

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

January 10, 2001

CALL TO ORDER:

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

ROLL CALL:

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

STAFF PRESENT:

Tom Bell, Development Services Director
Steve Baxter, Planning Manager
Marc Jordan, Senior Planner
Bob Hoyes, Associate Planner
LennyBadger, Public Works
Madeleine Jabbour, Transportation Services
Steven DiGiovanni, Fire Department
Jim Lewis, Deputy City Attorney
Ted Karant, Recording Secretary

PLEDGE OF ALLEGIANCE:

Commissioner Marilyn Kirkpatrick

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 December 13, 2000.

Commissioner Harry Shull MOVED and Commissioner Anita Wood SECONDED to APPROVE the minutes of the December 13, 2000 Planning Commission Meeting.

The motion carried by UNANIMOUS vote.

CONSENT AGENDA

A) PW-148-00 (3502) NORTHPORT LOTS 2 & 4

Accept the Commercial Developments Off-Site Improvements Agreement by Jackson Shaw Company and accept the performance Bond in the amount of \$54,847.76.

B) PW-149-00 (3503) CRAIG ROAD INDUSTRIAL PARK

Accept the Commercial Developments Off-Site Improvements Agreement by Gerald D. Butler and Judith L. Butler and accept the Performance Bond in the amount of \$80,555.60.

C) PW-150-00 (3504) ANN/ALLEN

Approve the Final Map and the Subdivision Off-Site Improvements Agreement by Pardee Construction Company and accept the Subdivision Bond in the amount of \$896,216.53.

D) PW-151-00 (3505) TEMPO UNIT 5

Approve the Final Map and the Subdivision Off-Site Improvements Agreement by Stanpark Construction Company and accept the Performance Bond in the amount of \$266,882.17.

E) PW-152-00 (3506) TERRANCE FARMS PHASE 2

Accept the off-site improvements for maintenance and advise the Director of Public Works to notify Insurance Company of the West to release the Subdivision Bond in the amount of \$288,747.35.

F) PW-153-00 (3507) 7-11 AT CHEYENNE & SIMMONS

Accept the off-site improvements for maintenance and advise the Director of Public Works to notify National American Insurance Company to release the Encroachment Bond in the amount of \$27,079.20.

G) PW-154-00 (3508) TERRACE FARMS PHASE 1

Accept the off-site improvements for maintenance and advise the Director of Public Works to notify Insurance Company of the West to release the Subdivision Bond in the amount of \$626,533.00.

Commissioner Anita Wood MOVED and Commissioner Laura Perkins SECONDED to APPROVE Consent Agenda Items A, B, E and G. **Consent Agenda Items C, D and F were stricken.**

The motion carried by UNANIMOUS vote.

NEW BUSINESS

1) ZN-40-00 (3267) CITY OF NORTH LAS VEGAS (Public Hearing)

An application submitted by the City of North Las Vegas, for reclassification of property from an R/A-R4 Redevelopment Area/High Density Residential Subdistrict District and an R/A-R3 Redevelopment Area/Multi-Family Residential Subdistrict to an R/A-R2 Redevelopment Area/Two-Family Residential Subdistrict. The properties are located in an area generally encompassed by Owens Avenue, Stocker Steet, and also in an area encompassed by Tonopah Avenue, Roosevelt Street, Lake Mead Boulevard and Bruce Street and northwest of the corner of McGovern Avenue and Donna Street. The Assessor's Parcel Numbers are 139-22-810-01 through 139-22-810-042, 139-22-711-006 through 139-22-711-029, 139-22-711-045 through 139-22-711-068, 139-22-711-080 through 139-22-711-099, 139-22-711-114 through 139-22-711-139, 139-22-711-160 through 139-22-711-184, 139-23-311-040 through 139-23-311-180 and 139-23-210-072 through 139-23-210-078.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated the Redevelopment Agency is requesting staff to prepare this rezoning application to rezone these properties to the R-2 District. He stated this would allow single family homes, duplexes, as well as three-plexes and four-plexes to be developed on these lots providing they meet all the requirements. Mr. Jordan stated this would encourage single-family development whereas right now it would be difficult. He also stated existing development in these areas, if they comply with the requirements, would be fine. If they do not comply with the requirements, they would be considered legal, nonconforming uses, likewise there are many uses in the area that are already considered legal, nonconforming at this time and therefore this rezoning would not affect them as well. Mr. Jordan stated staff is recommending approval of this item for permanent zoning to the R-A, R-2, Medium High Density Residential Subdistrict.

Kenny Young, Redevelopment and Neighborhood Services Manager for the City of North Las Vegas, appeared on behalf of staff and concured with Mr. Jordan.

Vice-Chairman Langford opened the Public Hearing. The following participants came forward:

- ▶ Shirley Carney, 2105 Donna Street Unit A, North Las Vegas, Nevada

Ms. Carney stated she has 2-sixplexes in the area which are zoned R-3 and does not want it changed as she feels it would decrease the value of her property.

Commissioner Harry Shull asked staff if this would affect existing property.

Marc Jordan stated that this would affect all the property that is zoned R-3 or R-4, but will not require anyone to remove any units or change anything.

Commissioner Shull asked staff if Ms. Carney were to sell her property and the new owner wished to demolish the units due to the age of the units, would the new owner be able to rebuild or appear before the Planning Commission to rebuild at R-3 considering that is what is currently on the property?

Mar Jordan replied that if a new owner wanted to tear it down and rebuild it, it would be considered a legal, nonconforming status which the zoning ordinance has rules that deal with this.

- ▶ Cathy Bracker 1712 Belmont North Las Vegas, Nevada.

Ms. Bracker stated she opposes this item as her neighborhood is zoned for single family, and yet there are 3 or 4 families living in homes in her neighborhood. She stated she has received notices regarding her property, but another house on her street does not appear to be in compliance with the zoning rules and has not been cited. She states that several houses in her neighborhood have more than one family living in them and she feels it unfair that she has been cited for having a boat in her yard, where these other houses have not made any changes.

Jim Lewis, Deputy City Attorney handed Ms. Bracker his business card and advised her to call his office if she requires assistance with these issues.

- ▶ Alan Jenson, 2524 Perliter, North Las Vegas, Nevada.

Mr. Jenson stated that Shirley Carney is his sister. He stated that he believes that his property value will decrease if it is changed to R-2. He introduced his realtor to add to his comments.

Phil Lamandry 4025 Torrey Pines Las Vegas, Nevada.

Mr. Lamandry stated this property is well maintained and believes this is an asset to the community.

- ▶ Chester Hamilton, 3713 Rivera Avenue, Las Vegas, Nevada 89107

Mr. Hamilton stated he opposes this item as he believes that the property values in the area will be reduced if this item is approved.

- ▶ Bede Rogers, 1807 Coolidge Street, North Las Vegas, Nevada.

Ms. Rogers stated that she opposes this item as she feels her property value will be reduced if this is changed from R-3 to R-2.

- ▶ Edna Bright, 804 Judson, North Las Vegas, Nevada

Ms. Bright stated she does not understand what is going on in this area. She indicated she received a notice, but does not know why.

Marc Jordan stated this rezoning will not affect her home. The notices were sent to all residents in the area.

- ▶ Ibsen Powell, 1809 Bruce Street, North Las Vegas, Nevada

Mr. Powell stated that he received a notice and is wondering what the notice is for.

Vice-Chairman Langford stated the notices go out to all residents in the area. Mr. Powell is not affected by this item.

Jim Lewis, Deputy City Attorney, stated that he drove by Mr. Jenson's property and found it to be a nice property. Mr. Lewis stated that he informed Mr. Jenson that his units, as built, if this area is rezoned, Mr. Jenson's units will be legal, nonconforming units. Mr. Lewis stated he thought there was a concern that the City may require the destruction of some units that were over the density requirement, to which Mr. Lewis stated was not going to happen.

Vice-Chairman Langford stated that what he has heard tonight is that the residents are concerned about their property values if this rezoning is approved.

Commissioner Harry Shull stated that income property is valued by its income. He stated the value of these properties is predicated on the income they generate, and not on the zoning.

Kenny Young, Redevelopment and Neighborhood Services Manager for the City of North Las Vegas, stated he has looked at Mr. Jenson's property and the Redevelopment Agency has no problem with the location and condition of the property.

Commissioner Laura Perkins stated that she believes this rezoning would encourage development in an area that needs development and would encourage uses that are not currently allowed in the area.

Commissioner Anita Wood asked staff to clarify that when one of these residents choose to sell their property, they will be able to sell it as R-3.

Mr. Lewis stated that the residents can maintain R-3 density in an R-2 zoned district as a legal, nonconforming use.

Commissioner Wood asked if a property owner wanted to improve their property, as long as they don't alter more than 50% at any one time, could it remain R-3?

Mr. Lewis replied yes, as long as they don't spend more than 50% of the appraised value, they will not lose their legal, nonconforming use status, allowing them to continue to have nonconforming densities on an R-2 zoning.

Commissioner Dean Leavitt stated he thinks this is a positive move to make good use of vacant land in this area and will enhance the downtown development and strengthen the redevelopment program.

Vice-Chairman Langford stated he, too, believes this is a very good idea. He believes that this is something new, and there are many seniors living in the area who are worried about their future and how they will be affected by this. He stated he believes that this will benefit most of them and they will come to see as much in the future.

▶ Glen Easter, 4715 N. 5th Street, North Las Vegas, Nevada.

Mr. Easter stated that there is rehab money available to owners of rental property where matching funds are made available for redevelopment. He asked if this area is rezoned and these units become nonconforming, will it eliminate them from applying for these grant monies to upgrade their properties?

Kenny Young stated since his Agency also administers the grant rehab funds for the federal government he can reply that the federal government has discontinued that program. He will continue to offer homeowners who fall into lower income categories assistance with rehabilitation of their properties. No rehab funds are currently available for rental properties.

Vice-Chairman closed the Public Hearing.

Commissioner Harry Shull MOVED and Commissioner Laura Perkins SECONDED to APPROVE ZN-40-00 per staff's recommendations.

The motion carried by UNANIMOUS vote.

2) UN-01-01 (3309) OUTBACK CENTER (Public Hearing)

An application submitted by Outback Steakhouse, Inc. on behalf of the Donald G. Stewart 2000 Living Trust, property owner, for a use permit in an R-E Ranch Estates District (pending reclassification to a C-1 Neighborhood Commercial District) to allow the "on sale" of alcoholic beverages in conjunction with a restaurant. The property is located at 2849 W. Craig Road. The Assessor's Parcel Numbers are 139-05-702-001 and 139-05-702-002.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated this is an application to develop an Outback Restaurant which would be considered as a supper club. The property was rezoned to C-1 Neighborhood Commercial District by City Council in December of 2000. Mr. Jordan stated according to the site plan that was submitted there were a few concerns with the design changes. The applicant did meet with staff and submitted revised site plans that comply with the conditions set by staff. He stated staff is recommending approval of this item subject to the conditions.

Clyde Spitze of Pentacore Engineering, 6763 W. Charleston Boulevard, Las Vegas, Nevada 89146, appeared on behalf of applicant and is accompanied by Jamie Butler of the Outback Steakhouse, 2202 N. Westshore Boulevard, Tampa, Florida. He stated he concurs with all of staff's recommendations.

Commissioner Harry Shull asked the applicant when will they consider opening for lunch.

Mr. Butler stated that if they opened for lunch it would diminish the dinner experience that is currently available.

Commissioner Anita Wood asked the applicant when they will be ready to go.

Mr. Butler stated they are about to submit their actual construction documents and he believes they will have their permits in approximately six weeks at which time he expects to break ground.

Vice-Chairman Langford opened the Public Hearing. No participants came forward. The Public Hearing was closed.

Commissioner Anita Wood **MOVED** and Commissioner Dean Leavitt **SECONDED** to **APPROVE** UN-01-01 per staff's recommendations.

The motion carried by **UNANIMOUS** vote.

3) UN-04-01 (3403) TOTAL RELAXATION MASSAGE (Public Hearing)

An application submitted by Ronnie L. Thomas, Sr. on behalf of Donahue Schriber Realty Group, property owner, for a use permit in a C-2 General Commercial District to allow a therapeutic massage establishment within a beauty parlor. The property is located at 5546 Camino Al Norte. The Assessor's Parcel Number is 124-33-512-001.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated this is an application for a special use permit to allow a massage establishment located at 5546 Camino Al Norte within Suite #6. He stated that presently Suite #6 is operated by Wild Roots Salon. Applicant is proposing to lease one room within for massage services. Mr. Jordan stated that the zoning ordinance was amended to allow this type of use as a special use. Staff is recommending approval of this item subject to conditions listed.

Ronnie Thomas, Sr., 1227 Heatheridge Road, Las Vegas, Nevada appeared on behalf of applicant, who indicated he agrees with staff's recommendations.

Commissioner Laura Perkins MOVED and Commissioner Anita Wood SECONDED to APPROVE UN-04-01 per staff's recommendations.

The motion carried by UNANIMOUS vote.

4) UN-42-00 (1799) CALVARY SOUTHERN BAPTIST CHURCH (Public Hearing)

An application submitted by Tim Fichter on behalf of Calvary Southern Baptist Church, property owner, for a use permit in an R-1 Single Family Residential District to allow an expansion to an existing church and a parking lot. The church is located at 1620 East Cartier Avenue and the parking lot is located at the northeast corner of Cartier Avenue and Shiloh Way. The Assessor's Parcel Numbers are 139-14-710-053 and 139-14-710-049.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated this item was originally submitted a few months ago with a variance. The applicant has met with staff and has made some design changes so they no longer need a variance for setbacks. According to the site plan they meet the parking requirements and are proposing many improvements to the property where none currently exist. Staff is recommending approval of this item subject to conditions listed. With regard to condition #7, staff is recommending a change to the last sentence to read: "unless otherwise approved by the City of North Las Vegas Traffic Engineer." Mr. Jordan stated the applicant is aware of this as they have had discussions with the City's Traffic Engineer.

Pastor Jaffus L. Haley, Jr, 4008 Rubideax Drive, Las Vegas, Nevada, appeared on behalf of the applicant, who stated he concurs with staff's recommendations.

Vice-Chairman Langford stated he appreciates the job they have done with the property. He feels this will be something that the community will be able to enjoy for years to come.

Commissioner Anita Wood stated she agrees with Vice-Chairman Langford and is delighted to see this project back before the Planning Commission. She feels they have done an excellent job and believes the community will greatly benefit from this.

Vice-Chairman Langford opened the Public Hearing. No participants came forward. The Public Hearing was closed.

Commissioner Anita Wood MOVED and Commissioner Dean Leavitt SECONDED to APPROVE UN-42-00 per staff's recommendations subject to the following change:

Condition #7 Changed to Read: "The southernmost driveway on Shiloh Way into the west parking lot must be relocated to Cartier Avenue and the center line of the driveway must line up with the center line of the drive aisle on site, unless otherwise approved by the City of North Las Vegas Traffic Engineer."

The motion carried by UNANIMOUS vote.

5) VAC-02-01 (3355) TEXACO-ANN CLAYTON (Public Hearing)

An application submitted by Ace Engineering on behalf of Maria Enamorado, property owner, for a vacation of the western 15 feet of the Clayton Avenue right-of-way commencing at Ann Road and proceeding north approximately 242 feet. The property is generally located at the northwest corner of Clayton Avenue and Ann Road. The Assessor's Parcel Number is 124-29-802-012.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff, who indicated that after review, the Public Works Department has agreed that this is no longer needed. Staff is recommending approval of this item.

Jaspal Sidhu, of Ace Engineering, 5720 S. Valley View Boulevard, Suite 200, Las Vegas, Nevada appeared on behalf of the applicant.

Vice-Chairman Tom Langford opened the Public Hearing. No participants came forward. The Public Hearing was closed.

Commissioner Harry Shull **MOVED** and Commissioner Dean Leavitt **SECONDED** to **APPROVE** VAC-02-01 per staff's recommendations.

The motion carried by **UNANIMOUS** vote.

6) UN-86-98 (1525) LIBERTY RECYCLING (Public Hearing)

An annual review of a use permit allowing a salvage center in an M-2 General Industrial District. The property is located at 130 West Owens Avenue. The Assessor's Parcel Numbers are 139-22-811-006 through 139-22-811-009, 139-22-811-015 and 139-22-811-101.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated this item was approved by the Planning Commission in December, 1998. As a condition of approval, there was an annual review requirement for this item, therefore it was placed on the agenda. According to the Code Enforcement Department, there is an active case against this. There have been numerous concerns regarding noncompliance with the Health District requirements, noncompliance with Fire Department requirements, as well as the applicant has not obtained a business license for this item.

Jim Lewis, Deputy City Attorney stated that the conditions of approval for the previously granted special use permit have not been satisfied. Mr. Lewis stated that the Planning Commission may recommend to the Redevelopment Agency to require the applicant to come forward in a hearing and show cause why the applicant's special use permit should not be revoked.

J.T. Moran III, 630 S. 4th Street, Las Vegas, Nevada, appeared on behalf of the applicant who stated he would like to see this item placed in abeyance for 30 to 60 days. He stated that he has been retained by Mrs. Huerta 24 hours ago and has not had sufficient time to review this case considering his busy case load. He stated that he is representing to the Planning Commission that 95% of the conditions on this item are and have been satisfied. The remaining 5% have not been satisfied based on miscommunication on Mrs. Huerta's behalf. Mrs. Huerta is primarily spanish-speaking and does not understand the proper procedures. Mr. Moran stated he knows that ignorance of the law is no defense. He stated that Mrs. Huerta has been in business for 30 years and he has learned, within the last 24 hours, that these are very good people who have done great things in this community. Mr. Moran stated that he does not want to see any kind of a cease and desist order issued today. He stated that he understands the Fire Department has some concerns regarding the safety of the property.

Vice-Chairman Langford opened the Public Hearing. The following participant came forward:

- ▶ Chester Hamilton, 3713 Rivera Avenue, Las Vegas, Nevada 89107.

Mr. Hamilton stated that he is involved with property a few blocks away. He feels this property has been a nuisance for the past three years.

Vice-Chairman Langford closed the Public Hearing.

Mr. Moran stated he believes that Mr. Hamilton has his client's property confused with another property.

Commissioner Anita Wood asked Mrs. Huerta to return to the podium. Commissioner Wood informed Mrs. Huerta that the issues before the Commission at this meeting are issues that were part of her original application and should have been taken care of before she ever opened her doors for business. Regarding the Fire Department issues, Commissioner Wood stated to Mrs. Huerta that the Fire Department is unable to reach her location as there is a small, steep street which prohibits access by the Fire Department in the event of a fire or other emergency. She stated that the Fire Department visited the property at 11:00 AM this morning and found additional fire hazards at the property. Commissioner Wood indicated that this is a very serious situation with issues such as operating without a business license and violations of the Health District. The Health District itself is seeking to issue a cease and desist order separately from the City of North Las Vegas. She indicated the Health District has given Mrs. Huerta until Friday to submit the required paperwork. Commissioner Wood asked Mr. Moran if the paperwork for the Health District would be completed and submitted within the time allowed by the Health District?

Mr. Moran stated that he would do the best he can to get it completed and submitted by Friday.

Commissioner Wood stated to Mr. Moran that “doing the best you can” is not good enough. This is an issue that must be done by Friday. She stated that this is a very serious situation that cannot be ignored or delayed.

▶ Irma Huerta, 1520 Redrock Street, Las Vegas, Nevada 89146.

Mrs. Huerta stated that she is confused. She stated that she has five licenses, her son has a license, her other business has a license and she has tried to comply with requirements.

Commissioner Wood stated to Mrs. Huerta that the longer she takes to comply with requirements, the more rules are added which she additionally must comply with.

Mr. Moran stated there is no excuse for what has happened prior to his firm getting involved with this applicant. He stated that there is no excuse for it not getting filed at this point the right way. Mrs. Huerta is now retained by counsel (Moran & Associates) and counsel will do a good job to facilitate the requirements being met.

Commissioner Wood replied to Mr. Moran that there is no excuse when there is a fire liability issue. She stated that the Planning Commission now has a difficult decision to make tonight because of the fact that the safety issues are present.

Commissioner Harry Shull asked Jim Stubler, Deputy Fire Chief, what type of risk is the City facing if a 30-day continuance is granted to the applicant?

Jim Stubler stated that the risk is present right now and as Deputy Fire Chief he must state so. He advises against an extension.

Commissioner Shull asked Deputy Chief Jim Stubler if there is a temporary solution to this issue so that an extension could be granted?

Jim Stubler replied that he informed Mr. Moran that if they cease and desist the recycling operation until such time that they get something in place, it would be acceptable to his department. Jim Stubler stated that the applicant currently has three business licenses at this property which are legal, conforming uses. Desert Janitorial does not require special uses, but Desert Janitorial cannot do recycling, which is what is currently happening at this location. He stated he advised them to stop the recycling operation and come forward with a plan to make it conform and the fire department would not have a problem with that.

Commissioner Shull asked if the Commission granted a continuance on the basis that they cease and desist the recycling operation, how would the City enforce that?

Jim Lewis, Deputy City Attorney stated that the Fire Department and Code Enforcement Division could go out and enforce it. Mr. Lewis stated this goes before the Redevelopment Agency at the earliest on February 7, 2001, which is approximately 26 days from tonight’s meeting. He stated that amount of time is pretty close to the 30-day continuance which the applicant is requesting.

Commissioner Shull asked if it adversely affects them if the Commission turns them down now, which may effectively put them out of business?

Mr. Lewis stated that if it is learned that the applicant has complied with the conditions, that recommendation will go on to the Redevelopment Agency to show the Agency that the applicant has, in fact, complied with requirements.

Commissioner Shull stated that the Planning Commission is in a tough spot as was stated by Commissioner Wood regarding public safety and welfare, as well as businesses in the community.

Vice-Chairman Langford stated that his problem is he is looking at something that was approved two years ago which today has not been completely complied with. He stated he understands that Mr. Moran is a new attorney on the scene, but he does not know how to give this applicant additional time when other applicants who come before the Commission are required to comply within the time allotted. He is very concerned about the safety hazards and the fact that Mr. Moran did not come forward and state that the applicant would cease the recycling operation for the 30 days and see about making the necessary corrections. He stated that this business as well as other surrounding businesses could burn down in the mean time. He concluded by stating he does not support this item.

Commissioner Harry Shull asked the applicant if Commissioner Shull were to make a motion for continuance, would the applicant be willing to agree to a cease and desist on the recycling part of the business during the 30-day period?

Mrs. Huerta replied yes and stated that she is not currently recycling at the business. She stated that her son is recycling wood, but not her, and stated that he has a license.

Commissioner Shull then asked Deputy Chief Jim Stubler if the 'wood' situation Mrs. Huerta referred to, regarding her son, was in compliance with the Fire Department.

Deputy Chief Jim Stubler replied that Starwood is a business licensed as a wood shop and as such would not be allowed the outside storage.

Commissioner Marilyn Kirkpatrick asked Mrs. Huerta since it is her family who is operating all of these businesses, could they all come together and stop what is necessary for the safety of everyone else?

Mr. Moran stated he is sure that Mrs. Huerta will address all of the concerns, however he needs some time to do so.

Commissioner Kirkpatrick stated she is not concerned with who is at fault, however she wants the hazardous activity to cease for the safety of everyone around.

Commissioner Wood asked the applicant to clarify which businesses operate at this location. She asked the applicant about the following businesses:

- Desert Janitorial
- Chiquita Janitorial Maintenance Service
- Chiquita Construction Cleanup
- Starwood

Mrs. Huerta stated that Desert Janitorial is her brother's company.

Commissioner Wood stated the companies that are involved in janitorial may operate with no problem. Chiquita Construction, which is the company with the fire hazard, will need to cease until it has met the compliance requirements.

Tom Bell, Development Services Director, stated that he recommends the Commission find that the applicant has not met the original conditions of approval, which they have not, and therefore recommend to the Redevelopment Agency to consider revocation of the use permit, unless the conditions of approval have been substantially addressed by the time it gets to the Agency. Mr. Bell stated if there is in fact a hazardous situation present, Deputy Fire Chief Stubler has the ability to cite and, through a court order, effect a cease and desist.

Deputy Fire Chief Jim Stubler stated that Mrs. Huerta may continue to operate Chiquita Construction Cleanup, as long as she takes her construction cleanup materials to the dump. He stated that the application before the Commission is for a recycling permit, which requires Health District approval and a completely different set of rules apply. Mrs. Huerta does not need to discontinue the construction cleanup operation, but must discontinue using this location as a recycling operation.

Mr. Moran stated that one of the original conditions stated that recyclable materials may only be transferred to site for separation and distribution.

Commissioner Wood replied that unfortunately what is happening is that these materials are going there and staying there. It's not getting distributed, and it's not getting to the dump.

Deputy City Attorney Jim Lewis stated that the issue before the Commission at this time is to decide whether or not the applicant has complied with the conditions of approval. If the Commission finds that the applicant has not complied, then it can recommend to the Redevelopment Agency that the special use permit be revoked. The applicant has 26 or 27 days to comply with these conditions before the hearing before the Redevelopment Agency, which is close to the 30 day extension the applicant has requested.

Commissioner Harry Shull stated he believes that Mr. Bell's recommendation is probably the best course of action so that the Commission will not be in opposition to the City's Fire Department and public safety. He stated that the Commission may need to recommend denial and send the item forward to the Redevelopment Agency to consider whether or not the applicant has made substantial compliance prior to the hearing.

Mr. Moran stated that he feels that Mr. Lewis' recommendation of granting a 30-day extension should be followed.

Vice-Chairman Langford stated that he does not believe Mr. Lewis has recommended a 30-day extension. He stated that he heard Mr. Lewis state that it would be close to 30 days before the Redevelopment Agency hearing.

Mr. Moran then asked the Deputy City Attorney, Jim Lewis, to clarify his earlier statements.

Mr. Lewis replied that he recommends that the Commission find that the original conditions of approval have not been complied with and recommend to the Redevelopment Agency to revoke the special use permit. The applicant will then have 28 days to come into full compliance with the conditions. At that point the applicant can appear before the Redevelopment Agency and show good cause to have the Agency not revoke their special use permit based on their full compliance.

Commissioner Anita Wood MOVED and Commissioner Dean Leavitt SECONDED to **DENY** the annual review of UN-86-98 and recommend to the Redevelopment Agency that they initiate proceedings to revoke the special use permit, unless at the Redevelopment Agency hearing, the applicant can show compliance with the original conditions of the approval.

The motion carried by UNANIMOUS vote.

This item was DENIED.

**There was a break in the proceedings at 8:46 p.m.
The meeting reconvened at 8:59 p.m.**

7) ZN-01-01 (3286) EL CAMPO GRANDE (Public Hearing)

An application submitted by the Matonovich Family Trust, property owner, for reclassification of property from an R-1 Single-Family Residential District to an R-3 Multi-Family Residential District. The property is generally located north of El Campo Grande Avenue approximately 330 feet west of Valley Drive. The Assessor's Parcel Number is 124-30-303-004.

The application was presented by Bob Hoyes, Associate Planner, on behalf of staff who indicated that staff is recommending this item be continued until such time that City Council has acted upon AMP-15-00. This property is within the study area of AMP-15-00 and to act upon this item now may not be consistent with what the City Council approves. AMP-15-00 is scheduled for a Public Hearing before the City Council on 2/21/01, therefore the Planning Commission meeting following the City Council action would be on 2/28/01. Mr. Hoyes stated that the Development Services Department is recommending that this item be continued to 2/28/01.

George Garcia, 2501 N. Green Valley Parkway, Suite 108, Henderson, Nevada appeared on behalf of the applicant who indicated that this item is part of AMP-15-00, and requests that the item be moved forward.

Vice-Chairman Langford opened the Public Hearing. No participants came forward. The Public Hearing was closed.

Commissioner Harry Shull MOVED and Commissioner Dean Leavitt SECONDED to APPROVE ZN-01-01 subject staff's recommendations.

**The motion carried by MAJORITY vote.
Commissioner Laura Perkins voted against the motion.**

8) AMP-02-01 (3376) BIGELOW AEROSPACE CAMPUS (Public Hearing)

An application submitted by Bigelow Development Aerospace Division, LLC., on behalf of Zellhoefer Revocable Trust, property owner, for an Amendment to the Master Plan of Streets and Highways to remove Vista Street comencing at Brooks Avenue and proceeding south approximately 1,320 feet to Evans Avenue. The Assessor's Parcel Numbers are 139-16-201-001, 139-16-201-002 and 139-16-210-003.

The application was presented by Bob Hoyes, Associate Planner, on behalf of staff who indicated that staff is recommending approval of this item.

Robert Bigelow, President of Bigelow Aerospace, 4640 S. Eastern Avenue, Las Vegas, Nevada, 89119 appeared on behalf of the applicant who stated he concurs with staff's recommendations.

Vice-Chairman Langford opened the Public Hearing. No participants came forward. The Public Hearing was closed.

Commissioner Laura Perkins MOVED and Commissioner Marilyn Kirkpatrick SECONDED to APPROVE AMP-02-01 per staff's recommendations.

The motion carried by UNANIMOUS vote.

9) VAC-04-01 (3360) BIGELOW DEV. AEROSPACE DIV. LLC (Public Hearing)

An application submitted by Bigelow Development Aerospace, LLC, on behalf of the Zellhoefer Revocable Trust, property owner, for a vacation of the eastern portion of Vista Street commencing at Brooks Avenue and proceeding south approximately 828 feet. The Assessor's Parcel Numbers are 139-16-201-001, 139-16-201-002 and 139-16-210-003.

The application was presented by Bob Hoyes, Associate Planner, on behalf of staff who indicated the Development Services Department recommends a favorable recommendation from the Planning Commission to the City Council subject to two conditions.

Robert Bigelow, President of Bigelow Aerospace, 4640 S. Eastern Avenue, Las Vegas, Nevada, 89119 appeared on behalf of the applicant who stated he concurs with staff's recommendations.

Vice-Chairman Langford opened the Public Hearing. No participants came forward. The Public Hearing was closed.

Commissioner Marilyn Kirkpatrick MOVED and Commissioner Anita Wood SECONDED to APPROVED VAC-04-01 per staff's recommendations.

The motion carried by UNANIMOUS vote.

10) ZN-02-01 (3359 BIGELOW AEROSPACE CAMPUS (Public Hearing))

An application submitted by Bigelow Development Aerospace on behalf of Zellhoefer Revocable Trust, property owner, for reclassification of property from an R-1 Single Family Residential District to a Planned Unit Development District (PUD) consisting of an aerospace campus. The property is generally located east of Vista Street and south of Brooks Avenue. The Assessor's Parcel Numbers are 139-16-201-002 and 139-16-210-003.

The application was presented by Bob Hoyes, Associate Planner, on behalf of staff who indicated that staff is recommending approval with conditions. He stated that the first line in condition #2 be changed to read: **"That a CMU block wall be constructed along the southern and eastern property lines, as they pertain to this 9(+/-)-acre site."**

Robert Bigelow, President of Bigelow Aerospace, 4640 S. Eastern Avenue, Las Vegas, Nevada, 89119 appeared on behalf of the applicant. Mr. Bigelow requested to have a continuance. He stated that he agreed to put up a wrought iron fence around the perimeter of the 3 sides of the 40 acres, which would be 8 feet high. He stated that there is an existing block wall. He proposes to put up a cyclone fence contiguous to that block wall that would run parallel with that wall. As far as his request for fencing is concerned, he stated that is a major request of theirs as he feels it is a bit of a waste to have a decorative fence that is as expensive on an interior parcel as this is because there is no public access to that. What he is trying to avoid is an alleyway for pedestrian traffic to have egress between these two fences. He wishes to position his fence adjacent to the existing block wall so that pedestrians cannot get through there and continue down the property line.

Commissioner Anita Wood asked if the Commission agreed to the wrought iron along the southern boundary of the original 40 acre campus?

Vice-Chairman Tom Langford stated he believed they did.

Commissioner Wood asked staff to clarify when the Commission voted on the original application for the original 40 acres, the Commission required a block wall along the southern side, but not along the eastern, western or northern sides.

Marc Jordan, Senior Planner, replied that she was correct.

Commissioner Wood then stated that is what needs to be done now on this item.

Mr. Bigelow stated that he remembers that he acquired a waiver on the block wall in the southern part of the 40 acre property and agreed to put in the wrought iron fencing which was to be installed within 24 months of the time of pulling a building permit. He stated the City Council agreed with that and further waived items #13 through #24, which includes the block wall provision.

Commissioner Harry Shull stated that this item will still need to go before the City Council for ultimate approval and they may be able to waive that.

Steve Baxter, Planning Manager, stated that due to the confusion he feels this item should be continued for two weeks.

Vice-Chairman Langford opened the Public Hearing. The following participant came forward:

- ▶ Joseph W. Hart, AICP, Nellis AirForce Base, Las Vegas, Nevada 89191

Mr. Hart stated he does not need to speak on this item after all.

Commissioner Harry Shull **MOVED** and Commissioner Dean Leavitt **SECONDED** to **CONTINUE** ZN-02-01 per staff's recommendations.

The motion carried by **UNANIMOUS** vote.

The item is CONTINUED to 1/24/01

11) UN-02-01 (3322) CHEYENNE RESTAURANT & TAVERN (Public Hearing)

An application submitted by O.R.B., LLC, on behalf of CP Development, Inc., property owner, for a use permit in a C-2 General Commercial Phase of a PUD Planned Unit Development to allow the “on-sale” of alcoholic beverages in conjunction with a tavern. The property is generally located at the northwest corner of Simmons Street and Cheyenne Avenue. The Assessor’s Parcel Number is 139-08-402-005.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated that this property was rezoned in 1997 to the PUD Planned Unit Development District. Upon reviewing the site plan, the staff noticed a number of concerns regarding the landscaping around the building and around the parking lot. Staff is recommending approval of this item subject to conditions.

Bill Curran, of Curran & Perry, 601 S. Rancho Drive, Las Vegas, Nevada appeared on behalf of the applicant.

Vice-Chairman Tom Langford opened the Public Hearing. No participants came forward. The Public Hearing was closed.

Commissioner Anita Wood stated that the Commission knows that construction will begin within 12 months on the restaurant/tavern. She asked what is the time frame for the commercial around that?

Mr. Curran replied that he is not sure that he could specify.

Commissioner Wood stated that normally when the Commission looks at elevations and all that accompany the site plan review, signage is normally one of the components of the site plan review. Since this has been expedited on behalf of the applicant, she has not seen them as part of this application. Her question to staff is does the Commission normally get a final development plan review in this situation?

Marc Jordan, Senior Planner, stated that in this situation the use permit is going to serve this as a final development plan, subject to the conditions listed. On the tavern itself, the Commission will not review another application. When the commercial center comes in down the road the Commission will be getting a final development plan for that and typically staff would want some type of sign program that shows how the signage is going to work.

Commissioner Wood asked staff how will that work when the restaurant/tavern may already be constructed and the rest may not come in until much later?

Mr. Jordan stated it would be based on the frontage. When 7-11 was built, staff encountered the same challenge with them as he believes there is a condition regarding signage within an entire commercial center. 7-11 needed their signage right away because they were opening up and it had to do with the fact that they had to advertise their gas prices. 7-11 was unable to come in with an integrated sign project because staff did not know what the commercial center was going to be like. Therefore if you look at their signage, it basically matches their store having the same materials and was not too tall. We worked with them and they came in with a design that complimented their building. He stated that staff would probably be looking for the same thing for this item for when they do their signage that they can’t exceed their square footage that they would be allowed and something that would also match the development of what they are building.

Commissioner Wood asked to clarify that it is all still being looked as a whole, even though it is being developed in phases.

Mr. Jordan replied that she was correct.

Commissioner Marilyn Kirkpatrick MOVED and Commissioner Laura Perkins SECONDED to APPROVE UN-02-01 per staff’s recommendations.

The motion carried by UNANIMOUS vote.

12) UN-03-01 (3358) ELKHORN-COMMERCE CELLULAR (Public Hearing)

An application submitted by Acclaim Engineering Group, Inc., on behalf of Unlimited Holdings, Inc., for a use permit in an R-E Ranch Estates District to allow a cellular facility to include a 50 foot cellular tower. The property is located approximately 338 feet south of Elkhorn Road and approximately 284 feet west of Commerce Street. The Assessor's Parcel Number is 124-22-101-010.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated that this property is presently zoned R-E Ranch Estates and is undeveloped. Likewise the property surrounding this area is also Ranch Estates and is undeveloped. Staff is recommending denial of this item due to the fact that the cell tower is proposed in an area that is undeveloped. Mr. Jordan stated that if this tower is built, any future development would be required to develop around this cell tower. Staff feels that at this time this is premature and should come in at a later time once some development is proposed, where a cell tower can be properly integrated into the site. Mr. Jordan stated that at the next Planning Commission meeting on 1/24/01 the Commission will be seeing a tentative map in which this exact scenario has occurred. There is a cell tower currently at Willis Street north of Ann Road. The applicant of that property is designing a residential subdivision around an existing cell tower which has a ten year lease and nothing can be done to remove it. Staff's recommendation is for denial of this item to avoid a repeat of this scenario.

Gary Busby, 6830 S. Escondido Suite B, Las Vegas, Nevada, 89119, appeared on behalf of applicant.

Vice-Chairman Langford opened the Public Hearing. No participants came forward. The Public Hearing was closed.

Commissioner Anita Wood stated that the applicant is asking the Commission to anticipate what will occur in the future which is risky as this area is undeveloped. She stated that cellular towers are important, however others are coming before the Commission with cell towers and are doing so in a way that is on rooftops, is hidden, and is visually appealing.

Commissioner Harry Shull asked the applicant if the site is in the middle of a 2 ½ acre parcel.

The applicant replied yes. He showed the Commission some pictures of trees that could camouflage the cell tower.

Vice-Chairman Tom Langford stated he agrees with Commissioner Wood.

Steve Baxter, Planning Manager, stated that the City Attorney is suggesting that the applicant might want to discuss with staff the possibility of finding a slightly better location and come back before the Commission at a later date.

Vice-Chairman Langford asked the applicant if that was agreeable to him.

The applicant stated that he would need to get some input from his client before he could agree to a continuance.

Commissioner Marilyn Kirkpatrick asked the applicant if there is nothing out there yet, why is this cell tower needed at this time?

The applicant replied that there is a need for more cell towers to reduce the amount of "dead spaces" for cellular transmission.

Commissioner Marilyn Kirkpatrick stated she is concerned about the ground around the cell tower. She asked if there is a requirement of additional landscaping around the cell tower, or is it just going to be a tree?

Marc Jordan stated that there are requirements, however at this time there is no water available at this site.

Commissioner Kirkpatrick stated that she keeps hearing, in this discussion, that there is nothing out there therefore she is unable to support this project.

Commissioner Harry Shull stated that he agrees with staff that there may be a better location for this cell tower. He also stated that he has no problem with requiring trees in the middle of the desert with the same annual review as has been done before so that when development comes to the area, the trees can be planted.

Vice-Chairman Langford asked the applicant to clarify that he asked for a continuance.

The applicant stated that he did not, and the continuance was staff's idea. He stated he prefers the item be approved by the Commission tonight.

Commissioner Dean Leavitt asked the applicant how many more antennas would this application be able to accommodate?

The applicant replied that he was not sure.

Commissioner Wood asked the applicant what the signal radius will be of the tower?

The applicant stated that he believes it is 5 square miles.

Commissioner Wood stated that she believes that a continuance is needed and the applicant should consider if there is a better location within the 5 square mile radius.

Commissioner Anita Wood MOVED and Commissioner Harry Shull SECONDED to CONTINUE UN-03-01 per staff's recommendations.

The motion carried by UNANIMOUS vote.

The item is CONTINUED to 2/14/01.

13) VAC-01-01 (3354) SILVERCREST AT SALVATION ARMY (Public Hearing)

An application submitted by Salvation Army, property owner, for a vacation of a portion of Equador Avenue commencing approximately 345 feet east of Crawford Street on Equador Avenue and continuing east approximately 82 feet. The Assessor's Parcel Number is 139-12-404-006.

The application was presented by Bob Hoyes, Associate Planner, on behalf of staff who indicated staff is recommending approval with conditions.

Steve Hefner, of Great Western Engineering, 5525 Polaris Avenue Suite D, Las Vegas, Nevada appeared on behalf of applicant who stated he concurs with staff's recommendations.

Vice-Chairman Tom Langford opened the Public Hearing. No participants came forward. The Public Hearing was closed.

Commissioner Harry Shull MOVED and Commissioner Dean Leavitt SECONDED to APPROVE VAC-01-01 per staff's recommendations.

The motion carried by UNANIMOUS vote.

14) VAC-03-01 (3356) CRAIG/VALLEY CENTER (Public Hearing)

An application submitted by the Philip J. Cohen Trust, property owner, for a vacation of a portion of an access easement commencing approximately 672 feet west of Valley Drive and approximately 364 feet north of Craig Road and proceeding north approximately 267 feet. The Assessor's Parcel Number is 139-06-201-003.

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

Vice-Chairman Tom Langford opened the Public Hearing. No participants came forward. The Public Hearing was closed.

Ali Taghdir, 1613 Saddle Rock Circle, Las Vegas, Nevada 89117 appeared on behalf of applicant who stated he concurs with staff's recommendations, but requested clarification of condition #2.

Condition #2 reads: ▶ That the vacation include both east and west sides of the easement from the end of the returns at Craig Road to the northern property line. The entire egress and ingress easement shall be vacated.

The applicant stated that the portion that falls on the east side of the easement is where the subject property is. The west side of the property is not their property and he asked if there is any obligation on his part to contact the property owners or does the City do that?

Marc Jordan replied that when the City sends out the public hearing notices it is automatically expanded to include all adjacent property owners of this easement so they have been notified.

Commissioner Laura Perkins MOVED and Commissioner Harry Shull SECONDED to APPROVE VAC-03-01 per staff's recommendations.

The motion carried by UNANIMOUS vote.

15) ZN-13-98 (1856) GLENEAGLES (Public Hearing)

An application submitted by Becker and Sons, property owner, to amend the approved conditions of the multi-family component of an existing Planned Unit Development (PUD) to allow a density of 14.1 dwelling units per acre when 11 du/ac is the maximum allowed, to allow a 40-foot separation for buildings adjacent to single family residential development, to allow a building separation of 10 feet, to allow a five-foot buffer yard between the parking lot and the light industrial area to the south, and to allow a zero lot line setback on three sides of the buildings and a five-foot setback on one side of the buildings. The property is generally located approximately 330 feet north of Gowan Road and west of Commerce Street. The Assessor's Parcel Number is 139-10-201-010.

Prior to the Planning Commission meeting, the applicant requested the item be continued to 1/24/01.

Commissioner Laura Perkins **MOVED** and Commissioner Anita Wood **SECONDED** to **CONTINUE** ZN-13-98 per applicant's request.

The motion carried by **UNANIMOUS** vote.

The item is CONTINUED to 1/24/01.

16) SPR-44-00 (3235) IMAGE CRAFTERS

An application submitted by Image Crafter/Serpentine on behalf of the M.F. Goldojarb Survivor Trust, property owner for a site plan review in an M-2 General Industrial District to allow for alternate screening. The Assessor's Parcel Number is 139-11-801-003.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated that this is an application to allow alternate screening for a storage yard. He stated that this is a heating and air condition supply facility with outside storage which is currently not screened from view and is very visible from Losee Road. Mr. Jordan stated that this application is for alternate screening such as vinyl sheets, slats or wood for this storage yard. He stated that due to the high visibility of this location staff is recommending denial of such alternate screening and recommends that an 8-foot high wall be required. The only exception where staff would not require an 8-foot high wall would be where any building is abutting to the property line that would automatically screen any storage yard.

Brian Goldojarb, 2604 Sunray Road, Las Vegas, Nevada appeared on behalf of the applicant who stated that his family owns the property which was purchased in 1992 to be a sole use property for a screen print operation. The applicant has since portioned off the building and now has a tenant that leases from his client. The tenant is Serpentine Company and he states that business is subject to the business license. He stated that Serpentine is using a portion of the parking area in the front of the property for storage of sales materials for air conditioning ducting. Mr. Goldojarb stated that when the property was purchased in 1992 there was no fencing around the property. He appeared before the City Council at that time to request the ability to fence in the property which resulted in the applicant putting up a 6-foot fence and requested to put screen materials in the yard. He stated at that time the North Las Vegas Police Department requested that the applicant not do so and preferred chain link to allow open view into the parking area. He stated the area in question is approximately 200 feet from Losee Road and at that time they did not put up screening. The screen issue has come up now after eight or nine years after the chain link fence went up. Mr. Goldojarb stated that there are a number of properties that are across the street or neighboring properties on Losee Road of which most are directly on the street. In particular, he cited a property located at 3255 Losee Road, which he stated is located directly across the street from this property with a 6-foot chain link fence with a solid vinyl front to it that apparently was allowed. He goes on to state several other addresses within a mile of the subject property which are using either slats or the solid vinyl. He stated that his client wishes to be in full compliance with City standards. He is requesting to have the opportunity to have a site plan review to see if there are alternatives to the block wall as well as to determine exactly how much of the property requires a block wall due to the potentially significant cost.

Marc Jordan stated that the applicant has indicated that the part of the parking lot is being used as storage and they are aware that the North Las Vegas Police Department does not want the view of the parking lot blocked. The applicant is now also facing another problem as they have reduced the required parking for that building. He stated that staff has never recommended alternate screening for areas that are visible from rights-of-way.

The applicant stated that he has brought photographs along with him of the other properties he mentioned if the Commissions wished to view them.

Commissioner Anita Wood stated that the neighbors to this property may have come in earlier, but the City has since initiated commercial design guidelines which are much stricter than guidelines applicants were previously required to meet. She stated that she drove by the property and understands why the Police Department is concerned as the amount of storage in front would prohibit view.

The applicant is wondering if there could be an alternative to a block wall. He stated that most of the neighboring properties which are using screening other than block walls have gone up within the past 3 or 4 years. He stated he requests a site plan review as he does not currently know which sides of the property the city wants blocked.

Commissioner Anita Wood stated they would need to continue this item for a site plan review.

Steve Baxter, Planning Manager, stated he believes a continuance would be a good idea to allow staff an opportunity to discuss it with the applicant and see the site so that staff can come back with a recommendation.

Marc Jordan stated that the City's zoning ordinance requires all storage yards to be screened from adjacent properties and rights-of-way, therefore the City is requiring screening on all sides of the property.

Commissioner Harry Shull MOVED and Commissioner Anita Wood SECONDED to CONTINUE SPR-44-00 per staff's recommendation.

The motion carried by UNANIMOUS vote.

The item is CONTINUED to 2/14/01.

17) ZOA-01-01 (3272) CITY OF NORTH LAS VEGAS (Public Hearing)

An ordinance amendment initiated by the City of North Las Vegas to amend Section 17.24.080, Paragraph F, of Title 17 of the North Las Vegas Municipal Code (Zoning Ordinance) to allow fence wall deviation requests to be reviewed and approved by the Development Services Director or his or her designee. If a fence wall deviation request is denied by the Development Services Director or his or her designee, the applicant may appeal by applying for a variance as set forth in Section 17.28.030.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated this is an ordinance amendment which staff was directed by the Planning Commission to write. He stated this ordinance amendment basically allows staff the opportunity to review fence wall deviation requests. Mr. Jordan stated that part of this ordinance includes language that staff struck out and new language that staff added to give staff this ability, as well as a new paragraph was added in case an applicant does not agree with staff's decision. He stated that the appeal process is basically the same appeal process that is used for administrative variances for additional fence height.

Commissioner Harry Shull MOVED and Commissioner Kirkpatrick SECONDED to APPROVE ZOA-01-01 per staff's recommendations.

The motion carried by UNANIMOUS vote.

18) ZOA-02-01 (3361) CITY OF NORTH LAS VEGAS (Public Hearing)

An ordinance amendment initiated by the City of North Las Vegas to amend Section 17.28.050, Paragraph C, sub-section 2, of Title 17 of the North Las Vegas Municipal Code (Zoning Ordinance) to allow the City of North Las Vegas Public Works Department to obtain a special use permit for public works projects requiring that all conditions, stipulations and limitations be fulfilled within a ten (10) year period of time.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated that this is an application for an ordinance amendment which the Commission directed staff to prepare. He stated that this ordinance amendment allows publicly funded capital improvement projects 10 years to fulfill all of the conditions of approval. This is similar to provisions for public utility companies. Due to the way the process works when Public Works proposes an improvement, sometimes funding takes a great amount of time to get approved, which can range from 3 to 5 years, and use permits need to fulfill all conditions within 2 years. Mr. Jordan stated that this would eliminate the need for applicants to repeatedly apply for an extension of time and would give them the same privilege given to public utility companies.

Commissioner Harry Shull MOVED and Commissioner Anita Wood SECONDED to APPROVE ZOA-02-01 per staff's recommendations.

The motion carried by UNANIMOUS vote.

19) ZOA-13-00 (1952) CITY OF NORTH LAS VEGAS (Public Hearing)

Ordinance amendments initiated by the City of North Las Vegas to Section 16.08.85 of Title 16 of the North Las Vegas Municipal Code by adding the definition of curvilinear streets and clarifying the language in Section 16.20.050 of Title 16 of the North Las Vegas Municipal Code relative to street curvature.

The application was presented by Steve Baxter, Planning Manager, on behalf of staff who indicated that this is an application regarding the curvilinear streets works amendment. Staff saw the Public Works presentation of curvilinear streets to City Council last week. The Traffic Department would like to make the same presentation to the Planning Commission at a workshop.

The workshop is scheduled for 2/14/01 at 5:30 PM in the City Manager's Conference Room.

Commissioner Dean Leavitt MOVED and Commissioner Harry Shull SECONDED to CONTINUE ZOA-13-00 per staff's recommendation.

The motion carried by UNANIMOUS vote.

The item is CONTINUED INDEFINITELY.

OLD BUSINESS

20) SPR-24-00 (2096) THE CORNER SHOPPING CENTER

An application submitted by the Corner Shopping Center, Inc. on behalf of Susan Wheeler, property owner, for a site plan review in an R-A/CR Redevelopment Area, Commercial Retail Subdistrict, to allow a waiver of Redevelopment Design Standards regarding the location of trash bins. The property is located at 2501 E. Lake Mead Blvd. The Assessor's Parcel Number is 139-24-310-001.

The application was presented by Bob Hoyes, Associate Planner, on behalf of staff who indicated that this item was continued indefinitely from the August 9, 2000 Planning Commission meeting because the site plan did not provide enough information for proper review by staff. Mr. Hoyes stated that staff's recommendation is for denial of this item as no new information has been presented.

Elmore Bacon, 3737 Pecos McLeod, Las Vegas, Nevada 89121 appeared on behalf of the applicant who stated he understands why staff is recommending denial. He stated that having a trash structure/enclosure placed in front of the property would eliminate a hardship of having trash removal take place at this project. He stated the owner is willing to do whatever it takes aesthetically to make such an enclosure attractive, safe and secure.

Commissioner Anita Wood asked the applicant if he was the same person who appeared at a previous meeting where this item was presented.

The applicant stated that, since that previous meeting, the owner of the adjacent property to the south threatened to erect a fence immediately, and the owner of this property had to seek legal recourse to prevent that from happening. Mr. Bacon stated that it appears that there will exist a hostile relationship between the surrounding property owner and this one. He stated that he has not yet obtained a clear, legal viewpoint as to whether or not a prescriptive easement exists or has existed due to the fact that over the years Silver State has used that back property to get to and from the current trash bins. He further stated that the problem he foresees in exploring that is perhaps a long court battle to determine whether or not such an easement does exist.

Commissioner Anita Wood stated she understands how the applicant feels, however she has a real problem with a trash enclosure on Lake Mead, as she explained to him at the previous meeting where this item was presented.

Commissioner Harry Shull stated that he agrees with Commissioner Wood and has a hard time supporting this item. He stated as a developer he sees many solutions to this that would not involve using the other property, but would result in the loss of some square footage in this building.

Mr. Bacon stated that the building, as it exists, runs from the property line to the east, as he pointed out to the Commission on the site plan, and runs up right to the right-of-way just before the sidewalk and is an existing structure. He stated the only avenue that they have is the extreme southwest corner of the property.

Commissioner Wood asked the applicant what does the PizzaHut do regarding this issue?

Mr. Bacon stated that the PizzaHut is sitting on the adjacent property owner's property. He stated that property runs right up against the building of this project.

Commissioner Wood asked the applicant if it is possible to make an arrangement with PizzaHut.

Mr. Bacon replied that he is exploring that option.

Commissioner Dean Leavitt stated that he agrees with Commissioner Wood who indicated that this is an uphill battle for the applicant. He stated that in years past that both residents and businesses could put a little trash bag out on the corner and Silver State would come by and pick it up, but the City of North Las Vegas has evolved from those days of old. He further stated that millions of dollars have been spent and countless hours of planning, construction and landscaping have been invested and believes that the trash enclosure location would be inappropriate.

Commissioner Anita Wood stated to the Deputy City Attorney that this applicant has been using an easement for an extended period of time. Whether this was a verbal or an actual defined easement, she asked Jim Lewis if that would give the applicant some right to maintain that easement.

Jim Lewis, Deputy City Attorney replied that if it was for a period of over 5 years, and there were no complaints, the applicant may gain something called a prescriptive easement which could allow Silver State access. Mr. Lewis stated to the applicant that it is his understanding that the owner was going to put up a fence around the property, but the landowner went to court to prevent that from happening, and asked the applicant to verify so.

Mr. Bacon replied that is true.

Mr. Lewis stated that the only way a court would hear a matter and block the fence from going up is through a Temporary Restraining Order. Mr. Lewis stated that there is a lawsuit pending and until such time that it is resolved, he does not believe there exists an unnecessary hardship for the applicant. He stated that the court has to find that there is a probability it would succeed on the merits for the court to grant the action.

Commissioner Wood asked the applicant to verify that he currently has access and if the Commission does not act on this item he is not being left stranded.

Mr. Bacon replied that he does have access and is not being left stranded.

Vice-Chairman Langford asked staff if the applicant would have to come before the Commission before a fence is built?

Steve Baxter, Planning Manager, replied that, in fact, that is the case.

Mr. Bacon stated that there is a fence that has already been constructed on the eastern portion of the property line which prevents access to the piece of the property by the alleyway which is between the building and the PizzaHut.

Kenny Young, Redevelopment and Neighborhood Services Manager for the City of North Las Vegas, stated that, regarding the fencing issues, many times he does not see those. When the permit is pulled it would go through the Building Department. He stated that, regarding the particular fencing the applicant is referring to, he is not sure if the permits were actually pulled, which is another issue because if they were, the planning department and his department would have an opportunity to review them. He stated he knows the fence does exist, but he has not seen any plans along with the permit application for it. He further stated that his stance today is that the applicant is seeking relief somewhere where they have other remedies as well as some of the aesthetic things which have been presented and the amount of money the City has invested and continues to invest in this area.

Commissioner Wood asked staff if it would be best to continue this item indefinitely or deny it and the applicant could file again at such time as there is a resolution to the pending lawsuit

Marc Jordan stated that the court remedy is potentially 18 months away. This was initiated some time last year, even before August 9, 2000, when the last hearing was held. He stated staff's recommendation is to deny this and if something changes in 18 months, the applicant could, at that time, apply for a new application.

Commissioner Shull asked if the Commission denies this, would it give the applicant something to go into to court with and say that they have been using this prescriptive use for years and city is denying them.

Mr. Lewis stated if they meet certain requirements they will be entitled to that easement.

Kenny Young stated that he recommends that the applicant contact the City's Code Enforcement Division regarding the fence issue.

Commissioner Harry Shull MOVED and Commissioner Anita Wood SECONDED to DENY SPR-24-00 per staff's recommendations.

The motion carried by UNANIMOUS vote.

21) T-859 (3110) AUTUMN CHASE

An application submitted by Kimanh Le / Acclaim Engineering Group on behalf of Temple Development Corp., property owner, for a tentative map review in an R-1 Single Family Residential District. The property is located approximately 650 feet south of Washburn Road and west of Simmons Street. The Assessor's Parcel Number is 124-32-301-008.

Prior to the Planning Commission meeting, the item was withdrawn by request of the applicant.

22) UN-88-00 (3178) AT&T WIRELESS SERVICES OF NEVADA

An application submitted by AT&T Wireless Services of Nevada on behalf of Piclane, LLC, property owner, et. al., for a use permit in a PUD Planned Unit Development District to allow a 70-foot monopole at an existing wireless facility where 60 feet was previously approved. The property is located at 725 W. Washburn Road. The Assessor's Parcel Number is 124-34-301-002.

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.

Chris Wener, of Spectrum Engineering, 7351 W. Charleston Boulevard, #120, Las Vegas, Nevada 89117 appeared on behalf of the applicant. Mr. Wener stated that there are 7 different frequencies in the Las Vegas market that are allotted by the FCC for wireless service. He stated there are currently 5 different carriers in this market, allowing room for two more companies to enter the market. Mr. Wener stated there are close to 600 sites between each of the 5 carriers, being between 100-120 sites per carrier throughout the valley. Each carrier is obligated, by their license with the FCC, to provide coverage.

Vice-Chairman Langford asked the applicant if he had seen the photograph of camouflaged cell towers previously presented to the Commission.

Mr. Wener stated that AT&T does not own this tower, Nextel does. AT&T cannot force Nextel to make this tower a tree.

Commissioner Anita Wood asked the applicant if they are collocating on someone's tower as she thought they were taking out a tower and putting up a new one.

Mr. Wener stated that this tower cannot accommodate additional antennas. He stated this tower will be taken out and AT&T will put in a new one, but it will still be owned by Nextel, which is part of the way the collocations work.

Commissioner Wood stated that if that is the case, then Nextel should be appearing before the Commission with AT&T. She also asked Mr. Wener about his property being one foot away from somebody's backyard. She stated that if this cell tower is going to be that close to someone's residential backyard, it needs to look like a tree or at least be visually appealing.

Commissioner Harry Shull stated that the tower is already there and the new one is only adding 10 feet to it.

Commissioner Wood stated that if they are going to tear it down and put up a new one then they can make it look nice.

Mr. Wener stated that since the tower does not belong to AT&T, he is unable to commit to making it look like a tree.

Commissioner Harry Shull stated he thinks that it would be best to allow this tower to happen rather than put in an entirely different tower somewhere else.

Commissioner Harry Shull MOVED and Commissioner Dean Leavitt SECONDED to APPROVE UN-88-00 per staff's recommendations.

The motion carried by UNANIMOUS vote.

23) VAC-21-00 (3203) NORTHSTAR BUSINESS PARK

An application submitted by Vegas Industrial Development, LLC, property owner, for a vacation of a portion of an existing drainage right-of-way commencing south of Craig Road at Vandenberg Drive and proceeding south approximately 118 feet. The property is generally located south of Craig Road approximately 1,055 feet west of Lamb Boulevard. The Assessor's Parcel Number is 140-06-601-002.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated staff is recommending approval of this item subject to the one condition that the street be dedicated at the same time that the vacation is recorded.

Jack Benson, Co-Manager of Vegas Industrial Development, 7380 W. Sahara Avenue #120, Las Vegas, Nevada, 89117 appeared on behalf of applicant who stated he concurs with staff's recommendations.

Vice-Chairman Tom Langford opened a Public Hearing. No participants came forward. The Public Hearing was closed.

Commissioner Harry Shull **MOVED** and Commissioner Dean Leavitt **SECONDED** to **APPROVE** VAC-21-00 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:

Discussion regarding cell towers and camouflaging of the towers. In addition, Steve Baxter, Planning Manager, stated that supper clubs are subject to the same 6-month provision as bars, which he believes is due to an oversight when the ordinance was originally drafted which was approximately 15 years ago. He does not believe there is a need for supper clubs to be subject to the same 6-month provision as bars due to the fact that there is not a 1,500 foot separation requirement for supper clubs. The only reason for bars to have to be finished within 6 months is because of that 1,500 foot separation. He stated that supper clubs can be right next to each other and suggests that requirement be amended so that they are not held to the same requirement as a bar.

CHAIRMAN'S BUSINESS:

None

ADJOURNMENT:

11:25 P.M.

A motion to ADJOURN the January 10, 2001 meeting of the Planning Commission of the City of North Las Vegas was made by Commissioner Dean Leavitt. Commissioner Anita Wood SECONDED the motion.

Nelson Stone, Chairman

ATTEST:

Ted Karant, Recording Secretary