

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

December 12, 2012

BRIEFING: 5:38 P.M., Caucus Room, 2250 Las Vegas Boulevard North, North Las Vegas, Nevada

CALL TO ORDER: 6:01 P.M., Council Chambers, 2250 Las Vegas Boulevard North, North Las Vegas, Nevada

WELCOME: Chairman Steve Brown

ROLL CALL: Chairman Steve Brown - Present
Vice-Chairman Jay Aston - Absent
Commissioner Laura Perkins - Present
Commissioner Sylvia Joiner-Greene - Present
Commissioner Willard Ewing - Present
Commissioner Nelson Stone - Absent
Commissioner Felix Acevedo - Present

STAFF PRESENT: Frank Fiori, Community Services and Development Director
Marc Jordan, Planning Manager
Robert Eastman, Principal Planner
Bethany Rudd Sanchez, Sr. Deputy City Attorney
Jennifer Doody, Development & Flood Control
Eric Hawkins, Public Works, Traffic
Quang Phan, Utilities Department
Jo Ann Lawrence, Recording Secretary

VERIFICATION: Jo Ann Lawrence, Recording Secretary

PLEDGE OF ALLEGIANCE: Chairman Steve Brown

PUBLIC FORUM

Scott Sauer, (no address stated) commended the Commission and Staff for a job well done and wished them a Merry Christmas and Happy New Year and that 2013 be a better year.

MINUTES

- Approval of Minutes for the Planning Commission Meeting of November 14, 2012
(For possible action)

ACTION: APPROVED

MOTION: Commissioner Perkins

SECOND: Chairman Brown

AYES: Chairman Brown, Commissioners Perkins, Joiner-Greene, Ewing, and
Acevedo

NAYS: None

ABSTAIN: None

NEW BUSINESS

1. **UN-39-12 (45261) EL BUO HOOKAH LOUNGE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PEDRO LACHICA ON BEHALF OF LAS VEGAS ADVENTURE LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT, TO ALLOW THE "ON-SALE" OF BEER AND WINE IN CONJUNCTION WITH AN EXISTING HOOKAH LOUNGE. THE PROPERTY IS LOCATED AT 955 WEST CRAIG ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-04-713-006. (FOR POSSIBLE ACTION)**

The application was presented by Robert Eastman, Principal Planner who explained the applicant was requesting a use permit for the on-sale of beer and wine in conjunction with a hookah lounge, which has been in operation for approximately one month. The applicant submitted documentation showing the use was in compliance with the distance separation requirements from any existing day cares, schools, parks and churches. There were two existing on-sale uses inside the shopping center, which were previously approved. The proposed use would not be detrimental to the neighborhood; therefore, Staff was recommending approval of UN-39-12 subject to the following condition:

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

Pedro Lachica, 955 West Craig Road, North Las Vegas, NV appeared on the application indicating he concurred with Staff recommendation.

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

Chairman Brown closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Acevedo

SECOND: Commissioner Joiner-Greene

AYES: Chairman Brown, Commissioners Perkins, Joiner-Greene, Ewing, and Acevedo

NAYS: None

ABSTAIN: None

2. **UN-40-12 (45304) TATTED-UP TATTOO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MAURICE WASHINGTON ON BEHALF OF DESERT SKY INVESTMENTS LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN R-A/DC, REDEVELOPMENT-AREA/DOWNTOWN CORE SUBDISTRICT TO ALLOW A TATTOO PARLOR. THE PROPERTY IS LOCATED AT 310 EAST LAKE MEAD BLVD. THE ASSESSOR'S PARCEL NUMBER IS 139-22-605-002. (FOR POSSIBLE ACTION)**

The application was presented by Robert Eastman, Principal Planner who explained the tattoo parlor was proposed to take up one suite of an existing building that was constructed in 1954. The existing shopping center uses egress off of Yale Avenue and was a small center that was not in conformance with the current Design Guidelines and there were no building, landscaping or parking upgrades included with the application. Generally, the proposed use was not recommended as part of the Redevelopment area and downtown core as demonstrated by the downtown re-investment strategy which is the Downtown Plan adopted by the City Council and was part of the planning documents. The proposed tattoo parlor was not a preferred use in the neighborhood as it would be located in the major gateway into the City and the plan calls for a predominantly pedestrian oriented commercial office use with complimentary retail uses; therefore, Staff was recommending that UN-40-12 be forwarded to the Redevelopment Agency with a recommendation for denial.

Robert Taylor, (no address stated) appeared on the application indicating he and Maurice Washington owned the tattoo parlor and he also owned the barbershop located in the same center and also explained he previously owned a tattoo parlor at 1104 East Fremont Street in Las Vegas and when the City of North Las Vegas revised their Code to allow tattoo parlors, he decided to move his shop to North Las Vegas and his neighboring businesses were in support of the use. Mr. Taylor showed pictures of the interior of his barber shop and also his previous tattoo parlor, to show he had improved the interior of the building and felt if his application were approved it would bring jobs to the City.

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

Chairman Brown closed the Public Hearing.

Commissioner Laura Perkins stated she did not have a problem with a tattoo parlor but did not feel it belonged in the area being proposed, as it was the gateway into North Las Vegas. She understood it was not the applicant's responsibility to make improvements to the outside of the building, but it would still not be within the current design guidelines.

Mr. Taylor understood the outside of the building needed to be upgraded and was willing to help improve the outside of the building and asked if the City had funds to help. He pointed out when the freeway was done, there was landscaping done up to the building he was located in and also was done at the other end of the building and he did not understand why there was no road improvements done along the section where his business was located.

Chairman Brown asked where the right-of-way began.

Eric Hawkins stated the right-of-way was generally to the back of sidewalk.

Commissioner Will Ewing asked Mr. Taylor what had been discussed regarding the upgrade to the outside of the building.

Mr. Taylor responded he had talked to the property owner about putting on a new roof and also putting stucco and commercial doors on the outside of the building.

Commissioner Ewing asked if the applicant could work with Staff on the building upgrades.

Mr. Eastman responded Staff was willing to meet with the applicant to inform them of the current commercial design standards; but did not feel the building could be brought to the current standards easily, but the building façade could be improved.

Mr. Taylor responded that would cost a lot of money, which he did not have and did not feel he should have to spend that kind of money to open his business, when there were currently businesses operating in the center.

Chairman Steve Brown explained the Planning Commission was a recommending body to the Redevelopment Agency, which would have the final say.

Commissioner Sylvia Joiner-Greene wanted to be sure the applicant understood the area he was proposing to put his business was a catalyst to the downtown area of the City and the thought process was to enhance the City of North Las Vegas and asked the applicant if he was willing to go in half with the owner of the building to enhance the appearance of the building.

Mr. Taylor responded he was willing to help improve the building but could not afford it.

Chairman Brown explained the Commission was not looking at the type of use but at the location, which was not suitable for the entryway into the City.

Commissioner Ewing suggested continuing the application to give the applicant time to present a plan for the building.

ACTION: APPROVE SUBJECT TO STAFF RECOMMENDATION

MOTION: Commissioner Acevedo

SECOND: Chairman Brown

AYES: Commissioner Acevedo

NAYS: Chairman Brown, Commissioners Perkins, Joiner-Greene, and Ewing

ABSTAIN: None

The approval failed. Chairman Brown asked for another motion.

ACTION: DENIED; FORWARDED TO REDEVELOPMENT AGENCY FOR FINAL CONSIDERATION

MOTION: Commissioner Perkins

SECOND: Chairman Brown

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

NAYS: Commissioner Acevedo

ABSTAIN: None

3. ZN-09-12 (45310) VARGAS-FLOWER AVE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY WILLIAM VARGAS, PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTY FROM AN R-1, SINGLE FAMILY LOW DENSITY DISTRICT TO A PUD / PID, PLANNED UNIT DEVELOPMENT / PLANNED INFILL DEVELOPMENT DISTRICT. THE PROPERTY IS LOCATED AT 2501 FLOWER AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-24-312-039. (FOR POSSIBLE ACTION)

The application was presented by Robert Eastman, Principal Planner who explained the parcels adjacent to Civic Center Drive have slowly converted from a mix of predominantly residential with some commercial to predominantly commercial with some residential homes and this application was for the last residential zoned lot for most of Owens Avenue and was the only one for the four blocks south of Lake Mead Boulevard. The applicant was proposing to develop the lot into professional offices similar to the others developed along Civic Center Drive over the past five to ten years. The applicant was requesting a reduction in the parking, which was an allowable request because it was a planned in-fill development and would be providing five parking spaces. The applicant was also proposing some minor modifications to the home and the site to allow access off of Flower Avenue and also some minor changes to the building. If the application was approved, Staff was requesting that the building be stucco and the applicant provide more enhancements to the roof line similar to other buildings in the area and also provide a low wall to separate and provide screening for the cars in the parking lot from Civic Center Drive. Staff was recommending approval of ZN-09-12 with Condition No. 2 amended to read: "Approval of the parking study supporting the reduction of the required parking to five off-street parking spaces is required" and Condition No. 7 added to read: "Uses are limited in this PID to Professional Offices" and items would be renumbered. 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. Approval of the parking study, supporting the reduction of the required parking to five off-street parking spaces is required, or ZN-09-12 shall be null and void.
3. Landscaping along Civic Center Drive shall contain a minimum of three Mediterranean fan or date palms with complementary shrubs and ground covers to provide 50% ground coverage within two years of planning.
4. A three foot tall split-faced block wall shall be placed between the parking lot and Civic Center Drive.
5. The roofline shall be modified to soften the transition between the parapet and the sloped roof.

6. The building shall use a stucco exterior with popouts around the windows to help comply with the Commercial Design Standards.
7. Approval of a parking study is required prior to approval of the civil improvement plans.
8. In order to comply with current ADA requirements, the existing driveway on Flower Ave must be removed and replaced per Clark County Area Uniform Standard Drawing number 226.S1.
9. Civil improvement plans showing the following items are required:
 - a. Removal and replacement of the driveway
 - b. Relocation of the water meter and appurtenances, as required by the Utilities Dept.
 - c. Parking lot striping

David McKee, Architect, 5250 South Rainbow, Suite 2006, Las Vegas, NV 89118 and William Vargas, PO Box 363789, North Las Vegas, NV 89036 appeared on the application. Mr. McKee indicated they concurred with Staff recommendation.

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

Chairman Brown closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH CONDITION NO. 2 AMENDED AND CONDITION NO. 7 ADDED (ITEMS TO BE RENUMBERED) TO READ AS FOLLOWS:

2. APPROVAL OF THE PARKING STUDY, SUPPORTING THE REDUCTION OF THE REQUIRED PARKING TO FIVE OFF-STREET PARKING SPACES IS REQUIRED.
7. USES ARE LIMITED WITHIN THIS PID TO PROFESSIONAL OFFICES.

FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Perkins

SECOND: Commissioner Ewing

AYES: Chairman Brown, Commissioners Perkins, Joiner-Greene, Ewing, and Acevedo

NAYS: None

ABSTAIN: None

4. UN-11-07 (45318) CHILDREN'S LEARNING ADVENTURE AKA TUTOR TIME (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CARL FRONTERA W/ CHILDREN'S LEARNING ADVENTURE ON BEHALF OF ANN ROAD CLA PARTNERS, LTD, PROPERTY OWNER, FOR AN EXTENSION OF TIME TO A PREVIOUSLY APPROVED SPECIAL USE PERMIT IN A C-P, PROFESSIONAL OFFICE COMMERCIAL DISTRICT TO ALLOW A CHILD CARE FACILITY. THE PROPERTY IS LOCATED AT 3470 WEST ANN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-29-401-007. (FOR POSSIBLE ACTION)

The application was presented by Marc Jordan, Planning Manager who explained this was the third request for an extension of time. The proposed site plan and building plans were in compliance with the Commercial Design Guidelines. The only exception Staff would make would be a minor addition to provide landscaping adjacent to the trash enclosure. There were 46 parking spaces and based on that and the size of the building, 276 children would be allowed in the facility. The applicant indicated they would probably have less children than allowed. Staff was recommending approval of UN-11-07 subject to the following conditions:

1. Unless expressly authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. This use permit is site specific and non transferrable.
3. Submit a revised copy of landscape plan showing
 - a) The parking lot that abuts Ann Road must be setback twenty (20) feet from the property line and shall be screened by landscaping. Street trees must be planted along Ann Road in accordance with Title 17 requirements. A minimum of 60% percent ground coverage shall be provided in all landscape areas within two years that a Certificate of Occupancy is issued.
4. The extension of time for UN-11-07 will expire on February 28, 2015.
5. Approval of a drainage study is required prior to submittal of the civil improvement plans.
6. Clark County Regional Flood Control District (CCRFCD) concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
7. 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.

8. 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.
9. The property owner is required to grant a roadway easement for commercial driveway(s).
10. The property owner shall sign a restrictive covenant for utilities.
11. If the property is divided in the future, the applicant must submit a commercial subdivision map.
12. The property owner is required to grant a pedestrian access easement for sidewalk located within a common element, or on private property, when that sidewalk is providing access adjacent to the right-of-way.
13. A revocable encroachment permit for landscaping within the public right of way is required.
14. All off-site improvements must be completed prior to final inspection of the first building.
15. Show all recorded easements on the site plan.
16. Approval of a traffic study is required prior to submittal of the civil improvement plans.
17. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Ann Road.
18. The public street geometrics, width of over-pave and minimum acceptable thickness of the pavement sections will be determined by the Department of Public Works.
19. 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.
20. Commercial driveways are to be constructed in accordance with *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.
21. Fire Department apparatus access lanes shall be provided within 150 feet of all exterior ground floor walls of all buildings/structures or any portion of facilities as the hose lays unless an alternate method is approved by the Fire Department.

22. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
23. Exterior walls located at five (5) feet away from property lines shall be fire rated walls per IBC 2006 requirements.

David Nitten, 3131 East Camelback Road, Phoenix, AZ appeared on behalf of the applicant indicating he concurred with Staff recommendation.

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

Chairman Brown closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Perkins

SECOND: Commissioner Ewing

AYES: Chairman Brown, Commissioners Perkins, Joiner-Greene, Ewing, and Acevedo

NAYS: None

ABSTAIN: None

5. **UN-41-12 (45314) VILLAGE @ CRAIG RD (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BEAUTY ACADEMY OF ART & SCIENCE ON BEHALF OF DIVERSIFIED BUSINESS STRATEGIES, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT, TO ALLOW A COSMETOLOGY VOCATIONAL TRAINING FACILITY. THE PROPERTY IS LOCATED AT 3249 WEST CRAIG ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-05-302-009. (FOR POSSIBLE ACTION)**

The application was presented by Marc Jordan, Planning Manager who explained the applicant was proposing to occupy four suites within the building, which would be approximately 6,000 square feet. At the time the shopping center was built 375 parking spaces were installed where only 329 were required. The applicant indicated there would be approximately 30 students and the hours were from 9 a.m. to 9 p.m. Staff does not perceive the use as having any adverse impact on the existing businesses in the shopping center. Staff was recommending approval of UN-41-12 subject to the following condition:

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

Buzz ??, Nevada Capital Asset Management on behalf of Diversified Business Strategies, 2320 Paseo Del Prado, Suite B-302 Las Vegas, NV 89102 and Layman Waltkeon Welch on behalf of Beauty Academy of Art & Sciences, 3155 West Craig Road, Las Vegas, NV 89032 appeared on the application indicating they concurred with Staff recommendation.

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

Chairman Brown closed the Public Hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Ewing

SECOND: Commissioner Perkins

AYES: Chairman Brown, Commissioners Perkins, Joiner-Greene, Ewing, and Acevedo

NAYS: None

ABSTAIN: None

PUBLIC FORUM

There was no public participation.

DIRECTOR'S BUSINESS

Community Services and Development Director Frank Fiori wished everyone Happy Holidays and that 2013 be a great year.

CHAIRMAN'S BUSINESS

Chairman Steve Brown also wished everyone Happy Holidays.

ADJOURNMENT

The meeting adjourned at 6:36 p.m.

APPROVED: January 9, 2013

/s/ Steve Brown
Steve Brown, Chairman

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