

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

September 14, 2011

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

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

ROLL CALL: Chairman Steve Brown - Present
Vice-Chairman Dilip Trivedi - Present
Commissioner Dean Leavitt - Present
Commissioner Jay Aston - Absent
Commissioner Laura Perkins - Present
Commissioner Sylvia Joiner-Greene - Present
Commissioner Willard Ewing - Present

STAFF PRESENT: Frank Fiori, Community Development Director
Marc Jordan, Planning Manager
Robert Eastman, Principal Planner
Sandra Morgan, Deputy City Attorney
Jennifer Doody, Development & Flood Control
Eric Hawkins, Public Works, Traffic
Carolyn White, Police Department
Kent Chang, Utilities Department
Quang Phan, Utilities Department
Jo Ann Lawrence, Recording Secretary

WELCOME: Chairman Steve Brown

VERIFICATION: Jo Ann Lawrence, Recording Secretary

PLEDGE OF ALLEGIANCE: Commissioner Dean Leavitt

PRESENTATION

- Presentation to outgoing Commissioners Jo Cato and Joseph DePhillips for their years of service on the Planning Commission.

ACTION: PLAQUES PRESENTED TO OUTGOING COMMISSIONERS, JO CATO AND JOSEPH DePHILLIPS

PUBLIC FORUM

There was no public participation.

MINUTES

- **APPROVAL OF MINUTES FOR THE PLANNING COMMISSION MEETING OF JULY 13, 2011.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Perkins

AYES: Chairman Brown, Vice-Chairman Trivedi, Commissioners Leavitt, Perkins and Joiner-Greene

NAYS: None

ABSTAIN: Commissioner Ewing

- **APPROVAL OF MINUTES FOR THE PLANNING COMMISSION MEETING OF AUGUST 10, 2011.**

ACTION: APPROVED

MOTION: Commissioner Leavitt

SECOND: Commissioner Perkins

AYES: Chairman Brown, Vice-Chairman Trivedi, Commissioners Leavitt, Perkins and Joiner-Greene

NAYS: None

ABSTAIN: Commissioner Ewing

Item Nos. 4 and 5 were heard next.

NEW BUSINESS

1. **UN-60-11 (43563) CRICKET SITE LAS-488C ATHARI BLDG (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CRICKET COMMUNICATIONS ON BEHALF OF ATHARI FAMILY INVESTMENTS, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-P, PROFESSIONAL OFFICE COMMERCIAL DISTRICT TO ALLOW A TELECOMMUNICATION FACILITY (ROOF MOUNTED ANTENNAS). THE PROPERTY IS LOCATED AT 2465 REYNOLDS AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-23-803-006. (FOR POSSIBLE ACTION)**

The application was presented by Robert Eastman, Principal Planner who explained the application was to allow three telecommunication antennas to be attached to an existing building. The proposed antennas would be located on top of the existing office building and would project approximately seven feet from the peak of the roof of the building. Staff did not have a problem with the use but were concerned with the impact the antennas would have on the existing neighborhood and it was felt the purpose and intent of the telecommunication ordinance was that the antennas should be incorporated into the design of the building or screened better to meet the stealth requirements for telecommunication facilities; therefore, Staff was recommending denial of UN -60-11. Should the Commission determine approval was warranted, the following conditions were recommended:

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 proposed antennas shall be architecturally incorporated into the building or screened from view of the neighboring properties, with the use of a parapet or other suitable screening.

Tracy Cline, Spectrum Surveying and Engineering, 8905 West Post Road, Las Vegas, NV 89148 appeared on behalf of the applicant giving some history of the area. He explained Cricket was a low cost, one price buys you all cellular provider and were having coverage problems. Along Civic Center Drive and Eastern Avenue, except for a small portion of commercial property and also along Lake Mead Boulevard, it was a sea of houses, which was the coverage objective. Cricket was more interested in the area on Eastern Avenue in the City of Las Vegas, as there was a T-Mobile Tower, but it was full and would need to be extended and would no longer meet their residential set-back requirements. There was not much opportunity in terms of existing structures, so they checked into the Athari Building. The applicant believed screening the antennas would be worse than not screening and pointed out the antennas were not noticed by people driving down the street. Due to the design of the building, it was very difficult to screen the antennas. Many of the new antennas were elliptical to hide the parts on the back of them.

Mr. Cline showed simulated photos of what the towers would look like atop the building and agreed to screen the antennas, but indicated they would look less obtrusive if they were not screened.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown closed the Public Hearing.

Commissioner Dean Leavitt asked Mr. Cline if he had attempted to contact McDonald's, as they were building a new facility in the area and thought they may be able to incorporate or even shadow their antennas.

Mr. Cline responded they had contacted McDonald's and he was aware of the rebuilding, as their firm was doing the design work. They were not changing their sign on Eastern and there was plenty of space on the ground for the equipment; but, the unfortunate thing was that they were not easy to work with and their lease agreements were very poor. The terms were so bad, Cricket could not agree to them.

Commissioner Leavitt also asked if they had pursued any of the other businesses in the area.

Mr. Cline explained the Athari building was the tallest building, which was the issue with any of the other buildings.

Vice-Chairman Dilip Trivedi inquired how many antennas there were.

Mr. Cline responded there were three antennas, two on the Civic Center side of the building and one at the other end of the roof pointing west.

Vice-Chairman Trivedi asked how high the antennas protruded above the roof.

Mr. Cline responded the antennas were 6.2 inches in diameter and 72 inches tall.

Vice-Chairman Trivedi asked if it were possible to set them back, away from the edge.

Mr. Cline responded the roof shielding from view had a similar effect on the antennas; if the antennas were set back from the roof, the edge of the roof would shadow the antennas and block part of the signal, so the engineers always liked to have them up close to the edge.

Vice-Chairman Trivedi asked Staff if the Code required screening of the antennas.

Mr. Eastman explained the definition of stealth, which was: "Any tower or telecommunication facility, which is designed to enhance the compatibility with adjacent

land uses, which include the following: architecturally screened roof mounted antennas, antennas integrated into architectural elements and towers designed as something other than a tower, for example, light pole, power pole, palm tree, pine tree, or a flag pole.”

Mr. Cline disagreed with the definition, as he did not feel they had to meet the definition of stealth for the application to be approved. If you look at the Staff Report, there was a quote out of the Code they did have to meet, which applied to the proposed application, which was “that communication antennas shall be of a design and installed in such a manner as to blend in with the architecture and design of the building on which they are mounted.” He pointed out they were installing antennas, not a tower.

Vice-Chairman Trivedi thought the antennas were not much different than the vent pipes sticking up on the roof, which were usually three to four inches in diameter and the proposed antennas were about two inches larger and would be a lesser evil, so he was in support of the application.

Commissioner Leavitt asked Mr. Cline if he was going to paint the body of the antennas to match the color scheme of the building.

Mr. Cline explained Mr. Athari was told the antennas would be painted the same color as the roof tiles; but, he did not think it was mandatory.

Commissioner Leavitt was also in support of the application.

Commissioner Laura Perkins stated when she drove by the site, you could not see the wind pipes and she felt adding another 72 inches above the parapet would be visible.

Mr. Cline agreed the antennas would be visible.

Commissioner Perkins was not in support of the application as the building was newer with great landscaping and a newer design and she did not want to see the building degraded by the visibility of the antennas.

Commissioner Brown asked Staff if the Commission were to approve the application, if there was anything in the conditions that would restrict the application to only the antennas that were being presented with the application.

Deputy City Attorney Sandra Morgan explained pursuant to the telecommunications Chapter in Title 17, any conditions could be imposed as required, not only for the special use permit process, but also through the Chapter; so if the Commission wished to include a condition to limit the use to only what was requested with the proposed application, they were within their right to do so.

Chairman Brown requested the use be restricted to what was being requested with the proposed application, so it could not be changed without applying for another use permit.

Mr. Cline stated he had no problem with the request and stated there would be only three antennas.

Commissioner Willard Ewing asked if the applicant were required to screen the antennas, how it would be done.

Mr. Cline responded they could either put up a fake parapet or they could enclose them in something else that was round, but he was not sure that would look any better than the antennas and was really not sure how they could be screened on the proposed building.

Commissioner Ewing asked if the possible screening had been discussed with Staff.

Mr. Cline explained he had a phone conversation with Staff regarding the screening issue and it was expressed at that time, he did not know how it could be done and if it was done, it was his genuine belief the screening would make it worse; so, if the Commission wanted the antennas screened, he would agree to it and was open to any suggestions as to how they could be screened, but did not think they would look better screened.

Chairman Brown did not see the antennas as being obtrusive and would support the application without requiring screening, but would like the antennas painted so they would be camouflaged.

Commissioner Leavitt commented the building was three story and the speed limit was 35 miles per hour, so drivers would not be staring up at the roof of the building.

Robert Eastman, Principal Planner stated Condition No. 2 would need to be amended to read: "That the proposed antennas shall be architecturally incorporated into the building or screened from view of the neighboring properties through the use of a parapet, paint, or other suitable screening." Condition No. 3 would be added to read: "The use permit shall only apply to the three antennas. Any additions or changes to the antennas shall require an additional use permit."

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH
CONDITION NO. 2 AMENDED AND CONDITION NO. 3 ADDED TO READ:

2. THAT THE PROPOSED ANTENNAS SHALL BE ARCHITECTURALLY INCORPORATED INTO THE BUILDING OR SCREENED FROM VIEW OF THE NEIGHBORING PROPERTIES THROUGH THE USE OF A PARAPET, PAINT, OR OTHER SUITABLE SCREENING.

3. THE USE PERMIT SHALL ONLY APPLY TO THE THREE ANTENNAS. ANY ADDITIONS OR CHANGES TO THE ANTENNAS SHALL REQUIRE AN ADDITIONAL USE PERMIT.

MOTION: Commissioner Leavitt
SECOND: Commissioner Perkins
AYES: Chairman Brown, Vice-Chairman Trivedi, Commissioners Leavitt, Perkins, Joiner-Greene and Ewing
NAYS: None
ABSTAIN: None

2. UN-64-11 (43576) KNIGHT TRANSPORTATION (PUBLIC HEARING). AN APPLICATION SUBMITTED BY KNIGHT TRANSPORTATION, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW THE STORAGE OF HAZARDOUS MATERIALS (20,000 GALLONS OF ABOVE GROUND FUEL STORAGE). THE PROPERTY IS LOCATED APPROXIMATELY 523 FEET NORTH OF CRAIG ROAD AND EAST OF BERG STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 139-01-212-001 THRU 017. (FOR POSSIBLE ACTION)

The application was presented by Robert Eastman, Principal Planner who explained the applicant was proposing to build and develop a trucking company and the proposed above-ground storage was for fuel for their company use and was located in the northern portion of the property in a designated parking and storage area for their trucks. Neighboring properties to the north and east were also general industrial zoned properties; however, one was a hotel. There was also a commercial shopping center to the west, which was zoned C-2 General Commercial. During the review of the proposed use, neither the Fire Department nor the Environmental Division had any concerns with the proposed 20,000 gallon diesel fuel, so it was not felt the proposed tank would pose any negative impact on the surrounding properties, as it would be built in conformance with Fire Code and have proper buffering. Staff was recommending approval of UN-64-11 subject to the following conditions:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances;
2. Development of the site shall be in conformance with the newly adopted zoning ordinance to be effective October 1, 2011;
3. Development must comply with the Industrial Design Standards, including but not limited to:
 - a. The exterior finish of the buildings shall be constructed with a preferred material such as or similar to stone, stucco, exposed aggregate, decorative block, etc.'
 - b. A consistent level of detailing and finish is required for all sides of a building;
4. A decorative wall with a minimum height of three (3) feet shall be constructed along Berg Road in conjunction with the parking lot;
5. All landscaping shall be provided during Phase I of this development;
6. Perimeter landscaping along Berg Street shall have trees planted every 20 feet on center;

7. All landscape areas shall provide 50% ground coverage within a two year period;
8. Each landscape island shall have a minimum of one 24-inch box tree.
9. Ten feet of landscaping to serve as transitional screening along the south property line between APN: 139-01-211-002. Such landscaping shall consist of 24" box trees planted at 20 feet on center;
10. A barrier shall be provided to prevent access and parking to any unused portion of this 10 acre parcel (southwest corner).
11. Shall comply with the *City of North Las Vegas Municipal Code - Titles 15 and 16, NRS 278* and accepted *Clark County Area Uniform Standard Drawings*, the Department of Public Works recommends the following conditions of approval:
 12. All known geologic hazards, such as fault lines or fissures, shall be shown on the civil improvement plans submitted to the Department of Public Works. Subsequent identification of additional hazards may substantially alter the original site plan.
 13. Approval of a drainage study is required prior to submittal of the civil improvement plans.
 14. All local facilities and street centerline grades must be constructed in conformance with the City of North Las Vegas' *North Neighborhood Flood Control Master Plan*, or as otherwise approved by the Director of Public Works or his designee.
 15. Approval of a traffic impact study is required prior to submittal of the civil improvement plans.
 16. Appropriate mapping is required to complete this project. All mapping shall be in compliance with NRS Chapter 278 and the *City of North Las Vegas Municipal Code* and associated Master Plans in effect at the time of subdivision and/or parcel map approval.

Lynn Christopherson, APTUS, 1200 South 4th Street, Suite 206, Las Vegas, NV 89104 appeared on behalf of the applicant indicating he concurred with Staff recommendations with the exception of Condition No. 9. He requested it be amended to include the words, "or an eight foot high screen wall".

Marc Jordan, Planning Manager explained in the Design Standards there were two ways to screen between two different adjacent land uses. In this case, the property to the south where the screening applied, was zoned M-2 but there was a hotel built on the site. The wall was 6 ½ feet tall; therefore, the only way to raise the height of the wall, was to get

approval by the adjacent property owner and when you build over six feet, you had to have the wall engineered and if the wall was not currently engineered, it might mean they would have to tear the wall down to rebuild it to eight feet. Another screening transition could be the use of landscaping. The area was part of their storage area, but it was felt that adding the trees at 20 foot on center would get more height than an eight foot wall and help serve as a better buffer between the storage yard of the diesel trucks and the hotel with their swimming pool. Staff was trying to protect the adjacent use a little more, which was why Staff made the recommendation of the landscaping versus raising the wall. However, out of fairness to the applicant, raising the wall would be an option, but would be at the Commission's discretion.

Chairman Steve Brown asked if the wall would be nine foot.

Mr. Christopherson responded it would be an eight foot wall and they just wanted the option to increase the height of the wall.

Chairman Steve Brown opened the Public Hearing. The following participant came forward:

- **Wes Kelso, 2575 Montessori Avenue #200, Las Vegas, NV 89117** who is the project manager for Sun West Commercial LLC, the owners of Hampton Inn located at 2910 East Craig Road, did not oppose the application but had an issue with the drainage. There was a four foot flume that came onto their property from the applicant's property and were concerned the improvement plans showed it drained away from their property, as they were concerned if there were a fuel spill, it may go through their property. He was not aware of the screening issue, but would prefer the trees.

Jennifer Doody of Public Works stated the existing site drained to that point, so the drainage laws stated when the property was developed, they could drain to it as long as the quantity and manner did not change from what was existing. So, when the drainage study was reviewed, that would be taken into consideration. With the requirements of the Fire Department and Environmental, the applicant would be required to have secondary containment around the fuel tanks, so if there was any spill, it would be contained within the secondary containment before it would be able to discharged from that.

Vice-Chairman Dilip Trivedi asked the applicant the distance from the property line to the tank.

Mr. Christopherson responded from the north property line it was approximately 90 feet.

Vice-Chairman Trivedi asked if the hotel was on the south side.

Mr. Christopherson stated it was on the south side, which the tank was 500 feet from the south wall.

Vice-Chairman Trivedi asked if there was a plan in the incident of a fire.

Mr. Christopherson stated there was fire protection on site, but the flash point for diesel fuel was pretty high.

Chairman Brown closed the Public Hearing.

Commissioner Laura Perkins preferred the landscaping as it would grow and provide a better screening than a wall.

Chairman Brown also thought the trees would look nicer, but the site was in an industrial area.

Marc Jordan, Planning Manager explained if the condition was amended to allow an eight foot wall or landscaping, it gave the discretion to the applicant not to Staff. Also, he disagreed that having landscaping at the end of the storage area next to the wall would not be an obstacle, because the truck would not be driving next to the wall. The trees might also help serve as a barrier to protect the wall just in case a truck driver were to back up or misjudge where they were, they would hit the trees rather than the wall. Just because the two properties were zoned M-2, one was of a commercial nature because it was approved as a hotel through the special use permit that came through the process, so part of Staff's job, as planners, was to look at the surrounding uses and try to protect those uses.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Leavitt

SECOND: Commissioner Ewing

AYES: Chairman Brown, Vice-Chairman Trivedi, Commissioners Leavitt, Perkins, Joiner-Greene and Ewing

NAYS: None

ABSTAIN: None

3. **UN-63-11 (43569) ADVANTAGE 2 (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ROBERT FRIMET ON BEHALF OF MARBONITA, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW THE PURCHASE OF GOLD, SILVER, AND OTHER PRECIOUS METALS (SECONDHAND DEALER). THE PROPERTY IS LOCATED AT 2672 NORTH LAS VEGAS BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 139-13-313-001. (FOR POSSIBLE ACTION)**

The application was presented by Marc Jordan, Planning Manager who explained the applicant currently had a license for check cashing and recently amended the license to allow money orders, wire transfers, phone card sales, pre-paid debit cards, faxes, etc. and were now requesting approval to allow the purchase of gold, silver, and other precious metals. Similar requests have been brought before the Commission. Staff was supporting the application and because it fell within the north Redevelopment area, it would be forwarded to the Redevelopment Agency for final consideration.

The applicant was not present

Chairman Steve Brown recognized Councilwoman Wood.

Chairman Steve Brown opened the Public Hearing. There was no public participation.

Chairman Brown closed the Public Hearing.

Commissioner Dean Leavitt suggested the application be continued, because with the parameters and consideration of the application being an expansion of an existing business and the nature of the business, he wanted to make sure the applicant was aware of the requirements.

Vice-Chairman Dilip Trivedi agreed with Commissioner Leavitt's comments.

ACTION: CONTINUED TO OCTOBER 12, 2011

MOTION: Commissioner Leavitt

SECOND: Vice-Chairman Trivedi

AYES: Chairman Brown, Vice-Chairman Trivedi, Commissioners Leavitt, Perkins, Joiner-Greene and Ewing

NAYS: None

ABSTAIN: None

Chairman Steve Brown re-opened the Public Hearing on UN-63-11.

Second Public Forum was heard next.

4. **SPR-08-09 (43571) WEB-SITE BUSINESS PARK. AN APPLICATION SUBMITTED BY PASSCO COMPANIES DEVELOPMENT, LLC ON BEHALF OF PCDC DEVELOPMENT FUND 2006, LLC, PROPERTY OWNER, FOR AN EXTENSION OF TIME OF A PREVIOUSLY APPROVED SITE PLAN REVIEW IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW AN INDUSTRIAL DEVELOPMENT CONSISTING OF APPROXIMATELY 270,450 SQUARE FEET; WAIVERS FROM THE INDUSTRIAL DEVELOPMENT STANDARDS. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF TROPICAL PARKWAY AND BEESLEY DRIVE. THE ASSESSOR'S PARCEL NUMBER IS 123-27-201-025. (FOR POSSIBLE ACTION)**

Item Nos. 4 and 5 were heard together.

It was requested by the applicant to continue SPR-08-09 to October 12, 2011.

ACTION: CONTINUED TO OCTOBER 12, 2011

MOTION: Commissioner Leavitt

SECOND: Commissioner Perkins

AYES: Chairman Brown, Vice-Chairman Trivedi, Commissioners Leavitt, Perkins, Joiner-Greene and Ewing

NAYS: None

ABSTAIN: None

OLD BUSINESS

5. **SPR-09-11 (43435) COLONIAL GRAND @ AZURE. AN APPLICATION SUBMITTED BY COLONIAL REALTY LP, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN R-3 MULTI-FAMILY RESIDENTIAL DISTRICT CONSISTING OF 438 MULTI-FAMILY UNITS. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF TROPICAL PARKWAY AND LAMB BOULEVARD. THE ASSESSOR'S PARCEL NUMBERS ARE 123-30-601-013,-014 AND -015. (FOR POSSIBLE ACTION) (CONTINUED AUGUST 10, 2011)**

Item Nos. 4 and 5 were heard together.

It was requested by the applicant to continue SPR-09-11 to October 12, 2011.

ACTION: CONTINUED TO OCTOBER 12, 2011

MOTION: Commissioner Leavitt

SECOND: Commissioner Perkins

AYES: Chairman Brown, Vice-Chairman Trivedi, Commissioners Leavitt, Perkins,
Joiner-Greene and Ewing

NAYS: None

ABSTAIN: None

Item No. 1 was heard next.

PUBLIC FORUM

There was no public participation.

DIRECTOR'S BUSINESS

Community Services and Development Director Frank Fiori informed the Commission Staff had been working with the National Guard on the Floyd Edsal Training Center regarding issues with appropriate development of some of the casinos within the vicinity of the site and the City agreed to join with them and also some stakeholders, Nellis Air Force Base, Clark County, and UNLV in regards to a Joint Land Use Study. The Study was now in its final draft stages and would be presented to the Commission at the October 12, 2011 Planning Commission meeting for a recommendation to City Council.

CHAIRMAN'S BUSINESS

Commissioner Dean Leavitt recognized Acting City Attorney Jeff Barr and thanked Staff for their direction and guidance.

ADJOURNMENT

The meeting adjourned at 6:52 p.m.

APPROVED: October 12, 2011

/s/ Steve Brown
Steve Brown, Chairman

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