

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

April 13, 2016

- BRIEFING:** 5:30 P.M.  
Caucus Room, 2250 Las Vegas Boulevard, North  
North Las Vegas, Nevada
- CALL TO ORDER:** 6:10 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  
Commissioner Al Greer – Present
- STAFF PRESENT:** Marc Jordan, Acting Director  
Robert Eastman, Principal Planner  
Dale Way, Deputy Fire Marshal  
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:** Commissioner Randy Robison

**PUBLIC FORUM**

There was no public participation.

**AGENDA**

**1. APPROVAL OF THE PLANNING COMMISSION MEETING AGENDA OF APRIL 13, 2016 (FOR POSSIBLE ACTION)**

ACTION: APPROVED, AS AMENDED. ITEM NO. 4, DA-02-16, CONTINUED TO MAY 11, 2016. ITEM NO. 10, UN-23-16, MOVED TO BE HEARD FIRST UNDER NEW BUSINESS

MOTION: Vice-Chairman Kraft

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 MARCH 9, 2016 (FOR POSSIBLE ACTION)**

ACTION: APPROVED

MOTION: Commissioner Perkins

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

NAYS: None

ABSTAIN: Chairman Ewing

ABSENT: Commissioner Acevedo

**NEW BUSINESS**

**10. UN-23-16 (53875) FERRELLGAS (PUBLIC HEARING). AN APPLICATION SUBMITTED BY FERRELLGAS L.P. ON BEHALF OF MEC INC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-2, GENERAL INDUSTRIAL DISTRICT, TO ALLOW THE STORAGE OF HAZARD MATERIALS (PROPANE**

**STORAGE TANK FOR 33,000 GALLONS). THE PROPERTY IS LOCATED AT 3020 NORTH COMMERCE STREET. (FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Acting Director.

The applicant proposed the tank would be located approximately 50 feet from the east property line and 80 feet from the south property line. There is an existing block wall surrounding the property line. There is minimal landscaping in place.

The propane would serve the home heating, motor fuel, forklift fuel, and the growing distribution system within the city. No customers would come to the site to fill their tanks, the applicant would deliver to their customer base.

Staff sent 107 public hearing notices within a 1,000 foot radius and provided a 30-day notice.

Staff had no objections 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.

The applicant and representative (inaudible) appeared to answer questions.

Chairman Ewing opened the public hearing.

**Clarence Haynes, 335 W. Brooks Ave., North Las Vegas**, spoke in opposition to this item. Mr. Haynes stated he received a flyer and wanted to learn more about this item.

**Ellen Haynes, 335 W. Brooks Ave., North Las Vegas**, spoke in opposition to this item. Ms. Haynes stated she lived in a home across from the dumping facilities and had to deal with the scent coming from them. She did not want to have to deal with something else.

An unidentified applicant stated they would store propane that would be used to distribute to their customers in the North Las Vegas Valley. Approximately 24,000 gallons would be stored in the 30,000 gallon tank which would be used for home heating, forklift fuel and industrial uses. The benefits of propane are it is a safe fuel source and the industry depends upon their product to be delivered to them. Propane is

stored throughout the United States in many communities and neighborhoods, and is used extensively for home heat. Many homes have large propane tanks stored on their property. Propane virtually had no aroma and is odorized only to detect if there is a leak

Chairman Ewing closed the public hearing.

Commissioner Stone asked for the dimensions of the 30,000 gallon tank and how it compared to others in North Las Vegas. The applicant stated the tank is 9 feet wide by 60 feet long, and a 30,000 gallon tank is on the lower spectrum in size. The Amerigas location contains tanks double the capacity they are requesting. The applicant stated 60,000-90,000 gallon tanks are common. An 18,000 gallon tank would be considered one of the smaller in size.

Commissioner Stone asked about safety and fire prevention measures. The applicant responded the tank is coated with a protective barrier which protects the tank in case of a fire. This is a heat barrier which would shield the gas from heat. There is minimal piping. Internal valves would shut off in case of an emergency and the gas would be contained in the tank. There are pressure sensitive valves; once pressure is relieved the valves would automatically close. The redundant, fail safe system is an automatic system and is a shut-off system; valves are actuated through a pneumatic system.

Deputy Fire Marshal Dale Way stated, in general, there are no fire issues across the country with propane tanks. The estimated Fire Department response time is 3.5-4 minutes. There would be two stations available to pump water on the tank, which would be better solution than a fire protection system around the tank.

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Stone

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

NAYS: None

ABSTAIN: None

ABSENT: Commissioner Acevedo

- 3. AMP-03-16 (54157) THE VILLAGES AT TULE SPRINGS; VILLAGES 1, 2, 3 & 4 (PUBLIC HEARING). AN APPLICATION SUBMITTED BY CRESCENT BAY DEVELOPMENT SERVICES, LLC ON BEHALF OF KBSSOR PARK HIGHLANDS LLC, PROPERTY OWNER, FOR AN AMENDMENT TO THE MASTER PLAN OF STREETS AND HIGHWAYS TO ALIGN WITH THE STREET NETWORK FOR VILLAGES 1, 2, 3 AND 4. THE PROPERTIES ARE**

**BOUND BY CLAYTON STREET, GRAND TETON DRIVE, LOSEE ROAD,  
CLARK COUNTY 215 HIGHWAY AND DEER SPRINGS WAY. (FOR  
POSSIBLE ACTION)**

This item was presented by Robert Eastman, Principal Planner.

Originally, the existing street network that is in the Master Plan of Streets and Highways was developed with the Park Highlands Development Agreement and Park Highlands Master Planned Community.

Since that time, the Villages at Tule Springs has created a new Land Use Plan with a different road network. The proposed changes will bring the road network and Master Plan of Streets and Highways into conformance with the Land Use Plan.

The Land Use Plan was approved with the Development Agreement, by the Planning Commission and City Council. This is in conformance with the Development Agreement and the Land Use Plan.

Staff recommended approval. This item will be forwarded to City Council for final consideration.

**Stephanie Allen, 1980 Festival Plaza Dr., Las Vegas**, appeared on behalf of the applicant and the property owner, along with Randy Carroll of Slater Hanifan, who submitted the traffic study and engineering associated with the Master Streets and Highways amendment.

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, Robison and Greer

NAYS: None

ABSTAIN: None

ABSENT: Commissioner Acevedo

4. **DA-02-16 (54188) THE VILLAGES AT TULE SPRINGS (PUBLIC HEARING).  
AN APPLICATION SUBMITTED BY KBSSOR PARK HIGHLANDS LLC,  
PROPERTY OWNER, FOR AN AMENDMENT TO THE DEVELOPMENT**

**AGREEMENT FOR THE VILLAGES AT TULE SPRINGS TO ADD DEVELOPMENT STANDARDS. THE PROPERTIES ARE BOUND BY**

**CLAYTON STREET, GRAND TETON DRIVE, LOSEE ROAD, CLARK COUNTY 215 HIGHWAY AND DEER SPRINGS WAY. (FOR POSSIBLE ACTION)**

Chairman Ewing provided an opportunity to those who had submitted a Request to Speak card at this time, although the item had been continued to May 11, 2016.

**Edward Hernandez, 2701 Clayton St., North Las Vegas**, spoke in opposition to this item. Mr. Hernandez stated he received a notice that hazardous materials would be stored under homes and he requested additional information. Mr. Jordan reviewed the notice and advised it was not sent by the city, and appeared to be related to another item on the agenda. Vice-Chairman Kraft believed the notice may pertain to Item No. 14, ZOA-02-16 and suggested Mr. Hernandez remain to listen to that item.

ACTION: CONTINUED TO MAY 11, 2016

MOTION: Vice-Chairman Kraft

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

NAYS: None

ABSTAIN: None

ABSENT: Commissioner Acevedo

5. **AMP-04-16 (54198) ANN & DECATUR (PUBLIC HEARING). AN APPLICATION SUBMITTED BY KEVIN MCKINLEY, ON BEHALF OF BOLV REAL ESTATE HOLDINGS, LLC, PROPERTY OWNER, FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN TO CHANGE THE LAND USE FROM COMMUNITY COMMERCIAL TO MULTI-FAMILY (25 DU/AC). THE PROPERTY IS LOCATED JUST SOUTH OF ANN ROAD AND EAST OF DECATUR BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 124-31-101-007. (FOR POSSIBLE ACTION)**

This item was presented by Robert Eastman, Principal Planner.

The commercial site was partially developed as the Ann & Decatur Shopping Center, with a row of commercial development along Ann Rd. There is a CVS Pharmacy at the corner, with another smaller commercial retail center to the west along Decatur Blvd., and an existing mini storage facility to the east.

This 5.4 acre site is an undeveloped parcel. To the south are existing family homes on small lots. The applicant proposed to put in one street with 16 lots. Each lot would have one fourplex unit on it – a total of 64 units.

Staff does not support the amendment to the Comprehensive Plan. The Plan considers this area to be commercial. The development within the neighborhood and surrounding area is all commercial. This would create a small pocket of multi-family residential, which staff did not believe to be compatible, was spot zoning and not appropriate for the neighborhood.

Staff believed what would be more appropriate was to continue and finish out the commercial development. Staff received a memorandum from the Public Works Department who also recommended the item be denied. Their concerns were regarding access to the site, which is not from a public or private street, as is common practice and what is normally required. The access way is through a commercial parking lot, and staff does not believe is appropriate.

Staff recommended this item be denied.

**Tony Celeste, Kaempfer Crowell, 1980 Festival Plaza Dr., Las Vegas**, appeared on behalf of the applicant. Mr. Celeste reviewed the site plan and stated the vacant five acres were not viable for commercial development, and the proposed multi-family use was compatible. The applicant requested 64 units over 5 acres, which resulted in 12 units to the acre. Mr. Celeste believed this would be a good transition between the existing uses. Mr. Celeste reviewed the elevations and stated they proposed two story elevations with 16, fourplexes. Each fourplex would have two, two-bedroom units, and a two car garage and would be approximately 1,100 square feet. The other two units in the fourplex would be three bedroom units, with a two car garage and 1,400 square feet. There would be 32, two bedroom units and 32, three bedroom units.

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

Commissioner Perkins discussed the criteria for rezoning and stated this would be spot developing in an area designated as a commercial corner in the master plan. That corner would not be promoted as originally agreed to in the master plan.

Commissioner Greer was concerned about direct access and stated access would be gained through a parking lot in a shopping center, and next to a drug store.

Vice-Chairman Kraft stated the proposed plan does not have a direct access, but would be through a private drive aisle, and was a landlocked parcel. Vice-Chairman Kraft

confirmed with Mr. Celeste a neighborhood meeting was held; however, no one attended.

Chairman Ewing added in an effort to develop a challenging piece of property, he would be supportive if a condition were added by the applicant that it would be limited to 64 units.

ACTION: DENIED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Commissioner Perkins

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

NAYS: Chairman Ewing and Commissioner Robison

ABSTAIN: None

ABSENT: Commissioner Acevedo

6. **ZN-04-16 (54200) ANN & DECATUR (PUBLIC HEARING). AN APPLICATION SUBMITTED BY KEVIN MCKINLEY ON BEHALF OF BOLV REAL ESTATE HOLDINGS, LLC, PROPERTY OWNER, FOR A RECLASSIFICATION OF PROPERTY FROM THE CURRENT DESIGNATION OF C-2, GENERAL COMMERCIAL DISTRICT, TO A PUD, PLANNED UNIT DEVELOPMENT DISTRICT, CONSISTING OF 64 MULTI-FAMILY DWELLING UNITS. THE PROPERTY IS LOCATED SOUTH OF ANN ROAD AND EAST OF DECATUR BOULEVARD. (FOR POSSIBLE ACTION)**

This item was presented by Robert Eastman, Principal Planner.

Mr. Eastman advised since Item No. 5, AMP-04-16, was denied, Staff recommended this item be also denied.

The applicant requested Item Nos. 6 and 7 be continued until June 8, 2016.

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

ACTION: CONTINUED TO JUNE 8, 2016

MOTION: Commissioner Perkins

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

NAYS: None

ABSTAIN: None

ABSENT: Commissioner Acevedo

**The applicant requested Planning Commission's reconsideration of Item No. 6, ZN-04-16.**

ACTION: RECONSIDERATION OF ZN-04-16 WAS APPROVED

MOTION: Vice-Chairman Kraft

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

NAYS: None

ABSTAIN: None

ABSENT: Commissioner Acevedo

ACTION: DENIED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Vice-Chairman Kraft

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

NAYS: Chairman Ewing

ABSTAIN: None

ABSENT: Commissioner Acevedo

**7. T-1381 (54202) ANN & DECATUR. AN APPLICATION SUBMITTED BY KEVIN MCKINLEY ON BEHALF OF BOLV REAL ESTATE HOLDINGS, LLC, PROPERTY OWNER, FOR APPROVAL OF A TENTATIVE MAP IN A PROPOSED PUD, PLANNED UNIT DEVELOPMENT DISTRICT, TO ALLOW A 16-LOT RESIDENTIAL SUBDIVISION (APARTMENTS). THE PROPERTY IS LOCATED SOUTH OF ANN ROAD AND EAST OF DECATUR BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 124-31-101-007. (FOR POSSIBLE ACTION)**

ACTION: CONTINUED TO JUNE 8, 2016

MOTION: Vice-Chairman Kraft

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

NAYS: None

ABSTAIN: None

ABSENT: Commissioner Acevedo

**The applicant requested Planning Commission's reconsideration of Item No. 7, T-1381.**

ACTION: RECONSIDERATION OF T-1381 WAS APPROVED

MOTION: Commissioner Stone

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

NAYS: None

ABSTAIN: None

ABSENT: Commissioner Acevedo

ACTION: DENIED

MOTION: Commissioner Stone

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

NAYS: Chairman Ewing

ABSENT: Commissioner Acevedo

8. **FDP-01-16 (54132) MURPHY OIL USA. AN APPLICATION SUBMITTED BY MURPHY OIL USA, INC., ON BEHALF OF LV TROPICAL, LLC, PROPERTY OWNER, FOR A FINAL DEVELOPMENT PLAN REVIEW IN A PUD, PLANNED UNIT DEVELOPMENT DISTRICT, TO REVIEW A CONVENIENCE FOOD STORE WITH GAS PUMPS. THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF LOSEE ROAD AND TROPICAL PARKWAY. (FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Acting Director.

Staff approved a conditional use permit for the off sale of beer and wine. There is an approximate 1,400 square foot convenience store with a gas canopy structure and gas islands on both sides to the north and south, and pads for vacuums and propane tanks.

Staff is recommending a terra cotta roof is placed over the trash enclosure.

Staff had no objections and 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 trash enclosure roof shall match the roof of the gas canopy and incorporate a Terra Cotta Spanish tile roof.
3. Fibertech composite gates may be allowed for the trash enclosures, provided the gates are painted to match the enclosure. However, should the gates not hold up to the Valley climate, the gates shall then be removed and replaced with screened metal gates painted to match the enclosure.
4. The applicant shall comply with all applicable conditions of approval for ZN-34-97.

**Jennifer Lazovich, 1980 Festival Plaza Dr., Las Vegas and Wayne Gibson,** appeared on behalf of Murphy Oil. Ms. Lazovich stated they agreed with staff recommendations and acknowledged Marc Jordan and Jennifer Doody for their assistance on this project.

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

9. **SNC-01-16 (54121) NORTHGATE INDUSTRIAL (PUBLIC HEARING). AN APPLICATION SUBMITTED BY TRACY HAMMER, FOR A STREET NAME CHANGE IN AN M-2, GENERAL INDUSTRIAL DISTRICT, TO RENAME A PORTION OF ANN ROAD TO NEXUS, EXTENDING EAST OF LAMB BOULEVARD (BETWEEN LAMB BOULEVARD AND INTERSTATE 15). (FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Acting Director.

Staff had no objections to the street name change, and recommended the street name "Nexus" be continued west of Lamb Boulevard to Donovan Way to establish consistency in naming. Staff recommended approval. This item will be forwarded to City Council for final consideration.

The conditions are:

**Public Works:**

1. The street name change shall begin at Donovan Way and extend east to the private drive.
2. The applicant is responsible for all costs to update affected street signs; please coordinate with Transportation Services at 702-633-2676.

**Doug Bergstrom, Slater Hanifan Group, 5740 S. Arville St., Ste. 216, Las Vegas,** appeared on behalf of the owner and accepted staff recommendations.

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

Commissioner Robison exited chambers prior to the voting process.

ACTION: APPROVED; 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: None

ABSENT: Commissioners Acevedo and Robison

11. **UN-24-16 (54060) STARBUCKS COFFEE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DAVID S. HILLS ARCHITECT, ON BEHALF OF DECATUR-RICE LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN A C-1, NEIGHBORHOOD COMMERCIAL DISTRICT, TO ALLOW THE "ON-SALE" LIQUOR LICENSE (BEER, WINE, AND SPIRIT BASED PRODUCTS) IN CONJUNCTION WITH A RESTAURANT. THE PROPERTY IS LOCATED AT 6120 NORTH DECATUR BOULEVARD. THE ASSESSOR'S PARCEL NUMBER IS 124-30-214-001. (FOR POSSIBLE ACTION)**

Commissioner Robison returned to Council Chambers.

Commissioner Perkins disclosed for the record, NRS 281.A-420 requires that Commissioner Perkins disclose a potential conflict of interest in the matter before this body. She will not be financially enhanced based on the outcome of this zoning application. She does not believe the independence of judgement of a reasonable

person in her situation would be materially affected. Because this is not a clear case of disqualifying conflict of interest, she will be voting on this item.

This item was presented by Marc Jordan, Acting Director.

The applicant advised alcohol sales would be part of their evening program and would only be served to sitting customers. The applicant provided a notarized statement attesting the proposed use complies with the separation requirements of 400 feet from any schools, day care facilities, parks or churches. Staff had no objections to the notarized statement. The proposed use is similar to other types of uses in smaller restaurants that serve beer and wine.

No applicant was present; however, Mr. Jordan talked with the applicant's representative earlier today. They are located out-of-state and were not aware they had to attend this meeting, and would attempt to have someone at this meeting. Mr. Jordan further advised during this conversation that he asked the representative he agreed to staff recommendations and the applicant responded he did. Mr. Jordan advised there is only one condition as listed below.

Staff 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.

Vice-Chairman Kraft asked how far the proposed site was from the Athletic Club and did the club have child care in it. Mr. Jordan responded it was north of the Athletic Club and he could not answer the question at this time. Typically, the child care is not a traditional day care, and may be an ancillary use to the gym.

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

12. **UN-25-16 (54149) COEX IMPORT EXPORT CORP (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DION CO (COEX IMPORT EXPORT CORP), ON BEHALF OF URBAN LAND OF NEVADA LLC, PROPERTY OWNER, FOR A SPECIAL USE PERMIT IN AN M-1, BUSINESS PARK INDUSTRIAL DISTRICT, TO ALLOW AN INDOOR RECYCLING CENTER. THE PROPERTY IS LOCATED AT 4168 NORTH PECOS ROAD, SUITE 103. THE ASSESSOR'S PARCEL NUMBER IS 140-06-401-006. (FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Acting Director.

The applicant proposed to utilize an approximate 6,000 square foot suite that is located in an 80,000 square foot building. The applicant recycles plastic bottles, and the process involves washing bottles, crushing them and turning them into flakes and bits and pieces of plastic that are later recycled and used in the textile industry. The applicant indicated there is no outside storage, and all activities will take place within the building.

Staff had no objections 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.

**Dion Co, 8437 Squaw Valley Ave., Las Vegas,** applicant, agreed with staff recommended conditions.

Chairman Ewing opened the public hearing.

**Herbert Compos Reales, 3988 Blue Wave Dr., Las Vegas,** spoke in opposition to this item. He was concerned about the health of the community. Mr. Reales stated there are a lot of houses around this building and a recycled trash facility could lower property values. He also expressed concern about increased traffic in the area.

Chairman Ewing closed the public hearing.

Commissioner Robison confirmed the bottles were purchased from the supplier and asked if they were completely separated. Mr. Reales stated they were mixed with different colored bottles, but all were polyethylene terephthalate (PET) plastic.

Commissioner Robison confirmed the product was strictly PET and was not co-mingled. Mr. Robison confirmed the product was stored inside.

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

13. **VAC-03-16 (54134) ACC CENTENNIAL PKWY (PUBLIC HEARING). AN APPLICATION SUBMITTED BY BARRY BECKER ON BEHALF OF BECKER ERNEST III & MARY FAM TR AND NEVSUR INC, PROPERTY OWNER, TO VACATE ACCCENTENNIAL PARKWAY, A 60-FOOT RIGHT OF WAY BETWEEN CENTENNIAL PARKWAY AND REGENA AVENUE. THE ASSESSOR'S PARCEL NUMBER IS 123-29-501-006. (FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Acting Director.

Mr. Jordan advised no land would be landlocked as a result of the vacation. Staff had no objections and recommended approval. This item will be forwarded to City Council for final consideration.

An unidentified person (inaudible), appeared on behalf of the applicant, and agreed to the proposed condition.

The condition is as follows:

**Public Works:**

1. Should the Order of Vacation not record within one year from the approval date, the vacation shall be deemed null and void.

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

ACTION: APPROVED; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

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

14. **ZOA-02-16 (54143) AMEND PERMITTED USE TABLE (PUBLIC HEARING). AN APPLICATION SUBMITTED BY DND HOLDINGS, LLC AND EOE 126, LLC TO AMEND TITLE 17 (ZONING ORDINANCE) SECTION 17.20.010, TABLE 17.20-1 (PERMITTED USE TABLE) TO ALLOW ADDITIONAL FLEXIBLE USES TO THE M-1, BUSINESS PARK INDUSTRIAL DISTRICT, AND M-2, GENERAL INDUSTRIAL DISTRICT, AND PROVIDING FOR OTHER MATTERS PROPERTY RELATED THERETO. (FOR POSSIBLE ACTION)**

This item was presented by Marc Jordan, Acting Director.

Mr. Jordan advised the additional uses included: feed store, nursery sales, animal hospital or clinic, pet care and boarding facility, bakery for on-site sales, exterior storage of goods and materials, garden supply store, lighting equipment rental with exterior storage (permitted uses). A vehicle washing establishment and manufacturing production outdoor (special use). Building materials sales, contractor's office and outdoor storage, and distribution center (permitted uses)

Mr. Jordan advised the applicant requested in an M-2 District that a hotel or motel be allowed as a special use.

This application was submitted as a result of a continuance that happened 60 days ago for Coleman Airpark. Staff supported the continuance and asked the applicant to meet with staff to discuss proposed amendments to the types of uses that could go into M-1 without changing the comprehensive planning or comprehensive land use plan for that area; and without changing the zoning to an M-2 District.

Staff looked at the types of uses that would still be consistent with the character and nature of an M-1 District.

Staff had no objections to the amendments proposed for M-1 and M-2 and recommended approval. This item will be forwarded to City Council for final consideration.

**Tony Celeste, Kaempfer Crowell, 1980 Festival Plaza Dr., Las Vegas**, appeared on behalf of DND Holdings, the applicant with respect to the proposed changes to the M-1 portion of the Staff Report. Mr. Celeste acknowledged staff and the Planning Commission for working with them on the proposed amendments to M-1 uses. Mr.

Celeste agreed with staff's comments. Mr. Celeste indicated if ZOA-02-16 were to be approved, Item Nos. 15 (AMP-02-16) and 16 (ZN-03-16) would be withdrawn. Mr. Celeste advised he met with the North Valley Leadership team last Saturday and has been communicating with Ms. Lydia Garrett via email.

Mr. Jordan then briefed Item No. 17, WAV-01-16.

**Dave Brown, 9910 W. Cheyenne Ave., Ste. 110, Las Vegas**, gave comments on Item No. 14, following Mr. Jordan's briefing of Item No. 17, regarding the text amendment to allow hotel/motel in an M-2 District. They are looking at areas south of Apex that are not in the Apex Overlay District. Faraday Future broke ground today in Apex, and they represent the development manager of Mountain View Industrial Park, the location of Faraday Future. Mr. Brown added it was imperative to have rooms on the outskirts of the Overlay District.

Chairman Ewing opened the Public Hearing on Item No. 14, ZOA-02-16.

**Edward Hernandez, 2701 Clayton St., North Las Vegas**, was concerned about the amount of traffic that would be on Clayton St. There is a school in the area. There have been numerous occasions where injuries have occurred. He was also concerned about how home values would be affected.

**Jeff Alpert, 3828 Fuselier Dr., North Las Vegas**, attended the North Valley Leadership Team meeting at Pearson Center. Mr. Alpert stated this was Mr. Celeste's second appearance at the Leadership Team meeting. There are still some unknowns; pros/cons. A lot of residents were concerned about each unit having storage and Mr. Celeste informed them of wall sizes, city codes and ordinances that may address the fears the residents had. Another unknown would be the owner of the other 45 units and not knowing who would come into the area. They were also concerned about what the frontage on Evans St. would look like. Mr. Alpert said some of the pros were the project would address some of the drainage issue on the property. This development would bring in jobs. Mr. Celeste advised there would be a commercial HOA that the companies who occupied the units would have to follow. This land is finally being developed and used.

**Bob Mersereau, 4836 Crystal Sword St., North Las Vegas**, attended the North Valley Leadership Team meeting and one issue that did not come up was the hotel/motel topic. Some in attendance made the suggestion that some of the retail spaces should face Evans St. He addressed the impact of the appearance of an 8 or 25 foot wall. He also addressed the issue of signage. Mr. Mersereau discussed the commercial HOA and the impact it would have, and its ability to control what happens with the owners.

Chairman Ewing closed the public hearing on Item No. 14, ZOA-02-16.

Mr. Celeste stated the reason he did not address the topic of hotel/motels at the North Valley Leadership Team meeting is that it did not apply to his application. He was addressing uses in an M-1 District only, and not in an M-2.

Commissioner Perkins asked staff what types of materials could be stored in M-1 and Mr. Jordan stated it depended up on the type of applicant. Examples included equipment, landscaping materials, and commercial vehicles.

Mr. Jordan advised the maximum wall height would be 12 feet. In M-1, the buildings cannot exceed a height of 25 feet, otherwise the setbacks would be increased.

All materials stored outside must be screened by the wall. With the wall and the landscaping the applicant is proposing, there would be adequate screening in place.

Commissioner Perkins asked staff about permitted and conditional uses and whether they were negotiable. Commissioner Perkins recommended "feed store" be added as a special use. The applicant had no objections.

Commissioner Stone added he would support this item as written by staff with no modifications.

Vice-Chairman Kraft acknowledged the applicant and staff for their work on this item. He reiterated the permitted, conditional and special uses that Acting Director Jordan mentioned were examples and would not necessarily be in this development, but could be compatible with M-1.

Mr. Celeste confirmed with Vice-Chairman Kraft that outdoor storage use was the issue that triggered the amendment to the master plan and zone change to M-2 when he filed the application in November. As it stands right now, outdoor storage is an M-2 use only and not an M-1.

**ACTION:** APPROVED AS AMENDED, WITH THE ADDITION OF A "FEED STORE" CATEGORY AS A SPECIAL USE; FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

**MOTION:** Commissioner Perkins

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

**NAYS:** Commissioner Stone

**ABSTAIN:** None

**ABSENT:** Commissioner Acevedo

**OLD BUSINESS**

15. **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) (CONTINUED FEBRUARY 10, 2016)**

ACTION: WITHDRAWN BY APPLICANT

16. **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) (CONTINUED FEBRUARY 10, 2016)**

ACTION: WITHDRAWN BY APPLICANT

17. **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) (CONTINUED FEBRUARY 10, 2016)**

This item was briefed by Marc Jordan, Acting Director.

This item is a request to waive or reduce the landscaping and parking requirements. The applicant proposed to build a small industrial complex with one, large warehouse building with 45 smaller warehouse office buildings. Each smaller warehouse office building would have an outside storage yard that is attached. The buildings would range between 3,000-5,000 square feet in size. The attached storage yards would be approximately 2,700-5,700 square feet in size. The large warehouse building is

160,000 square feet in size. There would be 310,000 square feet of warehouse and office space and 136,000 square feet of outside storage.

The applicant requested a waiver to eliminate the foundational landscaping requirement at the entrance of the buildings. Normally, there is a six foot landscaping requirement.

The applicant is offering a compensating public benefit which is to install two rows of trees offset or spaced 20 feet on center; and each row offset from each other. This would apply to all three street frontages. The applicant will also provide two large potted plants at the entrance to each of the buildings.

Because this is a condominium industrial park, there are no public streets and are interior drive aisles.

Staff had no objections to waiving the landscape requirements just for that area.

In addition, the applicant request a waiver from the parking standards. Typically, a development of this size would require 559 parking spaces, and the applicant is proposing 420 – a reduction of 25%.

Staff initially had objections to this waiver and requested a parking study. Subsequent to the Staff Report, the applicant met with the engineer and submitted a parking study which staff reviewed and supported a reduction in parking.

Staff has changed its recommendation to approval on this waiver request. Staff also requested a change in ground coverage requirement to be increased from 50% to 75%.

Staff also requested Condition No. 4 on the waiver be deleted because it relates to an amendment on the rezoning that the applicant is proposing to withdraw.

The conditions are:

**Planning & Zoning:**

1. That, unless otherwise approved through a variance, waiver or other approved method, this development shall comply with all applicable codes and ordinances.
2. The applicant shall provide compensating public benefit as set forth below:
  - a. Two (2) rows of trees shall be provided at 20 feet on center next to Coleman Street, Evans Avenue, and Clayton Street. The two (2) rows of trees shall be off-set, and each tree must be 24 inch box or larger.
  - b. Seventy-five (75) percent of ground coverage shall be for all landscaped areas.

- c. Two (2) large potted plants with an automatic irrigation systems to the potted plants shall be provided at each building entrance.
3. Prior to issuance of a building permit, the applicant shall submit to the City for review and approval a parking study that supports the reduction in parking. Should the parking study support a lesser reduction in parking, the applicant shall provide the parking as supported by the parking study.

**Tony Celeste, Kaempfer Crowell, 1980 Festival Plaza Dr., Las Vegas**, appeared on behalf of DND Holdings. They proposed additional uses to M-1 zoning. They are proposing an M-1 light industrial complex. The main anchor tenant would be a 160,000 square foot building, and who is also the property owner. He will relocate his existing door and window installation which is currently in the City of North Las Vegas. The balance of the property is 45 individual units that range between 3,000-5,000 square feet. Each unit will have outside storage. The amount of landscaping required will be the same, and are requesting it be placed in different locations. Mr. Celeste confirmed there would be 20-foot perimeter landscaping on all three sides and would provide curb appeal. The parking reduction request is supported by the study.

Mr. Celeste reiterated he met with the North Valley Leadership Team and reviewed his plans. He believed he eased their concerns regarding the potential for hazardous materials or other more intense uses.

Chairman Ewing opened the public hearing.

**Annie L. Walker, 2201 W. Evans Ave., North Las Vegas**, stated the proposed property was across from her home. Ms. Walker stated she was opposed to the zone change from M-1 to M-2. She did not have issues with the type of business the owner was putting in, but did not know about what other types of business would go in. She has been at this residence since 1968.

**Dr. Vincent Richardson, 4911 Via Luis Ct., North Las Vegas**, referred to landscaping and the wall. He owns the property at 2015 Evans Ave., across from the proposed site of the 8-foot wall. He did not want to be caged in. Dr. Richardson stated Bigelow has a wrought iron fence. He did not want the dynamics of the neighborhood to be changed.

**Kenishqua Smith, 2201 W. Evans Ave., North Las Vegas**, requested additional information regarding the appearance of the brick wall.

Mr. Celeste displayed a map with the proposed landscaping, building height and walls.

Ms. Smith asked about the landscaping at Simmons St. and Coleman St., and Mr. Celeste advised it would be the same on all three sides.

Chairman Ewing closed the public hearing on Item No. 17, WAV-01-16.

Vice-Chairman Kraft asked the applicant for further clarification on the wall. The applicant advised the staggered wall and buildings would butt against Evans Ave. and Clayton St. There would be landscaping up to the parking lot on Coleman St.

ACTION: APPROVED AS AMENDED, CONDITION NO. 4 DELETED;  
FORWARDED TO CITY COUNCIL FOR FINAL CONSIDERATION

MOTION: Vice-Chairman Kraft

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

NAYS: None

ABSTAIN: None

ABSENT: Commissioner Acevedo

**18. 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, FEBRUARY 10, AND MARCH 9, 2016)**

This item was presented by Robert Eastman, Principal Planner.

Item Nos. 18 (UN-05-16) and 19 (UN-08-16) were briefed together, and were voted upon separately.

Mr. Eastman advised UN-05-16 is a use permit to allow a convenience store with gas pumps and UN-08-16 is a use permit to allow a vehicle washing facility.

The site is slightly over one acre. The applicant amended the site plan to place the building north and move the fuel facility toward the south end of the site. This enabled the applicant to meet throat depth requirements from Public Works to allow them to have better circulation on site. It also enabled them to provide the best possible driveway locations for this site. The building meets the commercial design standards and parking lot requirements.

Under normal circumstances, an auto-oriented use on North 5<sup>th</sup> St. would not be supported. The North 5<sup>th</sup> St. Concept Plan wants more pedestrian oriented and connected developments. The applicant has made numerous attempts to aggregate

the parcel with adjacent parcels and was unsuccessful. The parcel is limited because of its size to create the pedestrian-oriented use normally found in the North 5<sup>th</sup> St. Plan.

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.

**Public Works:**

2. 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.
3. Approval of a drainage study is required prior to submittal of the civil improvement plans.
4. 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.
5. The public street geometrics, width of over-pave and thickness of the pavement sections will be determined by the Department of Public Works.
6. 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.
7. The driveway location on North 5<sup>th</sup> Street shall comply with the minimum acceptable requirements for a driveway approaching an intersection per *Clark County Area Uniform Standard Drawing* number 222.1 for Commercial Driveway Geometrics.
8. The size and number of driveways and their locations are subject to review and approval by the City Traffic Engineer. Driveway throat depths shall meet the standards set forth in *Clark County Area Uniform Standard Drawing* number 222.1. Conformance may require modifications to the site plan.
9. Should the applicant fail to acquire the proposed shared access driveway as proposed on the site plan, a driveway on Lone Mountain Road will not be

allowed, as there is insufficient street frontage to provide a driveway solely on the subject property and meet the minimum departure dimension requirements for this parcel.

10. The developer is required to construct a raised median within Lone Mountain Road to extend seventy five (75') feet east of the subject parcel. The median shall be constructed per *Clark County Area Uniform Standard Drawing* numbers 218 and 219 "A" type island curb.
11. 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.
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. North 5<sup>th</sup> Street
  - b. Lone Mountain Road
13. North 5th Street shall be designed in accordance with the *City of North Las Vegas Uniform Standard Drawings for North 5th Street Improvements*.
14. All development along North 5<sup>th</sup> Street shall provide a twenty foot landscape and pedestrian access easement/common element adjacent to the right-of-way.
15. The property owner is required to grant a roadway easement for commercial driveway(s).
16. The property owner is required to grant a pedestrian access easement for sidewalk located within a common element, or on private property, when that sidewalk is providing public access adjacent to the right-of-way.
17. A revocable encroachment permit for landscaping within the public right of way is required.
18. 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.
19. All off-site improvements must be completed prior to final inspection of the first building.

**Tony Celeste, Kaempfer Crowell, 1980 Festival Plaza Dr., Las Vegas**, appeared on behalf of the applicant. Mr. Celeste advised the site is zoned C-1, and they were not asking for a zoning change or amendment to the master plan. They are asking for a commercial use. The property has some challenges because of the size and uniqueness with respect to the intersection. North 5<sup>th</sup> St. will be developed as a major transportation corridor, and is a 120-foot right-of-way. Lone Mountain Rd. is a 100-foot right-of-way. The area would have a lot of improvements, off sites and infrastructure coming in the future.

Mr. Celeste stated there are existing distribution lines on the site, which become the property owner's obligation to bury, trench, and conduit down to the next power line. This is a major expense for a one net acre property. Property improvements are approximately one million dollars.

The property to the east is also C-1. Attempts have been made to contact this out-of-state property owner regarding shared access and driveway, but the applicant has not received a response.

The applicant has reconfigured the fuel canopy to address drainage issues and worked on stacking, curb return and throat depth issues, which are now all in compliance with the city.

Mr. Celeste discussed mapping the site and that the proposed use is best for this site. This will be a major intersection. The off-site improvements will help traffic. The development will improve the traffic by taking it off the street temporarily. Mr. Celeste reviewed the elevations and landscaping. Mr. Celeste held a couple of neighborhood meetings.

Chairman Ewing opened the public hearing on Item No. 18, UN-05-16.

**Tina Williams, 4829 Captain McCall Ct., North Las Vegas**, stated her HOA did not know about this item, as they are located just outside of the 500 foot requirement. Ms. Williams spoke in opposition to this item. There are three gas stations – Green Valley (Craig Rd. and North 5<sup>th</sup> St.); Terrible Herbst, and Rebel (Craig Rd. and Commerce St.). They have car washes, and slot machines. Ms. Williams stated recently, a young lady was killed at this intersection. This is a residential area. From Bruce St. up to Commerce St. there are no commercial buildings, and this is and needs to stay a residential area.

**Phil Shellhorn, 4828 Captain McCall Ct., North Las Vegas**, spoke in opposition to this project. He agreed with Ms. Williams' comments and added this does not comply with the North 5<sup>th</sup> St. Concept Plan.

Mr. Shellhorn stated the Staff Report was dated January 13, and staff recommended denial of the project. On January 13, they revised their recommendation because of its

limited use to reflect that it should be approved. The project is surrounded on three sides by residential use. Houses are currently being built on the northwest corner of Lone Mountain Rd. and North 5<sup>th</sup> St. by William Lyons Homes.

Mr. Shellhorn reiterated this should remain a residential area and that a gas station is an inappropriate use.

**Shawn Vogann, 4822 Captain McCall Ct., North Las Vegas**, spoke in opposition to this item. Mr. Vogann stated the site was residential just a few years ago. No one informed them about the re-zoning. Mr. Vogann stated the Terrible Herbst was an insane idea -- there is a Terrible Herbst one block away and there is no need for one. Mr. Vogann is an 8-year resident and wants his children to grow up in a residential area. Traffic will be affected in this area, as well as the noise and lights.

**Morris Dix, 4808 Captain McCall Ct., North Las Vegas**, spoke in opposition to this item. Mr. Dix spoke about safety issues. He was concerned about children crossing at the intersection. He was concerned about the children loitering at the Terrible Herbst.

**John Dunnington, 716 Stage Coach Ave., North Las Vegas**, spoke in opposition to this item. He resides in the Mission Del Ray subdivision. He was concerned about safety and the increase of gang activity in the area. He expressed concern over the area between the stores and his property. Mr. Dunnington recommended if this item is approved that additional fencing or lighting be provided as an added security measure. He believed this should be zoned back to residential.

Chairman Ewing closed the public hearing on Item No. 18, UN-05-16.

Commissioner Robison expressed frustration over this item as he believed it was incompatible with the surrounding neighborhood. Previously, this site was rezoned. The North 5<sup>th</sup> St. corridor has become a major intersection. He stated we are stuck in a situation where there are very few options. We have put ourselves and the property owners in a very tenuous situation. We are disinclined to revisit the zoning; however, Commissioner Robison believed this would be the appropriate thing to do. He is concerned about the corridor and the impact the proposed site would have on it in the future.

Vice-Chairman Kraft asked when this and the neighboring parcels were rezoned. Mr. Celeste responded the parcel was zoned to C-1 in 2008.

Vice-Chairman Kraft stated the long-term plan for the North 5<sup>th</sup> St. super arterial was limited access, and asked what the plan was for the intersection in the North 5<sup>th</sup> St. Plan. Mr. Jordan advised the North 5<sup>th</sup> St. Concept Plan extends to North 5<sup>th</sup> St. and to Deer Springs Way and then connects to the future UNLV site. Within the Plan, there are nodes broken up where there is transient-oriented development. There are five

nodes along the corridor. The closer you get to the node, the more intense zoning exists; the farther you go out, the less intense it would be.

Vice-Chairman Kraft asked what was allowable by right in a C-1 zoning, and Mr. Jordan responded retail, office and a variety of uses. Vice-Chairman Kraft stated this gives the owner of this parcel an undue hardship. They have the right to develop the parcel they own as C-1. Commissioner Robison opined this is spot zoning.

Commissioner Stone talked about the process and stated this particular parcel was mapped in 1992, which may have been well before the North 5<sup>th</sup> St. Corridor Plan was conceived. The site was divided into four parcels – the largest of which was the one on the corner. Commissioner Stone stated through progress, there was an unintended consequence to a land developer about what can be done in the future.

ACTION: APPROVED

MOTION: Commissioner Stone

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

NAYS: Commissioner Robison

ABSTAIN: None

ABSENT: Commissioner Acevedo

19. **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, FEBRUARY 10, AND MARCH 9, 2016)**

This item was presented by Marc Jordan, Acting Director.

Item Nos. 18, UN-05-16 and 19, UN-08-16 were briefed together, but voted upon separately.

Per Chairman Ewing's request, comments from Item No. 18, UN-05-16, were brought forward.

Chairman Ewing opened the public hearing on Item No. 19, UN-08-16.

**Tina Williams, 4829 Captain McCall Ct., North Las Vegas**, stated her HOA did not know about this item, as they are located just outside of the 500 foot requirement. Ms.

Williams spoke in opposition to this item. There are three gas stations – Green Valley (Craig Rd. and North 5<sup>th</sup> St.); Terrible Herbst, and Rebel (Craig Rd. and Commerce St.). They have car washes, and slot machines. Ms. Williams stated recently, a young lady was killed at this intersection. This is a residential area. From Bruce St. up to Commerce St. there are no commercial buildings, and this is and needs to stay a residential area.

**Phil Shellhorn, 4828 Captain McCall Ct., North Las Vegas**, spoke in opposition to this project. He agreed with Ms. Williams' comments and added this does not comply with the North 5<sup>th</sup> St. Concept Plan.

Mr. Shellhorn stated the Staff Report was dated January 13, and staff recommended denial of the project. On January 13, they revised their recommendation because of its limited use to reflect that it should be approved. The project is surrounded on three sides by residential use. Houses are currently being built on the northwest corner of Lone Mountain Rd. and North 5<sup>th</sup> St. by William Lyons Homes.

Mr. Shellhorn reiterated this should remain a residential area and that a gas station is an inappropriate use.

**Shawn Vogann, 4822 Captain McCall Ct., North Las Vegas**, spoke in opposition to this item. Mr. Vogann stated the site was residential just a few years ago. No one informed them about the re-zoning. Mr. Vogann stated the Terrible Herbst was an insane idea -- there is a Terrible Herbst one block away and there is no need for one. Mr. Vogann is an 8-year resident and wants his children to grow up in a residential area. Traffic will be affected in this area, as well as the noise and lights.

**Morris Dix, 4808 Captain McCall Ct., North Las Vegas**, spoke in opposition to this item. Mr. Dix spoke about safety issues. He was concerned about children crossing at the intersection. He was concerned about the children loitering at the Terrible Herbst.

**John Dunnington, 716 Stage Coach Ave., North Las Vegas**, spoke in opposition to this item. He resides in the Mission Del Ray subdivision. He was concerned about safety and the increase of gang activity in the area. He expressed concern over the area between the stores and his property. Mr. Dunnington recommended if this item is approved that additional fencing or lighting be provided as an added security measure. He believed this should be zoned back to residential.

Chairman Ewing closed the public hearing on Item No. 19, UN-08-16.

The conditions are:

**Planning & Zoning:**

1. The use and site plan shall comply with all conditions of UN-05-16.

2. If the convenience store is not constructed (UN-05-16), UN-08-16 shall be null and void.

ACTION: APPROVED

MOTION: Commissioner Stone

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**

Acting Director Jordan advised Faraday Future's groundbreaking ceremony was held earlier today. In addition, he announced Catherine Raynor, City Clerk, will begin Monday, April 18, 2016.

### **CHAIRMAN'S BUSINESS**

There was no Chairman's business to report.

### **ADJOURNMENT**

The meeting adjourned at 8:45 p.m.

APPROVED: May 11, 2016

/s/ Kenneth Kraft  
Kenneth Kraft, Vice-Chairman

/s/ Julie Shields  
Julie Shields, Recording Secretary