

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
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Tom Langford, Vice Chairman
Anita Wood
Harry Shull

January 24, 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:

Steve Baxter, Planning Manager
Marc Jordan, Senior Planner
Bob Hoyes, Associate Planner
Steve Casmus, Public Works
Charity Fechter, Transportation Services
Steven DiGiovanni, 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 January 10, 2001 has been postponed to the February 14, 2001 Planning Commission meeting.

CONSENT AGENDA

A) PW-155-00 (3593) DECATUR VILLAS

Accept the off-site improvements for maintenance and advise the Director of Public Works to notify Insurance Company of the West to release the Off Site Improvement Bond in the amount of \$13,907.80.

B) PW-156-00 (3594) ANN/ALLEN

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

C) PW-157-00 (3595) 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.

D) PW-158-00 (3596) HIGHLAND HILLS UNIT 4

Approve the Final Map and the Subdivision Off-Site Improvements Agreement by HH Res, LLC and accept the Subdivision Bond in the amount of \$532,312.55.

E) PW-159-00 (3597) HIGHLAND HILLS UNIT 6

Approve the Final Map and the Subdivision Off-Site Improvements Agreement by HH Res. LLC and accept the Subdivision Bond in the amount of \$311,484.58.

F) RN/01-20-01 DEEDS OF DEDICATION

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

Commissioner Harry Shull MOVED and Commissioner Laura Perkins SECONDED to APPROVE Consent Agenda Items A through F.

The motion carried by UNANIMOUS vote.

NEW BUSINESS

This item was moved up to be heard first on tonight's agenda.

13) FDP-01-01 (3448) LONE MOUNTAIN/SIMMONS COMMERCIAL CENTER

An application submitted by Bradley W. Boyd on behalf of Lone Mountain/Simmons, LLC, property owner, for a Final Development Plan review in an R-1 Single-Family Residential District (ROI to C-1 Neighborhood Commercial District). The property is generally located at the southeast corner of Lone Mountain Road and Simmons Street. The Assessor's Parcel Number is 139-05-501-001.

Prior to the Planning Commission meeting, the applicant requested the item be continued to 2/14/01.

Chairman Nelson Stone stated that this item will be continued, however there will be a brief presentation on this item and it will be moved to the front of the agenda.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated that staff is recommending a continuance to the February 14, 2001 Planning Commission meeting to allow the applicant to meet with staff revisions that would adequately satisfy all current requirements. Mr. Jordan stated that the applicant has been diligently working with staff and progress is being made on this project.

Bill Curran, of Curran & Perry, 601 S. Rancho Drive, Las Vegas, Nevada 89107 appeared on behalf of the applicant. Mr. Curran stated that he believes he will be able to proceed forward on this item by the next Planning Commission meeting on 2/14/01.

Commissioner Harry Shull **MOVED** and Commissioner Tom Langford **SECONDED** to **CONTINUE** FDP-01-01 per applicant's request.

The motion carried by **UNANIMOUS** vote.

The item is CONTINUED to 2/14/01.

01) AMP-03-01 (3455) CREEKSIDE TWO (Public Hearing)

An application submitted by Centex Homes d.b.a. Real Homes on behalf of The Shearing Family Trust, Steven Shearing, Trustee, and Robert Cohen, et. al., property owners, for an Amendment to the Comprehensive Plan, land use element, to change the current designation of LDR Low Density Residential to MDR Medium Density Residential. The property is generally located east of Valley Drive between Ann Road and Tropical Parkway. The Assessor's Parcel Numbers are 124-30-701-007, 124-30-801-002, 124-30-801-004 and 124-30-801-005.

Prior to the Planning Commission meeting, the applicant requested the item be continued to 2/14/01.

Commissioner Tom Langford MOVED and Commissioner Dean Leavitt SECONDED to CONTINUE AMP-03-01 per applicant's request.

The motion carried by UNANIMOUS vote.

The item is CONTINUED to 2/14/01.

02) AMP-04-01 (3443) STARWOOD UNIT 2 (Public Hearing)

An application submitted by Canyon Willow Builders Trop., LLC, on behalf of G. Fred Jeynes, property owner, for an Amendment to the Master Plan of Streets & Highways to change the current alignment of June Street commencing at Start Meadows Drive and proceeding south approximately 720 feet and then proceeding east approximately 600 feet to Concord Street. The Assessor's Parcel Number is 139-16-701-008.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff, who indicated that according to the site plan applicant submitted at the final proposal, staff recommended a continuance of this item so the applicant could address the items of concern by staff. Mr. Jordan stated that the applicant has submitted a revised site plan. Staff is recommending approval of this item as presented on the revised site plan.

Gerry Slater, 2260 Corporate Circle, Henderson, Nevada 89014 appeared on behalf of the 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 Laura Perkins MOVED and Commissioner Dean Leavitt SECONDED to APPROVE AMP-04-01 per staff's recommendations.

The motion carried by UNANIMOUS vote.

03) T-862 (3442) STARWOOD-UNIT 2

An application submitted by Canyon Willow Builders Trop, LLC on behalf of G. Fred Jeynes, property owner, for a tentative map review in an R-1 Single-Family Residential District. The property is generally located at the northeast corner of Martin Luther King, Jr. Boulevard and Cartier Avenue. The Assessor's Parcel Number is 139-16-701-008.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated this is an application to subdivide approximately 15 acres of the 75 lots for single family development. Mr. Jordan stated the portion of the subdivision to the north, also known as Starwood, has been developed to the RCL standards and was under a resolution of intent to RCL at one time. Since then, the ROI has expired and reverted back to the R-1, which is why these lots are designed to the R-1 standard. He stated that, as with the previous application and original site plan, staff recommended a continuance to allow the applicant to eliminate some of the concerns addressed by staff which the applicant has done. Mr. Jordan stated that staff is now recommending approval of the tentative map subject to the 13 conditions listed.

Gerry Slater, 2260 Corporate Circle, Henderson, Nevada, 89014 appeared on behalf of applicant who stated he concurs with staff's recommendations, however he has an objection to one of the conditions and needs clarification on another condition. Mr. Slater stated that the intent of the project was not to create any homeowners association. He stated that any open space shown on the map now will end up as an easement with maintenance being the responsibility of the homeowners adjacent to the site. He stated there is a drainage easement in the southwest corner; there is a pedestrian access easement in the northeast corner that he would put easements over those properties. Regarding condition #12 concerning the irregular shaped smaller tract in the southeast corner, he stated that his intent is to deed it over to the adjacent property owner, lot 48 of the adjacent subdivision, thereby eliminating the need for the creation of an HOA.

Marc Jordan asked the applicant to clarify that the applicant's intent is to amend condition #11-1 which requires landscaping adjacent to the corner lots as well as change condition #12. He stated that this item is at the discretion of the Planning Commission as this is out of the Single-Family Design Guidelines, which can be waived by the Planning Commission. Mr. Jordan stated that if the Commission wanted to eliminate the potential of a homeowners' association, that would be at their discretion, and that any landscaping next to the corner lots could be maintained by the homeowners and staff would not object to that.

With regard to condition #12, he stated that staff is concerned with the nonconforming lot that this tentative map would create there. Staff is not objecting to that lot being deeded over to the person who owns lot 148 of the property to the south, however, if this is the desire of the Planning Commission, staff wants it deeded over and combined with that lot so that property owner does not have a separate lot that is nonconforming. Mr. Jordan stated that under the current zoning ordinance, any legal nonconforming lot can still be developed as a Single-Family Residential Dwelling Unit in an R-1 area with Planning Commission approval, but in this particular case they would be creating it.

The applicant stated that he objects to condition #8, which would require some type of acquisition from the adjacent property for the extension of the street. He stated that there are three reasons he objects to this. First, he stated that he did not create the problem there. Back in the early '60s when Highland Heights final map was done, it created only a 37 foot gap at the corner for the extension of the street to go through. Mr. Slater stated there is no way to do this without acquiring property for anyone who develops here. The second reason for the objection, for this development, he stated that the additional right-of-way is not necessary. He stated that he could end the project at a particular line (pointing to a map on the overhead monitor) and not construct anything to the east and still meet two access point criteria and internal circulation criteria for the development.

Tony Sisto, 6430 S. Schirlls Street, Las Vegas, Nevada 89118 appeared on behalf of the applicant who stated that if an agreement can't be reached with Public Works he would be obligated to purchase property off his property, which he does not believe is the best solution to the issue.

Steve Casmus, of Public Works, stated replied that the intent of this condition is that in the event that streets or roads had to be built that crossed onto to that area that is private property, it would require the developer to acquire that right-of-way, unless there is nothing constructed there.

Mr. Jordan stated that in the City's zoning ordinance, under section 17.24.160 paragraph K states that condition #8 summarizes this particular paragraph. The ordinance states:

“Uses of land permitted in each zoning district in accordance with the provisions of this Title will be allowed only when the permit for any proposed improvements on the land includes provisions for the dedication of all essential rights-of-way for major streets, minor streets, flood control, utilities and other public purposes, and further shall provide for the insulation of essential off site improvements whether adjacent or somewhat removed for the actual developed site.”

Mr. Jordan stated that the paragraph goes on later to say:

“as determined by the Public Works Director.”

He stated that this paragraph is already in ordinance form and staff believes this paragraph is summarizing that, and even if this condition was not there, the applicant would have to do this anyway when he comes in later for the improvement plans.

Mr. Slater stated that even with their overbuild he can stay within the right-of-way on Concord Street. He stated that he believes there is a tentative map on the southeast portion of the property to another developer who's tentative map shows Cartier running straight into that lot 148 and not taking this into consideration. He stated that he is making the alignment as close as he can to the desires of the proposed June Street alignment and having it come through. He stated that if the property owner to the east of this decide to improve their property it should be their responsibility to align with Cartier on their vacations and not his responsibility to acquire those vacations.

Steve Baxter, Planning Manager, stated that whether or not that condition is there the ordinance should still apply therefore it would be up to the Public Works Director to take a look at that and make a determination.

Steve Casmus, Public Works, stated that perhaps the wording can be changed to, “necessary or incidental street improvements directly related to Starwood Unit 2 subdivision.”

Mr. Slater stated that would be fine and he will do anything on his property, but does not want to be put in position to have to acquire a piece of property he does not already have an interest in.

Chairman Nelson Stone MOVED and Commissioner Tom Langford SECONDED to APPROVE T-862 per staff's recommendations subject to the following changes:

Condition #11-1 Changed to Read: “Ten feet of landscaping, which may include the sidewalk shall be provided adjacent to the corner side of all corner lots within the subdivision. The landscaping may be shown as an easement on the final map. Maintenance of the landscaping shall be the responsibility of the homeowners.”

Condition #12 Changed to Read: “In reference to area at the southeast corner of Tuskegee Street and Cartier Avenue: the developer may wish to deed the property to the adjacent land owner of lot 148. The area must first be subdivided by a parcel map, than a merger and resubdivision map would be required to combine the resultatnt lot with the adjacent lot 148.”

The motion carried by UNANIMOUS vote.

04) ZN-03-01 (3428) AUTUMN CHASE (Public Hearing)

An application submitted by Acclaim Engineering Group on behalf of Temple Development Corporation, property owner, for reclassification of property from an R-E Ranch Estates District to an R-1 Single-Family Residential District. The property is generally located at the northwest corner of Simmons Street and La Madre Way. The Assessor's Parcel Numbers are 124-32-301-009 and 124-32-301-010.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated the applicant is proposing to develop the subject site with R-1 lots. The Comprehensive Plan supports the proposed development therefore staff is recommending approval for permanent zoning to the R-1 District.

Gary Busby, Acclaim Engineering, 5900 Emerald Avenue, Las Vegas, Nevada appeared on behalf of the applicant.

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

Commissioner Tom Langford MOVED and Commissioner Dean Leavitt SECONDED to APPROVE ZN-03-01 per staff's recommendations.

The motion carried by UNANIMOUS vote.

05) T-860 (3425) AUTUMN CHASE

An application submitted by Acclaim Engineering Group on behalf of Templeton Development Corporation, property owner, for a tentative map review in an R-1 Single-Family Residential District and R-E Ranch Estates District (pending reclassification to R-1 Single-Family Residential District). The property is generally located at the northeast corner of Simmons Street and La Madre Way. The Assessor's Parcel Numbers are 124-32-301-008, 124-32-301-009 and 124-32-301-010.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated this is an application to subdivide approximately 9.2 acres into 46 lots for Single-Family Development. He stated staff is recommending approval of this item subject to the conditions listed in the tentative map, of which some of those conditions deal with the perimeter landscaping, primary next to where the channel will be along Simmons Street, as well as the conditions dealing with the drainage channel that would run through the property which he listed in the conditions of approval.

Gary Busby, Acclaim Engineering, 5900 Emerald Avenue, Las Vegas, Nevada appeared on behalf of the applicant. Mr. Busby stated that this is a temporary channel receiving outside flows from another channel. He stated the applicant is proposing to do this project in two units with the lots fronting on La Madre Way being Unit 2. He stated that they don't want to build a big drainage channel that will go away in two years, therefore in the interim he proposes to do half the channel on the west property line, do a temporary channel across to Unit 2, and after the flows are reduced in early 2003 come back and do the other unit with the improvements on La Madre Way.

Commissioner Anita Wood asked if the added conditions regarding the temporary turnaround and the "No Parking" signs satisfies the Fire Department.

Steve DiGiovanni, on behalf of the Fire Department, stated that it does.

Commissioner Harry Shull MOVED and Commissioner Anita Wood SECONDED to APPROVE T-860 per staff's recommendations.

The motion carried by UNANIMOUS vote.

06) UN-05-01 (3426) COPART, INC. (Public Hearing)

An application submitted by Copart of Arizona, Inc. on behalf of D.V.R. Development, Inc., property owner, for a use permit in an M-2 General Industrial District to allow an auto wrecking yard. The property is located at 4810 N. Lamb Boulevard. The Assessor's Parcel Numbers are 123-32-401-005, 123-32-401-009 and 123-32-401-008.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated that this is an application for approval of a special use permit to allow an automobile wrecking yard and salvage and recycling center. The property is zoned M-2 General Industrial. Mr. Jordan stated to the Planning Commission that the Commission recently approved a use permit for essentially the same type of operation for Ecology Auto Wrecking at this location. He stated that the applicant is going to be utilizing that site and more of the property to the north of this for a total of approximately of 30 acres. He stated that the applicant's intent is they purchase automobiles that have been totaled by insurance companies and bring them out to the site to auction them off. Mr. Jordan stated the site is currently in the process of being cleaned up and most if not all of the vehicles have been removed. He stated that staff is recommending approval of this item subject to the conditions listed. Applicant has been in conversations with staff and requested that some of the conditions be amended and likewise there are some conditions that staff is going to add to this. They are as follows:

Condition #8A: A metal building may be allowed except for the portion of the building facing Lamb Boulevard and the sides of the building visible from rights-of-way, which shall be designed using the preferred building materials.

Condition #8D: A minimum six-foot wide landscaped island shall be provided at the end of all parking rows and for every 15 parking spaces contained in a row, except for the area designated as truck parking.

Condition #10: The maximum height of the screen wall shall not exceed ten (10) feet.

Condition #13: The area designated as "future expansion" may be utilized by the applicant, subject to the same conditions of this use permit.

Condition #14: This special use permit is not effective until such time as Copart provides to the Director of Development Services adequate proof of their ownership of the subject site.

Condition #15: The applicant shall satisfy condition 14 and all other conditions of approval within two (2) years from the date of the Planning Commission decision.

Harold Foster, 3230 Polaris Avenue, Las Vegas, Nevada appeared on behalf of the applicant who indicated he concurs with staff's recommendations. He stated that he wanted to clarify that this is basically an impound yard where wrecked vehicles are brought to the site and insurance companies go to the site to determine what they are going to do with the vehicle. Some vehicles will go to garages to be repaired, others will be auctioned off on the site and yet others will be taken to a salvage yard. He stated that there will not be any parts taken off and sold such as salvage work conducted at this site.

Chairman Nelson Stone asked the applicant if the auction he referred to is an auction that is open to the public.

Mr. Foster stated that the auction is for dealers only.

Vice-Chairman Tom Langford asked the applicant if there is any chance of changing the outside wall.

Mr. Foster stated that it will be an attractive, metal wall.

Commissioner Anita Wood asked the applicant what safeguards are in place to ensure this remains a nice-looking facility.

Marc Jordan stated that currently there are no screen walls and no paving on site. He stated that one of the requirements will be that any wheeled vehicles, such as forklifts driving around on the site will be required to be limited to a paved surface, so the applicant will need to pave aiseways throughout the site where currently none exist. The wall will need to be maintained by the owner. The applicant will be building a building on this site that will comply with industrial design guidelines. Mr. Jordan stated that these are all conditions of approval and the applicant is subject to maintain them while they are there.

Mr. Foster stated that Copart is a very large company and has approximately 80 of these operations around the country and they run a good, clean operation.

Commissioner Wood asked the applicant about the length of time a vehicle would actually remain on the property, and is concerned about vehicles staying for extended lengths of time on the property.

Mr. Foster stated that without keeping the vehicles moving the company does not make money. He stated that the vehicles need to keep moving to make room for new, incoming vehicles in order for the company to make money, therefore the amount of time that a vehicle stays on the property is minimal.

Commissioner Laura Perkins stated that she feels a requirement of an annual review would probably be best.

Mr. Jordan stated that Standard Condition #13 addresses the issue of an annual review. He stated that Standard Condition #13 could be added, or an additional condition, which would be condition #16, could be added to require an annual review.

Chairman Nelson Stone stated that he drives by this property every day and feels that it is a nice facility.

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

Commissioner Harry Shull **MOVED** and Commissioner Anita Wood **SECONDED** to **APPROVE** UN-05-01 per staff's recommendations subject to the following changes:

Condition #8A Changed to Read: "A metal building may be allowed except for the portion of the building facing Lamb Boulevard and the sides of the building visible from rights-of-way, which shall be designed using the preferred building materials."

Condition #8D Changed to Read: "A minimum six-foot wide landscaped island shall be provided at the end of all parking rows and for every 15 parking spaces contained in a row, except for the area designated as truck parking."

Condition #10 Changed to Read: "The maximum height of the screen wall shall not exceed ten (10) feet."

Condition #13 Added to Read: "The area designated as "future expansion" may be utilized by the applicant, subject to the same conditions of this use permit."

Condition #14 Added to Read: "This special use permit is not effective until such time as Copart provides to the Director of Development Services adequate proof of their ownership of the subject site."

Condition #15 Added to Read: "The applicant shall satisfy condition 14 and all other conditions of approval within two (2) years from the date of the Planning Commission decision."

The motion carried by UNANIMOUS vote.

07) UN-06-01 (3452) HIDDEN CANYON TURTLE STOP (Public Hearing)

An application submitted by Hot Shots Neighborhood Lounge on behalf of Richard R. Zachau, property owner, for a use permit in an M-2 General Industrial District to allow the “on-sale” of alcoholic beverages in conjunction with a tavern. The property is located at 2343 W. Gowan Road. The Assessor’s Parcel Number is 139-08-701-001.

Prior to the Planning Commission meeting, the applicant requested the item be continued to 2/14/01.

Commissioner Tom Langford **MOVED** and Commissioner Dean Leavitt **SECONDED** to **CONTINUE** UN-06-01 per applicant’s request.

The motion carried by UNANIMOUS vote.

The item is CONTINUED to 2/14/01.

08) UN-07-01 (3453) REHOBOTH HOLINERS DELIVERANCE (Public Hearing)

An application submitted by Deliverance Churches Fellowship International, Inc. on behalf of Paul and Jean Finger, property owners, for a use permit in an R-1 Single-Family Residential District to allow a church. The property is generally located approximately 960 feet west of Allen Road and 1,152 feet north of Gowan Road. The Assessor's Parcel Numbers are 139-07-610-067, 139-07-610-068 and 139-07-610-069.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated this property is located within the International Village Subdivision which is located at the northeast corner of Gowan Road and Valley Drive. He stated the applicant is proposing to build a congregational hall that would be approximately 7,700 square feet and would seat approximately 500 people, as well as classrooms and a gymnasium that would be approximately 5,800 square feet and 5,500 respectively. He stated the area is zoned R-1 and has a Comprehensive Plan designation of low density residential. Mr. Jordan stated that in the staff report the applicant complies with all the design guidelines that staff would normally require, however staff is concerned with the location of the church itself as it is located in the middle of this International Village subdivision which would be accessed by local streets. Typically when churches apply for a use permit are always adjacent to collector streets or minor arterial streets. He stated that with the location of this church, there is the potential for a subdivision to develop around this church, whereas normally the church might be adjacent to a subdivision. Due to the location and the possibility of the disturbance it could create to the surrounding neighborhood when it develops, staff is recommending denial of this item. Mr. Jordan stated that if the Planning Commission were to determine that approval is warranted, staff has listed conditions of approval that it would recommend.

Bishop R.E. Lee, 3834 Elbrook Way, North Las Vegas, Nevada appeared on behalf of the applicant who stated he does not understand the conditions, however he is willing to comply with any of the requirements. He stated that he is in the process of attempting to contact and negotiate with all of the previous land owners around the property seeking to purchase as much property as they can.

Commissioner Anita Wood stated that she feels the project looks wonderful, however she is concerned about the residents along Valley (pointing to the site map). She stated that she is concerned about this property being "inward" as it is not on Allen, it's not on Gowan or Valley, and if someone else comes in they will have to purchase all the lots around this property and this property will end up in the middle of this subdivision.

Bishop Lee reiterated that he is in the process of attempting to purchase all the property that he can in this area. He stated that some of the church's members will be moving into the area and he personally lives across from this property.

Cheryl Moody, 5428 Agean Way, Las Vegas, Nevada appeared on behalf of the applicant who stated that residents in the area have indicated that they are pleased with a church going into the area.

Commissioner Wood reiterated her earlier concerns.

Vice-Chairman Tom Langford stated he disagrees with staff and he feels this is a great idea. He does not believe this will hinder or affect negatively building around it.

Commissioner Harry Shull asked the applicant if this property is newly acquired or if he has had it for some time.

Bishop Lee replied he is in the process of acquiring the property.

Commissioner Marilyn Kirkpatrick asked the applicant if he would be opposed to a continuance to allow time for the applicant to meet with more residents in the area.

Bishop Lee replied that he would not be opposed to a continuance if the Commission would guarantee they would approve this item.

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

Chairman Stone stated he would like to see if the Commission would support a continuance, however he will not be supporting a continuance.

Commissioner Harry Shull concurred with Chairman Stone in stating that he believes the project has merit on its own and appears to be a good project.

Commissioner Tom Langford MOVED and Commissioner Dean Leavitt SECONDED to APPROVE UN-07-01 per staff's recommendations.

The motion carried by MAJORITY vote. Commissioners Laura Perkins, and Anita Wood voted against the motion.

09) UN-08-01 (3451) SPRINT PCS (Public Hearing)

An application submitted by Sprint PCS on behalf of Red Partners, LLC, property owner, for a use permit in a C-2 General Commercial District to allow a cellular tower. The property is located at 1311 W. Craig Road. The Assessor's Parcel Number is 139-04-701-015.

Chairman Nelson Stone stated that he will be abstaining from this item as he has business interests with the property owner and feels it would be a conflict of interest.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated this applicant is proposing to develop a cellular site which would be located behind the existing Home Depot which is on Craig Road. He stated the tower would be 50 feet in height and staff is recommending approval of this item subject to conditions.

Dan Davis, 7380 W. Russell Road, Las Vegas, Nevada appeared on behalf of the applicant who stated he concurs with staff's recommendations.

Commissioner Anita Wood asked the applicant about camouflaging his cell tower.

Mr. Davis stated this cell tower will be placed behind the shopping center and most of it will be hidden by a building, as well as this tower is of a slim design.

Commissioner Wood asked how tall the building was that the cell tower will be behind.

Mr. Davis replied the building is approximately 35 feet tall.

Commissioner Wood stated that 15 feet of the tower would still be above the building, further stating she would prefer to see the tower camouflaged. She stated that she is not trying to limit the applicant to a particular design, however she would prefer if the applicant would consider some of the options available for camouflaging and present the Commission with something that would be visually appealing.

Mr. Davis stated that two-thirds of the pole is hidden from view behind the building. He stated that he is not sure if a roof-top design would work taking into consideration the unknown load issues for the building as well as the concerns of the other lessees in the shopping center.

Commissioner Wood stated she is concerned about cell tower applicants continuing to come in to the city and no poles being camouflaged. She stated she does not have a problem with cell towers, however she would like to see them be visually appealing.

Commissioner Harry Shull stated he is not very fond of camouflaging. He stated he has no objection to this item.

Steve Baxter, Planning Manager, stated if the Planning Commission's desire is to approve camouflaging, then staff would recommend that the applicant meet with staff to come up with the best possible solution.

Vice-Chairman Tom Langford stated that he believes sooner or later someone will need to do this and not keep passing the issue on. Vice-Chairman Langford also asked the applicant to clarify the area of coverage for the cell tower.

Mr. Davis replied that he is not an engineer and is unable to specify, however he generalized that the coverage area is approximately a three (3) mile radius.

Jim Lewis, Deputy City Attorney, stated that the City of North Las Vegas is currently in the process of producing a "Cell Site" ordinance which may give the Commission the opportunity to require some type of camouflaging in certain areas.

Commissioner Marilyn Kirkpatrick asked the applicant about the cost of installing a cell tower and can multiple companies share in the cost if they are all using the same tower.

Mr. Davis stated that is called a co-location and multiple companies do, in fact, share in the cost as space on the tower is leased to each company co-locating on the tower.

Commissioner Kirkpatrick asked the applicant if, based on the approximate coverage radius of the cell towers, will a cell tower be necessary every 3-5 miles?

Mr. Davis stated that the focus on where the customers need coverage to provide service. Commercial areas will receive more focus, whereas residential and rural areas will receive less focus.

Commissioner Kirkpatrick asked the applicant how many cell towers do they have in North Las Vegas?

Mr. Davis stated he did not know the number of cell towers in the City.

Commissioner Kirkpatrick asked the applicant if he is able to make decisions regarding this issue at this particular meeting?

Mr. Davis replied that his scope of authority is very limited.

Steve Baxter stated that, in this particular case, staff did not recommend camouflaging as staff felt the applicant had done a good job of locating the tower in the middle of a commercial area and because the tower allowed for multiple carriers to co-locate, requiring fewer towers in the area. He stated that there may be other situations where staff would recommend camouflaging, however staff did not feel it was necessary in this particular case.

Commissioner Harry Shull MOVED and Commissioner Dean Leavitt SECONDED to APPROVE UN-08-01 per staff's recommendations.

The motion carried by MAJORITY vote with Commissioner Anita Wood voting against the motion and Chairman Nelson Stone abstaining.

10) UN-09-01 (3445) PAHRUMP FAMILY MORTUARY LLC (Public Hearing)

An application submitted by Las Vegas Memorial Crematory on behalf of Saxton, Inc., property owner, for a use permit in an M-2 General Industrial District to allow a mortuary and crematorium. The property is located at 4224 Arcata Way. The Assessor's Parcel Number is 139-02-703-003.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated the Planning Commission approved a special use permit for this applicant on 6/14/00 at the same site, however it was located in Suite H for the same type of use, whereas this application is for Suites A, B and C. The applicant according to the site plan does comply with the parking requirements and would provide services such as cremation, viewing, visiting, sales of urns and caskets and other items that are traditional associated with a funeral home. Staff is recommending approval of this item subject to the two (2) conditions listed. Mr. Jordan stated that staff has received three (3) letters of opposition. One of the letters is from Robert L. Mindenhall. Mr. Jordan stated this property is located at Craig and Losee in which a hotel/casino is proposed at this location, which is essentially across the street and a little to the east of the subject site. Mr. Jordan stated that another letter was received from a Joseph Kennedy who owns property in the area and is concerned about leasing space out to the tenants in the area close to this. Another letter was received from a Wendy Yurgo who apparently owns property in the area and is concerned about leasing to tenants in the area. He stated that all three (3) letters are in opposition of this use permit.

Jim Lee, 4904 Wilkendale Way, Las Vegas, Nevada appeared on behalf of the applicant who stated he concurs with staff's recommendations.

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

- ▶ Golden Welch, 4420 S. Decatur Blvd. Las Vegas, Nevada appeared on behalf of the Mendenhall Family Trust.

Mr. Welch stated his client is currently involved with a significant project on the corner of Craig and Losee. He stated that while this area is zoned M-2 it really represents as closely as any area in the whole valley as being a high-tech park. He stated that there is a cluster of offices there that consist of high-tech users, offices and businesses. Mr. Welch stated that he manages four multi-tenant centers in excess of 250,000 feet in town and this type of use has been met with a negative response when a cremation service wants to occupy space. In addition, Mr. Welch stated that he has relatives in Boise, ID who own a funeral home, and they subcontract cremation services as they feel it is offensive enough that they don't want it as a direct part of their business.

- ▶ Buck Wang, of Arcata Associates, 4220 Arcata Way North Las Vegas, Nevada 89030

Mr. Wang stated that he is the former COO of Arcata Associates, which has been in this community for 21 years. He feels he was induced by the former Mayor Seastrand as well as the developer, Jim Seastrand, to move into that location at 4220 and 4228 Arcata Way back in the late '80s, and stated that he was told that this particular location would be a high-tech area. Mr. Wang stated he opposes this item for several reasons. He stated his employees will not be too happy to work next to a crematorium and having mourners coming and going. He stated he has promised his employees a very positive work environment and does not feel it would be very positive having hearses and mourners next door and cremation taking place. He stated that it is his understanding that cremation emits offensive odors, and he does not think this would contribute to the idea of a high-tech park.

He stated his company has been in the valley for over 20 years working with the Air Force, NASA and LockheedMartin, and he does not think that his business associates would get a positive view about his company being next door to this type of business. In addition, Mr. Wang stated that he is Chinese and as such is very superstitious. He stated that his heritage would affect his beliefs and if this project is approved, he feels he will need to look somewhere else for office space.

- ▶ Wendy Yurgo, corporate counsel for Arcata, 4220 Arcata Way, North Las Vegas, Nevada

Ms. Yurgo stated that Arcata is located in Suite D and Suite A, occupying over 20,000 square feet of office space. She stated that the proposed site is directly adjacent to their buildings therefore it is very close in proximity to them and will create a serious traffic challenges as well as a moral issue. In addition, she concurred with Mr. Wang that if this item is approved, she would be forced to look for another location to move to. She stated that they have been located in North Las Vegas for over 20 years and does not want to have to move, but will if this project is approved. Ms. Yurgo stated that she was not at the hearing back in June of 2000 as she was not notified, neither was she notified of this hearing, except for by Mendenhall.

- ▶ Joe Kennedy, 2575 S. Cimarron Road #104, Las Vegas, Nevada 89117

Mr. Kennedy stated that he owns the buildings that Arcata and Associates occupy. He stated that his major concern is not to lose his tenants such as Mr. Wang. He stated he opposes this item based on the facts that have been proposed before the Planning Commission at this hearing.

Chairman Stone closed the Public Hearing.

Mr. Lee stated that he takes exception with the comments from the public before him. He disagrees that mortuaries are bad neighbors. He stated that there are many mortuaries in this valley which are generally good neighbors. He believes that mortuaries make for good neighbors. In regards to the earlier statement regarding odors, he stated that with the modern types of cremators these things are well controlled and there are air quality controlled measures that need to be met by the manufacturers of these units and this unit has been approved by the Clark County Air Quality Control people. He further stated that neighbors probably would not even know that it was running from any type of odors unless there was a terrible malfunction. Mr. Lee stated that the requirement locally is that there be capacity detection devices in case of a malfunction the unit can shut down immediately upon reaching a certain point that is determined by the Air Quality Control people. Mr. Lee stated that he has operated a mortuary/crematory in Pahrump, Nevada for a couple of years which was next door to a day care center and never did anyone at that center notify him that anyone was disturbed by them being there. As far as needs are concerned, he feels that at least a couple of mortuaries/crematories will be necessary to adequately serve the growing population. In conclusion, he does not feel this should be offensive and if it is to anyone, he feels that it is a personal problem.

Commissioner Anita Wood stated that she is not trying to imply that this business would not be a good neighbor, nor is she trying to make any derogatory comments toward cremation as it is an acceptable option people have. Her question is whether or not this is the right location. She stated that she originally voted against this application as she feels there are two key words the applicant brought up: dignified and personal. Commissioner Wood stated that she believes there is no way she could say goodbye to a loved one in this particular area which is highly industrial and have that type of dignified and personal service that she would want for a member of her family. She feels it is too much of an industrial area. She realizes that makes for a difficult situation for the applicant, however feels that a more appropriate location needs to be sought. She also stated that she agrees that this type of business is necessary, however feels if she were a business owner who, for example, was entertaining an important business person, she, too, would not consider it the best atmosphere to have mourners next door.

She stated that this is an established industrial area and perhaps the solution is to find a location a little farther out where people are not there yet so that when they come in this business is already an established use and everyone who comes to the area will know that you are there and have been there for some time. She does not feel that this location is appropriate for the intended use.

Mr. Lee replied that each person has a different opinion of what this business should look like. As to whether it would be a detriment for an important business person, he doubts that anyone would even notice it, unless it were brought up to them.

Vice-Chairman Tom Langford stated that he was against this previously and nothing has changed for him. He does not see anything wrong with this business, however he does not believe it belongs in the middle of an industrial park. He stated that if this business was proposed at the end of the industrial park, he probably would not have any problem with it, but this proposal is for the middle of park and he does not think it is an appropriate location.

Mr. Lee stated that he does not believe it would be offensive to the vast majority of society to pass by a mortuary to a neighboring business.

Chairman Nelson Stone stated that he is concerned that members of the audience who have appeared on this item tonight have stated that they were not notified.

Marc Jordan stated that he does not know how that could be as the City is required by State law to go out a minimum of 300 feet from the property line and the people in the City's office who handle this activity are very good about notifying all those concerned.

Vice-Chairman Tom Langford stated that he spoke to the tenants in the next building and they did not know anything about this.

Mr. Jordan stated that the City is required to notify the property owners of record and not people who are leasing space.

Jim Lewis, Deputy City Attorney stated that the City is required to notify the property owners and it is the property owners' responsibility to notify those lessees.

Chairman Nelson Stone stated he is aware that some people did not receive a notice. Chairman Stone stated that he previously supported this application, however based on the information before him tonight he is inclined to not support it.

Commissioner Harry Shull concurred with Chairman Stone stating that he previously supported this application, however in light of the testimony he has heard tonight, had he heard it in June 2000, he probably would not have voted to approve it and is not supporting this application at this time.

Commissioner Laura Perkins asked the applicant if this would be viable without the services part of it, if it were just a crematorium at this location?

Mr. Lee replied not at the size or space they are currently looking at which is approximately 8,000 square feet.

Commissioner Perkins stated that she feels it is uncomfortable for many people as death is a part of life and people do not wish to admit that they are mortal, however she does not believe decisions should be made based on superstition. She stated that this is an issue where the Commission needs to protect the tenants of the surrounding businesses

Commissioner Kirkpatrick asked staff what other type of zoning places could this business exist in?

Commissioner Kirkpatrick then asked if the applicant were to locate in another industrial site farther out, how would the Commission protect the residents that may be in opposition out in another area?

Steve Baxter, Planning Manager, stated that a special use permit application is primarily to look at certain types of uses that may or may not be permissible at a particular location. In one location in an M-2 zone a mortuary such as this may be completely acceptable and unacceptable in yet another, which is why there is a public hearing to get input from neighbors to see if the special use permit is compatible. Mr. Baxter stated, as Mr. Jordan indicated, mortuaries are special uses in M-2 and C-2 zones therefore there is a large area to choose from throughout the City. He stated that the Planning Commission may vote against this application based on the testimony presented if the Commission so chooses.

Mr. Lee stated that it is not that easy to find a location and there is not place in North Las Vegas where is it already permitted. He stated that a special use permit is required. He stated that Las Vegas has an area where mortuaries are specifically permitted, but North Las Vegas does not. He stated that he has looked at many different sites that either he did not feel was an appropriate location or as testimony tonight indicated there were people opposed to the location chosen. Mr. Lee feels that as the population grows in North Las Vegas, there will be others who wish to locate this type of business with the City of North Las Vegas.

Commissioner Dean Leavitt asked the applicant if it is his intent to place the crematorium package inside the existing warehouse or will that be a build out?

Mr. Lee replied that it will be inside the existing unit C on the east side of the building.

Commissioner Leavitt stated that he believes the applicant needs to find a respectable, more appropriate location.

Commissioner Marilyn Kirkpatrick MOVED and Commissioner Anita Wood SECONDED to DENY UN-09-01 based on the following:

That the proposed use at the particular location is not necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or the community.

The motion carried by UNANIMOUS vote.

**There was a break in the proceedings at 9:10 PM
The meeting reconvened at 9:20 PM**

11) ZN-05-01 (3446) LAKE MEAD AIRPORT PARK II (Public Hearing)

An application submitted by Bob Potter on behalf of Affordable Concepts et. al., property owner, for reclassification of property from an R-E Ranch Estates District to a Planned Unit Development District (PUD) consisting of Business Park Industrial uses. The property is generally located at the southeast corner of Lake Mead Boulevard and Allen Lane. The Assessor's Parcel Numbers are 139-20-202-001, 139-20-202-002, 139-20-202-003, 139-20-202-004, 139-20-202-005, 139-20-202-006, 139-20-202-007, 139-20-202-008, 139-20-202-009, 139-20-202-010, 139-20-202-011, 139-20-202-013, 139-20-202-014, 139-20-202-015.

Prior to the Planning Commission meeting, the applicant requested the item be continued to 2/14/01.

Commissioner Tom Langford MOVED and Commissioner Dean Leavitt SECONDED to CONTINUE ZN-05-01 per applicant's request.

The motion carried by UNANIMOUS vote.

The item is CONTINUED to 2/14/01.

12) ZN-64-98 (3421) RANCHO MIRAGE (Public Hearing)

An application submitted by Rancho Mirage I, LLC, property owner, for an extension of time on a reclassification of property from an R-E Ranch Estates District to a PUD Planned Unit Development District consisting of a 118-lot residential subdivision. The property is generally located at the southwest corner of El Campo Grande Avenue and Commerce Street. The Assessor's Parcel Number is 124-27-401-006.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated this applicant has a tentative map that is active at this time as well as has a final development plan that is approved for this area. He stated that staff is recommending approval of this item, however the staff write up indicates that staff is recommending approval for permanent zoning. Mr. Jordan stated that staff is actually going to have to change that recommendation for a one-year extension of time. He stated that according to the Comprehensive Plan the property is residential low density which allows up to 4 ½ units to the acre. The proposed development is going to have a density of approximately 6.27 dwelling units to the acre, therefore because it's not consist with the Comprehensive Plan staff is unable to recommend permanent zoning at this time. Mr. Jordan stated staff has no objections and is recommending approval for a one-year extension of time.

Tom Harmon, 2727 S. Rainbow Boulevard, Las Vegas, Nevada appeared on behalf of the applicant who stated he understands staff's recommendations and accept same hoping to gain approval of the extension of time.

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

Marc Jordan stated that staff's recommendation for approval of the extension of time is subject to the following condition:

The applicant and/or developer and their successors in interest shall disclose to the initial purchaser of a new residence, as contained within the sales agreement by separate written document, disclosure of the potential for odor from the RC Farms.

Commissioner Harry Shull MOVED and Commissioner Anita Wood SECONDED to APPROVE ZN-64-98 per staff's recommendations.

The motion carried by UNANIMOUS vote.

This item was heard first on tonight's agenda—see page 3.

13) FDP-01-01 (3448) LONE MOUNTAIN/SIMMONS COMMERCIAL CENTER

An application submitted by Bradley W. Boyd on behalf of Lone Mountain/Simmons, LLC, property owner, for a Final Development Plan review in an R-1 Single-Family Residential District (ROI to C-1 Neighborhood Commercial District). The property is generally located at the southeast corner of Lone Mountain Road and Simmons Street. The Assessor's Parcel Number is 139-05-501-001.

Prior to the Planning Commission meeting, the applicant requested the item be continued to 2/14/01.

Chairman Nelson Stone stated that this item will be continued, however there will be a brief presentation on this item and it will be moved to the front of the agenda.

Commissioner Tom Langford MOVED and Commissioner Dean Leavitt SECONDED to CONTINUE FDP-01-01 per applicant's request.

The motion carried by UNANIMOUS vote.

The item is CONTINUED to 2/14/01.

14) ZOA-03-01 (3450) ANN & VALLEY ESTATES (Public Hearing)

An ordinance amendment initiated by William Lyon Homes, Inc. to amend Section 17.20.040 (F) (1) of Title 17 of the North Las Vegas Municipal Code (Zoning Ordinance) to allow a fifteen (15) foot front setback of livable space while keeping a twenty (20) foot setback to face of garage.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated this is an application for an Amendment to the zoning ordinance to allow a 15-foot front yard setback in an R-1 Single-Family Residential District. He stated the applicant is requesting the living space of the home be allowed to be setback 15-feet from the property line, while the garage itself would still maintain a 20-foot setback. Mr. Jordan stated this is similar to the same requirements allowed presently in an RCL District. Staff is supporting this request and is recommending the ordinance be changed. He stated that Single Family Design Guidelines suggests the garage be setback approximately 2 or 3 feet from the front plane of the house. Currently that is only a suggestion and staff has no capability or authority to require it. He stated by amending the zoning ordinance to do this any applicant so desiring to comply with the setback would automatically have to recess their garage back from the front pane of the house therefore this type of development who possibly encourage more compliance with the Single-Family Design Guidelines. Mr. Jordan stated this is similar to a previous ordinance amendment that was done where side-loaded garages are allowed to be setback 15 feet from the property line with some aesthetics to the house such as windows for those areas which also allows a different street configuration. He stated staff is recommending approval of this item as it is listed in the staff write up.

Jeff Anderson, 628 S. Valley View Boulevard, Las Vegas, Nevada appeared on behalf of the 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 Harry Shull MOVED and Commissioner Tom Langford SECONDED to APPROVE ZOA-03-01 per staff's recommendations.

The motion carried by UNANIMOUS vote.

15) T-693 (3424) RANCHO RIDGE II

An application submitted by Specialty Holdings, property owner, for an extension of time on a tentative map in an R-1 Single-Family Residential District. The property is generally located at the southeast corner of Revere Street and Tropical Parkway. The Assessor's Parcel Numbers are 124-27-301-001, 124-27-301-009, 124-27-301-011, and 124-27-301-012.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated the last recent final map that was approved and recorded for this was unit 3 which extended the length of this tentative map through February 2001. He stated that there approximately 4 units that have not been developed with this subdivision. He stated that recently the Planning Commission approved a use permit for the school district for an elementary school that would be encompassing the south part of this as well as approximately 44 lots that have been recorded. The school district is also proposing a middle school just north of that which would be close to Tropical Parkway. Therefore, the only remaining unit left of this to be recorded would be unit 4. He stated staff is recommending a one year extension of time for this tentative map.

Tom Harmon, 2727 S. Rainbow Boulevard, Las Vegas, Nevada appeared on behalf of the applicant who stated he is looking for a one year extension of time for this area.

Commissioner Laura Perkins MOVED and Commissioner Marilyn Kirkpatrick SECONDED to APPROVE T-693 per staff's recommendations.

The motion carried by UNANIMOUS vote.

16) T-861 (3454) CREEKSIDE ONE

An application submitted by Centex Homes on behalf of Samuel Ventura, Robert Cohen, Mary Bartsas, Ann/Allen, LLC property owner, for a tentative map review in an R-1 Single-Family Residential District. The property is generally located at the southeast corner of Tropical Parkway and Allen Lane. The Assessor's Parcel Numbers are 124-30-701-002, 124-30-701-004, 124-30-701-005, 124-30-802-007, 124-30-802-010, 124-30-802-013 and 124-30-802-016.

Prior to the Planning Commission meeting, the applicant requested the item be continued to 2/14/01.

Commissioner Tom Langford MOVED and Commissioner Dean Leavitt SECONDED to CONTINUE T-861 per applicant's request.

The motion carried by UNANIMOUS vote.

The item is CONTINUED to 2/14/01.

17) T-863 (3447) ELDORADO TENTATIVE MAP NO. 17

An application submitted by G.C. Wallace, Inc. on behalf of Pardee Construction Company, property owner, for a tentative map review in an Open Land District/Development Agreement. The property is generally located at the southeast corner of Clayton Street and Deer Springs Way. The Assessor's Parcel Numbers are 124-21-301-005 and 124-21-301-003.

Prior to the Planning Commission meeting, the applicant requested the item be continued indefinitely.

Commissioner Tom Langford MOVED and Commissioner Dean Leavitt SECONDED to CONTINUE T-863 per applicant's request.

The motion carried by UNANIMOUS vote.

The item is CONTINUED INDEFINITELY.

OLD BUSINESS

18) 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 staff is recommending approval subject to conditions.

Robert Bigelow, President of Bigelow Aerospace, 4640 S. Eastern Avenue, Las Vegas, Nevada appeared on behalf of the applicant. Mr. Bigelow stated he has two concerns, the first one being the location of the perimeter fencing. Mr. Bigelow presented a map on the overhead projector to point out to the Commission areas of concern he has. Mr. Bigelow stated that his proposal is to put up an 8-foot cyclone fence as close and contiguous to a particular wall (as he pointed to it on the map) as possible. He wants to eliminate any chance for this to become an alley way for people to use as well as to keep an area free of trash and debris. He stated that he has agreed to put in a decorative, wrought iron fence all the way around down Brook Street going west to Clayton then south on Clayton and then east on the southern boundary of the 40-acre parcel. He stated that initially he was concerned that some time in the future possibly with other fences being built some type of a buffer would become necessary between his wall and someone else's fence so they would not use an adjoining fence to climb over. He has since realized the advantage of that has been mitigated by the disadvantage of 2 or 3 other things, one being that he does not have the ability to control property that is outside his boundary. He stated that anything that occurs out there is his liability. Mr. Bigelow now proposes to be permitted to put in the 8-foot cyclone fencing that is contiguous to this block wall and then go with the decorative, wrought iron fencing which is 8 feet in height on property line and bring it down south on this property and then going west, and then south again and then going west all the way to Clayton Street (as he pointed to the map on the overhead display).

Mr. Hoyes stated that staff has no objection to the construction of a chain link fence on his side of the property. The zoning ordinance does require a block wall. Mr. Hoyes read from the ordinance:

17.24.090: The purpose for this section is to establish general development standards for screening between uses of different density or intensity. The screen standards are intended to assure compatibility of uses, minimize deterioration of properties and property values, and to enhance the health and safety of the resident of North Las Vegas.

He stated that paragraph B discusses the use of screening: unless otherwise determined by the Planning Commission, masonry screen wall of no more than 8 feet in height shall be constructed and maintained between uses of different intensity or character. This may include between existing and or future residential and non-residential uses which applies to this case.

The responsible party, which is addressed in paragraph C, generally it would be either by the most intense use or the initial use. In this case the most intense use would be the industrial type the applicant is proposing. In this case the initial use would be what the applicant is proposing as well.

Chairman Nelson Stone asked staff to clarify this issue for him.

Mr. Hoyes stated that staff's recommendation would be for a masonry screen wall. Staff would support amending condition #3. He stated if the applicant does not want to put a security fence on the interior block wall, staff would not have any objection to it.

Chairman Stone stated he is not sure what the applicant wants to modify here.

Mr. Bigelow replied that the Planning Commission as well as the City Council has already approved his being able to install a decorative, wrought iron fence instead of a block wall.

Jim Lewis, Deputy City Attorney, stated that this is a separate and different application from the one before.

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

Commissioner Anita Wood stated that she believes that the Commission's previous vote was to have the wrought iron fence all around the property.

Mr. Lewis stated that deciding whether or not this Commission approved a wrought iron fence on a previous, unrelated application is of no circumstance.

Mr. Bigelow stated that no one disputes that he is before the Commission now to address the 9 acre parcel. He stated the reason that the 40 acre parcel is relevant is because he is trying to have consistency. He stated that is what the Commission did two weeks ago at the last Planning Commission meeting, trying to have consistency, and he further stated that the Commissions could not get support from staff in saying what had been the understand and truth of the decision before the Commission initially. He stated that staff made an error and all he wants to do, as a developer, is to have consistency. He does not feel it makes any sense to have 9 acres different than 40 acres if providing the overall concept makes sense, which he stated Vice-Chairman Tom Langford said, as well.

Chairman Nelson Stone stated all the Commission wants is what Mr. Bigelow's view is of the consistent language should be on this application.

Mr. Bigelow stated that his wishes are to have an 8 foot cyclone fence with permission to erect it contiguous with the existing block wall to the north of the 9 acres. Everywhere else on the 9 acre parcel where it touches an adjoining property owner he would like to have permission to erect an 8-foot decorative, wrought iron fence on the property line.

Commissioner Anita Wood stated that she does not believe that staff has made an error. She feels that this was probably an error on behalf of the Commission in not being specific enough in the Commission's motion.

Mr. Bigelow stated that he plans to plant any ivy that will eventually provide adequate screening from the residents.

Commissioner Harry Shull MOVED and Commissioner Anita Wood SECONDED to APPROVE ZN-02-01 per staff's recommendations subject to modification of conditions #2 and 3 as follows:

Condition #2 Changed to Read: "that the applicant be entitled to construct an 8 foot chain link fence adjacent to the northern property line."

Condition #3 Changed to Read: "that the applicant be entitled to construct an 8 foot wrought iron fence commencing at the northeast corner of the property traversing south until it connects to the southwest corner of the property adjacent to those property lines. Inside of the 8 foot wrought iron fence shall be planted ivy and other landscaping materials as otherwise required by the ordinance."

The motion carried by UNANIMOUS vote.

19) 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.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated that when this item was originally presented to the Planning Commission the applicant applied for an Amendment to the Master Plan to change the land use designation to residential high density which allowed up to 18 dwelling units to the acre. Staff originally recommended denial of that application, however it was eventually approved by both the Planning Commission and the City Council. He stated that as a condition of approval of the use permit on the rezoning for the PUD staff recommended that the dwelling units not exceed 14 units to the acre. When the Planning Commission considered that item they approved it, but they lowered that density to 12 units to the acre. Likewise when that application went forward to the City Council the resolution of intent shows that it was lowered to 11 units to the acre, and this was approximately 2 years ago. Presently there have been no significant changes in the area that would warrant and increase in the density. Mr. Jordan stated that likewise as indicated, the applicant is proposing to do a development that would consist of 4-plex buildings. Each building would be purchased and owned by an individual owner who would have the ability to lease out or rent out the individual apartments, therefore all the buildings would be under separate ownership, whereas all the landscaping and the parking would be common ownership and maintained by a homeowners association. He stated the applicant has asked for various setback modifications to be able to have a 10 foot separation between the buildings to be approximately 40 feet to the north property lines and also some buffering areas for the buildings in the parking lots north and south. He stated that since staff is not recommending approval of the increase in density, staff is not supporting the modifications of the setback, however as a concept staff has no objections to that, therefore staff is recommending approval of this item subject to the conditions. He further stated that those conditions do not recommend an increase in the density or modifying the setbacks.

Barry Becker, 50 S. Jones Boulevard, Las Vegas, Nevada 89107 appeared on behalf of the applicant. He stated that this particular piece of property was a multi-family buffer piece on a 93 acre master planned community. When it was originally designed it was designed for a for-rent apartment situation such as is the case now. During the zoning and planning of the particular project, he plotted this particular piece of property with some cluster housing, which was one of the main reason for the reduction in density. The density was reduced to the number of unit that was plotted on this particular piece of property. He stated that cluster housing is not something that staff and the City Council have embraced. He stated that he feels that this particular project fits the 14 units per acre very well by meeting all of the open space requirements.

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

Commissioner Marilyn Kirkpatrick stated that schools in that area are overcrowded. She asked the applicant when does this project come on line and is it going to be all single-family resident or will there be mixed uses?

Mr. Becker stated that it will be build in two phases, but multi-family projects have about the same impact on schools as single-family projects do. He stated that the school district has recently purchased a 50-acre parcel at the corner of Alexander and North 5th Street where they plan on a dual-campus school sometime in the future.

Commissioner Kirkpatrick asked the applicant when his project is schedule for completion?

Mr. Becker stated he believes they will be under construction before the end of the year and occupy the property in 2002 and 2003.

Commissioner Harry Shull stated that he does not see any problem with this project and is in favor of approving it.

Marc Jordan clarified the changes to the conditions:

Condition B: “a 40-foot setback for buildings adjacent to the northerly property line may be allowed.”

Condition C: “a building separation of 10 feet may be allowed for buildings that back up to each other.”

Condition D: “a five-foot buffer yard between the parking lot and the light industrial to the south may be allowed.”

Condition E: “a zero lot line setback on three sides of the building and a five-foot setback on one side of the building may be allowed.”

Bill Chiles, 2001 S. Rainbow Boulevard, Las Vegas, Nevada appeared on behalf of the applicant.

Commissioner Harry Shull **MOVED** and Chairman Nelson Stone **SECONDED** to **APPROVE** ZN-13-98 granting all requested waivers including increased density and waiver of setback.

The motion to APPROVE FAILED.

Commissioner Anita Wood **MOVED** and Commissioner Tom Langford **SECONDED** to **APPROVE** ZN-13-98 per staff's recommendations.

The motion carried by **MAJORITY** vote with Commissioner Harry Shull voting against the motion.

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:

Steve Baxter, Planning Manager stated that the Workshop scheduled for February 14, 2001 has been moved to February 28, 2001.

Bob Hoyes, Associate Planner, addressed the issue of setting up e-mail addresses for the Planning Commissioners through the City's network and stated that at this time that is not possible.

Commissioner Marilyn Kirkpatrick asked Jim Lewis, Deputy City Attorney about the issue of the proposed ordinance change regarding cell towers. Mr. Lewis stated that ordinance revisions are controlled by the City Council. He stated that the City Council will direct the City Attorney to direct him (Mr. Lewis) as to which ordinance revisions are the most important. He stated that the City Attorney's office would like to see the cell site revision soon and are working on the issue.

Commissioner Kirkpatrick asked Mr. Lewis if the Commission would be able to look at a draft of the revision and Mr. Lewis replied that he would provide it to the Commission.

CHAIRMAN'S BUSINESS:

None

ADJOURNMENT:

10:25 PM

A motion to ADJOURN the January 24, 2001 meeting of the Planning Commission of the City of North Las Vegas was made by Chairman Nelson Stone. Commissioner Anita Wood SECONDED the motion.

Nelson Stone, Chairman

ATTEST:

Ted Karant, Recording Secretary