

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

January 13, 2010

BRIEFING: 5:30 P.M., Conference Room, North Las Vegas City Hall, 2200 Civic Center Drive

CALL TO ORDER: 6:03 P.M., Council Chambers, North Las Vegas City Hall, 2200 Civic Center Drive

ROLL CALL: Chairman Dean Leavitt - Present
Vice-Chairman Steve Brown - Present
Commissioner Jay Aston - Present
Commissioner Jo Cato - Present
Commissioner Dilip Trivedi - Present
Commissioner Laura Perkins - Present
Commissioner Joseph DePhillips - Present

STAFF PRESENT: Frank Fiori, P & Z Director
Marc Jordan, Planning Manager
Robert Eastman, Principal Planner
Sandra Morgan, Deputy City Attorney
Jennifer Doody, Development & Flood Control
Vidya Medisetty, Public Works
Mike Steele, Fire Department
Jose Rodriguez, Police Department
Ernie Buo, Utilities
Jo Ann Lawrence, Recording Secretary

WELCOME: Chairman Dean Leavitt

VERIFICATION: Jo Ann Lawrence, Recording Secretary

PLEDGE OF ALLEGIANCE: Commissioner Jo Cato

PUBLIC FORUM

There was no public participation.

MINUTES

• **APPROVAL OF THE MINUTES FOR THE PLANNING COMMISSION MEETING OF NOVEMBER 24, 2009.**

ACTION: APPROVED

MOTION: Commissioner Perkins

SECOND: Vice-Chairman Brown

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

NAYS: None

ABSTAIN: None

• **APPROVAL OF THE MINUTES FOR THE PLANNING COMMISSION MEETING OF DECEMBER 9, 2009.**

ACTION: APPROVED

MOTION: Commissioner Perkins

SECOND: Vice-Chairman Brown

AYES: Chairman Leavitt, Vice-Chairman Brown, Commissioners Aston, Trivedi, Perkins, and DePhillips

NAYS: None

ABSTAIN: Commissioner Cato

Item No. 9 was heard next.

NEW BUSINESS

1. **UN-01-10 (40192) WOLF'S AUTO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY WOLFGANG BLUM, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-1, BUSINESS PARK INDUSTRIAL DISTRICT TO ALLOW AN AUTOMOBILE SERVICE FACILITY. THE PROPERTY IS LOCATED AT 4300 NORTH PECOS ROAD, SUITES 10 & 11. THE ASSESSOR'S PARCEL NUMBERS ARE 140-06-310-026 AND 140-06-310-027.**

The application was presented by Marc Jordan, Planning Manager who explained the applicant was currently operating out of Suite 10 under a use permit that was approved in 1993 and the current application was to allow the expansion into Suite 11. In the letter of intent, the applicant indicated the use was for auto repair; however, because the property was zoned M-1, only an auto service facility was allowed, which was for minor repairs only. The applicant was proposing to use two of the suites, each approximately 1300 square feet with an outside storage area. Mr. Jordan pointed out the use permit was for minor repairs and all vehicles awaiting repair must be stored in the building or within the individual storage units. Staff was recommending approval of UN-01-10 with 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.
2. The proposed use should be limited to light mechanical work such as tune-ups and brake repair service, consistent with the automobile service facility classification.
3. That all vehicles awaiting service shall be stored within the building and in the designated storage areas associated with suites 10 & 11.

Wolfgang Blum, 4300 North Pecos, Suite 10, North Las Vegas, NV 89115 indicated he concurred with Staff recommendation.

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

- **Robert Eagle, 4686 Balsam, Las Vegas, NV 89108** indicated he was a neighbor of Mr. Blum in the industrial park for approximately 17 years and was in support of the application.
- **Jonathan Masso, 4300 North Pecos Road #2, North Las Vegas, NV 89115** indicated he had been in the industrial complex since 1996 and was in support of the application.

- **Graciela Masso, 4300 North Pecos Road, #3, North Las Vegas, NV 89115** indicated she was in support of the application and saw no problems with Mr. Blum's business.
- **Norman Cox, 6613 O'Bannon Drive, Las Vegas, NV** was in support of the application.
- **Richard Ously, 4300 North Pecos Road, North Las Vegas, NV 89115** gave some history on the business complex along with photographs of some of the activities taking place and indicated the applicant was running an automotive repair shop from his business, not just performing minor repairs and tune-ups as stated in the application and was opposed to the application.
- **Walter Jones, 1951 Sutro Lane, Las Vegas, NV 89106** indicated he was a contractor for the applicant, stating he had been to the complex and had not seen the applicant dismantling vehicles and pointed out there were other suites that had trucks and equipment behind their shops and was in support of the application.

Mr. Cox spoke on behalf of Mr. Blum indicating there was an explanation for the vehicles being unload from transport trucks and explained the vehicles were being sent from body shops and insurance companies and they evaluate them for damage and then they are returned to the body shop. He stated after business hours, the vehicles were stored and the site cleaned and there were no vehicles stored in the back lot.

Commissioner Jo Cato asked the applicant about the vehicle storage shown in the pictures presented by Mr. Ously.

Mr. Blum explained he was not aware vehicles could not be stored and had removed them.

Commissioner Cato asked the applicant if he was still storing vehicles.

Mr. Blum responded he was no longer storing vehicles on the site.

Commissioner Cato was encouraged the business wanted to expand and felt the applicant was making an effort to comply with code and was in support of the application and encouraged Mr. Blum to follow code requirements regarding parking.

Commissioner Steve Brown was in support of the application but was concerned with some of the activity shown in the pictures presented and reiterated that the conditions of approval included maintaining the site and following code requirements.

Commissioner Dilip Trivedi asked Staff if M-1 zoning allowed automobile body work.

Marc Jordan, Planning Manager responded it was not allowed in M-1. M-1 use allowed minor repairs only, such as tune-ups and brake repair.

Commissioner Trivedi asked if the applicant performing estimates on vehicles was allowed.

Mr. Jordan responded estimating vehicles was not repairing them, so it was not against what was allowed in an M-1 District.

Commissioner Trivedi asked the parking requirements for the use.

Mr. Jordan responded a minimum of four parking spaces was required for the use and two parking spaces were required for each service bay.

Commissioner Trivedi asked if the parking situation for the overall complex was in compliance.

Mr. Jordan, responded the complex was annexed into the City and he was not sure how it was developed and explained it was an industrial condominium complex originally approved by the County.

Commissioner Trivedi asked if there had been Code Enforcement complaints on the use.

Mr. Jordan explained there had been a complaint and that was why the application was submitted.

Commissioner Trivedi stated he was opposed to the application unless it could be shown by the applicant that the majority of his neighbors were in support of the application.

Mr. Cox explained he had done a rendering for the permit application and each building had two rows of parking, one directly in front of the building and one adjacent to it and the other building had the same two rows of parking with two spaces in front of each shop. The proposed use had four spaces in front, four spaces across the driveway and another eight spaces behind the building, for vehicles awaiting repair and the shop held up to twelve vehicles for storage at night.

Commissioner Trivedi asked how many vehicles were unloaded at a time.

Mr. Cox responded one or two per week; it was dependent on what was needed by the body shop. He pointed out they did not perform body repair work; they only performed the electronic analysis on the vehicles. They put their computer on the vehicles and checked all of the on-board diagnostic computers, wrote their report and returned the vehicles to the body shop.

Commissioner Leavitt closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Cato

SECOND: Vice-Chairman Brown

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

NAYS: Commissioner Trivedi

ABSTAIN: None

2. **UN-04-10 (40254) TROY POLLOCK (PUBLIC HEARING). AN APPLICATION BY TROY POLLOCK ON BEHALF OF SOUTH TECH BROOKS 2750K, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW AN AUTOMOBILE REPAIR FACILITY. THE PROPERTY IS LOCATED AT 2750 BROOKS AVENUE, #104. THE ASSESSOR'S PARCEL NUMBER IS 139-17-510-011.**

The application was presented by Marc Jordan, Planning Manager who explained the applicant indicated in their letter of intent they were proposing to lease approximately 2,000 square feet of the building and would also be performing auto body repair. There were similar uses within the area and the applicant complied with parking requirements and indicated all vehicles would be parked inside; therefore, Staff had no objections and was recommending approval of UN-04-10 with 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.
2. All vehicles stored over night must be secured within the building, or screened properly as required by Title 17.

Troy Pollock, 2750 Brooks Avenue, North Las Vegas, NV 89030 indicated he concurred with Staff recommendation.

Commissioner Dean Leavitt opened the Public Hearing. There was no public participation.

Commissioner Leavitt closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Vice-Chairman Brown

SECOND: Commissioner DePhillips

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

NAYS: None

ABSTAIN: None

3. **UN-02-10 (40202) TRUGREEN LANDCARE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CHRIS STEINER ON BEHALF OF BESUDEN REVOCABLE TRUST, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW ADDITIONAL SECURITY MEASURES CONSISTING OF RAZOR WIRE. THE PROPERTY IS LOCATED AT 1260 ROCKPEBBLE AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-11-110-007.**

The application was presented by Marc Jordan, Planning Manager who explained the applicant was requesting the use of razor wire on top of their north, south and west property line walls. The property was in an area zoned M-2 and surrounded by M-2 zoning. The applicant indicated since they had been in operation there had been some break-ins resulting in approximately \$10,000 in loss and they had installed security cameras, which filmed the theft but had not stopped it. When the ordinance was originally adopted, there were four criteria the applicant was required to demonstrate and out of the four, the applicant had demonstrated three of them, one of them being that the adjacent property owner sign the application; but, there was another requirement that stated "the applicant must demonstrate that other alternatives are not available, such as, but not limited to the employment of a security guard, security services, or the installation of a specially designed wrought iron fence making it difficult to climb in or out of the property," which in Staff's opinion, had not been done; therefore, Staff was recommending denial of UN-02-10; however, should the Commission determine approval was warranted, the following condition was recommended:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.

Henry Besuden, 5054 Scenic Ridge Drive, Las Vegas, NV 89148, property owner explained he had a long-term relationship with the tenant who leased other property from him and they had a number of break-ins and the tenant, installed video surveillance system for the yard and the north boundary was vacant property, so the security for that area was almost impossible. He explained hiring a dusk to dawn security guard was not feasible. They were unaware of the restrictions on razor wire and had been cited by Code Enforcement, which prompted the application for a special use permit. The break-ins occurred mostly in 2008 and since the razor wire was installed in early 2009, there have not been any further break-ins on the property and asked the Commission to approve the application.

Commissioner Dean Leavitt opened the Public Hearing. There was no public participation.

Commissioner Leavitt closed the Public Hearing.

Commissioner Steve Brown asked the applicant if video surveillance or alarms had been installed on the property.

Mr. Besuden responded video surveillance was in existence and the building was alarmed but it was not practical to alarm the yard, due to the winds, as it caused the alarms to go off.

Commissioner Brown asked what type of items were stored on the property.

Mr. Besuden responded the most expensive items lost in the burglaries were small equipment, and a storage container was broken into and power equipment taken.

Commissioner Brown was concerned with seeing razor wire located around the City in every location where there was a problem, but understood security was important and that it was cost prohibitive to hire on-site security.

Mr. Besuden indicated Officer Rodriguez had performed a Crime Prevention Through Environment Design (CPTED) analysis on the site.

Commissioner Jay Aston inquired of Staff if a condition could be added, that if the adjacent undeveloped property were to be developed, the approval of the razor wire could be reconsidered.

Mr. Jordan responded one of the requirements of the application was that the applicant have the adjacent property owner sign the application or submit a letter stating they were aware of the razor wire and had no objection, which had been received. Mr. Jordan added, his concern with the condition was that if the item was approved, when the adjacent property was developed, nobody would remember the conditions existed and explained when an application was submitted, the associated property was what would be reviewed.

Commissioner Dilip Trivedi asked to hear from Jose Rodriguez of the Police Department regarding his CPTED analysis.

Jose Rodriguez of the North Las Vegas Police Department explained he had performed a security survey on the site and usually they were done with CPTED principles in mind where they were more inclined to look for non-target hardening measures to take place and in this instance, considering how the property was zoned, the area it was in, its neighboring businesses and the fact that the property to the north that was undeveloped provided no activity support, which was a key principle to CPTED, it was, in his opinion, a legitimate use to have the razor wire located on site. Normally he would look for wrought iron first, maybe with outriggers at the top; but, property line issues came into play with this application, so the property would be better served by using razor wire.

Commissioner Trivedi asked how many other nurseries located in the City with similar conditions had razor wire or barbed wire on their property.

Mr. Jordan responded he was not aware if there were other businesses with similar conditions and explained if you were located in an industrial area, this was an avenue you could request for additional security methods; but, any other district that was not M-1, M-2, or M-3, you would not be able to request the use of razor or barbed wire.

Commissioner Trivedi indicated he was in support of the application as the neighboring property owners were in support.

Officer Rodriguez stated he had received requests from other property owners in the area to perform security surveys, because they were looking to take the same security measures.

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

MOTION: Commissioner Aston

SECOND: Vice-Chairman Brown

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

NAYS: None

ABSTAIN: None

4. UN-03-10 (40216) JAVSE CORINTHIAN (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CHRIS ALLEN ON BEHALF OF JAVSE CORINTHIAN, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW ADDITIONAL SECURITY MEASURES CONSISTING OF RAZOR WIRE AND BARBED WIRE. THE PROPERTY IS LOCATED AT 570, 595 AND 697 CORINTHIAN WAY. THE ASSESSOR'S PARCEL NUMBER IS 139-14-201-009.

The application was presented by Marc Jordan, Planning Manager who explained the applicant was requesting to leave the existing barbed wire and razor wire on top of the walls for 570 and 595 Corinthian Way and the installation of barbed wire on top of the existing block walls for 697 Corinthian Way. The applicant indicated they had an electrical contractor with outside storage of copper wiring and that the materials were at high risk for theft. In reviewing the application, under the four requirements the applicant was required to demonstrate, they had demonstrated three of them. The applicant had not demonstrated that other alternatives to safeguard their equipment were available; therefore, Staff was recommending denial of UN-03-10. Should the Commission determine approval was warranted, the following conditions were recommended:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. Barbed wire and/or razor wire are allowed at 570, 595 and 697 Corinthian Way.

Lazelle Preator of Preator Consulting, 1012 Silver Retreat Court, Henderson, NV 89002 appeared on behalf of the applicant indicating they originally came in with an application only for barbed wire on top of the existing fence; however, the applicant purchased the four buildings several years ago and at that time, two of the buildings, which were adjacent to North 5th Street, already had concertina wire on them and during the application process it was brought to the applicant's attention they would need to have them brought into compliance with code. He understood Staff's concerns but, similar to the previous application, they had considered several alternatives, but they were cost prohibitive. He explained the security cameras capture a good picture, but before the police or security company can respond, the wire was already taken. The two buildings with the concertina wire in place also had storage on vehicles and trailers and had similar issues. He pointed out theft at the buildings that currently had the barbed wire and concertina wire had been greatly reduced.

Chairman Dean Leavitt opened the Public Hearing. There was no public participation.

Chairman Leavitt closed the Public Hearing.

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

MOTION: Commissioner Aston

SECOND: Vice-Chairman Brown

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

NAYS: None

ABSTAIN: None

5. **ZN-01-10 (40246) RIVERWALK HIGH NOON (PUBLIC HEARING). AN APPLICATION SUBMITTED BY D.R. HORTON, INC., PROPERTY OWNER, FOR A RECLASSIFICATION OF PROPERTY FROM A PUD, PLANNED UNIT DEVELOPMENT DISTRICT TO A PUD, PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF 44 SINGLE-FAMILY DWELLINGS AND 57 TRIPLEX UNITS. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF RANCH HOUSE ROAD AND CENTENNIAL PARKWAY. THE ASSESSOR'S PARCEL NUMBERS ARE 124-30-211-001 THRU 124-30-211-189.**

The application was presented by Robert Eastman, Principal Planner who explained the PUD was originally approved with 189 triplex units; subsequently, the applicant had built a number of the triplex units but wished to convert the remaining lots into single-family homes, which would reduce the overall density from 11.2 dwelling units per acre to approximately six dwelling units per acre and were still in compliance with the open space requirements for the PUD. Staff was recommending approval of ZN-01-10 with the following conditions:

1. Unless expressly authorized through a variance, waiver or another approved method development shall comply with all applicable codes and ordinances.
2. That development shall comply with the Multi-Family Development Standards for the 57 triplex condominium unit portion of the development.
3. Open space area shall be provided as shown on the Preliminary Development Plan.
4. The development shall comply with the Single Family Design Standards for the 44 lot single family residential portion of the development
5. Garages must be setback at five (5) feet from the front property lines to restrict parking in driveways for all single family residential dwellings/lots in the development.
6. A final development plan shall be required for Planning Commission review and approval. The final development plan shall provide details of the open space/park areas showing landscaping and amenities.
7. Approval of a drainage study update is required prior to submittal of civil improvement plans.
8. Appropriate mapping is required to complete this project. All mapping shall be in compliance with NRS Chapter 278 and the City of North Las Vegas Municipal Code and associated Master Plans in effect at the time of Subdivision and/or parcel map approval. Conformance may require modifications to the site.

9. Prior to submittal of the civil improvement plans for review, the property owner(s) shall apply for a vacation of all easement(s) previously granted to the City of North Las Vegas over the existing common areas that are to become single family residential lots. Additionally, the developer shall provide documentation that the entities names in the "Owner's Certificate and Dedication" of the "Amended Final Map of Riverwalk Ranch High Noon" have also relinquished their easements.
10. Documentation of the relinquished easements must be provided and the vacation must be recorded prior to approval of the civil improvement plans.
11. All residential driveway geometrics shall be in compliance with the Uniform Standard Drawings for Public Works' Construction Off-Site Improvements Drawing Number 222.
12. Proposed residential driveway slopes shall not exceed twelve percent (12%).
13. All known geologic hazards shall be shown on the preliminary development plan, tentative map and the civil improvement plans. Geological hazards such as fault lines or fissures affecting residential structures may substantially alter the tentative map layout and require the submission of a revised tentative map which must be approved by the City prior to final approval of the civil improvement plans. The footprint of proposed structures shall be plotted on all lots impacted by faults and/or fissures and a minimum width of five (5) feet shall be provided from the edge of any proposed structure to the nearest fault and/or fissure.
14. Fire Lanes shall be marked to prohibit parking in accordance with the Fire Code requirements.
15. As a minimum the following amenities shall be provided within the open space:
 - a. Circuitous lighted paths;
 - b. A minimum of 20 24-inch box trees per acre;
 - c. At least two differing ages appropriate play structures for children with EPDM resilient fall protection over a non-porous surface and accompanying shade ramada;
 - d. At least one large open space area for group / organized play;
 - e. One large group shade area / gazebo (30' diameter), lighted;
 - f. Swimming pool with a cabana;
 - g. Picnic tables and barbecue grills;
 - h. Benches spaced along park pathways; and
 - i. Details of amenities to be provided.

Todd Steadham of Slater Hanifan, 5740 South Arville Suite 216, Las Vegas, NV 89118

appeared on behalf of the applicant explaining the project was originally approved in 2005 as 189 triplex units and since that time, the project had begun construction and the off-sites were complete along with all internal roadways and utilities and 13 of the 19 triplexes on the south portion were completed and on the northern portion they wanted to convert to single-family detached homes. By making that change, there would be more than adequate parking and open space because the density had gone from 189 dwelling units to 132 dwelling units. He indicated he concurred with Staff recommendation.

Chairman Dean Leavitt opened the Public Hearing. There was no public participation.

Chairman Leavitt closed the Public Hearing.

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

MOTION: Commissioner Aston

SECOND: Vice-Chairman Brown

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

NAYS: None

ABSTAIN: None

6. **T-1336 (40248) RIVERWALK HIGH NOON. AN APPLICATION SUBMITTED BY D.R. HORTON, INC., PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN A PUD, PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF 44 SINGLE-FAMILY DWELLINGS AND 57 TRIPLEX UNITS. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF RANCH HOUSE ROAD AND CENTENNIAL PARKWAY. THE ASSESSOR'S PARCEL NUMBERS ARE 124-30-211-001 THRU 124-30-211-189.**

The application was presented by Robert Eastman, Principal Planner who explained with the approval of the PUD, Staff was recommending approval of T-1336 with the following conditions:

1. Unless expressly authorized through a variance, waiver or another approved method development shall comply with all applicable codes and ordinances.
2. That development shall comply with the Multi-Family Development Standards for the 57 triplex condominium unit portion of the development.
3. Open space area shall be provided as shown on the Preliminary Development Plan.
4. The development shall comply with the Single Family Design Standards for the 44 lot single family residential portion of the development
5. Garages must be setback at five (5) feet from the front property lines to restrict parking in driveways for all single family residential dwellings/lots in the development.
6. A final development plan shall be required for Planning Commission review and approval. The final development plan shall provide details of the open space/park areas showing landscaping and amenities.
7. Approval of a drainage study update is required prior to submittal of civil improvement plans.
8. Appropriate mapping is required to complete this project. All mapping shall be in compliance with NRS Chapter 278 and the City of North Las Vegas Municipal Code and associated Master Plans in effect at the time of Subdivision and/or parcel map approval. Conformance may require modifications to the site.

9. Prior to submittal of the civil improvement plans for review, the property owner(s) shall apply for a vacation of all easement(s) previously granted to the City of North Las Vegas over the existing common areas that are to become single family residential lots. Additionally, the developer shall provide documentation that the entities names in the "Owner's Certificate and Dedication" of the "Amended Final Map of Riverwalk Ranch High Noon" have also relinquished their easements.
10. Documentation of the relinquished easements must be provided and the vacation must be recorded prior to approval of the civil improvement plans.
11. All residential driveway geometrics shall be in compliance with the Uniform Standard Drawings for Public Works' Construction Off-Site Improvements Drawing Number 222.
12. Proposed residential driveway slopes shall not exceed twelve percent (12%).
13. All known geologic hazards shall be shown on the preliminary development plan, tentative map and the civil improvement plans. Geological hazards such as fault lines or fissures affecting residential structures may substantially alter the tentative map layout and require the submission of a revised tentative map which must be approved by the City prior to final approval of the civil improvement plans. The footprint of proposed structures shall be plotted on all lots impacted by faults and/or fissures and a minimum width of five (5) feet shall be provided from the edge of any proposed structure to the nearest fault and/or fissure.
14. Fire Lanes shall be marked to prohibit parking in accordance with the Fire Code requirements.
15. As a minimum the following amenities shall be provided within the open space:
 - a. Circuitous lighted paths;
 - b. A minimum of 20 24-inch box trees per acre;
 - c. At least two differing ages appropriate play structures for children with EPDM resilient fall protection over a non-porous surface and accompanying shade ramada;
 - d. At least one large open space area for group / organized play;
 - e. One large group shade area / gazebo (30' diameter), lighted;
 - f. Swimming pool with a cabana;
 - g. Picnic tables and barbecue grills;
 - h. Benches spaced along park pathways; and
 - i. Details of amenities to be provided.

Todd Steadham of Slater Hanifan, 5740 South Arville Suite 216, Las Vegas, NV 89118
appeared on behalf of the applicant indicating he concurred with Staff recommendation.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Aston

SECOND: Vice-Chairman Brown

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

NAYS: None

ABSTAIN: None

7. UN-05-10 (40256) GROUP HOME (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LENI R. ALSTON, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT TO ALLOW A GROUP CARE FACILITY ON A 6,479 SQUARE FOOT LOT WHERE A 6,500 SQUARE FOOT LOT IS THE MINIMUM REQUIRED. THE PROPERTY IS LOCATED AT 3404 WEST EL CAMPO GRANDE AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 124-29-313-039.

The application was presented by Robert Eastman, Principal Planner who explained group homes were a conditional use permit, which would be an administrative action if the applicant was able to meet all conditions of approval. They must show compliance with all of the conditions, which include adequate parking, adequate interior space for the number of residents and separation from like uses. In this application, one of the conditions was that for a group home, a 6500 square foot lot was required and the proposed lot was 121 square feet too small; therefore, it was being presented to the Commission as a special use permit. The applicant indicated they would provide a group home for five residents and was generally for hospice care and dementia patients in the neighborhood. The applicant felt that because of the nature of the residents, it would provide relatively minimal impact on the neighbors and the neighborhood; therefore, it was not felt the home would negatively impact the neighborhood. In reviewing the application, the Building and Fire Departments had a number of conditions required for life safety concerns due to the group home nature and the applicant would need to demonstrate compliance, including sprinkler systems and other safety improvements that would not normally be required with a single-family home. When reviewing the application, the parking requirements were met and the interior space was in compliance with code. The only concern was the lot size and due to the nature of the residents it was not felt that 2100 square foot shortage was a hindrance; therefore, Staff was recommending approval with 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.
2. If the number of residents receiving care at the group care facility is six (6) or more, then the following conditions shall apply:
 - a. The existing institutional facility with five or fewer persons is currently classified as group R-3. However, with proposed expansion from 2 beds to 6 beds, the existing structure shall comply with all the requirements of group I-2 occupancy. Occupants with dementia are not capable of self-preservation and require physical assistance from staff in case of emergency.

- b. Existing residential structure was approved under a residential code. Proposed group home of six (6) beds shall be in conformance with IBC 2006 in lieu of IRC 2006.
- c. Existing exterior walls less than 10 ft from property lines shall be fire rated per IBC or as required based on type of construction of building.
- d. Building shall conform with the accessibility requirements from IBC 2006 and ICC/ANSI A117.1-2003.

Leni Alston, 3404 El Campo Grande, North Las Vegas, NV 89031 indicated she concurred with Staff recommendation.

Chairman Dean Leavitt opened the Public Hearing. The following participants came forward:

- **Barry Mullins, 3508 West El Campo Grande, North Las Vegas, NV 89031** was opposed to the application as the use was not allowed by their HOA rules.
- **Diane Berrojo, 420 Bright Moon Avenue, North Las Vegas, NV 89084** was in support of the application, as her mother was a resident of the home. The home was very clean and she considered the use residential, as people were living in the home and there was no additional traffic coming and going.
- **Iris Gross, PO Box 336314, North Las Vegas, NV 89033** was opposed to the application and indicated she had no knowledge there was any business being conducted in her neighborhood until she received the Public Hearing Notice. It appeared the home was purchased with the intent of running a care home as the home was purchased in July, 2006 and the business license was obtained in November, 2006. The use was against the CC & R's for the HOA in the neighborhood and a letter had been sent notifying the homeowner they were in violation of the CC & R's.
- **Karen Benson, 3503 Arroyo Largo Court, North Las Vegas, NV 89031** indicated she purchased her home in 2005 and she had CC & R's that state she cannot run a business from her home and also stated what she could and could not do in her home. She understood due to the economic times, the home values had decreased and they cannot afford to put a business in a residential neighborhood and was opposed to the application.
- **Joy Tanalega, 3412 West El Campo Grande Avenue, North Las Vegas, NV 89031** indicated she and her husband were opposed to the application as the use was not allowed by the CC & R's for the neighborhood.

Chairman Leavitt closed the Public Hearing.

Commissioner Jay Aston confirmed Staff's position in relation to land use and planning versus subdivision CC & R's.

Sandra Morgan, Deputy City Attorney explained the City was not a party to the CC & R's, it was an agreement between the homeowners and their association, which was a contract. The Commission's decision was to decide how the land could be used, but it was really up to the HOA to enforce their own CC & R's, so if they have any restrictions on how the homes within the community could be used, that was an agreement between the homeowners and the association and the City was not a part of the agreement.

Commissioner Aston stated one of the citizens who spoke made reference to other entities that review CC & R's and asked if Staff had any knowledge of that happening or if other entities avoid the legal entanglements that come with CC & R's.

Frank Fiori, Planning and Zoning Director responded any entity he had worked for had always taken the same position. The CC & R's were a contract between the property owners and the HOA and it was the responsibility of the governing board to regulate that and take action. Municipalities do not get involved in overseeing CC & R's or private covenants.

Commissioner Aston clarified the Commission's action was a North Las Vegas land use action and not what can or cannot happen within the community.

Director Fiori responded that was correct; the decision of the Commission was based on the adopted zoning ordinances and City of North Las Vegas Code and whether or not the application meets those.

Commissioner Steve Brown clarified the application would be a right to the applicant if all the conditions had been met and if the lot had been 2100 square foot larger, it would not have been brought before the Commission.

Mr. Eastman responded that was correct; the application would have been approved administratively.

Commissioner Brown's concern was if the use could be allowed even though the lot was 2100 square foot smaller. He understood the citizens' concerns about having a business in their neighborhood and asked if it was regulated by State Law that made it a right to have the use.

Mr. Eastman responded it was the City's law that was written to be in conformance with State law regarding group homes and explained the applicant currently had two residents, which fell under the State licensing for individual residential care, which was allowed in the State law by right and was classified as a single-family home, so they could exist in all neighborhoods without regulation at the local level.

Commissioner Brown did not see the use as a big infringement on the property in the area, especially because many residents were not even aware the business existed, so if three more beds were added, it would not cause a problem and did not feel the 2100 square feet was an issue, so was in support of the application.

Commissioner Laura Perkins also did not see the impact of the use being that great on the neighborhood, as the residents who were opposed, did not know the use existed until receiving notice of the Public Hearing and was in support of the application.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Vice-Chairman Brown

SECOND: Commissioner Trivedi

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

NAYS: None

ABSTAIN: None

8. **UN-122-06 (40131) FIRESTONE BUILDING (PUBLIC HEARING). AN APPLICATION SUBMITTED BY FIRESTONE BUILDING PRODUCTS ON BEHALF OF DISTRIBUTION FUNDING II INC., PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW AN AMENDMENT TO A PREVIOUSLY APPROVED SPECIAL USE PERMIT TO ALLOW THE STORAGE OF 70,000 GALLONS OF HAZARDOUS MATERIALS (ROOFING ADHESIVE). THE PROPERTY IS LOCATED AT 4272 CORPORATE CENTER DRIVE. THE ASSESSOR'S PARCEL NUMBER IS 139-01-710-001.**

The application was presented by Robert Eastman, Principal Planner who explained the applicant had received approval in January, 2007 for approximately 27,000 gallons of roofing material to be stored on the site; however, since that time the building was constructed and designed to hold up to 70,000 gallons and the applicant was requesting to store the entire 70,000 gallons of material, which has been reviewed by the Fire Department who does not have concerns because of the construction of the building; therefore, Staff was recommending that UN-122-06 be approved with the following condition:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.

Bob Gronauer, Kaempfer Crowell Renshaw Gronauer & Fiorentino, 8345 West Sunset Road, Suite 250, Las Vegas, NV 89113 appeared on behalf of the applicant indicating he concurred with Staff recommendation.

Chairman Dean Leavitt opened the Public Hearing. There was no public participation.

Chairman Leavitt closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Vice-Chairman Brown

SECOND: Chairman Leavitt

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

NAYS: None

ABSTAIN: None

Public Forum was heard next.

OLD BUSINESS

9. **AMP-08-08 (35792) LOSEE STATION RESORT & CASINO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LOSEE ELKHORN PROPERTIES LLC, PROPERTY OWNER, FOR AN AMENDMENT TO THE MASTER PLAN OF STREETS AND HIGHWAYS TO INCREASE SEVERENCE LANE BETWEEN LOSEE ROAD AND STATZ STREET FROM A 60-FOOT RIGHT-OF-WAY TO AN 80-FOOT RIGHT-OF-WAY. THE ASSESSOR'S PARCEL NUMBERS ARE 124-13-401-001, 124-13-401-002, 124-13-401-005, 124-13-401-006, 124-13-401-007 AND 124-13-401-008. (CONTINUED JULY 9, AUGUST 13, AND DECEMBER 10, 2008, MARCH 11, JUNE 24, AND NOVEMBER 24, 2009)**

It was requested by the applicant to continue AMP-08-08 to July 28, 2010.

Chairman Dean Leavitt opened the Public Hearing. There was no public participation.

Chairman Leavitt indicated the Public Hearing would remain open.

ACTION: CONTINUED TO JULY 28, 2010

MOTION: Vice-Chairman Brown

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: None

10. **VAC-07-08 (35796) LOSEE STATION RESORT & CASINO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LOSEE ELKHORN PROPERTIES LLC, PROPERTY OWNER, TO VACATE ELKHORN ROAD BETWEEN LOSEE ROAD AND STATZ STREET; AND TO VACATE BERG STREET BETWEEN SEVERENCE LANE AND ELKHORN ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 124-13-401-001, 124-13-401-002, 124-13-401-005, 124-13-401-006, 124-13-401-007 AND 124-13-401-008. (CONTINUED JULY 9, AUGUST 13, AND DECEMBER 10, 2008, MARCH 11, JUNE 24, AND NOVEMBER 24, 2009)**

It was requested by the applicant to continue VAC-07-08 to July 28, 2010.

Chairman Dean Leavitt opened the Public Hearing. There was no public participation.

Chairman Leavitt indicated the Public Hearing would remain open.

ACTION: CONTINUED TO JULY 28, 2010

MOTION: Vice-Chairman Brown

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: None

11. **AMP-07-08 (35791) LOSEE STATION RESORT & CASINO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LOSEE ELKHORN PROPERTIES LLC, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF MIXED-USE NEIGHBORHOOD TO RESORT COMMERCIAL. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF STATZ STREET AND SEVERENCE LANE. THE ASSESSOR'S PARCEL NUMBERS ARE 124-13-401-001, 124-13-401-002, 124-13-401-005 THROUGH 124-13-401-008. (CONTINUED JULY 9, AUGUST 13, AND DECEMBER 10, 2008, MARCH 11, JUNE 24, AND NOVEMBER 24, 2009)**

It was requested by the applicant to continue AMP-07-08 to July 28, 2010.

Chairman Dean Leavitt opened the Public Hearing. There was no public participation.

Chairman Leavitt indicated the Public Hearing would remain open.

ACTION: CONTINUED TO JULY 28, 2010

MOTION: Vice-Chairman Brown

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: None

12. **ZN-20-08 (35795) LOSEE STATION RESORT & CASINO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LOSEE ELKHORN PROPERTIES LLC, PROPERTY OWNER, FOR A RECLASSIFICATION OF PROPERTY FROM AN R-E, RANCH ESTATES DISTRICT TO A PUD, PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF A CASINO/HOTEL. THIS PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF STATZ STREET AND SEVERENCE LANE. THE ASSESSOR'S PARCEL NUMBERS ARE 124-13-401-001, 124-13-401-002, 124-13-401-005 THROUGH 124-13-401-008. (CONTINUED JULY 9, AUGUST 13, AND DECEMBER 10, 2008, MARCH 11, JUNE 24, AND NOVEMBER 24, 2009)**

It was requested by the applicant to continue ZN-20-08 to July 28, 2010.

Chairman Dean Leavitt opened the Public Hearing. There was no public participation.

Chairman Leavitt indicated the Public Hearing would remain open.

ACTION: CONTINUED TO JULY 28, 2010

MOTION: Vice-Chairman Brown

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: None

13. **GED-03-08 (35793) LOSEE STATION RESORT & CASINO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LOSEE ELKHORN PROPERTIES LLC, PROPERTY OWNER, FOR A PETITION TO ESTABLISH A GAMING ENTERPRISE DISTRICT. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF STATZ STREET AND SEVERENCE LANE. THE ASSESSOR'S PARCEL NUMBERS ARE 124-13-401-001, 124-13-401-002, 124-13-401-005 THROUGH 124-13-401-008. (CONTINUED JULY 9, AUGUST 13, AND DECEMBER 10, 2008, MARCH 11, JUNE 24, AND NOVEMBER 24, 2009)**

It was requested by the applicant to continue GED-03-08 to July 28, 2010.

Chairman Dean Leavitt opened the Public Hearing. There was no public participation.

Chairman Leavitt indicated the Public Hearing would remain open.

ACTION: CONTINUED TO JULY 28, 2010

MOTION: Vice-Chairman Brown

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: None

14. **UN-64-08 (35794) LOSEE STATION RESORT & CASINO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LOSEE ELKHORN PROPERTIES LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN R-E, RANCH ESTATES DISTRICT (PROPOSED PUD, PLANNED UNIT DEVELOPMENT DISTRICT) TO ALLOW A CASINO/HOTEL. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF STATZ STREET AND SEVERENCE LANE. THE ASSESSOR'S PARCEL NUMBERS ARE 124-13-401-001, 124-13-401-002, 124-13-401-005 THROUGH 124-13-401-008. (CONTINUED JULY 9, AUGUST 13, AND DECEMBER 10, 2008, MARCH 11, JUNE 24, AND NOVEMBER 24, 2009)**

It was requested by the applicant to continue UN-64-08 to July 28, 2010.

Chairman Dean Leavitt opened the Public Hearing. There was no public participation.

Chairman Leavitt indicated the Public Hearing would remain open.

ACTION: CONTINUED TO JULY 28, 2010

MOTION: Vice-Chairman Brown

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: None

Item No. 1 was heard next.

PUBLIC FORUM

There was no public participation.

DIRECTOR'S BUSINESS

There was no report given.

CHAIRMAN'S BUSINESS

Chairman Dean Leavitt thanked Staff and the City for their support at the Planning Commission meetings.

ADJOURNMENT

The meeting adjourned at 7:27 p.m.

APPROVED: February 10, 2010

/s/ Dean Leavitt
Dean Leavitt, Chairman

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