

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

March 24, 2010

BRIEFING: 5:37 P.M., Conference Room, North Las Vegas City Hall, 2200 Civic Center Drive

CALL TO ORDER: 6:05 P.M., Council Chambers, North Las Vegas City Hall, 2200 Civic Center Drive

WELCOME: Chairman Dean Leavitt

ROLL CALL: Chairman Dean Leavitt - Present
Vice-Chairman Steve Brown - Present
Commissioner Jay Aston - Absent
Commissioner Jo Cato - Present
Commissioner Dilip Trivedi - Present
Commissioner Laura Perkins - Absent
Commissioner Joseph DePhillips - 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.
Eric Hawkins, Public Works
Mike Steele, Fire Department
Jose Rodriguez, Police Department
Xiaohui Yu, Utilities
Jo Ann Lawrence, Recording Secretary

VERIFICATION: Jo Ann Lawrence, Recording Secretary

PLEDGE OF ALLEGIANCE: Commissioner Dilip Trivedi

PUBLIC FORUM

There was no public participation.

Item No. 7 was heard next.

MINUTES

- **APPROVAL OF THE MINUTES FOR THE PLANNING COMMISSION MEETING OF FEBRUARY 24, 2010.**

ACTION: APPROVED

MOTION: Commissioner Trivedi

SECOND: Chairman Leavitt

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

NAYS: None

ABSTAIN: None

NEW BUSINESS

1. **UN-18-10 (40515) TEN TON FORKLIFT (PUBLIC HEARING). AN APPLICATION SUBMITTED BY SILVER STATE AUTOMOTIVE, "DOING BUSINESS AS" TEN TON FORKLIFT & TRUCK SERVICE ON BEHALF OF SYNERGY PROPERTIES, INC., 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 15 WEST BROOKS AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-15-613-006.**

The application was presented by Marc Jordan, Planning Manager who explained the applicant was proposing to occupy an existing building which was a little more than 6,000 square feet and would be used for the maintenance and repair of heavy duty machinery, such as forklifts and trucks that exceed 10,000 pounds. The applicant was not proposing any modifications to the building or the site. Staff had no objections and was recommending approval of UN-18-10 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. That all work shall be performed within a building.

Barry Green, Architect, 4320 Blue Crest Road, Las Vegas, NV and **Richard Bautista, 3 Pheasant Ridge Circle, Henderson, NV** appeared on the application. Mr. Baustista 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

MOTION: Commissioner Trivedi

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: None

2. **UN-19-10 (40547) ROCKNLV, LLC (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ROCK NLV, 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 1285 ROCK PEBBLE AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-11-110-005.**

The application was presented by Marc Jordan, Planning Manager who explained the applicant was requesting razor wire on top of the perimeter walls. Currently, the applicant had razor wire on the west wall and on the ingress and egress gates to the north and were requesting to extend the razor wire along the south and east property lines. In the Letter of Intent it was indicated the razor wire was in existence when the Certificate of Occupancy was issued for the building in 2003; however, in Staff's research it was found the City had not issued any permits for razor wire. The applicant indicated the razor wire was necessary for security measures due to some activity that had occurred in the vicinity. In looking at the criteria in the Zoning Ordinance, the Commission must consider, one of the criteria was that the additional security measures were necessary to safeguard the property and the Police Department indicated they had records showing break-ins in the area. The applicant must also demonstrate there were other alternatives such as employing security guards or a different type of wall design, which would make it difficult to climb in or out of the property, which the applicant had not done. Another requirement was that the applicant must submit for a Crime Prevention Through Environmental Design (CPTED) analysis on the site, which the applicant had done. The Police Department performed a CPTED analysis and was in support of the request for razor wire. The applicant was also asking for razor wire along Bruce Street, which would be visible and there was concern about the visibility of this type of security measures along public rights-of-way. Staff was recommending denial of UN-19-10; however, 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. Razor wire shall be limited to the existing locations along the west property line and on the ingress/egress gate.
3. Three (3) single strands of barbed wire shall be allowed along the east and southern property lines.
4. All razor/barbed wire shall be clear of debris at all times.

Joy and Rob Diaz, 6538 Green Sparrow Lane, North Las Vegas, NV 89084 appeared on the application. Ms. Diaz pointed out the request for razor wire was due to security issues and was in place before they occupied the site. She understood there was concern with the razor wire being located on Bruce Street and pointed out it was an industrial park area, not commercial or residential and also stated there was a cost factor involved.

Mr. Diaz explained on the egress portion of the fencing it was not possible to put wrought iron, which was where the existing razor wire was. The neighboring property put the razor wire on the west wall and they were trying to install the continuation of razor wire around the site for security.

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

Chairman Leavitt closed the Public Hearing.

Vice-Chairman Steve Brown asked the location of the property which had been approved for razor wire.

Mr. Diaz responded it was northwest of their site.

Vice-Chairman Brown asked the applicant what was being stolen from their property.

Mr. Diaz responded trucks and equipment, had been stolen and the fence was detached so the thieves could remove the truck, which was used in a crime spree. The truck was later found with goods stolen from other businesses.

Vice-Chairman Brown asked if razor wire would stop that time of break-in.

Mr. Diaz responded it was a deterrent for those who were not professional thieves.

Chairman Brown indicated he was in support of the application.

Mr. Jordan asked for clarification on the approval of the application, if it was being approved as recommended by Staff or as requested by the applicant and explained if it was being approved per the applicant's request for razor wire on all of the property lines, Condition Nos. 2 and 3 would need to be deleted. He explained Condition No. 2 restricted razor wire to the west and to the gates and Condition No. 3 allowed barbed wire on the south and east property lines.

Vice-Chairman Brown indicated he was in support of the applicant's request.

Commissioner Dilip Trivedi asked if the application were approved, if it would be forwarded to City Council for final consideration.

Mr. Jordan responded the application would be forwarded to City Council for final consideration.

Commissioner Trivedi asked if there was anything in the Code for a grandfather clause.

Mr. Jordan responded there was not and explained if the barbed wire had been installed when the property was developed, it would have been grandfathered because, at that time, barbed wire was allowed. The code changed in 2008 and the property was developed prior to that time and explained razor wire was never allowed; therefore, razor wire would not have been considered legal non-conforming, but would have been considered illegal.

Commissioner Trivedi asked the applicant what other security measures were currently being used.

Mr. Diaz responded they had cameras on the outside which were monitored and also used a security alarm company and had caught one of the first break-ins and the thieves did not gain entry due to the alarm company. They also recently signed up for a canine training program through the Police Department, where their facility would be used for training purposes.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH THE DELETION OF CONDITION NOS. 2 AND 3; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Vice-Chairman Brown

SECOND: Commissioner DePhillips

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

NAYS: None

ABSTAIN: None

3. **AMP-05-10 (40606) KIDD/KEMP (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DONA HOESLY AND GREGORY FISHER, PROPERTY OWNERS, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF SINGLE-FAMILY LOW (4.5 DU/ACRE; UP TO 6 DU/ACRE) TO NEIGHBORHOOD COMMERCIAL. THE PROPERTIES ARE LOCATED AT 3203 KIDD STREET AND 3200 KEMP STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 139-08-810-086 THROUGH 139-08-810-088.**

Item Nos. 3 and 4 were presented together.

The application was presented by Marc Jordan, Planning Manager who explained AMP-03-10 was an amendment to the Comprehensive Plan to change the land use designation from Single-family Low to Neighborhood Commercial and ZN-03-10 was a rezoning of the property from Ranch Estates Limited to C-P Professional Office Commercial. The property was three parcels, totaling approximately .63 acres in size. The property was located along Cheyenne Avenue, which was designated as the Cheyenne Technology Corridor and the vision for the corridor was for developments that could include a mix of uses including office, retail services, and housing that would support other uses within the corridor. The properties were owned by two different property owners and two of the properties had residential development on them and one was vacant, which was not the property adjacent to Cheyenne Avenue. Staff had some concerns with the proposal, because the property was so small. There was concern whether the property could be developed in compliance with the Commercial Design Standards and be able to meet the appropriate buffering requirements adjacent to the residential. One of the criteria for neighborhood commercial was that, when a use was requested, it should have a direct relationship to adjacent nearby residential communities in their use accessibility scale and character and it was not believed the site could be developed to be compatible to the adjacent residential in the area. The Public Works Department also indicated that due to the limited frontage on Cheyenne Avenue, a commercial driveway could not be incorporated into the site and still meet the access standards set forth in Title 17. Staff was not in support of the application and was recommending denial of AMP-05-10 and ZN-03-10.

Donna Hoesly, 2105 Plaza Del Dios, Las Vegas, NV 89102, owner of property located at 3203 Kidd Street and **Gregory Fisher, 7976 Timber Peak Lane, Las Vegas, NV 89113,** owner of property located at 3200 Kemp Street, appeared on the application.

Mr. Fisher stated the parcels were no longer conducive to residential development, as Cheyenne Avenue was an arterial street with all of the issues of an arterial street and explained the bedrooms of the homes were 40 feet from Cheyenne Avenue and there was noise pollution of honking horns, loud music, diesel fumes, motor cycle noise and exhaust and with the homes being located so close the Cheyenne, it was not a safe place for

children to play and the property should be zoned commercial, with the lowest level being C-P 1. Mr. Fisher felt it would be a good commercial buffer from the Cheyenne Technology Corridor to the residential. The parcel to the east was zoned C-P 1 and was currently undeveloped and was a mirror image of the proposed parcels, with approximately .1 more acre of property.

Ms. Hoesly stated she had combined her two parcels after the application was submitted and there was currently one home on each parcel and the homes were a size that could be used for a one or two person office for a small business and the use would not impede traffic coming down Kidd or Kemp Streets. She explained there was 133 feet from Cheyenne to Kidd Street and there was space for a driveway and buffering and pointed out the houses along Civic Center Drive that had been converted to Commercial.

Mr. Fisher added they held their public meeting at a park in the area and the residents who attended were concerned the development would be too large but were okay with the concept of small office buildings, where there would only be one or two customers at any given time. They planned to develop the site keeping the residential look.

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

- **J.J. Fonseca, 3225 Kidd Street, North Las Vegas, NV 89032** pointed out the rural community was established in the 1950's and there were residents who had lived in the homes for over 60 years. It was the opinion of the majority of the residents that if the area was opened up to commercial business, it would cause an environment that would produce crime and anguish to the residents. The community was probably the safest in North Las Vegas. He was opposed to the application.
- **Herman Thrower, 3305 Kemp Street, North Las Vegas, NV 89032** stated he had lived in the community since 1962 and was opposed to the application as he wanted his neighborhood to remain as it was and pointed out the area had some of the most expensive homes in North Las Vegas.
- **Faye Knight, 3319 Coleman Street, North Las Vegas, NV 89032** stated they built their own home and was opposed to the application. She attended the meeting held by the applicant and the applicants were not given their okay for the project. They attended the meeting to gain information on what was being proposed for the site.

Chairman Leavitt closed the Public Hearing.

Mr. Fisher explained they wanted to be good neighbors, but they were currently living in a sacrifice zone and they tried to express to those residents who attended their public meeting, what it was like to be owners of property located on Cheyenne. The homes were rented at reduced rates, because the location did not warrant market rate rent amounts.

Ms. Hoesly stated they were community minded and would like to make the corners presentable with nice landscaping and parking. They would keep the existing structures and convert them to office space.

Vice-Chairman Steve Brown felt the application bore some merit but there was more to say against the application than for it. He did not feel the development would improve the City, as there was plenty of vacant commercial property and it would not improve the neighborhood, but would take away from it and was opposed to the application.

Commissioner Jo Cato was familiar with the area and agreed the homes were beautiful and was opposed to the application. She agreed with Vice-Chairman Brown that there was plenty of empty office space in North Las Vegas and pointed out the property had not changed since it was purchased by the applicants.

Commissioner Dilip Trivedi sympathized with the applicant as he did not feel Ranch Estates belonged on Cheyenne Avenue but he also sympathized with the residents and asked if the Ranch Estates was a protected area.

Mr. Jordan explained it was Ranch Estates Ltd., and was not a rural preservation area.

Commissioner Trivedi suggested the application be continued to allow the applicants to meet with the residents and possibly apply for a special use permit.

Mr. Jordan explained the zoning was Ranch Estates Ltd., so single-family residential was the only use allowed.

Commissioner Joseph DePhillips agreed with Vice-Chairman Brown and felt the parcels were too small for commercial development and the parcels were located in a City, so the sound would be loud no matter what use was on the property and was not in support of the application.

Chairman Leavitt also was not in support of the application and suggested the applicants should have shown the residents a rendering of the proposed project.

Vice-Chairman Brown added he did not feel a rendering of the proposed project would change the minds of the residents as the project would change the feel of the neighborhood.

ACTION: DENIED

MOTION: Vice-Chairman Brown

SECOND: Chairman Leavitt

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

NAYS: None

ABSTAIN: None

4. **ZN-03-10 (40608) KIDD/KEMP (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DONA HOESLY AND GREGORY FISHER, PROPERTY OWNERS, FOR RECLASSIFICATION OF PROPERTIES FROM R-EL, RANCH ESTATES LIMITED DISTRICT TO C-P, PROFESSIONAL OFFICE COMMERCIAL DISTRICT. THE PROPERTIES ARE LOCATED AT 3203 KIDD STREET AND 3200 KEMP STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 139-08-810-086 THROUGH 139-08-810-088.**

The following was brought forward from Item No. 3:

The application was presented by Marc Jordan, Planning Manager who explained AMP-03-10 was an amendment to the Comprehensive Plan to change the land use designation from Single-family Low to Neighborhood Commercial and ZN-03-10 was a rezoning of the property from Ranch Estates Limited to C-P Professional Office Commercial. The property was three parcels, totaling approximately .63 acres in size. The property was located along Cheyenne Avenue, which was designated as the Cheyenne Technology Corridor and the vision for the corridor was for developments that could include a mix of uses including office, retail services, and housing that would support other uses within the corridor. The properties were owned by two different property owners and two of the properties had residential development on them and one was vacant, which was not the property adjacent to Cheyenne Avenue. Staff had some concerns with the proposal, because the property was so small. There was concern whether the property could be developed in compliance with the Commercial Design Standards and be able to meet the appropriate buffering requirements adjacent to the residential. One of the criteria for neighborhood commercial was that, when a use was requested, it should have a direct relationship to adjacent nearby residential communities in their use accessibility scale and character and it was not believed the site could be developed to be compatible to the adjacent residential in the area. The Public Works Department also indicated that due to the limited frontage on Cheyenne Avenue, a commercial driveway could not be incorporated into the site and still meet the access standards set forth in Title 17. Staff was not in support of the application and was recommending denial of AMP-05-10 and ZN-03-10.

Donna Hoesly, 2105 Plaza Del Dios, Las Vegas, NV 89102, owner of property located at 3203 Kidd Street and **Gregory Fisher, 7976 Timber Peak Lane, Las Vegas, NV 89113**, owner of property located at 3200 Kemp Street, appeared on the application.

Mr. Fisher stated the parcels were no longer conducive to residential development, as Cheyenne Avenue was an arterial street with all of the issues of an arterial street and explained the bedrooms of the homes were 40 feet from Cheyenne Avenue and there was noise pollution of honking horns, loud music, diesel fumes, motor cycle noise and exhaust and with the homes being located so close the Cheyenne, it was not a safe place for children to play and the property should be zoned commercial, with the lowest level being

C-P 1. Mr. Fisher felt it would be a good commercial buffer from the Cheyenne Technology Corridor to the residential. The parcel to the east was zoned C-P 1 and was currently undeveloped and was a mirror image of the proposed parcels, with approximately .1 more acre of property.

Ms. Hoesly stated she had combined her two parcels after the application was submitted and there was currently one home on each parcel and the homes were a size that could be used for a one or two person office for a small business and the use would not impede traffic coming down Kidd or Kemp Streets. She explained there was 133 feet from Cheyenne to Kidd Street and there was space for a driveway and buffering and pointed out the houses along Civic Center Drive that had been converted to Commercial.

Mr. Fisher added they held their public meeting at a park in the area and the residents who attended were concerned the development would be too large but were okay with the concept of small office buildings, where there would only be one or two customers at any given time. They planned to develop the site keeping the residential look.

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

- ***J.J. Fonseca, 3225 Kidd Street, North Las Vegas, NV 89032** pointed out the rural community was established in the 1950's and there were residents who had lived in the homes for over 60 years. It was the opinion of the majority of the residents that if the area was opened up to commercial business, it would cause an environment that would produce crime and anguish to the residents. The community was probably the safest in North Las Vegas. He was opposed to the application.*
- ***Herman Thrower, 3305 Kemp Street, North Las Vegas, NV 89032** stated he had lived in the community since 1962 and was opposed to the application as he wanted his neighborhood to remain as it was and pointed out the area had some of the most expensive homes in North Las Vegas.*
- ***Faye Knight, 3319 Coleman Street, North Las Vegas, NV 89032** stated they built their own home and was opposed to the application. She attended the meeting held by the applicant and the applicants were not given their okay for the project. They attended the meeting to gain information on what was being proposed for the site.*

Chairman Leavitt closed the Public Hearing.

Mr. Fisher explained they wanted to be good neighbors, but they were currently living in a sacrifice zone and they tried to express to those residents who attended their public meeting, what it was like to be owners of property located on Cheyenne. The homes were rented at reduced rates, because the location did not warrant market rate rent amounts.

Ms. Hoesly stated they were community minded and would like to make the corners presentable with nice landscaping and parking. They would keep the existing structures and convert them to office space.

Vice-Chairman Steve Brown felt the application bore some merit but there was more to say against the application than for it. He did not feel the development would improve the City, as there was plenty of vacant commercial property and it would not improve the neighborhood, but would take away from it and was opposed to the application.

Commissioner Jo Cato was familiar with the area and agreed the homes were beautiful and was opposed to the application. She agreed with Vice-Chairman Brown that there was plenty of empty office space in North Las Vegas and pointed out the property had not changed since it was purchased by the applicants.

Commissioner Dilip Trivedi sympathized with the applicant as he did not feel Ranch Estates belonged on Cheyenne Avenue but he also sympathized with the residents and asked if the Ranch Estates was a protected area.

Mr. Jordan explained it was Ranch Estates Ltd., and was not a rural preservation area.

Commissioner Trivedi suggested the application be continued to allow the applicants to meet with the residents and possibly apply for a special use permit.

Mr. Jordan explained the zoning was Ranch Estates Ltd., so single-family residential was the only use allowed.

Commissioner Joseph DePhillips agreed with Vice-Chairman Brown and felt the parcels were too small for commercial development and the parcels were located in a City, so the sound would be loud no matter what use was on the property and was not in support of the application.

Chairman Leavitt also was not in support of the application and suggested the applicants should have shown the residents a rendering of the proposed project.

Vice-Chairman Brown added he did not feel a rendering of the proposed project would change the minds of the residents as the project would change the feel of the neighborhood.

ACTION: DENIED

MOTION: Vice-Chairman Brown

SECOND: Chairman Leavitt

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

NAYS: None

ABSTAIN: None

5. **VAC-02-10 (40545) VISTA CIELO VILLAGE 1 (PUBLIC HEARING). AN APPLICATION SUBMITTED BY HARMONY HOMES ON BEHALF OF HARMONY 461, LLC, PROPERTY OWNER, TO VACATE EXISTING PUBLIC UTILITY EASEMENTS WITHIN THE PROPOSED VISTA CIELO VILLAGE I DEVELOPMENT. THE PROPERTIES ARE LOCATED AT THE NORTHEAST CORNER OF ANN ROAD AND LAWRENCE STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-26-812-003 THROUGH 124-26-812-005 AND 124-26-815-001 THROUGH 124-26-815-103.**

The application was presented by Marc Jordan, Planning Manager who explained an amendment to the existing PUD was approved along with an amendment to the Comprehensive Plan land use designation, an application to rezone the property to R-1, and an application for a Tentative map to re-subdivide the property for R-1 size lots, which were approved by the Commission, two of which were pending City Council consideration. The proposed vacation was consistent with previous approvals; therefore, Staff was recommending approval of VAC-02-10 with the deletion of Condition No. 2. The original recommended conditions are as follows:

1. The vacation must record concurrently with the final map. Should the Order of Vacation not record within one year from the approval date, the vacation shall be deemed null and void.
2. The Order of Vacation shall not record prior to design and bonding of civil offsite improvement plans.

Tracy Stratton of Slater Hannifan Group, 5740 South Arville, Las Vegas, NV 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 WITH THE DELETION OF CONDITION NO. 2; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Vice-Chairman Brown

SECOND: Commissioner Trivedi

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

NAYS: None

ABSTAIN: None

6. **UN-20-10 (40574) TRANSFER STATION (PUBLIC HEARING). AN APPLICATION SUBMITTED BY REPUBLIC SILVER STATE DISPOSAL, INC., PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT FOR A 49,700 SQUARE FOOT EXPANSION TO AN EXISTING TRANSFER FACILITY. THE PROPERTY IS LOCATED AT 315 WEST CHEYENNE AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-15-101-005.**

The application was presented by Marc Jordan, Planning Manager who explained in addition to the application, there was a request for two waivers to the Design Standards. The applicant was proposing to add a 49,700 square foot expansion to the facility, which would not increase the amount of waste brought into the facility, but would allow them to change the operations to be able to provide some recycling operations to pull some of the recyclables that come into the facility. The use was originally approved in 1980 by a separate special use permit and the applicant was proposing some waivers. The first waiver was to use a metal building as depicted in the elevations. The applicant was proposing metal, as it was consistent with the design currently on the site, which Staff did not object to. The second waiver was to reduce landscaping along Commerce Street and Cheyenne Avenue. The applicant was proposing approximately eight feet of landscaping, which Staff was supporting because, with the use permit and the waivers, it was viewed the site was being improved. The applicant indicated that along Cheyenne, in addition to the landscaping, they would install a decorative block wall and a sidewalk and remove the pole sign on the property. Along Commerce Street, they would provide the same improvements and would also bury the power lines in the area. Along Brooks Street they would install some ground coverage and on the west property line, they were proposing a wall that went approximately 100 feet to help screen the site from Brooks Avenue. Staff was supporting the application and the waivers with an amendment to Condition No. 8 as follows: "ADA compliance tack-on sidewalk shall be constructed over the proposed non-utilized driveways on Cheyenne to the face of curb. The new sidewalk shall match the sidewalk on both sides of the driveways to the existing sidewalk grades and design, conforming to City of North Las Vegas standards." The original recommended conditions are as follows:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. That perimeter landscaping along both Cheyenne Avenue and Commerce Street shall include the installation of street trees and vegetative ground covers as required per Title 17.24.205.J with the exception that the landscape area width may be reduced to thirteen (13) feet as measured from the back of the curb and includes a five (5) foot sidewalk.

3. That the perimeter landscape areas along Brooks Avenue, east of the western most driveway, shall be enhanced with shrubs and vegetative ground covers that will that will provide 60% coverage at maturity.
4. That 100 lineal feet of decorative block wall shall be installed along the western property line at the southwest corner of the site to provide better screening along Brooks Avenue.
5. All driveways must be upgraded to meet CCAUSD #226.
6. The driveway on Cheyenne Avenue at the western edge of the property shall be egress only, and marked as such on the civil improvement plans.
7. NDOT approval is required prior to the final approval of the civil improvement plans.
8. The two locations where driveway curb cuts are not being utilized, along Cheyenne Ave, must be removed and replaced with "L" type curb and gutter per CCAUSD #216, and 5' wide concrete sidewalk per CCAUSD #234.
9. A drainage study for the project is required, however, due to the size and scope of this project, this development may be eligible for a drainage study waiver. Please complete and submit waiver application to Public Works Development & Flood Control Division (Mark Escobedo @ 633-1912 or Kent Chang @ 633-2771). Applications may be found on the City of North Las Vegas website. (<http://www.cityofnorthlasvegas.com/About/Forms.shtm>)
10. A Nevada Department of Transportation (NDOT) Encroachment Permit is required for any work within NDOT right-of-way.
11. Approval of a traffic study is required prior to submittal of the civil improvement plans.
12. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along:
 - a. Cheyenne Avenue and
 - b. Commerce Street
13. The property owner is required to sign a restrictive covenant for utilities.

14. All known geologic hazards shall be shown on the site plan and the civil improvement plans. Subsequent identification of additional hazards may substantially alter the original site plan.
15. All Nevada Power Company easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground.
16. All off-site improvements must be completed prior to final inspection of the first building.
17. Fire access lanes shall be provided around the structure and marked to prohibit parking in accordance with the Fire Code.

Jennifer Lazovich, Kaempfer Crowell Renshaw Gronauer & Fiorentino, 8345 West Sunset Road, Suite 250, Las Vegas, NV 89113 appeared on behalf of the applicant indicating she concurred with Staff recommendation. She explained the proposed new building would allow them to be more efficient in terms of capturing recyclables that come through the facility and it was estimated they would be able to increase or capture 40 to 60 percent more recyclables with the proposed facility. The total improvements were approximately 9.5 million dollars, which included the cost of the facility, the equipment and the improvements to the exterior of the site. She agreed to replacing Condition No. 8 with the new Condition No. 8 as read into the record. Ms. Lazovich explained Cheyenne Avenue was controlled by NDOT and there were three existing curb cuts and even though there were only anticipating using the one furthest to the west, there was concern if they were to give up the other two non-utilized curb cuts, they would not be able to get them back if needed and the tack-on sidewalk was a compromise and eliminated Public Works' concern someone would turn into a driveway that went nowhere.

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

Chairman Leavitt closed the Public Hearing.

Chairman Leavitt pointed out he parked his work truck next to Republic Services' site and was encouraged by improvements that had been made in the area.

Commissioner Jo Cato also commented the area was improving and the improvements would not only enhance Republic Services but the entire corridor and hoped it would encourage more businesses to the complex where her office was located.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH
CONDITION NO. 8 AMENDED TO READ:

8. ADA COMPLIANT TACK-ON SIDEWALK SHALL BE CONSTRUCTED OVER THE PROPOSED NON-UTILIZED DRIVEWAYS ON CHEYENNE TO THE FACE OF CURB. THE NEW SIDEWALK SHALL MATCH THE SIDEWALK ON BOTH SIDES OF THE DRIVEWAYS TO THE EXISTING SIDEWALK GRADES AND DESIGN, CONFORMING TO CITY OF NORTH LAS VEGAS STANDARDS.

MOTION: Vice-Chairman Brown

SECOND: Commissioner DePhillips

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

NAYS: None

ABSTAIN: None

Item No. 8 was heard next.

7. T-1338 (40601) ALLORA II AT DAVYN RIDGE. AN APPLICATION SUBMITTED BY RYLAND HOMES NEVADA, LLC, PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN AN R-2, TWO-FAMILY RESIDENTIAL DISTRICT CONSISTING OF 66 LOTS. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF BLAKE CANYON DRIVE AND BURMA ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-07-501-015.

Bob Gronauer, of Kaempfer Crowell Renshaw Gronauer & Fiorentino 8345 West Sunset Road, Suite 250, Las Vegas, NV 89113 appeared on behalf of the applicant requesting to continue T-1338 to April 14, 2010.

ACTION: CONTINUED TO APRIL 14, 2010

MOTION: Commissioner Trivedi

SECOND: Commissioner Cato

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

NAYS: None

ABSTAIN: None

Item No. 9 was heard next.

8. SPR-02-10 (40607) SHRIMP HARVEST FACILITY @ MOUNTAIN VIEW INDUSTRIAL PARK. AN APPLICATION SUBMITTED BY GANIX BIO-TECHNOLOGIES, INC., ON BEHALF OF KAPEX LLC, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW WAIVERS FROM THE INDUSTRIAL-APEX (I-A) OVERLAY DISTRICT DESIGN STANDARDS FOR A PROPOSED SHRIMP FARM. THE PROPERTY IS GENERALLY LOCATED AT THE INTERSECTION OF GRAND VALLEY PARKWAY AND CHUCK LENZIE COURT. THE ASSESSOR'S PARCEL NUMBER IS 103-16-010-006.

The application was presented by Robert Eastman, Principal Planner who explained the applicant was proposing to develop the site with a clear span structure, which was similar to the tent-like building structures used in downtown Las Vegas with the World Market Center. The applicant was also proposing to put the shrimp ponds inside the structure and were also requesting two waivers. The first waiver was to reduce the parking. Typically industrial buildings of the proposed size, would require 38 parking spaces and the applicant was requesting to be allowed to have 20 parking spaces and had submitted a parking study, which was reviewed by the Public Works Department, who approved the parking reduction and the parking study. The second waiver was to reduce and use a compacted gravel or non-paved surface for fire access. The Fire Department reviewed the waiver request and were tentatively supporting it. The applicant agreed to submit a geotechnical report to ensure the proposed surface would support the vehicle. Staff was recommending approval of SPR-02-10 with the following conditions:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. Approval of a drainage study is required prior to approval of the civil improvement plans.
3. Concurrence with the APEX/KAPEX Flood Control Master Plan is required.
4. All known geologic hazards shall be shown on the site plan and the civil improvement plans. Subsequent identification of additional hazards may substantially alter the original site plan.
5. Vehicular access to the grow facility parcel shall be for emergency purposes only.
6. Approval of a traffic study is required prior to submittal of the civil improvement plans.

7. A roadway easement must be provided from the closest public right-of-way, to the proposed project site.
8. As a condition of receiving water and sewer service, applicant shall enter into a development agreement or a public utility agreement with the City under the terms and provisions approved by the City Council.
9. Prior to approval of the civil plans, a report sealed by a Nevada licensed engineer shall be provided to the Fire Department. The report shall demonstrate the ability of the fire access lane to support the weight of emergency vehicles in static and dynamic conditions in both dry and wet weather and shall include provisions for maintenance of the fire access lane. Vehicle specifications shall represent the vehicles used by the North Las Vegas Fire Department. Should a development agreement for the KAPEX area be approved by City Council prior to the approval of civil plans, design criteria for non-paved fire access lanes in the development agreement, if any, shall be followed in lieu of this condition.
10. Fire access lanes shall be marked to prohibit parking in accordance with the fire code.

Frank DeLuca, Director and Vice-President of Ganix Bio-Technologies, Inc., 10501 West Gowan Road, Suite 200, Las Vegas, NV 89129 indicated he concurred with Staff recommendation regarding the parking waiver and in accordance with the Kapex Development Agreement approved March 3, 2010, the waiver for the fire access was no longer needed. On Page 4 of the Staff Report, Condition Nos. 1 through 7 and Condition No. 10 were accepted by Ganix Bio-Technologies and with regards to Condition Nos. 8 and 9, Ganix would comply with the Kapex Development Agreement, which was approved on March 3, 2010.

Chairman Dean Leavitt asked if Condition No. 2 should be deleted if it was no longer needed.

Marc Jordan, Planning Manager thought the applicant was referring to Waiver No. 2, which was Condition Nos. 8 and 9.

Dave Brown, 13975 Grand Valley Parkway, Las Vegas, NV spoke on behalf of the landowner, Kapex, explaining Waiver No. 2, the waiver for the fire access, was no longer needed, as it was covered in the Development Agreement. Condition No. 8 from the Utilities Department and Condition No. 9 from the Fire Department would also be covered by the Development Agreement.

Commissioner Dilip Trivedi was in support of the application.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Vice-Chairman Brown

SECOND: Chairman Leavitt

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

NAYS: None

ABSTAIN: None

Item No.10 was heard next.

OLD BUSINESS

9. **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. (CONTINUED FEBRUARY 10, 2010)**

It was requested by the applicant to continue UN-11-10 to April 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 APRIL 28, 2010

MOTION: Commissioner Trivedi

SECOND: Commissioner DePhillips

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

NAYS: None

ABSTAIN: None

Approval of Minutes was heard next.

10. **SPR-01-10 (40499) CIVIC CENTER NURSERY. AN APPLICATION SUBMITTED BY REED HINKELMAN, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW A 15 FOOT PERIMETER LANDSCAPE AREA ALONG CIVIC CENTER DRIVE AND A FIVE (5) FOOT PERIMETER LANDSCAPE AREA ALONG I-15 WHERE 20 FEET IS THE MINIMUM REQUIRED. THE PROPERTY IS LOCATED WEST OF CIVIC CENTER DRIVE AND APPROXIMATELY 658 FEET NORTH OF BRANSON AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-12-103-006. (CONTINUED MARCH 10, 2010)**

The application was presented by Robert Eastman, Principal Planner who explained the City worked with the applicant in amending conditions and had removed the condition involving the neighboring parcel. Staff was recommending approval of SPR-01-10 with the following conditions:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. That a painted stucco exterior finish shall be provided for the pre-manufactured modular building and the exterior finish shall include a neutral earth tone color that will comply with Title 17 requirements.
3. That perimeter landscaping shall be provided along Civic Center Drive and maintain a 15 foot width which may include the sidewalk as measured from back of curb. The perimeter landscaping shall include trees of a larger tree variety, trees which will reach a height of 15 feet or greater at maturity, spaced at intervals of 20 feet along with vegetative ground covers that will provide 60% coverage at maturity within the perimeter landscaping area.
4. That the installation and 20 foot spacing of a larger tree variety shall be extended along the eastern property line between Civic Center Drive and the northwestern property line which abuts Interstate 15.
5. That the landscaped buffer along the northwestern property line which abuts Interstate 15 shall be a minimum width of five feet and include trees of a larger tree variety, trees which will reach a height of 15 feet or greater at maturity, spaced at intervals of 20 feet.
6. That the use of raised planters or irrigated pots for foundation landscaping along the sales office's facade containing patron entrances shall be allowed in lieu of the required foundation landscaping planter width of six feet where customer parking abuts building facades containing patron entrances.

7. That the storage of any non-vegetative landscaping materials on the site shall be screened from public view by vegetative landscaping materials or a 100% opaque decorative wall that is eight feet in height.
8. That should Assessors Parcel Numbers 139-12-103-006 and 139-12-103-041 be consolidated via mapping and/or the dedication and construction of the westerly half of Civic Center Drive along APN: 139-12-103-041 occur, then the applicant shall extend the perimeter landscaping along Civic Center Drive and the landscaped buffer along the northwestern property line of APN: 139-12-103-041 as stipulated in Condition Numbers 3 and 5 above and Condition No. 4 will not be required.
9. Approval of a drainage study is required prior to submittal of the civil improvement plans.
10. Construction of the westerly half of Civic Center Drive is required along APN 139-12-103-006 per the Master Plan of Streets and Highways and City of North Las Vegas Municipal Code section 16.24.100.
11. Approval of a traffic study is required prior to submittal of the civil improvement plans. The study shall include a supplement identifying the storage area and a circulation plan for the maneuvering of vehicles on-site.
12. The civil improvement plans shall include schedule 40 PVC Fiber optic conduit along Civic Center Drive.
13. A minimum of 20 feet shall be provided between the gate and the curb face.

Brian Wolfe, 31 Birkdale Drive, Henderson, NV 89074 appeared on behalf of the applicant indicating he concurred with Staff recommendation.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS IN REVISED MEMORANDUM DATED MARCH 24, 2010

MOTION: Commissioner Trivedi

SECOND: Vice-Chairman Brown

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

NAYS: None

ABSTAIN: None

11. ZOA-01-10 (40510) CNLV - AUTO TITLE LOANS & AUTOMOBILE PAWNBROKERS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY THE CITY OF NORTH LAS VEGAS TO AMEND TITLE 17 (ZONING ORDINANCE), SECTION 17.12.020 (DEFINITIONS) TO AMEND THE DEFINITION OF AUTO TITLE LOAN AND ADD DEFINITIONS OF AUTOMOBILE PAWNBROKER AND PAWNSHOP; AND TO PROVIDE FOR OTHER MATTERS PROPERLY RELATED THERETO. (CONTINUED MARCH 10, 2010)

The application was presented by Robert Eastman, Principal Planner who explained the application was to follow the direction given by City Council regarding automobile pawnbrokers, pawnshops and auto title loans. It separates the definitions in Title 17 from the City's definitions in Title 5. Title 5 specifically deals with business applications and they were using State NRS definitions for auto title loans and automobile pawnbroker and pawnshops; however, Title 17 was different than business licenses, as zoning deals with land use and land use was inherently different than business applications; therefore, Title 17 required separate definitions. Mr. Eastman read an amendment to the definition of Auto Title Loans as follows: "Auto Title Loan" means any establishment whose primary function is to loan money on a personal vehicle by taking a security interest on the title of the vehicle. This shall not include "automobile pawnbroker." Staff was recommending approval of ZOA-01-10 and that it be forwarded to City Council for final consideration.

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

Chairman Leavitt closed the Public Hearing.

Commissioner Dilip Trivedi asked if there were regulations on how the auto title establishments priced the vehicles.

Mr. Eastman responded the State definitions for handling the business applications regulated the pricing. They specifically put a finance rate of 35 percent or greater; so, if they were loaning money at a percentage higher than 35 percent on a vehicle, it was determined to be an auto title loan instead of a traditional financial institution such as a bank and there were other percentages for higher interest loans, which were thought of as deferred deposit or payday loans in Title 17 and in the State definitions their definition was tied to a finance rate.

ACTION: APPROVED WITH THE DEFINITION OF "AUTO TITLE LOAN" AMENDED TO READ:

"AUTO TITLE LOAN" MEANS ANY ESTABLISHMENT WHOSE PRIMARY FUNCTION IS TO LOAN MONEY ON A PERSONAL VEHICLE BY TAKING

A SECURITY INTEREST ON THE TITLE OF THE VEHICLE. THIS SHALL NOT INCLUDE "AUTOMOBILE PAWNBROKER."

FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Trivedi
SECOND: Vice-Chairman Brown
AYES: Chairman Leavitt, Vice-Chairman Brown, Commissioners Cato, Trivedi, and DePhillips
NAYS: None
ABSTAIN: None

PUBLIC FORUM

There was no public participation.

DIRECTOR'S BUSINESS

Planning and Zoning Director Frank Fiori presented a memo to Commissioners, which was addressed to Acting City Manager Maryann Ustick, (attached as Exhibit A) regarding Planning Commission meetings being held only one time per month. He explained the question was raised by City Council, and Staff was directed to look into the idea of going to one meeting per month and what impacts it would have and the pros and cons. There were time frames that must be met for various applications, some being 45 days and some 65 days. Currently, the two meetings worked around the time frames and if the City were to go to one meeting per month, the submittal times would be adjusted accordingly so the time frames could be met. The cost savings were reviewed and based on some estimated costs, it would save the City just under \$8,700 per year in overtime, stipends for the Commissioners, food and other assorted items. Some of the concerns raised by Staff were that delaying the entitlement process might result in a reduction in customer service, as applicants may be required to wait longer for their applications to be reviewed, and if an applicant needed to have their application expedited and acted on in a more expeditious manner, a special meeting may have to be called. Other jurisdictions were contacted and the City of Las Vegas had recently gone to one Planning Commission meeting per month and the City of Henderson was considering it, but had not made a decision. Staff contacted Irene Porter, Vice-President of Southern Nevada Home Builders who indicated they did not have any issues with it, as they understood everyone had to do their part in trying to mitigate costs. Director Fiori asked for comments from the Commission.

Commissioner Dilip Trivedi did not have a problem with having one meeting per month but asked if it would be possible to have meetings on a flexible basis. If there were only a few items for a meeting, they could be continued to the next meeting.

Director Fiori explained the time frames for certain types of items had to be met and if an applicant waived their right to meet the time frames, then perhaps that was possible; otherwise, if an application was accepted, it had to be processed within NRS mandated time frames.

Commissioner Steve Brown agreed with Commissioner Trivedi, if it was beneficial to reduce meetings to once per month, he would support it and felt the amount of money saved was insignificant compared to the loss of customer service provided in the community, which was a paid service and the State had a reason for creating the time frames, but if there was a legal way to hold one meeting per month, he would support it as long as it did not lower the levels of customer service.

Chairman Dean Leavitt was concerned if the City were to go to one meeting per month, the City would lose residents' input and eventually there would be complaints to City Council that they did not have an opportunity to present information for or against specific applications and did not feel the amount of money saved was significant and was willing to serve on the Commission without monetary compensation if that would help.

Vice-Chairman Brown agreed with Chairman Leavitt and was willing to take a reduction in pay for serving on the Commission.

After listening to Commissioners' comments, Director Fiori summarized that Commissioners overall were agreeable to holding one meeting per month as long as the community could be provided a service; however, there was concern that in order to maintain communication and contact with the public in regards to planning related items, it was better to maintain a schedule of two meetings per month. A couple of the Commissioners also suggested cutting their pay for attending meetings. Mr. Fiori indicated a summary of the Commissioners' comments would be added to the memo before it was submitted to the Acting City Manager.

CHAIRMAN'S BUSINESS

Commissioner Jo Cato asked how Code Enforcement handled the enforcement of conditions of approval not being adhered to.

Mr. Eastman explained The Business License Division had an inspector who enforced the conditions of approval.

Chairman Leavitt indicated he attended the March 17, 2010 City Council meeting and was encouraged by statements made by the Mayor regarding the Sign Ordinance and felt there would be direction to amend it in the near future.

ADJOURNMENT

The meeting adjourned at 7:50 p.m.

APPROVED: April 28, 2010

/s/ Steve Brown
for Dean Leavitt, Chairman

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

CITY OF NORTH LAS VEGAS
MEMORANDUM

EXHIBIT "A"

TO: Maryann Ustick, Acting City Manager

FROM: Frank Fiori, 
Planning and Zoning Director

SUBJECT: Planning Commission Meetings

DATE: March 23, 2010

At the City Council meeting on March 3, 2010, staff was requested to evaluate holding one Planning Commission meeting a month, with the possibility of holding additional special meetings when necessary. This topic was previously addressed in a memorandum dated August 6, 2009, and therefore some of the information listed within this memorandum is the same as it pertains to costs and Nevada Revised Statutes (NRS) requirements. For the purposes of organization, this memorandum is broken down into four (4) parts: (1) NRS requirements and possible effects on eliminating one Planning Commission meeting a month, (2) the costs of each meeting and the annual savings of eliminating a meeting each month, (3) staff's concerns in eliminating a monthly meeting and the possible impacts on the development and business community, and (4) changes that would be required to the processing of applications should this be the direction the City takes.

NRS and Local Ordinance Requirements

Nevada Revised Statutes addresses time frames for the processing of certain applications such as Tentative Maps, Use Permits and Variances.

- NRS 278.349 requires the Planning Commission to render a decision on tentative maps within 45 days of when the tentative map is filed, or the tentative map is deemed approved.
- NRS 278.315 requires the Planning Commission to consider applications for variances and use permits within 65 days of the application being accepted.

The elimination of one meeting a month may require the City to hold special meetings for the hearing of tentative maps, and possibly use permits and variances, depending upon when the application is filed. Under the current process, there is a filing closing date every two weeks. This process allows staff to accept and process applications for meetings that are approximately 45-days in the future. If an applicant were to file an application shortly after the closing date, thereby missing the scheduled meeting for the last closing date, and with the elimination of one meeting a month, the next available Planning Commission meeting could be as much as 78 days out, exceeding the NRS time frames of 45 days for tentative maps or 65 days for use permits and variances.

Furthermore, under the current process, there are Planning Commission meetings every other week. Staff is typically flexible in the closing dates so that an applicant can meet their time frames without causing an applicant to wait longer than necessary for their item to be considered by the Planning Commission. This is possible because there are two meetings a month, and staff can sometimes move an item up by two weeks and still meet NRS and processing time frames to accommodate an applicant. With the elimination of one meeting a month, this flexibility may be lost.

In working with the business and development community, and to process applications in a timely and proper manner staff must still be able to meet other established time frames found in the City's ordinances and procedures which may result in a loss of flexibility for accepting applications unless a special meeting is held. These include:

- Allowing other City departments ample time to review and provide comments on the specific application.
- Allowing outside agencies such as Nevada Energy, Southwest Gas, Embarq, the City of Las Vegas, or Clark County time to review and respond to applications that may pertain to them or fall under the category of Projects of Regional Significance.
- Allowing staff the proper time to process orders for signs to be constructed and installed on the property in question.
- Allowing staff time to ensure the Las Vegas Review Journal is notified with advance notice to publish the required public hearing notice.
- Allowing staff time to ensure all mailings are sent a minimum 10 days in advance of the meeting dates.

The elimination of one meeting a month may reduce staff's ability to be flexible in the closing dates while still being able to comply with the time frames involved in processing an application.

In reviewing the Planning Commission agenda's for the past 15 months, staff found that all of the agenda's contained a variation of tentative maps, use permits or variances to be considered by the Planning Commission. Therefore, under the proposal to eliminate one meeting a month and only schedule special meetings as necessary, it may have been necessary to schedule a special meeting each month to properly process these applications within the prescribed time frames.

Cost & Savings

Listed below are the approximate costs involved with each meeting and approximately how much the City would save on an annual basis.

Planning Commissioner Attendance	\$525.00 (Each Commissioner earns \$75.00)
Staff Overtime (one person)	\$124.50 (average two hours of overtime)
Food	<u>\$ 75.00</u>
Total	\$724.50

(Note: Though the above figures do not include utility costs, it is difficult for staff to estimate these costs. Therefore, those figures are not included. However, it is estimated that utility costs would be minimal.)

The total annual costs savings to the City would be approximately \$8,694.

Staff Concerns

Some possible negative effects associated with the elimination of one Planning Commission meeting each month include.

- Delaying the entitlement process may result in a reduction in customer service. The current process allows staff to process new applications every 45 days. Many times staff will receive a request to move an individual item to an early meeting to speed up the entitlement process. Staff, when possible will work with the applicant to help the applicant meet their time frames. By holding only one meeting a month, it will make it more difficult for staff to work with applicants on these types of requests. Thus, the elimination of one meeting may result in a lengthening of the entitlement process, and a delay in customer service.
- The possibility of placing a burden on small business owners. Many applicants are small business owners who are not familiar with the entitlement process. In many cases, the applicant has already signed a lease with the commercial center, and is then informed of the entitlement process when applying for a business license. In these types of situations, the business owner is still required to pay on the lease while waiting for a decision by the Planning Commission. Eliminating one meeting a month may lengthen the time frame for small business owners, which will result in a loss of business, increased expenses, and lost income by the business owner.
- The elimination of one meeting a month will lengthen the entitlement process for items that are required to be forwarded to the City Council or Redevelopment Agency for final action.

Though the elimination of one meeting a month will save the City approximately \$8,700 on an annual basis, the elimination of one meeting a month may result in a cost increase to developers or business owners who will be required to wait longer for entitlements. This will also result in a reduction of the level of customer service that the development community would like to see improve.

Changes Required for Implementation

Should it be the desire of the City Council to eliminate one Planning Commission meeting a month staff will need to implement changes in the processing of applications. Changes will include.

- Staff would need to provide advance notice to the business and development community in regard to the elimination of one meeting a month and any changes in filing an application.
- Under the current process, upon acceptance of an application, staff has the applicant or their representative sign a form that informs them of the date their item is scheduled and the tracking number assigned to that application. Eliminating one meeting a month will require staff to amend this form to include a waiver provision to be signed by the applicant stating that the application that is submitted early does not have to be processed within the prescribed time frames in accordance with NRS.
- Should an applicant decide not to waive this requirement, it will require staff to either not accept the application until the next closing date or schedule a special meeting to ensure the application is processed in the proper time frames.
- Staff will need to adjust the application packet to include a new filing and closing date schedule for the business and development community to follow. This would simply show one meeting a month, with a filing closing date approximately 45 days in advance of the scheduled meeting.

It is also important to note that according to the Planning Commission by laws, only the Chairman of the Planning Commission or the Director of Planning and Zoning can schedule a special meeting when it is deemed to be expedient. Should it be necessary to schedule a special meeting, staff must notify the members of the Planning Commission with five (5) days advance notice, unless that is waived by the Commission. However, in scheduling special meetings, staff must also take into account that all open meeting laws must be met. In addition, proper time must also be allotted to staff to comply with all processing time frames previously addressed above.

Other Valley Jurisdictions

Recently the City of Las Vegas announced they will hold one (1) Planning Commission meeting a month. This process just started and was initiated primarily for budget purposes. In a conversation with their staff, it was indicated they will try to remain flexible on their closing dates in order to accommodate the development community because of the loss of one (1) meeting a month, but that flexibility may be limited to ensure processing time frames can be met. In addition, this process is so new that staff has not yet experienced the need or developed a procedure to schedule a special meeting if needed. The City of Henderson still holds two (2) meetings a month, but is currently studying the possibility of going to one (1) meeting. Clark County previously held four (4) meetings a month but recently changed that to two (2) meetings a month. Similar to the City of Las Vegas, this change was instituted for budgetary reasons.

Conclusion

Though the elimination of one Planning Commission meeting a month will result in savings to the City, those savings appear to be minor compared to the impact this change may have on the business and development community. Rather than provide better service, this change may likely have the opposite effect, and may lead to inconvenience, and lost time and revenues for businesses and development.