

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

October 14, 2015

BRIEFING:

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

CALL TO ORDER:

6:05 P.M.
Council Chambers, 2250 Las Vegas Boulevard, North
North Las Vegas, Nevada

WELCOME:

Chairman Ewing

ROLL CALL:

Chairman Willard Ewing – Present
Vice-Chairman Kenneth Kraft – Present
Commissioner Laura Perkins – Present
Commissioner Nelson Stone– Present
Commissioner Felix Acevedo – Present
Commissioner Randy Robison – Present
Commissioner Al Greer - Present

STAFF PRESENT:

Gregory Blackburn, Director
Marc Jordan, Planning Manager
Robert Eastman, Principal Planner
Jose Valenzuela, Deputy City Attorney
Rob McLaughlin, Public Works/Manager
Curt Kroeker, Public Works/Engineering Associate
Gina Gavan, Director, Economic & Business
Development
Julie Shields, Executive Secretary/Recording
Secretary

VERIFICATION:

Julie Shields, Recording Secretary

PLEDGE OF ALLEGIANCE:

Vice-Chairman Kenneth Kraft

PUBLIC FORUM

There was no public participation.

AGENDA

1. APPROVAL OF THE PLANNING COMMISSION MEETING AGENDA OF OCTOBER 14, 2015 (FOR POSSIBLE ACTION)

ACTION: APPROVED AS AMENDED; ITEM NOS. 15 (AMP-03-15), 16 (ZN-07-15), AND 17 (WAV-04-15) CONTINUED TO DECEMBER 9, 2015 PER THE APPLICANT'S REQUEST; ITEM NO. 18 (UN-51-15) CONTINUED TO NOVEMBER 10, 2015 PER THE APPLICANT'S REQUEST

MOTION: Vice-Chairman Kraft

AYES: Chairman Ewing, Vice-Chairman Kraft, Commissioners Perkins, Stone, Acevedo, Robison and Greer

NAYS: None

ABSTAIN: None

MINUTES

2. APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF SEPTEMBER 9, 2015 (FOR POSSIBLE ACTION)

ACTION: APPROVED

MOTION: Commissioner Acevedo

AYES: Chairman Ewing, Vice-Chairman Kraft, Commissioners Perkins, Stone, Acevedo, Robison and Greer

NAYS: None

ABSTAIN: None

NEW BUSINESS

3. ZOA-05-15 (52480) AMEND MME SPECIAL USE REQUIREMENTS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY THE CITY OF NORTH LAS VEGAS TO AMEND TITLE 17 (ZONING ORDINANCE), SECTION 17.12.070(J)(2), SECTION 17.20.010, TABLE 17.20-1, SECTION 17.20.020(C)(29)(B) AND SECTION 17.20.020(C)(29)(G)(II)(6), TO ALLOW MEDICAL MARIJUANA ESTABLISHMENTS IN THE M-1, BUSINESS PARK INDUSTRIAL DISTRICT, AND AMENDING THE PROCESSING REQUIREMENTS FOR MEDICAL MARIJUANA ESTABLISHMENTS, AND

**PROVIDING FOR OTHER MATTERS PROPERTY RELATED THERETO.
(FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Planning Manager.

Staff proposed amendments that would essentially eliminate the 10-day notification period in which the City is required to notify the industry, and would also eliminate the 10-day period in which the industry can file for an application, whenever the City notifies them that they can file an application. This amendment would expedite processing applications.

Additionally, this would treat special use permits for medical marijuana similar to any other special use permit. These items would come before the Planning Commission from this point forward. Items would only go forward to City Council if the item is appealed.

Staff proposed to open medical marijuana establishments also in the M-1 District; currently, they are only allowed in the M-2 District and in the C-1 and C-2 Districts for dispensaries only. This would allow more location options for cultivation, production or testing facilities. Staff has received requests, but has had to turn them away because they did not have the proper zoning.

All of the standard separation requirements would remain the same.

Staff had no objections, and recommended approval.

Chairman Ewing opened the public hearing. Chairman Ewing closed the public hearing.

Commissioner Perkins asked if any feedback had been received from the industry and Mr. Jordan advised he received positive comments regarding the proposed changes.

Chairman Ewing asked how much more quickly applications could be processed if this item were approved, and Mr. Jordan responded between 30-60 days.

Commissioner Robison expressed concern from a policy perspective. He had no objection to changing the approval process, but stated the issue on expanding the allowable locations should be within the purview of City Council versus the Planning Commission.

Commissioner Robison inquired whether the vote could be split; 1) for the special use and 2) on expanding the allowable locations. Chairman Ewing advised this item would move forward to City Council for their final consideration. Mr. Jordan advised this item would be heard at the October 21, 2015 City Council meeting.

The City Council would still have the ability to set the policy in their consideration of this item.

Mr. Jordan advised there were limited M-1 Districts in the City.

Commissioner Robison reiterated the zoning expansion issue should be addressed through City Council.

Director Blackburn added this issue had been a work in progress for approximately one and one half years. Staff considered how the State was directing its path. Factors such as where we regulate, where the transition is (from the State to the City), land use approvals, business licensing and monitoring the actual uses themselves were considered. The State's separation requirements are very laborious.

Director Blackburn stated we do not want these facilities adjacent to churches or schools; however, when we put radiuses into the community, there is a significant amount of property that was eliminated due to the separation requirements. The intent of not allowing this use in M-1 is because it would be the buffer between M-2 and residential areas. The City's separation requirements are higher than the State's and we do have a separation requirement for cultivation facilities from residential. Staff took this issue directly to City Council, and they will finalize it next week.

Commissioner Kraft asked if the Planning Commission had the purview to split an item into two separate votes and Attorney Valenzuela advised they did not.

Commissioner Kraft confirmed since the item was introduced at the last City Council meeting and would be voted upon at next City Council meeting as an Ordinance, the City Council would have the option to provide input on the policy.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Acevedo

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

NAYS: Commissioner Robison

ABSTAIN: None

4. **AMP-04-15 (52351) CNLV OPEN SPACE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY THE CITY OF NORTH LAS VEGAS FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF MASTER PLANNED COMMUNITY TO OPEN SPACE. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF DECATUR BOULEVARD AND MOCCASIN ROAD**

AND CONTAINS PORTIONS OF THE FOLLOWING PARCELS 124-04-000-001, 124-05-000-001, 124-06-000-001, 124-06-000-002, 124-08-000-002, 124-09-000-001, 124-09-000-002, AND 124-10-000-001. (FOR POSSIBLE ACTION)

This item was presented by Marc Jordan, Planning Manager.

Mr. Jordan advised through public law, part of the SNPLMA disposal boundary was removed and preserved for national monument, which is known as Tule Springs Fossil Beds National Monument (National Monument).

This land currently has two designations: 1) open space and 2) master planned community. This National Monument is over 22,000 acres in size. Approximately 3,600 acres is located within the City of North Las Vegas. Approximately 2,000 of the 3,600 acres are designated as open space and 1,500 acres shows a master planned community designation.

Staff proposes to take the 1,500 acres that is part of the National Monument and is not available for development and designate it as open space on the City's land use map.

Mr. Jordan stated this is a housekeeping item to clarify for future developers and residents who look at the land use map and want to know what type of development could occur, and to accurately reflect that it is open space and part of the National Monument.

Johanna Murphy, Principal Planner, held the required neighborhood meeting on August 25, 2015, at the Aliante Library. No residents appeared at this meeting.

Staff recommended approval.

Chairman Ewing opened the public hearing. Chairman Ewing closed the public hearing.

Commissioner Kraft asked how many homes were notified, given the remote area. Ms. Murphy responded notice was extended beyond a greater distance than what is required -- 2,400 feet from the proposed area. In addition, all land owners were notified -- most of which are located in the area known as The Villages of Tule Springs. Notification was also extended to the Bureau of Land Management and the National Park Services. Ms. Murphy reiterated they also met the minimum requirements for the number of land owners that needed to be notified.

Ms. Murphy attended a Las Vegas Northwest Open Space and Trails planning meeting and also passed along this information to those in attendance.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Vice-Chairman Kraft
AYES: Chairman Ewing, Vice-Chairman Kraft, Commissioners Perkins, Stone, Acevedo, Robison and Greer
NAYS: None
ABSTAIN: None

5. **ZN-11-15 (52337) ZORNES APARTMENTS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ZORNES LLC, PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTY FROM THE CURRENT DESIGNATION OF C-2, GENERAL COMMERCIAL DISTRICT TO AN R-3, MULTI-FAMILY RESIDENTIAL DISTRICT. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF TURKEY COURT AND VALLEY DRIVE. THE ASSESSOR'S PARCEL NUMBERS ARE 124-19-401-010 THRU 124-19-401-012. (FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Planning Manager.

The applicant indicated they may develop the site with a 128-unit, two story apartment complex, which would be a separate application and considered at a later date.

The applicant held a neighborhood meeting on July 30, 2015. Three residents were in attendance and expressed concern regarding traffic on Rome or Valley.

Mr. Jordan advised the Comprehensive Plan supports this designation, and staff recommended approval.

Richard Threlfall, 6512 W. Diablo Dr., Las Vegas and Gary Zornes, 2110 Strada Mia Ct., Las Vegas, appeared to answer questions.

Chairman Ewing opened the public hearing. Chairman Ewing closed the public hearing.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Stone
AYES: Chairman Ewing, Vice-Chairman Kraft, Commissioners Perkins, Stone, Acevedo, Robison and Greer
NAYS: None
ABSTAIN: None

6. **T-1377 (52356) CRAIG & COMMERCE. AN APPLICATION SUBMITTED BY LV PROPCO HOLDING LLC, PROPERTY OWNER, FOR APPROVAL OF A SINGLE LOT COMMERCIAL TENTATIVE MAP IN A C-2, GENERAL**

COMMERCIAL DISTRICT. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF CRAIG ROAD AND COMMERCE STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-03-201-011. (FOR POSSIBLE ACTION)

This item was presented by Marc Jordan, Planning Manager.

The tentative map is in compliance with all codes and ordinances and staff recommended approval.

The conditions are as follows:

Planning & Zoning:

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

Public Works:

2. All known geologic hazards shall be shown on the civil improvement plans. Subsequent identification of additional hazards may substantially alter proposed site plans not containing this information.
3. Approval of a drainage study is required prior to submittal of the civil improvement plans.
4. Dedication and construction of the following streets and/or half streets is required per the *Master Plan of Streets and Highways* and/or *City of North Las Vegas Municipal Code* section 16.24.100:
 - a. Commerce Street (sidewalk, street lights, etc)
 - b. Existing bus turn out / loading pad on Craig Road (dedication to replace easement)
5. Approval of a traffic study is required prior to submittal of the civil improvement plans for development of the property. Please contact Traffic Engineering at 633-2676 to request a scope.
6. The size and number of driveways and their locations are subject to review and approval by the City Traffic Engineer and must meet the standards set forth in *North Las Vegas Municipal Code* section 17.24.040 and *Clark County Area Uniform Standard Drawing* number 222.1, including throat depths. Conformance may require modifications to the site plan.
7. Commercial driveways are to be constructed in accordance with *Clark County Area*

Uniform Standard Drawing number 222.1, including throat depths, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.

8. The property owner is required to grant a roadway easement for commercial driveway(s).
9. All Nevada Energy easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground if impacted by the proposed development of the parcel or if the pole impedes upon the proper ADA clearances for sidewalk. Under no circumstances will new down guy wires be permitted.

Julia Izzolo, 6345 S. Jones, Las Vegas, Ste., 100, Las Vegas, appeared on behalf of the applicant. Ms. Izzolo agreed with staff recommendations and requested approval.

ACTION: APPROVED

MOTION: Commissioner Stone

AYES: Chairman Ewing, Vice-Chairman Kraft, Commissioners Perkins, Stone, Acevedo, Robison and Greer

NAYS: None

ABSTAIN: None

7. **UN-62-15 (52424) ZAROO NORTH LAS VEGAS (Public Hearing). An application submitted by LEEDCO Engineers Inc., on behalf of EM-50 UAV Darkco LLC, property owner, for a special use permit in a C-1, Neighborhood Commercial District to allow a vehicle washing establishment. The property is located approximately 300 feet east of Allen Lane and south of Craig Road. The Assessor's Parcel Number is 139-05-301-008. (For possible action)**

This item was presented by Marc Jordan, Planning Manager.

The car wash would employ three full-time employees and four part-time employees. Hours of operation are between 7:00 a.m. and 8:00 p.m., seven days per week. This is a fully automated facility with self-service vacuum islands.

The primary building is 4,200 square feet in size. In reviewing the site plan, Staff has a couple of minor concerns. The building is set back from Craig Road. On the north side, they are showing landscaping that would be on the south side of a drive aisle that would wrap around to the east property line, and then back down to southern property line. The drive aisle, Rider Lane, splits this parcel from a portion of the parcel so that it is actually next to the property line near Craig Road. The applicant indicated this would be

future development. Staff is concerned because this is a narrow strip of property, and was unsure of how it could be developed in the future. The zoning ordinance requires landscaping on all unexposed ground areas, staff recommends the applicant landscape that area. Additionally, staff recommends the applicant obtain an encroachment permit for the area between the property line and sidewalk (Gowan Outfall Channel), and landscape that area.

Staff also recommends when the building is painted, they use a type of textured paint that would give the appearance of a stucco exterior, which would comply with design guidelines for commercial development.

The applicant indicated there would be an office, restrooms and kiosks, which are considered accessory buildings to the principal building. To date, staff has not seen the designs.

Mr. Jordan advised the applicant indicated there would be signage on the west side of the building. Signage above or upon a roof is prohibited. When they come in for the building permit they would have to adjust for it to be on the wall itself.

Staff stated these were minor issues and could be addressed with they file for a building permit.

Staff recommended approval per conditions listed 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. Landscaping shall be provided in the area between the Rider Lane drive aisle and the north property line. Landscaping shall comply with Title 17 requirements.
3. Landscaping, in the form of shrubs and ground cover, comprising of 50 percent plant coverage shall be provided between the property line and the sidewalk next to Craig Road. The applicant shall be responsible to obtain an encroachment permit from Public Works for the installation of landscaping.
4. Textured paint shall be used for all exterior surfaces, with the exception for the roof and where glass is used.
5. The accessory structures (office, restroom, canopy, and trash enclosure) shall match the principal building in exterior texture and colors.
6. Wall signage shall not extend above or upon the roof and shall not exceed 15

percent of the area of the building elevation upon which the sign is placed.

Public Works:

7. All known geologic hazards shall be shown on the site plan and the civil improvement plans. Subsequent identification of additional hazards may substantially alter the original site plan.
8. Approval of a drainage study is required prior to submittal of the civil improvement plans.
9. Approval of a traffic study may be required prior to submittal of the civil improvement plans. Please contact Traffic Engineering at 633-2676 to request a scope.
10. Landscaping may be installed within the right-of-way where the drainage facility exists; however, only shrubs and shallow rooted material may be planted over the facility. Trees must be a minimum of ten feet from the drainage facility and no permanent structures, including signs, will be permitted within the right-of-way, and/or drainage easement if existing.
11. 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.

Dennis Lee, 3870 Baldwin Ave., El Monte, CA, appeared to answer questions, and agreed with staff's recommended conditions, and requested approval.

Chairman Ewing opened the public hearing.

Jeff Alpert, 3828 Fuselier Drive, North Las Vegas, did not object to the project, but stated there was a lot of competition in the area. Mr. Alpert displayed a diagram that depicted an elongated, semi-circular road. He was concerned as to whether there were any regulations pertaining to this road for parking and access.

Chairman Ewing closed the public hearing.

Commissioner Stone stated he lives close to the area, and supported this item.

Curt Kroecker, Public Works, confirmed the semi-circular road is a drive aisle.

ACTION: APPROVED

MOTION: Commissioner Stone
AYES: Chairman Ewing, Vice-Chairman Kraft, Commissioners Perkins, Stone, Acevedo, Robison and Greer
NAYS: None
ABSTAIN: None

8. **UN-63-15 (52508) UNDER-WEIGHT FITNESS MARTIAL ARTS LLC (PUBLIC HEARING). AN APPLICATION SUBMITTED BY RORY TOMINAGA ON BEHALF OF LBA REALTY FUND II-WBP II LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT, TO ALLOW AN INDOOR RECREATION FACILITY (FITNESS CENTER). THE PROPERTY IS LOCATED AT 3945 WEST CHEYENNE AVENUE, SUITE 201. THE ASSESSOR'S PARCEL NUMBER IS 139-18-511-003. (FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Planning Manager.

The applicant is currently occupying one suite that is approximately 4,500 square feet. The hours of operation are from 8:00 a.m. until 8:00 p.m., Monday through Friday, and 8:00 a.m. to 12:00 p.m. on Saturday. They have one full-time trainer on site and two part-time trainers. Additionally, they will have three part-time martial arts instructors. Classes may have up to 20 people. There are approximately 216 parking spaces, and staff states this is sufficient.

Staff had no objections and recommended approval subject to the conditions 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. That all associated activities take place within the building.

Rory Tominaga, 5500 Via Del Viento, Las Vegas, and Daniel Green, 5317 Valazco, Las Vegas, appeared to answer questions.

Chairman Ewing opened the public hearing. Chairman Ewing closed the public hearing.

ACTION: APPROVED

MOTION: Vice-Chairman Kraft
AYES: Chairman Ewing, Vice-Chairman Kraft, Commissioners Perkins, Stone, Acevedo, Robison and Greer
NAYS: None
ABSTAIN: None

9. **UN-64-15 (52526) OLD SCHOOL PIZZERIA (PUBLIC HEARING). AN APPLICATION SUBMITTED BY NAOMI MAURO, ON BEHALF OF JOHN C CONNORS TRUST, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT, TO ALLOW THE "ON-SALE" OF BEER, WINE, AND SPIRIT BASED PRODUCTS IN JUNCTION WITH A RESTAURANT. THE PROPERTY IS LOCATED AT 2040 EAST CRAIG ROAD, SUITE #101. THE ASSESSOR'S PARCEL NUMBER IS 139-02-613-016. (FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Planning Manager.

The site has three buildings; two of which are occupied by Purrfect Auto. The building the applicant occupies contains additional retail or service type uses. The applicant is already operating a restaurant at this location. They have submitted a survey that shows they demonstrate compliance with the separation requirements of 400 feet from all schools, day care centers, parks and churches.

Staff had no objections and recommended approval subject to the condition listed:

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.

Naomi and Joseppi (phonetic) Mauro, 207 Rusty Plank Ave., Las Vegas, appeared to answer any questions.

Chairman Ewing opened the public hearing. Chairman Ewing closed the public hearing.

ACTION: APPROVED

MOTION: Commissioner Perkins
AYES: Chairman Ewing, Vice-Chairman Kraft, Commissioners Perkins, Stone, Acevedo, Robison and Greer
NAYS: None
ABSTAIN: None

10. UN-65-15 (52537) LITTLE ANGEL'S CHILD CARE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY GUADALUPE GALDAMEZ, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN R-1, SINGLE-FAMILY LOW DENSITY DISTRICT, TO ALLOW A CHILD CARE FACILITY (12 CHILDREN). THE PROPERTY IS LOCATED AT 29 WEST LA MADRE WAY. THE ASSESSOR'S PARCEL NUMBER IS 124-34-814-001. (FOR POSSIBLE ACTION)

This item was presented by Robert Eastman, Principal Planner.

The applicant proposed hours of operation from 7:00 a.m. to 5:30 p.m. Initially, the applicant would not have employees; however, as they get closer to the maximum number of children, they would hire one additional staff member.

The home is located on La Madre Way and is a 60 foot right-of-way, and is thought of more as a collector street.

Staff does not object to the proposed use, and is accessory to the existing home. It is not creating a fully commercial day care center that may disrupt the neighborhood, and staff did not anticipate a negative impact on the surrounding properties.

The Fire Department indicated requirements for additional fire sprinklers and alarms. The Building Department has additional concerns and Building Code requirements.

Director Blackburn stated in fairness to the applicant, homeowners are not always aware of all other triggered conditions with these types of residential uses. When there are six children or above, a certain threshold of requirements will apply. For example, it may trigger State Health. One of the separation requirements is a house would have to be more than 10 feet away from the adjoining property line after there are six children. A homeowner would not know that it would trigger into an I-4 Occupancy Classification. The land use would be acceptable; however, we need to make them aware that when they breach certain thresholds other requirements apply. Adding fire sprinklers to an existing home is extremely expensive. Mr. Blackburn provided his contact information to the applicant to discuss the code requirements further.

The condition is 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.

Guadalupe Galdamez, 29 W. LaMadre Way, North Las Vegas, applicant, appeared to answer questions.

Chairman Ewing opened the public hearing. Chairman Ewing closed the public hearing.

Commissioner Stone asked staff if the special use permit required a neighborhood meeting and Mr. Eastman responded no. Mr. Eastman stated notices were sent out (500 feet) and a sign placed in her yard.

Commissioner Stone asked Ms. Galdamez if she talked to her neighbors and asked how they felt. Ms. Galdamez responded they were happy since she would be able to take care of their children.

Commissioner Perkins asked what were the ages of the children she would care for and Ms. Galdamez, responded 3-5 years old; however, she was planning to obtain a permit to allow for 0-12 years of age.

ACTION: APPROVED

MOTION: Commissioner Perkins

AYES: Chairman Ewing, Vice-Chairman Kraft, Commissioners Perkins, Stone, Acevedo, Robison and Greer

NAYS: None

ABSTAIN: None

11. **UN-66-15 (52542) ZAMAN MINI MART (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ZAMAN MOHAMMED ALI ON BEHALF OF TORRENT HOLDINGS INC., PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW THE "OFF-SALE" OF BEER AND WINE IN CONJUNCTION WITH CONVENIENCE STORE WITHIN 400 FEET OF A CHURCH. THE PROPERTY IS LOCATED AT 2815 WEST LAKE MEAD BOULEVARD. THE ASSESSOR'S PARCEL IS 139-20-614-002. (FOR POSSIBLE ACTION)**

This item was presented by Robert Eastman, Principal Planner.

Under normal circumstances, beer and wine sales would be permitted with a conditional use permit; however, in this instance they do not comply with all the conditions. The proposed use is 381 feet from an existing church at the corner Coran and Simmons in the City of Las Vegas.

Staff does not feel the proposed off-sale will create a negative impact on the neighborhood. It is a commercial, retail center and there are other liquor uses within the center, including Dotty's restricted gaming.

The proposed applicant in the suite is not set up to allow on-site consumption of alcohol. It is a retail store and does not have seating to encourage loitering.

Staff recommended approval, subject to the condition 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.

Zaman Mohammed Ali, applicant, 2115 Logsdon Dr., North Las Vegas, requested approval. Initially, her business was a Dollar Store and she was not able to make enough profit to pay taxes and rent. Customers requested tobacco, beer and wine be added.

Chairman Ewing opened the public hearing.

Bob Jones, 2655 W. Lake Mead, North Las Vegas, spoke in opposition to this item, and stated there was a 500 person nursing home located approximately 100 feet from the proposed site. There is a 7-11 across the street that sells beer and wine. There is a church in the area. He is concerned if there is too much liquor in that area that it could create safety issues for the senior citizens in the nursing home.

Commissioner Perkins spoke in support of this item, citing the street provides separation from the church. Beer and wine is on one side, separated by 381 feet, and the street is a barrier of separation.

Mr. Eastman advised he attempted to contact the church concerning this matter, but did not receive a response. No cards were received in opposition or support for this use permit.

Chairman Ewing closed the public hearing.

ACTION: APPROVED

MOTION: Commissioner Acevedo

AYES: Chairman Ewing, Vice-Chairman Kraft, Commissioners Perkins, Stone, Acevedo, Robison and Greer

NAYS: None

ABSTAIN: None

12. **UN-29-13 (52543) ANN & SIMMONS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY THANH LEWIS, PROPERTY OWNER, FOR AN EXTENSION OF TIME TO A PREVIOUSLY APPROVED SPECIAL USE PERMIT IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW AN "ON-SALE" LIQUOR ESTABLISHMENT (RESTRICTED GAMING). THE PROPERTY IS LOCATED AT 2696 WEST ANN ROAD. THE ASSESSOR'S PARCEL NUMBER IS 124-29-811-002. (FOR POSSIBLE ACTION)**

This item was presented by Robert Eastman, Principal Planner.

This site previously operated as a Timbers Bar and Tavern, which were originally constructed in 2002, and opened in 2003. They continued to operate until 2011 when they ceased to operate. Since that time, it has been vacant, and has not substantially changed. No other tenant has occupied the space.

Originally, the use permit was approved in 2013, and the applicant is requesting an extension of time. The neighborhood has not substantially changed and the neighboring uses are not substantially different.

Staff recommended approval, subject to condition 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.

George Garcia, 1055 Whitney Ranch Dr., Ste. 210, Henderson, stated if approved, the tenant will be able to get this place back into business, which will be good for the shopping center, the neighborhood, and the City. Mr. Garcia agreed with staff's recommendation and requested approval.

Chairman Ewing opened the public hearing. Chairman Ewing closed the public hearing.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL ACTION

MOTION: Vice-Chairman Kraft

AYES: Chairman Ewing, Vice-Chairman Kraft, Commissioners Perkins, Stone, Acevedo, Robison and Greer

NAYS: None

ABSTAIN: None

13. **ZN-08-15 (52264) VRD INDUSTRIAL (PUBLIC HEARING). AN APPLICATION SUBMITTED BY OFER NURKIN ON BEHALF OF DEBROUWER RAY AND VICTOR, PROPERTY OWNER, FOR A RECLASSIFICATION OF PROPERTY FROM THE CURRENT DESIGNATION OF M-1, BUSINESS PARK INDUSTRIAL DISTRICT TO AN M-2, GENERAL INDUSTRIAL DISTRICT. THE PROPERTY IS LOCATED 4245 PRODUCTION COURT. THE ASSESSOR'S PARCEL NUMBER IS 140-06-311-004. (FOR POSSIBLE ACTION)**

This item was presented by Robert Eastman, Principal Planner.

Production Court is a small street that runs 760 feet south from Craig Road. The street is predominantly M-1. There are two parcels; one located at the northwest corner that is M-2 and one at the northeast corner that is C-2.

Immediately to the west of this lot is a small section of M-2 that is adjacent on a neighboring street.

The applicant is requesting the designation be changed to M-2 to allow the applicant to apply for a special use permit for auto repair. The applicant has an auto repair business specifically for body work, which is not permitted within the M-1 District.

The Comprehensive Plan designation for the area is heavy industrial. In some aspects, the Plan supports the designation to M-2. Adjacent to the east of Production Ct. are single-family homes located within the county.

Staff believes that M-1 is a better buffer between heavy industrial uses to the west and the lighter development of the single-family residences. The buffer is important and helps the quality of life for the residents located to the east.

Staff stated M-1 is a more appropriate use than the requested M-2, and recommended the item be denied.

Victor DeBrouwer (owner), 5975 N. Campbell Rd., Las Vegas, introduced Ofer Nurkin, tenant. Mr. DeBrouwer stated he has a ten year lease and a five year option with Mr. Nurkin. Previously, Mr. DeBrouwer had a business there for the previous ten years. Mr. DeBrouwer stated he is a commercial roofing, sheet metal and general contractor. He stated Mr. Nurkin's business is in a much better position for the neighbors than his hot tar pots and big tankers under M-1.

Mr. DeBrouwer asked the Planning Commission to approve the M-2 designation and stated the problem with the zoning came from his realtor who did not do his due diligence. Mr. DeBrouwer added he has a \$33,000 real estate commission that he is looking at. Mr. DeBrouwer advised Mr. Nurkin has already relocated and has been there eight or nine months and is a good tenant.

Ofer Nurkin, 6537 Golden Bit Ave., Las Vegas, has been in the valley for over 20 years and owns auto body/spray gun business with his father. His former landlord did not want to renew the rent at his old location and he moved to his new location. His prior location was designated M-1. He stated he could not afford to move again. Mr. Nurkin held a neighborhood meeting and no one opposed. The street is all commercial and is a dead end street.

Chairman Ewing opened the public hearing. Chairman Ewing closed the public hearing.

Dave Brown, 9910 W. Cheyenne, assisted the applicant with his application. Originally they thought it should be allowed in an M-1 designation just like the City, but the code allows auto service, but not auto repair.

Mr. Brown met with staff and asked if they should request a text amendment or a re-zone so that it is classified to that property only. Staff recommended he submit a re-zone.

Mr. Brown stated on the west side of the street, M-2 backs up to the entire west side of the Production Ct. cul-de-sac. On the east side of the street, the M-1 could remain in place for less intense uses that would back up to residential. Mr. Brown opined the uses on the west side would not affect the residential area on the other side of Production Ct.

Commissioner Stone asked staff to provide a random list of uses in M-2. Mr. Eastman stated among them by right are: Technical schools, hospitals, public utilities, cell tower, freight terminal, feed store, nurseries, animal hospital, and car repair.

Commissioner Acevedo asked if the zoning change would affect only this parcel and Mr. Eastman confirmed it would. Commissioner Acevedo stated the applicant would incur a hardship if the item were not approved. Mr. Eastman responded it could for him, individually. Based upon the information provided, the applicant has been at the location for eight or nine months and has operated within the City without a business license. This issue would have been raised at the time he applied for his license. While it could be hardship for him it is also a hardship for the landowner because he may be without a tenant. This would be a hardship that is self-imposed.

Commissioner Robison asked if this classification could be restricted and Mr. Eastman stated you cannot condition zone changes. It is a straight re-zoning.

If the zone change is approved by Planning Commission and forwarded to City Council, the current applicant would have to request a use permit. Conditions could be applied at that time; however, it does not change the underlying zoning which would be M-2.

Commissioner Robison asked the applicant to describe his business and he stated he does body work and painting for commercial and private customers. Mr. Nurkin added he employs over 16 staff.

Mr. Nurkin reiterated he would appreciate approval on this item. He stated a lot of families were counting on his business.

Mr. DeBrouwer reiterated there were no objections to his business.

Dave Brown discussed the option of moving forward with a zoning ordinance amendment to allow the auto repair as a special use in the M-1 (to be consistent valley-wide) versus a re-zoning. The applicant could return to the Planning Commission with a zoning ordinance amendment and special use permit at the same time.

Vice-Chairman Kraft asked if this would make the City consistent with other entities in the valley. Mr. Eastman responded additional research would need to be done. He added that by having it as a special use permit you could state he is appropriate because of his location on Production Ct. If someone came in for an auto repair on the east side of Production Ct., it could be determined they are not appropriate because of the residential area.

Mr. Eastman stated an ordinance amendment would go to the Planning Commission on December 9, and then to City Council in January. Their use permit could not be approved until after City Council adopts the ordinance amendment. The use permit would not come before the Planning Commission until February.

Vice-Chairman Kraft and Commissioner Perkins were concerned about the potential of spot zoning.

Mr. Eastman stated if the Planning Commission approved rezoning, the applicant would still need a use permit. If the M-2 were approved, the item would then go before City Council, and the applicant would have to apply for a use permit for auto repair.

Chairman Ewing asked what happened to the business in the interim. Mr. Blackburn advised the applicant moved in without a business license and proper land use approval. Mr. Blackburn did not see the immediate risk to public health and safety, and advised the City wanted to be business friendly, and enable them to be compliant with the City's laws and ordinances.

Director Blackburn advised he and staff had not seen the site to perform a health and safety inspection. There are certain triggers for a paint and body shop, and they need to meet current fire codes. Staff would perform a fire/life safety inspection in the interim.

Mr. Jordan discussed and clarified the two different types of applications.

ACTION: CONTINUED TO DECEMBER 9, 2015

MOTION: Commissioner Perkins

AYES: Chairman Ewing, Vice-Chairman Kraft, Commissioners Perkins, Stone, Acevedo, Robison and Greer

NAYS: None

ABSTAIN: None

OLD BUSINESS

14. ZOA-04-15 (51959) TITLE 17 (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BATTLEFIELD VEGAS ON BEHALF OF APEX HOLDING COMPANY, PROPERTY OWNER, TO AMEND TITLE 17 (ZONING ORDINANCE) SPECIFICALLY SECTIONS, 17.16.050.F.3.E TABLE 17.16-3, (I-A OVERLAY DISTRICT PERMITTED USES) AND 17.32.030, (DEFINITION OF TERMS), TO DEFINE AND ALLOW "OUTDOOR INSTRUCTION/ ENTERTAINMENT" WITHIN THE APEX OVERLAY DISTRICT AS A SPECIAL USE. (FOR POSSIBLE ACTION) (CONTINUED AUGUST 12 AND SEPTEMBER 9, 2015)

This item was presented by Robert Eastman, Principal Planner.

The applicant proposed to change the ordinance to allow outdoor public and private recreational and/or instructional facilities that are mostly conducted outdoors. This includes, but is not limited to, firing ranges, mock war games, motorized vehicle courses, and obstacle courses.

A federal mandate (act of Congress) created Apex and requires that the uses be designed for uses that are not appropriate in a more populated area. The legislation specifically states that it maintain the capacity of Nellis Air Force Base (NAFB) to be able to fulfill its mission to train Air Force Pilots.

Staff discussed the item with NAFB, who submitted a letter that expressed their opposition. The potential uses that could be used under the use permit are not appropriate and would be detrimental to their training facility.

The City's standpoint is to ensure the protection of NAFB and the ability to use the Apex area more as its intended use for heavy industrial uses that are not appropriate within the City; therefore, staff recommends the zoning ordinance be denied.

Dave Brown, 9910 West Cheyenne, stated they spent a lot of time with NAFB. They are very familiar with the Apex area and the mission of NAFB. They have been a good

neighbor to them and have notified them of every use that could be deemed controversial.

In May 2014, Mr. Brown met with security staff and a group of officers at NAFB to discuss this use in detail. He brought their concerns to his client, and submitted an application. At that time, they did not have many concerns other than a projectile going into the air over 50 feet in height.

The application was submitted and they came forward with the Task Force item and in between the time they met with NAFB and when the Task Force item was submitted, a new regime was in place at NAFB and additional concerns surfaced.

They immediately met with NAFB and the item was held over 60 days to address their concerns. One concern was over firing a 50 caliber rifle. Mr. Brown advised they were not bringing that special use forward at tonight's meeting, and would be after the ordinance amendment was heard at both Planning Commission and City Council.

Tonight they were asking that outdoor recreation be allowed in the Apex Industrial Park. There are over 18,000 acres in Apex; 13,000 acres are in the City of North Las Vegas. Mr. Brown stated 5,000 acres are developable and they are pushing forward with heavy industrial uses, which will create jobs.

The acreage they want to move forward with the zoning ordinance amendment are located on the more rugged terrain in Apex. They met with NAFB and showed them the site and Mr. Brown said it was a question of whether it is compatible with their mission.

Mr. Brown stated they took the City's Economic Development Director and an owner of Apex on a tour of the proposed site.

Victor Rodriguez, 6020 Beal Ave., Nellis Air Force Base, spoke in opposition to this item. Mr. Rodriguez stated he had previously met with Battlefield Vegas multiple times. The concern wasn't so much about the proposed uses as much as the intent to create a new entertainment overlay within Apex.

Congress, the State of Nevada and North Las Vegas were concerned about it so much that they stated it in the Apex Overlay that NAFB is important to us.

From NAFB perspective, one of the concerns about the entertainment overlay permitted use within Apex is that you are opening this up to all of Apex. Today it is Battlefield Vegas, tomorrow could be an outdoor balloon business or drones. The bigger question is what happens next.

Mr. Rodriguez respectfully requested the Planning Commission deny this item so that they can continue doing their mission.

Commissioner Acevedo stated for the record per NRS 281a.420 requires him to disclose a conflict of interest on this matter before the body today. He has a personal relationship with one of the owners of Battlefield Vegas, and therefore, he concludes that the independency of his judgment on the reasonable person of his situation would be materially affected by the relationship and because of this a clear case of disqualifying conflict of interest, he will abstain from voting on this matter.

Richard Carreon (phonetic), 3337 Mountain Skies Ct., North Las Vegas, stated he lived most of his adult life in a military installation, and knew there were liabilities that came with being at the end of a flight line or near the impact area. If an ordinance is not attached correctly to a plane, it can fall off. Although he would like this type of business, the placement of something recreational in the proposed area would not be conducive because of the liability.

Gina Gavan, CNLV Economic Development Director, visited the proposed site, which was located in a remote area, and sits in a basin behind the mountains. Ms. Gavan stated the area had no other use other than what was being proposed. Ms. Gavan stated Apex was a priority for the City, and this request was something the Department of Economic Development supported. Ms. Gavan met with NAFB and with Victor Rodriguez. Subsequent to the denial letter, Ms. Gavan and Mayor Lee called NAFB and talked with them. Their [and the City's] biggest concern was safety.

Ms. Gavan asked Battlefield to share their safety record and asked if there had been any major claims, and Battlefield had not had any. She reiterated the Economic Development Department supported this item.

Mr. Blackburn requested this item be continued to allow staff to meet with the interested parties and to address issues with staff to achieve concurrence on this item.

ACTION: CONTINUED TO NOVEMBER 10, 2015

MOTION: Vice-Chairman Kraft

AYES: Chairman Ewing, Vice-Chairman Kraft, Commissioners Perkins, Stone, Acevedo, Robison and Greer

NAYS: None

ABSTAIN: None

15. **AMP-03-15 (52283) COLEMAN AIR PARK II & III (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DND HOLDING LLC, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN, LAND USE ELEMENT, TO CHANGE THE CURRENT DESIGNATION OF MIXED USE EMPLOYMENT TO HEAVY INDUSTRIAL. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF COLEMAN STREET AND EVANS AVENUE.**

THE ASSESSOR'S PARCEL NUMBER IS 139-17-611-005. (FOR POSSIBLE ACTION) (CONTINUED SEPTEMBER 9, 2015)

ACTION: CONTINUED TO DECEMBER 9, 2015 PER THE APPLICANT'S REQUEST

MOTION: Vice-Chairman Kraft

AYES: Chairman Ewing, Vice-Chairman Kraft, Commissioners Perkins, Stone, Acevedo, Robison and Greer

NAYS: None

ABSTAIN: None

16. **ZN-07-15 (52262) COLEMAN AIR PARK II & III (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DND HOLDING LLC, PROPERTY OWNER, FOR A RECLASSIFICATION OF PROPERTY FROM ITS CURRENT DESIGNATION OF M-1, BUSINESS PARK INDUSTRIAL DISTRICT TO AN M-2, GENERAL INDUSTRIAL DISTRICT. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF COLEMAN STREET AND EVANS AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-17-611-005. (FOR POSSIBLE ACTION) (CONTINUED SEPTEMBER 9, 2015)**

ACTION: CONTINUED TO DECEMBER 9, 2015 PER THE APPLICANT'S REQUEST

MOTION: Vice-Chairman Kraft

AYES: Chairman Ewing, Vice-Chairman Kraft, Commissioners Perkins, Stone, Acevedo, Robison and Greer

NAYS: None

ABSTAIN: None

17. **WAV-04-15 (52263) COLEMAN AIR PARK II & III (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DND HOLDING LLC, PROPERTY OWNER, FOR A WAIVER IN AN M-1, BUSINESS PARK INDUSTRIAL DISTRICT (PROPOSED PROPERTY RECLASSIFICATION TO AN M-2, GENERAL INDUSTRIAL DISTRICT) TO WAIVE A PORTION OF THE PARKING AND LANDSCAPE REQUIREMENTS. THE PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF COLEMAN STREET AND EVANS AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-17-611-005. (FOR POSSIBLE ACTION) (CONTINUED SEPTEMBER 9, 2015)**

ACTION: CONTINUED TO DECEMBER 9, 2015 PER THE APPLICANT'S REQUEST

MOTION: Vice-Chairman Kraft
AYES: Chairman Ewing, Vice-Chairman Kraft, Commissioners Perkins, Stone, Acevedo, Robison and Greer
NAYS: None
ABSTAIN: None

18. **UN-51-15 (52231) CRITTER CARE PYLON SIGN (PUBLIC HEARING). AN APPLICATION SUBMITTED BY SHARON GORMAN ON BEHALF OF DOCGORM LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW A 35-FOOT HIGH PYLON SIGN. THE PROPERTY IS LOCATED AT 3250 NORTH DECATUR BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 139-07-410-009. (FOR POSSIBLE ACTION) (CONTINUED SEPTEMBER 9, 2015)**

ACTION: CONTINUED TO NOVEMBER 10, 2015 PER THE APPLICANT'S REQUEST

MOTION: Vice-Chairman Kraft
AYES: Chairman Ewing, Vice-Chairman Kraft, Commissioners Perkins, Stone, Acevedo, Robison and Greer
NAYS: None
ABSTAIN: None

PUBLIC FORUM

Jeff Alpert, 3828 Fuselier Dr., North Las Vegas, spoke regarding the City's website, accessing the Planning Commission meeting agenda and viewing future meetings via live streaming.

Mr. Alpert also suggested all required community meetings be posted on the City's website.

Mr. Alpert discussed Ft. Cheyenne Casino, and stated he did not recall Dotty's being on a Planning Commission meeting agenda, and now Dotty's is on the property.

DIRECTOR'S BUSINESS

Director Blackburn welcomed Commissioner Greer to the Planning Commission.

CHAIRMAN'S BUSINESS

There was no new business to report.

ADJOURNMENT

The meeting adjourned at 7:58 p.m.

APPROVED: November 10, 2015

/s/ Willard Ewing
Willard Ewing, Chairman

/s/ Julie Shields
Julie Shields, Recording Secretary