

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

December 11, 2013

BRIEFING:

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

CALL TO ORDER:

6:00 P.M.
Council Chambers, 2250 Las Vegas Boulevard, North
North Las Vegas, Nevada

WELCOME:

Chairwoman Laura Perkins

ROLL CALL:

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

PUBLIC FORUM

There was no public participation.

AGENDA

1. **APPROVAL OF THE PLANNING COMMISSION MEETING AGENDA OF DECEMBER 11, 2013 (FOR POSSIBLE ACTION)**

ACTION: APPROVED AS AMENDED; ITEM NO. 7 CONTINUED TO JANUARY 8, 2014, PER THE APPLICANT'S REQUEST

MOTION: Commissioner Kraft

SECOND: Vice-Chairman Stone

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

NAYS: None

ABSTAIN: None

MINUTES

2. **APPROVAL OF MINUTES FOR THE PLANNING COMMISSION MEETING OF NOVEMBER 13, 2013 (FOR POSSIBLE ACTION)**

ACTION: APPROVED

MOTION: Vice-Chairman Stone

SECOND: Commissioner Kraft

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

NAYS: None

ABSTAIN: None

NEW BUSINESS

Vice-Chairman Stone requested Item No. 3, UN-51-13 and Item No. 4, UN-52-13 be moved to the end of the agenda.

ACTION: APPROVED

MOTION: Vice-Chairman Stone

SECOND: Commissioner Ewing

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

NAYS: None

ABSTAIN: None

5. **FDP-01-13 (47375) TIERRA SANTA CLUSTERS. AN APPLICATION SUBMITTED BY WOODSIDE HOMES OF NEVADA, LLC, PROPERTY OWNER, FOR A FINAL DEVELOPMENT PLAN IN A PUD, PLANNED UNIT DEVELOPMENT DISTRICT, TO DEVELOP 122 SINGLE-FAMILY CLUSTER DWELLINGS. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF GOLDFIELD STREET AND DORRELL LANE. THE ASSESSOR'S PARCEL NUMBERS ARE 124-22-511-001 THRU 122. (FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Planning Manager.

The Planning Commission and City Council recently approved an amendment to the PUD. At one time the western side was going to be duplexes and the eastern side was going to be triplexes. The PUD was amended to be single-family detached homes on both sides. The applicant is proposing the Final Development Plan on the western half. They are complying with the open space requirements, and have indicated in part of the PUD they will give the City housing materials that would have at least a 25 year or more life span, and would have Water Smart or Energy Star certificates on their water systems in their homes. Staff would review this at the time they file for their building permit.

Staff indicated they would like to see a centralized park built as part of this development, which the applicant has agreed to.

Staff recommended approval subject to the conditions listed in the Staff Report with one amendment for the record:

UTILITIES DEPARTMENT:

Condition No. 1 is actually Condition No. 5. Add the following to the end of the sentence: "If required by the Director of the Utilities Department."

The original conditions per Staff Report dated December 11, 2013, are as follows:

COMMUNITY SERVICES AND DEVELOPMENT:

1. Unless expressly, authorized through a variance, waiver or another method, development shall comply with all applicable codes and ordinances.
2. Development shall meet the requirements of Ordinance #2640.
3. Construction of the central park shall be started upon the issuance of the 40th building permit, and completed upon the issuance of the 80th building permit. The remaining open space areas shall be developed with the respective phases of development.

4. Detailed information indicating that housing exteriors will be produced using materials designed to have a life of 25 + years and that at least 75% of the homes will have either water smart or energy star certification must be provided on building permit submittals.

UTILITIES DEPARTMENT:

1. Developer shall enter into a maintenance and repair agreement with the City of North Las Vegas prior to civil plan revision approvals and any issuance of permits for the conversion of the private water system to a public water system.

Vice-Chairman Stone confirmed with the applicant they understood the condition and were willing to accept the condition as read.

Jennifer Lazovich, 8345 W. Sunset Rd., appeared on behalf of the applicant, and agreed to the additional language in Condition No. 5, as well as other points regarding the park. This project was started and then picked up by a new developer. Ms. Lazovich thanked staff for their assistance throughout the transition.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED AND AMENDED CONDITION NO. 5.

CONDITION NO. 5 AMENDED TO READ:

DEVELOPER SHALL ENTER INTO A MAINTENANCE AND REPAIR AGREEMENT WITH THE CITY OF NORTH LAS VEGAS PRIOR TO CIVIL PLAN REVISION APPROVALS AND ANY ISSUANCE OF PERMITS FOR THE CONVERSION OF THE PRIVATE WATER SYSTEM TO A PUBLIC WATER SYSTEM, *IF REQUIRED BY THE DIRECTOR OF THE UTILITIES DEPARTMENT.*

MOTION: Vice-Chairman Stone

SECOND: Commissioner Sylvia Joiner-Greene

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

NAYS: None

ABSTAIN: None

6. **ZOA-03-13 (47414) CNLV APEX BARBED WIRE (PUBLIC HEARING). AN ORDINANCE AMENDMENT INITIATED BY THE CITY OF NORTH LAS VEGAS TO AMEND TITLE 17 (ZONING ORDINANCE), SECTION 17.16.050.F (INDUSTRIAL - APEX OVERLAY DISTRICT I-A), SUBSECTION 6 (SCREENING, WALLS, AND FENCES) OF THE NORTH LAS VEGAS MUNICIPAL CODE, BY ESTABLISHING PROVISIONS FOR THE USE OF**

BARBED WIRE ON LESS VISIBLE SITES WITHIN THE APEX OVERLAY DISTRICT; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO. (FOR POSSIBLE ACTION)

This item was presented by Marc Jordan, Planning Manager.

This application was submitted by the City of North Las Vegas and was an amendment to the zoning ordinance that pertained to the industrial Apex Overlay District standards and requirements. This application proposes to allow the use of barbed wire on less visible sites within the Apex Overlay area. Recently, the Planning Commission considered a Use Permit that would allow barbed wire for the Solar Ray facility in the Apex area. There were previous sites that were approved for use of barbed wire.

Staff decided to bring forward an ordinance amendment that would allow barbed wire as a permitted use on a less visible site. A less visible site is anything that is 500 feet or more away from I-15, US 93, or Las Vegas Boulevard. This would allow barbed wire that is no more than three (3) strands, with the lowest strand to be not more than six feet from the ground and the highest strand to be not higher than the height of the fence allowed.

Staff recommended approval, and that the item be forwarded to City Council for final consideration.

The recommended amendments per Staff Report dated December 11, 2013 are as follows:

Amend Title 17, Section 17.16.050.F.6 as follows:

6. Screening, Walls, and Fences

Requirements for screening walls and fences vary depending on whether the site is a "Less Visible Site" or a "More Visible Site" as defined in Section 17.32.030 Definition of Terms.

Amend Title 17, Section 17.16.050.F.6.a adding a new subsection "x" as follows:

- (x)** On less visible sites, the use of barbed wire, not to exceed three strands of barbed wire on top of a wall or fence shall be permitted, provided the lowest barbed strand is at least six feet above grade and the highest strand does not exceed the maximum height allowed for a fence or wall. Furthermore, barbed wire shall be located entirely upon the private property of the persons, firms, or corporation constructing the barbed

wire, and shall not protrude out or over the property line or into any right-of-way.

Amend Title 17, Section 17.16.050.F.6.b.viii as follows:

(viii) Prohibited Materials

Unless otherwise approved as part of an overall development plan, corrugated metal, plastic, or slats inserted into chain link fencing shall not be considered to be acceptable for use for either required or voluntary screening or perimeter walls. Untextured or unfinished concrete block (CMU) walls are only permitted for use on screening or perimeter walls on less visible sites.

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

Chairwoman Perkins confirmed the barbed wire was necessary for security reasons and Mr. Jordan confirmed it helped to secure large sites within the Apex area.

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

MOTION: Commissioner Kraft

SECOND: Commissioner Ewing

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

NAYS: None

ABSTAIN: None

OLD BUSINESS

7. **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) (CONTINUED NOVEMBER 13, 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 Ewing,
Joiner-Greene and Kraft
NAYS: None
ABSTAIN: None

8. **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) (CONTINUED NOVEMBER 13, 2013)**

This application was presented by Robert Eastman, Principal Planner.

The application was submitted by EP Renewable for a site plan review to allow an expansion, or to allow approximately 191,000 square feet of indoor/outdoor manufacturing for a proposed gasification plant, located at the northeast corner of Lone Mountain and Statz.

The existing site is currently a developed manufacturing site originally used to construct house trusses. It is predominantly a developed, paved site with numerous buildings.

The applicant is proposing to add to the principal structure [the long structure that runs along the west side of the site], and create a large tipping plant. At the location where the waste would come in, the trucks would be tipped. The sorting, cutting and chopping of the material to be moved into the gasifiers would take place in the main building.

Additionally, two of the buildings on the southeast corner of the site would be removed and replaced with cooling towers for the facility. After the material goes through the gasifiers, the gasifiers turn the waste into synthetic gas, and the gas is burned through steam turbine generators, which generates electricity. The water is then recycled through the use of the cooling towers so that it can go back through the system.

Other buildings that would be located on the site include control facilities for the electrical generators, guard booths, and scales for trucks.

Air handling is also done through the gasifiers and at the electrical generating plant.

The site does have a rail spur located along the north. At present, the applicant is not proposing to use that site, but it is considered as part of the overall expansion since the

applicant intends to develop the site in two phases. The first would be two (2) lines, and an additional two (2) lines would be brought in during the second phase.

Mr. Eastman stated in general, and according to information that staff has, the site plan is in compliance. Since this was a previously developed site, they do not have the full landscaping buffering along the rights-of-way; however, the wall is already in place, and therefore, staff did not feel it was necessary to require the applicant to remove the wall and put up additional landscaping. The landscaping that is in place is generally acceptable. Mr. Eastman said there are some spots where it might be thin or some of the plant material has died off. The applicant is expected to bring that back up to current standards, which would be 50% coverage, and the applicant has agreed to do so.

Additionally, the Public Works Department is requiring that all the driveways that are currently developed are not built to current standards, and all of the driveways will need to be removed and rebuilt to current standards.

Staff recommended approval subject to the conditions listed.

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. The site shall comply with all conditions of approval in SPR-06-13.

Petya Balova, Balova Engineering, 6130 Elton Ave., Las Vegas, distributed copies of a PowerPoint presentation to the Planning Commission. **Keith Brinkley, Balova Engineering, 6130 Elton Ave., Las Vegas**, and **Neil Williams Enviro Power Renewable, 4902 Northwest 105 Drive, Coral Springs, FL** appeared on behalf of the applicant, and with Ms. Balova.

Mr. Brinkley stated the project would have positive short and long term effects on North Las Vegas, as well as the Valley as a whole. The applicant would like to build a 48 megawatt power generating station on the site. Mr. Brinkley stated there was one small correction; the applicant would be building four (4) lines to begin with, and another five (5) lines in the future. The parcel is 20 acres, is zoned M-2, and is within an industrial park. The site is fully improved up to the standard of what it was. The applicant accepts all of staff's conditions. Mr. Brinkley stated there is an eight (8) foot block wall on three (3) sides, and chain linked to the side of the next parcel. This will be replaced with an eight (8) foot block wall. The buildings will be added per Mr. Eastman's description. Mr. Brinkley reviewed the plan for the proposed buildings and identified the locations for the office buildings; 127,000 square foot tipping area; water cooling towers;

water treatment areas, and power generating area. Mr. Brinkley advised the driveways would be built to standard, and he reviewed the entry/exit route for trucks. The maximum number of trucks would be 40 trucks in a 24-hour period, but would be generally concentrated in a 16-hour period. This will be a 24/7 operation and will not be open to the public. The guard gate would have security, and there would be no entrance into the facility by anyone who was not authorized to be there.

The proposed site would be the largest of its kind in the United States, and would be the demonstration project for quite some time. Clients would come from around the world to visit the facilities. The impact to the economy would be significant. Approximately 280 job openings are anticipated, with an average income of \$38,000, annually. When fully developed, there would be approximately 600 jobs.

Dr. Williams stated the gasification technology was not an incineration technology, and they did not burn the waste, and there is no open flame. The waste is treated through a thermal reduction process. The waste is turned into a gas, and that gas is later treated and burned in a reducing environment in order to prevent the formation of chemicals that are considered harmful to the environment. There is a continuous air monitoring system on each of the stacks in the facility monitoring the primary constituents that form their permit for operating the facility. Their projected concentrations are so low compared to the air quality standards that they are 1,000 to 100,000 times lower than those standards that were considered a minor source for impacts to the environment.

Dr. Williams stated that in addition, all of the water on the site is treated. The waste water is treated on site. The waste water is treated from the restrooms and other facilities, to boiler feed water standards, and the water is re-used. It is in a continuous looping cycle so that all of the water is recycled continuously through the operating system. It is an extremely clean system.

Dr. Williams stated there are no odors that are generated. They do not accept putrescible waste -- nothing that can decompose or generate odor. If a load came in by mistake and did generate odor, the buildings are maintained at a very high negative pressure. When the doors are open, the air comes into the facility, not out. It is impossible for odor to escape the facility. All of the air from the buildings is collected and pulled through the gasifier where it is treated at 1,000 degrees Centigrade, and then through the combustion tube where it is treated at 1,460 degrees Centigrade. He said that at those temperatures, it is not possible for the odor causing chemicals to survive the treatment process. They discharge from the stacks at 200 degrees Centigrade. At that temperature there is no condensation, or no white or black smoke coming out. Some heat waves may be seen occasionally against white clouds, but that is all that would be seen coming out of the stacks. The condensers are air cooled, not water cooled, so you will not see steam condensation coming off the cooling towers. The turbines are all in buildings, and the buildings are completely enclosed.

Dr. Williams added that the maximum noise levels are going to be about 45 decibels. The emissions are so low and are only a fraction of the emissions that are generated by the traffic passing by on Craig Road. The facility is not expected to have any impact on the environment, or local residents.

Dr. Williams said that at the November 13, 2013 Planning Commission meeting, the Planning Commission requested the applicant make a presentation to the MGM Casino, who had expressed a concern that they had not been given enough time to review the technology. The applicant reviewed their technology with MGM Casino's technical experts who had been looking at gasification for five years, and said the applicant had the most complete and elegant system they had ever seen. MGM issued a letter stating they were interested in the facility and the applicant is in discussions with them now for the purchase of power from the facility.

The applicant met with the property owner to the south, who expressed a concern that the development of this property as an industrial complex would have a negative impact on property values of his property. He expressed his vision for the area was the development of the properties as high end office/warehouse space.

The property is zoned M-2, and M-2 properties are worth more than M-1 property. There is no evidence that any of these facilities have ever caused a reduction in property values of any industrial facilities in the surrounding areas.

The applicant believed they addressed all of the concerns, and have met with the people and provided technical explanations. The qualified people that have reviewed the files, including staff from Clark County Air Quality Division, who understand gasification, have issued a draft permit and are in the process of writing the permit for air quality.

The applicant believed they had an excellent project that would benefit the community. They are initially creating 280 jobs, with an average payroll of \$10 million per year. This would increase to 600 jobs over time. The initial investment is \$115 million, and would increase to over \$250 million over time.

Chairwoman Perkins opened the public hearing.

Jason Jensen, 4010 W. Hacienda Ave., #100, Las Vegas, expressed they had additional concerns, and flew in an expert witness who was present to testify about these types of operations. Mr. Jensen requested the Planning Commission allow him additional time to speak.

Acting City Attorney Douglass Morgan advised the Planning Commission members that it was up to their discretion to allow additional time to speak. The agenda clearly states the applicant is entitled to speak up to 10 minutes, and that members of the general public in any rebuttal are allowed 3 minutes. If there is an appetite or desire for the

Planning Commission to extend that amount of time, the Planning Commission can make that determination, but must afford any other person requesting to speak on Item No. 8 that same amount of time.

The Planning Commission extended the comment period to 10 minutes for each person on this item.

ACTION: COMMENT PERIOD EXTENDED TO 10 MINUTES FOR EACH PERSON SPEAKING ON THIS ITEM

MOTION: Commissioner Kraft

SECOND: Vice-Chairman Stone

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

NAYS: Chairwoman Perkins and Commissioner Joiner-Greene

ABSTAIN: None

Dr. Jeffrey Morris, 2217 60th Lane, NW, Olympia, WA, is an economist and life cycle analysis expert. His PhD is from the University of California at Berkley, and he has been conducting research on waste management systems for approximately 25 years. Dr. Morris has published in peer review journals such as Environmental Science and Technology; International Journal of Life Cycle Assessment; the Journal of Industrial Ecology (Yale); and the Review of Economics and Statistics (Harvard).

Dr. Morris discussed the comparison between combustion, gasification of waste materials versus recycling. He stated gasification, followed by the combustion of synthetic gas is a very inefficient way to generate energy. It creates more pollution than recycling those materials, and there are other ways for handling those waste materials if you did not want to recycle them, that are less damaging to the environment. The other ways of handling those waste materials create more jobs than gasification, followed by combustion of the synthetic gas.

Dr. Morris reviewed a number of graphs which reflected environmental impacts from the gasification process. In addition, Dr. Morris submitted written testimony to the Planning Commission. One graph compared the climate impacts of gasifying and combusting the synthetic gas for paper and cardboard versus recycling the paper and cardboard. Dr. Morris stated products are not very efficient fuel materials, and are not very efficient in terms of generating energy, and are more polluting than using regular energy generating materials from sources such as natural gas, solar, or coal. He stated the emissions from combusting synthetic gas are much higher than the emissions from combusting natural gas. The emissions from making plastic film out of virgin raw materials are much higher than making plastic pellets out of recycled materials.

Dr. Morris discussed additional environmental impacts, which included human respiratory impacts from managing film plastic waste by gasification combustion waste

energy versus recycling them. Dr. Morris reviewed environmental impacts on wood waste. Turning plastic waste via gasification, followed by combustion of the synthetic gas creates a lot more particulate matter than recycling those materials.

Dr. Morris stated the applicant advised the materials were already source separated, and would not process mixed waste. Since they are already source separated, they are ideally suited for recycling, and could be sent to the recycling markets.

Dr. Morris discussed an overview regarding wood chip piles from a 49 megawatt (inaudible) plant in Anderson, California. He pointed out the size of the piles and stated the issue was the particulate matter that might come off that. People who run these plants talk about wood chip piles being like gun powder – they explode and burn. There would have to be a lot of attention to making sure that whether it is in an enclosed building or outside, that you do not get explosions from the combustible materials that will be stockpiled there.

Dr. Morris discussed the carbon footprints for electricity generation from various materials. Solar is one tenth of a pound of greenhouse gases per kilowatt hour; natural gas is between one and one and one half pounds; coal is up towards three pounds; and MSW materials (film, plastic, wood) are up towards four pounds of greenhouse gas emissions per kilowatt hour. This shows that products are not very efficient energy sources. It is better to recycle them. It saves more energy.

Dr. Morris presented a graph reflecting virgin and recycled materials and the energy usage for making materials out of virgin raw materials versus making them out of recycled materials. It is easier to make new products out of already refined materials. Dr. Morris discussed the municipal solid waste, and the inefficiencies of turning garbage or waste materials into energy.

Dr. Morris stated recycling creates between 4-10 jobs per 1,000 tons. The applicant discussed 280 jobs from 365,000 tons, which is about .6 jobs per 1,000 tons.

Acting City Attorney Douglass Morgan addressed the Planning Commission regarding the discussion concerning energy and the gasification facility, and reminded the public that the purpose of the Planning Commission was to make sure there were proper land use policies and decisions going forward to City Council. The purpose was to focus on whether or not the proposed use for the land is proper or not.

Chris McCullough, 601 S. Rancho Dr., Ste. A-10, Las Vegas, stated the Planning Commission had to decide what was right for the area. The pollution emissions from this plant were hard to understand for a lay person. Mr. McCullough looked at the air pollution permit, and looked at the fact there were over 1,000 homes within one half mile of the facility just to the west. The air pollution permit has 10.5 tons of particulate matter being emitted. The particulates are either in 2.5 or 10 microns, which is tiny. Mr. McCullough squeezed a bottle of talcum powder and stated this expelled 10 microns.

He stated if he tossed the bottle into the room, it would coat it with a white film. The plant would put out 25,000 times that bottle every year; and would throw it 400 feet up into the air from the smoke stacks, and it would settle out over the community. This is 10 micron particulate matter. Theirs would be black, and would be a nightmare in the neighborhood. Mr. McCullough stated the proposed site belonged in Apex, where the particulates could float out, and land on the ground and not bother the neighbors and the community.

Jason Jensen, 4010 W. Hacienda Ave., Ste. 100, Las Vegas, stated they were looking at the Golden Triangle Business Park, which consisted of high end, industrial/commercial buildings, surrounding the entire area. To the north, Shadow Creek Golf Course has a significant investment in the community, and they did as well.

If any approval of the two applications happened tonight, their property would be virtually undevelopable, unsellable, and they would not be able to attract any quality businesses or tenants to the area. Their intended use is to do a high end industrial building business park that would attract quality tenants such as Urban Outfitters, Zappos, or Amazon. It would bring hundreds of jobs to the City. If anything happens with the approval of a gasifier across the street, those businesses would never come to the area.

Mr. Jensen added that these types of operations usually have little viability without the use of municipal solid waste. Republic Services only takes in 6,000 tons of waste at their Apex landfill, and he asked where is the applicant was going to get the waste. He stated they would have to ship it in from California by railroad, and asked if the City wanted to be the home for everyone else's trash. He said this is dangerous to public health and is inconsistent to surrounding properties. Mr. McCullough urged the Planning Commission to deny approval of the application.

Edward Gering, 808 N. Lamb Blvd., Las Vegas, is a Business Agent with the International Business of Electrical Workers, Local 357. He represented approximately 3,700 electricians in the Las Vegas valley, many who live in North Las Vegas. They have several concerns regarding the project. One was that area standards are maintained, and that local workers are utilized to man these projects, and that all parties involved such as sub-contractors and service providers are licensed and bonded to perform the tasks in this community. Mr. Gering referenced proper use of the land, and stated good stewardship of our resources and our land would be a consideration of proper use of the land.

Another concern that was brought up by the presenters was there were precautions taken to assure the potential emissions to pollute the air make it not pleasing by using reverse pressure to make sure that when the doors are open the air flows in as oppose to out. Mr. Gering asked the Planning Commission to consider and question what measures are taken to protect the employees who would be manning the facilities from the emissions.

Chairwoman Perkins asked Mr. Gering to clarify support of or opposition to this item. Mr. Gering stated potentially they would be in favor, as long as it would be a positive input to the community, and did not sacrifice workers' health. If those issues are addressed and presented in a manner acceptable, they would be in favor of this.

Chairwoman Perkins closed the public hearing.

Commissioner Ewing stated he and his wife supported recycling; however, he did not see this as a debate between recycling and gasification combustion, and that this issue was about land use. He asked if there was any evidence or testimony that this gasification plant would violate any of the City's air quality or noise standards. There were comments concerning particulates that would exist, but Commissioner Ewing asked if they exceeded what was acceptable based upon North Las Vegas rules and regulations. He had not heard any testimony that it did. Assertions were heard that it could reduce property values, but there were no facts to support them.

Commissioner Kraft addressed EP Renewable, and asked if they had a signed agreement with Nevada Energy or any other power supplier to sell their electricity to. An unidentified representative stated they did not have a signed agreement yet, but there were parties they were currently negotiating with. Another unidentified representative from EP Renewable, (Leonardo inaudible), Boca Raton, FL, stated they had an on-going relationship with NV Energy, and they were very much aware of the project and participated in meetings. They have indicated they want to bring projects such as EP Renewable's to the state and to the area. They are over reliant on gas generation and the alternative energy projects are mostly solar, which is unreliable and inconsistent, whereas their technology is cleaner and serves for base power. They have further provided the information that is available to some of the potential buyers of their power, indicating that NV Energy not only supports the project, but is under the legal obligation to provide the transmission capacity. They are aware that the technology is so clean, that they have presented oil projects to EP Renewable that have been questioned in the state because of their pollution standards, and they think EP Renewable's technology would be the solution for those projects.

Commissioner Kraft asked where the waste would be coming from, and if the applicant had contracts to support the volume that they were committing to.

An unidentified man from EP Renewable stated they had a contract with Lunas (phonetic) Construction. They will be providing the waste, which will come from Clark County, Las Vegas and the surrounding communities.

Commissioner Kraft stated the science was immaterial to the Planning Commission, and reiterated this was a land use question.

Vice-Chairman Stone stated this is a special use permit and asked staff if this item was either approved or denied, was action final with the Planning Commission or would it go to City Council. Mr. Eastman responded this would be final action with the Planning Commission, unless the item is appealed.

Vice-Chairman Stone asked the applicant if the process was legal or illegal [in terms of the federal government] and the applicant responded the process was legal and was approved by MATOC, (phonetic) which was approved by the Department of Defense facilities. It was reviewed and approved by Battell (phonetic) Northwest Pacific Lab, and was approved by Oak Ridge National Laboratory. It has been reviewed by Clark County Department of Public Health, Air Quality Division. They have determined that this is a minor source, and has relatively no impact or low impact, and they are in the process of writing the permit now for air quality.

Commissioner Joiner-Greene asked Mr. Jensen if his issue concerned land use. Mr. Jensen responded it was, and that it was not consistent with anything in the area. He added there would be towering stacks, and nothing like it anywhere in the area. It is a heavy, heavy industrial use and belonged in Apex.

An unidentified representative from EP Renewable interjected that he had the opportunity two weeks ago to speak with Jason Jensen's father to clarify the project. During their conversation, the description about what EP Renewable does was different from what it really is. The representative stated that when Jason's father knew about the realities of what they did, he suggested a meeting with Dr. Williams. The EP Renewable team included four (oil) Ph D's who were considered national authorities in this field. There are 24 oil facilities using this technology right now, fully permitted. One of those facilities is being managed by Seimens, which is one of the top companies in the world, using the exact gasifier that they proposed at this site. The Seimens facility had been in operation for over 13 years, and is one of the most proven technologies around, and is U.S. technology.

After the meeting, it was concluded there were no grounds to oppose the project, except that they had a personal preference for another type of industrial development in the area. It was explained to Mr. Jensen's father that this facility was permitted for this type of use.

The applicant was provided an opportunity for rebuttal. The (unidentified) applicant read the description for an M-2 parcel into the record: "The purpose of the general industrial M-2 district is to provide for the development of uses that because of the nature of their operation, appearance, traffic generation or emission, would not be compatible with land uses in most other zoned districts. But which, never-the-less, are necessary and desirable activities in the City. The provision for non-industrial uses, i.e. retail, religious institutions, and banks is limited in this district.

Chairwoman Perkins agreed with Vice-Chairman Stone, Commissioners Ewing, Kraft and Joiner-Greene that the Planning Commission was a land use body. She was responsible for making sure that in the M-2 district, this was a use that was compatible with it and its neighbors. Since this area is zoned M-2, it is compatible.

Chairwoman Perkins closed the public hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Ewing

SECOND: Vice-Chairman Stone

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

NAYS: None

ABSTAIN: None

9. **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) (CONTINUED NOVEMBER 13, 2013)**

This item was presented by Robert Eastman, Principal Planner.

This item is the associated site plan review, and is the same use, at the exact same location. The difference with the site plan review is to ensure that the expansion is in conformance with the ordinance and specifically the design standards. The existing buildings are in compliance with the industrial guidelines. The proposed buildings are also [for the most part] in compliance. There are minor changes that will need to be done in regard to painting, to ensure their mass is somewhat lessened through the use of unifying colors to conform to the rest of the site. The landscaping is less than the normal 10-foot width that is required; in some places it is as little as 6 feet; however, they are proposing to change the perimeter wall which is in compliance. There will be some additional requirements for parking lot landscaping to bring it into compliance.

The site is generally in compliance and staff recommended approval subject to conditions, with the exception of Condition No. 6. Condition No. 6 contained a typographical error and needed to be deleted.

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. All buildings shall be painted to match and shall contain bands of color to minimize building mass and help unify the site.
3. Any production equipment that is painted shall be painted a color to match the building on site; unless safety regulations require a specific color.
4. Perimeter landscaping shall be enhanced with additional plant material to provide 50% ground coverage within 2 years of planting.
5. Additional trees shall be placed between the parking lot and screen wall within the existing planting area, to provide a minimum of one tree every 25 feet on center.

UTILITIES DEPARTMENT:

6. The applicant shall comply with all conditions of approval for VAC-05-13.

PUBLIC WORKS DEPARTMENT:

7. 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.
8. Approval of a drainage study is required prior to submittal of the civil improvement plans.
9. Approval of a traffic study is required prior to submittal of the civil improvement plans.
10. All existing driveways shall be removed and replaced with driveways that comply with *Clark County Area Uniform Standard Drawing* numbers 222.1 and 225 and 226.S1. The width of the vehicles shall be based on the type of vehicles accessing the site. Subject to review and approval by the City Traffic Engineer or his designee.
11. The gate at the driveway on Statz Street shall be removed and placed far enough behind the back of curb to accommodate at least one vehicle at that will access

- the site at that location. This shall be shown on an Autoturn figure. The vehicle used shall be for the largest vehicle that will use the site.
12. The property owner is required to grant a roadway easement for commercial driveway(s).
 13. 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.

An unidentified representative of the applicant stated the applicant planned to paint in the most attractive manner to beautify the area, and agreed to staff's recommendations.

Chairwoman Perkins asked if those who spoke on Item No. 8, UN-43-13, would like to carry their comments forward.

Chairwoman Perkins opened the public hearing.

Chris McCullough, 601 S. Rancho Dr., Las Vegas, on behalf of the Meldrum Family Trust, requested all comments be carried forward from agenda Item No. 8 to Item No. 9, to preserve his clients appeal rights.

Jason Jensen, 4010 W. Hacienda Ave., #100, Las Vegas, requested his comments be carried forward from agenda Item No. 8 to Item No. 9.

Dr. Jeffrey Morris, 2217 60th Lane, NW, Olympia, WA, requested his comments be carried forward from agenda Item No. 8 to Item No. 9.

Edward Gering, 808 N. Lamb Blvd., Las Vegas, requested his comments be carried forward from agenda Item No. 8 to Item No. 9. He added there were a lot of promises made on the number of jobs the project created, and requested to hear assurances from the developer that those jobs will be provided to local workers. Past experience was that people were brought in from other areas, and from out of the country for jobs promised to local workers.

An unidentified representative for the applicant stated they always hired locally. There would be a few management positions that would be brought in from the outside initially, during construction. There are typically five experts that are brought in to manage construction and the sub-contractors. The EPC contractor that they are planning to use for the project is located in Arizona, and he would use local sub-contractors. With regarding to hiring for the permanent facility, they would only have

two people that would be brought in from the outside, and everyone else would be hired locally.

Chairwoman Perkins closed the public hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS AND AMENDMENTS; CONDITION NO. 6 DELETED

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

3. **UN-51-13 (47377) SMOG CHECK KIOSK (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DAPPER DEVELOPMENT ON BEHALF OF TEN 15 ALIANTE, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN MPC/C-1, MASTER PLANNED COMMUNITY/ NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A VEHICLE SERVICE FACILITY. THE PROPERTY IS LOCATED APPROXIMATELY 435 FEET EAST OF ALIANTE PARKWAY AND SOUTH OF DEER SPRINGS WAY. THE ASSESSOR'S PARCEL NUMBER IS 124-20-714-004. (FOR POSSIBLE ACTION)**

This item was heard by the Planning Commission following the approval of agenda item No. 2, the November 13, 2013 Planning Commission meeting minutes.

This item was presented by Robert Eastman, Principal Planner.

The proposed car service facility (smog check) is in the Aliante Master Planned Community and is a neighborhood commercial shopping center that is already partially developed, and is in the process of being fully developed.

Previously, this developer and the Planning Commission has approved, and is working on, a convenience store with gas pumps (specifically, a 7-11), a car wash and another auto service facility (Firestone).

This is another auto service facility, specifically for a smog check facility. This would be located on a separate lot and operated by a different operator, and needed its own use permit.

The proposed smog check is in compliance with the design standards of Aliante. The site is still over parked; therefore, the smog hut will not pose any negative impact on the development.

Staff recommended approval subject to the conditions listed.

The conditions per Staff report dated December 11, 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. The site plan shall be amended to comply with the Aliante Design Guidelines and Development Standards and shall provide landscaped islands between the kiosk and the parking lot.
 3. All scuppers and downspouts shall be incorporated into the buildings, and shall not be exposed to the neighboring properties.

UTILITIES:

4. A Restrictive Covenant shall be executed and recorded to address the water and sewer infrastructure crossing parcel lines. Submit to the Utilities Department for review prior to recordation.
5. Provide property management information to the Utilities Department for payment of communal fire service.

John Burke, Architect, 3471 W. Oquendo, Las Vegas, represented the applicant. He concurred with staff, who requested landscape fingers on both sides, and agreed to comply with that condition.

Chairwoman Perkins opened the public hearing.

Chairwoman Perkins closed the public hearing.

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Kraft

SECOND: Commissioner Joiner-Greene

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

NAYS: None

ABSTAIN: None

4. **UN-52-13 (47378) DAIRY QUEEN (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DAPPER DEVELOPMENT ON BEHALF OF TEN 15 ALIANTE, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN MPC/C-1, MASTER PLANNED COMMUNITY/ NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A CONVENIENCE FOOD RESTAURANT. THE PROPERTY IS LOCATED APPROXIMATELY 540 FEET EAST OF ALIANTE PARKWAY AND SOUTH OF DEER SPRINGS WAY. THE ASSESSOR'S PARCEL NUMBER IS 124-20-714-004. (FOR POSSIBLE ACTION)**

This item was presented by Robert Eastman, Principal Planner.

This is an associated item, for a convenience food restaurant in the same development in Deer Springs and Aliante Parkway, within the Aliante Master Planned Community. The use is consistent and in compliance with the Aliante design standards.

Staff expressed concerns regarding the proposed location of the speaker box. Staff advised it is more appropriate for the speaker box to be at least 50 feet from either residential property line, and is requesting that the drive-through lane be amended and the speaker box moved to allow that. Based upon the amount of open landscaping to the rear of the proposed Dairy Queen, staff feels that it is easily manageable, and is able to get the required stacking.

The site has unified parking for the entire development. They are currently over parked by approximately 30-35 spaces. The site is in compliance with the design standards. They have a stucco exterior, with stone wainscoting. Staff is requesting the wainscoting be wrapped around all four sides, per Aliante design standards.

Staff recommended approval subject to the conditions listed.

The conditions per Staff Report dated December 11, 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. The site plan and building elevations shall be amended to comply with the Aliante Design Guidelines and Development Standards, including but not limited to providing stone wainscoting around all sides of every commercial building on site; providing six feet of foundation landscaping along the entry façade of every commercial building. With the exception that the building may be located on the site as proposed on the submitted site plan.
3. The site plan shall be amended to provide a minimum of 50 feet of setback from the residential property lines and the proposed speaker box for the drive through.
4. Landscaping along the south and east property lines (near the speaker box) shall contain Sweet Acacia trees and shrubs with a height greater than four feet.
5. All access to the roof shall be from within the building. Exterior roof ladders are prohibited.
6. All scuppers and downspouts shall be incorporated into the buildings, and shall not be exposed to the neighboring properties.

PUBLIC WORKS:

7. All known geologic hazards shall be shown on the civil improvement plans. Subsequent identification of additional hazards may substantially alter the original site plan.

8. 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 the 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>
9. A traffic study waiver may be required prior to submittal of the civil improvement plans.

UTILITIES:

10. A Restrictive Covenant shall be executed and recorded to address the water and sewer infrastructure crossing parcel lines. Submit to the Utilities Department for review prior to recordation.
11. Provide property management information to the Utilities Department for payment of communal fire service.

John David Burke, Architect, 3471 W. Oquendo, Las Vegas, represented the applicant. He stated the site plan was configured to conform to staff recommendations. The speaker box would be 50 feet away from the south property line and 50 feet away from the east property line. Mr. Burke will work with staff and agreed with all of the recommendations concerning wrapping the stone wainscoting on all four sides, and putting in the pine trees on the southeast corner to buffer the neighborhood.

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

ACTION: APPROVED SUBJECT TO STAFF RECOMMENDED CONDITIONS

MOTION: Commissioner Ewing

SECOND: Commissioner Kraft

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

NAYS: None

ABSTAIN: None

PUBLIC FORUM

Devin Brooks, 3550 W. Cheyenne, North Las Vegas, business owner and member of the Urban Chamber of Commerce, asked if there was a policy regarding hiring for this facility (E P Renewable, Agenda Item No. 8, UN-43-13), and if there would be employment positions available for Hispanic, African-American and women minority groups at the proposed EP Renewable Las Vegas site.

Acting City Attorney Douglass Morgan explained that the Planning Commission was a land use board, and would not have any comment regarding the competitive bidding process or any disadvantaged business enterprise. Traditionally, disadvantaged business enterprises focused on minority and women owned businesses.

Ms. Douglass Morgan advised that in regard to federal projects, sometimes goals may come down from the Nevada Department of Transportation. If a North Las Vegas project is funded with federal funds, there could be a certain disadvantaged business enterprise goal that could apply to certain bids; however, this would not come before the Planning Commission.

Ms. Douglass Morgan stated the Planning Commission determined earlier during this meeting that the 20 acres designated, was appropriate for M-2, heavy industrial use; however, the construction would not come before the Planning Commission, but before City Council.

Mr. Brooks sought additional information regarding interpretation of M-2 zoning, and was referred to staff for further explanation.

DIRECTOR'S BUSINESS

There was no report given.

Director Fiori extended good wishes to the Planning Commission for the upcoming holiday, and a Happy New Year.

CHAIRWOMAN'S BUSINESS

Chairwoman Perkins echoed Director Fiori's comments extending good wishes to all for a Happy Holiday season.

ADJOURNMENT

The meeting adjourned at 7:19 p.m.

APPROVED: January 8, 2014

/s/ Laura Perkins
Laura Perkins, Chairwoman

/s/ Julie Shields
Julie Shields, Recording Secretary