

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

March 11, 2015

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 – Absent
Commissioner Laura Perkins – Present
Commissioner Sylvia Joiner-Greene – Present
Commissioner Felix Acevedo – Present
Commissioner Kenneth Kraft – Present

STAFF PRESENT: Marc Jordan, Planning Manager
Robert Eastman, Principal Planner
Bethany Rudd Sanchez, Chief Deputy City Attorney
Jose Valenzuela, Deputy City Attorney
Robert McLaughlin, Public Works/Manager
Alyssa Rodriguez, Public Works/Traffic Engineer
Carolyn White, Police Department
Julie Shields, Recording Secretary
Diana Tsouras, Executive Secretary

VERIFICATION: Julie Shields, Recording Secretary

PLEDGE OF ALLEGIANCE Commissioner Kenneth Kraft

PUBLIC FORUM

There was no public participation.

AGENDA

1. APPROVAL OF THE PLANNING COMMISSION MEETING AGENDA OF MARCH 11, 2015 (FOR POSSIBLE ACTION)

ACTION: APPROVED

MOTION: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

2. APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF FEBRUARY 11, 2015 (FOR POSSIBLE ACTION)

ACTION: APPROVED

MOTION: Commissioner Kraft

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

NAYS: None

ABSTAIN: None

NEW BUSINESS

3. SPR-02-15 (50768) DONNA LOUISE APARTMENTS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CDPCN / DONNA H. LLC, ON BEHALF OF JEP-5ANLV, LLC, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN AN R-3, MULTI-FAMILY RESIDENTIAL DISTRICT, TO ALLOW 96 MULTI-FAMILY DWELLING UNITS. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF AZURE AVENUE AND DONNA STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 124-26-103-002 AND 124-26-103-004. (FOR POSSIBLE ACTION)

This item was presented by Robert Eastman, Principal Planner.

Staff recommended approval subject to the conditions listed.

The original conditions per Staff Report dated March 11, 2015 are as follows:

Planning and Zoning:

1. That, unless otherwise approved through a variance, waiver or other approved method, this development shall comply with all applicable codes and ordinances.
2. This site plan shall be revised to comply with the open space requirements.
3. With the building permit application, the site shall contain one covered parking space per dwelling unit.
4. The perimeter sidewalk next to Donna Street shall be located within the center of the perimeter landscaping adjacent to Donna Street.
5. At a minimum, one courtyard shall contain a play structure with EPDM resilient fall protection, picnic areas and a shade ramada. The second courtyard shall contain a pool, picnic facilities and other age appropriate amenities.

Public Works:

6. Approval of a drainage study is required prior to submittal of the civil improvement plans.
7. All known geologic hazards shall be shown on the preliminary development plan, tentative map and the civil improvement plans. Geological hazards such as fault lines or fissures affecting residential structures may substantially alter the tentative map layout and require the submission of a revised tentative map which must be approved by the City prior to final approval of the civil improvement plans. The footprint of proposed structures shall be plotted on all lots impacted by faults and/or fissures and a minimum width of five (5) feet shall be provided from the edge of any proposed structure to the nearest fault and/or fissure.
8. 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. Donna St
 - b. Azure Ave
 - c. Regena Ave

9. The aforementioned streets shall be designed and constructed per the *City of North Las Vegas 60' Standard Street Section with Offset Sidewalk*.
10. The property owner is required to grant a roadway easement for commercial driveways.
11. Approval of a traffic study is required prior to submittal of the civil improvement plans. Please contact Traffic Engineering at 633-2676 to request a scope; a queuing analysis may be required.
12. The size and number of driveways and their locations are subject to review and approval by the City of North Las Vegas Traffic Engineer and must meet the standards set forth in *North Las Vegas Municipal Code* section 17.24.040. Conformance may require modifications to the site.
13. All Nevada Energy easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground if impacted by the proposed development of the parcel or if the pole impedes upon the proper ADA clearances for sidewalk. Under no circumstances will new down guy wires be permitted.
14. Appropriate mapping is required to combine the parcels. 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.

Winston Henderson, Winston Henderson Architects, 1555 E. Flamingo Rd., Las Vegas, appeared on behalf of the applicant. Revised plans have been submitted which comply with the conditions stated. Mr. Henderson reviewed the Staff Report and conditions and requested approval.

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

ACTION: APPROVED

MOTION: Commissioner Joiner-Greene

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

NAYS: None

ABSTAIN: None

4. **UN-09-15 (50745) BUY RIGHT MOTORS INC. (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BUY RIGHT MOTORS INC. C/O MARIANN POLING ON BEHALF OF SANTIAGO AND NORMA PENA, PROPERTY OWNERS, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT TO ALLOW A VEHICLE SALES FACILITY. THE PROPERTY IS LOCATED AT 2272 CRESTLINE LOOP. THE ASSESSOR'S PARCEL NUMBER IS 139-22-510-026. (FOR POSSIBLE ACTION)**

This item was presented by Robert Eastman, Principal Planner.

Staff had a concern regarding entry to the rear storage area which is through a narrow drive that is approximately 8.5 to 9 feet wide. The drive is next to the building and through the area designated for auto repair and to the rear of the site for storage. The site design that currently exists would not allow a typical parking or display area for the vehicles. Additionally, the site is very tight on parking as it exists for the auto repair facility and existing storage. Staff did not believe there was adequate space to support the use and recommended denial. One card was received in protest, along with a letter which was distributed to the Planning Commission.

The original conditions per Staff Report dated March 11, 2015 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 special use permit is site-specific and non-transferable.
3. All vehicles for sale shall be stored within the warehouse / storage area.

Mariann Poling, 2748 Huber Heights Dr., Las Vegas, stated she was trying to build a retirement business and Sammy is a personal friend of hers. Ms. Poling planned to open the business. The cars are not intended to be displayed on the lot. Ms. Poling would advertise in newspapers and the Internet, and people would come to the site to look at the cars that would not be located on the street, but in the facility. Ms. Poling stated this would mean added repair business for North Las Vegas. She would purchase cars at auctions and they would need painting and repairs before they are sold.

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

Commissioner Perkins addressed the issue of inadequate space, as well as the letter received which indicated they had not been a good neighbor.

Commissioner Kraft discussed staff's concerns regarding the narrowness of the lot and parking requirements. Commissioner Kraft asked how many spaces were required in the front and how many do they actually have. Mr. Eastman responded the site plan indicates there are 22 parking spaces; however, the auto repair facility is 3,000 square feet and contains a couple of hydraulic lifts and repair facilities that are currently beneath a canopied structure. Mr. Eastman found it difficult for them to be able to store eight vehicles under the canopy while they are doing repairs on vehicles at the same time. Mr. Eastman referred to the remaining 3,000 square foot and stated currently, their site plan states it would contain parking for ten vehicles. Mr. Eastman said the vehicles could be stored in the space by parking in tandem through the space. It is not possible to use it as a typical parking lot because the vehicles would be stacked on top of each other.

Commissioner Kraft asked how the applicant would get people to see the cars. Ms. Poling said there were items in the yard that would be removed and scrapped and there would be a cleared area to get to the vehicles. Ms. Poling said since the item had not yet been approved, the items had not been scrapped. If approved, the items would be scrapped at that time.

Ms. Poling intended to address staff's issues, but needed to understand what the issues were. Ms. Poling said she had heard nothing from staff. Commissioner Kraft advised it was her responsibility to reach out to staff.

Mr. Eastman stated he called and spoke with the applicant regarding parking and staff's related concerns. Mr. Eastman had not yet formulated a recommendation for the Staff Report at the time the conversation took place.

ACTION: DENIED

MOTION: Commissioner Kraft

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

NAYS: None

ABSTAIN: None

5. **UN-10-15 (50771) EXPERTISE VOCATION SCHOOL (PUBLIC HEARING). AN APPLICATION SUBMITTED BY EC INSTITUTE ON BEHALF OF THE CITY OF NORTH LAS VEGAS, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN THE R-A/DC, REDEVELOPMENT AREA/DOWNTOWN CORE SUBDISTRICT TO ALLOW A VOCATIONAL SCHOOL (COSMETOLOGY AND BARBERING). THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF NORTH 5TH STREET AND LAKE MEAD BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 139-23-301-015. (FOR POSSIBLE ACTION)**

This item was presented by Robert Eastman, Principal Planner.

Staff recommended approval subject to conditions.

The original conditions per Staff Report dated March 11, 2015 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 special use permit is site-specific and non-transferable.
3. Benches, tree wells, shade structures, and / or picnic tables shall be provided within the plaza area.
4. Shade awnings shall be provided along the building entries and windows.

Public Works:

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 may be required prior to submittal of the civil improvement plans. Please contact Traffic Engineering at 633-2676 to request a scope.

8. All Nevada Energy easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground if impacted by the proposed development of the parcel or if the pole impedes upon the proper ADA clearances for sidewalk. Under no circumstances will new down guy wires be permitted.

Michael Livingston, Architect, 2851 Huber Heights Dr., Las Vegas and Gwen Braimoh, 1911 Stella Lake, Las Vegas, agreed with staff recommendations and conditions. Mr. Livingston stated an update letter was needed for the existing drainage study.

Mr. Eastman advised the drainage study would either be an update to the existing study or a completely new drainage study. The scope would be determined by the Development Flood Control Division.

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

Commissioner Perkins stated this project was a welcomed addition to the area.

Commissioner Acevedo asked if the child care center was tailored to the students attending the school or to the public, and Ms. Braimoh responded it was for the students.

ACTION: APPROVED; FORWARDED TO REDEVELOPMENT AGENCY FOR FINAL CONSIDERATION

MOTION: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

6. **VN-01-15 (50704) BRING 'EM YOUNG (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DONALD AND GLORIA PHILLIPS ON BEHALF OF DONNA L. CALLAHAN, PROPERTY OWNER, FOR A VARIANCE IN AN R-E, RANCH ESTATE DISTRICT (PROPOSED PROPERTY RECLASSIFICATION TO A C-P, PROFESSIONAL OFFICE COMMERCIAL DISTRICT) TO ALLOW A 15-FOOT AND 17-FOOT BUILDING SETBACK FROM THE NORTH AND SOUTH PROPERTY LINES, RESPECTIVELY, WHERE 20 FEET IS REQUIRED; AND TO ALLOW A SEVEN FOOT PARKING**

LOT SETBACK WHERE 10 FEET IS REQUIRED FROM THE NORTH AND SOUTH PROPERTY LINES. THE PROPERTY IS LOCATED AT 4100 NORTH DECATUR BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 139-06-411-002. (FOR POSSIBLE ACTION)

This item was presented by Marc Jordan, Planning Manager.

Staff recommended approval subject to conditions.

The original conditions per Staff Report dated March 11, 2015 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. This variance shall become null and void should the accompanying special use permit (UN-08-15) not be approved by the Planning Commission.
3. The building and parking shall maintain the setbacks as shown on the accompanying site plan.

Gloria and Donald Phillips, 8604 Apiary Wind St., Las Vegas, agreed with staff recommendations.

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

ACTION: APPROVED

MOTION: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

7. **UN-08-15 (50689) BRING 'EM YOUNG (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DONALD AND GLORIA PHILLIPS ON BEHALF OF DONNA L. CALLAHAN, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN R-E, RANCH ESTATE DISTRICT (PROPOSED PROPERTY RECLASSIFICATION TO A C-P, PROFESSIONAL OFFICE**

COMMERCIAL DISTRICT) TO ALLOW A CHILD CARE CENTER. THE PROPERTY IS LOCATED AT 4100 NORTH DECATUR BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 139-06-411-002. (FOR POSSIBLE ACTION)

This item was presented by Marc Jordan, Planning Manager.

Staff recommended approval subject to conditions listed.

The original conditions per Staff Report dated March 11, 2015 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 area north of the main entrance adjacent to the building (approximately eight feet in depth and 25 feet in length) shall be landscaped, subject to staff review and approval.
3. A trash enclosure shall be provided. The enclosure shall match the building in materials and colors, and contain a roof. The trash enclosure may be located within the landscaped area next to the building.
4. The building and parking shall be reduced to comply with the setback requirements of the C-P, Professional Office Commercial District unless otherwise approved by separate action of the Planning Commission as part of the accompanying variance (VN-01-15).

Public Works:

5. All new projects, including redevelopment projects, must comply with current A.D.A. requirements for public access, as required of the City by the Department of Justice. Incidentally, the commercial driveways shall be constructed in accordance with *Clark County Area Uniform Standard Drawing* number 225 with sidewalk ramps per drawing number 235, or as otherwise approved by the City Traffic Engineer. Existing driveways not in compliance with the current standards shall be removed and replaced with a driveway per the stated standard drawings, subject to review and approval by the City Traffic Engineer.
6. Approval of a traffic study may be required prior to submittal of the civil

improvement plans. Please contact Traffic Engineering at 633-2676 to request a scope.

Gloria and Donald Phillips, 8604 Apiary Wind St., Las Vegas, agreed with staff recommendations.

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

Commissioner Perkins asked if the back lot that is abutting the ranch estates would have thicker landscaping. Mr. Phillips stated there would be a block wall. Mr. Jordan stated there is a 20-foot wide landscape strip that will have trees. The playground area for the children would not go up to that area. There is a parking lot there as well.

Commissioner Kraft asked if the applicant was in agreement with staff's recommendation on the placement of the trash container. The applicant responded it would be placed next to the facility.

ACTION: APPROVED

MOTION: Commissioner Kraft

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

NAYS: None

ABSTAIN: None

8. **WAV-02-15 (50763) SERENITY CIRCLE APARTMENTS (PUBLIC HEARING), AN APPLICATION SUBMITTED BY CORAN LAKE MEAD LLC C/O FILIPP CHEBOTAREV, PROPERTY OWNER, FOR A WAIVER IN A PUD, PLANNED UNIT DEVELOPMENT DISTRICT (PROPOSED PROPERTY RECLASSIFICATION TO AN R-3, MULTI-FAMILY RESIDENTIAL DISTRICT) TO WAIVE A PORTION OF THE PARKING AND OPEN SPACE REQUIREMENTS. THE PROPERTY IS LOCATED SOUTH OF LAKE MEAD BOULEVARD AND APPROXIMATELY 650 FEET WEST OF SIMMONS STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 139-20-202-009, 139-20-202-010 AND 139-20-202-011. (FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Planning Manager.

Mr. Jordan briefed Item Nos. 8, WAV-02-15 and 9, SPR-06-14 together; however, each item was voted upon separately.

Mr. Jordan stated Item No. 8, WAV-02-15, is a waiver of open space and parking requirements. This site is required to have 104,000 square feet of open space, and the applicant is proposing 93,553 square feet (approximate 10% reduction). They are

required to provide 547 parking spaces and are proposing 516 parking spaces (approximate 6% reduction).

Mr. Jordan advised the applicant is required to provide one compensating benefit for each waiver request. The applicant indicated in their letter of intent they would increase active open space amenities; i.e. 10 covered picnic tables, 12 barbecues, and 51 benches throughout the site. This is in addition to the club house, swimming pool, dog park, fitness station, pathways and playground areas.

The applicant indicated on the waiver for parking they would provide more parking facilities for bicycles. Title 17 requires 10 bicycle racks for this type of development, and the applicant will provide 25 parking spaces for bicycle racks and a location for an additional 20 bicycles and lockers.

The applicant is demonstrating compliance to compensating benefits and staff had no objections to the waiver, and recommended approval.

Mr. Jordan briefed Item No. 9, SPR-06-14. The applicant proposed 260 dwelling units on the site, to be situated in two different building types. Building A would have 35 units per building. Building B would have 24 units per building. Each building would be three stories, complying with the maximum height requirement for an R-3 product.

The buildings are designed to be along the perimeter of the site, with open space and club house located within the center of the site, as well as parking. Some of the open space would be located along the western and southern property lines. The primary access would be off Lake Mead Boulevard with emergency access off Coran Lane. The applicant submitted floor plans, and they are proposing a combination of one, two, and three bedroom units -- most are two and one bedroom units, with a few three bedroom units.

Mr. Jordan stated with the exception of the open space, which was part of the waiver request, the only other issue staff had was the perimeter sidewalk next to Lake Mead and Coran Lane. The site plan shows it attached to the back of curb, and the design standards require the sidewalk to be offset and located within the center of the perimeter landscaping. This would be a minor amendment to the site plan.

Staff reviewed the playground equipment and anticipated 50 elementary and middle aged school children in the development, and recommended age appropriate play structures.

Staff had no objections and recommended approval of both applications.

The original conditions per Staff Report dated March 11, 2015 are as follows:

Planning and Zoning:

1. That, unless otherwise approved through a variance, waiver or other approved method, this development shall comply with all applicable codes and ordinances.
2. The applicant shall provide the compensating public benefits as described in the letter of intent and shown on the site plan and open space and amenities plan submitted as part of this application.
3. The applicant shall comply with all conditions of approval for SPR-06-14.

George Garcia, 1055 Whitney Ranch Dr., Ste. 210, appeared on behalf of the applicant. Mr. Garcia reviewed the site plan and discussed the architectural features of buildings. Mr. Garcia stated three major recreational areas were created primarily around the perimeter and some in the interior. Mr. Garcia reviewed amenities such as clubhouse, pool, spa, playground areas and equipment, barbeque, shade structures, and turf areas. Mr. Garcia discussed walkability to the surrounding businesses and the positive economic impact the project would have. Mr. Garcia added they have exceeded the requirements for compensating benefits.

Chairman Stone opened the public hearing.

Jeff Alpert, 3828 Fuselier Dr., North Las Vegas, spoke in opposition to this item. Mr. Alpert attended a community meeting at the Pearson Center in February. Mr. Garcia and Mayor Lee were in attendance. He stated community members opposed the project. Mr. Alpert said the developer submitted paperwork in January for the waivers. During the community meeting in February, someone asked Mr. Garcia if what they were seeing is what they were getting, and Mr. Garcia replied yes. Mr. Alpert said to find out waivers were submitted in January, but not discussed at either the February community meeting or City Council meeting left him feeling frustrated.

Thomas Garrett, 1921 W. McDonald Ave., North Las Vegas, spoke in opposition to this item. Mr. Garrett asked is that a real reason to pass it before you get through with the waivers. Mr. Garrett said what was presented to them is what they were supposed to get, and now according to the waivers, we are not getting what was promised.

Bob Mersereau, 4836 Crystal Sword St., North Las Vegas, spoke in opposition to this item, and stated they had been sold a bill of goods. He said no one mentioned the waivers during the meetings. Mr. Mersereau said the citizens, County and Metro were against the project. The airport is opposed because of the height and they won't put any government money into it. He was also concerned about the experience of the builder, who said this was his first project, but had other things he was working on in the community. Mr. Mersereau stated a 260-unit apartment complex was not a 1,500 square foot home. Westcorp was mentioned as the community managers. He said

they were not high class operations. He suggested the Planning Commission look at some of their projects.

Lydia Garrett, 1921 W. McDonald Ave., North Las Vegas, President of the North Valley Leadership Team, spoke in opposition to this project. Ms. Garrett stated Mr. Garcia came to the meeting, showed the drawings, and the community had many concerns. One concern was the history with apartments in this community. Recently, an apartment complex was torn down in their community. Ms. Garrett said Mr. Garcia stated they would bring amenities to the community, and now he is here to bait and switch them, and would not bring these things. Ms. Garrett also expressed concern regarding the noise. The site is one half mile away from the airport. Ms. Garrett said you cannot enjoy the amenities because you cannot go outside due to the noise from the airplanes. Ms. Garrett added she felt the community had not been heard, and asked the Planning Commission to deny the waivers.

Dorothy Berroyer, 3453 Anderson Ln., Las Vegas, spoke in opposition to this project. She said there was no point in doing a master plan if it is not followed; this was supposed to be a buffer zone between the airport and residential area. The apartments in the neighborhood have a sufficient vacancy factor, and there is no need for additional apartments in this neighborhood. Ms. Berroyer thought the developer was not from Las Vegas and from out of state. The property would be sold and managed by someone else. Ms. Berroyer said the only people she sees on bicycles are the meth dealers, and added no one supported this project other than the developer.

Billy Miller, 2741 Saber Dr., North Las Vegas, Windsor Park President, spoke in opposition to this item. Mr. Miller said the area was inundated with apartments, and nearly 90% of its residents are lower income people. This would stack more poor people upon poor people, and they would have to reduce it to Section 8 housing.

Leon McKittrick, 1904 Cindysue St., #A, Las Vegas, spoke in opposition to this item. Mr. McKittrick stated he received a public hearing notice for this meeting, but did not receive one for the February meeting, and felt the notice was defective. He did not see any elevators in the three story buildings and asked if they complied with the Americans with Disability Act, and requested further investigation. Mr. McKittrick asked if the perimeter fencing would be block wall or wrought iron. This project was across the street from an elementary school, and the amenities would be attractive to the children. He felt there would be problems with children coming into the area. Mr. McKittrick requested the Planning Commission refer this matter to the FAA for an aviation study for navigable air space. There are planes from Fed Ex and UPS that land at North Las Vegas airport. The study takes into consideration landing instruments, when one of the engines is inoperable. If the building is built and it fails, the FAA will demand that Fed Ex and UPS no longer use the North Las Vegas airport. He would like to see the city be proactive instead of reactive.

Mr. Jordan advised on the east and west property lines, the applicant proposed CMU block wall, and on the north and south property lines, they proposed wrought iron fencing.

Mr. McKittrick requested the record reflect a public school is on the south side of the building with the fencing.

Richard Carreon, 3337 Mountain Skies Ct., North Las Vegas, spoke in opposition to this item. Mr. Carreon stated there were systematic and practical things that came up regarding issues such as what the residents had to go through to get the last apartment complex out, and what had happened when the apartment complex was there. There was an increase in crime and decrease in property values. Mr. Carreon stated these are things you can measure, and there are things you can implement in order to mitigate those hazards. When the property issue came up and there was an open dialog with the residents, there was no real address to what their concerns were. Mr. Carreon said the residents spent seven years trying to get the last problem out and were still recovering from that situation, and now another problem was coming in.

Chairman Stone closed the public hearing.

Mr. Garcia stated what was before the Planning Commission was the waiver and design review. The Planning Commission and City Council have already voted upon the Comprehensive Plan amendment and zone change.

Mr. Garcia stated traffic was addressed, compatibility, and how it would affect the neighborhood; i.e. property values, residential to the south, the school, and commercial nearby. The airport was represented at meetings and had an opportunity to state their case. Mr. Garcia stated they went through an extensive vetting process. City Council stopped the proceedings. Mr. Garcia held and attended several meetings. Those who were within the legal notification area attended. Subsequent meetings were held. They tried to reach out, and he believed everyone had an opportunity to have their say at Planning Commission and City Council meetings.

Mr. Garcia stated this project was of benefit to the neighborhood. He believed this is a better land use than what was proposed. The project had been sitting there 10 years and went into bankruptcy. Three different banks ended up acquiring the property. What they were offering was \$25 million of private investment, no federal funds, and no low-income tax credit request.

Mr. Garcia addressed the crime issue, and stated they met with the North Las Vegas Police Department from the beginning and discussed training protocols for the property management.

Mr. Garcia reiterated the issue before the Planning Commission was the design, and the design before them tonight is exactly the design that was presented at all meetings,

except for the very first, when they first submitted. Since January, the plans before the Planning Commission were presented to the neighbors, to the ministers, the North Valley Association, and to the Mayor and City Council.

Mr. Garcia stated there was no bait and switch. They took what staff said was an inferior product, and reduced the density, added more amenities, and made the project better.

Chairman Stone asked those in the audience who opposed this item to indicate by a show of hands, and estimated 13 were in opposition.

Chairman Stone asked what the radius requirement was for notification and Mr. Jordan responded 500 feet from the exterior boundaries of the property.

Chairman Stone asked staff to address the waiver issue. Mr. Jordan responded when Mr. Garcia originally submitted this to staff, they proposed 271 dwelling units. When staff analyzed the plan, they were far short of the open space requirements. The applicant did not ask for a waiver at that time. It was requested when staff was working with the planner from Mr. Garcia's office, amending the site plan to reduce the number of dwelling units and increase the open space requirements.

Chairman Stone reiterated there were 271 dwelling units on the original plan and the current plan proposes 260 dwelling units. The waiver clarification came about as a discussion with staff on the lesser site plan with the reduced number of dwelling units.

Chairman Stone reminded those in attendance that they are a Planning Commission, and not a business commission, they do not evaluate the worthiness of business proprietors or arbitrate or decide who lives in a project -- whether they are poor or rich. They are a land use body, and land use would drive his decision. The application in front of him is a waiver of open space and parking on a project that already has an amendment to the master plan and zoning change.

Commissioner Perkins reconfirmed the reason the waiver was necessary was because there was not enough open space for the number of units. Commissioner Perkins asked how many units it would have to be less in order for a waiver not to be necessary. Mr. Jordan responded it is 400 square feet of open space per unit. Mr. Garcia's design team would have to reduce the number of dwelling units and increase the open space as appropriate. They are required to have 104,000 square feet of open space for 260 dwelling units. If you wanted them to comply with open space requirements, they would reduce the number of dwelling units as appropriate. The amount of required open space would reduce as well. They would look at the design and reduce both, or reduce one and increase one to come to a consistent requirement.

Commissioner Perkins replied this item would not have to come before this body. Mr. Jordan stated the reason the Planning Commission was seeing the waiver was because

they wanted to reduce the amount of open space and parking. If the applicant were to meet those requirements, you would not see that application. Mr. Jordan added you would still see the site plan review, but not the waiver.

Commissioner Kraft confirmed with Mr. Jordan the amendment to the master plan and zoning change were approved at the November 12, 2014 Planning Commission meeting. Commissioner Kraft stated that Item No. 9 was actually an Old Business agenda item because the item has been continued since November, and Mr. Jordan confirmed that it was. Commissioner Kraft stated they already approved the amendment to the master plan and zoning change, and now what is before the Planning Commission is whether or not the waivers and site plan are appropriate. Commissioner Kraft stated some were opposed to the amendment to the master plan that was before the Planning Commission in November, but there was not a huge outcry from the community at that point in time.

Vice-Chairman Ewing stated the applicant could go back and re-work their plan to reduce the number of units to comply with the open space requirements, but there would be a loss in the compensatory benefits they are providing.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Kraft

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

NAYS: None

ABSTAIN: None

OLD BUSINESS

9. **SPR-06-14 (49967) SERENITY CIRCLE APARTMENTS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CORAN LAKE MEAD LLC C/O FILIPP CHEBOTAREV, PROPERTY OWNER, FOR A SITE PLAN REVIEW IN A PUD, PLANNED UNIT DEVELOPMENT DISTRICT (PROPOSED PROPERTY RECLASSIFICATION TO AN R-3, MULTI-FAMILY RESIDENTIAL DISTRICT) TO ALLOW 260 MULTI-FAMILY DWELLING UNITS. THE PROPERTY IS LOCATED SOUTH OF LAKE MEAD BOULEVARD AND APPROXIMATELY 650 FEET WEST OF SIMMONS STREET. THE ASSESSOR'S PARCEL NUMBERS ARE 139-02-202-009, 139-02-202-010, AND 139-02-202-011. (FOR POSSIBLE ACTION) (CONTINUED NOVEMBER 12 AND DECEMBER 10, 2014, AND JANUARY 14, 2015)**

This item was presented by Marc Jordan, Planning Manager.

Mr. Jordan briefed Item Nos. 8, WAV-02-15 and 9, SPR-06-14 together; however, each item was voted upon separately.

Mr. Jordan stated Item No. 8, WAV-02-15, is a waiver of open space and parking requirements. This site is required to have 104,000 square feet of open space, and the applicant is proposing 93,553 square feet (approximate 10% reduction). They are required to provide 547 parking spaces and are proposing 516 parking spaces (approximate 6% reduction).

Mr. Jordan advised the applicant is required to provide one compensating benefit for each waiver request. The applicant indicated in their letter of intent they would increase active open space amenities; i.e. 10 covered picnic tables, 12 barbecues, and 51 benches throughout the site. This is in addition to the club house, swimming pool, dog park, fitness station, pathways and playground areas.

The applicant indicated on the waiver for parking they would provide more parking facilities for bicycles. Title 17 requires 10 bicycle racks for this type of development, and the applicant will provide 25 parking spaces for bicycle racks and a location for an additional 20 bicycles and lockers.

The applicant is demonstrating compliance to compensating benefits and staff had no objections to the waiver, and recommended approval.

Mr. Jordan briefed Item No. 9, SPR-06-14. The applicant proposed 260 dwelling units on the site, to be situated in two different building types. Building A would have 35 units per building. Building B would have 24 units per building. Each building would be three stories, complying with the maximum height requirement for an R-3 product.

The buildings are designed to be along the perimeter of the site, with open space and club house located within the center of the site, as well as parking. Some of the open space would be located along the western and southern property lines. The primary access would be off Lake Mead Boulevard with emergency access off Coran Lane. The applicant submitted floor plans, and they are proposing a combination of one, two, and three bedroom units -- most are two and one bedroom units, with a few three bedroom units.

Mr. Jordan stated with the exception of the open space, which was part of the waiver request, the only other issue staff had was the perimeter sidewalk next to Lake Mead and Coran Lane. The site plan shows it attached to the back of curb, and the design standards require the sidewalk to be offset and located within the center of the perimeter landscaping. This would be a minor amendment to the site plan.

Staff reviewed the playground equipment and anticipated 50 elementary and middle aged school children in the development, and recommended age appropriate play structures.

Staff had no objections and recommended approval of both applications.

The original conditions per Staff Report dated March 11, 2015 are as follows:

Planning and Zoning:

1. That, unless otherwise approved through a variance, waiver or other approved method, this development shall comply with all applicable codes and ordinances.
2. The applicant shall provide the compensating public benefits as described in the letter of intent and shown on the site plan and open space and amenities plan submitted as part of this application.
3. The applicant shall comply with all conditions of approval for SPR-06-14.

George Garcia, 1055 Whitney Ranch Dr., Ste. 210, appeared on behalf of the applicant. Mr. Garcia reviewed the site plan and discussed the architectural features of buildings. Mr. Garcia stated three major recreational areas were created primarily around the perimeter and some in the interior. Mr. Garcia reviewed amenities such as clubhouse, pool, spa, playground areas and equipment, barbeque, shade structures, and turf areas. Mr. Garcia discussed walkability to the surrounding businesses and the positive economic impact the project would have. Mr. Garcia added they have exceeded the requirements for compensating benefits.

Chairman Stone opened the public hearing.

Jeff Alpert, 3828 Fuselier Dr., North Las Vegas, spoke in opposition to this item. Mr. Alpert attended a community meeting at the Pearson Center in February. Mr. Garcia and Mayor Lee were in attendance. He stated community members opposed the project. Mr. Alpert said the developer submitted paperwork in January for the waivers. During the community meeting in February, someone asked Mr. Garcia if what they were seeing is what they were getting, and Mr. Garcia replied yes. Mr. Alpert said to find out waivers were submitted in January, but not discussed at either the February community meeting or City Council meeting left him feeling frustrated.

Thomas Garrett, 1921 W. McDonald Ave., North Las Vegas, spoke in opposition to this item. Mr. Garrett asked is that a real reason to pass it before you get through with the waivers. Mr. Garrett said what was presented to them is what they were supposed to get, and now according to the waivers, we are not getting what was promised.

Bob Mersereau, 4836 Crystal Sword St., North Las Vegas, spoke in opposition to this item, and stated they had been sold a bill of goods. He said no one mentioned the waivers during the meetings. Mr. Mersereau said the citizens, County and Metro were against the project. The airport is opposed because of the height and they won't put any

government money into it. He was also concerned about the experience of the builder, who said this was his first project, but had other things he was working on in the community. Mr. Mersereau stated a 260-unit apartment complex was not a 1,500 square foot home. Westcorp was mentioned as the community managers. He said they were not high class operations. He suggested the Planning Commission look at some of their projects.

Lydia Garrett, 1921 W. McDonald Ave., North Las Vegas, President of the North Valley Leadership Team, spoke in opposition to this project. Ms. Garrett stated Mr. Garcia came to the meeting, showed the drawings, and the community had many concerns. One concern was the history with apartments in this community. Recently, an apartment complex was torn down in their community. Ms. Garrett said Mr. Garcia stated they would bring amenities to the community, and now he is here to bait and switch them, and would not bring these things. Ms. Garrett also expressed concern regarding the noise. The site is one half mile away from the airport. Ms. Garrett said you cannot enjoy the amenities because you cannot go outside due to the noise from the airplanes. Ms. Garrett added she felt the community had not been heard, and asked the Planning Commission to deny the waivers.

Dorothy Berroyer, 3453 Anderson Ln., Las Vegas, spoke in opposition to this project. She said there was no point in doing a master plan if it is not followed; this was supposed to be a buffer zone between the airport and residential area. The apartments in the neighborhood have a sufficient vacancy factor, and there is no need for additional apartments in this neighborhood. Ms. Berroyer thought the developer was not from Las Vegas and from out of state. The property would be sold and managed by someone else. Ms. Berroyer said the only people she sees on bicycles are the meth dealers, and added no one supported this project other than the developer.

Billy Miller, 2741 Saber Dr., North Las Vegas, Windsor Park President, spoke in opposition to this item. Mr. Miller said the area was inundated with apartments, and nearly 90% of its residents are lower income people. This would stack more poor people upon poor people, and they would have to reduce it to Section 8 housing.

Leon McKittrick, 1904 Cindysue St., #A, Las Vegas, spoke in opposition to this item. Mr. McKittrick stated he received a public hearing notice for this meeting, but did not receive one for the February meeting, and felt the notice was defective. He did not see any elevators in the three story buildings and asked if they complied with the Americans with Disability Act, and requested further investigation. Mr. McKittrick asked if the perimeter fencing would be block wall or wrought iron. This project was across the street from an elementary school, and the amenities would be attractive to the children. He felt there would be problems with children coming into the area. Mr. McKittrick requested the Planning Commission refer this matter to the FAA for an aviation study for navigable air space. There are planes from Fed Ex and UPS that land at North Las Vegas airport. The study takes into consideration landing instruments, when one of the engines is inoperable. If the building is built and it fails, the FAA will demand that Fed

Ex and UPS no longer use the North Las Vegas airport. He would like to see the city be proactive instead of reactive.

Mr. Jordan advised on the east and west property lines, the applicant proposed CMU block wall, and on the north and south property lines, they proposed wrought iron fencing.

Mr. McKittrick requested the record reflect a public school is on the south side of the building with the fencing.

Richard Carreon, 3337 Mountain Skies Ct., North Las Vegas, spoke in opposition to this item. Mr. Carreon stated there were systematic and practical things that came up regarding issues such as what the residents had to go through to get the last apartment complex out, and what had happened when the apartment complex was there. There was an increase in crime and decrease in property values. Mr. Carreon stated these are things you can measure, and there are things you can implement in order to mitigate those hazards. When the property issue came up and there was an open dialog with the residents, there was no real address to what their concerns were. Mr. Carreon said the residents spent seven years trying to get the last problem out and were still recovering from that situation, and now another problem was coming in.

Chairman Stone closed the public hearing.

Mr. Garcia stated what was before the Planning Commission was the waiver and design review. The Planning Commission and City Council have already voted upon the Comprehensive Plan amendment and zone change.

Mr. Garcia stated traffic was addressed, compatibility, and how it would affect the neighborhood; i.e. property values, residential to the south, the school, and commercial nearby. The airport was represented at meetings and had an opportunity to state their case. Mr. Garcia stated they went through an extensive vetting process. City Council stopped the proceedings. Mr. Garcia held and attended several meetings. Those who were within the legal notification area attended. Subsequent meetings were held. They tried to reach out, and he believed everyone had an opportunity to have their say at Planning Commission and City Council meetings.

Mr. Garcia stated this project was of benefit to the neighborhood. He believed this is a better land use than what was proposed. The project had been sitting there 10 years and went into bankruptcy. Three different banks ended up acquiring the property. What they were offering was \$25 million of private investment, no federal funds, and no low-income tax credit request.

Mr. Garcia addressed the crime issue, and stated they met with the North Las Vegas Police Department from the beginning and discussed training protocols for the property management.

Mr. Garcia reiterated the issue before the Planning Commission was the design, and the design before them tonight is exactly the design that was presented at all meetings, except for the very first, when they first submitted. Since January, the plans before the Planning Commission were presented to the neighbors, to the ministers, the North Valley Association, and to the Mayor and City Council.

Mr. Garcia stated there was no bait and switch. They took what staff said was an inferior product, and reduced the density, added more amenities, and made the project better.

Chairman Stone asked those in the audience who opposed this item to indicate by a show of hands, and estimated 13 were in opposition.

Chairman Stone asked what the radius requirement was for notification and Mr. Jordan responded 500 feet from the exterior boundaries of the property.

Chairman Stone asked staff to address the waiver issue. Mr. Jordan responded when Mr. Garcia originally submitted this to staff, they proposed 271 dwelling units. When staff analyzed the plan, they were far short of the open space requirements. The applicant did not ask for a waiver at that time. It was requested when staff was working with the planner from Mr. Garcia's office, amending the site plan to reduce the number of dwelling units and increase the open space requirements.

Chairman Stone reiterated there were 271 dwelling units on the original plan and the current plan proposes 260 dwelling units. The waiver clarification came about as a discussion with staff on the lesser site plan with the reduced number of dwelling units.

Chairman Stone reminded those in attendance that they are a Planning Commission, and not a business commission, they do not evaluate the worthiness of business proprietors or arbitrate or decide who lives in a project -- whether they are poor or rich. They are a land use body, and land use would drive his decision. The application in front of him is a waiver of open space and parking on a project that already has an amendment to the master plan and zoning change.

Commissioner Perkins reconfirmed the reason the waiver was necessary was because there was not enough open space for the number of units. Commissioner Perkins asked how many units it would have to be less in order for a waiver not to be necessary. Mr. Jordan responded it is 400 square feet of open space per unit. Mr. Garcia's design team would have to reduce the number of dwelling units and increase the open space as appropriate. They are required to have 104,000 square feet of open space for 260 dwelling units. If you wanted them to comply with open space requirements, they would reduce the number of dwelling units as appropriate. The amount of required open space would reduce as well. They would look at the design and reduce both, or reduce one and increase one to come to a consistent requirement.

Commissioner Perkins replied this item would not have to come before this body. Mr. Jordan stated the reason the Planning Commission was seeing the waiver was because they wanted to reduce the amount of open space and parking. If the applicant were to meet those requirements, you would not see that application. Mr. Jordan added you would still see the site plan review, but not the waiver.

Commissioner Kraft confirmed with Mr. Jordan the amendment to the master plan and zoning change were approved at the November 12, 2014 Planning Commission meeting. Commissioner Kraft stated that Item No. 9 was actually an Old Business agenda item because the item has been continued since November, and Mr. Jordan confirmed that it was. Commissioner Kraft stated they already approved the amendment to the master plan and zoning change, and now what is before the Planning Commission is whether or not the waivers and site plan are appropriate. Commissioner Kraft stated some were opposed to the amendment to the master plan that was before the Planning Commission in November, but there was not a huge outcry from the community at that point in time.

Vice-Chairman Ewing stated the applicant could go back and re-work their plan to reduce the number of units to comply with the open space requirements, but there would be a loss in the compensatory benefits they are providing.

ACTION: APPROVED

MOTION: Commissioner Joiner-Greene

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

NAYS: None

ABSTAIN: None

PUBLIC FORUM

There was no public participation.

DIRECTOR'S BUSINESS

Planning Manager Marc Jordan extended an apology on behalf of Director Blackburn who was unable to attend tonight's meeting.

Mr. Jordan advised the City will open its application process for medical marijuana establishments from March 30, 2015 through April 14, 2015.

CHAIRMAN'S BUSINESS

Chairman Stone introduced a new member to the City's legal team, Jose Valenzuela, Deputy City Attorney.

ADJOURNMENT

The meeting adjourned at 7:19 p.m.

APPROVED: May 13, 2015

/s/ Nelson Stone
Nelson Stone, Chairman

/s/ Julie Shields
Julie Shields, Recording Secretary