

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

May 14, 2014

- BRIEFING:** 5:30 P.M.
Caucus Room, 2250 Las Vegas Boulevard, North
North Las Vegas, Nevada
- CALL TO ORDER:** 6:06 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 – Absent
- STAFF PRESENT:** Gregory Blackburn, Director
Marc Jordan, Planning Manager
Robert Eastman, Principal Planner
Sandra Douglass Morgan, City Attorney
Rob McLaughlin, Public Works/Development & Flood
Control
Julie Shields, Recording Secretary
- VERIFICATION:** Julie Shields, Recording Secretary
- PLEDGE OF ALLEGIANCE:** Commissioner Sylvia Joiner-Greene

PUBLIC FORUM

There was no public participation.

AGENDA

1. APPROVAL OF THE PLANNING COMMISSION MEETING AGENDA OF MAY 14, 2014 (FOR POSSIBLE ACTION)

ACTION: APPROVED

MOTION: Commissioner Acevedo

SECOND: Commissioner Aston

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

NAYS: None

ABSTAIN: None

MINUTES

2. APPROVAL OF MINUTES FOR THE PLANNING COMMISSION MEETING OF APRIL 9, 2014 (FOR POSSIBLE ACTION)

ACTION: APPROVED

MOTION: Commissioner Acevedo

SECOND: Commissioner Aston

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

NAYS: None

ABSTAIN: None

NEW BUSINESS

3. ZN-58-05 (48480) SHADOW RANCH (PUBLIC HEARING). AN APPLICATION SUBMITTED BY RANDY BURY-RANDALL MARTIN COMPANY ON BEHALF OF RB LAS VEGAS LAND VENTURES 2 LLC, PROPERTY OWNER, FOR AN AMENDMENT TO AN EXISTING PUD, PLANNED UNIT DEVELOPMENT

DISTRICT REGARDING OPEN SPACE AMENITIES. THE PROPERTIES ARE LOCATED AT SOUTHEAST CORNER OF ANN ROAD AND BRUCE STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-35-501-001, 124-35-501-004, 124-35-501-005, 124-35-501-006, 124-35-501-007, 124-35-501-009 AND 124-35-501-010. (FOR POSSIBLE ACTION)

This item was presented by Robert Eastman, Principal Planner.

Mr. Eastman advised Item Numbers 3, 4, and 5 were related and would be briefed concurrently, and voted upon individually.

Item No. 3, ZN-58-05, is an amendment to a previously approved Planned Unit Development District (PUD) to develop 105 single-family dwellings at the southeast corner of Ann Road and Bruce Street. This site is approximately 20 acres, and when developed would have an approximate density of 5.3 dwelling units to the acre. There is an amendment to the condition regarding open space amenities within the development. Currently, the condition requires two different play structures, a pool with clubhouse, a large shade gazebo, and numerous other items including benches, picnic tables and dog stations, which are not quantified. The applicant is requesting a change to remove the pool area, and reduce the playground. In addition, the applicant will add areas specifically for open play for residents of the development. After numerous meetings with the City and reviewing the open space amenities that were originally proposed, it would have been difficult to put all the amenities originally required within the 64,000 square feet of open space in the area. Staff is recommending approval of the amendment with the new Condition No. 5 as listed in the recommendation.

Item No. 4, T-1366, is the associated tentative map. Originally, the tentative map was approved. The applicant received an extension of time; however, the tentative map has expired. The tentative map that is proposed is in compliance with the current and amended PUD. Staff is recommending approval of this item.

Item No. 5, FDP-02-14, is the final development plan and is in compliance with the proposed amendments to the re-zoning. The homes depicted are in compliance with the City's design standards. Their open space requirement is in compliance with the City's current open space requirement. Staff is recommending approval of this item.

Item No. 3, ZN-58-05, will be forwarded to City Council for final consideration, while Item Nos. 4, T-1366 and 5, FDP-02-14, will receive final action from the Planning Commission.

The original conditions per Staff Report dated May 14, 2014 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.
2. The development shall not exceed 105 single-family homes.
3. Building setbacks shall be consistent with the R-1 zoning district.
4. The development shall provide a minimum of 1.75 acres (76,230 sq. ft.) of usable open space, as approved by staff.
5. At a minimum, the following amenities shall be provided within the open space:
 - a. A minimum of twenty (20) 24-inch box trees per acre;
 - b. One (1) age appropriate IPEMA approved play structures for children with EPDM resilient fall protection over a non-porous surface and accompanying shade structure
 - c. One (1) large open space area, with a minimum of 20,000 square feet of turf, for group/organized play
 - d. Two (2) 10' diameter shade structures
 - e. Two (2) Picnic tables with one (1) drinking fountain and two (2) barbecue grills
 - f. Seven (7) Benches spaced around the park
 - g. Two (2) Dog stations;
6. Construction of the developed Open Space is to be started no later than the issuance of the 35th building permit, and completed upon the issuance of the 70th building permit.
7. Perimeter walls shall be owned and maintained by the Homeowner's Association.

PUBLIC WORKS:

8. Dedication and construction of the following streets and/or half streets is required per the *Master Plan of Streets and Highways and/or City of North Las Vegas Municipal Code* section 16.24.100.B:
 - a. Ann Road
 - b. Bruce Street
 - c. Hammer Lane

9. Right-of-way dedication and construction of a CAT bus turn-out is required on Ann Road near Bruce Street per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 234.1.
10. The developer is required to construct a raised median within Ann Road. The median shall be constructed per *Clark County Area Uniform Standard Drawing* numbers 218 and 219 "A" type island curb.
11. Approval of a traffic study is required prior to submittal of the civil improvement plans. Please contact Traffic Engineering at 633-1224 to request a scope.
12. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Ann Road and Bruce Street.
13. 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.
14. Approval of a drainage study is required prior to submittal of the civil improvement plans.
15. 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.
16. Clark County concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
17. 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.
18. The preliminary street section(s) shown on the plans shall be used for planning purposes only; the actual thickness of the pavement sections, for public and private streets, will be determined by the Department of Public Works.

19. All common elements shall be labeled and are to be maintained by the Home Owners Association.
20. The street names shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.
21. Street names must be approved by the City of Las Vegas Central Fire Alarm Office.
22. 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.
23. A revocable encroachment permit for landscaping within the public right of way is required.
24. Proposed residential driveway slopes shall not exceed a slope of twelve percent (12%).
25. All residential driveway geometrics shall be in compliance with the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 222.
26. 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.
27. Sixty (60) foot minor residential collector streets may be required to be designed and constructed per the *City of North Las Vegas 60' Standard Street Section with Offset Sidewalk*.

Sue Marshall, VTN, 2727 S. Rainbow, Las Vegas, representative, appeared on behalf of the applicant. Ms. Marshall concurred with the request to change to Condition No. 5 on Item No. 3, ZN-58-05. They are proposing improvements that would include placing twenty (20), 24-inch box trees within a designated open space area; one play structure with a shade structure; a large turf area (20,000 square feet); two additional shade structures – to include picnic tables, barbeque grills, and one drinking fountain. Benches (7) will be located throughout the open space and there will also be two dog stations.

The tentative map proposed 105 lots; the minimum lot size is 4,500 square feet and the maximum size lot is 7,294 square feet. The layout is primarily the exact layout as what was previously approved. They have relocated the main entry and park area so that when you enter the subdivision, the park shows in the front – previously, there were lots fronting along the park. This map is shown with 52 foot right-of-way streets, with sidewalks on both sides and the landscape parkway on one side. Additionally, they have provided landscape buffers along Ann Road which are 15 feet, and 10 feet along Bruce Street.

The development plan is in conformance with the PUD. There are three different model homes, which range from 1,700 square feet to 3,100 square feet. There are one and two story models. They meet all the requirements of the Development Code. Each home will provide a porch, balcony or courtyard option.

Chairwoman Perkins opened the public hearing.

Robert Perkins, 1412 Heather Grove Avenue, North Las Vegas, asked whether the representative intended to put in one or two story homes along Hammer Lane.

Ms. Marshall responded they proposed a mixture of one and two story homes throughout the development and along Hammer Lane.

Mr. Perkins stated he was opposed to having two story homes along the Hammer Lane side of the development. He is concerned about privacy issues if there are balconies along Hammer Lane, because they would look directly into the lots on the south side of Hammer Lane.

Chairwoman Perkins closed the public hearing.

Commissioner Aston stated he did not know whether the front elevations had balconies. The front of the houses would face Hammer Lane, and driveways and garages would be visible.

Mr. Eastman advised Hammer Lane is a 60 foot right-of-way.

Vice-Chairman Stone asked who the builder was on the project and Ms. Marshall replied there was no home builder at this time.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

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

4. **T-1366 (48478) SHADOW RANCH. AN APPLICATION SUBMITTED BY RANDY BURY – RANDALL MARTIN COMPANY ON BEHALF OF RB LAS VEGAS LAND VENTURES 2, LLC, PROPERTY OWNER, FOR TENTATIVE MAP IN A PUD, PLANNED UNIT DEVELOPMENT DISTRICT TO ALLOW 105 RESIDENTIAL LOTS. THE PROPERTIES ARE LOCATED AT THE SOUTHEAST CORNER OF ANN ROAD AND BRUCE STREET. THE ASSESSOR’S PARCEL NUMBERS ARE 124-35-501-001, 124-35-501-004, 124-35-501-005, 124-35-501-006, 124-35-501-007, 124-35-501-009 AND 124-35-501-010. (FOR POSSIBLE ACTION)**

This item was presented by Robert Eastman, Principal Planner.

The original conditions per Staff Report dated May 14, 2014 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.
2. The development shall comply with all requirements and conditions of ZN-58-05.

ACTION: APPROVED

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

5. **FDP-02-14 (48479) SHADOW RANCH. AN APPLICATION SUBMITTED BY RANDY BURY – RANDALL MARTIN COMPANY ON BEHALF OF RB LAS VEGAS LAND VENTURES 2, LLC, PROPERTY OWNER, FOR A FINAL DEVELOPMENT PLAN REVIEW IN A PUD, PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF 105 RESIDENTIAL LOTS. THE PROPERTIES ARE LOCATED AT THE SOUTHEAST CORNER OF ANN ROAD AND BRUCE STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-35-501-001, 124-35-501-004, 124-35-501-005, 124-35-501-006, 124-35-501-007, 124-35-501-009 AND 124-35-501-010. (FOR POSSIBLE ACTION)**

This item was presented by Robert Eastman, Principal Planner.

The original conditions per Staff Report dated May 14, 2014 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.
2. The development shall comply with all requirements and conditions of ZN-58-05.

ACTION: APPROVED

MOTION: Commissioner Aston

SECOND: Vice-Chairman Stone

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

NAYS: None

ABSTAIN: None

6. **SPR-02-14 (48521) MDM STORAGE YARD (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BLAKE ANDERSON ON BEHALF OF LMBG, INC, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN M-2, GENERAL INDUSTRIAL DISTRICT, TO ALLOW APPROXIMATELY 130,000 SQUARE FEET OF OUTDOOR STORAGE FOR A PROPOSED CONSTRUCTION EQUIPMENT AND MATERIAL STORAGE FACILITY. THE PROPERTY IS LOCATED AT SOUTHWEST CORNER OF BERG STREET AND LONE MOUNTAIN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-01-101-011. (FOR POSSIBLE ACTION)**

This item was presented by Robert Eastman, Principal Planner.

Mr. Eastman advised the development was on a 5.5 acre lot. The majority of this lot would be used as outdoor storage for a construction company. The use is a principally permitted use within M-2 zoning, and reason this item was before the Planning Commission was due to the size and the amount of outdoor storage.

There will be a 15,000 square foot office warehouse building located along the west side of the site. The site contains a mix of both dirt or crushed rock and asphalt paving. The asphalt paving sections will be used for parking and drive aisles. Paving is required for parking of any vehicles or trucks they would store on site. The applicant indicated they planned to use this predominantly for storage of construction materials, Conex boxes, construction trailers, and scaffolding – all, of which are permitted within this site. No hazardous materials or a need for a hazardous material permit is indicated.

Staff is recommending approval of this item; however, staff had concerns with the building the applicant proposed. It is currently not fully in compliance with the design standards, and some modifications to the façade are needed. Currently, with the design indicated, the majority of the building appears to be a smooth face concrete block, and the design standards would need additional split face block to add visual interest to the building.

Staff stated this is a minor change that could be done administratively during the building permit process.

Staff recommended approval subject to the conditions listed.

The original conditions per Staff Report dated May 14, 2014 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 DEPARTMENT:

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. 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. Lone Mountain Road
5. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
6. Approval of a traffic study is required prior to submittal of the civil improvement plans. Please contact Traffic Engineering at 633-1224 to request a scope.
7. A queuing analysis is required. Throat depths and gate locations at the driveways are subject to review and approval by the City Traffic Engineer.
8. Commercial driveways are to be constructed in accordance with *Clark County Area Uniform Standard Drawing* number 222.1, including throat depths, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter. Modifications to the site plan are required to comply with the standard drawing; subject to review and approval by the City Traffic Engineer.
9. The property owner is required to grant a roadway easement for commercial driveway(s).
10. 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.
11. All off-site improvements must be completed prior to final inspection of the first building.

Blake Anderson, 181 E. Warm Springs, Las Vegas, managing member of MDM Holdings, appeared to answer questions regarding the project.

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

ACTION: APPROVED

MOTION: Commissioner Aston

SECOND: Vice-Chairman Stone

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

NAYS: None

ABSTAIN: None

7. **VAC-05-14 (48520) TIERRA SANTA (PUBLIC HEARING). AN APPLICATION SUBMITTED BY WOODSIDE HOMES OF NEVADA, LLC, PROPERTY OWNER, TO VACATE ALL PUBLIC UTILITY, DRAINAGE, AND ACCESS EASEMENTS. THE PROPERTIES ARE LOCATED AT THE NORTHWEST CORNER OF NORTH 5TH STREET AND DORRELL LANE. THE ASSESSOR'S PARCEL NUMBERS ARE 124-22-512-000 THRU 124-22-512-312. (FOR POSSIBLE ACTION)**

This item was presented by Robert Eastman, Principal Planner.

This site was previously known as the North Ranch Development. This vacation would help to comply with conditions on the final map for what is now the Tierra Santa development.

This item was previously brought before the Planning Commission. Their Planned Unit Development was amended, which is in ZN-43-05. The applicant submitted a new tentative map, which was approved by the Planning Commission, and was Tentative Map No. 1355. To complete their mapping procedures for the tentative map, all the existing easements that were placed by the previous development needed to be vacated. The condition was placed by Public Works. The City and Public Works are in support of the proposed vacation, and staff is recommending approval.

The original condition per Staff Report dated May 14, 2014 is as follows:

PUBLIC WORKS DEPARTMENT:

1. The vacation must record concurrently with the final map. Should the Order of Vacation not record within two years from the approval date, the vacation shall be deemed null and void.

Matt Key, Slater Hanifan Group, 5740 S. Arville Street, Suite 216, Las Vegas, represented Woodside Homes. Mr. Key stated they were removing existing easements and remapping over them.

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

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Aston

SECOND: Commissioner Joiner-Greene

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

NAYS: None

ABSTAIN: None

8. **UN-16-14 (48518) DOLLAR LOAN CENTER (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DAVID GALYEN FOR DOLLAR LOAN CENTER ON BEHALF OF INLAND DIVERSIFIED NORTH LAS VEGAS LOSEE LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW A DEFERRED DEPOSIT LOAN OR SHORT TERM LOAN ESTABLISHMENT. THE PROPERTY IS LOCATED AT 2590 EAST CRAIG ROAD, SUITE 110. THE ASSESSOR'S PARCEL NUMBER IS 139-01-210-005. (FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Planning Manager.

This property is zoned C-2 and located within the Cannery Corner Commercial Center.

The applicant proposed to occupy a suite next to the Frazee Paint Store, and have indicated that if approved by City Council, they want to be operational within 6-8 weeks. The hours of operation are Monday through Friday, from 9:00 a.m. to 7:00 p.m., with reduced hours on Saturday.

According to the survey they submitted to staff, they comply with the new distance separation requirements. The applicant is proposing to occupy approximately 1,792 square feet, which exceeds the minimum of 1,500 square feet size requirement.

Staff had no objections and is recommending approval.

The original condition per Staff Report dated May 14, 2014 is as follows:

PLANNING AND ZONING:

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

Dave Galyen, Dollar Loan Center, 8860 West Sunset Road, Las Vegas, was present to answer questions.

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

Vice-Chairman Stone asked staff when the survey radius back-up is prepared by a professional land surveyor, is it a requirement that they are stamped and sealed per Nevada Revised Statutes?

Mr. Jordan responded staff would not normally look for this [stamp and seal] as long as it was received from a surveyor. It would be their responsibility to comply with state law requirements.

City Attorney Sandra Douglass Morgan advised Vice-Chairman Stone she would review NRS 278 and NRS 265 to see if there is any requirement for a stamp.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Vice-Chairman Stone

SECOND: Commissioner Acevedo

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

NAYS: None

ABSTAIN: None

9. **VAC-06-14 (48536) DESERT MESA (PUBLIC HEARING). AN APPLICATION SUBMITTED BY GRGW DEVELOPMENT ON BEHALF OF DESERT MESA 30 INVESTORS LLC, PROPERTY OWNER, TO VACATE EVENING SNOW COURT (A.K.A. MCNULTY COURT) COMMENCING SOUTH OF DESERT SENNA AVENUE AND EXTENDING SOUTH APPROXIMATELY 315 FEET AND A PORTION OF SAND SAGE AVENUE COMMENCING APPROXIMATELY 176 WEST OF DESERT SENNA AVENUE AND EXTENDING WEST APPROXIMATELY 175 FEET. THE ASSESSOR'S PARCEL NUMBERS ARE 139-15-417-005 THRU 139-15-417-014, AND 139-15-417-024 THRU 139-15-417-031. (FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Planning Manager.

The purpose of the vacation was to help facilitate the future of a 96-lot residential development, and a future area for approximately 300 senior apartments.

The proposed vacations are consistent and in compliance with the approved preliminary development plan for the site. It is also in compliance with Condition No. 36 of Ordinance No. 2424, which governs the Planned Unit Development for the site. The applicant will be required to file the appropriate mapping in the future, which is in compliance with Condition No. 31.

Staff had no objections and is recommending approval.

The original conditions per Staff Report dated May 14, 2014 are as follows:

PUBLIC WORKS DEPARTMENT:

1. This vacation shall record concurrently with the associated map that dedicates the modified cul-de-sac for Sand Sage Avenue per *City of North Las Vegas Municipal Code* section 16.20.050.P. Appropriate mapping is required to complete this vacation. 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.
2. Should the Order of Vacation not record within two years from the approval date, the vacation shall be deemed null and void.

Scott Johnson, 59 Sully Creek Court, Las Vegas, represented GRGW Development, and appeared to answer questions.

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

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Joiner-Greene

SECOND: Commissioner Acevedo

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

NAYS: None

ABSTAIN: None

- 10. AMP-05-14 (48447) NORTH VALLEY HEALTH CLINIC & TRAINING FACILITY (PUBLIC HEARING). AN APPLICATION SUBMITTED BY THE CITY OF NORTH LAS VEGAS, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF SINGLE FAMILY LOW TO PUBLIC/SEMI-PUBLIC. THE PROPERTIES ARE LOCATED AT 1800, 1804, 1808, 1812, 1816, AND 1820 WEST CAREY AVENUE. THE ASSESSOR'S PARCEL NUMBERS ARE 139-16-410-215 THRU 139-16-410-220. (FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Planning Manager.

This application was submitted by the City of North Las Vegas to amend the comprehensive plan land use from single-family low to public/semi-public. This property is located at the northwest corner of Carey Avenue and West Street. There are six parcels, and this amendment would cover all six parcels.

Staff reviewed the criteria for an amendment to the land use and public/semi-public uses which indicated it is to serve a public need or function, is used to create positive and attractive public open spaces, and used by incorporating facilities into the site that promote civic activities, such as benches and shaded areas.

A neighborhood survey was conducted which requested what types of uses the neighborhood like to see on the site. One response was a request for a medical facility and training facility, which would meet a public need.

The Strategic Plan adopted by the City outlines requirements for 2012, 2017, and 2030 -- some of which require the residents in the area to have an opportunity for input into developments and services that they would like to see in their neighborhood. This was accomplished by the survey, thus supporting the amendment to the Comprehensive Plan. Principle E of the Strategic Plan proposes the creation of a medical and health care facility that provides services to the neighborhood -- the proposed amendment would accomplish another goal within the Strategic Plan.

Mr. Jordan advised staff recommended approval to the Comprehensive Plan.

Kathi Thomas-Gibson, City of North Las Vegas Neighborhood Services Manager, is working with the resident group and non-profit entity that is going to develop the site. The architect was also present to answer questions regarding the proposed clinic.

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

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Acevedo

SECOND: Commissioner Joiner-Greene

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

NAYS: None

ABSTAIN: None

- 11. ZN-07-14 (48448) NORTH VALLEY HEALTH CLINIC & TRAINING FACILITY (PUBLIC HEARING). AN APPLICATION SUBMITTED BY THE CITY OF NORTH LAS VEGAS, PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTY FROM THE CURRENT DESIGNATION OF R-1, SINGLE-FAMILY LOW DENSITY DISTRICT TO PUD/PID, PLANNED UNIT DEVELOPMENT DISTRICT/PLANNED INFILL DEVELOPMENT DISTRICT CONSISTING OF A HEALTH AND TRAINING FACILITY. THE PROPERTIES ARE LOCATED AT 1800, 1804, 1808, 1812, 1816 AND 1820 WEST CAREY AVENUE. THE ASSESSOR'S PARCEL NUMBERS ARE 139-16-410-215 THRU 139-16-410-220. (FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Planning Manager.

This is the accompanying item to Item No. 10. This request was to help the site develop into a health clinic and training facility.

The applicant proposed to develop the site with a building approximately 9,500 square feet in size. The applicant's architect worked closely with staff in the design of the site. Since this is a Planned Infill Development District, anything south of Craig Road (when bordered on two sides by development) can qualify for Planned Infill Development. Requests can be made for deviations in the zoning code in the development of the site.

The applicant is proposing to locate their building at the corner of Carey Avenue and West Street. They are proposing approximately a 20-foot and 22-foot setback from the respective streets, and are complying with normal setback standards. They are proposing approximately 12 feet of landscaping in front of the parking lot where normally there might be 20 feet of landscaping. On the west side of the property, where they have developed residential, they are proposing approximately 10 feet of landscaping, where normally there might be 20 feet of landscaping.

The applicant is proposing to install a block wall where currently, a chain link fence exists.

Access to the site would be off the alley way, so there would be no curb cuts on either Carey Avenue or West Street.

The applicant is proposing 39 parking spaces, where normally 51 spaces are required. Under the Planned Infill Development District requirements, reduction in the parking can be considered. In this case, staff wanted to see a reduction in parking, because they did not want to see the site overdeveloped. Since this is supposed to be a neighborhood community medical facility, where people may walk to the facility or take other forms of transportation, staff felt that 39 parking spaces, plus any on-street parking on Carey Avenue or on West Street, would be sufficient for the site.

The applicant is proposing a single-story building approximately 16 feet to 22 feet in height, at the dome of it. They are showing a covered entry way for two sides of the building with arched entry features, windows, and decorative features for all elevations. There are plaza areas developed into the site in several areas with tables and benches. They are also proposing landscaping islands and landscaping next to the alley to help beautify the parking lot.

Staff had no objections to the design, or use of the site and recommended approval.

The original conditions per Staff Report dated May 14, 2014 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 uses within this PUD/PID are limited to a medical, dental, and/or health facility. Additional training activities directly related to medical, dental, or health are also permitted as an ancillary use to that of the medical, dental, and/or health facility.
3. Development of the site shall generally conform to the preliminary development plan and building elevations as submitted.
4. The trash enclosure shall be designed to match the building in materials and colors and shall contain a roof also designed to match the building in materials and colors.

PUBLIC WORKS DEPARTMENT:

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. Approval of a drainage study is required prior to submittal of the civil improvement plans.
7. Approval of a traffic study is required prior to submittal of the civil improvement plans.
8. Appropriate subdivision and/or parcel 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.
9. A surety/bond will be required for the proposed improvements.
10. The street light wiring shall be placed underground.

Chairwoman Perkins welcomed Councilman Barron to the Planning Commission meeting.

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

Commissioner Joiner-Greene commended Kathi Thomas-Gibson on this product and looked forward to the final result. Commissioner Joiner-Greene stated that with having the senior center next to a residential area, it could also be a place for seniors to seek health services.

Chairwoman Perkins asked staff why houses were not developed there previously. Mr. Jordan responded that originally the property was purchased with Community Development Block Grant funds, and the City did seek Habitat for Humanity to develop the site; however, they chose not to. As a result, rather than letting the property sit vacant, a neighborhood survey was conducted to see how residents would like to see the property developed.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Joiner-Greene

SECOND: Commissioner Acevedo

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

NAYS: None

ABSTAIN: None

- 12. ZOA-02-14 (48564) CITY OF NORTH LAS VEGAS (PUBLIC HEARING). AN ORDINANCE AMENDMENT INITIATED BY THE CITY OF NORTH LAS VEGAS TO AMEND TITLE 17 (ZONING ORDINANCE), SECTION 17.12.070.J.2.A (CITY COUNCIL HEARING REQUIRED), SECTION 17.16.050.F TABLE 17.16-3 (I-A OVERLAY DISTRICT PERMITTED USES), SECTION 17.20.010.B TABLE 17.20-1 (PERMITTED LAND USE TABLE), SECTION 17.20.020.C (COMMERCIAL AND OFFICE USES), AND SECTION 17.32.030 (DEFINITION OF TERMS) OF THE NORTH LAS VEGAS MUNICIPAL CODE TO ADD PROVISIONS AND DEFINITIONS FOR MEDICAL MARIJUANA ESTABLISHMENTS; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO. (FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Planning Manager.

The application was submitted by the City of North Las Vegas, which is an amendment to Title 17. Staff proposed to amend a few sections of the zoning ordinance, which Mr. Jordan would review during his PowerPoint presentation.

The zoning ordinance amendment came as a result of Senate Bill 374 that was approved at the last legislative session, and was eventually incorporated into Nevada Revised Statute 453A, which outlines provisions and requirements for medical marijuana establishments.

This ordinance amendment also came about as a result of the Department of Health and Human Services, who adopted their regulations which became effective on April 1, 2014.

The City is moving forward to incorporate requirements for medical marijuana establishments, and staff is proposing the amended ordinance to the Planning Commission.

Staff is proposing to amend five sections of the zoning ordinance.

- **Section 17.12.070(J)(2)(a) – City Council Hearing Required**
- **Section 17.16.050(F) Table 17.16-3 – I-A Overlay District Permitted Uses**
- **Section 17.20.010(B) Table 17.20-1 – Permitted Land Use Table**
- **Section 17.20.020(C) – Commercial and Office Uses**
- **Section 17.32.030 – Definition of Terms**

Mr. Jordan began by reviewing **Section 17.32.030, Definition of Terms.**

Staff is proposing to add a definition for “Community Facility” as follows:

Community Facility

Shall have the meaning ascribed to it in NRS Chapter 453A.322(7), which includes a facility that provides daycare to children, public park, playground, public swimming pool, a center or facility where the primary purpose is to provide recreational opportunities or services to children or adolescents, and a place of worship or religious purpose.

State law requires a 300 foot separation from community facilities.

Staff is proposing to add a definition for “Medical Marijuana Establishment” as follows:

Medical Marijuana Establishment

Means one of the following:

“Cultivation Facility” shall have the meaning ascribed to it in NRS Chapter 453A.056.

“Dispensary” shall have the meaning ascribed to a “medical marijuana dispensary” as defined in NRS Chapter 453A.115.

“Independent Testing Laboratory” shall have the meaning ascribed to it in NRS Chapter 453A.107.

“Production Facility” shall have the meaning ascribed to a “facility for the production of edible marijuana products and marijuana-infused products” as defined in NRS Chapter 453A.105.

Mr. Jordan advised a ***Cultivation Facility*** is where they can grow the product. A ***Dispensary*** is where they can sell the product, or products derived from that. An ***Independent Testing Laboratory*** is where they can test the product. A ***Production Facility*** is where they would actually make the edible products that people would use for medical marijuana purposes.

- **Section 17.12.070(J)(2)(a) – City Council Hearing Required**

This section identifies several different types of uses that are required to be forwarded to the City Council following a public hearing and recommendation by the Planning Commission.

Staff is proposing to add Medical Marijuana Establishments to this list.

Mr. Jordan advised in the current zoning ordinance, there are number of uses (schools, pay day lending, pawn shops, and auto title loans) that after a public hearing and recommendation from the Planning Commission, are forwarded to the City Council for final consideration.

Staff is recommending that Medical Marijuana Establishments be added to that list of uses. An applicant would come before the Planning Commission, make their presentation, the Planning Commission would decide on it, and make a recommendation to the City Council, who would have final consideration on that particular use.

- **Section 17.16.050(F) Table 17.16-3 – I-A Overlay District Permitted Uses**

Staff is proposing to add three new conditional use permits to the Apex Overlay District as follows:

Cultivation Facility for Medical Marijuana

Independent Testing Laboratory for Medical Marijuana

Production of Edible Marijuana Products or Marijuana-Infused Products

Mr. Jordan advised the I-A Overlay District was essentially the Apex Overlay District, which is located off US-93 and I-15. Staff is proposing to add cultivation facilities, independent testing laboratories, and production facilities as a conditional use in Apex.

Staff is proposing the conditional use in Apex to encourage these particular facilities to locate in Apex. For a conditional use, the applicant would apply through staff, providing all the usual requirements to show compliance with the separation requirements. Staff will review the item, and administratively approve the item. Normally, this process should take one to two weeks. The advantage is it speeds up the processing time; thereby, encouraging people to locate in the Apex area.

There are other advantages to locating in the Apex area that are already built into the zoning ordinance. The City does not require the same type of design or landscaping standards because of the location.

- **Section 17.20.010(B) Table 17.20-1 – Permitted Land Use Table**

Staff is also proposing to add the four categories of Medical Marijuana Establishments as a special use to Table 17.20-1 as follows:

- **Medical Marijuana Dispensary**

C-1, Neighborhood Commercial District

C-2, General Commercial District

R-A/DC, Redevelopment Area / Downtown Core Subdistrict

- **Cultivation Facility for Medical Marijuana**
- **Independent Testing Laboratory for Medical Marijuana**
- **Production of Edible Marijuana Products or Marijuana-Infused Products**

M-2, General Industrial District

Mr. Jordan advised that staff is also proposing to amend the regular land use table, which lists all the permitted, conditional and special uses.

Staff is proposing to add medical marijuana dispensaries as a special use in the C-1, C-2 districts, and the Redevelopment Area Downtown Core Subdistrict, which is located along Lake Mead Boulevard, and extends slightly north and south of Las Vegas Boulevard.

Staff is also proposing to add cultivation facilities, independent testing laboratories, and production facilities as a special use in the other M-2 areas inside the City that are outside the Apex area.

- **Section 17.20.020(C) – Commercial and Office Uses**

Staff is proposing to add a new subsection (29) that would pertain to all Medical Marijuana Establishments. The following slides will outline the new requirements.

29. Medical Marijuana Establishments

a. Purpose and Intent

The purpose of this section is to provide a procedure for the regulations of medical marijuana establishments as they relate to land uses within the City. These regulations are related to the licensing requirements in Title 5 of the North Las Vegas Municipal Code and provide all land use regulations for medical marijuana establishments.

b. Permit Required

All medical marijuana establishments within the City of North Las Vegas require a special use permit or a conditional use if located within the I-A Industrial – Apex Overlay District.

c. Distance Separation Requirements

(i) Proximity Distance Requirements

Table 17.20-2.1 establishes minimum separation distances between medical marijuana establishments and other specified uses.

Mr. Jordan advised a new table was added to the zoning ordinance, which will identify the four types of medical marijuana establishments, and will list five types of development that staff would like to see separation requirements adhered to.

The first two types would be schools and community facilities. These types of medical marijuana establishments must maintain 1,000 foot separation, and must also maintain a 300 foot separation from a community facility, which is a state law requirement. Mr. Jordan advised that the Planning Commission could not reduce the requirement, but could increase the requirement. Staff is not proposing an increase to that requirement.

Staff added a separation requirement between medical marijuana establishments of 1,000 feet. Staff added a separation requirement for medical marijuana facilities from developed residential of 300 feet, and also a 1,500 foot separation for non-restricted gaming establishments.

Mr. Jordan read the amendments to **Table 17.20-2.1 Proximity Distance Requirements For Medical Marijuana Establishments** into the record. The amendments were made as a result of recent briefings with the Planning Commission, City Council, and also as a result of the recent Town Hall Meeting, the Special City Council Meeting, and discussions between staff and people from this industry.

Staff proposed the elimination of the 1,000 foot separation between medical marijuana establishments for laboratories, cultivation and production facilities because all of these facilities are in an M-2 General Industrial District.

It was previously brought to staff's attention these facilities could be located within the same building, located on the same parcel, or located in close proximity to one another, which meant they would not meet any separation requirement. Staff had no objections to locating the facilities near one another, and created a waiver provision.

Staff then considered whether the separation requirement is needed. Some industries indicated to staff that facilities located close together could help share services such as security and transportation. Staff gave additional consideration to this matter, and proposed to eliminate the separation requirements. As a result, **Note [6]** discusses the waivers. If the separation requirements are eliminated, then **Note [6]** is no longer needed.

Staff proposed to change the language in the column heading from **Separation From Non-Restricted Gaming Establishments** to **Separation From Non-Restricted Gaming Establishments that contains a Hotel or Motel Component (feet) [4]**.

Mr. Jordan advised that part of the reason staff changed this heading is that Clark County requirements do not allow locating any dispensaries within the Clark County, Las Vegas Boulevard gaming corridor. Las Vegas, at one time, proposed that medical marijuana establishments could be located on either Fremont Street or Las Vegas Boulevard. They have since slightly relaxed that rule.

The City of North Las Vegas staff reconsidered and then reviewed the Geographic Information Systems map. If the City adhered to the County's requirement and

considered all the Gaming Enterprise Districts in North Las Vegas (put a 1,500 foot circle around the area) dispensaries could not be located in the downtown area -- even though there were no hotels associated within the casinos in the downtown area; i.e. Silver Nugget, Jerry's Nugget, Opera House, Big Horn, and Dotty's.

The City would, in a sense, close off the downtown area. Staff proposed to change the language to be specific that a casino with a hotel or motel is required.

Staff also proposed to eliminate the separation requirements of 1,500 feet for laboratories, cultivation and production facilities because all of the casinos are located in a commercial district and staff is only proposing those uses to be allowed in an Industrial District.

These are some of the amendments that staff is proposing with the zoning ordinance.

d. 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 a survey plat prepared by a Nevada Licensed Professional Land Surveyor showing that the proposed location complies with the proximity distance requirements above.**
- (ii) Such distances shall be measured utilizing the shortest direct line distance between two property lines, one being the property line of the proposed medical marijuana establishment and the other being the nearest property line of property to which it must be separated.**

Mr. Jordan referred to **Section d. Proof of Proximity Distance Compliance Required, Subsection (i)**, and reiterated when a Nevada Licensed Professional Land Surveyor files an application with the City, as with any other application, they would provide a survey that shows compliance with the separation requirements that are adopted.

Mr. Jordan referred to **Section d. Proof of Proximity Distance Compliance Required, Subsection (ii)**, and advised staff has also changed the measurement requirement. Staff is proposing measurement from property line to property line. This is consistent with Las Vegas. Staff chose this method because it is easy to define. Mr. Jordan added that sometimes primary door to primary door [on a small facility] is easy to define; but determining where the principal door is in a 200,000 square foot building is more of a challenge.

e. Medical Marijuana Establishments

(i) Generally

(1) Approval of a special use permit or a conditional use for any medical marijuana establishment does not constitute or imply approval of any privileged license that may be otherwise required by this Code.

(2) Any change in land use, location, or license type as defined in Title 5 shall necessitate application for and approval of a new special use permit or conditional use for the new land use, location, or license type.

(3) The special use permit or conditional use shall expire by operation of law and be deemed null and void if the applicant fails to fulfill any and all conditions, stipulations, and limitations within one year from the public meeting date upon which the special use permit was approved, unless an extension of time is granted by the appropriate governing body.

(4) The special use permit or conditional use shall expire by operation of law and be deemed null and void at 12:01 AM the calendar day after the applicant's registration certificate issued by the Health Division of the Department of Health and Human Services to expires.

(5) The special use permit shall expire by operation of law and be deemed null and void at 12:01 AM the calendar day after the applicant's building permit to expires.

(ii) Medical Marijuana Establishment License

In addition to any other requirements as provided by this Code or any other relevant law, Medical Marijuana Establishment must fulfill any and all conditions, stipulations and limitations and commence operations as prescribed by the State.

f. Standards for Medical Marijuana Establishments

(i) The following development standards shall apply to all medical marijuana establishments:

(1) Must be located in a separate, stand alone building or facility (except for a medical marijuana dispensary).

(2) Must be located in an appropriate zoned district.

(3) In addition to complying with Sections 17.24.120(E) and 17.24.150, every establishment shall have discreet and professional signage that is consistent with the traditional style of signage for pharmacies and medical offices.

(4) Windows must remain unobstructed, allowing visibility into the facility. Window tint, decals or signage of any kind shall be strictly prohibited.

(5) With the exception of the specific medical marijuana establishment approved as part of any special use permit or conditional use, no other activity may occur within the facility.

(6) A single entrance shall be provided for the medical marijuana establishment, except for additional entry or exits that may be required to comply with life safety requirements.

(7) No outside storage on-site shall be permitted.

(ii) In addition to all conditions in (i) above, the following development standards shall apply to all medical marijuana dispensaries:

(1) No drive-through facilities shall be permitted.

(2) The hours of operation are limited to 8:00 AM to 10:00 PM.

(3) No accessory uses are permitted.

(4) The minimum size of a medical marijuana dispensary shall be 1,500 square feet and shall be designed to have sufficient interior space to provide for adequate customer waiting areas, customer queuing, and transaction space.

(5) Must have an appearance, both as to the interior and exterior that is professional, orderly, dignified and consistent with the traditional style of pharmacies and medial medical offices.

(6) The establishment shall ensure there is no emission of dust, fumes, vapors, or odors into the environment or adjacent suites from the facility.

(7) Windows must remain unobstructed, allowing visibility into the facility. Window tint, decals or signage of any kind shall be strictly prohibited.

(iii) In addition to all conditions in (i) above, the following development standards shall apply to all medical marijuana production facilities, or medical marijuana cultivation facilities:

- (1) The minimum size of the establishment shall be ~~5,000~~ 3,500 square feet.
 - (2) The establishment shall ensure there is no emission of dust, fumes, vapors, or odors into the environment from the facility.
 - (3) There shall be no retail sales.
- (iv) In addition to all conditions in (i) above, the following development standards shall apply to all testing laboratories:
- (1) There shall be no retail sales.
 - (2) The establishment shall ensure there is no emission of dust, fumes, vapors, or odors into the environment from the facility.

Mr. Jordan discussed the standard language in a zoning ordinance, which is similar to other language the City has regarding other uses such as on-sale type establishments.

Staff proposed changes in **Section e. Medical Marijuana Establishments, Subsection (i) Generally, Subpoint Nos. 3 and 4**, adding the language “or conditional use.” As indicated previously, staff is proposing a conditional use in the Apex area, so staff needed to add the language to reflect that change.

Staff proposed changes in **Section e. Medical Marijuana Establishments, Subsection (i) Generally**, to remove **Subpoint No. 5**. This applies to a building permit and staff did not anticipate this happening. The applicant would have 12 months in order to fulfill the conditions of approval. Under state law they have 18 months in order to become operational. Staff did not believe **Subpoint No. 5** was necessary for this particular ordinance.

Mr. Jordan referred to **Section e. Medical Marijuana Establishments**. This section applied to all four – dispensary, cultivation, production or testing.

When applying, the applicant would have to demonstrate that they comply with all requirements. In **Section f., Standards for Medical Marijuana Establishments, Subsection (i) Subpoint No. 1**, staff is proposing to remove the words “except for medical marijuana dispensary.”

Since staff made changes to the separation requirements for other facilities in an industrial district, leaving this language in place does not make sense. Now the language allows a cultivation and a production facility within a large building, as long as the separation requirement complies with any other requirements or state law.

Staff proposed to remove **Section f., Subsection (i), Subpoint No. 4**, which pertained to windows remaining unobstructed. Staff is removing this language, as it seemed to indicate that every medical marijuana establishment has to comply with that requirement. Mr. Jordan stated this applied more to a dispensary, and so this language would be added under specific requirements for dispensaries.

Staff is also amending **Section f., Subsection (i), Subpoint No. 6**. Mr. Jordan reviewed this item with Director Blackburn. This item was re-worded to be more consistent with life safety codes.

Mr. Jordan advised that **Subsection (ii)** pertained to all medical marijuana dispensaries.

The language states medical marijuana dispensaries must comply with all conditions as stated above in **Subsection (i)**. In addition to those requirements, medical marijuana dispensaries must comply with requirements listed in **Subsection (ii)**.

The applicant cannot have a drive-through facility, and hours of operation are limited from 8:00 a.m. to 10:00 p.m.; and no accessory uses are permitted. An accessory use can be a different type of business that may be associated with it. This use will be for a medical marijuana dispensary only.

Staff listed a minimum size requirement for a medical marijuana dispensary of 1,500 square feet. This is consistent to the minimum size for a pay day lending facility. Staff has also indicated that the exterior has to have an appearance that is professional, with the traditional styles of pharmacies. This is a requirement of state law.

Mr. Jordan discussed amendments to **Subsection (ii)**. Staff corrected the spelling from "medial" to "medical" in **Subsection (ii), Subpoint No. 5**.

Staff added "windows must remain unobstructed to allow visibility into the facility. Window tint, decals or signage of any kind shall be strictly prohibited" in **Subsection (ii) Subpoint No. 7**. Mr. Jordan advised that language is very specific to dispensaries, and is the reason why it was removed from general requirements into dispensary requirements.

Mr. Jordan advised **Subsection (iii)** applied to production facilities and cultivation facilities. Applicants have to comply with these requirements, in addition to the items previously mentioned.

Staff is proposing that the minimum size is changed from 5,000 square feet to 3,500 square feet, in **Subsection (iii), Subpoint No. 1**. Las Vegas has a requirement of 5,000/3,500 depending upon if it is a production or cultivation facility.

When City of North Las Vegas staff discussed it further, staff decided to go with a minimum of 3,500 square feet for either production or cultivation.

Mr. Jordan referred to **Subsection (iii), Subpoint No. 2**. There is no emission of dust, fumes, vapors or odors into the environment.

Additionally, Mr. Jordan discussed **Subsection (iii), Subpoint No. 3** and advised there will be no retail sales. There can be a cultivation facility only, or there can be a production facility only. They cannot sell anything.

Mr. Jordan reviewed **Subsection (iv)** and advised this section pertained to testing laboratories only. No retail sales and no emissions of dust, fumes, vapors or odors into the environment.

Mr. Jordan concluded his PowerPoint presentation.

Chairwoman Perkins opened the public hearing.

Bruce Gale, Attorney, 830 Las Vegas Boulevard, So., Las Vegas, had no objections and commended the City's staff and City Attorney, and those involved for the great job they did in constructing the draft ordinance.

Shane Terry, 4575 Dean Martin Dr., #1401, Las Vegas, commended staff on their proactive steps in the amendments, and stated it fulfills the spirit of the law, and the security of the City of North Las Vegas. Mr. Terry supports adopting the minimums for the distance separation. He believed the adaptation of the stand alone facility definition is a step in the right direction. Mr. Terry stated it would be helpful to the applicants to add that definition to the terms in the zoning ordinance. There has been some ambiguity from the state level on what exactly a stand alone facility is, which required clarification on their part.

Mr. Terry commented on the property line to property line assessment. He believed consideration should be given to measure from the closest part of the exterior of the building for the medical marijuana establishment to the property line of the affected property – whether it is a church or school. He reasoned that if the parcel was two square miles and a medical marijuana facility was placed square in the middle, it would more than satisfy the intent of the regulation for the distance separation. However, if it was measured property line to property line, that parcel would be eliminated from consideration.

Mr. Terry referred to the windows being completely open and unobsecured, and requested consideration be given that this requirement might be somewhat intrusive for patient privacy, as well as add some security concerns. People would be able to view the site from the outside and view the inside operations. Mr. Terry thanked staff and the Planning Commission for their hard work.

Jen Solas, 7915 Cadenza, Las Vegas, Wellness Education Cannabis Advocates of Nevada. Ms. Solas stated that staff took care of every objection she had. She commented regarding the windows and stated they were a safety concern, but they could potentially be hazardous for the people inside if someone wanted to do a smash and grab. She thanked staff for doing a great job.

Jason Stritsman, 3640 Rainy River Road, Las Vegas, NV, represented Silver State Farms, who wanted to open a cultivation facility and cannabis infused products processing facility in North Las Vegas. He agreed with eliminating the distance requirements between facilities. He believed a stand alone facility would put an unnecessary burden on a business that may be opening two facilities, such as their own -- they would be opening both a cultivation and cannabis infused products facility. He would like to have them at the same location. Just as the State of Nevada has allowed for vertical integration, this would be a cultivation, production and a dispensary at the same facility.

Mr. Stritsman understood restricting the hours of operation for a dispensary, and conveyed a cultivation facility has to stay open 24-hours per day. There has to be someone monitoring the cultivation at night. A processing facility will need to be operating 24-hours a day. Some of those restrictions would make it difficult.

Mr. Jordan addressed the issue concerning obstruction of windows, and advised the City is not requiring windows, but if there are windows, they cannot be covered up. This would allow the Police to see inside to ensure the people and building are secure. Mr. Jordan referred to patient privacy, and stated many pharmacies have an office for patient consultation, and this space could be designed into the facility. By leaving this requirement in, it allows a building or facility to comply with any signage requirements the City has. It has been the City's experience that sometimes when there are windows in a building, occupants may have a tendency to cover them with signs. As a result, they exceed the signage requirement that is allowed for that facility. This would help maintain the sign requirement, and professional appearance that the state law requires. Staff requests this requirement remain.

Mr. Jordan addressed the distance separations, measuring from the closest part of the exterior of the building to the nearest property line. He advised this is how Clark County has it stated in their regulations, and if this is something the Planning Commission wanted to consider, it could be amended. This would be an easy requirement as well, because the exterior boundaries of the building are known, and the applicant would show where the nearest property line of the potential use is.

In addressing the definition of a stand alone building, staff did not convey the facilities have to be in a separate building. If a dispensary is in a commercial center and they occupy a suite, the City knows they cannot be in a stand alone building. If they are located in an industrial area, where a large building exists, they may want to do

cultivation in one part of the building and production in another part. The reason separation requirements were eliminated is to allow for that. As long as the applicant met the requirements of state law where they have to have their own separate entrance, Most likely, there would be a dividing wall down the center of the building, which would be acceptable to staff.

Staff recommended approval with the changes read into the record.

Commissioner Acevedo asked about the hours of operation, and Mr. Jordan advised originally when staff considered this issue, entities indicated they wanted daytime hours, and staff felt they needed to define the hours of operation from 8:00 a.m. until 10:00 p.m. In reference to production and cultivation facilities, it is normally a 24-hour operation. Staff is not proposing hours of operation on production.

Vice-Chairman Stone discussed proximity requirement to property lines. As previously mentioned, if a lot was two miles by two miles, a commercial subdivision map would be used to divide the property and bring corners in close to that building.

Mr. Jordan advised most commercial centers are in commercial subdivisions and are broken down by record of survey. Staff considered this matter further, which was the reason they proposed allowing a dispensary to ask for a waiver from the separation requirements. Staff recognized that some of the City's commercial centers are large.

A dispensary could be opened on one side of the building, and another dispensary could be opened on the other side. They might meet the 1,000 foot separation requirement, but because it is one large parcel, technically, they do not. So with the special use permit request, the applicant could ask that the separation requirement is reduced.

Chairwoman Perkins discussed the Planning Commission's ability to make requirements more stringent than the state, but the requirements could not be less than the state. Mr. Jordan responded that was correct. Chairwoman Perkins was concerned about daycare centers, which were considered a community as opposed to a school. Chairwoman Perkins asked if "daycare" could be changed to be included with the school category, because they essentially run like a school. The children are there for the entire day.

City Attorney Douglass Morgan advised this would be more stringent than the state requirement. Her concern was there was also home day care, which would place additional restrictions. Ms. Douglass Morgan advised if this is the Planning Commission's pleasure, an amendment to accomplish this could be an option.

Chairwoman Perkins conveyed it was her personal opinion that professional daycare or commercial daycare centers should be included in schools, as opposed to the other

facilities. The children are not in the other facilities (church, pools and parks) all day. In daycare, they are, which are more similar to a school than a recreational facility.

Mr. Jordan added when staff reviewed the City of North Las Vegas draft ordinance amendment, they also reviewed what the City of Las Vegas and Clark County had already approved. The City was not trying to be more restrictive than what they had done. The City of Las Vegas and Clark County, however, were aligning with what the NRS requires on separation requirements.

Vice-Chairman Stone asked since this is a new ordinance, would staff be able to modify it as necessary. Mr. Jordan referenced the pay day lending ordinance, and stated it had been modified since it was originally passed and adopted; specifically, its separation requirements were modified from 2,500 feet to 1,000 feet. The residential requirement was changed from 500 feet to 200 feet, as well as how it was measured. Staff have found no adverse impacts as a result of those changes.

Mr. Jordan stated with the medical marijuana ordinance, the director has the ability to direct staff to amend the ordinance. If the industry changes and NRS changes in the next legislative session, staff would return to the Planning Commission with an ordinance amendment.

Vice-Chairman Stone discussed conditional use permits in Apex and within the City. He confirmed the special use permits would come before the Planning Commission and they would be able to scrutinize them.

Mr. Jordan stated the advantage of a special use permit is that it is a public hearing notice. Citizens within 500 feet of the property lines, not the exterior of the building, would be notified. Should there be a daycare center 500 feet away, they would get notified. As a result, they have the right to come before the Planning Commission, and express any opposition to that use. The Planning Commission has the right to consider that in their decision.

Commissioner Ewing referenced the separation table and the requirements for schools, community facilities, but not for developed residential. He asked if the NRS addressed that issue, or if the other entities in the valley had. He questioned why there is no separation between dispensaries and developed residential.

Mr. Jordan advised the state did not address separations from developed residential. In reviewing this, the only entities that address any separation from residential would be Clark County, and is only for cultivation and production. The County proposed a 660 foot separation. City of North Las Vegas Staff only proposed a 300 foot separation for cultivation and production. Staff did not propose any for dispensaries because most will be located in a commercial area. Mr. Jordan stated most commercial areas in the City abut residential areas.

With residential separation requirements, many of the commercial districts in town would be eliminated from having a dispensary. With it being measured from property line to property line, a lot of commercial districts share a property line with residential. Also, when reviewing commercial districts (i.e. strip centers along Ann and Craig Rd.), a lot of the shopping centers do not have more than a 300 foot depth, and some are even narrower.

City Attorney Douglass Morgan advised the Planning Commission NRS 453 (a) 322, established a 1,000 foot distance from a public or private school, from kindergarten to Grade 12, and 300 feet of separation from a community facility. There is no mention of residential in that section.

Chairwoman Perkins closed the public hearing.

ACTION: APPROVED PER STAFF'S AMENDMENTS; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

Section 17.20.020C was amended as follows:

SECTION 3: Chapter 20, Section 020, Subsection C of Title 17 of the North Las Vegas Municipal Code is hereby amended by adding a new subsection 29 as follows:

29. Medical Marijuana Establishments

a. Purpose and Intent

The purpose of this section is to provide a procedure for the regulations of medical marijuana establishments as they relate to land uses within the City. These regulations are related to the licensing requirements in Title 5 of the North Las Vegas Municipal Code and provide all land use regulations for medical marijuana establishments.

b. Permit Required

All medical marijuana establishments within the City of North Las Vegas require a special use permit or a conditional use if located within the I-A Industrial – Apex Overlay District.

c. Distance Separation Requirements

(i) Proximity Distance Requirements

Table 17.20-2.1 establishes minimum separation distances between medical marijuana establishments and other specified uses.

TABLE 17.20-2.1: PROXIMITY DISTANCE REQUIREMENTS FOR MEDICAL MARIJUANA ESTABLISHMENTS					
Medical Marijuana Establishments	Separation from Schools (feet) [1]	Separation from a Community Facility (feet) [2]	Separation Between Medical Marijuana Establishments (feet)	Separation from Developed Residential (feet) [3]	Separation from a Non-Restricted Gaming Establishment that contains a hotel or motel component (feet) [4]
Independent Testing Laboratory	1,000	300		300	
Cultivation Facility	1,000	300		300	
Facility for the Production of Edible Marijuana Products or Marijuana-Infused Products	1,000	300		300	
Medical marijuana Dispensary	1,000	300	1,000 [5]		1,500 [5]

NOTES:
 [1] For the purposes of this section, "schools" shall be defined as preschool, or kindergarten through 12th grade.
 [2] For the purposes of this section, "community facilities" shall have the meaning ascribed to it in NRS Chapter 453A.322(7).
 [3] For the purposes of this section, "developed residential" shall be defined as a parcel of land zoned for residential use in which construction for at least one residential unit has begun on the date the applicant applied for the special use permit.
 [4] For the purposes of this section, "Non-Restricted Gaming Establishment" shall have the meaning ascribed to it in NRS Chapter 463.011 or as amended .
 [5] A waiver of the 1,000 or 1,500 foot proximity distance requirement may be considered with approval of a special use permit from the appropriate governing body for the proposed use.

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 a survey plat prepared by a Nevada Licensed Professional Land Surveyor showing that the proposed location complies with the proximity distance requirements above.

- (ii) Such distances shall be measured utilizing the shortest direct line distance between two property lines, one being the property line of the proposed medical marijuana establishment and the other being the nearest property line of property to which it must be separated.

c. Medical Marijuana Establishments

(i) Generally

- (1) Approval of a special use permit or a conditional use for any medical marijuana establishment does not constitute or imply approval of any privileged license that may be otherwise required by this Code.
- (2) Any change in land use, location, or license type as defined in Title 5 shall necessitate application for and approval of a new special use permit or conditional use for the new land use, location, or license type.
- (3) The special use permit or conditional use shall expire by operation of law and be deemed null and void if the applicant fails to fulfill any and all conditions, stipulations, and limitations within one year from the public meeting date upon which the special use permit was approved, unless an extension of time is granted by the appropriate governing body.
- (4) The special use permit or conditional use shall expire by operation of law and be deemed null and void at 12:01 AM the calendar day after the applicant's registration certificate issued by the Health Division of the Department of Health and Human Services expires.

(ii) Medical Marijuana Establishment License

In addition to any other requirements as provided by this Code or any other relevant law, Medical Marijuana Establishment must fulfill any and all conditions, stipulations and limitations and commence operations as prescribed by the State.

d. Standards for Medical Marijuana Establishments

- (i) The following development standards shall apply to all medical marijuana establishments:
 - (1) Must be located in a separate, stand alone building or facility.

- (2) The establishment shall ensure there is no emission of dust, fumes, vapors, or odors into the environment from the facility.
- (3) There shall be no retail sales.
- (iv) In addition to all conditions in (i) above, the following development standards shall apply to all testing laboratories:
 - (1) There shall be no retail sales.
 - (2) The establishment shall ensure there is no emission of dust, fumes, vapors, or odors into the environment from the facility.

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

PUBLIC FORUM

There was no public participation.

DIRECTOR'S BUSINESS

Director Blackburn acknowledged Marc Jordan, Planning Manager, for a job well done on the presentation of Item No. 12, ZOA-02-14. In addition, he thanked the City Attorney's office, the Public Works Department and GIS staff for their participation and assistance in drafting this ordinance.

CHAIRWOMAN'S BUSINESS

Chairwoman Perkins also thanked staff for their efforts in presenting Item No. 12, ZOA-12-14.

Vice-Chairman Stone thanked Director Blackburn for providing individual briefings concerning ZOA-12-14.

ADJOURNMENT

The meeting adjourned at 7:27 p.m.

APPROVED: June 11, 2014

/s/ Julie Shields
Julie Shields, Recording Secretary

/s/ Laura Perkins
Laura Perkins, Chairwoman