

MINUTES CITY OF NORTH LAS VEGAS PLANNING COMMISSION

Nelson Stone, Chairman
Marilyn Kirkpatrick
Dean Leavitt
Scott Albright

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

Harry Shull, Vice Chairman
Anita Wood
Tom Langford

October 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 - Present
Harry Shull - Absent
Marilyn Kirkpatrick - Present
Scott Albright - Present

STAFF PRESENT:

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

PLEDGE OF ALLEGIANCE

Commissioner Anita Wood

ANNOUNCEMENTS:

Verification of compliance with NRS 241, Open Meeting Law.

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

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

MINUTES

Approval of the MINUTES for the Planning Commission meeting of September 26, 2001.

Approval of the MINUTES for the September 26, 2001 Planning Commission meeting was CONTINUED to the 10/24/01 Planning Commission meeting.

CONSENT AGENDA

A) PW-124-01 (5310) SUNFLOWER 7

Approve the Final Map and the Subdivision Off-Site Improvements Agreement by Fiesta Homes and accept the Letter of Credit in the amount of \$189,921.03.

B) PW-125-01 (5311) SUNFLOWER UNIT 8

Approve the Final Map and the Subdivision Off-Site Improvements Agreement by Fiesta Homes and accept the Letter of Credit in the amount of \$139,629.38.

C) PW-126-01 (5312) CREEKSIDE ONE UNIT 4

Approve the Final Map and the Subdivision Off-Site Improvements Agreement by Centex Homes and accept the Subdivision Bond in the amount of \$639,847.84.

D) PW-127-01 (5313) CREEKSIDE ONE UNIT 3

Approve the Final Map and the Subdivision Off-Site Improvements Agreement by Centex Homes and accept the Subdivision Bond in the amount of \$750,880.52.

E) PW-128-01 (5314) RYDER TRUCK

Accept the Commercial Developments Off-Site Improvements Agreement by Ryder Truck Rental, Inc. and accept the Performance Bond in the amount of \$40,210.78.

F) PW-129-01 (5315) DEWEY PROPERTIES

Approval of the Final Map.

G) PW-130-01 (5316) SOMERSET RIDGE 2 UNIT 2

Accept the off-site improvements for maintenance and advise the Director of Public Works to notify American Motorists Insurance Company to release the Subdivision Bond in the amount of \$52,438.00.

H) PW-131-01 (5317) MADERA UNIT 1

Approve the Final Map and the Subdivision Off-Site Improvements Agreements by Richmond American Homes of Nevada, Inc. and accept the Subdivision Bond in the amount of \$649,191.84.

I) PW-132-01 (5318) MADERA UNIT 2

Approve the Final Map and the Subdivision Off-Site Improvements Agreement by Richmond American Homes of Nevada, Inc. and accept the Subdivision Bond in the amount of \$374,369.60.

J) PW-133-01 (5319) SYSCO WAREHOUSE

Accept the Commercial Developments Off-Site Improvements Agreement by Sysco Food Service of Las Vegas, Inc. and accept the Letter of Credit Bond in the amount of \$1,092,005.15.

Commissioner Tom Langford MOVED and Commissioner Anita Wood SECONDED to CONTINUE Consent Agenda Items A, B, and C to the 10/24/01 Planning Commission meeting.

The motion carried by UNANIMOUS vote.

Commissioner Anita Wood MOVED and Commissioner Tom Langford SECONDED to APPROVE Consent Agenda Items D through J.

The motion carried by UNANIMOUS vote.

NEW BUSINESS

1) SPR-28-01 (5147) NORTHSTAR BUSINESS CENTER

An application submitted by James E. Stroh, Architect, Inc., on behalf of Pat Lamers, Vegas Industrial Development, LLC, Richard & LaDawn Peterson, Juel Parker, Darlene Parker, Douglas Albright, Loren & Arlene Peiterson, Parker Ranches, Charles & Valerie Dimick and Brent & Julie Rae Parker, et.al., property owners, for a site plan review in an M-2 General Industrial District to allow a 117,454 square foot office park. The property is generally located at the southwest corner of Craig Road and Lamb Boulevard. The Assessor's Parcel Numbers are 140-06-610-026, 140-06-701-012 and 140-06-701-014.

RECOMMENDATION

The Development Services Department recommends that this project be continued indefinitely in order for the applicant to address concerns regarding the perimeter landscaping and the concerns of the Public Works Department.

Prior to the Planning Commission meeting, the applicant requested the item be continued to the 10/24/01 Planning Commission meeting.

Commissioner Anita Wood MOVED and Commissioner Marilyn Kirkpatrick SECONDED to CONTINUE SPR-28-01 to the 10/24/01 Planning Commission meeting.

The motion carried by UNANIMOUS vote.

The item is CONTINUED to 10/24/01.

2) T-878 (4415) CENTENNIAL AND REVERE

An application submitted by Real Homes, on behalf of Pearl Corp., property owner, for a tentative map review in an R-E Single Family Residential District (pending reclassification to the PUD Planned Unit Development District) to allow 274 single-family homes. The property is generally located at the northeast corner of Centennial Parkway and Revere Street. The Assessor's Parcel Number is 124-22-401-001.

RECOMMENDATION:

The Development Services Department recommends that the revised tentative map, T-878 be continued to allow the City Council time to consider the appeal of the application (ZN-24-01) to rezone the subject site to the PUD Planned Unit Development District and if approved, to allow staff time to review the tentative map in accordance with any conditions or changes that may be required as part of the PUD request or to allow the applicant time to revise the tentative map to be in compliance with any conditions or changes that may be required as part of the PUD request.

If however, the City Council upholds the decision of the Planning Commission regarding the application (ZN-24-01) to rezone the subject site to the PUD Planned Unit Development District, then staff's recommendation will be for denial as the proposed tentative map will not comply with the requirements of the R-E Ranch Estates District.

Prior to the Planning Commission meeting, the applicant requested the item be continued to the 10/24/01 Planning Commission meeting.

Commissioner Tom Langford MOVED and Commissioner Marilyn Kirkpatrick SECONDED to CONTINUE T-878 to the 10/24/01 Planning Commission meeting.

The motion carried by UNANIMOUS vote.

The item is CONTINUED to 10/24/01.

3) T-888 (5124) SIMMONS MARKETPLACE

An application submitted by Simmons Properties, LLC, property owner, for a tentative map review in an R-E Ranch Estates District (ROI to the C-1 Neighborhood Commercial District). The property is generally located at the southwest corner of Ann Road and Simmons Street. The Assessor's Parcel Number is 124-32-102-003.

RECOMMENDATION:

The Development Services Department recommends that T-888 be continued indefinitely to allow the applicant time to submit a site plan review application depicting proposed development and drive aisle and driveway locations. State Statutes require the Planning Commission to act within 45 days, otherwise the tentative map would be deemed approved. Therefore, unless the applicant is willing to continue the application, the Development Services Department will have to recommend that T-888 be denied.

Prior to the Planning Commission meeting, the applicant requested the item be continued to the 11/28/01 Planning Commission meeting.

Commissioner Tom Langford MOVED and Commissioner Marilyn Kirkpatrick SECONDED to CONTINUE T-888 to the 11/28/01 Planning Commission meeting.

The motion carried by UNANIMOUS vote.

The item is CONTINUED to 11/28/01.

4) T-890 (5043) ELKHORN/COMMERCE

An application submitted by Ranco Holding LLC on behalf of Elkcom Investment LLC, property owner, for a tentative map review in an R-E Ranch Estates District (proposed property reclassification to PUD Planned Unit Development District) to allow 279 single family homes. The property is generally located at the southeast corner of Elkhorn Road and Commerce Street (alignment). The Assessor's Parcel Numbers are 124-22-501-005, 006, 007 and 008.

RECOMMENDATION:

The Development Services Department recommends that T-890 be continued indefinitely to allow the applicant time to address all issues of concern that have been raised by the Department of Public Works and the Fire Department. Therefore, unless the applicant is willing to continue the application, the Development Services Department will have to recommend that T-890 be denied.

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-890 INDEFINITELY.

The motion carried by UNANIMOUS vote.

The item is CONTINUED INDEFINITELY.

OLD BUSINESS

5) UN-72-01 (4938) CHEYENNE MARKETPLACE CONVENIENCE STORE (Public Hearing)

An application submitted by Phil Zobrist on behalf of Cheyenne Marketplace, LLC, property owner, for a use permit in a Planned Unit Development District (PUD) consisting of C-1 Neighborhood Commercial to allow a convenience store with gas pumps and an automobile washing establishment (drive-thru). The property is generally located at the northeast corner of Martin Luther King Boulevard and Cheyenne Avenue. The Assessor's Parcel Number is 139-09-801-002.

RECOMMENDATION

The Development Services Department recommends that UN-72-01 be continued in order for the applicant to make the appropriate revisions to the site plan and building.

This item was continued from the September 12th Planning Commission Meeting at the request of Staff. The applicant appeared and was in opposition to a condition of approval which required that the proposed convenience store be relocated to the corner of the lot.

In a letter submitted to the Development Services Department, the applicant sites safety concerns for his desire to not have the building relocated. Specifically, the applicant would like to have visibility into the building from the streets. It is staff's opinion that the applicants safety concerns could be mitigated through design enhancements such as windows on the street sides of the building. This would allow visibility into the store at a closer proximity to the street.

In conversations with staff, the applicant has stated an additional concern regarding deliveries to the proposed convenience store. On the original site plan submitted for this item, there was no indication that a loading area was being proposed, and landscaping was to surround the building. The applicant submitted a revised site plan, and it appears that a loading area has been added to the back of the building in order to create a situation which would prohibit relocating to the corner. In making this revision, much of the required building landscaping has been removed. Such landscaping would be required in order to comply with the Commercial Design Standards.

In light of the arguments presented by the applicant, staff continues with its original recommendation. It appears that the issues presented by the applicant could be mitigated through design. Further, the applicant fails to provide a compelling reason for granting of the waiver request.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated this item was originally scheduled for the 9/12/01 meeting, but was continued to this meeting. He stated that originally staff had concerns regarding the site plan and certain building design materials. He stated staff recommended a continuance because the building was not orientated to the street corner as the Commercial Design Guidelines recommend. Likewise there were issues regarding the amount of landscaping the applicant was providing next to the street, with some areas showing less than the twenty (20) feet required, as well as concerns regarding some of the building materials, primarily metal roofing for the building where that is not typically preferred material in a commercial area, therefore staff recommended this item be continued. He stated at the last meeting there were issues regarding whether or not the applicant had applied for a waiver. Mr. Jordan stated the applicant has submitted a letter requesting a waiver for some of the items. He stated staff has met with the applicant and staff continues to hold to its original recommendation where staff is not supporting the waiver request for the relocation of the building. He stated the applicant has submitted a revised site plan. In the original site plan the applicant indicated there would be landscaping surrounding the building including the backside of the building, however in the revised site plan it indicates that the landscaping has been removed from around

the building and added a loading dock for the purpose of the deliveries.

He stated staff experience with these issues is that most of the deliveries still occur through the front door and staff believes this building can be located towards the street corner and provide a nicer development, therefore staff is not recommending the waiver request and still recommends a continuance for a revised site plan to be submitted.

Phil Zobrist, 2895 Carmela Drive, Henderson, Nevada 89052 appeared on behalf of the applicant.

Chet Cox, 2232 Chatsworth Court, Henderson, Nevada 89032 appeared on behalf of the applicant.

Mr. Zobrist stated he owns the entire 14 acres and his intent is to build a commercial development/shopping center. He is working on coming up with an anchor tenant. He stated one of the things he is working on is a plan to build a convenience store to prove the viability of the commercial application of this site, however he has concern about reversing the building to the street and cutting down the exposure. He stated this is primarily a non-residential area, everything to the south of Cheyenne being industrial and he believes it is best to turn it in the common direction that most convenience stores are turned for safety reasons and for access.

Mr. Cox stated safety is his main concern and if this store is turned around he believes his customers and employees will be at risk. He stated that he has spoken with Lt. Redcay of the North Las Vegas Police Department and stated that Lt. Redcay commented to him that turning the building is not a good idea. He stated that their stores are designed to take deliveries in the rear and their deliveries range from 80 to 100 deliveries every week, and it would not be good to take that many deliveries through the front door. He stated there will be a trash enclosure in the rear and he expects to have over 80 deliveries a week and he does not see any good reason to turn the store around. He stated this is supposed to be a convenience store and turning the store would not make it convenient. He stated that they have complied with many of the conditions staff recommended on this project.

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

Commissioner Anita Wood asked the applicant if the issue regarding the driveways had been taken care of.

Mr. Cox stated that they had been completed.

Commissioner Wood stated she understands the applicant intends to put in the twenty (20) feet of landscaping along Martin Luther King, Jr. Boulevard and Cheyenne. She stated the concern is that apparently in the new site plan that was submitted the building landscaping has disappeared.

Mr. Cox stated he is not aware of the building landscaping as he has never seen the other architectural drawing that is being referred to.

Commissioner Wood stated the Planning Commission does require landscaping around the building itself and that will be require to be complied with.

Chairman Stone stated to the applicant that the Planning Commission's main concern is the orientation of the building.

Commissioner Wood stated that she is concerned about the visibility for the Police to be able to see inside the store from the street. She stated she would have preferred to have received some input from the North Las Vegas Police Department regarding the safety issues. Having not received anything of that sort, she stated she tends to believe that Lt. Redcay did, in fact, make those statements or comments to Mr. Cox and because of the crime rate in that area she believes that this is one time that the Planning Commission should make an exception to orienting the building to the corner, but in doing so she will ask

that a condition be placed on this that restricts the applicant to exactly what he is stating with regard to the back-door loading.

Commissioner Dean Leavitt stated he agrees with Commissioner Wood with regard to the orientation of the building and he has spoken with some of the North Las Vegas Police Officers who have told him that they see no advantage to have the building orientated to the street. He stated that he has knowledge that Mr. Cox does receive all of his deliveries from the rear door and has personally observed the applicant's operation. He also stated he believes the landscaping requirements need to be complied with.

Commissioner Scott Albright stated he believes there is enough justification to support this waiver.

Commissioner Tom Langford stated he is not aware of this area being a high-crime area. He understands the comments of the Police Officers, however he believes if he is driving down that street 35-45 mph he, too, would not be able to see inside the store.

Mr. Zobrist stated, with regard to being able to see inside the store, since most robberies will occur at night, he believes it is important to be able to see inside the store.

Mr. Jordan stated if the Planning Commission is leaning toward approving this item there would be some changes toward the conditions such as: If the Planning Commission is going to accept the building at its present location, then delete condition #5a. He also stated that there is an amendment to the PUD for this that deleted the condition that required the major anchor to be developed first and likewise there is another condition that was amended regarding this PUD and those items have not been heard by the City Council yet, so if this item is to be approved he recommends that a condition be added to state: "the applicant shall comply with all conditions of approval for ZN-23-89" which those are all the conditions of approval for this particular development. He also stated that he recommends another condition be added to state: "that deliveries shall be restricted to rear entrance to the building."

Commissioner Anita Wood MOVED and Commissioner Scott Albright SECONDED to APPROVE UN-72-01 per staff's recommendations subject to the following changes:

Condition #5A deleted.

Condition #5G be Added to Read: "That landscaping shall be provided in compliance with the Commercial Design Standards."

Condition #6 Added to Read: "That all deliveries shall be restricted to the rear of the building."

Condition #7 Added to Read: "The applicant shall comply with all conditions of approval for ZN-23-89."

The motion carried by MAJORITY vote with Commissioner Tom Langford voting against the motion.

6) SPR-23-01 (4728) AMERICAN STONE

An application submitted by Gerald Garapich, AIA, LLC, on behalf of Stone Mountain Management, LLC, property owner, for a site plan review in an M-2 General Industrial District and for a waiver of landscaping and perimeter fencing requirements. The property is generally located west of Civic Center Drive approximately 640 feet north of Gowan Road. The Assessor's Parcel Number is 139-12-201-012.

RECOMMENDATION:

The Development Services Department recommends that SPR-23-01 be denied because the proposal fails to provide adequate screening for outdoor storage yards, and fails to provide a compelling reason for granting of the requested waivers of the Industrial Design Standards.

If however, the Planning Commission were to determine that approval of the site plan review is warranted at this time, staff recommends the following conditions:

1. Standard conditions: 1, 2, 3, 11, 15, 26 and 27
2. That easements are required for all commercial driveways and RPPA's.
3. That fiber optic conduit along the Civic Center Drive frontage is required.
4. That the site shall comply with the Industrial Design Standards, including but not limited to:
 - A. Twenty-feet of landscaping shall be provided adjacent to Civic Center Drive.
 - B. A six-foot-wide planter shall be provided at the end of each row of parking and for every fifteen parking stalls within each row.
 - C. Perimeter fencing shall be constructed of an acceptable decorative material in accordance with ordinance requirements.
5. That the two proposed forty-foot entrances along the southern property line be removed; and that the applicant discontinue operation on the southern lot and remove the signage and stored materials.
6. The driveways must meet CNLV standards.
7. That the existing billboards along Interstate 15 shall be brought into compliance with Zoning Ordinance Requirements by their removal or through the application of a use permit prior to the application of any building or grading permits at the site.

This item was continued from the September 26th Planning Commission Meeting at the request of Staff. The applicant appeared and presented conditions of approval which were being requested in lieu of the conditions required by staff. Due to the late receipt of these conditions, staff recommended that this item be continued in order to review the proposed conditions.

Staff is currently, in the process of reviewing the applicants proposed conditions, and expects to have a recommendation that considers them by the October 10, 2001 Planning Commission Meeting.

The application was presented by Marc Jordan, Senior Planner, on behalf of staff who indicated the item was originally presented to the Planning Commission in the year 2000 and the applicant is proposing essentially was approved previously, with some changes, and one of those changes being that there is chain link fence being proposed along the northeastern and southern portion of the outdoor sales and storage area whereas before wrought iron was being proposed. Likewise there are also differences next to Civic Center Drive where those do not comply with the Commercial or Industrial Design Standards that are in place today, therefore staff recommends that this item be denied as it does not comply with all the standards for adequate screening of storage yards. He stated he believes the applicant has met with some members of staff and staff has not necessarily agreed with all of those recommendations. He stated there was some concern regarding the billboards on the property and whether or not they were legally conforming or non-conforming. He stated that if this item is approved, there would be a condition that would require them to come in and make those signs legal signs which would require the applicant to apply for a special use permit and meeting the separation requirements, whatever is needed to bring those things into compliance, therefore based on all this, staff's is still recommending that their original recommendation be upheld and this item be denied.

Kelly Thomas, 6151 Mountain Vista Avenue, #2218, Henderson, Nevada 89014 appeared on behalf of the applicant who stated he has no problem with staff's conditions of approval.

Commissioner Tom Langford asked staff if the applicant is in agreement to all eight (8) conditions, does that change staff's position on recommending denial of this item.

Mr. Jordan replied that typically with primarily major site plan reviews the intent is to bring the item before the Planning Commission to be reviewed by the Commission and to determine that it complies with all ordinance requirements and in this particular case the site plan did not do that. He stated that these conditions listed are intended to bring that development into compliance so if it is approved one of the things that would happen is that staff would have the final say on the issues which would essentially bring it into compliance with the Industrial Standards.

Commissioner Dean Leavitt asked staff when was this item originally approved.

Mr. Jordan replied in the year 2000.

Commissioner Leavitt asked if the Planning Commission decided to approve this item, would it be possible to place a time frame limit for the applicant to comply with these conditions.

Mr. Jordan stated the applicant would not be able to obtain a building permit without being in compliance with these conditions.

Commissioner Anita Wood MOVED and Commissioner Tom Langford SECONDED to APPROVE SPR-23-01 per staff's recommendations.

The motion carried by UNANIMOUS vote.

The item is APPROVED.

7) 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 a 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.

This ordinance draft was continued from the September 12, 2001 Planning Commission meeting, to give the Traffic Engineer the opportunity of reviewing the traffic circle provision. Based on his comments, the ordinance draft has been revised to state that all traffic circles are subject to review and approval by the Traffic Engineer.

The application was presented by Steve Baxter, Planning Manager, on behalf of staff who indicated staff is recommending approval of this item.

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

Chairman Stone recognized Ray Burke, City of North Las Vegas Traffic Engineer, as being present for this item.

Commissioner Anita Wood MOVED and Commissioner Tom Langford SECONDED to APPROVE ZOA-13-00 per staff's recommendations.

The motion carried by UNANIMOUS vote.

ACTION: APPROVED

PUBLIC FORUM

This is the portion of the meeting devoted to the public. After completing and submitting a yellow 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, spoke of an upcoming workshop on Tuesday October 23, 2001 at 5:00 PM regarding cell towers and discussion on commercial corridors.

CHAIRMAN'S BUSINESS:

None

ADJOURNMENT:

8:05 PM

A motion to ADJOURN the October 10, 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