

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

November 13, 2013

BRIEFING: 5:30 P.M.
Caucus Room, 2250 Las Vegas Boulevard, North
North Las Vegas, Nevada

CALL TO ORDER: 6:03 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
Bethany Rudd Sanchez – Sr. Deputy 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 Willard Ewing

PUBLIC FORUM

There was no public participation.

AGENDA

1. APPROVAL OF THE PLANNING COMMISSION MEETING AGENDA OF NOVEMBER 13, 2013 (FOR POSSIBLE ACTION)

Marc Jordan, Planning Manager advised the applicant requested Item No. 3 be continued to December 11, 2013; the applicant requested Item No. 20 be continued to January 8, 2014; a request was received to move Item No. 19 to the beginning of the agenda, and staff requested Item Nos. 15, 17, 18, 21 and 22 to be considered after Item No. 19.

ACTION: APPROVED AS AMENDED; ITEM NO. 3 CONTINUED TO DECEMBER 11, 2013. ITEM NO. 20 CONTINUED TO JANUARY 8, 2014. ITEM NO. 19 MOVED TO THE BEGINNING OF THE AGENDA. OLD BUSINESS ITEM NOS., 15, 17, 18, 21, AND 22 TO FOLLOW ITEM NO. 19.

MOTION: Commissioner Kraft

SECOND: Vice-Chairman Stone

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

NAYS: None

ABSTAIN: None

MINUTES

2. APPROVAL OF MINUTES FOR THE PLANNING COMMISSION MEETING OF OCTOBER 9, 2013 (FOR POSSIBLE ACTION)

ACTION: APPROVED

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

OLD BUSINESS

19. **SPR-09-11 (46942) COLONIAL GRAND @ AZURE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY COLONIAL REALTY, LP, C/O ED WRIGHT, PROPERTY OWNER, FOR AN EXTENSION OF TIME TO A PREVIOUSLY APPROVED SITE PLAN REVIEW IN AN R-3, MULTI-FAMILY RESIDENTIAL DISTRICT, TO ALLOW 438 DWELLING UNITS. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF LAMB BOULEVARD AND TROPICAL PARKWAY. THE ASSESSOR'S PARCEL NUMBERS ARE 123-30-601-013, 014 AND 015. (FOR POSSIBLE ACTION) (CONTINUED OCTOBER 9, 2013)**

This item was presented by Robert Eastman, Principal Planner.

This development was previously approved on October 12, 2011, with the same conditions in the current Staff Report. The site was the same 438 dwelling units. Previously, it was a mixed use development containing a total of 337 multi-family units and some commercial developments. Since that time it has been proposed as all multi-family residential.

When reviewing the proposed site plan and building elevations, some modifications still needed to be done; specifically, the patios were not in compliance with design standards and needed to be amended. The balconies previously did not comply, but are now in compliance with their revision.

Additionally, from an architectural standpoint, changes in paint color, trim lines and architectural features need to be added for compliance. Under the previous code, there was a requirement for village clusters, and the applicant needed to provide two additional distinct themes in order to provide more of a neighborhood cluster effect in the development. Staff recommended approval subject to the conditions listed.

Staff received 15 cards; 14 were in opposition and one was in support. One of the cards in opposition stated the following comments: They are in opposition to the proposed apartment complex, and were opposed that this item had been continued previously. The rationale for continuing this item was a tactic to wear down the public opposition and make it easier for the Planning Commission to approve later. As a single-family homeowner, they want their property values protected, and feel the proposed multi-family is detrimental to their property values and they would prefer the commercial that was previously there.

Chairwoman Perkins was notified by the applicant that they were unable to attend tonight's meeting due to illness.

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

Vice-Chairman Stone asked staff to confirm that site plan review action is final with the Planning Commission unless appealed. Mr. Eastman confirmed that it was final, unless appealed.

The revised conditions per City of North Las Vegas October 12, 2011 memorandum are as follows:

Planning & Zoning Department:

1. Unless expressly authorized through a variance, waiver or another approved method development shall comply with all applicable codes and ordinances.
2. The development shall comply with the Multi-Family Development Standards including, but not limited to:
 - a. All buildings will have the required architectural detailing to the sides and rears of the buildings within the development. This includes the maintenance building, clubhouse, carports, and garages.
 - b. The buildings shall be limited to two (2) stories and not to exceed 35 feet in height to the top of the roof.
 - c. All units are required to have a balcony or patio that cannot be accessed by any other unit. Balcony areas must be a minimum of 40 square feet in size and patio areas must be a minimum of 80 square feet in size.
 - d. Special pavers, bricks or patterned concrete shall be provided for all entry areas and internal walkways, as shown on the submitted site plan.
 - e. The development will also show three (3), "village clusters" as required in the Multi-Family Development Guidelines. These will be shown on the construction plans at the time of building permit submittal.
 - f. No utility panels shall be visible from adjacent rights-of-way or properties.
3. A minimum of 868 non-tandem parking spaces shall be provided.
4. If a fence is provided around the development along the rights-of-way, it shall be designed with a minimum of six (6) pedestrian access points to the perimeter sidewalk.
5. At minimum, the developer will be required to provide the following amenities:
 - a. A minimum of twenty 24-inch box trees per acre;
 - b. Circuitous lighted paths;
 - c. At least two (2) differing, age-appropriate, covered play structures for children with EPDM resilient fall protection over a non-porous surface in two different areas of the development (4 play structures total). Shaded seating areas should also be provided adjacent to play structure locations for supervision purposes;
 - d. Two swimming pools with accompanying restrooms, drinking fountains, decking, barbecue areas, and shade structures at each location. The combined square footage of the swimming pools shall equal a minimum of 1,971;
 - e. A minimum of one fitness facility;

- f. A minimum of one clubhouse with no more than 25% of the floor area (included in the open space calculation) dedicated for uses other than common recreation and incidental support facilities. The floor plan of each recreation building shall be subject to the approval by staff during review of the building plan;
- g. Eight (8) shaded picnic areas, including picnic tables and barbecue grills;
- h. Pedestrian crossings shall be marked and signed;
- i. A minimum of two (2) pedestrian paths each from the development to the sidewalks along Azure Drive, Lamb Boulevard and Tropical Parkway shall be provided.
- j. Benches spaced along park pathways;
- k. Exercise stations and mile markers spaced along paths;
- l. At least one large grassy open space area for group/organized play;
- m. Dog stations near grass areas and other convenient locations;
- n. All open space areas and amenities shall be ADA accessible and developed in compliance with the CNLV 2004 Park Design Standards; and
- o. Details of amenities to be provided at the time of building permit submittal.

Public Works Department:

In addition to the requirement to comply with the *City of North Las Vegas Municipal Code - Titles 15 and 16, NRS 278* and accepted *Clark County Area Uniform Standard Drawings*, the Department of Public Works recommends the following conditions of approval:

- 6. All known geologic hazards shall be shown on the civil improvement plans. Geological hazards such as fault lines or fissures affecting residential structures may substantially alter the proposed building layout and require the submission of a revised site plan 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.
- 7. Approval of a drainage study is required prior to submittal of the civil improvement plans.
- 8. 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.
- 9. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
- 10. Approval of a traffic impact study is required prior to submittal of the civil improvement plans.
- 11. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Tropical Parkway.

12. 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. Tropical Parkway
 - b. Azure Avenue
13. Right-of-way dedication and construction of a CAT bus turn-out is required on Tropical Parkway near Lamb Boulevard per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 234.1.
14. Right-of-way dedication and construction of a flared intersection is required for Tropical Parkway approaching Lamb Boulevard per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 201.1 and 245.1.
15. The developer is required to construct a raised median within Tropical Parkway. The median shall be constructed per *Clark County Area Uniform Standard Drawing* numbers 218 PCC and 219 "A" type island curb. Specifications for the stamped concrete will be provided by the Department of Public Works.
16. Building numbering shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.
17. The property owner is required to grant a public pedestrian access easement for sidewalk located within a common element when that sidewalk is providing public access adjacent to the right-of-way.
18. A revocable encroachment permit for landscaping within the public right of way is required.
19. Appropriate mapping is required to complete this project. All mapping shall be in compliance with NRS Chapter 278 and the *City of North Las Vegas Municipal Code* and associated Master Plans in effect at the time of subdivision and/or parcel map approval. Conformance may require modifications to the site.
20. All off-site improvements must be completed prior to final inspection of the first building or per an offsite phasing plan approved by the Department of Public Works.
21. 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.
22. 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.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

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

15. **UN-41-13 (46950) GRACE POINT CHURCH (PUBLIC HEARING). AN APPLICATION SUBMITTED BY GRACE POINT CHURCH, ON BEHALF OF FNBN PPTYS NEVADA, 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 3776 AND 3794 WEST ANN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-30-813-032. (FOR POSSIBLE ACTION) (CONTINUED OCTOBER 9, 2013)**

This item was presented by Marc Jordan, Planning Manager.

The applicant proposed to utilize two buildings on the site; one building is 13,000 square feet in size and the other is 14,300 square feet in size, for the church. Building B will consist of the worship center and is the smaller building. The larger building will consist of the classroom spaces, nursery and office space.

Staff determined the site complies with parking. There is a small commercial/retail/convenience/restaurant-type building on the site. The site contains parking for use of the church and for the tenant who might occupy the building. Staff discussed the proposed changes to the exterior of the building as part of the tenant improvements, via e-mail with the applicant today. Per the Staff Report, staff had no objections, but the applicant must comply with the commercial design guidelines. The Staff Report indicated the applicant would have 513 fixed seats. The applicant indicated they would like moveable seats so that they can make use of them in other sanctuaries for other activities. Staff had no objections as to how the seats would be put into the sanctuary, but they would have to comply with occupancy/parking requirements. There are life safety issues that Building and Fire would look at when it came to occupancy issues regarding that space. Staff recommended approval subject to conditions.

The conditions per staff memorandum dated October 9, 2013 are as follows:

Planning & Zoning:

1. Unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. That all lands, areas, and open spaces are to be developed and maintained per the Development Agreement between the City of North Las Vegas and Ann Allen

Commons, LLC (formally Aliante Commons, LLC) dated May 18, 2005, or as amended.

Dave Brown, 9910 W. Cheyenne, represented Grace Point Church. Pastor Ty Neal, and Mr. Andozesha (phonetic), architect, appeared along with him. Mr. Brown stated he worked with staff to find a location in North Las Vegas that worked for the church, and to find a building that complied with all codes, and was in an area acceptable to the City.

Pastor Neal stated he wanted an outward driven church. They had planned for this church seven years ago, and have partnered with the City over the past five years on a number of City events. They wanted to create community where community does not exist, and be a blessing to the City.

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

Vice-Chairman Stone asked the Pastor to review the hours of operation. Pastor Neal said Sunday morning only, but potentially Sunday evenings.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Kraft

SECOND: Commissioner Ewing

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

NAYS: None

ABSTAIN: None

- 16. UN-42-13 (46965) JUAN E. PARRA (PUBLIC HEARING). AN APPLICATION SUBMITTED BY JUAN E. PARRA ON BEHALF OF JOSE LUIS PARRA, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT, TO ALLOW AN "ON-SALE" ESTABLISHMENT (BEER & WINE). THE PROPERTY IS LOCATED AT 2425 NORTH LAS VEGAS BOULEVARD, SUITES 101 AND 102. THE ASSESSOR'S PARCEL NUMBER IS 139-14-801-003. (FOR POSSIBLE ACTION) (CONTINUED OCTOBER 9, 2013)**

This application was presented by Marc Jordan, Planning Manager.

The applicant received a license from the City in February, 2013, and would like to serve beer and wine in conjunction with their restaurant. The applicant submitted a survey which demonstrates they comply with separation requirements and staff recommended approval.

The property is located in the Redevelopment Area, and this item will be forwarded to the Redevelopment Agency for final consideration.

The original condition per Staff Report dated October 9, 2013 is as follows:

Planning & Zoning:

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

Juan E. Parra, 1028 Sagerock Way, North Las Vegas, stated his English was limited, and Sr. Deputy City Attorney Rudd Sanchez translated on his behalf. Ms. Rudd Sanchez indicated the applicant had spoken with staff and is familiar with the requirements and conditions and accepts them.

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

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

MOTION: Commissioner Aston

SECOND: Commissioner Acevedo

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

NAYS: None

ABSTAIN: None

17. **ZOA-02-13 (46835) MICHAEL WRIGHT FOR SAHARA VEGAS, LLC (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MICHAEL WRIGHT FOR SAHARA VEGAS, LLC, PROPERTY OWNER, FOR AN AMENDMENT TO TITLE 17 (ZONING ORDINANCE), SECTION 17.20.020.C.10, (DEFERRED DEPOSIT LOAN OR SHORT TERM LOAN ESTABLISHMENT) OF THE NORTH LAS VEGAS MUNICIPAL CODE TO AMEND THE PROXIMITY DISTANCE AND MEASUREMENT REQUIREMENTS FOR DEFERRED DEPOSIT LOAN OR SHORT TERM LOAN ESTABLISHMENTS, AND PROVIDING FOR OTHER MATTERS PROPERTY RELATED THERETO. (FOR POSSIBLE ACTION) (CONTINUED OCTOBER 9, 2013)**

This application was presented by Marc Jordan, Planning Manager.

The applicant requested an amendment to the zoning ordinance, Title 17, to reduce the separation requirements for a deposit loan or short-term loan establishment from 2,500

feet to 1,000 feet; and, to also reduce the separation requirements for short-term loan establishments or deferred loan facilities from 500 feet to 200 feet for residential properties. In addition, the applicant requested to amend the method of measurement from like uses to be primary public entrance to primary public entrance, versus [previously] primary public entrance to the nearest property line. From residential, the applicant requests from primary public entrance -- instead of to the nearest property line, it would be from the primary public entrance using the nearest pedestrian vehicular route to the principal door, or to the nearest residential property line.

Staff's researched showed the City of Las Vegas, City of Henderson and Clark County all have 1,000 feet separation requirements from like uses, as well as 200 feet separation requirements from residential properties. The City of North Las Vegas is more restrictive than other entities in the valley.

Mr. Jordan advised that if jurisdictions wanted to reduce the number uses, there were a number of ways to accomplish that: 1) review how to separate uses; 2) the market could dictate how and where the uses go in; 3) review how the establishments are run; and 4) look at and possibly limit the interest rates to 36% or less; 5) require installment payments versus balloon payments -- this would be more of a legislative item, rather than a land use item.

Staff requested when reviewing this item, that the Planning Commission considers the City as a whole, rather than the specific location. This amendment would apply to the City as a whole, and Staff listed suggested language in the Staff Report. This item will be forwarded to City Council for final consideration.

Staff recommended amendments per Staff Report dated October 9, 2013 are as follows:

10. Deferred Deposit Loan or Short Term Loan Establishment

a. Proximity Distance Requirements

- (i) The proposed deferred deposit loan or short term loan establishment shall be set back a minimum of 1,000 feet from all existing or approved deferred deposit loan or short term loan establishments, unless a waiver is approved.
- (ii) The proposed deferred deposit loan or short term loan establishment shall be set back a minimum of 200 feet from any developed residential zoning district. For purposes of this section, "developed residential zoning district" means 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.

b. Proof of Proximity Distance Compliance Required

- (i) The City shall not accept, nor set for hearing any request unless the applicant provides to the City one of the following with the application:
 - (1) A notarized statement by the applicant that the location complies with the proximity distance requirements above,
 - (2) A survey plat prepared by a Nevada Licensed Professional Land Surveyor showing that the proposed location complies with the proximity distance requirements above, or
 - (3) A request for a waiver, where available, as allowed below pursuant to Section 17.20.020.C.10.c. provided with the special use permit
- (ii) The minimum separation of 1,000 feet between any existing or approved deferred deposit loan or short term loan establishment shall be measured utilizing the shortest direct line distance between the primary public entrance of each establishment.
- (iii) The minimum separation of 200 feet from any developed residential zoning district shall be measured along the nearest pedestrian or vehicular route from the primary public entrance of the deferred deposit loan or short term loan establishment to the property line of the nearest developed residential zoning district.

c. Waiver of Title 17 Proximity Distance Requirements for Deferred Deposit Loan or Short-Term Loan.

- (i) A waiver of the 1,000 foot proximity distance requirement between a proposed deferred deposit loan or short term loan establishment, and any other existing or approved deferred deposit loan or short term loan establishment may be granted by the City Council upon finding that an "adequate barrier" exists between a deferred deposit loan or short term loan establishment location.
- (ii) An "adequate barrier" is defined as: an improved drainage facility, Clark County Interstate 215, US 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 which prevents vehicular and pedestrian access between a Deferred Deposit Loan or Short-Term Loan establishment.

- (iii) A topographical feature does not include any building, wall, fence or other man-made structure.
 - (iv) The boundary limits of these streets, freeways and freeway crossovers are as defined by the official City of North Las Vegas, Nevada Department of Transportation and Clark County right-of-way maps for such roadways, respectively.
- d. **Floor Area Requirements for Deferred Deposit Loan or Short Term Loan Establishment**

The building or portion thereof that is dedicated to the deferred deposit loan or short term loan establishment must have a minimum size of 1,500 square feet of building floor area.

Paul Thurston (phonetic), represented Sahara Vegas, LLC and Dave Galyen, 3051 Coleman St., North Las Vegas. The applicant supports the code amendment, and believes that since Clark County, City of Las Vegas, and the City of Henderson are adopting the same distance requirements, they hoped they could do the same in North Las Vegas. This location was supposed to be a Sunwest Bank; however, when the banks began to have problems, it never opened, and has been sitting vacant for three years. Now there is an opportunity for a company to utilize the building in its current condition, and bring business to North Las Vegas. Due to the current distance requirements, they are unable to do that. The applicant checked with the banks and credit unions (in and out of the state) and there was no interest in this particular location.

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

Commissioner Kraft asked staff about mainstream financial institutions offering similar products as the proposed tenant, and the impact on the current separation requirements. Mr. Jordan advised these types of financial institutions were classified under a different category, and were required to come forward with a use permit, and the separation requirements were different because their establishment is traditional type banking.

Commissioner Ewing asked why they did not receive a recommendation from staff. Mr. Jordan advised normally staff would provide a recommendation; however, in this particular case, the Planning Commission is required to look at the facts and circumstances on how this would not affect the health and welfare of the City and forward that recommendation to City Council. Staff was neutral on this item. The Police Department provided statistics on four (4) locations of payday and banking institutions, and did not find anything detrimental associated with payday lending compared to a bank.

Mr. Jordan stated it was difficult to determine whether the standards should be maintained, especially since other jurisdictions in the valley had smaller separation requirements. This item was more of a policy direction on how the City would like to go, and that it was a rare occasion for staff to take a neutral position regarding their recommendation.

Commissioner Ewing asked about the hours of operation, and the applicant responded they would be 9:00 a.m. to 6:00 p.m., Monday-Friday and 9:00 a.m. to 4:00 p.m. on Saturday. Commissioner Ewing asked about on-site security, and the applicant said there was no physical security guard, but that each facility had a minimum of 16 cameras that were monitored by a centralized system in southern Nevada, with a full alarm system.

Vice-Chairman Stone confirmed the zoning ordinance amendment applied across the City, and was without regard to a specific location. Any applicant with a specific location would have to appear before the Planning Commission, and Mr. Jordan concurred.

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

MOTION: Commissioner Aston

SECOND: Commissioner Ewing

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

NAYS: Chairwoman Perkins and Commissioners Acevedo and Kraft

ABSTAIN: None

18. **UN-40-13 (46945) STRUCK OIL (PUBLIC HEARING). AN APPLICATION SUBMITTED BY JOHN ROBERT FIORE ON BEHALF OF L. ROSE, LLC, 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 2750 WEST BROOKS AVENUE, SUITE 115. THE ASSESSOR'S PARCEL NUMBER IS 139-17-510-011. (FOR POSSIBLE ACTION) (CONTINUED OCTOBER 9, 2013)**

This item was presented by Marc Jordan, Planning Manager.

Staff had no objections to this request. There are three other like uses located within this building that were already approved for use permits. Staff indicated all vehicles awaiting repair need to be stored inside the facility, and all repairs would need to be done inside, as well. Staff recommended approval. Three cards were received expressing opposition to this item.

The conditions per staff memorandum dated October 9, 2013, 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. All repair work on vehicles shall be performed inside the building.
3. All vehicles awaiting repair shall be stored indoors.
4. The special use permit is site-specific and non-transferable.

John Robert Fiore, Struck Oil, 2750 West Brooks, Suite 115, North Las Vegas, appeared to answer questions and agreed with staff's recommendations.

Chairwoman Perkins opened the public hearing.

Jessica Saldana, 7631 N. Jones Blvd., Las Vegas, property manager, on behalf of the Association at Cheyenne West. The Association manages 31 buildings within the center. The owner of this building has three other special use permits. One of the tenants in the building has cars parked outside which obstruct right-of-way, and has parties at night. Her objection is with cars stored and being repaired outside. The Association was formed in February 2013. Ms. Saldana requested that no additional vehicle repair facilities be allowed within the Association as it did not conform with the Association's CC&R's. Ms. Saldana confirmed with Vice-Chairman Stone that she was in opposition of this item.

Stuart Leibsohn, 22901 Wrencrest Dr., Calabasas, CA, President of the Homeowner's Association for the Cheyenne West Corporate Center. There are 33 lots in the center representing over 1.5 million square feet of property and 29 different owners. This building was purchased within the last year. The owner has leased out multiple units to auto repair facilities. Three conditional use permits were granted previously and all three had conditions that said no work outside unless screened in or inside; or inside or behind a masonry wall. Mr. Leibsohn presented pictures showing that the tenants are not honoring the conditions of their conditional use permit. In September 2013, Frank Marshot (phonetic) Vice-President of HOA, met with Pete Garner and Vicki Adams. Mr. Marshot gave a formal complaint to Rocky Heidt, Code Enforcement Officer, stating conditions were being abused and had not been met. Mr. Marshot was advised that Lonnie Mann was the Code Enforcement Officer assigned to the case.

Mr. Leibsohn stated he was vehemently opposed to this type of use in the park, and the owners were vehemently opposed to it. Twenty-eight (28) of the 29 owners are against this use. There are public safety issues. Cars are being raced through common area driveways, are putting lives in danger and destroying property, including landscaping and curbing. There are potential hazardous material issues. The property is configured in two levels, and when it rains, the water flow comes down to the lower level. Rainwater could possibly wash hazardous material into public streets and sewer. The

HOA has taken legal action against the owner of this building for violating the CC & R's and by-laws of the association. The owner of the building has already evicted one of three tenants that were previously approved for conditional use permit.

Ms. Rudd Sanchez conveyed to the Planning Commission that to the extent in making a decision, to keep the City's code requirements and conditions for any previous use permit for this particular tenant in mind; however, violation of CC & R's, HOA by-laws or conditions, or violations of other tenants are an outside issue. Their consideration of this applicant should be ruled by the City's code and requirements.

Mr. Libsohn stated the process is backwards. The (four) tenants moved into the building, and subsequently came to the Planning Commission for permission. They broke the conditions that the Planning Commission set, and broke the law.

Mr. Fiore stated there were a couple of buildings that existed prior to him being in the center, and he understood from the owner the property was zoned for this use. He agreed there were issues with the complex and they should be handled. He stated he was an upstanding businessman and would like to promote a certain type of business. All of his vehicles are stored inside and he does not work on them outside. He is a family man who is trying to make a living in North Las Vegas.

Chairwoman Perkins closed the public hearing.

Ms. Rudd Sanchez conveyed that enforcement is a separate issue, and is not something the Planning Commission is responsible for. She advised if a tenant is doing something illegal, that either the Police Department or Code Enforcement should be contacted. The application is for this particular use and not for any other tenant.

Commissioner Aston stated he understood the difference between land use and the Planning Commission, and the Association and the CC&R's, and made decisions based upon land use. Commissioner Aston asked the applicant about the condition which states that all vehicles awaiting repair shall be stored indoors. The applicant stated he typically picks up and delivers vehicles and they are not stored outside. The building can store three vehicles inside, along with a small trailer. The applicant confirmed he was willing to honor the conditions.

Commissioner Ewing asked if the condition that vehicles awaiting repair shall be stored indoors, was applicable 24/7 or just at night. Mr. Jordan clarified that vehicles that are torn apart or in obvious state of needing repair would be stored indoors. Those vehicles that are parked on the lot awaiting pick-up or delivery would be viewed as any other vehicle for any customer or employee for other businesses within the center.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

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

21. **VAC-07-13 (46948) 5TH AND LAKE MEAD (PUBLIC HEARING). AN APPLICATION SUBMITTED BY THE CITY OF NORTH LAS VEGAS, PROPERTY OWNER, TO VACATE APPROXIMATELY 203.3 FEET OF A 20-FOOT WIDE ALLEY WAY COMMENCING SOUTH OF EAST LAKE MEAD BOULEVARD AND PROCEEDING SOUTH APPROXIMATELY 203.3 FEET. THE PROPERTY IS LOCATED APPROXIMATELY 84 FEET EAST OF NORTH 5TH STREET AND SOUTH OF EAST LAKE MEAD SOUTH BOULEVARD. (FOR POSSIBLE ACTION) (CONTINUED OCTOBER 9, 2013)**

This application was presented by Robert Eastman, Principal Planner.

Staff recommended approval, and will forward this item to City Council for final consideration.

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

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

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

22. **ZN-10-13 (46940) LAS ISLITAS RESTAURANT (PUBLIC HEARING). AN APPLICATION SUBMITTED BY JUAN PARRA, PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTIES FROM THE CURRENT DESIGNATIONS OF R-2, SINGLE-FAMILY MEDIUM DENSITY DISTRICT AND R-3, MULTI-FAMILY RESIDENTIAL DISTRICT, TO C-2, GENERAL COMMERCIAL DISTRICT. THE PROPERTIES ARE LOCATED AT 2508 AND 2512 MAGNET STREET, AND THE NORTHERN PORTION OF THE PARCEL LOCATED AT THE NORTHWEST CORNER OF NORTH LAS VEGAS**

BOULEVARD AND CARROLL STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 139-14-812-168, 169 AND PORTION OF 139-13-401-004. (FOR POSSIBLE ACTION) (CONTINUED OCTOBER 9, 2013)

This application was presented by Robert Eastman, Principal Planner.

The site is a conglomeration of a number of lots, with multiple zoning classifications. The property is zoned C-2, along North Las Vegas Boulevard. There are lots on the northeast side that are zoned R-3, and on the other half of the north side is zoned R-2, and contains two single-family dwellings. The applicant intends to merge the lots together and create a commercial development.

Staff is recommending the item be approved and will forward this item to City Council for final consideration. Three cards were received in support of this request.

Sr. Deputy City Attorney Rudd Sanchez interpreted on Mr. Parra's behalf.

Juan Parra, 1028 Sagerock Way, North Las Vegas, understood and agreed with Staff's recommendations.

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

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Kraft

SECOND: Commissioner Joiner-Greene

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

NAYS: None

ABSTAIN: None

NEW BUSINESS

3. **T-1359 (47210) GOLDFIELD II. AN APPLICATION SUBMITTED BY WILLIAM LYON HOMES, PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN AN R-1, SINGLE-FAMILY LOW DENSITY DISTRICT TO ALLOW 30 SINGLE FAMILY DWELLINGS. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF VERDE WAY AND NORTH 5TH STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-34-804-002, 003, 005 AND 006. (FOR POSSIBLE ACTION)**

ACTION: CONTINUED TO DECEMBER 11, 2013 PER THE APPLICANT'S REQUEST

MOTION: Commissioner Kraft

SECOND: Vice-Chairman Stone

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

NAYS: None

ABSTAIN: None

4. **UN-46-13 (47125) AMERICA FIRST FEDERAL CREDIT UNION (PUBLIC HEARING). AN APPLICATION SUBMITTED BY AMERICA FIRST FEDERAL CREDIT UNION, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW A FINANCIAL INSTITUTION. THE PROPERTY IS LOCATED AT 1225 WEST CRAIG ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-04-701-017. (FOR POSSIBLE ACTION)**

This item was presented by Robert Eastman, Principal Planner.

This was an existing bank that was operated by Silver State Bank and is located in the Home Depot Center. It ceased being bank and closed in 2008. A credit union is requesting to open the bank. The previous use permit has expired and a new use permit is required. Since 2008, the major changes to the area are the construction of Firestone within the same development, and the development of Craig Ranch Regional Park, located across the street.

Staff recommended approval.

The conditions per Staff Report dated November 13, 2013, are as follows:

Planning & Zoning Department:

1. Unless expressly, authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. Any exterior building alternations shall be designed to match the design theme of the existing shopping center and the buildings within the shopping center.

Jan Donlan (phonetic), project coordinator, America First Federal Credit Union, 4646 S. 1500 West, Riverdale, UT. Ms. Donlan confirmed with Chairwoman Perkins she understood staff's recommendations. Ms. Donlan stated this is the seventh branch they have opened in Nevada.

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

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Ewing

SECOND: Commissioner Acevedo

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

NAYS: None

ABSTAIN: None

5. **UN-49-13 (47174) PORT SALON SPA & LASH BAR (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PEGGY RITCHEY ON BEHALF OF AMER PAC CAP CENT SIMMONS COMPANY, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT, TO ALLOW A MASSAGE ESTABLISHMENT. THE PROPERTY IS LOCATED AT 6365 SIMMONS STREET, SUITE 130. THE ASSESSOR'S PARCEL NUMBER IS 124-29-115-005. (FOR POSSIBLE ACTION)**

This item was presented by Robert Eastman, Principal Planner.

The applicant is currently operating a salon, and is proposing to add massage services within the salon. Staff, when reviewing the location and use, did not feel it would be detrimental to the neighborhood. There is adequate parking.

Staff recommended approval.

The condition per Staff Report dated November 13, 2013 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 ordinance.

Peggy Ritchey, 4115 Galisteo Ct., North Las Vegas, stated she understood and concurred with staff's recommendations and conditions.

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

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITION

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

6. **UN-43-13 (47087) EP RENEWABLE LAS VEGAS, INC. (PUBLIC HEARING). AN APPLICATION SUBMITTED BY EP RENEWABLE LAS VEGAS, INC. ON BEHALF OF PRATTE LONE MOUNTAIN, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT AN M-2, GENERAL INDUSTRIAL DISTRICT, TO ALLOW OUTDOOR MANUFACTURING. THE PROPERTY IS LOCATED AT 2900 E. LONE MOUNTAIN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-36-403-010. (FOR POSSIBLE ACTION)**

This item was presented by Robert Eastman, Principal Planner, who requested Item Nos. 6 and 7 be briefed together as they were related.

The site is slightly less than 20 acres. The applicant proposed to develop a gasification plant, or waste to energy generation plant containing numerous heavy industrial style uses. The plant would take in 1,000 tons of waste per day, and is source separated waste that comes in. The waste is picked through to ensure there is nothing that would damage the gasifiers, is put through a conveyor and chopped into uniform pieces, and turned into the gasifiers. The gasifiers heat the material and control the amount of oxygen and pressure within the tanks to create a synthetic gas from the waste material. The waste is generally construction/demolition waste or waste from casinos. That synthetic gas is immediately burned, and powers a steam turbine generator to generate power.

The applicant proposes to operate the plant 24-hours per day, every day of the year and will generate 48 megawatts of electricity. Approximately 40 megawatts of that is able to be transferred into the electrical grid for the region.

The plant will consist of two phases. The majority of the site will be developed with the first phase which will include the principal building, which is an addition to the existing building on site. The addition is 126,000 square feet which will contain the tipping points for the trucks bringing in the waste, and the machines to chop or grind up the material to put into the gasifier. There will be water cooling towers to cool the steam back down, and water recycling facilities to re-filter the water, and recycle it to put back through the steam turbine so they will continue to use the same water as much as possible. The applicant does intend to use approximately 43,500 gallons of water a day at the site. City staff has had numerous meetings with the applicant regarding the site plan and their use.

At present, staff does not feel there is a detriment to the neighborhood in its current location. The applicant has submitted numerous chemical analyses and waste analyses of what they are going to burn in their process, and to date, neither the Fire Department nor Environmental has found a reason for concern or a need for an additional use permit for hazardous materials under the state law.

Staff recommends approval of Item Nos. 6 and 7, subject to conditions listed in the Staff Reports.

Keith Brinkley, Balova Engineering, 6130 Elton Ave., Las Vegas; (second representative's first name inaudible) Balova, 6130 Elton Ave., Las Vegas, and Neil Williams Enviro Power, 4902 Northwest 105th Drive, Coral Springs, FL.

Mr. Brinkley stated EP Renewable proposed to build a power generating station at 2900 E. Lone Mountain, which will utilize a gasification process to produce 48 megawatts of clean, renewable power. They will be using construction and demolition (C & D) waste and source separated commercial waste. All of their sorting will be done inside the building, with nothing exposed to the outside. Once the waste enters the building it is sorted, processed, put on the conveyor system, and fed into the machines. Since nothing is exposed to the outside there are no odors or blowing trash.

Having this plant on this site versus being farther out reduces trucking costs of the material to the outlying Apex, to the landfills. Daily employee traffic is also reduced – there are approximately 240 employees.

The site is currently zoned M-2; the surrounding parcels are zoned M-2, as well. There is an 8-foot decorative block wall on three sides and chain link on the fourth side, which will be changed to block wall. There is a six car railroad spur that will ease potential transportation issues. The site is completely developed and paved. They will utilize existing buildings, and add additional buildings.

There is an NV energy substation approximately 1,200 feet away. This may be an issue as infrastructure to connect to that will need to be built. The applicant met with NV Energy who are on board with the special use permit.

The site will not be open to the public, but discussions have been held regarding providing an educational facility on site. This will be the largest project of its kind in the United States at this point, which may attract municipalities from across the country to see how this process is done, as well as generate international interest. Enviro Power has on-going projects throughout the world.

Mr. Brinkley agreed with staff's recommendations to change driveways and landscaping in the front to meet existing code. He reviewed the proposed truck entrances and personnel entrance. Mr. Brinkley stated gasification is not a new technology, and there have been projects operating safely for 30 years.

The applicant met with the engineers at the Southern Nevada Health District, City Planning and Zoning staff, officials with NV Energy, and the staff at Air Quality – the minor source permit is pending and should be issued in late November/early December. The applicant has received an air source permit.

They will obtain a business license, discharge permit, Public Works, Utilities, and Building permits, and ensurity bond.

The applicant agrees with staff's recommendations.

Vice-Chairman Stone asked the applicant if they held a neighborhood meeting with adjacent landowners, and the applicant stated they did not. Vice-Chairman Stone asked about the noise levels and the applicant stated it was 45 decibels at the fence line. Vice-Chairman Stone asked about air pollutants, and Mr. Williams stated their emissions for NOX/SOX (phonetic) are more than 100 times less than U.S. Air Quality Standards. Particulate and heavy metals are more than 1,000 times lower than the U.S. Air Quality Standards. The VOC's are more than 100,000 times lower than the U.S. Air Quality Standards and are essentially below detection limits. It is the cleanest technology from an air quality standpoint in the world.

Commissioner Kraft asked for examples of construction and demolition waste, and Mr. Eastman advised it was waste hauled away from a building site.

Commissioner Kraft asked about the odor the gasification would put off in the surrounding neighborhood and Mr. Williams responded there would be no odor. The buildings are kept at a negative air pressure. All of the air in the buildings goes through the gasifiers and combustion tube and is treated at 1,460 degrees Centigrade. It is impossible for any odor causing chemicals to escape the process.

Commissioner Kraft asked about the production of 1,000 tons of waste and the impact on traffic. Mr. Williams responded if all the waste comes by truck the average load is 30 tons, or 33 trucks per day, received over a 12 hour period.

Commissioner Kraft asked staff what the distance was between this site and Craig Ranch Regional Park (CRRP). Mr. Eastman responded the green space to the north is Shadow Creek Golf Course which is approximately 1,400 feet. CRRP is located approximately two miles from the site.

Chairwoman Perkins opened the public hearing.

Chris R. McCullough, 601 S. Rancho Dr., #A-10, Las Vegas and Jason Jensen at 4010 W. Hacienda Ave., Ste, 100. Mr. McCullough is an attorney who represents the Meldrum Family Trust, who owns property adjoining and to the south of the site. They met with the applicant prior to the hearing and requested they continue the item 30-60

days to allow them the opportunity to digest the technology, and the applicant declined. They did not hold a neighborhood meeting, and made no attempt to reach out to the neighbors.

Mr. McCullough stated the cards they received in the mail are a complete misnomer as to what the facility does, as they reflect this is an indoor/outdoor manufacturing facility. Mr. McCullough stated it is not a manufacturing facility, it is a waste disposal facility. They bring in 1,000 tons of waste per day and burn it at 3,000 degrees Fahrenheit and claim there are no emissions of any kind, or smells of any kind.

Mr. McCullough stated the Staff Report was not available until five days ago. They were unable to retain or consult with experts regarding this type of facility and were limited to Internet research. Their research shows that facilities of this type have been rejected everywhere west of the Mississippi. A number have been proposed in Los Angeles and San Jose, CA; Phoenix; New Mexico, and all have been rejected. There are watch dog groups (i.e. Energy Justice, Eco Cycle, and Global Alliance for Incinerator Alternatives) who oppose these facilities wherever they are because they claim that the representations they can take 1,000 tons of waste and burn it at 3,000 degrees Fahrenheit, and have zero emissions, zero smell, and zero raise in temperature to neighboring property owners. Mr. McCullough stated it could be the truth, but facilities like this in Australia, England, Japan, and Germany have all been closed because all of the representations they made in the beginning turned out to be false. There is a facility in Canada that has had 29 emission violations and 13 spills. They would like more time to look at this to retain an engineer or consultant to look at these alleged emission figures and tell them whether or not this can actually be done. He would like an engineer to meet with the applicant, to hold a neighborhood meeting and challenge these assertions, and be satisfied that this is not going to be a problem.

Mr. McCullough requested the Planning Commission continue the item 30-60 days to examine the claims and examine the impact on the neighborhood.

Mr. Mark Russell, 3400 Las Vegas Blvd., So., Las Vegas, Vice President/General Counsel for the Mirage Casino Hotel. MGM Resorts requested a 30-day continuance, and the reason is to understand and make sure that this particular project in this location makes sense. He stated it is unfortunate that a neighborhood meeting was not required. This is a private utility installation.

The purpose of the project is to create and put electricity into the grid in a renewable fashion, while at the same time reducing emissions, and lessening the burdens on the landfill. MGM supports renewable projects. Once this is approved and construction is underway there is no turning back. They requested Planning Commission consider a 30-day continuance. The applicant indicated earlier today they would meet with representatives from MGM resort.

Commissioner Ewing referenced Phase I and use of four (4) gasification (inaudible) lines. He asked if they expand, would it take more waste to fuel those lines? Mr. Williams responded it takes 250 tons per day to feed each 12 megawatt line. There is the ability to process nine (9) lines on the property, or 108 megawatts.

Commissioner Acevedo asked how many houses 48 megawatts would support and Mr. Williams responded the average house will use .15 megawatts. Commissioner Acevedo asked who would be responsible for transporting waste into the facility, and Mr. Williams advised a long-term contract was signed with a third party (inaudible Construction) to pre-sort and transport the material.

Commissioner Aston asked the applicant to respond to public comments. An unidentified person stated they did not state they were not willing to meet with the applicant. He offered to postpone his trip in order to meet with them. They want to work with the public and help them to understand what they are doing. They are willing to do a 30-day continuance, but did not support a 60-day continuance due to possible loss of financing.

ACTION: CONTINUED TO DECEMBER 11, 2013, AT THE REQUEST OF THE PLANNING COMMISSION

MOTION: Commissioner Kraft

SECOND: Commissioner Joiner-Greene

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

NAYS: Chairwoman Perkins

ABSTAIN: None

7. **SPR-06-13 (47089) EP RENEWABLE LAS VEGAS, INC. (PUBLIC HEARING). AN APPLICATION SUBMITTED BY EP RENEWABLE LAS VEGAS, INC. ON BEHALF OF PRATTE LONE MOUNTAIN, LLC, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN M-2, GENERAL INDUSTRIAL DISTRICT, TO ALLOW APPROXIMATELY 171,877 SQUARE FEET OF INDOOR/OUTDOOR MANUFACTURING AND STORAGE. THE PROPERTY IS LOCATED AT 2900 EAST LONE MOUNTAIN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-36-403-010. (FOR POSSIBLE ACTION)**

This item was presented by Robert Eastman, Principal Planner, who requested Item Nos. 6 and 7 be briefed together as they were related. Chairwoman Perkins requested the comments from Item No. 6 be carried forward to Item No. 7.

Chairwoman Perkins opened the public hearing.

ACTION: CONTINUED TO DECEMBER 11, 2013, AT THE REQUEST OF THE PLANNING COMMISSION

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

8. **UN-50-13 (47178) DELTA LIQUID ENERGY (PUBLIC HEARING). AN APPLICATION SUBMITTED BY WILLIAM PLATZ ON BEHALF OF SAND HARBOR HOLDINGS, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW THE STORAGE OF HAZARDOUS MATERIAL (180,000 GALLONS OF PROPANE). THE PROPERTY IS LOCATED AT 13995 GRAND VALLEY PARKWAY. THE ASSESSOR'S PARCEL NUMBER IS 103-15-010-006. (FOR POSSIBLE ACTION)**

This application was presented by Robert Eastman, Principal Planner.

The applicant proposed to develop the site as a propane distribution center, which will store 180,000 gallons of propane in an existing building, with minor modifications to the building. The site is in compliance with Apex overlay design standards. Staff does not believe the site has any major impacts on the surrounding properties. Staff recommends approval subject to recommended conditions, and will forward this item to City Council for final consideration.

The original conditions per Staff Report dated November 13, 2013 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.

Public Works:

2. 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.
3. Approval of a drainage study is required prior to submittal of the civil improvement plans.
4. Approval of a traffic study update is required prior to submittal of the civil improvement plans.
5. 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 his designee.

Utilities:

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

Dave Brown, 9910 W. Cheyenne, North Las Vegas, appeared on behalf of the applicant, along with Mr. Andozesha (phonetic), architect. Mr. Brown requested Condition No. 5 be revised to, "that all fire access lanes be surfaced and paved so as to provide for all weather driving capabilities." In the approved Development Agreement for Mountain View Industrial Park or Kapex, Section 5.7, calls for emergency access road surfaces and gives alternate design standards for those road surfaces. Mr. Brown requests the condition would say, "that fire access lanes shall be per the approved Development Agreement."

Mr. Eastman stated that what the applicant referred to were informational only comments submitted by the Fire Department as part of their memorandum, which are not conditions of approval.

The conditions in the memorandum from the Utilities Department remained the same, and staff removed two of the informational comments.

Mr. Brown agreed with staff's recommended conditions.

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

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS AND UTILITIES DEPARTMENT CONDITIONS PER MEMORANDUM DATED NOVEMBER 12, 2013; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Aston

SECOND: Commissioner Joiner-Greene

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

NAYS: None

ABSTAIN: None

9. **UN-47-13 (47161) LAS VEGAS BUDDHIST SANGHA CHURCH (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LAS VEGAS BUDDHIST SANGHA, ON BEHALF OF IMAGINE PARK AT NORTH POINTE, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A RELIGIOUS INSTITUTION (CHURCH). THE PROPERTY IS LOCATED AT 4110 NORTH MARTIN LUTHER KING BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 139-04-818-018. (FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Planning Manager.

The building is 4,800 square feet in size. The applicant indicated the services will be from 9:30 a.m. to 12:00 p.m. on the second Sunday of each month. In addition, the applicant will have other activities such as board meetings and other type of special interest club meetings within their facility.

The site complies with parking requirements for the needs of their church and accommodates the needs of other tenants in the three buildings that are also part of the cluster where they are proposing to locate. Staff recommends approval.

Planning & Zoning:

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

David Downey, 6968 Acorn Ct., Las Vegas, architect, represented the owners and agreed with staff's recommendations.

Chairwoman Perkins opened the public hearing.

Wayne Tanako, 154 Ucello Dr., Las Vegas, thanked the members and staff who have been welcoming to the church.

Chairwoman Perkins closed the public hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITION

MOTION: Commissioner Ewing

SECOND: Commissioner Aston

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

NAYS: None

ABSTAIN: None

10. **UN-48-13 (47168) DECATUR-RICE CENTER (PUBLIC HEARING). AN APPLICATION SUBMITTED BY JP MORGAN CHASE ON BEHALF OF DECATUR-RICE, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A FINANCIAL INSTITUTION (BANK). THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF DECATUR BOULEVARD AND RICE ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-30-201-002. (FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Planning Manager.

The site plan complies with landscaping requirements, detached sidewalk requirements, interior landscaping requirements around the building and in the parking lot. The building also complies with the design standards. Mr. Jordan noted in the Staff Report that the building elevation showed an asphalt single roofing for the pitch portion of the roof. Mr. Jordan spoke with the applicant's architect and they advised they would comply with the design standards for a clay or concrete tile.

Staff had no objections and recommended approval.

The conditions per Staff Report dated November 13, 2013 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. Development of the subject site shall comply with the Commercial Design Standards, including, but not limited to clay or concrete tile roofing materials for pitched portions of the roof.

Utilities Department:

3. Per City of North Las Vegas Water Service Rules and Regulations Section 6.7 d, if this is to be a communal fire service for the site, the formation of a Property Management Association, and a copy of the Association documentation shall be provided to the Utilities Department for review and approval prior to submission of mylars. Otherwise, a separate or looped fire services (RPDA's) shall be installed to each building.

Public Works Department:

- 4 Approval of a drainage study is required prior to submittal of the civil improvement plans.

5. 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.
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. Construction of the following streets and/or half streets adjacent to the subject parcel is required per the *Master Plan of Streets and Highways* and/or *City of North Las Vegas Municipal Code* section 16.24.100:
 - a. Decatur Boulevard
 - b. Rice Avenue (an additional five feet is required; total half street dedication = 35')
8. The engineer must coordinate with Clark County Public Works regarding Decatur Blvd street improvements at the control of access at 215.
9. 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.
10. The location of the driveway and dedicated right turn lane on Decatur Boulevard shall be designed and constructed as shown on the associated Tentative Map (T-1357).
11. The center line of the proposed driveway on Rice Avenue shall be in alignment with the existing driveway serving the Las Vegas Athletic Club on the opposite side of the street.
12. Easements for vehicular and pedestrian ingress / egress and cross access shall be provided for APN 124-30-201-003.
13. Commercial driveways are to be constructed in accordance with *Clark County Area Uniform Standard Drawing* numbers 222.1 and 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.
14. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
15. Approval of a traffic study is required prior to submittal of the civil improvement plans.
16. 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.
17. A revocable encroachment permit for landscaping within the public right of way is required.

Mark Michaelson (phonetic), 175 E. Warm Springs, Las Vegas, project architect, appeared to address questions.

Chairwoman Perkins opened the public hearing.

Scott Sauer, 6330 Orions St., North Las Vegas, had no objections to the project, but stated given the amount of construction in the area and what the road looked like, he requested a condition be added that all of the off-site improvements shown in T-1357 would be constructed prior to the final inspection on the building. He did not want to see half of the missing gap indicator constructed and then a month or two down the road, the next half. All roadway improvements should be constructed at one time.

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

11. **T-1357 (47003) DECATUR-RICE CENTER. AN APPLICATION SUBMITTED BY DECATUR-RICE, LLC, PROPERTY OWNER, FOR APPROVAL OF A SINGLE LOT COMMERCIAL TENTATIVE MAP IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A COMMERCIAL SUBDIVISION. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF DECATUR BOULEVARD AND RICE AVENUE. THE ASSESSOR'S PARCEL NUMBERS ARE 124-30-201-002 AND 003. (FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Planning Manager.

The property would be a little over nine acres in size and they are proposing to take the two lots and combine them into one for future commercial development that would serve the needs of the surrounding residents.

Staff recommended approval.

The conditions per Staff Report dated November 13, 2013 are as follows:

Planning and Zoning:

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

Utilities Department:

2. Per City of North Las Vegas Water Service Rules and Regulations Section 6.7 d, if this is to be a communal fire service for the site, the formation of a Property Management Association, and a copy of the Association documentation shall be provided to the Utilities Department for review and approval prior to submission of mylars. Otherwise, a separate or looped fire services (RPDA's) shall be installed to each building.

Public Works Department:

3. Approval of a drainage study is required prior to submittal of the civil improvement plans.
4. 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.
5. 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.
6. Construction of the following streets and/or half streets adjacent to the proposed development is required per the *Master Plan of Streets and Highways* and/or *City of North Las Vegas Municipal Code* section 16.24.100:
 - a. Montgomery Street
 - b. Rice Avenue (an additional five feet is required; total half street dedication = 35')
 - c. Decatur Boulevard
7. The engineer must coordinate with Clark County Public Works regarding Decatur Blvd street improvements at the control of access at 215.
8. 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.
9. Commercial driveways are to be constructed in accordance with *Clark County Area Uniform Standard Drawing* numbers 222.1 and 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.
10. The location of the driveway and dedicated right turn lane on Decatur Boulevard shall be designed and constructed as shown, or as otherwise approved by the Director of Public Works.
11. As presently shown, the center line of the driveway on Rice Avenue shall be in alignment with the existing driveway serving the Las Vegas Athletic Club on the opposite side of the street.

12. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
13. Approval of a traffic study is required prior to submittal of the civil improvement plans.
14. 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.
15. A revocable encroachment permit for landscaping within the public right of way is required.
16. The following note shall be added to the Final Map:

INGRESS, EGRESS AND CROSS ACCESS NOTE

Easements for vehicular and pedestrian ingress / egress and cross access on all areas not occupied by buildings are hereby reserved and granted for all development parcels subsequently created within this map.

Kenneth Erlanger (phonetic), 4222 E. Pinecrest Circle, Las Vegas, represented the owners of the property, and appeared to answer questions.

Commissioner Aston referred to Mr. Sauer's comments and asked what the off-site street development plans were, and Mr. Erlanger responded they planned to develop all the off-site streets before most of the on-sites. The plans were to do the front three parcels, including the bank, to put in all the front utilities and to build all the off-site improvements all the way around.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Acevedo

SECOND: Commissioner Joiner-Greene

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

NAYS: None

ABSTAIN: None

12. **T-1358 (47207) ELDORADO R1-60 NO. 16. AN APPLICATION SUBMITTED BY PARDEE HOMES OF NEVADA, PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN AN OL/DA, OPEN LAND/DEVELOPMENT AGREEMENT DISTRICT TO ALLOW 178 SINGLE FAMILY DWELLINGS. THE PROPERTY IS LOCATED SOUTH OF DEER SPRINGS WAY, APPROXIMATELY 600 FEET WEST OF REVERE STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-21-711-074. (FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Planning Manager.

The applicant proposed to develop the site under the R-1 requirements of Title 19, frozen as part of the development agreement in 1988. The applicant has indicated the lots would range in size from over 5,000 square feet to 12,670 square feet. The lots would average 6,415 square feet in size. Under Title 19, at that time, lots could be under 6,000 square feet; today, the lots have to be 6,000 square feet. Lots could be under 6,000 square feet as long as there was an average, and provided no lot was less than 5,000 square feet, and not more than 10% of the lots within the development were less than 5,600 square feet. According to statistics on the tentative map, the applicant complies with those requirements. Staff recommended approval.

The conditions per Staff Report dated November 13, 2013 are as follows:

Planning and Zoning:

1. Unless expressly, authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. That all lands, areas, and open spaces are to be developed and maintained per the Development Agreement between the City of North Las Vegas and Pardee Homes of Nevada (formally Pardee Construction Company) dated December 10, 1988, or as amended.

Public Works Department:

3. This development shall comply with *City of North Las Vegas Municipal Code section 16.20.050.P* "Terminal streets, not to exceed one hundred fifty (150) feet in length, as measured from the face-of-curb of the intersecting street to the face-of-curb of the terminal street, and with a maximum of four fronting lots, shall terminate in a cul-de-sac with a minimum back-of-curb radius of twenty-four (24) feet.
4. 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.
5. Approval of a drainage study is required.
6. Clark County Regional Flood Control District (CCRFCD) concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
7. The limits of the Federal Emergency Management Agency Special Flood Hazard Area Zone A must be shown on all site plans, civil improvement plans, etc. submitted to the City.

- a. The City of North Las Vegas does not permit the construction of any buildings within a Federal Emergency Management Agency (FEMA) designated Special Flood Hazard Area (SFHA). Under this policy, the applicant must meet the following requirements prior to issuance of permits and certificates of occupancy:
 - b. Grading and off-site construction permits may be issued once a copy of the Conditional Letter of Map Review (CLOMR) application has been submitted to FEMA for processing.
 - c. Building permits may be issued once a CLOMR has been obtained from FEMA.
 - d. Certificates of Occupancy can be issued once a Letter of Map Revision (LOMR) has been obtained from FEMA.
8. Any preliminary street section(s) shown on the plans shall be used for planning purposes only; the width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
 9. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Deer Springs Way.
 10. If not already existing, 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. Deer Springs Way
 11. All residential driveway geometrics shall be in compliance with the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 222 and 222.1 gated entry standards.
 12. Proposed residential driveway slopes shall not exceed twelve percent (12%).
 13. The property owner may be required to grant roadway easements where public and private streets intersect.
 14. All common elements shall be maintained by the Home Owners Association and shall be labeled accordingly on the civil improvement plans and associated mapping.
 15. The property owner is required to grant a public pedestrian access easement for sidewalk located within a common element when that sidewalk is providing public access adjacent to the right-of-way.
 16. A revocable encroachment permit for any landscaping within the public right of way will be required.
 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.
 18. 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.

19. The developer shall apply to vacate a portion of Silent Sunset east of Black Oak Street.

Jennifer Lazovich, 8345 W. Sunset Rd., Las Vegas, represented Pardee Homes on Item No. 12.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Kraft

SECOND: Commissioner Ewing

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

NAYS: None

ABSTAIN: None

13. **VAC-08-13 (47208) ELDORADO R1-60 NO. 16 (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PARDEE HOMES OF NEVADA, PROPERTY OWNER, TO VACATE 110-FOOT WIDE PUBLIC DRAINAGE EASEMENT. THE DRAINAGE EASEMENT IS LOCATED SOUTH OF DEER SPRINGS WAY AND APPROXIMATELY 1,080 FEET WEST OF REVERE STREET AND EXTENDING SOUTH APPROXIMATELY 693 FEET. THE ASSESSOR'S PARCEL NUMBER IS 124-21-711-074. (FOR POSSIBLE ACTION)**

This application was presented by Marc Jordan, Planning Manager.

The drainage easement was dedicated to help protect the Eldorado RCL No. 25 development that is just to the west of the site. The applicant has indicated that once they vacate this, and with the development that was approved prior to this item, they will dedicate a new drainage easement just to the east. Staff recommended approval, and will forward this item to City Council for final consideration.

The condition per Staff Report dated November 13, 2013 is as follows:

Public Works Department:

1. The vacation shall record concurrently with the Final Map for T-1358 and in conjunction with the approval of the associated civil improvement plans.

Jennifer Lazovich, 8345 W. Sunset Rd., Las Vegas, represented Pardee Homes, and appeared to answer questions.

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

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITION;
FORWARDED TO CITY COUNCIL 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

14. **VN-03-13 (47206) ELDORADO R1-60 NO. 16 (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PARDEE HOMES OF NEVADA, PROPERTY OWNER, FOR A VARIANCE IN AN O-L/DA, OPEN LAND DEVELOPMENT AGREEMENT DISTRICT TO ALLOW A 12-FOOT FRONT BUILDING SETBACK WHERE 15 FEET IS REQUIRED (PER THE ELDORADO DEVELOPMENT AGREEMENT). THE PROPERTY IS LOCATED SOUTH OF DEER SPRINGS WAY, APPROXIMATELY 600 FEET WEST OF REVERE STREET. THE ASSESSOR'S PARCEL NUMBER IS 124-21-711-074. (FOR POSSIBLE ACTION)**

This application was presented by Marc Jordan, Planning Manager.

The applicant indicated that as part of this variance, every lot that is developed with a 12-foot setback would be developed with a single-story home, and a driveway length of 22 feet. This is similar to other requests which have already been approved for Pardee within this area. However, in reviewing this request, staff is recommending denial. Staff did not find there were exceptional or extraordinary circumstances in conditions applicable to the property that would warrant approval of a variance.

The lots on the tentative map and the models the applicant is proposing for this development would fit without the need to vary the setbacks; therefore, staff did not see there was a need for a setback. In addition, when reviewing the exhibit, specifically requested by the applicant, they are requesting a 12-foot setback, they are proposing a 22-foot rear yard setback for the future owners of those homes. In the past, it was indicated they wanted to provide their future homeowners with a larger rear yard than normal. However, if they were required just to comply with the normal 15-foot setback, it would only reduce the rear yard by three feet, which means they would still be able to give their homeowners a 19-foot rear yard setback where 15-feet is the minimum. They would still be able to produce the larger rear yard than what is normally required. Staff viewed the variance as being self-imposed. Staff recommended denial of this application.

The conditions per Staff Report dated November 13, 2013 are as follows:

Planning and Zoning:

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

1. That all lands, areas, and open spaces are to be developed and maintained per the Development Agreement between the City of North Las Vegas and Pardee Homes of Nevada (formally Pardee Construction Company) dated December 10, 1988, or as amended. For all lots developed with a front setback of less than 15 feet and a minimum of 12 feet, the developer shall comply with the following:
 - a. The lot shall be developed with a single story home.
 - b. A minimum 22-foot setback shall be maintained from the back of sidewalk (where sidewalks exist) or the property line (where there is no sidewalk) to the garage.

Jennifer Lazovich, 8345 W. Sunset Rd., Las Vegas, represented Pardee Homes.

Ms. Lazovich reviewed the overview that depicted two previously approved projects with the 12-foot setback. She advised this project would have both one and two-story homes. They are only asking for the variances for the single-story homes. There are a number that are built at two stories, which will comply with the 15-foot front yard setback. The only time they are asking for the 12-foot front yard setback is in the case of the single-story homes. As a trade-off, they will provide a 22-foot long driveway. Their buyers want a bigger, deeper back yard. With the drought restrictions you cannot put grass in the front yard, so it is predominantly desert landscaping. Staff indicated that Condition No. 3 in the variances sets forth the two things -- a 12-foot front yard setback for single-story homes, and the 22-foot long driveway.

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

Commissioner Aston stated that a single-story home and a 22-foot driveway created architectural relief, and supported staff recommended conditions.

**ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITION;
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

OLD BUSINESS

20. **UN-39-13 (46943) THERMO FLUIDS, INC. (PUBLIC HEARING). AN APPLICATION SUBMITTED BY THERMO FLUIDS, INC. ON BEHALF OF WILDCAT I, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT, TO ALLOW AN EXPANSION TO AN EXISTING OUTDOOR RECYCLING CENTER (ANTIFREEZE). THE PROPERTIES ARE LOCATED AT 4000-4020 ARCATA WAY. THE ASSESSOR'S PARCEL NUMBERS ARE 139-02-802-018 AND 019. (FOR POSSIBLE ACTION) (CONTINUED OCTOBER 9, 2013)**

ACTION: CONTINUED TO JANUARY 8, 2014, PER THE APPLICANT'S REQUEST

MOTION: Commissioner Kraft

SECOND: Vice-Chairman Stone

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

NAYS: None

ABSTAIN: None

PUBLIC FORUM

There was no public participation.

DIRECTOR'S BUSINESS

Director Fiori stated a Special Joint City Council and Planning Commission meeting would be held Tuesday, November 19, 2013, at 5:30 p.m., in City Hall, Room No. 937.

CHAIRWOMAN'S BUSINESS

No report was given.

ADJOURNMENT

The meeting adjourned at 8:10 p.m.

APPROVED: December 11, 2013

/s/ Laura Perkins

Laura Perkins, Chairwoman

/s/ Julie Shields

Julie Shields, Recording Secretary