

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

April 22, 2009

**BRIEFING:** 5:35 P.M., Conference Room, North Las Vegas City Hall, 2200 Civic Center Drive

**CALL TO ORDER:** 6:00 P.M., Council Chambers, North Las Vegas City Hall, 2200 Civic Center Drive

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

**STAFF PRESENT:** Frank Fiori, P & Z Director  
Marc Jordan, Planning Manager  
Robert Eastman, Principal Planner  
Bethany Sanchez, Deputy City Attorney II  
Lorena Candelario, PW Real Property Mgmt.  
Clete Kus, PW, Transportation Planner  
Janice Carr, Fire Department  
Jose Rodriguez, Police Department  
Doug Bergstrom, Utilities  
Jo Ann Lawrence, Recording Secretary

**WELCOME:** Vice-Chairman Harry Shull

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

**PLEDGE OF ALLEGIANCE:** Commissioner Dean Leavitt

**PUBLIC FORUM**

There was no public participation.

**Item No. 4 was heard next.**

**MINUTES**

- **APPROVAL OF THE MINUTES FOR THE PLANNING COMMISSION MEETING OF MARCH 25, 2009.**

ACTION: APPROVED

MOTION: Commissioner Brown

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: None

**NEW BUSINESS**

1. **VAC-03-09 (38565) ELDORADO RCL NO. 23, TM NO. 23 (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PARDEE HOMES OF NEVADA, PROPERTY OWNER, TO VACATE PUBLIC UTILITY, ROADWAY, AND ACCESS EASEMENTS OVER FORMER STREET ALIGNMENTS WITHIN AN APPROVED 156 LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT. THE PROPERTY IS LOCATED SOUTH OF ANN ROAD AND APPROXIMATELY 575 FEET EAST OF ROARING SURF DRIVE. THE ASSESSOR'S PARCEL NUMBERS ARE 124-33-595-002, 124-33-501-014, 124-33-501-015, 124-33-513-001 THROUGH 124-33-513-053, 124-33-513-056 THROUGH 124-33-513-080, 124-33-514-001, AND 124-33-514-012.**

The application was presented by Robert Eastman, Principal Planner who explained the vacation request was associated with T-1333, which was recently approved at the February 25, 2009 Planning Commission Meeting. With the tentative map the alignment has been changed; therefore, the applicant was requesting to remove some of the easements. The request was in compliance with the tentative map and has been reviewed by Public Works who was recommending approval; therefore, Staff was recommending approval of VAC-03-09 subject to the following condition:

1. The vacation must record concurrently with the new final map. Should the Order of Vacation not record at the time the new final map is offered for recordation, the vacation shall be deemed null and void.

**Rebecca DeWitt, 6655 South Cimarron Road, Las Vegas, NV 89113** appeared on behalf of the applicant indicating she concurred with Staff recommendation.

Vice-Chairman Shull opened the Public Hearing. There was no public participation.

Vice-Chairman Shull closed the Public Hearing.

**ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITION;  
FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION**

**MOTION: Commissioner Leavitt**

**SECOND: Commissioner Brown**

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

**NAYS: None**

**ABSTAIN: None**

2. **UN-23-09 (38539) LIVE AUCTION (PUBLIC HEARING). AN APPLICATION SUBMITTED BY AMERICAN MEMORABILIA ON BEHALF OF VJMK PROPERTIES LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW AN AUCTION HOUSE. THE PROPERTY IS LOCATED AT 2539 EAST WASHBURN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-36-312-025.**

Commissioner Dilip Trivedi indicated he would be abstaining, as he was assisting the applicant with the building permit application.

Commissioner Trivedi left Chambers at 6:03 p.m.

The application was presented by Marc Jordan, Planning Manager who explained the applicant was proposing to use Suite B-4 within an overall building that was approximately 39,000 square feet in size. According to the site plan, there are 64 parking spaces on the site and the applicant had eight of those spaces allocated for their use. The applicant indicated they would use the reception area and three office areas in the front for the auction facility and the remaining portion would be used for other offices and storage. Because only eight parking spaces were allocated for their use and based upon one parking space per four customers, it was determined there would be a maximum occupancy of 32 people allowed in the building. The occupancy could be increased with an approved parking study showing there was not a conflict in parking uses on the site. Staff was recommending approval of UN-23-09 subject to the following conditions:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances; and
2. That the occupancy of the facility shall not exceed 32 people including staff, unless a parking study, and a reciprocal parking agreement if necessary, are reviewed and approved by the Traffic Division. A copy of any/all approved parking agreement(s) shall be provided by the applicant to the Planning & Zoning Department for placement within the appropriate file(s).
3. The yoga and live auction activities cannot be conducted at the same time in the proposed suite.
4. A code analysis demonstrating compliance with the proposed use is to be approved by the Building Safety Division and the Fire Department prior to using the facility for public auctions. Any application submitted for a tenant improvement will simultaneously satisfy this requirement.

5. The proposed suite must comply with all adopted codes including 2006 IBC, 2006 UMC, 2006 UPC, 2006 IECC, 2005 NEC, 2003 ICC/ANSI A 117.1, all the 2006 Southern Nevada Amended Codes, and the soils report.
6. Submit a detailed floor plan that identifies what every area in the tenant space is being used for. A occupancy type and load will be based on the information given. Based on that information it may require changes to the interior structure, such as HVAC, plumbing, lighting and other electrical items, exiting, walls, and sprinklers.

**Kieta with American Memorabilia, 2539 East Washburn Road, North Las Vegas, NV 89081** indicated she concurred with Staff recommendation with the exception of the parking. She asked that they not be limited on the parking, as the association was in need of any type of traffic as there were only three or four businesses remaining open in the complex.

Mr. Jordan, explained when reviewing the parking, the empty suites were not discarded, as it had to be anticipated that some day there would be businesses in the vacant suites; therefore, parking had to be allocated for those suites. There have been other recent applications where the occupancy had to be limited due to available parking and had the same condition required for the parking study to increase the occupancy limit.

Vice-Chairman Harry Shull opened the Public Hearing. There was no public participation.

Vice-Chairman Shull closed the Public Hearing.

Commissioner Steve Brown asked if a parking study had to be done for each business or if one parking study could be done for the whole complex.

Mr. Jordan responded the parking study would be for the proposed application.

Commissioner Brown asked if one overlying parking study could be done for the entire site.

Clete Kus of Public Works explained in this instance, with respect to the proposed application, as well as UN-24-09, the parking study would be applicable just for the two proposed applications.

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

**MOTION: Commissioner Brown**

**SECOND: Commissioner Leavitt**

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

**NAYS: None**

**ABSTAIN: Commissioner Trivedi**

3. **UN-24-09 (38541) LOVE IS YOGA (PUBLIC HEARING). AN APPLICATION SUBMITTED BY KIETA ON BEHALF OF VJMK PROPERTIES LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW AN INDOOR ATHLETIC TRAINING FACILITY (YOGA CLASSES). THE PROPERTY IS LOCATED AT 2539 EAST WASHBURN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-36-312-025.**

Commissioner Dilip Trivedi indicated he would be abstaining, as he was assisting the applicant with the building permit application.

The application was presented by Marc Jordan, Planning Manager who explained the applicant was proposing to use the same suite and offices used for UN-23-09 and it was Staff's understanding, that when auction functions were not taking place, then yoga classes would be given, so the two functions would not co-exist. Staff was recommending approval of UN-24-09 with Condition No. 2 amended to read: "That the occupancy of the facility shall not exceed 32 people including staff, unless a parking study, and a reciprocal parking agreement, if necessary, are reviewed and approved by the Traffic Division. A copy of any/all approved parking agreement(s) shall be provided by the applicant to the Planning & Zoning Department for placement within the appropriate file(s)." The original recommended conditions are as follows:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. That the occupancy of the facility shall not exceed 32 customers, unless a parking study, and a reciprocal parking agreement if necessary, are reviewed and approved by the Traffic Division. A copy of any/all approved parking agreement(s) shall be provided by the applicant to the Planning & Zoning Department for placement within the appropriate file(s);
3. The yoga and live auction activities cannot be conducted at the same time in the proposed suite.
4. A code analysis demonstrating compliance with the proposed use is to be approved by the Building Safety Division and the Fire Department prior to using the facility for public auctions. Any application submitted for a tenant improvement will simultaneously satisfy this requirement.
5. The proposed suite must comply with all adopted codes including 2006 IBC, 2006 UMC, 2006 UPC, 2006 IECC, 2005 NEC, 2003 ICC/ANSI A 117.1, all the 2006 Southern Nevada Amended Codes, and the soils report.

6. Submit a detailed floor plan that identifies what every area in the tenant space is being used for. A occupancy type and load will be based on the information given. Based on that information it may require changes to the interior structure, such as HVAC, plumbing, lighting and other electrical items, exiting, walls, and sprinklers.

**Kieta, with Love is Yoga, 2539 East Washburn Road, North Las Vegas, NV 89081** indicated she concurred with Staff recommendation and asked not to be limited on the number of parking spaces allowed, as the tenants were sharing the parking.

Vice-Chairman Harry Shull explained there was only a limited amount of parking and if all suite were occupied, there would be a parking problem.

Vice-Chairman Harry Shull opened the Public Hearing. There was no public participation.

Vice-Chairman Shull closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH  
CONDITION NO. 2 AMENDED TO READ:

2. THAT THE OCCUPANCY OF THE FACILITY SHALL NOT EXCEED 32 PEOPLE INCLUDING STAFF, UNLESS A PARKING STUDY, AND A RECIPROCAL PARKING AGREEMENT, IF NECESSARY, ARE REVIEWED AND APPROVED BY THE TRAFFIC DIVISION. A COPY OF ANY/ALL APPROVED PARKING AGREEMENT(S) SHALL BE PROVIDED BY THE APPLICANT TO THE PLANNING & ZONING DEPARTMENT FOR PLACEMENT WITHIN THE APPROPRIATE FILE(S).

MOTION: Commissioner Brown

SECOND: Commissioner Leavitt

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

NAYS: None

ABSTAIN: Commissioner Trivedi

**Commissioner Dilip Trivedi returned to Chambers at 6:11 p.m.**

**Public Forum was heard next.**

**OLD BUSINESS**

4. **SPR-25-08 (36344) INDIGO APARTMENTS. AN APPLICATION SUBMITTED BY ANN ALLEN COMMONS LLC, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN R-3, MULTI-FAMILY RESIDENTIAL DISTRICT CONSISTING OF A 166 UNIT MULTI-FAMILY DEVELOPMENT. THE PROPERTY IS LOCATED EAST OF WILLIS STREET AND APPROXIMATELY 370 FEET NORTH OF ANN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-30-802-022. (CONTINUED AUGUST 27, SEPTEMBER 24, OCTOBER 22, AND DECEMBER 10, 2008 AND JANUARY 14, FEBRUARY 25 AND MARCH 25, 2009)**

It was requested by the applicant to continue SPR-25-08 to May 13, 2009.

ACTION: CONTINUED TO MAY 13, 2009

MOTION: Commissioner Trivedi

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: None

**Approval of Minutes was heard next.**

**PUBLIC FORUM**

There was no public participation.

**DIRECTOR'S BUSINESS**

There was no report given.

**CHAIRMAN'S BUSINESS**

There was no report given.

**ADJOURNMENT**

The meeting adjourned at 6:12 p.m.

APPROVED: May 13, 2009

/s/ Harry Shull  
Angelo Carvalho, Chairman

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