted in the event there was damage to neighboring homes.

Andrew Ubbins, Avenue M, said he lived in Boulder City and wanted the city to be preserved. He said he was concerned about dust, noise, asbestos, and displaced pests. He said his kids played in the backyard and he did not want to worry about unwanted snakes and scorpions. He said he was concerned about his home’s foundation cracking
and possibly causing damage that was irreparable. He noted there was an existing water shortage and said development should stop until the shortage ends. He said there were also public safety concerns regarding fire department response time and questioned building more homes. He said Storybook had already built new homes and there was proposed development for Tract 350. He said the lots should be bigger with fewer homes.

Verne Stewart, 306 La Plata, said his home was located next to the project. He said his concern was jackhammering or using dynamite to break up the granite and possibly causing damage to the foundation, drywall, or stucco on his home. He asked who he would contact in the event damage was caused to his house. He asked that a third-party insurance bond be required for the developer; he said he preferred to deal with an insurance company instead of the developer. He also expressed concern about scorpions and snakes harming his dog.

Gerald Nelson, 304 La Plata, said he echoed Mr. Stewart’s comments. He said a third-party bond would be ideal to help neighbors rest a little easier. He said rodent control was a concern and said he had a 34-year-old autistic child who spent most of his time in the backyard. He also expressed concern about dust and possible asbestos. He said he was concerned about the size of the homes. He asked that these concerns be addressed in advance of the project beginning. He said he moved to Boulder City three years ago from Chicago because of the City’s slow growth policy. He said he was disappointed to lose the desert view and look at walls. He also said he was concerned about increased traffic.

Stuart Adams, 540 Avenue M, said he was opposed to the project because it did not conform to existing neighborhoods or to the terrain. He said he was also concerned about naturally occurring asbestos. He said it appeared the utilities were being brought up from Arizona Street. He said he was concerned about the time it would take to construct the project. He said the majority of traffic would travel from Arizona Street to Avenue M, and the streets were narrow and not conducive to two-way traffic. He reiterated he was opposed to the request.

Heather Ubbens, 499 Avenue M, said she was concerned about the safety of her children. She said the developer’s other project at Avenue I was unsafe. She said she was concerned about the dust produced by the construction of the development. She also noted the placement was poor to develop so many lots.

Mike Morton said he lived across the street from the developer’s other project on Avenue I and believed there were safety issues. He said the scope of the project impacted more homes than the 300-foot legal requirement to notice property owners. He said the interruption of services would be impactful to existing homes. He said the crews at the other project were unprofessional and the construction trucks were unmarked.

Kristina Riescher, 308 La Plata, said she was concerned about the dust, high walls and possible damage to her home’s foundation. She said there were a lot of people who had access to the desert and asked if there would be trails to continue accessing the desert. She said they currently have overhead power and asked when the power would be placed underground. She expressed concern about power outages.
Blair Davenport said she was a member of the Historic Preservation Committee (HPC), and it appeared a portion of the project was located near the historic district. She said the HCP had not reviewed the project.

By phone: Camille Ariotti, Utah Street, expressed concern about the developer’s existing project near her home. She said it had a lot of equipment, and she was concerned that equipment for this project would be stored near her home. She said she was also concerned about the size of the homes proposed for the development. She said it was important to preserve the history and small-town environment and embrace what Boulder City neighborhoods were all about.

No further comments were offered in person or by phone, and the public comment period was closed.

AGENDA

1. For possible action: Approval of the minutes of April 20, 2022, regular meeting

Motion: To approve the April 20, 2022, regular meeting minutes

Moved by: Member Lasoff    Seconded by: Member Bonnar

Vote:

AYE: Chairman Paul Matuska, Members Ernest Biacsi, Beth Bonnar, Matt Di Teresa, Nate Lasoff, Thomas Marvin, Steve Rudd (7)

NAY: None (0)

Absent: None (0)

The motion was approved.

2. For possible action: RPS Properties, LLC – Resolution No. 1211 – Diamond Ridge, BC No. 114 – North portion of Tract 6 (north of Northridge Drive, east of Arizona Street and Avenue M): A public hearing and recommendation to the City Council on a Tentative Map for a proposed 15-lot subdivision in the R1-10, Single-Family Residential Zone

A staff report had been submitted by City Planner Susan Danielewicz and included in the May 18, 2022 Agenda Packet.

City Planner Danielewicz provided a brief overview of the staff report and addendum memo noting the applicant’s tentative map had been approved in 2016; however, as the final map was not approved and recorded within four years, NRS required the tentative map to be reapproved. She noted the subdivision of land was a legal right when the new lots conform to the existing zoning on the property and the adopted regulations. She said the City’s growth control ordinance did not apply to this request, but the future homes would comply. She said the only exception request was for right-of-way width for the streets and explained what a right-of-way (r.o.w.) consisted of. She said this property
was not located within the historic district and therefore the Historic Preservation Committee would not review the project.

Chairman Matuska asked about the City’s responsibility regarding dust mitigation.

Community Development Director Michael Mays stated the Clark County Dept. of Air Quality Control regulated mitigation throughout Clark County. He said dust control permits were required, as well as a mitigation plan. He said one of the ways to mitigate dust was using a water truck. He said Clark County inspectors had the ability to fine developers. He said City inspectors worked closely with Clark County staff.

Chairman Matuska asked if the City required bonds and traffic studies.

Jim Keane, City Engineer, said the City would require bonds only for the public improvements to be dedicated to the City. He noted that a 15-lot subdivision would not require a traffic study. He provided an example of requiring a traffic study for Storybook Homes with 127 lots as compared to this development with 15 lots, which would only generate 15 to 16 peak hour trips.

Member Marvin referred to the staff report and asked why the map had minor differences from the map originally proposed in 2016, specifically anything related to ADA. He also asked about street grades, when the overhead poles would be removed, and underground services installed.

City Planner Danielewicz said the staff report indicated the sidewalk ramp design now complied with ADA requirements. She also said the street grades, given the existing topography, were acceptable to the City Engineer at up to 10% for certain portions. She explained grade requirements had to be balanced because it was impracticable to get all street grades flat. She said the City Code allowed the City Engineer to approve grades higher than 6% up to 15% without Planning Commission approval.

In response to Member Marvin, City Engineer Keene said existing power poles were located on the developer’s private property. He said the City still had three houses to connect. He said the City would relocate its lines, but the developer had to work with other utility companies to relocate their lines.

In response to Member Marvin, City Planner Danielewicz explained the City Code was amended decades ago to allow 51-foot rights-of-way with 4.5-foot easements behind the sidewalk instead of additional r.o.w. She said a 60-foot r.o.w. gives the appearance of a bigger front yard but the street widths are the same.

In response to Member Rudd, City Planner Danielewicz said the City only had restrictions for retaining wall heights facing public streets; retaining walls elsewhere can be as high as needed. She also noted retaining walls had to be engineer-approved.

Ray Fredrickson, Per4ormance Engineering, said the same map had been previously approved years ago. He said moving forward with the project was more feasible at this time. He said there were a few minor clean-ups, but the map was the same. He said no off-site grading would be performed and the street widths were standard in size. He said in response to some of the earlier comments, the soils report would have identified
asbestos, and they would have been required to follow mitigation requirements. He said zoning was not an issue, and they were not asking for waivers.

Chairman Matuska asked if the soils report could be made available to the public.

City Planner Danielewicz said the soils report would be submitted to the City, and therefore it would be a public document.

Chairman Matuska asked that blasting, utility and other concerns be addressed.

Randy Schams, RPS Homes, said a ripper tooth and backhoe would be used to break down the rock. He said it doesn’t cause a lot of vibration but it will cause noise, and said it breaks up the rock easily when water was used with it. He responded that all utilities would be placed underground. He said most of the construction equipment would be kept on-site. He said a stand tank with water would be placed at the project and trucks will deliver block for the walls, afterwards there wouldn’t be a lot of traffic other than private vehicles coming to work. He confirmed he would develop the project, but he would not be building the homes. He explained the project had been placed on hold since the original approval because of personal reasons. He said there would be a fair amount of rock removal and the lots would be trenched properly for the future home builders. He said grading would probably take 8-10 months.

Member Marvin asked if the estimated dirt to be removed was separate from rock removal and Mr. Schams confirmed yes.

In response to Member Biacci’s questions, Mr. Schams said block will be used for the retaining walls instead of large boulders which attract snakes, and there would be 6’ tall wrought-iron fences or walls above to prevent falls. He said he would be willing to hire a third-party agent to do a full inspection of the abutting homes and document it. He said they would check for tortoises as required but didn’t have the ability to control where rodents and other pests will go. He also said motorcycles currently ride in the area and stir up dirt. He stated they would comply with City ordinance with respect to hours of construction.

In response to Member Bonnar, Mr. Schams said a company called Geotech was used to perform the soils test.

Chairman Matuska noted this was the time and place scheduled to conduct a public hearing and asked for public input.

Donald McGregor, 310 La Plata Place, said Mr. Schams had agreed to a pre-inspection and third-party bond to protect the homes and asked it to be made a condition. He said he would like to request some consideration to the height of the walls. He expressed concern about drainage of water and backing to the walls. He said seepage occurred at the retaining walls surrounding Del Prado subdivision.

Mr. Schams said he did not commit to a bond, just a third-party company to pre-inspect homes and take photos.
James Riescher, 308 La Plata Place, expressed concern about damage to the surrounding homes. He said his home was not tied to City utilities at this point. He asked if homeless people would be able to sleep in the area between the retaining walls. He also asked if it was possible to get the easement removed from his property.

Verne Stewart, 306 La Plata Place, said photographs of the properties would be great, but he wanted a third-party insurance company as the contact for concerns. He said in 2016, the City asked him to sign an easement for right-of-way so they could install underground utilities. He said Scott Hansen came up to his door to discuss moving conduit from the back to the front of his home. He said he agreed, but still does not have City power. He said he called CenturyLink, and they will not put their fiber underground because they had not been notified by the City and someone needed to pay for it. He said he wanted the easement removed from his property.

Brian Grafton, 531 Avenue M, said a traffic study was not conducted and that was concerning because of the area which is different than the Storybook property. He asked how it would impact the traffic because the alleyway had a blind spot. He said no one wanted construction trucks for the next several months. He said a plan should be developed for the construction traffic.

Mike Morton, Avenue I, said the property was not normal. He said it is a tiny neighborhood compacted into an existing neighborhood. He said the neighborhoods are small and this would be impactful to many residents and wanted further study.

Stuart Adams, 540 Avenue M, said the ingress and egress do not seem plausible at this time. He said there needed to be a better way to get to the development. He said it was bad planning. He said there should not be off-site grading. He said no vehicle should be outside of the development’s footprint.

Chairman Matuska opened the public hearing to those watching virtually noting the phone line was open by calling (702) 589-9629.

Camille Ariotti said views of the lakes were protected and asked what City ordinance applied to protecting desert views.

Ray Turner reminded everyone the developer demolished the old hospital and said it was a constant complaint about the dirt lot for the past 4 years.

No further comments were offered, and the hearing was declared closed.

Chairman Matuska asked staff to respond to questions asked by the public with respect to insurance bonds, backfill behind the walls, easements, utilities, traffic study and construction traffic plan.

Community Development Director Mays responded about view protection and stated some neighborhoods have private restrictions provided by CC&Rs; the City, however, does not regulate view protection except by setback and height requirements.

City Planner Danielewicz explained people would not be able to hide between the double retaining walls as that area would be completely visible to the La Plata neighbors.
City Engineer Jim Keane said six years ago the City began relocating electric in La Plata Place and there were three homes remaining. He said an engineering technician was currently assigned to finish developing the plans.

Ray Fredrickson said the ITE transportation manual was referred to for trip generation statistics; for this it would be about 1 trip per house during the peak hours. He said traffic studies are not conducted for smaller projects of this size; typically only for projects with 100 peak hour trips and up. He said traffic studies did not address construction routes. He said retaining walls would have backing with a waterproof membrane, seepage holes, and will be designed by a structural engineer.

Community Development Director Mays said the retaining wall plans would also require approval of the City through the permitting process and be reviewed by a third-party consultant.

In response to Member Marvin, Ray Fredrickson said drainage during construction would be handled by best management practices, such as use of sand bags or hay bales, following the historic flow path.

Motion: Approve Resolution No. 1211, which includes findings and conditions for a recommendation in favor of the Tentative Map for BC No. 114, including the requested exception allowing the new rights-of-way to not match the existing, and an added condition that the developer will pay for a third-party pre-inspection of abutting properties.

Moved by: Member Lasoff Seconded by: Member Rudd

Vote:

AYE: Chairman Paul Matuska, Members Ernest Biacsi, Beth Bonnar, Matt Di Teresa, Nate Lasoff, and Steve Rudd (6)

NAY: Thomas Marvin (1)

Absent: None (0)

The motion was approved.


A staff report had been submitted by City Planner Susan Danielewicz and included in the May 18, 2022 Agenda Packet.

No comments offered.

4. Public Comment

Chairman Matuska opened the final public comment period and indicated the number to call was 702-589-9629.
No comments were offered in person or by phone.

City Clerk McKay read a written comment offered by Bryan Keller. (attached)

There being no further comments offered, the public comment period was closed.

Chairman Matuska adjourned the meeting at 7:00 p.m.

______________________________
Paul Matuska, Chairman

______________________________
ATTEST: Tami McKay, City Clerk
Item 2 - CU-22-274

SUBJECT:
For possible action: CU-22-274 – Resolution No. 1212 – Catherine & Taylor Call – 443 Nevada Way: A public hearing on an application for a conditional use permit in the C2, General Commercial Zone for outdoor sales (food vendor trailer), pursuant to Section 11-11-4.J of the City Code

ADDITIONAL INFORMATION:

ATTACHMENTS:

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<td>Resolution Letter</td>
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Planning Commission Meeting
June 15, 2022
Item No. 2
Staff Report

TO: Planning Commission

FROM: Susan Danielewicz, City Planner
Community Development Department

DATE: June 6, 2022

SUBJECT: CU-22-274 – Resolution No. 1212 – Catherine & Taylor Call – 443 Nevada Way: A public hearing on an application for a conditional use permit in the C2, General Commercial Zone for outdoor sales (food vendor trailer), pursuant to Section 11-11-4.J of the City Code

Action Requested: That the Planning Commission conduct the required public hearing and consider adoption of Resolution No. 1212 (Attachment 1) as noted above.

Applicant: Catherine and Taylor Call

Property Owner: Kae & Elizabeth Pohe Family Trust

Location: 443 Nevada Way APN: pt. of 186-09-110-021

Zoning: C2, General Commercial

Historic District: This property is within the Historic District.

Information: The applicants have requested a conditional use permit (CUP) to operate a food vendor trailer (a shaved ice stand) on the subject property; see Attachments 2 and 3. The proposal is to keep the trailer permanently on site during their active season, from April or May through sometime in October. A similar food vendor trailer CUP was previously approved at this location in 2016; see history and minutes, Attachments 4 and 5. A location map is Attachment 6.

The subject property is a vacant lot downtown, located between two commercial buildings fronting on Nevada Way. The vacant property is divided by a fence; the trailer will be located in front of the fence facing Nevada Way. At this location the trailer will not be prominently visible to the downtown area, as it is not on a corner lot and is set back from
the sidewalk close to the fence; refer to the color site plan within the justification statement.

The City Code does not list food vendor trailers as a permitted or conditional use in any zone. However, for the C2 zone, Section 11-11-4.J lists as a conditional use “outdoor sales display areas,” and this section has been applied to other food vendor trailer requests in the past.

If this use permit is approved, the applicant would not have to return to the Planning Commission again for operation of the trailer as proposed (and regardless of the time of year), unless the Planning Commission chooses to establish some form of time limit and require re-approval. (The Commission added a one-year time limit for the previous CUP at this location, but did not establish time limits for the two CUPs approved elsewhere afterwards.) The attached draft resolution does not include a time limit or require re-approval unless nuisances should arise. The Commission has the option to amend the resolution if it wishes to establish a time limit and/or require re-approval. I

Code: When prior similar CUPs were reviewed, commissioners had expressed concern about the appropriateness of these types of uses (particularly in the historic district), primarily based on the appearance of the temporary trailers. As long as such uses involve trailers on wheels, the amount and content of signage (logos, colors) on a vehicle cannot be regulated by a municipality, based on past court decisions regarding signs. (For a structure, the amount of sign area can be regulated, but not the sign content.) Unless or until the City adopts specific standards and/or code amendments to further regulate or otherwise prohibit these uses, the best alternative in the interim is to impose a condition on such requests that subjects the use to further review and approval (or possible revocation) should the City later adopt specific standards for these uses (refer to condition no. 4 in the attached resolution). ii

Zoning Review: Section 11-30-1, as amended by Ordinance 1001, establishes the purpose of Chapter 11-30, Conditional Uses, as follows:

"In certain zones conditional uses are permitted in order to give the zone use regulations of this Title the flexibility necessary to achieve the objectives of the zoning ordinance. Conditional uses are specific types of uses that may be allowed to locate in a zoning district provided that it complies with established preconditions. Because of their unusual characteristics, conditional uses require special consideration by the Planning Commission so that they may be properly integrated into the community of uses which may be suitable only in specific locations in a zone, or only if such uses are designed or laid out in a particular manner on the site. Conditional use shall ordinarily be construed as to mean the allowing of an activity as opposed to a variance, which is construed to refer to a physical variation".

Section 11-30-3, as amended by Ordinance 1001, sets forth the parameters under which the Commission can act on this application:

"In considering an application for a conditional use, the appointed members of the Planning Commission shall consider the nature and condition of all
adjacent uses and structures, and may impose such requirements and conditions as deemed necessary with respect to location, construction, maintenance and operation of the use, in addition to those expressly provided in this Title for the particular use, as may be necessary for the protection of adjacent properties and which are in the public interest. Before approving or conditionally approving a conditional use permit, the Commission shall determine that the establishment, maintenance and operation of a proposed conditional use will not be detrimental to the health, safety, morals or the general welfare of the City."

In determining whether the application meets the above requirements, the Commission is to consider, as a minimum, that certain, specific provisions and arrangements have been satisfactorily made. The following are the Conditional Use Permit criteria as set forth in Section 11-30-3.A, followed by staff's comments and possible findings, that are to be reviewed and considered by the Commission when it considers the application of appropriate conditions.

1. That the use will be in substantial conformance with the Master Plan and Future Land Use Map, and any applicable Area Master Plan.

   **Staff Comment:** The 2003 Master Plan Future Land Use Map shows the subject property designated for Community Commercial use, in conjunction with the C2 zoning of the property. Outdoor sales are a conditional use in the C2 zone. The Master Plan text does not address temporary uses such as food vendor trailers.

2. That the use will be designed, constructed, and operated so as to be compatible with adjacent uses of land, the existing or planned character of the general vicinity, and the natural environment.

   **Staff Comment:** The property is surrounded by other downtown commercial properties/uses. The use of outdoor sales for food vending purposes should not be incompatible with these nearby uses of land.

   Regarding design, the City Code does not have any standards specific to these types of uses. As pointed out by other Commissioners in the past, the City Code does not have *any* design standards for buildings, commercial or residential, so there is no legal precedent for trying to impose design standards on food vendor trailers. Given that CUPs were previously approved downtown for similar trailers in the past, and because the City does not have design standards for these uses, approval of the current CUP should be considered, given that there is a proposed condition that would allow for the application of future code provisions relative to this use.

3. That the building layout, including building height and bulk, lighting, landscaping and screening, on-site or off-site parking, ingress and egress, loading facilities, and waste disposal shall be designed to not be materially detrimental to uses and property in the immediate area.
Staff Comment: The zoning ordinance does not have a separate parking standard for these uses, but parking requirements do not apply within the Central Business District (11-23-6), as there is public parking available within the downtown area. Although the area where the trailer is parked is covered with artificial turf, below that the surface is paved, which complies with the requirement that the trailer must be parked on a hard-surface area as per Section 11-23-5.B.1 of the City Code.

4. That the development shall be located and designed to avoid undue noise, odor, traffic or other nuisances and dangers to abutting property owners.

Staff Comment: The proposed use is not anticipated to have any negative impact with regard to the above noted matters. Staff comments received to date offer no objection to the request.

5. That the use will be served by adequate essential public facilities and services including but not limited to streets, fire and police protection, electrical, water, storm and sanitary sewer service.

Staff Comment: The property can still be adequately served by essential public facilities and services.

The Commission must make written findings which shall specify facts relied upon by the Commission in rendering its decision. The Commission must fully set forth the facts and circumstances of its decision. If the Commission desires to approve the request, this can be accomplished by approval of the attached resolution, which includes findings and conditions. As always, the Commission has the option to approve modifications to the request (e.g. modifying findings or conditions, or requiring additional conditions). The resolution contains the standard language for compliance with City and other codes; noncompliance or unresolved nuisances can result in revocation of a conditional use permit.

Requested Action: That the Planning Commission hold the public hearing, deliberate and then make a motion to either approve or deny the request, using alternate draft motion language as follows (subject to modification as noted above):

APPROVE: “I move to approve Resolution No. 1212, which includes findings and conditions for approval of CU-22-274.”

or

DENY: “I move to deny CU-22-274 based on the finding(s) that …….”

(If the Commission wishes to deny the request, appropriate findings of fact need to be provided based on the code criteria herein.)

Any final decision by the Planning Commission can be appealed to the City Council, subject to the requirements per Section 11-34-2 of the City Code and NRS 278.3195.
i If a time limit is desired, a new condition 6 could be added to Resolution No. 1212. Example: “This permit is hereby temporarily approved for one year (until June 30, 2023), subject to a new public hearing and renewal by the Planning Commission at its June, 2023 meeting.”

ii If the City were to later adopt regulations that would actually prohibit these types of uses (i.e. a mobile vendor trailer) in certain areas of the City such as downtown, condition no. 4 in the attached resolution notes that this use permit would be revoked. While adding such a condition for a “retroactive” review and approval or revocation would not be appropriate in most cases, it is possible for a mobile use such as a trailer, since the use is clearly mobile and can easily be moved to another location if the use could not comply with any code requirements adopted at a later date.
PLANNING COMMISSION RESOLUTION NO. 1212

RESOLUTION OF THE PLANNING COMMISSION OF BOULDER CITY, NEVADA, TO APPROVE CONDITIONAL USE PERMIT NO. CU-22-274

WHEREAS, Catherine and Taylor Call have requested approval of Conditional Use Permit No. CU-22-274 for an outdoor sales business (food vendor trailer) at 443 Nevada Way (186-09-110-021) in the C2, General Commercial Zone pursuant to Section 11-11-4.J of the City Code; and

WHEREAS, Conditional Use Permit No. CU-16-257 was previously approved for a similar business at this location; and

WHEREAS, On June 15, 2022 the required and noticed public hearing was held by the Boulder City Planning Commission in accordance with the provisions of City Code Section 11-30-4 and Chapter 11-35;

NOW, THEREFORE, BE IT RESOLVED that the Boulder City Planning Commission does hereby approve Conditional Use Permit No. CU-22-274 based on the findings:

1. The proposed use is in substantial conformance with the Community Commercial land use designation as per the Master Plan Future Land Use Map.

2. The immediate surrounding uses are also zoned C2, General Commercial and this request is not anticipated to have a negative impact on the other uses in this zone or on essential public facilities and services.

BE IT FURTHER RESOLVED that the Boulder City Planning Commission does hereby approve Conditional Use Permit No. CU-22-274 based on the following conditions:

1. Use of the property shall be in substantial conformance with the plans and information submitted to and reviewed and discussed by the Planning Commission at its meeting on June 15, 2022.

2. Activities and any future construction shall comply with all necessary City and other applicable codes as well as requirements of City departments and any other applicable governing agencies.

3. The use shall not create nuisances to surrounding properties. The use is subject to additional public hearings should there be repeated or unresolved substantive complaints regarding the use or should there be violations of these conditions that are not corrected in a timely manner. Any conditional use permit is subject to the revocation procedures of Section 11-35-9 of the City Code.

4. Should the City adopt regulations specific to food vendor trailers or other similar temporary uses, this use permit shall be subject to reconsideration by the Planning Commission relative to the new regulations. If the use cannot comply with the new regulations, or if the new regulations would prohibit this type of use at this location, this conditional use permit shall be revoked.
5. A conditional use permit is a purely personal privilege, not running with the land, and it shall not be transferred to a new owner or operator except in accordance with Section 11-30-5 of the City Code.

DATED and APPROVED this 15th day of June, 2022.

_____________________________   ATTEST: ________________________________
Paul Matuska, Chairman            Tami J. McKay, City Clerk
Boulder City, Nevada
Community Development Department
ZONING APPLICATION FORM

CHECK ONE:
☐ MASTER PLAN AMENDMENT:       MAP ☐ TEXT ☐
☐ ZONING AMENDMENT:      MAP/REZONE ☐ ORDINANCE TEXT ☐
☐ CONDITIONAL USE PERMIT
☐ SPECIAL USE PERMIT
☐ VARIANCE
☐ DEVELOPMENT ALLOTMENT: Single-Family ☐ Multi-Family ☐ Hotel-Motel ☐
☐ OTHER (as per STAFF ONLY):

Staff Use Only
File No. 0U-22-274
Acceptor SD
Filing Date 05/16/2022
Hearing Date 06/15/2022
Fee Paid $100.00

<table>
<thead>
<tr>
<th>APPLICANT</th>
<th>PROPERTY OWNER</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAME</td>
<td>NAME</td>
</tr>
<tr>
<td>Catherine &amp; Taylor Call</td>
<td>Kae &amp; Elizabeth Pohe Family Trust</td>
</tr>
<tr>
<td>MAILING ADDRESS</td>
<td>MAILING ADDRESS</td>
</tr>
<tr>
<td>1315 Ramona Lane Boulder City, NV 89005</td>
<td>1801 Royal Birkdale Dr. Boulder City, NV 89005</td>
</tr>
<tr>
<td>CONTACT PHONE</td>
<td>CONTACT PHONE</td>
</tr>
<tr>
<td>(435) 333-7059</td>
<td>702.204.9681</td>
</tr>
<tr>
<td>EMAIL</td>
<td>EMAIL</td>
</tr>
<tr>
<td>boulder city shaved <a href="mailto:ice@gmail.com">ice@gmail.com</a></td>
<td><a href="mailto:jay.larsen@gmail.com">jay.larsen@gmail.com</a></td>
</tr>
</tbody>
</table>

STREET ADDRESS or LEGAL DESCRIPTION: 443 Nevada Way Boulder City, NV

APPLICATION: Application must specify the nature of the request pursuant to the provisions of City Code, Title 11. Application is to permit the following (BRIEFLY describe here):

place a 7 x 7 snowshack & freezer on 443 Nevada Way to sell shaved ice to the public.

JUSTIFICATION: Applicant must submit a written statement along with this application describing the nature of the request (in detail) and justification using the criteria in the City Code (copy attached).

AFFIDAVIT: I do hereby solemnly swear or affirm that all statements contained in this application are true and correct to the best of my knowledge and that this statement is executed with the knowledge that misrepresentation or failure to reveal information requested may be deemed sufficient cause for refusal to approve this application.

Catherine Call, Taylor Call
SIGNATURE of Applicant

State of Nevada, County of Clark Subscribed and sworn to (or affirmed) before me on (date)
05/11/2022 by [name(s) of person(s) making statement]

B. Rodriguez
(Signature of notarial officer) (Notary stamp)
No. 16:1216-1 MY APPT. EXPIRES JAN. 7, 2024
**PLANNING COMMISSION**

<table>
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<tr>
<th>Date Notices Mailed:</th>
<th>Date Property Posted:</th>
<th>Date of Newspaper Notice:</th>
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<tbody>
<tr>
<td>06/02/2022</td>
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<td>Not Applicable</td>
</tr>
</tbody>
</table>

Distance Requirement: 500’

Properties within distance: 79

No. of notices sent: 69

No. of mobile home parks (rental) included in mailing: 0

**DATE / PLANNING COMMISSION ACTION (if applicable):**

06/15/2022:

---

**ALLOTMENT COMMITTEE**

**DATE / ALLOTMENT COMMITTEE ACTION (if applicable):**

---

**CITY COUNCIL**

<table>
<thead>
<tr>
<th>Date Notices Mailed:</th>
<th>Date Property Posted:</th>
<th>Date of Newspaper Notice:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Distance Requirement: Properties within distance: No. of notices sent: |

No. of mobile home parks (rental) included in mailing: |

**DATE / CITY COUNCIL ACTION (if applicable):**

---

Additional comments:
OWNER'S AFFIDAVIT
(TO BE COMPLETED WHEN THE APPLICANT IS NOT THE OWNER OF THE PROPERTY)

(I/We) Kara Larsen / Trustee / KEP Famaily Trust ___ declare that (I am/we are) the owner(s) of property located at 441-443 Nevada Way, Boulder City NV 89005 (Legal Description: ___________________________), for which Catherine and Taylor Call (the applicant) is requesting a Conditional Use Permit through the City of Boulder City, and have no objection to such request.

Owner’s Signature: __________________________
Address: 1401 Royal Birkdale
Boulder City NV 89005
Phone: 702.204.9681

State of Nevada, County of Clark. Subscribed and sworn to (or affirmed) before me on (date) May 11 2022 by (name(s) of persons(s) making statement).

Kara Larsen
JAMIE RZEPICKI
Signature of notarial officer (Notary stamp)
Notary Public, State of Nevada
No. 19-5372-01
My Appt. Exp. Nov. 15, 2023

AGENT AFFIDAVIT
(TO BE COMPLETED WHEN THE APPLICANT HAS AN AGENT)

(I/We) __________________________ (applicant) (am/are) applying for a __________________________ through the City of Boulder City for property located at __________________________ (Legal Description: __________________________). Furthermore, (I/We) hereby appoint __________________________ as (my/our) agent to act on (my/our) behalf on all matters pertaining to the processing of this application.

Applicant’s Signature: __________________________
Address: __________________________
Phone: __________________________

State of __________________________, County of __________________________. Subscribed and sworn to (or affirmed) before me on (date) __________________________ by (name(s) of persons(s) making statement).

________________________
(Signature of notarial officer) (Notary stamp)

Original: Community Development / Revised 05-25-00
Boulder City Shaved Ice Company CUP Proposal

The Boulder City Shaved Ice Company is applying for a Conditional Use Permit to place a 7x7 trailer, small freezer, tables and chairs, and appropriate decorations on 443 Nevada Way Boulder City, NV to sell shaved ice to the public.

Trailer

Pink and orange shack-style trailer with colorful fluorescent lights on roof.
Width: 7ft
Length: 7ft
Height: 10 ft

Additional Equipment on Property
One NSF Chest Freezer
Garbage Cans
Three tables with chairs
Site Location

443 Nevada Way, between the Flying Saucer and Boulder Dam Brew Pub

Site Plan

- The only sign will be a temporary OPEN sign on the ground in front of the shack.
- Customers will be asked to line up on the turf area
- Three tables with chairs will be provided

Operating Hours
The shaved ice stand will only be open on a seasonal basis from mid-April (or the month of permit approval) to October each year. Days of operation will be Monday through Saturday. Hours of operation will vary by month; early closure may occur due to inclement weather and is determined day by day.

Mid April-May: M-TH 3pm-6pm, F-S 12pm-7pm
June - August: M-TH 11am-9pm, F-S 11am-10pm
September - Mid October: M-TH 3pm-6pm, F-S 12pm-7pm
Mid October- Mid April: Closed

These times may vary by one or two hours based on public response, but will be open no later than 9 pm on weekdays and 11 pm on weekends.

Trailer Permanence
The trailer will be on the property of 443 Nevada Way for the entirety of the aforementioned season. It will be towed away after closing day in mid-October.
The commissary for the shaved ice shack is Boulder Dam Brewing Company at 453 Nevada Way; no towing will be necessary. The Southern Nevada Health District permits food units to be stationary if the commissary is in close proximity.

Utilities
No utility hookups will be needed. Power will be supplied from existing outlets on the property. Trash cans will be provided for customers on the property; trash will be disposed of daily into a receptacle provided by the owner of 443 Nevada Way.
Water is pumped from a 5-gallon hdpak into a sink within the shack, as required by the SNHD. Bathrooms at the Flying Saucer and the Boulder Dam Brewing Company are available for employees.
CU-22-274  Additional photos of shaved ice trailer provided by applicant
**Previous CUPs for Food Vendor Trailers:**

<table>
<thead>
<tr>
<th>CUP</th>
<th>Address</th>
<th>Business Name</th>
<th>Status</th>
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</thead>
<tbody>
<tr>
<td>CU-05-200</td>
<td>1625 Nevada Hwy.</td>
<td>Nick’s Famous Hots</td>
<td>No time limit</td>
</tr>
<tr>
<td>CU-06-206</td>
<td>567 Nevada Way</td>
<td>Pinkies Popcorn</td>
<td>No time limit</td>
</tr>
<tr>
<td>CU-13-240</td>
<td>567 Nevada Way</td>
<td>Beach Bums Hawaiian Ice</td>
<td>Approved in May thru mid-Oct; applicant did not request renewal</td>
</tr>
<tr>
<td>CU-14-246</td>
<td>100 Ville Dr.</td>
<td>Polar Snow</td>
<td>No time limit</td>
</tr>
<tr>
<td>CU-14-248</td>
<td>708 Canyon Rd.</td>
<td>Shavee’s</td>
<td>No time limit</td>
</tr>
<tr>
<td>CU-14-252</td>
<td>704 Nevada Way</td>
<td>Shavee’s</td>
<td>Denied *</td>
</tr>
<tr>
<td>CU-15-253</td>
<td>1497 Nevada Hwy.</td>
<td>Shavee’s</td>
<td>No time limit; subject to future regulation</td>
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<tr>
<td>CU-16-257</td>
<td>443 Nevada Way</td>
<td>Captain Snowbeard’s Shaved Ice</td>
<td>Approved thru Sept. 2017; subject to future regulation; applicant did not request renewal</td>
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<tr>
<td>CU-17-263</td>
<td>708 Canyon Rd.</td>
<td>BC Dam Tacos</td>
<td>No time limit</td>
</tr>
<tr>
<td>CU-18-265</td>
<td>567 Nevada Way</td>
<td>Up to 2 trailers on site</td>
<td>No time limit; subject to future regulation</td>
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</table>

*The request to place the Shavee’s trailer at 704 Nevada Way (CU-14-252) was denied on the basis that the use would not be compatible with the historic area.

The only location above with a current business license is 567 Nevada Way.

Supplement to CU-22-274, June 2022
2. For possible action: CU-16-257 – Resolution No. 1139 – Layla & Travis Sabin for Captain Snowbeard’s Shaved ice LLC – 443 Nevada Way: A public hearing on an application for a conditional use permit in the C2, General Commercial Zone for outdoor display (food vendor trailer) pursuant to Section 11-11-4.J of the City Code

A staff report had been submitted by City Planner Danielewicz and included in the Agenda packet.

City Planner Danielewicz provided a brief overview noting the applicant would like to operate a food vendor trailer on a business site. She said they had already received approval from the Southern Nevada Health District and have applied for a business license. She said the subject property is currently vacant and located between two buildings, so it’s not overtly visible from the street. She said the applicant intended to operate the business seasonally, but they had received requests to be open year round. She noted this conditional use permit could be affected if future regulations were adopted regarding food vendor trailers.

In response to Member Booth, City Planner Danielewicz noted a condition could be added to temporarily approve the request for a period of one year or any other time period.

Member Booth suggested the code be amended to address the issue of mobile food trucks.
City Planner Danielewicz said staff resources were limited, but they would make an attempt to address this issue. She noted there were other amendments the Commission had requested that would take precedence.

In response to a question by Member Leavitt, City Planner Danielewicz noted City staff had informed the applicant they could operate their business prior to approval of the conditional use permit as long as the application had been properly submitted.

In response to Member Walton, City Planner Danielewicz stated a business license could not be issued until the conditional use permit is approved. She also explained that several sections of the code were not current and food vendor trailers were not an anticipated or common use when the C2 chapter was originally adopted.

Member Walton said Shavee’s had been denied a similar request and it was denied because of its location within the historic district. He questioned how this request was different.

City Planner Danielewicz noted each request is considered on a case-by-case basis and other requests downtown had been approved. She said for the denied request there was a neighbor who spoke in opposition.

Member Walton asked if any of the surrounding businesses had expressed concern about the request and questioned the applicable code provision.

City Planner Danielewicz noted 78 property owners had been notified and no responses had been received. She said the current code doesn’t have a specific regulation that applies to food vendor trailers, so it’s treated as a conditional use based on outdoor sales display as that is the closest similar use.

Member McDonald asked if the notices were mailed to property owners or business owners since they could be different.

City Planner Danielewicz stated the law requires notices be sent to property owners.

Member McDonald asked if a condition could be added requiring the conditional use permit be reviewed by the Planning Commission if the applicants did not maintain their health permit and/or business license. He said he was in favor of adding the requirement since the business was mobile and did not have a fixed physical location.

City Planner Danielewicz stated that requirement was already included in the resolution for compliance with all required codes and requirements of all applicable agencies.

Member Leavitt expressed concern about the Commission requiring greater standards for mobile food vendors vs. businesses in buildings and said he was not in favor of it. He said for Shavee’s he preferred the downtown location over the highway location for traffic safety reasons. He said he talked to a business owner across the street from the applicant’s location, and he had not expressed any concerns with the shaved ice business.
In response to Member Booth, City Planner Danielewicz noted sign regulations could not be applied to a food vendor trailer as it is a vehicle, and Member Booth said this was a reason these uses should be treated differently than businesses in a building.

Travis Sabin, applicant, said the business has been in operation for 2 weeks and had received positive feedback from the community. He said 75% of his business had been return customers. He said, so far, it had been an enjoyable experience for him and his wife.

Chairman Giannosa noted this was the time and place scheduled for a public hearing and asked for public input. No comments were offered and the hearing was declared closed.

**Motion**: Approve Resolution No. 1139 for CU-16-257 with an added condition for a one-year time limit, with a request for staff to develop regulations for mobile food vendor trailers.

**Moved by**: Member Booth.  **Seconded by**: Member Leavitt.

**Vote**:

**AYE**: Chairman Jim Giannosa, Member Cokie Booth, Member Glen Leavitt, Member Paul Matuska, Member Fritz McDonald (5)

**NAY**: Member Steve Walton (1)

**Absent**: Member John Redlinger (1)

The motion was approved.
Item 3 - 301 Ridge Road

SUBJECT:
For possible action: Matters pertaining to 301 Ridge Road:

A. Neighborhood meeting to explain a proposed Master Plan Amendment as per NRS 278.210.2

B. **Public hearing** on a proposed Master Plan Amendment

C. **MPA-22-042 – Resolution No. 1213 – City of Boulder City for Damon Gubler**: Adoption and recommendation to the City Council of a proposed amendment to the Master Plan Future Land Use Map to change the land use designation for Tract 351 from Open Lands to Low Density Residential

D. **V-22-658 – Damon Gubler**: A **public hearing** on an application for a variance in the R1-8, Single-Family Residential Zone to permit a new house with a rear setback of 10’6”, whereas Section 11-3-5.B of the City Code requires a minimum rear setback of 20’

ADDITIONAL INFORMATION:

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<tr>
<td><strong>Description</strong></td>
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<tr>
<td>Item 3.ABC report</td>
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<td>PC Reso 1213</td>
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<td>Exhibit Map</td>
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<tr>
<td>blank page</td>
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<tr>
<td>Item 3.D report</td>
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<td>Item 3.D backup</td>
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</table>
TO: Planning Commission

FROM: Susan Danielewicz, City Planner
Community Development Department

DATE: June 8, 2022

SUBJECT: Matters pertaining to 301 Ridge Road:

A. Neighborhood meeting to explain a proposed Master Plan Amendment as per NRS 278.210.2

B. Public hearing on a proposed Master Plan Amendment

C. MPA-22-042 – Resolution No. 1213 – City of Boulder City for Damon Gubler: Adoption and recommendation to the City Council of a proposed amendment to the Master Plan Future Land Use Map to change the land use designation for Tract 351 from Open Lands to Low Density Residential

Action Requested: That the Planning Commission conduct the required public hearing and consider adoption of Resolution No. 1213 (Attachment 1) for a recommendation on a proposed Master Plan Future Land Use Map amendment (file MPA-22-042) as noted above. An exhibit map showing the location and existing/proposed designations is attached (Attachment 2).

Overview:

- The City sold Tract 351 to applicant Damon Gubler in 2016, and this tract has since been combined with his property at 301 Ridge Road.
- The Master Plan Future Land Use Map designation for Tract 351 needs to be updated to correlate with the designation for the remainder of 301 Ridge Road.

Applicant: City of Boulder City

Property Owner: Damon Gubler

Location: 301 Ridge Road

APN: 186-05-710-080
Historic District: This property is not within the Historic District.

<table>
<thead>
<tr>
<th>Master Plan Future Land Use Map designations for Tract 351:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current: Open Lands</td>
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<table>
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<tr>
<th>Zoning Map districts for Tract 351:</th>
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</thead>
<tbody>
<tr>
<td>Current: R1-8, Single-Family Residential</td>
</tr>
</tbody>
</table>

Description of Request: The property known as 301 Ridge Road was originally two parcels, a small lot along Ridge Road and a land-locked tract of land to the rear, sold by the City in 1973. After Damon Gubler purchased these properties in 2015 (already combined) he received approval from the City to purchase additional land to the rear, being Tract 351 (13,000 s.f., or 0.3 acres) and combined that with the remainder of the property to create a parcel that is now 47,815 s.f. in size (1.1 acres).

Although Tract 351 is already zoned R1-8 to correspond with the zoning for the remainder of the parcel and the other residential lots in this area, the Master Plan Future Land Use Map should also be updated to correspond with the Low Density Residential designation of the remainder of the parcel. It is the City’s policy to require master plan and zoning map amendments when selling land, as needed.

MASTER PLAN:

Background Information regarding a “neighborhood meeting” for Master Plan amendments: For a master plan amendment, in addition to a notice in an adjudicated newspaper, NRS 278.210.2 requires “the person who requested the proposed amendment” to “hold a neighborhood meeting to provide an explanation of the proposed amendment,” and the applicant is to provide notice of the neighborhood meeting to all property owners within 750' of the property in question, with a minimum of 30 owners to be notified.

In this case, the City is the applicant on behalf of the buyer of Tract 351. To meet the requirements of State law, the first item of business is for the applicant (Staff) to “hold a neighborhood meeting to provide an explanation of the proposed amendment”, which is staff simply presenting the same background information as for the regular Planning Commission public hearing.

As far as the process before the Planning Commission:

1) Staff provides the background information on the request to meet the requirement for holding the neighborhood meeting.

2) After any questions of Staff from the Planning Commission, the Chairman shall open the required public hearing on the request.

3) After closing the public hearing, the Planning Commission may discuss the matter further, and determine whether to adopt the resolution.
A further provision of State law for master plan amendments (NRS 278.210.3) is that the Planning Commission does not merely recommend an amendment, but that BOTH the Planning Commission and City Council ADOPT an amendment to the Master Plan, and that the Planning Commission’s resolution of adoption is to be by a two-thirds majority (5 of 7 members). Thus the Planning Commission both adopts and effectively recommends a master plan amendment to the City Council. Once the Commission adopts the master plan amendment, the City Council cannot adopt any further changes unless it first resubmits the changes to the Planning Commission for a report, per NRS 278.220.4.

Master Plan amendment finding requirements: The only finding NRS references with regard to the adoption or amendment of a master plan is Section 278.220.2, “The parts must thereupon be endorsed and certified as master plans thus adopted for the territory covered, and are hereby declared to be established to conserve and promote the public health, safety and general welfare.”

SNRPC action: Another requirement of State law (NRS.278.02556) is that major master plan amendments (those that could have regional impact) must be approved by the Southern Nevada Regional Planning Coalition. For this amendment to the Future Land Use Map (an element of the land use plan), SNRPC approval is not required.

**Requested Action:** That the Planning Commission hold the public hearing, deliberate and then make a motion to either recommend approval or denial of the request, using alternate draft motion language as follows:

RECOMMEND APPROVAL: “I move to approve Resolution No. 1213, which includes findings for a recommendation in favor of MPA-22-042.”

or

RECOMMEND DENIAL: “I move to approve Resolution No. 1213, which includes findings for a recommendation of denial of MPA-22-042.”

The Planning Commission’s recommendation (for or against) will be forwarded to the City Council for consideration. (A recommendation cannot be appealed, as it is not a final action by the Commission.)

**Attachments:**
Attachment 1: Resolution No. 1213
Attachment 2: Exhibit Map for MPA-22-042 (before & after)


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For the master plan, the attached Resolution No. 1213 is for adoption by the two-thirds majority required by NRS 278.210.3. However, as per NV Attorney General Opinion No. 79-14, an
alternate resolution will be provided by Staff should there be a recommendation in favor that is only by a simple majority vote. For consistency, should the Planning Commission choose to recommend denial of the master plan request, Staff has an alternate resolution for that option as well. (A resolution is typically used in Boulder City only for approvals or recommendations of approval. An exception will be for master plan actions relative to NRS requirements.)
PLANNING COMMISSION RESOLUTION NO. 1213 – ADOPTION & RECOMMENDATION

RESOLUTION OF THE PLANNING COMMISSION OF BOULDER CITY, NEVADA, TO ADOPT AND RECOMMEND TO THE CITY COUNCIL A PROPOSED AMENDMENT TO THE MASTER PLAN FUTURE LAND USE MAP TO CHANGE THE LAND USE DESIGNATION FOR TRACT 351 FROM OPEN LANDS TO LOW DENSITY RESIDENTIAL (MPA-22-042)

WHEREAS, On December 9, 2003 the City Council of Boulder City adopted Resolution No. 4234 adopting the 2003 Master Plan for the community pursuant to NRS 278.220; and

WHEREAS, The City of Boulder City has initiated an application (MPA-22-042) to amend the Master Plan Future Land Use Map to change the land use designation of Tract 351 (now part of 301 Ridge Road, APN 186-05-710-080) from Open Lands to Low Density Residential; and

WHEREAS, On June 15, 2022, the City of Boulder City, as the applicant for the request, conducted the required neighborhood meeting on the proposed amendment as per NRS 278.210.2; and

WHEREAS, On June 15, 2022, the Boulder City Planning Commission conducted the required public hearing in accordance with the provisions of NRS 278.210;

NOW, THEREFORE, BE IT RESOLVED that the Boulder City Planning Commission does hereby forward this report and adopt and recommend the following amendment to the Master Plan Future Land Use Map, by the statutorily required two-thirds majority of the Commission, based on the finding that it will conserve and promote the public health, safety and general welfare:

1. That the land use designation for Tract 351 should be changed from Open Lands to Low Density Residential per attached Future Land Use Map Amendment Exhibit Map: Tract 351 (301 Ridge Road). For map consistency, land use designations extend to centerlines of abutting rights-of-way as applicable.

2. Relative to NRS 278.220.4 and Attorney General Opinion 79-14, this report includes the information contained in the staff report and attachments to that report, and shall include the Planning Commission minutes.

BE IT FURTHER RESOLVED that the appropriate officers of the City are hereby authorized and directed to certify an attested copy of the amendment to the City Council in accordance with NRS 278.210.6.

DATED and APPROVED this 15th day of June, 2022.

_________________________________    ATTEST:    Tami J. McKay, City Clerk
Paul Matuska, Chairman
Future Land Use Map Amendment Exhibit Map: Tract 351
(301 Ridge Road)

Map created by:
Brok Armantrout
Contracts/Real Estate Manager
City of Boulder City, Nevada
June 8, 2022
Version 1.0

Legend
- Ridge Rd Subject Area
- Municipal Airport
- LDR - Low Density Residential
- OL - Open Lands
- PUB - Public/Quasi Public

Lake Mead National Recreation Area
Planning Commission Meeting  
June 15, 2022  
Item No. 3.D  
Staff Report

TO: Planning Commission

FROM: Susan Danielewicz, City Planner  
Community Development Department

DATE: June 7, 2022

SUBJECT: V-22-658 – Damon Gubler – 301 Ridge Road: A public hearing on an application for a variance in the R1-8, Single-Family Residential Zone to permit a new house with a rear setback of 10’6”, whereas Section 11-3-5.B of the City Code requires a minimum rear setback of 20’

Action Requested: That the Planning Commission conduct the required public hearing and consider the request for a variance as noted above.

Applicant/Owner: Damon Gubler

Location: 301 Ridge Road  
APN: 186-05-710-080

Zoning: R1-8, Single-Family Residential

Information: The applicant plans to construct a custom home on this property, and submitted plans with the home at a setback of 10’6” to the rear (south) property line which requires a variance. Reference the applicant’s justification and plans, Attachments 1, 2 and 3.

Section 11-1-3.B defines the front lot line as that along a street and the rear lot line as most distant from and most nearly parallel to the front lot line. The code does not require the ‘front’ of a house to face the front property line.

The applicant did not request preliminary zoning review for the placement of the home; he indicated to staff that he assumed the furthest property line from the street (to the east) was the rear property line, rather than the property line opposite the street (to the north). There is file information dating back to 1993 which references the rear property line being the south property line for this property.
Conforming lots in the R1-8 zone are a minimum of 8,000 s.f. in size. The applicant notes that the property was originally two parcels, a small lot along Ridge Road (addressed as 301) and a land-locked tract of land to the rear, sold by the City in 1973. After the applicant purchased these properties in 2015 (already combined) he received approval from the City to purchase additional land to the rear, being Tract 351 (13,000 s.f., or 0.3 acres), and combined that with 301 Ridge Road to create a parcel that is now 47,815 s.f. in size (1.1 acres).

There is room to shift the house to the north in order to comply with the required 20' rear setback. Doing so would place the home closer to a retaining wall the applicant built to the north within the property (see site plan excerpt, part of Attachment 3), which is apparently undesirable as he chose to file for the variance instead. Another alternative to avoid a variance would be to redesign the home.

Ordinance Standards: Section 11-32-4 sets forth the criteria that must be met in order for a variance to be granted. It is necessary that findings be provided for all five criteria for the variance to be approved; failure to meet any one criterion is sufficient reason for denial of a variance. The criteria are:

A. There are exceptional and extraordinary circumstances or conditions applicable to the property or to its intended use that do not apply generally to the other property or classes of uses in the same vicinity and zone.

The applicant states the unique circumstances are the odd shape of the lot and the topography. The front ‘access’ portion of the property is at street level abutting Ridge Road to the north, but the rear area where the house will be built is at a much higher elevation, a difference of approximately 30’. Because of this, he argues the front of the ‘upper lot’ (where the house will be built) should be considered to the west where the driveway will be (see plans), and therefore the rear would be to the east; refer to aerial photo, Attachment 4. Although the lot does have an odd shape and different topographic elevations, this has little bearing on the variance request given the large size of the property.

The applicant’s justification notes that complying with the code would force the front of his house to “look directly into my neighbors’ back yards” (to the north). The code does not mandate what direction a house ‘faces’ (e.g. the front or rear of a house); setbacks are based on the location of the street.

This request can be considered a self-created hardship based on the applicant’s chosen house design and layout on the property, as the property is more than large enough for the applicant to have a very large home which meets code requirements. (The proposed two-story home is listed at nearly 7,000 s.f. with an attached garage of over 1,600 s.f.) However, the applicant also notes that the reduced rear setback will not affect neighboring residential properties, as the setback in question is adjacent to vacant city-owned land.

B. The variance is necessary for the preservation and enjoyment of a substantial property right, possessed by other property in the same vicinity or zone, but which is denied to the property in question.
There have been some variances granted for rear setback reductions for new homes in the past, but none for a property of this size. Reference Attachment 5 for a list of variances, both approved and denied. \[1\]

Note: Setback requirements have changed over time, per various code amendments over the years. The code now bases required setbacks on when the lot was created, so that new development on older lots can have the same setbacks as those older lots. Based on the age of the surrounding neighborhood, the other lots can have a rear setback of 15' for the house. For the subject request the area where the setback reduction is occurring is on Tract 351 which was created in 2016, so the 20' rear setback applies. If the applicant proposed a 15' rear setback, this would be in keeping with what is permitted for the surrounding area; the proposed rear setback ranges between 10'6" and 14'. As noted previously, there is room on site to shift the house to the north.

C.  The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located.

Responses from staff do not indicate any problems with the request. \[ii\]

D.  The granting of such variance will not adversely affect, or be contrary to, the Comprehensive Plan.

The Comprehensive Plan (2003 Master Plan) is a general policy guide for the future development of the City and it is not site (property) specific. However, the Master Plan Future Land Use Map shows part of the property (Tract 351) under the Open Lands land use category. Related file MPA-22-042 is in process (item 4.A/B/C of this agenda) to change the land use category to Low Density Residential to match the remainder of the property. Approval of the requested variance would not be detrimental to the Plan or its implementation.

E.  The conditions or situations of the specific piece of property, or the intended use of said property for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formation of a general regulation of such conditions or situations.

Approval of the requested variance would not necessarily set a precedent for a general or recurrent pattern so as to formulate a general regulation.

Options:  Based on the foregoing analysis and findings, staff offers the following options for the Commission's consideration.

a.  Conditionally approve the requested variance, based on the following findings:
1. There are exceptional conditions with regard to the property that justify the request, being the unusual shape and topography and the rear property line abuts vacant City-owned land (Criterion A); and

2. The requested variance is necessary in order to preserve and enjoy a substantial property right enjoyed by some other properties in the City which also have reduced rear setbacks for the house (Criterion B); and

3. The granting of such variance should not be detrimental to the public welfare and/or injurious to other properties in the vicinity (Criterion C); and

4. Approval of the variance request will not adversely affect the Comprehensive Plan (Criterion D); and

5. Approval of the variance should not create a condition whereas a general or recurrent regulation is formed (Criterion E).

Condition:

1. The variance approval is based on the plans and information submitted and discussed as part of the variance request, and the variance shall not apply to deviations to the plans if the scope of the variance is expanded beyond that shown on the plans and submitted information.

b. Deny the requested variance, based on the following findings:

1. There are no exceptional conditions with regard to the property or use that justify the request, as it is possible to build a large custom home on the property without the need for a setback variance (Criterion A).

2. The requested variance is not necessary in order to preserve and enjoy a substantial property right, as the vast majority of residential homes in the City do not have reduced rear setbacks for the house (Criterion B).

As always, for approval of a variance request, the Commission has the option to approve modifications to the request (e.g. a lesser variance than requested, modifying findings or conditions, or requiring additional conditions).

**Requested Action:** That the Planning Commission hold the public hearing, deliberate and then make a motion to either approve or deny the request, using alternate draft motion language as follows (subject to modification as noted above):

APPROVE: “I move to conditionally approve V-22-658 based on the findings on page 4 of the staff report and subject to the condition on page 4.”

or

DENY: “I move to deny V-22-658 based on the findings on page 4 of the staff report.”
Any final decision by the Planning Commission can be appealed to the City Council, subject to the requirements per Section 11-34-2 of the City Code and NRS 278.3195.

Attachments:
Attachment 1: Application and justification
Attachment 2: Cover sheet, site plan, floor plans, elevations
Attachment 3: Site plan excerpt re setbacks
Attachment 4: Aerial photo
Attachment 5: Similar variance history
Attachment 6: Location Map

Attachments at 11” x 17” for Commissioners:
Attachment 2

SD09404E.docx

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i  Variance reductions for additions were not researched, as additions are based on the existing configuration of the house on the lot; such limitations do not apply to a vacant lot.

ii  Current staff in the Public Works Department noted that the applicant has graded onto adjacent city-owned land to the south; the applicant responded that this was done with the permission of prior staff in 2017 in conjunction with the grading permit. Public Works has indicated that it will require the owner to hydroseed the portion of city property that was graded to prevent erosion. The grading has already occurred and is not directly related to the variance request, therefore the requirement for hydroseeding is not applicable as a variance condition. The condition will be imposed on the applicant separately by Public Works.
Boulder City, Nevada
Community Development Department
ZONING APPLICATION FORM

CHECK ONE:
☐ MASTER PLAN AMENDMENT
☐ ZONING AMENDMENT:
☐ CONDITIONAL USE PERMIT
☐ SPECIAL USE PERMIT
☒ DEVELOPMENT ALLOTMENT: Single-Family ☐ Multi-Family ☒ Hotel-Motel ☐
☐ OTHER (as per STAFF ONLY):

<table>
<thead>
<tr>
<th>APPLICANT</th>
<th>PROPERTY OWNER</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NAME</strong></td>
<td><strong>NAME</strong></td>
</tr>
<tr>
<td>Damon Gubler</td>
<td>SAME</td>
</tr>
<tr>
<td><strong>MAILING ADDRESS</strong></td>
<td><strong>MAILING ADDRESS</strong></td>
</tr>
<tr>
<td>7925 Raven Ave.</td>
<td></td>
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<td>Las Vegas, NV 89113</td>
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<td><strong>CONTACT PHONE</strong></td>
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<tr>
<td>(702) 468 2905</td>
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<tr>
<td>Check: Work ☐ Cell ☒ Home ☐</td>
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<td><a href="mailto:gube007@cox.net">gube007@cox.net</a></td>
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STREET ADDRESS or LEGAL DESCRIPTION: 301 Ridge Rd.

APPLICATION: Application must specify the nature of the request pursuant to the provisions of City Code, Title 11. Application is to permit the following (BRIEFLY describe here):

See Attached additional sheets uploaded to web site

JUSTIFICATION: Applicant must submit a written statement along with this application describing the nature of the request (in detail) and justification using the criteria in the City Code (copy attached).

AFFIDAVIT: I do hereby solemnly swear or affirm that all statements contained in this application are true and correct to the best of my knowledge and that this statement is executed with the knowledge that misrepresentation or failure to reveal information requested may be deemed sufficient cause for refusal to approve this application.

Damon Gubler
PRINT Applicant Name

SIGNATURE of Applicant

State of Nevada, County of Clark

4/8/22 subscribed and sworn to (or affirmed) before me on (date)

Damon Gubler

(Signature of notary officer) (Notary stamp)→
Date Fees Paid: 04/14/2022

PLANNING COMMISSION

<table>
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<th>Date Notices Mailed:</th>
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<th>Date of Newspaper Notice:</th>
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</table>

Distance Requirement: 750’*

Properties within distance: 129*

No. of notices sent: 109*

No. of mobile home parks (rental) included in mailing: 0

DATE / PLANNING COMMISSION ACTION (if applicable):

06/15/2022:

ALLOTMENT COMMITTEE

DATE / ALLOTMENT COMMITTEE ACTION (if applicable):

CITY COUNCIL

Date Notices Mailed: Date Property Posted: Date of Newspaper Notice:

Distance Requirement: Properties within distance: No. of notices sent:

No. of mobile home parks (rental) included in mailing:

DATE / CITY COUNCIL ACTION (if applicable):

Additional comments:

*Although variances require notification of owners within 500’ per NRS 278.315.4, this request was noticed in conjunction with master plan map amendment file MPA-22-042. Per NRS 278.210.2 for master plan map amendments, notices for purposes of the required neighborhood meeting are mailed to owners within 750’.
LETTER OF INTENT

IN SUPPORT OF REQUEST FOR VARIANCE

301 RIDGE ROAD, BOULDER CITY NV, 89005

This Letter of Intent is in support of my request for variance to the backyard setback requirement per 11-3-5-B. The Current Zoning in effect R1-8 requires a 20’ Setback from the back PL. The intent is to fit a 6,978 Sq. Ft. house on this highly uniquely shaped hillside lot that consists of 11 different combined property lines.

What is Perhaps the most relevant here, and what I would ask the board to take into consideration is the following items: (1) This is a highly uniquely, non-traditional lot that has 11 separate property lines to make this parcel. (2) When I originally purchased these were two separate parcels that were later merged together per the City’s requirement (Bill No. 1788), and the actual upper lot at one point until (1978) was land locked with no access when the city first sold it. (3) The proposed setback variance would impact only City owned land that is in Tract 351, and is natural drainage flow line, and is flanked by an existing trail. (4) The upper lot is accessed from the western end, thus the front of the upper lot. (6) The interpretation needs to be sensitive to the unique shape of the lot that would in prospective make my “front of the house” look directly into my neighbors back yards who are located along Lake View Rd. (6) The Hillside lot with its large retaining walls also need to be taken into consideration to be able to utilize the lot as well. (7) This will not be creating any undue burden on any other neighbor/residence property. (8) The style and structure would conform to the neighborhood, and help improve the overall value, tax basis, and overall appearance of the neighborhood.

Respectfully Submitted,

[Signature]

Damon D. Gubler 4/14/22
HOME OWNER: DAMON & MONICA GUBLER
PROJECT: 301 RIDGE ROAD
ADDRESS: BOULDER CITY, NEVADA
LEGAL ADDRESS: LOT 6A,BLOCK 3
FIRE DISTRICT: BOULDER CITY
WATER DISTRICT: BOULDER CITY
SEWER / WATER PERMIT#: ____________
BLDG PERMIT#: ____________
BUILDING AREA:
CONCERT SLAB TOTAL: 9180 SQ.FT.
GARAGE TOTAL: 1531 SQ.FT.
FLOOR 1 TOTAL: 5362 SQ.FT.
PORCH TOTAL: 1004 SQ.FT.
FLOOR 2: 1616 SQ.FT.
BALCONY: 184 SQ.FT.
REFERENCES
8.1 - FILE 33 PAGE 61 OF SURVEYS
8.2 - FILE 33 PAGE 24 OF SURVEYS
8.3 - FILE 110 PAGE 50 OF PARCEL MAPS
8.4 - FILE 110 PAGE 52 OF SURVEYS
8.5 - CITY OF BOULDER CITY BLOCK CAMP DRAWING 8-702-10
8.6 - IN HOUSE FILE IN THE OFFICE OF THE BOULDER CITY ENGINEER
8.7 - CITY OF BOULDER CITY BLOCK CAMP DRAWING 8-462-01
8.8 - IN HOUSE FILE IN THE OFFICE OF THE BOULDER CITY ENGINEER
8.9 - CITY OF BOULDER CITY BLOCK CAMP DRAWING 8-462-02
8.10 - IN HOUSE FILE IN THE OFFICE OF THE BOULDER CITY ENGINEER

BASIS OF READING
SOUTH AT 20° 25' EAST, BEING THE MEANING FOR THE CENTERLINE OF VALLEY VIEW ROAD, AS PER BOULDER CITY BLOCK CAMP DRAWING 8-702-10, EXCEPT AS NOTED.

REFERENCE POINTS

SCALE: 1"=20'

PROJECT INFORMATION:

NAME: DAMON & MONICA GUBLER
ADDRESS: 301 RIDGE ROAD LOT 6A
CITY: BOULDER CITY NV.
PHONE: 702-468-2905
DATE: 1/11/2021

JOB SITE INFORMATION:

NAME: JIM PETRY
COMPANY: KOMATSU
PHONE: 702-468-2905
DATE: 11/15/19

REFERENCE POINTS:

1. CITY OF BOULDER CITY BLOCK CAMP DRAWING 8-702-10
2. CITY OF BOULDER CITY BLOCK CAMP DRAWING 8-462-01
3. CITY OF BOULDER CITY BLOCK CAMP DRAWING 8-462-02

NOTE:

HOMEOWNER & CONTRACTOR TO VERIFY ALL DIMENSIONS, STRUCTURAL DETAILS, AND BUILDING CODES, AND GRADE REQUIREMENTS.
- Top of Slab: -0.3' Grade Level: 0.0' Top of Wall: 0.0' Header: 10.2' 122 5/8" Top of Wall: 12.1' Top of Subfloor - 2nd Floor: 12.6' Ridge: 16.4' 9.9' Header: 14.7' Top of Wall: 20.5' Ridge: 21.4' Highest Ridge: 31.5'
Previous rear setback variances for new single-family homes:

V-07-555, 541 Opal Ct., R1-7, 19.68’ rear setback on a shallower depth cul-de-sac lot, 0.27 acres, Approved

V-04-504, 205 Donner Way, R1-8, 10’ rear setback on a substandard lot, 0.15 acres, Approved

V-97-391, 1304 Mountain View Place, R-15, 15’ rear setback for a replacement home, 0.43 acres, Approved

V-97-389, 114 Vista Lago Ct., R1-10, 5.5’ rear setback, 0.30 acres, Denied

V-96-334, 4 Hillside Dr., R1-15, 10’ rear setback (topography, lot depth, lot shape), 0.73 acres, Approved on appeal

V-93-293, 117 Milton Ct., R1-10, 6’6” rear setback, 0.44 acres, Denied

V-91-223, 1019 Keys Dr., R1-8, 10’ rear setback (water line easement issue), 0.37 acres, Approved on appeal

V-91-219, 804 Robinson Ln., R1-8, 3’ rear setback due to steep topo, 0.38 acres, Approved

V-90-200, 405 Lakeview Dr., R1-8, 15’ rear setback, 0.24 acres, Denied (shallow lot; a 14’10” rear setback was later allowed based on substandard lot)

V-90-195, 1534 Kay Ct., R1-7, 10’6” rear setback at one corner (no findings provided but the lot is a cul-de-sac lot with a shallower depth on the side for the 10’6” rear setback), 0.17 acres, Approved

V-88-182, 1003 Yates Ln., R1-8, 7’6” rear setback (no findings provided but the staff report referenced steep topo and lot shape), 0.36 acres, Approved

V-83-172, 528 Genni Pl., R1-8, 5’ rear setback (topo, abutting easement), 0.20 acres, Approved

(Research back to 1980; variance log prior to then lacks detail)

Supplement to V-22-658, June 2022
Item 4 - Land Management Process List

SUBJECT:
For possible action: Amendment to the 2022 Land Management Process List – Resolution No. 1214 – City of Boulder City: A public hearing and recommendation to the City Council on an amendment to the Land Management Process List for 2022, for two additional proposals:

A. LMP #22-03: Proposal for approx. 74 acres west of Adams Blvd. and Veterans Memorial Drive for a possible RV park and cabin rental development

B. LMP #22-04: Proposal for 16.3 acres southeast of Boulder City Pkwy. and Veterans Memorial Drive for a possible grocery store and associated retail development

ADDITIONAL INFORMATION:

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<tr>
<td>Attachment 1</td>
<td>Resolution Letter</td>
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<tr>
<td>Attachment 2</td>
<td>Backup Material</td>
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<tr>
<td>Attachment 3</td>
<td>Backup Material</td>
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<td>Cover Memo</td>
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TO: Planning Commission
FROM: Michael Mays, Community Development Director
DATE: June 15, 2022

SUBJECT: For possible action: Amendment to the 2022 Land Management Process List – Resolution No. 1214 – City of Boulder City: A public hearing and recommendation to the City Council on two proposals for the Land Management Process List for 2022:

A. LMP #22-03: Top Dollar Entertainment, LLC, (“Elite RV”) proposal for 74 acres located west of Veterans Memorial Drive for a possible RV park and cabin rental development.

B. LMP #22-04: City proposal for 16.3 acres located southeast of Boulder City Parkway and Veterans Memorial Drive for a grocery store and associated retail uses.

Action Requested: That the Planning Commission conduct the required public hearing and consider adoption of Resolution No. 1214 (Attachment 1)

Overview:

- The Land Management Process (LMP) provides a transparent, structured process for the review of requests to utilize or dispose of City land.
- City maintains a list of active parcels included in the LMP.
- The City Council forwarded two proposals to the Planning Commission for consideration and recommendation on April 26, 2022.

Background Information: In 2001 the City Council adopted Ordinance No. 1158, adding a new chapter to the City Code, Land Management for City-owned property. The purpose of the ordinance was to establish a more formal procedure for the possible disposition of City lands and to allow property owners in the vicinity of such sales or leases to have...
input into the process prior to disposition being taken by the City Council. The process does not negate the need for voter approval where required but provides for public input during early stages of consideration.

In summary, the ordinance requires that by September of each year, the City Council shall issue a public notice that it is preparing the annual Land Management Process (LMP) for the following year. Applicants may submit their proposals, and the City Council forwards requests to the Planning Commission for a public hearing in November. The City Council holds another public hearing and adopts any changes prior to February 15 of the following year.

In addition to the annual process, an applicant can submit a request at any time per Section 9-2-2 D of the City Code. For Planning Commission reference, staff has provided the current 2022 LMP list (Attachment 2) and corresponding maps (Attachments 3 and 4).

Proposed Additions to the LMP List: At the April 26, 2022 City Council meeting the Council advanced two proposals for further consideration. One is generated by Top Dollar Entertainment, LLC and the other by city staff. A summary of each is provided below:

LMP#22-03 (see Attachment 5 for a map) – The applicant, Top Dollar Entertainment, LLC, (“Elite RV”) is requesting adding an additional approximately 74 acres west of the intersection of Adams Blvd and Veteran’s Memorial Drive to the LMP list. The purpose of the request is to discuss with the city the possibility of leasing the land to Elite RV for a high-end RV park and cabin rental development. The application explaining Elite RV’s request is provided as Attachment 6, along with their presentation (Attachment 7).

Staff has reviewed the application. Airport staff have concerns regarding the close proximity of the subject property to the airport flight path and potential of future complaints from patrons of the resort. Elite RV understands there is the possibility of noise complaints and would need to notify patrons there may be 24-hour air operations on the runway approach.

Below is background information regarding the parcel:

<table>
<thead>
<tr>
<th>Plan</th>
<th>Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Master Plan</td>
<td>Parks and Recreation and Open Lands</td>
</tr>
<tr>
<td>Zoning</td>
<td>Special Recreation Area – SR and Interim Study Area - S</td>
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</tbody>
</table>

At the April 26, 2022 City Council meeting, the Council requested that as part of the Planning Commission’s review and recommendation of the Elite RV proposal, that the following three issues be reviewed:
• The Parks and Recreation Commission review and provide a recommendation of the development’s impact on Boulder Creek Golf Course.
• How will the development impact city infrastructure.
• Will development of the project put a burden on city water and electric allocations.

The Parks and Recreation Commission received a presentation by Elite RV on May 23, 2022. A copy of the Parks and Recreation meeting minutes are attached as Attachment 8. Their feedback is reflected in a motion approved 6-0 by the Commission which said:

The Parks and Recreation Commission would like City Council to consider the following items relating to the proposed Elite RV project and its proximity to Boulder Creek Golf Course. Please take into consideration:
• Access to the golf course and transportation patrons from RV resort to the course
• The water usage of this project
• The overall number of lots and size of the lots those specifically around the course
• The security issues and policing course activity from resort visitors
• Consider putting in a fence around development to prohibit course access and damage to the course
• This project impacting the current tranquility of the golf course
• Culmination of the lease and what would happen to that property should something go awry with the lease
• Take into consideration the Golf Professional’s concerns on the proposed project specifically the security of the course
• The potential impact to local golfers and whether they would still have ease of access to tee times at Boulder City Golf Courses as well as availability for golfers from the Vegas Valley
• The liability to the city with golf activity in such proximity to development and expensive RV’s

The Public Works and Utility Departments have reviewed the proposed development’s impact on our city infrastructure and demands on city water and electric supply needs. Their determination is that the existing infrastructure located along Veteran’s Memorial Parkway can accommodate the proposed development and that city water and electrical supply needs will not be impacted negatively. See the GCW Sewer Modeling memo dated May 23, 2022 attached (Attachment 9).

LMP#22-04 (see Attachment 10 for a map) – In this case, the request to add the property is city staff driven. The city property is approximately 16.3 acres located southeast of Boulder City Parkway and Veteran’s Memorial Drive. The purpose of the request is to sell the land for a future grocery store and associated retail development.
In response to residents’ request for a second grocery store in the community, staff has tried to promote existing private property for development of a grocery store. Due to lack of private property interest/availability, staff is proposing offering city owned land along Boulder City Parkway for a grocery store.

The City Council on March 22, 2022, approved Resolution No. 7404 authorizing a November 2022 ballot question to ask the voters if they are interested in selling the land for that purpose. Below is background information regarding the parcel:

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<th>Plan</th>
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<tbody>
<tr>
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<tr>
<td>Zoning</td>
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Staff has determined that while zoned Government Flood Control (GFC), the land no longer is required for that purpose and could be developed for retail commercial. In addition, the land to the north is already zoned C-2 General Commercial.

Recommendation: It is recommended that the Planning Commission conduct the required public hearing and consider approval of Resolution No. 1214, a recommendation to the City Council regarding the Land Management Process for 2022. The resolution is written in the affirmative and can be modified by the Planning Commission based on its recommendation to the City Council.

Attachments:
1. Res. No. 1214
2. Active LMP List
3. LMP Map – Urban Area
4. LMP Map – Eldorado Valley
5. Map for LMP#22-03
6. Elite RV Application
7. Elite RV Presentation
8. Boulder City Parks and Recreation Commission Minutes
9. GCW RV Park Sewer Modeling memo 05.23.22
10. Map for LMP#22-04
PLANNING COMMISSION RESOLUTION NO. 1214

RESOLUTION OF THE PLANNING COMMISSION OF BOULDER CITY, NEVADA, TO PROVIDE A RECOMMENDATION TO THE CITY COUNCIL ON TWO PROPOSALS FOR THE LAND MANAGEMENT PROCESS LIST FOR 2022

WHEREAS, The City Council of Boulder City adopted Ordinance No. 1158 on September 25, 2001, creating Chapter 9-2 of the City Code, “Land Management for City Owned Property” (as amended), the purpose of which is to set a public procedure for the consideration of possible future disposals of city-owned land; and

WHEREAS, The City Council has previously adopted resolutions which added or removed certain parcels of City-owned land to/from the Land Management Process (LMP) List; and

WHEREAS, On April 26, 2022 the City Council determined that two requests should be forwarded to the Planning Commission for a recommendation as per Section 9-2-2.C.2 of the City Code; and

WHEREAS, Public hearing notices were mailed to all properties within 300 feet of the City parcels in question; and

WHEREAS, On June 15, 2022 the required public hearing was held by the Boulder City Planning Commission in accordance with the provisions of City Code Section 9-2-2.C.2;

NOW, THEREFORE, BE IT RESOLVED that the Boulder City Planning Commission does hereby make the following recommendations regarding property submitted for consideration for the Land Management Process List for 2022:

1. Application LMP#22-03 that the approximately 74 acres located west of the intersection of Adams Blvd and Veteran’s Memorial Drive should be added to the Land Management Process for a high end RV park and cabin rental use.

2. Application LMP#22-04: That approximately 16.3 acres located southeast of Boulder City Parkway and Veteran’s Memorial Drive should be added to the Land Management Process List for a grocery store and associated retail uses.

BE IT FURTHER RESOLVED that the Boulder City Planning Commission does hereby recommend adding both proposals to the Land Management Process list based on the following finding:

1. The proposed uses will not put a burden on the city’s existing infrastructure and will be a natural extension of the adjacent uses.

DATED and APPROVED this 15th day of June 2022.

__________________________________________  ________________________________
Paul Matuska, Chairman                        ATTEST:  Tami J. McKay, City Clerk
## Land Management Process List 2022
### Active Properties

<table>
<thead>
<tr>
<th>LMP Entry No.</th>
<th>Map No.</th>
<th>Parcel Description/Location</th>
<th>Year Added</th>
<th>Proposed Use</th>
<th>Master Plan Use</th>
<th>Zoning</th>
<th>Acres</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>04-01</td>
<td>5</td>
<td>Land adjacent to Boulder Creek Golf Club (Tract 350 – eastern boundary of golf course, adjacent to Bristlecone drive)</td>
<td>2004</td>
<td>Low Density Residential</td>
<td>Low Density Residential</td>
<td>R1-7, R1-10, R1-15</td>
<td>44</td>
<td>City Council provided direction on RFP on 06.08.21</td>
</tr>
<tr>
<td>18-03</td>
<td>60</td>
<td>Remainder of Library site on Adams approved for sale not purchased by the Library - former Boys/Girls club bldg</td>
<td>2018</td>
<td>Residential and Government</td>
<td>Parks and Rec</td>
<td>Government Park</td>
<td>0.9</td>
<td>Library continues to express interest in building/property. Government use added on 01.25.22</td>
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<tr>
<td>21-01</td>
<td>63</td>
<td>1030 Industrial Road</td>
<td>2021</td>
<td>light warehousing/business/caretaker residence use</td>
<td>Manufacturing</td>
<td>RV</td>
<td>2</td>
<td></td>
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<tr>
<td>21-02</td>
<td>64</td>
<td>West of US Highway 95 and South of I-11</td>
<td>2021</td>
<td>Solar Energy Development</td>
<td>Open Lands</td>
<td>Interim Study Area - S</td>
<td>100</td>
<td>Skylar Energy Resources requesting to add to existing Townsite Southwest Solar Project</td>
</tr>
<tr>
<td>22-02</td>
<td>65</td>
<td>590 Eldorado Valley Drive</td>
<td>2022</td>
<td>Utility Use</td>
<td>Manufacturing Energy</td>
<td>Energy Resource -ER</td>
<td>39</td>
<td>Delamar Energy Storage application for battery storage</td>
</tr>
</tbody>
</table>

**TOTAL ACRES ON LMP LIST:** 1460
LMP Elite Resorts Location

- Location Outline
- Planned Drainage Basin
- Transmission Line Easement
- Airport Boundary

LOCATION MAP

Elite Resorts LMP Site, 74.3 Acres
Area 1 Portions of APN's 186-07-401-004 & 186-18-000-010 & 186-18-000-002
Area 2 Portions of APN's 186-17-401-002 & 186-18-000-010

CREATED BY:
JW BCNV GIS
ISSUE DATE:
04/04/2022
FILE NAME:
LMPEliteResorts
SHEET:
1 OF 1
Title 7, Chapter 2 (Land Management for City Owned Property) governs the process for how the City considers parcels of City-owned land for development. Annually, the City advertises for proposals, and follows a process to evaluate and determine if the proposals are appropriate for Boulder City. To submit a request for a parcel to be considered, please provide the information on this form along with any attachments.

**Applicant (or Organization Name):** Top Dollar Entertainment, LLC DBA “Elite Resorts”

**Contact Information:**
Mailing Address (Name): Gary Baldwin
(Street) 305 La Plata Place
(City, State, ZIP) Boulder City, NV 89005
Email gary@TopDollarEntertainment.com
Phone 702-371-5832

**Parcel Number(s) of land to be nominated for inclusion into the Land Management Process:**
Area 1 Portions of APN’s 186-07-401-004 & 186-18-000-010 & 186-18-000-002 Area 2 Portions of APN’s 186-17-401-002 & 186-18-000-010

**Address (or approximate location if no address assigned):**
Approximately 1400 Veterans Memorial Drive, Boulder City, NV

On separate page, provide a map showing the location of the parcel(s) to be nominated. (Google Earth, Clark County Assessor Map, etc are acceptable)

**Additional Required Information (to be provided on separate sheets):**
On additional sheets, please provide the following:

1. A statement describing the organization of the person submitting the proposal and identifying any principals or officers of the organization;

2. A statement describing the financial condition and sources of financing of the person or organization submitting the proposal;

3. A summary of the experience of the person submitting the proposal in developing and managing similar projects;

4. The *proposed plan for development* or *specific use planned* for the property;

5. A statement that the person submitting the proposal understands that he is responsible for all appraisal and administrative costs associated with the sale or lease of the property.
**Application Steps**

**What is the Land Management Process?**
The Ordinance that created the Land Management Process was first adopted in 2001. It was created in response to the many and varied requests by private citizens to either purchase or lease City-owned land. The intent of the new ordinance (“law”) was to provide a formal public forum to receive public input at several public hearings before the City Council and Planning Commission to determine if the proposed disposition of City-owned land was in the best interest of the community. It also allows property owners in the vicinity of such proposals to provide valuable input into the process.

**More Information**
More information about the Land Management Process, maps of prior entries, etc can be found on the City’s website at:

www.bcnv.org/Land-Management-Process

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**Application Period**

**What Happens During This Phase?**
An advertisement is placed in the newspaper announcing that the City is accepting nominations for parcels to be included into the Land Management Process. The notice is to be published on or before September 1st of each year with applications to be submitted no later than thirty (30) days after the public notice was published (See section 9-2-2.B.1, Boulder City Municipal Code)

**Public Notices**
Published twice in the Las Vegas Review Journal prior to September 1st of each year

**Public Meetings for this Phase**
There are no public meetings during the open application period

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**Initial City Council Review**

**What Happens During This Phase?**
City Staff prepares a map to show each proposal. At the public meeting, the City Council considers each application - including any sites nominated by the City. Those sites the Council desires to learn more about, are forwarded to the Planning Commission for further review.

The City Council may also forward existing parcels in the Land Management Process to the Planning Commission for consideration to be removed from the current List.

**Public Meetings for this Phase**
Public Meeting to consider submitted applications and nominated parcels by the City
- City Council (2nd meeting in October)

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**Planning Commission Review**

**What Happens During This Phase?**
The Planning Commission holds a public hearing to review the applications that were forwarded by the City Council. City Staff provides detailed information about the current zoning and master plan designations, available utilities, and any known special factors specific to each parcel. After the public hearing, the Planning Commission then forms a recommendation to forward to the City Council regarding each application.

If any current entries in the List were forwarded by the City Council for removal, the Planning Commission will make a recommendation regarding the removal of those parcels from the List.

**Public Meetings for this Phase**
Public Hearings to review applications forwarded by the City Council
- Planning Commission (November meeting)

Hearing notices are sent to all property owners within 300 feet of the proposed site(s) at least ten (10) days prior to the meeting.

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**City Council Review and Direction**

**What Happens During This Phase?**
The City Council holds a public hearing and considers the recommendations of the Planning Commission. The City Council may either approve the application(s) for entry into the Land Management Process List or choose to not approve them. For parcels added to the Land Management Process List, Council may direct staff to advertise a request for proposal.

If any parcels were under consideration to be removed from the existing Land Management Process List inventory, the City Council will make the final determination at this meeting.

**Public Meetings for this Phase**
Public Hearing for final consideration of applications
- City Council (December - January time frame)

The City Council is required to take action prior to February 15th of the following calendar year.
Addendum to Land Management Process Application Form

Applicant (or Organization Name): Top Dollar Entertainment, LLC DBA “Elite Resorts”

Contact Information
Mailing Address (Name): Gary Baldwin
(Street) 305 La Plata Place
(City, State, ZIP) Boulder City, NV 89005
Email gary@TopDollarEntertainment.com
Phone 702-371-5832

Parcel Number(s) of land to be nominated for inclusion into the Land Management Process:
- Area 1 Portions of APN’s 186-07-401-001 & 186-18-000-010 & 186-18-000-002
- Area 2 Portions of APN’s 186-17-401-002 & 186-18-000-010

Address (or approximate location if no address assigned):
- Approximate address: 1400 Veterans Memorial Drive, Boulder City, NV

1. A statement describing the organization of the person submitting the proposal and identifying any principles or officers of the organization
   a. The proposal is submitted by Gary Baldwin, CEO and founder of Top Dollar Entertainment LLC. Top Dollar Entertainment is a hospitality development company focused on building world-class adventure-based travel destinations and attractions. The company serves a compete of suite functions throughout the lifecycle of its developments, including design, engineering, construction, marketing and operations. It also provides top-level management and all responsibilities for financing its developments.
      Gary is joined by Top Dollar Entertainment principal Frank Manzullo who is the company's director of development and engineering. After collaborating on FlyLINQ, the 1200-foot zip line on the Las Vegas Strip, Gary and Frank formed the company with the goal of taking their hospitality and development experience to new markets.

2. A statement describing the financial condition and sources of financing of the person or organization
   a. Day to day operations of the company are funded by its principles, Gary Baldwin and Frank Manzullo. The proposed development will be funded by a source or sources with experience financing the development and operation of resort properties. Financial sources have not been determined as the terms of the lease with Boulder City will weigh heavily in financing decisions.

3. A summary of the experience of the person submitting the proposal in developing and managing similar projects
   a. Gary Baldwin
      Chief Executive Officer
      Top Dollar Entertainment LLC
      After earning his degrees in business management and accounting Mr. Baldwin began his career as a trust officer at Frist National Bank, and was soon recruited by the Nevada Gaming Control Board. As a senior financial Investigator he conducted complex investigations including the settlement of the Howard Hughes estate and undercover investigations into organized crime elements.
Gary’s first gaming license came as GM and part owner of the Landmark Hotel and Casino in Las Vegas. Since then he has owned and managed several hotels and casinos and has held gaming licenses for over a decade in multiple states. He was instrumental in bringing legalized gaming to Colorado and Michigan. Mr. Baldwin also served as the developer and general manager of the $100m Riverfront Station Casino development in St. Charles Missouri.

In recent years Mr. Baldwin has focused on developing experiential real estate properties-developments that bring exciting experiences to broad markets such as amusement and water parks. He and his team recently opened FlyLINQ, a $20m zip line complex, in the heart of the Las Vegas Strip. It was designed, financed, built and operated in partnership with Caesars Entertainment.

Mr. Baldwin is the founder and CEO of Top Dollar Entertainment and his mission is to significantly expand the development and management of experiential properties throughout the US.

b. Frank Manzullo
   Chief Development Officer
   Top Dollar Entertainment LLC

   Mr. Manzullo earned his BS in mechanical engineering in 1997. Following his studies he began working for EDS, a $10B+ technology outsourcing company specializing in engineering and systems automation. Over the years he has taken his Fortune 500 business experience and used it to help grow companies in technology and development spaces.

   He has lived in Las Vegas since 2008 where he has participated in several startup companies. As an entrepreneur, Mr. Manzullo co-founded an online sports-based gaming company where he served as Chief Product Officer, Vice President and Director from 2010 to 2013. In 2015 he conceptualized and later built FlyLINQ – a $22m 10-line zip line in the heart of the Las Vegas Strip that has deliver thrills to hundreds of thousands of riders. Frank now oversees the conceptualization, design and engineering of experiential developments for Top Dollar Entertainment.

4. The proposed plan for development or similar use planned for the property
   a. Please see the attached presentation file: LMP Elite Resorts 4-19-2022.pdf

5. A statement that the person submitting that proposal understands that he is responsible for all appraisal and administrative costs associated with the sale or lease of the property.
   a. Top Dollar Entertainment understands that it is responsible for all appraisal and administrative costs associated with the sale or lease of the property, as expressly written by Boulder City.
ELITE RESORTS PRESENTS TO BOULDER CITY, NV ELITE RV RESORT AND GOLF VILLAGE
Create a Destination Resort at Boulder City

- Attract visitors to Boulder City
- Not too big, not too small
- Promote and leverage all that Boulder City has to offer
  - Boulder Dam and Lake Mead
  - Local history
  - Hiking, biking, motorsports & outdoor adventure
  - Golfing
  - Shopping
  - Rest & relaxation – A place to get away from it all
Innovate & Facilitate Boulder City’s Development Goals

- Land Lease so the City generates direct ongoing income
- Build a beautiful property
- Provide construction and permanent jobs to Boulder City residents
- Help local businesses grow
- Listen to Boulder City residents
- Address and surpass all eco-concerns
  - Sustainability, especially water use & electricity
  - Integrate with the natural landscape & viewsheds
  - Protect native species
- Follow the Land Management Process
Resort Site Plan

<table>
<thead>
<tr>
<th>Lot</th>
<th>Type</th>
<th>SF/Lot</th>
<th>Qty</th>
</tr>
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<tbody>
<tr>
<td>Lot A</td>
<td>RV + Park Model Cabin</td>
<td>6000</td>
<td>4</td>
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<tr>
<td>Lot B</td>
<td>RV + Park Model Cabin</td>
<td>5000</td>
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<td>Lot C</td>
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<td>Lot E</td>
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<tr>
<td>Lot G</td>
<td>Park Model Cabin</td>
<td>2400</td>
<td>60</td>
</tr>
</tbody>
</table>

Total: 293
Luxury RV Resort

8,000 SF Clubhouse

Business Center

Resort Pool

Tourism Booking Center
Located at Boulder City Pkwy and Veteran’s Memorial Drive

Car Rental
Wellness Center
Poolside Bar & Grill
Access to Boulder Creek GC

Mix of RV Spaces & Park Model Cabins
Luxury RV Resort
Luxury Park Model Cabins
Luxury Golf Village
Luxury Resort Amenities
Elite Resorts will establish certain operational policies to maintain a standard of excellence in Boulder City:

- Minimum RV size
- Maximum RV age
- Maximum length of stay
- No long-term or permanent stays
- No “Condo Lot” Sales
Caring for the Community

• Reach out and embrace Boulder City:
  • Tourism Welcome Center
  • Local business affiliate program
  • Environmental Concerns & Sustainability
  • Viewshed
  • Support our neighbors
Located at Boulder City Pkwy and Veteran’s Memorial Drive for great visibility and accessibility from I-11.

Tourists can learn about all that Boulder City has to offer.

Tourists can book activities and make reservations.

The welcome center would be manned by locals who love to share what Boulder City has to offer.
Water Usage

293 Sites
29,300 gallons/day

8,000 SF Commercial Space
500 gallons/day

20,000 Gallon Pool (97% recycled)
20 gallons/day

Outdoor Amenities
164 gallons/day

Total
29,984 gal/day
10.9 million gal/year

2019 Boulder City usage
2,979 million gal/year

https://www.bcnv.org/AgendaCenter/ViewFile/Agenda/_09222021-1446
Water Usage Comparison

- Boulder City Home (2.34 ppl x 80 gallons/day): 187 gallons/day
- Hotel Room: 150 gallons/day
- Class A RV: 100 gallons/day

https://www.epa.gov/watersense/how-we-use-water
https://bouldercityreview.com/opinion/waters-low-cost-makes-it-expendable-66289/
Electricity

The resort will tap into the existing power grid at its own expense.

If feasible the resort will install its own solar panels.
Electric Usage Comparison

Average Nevada Home
(1141 kWh Per Month)

Hotel Room
16 kWh/day

RV
20 kWh/day

https://www.utilitybidder.co.uk/compare-business-energy/how-much-energy-does-a-hotel-use/
https://campergrid.com/average-rv-electric-usage/
Boulder City’s amazing views will not be negatively affected by the project thanks to:

- The surrounding golf course
- The natural slope of the land
- The 2-story building height restriction
Send a Smile to the Vets
Parcel 18607401002
28.16 Acres

Location

Parcel 18607401004

Parcel 18618000010

Parcel 18618000002
Economic Impact for Boulder City

Resort Development
- Create Construction Jobs
- Produce Rental Income for Boulder City
- Diversify the City’s Income Sources

Tourists Attraction
- Create Demand for Local Businesses
- Diversify Tourist Income
- Open New Tourist Markets: Snowbirds, Golfers

Job & Business Creation
- Bring 34 Full Time Jobs, $29/hour
- Create Local Jobs Growth (Tours, Restaurants)
- Cultivate New Business Creation
Impact on Golf
Economic Impact for Boulder City Golf Courses

Leverage the existing investment in the Boulder Creek Golf Club

The Resort will help stabilize and grow golf profits for BC

- Greens fees
- Merchandise
- F&B
- Destination Weddings
- Destination Golf Events
- Addition Rounds for Boulder City Municipal Golf Course

Generate new income from a brand new tourism market: **Golf Tourism**
For Boulder City’s 2018 Strategic Plan, the community was surveyed and received 202 responses. 16 made comments about tourism. 16 of 16 were pro-tourism:

“If we want to limit new housing developments, which I believe is the right way to go yet still have a thriving economy, we must focus on tourism.”

“We need RV Resorts.”

“Encourage overnight stays, encourage recreational opportunities.”

“Make an attraction visible from I-11 that you can see when driving past Boulder City…”

“Maintain small town atmosphere while appealing to visitors and tourists”

A theme emerged – Residents want growth but would like to drive it with tourism.
Member Mike Pontius asked Coordinator Lehr if her programs will be impacted by field 3 becoming a dog park? Coordinator Lehr said yes but she can make it work. Member Carla Morgan asked how often do you use field number 3? Coordinator Lehr responded daily except for Sunday. Member Scott Hinson asked if fields 1 and 4 can accommodate 70 or 90. Coordinator Lehr said they are specific to baseball.

1. For possible action: Approve the minutes from the March 28, 2022 meeting

Motion: To approve the March 28, 2022 minutes

Moved by: Member Carla Morgan Seconded by: Member Valerie McNay

AYE: Chairman Scott Hinson, Vice-Chairman Carla Morgan, Member Valerie McNay, Member Steven Robbins, Member Chuck Pickens, Member Mike Pontius (6) approved

NAY: None (0)

Absent: Member Rose Hess

The motion was approved

2. For possible action: Items pertaining to the proposed Elite RV development and operational impacts to the Boulder Creek Golf Course

   A. Presentation from Elite RV

Gary Baldwin, founder of RV Elite and Frank Mansulo presented a PowerPoint to the committee members.

   B. Discussion regarding the proposed development’s impact to the Boulder Creek Course to be forwarded to the City Council

Members discussed with the RV Elite representatives, their concerns over the operational impact the Elite RV development would have on Boulder Creek Golf Course. Some of their concerns included water usage, utilities, how it would impact the city’s sewer system. Members also discussed the access to the golf courses, security of the course, and potential damage to the course. Members felt the development would affect the local golfer’s ability to get a tee time. Additionally, members were concerned how it would affect the tranquility of the golf course. Members expressed concern regarding how the development would impact Boulder Creek during the build out phase, how long the lease would be and what would happen to the development if the lease was not renewed, or a recession occurred.

Member Scott Hinson asked Frank Mansulo if they have discussed with the Chamber of Commerce moving their operations to the RV facility. Mr. Mansulo said they have discussed it with them staffing the facility and the response was favorable. Member Hinson mentioned that water use is a big concern for the community. He asked what makes this a golf course community, is it the access to the golf course or the proximity of it and how
would the guests access the golf course facility. Mr. Mansulo said there is several ways the
guests could access the facility. He said they could drive, they have a limo service that
they provide to their guest, and they have their own golf carts that could pick the guests up
and deliver them to the golf course. Member Hinson mentioned that golf carts are not
allowed on Boulder City streets. Mr. Mansulo said they would be able to tie into the tunnel
underneath Veterans Memorial Drive for traffic to get in and out.

Member Mike Pontius mentioned that the usage is about the same between both golf
courses with the municipal golf course having a little more usage. He said people come
from the Las Vegas Valley to play the municipal golf course because it’s easy to get a tee
time, well maintained, and reasonably priced. He said he was concerned how the RV
resort would affect the local’s ability to get a tee time and if the golf courses could
accommodate the reservations. He said most tourists come here for the day and go home
and this would be a different situation where it would be like having another 250 families
move to this area. He was also concerned if the city’s infrastructure could handle the extra
usage of water, electricity, and sewer. Member Pontius asked if the RV resort would be
paying property taxes. Mr. Mansulo said they would be paying the 11% hotel tax and other
applicable taxes.

Member Hinson asked if the building out of the utilities affect the golf course. Mr. Mansulo
said they have not explored that yet.

Member Steve Robbins mentioned that 230 RV’s especially in the 21-acre area appears to
be packed in and is concerned that it will affect the tranquility of that area. Mr. Mansulo
stated that the drawing of the RV park is preliminary and has not been master planned or
architected out. Member Robbins mentioned concern with the control of access to the golf
course. Mr. Mansulo said it’s a concern of theirs as well and will be looking into the issue
further as things progress. Member Robbins asked what would be the maximum stay time
for the RV’s? Mr. Mansulo said we have not discussed with the city yet.

Member Valerie McNay asked if people are seeking this alternative? Mr. Mansulo said yes,
the growth in the RV industry has been unbelievable post covid and people are seeking this
alternative. Member McNay asked about the airport line. Mr. Mansulo said there is a
portion of that line that the airport authority cut out as an airport boundary. He said
originally it was about 32 acres and it has been cut back to 21 acres. Member McNay said
is there any assurances that it would not impact the Boulder Creek Golf Course. Mr.
Mansulo said in general, we are here to be partners with the city and share this amazing
place. He said all issues can be discussed to find solutions.

Member Robbins asked if the RV resort would be walled or fenced in for security entry. Mr.
Mansulo said we have not discussed that with the security team yet.

Member Carla Morgan asked what other activity usage you anticipate. Mr. Mansulo said the
activities are wide open here, including the historical value of the city. Gary Baldwin added
they would like for the resort to be an economic hub that practically every business in
Boulder City would benefit from the tourist dollars. Mr. Baldwin said they have taken
everything into consideration, the water, electricity, noise and all those types of views and
concerns.

Minutes of the May 23, 2022, Parks & Commission Meeting 6
Director Roger Hall introduced the Utility Director, Joe Stubits. Director Stubits discussed the impact of the utilities for Boulder City. He said they had a sewer model done with GCW, they have done the sewer model for the city. He said they had GSW run a scenario where 293 units were added to the system, and the additional demand will not have an influence on the operating conditions within the sewer distribution system. Director Stubits stated the flows did not significantly increase the capacity and velocity constraints of the system during average or peak dry weather flow conditions. He mentioned that GCW does not recommend any sewer distribution system upgrades at this time and the model should be re-evaluated if flows were to increase significantly. Director Stubits reported from a utility point of view this is not a significant increase so all the usage would be covered under the current rates under the resolution. In addition he mentioned SNWA is releasing new guidelines for water usage as part of their plan to get to 86 gallons per capita for the valley. He said water, electric, and sewer is all available at Veterans Memorial Park for this project to move forward. Member Hinson asked how you would envision tying the utilities in and would the construction affect the golf course. Director Stubits said as far as the construction he is not too certain, but the utility connections would be at the Veterans and Adams intersection where it loops by the light. He said you have electric, water, domestic and raw running down the street and the sewer line comes down hole nine of Eldorado. He said the sewer connection would be there at the street as well. Member Hinson clarified that it was the intersection of Veterans and Adams. Member Pontius asked if you would need to purchase more power in the open market during the build out. Director Stubits said no, it was not necessary, power could be from any of our sources.

Member Robbins asked Frank Mansulo how long they envision the lease being on the property. Mr. Mansulo said the length of the contract that was discussed was 30 years plus 30 years plus 30 years. Members discussed what would happen with the infrastructure if the lease was not renewed or failed. Mr. Mansulo said property would revert back to the city. Member Hinson discussed a resort that failed off Wagon Wheel in Henderson and wondered if they investigated why it failed. Mr. Mansulo said they had not but would look into it.

Member Hinson said there is a dirt road in the eastern boundary of the western parcel and would there be any mitigation for errant golf balls. Mr. Mansulo said yes, we have considered locations of the tee boxes and what directions they are going in. In addition, he said they will hire a professional that lays all that out and look into putting cladding on the buildings. He said there are rules that apply for insurance for this kind of situation. Member Hinson asked if they have looked at other locations. Mr. Mansulo said they have looked at a location off highway 93 and the city has offered other locations as well but not as appealing for a high-end RV Resort.

Director Roger Hall reported to the committee concerns from Golf Manager, Andy Schaper, regarding the proposed project. The concerns include security of the course, who handles the damage to the course, who polices visitors after dark, and the project allowing open access to the course. Director Hall said Golf Manager Schaper likes the overall concept, but he sees the close proximity of the lots does affect the current tranquility on the golf course.
Gary Baldwin had a meeting with Andy Schaper regarding those issues. He said they would have 24/7 surveillance and security staffing. Mr. Mansulo addressed the concerns of Director Hall and member Robbins regarding the setbacks. He said there is about 100 to 200 feet that could be moved to the west to alleviate the proximity to the four golf holes. Member Pontius asked if the development could be done in phases. Mr. Mansulo said for a business standpoint it would be better to complete in one phase. Member Pontius asked if they must decide to stop construction due to the economy, is there any recourse for the city. Gary Baldwin said that is somewhat of a legal question and they have concerns about that as well. He said they would have firm financial commitments and are eager to have negotiations with the City and the City Attorney. In addition, member Pontius asked if there has been anymore discussion on hiring a consultant regarding removing green space to save water. Director Hall said we have a hired a consultant to look at Boulder Creek Golf Course and the Boulder City Municipal Golf Course to see what we can do to reduce water consumption on the courses. In addition, we have a consultant with the public works department that we’ve hired to look at our 17 parks. Member Pontius asked if it would be like Red Mountain RV Park on Industrial Rd. Mr. Baldwin said we are a resort, and our management style is different. He said we consider ourselves an entertainment center for people coming to Boulder City. He said he is aware of the sensitivity the city has to long term rentals. Chairman Hinson thanked them for their presentation and answering their questions.

Chairman Hinson said the City Council has asked us to review and give feedback on the impact this project would have to the golf course. He said they could present it as a motion for the city council and ask them to take our concerns into consideration.

Manager Calloway gave a little more direction regarding what the city council tasked the Parks and Recreation Commission with.

**Chairman Hinson made a Motion:** The Parks and Recreation Commission would like City Council to consider the following items relating to the proposed Elite RV project and its proximity to Boulder Creek Golf Course. Please take into consideration

- Access to the golf course and transportation patrons from RV resort to the course
- This project impacting the current tranquility of the golf course
- The water usage of this project
- The overall number of lots and size of the lots specifically around the course
- The liability to the city with golf activity in such proximity to development and expensive RV's
- The security issues and policing course activity from resort visitors
- Consider putting in a fence around development to prohibit course access and damage to the course
- Culmination of the lease and what would happen to that property should something go awry with the lease
- Take into consideration the Golf Professional’s concerns on the proposed project specifically the security of the course
- The potential impact to local golfers and whether they would still have ease of access to tee times at Boulder City Golf Courses as well as availability for golfers from the Vegas Valley
Moved by: Chairman Scott Hinson  Seconded by: Mike Pontius

AYE: Chairman Scott Hinson, Vice-Chairman Carla Morgan, Member Valerie McNay, Member Steven Robbins, Member Chuck Pickens, Member Mike Pontius (6) approved

NAY: None (0)

Absent: Member Rose Hess

The motion was approved

Member Carla Morgan mentioned it could help with paying off the golf course. Director Hall said the Boulder Creek Golf course has been paid for.

3. For possible action: Items pertaining to the Boulder City Municipal Golf Course and Boulder Creek Golf Course
   
   A. Discussion and possible approval of the operational reports

Motion: To approve operational reports

Moved by: Member Carla Morgan  Seconded by: Member Steve Robbins

AYE: Chairman Scott Hinson, Vice-Chairman Carla Morgan, Member Valerie McNay, Member Steve Robbins, Member Chuck Pickens, Member Mike Pontius (6) approved

NAY: None (0)

Absent: Member Rose Hess

The motion was approved

   B. Verbal report from Parks and Recreation Director, Roger Hall, on maintenance and playability issues at the Boulder City Municipal Golf Course and Boulder Creek Golf Course

Director Roger Hall stated that Boulder Creek information has been added per the request of Member Valerie McNay. Director Roger Hall reported on the maintenance of the Boulder City Municipal Golf Course and Boulder Creek Golf Course. He said Boulder City Municipal had started their spring mowing and trimming. They are cleaning leaves and pinecones daily throughout the course. He said the first application of granular fertilizer has been applied to the tees, fairways, and approaches. The foliar application for poa seedhead suppression growth regulator has been applied. In addition, he said the preemergent for goosegrass and crabgrass has gone out and the fungicide has been applied to greens, surrounds and collars to combat seasonal disease. Director Hall stated that the creek beds on 12-14 have been cleaned out from cattails and grasses. He said they have been replacing lateral valves and new valves.
MEMORANDUM

To: Joseph Stubitz
From: Joseph-Peter Cetrulo
Date: 5/23/2022
Re: Boulder City RV Park Sewer Modeling

PURPOSE

This memo incorporates the development of the proposed RV Park (consisting of 293 RV spots and 8,000 Square Feet (SF) of commercial space), to the existing Boulder City City-Wide Gravity Sewer Model. The goal of this memo is to use the existing GCW model to verify the capacity and velocity constraints with the additional flows proposed by the RV Park. This memo will also provide recommendations needed on the existing system based on the additional flows.

ASSUMPTIONS

The sewer model guidelines and criteria used for this memo are from Section 3 of the City-Wide Gravity Sewer Model Final Report, dated February 17, 2022.

Wastewater contribution rates and ERU values for RV Park and Commercial land use are located in Appendix. The ERU value for each land use was multiplied by the City-equivalent average flow of 165 gallons per day per ERU, which results in the wastewater contribution rates.
The City has provided updates to the proposed improvements by the developer and all existing sewerline locations, diameters and connections. The image below was provided by the City to show the location of the proposed sites:

Updates to the model are within the constraints of the previously studied areas. Additional flow from the RV Park will be loaded onto Manhole 6-81 in the model, located at the intersection of Adams Boulevard and Veterans Memorial Drive.
RESULTS

Illustrated in Table 1 are the ERU factors, equivalent flow and demand added to the existing model. To be conservative, the commercial area of the RV Park has been rounded up to one acre.

<table>
<thead>
<tr>
<th>Description</th>
<th>ERU Factor</th>
<th>Equivalent Flow and Units</th>
<th>Acres</th>
<th>Units</th>
<th>Average Flow (MGD)</th>
<th>Peak Flow (MGD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RV Park</td>
<td>0.6</td>
<td>99 gpd/unit</td>
<td>-</td>
<td>293</td>
<td>0.0290</td>
<td>0.1066</td>
</tr>
<tr>
<td>Commercial</td>
<td>8</td>
<td>1320 gpd/acre</td>
<td>1.00</td>
<td>-</td>
<td>0.0013</td>
<td>0.0065</td>
</tr>
<tr>
<td>TOTAL</td>
<td>-</td>
<td>-</td>
<td>1.00</td>
<td>293</td>
<td>0.0303</td>
<td>0.1131</td>
</tr>
</tbody>
</table>

The west interceptor in the existing model, under peak dry weather flow conditions, had the worst d/D of 0.357 between MH 8-117 and 8-106 (P-140). The d/D increased to 0.379 at P-140, due to the increased demand from the proposed RV Park.

The total sewer demands are provided in the Appendix, with the RV Park and Commercial demands highlighted in yellow. Refer to Figures 6 and 7 for the velocity and d/D of each pipe segment during the average flow and peak dry weather scenarios, respectively. SewerCAD data sheets are included for both average flows and peak dry weather flows.

CONCLUSION

Based on the model, the additional demand from the proposed RV Park will not have an effect on the operating conditions within the sewer distribution system. The flows did not significantly increase the capacity and velocity constraints of the system during average or peak dry weather flow conditions.

GCW does not recommend any sewer distribution system upgrades at this time. The model should be reevaluated if flows were to increase significantly.
Item 5 - Monthly Allotment Report

SUBJECT:
Monthly Progress Report on Development Allotments

ADDITIONAL INFORMATION:

ATTACHMENTS:

<table>
<thead>
<tr>
<th>Description</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Item 5 report</td>
<td>Cover Memo</td>
</tr>
</tbody>
</table>
TO: Planning Commission
FROM: Susan Danielewicz, City Planner, Community Development Department
DATE: June 8, 2022
SUBJECT: Monthly Progress Report on Development Allotments

As per the current Controlled Growth Management Plan, Section 11-41-13: "The Planning Commission shall review, on a monthly basis, a report...on each proposed development having an allotment award... Allotments awarded will be automatically rescinded if the building permit for the proposed development expires, or if no building permit is applied for and issued within one (1) year of the award of the allotments."

As per a determination by previous City Attorney Andrews, projects for which no building permit for a property has been obtained within one year of the award are subject to expiration. If there are multiple buildings on the same property, and at least one permit has been obtained, then the remaining allotments will not automatically expire. (Condominiums are multiple units on a single property; townhomes are individual units on individual properties.)

CY = Construction Year (July 1 through June 30)    CO = Certificate of Occupancy

ALLOTMENTS FOR DEVELOPERS (for residential units unless noted otherwise):

AFDA-21-195 – MICHAEL GIROUX – 1409 DENVER STREET
Council approved 1 allotment for CY 21-22 on 11/09/2021; permit issued 03/02/2022; work progresses.

AFDA-21-194, (TRUSTS), 687 / 691 / 695 / 699 FLORENCE DRIVE, BC NO. 71

AFDA-19-192, GINGERWOOD MOBILE HOME PARK, 1300 GINGERWOOD ST
Council approved 7 allotments for CY 19-20 on 10/22/2019 (site plan later revised to 6 spaces); work progresses for the excavation and other permits approved through Public Works. Expiration date: none for the individual homes as long as work on the current permit progresses (multiple units on a single property).
AFDA-17-188, BOULDER HILLS ESTATES - BC NO. 113, ADAMS & BRISTLECONE
127 lots total for Units 1, 2 and 3
Allotment status: 127 permits issued to date; 114 CO's issued to date
CY 16-17, 30 allotments awarded, 7 allotments expired 4/24/2019, 23 permits issued
CY 17-18, 30 allotments awarded, 30 allotments expired 4/24/2019, 0 permits issued
CY 18-19, 30 allotments awarded, 0 allotments expired 30 permits issued
The above 30 allotments awarded count as replacement allotments for those expired
CY 19-20, 30 allotments awarded, 8 allotments expired 1/14/2021, 22 permits issued
7 of the above allotments awarded count as replacement allotments for those expired
CY 20-21, 30 allotments awarded, 0 allotments expired 30 permits issued
8 of the above allotments awarded count as replacement allotments for those expired
CY 21-22, 22 allotments awarded by CC 09/14/2021 22 permits issued
8 reservations remain available if needed (in case any issued permits expire)
CO's issued previously: 114. New Certificates of Occupancy issued for homes: 0
Work progresses on 13 homes:
Bryce Canyon: 1518, 1532
Carlsbad: 1505, 1509, 1510, 1513, 1514, 1517, 1518, 1521, 1522
Cattail Falls: 1433, 1437

AFDA-90-63, BOULDER LANDING - BC NO. 65, LAKE MOUNTAIN DRIVE
(30 allotments: CY 90-91; 29 CO's previously issued)
Expiration date for issuance of permits: None (condominiums).

ALLOTMENTS FOR OWNER-BUILDERS: The effective date for the most recent adoption of Chapter 11-41, Controlled Growth Management Plan, is 11/05/1996. As per the new Sections 11-41-14 and 11-41-15 of the City Code, building permits for owner-builders who are building on lots created after the effective date of this code (11/05/1996) are counted towards the total number of available allotments that Construction Year. Such owner-builders are exempt from the allotment process, so long as each owner-builder does not request more than one owner-builder permit on applicable lots during a three-year period.

To date there have been only three residential subdivisions recorded after 11/05/1996 where there could be permits obtained by owner-builders: BC No. 86 - Lake Mead View Estates No. 3, BC No. 88 - Arctic Desert View Estates (built out), and BC No. 96 - Alpine Estates. Otherwise, the only other applicable sites are parcels created after 11/05/1996 which are not within subdivisions.

New Owner-Builder Allotments, permits issued during CY 2021-22:
None this past month.