

MINUTES CITY OF NORTH LAS VEGAS PLANNING COMMISSION

Nelson Stone, Chairman
Marilyn Kirkpatrick
Dean Leavitt
Laura E. Perkins

2200 Civic Center Drive
North Las Vegas, NV 89030
(702) 633-1516
(702) 649-6091

Tom Langford, Vice Chairman
Anita Wood
Harry Shull

October 11, 2000

CALL TO ORDER:

Council Chambers, North Las Vegas City Hall
2200 Civic Center Drive, at 7:00 p.m.

ROLL CALL:

Dean Leavitt - Present
Harry Shull - Present
Marilyn Kirkpatrick - Absent
Laura Perkins - Present
Tom Langford - Present
Nelson Stone - Present
Anita Wood - Present

STAFF PRESENT:

Tom Bell, Development Services Director
Marc Jordan, Senior Planner
Mary Aldava, Associate Planner
Steve Casmus, Public Works
Madeleine Jabbour, Transportation Services
Jim Stubler, Fire Department
Jim Lewis, Deputy City Attorney
Ted Karant, Recording Secretary

PLEDGE OF ALLEGIANCE:

Commissioner Tom Langford

ANNOUNCEMENTS:

Verification of compliance with NRS 241, Open Meeting Law.

Recording Secretary Karant verified that the Open Meeting Law requirements (NRS 241) had been met.

The North Las Vegas Conference Room and Council Chambers are accessible to handicapped persons. A certified sign language interpreter is available upon advance request.

MINUTES

Approval of the MINUTES for the Planning Commission meeting of September 27, 2000.

Commissioner Anita Wood MOVED and Commissioner Harry Shull SECONDED to APPROVE the minutes of the September 27, 2000 Planning Commission Meeting.

The motion carried by UNANIMOUS vote.

CONSENT AGENDA

1) PW-123-00 (2811) CRAIG RANCH UNIT 1

Accept the off-site improvements for maintenance and advise the Director of Public Works to notify National Fire Insurance Company of Hartford to release the Performance Bond in the amount of \$781,694.83.

2) PW-124-00 (2812) SCHELLING ESTATES TRACT 1 UNIT 2

Approve the Final Map and the Subdivision Off-Site Improvements Agreement by Schelling Development Corporation; and accept the Off Site Improvement Bond in the amount of \$348,192.00.

3) PW-125-00 (2813) CRAIG LAMB INDUSTRIAL PARK #2

Accept the Subdivision Off-Site Improvements Agreement by Vegas Industrial Development, LLC; and accept the Offsite Bond in the amount of \$60,462.71.

4) PW-126-00 (2814) HIGHLAND HILLS UNIT 2

Approve the Final Map and the Subdivision Off-Site Improvements Agreement by HH Res, LLC; and accept the Subdivision Bond in the amount of \$271,760.83.

5) PW-127-00 (2815) CRAIG LAMB INDUSTRIAL PARK #1

Accept the Subdivision Off-Site Improvements Agreement by Vegas Industrial Development, LLC; and accept the Offsite Bond in the amount of \$19,450.20.

6) RN-71-00 THROUGH RN-78-00 (2788) CITY OF NORTH LAS VEGAS - DEEDS OF DEDICATION AND EASEMENTS

An application submitted by the City of North Las Vegas on behalf of various property owners for deeds of dedication and easements.

Commissioner Tom Langford MOVED and Commissioner Laura Perkins SECONDED to APPROVE Consent Agenda Items #1 through #6.

The motion carried by UNANIMOUS vote.

NEW BUSINESS

7) AMP-21-00 (2481) SIMMONS PROFESSIONAL OFFICE (Public Hearing)

An application submitted by Kenyon L.P., property owner, for an Amendment to the Comprehensive Plan, land use element, to change the current designation of Low Density Residential to Office. The property is generally located at the northeast corner of La Maneda Avenue and Simmons Street. The Assessor's Parcel Number is 124-29-801-002.

ANALYSIS:

Office:

The office designation is meant to provide an area where low-rise office development can occur. A limited amount of supporting commercial uses may also be included in the office development, such as: copying services, mailing services, restaurants without drive through's, small stationary stores, gift shops, and pharmacies (with medical office complexes). The supporting commercial uses may be constructed as pad development adjacent to streets.

The Comprehensive Plan guidelines for Office state:

Office developments should occur adjacent to 100-foot rights-of-way or greater.

The subject site is adjacent to two rights-of-way. Simmons Street is proposed as a 100-foot right-of-way on the Master Plan of Streets and Highways, and La Maneda Avenue is proposed as a 60-foot right-of-way. A separate request (VAC-15-00) to vacate La Maneda Avenue is also on this agenda for Planning Commission consideration.

Office areas should be no smaller than two and one-half acres.

According to the boundary map, the subject site is approximately 2.07 acres in size. However, should the request to vacate La Maneda Avenue be approved, the subject site would increase in size by approximately 8,190 square feet for a total of approximately 2.25 acres.

No office buildings greater than one-story in height should be permitted within 100 feet of existing or planned single-family residential areas. Buildings over two stories should not be permitted.

The property to the north and east are presently zoned R-E Ranch Estates and are also shown as Low Density Residential on the Comprehensive Plan. The areas to the south and southwest are under separate Resolutions of Intent to the C-1 Neighborhood Commercial District. The property directly west, across Simmons Street is zoned PUD Planned Unit Development and is currently being developed with town homes (Nob Hill).

24-hour or late night uses should not be permitted.

At this time, uses are not considered. However, if approved, any use proposed within the office complex would be subject to the Comprehensive Plan and those uses allowed within the specific zoning district approved for this site.

Bars and taverns should not be permitted within an office development.

In conjunction with the proposed Comprehensive Plan amendment, the applicant is requesting that the subject site be rezoned to the C-P Professional Office Commercial District. Bars and taverns are not listed as either principally permitted or as a special use in the C-P Professional Office District.

Office complexes should have shared architectural themes and color schemes.

These would be reviewed during the site plan review process.

According to the letter of intent, the applicant also owns the subject site south of La Maneda Avenue which is currently under a resolution of intent to the C-1 Neighborhood Commercial District. According to that site plan, a convenience store with gas pumps and a separate commercial building is proposed. In addition, the subject site (northeast corner of Ann Road and Simmons Street) immediate south of the site under a resolution of intent is also under a separate resolution of intent for the C-1 Neighborhood Commercial District. According to that site plan, a convenience store with gas pumps is also proposed. On September 13, 2000, the Planning Commission approved a use permit (UN-62-00) which allowed a combination convenience food restaurant and store with gas pumps for the subject site at the northeast corner of Simmons Street and Ann Road. It is staff's opinion that the possibility of two convenience stores with gas pumps to be built side-by-side (one on each property) with cross over access would not occur.

As previously mentioned, the property owner of the site under consideration for an Amendment to the Comprehensive Plan and rezoning is also the same owner of the site south of La Maneda Avenue. The applicant of the site south of La Maneda Avenue has submitted a letter to the Planning Division requesting permanent zoning.

Should permanent zoning be approved, there would be nothing that would prohibit the applicant from developing the subject site as an office complex instead of a second convenience store with gas pumps. Therefore, because there is the probability that two convenience stores would not be built next to one another and because there is a request to permanently rezone the property south of La Maneda Avenue to the C-1 Neighborhood Commercial District in which an office complex would be allowed, staff does not find any compelling reason to amend the Comprehensive Plan to allow additional commercial in an area (the intersection of Ann Road and Simmons Street) in which approximately 60 acres of commercial is already approved.

The applicant has referred to the Visions, Goals and Objectives contained within the Comprehensive Plan as reasons to amend the Comprehensive Plan. Please refer to the applicant's letter of intent for additional information. It is staff's opinion that all of these Visions, Goals and Objectives would still be accomplished if the proposed office complex were constructed on the property south of La Maneda Avenue that is currently under a resolution of intent to C-1 Neighborhood Commercial District, which is also pending permanent zoning in which an office complex would be allowed.

RECOMMENDATION:

The Development Services Department recommends that AMP-21-00 be denied as there is approximately 60 acres of commercial property in the general vicinity and there is no compelling reason to amend the Comprehensive Plan.

The Development Services Department recommends that ZN-31-00 be denied as the rezoning is not justified by a changed or changing condition since the adoption of the Comprehensive Plan in June of 1999.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated the purpose of this application is to change the Comprehensive Plan from Low Density Residential to Office. Staff is recommending denial.

George Garcia, 2501 Green Valley Parkway, Suite 108, Henderson, Nevada appeared on behalf of applicant. He stated that Real Homes supports this project.

Chairman Nelson Stone opened the Public Hearing. No participants came forward. The Public Hearing was closed.

Commissioner Harry Shull MOVED and Commissioner Dean Leavitt SECONDED to APPROVE AMP-21-00 per staff's recommendations.

The motion did not carry. Commissioners Laura Perkins, Tom Langford and Anita Wood voted against the motion.

8) ZN-31-00 (2482) SIMMONS PROFESSIONAL OFFICE (Public Hearing)

An application submitted by Kenyon L.P., property owner, for reclassification of property from an R-E Ranch Estates District to a C-P Professional Office Commercial District. The property is generally located at the northeast corner of La Maneda Avenue and Simmons Street. The Assessor's Parcel Number is 124-29-801-002.

ANALYSIS:

Office:

The office designation is meant to provide an area where low-rise office development can occur. A limited amount of supporting commercial uses may also be included in the office development, such as: copying services, mailing services, restaurants without drive through's, small stationary stores, gift shops, and pharmacies (with medical office complexes). The supporting commercial uses may be constructed as pad development adjacent to streets.

The Comprehensive Plan guidelines for Office state:

Office developments should occur adjacent to 100-foot rights-of-way or greater.

The subject site is adjacent to two rights-of-way. Simmons Street is proposed as a 100-foot right-of-way on the Master Plan of Streets and Highways, and La Maneda Avenue is proposed as a 60-foot right-of-way. A separate request (VAC-15-00) to vacate La Maneda Avenue is also on this agenda for Planning Commission consideration.

Office areas should be no smaller than two and one-half acres.

According to the boundary map, the subject site is approximately 2.07 acres in size. However, should the request to vacate La Maneda Avenue be approved, the subject site would increase in size by approximately 8,190 square feet for a total of approximately 2.25 acres.

No office buildings greater than one-story in height should be permitted within 100 feet of existing or planned single-family residential areas. Buildings over two stories should not be permitted.

The property to the north and east are presently zoned R-E Ranch Estates and are also shown as Low Density Residential on the Comprehensive Plan. The areas to the south and southwest are under separate Resolutions of Intent to the C-1 Neighborhood Commercial District. The property directly west, across Simmons Street is zoned PUD Planned Unit Development and is currently being developed with town homes (Nob Hill).

24-hour or late night uses should not be permitted.

At this time, uses are not considered. However, if approved, any use proposed within the office complex would be subject to the Comprehensive Plan and those uses allowed within the specific zoning district approved for this site.

Bars and taverns should not be permitted within an office development.

In conjunction with the proposed Comprehensive Plan amendment, the applicant is requesting that the subject site be rezoned to the C-P Professional Office Commercial District. Bars and taverns are not listed as either principally permitted or as a special use in the C-P Professional Office District.

Office complexes should have shared architectural themes and color schemes.

These would be reviewed during the site plan review process.

According to the letter of intent, the applicant also owns the subject site south of La Maneda Avenue which is currently under a resolution of intent to the C-1 Neighborhood Commercial District. According to that site plan, a convenience store with gas pumps and a separate commercial building is proposed. In addition, the subject site (northeast corner of Ann Road and Simmons Street) immediate south of the site under a resolution of intent is also under a separate resolution of intent for the C-1 Neighborhood Commercial District. According to that site plan, a convenience store with gas pumps is also proposed. On September 13, 2000, the Planning Commission approved a use permit (UN-62-00) which allowed a combination convenience food restaurant and store with gas pumps for the subject site at the northeast corner of Simmons Street and Ann Road. It is staff's opinion that the possibility of two convenience stores with gas pumps to be built side-by-side (one on each property) with cross over access would not occur.

As previously mentioned, the property owner of the site under consideration for an Amendment to the Comprehensive Plan and rezoning is also the same owner of the site south of La Maneda Avenue. The applicant of the site south of La Maneda Avenue has submitted a letter to the Planning Division requesting permanent zoning. Should permanent zoning be approved, there would be nothing that would prohibit the applicant from developing the subject site as an office complex instead of a second convenience store with gas pumps. Therefore, because there is the probability that two convenience stores would not be built next to one another and because there is a request to permanently rezone the property south of La Maneda Avenue to the C-1 Neighborhood Commercial District in which an office complex would be allowed, staff does not find any compelling reason to amend the Comprehensive Plan to allow additional commercial in an area (the intersection of Ann Road and Simmons Street) in which approximately 60 acres of commercial is already approved.

The applicant has referred to the Visions, Goals and Objectives contained within the Comprehensive Plan as reasons to amend the Comprehensive Plan. Please refer to the applicant's letter of intent for additional information. It is staff's opinion that all of these Visions, Goals and Objectives would still be accomplished if the proposed office complex were constructed on the property south of La Maneda Avenue that is currently under a resolution of intent to C-1 Neighborhood Commercial District, which is also pending permanent zoning in which an office

complex would be allowed.

RECOMMENDATION:

The Development Services Department recommends that AMP-21-00 be denied as there is approximately 60 acres of commercial property in the general vicinity and there is no compelling reason to amend the Comprehensive Plan.

The Development Services Department recommends that ZN-31-00 be denied as the rezoning is not justified by a changed or changing condition since the adoption of the Comprehensive Plan in June of 1999.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated that since the motion to approve AMP-21-00 failed, staff recommends denial of this item.

George Garcia, 2501 Green Valley Parkway, Suite 108, Henderson, Nevada appeared on behalf of applicant. He stated he understands staff's recommendation on this item.

Chairman Nelson Stone opened the Public Hearing. No participants came forward. The Public Hearing was closed.

Commissioner Harry Shull MOVED and Commissioner Dean Leavitt SECONDED to DENY ZN-31-00 per staff's recommendations.

The motion carried by UNANIMOUS vote.

9) VAC-15-00 (2483) SIMMONS PROFESSIONAL OFFICE (Public Hearing)

An application submitted by Kenyon L.P., property owner, for a vacation of La Maneda Avenue commencing at Simmons Street and proceeding east approximately 273 feet. In addition, the City of North Las Vegas is requesting the vacation of the remainder of La Maneda Avenue between Simmons Street and Coleman Avenue. The property is generally located at the northeast and southeast corners of Simmons Street and La Maneda Avenue. The Assessor's Parcel Numbers are 124-29-803-001, 124-29-801-002, 124-29-801-003, 124-29-801-004, 124-29-801-008 and 124-29-801-009.

ANALYSIS:

As previously mentioned, there have been two requests already approved to vacate a portion of La Maneda Avenue. Both vacations combined would extend west from Coleman Street for approximately 873 feet. The proposed vacation extends east from Simmons Street for approximately 272 feet, leaving approximately 90 feet of right-of-way that would still be dedicated between the proposed request and the approved requests. In addition, the previously approved requests have not been recorded as there are conditions that have not been met, or may not be practicable at this time. Primarily, the conditions which require a cul-de-sac at the end of each portion of La Maneda Avenue that was previously vacated or design issues that can be addressed when development is proposed.

According to the Nevada Revised Statutes (NRS 278.480) any abutting owner or local government can petition to vacate a portion of right-of-way. Therefore, the City is requesting that the entire portion of La Maneda Avenue, in addition to the applicant's request be vacated. Essentially this would include all of La Maneda Avenue between Coleman Street and Simmons Street.

According to the Master Plan of Streets and Highways, La Maneda Avenue is not required nor proposed to extend west of Simmons Street or east of Coleman Street. In addition, if approved, there would not be any property that would be land-locked as a result of the proposed street vacation.

In addition, approved vacation requests have no expiration time limits. Vacating the entire street at this time, would eliminate the need for the applicants of the previously approved requests to fulfill the conditions as cul-de-sacs may no longer be appropriate. Vacating the entire street would also clean up a situation that could become convoluted and confusing.

RECOMMENDATION:

The Development Services Department recommends that VAC-15-00 be approved to include all of La Maneda Avenue between Simmons Street and Coleman Street and that this item be forwarded to City Council for final consideration.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated that staff is recommending that the entire street between Simmons Street and Coleman Street to

the east be vacated as part of this request.

George Garcia, 2501 Green Valley Parkway, Suite 108, Henderson, Nevada appeared on behalf of applicant. He stated that he agrees with staff's recommendations.

Chairman Nelson Stone opened the Public Hearing. No participants came forward. The Public Hearing was closed.

Commissioner Anita Wood MOVED and Commissioner Tom Langford SECONDED to APPROVE VAC-15-00 per staff's recommendations.

The motion carried by UNANIMOUS vote.

10) FWD-10-00 (2473) TROPICAL BREEZE VI

An application submitted by Centex Homes dba Real Homes, property owner, for a fence wall deviation in an R-E Ranch Estates District (ROI to R-1 Single-Family Residential District) to allow for multiple wall height deviations where 8 feet is the maximum height allowed. The property is generally located at the northeast corner of Simmons Street and El Campo Grande. The Assessor's Parcel number is 124-29-703-001.

ANALYSIS:

The site plan identifies three lots within this subdivision which would have wall heights exceeding eight (8) feet. The proposed total wall heights would range from 9 feet to 9.5 feet.

The portions subject to Planning Commission consideration are as follows:

- between Gardenia Flower Avenue and Lot 88
- between Tropical Sands Avenue and Lot 67 and 85

According to the Zoning Ordinance, the Planning Commission must find that the wall height deviation is necessary to protect, buffer, or improve the property for which the wall is intended and will not detrimentally affect adjacent properties.

RECOMMENDATION:

The Development Services Department recommends that FWD-10-00 be approved subject to the following conditions.

1. Standard conditions number 4 and 11.
2. That this approval be only for the lots specified below and for maximum wall heights not to exceed 9.5 feet (total wall height).
3. That this approval be for the following wall sections only:
 - between Gardenia Flower Avenue and Lot 88
 - between Tropical Sands Avenue and Lot 67 and 85
4. That the walls be sealed by an approved method to prevent the leaching or transmission of sulfates or calcium deposits through the walls, as approved by the Building Department.
5. That sight distance visibility zones must be maintained.

The application was presented by Mary Aldava, Associate Planner, on behalf of staff. Staff has no objections and is therefore recommending approval of this item subject to conditions.

Laura Howard, Centex Homes, 3600 N. Rancho Dr. Las Vegas, Nevada appeared on behalf of applicant who stated she concurs with staff.

Commissioner Tom Langford MOVED and Commissioner Anita Wood SECONDED to APPROVE FWD-10-00 per staff's recommendations.

The motion carried by UNANIMOUS vote.

11) ZN-30-00 (2471) BIGELOW AEROSPACE CAMPUS (Public Hearing)

An application submitted by Bigelow Development Aerospace Division, LLC, on behalf of US Mortgage, property owner, for reclassification of property from an R-1 Single-Family Residential District to a PUD Planned Unit Development District consisting of an aerospace research and development campus. The property is generally located at the southeast corner of Brooks Avenue and Clayton Street. The Assessor's Parcel Number is 139-16-201-001.

ANALYSIS:

In the letter of intent, the applicant explains, "It is our intent at Bigelow Aerospace to develop over time a campus type development . . . (and that) this location will be the hub of our aerospace operations."

The subject site has two Comprehensive Plan land use designations. This was done intentionally because of the natural break in terrain. There is an escarpment running through this site, which basically bisects the parcel into a northern half and a southern half. The elevation difference between the northwest corner and the southeast corner of the parcel is approximately 55 feet, with the latter being the lower elevation.

This site is bordered on the south side by the Cibola Park subdivision and on the other three sides by public streets (west: Clayton Street; north: Brooks Avenue; east: Vista Street.) Although the Cibola Park subdivision map has been recorded, the subdivision has not been developed and the site is currently vacant. With the exception of the north half of Brooks Street, none of the other adjacent rights-of-way have improvements. This developer would be required to provide half-street improvements to all three abutting rights-of-way.

The preliminary development plan (ie. site plan) identifies one driveway accessing onto Clayton Street, two driveways accessing onto Brooks Avenue, and one driveway accessing onto Vista Street. All driveway dimensions and locations will be subject to review and approval by the City's Traffic Engineer. Dedication and half-street improvements must be provided for the entire lengths of Clayton Street, Brooks Avenue and Vista Street. A temporary cul-de-sac must be provided at the southern end of Vista Street and shall be entirely on-site, unless the adjoining property owner(s) sign an agreement to have part of it on their property(s).

Twenty-five (25) feet of perimeter landscaping, including a 5-foot meandering sidewalk, is proposed adjacent to the Clayton Street right-of-way and twenty (20) feet, including the 5-foot meandering sidewalk, is proposed adjacent to the Brooks Avenue and Vista Street rights-of-way.

According to the letter of intent, the applicant is asking "permission to erect an 8-foot high chain link fence with barbed wire (at the top) around the full perimeter of the property." The intent is to

provide security for the development and to prevent “illegal dumping” of garbage on the site. The applicant intends to “upgrade” the fence at a later time. However, because the future is uncertain and future expansions may never occur, the Development Services Department recommends that, if a perimeter security fence is desired, wrought-iron be utilized instead of chain-link.

The applicant has agreed to provide an 8-foot block wall along the southern boundary of this site. (The applicant is proposing to locate the perimeter security fence approximately ten [10] feet inside the wall with low-growth landscaping between the two and 24-inch box trees inside the security fence.) The Development Services Department recommends that, since the adjacent subdivision is not yet constructed, decorative blocks be incorporated into the design of the wall. The design of the wall would be subject to review and approval by the Planning Division at the time of building permit application.

There are two buildings proposed with the initial phase of development. One of the buildings would be generally located at the northwest corner of the site and one would be located somewhat centered within the southern portion of the site. The applicant has submitted a final development plan for those two buildings, or phase 1, and that application is forthcoming at the next Planning Commission meeting.

The conditions attached to the proposed PUD will be as specific as possible to provide guidelines for the development of this site.

The preliminary development plan identifies a total of eight buildings - four within the northern half and four within the southern half of the site. The site’s main office and visitors’ center will be located within the northwest corner of the site. A paved access road is proposed to provide vehicular access to the southern (lower) half of the site, where the primary research and development (warehouse) building is proposed.

The proposed 40,000-square-foot building would be constructed to an initial height of 50 feet, but is intended to be raised to 80 feet in the future. Since the location of the proposed building is within the lower (elevation) half of the site, the Development Services Department would not object to a maximum height of 80 feet - but only for that structure. The proposed warehouse should not be closer than 75 feet to the southern and eastern property lines and should not exceed 28 feet in height within 100 feet of the residentially-zoned boundaries. These are requirements outlined in the Zoning Ordinance (including the Industrial Design Guidelines) and the Comprehensive Plan, and should not be compromised because the adjacent properties to the south and east are residentially zoned.

The Department of Parks and Recreation expressed concerns about landscaping. This development is required to provide landscaping in accordance with all Ordinance requirements, including but not limited to, within the parking lots and adjacent to buildings.

The required number of parking spaces shall be determined when the final development plans are submitted for each proposed phase of development. This development would be required to meet the minimum standards for numbers, dimensions, landscaping and locations, and as mentioned

above, many of those issues will be addressed during the final development plan reviews. Conditions are listed below which pertain to the overall development of the proposed PUD.

All proposed buildings should be designed in accordance with the Industrial Design Guidelines, including but not limited to, concrete tilt-up, decorative block, roof line delineations, pop-outs, painting patterns and enhanced public entry ways. The 50-foot high 40,000-square-foot warehouse building is proposed to be constructed with metal panels, buttresses, a molding element and Palo-Verde stone at each corner. One 40-foot-high by 60-foot-wide bi-fold door is proposed at each end of the building. The concern of the Development Services Department is that this building is proposed (eventually) to be 80 feet in height and, if approved with metal panels, would be visually obtrusive from much of the surrounding area. The Development Services Department recommends that metal buildings not be permitted and that this building, as well as future buildings for this site, be constructed with concrete tilt-up panels, decorative CMU blocks, frame & stucco or other preferred materials, as outlined in the Industrial Design Guidelines.

The applicant has indicated that the building should be metal because it better enables them to expand at a later time. Concrete tilt-up panels can be pre-formed and the building can be engineered in such a way to enable future expansions, as well. Therefore, the Development Services Department recommends that the buildings be constructed using the preferred materials listed in the Industrial Design Guidelines.

RECOMMENDATION:

The Development Services Department recommends that the Planning Commission provide a favorable recommendation to the City Council for ZN-30-00 to be permanently zoned to PUD, Planned Unit Development, by ordinance, subject to the following conditions:

1. That Standard Conditions 6, 11 and 27 apply; and
2. That the previously approved 80-acre Resolution of Intent #2075 (ZN-33-98) be considered null and void; and
3. That the applicant obtain FAA Form 7460-1 (2-99) from the Planning Division office prior to application for building permits; and
4. That the development of this site be in compliance with the Industrial Design Standards, unless otherwise approved herein; and
5. That metal buildings be prohibited. All buildings shall be developed using preferred materials, as outlined in the Industrial Design Guidelines; and

6. That the Development of this site be in compliance with the Comprehensive Plan and the Municipal Code, unless otherwise approved herein. Where there is a conflict, the more restrictive requirement shall apply; and

7. That the maximum allowable height of the main warehouse building, located within the southern portion of the property, be eighty (80) feet from finished grade; and
8. That the maximum allowable height of the main office/visitors' center, located within the northwest corner of the property, be fifty (50) feet from finished grade; and
9. That a final development plan be required to be reviewed and approved by the Planning Commission for each building and/or phase of development; and
10. That the developer comply with all requirements of the North Las Vegas Airport and the Federal Aviation Administration; and
11. That perimeter fencing materials be wrought-iron and pilasters, if desired. Chain-link fencing shall not be permitted as the perimeter fencing material; and
12. That a CMU block wall be constructed along the southern property line. The wall shall be eight feet in height, measured from the outside finished grade, and shall incorporate decorative blocks. Gray smooth-face blocks shall not be permitted. The wall shall be constructed in conjunction with the first phase of development and shall receive a final inspection prior to the issuance of a certificate of occupancy. The design of the wall shall be subject to review and approval of the Planning Division; and
13. That the security perimeter fence along the southern property line be set back from the perimeter wall by a minimum ten (10) feet. The ten-foot area shall be planted with low-growing shrubs. In addition, a minimum ten (10) feet of landscaping shall be provided on the inside of the security fence. This area shall include 24-inch box trees (1-1/2" caliper measured 4'-0" above the top of the root ball) planted twenty (20) feet on-center; and
14. That a photometric lighting plan be submitted in conjunction with each building permit application, unless an overall lighting plan is approved with the first application. The photometric plan shall be in accordance with the Industrial Design Guidelines, including but not limited to, lighting standards not exceeding 20 feet in height; and
15. That no building be constructed closer than 75 feet from a residential zone boundary; and
16. That any building, or portion thereof, within 100 feet of a residential zone boundary not exceed 28 feet in height; and

17. That all off-site improvements be provided with the first phase of development; and
18. That all perimeter landscaping be provided with the first phase of development; and
19. That temporary curbing, or other approved method, be provided throughout this site to prohibit vehicular traffic from driving and parking on unpaved surfaces; and

20. That because Vista Street is on the City of North Las Vegas Master Plan of Streets and Highways, half street improvements shall be designed and constructed from Brooks Street to Evans Avenue. Thirty feet of right-of-way must be dedicated for Vista Street from Brooks Avenue to Evans Avenue; and
21. That a temporary cul-de-sac be constructed at the south end of Vista Street where it intersects with the Evans Avenue alignment. The complete cul-de-sac shall be constructed entirely on-site, unless otherwise approved by the Department of Public Works; and
22. That because the North Las Vegas Master Plan shows a bike route on Clayton Street, street construction shall be completed accordingly; and
23. That the driveway number and location be subject to review and approval by the City Traffic Engineer; and
24. That fiber optic conduit be provided on the Clayton Street frontage; and
25. That a traffic study for the entire site by a Nevada registered engineer be provided; and
26. That because the Master Plan of Streets and Highways shows Brooks Street and Vista Street as 60-foot rights-of-way and Clayton Street as an 80-foot right-of-way, dedications shall be provided accordingly; and
27. That the submitted site plan be approved as the preliminary development plan. The preliminary development plan shall be approved in concept only, whereby minor changes should be expected as this site develops. The development shall be in substantial compliance with the approved preliminary development plan, unless otherwise amended by the City Council.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated that staff is recommending approval of this item subject to conditions.

Robert Bigelow, President of Bigelow Aerospace, 4640 S. Eastern Avenue, Las Vegas, Nevada appeared on behalf of applicant. He stated that he does not wish to put up a block wall. Instead he seeks to have permission to put in and maintain an 8 foot fence for 24 months.

Chairman Nelson Stone opened the Public Hearing. The following participant came forward:

David H. Peacock 2115 Constance Avenue North Las Vegas, Nevada 89032

Mr. Peacock stated that he has been informed by the City for 13 years that this area is prone to earthquakes. He doesn't agree with the City selling this land to Bigelow.

Chairman Stone closed the Public Hearing.

Commissioner Tom Langford asked Mr. Bigelow if he is aware of the problems in this area.

Mr. Bigelow stated that he is aware of the problems in this area.

Commissioner Tom Langford further stated that he believes chain link fence should be allowed until construction is finished in 24 months.

Commissioner Langford stated that he is somewhat aware of the type of operation the applicant has. He stated that he understands why a concrete building would hinder the business.

Chairman Nelson Stone stated that when the Commercial Design Guidelines were established he does not believe that aerospace projects were considered. He stated that he does not have a problem with a chain link fence providing it stays within the 24-month time limit condition. He will support a motion to approve this item.

Commissioner Harry Shull stated that he concurs with Chairman Stone and Commissioner Langford. He stated that he believes this will be a great project for the community. Commissioner Shull also stated that Mr. Bigelow is not buying the property from the City, rather than a private owner. He stated that this type of construction is much more conducive to development than houses as Mr. Bigelow will be able to avoid the known faults. He supports approval of this item.

Commissioner Dean Leavitt asked the applicant to address security measures with his business.

Mr. Bigelow stated that the perimeter is the first security area. He stated that there will be interior fencing, as well, with interior zones also fenced off. These zones will be under digital control with automatic gates with keys and coded cards. The buildings will also have redundant security systems for both perimeter and interior. Some interior security codes will be different than access to perimeter areas. He stated there will be cameras positioned inside and outside of the buildings. There will be a minimum of two security personnel 24-hours a day, and that will increase as the site expands and more building expand. These personnel will walk all the floors and perimeters.

Commissioner Leavitt asked the applicant if the cyclone fencing will be the type of fencing that is around construction sites or will poles be cemented into the ground.

Mr. Bigelow stated that it will be poles cemented into the ground.

Commissioner Tom Langford asked the applicant how many people he estimates will be employed once this project begins.

Mr. Bigelow stated that there are currently 18 people and he expects there will be 25-30 people by the time this facility opens.

Chairman Stone asked the applicant if there will be any rocket fuel or hazardous materials at this site.

Mr. Bigelow stated that he deals in different types of materials that do not include fuels or hazardous materials.

Condition #5: all buildings be developed using preferred materials as outlined in the Industrial Design Guidelines, with the exception of the 40,000 square foot warehouse buildings which may be constructed with metal panels including expansions to the buildings.

Condition #8: that the maximum allowable height of the warehouse located within the northwest corner of the property, be eighty (55) feet from finished grade.

Condition #11: That permanent perimeter fencing material shall be wrought iron. Temporary chain link fencing shall be permitted as perimeter fencing materials for a period of 24 months from first building permit issuance.

Condition #15: That no building be constructed closer than 50 feet from a residential zone boundary.

Condition #16: That any building, or portion thereof, within 75 feet of a residential zone boundary not exceed 28 feet in height.

Commissioner Harry Shull MOVED and Commissioner Tom Langford SECONDED to APPROVE ZN-30-00 per staff's recommendations and the following changes:

Condition #5 Changed to Read: "that all buildings be developed using preferred materials, as outlined in the Industrial Design Guidelines, with the exception of the 40,000-square-foot warehouse building, which may be constructed with metal panels including future expansions to the building. If metal panels are utilized, the building shall be provided with buttresses, a molding element and Palo-Verde stone at each corner, as identified on the submitted elevation drawings.

Condition #8 Changed to Read: “that the maximum allowable height of the main office/visitors’ center, located within the northwest corner of the property, be fifty-five (55) feet from finished grade; and

Condition #11 Changed to Read: “that permanent perimeter fencing materials be wrought-iron. Temporary chain-link fencing shall only be permitted as the perimeter fencing material for a period of 24 months from first building permit issuance.

Condition #15 Changed to Read: “that no building be constructed closer than fifty (50) feet from a residential zone boundary; and

Condition #16 Changed to Read: “that any building, or portion thereof, within fifty (50) feet of a residential zone boundary not exceed 28 feet in height; and

The motion carried by UNANIMOUS vote.

12) UN-61-98 (2487) TURTLE STOP (Public Hearing)

An application submitted by Turtle Stop #24, LLC on behalf of Chun Investments, LLC, property owner, et. al., for an extension of time for a use permit in an M-2 General Industrial District to allow the addition of a car wash to an existing convenience store. The property is located at 4472 N. Donovan Way. The Assessor's Parcel Number is 139-01-611-001.

ANALYSIS:

Progress has been made on this development since its approval, therefore this extension of time appears to be warranted.

RECOMMENDATION:

The Development Services Department recommends that a one year extension of time for UN-61-98 be approved subject to the following conditions:

28. That the development and use of this site be subject to all conditions of the previously-approved use permit (UN-61-98). Where there is a conflict with the conditions stated herein, the stricter shall apply.
29. A Traffic study update is required.
30. The developer must abide by the conclusions of the approved Traffic Study for this site.

The application was presented by Mary Aldava, Associate Planner, on behalf of staff who indicated that staff is recommending a one year extension of time for this item.

Robert Webb, 4572 W. Hacienda Las Vegas, Nevada appeared on behalf of applicant who stated he concurs with staff's recommendations.

Chairman Nelson Stone opened the Public Hearing. No participants came forward. The Public Hearing was closed.

Commissioner Tom Langford MOVED and Commissioner Harry Shull SECONDED to APPROVE UN-61-98 per staff's recommendations.

The motion carried by UNANIMOUS vote.

13) SPR-37-00 (2470) CIVIC CENTER INDUSTRIAL PARK

An application submitted by Somerset Properties, LLC, property owner, for a site plan review in an M-2 General Industrial District to allow a waiver of the Industrial Design Standards' landscaping requirements. The property is generally located at the northwest corner of Berg Street and Barr Avenue. The Assessor's Parcel Number is 139-12-202-013.

ANALYSIS:

The site plan approved under the resolution of intent indicated 10 feet of landscaping along Berg Street, Civic Center Drive and Branson Avenue would be provided. The first phase of the development has been constructed and 10 feet of landscaping along Civic Center Drive has been provided. The building plans for phase two have been submitted to the Permit Application Center for review.

The site plan submitted indicates 10 feet of landscaping with a 2-foot berm would be provided. A 6-foot to 8-foot high decorative screen wall adjacent to the 10 feet of landscaping along Berg Street would also be provided.

According to Section 17.24.205.J of the Municipal Code, "Perimeter landscaping shall be provided ... Areas at least 20 feet in width from back of curb to perimeter walls or buildings (which may include sidewalks and portions of right-of-way) shall be maintained adjacent to all streets."

The letter of intent indicates, the site was designed around the 10 feet of landscaping required and developed accordingly with the original approved site plan. Therefore, the applicant is requesting to reduce the landscaping width adjacent to Berg Street.

In accordance with the Zoning Ordinance, a waiver of a requirement (of the Industrial Development Design Standards) may be granted by the Planning Commission upon written request of the applicant, provided that the Commission finds the following:

1. That upon granting of the waiver as requested, the proposed project will substantially meet the intent of these guidelines; and
2. That the granting of such request will not detrimentally affect the public health, safety or general welfare; and
3. That there are special circumstances or conditions applicable to the property referred to in the application which do not prevail on other properties within the area; and

4. That the granting of such application will not detrimentally affect the health or safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to property or improvements of the neighborhood.

Furthermore, when reviewing an application for a waiver, the following evidence or criteria may not be considered by the Planning Commission when establishing the merits of a waiver request:

1. The financial situation of the applicant or costs of land, infrastructure, site or building improvements, or general development; and
2. Any circumstances created knowingly or unknowingly by the current or previous owner(s) of the property.

RECOMMENDATION:

The Development Services Department recommends that SPR-37-00 be approved, as requested, to reduce the landscape width along the eastern property line (adjacent to Berg Street) from 20 feet to 10 feet. All other aspects of the landscaping requirements shall be met.

The application was presented by Mary Aldava, Associate Planner, on behalf of staff.

Brian Gilbert, 7251 W. Lake Mead Blvd. Suite 300, Las Vegas, Nevada appeared on behalf of the applicant who stated he concurs with staff.

Commissioner Harry Shull MOVED and Commissioner Dean Leavitt SECONDED to APPROVE SPR-37-00 per staff's recommendations.

The motion carried by UNANIMOUS vote.

OLD BUSINESS

14) VN-12-00 (2154) WALGREENS PHARMACY (Public Hearing)

An application submitted by Fluoresco Sign on behalf of Village Builders 98, L.P., property owner, for a variance in a C-3 General Service Commercial District to allow freestanding signs equaling approximately 890 square feet where 754.5 is the maximum square footage allowed. The property is located at 3030 North Las Vegas Blvd. The Assessor's Parcel Number is 139-13-605-019.

ANALYSIS:

The site is allowed approximately 755 square feet of signage. The McDonald's currently has 618 square feet of signage, which leaves the Walgreens with 137 square feet of allowable signage. The applicant is requesting a total of 364 feet of signage.

Walgreens and McDonald's are located on separate parcels but are considered as one parcel under Title 17. The North Las Vegas Municipal Code Section 17.24.110.C.4 states,

"When an abutting group of parcels of land is developed for uses which share common facilities, such as, without limitation, off-street parking or driveways, the group of parcels may be considered as a single parcel in applying the sign regulations. Advertising for uses, services or activities may be jointly combined in one or more signs not located on the parcel of the use providing the service or activity being advertised. The square footage of the sign area permitted for each use, service or activity and all other sign regulations shall be met as if the group of parcels were established as one parcel".

This is a situation that falls upon Walgreens and McDonald's. Walgreens and McDonald's will need to come to an agreement regarding the amount of signage each one needs at this location without exceeding the signage allowed by ordinance.

The requested variance is "self-inflicted", and accordingly, the property must be developed in compliance with the Zoning Ordinance. Approval of a variance requires that the Planning Commission make the following findings:

1. There are exceptional and extraordinary circumstances and conditions applicable to the property involved and such circumstances and conditions do not generally apply to other properties in the same vicinity and zoning district; and
2. Such variance is necessary for the preservation and enjoyment of a substantial property

right which is possessed by property in the same vicinity and zoning district and denied to the property in question; and

3. The granting of such variance will not be materially detrimental to the public safety and welfare or injurious to other property or improvement in the same vicinity and zoning district; and
4. The granting of such a variance will not adversely affect the Master Plan of the City.

State Law, under NRS 278.300 (1)(c), sets forth the requirements which must be met before a planning commission is empowered to grant a variance:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any regulation enacted under NRS 278.010 to 278.630, inclusive, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of property, to authorize a variance from that strict application so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

RECOMMENDATION:

The Development Services Department recommends that VN-12-00 be denied.

The application was presented by Mary Aldava, Associate Planner, on behalf of staff who indicated that staff's recommendation is for denial of this item.

Bob Gronauer, 3800 Howard Hughes Parkway, 7th floor, Las Vegas, Nevada, 89109 appeared on behalf of applicant who stated that the pylon sign on Las Vegas Blvd. has been removed and has been incorporated into the existing 100-foot sign on McDonald's.

Chairman Nelson Stone opened the Public Hearing. No participants came forward. The Public Hearing was closed.

Commissioner Anita Wood asked the applicant what is the purpose of the smaller sign underneath the upper sign that displays the same thing.

Mr. Gronauer stated the smaller sign is an animated sign which may be able to display different messages at different times.

Marc Jordan, Senior Planner, stated that currently the zoning ordinance does not allow any provisions for these electronic reader boards with the exception of time and temperature display for banks.

Commissioner Anita Wood asked the applicant if, in addition to this issue, he wants signage on Pecos and what size would it be.

Mr. Gronauer stated that it is proposed to be 25 feet.

Commissioner Wood asked staff to confirm that the applicant has significant amount of signage that he is allowed on the Pecos side of the building.

Marc Jordan, Senior Planner, stated that zoning ordinance for wall signage allows up to 15% of wall to be used for signage.

Commissioner Tom Langford stated that other businesses use much of their building wall for signage and is able to clearly see the signs, therefore he does not believe the additional sign is needed for.

Commissioner Laura Perkins stated that such variance is not necessary for the preservation and enjoyment of a substantial property right which is possessed by property in the same vicinity or zoning district.

Commissioner Laura Perkins MOVED and Commissioner Tom Langford SECONDED to DENY VN-12-00 per staff's recommendations.

The motion carried by UNANIMOUS vote.

15) UN-78-00 (2406) KAVANAUGH'S PUB AND GRILL (Public Hearing)

An application submitted by Gerald Garapich, AIA, L.L.C., on behalf of Madison Graves II, property owner, for a use permit in an R-E Ranch Estates District (ROI to a C-1 Neighborhood Commercial District) to allow the “on sale” of alcoholic beverages in conjunction with a pub and grill. The property is generally located at the northeast corner of Ann Road and Ferrell Street. The Assessor’s Parcel Number is 124-29-402-007.

ANALYSIS:

The subject site is currently under a resolution of intent, however, the applicant is requesting permanent zoning to the C-1 Neighborhood Commercial District which would require the applicant to comply with the commercial design standards. However, should permanent zoning not be granted at this time, the applicant would still be required to comply with the commercial design standards as it is a condition of the resolution of intent.

According to the commercial design guidelines, buildings on corner lots shall be oriented to the street corner. The site plan shows the building located away from the corner with parking between the building and street perimeter landscaping. Likewise, any area of a parking lot which abuts a public street shall be set back from the property line a minimum of 20 feet. Landscaping would be required within this 20-foot setback area. The site plan also does not indicate if landscaping would be provided next to the building where a minimum six feet of landscaping would be required.

The proposed establishment, is considered to be within the bar/tavern category according to Title 5. However, according to the floor plan, dining services would be provided and would be separate from the bar area. In addition, customers would be able to enter the dining area without the need to travel through the bar area. Restroom facilities would also be available without having to enter into the bar area. The building design is attractive and meets the normal City requirements for taverns.

RECOMMENDATION:

The Development Services Department recommends that UN-78-00 be approved subject to the following conditions:

3. Standard condition numbers 1, 2, 3, 6, 7, 8, 10, 11, 12, 15, 23, 26, 27, 29 and 32.

4. UN-78-00 shall be initiated and construction begun within six months of the date of this approval.

5. The applicant shall comply with the commercial design guidelines including but not limited to the following:
 - a. The building shall be oriented toward the street corner.
 - b. A minimum 20 feet of landscaping shall be provided next to Ann Road and Ferrell Street.
 - c. A minimum six feet of landscaping shall be provided next to the building, between any pedestrian sidewalk and parking areas.

6. A barrier shall be provided between the developed and undeveloped portion of the site to prevent vehicles from driving or parking on the undeveloped area. Such barrier shall be subject to staff review and approval.

7. Fiber optic conduit is required along the Ann Road frontage.

8. The southernmost driveway in Ferrell Street must align with the on-site drive aisle.

9. Half-street improvements on Ann Road and Ferrell Street adjacent to lot 124-29-402-007 must be constructed with this development.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated the purpose of this application is for a use permit for the “on sale” of alcoholic beverages. This item was continued at request of the applicant so they could meet with their client to discuss the conditions staff is recommending. Staff’s recommendation is for the building to be reoriented to the street corner. Staff received a letter from the applicant

stating they are in agreement with the condition. Staff is recommending approval of this item subject to the conditions listed.

Gerald Garapich, 10 Commerce Center Drive, Henderson, Nevada 89014 appeared on behalf of the applicant who stated the property owner, Madison Graves is present, as well.

Madison Graves 8367 W. Flamingo Rd. Las Vegas, Nevada, property owner, stated that he agrees with all of staff's conditions. Mr. Graves displayed pictures to the Planning Commission of another pub, Shawn Patrick's, in Las Vegas on W. Flamingo, stating that pub has been well received. He further stated that the name on this new project has been misspelled. The correct spelling is Cavahaugh's.

Chairman Nelson Stone opened the Public Hearing. No participants came forward. The Public Hearing was closed.

Commissioner Anita Wood stated that she wants to make sure that property will be at least as nice a facility as Shawn Patrick's and that the signage on the building will be similar to that of Shawn Patrick's.

Mr. Graves stated that this property will be as nice or nicer than Shawn Patrick's.

Commissioner Harry Shull MOVED and Commissioner Anita Perkins SECONDED to APPROVE UN-78-00 per staff's recommendations.

The motion carried by UNANIMOUS vote.

PUBLIC FORUM

This is the portion of the meeting devoted to the public. After completing and submitting a blue card, the public is invited to come forward upon recognition by the Chairman and speak upon any topic. Usually items received under this heading are referred to the appropriate City staff for action at a later date.

No members of the public came forward.

DIRECTOR'S BUSINESS: Workshop to be held on October 25, 2000 at 5:30pm regarding AMP-15-00

CHAIRMAN BUSINESS: None

ADJOURNMENT: 8:35 p.m.

A motion to ADJOURN the October 11, 2000 meeting of the Planning Commission of the City of North Las Vegas was made by Commissioner Nelson Stone. Commissioner Anita Wood SECONDED the motion.

Nelson Stone, Chairman

ATTEST:

Ted Karant, Recording Secretary