

**MINUTES  
CITY OF NORTH LAS VEGAS  
PLANNING COMMISSION**

January 28, 2009

**BRIEFING:** 5:30 P.M., Conference Room, North Las Vegas City Hall, 2200 Civic Center Drive

**CALL TO ORDER:** 6:01 P.M., Council Chambers, North Las Vegas City Hall, 2200 Civic Center Drive

**WELCOME:** Chairman Angelo Carvalho

**ROLL CALL:** Chairman Angelo Carvalho - Present  
Vice-Chairman Harry Shull - Present  
Commissioner Steve Brown - Present  
Commissioner Dean Leavitt - Present  
Commissioner Jay Aston - Present  
Commissioner Jo Cato - Present  
Commissioner Dilip Trivedi - Present

**STAFF PRESENT:** Frank Fiori, Planning & Zoning Director  
Marc Jordan, Planning Manager  
Robert Eastman, Principal Planner  
Johanna Murphy, Planning Manager  
Nick Vaskov, Assistant City Attorney  
Clete Kus, PW, Transportation Planner  
Lorena Candelario, PW Real Property Mgmt.  
Mike Steele, Fire Department  
Jose Rodriguez, Police Department  
Gina Luongo, Police Department  
Louise Steeps, Utilities Department  
Jo Ann Lawrence, Recording Secretary

**VERIFICATION:** Jo Ann Lawrence, Recording Secretary

**PLEDGE OF ALLEGIANCE:** Commissioner Jo Cato

**PUBLIC FORUM**

There was no public participation.

**Item No. 3 was heard next.**

**NEW BUSINESS**

1. **UN-04-09 (37825) NEVADA FEDERAL CREDIT UNION (PUBLIC HEARING). AN APPLICATION SUBMITTED BY NEVADA FEDERAL CREDIT UNION ON BEHALF OF DEER SPRINGS TOWN CENTER, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW A FINANCIAL INSTITUTION (CREDIT UNION). THE PROPERTY IS LOCATED AT 675 DORRELL LANE, SUITE 110. THE ASSESSOR'S PARCEL NUMBER IS 124-23-210-003.**

The application was presented by Marc Jordan, Planning Manager who explained the applicant was proposing to go into a retail pad in Building No. 8 and there were no proposed changes to the exterior elevations of the site. The use was appropriate for the proposed location; therefore, Staff was recommending approval of UN-04-09 subject to the following conditions:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. Development shall comply with the previously approved conditions of SPR-41-06.
3. The applicant shall submit a traffic study update for review and approval.

**Gary Riley, 2645 South Mojave Road, Las Vegas, NV** appeared on behalf of the applicant indicating he concurred with Staff recommendation. He noted the Staff Report mentioned a drive-up ATM and explained there would not be a drive-up ATM at the proposed location. He questioned the requirement for a traffic study, since they would be a small retail use in the shopping center.

Mr. Jordan indicated the Staff Report did call out the fact that there was a drive-up ATM and explained that was an error in the report, but did not have any bearing on the condition for the traffic study and deferred comment to Public Works staff.

Clete Kus of Public Works explained the purpose and rationalization behind the request for a traffic study update was because financial institutions have a significantly higher trip generation rate in comparison to the typical retail land use, which was justification for the condition for a traffic study and requested the condition remain as stated.

Mr. Riley did not feel the proposed use would generate a significant amount of traffic compared with the other uses in the center.

Commissioner Dilip Trivedi asked if a traffic study was submitted for the original center.

Mr. Kus responded one was submitted.

Commissioner Trivedi suggested the applicant use the same traffic engineer for the update.

Chairman Angelo Carvalho opened the Public Hearing. There was no public participation.

Chairman Carvalho closed the Public Hearing.

**ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS**

**MOTION:** Commissioner Shull

**SECOND:** Commissioner Brown

**AYES:** Chairman Carvalho, Vice-Chairman Shull, Commissioners Leavitt, Aston, Brown, Cato and Trivedi

**NAYS:** None

**ABSTAIN:** None

**OLD BUSINESS**

2. **WAV-02-09 (37737) DRIVEWAY WAIVER. AN APPLICATION SUBMITTED BY GALAXY 7, PROPERTIES, INC. ON BEHALF OF EAGLE 7, PROPERTIES LLC, PROPERTY OWNER, FOR A WAIVER OF DEVELOPMENT STANDARDS FROM TITLE 16 FOR A DRIVEWAY LOCATION. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF AZURE AVENUE AND NORTH 5<sup>TH</sup> STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-27-504-008. (CONTINUED JANUARY 14, 2009)**

The application was presented by Marc Jordan, Planning Manager who explained the Commission previously approved a convenience food store with gas pumps and a car wash on the proposed site and the applicant was proposing a driveway along North 5<sup>th</sup> Street, which did not comply with Title 17 requirements regarding separation requirements from the intersection and also was not consistent with the design of North 5<sup>th</sup> Street, where access was being limited. In reviewing the application, the Public Works Department indicated "that the proposed application has not met the criteria established to file for a suspension of provisions or requirements under the North Las Vegas Municipal Code Section 16.08.120.A, as there are no special circumstances or conditions affecting this property." In addition, Public Works indicated that a suspension "must show that there are special circumstances or conditions affecting the property in question and that this suspension will not be materially detrimental to the public welfare, contrary to generally known and accepted engineering practices or materially injurious to property within the area." When the site was originally reviewed for a rezoning for the commercial designation currently on the property, the City indicated a driveway would not be allowed along North 5<sup>th</sup> Street, explaining the City's position was that the applicant was fully aware of the driveway and when the site was designed, it should have been designed without the driveway location. When the use permits were submitted, one of the items reviewed, was circulation on the site and it was determined they would be able to have adequate circulation with a driveway on Azure Avenue and be able to have an 18 wheel fuel truck come into the site and be able to maneuver, so access would not be impeded by not allowing the driveway on North 5<sup>th</sup> Street; therefore, Staff was recommending denial of WAV-02-09.

**Stephanie Allen of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89109** appeared on behalf of the applicant explaining the site was currently zoned C-1 and was a little over one acre. When the convenience store was approved, there was a condition requiring there be no driveway along North 5<sup>th</sup> Street, unless the City Council were to approved a waiver through a separate application, which was WAV-02-09. The waiver request was to allow a shortened distance separation from the driveway to the intersection at Azure Avenue and North 5<sup>th</sup> Street. She explained the site was small and the length of the entire parcel made it impossible to meet the City's Code criteria or the standard drawings. The criteria was 150

feet and 200 feet, depending on which designation was being looked at. She felt the waiver was appropriate as there was a special circumstance. She explained this type of waiver request was not unusual as it was safe and would not cause any type of detriment to the safety of the patrons coming to the site and these types of sites were seen throughout the City. She justified the request, as the North 5<sup>th</sup> corridor plan was for a future median that would run up and down North 5<sup>th</sup> Street, so the intersection would have no left-turn movement onto Azure Avenue, which eliminated any potential conflicts at the intersection from a left-turn movement standpoint. The right-of-way proposed was 150 foot, so there would be three lanes and a bus-turn lane on one side of the roadway, so there would be plenty of space for vehicles to make a right-turn out at the intersection. The distance was approximately 60 feet from the curb cut to the intersection, so there was plenty of space for vehicles to pull out and they were requesting a right-turn in and a right-turn out, so there would be no left turn movement out of the site. From a safety standpoint, she believed they addressed any type of conflict related to the driveway. She also explained there were gas fuel pumps approved for the site and from a safety standpoint it would be more safe to have two entry points, so that when trucks pulled into the site, they could circle around and go out the second entry.

Chairman Angelo Carvalho questioned Staff if the access was limited to Azure Avenue, there would be a risk of trucks going to the west toward schools.

Clete Kus of Public Works responded the fueling truck would gain access to the site via North 5<sup>th</sup> Street and on the egress they would exit east onto Azure Avenue and then to North 5<sup>th</sup> Street. He explained Streets such as Azure were not part of the designated truck route and because of residential uses further to the west, it would never be entertained to make a 60 foot street part of the truck route. The ingress and egress would only occur on a small portion of Azure.

Chairman Carvalho asked what would prevent a truck from making the right turn out and going down Azure.

Mr. Kus responded there was nothing to prevent it, but the North Las Vegas Police Department was very effective and diligent in enforcing the truck routes within the City of North Las Vegas.

Mr. Kus explained the North 5<sup>th</sup> Street corridor was intended to be developed as a limited access major arterial providing the City with much needed north/south connectivity and additional roadway capacity and Staff's position was that the access Point on Azure Avenue would provide adequate access to the proposed development and the addition of a driveway on North 5<sup>th</sup> Street would further degrade the operational analysis of North 5<sup>th</sup> Street in creating an additional conflict point and he did not believe justification of a small piece of property should be an acceptable reason for granting a waiver of the standards and Staff did not consider the addition of a point of conflict on North 5<sup>th</sup> Street providing a safe situation and as such, requested the Commission deny the application.

Commissioner Dilip Trivedi agreed with Staff and was not in support of the original application and was not supporting the waiver request.

Commissioner Steve Brown clarified the application was approved without the driveway and the current request was to be allowed to put in the driveway and was concerned a truck would have difficulty turning on the site and asked if the opening to the site could be increased.

Mr. Kus responded there was not a maximum driveway width, so as long as there were no other obstacles, the driveway width could be increased.

Commissioner Brown asked if there were other sites with driveways approved on North 5<sup>th</sup> Street.

Mr. Kus responded there were other commercial properties with driveways approved on North 5<sup>th</sup> Street; but, the issue with this site was the spacing from the intersection of Azure Avenue.

Vice-Chairman Harry Shull agreed with Commissioner Trivedi and Staff recommendation and commented the applicant may have to redesign the site to make it more accessible and that the integrity of the North 5<sup>th</sup> corridor should be maintained.

Commissioner Jay Aston asked Staff to explain how funding of the North 5<sup>th</sup> Street corridor would be jeopardized by approval of the application.

Mr. Kus responded funding for the North 5<sup>th</sup> Street project was coming via the Regional Transportation Commission (RTC) and part of the monies collected by the RTC, whether Federal or State, were allocated on population and then there was a separate portion that was established with the Question 10 initiative, which made additional monies available to all of the entities in a competitive manner and the reason the City was successful with North 5<sup>th</sup> Street was because the design concept provided the ability to move a significant number of vehicles throughout the City and provided the connectivity with the Beltway and the downtown area and those elements were essentially part of the evaluation criteria and subsequent ranking of projects. Because, valley wide, the North 5<sup>th</sup> Street project had the best benefit in terms of moving vehicles and increasing travel time, fuel savings, time saving, etc. The project also included grade separations at major east/west arterials, so the north/south traffic was not impeded and also had a transit component. The City was currently the recipient of approximately \$120 million for the northern portion of the North 5<sup>th</sup> Street project that had just been started. There have been some instances where the integrity of the North 5<sup>th</sup> Street corridor was potentially compromised and the RTC has put the City on notice that if the original concept was not adhered to, by maintaining the corridor as a limited access arterial roadway, the funding for the remainder of the project may not be provided.

Commissioner Aston asked if that information was in letter form.

Mr. Kus responded he did not believe it was in letter form, but the General Manager of the RTC had that discussion in a public forum with City Council.

Ms. Allen understood the Commission had considered the application and appreciated the further consideration and explained there were some facts that supported the approval of the waiver. If the applicant owned the property to the north and the parcel was larger, there would not be a problem and one more driveway would not jeopardize the funding of North 5<sup>th</sup> Street. She felt some of the commercial projects needed access to their sites and there needed to be adequate access to the site and with a convenience store and car wash there was usually two access points to the site. The width of the Azure entrance may be widened but the way the site plan was currently approved, made it difficult to have the fuel trucks maneuver the site and enter and exit onto Azure Avenue.

**ACTION: DENIED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION**

**MOTION: Commissioner Shull**

**SECOND: Commissioner Trivedi**

**AYES: Chairman Carvalho, Vice-Chairman Shull, Commissioners Leavitt and Trivedi**

**NAYS: Commissioners Aston, Brown, and Cato**

**ABSTAIN: None**

**Presentation on Apex Overlay District was heard next.**

3. **T-1330 (37734) TROPICAL/LOSEE. AN APPLICATION SUBMITTED BY R & S TROPICAL, LLC, PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A ONE (1) LOT COMMERCIAL SUBDIVISION. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF TROPICAL PARKWAY AND LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-26-701-009. (CONTINUED JANUARY 14, 2009)**

ACTION: WITHDRAWN

4. **WAV-01-09 (37733) TROPICAL/LOSEE. AN APPLICATION SUBMITTED BY R & S TROPICAL, LLC, PROPERTY OWNER, FOR A WAIVER FROM TITLE 16 TO WAIVE THE REQUIRED OFF-SITE IMPROVEMENTS FOR A PROPOSED COMMERCIAL SUBDIVISION. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF TROPICAL PARKWAY AND LOSEE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-26-701-009. (CONTINUED JANUARY 14, 2009)**

ACTION: WITHDRAWN

**Item No. 1 was heard next.**

**WORK SESSION**

- **APEX OVERLAY DISTRICT. PRESENTATION OF THE PROPOSED APEX OVERLAY ZONE ORDINANCE AND GENERAL DISCUSSION WITH DIRECTION TO STAFF PROVIDED AS APPROPRIATE.**

Frank Fiori, Planning and Zoning Director gave an overview of the Apex/Kapex area north of the City, informing the Commission numerous annexations totaling approximately 11,000 acres and as part of the annexations, it was agreed the City would develop an overlay zone as well as other documents in regards to land use in the area. Director Fiori gave the Commission an update on the process and what had been done to date and Staff was in the process of meeting with the stakeholders to get their input. He let the Commission know the process was in its early stages and as Staff worked with the stakeholders, the document would be refined and presented to the Commission for discussion and action.

**ACTION: PRESENTATION MADE BY FRANK FIORI, PLANNING DIRECTOR**

### **PUBLIC FORUM**

**Debra McNeil of Nellis Air Force Base, Director of Public Partnerships** indicated the Air Force had been working with Staff to address their concerns for the Apex area. The original legislation addressed the position of the Air Force and interest in the area and the desire to have it be a heavy industrial park and be compatibly developed. Ms. McNeil indicated Nellis would continue to work with Staff regarding their concerns with the development of the Apex area.

### **DIRECTOR'S BUSINESS**

Nick Vaskov, Assistant City Attorney explained he had been giving presentations to various development related departments in the City which summarized the law of exactions and development conditions and what the limitations were. He requested to give the presentation to the Commissioners either as individuals or in small groups and would be contacting them within the next week to set up a time for the presentation.

Frank Fiori, Planning Director let Chairman Carvalho and Commissioner Trivedi know it was time to start making arrangements for the APA Conference and would let them know the deadlines.

### **CHAIRMAN'S BUSINESS**

Commissioner Dean Leavitt asked the time of the joint meeting with Parks and Recreation.

It was stated the meeting would be at 5:45 p.m in the Library Community Room.

### **ADJOURNMENT**

The meeting adjourned at 6:48 p.m.

APPROVED: February 25, 2009

/s/ Angelo Carvalho  
Angelo Carvalho, Chairman

/s/ Jo Ann Lawrence  
Jo Ann Lawrence, Recording Secretary