

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

May 8, 2013

- BRIEFING:** 5:30 P.M.
Caucus Room, 2250 Las Vegas Boulevard North
North Las Vegas, Nevada
- CALL TO ORDER:** 6:00 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 Morgan, Chief Deputy City Attorney
Carolyn White, Police Department
Julie Shields, Recording Secretary
- VERIFICATION:** Julie Shields, Recording Secretary
- PLEDGE OF ALLEGIANCE:** Commissioner Will Ewing

PUBLIC FORUM

There was no public participation.

MINUTES

• **APPROVAL OF MINUTES FOR THE PLANNING COMMISSION MEETING OF APRIL 10, 2013 (FOR POSSIBLE ACTION)**

ACTION: APPROVED

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

Item No. 2 was heard next

NEW BUSINESS

1. **ZOA-01-13 (45796) TITLE 17 AMENDMENT (PUBLIC HEARING). AN ORDINANCE AMENDMENT INITIATED BY THE CITY OF NORTH LAS VEGAS TO AMEND TITLE 17 (ZONING ORDINANCE), SECTION 17.20.020.C.14 (ESTABLISHMENT REQUIRING AN "ON SALE" OR "OFF SALE" LIQUOR LICENSES), AND TABLE 17.20-2 (PROXIMITY DISTANCE REQUIREMENTS FOR CERTAIN LIQUOR LICENSES) OF THE NORTH LAS VEGAS MUNICIPAL CODE BY CLARIFYING DISTANCE REQUIREMENTS FOR CERTAIN "ON SALE" USES AND ADDING NEW WAIVER PROVISIONS FOR "ON SALE" USES; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO. (FOR POSSIBLE ACTION)**

The application was presented by Marc Jordan, Planning Manager.

The proposed amendment would correct Table 17.20-2 in regard to allowing a waiver of the separation requirements from a church or school to a Non-Profit Club, and correct the proper distance requirement between a Restricted Gaming Establishment and a Developed Residential Neighborhood. Staff also proposed clarifying the adequate barrier requirements, and to add a new waiver provision for new "On Sale" uses proposed to be established within a previously approved location.

Table 17.20-2 outlines the proximity distance requirements for the various types of "On Sale" uses. The table also allows a waiver of the 400-foot proximity distance requirement from schools, daycare centers, churches, and a park for full "On Sale" uses and Beer-Wine-Spirit based "On Sale" uses as outlined in Note 3. Note 3 allows a Non-Profit Club to request a waiver of this 400-foot proximity from only a church or a park,

but not a school or daycare center. Staff proposed amending Table 17.20-2 to also allow a Non-Profit Club the opportunity to request a waiver also from a school or daycare center, as already allowed for the two other types of "On Sale" uses previously mentioned in this paragraph.

In addition, staff proposed amending Table 17.20-2 to correct the separation requirements for restricted gaming from a developed residential neighborhood. Currently, this table requires a 1,500-foot separation requirement where it should read 500 feet. By correcting this table, it would bring this requirement in line with Section 17.20.020.C.14.d.iv, which indicates there is a 500-foot separation requirement unless waived.

Staff proposed amending the waiver provisions outlined in Section 17.20.020.C.14.d. Presently, this section contains a number of provisions in which a waiver may be requested when there is an "adequate barrier" in place, or if the establishment is located within a Mixed Use Development District or within a Commercial Center. One of the proposed amendments would clarify when a 120-foot right-of-way would qualify as an "adequate barrier." Currently, this section states that a constructed roadway with a minimum width of 120 feet would qualify as an "adequate barrier." However, in the past there has been much discussion on the definition of "constructed roadway" as Title 17 does not define this phrase. By removing the word "constructed" and adding "as shown on the Master Plan of Streets and Highways," this section would clarify what type of roadway would qualify as an "adequate barrier."

Also proposed within this section is an amendment that would allow either the Planning Commission or City Council, as appropriate, to waive the separation requirements for a Non-Profit Club, Full "On Sale" establishment, Beer-Wine-Spirit Based "On Sale" establishment, or a Restricted Gaming establishment. It appears that under the current economy there have been several Restricted Gaming or "On Sale" establishments that have closed for various reasons. Many of these establishments were approved under previous ordinances that contained different separation requirements. If any of these establishments desired to re-open, compliance with the current separation requirements may not be achievable. Therefore, staff is proposing to add new waiver provisions that would allow a use to be re-established in a location that once held the same use and has remained vacant.

Staff recommended approval of ZOA-01-13 as listed below:

Liquor License	Separation from Schools and Daycare (feet) [1]	Separation from Churches and Parks (feet)	Separation Between Like Uses (feet)	Separation from Developed Residential (feet) [2]
Restricted Gambling	1,500	1,500	2,500	500
Non-Profit Club	400 [3]	400 [3]	--	--
Full "On-Sale"	400 [3]	400 [3]	--	--
Beer-Wine-Spirit Based Products "On-Sale"	400 [3]	400 [3]	--	--
Full "Off-Sale"	400	400	1,500 [4]	500 [4]
Beer-Wine "Off-Sale"	400	400	--	--

NOTES:
 [1] For the purposes of this section, schools shall be defined as kindergarten through 12th grade. Other post secondary schools shall not be included.
 [2] For the purposes of this section, developed residential shall be defined as a parcel of land zoned for residential use in which construction for at least one residential unit has begun on the date the applicant applied for the special use permit.
 [3] A waiver of the 400 foot proximity distance requirement may be considered with approval of a special use permit from the appropriate governing body for the proposed use.
 [4] This distance only affects package liquor stores as defined in Chapter 17.32, *Definitions*.

d. Waivers of Distance Requirements

(i) A waiver of the proximity distance requirements outlined in Table 17.20-2 for "Restricted Gaming" licenses "Non-Profit Club" or an "On Sale" establishment may be granted by the Planning Commission or City Council, as appropriate, under one or both of the following circumstances:

- (1) An adequate barrier exists between the two uses.
 - (a) An "adequate barrier" is defined as: an improved drainage facility, Interstate 215, Interstate 15, other roadway with a minimum width of 120 feet as shown on the Master Plan of Streets and Highways, railroad right-of-way, physical feature, or a topographical feature that prevents vehicular and pedestrian access between a church, school, City-owned park, child care facility licensed for more than twelve children, residential development, existing Restricted Gaming Liquor location and the proposed Restricted Gaming Liquor location.

- (b) A topographical feature does not include any building, wall, fence, or other man-made structure.
 - (c) The boundary limits of these streets, freeways and freeway crossovers are as defined by the City of North Las Vegas.
- (2) The location was previously approved, developed, and operated as a Restricted Gaming, Non-Profit Club, or "On Sale" Establishment in accordance with the current or a previous Zoning Ordinance.
- (a) A special use permit was granted by the appropriate governing body for the use.
 - (b) A business license was issued for the approved use.
 - (c) A certificate of Occupancy was issued for the approved use.
 - (d) Upon termination of the special use either through the special use expiring or business closure, no other use occupied the location where the special use was approved.
 - (e) The new use is the same as the previously approved use.
 - (f) The new use occupies the same space as the previous use with no expansion proposed.
- (ii) A waiver of the 1,500 foot and 2,500 foot proximity distance separation requirement for Restricted Gaming Liquor locations shall not apply to establishments located within the boundaries of an approved MUD project or located within two or more MUD projects located immediately adjacent to one another but approved separately.
- (iii) A waiver of the 2,500 foot proximity distance requirement between one proposed Restricted Gaming Liquor location and an approved or existing Restricted Gaming Liquor location may be considered within the boundaries of a commercial center.
- (iv) A waiver of the 500 foot proximity distance requirement for Restricted Gaming Liquor locations may be considered with approval of a special use permit from the appropriate governing body for the proposed use.

The Community Services and Development Department recommends that ZOA-01-13 be forwarded to the City Council with a recommendation of approval.

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

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

MOTION: Commissioner Acevedo

SECOND: Commissioner Joiner-Greene

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

NAYS: None

ABSTAIN: None

OLD BUSINESS

2. 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, JANUARY 9 AND FEBRUARY 13, 2013)

On May 6, 2013, Robert Gronauer of Kaempfer, Crowell Renshaw, Gronauer, and Fiorentino, submitted a letter on behalf of the applicant, requesting this item be withdrawn.

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

ACTION: WITHDRAWN

PUBLIC FORUM

There was no public participation.

DIRECTOR'S BUSINESS

There was no report given.

CHAIRMAN'S BUSINESS

There was no report given.

ADJOURNMENT

The meeting adjourned at 6:07 p.m.

APPROVED: June 12, 2013

/s/ Jay Aston for
Steve Brown, Chairman

/s/ Julie Shields
Julie Shields, Recording Secretary