

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

February 10, 2016

**BRIEFING:**

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

**CALL TO ORDER:**

6:09 P.M.  
Council Chambers, 2250 Las Vegas Boulevard, North  
North Las Vegas, Nevada

**WELCOME:**

Chairman Willard Ewing

**ROLL CALL:**

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

**STAFF PRESENT:**

Gregory W Blackburn, Director  
Marc Jordan, Planning Manager  
Robert Eastman, Principal Planner  
Bethany Rudd Sanchez, Sr. Deputy City Attorney  
Robert McLaughlin, Public Works/Manager  
Curt Kroeker, Public Works/Engineering Associate  
Julie Shields, Executive Secretary/Recording  
Secretary

**VERIFICATION:**

Julie Shields, Recording Secretary

**PLEDGE OF ALLEGIANCE:**

Chairman Willard Ewing

### **PUBLIC FORUM**

There was no public participation.

### **AGENDA**

#### **1. APPROVAL OF THE PLANNING COMMISSION MEETING AGENDA OF FEBRUARY 10, 2016 (FOR POSSIBLE ACTION)**

ACTION: APPROVED AS AMENDED; ITEM NOS. 19 (UN-05-16) AND 20 (UN-08-16) CONTINUED TO MARCH 9, 2016 PER THE APPLICANT'S REQUEST. ITEM NO. 18 (VN-01-16) MOVED TO BE HEARD FIRST UNDER NEW BUSINESS. ITEM NO. 14 (UN-10-16) MOVED TO BE HEARD SECOND UNDER NEW BUSINESS

MOTION: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

ABSENT: Commissioner Acevedo

### **MINUTES**

#### **2. APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF JANUARY 13, 2016 (FOR POSSIBLE ACTION)**

ACTION: APPROVED

MOTION: Vice-Chairman Kraft

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

NAYS: None

ABSTAIN: Commissioner Stone

ABSENT: Commissioner Acevedo

### **NEW BUSINESS**

#### **18. VN-01-16 (53660) MOUNTAIN VIEW IND. PARK (PUBLIC HEARING). AN APPLICATION SUBMITTED BY LAND DEVELOPMENT ASSOCIATES ON BEHALF OF A HONEY WAGON INC. & MK ENVIRONMENTAL LIMITED, LLC, CANNA AMERICA ENTERPRISES LLC, THREE CUPS YARD REAL ESTATE**

**LLC, NUVEDA LLC, LIBRA WELLNESS CENTER LLC, AND FNBN KAPEX LLC, PROPERTY OWNERS, FOR A VARIANCE IN AN M-2, GENERAL INDUSTRIAL DISTRICT, (APEX OVERLAY DISTRICT) TO ALLOW A BUILDING HEIGHT OF 80 FEET WHERE 60 FEET IS THE MAXIMUM HEIGHT ALLOWED. THE PROPERTY IS LOCATED ON THE NORTHWEST CORNER OF GRAND VALLEY PARKWAY AND APEX SAPPHIRE COURT. THE ASSESSOR'S PARCEL NUMBERS ARE 103-15-010-005, 103-15-010-011, 103-15-010-012, 103-15-010-018, 103-15-010-019 AND 103-16-010-019. (FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Planning Manager.

Mr. Jordan advised the applicant proposed to build a large automobile manufacturing plant at this site and the proposed variance was for the paint operations portion of that building only. Emission stacks would exceed 80 feet in height; however, this did not require approval of a variance, but required Federal Aviation Administration (FAA) approval. Mr. Jordan confirmed the application was sent to Nellis Air Force Base (NAFB) for review; no response has been received to date.

Staff had no objections to the variance and recommended approval.

The condition is:

**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.

**Kathy Steinmetz, 18455 S. Figueroa St., Gardena, CA**, Sr. Manager, Site Selection and Permitting, Faraday Future, provided a presentation regarding the proposed variance. Rita Brite, Sr. Planning Consultant, Amec Foster Wheeler; Julia Pujo, Planning Consultant, Amec Foster Wheeler; Mike Jones, Supervising Civil Engineer, AECOM; Mike Hughes, IDS Real Estate; and Gabriele Di Furia, Eisenmann Anlagenbau GmbH & Co., were also present to answer questions.

Ms. Steinmetz advised the proposed automotive manufacturing facility is three million square feet under roof, and the request for variance is 290,000 square feet of that facility. It would be a separate contained paint and coatings operation, and the proposed height is 80 feet. The stacks would be an additional 10-20 feet in height on top of the building. There would be a stand-alone, 90-foot regenerative thermal oxidizer stack adjacent to the building. The request is for a 100-foot height variance. An FAA application was submitted on February 5, 2016.

Chairman Ewing opened the public hearing.

**Victor Rodriguez, Nellis Air Force Base (NAFB)**, confirmed receipt of the packet, and stated NAFB will reserve comment regarding the height variance until the FAA provides their comments. Mr. Rodriguez discussed their concerns in the event of a mishap. There is the potential of something falling off a plane, and he wanted the applicant to be aware of this. Additionally, the applicant's type of vehicle will have electronic transmissions and will be required to stay within the bandwidths they are approved for and not interfere with the military's electronic bands.

Mr. Rodriguez requested an annual tour of the Faraday Future plant to allow NAFB leadership to understand what the applicant does, and to address, discuss and resolve any concerns with Faraday Future.

**Ryan Shores, NextEra Energy-Mountain View Solar, 700 Universe Blvd., Juno Beach, FL**, is the operator of Mountain View Solar for NextEra, located adjacent to the Faraday plant property. Mr. Shores asked if shading onto their solar panels could happen, thereby reducing their production onto the grid.

Ms. Steinmetz reviewed the map and stated the plant would be far enough away and their parking lot would take the shade.

Chairman Ewing closed the public hearing.

Vice-Chairman Kraft discussed the plant's entrance in relationship to US-93 and Grand Valley Parkway. Ms. Steinmetz and Ms. Brite identified the entrance location.

Director Blackburn discussed the project's impact for the City and Southern Nevada and recognized the Planning Commission for their role in creating the resolution that allowed industrial projects to move directly to construction or to design, which produced valuable dividends for all.

ACTION: APPROVED

MOTION: Vice-Chairman Kraft

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

NAYS: None

ABSTAIN: None

ABSENT: Commissioner Acevedo

14. **UN-10-16 (53563) QUICK N CLEAN (PUBLIC HEARING). AN APPLICATION SUBMITTED BY UPPER IMAGE SERVICES, LLC, ON BEHALF OF RREF II-K I PROMENADE LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-2, GENERAL COMMERCIAL DISTRICT, TO ALLOW A VEHICLE**

**WASHING ESTABLISHMENT. THE PROPERTY IS LOCATED SOUTH OF CRAIG ROAD, APPROXIMATELY 300 FEET EAST OF REVERE STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-03-314-003. (FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Planning Manager.

The site plan complies with parking requirements and landscaping is in place. The building complies with design standards.

Staff recommended approval of this item.

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 accessory structures (vacutech equipment and trash enclosures) shall match the principal building in exterior texture and colors, and contain a roof.

**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 is required prior to submittal of the civil improvement plans. The applicant may apply for a traffic study waiver. Please contact Traffic Engineering at 633-2676 to request a scope.
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.

**Mike Scarborough, 3K1 Consulting Services, 11811 N. Tatum Blvd., Suite 1051, Phoenix, AZ,** concurred with staff's recommendations.

Chairman Ewing opened the public hearing.

**Jeff Alpert, 3828 Fuselier Dr., North Las Vegas**, spoke in support of this item. Mr. Alpert asked if there would be any on-site employees. He stated the height of the structure varies between 15 feet and 25 feet and asked if the applicant spoke to the business owners in the back of the property that were offset from the street. Having a structure this height might create less exposure to street traffic and have an impact on their business flow. Mr. Alpert stated the project was across the street from Craig Ranch Regional Park and wondered if the owner may show an interest in the park and sponsor an event.

Mr. Scarborough responded there could be anywhere between 2-4 employees on site at any given time. Mr. Scarborough stated he reached out to Big Lots and other retail stores behind them regarding the building height. They did several view corridor studies with the retailers to ensure they would be comfortable with what would be visible. Mr. Scarborough stated they would be willing to work with the Parks group and any other organization to raise money.

Chairman Ewing closed the public hearing.

ACTION: APPROVED

MOTION: Commissioner Greer

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

NAYS: None

ABSTAIN: None

ABSENT: Commissioner Acevedo

3. **UN-12-16 (53575) ACTION FLEET REPAIR LLC (PUBLIC HEARING). AN APPLICATION SUBMITTED BY ACTION FLEET REPAIR LLC, ON BEHALF OF PATRICK BECKWITH, PROPERTY OWNER FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT, TO ALLOW A VEHICLE REPAIR FACILITY. THE PROPERTY IS LOCATED 4611 VANDENBERG DRIVE. THE ASSESSOR'S PARCEL NUMBER IS 140-06-510-006. (FOR POSSIBLE ACTION)**

This item was presented by Robert Eastman, Principal Planner.

This developed site is not fully compliant with industrial design standards; however, they have adequate parking for the site. There is between 10-13 feet of landscaping along the street frontage, which complies with standards, and the applicant provides a decorative screen wall around the site.

Staff is in support of the proposed use permit which is compatible with the surrounding uses.

The condition is:

**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.

**Lorwyn McNeil, 4221 Lily Glen Ct., North Las Vegas,** appeared to answer questions. They are moving from North 5th St. and Cheyenne Ave. to the proposed facility, which is better suited for their business.

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, Robison and Greer

NAYS: None

ABSTAIN: None

ABSENT: Commissioner Acevedo

4. **UN-13-16 (53582) BELMONT SQUARE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MARIA E. GONZALEZ, ON BEHALF OF MERVYN DUKATT, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN RA/DC, REDEVELOPMENT AREA/DOWNTOWN CORE SUBDISTRICT, TO ALLOW AN "ON-SALE" LIQUOR LICENSE (BEER AND WINE) IN CONJUNCTION WITH A RESTAURANT. THE PROPERTY IS LOCATED AT 3100 EAST LAKE MEAD BLVD. THE ASSESSOR'S PARCEL NUMBER IS 139-24-610-021. (FOR POSSIBLE ACTION)**

This item was presented by Robert Eastman, Principal Planner.

The site complies with the required parking for a commercial center. The applicant submitted a Separation Affidavit to show compliance with the 400-foot separation requirement from churches, parks, schools and day care facilities.

Staff recommended approval of this item.

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 special use permit is site-specific and non-transferable.

**Hilda Espadas, 1027 S. Rainbow Blvd., Ste. 162, Las Vegas**, representative, appeared to answer questions.

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

ACTION: APPROVED; FORWARDED TO REDEVELOPMENT AGENCY FOR FINAL CONSIDERATION

MOTION: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

ABSENT: Commissioner Acevedo

5. **UN-14-16 (53585) LAS VEGAS RECYCLING & LV PICK-A-PART (PUBLIC HEARING). AN APPLICATION SUBMITTED BY SUSAN CANNAVO, SUSAN CANNAVO TRUST, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-3, HEAVY INDUSTRIAL DISTRICT, TO ALLOW THE RECONSTRUCTION OF A NON-CONFORMING BUILDING. THE PROPERTY IS LOCATED AT 2220 NORTH COMMERCE STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-22-501-009. (FOR POSSIBLE ACTION)**

This item was presented by Robert Eastman, Principal Planner.

Item Nos. 5 (UN-14-16) and 6 (UN-15-16) were briefed together, but were voted upon separately.

Item No. 5 (UN-14-16) is for a special use permit to allow a non-conforming building. Item No. 6 (UN-15-16) is for a special use permit to allow two temporary buildings to be used on site.

Mr. Eastman referenced UN-14-16 and stated a junk yard and outdoor recycling facility were located on site. The outdoor recycling facility has a use permit, with some

conditions that need to be addressed; i.e. screen wall. The existing site was developed in the 1960's and is not in compliance with current industrial design standards. The principal building was located on the property line and the accessory buildings were located behind it.

In June of last year the buildings burned. To repair the buildings would require more than 50% of the value of the building. The building would need to be in compliance with current industrial design standards. This would include meeting the setback requirements, landscaping and architectural design criteria.

The applicant requested to use the same footprint and locate the building in the same location as the previous building which would give them a variance from the front yard setbacks and waivers of the landscaping requirements.

Staff was supported of some ideas, but not all. The setback requirements are 75 feet from a residential property line. Across the street is Aloha Vegas, a mobile home park, and they would have a 75-foot setback from the residential property line -- Commerce St. separates the two. The next setback to consider would be 20 feet from the front setback for the industrial building, which staff felt was appropriate.

The applicant requested the closer setback because the building has been there since the 1960's. The building and use predate Aloha Vegas, and it has not caused a negative impact on the neighborhood. Aloha Vegas was aware of it when they built their mobile home park. To keep the building at a zero setback is appropriate.

Staff's opinion is the 20-foot setback is more appropriate. Staff supports the waivers of the landscaping requirements as there is not landscaping on site; to do so would cause substantial change to the existing site plan. The building should be built architecturally to industrial design standards.

Staff recommended approval of UN-14-16 in part, subject to the conditions listed in the Staff Report.

Mr. Eastman referenced UN-15-16 and stated temporary buildings were brought in after the fire, and the applicant wants to continue to use them. They are allowed for up to one year as long as construction is imminent – the submittal of a building permit, which staff does not yet have at the city. Construction of the permanent building is necessary.

Staff recommended approval of UN-14-16 subject to the conditions listed.

The original 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. All structures on site shall maintain a minimum of 20 feet of front setback.

**Public Works:**

3. Approval of a drainage study is required prior to submittal of the civil improvement plans; civil improvement plans are required.
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. The dual space parking area at the edge of the right-of-way shall be removed. Employee and customer parking shall be provided onsite in accordance with the requirements set forth in *North Las Vegas Municipal Code* - Title 17.
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 will require modifications to the site plan.
7. Commercial driveways are to be constructed in accordance with *Clark County Area Uniform Standard Drawing* number 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter.
8. All new projects, including redevelopment projects, must comply with current A.D.A requirements for public access, as required of the City by the Department of Justice. Incidentally, the commercial driveways shall be constructed in accordance with *Clark County Area Uniform Standard Drawing* number 226.S1, or 225 with sidewalk ramps per drawing number 235. Existing driveways not in compliance with the current standards shall be removed and replaced with a driveway per the stated standard drawings, subject to review and approval by the City Traffic Engineer. Additionally, concrete sidewalk shall be installed adjacent to the curb in areas where none exists.
9. The property owner is required to grant a roadway easement for commercial driveway(s).
10. All Nevada Energy easements, appurtenances, lines and poles must be shown and shall be located entirely within the perimeter landscape area of this development. Distribution lines, existing or proposed, shall be placed underground if impacted by the proposed development of the parcel or if the pole

impedes upon the proper ADA clearances for sidewalk. Under no circumstances will new down guy wires be permitted.

11. 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.
12. All off-site improvements must be completed prior to final inspection of the first permanent building.

**Lucy Stewart, 2500 W. Sahara Ave., Las Vegas**, represented the property owner. The two uses have co-existed next to each other for over 50 years. The mobile home park is at a higher elevation and looks down on the property.

The applicant is asking to use the existing building and bring it up to code, with the exception of the setback. Ms. Stewart stated they would bring the building up to code with regard to electrical. The existing building is built on the right-of-way line, and the roof overhangs into the right-of-way. The roof will be removed, and the building and façade would be improved.

The issue with constructing a new building is the existing building was underinsured and there is no funding.

Ms. Stewart referred to Item No. 6 (UN-15-16) and stated the building permit is imminent, but did not know what the building permit is yet.

**Greg Barstow, Design Builders, General Contractor**, stated the plan was always to bring the existing structure up to current code mechanically and electrically. If we do not move forward, the building would have to be torn down. The site would be out of business, and is not developable.

Ms. Stewart added the operator of the recycling business received waivers last year to put in rock and block wall along Miller. They have received bids and will have this done by the end of the year.

Mr. Barstow stated a substantial investment would be made out-of-pocket that was not covered by the insurance company to improve this site.

Chairman Ewing opened the public hearing on UN-14-16. Chairman Ewing closed the public hearing.

Commissioner Stone asked staff who determined the 50% rule and Mr. Eastman responded the assessed valuation is the County Assessor's record for the value of the building. Commissioner Stone supported the application as is.

Chairman Ewing confirmed with the applicant that Condition No. 2 was the one in question. Chairman Ewing asked for additional information on the building regarding what was usable.

Mr. Barstow provided an overview of the building prior to the fire. The fire damage is to 20% of the roof structure. The remainder of the building had asbestos containing materials and was demolished.

Director Blackburn added he personally inspected the building and as the city's Building Official stated it would need to be brought up to current code for building and fire life safety and will need a structural analysis. The applicant will need to get a structural engineer to assess the building to see what is needed to meet current code.

Vice-Chairman Kraft stated he did not want to see a business go out of business because the cost to rebuild becomes prohibitive.

ACTION: APPROVED AS AMENDED; CONDITION NO. 2 DELETED

MOTION: Commissioner Stone

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

NAYS: None

ABSTAIN: None

ABSENT: Commissioner Acevedo

6. **UN-15-16 (53586) LAS VEGAS RECYCLING & LV PICK-A-PART (PUBLIC HEARING). AN APPLICATION SUBMITTED BY SUSAN CANNAVO, SUSAN CANNAVO TRUST, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-3, HEAVY INDUSTRIAL DISTRICT, TO ALLOW TWO (2) TEMPORARY BUILDINGS. THE PROPERTY IS LOCATED AT 2220 NORTH COMMERCE STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-22-501-009. (FOR POSSIBLE ACTION)**

This item was presented by Robert Eastman, Principal Planner.

Item Nos. 5 (UN-14-16) and 6 (UN-15-16) were briefed together, but were voted upon separately.

Item No. 5 (UN-14-16) is for a special use permit to allow a non-conforming building. Item No. 6 (UN-15-16) is for a special use permit to allow two temporary buildings to be used on site.

Mr. Eastman referenced UN-14-16 and stated a junk yard and outdoor recycling facility were located on site. The outdoor recycling facility has a use permit, with some conditions that need to be addressed; i.e. screen wall. The existing site was developed in the 1960's and is not in compliance with current industrial design standards. The principal building was located on the property line and the accessory buildings were located behind it.

In June of last year the buildings burned. To repair the buildings would require more than 50% of the value of the building. The building would need to be in compliance with current industrial design standards. This would include meeting the setback requirements, landscaping and architectural design criteria.

The applicant requested to use the same footprint and locate the building in the same location as the previous building, and would give them a variance from the front yard setbacks and waivers of the landscaping requirements.

Staff was supported of some ideas, but not all. The setback requirements are 75 feet from a residential property line. Across the street is Aloha Vegas, a mobile home park, and they would have a 75-foot setback from the residential property line -- Commerce St. separates the two. The next setback to consider would be 20 feet from the front setback for the industrial building, which staff felt was appropriate.

The applicant requested the closer setback because the building has been there since the 1960's. The building and use predate Aloha Vegas, and it has not caused a negative impact on the neighborhood. Aloha Vegas was aware of it when they built their mobile home park. To keep the building at a zero setback is appropriate.

Staff's opinion is the 20-foot setback is more appropriate. Staff supports the waivers of the landscaping requirements as there is not landscaping on site; to do so would cause substantial change to the existing site plan. The building should be built architecturally to industrial design standards.

Staff recommended approval of UN-14-16 in part, subject to the conditions listed in the Staff Report.

Mr. Eastman referenced UN-15-16 and stated temporary buildings were brought in after the fire, and the applicant wants to continue to use them. They are allowed for up to one year as long as construction is imminent – the submittal of a building permit, which staff does not yet have at the city. Construction of the permanent building is necessary.

Staff recommended approval of UN-15-16 subject to the condition listed.

The condition is:

**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.

Chairman Ewing opened the public hearing for UN-15-16. Chairman Ewing closed the public hearing.

ACTION: APPROVED

MOTION: Commissioner Stone

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

NAYS: None

ABSTAIN: None

ABSENT: Commissioner Acevedo

7. **UN-88-14 (53587) MD DEVELOPMENT – CULTIVATION (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MD DEVELOPMENT, PROPERTY OWNER, FOR AN AMENDMENT TO A PREVIOUSLY APPROVED SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT, TO ALLOW A CULTIVATION FACILITY FOR MEDICAL MARIJUANA ON PROPERTY LOCATED AT 228 WEST OWENS AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-22-803-002. (FOR POSSIBLE ACTION)**

Robert Eastman, Principal Planner briefed Item Nos. 7 (UN-88-14) and 8 (UN-89-14) together as they were related, but were voted upon separately.

Item No. 7 (UN-88-14) is an amendment to a previously approved special use permit for a cultivation facility for medical marijuana. Item No. 8 (UN-89-14) is to amend conditions of approval for a special use permit for a production facility for edible marijuana products or marijuana infused products. The applicant requested to amend certain conditions of approval that were previously approved by the Planning Commission in December 9, 2015.

The applicant states in their Letter of Intent that many conditions of approval are onerous to their existing time line. The time line from the state is 18 months from their original approval for their license, which ends in May 2016. The applicant has difficulty with meeting the time line and to become operational for their license.

The applicant has changed their phasing plan. Phase 1 is to use the existing building on site, located on Owens Ave., and remodel it using a tenant improvement to make it usable for the production and cultivation facility. In the future, Phases 2 and 3 will be used to build additional buildings on site to increase their cultivation facility. Cultivation would be moved into those buildings and the existing building would be used for production.

Staff supports some of the requested amendments, but not all. Staff has worked with the applicant on a number of occasions – prior to and after the Staff Report was originally written. Staff supports approval of the conditions listed in their memorandum that was distributed to the Planning Commission earlier this evening. The applicant requested additional time for landscaping along Owens Ave. Staff agreed to this in principal, and the applicant will submit their landscape improvement plans along with their business license approval. They will have one year to complete the landscaping. Condition No. 3 pertains to the fence. Originally, staff required a decorative block wall around the entire site, and now Staff suggested the existing fence along Owens Ave. be painted to comply (from a color standpoint) with the design standards. Perimeter landscaping would be put in front of the wall to soften the appearance. A condition exists that all parking and drive aisles be paved with asphalt or concrete. The majority of the site for Phase 1 is adequate. There is a requirement that two parking spaces be removed from the right-of-way. Some changes to the site plan may be necessary to add parking spaces to meet the requirements. When the parking is added, a drainage study will be needed to receive a grading permit. The drainage study was submitted and approved. Staff is willing to work with them on an Americans with Disabilities Act (ADA) compliant driveway and to help facilitate the design and construction without stopping their business.

Staff recommended approval.

**Lucy Stewart, 2500 W. Sahara Ave., Las Vegas**, represented the applicant and property owner. This property was approved in 2014 and was modified to build three new buildings. The investor, also the contractor, met with staff many times to work on the project. At the end of last year, he decided the project was not for him and withdrew. The property owner has a new investor who wants to build the buildings and cultivate the product. State law states the business must be open by May 5, which cannot be done. They are going to bring the existing building up to code, and are investing \$500,000 to do so. The original plan to demolish the building no longer exists.

Ms. Stewart agreed with the new conditions; however, she referred to Condition Nos. 7 and 8, regarding emergency access and stated no one would be on the property to the north unless someone was on their property. They would have to let them in and escort them.

Chairman Ewing opened the public hearing on UN-88-14. Chairman Ewing closed the public hearing.

ACTION: APPROVED

MOTION: Commissioner Stone

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

NAYS: None

ABSTAIN: None

ABSENT: Commissioner Acevedo

The motion on UN-88-14 was restated and vote recast as indicated below:

ACTION: APPROVED AS AMENDED PER THE CONDITIONS LISTED BELOW:

**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. Ten feet of landscaping shall be provided along Owens Avenue. The landscaping shall include trees every 20 feet on center, with shrubs and groundcover to provide 50% coverage within two years of planting. The landscaping plans must be submitted at time of business license approval and must be completed by February 10, 2017.
3. Prior to approval of the business license, the metal panel fence along Owens Boulevard shall be painted in earth tones indigenous to the Las Vegas Valley in compliance with the commercial design standards.
4. All parking areas and drive aisles shall be paved with asphalt or concrete to provide a dust free parking surface. Curbing shall be installed with the paving to prevent vehicle access to the unpaved portion of the site.
5. That a single entrance shall be provided for the cultivation facility apart from the proposed production facility and the proposed dispensary, except for additional exits that may be required to comply with life safety requirements, or as otherwise allowed by the Nevada Division of Public and Behavioral Health and Nevada Revised Statutes Requirements.
6. The floor plan shall be revised to remove all interconnecting doors throughout the buildings in order to provide a separation from the cultivation facility to the proposed production facility or the proposed dispensary, or as otherwise allowed by the Nevada Division of Public and Behavioral Health and Nevada Revised Statutes Requirements.

**Public Works:**

7. The property owner shall grant a twenty-four foot (24') wide ingress/egress and emergency access easement to the landlocked parcel (APN 139-22-803-001) north of the applicant's parcel.
8. The gates shown on the plan at the driveway on Owens Avenue shall be removed, as unrestricted access is required to serve APN 139-22-803-001. In the event the owner of APN 139-22-803-001 agrees to some form of gating, or other security measures, compliance with *Clark County Area Uniform Standard Drawings* number 222.1 for throat depths is required; additionally, a queuing analysis may also be required. Emergency access must be maintained.
9. Existing non-compliant driveways shall be removed and replaced with ADA compliant driveways. The existing driveway on Owens Avenue shall be removed and replaced with an ADA compliant commercial driveway per *Clark County Area Uniform Standard Drawings* numbers 222.1 and 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter, or as otherwise approved by the City Traffic Engineer.
10. The existing parking area within the public right-of-way shall be removed.
11. If the parking lot is required to be paved, or if a block wall is to be constructed on the property, approval of a drainage study is required prior to submittal of the civil improvement plans. (The drainage study has been approved for Phase 1)

**Police:**

12. All applications must follow State of Nevada requirements for facility security.
13. Police Department approval is contingent upon submittal of a security plan to the Police Department, which will be verified with a site visit.

MOTION: Commissioner Stone

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

NAYS: None

ABSTAIN: None

ABSENT: Commissioner Acevedo

8. **UN-89-14 (53588) MD DEVELOPMENT- PRODUCTION (PUBLIC HEARING). AN APPLICATION SUBMITTED BY MD DEVELOPMENT, PROPERTY OWNER, FOR AN AMENDMENT TO A PREVIOUSLY APPROVED SPECIAL**

**USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT, TO ALLOW THE PRODUCTION OF EDIBLE MARIJUANA PRODUCTS OR MARIJUANA-INFUSED PRODUCTS ON PROPERTY LOCATED AT 228 WEST OWENS AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-22-803-002. (FOR POSSIBLE ACTION)**

Robert Eastman, Principal Planner briefed Item Nos. 7 (UN-88-14) and 8 (UN-89-14) together as they were related, but were voted upon separately.

Item No. 7 (UN-88-14) is an amendment to a previously approved special use permit for a cultivation facility for medical marijuana. Item No. 8 (UN-89-14) is to amend conditions of approval for a special use permit for a production facility for edible marijuana products or marijuana infused products. The applicant requested to amend certain conditions of approval that were previously approved by the Planning Commission in December 9, 2015.

The applicant states in their Letter of Intent that many conditions of approval are onerous to their existing time line. The time line from the state is 18 months from their original approval for their license, which ends in May 2016. The applicant has difficulty with meeting the time line and to become operational for their license.

The applicant has changed their phasing plan. Phase 1 is to use the existing building on site, located on Owens Ave., and remodel it using a tenant improvement to make it usable for the production and cultivation facility. In the future, Phases 2 and 3 will be used to build additional buildings on site to increase their cultivation facility. Cultivation would be moved into those buildings and the existing building would be used for production.

Staff supports some of the requested amendments, but not all. Staff has worked with the applicant on a number of occasions – prior to and after the Staff Report was originally written. Staff supports approval of the conditions listed in their memorandum that was distributed to the Planning Commission earlier this evening. The applicant requested additional time for landscaping along Owens Ave. Staff agreed to this in principal, and the applicant will submit their landscape improvement plans along with their business license approval. They will have one year to complete the landscaping. Condition No. 3 pertains to the fence. Originally, staff required a decorative block wall around the entire site, and now Staff suggested the existing fence along Owens Ave. be painted to comply (from a color standpoint) with the design standards. Perimeter landscaping would be put in front of the wall to soften the appearance. A condition exists that all parking and drive aisles be paved with asphalt or concrete. The majority of the site for Phase 1 is adequate. There is a requirement that two parking spaces be removed from the right-of-way. Some changes to the site plan may be necessary to add parking spaces to meet the requirements. When the parking is added, a drainage study will be needed to receive a grading permit. The drainage study was submitted and approved. Staff is willing to work with them on an Americans with Disabilities Act

(ADA) compliant driveway and to help facilitate the design and construction without stopping their business.

Staff recommended approval.

**Lucy Stewart, 2500 W. Sahara Ave., Las Vegas,** represented the applicant and property owner. This property was approved in 2014 and was modified to build three new buildings. The investor, also the contractor, met with staff many times to work on the project. At the end of last year, he decided the project was not for him and withdrew. The property owner has a new investor who wants to build the buildings and cultivate the product. State law states the business must be open by May 5, which cannot be done. They are going to bring the existing building up to code, and are investing \$500,000 to do so. The original plan to demolish the building no longer exists.

Ms. Stewart agreed with the new conditions; however, she referred to Condition Nos. 7 and 8, regarding emergency access and stated no one would be on the property to the north unless someone was on their property, and they would have to let them in and escort them.

Chairman Ewing opened the public hearing for UN-89-14. Chairman Ewing closed the public hearing.

**ACTION: APPROVED AS AMENDED PER THE CONDITIONS LISTED BELOW**

**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. Ten feet of landscaping shall be provided along Owens Avenue. The landscaping shall include trees every 20 feet on center, with shrubs and groundcover to provide 50% coverage within two years of planting. The landscaping plans must be submitted at time of business license approval and must be completed by February 10, 2017.
3. Prior to approval of the business license, the metal panel fence along Owens Boulevard shall be painted in earth tones indigenous to the Las Vegas Valley in compliance with the commercial design standards.
4. All parking areas and drive aisles shall be paved with asphalt or concrete to provide a dust free parking surface. Curbing shall be installed with the paving to prevent vehicle access to the unpaved portion of the site.

5. That a single entrance shall be provided for the cultivation facility apart from the proposed production facility and the proposed dispensary, except for additional exits that may be required to comply with life safety requirements, or as otherwise allowed by the Nevada Division of Public and Behavioral Health and Nevada Revised Statutes Requirements.
6. The floor plan shall be revised to remove all interconnecting doors throughout the buildings in order to provide a separation from the cultivation facility to the proposed production facility or the proposed dispensary, or as otherwise allowed by the Nevada Division of Public and Behavioral Health and Nevada Revised Statutes Requirements.

**Public Works:**

7. The property owner shall grant a twenty-four foot (24') wide ingress/egress and emergency access easement to the landlocked parcel (APN 139-22-803-001) north of the applicant's parcel.
8. The gates shown on the plan at the driveway on Owens Avenue shall be removed, as unrestricted access is required to serve APN 139-22-803-001. In the event the owner of APN 139-22-803-001 agrees to some form of gating, or other security measures, compliance with *Clark County Area Uniform Standard Drawings* number 222.1 for throat depths is required; additionally, a queuing analysis may also be required. Emergency access must be maintained.
9. Existing non-compliant driveways shall be removed and replaced with ADA compliant driveways. The existing driveway on Owens Avenue shall be removed and replaced with an ADA compliant commercial driveway per *Clark County Area Uniform Standard Drawings* numbers 222.1 and 225, with minimum widths of 32 feet as measured from lip of gutter to lip of gutter, or as otherwise approved by the City Traffic Engineer.
10. The existing parking area within the public right-of-way shall be removed.
11. If the parking lot is required to be paved, or if a block wall is to be constructed on the property, approval of a drainage study is required prior to submittal of the civil improvement plans. (The drainage study has been approved for Phase 1)

**Police:**

12. All applications must follow State of Nevada requirements for facility security.
13. Police Department approval is contingent upon submittal of a security plan to the Police Department, which will be verified with a site visit.

MOTION: Commissioner Stone

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

NAYS: None

ABSTAIN: None

ABSENT: Commissioner Acevedo

9. **T-1379 (53584) NBIC BUILDING D. AN APPLICATION SUBMITTED BY THOMAS & MACK DEVELOPMENT GROUP, ON BEHALF OF NORTHERN BELTWAY INDUSTRIAL CENTER, LLC, PROPERTY OWNER, FOR APPROVAL OF A SINGLE LOT TENTATIVE MAP IN AN M-2, GENERAL INDUSTRIAL DISTRICT, FOR AN INDUSTRIAL SUBDIVISION. THE PROPERTY IS LOCATED EAST OF NELLIS BOULEVARD AND NORTH OF EL CAMPO GRANDE AVENUE. THE ASSESSOR'S PARCEL NUMBERS ARE 123-28-310-002 AND 123-28-701-001. (FOR POSSIBLE ACTION)**

This item was presented by Robert Eastman, Principal Planner.

The applicant intends to develop this as a single lot that is partially developed with existing industrial buildings.

Staff recommended approval.

The conditions are:

**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 update is required prior to submittal of the civil improvement plans. The drainage study update shall conform to the approved master drainage study.
4. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.

5. 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.
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* numbers 222.1, including throat depths, and 225, 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. 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:
  - i. El Campo Grande Ave
  - ii. Castleberry Ln
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.

**Doug Bergstrom, Slater Group, 5740 S. Arville St., Suite 216, Las Vegas, represented the owner.**

ACTION: APPROVED

MOTION: Vice-Chairman Kraft

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

NAYS: None

ABSTAIN: None

ABSENT: Commissioner Acevedo

10. **AMP-02-16 (53579) COLEMAN AIRPARK II & III (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DND HOLDINGS, LLC, PROPERTY OWNER, TO AMEND THE COMPREHENSIVE PLAN TO CHANGE THE LAND USE FROM MIXED USE EMPLOYMENT TO HEAVY INDUSTRIAL. THE PROPERTIES ARE LOCATED AT THE NORTHEAST CORNER OF COLEMAN STREET AND EVANS AVENUE. THE ASSESSOR'S PARCEL NUMBERS ARE 139-17-611-005 AND 139-17-611-007. (FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Planning Manager.

Item Nos. 10 (AMP-02-16) and 11 (ZN-03-16) were briefed together, but were voted upon separately.

Mr. Jordan advised per requirement, the applicant held their neighborhood meeting on December 28 at the Centennial Hills YMCA. Seven (7) people attended and there were no concerns regarding the type of zoning, proposed uses, or traffic. Mr. Jordan added neighborhood meetings should be held in close proximity to the area being considered. The meeting was held at a YMCA located in Las Vegas and several miles away from the proposed location.

Mr. Jordan provided an overview Item on Item Nos. 10 (AMP-02-16) and 11 (ZN-03-16) and conveyed the proposed zoning would create incompatible uses such as traffic and noise to the surrounding area. Staff would also view this as spot zoning. Additionally, this would create an island (spot zoning) of a different land use that could possibly impact the properties to the south. Staff recommended AMP-02-16 and ZN-03-16 be denied.

**Tony Celeste, Kaempfer Crowell, 1980 Festival Plaza Dr., Las Vegas**, appeared on behalf of the applicant and provided an overview of the site map. The applicant is Panda Windows and Doors, and currently operates at 3415 Bellington in North Las Vegas. The company is growing and the applicant needs a larger space in an M-2 zoning district. Mr. Celeste contends the layout of the site plan with 45 units is conditionally zoning the property.

Mr. Celeste added the neighborhood meeting was scheduled at the last minute and they defaulted to the YMCA. Additionally, they met with the North Valley Association on January 9, and also on January 18 at 3415 Bellington. Mr. Celeste conveyed they tried in good faith to hold neighborhood meetings with the neighbors in the vicinity. There were questions regarding access on Evans Ave. They proposed two different access points on both Coleman and Clayton and one on Evans Ave. The neighbors requested the access point on Evans Ave. be gated during non-business hours to reduce traffic in the area, and Mr. Clayton agreed, subject to Public Works and Fire approvals.

Chairman Ewing opened the public hearing on AMP-02-16.

**Jeff Alpert, 3828 Fuselier Dr., North Las Vegas**, attended the January 9 meeting at the Pearson Center. Mr. Alpert expressed concern regarding the City's denial of Item Nos. 10 and 11. Mr. Alpert suggested the applicant work with community members.

**Kirk Williams, Corporate/Counsel, Bigelow Airspace, 1899 W. Brooks Ave., North Las Vegas**, spoke in opposition to this item, and expressed concern regarding incompatible uses. Mr. Williams advised they did not receive a notice regarding the neighborhood meeting, and they are located directly east of the property. The project could turn into a junk yard because of the outside storage. They have 45 small condominium style properties, and they did not know what type of screening was required or proposed. Additionally, he was concerned about the emissions and noise. Mr. Williams discussed the need for additional inside parking, so there would not be parking on Clayton Street.

**Howard Shelby, 2624 Chamberlain Ln., North Las Vegas**, spoke in opposition to the item and stated he was not invited to the neighborhood meeting.

**Michael Richardson, 2015 W. Evans Ave., North Las Vegas**, spoke in opposition to rezoning to M-2. He said there was already an issue with noise and traffic in the area.

**Edward McCall, 2101 W. Evans Ave., North Las Vegas**, rescinded his request to speak.

**Lydia Garrett, 1921 W. McDonald Ave., North Las Vegas**, spoke in opposition to M-2 zoning. Ms. Garrett is the president of the North Valley Leadership Team. Ms. Garrett was not notified of the neighborhood meeting [by the applicant], but was notified by a neighbor and attended the meeting at I-215 and Buffalo. She stated she and another person were the only who attended. She expressed concern to owner's attorney and architect about the location of the meeting. They agreed to attend the North Valley meeting and Ms. Garrett stated there was high opposition to the zoning change from those who attended. Ms. Garrett was also concerned about spot zoning.

**Bill Miller, 2741 Saber Dr., North Las Vegas**, supported progress in the community, but spoke in opposition to the zoning change. Mr. Miller wanted a development that was compatible to the homes that bordered the properties. He added he recently smelled open sewer fumes in the area and was concerned about what would happen after the developer left.

**Annie Walker, 2201 W. Evans, North Las Vegas**, stated she supported progress, but spoke in opposition to M-2 zoning.

**Ronnie Gaston, 1931 W. Cartier Ave., North Las Vegas**, stated he did not have an issue with the business, but spoke in opposition to the item, and felt they should be in another location.

**Bob Mersereau, 4836 Crystal Sword St., North Las Vegas,** spoke in opposition to this item. He attended the January 9 neighborhood meeting and noted the location of the meetings held at the YMCA were away from the subject site. Community proposals included to take the street on Evans and turn it into a retail front with compatible uses. They talked about the hydraulic fluid, fuels and welding that could go into the area. He visited the owner of Panda Windows and Doors and stated it was a great and clean operation; however, there would be no control over other businesses that would come into this area.

**Dr. Vincent Richardson, 4911 Via Luis Ct., North Las Vegas,** spoke in opposition to this item, and stated he was a homeowner in the neighborhood. Dr. Richardson stated the CAT bus ran during all hours of the night on Evans St. He was concerned about heavy vehicle use causing damage to the homes. The block walls are blocking views and putting them in a cage. The meetings held outside of the neighborhood are unacceptable. Dr. Richardson did not support the change to M-2 zoning.

**Kay Smith, 2201 W. Evans, North Las Vegas,** spoke in opposition to this item and stated if the houses are already being bought out, it would allow other companies to do what they want to do and push Windsor Park out of the way. There are already buildings that are not being used. A dance company, a church, a boxing company and the park is right across the street. Ms. Smith stated there was a bad smell in the neighborhood. Currently, there is a lot of traffic that runs through the neighborhood.

Chairman Ewing closed the public hearing on AMP-02-16.

Mr. Celeste stated the first initial neighborhood meeting was held in a different jurisdiction and they attempted to rectify this by attending a subsequent meeting with the North Valley Association.

Mr. Celeste addressed conditional zoning and stated the layout of the site restricted the use. He added there would be a master association for CCR's and there would be mechanisms in place from the private sector. He believed the development would help to make improvements for drainage and flooding issues that the residents to the south encounter.

Commissioner Stone conveyed that amendments to the Master Plan were one of the most important decisions the Planning Commission made. Commissioner Stone stated he drove through this area often, and the houses on the south side between Clayton and the park are quaint and well maintained.

### **NOTICE**

**NO ADDITIONAL RECORDING OF THE MEETING IS AVAILABLE BEYOND THIS POINT DUE TO TECHNICAL DIFFICULTIES. THE INFORMATION THAT FOLLOWS**

**WAS TAKEN FROM THE ACTION REPORT AND REQUEST TO SPEAK CARDS. VOTING BY THE PLANNING COMMISSION WAS MANUALLY RECORDED DURING THE MEETING.**

ACTION: CONTINUED TO APRIL 13, 2016

MOTION: Vice-Chairman Kraft

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

NAYS: None

ABSTAIN: None

ABSENT: Commissioner Acevedo

11. **ZN-03-16 (53578) COLEMAN AIRPARK II & III (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DND HOLDINGS, 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 PROPERTIES ARE LOCATED AT THE NORTHEAST CORNER OF COLEMAN STREET AND EVANS AVENUE. THE ASSESSOR'S PARCEL NUMBERS ARE 139-17-611-005 AND 139-17-611-007. (FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Planning Manager.

Item Nos. 10 (AMP-02-16) and 11 (ZN-03-16) were briefed together, but were voted upon separately.

Mr. Jordan advised per requirement, the applicant held their neighborhood meeting on December 28 at the Centennial Hills YMCA. Seven (7) people attended and there were no concerns regarding the type of zoning, proposed uses, or traffic. Mr. Jordan added neighborhood meetings should be held in close proximity to the area being considered. The meeting was held at a YMCA located in Las Vegas and several miles away from the proposed location.

Mr. Jordan provided an overview Item on Item Nos. 10 (AMP-02-16) and 11 (ZN-03-16) and conveyed the proposed zoning would create incompatible uses such as traffic and noise to the surrounding area. Staff would also view this as spot zoning. Additionally, this would create an island (spot zoning) of a different land use that could possibly impact the properties to the south. Staff recommended AMP-02-16 and ZN-03-16 be denied.

**Tony Celeste, Kaempfer Crowell, 1980 Festival Plaza Dr., Las Vegas**, appeared on behalf of the applicant and provided an overview of the site map. The applicant is Panda Windows and Doors, and currently operates at 3415 Bellington in North Las

Vegas. The company is growing and the applicant needs a larger space in an M-2 zoning district. Mr. Celeste contends the layout of the site plan with 45 units is conditionally zoning the property.

Mr. Celeste added the neighborhood meeting was scheduled at the last minute and they defaulted to the YMCA. Additionally, they met with the North Valley Association on January 9, and also on January 18 at 3415 Bellington. Mr. Celeste conveyed they tried in good faith to hold neighborhood meetings with the neighbors in the vicinity. There were questions regarding access on Evans Ave. They proposed two different access points on both Coleman and Clayton and one on Evans Ave. The neighbors requested the access point on Evans Ave. be gated during non-business hours to reduce traffic in the area, and Mr. Clayton agreed, subject to Public Works and Fire approvals.

Chairman Ewing opened the public hearing on ZN-03-16.

**Jeff Alpert, 3828 Fuselier Dr., North Las Vegas**, attended the January 9 meeting at the Pearson Center. Mr. Alpert expressed concern regarding the City's denial of Item Nos. 10 and 11. Mr. Alpert suggested the applicant work with community members.

**Kirk Williams, Corporate/Counsel, Bigelow Airspace, 1899 W. Brooks Ave., North Las Vegas**, spoke in opposition to this item, and expressed concern regarding incompatible uses. Mr. Williams advised they did not receive a notice regarding the neighborhood meeting, and they are located directly east of the property. The project could turn into a junk yard because of the outside storage. They have 45 small condominium style properties, and they did not know what type of screening was required or proposed. Additionally, he was concerned about the emissions and noise. Mr. Williams discussed the need for additional inside parking, so there would not be parking on Clayton Street.

**Howard Shelby, 2624 Chamberlain Ln., North Las Vegas**, spoke in opposition to the item and stated he was not invited to the neighborhood meeting.

**Michael Richardson, 2015 W. Evans Ave., North Las Vegas**, spoke in opposition to rezoning to M-2. He said there was already an issue with noise and traffic in the area.

**Edward McCall, 2101 W. Evans Ave., North Las Vegas**, rescinded his request to speak.

**Lydia Garrett, 1921 W. McDonald Ave., North Las Vegas**, spoke in opposition to M-2 zoning. Ms. Garrett is the president of the North Valley Leadership Team. Ms. Garrett was not notified of the neighborhood meeting [by the applicant], but was notified by a neighbor and attended the meeting at I-215 and Buffalo. She stated she and another person were the only who attended. She expressed concern to owner's attorney and architect about the location of the meeting. They agreed to attend the North Valley

meeting and Ms. Garrett stated there was high opposition to the zoning change from those who attended. Ms. Garrett was also concerned about spot zoning.

**Bill Miller, 2741 Saber Dr., North Las Vegas**, supported progress in the community, but spoke in opposition to the zoning change. Mr. Miller wanted a development that was compatible to the homes that bordered the properties. He added he recently smelled open sewer fumes in the area and was concerned about what would happen after the developer left.

**Annie Walker, 2201 W. Evans, North Las Vegas**, stated she supported progress, but spoke in opposition to M-2 zoning.

**Ronnie Gaston, 1931 W. Cartier Ave., North Las Vegas**, stated he did not have an issue with the business, but spoke in opposition to the item, and felt they should be in another location.

**Bob Mersereau, 4836 Crystal Sword St., North Las Vegas**, spoke in opposition to this item. He attended the January 9 neighborhood meeting and noted the location of the meetings held at the YMCA were away from the subject site. Community proposals included to take the street on Evans and turn it into a retail front with compatible uses. They talked about the hydraulic fluid, fuels and welding that could go into the area. He visited the owner of Panda Windows and Doors and stated it was a great and clean operation; however, there would be no control over other businesses that would come into this area.

**Dr. Vincent Richardson, 4911 Via Luis Ct., North Las Vegas**, spoke in opposition to this item, and stated he was a homeowner in the neighborhood. Dr. Richardson stated the CAT bus ran during all hours of the night on Evans St. He was concerned about heavy vehicle use causing damage to the homes. The block walls are blocking views and putting them in a cage. The meetings held outside of the neighborhood are unacceptable. Dr. Richardson did not support the change to M-2 zoning.

**Kay Smith, 2201 W. Evans, North Las Vegas**, spoke in opposition to this item and stated if the houses are already being bought out, it would allow other companies to do what they want to do and push Windsor Park out of the way. There are already buildings that are not being used. A dance company, a church, a boxing company and the park is right across the street. Ms. Smith stated there was a bad smell in the neighborhood. Currently, there is a lot of traffic that runs through the neighborhood.

Chairman Ewing closed the public hearing.

Mr. Celeste stated the first initial neighborhood meeting was held in a different jurisdiction and they attempted to rectify this by attending a subsequent meeting with the North Valley Association.

Mr. Celeste addressed conditional zoning and stated the layout of the site restricted the use. He added there would be a master association for CCR's and there would be mechanisms in place from the private sector. He believed the development would help to make improvements for drainage and flooding issues that the residents to the south encounter.

Commissioner Stone conveyed that amendments to the Master Plan were one of the most important decisions the Planning Commission made. Commissioner Stone stated he drove through this area often, and the houses on the south side between Clayton and the park are quaint and well maintained.

### **NOTICE**

**NO ADDITIONAL RECORDING OF THE MEETING IS AVAILABLE BEYOND THIS POINT DUE TO TECHNICAL DIFFICULTIES. THE INFORMATION THAT FOLLOWS WAS TAKEN FROM THE ACTION REPORT AND REQUEST TO SPEAK CARDS. VOTING BY THE PLANNING COMMISSION WAS MANUALLY RECORDED DURING THE MEETING.**

ACTION: CONTINUED TO APRIL 13, 2016

MOTION: Vice-Chairman Kraft

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

NAYS: None

ABSTAIN: None

ABSENT: Commissioner Acevedo

12. **WAV-01-16 (53581) COLEMAN AIRPARK II & III (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DND HOLDINGS, LLC, PROPERTY OWNER, FOR A WAIVER IN AN M-1, BUSINESS PARK INDUSTRIAL DISTRICT, (PROPOSED PROPERTY RECLASSIFICATION TO AN M-2, GENERAL INDUSTRIAL DISTRICT) FOR A WAIVER TO REDUCE PARKING SPACES AND LANDSCAPING REQUIREMENTS. THE PROPERTIES ARE LOCATED AT THE NORTHEAST CORNER OF COLEMAN STREET AND EVANS AVENUE. THE ASSESSOR'S PARCEL NUMBERS ARE 139-17-611-005 AND 139-17-611-007. (FOR POSSIBLE ACTION)**

ACTION: CONTINUED TO APRIL 13, 2016

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

13. **UN-09-16 (53538) NLV WELLNESS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY NLV WELLNESS LLC ON BEHALF OF LOS NEVADOS LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT, TO ALLOW A CULTIVATION FACILITY FOR MEDICAL MARIJUANA. THE PROPERTY IS LOCATED AT 41 WEST MAYFLOWER AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 139-15-614-008. (FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Planning Manager.

Staff recommended approval.

The conditions are:

**Planning and Zoning:**

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

**Police:**

2. Suitable back up power to allow keypads and cameras/DVR to function during power outage.
3. Off-site remote access to surveillance cameras.
4. Secure roll up doors and alarm auxiliary doors for emergency exit only.
5. Appropriate lighting on exterior of building which does not glare cameras.

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

ACTION: APPROVED

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

15. **UN-11-16 (53571) FAST TOWING (PUBLIC HEARING). AN APPLICATION SUBMITTED BY FAST TOWING, INC. ON BEHALF OF DONOVAN PROPERTIES, LTD., PROPERTY OWNER FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT, TO ALLOW A VEHICLE IMPOUND YARD. THE PROPERTY IS LOCATED 4220 DONOVAN WAY. THE ASSESSOR'S PARCEL NUMBER IS 139-01-304-002. (FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Planning Manager.

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. Additional landscaping to screen the storage area shall be installed along Donovan Way; subject to staff review and approval.

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

ACTION: APPROVED AS AMENDED; ADDED CONDITION NO. 2

**Condition No. 2 to read:**

1. Additional landscaping to screen the storage area shall be installed along Donovan Way; subject to staff review and approval.

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

16. **UN-17-16 (53593) INTEGRAL II CULTIVATION (Public Hearing). An application submitted by Integral Associates, II, on behalf of Three Commas, LLC, property owner, for a Special Use Permit in an M-2, General Industrial District, to allow a Cultivation Facility for Medical Marijuana. The property is located at 2917 East Alexander Road. The Assessor's Parcel Number is 139-12-103-019. (For Possible Action)**

This item was presented by Marc Jordan, Planning Manager.

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.

**Police:**

2. Suitable back up power to allow keypads and cameras/DVR to function during power outage.
3. Off-site remote access to surveillance cameras.
4. Secure doors and alarm auxiliary doors for emergency exit only.
5. Appropriate lighting on exterior of building which does not glare cameras.

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

ACTION: APPROVED

MOTION: Commissioner Stone

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

NAYS: None

ABSTAIN: None

ABSENT: Commissioner Acevedo

17. **UN-16-16 (53592) INTEGRAL II PRODUCTION (PUBLIC HEARING). AN APPLICATION SUBMITTED BY INTEGRAL ASSOCIATES, II, ON BEHALF OF THREE COMMAS, LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT**

**IN AN M-2, GENERAL INDUSTRIAL DISTRICT, TO ALLOW THE PRODUCTION OF EDIBLE MARIJUANA PRODUCTS OR MARIJUANA-INFUSED PRODUCTS. THE PROPERTY IS LOCATED AT 2917 EAST ALEXANDER ROAD. THE ASSESSOR'S PARCEL NUMBER IS 139-12-103-019. (FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Planning Manager.

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.

**Police:**

2. Suitable back up power to allow keypads and cameras/DVR to function during power outage.
3. Off-site remote access to surveillance cameras.
4. Secure doors and alarm auxiliary doors for emergency exit only.
5. Appropriate lighting on exterior of building which does not glare cameras.

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

ACTION: APPROVED

MOTION: Commissioner Stone

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

NAYS: None

ABSTAIN: None

ABSENT: Commissioner Acevedo

**OLD BUSINESS**

19. **UN-05-16 (53319) TERRIBLE HERBST (PUBLIC HEARING). AN APPLICATION SUBMITTED BY OSPREY REAL ESTATE CAPITAL ON BEHALF OF PHANTOM ZONE HOLDING LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT, TO ALLOW A CONVENIENCE STORE**

**WITH GAS PUMPS. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF LONE MOUNTAIN ROAD AND NORTH 5<sup>TH</sup> STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-02-101-001. (FOR POSSIBLE ACTION) (CONTINUED JANUARY 13, 2016)**

ACTION: CONTINUED TO MARCH 9, 2016, PER THE APPLICANT'S REQUEST

MOTION: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

ABSENT: Commissioner Acevedo

**20. UN-08-16 (53364) TERRIBLE HERBST (PUBLIC HEARING). AN APPLICATION SUBMITTED BY OSPREY REAL ESTATE CAPITAL ON BEHALF OF PHANTOM ZONE HOLDING LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT, TO ALLOW A VEHICLE WASHING FACILITY. THE PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF LONE MOUNTAIN ROAD AND NORTH 5<sup>TH</sup> STREET. THE ASSESSOR'S PARCEL NUMBER IS 139-02-101-001. (FOR POSSIBLE ACTION) (CONTINUED JANUARY 13, 2016)**

ACTION: CONTINUED TO MARCH 9, 2016, PER THE APPLICANT'S REQUEST

MOTION: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

ABSENT: Commissioner Acevedo

**PUBLIC FORUM**

There was no public participation.

**DIRECTOR'S BUSINESS**

There were no business items to report.

**CHAIRMAN'S BUSINESS**

There were no business items to report.

**ADJOURNMENT**

The meeting adjourned at 8:34 p.m.

APPROVED: March 9, 2016

/s/ Kenneth Kraft  
Kenneth Kraft, Vice-Chairman

/s/ Julie Shields  
Julie Shields, Recording Secretary