

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

July 14, 2010

**BRIEFING:** 5:38 P.M., Conference Room, North Las Vegas City Hall, 2200 Civic Center Drive

**CALL TO ORDER:** 6:01 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 - Present  
Commissioner Jo Cato - Present  
Commissioner Dilip Trivedi - Present  
Commissioner Laura Perkins - Present  
Commissioner Joseph DePhillips - Present

**STAFF PRESENT:** Marc Jordan, Planning Manager  
Robert Eastman, Principal Planner  
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

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**VERIFICATION** Jo Ann Lawrence, Recording Secretary

**PLEDGE OF ALLEGIANCE:** Commissioner Dilip Trivedi

### **Election of Planning Commission Officers**

Chairman Dean Leavitt opened nominations for Chairman.

Commissioner Jo Cato nominated Commissioner Dilip Trivedi.

Commissioner Joseph DePhillips seconded the motion.

Commissioner Jay Aston nominated Steve Brown.

Commissioner Laura Perkins seconded the motion.

Vice-Chairman Steve Brown nominated Chairman Dean Leavitt.

There was no second.

Commissioner Dilip Trivedi nominated Commissioner Jo Cato.

Commissioner Cato declined the nomination.

Chairman Leavitt closed the nominations.

Chairman Leavitt called for the vote for Dilip Trivedi as Chairman.

#### **Chairman**

**ACTION:** COMMISSIONER DILIP TRIVEDI ELECTED CHAIRMAN

**MOTION:** Commissioner Cato

**SECOND:** Commissioner DePhillips

**AYES:** Chairman Leavitt, Commissioners Cato, Trivedi, and DePhillips

**NAYS:** Vice-Chairman Brown, Commissioners Aston, and Perkins

**ABSTAIN:** None

Chairman Dean Leavitt opened nominations for Vice-Chairman.

Commissioner Jay Aston nominated Commissioner Steve Brown.

Chairman Leavitt seconded the motion.

There being no other nominations, Chairman Leavitt closed the nominations and called for the vote.

**Vice-Chairman**

ACTION: COMMISSIONER STEVE BROWN ELECTED VICE-CHAIRMAN

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

Chairman Dilip Trivedi presided over the remainder of the meeting.

**PUBLIC FORUM**

There was no public participation.

**MINUTES**

- **APPROVAL OF THE MINUTES FOR THE PLANNING COMMISSION MEETING OF JUNE 9, 2010.**

ACTION: APPROVED

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

**Item No. 12 was heard next.**

**NEW BUSINESS**

1. **UN-43-10 (41207) SLOAN & STEPHENS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY WILLIAMS LILL HOLDINGS L.P., PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW ADDITIONAL SECURITY MEASURES CONSISTING OF BARBED WIRE. THE PROPERTY IS LOCATED AT 5530 NORTH SLOAN LANE. THE ASSESSOR'S PARCEL NUMBER IS 123-34-101-002.**

The application was presented by Marc Jordan, Planning Manager who explained the applicant was requesting the additional security measures due to the contract with the Federal Government to help secure the site. Staff found the applicant had gotten signatures from the adjacent property owners and provided a Crime Prevention Through Environment Design (CPTED) analysis from the Police Department, which supports the additional security measures. Mr. Jordan explained there was a condition, which due to some O-L zoning on the adjacent properties, the maximum height of the fence, which included the barbed wire, cannot exceed eight feet. Staff was recommending approval of UN-43-10 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. The total height of the walls along the north and east property lines shall not exceed a height of eight (8) feet, including the barbed wire.

**Richard Gallegos, 3005 West Horizon Ridge Parkway #200, Henderson, NV 89052** appeared on behalf of the applicant indicating he concurred with Staff recommendation. He also clarified on Condition No. 2, that he had applied for a 10 foot high fence and would be applying for a variance for the approval of a ten foot high fence on the north and east side of the property.

Chairman Dilip Trivedi opened the Public Hearing. There was no public participation.

Chairman Trivedi closed the Public Hearing.

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

**MOTION: Vice-Chairman Brown**

**SECOND: Commissioner Cato**

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

**NAYS: None**

**ABSTAIN: None**

**2. UN-44-10 (41217) NV-LVS0711 (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CLEARWIRE/BCI, ON BEHALF OF GUARANI TRUST AND JOSE MEYER TRS, PROPERTY OWNERS, FOR A SPECIAL USE PERMIT IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A TELECOMMUNICATION TOWER. THE PROPERTY IS LOCATED AT 5680 SIMMONS STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-29-803-001.**

The application was presented by Marc Jordan, Planning Manager who explained the applicant was proposing to locate the tower behind an existing building and it was approximately 230 feet away from the nearest residential property line and was proposing a palm tree design. Staff was recommending approval of UN-44-10 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 the tower shall be a monopalm in design.
3. That the telecommunication tower shall not exceed 80' in height.
4. That the telecommunication facility enclosure shall match the existing trash enclosure in design, materials and color.
5. The required emergency access routes shall not be less than 24' in width and the proper turn radii for fire access shall not be hampered.

**Gary Cassel, of Clearwire BCI, 4550 Copper Sage Street #B, Las Vegas, NV 89115** appeared on behalf of the applicant indicating he concurred with Staff recommendation.

Commissioner Dean Leavitt asked the applicant if the tower was for a single carrier.

Mr. Cassel responded they were trying to use more than one carrier.

Commissioner Leavitt asked the maximum number of rays the tower could carry.

Mr. Cassel responded there was no max but they would try to keep the frame within the palm tree fronds.

Chairman Dilip Trivedi opened the Public Hearing. There was no public participation.

Chairman Trivedi closed the Public Hearing.

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

**MOTION:** Commissioner Leavitt

**SECOND:** Vice-Chairman Brown

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

**NAYS:** Commissioner DePhillips

**ABSTAIN:** None

3. **UN-45-10 (41218) BELMONT SQUARE SHOPPING CENTER (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ADRIAN ESPARZA ON BEHALF OF MERVIN DUKATT, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN THE RA/CR, REDEVELOPMENT AREA/COMMERCIAL RETAIL SUBDISTRICT TO ALLOW A CHURCH. THE PROPERTY IS LOCATED AT 3100 EAST LAKE MEAD BOULEVARD. THE ASSESSOR'S PARCEL NUMBERS ARE 139-24-610-021 AND 139-24-610-034.**

The application was presented by Marc Jordan, Planning Manager who explained the property was zoned R-A/CR Redevelopment Area Commercial Retail Subdistrict. The commercial center had approximately 20,000 square feet of commercial space and was built in 1980 to 1981. The applicant was proposing to occupy approximately 1250 square feet of office space and indicated the church membership was approximately 24, which would equate to approximately six parking spaces. The center was under parked, but due to the hours of operation, Staff did not perceive any issues and was recommending approval of UN-45-10 and that it be forwarded to the Redevelopment Agency for final consideration with the following recommended conditions:

1. Unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. This interim special use permit is site specific.
3. This interim special use permit shall expire in five (5) years on July 14, 2015, unless it is renewed by the Redevelopment Agency through an extension of time.
4. Prior to occupancy, plans must be submitted to the Building and Safety Division showing the proposed use meets the adopted Building and Fire Code. Note that any application for a remodel will satisfy this requirement.
5. No permits shall be issued for any expansion or reconstruction for any portion of this legal, non-conforming structure that are not associated with this interim special use permit's conditions of approval.
6. Existing or new demising walls separating proposed church and adjacent tenant spaces shall be fire rated per IBC 2006 section 508.

**Adrian Esparza, 3100 East Lake Mead Boulevard, North Las Vegas, NV 89030** appeared stating he concurred with Staff recommendation.

Chairman Dilip Trivedi opened the Public Hearing. There was no public participation.

Chairman Trivedi closed the Public Hearing.

Chairman Dilip Trivedi asked the applicant how long he had been operating at the current location.

Mr. Esparza responded he had been operating for five years.

Chairman Trivedi asked the applicant if he had complaints from the surrounding businesses regarding parking issues.

Mr. Esparza responded he had not had complaints, as the church operated when the other businesses were closed.

**ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS;  
FORWARDED TO REDEVELOPMENT AGENCY FOR FINAL  
CONSIDERATION**

**MOTION: Vice-Chairman Brown**

**SECOND: Commissioner Leavitt**

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

**NAYS: None**

**ABSTAIN: None**

4. **UN-48-10 (41277) FARMER BOYS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DAPPER DEVELOPMENT, ON BEHALF OF G P N LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN THE R-ACR REDEVELOPMENT AREA / COMMERCIAL RETAIL SUBDISTRICT TO ALLOW A CONVENIENCE FOOD RESTAURANT. THE PROPERTY IS LOCATED AT 2341 NORTH LAS VEGAS BOULEVARD (SOUTHWEST CORNER OF LAS VEGAS BOULEVARD AND CAREY AVENUE). THE ASSESSOR'S PARCEL NUMBERS ARE 139-23-503-002 AND 139-23-503-003.**

The application was presented by Marc Jordan, Planning Manager who explained the applicant originally requested two waivers from the Design Guidelines. The first was to allow the building not to be orientated to the street frontage of Las Vegas Boulevard and the second was for an alteration of foundation landscaping. The applicant originally proposed from two feet to 11 feet for 450 square feet of landscaping, which was more than what would be required if there was six feet of foundation landscaping, which Staff was supporting. In reviewing the project, the Downtown Investment Strategy approved by City Council encouraged a more pedestrian friendly environment along Las Vegas Boulevard, which was achieved by pulling the buildings up to the street frontage and increasing the width of the sidewalk and off-setting the sidewalk from the travel lanes so you could get a wider pedestrian area and give a hedge of protection by landscaping between the sidewalk and the right-of-way. Staff was recommending continuance. Staff met with the applicant and one of the applicant's concerns was the bus stop and the plan was revised, incorporating many of Staff's suggestions. They incorporated an eight foot wide sidewalk and detached it from back of curb and incorporated some of the palm trees. After review of the revised site plan and because the building was not orientated to the street frontage, Staff's recommendation was still for continuance; however, in a revised memorandum dated July 14, 2010, if the Commission were to determine approval was warranted, the application would be forwarded to the Redevelopment Agency for final consideration with the following recommended 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 applicant shall comply with the Commercial Development Standards and Design Guidelines, with the following exceptions:
  - a. The building is not required to be oriented toward the street frontage or corner.
  - b. Landscaping shall be provided as shown on the revised site plan dated July 6, 2010.

3. The existing sidewalk (excluding the sidewalk in front of the existing bus stop) adjacent to Las Vegas Boulevard shall be removed and a new sidewalk, a minimum of eight (8) feet in width shall be placed behind a five (5) foot wide landscaping buffer separating the sidewalk from existing and/or future travel lanes.
4. The pedestrian/handicap access between the building and Las Vegas Boulevard shall utilize decorative pavers or stamped and decorative concrete to help distinguish this area from the drive aisle and parking areas.
5. The decorative paving area at the corner of Las Vegas Boulevard and Carey Avenue and pedestrian access near the bus stop shall be "hardscaped" with decorative pavers or stamped and decorative concrete, and include tree wells, and additional features such as, but not limited to, street furniture, potted plants and ornamental lighting, subject to staff review and approval.
6. A three (3) foot high decorative masonry / wrought iron wall shall be provided at the back of the landscape area adjacent to Las Vegas Boulevard to partially screen the parked cars from view.
7. Nevada Department of Transportation (NDOT) Concurrence is required.
8. Traffic and drainage study approval is required prior to civil improvement plans submittal.
9. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Carey Avenue and Las Vegas Boulevard.
10. The size and number of driveways and their locations are subject to review and approval by the City of North Las Vegas Traffic Engineer and must meet the standards set forth in North Las Vegas Municipal Code section 17.24.130. Conformance may require modifications to the site.
11. Commercial driveways are to be designed and constructed in accordance with Uniform Standard Drawings for Public Works Construction Off-Site Improvements Clark County Area Uniform Standard Drawing numbers 222A and 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.
12. A minimum of five (5) stacking spaces shall be provided behind the order board for the drive-thru facility.
13. The property owner shall file an administrative consolidation of parcels. The form is available from the Clark Count Assessor's office or on the internet at <http://www.co.clark.nv.us/assessor>.

14. If the power pole at the location of the proposed driveway on Carey Avenue is impacted, the power lines must be underground for the entire length of the project.
15. Dual access agreements are required for driveways used by adjoining properties and proposed to be used by this property.
16. Dedication and construction of the proposed bus stop in Carey Avenue is required per the Uniform Standard Drawings for Public Works Construction Off-Site Improvements Clark County Area Uniform Standard Drawing numbers 234.2.
17. The property owner is required to grant a roadway easements for all driveways along Carey Avenue.
18. The property owner is required to grant a pedestrian access easement for sidewalk.
19. A revocable encroachment permit for the landscaping in the public right of way is required.
20. All NV Energy Company easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development.
21. The developer must show all recorded easements or call out the recorded numbers on the plans.
22. The driveway on Carey Avenue near Las Vegas Boulevard must be removed from the site plans, it will not be permitted.

**John Burke, Architect, 3471 West Oquendo, Suite 301, Las Vegas, NV 89118** appeared on behalf of the applicant indicating he met with Staff and concurred with all of Staff's recommendations, except for the orientation of the building, showing a picture of the bus stop which would be in front of the proposed building. He pointed out, if the building were oriented ten feet behind the bus stop, it would hurt the business, as it would be hidden behind the bus stop structure. He asked that the application be approved with the building oriented away from the street frontage on Las Vegas Boulevard.

Chairman Dilip Trivedi opened the Public Hearing. There was no public participation.

Chairman Trivedi closed the Public Hearing.

Commissioner Jay Aston felt the shape of the parcel was unique and the applicant had made an effort to try to comply with the pedestrian friendly desire of the ordinance. He clarified, if the Planning Commission were to approve the conditions as listed, if the

building orientation was addressed.

Mr. Jordan, responded there was not a condition that would require the building to be moved.

Commissioner Aston added the conditions listed would delete the building orientation.

Mr. Jordan clarified the way the conditions were written, were supportive of what the applicant was proposing.

Commissioner Aston was in support of the application.

Commissioner Dean Leavitt concurred with Commission Aston's statement regarding the irregular shape of the parcel and felt because of the shape, if the building was oriented to the front of the property, it would deter from the pedestrian invitation and the applicant had provided more landscaping than required and was in support of the application.

Chairman Dilip Trivedi concurred with Commissioners Aston and Leavitt and was in support of the application.

**ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS IN MEMORANDUM DATED JULY 14, 2010; FORWARDED TO REDEVELOPMENT AGENCY FOR FINAL CONSIDERATION**

**MOTION: Commissioner Aston**

**SECOND: Vice-Chairman Brown**

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

**NAYS: None**

**ABSTAIN: None**

**5. UN-49-10 (41304) VILLAGE AT CRAIG (PUBLIC HEARING). AN APPLICATION SUBMITTED BY FELICIDAD R. BASILIO ON BEHALF OF DIVERSIFIED BUSINESS STRATEGIES, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW A CHURCH. THE PROPERTY IS LOCATED AT 3251 WEST CRAIG ROAD SUITE 130 AND 140. THE ASSESSOR'S PARCEL NUMBER IS 139-05-302-009.**

The application was presented by Marc Jordan, Planning Manager who explained the applicant indicated they had a congregation of 35 and were expecting to increase their membership to approximately 60; however, in estimating the sanctuary space, it appeared the applicant could increase attendance to 171 under the IBC Code. The shopping center, where the church would be located, was originally required to have 333 parking spaces, but when it was built out, had 422 spaces; therefore the facility was over parked. Staff did not foresee any issues with the parking and was recommending approval of UN-49-10 with the following conditions:

1. Unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. Prior to occupancy, plans must be submitted to the Building and Safety Division showing the proposed use meets the adopted Building and Fire Code. Note that any application for a remodel will satisfy this requirement.
3. Building Safety will require building permit and that the project conforms to the adopted codes, 2006 IBC, 2006 UMC, 2006 UPC, 2006 IECC, 2005 NEC, 2003 ICC/ANSI A117.1, and all the 2006 Southern Nevada Amended Codes.
4. Existing demising walls separating proposed church and adjacent tenant space/s may be required to be fire rated per IBC 2006.

**Buzz Horden, 2320 Paseo Del Prado, Las Vegas, NV 89102** appeared on behalf of the applicant indicating he concurred with Staff recommendation.

Chairman Dilip Trivedi opened the Public Hearing. There was no public participation.

Chairman Trivedi closed the Public Hearing.

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

**MOTION: Commissioner Leavitt**

**SECOND: Vice-Chairman Brown**

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

**NAYS: None**

**ABSTAIN: None**

**6. UN-50-10 (41302) SMOG HUT @ CENT AND GOLDFIELD (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CENTENNIAL 5 DEVELOPMENT LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW AN AUTOMOBILE SERVICE FACILITY (SMOG SHOP). THE PROPERTY IS LOCATED AT 150 EAST CENTENNIAL PARKWAY, SUITE 114B. THE ASSESSOR'S PARCEL NUMBER IS 124-22-812-002.**

The application was presented by Marc Jordan, Planning Manager who explained the applicant was proposing to remove an existing glass block window and install a sliding glass door that would access the drive-thru lane where they would service the vehicles. Staff did not believe there would be any impact on the shopping center and was recommending approval of UN-50-10 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. A door shall be installed along the north elevation of Suite 114B for ingress/egress of smog equipment.
3. Existing access doors located to the west of Suite 114 shall not be used for ingress/egress of smog equipment.

**George Garcia, G.C. Garcia Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014** appeared on behalf of the applicant indicating he concurred with Staff recommendation and submitted letters from Kevin Spilsbury of Goldfield 1, LLC and Brian Spilsbury of Centennial 5 Development, LLC indicating they understood that only one use permit would be used and that both use permits would not be occupied and used at the same time.

Chairman Dilip Trivedi opened the Public Hearing. There was no public participation.

Chairman Trivedi closed the Public Hearing.

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

**MOTION: Commissioner Cato**

**SECOND: Commissioner Leavitt**

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

**NAYS: None**

**ABSTAIN: None**

7. **UN-46-10 (41235) SINISTER CYCLES (PUBLIC HEARING). AN APPLICATION SUBMITTED BY JAY REID ON BEHALF OF STAFFORD NEVADA LIMITED PARTNERSHIP, 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 SUITE 19, 20 AND 21. THE ASSESSOR'S PARCEL NUMBERS ARE 140-06-310-037 THROUGH 140-06-310-039 AND 140-06-310-074 THROUGH 140-06-310-076.**

The application was presented by Robert Eastman, Principal Planner who explained the applicant had been operating a facility at the proposed location for a number of years but did not have a business application that allowed auto service. The applicant was requesting a use permit to allow him to perform service on motorcycles. The site had other similar uses. Parking on the site was adequate and each of the buildings had storage facilities in the rear. There would be no negative impact on the neighborhood; therefore, Staff was recommending approval of UN-46-10 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 vehicles awaiting service shall be stored within the building and in the designated storage areas associated with Suites 19, 20 and 21.

**Jay Reid of Sinister Cycles, 4300 North Pecos Road #19, North Las Vegas, NV 89030** appeared on the application indicating he concurred with Staff recommendation.

Chairman Dilip Trivedi opened the Public Hearing. There was no public participation.

Chairman Trivedi closed the Public Hearing.

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

**MOTION: Commissioner Leavitt**

**SECOND: Commissioner DePhillips**

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

**NAYS: None**

**ABSTAIN: None**

**8. UN-47-10 (41260) CRAIG COMMERCE CENTER (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PHILLIP BROWN ON BEHALF OF HARSCH INVESTMENT PROPERTIES-CRAIG LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW AN INDOOR RECREATION FACILITY (WRESTLING). THE PROPERTY IS LOCATED AT 2625 EAST CRAIG ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-01-301-002.**

The application was presented by Robert Eastman, Principal Planner who explained the application indicated the indoor facility would only need five to six parking spaces and typically when reviewing the impact on an industrial building, there was concern regarding the impact on parking and using the general matrix for indoor recreation, if you were only providing six parking spaces; therefore, the indoor occupancy should only be 24 people. Staff has added conditions that would limit occupancy. If the applicant chose to have contests in the future, with a higher occupancy load, he would be required to submit a parking study showing parking was adequate for the site. The hours of operation were in the evening and Staff did not feel it was detrimental to the existing uses or facility, which was predominantly industrial. Staff was recommending approval of UN-47-10 subject to the following conditions (Condition Nos. 5 and 6 in the Staff Report were for information only and were deleted):

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 UN-47-10 is site-specific and non-transferable. Any future expansion to the use will require further consideration and approval by the Planning Commission.
3. That all associated activities take place within the building.
4. That the maximum occupancy (i.e., patrons, employees, spectators) of the building shall not exceed 24 people, unless the applicant demonstrates with a parking study or lease agreement that additional occupancy can be accommodated based on one parking space for every four occupants. The parking study, if submitted, shall be prepared and stamped by a Nevada-licensed professional certified to prepare said study. The applicant shall provide evidence of parking compliance and record a Reciprocal Parking Agreement prior to the issuance of a Certificate of Occupancy.

**Information only**

5. The applicant shall demonstrate compliance with the attached Fire Department Memorandum prior to issuance of a Certificate of Occupancy or a Business License.

6. The applicant shall demonstrate compliance with the attached Building Safety Division Memorandum prior to issuance of a Certificate of Occupancy or a Business License.

**Phillip Brown, 2625 East Craig Road, North Las Vegas, NV 89030** appeared on the application indicating he concurred with Staff recommendation.

Chairman Trivedi asked the applicant for comment on his special events.

Mr. Brown explained they were currently providing training only and were trying to bring wrestling back to the valley.

Chairman Dilip Trivedi opened the Public Hearing. There was no public participation.

Chairman Trivedi closed the Public Hearing.

Commissioner Dean Leavitt commended the applicant with trying to bring wrestling back to the valley.

**ACTION:** APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH THE DELETION OF CONDITION NOS. 5 AND 6

**MOTION:** Commissioner Leavitt

**SECOND:** Vice-Chairman Brown

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

**NAYS:** None

**ABSTAIN:** None

**9. UN-51-10 (41306) SLAVICA OMEROVIC (PUBLIC HEARING). AN APPLICATION SUBMITTED BY SLAVICA OMEROVIC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN R-1, SINGLE - FAMILY LOW DENSITY DISTRICT TO ALLOW A GARAGE CONVERSION. THE PROPERTY IS LOCATED AT 1616 WOODARD AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-23-410-176.**

The application was presented by Robert Eastman, Principal Planner who explained the home was originally constructed in 1953 with slightly less than 1500 square feet of living space. The applicant was requesting approval to convert the 560 square foot garage to living space. The surrounding neighborhood had a large number of homes that had either converted the garages to living space or did not have garages. The home was generally in compliance with all current zoning setbacks with the exception of the rear setback; however, it was legally non-conforming and the conversion of the garage did not affect the setback. Staff was recommending approval of UN-51-10 with the following condition:

1. Unless expressly authorized through a variance, waiver or another approved method, development shall comply with all applicable codes, ordinances and the Single-Family Design Guidelines.

**Charles Kopf, 2370 Lincoln Road, Las Vegas, NV 89115** appeared on behalf of the applicant indicating he concurred with Staff recommendation.

Chairman Dilip Trivedi opened the Public Hearing. There was no public participation.

Chairman Trivedi closed the Public Hearing.

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

**MOTION: Commissioner Leavitt**

**SECOND: Vice-Chairman Brown**

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

**NAYS: None**

**ABSTAIN: None**

10. **SPA-01-10 (41310) DOTTY'S AT CAMINO AL NORTE. AN APPEAL SUBMITTED BY GC GARCIA ON BEHALF OF SCOPE CAMINO AL NORTE, LLC AND DOTTY'S TO APPEAL THE DETERMINATION THAT CAMINO AL NORTE IS NOT AN ADEQUATE BARRIER AS DEFINED IN 17.24.105(C)(2). THE PROPERTY IS GENERALLY LOCATED AT THE NORTHWEST CORNER OF CAMINO AL NORTE AND WASHBURN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-33-614-005.**

The application was presented by Robert Eastman, Principal Planner who explained the application was an appeal of Staff's interpretation of Title 17, that the subject site did not comply with the distance separation requirements for restrictive gaming on-sale. The applicant originally attempted to apply for a use permit, which was not accepted, as the application was non-compliant. Title 17 required a distance separation of 2500 feet from another like use and also distance separations from residential neighborhoods, churches, schools, parks, and day care facilities and the applicant was required to submit a survey showing compliance with the separation requirements. If the separation requirements were not met, a waiver must be applied for and with the waiver request, the applicant was required to show how they could apply for the waiver. The waiver for proximity distance was allowed if there was an adequate barrier. An adequate barrier was defined in Title 17 as an improved drainage facility, Interstate 215, I-15, another constructed roadway with a minimum width of 120 feet, a railroad right-of-way or a physical or topographic feature which prevented vehicle and pedestrian access between the uses. Staff determined an adequate barrier did not exist between the proposed site and other existing uses, which, in this case, was the other existing on-sale on the other side of Camino Al Norte or the existing church or day care facility. The applicant stated in the appeal that Staff's interpretation of the Code was incorrect because Camino al Norte, as shown on the Master Plan of Streets and Highways, was a 130 foot right-of-way; however, Camino al Norte was not constructed as a 130 foot right-of-way, but was constructed as 100 foot right-of-way which included approximately 80 to 85 feet of road plus the sidewalks for a total of 100 feet and there were no plans to construct it as a 130 foot right-of-way. Therefore, Camino al Norte does not act as a barrier, so a wavier cannot be requested and the use permit could not be applied for. Staff was recommending that Staff's determination be affirmed, that Camino al Norte was not an adequate barrier and that the applicant was not entitled to a waiver of the Title 17 separation requirements.

**George Garcia, G.C. Garcia Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014** appeared on behalf of the applicant explaining the appeal was unnecessary as it was an interpretation which the Planning Commission was being requested to address. Staff and the applicant reasonably disagreed on the interpretation of the Code. The code says "A barrier, adequate barrier, basically could be, other constructed roadway with a minimum width of 120 feet". He explained Staff interpreted the Code to mean 120 feet of asphalt, paved surface area. The street section was 100 feet, which took care of the issue, including the sidewalks and everything else. Mr. Garcia disagreed because if one wanted

to say that, basically a paved section of, or a cross section and define it, where back of curb or any number of things that you could use. Other constructed roadway means something is built. Roadway doesn't designate back of curb, face of curb or any of those things. Roadway typically means the entire right-of-way, which includes the landscaping, sidewalks, curb, shoulder, lighting and all other elements of the street. If you look at the City's intent for the street, you would look at the physical dimensions of the streets. Mr. Garcia submitted a map of the area from the County's open web mapper, which showed Camino al Norte had a dimension of 130 feet from edge of right-of-way to edge of right-of-way. The 130 foot was a physical dimension that existed, which included the entire right-of-way and the road was constructed and the landscaping was present. The current construction was not shown on the northwest corner where the improvements were already in, so the landscaping, the sidewalk, the streets were all constructed and exceeded 120 feet because it was 130 feet wide, as shown on the County's open web mapper. He also showed a section from the City's Master Plan of Streets and Highways, which showed Camino al Norte in purple as a 130 foot right-of-way with a 120 foot right-of-way cross section from sidewalk to sidewalk with another five feet of landscaping on each side for a total of 130 feet, which met all of the requirements for a constructed roadway. If the roadway was not fully built to what it could be per the City's Master Plan, was not the question. The question was whether it was over 120 feet and constructed, which it was and was sufficient to meet the requirement for being an adequate barrier. He explained the 130 foot right-of-way arterial designation on the Plan was an unusual designation in the City and was used sparingly, so he did not feel it was something that was accidental or an over site and was incapable of going to as much right-of-way, within the right-of-way of what the City ultimately determined, but the City had not changed the designation from 130 feet to 100 foot, which it could do to amend the Master Plan of Streets and Highways to conform to Staff's interpretation.

Commissioner Dean Leavitt explained he lived in close proximity to the site and had visited a Dotty's Casino and was impressed with the facility, but could not support the application due to the fact that the applicant had overloaded the application with waiver requests for the project. He also found it difficult to support a commercial development that was based solely on a casino.

Vice-Chairman Steve Brown interpreted the Code to read what was constructed, not what was planned and agreed with Staff's interpretation of the Code.

Commissioner Leavitt encouraged members of the public to fill out a yellow card if they wished to speak on the application.

It was pointed out, the application was not a Public Hearing.

Commissioner Jay Aston explained the application was not a Public Hearing, because the only issue being considered was whether or not the roadway was an adequate barrier. If the Commission agreed with Staff's findings, the application would be denied and if the

Commission agreed with the applicant, the application would be approved, then the application for a special use would be heard, which was a Public Hearing.

Chairman Trivedi decided he would hear public comment.

Deputy City Attorney Sandra Morgan explained the scope of the application was either to affirm or deny Staff's recommendation and was not a Public Hearing item. If Staff's determination was affirmed, the special use permit application was mute; but, there was a Public Hearing section at the end of the Agenda. Deputy City Attorney Morgan stated hearing from the public on this application was not an option.

Commissioner Jo Cato asked for clarification on the purple color coding on the Master Plan of Streets and Highways, asking if it was an error or why the language in the Code was different from the drawings.

Mr. Eastman explained the map was the Master Plan of Streets and Highways, which was a plan and the Ordinance was written with the word "constructed" because a much smaller road was not an adequate barrier. A much wider road that was difficult to cross can be a barrier and in this instance was why the Code was written as it was, because Staff did not feel the smaller roadway was a barrier and at the present time, since Camino al Norte was not yet constructed to the wider width, which was a planned width, Staff did not feel it met the requirements of the Zoning Code.

Commissioner Laura Perkins concurred with comments made by Vice-Chairman Brown to affirm Staff's recommendation. The roadway was constructed, but did not prevent vehicular or pedestrian traffic, which was supposed to be described as an adequate barrier.

Chairman Trivedi concurred with Staff's interpretation of the Code.

**ACTION:** DENIED

**MOTION:** Commissioner Leavitt

**SECOND:** Vice-Chairman Brown

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

**NAYS:** None

**ABSTAIN:** None

11. **UN-52-10 (41309) DOTTY'S AT CAMINO AL NORTE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY NEVADA RESTAURANT SERVICES DBA DOTTY'S ON BEHALF OF SCOPE CAMINO AL NORTE, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW AN "ON-SALE" ESTABLISHMENT (RESTRICTED GAMING LIQUOR). THE PROPERTY IS GENERALLY LOCATED AT THE NORTHWEST CORNER OF CAMINO AL NORTE AND WASHBURN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-33-614-005.**

**George Garcia, G.C. Garcia Inc., 1711 Whitney Mesa Drive, Suite 110, Henderson, NV 89014** appeared on behalf of the applicant requesting the application be continued indefinitely until SPA-01-10 was appealed and heard by City Council.

Chairman Dilip Trivedi opened the Public Hearing and indicated it would remain open.

ACTION: CONTINUED INDEFINITELY

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Brown

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

NAYS: None

ABSTAIN: None

**Public Forum was heard next.**

12. **ZOA-06-10 (41307) OPEN SPACE AMENDMENTS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY WILLIAM LYON HOMES, INC. FOR AN AMENDMENT TO TITLE 17 (ZONING ORDINANCE), TABLE 17.20.040-1, AND SECTIONS 17.24.215(F)(5) & 17.24.215(J); TO ALLOW PRIVATE OPEN SPACE AND COMMON OPEN SPACE TO MEET THE OPEN SPACE REQUIREMENTS WHILE USING THE RESIDENTIAL DESIGN INCENTIVE SYSTEM; AND TO ALLOW WAIVERS FROM THE SMALL LOT DEVELOPMENT STANDARDS; AND TO PROVIDE FOR OTHER MATTERS PROPERLY RELATED THERETO.**

ACTION: WITHDRAWN

**Item No. 1 was heard next.**

**PUBLIC FORUM**

- **Karen J. Maldonado, 825 Evening Fawn Drive** was opposed to a casino on Camino al Norte.
- **Donald Knisley, 921 Evening Fawn Drive, North Las Vegas, NV 89031** appeared on behalf of Madera Community Association and was opposed to a casino on Camino al Norte.

**DIRECTOR'S BUSINESS**

There was no report given.

**CHAIRMAN'S BUSINESS**

There was no report given.

**ADJOURNMENT**

The meeting adjourned at 7:10 p.m.

APPROVED: August 11, 2010

/s/ Dilip Trivedi  
Dilip Trivedi, Chairman

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