

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

February 13, 2013

BRIEFING: 5:33 P.M., Caucus Room, 2250 Las Vegas Boulevard North, North Las Vegas, Nevada

CALL TO ORDER: 6:05 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 - Present
Commissioner Laura Perkins - Present
Commissioner Sylvia Joiner-Greene - Present
Commissioner Willard Ewing - Present
Commissioner Nelson Stone - Present
Commissioner Felix Acevedo - Present

STAFF PRESENT: Frank Fiori, Community Services and Development Director
Marc Jordan, Planning Manager
Robert Eastman, Principal Planner
Sandra Douglass Morgan, Chief Deputy City Attorney
Jennifer Doody, Development & Flood Control
Eric Hawkins, Public Works, Traffic
Curt Kroecker, Utilities Department
Jo Ann Lawrence, Recording Secretary

VERIFICATION: Jo Ann Lawrence, Recording Secretary

PLEDGE OF ALLEGIANCE: Commissioner Felix Acevedo

PUBLIC FORUM

There was no public participation.

MINUTES

• **APPROVAL OF MINUTES FOR THE PLANNING COMMISSION MEETING OF
JANUARY 9, 2013 (FOR POSSIBLE ACTION)**

ACTION: APPROVED

MOTION: Commissioner Perkins

SECOND: Commissioner Acevedo

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

NAYS: None

ABSTAIN: None

NEW BUSINESS

1. **AMP-02-13 (45541) MAVERIK INC. (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MAVERIK INC. ON BEHALF OF SHAMOUN GHASSAN, ZORA ZUHAIR AND SEQUOIA FINANCIAL SOLUTIONS INC. FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF EMPLOYMENT TO NEIGHBORHOOD COMMERCIAL. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF ALEXANDER ROAD AND MARTIN LUTHER KING BOULEVARD. THE ASSESSOR'S PARCEL NUMBERS ARE 139-04-410-007 THRU 139-04-410-014. (FOR POSSIBLE ACTION)**

It was requested by the applicant to continue AMP-02-13 to March 13, 2013.

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

Chairman Brown indicated the Public Hearing would remain open.

ACTION: CONTINUED TO MARCH 13, 2013

MOTION: Vice-Chairman Aston

SECOND: Commissioner Acevedo

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

NAYS: None

ABSTAIN: None

2. **ZN-02-13 (45542) MAVERIK INC. (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MAVERIK INC. ON BEHALF OF SHAMOUN GHASSAN, ZORA ZUHAIR AND SEQUOIA FINANCIAL SOLUTIONS INC. FOR A RECLASSIFICATION OF PROPERTY FROM A PUD, PLANNED UNIT DEVELOPMENT DISTRICT AND C-P, PROFESSIONAL OFFICE COMMERCIAL DISTRICT TO A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF ALEXANDER ROAD AND MARTIN LUTHER KING BOULEVARD. THE ASSESSOR'S PARCEL NUMBERS ARE 139-04-410-007 THRU 139-04-410-014. (FOR POSSIBLE ACTION)**

It was requested by the applicant to continue ZN-02-13 to March 13, 2013.

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

Chairman Brown indicated the Public Hearing would remain open.

ACTION: CONTINUED TO MARCH 13, 2013

MOTION: Vice-Chairman Aston

SECOND: Commissioner Acevedo

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

NAYS: None

ABSTAIN: None

3. **T-1350 (45545) MAVERIK INC. AN APPLICATION SUBMITTED BY MAVERIK INC, ON BEHALF OF SHAMOUN GHASSAN, ZORA ZUHAIR AND SQUOIA FINANCIAL SOLUTIONS INC., PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN A PUD, PLANNED UNIT DEVELOPMENT DISTRICT AND IN A C-P PROFESSIONAL OFFICE COMMERCIAL DISTRICT (PROPOSED C-1, NEIGHBORHOOD COMMERCIAL DISTRICT) TO CREATE A SINGLE LOT COMMERCIAL SUBDIVISION. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF ALEXANDER ROAD AND MARTIN LUTHER KING BOULEVARD. THE ASSESSOR'S PARCEL NUMBERS ARE 139-04-410-009 THRU 139-04-410-014. (FOR POSSIBLE ACTION)**

It was requested by the applicant to continue T-1350 to March 13, 2013.

ACTION: CONTINUED TO MARCH 13, 2013

MOTION: Vice-Chairman Aston

SECOND: Commissioner Acevedo

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

NAYS: None

ABSTAIN: None

4. **UN-06-13 (45544) MAVERIK INC. (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MAVERIK INC. ON BEHALF OF SHAMOUN GHASSAN, ZORA ZUHAIR AND SEQUOIA FINANCIAL SOLUTIONS INC., PROPERTY OWNERS, FOR A SPECIAL USE PERMIT IN A PUD, PLANNED UNIT DEVELOPMENT DISTRICT AND A C-P, PROFESSIONAL OFFICE COMMERCIAL DISTRICT (PROPOSED C-1, NEIGHBORHOOD COMMERCIAL DISTRICT) TO ALLOW A CONVENIENCE FOOD STORE WITH GAS PUMPS. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF ALEXANDER ROAD AND MARTIN LUTHER KING BOULEVARD. THE ASSESSOR'S PARCEL NUMBERS ARE 139-04-410-009 THRU 014. (FOR POSSIBLE ACTION)**

It was requested by the applicant to continue UN-06-13 to March 13, 2013.

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

Chairman Brown indicated the Public Hearing would remain open.

ACTION: CONTINUED TO MARCH 13, 2013

MOTION: Vice-Chairman Aston

SECOND: Commissioner Acevedo

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

NAYS: None

ABSTAIN: None

Item No. 13, was heard next

5. **UN-02-13 (45479) IDEAL AUTO BODY LLC (PUBLIC HEARING). AN APPLICATION SUBMITTED BY IDEAL AUTO BODY INC. ON BEHALF OF GERALD BUTLER, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2 GENERAL INDUSTRIAL DISTRICT TO ALLOW A VEHICLE REPAIR FACILITY. THE PROPERTY IS LOCATED AT 3843 EAST CRAIG ROAD, SUITES 11 & 12. THE ASSESSOR'S PARCEL NUMBER IS 140-06-210-032. (FOR POSSIBLE ACTION)**

The application was presented by Marc Jordan, Planning Manager who explained the applicant was proposing to occupy approximately 4900 square feet in two suites. There would not be an impact on the parking and there was to be no outside storage. Staff was recommending approval of UN-02-13 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. All repair and overnight storage of vehicles shall take place within the building.
3. Prior to issuance of the Business License/Certificate of Occupancy, a traffic study must be submitted to Public Works for review and approval. The applicant may apply for a traffic study waiver. Contact Traffic Engineering Services at 633-2749.

Jorge Zulaica, 6226 Eliza Lane, North Las Vegas, NV 89031 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 Perkins

SECOND: Vice-Chairman Aston

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

NAYS: None

ABSTAIN: None

6. VAC-03-13 (45547) GOLDFIELD I (PUBLIC HEARING). AN APPLICATION SUBMITTED BY WILLIAM LYON HOMES, INC., PROPERTY OWNER, TO VACATE A PORTION OF ROSADA WAY BEGINNING AT GOLDFIELD STREET AND EXTENDING EAST APPROXIMATELY 313 FEET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-34-701-020 AND 124-34-701-025. (FOR POSSIBLE ACTION)

The application was presented by Marc Jordan, Planning Manager who explained the applicant was proposing to develop the site with single-family homes. The vacation has been requested two other times; which have expired and the application being presented was consistent with previous approvals. Staff was recommending approval of VAC-03-13 subject to the following conditions:

1. The vacation shall record after, or concurrently with, the following dedications:
 - a. APN 124-34-701-020: Goldfield St. 30 feet
 - b. APN 124-34-701-026: Eagle Way 30 feet
 - c. APN 124-34-701-029: Goldfield St. 30 feet & Eagle Way 30 feet
 - d. APN 124-34-701-032: Goldfield St. 30 feet
 - e. APN 124-34-701-038: Goldfield St. 30 feet & La Madre Way 30 feet
2. Should the Order of Vacation not record within one year from the approval date, the vacation shall be deemed null and void.

Robert Cunningham, Taney Engineering, 6030 South Jones, Suite 100, Las Vegas, NV 89118 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 CONDIITONS;
FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION**

MOTION: Vice-Chairman Aston

SECOND: Commissioner Joiner-Greene

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

NAYS: None

ABSTAIN: None

7. **VAC-04-13 (45548) BRUCE & WASHBURN (PUBLIC HEARING). AN APPLICATION SUBMITTED BY WILLIAM LYON HOMES, INC., PROPERTY OWNER, TO VACATE A TEN (10) FOOT WIDE PUBLIC DRAINAGE EASEMENT. THE DRAINAGE EASEMENT IS LOCATED APPROXIMATELY 280 FEET EAST OF BRUCE STREET AND APPROXIMATELY 154 FEET SOUTH OF WASHBURN ROAD. THE ASSESSOR'S PARCEL NUMBERS ARE 124-35-701-003 AND 124-35-701-004. (FOR POSSIBLE ACTION)**

The application was presented by Marc Jordan, Planning Manager who explained the proposed vacation was in line with a tentative map that was approved in 2010 and was still valid. Staff was recommending approval of VAC-04-13 subject to the following condition:

1. The vacation must record concurrently with the final map, as appropriate drainage must be provided for APN 124-35-701-001. Should the Order of Vacation not record within one year from the approval date, the vacation shall be deemed null and void.

Robert Cunningham, Taney Engineering, 6030 South Jones, Suite 100, Las Vegas, NV 89118 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;
FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Vice-Chairman Aston

SECOND: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

8. **UN-03-13 (45527) PYRITZ GROUP STORAGE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY AUGUST SANTORE ON BEHALF OF FNBN KAPEX, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW THE STORAGE OF HAZARDOUS MATERIALS (PYROTECHNICS). THE PROPERTY IS LOCATED AT 13975 GRAND VALLEY PARKWAY. THE ASSESSOR'S PARCEL NUMBER IS 103-16-010-009. (FOR POSSIBLE ACTION)**

The application was presented by Robert Eastman, Principal Planner who explained this was an expansion to a previous use permit approved in 2010. There were two additional companies using two separate bunkers to store additional fireworks. One company was using a commercial grade fireworks for show pyrotechnics and the other was using consumer grade fireworks. The proposed application had been reviewed and both the Environmental Division and Fire Department had reviewed the proposed storage and were recommending approval. Staff felt, since the site was in the Apex area, it was an appropriate use. There were also conversations with NV Energy who had some concerns about the use, and Staff felt NV Energy could come to an agreement with the applicant during the course of the meeting. Staff was recommending approval of UN-03-13 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. Prior to issuance of the Business License or Certificate of Occupancy, a traffic study update must be submitted to Public Works for review and approval. Contact Traffic Engineering Services at 633-2749.

Terry Ritz, 4224 Arcata Way, Suite F, North Las Vegas, NV 89030 appeared on the application. Staff was requesting a current traffic study, which the applicant felt was not necessary as there was no traffic in the area. He pointed out NV Energy used the road and there was one other occupant in the area, so he felt there was no need for a Traffic Study. He also stated they addressed the concerns of NV Energy and felt they had come to an amiable solution.

Chairman Steve Brown understood Staff was not saying the applicant must comply with NV Energy and it did not affect the Planning Commission's decision.

Mr. Eastman explained the conditions the applicant and NV Energy agreed to, must be enforced by NV Energy and not by the City of North Las Vegas.

Chairman Brown thought the condition regarding the Traffic Study was standard and asked Public Works Staff to address the condition.

Eric Hawkins of Public Works said a Master Transportation Study was done for the Apex area which required all new development to provide an update; but, the applicant could request a waiver, which would be reviewed at that time.

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

Tom Dombrowski, NV Energy, 6226 West Sahara, Las Vegas, NV 89146 indicated he had met with the applicant and agreed to some conditions they would like added to the record. He had given a copy of the conditions to Staff and read them into the record as follows:

1. The applicant shall work with NV Energy representatives to establish an emergency response/critical issue communication plan within 30 days.
2. Provide updated Material Safety Data Sheets, based on the new federal regulations, to NV energy within six months.
3. Provide a security plan for the entire storage complex with a site tour with NV Energy Representatives prior to finalizing the security plan within 30 days.

Mr. Dombrowski indicated if the applicant was in concurrence with the NV Energy conditions, they were okay with the approval of the application.

Chief Deputy City Attorney Sandra Douglass Morgan explained the conditions were not City conditions and wanted the applicant and NV Energy to understand the City of North Las Vegas was under no obligation to enforce any of the three conditions proposed by NV Energy and if any of the conditions were not fulfilled, that would be a recourse NV Energy would have to take up with the applicant and not the City of North Las Vegas.

Mr. Dombrowski asked if the conditions could be re-worded and be incorporated into the approval.

Chief Deputy City Attorney Douglass Morgan explained NV energy could enter into an agreement with the applicant, which would make the conditions enforceable by NV Energy.

Chairman Brown clarified the applicant was in agreement with the conditions by NV Energy.

Mr. Ritz responded they were in agreement with the NV Energy conditions..

Chairman Brown closed the Public Hearing.

Commissioner Nelson Stone asked NV Energy and Staff if they would had control whether an agreement would or would not occur and asked NV Energy if they would support the application.

Mr. Dombrowski responded NV Energy was in support of the application.

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

MOTION: Commissioner Perkins

SECOND: Commissioner Joiner-Greene

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

NAYS: None

ABSTAIN: None

9. **UN-04-13 (45531) GOOD SAMARITAN CHURCH (PUBLIC HEARING). AN APPLICATION SUBMITTED BY GOOD SAMARITAN CHURCH ON BEHALF OF LAS VEGAS ADVENTURE LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW A RELIGIOUS INSTITUTION (CHURCH). THE PROPERTY IS LOCATED AT 825 WEST CRAIG ROAD, SUITE 102. THE ASSESSOR'S PARCEL NUMBER IS 139-04-713-011. (FOR POSSIBLE ACTION)**

The application was presented by Robert Eastman, Principal Planner who explained the use was in an existing commercial retail shopping center and would occupy one suite. According to the site plan, the assembly space was over 1600 square feet and would accommodate 60 parishioners. The development was a mix of commercial retail and restaurant uses that was over 72,000 square feet. There was adequate parking and the church would not over-burden the shopping center. Staff was recommending approval of UN-04-13 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.

John Vornsand, 62 Swan Circle, Henderson, NV 89074 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 Stone

SECOND: Commissioner Ewing

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

NAYS: None

ABSTAIN: None

10. UN-05-13 (45535) OPPORTUNITY VILLAGE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY OPPORTUNITY VILLAGE ON BEHALF OF OMNINET CRAIG LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A PUD, PLANNED UNIT DEVELOPMENT DISTRICT TO ALLOW A VOCATIONAL TRAINING FACILITY. THE PROPERTY IS LOCATED AT 4180 WEST CRAIG ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-06-613-003. (FOR POSSIBLE ACTION)

The application was presented by Robert Eastman, Principal Planner who explained the use was in an existing planned unit development. The site was approximately 28,000 square feet and the applicant was proposing to develop it into a vocational training school for their clients. The applicant was intending to convert four existing parking spaces into a loading zone for RTC Para Transit buses. The shopping center was developed with a PUD in 1998 and had since undergone numerous changes to the conditions and currently it allowed C-1 neighborhood commercial uses. Therefore, since C-1 commercial uses were allowed, a vocational training school was required to have a special use permit. When reviewing the site plan, the entire commercial center was approximately 77,000 square feet of mixed commercial and they were required to provide 308 parking spaces under the current code and were providing 397 off-street parking spaces, so were in compliance with the parking. Additionally, with the additional classroom space and the additional parking needed, there was adequate parking to meet the needs. Based on the fact there was adequate parking, the use was not detrimental to the center, Staff was recommending approval of UN-05-13 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.

Lucy Stewart, 3900 Meadows Lane, Las Vegas, NV and **Bill Risley, Opportunity Village, 6050 South Buffalo Drive, Las Vegas, NV 89113** appeared on the application. Ms. Stewart 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

MOTION: Commissioner Stone

SECOND: Commissioner Joiner-Greene

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

NAYS: None

ABSTAIN: None

11. T-1351 (45546) MAVERIK AT LOSEE & LONE MOUNTAIN. AN APPLICATION SUBMITTED BY MAVERIK, INC., PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO CREATE A SINGLE LOT COMMERCIAL SUBDIVISION. THE PROPERTY IS LOCATED NORTHEAST CORNER OF LOSEE ROAD AND LONE MOUNTAIN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-36-401-006. (FOR POSSIBLE ACTION)

The application was presented by Robert Eastman, Principal Planner who explained there was a use permit in place on the commercial center and the tentative map would allow continued development of the site. Staff was recommending approval of T-1351 with the addition of Condition No. 24 as follows: "Commercial driveways are to be designed and constructed in accordance with *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements Drawing Numbers 222a*, including throat depth. The proposed drive aisle is not necessary and can be removed without modifying the site layout." The original recommended conditions are as follows:

1. Unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. Approval of a traffic study is required prior to submittal of the civil improvement plans.
3. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Losee Road and Lone Mountain Road.
4. Right-of-way dedication and construction of a CAT bus turn-out is required on Losee Road near Lone Mountain Road per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements Drawing Numbers 234.1 or 234.3 and 234.2*. It is suggested that the applicant place the bus turnout within the exclusive right turn lane per drawing number 234.3.
5. Dedication and construction of the following streets and/or half streets is required per the *Master Plan of Streets and Highways and/or City of North Las Vegas Municipal Code* section 16.24.100:
 - a. Losee Road
 - b. Lone Mountain Road
6. 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.
7. Approval of a drainage study is required prior to submittal of the civil improvement plans.

8. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
9. The property owner is required to grant a roadway easement for commercial driveway(s).
10. 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 public access adjacent to the right-of-way.
11. A revocable encroachment permit for landscaping within the public right of way is required.
12. All Nevada Energy easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. New distribution lines or existing distribution lines being adjusted or relocated, shall be placed underground.
13. Prior to the installation of any subgrade street improvements, all required underground utilities (i.e. telephone, power, water, etc.) located within public rights-of-way, shall be extended a minimum of ten (10) feet beyond the project boundary.
14. The property owner is required to sign a restrictive covenant for utilities.
15. All off-site improvements must be completed prior to final inspection of the building.
16. The developer shall provide a meter and backflow prevention per building per City of North Las Vegas Municipal Water Services District Service Rules and Regulations.
17. The General Provisions and Conditions of the "City of North Las Vegas Water Service Rules and Regulations" must be adhered to.
18. A submittal of a Hydraulic Analysis per the "Uniform Design and Construction Standards for Potable Water Systems" (UDACS) is required and subject to review and approval of the Utilities Department.
19. A looped water system may be required for fire protection, subject to review and approval of the Utilities Department.
20. Design coordination required for the wet utilities with proposed storm drain.
21. The sample manhole shall be located to provide twenty-four (24) hour access to the City.

22. All drains, sinks, with the exception of restrooms shall be routed through a grease interceptor and sample manhole.
23. Grease interceptor and sample manhole shall be pursuant to North Las Vegas standard drawings ENV-1 and ENV-2.

Samantha Johnston, Spectrum Engineering, 8905 West Post Road, Las Vegas, NV 89140 appeared on behalf of the applicant indicating she concurred with Staff recommendation.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS WITH CONDITION NO. 24 ADDED TO READ:

24. COMMERCIAL DRIVEWAYS ARE TO BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH *UNIFORM STANDARD DRAWINGS FOR PUBLIC WORKS' CONSTRUCTION OFF-SITE IMPROVEMENTS DRAWING NUMBERS 222A*, INCLUDING THROAT DEPTH. THE PROPOSED DRIVE AISLE IS NOT NECESSARY AND CAN BE REMOVED WITHOUT MODIFYING THE SITE LAYOUT.

MOTION: Vice-Chairman Aston

SECOND: Commissioner Ewing

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

NAYS: None

ABSTAIN: None

12. SPA-01-13 (45493) WATER DISPENSER. AN APPEAL SUBMITTED BY DAPPER DEVELOPMENT ON BEHALF OF 2245 NORTH LAS VEGAS BLVD. LLC TO APPEAL THE DIRECTOR'S INTERPRETATION THAT A PROPOSED WATER VENDING KIOSK IS NOT IN COMPLIANCE WITH THE COMMERCIAL DESIGN STANDARDS. THE PROPERTY IS GENERALLY LOCATED AT THE NORTHWEST CORNER OF LAS VEGAS BOULEVARD AND HAMILTON STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-23-502-003. (FOR POSSIBLE ACTION)

The application was presented by Robert Eastman, Principal Planner who explained the applicant met with Staff on numerous occasions and during those meetings, it was determined the water bottle kiosk design did not comply with the City's Design Standards. After the meetings with Staff, the applicant set up and had a meeting with the Director to discuss the proposed design, and at that meeting, the Director determined the design was not in compliance with the Design Standards. Subsequent to that meeting, an official letter was mailed to the applicant with the determination and the applicant appealed that determination and was asking the Commission to reverse the Director's decision on the legality of the proposed water bottle kiosk and its conformance with the Commercial Design Standards. When reviewing the proposed water bottle kiosk, as shown, Staff feels the bottle was not in compliance with the Design Standards because a water kiosk was an accessory building to the principal use on the site. The principal use was the Food 4 Less grocery store and the other accessory uses on the site were the H & H Barbeque and the convenience store with gas pumps. In the Design Standards, the requirement for an accessory building was that the accessory structure took on the characteristics of the principal building, using similar colors, materials and style. The Commercial Design Standards specifically addressing the development of commercial buildings require exteriors that would be made of stone, stucco, colored or exposed aggregate or textured finish concrete, decorative block and brick. The proposed water bottle was a smooth surface concrete structure. The acceptable colors were those that were indigenous to the valley, with bright colors being acceptable as trim or accent colors and Staff felt the proposed bright blue bottle was the primary color and was too bright and not in conformance with the Design Standards. Subsequently, that was what caused Staff to not support the proposed bottle. Since the development of the site, numerous other kiosks have been developed and those were now currently in conformance with the Design Standards because they take on the characteristics of the principle building with similar color, finishes and roof colors. Staff did not feel the proposed water bottle at the proposed location was in compliance and could not support construction of the water bottle as requested by the applicant.

Bob Gronauer, 8345 West Sunset Road, Suite 250, Las Vegas, NV 89113 appeared on behalf of the applicant showing pictures of other water kiosks in the City that he did not feel were in compliance with the Design Standards. He showed a picture of the proposed water bottle kiosk along with a picture of the kiosk currently at the proposed location. He was concerned that with respect to the Commercial Guidelines they were not in violation of height, as they were approximately 14 feet tall to the top of the stem. Staff pointed out they were not compatible to the existing shopping center and he asked

if the water bottle met the design guidelines in the existence of the shopping center and questioned what was compatible and questioned whether a green or yellow water bottle would be compatible with the area or the H & H Barbeque painted a red and yellow building and asked if the bottle should be red or yellow. In the Staff Report, the use was denied as the bottle was required to be finished with earth tones or neutral colors and black or bright colors were not acceptable except as trim or accent colors, but it further stated the blue was too bright and he questioned if it was a subjective test. The Planning Staff may feel the color was too bright and the next regime may feel the color was not too bright and was not in compliance with the Design Standards. He disagreed that the color was too bright and was here to address that issue and was asking for a determination to be made as to what a bright color was, as he felt bright was yellow, fluorescent pink or orange. One of his concerns was that the decision of the Planning Department was subjective. He may think the color was nice and someone else may not like it. There were also preferable materials, which were not a requirement, and stucco, stone or other accents were not believed to be a requirement, but were preferable. The applicant's design was unique and the Code should allow for a design to be unique. The current watermill express building was larger than the water bottle being proposed by the applicant and also had excessive signage. When an applicant was trying to meet the design criteria, there should be more of a subjective test done. They have asked to come in with a site plan review and if it was not compatible, let the applicant know what he needs to do to make it compatible.

Commissioner Nelson Stone asked Staff if the water bottle's shape was made of stucco and had embellished paint and earth tones, if it would be approved, or if it was the shape of the bottle that was not in compliance and requested an explanation as to why the design did not comply with the Design Guidelines.

Frank Fiori, Community Services and Development Director responded the shape was part of the reason for denial and one could make the case that the shape as it was became a sign and not a building and also the color was one in which, for the 12 years the Design Guidelines had been in place, it had always been interpreted that the proposed blue color was considered bright and to be used as an accent color and the Code was such that Staff was not trying to dictate a particular style and in his letter to the applicant he cited Section 17.24.120.D, which says "the purpose was not to dictate a particular architectural style for commercial development in the City of North Las Vegas, but to provide a set of guidelines and standards by which commercial development can be compatible with its surroundings and help to further the overall vision of development that had been established by the City." As pointed out earlier, that was something that had developed over the past 10 or 12 years. There were not many buildings painted bright blue, yellow or red and a pallet had developed and in terms of guidelines, the design professionals were being given the latitude to come up with some innovative designs and aesthetically pleasing designs that were from the direction Staff had received from City Council when the Design Guidelines were developed and also tied into the Vision 2025 Plan and the Comprehensive Plan and was carried out through all of those documents. If the building were a different shape and color, it may be more in keeping with the Design Guidelines.

Commissioner Stone asked the City Attorney for clarification that the vote would be to uphold the Director's determination or to reject it; but, the action would be final at this Board unless it was appealed by the City.

Chief Deputy City Attorney Sandra Douglass Morgan explained there was an appeal to Director Fiori's determination that the design did not meet the Design Guidelines, so it was the Commission's decision to uphold the Director's determination or to reverse it, and if the Commission were to reverse it, then the City had the option to appeal it to City Council and if it was not appealed, the decision would remain and would be specific to this parcel and this application.

Commissioner Jay Aston was in agreement with the Director's determination and understood what the applicant was trying to do, but felt the intent of the Design Guidelines was for the accessory structure to take on the character of the main building.

Commissioner Laura Perkins considered the bottle part of the logo and felt the color was bright and if it was toned down, she might be okay with it, but she understood it did not meet the Design Guidelines and that the approval of the design could set a precedent.

Commissioner Sylvia Joiner-Greene agreed the design and color of the structure was subjective and she did not feel the blue color was bright.

Commissioner Will Ewing didn't understand the appeal as Staff was willing to work with the applicant on something that was acceptable and the applicant was requesting Staff's help.

Director Fiori explained the applicant met with Staff two or three times and was given opinions and guidance, which the applicant did not accept and after the meeting with Staff, he requested to meet with the Director. In this case, the design did not meet Code and when looking at some other kiosk examples, some look similar to the structure across the street, except that the shape and color had been changed to match existing buildings. The structure located on Martin Luther King Boulevard, which was pointed out by Mr. Gronauer, may have been built before the Design Guidelines were adopted. The Director and Staff had worked with the applicant, but the applicant was not willing to change his design.

Commissioner Ewing asked Mr. Gronauer if his client was not flexible.

Mr. Gronauer responded, it depended what was being requested by Staff. If it was requested to change the color to red or yellow or green, it would not be in the best interest of the City. They could possibly change the color to a lighter blue. The color issue could be resolved, but the shape could not. It was his understanding that the size of the structure was not in violation of the Code. He was concerned, if it was the color, it could be addressed, but the uniqueness of the design could not be changed.

Chairman Brown asked if the signage on the structure was a consideration, or if it was just the shape and color.

Mr. Eastman explained they would be allowed 15 percent of the façade for signage and added any of the Watermill Express sites could be in violation, which was a Code Enforcement issue.

Chairman Brown did not feel the blue was a bright color and asked Staff if the Director's decision could be upheld or overruled and asked if the decision was overruled, the Commission could add conditions.

Commissioner Aston pointed out, that with either decision, the application would be appealed.

Mr. Gronauer suggested the item could be forwarded to City Council with no decision by the Commission.

Chief Deputy City Attorney Douglass Morgan explained the Commission was there to give a recommendation to City Council and regardless of what the Commission were to decide, they could add a comment as to what they want City Council to consider. If the application were appealed, those comments could be added to the agenda item under Staff's comments.

Commissioner Perkins felt the blue may fade and within two years may be an eyesore and did not want to see that happen. She would be more inclined to say yes if the structure was made of colored stone and a lighter shade of blue used.

Commissioner Ewing reviewed the Design Guidelines and the language and his opinion was that the structure did not comply with the Design Guidelines and it did not appear there had been any give and take and there were guidelines to follow and the applicant had not followed them was not flexible.

ACTION: DENIED; DIRECTOR'S DETERMINATION UPHELD

MOTION: Vice-Chairman Aston

SECOND: Commissioner Ewing

AYES: Chairman Brown, Vice-Chairman Aston, Commissioners Perkins, Ewing, and Stone

NAYS: Commissioners Joiner-Greene and Acevedo

ABSTAIN: None

Second Public Forum heard next.

OLD BUSINESS

13. **UN-24-11 (44870) SOMERSET ACADEMY (PUBLIC HEARING). AN APPLICATION SUBMITTED BY SOMERSET ACADEMY ON BEHALF OF SCHOOL DEVELOPMENT CENTENNIAL, LLC, PROPERTY OWNER, FOR AN AMENDMENT TO A PREVIOUSLY APPROVED SPECIAL USE PERMIT (UN-24-11) IN A C-2, GENERAL COMMERCIAL DISTRICT TO AMEND CONDITION #9 BY REVISING THE SPECIFIC CONFIGURATION AND TURF SIZE OF THE PLAY GROUND. THE PROPERTY IS LOCATED AT 385 CENTENNIAL PARKWAY. THE ASSESSOR'S PARCEL NUMBER IS 124-27-115-022. (FOR POSSIBLE ACTION) (CONTINUED AUGUST 8, SEPTEMBER 12, OCTOBER 10, AND NOVEMBER 14, 2012 AND JANUARY 9, 2013)**

Bob Gronauer, 8345 West Sunset Road, Suite 250, Las Vegas, NV 89113 appeared on behalf of the applicant requesting that UN-24-11 be continued to April 10, 2013.

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

Chairman Brown indicated the Public Hearing would remain open.

ACTION: CONTINUED TO APRIL 10, 2013

MOTION: Vice-Chairman Aston

SECOND: Commissioner Ewing

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

NAYS: None

ABSTAIN: None

Item No. 5 was heard next

PUBLIC FORUM

Scott Sauer, no address stated, spoke regarding the tough decision made by the Commission and commended them for their decision making.

DIRECTOR'S BUSINESS

Community Services and Development Director Frank Fiori spoke about future changes to Title 17.

CHAIRMAN'S BUSINESS

There was no report given.

ADJOURNMENT

The meeting adjourned at 7:24 p.m.

APPROVED: March 13, 2013

/s/ Steve Brown
Steve Brown, Chairman

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