

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

October 8, 2014

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

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

WELCOME: Chairman Nelson Stone

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

STAFF PRESENT: Gregory Blackburn, Director
Marc Jordan, Planning Manager
Robert Eastman, Principal Planner
Sandra Douglass Morgan, City Attorney
Bethany Rudd Sanchez, Chief Deputy City Attorney
Robert McLaughlin, Public Works/Manager
Alyssa Reynolds, Public Works/Traffic
Curt Kroeker, Public Works/Engineering
Carolyn White, Police Department
Julie Shields, Recording Secretary

VERIFICATION: Julie Shields, Recording Secretary

PLEDGE OF ALLEGIANCE Chairman Nelson Stone

Chairman Stone announced prior to the first public forum that he grouped Request to Speak cards regarding Item No. 9 (UN-30-14) together. Chief Deputy City Attorney Bethany Rudd Sanchez stated there were a number of cards submitted concerning this item. Ms. Rudd Sanchez advised Item No. 9 would be continued to December 10, 2014, and the Planning Commission would not be hearing or considering this item at tonight's meeting. Because the item is being continued, the public forum concerning this item is also being continued; however, the Planning Commission and staff wanted to allow those who wished to speak concerning this item during either the first or second public forum, they could do so. They could also speak regarding this matter at the December 10, 2014 meeting and have their comments from the October 8, 2014 meeting brought forward to the December 10, meeting for the record.

PUBLIC FORUM

Public comments regarding Agenda Item No. 9, UN-30-14, begin on Page No. 12.

Johanna Murphy, Principal Planner, City of North Las Vegas, announced the City of North Las Vegas was selected to host (in partnership with **Outside Las Vegas Foundation**), the inaugural **Get Outdoors Nevada Day** event, to be held Saturday, October 25, 2014, from 9:00 a.m. to 3:00 p.m., at Craig Ranch Regional Park, located at 628 W. Craig Road. Ms. Murphy encouraged everyone to attend and enjoy the many outdoor recreational exhibits in the park. Exhibitor groups include community groups, non-profit organizations, retailers, outfitters and outdoor event promoters.

This event would also celebrate the first anniversary of the opening of Craig Ranch Regional Park, as well as Nevada's 150th sesquicentennial event.

AGENDA

1. **APPROVAL OF THE PLANNING COMMISSION MEETING AGENDA OF OCTOBER 8, 2014 (FOR POSSIBLE ACTION)**

Marc Jordan, Planning Manager, advised the applicant requested Item Nos. 9, 10 and 11 be continued to December 10, 2014. The applicant for item No. 12, also requested this item be continued to November 12, 2014.

ACTION: APPROVED AS AMENDED; ITEM NOS. 9, 10, 11 CONTINUED TO DECEMBER 10, 2014, PER THE APPLICANT'S REQUEST; ITEM NO. 12, CONTINUED TO NOVEMBER 12, 2014, PER THE APPLICANT'S REQUEST

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

2. APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF SEPTEMBER 10, 2014 (FOR POSSIBLE ACTION)

ACTION: APPROVED

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

NEW BUSINESS

3. AMP-08-14 (49605) SPEEDWAY COMMERCIAL (PUBLIC HEARING). AN APPLICATION SUBMITTED BY 702 CAPITAL LLC ON BEHALF OF THE COHEN 2006 TRUST, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF RESORT COMMERCIAL TO HEAVY INDUSTRIAL. THE PROPERTIES ARE LOCATED AT THE NORTHWEST CORNER OF SPEEDWAY BOULEVARD AND I-15 INTERSTATE HIGHWAY. THE ASSESSOR'S PARCEL NUMBERS ARE 123-22-701-001 AND 123-22-701-003. (FOR POSSIBLE ACTION)

This item was presented by Marc Jordan, Planning Manager. Mr. Jordan requested Item Nos. 3 and 4 be briefed together, and advised they would require separate votes.

The property was zoned to the Planned Unit Development (PUD) in 1998. During that time there was an amendment to the PUD that allowed the construction of the off-premise signs on the property. Since then, there has been no construction other than existing billboards.

The PUD allows for a casino, hotel, and truck stop. To date, the City has not received a request to designate the site as a gaming enterprise district since 1998. The applicant proposed to change this into an industrial classification that would be consistent with

industrial type uses. Staff believes this qualifies for this type of land use. Staff supports the request for change in zoning.

Mr. Jordan advised that not long ago the City partnered with the State and National Guard on studying the types of land uses that would be proposed or built around the training center. The proposed site is located next to them. Under the Joint Land Use Study (JLUS), it encourages the City to look at the designs and land uses. The proposed property is consistent with JLUS. A letter of support submitted by the Army National Guard supporting both uses was included in the Planning Commission packets. Staff recommended approval.

Dave Brown, 9910 W. Cheyenne Ave., Las Vegas, appeared on behalf of 702 Capital to answer questions.

Chairman Stone opened the public hearing. Chairman Stone closed the public hearing.

Commissioner Perkins stated she was happy to see this item coming forward. A lot had changed since 1998 in that area. She added it was good to see that everything was coming into compliance with the surrounding area.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Joiner-Greene

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

NAYS: None

ABSTAIN: None

4. **ZN-12-14 (49606) SPEEDWAY COMMERCIAL (PUBLIC HEARING). AN APPLICATION SUBMITTED BY 702 CAPITAL LLC ON BEHALF OF THE COHEN 2006 TRUST, PROPERTY OWNER, FOR A RECLASSIFICATION OF PROPERTY FROM A PUD, PLANNED UNIT DEVELOPMENT DISTRICT TO AN M-2, GENERAL INDUSTRIAL DISTRICT. THE PROPERTIES ARE LOCATED AT THE NORTHWEST CORNER OF SPEEDWAY BOULEVARD AND I-15 INTERSTATE HIGHWAY. THE ASSESSOR'S PARCEL NUMBERS ARE 123-22-701-001 AND 123-22-701-003. (FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Planning Manager.

Dave Brown, 9910 W. Cheyenne Ave., Las Vegas, appeared on behalf of 702 Capital, to answer questions.

Chairman Stone opened the public hearing. Chairman Stone closed the public hearing.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Joiner-Greene

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

NAYS: None

ABSTAIN: None

5. **UN-37-14 (49505) AGAVE WINE AND SPIRITS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY AGAVE WINE AND SPIRITS, ON BEHALF OF LOSEE MARKET PLACE LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A PUD, PLANNED UNIT DEVELOPMENT DISTRICT, TO ALLOW A FULL "OFF-SALE" LIQUOR ESTABLISHMENT WITHOUT MEETING THE SEPARATION REQUIREMENT FROM A DEVELOPED RESIDENTIAL NEIGHBORHOOD. THE PROPERTY IS LOCATED AT 5725 LOSEE ROAD, UNIT 120. THE ASSESSOR'S PARCEL NUMBER IS 124-26-816-003. (FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Planning Manager.

The applicant indicated they are 105 feet away from the property line where developed residential occurs. Title 17 requires a 500 foot separation from developed residential. Separation is measured from the primary front entrance to the nearest property line.

The properties to the north and west are zoned residential, and development has occurred in those areas. Staff looked at the close proximity to the requirements. The issue staff had was that a full "off sale" packaged liquor sale has been properly classified as a conditional use permit in a commercial district. Packaged liquor stores are different from full "off sale" which could be located inside a grocery store such as a Smith's or Von's.

Staff looked at the surrounding site and determined there are three pedestrian connections located in the surrounding neighborhood in which people who lived there could walk over to the shopping center.

The applicant indicated the close proximity of their use to residential might be beneficial to the people who live there. Staff also considered that there are other people who live in the area. When staff looked at some of the uses in the shopping center such as Roberto's Taco Shop, pizza, and barber shop -- some of those uses could be visited by children. Having packaged liquor sales close to residential property in close proximity to access by children might not necessarily be an appropriate use. Mr. Jordan advised staff is not supporting this request for those reasons.

Mr. Jordan stated by reducing the residential separation requirements for this particular use, the Planning Commission might be offering special privileges to this applicant that are not enjoyed by other license holders of full "off sale" of packaged liquor within the City. Staff did not support this request for packaged liquor sales.

The original conditions per Staff Report dated October 8, 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. A survey performed by a Nevada Licensed Professional Land Surveyor showing that the proposed establishment complies with all separation requirements, except for the separation requirements from developed residential.

Dave Eder, Nevada Gaming Application Consultants, 777 E. Quartz Ave., Sandy Valley, appeared with the applicant, Salomon Vergara, who is an experienced operator in the valley for 11 years. He operates two stores, one in the City of Henderson and the other in Clark County. He has had no issues with the Police Department and has not had any enforcement issues. No one under the age of 21 would be allowed in the store, and anything exiting the building would be in a bag. Mr. Eder stated it is a mixed use center, and an ideal spot for a liquor store. On one end is Roberto's and on the other end is Rosatti's, which serve beer and wine. It is a family restaurant which allows minors; this store would not allow minors. Mr. Eder addressed exposure on the other side for the convenience store and stated children are going in and out all the time and are exposed to beer and wine.

Mr. Eder reviewed the layout and stated the back view would not change, and would not have signage to indicate there would be a liquor store. They would not know unless they came into the center. Mr. Eder disagreed the store was in harm's way for children, as they would not be allowed into the store. Mr. Vergara would employ five people.

This would complement the center and other businesses and bring more business into the area.

Salomon Vergara, 38 E. Serene Ave., Las Vegas, addressed the issue of having unfair advantage over those who had applied. His research revealed that three existing package liquor stores have received waivers from the City of North Las Vegas. Lee's Discount Liquor has a current packaged liquor license, and residential is about 30 feet away in one direction and 200 feet away in another direction. Liquor Outlet is 300 feet in one direction and 200 feet away in another direction. They are a packaged liquor store and have the same license he is applying for. They do not meet the 500 feet requirement. They, too, received a waiver from the City of North Las Vegas. Troy Market Liquor has the same license he is applying for. They are less than 200 feet away from residential, and received a waiver from the City of North Las Vegas. He stated he would not be receiving an unfair advantage over any other operator in North Las Vegas.

Mr. Eder added a surveyor checked the area, and they do not interfere with any of the other protected uses. They are not within 400 feet of a daycare, church or park, or another liquor store within 1,500 feet – the closest is a couple of miles away.

Chairman Stone opened the public hearing. Chairman Stone closed the public hearing.

Chairman Stone asked if a neighborhood meeting was held, and Mr. Eder responded it was not indicated to them that one was required.

Commissioner Perkins asked when the Troy's on Craig Road was put in, and did the 500 foot separation apply. Ms. Rudd Sanchez advised all three examples were the same and applied to prior versions of the code. Ms. Rudd Sanchez said that the City froze our development code pertaining to Aliante. At the time, all three uses were brought forward, and there were not the separation requirements that currently exist in our code. Those uses were grandfathered in.

Commissioner Perkins stated she did not want to set a precedent. The City started this new code, and did not want to change it. It would open the flood gates for other stores to question their resolve.

Commissioner Kraft asked when Title 17 was updated. Mr. Jordan advised June 2011, and became effective in October 2011.

ACTION: DENIED

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

6. **UN-38-14 (49596) DOLLAR LOAN CENTER-CENTENNIAL (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DAVID GALYEN FOR DOLLAR LOAN CENTER, ON BEHALF OF CW CAPITAL ASSET MANAGEMENT LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW AN AUTO TITLE LOAN ESTABLISHMENT. THE PROPERTY IS LOCATED AT 2805 WEST CENTENNIAL PARKWAY, SUITE 115. THE ASSESSOR'S PARCEL NUMBER IS 124-29-513-004. (FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Planning Manager.

The applicant already has a special use permit and a business license to offer deferred deposit and short-term loan business at that location and would like to add auto title loan services to the existing establishment. The applicant submitted a survey that demonstrates they are in compliance with separation requirements. Staff had no objections and recommended approval.

Chairman Stone recognized Mayor Lee in attendance.

Mayor Lee acknowledged the Planning Commission and staff for their hard work and dedication.

The original condition per Staff Report dated October 8, 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 W. Sunset Rd., Las Vegas, appeared to answer questions.

Chairman Stone opened the public hearing. Chairman Stone closed the public hearing.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Vice-Chairman Ewing

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

NAYS: None

ABSTAIN: None

OLD BUSINESS

7. UN-25-14 (49185) FORT CHEYENNE CASINO (PUBLIC HEARING). AN APPLICATION SUBMITTED BY NEVADA RESTAURANT SERVICES, ON BEHALF OF CPM CHEYENNE LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT, TO ALLOW AN EXPANSION TO AN EXISTING CASINO. THE PROPERTY IS LOCATED AT 2414 AND 2428 EAST CHEYENNE AVENUE. THE ASSESSOR'S PARCEL NUMBERS ARE 139-11-816-019 AND 139-11-816-020. (FOR POSSIBLE ACTION) (CONTINUED AUGUST 13 AND SEPTEMBER 10, 2014)

This item was presented by Marc Jordan, Planning Manager.

Mr. George Garcia 1055 Whitney Ranch Dr., Ste. 210, Henderson, advised owners in the shopping center have raised questions, and requested the item be continued to November 12, 2014, in order to meet with those in the neighborhood.

Chairman Stone opened the public hearing.

Steven Weiss, 2218 E. Cheyenne Ave., North Las Vegas, President of the Association of Cheyenne Square, and property owner at 2218 E. Cheyenne Avenue. Mr. Weiss stated they met with Mr. Garcia, and there are issues with the parking plan. He did not have issues with refurbishing the building. The proposed expansion includes two parcels of property that are privately owned. He stated there were several issues that needed to be discussed with owners of all the properties. He requested the item be continued.

Commissioner Perkins requested additional information regarding Mr. Weiss' role and also asked that additional landscaping be provided. Mr. Garcia stated he could not comply with request on landscaping due to joint ownership of the parking lot.

Mr. Garcia added the landscaping request from Commissioner Perkins may be in conflict with what the owners want. They would have to give up parking lot space for landscaping. They do not own the parking, but have a right to use it.

ACTION: CONTINUED TO NOVEMBER 12, 2014

MOTION: Commissioner Joiner-Greene

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

NAYS: None

ABSTAIN: None

8. **UN-29-14 (49261) VERIZON WIRELESS TELECOMMUNICATION FACILITY (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CHERRY JACKSON FOR VERIZON WIRELESS, ON BEHALF OF CHEYENNE CONDOMINIUM ASSOCIATION, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN R-4, HIGH DENSITY RESIDENTIAL DISTRICT TO ALLOW A TELECOMMUNICATION FACILITY (80-FOOT MONOPALM TOWER). THE PROPERTY IS LOCATED AT 3301 CIVIC CENTER DRIVE. THE ASSESSOR'S PARCEL NUMBER IS 139-11-814-000. (FOR POSSIBLE ACTION) (CONTINUED SEPTEMBER 10, 2014)**

This item was presented by Robert Eastman, Principal Planner.

The 80-foot monopalm tower would be located within the parking lot of an existing condominium development that was built under a previous zoning ordinance. The current parking provided by the condominium is 183 spaces, under the current zoning code the required number of parking spaces is 280. They are proposing to remove five spaces to put in the tower and associated support building. The tower is a monopalm and meets the requirements for a stealth design.

The applicant complies with most of the requirements for a telecommunications tower. He is not in compliance with all requirements; specifically, the applicant is requesting a reduction in the required setback in residential from 200 feet to zero. Staff does not believe that approval is warranted for this location, as there are numerous sites nearby as industrial use on the other side of Interstate 15 that would comply with the setbacks, and would not have as large an impact on the residential neighborhood where the proposed tower would be located. Because of the proximity, mass and height of the tower, staff believed it would be a detriment to the residents and recommended denial of the application.

The original conditions per Staff Report dated September 10, 2014 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 remaining asphalt parking lot located south and west of the proposed gate shall be removed and replaced with landscaping.
3. All landscaped areas around the tower shall contain additional trees 20 feet on center and shrubs to provide 50% ground coverage to help mitigate the impact on the surround neighborhood.

PUBLIC WORKS:

4. A drainage study for the project is required; however, due to the size of the site, this development may be eligible for a drainage study waiver. Please complete and submit 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>
5. The drainage study / waiver must be completed prior to issuance of the building permit.

Tracy Cline, Spectrum Services, 8905 W. Post Road, Las Vegas. Mr. Cline stated this request was unique, and Verizon Wireless has existing coverage in this area. Sector One points north along Interstate 15 (I-15) and is reaching capacity. Verizon is trying to get ahead of this issue before their coverage on the I-15 begins to suffer. They looked at the commercial piece to the south and could not garner interest from the property owners. They also looked to the east and could not get the engineers to go east. He also looked at condominiums that were converted from apartments in the mid-1980's. Glen Larson has been buying the units in the condominiums (160 units), and he owns 155 units. Mr. Cline contacted Mr. Larson, who was interested. He felt the location that would be least affected is the same location where the engineers wanted it to be, which was in the southwest corner. This is located in the back where it would be close to mature trees and utilities. Technicians can use streets to enter and exit when performing work. This is not an area that the residents use. Mr. Cline reviewed the map, and stated they met the 3-1 setback and the 200 foot setback. Mr. Cline stated the nearest public street was Civic Center, and would be screened by the trees. He stated the equipment location would be screened by the maintenance building and trees. Verizon was not opposed to doing some landscaping. Mr. Cline stated taking out the asphalt per staff's recommendations may be problematic due to direction of drainage. The landlord stated the impacts would be minimal.

Chairman Stone opened the public hearing.

Glen Larson, 3301 Civic Center Dr., Building 2, Unit A, North Las Vegas, stated he was in favor of the project. He has been involved with the project for 15 years. He purchased 77 units at one time that were in foreclosure from the bank. The entire

complex was basically vacant. He said there was only himself and three other owners. He stated he discussed this issue with the other owners, who also supported the project.

Mr. Larson stated there was a bus line on Civic Center, and 90% of the residents use the bus. Parking is never an issue. He added it would be an economic boost to the association.

Cindy Jackson, 2217 Coral Mist Place, North Las Vegas, stated she was a social worker, who did not live in the area. She stated cell towers cause cancer. She asked why they did not put them up in Summerlin or Rhodes Ranch. She said the people who were not complaining were too poor, too busy and uneducated.

She said they need more notification and education so that the City can become stronger.

Chairman Stone closed the public hearing.

ACTION: APPROVED PER STAFF RECOMMENDATIONS; FORWARDED TO REDEVELOPMENT AGENCY FOR FINAL CONSIDERATION

MOTION: Commissioner Jay Aston

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

NAYS: Commissioners Perkins, Joiner-Greene, and Kraft

ABSTAIN: None

9. **UN-30-14 (49353) CARL'S JR. AT NATURE PARK (PUBLIC HEARING). AN APPLICATION SUBMITTED BY TEN 15 NATURE PARK LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN MPC/C-P, MASTER PLANNED COMMUNITY/PROFESSIONAL OFFICE COMMERCIAL DISTRICT TO ALLOW A CONVENIENCE FOOD RESTAURANT. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF ALIANTE PARKWAY AND NATURE PARK DRIVE. THE ASSESSOR'S PARCEL NUMBER IS 124-20-501-007. (FOR POSSIBLE ACTION) (CONTINUED SEPTEMBER 10, 2014)**

The public comments listed below were heard during the first session of Public Forum.

Steven Katten, 1983 Beckwood Ct., North Las Vegas, spoke regarding a minor modification to the Aliante Development Agreement, and wondered why it was considered a minor modification, and how it was considered as such. He asked what the legal parameters were that defined what a minor modification was or was not. He stated no one was ever notified and asked why, and asked if someone could look into this. He did not believe it was a minor modification to change a professional/office

commercial to a convenience food restaurant. He did not believe this to be the intent in the Development Agreement to have commercial restaurants at the intersection of the Aliante Community. He requested an opinion regarding this matter by the December 10, 2014 Planning Commission meeting.

Debra Bredican, 2805 Ground Robin Dr., North Las Vegas, stated she would speak at the December 10, 2014 Planning Commission meeting.

Joyce Cienki, 7356 Shelduck, North Las Vegas, stated she would speak at the December 10, 2014 Planning Commission meeting.

Lee Kaaindni, 2404 Carrier Dove Way, North Las Vegas, stated she would speak at the December 10, 2014 Planning Commission meeting.

Yolanda Palomo, 7090 Arcadia Glen Ct., North Las Vegas, lives in the Springdale community. The proposed location would be right by her gate, and she was opposed to a drive-through being by Nature Park Drive. She thought it would impact traffic and be a danger to children. She stated another Carl's Jr. was not needed in the neighborhood. There is one on Ann Road and also on Craig Road. She stated she did not receive notification about the change and wanted to know about the December 17, 2013 letter that approved the change.

Barbara J. Jenkins, 7056 Pale Topaz Lane, North Las Vegas, is a member of the Aliante campus. The New Antioch church is being displaced because of the secret purchase of the fast food chain. She is at the church four days per week. The birds, ducks, rabbits, and wildlife live on the premises. She said to tear it down would be a shame. There is a safety issue. They have learned to accommodate the wildlife from 7:00-8:00 each morning that she is there. She is concerned about it being torn down for a fast food restaurant that would destroy the animal's habitat. They are in the process of occupying 2550 (partial address given), with the intent of 2600 (partial address given) as a youth center and tutorial. Since the site was purchased unknown to the church, they found out about it after the fact and asked about who purchased it and said it was a secret purchase. She said it did not show good faith in her opinion. Because of the egress to the parking lot, and the destruction of the habitat for wildlife, it was not a good plan. She liked Carl's Jr., but did not like the location.

Dan Mulawski, 2205 Barhill Ave., North Las Vegas, opposed the construction and variances for Carl's Jr. He said there were safety issues with coming in and out of the gates for Aliante and Springdale. He believed by adding the restaurant, traffic would increase and cause the gates to be blocked. It is difficult coming out of that street now because of the traffic, and this would just increase it.

Karen Mulawski, 2205 Barhill Ave., North Las Vegas, submitted pictures she took at the intersection on Saturday. The parking lot was full where the kids were playing soccer. People were parked along and across the street, and children were also

crossing the street. The existing building matches the library, and is a beautiful building. Ms. Mulawski said to tear it down would be very sad.

Gina Witz, 1916 Nature Park Dr., North Las Vegas, stated she would speak at the December 10, 2014 Planning Commission meeting.

Marisa Kagan, 7108 Manzanares Dr., North Las Vegas, stated she was hesitant to state all points at this time, as it would give them two months to rebut it. She stated there were 479 on-line signatures for a petition in opposition and an additional 261 signatures which were gathered from those who lived in the neighborhood. There was a neighborhood meeting on Monday, and she felt the developer feels abused at this point. She stated she had nothing against development, and was all for capitalism. She is a real estate agent. They wanted to find something that would generate revenue for the City in the right way. She believed the focus should be on the master plan, and fulfilling the vision of Aliante – the vision they bought into, the vision where some are \$300K-\$400K underwater. It would be a disgrace to further devalue those homes by putting a drive-through in their driveway. Aliante is a small community with 6,600 residents. They love it there and did not want to see it damaged.

Patrick Porterfield, 7137 Pipers Run Pl., North Las Vegas, stated he would speak at the December 10, 2014 Planning Commission meeting.

Cindy Jackson, 2217 Coral Mist Pl., North Las Vegas, spoke regarding minor modifications. She asked for accountability from Mr. Fiori since he was allowed to approve this modification. She stated her research shows that the standards are common across the country whether it is in a conservative free market state such as Tennessee or more stringent state such as California. Ms. Jackson submitted examples of minor modifications to the Planning Commission from Tennessee and California. Changing paint color, adding a gate or patio, landscaping and cosmetic improvements were considered minor modifications. Such modifications are consistent with and do not alter the character of the approved development, including the uses, layout and relationship to adjacent properties depicted on the special permit plan. A special exception plan, a conceptual plan, a development plan, final development plan, or proffered generalized development plan. Such modification is consistent with any proffered or imposed conditions that govern development on the site. Such modification is in accordance with the requirements of the zoning ordinance.

Ms. Jackson stated she thought the reason Dapper Development chose to go the route of minor modification was because they require no notification to the neighbors, no signage requirement, and leaves the least chance for opposition. Ms. Jackson stated this is what happened with the 7-11 and the Firestone.

Ms. Jackson discussed demolition and suggested it be demolished since it went up without them. They would like to see approvals for any other minor modifications in the past or present, including The Dairy Queen. Any modifications are Aliante, Decatur,

Farm, Pecos and Craig. Ms. Jackson said this is a precedence to minimize your power, to say that you are not really in charge, and not paying attention. She requested the Planning Commission reserve time at each meeting to review any minor modifications in the future, to clarify the status and to include exactly what kinds of things would be covered, and that they be reviewed. It is not right for these types of things to be rubber stamped.

Kenyatti Robinson, 2917 Tropicbird Dr., North Las Vegas, stated she did not like the way the whole thing was handled, including the neighborhood meeting held this week. She wanted to know who they notified, and how they got the list. The Planning Commission required them to hold a meeting. The people who are impacted the most did not get notified.

Ms. Robinson stated his attempts were disingenuous, and he should again be required to notify everyone who is affected, not just the ones he selected. Ms. Robinson said she was notified and is across from Aliante Parkway. She said there were people at tonight's meeting who practically lived next door who were not notified of the neighborhood meeting. She said they did not need this Carl's Jr. and said it would devalue properties. She is a real estate agent and broker, and does price opinions for banks. She said this is not adding to the neighborhood to have a Carl's Jr. that can be seen from the freeway. She asked the Planning Commission to consider how unhappy their constituents are. She said the developer and Planning Commission needed to be held accountable.

Rhoda Llamdo, 2159 Coral Mist Place, North Las Vegas, is a homeowner in Springdale development who opposed the special use permit request. The drive-through would not be good for the safety of their children and wildlife. She stated she loves Aliante and her neighbors, and enjoys the amenities such as the park outside her development. She said to put a drive-through across from the park would invite traffic and safety issues and home values would decline. She was not opposed to developing the restaurant in the area that it was originally zoned for, but the special use permit for the drive-through was not how it was zoned. She wanted a family oriented restaurant that all locals could be supportive of. She asked the Planning Commission to listen to the homeowners and asked that they deny the permit request.

John Alba, 6703 Tufted Duck Way, North Las Vegas, is an 11-year resident of Aliante. He visited the area in question and stated the Planning Commission's decision to zone the area for professional office commercial district was a wise choice for that location. If the zoning is maintained for those lots, we are maintaining the integrity of the vision of Aliante and park area. To move away from that to something else, would be going in the wrong direction.

Kathryn McAninch, 7077 Arcadia Glen Ct., North Las Vegas, stated she would speak at the December 10, 2014 Planning Commission meeting.

Jeff Alpert, 3828 Fuselier Dr., North Las Vegas, stated he would speak at the December 10, 2014 Planning Commission meeting.

Jasmine Hooper, 1867 Nature Park Dr., North Las Vegas, stated having a Carl's Jr. across the park was a big safety issue because of the children and their families and animals. Putting in a drive-through would endanger the geese. There is a church occupying the building, and tearing it down and taking up the space was not right. Ms. Hooper said it would not be a good idea.

Alice Moore, 7233 Millerbird St., North Las Vegas, stated she would speak at the December 10, 2014 Planning Commission meeting.

Vicki Schroeder, 1880 Albatross Ave., North Las Vegas, stated there was a lack of communication regarding notification. Her concern was for the children who play there and the animals, and also because it was a huge migration area. The geese migrate across the road. She said the Canadian Geese are protected by law. She said by putting a fast food industry there, they would get hit. She stated there were nesting areas established on the other side of the road.

The comments listed below were brought forward for the record from the September 10, 2014 Planning Commission meeting.

Krysten Porterfield, 7137 Pipers Run Pl., North Las Vegas. Mrs. Porterfield stated she was concerned the City was disregarding the Aliante master planned community and choosing the interest of B-List or junk businesses over the needs and wants of the residents who pay taxes, SID and HOA fees. Mrs. Porterfield asked what the City's intention was for this master planned community and what the benefits are for the community by bringing in fast food drive-throughs in the heart of Aliante, and with a park across the street from it.

Mrs. Porterfield collected 40 signatures (within a few hours) from residents who are in disagreement with this action. She stated if she had additional time she believed she would have 100% disapproval from her neighborhood and the Autumn Ridge community.

Mrs. Porterfield discussed two 7-11 convenience stores within a half mile of each other, as well as the possibility of a Dotty's going in across from the library, which is between an elementary and middle school.

Mrs. Porterfield submitted a petition for the record.

Patrick Porterfield, 7137 Pipers Run Pl., North Las Vegas, is the husband of Krysten Porterfield. He recommended the Planning Commission disapprove the application. He accompanied Mrs. Porterfield when she gathered signatures, and stated he could get

100% of the Autumn Ridge community, Springdale community, parts of El Dorado and Aliante.

He stated Aliante was a beautifully master planned community, and was not opposed to the Carl's Jr. business. He stated there were other locations in which the restaurant could go. He stated wildlife (geese, ducks, rabbits, turtles, quail and roadrunners) crossed Nature Park daily, 2-3 times per day, and they stop traffic.

He did not believe a traffic study would support (without major renovations) to give that capacity to a drive-through, with the randomness of the people who would go through the area.

Mr. Porterfield stated the wildlife would have more reason to cross the road and would be at risk. There would be traffic problems during the weekends, when the children had soccer games.

The trash would also pose an issue. Having a restaurant at that location would be bad for the park, as there were existing problems with the park not being maintained.

Mr. Porterfield stated he wanted to maintain the park and master planned community in the condition for which it was intended.

Jill Petty, 7073 Arcadia Glen Ct., North Las Vegas, stated although she liked Carl's Jr., she did not want it at the entrance to her subdivision. She would like to see a traffic study with and without these businesses. Currently, the statistics of accidents at the intersection of Aliante and Nature Park Dr. are distressing. She recommended a left turn only lane, and the right lane be straight or right turn only. She was also concerned about the hours of operation for the businesses. She stated she would like to see a church on that corner because it was more of a community feel. She shared concerns about the geese, and stated they did not need additional reasons to cross the road. She was concerned about the clientele; i.e. fast food versus family restaurants. She was concerned about the health hazards due to the numbers of geese in the area.

Ms. Petty stated this [restaurant] would decrease the value of the homes in the master planned subdivisions. Ms. Petty agreed the park has gone downhill with graffiti, fights, and increased traffic during the evenings when the park is supposed to be closed.

Jeff Alpert, 3828 Fuselier Dr., North Las Vegas, stated he did not live in the area, but over the past six years he has driven by the park hundreds of times. He has gone into the park a number of times, and appreciates how well the park is kept up. He is leaning toward opposing the project because on the west side of Aliante Parkway there is a large Smith's shopping center, a Domino's, a KFC, an Arby's and a Subway sandwich shop. He stated throughout the year, the ducks migrate to the other side of the street, and sometimes as far as to the Interstate 215 overpass and to Aliante Casino. He assumed most of the traffic would be coming in on Nature Park, and not off Aliante. He

was concerned about the ducks being run over or attracted to the smell of food. He thought people might have the tendency to bring fast food back to the park and feed the ducks, which might create a health issue. He was also concerned about children and infants who frequent the parks. He was concerned about the children crossing the street, and into the driveway entrance. He stated there were a number of fast food choices on the west side of the street. The east side of the street was family-oriented and had a park and library.

Marisa Kagan, 7108 Manzanares Dr., North Las Vegas, is a previous Vice-President to the Aliante Master Association and has been involved since 2010. She stated she purchased her home at the low end, and that Aliante was built at the height of the market. She stated there were many residents that were original homeowners. She discussed the number of residents in Seville/Bel Etage subdivision (227 homes). The homes sold for over \$700,000 and are now valued at \$300,000. She stated as homeowners they are asked to sign paperwork concerning guidelines for Aliante Master Association. The purpose of the document was to ensure a consistent standard quality throughout the village.

Ms. Kagan attended the last Aliante Master Association meeting, and this item was not on the agenda, and they were not asked for an opinion. She contacted Mr. Eastman, who advised they were required to notice 500 feet from the proposed site. Ms. Kagan stated this would include Smith's parking lot, the park and possibly some residents in Springdale subdivision.

Ms. Kagan presented an on-line petition with 55 signatures of people not living in Springdale, or the street affected, but on the other side of Interstate 215, who represented the families and those who use the park.

Ms. Kagan stated the duck and geese cross the road more than three times per day.

Ms. Kagan also submitted the Aliante Association guidelines, which state the lot was to be used for office use.

Ms. Kagan asked the Planning Commission to postpone the agenda item, and have the Aliante Master Association provide input so that the Planning Commission could receive input from the homeowners.

Kenyatta Robinson, 2917 Tropic Bird Dr., North Las Vegas, is a board member of the Master Association and also the Estates (one of the sub associations). Ms. Robinson stated it really bothered her that none of them were notified. She stated the first time they heard of this was a few weeks ago, and it did them a disservice with the community. She said it felt like someone tried to slip something in on them. She stated this would impact her neighborhood, and would devalue it. She stated notice should go out to the people who are impacted, and allow people to attend and give their opinions.

Ms. Robinson requested the Planning Commission not make a decision tonight and give people an opportunity to gather signatures, so that the Planning Commission would know what the constituents wanted.

Chris Barbosa, 7090 Arcadia Glen Ct., North Las Vegas, lives in the neighborhood, and was surprised to hear there was no opposition from the Planning Department. He reviewed the map of the area. He stated there were already fast food restaurants in the area, and this would cause a major problem for the geese, and a major safety issue for children.

Mr. Barbosa requested the traffic data for the intersection. He stated the accidents that have happened when people are exiting Interstate 215 are pretty violent. There have been over 18 accidents since 2011. He was concerned about the increase in traffic as a result of the drive-through. He was also concerned about the wildlife, and stated those who did not live in the area would not be as concerned about it as those who lived there. He stated a fast food restaurant would deteriorate the value of his home, and it would not increase. He did not understand why Capriotti's was not up for a vote. He stated it is a sandwich shop and not a sit down restaurant. He asked the Planning Commission to delay their decision until they could gather more signatures. He stated no one in Autumn Ridge or Springdale will support this.

ACTION: CONTINUED TO DECEMBER 10, 2014

MOTION: Commissioner Kraft

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

NAYS: None

ABSTAIN: None

10. **SPA-01-14 (48727) ANN LOSEE VILLAGE 3 (PUBLIC HEARING). AN APPLICATION SUBMITTED BY HARMONY 461 LLC, PROPERTY OWNER, FOR AN APPEAL OF A DECISION UNDER TITLE 16 CONCERNING DEVELOPMENT WITHIN AN EXISTING PUD, PLANNED UNIT DEVELOPMENT DISTRICT. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF ANN ROAD AND LAWRENCE STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-35-513-001 THROUGH 124-35-513-092 AND 124-35-595-003. (FOR POSSIBLE ACTION) (CONTINUED JUNE 11 AND JULY 9, 2014)**

ACTION: CONTINUED TO DECEMBER 10, 2014

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

11. ZN-98-04 (48725) ANN LOSEE VILLAGE 3 (PUBLIC HEARING). AN APPLICATION SUBMITTED BY HARMONY 461 LLC, PROPERTY OWNER, FOR AN AMENDMENT TO A PREVIOUSLY APPROVED PUD, PLANNED UNIT DEVELOPMENT DISTRICT, TO REMOVE THE REQUIREMENT TO CONSTRUCT A FLOOD CONTROL FACILITY. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF ANN ROAD AND LAWRENCE STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-35-513-001 THROUGH 124-35-513-092 AND 124-35-595-003. (FOR POSSIBLE ACTION) (CONTINUED JUNE 11 AND JULY 9, 2014)

ACTION: CONTINUED TO DECEMBER 10, 2014

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

12. SPA-02-14 (49287) HOME OCCUPATION APPEAL. AN APPLICATION SUBMITTED BY MATHEW OLDEN, PROPERTY OWNER, FOR AN ADMINISTRATIVE APPEAL OF THE DIRECTOR'S DECISION REGARDING A HOME OCCUPATION PERMIT. THE PROPERTY IS LOCATED AT 7118 PUETOLLANO DRIVE. THE ASSESSOR'S PARCEL NUMBER IS 124-19-513-067. (FOR POSSIBLE ACTION) (CONTINUED SEPTEMBER 10, 2014)

ACTION: CONTINUED TO NOVEMBER 12, 2014

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

PUBLIC FORUM

Cindy Jackson, 2217 Coral Mist Place, North Las Vegas, conveyed her displeasure with the types of businesses being approved in North Las Vegas such as Dollar Loan Center and Carl's Jr. Ms. Jackson encouraged the Planning Commission to review and address minor modifications. She would like the Planning Commission to obtain more power and accountability. She suggested that fines and consequences be considered, and that there are more statutes and laws. Ms. Jackson indicated she is intending to open a center to work with autistic children, and the military for tri-care, divorce, and post traumatic stress disorder.

DIRECTOR'S BUSINESS

Director Blackburn attended the ribbon cutting ceremony for Somerset Academy. He conveyed his appreciation to the Planning Commission and to staff who contributed toward the successful completion of this project.

Director Blackburn announced the North Las Vegas Library grand opening ceremony was held today at City Hall.

Director Blackburn advised Special City Council meetings are scheduled in Council Chambers on October 14 and 15, 2014, to hold public hearings for medical marijuana applicants.

CHAIRMAN'S BUSINESS

There was no report given by Chairman Stone.

Commissioner Perkins requested a presentation be given during the November 12, 2014, Planning Commission meeting regarding the Southern Nevada Strong concept plan for Lake Mead and Civic Center.

ADJOURNMENT

The meeting adjourned at 7:33 p.m.

APPROVED: November 12, 2014

/s/ Nelson Stone
Nelson Stone, Chairman

/s/ Julie Shields
Julie Shields, Recording Secretary