

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

February 10, 2010

BRIEFING: 5:30 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 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
Sandra Morgan, Deputy City Attorney
Jennifer Doody, Development & Flood Control
Eric Hawkins, Public Works
Mike Steele, Fire Department
Jose Rodriguez, Police Department

Doug Bergstrom, Utilities
Jo Ann Lawrence, Recording Secretary

WELCOME: Chairman Dean Leavitt

VERIFICATION: Jo Ann Lawrence, Recording Secretary

PLEDGE OF ALLEGIANCE: Commissioner Laura Perkins

PUBLIC FORUM

There was no public participation.

MINUTES

• **APPROVAL OF THE MINUTES FOR THE PLANNING COMMISSION MEETING
OF JANUARY 13, 2010.**

ACTION: APPROVED

MOTION: Commissioner Trivedi

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: None

NEW BUSINESS

1. **UN-11-10 (40342) GROUP FOSTER HOME (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CURTIS STUCKEY ON BEHALF OF GREEN ARROW LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A PUD, PLANNED UNIT DEVELOPMENT DISTRICT TO ALLOW A GROUP CARE FACILITY ON A 4,791 SQUARE FOOT LOT WHERE A 6,500 SQUARE FOOT LOT IS THE MINIMUM REQUIRED. THE PROPERTY IS LOCATED AT 3932 CARLA ANN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 123-30-810-164.**

The application was presented by Marc Jordan, Planning Manager who explained the applicant indicated there would be six children in the home ranging in age from eight to eighteen and there would be live-in parents to monitor the children. It was also indicated none of the children would be driving, therefore, there would be no impact on the parking. The applicant also indicated they complied with all requirements and submitted all necessary surveying showing they met all of the distance requirements from other group care facilities. Mr. Jordan pointed out one letter of opposition was received from Leslie White on behalf of Vienna Hills Homeowners Association. Staff was recommending approval of UN-11-10 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.

Curtis Stuckey, 8337 Clear Falls Street, North Las Vegas, NV 89085 appeared on the application stating he did not understand why, when he was given the advice to apply for a waiver of the lot size, the previous applications were not approved and felt the use was being advertised as a mental institution and not a foster home and there was a misunderstanding of what the use was. He asked if an individual, who was a foster parent licensed with the County, would also have to apply for a special use permit and asked for clarification why it was necessary for him to apply for a use permit.

Sandra Morgan, Deputy City Attorney could not say there would be a blanket exception for any individual who had a foster care license, but knew there were County and State requirements they must meet, but did not know of a requirement that they would have to come before the Commission. The company individual distinction may be an issue between the Homeowners Association (HOA) and the applicant; but, all of the information used by Staff to base their recommendation was located in the back-up material, which was what the Commission would use to base their decision.

Chairman Dean Leavitt explained to the applicant that Staff's recommendation for approval was not a guarantee. The Planning Commission had the right to hear comments and concerns from the applicant and residents and after discussion, make their finding of how

they felt the items should be voted on and the Commission did not always vote according to the recommendation of Staff.

Mr. Jordan clarified Staff told Mr. Stuckey what the ordinance said and it was very clear the use was normally a conditional use if it could be clarified all of the requirements were met; but, if the requirements could not be met, the only remedy was to apply for a special use permit and it was never implied that the application would be approved.

Chairman Leavitt also explained if Staff had the ability to approve the use without a waiver, the applicant would not have had to come before the Commission; but, because all of the requirements for the use had not been met, a waiver was necessary. Some of the Commissioners felt the shortage of square footage on the lot was severe enough that it would adversely affect the application and the ability to fulfil the intent of the planned use.

Mr. Stuckey stated the foster home was regulated by the County and they set the standard for how much space was needed and there was more than enough space for what was required by the County and exceeded their minimum standards.

Chairman Leavitt responded that might be correct in the County, but the City of North Las Vegas had their own Code to follow, which may differ from the County and explained since the use was located in the City of North Las Vegas, the North Las Vegas Code must be followed.

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

Chairman Leavitt closed the Public Hearing.

Commissioner Dilip Trivedi did not know how many properties in the subdivision were in foreclosure, were short sales, or abandoned, but felt the proposed use was better than having houses sitting vacant and was willing to waive the lot square footage requirement and was in support of the use.

Commissioner Laura Perkins felt the reason for the square footage criteria was so children had room to play and felt the reduction in square footage was too great and was not in support of the application.

Vice-Chairman Steve Brown was not in support of the application and suggested the applicant might want to request a continuance until his two previous applications were heard by City Council on appeal.

Commissioner Joseph DePhillips felt City Code should be followed and the lot size was too small and suggested the applicant find a location more suitable, as there were many lots in North Las Vegas that would meet the 6500 square foot lot requirement.

Chairman Leavitt agreed with Vice-Chairman Brown that the application should be continued.

Mr. Stuckey agreed to a continuance until his two previous applications, which were appealed to City Council, were heard.

ACTION: CONTINUED TO MARCH 24, 2010

MOTION: Vice-Chairman Brown

SECOND: Chairman Leavitt

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

NAYS: None

ABSTAIN: None

2, UN-12-10 (40373) EZ PAWN (PUBLIC HEARING). AN APPLICATION SUBMITTED BY EZ PAWN NEVADA, INC. ON BEHALF OF 2820 E. CRAIG RD., LLC, 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 2820 EAST CRAIG ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-01-201-016.

The application was presented by Marc Jordan, Planning Manager who explained the applicant was requesting razor wire around the outdoor storage area, which was approximately 2,000 square feet. The applicant indicated the property was acquired in November, 2008 and at that time a portion of the storage area was already surrounded by razor wire and they installed additional razor wire on the north side, where the trash enclosure was located, as the trash enclosure was used for people to scale the wall in order to steal items from the storage area and since the razor wire was installed, there had been no incidents of theft. Mr. Jordan explained there were four things that must be considered when reviewing the use permit and the applicant complied with three of the four items, including gaining Police Department support via a Crime Prevention Through Environmental Design (CPTED) analysis; however, Item No. 3, requiring the applicant to demonstrate other alternatives was not available such as, but not limited to, the employment of security guards, security services, or the installation of a wrought iron fence that curved in or out making it difficult to climb in and out of the facility. In Staff's review, it was believed there were probably alternatives such as building a wall or roof over the area that would prevent people from accessing the storage area and making it difficult to remove merchandise from the area, or to add some type of chainlink fence around the trash enclosure that would prevent people from gaining access, or the use of curved wrought iron fence that would make it difficult to climb. When reviewing a use permit, there were four items the Commission should also consider, one of them being that the proposed use was desirable and would contribute to the general well-being of the neighborhood and community. Though the property was zoned M-2 and surrounded by M-2 zoning, when it was reviewed by Staff, because there were commercial uses, a tavern, a hotel, and a convenience food restaurant, it was apparent the area was predominantly being developed as commercial type uses; therefore, it was felt the use of razor wire would have a negative impact on those businesses and Staff was recommending denial of UN-12-10 and pointed out the application would be forwarded to City Council for final consideration.

Sarah Koepnick, 5596 Victoria Regina Avenue, Las Vegas, NV 89139 appeared on behalf of the applicant explaining alternative security measures had been investigated, but most of them were financially exorbitant. The applicant had an engineer investigate alternatives they might use. Ms. Koepnick submitted a letter from AASAP Consulting, Tim Nelson, P.E. dated February 5, 2010. Mr. Nelson looked into the possibility of adding a roof or raising the wall or installing wrought iron which would cost approximately \$50,000, which exceeded the amount of the losses due to theft to date. The recommendation was

also made to raise the wall to nine feet but people could still use the trash enclosure to get over the fence and in order to make the fence higher, it would have to be rebuilt. The occupants of the neighboring properties were contacted, one of them being the Hampton Inn, and were supportive of the application and were not opposed to the razor wire.

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

- **Scott Sauer (no address stated)** understood the applicant's problem; however, the area was acting commercial and he did not feel the razor wire was appropriate. He had concerns with the type of people frequenting the businesses in the area and suggested moving the trash enclosure and possibly store some of the items at a different facility that had the appropriate security measures.

Chairman Leavitt closed the Public Hearing.

Vice-Chairman Steve Brown clarified with Staff that razor wire was allowed in an M-2 area.

Deputy City Attorney Sandra Morgan responded razor wire was not a matter of right in an M-2 area; but, there were four criteria that must be met in order to be allowed to have razor wire.

Vice-Chairman Brown felt there were other options that could be explored and was not supporting razor wire that was visible along Craig Road.

Commissioner Laura Perkins had the same concerns as Vice-Chairman Brown, as that area of Craig Road was one of the major entrances to the City and she did not want razor wire visible in that area and asked if there was a way to obscure the razor wire from view.

Commissioner Jay Aston asked Jose Rodriguez of the Police Department about the use of wrought iron on top of a block wall.

Mr. Rodriguez explained the wrought iron were outriggers and in this instance the problem was the trash enclosure with a six foot high wall, which allowed people to use it to climb into the storage area. An additional four feet of wrought iron would have to be added and then an outrigger added on top of that for it to work; but, he did not know if it was structurally feasible.

Commissioner Aston felt there were other alternatives than the razor wire and asked if there was information showing the wrought iron with outriggers was an effective means of security.

Mr. Rodriguez did not know of any studies, but the use of outriggers was a commonly recommended means of security by the Police Department because aesthetically it was more appealing and made it more difficult to gain entry if used properly.

Commissioner Aston understood all options had not been explored and was not supporting the application.

Ms. Koepnick explained moving the trash enclosure was not a simple matter and if it were moved it was not guaranteed to solve the problem and was cost prohibitive. She was also concerned with safety issues if they were to add chainlink on top of the storage area and did not know if it would meet code and was concerned with safety issues if they were to try either of those two methods. An engineer investigated adding wrought iron but concluded adding a roof or covering or extending the existing nine foot storage area would require additional costly engineered construction to include wall, post, footings being retrofitted and a four foot tall vertical height extension system on top of existing wall and/or gates and fences. Either wrought iron or a panelized system with truss configuration costs projected in excess of \$50,000.

Chairman Dean Leavitt was not in support of the application and felt there should be additional investigation into other methods of security for the property.

Chairman Brown asked if it could be considered to allow razor wire at the rear of the storage area where the trash enclosure was only, if that would solve the problem.

Ms. Koepnick stated it would not solve the visibility issue as the razor wire would still be visible from Craig Road.

ACTION: DENIED

MOTION: Vice-Chairman Brown

SECOND: Commissioner DePhillips

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

NAYS: Commissioner Cato

ABSTAIN: None

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 6:39 p.m.

APPROVED: March 10, 2010

/s/ Dean Leavitt
Dean Leavitt, Chairman

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