

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

September 11, 2013

BRIEFING: 5:30 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: Chairwoman Laura Perkins

ROLL CALL: Chairwoman Laura Perkins – Present
Vice-Chairman Nelson Stone – Present
Commissioner Jay Aston - Present
Commissioner Sylvia Joiner-Greene – Present
Commissioner Willard Ewing – Present
Commissioner Felix Acevedo – Present
Commissioner Kenneth Kraft – Present

STAFF PRESENT: Frank Fiori, Community Services and Development Director
Marc Jordan, Planning Manager
Robert Eastman, Principal Planner
Sandra Douglass-Morgan, Acting City Attorney
Eric Hawkins, Public Works/Traffic
Jennifer Doody, Public Works/Development & Flood
Control
Julie Shields, Recording Secretary

VERIFICATION: Julie Shields, Recording Secretary

PLEDGE OF ALLEGIANCE: Commissioner Sylvia Joiner-Greene

PUBLIC FORUM

There was no public participation.

PRESENTATION

- Presentation of service award to outgoing Planning Commissioner Steven A. Brown

ACTION: CONTINUED TO OCTOBER 9, 2013

MOTION: Vice-Chairman Stone

SECOND: Commissioner Kraft

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

NAYS: None

ABSTAIN: None

MINUTES

- **APPROVAL OF MINUTES FOR THE PLANNING COMMISSION MEETING OF AUGUST 14, 2013 (FOR POSSIBLE ACTION)**

ACTION: APPROVED

MOTION: Commissioner Aston

SECOND: Commissioner Ewing

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

NAYS: None

ABSTAIN: None

Acting City Attorney Douglass-Morgan advised the Planning Commission that a revote was necessary since Commissioner Acevedo was not present at the August 14, 2013 Planning Commission meeting.

ACTION: APPROVED

MOTION: Commissioner Aston

SECOND: Commissioner Ewing

AYES: Chairwoman Perkins, Vice-Chairman Stone, Commissioners Aston, Joiner-Greene, Ewing, and Kraft

NAYS: None

ABSTAIN: Commissioner Acevedo

NEW BUSINESS

1. **ZN-43-05 (46691) NORTH RANCH (PUBLIC HEARING). AN APPLICATION SUBMITTED BY WOODSIDE HOMES ON BEHALF OF AGRW-NORTH RANCH LLC, PROPERTY OWNER, FOR AN AMENDMENT TO A PREVIOUSLY APPROVED PUD, PLANNED UNIT DEVELOPMENT TO ALLOW 274 SINGLE FAMILY DWELLINGS. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF DORRELL LANE AND NORTH 5TH STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-22-511-001 THRU 133 AND 124-22-512-001 THRU 312. (FOR POSSIBLE ACTION)**

This application was presented by Robert Eastman, Principal Planner.

Item Nos. 1 and 2 are related. Item No. 1, ZN-43-05, is an amendment to an existing PUD to allow 274 single-family homes in an existing PUD that was developed for a mix of duplex and triplex products, which originally had a total of 434 dwelling units.

The amendment to the PUD would need to comply with the Residential Design Incentive System (RDIS) and provide a minimum number of points under RDIS, and provide 600 square feet of open space per dwelling unit.

The applicant is proposing 186,400 +/- acres of open space, which complies with the open space requirement. The open space has a large central park, pool, picnic area, benches, play areas, and pet stations, which provide required points under the RDIS system. The other points from RDIS are predominantly through energy efficiencies in their development and the applicant is in compliance with RDIS requirements.

The applicant is proposing varying setbacks because the original PUD contained a cluster product that included clusters of duplexes, and the applicant is proposing to change those duplexes into single-family homes. As a result, this has warranted some small changes to their setbacks.

The triplex development on the eastern portion of the development along North 5th is now being converted into single-family homes, and the applicant is requesting some changes to the traditional setbacks for those lots. This development is partially developed. The existing infrastructure is partially in place -- water, sewer lines, and street network. This has caused this development to not meet current development standards for the City.

The single-family product along North 5th has a number of small, 29-foot wide stub streets with cul-de-sacs. Originally, this portion contained triplexes, and the streets were classified as drive aisles for apartment buildings, and the narrower streets were permitted. Now that it is classified as single-family, those street widths are not in compliance with Title 16. The applicant is asking that those widths still be permitted.

When reviewing the widths, the Public Works Department recommended they be approved, but because the width is so narrow, parking would not be permitted on either side of the street, and they have requested the applicant provide additional parking.

The applicant has provided a number of 90 degree pull-in parking spaces for guest parking. The applicant is also requesting to keep the already developed 41-foot streets that were originally approved with the PUD. Staff conducted a review, and since they are predominantly completed, staff is supporting that as well. Because of the number of small cul-de-sacs, the PUD does not comply with the City's connectivity standards, which did not exist when the PUD was originally approved.

The standard is a range from 1-2 normally; the City requires a 1.3 intersections per cul-de-sac. Because this development has so many small cul-de-sacs their index is 1.2 and the City's requires 1.3. Because they are using the existing street network that was previously approved, staff is in support of this change.

The application is in compliance with open space and buffering requirements, and the architectural design of all buildings meets current residential design standards, and they are in compliance with RDIS.

Staff recommended approval of ZN-43-05 subject to the conditions listed, with amendments.

Listed below are the original conditions per Staff Report dated September 11, 2013:

1. Unless expressly, authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. That the number of units shall not exceed 274 single-family homes.
3. That the perimeter walls be owned and maintained by the homeowners' association.
4. The central park shall contain at a minimum the following elements: pool, shade trees, dog stations (2), shade structure (1), BBQs (3), benches (3), trash receptacles (3), picnic tables.
5. The setbacks for the development shall be:

Traditional homes:	Front:	10 feet
	Garage:	18 feet
	Side:	5 feet
	Corner side:	10 feet
	Rear:	10 feet

Cluster homes:	Front:	10 feet
	Garage:	20 feet
	Side:	3 ½ feet
	Corner side:	10 feet
	Rear:	5 feet

Public Works:

6. The entrance onto North 5th Street shall be right in/right out only, full access will not be permitted.
7. The applicant shall submit a traffic study update for review and approval.
8. Roundabout design shall conform to the Federal Highway Administration's *Roundabouts: An Informational Guide* design criteria and is subject to approval of the City Traffic Engineer.
9. 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.B:
 - i. Goldfield Street
 - ii. Dorrell Lane
 - iii. North 5th Street
10. The North 5th Street section and geometrics is subject to review and approval of the Director of Public Works.
11. Right-of-way dedication and construction of a CAT bus turn-out is required on Dorrell Lane near North 5th Street per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 234.1.
12. Adjacent to any eighty (80) foot right-of-way, a common lot, with a minimum width of five feet, shall be provided behind the required bus turn-out.
13. Appropriate subdivision and/or parcel mapping is required to create the parcel(s) as proposed. All mapping shall be in conformance to NRS Chapter 278 and Title 16 of the *North Las Vegas Municipal Code*.
14. The property owner is required to grant roadway easements where public and private streets intersect.
15. All common elements shall be labeled and are to be maintained by the Home Owners Association.
16. The street names shall be in accordance with the North Las Vegas Street

Naming and Address Assignment Standards.

17. Street names must be approved by the City of Las Vegas Central Fire Alarm Office.
18. The property owner is required to grant a pedestrian access easement for sidewalk located within a common element when that sidewalk is providing public access adjacent to the right-of-way.
19. A revocable encroachment permit for landscaping within the public right of way is required.
20. All off-site improvements must be completed prior to final inspection of the first home.
21. All Nevada Energy easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground if impacted by the proposed development of the parcel or if the pole impedes upon the proper ADA clearances for sidewalk. Under no circumstances will new down guy wires be permitted.
22. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along North 5th Street and Dorrell Lane.
23. Approval of a drainage study is required prior to submittal of the civil improvement plans.
24. Clark County Public Works concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
25. 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.
26. A construction phasing plan may be required by the Department of Public Works prior to submittal of the civil improvement plans.

Utilities Department:

27. Onsite private water facilities exist across this site. If this is to become a public water system, all water facilities shall meet the requirements of the "Uniform Design and Construction Standards for Potable Water Systems" (UDACS), City of North Las Vegas Approved Materials List, and the "City of

North Las Vegas Water Service Rules and Regulations". The facilities shall be improved to meet these standards, up to and including the removal and replacement of all substandard facilities, or as otherwise approved by the Director of Utilities.

28. Existing sanitary sewer exists across this site. All sewer facilities shall meet the requirements of the "Design and Construction Standards for Wastewater Collection Systems" (DCSWWCS) and the City of North Las Vegas Approved Materials List.
29. Provide a 25'X25' public utility easement for future construction of a pressure reducing valve adjacent to ingress/egress along North 5th.

The following conditions apply to Phase II (standard single family residential portion) of the development:

Public Works:

30. Approval of a drainage study is required prior to submittal of the civil improvement plans. Additionally, if in changing the product type on Phase I (cluster development) alters finished floor elevations, a drainage study update will be required to confirm that any new finished floor elevations are adequately protected.
31. Clark County Public Works concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
32. Sidewalks shall be mapped as part of the private street or located within a common element and not part of the lot.
33. All residential driveway geometrics shall be in compliance with the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 222.
34. The developer shall provide a minimum width of sixteen (16) feet for all residential driveways.
35. Proposed residential driveway slopes shall not exceed twelve percent (12%).
36. No driveway shall be located within six (6) feet of a curb return, light pole, fire hydrant or other utility features.
37. All known geologic hazards shall be shown on the preliminary development plan, tentative map and the civil improvement plans. Geological hazards such as fault lines or fissures affecting residential structures may substantially alter

the tentative map layout and require the submission of a revised tentative map which must be approved by the City prior to final approval of the civil improvement plans. The footprint of proposed structures shall be plotted on all lots impacted by faults and/or fissures and a minimum width of five (5) feet shall be provided from the edge of any proposed structure to the nearest fault and/or fissure.

Jennifer Lazovich, 8345 Sunset Road, represented Woodside Homes. D.R. Horton originally received project approval for 434 units. Woodside Homes will retain the two-story cluster product, and would like to do single-family detached, rather than the triplex product. Overall, there are 160 less lots than on the previous plan. They are proposing to do 274 lots. During their neighborhood meeting they committed to a 20-foot wide landscape buffer on the western boundary. They agreed with staff's conditions. There are two existing entrances/exits -- one off Dorrell Lane and one off North 5th which are proposed to be gated.

Vice-Chairman Stone confirmed with Ms. Lazovich that she was in agreement with staff's recommended, amended conditions and she agreed.

Chairwoman Perkins opened the public hearing.

District No. 17 Assemblyman Tyrone Thompson, 117 Fox Crossing Avenue, stated this area was one of the hardest hit with foreclosures. He inquired about the loan programs for the proposed homes. He conveyed he wanted to keep families in their homes and did not want consumers to be misled.

Commissioner Kraft responded that his inquiries were beyond the purview of the Planning Commission. This item would appear before City Council, and they could respond to his questions.

Mrs. Douglass-Morgan stated the Planning Commission approved land use only.

Ms. Lazovich advised she would talk to Assemblyman Thompson regarding how they (Woodside Homes) would pre-qualify the buyers.

Chairwoman Perkins closed the public hearing.

Commissioner Aston confirmed the modified condition numbers with Principal Planner Eastman.

Commissioner Kraft asked how this proposed land use compared to the original North 5th Street master plan. Mr. Eastman responded the master plan for this parcel was single-family, medium density, which is 6-13 units to the acre. Previously, the development was over 9 units to the acre, and with these modifications is now 6.1 or 6.2 units to the acre, and they are still in compliance with the master plan.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS;
FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION WITH
THE FOLLOWING AMENDED CONDITIONS:

CONDITION NO. 5. THE SETBACKS FOR THE DEVELOPMENT SHALL
BE AS SHOWN IN EXHIBIT "A" AND DESCRIBED BELOW:

TRADITIONAL HOMES:	FRONT:	10 FEET
	GARAGE:	18 FEET
	SIDE:	5 FEET
	CORNER SIDE:	10 FEET
	REAR:	10 FEET
CLUSTER HOMES:	FRONT:	10 FEET
	GARAGE:	20 FEET
	SIDE:	3 ½ FEET
	CORNER SIDE:	10 FEET
	REAR:	5 FEET

CONDITION NO. 30. (PREVIOUSLY CONDITION NO. 29) AMENDED
TO READ; A 20-FOOT WIDE MUNICIPAL UTILITY EASEMENT FOR
FUTURE CONSTRUCTION OF A PRESSURE REDUCING VALVE
ALONG NORTH 5TH STREET SHALL BE PROVIDED WITHIN THE
PERIMETER LANDSCAPED AREA.

ADD NEW CONDITION NO. 6. THE 20-FOOT WIDE LANDSCAPE
BUFFER ALONG THE WEST PROPERTY LINE SHALL INCLUDE 36"
BOX TREES PLACED EVERY 20 FEET ON CENTER AND WILL
CONTAIN A MIX OF MESQUITE, BRADFORD PEAR, CHINESE
EVERGREEN ELM, OAK, ASH, AND/OR CHITALPA.

MOTION: Commissioner Kraft
SECOND: Commissioner Aston
AYES: Chairwoman Perkins, Vice-Chairman Stone, Commissioners Aston,
Joiner-Greene, Ewing, Acevedo and Kraft
NAYS: None
ABSTAIN: None

2. **T-1355 (46693) NORTH RANCH. AN APPLICATION SUBMITTED BY WOODSIDE HOMES ON BEHALF OF AGRW-NORTH RANCH LLC, PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN A PUD, PLANNED UNIT DEVELOPMENT DISTRICT TO ALLOW 152 SINGLE FAMILY DWELLINGS. THE PROPERTY IS LOCATED AT THE NWC OF NORTH 5TH STREET. AND DORRELL LANE. THE ASSESSOR'S PARCEL NUMBERS ARE 124-22-512-001 THRU 312. (FOR POSSIBLE ACTION)**

This application was presented by Robert Eastman, Principal Planner.

This item is related to Item No. 1, and is the eastern half of the site, for the single-family detached homes. This needed to be re-mapped because previously it was classified as triplex units. The other half of the development (cluster product) remains largely the same from a mapping standpoint, and a new tentative map for that area is not needed.

This proposal is for single-family homes that range in size from 3,599 to 7,300 square feet. They comply with small lot standards and the RDIS that was developed.

Staff recommended approval of T-1355 subject to the two conditions listed below, and the map meets all conditions of previously approved items.

The conditions are as follows:

1. Unless expressly, authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. The tentative map shall become null and void should the accompanying rezoning request (ZN-43-05) not be approved by the City Council.

Jennifer Lazovich, 8345 Sunset Road, represented Woodside Homes, and appeared to answer questions.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Aston

SECOND: Commissioner Acevedo

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

NAYS: None

ABSTAIN: None

3. **UN-35-13 (46690) MOUNTAIN VIEW SOLAR (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BLATTNER ENERGY, ON BEHALF OF MOUNTAIN VIEW SOLAR, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW ADDITIONAL SECURITY MEASURES (BARBED WIRE). THE PROPERTY IS LOCATED AT 9901 GARNET VALLEY BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 103-16-010-011. (FOR POSSIBLE ACTION)**

This application was presented by Robert Eastman, Principal Planner.

Mr. Eastman advised that typically barbed wire is not permitted in the City; however, in the Apex Industrial Development, razor or barbed wire is allowed with approval of a development plan or special use permit. Because the Solar Field is a permitted use and did not come before this body, the requested barbed wire fence comes in as a separate use permit.

When reviewing an application for additional security measures in the City, the applicant must be able to demonstrate and be in conformance with the Police Department, that the approval of the additional security measures are necessary to help safeguard the property against any unauthorized entry, to protect goods and products.

When the Police Department reviewed the requested barbed wire fence, they did a Crime Prevention Through Environmental Design (CPTED) analysis on the property. They did not feel barbed wire fencing was necessary at this site, and they are opposed.

Staff recommended denial of the proposed use permit.

The 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. The approval is only to allow three strands of barbed wire around the perimeter in conjunction with a chain link fence and not for other measures that would require a use permit (e.g. electric fencing).

Dave Brown, 5550 Painted Mirage Road, appeared on behalf of the applicant, who is also a development manager of 5,000 acres in the Apex Industrial Park. The applicant is NextEra Energy, and Blattner Energy is the contractor for NextEra Energy.

The project site is located in Mountain View Industrial Park. This is a rural area, 14 miles north of town. There is an existing solar farm to the west with existing barbed wire, which is the exact same size and type of development. UNEV Pipeline, who came before the Planning Commission, has 3-strand barbed wire around their site on the

southeast side of the industrial park. Mr. Brown presented photos of the area. Photowatio has 3-strand barbed wire on their site. The City has a water facility in the area, and also put in 3-strand barbed wire, located in the center of Mountain View Industrial Park. Because the City and other developments were allowed to put in 3-strand barbed wire, the applicant believed it was permitted, and requested approval.

Chairwoman Perkins opened the public hearing. Chairwoman Perkins closed the public hearing.

Vice-Chairman Stone asked staff for a history regarding the existing projects that had 3-strand barbed wire and why they were deemed to be acceptable. Mr. Eastman confirmed UNEV received approval, and stated the City's facility was done two years ago. When the Department was getting ready to take over the facility, the fencing was installed without staff's knowledge. Photowatio was also approved for a use permit.

Commissioner Ewing asked Mr. Brown if there were circumstances where they were victimized by vandalism, and he responded there were a few instances. Mr. Brown stated there is 24-hour security and barbed wire on the existing solar farm which helps to control vandalism.

Commissioner Ewing asked what was needed in order to receive approval from the Police Department. Mr. Eastman responded the officer who conducted the review is certified so they can review findings against CPTED principles.

The use of barbed wire would not comply with CPTED principles because it is a man-made product and not part of the environment. The Police Department felt there were other alternatives that would be more appropriate and did not support the barbed wire.

Commissioner Ewing asked if there were examples of what would be appropriate. Mr. Eastman stated typically plant material could be used as a deterrent or use of different types of grading or changing the boundary in such a way that it was not a straight fence line.

Officer Michael Booker, North Las Vegas Police Department, appeared on behalf of Officer Carolyn White. Officer Booker stated options could be a block wall, chain link fence, electrical fence, block wall with wrought iron pylons. Staff looked at lighting, door/entry ways, and height of vegetation. Thorn bushes could be used in lieu of barbed wire. Officer Booker stated barbed wire gave the appearance there is crime in the area. He said this will not always be a rural area, and the 10-year plan indicates there will be growth in this area.

Commissioner Acevedo asked why other locations at this site received approval, but did not understand why this project would not receive approval.

Commissioner Aston stated CPTED probably recommended denial on those projects, too, but it was approved by the Planning Commission, and Office Booker concurred.

Commissioner Aston stated the CPTED principles were good, and did not want to minimize them. He felt precedence had already been set.

Commissioner Ewing asked the applicant if he agreed with staff conditions and the applicant agreed.

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

MOTION: Commissioner Aston

SECOND: Commissioner Ewing

**AYES: Chairwoman Perkins, Vice-Chairman Stone, Commissioners Aston,
Joiner-Greene, Ewing, Acevedo and Kraft**

NAYS: None

ABSTAIN: None

- 4. UN-36-13 (46695) SABER ULTRA PRECISION AMMUNITION (PUBLIC HEARING). AN APPLICATION SUBMITTED BY SABER ULTRA PRECISION AMMUNITION ON BEHALF OF APEX HOLDING COMPANY LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW THE USE AND STORAGE OF HAZARDOUS MATERIALS IN CONJUNCTION WITH AN AMMUNITION FACTORY. THE PROPERTY IS LOCATED APPROXIMATELY 800 FEET WEST OF US HIGHWAY 93 AND EAST OF GARNET VALLEY BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 103-13-010-015. (FOR POSSIBLE ACTION)**

This application was presented by Robert Eastman, Principal Planner.

The applicant proposed to develop a 166,500 square foot facility to be completed in two phases. Phase 1 would be on 51 acres; Phase 2 on 34 acres, and the total development would be 85 acres when completed.

The proposed design is a series of small buildings. The largest is 41,000 square feet, which is a manufacturing building. There are also two, 21,000 square foot buildings. One is a research and development building and a series of three storage bunkers each at 5,700 square feet. In Phase 2, there would be another 20,000 square foot manufacturing building and three more storage bunkers.

The site is connected with drive aisles which are required because of the building code for hazardous material. The material used in the manufacturing of ammunition is explosive and requires large separations between bunkers and manufacturing.

The applicant is proposing security fencing around the site, with guard houses at the entry point. The site, in general, is in conformance with design standards required at Apex. It is a less visible site, and standards are somewhat lessened. Landscaping along the site is minimal, but is in compliance. The building is in compliance with industrial design guidelines from an architectural standpoint. The site plan, as it exists, is generally in compliance. There will be some changes to road width. Currently, the road width is 20-foot and will need to be changed to 24-feet to accommodate fire vehicles.

Additionally, some of the buildings may need to be altered in either construction type, or separated or shrunk, to ensure compliance with the building code for safety of the development. Both the Building and Fire Departments are recommending approval. At present, there is not a public water facility that is adequate to provide enough water for the development of the site and fire safety. The applicant indicated a private facility is available and can provide the service. Conditions state the applicant's fire protection engineer will have to work with the City's fire, building and utilities departments to ensure adequate water is available at the site.

Staff recommended approval subject to conditions listed below:

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

PUBLIC WORKS:

2. Approval of a drainage study update is required prior to submittal of the civil improvement plans.
3. Any known geologic hazards, such as faults or fissures, must be shown on any plans submitted to City staff for review.
4. All Nevada Energy easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground if impacted by the proposed development of the parcel or if the pole impedes upon the proper ADA clearances for sidewalk. Under no circumstances will new down guy wires be permitted.

5. 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.
6. All local facilities and street centerline grades must be constructed in conformance with the City of North Las Vegas' *APEX/KAPEX Flood Control Master Plan*, or as otherwise approved by the Director of Public Works or her designee.
7. The proposed development will need to provide on-site detention to mitigate the increase in runoff due to development or will need to provide a detention basin analysis and drainage study/design for any regional detention basins need to protect or mitigate this site. The regional analysis, if selected, must be approved prior to submittal of the civil improvement plans for this site.
8. Any regional detention basin grading that is required by the development of this site, as determined by the studies mentioned in the previous comment, must be included in the civil improvement plans for the development of this site.
9. Legal access must be provided to APN 103-23-010-003.
10. Approval of a traffic study update is required prior to submittal of the civil improvement plans.

UTILITIES:

11. The applicant shall enter into a restrictive covenant, development agreement, or public utility agreement with the City under the terms and provisions approved by the City Council, unless necessary public water and wastewater facilities are provided by the master developer or applicant.

Dave Brown, 5550 Painted Mirage Road, appeared on behalf of the applicant, and is a development manager for Apex and Mountain View Industrial Park. Mr. Brown agreed with staff recommended conditions.

Chairwoman Perkins opened the public hearing. Chairwoman Perkins closed the public hearing.

Vice-Chairman Stone questioned staff regarding whether one element of the application would have to be continued to the next meeting regarding security fencing, and whether the applicant was aware. Mrs. Douglass-Morgan confirmed the applicant was aware.

Vice-Chairman Stone asked the applicant about the type of ammunition that would be manufactured there. Mr. Brown advised Phase 1 would include ultra-high precision

ammunition used for defense purposes. Vice-Chairman Stone asked what the maximum caliber would be, and Mr. Brown responded 50 caliber.

Gary Stanko, 1900 (inaudible), Henderson, confirmed that 50 would be the maximum caliber and 338 (rifle rounds).

Vice-Chairman Stone asked if there would be any testing on site, and whether there was a range facility. Mr. Brown advised research and development would take place and that an indoor range facility with absorbing walls would also be on site.

Commissioner Aston asked staff about issues regarding the site plan that would come up later. Mr. Eastman advised this would be addressed administratively between the City and the applicant. Commissioner Aston asked if there was a condition regarding security fencing. Mr. Eastman advised security fencing would be submitted to the Planning Commission under another special use application.

Mrs. Douglass-Morgan advised this would come separately before the Planning Commission and is under no penalty to the applicant. She advised it needed to be delineated that there will be additional security measures that will be contemplated as part of this use permit. This is no fault of the applicant.

Commissioner Acevedo asked what safety measures will be taken. Mr. Brown advised the site was a rural location, and the buildings are scattered by design. Mr. Brown stated they only allow a maximum amount of explosive material per building per IBC (International Building Code), and there are exits so the employees can get out to nearest exit per the IBC. It is anticipated there will be 200 employees (on a rotating basis).

Commissioner Acevedo asked about background investigations, and Mr. Stanko advised employees had to go through a vigorous background investigation. It is a secured area. There will be no public entrance into the building.

Chairwoman Perkins advised each person handling explosives would have to receive a permit through ATF (Bureau of Alcohol, Tobacco, Firearms and Explosives).

Mr. Brown advised there would be a helipad separate from that in Apex, in case of emergencies.

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

MOTION: Vice-Chairman Stone
SECOND: Commissioner Joiner-Greene
AYES: Chairwoman Perkins, Vice-Chairman Stone, Commissioners Aston,
Joiner-Greene, Ewing, Acevedo and Kraft
NAYS: None
ABSTAIN: None

5. **UN-30-13 (46626) L233 CENTENNIAL & LOSEE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY AT&T ON BEHALF OF KIERLAND VILLAGE CENTER LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW AN 80 FOOT TELECOMMUNICATION TOWER WITH A 61 FOOT SETBACK FROM A RESIDENTIAL PROPERTY LINE. THE PROPERTY IS LOCATED AT 2445 EAST CENTENNIAL PARKWAY. THE ASSESSOR'S PARCEL NUMBER IS 124-26-501-004. (FOR POSSIBLE ACTION)**

This application was presented by Robert Eastman, Principal Planner.

The applicant is requesting a reduction in the required setback from 200 feet to 61 feet from the nearest residential use. The applicant proposed to develop a stealth monopalm communication tower at the southwest corner of Losee Road and Centennial Parkway, in an existing commercial shopping center. The proposed tower is 80 feet in height.

The existing site is 4.25 acres in size and has four of the existing buildings. The overall site is 15 acres. The required setback is three feet for every foot in height up to a maximum of 200 feet. Although the shopping center is acceptable for a cell tower, staff is not in support of the proposed reduction. Staff believes there are other locations within the shopping center that could accommodate the cell tower and still be in compliance with the separation from residential.

Staff supported the use, but not the reduction in the setback, and recommended the item be denied.

The conditions are as follows:

PLANNING AND ZONING:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances;
2. That the tower shall be a stealth monopalm design.

3. That the tower shall not exceed 80 feet in height measured from the top of fronds of the proposed stealth monopalm tower.
4. That all future antenna arrays shall comply with the stealth design requirements.
5. That the setback minimum setback from the residential property to the south is 61 feet.
6. That the CMU block wall shall comply with the decorative wall requirements.
7. That all equipment mounted on the exterior of the decorative enclosure wall shall be painted to coincide with the enclosure.

PUBLIC WORKS:

8. Approval of a drainage study waiver is required prior to submittal of the building plans.

Cynthia Squire, 6 Sunset Way, Suite B-108, Henderson, represented A T & T. The current design exceeds all required residential setbacks except the residential setback to the south, which is approximately 60 feet. The proposed location was next to a dumpster, and would take up three parking spaces. The property provides for 610 spaces, and the current count is 530. The proposed design uses parking spaces for the compound.

A T & T is proposing placement of the compound in the back of the shopping center for multiple reasons. It is out of the way of commercial and customer traffic and overall, all retail business. The design and location serves public safety and welfare of surrounding businesses, as opposed to moving the site to the middle of the parking lot where there is high traffic. The design is proposed because it is the least obtrusive to the surrounding neighbors, while still allowing the same communities wireless and emergency services. Ms. Squires reviewed several views of the proposed monopalm and stated the design was compatible with existing landscaping.

Chairwoman Perkins opened the public hearing. Chairwoman Perkins closed the public hearing.

Vice-Chairman Stone asked if neighborhood meetings were held and Ms. Squire advised they were not required for this item. Vice-Chairman Stone asked what the zoning to the south was, and Mr. Eastman replied R-E. Vice-Chairman Stone asked what the master plan for that property to the south was, and Mr. Eastman advised it was single-family, low density.

Commissioner Kraft asked staff where the places were on site that would be more appropriate. Mr. Eastman advised within the same shopping center, but not on the

same parcel. The center had been cut into multiple parcels. The better site would be to the north of the principle site, and adjacent to that building, rather than to the south and closer to residential.

Commissioner Kraft asked the applicant what the issue was with staff's proposed location and she responded it has limited access. They would take up to 4-5 parking spaces because there is no landscaping. They are more limited in parking in this area. They would be hindering existing business and they have issues with landlord in staff's proposed area.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Aston

SECOND: Vice-Chairman Stone

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

NAYS: None

ABSTAIN: None

6. UN-31-13 (46660) PROFESSIONAL AUTO SALES (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ABEL ELIZALDE ON BEHALF OF ARCHE'S PLACE LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW A VEHICLE SALES FACILITY. THE PROPERTY IS LOCATED AT 4230 NORTH PECOS ROAD, SUITE 12. THE ASSESSOR'S PARCEL NUMBER IS 140-06-317-003. (FOR POSSIBLE ACTION)

This application was presented by Robert Eastman, Principal Planner.

This is an existing office warehouse development, and the applicant proposed to develop it into a small auto brokerage. A maximum of four vehicles would be stored at one time, two of which would be stored inside the building in a storage area, and two would be on display in the exterior of the building.

The building was constructed in 1998, prior to the design standards, and does not comply with current design standards; however, the applicant is not proposing modifications to the site, so staff is not requesting that modifications to the exterior be required with the use permit request.

The original site plan required a total of 59 parking spaces; however, 76 spaces are currently provided. Additional parking would be required for the proposed use; however, the site is over parked and parking is easily accommodated on site.

Staff recommended approval.

The conditions are as follows:

PLANNING & ZONING:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. A maximum of two (2) vehicles will be allowed to be displayed outside at any one time at this location.
3. The special use permit is site-specific and non-transferable.

PUBLIC WORKS:

4. 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.

Abel Elizalde, 6173 Morning Splendor Way, Las Vegas, acknowledged he understood staff's recommendations.

Chairwoman Perkins opened the public hearing. Chairwoman Perkins closed the public hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Kraft

SECOND: Commissioner Acevedo

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

NAYS: None

ABSTAIN: None

7. **UN-33-13 (46688) TAVERN AT CHEYENNE POINTE SHOPPING CENTER (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CHEYENNE POINTE HOLDING LLC C/O SAROFIM REALTY ADVISORS, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW AN "ON SALE" (RESTRICTED GAMING) ESTABLISHMENT. THE PROPERTY IS LOCATED AT 2055 CIVIC CENTER DRIVE. THE ASSESSOR'S PARCEL NUMBER IS 139-14-515-003. (FOR POSSIBLE ACTION)**

This application was presented by Marc Jordan, Planning Manager.

The applicant proposed to occupy a building 5,000 square feet in size, and proposed to occupy only a portion of the building – approximately 3,400+ square feet. The building was built in 2007 as part of the commercial center, and has been vacant since it was built. The applicant asked for consideration of a reduction in separation requirements from a church and residential property. The zoning ordinance requires 1,500 feet separation from a church and a 500 foot separation from a residential property. The applicant indicated they are 1,145 feet from an existing church and 200 feet from the adjacent residential property.

Mr. Jordan advised under normal circumstances the applicant would not be able to request a reduction in separations from a church; however, they could ask for a separation from residential under the zoning ordinance. Because this property is located in redevelopment area, under NRS 279.432, the applicant can request this from the Planning Commission. This item will go before the Redevelopment Agency for final consideration. They can ask for a waiver with the intent of redevelopment or development in the redevelopment areas. The Planning Commission has the authority to waive certain codes and ordinances to encourage redevelopment of property. Staff looked at purpose and guidelines, and believed the proposed improvements would prevent blight in the redevelopment area -- occupying the building and providing development on the site would contribute to strengthening the commercial functions of this area.

Staff recommended approval subject to one condition. This item will be forwarded to the Redevelopment Agency for final consideration.

The condition is as follows:

Planning and Zoning:

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

George Garcia, 1711 Whitney Mesa Drive, Ste.110, stated the building had been sitting vacant for sometime. The downturn of the economy and location made it difficult to find tenants. Fortunately, the landlord attracted interest to occupy the space from Dotty's, which is not a typical bar environment. Mr. Garcia stated it is very quiet, and is a good compatible retail type use.

Dotty's has several locations throughout the valley, for which waivers have been granted in all residential cases, in all instances. In this case there is a church, 1,000 feet to the south. Mr. Garcia conveyed this is not a typical tavern operation, and the

ability to help avoid blight and bring sustainability and vitality to the redevelopment areas were key factors.

Chairwoman Perkins opened the public hearing. Chairwoman Perkins closed the public hearing.

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

MOTION: Commissioner Ewing

SECOND: Commissioner Joiner-Greene

**AYES: Chairwoman Perkins, Vice-Chairman Stone, Commissioners Aston,
Joiner-Greene, Ewing, Acevedo and Kraft**

NAYS: None

ABSTAIN: None

**8. UN-34-13 (46689) NATURAL GAS FUELING STATION (PUBLIC HEARING).
AN APPLICATION SUBMITTED BY JIM AMES, TRANSFUEL LLC ON
BEHALF OF MORTON'S INVESTMENT GROUP, LP, PROPERTY OWNER,
FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT
TO ALLOW THE STORAGE OF HAZARDOUS MATERIAL (LIQUID NATURAL
GAS, LNG). THE PROPERTY IS LOCATED AT 1000 EAST CHEYENNE
AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-11-403-005. (FOR
POSSIBLE ACTION)**

This application was presented by Marc Jordan, Planning Manager.

The applicant is requesting the Planning Commission's consideration to install a natural gas dispenser at the corner of Losee Road and Cheyenne Avenue. The building would be 36 feet in height and would have two buildings associated with it that would hold approximately 16,000 gallons of liquid natural gas.

The applicant is also proposing to construct two buildings that would house the equipment necessary to fuel the trucks as they come in. In reviewing the site plan, the two buildings the applicant is proposing do not meet the 20-foot setback from Losee Road. The applicant would have to adjust the site plan to comply. Staff believes this would be a minor change to the site plan because there is adequate room on the site for them to adjust those buildings to meet the setbacks. They are attaching this to an existing fuel island that is also located in this area.

Also, as part of the use permit, the applicant is requesting a temporary facility that would be located behind the existing truck stop (a tank) that would be capable of 16,000 gallons of liquid natural gas. The applicant indicated the truck would actually only have

13,000 gallons at any one time, and that once it dipped below 3,000 gallons, another truck would fill it. This would be a temporary use, so that they can start their fueling operations, while they are going through their permitting process to be able to construct their permanent building at this location.

Staff had no objections and recommended approval of UN-34-13. This item must go before City Council for final consideration.

The conditions are as follows:

Planning and Zoning:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. The temporary use would only be applicable for a one-year period of time. By the end of the one-year period of time, the permanent structure must be under construction.
3. Within 18 months, all construction on the permanent facility must be completed.

Public Works:

4. A drainage study for the project is required; however, due to the size of the site, this development may be eligible for a drainage study waiver. Please complete and submit waiver application to Public Works Development & Flood Control Division (Dan Le @ 702-633-1932). Applications may be found on the City of North Las Vegas website (<http://www.cityofnorthlasvegas.com/About/Forms.shtm>)
5. Any known geologic hazards, such as faults or fissures, must be shown on any plans submitted to City staff for review.

Mack McKnight, 7371 Prairie Falcon Rd., Suite 120, Las Vegas, stated he represented TransFuels liquid natural gas. He reviewed the schematic of the facility that reflected the location of the support buildings, and agreed with staff recommendations.

Chairwoman Perkins opened the public hearing. Chairwoman Perkins closed the public hearing.

Vice-Chairman Stone asked Mr. McKnight to describe liquid natural gas and its proposed use. Mr. McKnight stated it is the bi-product before oil, which is condensed and stored between 200-220 degrees below zero. It is not combustible, but is

flammable. It is only for fleet vehicles, and costs \$2.50 per gallon. It does not burn like diesel, is very ecologically sound, is the way of the future, and is a safe product.

Commissioner Ewing asked who their primary customers would be and Mr. McKnight stated Swift Trucking, and UPS.

Jason Evans, TransFuels, 3760 Commons Lane, Salt Lake City, UT, stated their biggest customer was UPS. The Las Vegas/North Las Vegas area is one of the first areas in the United States where you can start in Los Angeles and drive all the way to Seattle on a liquid natural gas truck. It is the only place in the United States where this can happen. This is a prime corridor. Swift, UPS, FedEx and the those who drive thousands of miles see this as an economic changer for their company. UPS put a doctrine in place that by 2014-15, they will not have any diesel vehicles, and will primarily have liquid natural gas. It is a product that comes from the United States which stays in this country, and is safe and environmentally friendly.

Commissioner Ewing asked what the applicant's projection for growth in the North Las Vegas area was, and he responded he could see growth in the area because this was the main corridor from Salt Lake to Los Angeles, which was a mega load area for commerce. The sales tax going forward would increase and have a large impact.

Commissioner Kraft asked if there were any other facilities along the I-15 corridor in Clark County that had this type of fuel, and Mr. Evans responded there was one adjacent to the McCarran Airport, which is McClean Energy.

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

MOTION: Commissioner Ewing

SECOND: Commissioner Kraft

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

NAYS: None

ABSTAIN: None

9. **SPR-03-13 (46093) REGENA & GOLDFIELD, LLC (PUBLIC HEARING). AN APPLICATION SUBMITTED BY REGENA & GOLDFIELD LLC, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN R-3, MULTI-FAMILY RESIDENTIAL DISTRICT TO ALLOW 88 UNITS IN A MULTI-FAMILY RESIDENTIAL DEVELOPMENT. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF REGENA AVENUE AND GOLDFIELD STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-27-504-001. (FOR POSSIBLE ACTION)**

This application was presented by Marc Jordan, Planning Manager.

This item was previously before the Planning Commission when it was originally proposed to develop the site with 96 units of multi-family. At that time, staff recommended a continuance of this item because of a number of non-compliance issues with code requirements and zoning ordinances, and the applicant continued indefinitely. At the same time, the applicant also had a request that went through the Planning Commission and was approved by City Council to rezone the property from R-2 to R-3.

The applicant is now proposing 88 dwelling units for a density of 20.32 dwelling units to the acre. The applicant has changed their site plan and is proposing four buildings on this site. Each building is proposed to have between 18 and 26 units each – 9 units on the first floor, 9 units on the second floor and respectively, 13 units and 13 units for the larger buildings.

Mr. Jordan advised that normally when staff reviewed developments of this size, with more than four dwelling units that are accessed by a single hallway, it was usually not encouraged by the zoning ordinance unless there is an elevator that is proposed as part of the development. In this case, the applicant has added an elevator to each building and it can be considered.

The applicant has also redesigned the building from what they originally proposed and the design complies with the multi-family design standards. The applicant complies with the open space requirements, setback requirements, parking requirements, and covered parking requirements.

The applicant has also indicated some design principles that staff wanted to see brought into this development. Because this is a mixed use area, and even though this property is multi-family, staff wanted to see a mixed use concept to tie into the surrounding properties. One of the items the applicant indicated on their site plan is potential access to the church to the south. They would not be able to do this without permission from the church. If they received permission, it would allow the people who live there to be able to access that property without actually having to walk around.

Mr. Garcia indicated they are going to try to work with the people in the development to the east, to be able to add access to them, which staff would encourage. The residents can easily access the perimeter streets, and would be able to walk to the nearby shops.

Staff had no objections to the proposed plan, and recommended approval of the site plan. There were two conditions for amendment.

Listed below are the original conditions listed per Staff Memorandum dated September 11, 2013.

Planning and Zoning:

1. That, unless otherwise approved through a variance, waiver or other approved method, this development shall comply with all applicable codes and ordinances.
2. This site plan review shall become null and void should the accompanying rezoning request (ZN-06-13) not be approved by the City Council.
3. The required sidewalk shall be located five feet from the back of curb and run in a straight course next to both Regena Avenue and Goldfield Street.
4. Each building shall incorporate an elevator.
5. Ground level patios shall be not be divided. Access for the entire 80 square foot patio area shall be provided for the resident of the dwelling unit.
6. As a result of Public Works' requirement to use the *City of North Las Vegas 60' Standard Street Section with Offset Sidewalk*, as constructed on the north side of Regena Avenue, ten feet of landscaping from the property line is required adjacent to the Regina Avenue right-of-way.

Public Works Department:

7. All known geologic hazards shall be shown on the preliminary development plan, tentative map and the civil improvement plans. Geological hazards such as fault lines or fissures affecting residential structures may substantially alter the tentative map layout and require the submission of a revised tentative map which must be approved by the City prior to final approval of the civil improvement plans. The footprint of proposed structures shall be plotted on all lots impacted by faults and/or fissures and a minimum width of five (5) feet shall be provided from the edge of any proposed structure to the nearest fault and/or fissure.
8. Approval of a drainage study is required prior to submittal of the civil improvement plans.
9. 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.
10. Any preliminary street section(s) shown on the plans shall be used for planning purposes only; the street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.

11. Approval of a traffic study is required prior to submittal of the civil improvement plans.
12. Due to the proximity of the proposed driveway on Goldfield Street to the existing driveway servicing the church, a gate shall be installed at the proposed driveway on Goldfield Street that restricts access to exit only; emergency access in and out shall also be allowed. Additionally, the driveway shall be constructed per *Clark County Area Uniform Standard Drawing* number 226.S1 and the width shall be reduced from 32' to 24' as measured from lip of gutter to lip of gutter.
13. 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. Regena Ave.
 - b. Goldfield St.
14. Regena Avenue shall be designed and constructed per the *City of North Las Vegas 60' Standard Street Section with Offset Sidewalk*.
15. A revocable encroachment permit for landscaping within the public right of way is required.
16. All Nevada Energy easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground if impacted by the proposed development of the parcel or if the pole impedes upon the proper ADA clearances for sidewalk. Under no circumstances will new down guy wires be permitted.
17. 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.

George Garcia, 1711 Whitney Mesa Drive, Ste.110, stated they went to great lengths to work with staff to meet, exceed, and improve upon the code, to further the concept of mixed use design in the North 5th corridor. Mr. Garcia stated it is evident from the plan that this is not a typical apartment project. He concurred with staff's recommendations and revised conditions.

Chairwoman Perkins opened the public hearing. Chairwoman Perkins closed the public hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED, AMENDED CONDITIONS;

CONDITION NO. 2. TO BE DELETED.

CONDITION NO. 5 TO BE AMENDED. THE FIRST SENTENCE TO READ "GROUND LEVEL PATIOS SHALL NOT BE DIVIDED." THE SECOND SENTENCE TO REMAIN AS IS.

MOTION: Vice-Chairman Stone

SECOND: Commissioner Joiner-Greene

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

NAYS: None

ABSTAIN: None

10. **UN-32-13 (46683) BROADACRES OPEN AIR MARKET PLACE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BROADACRES OPEN AIR MARKET PLACE LLC ON BEHALF OF GREG DANZ, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-3, GENERAL SERVICE COMMERCIAL DISTRICT TO ALLOW AN AMUSEMENT PARK. THE PROPERTY IS LOCATED AT 2930 NORTH LAS VEGAS BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 139-13-605-005. (FOR POSSIBLE ACTION)**

This application was presented by Marc Jordan, Planning Manager.

The applicant filed a request which was for an outdoor recreation center; however, when staff looked at the zoning ordinance definition, the proposed use did not meet that definition and fell more into the definition of an amusement park.

The applicant indicated they proposed to use 6,000 square feet that would be located behind the existing amphitheater on the site. They will have approximately five carnival games and six mechanical carnival rides. At this time they propose to have only one mechanical ride, which appears to be a swinging dragon, 10 feet in height.

The hours of operation would be Friday, between 4:00 p.m. and 10:00 p.m.; Saturday and Sunday, between 6:00 a.m. to 5:00 p.m.; and during special events from 6:00 a.m. to 10:00 p.m.

This item is before the Planning Commission because it is more of a permanent use that requires building permits and requires inspections for footings, electrical and life safety, and requires a separate license. Normally, an amusement park would not be allowed in a C-3 district, but because it is small in nature and proposed to be operating

in conjunction with the swap meet for their patrons, staff had no objections to them filing.

Also, when staff reviewed guidelines for approval of a special use permit, they believed there were at least four items the Planning Commission must consider in their decision: 1) location of proposed carnival rides and games; 2) noise associated with these games and activities; 3) height of the rides; and 4) hours of operation for this type of use. In reviewing aerials for this site, there is residential property to the south, approximately 160 feet from the area the applicant is proposing to develop their facility.

There are a number of storage sheds along the property line that are eight (8) feet in height. They could safely build something 20 feet in height that would not be visible from the adjacent property lines. There are three (3) conditions: 1) they be limited to the area shown on the site plan, which is approximately 6,000 square feet; 2) that they not build anything higher than 20 feet, to protect the views of the residents; and 3) nothing that they construct can be closer than 160 feet to the property line, confining them to the area.

Staff also looked at the proposed hours of operation, and the noise associated with this request. Title 8 references noise associated with radios and musical instruments, which cannot be at such a volume that they disturb the comfort of the residents between the hours of 10:00 p.m. and 7:00 a.m.

The applicant is proposing an opening time of 6:00 a.m. To be compliant with Title 8 requirements of noise, staff is recommending their hours of operation on Saturday and Sunday, start at 7:00 a.m. versus 6:00 a.m.

In regard to the special event operation, staff is supportive of hours of operation, however, the Redevelopment Agency approved a special use permit for the amphitheater for special events, and it does not operate all the time – only on certain occasions. Staff has no objections to the special events, but a condition has been included that states the hours of operation during special events must be limited to the same hours of operation as the amphitheater, and when activities for the amphitheater are scheduled.

One of the conditions for the use permit for the amphitheater is that whenever they have large groups of people, they are required to meet with the Police Department and provide a schedule of events, so that they can look at it to determine if they need additional security on the site.

Staff also looked at other noises associated with this use during the daytime. The zoning ordinance references noises in drive-in theaters, temporary use and recreational uses that must not have a substantial adverse effect on nearby residential uses or neighborhoods. Staff considered the hours between 7:00 a.m. and 6:00 p.m., when they were operating and what kind of impact that would have. Since they are not

certain at this time, a condition was included requiring them to monitor their own noise levels, and should the City receive complaints with this use, the City would contact the applicant and ask them how they would address and mitigate that.

Staff had no objections to the use permit, and recommended approval subject to the conditions. Since the proposed site is in the north redevelopment area, it will be forwarded to the Redevelopment Agency for final consideration.

The conditions are as follows:

Planning and Zoning:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. Carnival rides and carnival games shall be limited to the area shown on the site plan.
3. Carnival rides and associated equipment shall maintain a 160-foot setback from any residential property line.
4. No carnival ride shall exceed a height of 20 feet.
5. Carnival ride operations shall be limited between the hours of 4:00 p.m. and 10:00 p.m. on Friday, and between 7:00 a.m. and 10:00 p.m. on Saturdays and Sundays.
6. Carnival ride operations for special events may be allowed, but only in conjunction with scheduled activities for the amphitheater/outdoor stage events. The hours of operation for these special events shall be limited between the hours of 10:00 a.m. and 10:00 p.m.
7. During the operations of the carnival rides and games, noises associated with the operations shall not have a substantial adverse effect on the nearby residential neighborhood. Should the City receive complaints regarding the noise associated with the carnival rides and games, the Director of the Community Services and Development Department shall notify the applicant of the complaints. The applicant shall then be required to provide the City a plan of action on how the noise levels will be mitigated to eliminate any substantial adverse effect on the residential neighborhood.

Evelyn Sanchez, 9036 Quiet Cove Way, Las Vegas. The applicant agrees with all proposed recommendations, and conveyed there may be a challenge with the 160-foot

setback from the residential property line behind the proposed area. Ms. Sanchez requested an opportunity to address this issue with staff prior to appearing before the Redevelopment Agency board.

Mr. Jordan clarified that staff did not go to the site and measure, but utilized Clark County Gismo aerial standards to determine the setback requirement. If an adjustment is needed, the applicant can request that of the Redevelopment Agency.

Chairwoman Perkins opened the public hearing. Chairwoman Perkins closed the public hearing.

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

MOTION: Commissioner Ewing

SECOND: Commissioner Acevedo

**AYES: Chairwoman Perkins, Vice-Chairman Stone, Commissioners Aston,
Joiner-Greene, Ewing, Acevedo and Kraft**

NAYS: None

ABSTAIN: None

- 11. UN-37-13 (46697) TERRIBLE HERBST – GAS STATION (PUBLIC HEARING).
AN APPLICATION SUBMITTED BY TERRIBLE HERBST OIL COMPANY ON
BEHALF OF METEJEMI LLC, PROPERTY OWNER, FOR A SPECIAL USE
PERMIT IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A
CONVENIENCE FOOD STORE WITH GAS PUMPS. THE PROPERTY IS
LOCATED AT 5960 LOSEE ROAD (SOUTHEAST CORNER OF LOSEE ROAD
AND TROPICAL PARKWAY). THE ASSESSOR'S PARCEL NUMBER IS 124-
25-312-004. (FOR POSSIBLE ACTION)**

This application was presented by Marc Jordan, Planning Manager.

Mr. Jordan requested Item Nos. 11 and 12 be briefed together, and advised they would require a separate vote by the Planning Commission. Item No. 11 pertained to the gas station and Item No. 12 pertained to the car wash.

The applicant proposed to develop a convenience store approximately 3,000 square feet in size, with gas pumps that would be located east of the convenience store. The car wash would be located west of the store, near Losee Road, and would be approximately 1,000 square feet in size. The development is required to have 19 parking spaces, where the site plan shows that 11 parking spaces are provided.

The applicant would also provide some additional landscape islands south of the convenience store, where none are provided now, and as a result, would have to lose a couple of parking spaces. The applicant indicated that they do have cross access with the shopping center and reciprocal parking. A review of the site plan for the shopping center reflects they are required to have 1,120 parking spaces where they are proposing 1,248 at the time. There is sufficient parking for this use when considering the entire center. Staff had no objections to the parking arrangement.

Generally, the building complies with commercial design guidelines; however, staff would like to see additional architectural features on the north, west and south elevations. Those features should total approximately 60% of the building. Staff believed these would be minor improvements, and consistent with the center. Staff also requested additional design on the canopy for the gas island. The poles show compliance; the canopy is metal and does not meet the design standards.

Mr. Jordan stated the site plan shows a driveway off Losee Road that is a right turn into the facility, and that driveway is not allowed. It is too close to the intersection and creates vehicle conflicts for vehicles on Losee Road, as well as vehicles within the parking lot. The driveway needs to be removed, and would be a minor change.

Staff recommended approval of both use permits, subject to recommended conditions.

The conditions are as follows:

Planning and Zoning:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. The north, west, and south building elevations shall incorporate additional features, such as windows, awnings, and arcades so that such features total at least 60 percent of each building facade.
3. Six-foot wide landscaped islands shall be provided at the end of all parking rows.
4. Six feet of foundational landscaping or an acceptable alternative shall be provided in front of the convenience store.
5. The gas canopy shall be designed to match the convenience store, using similar materials and colors.

Public Works Department:

6. The proposed driveway shown within the right turn lane of Losee Road is not in compliance with *Clark County Area Uniform Standard Drawing* number 222.1 and will not be allowed. This development must utilize the adjacent, existing driveways constructed for this commercial subdivision.
7. Approval of a traffic study is required prior to submittal of the civil improvement plans.
8. Approval of a drainage study update is required prior to submittal of the civil improvement plans.
9. All known geologic hazards shall be shown on the preliminary development plan, tentative map and the civil improvement plans.
10. The civil improvement plans must show all existing improvements for a minimum of 100-feet beyond the limits of the proposed development.
11. All Nevada Energy easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground if impacted by the proposed development of the parcel or if the pole impedes upon the proper ADA clearances for sidewalk. Under no circumstances will new down guy wires be permitted.

Michael Cunningham, 6030 S. Jones, Las Vegas, applicant, reviewed the parking site and stated there was plenty of parking. He addressed the building façade that staff requested additional architecture features. He reviewed the north, west and south elevations. Mr. Cunningham is working with the architect to put in similar arches to those on existing buildings. He stated that adding windows will be difficult due to the drive-through on the west side of the building; however, they may be able to put in a large window or archways to enhance it, which would be similar to those in the existing center.

Mr. Cunningham reviewed the six (6) foot wide landscaping at the end of the parking rows and also around the building. He stated it would be difficult to fit six (6) feet of landscaping around the building. They may reduce the size of the sidewalk, and will look into adding landscaping into the area.

Mr. Cunningham also discussed staff's concern regarding the driveway and the possible issues with traffic coming into the site and the congestion in the corner. He did not believe this would be a safety issue. In addition, he will work with architect on the gas canopy, to get the elevation to match the building façade.

Chairwoman Perkins opened the public hearing. Chairwoman Perkins closed the public hearing.

Vice-Chairman Stone asked Mr. Cunningham if he accepted staff's recommendations, and Mr. Cunningham is in agreement with the conditions. He requested reconsideration of the driveway due to functionality. Vice-Chairman Stone stated design is addressed by staff.

Mr. Jordan advised that what is before the Planning Commission is a use permit. The issue of allowing/not allowing the driveway could not be heard with this application. Driveway locations are subject to Title 17 requirements, and can be deviated slightly by the Director of Public works. Title 16 also outlines requirements that contain standard drawings which can also be addressed by the Director of Public Works. If an applicant wants a driveway, the application for a use permit is not the tool to accomplish that. They would have to file an application of a waiver, which would be come before the Planning Commission and then forwarded to City Council.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Vice-Chairman Stone

SECOND: Commissioner Acevedo

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

NAYS: None

ABSTAIN: None

12. **UN-38-13 (46698) TERRIBLE HERBST – CAR WASH (PUBLIC HEARING). AN APPLICATION SUBMITTED BY TERRIBLE HERBST OIL COMPANY ON BEHALF OF METEJEMI LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A VEHICLE WASHING FACILITY. THE PROPERTY IS LOCATED AT 5960 LOSEE ROAD (SOUTHEAST CORNER OF LOSEE ROAD AND TROPICAL PARKWAY). THE ASSESSOR'S PARCEL NUMBER IS 124-25-312-004. (FOR POSSIBLE ACTION)**

This application was presented by Marc Jordan, Planning Manager.

The conditions are as follows:

Planning and Zoning:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. A building permit for the convenience store shall be issued prior or in conjunction with a building permit for the vehicle washing establishment.
3. The applicant shall comply with all conditions of approval for UN-37-13.

Chairwoman Perkins opened the public hearing. Chairwoman Perkins closed the public hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Kraft

SECOND: Commissioner Acevedo

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

NAYS: None

ABSTAIN: None

13. **ZN-09-13 (46687) LONE MOUNTAIN AND SIMMONS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY TOBAKO LLC, PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTY FROM AN R-E, RANCH ESTATES DISTRICT TO AN R-1, SINGLE-FAMILY LOW DENSITY DISTRICT. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF LONE MOUNTAIN ROAD AND SIMMONS STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-32-402-004. (FOR POSSIBLE ACTION)**

This application was presented by Marc Jordan, Planning Manager.

The proposed re-zoning request is consistent with the Comprehensive Plan and does comply with the criteria outlined in the zoning ordinance.

Staff recommended approval.

Ken Hanifan, Hanifan-Slater Group, 5740 S. Arville, Ste 116, concurs with staff's recommendations for approval.

Vice-Chairman Stone asked if a public hearing had been held with the residents, and Mr. Hanifan said yes, and that everyone was in agreement.

Shirley Lyons, 3005 Chilly Nights Ave., North Las Vegas, stated she did not receive anything in the mail notifying her that a public hearing would be held with the residents. She wanted the zoning to be kept single-family, and did not want town homes or apartments.

Chairwoman Perkins opened the public hearing. Chairwoman Perkins closed the public hearing.

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

MOTION: Commissioner Kraft

SECOND: Commissioner Aston

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

NAYS: None

ABSTAIN: None

PUBLIC FORUM

Juanita Clark, Charleston Neighborhood Preservation, 137 Lorenzi St., Las Vegas, thanked the Planning Commission and City Council for rejecting eminent domain. Ms. Clark had personally gone through the eminent domain process, and conveyed it was a difficult process, and that the criteria used could result in lowering the value of homes.

DIRECTOR'S BUSINESS

There was no report given.

CHAIRWOMAN'S BUSINESS

There was no report given.

ADJOURNMENT

The meeting adjourned at 8:30 p.m.

APPROVED: October 9, 2013

/s/ Laura Perkins
Laura Perkins, Chairwoman

/s/ Julie Shields
Julie Shields, Recording Secretary