

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

Tuesday, November 10, 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:** Marc Jordan, Planning Manager
Robert Eastman, Principal Planner
Sandra Morgan, City Attorney
Jose Valenzuela, Deputy City Attorney
Robert McLaughlin, Public Works/Manager
Curt Kroeker, Public Works/Engineering Associate
Teodoro Mendez, Police Department
Julie Shields, Executive Secretary/Recording
Secretary
- VERIFICATION:** Julie Shields, Recording Secretary
- PLEDGE OF ALLEGIANCE:** Commissioner Randy Robison

PUBLIC FORUM

There was no public participation.

AGENDA

1. **APPROVAL OF THE PLANNING COMMISSION MEETING AGENDA OF NOVEMBER 10, 2015 (FOR POSSIBLE ACTION)**

ACTION: APPROVED AS AMENDED; ITEM NO. 19 (UN-51-15) WAS WITHDRAWN PER THE APPLICANT'S REQUEST

MOTION: Commissioner Perkins

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 OCTOBER 14, 2015 (FOR POSSIBLE ACTION)**

ACTION: APPROVED

MOTION: Commissioner Greer

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

NAYS: None

ABSTAIN: None

NEW BUSINESS

3. **UN-68-15 (52750) VERIZON WIRELESS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY VERIZON WIRELESS, ON BEHALF OF GCP PROPERTIES LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW A TELECOMMUNICATION TOWER AND FACILITY. THE PROPERTY IS LOCATED APPROXIMATELY 310 FEET WEST OF MCCARRAN STREET**

AND NORTH OF CENTENNIAL PARKWAY. THE ASSESSOR'S PARCEL NUMBER IS 124-24-401-019. (FOR POSSIBLE ACTION)

This item was presented by Robert Eastman, Principal Planner.

The applicant proposed to develop the site with an 86-foot tall mono-palm on a lot slightly larger than two acres in size. The applicant contacted the other neighboring commercial parcels to try to locate on those parcels, but was unable to reach an agreement.

The site is 73 feet from the existing multi-family development to the north. The applicant requested a reduction in the required setback of 200 feet. The site plan indicates a traditional mono palm with a small 1,000 square foot walled area containing the tower and utility building. The walled area is in compliance with the design standards.

Staff supported the tower as a use, but did not support the requested reduction of the setback from 200 feet to 73 feet. The lot is a vacant, undeveloped lot. There is adequate space to move the tower farther to the south and preserve the 200 foot setback. The setback is necessary to protect the neighborhood to the north.

Staff recommended approval, subject to conditions.

The conditions are as follows:

Planning & Zoning:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances;
2. All antenna arrays shall comply with the telecommunication design requirements.
3. The equipment sheds shall be constructed of decorative block, stone or stucco because they exceed the height of the enclosed wall.
4. The tower shall comply with the 200 foot separation requirement from all residential properties.

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 and/or prior to the issuance of any permits associated with this application.
7. The developer shall provide paved access to the tower that satisfies the requirements of Clark County Department of Air Quality rules and regulations; additional temporary paving within the public right-of-way will be required. The paved on-site service access must extend from the public roadway to the facility.
8. The location of the temporary access / driveway fronting Centennial Parkway is subject to review and approval by the City Traffic Engineer and must meet the minimum standards set forth in *North Las Vegas Municipal Code* section 17.24.040 and *Clark County Area Uniform Standard Drawing* number 222.1. Conformance may require modifications to the site plan.

Tracy Cline, 8905 W. Post Rd., Las Vegas, appeared on behalf of the applicant. Mr. Cline referred to the analysis on page two of the Staff Report, and conversations that they had with other property owners. The written correspondence that is in the Planning Commission's meeting back-up is a different conversation that he had with some of the owners.

Mr. Cline agreed with Condition Nos. 1 and 2. He referenced Condition No. 3 and stated Verizon had recently stopped using the equipment shelters, and they will revise the plans to remove it, and install outdoor cabinets which are not taller than the walls.

Mr. Cline addressed the issue of the setback and reviewed an aerial of the subject site. He approached the property owner who wanted the tower in the back property line, and Mr. Cline recommended it be located 200 feet from the nearest apartment building.

Mr. Cline stated what is between the property line and apartment building is a parking lot, a trash enclosure and some covered parking. The open space in the apartment development is on the interior. The pool, club house, and other amenities are at the north end, which are more than 700 feet away from the proposed site. The apartments don't have exterior patios, but some have balconies.

Mr. Cline met with Councilman Cherchio shortly after he was sworn in, and he requested Mr. Cline contact the property owners to the north and west to solicit their input prior to submitting the application. Mr. Cline sent letters and he received a response from property owners to the west via e-mail and he answered their questions. He did not receive a response from one of the principals in Las Vegas.

Mr. Cline indicated he spoke with apartment owners who stated the telecommunication towers do not impact their ability to rent apartments.

Mr. Cline discussed the code treats multi and single-family residential uses differently. Multi is a buffer between single-family and commercial.

If the site is moved 200 feet from the property line, it would move it 82 feet off Centennial.

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

Chairman Ewing asked if any of the renters had been contacted and Mr. Cline responded, no. Chairman Ewing asked if there were any provisions in the County Codes or Ordinances that support the argument that it should be the actual wall of the apartment complex as opposed to the property line.

Mr. Eastman stated the City's ordinance regarding setbacks for cell towers was based on from the residential property line and is not measured from the building. The ordinance gives the right to the applicant to request a waiver of that setback requirement as part of his use permit, and the Planning Commission to grant waivers of that setback.

Commissioner Robison asked staff to provide rationale for 200-foot setback. Mr. Eastman stated it was to protect the residents and provide the best quality of life for them. Having the cell tower closer to residential dwellings is less desirable and could impact property values.

Commissioner Robison confirmed it was not a life safety issue. Mr. Eastman stated from a safety standpoint closer proximity to the tower could create the potential for injury. Conversely, the building codes are written to prevent the tower from falling over. Commissioner Robison stated he preferred the fuller mono palm design.

In addition, Commissioner Robison stated he worked for Century Link who conducted business with Verizon and other providers. He stated he would not be affected any more than any reasonable person and would vote on this item.

ACTION: APPROVED

MOTION: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

4. **UN-69-15 (52752) CHRIST THE KING CHRISTIAN FELLOWSHIP (PUBLIC HEARING). AN APPLICATION SUBMITTED BY JUANITA THOMAS, ON BEHALF OF HCP PROPERTIES LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A PUD, PLANNED UNIT DEVELOPMENT DISTRICT TO ALLOW A RELIGIOUS INSTITUTION (CHURCH). THE PROPERTY IS LOCATED AT 3925 MARTIN L. KING BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 139-09-101-003. (FOR POSSIBLE ACTION)**

This item was presented by Robert Eastman, Principal Planner.

This is a 5.7 acre site that has been developed for a number of years. The applicant proposed to occupy two suites located on the second story of the commercial complex. One suite would be used as an office for the church and the other would be used for services.

According to the applicant, they will have services on Sunday at 10:00 a.m. and Sunday school classes, along with bible study on Wednesday evenings.

There is adequate parking for the proposed use. The church would not create any negative impact on the center. Staff recommended approval subject to conditions.

Chairman Ewing acknowledged the presence of Councilman Cherchio in Council Chambers and thanked him for his service.

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.

Juanita Thomas, 140 W. Cheyenne Ave., Las Vegas, stated Suite 206 would be used for youth services and classes.

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

5. **UN-70-15 (52757) ZIP ZAP TRUCKING (PUBLIC HEARING). AN APPLICATION SUBMITTED BY VICTOR BOTNARI, ON BEHALF OF JAMES MCCARTER-STANDARD LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-1, BUSINESS PARK INDUSTRIAL DISTRICT, TO ALLOW A VEHICLE SERVICE FACILITY. THE PROPERTY IS LOCATED AT 4350 PRODUCTION COURT. THE ASSESSOR'S PARCEL NUMBER IS 140-06-311-013. (FOR POSSIBLE ACTION)**

This item was presented by Robert Eastman, Principal Planner.

The building is approximately 7,000 square feet, which is currently vacant. It contains a large yard that is fenced off from the front of the site. They propose to turn this into a maintenance and storage facility for their fleet vehicles. In addition, it would be used for over-flow from other locations throughout the valley.

Mr. Eastman advised the site has some challenges. There is a landscape buffer adjacent to the residential homes, immediately to the east, that is relatively large but is not fully developed with appropriate landscaping.

There are some requirements regarding their gate which is located at the front of the facility and is chain link and not in compliance with the code. Staff requests that be changed to opaque to comply with design standards.

All service of the vehicles is proposed within the building. Staff does not believe this would create a negative impact on the neighborhood and with the inclusion of the buffering adjacent to the east and adding shrubbery along Production Court, staff recommended approval, subject to conditions.

The conditions are as follows:

Planning & Zoning:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. Additional trees 24 inch box trees shall be provided along the east property line at 20 feet on center to provide buffering to the residential to the east.
3. The chain link fencing and gate shall be replaced with a block wall and opaque metal gate, to match the existing wall design.
4. All vehicles stored overnight must be within the building or within the gated parking / storage area.

Public Works:

5. The gates at the driveway shall remain open during business hours.

Victor Botnari, 2964 Sand Lake Drive, agreed with Staff recommended conditions. Mr. Botnari will take the chain link fence down and put the opaque fence in. He will work on the buffer for landscaping and put in trees. He added this facility would be mostly used for storage of the vehicles, and had no issues with the storage requirements.

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

ACTION: APPROVED

MOTION: Commissioner Robison

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

NAYS: None

ABSTAIN: None

6. **VAC-07-15 (52771) VILLAGE 3 TULE SPRINGS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CRESCENT BAY DEVELOPMENT SERVICES LLC, ON BEHALF OF KBSSOR PARK HIGHLANDS LLC, PROPERTY OWNER, TO VACATE PUBLIC RIGHT-OF-WAYS AND UTILITY EASEMENTS.**

THE PROPERTIES ARE GENERALLY LOCATED WITHIN AN AREA BORDERED BY DEER SPRINGS WAY; LOSEE ROAD; GRAND TETON DRIVE; AND THE ALIANTE MASTER PLANNED COMMUNITY. THE ASSESSOR'S PARCEL NUMBERS ARE 124-14-199-001, 124-14-299-001 THROUGH 003, 124-14-399-001, 124-14-599-001 AND 002, 124-14-699-001, 124-14-799-001 THROUGH 003, 124-14-899-001 AND 002, 124-15-399-001 AND 002, 124-15-599-001, 124-15-699-001, 124-15-799-001 THROUGH 003, 124-16-199-001 AND 002, 124-16-299-001, 124-16-399-001, 124-16-499-004, 124-16-499-007, 124-16-599-001, 124-16-699-001, 124-16-799-001 AND 002, 124-23-199-008, 124-23-299-005 AND 006, 124-23-599-002 AND 124-23-699-009. (FOR POSSIBLE ACTION)

This item was presented by Robert Eastman, Principal Planner.

Mr. Eastman advised the site has been going through some changes as a result of amendments to the Development Agreement. The Villages of Tule Springs is the new master plan, and was previously developed under Park Highlands. All the streets and easements were developed under the Park Highlands Agreement and the Tule Springs Agreement has a different land plan, and different road alignments.

The applicant is requesting the existing rights-of-way and easements be vacated to allow the land to be merged, and to re-plot the new development in compliance with the existing Development Agreement.

Staff supports the proposed vacation and stated it was necessary for the applicant to move forward to develop their master planned community.

Mr. Eastman referred to the Public Works Memorandum dated November 9, 2015, which reflects updated Public Works conditions. Staff met with the applicant several times, and they are aware of these conditions.

Staff recommended approval subject to the new conditions in the Public Works Memorandum dated November 9, 2015.

Public Works:

1. The vacation must record concurrently with the new map. Appropriate subdivision and/or parcel mapping is required to complete this project. All mapping shall be in compliance with NRS Chapter 278 and the *City of North Las Vegas Municipal Code* and associated Master Plans in effect at the time of subdivision and/or parcel map approval.

2. Should the Order of Vacation not record within one year from the approval date, this vacation shall be deemed null and void.
3. The precise areas being vacated are subject to modification based upon a detailed review of the right-of-way being dedicated during the map review and/or civil improvement plan review process.

Jerry Slater, 5740 South Arville, Ste. 216, Las Vegas, represented the applicant. Mr. Slater stated they agreed with staff recommended conditions and had no objections.

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

ACTION: APPROVED PER STAFF RECOMMENDATIONS AND REVISED PUBLIC WORKS MEMORANDUM DATED NOVEMBER 9, 2015; 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

7. **ZN-12-15 (52765) LINCOLN ELEMENTARY SCHOOL (PUBLIC HEARING). AN APPLICATION SUBMITTED BY THE CLARK COUNTY SCHOOL DISTRICT-LINDA PERRI, ON BEHALF OF THE SCHOOL BOARD OF TRUSTEES, PROPERTY OWNER, FOR RECLASSIFICATION OF PROPERTY FROM THE CURRENT DESIGNATION OF R-1, SINGLE-FAMILY LOW DENSITY DISTRICT TO A PSP, PUBLIC/SEMI-PUBLIC DISTRICT. THE PROPERTY IS LOCATED AT 3010 BERG STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-13-102-001. (FOR POSSIBLE ACTION)**

Item Nos. 7 (ZN-12-15), 8 (VN-05-15) and 9 (UN-71-15) were presented concurrently by Robert Eastman, Principal Planner. Each item was voted upon separately.

Item No. 7, ZN-12-15. This is an eight (8) acre site located at the northeast corner of Brooks Avenue and Berg Street, and is the site of Lincoln Elementary School and its associated park.

Mr. Eastman stated the request for the reclassification is appropriate for this use and neighborhood.

Item No. 8, VN-05-15. Mr. Eastman stated this request would allow a reduction in their parking lot setback to zero feet, along the north and west property lines.

The parking lot requires the variance. The site is large enough to provide the parking in compliance with the setback requirements. The site contains both the school and the Hebert Memorial Park. The park land is currently closed and the School District is proposing to develop what is the existing park site for the new school site. After the school is built, they would demolish the existing school and develop that into the new park site.

The conditions for VN-05-15 are as follows:

Planning & Zoning:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. This variance shall become null and void should the accompanying special use permit (UN-71-15) not be approved by the Planning Commission.
3. The building and parking shall maintain the setbacks as shown on the accompanying site plan.
4. A landscaped hedge shall be provided between all parking lots and curb, in addition to the buffering landscaping.

Public Works:

5. A revocable encroachment permit for landscaping within the right of way is required.

Item No. 9, UN-71-15. Mr. Eastman stated this request is for the use permit for the school site. The school is required to have a use permit. The proposed school is 105,000 square feet, is a two story building with 54 rooms, including classrooms, administrative offices, library and meeting rooms.

The conditions for UN-71-15 are as follows

Planning & Zoning:

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

ordinances.

2. The site plan shall be modified to comply with all setback requirements if VN-05015 is denied.
3. The site plan and elevations shall be submitted to the Planning and Zoning Division for final approval prior to start of construction.

Public Works:

4. 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.
5. Approval of a drainage study is required prior to submittal of the civil improvement plans.
6. The driveway 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. Conformance may require modifications to the site plan.
7. The project's proposed driveways at the following locations shall align with the corresponding existing street opposite the driveway:
 - a. Basswood Cir
 - b. Vana Ave
8. An updated safe walking route with appropriate signage shall be provided.
9. Onsite pedestrian circulation shall be established so that students are directed to an intersection having a marked crosswalk.
10. All Nevada Energy easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground if impacted by the proposed development of the parcel or if the pole impedes upon the proper ADA clearances for sidewalk. Under no circumstances will new down guy wires be permitted.

Staff recommended approval of the re-zoning, variance and use permit.

Linda Perri, Clark County School District, 4190 McCleod Drive and Mike Purtill, TSK Architect, appeared to answer questions. Ms. Perri stated the school is in need of

replacement and they will maintain the park. Ms. Perri added they agreed with staff's conditions.

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

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

8. **VN-05-15 (52767) LINCOLN ELEMENTARY SCHOOL (PUBLIC HEARING). AN APPLICATION SUBMITTED BY THE CLARK COUNTY SCHOOL DISTRICT - LINDA PERRI, ON BEHALF OF THE SCHOOL BOARD OF TRUSTEES, PROPERTY OWNER, FOR A VARIANCE IN AN R-1, SINGLE-FAMILY LOW DENSITY DISTRICT (PROPOSED PROPERTY RECLASSIFICATION TO A PSP, PUBLIC/SEMI-PUBLIC DISTRICT) TO ALLOW A ZERO SETBACK WHERE 20 FEET IS REQUIRED FOR THE FRONT PARKING LOT. THE PROPERTY IS LOCATED AT 3010 BERG STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-13-102-001. (FOR POSSIBLE ACTION)**

Item Nos. 7 (ZN-12-15), 8 (VN-05-15) and 9 (UN-71-15) were presented concurrently by Robert Eastman, Principal Planner. Each item was voted upon separately.

Item No. 7, ZN-12-15. This is an eight (8) acre site located at the northeast corner of Brooks Avenue and Berg Street, and is the site of Lincoln Elementary School and its associated park.

Mr. Eastman stated the request for the reclassification is appropriate for this use and neighborhood.

Item No. 8, VN-05-15. Mr. Eastman stated this request would allow a reduction in their parking lot setback to zero feet, along the north and west property lines.

The parking lot requires the variance. The site is large enough to provide the parking in compliance with the setback requirements. The site contains both the school and the Hebert Memorial Park. The park land is currently closed and the School District is proposing to develop what is the existing park site for the new school site. After the

school is built, they would demolish the existing school and develop that into the new park site.

The conditions for VN-05-15 are as follows:

Planning & Zoning:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. This variance shall become null and void should the accompanying special use permit (UN-71-15) not be approved by the Planning Commission.
3. The building and parking shall maintain the setbacks as shown on the accompanying site plan.
4. A landscaped hedge shall be provided between all parking lots and curb, in addition to the buffering landscaping.

Public Works:

5. A revocable encroachment permit for landscaping within the right of way is required.

Item No. 9, UN-71-15. Mr. Eastman stated this request is for the use permit for the school site. The school is required to have a use permit. The proposed school is 105,000 square feet, is a two story building with 54 rooms, including classrooms, administrative offices, library and meeting rooms.

The conditions for UN-71-15 are as follows:

Planning & Zoning:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. The site plan shall be modified to comply with all setback requirements if VN-05015 is denied.
3. The site plan and elevations shall be submitted to the Planning and Zoning Division for final approval prior to start of construction.

Public Works:

4. 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.
5. Approval of a drainage study is required prior to submittal of the civil improvement plans.
6. The driveway 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. Conformance may require modifications to the site plan.
7. The project's proposed driveways at the following locations shall align with the corresponding existing street opposite the driveway:
 - a. Basswood Cir
 - b. Vana Ave
8. An updated safe walking route with appropriate signage shall be provided.
9. Onsite pedestrian circulation shall be established so that students are directed to an intersection having a marked crosswalk.
10. All Nevada Energy easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground if impacted by the proposed development of the parcel or if the pole impedes upon the proper ADA clearances for sidewalk. Under no circumstances will new down guy wires be permitted.

Staff recommended approval of the re-zoning, variance and use permit.

Linda Perri, Clark County School District, 4190 McCleod Drive and Mike Purtill, TSK Architect, appeared to answer questions. Ms. Perri stated the school is in need of replacement and they will maintain the park. Ms. Perri added they agreed with staff's conditions.

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

9. **UN-71-15 (52766) LINCOLN ELEMENTARY SCHOOL (PUBLIC HEARING). AN APPLICATION SUBMITTED BY THE CLARK COUNTY SCHOOL DISTRICT - LINDA PERRI, ON BEHALF OF THE SCHOOL BOARD OF TRUSTEES, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN R-1, SINGLE-FAMILY LOW DENSITY DISTRICT (PROPOSED PROPERTY RECLASSIFICATION TO A PSP, PUBLIC/SEMI-PUBLIC DISTRICT) TO ALLOW AN ELEMENTARY SCHOOL. THE PROPERTY IS LOCATED AT 3010 BERG STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-13-102-001. (FOR POSSIBLE ACTION)**

Item Nos. 7 (ZN-12-15), 8 (VN-05-15) and 9 (UN-71-15) were presented concurrently by Robert Eastman, Principal Planner. Each item was voted upon separately.

Item No. 7, ZN-12-15. This is an eight (8) acre site located at the northeast corner of Brooks Avenue and Berg Street, and is the site of Lincoln Elementary School and its associated park.

Mr. Eastman stated the request for the reclassification is appropriate for this use and neighborhood.

Item No. 8, VN-05-15. Mr. Eastman stated this request would allow a reduction in their parking lot setback to zero feet, along the north and west property lines.

The parking lot requires the variance. The site is large enough to provide the parking in compliance with the setback requirements. The site contains both the school and the Hebert Memorial Park. The park land is currently closed and the School District is proposing to develop what is the existing park site for the new school site. After the school is built, they would demolish the existing school and develop that into the new park site.

The conditions for VN-05-15 are as follows:

Planning & Zoning:

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

ordinances.

2. This variance shall become null and void should the accompanying special use permit (UN-71-15) not be approved by the Planning Commission.
3. The building and parking shall maintain the setbacks as shown on the accompanying site plan.
4. A landscaped hedge shall be provided between all parking lots and curb, in addition to the buffering landscaping.

Public Works:

5. A revocable encroachment permit for landscaping within the right of way is required.

Item No. 9, UN-71-15. Mr. Eastman stated this request is for the use permit for the school site. The school is required to have a use permit. The proposed school is 105,000 square feet, is a two story building with 54 rooms, including classrooms, administrative offices, library and meeting rooms.

Staff recommended approval of the re-zoning, variance and use permit.

The conditions for UN-71-15 are as follows:

Planning & Zoning:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. The site plan shall be modified to comply with all setback requirements if VN-05015 is denied.
3. The site plan and elevations shall be submitted to the Planning and Zoning Division for final approval prior to start of construction.

Public Works:

4. 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.

5. Approval of a drainage study is required prior to submittal of the civil improvement plans.
6. The driveway 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. Conformance may require modifications to the site plan.
7. The project's proposed driveways at the following locations shall align with the corresponding existing street opposite the driveway:
 - c. Basswood Cir
 - d. Vana Ave
8. An updated safe walking route with appropriate signage shall be provided.
9. Onsite pedestrian circulation shall be established so that students are directed to an intersection having a marked crosswalk.
10. All Nevada Energy easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground if impacted by the proposed development of the parcel or if the pole impedes upon the proper ADA clearances for sidewalk. Under no circumstances will new down guy wires be permitted.

Linda Perri, Clark County School District, 4190 McCleod Drive and Mike Purtill, TSK Architect, appeared to answer questions. Ms. Perri stated the school is in need of replacement and they will maintain the park. Ms. Perri added they agreed with staff's conditions.

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

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Greer

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

NAYS: None

ABSTAIN: None

10. **SPR-09-11 (52612) MULTI-FAMILY @ TROPICAL/LAMB (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MID-AMERICA APARTMENT LP C/O AZURE #070023, PROPERTY OWNER, FOR AN EXTENSION OF TIME TO A PREVIOUSLY APPROVED SITE PLAN REVIEW IN AN R-3, MULTI-FAMILY RESIDENTIAL DISTRICT, TO ALLOW 438 MULTI-FAMILY DWELLING UNITS. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF TROPICAL PARKWAY AND LAMB BOULEVARD. THE ASSESSOR'S PARCEL NUMBERS ARE 123-30-601-013 THROUGH 015. (FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Planning Manager.

This is the applicant's second request for an extension of time (a two year continuance). The applicant proposed to develop the site with approximately 15.3 dwelling units to the acre. Twenty-seven (27) two-story buildings are proposed.

Mr. Jordan advised the site plan essentially complies with the multi-family design guidelines. There are a couple of exceptions that are minor and can be reviewed when the building permit is requested. The patios are slightly less than the 80 square feet that is required. Additional detail is needed on the sides and backs of buildings. The site plan or building elevations indicated that the roofing materials should consist of weather wood shingles, which would not be an allowed material. The applicant would have to provide concrete or clay tile roofing. Because of the number of dwelling units within the complex, they are required to provide three distinct themes. The applicant indicates there are four building types, but they seem to be similar to one another, and would have to amend them to provide different types of architectural detailing.

Staff recommended approval.

The conditions are as follows:

Planning & Zoning:

1. Unless expressly authorized through a variance, waiver or another approved method development shall comply with all applicable codes and ordinances.
2. The development shall comply with the Multi-Family Development Standards including, but not limited to:
 - a. All buildings shall include additional architectural detailing to the sides and rears of the buildings within the development. This includes the maintenance building, clubhouse, carports, and garages. Furthermore, concrete or clay tile shall be used on all roofs.

- b. The buildings shall be limited to two (2) stories and not to exceed 35 feet in height to the top of the roof.
 - c. All units are required to have a balcony or patio that cannot be accessed by any other unit. Balcony areas must be a minimum of 40 square feet in size and patio areas must be a minimum of 80 square feet in size.
 - d. Special pavers, bricks or patterned concrete shall be provided for all entry areas and internal walkways, as shown on the submitted site plan.
 - e. The development will also show three (3), "village clusters" as required in the construction plans at the time of building permit submittal.
 - f. No utility panels shall be visible from adjacent rights-of-way or properties.
3. A minimum of 868 non-tandem parking spaces shall be provided.
 4. In addition to the amenities shown on the submitted site plan and other exhibits, the developer will be required to provide the following additional amenities:
 - a. Circuitous lighted paths;
 - b. Pedestrian crossings shall be marked and signed;
 - c. A minimum of twelve (12) benches spaced appropriately along park pathways;
 - d. A minimum of eight (8) exercise stations and mile markers spaced along the paths and open space system and mile markers spaced every 1/4 mile along paths and;
 - e. Details of amenities to be provided at the time of building permit submittal.
 5. The Site Plan Review shall expire on October 12, 2017.

Public Works:

In addition to the requirement to comply with the *City of North Las Vegas Municipal Code - Titles 15 and 16, NRS 278* and accepted *Clark County Area Uniform Standard Drawings*, the Department of Public Works recommends the following conditions of approval:

6. All known geologic hazards shall be shown on the civil improvement plans. Geological hazards such as fault lines or fissures affecting residential structures may substantially alter the proposed building layout and require the submission of a revised site plan 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.

7. Approval of a drainage study is required prior to submittal of the civil improvement plans.
8. All local facilities and street centerline grades must be constructed in conformance with the City of North Las Vegas' *North Neighborhood Flood Control Master Plan*, or as otherwise approved by the Director of Public Works or his designee.
9. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
10. Approval of a traffic impact study is required prior to submittal of the civil improvement plans.
11. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Tropical Parkway.
12. 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. Tropical Parkway
 - b. Azure Avenue
13. Right-of-way dedication and construction of a CAT bus turn-out is required on Tropical Parkway near Lamb Boulevard per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 234.1.
14. Right-of-way dedication and construction of a flared intersection is required for Tropical Parkway approaching Lamb Boulevard per the *Uniform Standard Drawings for Public Works' Construction Off-Site Improvements* Drawing Number 201.1 and 245.1.
15. The developer is required to construct a raised median within Tropical Parkway. The median shall be constructed per *Clark County Area Uniform Standard Drawing* numbers 218 PCC and 219 "A" type island curb. Specifications for the stamped concrete will be provided by the Department of Public Works.
16. Building numbering shall be in accordance with the North Las Vegas Street Naming and Address Assignment Standards.

17. The property owner is required to grant a public pedestrian access easement for sidewalk located within a common element when that sidewalk is providing public access adjacent to the right-of-way.
18. A revocable encroachment permit for landscaping within the public right of way is required.
19. Appropriate mapping is required to complete this project. All mapping shall be in compliance with NRS Chapter 278 and the *City of North Las Vegas Municipal Code* and associated Master Plans in effect at the time of subdivision and/or parcel map approval. Conformance may require modifications to the site.
20. All off-site improvements must be completed prior to final inspection of the first building.
21. Prior to the installation of any subgrade street improvements, all required underground utilities (i.e., telephone, power, water, etc.) located within public rights-of-way, shall be extended a minimum of ten (10) feet beyond the project boundary.
22. All Nevada Energy easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. New distribution lines or existing distribution lines being adjusted or relocated, shall be placed underground.

George Garcia, 1055 Whitney Ranch Dr., Ste. 110, Henderson, agreed with staff recommended conditions and would like to bring the project to the Planning Commission prior to the two year period.

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

11. **SPR-12-08 (52691) LAS FLORES SHOPPING CENTER (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BJS LAS VEGAS LLC C/O SAROFIM REALTY ADVISORS, PROPERTY OWNER, FOR AN EXTENSION OF TIME**

TO A PREVIOUSLY APPROVED SITE PLAN REVIEW IN THE R-A/DC, REDEVELOPMENT-AREA/DOWNTOWN CORE SUBDISTRICT, TO ALLOW AN APPROXIMATELY 352,210 SQUARE FOOT SHOPPING CENTER. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF LAS VEGAS BOULEVARD AND HAMILTON STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-23-111-001. (FOR POSSIBLE ACTION)

This item was presented by Marc Jordan, Planning Manager.

The applicant proposed to develop the site with approximately 350,000 square feet of shopping center, and this is their fourth request for an extension of time.

The applicant recommended a three year extension of time. Staff had no objections and recommended approval.

The conditions are as follows:

Planning & Zoning:

1. That, unless expressly, authorized through a variance, waiver or another method, this development shall comply with all applicable codes and ordinances.
2. Submit a copy of the revised site plan to the Community Development and Compliance Department. The development shall comply with the Commercial Development Standards and Design Guidelines, including but not limited to the following:
 - a. Provide thirty two (32) bicycle parking spaces for the entire development within 100 feet from the building entrances. A typical bicycle parking space shall be at least 6 feet long by 2 feet wide. Covered bicycle parking facilities may be located within a building or structure, under a building eave, stairway, entrance, or similar area, or under a special structure to cover the parking.
 - b. Show staggered landscape diamonds of 5 feet X 5 feet with a tree for every three (3) parking spaces.
 - c. The use of different color or textured materials for the pedestrian connection routes is required.
 - d. Provide a six (6) foot wide foundation landscaping around the proposed new buildings. If the foundation landscaping is determined to be impractical because of soil conditions either landscaping may be transposed with the sidewalk or above ground planters shall be provided.

- e. A minimum 80 percent ground coverage shall be provided within the landscaping next to Carey Avenue, in addition to required trees. Trees shall be spaced at 20 feet on center and shall not exceed a mature height of 15 feet due to the location of utility poles.
 - f. The sidewalk next to Las Vegas Boulevard and Hamilton Street shall be parallel to and off-set from the back of curb by a minimum of five feet, except for turn lanes, bus loading and ADA areas. Furthermore, the sidewalk adjacent to Las Vegas Boulevard shall be a minimum of 10 feet in width, and the sidewalk adjacent to Hamilton Street shall be a minimum of eight feet in width, or as otherwise approved by the Director of Community Development and Compliance.
 - g. A minimum 10 feet of landscaping shall be provided adjacent to the western and southern property lines.
 - h. The sidewalk and curb returns at all driveways adjacent to Carey Avenue shall be modified to meet the current design requirements related to the Americans with Disabilities Act. The additional width of the sidewalk may encroach into the required landscaped area.
3. Provide a detail color scheme for all the proposed buildings consistent with the guidelines listed in the Downtown Master Plan/ Investment Strategy.
 4. Provide a decorative block wall and/or wrought iron view fence to screen the residential developments along the west and south property lines.

Public Works:

5. A minimum of five (5) stacking spaces shall be provided behind the 'order box' for the fast food restaurant.
6. Approval of a traffic study is required prior to the civil improvement plans.
7. The civil improvement plans for the project shall include schedule 40 PVC fiber optic conduit along Carey Avenue and Las Vegas Boulevard.
8. 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 17.24.130. Conformance may require modifications to the site.
9. Commercial driveways are to be constructed in accordance with Clark County

Area Uniform Standard Drawing numbers 222A and 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.

10. Approval of a drainage study is required prior to submittal of the civil improvement plans.
11. Nevada Department of Transportation (NDOT) concurrence with the results of the drainage study is required prior to approval of the civil improvement plans.
12. All known geological 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.
13. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
14. All Nevada Power Company 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.
15. Prior to the installation of any subgrade street improvements, all required underground utilities (i.e. telephone, power, water, etc.) located within public rights-of-way, shall be extended a minimum of ten (10) feet beyond the project boundary.
16. The property owner is required to grant a roadway easement for commercial driveway(s).
17. The property owner is required to sign a restrictive covenant for utilities.
18. Relocate Commercial driveway closest to APN 139-13-302-004 on Las Vegas Boulevard North to line up with median opening.
19. Provide a copy of NDOT encroachment permit for landscaping in the public right-of-way and also need an encroachment permit from NDOT for construction of commercial driveway being relocated.
20. Property owner is required to grant a 3 X 30 load pad easement for back of CAT bus turn-out.
21. Show all existing easements and vacation/relinquishment document information of any abandoned easements.

22. All off-site improvements must be completed prior to final inspection of the first building.

Fire:

23. Fire access lanes shall be located such that no portion of the ground floor walls are located more than 150 feet from an access lane to be measured as a person would walk.
24. Fire access lanes shall be a minimum of 24 feet.
25. Fire access lanes shall be provided with 52 feet outer and 28 feet inner turn radii.
26. Fire access lanes shall be marked to prohibit parking in accordance with the Fire Code.
27. That SPR-12-08 shall expire on October 1, 2018.

Jennifer Lazovich, 1980 Festival Plaza Drive, Las Vegas, appeared on behalf of the applicant. Her client has owned this property for several years and intends to develop it at some point.

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

ACTION: APPROVED; FORWARDED TO REDEVELOPMENT AGENCY FOR FINAL CONSIDERATION

MOTION: Commissioner Stone

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

NAYS: None

ABSTAIN: None

12. **UN-67-15 (52580) DOLLAR SELF STORAGE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ARIEL L. VALLI, ON BEHALF OF DOLLAR SELF STORAGE #12 LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT, TO ALLOW A MINI-WAREHOUSING ESTABLISHMENT. THE PROPERTY IS LOCATED EAST OF KITAMAYA STREET AND SOUTH OF CENTENNIAL PARKWAY. THE ASSESSOR'S PARCEL NUMBER IS 124-27-115-021. (FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Planning Manager.

Mr. Jordan stated the applicant proposed five buildings on the site; three of which would be connected to one another and be located on the east property line. One of the buildings would be located in the front of the gates and would be used for office use; the largest building is located in the center of the complex and the last building would be located approximately 20 feet from the property line, and along Kitamaya Street.

Staff had no objections; however, there are a few minor changes to the development of the site. Some of the exteriors of the building use precision concrete block, with split face block accents. Smooth face type block is not a preferred material and the applicant would need to re-design it. Staff would also like to see articulation designed into the buildings, particularly on the west and east sides that would break up the length of the wall.

Staff talked to the applicant regarding Condition 2a earlier in the meeting. Staff had no objections and recommended approval subject to conditions and amended Condition No. 2a.

The conditions are as follows:

Planning & Zoning:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. The development of the site shall be in compliance with the Commercial Design Standards, including but not limited to the following:
 - a. Fifteen (15) gallon trees shall be planted within the two (2) half diamonds located within the parking lot in front of the office building.
 - b. The landscaped area located in front of the office building, and the landscaped area located between the drive aisle and sidewalk in front of Building "B" shall be landscaped in plant materials to provide a minimum 50 percent ground coverage.
 - c. Building materials shall comply with the preferred building materials of stone, stucco, colored or exposed aggregate or textured finish concrete, decorative block or brick. However, simulated materials may also be acceptable, provided it provides a look similar to the preferred materials.
 - d. The eastern building elevations for Buildings "B" and "C" shall include additional architectural features such as changes in color, materials, and/or relief such as the inclusion of beltlines, pilasters, or pop outs to add

visual interest to these elevations.

Public Works:

3. 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.
4. Approval of a drainage study is required prior to submittal of the civil improvement plans.
5. 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.
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. Due to the proximity of the adjacent single family residential development, the proposed emergency access driveway on Kitamaya Street shall be for emergency vehicles only and not for general use.
8. Completion of the following street improvements is required per *City of North Las Vegas Municipal Code* section 16.24.100:
 - a. Sidewalk along Centennial Pkwy
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.

Ariel Valli, 924-C Coyote Gulch Court, Ivins, Utah, architect, appeared on behalf of Dollar Self Storage. Mr. Valli agreed to comply with staff recommended conditions.

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

ACTION: APPROVED AS AMENDED; CONDITION NO. 2a TO READ AS FOLLOWS:

- a. Fifteen (15) gallon trees shall be planted within the two (2) half diamonds located within the parking lot in front of the office building.

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

13. **UN-72-15 (52768) TBD – LIQUOR STORE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY PLATINUM MANAGEMENT GROUP 3 LLC, ON BEHALF OF CENTENNIAL 5 DEVELOPMENT LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT TO ALLOW A FULL "OFF-SALE" LIQUOR ESTABLISHMENT WITHIN 500 FEET OF DEVELOPED RESIDENTIAL. THE PROPERTY IS LOCATED AT 150 EAST CENTENNIAL PARKWAY, SUITE #111. THE ASSESSOR'S PARCEL NUMBER IS 124-22-812-002. (FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Planning Manager.

Mr. Jordan advised there are two residential developments in close proximity. There is a single-family detached development approximately 300 feet west of the site and a multi-family development approximately 200 feet to the south.

Staff looked for ways to possibly support the request and considered whether an adequate barrier was in place – i.e., I-15, I-215, an open drainage channel, or 120-foot right-of-way that prevents people from walking back and forth. There are none of those adequate barriers in place. Centennial Parkway is a 100-foot right-of-way.

Mr. Jordan stated currently, there are two uses that have alcohol associated with them – Buffalo Wild Wings Grill and Bar and a convenience store located right next to this particular shopping center.

Staff recommended denial. Mr. Jordan advised a petition had been distributed to the Planning Commission earlier in the meeting.

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.

Rody Yousif, 1829 Vaccaro Place, Henderson, applicant, stated the convenience store Mr. Jordan mentioned was previously operated by Mr. Yousif over the past several years. The landlord did not make his mortgage payments and they fell into the foreclosure process, even though he had adequately made all the payments. As of this time, that store is closed and he has turned over possession to the bank. The bank has not decided what they are going to do with the property. Mr. Yousif stated during the time he ran the store, they became an integral part of the community. His customers often commented it would be great if they had full, off-sale liquor.

Mr. Yousif spoke with Councilman Cherchio who expressed concerns over when school was out. Mr. Yousif stated they would have a state-of-the-art, point-of-sale system in place, where nobody under the age of 21 could access anything they were not to have access to.

Mr. Yousif referred to the packet that was distributed to the Planning Commission and discussed letters of support he received from local law enforcement officers, and how he had passed several undercover, underage alcohol and tobacco buys. Additionally, Mr. Yousif stated his efforts stopped loitering in this area.

Mr. Yousif recently held an informal community meeting and gathered approximately 300 signatures in support of his application.

Mr. Yousif reiterated there were 13 successful alcohol and tobacco compliance checks with the City of North Las Vegas and the State.

Mr. Yousif stated he was 23 years old and put everything he had into this business to be successful and that everything had been taken from him. He stated if he received approval on this request that would allow him to continue sponsoring several community events and to be able to move forward.

Chairman Ewing opened the public hearing.

Missy Middleton, 41 Peak Villa Ave., North Las Vegas, spoke in favor of this item. Ms. Middleton stated she purchased her home five years ago and it is located approximately 1.5 miles from the store, which she visits daily. Ms. Middleton stated it was refreshing to go into a store and be genuinely welcomed. Ms. Middleton requested support of this item.

Nick Montana, Sr., 2538 Ontario Dr., Las Vegas, spoke in favor of this item. Mr. Montana stated the previous management group is now a tenant of Ranch House Road, LLC, of which he is a member. Mr. Montana stated they lease a convenience store from them, and they own the adjacent tavern and restaurant. He stated 1.5 years ago, previous tenants struggled through the recession. The convenience store was run down and they were victims of the economy.

Mr. Montana said when he was approached by Mr. Yousif, he provided a business plan, budget and agenda and convinced him that he should be a tenant in the store, and they leased it to him.

Mr. Yousif approached the neighbors and reached out to them about what products they wanted. Mr. Montana said Mr. Yousif worked hard and enhanced the neighborhood and community.

Mr. Montana owns property and several businesses that include Town Center Lounge and We-Haul Trucking in North Las Vegas. Mr. Montana has been doing business with North Las Vegas for approximately 15 years.

Mr. Montana stated Mr. Yousif needed this opportunity and he would not let the Planning Commission down.

Melissa Thammavongsa, 125 Whitetail Archery Ave. North Las Vegas, spoke in favor of this item. Ms. Thammavongsa has been a North Las Vegas resident since 1997 and owns property within a five mile radius and resides within a mile of “Bob’s Market.”

Ms. Thammavongsa talked about the improvements Mr. Yousif made in a short period of time, and stated to deny them would be unjust.

Chairman Ewing closed the public hearing.

Commissioner Robison acknowledged his community support and expressed appreciation for the work that had been done to improve the area. Mr. Robison discussed the barrier issues and stated he was concerned about people going to the store and jay-walking across Centennial Parkway.

Mr. Yousif stated there is a walking intersection at Goldfield, which was 250-300 feet from the store. Mr. Yousif referred to the petition and stated most of the people resided directly behind the store. He did not believe there would be issues regarding jay-walking.

Mr. Jordan stated what was before the Planning Commission was regarding the request for approval of a use permit for the full off-sale of alcoholic beverages.

Commissioner Robison stated he was trying to balance who appears to be a good community partner, good businessman and responsible business owner against the ordinance which is to help promote public safety.

Vice-Chairman Kraft concurred that Mr. Yousif is a good community partner, and his story is impressive. Vice-Chairman Kraft added he was sorry the bank took Bob’s from him. The Planning Commission and City Council established the setbacks for a reason.

If approved, it would give this business an unfair advantage. Not long ago, a similar petition was denied.

Commissioner Perkins agreed with Vice-Chairman Kraft, and confirmed a similar request had been recently denied. She would have to be consistent in her opinion and voting.

Commissioner Stone asked if the decision was final with the Planning Commission and Mr. Jordan confirmed the decision is final with the Planning Commission, unless an appeal was submitted within seven days. If no appeal was received, the decision is final on the eighth day.

Commissioner Stone confirmed the separation requirement is 500 feet, and the applicant was 200 feet [of residential development].

Chairman Ewing added he, too, appreciated Mr. Yousif's presentation and the efforts he put forth in the community. He added he was sorry for what happened to his business. The issue before the Planning Commission involved following ordinances and land use.

ACTION: DENIED

MOTION: Commissioner Stone

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

NAYS: Commissioner Acevedo

ABSTAIN: None

Chairman Ewing announced Commissioner Robison will be excused for the duration of the meeting due to a prior engagement, and he exited Council Chambers at approximately 7:21 p.m.

14. **UN-73-15 (52775) SPEEDMART (PUBLIC HEARING). AN APPLICATION SUBMITTED BY SPEEDEE MART-DAN GORHAM, ON BEHALF OF 702 CAPITAL LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT, TO ALLOW A CONVENIENCE STORE WITH GAS PUMPS. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF INTERSTATE 15 AND SPEEDWAY BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 123-22-701-003. (FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Planning Manager.

The applicant proposed an 8,000 square foot building; 5,000 square feet of this building would be used as a food court, and the remainder would be used for the convenience store.

The convenience store is set back from the front property line and between the front property line and the store is the gas canopy/islands area. This is a single store building with a flat roof, varying heights, and would consist of a stucco exterior. The canopy would match the convenience store.

Mr. Jordan advised there are a few minor amendments to the site plan that can be reviewed at the time the building permit is requested. Foundational landscaping in the front of the building that needs to be six (6) feet in width and foundational landscaping on the sides of the building where there is customer parking that needs to be three (3) feet in width. The sidewalk the customers utilize to access the building has to be at least five feet with wheel stops or eight (8) feet without wheel stops. There is plenty of room on the site that they can meet the requirements.

The site plan also showed a fast food restaurant that is part of this development, and is handled through a conditional use permit which can be handled administratively.

The site has adequate parking, and staff recommended approval.

The conditions are:

Planning & Zoning:

1. That, unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. The development of the site shall be in compliance with the Commercial Design Standards, including but not limited to the following:
 - a. Provide six feet of foundational landscaping in front of the building, except for customer entry ways.
 - b. Provide three feet of foundational landscaping on the east, west, and south sides of the building.

Provide an eight-foot wide pedestrian walkway in front of the building and an eight-foot wide or five-foot wide, if wheel stops are installed along the east, west, and south sides of the building.

Public Works:

3. 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.
4. Approval of a drainage study is required prior to submittal of the civil improvement plans.
5. NDOT concurrence with the results of the drainage study may be required prior to approval of the civil improvement plans.
6. 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.
7. 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.
8. 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.
9. Commercial driveways are to be constructed in accordance with *Clark County Area Uniform Standard Drawing* numbers 222.1, including throat depths, and 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.
10. The property owner is required to grant a roadway easement for commercial driveway(s).
11. 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:
 - c. Speedway Blvd (The ultimate configuration will include a median.)
12. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.

No applicant was present.

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, and Greer

NAYS: None

ABSTAIN: None

ABSENT: Commissioner Robison

15. **UN-74-15 (52779) DAVID MONTES NY PIZZERIA (PUBLIC HEARING). AN APPLICATION BY YERE 1 LLC DBA DAVID MONTES NY PIZZERIA, ON BEHALF OF METEJEMEI LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO ALLOW THE "ON-SALE" OF BEER, WINE AND SPIRIT BASED PRODUCTS IN CONJUNCTION WITH A RESTAURANT. THE PROPERTY IS LOCATED AT 5585 SIMMONS STREET, SUITE #1. THE ASSESSOR'S PARCEL NUMBER IS 124-32-113-002. (FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Planning Manager.

The applicant requested to add beer and wine to their existing services.

Staff had no objections and recommended approval.

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.

(Inaudible) Martorosyan, 5585 Simmons St., Ste. 1, North Las Vegas, Applicant, appeared to answer questions.

Vice-Chairman Kraft added there have been several businesses in this suite at varying times that served beer and wine and spoke in support of this item.

ACTION: APPROVED

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

16. **ZOA-06-15 (52728) AMENDMENT TO TITLE 17-OFF-PREMISES ADVERTISING SIGNS OR STRUCTURES (PUBLIC HEARING). AN APPLICATION SUBMITTED BY THE CITY OF NORTH LAS VEGAS TO AMEND TITLE 17 (ZONING ORDINANCE), SECTION 17.24.150(L) (OFF-PREMISES ADVERTISING SIGNS OR STRUCTURES) TO PROVIDE NEW PROCEDURES FOR THE RELOCATION OF EXISTING OFF-PREMISES SIGNS, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO. (FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Planning Manager.

Mr. Jordan advised the amendment would add new criteria where owners of the sign can re-locate their existing billboards on the same property under certain conditions; i.e. 1) it is on the same property; 2) the property is zoned M-2; 3) the sign maintains a minimum separation requirement of 750 feet from other off-premises advertising signs; 4) that the sign is not located within 300 feet of property developed or zoned for residential use and 5) the sign does not exceed 670 square feet in size or its current height.

This amendment would allow property owners the ability to develop their property and to work with the owners of the sign. Property owners do not actually own the sign.

Jennifer Lazovich, 1980 Festival Plaza, Las Vegas, represented LaMar Outdoor Advertising. Ms. Lazovich added her comments were supported by Clear Channel and Outfront Media, formerly CBS Outdoor.

Ms. Lazovich stated ten years ago a decision was made not to allow any new billboard locations in the City of North Las Vegas. The right to have a billboard on a piece of property runs with the billboard company and the owner of the existing legally, non-conforming sign structure. It does not run with the property owner. That rule has been in place for about ten years.

Ms. Lazovich stated LaMar [billboard industry] has lived with those rules and want to see those rules continue.

Ms. Lazovich stated she appreciated staff working with them on the proposed ordinance. What was critical for her when the ordinance was proposed was the

following language is inserted; it very clearly states that in order to relocate an existing sign, under the criteria Mr. Jordan read into the record, the only person or company who had the right to do that was the owner of the existing legally, non-conforming sign structure. This was important because it maintains the rules that are in currently in effect.

Ms. Lazovich added this ordinance would allow for relocation on the same property. The owner of an existing legally non-conforming sign structure can convert to digital.

Ms. Lazovich added when the Staff Report was written it suggested the property owner had the right to relocate the sign, and the ordinance is clear that the only person who can relocate the sign is the owner of the existing, legally non-conforming sign structure.

Ms. Lazovich submitted a letter to staff and the City Attorney which summarized her comments. Ms. Lazovich also distributed a copy to the Planning Commission.

Ms. Lazovich stated, "Only the owner of the off-premises sign structure can relocate the sign. If the property owner chooses to terminate the lease with the billboard company and the sign structure is removed, that site is completely precluded from having another billboard go in its location. You cannot do that. We understand that. We know that if a billboard goes away, that means a new billboard can't go in its place. And that is just the nature of the rules we live by. There is no grandfather clause. It doesn't mean if you take the sign down and a year later you decide to go with a different billboard company, that that billboard company can come in and have a new sign. Even if it met all the distance separations, you couldn't do it. Once that sign is taken down and removed from the site, if the existing owner of the legally non-conforming sign structure doesn't replace it, than you can't have a sign there ever again. So with that, and that understanding, we do not have any objections to the ordinance as it is written and would be happy to answer any questions."

Chairman Ewing asked Ms. Lazovich if staff needed to put any additional information on the record and she responded Mr. Jordan made it clear that the concern had been the way the Staff Report was inadvertently written it may have created confusion over who had the right to relocate. The only person or entity that can relocate is the owner of the existing legally, non-conforming sign structure.

Ms. Lazovich requested her letter be added for the record. In reference to the Staff Report, she added the issue was the second sentence which states "the proposed amendments would therefore allow property owners with existing legal non-conforming off-premises signs the flexibility in planning and developing of their property by allowing property owners the ability to move signs as necessary to accommodate on-site improvements." Ms Lazovich stated it was technically correct, but needed another sentence to say "the owner of the existing legally, non-conforming sign structure is the only one who can actually have the right to move the sign to a different location. It cannot go to another company and it doesn't go to the property owner."

Sandra Morgan, North Las Vegas City Attorney, stated for the record she received Ms. Lazovich's letter, and understood her concerns. If this item is approved by the Planning Commission, it will go to City Council, and will require an agenda item, which will clarify Ms. Lazovich's concern. It will state in the analysis that the proposed amendments will therefore allow property owners to work with the existing sign structure owners in order to effectuate that type of change. The text of the amendment is very clear that it is the owner of the sign that has the ability to move it on the same parcel.

Sean Higgs, 9811 W. Charleston, #2-379, Las Vegas, appeared on behalf of his client Dan Trust Real Estate, LLC, and spoke in support of this item. If billboards are removed, they have no expectation to be able to bring billboards back at a later date.

Commissioner Acevedo confirmed with Mr. Jordan that there is zero growth regarding billboards. Mr. Jordan stated the moratorium is still in place and is reflected in the ordinance.

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: None

ABSTAIN: None

ABSENT: Commissioner Robison

17. **ZOA-07-15 (52913) AMENDMENT TO TITLE 17-SEXUALLY ORIENTED BUSINESS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY THE CITY OF NORTH LAS VEGAS TO AMEND TITLE 17 (ZONING ORDINANCE, SECTION 17.20.020.C.19 (SEXUALLY ORIENTED BUSINESS) PROVIDING FOR THE REMOVAL OF THE AMORTIZATION PERIOD ASSOCIATED WITH GRANDFATHERED ESTABLISHMENTS; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO. (FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Planning Manager.

Mr. Jordan stated recently, City Council approved Ordinance No. 2732, which was an amendment to Title 5 that dealt with the amortization period for the existing Sexually Oriented Businesses located in the downtown area. Title 17 makes a reference to this section of Title 5 that was amended. Staff proposed an amendment to Title 17 to strike the reference to the amortization period. This is a housekeeping item to ensure the Municipal Code is consistent, and contains no conflicts within the titles.

Staff recommended approval.

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

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: None

ABSTAIN: None

ABSENT: Commissioner Robison

OLD BUSINESS

18. **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, SEPTEMBER 9, AND OCTOBER 14, 2015)**

This item was presented by Robert Eastman, Principal Planner.

Mr. Eastman advised this amendment would create the definition for Outdoor Instruction/Entertainment, and to allow that as a special use within the Apex Overlay District. The Outdoor Instruction/Entertainment use is predominantly an outdoor use that could contain firing ranges, vehicle driving courses, mock war games, obstacle and rope courses.

Apex was developed by Congressional action. It was noted that Nellis Air Force Base (NAFB) is located nearby and we, as a City, needed to protect NAFB as part of the creation of the Apex industrial site. The City reiterated that protection and concern when the zoning district was created.

Mr. Eastman advised when staff reviewed the Zoning Ordinance Amendment, they did not feel the use was appropriate and conflicted with mission of NAFB. It is not the best use of land at this location. The Apex Overlay is developed for industrial uses and this is a recreational use.

Since the last Planning Commission meeting, the applicant met with NAFB members; subsequently, NAFB submitted a new letter which is included with the Planning Commission meeting packet. Nellis Air Force Base is requesting the item be denied because the proposed zoning ordinance is not appropriate.

Staff recommended the item be denied.

No applicant was present.

Chairman Ewing opened the public hearing.

Victor Rodriguez, 4420 Grissom Ave., Nellis Air Force Base, spoke in opposition to this item.

Mr. Rodriguez stated when Congress made Apex, it was created through Code File 101-67. Mr. Rodriguez referred to Section 8 and read in part "... maintain the capability of Nellis Air Force Base to fulfill its mission, must be a part of any decisions concerning future use or disposition of the lands within the Apex site. Congress knew this site would be heavy industrial. When the Apex Overlay was created a lot of work went into it. Along with its creation, and in addition to Public Law No. 101-67, required the adoption of a plan for the development of the Apex area, which would promote appropriate development. Appropriate development does not include outdoor entertainment."

Mr. Rodriguez referenced the City of North Las Vegas recognizes the means of developing Apex as a heavy industrial use zone to ensure that it remains compatible with NAFB.

Mr. Rodriguez stated this ordinance would create problems for NAFB and agreed with staff's recommendation for denial, which was also outlined in letters to the Mayor and Council.

Chairman Ewing closed the public hearing.

Commissioner Acevedo stated for the record that NRS 281a.420 requires him to disclose a conflict of interest in the matter before this effective body. Battlefield owners and operators and Commissioner Acevedo have a personal relationship that dates back to his days when he was in the United States Air Force. Therefore, he concludes that the independence of judgment of a reasonable person in his situation would be materially affected by this relationship and because of this is clear to disqualifying conflict of interest that Mr. Acevedo will abstain from voting in this matter.

Vice-Chairman Kraft noted the applicant's absence and indicated he had questions [for them]. He confirmed with Attorney Valenzuela by moving forward with this item and placing comments on the record that it would not be considered an arbitrary or

capricious decision. Attorney Valenzuela confirmed it would not, it was their [the applicant's] decision not to attend tonight's meeting; and that the board would be performing their normal, otherwise functions.

Vice-Chairman Kraft stated the applicant was aware of the continuance, and he had reservations with the project.

ACTION: DENIED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Vice-Chairman Kraft

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

NAYS: None

ABSTAIN: Commissioner Acevedo

ABSENT: Commissioner Robison

19. **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 AND OCTOBER 14, 2015)**

ACTION: WITHDRAWN PER THE APPLICANT'S REQUEST

MOTION: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

PUBLIC FORUM

There was no public participation.

DIRECTOR'S BUSINESS

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

Mr. Jordan acknowledged the veterans in attendance and extended them a Happy Veterans Day, and wished everyone a Happy Thanksgiving.

CHAIRMAN'S BUSINESS

There was no Chairman's business to report.

Commissioner Stone asked Mr. Rodriguez if Nellis Air Force Base still provided a Capstone demonstration, and he advised this was not currently provided; however, he would inquire about a tour of the base for the Planning Commission.

ADJOURNMENT

The meeting adjourned at 7:58 p.m.

APPROVED: December 9, 2015

/s/ Willard Ewing
Willard Ewing, Chairman

/s/ Julie Shields
Julie Shields, Recording Secretary